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INQUIRIES AND SUGGESTIONS

This publication was prepared under the editorial direction of Rose Steinman, with Uriel Schoenbach and Carol Blanchard as Chief Editors. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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722.802 (d) through (j) redesignated as (e) through (k); new (d) added 44303
722.804 (b) revised 44303
722.805 (b)(2) revised 44303
722.808 Heading and text revised 44303
722.809 (e) removed; (f) through (k) redesignated as (e) through (j); (a) and new (f) amended; (b) and new (j) revised 44303
722.813 Revised 44304
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724.36 Undesignated center heading and section revised 25200
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725.51 (e–1) and (z–1) added 41514
725.72 (a), (c), (d), and (l) revised; (q) removed 41514
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725.87 (a)(1) and (d) revised; (g) removed 41515
725.89 (c) amended 41515
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730.62 (b)(3) revised 20061
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730.72 (a) amended 20061
730.80 (b)(1) and (g) revised; (b)(4) added 20061
730.1501—730.1504 Revised 1027
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873.32 (d) revised; (r) added 16072
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905.558 (b)(1) revised ---- 12647
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905.563 Added ---- 42317
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909.341 Added ---- 48495
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987.320 Added 54421
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989.212 Added 31740
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993.211 (Subpart) Added; redesignated from 993.210 and revised 42531
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TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

166.11 (d) added 44135
197 Added 42187
286a Added 55518
286b Added 55526
286c Added 55535
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287a Added 55535
290a Added 55538
291a Added 55543
292a Added 44489
295c Added 55543
298a Added 55546
299a Added 44294

Chapter V—Department of the Army

505 Added 55552
641.33 Revised 27937
641.82 Revised 27937
641.83 Revised 27937
641.104 Introductory text revised 27937
(c)(5) and (6) revised 54568
641.105 Revised 27937
641.109 Revised 27938
Introductory text revised; (c) removed 54569
641.132 Introductory text of (a), (a)(5), and (b) revised 27938

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701.51—701.59 (Subpart E) Added 36325
706.2 Table one revised 31601
Amended 33034

Chapter VII—Department of the Air Force

806b Added 55580

Chapter XII—Defense Supply Agency

1285 Appendix A corrected 53999

Chapter XIV—The Renegotiation Board

1453.3 (d)(2) amended 51413
1460.5 (c) revised 46102

Chapter XVI—Selective Service System

1608 Revised 44496
1622.2 Correctly revised 45436

Chapter XVII—Office of Emergency Preparedness

Chapter heading revised 53011
1712 Removed 28599

Chapter XVII—Selective Service System (Clemency Program)

1700 Redesignated from 2 CFR Part 200 53011

Chapter XVIII—Defense Civil Preparedness Agency

1801.9 (a) amended 30114
1807.9 (b) amended 30114
1808.1 Amended 42736
1808.3 (a) revised 42736
1808.4 Revised 42736
1808.5 Revised 42738
1808.6 (a)(2) revised 42738
1808.7 Revised 42738
1810.7 Revised 36328
1812.13 Amended 30114
1814 Added 46056

Chapter XIX—Central Intelligence Agency

1901 Added 45322

Chapter XXI—National Security Council

2102 Added 47746

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110.87 (b) amended	51637
110.214 (a)(2) removed; (a)(1)(ii) and (3)(i) revised	30641
117.115 (c)(1) revised	31938
117.190 (f) (1) through (6) revised	51637
117.215 (j)(6) added	49327
117.245 (h)(28) revised	32328
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117.434 Revised	32328
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117.740 (a)(5) notes added	51195
117.784 (d)(1) revised	42189
117.810 (f)(9) revised	54242
127.101 Added	33034
127.102 Added	37036
Removed	45168
127.305 (a)(3) added	30961
127.321 Added	27939
127.322 Added	30641, 31652
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127.333 Added	37037
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127.801 Added	33972
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150 Added	52572
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155.470 Revised	42190
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203 Added	39978
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205.80 (c)(9) removed	48511
207.16b (a)(3) revised	47495
207.300 Revised	32121
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209.400 Removed	52527
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233 Appendix A amended	30263
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256 Appendix M amended (Standard Form 424)	54373
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5.42 (a) amended	52369
10 Added	44498
51.121—51.124 (Subpart B) Heading revised	46310
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7.5 (d) added	31938
7.13 (l)(1)(iv) revised; (l)(1)(v) added	54244

Chapter II—Forest Service, Department of Agriculture

212.8 Revised	52611
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601.13—601.19 (Subpart B) Added	29536
605 Added	29539
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Chapter IX—Pennsylvania Avenue Development Corporation

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901 Added	41524
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3.54 (a)(3)(vii) revised	48680
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262 Added	45722
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51.9 (e) added	46247
51.16 (a) amended	36333
51 Appendix L amended	36333
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52.73 (b) added	55327
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5 U.S.C.:	CFR
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November 11	November 26	December 11	December 26	January 12	February 9
November 12	November 28	December 12	December 29	January 12	February 10
November 13	November 28	December 15	December 29	January 12	February 11
November 14	December 1	December 15	December 29	January 13	February 12
November 17	December 2	December 17	January 2	January 16	February 17
November 18	December 3	December 18	January 2	January 19	February 17
November 19	December 4	December 19	January 5	January 19	February 17
November 20	December 5	December 22	January 5	January 19	February 18
November 21	December 8	December 22	January 5	January 20	February 19
November 24	December 9	December 24	January 8	January 23	February 23
November 25	December 10	December 26	January 9	January 26	February 23
November 26	December 11	December 26	January 12	January 26	February 24
November 28	December 15	December 29	January 12	January 27	February 26

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1975 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1975. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 will be $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1975):

Title	Price
1	$1.45
2	.70
3A 1974 Compilation	2.75
4	2.70
5	4.35
6 [Reserved]	
7 Parts:	
0–45	6.15
46–51	4.10
52	6.15
53–209	6.10
210–699	5.65
700–749	4.25
750–899	2.95
900–944	4.50
945–980	2.30
981–999	2.55
1000–1059	4.35
1060–1119	4.80
1120–1199	3.75
1200–1499	4.05
1500–end	6.30
8	2.45
9	6.25
10 Parts:	
0–199	4.90
200–end	3.00
11	1.35
12 Parts:	
1–299	6.35
300–end	6.40
13	3.60
14 Parts:	
1–59	5.85
60–199	6.10
200–end	7.15
15	4.50
16 Parts:	
0–149	6.05
150–end	5.50
Finding Aids	4.05

CFR Unit (Rev. as of April 1, 1975):

Title	Price
17	$6.30
18 Parts:	
1–149	4.65
150–end	4.65
19	5.40
20 Parts:	
1–399	$2.45
400–end	9.70
21 Parts:	
1–9	2.10
10–199	6.75
200–299	1.60
300–499	5.80
500–599	3.60
600–1299	2.95
1300–end	1.90
22	4.75
23	3.55
24 Parts:	
0–499	5.80
500–end	5.45
25	4.40
26 Parts:	
1 (§§ 1.0–1—1.169)	5.90
1 (§§ 1.170–1.300)	3.65
1 (§§ 1.301–1.400)	2.90
1 (§§ 1.401–1.500)	3.45
1 (§§ 1.501–1.640)	4.00
1 (§§ 1.641–1.850)	4.40
1 (§§ 1.851–1.1200)	5.80
1 (§ 1.1201–end)	6.90
2–29	3.40
30–39	3.40
40–299	5.25
300–499	3.55
500–599 (Retain CFR Vol. Rev. 4–1–74)	3.15
600–end	1.70
27 (Rev. May 1, 1975)	7.70

CFR Unit (Rev. as of July 1, 1975):

Title	Price
28	$2.70
29 Parts:	
500–1899	6.85
1900–1919	7.35
1920–end	3.50
30	5.80
31	4.90
32 Parts:	
40–399	5.99
400–589	4.90
590–699	2.35
700–799	7.55
800–999	5.35
1000–1399	2.05
1400–1599	3.65
1600–end	1.80
32A	2.85
33 Parts:	
1–199	5.95
200–end	4.60
34	1.70
35	3.90
36	3.55
37	2.10
39	3.10
40 Parts:	
0–49	2.90
70–99	4.15
100–end	8.35
41 Chapters:	
1–2	6.75
3–6	6.05
7	1.80
8	1.80
10–17	3.65
19–100	3.25
101–end	6.20

1974 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of Oct. 1, 1974):

Title	Price
42	$4.45
43 Parts:	
1–999	3.95
1000–end	5.65
44 [Reserved]	
45 Parts:	
1–99	3.00
100–199	5.30
200–499	3.15
500–end	3.65
46 Parts:	
1–29	$2.05
30–40	2.05
41–69	3.85
70–89	2.05
90–109	1.90
110–139	1.90
140–149	7.60
150–165	3.70
166–199	2.55
200–end	6.20
47 Parts:	
0–19	4.10
20–69	5.20
70–79	4.45
80–end	6.05
48 [Reserved]	
49 Parts:	
1–99	1.90
100–199	7.20
200–999	5.85
1000–1199	3.40
1200–1299 (Rev. Nov. 1, 1974)	7.55
1300–end	2.75
50	3.80

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3107 is amended to show that the United States Military Academy

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Preparatory School formerly located at Fort Belvoir, Virginia, is now located at Fort Monmouth, New Jersey, and is no longer under the administrative jurisdiction of the Corps of Engineers. Positions of Academic Director, Department Head and Instructor at the Preparatory School continue to be excepted under Schedule A.

Effective on November 3, 1975, § 213.3107(c)(3) is revoked and (f)(1) is added as set forth below:

§ 213.3107 Department of the Army.

• • • • • •

(c) *Corps of Engineers.* • • •

(3) [Revoked]

• • • • • •

(f) *U.S. Military Academy Preparatory School, Fort Monmouth, New Jersey.*

(1) Positions of Academic Director, Department Head and Instructor.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-29496 Filed 10-31-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Defense Representative, Iran, Immediate Office of the Secretary of Defense is excepted under Schedule C.

Effective November 3, 1975, § 213.3306(2)(50) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(50) Defense Representative, Iran.

(5 U.S.C. 3301, 3302; EO 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-29497 Filed 10-31-75;8:45 am]

Title 45—Public Welfare

CHAPTER I—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION

PART 118—FINANCIAL ASSISTANCE FOR SUPPLEMENTARY CENTERS AND SERVICES, GUIDANCE, COUNSELING, AND TESTING PROGRAMS

Regulations and Guidelines for Title III of the Elementary and Secondary Education Act of 1965, as Amended

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority of title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 841–844a, 845–849), a notice of proposed rulemaking was published in the FEDERAL REGISTER on December 30, 1974 (39 FR 45019) which set forth proposed regulations and guidelines to amend Part 118 for a program of financial assistance to State educational agencies for planning and establishing supplementary educational centers and services and guidance, counseling and testing programs. Separate regulations and guidelines governing grants to local educational agencies under section 306 of Title III of the Act (20 U.S.C. 844b) are included in Part 126 of Title 45 of the Code of Federal Regulations (Note that section 306 was repealed by section 402(c)(2) of Pub. L. 93-380, effective July 1, 1975).

A public hearing was held on March 5, 1975, in Washington, D.C. to receive comments and suggestions on the notice of proposed rulemaking. Additionally, an opportunity was provided to submit written comments and suggestions. Comments were received and considered as outlined below:

1. Summary of comments and responses.

Comment on § 118.2 of the regulations. A commenter objected to the phrase "over a long period of time" as found in the definition of "seriously emotionally disturbed children." It was felt that such a limitation prevents early assistance in combating learning problems.

Response. The intent of including the phrase "over a long period of time" is merely to insure that the children to be served manifest a need which can be objectively measured. It is not meant to preclude a project from serving children at an early stage in their lives. No change was made to the regulations.

Comment on § 118.7(c) of the regulations. A commenter felt that the State agency should be allowed to use the titles of administrators normally used in State programs.

Response. Section 118.7(c) merely requires that the State educational agency provide information to allow the Commissioner to determine that there is sufficient staff to administer the State plan and carry out various Title III functions. However, in setting forth the administrative organization, the State educational agency is allowed to use the titles or names normally used. No change was made to the regulations.

Comment on § 118.8(a) of the regulations. A commenter suggested that the State agency be allowed to decide the manner in which the needs assessments be performed.

Response. The only specific requirements for a needs assessment are that it be based on objective criteria, relevant data and be periodically reviewed and updated. The State educational agency is otherwise given latitude in the actual conduct of needs assessment. No change was made in the regulations.

Comment on § 118.8(f) of the regulations. A commenter felt that the requirement that a review of all applications submitted by local educational agencies be made by the State Advisory Council and a panel of experts, creates a hardship to the State agency.

Response. Review of all applications by a panel of experts is required by Section 304(b)(3) of the Act (20 U.S.C. 844(b)(3)). Section 305(a)(2)(C) of the Act (20 U.S.C. 844a(a)(2)(C)) requires the State Advisory Council to review and make recommendations on each application. No change was made in the regulations.

Comment on § 118.19(d) of the regulations. A commenter suggested that "area" should be defined to avoid having a large school district being compelled to serve children many miles apart.

Response. The statute does not define "area to be served" and it is felt that allowing the State and local educational agency to define "area to be served" in each project is most consistent with the innovative and exemplary nature of the Title III program. Of course, once an area is defined for the purpose of a project application, all children enrolled in a public or private school within the area having the need to be served by the project would be considered eligible for the project. No change was made in the regulations.

Comment on § 118.53 of the regulations. A commenter felt that the requirement that the State educational agency report on how all of its critical educational needs are being met is an unjust burden.

Response. Section 305(b)(11) of the Act (20 U.S.C. 844a(b)(11)) requires that the State plan provide for the making of an annual report and such other reports by the State educational agency, "as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by the programs or projects supported under the State plan and in the State as a whole." The State plan must also set forth educational needs of the State and the manner in which Title III funds would be used in meeting such needs. (See Section 305(b)(1)(A) of the Act (20 U.S.C. 844a(b)(1)(A)). The scope of the annual report as required by § 118.53 of the regulations is therefore felt to be appropriate and necessary in light of these statutory requirements. No change was made to the regulations.

2. Summary of changes.

The only changes made to the regulations and guidelines are of a technical, editorial or conforming nature.

3. Effective date.

The notice of proposed rulemaking was transmitted to Congress pursuant to Section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)). The time period set forth therein for congressional action has expired without such action having been taken. These regulations shall become effective December 3, 1975.

(20 U.S.C. 841–844a, 845–849)

Dated: September 25, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 22, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program No. 13.519, Supplementary Educational Centers and Services, Guidance, Counseling and Testing (PACE (Projects to Advance Creativity in Education)))

PART 118—SUPPLEMENTARY CENTERS AND SERVICES: GUIDANCE, COUNSELING AND TESTING PROGRAMS

Subpart A—Scope of Regulations; Definitions

Sec.
118.1 Scope of regulations.
118.2 Definitions.

Subpart B—State Advisory Council

118.3 Establishment and certification.
118.4 Functions.
118.5 [Reserved.]

Subpart C—The State Plan

118.6 Preparation of plan.
118.7 State educational agency.
118.8 General plan provisions.
118.9 Supplementary educational centers and services.
118.10 Testing.
118.11 Guidance and counseling.
118.12 Equitable distribution of assistance.
118.13 Special consideration for certain local educational agencies.
118.14 Percentage requirements regarding uses of funds.
118.15 Participation by private school children.
118.16 Reports and records.
118.17 Supplementary nature of projects.
118.18 Approval of State plans.
118.19 Inability or failure to serve private school children.
118.20 Operational noncompliance.

Subpart D—Program Requirements

118.21 Purpose.
118.22 General requirements.
118.23 Applications for grants.
118.24 Criteria for review of project applications.
118.25 Innovative and exemplary projects.
118.26 Projects for handicapped children.
118.27 Project period amendment, continuation costs, and termination of projects.
118.28–118.31 [Reserved.]

Subpart E—Fiscal Procedures

118.32 Grant awards.
118.33–118.40 [Reserved.]

Subpart F—Equipment and Construction

118.41 Recovery of payments.
118.42–118.50 [Reserved.]

Subpart G—General Provisions

118.51 Payment of funds.
118.52 Reallotment.
118.53 Annual and other reports.
118.54–118.56 [Reserved.]

AUTHORITY: The provisions of this Part 118 are issued under 20 U.S.C. 841–844a, 845–847a. Interpret or apply 20 U.S.C. 841–847a, 881, 885, and 1232–1232c.

Subpart A—Scope of Regulations; Definitions

§ 118.1 Scope of regulations.

The regulations published in this part are applicable to grants to States for planning and establishing supplementary educational centers and services and guidance, counseling, and testing programs. Regulations applicable to grants for such purposes by the U.S. Commissioner of Education directly to local educational agencies pursuant to section 306 of Title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 844b), have been published in Part 126 of this title. Allotments of Federal funds under Title III of the Act to the Departments of Interior and Defense pursuant to section 302(a)(1) of the Act (20 U.S.C. 842(a)(1)) shall be governed by such terms and conditions consistent with the Act as may be mutually agreed upon by these Departments and the Commissioner. Assistance provided under this part is also subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 842(a)(1))

§ 118.2 Definitions.

As used in this part:

"Act" means the Elementary and Secondary Education Act of 1965, Pub. L. 89-10, as amended.

(20 U.S.C. 841–844a, 845–849)

"Children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

(20 U.S.C. 843(b)(3))

"Construction" means (a) the erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; (b) the acquisition of existing structures not owned by the agency making application for assistance under Title III of the Act; (c) the remodeling or alteration (including the acquisition installation, modernization, or replacement of equipment) of existing structures; or (d) a combination of any two or more of the foregoing.

(20 U.S.C. 881(b))

"Cultural and educational resources" includes State educational agencies, institutions of higher education, private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources.

(20 U.S.C. 844(a))

"Dissemination" means communications with people about the operations and outcomes of demonstrations of exemplary practices in education in order to facilitate the adoption and replication of tested educational innovations in the host school system and other school systems in the State.

(20 U.S.C. 843(c)(3))

"Exemplary," as applied to an educational program, project, service, or activity, means one designed to serve as a model for a regular school program.

(20 U.S.C. 843(b)(2))

"Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(20 U.S.C. 845)

"Guidance and counseling," in relation to activities undertaken pursuant to section 303(b)(4) of the Act (20 U.S.C. 843(b)(4)), refers to (a) services to pupils to assist them in assessing and understanding their particular abilities, educational needs, and career and vocational interests in light of all applicable environmental factors and (b) assistance in personal and social development, including the development of a positive self-concept when related to career and vocational guidance and counseling.

(20 U.S.C. 843(a), (b)(4))

"Handicapped children" means those children who are mentally retarded, hard of hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired, who by reason thereof require special education and related services. The term includes children with specific learning disabilities to the extent that such children are health-impaired children who by reason thereof require special education and related services.

(20 U.S.C. 843(b)(3))

"Innovative," as applied to an educational program, project, service or activity, means new or improved ideas, practices, or techniques.

(20 U.S.C. 843(b)(3))

"Junior college" means an institution of higher education which (a) is organized and administered principally to provide a one-year or two-year program which is acceptable for full credit toward a bachelor's degree; (b) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate; (c) is legally authorized within the State to provide a program of education beyond secondary education; (d) is a public or other nonprofit institution; (e) is accredited by a nationally recognized accrediting agency or association, or, if not so accredited (1) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance—considering the resources available to the institution, the period of

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time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made—that the institution will meet the accreditation standards of such an agency within a reasonable period of time, or (2) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited; (f) is a branch of an institution of higher education offering four or more years of higher education, is located in a community different from, and beyond a reasonable commuting distance from, the community in which the main campus of the parent institution is located.

(20 U.S.C. 844a(b)(1)(B))

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school such as State-operated schools for deaf, blind, mentally retarded, emotionally disturbed or crippled children. "Service function," as used in this paragraph means an educational service which is performed by a legal entity—such as an intermediate agency—whose jurisdiction does not extend to the whole of the State and which is authorized to provide consultative, advisory, or educational program services to public elementary or secondary schools, or which has regulatory functions over agencies having administrative control or direction of public elementary or secondary schools, rather than a service which is performed by a cultural or educational resource.

(20 U.S.C. 881(f))

"Private school" means a nonprofit school which is operated or controlled by other than a public authority, and which complies with State compulsory school attendance laws or is otherwise recognized or accredited by some procedure customarily used in the State, as having curricula similar to that required of comparable public schools.

(20 U.S.C. 843(b)(4), 844(b)(2)(B), 845(f))

"Seriously emotionally disturbed children" means

(a) Those children who exhibit one or more of the following characteristics over a long period of time and to a marked degree:

(1) An inability to learn that which cannot be explained by intellectual, sensory, or health factors;

(2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(3) Inappropriate types of behavior or feelings under normal circumstances;

(4) General pervasive mood of unhappiness or depression; and/or

(5) A tendency to develop physical symptoms, pains, or fears associated with personal or school problems.

(d) This term does not include those children who are socially maladjusted.

(20 U.S.C. 843(b)(3))

"State aid" means any contribution by a State made to or on behalf of a local educational agency within the State for the support of free public elementary and secondary education, for which no repayment is expected.

(20 U.S.C. 845(e))

"State educational agency" means the State board of education or other agency or officer primarily responsible for the supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 881(k))

"Technical institute" means an institution of higher education which (1) meets the requirements of subparagraphs (b) through (f) of the definition of "junior college" set forth in this section, and (2) is organized and administered principally to provide a 2-year program in engineering, mathematics, or the physical or biological sciences which program is designed to prepare the student to work as a technician at a semi-professional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge.

(20 U.S.C. 843(b)(4))

"Testing," in relation to activities undertaken pursuant to Section 303(b)(4) of the Act, means the use of tests which measure abilities from which aptitudes for an individual's educational or career development may be validly inferred.

(20 U.S.C. 844a(b)(1)(B))

Subpart B—State Advisory Council

§ 118.3 Establishment and certification.

(a) Each State desiring to receive payments under Title III of the Act and the regulations in this part for any fiscal year shall establish a State advisory council which is appointed by the State educational agency, and is broadly representative of the cultural and educational resources (as defined in § 118.2 of this part) of the State and of the public, including persons representative of: (1) Elementary and secondary schools; (2) institutions of higher education; (3) areas of professional competence in dealing with children needing special education because of physical or mental handicaps; (4) areas of professional competence in guidance, counseling, and testing; (5) children from low-income families and other low-income individuals; and (6) other cultural and educational resources including State agencies, institutions of higher education, nonprofit private schools, and nonprofit private agencies such as libraries, museums, musical and artistic organizations, and educational radio and television.

(b) The State educational agency shall certify the establishment of, and membership of, its State advisory council to the Commissioner at least 90 days prior to the beginning of any fiscal year in which the State desires to receive a grant under Title III of the Act and the regulations in this part.

(c) The certification required under this section shall include the name of each person who is to serve on the State Advisory Council (including the name of the Chairperson), the cultural or educational resources of the State which each person represents, and a statement that the persons appointed are qualified to represent those resources.

(d) The State shall maintain on file, and furnish to the Commissioner at his request, the qualifications of the persons appointed to the State advisory council.

(20 U.S.C. 844a(a))

§ 118.4 Functions.

(a) The functions of the State advisory council shall include: (1) Advising the State educational agency on the preparation of, and policy matters arising in the administration of the State plan and in the development of the policies and procedures required by these regulations, including the criteria for approval of applications under the State plan; (2) reviewing and making recommendations to the State educational agency on the action to be taken with respect to each application for a grant under the State plan; (3) evaluating programs and projects assisted under Title III of the Act; and (4) preparing and submitting through the State educational agency annual reports of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and to the National Advisory Council on Supplementary Centers and Services which was established pursuant to section 309 of the Act. These reports shall be submitted at the time and in the format prescribed by the Commissioner.

(b) The State advisory council shall meet and select a chairman from its membership within 30 days after certification under § 118.3 of this part has been accepted by the Commissioner, and shall meet at such other times throughout the year as may be necessary to fulfill its functions under paragraph (a) of this section. The time, place, and manner of such meetings shall be determined by the council, except that it shall hold not less than one public meeting each year at which the public is given opportunity to express views concerning the administration and operation of the Act.

(c) The State advisory council shall be authorized to obtain (with funds paid to the State under Section 307(b) of the Act) the services of such professional, technical and clerical personnel as may be necessary to enable it to carry out its functions under paragraph (a) of this section, and to contract for such services as may be necessary to enable it to carry out its evaluation functions.

(20 U.S.C. 843(c), 844a(a), 845(b))

§ 118.5 [Reserved]

Subpart C—The State Plan

§ 118.6 Preparation of plan.

(a) *General.* Any State desiring to receive funds under the Act for any fiscal year shall, as a condition to the receipt of such funds, submit a State plan to the Commissioner, using such forms as will be provided by the Commissioner and which will meet the requirements of the Act and these regulations. The State plan requirements of Title III of the Act and these regulations shall satisfy the requirement of submitting an annual program plan pursuant to Section 434(b) of the General Education Provisions Act (20 U.S.C. 1232c(b)).

(b) *Submission.* The State plan shall be submitted annually. It shall be developed in the light of all relevant information obtained in the prior year from reassessments of educational needs, evaluations of programs and projects funded under the Act, and reports and recommendations of the State advisory council.

(c) *Certifications.*—(1) *By State educational agency.* The State plan and each amendment thereto shall include as an attachment a certificate signed by an officer of the State educational agency authorized to submit the plan to the effect that the State plan or amendment thereto has been adopted by the State educational agency and that the State plan, or plan amended, will constitute the basis for operation and administration of the Title III program.

(2) *By the State Attorney General.* The State plan and each amendment thereto as described in § 118.6(e) of this part shall include as an attachment a certificate signed by the State Attorney General or other appropriate State legal officer to the effect that the State educational agency named in the plan is a "State educational agency" as defined in § 118.2 of this part, that has the legal authority ascribed to it in the State plan pursuant to § 118.7 of this part, and that all the provisions of the State plan may be carried out in the State.

(d) *Review by the State Governor.* In accordance with § 118.22(b)(2) of this part, and Part 100b of this chapter, the State plan and each amendment thereto shall include as an attachment the comments, if any, of the Governor of the State concerning coordination of Title III programs and projects under the State plan with other State and Federal programs and projects, or a statement from the Chief State School Officer that the Governor has reviewed the plan but no comments were made.

(e) *Amendments.* Whenever there is any change in the content or administration of the program set forth in the approved State plan, or whenever there is any change in pertinent State law or in the organization, policies, or operations of the State educational agency which materially affects the program under the plan, the State plan shall be appropriately amended and such amendment shall be submitted to the Commissioner for his approval. Any amendment shall be accompanied by a certificate of the State Attorney General or other State legal officer.

(20 U.S.C. 844a(a)(1), (b), 1232c(b); OMB Circular A-95)

§ 118.7 State educational agency.

(a) *Designation.* The State plan shall give the official name of the State educational agency which will be, either directly or through arrangements with other State or local public agencies, the sole agency responsible for administering the plan.

(b) *Authority.* The State plan shall set forth the authority of the State educational agency under State law to submit the plan and to administer and supervise the programs set forth therein pursuant to § 118.6(c)(2) of this part.

(c) *Organization.* The State plan shall set forth the administrative organization, the qualifications of all staff members involved, and the procedures of the State educational agency for administration of the State plan. Staffing shall be sufficient to carry out the following Title III functions: (1) program coordination; (2) program development; (3) project proposal review; (4) program operations; (5) program evaluation; (6) dissemination; and (7) grants management and finance.

(20 U.S.C. 844a(a)(1)(C), 1232c(b))

(d) *Fiscal control.* The State plan shall designate the officer or officers of the State educational agency who will have legal authority to receive all funds granted to the State and to authorize their expenditure or transfer to local educational agencies in accordance with § 100b.257 of this chapter. The State plan shall also set forth the fiscal control and fund accounting procedures (consistent with subpart E of the regulations in this part and part 100b of this chapter) under which the designated officer or officers will assure proper disbursement of and accounting for Federal funds paid to the State under Title III of the Act.

(20 U.S.C. 844a(a)(1)(C), (b)(2), and (10))

§ 118.8 General plan provisions.

(a) *Assessment of educational needs.* The State plan shall identify the critical educational needs of the State as a whole and the critical educational needs of the various geographic areas and population groups within the State, and shall describe the process by which such needs were identified. This process shall be based upon the use of objective criteria and measurements and shall include procedures for collecting, analyzing, and validating relevant data and translating such data into determinations of critical educational needs. These determinations and the data upon which they are based shall be periodically reviewed and updated, and the State plan shall indicate the most recent date of such review and updating.

(20 U.S.C. 844a(b)(1)(A), (b)(3))

(b) *Developing evaluation strategies.* The State plan shall provide for, and describe the objectives of, and the procedures to be used in the evaluation by the State advisory council, at least annually, of the effectiveness of the programs and projects funded under the State plan in meeting the purposes of the Act.

(20 U.S.C. 844a(a)(2)(D) and (b)(6)(A))

(c) *Dissemination of information.* The State plan shall provide for, and describe the objectives of, and procedures to be used in, the statewide dissemination of the results of evaluations performed under paragraph (b) of this section and of other information concerning those programs and projects which are determined through such evaluations to be innovative, exemplary, and of high quality.

(20 U.S.C. 844a(b)(6)(B))

(d) *Adoption and adaptation of promising practices.* The State plan shall provide for, and describe the objectives of, and the procedures to be used in, the adoption and adaptation within the State of promising educational practices developed through programs or projects funded under the Act.

(20 U.S.C. 844a(b)(6)(C))

(e) *Professional development activities.* The State plan shall set forth procedures which will be utilized for professional staff development of State and local administrative, instructional, and supporting personnel involved in developing, conducting, or monitoring programs or projects under Title III of the Act.

(20 U.S.C. 844a(b)(2))

(f) *Reviewing local project applications.* The State plan shall (1) list and describe any criteria, required by § 118.24(a) of this part, which the State educational agency will use in reviewing local project applications (including applications for guidance, counseling, and testing projects) submitted under § 118.23 of this part; (2) describe the procedures which the panel of experts, State educational agency, and State advisory council will use in the review process with the results of their separate reviews forming the basis for a recommendation to the Chief State School Officer; and (3) provide that final action regarding the proposed final disposition of any local project application (or amendment thereof) shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing before a board

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or official designated by the State educational agency for such purpose, and specified in the State plan.

(20 U.S.C. 844a(a)(1)(C), (b)(12))

(g) *Commingling of funds.* The State plan shall set forth policies and procedures which assure that funds made available under the Act for programs and projects for any fiscal year will not be so commingled with State or local funds as to lose their identity as Title III funds.

(20 U.S.C. 844a(b)(9)(A))

(h) *State aid.* The State plan shall contain adequate assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under the Act will not be taken into consideration.

(20 U.S.C. 844a(b)(13))

§ 118.9 Supplementary educational centers and services.

The State plan shall set forth a program for improving education in the State through grants to local educational agencies to carry out the purposes of the Act as set forth in section 301(a) of the Act. The program shall be based upon an assessment of, and be designed to meet, the critical educational needs of the State as determined under § 118.8(a). Such program shall be related to and coordinated with the program for testing under § 118.10 and the program of guidance and counseling under § 118.11.

(20 U.S.C. 841(a), 844a(b)(1)(A))

§ 118.10 Testing.

(a) If a State wishes to conduct a testing program with Title III funds, the State plan shall set forth a program for testing students in the public and private elementary and secondary schools of the State or in the public and private junior colleges and technical institutes of the State: In so doing, the plan shall (1) describe the primary objectives of the program, (2) identify the grade levels of students to be tested, and (3) describe the types of tests to be utilized for the measurement of aptitudes and abilities.

(b) The testing program set forth in paragraph (a) of this section shall include at least one test for students not beyond grade 12, and shall be utilized to (1) identify students with outstanding aptitudes and abilities; (2) provide such information about the aptitudes and abilities of students as may be needed in connection with the guidance and counseling program under § 118.11 of this part and (3) provide such information as may be needed to assist other educational or training institutions and prospective employers in assessing the educational and occupational potential of students seeking admission to educational or training institutions or employment.

(c) Consistent with the applicable provisions of part 100b of this chapter, to the extent that the following items of cost are attributable to the programs approved under the State plan, the cost of supervisory and related services in testing programs in which Federal participation may be claimed include such categories of expense as:

(1) The purchase or rental of tests, answer sheets, cumulative record forms, and such other materials needed under the plan; and

(2) The rental of equipment for scoring, processing and reporting the results of tests administered under the plan, or, if such equipment is owned by State or local agencies, the pro-rata share of the cost of maintaining and operating such equipment.

(d) In fulfilling the requirements of this section, the State educational agency may provide services at the State level, make arrangements with local educational agencies or other appropriate local or State agencies, or contract with public or private nonprofit institutions, agencies, or individuals, for the provision of services consistent with the State's responsibilities under these regulations.

(20 U.S.C. 843(b)(4), 844a(b)(1)(B)(i), 1224, 1232c(b), Section 131(b) of P.L. 91-230)

§ 118.11 Guidance and counseling.

(a) If a State wishes to conduct a guidance and counseling program with Title III funds, the State plan shall set forth a program of guidance and counseling designed to improve such existing services at the appropriate levels in the public elementary and secondary schools or public junior colleges and technical institutes of the State and, to the extent required by § 118.15 of this part, in the private elementary and secondary schools of the State. Such program shall serve to advise students regarding courses of study best suited to their abilities, aptitudes and skills, the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in the various fields. Also, it will encourage students with outstanding aptitudes and abilities to complete their secondary school education, take the necessary courses for admission to institutions of higher education, and enter such institutions. Such programs shall include occupational information and counseling and guidance, and instruction in occupational education on an equal footing with traditional academic education, and may include short-term training sessions for persons engaged in guidance and counseling in elementary and secondary schools, junior colleges, and technical institutes in the State.

(b) Guidance and counseling services under the State plan shall be provided by qualified counselors through appropriate individual and group processes. Such processes shall be coordinated with other pupil personnel services and guidance and counseling resources both within and outside the school setting, and shall include referral assistance, working with other staff members in planning curriculum content and changes, and consulting both teachers and parents with regard to the learning and developmental needs of pupils

(c) The program set forth under paragraph (a) of this section shall make provision for supervision and leadership activities by the State educational agency with regard to the establishment, maintenance, and improvement of guidance and counseling services. Such activities shall include the assessment of other Federal and State programs (such as Titles I and V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241 *et. seq.*) and (20 U.S.C. 862-869a), Part B of the Education of the Handicapped Act (20 U.S.C. 1411-14), and the Vocational Education Act of 1963 (20 U.S.C. 1241 *et. seq.*)) where there may be need for State-level supervision and leadership with respect to guidance and counseling, and the development of procedures for determining how these various programs and sources of funds can be coordinated to provide for strong leadership in the area of guidance and counseling.

(d) In addition to the activities set forth in paragraph (c) of this section, the program set forth under paragraph (a) of this section may also include the provision for services at the State level, through arrangements (including project grants under paragraph (e) of this section) with local educational agencies or other appropriate local or State agencies, or through contracts with public or private nonprofit institutions, agencies, or individuals, which are consistent with the State's responsibilities under these regulations.

(e) Project grants under an approved State plan may be made to local educational agencies under this section for the following purposes: (1) Planning programs and projects designed to provide the services and activities described in (c) (2) and (3) of this section, including pilot projects designed to test the effectiveness of such plans; (2) establishing or expanding innovative and exemplary guidance and counseling programs and projects for the purpose of stimulating the adoption of new programs; and (3) establishing, maintaining, and improving guidance and counseling services and activities, especially through new and improved approaches consistent with the purposes of the Act.

(20 U.S.C. 843(b)(4), 844a(b)(1)(B)(ii), 1232c(b))

§ 118.12 Equitable distribution of assistance.

The State plan shall set forth criteria for achieving equitable distribution of assistance made available under the Act and these regulations. Such criteria shall be based on a consideration of (a) the size and population of the State, (b) the geographical distribution and density of the population within the State, (c) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities to be provided under the plan, and (d) the relative financial abilities of local educational agencies within the State to provide such services and activities. Application of

the factors set forth in this section shall not result in the approval by the State educational agency of programs or projects which fail to meet any of the requirements contained in this part.

(20 U.S.C. 844a(b)(3))

§ 118.13 Special consideration for certain local educational agencies.

The State plan shall provide for giving special consideration in those cases in which it is determined that two or more proposals are judged to be of substantially the same high quality, for approving applications, for Title III programs and projects, submitted by local educational agencies (a) that are making a reasonable tax effort but are unable to meet critical educational needs (including preschool and bilingual education) because some or all of their schools are seriously overcrowded, obsolete, or unsafe; or (b) whose proposed programs or projects were planned with funds made available under the Act. Application of the factors set forth in this section shall not result in the approval by the State educational agency of programs or projects which fail to meet any of the requirements contained in this part.

(20 U.S.C. 844a(b)(4) and (5))

§ 118.14 Percentage requirements regarding uses of funds.

The State plan shall provide that, of the funds made available under the Act for any fiscal year to carry out the State plan:

(a) An amount equal to at least 50 percent of such funds shall be expended for planning, establishing, and expanding innovative and exemplary programs and activities in accordance with § 118.25 of this part;

(b) An amount equal to at least 15 percent of such funds shall be expended for special programs or projects for the education of handicapped children in accordance with § 118.26 of this part; and

(20 U.S.C. 844a(b)(7) and (8))

§ 118.15 Participation by private school children.

(a) The State plan shall contain satisfactory assurances that each local educational agency receiving funds under the Act will provide for the effective participation in its Title III program or project, on an equitable basis, of children enrolled in private schools in the areas to be served whose educational needs are of the type which the program or project is designed to meet. The number of such children to be served, in relation to the total number of such children with educational needs of the type the project is designed to meet, shall be consistent with the number of public school children to be served in relation to the total number of public school children in the area served with educational needs of the type the program or project is designed to meet.

(b) Whenever practicable, educational services shall be provided to private school children on publicly controlled premises. Any project to be carried out in public facilities which involves joint participation by children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid the separation of participating children by school enrollment or religious affiliation.

(c) Provisions for serving private school children shall not include: (1) The payment of salaries to teachers or other employees of private schools except for services performed outside regular hours of duty and under public supervision and control; (2) financing of the existing level of instruction in private schools; (3) the placement of equipment on private school premises other than portable or mobile equipment which is capable of being removed from the premises each day and is used solely for Title III purposes; (4) the construction of facilities for private schools; or (5) the use of funds for religious worship or instruction, and (6) services provided on private school premises which inure to the benefit or enrichment of the private school.

(d) The State educational agency shall require that every project application submitted to it by a local educational agency under § 118.23 of this part shall describe how the local educational agency will fulfill the requirements of paragraphs (a), (b), and (c) of this section. This description shall contain information indicating: (1) The number of private schools in the area to be served by the project and the number of children enrolled in such schools, the number of such children in the grades to be served by the project and the number of such children who have the needs to be served by the project; (2) the existence of any factors which limit the appropriateness of the project for private school children; (3) the manner in which and extent to which representatives of private school children participated in the development of the project proposal (including participation in the determinations required under paragraph (2) of the paragraph); (4) the provisions which have been made for effective liaison with representatives of private school children in regard to operation and review of the project; (5) the places at which, the times during which and the methods by which private school children will be served in accordance with the requirements of paragraph (b) and (c) of this section; and (6) the differences, if any, in the kind and extent of services to be provided private school children as compared with those to be provided public school children, and the reasons for such differences.

(20 U.S.C. 844(b)(2)(B), 845(f)(1), 885)

§ 118.16 Reports and records.

The State plan shall provide that the State educational agency will submit to the Commissioner reports in accordance with § 118.53 of this part and Part 100b of this chapter and keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports required by § 100b.477 of this chapter.

(20 U.S.C. 844a(b)(11))

§ 118.17 Supplementary nature of projects.

(a) The State plan shall set forth policies and procedures for assuring that funds made available under the Act for any fiscal year will be used to supplement and, to the extent practical, increase (1) the fiscal effort which each local educational agency receiving Title III funds would have made in the absence of such funds for that fiscal year for educational purposes, as required by Section 305(b)(9) of the Act, and (2) the level of funds which each local educational agency receiving Title III funds would have made available in the absence of such funds for that fiscal year for the purposes described in Section 303(b) of the Act as required by Section 304(a)(3) of the Act.

(b) The State plan shall set forth policies and procedures for assuring that funds will not be used to supplant programs that would have been carried out with State or local funds in the absence of Title III funds.

(c) For the purposes of paragraph (a)(1) of this section, fiscal effort of a local educational agency for educational purposes shall be determined by the State educational agency on the basis of the amount of expenditures per pupil of the local educational agency from State and local funds; or in the event of a decrease of such expenditures, on the basis of the ratio between the total expenditures of the local educational agency from State and local funds and the wealth of the local educational agency as measured by the equalized assessed valuation of taxable property, per capita income, or other such indices as appropriate.

(20 U.S.C. 844(a)(3), 844a(b)(9)(B), 844a(b)(13))

§ 118.18 Approval of State plans.

(a) *Full approval or disapproval.* The Commissioner will review each State plan or amendment thereto submitted under § 118.6 of this part and approve those plans and amendments which he determines to meet the requirements of the Act and the regulations in this part. Except as provided in paragraph (b) of this section, the Commissioner will disapprove a plan which fails to comply with such requirements.

(b) *Partial approval.* If the Commissioner finds that a State plan submitted under § 118.6 of this part, pursuant to section 305(c) of the Act, is in substantial compliance with the Act and the regulations in this part, but fails to adequately provide for one of the programs required by section 305(b) of the Act, or is otherwise unapprovable in any other identifiable part, he may approve that part of the plan which he determines to be in compliance with the Act and the regulations in this part. In such a case, the Commissioner will make available to the

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State that part of its allotment which he determines to be necessary to carry out the approved part of its State plan. The remainder of the amount the State is eligible to receive may be made available to the State only when the unapproved portion of its State plan is so modified as to bring the plan into compliance with the Act and the regulations in this part. The amount made available to a State pursuant to this subsection may not be less than 50 percent of the maximum amount which the State is eligible to receive under paragraph (e) of this section.

(20 U.S.C. 844a(b), (c))

(c) *Effect of State plan.* The State plan, as approved by the Commissioner under this section, and the general application required by Section 434(b) of the General Education Provisions Act (20 U.S.C. 1232c(a) will constitute the basis on which Federal grants are made under this title and the basis for determining the propriety of expenditures of grant funds. The administration of the Title III program shall be kept in conformity with the approved plan.

(20 U.S.C. 844a, 845(a))

(d) *Notice and opportunity for hearing.* No final action under this section other than one of full approval will be taken by the Commissioner until he first notifies the State educational agency of his proposed action and affords the State educational agency a reasonable opportunity for a hearing.

(20 U.S.C. 844a(e)(1), 845(g))

§ 118.19 Inability or failure to serve private school children.

(a) If the Commissioner determines under § 118.18(b) that a State plan is approvable, except that no State agency is authorized by law to provide, or there is a substantial failure to provide for effective participation on an equitable basis by private school children enrolled in any one or more private elementary or secondary schools in the areas served by programs or projects funded under the Act, as required by §§ 118.10(a), 118.11 (a), or 118.15 of this part, the Commissioner shall arrange through contracts with institutions of higher education or other competent nonprofit institutions or organizations for the provision of Title III services to such children on an equitable basis.

(b) The costs of services provided in any fiscal year under paragraph (a) of this section will be paid out of the affected State's allotment. In determining the amount to be withheld, the Commissioner will take into account (1) the number of private school children in the affected area or areas who are excluded from effective participation in Title III programs or projects and who, except for such exclusion, might reasonably have been expected to participate; (2) the number of teachers that would reasonably have been required to serve such children; and (3) the nature and extent of services being provided to public school children in the affected area or areas by the programs or projects in which private school children are denied effective participation.

(c) In any case where the State alleges that no State agency is authorized by law to provide for the effective participation of private school children as required by §§ 118.10(a), 118.11(a), or 118.15 of this part, the State shall provide the Commissioner with a written statement signed by the State Attorney General or other appropriate State legal officer setting forth the constitutional and statutory provisions, and case law which, in his opinion, prevent the State from so serving private school children.

(d)(1) Any organization or individual may file a written complaint with the State educational agency setting forth: (i) an allegation that, with respect to a program or project under Title III of the Act being conducted or approved by the State educational agency to be conducted, eligible private school children cannot effectively participate on an equitable basis, and (ii) the facts on which such allegation is based.

(2) The State educational agency shall, within sixty days from the receipt of the complaint, file a report with the Commissioner, with a copy to the complainant, setting forth the nature of the complaint and the actions taken to resolve the matter.

(3) If after such sixty-day period has elapsed, either the State educational agency, the Commissioner, or the complainant feels that the problem has not been satisfactorily resolved, the Commissioner will review the matter and take appropriate action.

(e) In determining whether there has been a "substantial failure" under paragraphs (a) and (d) of this section, the following will be considered: all acts or omissions of the State, or a local educational agency, or other political subdivision thereof, or of any individual acting for or on behalf of such entities, in the process of assessing educational needs and planning, approving, conducting, and monitoring programs and projects under the Act and these regulations which have the effect of (1) preventing, discouraging, or otherwise limiting in any manner the effective participation by any eligible private school child in the operation of the program or project serving the area in which his private school is located, or (2) not affording private school representatives of children the opportunity for effective participation in the planning and development of any program or project in which private school children are eligible to participate.

(20 U.S.C. 844(b)(2)(B), 845(f))

§ 118.20 Operational noncompliance.

Whenever the Commissioner, after affording the State educational agency reasonable notice and opportunity for a hearing, finds that in the operation or administration of its State plan there has been a failure to comply substantially with: (a) any provision of the Act and the regulations in this part, (b) any provision set forth in the plan of that State as approved under § 118.18 of this part, or (c) any provision set forth in an application of one of the State's local educational agencies as approved under § 118.23 of this part, he will notify the State educational agency that further payments will not be made to the State under the Act, or that the State educational agency may not make further payments under the Act to specified local educational agencies affected by the failure, until he is satisfied that there is no longer any such failure to comply.

(20 U.S.C. 844a(e)(2), 1232c(c))

Subpart D—Program Requirements

§ 118.21 Purpose.

This subpart sets forth various program requirements to which each State educational agency shall adhere in administering the educational programs described in its approved State plan and in implementing the provisions of such plan. The policies, procedures, and criteria developed by the State under this subpart shall be set forth in writing and shall be available for inspection at reasonable times and places by the Commissioner or his delegate and by interested parties in the general public.

(20 U.S.C. 843, 844, 844a(a)(1) and (b), 1232c(b))

§ 118.22 General requirements.

The State plan shall provide assurances that the following are formulated and maintained:

(a) *Long-range strategy for advancing education.* The State shall develop a long-range strategy for advancing education in the State in ensuing years through programs and projects funded under the Act. Such strategy shall be directed toward the critical educational needs of the State as periodically assessed under § 118.8(a) of this part, and shall provide for the coordination of Title III programs and projects with other public and private programs and projects as required by paragraph (b) of this section.

(b) *Coordination with other aid programs.* (1) To the extent not inconsistent with the prohibition against commingling of funds in § 118.8(g) of this part, the State shall establish effective procedures for coordinating the development and operation of programs and projects carried out under the Act and these regulations with other public and private programs having the same or similar purposes in accordance with § 100b.275 of this chapter. (2) The State plan and amendments thereto which the State educational agency submits to the Commissioner under § 118.6 of this part, and the periodic reports which it submits to the Commissioner under § 118.53 of this part and Part 100b of this chapter shall first be submitted to the Governor of the State for his review and comments (if any) on the relationship of Title III programs and projects to, and coordination with, State comprehensive plans and

State plans in related Federal programs in accordance with Part 100b of this chapter.

(c) *State leadership.* The State educational agency shall establish policies and procedures for appropriate professional staff development of State and local administrative, supervisory, instructional, and supporting personnel involved in developing, conducting, or monitoring programs or projects under the Act, including those personnel involved in programs or projects for handicapped children.

(d) *On-site evaluation of projects.* The State educational agency shall develop procedures and criteria for the on-site evaluation, at least annually, of all Title III projects in the State. Such procedures shall indicate the role of the State educational agency staff in the evaluation process and the relationship between its functions under this subsection and the functions of the State advisory council under §§ 118.4(a)(3) and 118.8(b) of this part. Such procedures shall also provide for incorporation of recommendations made as a result of on-site evaluations and for follow-up methods to ensure proper implementation.

(e) *Construction.* The State educational agency shall establish criteria for determining the conditions under which the construction of facilities for use in a Title III program or project is consistent with the educational programs set forth in the State plan and necessary to the efficient operation of the program or project.

(f) *List of projects funded.* The State educational agency shall maintain a list identifying each local project it is funding under the Act, which shall include for each such project: (1) The project number, (2) a title or description by which the project may be easily identified, (3) the amount of the current grant, (4) the proposed level of funding for the portion of the project period remaining after expiration of the current grant, (5) the amount of grant funds to be expended in each project for guidance and counseling under § 118.11 of this part or for testing under § 118.10 of this part, and (6) the amount of grant funds to be expended in each project for the education of handicapped children under § 118.26 of this part, broken down by type of handicap.

(g) *Participation of students in junior colleges and technical institutes.* Participation in Title III programs or projects by students enrolled in junior colleges and technical institutes in a State shall be limited to participation in guidance, counseling, and testing programs or projects established under §§ 118.10 and 118.11 of this part.

(20 U.S.C. 843(b), 844a(a)(1) and (b)(1)(A), (B)(i) and (ii), (b)(2), (b)(10), 863, 1232c(b); (45 CFR 100b.15))

§ 118.23 Applications for grants.

(a) *Eligible applicants.* A grant may only be made to a legally constituted public local educational agency as defined in § 118.2 of this part and may not be made to an individual, private school, or private nonprofit corporation. Universities and colleges are considered as local educational agencies for this purpose when the following conditions are met: (1) The college or university has administrative control and direction of a public elementary and secondary school as determined under State law; (2) the college or university is a public agency as defined in § 100.1 of this chapter; and (3) the elementary and secondary school draws its students from the general public and not from a restricted group such as children of the faculty or other employees of the college or university.

(20 U.S.C. 844, 881(f))

(b) *Solicitation and submission.* The State educational agency shall establish procedures to stimulate the submission of applications for funds under the Act by all local educational agencies in the State that have educational needs of the type which the State has identified under § 118.8 of this part. Such procedures shall include (1) the statewide dissemination of information concerning the purposes and provisions of the Act and these regulations, and of the educational program which the State proposes to conduct under its State plan; (2) the establishment of cutoff dates for submission of applications and notifications to all local educational agencies of such dates; and (3) the development of solicitation techniques designed to ensure that Title III funds are equitably distributed as required by § 118.12 of this part, and that applications are submitted by local educational agencies entitled to special consideration under the criteria developed pursuant to § 118.13 of this part. The State shall not establish methods or procedures which have the effect of excluding the eligibility of any otherwise eligible local educational agency to apply for and receive grants under this part, other than those specifically required by this paragraph.

(c) *Content of application.* Each project application submitted to the State educational agency shall set forth a proposal for carrying out one or more of the purposes described in Section 303(b) of the Act in accordance with the provisions of the Act and the regulations in this part. Such applications shall:

(1) Provide that the services and activities for which Title III funds are sought will be administered by or under the supervision of the applicant;

(2) set forth (i) such methods of administration as are necessary for the proper and efficient operation of the project, and (ii) such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of and accounting for Title III funds paid to the applicant;

(3) set forth policies and procedures which assure that funds made available for the project for any fiscal year will supplement and not supplant State and local funds as required by § 118.17(a) of this part;

(4) set forth, in the case of an application which includes construction as part of the proposed project, the necessary assurances and such other information as the State educational agency shall require in fulfilling the requirements of § 118.22(e) of this part;

(5) provide for making such financial reports, annual reports, and other reports, and for keeping and allowing access to such records relating thereto, as the State educational agency may reasonably require to assure compliance with the reports and records requirements in §§ 118.53 of this part and part 100b of this chapter and to otherwise carry out its functions under the Act, these regulations and Section 437 of the General Education Provisions Act (20 U.S.C. 1232f);

(6) set forth the information regarding participation of private school children which is required by § 118.15(d) of this part;

(7) contain such other information as the State educational agency may reasonably require to apply the criteria for reviewing project applications set forth in § 118.24 of this part.

(d) *Panel of experts.* The State educational agency shall establish a panel of experts, consisting of persons who are not officers or employees of the State educational agency or the State advisory council, to review all local project applications prior to their approval or other disposition. The State educational agency shall determine the number of experts to be utilized and the qualifications to be required of such experts (including one or more experts in the education of handicapped children and one or more experts in guidance, counseling, and testing) and shall establish procedures for selecting the panel.

(e) *Approval of applications.* The State educational agency shall establish procedures for review and disposition of local project applications in accordance with the requirements of the Act and these regulations. Such procedures shall provide for coordination of the roles of the State advisory council (under § 118.4(a)(2) of this part) and the panel of experts (under paragraph (d) of this section) with the role of the State educational agency. Such procedures shall also assure that no application will be approved or renewed by the State educational agency unless it is specifically found to meet the requirements for participation of private school children under § 118.15 of this part, and each of the requirements of paragraph (c) of this section, and has been evaluated in terms of the criteria set forth in § 118.24 of this part.

(20 U.S.C. 844)

(f) *Hearings.* The State educational agency shall develop procedures for a hearing in accordance with § 118.8(f)(3) of this part, for any applicant whose application (or amendment thereto) the State educational agency proposes not to approve.

(20 U.S.C. 844 (a), (b), 844a(b)(12), 1232c(b), 1232(f))

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§ 118.24 Criteria for review of project applications.

(a) *Supplementary educational centers and services.* The State educational agency shall establish the criteria to be used in reviewing project applications from local educational agencies under § 118.9 of this part. Such criteria shall be applied in conjunction with the special criteria developed by the State educational agency under §§ 118.12 and 118.13 of this part and shall include criteria for determining the extent to which the proposal involves or contains:

(1) Evidence that it is designed to demonstrate solutions to identified critical educational needs and will substantially increase the educational opportunities of children in the area of the State to be served;

(2) Provisions for the development of concepts, practices, and techniques which can be adapted or adopted elsewhere;

(3) Promising concepts or practices recognized as unique, original, unusual, innovative, or exemplary;

(4) Concepts or practices which are economically feasible and effective;

(5) Evaluation strategies and procedures based on valid methodology which will provide evidence of the extent to which performance of the participants is improved;

(6) Performance objectives which are measurable, and appropriate activities which facilitate achieving them;

(7) An awareness of information concerning similar programs, relevant research findings, and views of recognized experts;

(8) Provisions for staff members with professional qualifications adequate to achieve the stated objectives of the project;

(9) Provisions for budgeted expenditures for adequate and appropriate facilities, equipment, and materials which make a direct contribution to facilitating the achievement of the stated objectives;

(10) Documentation that in the planning of the project there has been, and in the operation and evaluation of the project there will be (i) utilization of the best available talents and resources and (ii) participation of students, teachers, parents, school administrative personnel, private nonprofit school representatives, and other persons including those with low income, broadly representative of the cultural and educational resources of the area to be served; and

(11) Provisions for dissemination of information about the proposed project which are appropriate and adequate for the area to be served.

(b) *Guidance and counseling.* The State educational agency shall establish the criteria to be used in reviewing applications for guidance and counseling programs and projects under § 118.11 of this part. A State educational agency may elect to apply all criteria in paragraph (a) of this section to guidance and counseling programs and projects. However, at least those criteria set forth in §§ 118.12 and 118.13 of this part and those required by paragraph (a)(4) through (11) of this section shall be applicable to all such programs or projects.

(c) *Additional criteria.* If the State educational agency establishes criteria for the review of project applications in addition to those specified in paragraphs (a) and (b) of this section, it shall list such additional criteria in its State plan in accordance with § 118.8(f) of this part.

(20 U.S.C. 844, 844a(a)(1), 1232c(b))

§ 118.25 Innovative and exemplary projects.

The State educational agency shall establish policies and procedures under which it will use at least 50 percent of the funds that it receives to carry out its State plan in each fiscal year to plan for and take other steps leading to the development of innovative and exemplary programs and projects such as those described in section 303(b) (1), (2), and (3) of the Act, including pilot projects designed to test the effectiveness of such plans.

(20 U.S.C. 844a(b)(7))

§ 118.26 Projects for handicapped children.

(a) The State educational agency shall establish policies and procedures which are to be set forth in the State plan under which it will use at least 15 percent of the funds that it receives to carry out its State plan in each fiscal year for: (1) Planning programs or projects referred to in paragraphs 2 and 3 of this section; (2) establishing or expanding innovative and exemplary educational programs for the purpose of stimulating the adoption of new educational programs to demonstrate ways to meet the special needs of handicapped children; or (3) establishing, maintaining, operating, or expanding services or activities which utilize new and improved approaches which demonstrate ways to meet the special educational needs of handicapped children.

(b) The State educational agency shall also establish procedures which assure that such activities will be coordinated with other Federal, State, and local programs and projects for the education of handicapped children, such as Title I of the Elementary and Secondary Education Act (20 U.S.C. 241 *et seq.*), the Education of the Handicapped Act (20 U.S.C. 1401 *et seq.*), the Developmental Disabilities Services and Facilities Construction Act (42 U.S.C. 2661 *et seq.*), and

(20 U.S.C. 864a(b)(8), 1232c(b)(1))

§ 118.27 Project period, amendment, continuation costs, and termination of projects.

(a) *Project period.* Subject to § 100b.55 of this chapter, the State educational agency shall establish a project period for projects funded under the Act and shall establish procedures for continuing the funding of promising projects throughout the project period, subject to the availability of Title III funds, on the basis of evaluations under § 118.22 (d) of this part, and other periodic reviews which demonstrate that the project is being operated in compliance with all the requirements of the Act and these regulations. The project period and the procedures shall be set forth in the State plan.

(b) *Amendment of project applications.* The State educational agency shall establish procedures for reviewing requests from grantees to amend project applications and alter projects during the project period and for assuring that such amendments and alterations are fully consistent with the requirements of the Act, the regulations in this part, and part § 100b of this chapter. Whenever the proposed amendment or alteration would involve significant changes in the content, design, or funding level of the project, the review procedures utilized shall conform to the requirements of §118.23 (e) of this part.

(c) *Termination of projects.* The State educational agency shall establish procedures for termination, during the project period, of programs and projects which are not operating in substantial compliance with (1) any provision of the Act and regulations of this part, or (2) any requirement set forth in the approved State plan or in the approved project application. In the event of such termination the grantee shall be afforded reasonable notice of the proposed action and opportunity for a hearing.

(20 U.S.C. 844, 844a(b)(12))

§§ 118.28–118.31 [Reserved]

Subpart E—Fiscal Procedures

§ 118.32 Grant awards.

In all cases where the State educational agency makes grants under the Act to local educational agencies, it shall award such grants for a 12 month period on the basis of an application which have been approved in accordance with § 118.23 of this part. All grant awards shall be in writing and shall set forth the amount of funds granted and the period during which such funds are available for obligation and expenditure, and shall specify the anticipated length of the project period.

(20 U.S.C. 844(a), 1232c(d))

§§ 118.33–118.40 [Reserved]

Subpart F—Equipment and Construction

§ 118.41 Recovery of payments.

If within 20 years after the completion of any construction undertaken pursuant to a grant under the Act (a) the owner of the facility shall cease to be a State or local educational agency, or (b) the facility shall cease to be used for the educational and related purposes for which it was constructed, the United States shall be entitled to recover all or a portion of the Federal funds used to pay for such construction in accordance with the provisions of section 308 of the Act.

(20 U.S.C. 847)

§§ 118.42–118.50 [Reserved]

Subpart G—General Provisions

§ 118.51 Payment of funds.

(a) From its allotment under section 302 of the Act for any fiscal year, and in accordance with § 100b.53 of this chapter, the Commissioner will pay to each State, either in advance or by way of reimbursement, amounts equal to the sums necessary for current expenditures by the State under an approved State plan for (1) grants to local educational agencies for supplementary educational centers and services and (2) guidance, counseling, and testing programs.

(20 U.S.C. 845(a), 1232d)

(b) The payment of funds under Title III of the Act will be limited to the maximum funding level established by section 305(d) of the Act as described in § 118.18 of this part and the funding of partially approved State plans is further subject to the limitations set forth in § 118.18(b) of this part.

(20 U.S.C. 844a(c), (d))

(c) The Commissioner will pay additional sums to each State receiving funds under paragraph (a) of this section for administration of the State plan; administration of guidance, counseling and testing programs; activities of the State advisory council, and evaluation and dissemination activities. In no case will the amount paid to a State for such activities for any fiscal year exceed an amount equal to 7.5 percent of its allotment for that fiscal year or $150,000 ($50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater. All allowable expenses for administering guidance, counseling, and testing programs or projects under the State plan can only be reimbursed with funds under this paragraph.

(d) Subject to applicable provisions of law, no payment will be made by the Commissioner to a State under the Act for any fiscal year unless the Commissioner determines that the amount of State aid per pupil with respect to the provision of free public education in that State for the preceding fiscal year was not less than the amount of such State aid per pupil for the second preceding fiscal year.

(20 U.S.C. 845(b), (c), 1232d)

§ 118.52 Reallotment.

(a) *General.* The amount of any State's allotment under Title III of the Act for any fiscal year which the Commissioner determines will not be required by such State for the period for which that amount is available shall be reallotted to other States. Funds may be reallotted from time to time, during the period for which they are available, on such dates as the Commissioner may determine, among other States in proportion to the amounts of their respective original allotments for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the respective State needs and will be able to use during the period for which the funds are available. Funds available due to such reductions may be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State from funds appropriated pursuant to Section 301 of the Act for any fiscal year will be deemed to be a part of the amount allotted to it under Section 302 of the Act for that year.

(b) *Statements of anticipated need.* In order to provide a basis for reallotment of funds by the Commissioner pursuant to this section, each State agency shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need for the funds previously allotted during the period for which such funds are available, or any amount needed to be added thereto by reallotment. Such further information as the Commissioner may request for the purpose of making reallotments shall be reflected in such statements.

(20 U.S.C. 842c)

§ 118.53 Annual and other reports.

Pursuant to the provisions required for approval of the State plan under section 305(b)(11) of the Act and § 118.16 of this Part, the State educational agency shall make an annual report and such other reports containing such information as the Commissioner may reasonably require to carry out his functions under the Act and to determine the extent to which funds provided under the Act have been effective in improving the educational opportunities of persons in the areas served by programs or projects supported under the State plan and in the State-as-a-whole. The annual report shall include an evaluation made in accordance with objective measurements to determine the extent to which critical educational needs identified in the State plan have been met and an evaluation of the effectiveness of projects funded for that fiscal year under the Act. The State shall also keep such records and afford access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(20 U.S.C. 844a(b)(11))

§§ 118.54–118.58 [Reserved]

GUIDELINES—ESEA, TITLE III, SECTIONS 301–05, 307–08

FINANCIAL ASSISTANCE FOR SUPPLEMENTARY CENTERS AND SERVICES, GUIDANCE, COUNSELING, AND TESTING PROGRAMS

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CHAPTER I—INTRODUCTION

PART 1—GUIDELINES

§ 1.1 *Scope of guidelines.*

(a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Elementary and Secondary Education Act, Title III, sections 301–308 (excluding Section 306). The legal requirements include the Act (20 U.S.C. 841–844a, 845–49) and the regulations (45 CFR 118). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon. Projects are not subject to termination proceedings or audit exceptions for conduct which is recommended or suggested in the guidelines.

(20 U.S.C. 1441; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States v. Jefferson County Board of Education*, 372 F. 2nd 836, 857 (1966))

(b) Where a guideline is issued in connection with or effecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is Section 305(b)(11) of the Act (20 U.S.C. 844a(b)(11)), and the guideline affects § 118.16 of the regulations (45 CFR 118.16), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 844a(b)(11)); (45 CFR 118.16). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

PART 2—THE PURPOSE AND PROGRAMS OF TITLE III

§ 2.1 *Objectives.*

The role of Title III of the Act in the improvement of American education is that of demonstrating the feasibility of innovations in a local context. These demonstrations should meet the criteria of having been field tested following research and development phases, usually under the auspices of State educational agencies, universities, foundations, or educational laboratories. They should be exemplary in that they will serve as models for other school systems that may wish to visit or replicate them, and they should hold promise of being economically feasible. In this manner, the Title III project bridges the research-to-practice gap by filling the diffusion role in the change continuum of research, development, evaluation, diffusion, and adoption.

(20 U.S.C. 841(a))

§ 2.2 *Types of programs.*

State educational agencies are authorized to make grants to local educational agencies for innovative and exemplary programs and projects which are designed to demonstrate ways of making a substantial contribution to the solution of critical educational problems. Title III grants should be made only to programs or projects which can be replicated elsewhere if evaluation proves them to be effective approaches to solving educational problems.

(20 U.S.C. 841(a))

§ 2.3 *Program emphases.*

(a) The flexibility of Title III of the Act allows its resources to be focused on virtually any major educational need. Title III can be used as an effective agent to develop strategies for designing innovative approaches that can be replicated by local educational agencies and for demonstrating exemplary programs to meet assessed needs. Title III of the Act furnishes the seed money to produce innovative solutions to critical problems which are of concern to all or several States. In effect, this program offers money to plan and develop new programs, and to test their feasibility for dissemination innovation as model programs which may be adopted throughout the Nation to meet critical needs of public and private school children.

(b) In making long-range plans for improving education, States have the responsibility in cooperation with local education agencies for identifying their most critical educational needs with local educational agencies and for encouraging the development of local projects which demonstrate highly creative approaches to meeting these needs, with the ultimate aim of promoting widespread adoption, through other funding sources, of those programs which are judged to be the most promising. To summarize the primary aim of Title III is to design and demonstrate creative solutions of major educational problems which affect various States or the entire Nation, rather than to provide direct aid on a massive scale.

(20 U.S.C. 843(b), 844a(b)(1)(A)); (45 CFR 118.9, 118.22, 118.25)

CHAPTER II—STATE PLAN ADMINISTRATION

PART 1—ELIGIBILITY FOR PAYMENTS

§ 1.1 *Submission of State plans.*

The Title III program in recent years has placed less emphasis on the State's preparing, and the Office of Education's approving a detailed description of the manner in which the program is to be conducted. More emphasis has been placed upon the State's developing a contemporary dynamic process for planning, evaluating, and managing federally supported educational programs. The State plan provides an annual set of assurances, except when otherwise required by law that certain provisions which a State is legally bound to follow in the administration of a program are set forth in the plan. But providing such assurances it does not replace the requirement for a State to develop a thorough and complete plan or to present such a plan in writing. The plan serves as a guide in the administration of any federally supported program. This State-developed management plan should be made available and on file for any person to review.

(20 U.S.C. 844a(a)(1), (b), 1232c(b)); (45 CFR 118.6)

§ 1.2 *Calendar of suggested dates for submitting material to Office of Education.*

Name of report	Number of copies	Suggested date due in USOE
Certification of State Advisory Council (20 U.S.C. 844a(a)) (45 CFR 118.3(c)).	1	April 1 of each year.
State Plan (20 U.S.C. 844a(a)(1)(c)) (45 CFR 118.6).	4	May 1 of each year.
State Plan Amendment (20 U.S.C. 844a(a)(1)(c)) (45 CFR 118.6(e)).	4	Allow 30 days for OE to process.
Annual Report (20 U.S.C. 844a(b)(11)) (45 CFR 118.53).	4	October 1, after the end of each fiscal year.

PART 2—STATE ORGANIZATION AND FUNCTIONS

§ 2.1 *State advisory council support staff.*

Staff members made available to assist the State advisory council may be employed on a full- or part-time basis and may include consultants highly trained in educational areas such as evaluation and statistics. Other support staff may include administrative assistants trained in data collection, editorial assistants, and clerical help. Council members ordinarily will serve on a part-time basis; however, a full-time person may be employed to serve in the capacity of Executive Secretary.

(20 U.S.C. 843(c), 844a(a)); (45 CFR 118.4(c))

§ 2.2 *State agency staffing and functions.*

(a) *Staffing needs.* The State educational agency staffing patterns for the administration of the Title III State plan may vary from State to State. The number of additional staff members needed will, of course, depend upon the amount of the allotment, the competencies of the present staff, and the kind of program to be developed within the State. In States where small numbers of projects are to be administered, additional staff members may be recruited on a part-time basis, and regular staff members in the agency may be called upon both for service functions and for administration, depending upon the need for their particular proficiencies.

(b) *Staff functions.* In determining staffing patterns for the Title III State plan program required by § 118.7(d) of the regulations, the State educational agency should consider carefully the following needs:

(1) *Program coordination.* A staff member to oversee the total program and to coordinate the activities of the advisory council and the panel of experts with those of the State educational agency staff, will be needed. This person will be responsible for the establishment and management of the staff serving the State advisory council as well as the Title III State educational agency staff, and for coordinating their activities in connection of the program in the State;

(2) *Program development.* Personnel with expertise in such areas as early childhood education, education of children from minority groups, education of children from rural areas, education in inner cities, treatment of potential and actual dropouts, education of the handicapped, language arts, reading, bilingual education, individualized instruction, curriculum development, and other areas identified by the Statewide assessment of needs may be required. Such experts may already be on the staff of the State educational agency and, if so, may be called upon as appropriate. Such persons may be employed as full-time staff members to serve the Title III program, or may be employed on a part-time basis as needed. Their assignments might include providing consultation to local educational agencies in the development of projects; planning, developing, and conducting inservice training programs; gathering and disseminating information concerning research and innovation in their field; and serving in an advisory capacity to projects in operation;

(3) *Project proposal review.* Project proposals should be reviewed by persons having recognized expertise in the educational areas proposed for support. Reviewers should be able to judge, in their areas of specialization, whether: (i) a project is an innovation in the field, (ii) the available research has been studied, (iii) the idea is basically sound, (iv) the consultants named are competent in this field, and (v) the project is economically feasible;

(4) *Program operation.* Personnel are important to monitor and supervise the operation of approved projects. Projects may be assigned to personnel on the basis of area of specialization or, in the case of large States, on a regional basis. Such personnel should assist project directors in carrying out the proposed program;

(5) *Evaluation.* The requirements for evaluation both of local project design and of the program at the State level as set forth in § 118.23(d) of the regulations call for staff with expertise in this area. Evaluation specialists may be contracted on a team basis, or they may be a part of the staff. Their functions should be to assist local educational agencies in preparing evaluation designs and in evaluating projects at regular intervals. In addition, they should be called upon to evaluate the effectiveness of the total State Title III program;

(6) *Dissemination.* Personnel with experience in communications are important members of a staff. It should be their responsibility to disseminate information about the preparation and submission of projects, keep the local school districts informed about innovations in education, serve as a clearinghouse of educational information, assist local educational agencies in their dissemination efforts, inform school districts and other audiences in the State of successful programs, and maintain an internal communications system in the State educational agency;

(7) *Grants management and finance.* Grants administration personnel who can maintain such fiscal control and accounting procedures as may be necessary are important to assure proper disbursement of and accounting for Title III funds paid to the State. Their functions include working with program officers to examine items of the project budget and providing technical advice and assistance to local educational agencies in the areas of budgeting, fiscal control, and accounting. Grants administration personnel should also develop a system to ensure that fiscal data are accessible to appropriate units in the State educational agency; and

(8) *Record keeping; clerical.* A clerical staff sufficient to file and handle all records concerning each project is important. Assignments may include mailing of projects to reviewers, transmitting routine notifications, and handling correspondence and schedules for various staff members.

(20 U.S.C. 844a(a)(1), (b)(2) and (10)); (45 CFR 118.7(d), 118.22)

§ 2.3 *Professional development activities.*

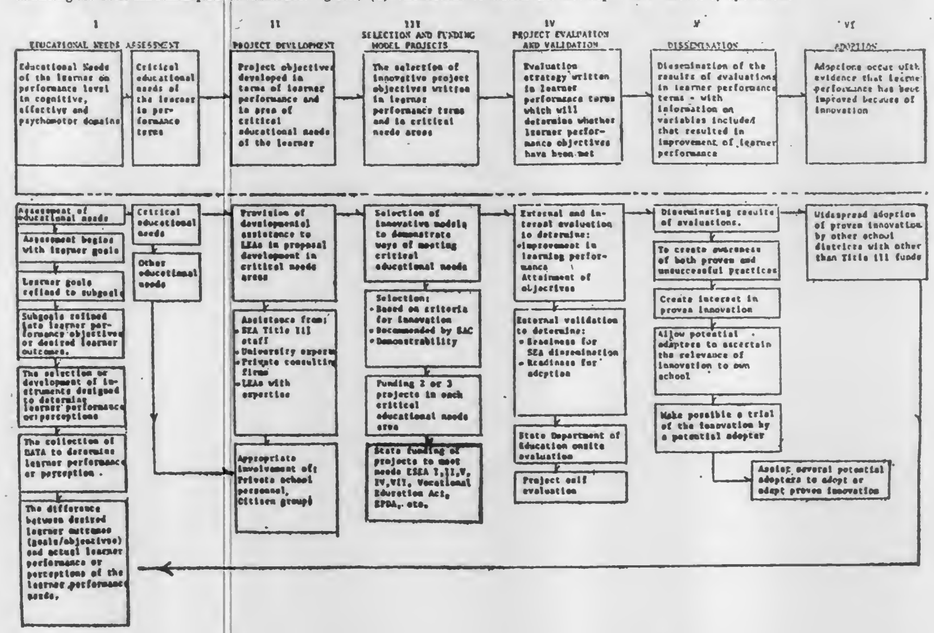
(a) Staff development programs are essential to the effective and efficient administration of the Title III program as set forth in § 118.8(e) of the regulations. Although the specific activities are dependent on individual State staff training needs, the following are examples of criteria that could be used to determine the adequacy of professional staff development activities at the State level under Title III: (1) The extent to which the State educational agency is already committed to providing the staff with development opportunities; (2) the extent to which development opportunities show clearly stated objectives which are directed toward the needs of the staff; (3) the adequacy of the total staff development program; (4) the extent to which the development program is evaluated to determine its effectiveness; and (5) the extent to which the development program involves appropriate State staff in addition to those working under Title III.

(20 U.S.C. 844a(b)(2), 1232c(b); (45 CFR 118.8(e))

(b) Since substantial consultant costs have been incurred by many Title III projects, it is important in the interest of effective control and better evaluation of consultant services that reports of such consultations be prepared and that results of consultations be documented in the grantee's project records. It is recognized that the selection of consultants by grantees may vary by purpose as well as by the length of time a consultant is hired, and that these matters have a bearing on the extent to which the consultations can be documented. For example, one consultant may be hired for the evaluation of a Title III project and receive fees for several days' work; whereas another consultant may visit a project for one day only to discuss strategy and problems with staff members. In the first example, the grant records should include a formal written report from the consultant (an evaluation). In the second example, the grantee should prepare a memorandum concerning matters discussed with the consultant and should file the memorandum for the record.

(20 U.S.C. 844(a)(5)); (45 CFR 118.23(c)(5))

2.4 *Model of operation.*



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(20 U.S.C. 843(b), 844a(b)(1)(A),(6)); (45 CFR 118.8)

PART 3—THE STATE EDUCATIONAL AGENCY AS FACILITATOR OF EDUCATIONAL CHANGE UNDER TITLE III.

§ 3.1 *Change and the role of the State agency.*

(a) One of the primary functions of the State educational agency under Title III of the Act is to effect change in education which is relevant to valid educational and social goals. The Title III program is a vital part of the State educational agency's effort to effect such change in schools throughout the State.

(b) Most educational changes are not simple adoptions of a solution developed elsewhere, but are adaptations of the school to the innovation and of the innovation to the school. This means that it is vital to know both the essential conditions for the innovation to succeed and the unchangeable constraints within the school, so that any adaptation made in the innovation may actually result in educational improvement, rather than in maladaptation.

(c) In examining school districts to see which will be the most responsive to innovations, the State educational agency may wish to use the following criteria:

(1) *Initiating mechanisms*, the continuing flow of new knowledge into the school district from outside sources. This new knowledge may flow through print or other mass media, through training programs, through professional meetings, or through interpersonal communication with persons outside the school district;

(2) *Sustaining mechanisms*, or the capability of the school district to respond to and act upon such new knowledge. These mechanisms are within the school district, itself, and are relatively impervious to manipulation by outsiders. Among the internal conditions which will influence the ability of the school district to change are (i) the degree of commitment and support for high quality educational programs within the community, (ii) the degree to which the school district demonstrates "openness," or willingness to perceive problems and to make use of information from outside sources, (iii) the degree to which there is open communication between administrators and teachers about task-related matters, and (iv) the degree of flexibility there is in school budget; and

(3) *Performance feedback transmissions*, which are dependent on the clarity and measurability of objectives of the school district and the nature and degree of communication concerning desired goal attainment within the schools. Clearly related to this, of course, are similar communications about the effect of any trial innovation on goal attainment;

(d) Adopters of innovations tend to go through a series of five stages culminating in adoption. Rejection of an innovation may occur at any point in the process. These stages are as follows:

(1) *Awareness*, the point where the potential adopter learns of an innovation, or of some alternative to his current practice;

(2) *Interest*, the stage in which the more innovative of the potential adopters seek out additional, more technical information about the innovation;

(3) *Evaluation*, the stage during which the potential adopter makes an "in-the-head" assessment of the relevance of the innovation to needs, to apparent advantages, and to potential problems for him. Most potential adopters at this stage rely heavily on interpersonal communication with program developers and/or earlier adopters;

(4) *Trial*, the stage in which the potential adopter makes an actual field test of the innovation on a limited basis. The late adopters are likely to omit this stage, since they can see the benefits that adopting the innovation have brought to the majority of their peers who have already adopted the innovation; and

(5) *Adoption*, the final stage, when the adopter decides to make full-scale continuing use of the innovation until it is replaced by a better program. In both trial and adoption stages, the direct, first-hand experience of an adopter and the advice, assistance, and encouragement of expert consultants or even earlier adopters are the most important information sources.

(e) To facilitate change, the adopter should seek more information about the innovation, then turn toward more technical information sources which provide more detailed information, such as government bulletins, integrative reports, or expert advice. The more innovative the adopter, the more likely he is to use technical information sources; the less innovative, the more heavily he will rely on interpersonal communication, particularly with individuals he knows and believes to have more expert knowledge.

(f) Innovators should not rely on attractive color brochures or individual reports of Title III projects which are so popular among most educational dissemination personnel. They are useful for little more than making others aware of the existence of an innovation. Such information is unconvincing for those same potential adopters as they move closer to evaluation, trial, and adoption of the new practice, and may even be misleading.

(g) If a State educational agency is to facilitate the spread of improved educational practices, it is important that it tailor its strategy and activities to the actual conditions and constraints in the local school districts. The following are constraints that the State educational agency may face:

(1) *The pluralistic nature of the decision-making process in American public education.* The pluralistc system of decision-making in American government reflects American values, but it does make the problem of system-wide educational change slower and more difficult; there is no single locus for making and implementing educational decisions. An innovation is likely to be adopted if the adopting unit—be it a person or an organization—perceives greater relative advantage through adoption of the innovation than in continuing current practice. Most changes of any significance involve a number of congruent decisions in different loci: Policy decisions by the school board, management decisions by superintendents and principals, subject matter decisions by supervisors, and implementing decisions by each classroom teacher involved. However, one fact stands out: unless the superintendent, who can allocate resources and influence behavior, is supportive of innovation, it probably will not occur. It is important, therefore, that superintendents of schools continuously encourage activities which will better meet local needs. Every effort should be made to provide them with information and assistance which will help them make informed decisions regarding the allocation of resources. Efforts should also be made, of course, to communicate with and assist the decision-makers and implementers at other levels, who are necessary participants in the adoption process.

(2) *The statement of educational goals.* Educational goals, like many others, are often stated in unmeasurable terms. In determining whether an innovation should be adopted, the relative advantage of the innovation is compared to current practice in terms of the goals of an organization. When the goals are not stated in clear, measurable terms and when there are conflicts among goals, it becomes difficult to identify any clear advantage in any single practice over any other. This condition suggests the need for the formulation of more precise, operational, and attainable educational goals if educational improvement is to be determined. It should be recognized that explicit goal definition is, in itself, an educational innovation.

(20 U.S.C. 844a(b)(1)(A)); (45 CFR 118.22 (a) and (c))

§ 3.2 *The unique resources of the State educational agency.*

(a) The State educational agency possesses certain capabilities which assist the agency in facilitating educational change. Underlying all other consideration, the statutory position of the State as the responsible agent for education in the United States mandates a leadership role in educational improvement by the State educational agency.

(b) The State educational agency may fulfill its leadership role in the following ways:

(1) Quality education requires a certain critical mass of resources if there is to be real equality of educational opportunity for all our children. With the wide divergence in tax base among school districts, the State is the most natural governmental unit to serve as the planning base for education. Local school programs must necessarily reflect the prevailing norms of the local school district, with the possibility that the needs of all members of the community will not be recognized and dealt with. For example, there are communities where 85 percent or more of the public school graduates go on to higher education. The objectives and curriculum of the schools in this type of community are likely to stress academic excellence over all other possible educational values. Yet the 15 percent minority in that community may well be part of the majority of public school students of the entire State. The only assurance that their needs will be served equitably is the mediating influence that State educational policy may have on local norms.

(2) The State educational agency can be a facilitator of change because of its unique position as a source of expert advice and staff service to the legislative and executive branches of the State government. There is evidence that State legislatures view the State educational agency in many cases, as the major source of assistance in formulating educational policy. Through the types of communications it provides to the Governor and the State Legislature, the State educational agency can assure the development of sound, rational State policy on education and provide the intellectual basis for the policymakers to make fiscal and other decisions which permit implementation of that policy.

(3) The State educational agency may use its regulatory function to facilitate change. Although the regulatory function can be performed in a manner which is deadening and inhibiting, it can also be used as a means of encouraging educational improvement. Assuring the presence of qualified teachers is a regulatory function, but one that should assure better, not worse, education. If certification requirements are used as a means of preventing trial and assessment of staff differentiation in the schools, this can inhibit educational change. However, such inhibition results more from the way the regulation is implemented than from the standard, itself. The regulatory function can also be used to encourage more explicit statements of educational goals at the local level and to assure justification of proposed new courses of action. If exercised in this way, it is possible to develop procedures for regulating educational improvement rather than for blocking it and to have guidelines for further waiving of regulations under appropriate conditions, or even for amendment of regulations in a manner consonant with changing educational practices developed under Title III of the Act.

(4) The role of the State educational agency in educational finance should be a powerful instrument for change. The State's financial authority will not foster educational change, however, if all financial transactions between State and local educational agencies are based on formula grants. Most Title III innovations involve some degree of risk taking. It requires the potential for acquiring or reallocating money for trial and installation of changes. The State can facilitate change by providing risk capital and fiscal flexibility, as well as incentives for local schools to seek changes which lead to educational improvement. In such programs, it is highly advisable to require commitment of local funds to the innovative effort from the very beginning, with increasing allocation of local resources as the project progresses. Data in both education and other fields show that an innovative program which involves the use of local monies from the beginning is more likely to be installed than one which receives full funding from outside sources.

(5) Because of the State educational agency's intermediate position between local and national resources, it can have a great impact on local change processes through the information regarding innovation which it transmits to local schools, and its role as a linker agent in matching needs and resources. To perform this function effectively at appropriate intervals and in forms which are timely and useful, the State education agency should continuously keep abreast of proven practices in education. The agency's linker role can be established through a State educational agency information center which links distant resources to local needs. Without such a center, State dissemination efforts are likely to be intermittent, unfocused, and only partially effective. The State agency should set up an information system under Title III of the Act. Such a system should have five essential requisites.

(i) The system should provide comprehensive, up-to-date, practical, and accessible information. Often, information seekers make first and most frequent use of the most accessible information source, even when that source may not provide the best information.

(ii) The system should make available information tailored in format and content to the requirements of persons who have different educational roles and who are at different stages of the adoption process. Unless the State's information program is based upon continuing assessment of the characteristics and needs of its users, it will be a waste of money and effort. The following table suggests information relevant to each stage of the adoption process:

Stage	Questions	Needed information
Diagnosis	How am I doing?	Current performance data.
Awareness	How can I do better?	Alternative solutions to my problem.
Evaluation (pretrial.)	Will it work for me?	Settings and conditions where the innovation succeeded or failed.
Trial	How can I do it?	Sources of expert assistance. How to adapt to local conditions.
Evaluation (posttrial.)	How did I do?	Comparative effectiveness of old and new practices.
Installation	How must I change?	Needed resources and actions to make the innovation work operationally.
Maintenance	How do I continue?	Resources and actions needed to continue and modify the innovation.

(iii) The system should provide effective timely two-way communication between the school and the community, and facilitated by regulations which mandate increased efforts toward such communication. Since community concern for and participation in educational dialogue enhances the innovativeness and responsiveness of schools, the State educational agency, in its leadership role and in its provision of staff services to elected State officials, should emphasize this dialogue.

(iv) In its leadership and through its regulatory role, the State educational agency as part of its system can promote the enhancement of improved performance feedback transmissions within and between school districts. As part of its leadership role, the State educational agency also should communicate to local districts means of defining goals operationally and methods of assessing the degree of their attainment. In some cases, it may even be possible to stimulate statewide participation in the development of model educational objectives. As a regulator, the State educational agency may require operational specification of objectives in proposals for Federal or discretionary State funds; it may require by regulation that participation in certain State programs be based upon operationally stated objectives, or it may offer incentives for provision of undisputable evidence of satisfactory performance.

(v) At the highest level the system should include communications to the State legislature in performance-oriented terms whenever possible and offers assistance in the formulation of legislative proposals for improved

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goal definition and performance assessment in education.

(20 U.S.C. 843(b)(4), 844a(a)(1), (b)(1)(B)(i) and (ii), 883); (45 CFR 118.22)

PART 4—ASSESSMENT OF EDUCATIONAL NEEDS

§ 4.1 *Planning for a needs assessment.*

(a) An educational needs assessment under Title III of the Act is a technique for identifying those educational objectives which are most important in a given instructional situation. This concept of educational needs assessment provides for (a) the identifying of a desired learner outcome and (b) the ascertaining of the learner's current status with respect to that outcome. The educational needs constitute the difference between the current status and the desired status. The following illustration represents this concept:

DESIRED LEARNER OUTCOMES	minus	CURRENT LEARNER STATUS	equals	AN EDUCATIONAL NEED

(b) The assessing of educational needs should be learner-oriented, focusing on the behavioral needs of children in the cognitive, affective, and psychomotor domains. Such needs assessment is important for making any significant improvement in educational outcomes and should be carefully planned and implemented with both short- and long-range objectives.

(c) Planning for a needs assessment is a departmentwide effort. The Title III monies may be combined with State and local monies to finance a needs assessment representative of all groups of persons who will be users of the needs assessment results and all persons whose specific skills will be useful in conducting the needs assessment studies should participate in the planning. It is suggested that they include:

(1) Appropriate representatives of State educational agencies, including persons responsible for administering State and federally supported programs, and those responsible for administering programs in the education of the handicapped; (2) appropriate representatives of the U.S. Office of Education; (3) appropriate representatives of local educational agencies; (4) representatives of professional organizations; (5) appropriate consultants (e.g., university-based evaluation specialists); (6) representatives of school boards of education; (7) representatives of State advisory councils for Title III; (8) representatives of State boards of education; (9) appropriate legislators and their staff consultants; and (10) representatives from private nonprofit elementary and secondary schools.

(d) Sufficient funds should be allocated to adequately accomplish a comprehensive educational needs assessment, and lines of communication and responsibility should be clearly established. Financial resources necessary for planning and implementing a needs assessment might come from a variety of State and Federal sources in addition to Title III funds. The possibility of a cooperative effort among State educational agencies in planning for needs assessments, including a pooling of financial resources, should be explored.

(e) Other resources contributing to the planning and implementing of a needs assessment should include personnel from various agencies, and representatives of private nonprofit elementary and secondary schools, and special ad hoc groups which in the past had been especially concerned with needs assessments, existing strategies used in needs assessments, literature related to the subject, both technical and popular, and existing sources of data. A needs assessment should refer to a variety of data sources with special attention given to timeliness, accuracy, and manageability (accessibility and usefulness) of data.

(f) Special competencies in system design, survey research design, statistics and measurement theory, sampling, and data processing is important in the planning stages. Special competencies in developing behavioral objectives, survey research, statistics, sampling, and data processing is also important in conducting the assessment.

(g) A commitment to the needs assessment and its potential results should be obtained from the Department, the Chief State School Officer, the Title III State Advisory Council, the State Board of Education, and appropriate representatives of private nonprofit elementary and secondary schools. It might be desirable to have a needs assessment steering committee to monitor, review, and revise strategies on a regular basis. Planning should include the means to facilitate reliability and validity checks of data collected and the means to make these data available to decision makers.

(h) A strategy for a needs assessment should be sufficiently constructed so as to consider all of the important elements and should include development and/or selection of learner goals and objectives, design of instruments for data collection, and determination of a means for precise analysis of data. The entire range of the student's achievement in all areas of learning should be included in the assessment of student needs. This would provide for student success as well as student deficiencies. The overall concept of the assessment of the students' educational needs could be defined as the difference between the current status of the learner and the desired learner outcomes. If particularly successful programs can be identified, the assessment strategy might provide alternatives to meet particular needs in a diffusion adoption process.

(i) The assessment strategy should include both long- and short-range goals and objectives that are behavioral, measurable, and representative of cognitive, affective, and psychomotor domains. A specification of the length of time required to achieve a specific goal or to reach a given objective and a set of objectives for each activity (time-frame) should be stated. Specific activities should be designed for the achievement of each goal and objective which are sufficiently refined to measure student learning.

(j) State educational agencies that have already established learner goals for their educational needs assessment should use these goals as a basis for developing subgoals and then use learning objectives as a basis against which needs can be delivered. Other States that do not have established learner goals should first establish goals before proceeding with the needs assessment effort. An example of the education goals and the related general objectives of one State educational agency include:

(1) *Goal: To accumulate knowledge.*

(*i*) *Subgoals:* (A) Develop a general education background in oral and written English, in the use of numbers, natural sciences, reading, mathematics, and social sciences; (B) develop a fund of information and concepts; (C) develop a knowledge of political principles and their evolution; and (D) develop special interests and abilities.

(*ii*) *Learning Objectives:* To develop fundamental intellectual skills: (A) By learning to get adequate meaning with reasonable speed from printed materials; (B) by learning to spell correctly the commonly used words; (C) by learning to express facts in reasonably correct and clear language, orally and in writing; (D) by developing habits and skills in clear thinking; and (*e*) by acquiring reasonable speed and accuracy in fundamental arithmetical processes and in the ability to solve quantitative problems.

(2) *Goal: To better the interrelationships of peoples.*

(*i*) *Subgoals:* (A) Develop respect for cultural heritages of other peoples of the world; (B) develop an appreciation for and an understanding of other people and other cultures; (C) develop an understanding of political, economic, and social patterns of the rest of the world; (D) develop awareness of the interpendence of races, creeds, nations, and cultures; and (E) develop an awareness of the processes of group relationships.

(*ii*) *Learning Objectives:* To lay the basis for intelligent citizenship: (A) By developing ideals and attitudes favorable to political, economic, and social democracy; (B) by developing appreciative, cooperative attitudes toward others of different national and racial origins and toward other countries; (C) by gaining an understanding of the simpler facts about and an appreciation of community, city, State, and national governments; and (D) by acquiring familiarity with and appreciation of the more important facts and lines of development in the history of our nation.

(3) *Goal: To develop character.*

(*i*) *Subgoals:* (A) Develop moral responsibility and a sound ethical and moral structure; (B) develop an understanding of moral behavior; (C) develop the student's capacity to discipline himself to work, study, and play constructively; (D) develop a moral and ethical sense of values, goals and processes of free society; and (E) develop standards of personal character and ideals.

(*ii*) *Learning Objective:* To assist in the formation of a high degree of social character and responsibility including moral and ethical concepts, attitudes, and habits: (A) by developing ideals, habits, and attitudes of fair dealing, cooperation, responsibility, respect for the rights of others, and self-reliance; and (B) by developing prejudices against such attitudes and habits as lack of cooperativeness, excessive selfishness, dishonesty, unwillingness to assume responsibility, etc.

(k) Learner goals can also be developed along more general lines such as those of another State educational agency which include the following: (1) The development of the inquiring mind exemplified by a continuing desire for knowledge, a continuing interest in current problems, and the habit of weighing alternatives and creatively applying them to the solution of these problems; (2) a knowledge of fundamental concepts about the world environment and man's relationship to it; (3) proficiency in the use of modes of communication; (4) a dedication to the task of improving America, striving for solutions to its continuing domestic and world problems and upgrading the lives of all people; (5) maintenance of health, achievement of a high level of personal fitness, and the acquisition of wholesome leisure skills; (6) producing an emotionally stable person; (7) developing a moral standard of behavior; (8) promoting a knowledge of the inter-relationships of nature and the cultural arts and the ability to utilize all of the senses to make aesthetic judgments about the total environment and to enrich one's own life; and (9) information and guidance for wise occupational choice.

(l) The needs assessment strategy should include provisions for collecting appropriate information on specific subpopulations about student learning objectives in three categories: (1) Perceptions of the community (including those in business and industry) educators, and the learner, with regard to the relevance and importance of these objectives; (2) criterion-based test instruments to determine the extent to which student learning objectives have been achieved; and (3) revelant demographic data about the learner.

(20 U.S.C. 844a(b)(1)(A), (b)(3)); (45 CFR 118.8(a))

§ 4.2 *Collecting data.*

(a) The assessment should provide for instruments to collect data of three different types: The statements of objectives themselves; the criterion-referenced tests designed to measure the extent to which the objectives have already been achieved; and instruments designed to measure the perceptions of relevance and importance by different groupings of students and so-called consumers. In addition, the needs assessment strategy should include provisions for collecting appropriate information on specific subpopulations rather than for all respondents, regardless of background. Where it is appropriate to do so, data collection instruments should be field tested thoroughly on a pilot basis prior to actual use. The procedures for analyzing data should be thoroughly tested to determine if all data collected can be appropriately utilized and treated. Both reliability and validity should be built into the strategy design for assessing needs to aid in determining if the State is accurately and consistently measuring what it purports to measure in the needs assessment strategy.

(b) In collecting data, the specifications of actual procedures used must wait upon adoption of an overall strategy. The analyzing of such data is a highly technical function in statistics and data processing which can be spelled out only after comprehensive plans have been adopted for the needs assessment. Provisions should be made to assure that data collected are manageable and current, and that conclusions drawn from the interpretation of data can be supported.

(c) The translation of information into critical educational needs requires a distinction to be made between collecting information to be used in making decisions and between the decision making process itself. Logical and defensible procedures should be established for determining the criticalness of educational needs identified by data for the State as a whole and for each school district of the State. It may be that to the development of a strategy for making a needs assessment should be added a strategy for increasing the likelihood that the information will, in fact, be used. In addition to using the data for planning the Title III program, a State agency may determine that other institutions and agencies are potential users of the assessment results and, therefore, it is desirable to determine which are responsible for meeting various needs. At the State level, the State educational agency should be responsible for providing statewide results to the State Board of Education and, perhaps, for recommending courses of action based on an interpretation of results.

(20 U.S.C. 844a(b)(1)(A), (b)(3)); (45 CFR 118.8(a))

§ 4.3 *Criteria for determining adequacy of needs assessment.*

(a) The following criteria are suggested for use in determining the adequacy of State provisions for the educational assessment of learning needs under the Title III program:

(1) *Planning, Management, and Resources*

(i) The personnel involved in the program are knowledgeable about evaluation, systems design, survey research, statistics and measurement theory, sampling and data processing techniques.

(ii) Sufficient funds have been allotted to adequately accomplish a comprehensive educational needs assessment.

(iii) There has been departmentwide involvement in the planning.

(iv) Lines of communication and responsibility are clearly established within the State educational agency and with representatives of private nonprofit elementary and secondary schools of the State.

(v) The Department, the Chief State School Officer, the Title III State Advisory Council, and the State Board of Education are committed to the needs assessment and its potential results.

(2) *Strategy.*

(i) The overall concept of educational needs assessment defines an educational need as the difference between the current status of the learner and the desired learner outcomes.

(ii) The assessment strategy includes both long- and short-range goals.

(iii) The strategy includes specific activities which have been designed to achieve each objective included in the strategy.

(iv) The strategy includes a time frame for accomplishing each activity.

(v) The strategy is sufficiently constructed so as to consider all the required elements.

(vi) Student learning goals are established for the purpose of determining children's needs through the educational needs assessment.

(vii) The student learning goals are behaviorally stated and representative of cognitive, affective, and psychomotor learning.

(viii) The student learning goals are sufficiently definitive to make them measurable objectives for student learning.

(ix) The strategy includes the elementary and secondary grade levels which will be assessed.

(x) The strategy includes provisions for collecting data about student learning objectives into three categories:

(*a*) *Perceptions* of the community (including those in business and industry) educators, and the learners regarded as relevant and important to attaining these objectives;

(*b*) *criterion*-based test instruments to determine the extent to which student learning objectives have been achieved; and

(*c*) relevant *demographic* data about the learners.

(xi) The strategy includes provisions for a data sample from which validity can be determined; i.e., evidence that what is measured is that which purports to being measured.

(xii) The strategy includes provisions for a data sample from which reliability can be determined; i.e., that measurement is being performed accurately and consistently.

(xiii) The needs assessment strategy includes provisions for collecting appropriate information on specific subpopulations.

(xiv) The strategy includes provisions to assure that the data collected are manageable and current.

(xv) The instruments which are designed to collect data have been tested thoroughly on a pilot basis.

(xvi) Procedures for analyzing data have been thoroughly tested to determine if all data collected can be appropriately utilized and treated.

(xvii) The conclusions drawn from the interpretation of data can be supported.

(xviii) There are logical and defensible procedures established for determining the criticalness of educational needs identified by data for the State as a whole and for each distinct area of the State.

(xix) A listing of critical educational learner needs which are representative of cognitive, affective, and psychomotor learning is given.

(20 U.S.C. 844a(b)(1)(A)); (45 CFR 118.8(a))

PART 5—PROJECT DEVELOPMENT

§ 5.1 *State assistance to local project development.*

(a) In the Title III programs, the State educational agency provides leadership in developing school programs within its State. So it is logical that the State educational agency, seeing areas of need and potential areas of development within its State, would encourage local educational agencies to initiate innovative Title III project proposals.

(b) In its role as stimulator, organizer, and coordinator, the State educational agency may provide staff, including specialists in all curriculum and service areas, to help local schools develop sound proposals. Title V of the Elementary and Secondary Education Act can help provide the necessary funds if they are requested as part of a general effort to strengthen the curriculum program of the State.

(c) Since some local school districts have full-time personnel with expertise in educational research who may devote their entire efforts to the study and to the development of proposals, these districts would be likely to submit high quality proposals. To help local educational agencies that do not have staffs with needed capabilities, States might wish to implement procedures such as the following:

(1) Provide a team of consultants either from within the State educational agency or from some other agency to help local educational agencies in particular regions; and

(2) Fund planning grants which would provide local educational agencies with research teams that could offer intensive in-service training in new educational ideas to local staff members.

(3) Conduct local and regional workshops at frequent intervals for school personnel on such topics as translating educational research into practice, solving problems in curriculum change, examining successes and failures in initiating innovations, and studying evaluation designs and methods.

(20 U.S.C. 844a(b)(7)); (45 CFR 118.25)

PART 6—EVALUATION

§ 6.1 *Overview of evaluation.*

The most successful management of a title III project by a director and a team of specialists involves an evaluation which is the process of gaining and interpreting specific information to assess the degree to which the project objectives have been achieved. The task of designing the evaluation plan is both complex and multifaceted. Each component and the total project should include the evaluation of the product, the operational process, and management process goals.

(20 U.S.C. 844a(b)(6)(A)); (45 CFR 118.8(b))

§ 6.2 *Purpose of evaluation.*

The purpose of such evaluation is to determine how well each component and the entire project function within the established framework of time, cost, and objectives. A well-planned and operated evaluation system should result in information which communicates clearly whether the standards of performance specified in the objectives have been met to a degree greater than, equal to, or less than the predetermined standards and why. This process enables the project staff to make the most effective and relevant decisions, and thus to provide the best possible assurances for project success by obtaining, maintaining, and interpreting accurate, up-to-date bodies of information relevant to project development, project implementation, and project successes and/or failures.

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(20 U.S.C. 844a(b)(6)(A)); (45 CFR 118.8 (b))

§ 6.3 *Staffing of evaluation.*

One primary management responsibility is that the project director oversee the design and implementation of the evaluation plan. Many local educational agencies will find it necessary to hire consultants or to seek the help of an outside technical assistance group for the planning, installation, or operation of the evaluation system, particularly if the program requires newly developed instruments and/or techniques.

(20 U.S.C. 844a(b)(6)(A)); (45 CFR 118.8 (b))

§ 6.4 *The evaluation process.*

Evaluation may include delineating, collecting, and interpreting information for distribution to those involved in the decision-making process. In delineating information, one should clearly outline and specify the kinds of data being sought in terms of content, scope, reliability, validity, and appropriateness and relevancy of source; in collecting information one should gather and compile all available data from established parameters with precision and put in usable form; the interpreting of information gathered involves explaining the statistical and educational significance in a form that is understandable by those to whom the report is directed. Distributing this information entails providing appropriate and necessary written reports to those involved in the decision making process.

§ 6.5 *Elements of evaluation.*

(a) *Stating goals.* Stating major project goals in objective measurable terms is often the most difficult part of an evaluation design. Each major project goal should be broken down into more specific objectives. Specific objectives should be stated for each major project goal and might include: concepts or ideas to be learned; sensitivities and feelings to be developed; ways of thinking to be reinforced, strengthened, or initiated; or habits and skills to be mastered. It is suggested that applicants follow the generally accepted practice of stating specific objectives at the cognitive, affective, and psychomotor levels. Cognitive objectives relate to knowing, comprehending, applying, analyzing, synthesizing and evaluating; affective objectives relate to feeling, valuing, organizing, responding, etc., and psychomotor objectives relate to initiating, manipulating and articulating in a precise manner.

(b) *Standards for evaluation.* An important aspect of an evaluation design is the identification of specific activities, procedures, or techniques which will be used to attain each specific objective. Techniques should, to the extent possible, be varied, innovative, and in keeping with the objectives of the proposal. The specific method and standards for each specific objective to be used in evaluating that objective should also be stated. Examples of evaluative criteria might be: pupil attainment on questionnaires and surveys; teacher attitudes on questionnaires and surveys; pupil scores on paper-and-pencil tests of either the teacher-made variety or the standardized subject matter variety; direct observation of learners; random questioning of students; and pre-post testing.

(c) *Collection of data:*

(1) *Baseline Data:*

(i) The first steps in collecting information are to obtain the data needed to identify a need, define the problem and suggest directions in which solutions might be sought. The evaluator should indicate whether data currently available in the school system, such as school attendance figures for the previous year, will be used or whether data will be provided through the first administration of the measurement instrument. This data can become part of the baseline data needed for comparisons after the new program has been implemented. (ii) An important step in the baseline data collecting process is an analysis of the basic environmental factors involved, such as: (A) The environment in which the present problem occurs and that in which the proposed solution will operate; (B) the significant elements or variables in the environment or in the program which show promise of producing educational change; and (C) the direction in which the anticipated changes will occur. (iii) The process of establishing baseline data is a task of some magnitude and requires skill on the part of project planners. Questions of appropriateness of objectives, recency of collection, sensitivity or responsiveness to short-term change, reliability and objectivity of data, and comparability of data-gathering situations are some of the considerations which program planners must take into account as they formulate their evaluation designs.

(2) *Procedures for collecting data.* (i) The specific activities, procedures, or techniques designed to attain each specific objective should be stated. The formation of the evaluation design is inextricably linked to the development of performance objectives. If performance objectives have been developed properly both for product outcomes and for operational and management processes, a major part of the task has been accomplished. The conditions of measurement and the minimum levels of acceptable performance will have been specified within the objectives. (ii) The plan for the collection of evaluation data should cover the appropriate budget period and should include the complete evaluation schedule, the target populations to be measured, those responsible for arranging and administering the measurements, and any conditions of measurement not specified in the objectives. Procedures for the selection and training of testers, observers, or interviewers should be described. Charts and diagrams may prove to be helpful tools in the planning and organization of data collection procedures and in the coordination of these procedures with the plans for periodic reviews of the data by the independent educational auditor.

(3) *Instruments for data collection and the baseline data needed.*

(i) The evaluation instrument for each objective should be identified and described briefly. Standardized tests, questionnaires, rating scales, interviews, observation schedules, and interest inventories may be among the instruments selected. It is of critical importance that the instruments be matched as closely as possible to the objectives and that the validity and reliability of each instrument have been ascertained prior to its use. If new instruments are to be developed, a plan for their design and pretesting should be included. (ii) The baseline data requirements should be considered as the instruments are selected, since the validity of the evaluation process may be affected if the appropriate prerequisite data on the target population are not secured or available at the beginning of the program. Baseline data on ability and achievement levels, socio-economic status, attitudes, and other characteristics of project participants will be needed in most cases for accurate measurement of the attainment of project performance objectives.

(4) *Time lines for data collection.*

A calendar should be developed for the evaluation scheme that would include the following elements: (i) *Evaluator's report date.* The completion date for the evaluation report for each objective should be given; (ii) *Data instrument will be completed.* If the instrument is to be developed locally, the projected date of completion should be provided; (iii) *Scheduled dates for administration.* The dates for the administration of evaluation instruments should be specified; (iv) *Schedule for other dates.* Projected dates of dissemination activities, of evaluation findings, and/or frequency of activities should be indicated; and (v) *Recipient/audience.* Projected recipients of the evaluation findings (residents of the target area, school district, professional educational groups, etc.) should be indicated.

(20 U.S.C. 844a(b)(6)(A)); (45 CFR 118.8 (b))

§ 6.6 *Stages of the evaluation process.*

The stages of the evaluation process should include: Baseline evaluation, process evaluation, and product evaluation.

(a) *Baseline evaluation* may be defined as the delineation, collection, interpretation, and distribution of all information needed (1) to establish data bases which provide input into needs assessment activities (those activities which result in a clear knowledge of the educational needs of the agency in which a Title III project will be developed); (2) to provide a benchmark against which to measure future successes and/or failures of project activities; and (3) to furnish data for identifying, describing, and defining the context within which change is expected to occur as a result of project activities. In effect, baseline evaluation provides that kind of information without which it would be impossible to measure any progress made toward meeting project objectives. Such information describes conditions as they exist before project treatment; and unless these conditions are accurately described before project implementation, it will be impossible to describe changes effected by project implementation. Baseline evaluation is, therefore, essential to the overall evaluation process; and every care should be taken to ensure that information gained during the baseline evaluation process is valid, appropriate and well-documented.

(b) *Process evaluation* aids management in making day-to-day operational decisions. Essentially, process evaluation may be defined as the delineation, collection, interpretation, and distribution of information needed to make decisions which will keep project resources and activities directed toward fulfilling project objectives. Thus, process evaluation assesses the fulfillment or nonfulfillment of those key steps which, having been carefully planned during project development, are being taken to meet project objectives. The result of such assessment should be information which will permit project management to make decisions regarding subsequent courses of action to be taken, and resources to be used, toward fulfillment of project objectives.

(c) *Product evaluation* may be defined as the delineation, collection, interpretation, and distribution of information needed to determine (1) whether or not a project objective or set of objectives has been met and (2) the extent to which a project objective or set of objectives has been met. Information resulting from product evaluation should permit project management to gain a clear overview of project progress in terms of project objectives. For this reason, due consideration from the very outset of project development should be given to stating project objectives in measurable terms. The less measurable project objectives are, the less probable it will be that effective product evaluation can take place, and, unless effective product evaluation can take place, project management will have no rational

foundation on which to base those key decisions which will affect the success or failure of the project as a whole, as well as the continuation of the project, either in part, or as a whole.

(20 U.S.C. 844a(b)(6)(A)); (45 CFR 118.8 (b))

§ 6.7 *Criteria for determination of the adequacy of State provisions for evaluation.*

The following criteria should be used to determine the adequacy of State provisions for evaluation of the Title III program and are included here as a guide to States in their development of an effective evaluation program.

(a) *State evaluation objectives:*

(1) The State evaluation strategy begins with clear statements of performance objectives, i.e., what is to be evaluated, why, and to what extent;

(2) The list of performance objectives should include at least the following commitments:

(i) To collect and report annually to the U.S. Office of Education the effectiveness of Title III projects on the persons served;

(ii) to collect and report annually to the U.S. Office of Education the effectiveness of the Title III program on the State-as-a-whole; and

(iii) to identify the kinds of evaluative information needed for State management of Title III programs and to collect, process, and distribute such information in an accurate, timely, and usable manner.

(b) *Organizing for State evaluation:*

(1) The evaluation strategy shows evidence of active participation by State staff, advisory council members, and representatives from local projects in the planning and development of the strategy;

(2) The strategy includes appropriate activities and provision for adequate staff to achieve each of the stated evaluation objectives;

(3) The strategy includes specific plans for training State and local project personnel in evaluation;

(4) The amount of funds budgeted and time allocated for evaluation activities are adequate to implement the State evaluation strategy;

(5) The strategy shows evidence that Title III evaluation strategy is coordinated with the State's comprehensive plan for State evaluation of education;

(6) The strategy shows evidence of utilization of appropriate non-Title III State resources such as State instructional supervisors, State planning and research units and State statistical and data processing units for the evaluation of Title III;

(7) The State strategy for evaluation defines the responsibilities of the State advisory council for evaluation including its line of communication and working relationships with the State Title III staff, local project staff, and National Advisory Council and provides adequate technical, financial, and clerical assistance to the State advisory council to carry out this function; and

(8) The State evaluation strategy has a built-in provision for the evaluation of its own operation including control points to assess the effectiveness and efficiency of State and local evaluation activities.

(20 U.S.C. 844a(b)(6)(A)); (45 CFR 118.8 (b))

§ 6.8 *State strategy to evaluate the effectiveness of Title III projects on persons served and on the State-as-a-whole.*

(a) *Evaluating the effectiveness on persons served.*

The State strategy to document the effectiveness of Title III projects on persons served should include at least the following:

(1) A requirement that the local project's annual evaluation report be submitted to the State and include the following:

(i) Performance objectives stated in terms of what the learner is able to do, how he is to demonstrate what he can do, and the minimum acceptable standard of that performance whether it be in the cognitive, effective, or psychomotor domains;

(ii) Identification of the variables that might affect the project outcomes such as: (A) age, sex, socio-economic background of (a) age, sex, socio-economic background of the learner; (B) age, amount of training, amount of experience, enthusiasm, and sex of project staff members; and (C) the learning environment of school, home, and community.

(iii) Identification of process variables such as learner and teacher performance requirements, curriculum, instructional materials and equipment, school facilities, and duration and sequence of learner and teacher activities;

(iv) Identification of the major outcomes and explanation of reasons for such outcomes; and

(v) Identification of other factors that are crucial to the successful replication of the project.

(2) A plan for annual State on-site visits to monitor and audit the project's effectiveness on persons served; and a procedure for the collection and validation of evaluation data that will include the following:

(i) The strategy includes a comprehensive plan for data collection including a time schedule, identification of sources of information, and a copy of each instrument used, if any.

(ii) The kinds of information to be collected on on-site visits are identified including procedures for data collection and validation, and a copy of each instrument to be used.

(3) A plan for processing, analyzing, interpreting, and distributing such information that will include the following:

(i) A systematic routine for data processing and verification of data;

(ii) A comprehensive analysis plan including statistical treatments, if appropriate; and

(iii) An identification of the users of evaluation information and when and in what form the information is requested and supplied.

(b) *Evaluating the effectiveness on the State-as-a-whole.*

Title III makes possible a limited but concentrated attack on the State's selected critical educational problems by funding projects in order to demonstrate possible solution strategies. The effectiveness of Title III on the State-as-a-whole is largely determined by: how effectively and efficiently each project achieved its own objectives; how extensively the demonstration was institutionalized in the school district in which it was demonstrated; and how extensively the demonstration benefited other State school districts in solving similar educational problems.

(20 U.S.C. 844a(b)(6)); (45 CFR 118.8(b))

PART 7—VALIDATION OF EDUCATIONAL PRACTICES

§ 7.1 *An overview of validation.*

Each State educational agency is encouraged to bring about greater accountability in education through the validation of its Title III projects. Validation of Title III projects is a process of reviewing a practice to verify its credibility as an exemplary program through official and/or expert appraisal. The entire process of educational reform through diffusion can be accelerated through this process and the cost of change substantially reduced. Consequently, each State plan program should be effectively structured so as to increase the adoption and replication rate of projects funded under the Title III State Plan program.

(20 U.S.C. 844a(b)(6)(C)); (45 CFR 118.8 (d))

§ 7.2 *The validation process.*

State educational agencies should develop validation procedures and criteria for selecting and training the validation team and conducting the on-site visit, and for preparing the validation report through such measures as: (a) Developing the format for preparing the validation report; (b) developing the procedures for assessing the effectiveness and efficiency of the validation procedures; (c) developing a listing of successful activities for bringing about the adoption of validated practices; (d) developing criteria and procedures for identifying potential adopters of validated practices; and (e) developing a listing of alternative ways of organizing and coordinating the identification, validation, and dissemination of validated practices among various units of the State educational agency.

(20 U.S.C. 844a(b)(6)(C)); (45 CFR 118.8 (d))

PART 8—DISSEMINATION

§ 8.1 *The purpose of dissemination activities.*

(a) The purpose of the dissemination process in a State Title III program is to develop an awareness of, stimulate interest in, and provide opportunities for personal evaluations of Title III innovations. Its long-term goal is to facilitate the adoption and replication of tested educational innovations in the host school system and in other school systems throughout the State and Nation. Therefore, the local educational agencies, the State educational agencies, and the U.S. Office of Education should have distinct but complementary roles in dissemination.

(b) In planning State dissemination activities, distinction should be made between the needs of educational practitioners and those of the general public. Information for the public is designed primarily to cause citizen awareness and knowledge of new educational programs, while information for educators provides technical data to make it possible for educators to assess alternative solutions to local educational problems. The latter will rely more heavily upon interactions among professionals and less upon publicity and public relations programs. Though the two information streams may have common data sources and will often intermingle, their different purposes and final use destinations must remain distinctly in mind for each audience to receive the kinds of information needed in forms that are understood.

(c) Section 303 of the Act specifies that the objective of State Title III dissemination activities shall be the adoption of exemplary educational practices demonstrated by the Title III projects. This means that States should assume an active policy of identification of exemplary innovative projects, or components of them, and undertake a comprehensive program of diffusing the evaluation findings from these programs to other school systems. Thus the success of the State's dissemination activities will determine the success of the Title III program as a whole.

(d) Accountability has been built into a dissemination program. Such accountability makes evaluation not only important in terms of its own role in program operation, but changes the emphasis in evaluation from the conventional research-design type studies

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of project outcomes to inclusion of evaluative data covering the context, process, and management of the project.

(20 U.S.C. 844a(b)(6)(B)); (45 CFR 118.8 (c))

§ 8.2 *The role of the State and local educational agencies, and the U.S. Office of Education.*

Section 303(c) of the Act provides funds for dissemination and Section 305(b)(6) of the Act gives the primary responsibility for the evaluation of Title III programs and projects, and the dissemination of the results of such evaluations and other information pertaining to such programs or projects to the State educational agency.

(a) *The role of the local educational agency.*

Local educational agencies should disseminate, locally, information which facilitates the adoption and adaptation of the innovation. They should not develop newsletters, filmstrips, films, and similar materials for audiences outside their project area. These dissemination materials should be mailed to local project constituents only. This is not meant to preclude local educational agencies from having some dissemination contacts with audiences outside the project area. Local educational agencies may address audiences larger than their own constituencies through professional journals and the established public media. They may also, upon request, loan films and other materials to agencies outside the project area and may develop descriptive materials on a project in order to answer inquiries from other agencies.

(b) *The role of the State educational agency.*

(1) It is desirable that State educational agencies develop procedures to assure that local project funds are not used for dissemination of information beyond the local project area which is defined as the geographic region where the persons served by the project reside. In approving project proposals for initial funding and for continuation, State educational agencies should review the local educational agencies' dissemination activities to ensure that they are consistent with State dissemination objectives and do not duplicate statewide dissemination efforts which should be included in the State plan.

(2) If, following an evaluation of a project, the State educational agency determines that an innovation is of such significance that broader adaptation or adoption of it should be encouraged, the State should use State administration funds authorized by Section 303(c) of the Act to disseminate the promising educational practices to other local ecdational agencies in the State.

(3) The amount of the project budget devoted to dissemination activities should bear a reasonable relationship to the size and progress of the project. For example, it may be desirable that the dissemination budget increase in amount during the second and third years as the project generates evaluation data supporting the project's effectiveness. It is the responsibility of States to establish procedures to improve the quality of dissemination activities and materials.

(4) The State educational agency should advise the U.S. Office of Education annually of those demonstration projects which it determines could have nationwide significance. The U.S. Office of Education's role will be to provide national dissemination of the identified innovations.

(c) *U.S. Office of Education dissemination program.*

(1) *National dissemination activities.*

The U.S. Office of Education in cooperation with the State educational agencies is modifying and expanding its responsibilities for national dissemination of the Title III program. Plans for national dissemination activities include the following:

(i) With the help of the States, the Office of Education will identify, validate, and encourage the adoption, as appropriate, of innovative and exemplary programs which hold promise of demonstrating ways of meeting critical national needs. This may include publications, films, conferences, and a variety of interpersonal activities;

(ii) As part of a continuing effort, the Office of Education will seek State educational agency cooperation to establish a repository of instructional and curricular materials developed by Title III projects. These include publications, films, and other print and nonprint educational materials. Annotated bibliographies of these materials will be revised annually and distributed to all State educational agencies and other appropriate agencies; and

(iii) Through the joint efforts of the U.S. Office of Education and the National Institute for Education pertinent information will be published regarding exemplary Title III projects.

(2) *Technical assistance to State and local educational agencies.* In addition to these activities, the U.S. Office of Education will, whenever possible, provide technical assistance to State and local educational agencies to aid them in improving their evaluation and dissemination programs. Technical assistance may be provided through the following activities:

(i) Whenever possible, Office of Education personnel will conduct and participate in State and regional conferences held in cooperation with local and State educational agencies, universities, and other educational and cultural organizations to encourage the development and implementation of effective dissemination strategies at State and local levels;

(ii) Wherever possible, the Office of Education will provide consultative services and conduct workshops to encourage the development of process as well as product evaluation techniques which will provide validated information on project findings for effective dissemination; and

(iii) The Office of Education will also continue to assist State educational agencies in their dissemination efforts by working to improve State dissemination plans.

(20 U.S.C. 844a(b)(6)(B)); (45 CFR 118.8 (c))

§ 8.3 *Management implications.*

The stress on accountability for the outcomes of the dissemination activities has several important implications for management of the Title III program and the dissemination efforts at the State level.

(a) *Organizational position of Title III program.* The location of the Title III program in the organizational structure of the State educational agency should enhance access by program personnel to central administrative personnel and to the various educational specialists throughout the State educational agency.

(b) *Dissemination personnel.* State educational agency personnel charged with dissemination responsibilities for Title III of the Act should have a broad knowledge of innovations in education, an understanding of the total educative process, and a sensitivity to the intricacies of the change process. They should be educators as well as information specialists.

(c) *Dissemination objectives.* The Title III mandate to disseminate information about and cause the adoption of promising programs requires close attention to the formulation of performance objectives for dissemination activities. Publications, films, meetings, visits, or other activities should be undertaken only when the disseminator has a preconceived idea as to what the behavior of participants should be in relation to causing the adoption of some new practice. Moreover, the disseminator should have in mind an acceptable level of response as a result of such activities. For example, if 100 persons are to be given a demonstration of a successful innovation, an acceptable level of response might be 10 persons requesting further assistance to introduce some aspect of the program in their own schools. Specificity of dissemination objectives also makes evaluation of the dissemination activities easier.

(d) *Relationship of State needs assessment and dissemination.* The Title III dissemination activities should relate directly to the State's critical educational needs including those in special education as identified by the Title III needs assessment. These needs will help dictate the priority ranking of dissemination objectives.

(e) *Dissemination strategies.* When developing educational change strategies, dissemination planners need to be aware of the several stages of the change process. As stated in § 3.1 of Chapter II of these guidelines, these stages are awareness, interest, evaluation, trial, and adoption. Most superintendents of schools do not attempt to introduce an innovation unless they have some opportunity for person-to-person or on-site evaluation of the new practice. It is, therefore, important that the State disseminator accept the responsibility not only to develop an awareness and interest in innovations, but also to provide personalized opportunities for educators to examine and evaluate innovations on-site and in operation.

(f) *Linkage of evaluation and dissemination.* A linkage between State evaluation and dissemination efforts should be given management consideration. Since the primary dissemination objective is the replication of exemplary practices, the disseminator needs to utilize information collected by evaluators and to understand the level of validity of that information. Since evaluation findings are useful to the educational community only if they contain the kinds of information practitioners need in order to make decisions about their feasibility for their own schools, planning for evaluation should be coordinated with the planning for dissemination.

(20 U.S.C. 844a(b)(6)(B)); (45 CFR 118.8 (c))

§ 8.4 *Nature and assignment of dissemination responsibilities.*

Although the organizational structures for administering the Title III program vary among the different States, attention should be given to the following responsibilities when planning Title III dissemination activities:

(a) *Organization.* If the public information component of the State educational agency is committed primarily to handling the necessary press and speech activities of the Chief State School Officer, the Governor, or the State legislative body, consideration should be given to establishing a separate unit for program dissemination activities. Such a unit might have responsibilities for coordinating all technical information activities in the State, including that of Title III.

(b) *Information retrieval.* Rapid retrieval of information about research and practice is important to the process of innovating. Therefore, the State should take the initiative to activate a service for Title III applicants and others in the State agency and in school districts who may need information about promising new ideas. Each State should have, in a central location, the Educational Research Information Center of the U.S. Office of Education and the National Institute for Education (hereinafter referred to as ERIC) collection of microfiche and other documents, with personnel assigned to conduct searches on demand. Provision should be made to have access to other information services in the State, some of which are found in regional centers and on campuses of colleges or universities.

(c) *Dissemination of project materials.* Teaching and curricular materials and films developed through Title III projects should be identified, collected, and evaluated systematically by the State educational agency. Strategies should also be developed to promote usage of such materials by other school districts in the State. Promoting and facilitating usage may include developing limiting copyright arrangements with educational publishers, reprinting by the State educational agency, and other appropriate means such as providing a copy to a nonprofit organization (such as Xerox's University Microfilm Division in Ann Arbor, Michigan) for promotion and reproduction.

(d) *Dissemination of evaluation findings.* Coordination of evaluation and dissemination efforts should be maintained in order to provide the disseminators with validated findings about exemplary programs for further dissemination within the State and for reporting to the U.S. Office of Education.

(e) *Technical assistance to local educational agencies.* The State has the responsibility for monitoring all local project dissemination activities to assure that project funds expended for dissemination are used mainly for dissemination in the project area and not, unless authorized by the State, for statewide or national dissemination. The State also should provide technical assistance to the local educational agencies to assist them in developing dissemination objectives and designing change strategies at the local level, so as to influence local adoption of the Title III project at the end of the project period.

(20 U.S.C. 844a(b)(6)(B)); (45 CFR 118.8 (c))

§ 8.5 *Criteria for determining adequacy of State plan provisions for dissemination.*

The following criteria should be used to determine the adequacy of State provisions for dissemination of the Title III programs and are included here as a guide to States in their development of an effective dissemination program:

(a) *The adequacy of the underlying principles:*

(1) The dissemination program facilitates desirable educational change through identifying, validating, and promoting the adoption or adaptation of promising and exemplary practices supported by Title III of the Act.

(2) The dissemination program is predicated on the availability and validity of evaluation findings concerning the projects operations and outcomes.

(3) Dissemination activities are related to written performance objectives for selected audiences according to expressed or known needs for information.

(4) Both State and local dissemination programs are based on a knowledge of the kinds of communication channels available and their area of impact (including public media, technical journals or house organs, and other communication channels, including decisionmakers).

(b) *The adequacy of administrative provisions for dissemination considerations.*

(1) Personnel engaged in the State dissemination process have (i) understanding and experience with the educational process, (ii) experience and skills in communication, and (iii) knowledge of the complexities of the change process.

(2) The amount of the dissemination budget reflects the high priority given this activity by the legislation.

(3) In organizing the dissemination program, the public information activities and the technical or program information activities are adequately distinct but carefully coordinated.

(c) *The adequacy of objectives and activities.*

(1) Activities are planned which will retrieve, analyze; and make accessible descriptions and evaluations of project operations and outcomes.

(2) Activities are planned which will cause an awareness and interest in projects on the part of appropriate educators in the State.

(3) Activities are planned which will provide opportunities for educators to examine and evaluate the operating qualities of the innovations in projects.

(4) Activities are planned which provide technical assistance to those who show a desire to install the innovation in their school.

(5) Activities are planned which will inform the general public about innovations being demonstrated through Title III in the State.

(6) Activities are planned which will retrieve and evaluate instructional materials produced by projects, forward significant materials to the U.S. Office of Education for ERIC and other systems, and which will disseminate them appropriately within the State.

(d) *The adequacy of evaluation of dissemination efforts.*

(1) Dissemination plans include provisions for receiving feedback from communications for purposes of evaluating their impact.

(2) There is evidence that appropriate activities are planned to ensure that evaluation designs of local projects will produce information needed for dissemination locally and statewide.

(20 U.S.C. 844a(b)(6)(B)); (45 CFR 118.8 (c))

§ 8.6 *Criteria for an effective dissemination program at the local level.*

The following criteria should serve as a guide for State agency personnel as they work with local projects in developing and monitoring dissemination components in Title III projects.

(a) *Planning and managing the dissemination program.*

(1) Provision is made for substantive involvement of potential information users in the planning of the dissemination program.

(2) Provision is made for continuing internal communication among project staff about the project.

(3) Provision is made to conduct studies to determine the mores, economic status, political processes, and social structure of the community.

(4) There is a commitment to dissemination, as evidenced by identifiable items in the project budget.

(5) Provision is made for coordination and cooperation with other information services in the school system and the community, including appropriate public media.

(6) Consideration is given to the means of handling audience responses to communications being planned.

(7) Consideration is given to the possible conflict between the project objectives and the values and objectives of the school and community.

(b) *Dissemination objectives.*

(1) The dissemination objectives should relate well to project objectives.

(2) The dissemination objectives should be written and available.

(3) The dissemination objectives should specify desired audience reactions to the dissemination activities.

(4) The dissemination objectives should include performance criteria and time constraints and are feasible in terms of available funds.

(5) The dissemination objectives should reflect knowledge of the adoption stages (awareness, interest, evaluation, trial, and adoption) and of the characteristics of the potential adopters (innovators, early adopters, early majority adopters, late majority adopters, and laggards).

(c) *Dissemination personnel.*

(1) The project dissemination staff should be knowledgeable about the change process and understand the administrative and instructional processes of education.

(2) This staff should possess writing and oral communication skills and be skilled in interpersonal relations.

(d) *The dissemination strategies and approach.*

(1) The approach should be that of tact, "soft sell," and objectivity.

(2) The approach should be flexible, reflecting various strategies, viz, research-centered, and cost-benefit.

(3) The approach should consider all those who are involved in the education decisionmaking process.

(4) The approach should be that of problem-solving and removing blocks to change.

(5) The techniques should be appropriate to the times and conditions, as shown by variability and creativity in the use of committees, conferences, demonstrations, administrative edicts, media and the like.

(e) *The use of communications for dissemination purposes.*

(1) Communications should be based on verified needs for information by clients.

(2) The selected medium or media should be appropriate for the message and for the intended audiences.

(3) The messages should be adapted to the various stages in the change or adoption process.

(4) Wherever possible, the messages should be designed to solicit feedback.

(5) The messages should be of good technical quality.

(6) The messages should relate to decisionmaking time lines of the project and the school system.

(7) The messages should be pre-tested with appropriate audiences to determine their relevance, clarity, validity, timeliness, and practicality.

(8) The messages should be in a considered order according to priorities as to who should receive them first, second, etc.

(f) *Evaluation in the dissemination process.*

(1) Provision should be made to determine and record relative effectiveness of various strategies and communications in order to alter strategies as the situation changes.

(2) Dissemination designed to encourage the adoption of innovation should be based upon objective evaluation data.

(20 U.S.C. 844a(b)(6)(B)); (45 CFR 118.8 (c))

PART 9—ADOPTION

§ 9.1 *The importance of adoption.*

A major objective for Title III of the Act is accomplished when it can be shown that a significant number of adaptations and replications of programs demonstrated by Title III have taken place in the State. In addition, it is hoped that a high proportion of the programs will be continued in substantially the same form by the applicant local educational agency after the period of Federal funding ends. The State therefore,

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should plan activities to facilitate the adoption of validated projects.

(20 U.S.C. 844a(b)(8)(C)); (45 CFR 118.8 (d))

§ 9.2 *Criteria for an effective adoption program.*

The following criteria should serve as a guide for State educational agency personnel as they work with local projects in developing and monitoring adoption components in Title III projects.

(a) Activities are planned which orient project personnel to their demonstration function and to their role as catalysts for change in their community and State.

(b) The data collection plan includes practitioner-oriented information, such as cost effectiveness data and context and process information.

(c) Activities are planned which use project personnel to teach and train potential adopters.

(d) Activities are planned which identify the potential adopters of projects being demonstrated.

(e) Activities are planned which identify and describe the formal and informal communications network which passes on information concerning innovations in the State.

(f) The dissemination activities of projects are reviewed to assure credibility so as to not promise more than the project can deliver.

(20 U.S.C. 844a(b)(8)(C)); (45 CFR 118.8 (d))

PART 10—GUIDANCE, COUNSELING AND TESTING PROGRAMS

§ 10.1 *Purposes.*

All guidance counseling and testing programs or projects under Title III of the Act should, in some justifiable way, be related to one of the purposes stated in §§ 118.10 and 118.11 of the regulation. These purposes are primarily educational-vocational in nature. However, personal-social areas of development are also important to success in educational-vocational planning and achievement. The definition of "guidance and counseling" in § 118.8 of the regulations includes assistance in personal-social development, including the development of a positive self-concept. This is particularly necessary in relation to elementary school guidance programs. Projects in the areas of school health, psychological and social work services might be combined with guidance counseling testing programs or projects to provide comprehensive programs of guidance, counseling, and testing, and other pupil personnel services.

(20 U.S.C. 843(b)(4)); (45 CFR 118.2, 118.8, 118.10, 118.11, 118.14)

§ 10.2 *Division of staff.*

It is suggested that staff responsibilities and functions be divided into administrative and supervisory and leadership activities:

(a) *Administration activities.*

Activities pertaining to "administration" would include, but would not necessarily be limited to, State plan review, project review, Title III fiscal activities, project approval, the mechanics of project management and policy development. Conversely, activities which would likely not pertain to "administration" would include, but would not necessarily be limited to, supervisory activities, supervisory staff development, leadership activities, and project development.

(b) *Supervision and leadership activities.*

Programs of State supervision and leadership may include the following activities: (1) Organization, general direction, and coordination of the guidance, counseling, and testing programs established under the plan; (2) planning State programs and assisting in the planning of local programs; (3) assisting local guidance personnel in establishing, maintaining, or improving programs; (4) planning and preparing materials and information for State and local programs; (5) planning innovative or exemplary guidance, counseling, and testing programs; (6) demonstrating through pilot programs, or otherwise, guidance, counseling, and testing procedures and techniques; (7) evaluating the results of guidance, counseling, and testing programs; and (8) such other related activities as may be necessary for the organization, maintenance, and improvement of programs or projects established under the plan.

(20 U.S.C. 843(b)(4), 844a(b)(1)(B)(ii), (b)(7) and (8)); (45 CFR 118.10, 118.11, 118.14)

§ 10.3 *Program content.*

Guidance, counseling, and testing programs may include the following activities to the extent that they are carried out by utilizing procedures and techniques appropriate to the educational levels of the students:

(a) Collecting, organizing, and interpreting such information as may be appropriate to the understanding of the student's abilities, aptitudes, interests, and other personal assets and liabilities related to educational readiness and progress and to career planning and development;

(b) Making available to the student and his parents such educational and career information as may be essential for them to understand the educational process and the various educational and career opportunities and requirements related to the choice of an educational program and a career;

(c) Providing individual counseling (1) to help the student and his parents develop a better understanding of the student's educational and occupational strengths and weaknesses; (2) to help the student and his parents relate his abilities and aptitudes to educational and career opportunities and requirements; (3) to help the student, with the assistance of his parents, make appropriate educational plans, including the choice of courses and the choice of an institution of higher education; (4) to stimulate desires in the student to utilize his abilities in attaining appropriate educational and career goals; and (5) to provide the student, directly or through arrangements with other appropriate resources, with such assistance as may be needed for the development of his aptitudes and the full utilization of his abilities;

(d) Providing services to encourage and assist students in making educational transitions, such as placement in the next educational level, and in securing appropriate employment during and upon completion of the educational program;

(e) Providing such group activities as may be necessary to orient students and their parents to the (1) school program including its offerings, services, and requirements; (2) educational opportunities and requirements at the next level; and (3) career opportunities and requirements;

(f) Providing to teachers and school administrators such assistance and information about individual students or groups of students as may be necessary to enable them to plan and implement curricular and instructional programs and services which will afford students maximum and equal opportunity for educational development and which will be consistent with the manpower needs of the State and the Nation; and

(g) Collecting and analyzing such information as may be needed to evaluate the guidance counseling and testing program and to provide such guidance information as may be available and needed to evaluate the school's program in terms of the educational needs of the students and of the State and the Nation.

(20 U.S.C. 843(b)(4)); (45 CFR 118.10, 118.11))

§ 10.4 *Additional criteria for the approval of guidance and counseling projects.*

In addition to the criteria listed in § 118.24 of the regulations, the State may wish to consider the following criteria in approving guidance and counseling projects: (a) the guidance and counseling activities to be provided and the grade levels of students who are to be the participants in such activities; (b) the duties of and qualifications for local guidance and counseling positions; (c) the ratio of students to each full-time local guidance and counseling position or its equivalent; (d) the physical facilities, equipment, and materials to be available for the conduct of guidance and counseling activities under the plan; (e) supervisory methods and procedures to be employed in local guidance and counseling projects; and (f) coordination methods and procedures to provide assurance of appropriate relationships between the local guidance and counseling program under the plan and other related services available to students.

(20 U.S.C. 843(b)(4)); (45 CFR 118.10, 118.11)

§ 10.5 *State Advisory committee.*

A State may choose to establish a guidance, counseling, and testing advisory committee either on an ad hoc or continuing basis to deal more fully and explicitly with advisory matters relating to guidance, counseling, and testing program development. A liaison relationship, however, should be maintained with the State's Title III advisory council to coordinate and relate the State's overall program development strategy to the total resources under Title III of the Act.

(20 U.S.C. 843(b)(4), 844a(b)(1)(B)(ii)); (45 CFR 118.10, 118.11, 118.24)

PART 11—OTHER PROGRAM CONSIDERATIONS

§ 11.1 *Handicapped children.*

(a) *Funding decisions.*

Determination of the percentage of program dollars used for the handicapped under each Title III project should be the joint responsibility of the State department of education's unit on education of the handicapped and the State department of education's unit on Title III. Whatever the level, it should be mutually determined and evidence to this effect should be presented in the State plan.

(b) *Types of projects which can be designed.*

Projects providing services for the handicapped under the Title III State plan programs may or may not be a part of the larger Title III project and in either situation may serve one or more types of handicapped children, as explained in the following:

(1) Title III projects should not emphasize "meeting the needs of handicapped children" but rather demonstrate the solution to critical educational problems of the handicapped in the State. Once an acceptable and proven practice has been demonstrated, efforts should be made to encourage its adoption throughout the State and its operation with funding from sources other than Title III.

(2) The total Federal effort in behalf of the handicapped is to provide through mutuality of planning at the local, State, and Federal levels a continuum of services for this segment of our population. Title III programs for the handicapped should be seen as a means to ensure this continuum, but they must also be seen as a demonstrative and catalytic part and not as a basic support effort. The mutuality of planning between the Title III coordinators and the State special education personnel should also lead to the development of large, easily identifiable projects and programs which are designed to demonstrate ways to solve one or more critical problems in the field of education of handicapped children. It is more desirable to have one or two well-conceived projects seeking to demonstrate solutions in critical problem areas within a State as defined by the Title III coordinators, the State's needs assessment, or the State Title III advisory council, and/or the State special education units, than to have many projects or programs which will not be exemplary or innovative. With this type of provision of services the concern for percentages of funds set aside for the handicapped will be lessened and the dedication to solving mutually identifiable problems through model education approaches for the handicapped will be increased.

(c) *Bureau of Education for the Handicapped; Assistance to State and local educational agencies.* Staff from the Bureau of Education for the Handicapped of the U.S. Office of Education, when requested, will assist local and State educational agencies in cooperation with the Bureau of School Systems of the U.S. Office of Education in developing projects and State plans by making available staff, when possible, or by locating in the State or region competent personnel for such assistance. In the event staff are not available, States may arrange to send their personnel to Washington for consultation.

(20 U.S.C. 844a(b)(8)); (45 CFR 118.26)

§ 11.2 *Local project administration.*

(a) *Continuation and discontinuation of projects.* To accomplish the objectives of Title III of the Act, provisions should be made to continue the support of promising projects as well as to terminate those projects which prove to be ineffective or unsuccessful as set forth in § 118.27 of the regulations. Only those projects which have been evaluated and can provide objective data which demonstrate that they are successfully meeting their objectives should be continued. These projects should continue to serve as models so that other school districts can adopt or adapt those practices which have been validated as being successful.

(b) *Extension of project or budget period.* When progress under the grant is delayed and circumstances make it necessary to request an extension of either the project period or the budget period, or both, without additional funds, the local educational agency should make a written request to the State educational agency. (Where it appears that the activity to be accomplished within the project period or the budget period, or both, will be completed within three (3) months after the expiration date, it will not be necessary to request an extension. However, if it appears that the time required will exceed three (3) months, the Title III coordinator should be informed and an extension requested).

(20 U.S.C. 844); (45 CFR 118.27)

§ 11.3 *Participation of children from private nonprofit schools.*

(a) *Providing information.* State educational agencies should assure that private school children receive the Title III benefits to which they are entitled under the legislation, by taking action to:

(1) Provide information to local educational agencies through workshops and other means concerning the organizational structure of private schools in the State and providing the names of appropriate persons to contact in the private school structure; and

(2) Provide information to representatives of private school children in the State concerning eligibility of and provisions for voluntary participation by private school children in Title III programs and projects.

(b) *Extent of involvement.* Whenever private school children are eligible, the local educational agency should ask the representatives of the eligible private school children whether they desire to participate in the planning of the project. Where it is appropriate, representatives of private school children should be involved in the local needs assessment and in the planning of projects at the very beginning, so that the needs of private school children are considered in conjunction with the needs of public school children in the development of a proposal. In addition, it is suggested that these representatives be asked to participate in the evaluation process.

(c) *Monitoring projects.* The State educational agencies should monitor each approved Title III project which involves private school children and assure that it benefits eligible private school children in the project area who desire to participate on an equitable basis with public school children benefited by the project. If a local educational agency is serving more than one need through separate components of a coordinated project proposal, each component should be open to all eligible children in both the public and nonpublic schools.

(d) *Approval of projects.* Project proposals that benefit only public school children should not be approved if there are private school children attending school in the area to be served unless the representatives of eligible private school children in the project area have formally indicated that the eligible private school children do not wish to participate or do not have their needs served by the proposed project.

(e) *Types of services.* During the operational phase of the project, many different types of arrangements for providing services might be made. For example, dual enrollment programs, mobile units, visiting personnel, after-school activities, central libraries, or museums could provide educational opportunities to children and teachers in private nonprofit schools.

(f) *Facilities.* In many communities, public facilities will not be equipped to receive a large influx of private school students, nor will sufficient resources be available to construct or lease a facility. Services may be provided on private school premises when it is not feasible or practical to provide such services on public premises.

(g) *Salaries.* Section 118.15(c)(1) of Title 45 CFR prohibits the payment of salaries to private school teachers; however, stipends are of a different nature and may be paid to private school personnel attending Title III inservice training programs. Further, that section of the regulations should be interpreted to prohibit the payment of the salary of a teacher who is teaching in the regular school program of a private school as a substitute for a private school teacher receiving inservice training supported under Title III of the Act. Private school teachers may receive payments with Title III funds for travel allowances, luncheon expenses, and similar costs when attending approved Title III inservice training programs. However, State educational agencies should not pay a fee to a private school teacher where such fee is not a normal training stipend but is for the specific purpose of paying for a substitute for the regular classroom duties of a trainee teacher.

(h) *Equipment.* Equipment purchased with Title III funds may not be permanently assigned to or placed on private school premises; however, project personnel performing services on private school premises may bring on the private school premises those necessary "tools of their trade" which are capable of being removed from the premises each day. Such equipment may be left on private nonprofit school premises for short periods of time as necessary to conduct particular Title III activities.

(20 U.S.C. 844(b)(2)(B), 845(f)(1), 855); (45 CFR 118.15, 118.19)

§ 11.4 *Suggested project numbering system.*

It is suggested that the following system be used for numbering Title III projects to bring about uniformity among the States:

State No.	Year project submitted	Project No.	Initial grant (0) continuations (1, 2)
25----------	1974	0212	2

The numbers assigned to each of the States are as follows:

10 Alabama	40 New Jersey
11 Alaska	41 New Mexico
12 Arizona	42 New York
13 Arkansas	43 North Carolina
14 California	44 North Dakota
15 Colorado	45 Ohio
16 Connecticut	46 Oklahoma
17 Delaware	47 Oregon
18 District of Columbia	48 Pennsylvania
19 Florida	49 Rhode Island
20 Georgia	50 South Carolina
21 Hawaii	51 South Dakota
22 Idaho	52 Tennessee
23 Illinois	53 Texas
24 Indiana	54 Utah
25 Iowa	55 Vermont
26 Kansas	56 Virginia
27 Kentucky	57 Washington
28 Louisiana	58 West Virginia
29 Maine	59 Wisconsin
30 Maryland	60 Wyoming
31 Massachusetts	61 American Samoa
32 Michigan	62 Canal Zone
33 Minnesota	63 Guam
34 Mississippi	64 Puerto Rico
35 Missouri	65 Virgin Islands
36 Montana	66 Bureau of Indian Affairs
37 Nebraska	67 Trust Territory of the Pacific Islands
38 Nevada	
39 New Hampshire	

(20 U.S.C. 844a(b)(11)); (45 CFR 118.16)

CHAPTER III—LOCAL PROGRAM DEVELOPMENT AND OPERATION

PART 1—PROJECT PROPOSAL SUBMISSION PROCESS

§ 1.1 *Dates of submission.*

(a) The State may wish to establish several submission dates during the year for the submission of project applications by local educational agencies or to limit dates to one or two per year. Before establishing submission dates, the State agency should give consideration to the funding and fiscal policies of the State, the school year calendar, the State's fiscal year, and the anticipated funding level.

(b) States may wish to consider using January or February as periods for submission of project applications from local educational agencies for the following reasons: information regarding appropriations is more likely to be available; considering time necessary for review, approval, and negotiation, the budget periods would then more nearly

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parallel budget development and staff recruitment in the local school district; funding near the end of a fiscal year would allow program administrators at the State level more latitude in funding from the prior fiscal year or the new fiscal year; and mid-year project termination, with its concomitant staff release problems would be alleviated.

(20 U.S.C. 844); (45 CFR 118.23(b))

§ 1.2 *Letter of intent.*

A State may wish to use the "letter of intent" system which permits the local educational agency to submit a letter indicating its intent to submit a formal proposal. The letter should include an abstract of the intended proposal.

(20 U.S.C. 844); (45 CFR 118.23(b))

PART 2—FUNDING PROCESS

§ 2.1 *Project period.*

(a) Under § 118.27(a) of the regulations the State educational agency is required to formulate a general policy concerning the total period of time for which a project may be supported with funds under Title III (project period). In order to conserve funds for new projects, the State would want the project period generally not to exceed three (3) years. The State's policy on project periods should emphasize the necessity for phasing out Federal support of local projects and for gradual incorporation of project activities into the regular school program.

(b) It is recommended that the project period exceed three years only in two situations:

(1) For those projects which have been evaluated and validated by the State educational agency as successfully meeting their objectives and actually demonstrating a solution to one of the critical educational needs of the State, and upon recommendation of the State advisory council, a grant for an additional period of time for purposes of serving as a demonstration site for potential adopters may be approved as part of the State educational agency dissemination program; and

(2) In cases where it is determined that a time extension is required to assure adequate completion of the project, and when an extension is requested in writing at least sixty (60) days prior to the end of the project period, the project may be extended for a period not to exceed ninety (90) days utilizing unexpended project funds.

§ 2.2 *Grant terms and conditions.*

Each grant document used by a State educational agency should have specific terms and conditions which are attached to the grant document to assist the State in the development of the grant document.

(20 U.S.C. 844); (45 CFR 118.27)

PART 3—PROJECT DESIGN AND ACTIVITIES

§ 3.1 *Project design.*

(a) *The proposal.* The project proposal should define the entire scope of work that the applicant wishes to accomplish during the project period. A project may consist of one or a combination of the following major activities: planning programs, conducting one or more pilot programs, or conducting operational activities. If groups of students within a school district have demonstrably different but similarly pressing needs, the local educational agency may, through an innovative or exemplary demonstration project, serve more than one need as separate components of a coordinated project proposal.

(b) *Project functions.* Project functions may be categorized in general terms—planning programs, conducting pilot programs, conducting operational programs—and described as follows:

(1) *Planning programs.* In formulating a solution to a problem or in designing a new program, adequate planning is a vitally important function and a proper objective under Title III of the Act. Planning normally involves utilization of persons with expertise in the areas involved, including representatives from public and private nonprofit elementary and secondary schools and the best material resources available to assist in the design of pilot and operational activities. For example, since the primary educational resource is the local educational agency, representative teachers and other school personnel whose professional activities would be affected by a particular project, should be directly involved in all stages of its development.

(2) *Pilot programs.* Conducting pilot programs to test the feasibility of innovative designs on a small scale can be a valuable part of development, provided that objectives and procedures are clearly stated and that results of the effort will give definite direction to a later demonstration of the innovation if it proves to have promise.

(3) *Operational programs.* An operational program is a full-scale demonstration of an educational innovation which should include measurable objectives, a comprehensive evaluation system, an effective management system, staff development activities, provisions for community involvement, and an adequate dissemination program. It should emphasize effective use of technology combined with new and better utilization of manpower rather than the acquisition of hardware or the extensive construction of new facilities. For example, feasible alternatives to building new facilities might be the more effective use of existing facilities, the remodeling of existing structures, or the leasing of facilities.

(20 U.S.C. 844a(b)(7)); (45 CFR 118.23, 118.25)

§ 3.2. *Project activities.*

(a) *Professional staff development.*

(1) Professional staff development programs or inservice education activities involving Title III staff members and other appropriate school personnel are important in meeting project objectives. Staff development programs should be directly related to enhancing those staff competencies and attitudes which will contribute to the attainment of project goals.

(2) Title III project funds can be used for the employment of consultants, payment of stipends to participants, essential travel, and other direct costs necessary for the effective conduct of staff development programs.

(3) The following are examples of criteria that could be used to determine the adequacy of professional staff development activities in a local project: (i) Extent to which the activities are part of an organized, continuing process with definitive objectives; (ii) extent to which the activities are based on the assessed needs of the local educational agency; (iii) extent to which plans for staff development activities involve training of personnel at each level in the local educational agency, i.e., decision-makers, project staff, and teachers cooperating in projects; and (iv) extent to which staff development activities include provisions for determining effectiveness of those activities.

(20 U.S.C. 843(b)(4), 844a(a)(1) and (b)(1)(B)(i) and (ii)); (45 CFR 118.22(c))

(b) *Educational accountability.*

In an effort to assure the quality of the Title III projects, an accountability system should be instituted at the local agency level which will include the following twelve (12) factors:

(1) *Community involvement:* The utilization of members of concerned community groups in appropriate phases of project activity to facilitate: project access to community resources; community understanding of project objectives, procedures, and accomplishments; and the discharge of project responsibilities to relevant community client, service, and support groups;

(2) *Developmental assistance:* The means for providing adequate resources in project planning, implementation, operation, and evaluation by drawing upon community, business, industrial, labor, educational, scientific, artistic, social/welfare, and governmental agencies for expertise and services necessary to effective operations;

(3) *Needs assessment:* The identification of the educational needs of children in the cognitive, effective, and psychomotor domains of learning;

(4) *Change strategies:* The development of effective strategies for systematic change in the educational enterprise and the incorporation of the strategies in project operations;

(5) *Management systems:* The adaptation of the systems approach, through such techniques as Management by Objectives (MBO), Program Planning and Budget System (PPBS), Program Evaluation and Review Techniques (PERT), and Critical Path Method (CPM), to educational project management at the local, State, and Federal levels;

(6) *Performance objectives:* The specification of project objectives in a comprehensive, precise manner which indicates measures and means for assessing the degree of attainment of predetermined standards;

(7) *Performance budgeting:* The allocation of fiscal resources in accordance with project objectives to be realized, rather than by objects or functions to be supported;

(8) *Performance contracting:* The arrangement for technical assistance in project operations through contracts which condition compensation upon the accomplishment of specified performance objectives;

(9) *Staff development:* The determination of the nature and extent of staff development needed for the successful implementation of the accountability concept at the local, State, and Federal levels, and the design and conduct of indicated development activities;

(10) *Comprehensive evaluation:* The establishment of systems of performance control based on the continuous assessment of project operational and management processes and resultant products;

(11) *Cost effectiveness:* The analysis of unit results obtained in relation to unit resources consumed under alternative approaches to project operation, as a determinant in continued project planning; and

(12) *Program auditing:* A performance control system based upon external reviews conducted by qualified outside technical assistance, designed to verify the results of the evaluation of an educational project and to assess the appropriateness of evaluation procedures for determining the effectiveness of project operation and management.

(20 U.S.C. 844a(b)(1), (2)(5)); (45 CFR 118.8)

[FR Doc.75-29146 Filed 10-31-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 13, Amendment 7]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Special Trade (Construction) Industries

On August 19, 1975, there was published in the FEDERAL REGISTER (40 FR 36148) a notice that the Small Business Administration proposed to increase the definition of special trade contractors for the purpose of bidding on Government procurements and obtaining an SBA loan from average annual receipts of $1 million or $2 million, depending on the industry involved, to average annual receipts of $5 million.

The comments received on the proposal were overwhelmingly favorable and we have decided to adopt the proposed increase for the purpose of bidding on Government procurements. However, because of certain administrative problems, we are taking a further look at the proposed increase for the purpose of financial assistance and will make our decision thereon as soon as possible.

Accordingly, the Small Business Size Standards Regulation, Revision 13, is further amended by revising Schedule H of Part 121, Chapter 1, Title 13 of the Code of Federal Regulations to read as follows:

SCHEDULE H.—*Annual receipts size standards for purpose of bidding on procurements for construction—special trade contractors*

Census classification code	Industry, subindustry, or class of products	Average (3 yr) annual receipts size standard (maximum, in millions)
	Major group 17—construction—special trade contractors:	
1711	Plumbing, heating (except electric), and air-conditioning	$5
1721	Painting, paperhanging, and decorating	5
1731	Electrical work	5
1741	Masonry, stone setting, and other stonework	5
1742	Plastering, drywall, acoustical and insulation work	5
1743	Terrazzo, tile, marble, and mosaic work	5
1751	Carpentering and flooring	5
1752	Floor laying and other floorwork, not elsewhere classified	5
1761	Roofing and sheet metal work	5
1771	Concrete work	5
1781	Water well drilling	5
1791	Structural steel erection	5
1793	Glass and glazing work	5
1794	Excavating and foundation work	5
1795	Wrecking and demolition work	5
1796	Installation or erection of building equipment, not elsewhere classified	5
1799	Special trade contractors, not elsewhere classified	5

Effective Date: This amendment shall become effective December 3, 1975, but shall apply only to procurements for which invitations for bids or requests for proposals are issued on/or after such effective date.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance)

Dated: October 21, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-29431 Filed 10-31-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-SW-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe the Altus, Okla., and Little Rock, Ark. (Little Rock AFB), control zones without reference to the outer marker beacons which have been decommissioned.

Since these changes are editorial in nature and do not alter the control zones as described in Part 71 of the Federal Aviation Regulations, public comment is not considered necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the Federal Register, as hereinafter set forth.

1. In § 71.171 (40 FR 354), the Altus, Okla., control zone is amended to read:

ALTUS, OKLA.

Within a 5-mile radius of the Altus AFB (latitude 34°39'40" N., longitude 99°16'30" W.); within 2 miles each side of the Altus AFB ILS localizer S course, extending from the 5-mile-radius zone to 3.8 miles S of the 5-mile radius; and within 2 miles each side of the Altus AFB TACAN 165° radial, extending from the 5-mile-radius zone to 9 miles S of the TACAN, excluding that airspace within a 1½-mile radius of the Altus, Okla., Municipal Airport (latitude 34°41'57" N., longitude 99°20'21" W.).

2. In § 71.171 (40 FR 354), the Little Rock, Ark. (Little Rock AFB), control zone is amended to read:

LITTLE ROCK, ARK. (LITTLE ROCK AFB)

Within a 5-mile radius of Little Rock AFB (latitude 34°55'05" N., longitude 92°08'45" W.), within 1.5 miles each side of the ILS localizer northeast course extending from the 5-mile-radius zone to 1 mile east of the 5-mile radius, within 1.5 miles each side of the Jacksonville TACAN 076° radial extending from the 5-mile-radius zone to 6.5 miles east of the TACAN, within 2 miles each side of the extended centerline of runway 24 extending from the 5-mile-radius zone to 6 miles southwest of the airport, and within 1.5 miles each side of the Jacksonville TACAN 241° radial extending from the 5-mile-radius zone to 7 miles southwest of the TACAN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on October 21, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-29415 Filed 10-31-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM-75-25]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Certification of Pipeline Transportation Agreements; Order Granting Reconsideration for Purposes of Further Consideration

OCTOBER 24, 1975.

On August 28, 1975, the Commission issued its Order No. 533, which adopted § 2.79 of the Commission's General Policy and Interpretations, setting forth a statement of policy with respect to the transportation by jurisdictional pipelines of nautral gas sold by certain producers from the on-shore and the off-shore nonfederal domain to non-resale industrial and commercial customers for high priority uses. Applications for rehearing of this order were filed jointly by Consumer Federation of America and the American Public Gas Association (Consumer Federation-APGA) on September 26, 1975, and severally by Florida Cities on September 29, 1975, and Cities Service Oil Company (Cities) on September 26, 1975. In addition, requests for clarification were submitted by Phillips Petroleum Company (Phillips) on September 29, 1975, and Transcontinental Gas Pipe Line Corporation (Transco) on October 3, 1975.

Section 19(a) of the Natural Gas Act provides that any person "aggrieved by an order" of the Commission "may apply for rehearing within thirty days after the issuance of that order" and that such a petition, if not acted upon "within thirty days after it is filed, . . . may be deemed to have been denied."

Despite petitioners' characterization of their applications as petitions for rehearing, we note that Order No. 533 was a statement of policy and, therefore, that applications for rehearing do not lie. Nevertheless, we intend to consider the matters raised by petitioners, and to provide us with adequate time to fully consider the issues presented, we will grant reconsideration of Order No. 533 solely for the purpose of further consideration. This action does not constitute a grant or denial of any or all of the petitions on their merits in whole or in part.[1]

[1] *Area Rate Proceeding, et al. (Southern Louisiana Area)*, 40 FPC 1091 (1968).

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The Commission orders:

The petitions for reconsideration of Order No. 533 filed by Consumer Federation—APGA, Florida Cities, Cities, Phillips, and Transco are granted for the sole purpose of further consideration of Order No. 533.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29409 Filed 10-31-75;8:45 am]

[Docket No. R-393]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Small Producer; Joint Consideration of Applications for Rehearing

OCTOBER 23, 1975.

The Commission in Opinion No. 742, issued August 28, 1975 in the above-entitled proceeding, amended its regulations pertaining to sales by small producers under the blanket certificate procedure established in Order No. 428.[1] Opinion No. 742, 40 FR 41769, provides, inter alia, that if the contractually authorized rate does not exceed 130 percent of the Commission-determined base ceiling rate applicable to a comparable large producer sale, the rate may be charged and received by the small producer and paid by the purchaser, as the lawful, just and reasonable rate approved by the Commission pursuant to Sections 4, 5, and 7 of the Natural Gas Act.

Applications for rehearing have been filed by a number of parties with respect to Opinion No. 742. The first application for rehearing was filed by Shell Oil Company (Shell) on September 23, 1975, while most of the others were filed near the end of the statutory thirty day period for such applications which expired on September 29, 1975.[2]

Accordingly, we are hereby granting rehearing for purposes of further consideration and deferring completion of our consideration of Shell's application and all other timely filed applications to permit joint consideration of such applications, and it is so ordered. The action is not to be deemed a grant or denial of such petitions on their merits in whole or in part.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29410 Filed 10-31-75;8:45 am]

[1] Issued March 18, 1971, 45 FPC 454.

[2] Applications for rehearing were filed by Northern Natural Gas Company on September 25, 1975, Interstate Natural Gas Association of America on September 29, 1975, American Public Gas Association on September 26, 1975, Consolidated Gas Supply Corporation on September 29, 1975, Union Oil Company of California on September 25, 1975, Texaco, Inc. on September 26, 1975, Phillips Petroleum Company on September 29, 1975, United Gas Pipe Line Company on September 29, 1975, Dudley T. Dougherty, et al. on September 29, 1975, and J. S. Abercrombie Mineral Company, Bruce Anderson, Cotton Petroleum Corporation, Coquina Oil Corporation, C&K Petroleum, Inc. and Texasgulf, Inc. on September 29, 1975.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0276]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLY(TETRAMETHYLENE TEREPHTHALATE)

The Commissioner of Food and Drugs is adding § 121.2635 (21 CFR 121.2635) to provide for poly(tetramethylene terephthalate) in certain food-contact articles, effective November 3, 1975.

Notice was given by publication in the FEDERAL REGISTER of April 29, 1975 (40 FR 18575) that a petition (FAP 5B3058) had been filed by Eastman Chemical Products, Inc., Kingsport, TN 37662, proposing that the food additive regulations be amended to provide for safe use of poly(tetramethylene terephthalate) as articles or components of articles intended to contact food.

The Commissioner, having evaluated data in the petition and other relevant material, is adding the new section, as set forth below, to provide for use of the additive as articles or components of articles intended to contact nonalcoholic food.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section, to read as follows:

§ 121.2635 Poly(tetramethylene terephthalate).

Poly(tetramethylene terephthalate) (poly (oxytetramethyleneoxyterephthaloyl)) [Chemical Abstracts Service Registry No. 24968-12-5] identified in this section may be safely used as articles or components of articles intended to contact nonalcoholic food, in accordance with the following prescribed conditions:

(a) *Identity.* For the purpose of this section, poly(tetramethylene terephthalate) is the reaction product of dimethyl terephthalate with 1,4-butanediol to which may have been added certain optional substances to impart desired technological properties to the polymer.

(b) *Optional adjuvant substances.* poly(tetramethylene terephthalate) identified in paragraph (a) of this section may contain optional adjuvant substances. The quantity of any optional adjuvant substance employed in the production of the polymer does not exceed the amount reasonably required to accomplish the intended technical or physical effect. Such adjuvants may include substances generally recognized as safe in food, substances used in accordance with prior sanction, and substances permitted under applicable regulations in this part.

(c) *Specifications.* (i) Inherent viscosity of a 0.50 percent solution of the polymer in phenol/tetrachloroethane (60/40 weight ratio) solvent is not less than 0.8 as determined using a Wagner viscometer (or equivalent) and calculated from the following equation:

$$\text{Inherent viscosity} = \frac{\text{natural logarithm of } N_r}{c}$$

where:

N_r=Ratio of flow time of the polymer solution to that of the solvent and c=polymer concentration of the test solution in grams per 100 milliliters.

(2) Poly(tetramethylene terephthalate) in the finished form in which it is to contact food shall yield total extractives as follows:

(i) Not to exceed 0.08 milligrams per square inch of food contact surface when extracted for 2 hours at 250° F with distilled water.

(ii) Not to exceed 0.02 milligrams per square inch of food contact surface when extracted for 2 hours at 150° F with *n*-heptane.

(iii) Not to exceed 0.04 milligrams per square inch of food contact surface when extracted for 2 hours at 212° F with 3 percent aqueous acetic acid.

(d) *Conditions of use.* Articles or components of articles in which the poly(tetramethylene terephthalate) food contact surface is greater than 0.010 inches thick shall not be used at temperatures and exposure times exceeding 180° F and 24 hours, respectively.

Any person who will be adversely affected by the foregoing order may at any time on or before December 3, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 3, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: October 24, 1975.

SAM D. FIRE,
Associate Commissioner for Compliance.

[FR Doc.75-29438 Filed 10-31-75;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Revenue Sharing

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (the Revenue Sharing Act), approved October 20, 1972, the Department of the Treasury is amending the regulations in Part 51 of Subtitle B of Title 31, Code of Federal Regulations, which became effective April 5, 1973 (38 FR 9132) for entitlement periods beginning on or after January 1, 1973.

On October 22, 1975, Department of the Treasury filed amendments to 31 CFR Part 51 by creating a new subpart for civil rights regulations which previously had been located entirely in § 51.32. Those amendments have necessitated changes in the designation of subparts and section numbers. Accordingly, notice is now being given that the subpart and section designations are revised, as set forth below, in order to conform the existing regulations to the new subpart on civil rights.

In addition to changes in designation, the Office of Revenue Sharing is amending the regulations to clarify existing policy and to change existing procedures. Section 51.22(b) is being amended to make clear that the Office of Revenue Sharing may make adjustments based on corrected data that results in adjustments of less than $200. The current provision was intended to apply to situations where the adjustment had to be calculated manually requiring excessive time and expense to the Office of Revenue Sharing. The amendment to § 51.22 (b) makes clear that adjustments of less than $200 can be made if practicable, and this will generally be the case, especially when adjustments are being made in the final computer allocation.

Section 51.24(a) is being amended for two purposes. First, to require that a waiver for a future entitlement period be received by the Office of Revenue Sharing during the 6 month period immediately preceding that entitlement period. This requirement would prevent a recipient government from waiving an entitlement up to a year in advance, and limit the potential for controversy where an outgoing administration had committed the recipient government to a waiver of revenue sharing funds. Second, this section is being amended to allow local recipient governments an opportunity to revoke a waiver up to 30 days prior to the first payment for the applicable entitlement period. Again, this amendment will provide flexibility in the waiver procedure to avoid a situation where a recipient government, for one reason or another, decides to accept the revenue sharing funds after initially waiving them.

Section 51.26(h) is being amended to conform certain fiscal terminology in the regulations with the equivalent fiscal terminology in § 107(b) of the Act. This will reduce the possibility of confusion over the type of funds which the State is required to transfer to local governments, and the type of funds which should be specified in the reports to the Office of Revenue Sharing.

The section heading of § 51.31 is being amended because questions have been asked whether the debt retirement restrictions of § 51.31(b) apply to the expenditure of revenue sharing funds by State governments. As amended, the section heading makes clear that all of § 51.31 applies only to units of local government.

The amendment to § 51.41(c) deletes local government auditors from the list of auditors that are preferred for revenue sharing audits. This is because the Office of Revenue Sharing prefers, where possible, to have revenue sharing audits performed by persons not employed by the local government receiving the funds. This amendment also states that the Secretary may accept audits by local government auditors in cases where they can be performed in a manner that is consistent with the objectives of the Act and regulations.

Section 51.57(d) is being amended to state that a failure to file an answer pursuant to the administrative hearing procedure may result in an admission of the allegation and a decision by default. Presently, this regulation makes such admission and finding by default a mandatory result. This amendment will bring § 51.57(d) into conformity with § 51.57 (f).

These amendments are intended primarily to clarify the language of certain provisions of the regulations and to give notice to State and local governments of certain internal procedures in use by the Office of Revenue Sharing. Because the purpose of these amendments is to provide immediate guidance to the States and local units of government as to procedures applicable after December 31, 1972, in order that the requirements of the Act be complied with, it is hereby found impracticable to issue these amendments with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

The foregoing amendments are issued under authority of the State and Local Fiscal Assistance Act of 1972, as amended, Title I, Pub. L. 92-512 (31 U.S.C. Supp. III 1221-1263) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342). These amendments shall become effective when filed with the FEDERAL REGISTER and are applicable to entitlement periods beginning on or after January 1, 1973.

Dated: October 29, 1975.

JOHN K. PARKER,
Acting Director, Office of Revenue Sharing.

Approved:

EDWARD C. SCHMULTS,
Under Secretary of the Treasury.

The table of contents, subpart headings, and section numbers and titles are amended as follows:

Subpart A—General Information

Sec.
51.0 Scope and application of regulations.
51.1 Establishment of Office of Revenue Sharing.
51.2 Definitions.
51.3 Procedure for effecting compliance.
51.4 Extension of time.
51.5 Transfer of funds to secondary recipient.

Subpart B—Reports and Written Communications

51.10 Reports to the Secretary; assurances.
51.11 Report on planned use and actual use of funds.
51.12 Certifications.
51.13 Publication and publicity of reports; public inspection.
51.14 Reports to the Bureau of the Census.

Subpart C—Computation and Adjustment of Entitlement

51.20 Data.
51.21 Data affected by major disaster.
51.22 Adjusted taxes.
51.33 Date for determination of allocation.
51.24 Boundary changes, governmental reorganization, etc.
51.25 Waiver of entitlement; non-delivery of checks; insufficient data.
51.26 Reservation of funds and adjustment of entitlements.
51.27 State must maintain transfers to local governments.
51.28 Optional formula.
51.29 Adjustment of data factors.
51.30 Adjustment of maximum and minimum per capita entitlement; 100 percent criterion.

Subpart D—Prohibitions and Restrictions on Use of Funds

51.40 Matching funds.
51.41 Permissible expenditures for local governments.
51.42 Wage rates and labor standards.
51.43 Restrictions on expenditures by Indian tribes and Alaskan native villages.

Subpart E—Nondiscrimination in Programs Funded With Entitlement Funds

51.50 Purpose.
51.51 Definitions.
51.52 Discrimination prohibited.
51.53 Employment.
51.54 Sex discrimination.
51.55 Assurances required.
51.56 Compliance information.
51.57 Complaints and investigations.
51.58 Compliance reviews and affirmative action.
51.59 Procedure for effecting compliance.
51.60 Hearing procedures.
51.61 Jurisdiction over property.
51.62 Delegation.

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Subpart F—Fiscal Procedures and Auditing

Sec.
51.70 Procedures applicable to use of funds.
51.71 Auditing and evaluation; scope of audits.

Subpart G—Proceedings for Reduction in Entitlement, Withholding or Repayment of Funds

51.80 Scope of subpart.
51.81 Liberal construction.
51.82 Reasonable notice and opportunity for hearing.
51.83 Opportunity for compliance.
51.84 Institution of proceeding.
51.85 Contents of complaint.
51.86 Service of complaint and other papers.
51.87 Answer, referral to administrative law judge.
51.88 Supplemental charges.
51.89 Proof; variance; amendment of pleadings.
51.90 Representation.
51.91 Administrative law judge; powers.
51.92 Hearings.
51.93 Stipulations.
51.94 Evidence.
51.95 Depositions.
51.96 Stenographic record; oath of reporter; transcript.
51.97 Proposed findings and conclusions.
51.98 Initial decision of the administrative law judge.
51.99 Certification and transmittal of record and decision.
51.100 What constitutes record.
51.101 Procedures on review of decision of administrative law judge.
51.102 Decision of the Secretary.
51.103 Effect of order of repayment or withholding of funds.
51.104 Publicity of proceedings.
51.105 Judicial review.

§ 51.3 [Amended]

1. Section 51.3(a) is amended by deleting the reference to Subpart F in the first sentence and inserting in lieu thereof a reference to Subpart G.

§ 51.5 [Amended]

2. Section 51.5 is amended by adding a reference to Subpart E in the first and second sentences.

§ 51.10 [Amended]

3. Section 51.10(b) is amended by adding a reference to Subpart F in the first sentence.

§ 51.11 [Amended]

4. Section 51.11(b) is amended by deleting the reference to § 51.40(a) in the first sentence and § 51.40(b) in the third sentence and inserting in lieu thereof § 51.70(a) and § 51.70(b) respectively.

§ 51.12 [Amended]

5. Section 51.12 is amended by deleting the reference to § 51.30 in the first sentence and § 51.31 in the second sentence and inserting in lieu thereof § 51.40 and § 51.41 respectively.

6. Section 51.20(e), in addition to being redesignated as § 51.21, is also amended by deleting the reference to § 51.28 and inserting in lieu thereof a reference to § 51.29. As amended § 51.21 reads as follows:

§ 51.21 Data affected by major disaster.

(a) *In general.* Any change in data otherwise eligible for use in determining the entitlement of a recipient government after April 1, 1974, shall be disregarded for a period of 60 months if that change:

(1) Resulted from a major disaster determined by the President under § 301 of the Disaster Relief Act of 1974 (Pub. L. 93–288) and

(2) Results in a data factor which is less beneficial than the previous data factor for purposes of the revenue sharing allocation process.

(b) *Eligibility requirements.* In order for a recipient government to be eligible for the data stabilization benefit of paragraph (a), it shall:

(1) Be located within a State designated by the President as a major disaster area, and

(2) Be located within a geographical subdivision of the State as certified to the Office of Revenue Sharing as a major disaster area by the Administrator of the Disaster Assistance Administration of the Department of Housing and Urban Development.

Further, each recipient government within the specific geographic area so designated will be notified pursuant to the data improvement program, provided for in § 51.29 of this subpart, of each of its data factors developed subsequent to the major disaster designation and shall be required to verify, through its chief executive officer, that the data was adversely affected by the major disaster. In addition, the Secretary may require that such verifications be accompanied by substantiating documentation evidencing a causal relationship between the major disaster and the less favorable revenue sharing allocation value of the subject data factor. The Secretary, upon being satisfied that all of the requirements of this section have been met with respect to any post-disaster data factor, shall refrain from using the post-disaster data factor in the allocation process, and shall continue to use the pre-disaster data factor, until whichever of the following occurs first: (1) A data factor more beneficial than the pre-disaster data factor currently being used is developed, or (2) 60 months have expired from the designation by the President of the specific major disaster area.

§ 51.22 [Redesignated]

7. Section 51.21 has been redesignated § 51.22.

8. Section 51.22, in addition to being redesignated § 51.23, is amended by inserting a new sentence after the first sentence in paragraph (a) to read: "Any change in the computation of local tax effort to credit certain county sales taxes to units of local government pursuant to section 109(e)(2)(B) of the Act (the "Memphis Rule") will be considered to be a change in a data definition and will not be given effect for any entitlement periods for which there are final data definitions"; by deleting in paragraph (b) the phrase "and if corrected, would result in an increase or decrease of an entitlement of $200 or more of entitlement funds" and by adding at the end of paragraph (b) a new sentence to read: "No adjustment of any kind which is less than $200 shall be made to an entitlement if, in the judgment of the Secretary, such adjustment will be burdensome, expensive, or otherwise impracticable." As amended, paragraphs (a) and (b) read as follows:

§ 51.23 Date for determination of allocation.

(a) *In general.* Pursuant to the provisions of § 51.20 (a) and (b)(3), the determination of the data definitions upon which the allocations and entitlements for an entitlement period are to be calculated shall be made not later than the day immediately preceding the beginning of the entitlement period. Any change in the computation of local tax effort to credit certain county sales taxes to units of local government pursuant to section 109(e)(2)(B) of the Act (the "Memphis Rule") will be considered to be a change in a data definition and will not be given effect for any entitlement periods for which there are final data definitions. The final date upon which determinations of allocations and entitlements, including adjustments thereto, may be made for an entitlement period shall be determined by the Secretary as soon as practicable and shall be publicized by notice in the FEDERAL REGISTER.

(b) *Time limitation and minimum adjustment.* If prior to the date determined by the Secretary pursuant to paragraph (a) of this section, it is established to the satisfaction of the Secretary by factual evidence and documentation that the data used in the computation of an allocation is erroneous an adjustment will be made. No adjustment of any kind which is less than $200 shall be made to an entitlement if in the judgment of the Secretary such adjustment will be burdensome, expensive, or otherwise impracticable.

§ 51.24 [Redesignated]

9. Section 51.23 has been redesignated § 51.24.

10. Section 51.24 has been redesignated § 51.25 and paragraph (a) is amended by deleting the word "the" that precedes the word "next" in the first sentence and by inserting the phrase "or any combination thereof" immediately after the phrase "next beginning entitlement period"; by adding a new sentence after the first sentence as follows: "A waiver of entitlement for the next beginning entitlement period will only be given effect if the waiver is received during the six-month period immediately preceding that entitlement period"; by inserting the phrase "30 days prior to the first payment" after the word "irrevocable" in the last sentence and by deleting the words "or periods" after the words "entitlement period" in the last sentence. As amended paragraph (a) of § 51.25 reads as follows:

§ 51.25 Waiver of entitlement; nondelivery of checks; insufficient data.

(a) *Waiver.* Any unit of local government may waive its entitlement for any entitlement period: Provided, The chief executive officer with the consent of the governing body of such unit notifies the Secretary that the entitlement payments for a past, current, or next beginning entitlement period, or any combination thereof, are being waived. A waiver of entitlement for the next beginning entitlement period will only be given effect if the waiver is received during the 6-month period immediately preceding that entitlement period. In the event that an entitlement payment is returned or a notice of waiver is executed which is not in accordance with this procedure, the chief executive officer will be so notified by the Secretary and, unless the attempted waiver is rescinded within 30 days of such notice, it shall be given effect. However, in no event will a notice of waiver be given effect for an entitlement period which is subsequent to the next beginning entitlement period. The entitlement waived and adjustments thereto, if any, resulting from recalculation of earlier entitlements, shall be added to and shall become a part of the entitlement of the next highest unit of government eligible to receive entitlement funds in that State in which the unit of government waiving entitlement is located. However, if the governing body of an Indian tribe or Alaskan native village waives its entitlement for any period, the rules relating to distributions within county areas (pursuant to section 108(b)(4) of the Act) are to apply to the distribution within a county area as if such tribe or village were not in existence for that period. A waiver of entitlement by a unit of local government or Indian tribe or Alaskan native village shall be deemed irrevocable 30 days prior to the first payment for the entitlement period to which it relates.

§ 51.26 [Redesignated]

11. Section 51.25 has been redesignated § 51.26.

12. Section 51.26 has been redesignated § 51.27 and paragraph (h) is amended by deleting the phrase "within 90 days"; by deleting the phrase "transfers from own source revenues" and inserting in lieu thereof "amounts transferred out of its own sources"; by deleting the word "revenues" in subparagraphs (1) and (2) and inserting in lieu thereof the word "funds". As amended, paragraph (h) of § 51.27 reads as follows:

§ 51.27 State must maintain transfers to local governments.

* * * * *

(h) *Report by Governor.* Pursuant to the authority of § 51.10 and in order to effect compliance with this section, the Governor of each State shall submit to the Secretary after the end of the State's fiscal year, on a form to be provided, the aggregate amounts transferred out of its own sources to units of local government for those entitlement periods or that State's fiscal years specified on the report:

(1) The State's own source funds.

(2) The State's total funds.

(3) The State's own source transfers to units of local government.

(4) The State's total transfers to units of local government.

§§ 51.28, 51.29, 51.30 [Redesignated]

13. Section 51.27 has been redesignated § 51.28.

14. Section 51.28 has been redesignated § 51.29.

15. Section 51.29 has been redesignated § 51.30.

§ 51.40 [Redesignated]

16. Section 51.30 has been redesignated § 51.40.

§ 51.41 [Redesignated]

17. Section 51.31 has been redesignated § 51.41 and amended to add the words "for local governments" to the section heading. As amended, the section heading reads: § 51.41 Permissible expenditures for local governments.

§ 51.42 [Redesignated]

18. Section 51.33 has been redesignated § 51.42.

§ 51.43 [Redesignated and amended]

19. Section 51.34 has been redesignated § 51.43 and is also amended by deleting the reference to § 51.32(a) and inserting in lieu thereof a reference to Subpart E.

Subpart F [Redesignated]

20. Subpart E has been redesignated Subpart F.

§ 51.70 [Redesignated]

21. Section 51.40 has been redesignated § 51.70.

22. Section 51.41 has been redesignated § 51.71 and paragraph (c) is amended by deleting the phrase "and local government audits" from the paragraph heading and inserting in lieu thereof "auditors and independent public accountants"; by deleting the words "and local government" from the first sentence; by deleting the words "in his judgment this may reasonably be done" in the second sentence and by inserting in lieu thereof the words "such acceptance"; by deleting the word "provisions" in the second sentence and inserting in lieu thereof the word "objectives". As amended, paragraph (c) of § 51.71 reads as follows:

§ 51.71 Auditing and evaluation; scope of audits.

* * * * *

(c) *Reliance on State auditors and independent public accountants.* It is the intention of the Secretary to rely to the maximum extent possible on audits of recipient governments by State auditors and independent public accountants. The Secretary may accept such audits and audits by local government auditors when such acceptance is consistent with the objectives of the Act and regulations of this part, and provided: * * *

§§ 51.80 through 51.85 [Redesignated]

23. Section 51.50 has been redesignated § 51.80.

24. Section 51.51 has been redesignated § 51.81.

25. Section 51.52 has been redesignated § 51.82.

26. Section 51.53 has been redesignated § 51.83.

27. Section 51.54 has been redesignated § 51.84.

28. Section 51.55 has been redesignated § 51.85.

§ 51.86 [Redesignated and amended]

29. Section 51.56 has been redesignated 51.86 and is also amended by deleting the reference in paragraph (d) to § 51.57 (a) and inserting in lieu thereof a reference to § 51.87(a).

30. Section 51.57 has been redesignated § 51.87 and paragraph (d) is amended to delete the word "shall" as it appears twice in that section and to insert in lieu thereof the word "may." As amended, paragraph (d) of § 51.87 reads as follows:

§ 51.87 Answer; referral to administrative law judge.

* * * * *

(d) *Failure to file answer.* Failure to file an answer within the time prescribed in the complaint, except as the time for answer is extended under paragraph (a) of this section, may constitute an admission of the allegations of the complaint and a waiver of hearing, and the administrative law judge may make his findings and decision by default without a hearing or further procedure.

§§ 51.88 through 51.93 [Redesignated]

31. Section 51.58 has been redesignated § 51.88.

32. Section 51.59 has been redesignated § 51.89.

33. Section 51.60 has been redesignated § 51.90.

34. Section 51.61 has been redesignated § 51.91.

35. Section 51.62 has been redesignated § 51.92.

36. Section 51.63 has been redesignated § 51.93.

§ 51.94 [Redesignated and amended]

37. Section 51.64 has been redesignated 51.94 and is also amended by deleting the reference in paragraph (b) to § 51.65 and inserting in lieu thereof a reference to § 51.95.

§§ 51.95 through 51.97 [Redesignated]

38. Section 51.65 has been redesignated § 51.95.

39. Section 51.66 has been redesignated § 51.96.

40. Section 51.67 has been redesignated § 51.97.

§ 51.98 [Redesignated and amended]

41. Section 51.68 has been redesignated 51.98 and is also amended by deleting the reference in paragraph (a) to § 51.31 and inserting in lieu thereof a reference to § 51.41.

§§ 51.99 through 51.105 [Redesignated]

42. Section 51.69 has been redesignated § 51.99.

43. Section 51.70 has been redesignated § 51.100.

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44. Section 51.71 has been redesignated § 51.101.

45. Section 51.72 has been redesignated § 51.102.

46. Section 51.73 has been redesignated § 51.103.

47. Section 51.74 has been redesignated § 51.104.

48. Section 51.75 has been redesignated § 51.105.

[FR Doc.75-29010 Filed 10-23-75;3:58 pm]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER D—FINANCIAL MANAGEMENT

[FMC 74-7, Supp. 2]

PART 256—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

Administrative Requirements for Grants to State and Local Governments

The General Services Administration hereby amends Part 256, Subchapter D, Chapter II of Title 34, Code of Federal Regulations, to expand the coverage to include school districts and federally recognized Indian tribal governments.

1. Section 256.4 is revised to read as follows:

§ 256.4 Applicability and Scope.

The standards promulgated by this part apply to all Federal agencies responsible for administering programs that involve grants to State and local governments and federally recognized Indian tribal governments. However, agencies are encouraged to apply the standards to loan and loan guarantee programs to the extent practicable. If the enabling legislation for a specific grant program prescribes policies or requirements that differ from the standards provided herein, the provisions of the enabling legislation shall govern.

2. Section 256.5 is amended to read as follows:

§ 256.5 Definitions.

* * * * *

(c) The term "local government" means a local unit of government including specifically a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments, sponsor group representative organization (as defined in 7 CFR 620.2, 40 F.R. 12472, March 19, 1975) and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

(d) The term "federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided by him through the Bureau of Indian Affairs.

(AUTHORITY: Executive Order 11717 (38 FR 12315, May 11, 1973).)

Effective date. This regulation is effective October 10, 1975.

Dated: October 10, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-28761 Filed 10-31-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amendment 152]

PART 1-30—CONTRACT FINANCING

Miscellaneous Amendment

Correction

In FR Doc. 75-25224, appearing at page 43728 in the issue of Tuesday, September 23, 1975, make the following changes:

1. The last word in the eighth line of § 1-30.503-1 on page 43730 should read "effecting".

2. The nineteenth line of § 1-30.504-3 on page 43731 should read, "progress payments shall be restricted to".

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[PUBLIC LAND ORDER AA-5671]

ALASKA

Withdrawal of Lands for Classification and Protection of the Public Interest; Partial Revocation of Public Land Order No. 960

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), the Act of May 24, 1928, 49 U.S.C. 214, and section 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708 (hereinafter referred to as the Act), it is hereby ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, and from location and entry under the general mining laws, 30 U.S.C., Ch. 2, including metalliferous minerals, and from leasing under the mineral leasing laws, and hereby reserved for classification and protection of the public interest under section 17(d)(1) of the Act, pending adjudication of existing applications and subsequent classification of said lands:

COPPER RIVER MERIDIAN

T. 31 S., R. 59 E.,
sec. 3, lots 4, 5, 18, 19, W½SW¼NE¼, NE¼SE¼SW¼, NW¼SW¼SE¼.

Containing 60.12 acres.

2. Public Land Order No. 960 of April 30, 1954, which withdrew lands for use of the Civil Aeronautics Administration, now the Federal Aviation Administration, is hereby revoked so far as it affects the lands described in paragraph 1 above.

3. Prior to the conveyance of any of the lands withdrawn by this order, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts, and to grant leases, permits, rights-of-way, or easements, shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 24, 1975.

[FR Doc.75-29383 Filed 10-31-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19742, RM-2063]

PART 73—RADIO BROADCAST SERVICES

Report and Order

In the matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (San Bernardino-Riverside, California)

1. In response to a petition filed by Inland Empire Telecasters seeking assignment of UHF Channel 62 to the San Bernardino-Riverside, California, area, the Commission on May 16, 1973, adopted a notice of proposed rulemaking, 38 FR 13660, inviting comments on a proposal to assign UHF Television Channel 62 to either San Bernardino or Riverside, California. Comments have been received from the Chancellor of the University of California, Riverside, and the president of the San Bernardino Community College District jointly, and from the president of Loma Linda University, Riverside, and the matter is ready for decision.

2. San Bernardino (pop. 104,251)[1] is located approximately 55 miles east of Los Angeles in San Bernardino County (pop. 682,233). It has two TV channels assigned: Channel 18 (Station KSCI—CP issued July 1, 1974) and Channel 30 (Station KHOF-TV).

3. Riverside (pop. 140,089) is located approximately 10 miles southwest of San Bernardino, in Riverside County (pop. 459,074). Its two TV channels are used by KLXA-TV (Channel 40) licensed at Fontana, California, and KBSA (Channel 46) licensed at Guasti, California.[2]

4. The *notice* requested that commenting parties submit information regarding the need for additional local TV service, and regarding the possibility that special treatment be given to the proposed assignment of Channel 62 to assure its use at either Riverside or San Bernardino rather than at an unlisted community as provided in § 73.607(b).[3] Further we asked for information regarding which community, Riverside or San Bernardino, has the greater need should we decide to make the assignment.

5. In comments jointly filed by the University of California, Riverside, and the San Bernardino Community College District, it is noted that the Commission has authorized construction of a translator station on Channel 62 (File No. BPTT-2453) to serve Riverside, subject to the disposition of this rule making proceeding herein. We are told that denial of the present proposal to assign Channel 62 would permit the University of California, Riverside, to continue with its present plans to construct the translator station in order to extend the educational programming of noncommercial television Station KVCR-TV (Channel 24), San Bernardino, licensed to the San Bernardino Community College District.[4] In opposition to the proposed assignment, it is alleged that it would be economically unfeasible to operate another commercial channel in the San Bernardino-Riverside area due to the proximity of thirteen commercial TV stations operating in the Los Angeles area.[5] Based on the experiences of the San Bernardino and Riverside TV stations, all of which have directed their services to the larger Los Angeles market, it is asserted that commercial television is not viable in this area. It is argued that the Riverside area would be better served by the operation of a translator station to serve the educational needs of the community.

6. Generally it has been Commission policy, in order to assure that available assignments are efficiently utilized, to require that a continuing interest be expressed by some party in a proposed channel assignment.[6] As stated previously, we requested, in the notice, information which would indicate that a need for a channel in the San Bernardino-Riverside area exists. Petitioner has failed to demonstrate that there is a need for an additional channel. In fact, petitioner has filed no comments since the issuance of our notice in this proceeding. We have had no expression of interest in the proposed assignment by any other person. We note that other TV stations licensed to San Bernardino and Riverside have located closer to the Los Angeles area to take advantage of the larger market. In addition, the translator station presently operating on Channel 62 is serving the educational needs of Riverside. Thus we believe, in view of the absence of an adequate showing of need by petitioner, that adoption of the proposal to assign Channel 62 to either San Bernardino or Riverside would not be in the public interest.

7. Accordingly, *it is ordered*, That the petition filed September 25, 1972, by Inland Empire Telecasters for assignment of Channel 62 to San Bernardino or Riverside, California, *is denied*.

8. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-29455 Filed 10-31-75;8:45 am]

[Docket No. 20480; RM-2515, etc.]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Various States

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations (*St. Helena/Santa Rosa, California;* Kalkaska, Michigan; Newberry, Michigan; Tarkio-Rock Port, Missouri; Surfside Beach, South Carolina; Trenton, Tennessee) (RM-2515, 2516, 2519, 2525, 2513, 2526)

ERRATUM

In the First Report and Order, Mimeo 37550, in the above-entitled proceeding released October 16, 1975, and published at 40 FR 49332, the Santa Rosa entry under California is corrected to read as follows:

California	*Channel No.*
Santa Rosa	261A, 269A

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-29454 Filed 10-31-75;8:45 am]

[Docket No. 20400 RM-2362]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, La.

In the matter of amendment of §73.202 (b), Table of Assignments, FM Broadcast Stations. (Crowley, Louisiana).

1. On March 18, 1975, the Commission adopted a notice of proposed rulemaking, 40 FR 14943, to invite comments on a proposal from KSIG Broadcasting Co., Inc. ("KSIG"), licensee of Station KSIG (Class IV unlimited-time AM), Crowley, Louisiana, seeking the assignment of FM Channel 249A to Crowley, Louisiana (pop. 16,105), seat of Acadia Parish (pop. 52,189), as its second FM assignment.

2. In the notice, KSIG was asked to address specifically the issues of (1) the availability of an alternative FM channel for nearby Kaplan, Louisiana (pop. 5,540), where use of Channel 249A would be precluded by the proposal, (2) the intermixture of classes of channels which occur at Crowley, and (3) petitioner's intention to operate on Channel 249A in view of its pending application for a construction permit on FM Channel 275 at Crowley. Crowley, in addition to its Class C FM assignment, has two AM stations. Kaplan is without local broadcast service or FM assignment. Rather than responding directly to these issues,[1] KSIG submitted another proposal seeking instead to have Channel 249A assigned at Kaplan, Louisiana, as a first assignment. Petitioner states that it would apply for a permit on the channel if assigned at Kaplan. No other comments or replies were received.

3. KSIG has withdrawn its application for use of Channel 275, the only FM channel now assigned to Crowley.[2] This is consistent with petitioner's claim that it had long been interested in serving Kaplan, and that its proposal to assign the channel there was not merely an attempt to avoid a comparative hearing on Channel 275 at Crowley.

4. Before a channel is assigned, we require indication from the proponent that it intends to utilize the channel promptly. In its petition, KSIG requested assignment of Channel 249A "so that one of the [applicants] for Channel 275 may amend its pending application to such newly-assigned frequency (which will likely be KSIG itself should Rice Capital be unwilling to do so)." This equivocal statement did not constitute the affirmation of intent we require, so we requested in our Notice that KSIG clearly states its intention to operate on Channel 249A. KSIG responded adequately, making an affirmative commitment to file an application for Kaplan upon assignment of the channel there. KSIG's withdrawal from the Channel 275 hearing supports its statement of intent to apply for Kaplan.

5. Under the circumstances of this case, we seek assurance that a channel assigned to Kaplan would be utilized for the benefit of that community, and not Crowley. In Berwick, 12 F.C.C. 2d 8 (1968), we found a substantial question was raised by the application, under the then "25-mile" rule, to use an FM channel assigned to White Haven, Pennsylvania, at Pittston, Pennsylvania, instead. The latter is in close proximity to Wilkes-Barre, Pennsylvania, where the applicant had an AM station whose programming it intended to duplicate.[3] Thus a question was raised as to applicant's intent to seek to serve another community than the one specified in its application. Here, we note several points of similarity. As in the Berwick case, KSIG could specify a site between the cities and by so

[1] See footnote 2.

[2] A license was issued to the University of California on May 13, 1974 (BLTT-1602).

[3] The president of San Bernardino Valley College cited, as an example, the economic problems of Station KCHU-TV (Channel 18), licensed to the San Bernardino Sun-Telegram newspapers, which after expending upwards of $2,000,000 still could not compete with Los Angeles television stations for the San Bernardino market and decided to terminate its operation on Channel 18.

[4] See Princeton, Illinois, 48 F.C.C. 2d 1036 (1974).

[1] All population data are taken from the 1970 U.S. Census.

[2] Under Section 73.607(b) of the Commission's Rules, channels assigned to a listed community in the TV Table of Assignments are available to any unlisted community within 15 miles.

[1] Petitioner did not say whether an alternative channel is available to Kaplan.

[2] Three applications for construction permits for the use of Channel 275 at Crowley were designated for hearing. On September 17, 1975, at the request of KSIG and a second applicant, their applications were dismissed with prejudice. The application of the third applicant was subsequently granted by the Administrative Law Judge.

[3] Earlier in this proceeding KSIG mentioned such duplication, and it has indicated no change in this aspect even though it has urged a Kaplan assignment.

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doing provide a city-grade signal to Crowley, where KSIG has an AM station. Usually, however, this issue is resolved at the application stage rather than in rule making. We find that for the purposes of this proceeding, KSIG has made a sufficient commitment to provide local service to the town of Kaplan.

6. KSIG has demonstrated a need for local broadcast service in Kaplan. We are informed that it is a growing agricultural community. Because of our priority of providing each community with at least one local FM station, we find, upon consideration of all the above issues, that Channel 249A should be assigned to Kaplan to provide its residents with a first local broadcast service.

7. Accordingly, *it is ordered*, That effective December 8, 1975, the FM Table of Assignments contained in § 73.202(b) of the Commission's rules and regulations is amended insofar as the community named below is concerned, to read as follows:

City	*Channel No.*
Kaplan, Louisiana	249A

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: October 22, 1975.

Released: October 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief Broadcast Bureau.

[FR Doc.75-29457 Filed 10-31-75;8:45 am]

[Docket No. 20339; RM-2228 and 2323]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Ala.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cleveland, Athens, Etowah, and South Pittsburg, Tennessee, and Stevenson, Alabama).

1. The Commission here considers the two alternative plans for amending the FM Table of Assignments upon which a notice of proposed rulemaking was released herein on January 28, 1975 (40 FR 4940), and counterproposals and comments received in response to the notice. The alternative plans proposed were the following:

City	Channel No. Present	Channel No. Proposed
Plan I:		
Etowah, Tenn.		269A
South Pittsburg, Tenn.		269A
Or plan II:		
Cleveland, Tenn.	264	252A, 264
Athens, Tenn.	252A	269A
South Pittsburg, Tenn.		269A

2. The Etowah Channel 269A proposal in Plan I was advanced by McMinn Broadcasters, Inc. (McMinn), licensee of daytime-only AM Station WCPH at Etowah, in RM-2228 as a counterproposal to a conflicting proposal of WBAC, Inc. (WBAC), licensee of Class IV AM Station WBAC at Cleveland, in RM-2228 for the assignment of Channel 252A to Cleveland by substituting Channel 269A for Channel 252A (unused) at Athens, Tennessee, as proposed in alternative Plan II. The conflict between the Etowah Channel 269A and Cleveland Channel 252A assignment proposals exists because, with Etowah and Athens located only about 10 miles apart in southeastern Tennessee, the required 65-mile separation for Class A assignments would not permit the assignment of Channel 269A to Etowah and also to Athens. As pointed out in the notice, the present Athens Channel 252A assignment cannot be used at Etowah under the so-called "10-mile rule" [Section 73.203(b)] because it would be short-spaced to the Channel 251 FM station (WBFM) at Seneca, South Carolina; however, if Channel 269A is substituted for Channel 252A at Athens, as proposed in Plan II, Channel 269A would be technically feasible for use at Etowah under the "10-mile rule." The South Pittsburg Channel 269A proposal in both Plans I and II was advanced by Marion County Broadcasting Service, Inc. (Marion), licensee of daytime-only AM Station WEPG at South Pittsburg in RM-2323. South Pittsburg is located over 65 miles southwest of both Etowah and Athens, and Marion's Channel 269A proposal for South Pittsburg involves no spacing conflicts with either of the conflicting Etowah and Athens Channel 269A proposals. However, since the Channel 269A proposals for these three communities do involve a common preclusion area, it was considered desirable to consider them together.

3. Comments and reply comments were received from the proponents of the Etowah (McMinn), Cleveland (WBAC) and South Pittsburg (Marion) proposals in Plans I and II and also from Norman A. Thomas and Associates, Inc. (Thomas), licensee of AM Station WENR, a daytime-only operation at Englewood, Tennessee, and from Lynn, Ltd. (Lynn), a group headed by Dr. E. R. Knox and Charles Penley of Stevenson, Alabama. Counterproposals were advanced in the WBAC and Lynn comments.

4. *WBAC Counterproposal.* WBAC proposes modification of Plan II by adding Channel 276A for assignment to Etowah to resolve the conflict between its Cleveland Channel 252A-Athens Channel 269A proposal in Plan II and the McMinn Channel 269A proposal for Etowah in Plan I. The accompanying WBAC engineering statement indicates that Channel 276A could be assigned to Etowah in conformance with spacing requirements if used at an antenna site at least one mile north of Etowah and that an Etowah Channel 276A assignment would involve no spacing conflicts with the assignments proposed for Cleveland (252A) Athens (269A), and South Pittsburg (269A) in Plan II.

5. McMinn, the proponent of the Etowah Channel 269A proposal in Plan I, joins with WBAC in urging in their joint reply comments that WBAC's Channel 276A proposal for Etowah, together with WBAC's Cleveland Channel 252A-Athens Channel 269A asignment proposals in Plan II, be adopted instead of its Etowah Channel 269A proposal in Plan I since this would provide FM assignments to all three communities in the Cleveland-Athens area for which FM assignments have been requested herein. In its initial comments, McMinn had urged the adoption of either Plan I which would assign Channel 269A to Etowah or the conflicting proposal in Plan II which would assign Channel 269A to Athens in place of Channel 252A since both proposals would make a channel available for which it could apply for use at Etowah.

6. Thomas, the Englewood AM licensee, also filed reply comments supporting the WBAC proposals for Cleveland and Athens in Plan II, together with the WBAC counterproposal to assign Channel 276A to Etowah. It urges that this would be a technically feasible way of meeting the need for FM assignments at both Cleveland and Etowah while leaving a channel in Athens which could be put to use without the prospect of having to first determine in a comparative proceeding whether the channel should instead be utilized at Etowah under the "10-mile rule", as could be the case if the Athens assignment were to be changed as proposed in Plan II, and Etowah was not provided with an assignment of its own. Thomas, in its initial comments, had urged the adoption of Plan I which would assign Channel 269A to Etowah since, unlike Plan II, this would not disturb the Athens Channel 252A assignment for which it stated it was planning to apply for use at Englewood under the "10-mile rule." Since Englewood is located only about seven miles east of Athens, and has no FM assignments, the present Athens Channel 252A assignment, as well as proposed Channel 269A, would be available for use also at Englewood under this rule, and it appears from staff analysis that all spacing requirements for use of Channel 269A for an Englewood station could be met by locating its transmitter site at least four miles southwest of Englewood.

7. *Lynn Counterproposal.* The Lynn group, which desires to obtain a first FM assignment for Stevenson, Alabama, for which it can apply, proposes, as a counterproposal to the South Pittsburg Channel 269A proposal of Marion in Plans I and II that Channel 269A instead be assigned to Stevenson. While this Stevenson Channel 269A assignment proposal is, like the Marion South Pittsburg Channel 269A proposal, technically feasible and compatible with the conflicting Etowah and Athens Channel 269A proposals, it is mutually exclusive with the South Pittsburg Channel 269A proposal of Marion in Plans I and II. With Stevenson located but 13 miles southwest of South Pittsburg, spacing requirements (65 miles) for co-channel Class A assignments at Stevenson and South Pittsburg could not be met. Moreover, these communities are too far apart for the provisions of the "10-mile rule" to be operative and permit the assignment to be made to one of these communities but open to application for use in either of them.

8. Marion, the proponent of the South Pittsburg Channel 269A proposal in Plans I and II, opposes Lynn's conflicting Channel 269A counterproposal for Stevenson in its reply comments. The other commenting parties, all proponents or supporters of the assignment proposals for Cleveland, Athens (Englewood) and Etowah herein which would be compatible with both of the conflicting Channel 269A proposals for South Pittsburg and Stevenson, confine their comments to those proposals and do not take a position or discuss the merits of the South Pittsburg and Stevenson Channel 269A proposals. The Marion and Lynn comments are addressed only to their conflicting Channel 269A proposals for South Pittsburg and Stevenson.

DISCUSSION OF PROPOSALS

9. The pertinent data concerning the populations of the communities involved and their respective counties, based on 1970 U.S. Census figures, and the present FM channel assignments and local aural broadcast services available in these communities are as follows:

City and county	Population	Percent change since 1960	Frequency modulation channels assigned	Local aural broadcast services
Athens, Tenn.[1]	11,700	−2.6	252A	WYXI-AM, daytime-only; WLAR-AM, class IV.
McMinn County	35,402	5.3		
Cleveland, Tenn.[1]	26,651	27.5	264	WCLE-FM (channel 264); WBAC-AM, class IV; WCLE-AM, daytime-only.
Bradley County	50,686	32.8		
Etowah, Tenn.	3,736	15.9		WCPH-AM, daytime-only.
McMinn County	35,402	5.3		
Englewood, Tenn.	1,878	19.3		WENR-AM, daytime-only.
McMinn County	35,402	5.3		
South Pittsburg, Tenn.	3,618	−12.5		WEPG-AM, daytime-only.
Marion County [2]	20,577	−2.2		
Stevenson, Ala.	2,230	64.1		
Jackson County	30,202	6.9		

[1] County seat.
[2] Marion County (south Pittsburg) was not listed in the 1970 U.S. Census Reports as part of the Chattanooga, Tenn.-Ga. standard metropolitan statistical area (SMSA). However, as a result of redefinition and a comprehensive revision of all SMSA's in 1973 by the Office of Management and Budget of the Executive Office of the President, the Chattanooga, Tenn.-Ga. SMSA was among those redefined to include Marion County, Tenn., among others, making it the 80th ranking SMSA in size with a reported total population of 370,013 in 1973, as compared to the 97th ranking SMSA in size with a reported total population of 304,927 in 1970.

10. As indicated above, some of the communities for which FM assignments are requested herein (Etowah, Englewood, South Pittsburg and Stevenson) have 1970 populations of under 10,000. Communities under that size in population are not normally assigned an FM channel in the absence of a showing of interest in the assignment and that there is someone willing to promptly apply for the channel if assigned and to build the station if authorized. Since a satisfactory showing in this regard has been made by the proponents of the FM proposals for these communities, making the requested assignments would not be inappropriate or in conflict with this Commission assignment policy respecting population guidelines. The proponents of the FM proposals for Etowah (McMinn), South Pittsburg (Marion) and Stevenson (Lynn), as well as the proponents of those for Cleveland (WBAC) and for retention of an FM assignment at Athens which could be used at Englewood (Thomas), all express interest and intent in their supporting comments in applying for, and in constructing stations upon, the FM assignments requested for these communities promptly after they are made and authorization is obtained.

11. The technical showings submitted by these proponents in support of their FM assignment proposals also demonstrate that Plan II above, as modified by the WBAC counterproposal to assign Channel 276A to Etowah, presents a technically feasible way of resolving the spacing conflict between the Etowah Channel 269A proposal in Plan I and the Athens Channel 269A proposal in Plan II and of satisfying the requests for FM assignments at Etowah, Cleveland and Athens (Englewood) as well as at either South Pittsburg or Stevenson without affecting existing assignments (other than the unused Athens Channel 252A assignment) or having an objectionable preclusionary effect upon needed FM assignments elsewhere. Comparative consideration of the needs of Etowah and Cleveland for FM assignments is therefore unnecessary. However, since spacing requirements would not permit the assignment of Channel 269A to South Pittsburg, as Marion proposes (Plan II), and to Stevenson, as Lynn proposed in its counterproposal, because of their proximity, a choice must necessarily be made between these two communities for the requested Channel 269A assignment, if otherwise warranted, unless a substitute channel can be assigned to either community; and a staff study indicates that there is no channel other than Channel 269A which would be technically feasible for assignment to either South Pittsburg or Stevenson to resolve the conflict between the Channel 269A proposals for these two communities without extensive shuffling of existing assignments.

12. Although we do not deal with them on a comparative basis, we turn now to a discussion of the needs of Etowah and Cleveland for FM channel assignments as well as the need of Athens and its vicinity. Thereafter, we compare the needs of South Pittsburg and Stevenson.

13. *Etowah.* With regard to the need for a first FM assignment at Etowah, which has but McMinn's daytime-only AM station for a local outlet (WCPH) and no full-time local broadcast service, this is sufficiently shown we believe by the demographic data concerning Etowah furnished by McMinn, as well as by the letters accompanying its comments from the mayor and president of the Etowah Chamber of Commerce which attest to the need of Etowah for a local nighttime radio service. While Etowah is a relatively small community (1970 population, 3,736), it experienced population growth over the 1960–1970 decade (15.9 percent), and McMinn's showing indicates that it has had continued population and industrial growth since 1970 and has considerable potential for further growth. It also shows that Etowah has some 15 local industries (most of which are engaged in the manufacture of clothing), and a full complement of municipal services and facilities, churches, schools and organizations from which a local FM station could be expected to draw support and serve their need for a local FM station and a first local nighttime radio service.

14. *Athens.* As for the continued need of Athens for an FM assignment, while the record evidences no present interest on the part of anyone in establishing an FM station at Athens at this time,[1] it does evidence that there is interest and intent on the part of Thomas to apply for use of the Athen's FM assignment at Englewood, only seven miles distant from Athens and in the same county (McMinn), which, as previously noted, would be permissible under the 10-mile rule.[2] Athens is the seat of McMinn County and its largest community (1970 population, 11,790), and it has two local AM services (one daytime-only and one Class IV), and Englewood, a much smaller community (1970 population, 1,878), has an AM daytime-only service. We are persuaded that the public interest would be served by retaining an FM assignment at Athens in view of its size and since it appears likely from this record that it will not remain dormant but will in the near future be used to provide a first FM service oriented to the needs of both Athens and Englewood.

15. *Cleveland.* A need for a second FM assignment at Cleveland, which now has both an FM station (WCLE-FM) and two AM stations, a daytime-only station (WCLE), and WBAC's Class IV station (WBAC), is also adequately demonstrated, we believe, by WBAC's showing. The Cleveland FM station operates on the only FM channel assigned in Bradley County, and the data furnished by

[1] Mutually exclusive applications for the present Athens Channel 252A assignment were designated for hearing in 1967, one of which was dismissed at the applicant's request in 1973 and the other denied in 1973. See *3 J's Broadcasting Co.*, 41 F.C.C. 2d 664 (1973), rev. denied, FCC 74-86, released January 30, 1974.

[2] McMinn has also indicated an interest in applying for use of the Athen's FM assignment at Etowah in the event that Etowah is not provided with an assignment.

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WBAC support its contentions that a second FM station at Cleveland would serve a need in helping to meet the increased problems, needs, and interests of the community which have resulted from the substantial growth which has taken place there and in Bradley County since 1960. As shown in paragraph 9 above, over the 1960–1970 period, Cleveland's population increased 27.5 percent to a level of 20,651, and Bradley County's population increased 32.3 percent to a level of 50,686. Population estimates furnished by WBAC for 1973, based on data compiled by the Cleveland/Bradley Chamber of Commerce, place Cleveland's 1973 population at 24,750, up 52 percent from 1960, and that of Bradley County at 60,546, up 58 percent from 1960, and by 1980, a population of 40,000 is projected for Cleveland and a population of 65,000 for Bradley County. A growth survey compiled by the Chamber of Commerce for Cleveland for the years 1972 and 1973 which WBAC submitted also reflects other indicia of significant growth in bank deposits, saving and loan assets, building permit value, telephones in service, and electricity and water consumption. Other data prepared by the Tennessee Valley Authority's economic research staff which WBAC supplied indicate that Bradley County's per capita personal income increased 48 percent between 1965 and 1970 to a level of $2,545, and WBAC states that this trend continues. The WBAC comments also indicate that Cleveland now has more than a hundred civic and service clubs, organizations, fraternal groups and sororities, as well as over 120 churches and some 600 retail firms whose needs a second FM station at Cleveland would serve.

16. *South Pittsburg and Stevenson.* We now turn to the conflicting South Pittsburg and Stevenson Channel 269A proposals of Marion, the South Pittsburg proponent, and of Lynn, the Stevenson proponent. In the case of South Pittsburg, a community located in Marion County[3] in the south central part of Tennessee, approximately three miles north of the Alabama border, 23 miles west of Chattanooga and 13 miles northwest of Stevenson, Alabama, the requested Channel 269A assignment would provide a first FM assignment and opportunity for a first full-time local broadcast outlet since South Pittsburg now only has Marion's daytime-only AM station (WEPG) for a local outlet. There are no other aural broadcast stations, and no FM channels assigned in Marion County. In the case of Stevenson, a community located in Jackson County in the northeastern corner of Alabama, approximately 17 miles north of Scottsboro, the seat of Jackson County, the requested Channel 269A assignment would provide a first FM assignment and opportunity for a first local broadcast service, since Stevenson has none. There are, however, one FM and three daytime-only AM stations in Jackson County. Station WCNA–FM (Channel 252A), which operates on the only FM channel assigned in Jackson County, and two of the daytime-only AM stations (WCRI and WROS) are located at Scottsboro. The other daytime-only AM station is located at Bridgeport, Alabama (WPTS), approximately ten miles northeast of Stevenson and five miles south of South Pittsburg.

17. The showings of Marion and Lynn in support of their respective Channel 269A proposals for South Pittsburg and Stevenson furnish ample demographic information concerning these communities to convince us that the assignment of an FM channel to each of them would have public benefit and serve a need for a first local FM service and a first full-time local radio service, especially since their comments indicate that both communities are in areas subject to flooding and prone to tornadoes and the value to these communities of a local FM station which could meet their claimed need for a full-time local weather warning service is recognized. However, since, because of their proximity and technical requirements, Channel 269A cannot be assigned to both of these communities, we must decide which of them warrants the assignment.

18. From the standpoint of technical considerations and effective utilization of Channel 269A, we do not believe that there is any valid basis for preferring either community for the assignment. The channel may be assigned to either South Pittsburg or Stevenson in conformance with technical requirements without affecting any existing assignment and, in either case, the preclusion therefrom would be limited to co-channel preclusion and in an area where there appears to be no other community of significant size without aural broadcast service.[4] While, in order to meet separation requirements with respect to existing FM stations, a South Pittsburg Channel 269A assignment would have to be used for a station at a site in an area outside and at least one mile south of the community[5] whereas a Stevenson Channel 269A station could operate from a site within the community and at various locations around Stevenson, we do not agree with Lynn that this constitutes reason for concluding that the use of Channel 269A at South Pittsburg would be significantly less efficient than at Stevenson or should be a basis of preference. Lynn also argues in this connection that the assignment of Channel 269A to Stevenson would permit a more flexible choice of a transmitter site for a Channel 269A operation at Athens (where Channel 269A is being assigned) or Etowah than would the assignment of the channel to South Pittsburg. This is, of course, true. However, since there is a leeway of about 2.5 miles for a Channel 269A site in either of these communities with respect to that for a South Pittsburg Channel 269A station meeting spacing requirements, the restriction on a choice of site for an Athens or Etowah Channel 269A operation is not a factor deserving any weight in balancing considerations between these conflicting South Pittsburg and Stevenson Channel 269A proposals.

19. From the viewpoint of the availability of local broadcast services, however, since Stevenson has none and South Pittsburg has one, albeit a daytime-only AM station, we believe that Stevenson clearly warrants the requested Channel 269A assignment for a first local aural broadcast service over South Pittsburg for a second such service, particularly since it appears that there are no other FM channels which could be assigned to Stevenson and it would otherwise be likely to be deprived of any opportunity for a local radio outlet of its own. In the circumstances, we believe that the public interest and the mandate of Section 307 (b) of the Communications Act for a fair, efficient and equitable distribution of radio services requires this decision on these conflicting Channel 269A proposals.

20. In reaching this decision we have, of course, carefully considered and taken into account the various factors urged by Marion as reason for preferring South Pittsburg to Stevenson for the assignment. None of them, in our judgment, provide a basis for concluding that the public interest would be served by providing South Pittsburg with opportunity for a second local aural service when this would in turn deprive Stevenson of opportunity for a first such service. While Marion has argued that South Pittsburg warrants the requested Channel 269A assignment over Stevenson because of its larger size, its potential for growth, its greater importance as a retail trade center, and its greater need for a local full-time weather warning service because of the greater susceptibility of the South Pittsburg area of flash flooding, this argument need not be further detailed, since, even if given full force, it does not, in our view, override the consideration that South Pittsburg has a local radio service and Stevenson has none and the public interest importance of providing Stevenson with opportunity for a first local service also. Moreover, in view of the proximity of these communities (approximately 13 miles apart) it is clear that many of South Pittsburg's needs for nighttime radio service, including a weather warning service, could be met by a Stevenson Channel 269A station whereas a South Pittsburg Channel 269A station would leave Stevenson with no means of filling its need for a local station.

21. Marion has also contended that Stevenson's needs for radio service are adequately satisfied by the Scottsboro FM station, and neither the FM signal it daytime-only stations in Jackson County (two at Scottsboro and one at Bridgeport). Stevenson is, however, some 17 miles from Scottsboro and is not within the 1 mV/m contour of the Scottsboro FM station, and neither the FM signal it receives from the Scottsboro FM station nor the service it receives from it and the Scottsboro and Bridgeport AM stations can be considered sufficient to fill its need for a local service of its own. For that matter, since South Pittsburg is only five miles from Bridgeport, the South Pittsburg area receives daytime-only service from the Bridgeport AM station of at least 2 mV/m strength, as well as from South Pittsburg's local daytime-only AM station. While it was not mentioned by Marion, it would appear that since South Pittsburg is only 23 miles from Chattanooga, it also receives FM service from the three Chattanooga Class C FM stations, as well as from some of the Chattanooga unlimited-time AM stations.

22. In view of the foregoing, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, *It is ordered*, That effective December 8, 1975, the FM Table of Assignments, § 73.202(b) of the rules and regulations, is amended to read as follows for the cities listed below:

City	Channel No.
Athens, Tennessee	269A
Cleveland, Tennessee	252A, 264
Etowah, Tennessee	276A
Stevenson, Alabama	269A

23. *It is further ordered*, That the proposal to assign Channel 269A to South Pittsburg, Tennessee, advanced by Marion County Broadcasting Service, Inc., in RM–2323 is denied.

24. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: October 22, 1975.

Released: October 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-29458 Filed 10-31-75;8:45 am]

[Docket No. 20136, RM-2285]

PART 73—RADIO BROADCAST SERVICES

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Cookeville and Fayetteville, Tennessee).

1. The Commission has under consideration its *notice of proposed rulemaking* adopted August 12, 1974, 39 FR 30050, inviting comments on a proposal to substitute Channel *52 for reserved Channel *28 at Fayetteville, Tennessee, and to assign Channel 28 to Cookeville, Tennessee. This proceeding was instituted in response to a petition of South Central Broadcasting Corporation (SCBC), licensee of commercial television Station WTVK, Channel 26, Knoxville, Tennessee. While SCBC requested the substitution of Channel *50 at Fayetteville, the Commission proposed Channel *52 to avoid a conflict with another rule making. Comments were filed by the Corporation for Public Broadcasting (CPB) and SCBC. No reply comments were filed.

2. The notice pointed out that SCBC desires to operate a satellite of its Knoxville station at Cookeville in an effort to improve WTVK's coverage west of Knoxville. Cookeville is 90 miles from Knoxville and a satellite station there will extend coverage beyond WTVK's present Grade B contour. Such a station will also provide improved service to persons within the predicted WTVK Grade B contour but unable to receive it. It is within this service area that petitioner wishes to improve WTVK's signal quality.

3. The notice also pointed out that Channel 28 is requested over an available, higher numbered channel that could be directly assigned to Cookeville. This is due to the desire of SCBC to utilize certain existing equipment from its present Channel 26 operation.

4. CPB filed pre-Notice comments objecting to the proposal and urging retention of the low UHF television channel at Fayetteville. Comments filed by CPB in response to the notice similarly object to the Commission's proposals, stating that Channel *28 should be retained for educational use at Fayetteville because it is a low UHF channel. The SCBC comments, on the other hand, state that the public interest will best be served by adoption of the proposal. Such a decision, it states, will permit it to provide television broadcast service to a significant number of persons now unable to receive it.

5. The Commission agrees with SCBC. No psychological or technical advantage is accorded low UHF channels over high UHF channels by the Commission and this seems to be the principal reason for the CPB objection. The SCBC proposal will permit substantial improvement in the quality of the broadcast signal available to persons living within the western confines of the WTVK predicted Grade C contour and an additional service to persons residing in the Cookeville area. Additionally the substitution proposed and the requested assignment at Cookeville do not adversely affect the efficiency of the Table of Assignments. Therefore, the Commission finds that adoption of the SCBC proposal is warranted.

6. In view of the foregoing and pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, *it is ordered*, That effective December 8, 1975, the Television Table of Assignments contained in § 73.606(b) of the Commission's rules and regulations *is amended* with respect to the following cities in Tennessee to read as follows:

City	Channel No.
Tennessee	
Cookeville	*22, 28+
Fayetteville	*52—

7. *It is further ordered*, That this proceeding is terminated.

Adopted: October 22, 1975.
Released: October 24, 1975.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-29456 Filed 10-31-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[451-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Rhode Island Revision

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR 51, the Administrator approved with exceptions the Rhode Island Plan for attainment of national ambient air quality standards. Included in this approval was Regulation 10, Air Pollution Episodes. This publication contains the Administrator's approval of a revision to this regulation.

On January 25, 1974, Austin C. Daley, Chief, Rhode Island Air Pollution Division of Air Pollution Control, submitted a proposed revision to Rhode Island Air Pollution Control Regulation 10, Air Pollution Episodes. As proposed, Regulation 10 allows the concentration of SO_2 to reach 500 ug/m³ before the alert level is declared and 800 ug/m³ before the warning level is declared. These limits, while higher than approved originally by the Administrator, are below the EPA recommended values set forth in 40 CFR Part 51, Appendix L, Example Regulations for Prevention of Air Pollution Emergency Episodes. There were no other modifications made in Regulation 10.

The proposed revision was published as proposed rulemaking on May 24, 1974 (39 FR 18299) and opportunity was provided for the public to comment on the approvability of the revision. The comment period has expired with no comments being received.

After evaluation of the State's submittal, the Administrator has determined that the regulation, as amended, meets the requirements of the Clean Air Act and 40 CFR Part 51. This regulation is promulgated as a revision to the Rhode Island Implementation Plan.

This revision shall become effective December 3, 1975.

(Section 110 of the Clean Air Act as amended, 42 U.S.C. 1857c-5.)

Dated: October 24, 1975.

JOHN QUARLES,
Acting Administrator.

[3] Marion filed a correction to its comments which informed us that the seat of Marion County is not South Pittsburg, as it had previously stated, but Jasper, a community with a 1970 population of 1,811, located approximately six miles northeast of South Pittsburg.

[4] Bridgeport, Alabama (1970 pop., 2,908), which has a daytime-only AM station (WPTS) is within the preclusion area.

[5] The limiting FM stations are Station WBIE–FM (Ch. 268), Marietta, Georgia, Station WJLE (Ch. 269A), Smithville, Tennessee, and Station WDRM (Ch. 271), Decatur, Alabama.

V 40 212 NOV 3 75 XUM

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart OO—Rhode Island

§ 52.2070 [Amended]

In Section 52.2070, paragraph (d) is amended by inserting the date "January 25, 1974" in proper chronological order.

[FR Doc.75-29514 Filed 10-31-75;8:45 am]

SUBCHAPTER C—AIR PROGRAMS

[451-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Rhode Island Plan

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR 51, the Administrator approved, with exceptions, the Rhode Island Implementation Plan for the attainment of national ambient air quality standards. Included in this approval was Regulation 8 limiting the sulfur content in fuel. This publication contains the Administrator's promulgation of a revision to the plan.

On May 22, 1974, Mr. Austin C. Daley, Chief, Rhode Island Division of Air Pollution Control, submitted for EPA approval a proposed revision to Regulation 8, Limitation of Sulfur in Fuels. The amendment would redefine "Low Sulfur Fuel" from percent sulfur dry weight of fuel to pounds of sulfur per heat release potential of the fuel. In accordance with the amended definition, no source could deliver, store, or use in any fuel containing greater than 0.55 pound of sulfur per million Btu heat release potential. The purpose of this change is to insure sulfur dioxide emissions from any facility would not exceed 1.1 pounds SO_2 per million Btu heat input regardless of the type of fuel burned.

On July 31, 1974 (39 FR 27700), the Administrator published the notice of proposed rulemaking and solicited public comment on the proposed revision. The comment period expired with no comments being received.

After a careful evaluation of the State's submittal, the Administrator has determined that the regulation, as modified, meets the requirements of the Clean Air Act. Accordingly, the Administrator promulgates the revision to Regulation 8, Limitation of Sulfur in Fuels.

The revision shall become effective December 3, 1975.

(Section 110 of the Clean Air Act, as amended, 42 U.S.C., § 1857c-5)

Dated: October 24, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart OO—Rhode Island

§ 52.2070 [Amended]

1. Section 52.2070 paragraph (d) is amended by inserting the date "May 22, 1974" in proper chronological order.

[FR Doc.75-29515 Filed 10-31-75;8:45 am]

[PP5F1610/R58; 450-7]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carbofuran

On September 24, 1975, the Environmental Protection Agency published in the FEDERAL REGISTER (40 FR 43924) a notice of proposed rulemaking to amend 40 CFR 180.254 by increasing the tolerances for residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl - 7 - benzofuranyl methylcarbamate) in or on the raw agricultural commodity potatoes from 1 part per million (ppm) to 2 ppm of which no more than 1 ppm is carbamate. Notice of the proposed rulemaking was published in response to a petition (PP 5F1610) submitted by FMC Corp., Agricultural Chemical Division, 100 Niagara St., Middleport NY 14105.

No comments or requests for referral to an advisory committee were received by the Agency. Therefore, based on the data submitted in the petition and other relevant material, it is concluded that the tolerance established by amending § 180.254 will protect the public health and that the proposed regulation should be adopted without change.

Any person adversely affected by this regulation may on or before December 3, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2))).

Dated: October 29, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.254, is amended by increasing the tolerance for potatoes from 1 part per million to 2 parts per million by deleting potatoes from the paragraph "1 part per million * * *" and adding the commodity to the paragraph "2 parts per million".

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

2 parts per million in or on potatoes and sugar beet tops (of which no more than 1 part per million is carbamates).

1 part per million in or on peppers (of which no more than 0.1 part per million is carbamates) and rice straw (of which no more than 0.2 part per million is carbamates).

* * * * *

[FR Doc.75-29511 Filed 10-31-75;8:45 am]

[449-8-PP6E1661/R55]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methomyl

On September 16, 1975, the Environmental Protection Agency published in the FEDERAL REGISTER (40 FR 42757) a notice of proposed rulemaking to establish a tolerance of 0.2 part per million for residues of the insecticide methomyl in or on pomegranates. Notice of the proposed rulemaking was published in response to a petition (PP 6E1661) submitted by Mr. John C. Hillis, Chief, Agricultural Chemicals and Feed, California Department of Food and Agriculture, 1220 N. St., Sacramento CA 95814.

No comments or requests for referral to an advisory committee were received by the Agency. Therefore, based on the data submitted in the petition and other relevant material, it is concluded that the tolerance established by amending § 180.253 will protect the public health and that the proposed regulation should be adopted without change.

Any person adversely affected by this regulation may on or before December 3, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

(Section 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(3)))

Effective November 3, 1975, § 180.253, Subpart C, Part 180, is amended as follows.

Dated: October 24, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

Section 180.253, Subpart C, Part 180, is amended by revising the paragraph beginning "0.2 parts per million * * *" to include pomegranates as follows:

§ 180.253 Methomyl; tolerances for residues.

* * * * *

0.2 parts per million (negligible residue) in or on the commodity groups cucurbits, fruiting vegetables, leafy vegetables (except broccolli, brussells sprouts, cabbage, cauliflower, celery, endive (escarole), lettuce, spinach), root crop vegetables, and pomegranates, sorghum grain, and soybeans.

[FR Doc.75-29448 Filed 10-31-75;8:45 am]

[PP9F0761/R56; 450-6]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Methyl-4-Chlorophenoxyacetic Acid

On October 23, 1968, notice was given (33 FR 15678) that the National Agricultural Chemicals Association Industry Task Force on Phenoxy Herbicide Tolerances, 1155 15th St. NW, Washington, DC 20005, had filed a pesticide petition (PP 9F0761) with the Food and Drug Administration. This petition proposed the establishment of tolerances for residues of the herbicide 2-methyl-4-chlorophenoxyacetic acid resulting from the application of the herbicide in the acid form or in the form of one or more of the salts or esters:

1. Inorganic salt: Sodium.
2. Amine salts: Ethanetamine; diethanolamine; triethanolamine; isopropanolamine; diisopropanolamine; trisopropanolamine; and dimethylamine.
3. Esters: Isooctyl and butoxyethyl.

in or on the raw agricultural commodities alfalfa, barley, beans, clover, corn, flaxseed, oats, peas, rice, rye, sorghum, soybeans, and wheat at 0.2 part per million (ppm).

The petitioner subsequently amended the petition by:

1. Withdrawing the tolerance request for beans, corn, peas, sorghum, and soybeans.
2. Adding requests for tolerances for the following raw agricultural commodities:
   a. Grasses (pasture and rangeland) at 300 ppm.
   b. Alfalfa (fresh) and clover (fresh) at 75 ppm.
   c. Forage of barley, oats, rye, wheat, and grass hay at 20 ppm.
   d. Straw of barley, flax, oats, rice, rye, and wheat at 2 ppm.
   e. Peavines and peavine hay at 0.1 ppm (negligible residues).
   f. Combined negligible residues of 2-methyl-4-chlorophenoxyacetic acid and its 2-methyl-4-chlorophenol metabolite in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.1 ppm (negligible residues).
3. Reducing the proposed 0.2 ppm tolerance in or on flaxseed, rice, and the grain of barley, oats, rye, and wheat to 0.1 ppm (negligible residues).

On August 30, 1972 (37 FR 17554) interim tolerances (40 CFR 180.319) were established as follows:

20 ppm in or on the forage of barley, oats, rye, and wheat.
2 ppm in or on the straw of barley, oats, rye, and wheat.
0.2 ppm in or on the grain of barley, oats, rye, and wheat.
0.1 ppm in or on flaxseed and rice.

On December 2, 1972 (37 FR 25716) an interim tolerance of 300 ppm was established for grasses (pasture and rangeland) and grass hay, and for alfalfa (fresh) and clover (fresh) at 75 ppm.

The petitioner again amended the petition by reinstating a proposed tolerance for peas at 0.1 ppm, and on May 21, 1973, a tolerance of 0.1 ppm (negligible residues) was established (40 CFR 180.339) for residues of the herbicide in or on the raw agricultural commodity peas resulting from the application of the herbicide in the acid form or in the form of the salts and esters listed above (38 FR 13376).

The petitioner has since withdrawn the request for tolerances for alfalfa (fresh) and clover (fresh).

The data submitted in the petition and other relevant material have been evaluated, and the herbicide is considered to be useful for the purposes for which the tolerances are sought. There is no reasonable expectation of residues in eggs or poultry, and § 180.6(a)(3) applies. The proposed tolerances are adequate to cover residues that would result in milk and the meat of cattle, goats, hogs, horses, and sheep. It has been determined that these proposed tolerances will protect the public health, and it is, therefore, concluded that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before December 3, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW., Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on November 3, 1975, Part 180, Subpart C, is amended by revising § 180.319 to delete interim tolerances, and amending § 180.339 as set forth below.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

Dated: October 29, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

§ 180.319 [Amended]

1. Section 180.319 is amended by deleting the entry 2-methyl-4-chlorophenoxyacetic acid and all related tolerances.

2. Section 180.339 is amended by adding additional raw agricultural commodities to the list of tolerances to read as follows:

§ 180.339 2 - methyl - 4 - chlorophenoxyacetic acid; tolerances for residues.

Tolerances are established for residues of the herbicide 2-methyl-4-chlorophenoxyacetic acid from application of the herbicide in the acid form or in the form of its sodium, ethanolamine, diethanolamine, triethanolamine, isopropanolamine, diisopropanolamine, trilsopropanolamine, or dimethylamine salts or its isooctyl or butoxyethyl esters in or on raw agricultural commodities as follows:

hay.

300 parts per million in or on grasses (pasture and rangeland).

20 parts per million in or on the forage of barley, oats, rye, and wheat, and grass hay.

2 parts per million in or on the straw of barley, flax, oats, rice, rye, and wheat.

0.1 part per million (negligible residues) in or on flaxseed; grain of barley, oats, rice, rye, and wheat, peas, peavines, and peavine hay.

0.1 part per million for combined negligible residues of 2-methyl-4-chlorophenoxyacetic acid and its 2-methyl-4-chlorophenol metabolite in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

* * * * *

[FR Doc.75-29510 Filed 10-31-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-742]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● **Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).** ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of

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the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Covington	Opp, city of	Oct. 20, 1975, emergency	July 11, 1975		
Iowa	Black Hawk	Unincorporated areas	do			
Do	Wapello, Mahaska, and Monroe.	Eddyville, town of	do	June 28, 1974		
Nebraska	Red Willow	Indianola, city of	do	Sept. 19, 1975		
Do	Keith	Paxton, village of	do	May 24, 1974		
New York	Otsego	Schenevus, village of	do	Nov. 15, 1974		
Ohio	Highland	Highland, village of	do	Dec. 20, 1974		
Vermont	Orange	Thetford, town of	do	Aug. 16, 1974		
Virginia	Charles City	Unincorporated areas	do	Jan. 17, 1975		
Do	James City	do	do	July 18, 1975		
Wisconsin	Fond du Lac	Rosendale, village of	do	Nov. 8, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Montgomery	Unincorporated areas	Oct. 22, 1975, emergency	Jan. 17, 1975		
Connecticut	Litchfield	Norfolk, town of	do	Feb. 14, 1975		
Indiana	Franklin	Cedar Grove, town of	do	Dec. 7, 1973		
Iowa	Muscatine	Atalissa, city of	do	Nov. 8, 1974		
Massachusetts	Worcester	Brookfield, town of	do	May 3, 1974		
Michigan	Ionia	Lake Odessa, village of	do	July 18, 1975		
Do	Jackson	Summit, township of	do	Sept. 19, 1975		
Montana	Beaverhead	Lima, town of	do	July 25, 1975		
New Mexico	Eddy	Unincorporated areas	do			
Do	Mora	do	do	Aug. 9, 1974		
New York	Columbia	Ghent, town of	do	Oct. 18, 1974		
North Dakota	Walsh	Forest River, city of	do	Nov. 22, 1974		
Do	Nelson	Petersburg, city of	do	Jan. 17, 1975		
Ohio	Lake	Unincorporated areas	do			
Oregon	Morrow	Boardman, city of	do	Dec. 13, 1974		
Utah	Wasatch	Charleston, town of	do	Sept. 19, 1975		
Vermont	Chittenden	Saint George, town of	do	Apr. 11, 1975		
West Virginia	Grant	Unincorporated areas	do	Jan. 10, 1975		
Do	Pendleton	do	do	Apr. 25, 1975		
Do	Taylor	do	do	Dec. 13, 1974		
Wisconsin	Winnebago	Omro, city of	do			
Do	Marquette	Oxford, village of	do	Sept. 6, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Winston	Halcyville, city of	Oct. 23, 1975, emergency	Feb. 21, 1975		
Maine	Somerset	Cambridge, town of	do	Jan. 17, 1975		
Do	Franklin	Phillips, town of	do	June 14, 1974		
Do	Lincoln	Southport, town of	do	Jan. 17, 1975		
New York	Saratoga	Hadley, town of	do	Sept. 13, 1974		
Ohio	Lorain	Avon, city of	do	Apr. 12, 1974		
				Mar. 28, 1975		
Utah	Salt Lake	Riverton, city of	do	Nov. 1, 1974		
Wisconsin	St. Croix	Hammond, village of	do	May 10, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	De Kalb	Collinsville, town of	Oct. 24, 1975, emergency	May 17, 1974		
Arizona	Yuma	Parker, town of	do	do		
Iowa	Monona	Rodney, city of	do			
Maine	Aroostook	Merrill, town of	do	Feb. 21, 1975		
Do	Kennebec	Readfield, town of	do	Feb. 14, 1975		
Do	Oxford	Roxbury, town of	do	do		
Do	do	Peru, town of	do	Oct. 18, 1974		
Minnesota	Anoka	Ham Lake, city of	do	Aug. 15, 1975		
Do	Hennepin	Maple Plain, city of	do	May 3, 1974		
Missouri	Holt	Forest City, city of	do	Oct. 18, 1974		
New York	Oswego	Minetto, town of	do	Nov. 22, 1974		
Do	Allegany	Willing, town of	do	Aug. 30, 1974		
Ohio	Hamilton	Montgomery, city of	do	June 28, 1974		
				Apr. 11, 1975		
Do	Butler	New Miami, village of	do	Feb. 8, 1974		
Do	Lucas	Ottawa Hills, village of	do	Nov. 9, 1973		
Pennsylvania	Bedford	Harrison, township of	do	Jan. 24, 1975		
Do	Clearfield	Knox, township of	do	Nov. 29, 1974		
Do	Lawrence	Lake, township of	do	Nov. 22, 1974		
Do	Chester	Newlin, township of	do	Nov. 1, 1974		
Do	Northumberland	Upper Mahanoy, township of	do	Sept. 20, 1974		
Wisconsin	Iowa	Ridgeway, village of	do	do		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: October 20, 1975.

FRANCIS REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-29284 Filed 10-31-75;8:45 am]

[Docket No. FI-741]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

● **Purpose. The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.** ●

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be December 3, 1975, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Chicot	Dermott, city of	H 050026A 01	Division of Soil and Water Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Dermott, Ark. 71638.	Mar. 22, 1974. Oct. 24, 1975.
Do	Clay	Knobel, town of	H 050032A 01	do	Mayor, Town Hall, Knobel, Ark. 72435.	Oct. 25, 1974.
Do	Desha	Arkansas City, city of.	H 050066A 01	do	Mayor, Town Hall, Arkansas City, Ark. 71630.	May 10, 1974. Oct. 24, 1975.
Do	Howard	Nashville, city of	H 050089A 01 through H 050089A 02	do	Mayor, City Hall, Nashville, Ark. 71852.	Nov. 16, 1973. Oct. 24, 1975.
Do	Lafayette	Stamps, city of	H 050117A 01 through H 050117A 02	do	Mayor, City Hall, Stamps, Ark. 71860.	Jan. 23, 1974. Oct. 24, 1975.
Do	Lawrence	Hoxie, city of	H 051109A 01 through H 050119A 02	do	Mayor, City Hall, Hoxie, Ark. 72433	May 10, 1974. Oct. 24, 1975.
Do	Lee	Marianna, city of	H 050124A 01 through H 050124A 01	do	Mayor, City Hall, Marianna, Ark. 72360.	Oct. 26, 1973. Oct. 24, 1975.
Do	Union	Strong, city of	H 050210A 01	do	Mayor, City Hall, Strong, Ark. 71765	June 28, 1974. Oct. 24, 1975.
Do	Washington	Greenland, town of.	H 050217A 01	do	Mayor, City Hall, Greenland, Ark. 72737.	June 28, 1974. Oct. 24, 1975.
California	Contra Costa	Antioch, city of	H 060026A 01 through H 060026A 04	Department of Water Resource, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	City Planner, City Hall, 3d and H Sts., P.O. Box 869, Antioch, Calif. 94509.	June 28, 1974. Oct. 24, 1975.
Do	Los Angeles	Lakewood, city of	H 060130A 01 through H 060130A 05	do	City Manager, 5050 Clark Ave., P.O. Box 158, Lakewood, Calif. 90714.	July 19, 1974. Oct. 24, 1975.
Do	San Mateo	San Bruno, city of	H 060326A 01 through H 060326A 02	do	Mayor, City Hall, 567 El Camino Real, San Bruno, Calif. 94066.	june 7, 1974.
Do	Plumas	Portola, city of	H 060456A 01 through H 060456A 02	do	City Engineer, City Hall, P.O. Box 1225, Portola, Calif. 96122.	Feb. 7, 1975. Oct. 24, 1975.
Delaware	Kent	Clayton, town of	H 100005A 01	Delaware State Planning Office, Thomas Collins Bldg., 530 South Dupont Highway, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Mayor, Town Hall, Clayton, Del. 19938.	May 17, 1974. Oct. 24, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	Manatee	Bradenton, city of.	H 120155A 01 through H 120155A 10	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, Drawer 730, Bradenton, Fla. 33506.	Mar. 1, 1974. Oct. 24, 1975.
Do	Orange	Maitland, city of.	H 120184A 01 through H 120184A 03	do	City Manager, P.O. Box 66, Maitland, Fla. 32751.	July 19, 1974. Oct. 24, 1975.
Do	Palm Beach	Lake Clarke Shores, town of.	H 120211A 01	do	Mayor, town of Lake Clarke Shores, 1701 Barbados Rd., West Palm Beach, Fla. 33406.	Jan. 9, 1974. Oct. 24, 1975.
Georgia	Bartow	Cartersville, city of.	H 130209A 01 through H 130209A 06	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Manager, Box 529, Cartersville, Ga. 30120.	June 28, 1974. Oct. 24, 1975.
Do	Stephens	Toccoa, city of.	H 130231A 01 through H 130231A 02	do	Community Chairman, Box 579, Toccoa, Ga. 30577.	June 28, 1974. Oct. 24, 1975.
Illinois	Champaign	Fisher, village of.	H 170027A 01	Governor's Task Force on Flood Control, 300 North State St., Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, Village Hall, Fisher, Ill. 61843.	Mar. 22, 1974.
Do	Cook and Dupage	Schaumburg, village of.	H 170158A 01 through H 170158A 09	do	Mayor, 101 Schaumburg Rd., Schaumburg, Ill. 60172.	Dec. 6, 1974. Oct. 24, 1975.
Do	Dupage	Warrenville, city of.	H 170218A 01 through H 170218A 02	do	Mayor, P.O. Box 430, Warrenville, Ill. 60555.	May 24, 1974. Oct. 24, 1975.
Do	Lake	Round Lake Park, village of.	H 170391A 01 through H 170391A 02	do	Mayor, 203 East Lake Shore Dr., Round Lake Park, Ill. 60073.	Mar. 29, 1974. Oct. 24, 1975.
Do	Tazewell	North Pekin, village of.	H 170653A 01	do	Village President, 318 North Main St., North Pekin, Ill. 61554.	Mar. 8, 1974. Oct. 24, 1975.
Do	do	Washington, city of.	H 170655A 01 through H 170655A 04	do	Mayor, 115 West Jefferson Ave., Washington, Ill. 61571.	June 7, 1974. Oct. 24, 1975.
Do	Washington	Nashville, city of.	H 170678A 01 through H 170678A 02	do	Mayor, 116 East Court St., Nashville, Ill. 62263.	May 17, 1974. Oct. 24, 1975.
Indiana	Crawford	English, town of.	H 180032A 01	Division of Water, Department of Natural Resources, 606 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Board President, English, Ind. 47118.	Apr. 12, 1974. Oct. 24, 1975.
Do	Madison	Elwood, city of.	H 180152A 01 through H 180152A 04	do	Mayor, 1901 Main St., Elwood, Ind. 46036.	Dec. 28, 1973. Oct. 24, 1975.
Do	Porter	Chesterton, town of.	H 180201A 01 through H 180201A 03	do	Town Board President, 726 Broadway, Chesterton, Ind. 46304.	Feb. 1, 1974.
Do	Delaware	Gaston, town of.	H 180360A 01	do	Town Board President, Town Hall, Gaston, Ind. 47342.	Feb. 21, 1975. Oct. 24, 1975.
Iowa	Lyon	Rock Rapids, city of.	H 190199A 01 through H 190199A 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	City Administrator, City Hall, Rock Rapids, Iowa 51246.	Mar. 29, 1974. Oct. 24, 1975.
Kansas	Barton	Ellinwood, city of.	H 200018A 01	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, P.O. Box 287, Ellinwood, Kans. 67526.	Mar. 15, 1974. Oct. 24, 1975.
Do	do	Hoisington, city of	H 200020A 01	do	Mayor, City Hall, 109 East 1st St., Hoisington, Kans. 67544.	Feb. 22, 1974. Oct. 24, 1975.
Do	Butler	El Dorado, city of	H 200039A 01 through H 200039A 03	do	Mayor, City Hall, P.O. Box 792, El Dorado, Kans. 67042.	May 10, 1974. Oct. 24, 1975.
Do	Cherokee	Columbus, city of.	H 200046A 01	do	Mayor, City Hall, 300 East Maple St., Columbus, Kans. 66725.	Mar. 1, 1974. Oct. 24, 1975.
Do	do	Galena, city of.	H 200047A 01	do	Mayor, City Hall, 501 Main, Galena, Kans. 66739.	May 24, 1974. Oct. 24, 1975.
Do	Clark	Ashland, city of.	H 200049A 01 through H 200049A 02	do	Mayor, City Hall, 703 Main St., Ashland, Kans. 67831.	May 17, 1974. Oct. 24, 1975.
Do	Clay	Clay Center, city of.	H 200053A 01	do	Mayor, City Hall, 472 Court St., P.O. Box 117, Clay Center, Kans. 67432.	Mar. 29, 1974. Oct. 24, 1975.
Do	Cloud	Glasco, city of.	H 200061A 01	do	Mayor, City Hall, P.O. Box 356, Main St., Glasco, Kans. 67445.	June 21, 1974. Oct. 24, 1975.
Do	Coffey	LeRoy, city of.	H 200066A 01 through H 200066A 02	do	Mayor, City Hall, LeRoy, Kans. 66857.	Dec. 28, 1973. Oct. 24, 1975.
Do	Dickinson	Herington, city of.	H 200076A 01	do	Mayor, City Hall, 715 South Broadway, Herington, Kans. 67449.	May 1, 1974. Oct. 24, 1975.
Do	Ellis	Ellis, city of.	H 200095A 01	do	Mayor, City Hall, 911 Washington St., P.O. Box 27, Ellis, Kans. 67637.	Jan. 9, 1974. Oct. 24, 1975.
Do	Gray	Cimarron, city of.	H 200117A 01	do	Mayor, City Hall, Main St., Cimarron, Kans. 67835.	May 31, 1974. Oct. 24, 1975.
Do	Harvey	Burrton, city of.	H 200130A 01	do	Mayor, City Hall, 208 North Burrton, Burrton, Kans. 67020.	Mar. 15, 1974. Oct. 24, 1975.
Do	Jackson	Holton, city of.	H 200141A 01	do	Mayor, City Hall, 430 Penn Ave., Holton, Kans. 66436.	Feb. 22, 1974. Oct. 24, 1975.
Do	Johnson	Mission Hills, city of.	H 200171A 01 through H 200171A 02	do	Mayor, City Hall, State Line, Mission Hills, Kans. 66208.	June 7, 1974. Oct. 24, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Marshall	Frankfort, city of.	H 200211A 01	do	Mayor, City Hall, 109 North Kansas, Frankfort, Kans. 66427.	Jan. 23, 1974. Oct. 24, 1975.
Do	Montgomery	Caney, city of.	H 200230A 01	do	Mayor, City Hall, Caney, Kans. 67333.	Feb. 15, 1974. Oct. 24, 1975.
Do	Pratt	Pratt, city of.	H 200278A 01	do	Mayor, City Hall, Pratt, Kans. 67124.	Apr. 5, 1974. Oct. 24, 1975.
Do	Rice	Chase, city of.	H 200293A 01	do	Mayor, City Hall, Main St., Chase, Kans. 67524.	Mar. 8, 1974. Oct. 24, 1975.
Do	Stanton	Johnson City, city of.	H 200345A 01	do	Mayor, City Hall, P.O. Box 387, Johnson City, Kans. 67855.	May 24, 1974.
Kentucky	Marshall	Benton, city of.	H 210163A 01 through H 210163A 04	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza, Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Dept., Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, 101 East 11th, Benton, Ky. 42025.	June 15, 1973. Oct. 24, 1975.
Louisiana	Avoyelles	Moreauville, village of.	H 220023A 01 through H 220023A 02	Director, State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Commissioner, Louisiana Insurance Commission, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village Hall, Moreauville, La. 71355.	June 28, 1974. Oct. 24, 1975.
Do	Evangeline	Mamou, town of.	H 220067A 01 through H 220067A 02	do	Mayor, Town Hall, Mamou, La. 70551.	May 3, 1974.
Do	Iberia	Loreauville, village of.	H 220081A 01 through H 220081A 02	do	Mayor, Village Hall, Loreauville, La. 70552.	Apr. 12, 1974.
Do	Iberville	Plaquemine, city of.	H 220086A 01 through H 220086A 04	do	Mayor, City Hall, Plaquemine, La. 70764.	Apr. 12, 1974. Oct. 24, 1975.
Do	Rapides	Cheneyville, town of.	H 220148A 01	do	Mayor, Town Hall, Cheneyville, La. 71325.	May 17, 1974. Oct. 24, 1975.
Do	do	Glenmora, town of.	H 220149A 01	do	Mayor, City Hall, Glenmora, La. 71433.	Apr. 12, 1974. Oct. 24, 1975.
Do	St. Martin	Breaux Bridge, town of.	H 220180A 01 through H 220180A 02	do	Mayor, Town Hall, Breaux Bridge, La. 70517.	Dec. 28, 1973. Oct. 24, 1975.
Do	Tangipahoa	Tickfaw, village of.	H 220214A 01	do	Mayor, Village of Tickfaw, Tickfaw, La. 70466.	Aug. 30, 1974.
Maryland	Frederick	Walkersville, town of.	H 240032A 01	Director, Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Commissioner, Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Richard Winn, Burgess, 3 West Pennsylvania, Walkersville, Md. 21793.	June 28, 1974. Oct. 24, 1975.
Michigan	Cass	Dowagiac, city of.	H 260055A 01 through H 260055A 02	Executive Secretary, Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Commissioner, Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 49077.	City Manager, Box 430, Dowagiac, Mich. 49047.	June 28, 1974.
Do	Saginaw	Bridgeport, town of.	H 260186A 01 through H 260186A 10	do	Township Supervisor, 6206 Dixie, Bridgeport, Mich. 48722.	Feb. 8, 1974. Oct. 24, 1975.
Minnesota	Chisago	Harris, city of.	H 270071A 01 through H 270071A 07	Director, Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Commissioner, Minnesota Division of Insurance, R-210, State Office Bldg., St. Paul, Minn. 55101.	Mayor, Harris, Minn. 55032.	Sept. 20, 1974. Oct. 24, 1975.
Do	do	Stacy, city of.	H 270074A 01	do	Mayor, City Hall, Stacy, Minn. 55079.	Oct. 25, 1974. Oct. 24, 1975.
Do	do	Taylors Falls, city of.	H 270075A 01 through H 270075A 02	do	Mayor, Box 241, Taylors Falls, Minn. 55084.	May 24, 1974.
Do	Hennepin	Woodland, city of.	H 270189A 01	do	Mayor, Woodland City Hall, City of Woodland, Wayzeta, Minn. 55391.	May 31, 1974. Oct. 24, 1975.
Do	Pipestone	Ruthon, city of.	H 270360A 01	do	Mayor, Ruthon, Minn. 56170.	Aug. 9, 1974.
Do	Rock	Hills, city of.	H 270409A 01	do	Mayor, Hills, Minn. 56138.	Apr. 12, 1974.
Do	Winona	Minnesota City, city of.	H 270529A 01	do	Mayor, City Hall, Minnesota City, Minn. 55959.	Aug. 2, 1974. Oct. 24, 1975.
Do	do	Stockton, city of.	H 270532A 01	do	Mayor, Box 62, Stockton, Minn. (No ZIP).	Aug. 23, 1974. Oct. 24, 1975.
Mississippi	Yalobusha	Water Valley, city of.	H 280187A 01	Director, Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Commissioner, Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Box 231, Water Valley, Miss. 38965.	Feb. 1, 1974. Oct. 24, 1975.
Missouri	Jasper	Duenweg, city of.	H 290182A 01	Executive Director, Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Superintendent, Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, P.O. Box 105, Duenweg, Mo. 64841.	May 3, 1974. Oct. 24, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Mississippi	East Prairie, city of.	H 290282A 01 through H 290282A 02	....do	Mayor, City Hall, East Main St., East Prairie, Mo. 63845.	May 3, 1974. Oct. 24, 1975.
Do	St. Francois	Farmington, city of.	H 290282A 01 through H 290282A 04	....do	Mayor, City Hall, Long Memorial Bldg., Farmington, Mo. 63640.	Mar. 1, 1974. Oct. 24, 1975.
Do	St. Louis	Bellefontaine Neighbors, city of.	H 290830A 01 through H 290830A 03	....do	Mayor, City Hall, 9641 Bellefontaine Rd., Bellefontaine Neighbors, Mo. 63137.	June 14, 1974. Oct. 24, 1975.
Montana	Fallon	Baker, city of	H 300018A 01	Administrator, Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Commissioner, Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	City Alderman, City of Baker, P.O. Box 744, Baker, Mont. 59313.	Mar. 15, 1974. Oct. 24, 1975.
New Jersey	Bergen	Demarest, borough of.	H 340025A 01	Chief, Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. Commissioner, New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, 118 Serpentine Rd., Demarest, N.J. 07627.	Mar. 15, 1974.
Do	do	Tenafly, borough of.	H 340076B 01 through H 340076B 08	....do	Mayor, 401 Tenafly Road, Tenafly, N.J. 07670.	Jan. 16, 1974. Apr. 26, 1975. Oct. 24, 1975.
Do	Somerset	Somerville, borough of.	H 340444A 01 through H 340444A 02	....do	Mayor, Municipal Office, 25 West End Ave., Somerville, N.J. 08876.	July 26, 1974. Oct. 24, 1975.
New York	Allegany	Scio, town of	H 360034A 01 through H 360034A 03	Commissioner, New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. Attention: Eldred Rich. Superintendent, New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisor, Town Hall, Scio, N.Y. 14880.	May 3, 1974. Oct. 24, 1975.
Do	Greene	Ashland, town of	H 360284A 01 through H 360284A 07	....do	Town Supervisor, Rural Delivery, Town of Ashland, Windham, N.Y. 12496.	Nov. 1, 1974. Oct. 24, 1975.
Do	Monroe	Pittsford, town of	H 360429A 01 through H 360429A 07	....do	Town Supervisor, 11 South Main St., Pittsford, N.Y. 14534.	Dec. 28, 1973. Oct. 24, 1975.
Do	Westchester	Peekskill, city of	H 360924A 01 through H 360924A 02	....do	City Manager, 840 Main St., Peekskill, N.Y. 10566.	May 31, 1974. Oct. 24, 1975.
Do	Yates	Starkey, town of	H 360965A 01 through H 360965A 05	....do	Town Supervisor, Town of Starkey, 33 Main St., Dundee, N.Y. 14837.	June 7, 1974. Oct. 24, 1975.
North Carolina	Cumberland	Fayetteville, city of.	H 370077A 01 through H 370077A 09	Director, Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. Commissioner, North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, 284 Green St., Fayetteville, N.C. 28301.	Nov. 2, 1973. Oct. 24, 1975.
Ohio	Knox	Fredericktown, village of.	H 390369A 01	Director, Ohio Department of Natural Resources, Flood Insurance Coordination Bldg., Fountain Sq., Columbus, Ohio 43224. Ohio Department of Insurance, 447 East Broad St., Columbus, Ohio 43215.	Mayor, 2 East Sandusky St., Fredericktown, Ohio 43019.	Apr. 5, 1974. Oct. 24, 1975.
Do	Lucas	Sylvania, city of	H 390364A 01 through H 390364A 08	....do	Mayor, 6535 Maplewood, Sylvania, Ohio 43560.	Dec. 17, 1973. Oct. 24, 1975.
Oklahoma	Nowata	Nowata, city of	H 400136A 01 through H 400136A 03	Executive Director, Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Commissioner, Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	City Manager, City Hall, Nowata, Okla. 74048.	June 28, 1974. Oct. 24, 1975.
Pennsylvania	Bradford	Ridgebury, township of.	H 420173B 01 through H 420173B 12	Secretary, Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Commissioner, Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120. Attention: David P. Ralston.	Township Supervisor, Rural Delivery Township of Ridgebury, Sayre, Pa. 18840.	Jan. 9, 1974. Aug. 8, 1975. Oct. 24, 1975.
Do	Chester	East Bradford, township of.	H 420276A 01 through H 420276A 05	....do	Township Board of Supervisors, Chairman, Township of East Bradford, 310 Highland Rd., West Chester, Pa. 19380.	Aug. 16, 1974. Oct. 24, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Crawford	Springboro, borough of.	H 420353A 01	....do	Mayor, Box 12, Springboro, Pa. 16435	June 21, 1974. Oct. 24, 1975.
Do	Adams	Straban, township of.	H 421259A 01 through H 421259A 11	....do	Township Board of Supervisors, Chairman, Rural Delivery No. 2, Township of Straban, New Oxford, Pa. 17350.	Jan. 3, 1975.
Do	Washington	Deanston, borough of.	H 422182A 01 through H 422182A 04	....do	Mayor, Rural Delivery No. 1, Borough of Deanston, Fredericktown, Pa. 15333.	Nov. 1, 1974.
Texas	Bosque	Meridian, city of	H 480032A 01 through H 480032A 02	Executive Director, Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Commissioner, Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, Box 712, Meridian, Tex. 76665	May 3, 1974. Oct. 24, 1975.
Do	Denton	Denton, city of	H 480194A 01 through H 480194A 15	....do	Professional Engineer, City of Denton, 1 Lemon Park North, 3700 McKinney at Blackburn, Dallas, Tex. 75204.	Nov. 1, 1974. Oct. 24, 1975.
Utah	Duchesne	Duchesne, city of	H 490055A 01	Director, Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Commissioner, Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Duchesne, Utah 84021.	June 21, 1974. Oct. 24, 1975.
Virginia	Fairfax	Vienna, town of	H 510053A 01 through H 510053A 02	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Commissioner, Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Town Manager, 127 Center St., Vienna, Va. 22180.	Aug. 2, 1974. Oct. 24, 1975.
West Virginia	Cabell	Barboursville, village of.	H 540017A 01 through H 540017A 02	Director, Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Commissioner, West Virginia Insurance Commission, 1800 Washington St., Building No. 3, Room 543, Charleston, W. Va. 25305.	Mayor, Village Hall, Barboursville, W. Va. 25504.	May 31, 1974. Oct. 24, 1975.
Wisconsin	Dodge	Fox Lake, city of	H 550097A 01	Secretary, Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Insurance Commissioner, Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53702.	Mayor, Box 105, Fox Lake, Wis. 53933	May 24, 1974.
Do	Richland	Cazenovia, village of.	H 550358A 01 through H 550358A 03	....do	Village President, Box 33, Cazenovia, Wis. 53924.	Aug. 23, 1974. Oct. 24, 1975.
Do	Sauk	North Freedom, village of.	H 550399A 01	....do	Village President, Box 25, North Freedom, Wis. 53951.	Dec. 17, 1973. Oct. 24, 1975.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 406–410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: October 20, 1975.

FRANCIS REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-29285 Filed 10-31-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Expenses and Fixing of Rate of Assessment for the 1975–76 Fiscal Period and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of $125,000 and rate of assessment of two and one-half cents ($0.025) per carton of grapefruit to support the activities of the Administrative Committee for the 1975–76 fiscal period under Marketing Order No. 909.

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Administrative Committee during the period September 1, 1975, through August 31, 1976, will amount to $125,000.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 909.41, be fixed at two and one-half cents ($0.025) per carton, or equivalent quantity of grapefruit; and

(3) That unexpended assessment funds of approximately $35,287, in excess of expenses incurred during the 1974–75 fiscal period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 15, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-29436 Filed 10-31-75;8:45 am]

[7 CFR Parts 1060, 1061, 1068, 1069, 1076]

[Docket Nos. AO–178–A33, etc.]

MILK IN THE MINNEAPOLIS-ST. PAUL AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Correction

In FR Doc. 75–28832, appearing at page 50392 in the issue of Wednesday, October 29, 1975, make the following change:

The twenty-two lines of text immediately following the last table on page 50395, together with the nineteen lines of text preceding the table on 50896, should be interchanged with the 46 lines of text appearing in the first column following the table on page 50396.

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 29]

APPRENTICESHIP PROGRAMS

Proposed Registration Standards

CROSS REFERENCE: For a document relating to a notice of proposed rulemaking on apprenticeship programs published at 40 FR 11340, see FR Doc. 75–29508 appearing in the notices section of this issue under Labor Department, Manpower Administration.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 102]

[Docket No. 75N–0172]

PEANUT SPREADS

Proposed Common or Usual Name

The Food and Drug Administration is proposing to establish a common or usual name for spreadable peanut products that fail to meet the standard of identity for peanut butter. The name proposed is "peanut spread," followed by a declaration of the percentage of peanuts present. Interested persons have until January 2, 1976 to submit comments.

The Commissioner of Food and Drugs, in the FEDERAL REGISTER of March 14, 1973 (38 FR 6964), promulgated general principles and a procedure for establishing common or usual names for nonstandardized foods (21 CFR Part 102). These principles and that procedure govern this rule making proceeding.

Recently, a number of spreadable peanut products have appeared on the market that do not conform to the standard of identity for peanut butter. The peanut butter standard of identity (21 CFR 46.1) sets a maximum of 10 percent by weight for any combination of seasoning and stabilizing ingredients; the remainder must consist of peanut ingredient. During processing, the oil content of the peanut ingredient may be adjusted by adding or subtracting peanut oil, but the finished food may contain no more than 55 percent fat. These figures were established following a public hearing, which began November 1, 1965, and concluded on March 15, 1966. The findings of fact were published in conjunction with the standard of identity for peanut butter in the FEDERAL REGISTER of July 24, 1968 (33 FR 10506).

Descriptive name. The new spreadable peanut products have less peanut ingredient than standardized peanut butter. Consequently, the Commissioner concludes that the products do not purport to be peanut butter if they are identified by an appropriately descriptive and distinguishing name. To prevent confusion with standardized peanut butter, the Commissioner on his own initiative is proposing to establish by regulation a common or usual name for nonstandardized spreadable peanut products. The proposed regulation requires use of the name "peanut spread." This is the name currently being used by the new products. Copies of representative labeling are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Percentage declaration. Section 102.1 (b) of the regulations (21 CFR 102.1(b)) requires that a common or usual name established by regulation include a declaration of the percentage of any characterizing ingredient when the proportion of such ingredient has a material bearing on price or consumer acceptance. The Commissioner concludes that the proportion of peanuts in peanut spread has a material bearing on consumer acceptance, and hence should be required to be declared on the label of such products.

Certain exhibits introduced into evidence at the 1965–1966 hearing on the peanut butter standard corroborate this conclusion and are on file with the Hearing Clerk.

In particular, the exhibits show that intensity of peanut flavor is an important factor in consumer acceptance of peanut spreads. An industry survey of consumer preferences determined that "taste and flavor" was a characteristic named by 67.1 percent of buyers as one of the most important characteristics in buying peanut spreads (hearing exhibit 22). Flavor in peanut spreads was shown by the survey to be a more important factor in consumers' choices than flavor in jam, jelly, or margarine. Similarly, a U.S. Department of Agriculture survey found that almost half of the respondents who used peanut butter reported they liked it for its "good taste or flavor" (hearing exhibit 24, page 17 and table 20).

Exhibits from the hearing also show that peanut flavor is directly related to the amount of peanuts contained in the spread. A consumer evaluation of three peanut spreads, containing 95 percent, 90 percent, and 80 percent peanuts, respectively, reported as a major finding that there was a "highly significant" difference detected in the intensity of peanut flavor among the three spreads. The products with lowest peanut content had less intense flavor (hearing exhibit 110).

Together, these surveys demonstrate that the amount of peanuts in a peanut spread product has a material bearing on consumer acceptance.

The percentage of peanuts in peanut spread products has long been regarded by industry as a material fact. Prior to the establishment of the peanut butter standard, one product marketed had only 75 percent peanuts, although most peanut butters of the time had at least 87 percent peanuts. Recognizing the material difference, the manufacturer identified the product by the common or usual name "peanut spread," rather than "peanut butter," and stated the percentage of peanuts directly beneath the common or usual name (hearing exhibit 49). The transcript of a television commercial for a peanut butter product introduced into the record of the peanut butter standard hearing emphasized the amount of peanuts, indicating that at least one manufacturer recognized that the amount of peanuts in spreadable peanut products had a material bearing on consumer acceptance (hearing exhibit 129).

A statement by the manufacturer of one brand of peanut spread currently marketed in four flavors is also on file with the Hearing Clerk. The statement points out that the peanut content varies among the flavored products from about 52.5 to 69.5 percent. Nothing in the labeling, which is on file with the Hearing Clerk, indicates this difference. Moreover, all four flavors are sold at the same retail price. Thus, with the present labeling, a material fact bearing on consumer acceptance is undisclosed, and not revealed even by a difference in the retail prices.

Section 102.1(b) of the regulations also requires the declaration of the percentage of a characterizing ingredient when the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient is present in an amount greater than is actually the case. Although use of the name "peanut spread" is appropriate because of its descriptive character and historical use, the Commissioner believes the term may not be adequately informative without an accompanying percentage declaration because of its similarity to the name "peanut butter." The potential for confusion is increased because the appearance and packaging for the two types of foods are similar. Consequently, the Commissioner concludes that a statement of the percentage of peanuts present is necessary to distinguish the product adequately as one that contains fewer peanuts than peanut butter.

One manufacturer, in correspondence with the Food and Drug Administration on file with the Hearing Clerk, proposed declaring the percentage of peanuts in peanut spreads but suggested counting added peanut oil as peanuts for purposes of the percentage declaration. According to this manufacturer, the addition of peanut oil is necessary to compensate for natural variation in the protein content of peanut oil as peanuts of including peanut oil as peanuts is sanctioned in the peanut butter standard of identity.

The standard of identity for peanut butter does permit the use of peanut oil within certain limitations. The standard of identity for peanut butter states that "During processing, the oil content of the peanut ingredient may be adjusted by the addition or subtraction of peanut oil." In the findings of fact published in the FEDERAL REGISTER of July 24, 1968 (33 FR 10506) as a result of the peanut butter hearing, Finding of Fact No. 22 states, "Some manufacturers have added unhydrogenated peanut oil or other unhydrogenated vegetable oils to compensate for deficiency in oil content of the peanut ingredient. Addition of oil is needed only with peanuts that are characteristically low in oil content." As a result of this finding, the standardized product was limited to a maximum of 55 percent total fat.

The Commissioner is of the opinion that when the percentage of "peanuts" is declared on the label of any spreadable peanut product, the consumer would reasonably expect that this represents the actual amount of peanuts and not the amount of peanuts plus added peanut oil. It is proposed, therefore, that the declaration of the percentage of peanuts in peanut spreads be made on the basis of the actual weight of peanuts used in the formulation in relation to the total formula weight. When peanut oil is added, it would be declared as a separate ingredient in the ingredient statement, as required by section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act. However, because there are differences of opinion on the appropriate manner for the declaration of the percentage of peanuts (the amount of peanuts versus the amount of peanuts plus added peanut oil), the Commissioner invites comments specifically on this point.

Imitation designation. Section 403(c) of the act (21 U.S.C. 343(c)), as interpreted by § 1.8(e) of the regulations (21 CFR 1.8(e)), requires a food to be labeled as an imitation of another food if it substitutes for and resembles the other food and is nutritionally inferior to it.

The Commissioner concludes that a spreadable peanut product is inherently a substitute for peanut butter. The dominant characteristics of both are their spreadable form and peanut flavor. Under such circumstances, it is inevitable that substitution will occur. The Commissioner further notes that labeling for these products directed at retailers encourages them to display the product on retail shelves surrounded by brands of peanut butter. One statement in the labeling contends that the product "belongs in the peanut butter department—next to the national brands—where your customers will be looking for it." The labeling also describes the results of a test in which the peanut spread product was compared by consumers to a peanut butter. Copies of this labeling and other labeling and advertising used for these products are on file with the Hearing Clerk.

Discussions between representatives of the Food and Drug Administration and one manufacturer of nonstandardized peanut spreads have dealt with whether these products substitute for peanut butter. Memoranda of these meetings and copies of correspondence are on file with the Hearing Clerk. The manufacturer presented the results of a survey purporting to show that most consumers had not substituted peanut spread for peanut butter in their diets. Most of the consumption of the product, which is flavored, was said to take place in the afternoon as a snack, rather than at mealtimes.

Since details of the survey were not submitted, the Commissioner cannot evaluate the significance of these results. Moreover, such statistics must be considered together with the inherent similarities of peanut spread to peanut butter and the efforts to promote peanut spread as a substitute for peanut butter. Considering these factors together, the Commissioner concludes that a substantial likelihood of substitution exists, and therefore that any peanut spread that is not nutritionally equivalent to peanut butter must be labeled as an imitation of peanut butter.

Under § 1.8(e) the requirement for nutritional equivalence applies only when a food resembles another food, in addition to substituting for it. The Commissioner concludes that all spreadable peanut products resemble peanut butter within the meaning of § 1.8(e) since the dominant physical characteristics of both peanut spread and peanut butter are their spreadable form and peanut flavor.

The Commissioner notes that the effect of section 403(c) of the act and § 1.8(e) of the regulations is to discourage the gradual nutritional degradation of the American diet through the introduction of products that replace traditional products but are nutritionally inferior to them. When a nutritionally inferior product is introduced, its being labeled as an imitation in accordance

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with the provisions of § 1.8(e) will alert consumers to the food's inferiority.

The Commissioner is aware that it may be impossible for a product to be nutritionally equivalent to peanut butter and still have the physical characteristics sought by the manufacturer. One manufacturer of peanut spreads has indicated in meetings with representatives of the Food and Drug Administration, memoranda of which are on file with the Hearing Clerk, that nutritional equivalence cannot be achieved without sacrificing desired product characteristics. The Commissioner concludes, however, that in accordance with section 403(c) of the act and § 1.8(e) of the regulations, in such a case the product is appropriately labeled as an imitation.

Since these peanut spread products substitute for and resemble peanut butter, they are imitations of peanut butter under § 1.8(e) if they are nutritionally inferior to peanut butter. Consequently, the proposal identifies the nutritional qualities a peanut spread must achieve to avoid having to be labeled as an imitation. These nutritional qualities include the quantity of protein, the quality of that protein, and the amounts of vitamins and minerals present in the finished food.

Several varieties of peanuts are used in the manufacture of peanut butter. The protein content of peanut butter thus varies over a wide range depending on the amount and type of peanuts used in the manufacture of the product. Data presently available to the Food and Drug Administration, which are on file with the Hearing Clerk, indicate that the protein content of peanut butter ranges from 21.5 to 28.6 percent protein (N X 5.46).

It is, therefore, proposed that the protein content (N X 5.46) of peanut spreads reach at least 21.5 percent to achieve nutritional equivalence to peanut butter.

The biological quality of the protein sources in peanuts, as measured by protein efficiency ratio (PER), is 1.7, compared to casein with a PER of 2.5 as a reference; see "Amino Acid Content of Foods and Biological Data on Proteins," Food and Agriculture Organization of the United Nations, Part II, Sec. 1, pp. 171–172, a copy of which is on file with the Hearing Clerk. It is, therefore, proposed that the PER of the protein in peanut spreads be at least 1.7, or 68 percent that of casein.

In determining nutritional equivalence, special criteria apply in the case of protein because the U.S. Recommended Daily Allowance (U.S. RDA) has two values, depending on the quality of the protein. The U.S. RDA of protein is established by § 1.17(c)(7)(ii) (21 CFR 1.17(c)(7)(ii)) as 45 grams if the protein efficiency ratio (PER of the total protein in a product is equal to or greater than that of casein, and 65 grams if the PER is less than that of casein. When a traditional food has low quality protein, and a substitute food is so fabricated that the quality of its total protein exceeds that of casein, the intent of § 1.8(e) is that a serving of the substitute food shall contain at least the same percentage of the U.S. RDA of protein as an equal amount of the traditional food.

If a manufacturer of peanut spread uses a protein source, including added amino acids, in addition to the peanuts and develops a peanut spread product with a protein quality at least equal to that of casein, allowance is properly made for the nutritional advantage when calculating protein content. Therefore, with respect to protein, the proposed regulation would provide that a peanut spread is not imitation peanut butter if it contains at least 14.9 percent protein (21.5 x 45/65=14.9) when the protein quality equals or exceeds that of casein.

The following vitamins and minerals at the levels prescribed would be required to be present in peanut spreads to avoid the necessity of their being labeled as imitations:

Nutrients:	*Amount (milligram per 100 g)*
Niacin	15.3
Vitamin B_6	0.33
Folic acid	0.08
Iron	2.0
Zinc	2.9
Magnesium	173.0
Copper	0.6

These values are obtained from average values listed for peanut butter in "Composition of Foods" USDA Handbook No. 8, Dec., 1963; "Home Economics Research Report #36," U.S. Dept. of Agriculture; Canadian Institute of Food Science and Technology Journal, 5(2):65, 1972; Journal of the American Dietetic Association, 56:401, 1970. Copies of these references are on file with the Hearing Clerk. Each of these nutrients is present in peanut butter in an amount at least equal to 2 percent of the U.S. RDA for the nutrient in an average serving (20 grams). Under the criteria of § 1.8(e)(4)(ii), these nutrients are therefore required to be present to avoid nutritional inferiority.

The amount of vitamin E that a peanut spread must contain to avoid being labeled as an imitation has not yet been established. The vitamin E content of peanut butters is subject to variation for several reasons, and the Food and Drug Administration does not presently have enough information to be able to set a value for nutritional equivalence. Consequently, under the proposal, no peanut spread would be considered to be an imitation peanut butter solely because it contained less vitamin E than the standard food.

The Commissioner will establish a requirement for vitamin E in peanut spreads when sufficient data on the vitamin E content of peanut butters currently manufactured have been obtained. Interested persons are invited to submit pertinent studies and available data concerning vitamin E content of peanut butters to the Food and Drug Administration in response to this proposal.

Restoration of lost nutrients. One manufacturer in correspondence with the Food and Drug Administration, a copy of which is on file with the Hearing Clerk, expressed a desire to add additional vitamins to peanut spreads. This manufacturer stated that certain vitamins should be added to restore them to the levels present prior to processing.

The Commissioner advises that this proposal defines the nutrient levels for peanut spreads that will provide nutritional equivalence to peanut butter. The levels of nutrients required for nutritional equivalence to peanut butter are properly based on average values found in peanut butter, not raw peanuts. Thus, the levels proposed do not include any vitamins or minerals added for the purpose of restoring nutrients lost in processing.

General principles governing the addition of nutrients to foods, including addition for the purpose of restoration, were proposed in the FEDERAL REGISTER of June 14, 1974 (39 FR 20900). Questions concerning the addition of vitamins and minerals to food for the purpose of restoring nutrients lost in proceeding will be considered prior to the promulgation of a final regulation based on that proposal.

Flavored products. The Commissioner notes that some peanut spread products are formulated to contain additional flavoring agents and advises that if the label, labeling, or advertising of the peanut spread product makes any direct or indirect representations with respect to such flavors, other than in the statement of ingredients, the product is subject to the requirements of § 1.12(i) (21 CFR 1.12(i)), which governs the labeling of flavored products.

Effective date. The Commissioner proposes to make the regulation effective for products shipped in interstate commerce after December 31, 1977.

Environmental and inflation impact. The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB circular A–107, and guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, as amended, 1047–1048, as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 102 be amended by adding a new section to read as follows:

§ 102.23 Peanut spreads.

(a) The common or usual name of a spreadable peanut product that does not conform to § 46.1 of this chapter, and more than 10 percent of which consists of nonpeanut ingredients, shall consist of the term "peanut spread" and a statement of the percentage by weight of peanuts in the product in the manner set forth in § 102.1(b).

(b) A spreadable peanut product that is nutritionally inferior to peanut butter shall be labeled as an imitation of peanut butter pursuant to § 1.8(e) of this chapter. For purposes of § 1.8(e)(2) of this chapter, a spreadable peanut product shall be considered nutritionally equivalent to peanut butter if it meets all of the following conditions:

(1) *Protein.* (i) The protein content of the product is at least 21.5 percent by weight of the finished product, and the overall biological quality of the protein contained in the product is at least 68 percent that of casein; or

(ii) The protein content of the product is at least 14.9 percent by weight of the finished product, and the overall biological quality of the protein contained in the product is equal to or greater than that of casein.

(2) *Other nutrients.* The product contains the following levels of nutrients per 100 grams of product:

Nutrient:	*Amount (milligrams)*
Niacin	15.3
Vitamin B_6	0.33
Folic acid	0.08
Iron	2.0
Zinc	2.9
Magnesium	173.0
Copper	0.6

(c) Compliance with the requirements of paragraph (b) of this section shall be determined by methods described in the following references:

(1) Protein quantity: "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975 (AOAC),[1] section 27.007.

(2) Biological quality of protein: AOAC,[1] sections 43.183–43.187.

(3) Niacin: AOAC,[1] sections 43.044–43.046.

(4) Vitamin B_6: AOAC,[1] sections 43.159–43.164.

(5) Folic acid: U.S. Department of Agriculture Handbook No. 29, modified by use of ascorbate buffer as described by Ford and Scott, *Journal of Dairy Research*, 58:85–90, 1968.[2]

(6) Iron: AOAC,[1] sections 43.188–43.190.

(7) Zinc: AOAC,[1] sections 25.143–25.147.

(8) Copper: AOAC,[1] sections 25.035–25.040.

(9) Magnesium: AOAC,[1] sections 2.096–2.099.

Interested persons may, on or before January 2, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: October 27, 1975.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.75–29439 Filed 10–31–75;8:45 am]

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

[2] Copies may be obtained from: National Center for Nutrient Analysis (HFF–264), Division of Nutrition, Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204.

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Health Maintenance Organizations Contract Appeal Procedures Under Title XVIII

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations set forth the procedures to be followed by health maintenance organizations (HMO's) in appealing termination notices from the Secretary, or notices that the Secretary will not renew the HMO's contract under Medicare. Additionally, the proposed regulations set forth the appeal procedures for an organization dissatisfied with the Secretary's determination that it is ineligible to enter into a contract as an HMO in the Medicare program.

Section 1876(i)(4) of the Social Security Act (42 U.S.C. 1395mm(i)(4)), which was added to title XVIII by section 226 of Pub. L. 92–603 provides that the Secretary may terminate his contract with an HMO at any time, after giving reasonable notice and opportunity for hearing, if the Secretary finds that the HMO has failed substantially to carry out the contract, is carrying out the contract in a manner inconsistent with the efficient and effective administration of this section, or no longer substantially meets the applicable conditions necessary to qualify as an HMO within the meaning of section 1876 of the Social Security Act.

These proposed regulations, which implement section 1876 of the Act, comply with the aforesaid requirements. In addition, even though not required by the Act, the Secretary will afford hearing rights in two other situations. One involves the situation in which the Secretary determines that an organization is not eligible to enter into a contract under which it would qualify for participation as an HMO in the Medicare program. The other is a case where the Secretary refuses to renew a contract with an HMO—such contracts are term agreements renewable automatically in the absence of notice by either party of intention not to renew. The appeal rights in such a case will extend to situations only where the Secretary's reason for nonrenewal is a reason which would have sufficed to terminate the contract. Thus, the HMO's right to a hearing would not be diminished where the Secretary felt it was more advisable not to renew, rather than to terminate for cause.

In termination or nonrenewal cases, the HMO will be given notice of such action at least 90 calendar days before the effective date of the Secretary's determination and will have until such effective date to file a request for a hearing. In the case of a termination, the filing of such request will postpone the effective date of the determination until the hearing officer renders a decision. In a nonrenewal case, the Secretary will have the power to extend the contract where he is satisfied that such extension is consistent with the purposes of section 1876 of the Act.

The HMO's right to a hearing will flow directly from the initial determination of the Secretary to terminate or to not renew. The step of reconsideration usually utilized in such a process is eliminated in order to expedite action. In this regard the regulations follow similar regulations in Subpart O, Regulations No. 5, dealing with the termination of a provider's participation in this program.

The hearing will be conducted by a hearing officer appointed by the Secretary. Because of the absence of specific authorization in the Act, no provision is made for judicial review.

Like policies and procedures will apply to a determination of the Secretary that an organization is not eligible to participate in the program as an HMO; except that the organization will be required to go through reconsideration before it has a right to a hearing. Since the organization is not participating in the Medicare program, the need for expedited action is not as great as in the case of termination or nonrenewal of a contract. Reconsideration will afford the Secretary an opportunity to review his decision and, to the extent that he reverses the initial determination, the organization will be spared the expense and time of a hearing. Again, this is the process followed in Subpart O, Regulations No. 5, where the Secretary finds an institution or facility ineligible to participate as a provider of services under the Medicare program. Here, too, since there is no statutory provision for judicial review of a determination that an organization does not qualify as an HMO, these regulations make no provision for judicial review.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commis-

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sioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before December 3, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, S.W., Washington, D.C. 20201.

The proposed regulations are to be issued under the authority contained in sections 1102, 1871, and 1876 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 331, and 86 Stat. 1396; 42 U.S.C. 1302, 1395hh, and 1395mm.

(Catalog of Federal Domestic Assistance Programs No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance; No. 13.801, Health Insurance for the Aged and Disabled—Supplementary Medical Insurance.)

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated: September 16, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 22, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the code of Federal Regulations, as amended, is further amended as set forth below:

1. The table of sections for Subpart T is amended by adding the following numbers and headings:

Sec.
405.2065 Health maintenance organizations contract appeals; determinations and appeals procedures.
405.2066 Initial determinations.
405.2067 Notice of initial determination.
405.2068 Effect of initial determination.
405.2069 Administrative actions which are not initial determinations.
405.2070 Reconsideration; right to reconsideration; time and place of filing request for reconsideration.
405.2071 Proper party for filing request for reconsideration.
405.2072 Extension of time to request reconsideration.
405.2073 Withdrawal of request for reconsideration.
405.2074 Reconsidered determination.
405.2075 Submission of evidence.
405.2076 Notice and effect of reconsidered determination.
405.2077 Hearing; right to hearing; time and manner of filing request for hearing.
405.2078 Postponement of effective date of initial determination.
405.2079 Parties to the hearing.
405.2080 Hearing officer.
405.2081 Disqualification of hearing officer.
405.2082 Location of hearing.
405.2083 Notice of hearing.
405.2084 Conduct of hearing.
405.2085 Record of hearing.
405.2086 Authority of hearing officer.
405.2087 Hearing decision and notice.
405.2088 Effect of hearing decision.
405.2089 Appointment of representative.
405.2090 Authority of representative.
405.2091 Reopening of initial or reconsidered determination and decision of a hearing officer.
405.2092 Notice of reopening and revision.

2. Subpart T is amended by adding §§ 405.2065–405.2092 reading as follows:

§ 405.2065 Health maintenance organizations contract appeals; determinations and appeals procedures.

(a) The provisions contained in this section and §§ 405.2066–405.2092 shall govern the procedures for making and reviewing determinations with respect to whether:

(1) An organization is eligible to enter into a contract with the Secretary under which such organization would qualify for participation as a health maintenance organization (hereinafter referred to as an "HMO") within the meaning of section 1876 of the Social Security Act, and

(2) The Secretary's agreement with the HMO should be terminated for cause, pursuant to section 1876 of such Act, and

(3) The Secretary's agreement with the HMO should not be renewed.

(b) Any organization dissatisfied with an initial determination that it is ineligible to enter into a contract with the Secretary as an HMO under section 1876 of the Social Security Act may request a reconsideration of that determination (see § 405.2070) and, if dissatisfied with the reconsidered determination, may request a hearing. An organization which has a contract with the Secretary to participate as an HMO is entitled to a hearing if it is dissatisfied with the Secretary's initial determination to terminate the contract as specified in § 405.2066. In addition, any such organization is, under certain circumstances, also entitled to a hearing if it is dissatisfied with the Secretary's initial determination not to renew the contract (see § 405.2066(c)).

(c) To be a participating HMO, eligible for payment, an HMO must be in compliance with title VI of the Civil Rights Act of 1964 and must enter into a contract with the Secretary under § 405.2030. The provisions of this Subpart T do not govern in any respect the adjudication of issues related to the compliance of an HMO with title VI of the Civil Rights Act of 1964, or the implementing regulation (45 CFR Part 80) promulgated by the Secretary of Health, Education, and Welfare.

§ 405.2066 Initial determinations.

The Secretary shall make an initial determination with respect to:

(a) Whether an organization which has applied to enter into a contract with the Secretary under section 1876 of the Social Security Act (§ 405.2030) is eligible to enter into such a contract;

(b) The termination of a contract with an HMO because the HMO:

(1) Has failed substantially to carry out the terms of the contract entered into pursuant to § 405.2030, or

(2) Is carrying out the contract in a manner which is inconsistent with the efficient and effective administration of section 1876 of the Social Security Act, or

(3) No longer meets the applicable conditions necessary to qualify as an HMO under section 1876 of such Act (§ 405.2030);

(c) The nonrenewal of a contract with an HMO, but only if such nonrenewal is for a reason stated in paragraph (b)(1), (2), or (3) of this section.

§ 405.2067 Notice of initial determination.

(a) Written notice of an initial determination specified in § 405.2066(a) shall be mailed to the organization filing the request for such determination and specifically advise the organization:

(1) As to whether it is eligible for participation as an HMO in the health insurance program; and

(2) If not so eligible, the reasons why the organization is ineligible to participate in the program.

(b) Written notice of an initial determination specified in § 405.2066(b) shall be mailed to the HMO at least 90 calendar days before the effective date of such determination.

(c) Written notice of an initial determination specified in § 405.2066(c) shall be mailed to the HMO at least 90 calendar days before the end of the contract period.

§ 405.2068 Effect of initial determination.

The initial determination shall be final and binding upon the parties to the determination unless it is reconsidered in accordance with § 405.2074 (in the case of a determination described in § 405.2067(a)) or revised in accordance with § 405.2091, or a request for hearing is filed (in the case of a determination described in § 405.2066 (b) or (c)).

§ 405.2069 Administrative actions which are not initial determinations.

Administrative actions which shall not be considered initial determinations under any provision of the regulations in this subpart include, but shall not be limited to, the following:

(a) The refusal of the Secretary to renew a contract with an HMO where the reasons for such refusal are not among the causes specified in paragraph (b)(1), (2), or (3) of § 405.2066 (e.g., a refusal to renew because the HMO no longer complies with title VI of the Civil Rights Act of 1964).

(b) The finding by the Secretary that an HMO is not eligible to enter into a risk-sharing contract as specified in section 1876(i)(2)(A) of the Social Security Act.

§ 405.2070 Reconsideration; right to reconsideration; time and place of filing request for reconsideration.

Any organization which is dissatisfied with an initial determination (§ 405.2066

(a)) that it is ineligible to enter into a contract with the Secretary under section 1876 of the Social Security Act (§ 405.2030) may request the Secretary to reconsider such determination. The Secretary shall reconsider an initial determination if a written request for reconsideration is filed by the organization within 60 calendar days after the date of mailing of the notice of initial determination (§ 405.2067), or later if the time for filing is extended (§ 405.2072). The request for reconsideration is to be filed with the Office of the Secretary or with an employee of the Department of Health, Education, and Welfare authorized to accept such requests at a place other than such office.

§ 405.2071 Proper party for filing request for reconsideration.

Only an authorized official of the organization which was a party to an initial determination may file the request for reconsideration of such determination (§ 405.2070).

§ 405.2072 Extension of time to request reconsideration.

If a party to an initial determination desires to file a request for reconsideration after the time for filing has passed (§ 405.2070), such party may file a petition with the Secretary for an extension of the time. The petition shall be in writing and shall state the reasons why the request for reconsideration was not filed within the required time. For good cause shown, the Secretary may extend the time for filing a request for reconsideration.

§ 405.2073 Withdrawal of request for reconsideration.

A request for reconsideration may be withdrawn at any time prior to the mailing of notice of the reconsidered determination (see § 405.2076) if a written request for withdrawal is filed with the Secretary by the organization which filed the request for reconsideration and if the Secretary approves the request for withdrawal.

§ 405.2074 Reconsidered determination.

When a request for reconsideration has been filed (§ 405.2070), the Secretary shall reconsider the initial determination in question and the findings on which the initial determination is based. The Secretary shall make a reconsidered determination, affirming or reversing the initial determination (§ 405.2066).

§ 405.2075 Submission of evidence.

The Secretary shall accept in evidence any documents or written statements which are relevant and material to the matters at issue and which are submitted within a reasonable time after the filing of a request for reconsideration. The reconsidered determination shall be based on the evidence considered in making the initial determination and whatever other written evidence may be submitted prior to the time of the reconsidered determination, taking into account facts relating to the status of the organization subsequent to the initial determination.

§ 405.2076 Notice and effect of reconsidered determination.

(a) *Notice of reconsidered determination.* Written notice of the reconsidered determination (§ 405.2074):

(1) Shall be mailed to the organization concerned;

(2) Shall contain findings with respect to whether the organization is eligible to enter into a contract with the Secretary under section 1876 of the Social Security Act (§ 405.2030);

(3) Shall contain a statement of the reasons for the determination; and

(4) Where the initial determination is affirmed, shall inform the organization of its right to a hearing (§ 405.2077) if it is dissatisfied with the reconsidered determination.

(b) *Effect of reconsidered determination.* The reconsidered determination shall be final and binding upon the parties to the determination unless it is revised in accordance with § 405.2091, or a hearing is requested in accordance with § 405.2077.

§ 405.2077 Hearing; right to hearing; time and manner of filing request for hearing.

(a) *Right to hearing.* An organization which has been determined in a reconsidered determination to be not eligible to enter into a contract with the Secretary under section 1876 of the Social Security Act (§ 405.2030), shall be entitled to a hearing with respect to such determination. Likewise, an HMO whose contract with the Secretary has been terminated or has not been renewed as a result of an initial determination of the Secretary as provided in § 405.2066(b) or (c) shall be entitled to a hearing with respect to that initial determination.

(b) *Time and manner of filing request for hearing specified in paragraph (a) of this section.* The request for a hearing specified in paragraph (a) of this section shall be in writing and filed by an authorized official of the organization or HMO, as the case may be, which was the party to the reconsidered determination (in the case of a determination under § 405.2066(a)) or the initial determination (in the case of a determination under § 405.2066(b) or (c)). The request for a hearing is to be filed with the Office of the Secretary or at an office of the Social Security Administration.

(c) *Time and manner of filing request for hearing with respect to certain reconsidered or revised determinations.* A request for a hearing with respect to a reconsidered or revised determination provided for in § 405.2074 and § 405.2091, must be filed within 30 calendar days after the date on which written notice of a reconsidered determination or a revised determination, as the case may be, has been mailed to the organization which is the party to such determination. In the case of an initial determination provided for in § 405.2066(b) or (c), the request for a hearing must be filed prior to the date such determination becomes effective.

(d) *Exception to time of filing request for hearing.* For good cause shown, the 30-day period referred to in paragraph (c) of this section may be extended.

§ 405.2078 Postponement of effective date of initial determination.

Where a request for a hearing with respect to a determination provided for in § 405.2066(b) or (c) is timely filed:

(a) the effective date of the initial determination to terminate a contract with the HMO shall be postponed until a decision is rendered by the hearing officer;

(b) the contract with the HMO may be extended at the end of a contract period, in the case of an initial determination not to renew the contract, but only if prior to the end of the contract period the Secretary finds that a renewal of the contract will be consistent with the purposes of section 1876 of the Social Security Act. (Where such a finding is made, the contract shall be extended for such period as the Secretary and HMO shall mutually agree.)

§ 405.2079 Parties to the hearing.

The party(ies) to the hearing on an appeal filed pursuant to § 405.2077 shall be:

(a) The organization which was a party to the reconsidered determination (see § 405.2070) or the HMO which was a party to the initial determination (in the case of such a determination specified in § 405.2066(b) or (c));

(b) At the discretion of the hearing officer, any interested party(ies) who makes a showing that his (their) rights may be prejudiced by the decision to be rendered at the hearing; and

(c) The Bureau of Health Insurance representing the Secretary.

§ 405.2080 Hearing officer.

Any hearing provided for in § 405.2077 shall be conducted by a hearing officer designated by the Secretary.

§ 405.2081 Disqualification of hearing officer.

A hearing officer shall not conduct a hearing in any case in which he is prejudiced or partial with respect to any party, or if he has an interest in the matter before him. Notice of any objection with respect to the hearing officer who will conduct the hearing shall be made by the objecting party at his earliest opportunity. The hearing officer shall consider such objection and shall, at his discretion, withdraw. If the hearing officer withdraws, the Secretary shall designate another hearing officer to conduct the hearing. If the hearing officer does not withdraw, the objecting party may present his objections to the Secretary at any time prior to the issuance of a decision. The Secretary shall review the request and take appropriate action.

§ 405.2082 Location of hearing.

(a) *Time and place.* The hearing officer shall fix a time and place for the

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hearing reasonably convenient to the requesting party and not inconsistent with the public interest.

(b) *Adjournment or postponement.* The hearing officer may, for a good and sufficient reason, fix a new time and/or place for the hearing; he may change the time and place for the hearing or adjourn the hearing on his own motion upon reasonable notification to the parties.

§ 405.2083 Notice of hearing.

The notice of hearing shall include notice of the time and place of the hearing; information as to the specific issues to be determined; and the matters on which findings shall be made and conclusions shall be reached. The notice shall also contain sufficent information about the hearing procedure (including the party's right to representation) for effective preparation for the hearing.

§ 405.2084 Conduct of hearing.

(a) *General.* Hearings shall be open to the parties and to such other persons as the hearing officer deems necessary and proper for the orderly and efficient conduct of the hearing. The hearing officer shall inquire fully into the matters at issue and shall accept in evidence the testimony of witnesses and any documents which are relevant and material to such matters. The parties shall be provided an opportunity to enter any objection to the inclusion of any document. The order in which evidence and allegations shall be presented and the procedure at the hearing, except as this subpart otherwise expressly provides; shall be at the discretion of the hearing officer and of such nature as to afford the parties a proper hearing.

(b) *Evidence.* Evidence may be accepted at the hearing even though inadmissible under rules of evidence applicable to court procedures. The hearing officer shall rule on the admissibility of evidence.

(c) *Witnesses.* The hearing officer may examine the witnesses and shall allow the parties or their representatives to do so. Parties to the proceedings may also cross-examine witnesses.

§ 405.2085 Record of hearing.

A complete record of the proceedings at the hearing shall be made and transcribed in all cases. It shall be made available to the provider upon request. The record shall not be closed until a decision (see § 405.2087) has been issued.

§ 405.2086 Authority of hearing officer.

The hearing officer in exercising his authority must comply with all the provisions of title XVIII of the Social Security Act and regulations issued thereunder as well as with general instructions issued by the Social Security Administration in implementing such Act and regulations.

§ 405.2087 Hearing decision and notice.

The hearing officer shall render a decision in writing based on the evidence in the record. In such decision he shall cite applicable law, regulations, and Social Security Administration general instructions as well as findings on all the matters at issue in the hearing. A copy of the decision shall be provided all parties to the hearing.

§ 405.2088 Effect of hearing decision.

The hearing decision provided for in § 405.2087 shall be final and binding upon all parties to the hearing unless it is reopened and revised in accordance with § 405.2091.

§ 405.2089 Appointment of representative.

A party may appoint as its representative at the proceedings conducted in accordance with § 405.2084 any individual except an individual disqualified or suspended from acting as a representative in proceedings before the Secretary or otherwise prohibited by law.

§ 405.2090 Authority of representative.

A representative appointed by a party may accept or give on behalf of the party he represents any request or notice relative to any proceeding affecting such party. A representative shall be entitled to present evidence and allegations as to facts and law in any such proceeding and to obtain information with respect to a request for hearing made in accordance with § 405.2077 to the same extent as the party he represents. Notice to a party of any action, determination, or decision which is sent to the representative of the party shall have the same force and effect, as if it had been sent to the party represented.

§ 405.2091 Reopening of initial or reconsidered determination and decision of a hearing officer.

(a) *Initial or reconsidered determination.* An initial or reconsidered determination which is unfavorable to one or more parties to such determination and is otherwise final (see § 405.2068 and § 405.2076) may be reopened and revised by the Secretary upon his own motion within one year of the date of the notice of determination.

(b) *Decision of a hearing officer.* A decision of a hearing officer which is unfavorable to one or more of the parties to the hearing identified in § 405.2079(a) or (b) and is otherwise final (see § 405.2088) may be reopened and revised by the hearing officer upon his own motion within one year of the date of the notice of the decision.

§ 405.2092 Notice of reopening and revision.

(a) *Notice.* When any determination or decision is reopened as provided in § 405.2091, notice of such reopening shall be mailed to the parties to such determination or decision at their last known addresses. A notice of revision, following a reopening of a determination or a decision, shall be mailed to the parties and shall state the basis or reasons for the revised determination or revised decision.

(b) *Effect of revised determination.* The revision of a determination shall be binding upon the parties thereto unless a party files a written request for a hearing with respect to a revised determination.

[FR Doc.75-29334 Filed 10-31-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-WE-29]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Heber, Arizona transition area.

The Heber, Arizona transition area is presently described as that airspace extending upward from 13,500 feet MSL. Military training requirements and new recovery procedures to be accomplished within this area require descent to lower altitudes. Additionally, the minor realignment of this training area has necessitated the addition of a small parcel of uncontrolled airspace to encompass these activities. It is, therefore, necessary to lower the floor of the transition area to 12,000 feet MSL and to extend it approximately 12 miles westerly to provide sufficient controlled airspace for protection of the training aircraft.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before December 3, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public document will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (40 FR 441) the description of the Heber, Arizona transition area is amended to read as follows:

That airspace extending upward from 12,000 feet MSL bounded by a line beginning at latitude 34°39'00" N., longitude 111°39'00" W. to latitude 34°43'00" N., longitude 111°24'00" W., to latitude 34°43'00" N., longitude 110°20'00" W., thence south via longitude 110°20'00" W. to the north edge of V190N, thence west and southwest via the north and northwest edges of V190N to latitude 34°03'30" N., longitude 111°05'00" W. to latitude 34°10'00" N., longitude 111°30'00" W. to latitude 34°10'00" N., longitude 111°43'00" W., to point of beginning.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on October 24, 1975.

ROBERT H. STANTON,
Director, Western Region.

[FR Doc.75-29416 Filed 10-31-75;8:45 am]

[49 CFR Part 572]

[Docket No. 73-8; Notice 4]

MOTOR VEHICLE SAFETY STANDARDS

Anthropomorphic Test Dummies; Extension of Comment Period

The Ford Motor Company has petitioned the National Highway Traffic Safety Administration (NHTSA) for an extension of time to comment on the Notice of Proposed Rulemaking on Anthropomorphic Test Dummy published on August 8, 1975 (40 FR 33462, Docket No. 73-8, Notice 3). The petition is based on the fact that the results of the latest research efforts on the subject of anthropomorphic test dummies have been made publicly available only recently. The NHTSA recognizes that, because of the complex nature of the issues, detailed study of this material is necessary to produce meaningful comment. Accordingly, Ford Motor Company's petition is granted.

The comment closing date is hereby changed from October 30 to December 30, 1975.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on October 30, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-29625 Filed 10-30-75;4:16 pm]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-23; Notice 2]

MOTOR VEHICLE SAFETY STANDARDS

Electrical System Integrity; Comment Period Extended

The purpose of this notice is to extend the period for submission of comments on Notice 1 of the advance notice of proposed rulemaking to establish a motor vehicle safety standard to regulate electrical system integrity. (40 FR 40853; September 4, 1975). Notice 1 has a comment closing date of November 3, 1975.

In response to the requests of interested persons, the comment period for the advance notice of proposed rulemaking will be extended to February 16, 1976. This will facilitate adequate commentary on the broad and complex area of vehicle electrical systems.

In light of the above, the comment closing date for Notice 1 of the advance notice of proposed rulemaking, *Electrical System Integrity*, is changed to February 16, 1976.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 501.8)

Issued on October 30, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-29626 Filed 10-30-75;4:16 pm]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 83]

[Docket No. 20662; FCC 75-1192]

NEW CARGO VESSELS OF 1600 GROSS TONS AND UPWARDS

Proposed Exemption From Radiotelegraph and Radio Direction Finding Provisions

In the matter of amendment of Part 83 to provide an exemption to newly constructed United States Cargo vessels of 1600 gross tons and upwards from the radiotelegraph and radio direction finding provisions of Title III, Part II of the Communications Act of 1934, as amended, when navigated on sea trials, not more than 150 nautical miles from the nearest land.

1. United States cargo vessels of 1600 gross tons and upwards are required by Section 351 of the Communications Act of 1934, as amended, to be equipped with a radiotelegraph station and an efficient radio direction finding apparatus properly adjusted and in operating condition. Newly constructed vessels are generally equipped with the required radio installations but these radios are not necessary during sea trials where the purpose is final testing of the propulsion system of the vessel, the maneuvering capability and functioning of other equipment on the vessel.

2. The Commission's staff has previously granted emergency exemptions from Title III, Part II of the Communications Act to permit the vessel to be navigated on the sea trials and to calibrate the radio direction finder while enroute. The proviso has been to have a radiotelephone installation adequate for the safety of the vessel during these short sea trials and that the radio direction finder would be calibrated with a radiobeacon where simultaneous visual and radio bearings could be taken for comparison. This procedure of granting emergency exemptions has been unsatisfactory as whenever unforeseen delays in the shipyard or other reasons require changes in the provisions of the exemption.

3. In order to avoid any unnecessary administrative procedures and as a public convenience in rendering it unnecessary for a shipyard to file formal applications for exemptions, it would be desirable to provide a general exemption to vessels during sea trials.

4. The proposed amendment to the rules is issued pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in Section 1.415 of the rules, interested persons may file comments on or before December 3, 1975, and reply comments on or before December 15. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to specific comments invited by this Notice.

5. In accordance with the provisions of § 1.419 of the rules, an original and 11 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: October 21, 1975.

Released: October 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 83 of Chapter I, Title 47, Code of Federal Regulations, is amended as follows:

1. Section 83.803 is amended by adding new paragraph (c) and redesignating present paragraph (c) as (d), to read as follows:

§ 83.803 General exemption orders issued exempting ships from compulsory radio provisions.

* * * * *

(c) Order, granting exemption pursuant to Section 352(b) (2) of the Communications Act of 1934, as amended, to all newly constructed U.S. cargo ships of 1600 gross tons and upwards, from the provisions of Title III, Part II of the Communications Act of 1934, as amended, when navigated on sea trials, not more than 150 nautical miles from the nearest land; Provided, That:

(1) the vessel is equipped with a radiotelephone capable of operation on 2182 kHz and equipped with a radiotelephone alarm signal generator. The vessel may carry an additional portable radiotelephone, located in the wheelhouse, equipped with a radiotelephone alarm signal generator to satisfy the radiotelephone alarm signal generator requirement;

(2) the radio direction finding apparatus is calibrated during the sea trials;

(3) a continuous watch is maintained on 2182 kHz during the sea trials; and

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(4) the local FCC, Engineer in Charge is advised of the dates and routes of the sea trials.

(d) These exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

* * * * *

[FR Doc.75-29459 Filed 10-31-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 34-11748]

BROKER-DEALER REPORTS

Financial and Operational Reporting

Proposal to adopt the FOCUS Report, a program to streamline the financial and operational reporting of brokers and dealers, including amendments to Rule 17a-4 [17 CFR 240.17a-4], Rule 17a-5 [17 CFR 240.17a-5] and related Form X-17a-5[1] [17 CFR 249.617], Rule 17a-10 [17 CFR 240.17a-10] and related Form X-17A-10[2] [17 CFR 249.618], Rule 17a-11 [17 CFR 240.17a-11] and related Form X-17A-11 [17 CFR 249.621], and Rule 17a-20 [17 CFR 240.17a-20] under the Securities Exchange Act of 1934 (File No. S7-594).

The Securities and Exchange Commission today announced the proposed adoption of the FOCUS Report, a financial and operational combined uniform single report under the Securities Exchange Act of 1934. The FOCUS Report would replace the information presently required by Form X-17A-5 [17 CFR 249.617], Form X-17A-10 [17 CFR 249.618][2] and Form X-17A-11 [17 CFR 249.621], which are the Commission's forms, the Joint Regulatory Report, Forms "M" and "Q", the income and expense reports, and various other financial and operational forms and reports required by self-regulatory organizations.

The Commission also announced the proposed amendment of Rule 17a-4 [17 CFR 240.17a-4], Rule 17a-5 [17 CFR 240.17a-5], Rule 17a-10 [17 CFR 240.17a-10], Rule 17a-11 [17 CFR 240.17a-11] and Rule 17a-20 [17 CFR 240.17a-20] in order to further implement the adoption of the FOCUS Report and a streamlined system of financial and operational reporting for brokers and dealers. Rule 17a-4 [17 CFR 240.17a-4] would be amended to require that brokers and dealers maintain certain books and records required for the preparation of the FOCUS Report. Rule 17a-4 [17 CFR 240.-17a-4] would also be amended to require that such books and records be maintained for a minimum period of 3 years. Rule 17a-5 [17 CFR 240.17a-5] would be amended to specify the preparation and filing requirements of the FOCUS Report including Parts I and II of Form X-17A-5 [17 CFR 249.617] and the annual audit report. Rule 17a-10 [17 CFR 240.17a-10] would be amended to shorten the time period within which Form X-17A-10 [17 CFR 249.618] must be filed. Form X-17A-10 [17 CFR 249.618] would be substantially amended to conform to the format of the FOCUS Report and to reduce the amount of income and expense information required. This reduced information would be effective for calendar year 1975. Rule 17a-11 [17 CFR 240.17a-11] would be amended to require a broker or dealer subject to it to file Part II of Form X-17A-5 [17 CFR 249.617] plus supplementary schedules as required, in place of the schedules now required. In addition, those events which would require reporting of material inadequacies would be revised, and the filing by the broker or dealer of corrective plans to remedy such inadequacies would be required. Rule 17a-20 [17 CFR 240.17a-20] would be amended to eliminate the monthly reporting by any broker or dealer and to eliminate the required quarterly filing of Form X-17A-20 [17 CFR 249.636] for those brokers or dealers whose revenues exceed $500,000, unless a minimum of 20 percent of said revenue is derived from brokerage commission transactions.

Each of said rules would also be amended to conform to Section 15(a)(1) of the Securities Exchange Act of 1934, as amended. That section now requires all brokers and dealers, whether or not they are members of a national securities exchange, to register with the Commission. Consequently the term "member of an exchange" would be deleted from the phrase "member of an exchange, broker or dealer," as such term would no longer be necessary.

Due to the implementation of amended Rule 15c3-1 [17 CFR 240.15c3-1] on January 1, 1976, the financial and operational reports, and the surveillance systems of the Commission and the self-regulatory organizations will become obsolete as of that date. For this reason, the Commission is amost concerned with expediting the adoption of the FOCUS Report, in order that the revised reporting system may be implemented concurrently with amended Rule 15c3-1 [17 CFR 240.15c3-1].

Introduction. Section 17(a)(1) of the Securities Exchange Act, as amended, provides that the Commission shall prescribe by rule the records to be kept and the reports to be made and disseminated by brokers and dealers. Section 17(e) of the Securities Exchange Act of 1934, as amended, requires every broker or dealer to file annually with the Commission a certified balance sheet and income statement, and such other information concerning its financial condition as the Commission may prescribe by rule, and authorizes the Commission to prescribe the form and content of such financial statements, and accounting standards used in their preparation.

The creation of the SEC Advisory Committee on Broker-Dealer Reports and Registration Requirements was announced by the Commission in September, 1972, marking the beginning of a program to review the reporting requirements imposed on brokers and dealers by rules of the Commission and the self-regulators. In December, 1972 the Committee submitted its recommendations to the Commission in the Advisory Committee's Study on Broker-Dealer Reports and Registration Requirements ("Stepanek Report"). The Stepanek Report concluded that there then existed unnecessary and duplicative reporting requirements which were uncoordinated by the various regulating entities.

The Commission subsequently established a Staff Task Force to determine whether the recommendations of the Committee could be implemented and if so, in what manner. The Staff Task Force delivered its report to the Commission substantially supporting the conclusions and recommendations of the Stepanek Report. The Commission thereafter formulated a program of implementation based upon the recommendations of the Stepanek Report as supported by the Staff Task Force. In its "Announcement of a Program of Implementation Regarding the 'SEC Advisory Committee Study on Broker-Dealer Reports and Registration Requirements' * * *" the Commission:

1. Stated its intention to develop a key regulatory report[3] and sought public comments thereon; and

2. Stated its intention to establish a Report Coordinating Group under the Federal Advisory Committee Act to advise the Commission on the consolidation and reduction of reporting requirements and to assist the Commission in the development of a key regulatory report.[4]

In May, 1974 the Commission announced the membership of the Report Coordinating Group ("Group"), a federal advisory committee.[4] At its first meeting on June 3, 1974, the Group reviewed the Stepanek Report and decided to give the highest priority to developing recommendations regarding a uniform financial and operational report.[5]

On August 9, 1974 the Commission issued guidelines for a uniform financial and operational report. In accordance with these guidelines the Group reviewed the reports, forms and similar material required of brokers and dealers by the Commission, the self-regulatory organizations and others. The Group, with the dedicated assistance of staff persons from all sectors of the industry, developed a FOCUS Report Discussion Paper which was distributed on October 15, 1974. Comments suggesting further simplification and changes in the items of the FOCUS Report were considered in the drafting of the FOCUS Report Revised Discussion Paper released on December 16, 1974.[6] The FOCUS Report Revised Discussion Paper set forth a three part reporting format of financial and operational data to be completed by certain firms at specified intervals.

Since the release of the FOCUS Report Revised Discussion Paper, the Group has held additional public meetings to further simplify the FOCUS Report and at the same time improve its effectiveness as a surveillance tool for the Commission and the self-regulators. The Group released its final recommendation for a FOCUS Report in its First Annual Report on June 16, 1975.[7] The FOCUS Report is the product of the efforts of the Group assisted in large part by the comments and suggestions of members of the industry, the self-regulatory organizations, the accounting profession and interested members of the public. The Commission, having considered the recommendations of the Report Coordinating Group and the comments thereon, believes that the adoption of a reporting system based upon and including the FOCUS Report, with some modifications to the program recommended, will provide an opportunity for uniform industry-wide regulation and will substantially reduce the reporting burdens on the securities industry without compromising the interest of the public and the regulators.

Proposed Amended Rule 17a-4 [17 CFR 240.17a-4]. Rule 17a-4 [17 CFR 240.-17a-4] would be amended by adding subparagraph (b)(8) to require every broker or dealer who is required to file Part II of Form X-17A-5 [17 CFR 249.617] to make and keep certain additional books and records. Such a requirement should not consitute a significant burden, inasmuch as said records are now prepared during the course of operation of the broker's or dealer's business. These new schedules would replace a number of schedules in current Form X-17A-5 [17 CFR 249.617] and would provide detailed information required for a proper analysis and review of the annual audit report.

Proposed Amended Rule 17a-5 [17 CFR 240.17a-5] and Proposed Amended Form X-17A-5 [17 CFR 249.617][8]—I. Reports to be Filed by Brokers and Dealers. Rule 17a-5(a)(2) [17 CFR 240.17a-5(a)(2)] would be amended to prescribe which firms must file the different parts of Form X-17A-5 [17 CFR 249.617]. Clearing or carrying firms which have not received notice that they exceed certain safe parameters of financial and operational condition would file Part I monthly and Part II on calendar quarters.[9] Firms which do not carry or clear customer accounts would file Part II on calendar quarters. Firms which receive notice of exceeding certain parameters of financial and operational condition would file Part II monthly. Part IIA would be filed quarterly in lieu of Part II by small brokers and dealers, firms not clearing and not carrying customer accounts, and firms conducting a limited type of business. Such of these firms which exceed parameters set by the self-regulators would file Part IIA monthly. In addition, every broker or dealer required to file an annual audit report under proposed paragraph (b) must file Part II or IIA, as applicable, as of the date selected for the annual audit report if such date does not coincide with a calendar quarter.

Rule 17a-5 [17 CFR 240.17a-5]

Current paragraph	*Proposed paragraph*
	17a-5(a) [17 CFR 240.17a-5(a)]
(a)	(b)
(b)	(c)
(c)	(d)
(d)	(e)
(e)	(f)
(f)	(g)
	(h)
	(i)
(g), (h), (i).	(j)
	(k)
(j)	(l)
(k)	
(l)	(m)
(m), (n), (o).	

Proposed subparagraph (a)(4) would be added to permit the broker or dealer to satisfy the filing requirements under subparagraph (a)(2) by complying with filing requirements established by a plan submitted to the Commission by the appropriate national securities exchange or registered national securities association. Pursuant to the plan, the exchange or association would be required to transmit to the Commission a copy of the applicable parts of Form X-17A-5 [17 CFR 249.617] as to each member participating in the plan. The plan would also set forth the time limitations within which the various parts of Form X-17A-5 [17 CFR 249.617] must be filed.

Requests for extension of time or exemption from any of the requirements of paragraph (a) would be considered pursuant to proposed subparagraph (a)(5).

Termination of Membership. Paragraph (j) would be renumbered (l) and amended to require that any broker or dealer who ceases to be a member in good standing of a national securities exchange file with the Commission, no later than two days after the termination, Part II of Form X-17A-5 [17 CFR 249.617] as of the termination. In addition, a national securities exchange which acts to terminate the membership of a broker or dealer or learns of any such action would be required to notify the Commission of such action and notify the broker or dealer of its reporting requirement under this paragraph.

Financial Statements to Customers. Proposed amended paragraph (m) combines former paragraphs (m), (n) and (o) and would prescribe the form and content of statements to be furnished to customers by all brokers and dealers required to file an annual audit report, with the exception of certain brokers or dealers with limited activities as enumerated in subparagraph (m)(1). The statements, as set forth in subparagraph (m)(2), would include a consolidated balance sheet, a statement indicating the broker's or dealer's actual net capital and its required net capital, a notice that a copy of any material inadequacies commented upon by the independent public accountant in connection with the annual audit report is currently available for the customer's inspection at the Commission's principal office in Washington, D.C., and the Commission's regional office for the region in which the broker or dealer has its principal place of business, and a notice indicating that the Statement of Financial Condition of the most recent annual audit report of the broker or dealer is similarly available for inspection.

II. *Accountants' Reports—Annual Audit Report.* The Commission also proposes that brokers and dealers file an annual audit report on a fiscal or calendar year basis.[10] Rule 17a-5(b)(1) [17 CFR 240.17a-5(b)(1)] would require the following financial data to be included in the annual audit report:

Financial Statements

Statement of Financial Condition;
Statement of Income (Loss);
Statement of Changes in Financial Condition;
Statement of Changes in Stockholders' Equity or Partners' or Sole Proprietor's Capital; and
Statement of Changes in Liabilities Subordinated to Claims of General Creditors;

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[1] Forms X-17A-5 and X-17A-10 filed as part of the original document.

[2] Form X-17A-10 [17 CFR 249.618] would substantially be in FOCUS Report format, with some modifications.

[3] The key regulatory report is denominated the FOCUS Report symbolizing a Financial and Operational Combined Uniform Single Report.

[4] These two items are only part of a complete program described in Securities Exchange Act Release No. 10612, January 24, 1974, 39 FR 5204, February 11, 1974.

[4] The Report Coordinating Group was established in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. Appendix 1, 86 Stat. 770 (1972).

[5] The Group also concentrated its efforts on the development of uniform registration and record retention forms. Uniform registration forms for brokers and dealers were adopted by the Commission on May 16, 1975 (Securities Exchange Act Release No. 11424, 40 FR 30634, July 22, 1975). Subsequent to the submission of the Report Coordinating Group's First Annual Report, a Trading Forms Task Force has deliberated for several months and has recommended the elimination or consolidation of the 104 trading forms described in the First Annual Report. The Task Force now proposes 44 simplified and consolidated forms in their place.

An Assessment Forms Task Force working during the same period has made additional proposals for the further simplification of assessment procedures. For background and prior status of these two projects, see *First Annual Report of the Report Coordinating Group, June 16, 1975.*

[6] Securities Exchange Act Release No. 11140.

[7] Securities Exchange Act Release No. 11499.

[8] The following is a comparison of the current and proposed paragraphs:

[9] This reporting sequence will enable the Commission to fulfill its Congressional mandate to collect and report on economic data concerning the securities industry, while simultaneously streamlining the financial and operational reporting required by brokers and dealers. It would allow almost the complete integration of the current economic data reporting requirements of Rule 17a-10 [17 CFR 240.17a-10] and Rule 17a-20 [17 CFR 240.17a-20].

Under Section 23 of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975, the Commission has a duty to make such reports to Congress. The information necessary to prepare such reports would be derived from the calendar quarter filings of Form X-17A-5 [17 CFR 249.617] and the annual filing of Form X-17A-10 [17 CFR 249.618].

[10] This is in accordance with Section 14 of the Securities Acts Amendments of 1975 which amended Section 17(e)(1)(A) of the Securities Exchange Act of 1934 to require that the audited financial statements be submitted on a fiscal or calendar year basis.

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Schedules

Computation of Net Capital Pursuant to Rule 15c3–1 [17 CFR 240.15c3–1]; and

Computation for Determination of Reserve Requirements Pursuant to Rule 15c3–3 [17 CFR 240.15c3–3].

The financial statements would be consolidated, including the statements of the broker or dealer parent company and its subsidiaries. All of the financial statements and schedules would be filed on a confidential basis except the Statement of Financial Condition, which would be provided for customers of the broker or dealer.

The proposed audited financial statements would be filed at the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer has its principal place of business, and at the principal office of the designated examining authority for said broker or dealer no later than sixty days after the date of the annual audit. The computations contained in the previous unaudited filing of Part II or Part IIA, pursuant to Rules 15c3–1 [17 CFR 240.15c3–1] and 15c3–3 [17 CFR 240.15c3–3], would be reconciled in a report filed by the broker or dealer pursuant to amended Rule 17a–5(b)(4) [17 CFR 240.17a–5(b)(4)], if such reports differ materially from the computation contained in the audit report.

The term "fiscal year" would be defined as the broker's or dealer's fiscal year for reporting purposes. The date of the audit may be at any point within the calendar year; however, if such date does not coincide with the close of a calendar quarter, the broker or dealer must file an additional Form X–17A–5 [17 CFR 249.617], Part II or IIA as prescribed in paragraph (a), as of the date of the annual audit. This fifth filing would allow the integration of the annual audit report into the Commission's surveillance program, and the surveillance programs of the self-regulators.

Audit Objectives & Procedures. Rule 17a–5 [17 CFR 240.17a–5] would also be amended to prescribe the auditing principles and auditing standards to be used in the preparation of the broker's or dealer's audited financial statements.[11] Proposed paragraph (h) requires the annual audit to be made in accordance with generally accepted auditing standards. The audit is to be conducted in such a manner as to provide the accountant with the basis for expressing an opinion on the financial statements of the broker or dealer at the date of the examination. The audit should be designed in such a manner as to provide the accountant with reasonable assurance of the discovery of any material inadequacies in the accounting system, the internal accounting control, procedures for safeguarding securities or the procedures followed in complying with Rule 17a–13 [17 CFR 240.17a–13]. Subparagraph (h)(2) defines the scope of a material inadequacy.

Proposed paragraph (i) would prescribe the extent and timing of procedures to be followed in the annual audit and would permit the accountant to exercise discretion in the area of the extent and timing of the audit procedures. In addition, the accountant would have a responsibility to notify the chief financial officer of the broker or dealer of any material inadequacies discovered in the course of the audit or interim work. If the broker or dealer fails to notify the Commission, the accountant himself must do so.

Report on Material Inadequacies. Proposed paragraph (k) would require that the broker or dealer file concurrently with the annual audit report a supplemental report by the accountant describing any material inadequacies found to exist at the audit date and any corrective action taken by the broker or dealer or proposed by the broker or dealer or the accountant in regard thereto.

Nature and Form of Reports. Paragraph (b), which prescribes the nature and form of reports which must be filed by the broker or dealer would be renumbered (c). Subparagraph (c)(4)(iii)(b) thereof would be amended to require that amounts reported in the Annual General Assessment Reconciliation (Form SIPC–7) be compared with amounts reflected in Form X–17A–5 [17 CFR 249.617] for the fiscal year, rather than the present comparison with the amounts reflected in Form X–17A–10 [17 CFR 249.618].

Extensions of Time. Paragraph (d) of the Rule would be designated as paragraph (e) and would be revised to require the broker or dealer to include certain representations in its application for an extension of time for filing the annual audit report. The application would be required to be received by the Commission's principal office in Washington, D.C. and the appropriate regional office of the Commission prior to the time that the report is normally due pursuant to paragraph (b). The application would not be deemed granted by inaction on the part of the Commission as is now provided for by the last sentence of the paragraph; accordingly, that sentence has been deleted from proposed paragraph (e).

Qualifications of Accountant. Paragraph (f) would me renumbered (g) and a new subparagraph (g)(2) would be added which would require every broker or dealer to file with the Commission, as of January tenth of each year, an agreement with an independent public accountant covering a contractual commitment to conduct the broker's or dealer's annual audit for that year. In addition, new subparagraph (g)(3) would require that the accountant be independent in accordance with Rules 2–01(b) and (c) of Regulation S–X [17 CFR 210.2–01(b) and (c)].

Technical Requirements of Accountant's Report. Proposed amended paragraph (j) would combine former paragraphs (g), (h) and (i) in setting forth the technical requirements of the accountant's report, the representations and opinions to be expressed by the accountant with respect to the annual audit, and the manner in which exceptions noted by the accountant are to be stated. Proposed amended paragraph (j) also notes that the accountant would be required to perform additional audit procedures if such procedures are necessary to accomplish the audit objectives.

Proposed Amended Form X–17A–5 [17 CFR 249.617]. The statements and schedules contained in the FOCUS Report would replace present Form X–17A–5 [17 CFR 249.617], but the designation "Form X–17A–5" [17 CFR 249.617] would be retained. Form X–17A–5 [17 CFR 249.617] is divided into two parts with additional supplementary schedules: Part I is to be a one-page summary report containing key financial and operational information consisting of core line items for all brokers and dealers and supplementary items for small brokers and dealers. These line items would provide regulators with timely information needed for the continued viability of the present day early warning system. This part is designed so that the trend for a full year in any of the line items is shown on a horizontal line on the report.

Nearly all of the information in Part I is presently required to be generated and maintained by rules of the Commission, national securities associations and national securities exchanges. Accordingly, Part I will replace a number of forms currently used by members of the securities industry. It is the Commission's understanding that Part I will replace the monthly reports that the various self-regulators currently require of firms which do not exceed certain safe parameters of financial and operational condition.

Part II of Form X–17A–5 [17 CFR 249.617] is a general purpose financial and operational report. It is designed to accomplish several objectives: attain simplicity and uniformity, obtain essential regulatory information, and develop financial statements in a format consistent with generally accepted accounting principles. Part II contains the following financial statements and schedules:

Financial Statements

Statement of Financial Condition;

Statement of Income (Loss);

Statement of Changes in Stockholders' Equity or Partners' or Sole Proprietor's Capital; and

Statement of Changes in Liabilities Subordinated to Claims of General Creditors.

Schedules

Computation of Net Capital Under Rule 15c3–1 [17 CFR 240.15c3–1];

Computation for Determination of Reserve Requirements Under Exhibit A of Rule 15c3–3 [17 CFR 240.15c3–3];

Total Capital and Subordinated Capital Maturing or Proposed to be Withdrawn Within the Next Six Months and Details Thereof; and

Financial and Operational Data.

Part IIA is an abbreviated version of Part II. It includes a Statement of Financial Condition, a Computation of Net Capital Under Rule 15c3–1 [17 CFR 240.15c3–1]; a Statement of Income (Loss), and a Schedule of Details of Total Capital and Subordinated Capital Maturing or Proposed to be Withdrawn Within the Next Six Months.

Copies of proposed amended Form X–17A–5 [17 CFR 249.617] have been filed with the Office of the Federal Register and copies thereof may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

Amendment of Rule 17a–10 [17 CFR 240.17a–10] and Related Form X–17A–10 [17 CFR 249.618]. Rule 17a–10 [17 CFR 240.17a–10] and related Form X–17A–10 [17 CFR 249.618] would be amended, beginning with calendar year 1975, so as to eliminate certain information no longer considered essential, to conform to the format of the FOCUS Report and to reduce the reporting burden on brokers and dealers. For the first time, the financial and operational data required for surveillance purposes and the information required for economic analysis would be integrated into a single reporting system. Rule 17a–10 [17 CFR 240.17a–10] would be amended to shorten the time period from 120 days to 45 days within which revised Form X–17A–10 [17 CFR 249.618] must be filed. Those brokers and dealers with annual gross revenue related to the securities business of ten million dollars or more who are required to file additional schedules will be given 60 days within which to file. The extension of time after the close of the calendar year would be reduced from 150 days to 75 days. The Commission proposes these changes in view of the reduced amount of information required by revised Form X–17A–10 [17 CFR 249.618]. In addition, shortening the filing period would result in more timely information being provided to the Commission.

Proposed Form X–17A–10 [17 CFR 249.618] would consist of two parts with additional schedules, the schedules to be filed only by certain large brokers and dealers. Part I of amended Form X–17A–10 [17 CFR 249.618] would be filed by those brokers and dealers with annual gross revenue related to the securities business of less than $500,000, approximately 83 percent of all brokers and dealers. Part II of amended Form X–17A–10 [17 CFR 249.618] would be filed by all brokers and dealers with annual gross revenue related to the securities business of over $500,000. Subsidiary schedules requesting additional information would be filed only by those brokers and dealers with annual gross revenue related to the securities business of ten million dollars or more during the calendar year.

This is the first major revision in Form X–17A–10 [17 CFR 249.618] since the form became mandatory for calendar year 1969. The purpose of Rule 17a–10 [17 CFR 240.17a–10] and the related form is to provide the Commission with comprehensive financial data on a comparable basis for all segments of the broker-dealer industry. The Commission is required to carry out broad and comprehensive regulatory responsibilities as mandated by the Securities Acts Amendments of 1975. As a result of the introduction of competitive commission rates and the development of a national market system, and because of significant developments impacting the economics of the securities industry, the need for timely and comparable data regarding various segments of the insdutry continues to be essential.[12]

Copies of proposed amended Form X–17A–10 [17 CFR 249.618] have been filed with the Office of the Federal Register and copies thereof may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

Amendment of Rule 17a–11 [17 CFR 240.17a–11] and Revocation of Form X–17A–11 [17 CFR 249.621]. Rule 17a–11 [17 CFR 240.17a–11] will be revised to conform to the new net capital rule by the addition of subparagraph (b)(2) which applies to the alternative method of capital computation. Subparagraph (b)(2) would be revised to clarify that a broker or dealer must file a report at the end of the month if a capital computation made at any time during the month indicates that his total net capital is below the minimum requirement. The report to be filed would be Part II of Form X–17A–5 [17 CFR 249.617] plus any additional statements which may be required, thus eliminating the need for Form X–17A–11 [17 CFR 249.621].

New paragraph (d) would require any broker or dealer who receives notice of a material inadequacy pursuant to paragraph (i)(2) of Rule 17a–5 [17 CFR 240.17a–5] to give telegraphic notice to the Commission and file a corrective plan within forthy-eight hours thereafter.

Amendment of Rule 17a–20 [17 CFR 240.17a–20]. Rule 17a–20 [17 CFR 240.17a–20], which was adopted as part of the Commission's program to monitor the impact of competitive commission rates, would be amended to reduce the frequency of filing. The Commission has determined that the program's effectiveness will not be decreased by requiring quarterly rather than monthly filing by all brokers and dealers subject to Rule 17a–20 [17 CFR 240.17a–20].

Paragraph (a) has been amended to eliminate from the reporting system certain brokers and dealers who do not derive at least 20 percent of their revenues from securities commissions. Certain technical changes have also been made in order to coordinate the filing requirements with revised Rule 17a–10 [17 CFR 240.17a–10].

COMMENTS

Due to the implementation of amended Rule 15c3–1 [17 CFR 240.15c3–1] on January 1, 1976, the current financial and operational reporting systems will become obsolete. It is therefore most urgent that the FOCUS Report be adopted as expeditiously as possible. For this reason, the Commission requests that the self-regulatory organizations comment as soon as possible on the feasibility of implementing the FOCUS Report in its current format. Should comments or experience indicate that additional adjustments are necessary, the Commission will consider amendments to the FOCUS Report.

The Commission welcomes comments on the entire program and is particularly interested in receiving comments from all interested members of the public in the following areas:

1. Items contained in the various parts of the FOCUS Report;

2. Frequency and timeliness of submission of parts of the FOCUS Report by various types of firms;

3. Changes in the audit requirements pursuant to proposed amended Rule 17a–5 [17 CFR 240.17a–5];

4. Adoption of new Form X–17A–10 [17 CFR 249.618] effective for calendar year 1975;

5. Implementation of the FOCUS Report as of January 1, 1976;

6. The desirability of requiring specialists, including option traders, floor brokers, floor traders, or municipal securities brokers or dealers to file the FOCUS Report and become subject to the reporting system described herein; and

7. The desirability of requiring exempted life insurance companies registered as brokers and dealers engaging in the sale of variable contracts to file a report annually.[13]

Interested persons should submit their comments in writing on or before December 1, 1975. All such communications should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–594 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 16, 1975.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Part 240 is amended as follows:

1. Commission action: Pursuant to sections 17(a), 17(e) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt amended § 240.17a–4 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a–4 Records to be preserved by certain brokers and dealers.

* * * * * * *

[11] This is in accordance with Section 17(a)(2) of the Securities Exchange Act of 1934 as amended by the Securities Acts Amendments of 1975.

[12] *See* note 9 *supra.*

[13] The Commission is currently developing a limited revenue and expense form to be filed annually by such companies.

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(b) Every such broker and dealer shall preserve for a period of not less than 3 years, the first 2 years in an accessible place:

. . . . . .

(8) Schedules which contain the following information in support of amounts included in reports on Form X–17A–5 Part II or Part IIA:

(i) Money balance and quantity, price and valuation of ecah security in customers' accounts reported on the Statement of Financial Condition in cash and fully secured accounts, partly secured accounts, unsecured accounts and in securities accounts payable to customers;

(ii) Money balance and quantity, price and valuation of each security in non-customers' accounts reported on the Statement of Financial Condition in cash and fully secured accounts, partly secured and unsecured accounts and in securities accounts payable to non-customers;

(iii) Description, quantity, price and valuation of each security reported on the Statement of Financial Condition as securities owned, securities owned not readily marketable, and other investments owned not readily marketable;

(iv) Amount of secured demand note, description of collateral securing such secured demand note including quantity, price and valuation of each security and cash balance securing such secured demand note;

(v) Description of futures commodity contracts, contract value on trade date, market value, gain or loss, and liquidating equity or deficit in customers' and non-customers' accounts;

(vi) Description of futures commodity contracts, contract value on trade date, market value, gain or loss and liquidating equity or deficit in trading and investment accounts;

(vii) Money balance, quantity, price and valuation of each spot commodity reported on the Statement of Financial Condition in customers' and non-customers' accounts;

(viii) Money balance, quantity, price and valuation of each spot commodity reported on the Statement of Financial Condition in trading and investment accounts;

(ix) Number of shares, description of security, exercise price, cost and market value of put and call options reported on the Statement of Financial Condition showing listed and unlisted put and call options separately; and

(x) Quantity, price, and valuation of each security underlying the haircut for undue concentration made in the Computation of Net Capital.

2. Commission Action: Pursuant to Sections 17(a), 17(e) and 23 of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt amended § 240.17a–5 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a–5 Reports to be made by certain brokers and dealers.

(a) *Filing of Monthly and Quarterly Reports.* (1) Paragraph (a) of this section shall apply to every broker or dealer registered pursuant to section 15 of the Act.

(2) (i) Every broker or dealer subject to paragraph (a) of this section who clears or carries customer accounts shall file monthly Part I of Form X–17A–5 (Section 249.617 of this chapter).

(ii) Every broker or dealer subject to paragraph (a) of this section who clears or carries customer accounts shall file Part II of Form X–17A–5 (§ 249.617 of this chapter) each calendar quarter and within 17 business days after the date selected for the annual audited financial statements where said date is other than a calendar quarter. Certain of such brokers or dealers shall file Part IIA in lieu thereof if the nature of their business is limited as described in the instructions to Part II of Form X–17A–5 (§ 249.617 of this chapter).

(iii) Every broker or dealer who does not carry nor clear customer accounts shall file Part IIA of Form X–17A–5 (§ 249.617 of this chapter) each calendar quarter and within 17 business days after the date selected for the annual audited financial statements where said date is other than the end of the calendar quarter.

(iv) Upon receiving written notice from the Commission or the examining authority designated pursuant to Section 17(d) of the Act, a broker or dealer who receives such notice shall file monthly Part II of Form X–17A–5 (§ 249.617 of this chapter) or such other financial or operational information as shall be required by the Commission or the designated examining authority.

(3) The reports provided for in paragraph (a) of this section shall be filed at the Commission's principal office in Washington, D.C. and the regional office of the Commission for the region in which the broker or dealer has its principal place of business. Except as provided for in paragraph (c)(3) of this section such reports shall be available for examination at the principal office of the broker or dealer.

(4) The provisions of paragraphs (a)(2) and (3) of this section shall not apply to a member of a national securities exchange or a registered national securities association if said exchange or association maintains records containing the information required by Part I, Part II or Part IIA of Form X–17A–5 (§ 249.617 of this chapter) as to such members, and transmits to the Commission a copy of the applicable parts of Form X–17A–5 (§ 249.617 of this chapter) as to such member, pursuant to a plan, the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted with respect to any such member may be submitted by only one specified national securities exchange or registered national securities association. For the purposes of this section, a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the fulfillment of the Commission's duties and responsibilities under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties and responsibilities under the Act.

(5) On written request of any national securities exchange, registered national securities association, broker or dealer, or on its own motion, the Commission may grant an extension of time or an exemption from any of the requirements of paragraph (a) of this section either unconditionally or on specified terms and conditions.

(b) *Filing of Annual Audited Financial Statements.* (1) (i) The broker or dealer shall file annually, on a calendar or fiscal year basis on Form X–17A–5 (§ 249.617 of this chapter), a report which shall be audited. Reports pursuant to paragraph (b) of this section shall be as of the same fixed or determinable date each year unless a change is approved by the Commission.

(ii) A broker or dealer succeeding to and continuing the business of another broker or dealer need not file a report under this paragraph as of a date in the fiscal or calendar year in which the succession occurs if the predecessor broker or dealer has filed a report in compliance with this paragraph as of a date in such fiscal or calendar year.

(2) Financial statments to be filed with said report shall be prepared in accordance with generally accepted accounting principles and shall include a Statement of Financial Condition, a Statement of Income (Loss), a Statement of Changes in Financial Condition, a Statement of Changes in Stockholders' Equity or partners' or Sole Proprietor's Capital, and a Statement of Changes in Liabilities Subordinated to Claims of General Creditors.

(3) Supporting statements and schedules shall include a Statement of Financial Condition from Part II of Form X–17A–5 (§ 249.617 of this chapter), a Computation of Net Capital Under Rule 15c3–1 (§ 240.15c3–1 of this chapter), a Computation for Determination of the Reserve Requirements Under Exhibit A of Rule 15c3–3 (§ 240.15c3–3 of this chapter) and Information Relating to the Possession or Control Requirements Under Rule 15c3–3 (§ 240.15c3–3 of this chapter), and shall be filed with said report.

(4) A reconciliation of the Computation of Net Capital Under Rule 15c3–1 (§ 240.15c3–1 of this chapter) and the Computation for Determination of the Reserve Requirements Under Exhibit A of Rule 15c3–3 (§ 240.15c3–3 of this chapter) with the broker's or dealer's corresponding unaudited most recent Part II filing shall be filed with said report when they differ materially.

(5) The annual audit report shall be filed not more than sixty (60) days after the date of the financial statements.

(6) The annual audited financial statements shall be filed at the regional office of the Commission for the region in which the broker or dealer has its principal place of business, the Commission's principal office in Washington, D.C., and the principal office of the designated examining authority for said broker or dealer, and copies thereof shall be provided to all self-regulatory organizations of which said broker or dealer is a member.

(c) *Nature and form of reports.* The financial statements filed pursuant to paragraph (b) of this section shall be prepared and filed in accordance with the following requirements:

(1) A certified public accountant or a public accountant who shall be in fact independent shall give an opinion covering the financial statements: *Provided, however,* That an accountant need not give an opinion covering such financial statements if, since the date of the previous financial statements or report filed pursuant to § 240.15b1–2 of this section: (i) Said broker or dealer has not transacted a business in securities directly with or for other than members of a national securities exchange; has not carried any margin account, credit balance or security for any person other than a general partner; and has not been required to file a certified financial statement with any national securities exchange; or (ii) its securities business has been limited to acting as broker (agent) for the issuer in soliciting subscriptions for securities of such issuer, said broker has promptly transmitted to such issuer all funds and promptly delivered to the subscriber all securities received in connection therewith, and said broker has not otherwise held funds or securities for or owed money or securities to customers; or (iii) its securities business has been limited to buying and selling evidences of indebtedness secured by mortgage, deed of trust, or other lien upon real estate or leasehold interests, and said broker or dealer has not carried any margin account, credit balance, or security for any securities customer.

A broker or dealer who files a report which is not covered by an accountant's opinion shall include in the oath or affirmation required by paragraph (c)(2) of this section a statement of the facts and circumstances relied upon as a basis for exemption from the requirement that financial statements filed pursuant to paragraph (b) be covered by the opinion of an accountant.

(2) Attached to the report shall be an oath or affirmation that, to the best knowledge and belief of the person making such oath or affirmation, (i) The financial statements and supporting schedules are true and correct, and (ii) neither the broker or dealer, nor any partner, officer, or director, as the case may be, has any proprietary interest in any account classified solely as that of a customer. The oath or affirmation shall be made before a person duly authorized to administer such oaths or affirmations. If the broker or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; or if a corporation, by a duly authorized officer.

(3) If the Statements of Financial Condition in paragraphs (b)(2) or (3) of this section are bound separately from the balance of the annual audited financial statements filed pursuant to paragraph (b)(1) of this section, the balance of the annual audited financial statements shall be deemed confidential, except that it shall be available for official use by any official or employee of the United States or any State, by national securities exchanges and national securities associations of which the person filing such report is a member, and by any other person to whom the Commission authorizes disclosure of such information as being in the public interest. Nothing contained in this paragraph (b)(3) of this section shall be deemed to be in derogation of the rules of any registered national securities association or national securities exchange which give to customers of a member broker or dealer the right, upon request to such member broker or dealer, to obtain information relative to its financial condition.

(4) The broker or dealer shall file with the report a supplemental report and, subject to the provisions of paragraph (c)(1) of this section, a report of the independent public accountant on the status of the membership of the broker or dealer in the Securities Investor Protection Corporation ("SIPC"). The report shall cover the SIPC annual general assessment reconciliation or exclusion from membership forms not previously reported on under this paragraph (c)(4) of this section which were required to be filed prior to the date of the report required by paragraph (b) of this section. The supplemental report, which shall be submitted in triplicate original to the regional office of the Commission for the region in which the broker or dealer has its principal place of business as specified in paragraph (b)(4) of this section, be bound separately, be dated and be signed manually, shall include the following:

(i) A schedule of assessment payments also showing any overpayments applied and overpayments carried forward including: payment dates, amounts, and name of SIPC collection agent to whom mailed, or

(ii) If exclusion from membership was claimed, a statement that the broker or dealer qualified for exclusion from membership under Section 3(a)(2) of the Securities Investor Protection Act of 1970, and the date and name of the SIPC collection agent with whom a Certification of Exclusion from Membership (Form SIPC–3) was filed, and

(iii) An accountant's report which shall state that in the accountant's opinion either the assessments were determined fairly in accordance with applicable instructions and forms, or that a claim for exclusion from membership was consistent with income reported. If exceptions are noted, the accountant shall state any corrective action taken or proposed. The accountant's review on which his report is based shall include as a minimum the following procedures:

(A) Comparison of listed assessment payments with respective cash disbursements record entries;

(B) Comparison of amounts reflected in Form X–17A–5 (§ 249.617 of this chapter) for the fiscal year as required by paragraph (b) of this section, with amounts reported in the Annual General Assessment Reconciliation (Form SIPC–7);

(C) Comparison of adjustments reported in Form SIPC–7 with supporting schedules and working papers supporting adjustments;

(D) Proof of arithmetical accuracy of the calculations reflected in Form SIPC–7 and in the schedules and working papers supporting adjustments; and

(E) Comparison of the amount of any overpayment applied with the Form SIPC–7 on which it was computed; or

(F) If exclusion from membership is claimed, the accountant shall review Form X–17A–5 (§ 249.617 of this chapter) as required by paragraph (b) of this section to ascertain that the Certification of Exclusion from Membership (Form SIPC–3) was consistent with the income reported.

(d) *Use of certain statements filed with the Securities and Exchange Commission.* (1) Any broker or dealer who is subject to the provisions of paragraph (b) of this section may file in lieu of the report required by that paragraph a copy of any financial statement which is required to be filed with any national securities exchange of which it is a member, or with any agency of any State as a condition of doing business therein, provided that:

(i) The copy so included reflects the financial condition of the broker or dealer as of a date not more than sixty days prior to the filing thereof with the Commission; and

(ii) The report, as filed with this Commission, meets the requirements of this section and Form X–17A–5 (§ 249.617 of this chapter) and contains the information called for by that form.

(2) At the request of any broker or dealer who is (i) an investment company registered under the Investment Company Act of 1940, or (ii) a sponsor or depositor of such a registered investment company who effects transactions in securities only with, or on behalf of, such registered investment company, the Commission will accept the financial statements filed pursuant to Sections 13 or 15(d) of the Securities Exchange Act of 1934 or Section 30 of the Investment Company Act of 1940 and the rules and regulations promulgated thereunder as a filing pursuant to paragraph (b) of this

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section. Such a filing shall be deemed to satisfy the requirements of this section for any calendar year in which such financial statements are filed, provided that the statements so filed meet the requirements of the other sections of this chapter under which they are filed with respect to time of filing and content.

(e) *Extension of time for filing reports.* In event any broker or dealer finds that he cannot file his report for any year within the time specified in paragraph (b) of this section without undue hardship, he may file with the Commission's principal office in Washington, D.C. and the appropriate regional office as specified in paragraph (b) (6) of this section an application for an extension of time to a specified date which shall not be more than 90 days after the date as of which his financial condition is reported. Notice of such application shall be sent to the designated examining authority. The application shall be made by the broker or dealer and the representations therein verified by the independent public accountant to the best of his ability and shall:

(1) State the reasons for the requested extension;

(2) Indicate that the inability to make a timely filing is due to circumstances beyond the control of the broker or dealer if such is the case, and describe briefly the nature of such circumstances;

(3) Indicate if the broker or dealer is in violation of the net capital requirements specified in § 240.15c3–1 or the requirements of § 240.15c3–3, or has any other financial or recordkeeping problems;

(4) Contain an agreement to file the report on or before the date specified by the broker or dealer in the application; and

(5) Be received by the regional office of the Commission for the region in which the broker or dealer has its principal place of business, the Commission's principal office in Washington, D.C. and the principal office of the designated examining authority prior to the date upon which the report is due.

(f) *Exemptions.* Any "bank," as defined in section 3(a)(6) of the Act (48 Stat. 382; 15 U.S.C. 78c) shall be exempt from the provisions of this section.

(g)(1) *Qualifications of accountants.* The Commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. The Commission will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of his place of residence or principal office.

(2) *Designation of accountant.* Every broker or dealer subject to this section shall file no later than January 10 of each year a statement with the Commission's principal office in Washington, D.C., the regional office of the Commission for the region in which its principal place of business is located and the principal office of the designated examining authority for such broker or dealer. Such statements shall indicate the existence of an agreement, dated no later than January first, with an independent public accountant, covering a contractual commitment to conduct the broker's or dealer's annual audit. The statement shall be headed "Notice pursuant to Rule 17a–5(g)(2)" (§ 240.17a–5(g)(2)) and shall contain the following information: (i) Name, address, telephone number and registration number of the broker or dealer; (ii) name, address and telephone number of the accounting firm; (iii) the audit date of the broker or dealer for the year covered by the agreement.

(3) *Independence of accountant.* An accountant shall be independent in accordance with the provisions of § 210.2–01 (b) and (c) of this chapter.

(4) *Replacement of accountant.* A broker or dealer shall file a notice with the Commission's principal office in Washington, D.C., the regional office of the Commission for the region in which its principal place of business is located, and the principal office of the designated examining authority for such broker or dealer, not more than 15 days after:

(i) The broker or dealer has notified the accountant whose opinion covered the most recent financial statements filed under paragraph (b) of this section that his services will not be utilized in future engagements; or

(ii) The broker or dealer has notified an accountant who was engaged to give an opinion covering the financial statements to be filed under paragraph (b) of this section that the engagement has been terminated; or

(iii) An accountant has notified the broker or dealer that he would not continue under an engagement to give an opinion covering the financial statements to be filed under paragraph (b) of this section; or

(iv) A new accountant has been engaged to give an opinion covering the financial statements to be filed under paragraph (b) of this section without any notice of termination having been given to or by the previously engaged accountant.

Such notice shall state (a) the date of notification of the termination of the engagement or engagement of the new accountant as applicable and (b) the details of any problems existing during the 24 months (or the period of the engagement if less) preceding such termination or new engagement relating to any matter of accounting principles or practices, financial statement disclosure, auditing scope or procedure, or compliance with applicable rules of the Commission, which problems, if not resolved to the satisfaction of the former accountant, would have caused him to make reference to them in connection with his report on the subject matter of the problems. The problems required to be reported in response to the preceding sentence include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Problems contemplated by this rule are those which occur at the decision-making level; i.e., between personnel of the broker or dealer responsible for presentation of its financial statements and personnel of the accounting firm responsible for rendering its report. State whether the accountant's report on the financial statements for any of the past two years contained an adverse opinion or a disclaimer of opinion or was qualified as to uncertainties, audit scope, or accounting principles; also describe the nature of each such adverse opinion, disclaimer of opinion, or qualification. The broker or dealer shall also request the former accountant to furnish the broker or dealer with a letter addressed to the Commission stating whether he agrees with the statements contained in the notice of the broker or dealer and, if not, stating the respects in which he does not agree. The broker or dealer shall file three copies of the notice and the accountant's letter, one copy of which shall be manually signed by the sole proprietor, or a general partner or a duly authorized corporate officer, as appropriate, and by the accountant, respectively.

(h) *Audit objectives.* (1) The audit shall be made in accordance with generally accepted auditing standards and shall include a review of the accounting system, the internal accounting control and procedures for safeguarding securities. The audit shall include all procedures necessary under the circumstances to enable the independent public accountant to express an opinion on the financial condition, results of operations, and changes in financial position. The scope of the audit and review of the accounting system, the internal control and procedures for safeguarding securities shall be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination would be disclosed. Additionally, as specific objectives, the audit shall include reviews of the practices and procedures followed by the client:

(i) In making the periodic computations of aggregate indebtedness and net capital under § 240.17a–3(a)(11) and the reserve required by Section 240.15c3–3(e);

(ii) In making the quarterly securities examinations, counts, verifications and comparisons and the recordation of differences required by § 240.17a–13;

(iii) In complying with the requirement for prompt payment for securities of Section 4(c) of Regulation T (§ 220.4 (c) of Chapter II of Title 12) of the Board of Governors of the Federal Reserve System; and

(iv) In obtaining and maintaining physical possession or control of all fully paid and excess margin securities of customers as required by § 240.15c3–3.

(A) If the broker or dealer is exempt from § 240.15c3–3, the independent public accountant shall ascertain that the conditions of the exemption were being complied with as of the examination date and that no facts came to his attention to indicate that the exemption had not been complied with during the period since his last examination.

(B) Based upon such audit, including the foregoing specific objectives, and concurrent with his report on the financial statements, the independent public accountant shall comment upon any material inadequacies found to exist. Any corrective action taken or proposed shall be indicated. If the audit did not disclose any material inadequacies, the accountant shall so report.

(2) A material inadequacy in the controls and practices and procedures referred to above which is expected to be reported under these audit objectives includes any condition which has contributed substantially to or, if appropriate corrective action is not taken, could reasonably be expected to (i) inhibit a broker or dealer from promptly completing securities transactions or promptly discharging his responsibilities to customers, other broker-dealers or creditors; (ii) result in material financial loss; (iii) result in material misstatements of the broker or dealer's financial statements; or (iv) result in violations of the Commission's recordkeeping or financial responsibility rules to an extent that could reasonably be expected to result in the conditions described in parts (i), (ii), or (iii) of this paragraph (h)(2).

(i) *Extent and timing of audit procedures.* (1) The extent and timing of audit procedures are matters for the independent public accountant to determine on the basis of his review and evaluation of the accounting system and accounting control. In determining the extent of testing, consideration shall be given to the materiality of an area and the possible effect on the financial statements of a material misstatement in a related account. The performance of auditing procedures involves the proper synchronization of their application and thus comprehends the need for simultaneous performance of procedures in certain areas such as, for example, securities counts, transfer verification and customer and broker confirmation in connection with verification of securities positions.

(2) If, during the course of the audit or interim work, the independent public accountant determines that any material inadequacies exist in the accounting system, internal accounting control, procedures for safeguarding securities, or as otherwise defined in paragraph (h)(2) of this section, then he shall call it to the attention of the chief financial officer of the broker or dealer, who shall have a responsibility to inform the Commission and the designated examining authority by telegraphic notice within 24 hours thereafter as set forth in paragraphs (d) and (f) of § 240.17a–11. The broker or dealer shall also furnish the accountant with a copy of said notice to the Commission by telegraphic communication within said 24 hour period. If the accountant fails to receive such notice from the broker or dealer within said 24 hour period, or if he disagrees with the statements contained in the notice of the broker or dealer, the accountant shall have a responsibility to inform the Commission and the designated examining authority by report of material inadequacy within 24 hours thereafter as set forth in paragraph (f) of § 240.17a–11. Such report from the accountant shall (a) if the broker or dealer failed to file a notice, describe any material inadequacies found to exist or (b) if the broker or dealer filed a notice, describe the respects in which the accountant does not agree.

(j) *Accountants' reports in general.*—(1) *Technical requirements.* The accountant's report shall: (i) be dated; (ii) be signed manually; (iii) indicate the city and state where issued; and (iv) identify without detailed enumeration the financial statement and schedules covered by the report.

(2) *Representations as to the audit.* The accountant's report shall: (i) state whether the audit was made in accordance with generally accepted auditing standards; (ii) state whether the accountant reviewed the procedures followed for safeguarding securities of customers; and (iii) designate any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which have been omitted, and the reason for their omission.

Nothing in this section shall be construed to imply authority for the omission of any procedure which an independent accountant would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required under this section.

(3) *Opinion to be expressed.* The accountant's report shall state clearly the opinion of the accountant: (i) In respect of the financial statements and schedules covered by the report and the accounting principles and practices reflected therein; and (ii) as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements as required to be set forth in § 210.3–07(a) of this chapter.

(4) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

(5) *Definitions.* For the purpose of this section, the terms "audit" (or "examination"), "accountant's report," and "certified" shall have the meanings given in § 210.1–02 of this chapter.

(k) *Accountant's report on material inadequacies.* The broker or dealer shall file concurrently with the annual audit report a supplemental report by the accountant describing any material inadequacies found to exist. The supplemental report shall indicate any corrective action taken or proposed by the broker or dealer in regard thereto. If the audit did not disclose any material inadequacies, the supplemental report shall so state.

(l) *Termination of membership interest.* (1) If a broker or dealer holding any membership interest in a national securities exchange ceases to be a member in good standing of such exchange, such broker or dealer shall, within two business days after such event, file with the Commission, Part II of Form X–17A–5 (§ 249.617 of this chapter) as of the date of such event.

The report shall be filed at the Commission's principal office in Washington, D.C. and with the regional office of the Commission for the region in which the broker or dealer has its principal place of business: *Provided, however,* That such report need not be made or filed if the Commission, upon written request or upon its own motion, exempts such broker or dealer, either unconditionally or on specified terms and conditions, from such requirement: *Provided further,* That the Commission may, upon request of the broker or dealer, grant extensions of time for filing the report specified herein for good cause shown.

(2) Attached to the report required by subparagraph (1) of this paragraph shall be an oath or affirmation that to the best knowledge and belief of the individual making such oath or affirmation the information contained in the report is true and correct. The oath or affirmation shall be made before a person duly authorized to administer such oath or affirmation. If the broker or dealer is a sole proprietorship, the oath or affirmation shall be made by the sole proprietor; if a partnership, by a general partner; or if a corporation, by the chief executive officer or, in his absence, by the person authorized to act in his place.

(3) For the purposes of paragraph (l)(1) of this section "membership interest" shall include the following: full membership, allied membership, associated membership, floor privileges, and any other interest that entitles a broker or dealer to the exercise of any privilege on an exchange.

(4) For the purposes of paragraph (l)(1) of this section, any broker or dealer shall be deemed to have ceased to be a member in good standing of such exchange when he has resigned, withdrawn, or been suspended or expelled from a membership interest in such exchange or has directly or through any associated person sold or entered into an agreement for the sale of a membership interest which would on consummation thereof result in the termination of the broker or dealer's membership interest in such exchange.

(5) Whenever any national securities exchange takes any action which causes any broker or dealer which is a member of such exchange to cease to be a member in good standing of such exchange or when such exchange learns of any action by such member or any other person which causes such broker or dealer to cease to be a member in good standing of such exchange, such exchange shall report such action promptly to the Commission, furnishing information as to the circumstances surrounding the event and shall send a copy of such notification to said member together with a

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notification of the broker or dealer's responsibilities under paragraph (l) (1) of this section.

(m) *Statements to be furnished customers.* (1) Every broker or dealer shall send to its customers the statements prescribed by paragraph (m) (2) of this section within 30 days after it files with the Commission the information required by paragraph (b) of this section, except if the activities of such broker or dealer are limited to any one or combination of the following and are conducted in the manner prescribed herein:

(i) As introducing broker or dealer, the forwarding of all transactions of his customers to a clearing broker or dealer on a fully disclosed basis: *Provided,* That such clearing broker or dealer reflects such transactions on its books and records in accounts it carries in the names of such customers and that the introducing broker or dealer does not hold funds or securities for, or owe funds or securities to, customers other than funds and securities promptly forwarded to the clearing broker or dealer or to customers;

(ii) The prompt forwarding of subscriptions for securities to the issuer, underwriter or other distributor of such securities and of receiving checks, drafts, notes, or other evidences of indebtedness payable solely to the issuer, underwriter or other distributor who delivers the security directly to the subscriber or to a custodian bank, if the broker or dealer does not otherwise hold funds or securities for, or owe money or securities to, customers;

(iii) The sale and redemption of redeemable shares of registered investment companies or the solicitation of shares account of savings and loan associations in the manner contemplated by the $2,500 minimum net capital requirement of § 240.15c3–1 or the offering to extend any credit to or participate in arranging a loan for a customer to purchase insurance in connection with the sale of redeemable shares of registered investment companies; or

(iv) Conduct which would exempt the broker or dealer from the provisions of § 240.17a–13 by reason of the provisions of paragraph (a) of that section.

(2) The statements to be sent to customers shall be as follows:

(i) A balance sheet with appropriate notes prepared in accordance with the requirements of Regulation S–X (§ 210 of this chapter), which shall be certified if the financial statements furnished in accordance with paragraph (b) of this section are required to be certified;

(ii) A statement indicating the amount of the broker's or dealer's net capital and its required net capital, computed in accordance with Section 240.15c–1;

(iii) If in connection with the most recent annual audit report pursuant to § 240.17a–5, the independent accountant commented on any material inadequacies found to exist in the accounting system, the internal accounting control, procedures for safeguarding securities or the procedures followed in complying with § 240.17a–13, there shall be a statement by the broker or dealer that a copy of such report and comments is currently available for the customer's inspection at the principal office of the Commission in Washington, D.C., and the regional office of the Commission for the region in which the broker or dealer has its principal place of business; and

(iv) A statement indicating that the Statement of Financial Condition of the most recent annual audit report of the broker or dealer pursuant to § 240.17a–5 is available for examination at the principal office of the broker or dealer, and at the regional office of the Commission for the region in which the broker or dealer has its principal place of business.

(3) Every broker or dealer who is subject to this paragraph (m) shall furnish to customers and file with the regional office of the Commission in the region in which the broker or dealer has its principal place of business, and each national securities exchange and national securities association of which it is a member an unaudited statement containing the information specified in paragraphs (m) (2) (i) and (ii) of this section, not later than 285 days from the date of the audited statements required by paragraph (m) of this section. Said unaudited statement shall be as of the date of the broker's or dealer's fiscal period ending nearest to 6 months from the date of the audited statements required to be furnished pursuant to paragraphs (m) (1) and (2) of this section.

(4) For purposes of paragraph (m) of this section, the term "customer" includes any person other than another broker or dealer who is exempted by paragraph (m) (1) of this section, for or with whom a broker or dealer has effected a securities transaction in a particular month, which month shall be either the month preceding the balance sheet date or the month following the balance sheet date in which the statement is sent. In addition, the term "customer" includes any person for whom the broker or dealer holds securities for safekeeping or as collateral or for whom the broker or dealer carries a free credit balance in the month in which customers are determined for purposes of paragraph (m) of this section.

3. Commission action: Pursuant to sections 6(e), 17(a) and 23(a) and (b) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt amended § 240.17a–10 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a–10 Report of revenue and expenses.

(a) Every broker or dealer registered pursuant to Section 15 of the Act shall, not later than 45 days after the close of each calendar year (commencing with the calendar year 1975), file a report of his revenue and expenses, and related financial and other information for such calendar year on Form X–17A–10 (§ 249.618 of this chapter). Brokers or dealers required to complete Schedules A through D shall file Form X–17A–10 (§ 249.618 of this chapter) not later than 60 days after the close of each calendar year.

* * * * *

(d) In the event any broker or dealer finds that he cannot file his report for any year within the time specified in paragraph (a) of this section without undue hardship, he may file with the Commission's principal office in Washington, D.C. an application for an extension of time to a specified date which shall not be later than 75 days after the close of the calendar year for which the report is to be made. The application shall state the reasons for the requested extension and shall contain an agreement to file the report on or before the specified date.

4. Commission action: Pursuant to sections 17(a) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt amended § 240.17a–11 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a–11 Supplemental current financial and operational reports to be made by certain brokers and dealers.

(a) Every broker or dealer subject to § 240.15c3–1, whose net capital at any time is less than the minimum required by any capital rule to which such person is subject, shall:

(1) Give telegraphic notice as set forth in paragraph (f) of this section that such person's net capital is less than is required by any such capital rule, identifying the applicable net capital rule or rules. The notice shall be given on the same day that such person's capital becomes less than required by any of the aforesaid rules to which such person is subject; and

(2) Within 24 hours thereafter file Part II of Form X–17A–5 (§ 249.617 of this chapter) and supplementary schedules as may be required.

(b) (1) If a computation made by a broker or dealer pursuant to the requirements of § 240.15c3–1(c) shows, at any point during the month, that his aggregate indebtedness is in excess of 1,200 per centum of his net capital, or that his total net capital is less than 120 per centum of the minimum net capital required of him, such person shall file a report on Part II of Form X–17A–5 (§ 249.617 of this chapter) within 15 calendar days after the end of the month for which such computation was required to be made, and within 15 calendar days after the end of each month thereafter until 3 successive months shall have elapsed during which his aggregate indebtedness does not exceed 1,200 per centum of his net capital, and his total net capital does not fall below 120 per centum of the minimum net capital required of him.

(2) If a computation made by a broker or dealer pursuant to § 240.15c3–1(f) shows, at any point during the month, that his net capital is less than 6 percent of aggregate debit items computed in accordance with § 240.15c3–3 Exhibit A: Formula for the Determination of Reserve Requirements, such broker or dealer shall file a report on Part II of Form X–17A–5 (§ 249.617 of this chapter) within 15 calendar days after the end of the month for which such computation is made, and within 15 days after the end of each month thereafter until three successive months shall have elapsed during which his net capital is not less than six percent of aggregate debit items computed in accordance with § 240.15c3–3 Exhibit A.

(c) At any time when a broker or dealer subject to § 240.17a–3 fails to make and keep current the books and records specified therein, he shall immediately give telegraphic notice of such fact, specifying the books and records which have not been made or which are not current, and within 48 hours of the telegraphic notice file a report stating what steps have been and are being taken to correct the situation.

(d) Whenever any broker or dealer is notified by an independent public accountant, pursuant to paragraph (i) (2) of § 240.17a–5, of any material inadequacy as defined in paragraph (h) of § 240.17a–5, said broker or dealer shall give telegraphic notice of such material inadequacy within 24 hours, and within 48 hours of the telegraphic notice file a report stating what steps have been and are being taken to correct the situation.

(e) Whenever any national securities exchange or national securities association learns that a member broker or dealer has failed to file a notice or file a report as required by paragraph (a), (b), (c) or (d) of this section, such organization shall immediately report such failure as provided in paragraph (f) of this section.

(f) Every notice and report required to be given or filed by this rule shall be given to or filed with the principal office of the Commission in Washington, D.C., with the regional office of the Commission for the region in which the broker or dealer has its principal place of business, and with the designated examining authority of which such broker or dealer is a member.

4. Commission action: Pursuant to Sections 6(e), 17(a) and 23(a) and (b) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt amended § 240.17a–20 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a–20 Monitoring effect of competitive commission rates.

(a) (1) Every broker or dealer with revenues as shown on line 6 of Statement A to Part III or line 11 of Statement AA to Part II of Form X–17A–10 (§ 249.618 of this chapter) of $500,000 or more, of which at least 20 percent is derived from brokerage commission transactions effected on national securities exchanges as shown on Line 1(a) of Statement A to Part III, or Line 1(e) of Statement AA to Part II, respectively, of Form X–17A–10 (§ 249.618 of this chapter) during calendar year 1974 shall, not later than 17 business days after the close of each calendar quarter, file a report of his revenues and expenses and related financial and other information for each such calendar quarter on Form X–17A–20 (§ 249.636 of this chapter).

(2) Every broker or dealer required to file for calendar year 1975 Part II to Form X–17A–10 (§ 249.618 of this chapter) and whose commissions earned on transactions in listed equity securities executed on an exchange as shown on Line A(1) (a) is at least 20 percent of the total revenue as shown on Line A(10) of Part II to Form X–17A–10 (§ 249.618 of this chapter), shall, not later than 17 business days after the close of each calendar quarter (commencing with the calendar quarter ending March 31, 1976), file a report of revenues and expenses and related financial and other information for each such calendar quarter on Form X–17A–20 (§ 249.636 of this chapter).

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Part 249 is amended as follows:

5. Commission Action: Pursuant to Sections 17(a), 17(e) and 23 of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt amended § 249.617 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 249.617 Form X–17A–5, information required of certain brokers and dealers pursuant to section 17 of the Securities Exchange Act of 1934 and § 240.17a–5 of this chapter.

This form shall be used by every broker or dealer required to file reports under § 240.17a–5 (a) and (b) of this chapter.

6. Commission action: Pursuant to sections 6(e), 17(a) and 23(a) and (b) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt amended § 249.618 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 249.618 Form X–17A–10, annual report of revenue and expenses to be filed by brokers and dealers pursuant to Section 17 of the Act and § 240.17a–10 of this chapter.

This form shall be filed as the annual report of revenues and expenses, and related financial and other information, by every broker or dealer required to file a report pursuant to § 240.17a–10(a) of this chapter, unless such broker or dealer has filed the information required by this form with a national securities exchange or a registered national securities association pursuant to § 240.17a–10(b) of this chapter.

§ 249.621 Form X–17A–11, for report of information required of certain members, brokers and dealers, pursuant to section 17 of the Act and § 240.17a–11 of this chapter. [Revoked]

7. Commission action: Pursuant to sections 17(a) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to revoke § 249.621 in chapter II of Title 17 of the Code of Federal Regulations.

[FR Doc.75–29435 Filed 10–31–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 103]

APPEARANCES AND COMPENSATION OF PERSONS APPEARING BEFORE SBA

Solicitation by Applicants' Representatives

Notice is hereby given that the Administrator, SBA, proposes to amend the subpart of 13 CFR Part 103 entitled "Interpretation of 'good cause'" by revising § 103.13–5(b) to specifically interpret advertising by applicants' representatives using the name "SBA" as "good cause" for suspension or revocation of the privilege to appear before the SBA. The revision will clarify existing interpretations of solicitation that constitutes grounds for removal or suspension of an applicant's representative.

Interested persons may participate in this proposed rulemaking by submitting written data to the Small Business Administration, 1441 L Street, N.W., Room 716, Washington, D.C. 20416. Each person submitting a comment should include his name and address and give reasons for any recommendations. All material received on or before December 3, 1975, will be considered. Comments in response to this proposal will be available for public inspection at the above address only between the hours of 8:30 a.m. and 5 p.m., Monday through Friday (except holidays).

It is therefore proposed to revise 13 CFR Part 103 to read as follows:

§ 103.13–5 Interpretation of "good cause."

* * * * *

(b) *Solicitation.* Requesting or suggesting directly or through any agency or medium the employment of the person making or initiating the request or suggestion, or some other person to perform work in connection with an application. "Solicitation" shall include, but shall not be limited to, requests or suggestions which violate the ethics, customs, or regulations of the profession or business of the person or persons making or initiating the suggestion; requests or suggestions which imply or infer that the work to be performed, or any portion thereof, will be of a political, influential, or similar nature; and any advertisement or representation that contains or uses the words "Small Business Administration" or "SBA", or any symbol thereof.

Dated: October 24, 1975.

H. GREGORY AUSTIN,
Acting Administrator.

[FR Doc.75–29388 Filed 10–31–75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/120]

ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW, STUDY GROUP ON INTERNATIONAL SALE OF GOODS

Notice of Meeting

A meeting of the Study Group on International Sale of Goods, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held on Saturday, November 22, 1975, at the United States Mission to the United Nations, 799 United Nations Plaza, New York, New York. The meeting, which will begin at 10 a.m. in room 412, will be open to the public.

The purpose of the meeting is to review a preliminary draft convention on international sale of goods under consideration by a Working Group of the United Nations Commission on International Trade Law.

Members of the general public may attend up to the limits of the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

Entrance to the United States Mission building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to November 22, 1975, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is (202) 632-2107.

Dated: October 28, 1975.

ROBERT E. DALTON,
Executive Director.

[FR Doc.75-29390 Filed 10-31-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-267]

FOREIGN CURRENCIES—CERTIFICATION OF RATES

Rates of Exchange Certified to the Secretary of the Treasury by the Federal Reserve Bank of New York

The appended table shows the rates of exchange certified to the Secretary of Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 159.34a, Customs Regulations (19 CFR 159.34a), for the period September 22 through September 26, 1975. This table is published for the information and use of Customs officers and others concerned.

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

Country	Currency	Sept 22	Sept. 23	Sept. 24	Sept. 25	Sept. 26
Australia	Dollar	(1)	(1)	(1)	(1)	(1)
Austria	Schilling	$0.0535	$0.0528	$0.0530	$0.0530	$0.0534
Belgium	Franc	.024975	.024825	.025030	.025080	.025020
Canada	Dollar	(1)	(1)	(1)	(1)	(1)
Denmark	Krone	.1619	.1609	.1614	.1621	.1612
Finland	Markka	.2581	.2558	.2545	.2545	.2546
France	Franc	.2194	.2184	.2190	.2208	.2200
Germany	Deutsche mark	.3759	.3743	.3736	.3776	.3752
India	Rupee	.1120	.1120	.1120	.1120	.1118
Ireland	Pound	2.0710	2.0440	2.0445	2.0470	2.0445
Italy	Lira	.001455	.001448	.001452	.001457	.001454
Japan	Yen	(1)	(1)	(1)	(1)	(1)
Malaysia	Dollar	.3885	.3871	.3863	.3874	.3870
Mexico	Peso	(1)	(1)	(1)	(1)	(1)
Netherlands	Guilder	.3665	.3642	.3657	.3668	.3655
New Zealand	Dollar	1.0519	1.0457	1.0430	1.0420	1.0430
Norway	Krone	.1755	.1745	.1754	.1761	.1760
Portugal	Escudo	.0367	.0363	.0364	.0364	.0366
South Africa	Rand	1.1470	1.1470	1.1470	1.1470	1.1480
Spain	Peseta	.016780	.016665	.016605	.016695	.016750
Sri Lanka	Rupee	.1350	.1350	.1350	.1350	.1325
Sweden	Krona	.2214	.2199	.2209	.2230	.2214
Switzerland	Franc	.3360	.3663	.3667	.3668	.3642
United Kingdom	Pound	2.0710	2.0440	2.0445	2.0470	2.0445

[1] Rate did not vary—use quarterly rate published in T.D. 75-176.

[FR Doc.75-29445 Filed 10-31-75;8:45 am]

[T.D. 75-268]

FOREIGN CURRENCIES—CERTIFICATION OF RATES

Rates of Exchange Certified to the Secretary of the Treasury by the Federal Reserve Bank of New York

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in section 159.34a, Customs Regulations (19 CFR 159.34a), for the period September 29 through September 30, 1975. This table is published for the information and use of Customs officers and others concerned.

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

Country	Currency	Sept. 29	Sept. 30
Australia	Dollar	(1)	(1)
Austria	Schilling	$0.0528	$0.0530
Belgium	Franc	.024575	.025040
Canada	Dollar	(1)	(1)
Denmark	Krone	.1604	.1612
Finland	Markka	.2530	.2531
France	Franc	.2195	.2215
Germany	Deutsche mark	.3745	.3777
India	Rupee	.1118	.1118
Ireland	Pound	2.0365	2.0430
Italy	Lira	.001450	.001455
Japan	Yen	(1)	(1)
Malaysia	Dollar	.3854	.3855
Mexico	Peso	(1)	(1)
Netherlands	Guilder	.3647	.3670
New Zealand	Dollar	1.0425	1.0410
Norway	Krone	.1751	.1757
Portugal	Escudo	.0363	.0364
South Africa	Rand	1.1480	1.1480
Spain	Peseta	.016680	.016720
Sri Lanka	Rupee	.1325	.1325
Sweden	Krona	.2210	.2223
Switzerland	Franc	.3632	.3643
United Kingdom	Pound	2.0365	2.0430

[1] Rate did not vary—use quarterly rate published in T.D. 75-176.

[FR Doc.75-29446 Filed 10-31-75;8:45 am]

Office of the Secretary

PRESIDENT'S LABOR-MANAGEMENT COMMITTEE

Meeting

Notice is hereby given that the President's Labor-Management Committee will meet in the Secretary's Conference Room in the Treasury Department on November 5, 1975, at 10 a.m. Greater advance notice of the meeting was not possible because of the difficulty of finding a meeting time which permitted attendance by members and which was consistent with the President's schedule.

The purpose of the meeting is to discuss the economic outlook, including the outlook for the housing sector.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that this meeting is for the purpose of considering matters falling within the exemption to public disclosure set forth in section 552(b)(5) of Title 5 of the United States Code, and that the public interest requires such meeting be closed to public participation.

Dated: October 30, 1975.

[SEAL] WARREN F. BRECHT,
Assistant Secretary
Administration.

[FR Doc.75-29564 Filed 10-31-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[Docket No. M 76-15]

F AND W COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), F and W Coal Company has filed a petition to modify the application of 30 CFR 75.301 to its No. 2 Drift Mine, Pine Grove, Pennsylvania.

30 CFR 75.301 provides in pertinent part:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute * * *.

Petitioner requests that § 75.301 be modified for the subject anthracite mine to require, in part, that the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

In support of its alternate method, Petitioner states:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.
2. There is no history of ignition, explosion and mine fire for the mine.
3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.
4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.
5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.
6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already comfortable, wet mines.
7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Petitioner avers that its alternate method will in no way provide less than the same measure of protection afforded the miners by the existing mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 3, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 21, 1795.

[FR Doc.75-29384 Filed 10-31-75;8:45 am]

[Docket No. M 75-36]

GRAYS KNOB COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Grays Knob Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 7 Harlan Mine, Harlan County, Kentucky.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states:

(1) The subject access roads are approximately 1½ miles in length. These roads are narrow due to the steep slope of the mountains in which they are situated.

(2) The outer bank of the roadways are composed of fill material and thus will not support guardrails. Also, the installation of berm s would cause the elimination of passing areas along the roadways.

(3) Graders are used to remove snow and mud from the roads. Berms would cause water to be trapped on the roadways and would generally hamper road maintenance.

(4) The access roads, without berms, can be maintained by use of gravel, salt and grading equipment. However, these roads cannot be safely maintained if berms are installed.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 3, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 23, 1975.

[FR Doc.75-29385 Filed 10-31-75;8:45 am]

[Docket No. M 75-35]

HARLAN-CUMBERLAND COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Harlan-Cumberland Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 2, Grays Knob, Kentucky.

30 CFR 77.1605(k) provides:

Berms on guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states:

(1) The subject access roads are approximately 1½ miles in length. These roads are narrow due to the steep slope of the mountains in which they are situated.

(2) The outer bank of the roadways are composed of fill material and thus will not support guardrails. Also, the installation of berms would cause the elimination of passing areas along the roadways.

(3) Graders are used to remove snow and mud from the roads. Berms would cause water to be trapped on the roadways and would generally hamper road maintenance.

(4) The access roads, without berms, can be maintained by use of gravel, salt and grading equipment. However, these roads cannot be safely maintained if berms are installed.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 3, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Depart-

V 40 212 NOV 3 75 XUM

ment of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 23, 1975.

[FR Doc.75-29386 Filed 10-31-75;8:45 am]

Office of the Secretary

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION

Adjustment of Salary

OCTOBER 24, 1975.

Pursuant to the provisions of Executive Order 11883 the salary of the Administrator, Southwestern Power Administration is adjusted to $37,800 per annum effective on the first day of the first pay period which begins on or after October 1, 1975.

THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.75-29387 Filed 10-31-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Cancellation of Public Meeting

The November 4, 1975, meeting of the Shippers Advisory Committee, announced in the October 20, 1975, issue of the FEDERAL REGISTER (40 FR 48956), is canceled. The Committee is established under Marketing Order No. 905 (7 CFR Part 905), which regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). At its meeting of October 28, 1975, the Committee recommended regulations it deemed appropriate to the current supply situation, and requested that the meeting scheduled for November 4 be canceled.

Dated: October 31, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-29656 Filed 10-31-75;10:58 am]

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to to the provisions of § 10 (a) (2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of meetings of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will hold meetings on November 18 and November 25, 1975, at 10:30 a.m. in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida.

The meetings will be open to the public and a brief period will be set aside at each meeting for public comments and questions. The agenda of each meeting includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to each meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: October 31, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-29657 Filed 10-31-75;10:58 am]

Office of the Secretary

NATIONAL HORSE INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

A meeting of the National Horse Industry Advisory Committee will be held at 9 a.m. on December 11 and 12, 1975, in Room 218 Administration Building, USDA, Washington, D.C. The meeting will adjourn at 12:00 noon, December 12, 1975.

The purpose of the committee is to advise the Secretary of Agriculture and other officials on research, disease control, educational programs, and other activities and programs of the Department of Agriculture affecting horse producers, owners, users, and other aspects of the horse industry.

The purpose of the meeting is to review program progress, problems, and recommended actions.

The meeting is open to the public; however, space and facilities are limited. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. Dixon D. Hubbard, Executive Secretary of the committee, Extension Service, U.S. Department of Agriculture, Room 5051-South Bldg., Washington, D.C. 20250, telephone number (202)447-2677.

Dated: October 29, 1975.

DIXON D. HUBBARD,
Executive Secretary.

[FR Doc.75-29494 Filed 10-31-75;8:45 am]

Soil Conservation Service

EMERGENCY ASSISTANCE

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for Emergency Assistance as authorized by section 216 of the Flood Control Act of May 17, 1950, Pub. L. 81-516 (33 U.S.C. 701b-1), USDA-SCS-ES-FP-(ADM)-75-1-F.

The EIS concerns emergency measure installation to safeguard lives and property from floods and the products of erosion whenever floods, fire or other natural element or force causes abrupt damage to a watershed. Frequently used emergency measures include: establishment of vegetative cover, gully control structures, streambank protection, debris and sediment removal from channels, and emergency repair of existing dikes, dams, and other water control structures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

United States Department of Agriculture, Soil Conservation Service, Washington, D.C. 20250.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

OCTOBER 22, 1975.

[FR Doc.75-29427 Filed 10-31-75;8:45 am]

CANEY CREEK WATERSHED, OKLAHOMA

Notice of Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Caney Creek Watershed Project, Atoka and Bryan Counties, Oklahoma.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA, Farm Road and Brumley Streets, Stillwater, Oklahoma 74074, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining works of improvement as described in the negative declaration include conservation land treatment supplemented by two floodwater retarding structures.

Single copies of the negative declaration are available upon request and the environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA Building, Farm Road and Brumley Streets, Stillwater, Oklahoma 74074.

No administrative action on implementation of the proposal will be taken until November 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

OCTOBER 24, 1975.

[FR Doc.75-29421 Filed 10-31-75;8:45 am]

MANTACHIE, BOGUE FALA, AND BOGUE EUCUBA CREEKS WATERSHED PROJECTS, MISSISSIPPI

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Mantachie, Bogue Fala, and Bogue Eucuba Creeks Watershed Project, Itawamba, Lee, and Monroe Counties, Mississippi, USDA-SCS-EIS-WS-(ADM)-75-2-(F)-MS.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, 12 floodwater retarding structures, two multiple-purpose structures for floodwater retardation and recreation water storage, and associated recreation facilities. The structures will provide for 4,660 acre-feet of sediment storage, 11,682 acre-feet of floodwater retardation storage, and 2,726 acre-feet of recreational water storage. The recreation facilities will provide for about 129,000 visitor-days of recreation annually.

Mantachie, Bogue Fala, and Bogue Eucuba Creeks, Watershed Project, Mississippi, Notice of Availability of Final Environmental Impact Statement.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 610, Jackson, Mississippi 39205 or Room 502, Milner Building, 310 S. Lamar Street, Jackson, Mississippi.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

OCTOBER 24, 1975.

[FR Doc.75-29424 Filed 10-31-75;8:45 am]

ROGUE RIVER WATERSHED PROJECT, MICHIGAN

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Rogue River Watershed Project, USDA-SCS-EIS-WS-(ADM)-75-2-(F)-MI.

The environmental impact statement concerns a plan for watershed protection, streambank protection, flood prevention, and improved drainage on agricultural land. The planned works of improvement include 11.6 miles of channel work, one pumping station, 1.7 miles of streambank protection, conservation land treatment measures on 10,528 acres, soil surveys on 57,600 acres and 21 miles of flood plain delineation. The channel work involves deepening and widening 10.5 miles of previously modified channel and 1.1 miles of which no channel exists. The channel work and pumping station will provide flood prevention and drainage to 3,324 acres of intensively managed organic soils. Of the 10.5 miles of work proposed on existing channels, 6.8 miles have perennial flow and the rest have intermittent flow.

Rogue River Watershed Project, Michigan, Notice of Availability of Final Environmental Impact Statement.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

OCTOBER 24, 1975.

[FR Doc.75-29925 Filed 10-31-75;8:45 am]

SOUTH GUTHRIE RC&D FLOOD PREVENTION MEASURE, TENNESSEE

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the South Guthrie RC&D Flood Prevention Measure, Montgomery County, Tennessee.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Donald C. Bivens, State Conservationist, Soil Conservation Service, USDA, 561 United States Courthouse, 801 Broadway, Nashville, Tennessee 37203, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for flood prevention. Planned works of improvement include approximately 1,450 feet of channel constructed along existing drainage ways with the remainder of channel routed away from existing ditches. Channels will carry only ephemeral flow.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 561 U.S. Courthouse, Nashville, Tennessee 37203.

The Negative Declaration is available for single copy requests at the above location.

No administrative action or implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

R. C. BARNES,
Acting Deputy Administrator for Field Services Soil Conservation Service.

OCTOBER 23, 1975.

[FR Doc.75-29423 Filed 10-31-75;8:45 am]

UPPER PETIT JEAN WATERSHED, ARKANSAS

Notice of Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7 (e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974);

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the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Upper Petit Jean Watershed Project, Logan, Scott, and Sebastian Counties, Arkansas, USDA–SCS–EIS–WS–(ADM)–76–3–(D)–AR.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and a municipal and industrial water supply. The planned works of improvement include conservation land treatment, eight floodwater retarding structures, and one multiple purpose structure (flood prevention and municipal and industrial water supply).

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 2323, Little Rock, Arkansas 72203.

Copies of the draft environmental impact statement have been sent for comment to various Federal, State, and local

Upper Petit Jean Watershed, Arkansas, Notice of Availability of Draft Environmental Impact Statement.

agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to M. J. Spears, State Conservationist, Soil Conservation Service, P.O. Box 2323, Little Rock, Arkansas 72203.

Comments must be received on or before December 22, 1975 in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program Number 10.904, National Archives Reference Services.)

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

OCTOBER 24, 1975.

[FR Doc.75-29426 Filed 10-31-75;8:45 am]

UPPER WAKARUSA WATERSHED PROJECT, KANSAS

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Wakarusa Watershed Project, Douglas, Osage, Shawnee, and Wabaunsee Counties, Kansas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, recreation, and flood prevention. The remaining planned works of improvement as described in the ngeative declaration include

Upper Wakarusa Watershed Project, Kansas, Notice of Availability of Negative Declaration.

conservation land treatment supplemented by 12 floodwater retarding structures and one multipurpose floodwater retarding-recreation structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401.

The negative declaration is available for single copy requests. Requests should be sent to the above address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

OCTOBER 23, 1975.

[FR Doc.75-29422 Filed 10-31-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

AUBURN UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00090-01-77095. Applicant: Auburn University, Chemistry Department, Auburn, Alabama 36830. Article: PS-10 Photoelectron Spectrometer and Heated Probe. Manufacturer: Perkin Elmer, United Kingdom. Intended use of article: The article is intended to be used for basic research in the electronic structure of matter and chemical bonding. The materials to be studied are organic compounds which are usually solid at room temperature. Experiments to be conducted are measurements of the photoelectron spectra of a free (gas phase) molecules. In addition, the article will be used by graduate students in basic research as partial fulfillment of the requirements for a disertation for the degree of Doctor of Philosophy. The article will also be used for demonstration and student use in applied spectroscopy courses.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capabilities of heating samples to 250 degrees centigrade and to measure high resolution (approximately 18 millielectron volts) photoelectron spectra. The National Bureau of Standards (NBS) advises in its memorandum dated October 15, 1975 that the capabilities described above are pertinent to the applicant's intended purposes and NBS further advises that it knows of no domestic instrument of equivalent scientific value for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.75-29414 Filed 10-31-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Biomedical Research Panel on November 24 and 25, 1975, in Building 31, Conference Room 6, National Institutes of Health.

The meeting will be open to the public from 9 a.m. to 5 p.m. on November 24 and from 9 a.m. to 5 p.m. on November 25. Attendance by the public will be limited to space available. The agenda will address issues pertaining to the studies previously identified by the Panel as being germane to its Congressional mandate.

Substantive program information will be provided by Dr. Charles U. Lowe, Executive Director of the Panel (202–634–1907), 2401 E Street, NW., Suite 3100, Washington, D.C. 20506.

All requests for information should be directed to Ms. Susan L. Haught, at the above address.

Dated: October 24, 1975.

CHARLES U. LOWE,
Executive Director.

[FR Doc.75-29437 Filed 10-31-75;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meeting

This notice announces a forthcoming meeting of the Oncologic Drugs Advisory Committee of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meeting and the methods by which interested persons may participate in the open public hearing conducted by the committee. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meeting is announced:

Committee name	Date, time, place	Type of meeting and contact person
Oncologic Drugs Advisory Committee.	Nov. 20 and 21, 9 a.m., Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 20, 9 to 10 a.m.; open committee discussion Nov. 20, 10 a.m. to 3 p.m.; closed committee deliberations Nov. 20, 3 to 4:30 p.m.; open committee discussion Nov. 21, 9 a.m. to 1 p.m.; closed committee deliberations Nov. 21, 1 to 2 p.m.; C. H. Maxwell, M.D. (HFD–150), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–5197.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of cancer.

Agenda—Open public hearing. During this portion of the meeting, any interested person may present data, information, or views, orally or in writing, concerning issues pending before the

Open committee discussion. Discussion of guidelines for testing of oncologic agents to include preclinical testing and phase I protocols. Discussion of Lomustine, NDA 17–588 (Bristol Labs), and review of package inserts of approved NADA's of anticancer drugs.

Closed committee deliberations. Review of IND's and NDA's presently under consideration; discussion of subjects reviewed in open session. This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and to avoid undue interference with agency or committee operations (5 U.S.C. 552(b)(4) and (5)).

Each public advisory committee meeting may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participaton does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552 (b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b)(4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: October 28, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-29442 Filed 10-31-75;8:45 am]

ADVISORY COMMITTEES

Notice of Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

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Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Miscellaneous Internal Drug Products.	Nov. 16 and 17, 9 a.m. on Nov. 17, Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Nov. 16, 9 a.m. to 4:30 p.m., open public hearing Nov. 17, 9 to 10 a.m.; closed committee deliberations Nov. 17, 10 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md; 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) miscellaneous internal drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Committee name	Date, time, place	Type of meeting and contact person
2. Anti-Infective Agents Advisory Committee.	Nov. 17, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 1 a.m.; open committee discussion 10 a.m. to adjournment; Mary K. Bruch (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4316.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in infectious diseases.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of lincomycin—incidence of adverse reactions (presentation by Upjohn Co.); oral tetracycline for pediatric use; and discussion of nonantibiotic susceptibility discs.

Committee name	Date, time, place	Type of meeting and contact person
3. National Advisory Food and Drug Committee.	Nov. 20 and 21, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing/open committee discussion Nov. 20, 9 a.m. to 3:30 p.m.; closed committee deliberations Nov. 20, 3:30 to 4:30 p.m.; open public hearing/open committee discussion Nov. 21, 9 a.m. to 12 m.; William V. Whitehorn, M.D. (HFG-1), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1547.

General function of the committee. Reviews and evaluates agency programs and advises on policy matters of national significance as they relate to the statutory mission of the Food and Drug Administration (FDA) in the areas of food, drugs, cosmetics, medical devices, biological products, and electronic products. Reviews and makes recommendations on applications for grants-in-aid for research projects relevant to the mission of the FDA, as required by law.

Agenda—Open public hearing/open committee discussion. November 20: Discussion of state of the agency; congressional oversight of FDA; cost benefit analysis of regulatory actions; topic updates of food additives and hyperkinesis; blending process report; subcommittee on antibiotics in animal feeds progress report; the NCTR program. November 21: Discussion of analysis of NAFDC priority data; FDA consumer programs; and topic updates and items of concern to members. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The committee will conduct a final review of grant applications for Federal assistance. This portion of the meeting will be closed to permit discussion of financial information and personnel or medical files or similar files, and to protect the free exchange of internal views and to avoid undue interference with committee operations (5 U.S.C. 552(b) (4), (5), and (6)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairmans discretion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b)(4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves interagency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices

that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: October 28, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

OCTOBER 28, 1975.

[FR Doc.75-29441 Filed 10-31-75;8:45 am]

[DOCKET NO. 75N-0176]

OVER-THE-COUNTER (OTC) MISCELLANEOUS EXTERNAL AND INTERNAL DRUG PRODUCTS

Safety and Effectiveness Review; Request for Data and Information; Extension of Time for Submissions

The Commissioner of Food and Drugs is extending the period to January 2, 1975, for submissions of supplemental and original data and information for consideration by the OTC miscellaneous external and internal drug products panels requested in a notice published in the FEDERAL REGISTER of August 27, 1975 (40 FR 38179). In the public interest, the Commissioner invited the submission of such supplemental and original data and information to the Food and Drug Administration on or before October 28, 1975.

The Commissioner is aware that some drug manufacturers require additional time in order to complete submissions adequately on the safety and effectiveness of their OTC miscellaneous external and/or internal drug products. The Commissioner wants the review by the OTC miscellaneous external and internal panels to be as extensive as possible.

Good reasons therefor appearing, the Commissioner hereby extends the period for submitting supplemental and original data and information to January 2, 1975.

Supplemental and original data and information must be submitted to the Food and Drug Administration, Bureau of Drugs, Division of OTC Drug Evaluation (HFD-510), 5600 Fishers Lane, Rockville, MD 20852.

Dated: October 28, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-29440 Filed 10-31-75;8:45 am]

[Docket No. 75N-0211]

PRIVACY ACT OF 1974

Amendment to Notice of Systems of Records

Correction

In FR Doc. 75-27639, appearing at page 48462 in the issue for Wednesday, October 15, 1975, make the following changes:

1. The third word in the eighth from last line of the second paragraph read "While".

2. The first two lines of the paragraph immediately preceding the signature should read, "Interested persons may, on or before November 14, 1975, submit to the".

CIVIL AERONAUTICS BOARD

[Docket No. 28086]

BRITISH AIRTOURS LIMITED CHARTER PERMIT RENEWAL (BRITISH)

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 20, 1975, at 10 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building; 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before November 12, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., October 28, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-29491 Filed 10-31-75;8:45 am]

[DOCKET No. 27990]

CHICAGO-NEW ORLEANS NONSTOP ROUTE PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 2, 1975, at 10 a.m. (local time) in room 1003-D, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served on September 4, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 29, 1975.

[SEAL] WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.75-29488 Filed 10-31-75;8:45 am]

[Docket No. 27802]

CONDOR FLUGDIENST GmbH CHARTER PERMIT RENEWAL (GERMAN)

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 21, 1975, at 10 a.m. (local time), in Room 1003-B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Dee C. Blythe.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before November 14, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., October 28, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-29492 Filed 10-31-75;8:45 am]

[Docket Nos. 27907, 27908]

HUGHES AIRWEST SUSPENSION AND DELETION OF SERVICE

Notice of Change of Hearing Room

Notice is hereby given that the hearing in the Hughes Airwest Suspension and delection of service at Cedar City, Utah, and Page, Arizona Case (40 FR 44860, September 30, 1975) scheduled to be held in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., commencing at 10 a.m. (local time), Wednesday, November 12, 1975, has been transferred to Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., at the same time.

Dated at Washington, D.C., October 28, 1975.

[SEAL] WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc.75-29489 Filed 10-31-75;8:45 am]

[Docket No. 27176]

LAKER AIRWAYS LIMITED

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 24, 1975, at 10 a.m. (local time) in Room 1003-B, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Greer M. Murphy.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before November 14, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., October 28, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-29490 Filed 10-31-75;8:45 am]

V 40 212 NOV 3 75 XUM

[Docket No. 28107]

LINEAS AEREAS DE NICARAGUA, S.A., RENEWAL & AMENDMENT OF FOREIGN AIR CARRIER PERMIT (NICARAGUA)

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 3, 1975, at 10:00 a.m. (local time), in Room 1003B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Dated at Washington, D.C., October 29, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-29487 Filed 10-31-75;8:45 am]

[Docket 28332; Order 75-10-113]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC., ET AL.

Order Relating to North Atlantic Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of October, 1975.

By tariff revisions filed September 25, 1975 for effectiveness October 29, 1975, Trans World Airlines, Inc. (TWA), Pan American World Airways, Inc. (Pan American) and various foreign carriers propose revisions in their rules governing intermediate application of transatlantic specific commodity rates to restrict such intermediate application only to cities which are intermediate to New York or Montreal. Currently, intermediate application of commodity rates applies to all points which are intermediate to Boston, New York, Philadelphia, Baltimore, Washington, Cleveland, Detroit or Chicago.[1] The tariffs of the IATA carriers provided for the intermediate application of specific commodity rates at cities intermediate to the above U.S. points other than New York (the Seven Cities) following implementation of the Board's decision in Docket 20522, Agreements Adopted by IATA Relating to North Atlantic Cargo Rates. In this proceeding, the Board found that the IATA rate structure on the North Atlantic unduly preferred New York and unduly prejudiced the Seven Cities and concluded that such preference and prejudice should be corrected by placing the Seven Cities upon an equal basis with New York. The Board prescribed that such equality should be achieved by establishing cargo rates between points in Europe, on the one hand, and Boston, Philadelphia, Baltimore, Washington, Cleveland, Detroit and Chicago, on the other hand, at the New York-European rates-per-mile multiplied by the shortest operated mileage between the Seven Cities and points in Europe.[2] Previously, IATA North Atlantic cargo resolutions specified rates only to/from New York and Montreal; following the Board's decision in Docket 20522 the IATA carriers specified rates in IATA resolutions and in tariffs not only between Europe and New York/Montreal, but also between Europe and the Seven Cities, using the percentage relationship of the Seven Cities-Europe mileages over the New York-Europe mileages to establish the same rates per mile as at New York. Thus, points intermediate to newly-specified points—the Seven Cities—received the benefits of intermediate application of commodity rates under a carrier interpretation of paragraph 14(a) of IATA Resolution 590 (JT12) which provides in pertinent part that:

". . . a commodity rate established for carriage from/to or between the specified originating/destination point, Montreal or New York, to/from a specified destination/originating point in TC2 may be applied to carriage from either the specified destination or an intermediate point in the same country . . ."

TWA, in the justification accompanying its tariff filing, states that although it believes that intermediate application based on specified rates at the Seven Cities should be allowed, it is obligated to cancel such application to conform to a recent decision by the IATA Breaches Commissioner that only points intermediate to New York or Montreal may use the intermediate-point rule. The IATA Commissioner held that the Resolution specifically limits "specified originating/destination points" to New York and Montreal only; that the equitable and justifiable rate construction rules of Resolution 014b (Construction Rules for Cargo Rates), which have been approved by the Board, permit the construction of commodity rates to/from U.S. points other than the Seven Cities;[3] and that the Board, in establishing rating principles for the Seven Cities, left to the carriers the detailed construction of rates to nongateway points, subject to its right to intervene if not satisfied as to the lawfulness of the rates involved.

Pan American, which requested the interpretation of the IATA Commissioner, opposes the presently effective intermediate application over the Seven Cities. The carrier has submitted comments alleging that the Board does not have the statutory authority to prescribe rates in foreign air transportation, and consequently cannot require commonrating of interior nongateway points with the Seven Cities; that, in any event, the rate relationships supported by TWA are contrary to Board policy which has consistently refused to require commonrating; that transportation of freight from interior points is more costly than from gateways due to interline and other transfers;[4] and that TWA's suggestion that common-rating be maintained is simply another effort by TWA to take advantage of its domestic route authority, and would increase the revenue absorption Pan American and other transatlantic carriers suffer due to pro-rates.

A consolidated complaint against the filings has been submitted by the County of Milwaukee and the Metropolitan Milwaukee Association of Commerce; separate complaints have been filed by the Milwaukee Air Cargo Association, Inc., the City of Dayton and the Dayton Chamber of Commerce, and by individual shippers in Milwaukee, Dayton, St. Louis, Minneapolis and Memphis. Generally the complaints assert that despite the minimal mileage differentials between Chicago-Europe routes, on the one hand, and routes between the other respective cities and Europe, on the other hand,[5] the proposal to treat Chicago differently from New York as a specified point would have the effect of eliminating intermediate-point application over Chicago and thus increase transatlantic commodity rates at the other points by as much as 18 percent over the present rates, which are at the Chicago levels; and that the result would be a massive diversion of traffic from the smaller cities, via truck, to Chicago and other gateways to avoid the increased rates at the intermediate points which would be effected by this filing.

The City of Chicago and the Chicago Association of Commerce and Industry have submitted a joint answer to the complaint of the Milwaukee parties, asserting that the complainants' allegations of discrimination based on comparisons of Chicago/Europe rates and Milwaukee/Europe rates are unwarranted; that any preference in favor of gateway as against nongateway cities is a valid preference, and a clear differentiation between the two was made by the Board in its orders in Docket 20522; but that, nevertheless, Chicago does not oppose a tariff which common-rates Milwaukee with Chicago so long as the current mileage-based rates for Chicago/Europe traffic, as determined by the Board and upheld by the Courts, are not disturbed.

Prior to the Commissioner's decision, the interpretation by TWA and other carriers of the intermediate application provisions of Resolution 590, and of the IATA construction resolutions, generated tariff rules which permitted intermediate application based on rates to/from the Seven Cities as well as New York, and the Board, in Order 74-8-54, found such rules lawful. These rules would be abrogated by the instant tariff revisions filed to conform to the IATA Commissioner's declaratory interpretation.

Obviously, there is a dispute among the carriers over the meaning of paragraph 14(a) of Resolution 590 governing intermediate application of North Atlantic specific commodity rates. The resolution is, on its face, ambiguous. The pertinent language of the resolution. The present when New York and Montreal were the only specified origin/destination points in the United States or Canada for transatlantic carriage, and no question was presented over its meaning until the carriers, in response to the Board's decision in Docket 20522, established seven new U.S. specified origin/destination points. At that juncture either interpretation, permitting or denying intermediate application at the Seven Cities, could be regarded as reasonable under the literal language of the resolution. The present effective interpretation, as evidenced in carrier tariffs filed with the Board, is that the specification of seven additional origin/destination points necessarily involved an extension to the newly specified gateways of the intermediate-point principle set forth in Resolution 590, which had formerly applied only at points intermediate to New York or Montreal. The Seven Cities were clearly afforded equal gateway status with New York, and it would appear obvious, therefore, that points intermediate to the Seven Cities would fall within the intermediate-point principle, a view shared by various carriers considering the implementation of such application in their tariffs.

In these circumstances the Board must regard the proposed new filings, based on the IATA Commissioner's declaratory interpretation, as a de facto amendment to the existing provisions of the resolution as approved by the Board and interpreted through currently effective tariffs filed to conform with the Board's findings in Docket 20522. The tariff filings before us, in effect, amend the present application of the resolution so as to limit intermediate application only to points intermediate to New York or Montreal. However, no such amendment has been filed with the Board as an agreement under Section 412 of the Act, and accordingly we will herein reject the tariff filings as inconsistent with the reasonable interpretation of the ambiguous language of Resolution 590 which is reflected in currently effective, lawful tariffs on file with the Board. After establishing intermediate application of commodity rates at points intermediate to the Seven Cities, the carriers cannot, now, act in concert to file tariffs reflecting an alteration of an IATA agreement without first obtaining Board approval.

As TWA and Pan American point out, the unrestricted application of the intermediate rule, which is based on the relationships between under —45 kg. general cargo rates rather than mileages, does create certain anomalies. For instance, many cities are now intermediate to Chicago although the shortest operated mileages from these points to European points exceed the comparable Chicago mileages. They include cities such as Milwaukee and Indianapolis, which are in the same geographical and marketing area, with minimal mileage differences; and cities such as Kansas City and Birmingham which are much further from Chicago both in terms of the local mileages and the U.S.-Europe mileages. On the other hand, strict application of an intermediate-point rule based solely on shortest operated mileages would result in other anomalies, such as Cincinnati being intermediate to Chicago with respect to Madrid and Rome but not with respect to London, Paris, Frankfurt, Zurich, or Milan. We believe the carriers should take steps to rationalize this situation, but in the interim the existing tariff rules permitting intermediate application based on rates at the Seven Cities should continue to apply. Therefore, the Board will reject tariff filings which would remove such application.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 412, 414, and 1002 thereof.

It is ordered, That:

1. 7th Revised Page 6-I of C.A.B. No. 3, issued by Trans World Airlines, Inc., and 15th Revised Page 17 of C.A.B. No. 48, issued by Air Tariffs Corporation, Agent, be and hereby are rejected;

2. Except to the extent granted herein, the complaints in Docket 28332 be and hereby are dismissed; and

3. Copies of this order shall be served upon Trans World Airlines, Inc., and Air Tariffs Corporation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-29493 Filed 10-31-75;8:45 am]

[1] The intermediate application provisions adopted by the carrier members of the International Air Transport Association (IATA), and approved by the Board, permit a specific commodity rate to apply to a point intermediate to a specified point if the under —45 kg. general cargo rate for the "intermediate" point is equal to or lower than the comparable rate for the specified point. For instance, specific commodity rates between New York and London may also be applied for carriage between Hartford and London because the under —45 kg. general cargo rate between Hartford and London is equal to the under —45 kg. rate between New York and London. It is not necessary that the intermediate point be situated geographically between the specified origin and destination points, e.g., St. Louis and Kansas City are intermediate to Chicago under the IATA definition.

[2] See Order 73-2-24, February 6, 1973; Order 73-7-9, July 5, 1973; and Order 74-8-54, August 13, 1974. The Board permitted deviations from the per-mile formula to allow commonrating of Baltimore and Washington, and to maintain common-rating or other historical relationships among European points.

[3] Generally, the IATA construction rules are based on the lowest combination principle, and allow combination of North Atlantic specific commodity rates with U.S. domestic rates.

[4] Here Pan American cites Judge Present's Initial Decision in Docket 22859, Domestic Air Freight Rate Investigation, which stated that rates for interline shipments should be the sum of the locals except that only one charge should be assessed for the shipment element of the multi-element formula; and claims that the IATA rate construction formula closely parallels that recommended by Judge Present.

[5] For example, the shortest operated mileages are 3,953 Chicago-London versus 4,020 miles Milwaukee-London, for a difference of 67 miles or only 1.7 percent.

COLORADO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on November 22, 1975, Quality Inn Motel, 1840 Sherman Street, Denver, Colorado 80203.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to review the final draft of the committee's medical access project report.

This meeting will be conducted pursuant to the rules and regulations of the Commission,

Dated at Washington, D.C., October 29, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-29481 Filed 10-31-75;8:45 am]

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commisison on Civil Rights, that a planning meeting of the District of the U.S. Commission on Civil Rights, convene at 12 p.m. and end at 1 p.m. on November 25, 1975, USCCR Conference Room, 1121 Vermont Avenue NW., Washington, D.C.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting is to plan for upcoming activity of the Committee.

COMMISSION ON CIVIL RIGHTS

ARKANSAS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Arkansas Advisory Committee (SAC) to this Commission will convene at 1 p.m. on November 25, 1975, Arkansas Student Union, Room 301, University of Arkansas, Fayetteville, Arkansas 72701.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to review progress on the Delta follow-up project; in-depth briefing from members of the Department of Agriculture-Economics, University of Arkansas, Fayetteville, on social, economic, demographic characteristics of the Arkansas Delta region.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 29, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-29480 Filed 10-31-75;8:45 am]

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Identify major civil rights issues affecting the District of Columbia.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 29, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-29482 Filed 10-31-75;8:45 am]

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) to this Commission will convene at 11 a.m. and end at 4 p.m. on November 24, 1975, 230 S. Dearborn Street, Room 3251, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to finalize plans for the hearing on Housing and Community Development Programs which will be held on December 11-12, in Springfield.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 29, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee, Management Officer.

[FR Doc.75-29483 Filed 10-31-75;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Massachusetts Advisory Committee (SAC) to this Commission will convene 9 a.m. on November 14-15, 1975, and will end at 2 p.m. on November 16, 1975, at the Holiday Inn, 19 Commerce Way, Woburn, Massachusetts.

Persons wishing to attend this conference should contact the Committee Chairperson or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this conference is to train and orient Advisory Committee members.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 29, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee, Management Officer.

[FR Doc.75-29484 Filed 10-31-75;8:45 am]

MICHIGAN ADVISORY COMMITTEE

Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) to this Commission originally scheduled to convene at 7 p.m. on November 11, 1975 has changed. The meeting will now convene at 3 p.m. on November 11, 1975 at the same place as scheduled.

Dated at Washington, D.C., October 29, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-29485 Filed 10-31-75;8:45 am]

NEBRASKA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska Advisory Committee (SAC) to this Commission will convene at 9 a.m. and end at 5 p.m. on November 19, 1975, at the Holiday Inn, Interstate 80 and South Highway 281, Grand Island, Nebraska.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is an discussion of SAC Report, Nebraska's Official Civil Rights Agencies with the eight agencies which participated in the study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 29, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-29486 Filed 10-31-75;8:45 am]

CIVIL SERVICE COMMISSION

Department of Health, Education, and Welfare

NOTICE OF GRANT OF AUTHORITY TO MAKE A NONCAREER EXECUTIVE ASSIGNMENT

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by non-career executive assignment in the excepted service the position of Deputy Assistant Secretary for Income Security, Office of the Assistant Secretary for Planning and Evaluation, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-29498 Filed 10-31-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Associate Administrator for Policy and Program Development, Federal Railroad Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-29499 Filed 10-31-75;8:45 am]

THE COMMISSION OF FINE ARTS

OCTOBER 24, 1975.

The Commission of Fine Arts will meet on Wednesday, November 19, 1975, at 10:30 a.m. in the Commission offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various public projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda or requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.75-29429 Filed 10-31-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Addition to Procurement List

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on September 8, 1975 (40 FR 41551).

Pursuant to the above notice the following commidity is added to the Procurement List:

CLASS 7210

	Price
Bedspread (IB) 7210-00-408-2800.	$5.94 Each

By the Committee.

H. G. FISCHER,
Acting Executive Director.

[FR Doc.75-29477 Filed 10-31-75;8:45 am]

PROCUREMENT LIST 1975

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7520

Perforator, Paper, Desk, 7520-00-130-3942, 7520-00-163-2563, 7520-00-139-4101, 7520-00-263-3425.

Comments and views regarding these proposed additions may be filed with the Committee on or before December 3, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

H. G. FISCHER,
Acting Executive Director.

[FR Doc.75-29475 Filed 10-31-75;8:45 am]

PROCUREMENT LIST 1975

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7210

Cushion, Chair, 7210-00-205-3545, 7210-00-205-3544.

CLASS 7530

Notebook, Stenographer's, 7530-00-223-7939.

MILITARY RESALE ITEM

Paint Roller, Kit.

Comments and views regarding these proposed additions may be filed with the Committee on or before December 3, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

H. G. FISCHER,
Acting Executive Director.

[FR Doc. 75-29476 Filed 10-31-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FAP5H5083/PW5; 451-1]

MOBAY CHEMICAL CORP.

Food Additive Petition; Notice of Withdrawal

On May 8, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 20129) that Mobay Chemical Corp., Chemagro Agricultural Division, PO Box 4913, Hawthorn Rd., Kansas City MO 64120, had filed a petition (FAP 5H5083). This petition proposed the establishment of a regulation (21 CFR Part 123) proposing the use of the insecticide 4-(methylthio)-3,5-xylyl methylcarbamate on apples with a tolerance limitation of 12.5 parts per million in apple juice.

Mobay Chemical Corp. has withdrawn this petition without prejudice in accordance with the regulations (40 CFR 180.8) pertaining to Section 408 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346(a)].

Dated: October 28, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-29513 Filed 10-31-75;8:45 am]

[450-1; OPP-180039A]

U.S. CORPS OF ENGINEERS

Issuance of Specific Exemption To Control Asiatic Duckweed in Alabama

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the U.S. Corps of Engineers (hereafter referred to as the "Applicant") for the use of the herbicide Diquat to control Asiatic duckweed in Alabama's Black Warrior River system. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file with Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, Asiatic duckweed (*Spirodela oligorrhiza*) is usually found in the quiet water of ponds, lakes, and swamps. Duckweed mats of this species reportedly can double in mass in 0.8 days. Asiatic duckweed was supposedly introduced into the United States in the 1930's, and has been widely collected in Florida, southern Mississippi, and Alabama. The problem in Alabama occurred first in late July of 1974, when a large mass of duckweed entered Bankhead Lake from Village Creek and moved slowly downstream. During this period, several miles of the river were covered solid with a thick duckweed mat and several more miles were almost covered. Three fish kills were associated with the mats, small boat navigation was severely impeded, and intakes of hydroelectric plants were clogged. It is believed that those problems will recur if the infestation is not controlled.

According to the Applicant, other methods of control which have been considered, such as mechanical harvesting, booms, radiation treatment, plant diseases, and animal pests, are not feasible on account of economics, efficacy, or availability. No other herbicide is currently registered that is known to control Asiatic duckweed.

In the proposed program, diquat will be applied from outboard-powered flatbottom boats with proper spray equipment, using a diquant-xylene-vegetable oil-surfactant invert emulsion at a rate of five gallons per acre. This solution will be applied at the rate of approximately two pounds active ingredient per acre in the case of the greatest mat thickness and at lower rates, depending on observed efficacy. No more than 80 pounds total diquat will be used. Treatment will not occur more than three times during the growing season; some multiple treatments will be spot-sprays of small areas missed in the initial treatment. Only qualified operators with past experience in the aquatic application of herbicides will be used. The actual areas to be treated are: 2.7 acres of Demopolis Lake, 1 acre of Warrior Lake, 0.5 acres of Holt Lake, 10.3 acres of Bankhead Lake, and 5.2 acres of Bayview Lake, a total of 19.8 acres. Without treatment, it is anticipated that the same problems which occurred in late 1974 will again arise.

Considerable research has been conducted on the effect of diquat, when used as an aquatic herbicide, on fish production, fish reproduction, fish food chain, water quality, control of submersed aquatic weeds and persistence in water. It has been found that diquat does not appear to affect either the fish population or fish reproduction at normal application rates. The method of application proposed should afford maximum protection for the non-target plants and should avoid significant damage to plankton, arthropods, and molluscs. One area of concern is that three public water supplies are located in the area to be treated, under the respective control of the Warrior Water and Fire Protection Authority, Gorgas Steam Plant (Alabama Power Co.), and the City of Jasper. However, under an experimental use permit program conducted in the areas in 1975, analyses were made regarding the herbicide diquat and the herbicide carrier xylene. Diquat was detected only once. EPA Region IV reports that they will, in cooperation with the Alabama Water Improvement Commission, conduct monitoring of the effects of diquat on the non-target organisms, target organisms, and water quality. Three endangered or threatened species are in the area: the flattened musk turtle, the southern bald eagle, and the red cockaded woodpecker; the program is not expected to affect any of these three species.

After reviewing the application and other available information, and consultation with EPA Region IV, EPA has determined that (a) a pest outbreak of Asiatic duckweed has occurred; (b) there is no pesticide presently registered and available for use to control the Asiatic duckweed in Alabama; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic, environmental or health problems may result if the duckweed is not controlled; and (e) the time available for action to mitigate the prob-

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lems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above to the extent and in the manner set forth in the application. The specific exemption is also subject to the following additional provisions:

1. All requested areas are to be treated one or more times as necessary to kill duckweed mats, using no more than 80 pounds total diquat. This program will be limited in time to one year from date of issuance;

2. These treatments and their effects on target and nontarget species are to be closely monitored. Cooperation should be solicited from EPA Region IV and/or the Alabama Water Improvement Commission. There are three endangered or threatened species in the area; all due care must be exercised for their protection;

3. The interim residue tolerance of 0.01 ppm for potable water established for diquat must not be exceeded at any time;

4. Treated water shall not be used for animal consumption, swimming, spraying or irrigation within 10 days after treatment, and treated water shall not be used for drinking purposes until 14 days after treatment; and

5. Efficacy data is to be gathered and submitted to support future registration efforts.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: October 24, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Assistant Administrator for Pesticide Programs.

[FR Doc.75-29450 Filed 10-31-75;8:45 am]

[PF21; 450-8]

MOBAY CHEMICAL CORP.

Pesticide and Food Additive Petitions; Notice of Filing

Petitions proposing the establishment of pesticide tolerances in or on certain raw agricultural commodities and the establishment of tolerances relating to food and/or feed additives have been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. The petitions and proposals are:

PP 6F1688. Chemagro Agr. Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. Proposes amending 40 CFR 180.198 by establishing a tolerance for residues of the insecticide dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate in or on the raw agricultural commodity soybeans at 0.04 part per million (ppm). Proposed analytical method for determining residues is a gas chromatographic procedure using a phosphorous sensitive detector. PM16

PP 6F1680. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94804. Proposes amending 40 CFR 180.106 by establishing tolerances for combined residues of the insecticide acephate (O,S-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite), S-dimethyl phosphoramidothioate in or on the raw agricultural commodities cantaloups or muskmelons at 8 ppm; watermelons at 5 ppm; honeydew melons and casaba melons at 2 ppm; oranges, lemons and grapefruit at 3 ppm; tomatoes at 4 ppm; sugar beet tops at 1 ppm; and sugar beet roots at 0.1 ppm. Proposed analytical method is a gas chromatographic procedure using a thermionic detector. PM16

FAP 6H5105. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94804. Proposes establishment of a regulation (21 CFR 561) permitting the use of the insecticide acephate (O,S-dimethyl acetylphosphoramidothioate) on tomatoes with a tolerance limitation of 16 ppm for acephate and its cholinesterase-inhibiting metabolite O,S-dimethyl phosphoramidothioate in tomato pomace. PM16

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: October 28, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-29512 Filed 10-31-75;8:45 am]

[450-5]

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee of the Science Advisory Board will be held beginning at 9 a.m., November 19 and 20, 1975, in Room 3307 Waterside Mall, 401 M Street, SW., Washington, D.C. Individuals without an EPA Building Pass must enter the West Tower.

This is a regularly scheduled meeting of the Committee. The agenda includes a report on the activities of the Executive Committee, Science Advisory Board; status reports on the *Ad Hoc* Study Group evaluation of the Review of the Environmental Effects of Asbestos and the *Ad Hoc* Study Group evaluation of the Technical Bulletin on Acceptable Methods of the Utilization and Disposal of (Municipal) Sludges; discussions of the Agency approaches to non-pesticide toxic substances in the environment—PCB's, a case study; Committee recommendations on the assessment of health risks from organics in drinking water; and scientific information bearing on nitrosamines in the environment; future courses of action for the Committee; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information should contact Dr. J. Frances Allen, Executive Secretary, Hazardous Materials Advisory Committee, (703) 557-7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

[FR Doc.75-29449 Filed 10-31-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

HISTORICAL ADVISORY COMMITTEE

Notice of Meeting

OCTOBER 28, 1975.

The Energy Research and Development Administration's Historical Advisory Committee will hold a meeting on November 19 and 20, 1975, at the ERDA offices in Germantown, Maryland, Room A-458. The session on November 19 will be open to the public and will begin at 9:30 a.m.

The following agenda items will be discussed:

1. The scope and objectives of the ERDA History Program.

2. Collection of materials on ERDA History.

3. Progress on Volume III of the AEC History.

4. Other activities of the Historian's Office.

The committee will hold a closed meeting on November 20, 1975, not open to the public, under the authority of Section 10(d) of Pub. L. 92-463 (Federal Advisory Committee Act) to view and discuss a film which is classified Secret Restricted Data and to acquaint committee members with the kinds of historical records available in ERDA files so that the committee may evaluate the adequacy of the record collection procedures of the Historian's Office. I have determined that it is necessary to close the session on November 20, 1975, to view the film which is classified Secret Restricted Data, and to examine historical documents, many of which contain classified Restricted Data as defined in the Atomic Energy Act of 1954, as amended, and fall within exemptions (1) and (3) of 5 U.S.C. 552 (b) and other National Security Information which is exempt from disclosure under exemption (1) of 5 U.S.C. 552(b). Any nonexempt material that may be discussed at this session will be inextricably intertwined with the discussion of exempt material and no further separation is practical. It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal

views and avoid undue interference with Administration and Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing ten copies thereof, postmarked no later than November 10, 1975, to Dr. Richard G. Hewlett, ERDA Representative, Historical Advisory Committee, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with (a), above, may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the advisory committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to Dr. Richard G. Hewlett on (301) 973-5431 between the hours of 8:30 a.m. and 5 p.m., Eastern Time, on November 18, 1975.

(e) Questions may be propounded only by members of the advisory committee.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, upon payment of all charges by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.75-29474 Filed 10-31-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20402]

NATIONAL CABLE TELEVISION ASSOCIATION, INC.

Extension of Time

In the matter of inquiry into policies and practices concerning the exclusive purchase of television program product and the ability of conventional television stations, subscription television stations, cable television systems, and subscription cable television operations to obtain programming.

1. On March 20, 1975, the Commission issued a notice of inquiry in the above-captioned proceeding. At the request of the National Cable Television Association, Inc. (NCTA), the deadlines for filing comments and reply comments were extended approximately one month to October 24, 1975, and December 1, 1975, respectively.

2. On October 17, 1975, NCTA filed a second "Petition for Extension of Time for Filing Comments" pursuant to § 1.46 of the commission's rules. The petition of NCTA requests that the Commission further extend the dates for the filing of comments and reply comments in Docket 20402 to November 10, 1975, and December 15, 1975, respectively.

3. In support of its petition, NCTA states that material relevant to the Commission's inquiry to be published by the Senate Anti-trust and Monopoly Subcommittee is not yet available, although it is reported that it is in the final printing process and will be available shortly. Because the Commission granted its original extension of time to permit NCTA to analyze this information, NCTA urges the Commission to grant the requested brief extension of time to achieve this result.

4. The extension sought by NCTA is relatively short, the material awaited by NCTA appears to relate directly to the issues to be studied in Docket 20402, and a grant of the requested extension of time is not likely to delay the Commission's activities in this proceeding. Therefore, it would appear that the public interest would not be harmed by a grant of the extension requested by NCTA.

Accordingly, it is ordered, That the dates for filing comments and reply comments in the captioned proceeding are extended to November 10, 1975, and December 15, 1975, respectively.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by Section 0.288(a) of the Commission's Rules.

Adopted: October 20, 1975.

Released: October 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-29460 Filed 10-31-75;8:45 am]

CONSTRUCTION PERMITS MARANATNA, INC. ET AL

Applications

By the Review Board: 1. By Order, 40 FR 14803, published April 2, 1975, the Chief of the Broadcast Bureau, acting pursuant to delegated authority, designated the above-captioned applications for hearing. Now before the Review Board is a motion to enlarge issues, filed April 17, 1975, by Maranatha, Inc. (Maranatha),[1] seeking addition of a community ascertainment issue against Peter and John Radio Fellowship, Inc. (Peter and John).[2]

2. In support of its motion, Maranatha asserts that Peter and John's application fails to demonstrate compliance with several of the requirements of the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971). Specifically, movant alleges that Peter and John has failed to ascertain the needs and interests of several significant groups in the community by not contacting Pocomoke City's labor, cultural, or "private-sector" agricultural leaders, nor representatives of the community's aged, or professionals. Maranatha further argues that Peter and John has failed to contact more than one representative of the community's service organizations, women's groups, or major employers. Finally, movant contends that Peter and John's general public survey is deficient in that the persons who conducted the interviews have not been identified nor shown to be employees or prospective employees of the proposed station.

3. Peter and John, in opposition, maintains that its initial ascertainment efforts are adequate, but submits alternatively that acceptance of its amendment filed May 16, 1975, by Order, FCC 75M-984, released June 3, 1975, remedies any deficiencies inherent in its prior demographic surveys. Specifically with respect to the general public survey, Peter and John refers to the amendment which in-

[1] Also before the Review Board are the following related pleadings: (a) opposition, filed May 16, 1975, by Peter and John; (b) comments, filed May 16, 1975, by the Broadcast Bureau; (c) supplement to motion to enlarge issues, filed May 16, 1975, by Maranatha; (d) errata to (a), filed May 20, 1975, by Peter and John; and (e) opposition to (c), filed June 9, 1975, by the Broadcast Bureau. Although the time for filing reply pleadings was extended to September 14, 1975, no reply has been filed.

[2] Maranatha, in a supplemental pleading filed May 16, 1975, states that its estimated equipment costs greatly exceed those of Peter and John and that since both applicants propose to utilize similar equipment, addition of an issue to determine whether Peter and John is relying on outdated equipment costs is warranted. The Review Board will not add the requested issue. Initially, we note that movant's request, which is contained in an unauthorized pleading, was filed the same day as Peter and John's opposition pleading. Therefore, the supplement is procedurally defective. See In re Filing of Supplemental Pleadings Before the Review Board, 40 FCC 2d 1026 (1972). Second, even if considered on the merits, Maranatha's motion is unsupported by affidavits of persons having personal knowledge, in contravention of Section 1.229(c) of the Commission's Rules, and movant fails to raise a substantial question as to whether Peter and John's cost estimates are unrealistic. As we have previously held, the mere fact that one applicant's expected costs exceed those of another applicant does not, in itself, warrant the addition of an issue. See RKO General, Inc., 42 FCC 2d 469, 28 RR 2d 289 (1973).

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dicates that its general public survey was conducted by J. Thomas Bisset, its proposed managing director and by Robert A. Shaffer, Ed John, and W. Hill, employees of Station WRBS, Baltimore, Maryland, which is also owned by Peter and John. Moreover, Peter and John states that the amendment contains the names of additional community leaders subsequently contacted, including representatives of persons having "private-sector" agricultural interests and leaders of local industry. Peter and John submits that local labor leaders were not contacted because local industry is not unionized, and that, while its recent amendment contains additional contacts with leaders of cultural groups, the aged, and women's and service organizations, it has incurred difficulty in "categorizing" the significant groups and interviewing their respective leaders because of the "size and nature" of the community.

4. The Review Board concurs with the assessment of the Broadcast Bureau that the demographic data supplied by Peter and John is not in compliance with the Primer, supra. While Peter and John urges that the size of the proposed community of license will have an impact on the number and extent of contacts with its leaders, Question and Answer 9 of the Primer directs an applicant, regardless of the population of the community of license, "to submit such data as is necessary to indicate the minority, racial, and ethnic breakdown of the community, its economic activities, governmental activities, public service organizations, and any other factors or activities that make the particular community distinctive." *Cf.* Jerry Lawrence, 48 FCC 2d 373, 31 RR 2d 59 (1974). However, in our view, Peter and John has given the Commission only the most rudimentary information as to the community's population and racial breakdown, governmental structure, and industrial make-up. Very little analysis of the economic, social, or cultural character of the community is provided nor does the applicant appear to indicate specifically what organizations, activities, or other characteristics distinguish Pocomoke City from other communities. Hence, although Peter and John has rebutted allegations that it failed to contact certain community groups, nevertheless, it is impossible for us to determine from examination of Peter and John's application whether the applicant has determined all the significant groups comprising the community or whether the leaders contacted are representative of those interests. See Primer, supra, Questions and Answers 4 and 10; Philadelphia Broadcasting Co., 51 FCC 2d 361, 32 RR 2d 1300 (1975). Finally, with regard to Peter and John's general public survey, we note that Peter and John has not indicated whetner two employees of its Baltimore station who participated in this survey, will be employed at the proposed station; thus, it appears that the applicant has not complied with Primer, Question and Answer 11(b). In view of the foregoing, the Review Board will add the requested issue.

5. *Accordingly, it is ordered*, That the supplement to motion to enlarge issues, filed May 16, 1975, by Maranatha, Inc., is denied; and

6. *It is further ordered*, That the motion to enlarge issues, filed April 17, 1975, by Maranatha, Inc., is granted; and

7. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine the efforts made by Peter and John Radio Fellowship, Inc., to ascertain the community needs and interests of the area to be served by its proposed station and the means by which the applicant proposes to meet those needs and interests.

8. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein shall be on Peter and John Radio Fellowship, Inc.

Adopted: October 22, 1975.

Released: October 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-29463 Filed 10-31-75; 8:45 am]

[FCC 75R-396; Docket No. 20454, File No. BP-19252; Docket No. 20455, File No. BP-19291]

DALE A. OWENS AND CLAY FRANK HUNTINGTON

Applications for Construction Permits

1. This proceeding involves the mutually exclusive applications of Dale A. Owens (Owens) and Clay Frank Huntington (Huntington) for a new standard broadcast station at Lakewood, Washington. The Review Board now has before it a petition to enlarge issue, filed May 20, 1975, by Huntington,[1] requesting the addition of site availability, Rule 1.65, financial, and ascertainment of needs issues against Owens.[2]

SITE AVAILABILITY AND § 1.65 ISSUES

2. Petitioner first contends that the property specified by Owens as his transmitter site in his January 25, 1974 amendment is no longer available for such use and that Owens has not amended his application to specify a new site. Submitted in support of these allegations is an affidavit of Charles R. Walker, owner of the above-mentioned site, who states that his attorney (David L. Jamieson), by letter dated November 5, 1974, informed Owens that unless an option agreement for the sum of $4,000 was executed, the latter's authority to use the Walker property as a transmitter site would be withdrawn.[3] Walker further states therein that since Owens indicated by letter received approximately November 15, 1974,[4] that he had obtained another site and had refused to consider an option agreement by November 15, 1974 (the date specified in Jamieson's letter), Owens' authority to specify the Walker property as a transmitter site was withdrawn as of that date. Petitioner further contends that although Owens determined in November 1974 to utilize a transmitter site other than the Walker property,[5] he never reported this to the Commission as required by § 1.65 of the rules. Alternatively, contends Huntington, if Owens' letter did not constitute abandonment of the Walker property as a proposed site, Owens was required, but has failed, to report to the Commission the increased cost of $4,000 which he would have had to pay for its availability.[6]

3. In opposition, Owens states that on June 25, 1975, he filed a petition for leave to amend his application to specify the former KOOD site[7] as his new transmitter site. Owens contends that since the KOOD site has been found acceptable by the Commission,[8] and it is reasonable to assume that he will be able to lease or sublease that property, his specification of the KOOD site moots the question of whether there is a current site available to him. With regard to the requested § 1.65 issue, Owens, by affidavit, contends that he never abandoned the Walker site and that it was not until he read the Walker affidavit, which was executed on May 19, 1975, that he realized the site was no longer available to him. Owens had not concluded, he argues in his affidavit, that the Walker site was unavailable as of Mid-November 1974, since Walker's attorney had not informed the Commission that Walker had withdrawn his permission to have his property specified as Owens' site, nor had Walker rejected Owens' proposal to continue with the original arrangement.[9] Owens further asserts that since he did not pay the $4,000 option price, there was no reason to report it to the Commission.

4. The Board will add both site availability and § 1.65 issues. Since the Presiding Judge has denied Owens' petition for leave to amend his application, and we are affirming his ruling,[10] the Walker property remains as Owens' proposed transmitter site. However, that property, as is made clear by its owner, and as Owens concedes in his opposition, is no longer available as a site. Therefore, inquiry into whether Owens will have reasonable assurance of a transmitter site is necessary. *Cf. Western Television Company*, 49 FCC 2d 528, 31 RR 2d 1039 (1974). With respect to § 1.65 an applicant must amend his application when the information furnished in the application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred. See, *e.g., Star Stations of Indiana, Inc.*, 34 FCC 2d 632, 636, 24 RR 2d 165, 170 (1972). First, since an applicant must have a site, its apparent absence is clearly of decisional significance (see paragraph 6, *Reporting of Changed Circumstances*, 29 FR 15516, 3 RR 2d 1622 (1964)). Second, it is difficult on the basis of the pleadings before us, to accept Owens' explanation that he did not realize in November of 1974, that the Walker property was unavailable to him. Not only had Owens refused to pay the option price, but he was also never informed by Walker that the original agreement would be continued. Yet, Owens made no further attempt to either clarify the situation or report it to the Commission.[11] In these circumstances, we are of the view that addition of a § 1.65 issue is warranted.

FINANCIAL ISSUE

5. Petitioner alleges that Owens has failed to include substantial items in his cost estimates and has not demonstrated that all funds claimed would in fact be available to him, thus necessitating the addition of a financial issue. In support of his allegations, Huntington submits that Owens failed to include in his estimated costs $1,200 in studio building lease payments, $1,350 for the Commission grant fee, $4,000 as the cost of his transmitter site option, and the expense of constructing and erecting his antenna and ground system.[12] Thus, petitioner concludes that although Owens has calculated his first year costs as $39,408, they are actually between $45,000 and $50,000. Moreover, contends Huntington, Owens has failed to demonstrate that either he or his mother will have sufficient liquid assets to meet their respective commitments to the applicant. Petitioner points out that Mrs. Owens has committed heself to a $35,000 loan and to another $10,000 to build her son's studio transmitter building. Although Mrs. Owens' balance sheet reflects liquid assets of $50,075, petitioner alleges that no showing has been made that she will not require a substantial amount of these assets for her daily living expenses since her income during 1970 and 1971 was only $2,795 and $3,195, respectively. Even if Mrs. Owens can met her commitment, Huntington alleges, Owens has not demonstrated the reliability of other funds he claims are available including $10,080 in currcnt receipts from a promissory note made to him and a $3,000 annual payment on a covenant not to compete.[13] It is further argued by petitioner that since Owens proposes to operate his station on a full-time basis without compensation he will be required to utilize a substantial portion, if not all, of his claimed available liquid assets to meet daily living expenses.

6. In opposition, Owens submits that he needs only $39,414 to construct and operate the proposed facility for one year without revenue and that he has available funds of $54,187 or $14,773 more than required. First, Owens contends that all allegedly omitted items were included in his estimated costs. He asserts that the $1,350 construction permit grant fee was specifically included under the "Other Miscellaneous" category in his original application, although the estimate for this category was revised downward to $3,000 by an amendment filed January 25, 1974. Owens further argues that the $1,200 for studio building lease payments was not omitted, but, in fact, was included in his $200 monthly figure for "leases". Moreover, contends Owens, petitioner has not challenged the reasonableness of this estimate. Owens also states that since the Walker property is no longer available as a site, the $4,000 payment for an option on it need not be included as an expense. Next, as an experienced broadcast engineer, Owens contends, he is capable of installing the ground system himself, having already done so in building Station KNCR. Owens further alleges that the cost of installing the towers and antennas is included in the price of the equipment. Second, Owens asserts that there will be sufficient liquid assets to meet all estimated expenses. He submits an affidavit in which Mrs. Owens states that she will not have to use any of the liquid assets listed in her December 1, 1974 balance sheet to meet her daily expenses because she has other sources of income which are adequate to sustain her. Moreover, Owens argues that he is justified in relying upon liquid assets of $13,080 derived from his sale of Station KNCR since the promissory not is personally guaranteed by the president of the corporation which purchased Station KNCR, who is an independently wealthy man, and no payments due on either this note or the

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[1] The Board also has before it the following related pleadings: (a) petition for leave to file an additional pleading, filed May 23, 1975, by Huntington; (b) supplement to petition to enlarge issues, filed May 23, 1975, by Huntington; (c) opposition, filed June 25, 1975, by Owens; (d) comments, filed June 25, 1975, by the Broadcast Bureau; (e) reply, filed July 14, 1975, by Huntington, and (f) response to (d), filed July 14, 1975, by Owens. Although supplemental pleadings are not authorized by the Commission's Rules, the filing of such supplements occasionally can be justified. See *Filing of Supplemental Pleadings Before the Review Board*, 40 FCC 2d 1026 (1972). This is such a case since Huntington, with his petition to enlarge issues, submitted an unsigned copy of an affidavit with the explanation that the affidavit had, in fact, been executed but had not yet been received by counsel. Just three days later, on May 23, 1975, petitioner submitted a copy of the affidavit which had, in fact, been subscribed and sworn to on May 19, 1975. Consequently, the supplement will be allowed. See para. 2, *infra*. However, since Owens' response to the Broadcast Bureau's comments is an unauthorized pleading and no good cause for its acceptance has been shown, the Board will not consider it.

[2] Also before the Board is an appeal, filed August 13, 1975, by Owens, from a Memorandum Opinion and Order, FCC 75M-1277, released July 22, 1975, in which the Presiding Judge denied Owens' June 25, 1975 petition for leave to amend. By Memorandum Opinion and Order, FCC 75M-1368, released August 7, 1975, the Judge authorized this appeal, to which oppositions were filed on August 18 and September 8, 1975, by Huntington and the Bureau, respectively; and a reply filed on September 18, 1975, by Owens. In denying Owens' petition to amend, the Judge found that Owens could have reasonably foreseen the events which necessitated the amendment prior to designation; that the amendment could have reasonably been made prior to designation; and that the amendment would probably require enlargement of the issues. The Board is of the view that Owens has not shown good cause for his post-designation amendment to change his transmitter site, as required by Rule 1.522(b). It is our opinion that Owens knew, or should have known, some five months prior to the designation Order (FCC 75-456, 40 FR 20668, published May 12, 1975) in this proceeding that his proposed site was unavailable. See paragraphs 2, 3, and 4, *infra*. Consequently, for the reasons set forth by the Presiding Judge, Owens' appeal will be denied.

[3] By letter dated January 10, 1974, Walker gave permission to Owens to prepare an engineering report suggesting the use of the former's property as a transmitter tower site for the proposed radio station in Lakewood, Washington. A copy of this letter was submitted by petitioner as an attachment to the Walker affidavit, as was a copy of the Jamieson letter.

[4] The Owens letter was also submitted by Huntington as an attachment to the Walker affidavit.

[5] Owens, in his letter, informed Jamieson of the following: In regards to your letter of 11-5-74. I am presently in the process of amending my application to indicate the use of another site. I am now employed by KIRO and my employer the LDS (Latter Day Saints) Church owns some property in the vicinity of Mr. Walker's that meets the FCC's requirements.

[6] The Broadcast Bureau supports the addition of site availability and Rule 1.65 issues against Owens.

[7] Both applicants in this proceeding seek, in effect, the deleted facilities of standard broadcast Station KOOD, Lakewood, Washington.

[8] Owens relies upon para. 10 of the designation Order in this proceeding, *supra*, in which the Commission found that Owens had not adequately raised an issue about the suitability of the KOOD site, which was specified by petitioner as his transmitter site.

[9] Owens, in his letter to Jamieson, stated, *inter alia*, the following: Should Mr. Walker decide that he would like to continue our present agreement just let me know prior to my amending my application. It of course was never my intention that Mr. Walker should remove his property from the open market and should Mr. Walker complete his contemplated property sale I would certainly understand his withdrawing his agreement with me. The original agreement had not provided for any consideration on Owens' behalf for Walker's permission to use his property as a transmitter site.

[10] See n.2, *supra*. Even if the amendment were accepted, we agree with the Presiding Judge that there is considerable doubt that the KOOD site is available to Owens. That property is already leased to Huntington who states in his affidavit that he has no right to either sublease or assign his lease rights to anyone else. Moreover, according to the affidavit of James W. Wilson, a representative of the site's owner, in the event that Huntington does not renew his lease, the owner will proceed with plans to build another facility on the property.

[11] We note also that Owens apparently continued to seek to locate a new site. See Note 5, *supra*.

[12] Petitioner contends that, although Owens may be experienced in constructing broadcast stations, handling all the installations himself, as he intends to do, is clearly beyond his individual physical capacity.

[13] Specifically, Huntington notes that the source of these funds was Owens' sale of Station KNCR, Fortuna, California. However, in light of Station KNCR's alleged financial difficulties, petitioner contends that substantially more must be submitted by Owens before any reliance can be placed on those assets as a source of funds for Owens' station.

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covenant not to compete have ever been delinquent. Owens further contends that since there is approximately $15,000 in excess funds over anticipated expenses, and the station will generate some revenue and cash flow during the first year of operation, there will be sufficient liquid assets available for him to meet his daily living expenses.

7. The Review Board will add a limited financial issue. With respect to the applicant's cost estimates,[14] we note first that although the Walker property, which was to be leased at $200 per month, is no longer available as a site,[15] nevertheless, the $2,400 allocated for leases would be sufficient to cover the $1,200 required for studio building payments,[16] and there is no indication that the remaining $1,200 would not be an adequate allocation for a new transmitter site. As to the remaining questioned items, Owens has, according to his uncontradicted allegations, in fact, included them in his cost estimates. The Commission grant fee is included under the category "Other Miscellaneous", as is the cost of installing the towers and antennas included in the price of the equipment. However, Owens has not, in our view, shown that he has sufficient available funds to meet even those first year costs he has estimated, let alone any additional costs which might be necessary. Owens proposes to meet his first year costs of $39,414 with a $35,000 loan from his mother and the remainder from his own funds including $13,080 from the sale of Station KNCR and $5,387 in cash. Although the payments due on the promissory note and the covenant not to compete are not accounts receivable and therefore need not be certified (see Form 301, Section III, page 3, item 4), Owens should have demonstrated that they could be relied on, particularly in view of the allegedly precarious financial position of Station KNCR.[17] A self-serving statement made by Owens as to their reliability without the submission of balance sheets or other supporting financial data is not, in our opinion adequate substantiation, and therefore, the $13,080 derived from the sale of Station KNCR cannot be relied on. Furthermore, even when credited with $5,387 in cash and $35,000 from his mother[18] for a total of $40,387, Owens still does not have adequate funds available to him since he intends to draw on what he calculates as approximately $15,000 in excess funds and revenue to meet his daily living expenses. However, the excess funds would actually be $973 ($40,387—$39,414) and Owens did not demonstrate the soundness of the figure he submitted for anticipated revenue; therefore, it cannot be relied upon. See *Ultravision Broadcasting Co.*, 1 FCC 2d 544, 5 RR 2d 343 (1965). Thus, Owens requires more money to meet his first year costs and to support himself than he has shown is available; accordingly, an availability of funds issue will be specified.

ASCERTAINMENT ISSUE

8. In his petition, Huntington alleges that the ascertainment efforts of Owens are defective, in that Owens failed to: (1) adequately determine the composition of the community to be served; (2) specify what significant groups he planned to contact; (3) show with respect to nearly half of those individuals listed as community leaders whether they were, in fact, leaders of the organizations to which they belonged; (4) adequately contact people in communities other than Lakewood which he proposes to serve; (5) elicit in his community leader and general public questionnaires information about the area's problems, as opposed to programming preferences; and (6) show that his programming proposal is responsive to ascertained needs. Owens contests these allegations and contends that he has fulfilled all of his responsibilities under the *Primer on Ascertainment of Community Problems by Broadcast Applicants* (hereinafter called the *Primer*.[19] The Broadcast Bureau agrees with petitioner that there are deficiencies in Owens' demographic showing and community leader survey and, thus, supports the addition of an ascertainment issue.

9. The Review Board will add the requested issue. First, Owen's demographic data appears to be incomplete. He does not adequately indicate the racial composition of the community although that is required by Q. and A. 9 of the *Primer*. Although data on the population of "whites", "negroes" and "other races"[20] is given, there is no indication as to what races are included in the last category. In his amendment of December 16, 1974, Owens indicated that he had interviewed both the president of the American Filipino Brotherhood Association and a representative of the Tacoma Indian Center, yet no demographic data has ever been submitted as to the existence or size of these groups. Moreover, the data provided on the racial characteristics of the community's population appears to be outdated since it is derived from the 1960 census. Second, as a consequence of Owens' failure to submit sufficiently detailed demographic data, the Board is unable to determine whether the community leaders interviewed by Owens are representative of all the significant groups and interests in the area. See *Bangor Broadcasting Corp.*, 50 FCC 2d 222, 32 RR 2d 409 1974). Third, even assuming that Owens' demographic study is a sufficiently precise reflection of his community, it appears that the applicant failed to adequately survey representatives of significant population groupings. Thus, only one of the two black individuals contacted and one of the three alleged Indian representatives questioned actually appear to be community leaders; see *A. V. Bamford*, 48 FCC 2d 1155, 31 RR 2d 790 (1974); nor are any of them residents of Lakewood. The one student interviewed by Owens is neither a leader nor a Lakewood resident and the only individual contacted who represents senior citizens resides in Tacoma, Washington. Fourth, although Owens, according to his amendment of January 25, 1974, has undertaken to serve ten communities outside of Lakewood, he has failed to interview leaders in approximately six of those areas. Moreover, he has not shown that those individuals with whom he consulted in four of the outlying communities have a broad overview of community problems (See *Primer* Q. and A. 7). Consequently, a question is raised as to whether Owens has adequately ascertained the problems of these communities as required by Q. and A. 6 of the *Primer*.[21] For all these reasons an ascertainment issue is warranted. See *St. Cross Broadcasting, Inc.*, 39 FCC 2d 1067, 26 RR 2d 1311 (1973).

10. Accordingly, it is ordered, That the petition for leave to file an additional pleading, filed May 23, 1975, by Clay Frank Huntington is granted, and the supplement is accepted; and

11. It is further ordered, That the response to Broadcast Bureau's comments on petition to enlarge issues, filed July 14, 1975, by Dale A. Owens, is dismissed; and

12. It is further ordered, That the appeal, filed August 13, 1975, by Dale A. Owens, is denied; and

13. It is further ordered, That the petition to enlarge issues, filed May 20, 1975, by Clay Frank Huntington, is granted, to the extent indicated below, and is denied in all other respects; and

14. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

[14] Owens' estimated first year costs are as follows:

Down payment on lease equipment (5 accelerated payments)	$2,760
14 mo. lease payments on equipment	7,727
Miscellaneous	3,727
Working capital	25,200
Total	39,414

[15] Since the Walker site is presently unavailable, the $4,000 option price is not a cost which should be included in Owens' estimate.

[16] Owens did, as alleged by petitioner, fail to include in his estimated costs $1,200 in studio building lease payments.

[17] Owens does not dispute Huntington's claim that F.G.K., Inc., which purchased KNCR from Owens, was forced to sell that station in less than three years because of extreme operating losses. The Commission granted the new purchaser's application for assignment of the license for Station KNCR on October 18, 1974. It is also undisputed that less than a year later, on April 25, 1975, the Commission permitted a transfer of control (60%) of the licensee corporation of KNCR because of the need for additional operating capital.

[18] Petitioner has failed to substantiate his allegation that Mrs. Owens will not be able to meet her financial commitment because she will need a substantial amount of her liquid assets of $50,075 for daily living expenses. Mrs. Owens has total assets of $109,629 with no liabilities. Moreover, Owens has submitted an affidavit, in which his mother has firmly recommitted herself to meeting her financial promises to her son.

[19] 27 FCC 2d 650, 21 RR 2d 1507 (1971).

[20] The figure given for "other races" is large enough (over 1,000) to be significant if a substantial portion is one race.

[21] Petitioner's other allegations relating to Owens' ascertainment showing are without foundation.

1. To determine whether Dale A. Owens has reasonable assurance of the availability of his proposed transmitter site.

2. To determine whether Dale A. Owens failed to notify the Commission of the unavailability of a transmitter site, as required by § 1.65 of the commission's rules, and, if so, to determine the effect thereof upon the applicant's basic and/or comparative qualifications.

3. To determine whether Dale A. Owens has sufficient funds available to construct and operate his proposed station for one year and is financially qualified.

4. To determine the efforts made by Dale A. Owens to ascertain the needs and interests of the community and area to be served; and the means by which the aplicant proposes to meet those needs and interests; and

15. It is further ordered, That the burden of proceeding with the introduction of evidence under issues 1 and 2 shall be on Clay Frank Huntington; that the burden of proceeding with the introduction of evidence under issues 3 and 4 shall be on Dale A. Owens; the burden of proof under all issues added herein shall be on Dale A. Owens.

Adopted: October 22, 1975.

Released: October 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-29464 Filed 10-31-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

SC-65—SHIP RADAR

Notice of 41st Meeting, Wednesday, November 19, 1975, 1:30 p.m., Conference Room 8210, 2025 M Street, NW., Washington, D.C.

Formal Meeting Schedule for SC-65 Working Groups to be held at 2025 M Street, NW., Washington, D.C.

Working group	Room	Date	Time
Small boat specifications	8210	Nov. 18	9:30 a.m.
Collision avoidance	8210	Nov. 19	Do.

If other Working Group meetings are scheduled, Group Members will be notified.

AGENDA

1. Call to Order; Chairman's Report; Adoption of Agenda.
2. Acceptance of SC-65 Summary Records; Appointment of Rapporteur, September 17, 1975, Paper 140-75/SC 65-197.
3. Progress Reports of Working Groups on:
a. Small Small Boat Specifications.
b. Collision Avoidance Systems.
4. Status Reports on Other Working Groups.
5. Other business.
6. Establishment of next meeting date.
7. Transponder Specifications—Paper 109-74/SC 65-168, Rev. F.

Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554, Phone: (202) 632-7197.

Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service."

Notice of 35th Meeting, Tuesday, November 18, 1975 and Wednesday, November 19, 1975, 9:30 a.m. (All-day meetings.) Conference Room A-205, 1229 20th Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC-66 Summary Record. October 14-15, 1975, Paper 148-75/SC 66-93.
4. Begin preparation of General Purpose Marine Communications Receiver Standard.
5. Discussion of problem areas.
6. Solicitation of Work Assignments.
7. Other business.
8. Establishment of next meeting date.

Special Committee No. 68, "Marine Radiotelephone Operator Education."

Notice of 9th Meeting, Wednesday, November 19, 1975, 9:30 a.m. Conference Room 752, 1919 M Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Confirmation of Secretary.
3. Acceptance of SC-68 Summary Records. September 17, 1975, Paper 138-75/SC 68-58.
4. Approval of MRT Handbook Work Assignment.
5. Establishment of next meeting date.

A. Newell Garden, Chairman, SC-68, Raytheon Company, 141 Spring Street, Lexington, Mass. 02173, Phone: (617) 862-6600 (Ext. 414).

Executive Committee Meeting, Thursday, November 20, 1975.

The next Executive Committee Meeting will be on Thursday, November 20, 1975, at 1:45 p.m. in Conference Room 752, 1919 M Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendance; Adoption of Agenda.
3. Administrative Action Items.
4. Acceptance of the Minutes of Executive Committee Meetings.
5. Progress Reports on Currently Active Committees.
6. Status Reports on Other Committees.
7. Summary Reports and Announcements.
8. New Business.
9. Establishment of next meeting date.

To comply with the advance notice requirements of Pub. L. 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490.)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-29466 Filed 10-31-75;8:45 am]

[Report No. 777; 56808]

DOMESTIC PUBLIC RADIO SERVICES[1]

Applications Accepted for Filing[2]

OCTOBER 28, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Televison Transmission Services (Part 21 of the Rules).

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domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20660–CD–ML–76, Kenneth F. Fischer, d.b.a. Sierra Communications (KUD222), Modification of License to interchange repeater frequency 459.350 at Loc.#1: Black Peak, 11.57 miles NE of Silver City, New Mexico, with control frequency 454.350 MHz at Loc.#2: 408 N. Bullard St., Silver City, New Mexico.

20656–CD–P–76, Carolyn Cantrell d.b.a. Coffee County Answering Service (New), C.P. for a new station to operate on 454.175 MHz to be located on CATV Tower approximately 1 mile from downtown Manchester, Tennessee.

20657–CD–P–(11)–76, Illinois Bell Telephone Company (KTS203), C.P. for additional facilities to operate on 158.10 MHz at (11) new sites described as: Loc.#21: 201 North Butrick St., Waukegan, Illinois; Loc.#22: 0.5 miles S. of Lindenhurst, Illinois; Loc. #23: 1.3 miles S. of Oakwood Hills, Illinois; Loc.#24: 0.5 mile S. of Lake Zurich, Illinois; Loc.#25: 225 E. Chicago St., Elgin, Illinois; Loc.#26: 4.0 miles N. of Wheaton, Illinois; Loc.#27: 1.5 miles N. of Bola, Illinois; Loc.#28: 1.8 miles SW of Lemont, Illinois; Loc.#29: 1414 W. Jefferson St., Joliet, Illinois; Loc.#30: 1.7 miles SW of Tinley Park, Illinois; Loc.#31: 505 N. Lake Shore Drive, Chicago, Illinois.

20658–CD–MP–76, W. L. and R. L. Meadow, d.b.a. Jacksonville Radio Dispatch Service (KLF632), Modification of CP to change base frequency from 152.24 MHz to 158.70 MHz at Loc.#5: 1 Independent Plaza, Jacksonville, Florida.

20659–CD–P–(2)–76, David R. Williams, d.b.a. Industrial Communications (New), C.P. for a new 2-way station to operate on 454.200 & 454.250 MHz to be located at 1060 North 1800 East, Provo, Utah.

20660–CD–P–(5)–76, David R. Williams, d.b.a. Industrial Communications (New), C.P. for a new 2-way station to operate base facilities on 454.100 MHz and repeater facilities on 2118.4 MHz at Loc.#1: Lewis Peak, 6 miles SW of Coalville, Utah; control facilities on 2168.4 MHz and repeater facilities on 2165.4 MHz at Loc.#2: Kessler Peak, 6 miles SW of Magna, Utah; and control facilities on 2115.2 MHz at Loc.#3: 1171 South West Temple, Salt Lake City, Utah.

20661–CD–P–76, United Telephone Company of Indiana, Inc. (New), C.P. for a new 1-way station to operate on 158.10 MHz to be located approximately 1000' SW of intersection Route 109 & U.S. 30, Columbia City, Indiana.

20662–CD–P–76, Albert W. Dale, Jr. (KLF599), C.P. to replace transmitter & relocate facilities operating on 158.70 MHz to be located at 2632 East Pearl St., Odessa, Texas.

20663–CD–AL–76, New Jersey Mobile Telephone Co., Inc. (KEK290), Consent to Assignment of License from New Jersey Mobile Telephone Co., Inc., Assignor to Radio Call Co. of N.J., Inc., Assignee. Station: KEK290, West Orange, New Jersey.

20664–CD–TC–76, Calhoun City Telephone Company, Inc. Consent to Transfer of Control from Wade H. Creekmore, Sr., Nora Creekmore, Transferors to Telephone and Data Systems, Inc., Transferee. Station: KUS373, Derma, Mississippi.

20665–CD–P–76, Radio Enterprises of Ohio, Inc. (New), C.P. for a new 1-way station to operate on 43.22 MHz to be located at Leveque Lincoln Tower, 50 West Broad Street, Columbus, Ohio.

20666–CD–P–(2)–76, South Central Bell Telephone Company (KIY458), C.P. to change antenna system & relocate facilities operating on 152.57 & 152.75 MHz to be located approximately 1.8 miles SW of Pikeville, Kentucky.

20667–CD–AL–(2)–76, Eugene D. & Mary June Desaulniers. Consent to Assignment of License from Eugene D. & Mary June Desaulniers, Assignors to Mobile Radio Communications Co., Assignee. Stations: KAF254 & KAD931, Kansas City, Missouri.

20668–CD–P–(2)–76, Mahaffey Message Relay, Inc. (KDT223), C.P. to replace transmitter operating on 152.15 MHz located at 969 Madison Street, Memphis, Tennessee, Loc. No. 2; and change antenna system & relocate facilities operating on 152.09 MHz to be located at 969 Madison Street, Memphis, Tennessee.

20669–CD–P–76, Rodney J. Bacon, d.b.a. Coeur D'Alene Answering Service (New), C.P. for a new 2-way station to operate on 454.050 MHz to be located at Wardner Peak; approximately 3 miles SSW of Kellogg, Idaho.

20670–CD–P–76, William B. Folsom, d.b.a. Cullman Mobile Phone (New), C.P. for a new 1-way station to operate on 43.22 MHz to be located 1.5 miles NNE from City Hall, Cullman, Alabama.

20671–CD–P–76, William B. Folsom, d.b.a. Cullman Mobile Phone (New), C.P. for a new 2-way station to operate on 454.175 MHz to be located 1.5 mile NNE from City Hall, Cullman, Alabama.

20672–CD–P–(2)–76, David R. Williams, d.b.a. Industrial Communications (New), C.P. for a new 2-way station to operate on 454.150 MHz & 454.175 MHz to be located at 4805 Old Post Road, Ogden, Utah.

20673–CD–P–76, Jim Bob Measures, d.b.a. Radiofonet (KQZ791), C.P. to change antenna system operating on 152.18 MHz located at 313 South Bowie Drive, Weatherford, Texas.

20675–CD–P–(2)–76, Miami Valley Radiotelephone (KLF577), C.P. for additional base facilities to operate on 35.22 MHz to be located at a new site described as Cowlesville, Rd. at I-75, Nr. Troy, Ohio; and for additional control facilities to operate on 72.10 MHz at Loc. No. 2: I-75 at WDAO Tower, Dayton, Ohio.

Major amendments

4185–C2–P–73, Radiofone Corporation of New Jersey, Toms River, New Jersey (New), amend to change location adjacent to railroad tracks on mizzen, Beachwood (Ocean) New Jersey. All other particulars are to remain as reported on PN No. 627 dated December 18, 1972.

21581–C2–P–74, Charles Rotkin, d.b.a. Northeast Communications (New). Amend frequency 152.03 to read 152.21 MHz. All other particulars to remain as reported on PN No. 706 dated June 24, 1974.

Corrections

20291–CD–MP/L–75, Samuel W. Waldenberg (KUS355), Correct PN No. 776 dated October 20, 1975 to delete entry which was inadvertently shown. For particulars see PN No. 774–A dated October 6, 1975.

20605–CD–P–76, Correct to add: Phil L. Woodbury, d.b.a. Mobilfone of Kansas (New). All other particulars to remain as reported on PN No. 776 dated October 20, 1975.

60192–CR–P–76, Bruce E. Brody (new), C.P. for a new rural subscriber station to operate on 158.01 MHz to be located at Colby Road, 4 miles from town, Warner, New Hampshire.

60193–CR–P/L–76, Lafourche Telephone Company (new), C.P. for a new rural subscriber station to operate on 157.92 MHz to be located at Carroll Adams Camp, approximately 8 miles ESE of Cutt Off, Parish Lafourche, Louisiana.

60194–CR–P/L–76, Lafourche Telephone Company (new), C.P. for a new rural subscriber station to operate on 157.92 MHz to be located at Martin Industries Camp, approximately 20 miles SE of Larose, Louisiana.

60195–CR–P/L–76, Lafourche Telephone Company (new), C.P. for a new rural subscriber station to operate on 157.92 MHz to be located at Texas Gas Exploration Corp., approximately 18 miles SE of Larose, Louisiana.

60196–CR–P–76, Troy Telephone Company, Inc. (new), C.P. for a new central office station to operate on 152.57 MHz to be located at 308 Main Street, Troy, Idaho.

60197–CR–P–76, Troy Telephone Company, Inc. (new), C.P. for a new rural subscriber station to operate on 157.83 MHz to be located at Sun Valley Ski Lodge, Moscow Mtn., 5.7 miles NW of Troy, Idaho.

60198–CR–P/L–76, RCA Alaska Communications, Inc. (new), C.P. for a new rural subscriber station to operate on 157.77 MHz to be located at Umiat Airport, Alaska.

60199–CR–P/L–76, RCA Alaska Communications, Inc. (new), C.P. for a new central office station to operate on 152.51 MHz to be located at Hill 4010, 283 miles North of Fairbanks, Slope, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

704–CF–ML–76, The Pacific Telephone and Telegraph Company (KMA38), 434 South Grand Avenue, Los Angeles, California. Lat. 34°03'02" N., Long. 118°15'08" W. Mod. of License to delete frequency 3850H toward Padua Hills and transfer to AT&T co-located station KMJ86; add 4010H toward Padua Hills as a partial assignment from AT&T station KMJ86.

705–CF–ML–76, Same, (KMQ83), Strawberry Peak, 9 miles North of San Bernardino, California. Lat. 34°13'55" N., Long. 117°14'04" W. Mod. of License to delete frequency 3850V toward Padua Hills and transfer to AT&T co-located station KMJ88; add 4010V toward Padua Hills as a partial assignment from AT&T station KMJ88.

706–CF–ML–76, Same, (KMW74), Padua Hills, 3 miles North of Claremont, California. Lat. 34°06'33" N., Long. 117°43'17" W. Mod. of License to delete frequencies 3810V toward Los Angeles, and 3810H toward Strawberry Peak and transfer to AT&T co-located station KMJ87; add frequencies 3970V toward Los Angeles and 3970H toward Strawberry Peak as a partial assignment from AT&T station KMJ87.

986–CF–AL–(4)–76, American Telephone and Telegraph Company. Application for Consent of Assignment of Radio Station Licenses from American Telephone and Telegraph Company, Assignor, to Southern Bell Telephone and Telegraph Company, Assignee, for stations KIL3, Hancock Landing, Georgia; KJC32, Swansea, South Carolina; KIL84, Allendale, South Carolina; KJC30, Blackville, South Carolina.

972–CF–AL–(2)–76, The Pacific Telephone and Telegraph Company. Application for Consent of Assignment of Radio Station Licenses from The Pacific Telephone and Telegraph Company, Assignor, to General Telephone Company of California, Assignee, for station KYO59, White Water, California and KYO60, Palm Springs, California.

994–CF–ML–76, American Telephone and Telegraph Company (KIL30), 937 Green Street, Augusta, Georgia. Lat. 33°28'30" N., Long. 81°58'10" W. Mod. of License to delete frequencies 3710, 3790, 3870, 3950, and 4110 MHz toward Hancock Landing, Georgia and transfer to Southern Bell Telephone and Telegraph Company KTF45.

996–CF–ML–76, Same, (KJC28), 1645 Hampton Street, Columbia, South Carolina. Lat. 34°00'29" N., Long. 81°01'42" W. Mod. of License to delete frequencies 3930, 4010, 4090, and 4170 MHz toward Swansea, South Carolina, and transfer to Southern Bell Telephone and Telegraph Company KIT59.

995–CF–ML–76, Southern Bell Telephone and Telegraph Company (KIY59), 1645 Hampton Street, Columbia, South Carolina. Lat. 34°00'29" N., Long. 81°01'42" W. Mod. of License to add frequencies 3930V, 4010V, 4090V, 4170V MHz toward Swansea, South Carolina as a partial assignment from AT&T station KJC28.

997–CF–ML–76, Same, (WOF35), 2 miles West of Hancock Landing, Georgia. Lat. 33°09'13" N., Long. 81°47'43" W. Mod. of License to add frequencies 3750H, 3830H, 3910H, 3990H, 4070H, 4150H MHz toward Augusta, Georgia; 3750H, 3830H, 3910H, 3990H, 4150H MHz toward Allendale, South Carolina as a partial assignment from AT&T station KIL31.

998–CF–ML–76, Southern Bell Telephone and Telegraph Company (KJC87), 1.7 miles East of Swansea, South Carolina. Lat. 33°44'42" N., Long. 81°04'25" W. Mod. of License to add frequencies 3890V, 3970V, 4050V, and 4130V MHz toward Blackville, South Carolina, and 3890V MHz toward Columbia, South Carolina as partial assignment from AT&T station KJC29.

999–CF–ML–76, Same, (KJC88), Approx. 4 miles NNW of Blackville, South Carolina. Lat. 33°24'55" N., Long. 81°17'02" W. Mod. of License to add frequencies 3930H, 4010H, 4090H, 4170H MHz toward Allendale, South Carolina, and 3930V MHz toward Swansea, South Carolina as partial assignment from AT&T station KJC30.

1000–CF–ML–76, Same, (KJC89), 3 miles NW of Allendale, South Carolina. Lat. 33°01'56" N., Long. 81°20'58" W. Mod. of License to add frequencies 3730V, 3710H, 3790H, 3950H, 4030H MHz toward Walterboro, South Carolina; 3710H, 3790H, 3870H, 3950H, 4030H, 4110HMHz toward Hancock Landing, Georgia; 3710V, 3790V, 3870V, 3950V MHz toward Newington, Georgia; and 3890H MHz toward Blackville, South Carolina as partial assignment from AT&T station KIL84.

1166–CF–P–76, The Offshore Telephone Company (New), West Cameron Area, Block 171, Gulf of Mexico. Lat. 29°23'47" N., Long. 93°15'04" W. C.P. for a new station on frequency 2162.0V MHz toward East Cameron Area, Block 48C, Gulf of Mexico on azimuth 87°13'.

1167–CF–P–76, Same, (New), East Cameron Area, Block 48C, Gulf of Mexico. Lat. 29°24'47" N., Long. 92°57'37" W. C.P. for a new station on frequency 2112.0V MHz toward West Cameron Area, Block 171, Gulf of Mexico on azimuth 267°02'.

1168–CF–P–76, Same, (New), West Cameron Area, Block 513A, Gulf of Mexico. Lat. 28°26'04" N., Long. 93°11'53" W. C.P. for a new station on frequency 2178.0H MHz toward West Cameron Area, Block 513B, Gulf of Mexico on azimuth 196°53'.

1169–CF–P–76, Same, (New), West Cameron Area, Block 513B, Gulf of Mexico. Lat. 28°25'53" N., Long. 93°12'38" W. C.P. for a new station on frequency 2126.0H MHz toward West Cameron Area, Block 513A, Gulf of Mexico on azimuth 16°53'.

993–CF–ML–76, Southern Bell Telephone and Telegraph Company (KTF45), 937 Green Street, Augusta, Georgia. Lat. 33°28'29" N., Long. 81°58'11" W. Mod. of License to add frequencies 3710H, 3790H, 3870H, 3950H, 4110H MHz toward Hancock Landing, Georgia as partial assignment from AT&T station KIL30.

1170–CF–P–76, Same, (KIA47), 121 West Morgan Street, Raleigh, North Carolina. Lat. 35°46'44" N., Long. 78°38'30" W. C.P. to replace transmitters and increase power output on frequency 6375.2V MHz toward New Hope, North Carolina on azimuth 47°52'.

1156–CF–P–76, American Telephone and Telegraph Company (KIP57), 36 NE Second Street, Miami, Florida. Lat. 25°46'32" N., Long. 80°11'36". W. C.P. to change polarization from Vertical to Horizontal on frequencies 3750, and from Horizontal to Vertical on 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Ojus R, Florida on azimuth 359.8°.

1157–CF–P–76, American Telephone and Telegraph Company (KJJ68), Ojus R. 3.5 miles NW of Ojus, Florida. Lat. 25°56'19" N., Long. 80°11'39" W. C.P. to change polarization from Vertical to Horizontal on frequencies 3710, 3790, and from Horizontal to Vertical on 3730, 3810, 3890, 3970, 4050, 4130 MHz toward Margate, Florida on azimuth 359.2°.

1175–CF–MP–76, Florida Telephone Corporation (KJA59), Corner of Lake Avenue and Orange Street, Groveland, Florida. Lat. 28°33'55" N., Long. 81°51'22" W. Mod. of C.P. to add frequency 10995.0H MHz toward an additional point of communication at Clermont, Florida on azimuth 94°33'.

1176–CF–MP–76, Same (WAH614), 319 De Sota Street, Clermont, Florida. Lat. 28°33'-14" N., Long. 81°46'09" W. Mod. of C.P. to add frequency 11685.0H MHz toward an additional point of communication at Groveland, Florida on azimuth 274°37'.

2014–CF–R–76, Bell Telephone Company of Nevada (KPF80), Location: In any temporary fixed location within the territory of the Grantee. Application for Renewal of Radio Station License (Developmental) expiring December 1, 1975. Term: December 1, 1975 to December 1, 1976.

MULTIPOINT DISTRIBUTION SERVICE:

1165–CM–P–76, Kansas State Network, Inc. (New), 838 North Main, Wichita, Kansas. Lat. 37°41'56" N., Long. 97°20'15.5" W. C.P. for a new station on 2164.75 V & H and 2164.75 H & V. (Primary Service Area: Wichita, Kansas).

1174–CM–P–76, San Joaquin Cable TV. (New), 2220 Tulare Avenue, Fresno, California. Lat. 36°44'08" N., Long. 119°47'10" W. C.P. for a new station on 2154.75H & 2150.25H MHz. (Primary Service Area: Fresno, California).

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex-arte presentations, reasons of potential electrical interference, to provide video service to Urbana, Illinois.

1029–CM–P–76, American Television and Communications Corporation, Fresno, Calif. 1174–CM–P–76, San Joaquin Cable TV, Fresno, Calif.

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED.

TELEPHONE WIRE FACILITIES

W–P–C–610, MCI Telecommunications Corporation, Informal, (Section 63.03). To supplement existing facilities between New York City and Chicago, Illinois with the construction of 240 equivalent 4KHz channels.

W–P–C–611, MCI Telecommunications Corporation, Formal, (Section 63.01). To establish points of communication between St. Louis and Springfield, Missouri with the construction of 120 equivalent 4KHz channels.

W–P–C–612, Microwave Communications, Inc., Informal, (Section 63.03). To supplement existing facilities between Chicago, Illinois and St. Louis, Missouri with the construction of 240 equivalent 4KHz channels.

W–P–C–613, The Chesapeake and Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Virginia and the Chesapeake and Potomac Telephone Company of Maryland, Informal, (Section 63.03). To construct and operate 240 equivalent 4KHz channels between Arlington, Virginia and Gaithersburg, Germantown, Olney and Rockville, Maryland. These facilities are for inter-office trunking for Traffic Service Position Systems (TSPS) at the locations.

W–P–C–614, MCI Telecommunications Corporation, Informal, (Section 63.03). To construct and operate 60 equivalent 4KHz channels between Oklahoma City, Oklahoma and Dallas, Texas, to provide business communications voice and/or data services.

W–P–C–615, The Pacific Telephone and Telegraph Company, Formal, (Section 63.01). To supplement existing facilities by the installation of 131 additional channel groups (1.544 Mbs. or equivalent) between various locations in California. These facilities are intended to utilize and expand the Digital Data System (DDS). Facilities as granted and proposed by applications which were previously filed.

W–P–C–616, The Chesapeake and Potomac Telephone Company and The Chesapeake and Potomac Telephone Company of Maryland, Informal, (Section 63.03). To supplement carrier facilities by the construction and operation of 168 equivalent 4KHz telecommunications channels between Germantown, Maryland, Washington, D.C. (Downtown, C.O.) and Washington, D.C. (Southwest C.O.).

W–P–C–617, Telenet Communications Corporation, Special Temporary Authority, (Section 63.04). To lease one (1) digital channel group (2400 bps, American Telephone and Telegraph Company DDS channel or equivalent) between Boston, and Braintree, Massachusetts and three (3) analog channels (two with a speed of 2400 bps and one with a speed of 300 bps, American Telephone and Telegraph Company series 3002 channels, or equivalent) between Boston, Massachusetts and Albany, New York; between Minneapolis and White Bear Lake, Minnesota and between New York, New York, and Woodbury, New York.

W–P–C–618, MCI Telecommunications Corporation, Formal, (Section 63.01). To establish points of communication between Detroit, Michigan, Cleveland, Ohio and New York City, New York with the construction of 780 equivalent 4KHz channels.

W–P–C–619, Mountain Microwave Corporation, Informal, (Section 63.03). To construct one (1) 5KHz audio circuit (or equivalent) from Salt Lake City, Utah to numerous radio stations in Colorado Springs, and Denver, Colorado and to construct two (2) 5 KHz audio circuits from Denver, Colorado to Salt Lake City, Utah, on behalf of the ABC Radio Network at Salt Lake City, and the Intermountain Radio Network at Denver.

W–P–C–620, General Telephone Company of the Southeast, Informal, (Section 63.03). To construct 36 equivalent 4KHz telecommunications channels between Dothan, Alabama and Montgomery, Alabama, to provide the circuit requirements through 1976.

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W-P-C-621, The Mountain States Telephone and Telegraph Company. Informal, (Section 63.03). To construct and operate 200 equivalent 4KHz telecommunications channels on behalf of Microwave Communications, Inc. (MCI), betweeen MCI's company office at West Osborn Road, Phoenix, Arizona and 22nd and Grand Avenue, Phoenix, Arizona.

W-P-C-622, Southwestern Bell Telephone Company, Formal, (Section 63.01). To supplement existing facilities between Harlingen and McAllen, Texas with the construction and installation of twin-104 pair, 22 gauge LOCAP T2 buried cable between Harlingen and McAllen, Texas and the construction and operation of sixteen (16) new interstate circuits on three (3) newly proposed "T" carrier systems.

W-P-C-623, Tower Communications Systems Corporation, Formal, (Section 63.01). To construct and operate a receive only domestic satellite earth station at Newark, Ohio to receive Home Box Office programming via Domestic Satellite facilities of RCA Global Communications, Inc. to provide a common carrier service to its customers. (See application File No. 40-DSE-P-76).

W-P-C-624, MCI Telecommunications Corporation, Formal, (Section 63.01). To establish points of communication between Oklahoma City and Tulsa, Oklahoma with the construction of 120 equivalent 4KHz channels.

[FR Doc.75-29465 Filed 10-31-75;8:45 am]

[FCC 75-1191; Docket No. 20661, File No. 41552-IB-65]

PROFESSIONAL GOLF BROADCAST SYSTEMS

Application Filed

In the Matter of inquiry into the need for a radio service to transmit to spectators in sports events a running account of the progress of the game and how that need should be accommodated.

1. During the past several years, requests have been made for authorizations in the Business Radio Service for the operation of radio facilities to transmit to spectators at sports events an account of the progress of the event. Typically, this would be accomplished by renting to interested spectators a small receiver, such as a head set, tuned to the authorized frequency, and transmitting to them either periodic reports or running accounts of the details of the on-going action. In golf tournaments, for example, the spectators would be furnished current information on how each of the various participants are playing and scoring so that a person with one of the rented receivers watching a particular player would be able to follow the activities of some or all of the other players. In other sporting events, and presumably in other situations, the system would be designed to meet the particular requirement there. This service would be provided for a fee; the fee will be obtained by the rental of the special radio receivers. Normally, the receivers are to be rented for the day or for the duration of the event.

2. These requests, as we have mentioned, were for radio authorizations in the Business Radio Service presumably because of the rather broad eligibility for licensing in that service, the availability of low power frequencies which are suitable for the type of operation proposed, and the relatively uncomplicated regulatory requirements. However, the Commission has considered such requests en banc on two occasions and concluded that this type of service was not within the scope of the Business Radio Service. Thus, in response to an application for waiver or the rules filed by Sportscaster, Inc., the Commission stated:

"The Business Radio Service usage you are proposing is in conflict with some of the fundamental premises of the service. The Service is intended to provide for use of radio as an adjunct to a licensee's primary business activity. That business activity was not contemplated to be the business of furnishing radio service to other persons. . . . The Business Radio Service . . . is organized around the concept of mutual sharing among licenses of the limited supply of available frequencies. This is based on the anticipated norm of intermittent operation by licensees in any given area so that each may use the assigned frequencies in alternate fashion. Your operation would require the proposed station to be on the air for the entire period of the sports event being described." Sportscaster, Inc., 5 FCC 2d 579 (1966).

See also, Golfcaster, Inc. et al, 14 FCC 2d 594 (1968). In that case, the Commission also denied a similar proposal and again pointed out that the service proposed should not be accommodated within the context of the Safety and Special Radio Services. However, there, as in the Sportscasters case, the Commission recognized the potential usefulness of such service to the public and suggested submission of alternative proposals.

3. There is no established radio service classification in which the type of service we have described may be authorized on a regular basis and no alternatives have been suggested. Yet, interest in it continues as evidenced by recurring informal inquiries and by the captioned application filed by Professional Golf Broadcast System (PGBS).

4. PGBS has applied for an authorization also in the Business Radio Service to use the frequency 154.570 MHz to provide service to spectators in professional golf tournaments and has asked the Commission to waive its rules to permit grant of its application. The applicant argues that the public interest would be served by providing a service not now available with minimal impact on the Business Radio Service. The impact would be minimal, PGBS claims, because the facilities it proposes would be operated with low power and would not create significant interference problems to other low power radio systems on that frequency. The frequency 154.570 MHz is available only for use by radio systems operating with 3 watts or less power. The applicant also argues that its proposed system would be used during professional tournaments which last a few days so that whatever interference its operation would create would be of short duration.

5. The Commission has considered the PGBS application and has concluded that the proposal is not significantly different from the proposals previously rejected. Nor has PGBS demonstrated sufficient unique or unusual circumstances to justify waiver of the rules. However, in view of the continuing interest in the type of service proposed, we believe that this matter should be explored in a public inquiry proceeding. Therefore, we are issuing this notice of inquiry to obtain comments on this matter generally and more specfically on the areas discussed below.

6. The primary question is, of course, whether the public interest would be served by allowing the use of the radio spectrum for the provision of a service to spectators in sports and other events. To determine this question, interested parties are asked to furnish information concerning the type of sports events in which this service would be useful or beneficial to those attending. Estimates should be furnished of the total number of events during a one-year period where it can reasonably be expected the service would be provided, and a range of the number of persons who can be expected to be served. Cost estimates, rental rates for receivers, and similar information are also requested.

7. As we have indicated, the Commission has previously concluded that the service in question is not within the scope of the Business Radio Service. Nevertheless, we want to further consider this matter and we raise the question for comments whether this service should be accommodated in the Business Radio Service and by appropriate amendment of the rules.[1] If so, parties are asked for suggestions as to the rules to be adopted; whether this service should be restricted to frequencies available for low power operations, to itinerant frequencies, or whether all Business frequencies should be made available and each applicant should be required to select a particular frequency. If this service is to be accommodated in the Business Radio Service, comments should be directed to its potential impact on the availability of frequencies for normal communications systems, especially if this service grows significantly. The potential problem of interference to this service from regular Business Radio Service operations should als be addressed.

8. In addition, we ask for alternative suggestions. Possibilities which may be considered include the broadcast or common carrier services by appropriate rule amendments and the establishment of a new radio service for this purpose. If a new radio service is to be established, suggestions are requested concerning frequencies to be allocated to it and the manner in which the new service should be regulated.

9. As we have indicated, in the specific cases we have considered, the applicant planned to rent receivers to spectators for a fee and these fees would be the sole source of revenues for the operation. It should be noted, however, that transmission on Business Radio frequencies or other land mobile frequencies, particularly those below 200 MHz, can be easily received by many of the relatively low cost receivers widely available in the market which are used extensively to listen to land mobile systems (police, fire, etc.). While section 605 of the Communications Act may provide protection against unauthorized reception and use of the service provided to paid subscribers, the practical problems of enforcement could render the protection of section 605 largely ineffective. This problem should also be considered and should be addressed in the comments.

10. Resolution of the issues in this proceeding may result in amendment of the rules governing the Business Radio Service or new proposals to create a new service. Authority for this inquiry is contained in sections 303 and 403 of the Communications Act of 1934, as amended.

11. For the reasons given above (para. 5) and in view of our decision to explore this entire matter in an inquiry proceeding, we feel that waiver of the rules to permit the grant of the captioned application is not warranted. Therefore, the application, which seeks an authorization on a regular basis, may not be granted. However, we believe that short-term, limited authorizations under our developmental rules (47 CFR § 91.201 et. seq.) might be appropriate and useful in this proceeding. Therefore, applications for developmental authorizations will be considered in conjunction with this inquiry. In order to assure than an equal opportunity is afforded to all concerned and that the Commission may properly evaluate all developmental applications, no developmental applications will be granted in this inquiry until December 31, 1975.

12. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before December 3, 1975 and reply comments on or before December 15, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission will also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

13. In accordance with the provisions of Section 1.419 of the Commission's Rules, an original and 11 copies of all statements, briefs, or comments filed should be furnished to the Commission. Response will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

Adopted: October 21, 1975.

Released: October 30, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-29461 Filed 10-31-75;8:45 am]

[1] For another proceeding where a similar issue is raised, see Various Methods of Transmitting Program Material to Hotels and Similar Locations, Notice of Inquiry and Proposed Rule Making, Docket 19671, released January 24, 1973, 38 F.R. 2766, January 30, 1973.

FEDERAL MARITIME COMMISSION

BARBER-BLUE SEA LINE JOINT SERVICE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Franciso, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 24, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Milton J. Levitt, Esq., Palmer Serles & Baar, 120 Broadway, New York, New York 10005.

Agreement 10137, as amended, provided for the establishment of the Barber-Blue Sea Line joint service comprised of Barber Line A/S on the one hand, and the Blue Funnel Line and Swedish East Asia Co., Ltd. lines on the other. The latter two lines had been operating their own joint service as the Blue Sea Line pursuant to Agreement 8529, as amended. Essentially, Agreement 10137-2, noticed here, provides for the cancellation of Agreement 8529 inasmuch as that arrangement has become redundant since the approval of Agreement 10137.

By Order of the Federal Maritime Commission.

Dated: October 29, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-29500 Filed 10-31-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-9364, E-9366]

BOSTON EDISON CO.

Extension of Procedural Dates

OCTOBER 23, 1975.

On October 16, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 31, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff, Testimony, November 4, 1975.
Service of Company, Rebuttal, November 18, 1975.
Hearing, December 2, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29394 Filed 10-31-75;8:45 am]

[Docket No. RP76-13]

CITIES SERVICE GAS CO.

Order Rejecting in Part, Accepting and Suspending in Part Proposed Tariff Sheets, Denying Waiver and Establishing Hearing Procedures

OCTOBER 22, 1975.

On September 22, 1975 Cities Service Gas Company (Cities) tendered for filing revised tariff sheets to its FPC Gas Tariff,[1] Second Revised Volume No. 1, reflecting general increases in its jurisdictional sales rates amounting to $20,175,304 annually, to become effective October 23, 1975. The total increase is 12.93% above the annual revenues that would result from applying the rates presently being collected to volumes for the test period (twelve months ended May 31, 1975, as adjusted for known changes through February 29, 1976). The tendered filing also includes a new Article 22 and a new Article 23 of the General Terms and Conditions[2] containing, respectively, a research and development rate adjustment provision and an advance payments rate adjustment provision. Cities requests waiver of § 154.38 (d) (3) of the Commission's Regulations in order to include the advance payments rate adjustment provision in its tariff.

Cities states that the rate increase is necessary to offset a revenue deficiency of approximately that amount resulting from, *inter alia*, increased costs and reduced gas sales volumes resulting from declining gas supplies. Cities further states that the nature and magnitude of expenditures for research and development and advance payments, necessitated by the increasing deficiency in the natural gas supplies available to Cities, are such that they can be undertaken only if appropriate compensation for such expenditures is timely included in its rates. Accordingly, the proposed Articles provide procedures for tracking such expenditures.

Public notice of Cities' filing was issued on September 29, 1975, with comments, protests and petitions to intervene due on or before October 10, 1975. Protests and petitions to intervene have been filed by the City of Springfield, Missouri and Board of Utilities of Springfield, Missouri; City Group Gas Defense Association; and Union Gas System Inc.

[1] Thirteenth Revised PGA-1.
[2] Original Sheet Nos, 37H, 37I, 37J, 37K, 37L and 37M of Second Revised Volume No. 1.

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Our review of Cities' rate increase filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly we shall suspend the tendered revised tariff sheet for five months, to become effective March 23, 1976, and establish hearing procedures to determine the justness and reasonableness of Cities' filing. We shall accept the tendered original filing sheet Nos. 37H, 37I and 37J, which contain Cities proposed Research and Development rate adjustment provision. However, the provisions shall be suspended for five months pending our review to determine whether the costs treated by Cities as R&D expenditures come within the definition of such expenditures set forth in the Commission's Order No. 483 in Docket No. R–462. Regarding the proposed Article 23, we note that §§ 154.38 (d) (3), (4) and (5) of the Regulations provide that no permanent automatic rate adjustment provisions shall be permitted for natural gas companies except for purchased gas and research and development expenditures. We have only permitted advance payment tracking provisions when they are a part of an approved rate settlement agreement wherein the Commission has reviewed all of the pipeline's costs, including advance payments and revenues and has determined that an advance payment tracking provision is proper for the period that the settlement remains in effect; i.e. until the next Section 4 rate increase becomes effective, subject to refund.[3] Accordingly, we shall deny Cities' request for a waiver of § 154.38(d) (3).

As previously noted, Cities' request for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation so as to enable this Commission to formulate sound regulatory policies in these areas.

In addition, evidence submitted by the parties relevant to the rate increase filing including that to be filed by our Staff, should give full and careful consideration to the following issues:

1. Cities' expressed need to earn an overall rate of return of 12.0%, an increase of 1.5% over that previously requested which will affect the total cost of service, including related taxes, by $6.4 million;

2. Cities' stated need for an increase in the composite depreciation rate to 4.45% from the 3.73% presently being collected;

3. Cities' inclusion in its working capital of $11.5 million for unrecovered purchased gas costs;

4. The propriety of Cities' inclusion of $4.3 million as research and development costs in rate base, and the consequent correctness of the R&D working capital allowance of $2.3 million for its coal gasification project, particularly in light of Order No. 483.

5. Cities' proposal to include $269,962 in its working capital as an allowance for funds spent on an abandoned naphtha gasification project [4] and to amortize this amount over a 3 year period in O&M expenses and include the average amount of dollars not amortized for the same three year period in its working capital [5].

For the purposes of this filing, Cities has used a modified *Seaboard*[6] method of cost classification. In *United Gas Pipe Line Company*, Opinion No. 671, 50 FPC 1348 (1973)[7], we expressed concern over the worsening gas supply situation, particularly as it existed on United system. Based on the record in that case we concluded that more weight should be given to the annual use of United's systems than would result under the *Seaboard* method. We therefore assigned 75 percent of fixed transmission and storage costs to the commodity component of United's rates. More recently, we issued a Notice of Proposed Rulemaking in Docket No. FM75–19 [8]. We believe that all parties should direct their attention to the propriety of the continued use of the *Seaboard* method, as well as to all other matters bearing on cost classification, allocation and rate design.

We believe that the use of the *Atlantic Seaboard* method of cost classification, cost allocation and rate design may be inadequate and contrary to the public interest under the present conditions of gas supply shortages and ever-increasing curtailments. Moreover, we note that because of successive pipeline rate filings which create "locked-in" periods, our efforts to adopt a just and reasonable cost classification, allocation and rate design differing from *Seaboard* may be frustrated. To the extent that the rate structure found just and reasonable for Cities after hearing and decision departs from the Seaboard methodology used by Cities in its instant filings by assigning additional fixed costs to the commodity component of the rates, undercollections will occur. We believe it would be improper for us to insure Cities protection from undercollections by our failing to adopt the just and reasonable rate structure because rates have become "locked-in". Accordingly, we hereby place Cities on notice that it may be subject to undercollections if, after hearing and decision, we find its rate design improper.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rate increase proposed by Cities in Docket No. RP76–13 and that such increase should be accepted for filing and suspended as hereinafter provided.

(2) The tendered original tariff sheet Nos. 37H, 37I and 37J which contain Cities' proposed Research and Development rate adjustment provision should be accepted for filing and suspended as hereinafter provided.

(3) The request for waiver of the requirements of § 154.38(d) (3) of the Commission's Regulations should be denied and the tendered original sheet Nos. 37K, 37L and 37M—which contain Cities' proposed advance payment rate adjustment provision should be rejected.

The Commission orders: (A) The tendered original tariff sheet Nos. 37H, 37I and 37J containing Cities' proposed Research and Development rate adjustment provision are hereby accepted for filing and suspended for five months, to become effective on March 23, 1976.

(B) The request for waiver of the requirements of § 154.38(d) (3) of the Commission's Regulations is hereby denied and the tendered original sheet Nos. 37K, 37L and 37M, containing Cities' proposed advance payment rate adjustment provision are hereby rejected.

(C) The tendered revised tariff sheet, Thirteenth Revised Sheet PGA–1, is hereby accepted for filing and suspended for five months until March 23, 1976.

(D) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held on March 16, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of Cities' proposed rate increase filed in this docket.

(E) On or before February 3, 1976, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before February 17, 1976. Company rebuttal shall be served on March 2, 1976.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's Rules and Regulations.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–29392 Filed 10–31–75;8:45 am]

[3] Order No. 499, 50 FPC 2111, issued December 29, 1973, in Docket No. RM74–4; *Southern Natural Gas Company*, —— FPC —— issued April 13, 1973, in Docket No. RP72–91, et al; rehearing denied —— FPC ——, issued June 8, 1973; *Northern Natural Gas Company*, —— FPC ——, issued May 20, 1974, in Docket No. RP74–80; rehearing denied in pertinent part —— FPC —— issued July 15, 1974; *Florida Gas Transmission Company*, —— FPC —— issued May 29, 1974, in Docket No. RP74–80.

[4] The amount expended on the project was $539,923.

[5] The same amortization arrangement was proposed in Cities' filing in Docket No. RP75–27. The Commission, in an order dated November 22, 1974, directed Cities to remove such amounts from its filing to which Cities asked and was granted rehearing. In an order dated January 17, 1975, the Commission rescinded its directive without prejudice as to whether such amounts were acceptable in rate base. As a result Cities has been collecting the amortized portion and the allowance for working capital in its rates, subject to refund, since April 23, 1975.

[6] *Atlantic Seaboard Corporation*, 11 FPC 43 (1952).

[7] Affirmed, *Consolidated Gas Supply Corp. v. F.P.C.* —— F.2d —— (D.C. Cir. October 9, 1975).

[8] *End Use Rate Schedules*, issued February 20, 1975.

[Docket No. E–9407]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Further Extension of Procedural Dates

OCTOBER 23, 1975.

On October 16, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 30, 1975, as most recently modified by notice issued August 8, 1975, in the above-designated proceeding:

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 12, 1976.
Service of Intervenor Testimony, January 26, 1976.
Service of Company Rebuttal, February 16, 1976.
Hearing, March 22, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–29395 Filed 10–31–75;8:45 am]

[Docket No. ER76–45]

CONSUMERS POWER CO.

Extension of Procedural Dates

OCTOBER 23, 1975.

On October 6, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Phase I

Service of Staff Testimony, January 9, 1976.
Service of Intervenor Testimony, January 23, 1976.
Service of Company Rebuttal, February 6, 1976.
Hearing, February 17, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–29396 Filed 10–31–75;8:45 am]

[Docket No. ER76–178]

DUKE POWER CO.

Supplement to Contract

OCTOBER 24, 1975.

Take notice that on October 16, 1975 Duke Power Company (Duke) tendered for filing a Supplement to its Electric Power Contract with the Town of Due West, South Carolina, designated as Duke's Rate Schedule FPC No. 163. This Supplement provides for an increase in contract demand from 1400 KW to 2000 KW.

Duke requests an effective date of November 19, 1975 for the Supplement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–29405 Filed 10–31–75;8:45 am]

[Docket No. RP76–24]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges

OCTOBER 24, 1975.

Take Notice that on October 15, 1975, Florida Gas Transmission Company (Florida Gas) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume Nos. 1 and 2.

The proposed rate changes would increase Florida Gas' revenues from jurisdictional sales and transportation services by $13,551,572, based on the twelve months ended June 30, 1975 as adjusted. Florida Gas proposes to make the increased rates effective November 15, 1975.

Florida Gas states that the increased rates are required to reflect the effect on its cost of service and revenue requirements of reduced deliveries of natural gas because of declining deliverability from connected gas supplies, increases in operating expenses, depreciation expense and taxes, the necessity for restoring a deficiency in Account 282 which resulted from flowing through the tax reductions attributable to the use of liberalized depreciation for the period from June 10, 1968 through December 31, 1970, and increases in cost of capital including an overall rate of return of 10.25%.

Florida Gas states that copies of its rate filing were served on all the Company's jurisdictional customers and the Florida Public Service Commission. Also, Florida Gas states that Statement P will be filed within fifteen days of its filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on, or before November 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–29406 Filed 10–31–75;8:45 am]

[Docket No. RP75–107]

GRANITE STATE GAS TRANSMISSION, INC.

Extension of Procedural Dates

OCTOBER 23, 1975.

On October 15, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 18, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff, Testimony, December 9, 1975.
Service of Intervenor, Testimony, December 23, 1975.
Service of Company, Rebuttal, January 13, 1976.
Hearing, January 27, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–29397 Filed 10–31–75;8:45 am]

[Docket No. ES76–19]

IDAHO POWER CO.

Notice of Application

OCTOBER 23, 1975.

Take notice that on October 15, 1975, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the states of Idaho, Oregon, Nevada and Wyoming, with its principal business office at Boise, Idaho, filed an application with the Federal Power

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Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of not to exceed $122,500,000 in principal amount at any one time outstanding of unsecured promissory notes (1) pursuant to Lines of Credit with certain banks, and (2) in the form of commercial paper.

Notes in the sum of not to exceed $88,100,000 in an aggregate amount would be issued as bank loans, evidenced by unsecured notes, probably for a maturity of three months after date, and not to exceed one year after date thereof. Of the above total borrowing, $75,000,000 will be made pursuant to the Lines of Credit with three major banks. The remainder of $13,100,000 will be borrowed from a group of banks in Idaho and Oregon at the prime interest rate which, at the present time, is 7¾%. The Idaho banks will loan money at the prime rate, which interest rate at the present time is 7¾%. The Oregon banks have offered to loan money at 110% of the prime interest rate plus a commitment fee. Applicant also requests that the authorization include the right to renew such of said short-term notes as expire prior to one year from the date of such authorization; and that the principal amount of such renewals, if made, either of notes issued under the authorization herein required, or of notes issued under the exemptions set forth in 204(e) of the Federal Power Act, shall not be considered as applying against, or a reduction, of the $101,786,200 authorization herein requested. Applicant further requests authority to substitute commercial paper borrowings for the Line of Credit borrowings up to the limits imposed by any applicable statute, rule or regulation.

Unsecured promissory notes in an aggregate principal amount of not to exceed $29,000,000 at any one time outstanding would be issued and sold by applicant to one or more commercial paper dealers. Each note issued as commercial paper would be dated the date of issuance, have a maturity of not more than 270 days from the date thereof and be discounted at the rate prevailing at the time of issuance for commercial paper of comparable quality and maturity.

Proceeds from the borrowing will be used in the further financing of applicant's construction expenditures, which for the period from August 1, 1975 to December 31, 1976, are estimated at approximately $116,077,000. The balance of funds required for construction is expected to come from internally generated cash. Applicant intends to issue 1,000,000 shares of common stock at an anticipated issuance price of at least $26 a share in December of 1975. Further permanent financing, in addition to the common stock, is expected to be undertaken in 1976, but the amounts and types of securities and the exact timing of the issuance has not yet been determined.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petition to intervene or protest in accordance with the requirement of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29398 Filed 10-31-75;8:45 am]

[Docket No. RP75-98]

McCULLOCH INTERSTATE GAS CORP.

Extension of Procedural Dates

OCTOBER 24, 1975.

On October 6, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 30, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, October 30, 1975.
Service of Applicant's Rebuttal, November 14, 1975.
Hearing, December 3, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29407 Filed 10-31-75;8:45 am]

[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Order Granting Rehearing for Purposes of Further Consideration

OCTOBER 23, 1975.

On September 29, 1975, the Municipal Gas and Electric Department of the Town of Middleboro, Massachusetts (Middleboro) filed an application for rehearing of our August 29, 1975, order in this proceeding. On September 26, 1975, the Rhode Island Division of Public Utilities and Carriers and the Rhode Island Consumers' Council filed an application for rehearing of that same order. On October 3, 1975, Montaup Electric Company filed a motion for reconsideration and amendment of the August 29, 1975, order.

Because of the numerous complex issues raised by these pleadings, we shall grant rehearing of our August 29, 1975, order for purposes of further consideration.

The Commission finds: Good cause exists to grant rehearing of our August 29, 1975 order herein for purposes of further consideration.

The Commission orders: (A) Rehearing of our August 29, 1975, is hereby granted for purposes of further consideration.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29399 Filed 10-31-75;8:45 am]

[Docket Nos. CP75-131, CP76-94]

MOUNTAIN FUEL SUPPLY CO. AND PHILLIPS PETROLEUM CO.

Extension of Procedural Dates

OCTOBER 23, 1975.

On October 16, 1975, Phillips Petroleum Company filed a motion to extend the procedural dates set by order issued September 22, 1975, in the above-designated proceeding.

Notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Direct Testimony, November 12, 1975.
Hearing, December 3, 1975 (10 a.m. E.S.T.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29400 Filed 10-31-75;8:45 am]

[Docket No. RP73-8 (PGA 76-3)]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 24, 1975.

Take notice that North Penn Gas Company (North Penn) on October 16, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective December 1, 1975. The proposed rate change will decrease jurisdictional revenues by $1.4 Thousand for the period December 1, 1975 through May 31, 1976.

North Penn's filing reflects a surcharge credit of 0.014¢ per Mcf proposed to be effective for the six-month period December 1, 1975 through May 31, 1976, and reflects the amounts accumulated in its Unrecovered Purchased Gas Account for the period March 1, 1975 through August 31, 1975.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29408 Filed 10-31-75;8:45 am]

[Docket No. E-9173]

PACIFIC POWER & LIGHT CO.

Filing of Notice of Cancellation

OCTOBER 23, 1975.

Take notice that on October 14, 1975, Pacific Power & Light Company (Pacific) tendered for filing a notice of cancellation of its Rate Schedule FPC No. 117 with Portland General Electric Company (Portland). Pacific states that the subject rate schedule is being terminated inasmuch as the service thereunder is covered under Pacific's currently effective tariff. Both the subject rate schedule and the above-referenced tariff are currently being investigated in Docket Nos. E-9173 and E-9212. Pacific requests that the Commission waive the prior notice requirement so as to permit the notice of cancellation to be effective as of October 9, 1975.

Pacific states that a copy of the notice of cancellation was served upon Portland.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29401 Filed 10-31-75;8:45 am]

[Docket No. CI76-196, *et al.*]

SHELL OIL CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 20, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI76-196..... A 9-29-75	Shell Oil Co., P.O. Box 2099, Houston, Tex. 77001.	Florida Gas Transmission Co., Grand Isle Block 76, offshore Louisiana.	[1] [2] $1.63	15.025
CI76-197..... (CS72-162) F 10-2-75	Gulf Oil Corp. (successor to Cenard Oil & Gas Co.), P.O. Box 1589, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., North Duson Field, Lafayette Parish, La.	[3] [4] 27.0	15.025
CI76-198..... (CS72-162) F 10-2-75	Gulf Oil Corp. (successor to Nafco Oil & Gas Inc.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	[3] [5] 15.4804	14.65
CI76-199..... A 10-2-75	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, acreage in Eddy County, N. Mex.	[1] [7] 1.00	14.65
CI76-200..... (G-7439) B 10-2-75	Bright & Schiff, 2355 Stemmons Bldg., Dallas, Tex. 75207.	Texas Eastern Transmission Corp., South Karon and Ragsdale Fields, Bee County, Tex.	Depleted	.....
CI76-202..... A 10-3-75	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grand Isle Block 45, offshore Jefferson and Lafourche, La.	[1] [2] 80.0	15.025
CI76-203..... (CS75-142) B 10-3-75	Keystone Fuel Oil Co., Inc., 25 South Heald St., Wilmington, Del. 19801.	Mid Louisiana Gas Co., acreage in Morehouse Parish, La.	Uneconomical	.....
CI76-204..... A 9-24-75	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Carlsbad Field, Eddy County, N. Mex.	[7] 55.24	14.65
CI76-205..... (G-18061) B 10-6-75	Bowser Gas & Oil Co., 1231 20th St., Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., acreage in Calhoun, Gilmer, and Ritchie Counties, W. Va.	Uneconomical	.....
CI76-207..... (CI75-261) B 10-6-75	H. C. Federer, 804 Amarillo Bldg., Amarillo, Tex. 79101.	Northern Natural Gas Co., acreage in Hutchinson County, Tex.	[10]	.....

[1] Subject to upward and downward British thermal unit adjustment.
[2] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[3] Subject to downward British thermal unit adjustment; includes 3.5¢/M ft³ tax reimbursement.
[4] Applicant is willing to accept a certificate in accordance with opinion No. 598.
[5] Includes 4.2706¢/M ft³ downward British thermal unit adjustment and 0.2509¢/M ft³ tax reimbursement.
[6] Applicant is willing to accept a certificate in accordance with opinion No. 586.
[7] Includes 4.52¢/M ft³ tax reimbursement and is subject to upward and downward British thermal unit adjustment.
[8] Subject to British thermal unit adjustment.
[9] Applicant states that it is willing to accept a certificate conditioned to a rate of $1.33¢/M ft³.
[10] Well has ceased to produce.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[FR Doc.75-29411 Filed 10-31-75;8:45 am]

[Docket No. E-9322]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Further Extension of Hearing Date

OCTOBER 23, 1975.

On October 17, 1975, Duke Power Company (Duke) filed a motion for reconsideration of the denial of its motion to extend the hearing date filed October 2, 1975 and denied by notice issued October 8, 1975. The motion states that Duke has contacted counsel for South Carolina Electric and Gas Company, Carolina Power and Light, Georgia Power Company, the Commission's Staff Counsel and counsel for all of said parties

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have authorized Duke to advise the Commission that they and each of them concur in a further extension of the hearing date in this docket until November 17, 1975.

Notice is hereby given that the hearing date in the above proceeding is extended from November 6, 1975 to and including November 17, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29402 Filed 10-31-75;8:45 am]

[Docket Nos. RI76-44, *et al.*]

SUN OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 24, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets No.
RI76-44	Sun Oil Co.	124	10	Transwestern Pipeline Co. (Texas) (Permian).		9-26-75	10-27-75	(2)			RI71-140
	do		11	do	$64,562	9-26-75		3-27-76	27.319	54.8250	
	do	122	12	do		9-26-75	10-27-75	(2)			
	do		13	do	256,462	9-26-75		(2)	20.086	54.8250	
	do	314	12	Northern Natural Gas Co. (New Mexico) (Permian).	2,423	9-29-75		3-30-76	[1] 23.9776	[1] 28.5412	
RI76-45	Texas Pacific Oil Co. (Operator) et al.	27	17	do	24,886	9-24-75		3-25-76	[3] 24.8953	[3] 37.3382	
RI76-46	Sun Oil Co.	300	18	do	14,110	9-26-75		3-27-76	[4] 22.7460	[5] 29.4659	

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Includes 0.90 ¢/M (1)[4] quality deduction.
[2] Includes 2.11 ¢/M (1)[3] quality deduction.
[3] Accepted as of the date set forth in the "Effective Date Unless Suspended" column.
[4] The proposed rate increase is accepted as of Oct. 27, 1975, insofar as it does not exceed the opinion No. 662 ceiling and is suspended until Mar. 27, 1976, insofar as it exceeds the opinion No. 662 ceiling rate.
[5] The pressure base is 15.025 lb/in²a.

The proposed rate increase of Sun Oil Company under Supp. No. 13 to its FPC Gas Rate Schedule No. 132 is accepted as of October 27, 1975 insofar as it does not exceed the applicable area ceiling rate established in Opinion No. 662 and is suspended until March 27, 1976 insofar as it exceeds the applicable area ceiling rate in Opinion No. 662.

The amendatory agreements under Supp. Nos. 10 and 12 to FPC Gas Rate Schedule Nos. 12 and 132, respectively, are accepted as of October 27, 1975.

The remaining proposed rate increases exceed the applicable area ceiling rate in Opinion No. 662, and they are suspended for five months.

[FR Doc.75-29412 Filed 10-31-75;8:45 am]

[Docket No. CP75-273]

TRUNKLINE GAS CO.

Extension of Time

OCTOBER 17, 1975.

On October 9, 1975, Trunkline Gas Company (Trunkline) filed a request to extend the time within which to accept its certificate in the above docket, as set by order issued September 10, 1975.

Notice is hereby given that the time within which Trunkline must accept the certificate above-indicated matter is extended to and including December 10, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29391 Filed 10-31-75;8:45 am]

[Docket No. RP75-30]

UNITED GAS PIPELINE CO.

Further Extension of Procedural Dates

OCTOBER 22, 1975.

On October 10, 1975, Columbia Gas Transmission Corporation and Consolidated Gas Supply Corporation filed a motion to extend the procedural dates fixed by order issued December 19, 1974, as most recently modified by notice issued June 26, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor, Testimony, November 10, 1975.
Service of Company, Rebuttal, November 24, 1975.
Hearing, December 16, 1975 (10 a.m. e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29393 Filed 10-31-75;8:45 am]

[Docket No. E-9198]

WISCONSIN POWER AND LIGHT CO.

Further Extension of Time

OCTOBER 23, 1975.

On October 20, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued February 19, 1975, as most recently modified by notice issued September 4, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff, Testimony, November 21, 1975.
Service of Intervenor, Testimony, December 4, 1975.
Service of Company, Rebuttal, December 18, 1975.
Hearing, January 6, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29403 Filed 10-31-75;8:45 am]

[Project No. 1999]

WISCONSIN PUBLIC SERVICE CORP.

Application for Change in Land Rights

OCTOBER 23, 1975.

Public notice is hereby given that an application was filed on August 8, 1975, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the Wisconsin Public Service Corporation (Correspondence to: Mr. C. A. McKenna, Secretary, Wisconsin Public Service Corporation, P.O. Box 700, Green Bay, Wisconsin 54305) for a change in land rights for constructed Project No. 1999, known as the Wausau Project, located on the Wisconsin River in Marathon County, Wisconsin, within the City of Wausau and near the Village of Brokaw. The Wisconsin River is a navigable waterway of the United States.

Wisconsin Public Service Corporation, Licensee for Wausau Project No. 1999, requests Commission approval to sell 1.1 acres of Project No. 1999 to Half Way House, Inc. for the purpose of constructing a rehabilitation facility which will provide transitional residency and services from an institution back into the community. The land proposed for sale is located in Government Lot No. 5, Section 35, T. 29 N., R. 7 E., City of Wausau, Marathon County, Wisconsin.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's Rules of Practice and Procedure, specifically § 1.32(b) (18 CFR 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein. The applicant or initial pleader has requested that the shortened procedure of § 1.32(b) be used. If an issue of substance is raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29404 Filed 10-31-75;8:45 am]

Meeting and Agenda

SUPPLY-TECHNICAL ADVISORY COMMITTEE

To be held in Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, November 17, 1975, 9:30 a.m.

Presiding: Dr. Edwin D. Goebel, Technical Director, National Gas Survey and Federal Power Commission, Coordinating Representative and Secretary.

1. Call to Order and Introductory Remarks—Dr. Edwin D. Goebel.
2. Introduction of Technical Advisory Committee Chairman—Dr. Daniel F. Merriam, Chairman, Department of Geology, Syracuse University, Syracuse, New York, and Introduction of Technical Advisory Committee Vice Chairman—Mr. James R. Gill, Associate Assistant Administrator, Office of Energy Resource Development, Federal Energy Office, Washington, D.C.
3. Discussion of Committee Work Scope and Goals—Dr. Daniel F. Merriam.
4. Establishment of Priorities and Completion Dates for Work of the Committee.
5. Assignment of Work to Committee Members.
6. Other Business.
7. Adjournment—Dr. Edwin D. Goebel.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29584 Filed 10-31-75;8:45 am]

Meeting and Agenda

FINANCE-TECHNICAL ADVISORY COMMITTEE

To be held in room 6200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, November 18, 1975, 9:30 a.m.

Presiding: Mr. Jack Adelman, Coordinating Representative and Secretary, Federal Power Commission.

1. Call to Order and Introductory Remarks—Mr. Jack Adelman.
2. Introduction of the Technical Advisory Committee Chairman—Mr. Edward Symonds, Deputy Assistant Secretary for Energy Policy, Department of the Treasury, Washington, D.C. and Introduction of Technical Advisory Committee Vice Chairman—Mr. Charles G. Freund, Vice President, Secretary and Treasurer, Chicago, Illinois.
3. Discussion of Committee Work Scope and Goals—Mr. Edward Symonds.
4. Establishment of Priorities and Completion Dates for Work of the Committee—Mr. Edward Symonds.
5. Assignment of Work to Committee Members—Mr. Edward Symonds.
6. Selection of Next Meeting Date.
7. Adjournment—Mr. Jack Adelman.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29585 Filed 10-31-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-359]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Service Commission of Montana (Docket No. 6279, 6327, 6336) involving the application of Montana Power Company for general increases in its natural gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the re-

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sponsible officers, officials, and employees thereof.

DWIGHT A. INK,
Acting Administrator of General Services.

OCTOBER 21, 1975.

[FR Doc.75-29447 Filed 10-31-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

B & S COAL CO., INC.

Applications for Renewal Permits for Noncompliance With Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4011-000 B & S Coal Company, Inc., Mine No. 21, Mine ID No. 15 02749 0, Vicco, Kentucky, ICP Permit No. 4011-002-R-2 (Joy 7-B Sullivan Cutting Machine, I.D. No. 7-3).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before November 18, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

OCTOBER 28, 1975.

[FR Doc.75-29417 Filed 10-31-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-454, STN 50-455, STN 50-456, STN 50-457]

COMMONWEALTH EDISON CO. (BYRON STATION, UNITS 1 & 2 AND BRAIDWOOD STATION, UNITS 1 & 2)

Order

The evidentiary hearing on radiological health and safety matters in these proceedings will commence on Tuesday, November 18, 1975, 9:30 a.m., at the Nuclear Regulatory Commission's Public Hearing Room, Room 550, 4350 East-West Highway, Bethesda, Maryland.

It is so ordered.

Dated at Bethesda, Maryland, this 24th day of October, 1975.

EDWARD LUTON,
Chairman.

[FR Doc.75-29469 Filed 10-31-75;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-54 issued to Sacramento Municipal Utility District which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station, Unit 1, located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment changes the surveillance requirements for the auxiliary feedwater pumps to require testing only when the average reactor coolant temperature is above 305° F.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 2, 1975, (2) Amendment No. 1 to License No. DPR-54, with Change No. 1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 22nd day of October, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-29470 Filed 10-31-75;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO.

Availability of Final Environmental Statement, Operating License Stage, for the Davis-Besse Nuclear Power Station, Unit 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 50, Appendix D, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of Davis-Besse Nuclear Power Station, Unit 1, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 and in the Ida Rupps Public Library, 310 Madison Street, Port Clinton, Ohio 43452. The Final Environmental Statement is also being made available at the Office of the Governor, State Clearinghouse, 62 East Broad Street, 2nd Floor, Columbus, Ohio 43215 and the Toledo Metropolitan Area Council of Governments, 420 Madison Avenue, Toledo, Ohio 43604.

The notice of availability of the Draft Environmental Statement for the Davis-Besse Nuclear Power Station, Unit 1, and request for comments from interested persons was published in the FEDERAL REGISTER on May 9, 1975 (40 FR 20341). The comments received from Federal, State, local and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-75/097) may be purchased at current rates from the National Technical Information Service, Springfield Virginia 22161. (Paper Copy: $5.75; microfiche: $2.25)

Dated at Rockville, Maryland, this 28th day of October 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-29471 Filed 10-31-75;8:45 am]

[Docket No. 50-346A, etc.]

TOLEDO EDISON CO. ET AL.

Prehearing Conference Order No. 7 and 8

In the Matter of The Toledo Edison Company and The Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station, Units 1, 2 and 3), Docket Nos. 50-346A, 50-500A, 50-501A; The Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2), Docket Nos. 50-440A, 50-441A.

There will be a prehearing conference on Friday, October 31 commencing at 9:30 a.m. at the Commission Hearing Room, East West Towers Building, Bethesda, Maryland, for the purpose of hearing argument on the amendment of October 14, 1975 to the interrogatory answers of the Department of Justice and the October 21, 1975 objection thereto by Applicants. Oral argument will be limited to one half hour per side.

The 8th prehearing conference will convene on Monday, November 17 at 10:00 a.m. at the Commission Hearing Room, East West Towers Building, Bethesda, Maryland, for the purpose of reviewing progress by the parties on document identification and authentication and for the purpose of making such additional orders as may seem appropriate to govern the conduct of the hearing.

It is so ordered.

Dated at Bethesda, Maryland, this 28th day of October 1975.

ATOMIC SAFETY AND LICENSING BOARD,
DOUGLAS V. RIGLER,
Chairman.

[FR Doc.75-29472 Filed 10-31-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 29, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through the release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Economic Development Administration: Form Letter Identifying Project Agents, ED-739, on occasion, contractors, Lowry, E. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Social and Rehabilitation Service: CCM Interview Guide, single-time, State & local child care agencies, Human Resources Division, C. Lewis Kincannon 395-3532.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: Involving Citizens in Identifying Neighborhood Goals, Attitudes and Values, single-time, Key Participants in Metro. Region, Strasser, A. 395-5867.
National Survey of State Driver Licensing, Agency Hearing Authority, single-time, Motor Vehicle Admin. in 50 States, D.C. & Territories, Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census: Survey of Farm Wage Workers—December 1975 CPS, CPS-1, annually, 55,000 households in CPS sample, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

National Institutes of Health: Urological Research Group Prostrate Study, semi-annually, participating V.A. urologists, Dick Eisinger, 395-6140.
Honolulu Heart Study/Japan-Hawaii Cancer Study, Lipoprotein Phenotyping Study, NIH-HL-26, other (see SP-83), Honolulu Participants of NHLI Phenotyping Project, Dick Eisinger, 395-6140.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Tabulation of Materials Furnished by Borrowers, REA 281, on occasion, Consulting Engineers of REA Telephone Borrowers, Marsha Traynham, 395-4529.

DEPARTMENT OF DEFENSE

Department of the Air Force; Program Schedule, AFSC-103, on occasion, defense contractors, Marsha Traynham, 395-4529.

DEPARTMENT OF THE TREASURY

Bureau of Customs; In Bond—Customs in Transit Baggage Card, CF-7524, on occasion, carriers, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-29566 Filed 10-31-75;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

PRIVACY PROTECTION STUDY COMMISSION

Hearing

The Privacy Protection Study Commission will hold the first day of hearings for the purpose of taking testimony at Room 305, 26 Federal Plaza, New York, New York, on November 12, 1975, between 9:30 a.m. and 5:30 p.m. with a break for lunch.

Testimony will be taken in connection with the Commission's inquiry into the question of whether an individual should have the right to have his name removed from a mailing list. Any person wishing to testify at this or subsequent hearings on this issue may contact the Commission at 2120 L Street NW., Washington, D.C. 20506 (202-634-1477).

A copy of the Commission hearing rules may also be obtained at such address.

CAROLE W. PARSONS,
Executive Director,
Privacy Protection Study Commission.

[FR Doc.75-29571 Filed 10-31-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

REPORT COORDINATING GROUP (ADVISORY)

Notice of Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory), will hold a meeting on December 3, 1975, at the New York Stock Exchange, 23rd floor, 55 Water Street, New York, New York. The meeting will commence at 10 a.m. local time and will be for the purpose of discussing the development of simplified trading forms and assessment forms.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is advising the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing the FOCUS Report of financial and operational information (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140; Securities Exchange Act Release No. 11149).

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Pilliero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 28, 1975.

[FR Doc.75-29434 Filed 10-31-75;8:45 am]

[Rel. No. 19225; 70-5749]

ALLEGHENY POWER SYSTEM, INC.

Proposed Issue and Sale of Common Stock at Competitive Bidding

OCTOBER 28, 1975.

Notice is hereby given that Allegheny Power Systems, Inc. ("APS"), 320 Park Avenue, New York, New York 10022, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7 and 12 thereof and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, summarized below, for a complete statement of the proposed transactions.

APS proposes to issue and sell on or before March 15, 1976, up to 3,500,000 shares of its authorized and unissued

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common stock, par value $2.50 per share ("additional common stock"), at competitive bidding pursuant to Rule 50 under the Act. APS is authorized to issue 40,000,000 shares of its common stock, par value $2.50, and now has 27,292,231 shares of such stock outstanding. The price per share to be paid to APS for the additional common stock will be determined by the competitive bidding.

APS proposes to use the proceeds from the sale of the additional common stock, together with other funds which may become available, to repay short-term bank loans and for other corporate purposes. It is stated that $37,000,000 of such short-term debt was outstanding on September 30, 1975, and that approximately $35,000,000 of such short-term debt is expected to be outstanding when the additional common stock is issued. The proceeds of these short-bank loans were used to acquire common stock of, and to make capital contributions to, the electric utility subsidiaries of APS, which, in turn, used the funds to finance their construction programs.

The fees and expenses to be paid by APS in connection with the proposed transactions will be supplied by amendment. It is stated that the Maryland Public Service Commission has jurisdiction over the proposed transactions and that no other State commission and no Federal commission, other than this Commission, have jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 21, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29432 Filed 10-31-75;8:45 am]

[Rel. No. 9009; 812-3868]

COLONIAL INCOME FUND, INC., ET AL.

Notice of Application

OCTOBER 28, 1975.

Notice is hereby given that Colonial Income Fund, Inc. ("Colonial Income"), The Colonial Fund, Inc. ("Colonial Fund"), Colonial Convertible & Senior Securities, Inc. ("Colonial Convertible"), Colonial Equities, Inc. ("Colonial Equities"), Colonial Growth Shares, Inc. ("Colonial Growth"), and Colonial Ventures, Inc. ("Colonial Ventures"), hereinafter collectively referred to as the "Funds" or as the "Fund Applicants" and which are open-end management investment companies registered under the Investment Company Act of 1940 ("Act"), and Colonial Management Associates, Inc. ("CMAI"), the principal underwriter for the Funds, all of which are hereinafter referred to as the "Applicants", filed an application on September 22, 1975, pursuant to section 6(c) of the Act for an order of the Commission exempting from section 22(d) of the Act transactions whereby dividends payable from the investment income of Colonial Income will be reinvested at net asset value in shares of any of the other Funds then offering shares to the public. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The investment objective of Colonial Income is to seek as high an income as is consistent with prudent risk. It is the only one of the Funds with income as its only primary objective. Subject to the granting of the exemption requested by the application, Colonial Income proposes to permit any shareholder whose investment in Colonial Income has a current public offering value of $5,000 or more to reinvest his income dividends at net asset value in shares of any of the other Funds then offering its shares to the public; each of the other Funds proposes to offer its shares for investment at net asset value by application of income dividends paid on shares of Colonial Income to any Colonial Income shareholder whose investment in Colonial Income has a current public offering value of $5,000 or more. Reinvestment of income dividends of Colonial Income in shares of more than one Fund will not be permitted.

Applicants represent that the eligibility requirement is for the purpose of reducing the likelihood of establishing small new accounts in the other Funds which could otherwise result from the exercise of the proposed option. If the application is approved, income dividends payable to eligible Colonial Income shareholders who so elect will be reinvested in shares of the designated Fund at its net asset value determined on Colonial Income's dividend payment dates. No sales charges will be received by any Fund, by CMAI, by any securities dealer, or by any sales representative on such reinvestments and there will be no service charge. The costs and expenses of the transaction will be borne by the Fund in which the dividend reinvestment is selected. The Funds or any of them may at any time determine not to permit additional investments in their shares pursuant to the option, and Colonial Income may at any time suspend or terminate the availability of the option.

Section 22(d) of the Act, prohibits a registered investment company and its principal underwriter from selling its redeemable securities "to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus."

Applicants state that the proposed reinvestment option is designed to give shareholders of Colonial Income an opportunity to invest the income from their investment in Colonial Income at net asset value in any of the other Funds and at the same time such shareholders could maintain their initial investment in the only Fund in the Colonial Group with income as its only primary objective. The other Funds have investment objectives different from that of Colonial Income.

Applicants state that a shareholder of Colonial Income who elects to reinvest income dividends pursuant to the option, would, in effect, be accomplishing in a single step that which a shareholder may currently accomplish in two steps by electing to receive income dividends in additional shares of Colonial Income at net asset value and thereafter exchanging such additional shares for shares of one of the other Funds as permitted by section 11 of the Act and pursuant to the Exchange Privilege described in each of the Funds' current prospectuses, subject to a $5.00 service charge and certain stated conditions.

The availability of this additional reinvestment option will be disclosed in the Colonial Income prospectus, which among other things, will advise a shareholder to consider the investment objectives and policies of each of the other Funds as described in their respective prospectuses before electing such option. Colonial Income will notify its shareholders at least once each year of the availability of the option. A shareholder will be permitted to cancel or change the reinvestment option at any time upon written notice to the Shareholders Services and Transfer Agent.

Section 6(c) of the Act authorizes the Commission to exempt conditionally or unconditionally any class of persons or transactions from any provisions of the Act "if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions" of the Act.

Notice is further given that any interested person may, not later than November 20, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed:

Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE R. FITZSIMMONS,
Secretary.

[FR Doc.75-29433 Filed 10-31-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1187; Amdt. No. 2]

NEW YORK

Declaration of Disaster Area

The above numbered Declaration (see 40 FR 48558) and amendment No. 1 (see 40 FR 49825) are amended by adding Tompkins and adjacent counties within the State of New York, and the time for filing applications is extended to December 15, 1975, for physical damage and July 14, 1976, for economic injury.

Dated: October 24, 1975.

H. GREGORY AUSTIN,
Acting Administrator.

[FR Doc.75-29389 Filed 10-31-75;8:45 am]

[License No. 09/09-5187]

TELACU INVESTMENT CO. INC.

Notice of Issuance of License To Operate as a Small Business Investment Company

On July 23, 1975, a notice was published in the FEDERAL REGISTER (40 FR 30889) stating that Telacu Investment Co., Inc., located at 1330 South Atlantic Boulevard, East Los Angeles, California 90722, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1975) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business August 6, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all the other pertinent information, on October 20, 1975, SBA issued License No. 09/09-5187 to Telacu Investment Company, Inc., to operate a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59011 Small Business Investment Companies)

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

OCTOBER 24, 1975.

[FR Doc.75-29430 Filed 10-31-75;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket No. 211-4]

DELAWARE AND HUDSON RAILWAY CO.

Notice of Application for a Loan

Section 211 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721) authorizes the United States Railway Association (Association) to make loans to railroads for purposes of achieving the goals of the Act. Section 211(b) requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

Regulations implementing Section 211 in part were published by the Association in the FEDERAL REGISTER on July 24, 1974 (49 CFR Part 921). Notice is hereby given that, on October 16, 1975, the Delaware and Hudson Railway Company filed an application pursuant to those regulations for a loan of $37,584,006, to be used for refinancing long-term debt, purchasing new locomotives and acquiring lines of railroad offered to the applicant in the Final System Plan issued by the Association on July 26, 1975.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket Number, the application to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20595, on or before December 3, 1975, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address, Monday through Friday (holidays excepted) between 8:30 a.m. and 5 p.m.

Dated at Washington, D.C. this 28th day of October, 1975.

JAMES A. HAGEN,
President,
United States Railway Association.

[FR Doc.75-29418 Filed 10-31-75;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL COMMITTEES

Notice of Meetings and Agenda

The regular fall meetings of committees of the Labor Research Advisory Council will be held on November 18, 19, and 20 in Room 4454, General Accounting Office Building, 441 G Street NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

TUESDAY, NOVEMBER 18

9:30 a.m.—Committee on Prices and Living Conditions:

Owner Occupied Housing in the Revised CPI.

TUESDAY, NOVEMBER 18

1:30 p.m.—Committee on Wages and Industrial Relations:

1. Review of work in progress.
2. Status report on the Employment Cost Index (ECI).
3. New research in area wage surveys.
4. Preview of the wage calendar for 1976.
5. The development of the FY 1976 industry wage survey program.

WEDNESDAY, NOVEMBER 19

2:00 p.m.—Committee on Foreign Labor and Trade:

1. Status of work on statistics under the Trade Act.
2. Import-Export Price Indexes.
3. Training Foreign Statisticians.

THURSDAY, NOVEMBER 20

9:45 a.m.—Committee on Occupational Safety and Health Statistics:

1. Report on the Bureau responsibilities for occupational safety and health statistics after 4 years.
2. Annual survey:
   a. Report on the results of the 1974 Survey of Occupational Injuries and Illnesses.
   b. Status of the 1975 Survey of Occupational Injuries and Illnesses.
3. Report on availability of labor union records for conducting a special study of occupational illnesses.
4. Research activities:
   a. Insurance Company of North America project results.
   b. Proposed projects.
5. State statistical program:
   a. Status of State statistical grants and State plans.
6. Report on Supplementary Data Systems.

THURSDAY, NOVEMBER 20

1:30 p.m.—Committee on Manpower and Employment:

1. Current employment and unemployment situation.
2. Report on study of 1974 work experience.
3. Questions relating to "test of earnings" to be asked in conjunction with November 1975 CPS.
4. Description of surveys which are planned to determine the intensity of job search by employed and unemployed persons.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 523-1247.

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Signed at Washington, D.C. this 30th day of October 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75-29574 Filed 10-31-75;8:45 am]

Manpower Administration

ADVISORY COMMITTEE ON APPRENTICESHIP

Subcommittee Recommendations on Part 5 Trainee Programs

On March 10, 1975, the Department of Labor published proposed regulations on apprenticeship, 29 CFR Part 29 at 40 FR 11340. The comment period ended on April 9, 1975. On August 6, 1975 the comment period for proposed 29 CFR Part 29 was extended indefinitely at 40 FR 33052. Final publication of these regulations was withheld at the request of the Federal Committee on Apprenticeship until that Committee had an opportunity to submit recommendations to the Secretary of Labor on the subject of Apprenticeship and Trainee Programs. Part 5 of Title 29, CFR, as amended July 21, 1975, 40 FR 30480, provides for trainee programs on Federal and federally assisted construction.

The Subcommittee on Training of the Federal Advisory Committee on Apprenticeship has made a recommendation concerning regulations on this subject. That recommendation is published for comment in this notice. It is written in the form of a proposed new part, Part 28, of Title 29 of the Code of Federal Regulations.

The proposed new part sets forth labor standards, policies and procedures relating to approval, disapproval and termination of approval by the Bureau of Apprenticeship and Training (BAT) of training programs which require BAT's approval under 29 CFR Part 5. The full Federal Advisory Committee on Apprenticeship has not taken a position on this proposal nor has the Department of Labor. Department of Labor personnel made some changes in style and format in the draft of the proposed new part approved by the Subcommittee but no changes were made in the substance of the Subcommittee's recommendation.

The Subcommittee's recommendation is being published to solicit comments from the public. Interested persons and organizations may submit written data, views and arguments to:

Associate Manpower Administrator, Bureau of Apprenticeship and Training, Room 5000, Patrick Henry Building, Washington, D.C. 20213.

All comments received on or before December 3, 1975, will be considered.

The Subcommittee on Training recommends a new Part 28 of Title 29, CFR, which would read as follows:

PART 28—LABOR STANDARDS FOR TRAINEE PROGRAMS ON FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Sec.
28.1 Purpose and scope.
28.2 Definitions.
28.3 Minimum standards for trainee programs.
28.4 Request for approval.
28.5 Eligibility and program approval procedures.
28.6 Trainee records; recognition for completion.
28.7 Recertification of previously approved or recognized programs.
28.8 Enforcement and appeals.

AUTHORITY: Sec. 1, 50 Stat. 664, as amended; 40 U.S.C. 276c; 5 U.S.C. 301; Reorganization Plan No. 14 of 1950, 64 Stat. 1267, 3 CFR 1949-53 Comp., p. 1007.

§ 28.1 Purpose and scope.

This part sets forth labor standards to safeguard the welfare of workers employed as trainees under programs approved by the Bureau of Apprenticeship and Training (BAT). These labor standards, policies and procedures cover the requirements for approval and maintenance of approval of such programs, and certification of individual trainees enrolled in such programs for employment and training on Federal and federally assisted construction projects.

§ 28.2 Definitions.

"BAT" shall mean the Bureau of Apprenticeship and Training, Manpower Administration, U.S. Department of Labor.

"Certification" shall mean written attestation by the BAT of its approval of a trainee program.

"Sponsor" shall mean an individual employer, or a group of employers presented by an association, or a group of employers joining together for the establishment and operation of a trainee program, with one or more labor unions or a responsible organization broadly representative of the minority interest in the community.

"Trainee" shall mean an individual worker who is recorded by the BAT as enrolled in an approved trainee program and who is being afforded employment and training in accordance with the terms and conditions of that program.

"Trainee program" shall mean a planned systematic sequence of on-the-job instruction under competent supervision with (1) a schedule of work experience in which training is given to impart a family of related job skills, knowledge and abilities common to a recognized construction trade, and (2) a schedule of supplementary instruction in subjects related to the trade.

§ 28.3 Minimum standards for trainee programs.

In order to meet the minimum eligibility requirements for BAT certification, a trainee program shall:

(a) Have a sponsor as defined in § 28.2 of this part. The sponsor must be able to demonstrate a capability to provide the required training and to assure a reasonable continuity of employment;

(b) State each occupation in which trainees are to be trained. Each occupation shall be one commonly recognized throughout the construction industry and not one in which employment is limited to the particular sponsor or locale;

(c) Provide for an organized sequence of job assignments and work experience in which on-the-job training will be given for successively more difficult and more complex skill requirements through which the trainees may achieve journeyman status in the trade. A job assignment shall have a recognizable training content and not be one in which the trade is learned merely by observation and incidental exposure to the work;

(d) Include instruction in safety;

(e) Provide that the trainees be paid a progressively increasing schedule of wages consistent with skill and performance levels achieved. Increments in wage rates shall be at reasonable and uniform intervals and amounts throughout the period of training. Trainee wage rates shall be expressed in a percentage of the journeyman rate and entry rates shall not be less than 50 percent of the journeyman rate. The journeyman rate for a construction trade or craft upon which trainee wages are based shall be not less than that published by the U.S. Department of Labor as the currently prevailing rate in the locale for journeyman in the particular trade or craft. In the absence of such published prevailing rates, trainee wage rates shall be based on the highest journeyman rate paid in the particular trade or craft by the sponsor or the average of the highest rate paid by all participant employers in the case of multi-employer sponsorship;

(f) State the term of training for each occupation. The term shall be that customarily required for an entering worker without previous applicable experience to achieve journeyman status in the occupation and should approximate in length the practice in other training programs with a journeyman skill level objective. In no event shall a program contain less than 2,000 hours of on-the-job training and 144 hours of related instruction;

(g) Provide that the sponsor shall arrange for and afford each trainee the opportunity to receive instruction, or pursue a course of study, in subjects related to the trade (typically identified as "theory of the trade") throughout the period of training. The trainee shall receive his or her regular rate of pay when such instruction or course of study is pursued during normal working hours and all time spent pursuing such related training shall be credited toward the trainee's term of training. Except for the payment of wages for instruction and study during normal working hours, this provision shall not require the sponsor to pay costs of tuition, enrollment, books or other associated instructional or study costs; however, no unreasonable requirements or excessive cost to be paid by trainees shall be imposed for such instruction or study;

(h) Provide for advanced standing in the term of training and wage rate entitlement for trainees entering with previous applicable work experience. Trainees shall be fairly classified by the sponsor with respect to previous work experience, applicable skills and knowledge of the "theory of the trade". The sponsor's judgment or decision on advanced standing of a trainee shall be reduced to writing and made a part of the program's records;

(i) Impose no qualification requirement for entrance into a trainee program other than minimum legal working age, physical fitness, and a speaking, reading and language comprehension sufficient to perform the work of the trade, unless an additional qualification is shown to be (1) directly related to successful job performance and (2) in accordance with the U.S. Department of Labor, Office of Federal Contract Compliance Testing and Selection Order of October 2, 1971, 41 CFR 60.3. Qualification procedures proposed to be used by the sponsor shall be fully described;

(j) State that recruitment, selection, employment, and training of all trainees shall be without discrimination by reason of race, color, religion, national origin, or sex. The program shall contain a statement of the sponsor's commitment to affirmative action and intent to exert good faith efforts to recruit and enroll women and minorities in the trainee program in such numbers as might reasonably be expected in view of the minority representation in the area in which the trainee program will operate. The sponsor shall comply with equal employment opportunity requirements of Executive Order 11246, as amended, and other applicable State and Federal laws and regulations;

(k) State, for each occupation, a numerical ratio of trainees to journeymen. Except where otherwise stated by a sponsor's collective bargaining agreement, ratios shall be applicable to the job site. Ratios shall be consistent with proper supervision and training, and with the customary practice in the industry in other training programs in the occupation with journeymen level skill objective, and shall reflect current availability of skilled workers, as well as short and long-term needs for skilled workers; and

(l) State that the sponsor shall try to provide a continuity of employment and training for enrolled trainees; insofar as the sponsor has employment available in Federal, federally assisted or private construction projects.

§ 28.4 Request for approval.

A request for BAT approval of a trainee program shall be in writing and shall be accompanied by:

(a) A written detailed plan of training showing, *inter alia*, the hours the trainee will spend in each phase of on-the-job and related instruction, the manner in which related instruction will be supplied, and the wage rates for each phase of the training program; the written plan of training shall be endorse by all parties to the plan including individual employers in a group-sponsored program, and authorized representatives of the union(s) or community organization as appropriate; and

(b) Documentary evidence that the program standards meet the minimum requirements of § 28.3 of this part.

§ 28.5 Eligibility and program approval procedures.

(a) Request for approval of trainee programs shall be addressed to the appropriate BAT Regional Office. Mailing addresses for these offices and the States for which each is responsible are as follows:

Regional Office	*States*
Room 1001, JFK Building, Government Center, Boston, Mass. 02203.	Connecticut, Maine, Massachusetts, Vermont, New Hampshire, Rhode Island.
Room 3731, 1515 Broadway & 44th Street, New York, N.Y. 10036.	New York, New Jersey, Puerto Rico, Virgin Islands.
P.O. Box 8796, Philadelphia, Pa. 19101	Delaware, Maryland, Pennsylvania, Virginia, West Virginia.
Room 700, 1371 Peachtree Street, NE., Atlanta, Ga. 30309.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Federal Building, Room #1—4th Floor, 230 South Dearborn Street, Chicago, Illinois 60604.	Illinois, Indiana, Michigan, Ohio, Wisconsin.
555 Griffin Square Building, Room 858, Griffin & Young Streets, Dallas, Texas 75202.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
Federal Office Bldg. Room 1100, 911 Walnut Street, Kansas City, Mo. 64106.	Iowa, Kansas, Missouri, Nebraska.
Federal Building, Room 16440, 1961 Stout St., Denver, Colo. 80202.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
450 Golden Gate Ave., Room 9008, P.O. Box 36017, San Francisco, Calif. 94102.	Arizona, California, Nevada, Hawaii, Guam, American Samoa, Trust Territories.
8014 Federal Office Bldg., 909 First Avenue, Seattle, Washington 98174.	Alaska, Idaho, Oregon, Washington.

(b) Approval of a trainee program shall be stated in writing to the sponsor by the BAT Regional Office. The sponsor will be informed of the address of the nearest area office of the Bureau to which the sponsor shall submit recording of trainees under the program and all subsequent trainee actions including letters of certification as to status of the program and individual trainees enrolled thereunder.

(c) Approval of a trainee program found to be in conformity with this part shall be automatically terminated 2 calendar years from the date of original approval, unless terminated earlier for cause. Approval after the first 2-year period may be renewed annually upon written request of the sponsor and upon demonstration that the program has operated in conformity with this part.

(d) Appeal of decision to deny approval. Within 30 days after the date of the sponsor's receipt of a decision to disapprove a request for approval, the sponsor may obtain review of the decision by filing a request for review with the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210.

§ 28.6 Trainee records; recognition for completion.

(a) The sponsor shall furnish BAT the following information about each trainee: Name, address, social security number, occupation in which enrolled, any credit or advanced standing granted upon entrance, and the date of entrance into the program. The sponsor shall promptly notify BAT in writing of all terminations of training, transfers between occupations, completions of training, and new enrollments of trainees.

(b) The sponsor shall be responsible for maintaining a record of the amount and type of work experience and training received by each trainee and of each trainee's progress in learning the skills of the trade. Such records shall be available to BAT upon request.

(c) In programs under multiple-employer sponsorship, trainees may be transferred from one employer to another in order to maintain continuity of employment and training. Such transfer shall not reduce the rank or wage status earned while previously employed for a participating employer.

(d) Trainees shall be given appropriate recognition for successful completion of the training program. BAT will furnish, upon a sponsor's request supported by the trainee's records, a certificate of completion for each trainee completing the program.

§ 28.7 Recertification of previously approved or recognized programs.

Prior to August 20, 1975, the effective date of the revocation of 29 CFR Part 5a and the concurrent amendment of 29 CFR Part 5 (40 CFR 30480), certain trainee programs had been approved or recognized by the Department of Labor. The amended Part 5 requires sponsors of such programs to submit their programs to BAT for recertification. Sponsors of such programs shall submit their program standards and training plans to the appropriate BAT Regional Office for recertification in accordance with amended 29 CFR 5.15.

§ 28.8 Enforcement and appeals.

(a) Review of program operations. BAT shall make such investigations as it considers necessary to determine that training is being provided and that programs are being operated in accordance with the sponsor's approved standards and plan and in accordance with the provisions of this part. Such investigations may include examination of the trainees' work and related instruction records and on-site interviews and shall

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be conducted in a reasonable manner. Where such investigations reveal nonconformance with the regulations under this part, BAT shall inform the sponsor in writing of the specific areas of nonconformance and the specific corrective actions to be taken to maintain program approval.

(b) Terminating approvals. Approval of a program may be terminated by the BAT:

(1) Upon recommendation made by a Federal contracting agency based upon its determination that the sponsor is in violation of contract provisions;

(2) Upon the determination and recommendation of a responsible compliance agency that the sponsor is discriminatory in its employment and training practices; or

(3) Upon a finding by BAT that the program is not being operated in accordance with requirement for continued approval. Such a finding may arise from routine observation of transfers of trainees from one occupational objective to another as reflected in sponsor supply lists; undue retention of trainees in entry wage level rates; receipt of complaints from trainees; and other factual indications of the sponsor's failure to meet his obligations in the operation of the program.

(c) When the reason(s) for terminating approval are of the nature described in paragraphs (b) (1) or (2) of this section, the Bureau will notify the sponsor in writing of the termination of program approval. When a cause described in paragraph (b) (3) of this section exists for terminating approval, and the sponsor has been given reasonable opportunity pursuant to paragraph (b) (3) of this section to take corrective action and has failed to do so, and has been given an opportunity for a hearing pursuant to 29 CFR 5.16, the Bureau shall notify the sponsor of its termination of approval and cite the reasons for its action.

(d) Appeal of decision to terminate approval. Within 30 days after the date of the sponsor's receipt of a decision to terminate a previously approved trainee program, the sponsor may obtain review of the decision by filing a request for review with the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210.

Signed at Washington, D.C., this 29th day of October, 1975.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.75-29508 Filed 10-31-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 1 Sub-No. 21]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Outagamie and Winnebago Counties, Wis., on or before November 13, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 21st day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN HORTONVILLE AND LARSEN IN OUTAGAMIE AND WINNEBAGO COUNTIES, WISCONSIN

The Interstate Commerce Commission hereby gives notice that by order dated October 21, 1975, it has been determined that the proposed abandonment of the Chicago and North Western Transportation Company rail line extending 10.1 miles between Hortonville and Larsen through Outagamie and Winnebago Counties, Wis., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion of traffic from this allegedly low density line to other transportation modes should not cause any substantial alterations in air quality, fuel consumption, or transportation safety since traffic volume has been declining and alternate rail lines exist within 10 miles of the affected stations. Also no land use plans of economic or industrial importance exist which would necessitate the continued operation of this line. Public interest has been expressed for purchase of the right-of-way upon abandonment for incorporation into the area's regional recreation trail program.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 28, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29506 Filed 10-31-75;8:45 am]

[AB 1 (Sub-No. 11)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Dodge and Mower Counties, Minn., on or before November 13, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 20th day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN WALTHAM AND AUSTIN, IN MOWER COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notices that by order dated October 20, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company between Waltham and Austin, Minn., a distance of 9.6 miles in Mower County, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) there has been no demand for rail service over this line since 1971, (2) no local development plans are dependent on the continued existence of the subject line, (3) the C&NW will continue to maintain rail service at Waltham and Austin, Minn., and (4) the historic, safety, pollution, and ecological aspects of the proposed action are absent or minimal. Furthermore, the city of Austin, Minn., has expressed an interest in utilizing this right-of-way for recreation purposes should the abandonment be authorized.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., on or before November 28, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29505 Filed 10-31-75;8:45 am]

GREAT PLAINS RAILWAY COMPANY ABANDONMENT BETWEEN SEWARD AND SUPERIOR, IN SEWARD, YORK, FILLMORE, THAYER AND NUCKOLLS COUNTIES, NEBRASKA

The Interstate Commerce Commission hereby gives notice that by order dated October 20, 1975, it has been determined that the proposed abandonment of the 84.7 mile line of the Great Plains Railway Company between Seward and Superior, Nebr., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that (1) the diversion of traffic from this line will create only minimal environmental impacts, (2) there are no definitive land use plans related to the line and (3) there will be no historic or major ecological impacts involved.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 28, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29504 Filed 10-31-75;8:45 am]

[EIGHTH REV. EXEMPTION NO. 89]

ALL RAILROADS

Mandatory Car Service Rules; Exemption

It appearing, That the U.S. railroads own numerous 40-ft. plain boxcars; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars of railroad ownership described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, which bear the reporting marks assigned to United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3.)

Exception No. 1, This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception No. 2, This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception No. 3, This exemption shall not apply to 40-ft. boxcars owned by the railroads named below:

Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees, Reporting Marks: BM.
Burlington Northern Inc., Reporting Marks: BN-CBQ-GN-NP-SPS.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
Chicago and North Western Transportation Company, Reporting Marks: CGW-CMO-CNO-MSTL.
Columbus and Greenville Railway Co., Inc., Reporting Marks: CAGY.
Illinois Central Gulf Railroad Company, Reporting Marks: CLG-GM&O-IC-ICG.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
Louisiana & Arkansas Railway Company, Reporting Marks: LA.
Louisville and Nashville Railroad Company, Reporting Marks: CIL-L&N-MON-NC.
Maine Central Railroad Company, Reporting Marks: MEC.
Norfolk and Western Railway Company, Reporting Marks: NW-NKP-P&WV-WAB.

Effective October 27, 1975.

Expires October 31, 1975.

Issued at Washington, D.C., October 21, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-29507 Filed 10-31-75;8:45 am]

[Notice No. 899]

ASSIGNMENT OF HEARINGS

OCTOBER 29, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-P 12560, Continental Van Lines, Inc.—Purchase—Moving Corporation of America, Inc., now assigned December 3, 1975, at San Francisco, California, is postponed indefinitely.

MC 114211 Sub 239, Warren Transport, Inc., now being assigned November 19, 1975 (3 days), at Omaha, Nebraska; in Union Pacific Plaza, 110 West 14th Street.

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MC 124813 Sub 127, Umthun Trucking Co., now being assigned December 1, 1975 at Chicago, Illinois; in a hearing room to be designated later.

MC 128543 Sub 10, Cresco Lines, Inc., now being assigned December 8, 1975 (1 day), at Chicago, Ill., in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29503 Filed 10-31-75;8:45 am]

[Notice No. 107]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 3, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 24, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75886. By order of October 10, 1975, the Commission, Division 1, acting as an Appellate Division, approved the transfer to Hill Truck Line, Inc., Centralia, Kans., of that portion of Certificate No. MC 121489 (Sub-No. 7), issued by the Commission November 20, 1972, to Nebraska Iowa Xpress, Inc., Council Bluffs, Iowa, authorizing the transportation of general commodities, with exceptions, between Falls City, Nebr., on the one hand, and, on the other, points in Kansas west of Kansas Highway 63 which are located within 50 miles of Falls City, Nebr. Earl H. Scudder, Esquire, P.O. Box 82028, Lincoln, Nebr. 68501.

No. MC–FC–76091. By order of October 28, 1975, the Motor Carrier Board approved the transfer to Kodiak Transfer, Inc., d.b.a. Kodiak Transfer Company, Kodiak, Alaska, of Certificate No. MC 126271 Sub-No. 1, issued March 3, 1966, to Kodiak Transfer Company, Kodiak, Alaska, authorizing the transportation of general commodities between specified points in Alaska. Nissel A. Rose, 526 "T" Street, Anchorage, Alaska 99501, Attorney for Applicants.

No. MC–FC–76117. By order of October 29, 1975, the Motor Carrier Board approved the transfer to Utermoehlen Trucking, Inc., Arma, Kansas, of Permits Nos. MC 113198 and MC 113198 Sub-No. 4, issued January 26, 1953, and July 9, 1974, respectively, to Henry J. Utermoehlen, d.b.a. Utermoehlen Block and Coal Company, Arma, Kansas authorizing the transportation of coal from and to specified points in Kansas and Missouri. Clyde N. Christey, 641 Harrison, Topeka, Kansas 66603, Attorney for Applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29502 Filed 10-31-75;8:45 am]

federal register

MONDAY, NOVEMBER 3, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

PART II:

DEPARTMENT OF DEFENSE

Corps of Engineers

CONTINUING AUTHORITIES PROGRAM

CLEARINGHOUSE COORDINATION

Policies and Procedures

V 40 212 NOV 3 75 XUM

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

[ER 1105–2–811]

PART 384—A–95 CLEARINGHOUSE COORDINATION

Policies and Procedures

On January 8, 1975, the Secretary of the Army, acting through the Chief of Engineers, proposed a regulation to provide general policies for coordination of Corps studies, projects, and programs, pursuant to the requirements of the Office of Management and Budget (OMB) Circular No. A–95 (FEDERAL REGISTER, Vol. 40, No. 5, pp 1620–21). Interested persons and organizations were given until February 24, 1975 to submit comments on the proposed regulation.

No written objections have been received and all comments have been carefully considered. The proposed regulation is adopted with changes to reflect comments from OMB concerning the requirements of Part I of Circular No. A–95. Changes made to satisfy those requirements are as follows:

1. Sec. 284.14(a) has been revised to recognize that the programs subject to Part I of Circular No. A–95 (Revised) are listed in Attachment D of the circular or in the Catalog of Federal Domestic Assistance, whichever bears the later date.

2. Sec. 284.14(c) incorporates most of the provisions of sec. 284.14(b) of the proposed regulation and has been revised to require a requesting entity to notify the appropriate A–95 clearinghouse of its application for assistance prior to the Corps initiating a feasibility study. The Corps will provide necessary information for such notification based on a reconnaissance conducted by Corps personnel.

3. In Sec. 284.14(e), revisions have been made to clarify that Corps field offices will coordinate draft project reports with A–95 clearinghouses, allowing 30 days for comment.

4. In Sec. 384.14(f), provisions have been added, consistent with OMB Circular No. A–95, concerning explanations which must be given to A–95 clearinghouses if their recommendations are not adopted.

5. Sec. 284.14(g) has been added to encourage coordination with A–95 clearinghouses apart from the formal Project Notification and Review System established in Part I of OMB Circular No. A–95 and implemented by this section of the regulation.

6. In Sec. 384.17, guidance on coordination of Environmental Impact Statements with A–95 clearinghouses has been revised to provide that the EIS must be accompanied by pertinent information on the alternatives and proposed plans.

With the above changes, and other editorial revisions, the regulation is hereby adopted as set forth below.

This regulation is effective December 1, 1975.

Dated: October 2, 1975.

RUSSELL J. LAMP,
Colonel, Corps of Engineers, Executive.

Sec.
384.10 Purpose.
384.11 Applicability.
384.12 References.
384.13 General.
384.14 Continuing authority studies and reports.
384.15 Other Planning Programs.
384.16 Clearinghouse Comments in Final Reports.
384.17 Clearinghouse Coordination on Environmental Impact Statements.
384.18 A–95 Liaison Officer.
384.19 Directory of A–95 Clearinghouses.
384.20 Effective Date.

AUTHORITY: Office of Management and Budget Circular A–95 (revised), dated 13 November 1973 (Part II, FR Col. 38, No. 228, November 28, 1973).

§ 384.10 Purpose.

This regulation provides guidelines for coordination of investigations and reports with clearinghouses pursuant to the requirements of the Office of Management and Budget (OMB) Circular No. A–95.

§ 384.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 384.12 References.

(a) OMB Circular No. A–95 (Revised), 13 November 1973 (FEDERAL REGISTER, Vol. 38, Number 228, 28 November 1973).
(b) DA Pamphlet No. 210–4.
(c) ER 1105–2–50, "Continuing Authorities Program" (33 CFR Part 263).
(d) ER 1105–2–507, "Preparation and Coordination of Environmental Impact Statements" (33 CFR 209.410).
(e) ER 1165–2–22, "Federal Regional Council Coordination."

§ 384.13 General.

A–95 clearinghouses are comprehensive planning agencies, and as such, will probably have done land use, transportation, water and sewer, air and water pollution, natural resources and other developmental plans and studies. Thus, they represent a prime resource for planning intelligence in a study area, and their involvement in Corps planning studies from the very beginning can serve to eliminate duplication of effort and can provide valuable leads as to local sources of data and area plans. Inasmuch as most clearinghouses are COG's (Councils of Governments), they provide a direct link to local governments in the area and can assist the reporting officer with intergovernmental contacts.

§ 384.14 Continuing Authority Studies and Reports.

(a) Attachment D of Circular No. A–95 and Appendix I to the Catalog of Federal Domestic Assistance, designate the programs under which requests for assistance are subject to the requirements of the Project Notification and Review System (Part I of A–95). The following Corps of Engineers programs are included:

(1) Beach Erosion Control Projects (Small Beach Erosion Control Projects)—Catalog No. 12.101.

(2) Flood Control Projects (Small Flood Control Projects)—Catalog No. 12.106.

(3) Navigation Projects (Small Navigation Projects)—Catalog No. 12.107.

(4) Snagging and Clearing for Flood Control—Catalog No. 12.108.

(b) Certain planning, design and construction activities can be conducted by the Corps under the above five continuing authorities, provided a State or other political subdivision is able to furnish evidence of legal authorization and financial ability for necessary local participation. Detail program guidance for these authorities is contained in ER 1105–2–50.

(c) Entities satisfying the criteria in paragraph (b) of this section may make letter requests to the appropriate Division or District Engineer regarding water resources problems and the possibility of consideration under these Corps authorities. The reporting officer shall furnish a copy of the request to the appropriate State and areawide planning and development clearinghouses, upon initiating a reconnaissance investigation.

(1) If the Division Engineer gives approval for undertaking a feasibility study, the reporting officer shall instruct the requesting entity to notify the appropriate State and areawide planning and development clearinghouses in accordance with para 2, Part I, OMB Circular A–95, and shall provide the requesting entity with appropriate information for such notification. Notification shall take place prior to the Corps initiating the feasibility study.

(2) If the undertaking of a feasibility study is disapproved by the Division Engineer, the reporting officer shall so notify the appropriate clearinghouses concurrently with the requesting entity.

(d) If the Corps or the requesting entity receive an expression of clearinghouse interest within 30 days after the notifications required in paragraph (c) of this section, appropriate coordination between the Corps, the clearinghouse and the requesting entity shall be established by the Corps during the Recon or the feasibility study. Otherwise, coordination with clearinghouses will follow the same procedures established for coordination with the States and other concerned political subdivisions.

(e) Reporting officers shall provide copies of draft Detailed Project Reports to appropriate State and areawide clearinghouses for review. A minimum of 30 days shall be allowed for comment. The provisions of this paragraph may be accomplished in conjunction with the coordination required by § 384.17 of this regulation, in those cases where an EIS has been prepared. Coordination of draft reports with A–95 clearinghouses will satisfy the requirements of paragraphs 4e and 6b, Part I, OMB Circular A–95 (Appendix A). Reporting officers shall inform such clearinghouses of changes to the proposed plan resulting from approval actions by Division Engineers or the Chief of Engineers, prior to the initiation of construction.

(f) Reporting officers shall provide notification of Corps action on a proposed plan to clearinghouses which have previously reviewed such plan, within seven days of being informed of such action, concurrently or following notification of appropriate Congressional delegations and local interests. If a clearinghouse has recommended against approval of a plan, and the Chief of Engineers approves the plan, or if a clearinghouse recommends specific and major substantive changes to a plan and the plan is approved without such changes, then the reporting officer shall furnish the clearinghouse, in writing, an explanation therefor.

(g) The requirements of the Project Notification and Review System, as provided in paras (c)–(f) of this section, do not preclude additional coordination between reporting officers and clearinghouses, as provided in § 384.15 of this regulation.

§ 384.15 Other Planning Programs.

The provisions of Parts II and IV of OMB Circular No. A–95 are applicable to Corps planning programs not included in § 384.14, but will not supersede other required and established procedures for communication and coordination between the Corps of Engineers and States, local interests and individuals. In the interest of sound, efficient planning and effective coordination, notices of study initiations, notices of public meetings, notices of report completion, reports and related documents will be furnished the appropriate clearinghouses. In addition, Division and District Engineers, or their designated representatives will be the contact with the State and areawide clearinghouses and will explore with them other general arrangements for coordination and review.

§ 384.16 Clearinghouse Comments in Final Reports.

Reports submitted to OCE under programs covered by § 384.14 and 384.15, shall include any review comments of A–95 clearinghouses together with discussion of the consideration given the comments in reaching conclusions. Any departures from State or areawide plans as identified by the clearinghouse comments should be justified in this discussion. If no comments are received from clearinghouses, it should be so noted and report processing should continue in accordance with prescribed procedures.

§ 384.17 Clearinghouse Coordination on Environmental Impact Statements (EIS).

The EIS, submitted to the Council on Environmental Quality (CEQ) pursuant to Section 102(2)(C) of the National Environmental Policy Act, must be accompanied by the views and comments of those State and local agencies authorized to develop and enforce environmental quality standards. Guidelines published by the CEQ designate the clearinghouses as an appropriate channel through which to secure the required State and local environmental agency views and comments.

(a) *Continuing Authorities Identified in § 384.14.* When required, Environmental Impact Statements, together with pertinent information on the alternatives and proposed plans, will be submitted directly to appropriate areawide clearinghouses for review and comment, as well as to the Governor or his representative. Provisions of paragraph (b) of this section are applicable for obtaining comments from State clearinghouses.

(b) *Other Planning Programs.* Letters transmitting the EIS, together with pertinent information on the alternatives and proposed plans, to the Governor or his designated representative for review and comment will request that the views and comments of the State clearinghouse be ascertained in accordance with OMB Circular No. A–95, if the State clearinghouse is not also the Governor's designated representative.

(c) *Additional Guidance.* Additional guidance on coordination of the EIS is contained in ER 1105–2–507 (33 CFR 209.410).

§ 384.18 A–95 Liaison Officer.

The Corps Regional Representatives to the Federal Regional Councils, as designated by ER 1165–2–22, will also serve as A–95 Liaison Officers to the appropriate Council. The Liaison Officers will be the central contact point with the Council on A–95 matters as they affect the Corps Civil Works mission in the Region, in accordance with the procedures set forth in ER 1165–2–22.

§ 384.19 Directory of A–95 Clearinghouses.

The directory of clearinghouses may be found in DA Pamphlet 210–4. A copy of OMB Circular A–95 (Revised) is provided as Appendix A of this regulation.

§ 384.20 Effective Date.

This regulation is effective December 1, 1975, as published in the FEDERAL REGISTER on November 3, 1975 and codified as 33 CFR 384.

[FR Doc.75–27741 Filed 10–31–75;8:45 am]

[ER 1105–2–50]

PART 263—CONTINUING AUTHORITIES PROGRAM

Policies and Procedures

On January 8, 1975, the Secretary of the Army, acting through the Chief of Engineers, proposed a regulation prescribing policies and procedures to implement seven legislative authorities under which the Secretary of the Army, acting through the Chief of Engineers, is authorized to plan, design and construct certain types of water resources improvements without specific Congressional authorization. These authorities have been established by Congress to enable the Chief of Engineers to respond on a timely basis to small scale problems involving flooding obstructions to navigation, and beach erosion.

Comments were received from several Corps of Engineers field offices, the Department of the Interior, and the Georgia Department of Natural Resources. Game and Fish Division. All comments were given careful consideration, and as a result, the following changes were made:

1. § 263.11. This section has been revised to indicate the effective date.

2. § 263.14(c). The restriction on utilization of the Program for adoption of maintenance responsibilities on a non-Federal project was clarified. The language was rewritten to read: "This program may not be used for adoption of a non-Federal project for future maintenance at Federal expense."

3. § 263.15(a), 3rd line. The words "local cooperation requirements" are changed to read "legislative funding limitations". Local cooperation requirements are determined by the established policies for each purpose served by the project formulated under the Continuing Authorities Program.

4. § 263.15(b). Subparagraph (1) has been revised and changed to subparagraphs (1)–(4) to clarify the policy on costs to be included within the established legislative cost limitation, costs considered as project first costs, costs for economic analysis, and the use of Federal funds by local interests to satisfy local cooperation requirements. Subparagraph (2) has been changed to subparagraph (5).

5. § 263.15(c)(1). The statement that "charges not to exceed $5,000 may be made against the District revolving fund" has been included; the statement is also found in § 263.17(a).

6. § 263.15(c)(2). Subparagraph has been revised to reflect the concept that only Stage 2 of the planning process is the "feasibility" study. The criterion for termination of a study "substantial public opposition" has been changed to "a lack of public support". With regard to what constitutes a "reasonable length of time for local interests to provide assurances of local cooperation," the statement "as determined by the reporting officer" has been added. OCE cannot set specific time limits since the situation is different in many States. The criteria for initiating a feasibility study have been changed as follows:

a. The requirement that there exist solutions for which "Federal participation and Corps implementation are justified" has been changed to read "Federal participation may be justified"; the Recon is not intended to result in the identification of a justified project but is only intended to provide a first look at the Federal interest in the request from non-Federal interests, except under conditions of § 263.17(b)(3).

b. The requirement that existing entities be "capable and willing to satisfy the typical local cooperation requirements for such solutions" has been changed to read "legally and financially capable of satisfying the typical local cooperation requirements for such solutions". Until a definite plan is recommended, the willingness of local interests to participate cannot be ascertained with any validity.

c. The following criterion was added to place the responsibility on the Division Engineer to not allow excessive costs for feasibility studies: "a feasibility study can be accomplished at a reasonable cost compared to the prospective benefits from solving the problems identified in the Recon."

d. A provision was added as paragraph (c)(2)(b) of this section to encourage Division

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Engineers to refer any questions on Federal interest or policy to OCE prior to authorizing a feasibility study.

7. § 263.15(c)(3). The title of Stage 3 planning has been changed from "Detailed Project Design" to "Development of Recommended Plan." The first sentence has been deleted; it was considered unnecessary. The penultimate sentence has been rewritten into paragraph (g) of this section. The last sentence has been rewritten into a new paragraph (d) of this section.

8. § 263.15(f). The provisions for obtaining views of States and regional offices of Federal agencies have been changed so as to allow Division Engineers to utilize letters obtained by reporting officers from the coordination of draft reports, if the letters are current. Criteria are provided for defining the term current.

9. § 263.15(g). The first sentence revised to include the words "recommended by reporting officers" after the word "projects" and to authorize the Director of Civil Works to approve and disapprove projects for the Chief of Engineers. A new sentence has been inserted after the first sentence, as follows: "Projects will be approved on the basis of a Detailed Project Report, except in the case of emergencies under Section 14 and 3 Authorities, for which a Recon Report (developed for the recommended work) may be utilized (§ 263.17(b)(3))." The words "approval of the DPR" have been deleted from the second sentence.

10. § 263.15(j). This new paragraph, entitled *Withdrawal of Project Approval*, was added to provide the mechanism for removing approved projects from the backlog, consistent with the intent of Section 12, Public Law 93–251.

11. § 263.16(b). A sentence was added after the first sentence, which reads: "Division Engineers are responsible for insuring, through intensive management, that studies are initiated and terminated at the appropriate time, and funded at the appropriate level, for efficient use of Program funds."

12. § 263.16(c). This new paragraph was added to require reporting officers to designate Program managers and to insure that Recons are appropriately conducted in accordance with the limited objective established by the regulation.

13. § 263.17(a). The words "Stage of the Feasibility Study" have been deleted from the title, and the words "continuation of the" have been deleted from the first sentence, consistent with § 263.13(b). The word "prior" has been inserted before the word "approval" in the penultimate sentence. A new sentence was inserted after the penultimate sentence to require justification of requests for Recon costs exceeding $5,000.

14. § 263.17(b). The word "Continuation" has been changed to "Initiation" in the title and in the first sentence. The second and third sentences have been reorganized to become subparagraphs (2) and (3), respectively A new subparagraph (1) has been added: "Once the Recon is completed, no further work may be accomplished without a work allowance and allotment from OCE." A new subparagraph (4) was added to read: "Except as provided in subparagraph (3) above, or when the Division Engineer desires OCE views, Recon reports will be transmitted to OCE for information only."

15. § 263.17(c). The words "consistent with the capability of the District to conduct the study" have been added to the second sentence.

16. § 263.17(e)(1). That portion of the last sentence after "• • • Division Engineers • • •" has been deleted, thereby delegating the authority to Division Engineers to waive the requirement for a public meeting.

17. § 263.17(e)(2). The paragraph has been revised to include consideration of non-structural solutions and a "no development" plan.

18. § 263.17(e)(4). A new paragraph has been inserted entitled *Cultural Resources Survey*, and requires that a cultural resources survey be accomplished as part of the preparation of a DPR.

19. § 263.17(e)(5) vice § 263.17(e)(4). This subpara has been revised to require the reporting officer to include with the DPR an analysis to demonstrate that non-Federal entities are legally constituted and have sufficient financial capabilities to satisfy all requirements of local cooperation. The requirements for the content of a letter of intent have been also added.

20. § 263.17(f)(3) vice § 263.17(e)(5). The para has been revised to require the District Engineer, rather than the Division Engineer, to issue a public notice regarding his recommendations when a DPR is transmitted to OCE by the Division Engineer. The following provision has been inserted: "This requirement may be accomplished by the Division Engineer, at his discretion." The following has been added to the last sentence to clarify that a notice is not required for emergency work under Section 14 or 3 Authorities: "• • • or when a Recon Report is submitted to OCE for project approval."

21. § 263.17(g). In the first sentence, the phrase "letter of assurances" has been changed to "letter of intent".

22. § 263.17(h). The following phrase has been added to the end of the first sentence "• • • or Recon reports when transmitted to OCE for project approval." In order to minimize the problems encountered in approving signed local cooperation agreements (see item 22 below), the following has been added after the words "• • • to DAEN–CWE–B for information": "• • •, and to DAEN–REA–P for review of local cooperation requirements. • • •".

23. § 263.17(k). The paragraph has been revised to clarify the processing of local cooperation agreements.

24. § 263.17(l). That portion of the first sentence preceding the semicolon has been deleted as unnecessary. The requirement stated in paragraph (1)(2) of this section has been added.

25. § 263.18. In the second sentence, following the word "encouraged", the following has been added: "for specific studies and projects". Section 3 Authority has been deleted from the middle column.

26. § 263.18(b). The words "remainder of" have been deleted from the title and the completion-time objective for Section 208, 14 and 3 Authority studies has been changed from six to nine months in response to comments from field operating agencies.

27. § 263.18(f). The total completion-time objectives have been changed from 21 months to 24 months for Section 208 and 14 Authorities.

28. § 263.19(a). The paragraph has been revised to adopt a suggestion received from the field to have the DPR (main report) follow generally the guidelines for a feasibility (survey) report, with a "Design Appendix" providing the advanced engineering and design work accomplished as part of Stage 3 planning, i.e., development of the recommended plan to the extent required to proceed to plans and specifications. The second, third and fourth sentences have been revised to reflect this concept.

29. § 263.19(c). The first sentence has been revised consistent with § 263.19(a).

30. § 263.20(a). The first sentence has been deleted as unnecessary.

31. § 263.20(d). The reference has been changed from ER 11–2–2–240 to ER 11–2–201.

32. Subpart B, § 263.21. A new paragraph (d) has been added to this section.

33. Subpart B, § 263.22. A new paragraph (c) has been added to this section.

34. Subpart C, § 263.23. New paragraphs (a) and (e) have been added to this section.

35. Subpart C, § 263.24. A new paragraph (c) has been added to this section.

36. Subpart C, § 263.25. A new subparagraph has been added to para (b) and the policy has been amended to include erosion damage; a new subparagraph has been added to para (c) to define "shoreline"; and a new paragraph (d) has been added to this section.

37. Subpart D, § 263.26(c). ER 1165–2–19 has been added as a reference.

With the above changes, and additional editorial revisions, the proposed regulation is adopted as set forth below.

Effective date. This regulation is effective December 1, 1975.

Dated: October 1, 1975.

RUSSELL J. LAMP,
Colonel,
Corps of Engineers Executive.

Subpart A—General

Sec.
263.10 Purpose.
263.11 Applicability and Effective Date.
263.12 References.
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Subpart B—Navigation Policy

263.21 Small Navigation Project Authority (Section 107).
263.22 Authority for Snagging and Clearing for Navigation (Section 3).

Subpart C—Flood Control Policy

263.23 Small Flood Control Project Authority (Section 205).
263.24 Authority for Snagging and Clearing for Flood Control (Section 208).
263.25 Authority for Emergency Streambank and Shoreline Protection of Public Works and Nonprofit Public Services (Section 14).

Subpart D—Shore Protection Policy

263.26 Small Beach Erosion Control Project Authority (Section 103).
263.27 Authority for Mitigation of Shore Damage Attributable to Navigation Works (Section 111).

AUTHORITY: See § 263.13.

Subpart A—General

§ 263.10 Purpose.

This regulation provides policies and procedures for seven legislative authorities under which the Secretary of the Army, acting through the Chief of Engineers, is authorized to plan, design and construct certain types of water resource improvements without specific Congressional authorization.

§ 263.11 Applicability and effective date.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities. This regulation is effective December 1, 1975, as published in the FEDERAL REGISTER on November 3, 1975 and codified as 33 CFR 263. The provisions of this regulation are fully applicable to studies commenced and projects initiated after the effective date. For studies underway on the effective date, reporting and approving officers shall fully consider the requirements of this regulation and shall take those actions as necessary to insure that projects are approved on the basis of criteria established by this regulation.

§ 263.12 References.

(a) ER 11–2–201, Civil Works Activities, Funding, Work Allowances and Transfers.
(b) ER 405–2–680 Local Cooperation Projects.
(c) ER 1105–2–10 Intensive Management.
(d) ER 1105–2–402 Organization and General Content of Feasibility Reports.
(e) ER 1105–2–403 Format and Appearance of Feasibility Reports
(f) ER 1105–2–502 Public Meetings (33 CFR 209.405)
(g) ER 1105–2–507 Preparation and Coordination of Environmental Statements (33 CFR 209.410)
(h) ER 1105–2–800 Public Involvement: General Policies (33 CFR 380)
(i) ER 1105–2–811 A–95 Clearinghouse Coordination (33 CFR 384)
(j) ER 1110–2–1150 Post-Authorization Studies
(k) ER 1165–2–18 Reimbursement for Advance Non-Federal Participation in Civil Works Projects

§ 263.13 Program scope.

The Continuing Authorities Program (hereafter referred to as the "Program"), consists of the following legislative authorities, which are reproduced and accompanied by policy interpretation in Subparts B, C and D.

(a) *Small Flood Control Project Authority.* Section 205, Flood Control Act of 1948, as amended (33 USC 701a).

(b) *Authority for Snagging and Clearing for Flood Control.* Section 208, Flood Control Act of 1954, as amended (33 USC 701g).

(c) *Authority for Emergency Streambank and Shoreline Protection of Public Works and Nonprofit Public Services.* Section 14, Flood Control Act of 1946, as amended (33 USC 701r).

(d) *Small Navigation Project Authority.* Section 107, River and Harbor Act of 1960, as amended (33 USC 577).

(e) *Authority for Snagging and Clearing for Navigation.* Section 3, River and Harbor Act of 1945 (33 USC 603a).

(f) *Small Beach Erosion Control Project Authority.* Section 103, River and Harbor Act of 1962, as amended (33 USC 426g).

(g) *Authority for Mitigation of Shore Damages Attributable to Navigation Projects.* Section 111, River and Harbor Act of 1968 (33 USC 426i).

§ 263.14 Program eligibility requirements.

Work funded under this Program must meet the requirements of Federal interest and Corps responsibility set forth in one of the legislative authorities referenced in § 263.13. Any project recommended must be justified under established Federal planning criteria, must be complete in itself and must not obligate the Federal government to future work except for those cases in which maintenance by the Federal government is provided by applicable provisions of general law. Eligibility is not permitted for the following:

(a) *Projects Specifically Authorized by Congress.* The Program will not be used to implement any portion of a project specifically authorized by Congress, including postauthorization changes to such projects. However, once a project has been completed to the full extent permitted by its Congressional authorization, this Program could be utilized to provide for a new, complete-in-itself improvement which will not impair or substantially change the purposes of the specifically authorized project.

(b) *Existing Non-Federal Responsibility.* This Program may not be utilized for a project that would in effect nullify or change an existing condition of non-Federal responsibility required for a project specifically authorized by Congress, whether constructed or not. Such changes would require Congressional action.

(c) *Operation and Maintenance of Non-Federal Projects.* This Program may not be used for adoption of a non-Federal project for future maintenance at Federal expense.

§ 263.15 Program policies.

(a) *Designation of Authority.* One of the referenced legislative authorities must be designated as the primary purpose of the project for allocation of Program funds and for determining legislative funding limitations. However, other authorized project purposes are not precluded to meet related needs as determined appropriate by the Chief of Engineers. The cost limitation of Corps participation for the designated authority will prevail regardless of the number of project purposes served. Normally, only one authority will be used for each study accomplished and each project recommended. Certain authorizations specify individual project allotment ceilings "from the appropriations for any one fiscal year." It is the intent of Congress that such specified amount be the maximum limit for Corps of Engineers expenditures at each location or individual project undertaken, without regard to time.

(b) *Applicability of Costs to Federal and Non-Federal Shares.* Unless otherwise specified in a legislative authority (§ 263.13), cost sharing policies applicable to Congressionally authorized projects are applicable to projects recommended under this Program. Any legislative limitation on Corps participation in project costs, however, takes precedence over the apportionment of costs resulting from established cost sharing policies.

(1) *Project First Costs.* Project first costs include all Corps of Engineers costs for investigations, design, and construction (including costs of supervision and administration) incurred subsequent to the Division Engineer's transmittal of a Detailed Project Report or Recon Report to OCE for approval. These costs are normally those related to preparation of plans and specifications and project construction.

(2) *Federal Cost Limitation.* All Corps of Engineers costs of investigations, planning, design and construction, to include those incurred prior to transmittal of the DPR or Recon Report to OCE for approval are to be included within the cost limitation established by Congress for a particular Program authority. Expenditures of other Federal agencies under their own authorities are not to be included within this cost limitation.

(3) *Costs for Economic Analysis.* Costs to be considered as a part of the economic analysis (i.e., determination of a benefit-cost ratio), are the same as those considered in feasibility reports transmitted to Congress for authorization. In this regard, all costs incurred prior to the Division Engineer's transmittal of the Detailed Project or Recon Report to OCE for approval are considered "preauthorization study costs" and are excluded from the economic analysis.

(4) *Use of Federal Funds to Satisfy Local Cooperation Requirements.* Where the law requires that lands, easements and rights-of-way be furnished by local interests "without cost to the United States", direct contributions of other Federal agencies may not be accepted by local interests to satisfy such local cooperation requirements once local interests have furnished a letter of intent (see § 263.17(e)(5)) to the reporting officer.

(5) *Non-Federal Costs.* Local interests must agree to assume responsibility for designated items of local cooperation and for all project costs in excess of the specified Corps cost limitation, or as otherwise apportioned, to insure that expenditure of Corps funds will result in a project that is integrally complete and fully effective. If the project cost exceeds the Corps cost limit, the difference is provided by local cash contributions. Local participation requirements will not be reduced, offset, or otherwise credited for local expenditures prior to the approval of a project by the Chief of Engineers. The scope of the project may be increased, including the addition of project purposes, if local interests are willing to pay the additional costs.

(c) *The Planning Process.* Planning will be conducted generally in accordance with the 1105–2–200 series of planning regulations, adapted to this Program, as discussed in paragraph (c)(1) throught (c)(3) of this section and in Appendix B.

(1) *Stage 1—Reconnaissance.* The reporting officer is delegated the authority to conduct a Reconnaissance (Recon) upon the request of a non-Federal governmental entity or official, to determine if a detailed feasibility study is warranted. Charges not to exceed $5,000 may be made against the District revolving fund. The results of the Recon will be reported to the Division Engineer in a brief letter report; the Division Engineer will require of a reporting officer

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only information considered essential for approval of proceeding with the feasibility study, as provided in paragraph (e)(2) of this section.

(2) *Stage 2—Feasibility Study (Plan Formulation).* The Division Engineer is delegated the authority to authorize the reporting officer to conduct a feasibility study, subject to availability of funds from OCE.

(i) The criteria for Division Engineer approval for initiating a feasibility study are: there is a Federal interest in the problem identified in the Recon, there exists solutions for which Federal participation may be justified under one of the Program authorities, there are existing non-Federal entities which are legally and financially capable of satisfying the typical local cooperation requirements for such solutions, and a feasibility study can be accomplished at a reasonable cost compared to the prospective benefits from solving the problems identified in the Recon.

(ii) Where a significant question arises concerning the Federal interest in a problem, the applicability of one of the Program authorities, or other policy matters, the case should be referred to DAEN–CWP or DAEN–CWO prior to authorization of a feasibility study.

(iii) The feasibility study should complete the plan formulation process, including the selection of a plan. The study should be terminated if any of the above criteria are not satisfied, if there is a lack of public support, or in the case of obtaining local assurances, that a reasonable length of time (as determined by the reporting officer) has passed without satisfactory assurances from local interests. (See also (§§ 263.17(e)(5)).

(3) *Stage 3—Development of Recommended Plan.* This stage corresponds to Phase II AE&D for projects specifically authorized by Congress. Authority to continue the planning process from plan formulation to development of a recommended plan is delegated to the reporting officer, unless otherwise provided by implementing instructions issued by the Division Engineer, in accordance with Division responsibilities for intensive management of the program (§263.16(b)).

(d) *Review of Planning Reports.* The primary responsibility for review of all aspects of Recon reports and DPR's rests with the Division Engineer. Division Engineers (with the exception of New England and Pacific Ocean) are delegated the authority to approve the plan formulation aspects of the study and the engineering design of recommended plans, in order that the reporting officer may proceed with work on plans and specifications pending formal approval of the project by the Chief of Engineers. Review of DPRs and Recon reports by OCE will be limited to conformance of recommended plans to existing policy.

(e) *Public Involvement.* General policy and guidance on public involvement is contained in ER 1105–2–800. Requirements for public meetings are discussed further in § 263.17(e)(1). There is essentially no difference in the Corps' objectives for involving and informing the public for studies and projects in this Program than for projects planned and constructed under specific Congressional authority. Since plans formulated under this Program are usually smaller in scope than those specifically authorized by Congress, planners should be able to more readily identify the affected and interested public early in the planning process and initiate a public involvement program that can be continued through plan implementation.

(f) *State and Agency Coordination.* Reporting officers should generally follow the same procedures for agency coordination as in the case of a Congressionally authorized study. Coordination with A–95 clearinghouses is discussed in ER 1105–2–811.

(1) *Section 205, 107, 103, 111 and 208 Authorities.* The views of Governors of affected States, or their designated representatives, and regional offices of appropriate Federal agencies must accompany the DPR when submitted to OCE for approval. Division Engineers shall insure that coordination letters are current and have been adequately considered in the plan formulation and review process. Letters obtained by reporting officers from the coordination of draft or final reports are to be considered current only if the dates on such letters are no more than 360 days prior to the date of submittal of the DPR to OCE, and if no significant changes have been made to the DPR which should be reviewed by the originators of such letters. Reporting officers will normally accomplish any required recoordination of reports to meet the above criteria. Division Engineers may elect, however, to obtain the views of States or Federal agencies, as deemed appropriate. The Chief of Engineers will not normally coordinate DPRs with Governors or Federal Department heads.

(2) *Section 14 and 3 Authorities.* The provisions of para (1) shall apply to the extent determined feasible by the Division Engineer. To be responsive to emergency conditions and to avoid undue delays, Division Engineers may permit coordination with States and regional offices of Federal agencies to be effected concurrently with the review of the DPR or Recon report by OCE.

(g) *Project Approval.* With the exception of projects requiring the personal attention of the Chief of Engineers, the Director of Civil Works is authorized to approve or disapprove projects under this Program, for the Chief of Engineers. Projects will be approved on the basis of a Detailed Project Report (DPR), except in the case of emergencies under Section 14 or 3 Authorities, for which a Recon report (developed for the recommended work) may be utilized, (see § 263.17(b)(3)). Prior to approving a project for construction, requirements for filing an EIS with CEQ must be satisfied, if an EIS has been prepared (ER 1105–2–507), a letter of intent for local cooperation must be obtained from non-Federal interests in accordance with § 263.17(e)(5), and views received from affected States and regional offices of Federal agencies must be considered.

(h) *Project Construction.* Division Engineers may authorize District Engineers to commence work on plans and specifications pending project approval; however, contracts for construction shall not be entered into, nor shall funds be allocated for construction, until the Chief of Engineers has approved the project. Procedures for constructing approved projects, including the preparation of plans and specifications are generally the same as employed for Congressionally authorized projects.

(i) *Hold and Save Provision.* As provided by Sec. 9, Pub. L. 93–251 (88 Stat. 16), "The requirement * * * that non-Federal interests hold and save the United States free from damages due to construction, operation, and maintenance of the project, does not include damages due to the fault or negligence of the United States or its contractors." This provision will be reflected in all "hold and save" requirements of local cooperation.

(j) *Withdrawal of Project Approval.* The Chief of Engineers may withdraw approval of a project under the Continuing Authorities Program at any time prior to the signing of a written agreement under Section 221, Public Law 91–611 (§ 263.17(k)).

(1) Reporting officers shall at least annually review approved projects on which construtcion has not been intiated and shall determine if such projects should remain on the backlog awaiting construction funds. A recommendation for withdrawal of project approval shall be based on the following criteria:

(i) Local interests are unwilling or unable to provide the necessary local cooperation,

(ii) The project is no longer considered the best solution to the problems of the area, considering economic, social, and environmental factors, or

(iii) The project is no longer justified under applicable Federal planning criteria.

(2) Findings which indicate that the project should remain in the backlog shall not be reported to OCE. Recommendations for withdrawal of project approval shall be transmitted to DAEN–CWP–E, C, or W, or DAEN–CWO, depending on the project authority.

(i) Recommendations shall be coordinated with local, State and Federal interests consistent with Corps public involvement objectives, prior to transmittal to OCE.

(ii) Recommendations shall be accompanied by a brief Project Information Sheet, as required under procedures for recommending project deauthorization under Section 12, Public Law 93–251.

(3) Reporting officers shall notify appropriate local, State and Congressional interests of any final action taken by OCE on recommendations for withdrawal of project approval.

(4) As in the case of project approval, withdrawal of approval may be accomplished by the Director of Civil Works, for the Chief of Engineers.

§ 263.16 Program management responsibilities.

(a) *Office, Chief of Engineers.* Two OCE elements will have primary responsibility for program management: DAEN–CWP (Section 205, 208, 14, 107 and 103 Authorities) and DAEN–CWO (Section 3 and 111 Authorities). These elements are responsible for the staffing of all actions required of OCE by this regulation, maintaining a list of Division and District Program coordinators (as required by paragraphs (b) and (c) of this section), and evaluating the performance of the Program.

(b) *Division Engineers.* Divisions are responsible for intensive management of the Program in accordance with ER 1105–2–10, and are delegated certain approval authorities by the Chief of Engineers, as given in § 263.15 and § 263.17 of this regulation. Division Engineers are responsible for insuring, through intensive management, that studies are initiated and terminated at the appropriate time, and funded at the appropriate level, for efficient use of Program funds. Division Engineers are to specifically designate an individual, or individuals, within the Division office, to manage and coordinate activities under the Continuing Authorities Program.

(c) *District Engineers/Operating Division Engineers.* Reporting officers are to specifically designate individuals to coordinate and manage activities under the Continuing Authorities Program. Reporting officers are responsible for insuring that the Reconnaissance investigations are conducted only to the extent required to achieve the objective established by this regulation.

§ 263.17 Planning, design and construction procedures.

This paragraph prescribes procedures to be followed from the initiation of a Recon to completion of construction of a project. Division Engineers are to establish milestones as deemed appropriate, in accordance with ER 1105–2–10. Unless otherwise stated, all correspondence with OCE relating to the procedures in this paragraph will be addressed to HQDA (DAEN–CWP–E, C or W) WASH DC 20314 or HQDA (DAEN–CWO) WASH DC 20314, depending on the study authority, as provided for in § 263.16(a).

(a) *Initiation of Reconnaissance.* As outlined in § 263.15(c) Recon stage is designed to provide the Division Engineer with sufficient justification for authorizing a feasibility study. Reporting officers are to notify the Division Engineer and either DAEN–CWP–A or DAEN–CWO by letter when commencing a Recon. Such letter or teletype should give the date the Recon began and an identifying name. Charges may be made against the District revolving fund in amounts not to exceed $5,000. Exceptions to this limitation will require prior approval from DAEN–CWP or DAEN–CWO, depending on the study authority. Requests for such exceptions shall be justified by the reporting officer. The suggested scope of a Recon is more fully discussed in Appendix B. (See also ER 1105–2–811 for A–95 clearinghouse coordination requirements.)

(b) *Approval for Initiation of Feasibility Study.* The Division Engineer is the approving authority for initiation of a feasibility study, and as such, will provide reporting offices with appropriate guidance on submission of a Recon letter report in accordance with the general policy stated in § 263.15(c).

(1) Once the Recon is completed, no further work may be accomplished without a work allowance and allotment from OCE.

(2) The recommendations from a Recon may be released by reporting officers to interested parties after action has been taken by the Division Engineer on the Recon report.

(3) In the case of emergencies under Section 14 or 3 Authorities, the Division Engineer may approve a Recon Report for immediate transmittal to OCE (in five copies) for approval and funding of recommended work. In such cases, the Chief of Engineers may approve exceptions to the requirements stated in paragraph (e)(2) through (e)(5) of this section, as deemed advisable in the public interest.

(4) Except as provided in paragraph (3) of this section, or when the Division Engineer desires OCE views, Recon reports will be transmitted to OCE for information only (in two copies).

(c) *Request for Funding of Feasibility Study.* Reporting officers will request funding of an approved feasibility study, through Division Engineers, to DAEN–CWP–E, C or W or from DAEN–CWO in accordance with § 263.16(a). Requests will include the total estimated funding requirement by fiscal year for the feasibility study (including expenditures previously incurred in the Reconstage), consistent with the capability of the District to conduct the study. Requests for reimbursement for Recon expenditures when a feasibility study has not been approved will be made in a similar manner.

(d) *Issuance of Work Allowance.* Work allowances will be issued by DAEN–CWP or DAEN–CWO, as appropriate, based on available funds. Work on a feasibility study will not proceed until such work allowance has been issued. (See also Part 384 of this Chapter for A–95 clearinghouse coordination requirements.)

(e) *Completion of Feasibility Study.* Studies will be conducted in accordance with the policies given in § 263.15 and the planning process discussed in Appendix B. Division Engineers may request guidance from OCE, or schedule a Plan Formulation Review Conference with OCE, as they deem appropriate.

(1) *Public Meetings.* Public meetings are not to be considered the only technique for informing the public of the results of feasibility studies or for soliciting input from the public. However, as a matter of policy, at least one public meeting is to be held during the feasibility study, as discussed in § 209.405 of this Chapter. In certain instances, the reporting officer may feel that the Corps' objectives on public involvement have been achieved without holding a public meeting. Omission of the minimum requirement of one public meeting is to be an exception to policy and will require prior approval from the Division Engineer.

(2) *Application of Federal Planning Criteria.* In general, all Federal planning criteria applicable to studies specifically authorized by Congress are also applicable to studies conducted under this Program. Particular attention shall be given to the consideration of nonstructural solutions, consideration of a "no development" plan, and the assessment of impacts of alternative plans. Plans are to be formulated to provide the same independent and complete-within-itself project as recommended under regular authorization procedures.

(3) *Environmental Impact Statement (EIS) Requirements.* Requirements for preparation, coordination and submittal of the EIS are contained in ER 1105–2–507. Studies conducted under Section 14 and 3 Authorities may not require an EIS, as provided in § 209.410(h) of this Chapter.

(4) *Cultural Resources Survey.* A cultural resources survey shall be accomplished for the consideration of historic and cultural resources as part of the preparation of the DPR.

(5) *Assurances of Local Cooperation.* In addition to involvement of local interests throughout the planning process, a letter of intent shall be requested for specific items of local cooperation near the completion of Stage 2 planning (§ 263.15(c)(2)). The letter of intent must be received from the non-Federal entities which will be ultimately signing a Section 221 agreement (Paragraph (k) of this section), and will be transmitted with the DPR, or Recon report in the case of emergencies under Section 14 or 3 Authorities, together with an analysis of the reporting officer to demonstrate that such non-Federal entities are legally constituted, and have sufficient financial capabilities to satisfy all requirements of local cooperation.

(i) The reporting officer shall review draft local cooperation and repayment agreements with affected non-Federal interests, advising them of currently estimated costs, anticipated timing of costs, all typical provisions of the agreement or contract, and the timing of process of entering into a final, signed agreement or contract.

(ii) The letter of intent shall include verbatim all local cooperation requirements set forth in the Detailed Project Report, or the Recon report, if utilized for project approval; shall state that a review has been made of draft agreements or contracts; shall indicate an understanding of when final project costs are to be determined by the reporting officer; and shall include the following statement:

In carrying out the specified non-Federal responsibilities for the (*identification of work or project*), (*appropriate entity*) agrees to comply with the provisions of the "Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970", Public Law 91–646,

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approved 2 January 1971; and Section 221, Public Law 91–611, approved 31 December 1970, as amended.

(iii) The letter of intent shall be signed or cosigned by the chief legal officer of the political subdivision furnishing the letter to the reporting officer. When a State or a department thereof is to be the sponsor, the Attorney General of that State is the approving authority.

(f) *Submittal of Termination Letters or DPR to OCE.* (1) If a feasibility study is terminated prior to the completion of a DPR, the Division Engineer will notify by letter DAEN–CWP–E, C or W or DAEN–CWO–M, depending on the study authority; such notification is to include reasons for termination, an accounting of expenditure of study funds, and the amount of funds to be returned to OCE. Release of unobligated funds will be effected as soon as possible. Revocation of funds by OCE officially terminates the study. The reporting officer shall notify Congressional delegations and local interests when the study has been officially terminated.

(2) If the feasibility study results in a DPR, ten (10) copies of the report, and related documentation required by § 263.15(e), will be transmitted with recommendations of the Division Engineer to DAEN–CWP or DAEN–CWO, depending on the study authority (reference § 263.16(a)). Exceptions to the requirements of paragraph (e) of this section should be noted in the letter of transmittal. In the review of a DPR, Division Engineers may refer any major disagreements with reporting officers on planning matters to DAEN–CWP–E, C or W, or on technical engineering matters to DAEN–CWE–B, for resolution prior to release of public notice and submittal of the final report to OCE.

(3) Upon submittal of a Detailed Project Report to OCE, the District Engineer shall release a public notice informing the public of the proposed action. This requirement may be accomplished by the Division Engineer, at his discretion. The notice need not invite comments but will include the address of the District and Division Engineer in the event that interested parties desire to request further information or comment on the recommendations. Public notices are not required when a feasibility study is terminated without submittal of a DPR (paragraph (f)(1) of this section), or when a Recon report is submitted to OCE for project approval (paragraph (b)(3) of this section).

(g) *Work on Plans and Specifications.* Division Engineers are delegated the authority to allow District Engineers to commence work on plans and specifications pending approval of a project by the Chief of Engineers, provided a satisfactory letter of intent (§ 263.17(e)(5)) has been received from local interests. Such work may be stopped, however, if review of the DPR by OCE reveals a policy problem affecting the project or the report recommendations. Work on plans and specifications should utilize all remaining funds from allocations for the feasibility study. Additional funds may be requested by separate letter, or included with the Division Engineer's favorable indorsement of a DPR.

(h) *OCE Review and Approval of DPR or Recon Report.* As indicated in para 7a, designated OCE elements are responsible for review, staffing and coordination of the DPR, or Recon report when transmitted to OCE for approval. Maximum reliance will be placed on the review conducted by the Division Engineer. Comments will be solicited from DAEN–CWP, DAEN–CWR, and DAEN–GCC, only as required for approval of the recommended project. In all cases, a copy of the DPR will be forwarded to DAEN–CWE–B for information, and to DAEN–REA–P for review of local cooperation requirements, upon receipt from the Division Engineer. Review of DPR's by the BERH staff may be requested at the discretion of DAEN–CWP. In such instances, the Resident Member, BERH, will be requested to submit comments on the DPR to DAEN–CWP. Project approval normally will be accomplished by the Director of Civil Works, for the Chief of Engineers, in accordance with § 263.15(g).

(i) *Notification of Interested Parties of Action by the Chief of Engineers.* Reporting officers are responsible for notification of all interested parties, including Congressional Delegations, States and local interests, of action taken by the Chief of Engineers on DPR's. Division Engineers may prescribe procedures for such notification as deemed necessary.

(j) *Request for Construction Funds.* Following receipt of DPR approval from OCE, reporting officers may submit a request for construction funds to DAEN–CWP or DAEN–CWO, depending on the Program authority, including an updated schedule of funding requirements by fiscal year based on an estimated date by which plans and specifications for the first construction contract will be completed. (See also § 263.20(a) concerning inclusion of these requests in budget submissions.)

(k) *Approval of Local Cooperation Agreement.* Prior to issuance of a work allowance by OCE for construction funds, a signed written agreement for local cooperation must be obtained and approved by the Secretary of the Army, or his designated representative, in accordance with ER 405–2–680. The signed agreement shall be transmitted to DAEN–REA–P together with a copy of the DPR or Recon report which approved the project or work.

(1) As required by ER 405–2–680, requirements of local cooperation are to be stated in the agreement verbatim from the approved project document. Any deviation shall be submitted to DAEN–CWP for approval by the Director of Civil Works, for the Chief of Engineers, prior to the reporting officer obtaining signatures on the agreement.

(2) After OCE approval of the agreement, a work allowance will be issued by DAEN–CWP or DAEN–CWO depending on the Program authority, based on availability of funds.

(l) *Completion of Project Construction (RCS DAEN–CWB–16).* Policies and procedures for projects constructed under specific Congressional authority, with the exception of budgetary submissions and funding matters, are applicable to projects constructed under this Program. At the completion of project construction, reporting officers shall:

(1) Notify DAEN–CWO or DAEN–CWP–A by letter, including a brief description of the completed project, the estimated requirements for operation and maintenance (Federal and non-Federal), the final Federal and non-Federal project costs, and the date on which the project was considered operational.

(2) Notify local interests that project construction has been completed and inform them of their operation and maintenance responsibilities and the operational characteristics of the project.

§ 263.18 Program completion-time objectives.

To provide a Program responsive to local needs, the following target (maximum) completion time objectives are established and should be used to the extent feasible, in scheduling work and programming funds. Shortening of these objectives is encouraged for specific studies and projects when appropriate. However, high standards of planning, design and construction are not to be sacrificed. Attainment of completion-time objectives through intensive management is to be a major concern for those elements and individuals given Program management responsibilities in § 263.16 of this regulation.

Program authorities, Completion times in months

	205, 107, 108, and 111	208 and 14	Emergency 14 and 3 [1]
(a) Completion of recon and submission of funding request or negative report to OCE	2	1	2
(b) Completion of feasibility study by reporting officer and preparation of DPR	16	9	(2)
(c) Review of DPR or recon report by division engineer, (including provisions of Sec. 263.15(f))	2	1	.5
(d) Review of DPR or recon report by OCE	2	1	.5
(e) Completion of project construction (including plans and specifications), after project approval	18	12	3
(f) Total completion-time objective	40	24	6

[1] The decision to utilize a recon report or DPR for recommending a project under sec. 14 authority is delegated to the division engineer (Sec. 263.17(b)(3)).
[2] Not applicable.

§ 263.19 Detailed project reports.

(a) The Detailed Project Report serves a dual purpose: the report serves both as basis for approval of a project for construction by the Chief of Engineers and it serves as a basis for preparation of plans and specifications. (See exception for emergencies, § 263.17(b)(3)). The main report should reflect the plan formulation, generally in accordance with ER 1105–2–402 and ER 1105–2–403. A Design Appendix will be provided as appropriate, for more detailed information on the development of the plan, or elements of the selected plan, recommended for implementation as a Federal project by the Corps of Engineers. The Design Appendix of the report will generally meet the requirements of ER 1110–2–1150, as it pertains to Phase II AE&D studies for projects specifically authorized by Congress, except that it need not duplicate material on plan formulation covered in the main report. Other appendixes should be included as required.

(b) It is anticipated that DPR's submitted for projects under Section 208 Authority will be less extensive than reports submitted under Section 205, 107, 103 and 111 Authorities, and that DPR's submitted for projects under Section 14 Authority will be further abbreviated due to simplicity of the project. The important point is that the planning process should be generally considered the same for studies conducted under all Program authorities; the plan formulation portion of the DPR should reflect this process and the rationale for arriving at the selected plan and recommendations for Federal participation.

(c) The level of detail and extent of engineering work reflected in the design Appendix must be sufficient to proceed directly to plans and specifications. In the event that the need arrises for feature design memoranda on selected aspects of the project, such requirements should be identified in the letter of transmittal accompanying the DPR when submitted to OCE.

§ 263.20 Program funding.

(a) *Program Budget.* Initial consideration of estimated project construction requirements (including funds for plans and specifications), should be given in the first Program budget submission following completion of Stage 2 planning (§ 263.15(c)(2)). OCE elements designated in § 263.16(a) are responsible for issuing Program budget guidance to field operating agencies, formulating appropriate program budgets from field submissions, and submitting such budgets to DAEN–CWB.

(b) *Use of Program Funds.* Funds appropriated by Congress under the legislative authorities of this Program will be utilized by the Corps of Engineers in conducting studies approved by Division Engineers, and in constructing projects approved by the Chief of Engineers. This does not preclude the use of private architect-engineer firms or other consultant services in Program implementation. No grants of Program funds will be made to local interests for conducting studies or constructing projects, nor shall contributions be made for features or benefits of projects constructed by another agency or by local interests. Reimbursement to local interests for work undertaken by them on an approved project normally will not be authorized; however, if the situation warrants consideration of such a provision, the procedures contained in ER 1165–2–18 may be followed to request OCE approval in advance of such action by local interests.

(c) *Requests for Funds.* Procedures for requesting Program funds are contained in § 263.17. Generally, requests will be made in four instances: after approval by Division Engineer to proceed with a feasibility study, after submission of a DPR to OCE and approval of the Division Engineer to proceed with plans and specifications, after OCE approval of a DPR for proceeding with project construction, and in other cases as required to revise the preceding requests. In the case of requesting funds for plans and specifications and project construction, deviations from amounts estimated in previous budget submissions, or contained in current approved Program budgets, will be briefly explained.

(d) *Retention, Revocation and Transfer of Funds.* Unobligated funds will be reported to DAEN–CWP–A or DAEN–CWO, depending on the study authority under which the funds were allotted, as soon as final costs for studies or construction are determined. When work on a study, plans and specifications, or project construction must be suspended for an unknown period of time, or suspended for an extended period, the above OCE elements are to be notified immediately by letter with the Division Engineer's recommendation regarding retention or revocation of unobligated funds held in that particular account. The authority for transfers and reporting requirements are contained in ER 11–2–201.

Subpart B—Navigation Policy

§ 263.21 Small navigation project authority.

(a) *Legislative Authority.* Section 107 of the River and Harbor Act of 1960, as amended by Section 310 of the River and Harbor Act of 1965 and by Section 112 of the River and Harbor Act of 1970, states as follows:

(a) The Secretary of the Army is authorized to allot from any appropriations hereafter made for rivers and harbors not to exceed $25,000,000 for any one fiscal year for the construction of small river and harbor improvement projects not specifically authorized by Congress which will result in substantial benefits to navigation and which can be operated consistently with appropriate and economic use of the waters of the Nation for other purposes, when in the opinion of the Chief of Engineers such work is advisable, if benefits are in excess of the costs.

(b) Not more than $1,000,000 shall be allotted for the construction of a project under this section at any single locality and the amount allotted shall be sufficient to complete the Federal participation in the project under this section.

(c) Local interests shall provide without cost to the United States all necessary lands, easements and rights-of-way for all projects to be constructed under the authority of this section. In addition, local interests may be required to hold and save the United States free from damages that may result from the construction and maintenance of the project, and may be required to provide such additional local cooperation as the Chief of Engineers deems appropriate. A State, county, municipality or other responsible local entity shall give assurance satisfactory to the Chief of Engineers that such conditions of cooperation as are required will be accomplished.

(d) Non-Federal interests may be required to share in the cost of the project to the extent that the Chief of Engineers deems that such cost should not be borne by the Federal Government in view of the recreational or otherwise special or local nature of the project benefits.

(e) Each project for which money is allotted under this section shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation other than routine maintenance, and except as may result from the normal procedure apply to projects authorized after submission of survey reports and projects constructed under the authority of this section shall be considered as authorized projects.

(f) This section shall apply to, but not be limited to, the provision of low water access navigation channels from the existing channel of the Mississippi River to harbor areas heretofore or now established and located along the Mississippi River.

(b) *Operation and Maintenance Responsibility.* Projects for navigation constructed under the authority of Section 107 will be considered the same as authorized projects and are operated and maintained by the Corps of Engineers at Federal cost under the same procedures and policies as applied to projects specifically authorized by Congress. (Reference Section 6, Public Law 93–251).

(c) *Aids to Navigation.* Planning and design of channel and other navigation improvements should give full consideration to the feasibility and costs of establishment by the Coast Guard of suitable aids to navigation. The costs for navigation aids to be provided by the Corps of Engineers, Coast Guard, State, and local interests, and similar project-associated costs, will be included in the economic analysis. Project associated expenditures by the Corps of Engineers for aids to navigation are included within the cost limitation under the Section 107 authority, but expenditures by the U.S. Coast Guard are not. The report appendix should reproduce the letter from the Coast Guard stating the estimated number, type and cost of navigation aids and their maintenance cost.

(d) *Local Cooperation.* Local cooperation requirements for projects under the Sec 107 authority are those normally recommended for similar work authorized by Congress.

§ 263.22 Authority for snagging and clearing for navigation.

(a) *Legislative Authority.* Section 3 of the River and Harbor Act approved 2 March 1945, states:

The Secretary of the Army is hereby authorized to allot not to exceed $300,000 from any appropriations made prior to or after March 2, 1945, for any one fiscal year for

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improvement of rivers and harbors, for removing accumulated snags and other debris, and for protection, clearing and straightening channels in navigable harbors and navigable streams and tributaries thereof, when in the opinion of the Chief of Engineers such work is advisable in the interest of navigation or flood control.

(b) *Policy.* (1) *Eligible Work.* It is the policy of the Chief of Engineers to utilize this authority primarily for emergency work to benefit navigation. Work pursuant to this authority is undertaken as an emergency measure to clear or remove unreasonable obstructions to navigation in navigable portions of rivers, harbors and other waterways of the United States, or tributaries thereof, in order to provide existing traffic with immediate and significant benefit. When recurring maintenance work will be required to secure enduring benefits from the initial work, local interests should be informed that they will have to bear the costs of such recurring maintenance until such time as maintenance at that location may become part of a project specifically authorized by Congress and subsequently funded.

(2) *Ineligible Work.* In addition to the ineligible work listed in para 5 of the basic regulation, the following work is also ineligible under this authority:

(i) *Normal Shoaling Process.* When the condition for which the remedial work is requested resulted from the normal shoaling process associated with that particular reach of waterway and not from a sudden occurrence.

(ii) *Work Within the Limits of Authorized Projects.* This restriction applies where authorized new work remains to be accomplished unless an emergency results from aggravated conditions arising subsequent to the authorization of the project. In that event, corrective measures will be limited to restoration of conditions existing at the time of such authorization.

(iii) *General Widening or Deeping.* No general widening or deepening will be accomplished to meet the desires of navigation interests to use larger vessels.

(c) *Local Cooperation.* Local cooperation requirements for projects under the Section 3 authority are those normally recommended for similar work authorized by Congress.

Subpart C—Flood Control Policy

§ 263.23 Small flood control project authority.

(a) *Legislative Authority.* Section 205 of the Flood Control Act approved 30 June 1948, as amended by Section 205 of the Flood Control Act approved 23 October 1962, and as further amended by Section 61 of the Water Resources Development Act approved 7 March 1974, states:

The Secretary of the Army is authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed $30,000,000 for any one fiscal year, for the construction of small projects for flood control and related purposes not specifically authorized by Congress, which come within the provisions of Section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable. The amount allotted for a project shall be sufficient to complete Federal participation in the project. Not more than $1,000,000 shall be allotted under this section for a project at any single locality, except that not more than $2,000,000 shall be allotted under this section for a project at a single locality if such project protects an area which has been declared to be a major disaster area pursuant to the Disaster Relief Act of 1966 or the Disaster Relief Act of 1970 in the five-year period immediately preceding the date the Chief of Engineers deems such work advisable. The provisions of local cooperation specified in Section 3 of the Flood Control Act of June 22, 1936, as amended, shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports.

(b) *Non-Federal Responsibilities for Dam and Reservoir Project.* All new projects under this authority, including dams and reservoirs, are considered local protection projects. Non-Federal responsibilities for such dams and reservoirs will thus include the usual lands, easements, right-of-way, and other requirements of local protection projects. Similarly, non-Federal interests must operate the flood control features of any dam or reservoir in accordance with regulations prescribed under the authority contained in Section 7 of the Flood Control Act of December 1944.

(c) *Major Disaster Area.* Determination of a "major disaster area" can be made only by the President, pursuant to the Disaster Relief Acts cited above.

(d) *Local Cooperation.* As stated in para 1a of this part, the provisions of Section 3, Flood Control Act of 1936, as amended (33 USC 701c), are applicable. Other requirements shall be recommended by reporting officers to insure the long-term viability of the plan and the attainment of benefits from the plan. Consideration of land enhancement shall be in accordance with EM 1120–2–109.

(e) *Limitation on Erosion Protection.* This authority shall not be used for protecting against bank erosion. However, bank stabilization may be included as an integral part of a plan for preventing flood damage.

§ 263.24 Authority for snagging and clearing for flood control.

(a) *Legislative Authority.* Section 208 of the Flood Control Act approved 3 September 1954 and as further amended by Section 26 of the Water Resources Development Act approved 7 March 1974, states:

The Secretary of the Army is authorized to allot not to exceed $5,000,000 from any appropriations heretofore or hereafter made for any one fiscal year for flood control, for removing accumulated snags and other debris, and clearing and straightening of the channels in navigable streams and tributaries thereof, when in the opinion of the Chief of Engineers such work is advisable in the interest of flood control: *Provided*, That not more than $250,000 shall be expended for this purpose for any single tributary from the appropriations for any one fiscal year.

(b) *Policy.* Work under this authority is limited to clearing and snagging or channel excavation and improvement with limited embankment construction by use of materials from the channel excavation. If investigation indicates that placement of revetment is needed to provide a complete and fully effective project, the local interests should provide for the item of construction either by work or by cash contribution.

(c) *Local Cooperation.* The provisions of § 263.23(d) of this part are applicable.

§ 264.25 Authority for emergency streambank and shoreline protection of public works and nonprofit public services.

(a) *Legislative Authority.* Section 14 of the Flood Control Act approved 24 July 1946, as amended by Section 27 of the Water Resources Development Act arppoved 7 March 1974, states:

The Secretary of the Army is authorized to allot from any appropriations heretofore or hereinafter made for flood control, not to exceed $10,000,000 per year, for the construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: *Provided*, That not more than $250,000 shall be alloted for this purpose at any single locality from the appropriations for any one fiscal year.

(b) *Policy.* Work under the Section 14 authority shall serve to prevent flood or erosion damages to endangered highways, highway bridge approaches, public works, and nonprofit public facilities by the construction or repair of emergency streambank and shoreline protection works. Eligible highways consist of major highway systems of national importance, and principal highways, streets, and roads of importance to the local community, such as arterial streets, important access routes to other communities and adjacent settlements, and roads designated as primary farm–to–market roads.

(1) Work under this authority is not limited in engineering scope but the design must be an integrally complete within itself project that does not require additional work for effective and succesful operation. The cost limitation on Federal participation may require that local interests supplement the Federal funds, so that combined Federal and local efforts will produce a complete, useful improvement.

(2) Reporting officers must be satisfied that the protection of eligible public works and non-profit public services are justified on the basis of the National Economic Development and Environmental Quality objectives.

(c) *Legislative Interpretations.* (1) "Public Works" are considered to be those important and essential public facilities which serve the general public and are owned and operated by the Federal State, or local governments, such as municipal water supply systems and sewage disposal plants.

(2) "Churches, hospitals, schools" includes churches, and public and private non-profit hospitals and schools.

(3) "Non-profit public services" are considered to be facilities or structures which serve the general public and are not intended to earn a profit. Although they may be publicly used, privately owned, profit-making facilities located along streambanks or shore lines are not eligible for protection.

(4) "Shoreline" includes, but is not limited to, oceans, gulfs, and the Great Lakes.

(d) *Local Cooperation.* The provisions of § 263.23(d) of this part are applicable.

Subpart D—Shore Protection Policy

§ 263.26 Small beach erosion control project authority.

(a) *Legislative Authority.* Section 103 (a) of the River and Harbor Act of 1962, as amended by Section 310 of the River and Harbor Act of 1965 and by Section 112 of the River and Harbor Act of 1970, amends Section 3 of Public Law 826, 84th Congress to read as follows:

The Secretary of the Army is authorized to undertake construction of small shore and beach restoration and protection projects not specifically authorized by Congress, which otherwise comply with Section 1 of this Act, when he finds that such work is advisable, and he is further authorized to allot from any appropriations hereafter made for civil works, not to exceed $25,000,000 for any one fiscal year for the Federal share of the costs of construction of such projects: *Provided*, That not more than $1,000,000 shall be allotted for this purpose for any single project and the total amount allotted shall be sufficient to complete the Federal participation in the project under this section including periodic nourishment as provided for under section 1(c) of this Act: *Provided further*, That the work shall be complete in itself and shall not commit the United States to any additional improvements to insure its successful operation, except for participation in periodic beach nourishment in accordance with section 1(c) of this Act, and, as may result from the normal procedure applying to projects authorized after submission of survey reports.

(b) *Periodic Nourishment.* When it can be demonstrated as being part of the best plan to meet project objectives and a more economical remedial measure than others, provision for periodic nourishment may be recommended. The recommended Federal participation in periodic nourishment will be limited to a specific period of time. The total project costs shall include both initial construction and periodic nourishment.

(c) *Local Cooperation.* The provisions of ER 1120–2–110 and ER 1165–2–19 are applicable.

§ 263.27 Authority for mitigation of shore damage attributable to navigation works.

(a) *Legislative Authority.* Section 111 of the River and Harbor Act of 1968 (PL 90–483, approved 13 August 1968) states:

The Secretary of the Army, acting through the Chief of Engineers is authorized to investigate, study, and construct projects for the prevention or mitigation of shore damages attributable to Federal navigation works. The cost of installing, operation and maintaining shall be borne entirely by the United States. No such projects shall be constructed without specific authorization by Congress if the estimated first cost exceeds $1,000,000.

(b) *Definitions.* (1) *Federal navigation works* is defined as a project or feature thereof that has been specifically authorized by the Congress in a River and Harbor Act or authorized under the continuing authorities granted by Section 201 or the Flood Control Act of 1965, or by Section 107 of the River and Harbor Act of 1960, as amended. These shall include projects or project features built by others but which have been adopted as a Federal Navigation project.

(2) *Beach erosion control project* is defined as a project that has been specifically authorized by the Congress in a River and Habor Act or authorized under the continuing authorities granted by Section 201 of the Flood Control Act of 1965 or by Section 103 of the River and Harbor Act of 1962. This is considered to include the beach erosion control portion of combined beach erosion and hurricane protection projects.

(3) *Mitigation of shore damages* is defined as the construction of works or procedures to reduce erosion-type damages by shoreline stabilization. The degree of mitigation is the reduction of erosion or accretion to the level which would be obtained without the influence of navigation works at the time navigation works were accepted as a Federal responsibility. It is not intended that shorelines be restored to historic dimensions, but only to lessen the damages by an action that can be justified, the entire costs of which are Federal regardless of shore ownership.

(c) *General Policies.* (1) This Act authorizes the study, construction and maintenance of work for prevention or mitigation of damages to both public and privately owned shores to the extent of the damages that can be directly identified and attributed to Federal navigation work located along the coastal and Great Lakes shorelines of the United States. This authority will not be used:

(i) For construction of works for prevention or mitigation of shore damages such as those caused by river bank erosion or vessel generated wave wash.

(ii) To modify navigation projects authorized, but not constructed, that contain features for prevention or mitigation of shore damages or to change the responsibility for maintenance or to modify portions of constructed navigation projects that contain features for prevention or mitigation of shore damages.

(iii) For prevention or mitigation of shore damages caused by non-Federal navigation projects.

(iv) To construct, maintain, modify or change the cost sharing of authorized beach erosion or combined beach erosion and hurricane protection projects, or portions thereof, located adjacent to Federal navigation projects. Except, when it is determined that shore damage to a portion of an authorized beach erosion project is attributable to the navigation project, mitigation measures may be accomplished under this authority, only to the extent of damages that can be directly identified and attributed to the navigation project.

(2) Where the erosion attributable to the Federal navigation project consists of only a portion of the total erosion problem in a specific area and cannot be considered as a separable reach for effective mitigation measures then a Section 111 project cannot be considered for authorization unless,

(i) There is an authorized beach erosion control or combined beach and hurricane protection project for the area with which the Section 111 mitigation measures could be combined to become effective, or

(ii) A general study of the entire problem area is made and leads to the development of an authorized beach erosion control project, (specific authority must be obtained to conduct a general study of the entire problem area) or

(iii) Local interests indicate a willingness to have the erosion problem outside the scope of Section 111 remedied at local cost.

(d) *Cost Limitations.* Section 111 provides that the Chief of Engineers has authority to authorize projects for which the estimated first costs will not exceed $1,000,000. The first costs will be the cost of the initial preventive or mitigative measures only. The limitation on costs does not include the cost of project maintenance. The project must be planned as a complete unit and not broken into reaches or stages for cost limitation purposes.

(e) *Reports.* The Recon Report required by § 263.15(c)(1) will:

(1) Determine whether or not Federal navigation works are responsible for causing or contributing to the erosion problem.

(2) Determine the extent of the area affected by the navigation works.

(3) Determine total area experiencing significant erosion.

(4) Determine the approximate percentage of the total erosion problem in a specific area that is attributable to the navigation works.

(5) Recommend whether further study of the specific area affected by the Federal navigation works is justified and whether study of the entire area is desirable.

(f) *Evaluation of Mitigation Measures.* The objective of Section 111 is to provide mitigation measures for shore damages attributable to Federal navigation projects, when equitable and in the public interest. All practicable alternatives, structural and non-structural should be identified and considered. Work recommended for construction should provide the most practicable and economical means of mitigating existing damages or the prevention of subsequent damages. Justification of mitigation measures should be made by comparing their costs with the values represented by the damages preventable. Any intangible values should be described and given due weight along with the tangible values in this

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justification. Exercise of the authority of Section 111 to provide mitigation measures at Federal expense is not mandatory. A finding for or against its use should fully consider the pre-project conditions and the justification of incurring mitigation costs.

(g) *Criteria for a Favorable Recommendation.* A recommendation favorable to adoption and construction of work to prevent or mitigate shore damage attributable to a Federal navigation project under the authority of Section 111 of the River and Harbor Act of 1968 may be considered warranted when both of the following conditions exist:

(1) The navigation project has been determined to be the cause of the damage.

(2) Analysis based on sound engineering and economic principles clearly demonstrates the feasibility of the proposed work.

(h) *Cost Sharing.* (1) *Construction.* (i) If the work recommended in the report is confined to mitigation work only under Section 111, i.e., erosion totally attributable to the navigation works, costs will be 100 percent Federal.

(ii) If the work recommended is a combination of mitigation under Section 111 and restoration of beaches eroded due to other causes and there is no authorized beach erosion project, mitigation work under Section 111 will be 100 percent Federal and the remaining work will be 100 percent local.

(iii) If the work recommended in the report is a combination of mitigation under Section 111 and the restoration of beaches under an authorized beach erosion project or combination beach erosion-hurricane protection project, the mitigation work under Section 111 will be 100 percent Federal and the remainder in accordance with the cost sharing procedures as specified in project authorization documents.

(2) *Maintenance.* (i) If the initial work is confined to mitigation under Section 111, all maintenance costs are 100 percent Federal.

(ii) If the work is a combination of mitigation under Section 111 and restoration of beaches eroded due to other causes, and there is no authorized beach erosion project, maintenance costs will be shared in the same proportion as recommended for initial construction, i.e., the Section 111 portion will be 100 percent Federal and remaining work 100 percent local.

(iii) If the work is a combination of mitigation under Section 111 and an authorized beach erosion control project or combination beach erosion-hurricane protection project, the Federal maintenance cost for the mitigation work under Section 111 will be in the same proportion as the damage attributed to the Federal navigation work is to the total damage. For the remaining work the cost sharing procedures of the authorized beach erosion or combined beach erosion-hurricane protection project will apply.

(i) *Local Cooperation.* (1) The law as written provided that the cost of installing, operating and maintaining projects under this authority shall be borne entirely by the United States; therefore there are no requirements for local cooperation. The cost of any lands, easements or rights-of-way required for construction or subsequent maintenance will be borne entirely by the United States.

(2) Where Section 111 projects are to be accomplished in conjunction with other works (§ 263.15(a)(2)) local interests will be required to furnish assurance of local cooperation similar to those required for regularly authorized projects for their assigned portion of the work.

(3) Where Section 111 projects are to be accomplished in conjunction with authorized projects, the requirements of local cooperation specified in the authorizing document or report will apply.

APPENDIX A.—*History of program and project limitations continuing authorities program*

Section/law	Date	Public law No.	Federal cost limitation per project	Annual program limit
(1) Small Flood Control Project Authority (Sec. 205)				
Sec. 205 of 1948 FCA	June 30, 1948	80-858	$100,000	$2,000,000
Sec. 212 of 1950 FCA	May 17, 1950	81-516	150,000	3,000,000
Public law 685/84th Congress, 2d Sess	July 11, 1956	84-685	400,000	10,000,000
Sec. 205 of 1962 FCA	Oct. 23, 1962	87-874	1,000,000	25,000,000
Sec. 61 of WRDA of 1974	Mar. 7, 1974	93-251	[1] 1,000,000	20,000,000
(2) Authority for Snagging and Clearing for Flood Control (Sec. 208)				
Sec. 2 of 1937 FCA	Aug. 28, 1937	75-406	$25,000	$300,000
Sec. 13 of 1946 FCA	July 24, 1946	79-526	50,000	1,000,000
Sec. 208 of 1954 FCA	Sept. 3, 1954	83-780	100,000	2,000,000
Sec. 26 of WRDA of 1974	Mar. 7, 1974	93-251	250,000	5,000,000
(3) Authority for Emergency Streambank and Shoreline Protection of Public Works and Nonprofit Public Services (Sec. 14)				
Sec. 14 of 1946 FCA	July 24, 1946	79-526	$50,000	$1,000,000
Sec. 27 of WRDA of 1974	Mar. 7, 1974	93-251	250,000	10,000,000
(4) Small Navigation Project Authority (Sec. 107)				
Sec. 107 of 1960 R. & H. Act	July 14, 1960	86-645	$200,000	$2,000,000
Sec. 310 of 1965 R. & H. Act	Oct. 27, 1965	89-298	500,000	10,000,000
Sec. 112 of 1970 R. & H. Act	Dec. 31, 1970	91-611	1,000,000	25,000,000
(5) Authority for Snagging and Clearing for Navigation (Sec. 3)				
Sec. 3 of 1945 R. & H. Act	Mar. 2, 1945	79-14	None	$300,000
(6) Small Beach Erosion Control Project Authority (Sec. 103)				
Sec. 103 of 1962 R. & H. Act	Oct. 23, 1962	87-874	$400,000	$3,000,000
Sec. 310 of 1965 R. & H. Act	Oct. 27, 1965	89-298	500,000	10,000,000
Sec. 112 of 1970 R. & H. Act	Dec. 31, 1970	91-611	1,000,000	25,000,000
(7) Authority for Mitigation of Shore Damages Attributable to Navigation Projects (Sec. 111)				
Sec. 111 of 1968 R. & H. Act	Aug. 13, 1968	90-483	[2] $1,000,000	None

[1] Project cost may go to $2,000,000 if project is located in a major disaster area designated by the President.
[2] A project exceeding $1 million will be transmitted to Congress for specific authorization.

APPENDIX B

APPLICATION OF MULTIOBJECTIVE PLANNING FRAMEWORK TO CONTINUING AUTHORITIES PROGRAM

1. *General.* The planning process described in the ER 1105-2-200 series of regulations including the implementation of Federal planning and evaluation criteria, are generally applicable to studies conducted under the Continuing Authorities Program. However, due to the limited scope of many of the plans and projects considered under this program, modification of the *process* is appropriate. Specific modification of the requirements of the planning criteria is not appropriate since the legislative and executive authorities setting forth these criteria do not differentiate between various types of level C implementation studies. Discretion must be employed by reporting officers and reviewers of Detailed Project Reports to insure that projects recommended for implementation by the Corps have been selected on the basis of information and analyses consistent with the WRC Principles and Standards, while at the same time keeping the requirements for information and analyses consistent with the scope of the study, solutions recommended, and the Program completion-time objectives outlined in § 263.18 of this regulation.

2. *Plan Formulation Stages.*

a. *Stage 1—Reconnaissance Study (Recon).* As presented in para. 6c, a Reconnaissance will replace the Development of a Plan of Study as the primary element of Stage 1 planning. As a general rule, a Recon should be conducted by a study team consisting of an engineer, an economist, and an environmentalist. A one-to-two day field reconnaissance should be sufficient to analyze the need for a project, to develop sketch plans, discuss views and capabilities of local interests, and identify the economy of the potential project area and possible environmental issues that would need to be addressed if a feasibility study were to be conducted. Additional effort should pinpoint all data deficiencies, types of investigations required for the feasibility study, and the estimated cost of the study. The latter identification process can be developed as a Plan of Study for the feasibility study, if approved and funded. To accomplish the intended purpose of the Recon, within the time and cost objectives given in this regulation, reporting officers are not required to develop a specific project (except for emergency situations under Section 14 or 3 Authorities), but should only provide the information required to make a decision as to whether there is a Federal interest in conducting a feasibility study. Mature, seasoned judgment is a prime requisite.

b. *Stage 2—Development of Alternative Plans.* While the ER 1105-2-200 series of regulations provides for a three-stage development of plans, studies under Continuing Authorities may consolidate these two final stages, (intermediate and detailed), into a single stage, if appropriate. This consolidation does not eliminate any of the planning tasks, as discussed in para 3 below, nor does it diminish the concept of screening a full array of alternatives including nonstructural measures, with increasing levels of detail in the assessment of impacts and evaluation as planning progresses to plan selection. The primary emphasis in making the consolidation of these two stages is that the plan selection is normally made on the basis of more limited data and analyses than appropriate for studies conducted under the Level C Survey Program or the Phase I AE&D Program.

c. *Stage 3—Development of Recommended Plan.* The feasibility study under the Continuing Authorities Program will include the design of a recommended plan to the extent necessary to proceed directly from the Detailed Project Report to preparation of plans and specifications. While studies under the Level C Survey Program would complete plan formulation prior to accomplishing detailed project design, the nature of this Program necessitates a flexible design phase, wherein changes in scope of the selected plan, with accompanying changes in project impacts and evaluation, are to be expected and handled by planning personnel in order that the DPR will reflect a selected plan consistent with completed detailed design and a plan justified under the current Federal evaluation criteria for recommending Federal participation.

3. *Planning Tasks.*

a. *Problem Identification.* While planning under Continuing Authorities is to be on a multi-objective basis, the range of problems that can be addressed under a particular Program authority is more limited than normally considered in the conduct of studies specifically authorized by Congress. A good effort to focus the study on relevant problems should be made in the Recon phase of the study, while more intense efforts at data collection and definition of the problems and associated needs should be accomplished during Stage 2 planning.

b. *Formulation of Alternatives.* There are no fundamental differences in the process of formulating alternatives under these Program authorities than in Level C Survey studies, with the exception that the array of alternatives will normally be more limited based on the discussion in para 3a above. The level of detail to which the alternatives are formulated, with associated assessments of impacts and evaluation of beneficial and adverse contributions, will vary greatly depending on the study authority. In some cases, alternatives will be screened and eliminated for various reasons without full development of a tentative plan which can be assessed and evaluated. Such screening is consistent with the nature of this Program; however, good judgment and interdisciplinary participation should be emphasized in such preliminary screenings. The guidance in the ER 1105-2-200 series of regulations with regard to consideration of non-structural measures and formulation of NED and EQ plans, is fully applicable to studies conducted under this Program.

c. *Impact Assessment.* There is no difference in the requirements for the assessment of impacts for studies conducted under Continuing Authorities and those under the Level C Survey Program. As in all studies, the extent to which information is obtained to adequately assess impacts of alternative plans is a matter of discretion of the reporting officer, bearing in mind the requirements of the National Environmental Policy Act of 1969 (NEPA) and Section 122, Public Law 91-611.

d. *Evaluation.* The processes, analyses and displays for evaluation of alternative plans as prescribed in the ER 1105-2-200 series of regulations are generally applicable to studies conducted under Continuing Authorities. Again, the level of detail, and not the process itself, is to be consistent with the study authority and the needs of the decision-making process.

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MONDAY, NOVEMBER 3, 1975



PART III:

DEPARTMENT OF DEFENSE

Corps of Engineers

■

URBAN STUDIES PROGRAM

WASTEWATER COLLECTION AND TREATMENT POLICY

Policies and Procedures

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Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

[ER 1105–2–22; ER 1105–2–180]

PART 264—URBAN STUDIES PROGRAM

PART 275—WASTEWATER COLLECTION AND TREATMENT POLICY

Policies and Procedures

On 5 July 1974, the Secretary of the Army acting through the Chief of Engineers published a proposed regulations in the FEDERAL REGISTER (39 FR 24754) to provide policies and procedures for the Corps of Engineers conduct of Urban studies. A sixty day comment period was provided, during which comments were received from other Federal agencies, organizations, private business, and individuals. These comments were carefully considered and resulted in a number of changes to the proposed regulation. An analysis of comments received and changes made is provided below.

1. In addition to changes to the regulation from comments received, the regulation has been divided, and is hereby adopted, in two parts. The first part provides policies and procedures for the Urban Studies Program (33 CFR 264). The second part, originally proposed as Part Three, Appendix A, to 33 CFR 264, is being adopted separately as a regulation entitled Wastewater Collection and Treatment Policy (33 CFR 275), to provide guidance on water quality standards, goals, and deadlines to be used in developing wastewater management plans, and to provide policies for evaluation of wastewater collection and treatment facilities. Part Two, Chapter 2, Appendix A of the proposed regulation, concerning public involvement, has been deleted from the Urban Studies regulation in order that it would be incorporated into a more comprehensive regulation on public involvement for all Corps programs. The comprehensive regulation on public involvement will be published in the FEDERAL REGISTER as proposed rule-making, and will provide more detailed guidelines to implement the Corps public involvement policy (33 CFR 380, adopted 2 April 1975).

2. Several comments expressed the need to provide for involvement of local and areawide planning agencies and to insure that goals, objectives, and plans developed by local agencies be considered in the Urban Study, and not be duplicated. Revisions to the proposed regulation are reflected in §§ 264.15 and 275.13.

3. Several comments indicated that a provision be made to allow for transfer of funds to the involved State for its participation. Although State participation is desired, the Corps does not have the authority to make such a transfer of funds. However, the Corps can contract with a State for a specific item of work when a State agency is considered best qualified to undertake the work as part of a Corps study. This provision is reflected in § 264.16(k).

4. A comment stated that a plan should be developed for regional development in addition to national economic development and environmental quality. The Water Resources Council's "Principles and Standards for Planning Water and Related Land Resources" (38 FR 24778), do not permit formulating plans for regional development. However, if a planning objective for a particular study is to foster regional development, and if the plans are formulated for possible implementation by States, local governments, or Federal agencies programs not under the Principles and Standards, the Corps would attempt to accomplish that objective. If plans are formulated for possible implementation by the Corps, or other Federal agency programs under the Principles and Standards, the Corps would attempt to accomplish the regional development objective only as an additional benefit to the accomplishment of national economic development and environmental quality. (Reference § 264.12(a).)

5. A comment was made that the study cost tables required in the Plan of Study will stifle innovative thinking and are not easily adaptable to difficult areas and problems. More flexibility was desired. The standard tables provided in the regulation have been adopted as a result of coordination among the Corps, the Environmental Protection Agency (EPA) and the Office of Management and Budget (OMB). The tables have been satisfactorily used in ongoing Urban Studies. Therefore, no change has been made to the tables as presented in the proposed regulation (See Appendix D, 33 CFR 264).

6. Two new sections on "Cost Estimates" and "Engineering Economic Analysis" have been added to provide cost engineering guidance for preparation of the wastewater management portion of the urban studies reports, §§ 275.20 and 275.21. The intent is to establish procedures in accordance with the EPA cost effectiveness guidelines, since the plans prepared in the course of an urban study provide input for the local government's application to the EPA for a Step 2—Section 201 grant.

7. Comments were made concerning the need for public involvement during the development of the Plan of Study and the need to eliminate the requirement to have surveys approved by the Office of Management and Budget when the surveys are sent to ten or more parties. Extensive public involvement is encouraged as part of the development of the Plan of Study, as reflected in § 264.18 (a) (8). The Corps of Engineers does not have the authority to waive the requirement for OMB approval of surveys sent to ten or more parties, and therefore, the requirement will remain as stated, in the future regulation on Public Involvement.

8. Several comments questioned the need to attain "zero discharges, of pollutants," questioned the Corps authority to define such discharges, and questioned the effluent limits established for zero discharge. The regulation has been revised to indicate that the Corps has no authority to define "zero discharge of pollutants" and that EPA has no specific mandate to enforce the "zero discharge" goal (see § 275.16). The Corps has defined the "zero discharge" goal as a matter of administrative policy.

9. An objection was raised concerning the design of all systems to one standard, (i.e., zero discharge), without giving consideration to the social, environmental, economic, and hydraulic considerations in each area. This is not the intent of the Corps policies on developing wastewater management systems. Systems will be developed and evaluated for attaining the 1977, 1983, and 1985 goals. States and the EPA will assist in determining the level of treatment desired for a particular area. While the 1985 goal of "zero discharge" will be planned for, systems will be provided for phased implementation. It will be up to local and State governments how rapidly and to what extent the selected plans are implemented. These concepts are reflected in § 275.16.

10. Exception was taken to one of the zero discharge effluent definitions, which required certain constituents to be absent from discharges (see § 275.16). The party stated that there is no technical method which would allow the attainment of absolute zero discharge. The Corps recognizes that there are technical limits to waste treatment. However, an attempt has been made to plan for systems which come as close to the 1985 goal of zero discharge as possible.

11. A comment indicated that substantial evidence had been submitted to EPA concerning the appropriate effluent limitations for certain toxic pollutants, and that EPA's regulations do not call for zero discharge as does the proposed Corps regulation. EPA has not defined a zero discharge goal. However, EPA has defined discharge limitations for attaining the 1977 and 1983 effluent limitations of Public Law 92–500. If and when EPA defines a 1985 goal of zero discharge of critical pollutants, 33 CFR 275 will be revised to reflect EPA's guidelines.

12. Comments on the proposed regulation were received from the following parties; copies are available for inspection at the Office of the Chief of Engineers, Forrestal Building, 10th and Independence Avenue, Room 4E–086, Washington, D.C. 20314.

Federal:
- Office of Management and Budget, Washington, D.C.
- Environmental Protection Agency, Washington, D.C.
- Department of Commerce, Washington, D.C.
- Department of Housing and Urban Development, Washington, D.C.

State:
- Governor of Connecticut, Hartford, Conn.
- Dept. of Environmental Conservation, State of New York (Albany).
- Dept. of Natural and Economic Resources, State of North Carolina (Raleigh) (Rec'd from Congressman Ike Andrews, who requested State's views).
- Arrowhead Regional Dev. Com., State of Minnesota (Duluth).

Local Government:
- National League of Cities, United States Conference of Mayors (Washington Assistant).
- The Village of Oak Park, Oak Park, Ill.

Private Business:
- Manufacturing Chemists Assoc., Washington, D.C.
- John E. Kinney, Sanitary Engineering Consultant, Ann Arbor, Mich.
- Collier, Shannon, Rill & Edwards, Attorneys at Law, Washington, D.C.
- Republic Steel, Cleveland, Ohio.

Individual:
- Richard Lerner, Berkeley, Calif.

With these changes and other editorial revisions, the two proposed regulations are adopted as set forth below.

Effective date: These regulations are effective 3 November 1975.

RUSSELL J. LAMP,
Colonel, Corps of Engineers
Executive.

Part 264 is added as follows:

Sec.
- 264.10 Purpose.
- 264.11 Applicability.
- 264.12 References.
- 264.13 Definitions.
- 264.14 Objective of urban studies program.
- 264.15 Relationship of urban area comprehensive planning to urban water resources planning.
- 264.16 Program policy.
- 264.17 Urban water resource plans.
- 264.18 Planning procedures.
- 264.19 Washington level review and processing.
- 264.20 Program management responsibilities.
- 264.21 Time objectives.
- 264.22 Reports and documentation.
- 264.23 Effective date.

Appendix A

Appendix B

AUTHORITY: Sec. 1, Pub. L. 685, June 20, 1938, 52 Stat. 802 (33 USC 540); Sec. 4, Pub. L. 429, as amended, Mar. 4, 1913, 37 Stat. 826 (33 USC 542).

§ 264.10 Purpose.

This regulation provides policy and procedures for studies conducted under the Urban Studies Program.

§ 264.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 264.12 References.

(a) Public Law 92–500 (70 Stat. 498, 84 Stat. 91), Federal Water Pollution Control Act Amendments of 1972, 18 October 1972.

(b) ER 18–2–2, Intensive Management Program Monitor System.

(c) ER 1105–2–10, Intensive Management.

(d) ER 1105–2–105, Guidelines for Assessment of Economic, Social, and Environmental Effects of Civil Works Projects (33 CFR 209.400).

(e) ER 1105–2–402, Organization and General Content of Feasibility Reports.

(f) ER 1105–2–403, Format and Appearance of Feasibility Reports.

(g) ER 1105–2–502, Public Meetings (33 CFR 209.405).

(h) ER 1105–2–507, Preparation and Coordination of Environmental Statements (33 CFR 209.410).

(i) ER 1105–2–180, Wastewater Collection and Treatment Policy. (33 CFR 275).

(j) ER 1105–2–800, Public Involvement: General Policies (33 CFR 380).

(k) ER 1105–2–811, A–95 Clearinghouse Coordination (33 CFR 384).

(l) ER 1120–2–112, Coordination of Investigations and Reports with Clearinghouses.

(m) ER 1165–2–21, Flood Control Works and Storm Sewer Systems in Urban Areas.

§ 264.13 Definitions.

As used in this regulation, the following definitions apply.

(a) "Public." Any affected or interested non-Corps of Engineers entity. This includes other Federal, regional, State and local governments entities and officials; public and private organizations; and individuals. (ER 1105–2–800)

(b) "Institution." Any organization or process that is highly structured, systematized, and stable. If may be a type of group, e.g., a metropolitan sanitary district or a council of governments, or it may be a formalized practice, e.g., a water rights law or a water usage ordinance.

§ 264.14 Objective of Urban Studies Program.

(a) The Urban Studies Program is a joint planning effort between the Corps of Engineers, other Federal agencies, State and local governmental entities. The objective of the Urban Studies Program is to develop, in conjunction with the public, plans which not only offer a realistic prospect for solving specific urban water resource problems, but, equally important, also have the potential to serve as a catalyst for solving other related urban problems. In satisfying this objective, urban water resources planning must be consistent with the national objectives. The national objectives are—

(1) To enhance national economic development (NED).

(2) To enhance the quality of the environment (EQ).

(b) In order to achieve the above objectives, urban water resource plans should:

(1) Address the specified water resource problems, issues, and concerns of the regional publics by responding to expressed desires and preferences.

(2) Be flexible to accommodate changing economic, social, and environmental patterns and new technologies.

(3) Be integrated with other urban development and management programs.

(4) Be fully coordinated with affected agencies at all levels.

(5) Be developed through an orderly, structured, and open planning process.

(6) Be implementable with respect to financial and institutional capabilities and public acceptance.

(7) Be acceptable to affected States, local government entities, and appropriate Federal agencies.

(c) The guidelines and regulations to be followed for areawide waste treatment management and facilities planning are the responsibility of the Environmental Protection Agency (EPA). Therefore, close cooperation with EPA field personnel is necessary for proper interpretation of EPA regulations and guidelines in order to produce information which States and local governmental entities can use in construction grant applications.

§ 264.15 Relationship of urban area comprehensive planning to urban water resource planning.

(a) Comprehensive urban area planning generally is carried out by local or regional planning commissions. Urban area comprehensive planning focuses on a number of issues such as housing, transportation, health and social services, land use planning, solid waste management, and water resources management.

(b) The Urban Studies Program will primarily address one of the issues in paragraph (a) of this section—water resources management. In addressing the water resource management components of comprehensive planning, goals and objectives, growth forecasts, proposed uses of the land, and other data prepared by governmental planning organizations shall be taken into consideration. In addressing the urban water resources problems, the plans developed may affect other urban problems. For example, a plan restricting construction in a flood plain to reduce urban flood damages may make land available for additional recreation areas, as well as control urban sprawl. Controlling urban sprawl could then affect urban area housing development.

(c) Within the scope of water resources management, the Urban Studies Program addresses the following functional water resource components:

(1) Urban flood control.
(2) Flood plain management.
(3) Municipal and industrial water supply.
(4) Wastewater management.
(5) Bank and channel stabilization.
(6) Lake, estuarine, and ocean restoration and protection.
(7) Recreation management at Corps civil works projects.
(8) Regional harbors and waterways.
(9) Additional components may be added with the approval of DAEN-CWP. Such approval should be obtained in the Plan of Study.

(d) Within any specific urban area, all, or only some, of these functional components may be applicable. Existing local plans for a functional component may be adequate for the planning time-frame considered in a study. Where this occurs, these local plans will be incorporated into the urban water resource planning process.

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§ 264.16 Program Policy.

(a) Comprehensive urban area planning is to remain a local responsibility. The Corps of Engineers may augment local planning efforts by developing alternative urban water resource plans. One of these alternative plans may be selected by responsible officials as a component of a comprehensive urban area plan. Particular emphasis is to be placed on coordination of water resources planning with the policies of state, areawide and local planning agencies.

(b) Urban water resource planning conducted by the Corps of Engineers must not duplicate other Federal, Federally-assisted, Federal-State, State or regional programs.

(c) Wastewater management components of alternative urban water resource plans must be compatible with the intent of Pub. L. 92–500.

(d) On 22 November 1974, the Secretary of the Army and the Administrator of the Environmental Protection Agency signed an interagency agreement defining the relationship between areawide waste treatment in the Urban Studies Program and planning authorized under Title II of Pub. L. 92–500. That agreement (Appendix A) discusses objectives, coordinating provisions and funding policies and are to be adhered to in all urban studies.

(e) The planning process for conducting urban studies shall be generally consistent with the general framework presented in reference § 264.12(a). A discussion of this framework as it relates to urban studies is given in Appendix B. Planning procedures which have been identified for intensive management of the Program (in accordance with ER 18–2–2 and ER 1105–2–10) are discussed in § 264.18.

(f) Throughout the conduct of an urban study, there must be full and continuous coordination with the public. The public must not only be educated and informed about what is occurring, but must also be included and actively involved in the planning process (ER 1105–2–800). Other regulations in the 1105–2–800 Series will provide additional guidance on developing and conducting a public involvement program. The public meetings discussed in § 264.18 of this regulation should be only one component of a comprehensive public involvement program.

(g) A program of institutional analysis is essential. This analysis must be initiated early in the study. Such analysis will set forth the ways and means for implementing any urban water resource plan which is selected. Appendix C provides the framework and guidance for this analysis.

(h) Where specific water resource elements, such as commercial navigation, are included in an urban water resource plan, the plan development of that specific element should be in accordance with applicable Engineer Regulations for that element. Where wastewater management is the element, the plan development of that element will be in accordance with applicable portions of Environmental Protection Agency regulations and ER 1105–2–180.

(i) Although urban drainage is a functional water resource category which could be studied by itself, Corps of Engineers studies of urban drainage within the Urban Studies Program are limited to considering urban drainage as a part of the flood control work item or as a part of the wastewater management work item. Further discussion of this item is included in ER 1105–2–180 and ER 1165–2–21.

(j) Where areawide wastewater management planning is being conducted by local planning agencies under Title II of Pub. L. 92–500, a joint study effort must be developed for a study to be defined as an Urban Study. That joint effort will provide the flow of information between both efforts to insure that decisions are based on full knowledge of the impacts of these decisions on other purposes. In those areas where such a joint effort is not possible, the Corps will determine the need for a Corps study under one of the other Corps planning programs. If no need exists, the study will be terminated.

(k) District may elect to use consultants to augment in-house expertise, to provide expertise unavailable with the Corps, or to gain added familiarity with the study area. Reporting officers shall insure that sufficient in-house expertise exists, or is developed, to effectively manage and review consultant effort.

(l) Potential consultants include:

(i) Separate field operating agencies such as the Cold Regions Research and Engineering Laboratory (CRREL), the Construction Engineering Research Laboratory (CERL), the Waterways Experiment Station (WES), the Hydrologic Engineering Center (HEC), and Institute for Water Resources (IWR).

(ii) Other Federal regional and local agencies.

(iii) Private architectural-engineering firms.

(iv) Universities, non-profit organizations, and citizens having requisite special skills.

(2) The preparation of the Plan of Study is an orientation period for the study team. Because the POS provides guidance for the entire study and involves mandatory coordination, the study team will write the POS. However, this does not preclude the use of consultants to provide background data and information necessary for the Corps to write a POS.

(3) The Corps must reserve for itself the responsibility for comparing and evaluating alternative resource management elements to assure that wastewater management planning is integrated with other Civil Works missions.

(4) Different consultants should be used to develop alternative measures for wastewater management utilizing land treatment and plant-type treatment. While consideration of the technical system outputs and resource requirements of these measures is inherent in the formulation of alternatives, the Corps will have to verify the technical and engineering adequacy of each plan developed, as well as verify the full range of impacts caused by the system outputs and resource requirements. Utilizing more than one consultant will preclude any appearance of bias toward one measure at the expense of the others.

(5) Prior to contracting for the development of methodologies such as a new method of impact assessment or a new method of analyzing institutions, Districts should ascertain whether OCE or other Corps elements have developed useful methodologies. Work completed a year or two earlier may be satisfactorily applied to a new study. In like manner, ongoing developments may be shared by more than one District if costs are appropriately shared.

(l) Where more than one District in a Division surfaces the same need, the Division should consider coordinating the effort.

(ii) Where several Divisions surface the same need, HQDA (DAEN–CWP) WASH DC 20314, will consider coordinating the effort.

(iii) In both of the above cases, equitable sharing of costs may permit all partners, and the Corps in general, to realize far greater returns on their accumulated investment than a series of small, redundant efforts would permit.

(l) The policies and procedures for preparation, coordination and filing an Environmental Impact Statement (EIS) are contained in ER 1105–2–507. Normally, an EIS will be prepared only if recommendations for Federal (Corps) participation are contemplated.

§ 264.17 Urban water resource plans.

The Corps of Engineers through its Urban Studies Program seeks to provide urban water resource plans that are compatible with comprehensive urban development goals of the region under study. These plans will provide an integrated approach to water resources management. Each study will develop alternative urban water resource plans from which one may be selected for implementation. Stage 3 planning will result in the following.

(a) *Alternatives.* (1) A series of three to seven alternative urban water resource plans to meet long range (approximately 50 years) needs, from which a choice may be made by the public prior to completion of the study.

(2) A priced and evaluated portion of each of the alternative urban water resource plans to meet short range (approximately 20 years) needs.

(3) A phased early action program for the study region for each alternative urban water resource plan to meet short range (approximately 20 years) needs.

(b) *Programs.* The alternative urban water resource plans will be composed of three elements.

(1) *Capital improvements programs.* (i) In developing capital improvements programs, both new construction and improvements to existing facilities should be considered. Capital improvements will include those structures which directly address the water resource problems as well as those facilities which may be a necessary by-product of the initial facility. For example, if a new harbor channel is dredged, (capital improvement) a diked disposal area (capital improvement) may have to be constructed to contain the dredged material.

(ii) Alternatives for solving water resource problems may provide an opportunity for additional capital improvements by the private sector. This potential should be identified in the discussion of public capital improvement. The private sector may be required, under a specific alternative, to provide facilities which satisfy a specific need. For instance, a pretreatment facility to remove heavy metals from industrial waste prior to discharge to municipal sewer is a private sector facility.

(iii) Study alternatives may suggest attractive opportunities for enhancing the non-water resource needs of the region. For example, if a local issue is the siting of a new power generation facility, a land treatment system may provide the necessary cooling water while isolating the facility. While the study should not plan for a power generation facility per se, the availability of land and water should be brought to the attention of the public utility.

(iv) Where existing facilities are incorporated in specific alternatives, operation, maintenance, and replacement costs relating to those facilities should be included in any cost-effectiveness analysis.

(2) *Management programs.* Management programs are the measures necessary to make an alternative operate efficiently. They are distinguished from capital improvements because they do not necessarily involve major construction or engineering activities. Sometimes characterized as non-structural approaches, management programs may still require investment. Management programs associated with resource utilization may include the following—

(i) Regulatory activities, such as permits, building codes, ordinances, land use zoning, and control techniques.

(ii) Operation and maintenance procedures, such as guides for the use of physical components of water resource systems, training of personnel, and public education in resource use.

(iii) Fiscal controls, such as revenue production, cost-sharing, user fees, and development financing.

(3) *Revision programs.* Alternatives should contain a revision program to provide decision makers flexible plans that will be responsive to possible changes in needs and future base conditions. Periodic revisions are essential if the urban water resources plan selected is to be an instrument of continuous, dynamic planning and not merely a static end product. In developing a revision program, potential changes or planning activities should be categorized as substantive or procedural.

(i) Substantive changes causing plans to be revised may include changes such as a council of governments modifying its land use projections, a radical change in energy availability, a new innovation in waste treatment technology, a change in the regulations implementing § 264.12 (b) or (d) or new water resource legislation.

(ii) Procedural matters describing how to make revisions may include designating the agency responsible for future planning, the method or time period for review, and the method for modifying the plan.

(c) *Implementation arrangements.* (1) Each plan element shall contain implementation arrangements which describe the action necessary to take the plan from the conceptual state and place it in operation. Implementation arrangements are developed to provide for the most orderly and efficient creation of capital improvements, management programs and a revision program. Implementation arrangements may include changes in agency responsibility, methods of funding, and the fulfillment or modification of legislative requirements and constraints. Implementation arrangements should also include alternative arrangements which show how existing institutions might be incorporated, or modified if necessary, new institutions created, or existing institutions abandoned in order to efficiently implement the plan.

(2) To provide the public with a choice, each final alternative urban water resource plan should contain alternative implementation arrangements, each arrangement taking a distinctly different approach to implement the plan. For instance, a single, multi-function regional agency, a series of small, geographically defined agencies, or a series of smaller functionally defined agencies illustrates three different approaches. One implementation arrangement may be suitable for more than one plan. Each of the implementation arrangements will address—

(i) Time phasing of construction and associated design activities; for initiation of management programs, and for the revision program.

(ii) Total costs and cost-sharing arrangements. Special care must be taken to make sure that facilities for collection of run-off are identified properly and that construction costs are appropriately allocated to wastewater management and to flood control and, further, that flood control and wastewater management costs are apportioned between Federal and non-Federal interests. Close cooperation with EPA is necessary to assure that the appropriate distinctions will be reflected in the report.

§ 264.18 Planning procedures.

The paragraph prescribes procedures to be followed by field operating agencies from initial funding of an Urban Study through submittal of the report to the Board of Engineers for Rivers and Harbors. Those procedures which, upon completion, represent accomplishment of a milestone (as established by ER 18–2–2) are so designated.

(a) *Stage 1 Planning—Preparation and Approval of the Plan of Study (Milestone 02).* (1) After the reporting officer receives funds for a study, a Plan of Study (POS) will be prepared in accordance with the guidelines given in Appendix D.

(2) Initial efforts will be limited to determining the need and desirability of having the Corps conduct the study. The reporting officer will develop a preliminary scope of study based on discussions with State and local officials and will determine that local cooperation and participation in the study will be forthcoming. This effort should generally cost no more than $25,000 (Sept 1974 prices).

(3) If the reporting officer makes a positive determination in accordance with paragraph (a)(2) of this section, the POS should be completed for a cost not to exceed $75,000 (Sept 1974 prices) including the costs associated with paragraph (a)(2) of this section. Division Engineers are responsible for monitoring these efforts to insure funds are not spent unnecessarily, and for approval to proceed with development of the final POS.

(4) Two on-board review sessions with OCE will be held during POS development.

(i) Thirty days after funds are received by the field office responsible for a study, HQDA (DAEN–CWP) personnel will conduct a meeting in the field office for District and Division personnel to explain the latest guidance concerning POS development and content.

(ii) Approximately 60 days after the first meeting, an on-board review of the POS will be conducted in the field office. Attendees will include HQDA (DAEN–CWP) and Division personnel and may also include representatives of the Office of the Secretary of the Army, HQDA (DAEN–CW–SA). The purpose of this review is to resolve any conflicts in policy and content of the POS before it is transmitted to the public for initial comment. Each meeting participant will be furnished copies of the draft POS at least ten days prior to the meeting.

(5) When the POS is completed and letters of assurance are received from all study participants, the District Engineer will formally transmit the POS to the Division for review. Where ongoing studies are reoriented to be handled as an Urban Study, the District Engineer's forwarding letter should set forth the amounts estimated to be spent on other studies authority to be conducted apart from the Urban Studies Program.

(6) Division Engineers shall review POS's submitted by District Engineers using Appendix D as the measurement of sufficiency. After the POS is modified to respond to Division comments, the Division Engineer will indorse the POS to HQDA (DAEN–CWP) WASH DC 20314. The applicable Reports Management Branch will coordinate the review and, upon completion, comments and/or approval will be forwarded to the Division Engineer. Receipt of POS approval is sufficient authority for the reporting officer to begin Stage 2 of the planning process. Information copies of each approved POS will be forwarded to the Assistant Secretary of the Army

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(civil works) by DAEN–CWP for possible review by OMB.

(7) Because of the need to obtain local cooperation and EPA concurrence in the wastewater portion of the Urban Study, no major contracting or in-house study efforts will be undertaken until OCE has approved the Plan of Study. If the reporting officer, or the Division Engineer, desires to commence work prior to formal approval of the POS, an exception shall be requested from HQDA (DAEN–CWP–E, C or W) WASH DC 20314.

(8) The initial public meeting (Milestone o1) is not required prior to completion of the POS. However, the public involvement process shall be initiated during this stage and the initial public meeting should be held prior to approval of the POS or at the outset of Stage 2.

(b) *Stage 2 Report (Milestone 03)*. Continuous drafting of the study report as described in paragraph 14 will result in the completion of the Background Information Appendix during Stage 2. Similarly, continuous drafting will document the planning process and the results of the first two stages in the Plan Formulation Appendix. For Urban Studies these two documents will be considered the Stage 2 Study Report, Milestone 03.

(c) *Checkpoint I Conference (Milestone 04)*. This conference will serve as a forum for representatives from District, Division, and OCE (and BERH, if considered appropriate) to discuss the findings of the Stage 2 study. The documents prepared for Milestone 03 will serve to provide the majority of information required for this conference. However, as required by ER 1105–2–180, a list of constituent levels considered critical to the environment will be developed for each stream receiving treated wastewater, when the Corps is responsible for the wastewater management studies. This list will be used in developing treatment levels required to meet the 1985 goal of PL 92–500 and will be available prior to this conference.

(d) *Formulation Stage Public Meeting (Milestone 05)*. This meeting will be held after Milestone 04 to present the results of the Stage 2 study to the public and to obtain the views of the public regarding the alternative plans to be carried into Stage 3 of the study. The documents prepared for the Checkpoint I Conference should be used in developing information for dissemination to the public prior to the meeting (ER 1105–2–502).

(e) *Checkpoint II Conference (Milestone 06)*. This conference is held to discuss and resolve plan formulation and study problems. Since major revision of Urban Study Reports will often not be feasible after submittal to BERH, this conference should be held at a time which will allow for correction of study deficiencies before completion of the report. The Division Engineer, or his designated representative, shall personally conduct this conference. The conference should be held about midway through Stage 3. If additional conferences are needed later in the study, they should be arranged by the Division Engineer or OCE. DAEN–CWP–E, C or W should be kept informed of all such meetings by the Division Engineer.

(f) *Submit District Report (Milestone 07)*. Continuous drafting of the report will allow review and revision of the report as the study proceeds. In addition, adequate monitoring by Divisions should eliminate the need for major revision of the report at the end of the study. Milestone 07 will be completed when the entire report, exclusive of the Comments Appendix and the results of the late stage public meeting, has been submitted to the Division.

(g) *Complete Division Review of Report Draft Milestone 08)*. Divisions should review and comment on the report as it is submitted. However, it should be recognized that piecemeal review and mid-study corrections could result in inconsistencies with previously reviewed documents. Care must be taken to avoid those problems. Divisions should submit four (4) copies of each portion of the report to DAEN–CWP–E, C, or W after completion of review, together with copies of comments to the reporting officer on the report.

(h) *Late-Stage Public Meeting (Milestone 09)*. This meeting will be held to present the findings of the Stage 3 study to the public. The results of that meeting will be presented in the final report to provide local decision-makers with that information for their use in selecting a plan to be implemented (ER 1105–2–502).

(i) *Field Level Coordination of Reports*. Following Milestones 08 and 09 the report will be finalized and distributed to local interests responsible for plan implementation, affected States, regional offices of appropriate Federal agencies and other segments of the public, to accomplish Corps public involvement objectives and interagency coordination requirements. Comments received and responses to those comments will be included in the Comments Appendix.

(j) *Submit District Report (Milestone 10)*. District reports will be submitted to Division Engineers in accordance with procedures established for regular survey reports.

(k) *Division Engineer Notice (Milestone 11)*. Issuance of the Public Notice should be in accordance with procedures established for regular survey reports. If the report or notice contain any unusual or controversial recommendations it should be submitted to DAEN–CWP–E, C or W for approval prior to being issued.

§ 264.19 Washington level review and processing.

Responsibility for final review and processing of Urban Study reports will be the same as for regular Level C preauthorization study reports submitted to Congress.

(a) *Reports not recommending projects for authorization*. Reports which do not recommend projects for Congressional authorization will be reviewed to determined adequacy of the report in responding to the Congressional authority.

(b) *Reports Recommending Projects for Authorization*. Reports which recommend projects for Congressional authorization will be reviewed as mentioned above. In addition, reports of this type will be reviewed to insure that those projects recommended for authorization have been formulated and evaluated as if they were recommended in a regular Level C preauthorization report.

§ 264.20 Program management responsibilities.

(a) *General*. The Corps of Engineers is involved in the Urban Studies Program in response to the critical need for Federal assistance to solve regional urban water resources problems. Reporting officers responsible for the conduct of urban studies will give this program the requisite direction and attention. The success of an urban study is largely dependent on the organization of the study team; their consultants, and the Plan of Study (POS) that will direct their efforts.

(1) It is imperative that the study team consist of personnel capable of addressing the regional problems in an innovative, imaginative, and skillful manner.

(2) Since the Urban Study affects many functional areas of urban and regional planning (urban goals and objectives, flood plain management, wastewater management, etc.), local and regional representatives should be represented on the study team. State agency personnel responsible for water pollution control and/or water supply planning should also be included.

(3) A–95 clearinghouses shall be consulted for input to the study. These clearinghouses are areawide comprehensive planning agencies and probably will have done land use, transportation, water and sewer and other plans which should be of value in the study (ER 1105–2–811). A–95 clearinghouses are often designated as "208" agencies. If they are not, a memorandum of agreement between the designated agency and the appropriate areawide comprehensive planning agency must be established, in accordance with para 3, Part IV, OMB Circular No. A–95.

(4) Consultants must be selected on the basis of their ability to address the complex urban water problems with imaginative solutions § 264.16(k).

(5) The Plan of Study should be sound enough to guide the entire study effort, and yet be as flexible as necessary to adapt to changes as they arise in the course of the study.

(b) *District/Operating Division Offices*. Districts should organize an interdisciplinary team which has no other duties. The designated team leader should report directly to the Chief of Planning Branch or Planning Division, as appropriate. A high level of involvement of the District Engineer, his deputy, or a designated assistant will be required on a day-to-day basis. Staff support for the interdisciplinary team will have to be provided promptly by other planning, engineering, and administrative elements when needed. Where a District has more than one urban study, certain specialists may work on more than one study. However, separate Study Management and Plan Formulation specialists for each study are recommended. Ideally, one specialist, or more as necessary, should be assigned to each area of expertise described below.

(1) *Study management*. Assigned personnel are concerned with the efficient conduct of the study including the allocation of funds and personnel (including consultants) to assure a balanced study. They are also responsible for the monitoring of study progress to insure timely completion of tasks, adherence to established policy and guidance, and the execution of a quality public involvement program.

(2) *Plan formulation*. Assigned personnel are responsible for formulating alternative urban water resource plans in accordance with policies and procedures contained in this regulation. Plan formulation includes interpreting the problems, issues, and concerns of the public, articulating water resource planning objectives and defining system outputs based upon the expressed problems, issues, and concerns. Plans are formulated from the range of resource management measures which include policies, programs, technologies, engineering inputs, institutional arrangements and implementation schemes (structural and non-structural). Assigned personnel must be capable of combining the partial inputs from the three areas of expertise discussed in paragraphs (b) (3)–(5) of this section to produce balanced plans acceptable to the public.

(3) *Technical systems design*. Assigned personnel are responsible for the design of component technical portions (capital improvements) of the alternative plans formulated. These component technical portions must be properly designed and properly arranged in sequence to meet system outputs and planning constraints. Technical systems design will predominantly respond to, and be guided by, information developed in the plan formulation process.

(4) *Impact assessment and evaluation*. Assigned personnel are responsible for identifying and measuring the impacts of each system on the existing and future regional profiles and the range of comprehensive urban planning objectives. Impact assessment also involves interpreting the expressed problems, issues, and concerns of the people and articulating water resource planning objectives. Evaluation includes summarizing responses of the public and assisting the plan formulation and technical system design specialists in the modification and refinement of plans and plan components based on these responses.

(5) *Public involvement and institutional analysis*. Assigned personnel are responsible for formulating and coordinating the execution of the public involvement program. Personnel are also responsible for identifying and analyzing the institutions affected by each plan, developing the necessary plan or institutional modifications, and assisting in the development of implementation strategies.

(c) *Division Office*. Based on experience in Divisions where Urban Studies are underway, each Division with one or more urban studies will need an Urban Studies Program Coordinator; those Divisions with more than one study will need a small, full-time staff in the Planning Division. The Special Studies Branch can be so designated if such a branch exists. Engineering Divisions at Division Offices should be responsible for review of District efforts for technical adequacy and for providing technical guidance to District Offices. Divisions shall be responsible for reporting study progress to OCE. Frequent communication between Division coordinators is also encouraged to exchange information. Division Program Coordinators should perform the following tasks—

(1) Monitor study progress to achieve timely completion of studies within designated completion - time objectives (§ 264.21);

(2) Disseminate to other field operating agencies and appropriate OCE elements, pertinent information developed during the course of a study which may be of particular value. The value may be in potential application of the data by another Corps office, or obtaining an expendited informal review. Information disseminated may include Plans of Study, contractor scopes-of-work and reports, public involvement documents, and study reports.

(3) Provide training or request training from HQDA (DAEN–CWP) WASH DC 20314.

(4) Co-ordinate and conduct "on-board" reviews of urban studies and checkpoint conferences (ref § 264.18).

(5) Monitor funding obligations and expenditures. Particlar emphasis should be placed on limiting expenditures during development of the Plan of Study to insure funds are not wasted on studies without local support (ref § 264.18(a)).

(d) *Office of the Chief of Engineers*. Primary responsibility in OCE for management of the Program rests with the Planning Division (DAEN–CWP), which is responsible for the staffing of all actions required of OCE by this regulation and intensively managing the Program in accordance with ER 1105–2–10 and ER 18–2–2. Considerable technical engineering studies are required in the studies. Accordingly, the Engineering Division (DAEN–CWE–M) will be kept informed of such work and directly involved in decisions regarding engineering aspects of the study. The Office of Policy (DAEN–CWR) will be involved in reviewing reports for policy implications as deemed appropriate by DAEN–CWP or BERH. Guidance on attendance of OCE representatives at checkpoint conferences is provided in ER 1105–2–10.

§ 264.21 Time objectives.

Urban Studies are to be programmed to be completed in about three years. Time objectives for each of the three study stages (See App B) are as follows—

(a) Stage 1—6 to 8 months (including 30 days for OCE review and approval of POS).

(b) Stage 2—10 to 12 months.

(c) Stage 3—16 to 20 months.

§ 264.22 Reports and documentation.

(a) *The Plan of Study*. (1) Preparation of the Plan of Study (POS) is the first major substantive task to be undertaken in the conduct of an urban study (ref para 10a). The POS is a multiple-party agreement that specifies the scope of the study, describes an initial set of problems, issues, and concerns to be addressed, and delineates the anticipated public involvement program strategy. As such, it serves as a planning and management tool. It specifies who will do each portion of the study, when each part will be done, and how the total effort will be managed. A detailed discussion of format and content is contained in Appendix D.

(2) The Plan of Study, as the first major study output, should serve as a focal point of the public involvement program. The POS shall describe how the public will be involved in the study, and should provide the vehicle for initial contacts with the public.

(3) Table 1 contains a guide to allocating efforts in a Plan of Study for an urban study. These effort component breakdowns are based upon experience with the Pilot Wastewater Management Program. "Effort" as used in this regulation refers to person-years of work multiplied by the annual cost of employing a person with that specific expertise for one year. "Total Combined Efforts" include all Corps efforts plus all other Federal efforts plus all non-Federal efforts plus all non-Corps of Engineer dollars disbursed in lieu of providing effort.

(4) The Plan of Study may require modification once the study is initiated. Changes should be based upon mutual agreement by the parties allied in the Plan of Study, and documented in the Plan Formulation Appendix.

(b) *Study reports*. (1) *General*. The Study Report will consist of a separate summary document and supporting appendices as outlined in Figure 1. Deviation from this format must be approved by HQDA (DAEN–CNP) WASH DC 20314 prior to writing the report. Because the urban study is the ultimate

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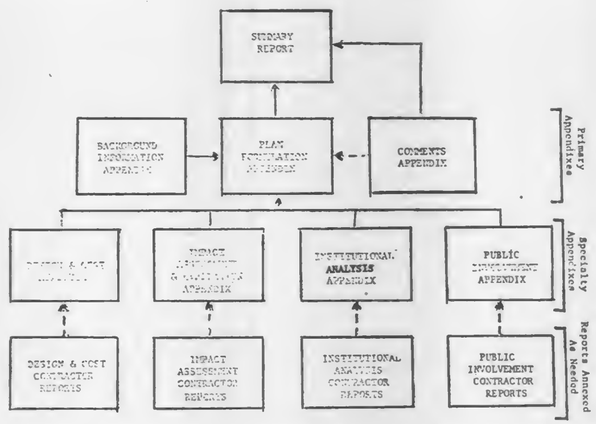
responsibility of the Corps of Engineers, it is strongly recommended that the appendices be written by Corps personnel. A consultant's report should be attached as an annex to an appendix to reference technical information. A consultant's report should not comprise the appendix.

(2) *Summary report.* The Summary Report shall be a well-illustrated document written for the non-technical reader, designed to be read in an hour or less. The document should essentially be a summary of the Plan Formulation Appendix. It should describe the study area highlighting problems, issues, and concerns, explain how the study was conducted, explain the final alternatives including a summary of impacts and present the final recommendations.

TABLE 1.—*Conceptual combined effort breakdown for a 3-yr study period*

Effort component	Percent of total combined efforts		
	Low	Average	High
1. Preparation of a plan of study	5	6	7
2. Plan formulation and evaluation:			
a. Problem identification	7	9	11
b. Formulation of alternatives	20	25	30
c. Impact assessment and evaluation	20	25	30
d. Public involvement and institutional studies	19	21	23
3. Study documentation and report preparation	8	10	12
4. Study management	3	4	5
Total		100	

FIGURE 1. Study Report Organization and Content



(3) *Background information appendix.* This appendix provides a discussion of the existing regional profile and the desired future condition(s), and an identification of the specific problems, issues, needs and concerns to which solutions may be addressed.

(4) *Plan formulation appendix.* This appendix documents the articulation of significant regional problems, concerns, issues, and planning objectives; the formulation of alternative urban water resource plans; the design of component systems; impact assessment; evaluation; and the iterative planning process. Also contained are implementation arrangements, a comparison of final alternative plans and their impacts. A summary of the public involvement program shall include a discussion of how it interacted with the planning process. This appendix, summarizing the specialty appendices is the key to the entire report, throughout the text of the report as decisions are described, the reasons for making each decision should be fully explained.

(5) *Comments appendix.* This appendix documents the views of interested parties based on their review of the draft Study Report and responses to those comments by the reporting officer.

(6) *Design and cost appendix.* This appendix contains the technical detail supporting the engineering aspects of system components. As a minimum, the following items should be included for each system developed—

(i) All assumptions used.

(ii) A description of all unit processes and components considered for inclusion and the reasons for acceptance of rejection.

(iii) A range of the technical effectiveness and reliability for each engineered component.

(iv) Schematics showing final configuration of engineered components, including projected performance of each component.

(v) All design parameters used.

(vi) All cost curves or other estimating devices used, including how they were developed.

(vii) An annotated bibliography.

(7) *Impact assessment and evaluation appendix.* This appendix presents a rationale which illustrates how and why alternatives were accepted, reformulated, or rejected. The methodology used should be explained in sufficient detail to permit the readers to justify the impacts presented or form their own opinion as to what the impact should be. The use of a matrix in the final report in and of itself is acceptable only as a means of presenting verbal information in an organized manner. Mathematical matrices are inadequate as the only tool for measuring the impacts of alternative plans. In like manner, an arbitrary number range such as plus five to minus five, is inadequate for assessment or evaluation purposes and should not be used in any display. The use of such generalized values precludes meaningful comparison of the significance and specificity of impacts.

(8) *Institutional analysis appendix.* This appendix contains an analysis of the interaction of all the plans considered on existing or proposed institutions and organizations. It should include a delineation of proposed institutional and organizational modifications and/or conversely, how the plans was subsequently modified to accommodate the institution. Additionally, the rejection of plans based upon institutional or organizational problems should be discussed.

(9) *Public involvement appendix.* This appendix documents the chronological development and execution of the public involvement program as required by ER 1105–2–800. This program should begin during the development of the Plan of Study. This appendix should include an analysis of the public involvement program and the publics' response to it, modifications to the program based on public response and acceptance, and modification or rejection of plans based on public response.

(10) *Ancillary documents.* These documents are not generally included in the Study Report, but accompany that report when formally transmitted to OCE for review. The reporting officer and the Division Engineer shall submit the same ancillary documents as required for other survey reports.

§ 264.23 Effective date.

This regulation is effective on November 3, 1975, as published in the FEDERAL REGISTER on that date and codified as 33 CFR 264.

APPENDIX A

JOINT AGREEMENT FOR INTERAGENCY COORDINATION OF AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING ASSISTANCE TO STATE AND LOCAL GOVERNMENT BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF THE ARMY

Purpose

This interagency agreement defines the relationship between areawide waste treatment management planning conducted by the Army Corps of Engineers under its Urban Studies Program and areawide waste treatment management planning authorized under Title II of the Federal Water Pollution Control Act Amendments of 1972 and administered by the Environmental Protection Agency. The agreement also acknowledges that the Corps of Engineers may provide technical assistance in 208 planning outside the Army Urban Studies Program.

The Army Corps of Engineers is authorized by specific resolutions of Public Works Committee of Congress to conduct regional wastewater management planning for designated urban regions of the United States. Such planning is normally conducted in conjunction with other urban water resources problems as part of the Corps of Engineers Urban Studies Program. Further, section 208 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500) authorizes the Secretary of the Army, acting through the Chief of Engineers, to provide consulting and technical assistance to planning agencies designated under section 208(a) in developing and operating a continuing areawide waste treatment management planning process under section 208(b) upon request of the Governor or the designated planning agency.

The Administrator of the Environmental Protection Agency, in fulfilling his responsibility for administering Pub. L. 92–500, is required by the Act to encourage and facilitate the development and implementation of areawide waste treatment management plans. Subsection 208(f) authorizes the Administrator to make grants to designated planning agencies to develop and operate continuing areawide wastetreatment management planning processes in accordance with specific requirements of section 208. The Act further authorizes the Administrator under subsection 208(g) to consult with and provide technical assistance to a designated agency upon request of the Governor or the designated 208 agency.

While each Federal agency executes its areawide waste treatment planning responsibilities in a different manner—the Army through technical assistance and the Environmental Protection Agency primarily through grants, the two programs are compatible and are designed to achieve the same goal. The provisions delineated in this agreement are intended to provide guidance to representatives of both agencies in instances where the two programs may involve the same geographical area.

Objectives

A common goal of both agencies is to enhance the capability of local and State governments in developing regional wastewater management planning processes which will achieve the National water quality goals stipulated in Pub. L. 92–500. In accordance with this goal, three specific objectives have been established for the areawide waste treatment management planning program. These are:

(1) Development of a local planning process which can successfully conduct the required planning on an areawide scale;

(2) Development of an initial plan meeting requirements of the Act; and,

(3) Establishment of a continuing planning process at the regional level which can successfully evaluate the current plan and appropriately update such a plan to allow continued annual recertification by the Governor as required by the Act.

Coordinating Provisions

1. Planning by the Corps of Engineers under the provisions of section 208 will be to the level of precision required by the Administrator for approval of any plan certified and submitted to him by any Governor under section 208.

2. Acceptance of request by the Secretary of the Army to provide consultation or technical assistance in areawide wastewater management planning is contingent upon the resources and manpower available to the Corps of Engineers to provide such assistance.

3. The Corps of Engineers will assign appropriate priority to planning required by section 208 to enable the designated planning agency and/or the Governor to comply with time limitations prescribed by the Regional Administrator, Environmental Protection Agency.

4. The existence of an urban study resolution shall not preclude approval of a 208 designation for an area, nor shall approval of a 208 designation for an area preclude funding for an urban study.

5. In no case shall there be a duplication of Environmental Protection Agency and Corps of Engineers funding for the same specific task in development of a wastewater management plan or planning process under Title II of the Federal Water Pollution Control Act Amendments of 1972. Where a potential duplication of the same specific task is identified, applicable Corps of Engineers and Environmental Protection Agency budgets will be appropriately modified.

6. All section 208 planning activities undertaken by the Corps of Engineers will be set forth in a plan of study approved by the designated local planning agency, the State and the Environmental Protection Agency Regional Administrator. Such planning will be in accordance with all applicable laws, Environmental Protection Agency guidelines, criteria, and regulations, as well as applicable State and local laws and regulations.

7. Where plans of study under the Army Urban Studies Program have been approved by local officials and the Environmental Protection Agency prior to the 208 designation, the plans of study for the 208 project and the Urban Study will be reviewed to identify the additional planning needed to meet 208 requirements. The urban study will be completed in accordance with provisions of the original plan of study as revised to include any additional section 208 requirements requested by the designated planning agency.

8. Where an urban study has been authorized and funded for an area also designated under section 208 and a plan of study has not been approved, the Corps of Engineers will delete areawide wastewater planning from the urban study if the designated planning agency elects to accomplish such planning using section 208 grant funds. Under such conditions, the Corps of Engineers will assess the remaining water resources problems to determine the feasibility of undertaking an urban study. Conversely, if the designated planning agency requests the Corps of Engineers to conduct the section 208 planning as an integral part of the urban study, a plan of study will be developed to meet the requirements of the designated 208 planning agency, subject to the approval of the Environmental Protection Agency Regional Administrator. If agreement concerning the plan of study for the 208 designated area cannot be set forth in a mutually agreeable manner, wastewater planning for the area will be deleted from the urban study and accomplished by the designated planning agency. As above, the Corps of Engineers would then assess the feasibility of undertaking the remaining facets of the urban study.

9. Technical assistance provided by the Corp of Engineers may include the development of alternative plans or portions of plans for meeting the provisions of section 208(b). The decision to adopt or implement specific alternatives or proposals generated by this planning is the responsibility of the designated planning and the designated management agency(ies).

10. Technical assistance provided by the Corps of Engineers for designated 208 areas not included in the urban studies programs will be accomplished as directed by the designated planning agency.

11. Upon request of the Governor(s), and upon agreement of the Regional Administrator, Environmental Protection Agency, the Army Corps of Engineers may consult with and provide technical assistance on a reimbursable basis in development State plans for areas not designated under section 208(a).

Funding Policy

Funding policy is based on the premise that a designated agency needs to fully participate in the planning process and to build planning expertise.

1. Section 208 studies initiated through 30 June 1975 can be at 100% Federal expense except that costs and effort provided by non-Federal interests prior to designation will not be reimbursed. For areawide wastewater management studies of designated areas initiated through 30 June 1975, the source of Federal funds by planning category will be as follows:

a. Section 208 planning included in Army urban studies will be funded 75 percent by Army and 25 percent by the Environmental Protection Agency. (The funds from the Environmental Protection Agency will be granted to the dedignated agency for internal activities.) Section 208 planning added to planning already included in Army urban studies will be funded 100 percent by the Environmental Protection Agency.

b. Section 208 planning by the Corps of Engineers in areas not associated with the Army Urban Studies Program will be funded 100 percent by EPA.

2. In areas not designated under section 208, wastewater management planning conducted by the Corps as a part of an urban study will be cost shared at 75 percent Federal/25 percent non-Federal.

APPENDIX B

APPLICATION OF THE MULTIOBJECTIVE PLANNING FRAMEWORK TO THE URBAN STUDIES PROGRAM

1. *General.* The policies and principles established in the ER 1105–2–200 Series of planning regulations are generally applicable to studies conducted in the Urban Studies Program. A discussion of the planning stages and tasks, as they relate to this Program follows.

2. *Stages of Plan Development.* Urban studies will be undertaken in three timephased stages covering 36 months. This short time period is necessary to meet the deadlines of para 3a as well as to keep the plans relevant in light of rapidly changing urban problems. The planning process is divided into three stages to facilitate management by specifying at least three points for monitoring study progress and scope while providing for the orderly development of plans. Each stage has specific study outputs. These are intended to provide for the sequential review of study progress and to serve as a basis for making decisions about the nature, scope, and direction of subsequent study activities.

a. *Stage 1—The Plan of Study.* This stage should result in a clear indication of the scope of the urban study, the precise study area planning objectives it will pursue, specific constraints that have been identified, and how subsequent planning activities will be handled. The product of this stage will be the sections entitled, "Stage 1 Study Results" and "Plan of Study Coordination" of the Plan of Study document. Additional information on these and other sections of the Plans of Study is contained in Appendix D.

b. *State 2—Development of Intermediate Plans.* This stage concentrates on a more thorough analysis of the problems, as well as the development of a preliminary range of solutions to the problems. It is not in-

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conceivable that more than 50 alternatives will be developed in this stage at a very gross level of detail. Those showing promise may be carried forward, while others may be discarded due to adverse public reaction, or engineering or other reasons.

(1) The initial development of alternatives should not be unduly constained during this stage so that any practicable ways for achieving the study area planning objectives are not overlooked. Plans developed which are contrary to existing public preferences permit a comparison showing the social, environmental, and financial cost of the preferences. A public reassessment of their preferences may result in a changing of those preferences to accommodate new of innovative concepts.

(2) The product of this stage should be the preparation of the draft Background Information Appendix, and a chronological draft of the Plan Formulation Appendix covering the first 16 to 20 months of the study. Analysis of these documents by all study participants, Division, and HQDA (DAEN–CWP) WASH DC 20314 should form the basis for decisions regarding how planning should be accomplished in Stage 3. A detailed description of the contents of these appendices is contained in para 14b.

c. *Stage 3—Development of Final Plans.* This stage concentrates on developing an increasing level of detail on a decreasing number of alternative urban water resource plans. The reduction in the number of plans under consideration is accomplished through a screening process primarily dependent on both through public involvement and professional-technical evaluation. The level of detail associated with the final plans should be comparable between capital improvements associated with the same water resource function, such as navigation; however, the level of detail associated with wastewater management may be different than the level of detail associated with navigation whereas all navigation improvements have the same level of detail. The level of detail for water resource functions that are part of the Corps' traditional role is determined by the Engineer Regulations concerning project authorization. The level of detail for wastewater management is determined by EPA regulations and guidance. The product of Stage 3 is the final study report. A detailed description of this document is contained in para 14b.

3. *Planning Tasks.* Planning will be conducted by carrying out four functional planning tasks during each of the three stages of plan development. These tasks are problem identification, formulation of alternatives, impact assessment, and evaluation. It may be necessary and even desirable to repeat or iterate these tasks a number of times during any one stage. Succeeding iterations should reflect an increasing level of effort, detail, and refinement. In addition, iterations also provide for incorporating additional information and for broadening the scope of the urban study as it progresses.

a. *Problem Identification.* The purpose of problem identification is to identify the range of problems the study effort will address and to establish the study area planning objectives for the urban study. The planning objectives provide the direction for formulation of alternate plans and form the basis for assessing and evaluating alternatives. Problem identification involves the following activities:

(1) Identify public concerns.
(2) Analyze resource management problems.
(3) Define the study area.
(4) Describe the base condition.
(5) Project future conditions.
(6) Establish study area planning objectives.

b. *Formulation of Alternatives.* The purpose of formulating alternative plans is to develop and design complete urban water resource management systems which satisfy the planning objectives. It is likely that wastewater management measures would be the keystone of the formulation effort. Formulation involves the following activities:

(1) Identify the full range of resource management measures available for problem solution, including measures favored by representative segments of the public.
(2) Categories applicable management measures.
(3) Develop plans.
(4) Consider plans of others.

c. *Impact Assessment.* The purpose of impact, or effect, assessment is to identify and measure the changes expected to result from different alternative plans. Impacts are identified by comparing all the components of an alternative plan to the base condition of the region to determine if economic, social, and environmental changes from the conditions are expected to occur with the plan. Impact assessment involves the following activities:

(1) Determine sources of impacts, such as inputs, outputs or facilities.
(2) Identify and trace impacts.
(3) Specify incidence of impacts, including spatial distribution, and when they will occur.
(4) Measure impacts.

d. *Evaluation.* The purpose of evaluation is to determine how well the alternative urban water resources plans achieve the planning objectives, and how the plans affect other related problems. Evaluation provides the basis for trading off among the alternatives so that recommended actions can be made. Evaluating alternative urban study plans is contingent upon reflecting publicly-held values to determine which are the beneficial and adverse aspects of each plan. Evaluation involves the following activities:

(1) Appraise planning objective fulfillment.
(2) Appraise system of accounts fulfillment.
(3) Apply specified evaluation criteria to include testing acceptability, effectiveness, and completeness.
(4) Perform trade off analysis.
(5) Designate NED and EQ plans from only those alternative plans, or alternative plan components, considered for possible implementation by the Corps or other Federal agency programs subject to the Water Resources Council Principles and Standards. Designations are not to be used for plans, or plan components, considered for possible implementation under other Federal agency, State, and local programs to which the Principles and Standards are not applicable.
(6) Determine need for repeating planning tasks.

Appendix C

Institutional Analysis and Arrangements

1. *Purpose.* The purpose of this appendix is to establish the framework for performing institutional analysis and presenting institutional arrangements.

2. *Relationship of Institutions to Urban Studies.* An institution is a process or organization that is highly structured, systematized and stable. It may grow out of mores such as common law, or be consciously created such as constitutional law. An institution may be a type of group, or it may be a formalized practice or procedure. Applying these definitions to water resources planning, and particularly to urban studies, the result is a focus for institutional analysis that includes not only organizations such as planning agencies, water commissions, and special interest groups, but also the processes and relationships that are involved such as home rule, tax structures, and increased financial obligations. Substantial public involvement is essential in performing, the latter part of this analysis, inasmuch as public attitudes interact heavily with these non-organizational institutions. Institutional analysis is the process whereby institutions directly or indirectly related to water resource planning and management are identified and their capability to implement alternative plans is assessed. Institutional arrangements are those tasks or prccedures which suggest how existing institutions should be utilized, or modified, new institutions created, or existing institutions abandoned in order to facilitate implementation of the plan.

3. *Task Areas.* Institutional analysis parallels this overall planning process, moving from broad data collection to detailed specification of arrangements. Analysis is composed of three major task areas, which are listed below and discussed in paragraphs 4 through 6.

a. Establishment of an institutional data base.

b. Analysis and evaluation of institutional capabilities as part of the implementation program.

c. Presentation of alternative institutional arrangements as part of the implementation program.

4. *Institutional Data Base.* Establishing the necessary data base entails the identification and description of a cross-section of relevant institutions. The description of institutions should concentrate on financing capabilities, legal authorities, programs and policies, existing capabilities to implement programs for management and capital facilities, and availability of competent personnel in formal organizations and agencies, as well as widespread attitudes and local customs relevant to water resources planning. If a survey exceeding ten contacts is required, HQDA (DAEN–CWP) WASH DC 20314 must be contacted prior to the survey. The Office of Management and Budget must approve all surveys exceeding ten contacts, (reference to OCE Supplement AR 335–15).

5. *Analysis and Evaluation of Institutional Capabilities.* a. This task is the core component of the institutional studies. It involves the analysis of institutional requirements imposed by alternative plans and the capability of existing institutions to meet these requirements.

b. In Stage 2 the requirements that plans would place on existing institutions should be identified. Particular attention should be given to the following items.

(1) Formal organizations and agencies.
(2) Powers and authorities of existing institutions, to include legal bases and considerations in both functions and geographic areas.
(3) Major programs and policies of existing institutions.
(4) Regional financing capabilities.

c. As planning continues, the capability of existing institutions, to implement alternative plans is assessed. The assessment may lead to the conclusion that some new institutions will be required in order to implement some or all alternative plans. Because institutional studies are an integral part of plan formulation and evaluation, they must be considered along with social, economic, environmental, and technical impacts throughout the planning process.

d. Active public involvement is essential to accomplish this task. Interest groups and community groups can be of particular value in assessing the potential for change. Moreover, given the definition of public as any non-Corps of Engineers entity, organizations are publics. The inclusion of these publics in the planning process will provide critical input to the institutional analysis.

6. *Presentation of Institutional Arrangements.* Each alternative urban water resources plan must contain at least two alternative implementation arrangements, which may require the presentation of two different institutional arrangements. Those institutional arrangements peculiar to a specific capital improvement or management program should be included in the discussion of that component. Those arrangements concerning the entire plan, should be discussed in an overview paragraph. One implementation arrangement may be used to implement more than one plan. For instance, plan A may have implementation arrangement X and Y. But arrangement X may be used by plans A, C, D, and E whereas arrangement Y may be used by plan A, B, D, and F.

Appendix D

The Plan of Study (POS)

1. *Purpose.* The purpose of this appendix is to establish a general format and content for Plans of Study to be prepared under the Urban Studies Program. Included are examples of tables and schedules to be incorporated in the POS. Single purpose wastewater management planning studies conducted by the Corps of Engineers under either Congressional resolution or pursuant to section 208 of Pub. L. 92–500 will also follow this format and content.

2. *Plan of Study Objectives.* Each POS should fulfill three objectives.

a. Document the planning efforts of Stage 1.

b. Provide a tool to facilitate study management and review of study progress.

c. Serves as an agreement of participation by all pertinent Federal and non-federal agencies and other publics concurring in its content.

3. *Element of a Plan of Study.* Each POS should have the same format to facilitate review and comparability. Accordingly, each POS should contain the following four sections, discussed in paras. 4–7 below.

a. Justification for the Study.
b. Stage 1 Study Results.
c. Study Effort Allocation.
d. Plan of Study Coordination.

4. *Justification for the Study.* This section of the POS should contain the following three subsections.

a. *Introduction.* The introduction should briefly explain the purpose of the POS and the relationship of the POS to study participants.

b. *Authority.* The authority for making the study should be briefly stated. Copies of resolutions should be included as an Appendix to the POS.

c. *Program Objectives.* This subsection should explain the objectives to the Corps of Engineers' Urban Studies Program or single purpose wastewater or Section 208 study as they broadly relate to the study area.

5. *Stage 1 Study Results.* This section should report on the initial stage of the study. It should provide a dynamic framework of substantive information upon which to structure the study. The framework is based upon a broad survey of issues and concerns leading to preliminary definition and analysis of the problems. The public plays an essential role in providing this information. The following subsections should be included.

a. Identification of the Study Area. A brief overview of the existing regional profile of the study area is essential. Additionally, reasons for selecting the boundaries of the study area should be discussed along with the relationship of the study area to surrounding areas. For instance, the quality and quantity of drainage waters originating upstream may affect the study area as the drainage water flows through it. This cause-effect relationship should be discussed.

b. Description of Existing Problems. A discussion of the existing problems within the study area is necessary. Issues and concerns related both directly and indirectly to water resources must be included.

c. Statement of Study Planning Objectives. Based on the description of problems in the previous paragraph, preliminary water resources planning objectives should be identified. These should draw upon the Urban Studies Program objectives, national planning objectives from para 3d and the existing local and regional objectives. All the above objectives and problems should be combined into a set of unified and concise study planning objectives. The specificity of these study planning objectives is important. Phrases such as "wastewater management" or "navigation" are insufficient. Rather, statements such as, "Upgrade the wastewater management systems in the study area to meet the 1977, 1983, and 1985 goals of Pub. L. 92–500" or "Reduce the incidence and amounts of damages resulting from flooding ------ Creek drainage area of *City, State*" are required.

d. Current Planning and Related Data. Included in this section should be a resume of planning activities currently under way or authorized within the study area by Federal, State and local agencies. Sources of available data and pertinent reports should be shown. It is probable that much of this information will be obtained as a result of contacts made during coordination of the POS.

e. Public Involvement Strategy. Because public involvement must begin as soon as the study is initiated, the public involvement strategy for the entire study should be outlined as soon as possible. Tentative dates for public meetings based on expected progress of the study should be developed. Preparation of brochures, development of workshops, and other activities for involving the public in the planning process also should be discussed. All of this information should be included in this subsection.

f. Institutional Arrangements. Basic information on existing institutional arrangements should be included. Significant authorities, spatial and functional responsibilities and institutional relationships, should be discussed to establish a basic framework and usable starting points for subsequent study and analysis.

g. Study Management. This subsection must set forth the following information.

(1) The POS must clearly specify who has the final authority for the administration and management of the study. Is it the District Engineer, Chairman of the local Council of Governments, or other Federal or non-Federal agency representative? Irrespective of who has the final study authority, the District Engineer will retain the responsibility for the Corps portion of the total effect.

(2) The POS must identify the day-to-day study manager. The members of the study team and their areas of expertise must also be identified. If members of other Federal or non-Federal agencies augment the study team, these persons should be identified.

(3) Direct liaison with other Federal and non-Federal agencies should be documented. The study team's points-of-contact at the working level in these other agencies should be identified.

(4) The POS should contain a brief description of coordinating committees, or similar groups, which will be formed for the study. The description should include a discussion of how the inputs of these groups are going to be used, and whether these groups are going to act in an advisory, a managerial, or an administrative capacity.

(5) The POS should clearly identify who is responsible for monitoring the progress of the study and comparing progress to the time, cost, and work effort schedules set forth in the POS. The parties responsible for modifying, and the parties responsible for approving any modifications to, the POS should also be identified.

6. *Study Effort Allocation.* In order to serve as a tool to facilitate study management and review, a POS must contain tables which show the allocation of costs and efforts to specific work elements. To promote comparability, this paragraph specifies those tables.

a. *Major Work Item.* The total study effort should be broken down into major work items. Examples of major work items are flood control and flood plain management, regional harbors and waterways, wastewater management, water supply management, and conservation of fish and wildlife resources. These major work items will be categorized as—

(1) *Specific Work Tasks.* Work tasks specify discrete duties to which costs or efforts may be allocated by individual study participants. Specific work tasks are prescribed in Table D–4 (located at the end of this appendix) for the Wastewater Management major work item. These work tasks have been agreed upon by the Corps, EPA, and the Office of Management and Budget (OMB). Consequently, deviation from these shall not occur without the written approval of HQDA (DAEN–CWP) WASH DC 20314. Specific work tasks for other major work items will vary from study to study.

(2) *Effort Components.* Work tasks are grouped into effort components which facilitate study management and comparability. The effort components are displayed in Table D–1 (located at the end of this appendix). Table 1 shows the percentage of effort ranges considered reasonable for a balanced urban study.

b. *Scheduling of Work Tasks.* Scheduling for the study must be based on the assumption that funding will be available to meet the required time frame and the most efficient course of action spelled out. Selection of the specific method of scheduling work tasks will be left to the reporting officer; however, the method selected should establish priorities of activities and key check points in consonance with the procedures contained in this FR. Where two or more study participants are responsible for a single work task, the completion date of each participant's share of the work task shall be entered in the tables.

c. *Study Costs.* The total cost of each work task must be estimated and assigned to the responsible Federal or non-Federal study participant. Where two or more participants are responsible for a work task, the total cost for the task will be split to illustrate each participant's share. In the context of the tables, "Total costs" is equivalent to "total combined efforts", defined in para 14a(3).

(1) *Table Format.* (a) Tables D–1, D–2, and D–3 (located at the end of this appendix) will be developed for each study. These tables summarize study effort allocation for an urban study. Table D–1 contains total study costs by major work items and effort component. Table D–2 summarizes Federal and non-Federal eoffrts by major work item. Table D–3 summarizes Federal and non-Federal efforts by effort component. The right hand column of Table D–2 should be identical to the bottom row of Table D–1. The right hand column of Table D–3 should be identical to the right hand column of Table D–1.

(b) A table identical to Table D–3 should be developed for each major work item. An example of a table for the major work item of Wastewater Management is labeled Table

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D–3a. Summarizing all of the entries in these tables for each major work item in the study will generate the input for Tables D–1, D–2, and D–3. Consequently, these tables should be some of the first tables developed after the allocated study cost, Table D–6, is determined.

(c) A specific series of tables, Table D–4 will be developed only for the wastewater management major work item. The row and columnar headings and "Work Element/Descriptions" in the POS must be identical to those contained in Table D–4.

(d) A series of seven tables, Table D–5, for each major work item shall be developed if formally requested on a case-by-case basis by HQDA (DAEN–CWP) WASH DC 20314. In no case shall the format of Table D–5 be used as a substitute for the format specified for wastewater management in Table D–4. However, Table D–5 for wastewater management may be required in addition to Table D–4.

(2) *Cost Allocation.* Particular attention must be given to allocating wastewater management costs, because of the potential which wastewater management has for concurrently solving other urban water resource problems. The cost to be allocated to wastewater management shall be based on an equitable distribution of total urban study costs among all major work items. The procedures to be followed in allocating the urban study costs to each major work item is a modified form of the Separable Costs-Remaining Benefits (SCRB) method now being used for project construction cost allocation. In no case shall any other procedure be used without specific written approval from HQDA (DAEN–CWP) WASH DC 20314. The above shall not be construed to supersede or replace existing project cost allocation procedures. Table D–6 shall be used to allocate urban study costs as follows:

TABLE D–1.—*Total study costs by major work item and effort component*

Effort components—work items	Flood control and flood plain management	Lake, ocean, and estuarine, restoration and protection	Wastewater management	Water supply management	Navigation (commercial and recreational)	Water related recreation	Conservation of fish and wildlife resources	Total for effort component
1. Preparation of a plan of study								
2. Plan formulation and evaluation								
a. Problem identification								
b. Formulation of alternatives								
c. Impact assessment and evaluation								
d. Public involvement and institutional studies								
3. Study documentation and report preparation								
4. Study management								
Total for work item								

NOTES.—All table entries should be in thousands of dollars ($10³).

Table 1 contains a conceptual combined effort breakdown for a 3-yr study period. Total study costs = total combined efforts = all corps efforts plus all other Federal efforts plus all non-Federal efforts plus all non-Corps of Engineer dollars disbursed in lieu of providing efforts. Effort = person-years of work multiplied by the annual cost of employing a person with a specified level of expertise.

TABLE D–2.—*Federal and non-Federal efforts by major work item—summary*

Major work items	Federal		Non-Federal		Total for major work items	
	Man-years	Cost (in thousands of dollars)	Man-years	Cost (in thousands of dollars)	Man-years	Cost (in thousands of dollars)
Flood control and flood plain management						
Lake, ocean, and estuarine restoration and protection						
Wastewater management						
Water-supply management						
Navigation (commercial and recreational)						
Water-related recreation						
Conservation of fish and wildlife resources						
Total						

TABLE D–3.—*Federal and non-Federal efforts—summary*

Effort component	Federal		Non-Federal		Total for effort component	
	Man-years	Cost (in thousands of dollars)	Man-years	Cost (in thousands of dollars)	Man-years	Cost (in thousands of dollars)
1. Preparation of a plan of study						
2. Plan formulation and evaluation						
a. Problem identification						
b. Formulation of alternatives						
c. Impact assessment and evaluation						
d. Public involvement and institutional studies						
3. Study documentation and report preparation						
4. Study Management						
Total						

NOTE.—A similar table will be developed for each major work item. Table D–3a, next page is an example.

TABLE D–3A.—*Work item: Wastewater management Federal and non-Federal efforts*

Effort component	Federal		Non-Federal		Total for effort component	
	Man-years	Cost (in thousands of dollars)	Man-years	Cost (in thousands of dollars)	Man-years	Cost (in thousands of dollars)
1. Preparation of a plan of study						
2. Plan formulation and evaluation						
a. Problem identification						
b. Formulation of alternatives						
c. Impact assessment and evaluation						
d. Public involvement and institutional studies						
3. Study documentation and report preparation						
4. Study management						
Total for effort						

NOTES.—A similar table should be developed for each major work item.
Developing this table for wastewater management does not fulfill the same requirement set forth in table D–4. Both tables must be developed although some information is duplicated.

TABLE D–4.—*Federal and non-Federal effort—summary*

	Federal		Non-Federal		Total	
	Man-years	Cost (in thousands of dollars)	Man-years	Cost (in thousands of dollars)	Man-years	Cost (in thousands of dollars)
A. Public involvement program						
B. Data collection and projection for economics, water quality, and environmental and land use						
C. Development of alternative basin and area-wide plans						
D. Evaluation, comparison, and selection of basin and area-wide plans						
E. Implementation arrangements, including institutions needed for managing, financing, planning, construction, operation, and maintenance						
F. Report preparation						
Total						

NOTE.—Table D–4 applies only to the wastewater management major work item. All other major works items do not need a similar table constructed unless formally requested by HQDA (DAEN–CWP), Washington, D.C. 20314. In the event that a field office is formally requested to develop a similar level of detail on a major work item other than waste-water management, the format contained in table D–5 will be used.

TABLE D–4A.—*Federal and non-Federal effort public involvement program*

Work element/description	Responsible agency [1]	Cost		Completion date
		In man-years	In thousands of dollars	
	(1)	(2)	(3)	(4)
1. Develop a public involvement program plan				
2. Compilation of mailing list of individuals and organizations.				
3. Arrangements for meeting places				
4. Personnel to conduct workshops				
5. Personnel to do work with news media				
6. Preparation of public announcement				
7. Preparation of brochures, newsletters, etc				
8. Development of plan of study				
Total:				
Federal				
Non-Federal				

[1] Agency entry should be Corps of Engineers, or an agency name. Code agency name with (F) or (NF) to denote Federal or non-Federal agency, respectively.
[2] Costs should be shown for each agency participating in a work element.
[3] Completion date should be shown for each agency participating in a work element.

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TABLE D–4B.—*Federal and non-Federal effort data collection and projection*

Work element/description	Responsible agency	Cost		Completion date
		In man-years	In thousands of dollars	
	(1)	(2)	(3)	(4)
1. Historical and projected population and economic data on a county basis:				
a. Urban and rural population				
b. Industrial employment by 2- and 3-digit SIC				
c. Agricultural crop acreage and type of cropping				
d. Compare with OBERS projections				
2. Historical and projected water use and facilities on a county basis:				
a. Municipal				
b. Industrial by census industrial sector				
c. Irrigation				
d. Review and adjust where necessary				
3. Historical and projected waste sources and facilities showing flow rate, constituents and concentrations:				
a. Public and municipal				
b. Industrial				
c. Irrigation return flows				
d. Oil and gas field operations				
e. Urban and rural storm runoff				
f. Sanitary landfills				
g. Open dumps				
h. Field collection and analysis of water quality data where none available.				
4. Existing and projected land use plans:				
a. Adopted land-use plans				
b. Best estimates where none exist				
5. Surface water quality data:				
a. Description of data needed				
b. Prepare map showing monitoring stations				
c. List water quality parameters monitored				
d. Inventory existing violators				
e. Identify, locate, and obtain additional data				
6. Stream standards:				
a. Description of existing standards				
b. Identification of inadequacies, if any				
c. Tentative revised standards by stream reach and for all necessary parameters.				
7. Water rights criteria or constraints that may affect design of upstream treatment systems.				
8. Groundwater quality and quantity:				
a. Availability by county and/or aquifer from existing sources with refinements where possible.				
b. Recommend areas which should be considered for groundwater recharge with treated wastewater.				
9. Provide data on existing significant botanical, zoological, archeological, and historical basin features.				
10. Review, select and implement a data handling and storage program.				
11. Data and inventory assessment:				
a. Assess for validity				
b. Assess for coverage				
c. Determine data gaps				
d. Prepare program for incremental data acquisition.				
e. Provide a complete inventory of data source				
Total:				
Federal				
Non-Federal				

Footnotes: See Table D–4a.

TABLE D–4C.—*Federal and non-Federal effort development of alternative basin and area-wide plans*

Work element/description	Responsible agency	Cost		Completion date
		In man-years	In thousands of dollars	
	(1)	(2)	(3)	(4)
1. Identify and designate the wastewater management planning areas.				
2. Basin model:				
a. Review, test, select and adopt model				
b. Adapt, verify, and refine model to river basin conditions.				
3. Alternatives to be devoloped:				
a. Develop wastewater management alternatives for each areawide planning area and for the basin to meet 2 goals:				
(1) Highest levels of wastewaster treatment				
(2) Meet current requirements				
b. Alternatives to be developed include the following:				
(1) Land disposal				
(2) Biological and physical-chemical				
(3) Combinations of (1) and (2) inclu ing nonstructural.				
c. Existing wastewater management plans will be utilized in developing 1 or more of the above alternatives.				
Total:				
Federal				
Non-Federal				

Footnotes: See Table D–4a.

TABLE D–4D.—*Federal and non-Federal effort evaluation, comparison, and selection of basin and area-wide plans*

Work element/description	Responsible agency	Cost		Completion date
		In man-years	In thousands of dollars	
	(1)	(2)	(3)	(4)
1. Assess beneficial and adverse impacts of alternative areawide and basin plans:				
a. Economic				
b. Environmental				
c. Social				
d. Water rights				
e. Institutional/financial capabilities				
2. Compare performance of alternative plans				
3. Select area-wide and basin plan				
Total:				
Federal				
Non-Federal				

Footnotes: See Table D–4a.

TABLE D–4E.—*Federal and non-Federal effort implementation arrangements*

Work element/description	Responsible agency	Cost		Completion date
		In man-years	In thousands of dollars	
	(1)	(2)	(3)	(4)
1. Prepare construction schedules for each of the wastewater planning subareas to meet the highest priority short-range basin goals.				
2. Develop and recommend appropriate institutional arrangements for:				
a. Execution of advanced engineering and design and construction.				
b. Operation and maintenance				
c. Major replacements				
d. Continuing planning and management responsibility.				
3. Develop and recommend financing and cost sharing arrangements.				
4. Planning committee adopts certifiable plan				
Total:				
Federal				
Non-Federal				

Footnotes: See Table D–4a.

TABLE D–4F.—*Federal and non-Federal effort report preparation*

Work element/description	Responsible agency	Cost		Completion date
		In man-years	In thousands of dollars	
	(1)	(2)	(3)	(4)
1. Report preparation				
Total:				
Federal				
Non-Federal				

Footnotes: See Table D–4a.

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TABLE D–5.—*Initials of work item—Federal and non-Federal efforts by work task*

[Major work item: (specify). Effort component: (specify)]

Work task	Federal				Non-Federal			
	Responsible agency	Man-years	Cost (in thousands of dollars)	Completion date	Responsible agency	Man-years	Cost (in thousands of dollars)	Completion date
1. * * *								
2. * * *								
* * *								
* * *								
* * *								
n. Specify as appropriate in detail to insure no duplication of efforts.								
Total								

NOTES.—A table should be developed for the following effort components:

1. Preparation of a plan of study.
2a. Problem identification.
2b. Formulation of alternatives.
2c. Impact assessment and evaluation.
2d. Public involvement and institutional studies.
3. Study documentation and report preparation.
4. Study management.

The format in table 2-5 will be used in the event that a field office is formally requested by HQDA (DAEN-CWP) Washington, D.C. 20314, to develop a similar level of detail to table 2-4 on a major work item other than wastewater management.

TABLE D–6.—*Urban study cost allocation worksheet*

Major work item, x_i	Flood control	Wastewater management	Water supply	Water based recreation	Total Σ of line entries
1. Single purpose study cost					Not applicable. Do.
2. Multiple purpose minus 1 major work item study cost					s.
3. Separable study cost, USC less line 2					w.
4. Remaining study cost, line 1 less line 3					1.
5. Ratio of remaining study cost, remaining study cost for x_i/w					y.
6. Individual joint study cost, (y) by (x_i ratio from line 5)					z.
7. Allocated study cost, line 3 plus line 6					

NOTES.—Σ=the sum of.
x_i=a specific major work item.
USC=urban study cost. USC is not equal of line 1, single purpose study cost. USC is the amount of money and effort from both Federal and non-Federal sources, available for the total multiple purpose study. USC=z=the total cost to be allocated.

(a) The single purpose study cost for each major work item, x_i, without regard for any multiple purpose problem solutions is estimated and entered in line 1.

(b) Estimate the cost to solve all major work items through multiple purpose planning. This is the total urban study cost (USC). The USC is the total estimated cost of the study to include Federal and non-Federal efforts.

(c) For each major work item, x_i, estimate the cost to solve all other remaining x_i through multiple-purpose planning. Enter this value, (N—1), in line 2.

(d) The separable study cost of each major work item is estimated and entered in line 3. The separable cost for each major work item, x_i, is determined by subtracting from the USC, the cost estimated in line 2, above.

(e) The individual remaining study cost is the difference between the single purpose study costs, line 1, and the separable study costs, line 3. This value is entered in line 4.

(f) The ratio of the remaining study cost for each major work item, x_i, line 4, to the sum of all remaining study costs, w, is calculated and entered in line 5.

(g) The total joint study cost, y, is the difference between the USC and the sum of all separable costs, v.

(h) The total joint study costs, y, is distributed to each x_i, by multiplying y times the ratio of remaining study cost for each x_i, line 5, and is entered in line 6.

(i) The allocated study cost for each major work item is the sum of the separable cost, line 3, and the individual joint study cost, line 6, for each major work item. The allocated study cost for each x_i is entered in line 7. The allocated study cost for each major work item should be entered in the bottom line to Table D–1, the right hand column of Table D–2, and the lower right entry in Tables D–3a, b, . . . , i.

(j) The total allocated study cost, z, must be equal to the total urban study cost, USC. This is a useful check on the cost allocation process.

(k) Table D–6 should not be reproduced in the POS. Its primary value is as a worksheet for the cost allocation process. Table D–6, along with the supporting tables used to generate the estimates, will be kept in the files of the study office. This information should be available for review at the second OCE and Division review meeting held after beginning the POS. Table D–4 may be used to assist Corps planners in the development of single purpose costs for wastewater management. Other major work items are traditional Corps roles and should present much less of a problem than the initial single purpose wastewater management cost derivation. Based on total allocated costs for wastewater management, line 7 Table D–6, the single purpose entries can be modified to multiple purpose entries for inclusion in the POS.

(3) Eligible Costs. Certain types of funds may not be used to make up the required non-Federal contributions to the wastewater ccmponent of urban studies. The non-Federal share may be in terms cf services, efforts, and/or cash contributions. Other Federal funds may not be used to make up any part of the non-Federal participation. Revenue-shared funds are not considered Federal Funds for this purpose. The non-Federal share must represent additional new effort specifically required in the conduct of the study. For example, the non-Federal share shall not include costs of data already collected or normally to be collected for an ongoing program, nor shall it include funds used for matching other Federal grants.

(4) Non-Federal Share Costs for Wastewater Management. Those non-Federal efforts which are included as separable costs under the wastewater management column on Table D–6 are countable for cost-sharing purposes. Those non-Federal efforts included as separable costs under any other major work item except wastewater management on Table D–6 are not countable for cost-sharing purposes. Those efforts which are included in the joint study costs are countable for cost-sharing purposes only up to the amount of the joint study costs allocated to wastewater management. The sum of the countable non-Federal efforts described above must be greater than or equal to 25 percent of the allocated study cost for wastewater management, line 7 on Table D–6.

7. *Plan of Study Coordination.* This section of the POS must reflect in detail, the coordination and public involvement that has taken place during POS preparation. The following subsections will be included.

a. *Stage 1 Public Involvement.* This subsection should document the development and execution of the Stage 1 Public Involvement Program. It should set forth what the public involvement hoped to accomplish, how the involvement was executed, and the modifications in the involvement program that may have been necessary to accomplish the desired end.

b. *Agency Approval.* When completed, the POS will essentially represent a formal agreement with the other participants in the study. Therefore, work tasks, schedules, and cost allocations, particularly for wastewater management, will be coordinated with all study participants. Letters of assurance shall be obtained from each and every study participant which confirm that efforts and costs allocated in the tables to specific study participants will be provided. These letters will be reproduced in Appendix B of the POS. If written responses are not available, the situation should be discussed in detail.

Part 275 is added as follows:

Sec.
275.10 Purpose.
275.11 Applicability.
275.12 References.
275.13 Relationship of Pub. L. 92–500 to Corps studies.
275.14 National goals.
275.15 Effluent limitation deadlines.
275.16 Policy on effluent limitations commensurate with 1985 goal.
275.17 Urban drainage.
275.18 Reuse.
275.19 Sewer system evaluation.
275.20 Cost estimates.
275.21 Engineering economic analysis.
275.22 Effective date.
Appendix A
Appendix B
Appendix C
Appendix D
Appendix F

AUTHORITY. Pub. L. 92–500, 84 Stat. 91, 18 October 1972.

§ 275.10 Purpose.

This regulation provides guidance concerning water quality standards, goals, and deadlines to be used in developing wastewater management plans. It further provides policies for evaluation of wastewater collection and treatment facilities.

§ 275.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 275.12 References.

(a) Pub. L. 92–500, Federal Water Pollution Control Act Amendments of 1972, 18 October 1972 (84 Stat. 91).

(b) ER 1105–2–14, Framework and River Basin Study Programs (33 CFR 252).

(c) ER 1105–2–22, Urban Studies Program (33 CFR 264).

§ 275.13 Relationship of Pub. L. 92–500 to Corps studies.

(a) Sections 101 and 301 of Pub. L. 92–500 establish a set of national water quality goals. These sections establish dates by which wastewater treatment facilities must achieve certain treatment levels; these dates 1977, and 1983 and the treatment levels to be met are discussed along with the goal for 1985 in §§ 275.14–275.18 of this regulation. Plans developed will provide for phased implementation of the wastewater elements needed over the planning period to meet the water quality goals and standards specified in §§ 275.14–275.18. It is particularly important that a clear, concise display of the costs and impacts associated with the phased achievement of each goal over time be presented.

(b) The plans prepared in the course of study shall assist local governments in fulfilling certain of the requirements of a Step 2 (Preparation of Construction Plans and Specifications) construction grant application for section 201, "Facilities Planning". Appendix A sets forth the 14 items to be covered in the Step 2 construction grant application. The plan of study (ref § 27512(c)) must clearly set forth which participating agency is to provide each element of the Step 2 grant application. Some of the elements may be developed after the Corps of Engineers completes its portion of the study effort. Specific interpretations of the level of detail associated with each element should be obtained from the EPA Regional Office in whose jurisdiction the study area is located.

(c) When assisting local interests in the development of elements for a Step 2 grant application the function of certifying a plan is vested in the State. The State agency must forward, with each construction grant application submitted to the Regional Administrator, a certification that the proposed project is entitled to priority in accordance with the State priority system, and requires the specified funding requested from allotments currently available. Also included in priority certification is a statement that the award of a grant for the proposed project will not jeopardize the funding of any treatment works of higher priority. The State agency is responsible for defining the scope of treatment works projects and determining the time when such projects are to receive Federal financial assistance.

(d) Section 303, "Water Qaulity Standards and Implementation Plans," 40 CFR 130, "State Continuing Planning Process," and 40 CFR 131, "Water Quality Management Plans" describe State requirements in three areas. These requirements concern what the state has to do to establish a series of stream water quality standards, develop a priority listing of municipalities not achieving the stream standards, and develop information to implement a waste discharge permit program. Corps wastewater planning is not normally concerned with the type of planning required by section 303. However, information developed in the course of a Corps study may be modified and augmented, as necessary, by the State to satisfy requirements imposed by section 303.

(e) Corps planning for regional wastewater management facilities will reflect the intent of section 208, "Areawide Waste Treatment Management." When a planning agency is designated under section 208(a) to develop an areawide plan, Corps planning will provide input to the planning as defined in the Interagency Agreement between the Secretary of the Army and EPA dated 22 November 1974 (ref. § 275.12(c)).

(f) This regulation does not apply to studies conducted specifically to satisfy section 209, "Basin Planning". Those plans generally conform to Water Resources Council Level B criteria (ref. § 275.12(b)).

§ 275.14 National goals.

(a) Pub. L. 92–500 establishes two national water quality goals in section 101 (a). These goals are:

(1) It is the National goal that the discharge of pollutants into the navigable waters be eliminated by 1985.

(2) It is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by 1 July 1983.

(b) The wastewater management plans developed by the Corps will provide for satisfaction of these national goals through the time-phased achievement of various effluent limitation deadlines for publicly owned treatment works (POTW's) and non-POTW's. Table 1 relates the name of effluent limitations deadlines, and their acronyms, established in section 301 of Pub. L. 92–500, to the dates by which they must be achieved.

§ 275.15 Effluent limitation deadlines.

(a) *Secondary treatment.* Information defining secondary treatment in terms of water quality criteria was published as 40 CFR 133 in 38 FR 22298–22299 on 17 August 1973. POTW's in existence on 1 July 1977 or approved pursuant to section 203 of Pub. L. 92–500 prior to 30 June 1974 must achieve secondary treatment Any more stringent effluent limitations established to meet paragraphs (a) (1) through (4) of this section must be achieved not later than 1 July 1977.

(1) State water quality standards.

(2) Treatment standards.

(3) Schedules of compliance established pursuant to any State law or regulations under authority of section 501 of Pub. L. 92–500.

(4) Any other Federal law or regulations required to implement any applicable water quality standard established by Pub. L. 92–500.

(b) *Best Practicable Technology Currently Available (BPT).* By 1 July 1977, non-POTW must achieve BPT. Information defining BPT is being published on an industry-by-industry basis. Thirty categories of industrial discharges have been identified, many containing several subcategories. Effluent limitations regulations for these categories are being published in the Title 40 CFR series as Parts 405 through 435. Retreatment requirements for compatible pollutants in existing industrial discharges to POTW are described in 40 CFR 128, 39 FR 20982–30985, 8 Nov. 73. In addition to specifying effluent limitations allowing direct industrial discharge to navigable waters, regulations 40 CFR 405 through 435 also specify pretreatment requirements needed for—(1) Incompatible pollutants discharged from existing industries to POTW.

TABLE 1.—*Effluent limitation deadlines*

Source of wastewater	Dates	
	1977	1983
Publicly owned treatment works (POTW).	Secondary treatment	Best practicable waste treatment technology (BPWTT).
Nonpublicly owned treatment works (non-POTW).	Best practicable technology currently available (BPT).	Best available technology economically achievable (BAT).

NOTE.—POTW's are frequently referred to as "municipal" treatment plants. An example of non-POTW's are industrial treatment plants.

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(2) New source industrial discharge to POTW.

(c) Best Practicable Waste Treatment Technology (BPWTT). No later than 1 July 1983, all POTW must provide for the application of BPWTT over the life of the treatment works. A Notice of Availability of an EPA proposed report titled Alternative Waste Treatment Management Techniques and Systems for BPWTT was published in 39 FR 11135, 25 Mar. 74. Corps field offices should coordinate with applicable State officials and EPA Regional Office personnel to develop an acceptable definition of water quality criteria achievable by, and commensurate with, BPWTT. Additionally, no funds may be provided under section 201 of Pub. L. 92–500 after 30 June 1974 unless the grant applicant can show that—

(1) Alternative waste management techniques have been studied and evaluated.

(2) The treatment works proposed meet BPWTT as defined by EPA.

(3) As appropriate, the treatment works allow to the extent practicable, the application of technology for water recycling, reclamation, or the elimination of pollutant discharges at a later date.

(d) Best Available Technology Economically Achievable (BAT). By 1 July 1983, non-POTW must apply BAT to their treatment works. Information on effluent limitations for BAT is provided in the same regulations as is information on BPT (40 CFR 405 through 435).

§ 275.16 Policy on effluent limitations commensurate with the 1985 goal.

(a) The Corps has no authority to establish or enforce "no discharge" limitations. In addition, EPA has no specific mandate to enforce the "no discharge" limitation. However, as a result of sections 301, 302, 304, 306, 307, and 403 of Pub. L. 92–500, "no discharge" limitations may evolve for certain classes and categories of discharges. Until such an evolution occurs, or until the Administrator of EPA publishes effluent limitations commensurate with the national goal, the Corps of Engineers' will interpret this goal. This interpretation shall be used for planning by the Corps as part of the Urban Studies Program.

(1) Wastewater management studies conducted by the Corps which are not a part of the Urban Studies Program need not address this goal unless desired by local participants or EPA.

(2) The reason for developing plans for the 1985 goal in the Urban Studies program is to assure that any potential synergistic effect of attaining that high level of treatment is identified and considered by local interests in selection of the overall water resource plan for the region. The Federal financial cost (75 percent of total construction cost under section 201 of Pub. L. 92–500) as well as the environmental and social cost of proceeding directly from the 1977 goal to the Corps of Engineers' definition of the 1985 goal may be significantly different than the cost of proceeding from the 1977 goal to the 1983 goal and then to the 1985 goal. Consequently, alternative plans will be developed to achieve the 1985 goal with and without the intermediate 1983 goal. Plans developed to attain the 1985 goal will be generally at a reduced level of detail.

(3) Although there is no requirement by the Corps that local governments adopt a plan which will provide for "zero" discharge", plans will be available should they decide to do so.

(b) The critical levels for constituents to attain the 1985 goal shall be based upon the natural background levels of the watercourse or aquifer into which the wastewater effluent is discharged, with specific exceptions of constituents that are highly toxic or otherwise injurious to the environment at trace levels. These levels shall apply as the 1985 goal with the exception that:

(1) If current State water quality standards are more stringent, these standards shall apply; or

(2) An environmental scan provides a basis for allowing levels of constituents that are higher than natural background levels but not highly toxic, or otherwise injurious to the environment.

(c) Table 2 lists the constituents which should be absent from the wastewater effluent at discharge, because of their toxicity to the environment at trace levels. The list is based upon limits recommended by the Committee on Water Quality Criteria for water uses such as public water supply, fresh water and marine aquatic habitat, and irrigation.

TABLE 2

Arsenic	Lead
Barium	Pesticides and other synthetic organics
Boron	
Cadmium	Phenols
Chromium	Selenium
Copper	Silver
Cyanides	Zinc
	Mercury

(d) In addition, the constituents in Table 3 are considered to constitute a potential environmental and hygienic risk such that their absence is desirable, although presence at natural background levels may be permissible based upon an environmental scan.

TABLE 3

Antimony	Nickel
Beryllium	Thallium
Cobalt	Tin
Molybdenum	Titanium

(e) In the absence of determing natural background levels or conditions for a particular watercourse or aquifer, the levels given in Appendices C and D should assist in determining the maximum acceptable levels for design. These effluent levels may be relaxed upward on the basis of the environmental scan. The constituents in Appendix C along with those listed in paragraph (c) of this section comprise the minimum acceptable group that must be considered in system design in all studies. Constituents given in Appendix D should be considered as appropriate, depending upon characteristics of the region.

(f) A list of constituent levels considered critical to the environment will be developed in each study for watercourse receiving treated wastewater. These lists will include a discussion of the derivation of each constituent level and environmental scan, with particular emphasis where levels are higher than those recommended in this document. These lists will be furnished to HQDA (DAEN–CWP) WASH DC 20314, prior to the end of Stage 2 planning (see § 275.12(c) for definition of Stage 2).

§ 275.17 Urban drainage.

This paragraph provides policy on the conduct of urban drainage studies.

(a) *Definition of permissible urban drainage studies.* (1) Planning for urban flood control and wastewater management requires studies of urban drainage systems. Runoff from any given tributary area may be conveyed through storm sewers, flood control works, or combinations of these two kinds of facilities. In addition, runoff may be treated to remove pollutants before discharge to receiving waters. Moreover, when provision is made for treatment of urban runoff to meet water quality goals and deadlines, different conveyance and/or retention systems may be required.

(2) Although urban drainage is a functional water resource category which could be studied for its own sake, Corps of Engineers studies of urban drainage are limited to considering urban drainage as a part of the flood control major work item or as a part of the wastewater management major work item. Urban drainage planning for areas with separate storm sewers or without storm sewers will not be part of wastewater management planning if receiving waters will meet the 1983 water quality goal with BPWTT for POTW and BAT for non-POTW in-place. Urban drainage studies which are not an integral part of flood control or wastewater management planning will not be undertaken by the Corps.

(b) *Cost-sharing applicable to permissible urban drainage studies.* (1) Those aspects of urban drainage studies which are part of flood control planning will be financed at 100 percent Federal expense.

(2) Those aspects of urban drainage studies which are part of wastewater management will be financed at the current cost-sharing ratio which is 75 percent Federal—25 percent local. The local share may be in the form of effort sharing or a cash contribution. Section 275.12 (c) provides additional information on cost-sharing.

(3) Those aspects of urban drainage studies which are not a part of either flood control or wastewater management will not be undertaken by the Corps.

§ 275.18 Reuse.

Consistent with the requirements for recycling and reuse in Pub. L. 92–500, and in accordance with requirements governing evaluation of BPWTT techniques for waste treatment and reuse, the following are required:

(a) Reuse opportunities will be identified on the basis of the needs of the region in which wastewater may be collected, treated, transported, and disposed. Reuse will be investigated not only for wastewater, but for sludge, brine, and generated gases.

(b) Wastewater reuse will be analyzed for such uses as agricultural irrigation, turf irrigation, aquifer recharge, stream flow augmentation, recreational lakes, industrial cooling, industrial process water, industrial boiler feed, and for municipal use.

(c) Sludge should be investigated for reuse as a fertilizer, and soil conditioner, especially for strip mine areas; both sludge and brine as bulk material for emerging demands such as highway and other construction; and both sludge and gases as possible sources of energy or other consumptive requirements.

§ 275.19 Sewer system evaluation.

(a) *Requirement.* The engineering report required for a Step 2, section 201 grant application requires a sewer system evaluation. The evaluation is intended to determine the need for rehabilitation of the sewer system. This paragraph explains the Corps of Engineers' position on performing the sewer system evaluation defined in 40 CFR 35.927 (38 FR 5329).

(b) *Sewer system evaluation components.* A sewer system evaluation is composed of two parts. The first part, an Infiltration/Inflow (I&I) Analysis, must be performed by all Step 2 construction grant applicants. The I&I Analysis is a cost effectiveness analysis based on existing data. It is designed to determine whether the cost of sewer rehabilitation is more cost effective than the cost of treating the extra flow resulting from infiltration and inflow. If the cost of rehabilitation is greater than the added cost of treatment, Infiltration/Inflow is not excessive. If the I&I Analysis indicates that Infiltration/Inflow is not excessive, and EPA agrees with that finding, no further efforts need to be expended on this task. However, if infiltration/inflow is determined to be excessive and EPA concurs, then a sewer system evaluation survey is required.

(c) *Corps of Engineers participation in sewer system evaluation.* Where requested by local officials and agreed to in the Plan of Study, the Corps of Engineers should perform Infiltration/Inflow Analyses as an integral part of the wastewater management portion of an urban study. The Corps will not perform Sewer System Evaluation Surveys. If such surveys are required, the Corps will assist local officials making application for a Federal grant. The cost of an Infiltration/Inflow Analysis shall be shared in the same federal to non-Federal ratio as the remainder of the wastewater management portion of an urban study. The local EPA Regional Office should be contacted for the latest technical guidance.

§ 275.20 Cost estimates.

(a) Identified alternative wastewater management plans shall be screened and initially analyzed to determine which systems have cost-effective potential and which should be fully evaluated according to procedures established by the EPA cost effectiveness analysis guidelines (see Appendix E).

(b) The costs to be considered in estimates shall include all direct project costs to be incurred in the implementation of the plan throughout the planning period, including all capital, operation, maintenance, and replacement costs. Sunk costs shall be excluded. Salvage value and revenue derived from implementation of the plan will be assessed as negative monetary costs. The elements of cost listed in Appendix F shall be included in cost estimates for wastewater treatment systems presented in urban studies reports.

(c) Since the cost estimates for wastewater treatment systems are a key criterion in the selection of plans, the presentation of the cost estimates could affect the credibility of the wastewater management portion of the urban studies reports. The presentation should be suitable for detailed review and analysis not only by the authorities who will approve the plans, but also by the people who will be affected by their execution, especially when public approval of project financing is required. Requirements for the presentation of cost estimates are as follows:

(1) Cost data used in the estimate will be supplied and the source identified. When attachment of supporting cost data is impracticable, the data will be specifically identified and described. The data that will be identified are the details behind the summary figures submitted in the report. There are several layers of data, each more detailed than the preceding, and a decision must be made as to what detail the reviewer or the public require to make a judgment as to the degree of confidence in or the validity of the cost estimates. To establish completeness, identification will have to cover the following four points: What it is, Where it is, What it represents, How it was used. The What, Where, and How are self-explanatory. The answer to "what it represents" requires such things as time period and whether the costs are actual or estimated and whether, if actual, the costs are simple average, moving average or derived on some other basis.

(2) The report will include any information necessary to explain the estimating process including the judgemental factors applied and the mathematical methods used in the estimate including those used in projecting from known data. The contingency factors used will be explained and justified. The report must explain how the estimator went from known, factual data to the estimate and how he provided for the uncertainties of the future. The report will provide words to go with the figures so that a complete understanding is possible.

§ 275.21 Engineering economic analysis.

(a) *General.* Construction of treatment plants and transmission facilities can be phased during the planning period. Likewise, operation and maintenance costs vary from year to year due to changes in wastewater flows to the plant. Therefore, in order to make an economic selection, the method of analysis for cost evaluation of each system alternative recommended in the EPA Guidance on Preparing a Facilities Plan, May 1975, will be used. The interest rate will be the Federal discount rate for evaluation of water and related land resources projects, as defined annually by the Water Resources Council and published in an Engineer Circular by DAEN–CWP. The evaluation of monetary costs will not be influenced by adopted financial arrangements such as depreciation, debt retirement, and cost recovery rates and periods.

(b) *Method of analysis for cost evaluation of each system alternative.* (1) Estimate the initial capital cost.

(2) Estimate future capital costs of phased construction and determine their present worth.

(3) Estimate O&M costs, both fixed and variable, and any future changes and determine their present worth.

(4) Estimate salvage values and determine their present worth (negative costs).

(5) Estimate revenues produced and determine their present worth (negative costs).

(6) Sum the values obtained in steps (1) through (5) to obtain the present worth of the system alternative.

(7) Multiply the present worth obtained in Step 6 by the appropriate capital recovery factor to obtain the equivalent annual cost of the system alternative.

§ 275.22 Effective date.

This regulation is effective November 3, 1975, as published in the FEDERAL REGISTER on that date and codified as 33 CFR 275.

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APPENDIX A

ITEMS REQUIRED FOR A STEP 2–201 GRANT[1]

EPA regulations for an application for a grant for preparation of construction drawings and specifications shall include but not be limited to the following items. The Corps may provide all items except as indicated.

1. State priority certification in accordance with § 35.915 (State responsibility).

2. Sewer system evaluation in accordance with § 35.927. The Corps may do the I/IA portion; sewer system evaluation study remains a local responsibility.

3. Feasibility report.

4. Engineering report, including—

a. Facility design data incorporating.

(1) Results of sewer system evaluation (Partial satisfaction by Corps plans).

(2) Estimated effluent quality, with respect to all parameters required by applicable effluent limitations and water quality standards.

(3) Proposed method for ultimate disposal of sludge.

b. Cost estimates for design and construction.

c. Schedule for completion of design and construction.

5. Description of proposed user charge system in accordance with § 35.928 (Corps plans partially satisfy this element).

6. Statement regarding availability of proposed site, if relevant (State or local responsibility).

7. Statement regarding ability of applicant to obtain discharge permit for proposed facility (Applicant's responsibility).

8. Required comments or approval of relevant State, local, and Federal agencies (including compliance with "clearinghouse requirements" of OMB Circular A-95 (Corps plans contain the required comments).

9. An environmental assessment unless the Regional Administrator determines, at the request of the applicant that there is insufficient data available to prepare such assessment, provided that the environmental assessment must then be submitted to the Regional Administrator at or prior to the time of submission of plans and specifications for the building and erection of a treatment works.

10. Statement regarding the applicant's financial, legal, institutional, and managerial capabilities to insure the construction, operation and maintenance of the treatment works (Applicant's responsibility).

11. Statement regarding compliance with other applicable Federal statutory and regulatory requirements (see 40 CFR Part 30, Subpart C) (Applicant's responsibility).

12. Statement regarding compliance with title VI of Civil Rights Act of 1964 (Applicant's responsibility).

13. Statement regarding applicant's proposed operation and maintenance program (Corps plans propose some O&M procedures, but the preparation of the statement is clearly an applicant's responsibility).

14. Proposed subagreements, or an explanation of the intended method of awarding subagreements for performance of any substantial portion of the project work (Applicant's responsibility).

[1] SOURCE: 40 CFR 35, Subpart E, "Grant for Construction of Treatment Works—Federal Water Pollution Control Act Amendments of 1972."

APPENDIX B.—*Controlling uses requiring absence of toxic constituents*

Constituents	Controlling use(s)	Toxic effects
Arsenic	Public Water Supply	Arsenic trioxide is exceedingly toxic to most animals. It is cumulative in the tissues of many organisms. In arsenate form, it is an antimetabolite, reacting with proteins and enzymes. It is a possible carcinogen in water.
Barium	do	Barium forms a stable precipitate or chelate with essential metabolites, causing toxicity.
Boron	do	Boron is an essential element for plants, but is toxic to most plants in concentrations greater than 1 mg/l. Ingestion of boron can upset the central nervous system. Continued ingestion leads to the clinical syndrome of borism. Borate is an antimetabolite. Synthetic boranes are highly toxic.
Cadmium	do	Cadmium toxicities are implicated in hypertensive diseases of man. Irrigation water needs very stringent control of cadmium to insure that cumulative amounts in plants are not a problem. Synergistic effects with zinc are a problem. Cadmium combines with cell membranes, affecting permeability. It may cause cell membrane ruptures. Cadmium may also lead to heart disease, and possibly cancer.
Copper	do	Copper is highly toxic to algae, seed plants, and invertebrates. It is moderately toxic to mammals. Copper acts synergistically with cadmium, zinc, and mercury, but is not a systemic poison like mercury or lead. Fresh water fish are also quite susceptible to copper poisoning.
Cyanides	do	Hydrocyanic acid and its salts, the cyanides, are extremely toxic. Toxicity increases with rising temperatures and decreasing hydrogen-ion concentration. Complex cyanides are formed with cadmium and zinc that are much more toxic than the ordinary salts.
Lead	do	There is a considerable variation in toxicity among the various forms of lead. However, it is a cumulative poison. Chronic lead poisoning occurred in animals when 0.18 mg/l was consumed from soft water. Lead can combine with cellular membranes obstructing the passage of nutrients and can cause bursting of the cell membrane.
Mercury	Fresh water aquatic and marine aquatic habitats.	Some organic mercury compounds are able to enter the food chain of aquatic plants, algae, and lower forms of animals. This methylmercury can be biologically magnified to the extent that it can cause death in humans. Methylmercury can destroy cells of the brain causing tremors and ulcers; it can accumulate in the kidneys and liver. Methlmercury can also accumulate in fetuses where it can produce birth defects by breaking chromosomes. Trace amounts of copper can greater increase toxicity. Shellfish will accumulate very high quantities of methylmercury.
Pesticides and other synthetic organics.	Public water supply	Chlorinated hydrocarbons are very persistent. Organophosphates hydrolyze rapidly to harmless or less harmful products. Cholinergic carbamates and organophosphates are highly toxic to mammals and fish. Chlorinated hydrocarbons may accumulate in animal tissue in high enough levels to preclude human consumption. Phenoxy acid herbicides are subject to rapid biological degradation in soil, but their decomposition in water is not well understood.
Phenols	do	Phenols taint the taste and odor of drinking waters in very minute quantities. Fresh water fish are affected by phenols, the result being anything from intoxication to paralysis to death.
Selenium	Public water supply, irrigation waters.	Selenium poses a special problem for mammals in that it is very easily transmitted through the mammary glands to the milk. Biological magnification in plants is possible, up to 4–5 mg/l. Ingestion of the plants will cause toxic symptoms in animals. As little as 0.5 mg/l of selenium in solution will induce biological magnification. Cereal grains and pasture grasses are the most common plants to biologically magnify selenium and cause toxic reactions in humans and cattle.
Silver	Public water supply	It is highly toxic to plants and mammals.
Zinc	Public water supply and fresh and marine aquatic habitat.	It is accumulated in coelenterates and mollusks. Very small amounts of zinc are toxic to oysters. It has also produced toxic results in plants.

APPENDIX C

CONSTITUENTS REQUIRING CONSIDERATION

Constituent	*Effluent level*
Total dissolved solids	Heat
Biochemical oxygen demand, 5-Day	BOD level less than 5 mg/l. BOD level equal to or less than dissolved oxygen level.
Heat	The level which assures protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or on the water into which discharge is made.
Color	Less than 15 color units.
Nitrogen as nitrate -N and nitrite -N	Less than 4 mg/l total.
Nitrogen as ammonia -N	Less than 0.5 mg/l.
Total nitrogen as N	Less than 8 mg/l.
Phosphorus as total P	Less than 50 micrograms/liter entering a lake; or 100 micrograms/liter entering a flowing stream.
Oils and greases	Trace.[1]
Fecal coliform organisms	Less than 200/100 ml.
Suspended solids	Less than 5 mg/l.
Dissolved oxygen	Greater than 5 mg/l.

[1] Detectable only with the most refined instruments.

APPENDIX D

CONSTITUENTS WHICH MAY REQUIRE CONSIDERATION

Constituent	*Effluent level*
Virus	Inactivate, but present at trace levels.
Surfactants	Trace.[1]
Fecal streptococci	Inactivated, but present at trace levels.
Tastes and odors	None offensive.
Floatables	None.
Settleable solids	Trace.[1]
Volatile solids	Trace.[1]
Gamma radiation	Trace.[1]
Alpha radiation	Less than one pico curie/liter.
Beta radiation	Less than 100 pico curies/liter.
Turbidity	Less than five Jackson units.
Chemical oxygen demand	Less than 10 mg/l.
pH	Between 6.0 and 8.5.
Alkalinity	Less than 100 to 130 mg/l when pH is between 6.0 and 7.0.
Carbon dioxide	Less than 25 mg/l.
Sulfates	Less than 100 mg/l.
Calcium	Less than 30 mg/l.
Chlorides	Less than 250 mg/l.
Sodium	Less than 10 mg/l.
Magnesium	Less than 125 mg/l.
Fluorides	Varies from 1.7 mg/l at 10° C to .8 mg/l at 30° C.
Aluminum	Less than 1 mg/l.
Bicarbonates	Less than plus or minus 50 mg/l variation over ambient concentrations.
Manganese	Les than 0.05 mg/l.

[1] Detectable only with the most refined instruments.

APPENDIX F

ELEMENTS OF COSTS FOR ESTIMATING WASTEWATER TREATMENT SYSTEMS

1. *Capital costs.* a. Contract Construction Costs including contractor overhead and profit of all system components including:

(1) Systems for collection, treatment and disposal wastewater.

(2) Modifications required for existing facilities.

(3) Components for treatment and disposal of residual wastes, including conveyance to disposal sites.

(4) Components for storage and recycling of wastewater including land disposal.

(5) Integral flow and waste reduction measures.

(6) Pretreatment facilities for industrial wastes (private costs).

(7) Storage or control measures for control of domestic wastes and combined sewer overflows.

(8) Any interim facilities needed while more permanent facilities are deferred or under construction plus incremental operation and maintenance costs of the temporary facilities compared with costs of the old facilities.

(9) Dismantling and restoring the sites of abandoned plants.

(10) Incidental components such as offices, maintenance shops, laboratories, instrumentation and control facilities, chemical storage and conveyance facilities, site preparation and landscaping.

b. Costs for detailed engineering and design services, field exploration studies, and engineering services during construction.

c. Costs for legal and administrative services associated with implementation of the facilities plan.

d. Costs of all lands, including capitalized costs of leased lands (including publicly owned lands), rights-of-way, and easements based on appraised market values, and including relocation and inconvenience payments.

e. Startup costs such as operator training.

f. Interest foregone during facilities construction. In cases where capital expenditures can be expected to be fairly uniform during the construction period, this cost may be calculated as

$$I \times \tfrac{1}{2} P + C$$

where:

I = interest (discount) rate,

P = the construction period in years, and

C = the total capital expenditures;

in cases in which expenditures will not be uniform, or when the construction period will be greater than three years, this cost shall be calculated on a year-by-year basis.

g. Contingency allowances as appropriate to the level of complexity and detail used.

2. *Operation and maintenance (including replacement) costs.* a. Ongoing operation and maintenance costs for all collection, storage, treatment (including pretreatment), disposal and recycling facilities and integral flow and waste reduction measures. Annual costs shall be divided between fixed annual costs and costs which would be dependent on the annual quantity of wastewater collected and treated.

(1) Labor costs including provisions for operational, general maintenance, and administrative personnel.

(2) Chemical costs.

(3) Materials costs including items required for general maintenance and substances which must be replaced periodically such as activated carbon and filter media.

(4) Transportation costs for conveyance of sludges and other materials for ultimate disposal.

(5) *Power costs.*

(6) Incidental costs such as allowance paid to local governments for land removed from the tax rolls.

b. Short-term operation and maintenance costs associated with upgrading of existing facilities or development of interim facilities.

c. Costs of periodic replacement of equipment and equipment parts.

d. Costs for a continuing program for personnel training necessary for new entries and to maintain the proficiency of existing staff, including operator certification, management training, and other specialized training as needed.

3. *Salvage value.* a. Land for treatment works, including land used as part of the treatment process or for ultimate disposal of residues, shall be assumed to have a salvage value at the end of the planning period equal to its prevailing market value at the time of the analysis. Rights-of-way and easements shall be considered to have a salvage value not greater than the prevailing market value at the time of the analysis.

b. Permanent structures will be assumed to have a salvage value at the end of the planning period. If those structures can be expected to continue to be used as planned, salvage value will be based on the remaining service life of the structure based on a straight line depreciation over the assumed service life of the structure.

c. The same approach for determining salvage value will apply to process and auxiliary equipment that will have a usable value at the end of the planning period.

d. When the anticipated useful life of a facility is less than 20 years (for analysis of interim facilities), salvage value can be claimed for equipment where it can be clearly demonstrated that a specific market or reuse opportunity exists.

4. *Revenue produced.* Net revenue (total revenue minus associated costs) anticipated to be accrued from plan implementation will be evaluated and credited as negative costs (benefits) to the plan. Examples are revenue from recovered wastewater constituents and revenue from processed sludge or other residual wastes from the treatment and pretreatment facilities. In addition to normal monetary costs associated with wastewater reuse, these may be external costs for diminution (consumptive use) by evaporation or evapotranspiration of a prior water use or supply. These monetary external costs should be included in the analysis.

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federal register

MONDAY, NOVEMBER 3, 1975



PART IV:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

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Title 15—Department of Commerce

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 4b—PRIVACY ACT

Correction

FR Doc. 75-26425, appearing at pages 45619-45631 in the FEDERAL REGISTER of Thursday, October 2, 1975, is corrected by making the following changes:

1. On page 45620, the second column, in paragraph 19, the third line, the word reading "participiation" should read "participation".

2. On page 45621, the first column, in paragraph 50, the fourth line, the term "(h)" should read "(H)".

3. On page 45621, the second column, in the indexed title of section 4b.3, the word "requests" should read "inquiries".

4. On page 45621, the second column, in the indexed title of section 4b.4, the words "for access" should be added after the word "requests".

5. On page 45621, the second column, in the indexed title of section 4b.6, the word reading "medical" should read "Medical".

6. On page 45621, the second column, in the indexed title of section 4b.7, the word reading "of" should read "to".

7. On page 45621, the third column, in paragraph (a), the eighth line, the word reading "insure" should read "ensure".

8. On page 45622, the first column, in paragraph (d)(1), delete the word "this" from the second line and insert the words "of this Title" after "Part 4" in the third line.

9. On page 45622, the third column, in paragraph (d)(7), the second line, insert a comma after the word "address".

10. On page 45623, the second column, in paragraph (e), the second to last line, the reference "4b.," should read "4b.3,".

11. On page 45623, the third column, in paragraph (ii), the sixth line, insert a comma after the word "card".

12. On page 45624, the second column, in paragraph (e), in the second to last line, the "attmept" should read "attempt".

13. On page 45625, the first column, in paragraph (b), in the ninth line, the word "fill" should read "will".

14. On page 45625, the third column, the paragraph designation which reads "(a)(1)(i)" should read "(a)(1)(i)".

15. On page 45625, the third column, in the second to last line, delete the word "an".

16. On page 45626, the second column, in paragraph (b), the third and forth lines reading "the initial denial, which official is authorized to make final determinations." should read "the initial denial (that official is authorized to make final determinations).".

17. On page 45627, the first column, the reference in footnote 1 reading "5 U.S.C. 552(a)(4)" should read "5 U.S.C. 552a(b)(4)".

18. On page 45627, the third column, the third line, insert a hyphen between the words reading "first class".

19. On page 45628, the first column, in paragraph (a)(2), the first word of the second line which reads "File—" should read "Files—".

20. On page 45628, the second column, in paragraph (a), the reference reading "(e)(4)(G)," should read "(e)(4)(G),".

21. On page 45628, the third column, in paragraph (b)(2)(i), the third line, the word "of" should be deleted and the word "or" inserted in lieu thereof.

22. On page 45628, the third column, in paragraph (b)(2)(iii), the second line, the word reading "File—" should read "Files—".

23. On page 45628, the third column, in paragraph (b)(2)(vii), the first line, the word reading "Non-registered" should read "Non-Registered".

24. On page 45628, the third column, in paragraph (b)(3)(i), the second line, the words reading "1964 (Partial)," should read "1964 (partial),".

25. On page 45628, the third column, in paragraph (b)(3)(v), the second line, the words reading "for 1900 and Subsequent" should read "for 1900 and All Subsequent".

26. On page 45628, the third column, in paragraph (b)(3)(vi), the third line, delete the "s" on "ments".

27. On page 45629, the first column, in paragraph (4)(vi), delete the word "Activity" in the second line.

28. On page 45629, the second column, in the fifth paragraph, the second line, delete the comma following "(e)(4)".

29. On page 45630, the first line on the page, the words reading "Assistant Director Administration, Sills Bldg.," should read "Assistant Director for Administration, NTIS, Sills Bldg.,".

30. On page 45630, after the first line on the page insert a new line reading "Office of Energy Programs—Deputy Director, OEP, Main Commerce Bldg., Washington, D.C. 20230".

31. On page 45630, in Appendix C, the words reading "Federal Employee Compensation Act Program" should read "Federal Employee Compensation Act program", the words reading "Equal Employment Opportunity" should read "Equal employment opportunity" and the words reading "Payroll and tarvel records of department" should read "Payroll and travel records of Department".

32. On page 45630, the last line on the page, the words reading "attach at the point of any denial for access or for correction or amendment" should be deleted and the words "alone apply" inserted in lieu thereof.

33. On page 45631, in paragraph entitled "INSTRUCTIONS:", the second line, the word "Canary" should be deleted and the word "Gold" inserted in lieu thereof.

34. On page 45631, in paragraph entitled "Copy Distribution," delete the last two words "for signature".

Dated: October 28, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75-29378 Filed 10-31-75;8:45 am]

Title 41—Public Contracts of Property Management

CHAPTER 51—COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PART 51-8—PRIVACY ACT RULES

In accordance with the publication requirements of 5 U.S.C. 552a(f), the Committee for Purchase from the Blind and Other Severely Handicapped issued and published a "Notice of Proposed Rulemaking" on September 12, 1975, at 40 FR 42444-42448.

Since the 30 day comment period for such regulations expired on October 12, 1975 and no comments were received, the Committee hereby adopts the regulations as proposed and published on September 12, 1975, at 40 FR 42444-42448 as its final regulations governing matters arising under 5 U.S.C. 552a, and amends Title 41, Chapter 51 of the Code of Federal Regulations by adding the new part 51-8 thereto as set forth below.

By the Committee.

C. W. FLETCHER,
Executive Director.

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Sec.
51-8.701 Committee rules of conduct.

AUTHORITY: Pub. L. 93-579, 31 December 1974 5 U.S.C. 552a.

Subpart 51-8.1—General Policy

§ 51-8.101 Maintenance of records.

§ 51-8.101-1 Collection and use.

Any information used in whole or in part in making a determination about an individual's rights, benefits, or privileges under the Committee programs, shall, to the extent practicable, be collected directly from the subject individual. At the time information is collected, the individual must be informed of the authority for collecting such information, whether providing the information is mandatory or voluntary, the purposes for which the information will be used, the routine uses as published in the FEDERAL REGISTER, and the effects on the individual, if any, of not providing the information. The information collected shall be used only for the intended purpose or permission for additional use will be obtained from the subject individual.

§ 51-8.101-2 Standards of accuracy.

The Executive Director shall ensure that all records which are used by the agency to make determinations about any individual are maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual. Upon petition by an individual, the Executive Director shall provide the individual with the opportunity to review his records, and to request amendment of a portion which the individual believes is not accurate, relevant, timely or complete. Prior to dissemination of records about any individual to any person or to another agency, exclusive of disclosure pursuant to the Freedom of Information Act, the Executive Director shall make reasonable effort to ensure that such records are accurate, complete, timely, and relevant.

§ 51-8.101-3 Content of systems of records.

The Executive Director shall maintain in records only such information about an individual as is relevant and necessary to accomplish an agency purpose required by statute or executive order. Such records shall not contain any information describing how any individual exercises rights guaranteed by the First Amendment unless specifically authorized by statute, by the subject individual, or is pertinent to and within the scope of an authorized law enforcement activity. For these purposes, First Amendment rights include, but are not limited to, religious and political beliefs, freedom of speech, the press, assembly, and freedom to petition.

§ 51-8.101-4 Rules of conduct.

Any employee of the Committee involved in the design, development, operation or maintenance of any system of records, or in maintaining any record, shall review the provisions of 5 U.S.C. 552a and these regulations, and shall conduct himself accordingly with the rules of conduct concerning the protection of personal information outlined in 41 CFR 51-8.7, Disclosure of Information about an Individual.

§ 51-8.101-5 Safeguarding systems of records.

The Executive Director shall ensure that appropriate administrative, technical and physical safeguards are established to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

§ 51-8.102 Availability of records.

Committee records pertaining to an individual shall be made available to the subject individual to the greatest extent possible. Disclosures of records to other than the subject individual will be made only in accordance with subpart 51-8.2.

§ 51-8.102-1 Specific exemptions.

Systems of records maintained by the Committee which have been exempted from certain requirements of the Privacy Act are designated in subpart 51-8.6. An individual shall have access to all exempted records containing information about him under procedures outlined in subpart 51-8.3. Upon request, an individual shall receive an accounting of any disclosure of information about him.

Subpart 51-8.2—Disclosure of Records

§ 51-8.201 Conditions of disclosure.

No Committee member or employee of the Committee shall disclose any record to any person or to another agency without the express written consent of the subject individual unless the disclosure is:

(a) To Committee members or employees who have a need for the information in the official performance of their duties.

(b) Required under the provisions of the Freedom of Information Act.

(c) For a routine use as published in the annual notice in the FEDERAL REGISTER.

(d) To the Bureau of Census for uses pursuant to Title 13.

(e) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and the record is to be transferred in a form that is not individually identifiable. The written statement should include as a minimum:

(1) A statement of the purpose for requesting the records, and

(2) Certification that the records will be used only for statistical purposes.

These written statements shall be maintained as records. In addition to stripping personally identifying information from records released for statistical purpose, the Committee will ensure that the identity of the individual cannot reasonably be deducted by combining various statistical records.

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(g) To another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought.

(h) To a person showing compelling circumstances affecting the health and safety of an individual (not necessarily the individual to whom the record pertains). Upon such disclosure, a notification of such shall be sent to the last known address of the individual.

(i) To either House of Congress or to a subcommittee or committee (joint or of either House, to the extent that the subject matter falls within their jurisdiction).

(j) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office, or

(k) Pursuant to the order of the court of competent jurisdiction.

§ 51-8.202 Accounting of disclosures.

(a) Except for disclosures made pursuant to paragraph (a) and (b) of subpart 51-8.201, an accurate accounting of each disclosure will be made and retained for five years after the disclosure or for the life of the record, whichever is longer. The accounting will include the date, nature, and purpose of each disclosure, and the name and address of the person or agency to whom the disclosure is made.

(b) The accounting will be recorded and maintained in any manner the Executive Director determines is satisfactory for the purposes of constructing a listing of all disclosures, and for providing a cross reference to the justification or basis upon which the disclosure was made, including written documentation required when records are released for statistical or law enforcement purposes and any written consents provided by the individual.

(c) Except for disclosures made to agencies or instrumentalities in law enforcement activities in accordance with Section 51-8.201(2) or for disclosures made from systems exempted from this requirement of the Act as outlined in subpart 51-8.6, the accounting of disclosures will be made available to the individual upon request. Procedures for requesting access to the accounting are outlined in subpart 51-8.3.

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Subpart 51–8.3—Individual Access to Records

§ 51–8.301 Notification.

Any individual who wishes to determine if a system of records maintained by the Committee contains a record pertaining to him should direct a request to the Executive Director at the address indicated in the public notice describing the system of records which has been published in the FEDERAL REGISTER. The request should display clearly the legend "Privacy Act Request" both on the face of the request letter and on the face of the envelope. The request letter should contain the complete name and identifying number of the system as published in the FEDERAL REGISTER; the full name, address, and telephone number of the subject individual; a brief description of the nature, time, place and circumstances of the individual's association with the Committee and any other information which the individual believes would facilitate the Executive Director's determination whether the individual's name is included in the system of records. The Executive Director shall answer or acknowledge the request within ten working days.

§ 51–8.302 Times, places and requirements for access requests.

Records will be available for authorized access during normal business hours at the offices where the records are located. A requester should be prepared to identify himself through production of a driver's license, student or employee identification card, or other identification acceptable to the Executive Director. When the disclosure of records to the wrong individual would result in substantial harm, embarrassment, inconvenience, or unfairness to the subject individual, the Executive Director may require a notarized statement of identity. The Executive Director shall ensure that such times, places, and requirements for identification are not excessive and do not restrict individual access unduly.

§ 51–8.303 Access procedures.

§ 51–8.303–1 Form of requests.

(a) An individual must request access to his record in writing. The Executive Director shall accept by telephone only general inquiries for information regarding systems of records or procedures.

(b) A written request should be directed to the Executive Director as listed in the public notice describing the system of records. The individual should display clearly on the face of the request letter and on the face of the envelope the legend "Privacy Act Request", and include the complete name and identifying number of the system as published in the FEDERAL REGISTER; the full name, address, the telephone number of the individual; a brief description of the nature, time, place and circumstances of the individuals association with the Committee; and any other information which the individual believes would facilitate the Executive Director's search for the record.

(c) An individual who wishes to have a person of his choosing accompany him in reviewing a record must sign a statement authorizing the disclosure of his record in the presence of another individual, is so requested by the Executive Director. An individual who intends to visit the Committee office in order to review a record should make an appointment with the Executive Director at least one week in advance.

§ 51–8.303–2 Special requirements for medical/psychological records.

(a) The Executive Director may require an individual who requests access to his medical or psychological record to designate a physician of his choice to whom he may disclose the individual's record if in the opinion of the Executive Director, disclosure directly to the individual might be harmful.

(b) The Executive Director shall mark records which should not be disclosed directly to the subject individual and shall inform an individual requesting such records of the requirement to designate a physician to whom the records can be disclosed.

§ 51–8.303–3 Granting access.

(a) Upon receipt of a request for access to non-exempt records, the Executive Director shall make such records available to the individual, or shall acknowledge the request within ten working days. The acknowledgment shall indicate when the Executive Director will make the record available.

(b) If the Executive Director anticipates more than ten days in making a record available he also shall include in the acknowledgment specific reasons for the delay.

(c) If an individual's request for access does not contain sufficient information to permit the Executive Director to locate the record, the Executive Director shall request additional information from the individual and shall have ten working days following receipt of the additional information in which to make the record available, or to acknowledge receipt of the request and indicate when the record will be available. In no case shall more information be requested from the individual than that contained in the pertinent system of records.

(d) The Executive Director, at his discretion, either shall permit an individual to examine the original of the record, or shall provide the individual with a copy of the record. Fees shall be charged only for copies requested by the individual and not for copies provided to the individual for convenience of the agency.

(e) An individual may request to pick up a record in person or receive it by mail, directed to the name and address provided by the individual in his request. The Executive Director shall not make a record available to a third party for delivery to the subject individual, except in the case of medical records outlined in § 51–8.303–2.

(f) The Executive Director shall maintain in an individual's record an accounting of disclosures to the individual's documenting compliance with the request.

(g) The procedures for access to an accounting of disclosures is identical to the procedure for access to a record as set forth in this subsection.

§ 51–8.303–4 Denials of access.

(a) The Executive Director may deny any individual access to his record only on the grounds that the Committee has published rules in the FEDERAL REGISTER exempting the pertinent system of records from the access requirement.

(b) Upon receipt of a request for access to an exempt system, the Executive Director shall prepare a letter denying access. The letter of denial shall contain a justification for denial of access which includes appropriate citation to the exemption provisions of these rules or other FEDERAL REGISTER notice exempting the system.

§ 51–8.304 Fees.

§ 51–8.304–1 Records available without charge.

The Executive Director shall make one copy of a record available to an employee without charge, and may waive the fee requirement for any other individual requesting records if the cost of collecting the fee is an unduly large part of, or greater than, the fee, or when furnishing the record without charge conforms to generally established business custom or is in the public interest.

§ 51–8.304–2 Records available at a fee.

The Executive Director shall provide one copy of a record to the individual at a fee proscribed in § 51.8.304–5. A reasonable number of additional copies will be provided for the applicable fee where reproduction services are not readily available.

§ 51–8.304–3 Prepayment of fees over $25.

When the Executive Director determines that the anticipated total fee is likely to exceed $25, he shall notify the individual that he must prepay the anticipated fee prior to making the records available. The Committee will remit the excess paid by the individual or bill the individual for an additional amount according to variations between the final fee charged and the amount prepaid.

§ 51–8.304–4 Form of payment.

Payment shall be by check or money order payable to the Committee for Purchase from the Blind and Other Severely Handicapped and shall be addressed to the Executive Director.

§ 51–8.304–5 Reproduction fee schedule.

(a) The fee for reproducing a copy of a record (by routine electrostatic copying) up to and including material 8½ x 14 inches shall be $0.10 per page.

(b) The fee for reproducing a copy of a record over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources.

Subpart 51–8.4—Requests To Amend Records

§ 51–8.401 Submission of requests to amend records.

An individual who desires to amend any record or information pertaining to him should direct a written request to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, N., Arlington, Virginia 22201.

A request should bear the legend "Privacy Act—Request to Amend Record" prominently marked on both the face of the request letter and the envelope.

§ 51–8.402 Review of requests to amend records.

(a) Upon receipt of a request to amend a record, the responsible official, whenever practicable shall complete the review and advise the individual of the results within ten working days. If a determination cannot be made within ten working days, the Executive Director, within ten working days, shall send the individual a written acknowledgment of receipt of the request including a description of the request and the date when the requester may except to be advised of action taken on the request. Except in unusual circumstances, the Executive Director shall complete the review within 30 working days. In unusual circumstances, causing delay beyond the 30 day limit, the Executive Director shall inform the individual in writing of the cause of delay, the actions taken to review the record, and the date the Executive Director anticipates the review to be complete.

(b) When reviewing a record in response to a request to amend, the Executive Director shall assess the accuracy, relevance, timeliness, and completeness of the record to ensure fairness to the individual in any determination made on the basis of the record. With respect to a request to delete information, the Executive Director also shall review the request and record to determine whether the information is relevant and necessary to accomplish an agency purpose required to be accomplished by law or Executive Order.

§ 51–8.403 Approval of requests to amend.

If the Executive Director agrees to amend a record, he promptly shall make the necessary corrections to the record and shall send a copy of the corrected record to the individual. Where an accounting of disclosure has been maintained, he shall advise all previous recipients of the record of the fact that a correction was made of/and the substance of the correction. Where practicable, the Executive Director shall send a copy of the corrected record to previous recipients.

§ 51–8.404 Refusal of request to amend.

(a) The Executive Director, or any official acting for him, shall have the authority to issue an initial refusal of a request to amend a record within his custody and shall be responsible for the initial adverse agency determination.

(b) If the Executive Director, after reviewing the request to amend a record, determines not to amend the record, he promptly shall advise the requester in writing of the determination. The refusal letter (1) shall state the reasons for refusal, (2) shall state the requester's right to seek a review of the initial determination, and (3) shall state the procedures for requesting such review.

§ 51–8.405 Request of review of refusal to amend a record.

(a) An individual who disagrees with the refusal to amend may appeal that refusal with the Committee. An individual should address a request for review of a refusal to amend any record, exclusive of a personnel record of a current Committee employee to the Chairman, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street N., Suite 610, Arlington, Virginia 22201.

(b) A request to review must be in writing and should include a copy of the initial request and refusal to amend. The request to review should bear the legend "Privacy Act—Request for Review of Refusal to Amend" on both the face of the letter and the envelope. The Chairman shall complete the review and make a determination no later than 30 working days after receipt of the request for review, unless a determination is made to extend the 30 day period. If a determination is made to extend the 30 day period, the Chairman shall notify the requester in writing of the reasons for the delay and the date when the review will be completed.

(c) Upon receipt of a request to review a refusal to amend, the Chairman shall undertake an independent review of the request and initial determination. If, after conducting the review, the Chairman agrees to amend, he shall notify the requester promptly in writing of the determination, amend the record, and notify previous recipients in accordance with § 51–8.403.

(d) If, after conducting the review, the Chairman agrees with the refusal to amend the record, he shall notify the requester promptly in writing of the determination. The notification shall include the reasons for the refusal, and shall advise the individual of his right to file a statement of disagreement, and the procedures for doing so. The Chairman also shall advise the individual that such statement of disagreement will be made available in any subsequent disclosures of the record together with a concise statement summarizing reasons for refusal where the responsible official deems it appropriate. The Chairman also will advise the individual of his right to bring civil action against the agency in a district court of the United States.

Subpart 51–8.5—Report on New Systems and Alteration of Existing Systems

§ 51–8.501 Reporting requirement.

(a) No later than 30 days prior to the establishment of a new systems of records, the Executive Director shall submit a copy of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals of the disclosure of information relating to such individuals.

(b) No later than 30 days prior to the alteration of a system of records, the Executive Director for the maintenance of that system of records shall submit a copy of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals of the disclosure of information relating to such individuals.

§ 51–8.502 Federal Register Notice of Establishment of New System or Alteration of Existing System.

(a) When the Executive Director receives notice that the Senate, the House of Representatives, and the Office of Management and Budget do not object to the establishment of a new system of records, or the alteration of an existing system of records, or

(b) When no fewer than 30 days elapse from the submission of the proposal to the Senate, the House of Representatives, and the Office of Management and Budget, without receipt by the Executive Director of an objection to the proposal, then a notice shall be published in the FEDERAL REGISTER of the proposed establishment or alteration of a system of records. The notice shall include all of the information required to be provided by the Privacy Act of 1974, and such other information as deemed necessary.

§ 51–8.503 Effective date of new systems of records or alteration of an existing system of records.

Systems of records proposed to be established or altered in accordance with the provision of the subpart shall be effective no sooner than 30 days from the publication of notice required by § 51–8.502.

Subpart 51–8.6—Exemptions

§ 51–8.601 Reserved.

Subpart 51–8.7—Rules of Conduct for Disclosure of Information About an Individual

§ 51–8.701 Committee rules of conduct.

(a) Every Committee member and employee who is involved in the design, development, operation, or maintenance of a system of records, or who has access to a system of records shall familiarize himself with the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) and the Committee regulations and or-

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ders issued thereunder and apply these requirements to all systems of records.

(b) No Committee member or employee shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains, unless the disclosure would be to a recipient specified in paragraph c of this section. The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. The term "system of records" means a group of any records under the control of the Committee from which information is retrieved by the name of the individual or by some identifying number symbol, or other identifying particular assigned to the individual. The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected. The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence. The term "agency" is defined in 5 U.S.C. 552(e).

(c) An employee may disclose any record which is contained in a system of records, without a written request by and without the prior written consent of the individual to whom the record pertains, if the disclosure would be:

1. To those Committee members and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

2. Required under Section 552 of Title 5 U.S.C.;

3. For a routine use as described in paragraph b, above;

4. To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 U.S.C.;

5. To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

6. To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

7. To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

8. To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

9. To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

10. To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

11. Pursuant to the order of a court of competent jurisdiction.

(d) No Committee member or employee shall maintain a record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(e) No Committee member or employee shall sell or rent an individual's name and address unless such action is specifically authorized by law.

(f) A Committee member or employee, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by paragraph a of this section or by any other rules or regulations established under the Privacy Act of 1974, and who (1) knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, or (2) willfully maintains a system of records without meeting the notice requirements of the Privacy Act of 1974, or (3) knowingly and willfully requests or obtains any record concerning an individual from any agency under false pretenses, is subject to criminal penalties and administrative sanctions. Any Committee member or employee who (1) makes a determination not to amend an individual's record in accordance with the Privacy Act of 1974, or (2) refuses to comply with an individual's request to gain access to review, and obtain a copy of any information pertaining to him, or (3) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities or of benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual, or (4) fails to comply with any provision of the Privacy Act of 1974 or any Committee regulation implementing it, subjects the Committee to civil penalties and himself to administrative sanctions.

[FR Doc.75-29479 Filed 10-31-75;8:45 am]

DEPARTMENT OF COMMERCE

PRIVACY ACT

Notice of Systems of Records; Correction

FR Doc. 75-26288, appearing at pages 45634-45674 in the FEDERAL REGISTER of Thursday, October 2, 1975, is corrected by making the following changes:

1. On page 45634, the first column, under the heading "Adoption of Systems of Records", the first paragraph, the third line, the symbols "1/" should be the supernumerary "1" to indicate a footnote and the entire second paragraph should be removed to the bottom of the page to become the text of that footnote.

2. On page 45634, the first column, in the paragraph beginning with the words "Editorial changes and", the third line, after the words "Bureau of the Census" insert the words "and/or Bureau of Economic Analysis".

3. On page 45634, the first column, in the paragraph beginning with the words "Regarding the", the eighth line, the comma after the word "character" should be deleted and a semicolon inserted in lieu thereof.

4. On page 45634, the second column, the third line on the page, the abbreviation reading "N.W.," should read "NW.,".

5. On page 45634, the second column, in the paragraph beginning with the words "A new general routine use 10.", the symbols "2/" should be the supernumerary "2" to indicate a footnote and the next paragraph reading "A contractor which operates a system of records within the meaning of subsection (m) of the Act is within subsection (b) (1) of the Act." should be removed to the bottom of the page to become the text of that footnote. Additionally, the word "which" in the first line of this paragraph should be deleted and the word "who" inserted in lieu thereof.

6. On page 45634, the second column, in the paragraph beginning with the words "A new general routine use 11.", the second line, the words "is subject to" should be deleted and the words "qualified for" inserted in lieu thereof.

7. On page 45634, the second column, in the paragraph beginning with the words "COMMERCE/MA-14:", the third line, the word "which" should be deleted and the word "who" inserted in lieu thereof.

8. On page 45635, the first column, in the paragraph beginning with the words "COMMERCE/PAT-TM-9:", the second line, the words reading "not classified," should read "nonclassified,".

9. On page 45635, the first column, under the heading "Notice of Systems of Records*/", after the line beginning with "NFPCA" insert a new line reading "OEP—Office of Energy Programs".

10. On page 45635, the second column, in paragraph "5.", the third and fourth lines, delete the first word "the" and insert the word "an", and delete the words reading "is a constituent of the Member and".

11. On page 45635, the second column, in paragraph "11.", the second line, the words "is subject to" should be deleted and the words "qualifies for" inserted in lieu thereof.

12. On page 45636, the first column, the line reading "DEPT-15 Private Legislation Claimants-Control Legislative" should read "DEPT-15 Private Legislation Claimants-Central Legislative", and the line reading "EPA-1 Applicant Resumes" should read "EDA-1 Applicant's Resumes".

13. On page 45636, the second column, the line reading "NOAA-11 Fisheries Law Enforcement Files" should read "NOAA-11 Fisheries Law Enforcement Case Files"; under NOAA-16 the line reading "Equipment)" should read "Experiment);" and under NTIS-2 the line reading "Shipped Other Addresses, and Subscribers Files" should read "Shipped Order Addresses, and Subscribers Files".

14. On page 45636, the second column, the section entitled "System location:", the second line, insert "OEP," after after "NFPCA,".

15. On page 45637, the second column, in the section entitled "Notification procedure:", after the paragraph beginning with the words "For NFPCA" insert a new paragraph reading "For OEP records at location a., information may be obtained from: Deputy Director, OEP, U.S. Department of Commerce, Washington, D.C. 20230;".

16. On page 45640, the first column, the first section entitled "System location:", in paragraph "b.", the second line, the word "Security" should be deleted and the words reading "Guard Service" inserted in lieu thereof.

17. On page 45640, the first column, under the heading "COMMERCE/DEPT-7.", the paragraph beginning with "System location: a.", insert "OEP," after "NFPCA,".

18. On page 45641, the first column, after the first paragraph beginning with the words "For NFPCA records" insert a new paragraph reading "For OEP records at location a., information may be obtained from: Deputy Director, OEP, U.S. Department of Commerce, Washington, D.C. 20230;".

19. On page 45641, the first column, under the heading "COMMERCE/DEPT-8.", in paragraph "e.", the third line, delete the period, insert a semicolon, and add the words reading "and Security Office, Radio Building, NBS, Boulder, Colorado 80302.".

20. On page 45642, the first column, under the heading "COMMERCE/DEPT-9.", in the paragraph entitled "System location: a.", the second line, insert "OEP," after "NFPCA,".

21. On page 45642, the second column, in the section entitled "Notification procedure:", after the paragraph beginning with the words "For NFPCA records" insert a new paragraph reading "For OEP records at location a., information may be obtained from: Deputy Director, OEP, U.S. Department of Commerce, Washington, D.C. 20230;".

22. On page 45643, the second column, under the heading "COMMERCE/DEPT-11.", in the paragraph entitled "System location: a.", the second line, insert "OEP," after "NFPCA,".

23. On page 45644, the first column, in the section entitled "Notification procedure:", after the paragraph beginning with the words "For NFPCA records" insert a new paragraph reading "For OEP records at location a., information may be obtained from: Deputy Director, OEP, U.S. Department of Commerce, Washington, D.C. 20230;".

24. On page 45646, the second column, the section entitled "System location:", in paragraph "d.", the third line, delete the period, insert a semicolon and add the words reading "Security Office, Radio Building, NBS, Boulder, Colorado 80302; and Instrument Shops Division, Shops Building, NBS, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).".

25. On page 45647, the second column, under the heading "COMMERCE/DEPT-18.", the first line, delete the words reading "Employee PerCommission—" and insert in lieu thereof the words reading "System Name: Employee Personnel Files Not Covered by U.S. Civil Service Commission—".

26. On page 45647, the second column, under the heading "COMMERCE/DEPT-18.", in the paragraph entitled "System location: a.", the second line, insert "OEP," after "EDA,".

27. On page 45648, the first column, in the section entitled "Notification procedure:", after the paragraph beginning with the word "For NFPCA records" insert a new paragraph reading "For OEP records at location a., information may be obtained from: Deputy Director, OEP, U.S. Department of Commerce, Washington, D.C. 20230;".

28. On page 45648, the second column, the paragraph entitled "Record source categories:", the second line, the words reading "information. individual, physician," should read "information; others involved in references of the individual; physicians;".

29. On page 45652, the second column, the paragraph entitled "Record source categories:", the second line, delete the words reading "those authorized by the individual to furnish information.", and insert in lieu thereof words reading "persons nominating the individual for council membership.".

Additional typographical or technical corrections, which are not included in this notice because of their minor nature, will be reflected in the unified text of the Notices of Systems of Records scheduled to be published by the FEDERAL REGISTER in December 1975.

Dated: October 28, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-29379 Filed 10-31-75;8:45 am]

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AGENCY FOR INTERNATIONAL DEVELOPMENT

PRIVACY ACT OF 1974

Amendment to Notice of Systems of Records

Notice is hereby given that the Agency for International Development, in accordance with Sec. 3(e), (4) and (11) of the Privacy Act of 1974 (Pub. L. 93–579), (5 U.S.C. 552a), ("Act"), proposes to amend as noted below the Notice of Systems of Records published in the FEDERAL REGISTER of October 2, 1975 (40 FR 45679 *et. seq.*)

In reference to the Statement of General Routine Uses, an additional routine use is established as follows:

11. A record from this system of records may be disclosed, as a routine use, to the Foreign Service Grievance Board in the course of the Board's consideration of matters properly before it.

This routine use is proposed in light of the Foreign Service Grievance Board's composition which includes public membership. Records disclosed under this routine use would be limited to those pertaining to an individual who has presented a grievance for the Board's consideration.

Also, in reference to the statement of General Routine Uses, the eighth Routine Use (to Members of Congress) is deleted as previously published and is amended to read in its entirety as follows:

8. A record from this system of records may be disclosed, as a routine use, to a Member of Congress or a Congressional staff representative of the Member in response to an inquiry from a Member made at the request of an individual.

In reference to System of Records A.I.D. –3, Employee Automated Records, another category of records in the system is added as follows:

1. Minority Designator File—This file contains SSAN and a minority code designator used in preparing reports required by the Equal Employment Opportunity Act of 1972.

Further, the System Manager and address of System of Records A.I.D. 3, is amended to add:

For the minority code designator, the Director, Equal Opportunity Programs, Agency for International Development, 21 "C" Street, NW., Washington, D.C. 20523.

In reference to System of Records A.I.D. –10, Employee Relations Records the following routine use is added to the routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To a health or life insurance carrier for the purpose of determining the status of benefits paid or owed by or to an employee pursuant to a health or life insurance compensation agreement.

Also in reference to System of Records A.I.D. –10, the following authority for maintenance of the system is added:

Executive Order 10450 as amended August 5, 1954.

In reference to System of Records A.I.D. –13, Orientation and Training Records, System manager(s) and address reads:

The Chief, Manpower Development Division, (PM/PD), Agency for International Development, 1735 N. Lynn Street, Arlington, Virginia.

In reference to System of Records A.I.D. –26, Litigation Records, the categories of individuals covered by the system is amended to read:

Foreign Service employees, Civil Service employees, personal service contractors, former employees, and members of the public.

Also, in reference to System of Records A.I.D. –26, the categories of records in the system is amended to read:

Correspondence and other documents relating to disputed contracts, tort claims against the Agency, and other claims and actions against the Agency.

Interested persons may submit such written views, arguments, or data relative to the Notice of Systems of Records as they may desire.

Comments should be submitted to the Privacy Officer, Agency for International Development, Department of State, 320 21st Street, NW., Washington, D.C. 20523, before November 28, 1975. All written comments received from the public before November 28, 1975, will be given consideration by the Agency.

Effective date. This notice shall be effective October 28, 1975.

Dated: October 28, 1975.

DANIEL PARKER,
Administrator.

[FR Doc.75–29377 Filed 10–31–75;8:45 am]

NATIONAL SCIENCE FOUNDATION

PRIVACY ACT OF 1974

Additional System of Records

Pursuant to the requirements of section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(c)(4), notice is hereby given of the existence and character of a new system of records to be maintained by the National Science Foundation and of the routine uses thereof. Interested persons are invited to submit written data, views or arguments to the Director, National Science Foundation, ATTN: General Counsel, Washington, D.C. 20550, not later than December 3, 1975.

NSF—39

System name: Reviewer/Panelist Information Subsystem. (Note this system differs from NSF System No. 30 in that the system 39 is used to collect information concerning reviewers used by Foundation offices whereas No. 30 is used as an aid in the selection of reviewers.)

System location: Management Information Office, 1800 G St., NW., Washington, D.C. 20550

Categories of individuals covered by the system: Members of advisory panels, individuals, consultants, NSF staff, members of review panels and other individuals from whom reviews or evaluation of proposals for support from NSF are solicited or received.

Categories of records in the system: The individual's field of expertise and address. Also contains information concerning the proposals reviewed and NSF Identification Number.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Other Government agencies needing names of potential reviewers or specialists in particular fields may be given information from this system. List of reviewers used by NSF will be published annually.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer records on disc and tapes.

Retrievability: Records are retrieved alphabetically by last name.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. A password must be used to access computer files.

Retention and disposal: File is cumulative and is maintained indefinitely.

System manager(s) and address: Management Information Officer.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with the procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Individual reviewers and panelists, other reviewers, consultants and panelists, project folders, project managers, newspaper clippings, correspondence, biographical works such as American Men of Science, and other such miscellaneous sources.

Dated: October 28, 1975.

H. Guyford Stever,
Director.

[FR Doc.75–29270 Filed 10–31–75;8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

(Docket No. 20605; FCC 75-1092)

PRIVACY ACT OF 1974

Notice of Systems of Records

Correction

In FR Doc. 75-26411 appearing at page 46075 in the issue of Friday, October 3, 1975, the text appeared out of order. The document should read as follows:

In the matter of Notice of Systems of Records Pursuant to the Privacy Act of 1974.

1. For the purpose of implementing the Privacy Act of 1974, Pub. L. 93-579, December 31, 1974, 5 U.S.C. 552a, the Federal Communications Commission is issuing a notice of the existence and character of a system which it maintains and which contains pay, leave, and travel information about individuals.

2. Though this systems has been in force at the Commission for years, it was inadvertently omitted when the other Commission systems were published in the Federal Register on August 29, 1975, 40 FR 40068.

3. Interested persons are invited to submit comments on the "routine uses" of the systems of records on or before October 30, 1975.

4. Authority for the proposed Notices of Systems of Records is contained in section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and in the Privacy Act of 1974, Pub. L. 93-579, December 31, 1974, 5 U.S.C. 552a(e)(4) and (11).

5. An original and 14 copies of all comments shall be furnished the Commission. Comments will be available for inspection in the Commission's Broadcast and Dockets Reference Room. All relevant and timely comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it in addition to the specific comments invited by this Notice.

Adopted: September 29, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

Vincent J. Mullins,
Secretary.

FCC/OED—12

System name: Pay, leave, and travel records—FCC/OED

System location: 1919 M St., NW., Washington, D.C. 20554.

Categories of individuals covered by the system: All Commission employees.

Categories of records in the system: Contains various records required to administer the pay, leave, and travel requirements of the Federal Communications Commission.

Authority for maintenance of the system: 44 U.S.C. 3101, 3102, 3309.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below:

A. To authorize payroll deductions for allotments, savings bonds, charitable contributions, union dues, health benefits and life insurance; collect indebtedness for overpayment of salary and unpaid Internal Revenue taxes; pay income tax obligation to Internal Revenue Service; authorize mailing or or holding salary checks or savings bonds; authorize issuing of salary checks by Treasury Department; obtain reimbursement of travel expenses for official business; report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee; and provide for a summary of employees payroll data and retirement contributions.

B. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

C. For litigation in a Federal court where required.

D. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

E. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or other benefit.

F. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manual files in folders, cards, magnetic tapes, and loose leaf binders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in filing cabinets in an office that is locked when not occupied by staff. Records are available only to authorized personnel whose duties require access.

Retention and disposal: Records are maintained for varying periods of time from one year to permanently. Disposal is by shredding.

System manager(s) and address: Executive Director, Office of the Executive Director, 1919 M St., NW., Washington, D.C. 20554.

Notification procedure: Same as above. It is necessary to furnish the following information in order to identify the individual whose records are vrequested:

A. Full name.
B. Date of birth.
C. Social Security Number.
D. Mailing address to which the reply should be mailed.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is provided by management officials and by the individual on whom the record is maintained.

[FR Doc.75-26411 Filed 9-29-75;4:12 pm]

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Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1976 Crop of Upland Cotton; Base Acreage Allotments and National Production Goal

Sections 722.463 to 722.465 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "Act"), with respect to the 1976 crop of upland cotton (referred to as "cotton"). The purpose of these provisions is to (1) proclaim a national production goal; (2) establish a national base acreage allotment; and (3) apportion the national base acreage allotment to States. Section 722.466 is issued pursuant to the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.). This section establishes the cropland set-aside percentage as zero. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on July 18, 1975 (40 FR 30274) in accordance with 5 U.S.C. 553. The views and recomendations received in response to such notice have been duly considered.

Cotton producers need to know the major provisions of the 1976 upland cotton program as soon as possible in order to effectively plan their 1976 farming operations. It is essential, therefore, that these provisions be made effective as soon as possible. Accordingly, §§ 722.463 to 722.466 shall become effective upon the filing of this document with the Director, Office of the Federal Register. The material previously appearing in these sections as "Subpart—1975 Crop of Upland Cotton; Base Acreage Allotments and National Production Goal" remains in full force and effect as to the crop to which it was applicable.

Sections 722.463 through 722.466 and the title to the subpart are amended to read as follows:

Subpart—1975 Crop of Upland Cotton; Base Acreage Allotments and National Production Goal

Sec.

722.463 National production goal for the 1976 crop of cotton.
722.464 National base acreage allotment for the 1976 crop of cotton.
722.465 Apportionment of national base acreage allotment to the States.
722.466 Cropland set-aside percentage.

AUTHORITY: Secs. 301, 342a, 350; 52 Stat. 1358, as amended; sec. 103(e), 84 Stat. 1375, as amended (7 U.S.C. 1301, 1342a, 1350, 1421; 1444(e)).

§ 722.463 National production goal for the 1976 crop of cotton.

The national production goal for the 1976 crop of cotton is hereby proclaimed to be in the amount of 12,376,000 standard bales of cotton determined in accordance with the formula prescribed under section 342a of the Act, based on the following data:

	480 lb net weight bales
(1) Estimated domestic consumption, 1976–77 marketing-year	6,800,000
(2) Estimated exports, 1976–77 marketing-year	4,500,000
(3) Allowance for market expansion (5 pct of sum of (1) and (2))	565,000
(4) Adjustments to assure adequate stocks	511,000
Total	12,376,000
(5) 50 pct of the average offtake for the preceding 3 marketing-years (1973, 1974, and estimated 1975)	5,601,000

§ 722.464 National base acreage allotment for the 1976 crop of cotton.

The national base acreage allotment for the 1976 crop of cotton shall be 11,000,000 acres determined in accordance with section 350(a) of the Act.

§ 722.465 Apportionment of national base acreage allotment to the States.

The national base acreage allotment of 11,000,000 acres is apportioned to the States in accordance with section 350(b) of the Act as follows:

States:	*State allotment (acres)*
Alabama	640,285
Arizona	228,710
Arkansas	921,313
California	510,019
Florida	20,098
Georgia	556,573
Illinois	1,881
Kansas	8
Kentucky	4,667
Louisiana	383,807
Mississippi	1,053,233
Missouri	247,612
Nevada	2,419
New Mexico	118,706
North Carolina	294,878
Oklahoma	511,777
South Carolina	449,488
Tennessee	364,772
Texas	4,679,430
Virginia	10,374

§ 722.466 Cropland set-aside percentage.

There will be no set-aside requirement in effect for the 1976 crop of cotton under section 103(e)(4)(A) of the Agricultural Act of 1949, as amended.

NOTE: It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Effective date: October 30, 1975.

Signed at Washington, D.C., on October 30, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-29540 Filed 10-30-75;1:28 pm]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Amdt. 18]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container and Pack Requirements

Correction

In FR Doc. 27864 appearing on page 48494 in the issue of Thursday, October 16, 1975, the following changes should be made:

1. Container dimensions in the second and third lines of § 906.340(a)(1)(i) reading "16½ x 10½ x 7¼" should read "13¼x10½x7¼".

2. Container dimensions in the second and third lines of § 906.340(a)(1)(ii) reading "13¼ x 10¾ x 9½" should read "16½ x 10¾ x 9½".

[Orange Reg. 27]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

This regulation sets minimum grade and size requirements for oranges grown in the Lower Rio Grande Valley in Texas for the period November 3, 1975, through November 7, 1976. These requirements are designed to promote orderly marketing in the interest of producers and consumers.

On October 10, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 47796) regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 15 days during which they could submit written data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Texas Valley

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Citrus Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of oranges from the production area is now in progress, and such shipments are regulated by grade and size through November 2, 1975, under § 906.354 Orange Regulation 26 (39 FR 36852). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2, and be at least 2⅜ inches in diameter. The grade and size requirements, which would become effective November 3, 1975, are the same as the requirements currently in effect and are necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. This action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower-quality and smaller-sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The issuance of this regulation is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (40 FR 47796), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipment of oranges from the production area is now in progress, and this regulation should be applicable insofar as practicable, to all shipments of such oranges in order to effectuate the declared policy of the act.

§ 906.356 Orange Regulation 27.

Order. (a) During the period November 3, 1975, through November 7, 1976, no handler shall handle:

(1) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Any oranges of any variety, grown in the production area, which are smaller than pack size 288, as such size is specified in § 51.691(c) of the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall be 2⁹⁄₁₆ inches;

(3) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any oranges of any variety, grown as aforesaid, unless such oranges meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.714).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 31, 1975..

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-29668 Filed 10-31-75;12:04 pm]

[Grapefruit Reg. 27]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

This regulation sets minimum grade and size requirements for grapefruit grown in the Lower Rio Grande Valley in Texas for the period November 3, 1975, through November 7, 1976. These requirements are designed to promote orderly marketing in the interest of producers and consumers.

On October 10, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 47796) regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 15 days during which they could submit written data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Texas Valley Citrus Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of grapefruit from the production area is now in progress, and such shipments are regulated by grade and size through November 2, 1975, under § 906.355 Grapefruit Regulation 26 (39 FR 36851; 39257; 40 FR 4117). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2, and be at least 3⁵⁄₁₆ inches in diameter.

The regulation, which would become effective November 3, 1975, is comparable to the one effective during the 1974–75 season. The minimum size requirement of 3⁵⁄₁₆ inches in diameter during the first part of the season is designed to delay harvest of smaller fruit until it reaches its full size about the end of February. At such time it is desirable to lower the minimum size requirement to 3⁵⁄₁₆ inches as most of the fruit has reached its full size, as much of the larger sized fruit has been shipped, and as the available supplies of grapefruit have diminished.

This action is necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of producers and consumers and to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The issuance of this regulation is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (40 FR 47796), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipment of grapefruit from the production area is now in progress, and this regulation should be applicable, insofar as practicable, to all shipments of such grapefruit in order to effectuate the declared policy of the act.

§ 906.357 Grapefruit Regulation 27.

Order. (a) During the period November 3, 1975, through November 7, 1976, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2;

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3⁷⁄₈ inches: *Provided*, That during the period February 23, 1976, through November 7, 1976, no handler shall handle any grapefruit of any variety, grown in the production area, which are smaller than pack size 112, as such size is specified in § 51.630(c) of the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3⁷⁄₈ inches:

(3) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) (7 CFR 51.620–51.653).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: October 31, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-29669 Filed 10-31-75;12:05 pm]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Transfer Agents for Certain Registered Securities

By notice of proposed rulemaking published in the FEDERAL REGISTER on September 4, 1975 (40 FR 40857), the Board of Governors proposed to amend its Regulation H, "Membership of State Banking Institutions in the Federal Reserve System," (12 CFR 208) to require that, on or after December 1, 1975,[1] no State member bank or any of its subsidiaries shall act as a transfer agent, as defined in section 3(a)(25) of the Act, with respect to any security registered under section 12 of the Act or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of that section, unless it has registered with the Board in conformity with the requirements of Form TA–1.[2]

This amendment relating to State member banks is proposed to assist in the development of a modern nationwide system for the safe and efficient handling of securities transactions in a manner which best serves the financial community and the investing public. Congress has directed the Board to regulate certain transfer agent activities to facilitate this purpose.

In light of comments received, the frequency and time for filing amendments has been relaxed. The rule as adopted requires items 1–6 of Form TA–1 to be amended twenty-one calendar days following the date on which such information becomes inaccurate, misleading or incomplete. Information as to the issues which the bank services must be updated annually if such information has become inaccurate, misleading or incomplete.

Form TA–1 as adopted has been revised and reorganized to clarify its requirements and simplify the registration process.

The Form is designed to identify and to provide the Board with basic information regarding the size and nature of the registrant's transfer agent activities and to assist in the development of appropriate regulatory standards.

The Form has been revised to eliminate the requirement that the registrant disclose the identity of entities who act as transfer agent, cotransfer agent, registrar or co-registrar for issues with respect to which the registrant performs transfer agent functions. As revised, the Form requires the registrant to identify the issues for which it performs transfer agent functions and the capacities in which it acts for each issue and requires the registrant to update the information annually.

The information requested on differences and out-of-proof issues has been revised to clarify the information required.

Pursuant to the amendment, which is adopted pursuant to sections 17, 17A and 23(a) of the Act, a new paragraph (f) is added to § 208.8, as set forth below:

§ 208.8 Banking practices.

* * * * *

(f) *State member banks as transfer agents.* (1) On or after December 1, 1975, no State member bank or any of its subsidiaries shall act as transfer agent, as defined in section 3(a)(25) of the Securities Exchange Act of 1934, ("Act") with respect to any security registered under section 12 of the Act or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of that section, unless it shall have filed a registration statement with the Board in conformity with the requirements of Form TA–1, which registration statement shall have become effective as hereinafter provided. Any registration statement filed by a State member bank or its subsidiary shall become effective on the thirtieth day after filing with the Board unless the Board takes affirmative action to accelerate, deny or postpone such registration in accordance with the provisions of section 17A(c) of the Act. Such filings with the Board will constitute filings with the Securities and Exchange Commission for purposes of section 17(c)(1) of the Act.

(2) If the information contained in Items 1–6 of Form TA–1 becomes inaccurate, misleading or incomplete for any reason, the bank or its subsidiary shall, within twenty-one calendar days thereafter file an amendment to Form TA–1 correcting the inaccurate, misleading or incomplete information. Within thirty calendar days following the close of any calendar year (beginning with the period from the date as of which the registration statement is prepared to December 31, 1976) during which the information required by Item 7 of Form TA–1 becomes inaccurate, misleading or incomplete, the bank or its subsidiary shall file an amendment to Form TA–1 correcting the inaccurate, misleading or incomplete information.

[1] See section 31(a) of Pub. L. 94-29 (June 4, 1975).

[2] A copy of Form TA–1 is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to any Federal Reserve Bank.

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(3) Each registration statement on Form TA–1 or amendment thereto shall constitute a "report" or "application" within the meaning of section 17, 17A (c) and 32(a) of the Act.

By order of the Board of Governors, October 17, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75–29547 Filed 11–3–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER–937, Amdt. 5]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Quarterly Filings of Depository Account Reports With the Board; Deletion

Correction

In FR Doc. 75–28705, appearing at page 49771 in the issue for Friday, October 24, 1975, the information in the brackets at the beginning of the document should read as set forth above.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C–2732]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Antonovich Bros., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 Composition; 13.1185–30 Fur Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements; 13.1212–30 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 Composition; 13.1590–30 Fur Products Labeling Act; § 13.1623 Formal regulatory and statutory requirements; 13.1623–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; 13.1845–30 Fur Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements; 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f)

In the Matter of Antonovich Bros., Inc., a Corporation, and Daniel Antonovich, and David Antonovish, Individually and as Officers of Said Corporation.

Consent order requiring a New York City manufacturer, wholesaler and retailer of fur coats and other fur garments, among other things to cease misbranding and mislabeling their fur products in violation of the Fur Products Labeling Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That the respondents Antonovich Bros., Inc., a corporation, its successors and assigns, and its officers, and Daniel Antonovich and David Antonovich, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary or other device in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

4. Failing to set forth on a label the true animal name of the fur used in such fur product.

5. Setting forth information required under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form on a label pertaining to such fur product.

6. Setting forth required information on a label in handwriting.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include each individual respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

The Decision and Order was issued by the Commission, September 29, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–29556 Filed 11–3–75;8:45 am]

[Docket No. C–2731]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

S. Scheinfeld & Son., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 Composition of goods; 13.30–75 Textile Fiber Products Identification Act; 13.30–100 Wool Products Labeling Act; § 13.73 Formal regulatory and statutory requirements; 13.73–90 Textile Fiber Products Identification Act. Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 Textile fiber product tags or identification. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–30 Formal regulatory and/or statutory requirements. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; 13.1108–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition; 13.1185–80 Textile Fiber Products Identification Act; 13.1185–90 Wool Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements; 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 Formal regulatory and statutory requirements; 13.1623–80 Textile Fiber Products Identification Act; 13.1623–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 70, 68)

In the Matter of S. Scheinfeld and Son, Incorporated, a corporation, and Joseph Scheinfeld, individually and as an officer of said corporation.

Consent order requiring a South Kearny, N.J., wholesale dealer in wool blend and textile fabrics, among other things to cease falsely and deceptively labeling wool and textile products; and to notify those that purchased subject products that they were mislabeled. Further, respondents are required to discontinue substituting their labels for those on textile fabrics they purchase for resale unless they comply with provisions of the Textile Fiber Products Identification Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents S. Scheinfeld and Son, Incorporated, a corporation, its successors and assigns, and its officers, and Joseph Scheinfeld, individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, manufacture for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Removing or mutilating, or causing or participating in the removal or mutilation of, the stamp, tag, label or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce, and prior to the time such textile fiber product is sold and delivered to the ultimate consumer without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of the Act.

C. Failing to maintain and preserve, as required by section 6(b) of the Textile Fiber Products Identification Act, such records of the fiber content of textile fiber products as will show the information set forth on the stamps, tags, labels or other identification removed by respondents, together with the name or names of the person or persons from whom such textile fiber products were received, when substituting stamps, tags, labels or other identification pursuant to section 5(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents S. Scheinfeld and Son, Incorporated, a corporation, its successors and assigns, and its officers, and Joseph Scheinfeld, individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents notify by delivery of a copy of this order by registered mail, each of their customers that purchased the textile and wool products which gave rise to this complaint of the fact that such products were misbranded.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

The Decision and Order was issued by the Commission September 29, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–29557 Filed 11–3–75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34–11750]

Registration of Transfer Agents

The Securities and Exchange Commission (the "Commission") announced today the adoption of Rule 17Ac2–1 (17 CFR 240.17Ac2–1) and related Form TA–1 (17 CFR 249b.100) under the Securities Exchange Act of 1934 (the "Act"),[1] effective immediately. The rule and form set forth the procedure for transfer agents for which the Commission is the appropriate regulatory agency, as defined in section 3(a) (34) (B) [2] of the Act, to register with the Commission.

Each federal bank regulatory agency (i.e., the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation) is publishing, concurrently with the publication of this rule and registration form, a substantially similar rule and an identical registration form for transfer agents which are required to register with it.

(i) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank;

(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company which is a bank other than a bank specified in clause (i) or (iii) of this subparagraph;

(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), or a subsidiary thereof; and

(iv) the Commission in the case of all other clearing agencies and transfer agents.

On August 28, 1975, in Securities Exchange Act Release No. 11622, 40 FR 40858, September 4, 1975, the Commission published for public comment proposed Rule 17Ac2–1 and related Form

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[1] 15 U.S.C. 78a et seq.

[2] Section 3(a) (34) (B) of the Act, 15 U.S.C. 78c(a) (34) (B), defines the term "appropriate regulatory agency" when used with respect to a clearing agency or transfer agent to be:

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TA–1.[3] In light of the comments received by the Commission in response thereto, the Commission has adopted Rule 17Ac2–1 and related Form TA–1 with certain modifications from the form in which they were proposed.

Background. As amended by the Securities Acts Amendments of 1975 (the "1975 Act"), which was signed into law on June 4, 1975,[4] the Act provides for federal regulation of the securities handling process, including clearing agencies, depositories, and transfer agents, with a view to facilitating the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions. In some areas the Commission's authority is exclusive; in other areas the Commission's authority is shared with federal bank regulatory agencies. One of the areas in which the Commission and the federal bank regulatory agencies have shared regulatory authority is the registration of transfer agents.

Pursuant to section 17A(c) of the Act,[5] a transfer agent must register with the appropriate regulatory agency (the Commission or the appropriate federal bank regulatory agency) if it performs the function of a transfer agent with respect to any security registered under section 12 of the Act[6] or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of that section. Such registration must be effective on December 1, 1975;[7] otherwise, it shall be unlawful for any transfer agent subject to the registration requirements but not so registered, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent with respect to such securities.

Under section 17A(c) of the Act, a transfer agent subject to the registration requirements registers by filing with the appropriate regulatory agency for such transfer agent an application for registration containing information and documents prescribed by the appropriate regulatory agency. Registration of a transfer agent becomes effective thirty days after receipt of the application for registration by the appropriate regulatory agency, unless the appropriate regulatory agency takes affirmative action to accelerate, deny or postpone registration in accordance with the provisions of section 17A(c) of the Act.

A transfer agent which is subject to the registration requirements and which is a national bank or a subsidiary of any such bank or a bank operating under the Code of Law for the District of Columbia or a subsidiary of any such bank registers with the Comptroller of the Currency. A transfer agent which is subject to the registration requirements and which is a State member bank of the Federal Reserve System or a subsidiary of any such bank or a bank holding company or a subsidiary of a bank holding company which is a bank[8] (other than a bank which registers with the Comptroller of the Currency or the Federal Deposit Insurance Corporation) registers with the Board of Governors of the Federal Reserve System. A transfer agent which is subject to the registration requirements and which is a State chartered bank insured by the Federal Deposit Insurance Corporation (other than a bank which is a member bank of the Federal Reserve System) or a subsidiary thereof registers with the Federal Deposit Insurance Corporation. All other transfer agents which are subject to the registration requirements register with the Commission.

Definition of the term "transfer agent." The term "transfer agent" is defined in section 3(a)(25) of the Act[9] to mean any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer of securities in (i) countersigning such securities upon issuance, (ii) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar, (iii) registering the transfer of such securities, (iv) exchanging or converting such securities, or (v) transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates. The term "transfer agent" does not include any insurance company or separate account which performs such functions solely with respect to variable annuity contracts or variable life policies which it issues or any registered clearing agency which performs such functions solely with respect to options contracts which it issues.

Section 17A(c) of the Act precludes a person from performing any transfer agent function set forth in section 3(a)(25) of the Act with respect to any security registered under section 12 of the Act or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of that section, unless such person is registered as a transfer agent with the appropriate regulatory agency. Thus, an issuer who performs any one or more of the transfer agent functions specified in section 3(a)(25) of the Act with respect to such securities, even if it employs a transfer agent to perform other specified transfer agent functions, would be required to register under the Act. For example, an issuer who engages a transfer agent to countersign certificates, monitor the issuance of certificates, and prepare for the issuer information to enable the issuer to record the transfer of the securities on the corporate security holder records maintained by such issuer would also be required to register, since the issuer would be performing the function of registering the transfer of such securities on the corporate security holder records, a transfer agent function.

Rule 17Ac2–1. Rule 17Ac2–1 requires a transfer agent for which the Commission is the appropriate regulatory agency to apply for registration with the Commission on, and in accordance with the instructions contained in, Form TA–1. Registration shall become effective on the thirtieth day after filing unless the Commission takes affirmative action to accelerate, deny or postpone such registration. The rule further provides that the filing of any amendment to an application for registration, which has not become effective, will postpone the effective date of the registration until the thirtieth day after the date on which the amendment was filed, unless the Commission takes affirmative action to accelerate, deny or postpone the registration in accordance with the Act.

The rule as adopted also requires items 1–6 of Form TA–1 to be amended twenty-one calendar days following the date on which such information becomes inaccurate, misleading or incomplete. Information as to the issues which the registrant services must be updated within thirty calendar days following the close of any calendar year (beginning with the period from the date as of which registrant's application is prepared to December 31, 1976) during which the information has become inaccurate, misleading or incomplete.

Finally, the rule provides that every registration or amendment filed pursuant to Rule 17Ac2–1 constitutes a "report" or "application" within the meaning of sections 17, 17A(c), and 32(a) of the Act.[10]

Commission acceleration of registration filed on or prior to November 17, 1975. Under section 17A(c)(2) of the Act, an application for registration filed by a transfer agent with the appropriate regulatory agency shall be effective thirty days after receipt of such application by such appropriate regulatory agency or within such shorter period of time as such appropriate regulatory agency may determine. Section 17A(c) of the Act, as made effective by section 31(a) of the 1975 Act, would make it unlawful on or after December 1, 1975, for any transfer agent, unless registered with the appropriate regulatory agency, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent with respect to certain securities. Absent an order accelerating the effectiveness of registration, transfer agents required to register must file an application for registration with the appropriate regulatory agency before November 1, 1975.

In view of the fact that Rule 17Ac2–1 and related Form TA–1 have just been adopted and that there may be a brief delay in circulating Form TA–1 to all interested parties, the Commission has determined that to require transfer agents to file Form TA–1 before November 1, 1975, would not be practicable.

Accordingly, the Commission intends to enter orders making effective on December 1, 1975, any properly completed application for registration on Form TA–1 which is filed on or before November 17, 1975, unless affirmative action is taken to deny or postpone such registration in accordance with the provisions of the Act. In addition, the Commission intends to enter orders which will provide that any amendment to a Form TA–1, which properly completed registration form was filed on or before November 17, 1975, shall not operate to postpone the December 1, 1975, effective date of the registration.

Receipt of Form TA–1 by the Commission. Procedurally, with respect to an application for registration on Form TA–1 filed with the Commission pursuant to Rule 17Ac2–1, the Commission will acknowledge receipt of Form TA–1 and such registration will become effective on the thirtieth day after filing (and in the case of applications filed on or prior to November 17, 1975, on December 1, 1975) unless the registrant receives notification that such registration has not become effective for any reason.

Form TA–1, 17 CFR 249b.100. Form TA–1, as adopted, has been revised and reorganized to clarify its requirements and to simplify the registration process. It continues to be a common form for the registration of all transfer agents.

The Form is designed to identify, and to provide the Commission with basic information regarding, the size and nature of the registrant's transfer agent activities and to assist in the development of appropriate regulatory standards.

The information requested includes the name of the registrant, the address of the principal place of the registrant's business, the address of the principal office(s) for transfer agent activities, the name of the person in charge of the registrant's transfer agent activities, the registrant's form of organization, and the types of transfer agent activities engaged in by the registrant.

The Form has been revised to eliminate the requirement that the registrant disclose the identity of entities who act as transfer agent, co-transfer agent, registrar or co-registrar for issues with respect to which the registrant performs transfer agent functions. As revised, the Form requires the registrant to identify the issues for which it performs transfer agent functions and the capacities in which it acts for each issue and requires the registrant to update the information annually.

The Form has been clarified to indicate that a response to items on Form TA–1 should encompass all securities for which registrant performs a transfer agent function, except as otherwise specified in the Form.

The Form also requires information as to whether or not the registrant is audited, the registrant's insurance coverage in connection with its transfer agent activities, and the number of employees engaged in transfer agent activities.

The item pertaining to differences and out-of-proof conditions has been revised to clarify the information required.

Statutory basis and competitive considerations. Rule 17Ac2–1 and Form TA–1 are adopted pursuant to sections 2, 17, 17A and 23(a) of the Securities Exchange Act of 1934.[11] In accordance with section 23(a) of the Act, the Commission has considered the impact which the adoption of Rule 17Ac2–1 and related Form TA–1 would have on competition, and finds that the adoption of Rule 17Ac2–1 and Form TA–1 will not impose any burden on competition. The Commission has adopted Rule 17Ac2–1 and related Form TA–1 effective immediately having found, in accordance with the Administrative Procedure Act, 5 U.S.C. 553(d), that such action is necessary in order to provide an orderly and timely procedure for the registration of transfer agents.

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

The text of the amendment pertaining to the Commission's regulations with respect to delegated authority. Part 200 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding new paragraph (a)(15) to § 200.30–3 and (a)(3) to § 200.30–11, respectively, as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

• • • • • •

(a) • • •

(15) Pursuant to section 17A(c)(2) of the Act (15 U.S.C. 78q–1(c)(2)), to authorize the issuance of orders accelerating registration of transfer agents for which the Commission is the appropriate regulatory agency before the expiration of thirty days following the dates on which applications for registration as a transfer agent are filed.

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§ 200.30–11 Delegation of authority to Director, Office of Reports and Information Services.

• • • • • •

(a) • • •

(3) Pursuant to section 17A(c)(2) of the Act (15 U.S.C. 78q–1(c)(2)), to authorize the issuance of orders accelerating registration of transfer agents for which the Commission is the appropriate regulatory agency before the expiration of thirty days following the dates on which applications for registration as a transfer agent are filed.

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[3] The comment period expired on September 29, 1975. Comments are contained in Commission File No. S7–583, which is available for public inspection.

[4] Pub. L. 94–29 (June 4, 1975).

[5] 15 U.S.C. 78q–1(c).

[6] 15 U.S.C. 78l.

[7] Section 17A(c) of the Act becomes effective on December 1, 1975. See section 31(a) of the 1975 Act.

[8] Section 3(a)(34) of the Act provides that for purposes of that section the terms "bank holding company" and "subsidiary of a bank holding company" have the meanings given them in Section 2 of the Bank Holding Company Act of 1956.

[9] 15 U.S.C. 78c(a)(25).

[10] 15 U.S.C. 78q, 78q–1(c) and 78ff(a).

[11] 15 U.S.C. 78b, 78q, 78q–1 and 78w(a).

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PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

The text of Rule 17Ac 2–1. Chapter II of 17 CFR Part 240 is hereby amended by adding a new § 240.17Ac2–1 to read as follows:

§ 240.17Ac2–1 Application for registration of transfer agents.

(a) An application for registration, pursuant to section 17A(c) of the Act, of a transfer agent for which the Commission is the appropriate regulatory agency, as defined in section 3(a)(34)(B) of the Act, shall be filed with the Commission on Form TA–1, in accordance with the instructions contained therein and shall become effective on the thirtieth day following the date on which the application is filed, unless the Commission takes affirmative action to accelerate, deny or postpone such registration in accordance with the provisions of section 17A(c) of the Act.

(b) The filing of any amendment to an application for registration as a transfer agent pursuant to paragraph (a) of this section, which registration has not become effective, shall postpone the effective date of the registration until the thirtieth day following the date on which the amendment is filed, unless the Commission takes affirmative action to accelerate, deny or postpone the registration in accordance with the provisions of section 17A(c) of the Act.

(c) Within twenty-one calendar days following the date on which any information reported at items 1–6 of Form TA–1 becomes inaccurate, misleading or incomplete, the registrant shall file an amendment on Form TA–1 correcting the inaccurate, misleading or incomplete information. Within thirty calendar days following the close of any calendar year (beginning with the period from the date as of which registrant's application is prepared to December 31, 1976) during which the information required by item 7 of Form TA–1 becomes inaccurate, misleading or incomplete, the registrant shall file an amendment on Form TA–1 correcting the inaccurate, misleading or incomplete information.

(d) Every registration and amendment filed pursuant to this section shall constitute a "report" or "application" within the meaning of sections 17, 17A(c), and 32(a) of the Act.

PART 249b—FURTHER FORMS, SECURITIES EXCHANGE ACT OF 1934

Part 249b and Form TA–1. Chapter II of Title 17 of the Code of Federal Regulations is hereby amended by adding a new Part 249b and a new § 249b.100 thereunder to read as follows:

Sec.
249b.1–249b.99 [Reserved]
249b.100 Form TA–1, uniform form for registration as a transfer agent and for amendment to registration as a transfer agent pursuant to section 17A of the Securities Exchange Act of 1934.

AUTHORITY: 15 U.S.C. 78a et seq.

§§ 249b.1–249b.99 [Reserved]

§ 249b.100 Form TA–1, uniform form for registration as a transfer agent pursuant to section 17A of the Securities Exchange Act of 1934.

This form shall be used for application for registration as a transfer agent and for amendment to registration as a transfer agent pursuant to Section 17A of the Securities Exchange Act of 1934.

The Text of Form TA–1 is attached below.

Delegation of authority. The regulations of the Commission relating to general organization are concurrently being amended to delegate authority to the Directors of the Office of Reports and Information Services and the Division of Market Regulation to issue orders accelerating registration of transfer agents for which the Commission is the appropriate regulatory agency under section 17A(c)(2) of the Act.

Effective immediately. The Commission finds that the foregoing action regarding delegations of authority relates solely to agency organization, procedure or practice and that, in accordance with the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), notice and public procedure are not necessary. Accordingly, the foregoing action becomes effective immediately.

Copies of Form TA–1. Copies of Form TA–1 may be obtained from the Publications Section, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 and at each of the Commission's regional offices. Copies of Form TA–1 will be available on or about the week of October 20, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

OCTOBER 22, 1975.

INSTRUCTIONS FOR USE OF FORM TA-1

UNIFORM FORM FOR REGISTRATION AS A TRANSFER AGENT AND FOR AMENDMENT TO REGISTRATION AS A TRANSFER AGENT PURSUANT TO SECTION 17A OF THE SECURITIES EXCHANGE ACT OF 1934 (the "Act")

I– General Instructions for Preparing and Filing Form TA-1

1. Form TA-1 is to be used by transfer agents to apply for registration and to amend registration with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission. As used hereinafter, the term "Form TA-1" includes the form and any required schedules and attachments thereto.

2. Transfer agents should register as follows:

   A. A national bank or a subsidiary of any such bank or a bank operating under the Code of Law for the District of Columbia or a subsidiary of any such bank registers with the *Comptroller of the Currency.*

   B. A State member bank of the Federal Reserve System or a subsidiary of any such bank or a bank holding company or a subsidiary of a bank holding company which is a bank (other than a bank which is required to register with the Comptroller of the Currency or the Federal Deposit Insurance Corporation) registers with the *Board of Governors of the Federal Reserve System.*

   C. A bank insured by the Federal Deposit Insurance Corporation (other than a bank which is a member bank of the Federal Reserve System) or a subsidiary thereof registers with the *Federal Deposit Insurance Corporation.*

   D. All other transfer agents register with the *Securities and Exchange Commission.*

3. Transfer agents are required to file six completed copies of Form TA-1 with the appropriate regulatory agency, as described in instruction 2 immediately above, in accordance with the following instructions:

   A. For transfer agents registering with the *Comptroller of the Currency,* six copies of Form TA-1 are to be filed with the Office of the Comptroller of the Currency, Administrator of National Banks, Washington, D. C. 20219.

   B. For transfer agents registering with the *Board of Governors of the Federal Reserve System,* four copies of Form TA-1 are to be filed with the Board of Governors of the Federal Reserve System, Washington, D. C. 20551, and two copies of Form TA-1 are to be filed with the Federal Reserve Bank of the District in which registrants' principal banking operations are conducted.

   C. For transfer agents registering with the *Federal Deposit Insurance Corporation,* six copies of Form TA-1 are to be filed with the Federal Deposit Insurance Corporation, Washington, D. C. 20429.

   D. For transfer agents registering with the *Securities and Exchange Commission,* six copies of Form TA-1 are to be filed with the Securities and Exchange Commission, Washington, D. C. 20549.

   An exact copy of Form TA-1 should be retained for your records.

4. The date on which a Form TA-1 is received by the appropriate regulatory agency shall be the date of filing thereof if all the requirements with respect to filing have been complied with. A Form TA-1 which is not prepared and executed in compliance with applicable requirements may be returned as not acceptable for filing. However, acceptance of Form TA-1 shall not constitute any finding that it has been filed as required or that the information submitted is true, current or complete.

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5. Copies of Form TA-1 and Schedules A and B may be duplicated and are acceptable for filing provided an *original, manual signature* is affixed to the execution section of each copy. Except as set forth in instruction 20, Form TA-1 and Schedules A and B may be duplicated by any method producing legible copies, of type size identical to that in the Form, on good quality, unglazed, white paper, 8½ x 11 inches in size.

6. If Form TA-1 is filed by a corporation, it shall be signed in the name of the corporation by a principal officer duly authorized; if it is filed other than by a corporation, it shall be signed by a duly authorized principal of the organization filing the Form. As used in this Form, principal officer means the chairman of the board of directors, vice chairman of the board of directors, chairman of the executive committee, president, vice president, treasurer, secretary, comptroller, or any other person performing a similar function.

7. If the space provided for any answer on Form TA-1 is insufficient, the complete answer shall be prepared on Schedule A, which shall be attached to the Form.

8. Individuals' names, except for executing signatures, shall be given in full wherever required (last name, first name, middle name). The full middle name is required. Initials are not acceptable unless the individual legally has only an initial.

9. Unless the context otherwise requires, "registrant" means the entity on whose behalf Form TA-1 is filed, whether as a registration or as an amendment to a previously filed Form TA-1.

10. The information contained in Form TA-1 shall be amended upon the happening of certain events (See instruction 15 relating to amendments to Form TA-1).

11. Section 17(c)(1) of the Act, among other things, requires every transfer agent who files a registration form or amendment thereto with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency or the Federal Deposit Insurance Corporation to file a copy of such registration form or amendment with the Securities and Exchange Commission. The Securities and Exchange Commission and the federal bank regulatory agencies have developed procedures pursuant to which the federal bank regulatory agencies will transmit a copy of any registration form or amendment filed with them to the Securities and Exchange Commission. Accordingly, such filings with the federal bank regulatory agencies by transfer agents for which the Securities and Exchange Commission is not the appropriate regulatory agency will constitute filings with the Securities and Exchange Commission for purposes of Section 17(c)(1) of the Act.

12. The term "transfer agent" is defined in Section 3(a)(25) of the Act to mean any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer of securities in (i) countersigning such securities upon issuance, (ii) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar, (iii) registering the transfer of such securities, (iv) exchanging or converting such securities, or (v) transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates. The term "transfer agent" does not include any insurance company or separate account which performs such functions solely with respect to variable annuity contracts or variable life policies which it issues or any registered clearing agency which performs such functions solely with respect to options contracts which it issues.

13. In response to any item (*except item 7(a)*) of Form TA-1 which requires information about "transfer agent activities," "transfer agent functions," "transfer agent operations," "securities" or "issues," the response should encompass all securities (*e.g.*, municipal securities, debt securities, preferred stock, common stock) for which registrant acts as transfer agent, as defined in Section 3(a)(25) of the Act. The response should not be limited to securities registered under Section 12 of the Act or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of Section 12 of the Act. (See instruction 19 in responding to item 7 of Form TA-1).

II—Instruction Relating to Filing Form TA-1 as a Registration Form

14. If Form TA-1 is being filed as a registration form, all applicable items are required to be answered in full. If any item is not applicable, respond with "none" or "N/A" (not applicable), as appropriate.

III—Instructions Relating to Filing Form TA-1 as an Amendment to a Registration Form

15. Within twenty-one calendar days following the date on which information reported at items 1-6 of Form TA-1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, incomplete or misleading information. Within thirty calendar days following the close of any calendar year (beginning with the period from the date as of which registrant's application is prepared to December 31, 1976) during which the information required by item 7 of Form TA-1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, incomplete or misleading information. The information reported at items 8-12 of Form TA-1 need not be amended after registration has become effective.

16. If an item is amended, the registrant must answer all other items on the page on which the amended item appears and must file six copies of the new page, each with an updated and properly completed execution page. Unless a schedule or an attachment is being amended, it is not necessary to file a new schedule or attachment pertaining to an unamended item on a page which is filed because such page contains an amended item.

IV—Instructions as to SPECIFIC ITEMS on Form TA-1

17. Item 1 — Indicate the agency with which Form TA-1 is to be filed and whether the Form is filed as a registration or an amendment.

18. Item 2(a) — Include a street address; a post office box number alone is not acceptable.

19. Item 7(a) — At the option of registrant, the response to this item may be limited to "issues" or "securities" registered under Section 12 of the Act or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of Section 12 of the Act.

V—Instructions Relating to Schedule B of Form TA-1

20. Six copies of a facsimile of a computer run providing the information called for by Schedule B may be attached if the facsimile is in the format called for by Schedule B, the type size is legible, and the facsimile is reduced to 8-½ x 11 inches in size.

21. Schedule B shall be amended by filing six copies, showing all additions and deletions and so designating them. Each copy shall be filed with an updated and properly completed execution page. Any change in the capacity in which the registrant acts for an issue shall be shown both as a deletion of all capacities previously set forth for the issue and as an addition showing the correct capacity or capacities in which the registrant acts for the issue.

VI—Notice.

22. Under Sections 17, 17A(c) and 23(a) of the Securities Exchange Act of 1934 and the rules and regulations thereunder, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation and the Securities and Exchange Commission ("the appropriate regulatory agency") are authorized to solicit the information required to be supplied by this Form from applicants for registration as a transfer agent. Disclosure to the appropriate regulatory agency of the information requested in Form TA-1 (except for the disclosure by an individual registrant of his Social Security Number as an IRS Employee Identification Number, which is voluntary) is a prerequisite to the processing of applications for registration as a transfer agent. The information will be used for the principal purpose of determining whether the appropriate regulatory agency should allow an application for registration to become effective or should deny, accelerate or postpone registration to an applicant. Social Security Numbers, if furnished, will be used only to assist the appropriate regulatory agency in identifying applicants and, therefore, in promptly processing applications. Information supplied on this Form will be included routinely in the public files of the appropriate regulatory agency and will be available for inspection by any interested person.

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FORM TA-1
EXECUTION PAGE

UNIFORM FORM FOR REGISTRATION AS A TRANSFER AGENT AND FOR AMENDMENT TO REGISTRATION AS A TRANSFER AGENT PURSUANT TO SECTION 17A OF THE SECURITIES EXCHANGE ACT OF 1934

OFFICIAL USE

ATTENTION: INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACT CONSTITUTE FEDERAL CRIMINAL VIOLATIONS (See 18 U.S.C. 1001 and 15 U.S.C. 78ff (a))

GENERAL: Form TA-1 is to be used to register as a transfer agent and to amend registration as a transfer agent with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission pursuant to Section 17A of the Securities Exchange Act of 1934 (the "Act"). Read all instructions before preparing the Form. Please print or type all responses.

1. This form is filed with _____ as
(Name of Agency)
☐ A REGISTRATION ☐ AN AMENDMENT

2. (a) Exact name, principal business address, mailing address, if different, and telephone number of registrant:

Full Name of Registrant: IRS Empl. Ident. No.:

Name under which transfer agent activities are conducted, if different:

If name of registrant is hereby amended, state name under which registered previously:

If name under which transfer agent activities are conducted is hereby amended, state name given previously:

Address of registrant's principal place of business:

(Number and Street) (City) (State) (Zip Code)

Mailing Address, if different:

(Number and Street) (City) (State) (Zip Code)

Telephone Number: (Area Code) (Telephone Number)

EXECUTION: The Registrant submitting this Form, any Schedules and any attachments and the person by whom it is executed represent hereby that all information contained herein is true, current and complete. It is understood that all required items, Schedules and attachments are integral parts of this Form and that the submission of any amendment to items 1-6 represents that all unamended parts of items 1-6 and any Schedules and any attachments to items 1-6 remain true, current and complete as previously submitted. An amendment to item 7 and Schedule B and any attachments thereto represents that all unamended parts of item 7 and Schedule B and any attachments thereto and items 1-6 and any Schedules and attachments thereto remain true, current and complete as previously submitted.

Registrant agrees and consents that the notice of any proceeding under Section 17A of the Act involving registrant by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission may be given by sending such notice by registered or certified mail or confirmed telegram to the registrant at the address of its principal office for transfer agent activities as given in response to item 2(b), "Attention Officer in Charge of Transfer Agent Activities." If more than one office is listed in item 2(b), the first office listed shall constitute the principal office for purposes of the aforementioned notice.

Dated the _____ day of _____ 19__

_____
(Name of transfer agent)

_____
(Manual signature of principal officer or duly authorized principal)

Title: _____

ALL OF THE ITEMS ON THIS PAGE MUST BE ANSWERED AND COMPLETED IN FULL

DO NOT WRITE BELOW THIS LINE . . . . . FOR OFFICIAL USE ONLY

AGY CODE	FILE DATE	EFFECT DATE	JURISDICTION	CLASS. CODE			

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2. (b) Address of principal office(s) for transfer agent activities:

(Number and Street) (City) (State) (Zip Code)

1.

2. (c) Name, title and telephone number of person in charge of registrant's transfer agent activities:

Name: _____

Title: _____ Telephone: (Area Code) (Telephone Number)

3. (a) If registrant is a corporation or a national association:

Date on which registrant became incorporated or was organized and jurisdiction in which incorporated or under which it is organized:

Date: _____ Jurisdiction: _____

(b) If registrant is not a corporation or a national association, describe on Schedule A the form of organization under which registrant conducts its business and identify the jurisdiction in which registrant is organized.

4. Does registrant have any arrangement with any person other than an issuer or a transfer agent, as defined in Section 3(a)(25) of the Act, under which, with regard to registrant's transfer agent functions, such other person processes, keeps or maintains any records or accounts of registrant or issuers relating to transfer agent functions? YES ☐ NO ☐

If the answer is "yes", furnish on Schedule A, as to each such arrangement, the full name and principal business address of the other person and a brief summary of each such arrangement. As used in this question the term "person" includes any individual, corporation, partnership, association, joint stock company, business trust, unincorporated organization, or any other entity.

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5. (a) Does registrant act as a transfer agent solely for its own securities? YES ☐ NO ☐

(b) Does registrant act as a transfer agent solely for securities of a person, as defined in Item 4 of Form TA-1, that controls, or is controlled by, or is under common control with, the registrant? YES ☐ NO ☐

6. Check below types of business activities engaged in by registrant:

(a) Countersigning securities upon issuance ☐

(b) Monitoring the issuance of securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar ☐

(c) Registering the transfer of securities ☐

(d) Exchanging or converting securities ☐

(e) Transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates ☐

(f) Activities related to transfer agent functions:

(1) Acting as dividend disbursing agent or paying agent ☐

(2) Effecting dividend reinvestment ☐

(3) Processing stock subscriptions ☐

(4) Mailing of stockholders notices, proxies and other materials ☐

7. (a) In accordance with Instruction 19, list on Schedule B issues serviced as transfer agent in the following capacities, as these terms are commonly used in the transfer agent industry transfer agent, co-transfer agent, registrar or co-registrar.

(b) Does Schedule B include only securities registered pursuant to Section 12 of the Act, or securities which would be required to be registered except for the exemption from registration contained in subsection (g) (2) (B) or (g) (2) (G) of Section 12 of the Act? YES ☐ NO ☐

(c) State the total number of issues serviced as a transfer agent which are not set forth in Schedule B. _____

8. If registrant is not a bank insured by the Federal Deposit Insurance Corporation, answer items (a) and (b) below:

(a) Are the registrant's transfer agent activities subject to regulation by an agency of a state or political subdivision? *(If yes, specify name of agency)* YES ☐ NO ☐

NAME OF STATE OR POLITICAL SUBDIVISION NAME OF AGENCY

_____

(b) Have the registrant's transfer agent activities been the subject of periodic examinations by an agency of a state or political subdivision? *(If yes, specify name of agency.)* YES ☐ NO ☐

NAME OF STATE OR POLITICAL SUBDIVISION NAME OF AGENCY

_____

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9. (a) Is registrant audited by an independent public accountant? YES ☐ NO ☐

(b) If registrant is audited by an independent public accountant, does the audit include a review of internal controls related to transfer agent activities? YES ☐ NO ☐

(c) Fiscal year of registrant: MO. _____ DAY _____

10. (a) How many full-time and part-time employees does registrant have engaged in transfer agent activities? FULL-TIME _____ PART-TIME _____

(b) How many years has registrant performed transfer agent activities? _____

(c) Indicate the average monthly number of certificates registrant issued during each of the following calendar quarters: *(Indicate by an asterisk (*) placed adjacent to the number reported whether any original issues occurred in any period requested below):*

PERIOD	Average Monthly Number of Certificates Issued
1. October 1, 1974 - December 31, 1974	
2. January 1, 1975 - March 31, 1975	
3. April 1, 1975 - June 30, 1975	
4. July 1, 1975 - September 30, 1975	

11. (a) With regard to transfer agent activities, provide the following information regarding the type of insurance carried or provided:

TYPE OF INSURANCE	YES	NO	AMOUNT OF COVERAGE	AMOUNT OF DEDUCTIBLE
1. Blanket Bond	☐	☐	$	$
2. Fidelity	☐	☐		
3. Errors and Omissions	☐	☐		
4. Mail Policy	☐	☐		
5. Air Courier	☐	☐		
6. Lost Instrument	☐	☐		
7. Other insurance related solely to transfer agent activities *(Specify on Schedule A)*	☐	☐		

(b) If registrant's transfer agent activities are not covered by any insurance, has provision been made for self-insurance? YES ☐ NO ☐

If yes, indicate on Schedule A the provisions made for self-insurance *(e.g., accounting reserve or funded reserve)* and the amount thereof.

12. (a) What are registrant's internal policies and procedures for reconciling differences *(including clerical and posting errors and out-of-proof conditions)* in its transfer agent operations? *(Describe on Schedule A).*

(b) Indicate, as of September 30, 1975, the number of issues, if any, out-of-proof beyond thirty calendar days, and for each issue, identify the issue and state the number and market value of the shares or debt securities by which the issue is out-of-proof. *(Specify on Schedule A).*

An out-of-proof condition exists if the total number of all securities reflected in the stockholder or debt holder records differs from the total number of shares or debt securities issued and outstanding pursuant to corporate action.

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SCHEDULE A OF FORM TA-1

OFFICIAL USE

1. Full name of Registrant exactly as stated in Item 2(a) of Form TA-1.

2.

Item of Form (Identify)	Answer

SCHEDULE B OF FORM TA-1

List issues serviced as transfer agent, co-transfer agent, registrar or co-registrar. For each issue provide the following information:
(See instructions 19, 20 and 21 before completing this Schedule.)

This is: A Registration Form ☐ An Amendment ☐

1. Full name of Registrant exactly as stated in Item 2(a) of Form TA-1.

Name of Issuer	Issue	CUSIP Number (If Applicable)	Capacity or Capacities in which registrant acts for issue CHECK THE APPROPRIATE COLUMN(S). Transfer Agent	Co-Transfer Agent	Registrar	Co-Registrar	If this is an amendment, CHECK ONE: This is an addition to issues previously listed on Schedule B	This is a deletion of issues previously listed on Schedule B	OFFICIAL USE ONLY

For purposes of this Schedule B, the terms transfer agent and co-transfer agent include the person performing similar functions with respect to debt securities and the terms registrar and co-registrar include the person performing similar functions with respect to debt securities.

[FR Doc.75-29495 Filed 10-29-75;4:35 pm]

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75–0298]

PART 128d—PROCESSING AND BOTTLING OF BOTTLED DRINKING WATER

Stay of Certain Sampling and Testing Requirements and Denial of Extension of Effective Date of Certain Coding Requirements

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of March 12, 1975 (40 FR 11566), new Part 128d (21 CFR Part 128d), setting forth current good manufacturing practices for bottled water. This notice stays a portion of the sampling and testing requirement.

The effective date for compliance with the regulation was April 11, 1975. A request for a stay of that effective date and a request for a modification of the regulation were received:

1. The American Bottled Water Association (ABWA), 1411 West Olympic Blvd., Los Angeles, CA 90015, the petitioner for the regulation, has requested that the effective date of certain requirements of the regulation be extended beyond April 11, 1975. ABWA stated that equipment that can code small containers on an automatic production line in accordance with the requirements of § 128d.7(e) (21 CFR 128d.7(e)) is not readily available to the bottled water industry.

Because there was no detailed support for a "blanket" stay of the effective date of that part of the current good manufacturing practice regulation (CGMPR) that concerns coding of small containers, the Commissioner concludes that the request should not be granted.

2. The ABWA also requested that the Commissioner reconsider the requirement for semiannual sampling and testing of source water from all sources. The ABWA stated that for the Commissioner to maintain the semiannual requirement for sampling and testing of such waters would be inconsistent with the proposed National Interim Primary Drinking Water Standards, which were published by the Environmental Protection Agency (EPA) in the FEDERAL REGISTER of March 14, 1975 (40 FR 11990). The ABWA pointed out that the EPA proposal calls for annual testing of water from surface sources and for testing once every 3 years for water obtained from ground sources. The ABWA stated that "we feel that the requirement for two surveys a year should be reduced to once a year." Further, the ABWA suggested "that if the municipal source was approved by the appropriate regulatory authority, then it was reported as being 'safe drinking water.'"

The Commissioner reiterates what he stated in paragraph 2. of the preamble to the March 12, 1975 regulation: That water from municipal sources must be treated in the same manner as water from other sources because the sampling of the municipal supply is not usually performed in the bottling plant. Consequently, there are many points between the municipal water treatment facility and the bottling plant where contamination of the plant's water supply could develop.

However, because of the inconsistency between the EPA's proposed interim requirements and the FDA's CGMPR on the frequency of source water sampling and testing, the Commissioner concludes that the request of the ABWA to reduce the requirements for sampling and testing is reasonable. Therefore, the requirement that all sources of water be sampled and tested semiannually is being partially stayed so that no more than an annual sampling and testing of all source water, including water from municipal supplies, will be required pending publication of the EPA final primary drinking water standards. When the EPA publishes its final standards, the Commissioner will reevaluate the sampling and testing requirements. He will then state, in a FEDERAL REGISTER notice, his conclusions concerning all CGMPR requirements that are different from EPA's requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(4), 409, 701(a), 52 Stat. 1046, 1055, 72 Stat. 1785–1788 as amended (21 U.S.C. 342(a)(4), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the subject order became effective April 11, 1975 except as follows:

Section 128d.5(a)(3) (21 CFR 128d.5(a)(3)), which requires that water supplies must be tested at least twice per year, is stayed insofar as it requires more than once a year testing; and during such stay, water samples taken from approved sources are required to be tested no more than once per year.

Dated: October 28, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-29524 Filed 11-3-75;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. No. 108.716]

PART 6a—PRIVACY ACT POLICIES AND PROCEDURES

Correction

In FR Doc. 75–26279 appearing at page 45607 in the issue of Thursday, October 2, 1975, the penultimate line of § 6a.3 should be transferred to appear following the 16th line of that section. The text should then read: "• • • and other information helpful in identifying the record. This information will facilitate the timely search of record systems • • •"

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

PART 224—FEDERAL PROCESS AGENTS OF SURETY COMPANIES

Miscellaneous Amendments

The Department of the Treasury finds it necessary to amend its regulations at 31 CFR Part 224 (Treasury Department Circular No. 901) governing Federal process agents of surety companies doing business with the United States. The amended regulations will:

(1) Correct an erroneous reference in the first paragraph of Part 224.

(2) Require surety companies to provide Federal process agent appointment information to the Treasury once per year, rather than on a current basis as presently required.

(3) Give a new address for obtaining a list of the divisional offices of the court in each judicial district for which powers of attorney should be furnished the clerk at the main office for filing.

The Department finds that notice to the public of the amendments to 31 CFR Part 224 is not necessary under 5 U.S.C. 553, inasmuch as the changes merely correct erroneous or outdated information, and relieve burdens formerly imposed on surety companies doing business with the United States. Therefore, Title 31 of the Code of Federal Regulations, Subtitle B, Chapter II, Part 224, is amended as follows:

1. The table of sections is amended by revising section headings 224.5, 224.6 and 224.7; and by deleting section heading 224.8. Section headings 224.5, 224.6 and 224.7 are revised to read:

Sec.
224.5 Filing process agent appointment information with the Treasury.
224.6 Process agents; termination of authority.
224.7 United States district courts; location of divisional offices.

§ 224.1 [Amended]

2. In § 224.1 Amend "section 1 of the act approved July 30, 1947 (61 Stat. 646; 6 U.S.C., Sup., 7)" to read "6 U.S.C. 7."

3. Section 224.5 is revised to read:

§ 224.5 Filing process agent appointment information with the Treasury.

In order that the Treasury may have an official record of such appointments, the company making the appointments will forward to the Department by May 15 each year, an annual report on a form which will be provided, showing the Federal judicial districts in which process agents have been appointed.

§ 224.6 [Deleted]

4. Delete § 224.6.

5. Section 224.7 is redesignated § 224.6, and is revised to read:

§ 224.6 Process agents; termination of authority.

Whenever the authority of a process agent is terminated by reason of revocation, disability, removal from the district, or any other cause, it shall be the duty of the company to immediately make a new appointment.

§ 224.7 [Amended]

6. Section 224.8 is redesignated § 224.7 and is amended as follows: In § 224.7: Amend "Administrative Office of the United States Courts, Supreme Court Building, Washington, D.C. 20544" to read "Assistant Comptroller for Auditing, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226."

(5 U.S.C. 301, 6 U.S.C. 6–13)

Dated: October 23, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-29521 Filed 11-3-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75–155]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Skipanon River, Oregon

On June 26, 1972, the Commandant, U.S. Coast Guard, found that the highway bridge across the Skipanon River at Warrenton, Oregon, was not constructed, maintained, and operated as a drawbridge in accordance with the Bridge Permit issued September 15, 1916, and the Drawbridge Operation Regulations, 33 CFR 117.740(a). The State of Oregon was therefore ordered to restore the bridge to the originally approved plans and operate it in accordance with the regulations.

The State of Oregon has elected to construct a new bridge in the approximate same location. However, because of the modifications, the bridge cannot, as a practical matter, be opened on signal in compliance with the regulations. The bridge can be operated on a limited schedule.

Pursuant to an agreement between the United States and the State of Oregon, the existing regulations in 33 CFR 117.740(a) pertaining to this bridge are suspended and the highway bridge will be operated as provided in the agreement.

The immediately adjacent railroad bridge now required to open on signal would be affected because of its close proximity to the highway bridge, and to require the bridge to operate differently would serve no useful purpose. Accordingly, the existing regulations 33 CFR 117.740(a) as they apply to the railroad bridge are suspended, and the railroad bridge will be operated on the time schedule established for the highway bridge.

The agreement was negotiated to secure compliance with the Commandant's order of June 26, 1972, in contemplation of litigation. Therefore, public procedure would be impracticable.

In consideration of the foregoing, § 117.740 is amended by adding two notes after paragraph (a)(5) to read as follows:

§ 117.740 Youngs Bay, Lewis and Clark River and Skipanon River, Oregon; bridges.

• • • • •

NOTE 1: Pursuant to an agreement between the United States and the State of Oregon, the regulations in paragraph (a) pertaining to the highway bridge on the Skipanon River are suspended. The agreement states, in part—

The State of Oregon agrees to schedule two openings of the existing bridge each week to permit the passage of maritime traffic on the Skipanon River. This schedule will be subject to the approval of the Coast Guard. The two weekly openings will be scheduled no closer than every three days. The State will not schedule openings during peak vehicular traffic hours.

The State of Oregon will not be required to open the bridge at the scheduled time unless a request to do so is received by the State, or the State's agent for that purpose, within twelve hours of the scheduled opening.

The State of Oregon will not be required to open the bridge during peak vehicular traffic hours. Peak vehicular traffic hours are agreed to be between 0730 and 0930, and 1630 and 1830 on Mondays through Fridays, excluding holidays.

The State of Oregon agrees to post appropriate public notices on the bridge and in local periodicals, advising the public of the schedule of openings and the procedures for passing through the bridge.

NOTE 2: The regulations in paragraph (a) pertaining to the railroad bridge on the Skipanon River are suspended, and the railroad bridge will operate on the schdule established for the highway bridge in NOTE 1.

• • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 5 U.S.C. 553(b)(3))).

Effective date. This revision shall become effective on November 8, 1975.

Dated: October 24, 1975.

D.J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-29573 Filed 11-3-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 449–7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Idaho: Approval of Revision

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency (EPA) approved, with specific exceptions, the State of Idaho Air Quality Implementation Plan.

On July 1, 1974, the Governor of Idaho submitted for the Administrator's approval several revisions to the Implementation Plan, including Regulation T, *Air Pollution Source Permits*, an addition to the "Rules and Regulations for the Control of Air Pollution in Idaho."

On August 23, 1974 (39 FR 30496), EPA published a notice of proposed rulemaking in the FEDERAL REGISTER and invited public comment on whether the proposed revision should be approved or disapproved. No comments were received on the revisions during the 30-day public comment period.

Regulation T establishes a State procedure for issuing Air Pollution Source Permits. The Regulation states that the permits shall provide, where appropriate, an interim schedule of compliance for those sources which may not be in compliance with applicable regulations at the time of issuance. Under the requirements of 40 CFR 51.4, the State must conduct one or more public hearings prior to the submission to the Administrator of any compliance schedule or revision to a compliance schedule. As originally submitted, the Regulation did not contain adequate public hearing procedures. Because of this, the Administrator experienced difficulty in approving the Regulation to the extent that it did not meet the requirements of section 110 of the Clean Air Act, as amended, and 40 CFR 51.4. However, on July 28, 1975, the State of Idaho submitted a revised Regulation T for EPA approval which includes provisions for public hearings that satisfy the requirements of 40 CFR 51.4.

The Administrator has determined that it would serve no useful purpose to repropose the regulation since there was no public response to the August 23, 1974 proposal and the changes to the regulation were made at the request of EPA. The Administrator is therefore today approving Regulation T in its entirety as a revision to the federally approved State Implementation Plan. The Administrator finds good cause for making this rulemaking effective immediately as the regulation is already in effect under State law and EPA's approval imposes no additional burdens on the affected parties.

This Notice of Final Rulemaking is issued under the authority of section 110 of the Clean Air Act, as amended. (42 U.S.C. 1857c–5.)

Dated: October 29, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart N—Idaho

1. Section 52.670 is amended by revising paragraph (c)(2) to read as follows:

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§ 52.670 Identification of plan.

• • • • • •

(c) Supplemental information was submitted on: • • •

(2) March 2, May 5 and June 9, 1972; February 15, July 23, and October 16, 1973; July 1, 1974 (Indirect Source Regulation and compliance schedules): January 10 (Regulation C), January 24 (Regulation A), and July 28, 1975 (Regulation T).

[FR Doc.75-29634 Filed 11-3-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA Temporary Reg. No. 13]

PART 9–7—CONTRACT CLAUSES

Cost Principles; Bidding, Research and Development

OCTOBER 28, 1975.

1. *Purpose.* ERDA Temporary Regulation No. 11 dated July 21, 1975, established new cost principles covering bidding costs and research and development costs and made changes to the clause in §§ 9–7.5006–10. In addition to the above changes, the clause in 9–7.5006–12, Allowable costs and fixed fee (architect-engineer contracts), is changed to conform to the new cost principles.

2. *Effective date.* This regulation becomes effective November 4, 1975.

3. *Expiration date.* This regulation will remain in effect until canceled or until its provisions are incorporated into a permanent ERDA–PR.

4. *Explanation of changes.* Section 9–7.5006–12 is amended as follows:

a. Paragraph (d)(19) is revised;

b. A new paragraph (d)(20) is added; and

c. Paragraph (e)(18) is deleted and reserved.

§ 9–7.5006–12 Allowable costs and fixed fee (architect-engineer contracts).

• • • • • •

(d) • • •

(19) *The costs of preparing bids and proposals,* in accordance with § 9–15.205–3.

NOTE: This paragraph should be deleted for on-site architect-engineer contracts.

(20) *Independent research and development costs* in accordance with § 9–15.205–35.

NOTE: This paragraph should be deleted for on-site architect-engineer contracts.

• • • • • •

(e) • • •

(18) [Reserved].

• • • • • •

§ 9–15.205–35 [Amended]

d. In ERDA–PR Temporary Regulation No. 11 make the following pen-and-ink change: § 9–15.205–35(e)—change "FPR 1–15.205–25(e)" to "FPR 1–15.205–35(e)".

(Sec. 105, Energy Reorganization Act of 1974 (Pub. L. 93–438))

ROMAN C. BRAUN,
Acting Director of Procurement.

[FR Doc.75-29553 Filed 11-3-75;8:45 am]

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL–439–3]

PART 15–1—GENERAL

Subpart 15–1.6—Debarred, Suspended, and Ineligible Bidders

Subpart 15–1.6, Debarred, Suspended, and Ineligible Bidders is hereby revised to provide changes in this subpart, to adjust to revised numbering of one subparagraph, to conform to revised numbering in 41 CFR 1–1.6 and to correct our revision of September 20, 1974, (Part 15–1 General, Supart 15–1.6 Debarred, Suspended, and Ineligible Bidders) Volume 39, 39 FR 33797, which mistakenly referred to a previously deleted subsection, 41 CFR 15–1.602–1(b). 41 CFR 15–1.603 is revised as to references to subparagraphs to conform to amendments in CFR 1–1.6.

Effective date. Inasmuch as this regulation concerns a procurement matter and is exempt from the requirement for a public comment period, it will become effective November 4, 1975.

Dated: October 30, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart 15–1.6—Debarred, Suspended or Ineligible Bidders

§ 15–1.602–1 [Amended]

Section 15–1.602–1(b) is deleted.

Section 15–1.603 is revised to read as follows:

§ 15–1.603 Treatment to be accorded firms and individuals in debarred, suspended, or ineligible status.

The Deputy Assistant Administrator for Administration makes the determinations required by CFR 1–1.603(a).

(40 U.S.C. 486(c), 63 Stat. 377, as amended)

[FR Doc.75-29635 Filed 11-3-75;8:45 am]

Title 45—Public Welfare

CHAPTER XI—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SUBCHAPTER A—GENERAL

SUBCHAPTER B—NATIONAL ENDOWMENT FOR THE ARTS

PART 1150—COLLECTION OF CLAIMS UNDER THE FEDERAL CLAIMS COLLECTION ACT OF 1966

Notice is hereby given that in order to establish a separate subchapter for regulations applicable solely to the National Endowment for the Arts, the parts included in existing Chapter XI of Title 45 pertaining to the National Foundation on the Arts and the Humanities are designated as Subchapter A, General and the following will be designated Part 1150 of a new Subchapter B—National Endowment for the Arts. Part 1150 sets forth regulations of the National Endowment for the Arts implementing the Federal Claims Collection Act of 1966 in conformity with the standards jointly promulgated by the Attorney General and the Comptroller General in 4 CFR Parts 101 through 105.

Accordingly, Chapter XI of Title 45 Code of Federal Regulations is amended as follows:

1. The table of parts is revised to designate existing parts as Subchapter A—General and to add Subchapter B—National Endowment for the Arts consisting of Part 1150—Collection of Claims Under the Federal Claims Collection Act of 1966 reading as set forth above.

2. Part 1150 is added to read as follows:

Sec.

1150.1 Scope.
1150.2 Incorporation of joint standards by reference.
1150.3 Subdivision and joining of claims.
1150.4 Referral of claims to the General Counsel.
1150.5 Accounting control.
1150.6 Record retention.
1150.7 Suspension or revocation of eligibility.
1150.8 Standards for collection of claims.
1150.9 Standards for compromise of claims.
1150.10 Standards for suspension or termination of collection action.
1150.11 Referral to GAO or Justice Department.

AUTHORITY: Federal Claims Collection Act of 1966.

§ 1150.1 Scope.

This subpart sets forth the regulations of the National Endowment for the Arts implementing the Federal Claims Collection Act of 1966 (the Act) in conformity with the standards jointly promulgated by the Attorney General and the Comptroller General in 4 CFR Parts 101 through 105. The Act (a) requires the head of an agency or his designee to attempt collection of all claims of the United States for money or property arising out of the activities of the National Endowment for the Arts; and (b) authorizes the head of an agency or his designee to compromise such claims that do not exceed $20,000 exclusive of interest, or to suspend or terminate collection action where it appears that no person liable on such claims has the present or prospective financial ability to pay any significant sum thereon or that the cost of collecting such claim is likely to exceed the amount of recovery.

§ 1150.2 Incorporation of joint standards by reference.

All administrative actions to collect claims arising out of the activities of the National Endowment for the Arts shall be performed in accordance with the applicable standards prescribed in 4 CFR Parts 101 through 105, which are incorporated by reference and supplemented in this subpart.

§ 1150.3 Subdivision and joining of claims.

(a) A debtor's liability arising from a particular transaction or contract shall be considered as a single claim in determining whether the claim is one not exceeding $20,000 exclusive of interest for the purpose of compromise or termination of collection action. Such a claim may not be subdivided to avoid the monetary ceiling established by the Act. (b) Joining of two or more single claims in a demand upon a particular debtor for payment totaling more than $20,000 does not preclude compromise or termination of collection action with respect to any one of such claims that does not exceed $20,000 exclusive of interest.

§ 1150.4 Referral of claims to the General Counsel.

(a) *Authority of the General Counsel.* The General Counsel shall exercise the powers and perform the duties of the head of the agency to compromise or to suspend or terminate collection action on all claims not exceeding $20,000 exclusive of interest. Claims shall be referred to the General Counsel well within the applicable statue of limitations (28 U.S.C. 2415 and 2416), but in no event more than 2 years after the claims accrued.

(b) *Exclusions.* There shall be no compromise or terminated collection action with respect to any claim: (1) As to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim; (2) based in whole or in part on conduct in violation of the anti-trust laws; (3) based on tax statutes; or (4) arising from an exception made by the General Accounting Office in the account of an accountable officer. Such claims shall be promptly referred to the Justice Department or GAO, as appropriate.

§ 1150.5 Accounting control.

The General Counsel shall process all claims collections through the appropriate accounting office and report the collection, compromise, suspension and termination of all claims to the appropriate accounting office for recording.

§ 1150.6 Record retention.

The file of each claim on which administrative collection action has been completed shall be retained by the appropriate office or the General Counsel not less than 1 year after the applicable statute of limitations has run.

§ 1150.7 Suspension or revocation of eligibility.

(a) In the event a contractor, grantee, or other participant in programs sponsored by the Endowment fails to pay his debts to the Endowment within a reasonable time after demand, the fact shall be reported by the Grants, Audit, or other appropriate office to the General Counsel, who shall place such defaulting participant's name on the Endowment's list of debarred, suspended and ineligible contractors and grantees and the participant will be so advised:

(b) The failure of any surety to honor its obligations in accordance with 6 U.S.C. 11 is to be reported at once to the General Counsel who shall so advise the Treasury Department. The Treasury Department will notify the Endowment when a surety's certificate of authority to do business with the Government has been revoked or forfeited.

§ 1150.8 Standards for collection of claims.

(a) *Demand for payment.* Appropriate written demands shall be made upon the debtor which shall include information relating to the consequences of his failure to cooperate.

(b) *Collection by offset.* Collection by offset will be administratively undertaken on claims which are liquidated or certain in amount in every instance where this is feasible.

(c) *Liquidation of collateral.* When the Endowment holds security or collateral that may be liquidated and the proceeds applied on debts due it through the exercise of a power of sale in the security instrument or a nonjudicial foreclosure, such procedures should be followed if the debtor fails to pay his debt within a reasonable time after demand, unless the cost of disposing of the collateral will be disproportionate to its value or special circumstances require judicial foreclosure.

(d) *Collection in installments.* Claims with accrued interest should be collected in full or one lump sum whenever this is possible. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment may be accepted in regular installments.

(e) *Interest.* In the event prejudgment interest is not mandated by statute, contract or regulation, the interest shall be assessed at 7 percent. Prejudgment interest may be waived as an inducement to voluntary payment. In such cases demand letters should inform the debtor that prejudgment interest will be collected if suit becomes necessary. When a debt is paid in installments and interest is collected, installment payments will first be applied to the payment of accrued interest and then to principal in accordance with the so-called "U.S. Rule" unless a different rule is prescribed by statute, contract or regulation. Prejudgment interest shall not be demanded or collected on civil penalty and forfeiture claims unless the statute under which the claim arises authorizes the collection of such interest.

(f) *Omission not a defense.* Failure to comply with any standard prescribed in 4 CFR Chapter II or in this subpart shall not be available as a defense to any debtor.

§ 1150.9 Standards for compromise of claims.

(a) *Compromise offer.* An offer to compromise may be accepted (1) if there is real doubt concerning the National Endowment for the Arts' ability to prove its case in court for the full amount claimed; (2) if the cost of collecting the claim does not justify the enforced collection of the full amount; (3) if in connection with statutory penalties or forfeitures established as an aid to enforcement and to compel compliance, the National Endowment for the Arts' enforcement policy will be adequately served by acceptance of the sum to be agreed upon, or (4) for other reasons deemed valid by the General Counsel (or his designee) and made a part of the claim record.

(b) *Documentary evidence of compromise.* No compromise of a claim shall be final or binding on the Endowment unless it is in writing and signed by the appropriate officer who has authority to compromise the claim pursuant to this subpart.

§ 1150.10 Standards for suspension or termination of collection action.

(a) *Suspension of collection action.* Collection action shall be suspended temporarily on a claim when the debtor cannot be located after diligent effort but there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim, having consideration for its size and the amount which may be realized. Collection action may be suspended temporarily on a claim when the debtor owns no substantial equity in realty and is presently unable to make payment on the National Endowment for the Arts' claim or effect a compromise, but his future prospects justify retention of the claim for periodic review and action and (1) the applicable statute of limitations has been tolled or started anew or (2) future collection can be effected by offset notwithstanding the statute of limitations. Suspension as to a particular debtor should not defer the early liquidation of security for the debt.

(b) *Termination of collection action.* Collection action may be terminated and the Endowment file closed for the following reasons: (1) No substantial amount can be collected; (2) the debtor cannot be located; (3) the cost will exceed recovery; (4) the claim is legally without merit; or (5) the claim cannot be substantiated by evidence.

§ 1150.11 Referral to GAO or Justice Department.

(a) *Claims referred.* Claims which cannot be collected, compromised, or terminated in accordance with 4 CFR Parts 101 to 105 will be referred to the General Accounting Office in accordance with 31 U.S.C. 71 or to the Department of Justice if the Endownment has been granted an exception from referrals to the General Accounting Office. Also, if there is doubt as to whether collection action should be suspended or terminated on a claim, the claim may be referred to the General Accounting Office for advice. When recovery of a judgment is prerequisite to imposition of administrative sanctions, the claim may be referred to the Justice Department for litigation

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even though termination of collection activity might otherwise be considered.

(b) *Prompt referral.* Such referrals shall be made as early as possible consistent with aggressive collection action and in any event, well within the statute of limitations for bringing suit against the debtor.

NANCY HANKS,
Chairman, National Endowment for the Arts.

[FR Doc.75-29520 Filed 11-3-75;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Notice No. 75-22]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Catalytic Heater

● **Purpose. This amendment of § 393.77 (Heaters) of the Federal Motor Carrier Safety Regulations is to conform the section to the requirements of § 177.834(l) of this title, (Hazardous Materials Regulations).** ●

Section 177.834(*l*) of this title was recently amended, after notice of proposed rulemaking, to permit the use of a catalytic heater in connection with the transportation of flammable liquid or gas, if the heater meets certain requirements specified under § 177.834(*l*), (40 FR 46106 (October 6, 1975). Therefore, this amendment of § 393.77 is purely a technical one. It simply calls attention to and cross references the substantive changes in § 177.834(*l*) of this title. Notice of proposed rulemaking for this purpose is not needed.

This amendment: (1) Adds to § 393.77 (a) a sentence which makes it clear that a catalytic heater, which is used in the transportation of flammable liquid or gas, is within § 393.77's definition of a "heater"; and (2) adds subdivision (i) to § 393.77(c)(15), which identifies the proper certification marking required on a catalytic heater that is used in the transportation of flammable liquid or gas.

In consideration of the foregoing, 49 CFR 393.77 is amended, effective upon the date of issuance, as stated below:

Issued on October 23, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

In § 393.77 the introductory text of paragraph (a) is revised and paragraph (c)(15)(i) added to read as follows:

§ 393.77 Heaters.

* * * * *

(a) *Definition.* The term "heater" means any device or assembly of devices or appliances used to heat the interior of any motor vehicle. This includes a catalytic heater which must meet the requirements of § 177.834(l) of this title when flammable liquid or gas is transported.

* * * * *

(c) * * *

(15) * * *

(i) *Exception.* The certification for a catalytic heater which is used in transporting flammable liquid or gas shall be as prescribed under § 177.834(l) of this title.

(Sec. 204, Interstate Commerce Act, as amended (49 U.S.C. 304), sec. 6, Department of Transportation Act (40 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4)

[FR Doc.75-29563 Filed 11-3-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1223]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 30th day of October 1975.

It appearing, that an acute shortage of covered hopper cars for transporting shipments of grain, grain products, soybeans, or soybean meal exists in certain sections of the country; that some carriers have placed substantial numbers of large-capacity covered hopper cars in unit-train service for the movement of grain under tariff provisions which require that these cars remain in this service for five or more consecutive trips in the service of a single shipper; that such practices are depriving shippers, unable to ship to the destinations to which such services are available or unable to comply with tariff provisions applicable to such movements with respect to availability of tonnage in a single day or ability to receive grain in such quantities, of an equitable share of the supply of large covered hoppers; that present regulations and practices with respect to the use, supply, control, movement, and distribution of covered hopper cars are ineffective in assuring a proper allocation of such cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1223 Service Order No. 1223.

(a) *Distribution of covered hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Restrictions on use of covered hopper cars.* Effective at 11:59 p.m. October 31, 1975, no common carrier by railroad shall permit the use in unit-grain-train services of more than twenty percent (20%) of its ownership of jumbo covered hopper cars. (See exception)

(2) *Repetitive trips prohibited.* All tariff provisions authorizing or requiring the shipper, consignee, or other party who has arranged for shipment of grain in unit-grain-train services, to specify the next point or shipper authorized to load a specific group of unit-grain-train cars are hereby suspended. Carriers need not allocate such cars to shipments requiring less than twenty cars, but may use such cars for any shipper desiring cars for unit-grain-train services in accordance with his proportional share of the available grain cars. In distributing cars consideration shall be given to the sequence of car orders, the amount of grain immediately available for shipment and the ratio of grain cars ordered to grain cars furnished during the previous seven-day period.

(3) *Increased use in unit trains prohibited.* No common carrier by railroad shall increase the proportion of its ownership of covered hopper cars operated in unit-grain-train services above the proportion operated in unit-grain-train services on October 31, 1975.

(4) *Exception.* Exceptions to this order may be authorized to carriers by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, upon written application stating the number of additional cars to be used in unit-grain-train services, the points between which such cars are to be used and the effect upon the carrier's ability to supply cars to other grain shippers who are dependent on it for their car supplies.

(5) *Substitution of small cars for jumbo cars prohibited.* No common carrier shall substitute smaller covered hopper cars for jumbo covered hopper cars for use in unit-grain-train services.

(6) *Monthly reports required.* Each common carrier by railroad owning jumbo covered hopper cars shall report to Mr. R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, on or before the tenth day of each month the number of jumbo covered hopper cars owned, as of the first of the month, the number in unit-grain-train services, the number in general grain services, the number in other services, the number of unit-grain-trains operated during the previous month, and the number of trips made by such trains.

(b) *Definitions.*—(1) *Unit-graintrains.* Unit-graintrains are hereby defined as trains of twenty (20) or more covered hoppers organized and operated as a unit from a single point of origin or concentration point, to one destination or distribution point in order to comply with published tariff requirements.

(2) *Jumbo covered hopper cars of railroad ownership.* Jumbo covered hopper cars of railroad ownership are hereby defined as cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397 issued by W. J. Trezise, or successive issues thereof as bearing reporting marks issued to railroads and having mechanical designation "LO" and having cubical capacities of 4,000 cu. ft. or larger and weight-carrying capacities of 180,000 lbs. or greater.

(c) *Rules and regulations suspended.* In the event that the operation of any unit-grain-train is discontinued prior to December 1, 1975, as a result of this order, the discontinuance of such a train shall be deemed to have completed the tariff responsibility as to total volume required to be shipped and as to the number of consecutive trips required to be made by such unit-grain-train. The operation of all other tariff provisions or of other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(e) *Effective date.* This order shall become effective at 11:59 p.m., October 31, 1975.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 29, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29633 Filed 11-3-75;8:45 am]

[Ex Parte No. 275]

PART 1115—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS AND FILING OF CERTIFICATES AND REPORTS

Expanded Definition of Term "Securities"; Stay Pending Judicial Review

Upon consideration of the record in the above-entitled proceeding including the petition of the Association of the American Railroads (AAR) filed October 16, 1975, seeking a stay of the effective date of the Commission's order; and

It appearing, that by Report and Order of the Commission Upon Further Consideration, 348 I.C.C. 288 (1975), the Commission expanded the definition of the terms "securities"; and "assume any obligation or liability" that the order was to become effective on January 5, 1976 and that the notice was published in the FEDERAL REGISTER at page 47504 on October 9, 1975; and that the order will become effective on December 8, 1975;

It further appearing, that on October 15, 1975, AAR filed a petition for Review of the Commission's order in the above-entitled proceeding in the United States Court of Appeals for the District of Columbia, action No. CA 75-2011.

It further appearing, that good cause exists for staying the effective date of the Commission's order until completion of judicial review:

It is ordered, That the effective date of the order of the Commission, served October 3, 1975, be, and it is hereby, postponed pending further order of the Commission.

Dated at Washington, D.C., this 21st day of October 1975.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29632 Filed 11-3-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kofa Game Refuge, Arizona

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, due to the controversy concerning administration of the area and the Federal Court decision to stay the Secretary's order providing the Bureau of Land Management sole jurisdiction over the area and the need to protect the proposed wilderness areas as de facto wilderness, and continuing recreational use of the area, the following special regulation is issued and is effective November 4, 1975.

ARIZONA

KOFA GAME RANGE

For purposes of protecting wilderness values and the fragile desert environments of the Kofa Game Range, all motorized vehicular travel is restricted to designated routes of travel. Maps delineating such routes may be obtained at the office of the U.S. Fish and Wildlife Service, 356 W. First Street, Yuma Arizona between the hours of 8 a.m. and 5 p.m., Mondays through Fridays, (except holidays).

The provisions of this special regulation supplement the regulations which govern access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

JERRY L. STEGMAN,
Acting Regional Director, Albuquerque, New Mexico.

OCTOBER 23, 1975.

[FR Doc.75-29558 Filed 11-3-75;8:45 am]

Title 30—Mineral Resources

CHAPTER II—GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR

PART 250—OIL AND GAS SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

Drilling and Development Programs

On pages 42559 and 42560 of the September 15, 1975, edition of the FEDERAL REGISTER (40 FR 42559–42560) there was published a proposal to modify regulation 30 CFR 250.34, Drilling and Development Programs. Page 43036 of the September 18, 1975, edition (40 FR 43036) contained a correction. The intent of the proposed modification is to set forth procedures for State consideration of developments proposed by lessees of Federal Outer Continental Shelf Lands. The proposed modification will provide affected States with information and an opportunity to review and comment concerning developments of oil and gas by such lessees. Lessees will be required to deliver information on planned developments to affected States before submitting development plans to the U.S. Geological Survey.

The regulation recognizes that development plans often contain information which the lessee considers to be confidential. Two specific classes of information often contained in development plans are exempted from disclosure under the Freedom of Information Act. These will not be disclosed under the proposed modification.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) provides in section 5(b)(2) that leases may be cancelled for failure to comply with "regulations issued under this Act and in force and effect on the date of issuance of the lease." In keeping with this provision, the revised regulation 30 CFR 250.34 herein promulgated will be applicable only to leases issued after the date of this rulemaking.

Interested persons were given until October 15, 1975, to submit comments regarding the proposed modification of 30 CFR 250.34. The notice of the proposed modification indicated that significant comments would be published at the time of the final rulemaking. Because of the volume of the comments received, they are not published herein but are available on request from the Director of the U.S. Geological Survey, National Center, Reston, Virginia 22092. The comments received represented a wide range of views on the necessity, value, legality and consequences of the proposed modification.

After considering the comments received, the following revisions were made in the proposed modifications:

1. Added provisions to paragraphs (b) and (c) allowing States to waive review of development plans and receipt of information.

2. Added provisions to paragraphs (b) and (c) requiring that Governors' comments on development plans and information be sent to both the Supervisor and the lessee.

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3. Added a procedure to paragraph (b) for treatment of amendments to development plans made before their approval.

4. Clarified requirements for information under paragraph (c). (Further clarification will be forthcoming in relevant OCS Orders).

5. Added a provision to paragraph (c) which allows previously published information to be incorporated by reference rather than duplicated in the information for States.

6. Added a provision to paragraph (c) providing for extension of the term of the lease in cases where review requires delays in excess of the 60-day period.

7. Added to paragraph (e) the condition that the Supervisor determine that proposed modifications of approved development plans significantly affect the interest of a State before requiring that the procedures under paragraphs (b) and (c) be applied.

The proposed modification to 30 CFR 250.34 is adopted as set forth below and is effective immediately. OCS Orders will be issued subsequently to define more specifically the content and timing of information to be provided by lessees to the States.

THOMAS S. KLEPPE,
Secretary of the Interior.

OCTOBER 31, 1975.

Section 250.34 is revised to read as follows:

§ 250.34 Drilling and development programs.

(a) *Exploratory drilling plan.* Prior to commencing each exploratory drilling program on a lease, including the construction of platforms, the lessee shall submit a plan to the Supervisor for approval. Each plan for the leased area shall include (1) a description of drilling vessels, platforms, or other structures showing the location, the design, and the major features thereof, including features pertaining to pollution prevention and control; (2) the general location of each well including surface and projected bottom hole location for directionally drilled wells; (3) structural interpretations based on available geological and geophysical data; and (4) such other pertinent data as the Supervisor may prescribe.

(b) *Development plan.* Prior to commencing each development program on a lease, the lessee shall submit a plan to the Supervisor for approval. The plan shall include all information specified in paragraph (a) of this section in detail. The development plan except for those portions which the lessee shall designate, with the Supervisor's approval, as (1) trade secrets and commercial or financial information which are privileged or confidential or (2) geological and geophysical information, data and maps concerning wells, shall be provided by the Supervisor to the Governors of directly affected States, as designated by the Supervisor. Any State not wishing to review a development plan may so indicate to the Supervisor. Prior to the Supervisor's approval of the plan, a period of 60 days, commencing with the date of the Governors' receipt of the development plan, shall be provided to each Governor for review of the plan and the submission of comments, to both the Supervisor and the lessee. If the Governors' comments are received before the 60 day period ends, the Supervisor may then proceed to act upon the plan without further delay. After the 60 day period ends, the Supervisor may act upon the plan even if comments have not been received from the Governor. Amendments to development plans may be submitted during the period before this approval. Such amendments shall be sent by the Supervisor to the Governors who have received copies of the development plans. In such cases, the Supervisor shall determine if the amendment is significant and warrants an extension of the 60 day review period.

(c) Information for States. Prior to submission of a development plan, the lessee shall deliver to the Governor of each directly affected State, as designated by the Supervisor, information about the development to be proposed. Any State not wishing to have such information may so indicate to the Supervisor. The final delivery of such information shall be made at least 30 days before submission of the relevant development plan, at which time the lessee shall notify both the Governor of each directly affected State and the Supervisor that such final delivery has been made. When submitting a development plan, the lessee shall certify to the Supervisor that he has, at least 30 days before such submission, provided the required information about the development proposed in that plan to the Governor of each directly affected State. The information provided to the States under this paragraph (c) which is not to be a part of the development plan itself, shall include a description of all offshore and onshore facilities and operations proposed by the lessee or directly related to the proposed development, including location, size, requirements for land, labor, materials and energy, and timing of development and operation, and other related information as may be required by the Supervisor. Information available in previously published documents, such as Environmental Impact Statements, may be incorporated by reference. Copies of all information given to Governors under this paragraph shall be provided to the Supervisor. A State provided such information shall indicate to the Supervisor and to the lessee at the earliest practicable time whether the State concurs that the information meets the requirements of this paragraph and any subsequent implementing Orders issued by the Supervisor. If a State fails to provide such notification within 30 days after final delivery of the information, the State's concurrence will be conclusively presumed. If a State notifies the Supervisor that the information does not in its judgment satisfy the requirements, then the Director shall review the information, the specific comments of the Governor, and the position of the lessee and shall make a determination either that the information satisfies the requirements or that the lessee must provide additional information. The Director shall make his review and determination as expeditiously as possible after receipt of such notification. In the event the Director determines that the information satisfies the requirements, then the 60 day period for comments shall begin on the date of his determination. In the event the Director determines that the requirement has not been satisfied, the 60 day comment period will not begin until the State shall have received the additional information required. If, with respect to any non-producing lease, the procedures specified under paragraphs (B) and (C) require delay in excess of the 60 days for review specified in those paragraphs, and the delay is in the interest of conservation and is not caused by the lessee, there shall, if the lessee so requests, be a suspension of operations for a period equal to the delay in excess of 60 days and the lease shall be extended for a period of time equal to the period of suspension.

(d) *Drilling applications.* Prior to commencing drilling operations either under an exploratory or development plan, the lessee shall submit an Application for Permit to Drill (Form 9–331C) to the Supervisor for approval. The application shall include the integrated blowout prevention, mud, casing, and cementing program for the well, and shall meet the requirements specified in § 250.41(a), and contain the information specified in § 250.91(a), and shall conform with the approved exploratory or development plan.

(e) *Modifications.* The lessee shall submit: (1) All requests for modifications of an approved exploratory or development plan in writing to the Supervisor for approval and (2) all notices of changes to plans set forth in approved Application for Permit to Drill on Sundry Notices and Reports on Wells (Form 9–331), except that these requirements shall not relieve the lessee from taking appropriate action to prevent or abate damage, waste, or pollution of any natural resource or injury to life or property. When the Supervisor shall determine that the proposed modification of an approved development plan is major and would directly and significantly affect the interest of a State, he shall require the lessee to follow the same procedures with respect to the State as those provided in § 250.34 (b) and (c).

[FR Doc.75-29777 Filed 11-3-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 103]

AVAILABILITY OF INFORMATION; VESSEL MANIFESTS

Advance Notice of Proposed Rulemaking

The United States Customs Service is considering amending § 103.11 of the Customs Regulations (19 CFR 103.11) which permits accredited representatives of the press and regularly established associations access to certain specified information from vessel manifests. This advance notice of proposed rulemaking is being issued to solicit the views of the public as to whether the current practice should be continued, broadened, curtailed, or eliminated.

Section 103.11 presently provides as follows:

Section 103.11 Information for the press and associations—(a) *Disclosure to members of the press.* Although the following classes of information are exempt from the requirement of disclosure under the provisions of § 103.10, accredited representatives of the press, including newspapers, commercial magazines, trade journals, and similar publications may be permitted to examine vessel manifests and summary statistical reports of imports and exports and to copy therefrom for publication information and data not of a confidential nature, subject to the following rules:

(1) Of the information and data appearing on outward manifests, only the general character, destination, and quantity (or value) of the commodity, name of vessel, and country of destination may be copied and published. Where the manifests show both quantity and value, either may be copied and published, but not both in any instance.

(2) Commercial or financial information, such as the names of the shippers and consignees, marks and numbers, and both quantities and value of commodities shall not be copied from outward manifests or any other papers.

(3) Of the information shown on inward manifests, only the name of the consignee, the general character of the commodity, the quantity (or value), name of vessel, and the country of dispatch shall be copied and published. When an inward manifest shows both quantity and value of the commodity, either may be copied and published, but not both in any instance.

(b) *Review of data.* All copies and notations from inward or outward manifests shall be submitted for examination by a Customs officer designated for that purpose.

(c) *Disclosure to members of associations.* Accredited representatives of regularly established associations, whether incorporated or not, shall be permitted to obtain information from, but not examine, vessel manifests for the purpose of securing data relative to merchandise of the kind or class in the importation of which the association is interested, subject to the foregoing rules, but this authority does not extend to attorneys, agents, or customhouse brokers acting on behalf of individual importers.

(d) *Suspension of disclosure.* (1) Except as provided in section 103.14 [relating to testimony or production of documents in court], upon written application of a consignee or importer, access to the name of such consignee or importer on a manifest will thereafter be refused.

(2) If any individual shall abuse the privilege granted him of examining inward and outward manifests or shall make any improper use of any information or data obtained from such manifests or other papers filed in the customhouse, both he and the party or publication which he represents shall thereafter be denied access to such papers.

The disclosure and publication practices embodied in § 103.11 with respect to the press were promulgated in substantially similar form by T.D. 38139, issued September 25, 1919; likewise, similar authority with respect to associations was extended in T.D. 38233, issued January 6, 1920. Over the years, the publication of the trade data made available by virtue of § 103.11, and its predecessors, has proven to be a valuable source of information for the trading community.

Although the information available to the press and associations is termed "not of a confidential nature" by § 103.11(a), the amendments made to 5 U.S.C. 552 in 1967 by Pub. L. 90–23 (popularly known as the Freedom of Information Act) raised the possibility that the information contained in vessel manifests (heretofore made available to the press and associations) is actually exempt from disclosure as confidential business information pursuant to 5 U.S.C. 552(b)(4). However, inasmuch as it was the intent of Congress in enacting the Freedom of Information Act to expand, rather than to contract, the general availability of information, the pre-Freedom of Information Act procedures as to disclosure of this information have been continued.

The continuance of these procedures has resulted in a situation where the Customs Service makes certain information available to the press for publication, or to associations for their use, while denying the same information to individuals who may request it on the grounds that it is confidential business information and as such is exempt from disclosure under 5 U.S.C. 552(b)(4). The Customs Service is of the opinion that the inconsistency inherent in this situation must be resolved by either making the specific information now available to the press and associations under § 103.11 of the Customs regulations available to any individual on the grounds that it is nonconfidential information, or by denying the press and associations, as well as individuals, access to the information on the grounds that it is confidential business information and, therefore, exempt from disclosure.

Confidential business information is business information the disclosure of which is likely "to cause substantial harm to the competitive position of the person from whom the information was obtained." ("National Parks and Conservation Association v. Rogers C. B. Morton, Secretary, Department of the Interior, et al.," 498 F. 2d 765 (1974).)

Over the years that the present procedures have been in effect very few persons have protested to the Customs Service the disclosure of this information on the grounds such disclosure would be harmful to them. In those cases where someone did protest, information concerning those particular persons was denied to the press and associations. For this reason, Customs questions whether the continued disclosure of this information would cause substantial harm to the competitive positions of the persons to whom the information relates.

The Customs Service also has been requested to amend § 103.11 to permit the press to publish the names of shippers from outward manifests in addition to the information currently permitted to be published, except when, upon written application to the Customs Service, the shipper requests that his name be kept confidential. A similar proposal published in the FEDERAL REGISTER on March 10, 1959, (24 FR 1719), was not adopted following receipt of several hundred comments, the great majority of which opposed the proposal.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. The Customs Service would especially appreciate comments addressed to the following questions:

1. Would continued disclosure of the information currently available to the press and associations under the provisions of section 103.11 be likely to cause substantial harm to the competitive position of the person about whom the information was obtained?

2. Would similar disclosure of the names of shippers taken from outward manifests be likely to cause substantial harm to the competitive position of the person about whom the information was obtained?

3. Section 103.11(d) provides that the information available to the press and associations will not be disclosed to them if the individual about whom the infor-

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mation was obtained requests in writing that it be kept confidential. Does this provide adequate protection to those about whom the information is obtained? If not, what further safeguards are recommended?

4. To what extent does the furnishing of this information to the public by publication in the news media and to associations serve the public interest? If it is determined to withhold this information from the press and associations and thus from the public, what effects would this have on the trading community?

5. What course of action should Customs take in this matter?

Comments on these specific questions should be given in detail and opinions expressed should be fully supported. Additional recommendations concerning this matter are welcomed. The data, views, or arguments may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before January 5, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

After consideration of the data and comments received in response to this notice, and if it is decided to broaden, curtail, or eliminate § 103.11 of the Customs regulations, a notice of proposed rulemaking will be issued.

VERNON D. ACREE,
Commissioner of Customs.

Approved: October 28, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-29565 Filed 11-3-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 55, 56, 57]

NEW AND REVISED HEALTH AND SAFETY STANDARDS

Extension of Comment Period

On Thursday, September 25, 1975, pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act, as amended (30 U.S.C. 725), a notice of proposed rulemaking was published as Part III of the FEDERAL REGISTER of Thursday, September 25, 1975, (40 FR 44272–44285).

The notice invited interested persons to submit written data, views, and arguments concerning the proposed miscellaneous amendments to Parts 55, 56, and 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations and informed interested persons who may be adversely affected by a proposed health and safety standard, which is designated as a mandatory standard under subsections (b) and (c) of section 6 of the Act (30 U.S.C. 725 (b) and (c)) and which has not been recommended as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee, of their right to timely file objections and request a public hearing on the proposed standard.

Several respondents have indicated that additonal time was necessary in order to compile relevant information and to respond to the proposed new and revised health and safety standards. In view of such requests, the period for submitting comments, filing objections and requesting a public hearing is hereby extended from Thursday, November 6, 1975, to and including Friday, December 5, 1975. Comments, objections, and a request for public hearing should be submitted in writing to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, Room 618, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: October 31, 1975.

HARRY C. MCKITTRICK,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-29658 Filed 11-3-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 75 179]

CHEHALIS RIVER, WASHINGTON

Proposed Drawbridge Operation Regulations

At the request of the Washington State Highway Commission, the Coast Guard is considering amending the regulations for the highway drawbridge across the Chehalis River at Aberdeen to permit closed periods during the morning and evening peak vehicular traffic periods. The draw is presently required to open on signal at all times.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District, will forward any comments received before December 9, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended as follows:

§ 117.775 [Amended]

1. By deleting § 117.775(b)(8).

2. By adding a new § 117.776 immediately after § 117.775 to read as follows:

§ 117.776 State highway bridge across Chehalis River, Aberdeen, Washington.

(a) From 7:15 a.m. to 8:15 a.m. and 4:15 p.m. to 5:15 p.m., Monday through Friday, except federal holidays, the draw need not open for the passage of vessels of less than 5,000 gross tons. At all other times, the draw shall open on signal.

(b) The opening signal is two short blasts followed quickly by one long blast.

(c) The regulations set forth in § 117.-775(a) shall apply to this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: October 30, 1975.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-29572 Filed 11-3-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 15130]

HAWKER SIDDELEY AVIATION LIMITED H.S. 748 AIRPLANES, SERIES 2A AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Hawker Siddeley Aviation Limited 748, series 2A airplanes. There have been reports of failures in the propeller feathering system on these airplanes which have resulted in propeller overspeeding and destruction of an engine. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the installation of an electrical back-up system to the manual propeller feathering system on Hawker Siddeley Aviation Limited H.S. 748, Series 2A airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before December 4, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LIMITED. Applies to Hawker Siddeley Aviation Limited H.S. 748, Series 2A airplanes, certificated in all categories.

Compliance is required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of propeller feathering, install an electrical back-up manual feathering system in accordance with the instructions contained in Hawker Siddeley Aviation Service Bulletin 61/18, Modification 4609, as revised April 11, 1974, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, FAA-American Embassy, APO New York 09667.

Issued in Washington, D.C., on October 28, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-29539 Filed 11-3-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 451-6]

OKLAHOMA

Proposed Approval and Promulgation of Implementation Plans and Strategy for Control of Sulfur Oxides

On May 31, 1972 (37 FR 10887), pursuant to section 110 of the Clean Air Act, 42 U.S.C. 1857 C-5, the Administrator approved, with some exceptions, the plan submitted by the State of Oklahoma for the implementation of the National Ambient Air Quality Standards (NAAQS). The plan, as submitted on January 28, 1972, did not incorporate strategies for attainment and maintenance of sulfur oxide standards. All air quality control regions in Oklahoma were designated Priority III with respect to sulfur oxides, indicating that emissions of sulfur oxides were low and ambient air measurements showed a quality better than secondary NAAQS. For this reason, Oklahoma elected not to submit a formal strategy for control of sulfur oxides.

Since the submittal of the State Implementation Plan on January 28, 1972, further evaluations have been made. While source emissions and ambient air concentrations remain low, causing no immediate threat to the NAAQS, the possibility of increased contaminants in the future, prompted the State to adopt formal regulations and to develop a control strategy to assure continued maintenance of standards. In addition, the Administrator disapproved the Oklahoma State Implementation Plan as well as other State plans as a group on March 8, 1973 (38 FR 6279) with regard to maintenance of standards. The disapproval notice was reaffirmed on February 25, 1974 at 39 FR 7270. The Oklahoma proposed revision offers correction to this deficiency in the plan as it relates to the maintenance of sulfur oxide standards.

The control strategy, submitted by the Governor on March 4, 1975, after public hearing, exhibits the application of available control technology. This control, coupled with an efficient system for review of new or modified sources, an adequate surveillance system, and a program for monitoring and enforcing the strategy, leads to an effective program for maintaining a good quality of air in Oklahoma. Therefore, notice is hereby given that the Administrator of the Environmental Protection Agency intends to approve the Oklahoma control strategy and regulations for the attainment and maintenance of NAAQs for surfur oxides.

The 1970 emissions inventory used in the initial plan, reported a total of 158,-592 tons per year emission with process point sources contributing 138,340 tons or 87 percent of the total. These emissions occurred essentially from two nonferrous smelters and nine petroleum refineries. At the present time (1974 inventory), emissions from process sources produce 33,767 tons per year. The large reductions are the result of on-going reductions are the result of on-going control efforts by the Oklahoma State Department of Health. Emissions are expected to gradually increase, however, due to an extended period of growth. This growth is mainly concentrated in fuel burning sources. Projected facilities, mainly coal fired power plants will increase sulfur oxides emissions by an estimated 132,000 tons per year. This increase will bring the emissions level to the approximately levels reported in 1970 inventory.

With regard to the Oklahoma regulations it should be pointed out that new source emission limitations under Sections 16.1, 16.3, and 16.5 of Regulation 16 are being incorporated in the Implementation Plan. Other sections of Regulation 16 referring to property-line ambient air quality sulfur oxide measurements and are not considered part of the plan. However, the control strategy submitted with the regulation on October 3, 1975 contains emission limitations for existing sources which are considered part of the Implementation Plan. If any existing source experiences a modification which would increase emissions over levels stated in Table II of the control strategy, the existing source would be governed by the new source regulations. The emission regulations relating to new sources cover categories which are considered to be the major potential sources of sulfur oxides emissions and are compatible with the Federal "New Source Performance Standard for Stationary Sources," as well as emission standards recommended in Appendix B of "Requirement for Preparation, Adoption, and Submittal of Implementation Plans," as published in the FEDERAL REGISTER, August 14, 1971.

The control strategy and regulations as well as other related information are available for public inspection during normal business hours at the offices of:

Environmental Protection Agency, Region VI, 1600 Patterson Street, Dallas, Texas 75201.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 "M" Street SW., Washington, D.C. 20460.
Oklahoma State Department of Health, Northeast 10th Street and Stonewall, Oklahoma City, Oklahoma 73105.

The Oklahoma strategy and regulations have been subjected to public hearing in accordance with 40 CFR 51.4 and the control effort exhibits available control technology deemed to be adequate to maintain the NAAQS for sulfur oxides. Therefore, further public hearings are not anticipated. However, interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, Environmental Protection Agency, Region VI, 1600 Patterson Street, Dallas, Texas 75201. Relevant comments received within 30 days of this notice will be considered.

This notice of proposed rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857C-5(a).

Dated: October 21, 1975.

JOHN C. WHITE,
Regional Administrator,
Environmental Protection Agency.

Subpart LL—Oklahoma

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. In § 52.1920, paragraph (c) is amended by adding a paragraph (3) as follows:

§ 52.1920 Identification of plan.

* * * * * *

(c) * * *

(3) Sections 16.1, 16.3, and 16.5 of Regulation No. 16, Control of Emissions of Sulfur Compounds and Control Strategy including emission limitations on existing sources as adopted on December 1, 1974 and submitted by the Governor on March 4, 1975.

2. New § 52.1930 is added as follows:

§ 52.1930 Control strategy: Sulfur oxides (sulfur dioxide).

(a) The requirements of § 51.13 of this chapter are met with regard to attainment and maintenance of the National Standards for sulfur oxides and the applicable sections of Regulation 16 and control strategy are hereby approved. The disapproval of the Oklahoma Plan regarding maintenance of the Na-

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tional Standards for sulfur oxides, found in § 52.22(a), is hereby revoked.

[FR Doc.75-29636 Filed 11-3-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Ch. II]

[S7-596]

LONG TERM DEBT AND PREFERRED STOCK

Authorized Refundability Restrictions; Invitation To Comment

Invitation for comments on whether issuers subject to the Public Utility Holding Company Act of 1935 should be authorized to restrict, up to ten years, the refundability of long-term debt and preferred stock.

The Commission's Statement of Policy Regarding First Mortgage Bonds and Preferred Stock issued by companies subject to the Public Utility Holding Company Act of 1935 ("Act") (Holding Company Act Release Nos. 13105 and 13106, February 16, 1956) originally required that such securities be redeemable at the option of the issuer "at any time upon reasonable notice and with reasonable redemption premiums, if any." We have applied the same requirements to all long-term debt. Unrestricted refundability gives effect to the statutory policy, as expressed in section 1(b)(5), which calls for economy in the raising of capital. Following an extensive reexamination of this redemption policy, we modified our standard to permit issuers subject to the Act to include a refunding limitation which would prohibit, for a period of not more than five years after sale, the refunding of senior securities by the issuance of new senior securities at lower interest or preferred dividend costs (Holding Company Act Release Nos. 16369, May 8, 1969, and 16758, June 22, 1970). We then stated (Holding Company Act Release Nos. 16369, p. 2 and 16758, p. 2):

> The Commission wishes to emphasize that it will continuously review the effects of its redemption policies, including specifically the foregoing modification, and based on experience with the modification make such adjustments in these policies as may from time to time be deemed appropriate, including a rescission of the present modification, an extension of the allowed five-year nonrefunding period, or any other change experience would warrant.

It has been suggested that this policy should be further modified to permit, if desired by the issuer, an extension of the restriction on refundability up to ten years.

The cost of money on "A" rated issues has increased since 1969. Using Moody's as a rating service, the average yield on this grade of security was 9% for both bonds and preferred stocks in 1969. It was 10% on bonds and 11½% on preferred stocks in 1974. During the first six months of 1975 the unweighted average was 9⅞% on bonds and 10½% on preferred stocks.

In the period of June 1, 1974, through September 30, 1975, a significant number of issues of senior securities by electric and gas utilities have included a 10-year restriction on refundability. This is shown in the following table:

[In millions]

Total issues	Long-term debt [1]		Preferred stocks	
	Dollar volume	Number of issues	Dollar volume	Number of issues
June 1974 to January 1975	$1,820	33	$ 955	33
February to September 1975	2,806	52	1,330	45
Total	4,626	85	2,285	78
Issues with 10-year clause:				
June 1974 to January 1975	680	14	451	16
February to September 1975	960	18	296	10
Total	1,640	32	747	26
Percent with 10-year clause to total:				
June 1974 to January 1975	37.4	42.4	47.2	48.5
February to September 1975	34.2	34.6	22.3	22.2
Total	35.5	37.6	32.7	33.3

[1] Issues with a maturity of 10 years or less not included.

We have been informed that some major institutions have been reluctant or unwilling to purchase senior securities without a 10-year call restriction. Actually no one pretends to know what the cost of money is likely to be six years hence and thereafter. An institutional investor who insists upon a 10-year call restriction does so as a hedge against the mere contingency that the cost of money can decline. Perhaps he is in a position to exact this concession solely because of the keen competition for funds in the capital market. The issuer, for his part, may be willing to forego the privilege of refunding six to ten years hence in order to secure funds that are urgently needed now.

In 1969–1970 there were indications that the issuer could realize savings of about 25 to 30 basis points in current cost of money (Holding Company Act Release Nos. 16211, p. 5 and 16685, p. 5), and we modified our policy in recognition of such claims to savings. One of the questions is whether an extension of the call restriction to ten years would yield discernible and demonstrable savings in cost to the issuer.

It appears appropriate to examine the need or advisibility of extending up to ten years the nonrefundability restriction for long-term debt and preferred stock. Accordingly, comments of the registered public utility holding companies, underwriters, institutional investors and any other interested persons should be directed to the following questions, among others:

1. Have issuers or underwriters been advised that institutional investors are unwilling to purchase long-term debt or preferred stock without a 10-year call restriction? Specify which institutions have such a policy and state by whom so advised. State also whether there has been a change in such institutional policy in the current year.

2. Have issuers and underwriters been informed by institutional investors that a lower cost of money would be acceptable for including a 10-year nonrefunding provision? If so, specify the percentage of cost savings.

3. Assume an issue of $25 million and a cost of money of 25% less at the end of the fifth year than the rate at which the issue was first sold. What would be the additional cost to the issuer because of inability to refund during the sixth to the tenth years?

All interested persons are invited to submit their comments in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before December 12, 1975. All such communications should be filed in triplicate and should refer to File No. S7-596, and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29538 Filed 11-3-75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

SAFEGUARDING PERSONAL INFORMATION IN VETERANS ADMINISTRATION RECORDS

Proposed Regulatory Development

Notice is hereby given that the Veterans Administration is considering promulgating new paragraphs (h), (i), and (j) of § 1.576 of Title 38, Code of Federal Regulations. The proposed paragraphs implement the provisions of section 552a (1), title 5, United States Code insofar as they affect Veterans Administration records stored with General Services Administration, now or in the future. At the time the Veterans Administration promulgated the § 1.575 series, Part 1, Title 38, Code of Federal Regulations (40 FR 33943, August 12, 1975), it was not anticipated that the provisions of 5 U.S.C. 552a(1) would require individual agency implementation. In retrospect, however, it is believed desirable for us to do so.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before December 4, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this amendment effective September 27, 1975, the effective date of section 3, Pub. L. 93-579.

In § 1.576, paragraphs (h), (i) and (j) are added to read as follows:

§ 1.576 General policies, conditions of disclosure, accounting of certain disclosures, and definitions.

* * * * *

(h) The Veterans Administration will, for the purposes of 5 U.S.C. 552a, consider that it maintains any agency record which it deposits with the Administrator of General Services for storage, processing, and servicing in accordance with section 3103 of title 44, United States Code. Any such record will be considered subject to the provisions of § 1.575 series implementing 5 U.S.C. 552a and any other applicable Veterans Administration regulations. The Administrator of General Services is not authorized to disclose such a record except to the Veterans Administration, or under regulations established by the Veterans Administration which are not inconsistent with 5 U.S.C. 552a.

(i) The Veterans Administration will, for the purposes of 5 U.S.C. 552a, consider that a record is maintained by the National Archives of the United States if it pertains to an identifiable individual and was transferred to the National Archives prior to September 27, 1975, as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government. Such records are not subject to the provisions of 5 U.S.C. 552a except that a statement generally describing such records (modeled after the requirements relating to records subject to subsections (e)(4)(A) through (G) of 5 U.S.C. 552a) will be published in the FEDERAL REGISTER.

(j) The Veterans Administration will also, for the purpose of 5 U.S.C. 552a, consider that a record is maintained by the National Archives of the United States if it pertains to an identifiable individual and is transferred to the National Archives on or after September 27, 1975, as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government. Such records are exempt from the requirements of 5 U.S.C. 552a except subsections (e)(4) (A) through (G) and (e)(9) thereof.

Approved: October 29, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-29567 Filed 11-3-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ANNUAL RETURN/REPORT FORMS

Extension of Comment Period

In the FEDERAL REGISTER of September 30, 1975, (40 FR 45134) the Department of Labor and the Department of the Treasury, Interal Revenue Service, published the proposed annual return/report forms to be filed by a plan administrator of an employee pension or welfare benefit plan or an employer as required by section 104 of the Employee Retirement Income Security Act of 1974 and section 6058(a) of the Internal Revenue Code of 1954. As a result of the large number of comments received on the forms, including numerous requests for an extension of the comment period, and further consideration of some of the issues raised in the forms and instructions, the period for commenting on the proposed forms is hereby extended. The notice accompanying the publication of the proposed forms provided for a comment period closing on October 30, 1975; however, this period is now extended until November 19, 1975.

In addition to recommendations regarding the proposed forms and instructions, the Department of Labor is soliciting comments on an additional issue. In light of further consideration of the reporting requirements for small plans, the Department of Labor is considering requiring that all plans regardless of size (contrary to the instructions printed with the proposed forms), engage an independent qualified public accountant to conduct an audit of the plan's books and records and prepare an opinion as required under section 103(a)(3)(A) of the Act.

Copies of the FEDERAL REGISTER issue containing the proposed forms may be obtained by writing or calling Distribution Manager A:FM:P, Room 1237, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224, Telephone (202) 964–3132, or Public Information Office, Room N5641, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20216, Telephone (202) 523–7408.

Three copies of any comments or recommendations should be sent to the Chairman, Tax Forms Coordinating Committee, Room 1515, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

Issued in Washington, D.C., this 31st day of October 1975.

ALVIN D. LURIE,
Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service.

JAMES D. HUTCHINSON,
Administrator for Pension and Welfare Benefit Programs.

[FR Doc.75-29670 Filed 11-3-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

BOARD OF VISITORS, UNITED STATES NAVAL ACADEMY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I) notice is hereby given that the Board of Visitors, United States Naval Academy, will hold a semiannual meeting on November 19 and 20, 1975, at the United States Naval Academy, Annapolis, Maryland. The session on November 19 will commence at 1:30 p.m. and terminate at 4:30 p.m. The session on November 20 will commence at 9 a.m. and terminate at 12 noon.

The purpose of the meeting will be to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs and academic methods of the Naval Academy. The meeting will be open to the public.

Dated: October 29, 1975.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General.

[FR Doc.75-29555 Filed 11-3-75;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

TUNICA COUNTY, MISSISSIPPI

Appointment of Examiners

In the matter of certification of the Attorney General pursuant to section 6 of the Voting Rights Act of 1965 (Pub. L. 89–110).

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d (Supp. V), I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Tunica County, Mississippi. This county is included within the scope of the determination of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 FR 9897).

EDWARD H. LEVI,
Attorney General of the United States.

OCTOBER 31, 1975.

[FR Doc.75-29757 Filed 11-3-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Kings Island, Post Office Box 400, Kings Mills, Ohio 45034. Mr. Donald R. Dietlein.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To buy 10 Bengal tigers and ship them in interstate commerce in the course of a commercial activity, for breeding in captivity.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Kings Island
P.O. Box 400
Kings Mills, Ohio 45034
ATTN: Donald R. Dietlein (513) 984-1440

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Kings Island is a theme park for the entertainment for mass audiences. One of the five themes has an educational guide tour of a 100 acre zoological exhibition.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Dudley S. Taft, Exec. V.P.(513) 721-1414
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Kings Island is owned by the Taft Broadcasting Company of Ohio

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Kings Island is located 25 miles north of Cincinnati, Ohio on Interstate 71.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
1 Dec 1975

11. DURATION NEEDED
Indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Public law 93-205; 50 CFR, subpart C, paragraph 17-22.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not print) — DATE
Donald R. Dietlein — October 6, 1975

1. It is requested that Kings Island be given a permit to obtain 10 Bengal tigers (*Panthera tigris*) and transport them interstate for the purpose of propagation. This request is for 5 males and 5 females, all approximately 18 months old.

2. All ten tigers were born in captivity.

3. The 10 acre area for these tigers has trees, open grassland, and a larger pool. The public will be allowed to see this area by an enclosed ground level monorail. The perimeter fence will be 12 feet high with a 2 feet overhang. The fence will have two strains of wire that will carry an electrical charge similar to a cattle fence. The holding house will consist of 12 individual compartments (5 x 10 ft) with a wood sleeping bench. Connected to this house will be a 30' x 30' enclosed area for those animals that have to be separated from the other animals for any reason.

4. Mr. Donald Dietlein will be in charge of the tiger preserve. He was General Curator of the National Zoo, under his charge was the tiger collection of the National Zoo. He was Zoological Coordinator of Lion Country Safari, Inc. before assuming his present position of Corporate Zoological Director. Mr. Nick Reindle, Zoological Manager of Kings Island, has had four years experience with large cats when he held the position of Senior Ranger, of Lion Country Safari, Richmond and Atlanta. Dr. George Reed is the contract veterinarian. Dr. Reed has had two years of large cat experience with Lion Country Safari.

5. Kings Island will participate in cooperative breeding programs and if requested, contribute to data banks.

6. Shipping: Each tiger will be crated separately. Each crate will measure 8'x4'x4'. *The tigers will travel by vehicle from Center Hill, Florida to Cincinnati, Ohio.* During the 14 hour trip, an attendant will water them and check periodically as to their well being.

7. Tigers have not been kept at Kings Island, therefore, there is no history of this species at that park. For the past two years, lions have been kept at this park. No deaths were caused by disease, malnutrition, or bad management. The tigers will be compatible before being brought to Kings Island.

8. Kings Island is very successful in breeding lions. Kings Island practices select breeding by vasectomy. Only predetermined males are allowed to breed. With the breeding success of lions in the open preserve concept, Kings Island believes that they can be successful in the propagation of tigers.

9. This group of tigers will be available for physiological as well as behavioral studies by qualified institutions.

10. Approximately 2 million people will take the monorail ride through the preserve in 1976. As the public rides through the tiger section, they will be told a little of the natural history of the animal as well as the meaning of the Endangered Species Classification.

Documents and other information submitted in connection with the application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 4, 1975 will be considered.

Dated: October 29, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-29527 Filed 11-3-75;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice of the FEDERAL REGISTER of February 4, 1975, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

The following properties have been added to the National Register of Historic Places since October 7, 1975. National Historic Landmarks are designated by NHL; properties recorded by Historic American Buildings Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER:

ARIZONA

Apache County

St. Johns, *Barth Hotel*, 187 E. Commercial St. (9–5–75)

Coconino County

Grand Canyon, *Ranger's Dormitory*, off AZ 64 in Grand Canyon National Park (9–5–75)

Pima County

Tucson vicinity, *Santa Ana del Chiquiburitac Mission Site*, NW of Tucson (9–18–75)

V 40 213 NOV 4 75 XUM

Yuma County

Wenden vicinity, *Harquahala Peak Observatory*, E of Wenden off U.S. 60 (10–3–75)

ARKANSAS

Hot Spring County

Malvern vicinity, *Lake Catherine Quarry*, NW of Malvern off U.S. 270 (9–11–75)

Pulaski County

Little Rock, *Deane House*, 1701 Arch St. (9–5–75)

CALIFORNIA

Lassen County

Shingletown vicinity, *Nobles Emigrant Trail*, E of Shingletown in Lassen Volcanic National Park (10–3–75)

Mariposa County

Yosemite Village, *Degnan House and Bakery*, Southside Dr., Yosemite National Park (9–5–75)

Shasta County

Nobles Emigrant Trail. Reference—see Lassen County.

COLORADO

Denver County

Denver, *Loretto Heights Academy*, 3001 S. Federal Blvd. (9–18–75)
Denver, *St. Mark's Parish Church*, 1160 Lincoln St. (9–18–75)

CONNECTICUT

Fairfield County

Ridgefield, *Lounsbury, Phineas Chapman, House (Grovelawn)*, 316 Main St., (10–3–75)
Stamford, *Fort Stamford Site*, Westover Rd. (9–10–75)

Hartford County

New Britain, *Walnut Hill District*, irregular pattern roughly bounded by Winthrup, Arch, and Lake Sts., and Walnut Hill Park (9–2–75)
Windsor Locks, *Windsor Locks Passenger Station*, Main St. (9–2–75)

New Haven County

Guilford, *Acadian House*, Union St. (9–5–75) HABS.
New Haven, *New Haven City Hall and County Courthouse (Annex)* 161 Church St. (9–5–75)
Waterbury, *Waterbury Brass Mill Site*, Idlewood Ave. in Hamilton Park (9–5–75)

DISTRICT OF COLUMBIA

Washington

Old Engine Company No. 6, 438 Massachusetts Ave., NW. (9–5–75)
Page, Thomas Nelson, House, 1759 R St., NW. (9–5–75)

GEORGIA

Clarke County

Athens, *Dearing Street Historic District*, roughly bounded by Broad and Baxter Sts., Milledge Ave., and includes both sides of Finley St. and Henderson Ave. (9–5–75)

Crisp County

Cordele vicinity, *Cannon Site*, W of Cordele off GA 230 (9–5–75)

GUAM

Finegayan, *South Finegayan Latte Stone Park*, 74 Golden Shower Lane (9–5–75)

IDAHO

Custer County

Challis vicinity, *Challis Bison Jump Site*, S of Challis off U.S. 93 (9–5–75)

ILLINOIS

Cook County

Chicago, *Western Methodist Book Concern Building*, 12 W. Washington St. (9–11–75) HABS.

Rock Island County

Rock Island, *Old Main, Augustana College*, 7th Ave. between 35th and 38th Sts. (9–11–75)
Rock Island, *Weyerhaeuser House*, 3052 10 Ave. (9–11–75)

INDIANA

Allen County

Fort Wayne, *Embassy Theater and Indiana Hotel*, 121 W. Jefferson St. (9–5–75)

Hamilton County

Carmel vicinity, *Kinzer, John, House*, E of Carmel on SR 234 (9–5–75)

Marion County

Indianapolis, *Prosser House*, 1454 E. 10th St. (9–5–75) HABS.

Putnam County

Greencastle, *East College of DePauw University*, 300 Simpson St. (9–25–75)

Vigo County

Terre Haute, *Allen Chapel African M. E. Church*, 224 Crawford St. (9–5–75)

Wayne County

Richmond, *Bethel A.M.E. Church*, 200 S. 6th St. (9–5–75)

IOWA

Appanoose County

Centerville, *Stratton House*, 303 E. Washington St. (9–9–75)

Linn County

Cedar Rapids, *Mittvatsky House*, 1035 2nd St., SE (9–5–75)

KANSAS

Morris County

Council Grove, *Hays, Seth, House*, 203 Wood St. (9–25–75)

Shawnee County

Topeka, *Columbian Building*, 112–114 W. 6th St. (9–5–75)

KENTUCKY

Bourbon County

Millersburg, *McKee-Vimont Row Houses*, Main St. (9–9–75)

Bracken County

Augusta, *Water Street (River Side Drive) Historic District*, River Side Dr. from property E of Frankfort St. W to include property W of Ferry St. (9–24–75)

Bullitt County

Shepherdsville vicinity, *Ashworth Rock Shelters Site*, N of Shepherdsville off U.S. 65 (9–11–75)

Hickman County

Clinton, *Hickman County Courthouse*, Court Square (9–11–75)

Jessamine County

Nicholasville vicinity, *Chaumtere des Prairies*, N of Nicholasville off U.S. 68 (9–25–75)

Nelson County

Bardstown, *Bruntwood*, 714 N. 3rd St. (9–9–75)

Shelby County

Finchville, *Shelby Academy (Sylvan Shades)*, KY 55 and KY 148 (9–18–75)
Shelbyville, *Science Hill School*, Washington St. (9–18–75)

Woodford County

Versailles vicinity, *Munday's Landing*, Munday's Landing Rd., S of Versailles on Kentucky River (9–5–75)

MAINE

Androscoggin County

Lewiston, *Kora Temple*, 11 Sabattus St. (9–11–75)

Aroostook County

Eagle Lake vicinity, *Big Black Site*, WSW of Eagle Lake (9–9–75)

Cumberland County

Bridgton, *Perry, William F., House*, 6 Main Hill (9–25–75)
Casco vicinity, *Friends Meetinghouse*, S of Casco off U.S. 302 (9–9–75)

Penobscot County

Bangor, *Bangor Children's Home*, 218 Ohio St. (9–9–75)
Hampden, *Hampden Academy*, Alt. U.S. 1 (9–11–75)
Old Town vicinity, *Hirundo Site*, W of Old Town off ME 43 (9–11–75)

Waldo County

Winterport, *Winterport Historic District*, irregular pattern along Main, Elm, Cushing, Lebanon, Commercial, Dean, and Water Sts. (10–3–75)

York County

Kennebunkport, *Kennebunk River Club*, Ocean Ave. (9–9–75) HABS.

MARYLAND

Baltimore (independent city)

Pennsylvania Station, 1525 N. Charles St. (9–12–75)

Dorchester County

Cambridge vicinity, *Stanley Institute (Rock School)*, S of Cambridge on MD 16 (9–11–75)

Frederick County

Emmitsburg vicinity, *Shoemaker III Village Site*, E of Emmitsburg (9–5–75)

Kent County

Pomona vicinity, *Clark's Conveniency*, 2 mi. S of Pomona on Quaker Neck Rd. (9–9–75)
Rock Hall vicinity, *Hinchingham*, N of Rock Hall off MD 445 (9–5–75)

Montgomery County

Bethesda, *Milton (Loughborough House)*, 5312 Allendale Rd. (9–25–75) HABS
Laytonsville, *Layton House*, SW corner MD 108 and MD 420 (9–25–75) HABS
Poolesville vicinity, *Old Chiswell Place*, E of Poolesville on Cattail Rd. (9–9–75)

Somerset County

Princess Anne vicinity, *Harrington*, NW of Princess Anne off MD 362 (9–11–75)

Talbot County

Easton vicinity, *Doncaster Town Site*, NW of Easton (9–5–75)

MASSACHUSETTS

Berkshire County

Hancock, *Hancock Town Hall, MA 43* (9–26–75)

Norfolk County

Medfield, *Peak House*, 347 Main St. (9–5–75)

Plymouth County

Plymouth, *Hillside*, 230 Summer St. (9–18–75)

MICHIGAN

Genesee County

Flint, *Durant-Dort Carriage Company Office*, 315 W. Water St. (9–2–75)

Marquette County

Big Bay vicinity, *Huron Islands Lighthouse*, NW of Big Bay in Lake Superior (9–2–75)

Wayne County

Detroit, *Boston-Edison Historic District*, roughly bounded by Edison St., Woodward and Linwood Aves., and Glynn Court (9–5–75)

MINNESOTA

Hennepin County

Minneapolis, *Masonic Temple/Merchandise Building*, 528 Hennepin Ave. (9–5–75)

LeSueur County

LeSueur, *Taylor, George W., House*, 103 S. 2nd St. (9–5–75)

Ramsey County

St. Paul, *St. Paul Public/Hill Reference Library*, 4th and Market Sts. (9–11–75)

MISSISSIPPI

Yazoo County

Yazoo City, *Ricks Memorial Library*, 310 N. Main St. (9–18–75)

MISSOURI

Jackson County

Independence, *Overfelt-Campbell-Johnston House*, 305 S. Pleasant St. (9–5–75)
Kansas City, *Bunker Building*, 820 Baltimore Ave. (9–5–75)

St. Louis (independent city)

Second Presbyterian Church, 4501 Westminster Pl. (9–11–75)

NEVADA

Carson City County

Carson City, *U.S. Mint*, 600 N. Carson St. (9–5–75) HABS.

NEW JERSEY

Essex County

Fairfield, *Fairfield Dutch Reformed Church*, Fairfield Rd. (10–7–75)

Hudson County

Jersey City, *Jersey City Central Railroad Terminal*, U.S. 78 N of Ellis Island (9–9–75)

Monmouth County

Navesink, *Navesink Historic District*, both sides of Monmouth Ave. from Mulberry La. to 600' E of Browns Dock Rd., N to jct. of Hillside and Grand Aves. (9–5–75)

NEW MEXICO

Bernalillo County

Isleta, *Isleta Pueblo (Tuei)*, U.S. 85 (9–5–75)

Santa Fe County

Santa Fe, *Bergere, Alfred M., House*, 135 Grant Ave. (10–1–75)
Santa Fe, *Shonnard, Eugenie, House*, 226 Hickox St. (9–5–75)

NEW YORK

Oswego County

Oswego, *Richardson-Bates House*, 135 E. 3rd St. (9–5–75)

Rensselaer County

Nassau vicinity, *Smith, Henry Tunis, Farm*, S of Nassau on NY 203 (9–18–75)

Schoharie County

Sharon Springs, *American Hotel*, Main St. (9–9–75)

Warren County

Warrensburg, *Warrensburg Mills Historic District*, roughly bounded by the Osborne and Woolen Mill Bridges Schroon River, and the RR right-of-way (9–18–75)

NORTH CAROLINA

Cumberland County

Fayetteville, *Sedberry-Holmes House*, 232 Person St. (9–2–75)

Durham County

Chapel Hill vicinity, *Leigh Farm*, E of Chapel Hill off NC 54 (9–5–75)

Robeson County

Philadelphus, *Philadelphus Presbyterian Church*, S.R. 1318 SW of jct. with NC 72 (10–3–75)

Wake County

Raleigh, *Merrimon House*, 526 N. Wilmington St. (9–5–75)

OHIO

Ashtabula County

Ashtabula, *Astabula Harbour Commercial District*, both sides of W. 5th St. from 1200 block to Ashtabula River (9–5–75)
Windsor, *Windsor Corners District*, U.S. 322 and OH 534 (9–5–75)

Butler County

Hamilton, *Rossville Historic District*, roughly bounded by B, E, Main, and Amberly Dr. (10–6–75)

Erie County

Sandusky vicinity, *Erie County Infirmary*, S of Sandusky on Columbus Rd. (9–5–75)

Franklin County

Westerville vicinity, *Everal, John W., Farm Buildings*, 7610 Cleveland Ave. (9–18–75)

Guernsey County

North Salem vicinity, *Kennedy Stone House*, SE of North Salem off OH 271 (10–3–75)

Jefferson County

Tiltonsville, *Hodgen's Cemetery Mound*, off OH 7 (9–25–75)
Warrenton, *Speedway Mound*, off OH 7 (9–5–75)

Knox County

Gambier vicinity, *Christ Church At The Quarry*, E of Gambier at jct. of CR 235 and 233 (9–25–75)

Lake County

Mentor, *Mason, James, House*, 8125 Mentor Ave. (9–18–75)

Licking County

Reynoldsburg vicinity, *Etna Township Mounds I and II*, E of Reynoldsburg off I–70 (9–5–75)

Lorain County

Vermilion vicinity, *Morris-Franks Site*, SE of Vermilion (9–5–75)

Madison County

Lafayette, *Red Brick Tavern*, 1700 Cumberland Rd. (9–5–75) HABS.

Medina County

Valley City vicinity, *Frank, Charles, House and Store*, W of Valley City at jct. of OH 303 and CR 23 (9–5–75)

Montgomery County

Germantown, *Shuey's Mill*, Main St. (9–5–75)

Muskingum County

Zanesville, *St. Nicholas' Catholic Church*, 925 Main St. (9–25–75)

Perry County

Somerset, *Somerset Historic District*, roughly both sides of Main St. from High St. to properties facing Market Sq.; both sides of Columbus St. from intersections with Sheridan and Gay Sts. (9–5–75) HABS.

OKLAHOMA

Canadian County

El Reno, *Red Cross Canteen*, Rock Island Depot (9–5–75)

OREGON

Josephine County

Wolf Creek vicinity, *Whisky Creek Cabin*, about 10 mi. W of Wolf Creek at Rogue River (9–5–75)

PENNSYLVANIA

Allegheny County

Pittsburgh, *Manchester Historic District*, irregular pattern contained with Faulsey, Chateau, Franklin, and Bidwell Sts. (9–18–75)

Franklin County

Waynesboro vicinity, *Springdale Mills (Shank's Mill)*, SE of Waynesboro off PA 16 on Amsterdam Rd. (9–18–75)

Indiana County

Indiana, *John Sutton Hall*, Indiana University of PA campus (9–17–75)

Philadelphia County

Philadelphia, *Old Drexel Building*, 34 S. 3rd St. (9–5–75)

Wyoming County

Meshoppen, *Old White Mill*, off Welles St. (9–11–75)

SOUTH CAROLINA

Beaufort County

Frogmore vicinity, *Tombee Plantation*, S of Frogmore on St. Helena's Island (9–18–75)

Charleston County

McClellanville vicinity, *Harrietta Plantation*, 5 mi. E of McClellanville off U.S. 17/701 (9–18–75)

Lancaster County

Lancaster vicinity, *Waxhaw Presbyterian Church Cemetery*, 8 mi. N of Lancaster off U.S. 521 (9–11–75)

SOUTH DAKOTA

Lake County

Madison, *Madison Historic District*, bounded roughly by Egan Ave. (both sides), Washington, 4th and 7th Sts. (10–1–75)

V 40 213
NOV 4 75
XUM

TENNESSEE

Bradley County

Cleveland vicinity, *Rattlesnake Springs*, NE of Cleveland off Dry Valley Rd. (9–5–75)

Roane County

Olive Springs, *Colonial Hall*, Spring and Main Sts. (9–11–75)

TEXAS

Bexar County

San Antonio, *International & Great Northern Railroad Passenger Station*, Medina and Houston Sts. (9–9–75)

San Antonio, *Majestic Theatre*, 214 E. Houston St. (10–1–75)

San Antonio, *Mission Parkway*, along the San Antonio River (10–6–75) HABS

Galveston County

Galveston, *Powhatan House*, 3427 Avenue O (10–6–75) HABS

Trinity County

Trinity, *McDonald, Ranald, House*, Maple and San Jacinto (10–6–75)

UTAH

Juab County

Nephi vicinity, *Nephi Mounds*, N of Nephi (9–9–75)

Salt Lake County

Sale Lake City, *Denver and Rio Grande Railroad Station*, 3rd S. and Rio Grande (9–25–75)

Uintah County

Vernal vicinity, *McConkie Ranch Petroglyphs*, about 8 mi. NW of Vernal (9–25–75)

Utah County

Provo, *Provo Tabernacle*, 50 S. University Ave. (9–9–75)

VIRGINIA

Chesterfield County

Richmond vicinity, *Kingsland (Richmond View)*, 1608 Willis Rd. (9–18–75)

WASHINGTON

Douglas County

Waterville, *Douglas County Courthouse*, off U.S. 2 (9–5–75)

Grant County

Ephrata, *Grant County Courthouse*, C St. NW (9–5–75)

Wilson Creek, *Wilson Creek State Bank*, off WA 7 (9–25–75)

Spokane County

Spokane, *Davenport Hotel*, 807 W. Sprague (9–5–75)

WISCONSIN

Dodge County

Waupun, *Dahl, Martin K., House*, 314 Beaver Dam St. (9–11–75)

Fond du Lac County

Ripon, *Ceresco Site*, bounded by North, Church, Union, and both sides of Warren Sts. (9–5–75)

Racine County

Racine, *Racine Harbor Lighthouse and Life Saving Station*, Racine Harbor North Pier (9–9–75)

WYOMING

Teton County

Moran vicinity, *Leek's Lodge*, 10 mi. NW of Moran in Grand Teton National Park, off U.S. 89/287 (9–5–75)

• • • • •

The following properties were omitted from the February 4, 1975, Federal Register listing:

MISSISSIPPI

Jackson County

Pascagoula, *Old Spanish Fort (Old French Fort)*, 200 Fort St. (9–3–71)

TENNESSEE

Hawkins County

Rogersville, *Rogersville Historic District*, bounded by N. Boyd, Kyle, Clinch, N. Bend Sts., McKinney Ave., and S. Rogen Rd. (2–23–73)

Sullivan County

Blountville, *Blountville Historic District*, center of Blountville along both sides of TN 126 (2–23–73)

• • • • •

The following are corrections for properties previously listed in the Federal Register:

IOWA

Cerro Gordo County

Mason City, *City National Bank Building* 4 S. Federal Ave. (9–14–72) (listed originally as Adams Bldg.)

NORTH CAROLINA

Chowan County

Edenton, *St. Paul's Episcopal Church and Churchyard*, W Church and Broad Sts. (5–29–75) HABS (address correction)

PENNSYLVANIA

Allegheny County

Pittsburgh, *Allegheny County Courthouse and Jail*, 436 Grant St. (3–7–73) previously listed as Allegheny County Buildings)

Philadelphia County

Philadelphia, *Clinton Street Historic District*, bounded by 9th, 11th, Pine, and Cypress Sts. (4–26–72) (address correction)

• • • • •

The following property has been demolished and therefore removed from the National Register of Historic Places:

MISSOURI

Buchanan County

St. Joseph, *Market Square Historic District*

• • • • •

The following properties have been removed from the National Register of Historic Places:

FLORIDA

Escambia County

Pensacola, **Fort San Carlos de Barrancas*, U.S. Naval Air Station (incorporated in Gulf Islands National Seashore)

INDIANA

Porter County

Porter vicinity, **Bailly, Joseph, Homestead*, ~0.5 mi. W of Porter on U.S. 20 (incorporated in Indiana Dunes National Recreation Area)

MASSACHUSETTS

Berkshire County

Hancock, *Hancock Town Hall*, Main St. (moved, renominated)

Middlesex County

Wayland vicinity, *Old Town Bridge*, N of Wayland on MA 27 (improperly nominated)

OKLAHOMA

Caddo County

Anadarko, *Black Beaver's Grave*, N edge of Anadarko (removed to Ft. Sill NHL)

• • • • •

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Huntsville, *Lee House*, Red Stone Arsenal.

ALASKA

Northwestern District

Little Diomede Island, *Iyapana, John, House.*

ARIZONA

Apache County

Flattop Site, Petrified Forest National Park.
Newspaper Rock Petroglyphs Archeological District, Petrified Forest National Park.
Puerco Ruin and Petroglyph, Petrified Forest National Park.
Twin Buttes Archeological District, Petrified Forest National Park.

Cochise County

Garden Canyon Archeological Site, Sierra Vista.

Coconino County

Grand Canyon National Park, *Old Post Office.*
Grand Canyon National Park, *O'Neill, Buckley, Cabin.*

Graham County

Foote Wash—No Name Wash Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir No. 1, Site NA 13,257.*
Colorado City vicinity, *Short Creek Reservoir No. 1, Site 13,258.*

Maricopa County

Cave Creek Archeological District.
New River Dams Archeological District.
Site T:4:6.
Skunk Creek Archeological District.

Navajo County

Painted Desert Petroglyphs and Ruins Archeological District, Petrified Forest National Park.
Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Armory Park Historic District.*
Tucson, *Convento Site.*
Tucson vicinity, *Old Santan*, NW of Tucson.

Yuma County

Yuma, *southern Pacific Depot.*

ARKANSAS

Ouchita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoneyford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

Imperial County

Glamis vinicity, *Chocolate Mountain Archeological District.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Lassen County

Archeological Site HJ–1.

Los Angeles County

Van Norman Reservoir, Site CA–LAN 646, CA–LAN 643, Site CA–LAN 490, and a cluster made up of Sites CA–LAN 475, 491, 492, and 493.

Madera County

CA–MAD 176–185, Lower China Crossing, and New Site, in Hidden Dam-Hensley Lake Project Area, Fresno River.

Marin County

Point Reyes, *Point Reyes Light Station.*

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Riverside County

Twentynine Palms, *Barker Dam*, Joshua Tree National Monument.
Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Desert Queen Mine*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site I, Sacramento River.

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Cow Camp*, Johsua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.
Twentynine Palms, *Wallstreet Mill*, Joshua Tree National Monument.

San Diego County

San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Luis Obispo County

San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*
Hillsborough, *Point Montara Light Station.*

Santa Barbara County

Santa Barbara, *Site SBa–1330*, Santa Monica Creek.

Shasta County

Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site IIJ–5 (Border Site 26WA–1678)

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Santa Rosa, *Santa Rosa Post Office.*

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., on Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Site 5–LR–257, Boxelder Watershed Project.

Rio Blanco County

Rangely vicinity, *Canon Pintado*, S of Rangley on Hwy. 139.

CONNECTICUT

Hartford County

Hartford, *Church of the Good Shepherd and Parish House*, Wyllys St. and Van Block Ave.
Hartford, *Colt Factory Housing*, Huyshope Ave., between Sequassen and Weehasset Sts.
Hartford, *Colt Factory Housing (Potsdam Village)*, Curcombe St. between Hendriexsen Ave. and Locust St.
Hartford, *Colt Park*, bounded by Wethersfield Ave., Stonington, Wawarme, Curcombe, and Marseek Sts., and by Huyshope and Van Block Aves.
Hatrford, *Colt, Col. Samuel, Armory, and related factory buildings*, Van Dyke Ave.
Hartford, *Flat-Iron Building (Motto Building)*, Congress St. and Maple Ave.
Hartford, *Houses on both sides of Congress Street.*
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97–81, 65.

Middlesex County

Middletown, *Mather - Douglas - Santangelo House*, 11 S. Main St.

New Haven County

New Haven, *Post Office-Courthouse*, Church and Court Sts.

New London County

New London, *Williams Memorial Institute Building*, 110 Broad St.

DELAWARE

Sussex County

Lewes, *Delaware Breakwater.*
Lewes, *Harbor of Refuge Breakwater.*

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St., SW, between 4th and 6th Sts., SW.
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700–1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Hillsborough County

Tampa, *Firehouse No. 10*, Ybor City.

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31–S, R–15E.

GEORGIA

Chatham County

Archeological Site, N end of Skidway Island.

Chatooga County

Archeological Sites in area of Structure 1–M, and Trion Dikes 1 and 2, headwaters of Chatooga Watershed (also in Walker County).

Clarke County

Athens, *Carnegie Library Building*, 1401 Prince Ave.

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

De Kalb County

Decatur, *Sycamore Street Area.*

V 40 213
NOV 4 75
XUM

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Stewart County

Rood Mounds.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Lewis County

Jacques Spur vicinity, *St. Joseph's Mission (Slickpoo)*, S of Jacques Spur on Mission Creek off U.S. 95.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*

ILLINOIS

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *McCarthy Building (Landfield Building)*, NE corner of Dearborn and Washington Sts.
Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum, Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg 49, Leonard Wood Ave.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Monroe County

Bloomington, *Carnegie Library.*

St. Joseph County

Mishawaka, *130 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Muscatine County

Muscatine, *Clark, Alexander, Property*, 125-123 W. 3rd and 307, 309 Chestnut.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kwa Hall)*, Haskell Institute.

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

MAINE

Washington County

Machiasport, *Libby Island Light Station.*

MARYLAND

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craghill Channel Upper Range Front Light*, on Chesapeake Bay.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Harford County

Havre De Grace, *Havre De Grace Light.*

St. Marys County

Piney Point, *Piney Point Light Station.*
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Truro, *Highland House*, Cape Cod Light (Highland Light) area.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Middlesex County

Watertown, *Commanding Officer's Quarters Bldg. 111, Watertown Arsenal*, 443 Arsenal St.
Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 27, 1.5 mi. NW of Rte. 126 Jct.

Worcester County

North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Little Forks Archeological District.

MINNESOTA

Beltrami County

Blackduct, *Rabideau CCC Camp Site*, S. of Blackduct in Chippewa National Forest.

Winona County

Winona, *Second Street Commercial Block.*

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W. Robidoux on S. 10th on E, and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Henry County

La Due, *Batschelett House*, near Harry S. Truman Dam and Reservoir.

MONTANA

Carbon County

Barry's Landing, *Bad Pass Trail (Sioux Trail)*, Big Horn Canyon National Recreation Area.
Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Fergus County

Lewis & Clark Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

Ravalli County

Conner vicinity, *Alta Ranger Station*, S. of Conner in Bitterroot National Forest.

NEVADA

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.
Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.
Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669—26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

NEW JERSEY

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1–9 New Ocean Ave.

Sussex County

------ *Road Historic District* (also in Warren County).

NEW MEXICO

Chaves County

Sites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G:13:19—N.M.G:13.37.*

NEW YORK

Albany County

Guilderland, *Natt Prechistoric Site.*

Bronx County

New York, *North Brothers Island Light Station*, in center of East River.

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.

Orange County

Port Jarvis, *Church Street School*, 55 Church St.
Port Jarvis, *Farnum, Samuel, House*, 21 Ulster Pl.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Schoharie County

Breakabeen, *Breakabeen Historic District*, between village of North Blenheim and Breakabeen.

Suffolk County

New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. at Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.

NORTH CAROLINA

Alamance County

Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS–12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Durham County

Durham, *St. Joseph's A.M.F. Church*, Fayetteville St. at the Durham Expwy.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market St. between 17th and 18th Sts.

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

OKLAHOMA

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Camp Comanche Site*, E range on Cache Creek.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of Macomb Rd.
Fort Sill, *Geronimo's Grave*, N of Jct. of Dodge Hill and Elgin Rds.
Fort Sill, *Henry Post Air Field*, Post Rd.
Fort Sill vicinity, *Medicine Bluffs*, NW of Fort Sill.

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*
Wolf Creek, *Rogue River Ranch*, Star Rte. Box 78.

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rt. 183.
Mt. Pleasant, *Pleasant Valley Roller*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey, Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Dauphin County

Middletown, *Swatara Ferry House (Old Fort)*, 400 Swatara St.

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lehigh County

Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.

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Philadelphia County

U.S. Naval Base, *Quarters "A" Commandant's Quarters*

Washington County

Charlerol, *Ninth Street School.*
Somerset Township, *Wright No. 22 Covered Bridge*

SOUTH CAROLINA

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612–632 Main St.

TENNESSEE

Hamilton County

Chattanooga, *Civil War Fort*, N of Tyler RR. Crossing on Southern RR.

Henry County

Mt. Zion Church and Cemetery (United Baptist Church).

Stewart County

Dover vicinity, *Fort Henry Site*, NW of Dover.
Great Western Furnace.

Trousdale County

Dixon Springs, *McGee House.*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County)

Denton County

Hammons, George, House, between Sangers and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Uvalde County

Leon River Watershed Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.

UTAH

Salt Lake County

Salt Lake City, *Kerrick Building* (*Leyson-Pearsoll Building*), 236 S. Main St.
Salt Lake City, *Lollin Block*, 238–240 S. Main St.

VERMONT

Franklin County

Highgate Falls, *Lenticular or Parabolic Truss Bridge, over Missiquoi River.*

Windsor County

Windsor, *Post Office Building.*

WASHINGTON

Benton County

Richland vicinity, *Hanford Island Archeological Site*, 18 mi. N of Richland.
Richland vicinity, *Hanford North Archeological District*, 22 mi. N. of Richland.
Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Snively Canyon Archeological District*, 25 mi. NW of Richland.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Clallam County

Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Franklin County

Richland vicinity, *Savage Island Archeological District*, 15 mi. N of Richland.

Grays Harbor County

West port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Cabell County

Huntington, *Old Bank Building*, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Ohio County

Wheeling, *B & O Railroad Freight Station and Train Shed.*

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Milwaukee County

Milwaukee, *Plankinton, Elizabeth, House*, 1492 W. Wisconsin Ave.

WYOMING

Goshen County

Torrington, *Union Pacific Depot.*

Lincoln County

Emigrant Springs, 18 mi. W of Fontenelle Dam Site

Natrona County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

Sweetwater County

Farson vicinity, *Parting-of-the-Ways* Oregon *Trail Site*, 15 mi. NE of Farson.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

REX L. WILSON,
Acting Director, Office of Archeology and Historic Preservation.

[FR Doc.75-29224 Filed 11-3-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-103]

REPUBLIC STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Republic Steel Corporation has filed a petition to modify the application of 30 CFR 75.1600–1 to its Newfield Mine, Verona, Pennsylvania.

30 CFR 75.1600–1 provides:

A telephone or equivalent two-way communication facility shall be located on the surface within 500 feet of all main portals, and shall be installed either in a building or in a box-like structure designed to protect the facilities from damage by inclement weather. At least one of these communication facilities shall be at a location where a responsible person who is always on duty when men are underground can hear the facility and respond immediately in the event of an emergency.

In support of its petition, Petitioner states:

(1) At Petitioner's Newfield Mine a responsible person is on duty at all times when men are underground on a coal producing shift. On non-producting shifts the mine is patrolled by two (2) responsible persons, who contact each other every thirty (30) minutes by trolley phones or page phones when patrolling the mine. The men use personnel carriers equipped with MSA Battery Trolley Phones.

(2) When the miners leave the personnel carriers to patrol work areas of the mine, they are within 500 feet of a Femco Pager Phone. Both of these communication devices will continue to operate in case of a power failure. With this system these men are in constant communication. Petitioner feels that its present system offers adequate protection so as to comply with section 1600–1.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 4, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

OCTOBER 24, 1975.

[FR Doc.75-29559 Filed 11-3-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[FSP No. 1975-1.2, Rev. 1, Amdt. 71]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance: 48 States and District of Columbia; Extension of Comment Period

In the FEDERAL REGISTER of September 19, 1975 (40 FR 43404), the Department of Agriculture announced its intention to examine alternatives to the Maximum Monthly Allowable Income Standards and the Basis of Coupon Issuance set forth in FSP Notice 1975–1.2, effective July 1, 1975 (40 FR 19856). The period for public comment expired October 6, 1975.

The short comment period originally provided was necessary to meet the deadline imposed by the United States Appeals Court for the District of Columbia Circuit, in its opinion in the case of "Rodway v. United States Department of Agriculture," No. 74–1303 (D.C. Cir.), for the Department of Agriculture to complete new rulemaking procedures of the allotment regulations. The Court has now extended the deadline. Accordingly, in view of the importance of the allotment provisions to the Food Stamp Program and the need for providing the public with a more reasonable opportunity to comment on the proposed amendment, the comment period is extended to and including November 13, 1975. The final rule will be issued on or before December 13, 1975. However, recognizing the workload imposed upon State agencies when the basis of issuance schedules are justified, the Department will exert its best efforts to publish the final amendment in the FEDERAL REGISTER before December 13.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: October 30, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-29684 Filed 11-3-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

Correction

In FR Doc. 75–28227 appearing at page 49115 in the FEDERAL REGISTER of Tuesday, October 21, 1975, the following changes should be made on page 49116:

1. The contact person for the Panel on Review of Ophthalmic Devices should be corrected to read "Richard A. Hawkins."

2. The address of the contact person for the Ad Hoc Committee on Reserpine and Breast Cancer should be corrected to read "(HFM–1), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4124."

IMAGE RECEPTOR CONFERENCE ON FILM-SCREEN COMBINATIONS

Meeting

This notice announces an Image Receptor Conference on Film-Screen Combinations for diagnostic radiology to be held November 13 through 15, 1975 at the Crystal City Marriott Hotel, Arlington, Va. This forum for discussion of problems associated with selection of films and intensifying screens used in medical diagnostic radiology is provided through a contract awarded by the Food and Drug Administration to the American College of Radiology. All preparations and arrangements, including selection of participants, are the resposibility of the American College of Radiology which will furnish the Food and Drug Administration a final report of the conference under the terms of the contract. Participants at the meeting will be specialists in radiology and radiation physics invited from the medical profession, industry, and the Federal Government.

The conference is sponsored to aid the American College of Radiology in developing information for the Food and Drug Administration on the data needed by users or radiographic film and screens to ensure their effective use, with minimal exposure, for the diagnosis of disease processes. Of particular interest at the conference will be information related to problems associated with selection of appropriate film-screen combinations for diagnostic radiology. The conference will include a review of the desired characteristics of acceptable film-screen combinations for the various diagnostic situations encountered in radiology.

The Food and Drug Administration, in an advance notice of proposed rule making published in the FEDERAL REGISTER on June 19, 1975 (40 FR 25830), announced the consideration of an amendment to the performance standard for diagnostic x-ray systems which would require manufacturers to provide information on the characteristics of films and screens which could be used to choose appropriate combinations of these devices. The Commissioner of Food and Drugs is currently reevaluating his authority to regulate films and screens under the Radiation Control for Health and Safety Act. It is his intention to provide information in this area either in the form of recommendations and guidelines or through regulations in keeping with the purposes and authority of the act.

The conference will be held from 9 a.m. to 5 p.m. on November 13 and 14, and from 9 a.m. to noon on November 15, at the Crystal City Marriott Hotel, Arlington, Va. Public observers will be limited to the space available. A summary of the meeting will be prepared by the contractor following the meeting and will be available upon request from the Bureau of Radiological Health, Food and Drug Administration.

For additional information contact Mr. Richard Hardy, American College of Radiology, 20 North Wacker Drive, Chicago, IL 60606, (312) 238–4963 or Mr. Robert F. Noethe, ACR Washington Office, 6900 Wisconsin Avenue, Chevy Chase, MD 20015, (301) 654–6900. The Food and Drug Administration contract officer for this contract is Mr. Richard E. Gross, Bureau of Radiological Health, Division of Training and Medical Applications (HFX–70), 5600 Fishers Lane, Rockville, MD 20852, (301) 443–2436.

Dated: October 30, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-29662 Filed 11-3-75;8:45 am]

Office of the Secretary

BOARD OF ADVISORS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on November 17, from 5 p.m. to 8 p.m., and on November 18, from 9:30 a.m. to 3:30 p.m. The meeting will be held at the Sheraton Plaza Hotel, 160 Huron Street, Chicago, Illinois.

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The purpose of the meeting is to review program plans and to consider approaches to the evaluation and dissemination of Fund activities.

The meeting shall be open to the public. Records shall be kept of all proceedings and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue SW., Room 3141, Washington, D.C. 20202, telephone number 202–245–8091.

Signed at Washington, D.C., on October 24, 1975.

VIRGINIA B. SMITH,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc.75–29530 Filed 11–3–75;8:45 am]

ACTION

PRIVACY ACT OF 1974

Additional Routine Use for System of Records

Notice is hereby given that ACTION proposes to amend its notice of systems of records published in 40 F.R. 176, September 10, 1975, by adding to the Preliminary Statement under the heading Statement of General Routine Uses therein an additional routine use as set forth below:

9. Information in any system of records may be disclosed to a Congressional office, in response to an inquiry from any such office, made at the request of the individual to whom the record pertains.

Any person interested in this notice may submit written views, comments, or other data to ACTION/GC, Room 607, 806 Connecticut Avenue, NW., Washington, D.C. 20525, on or before December 3, 1975. All written comments received from the public through said date will be considered before publication of final notice. Comments received will be available for public inspection at the above address between the hours of 9 a.m. and 5 p.m., Monday through Friday (except holidays).

This notice is issued in Washington, D.C. on October 30, 1975.

JOHN L. GANLEY,
Deputy Director, ACTION.

[FR Doc.75–29655 Filed 11–3–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28198]

AIR PACIFIC LTD.

Prehearing Conference and Hearing Regarding Foreign Permit Renewal (FIJI)

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 19, 1975, at 10 a.m. (local time) in Room 1003B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before November 11, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., October 29, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–29570 Filed 11–3–75;8:45 am]

[Docket No. 27829 et al.; Order 75–10–118]

ALLEGHENY AIRLINES, INC.

Service to Hazleton Case

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of October 1975.

Application of Allegheny Airlines, Inc., under section 401 of the Federal Aviation Act of 1958, as amended, for an amendment of its certificate of public convenience and necessity for route 97 so as to delete Hazleton, Pa., therefrom—Docket 27829.

Service to Hazleton Case—Docket 28443.

ORDER

On May 28, 1975, Allegheny Airlines filed a petition for an order to show cause why Hazleton, Pa., should not be deleted from its certificate for route 97. The carrier is presently suspended at the point pursuant to order 68–7–5, July 1, 1968, which approved Agreement CAB 20271 between Allegheny and Pocono Airlines providing for a replacement service by Pocono at Hazleton.

In support of its petition, Allegheny states that Hazleton has had nearly 7 years of effective Allegheny Commuter service; that despite this service, Hazleton's traffic since 1969 has declined steadily from 11 passengers per day and 3.4 passengers per departure to 4.3 per day and 1.3 per departure; that with the institution of jet service by Allegheny at Scranton to Boston, Pittsburgh, and Chicago in 1969, only 10 percent of the Hazleton passengers use their own airport, with 80 percent using the Scranton airport only 35 miles distant; that Pocono, operating as Allegheny Commuter at Hazleton, is experiencing a net loss of $61,000 per year at the point; and that the replacement service at Hazleton has caused a financial drain on Allegheny, as evidenced by the facts that it has given financial assistance in the amount of $164,000 between 1969 and 1972, and Allegheny Commuter has been unable to reimburse Allegheny in the amount of $80,000 for ground handling and reservation costs.

The City of Hazelton, Pa., the Greater Hazleton Chamber of Commerce, the Greater Hazleton Community Area New Development Organization ("CAN DO") and the Greater Hazleton Municipal Airport Commission (the Hazleton parties) filed an answer in opposition to Allegheny's petition. Hazleton urges that the petition for an order to show cause be denied and that the deletion application be dismissed. The community contends that Pocono developed considerable traffic at Hazleton, but that since 1972, the commuter carrier has cut service far below acceptable standards, thus accounting for the recent decline in traffic. Furthermore, Hazleton claims that Allegheny "has been in open and flagrant violation" of the service requirements established in order 68–7–5, which in the community's view required Allegheny's replacement carrier to provide "at least three well-timed nonstop round trips" between Hazleton and Newark. To remedy these alleged violations, Hazleton requests that the Board order Allegheny to reinstitute service and to conform to order 68–7–5, and that these alleged violations be referred to the Bureau of Enforcement and the Department of Justice for appropriate action. Finally, Hazleton requests that Allegheny's petition and application be denied for gross violation of the Board's standards of conduct, claiming that Allegheny representatives attempted to intimidate Hazleton and procure the firing of the community's newly retained counsel by making various allegations concerning Hazleton's counsel to the community's congressional representative.

Allegheny subsequently filed a motion for expedited hearing on its application, and a reply to Hazleton's answer to the carrier's petition.[1] In its reply, Allegheny claims that Hazleton has misconstrued the minimum service requirements imposed by the Board in order 68–7–5; and that Pocono has at all times since 1968 provided service fully complying with those requirements and sufficient to give the community a fair test of its traffic-generating ability. In light of the declining traffic response at Hazleton, the carrier contends that neither Allegheny nor its replacement carrier should be compelled to continue uneconomic certificated air service in the absence of some compensating public benefits. Finally, Allegheny disputes the claim that its representatives attempted to intimidate the community or besmirch the reputation of is counsel.[2]

Hazleton has filed an answer to Allegheny's motion for expedited hearing and a response to the carrier's reply on its petition for a show-cause order.[3] The community contends that the motion for expedited hearing fails to satisfy the requirements of Rule 18 of the Board's rules of practice and that the carrier has not shown that its application is entitled to a priority hearing under § 399.60(b) of the Board's regulations. In addition to other matters, Hazleton's response included a counteraffidavit to the affidavits filed by Allegheny.

Allegheny filed a reply to the answer to its motion for expedited hearing,[4] contending that its motion, incorporating the statistical data set forth in its petition for an order to show cause, satisfies the requirements of Rule 18 and § 399.60 (b), and constitutes a prima facie showing that operations at Hazleton are and will continue to be uneconomic.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Allegheny's petition for an order to show cause, to institute a proceeding to be called the *Service to Hazleton Case*, and to consolidate for consideration therein the carrier's application for deletion of Hazleton.

In light of the objections raised by the civic parties, the use of showcase procedures would be inappropriate in this instance, although we believe that the statistical information and other facts alleged by Allegheny are sufficient to warrant a priority hearing on the carrier's application.[5] The disputed facts and issues in this matter can best be resolved on the basis of an evidentiary record after hearing.

The pleadings filed thus far in this proceeding raise certain arguments concerning matters not normally dealt with in deletion proceedings. Because of the unusual or novel nature of these arguments, we believe that additional comment is warranted in order to provide guidance for the parties and to clarify the scope of this proceeding and the issues which we expect to be developed in the record. The first concerns the argument raised by Hazleton that Allegheny is suffering no losses under its suspension/replacement arrangement with Pocono, and that losses suffered by the commuter carrier should not be considered in determining whether or not Allegheny should be deleted. The central issue in this proceeding is whether the community warrants continued certificated air service—whether by Allegheny itself or by a contract carrier operating pursuant to a replacement agreement—and thus the economics of Pocono's replacement services is clearly relevant to the issues in this proceeding.[6] Accordingly, we expect the parties to develop the record on the question of the economic impact on both Allegheny and Pocono of continued replacement carrier service, as well as the economic impact on Allegheny of reinstituting its own independent operations at Hazleton.

The second matter concerns Hazleton's argument that the level of service provided by Pocono has been in violation of the minimum service requirements imposed by order 68–7–5. Hazleton contends that order 68–7–5 required Pocono to provide at least three daily "nonstop" round trips between Hazleton and Newark. This interpretation of the plain language of order 68–7–5 is erroneous. As we stated in that order:

> Pocono will provide four daily nonstop round trips between Hazleton and Newark during the first six months of operation. This pattern will continue if traffic responds as anticipated, and in any event Pocono will be required to provide at least three daily round trips during the remaining life of the agreement. [Order 68–7–5 at page 3] [7]

Thus, it is clear that the Board did not intend to limit Pocono to nonstop service in meeting its three-daily-round-trip requirement. We have carefully reviewed the schedules offered by Pocono for the period from 1968 to the present, and we have found that the carrier has, at all times, scheduled at least three daily round trips—both nonstop and one-stop via Scranton / Wilkes - Barre — between Hazleton and Newark. Moreover, these schedules appear to have generally offered morning, midday, and evening service between Hazleton and Newark, and thus we cannot find on the basis of the facts alleged by Hazleton in its pleadings that the quantity of quality of Pocono's service has been in violation of the service requirements imposed by order 68–7–5.[8] The parties will be free, however, to explore the question of the quantity and quality of Pocono's service in more detail at the hearing.

Finally, we have considered the arguments raised concerning alleged misconduct by Allegheny officials, and we do not find that these allegations form a sufficient basis for dismissal of Allegheny's petition and application pursuant to Rule 20 of the Board's rules of conduct (§ 300.20 of the Board's procedural regulations). In this instance, unlike past cases where the Board has been requested to disqualify applicants for violations of the Board's rules of conduct, the alleged misconduct does not involve efforts to improperly influence the Board in its decisionmaking process.[9] This is not to say, however, that we by any means condone such conduct if proven, but rather that the sanction requested by Hazleton, i.e., denial of Allegheny's application pursuant to Rule 20(b) of the Board's rules of conduct, is not appropriate in the public interest in this instance.[10]

Accordingly, it is ordered, That:

1. The petition of Allegheny Airlines, Inc., in docket 27829 for an order to show cause be and it hereby is denied;

2. A proceeding will be instituted in docket 28443 to be called the Service to Hazleton Case and shall be set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter designated, as the orderly administration of the Board's docket permits;

3. The proceeding instituted by paragraph 2, above, shall include consideration of the following issues:

a. Whether the public convenience and necessity require, pursuant to section 401(g) of the Act, that Allegheny's certificate be altered, amended, or modified so as to suspend or delete Hazleton, Pa.; and

b. Whether the public interest requires, pursuant to section 401(j) of the Act, the temporary suspension of service by Allegheny at Hazleton, Pa., with or without conditions;

4. The application of Allegheny Airlines, Inc., in docket 27829 be and it hereby is consolidated into the proceeding instituted by paragraph 2, above;

5. The motion of Allegheny Airlines, Inc., for expedited hearing be and it hereby is granted;

6. The motions of Allegheny Airlines, Inc., for leave to file otherwise unauthorized documents be and they hereby are granted;

7. The motion of the Hazleton parties for leave to file an otherwise unauthorized document be and it hereby is granted;

8. Except to the extent granted herein, all other motions and requests be and they hereby are denied; and

9. A copy of this order shall be served upon Allegheny Airlines, Inc.; Pocono Airlines, Inc.; Mayor, City of Hazleton; Manager, Hazleton Municipal Airport; the Greater Hazleton Chamber of Commerce; the Greater Hazleton Community Area New Development Organization ("CAN DO"); the Greater Hazleton Municipal Airport Commission; Governor, State of Pennsylvania; Pennsylvania Public Utility Commission; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–29569 Filed 11–3–75;8:45 am]

[1] The reply was accompanied by a motion for leave to file an otherwise unauthorized document. We will grant the motion.

[2] Appended to the reply were affidavits of certain Allegheny officials concerning the alleged efforts to improperly influence the community.

[3] The response was accompanied by a motion for leave to file an otherwise unauthorized document. We will grant the motion.

[4] The reply was accompanied by a motion for leave to file an otherwise unauthorized document. We will grant the motion.

[5] We do not interpret the motion of Allegheny for expedited hearing to request the use of extraordinary procedures or timing in the conduct of the case, and accordingly, the normal procedures utilized in formal Board proceedings will be followed in this case.

[6] *State of Maine, et al.* v. *C.A.B.*, Slip Op. 74–1413 (1st Cir., Aug. 13, 1975).

[7] Likewise, ordering par. 4 of order 68–7–5 makes no reference to any *nonstop* service requirement.

[8] In describing the alleged deficiencies in Pocono's service, Hazleton's answer refers only to the level and timing of Pocono's nonstop Hazleton-Newark service, thereby ignoring the numerous one-stop flights offered.

[9] See, *e.g.*, *New York-San Francisco Nonstop Service Case*, 30 C.A.B. 309 (1959); and *Complaint by Continental Air Lines, Inc., et al.*, order 75–6–21, June 4, 1975.

[10] In these circumstances, the more appropriate means of redress for these alleged violations is through the Board's normal enforcement procedures. We are referring this matter to the Board's Bureau of Enforcement for whatever action may be deemed appropriate. Consequently, the question of a possible violation of sec. 300 of the Board's Procedural Regulations will not be at issue in the hearing in this docket.

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COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

GAMBLING AND RELATED ACTIVITIES, MIAMI

Hearings

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat., 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under authority of section Pub. L. 91–452, Part D, section 804–808 of the Organized Crime Control Act of 1970, will hold hearings on November 24 and 25, 1975, in Central Court Room, United States Post Office and Courthouse, 300 NE. 1st Avenue, 2nd Floor, Miami, Florida.

The purpose of the above-described hearings is to elecit testimony from Federal, State, and local Government officials, law enforcement representatives and such others who might have knowledge as to the existence and character of gambling and gambling-related activities in Miami and other areas, both legal and illegal, and as to the effectiveness of gambling enforcement toward the element of organized crime in the United States.

The hearings of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are the same as those rules of procedure published by the Commission in the September 5, 1975 FEDERAL REGISTER.

JAMES E. RITCHIE,
Executive Director.

OCTOBER 30, 1975.

[FR Doc.75-29554 Filed 11-3-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ALUMINUM WIRE CONNECTIONS

Proceeding for Development of Consumer Product Safety Standard

The Consumer Product Safety Commission has preliminarily determined (1) that hazards associated with household wiring systems involving solid aluminum wire in number 10 American Wire Gage (AWG) size and smaller diameters, including all types of termination devices and connections, fabricated and installed using standard trade practices, present an unreasonable risk of death or injury and (2) that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks.

Accordingly, pursuant to section 7 of the Consumer Product Safety Act (Public Law 92–573, 86 Stat. 1212; 15 U.S.C. 2056), this notice commences a proceeding for the development of a consumer product safety standard applicable to household wiring systems involving such aluminum wire and various connections, as defined in section C(1) of this notice.

INVITATION TO OFFERORS

Pursuant to section 7 of the Act and the regulations issued thereunder (16 CFR Part 1105), an invitation is hereby extended to all standards writing organizations, trade associations, consumer organizations, professional or technical societies, testing organizations and laboratories, university or college departments, wholesale or retail organizations, Federal, State, or local government agencies, engineering or research and development establishments, ad hoc associations, companies, and persons (all hereinafter called persons) to submit to the Commission on or before December 4, 1975, either of the following:

1. One or more existing standards as a proposed consumer product safety standard in this proceeding.

2. An offer to develop one or more proposed consumer product safety standards applicable to aluminum wire systems to reduce or eliminate any or all of the unreasonable risks of injury associated therewith.

Persons who are not members of an established organization may form a group for the express purpose of submitting offers and developing standards. Such groups are referred to in the regulations as ad hoc associations (16 CFR 1105.5). An offer by an ad hoc association may be submitted by an individual member if the offer states that it is submitted on behalf of the members of the association. The individual member submitting the offer shall submit to the Commission a notarized copy of a power of attorney from each member of the group authorizing that individual member to submit an offer on behalf of each other member.

Persons interested in submitting existing standards or offering to develop a standard must follow the regulations concerning the submission of existing standards and the development of standards (16 CFR Part 1105, issued under section 7 of the Act). Potential offerors should direct particular attention to 16 CFR 1105.8 (Recommended consumer product safety standards developed by offerors), which enumerates the criteria to be used by the Commission in evaluating developed standards.

Part 1105 was promulgated in the FEDERAL REGISTER of May 7, 1974 (39 FR 16206). Copies may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207 (phone 202–634–7700).

Further information concerning the requirements of Part 1105 is set forth in Sections F, G, and H of this notice.

The time for developing this standard shall end on or before April 4, 1976. However, the Commission may extend the development time if it finds, for good cause, that a longer period of time is appropriate. Any such extension will be announced by a notice in the FEDERAL REGISTER. An offeror who believes that the development period is inadequate may submit an estimate of the time required to develop the requirements of the standard, including a detailed schedule for each phase of the development period and an explanation of why the offeror cannot develop the requirements by the date specified.

A. PRELIMINARY DETERMINATION OF UNREASONABLE RISK OF INJURY

On March 27 and 28, 1974, in Washington, D.C. and on April 17 and 18, 1974, in Los Angeles, California, the Consumer Product Safety Commission conducted public hearings to determine whether cause existed to warrant further investigation and possible future regulatory action of aluminum wire. Testimony at these hearings was given by individuals from research and testing laboratories, aluminum wire manufacturers, electrical device manufacturers, trade associations, electrical contracting firms, electrical inspection and fire departments, consumer organizations and other interested individuals.

Prior to August 1974, the Commission had received 165 reports of electrical failures involving aluminum wire. 103 incidents were from single family homes, 38 from mobile homes and 24 from multi-family dwellings. 32 of the 165 failures occurred in circuits having number 6 and 8 AWG aluminum wire. The remainder were number 10 and 12 AWG aluminum wire.

On August 29, 1974, an article discussing the hazards of aluminum wire was published in NEWSDAY, a Long Island, N.Y., newspaper. The article suggested that consumers report electrical problems to the Consumer Product Safety Commission's "hotline." Between August 29 and September 17, the Commission received 404 phone calls from the New York area relating to aluminum wire. 179 calls were from homeowners who had observed danger signals or had electrical malfunctions involving aluminum wire. The remaining 225 calls were from homeowners wanting more information about the problem.

Hazardous conditions such as burned wire insulation, burned receptacles, fires in receptacles or wall switches, odor of burning wires and smoldering in walls, and electric arcing of switches and receptacles were reported by 96 homeowners. Another 30 homeowners reported symptoms of hazardous conditions such as overheated receptacles and switches, scorched walls, and melted receptacles and wire insulation. 53 callers reported flickering lights or inoperative switches and outlets. The Commission's staff made follow-up investigations of HOTLINE calls from Medford, N.Y., and confirmed the validity of several reported incidents.

It is strongly suspected that electrical connections made to aluminum wire were the precipitating cause of three fires which resulted in four deaths. Numerous other fires involving property damage have been reported where electrical connections to aluminum wire were the reported cause.

The National Bureau of Standards (NBS) has performed laboratory studies for the Commission to determine what

potential mechanisms of failure exist with aluminum wire and various connections. NBS reported that electrical failures and overheating can be reproduced with certain types of connections to aluminum wire.

The Commission, on the basis of the public hearing record, hazard analysis reports, hotline data and the NBS and other studies preliminarily determines that aluminum wire systems as defined in section C(1) of this notice present an unreasonable risk of injury.

Copies of the public hearing record, hazard analysis reports, hotline data and the NBS studies are available for inspection at the Office of the Secretary.

B. PETITION TO ADOPT SAFETY STANDARD

On August 27, 1974, the Commission received a petition from Southwire Company to adopt a standard submitted by Southwire for electrical conductors and associated devices.

In order to propose and promulgate an existing standard as a consumer product safety standard, the Commission must commence a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) and the regulations promulgated thereunder (16 CFR Part 1105) in order to allow interested persons to submit an offer to develop a standard and to allow others to submit previously issued or adopted standards as a proposed consumer product safety standard. Therefore, Southwire's request that the Commission adopt as a mandatory standard the standard submitted by Southwire is being treated as a request to commence a standard development proceeding. To this extent, the petition is granted by the Commission's decision to initiate such a proceeding.

Copies of Southwire's petition, proposed standard and the Commission's letter to Southwire in regard to Southwire's petition are available for public inspection in the Office of the Secretary.

C. PRODUCT IDENTIFICATION

1. *Definition.* The products to be regulated under this proceeding are:

a. Solid electrical conductors intended or suitable for use in 15 and 20 ampere electrical circuits where aluminum or an alloy of aluminum is the principal conducting element. Currently, aluminum wire electrical conductors in number 10 AWG and 12 AWG are used for this purpose. Included in this definition is aluminum wire which is clad with any conductive coating, except that this definition does not include copper clad aluminum conductors when the copper coating is 10 percent or greater of the conducting cross sectional area.

b. All products, devices and assemblies which are used for the purpose of connecting, terminating, bonding, splicing, joining or otherwise maintaining electrical continuity with the conductors defined in the paragraph above. Such products include convenience outlets, wall switches, circuit breakers, fuse holders, lamp holders, wire connectors, relay switches, etc. intended or suitable for use in residential wiring systems using aluminum wire as defined in this paragraph.

This definition shall be referred to in this notice as "aluminum wire systems."

2. *Scope.* The scope of this regulation shall include aluminum wire systems sold to or for the personal use or enjoyment of consumers in or around permanent or temporary households or residences, schools, recreational facilities, or buildings and other places of assembly used by the public.

D. NATURE OF THE RISK OF INJURY

In many cases, connections within "aluminum wire systems" become defective over a period of time, resulting in overheating or arcing at the point where the wire is connected to other elements of the system. These defects are caused by the presence in the joint of aluminum oxide and by the effects of vibration, creep, expansion and contraction, and transient electrical surges. Aluminum oxide is a substance which immediately forms on the surface of aluminum when it is exposed to air and which is highly resistant to the flow of electrical current. In connecting aluminum wire to other elements of the system, it is necessary that the film of aluminum oxide be removed or penetrated in a sufficient area so that electricity can flow from metal to metal at the connection with relatively little resistance, and so that these areas are not exposed to air, thereby allowing oxide to re-form. The amount of heat generated by the flow of electrical current across the connection is a function of the resistance of the connection.

During installation, aluminum wire is commonly wrapped and secured under the head of the binding screw of a wall switch, receptacle outlet, or other device. The thin outer aluminum oxide film is penetrated or removed, to some degree, by the scraping action and pressure of the screw head when the connection is properly assembled and secured with sufficient pressure. However, the resistance may subsequently increase if the connection allows movement which exposes to air aluminum wire surfaces that had been part of the contact area, thereby resulting in the formation of additional oxide and in the compacting of existing oxide at the connection interface. Several types of disturbances and movements have been identified from experiments and from technical literature.

These include:

1. Mechanical disturbance from vibration, impacts, and handling.

2. Creep or flow of metal under stress.

3. Expansion and contraction from heating and cooling that (a) occurs when electric appliances and equipment are turned on and off or (b) is part of the environment to which the system is subjected.

4. Transient electrical surges leading to arc erosion and microscopic interfacial movements.

The overheating and arcing discussed above can lead to the following results:

1. Fire caused by heat from the connection igniting flammable materials in close proximity to the device, such as insulation, bedding, draperies, wall materials, etc.

2. Arcing can provide an ignition source for flammable material or gas in close proximity, thereby resulting in fire.

3. Symptoms of the defect such as flickering lights, heat, smoke, deterioration of insulation caused by exposure to heat, or inoperative devices can expose homeowners to electric shock hazards when they proceed to investigate or repair the cause of the symptom.

4. Failure of safety devices such as high temperature relays on hot water heaters or furnaces exposes the occupants to the hazards the safety devices are intended to prevent.

5. Failure of fire or other alarm systems due to a poor electrical connection.

The Commission calls particular attention to the fact that failure of the electrical connection can occur even at an outlet that is not supplying power directly to an appliance. This happens when power is being used at another outlet in the electrical circuit. The "unused" outlet may still be active in the sense that its terminals may be in the path of electrical current in the circuit. The consumer is generally unaware of this condition and may not suspect or detect a faulty connection when the wiring device is behind furniture or otherwise inaccessible. In any event, the process of deterioration may proceed even while an outlet or device is not in use.

The Commission notes further that poor workmanship in assembling aluminum wire connections appears to increase the likelihood of defective connections and component failure. When the consumer replaces failed electrical components, the quality of workmanship is likely to be lower than the initial installation by a licensed electrician. This increases the probability of another failure instead of improved safety. Also, the consumer may easily and unwittingly replace a failed device with one that is not well suited for use with aluminum wire.

Hence, the Commission believes that the most serious risk associated with defective electrical connections is death or injury caused by burning or asphyxiation due to fire. In considering the nature of the risk of injury and death associated with aluminum wire systems, the Commission recognizes that the type of failure which will first manifest itself in any particular installation is not predictable, and may range from a warm faceplate or flickering lights to a fatal fire. Furthermore, a defective connection which is discovered after the appearance of minor symptoms might have caused a fire if the chain of failure was allowed to proceed without repair. Each occurrence of a defective connection must be regarded as a potential fire in evaluating the risk of injury associated therewith.

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E. EXISTING STANDARDS

1. *Wires and cables.* The Commission has received information about the existence and provisions of eight (8) voluntary standards promulgated by Underwriters' Laboratories, Inc. (UL) which may be relevant to this proceeding. Each standard covers a different aspect of wire or cable generally used in residential electrical branch and feeder circuits. In addition, the Commission has knowledge of a supplementary standard which consists of three UL bulletins which specifically cover solid aluminum wire in sizes 12–8 American Wire Gage (AWG). This type of wire may be involved in products within the scope of the eight standards mentioned above, but the supplementary standard is the only standard which specifically covers aluminum wire conductor requirements. The term "solid aluminum wire" is noted to distinguish the material from "stranded aluminum wire" (i.e. wire consisting of more than one strand). Stranded aluminum wire is not covered by the supplementary UL standard.

Underwriters' Laboratories standard no.	*Title of standard*
1. UL 4	Armed cable, 1974 edition, latest revision January 1974.
2. UL 719	Nonmetallic—sheathed cables, 1974 edition, latest revision June, 1974.
3. UL 854	Service—entrance cables, 1971 edition, latest revision April 1974.
4. UL 493	Thermoplastic—insulated underground feeder and branch—circuit cables, 1970 edition, latest revision April 1973.
5. UL 44	Rubber—insulated wires and cables, 1975 edition, latest revision June 1975.
6. UL 133	Varnished—cloth wires and cables 1971 edition, latest revision January 1974.
7. UL 115	Asbestos—and asbestos—varnished cloth—Insulated wires, 1970 edition, latest revision April 1973.
8. UL 83	Thermoplastic—insulated wires, 1971 edition, latest revision April 1974.

9. *Supplementary Standard.* Revision of Requirements For Solid Aluminum Wire, Sizes No. 12–8 AWG, as contained within three UL bulletins:

(a) Bulletin dated September 14, 1972, under reference UL Subject Nos. 44, 83, 468, 493, 719, 854.

(b) Bulletin dated July 12, 1972, under reference UL Subject Nos. 44, 83, and 719.

(c) Bulletin dated July 23, 1973, under reference UL Subject Nos. 4, 44, 83, 468, 493, 719, 854.

The Commission makes the following observations about the UL Supplementary Standard for aluminum conductors identified in number 9 (a), (b) and (c) above:

(1) The standard contains arbitrary test method conditions for the High-Current Heat Cycling Test. These conditions include the amount of test current which is set at 2.67 times the 15 ampere capacity of the test wire or 40 amperes. These conditions also include the number of cycles of operation, set at 500; and the cycle time, set at 3½ hours "on" and ½ hours "off". The Commission notes that conditions in actual service could readily exceed 500 cycles of on-off operation.

(2) The high-current heat cycling test for the aluminum wire does not represent an actual field situation test because the test allows for significant failures to occur, yet the results are considered acceptable.

(3) The physical property specifications for tensile strength, yield strength, and elongation have not been related to how wire will creep or otherwise relax and deform under a compressive loading and, therefore, are not a measure to discriminate between acceptable and unacceptable wire material.

The Commission has received information about four standards promulgated by the Canadian Standards Association (CSA). Each standard covers a different type of wire or cable that has general application in residential electrical branch and feeder circuits.

Canadian standards association standard No.	*Title of standard*
1. C22.2 No. 51–1968	Armoured cables.
2. C22.2 No. 38–1972	Rubber—insulated wires and cables.
3. C22.2 No. 78–1973	Varnished—cloth insulated wires and cables.
4. C22.2 No. 75–1966	Thermoplastic—insulated wires and cables.

The Commission notes that the above standards are essentially the same as the corresponding UL standards of similar titles with the following differences regarding aluminum conductor material. The tensile strength for semi-annealed (three-quarter hard) aluminum conductor in the CSA standards is specified at not less than 17,000 or greater than 22,000 pounds per square inch (psi). The tensile strength in the UL standards is specified at not less than 15,000 or greater than 22,000 psi. The 1973 edition of CSA Standard C22.2 No. 78–1973 includes specifications for electrical resistance, tensile strength, and elongation of conductors, and a bending test for conductors. The comments for the corresponding UL standards apply to these CSA standards.

2. *Devices.* The Commission has received information about the existence and provisions of three standards of UL relating to electrical connecting devices generally used in residential electrical branch circuits. In addition, there is a supplementary standard consisting of two UL bulletins containing specifications for wiring devices (such as receptacle and switch outlet devices) specifically for aluminum circuitry and intended to be marked "CO/ALR." Further, there is a supplementary standard which consists of two UL bulletins containing specifications for a marking requirement for wiring devices *not* marked "CO/ALR."

Underwriters laboratories standard No.	*Title of standard*
1. UL 498	Electrical attachment plugs and receptacles, 1974 edition, latest revision November 1974.
2. UL 496	Edison—base lampholders, 1975 edition.
3. UL 20	Snap switches, 1974 edition.
4. UL 486	Electric wire connectors and and soldering lugs, 1969 edition, latest revision September 1974.

5. *Supplementary Standards.* (A) UL Test Program For Wiring Devices Intended to be Marked "CO/ALR," as contained within two UL bulletins:

(a) Bulletin dated September 29, 1972, under reference UL Subject Nos. 20, 44, 83, 496, 498, 719, as revised by the Bulletin of November 24, 1972.

(b) Bulletin dated November 24, 1972, under reference UL Subject Nos. 44, 83, 468, 496, 498, 719.

(B) UL Instructional Notice Marking Requirement For Wiring Devices Not Marked "CO/ALR," as contained within two UL bulletins:

(a) Bulletin dated July 27, 1973, under reference UL Subject Nos. 20, 468, 496, 498, 514.

(b) Bulletin dated September 4, 1973, under reference UL Subject Nos. 20, 468, 496, 498, 514.

The Commission makes the following observations of the UL Supplemental Standard for Electrical devices identified in number 5(A) and (B) above:

(1) It addresses only "wire-binding-screw-type terminals" and not other terminating or connecting devices included in "aluminum wire systems," such as manually tightened connectors (wire nuts) and circuit breaker terminals.

(2) Accelerated test conditions require proper control of temperature, including the room ambient temperature, in order to achieve reproducible results. Laboratory experiments have shown a relationship between contact resistance in electrical connections and temperature. Accurately controlled and measured temperature rises over relatively short periods of time have been shown to make long-term performance more predictable. The approximate conditions specified in these UL standards listed under "Test Location" do not meet the above criteria.

(3) The UL standard does not specify the test voltage to be used in conducting the heat cycling tests. It is known that voltages in the range of 4–6 volts have been used to run this test. Such low voltage power sources are commonly used to simulate the effects of aging electrical circuits by passing electric current through them. Testing at these low voltages is reported to affect oxide growth differently than testing at 120 volts. Low voltage conditions do not represent actual field use conditions where surges and inrushes on 120 volt circuits may affect oxide development. Testing on 120 volt circuits could lead to significant voltage drops across connection interfaces which could possibly result in tunneling conduction or dielectric breakdown through oxide films, thereby causing overheating and arcing.

(4) The supporting test brackets and framework and the open method of mounting the outlet devices for the high current heat cycling tests do not represent sufficiently controlled conditions with regard to such variables as vibration and test temperature. In actual service, receptacles and connections are subject to vibration, and it may be a critical factor leading to arcing and possibly fires. Vibration while under test should be with controlled amplitude and frequency. Heating effects during test should simulate the conduction, convection and radiant heating of actual field conditions in boxes.

(5) It should be clarified that the maximum temperature limit of 125°C is applicable during the complete test program beginning with the first cycle and ending with the last, and not just at the recorded "data points." Without such clarification, it could be interpreted that excessive temperature could occur on samples before the 25th cycle and not constitute a test failure.

(6) The vibration phase of the "Heat Cycle with Vibration Test" is done without the device passing electric current. This is not completely representative of actual field conditions, and arcing from vibration while current is flowing could be the triggering mechanism for failures.

(7) In order to represent actual field conditions, the "Environmental Test" should, in addition, include a test during which electric current is being passed through the device while the device is exposed to a heating phase, a cooling phase and a humidity phase. The Test in the standard does not require the device to be operated while it is being conditioned.

(8) The detailed physical properties and composition of the wire used to test the devices for the "CO/ALR" rating is not specified in sufficient technical terms to represent a standard test wire.

(9) The test conditions for the heat cycling test are arbitrary. Key test values such as the amount of test current and number of cycles can only be loosely traced to related standards and documents such as:

a. Edison Electric Institute—National Electrical Manufacturers Association (EEI–NEMA) Standards for Overhead Distribution Connectors for Aluminum Conductors (EEI No. TDJ–162 and NEMA No. CC–3–1973).

b. Underwriters Laboratories Bulletin of Research No. 48 dated September 1954.

(10) The standard does not take into account how variations in the skills of assemblers (consumers and electricians) in forming proper loops in the wire at screw connections affect connection performance. A special test jig is specified in the standard for test purposes to form the loops. Assemblers on the other hand have to be especially skilled to make connections in accordance with recommended installation procedures. This appears to be too much to expect from assemblers.

The Commission has received information about five standards of CSA relating to electrical connecting devices generally used in residential electrical branch circuits:

Canadian Standards Association standard no.	*Title of standard*
1. C22.2 No. 42–1959	Receptacles, plugs, and similar wiring devices.
2. C22.2 No. 42P–1975	Preliminary standard — requirements for receptacles intended for use with aluminum wire.
3. C22.2 No. 43–1965	Lampholders having socket screw-shells.
4. C22.2 No. 55–1967	Snap switches.
5. C22.2 No. 65–1965	Wire connectors.

The Commission notes that the above standards are essentially the same as the corresponding UL standards with one notable exception. Unlike the UL standards, the CSA standards specify that the terminal wire binding screws shall not be of iron or steel, plain or plated, with certain exceptions such as plated steel screws for grounding terminals.

Except for minor editorial changes, CSA Standard C22.2 No. 42P–1975 is identical to the UL Supplemental Standard contained in UL Bulletin dated September 29, 1975, under reference UL Subject Nos. 20, 44, 83, 496, 498, 719, as revised by the Bulletin of November 24, 1972. The comments given for the corresponding UL standards apply to the CSA standards.

3. *Installation of wiring.* The Commission has received information about the existence and provisions of a standard of the National Fire Protection Association (PFPA) covering the installation of electrical branch and feeder circuitry including residences entitled "National Electrical Code 1975," NFPA No. 70–1975. This standard is also known as a standard of the American National Standards Institute (ANSI), No. C1–1975.

The Commission makes the following observation on the "National Electrical Code 1975:"

Except for various paragraphs and tables denoting wire and cable types which permit aluminum conductors and the allowable current carrying capacity of various types of aluminum wires and cables, this standard only superficially addresses safety requirements for aluminum conductors in Article 110–14(a) as follows: "• • • terminals used to connect aluminum shall be of a type approved for the purpose."

4. *Safety standards involving aluminum electrical wiring for other than building installations.* a. Military Specification Mil–W–7072, Wire, Electrical, 600-Volt Aluminum Aircraft. This specification does not cover wire sizes smaller than No. 8 and arbitrarily specifies that the wire is intended to be connected only with the special crimp style aluminum lug and splice terminals covered in Military Specification Mil–T–7099.

b. Military Specification Mil–T–7099 Terminals: Lug and Splice, Crimp Style Aluminum, for Aluminum Aircraft Wire. This standard does not cover terminals for wire sizes smaller than No. 8.

c. Edison Electric Institute—National Electrical Manufacturers Association (EEI–NEMA) Standards for Connectors for Use Between Aluminum or Aluminum-Copper Overhead Conductors (EEI No. TDJ–162, NEMA No. CC–3–1973). This utility industrial standard does not cover conditions applicable to electrical connections within residences.

5. *Standard proposed by Southwire Company.* Southwire Company has submitted a recommended standard to the Commission, as explained in Section B of this notice. The comments relating to the UL supplementary standards set forth in Section E(1) above (number 9) apply generally to the standard recommended by Southwire Company, as do comments two through nine relating to the supplementary standards identified in Section E(2) of this notice.

F. *Submission of existing standards.* Persons may submit a standard previously issued or adopted by any private or public organization or agency, domestic or foreign, or any international standards organization, that contains safety-related requirements which the person believes would be adequate to prevent or reduce the unreasonable risks of injury associated with aluminum wire systems.

To be considered for publication as a proposed consumer product safety rule, standards previously issued or adopted must consist of (1) requirements as to performance, composition, contents, design, construction, finish, or packaging, or (2) requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions or requirements respecting the form of warnings or instructions, or (3) any combination of (1) and (2).

The submission should:

1. Identify the specific portions of the existing standard that are appropriate for inclusion in the proposed rule.

2. Be accompanied, to the extent such information is available, by a description of the procedures used to develop the standard and a listing of the persons and organizations that participated in the development and approval of the standard.

3. Be supported by test data and other relevant documents or materials to the extent they are available.

4. Contain suitable test methods reasonably capable of being performed by the Commission and by persons subject to the act or by private testing facilities.

5. Include data and information to demonstrate that compliance with the standard would be technically practical.

6. Include data and information to the extent that it can reasonably be obtained, on the potential economic effect of the standard, including the potential

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effect on small business and international trade. The economic information should include data indicating (a) the types and classes as well as the approximate number of consumer products that would be subject to the standard; (b) the probable effects of the standard on the utility, cost, and availability of the products; (c) any potential adverse effects of the standard on competition; and (d) the standard's potential disruption or dislocation, if any, of manufacturing and other commercial practices.

7. Include information, to the extent that it can reasonably be otbained, concerning the potential environmental impact of the standard.

C. OFFERS TO DEVELOP STANDARDS

1. Any person may submit an offer to develop recommended consumer product safety standards for aluminum wire systems. Each offer shall include a detailed description of the procedure the offeror will utilize in developing the standard. Each offer shall include:

a. A description of the plan the offeror will use to give adequate and reasonable notice to interested persons (including individual consumers, manufacturers, distributors, retailers, importers, trade associations, professional and technical societies, testing laboratories, Federal and State agencies, educational institutions, and consumer organizations) of their right and opportunity to participate in the development of the standard. It is the Commission's desire that all consumers be afforded an opportunity to participate fully in the development of standards. The Commission believes it is essential that offerors include use-oriented and technically-oriented consumers on the committee which actually drafts a recommended standard. (In this notice, a consumer is an individual who has no economic bias in favor of the offeror or in the product for which a safety standard is being develop. A use-oriented consumer is an individual without a technical background in the area of consideration.)

b. A description of the method by which interested persons who have responded to the notice may participate, either in person or through correspondence, in the development of the standard; and

c. A realistic estimate of the time required to develop the standard, including a detailed schedule for each phase of the standard development period.

2. Each offeror shall submit with the offer the following information to supplement the description of the standard development procedure:

a. A statement listing the number and experience of all of the personnel, including voluntary participants, who will be directly and personally involved in developing the standard. This list should distinguish between (i) persons directly employed by the offeror, (ii) persons who have made a commitment to participate, (iii) organizations that have made commitments to provide a specific number of personnel, and (iv) other persons to be utilized, although unidentified and uncommitted at the time of the submission of the offer. The educational and experience qualifications of these personnel relevant to the development of the standard should also be included in the statement.

b. A statement describing the type of facilities or equipment the offeror plans to utilize in developing the standard and how the offeror plans to gain access to such facilities or equipment.

3. Prior to accepting an offer to develop a standard, the Commission may require minor modifications of the offer as a condition of acceptance.

4. Recommended standards developed under an accepted offer must be suitable for promulgation under the Consumer Product Safety Act, must be supported by a technical rationale, and must contain test methods for the measurement of compliance with the developed standard. The technical rationale shall include test results, technical data, and an explanatory justification showing how each requirement of the standard serves to reduce the risk of injury and how the performance tests detect the factors which affect the risk to be reduced.

5. All test equipment necessary to satisfy the compliance test method prescribed in the recommended standard must be fully developed and tested prior to the submission of the recommended standard. At the conclusion of the development period, the offeror must be prepared to demonstrate to the Commission that the recommended compliance tests can be performed by the Commission staff, by persons subject to the requirements of the standard, and by private testing organizations. The offeror must also furnish data showing that the recommended test methods yield results that are reproducible and repeatable.

6. The standard to be developed should:

a. Include data and information to demonstrate that compliance with the standard would be technically practicable.

b. Include data and information to the extent that it can reasonably be obtained, on the potential economic effect of the standard, including the potential effect on small business and international trade. The economic information should include data indicating (a) the types and classes as well as the approximate number of consumer products that would be subject to the standard; (b) the probable effects of the standard on the utility, cost, and availability of the products; (c) any potential adverse effects of the standard on competition; and (d) the standard's potential disruption or dislocation, if any, of manufacturing and other commercial practices.

c. Include information, to the extent that it can reasonably be obtained, concerning the potential environmental impact of the standard.

H. Contribution to the Offeror's Cost.

1. The Commission may, in accepting an offer, agree to contribute to the offeror's cost in developing a proposed consumer product safety standard. It is the Commission's intent that contribution to the offeror's cost will be the exception rather than the rule. The Commission expects that the bulk of the offeror's work will be done by volunteers or funded by non-Commission sources. Where contributions are provided, the Commission must determine:

a. That a contribution is likely to result in a more satisfactory standard than would be developed without a contribution; and

b. That the offeror is financially responsible.

2. If an offeror desires to be eligible to receive a financial contribution from the Commission toward the offeror's cost of developing a proposed consumer product safety standard, the offeror shall submit with its offer to develop a standard:

a. A request for a specific contribution with an explanation of why such a contribution is likely to result in a more satisfactory standard than would be developed without a contribution;

b. A statement that the offeror will employ an adequate accounting system in accordance with generally accepted accounting principles to record standards development costs and expenditures; and

c. A request for an advance payment of funds, if necessary to enable the offeror to meet operating expenses during the development period.

J. Submission information. All submissions, offers, inquiries, or other communications concerning this notice should be addressed to the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207 (phone 202-634-7700). Submissions in response to this notice should be in five copies, if possible, and must be received by the Office of the Secretary not later than December 4, 1975, to be considered in this proceeding.

Dated: October 29, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-29519 Filed 11-3-75;8:45 am]

TELEVISION RECEIVERS

Extension of Standard Development Period

The purpose of this notice is to announce that the Consumer Product Safety Commission has (1) granted a request by the Underwriters' Laboratories, Inc. (UL) for an extension of time from October 16, 1975 until June 22, 1976 for the development of a recommended consumer product safety standard for television receivers, and (2) extended the time period in which the Commission must publish a proposed consumer product safety standard or publish a notice withdrawing the Notice of Proceeding for the standard.

By notice in the FEDERAL REGISTER of February 28, 1975 (40 FR 8592) the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a recommended consumer product safety standard applicable to the four hazards associated with television receivers, namely, fire, shock, implosion and external mechanical failure. By notice in the FEDERAL REGISTER of June 4, 1975 (40 FR 24043) the Commission announced its acceptance of an offer from UL to develop a recommended safety standard and also published a summary of the terms of its acceptance of UL's offer. Copies of the UL offer and the Acceptance Agreement between UL and the Commission are available for review at the Office of the Secretary of the Commission, 1750 K Street, NW., Washington, D.C.

Section 7(b) of the Consumer Product Safety Act (15 U.S.C. 2056(b)) specifies that the period in which a recommended standard is to be developed shall end 150 days after publication in the FEDERAL REGISTER of the notice of proceeding which, in this case, would have been July 28, 1975 (150 days after February 28, 1975), unless the Commission finds for good cause that a different period is appropriate. In publishing its acceptance of the UL offer, the Commission announced its finding that because of the complex nature of the television receiver problem, it would be appropriate to have the 150-day development period begin on May 19, 1975 and end on October 16, 1975.

Section 7(e)(3) of the Act provides that the Commission may extend the development period for a recommended standard if good cause is shown and the reasons for such extension are published in the FEDERAL REGISTER. On October 16, 1975, UL requested an extension of time for the following reasons:

(1) UL states that the 150-day development time period on which their original offer was predicated did not take into account the fact that extensive testing might be required to verify and confirm certain requirements in the television receiver standard. In the course of developing the standard, UL found that such tests are necessary to confirm the contents of the second draft of the standard. The Commission agrees that the extent of and necessity for these tests could not have been predicted when UL submitted its offer.

(2) UL points out that data obtained from television receiver manufacturers by Commission subpoena were not available until July 21, 1975, 63 days after the start of the development period, because a temporary restraining order of the U.S. District Court for the District of Delaware provided that the data could not be released by the Commission. On that date, the U.S. District Court permitted limited use of such data by specifically named employees of the Commission's offeror, UL. The Commission realizes that its request to the Court for limited use of some of the data was uncertain as to time as well as to whether such permission would be granted. In addition to uncertainty as to the Court's disposition, the Commission realized that considerable time would be needed to analyze the vast volume of the subpoenaed data and that UL was unable to realistically apportion time to this task at the time its offer was made.

(3) UL indicates that the developing complexity of the standard has necessitated greater amounts of time for every phase of the standards development process, such as drafting, reviewing, testing, and balloting by mail. In its original Notice of Proceeding on February 28, 1975, the Commission anticipated that more time would be needed for this complicated standard and agrees that the phases of development highlighted by UL warrant extension.

(4) UL also believes that the addition of several use-oriented consumers to its standards development committees, beyond the number of such consumers originally contemplated, resulted in expenditure of additional time for discussion and orientation. The Commission does not agree that the additional time spent by UL on orientation and discussion with these consumers constitutes a rationale for a substantial extension of time.

(5) UL states that the approach used in the first draft was suggested by Commission staff, but that the draft was then deemed unacceptable by the Commission. The Commission does not agree with this contention. In addition, the transcript of a public meeting held on July 30, 1975 between UL and the Commission shows that the Commission understanding of the recommended standard was that it should be a self-contained performance standard which does not rely on voluntary compliance with prevailing industry practices or voluntary standards.

In sum, the Commission believes that the increasing need for extensive testing and evaluation, the late availability of large amounts of subpoenaed data, the time necessary to analyze these data, and the increasing complexity of the standard, indicate the need for a longer standard development period, and constitute good cause for extending the development period 250 days from October 16, 1975 to June 22, 1976.

Section 7(f) of the Act (15 U.S.C. 2056(f)) provides that: "not more than 210 days after publication of a notice of proceeding * * * (which may be extended by the Commission by a notice published in the FEDERAL REGISTER stating good cause therefor) the Commission shall publish in the FEDERAL REGISTER a notice withdrawing such notice of proceeding or publish a proposed rule which * * * proposes a product safety standard * * *". In accordance with the provisions of section 7(f) of the Act, the publication of a proposed safety standard or the withdrawal of the Notice of Proceeding would be due on or before December 15, 1975.

The Commission for good cause shown has extended the development period for the recommended standard and it is to be submitted to the Commission by June 22, 1976. Therefore, it is not possible for the Commission to publish a proposed standard or withdraw the Notice of Proceeding on or before December 15, 1975.

Accordingly, the Commission hereby extends the period in which it must publish a proposed standard or withdraw its notice of proceeding by 250 days, the same period for which the extension of the development period was granted. This period will end on August 21, 1976, but may be further extended by a notice published in the FEDERAL REGISTER stating good cause therefor.

Dated: October 30, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-29529 Filed 11-3-75;8:45 am]

DEFENSE MANPOWER COMMISSION

COMMISSIONERS MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on November 21, 1975, at 9 a.m. in the New Executive Office Building, Room 2008, 726 Jackson Place, NW., Washington, D.C. 20036. The purpose of the meeting will be to conduct a review of Selected Reserve Issues, Support Forces, and the Impact of the Socio-Economic change upon the military services. The above issues are subject to change dependent upon staff progress, and other subjects may be substituted.

The meeting will be open to the public. Because of limited space interested persons wishing to attend should telephone (202) 254-7803 prior to each meeting.

Dated: October 30, 1975.

BRUCE PALMER, JR.,
General, USA (Ret.), Executive Director.

[FR Doc.75-29532 Filed 11-3-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[ERL 451-7; OPP-33000/332]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available

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for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before January 5, 1976, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 5, 1976.

Dated: October 29, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED [OPP–33000/332]

EPA Reg. No. 31521–14. Biotech Prod. Corp., Capp Rd., Waterford, NY 12188. ANSWER CARPET SANITIZER SHAMPOO. Active Ingredients: o-Benzyl-p-chlorophenol 0.68%; o-Phenylphenol 0.65%; Tetrasodium Ethylenediamine Tetraacetate 0.38%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA Reg. No. 1022–477. Chapman Chem. Co., PO Box 9158, Memphis, TN 38109. AMBRITE T. Active Ingredients: Benzene Hexachloride, gamma isomer 6.63% Benzene Hexachloride, other isomers 8.27%; Pentachlorophenol 17.20%; Other Chlorinated phenols 2.00%; Xylene 31.10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added usea. PM15

EPA File Symbol 8730–0. Herculite Protective Fabrics Corp., 1107 Broadway, New York, NY 10010. HERCON INSECTAPE. Active Ingredients: Chlorpyrifos (0.0-diethyl 0-3,5,6-trichloro-2 pyridyl) (phosphorothioate) 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 6020–RT. MOM Chemical Co., Inc., 7775 NW 66th St., Miami, FL 33166. WHISP SUPER DISINFECTANT-DEODORIZER-MILDEWCIDE. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl 3,4-dichlorobenzyl ammonium chloride 2.50%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Sodium carbonate 1.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%; Essential oils 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM31

EPA File Symbol 359–AIN. Rhodia Inc., Ag. Div., 23 Belmont Dr., Somerset, NJ 08873. RHODIA ASULAM TECHNICAL. Active Ingredients: Asulam (methyl sulfanilylcarbamate) 98.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA File Symbol 538–RUE. O. M. Scott & Sons, Marysville, OH 43040. STOP SLUGS & SNAILS. Active Ingredients: Methiocarb 4-(methylthio)-3,5-xylxyl methylcarbamate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 400–100. Uniroyal Chem., Div. of Uniroyal, Inc., Amity Rd., Bethany CT 06525. DYANAP (H.W.). Active ingredients: Sodium N-1-naphthylphthalamate 22.3% Sodium Salt of dinoseb (2-sec-butyl-4,6-dinitrophenol) 11.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 14819–1. Universal Chem. & Supplies, Inc., 3043 Walnut St., Denver CO 80205. SWIMMING POOL ALGAECIDE UNIVERSAL ALGI-FECT 2000. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethyl-benzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 37756–R. Water Safe Prods., Inc., 8337 Nieman Rd., Lenexa KS 66214. WATER CLEAN, THE CLEAN WATER MAKER. Active Ingredients: Metallic Silver 1.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc.75–29637 Filed 11–3–75;8:45 am]

[FRL 451–8; OPP 00019]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE; WORKING GROUP ON RESOURCES AND FUNDING

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Resources and Funding will be held on Tuesday, November 18, 1975, at 2 p.m. in Room 544, East Tower, Waterside Mall, 401 M St. SW., Washington, D.C.

This is the first meeting of the Working Group on Resources and Funding. The meeting will be concerned primarily with the phasing of EPA funding in support of pesticide applicator training and certification in fiscal years 1976 and 1977.

The meeting will be open to the public. Any member of the public wishing to attend should contact P. H. Gray, Jr., Acting Chief, Program Support and Special Projects Branch, Operations Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202) 755–8053.

Dated: October 30, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.75–29687 Filed 10–31–75;1:14 pm]

FEDERAL MARITIME COMMISSION

[No. 75–44]

E.S.B. INC. AND MOORE McCORMACK LINES, INC.

Filing of Complaint

OCTOBER 29, 1975.

Notice is hereby given that a complaint filed by E.S.B. Incorporated against Moore McCormack Lines, Inc. was served October 29, 1975. The complaint alleges that complainant has been subjected to payment of excessive ocean freight charges which are in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before April 28, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–29624 Filed 11–3–75;8:45 am]

[No. 75–45]

MADEPLAC S.A. INDUSTRIA DE MADEIRAS ET AL.

Filing of Complaint

OCTOBER 29, 1975.

Notice is hereby given that a complaint filed by Madeplac S.A. Industria De Madeiras against L. Figueiredo Navegacao, S.A. A/K/A Frota Amazonica, S.A. was served October 29, 1975. The complaint alleges that complainant has been subjected to payment of excessive ocean freight charges which are in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before April 28, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–29623 Filed 11–3–75;8:45 am]

TRANSPORTATION MARITIMA MEXICANA, S.A. AND DELTA STEAMSHIP LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, or before November 14, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas E. Staken, Esquire, Macleay, Lynch, Bernhard & Gregg, Commonwealth Building, 1625 K Street, NW., Washington, D.C. 20006.

Agreement Number 10188, between Transportation Maritima Mexicana, S.A. (TMM) and Delta Steamship Lines, Inc. (Delta), is an agency agreement whereby TMM appoints Delta as its husbanding agent for its vessels at all United States Gulf of Mexico ports where TMM vessels call.

Dated: October 30, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–29622 Filed 11–3–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76–15]

ALGONQUIN GAS TRANSMISSION CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, Granting Waiver, and Granting Intervention

OCTOBER 24, 1975.

On September 24, 1975 Algonquin Gas Transmission Company (Algonquin) filed four proposed tariff sheets[1] to its FPC Gas Tariff, First Revised Volume No. 1. The purpose of these tariff sheets is to institute a Purchased Feedstock Adjustment Clause (PFAC) applicable to Algonquin's Rate Schedule SNG–1. The proposed PFAC would establish deferred cost accounting for the difference between the actual costs of Naphtha feedstock and the feedstock costs included with the rate actually charged. This proposed PFAC would be effective only for the next operating cycle of Algonquin's SNG plant, October 23, 1975 to either March 31 or April 15, 1976. The amounts collected in the deferred account would then be reflected as an amortizing surcharge which would be added or subtracted to Algonquin's rate during the following heating season, October, 1976 to April 1977.

On October 3, 1975 Algonquin filed a substitute Ninth Revised Sheet No. 10 to replace the Ninth Revised Sheet No. 10 of its FPC Gas Tariff, First Revised Volume No. 1. This substitute sheet includes a correction to the base tariff rates and a change in Algonquin's cost of purchased gas.

Notice of Algonquin's PFAC filing was issued on October 6, 1975 with comments, protests or petition to intervene due on or before October 10, 1975. Notice of the filing of the Substitute Sheet was issued on October 20, 1975 with comments due on or before October 29, 1975. A petition to intervene was filed on October 10, 1975 by nineteen customers[2] (Customers) of Algonquin.

Our review of Algonquin's PFAC clause indicates that it has not been shown to be just and reasonable. We shall, however, accept Algonquin's tariff sheets for filing and suspend the use thereof for one day, when they will be permitted to become effective subject to refund. We shall also provide for a hearing at the close of the heating season, April, 1976, to determine whether the charges collected under Algonquin's PFAC were reasonably and prudently incurred and the reasonableness of Algonquin's proposed method of cost recoupment as well as all other matters bearing on the justness and reasonableness of Algonquin's proposal including but not limited to the availability of feedstock from sources other than Exxon, the reasonableness of the pricing provisions in the Exxon contract, and the extent to which Algonquin sought to secure the most favorable contract terms through the negotiation process with Exxon.

We have rejected Algonquin's prior filings which have proposed deferred accounting treatment for purchased feedstock costs.[3] In the instant filing, however Algonquin has alleged that the cost of naptha feedstock this coming winter season may be so volatile as a result of administration policy, pending legislation and possible OPEC nation actions that its "literal viability" is at stake. We are concerned, therefore, that a potential may exist for fluctuations of cost so severe as to endanger Algonquin's financial integrity and thus its ability to serve its wholesale natural gas customers purchasing under other than the SNG rate schedule at the lowest reasonable rate.

We have indicated that the PFAC will operate only during the next heating season with the surcharge effective during the following heating season. In addition, the charges collected under the PFAC have been made subject to refund pending the outcome of an evidentiary hearing concerning their reasonableness at the close of this heating season. We believe this offers Algonquin the temporary protection it desires and allows the Commission ample opportunity to review the operation and effect of the PFAC on Algonquin and its customers. By permitting Algonquin to collect this charge subject to refund, we stress that we have not passed judgment on the reasonableness of Algonquin's proposal, nor should this indicate that we have passed judgment that normal Section 4 procedures are insufficient to allow Algonquin to recover its expenses for naptha reasonably incurred.

The Commission finds. (1) Algonquin's filing should be accepted for filing and suspended for one day, as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing to determine the reasonableness of the charges collected thereunder, as hereinafter ordered.

(3) The participation of the Customers in these proceedings is in the public interest.

The Commission orders. (A) Algonquin's filing is hereby accepted for filing and suspended for one day until October 24, 1975, when the proposed charges will become effective, subject to refund.

(B) The proposed PFAC is accepted for filing subject to refund upon the express condition that it shall be effective through April 15, 1976, at which time it shall be deemed to have terminated and withdrawn.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on June 15, 1976 in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rate, charges, and services contained in Algonquin's proposed PFAC.

(D) On or before April 30, 1976 the company shall serve prepared direct testimony and any exhibits it intends to rely upon. On or before May 21, 1976

[1] Original Sheet No. 20–A; Original Sheet No. 20–B; Original Sheet No. 20–C; Ninth Revised Sheet No. 10.

[2] Bay State Gas Company, Boston Gas Company, Bristol and Warren Gas Company, Cape Cod Gas Company, Commonwealth Gas Company, The Connecticut Gas Company, Connecticut Natural Gas Corp., Fall River Gas Company, The Hartford Electric Light Company, Town of Middleborough, New Bedford Gas and Edison Light Company, North Attleboro Gas Company, City of Norwich, Orange and Rockland Utilities, Inc., Pequot Gas Company, Providence Gas Company, South County Gas Company, Southern Connecticut Gas Company, Tiverton Gas Company.

[3] Opinion 637, 45 FPC 1216 (1972); Opinion 637–A, 49 FPC 345 (1973); Algonquin Gas Transmission Corporation, Docket No. RP73–98, order issued November 23, 1973.

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the Commission Staff and any intervenor shall serve its prepared testimony and exhibits. Any company rebuttal evidence will be served on or before June 1, 1976.

(E) The Customers are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene; *And provided further,* That the admission of such intervenor shall not be considered as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29602 Filed 11-3-75;8:45 am]

[Docket No. CI76-201]

CALIFORNIA CO.

Application

OCTOBER 24, 1975.

Take notice that on October 3, 1975, The California Company, a Division of Chevron Oil Company (Applicant), 1111 Tulane, Avenue, New Orleans, Louisiana 70112, filed in Docket No. CI76-201 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from Blocks 532 and 533, West Cameron Area, offshore Louisiana, to Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell 75 percent of the gas attributable to 75 percent of its interest in the 3200 foot and 3500 foot sands from wells produced from Applicant's West Cameron 533-A platform. Applicant indicates that it will sell 25 percent of the gas attributable to 75 percent of its interest pursuant to a separate contract with Trunkline Gas Company, and authorization for such sale is not requested herein. Applicant further indicates that it is reserving for itself or affiliates 25 percent of the gas produced. Estimated sales are 330,000 Mcf of natural gas per month at 15.025 psia. The contract between Applicant and Natural provides for an initial base rate of $1.63 per Mcf, but Applicant states that it is willing to accept a certificate conditioned to the rate set forth in § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56a).

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29603 Filed 11-3-75;8:45 am]

[Docket No. ES76-18]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Application

OCTOBER 24, 1975.

Take notice that on October 14, 1975, the Central Illinois Public Service Company (Applicant), filed an Application with the Commission, pursuant to section 204 of the Federal Power Act, seeking Authorization to issue from time to time its unsecured promissory notes to evidence borrowings of money to be made by it from banks and its unsecured promissory notes in the form of Commercial Paper in the aggregate principal amount not exceeding $80,000,000.

Applicant is incorporated under the laws of the State of Illinois, with its principal business office at Springfield, Illinois and is engaged in the generation, transmission, distribution and sale of electrical energy within the State of Illinois.

Notes issued to commercial banks will mature not more than 12 months from the date of issue and will bear interest at a rate which will be either the prime rate of interest prevailing at such bank on the date each such borrowing is made or the applicable prime rate or rates of interest prevailing at such bank during the term of the note, determined each three-month period of the note. All notes will bear final maturities of on or before December 31, 1977.

Notes issued to Commercial paper dealers will have varying maturities of not more than nine months from the date of issue and will be issued and sold at a discount which will not exceed the discount rate per annum prevailing at the date of issue for commercial paper of comparable quality and maturity sold by issuers thereof to Commercial paper dealers. All notes will bear final maturities of on or before December 31, 1977.

The proceeds from the issuance of the notes and/or commercial paper will be added to the general funds and used principally to finance, temporarily, a part of the Company's construction expenditures for the remainder of 1975 and the years 1976 and 1977.

Any person desiring to be heard or to make any protest with reference to the Application should on or before November 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to participate as a party in a hearing must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29604 Filed 11-3-75;8:45 am]

[Docket No. E-9040]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Postponement of Hearing Date

OCTOBER 24, 1975.

On October 22, 1975, Staff Counsel filed a motion to extend the hearing date fixed by order issued December 5, 1974, as most recently modified by notice issued September 23, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above proceeding is postponed from October 28, 1975 to November 24, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29605 Filed 11-3-75;8:45 am]

[Docket Nos. CP73-329; CP73-336; CP76-99; CP76-109]

CHATTANOOGA GAS CO., ET AL.

Extension of Time

OCTOBER 28, 1975.

In the matter of Chattanooga Gas Company, a Division of Jupiter Industries, Inc., East Tennessee Natural Gas Company, East Tennessee Natural Gas Company, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., and Columbia Gas Transmission Corporation.

On October 22, 1975, Chattanooga Gas Company, a Division of Jupiter Industries, Inc., filed a motion to extend the date for filing evidence for all applicants and parties supporting the application set by order issued October 14, 1975, in the above-designated proceeding.

Notice is hereby given that the date for filing evidence for all applicants and parties supporting the application in the above proceeding is extended from October 31, 1975 to and including November 10, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29596 Filed 11-3-75;8:45 am]

[Rate Schedule Nos. 3, etc.]

CLARKE CORP., ET AL.

Rate Change Filings

OCTOBER 28, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before November 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Sept. 29, 1975..	Clarke Corp., P.O. Box 187, Medicine Lodge, Kans. 67104.	3	Cities Service Gas Co.....	Hugoton-Anadarko.
Oct. 7, 1975....	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79109.	52	El Paso Natural Gas Co....	Rocky-Mountain.
Oct. 10, 1975...	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	142	Southern Union Gathering Co.	Do.

[FR Doc. 75-29620 Filed 11-3-75; 8:45 am]

[Docket No. RP-74-77]

COLORADO INTERSTATE GAS CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 28, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on October 20, 1975, tendered for filing certain changes to its FPC Gas Tariff, Second Revised Volume No. 1. These changes, which result from the Commission's Order issued September 5, 1975, approving the settlement agreement in Docket No. RP74-77, adjust the base tariff rates on Sheet Nos. 5 and 6 to reflect that agreement. These revised tariff sheets run from Third Substitute Sixth Revised Sheet Nos. 5 and 6 Superseding Second Substitute Sixth Revised Sheet Nos 5 and 6 through Second Substitute Twelfth Revised Sheet Nos. 5 and 6 Superseding Substitute Twelfth Revised Sheet Nos. 5 and 6, to include all applicable PGA adjustments.

Copies of the filing were served upon the Company's jurisdictional customers and certain public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary,*

[FR Doc.75-29597 Filed 11-3-75;8:45 am]

[Project No. 2100]

DEPARTMENT OF WATER RESOURCES, OF THE STATE OF CALIFORNIA

Order Approving Exhibits L and M but Deferring Action on Revised Exhibits J and K and Requiring Licensee To Show Cause Why It Should Not Reacquire Land Sold Without Prior Commission Approval and Why Applicant Has Not Violated the Federal Power Act and Its License

OCTOBER 9, 1975.

On August 30, 1971, The Department of Water Resources of the State of California, (Applicant), Licensee for the Feather River Project No. 2100, filed under Article 5 of its license[1] an application for Commission approval of revised as-built Exhibits J. K. L and M. Subsequently, in accordance with a negotiated agreement[2] with the U.S. Forest Service (Forest Service), the Applicant on April 1, 1974, filed a new set of Exhibit K maps to replace all of the Exhibit K maps filed August 30, 1971. Additionally, by way of a response to a letter from Kenneth F. Plumb, (Secretary) of September 27, 1974,[3] the Applicant clarified[4] an apparent misunderstanding regarding the amount of land that would be available for disposal upon approval of the Exhibit K now before us.[5]

The project is located partly within the Plumas and Lassen National Forests and on the Feather River in Butte County, California. We have jurisdiction because the project affects navigable waters and lands of the United States.

The principal structures described in the revised exhibits include Oroville Dam and Reservoir, two auxilliary dams known as Bidwell Bar Canyon Saddle Dam and Parish Camp Saddle Dam on the periphery of Oroville Reservoir; Edward Hyatt Powerhouse (underground); Thermalito Diversion Dam, Power Canal, and Forebay Dam; Thermalito Powerhouse and Afterbay Dam; and transmission facilities.

The exhibits filed for Commission approval differ from exhibits previously approved and made a part of the license for this project, as follows:

(1) Revised Exhibits J-1-c (FPC No. 2100-102) and J-3-c (FPC No. 2100-103) depicting the general location of the propect area differ from the presently approved exhibits to the extent that they show changes in names of some of the physical features.

(2) The revised Exhibit K (FPC Nos. 2100-130 through 136) reflects the final location of the project facilities and delineates by metes and bounds survey the revised project boundary. Where United

[1] 17 FPC 262, 16 FPC 1121 at 1122.

[2] It appears that on April 6, 1972, eleven parcels of land, a total of approximately 520 acres either wholly or partly within the approved project boundary but outside the proposed boundary, were sold by the Licensee without prior Commission approval. The Forest Service is "very concerned" about the Licensee's selling of this land and future sales that would be made possible by our approving the proposed Exhibit K now before us. Letter from Russell P. McRorey to Kenneth F. Plumb, September 22, 1972.

[3] Letter from Kenneth F. Plumb to Mr. John R. Terrink, September 27, 1974.

[4] Letter from John R. Terrink to Mr. Kenneth Plumb, October 10, 1974.

[5] The licensee states that the original take line of the project included 41,598 acres of patented land in the project boundary. Approximately 7,000 acres were never purchased and are excluded from the proposed boundary in the August 30, 1971, application. Additionally, the August 30, 1971, application, if approved, would place 926.15 acres of fee owned lands outside the project boundary and thus available for disposal. As noted, about 520 acres of these lands have already been sold. Letter from John R. Teerink to Kenneth F. Plumb, October 10, 1974.

V 40 213 NOV 4 75 XUM

States lands are involved, the project boundary has been reduced to a margin located from 300 to 500 feet measured horizontally from elevation 900 feet, the normal high water of Oroville Reservoir. Where land was acquired from private ownership, the boundaries were re-established in accordance with State policy to provide adequate area for operation and maintenance of the project structures and reservoir, and for recreation.

(3) (a) The revised Exhibit L drawings (FPC Nos. 2100–111 through 129) reflect minor changes due to refinement in design of project structures and field construction requirements. The principal changes in the Exhibit L drawings were confined to the Thermalito canal levee and afterbay dams.

(b) The upstream and downstream slopes of the levee which is located to the east of the Thermalito Forebay dam, were changed from 1.5:1 to 2.5:1 and the upstream slope of the afterbay dam was changed from 2.5:1 to 3:1 and the downstream slope from 2:1 to 2.5: to 1.

(4) The major change in the revised Exhibit M relates to the Thermalito powerplant. The rated output of the pump-turbines has been increased from 38,000 to 40,000 horsepower. The revised rating does not affect the authorized installed capacity of annual charge purposes.

Public notice of the filing has been given. No protests, notices of intervention, or petitions to intervene have been received.

The Office of the Chief of Engineers, Department of the Army reported by letter dated July 24, 1972, that the plans of the structures affecting navigation are satisfactory.

The United States Department of the Interior reported, by letter dated July 31, 1972, that the "as built" exhibits for the Oroville Project No. 2100 are satisfactory and the Department has no objection to their approval.

By letter dated September 22, 1972, the Forest Service indicated that it has no objection to approval of Exhibits J, L, and M. However, they "are very concerned about Exhibit K" and recommend disapproval.[6] Their concern was "stimulated" by the Licensee's offering and subsequent sale as "Excess Lands" eleven parcels (520 acres) of land which were either wholly or partially within the previously approved project boundary. The basis of the Forest Service recommendation rests upon possible development of the lands sold, the impact construction will have inter alia on the "water influence zone of the reservoir"[7] and probable concomitant demands upon National Forests.

By letter dated February 21, 1973, the Forest Service reiterated the concerns expressed in their letter of September 22, 1972 and urges as the most significant point, the need that the subject lands be assured "resource value protection."[8] However, because of limited responsibility in areas of the project not contiguous to the National Forest boundary, the Forest Service has withdrawn its general objection to the proposed project boundary modification "provided no lands are deleted from the project which:

(1) The Forest Service indicates an interest in acquiring when canvassed by the Department of Water Resources;

(2) Adjoin the National Forest boundary;

(3) Will have no land access except across National Forest land."[9]

Out of concern for the future of lands falling outside the proposed boundary; the Forest Service requests their being given notice of the availability of any lands declared "excess" to project needs before they are offered for sale to the general public.[10] This, they urge, will allow them to either take action to acquire the land or "evaluate the possible effects of private development upon the watershed and other resource management responsibilities of the affected National Forest."[11] This request was made in light of the Applicant's sale of 520 acres of project land without prior Commission approval.[12] Since that sale, however, it appears, that the Forest Service and the Applicant have worked out a mutually acceptable arrangement whereby approval of the revised Exhibit K "would implement [the] agreement * * * that an additional 478.71 acres of land, which under our [Applicant's] 1971 application would have been excess and available for disposal, is now included within the project boundary and will be retained."[13]

It also appears that, in the future, the Applicant will first offer to sell the remaining parcels of excess land (406.18 acres) to state and local agencies. If the land is not required by these agencies or the Forest Service, the land would be sold at public sale.[14]

This accommodation, however agreeable to the parties, does not change the circumstances surrounding the Applicant's unacceptable departure from prescribed procedure in the sale of project lands on April 6, 1972. Indeed the sale of project lands without prior Commission approval is aggravated by the surrounding circumstances.[15] It is to this sale we now turn.

It appears that some time prior to March 16, 1972, the Regional Engineer (San Francisco Regional Office) learned that the Applicant was contemplating the sale of project lands without prior Commission approval. By letter dated March 16, 1972[16] the Regional Engineer reminded the Licensee that Article 26 of the license required Commission approval prior to the disposal of project lands. Again, by letter dated March 17, 1972,[17] the Regional Engineer stated that "the State [Applicant] could not dispose of lands within the latter project boundary without prior approval of the Commission." The Licensee acknowledged these letters and gave "unqualified assurance" as to the points raised in the Regional Engineer's letters of March 16, and 17, 1972.[18] The Regional Engineer's reminders and the Licensee's assurances notwithstanding, eleven parcels of land lying either wholly or partially within the existing project boundary were sold at a public sale on April 6, 1972. This unilateral action prevented our performing our duties as required by law[19] and is unacceptable. The Applicant admits these sales without prior Commission approval were in "error" and has assured the Commission that this will not happen again.[20]

Inspection of the deeds shows that the lands conveyed were not burdened with any land use restrictions such as the Commission might impose as a condition of approval.[21] Consequently, no land use controls exist other than those imposed by the local zoning ordinances, which we have been advised are undergoing change.[22] Therefore, Licensee's departure from the required procedure of submitting an application for Commission approval prior to the disposition of any interest in project lands not only precluded Commission analysis of the impact of such conveyance but released project lands in a manner this Commission has determined to be inconsistent with the public interest and in direct conflict with our policy controlling the disposition of project lands.[23] We therefore conclude that the sale of eleven parcels of project land on April 6, 1972, is not compatible

[6] Letter from Russell P. McRorey to Kenneth F. Plumb, September 22, 1972.

[7] Id. at 2.

[8] Letter from Russell P. McRorey to Kenneth F. Plumb, February 21, 1973.

[9] Id.

[10] The Applicant advises us that the remaining 406.18 acres that would be available for disposal would first be offered for sale to state and local agencies. But if not required by these agencies or the U.S. Forest Service, the land would be sold at public sale for private use in conformance with local zoning regulations. Letter from John R. Teerink to Kenneth F. Plumb, October 10, 1974.

[11] The April 6, 1972, sale included one parcel of land containing 3.76 acres in which the Forest Service had expressed an interest. Letter from W. R. Gianelli to Kenneth F. Plumb, November 17, 1972.

[12] Id.

[13] Letter from John R. Teerink to Kenneth F. Plumb, October 10, 1974.

[14] Id.

[15] The surrounding circumstances include the apparent sale of at least 62.2 acres of project lands on September 26, 1966 which have a direct bearing on, but not mentioned in the pending application. We will, of course, require additional information from the Applicant regarding this and other sales and leasing of project lands.

[16] Letter from M. Frank Thomas to W. R. Gianelli, March 16, 1972.

[17] Letter from M. Frank Thomas to W. R. Gianelli, March 17, 1972.

[18] Letter from Thomas H. T. Morrow to M. Frank Thomas, March 22, 1972.

[19] Federal Power Act, section 10(a).

[20] Letter from W. R. Gianelli to Kenneth F. Plumb, November 17, 1972.

[21] See e.g., ordering paragraph (C) of Order No. 313, 34 FPC, 1546, 1549–50.

[22] Letter from John R. Teerink to Kenneth F. Plumb, Jan. 10, 1975.

[23] Ordering Paragraph (C) of Order No. 313, 34 FPC 1546, 1549–50.

with our general policy regarding the disposition of project lands and the Applicant's actions should not be approved either directly by ratification or indirectly by approving the proposed Exhibit K.

That the approval of the proposed Exhibit K would be an indirect ratification of this sale of 520 acres of land cannot be disputed. Our approval of a project boundary in an Exhibit K is a decision which proceeds directly from our duties under the Act. By approving Exhibit K drawings, we authorize a licensee to acquire, by condemnation, if necessary, sufficient interest in land necessary or appropriate to ensure that the purposes of section 10(a) of the Act are achieved.

Applicant's admission of "error" does not remove the issues created by its actions. In selling the 520 acres of land, Applicant made a determination in each instrument of conveyance that "the said real property was acquired for State water development uses or purposes and is no longer necessary, and is not now being used for water development uses or purposes." The opposite determination was made by this Commission in deciding to approve the Exhibit K's for this project and in granting Applicant authorization to condemn land within the project boundary. By proceeding under this unilateral determination, Applicant has ventured beyond its license. By selling this land, Applicant may have violated section 6 and section 10(a) of the Act.

Furthermore, from the filing of an application for approval of a revised Exhibit K which deletes lands previously acquired for "State water development uses or purposes" and which Applicant had previously indicated would be part of the 41,598 acres[24] of patented land within the project boundary to be taken in fee[25] and then selling some of these lands without Commission approval, the Applicant is in direct conflict with Article 2 of its license, and sections 6 and 9(a) of the Act. Therefore, Applicant by its acts may also have violated Article 2 of its license and sections 6 and 9(a) of the Act.

Additionally we note as a significant deficiency in the pending application the complete absence of any statement regarding the recreational value of the land already sold or lands that would become available for disposal (406 acres) upon our approval. We recognize that Applicant has not filed an Exhibit R and thus is not under a duty to demonstrate that disposal is not inconsistent with any approved recreation plan, the applicant is nevertheless required to demonstrate that the lands to be disposed do not have recreational value.[26] Absent this showing, the application is inadequate and defective and cannot be approved. Finally, yet equally important, we feel that the continuing obligations imposed by section 10(a) of the Act require the Applicant to demonstrate to our satisfaction, that the new project boundary will result in a project which will be best adapted to a comprehensive plan. We are not yet satisfied that this showing has been made.

The Commission finds.—(1) The sale by Licensee of 11 parcels of land, lying wholly or partly within the project boundary, on April 6, 1972, was without Commission approval and may be a violation of the license and the Federal Power Act.

(2) Licensee has failed to show that the lands to be deleted from the project boundary through revision or proposed Exhibit K do not have recreational value and would result in a project which would be best adapted to a comprehensive plan within the meaning of section 10(a) of the Act.

(3) The public interest will not be served by approving the proposed Exhibit K without an adequate showing that the lands to be deleted from the project boundary do not have recreational value.

(4) Applicant's failure to apply for and obtain Commission approval prior to the sale of project lands may constitute a violation of the Federal Power Act and the license.

(5) It is appropriate and in the public interest that the exhibits except Exhibits J and K should be approved and made a part of the subject license superseding the appropriate previously approved exhibits.

(6) It appears that the Applicant has on at least one other occasion sold project lands without Commission approval.

The Commission orders. (A) The following exhibits are hereby approved as part of the license for the project:

Exhibit	FPC No. 2100–	Showing	Superseded exhibit FPC No. 2100–
L–1–c	111	Oroville Dam	88
L–2–c	112	Oroville Dam core block	70
L–3–c	113	Oroville Dam diversion tunnels	71
L–4–c	114	Edward Hyatt powerplant penstocks and intake	89
L–5–c	115	Edward Hyatt powerhouse	73
L–6–c	116	Edward Hyatt powerhouse typical transverse sections	74
L–7–c	117	Edward Hyatt powerhouse longitudinal sections	75
L–8–c	118	Edward Hyatt powerhouse plan and sections	76
L–9–c	119	Edward Hyatt and thermalito powerplants, electrical	77
L–10–c	120	Oroville spillway	90
L–12–c	121	Thermalito power canal, Forebay Dam and sections Feather River fish hatchery.	80
L–13–c	122	Feather River fish hatchery plan	
L–14–c	123	Thermalito afterbay trail channel and sections	82
L–15–c	124	Thermalito afterbay outlet structures	
L–16–c	125	....do	
L–17–c	126	Auxiliary dams and sections	92
L–19–c	127	Lake Oroville vegetation retention areas	93
L–20–c	128	....do	94
L–22–c	129	Thermalito powerhouse general plan	96

NOTE.—Exhibit M–d—comprising 19 typewritten pages filed Aug. 30, 1971, superseding exhibit M–c filed Aug. 2, 1966, and approved Aug. 6, 1968.

(B) The superseded exhibits noted in paragraph (A) above are eliminated from the license.

(C) Disposition of the proposed exhibits J and K is deferred until the show cause orders provided for hereinbelow are determined, and the Applicant demonstrates that the lands to be deleted have no recreational value and that the resulting project will be best adapted to a comprehensive plan as provided in section 10(a) of the Act.

(D) The Applicant shall demonstrate its reasons why the project lands to be deleted have no recreational value to the project.

(E) The Applicant shall demonstrate its reasons why the resulting project would be best adopted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit or interstate or foreign commerce, for the improvement and utilization of waterpower development, and for other beneficial public uses, including recreational purposes.

(F) The Licensee shall show cause, if any there be, within 60 days, why it should not reacquire the 11 parcels of land sold on or subsequent to April 6, 1972, and any other project lands previously, sold, including but not limited to the sale of project lands to Chico Molding Company in 1966.

(G) The Licensee shall show cause, if any there be, within 60 days, why the sales of the 11 parcels of project land sold in 1972, and the parcel sold in 1966 to Chico Molding Co., were not a violation of the Federal Power Act, and the license for Project No. 2100.

(H) Licensee shall within Fifteen days provide the Secretary with a complete listing of all transactions involving the conveyance or leasing of any interest in lands lying either partly or wholly within the project boundary approved by this Commission in 1962, and Licensee shall also provide the Secretary with copies of all the instruments used in the conveyance or leasing of said interests except to the extent copies have already been submitted to the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29601 Filed 11-3-75;8:45 am]

[24] Applicant has advised by letter dated October 10, 1974 that approximately 7,000 acres of lands within the "proposed take line," were never acquired. Letter from John R. Teerink to Kenneth F. Plumb, October 10, 1974.

[25] Exhibit F–b, March 1, 1962.

[26] Ordering paragraph (C) of Order No. 313 34 FPC 1546, 1549–50.

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[Docket No. E-8913]

DETROIT EDISON CO.

Application

OCTOBER 24, 1975.

Take notice that on October 1, 1975, the Detroit Edison Company (Applicant) filed a supplemental Application with the Federal Power Commission seeking Authority to issue short-term unsecured promissory notes in the aggregate principal amount not exceeding $300 million outstanding at any one time to commercial banks to commercial paper dealers and or similar institutions. All notes are to be issued on or before December 31, 1976 and bear final maturities of on or before December 31, 1977.

The Commission on September 23, 1974, Authorized the Applicant to issue on or before December 31, 1975, a maximum of $300,000,000 of its short-term notes.

The interest rate on the short-term notes payable to commercial banks, insurance Companies or similar institutions, is expected to be the rate agreed upon by the Company and such institutions in effect at the time of issuance and may change during the period of the notes to conform with changes in the rate in effect at those institutions. The interest rate on trust demand notes is expected to be the simple interest yield equivalent to the highest rate adopted from time to time by General Motors Acceptance Corporation on its commercial paper borrowings for any term of thirty or more days up to and including 180 days.

Applicant is incorporated under the laws of the States of New York and Michigan, with its principal business office at Detroit, Michigan. And is engaged in the generation, transmission, distribution and sale of electrical energy in the state of Michigan.

The proceeds from the promissory notes will be used to finance the construction, completion, extension and improvement of facilities, pending permanent financing.

Any person desiring to be heard or to make any protest with reference to said Application should on or before November 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29606 Filed 11-3-75;8:45 am]

[Docket No. ER76-179]

DUKE POWER CO.

Supplement to Contract

OCTOBER 24, 1975.

Take notice that on October 16, 1975 Duke Power Company (Duke) tendered for filing a Supplement to Duke's Electric Power Contract with Little River Electric Cooperative, designated as Duke's Rate Schedule FPC No. 145. This Supplement provides for service to a new point of delivery.

Duke requests an effective date of November 19, 1975 for this Supplement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29609 Filed 11-3-75;8:45 am]

[Docket No. ES76-16]

EL PASO ELECTRIC CO.

Application

OCTOBER 24, 1975.

Take notice that on October 6, 1975, El Paso Electric Company (Applicant), filed an application with the Federal Power Commission (the "Commission") seeking authority pursuant to section 204 of the Federal Power Act to issue $15,000,000 principal amount of First Mortgage Bonds.

The Applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Texas, and is engaged in the electric utility business in the States of Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexico and 120 southeasterly from El Paso to Van Horn, Texas, with a population of approximately 480,000 of whom 365,000 reside in metropolitan El Paso.

The Applicant proposes to issue $15,000,000 principal amount of First Mortgage Bonds, — Percent Series due 2005, which will be secured by the Applicant's Indenture of Mortgage dated as of October 1, 1946, with State Street Trust Company (now known as State Street Bank and Trust Company) of Boston, Massachusetts, as Trustee, as supplemented and modified and to be further supplemented by a Twelfth Supplemental Indenture.

The Applicant proposes to sell the Bonds at competitive bidding in accordance with the Commission's regulations. The Applicant expects to invite bids on or about November 11, 1975. The Bonds which will mature on November 1, 2005, will not be refundable at a lower interest cost prior to November 1, 1980. The Bonds will be dated November 1, 1975, and will bear interest at the rate determined by the competitive bidding.

The proceeds from the sale of the Bonds will be used to reduce outstanding short-term debt incurred for construction purposes. The short-term debt is expected to aggregate $41 million at the time of such sale and before the application of the proceeds. The Applicant's construction program during the period from 1975 through 1978 will require approximately $169,161,000.

Any persons desiring to be heard or to make any protest with reference to said application should, on or before November 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29610 Filed 11-3-75;8:45 am]

[Docket No. ES-76-16]

EL PASO ELECTRIC CO.

Application

OCTOBER 24, 1975.

Take notice that on October 14, 1975, the El Paso Electric Company (Applicant), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue and sell at competitive bidding, $15 million aggregate principal amount of a new series of First Mortgage Bonds, due 2005.

Applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Texas, and is engaged in the electric utility business in the States of Texas and New Mexico.

Any person desiring to be heard or to make any protest with reference to the application, should on or before November 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29611 Filed 11-3-75;8:45 am]

[Docket No. ES76-17]

EL PASO ELECTRIC CO.

Application

OCTOBER 24, 1975.

Take notice that on October 9, 1975, El Paso Electric Company (Applicant), filed an application with the Federal Power Commission (the "Commission") seeking authority pursuant to section 204 of the Federal Power Act to issue 475,000 shares of Common Stock, no par value (the "New Common Stock").

The Applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Texas, and is engaged in the electric utility business in the States of Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexico and 120 southeasterly from El Paso to Van Horn, Texas, with a population of approximately 480,000 of whom 365,000 reside in metropolitan El Paso.

The Applicant proposes to issue and sell 475,000 shares of Common Stock at competitive bidding in accordance with the Commission's regulations. The Applicant expects to invite bids on or about November 11, 1975, and receive bids on or about November 17, 1975.

The proceeds from the sale of the Common Stock will be used to reduce outstanding short-term debt incurred for construction purposes. The short-term debt is expected to aggregate $41 million at the time of such sale and before the application of the proceeds. The Applicant's construction program during the period from 1975 through 1978 will require approximately $169,161,000.

Any person desiring to be heard or to make any protest with reference to such application should, on or before November 10, 1975, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29612 Filed 11-3-75;8:45 am]

[Docket No. CP76-117]

EL PASO NATURAL GAS CO.

Application

OCTOBER 24, 1975.

Take notice that on October 6, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1642, El Paso, Texas 79978, filed in Docket No. CP76-117 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange, transportation and delivery of natural gas for the Jicarilla Apache Tribe (the Tribe), and authorization to construct and operate a delivery point to the Tribe in Rio Arriba County, New Mexico, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the Tribe, with the approval of the Secretary of the Interior, has executed certain gas and oil mining leases granting Applicant the exclusive right to drill for, produce, own and market oil and gas from lands identified in said leases. It is stated that the Tribe has executed similar leases with an affiliate of Applicant, Northwest Production Corporation (Northwest Production), and with Northwest Pipeline Corporation (Northwest Pipeline). Applicant states that pursuant to the executed leases, the Tribe is to be paid a royalty (said to be typically 12½ percent) of all oil, gas, etc., produced under the leases, and the Tribe has the right to elect to take and receive its lessor's interest upon 30 days written notice.

It is stated that the Tribe has elected to take in kind its royalty interest in natural gas being produced from wells connected to the gathering systems of Applicant and Northwest Pipeline by the resolution of the Tribal Council of July 22, 1975. Applicant alleges that Northwest Pipeline and itself are willing to render transportation service from the wellhead to future points of consumption for the Tribe. It is claimed that the Tribe intends to utilize the gas in tribal enterprises.

The proposed arrangements for the Tribe to take its royalty in kind are said to be as follows:

(1) The Tribe would take its gas at the wellhead and would direct the operator to deliver such gas into the gathering system of Applicant or Northwest Pipeline.

(2) Northwest Pipeline would deliver to Applicant at existing points of interconnection in their San Juan Basin gathering systems in Rio Arriba and Sandoval Counties, New Mexico, gas equivalent in Btu content to the royalty gas delivered to Northwest Pipeline for the Tribe to Applicant.

(3) Applicant would deliver to the Tribe each day at the proposed delivery point royalty gas equivalent in Btu content to the gas received by Applicant and Northwest Pipeline.

(4) The quantity of royalty gas in excess of the quantity which the Tribe has scheduled for delivery would be available to Applicant and Northwest Pipeline for sale on a pro rata basis, and such sales would be deemed to have occurred at the wellhead.

(5) Northwest and Applicant would charge the Tribe a gathering charge of 8.61 cents per Mcf gathered, respectively.

(6) Excess royalty gas that is sold by the Tribe to Applicant and Northwest Pipeline would be priced at an initial rate of 51.0 cents per Mcf at 14.73 psia plus various adjustments.

Applicant states that the volume of gas attributable to the Tribe's royalty interest on an average day in 1974 was 4,100 Mcf, and during the calendar year 1974 such gas totalled 1,509,198 Mcf.

Applicant further requests authorization to construct and operate tap and measurement facilities to deliver such quantities of gas to the Tribe. The proposed facilities would consist of a dual 6⅝-inch o.d. turbine meter station and a 6⅝-inch o.d. tap and valve assembly, with appurtenances, and would be located on Applicant's existing 30-inch o.d. Chaco-Lindrith pipeline in Rio Arriba County, New Mexico. Applicant states that the estimated cost of the proposed facilities is approximately $33,615, and that such costs would be financed through the use of working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

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unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.29607 Filed 11-3-75;8:45 am]

[Docket No. C74-126]

EL PASO NATURAL GAS CO.

Petition To Amend

OCTOBER 24, 1975.

Take notice that on October 8, 1975, El Paso Natural Gas Comany (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-126 a petition to amend the order of the Commission issued April 2, 1975 (53 FPC —), pursuant to section 7(c) of the Natural Gas Act to include in the certificate of public convenience and necessity authorization to exchange natural gas with Natural Gas Pipeline Company of America (Natural) at additional points, and authorization to construct and operate additional pipeline, metering and tap facilities, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it was authorized to exchange up to 40,000 Mcf of natural gas per day by the order of the Commission of April 2, 1975, but presently delivers only approximately 14,000 Mcf of natural gas per day. Petitioner alleges that Natural and itself have each acquired additional supplies of natural gas in the vicinity of the other's pipeline systems. Petitioner therefore requests authorization by the Commission to deliver to Natural gas produced from the Spradlin No. 1 and Willie Pearce A-No. 1 wells in Washita County, Oklahoma. These wells are said to produce recoverable reserves of 7,800 Mcf on an average day. Petitioner would be required under the proposed arrangement to construct and operate all gathering, measurement and delivery facilities, and would deliver gas to Natural at a point on Natural's 26-inch o.d. pipeline in Washita County, Oklahoma, where Natural would construct and operate a side tap and valve.

Natural would deliver natural gas from the Belco Petroleum Corporation-Bass Federal Nos. 1 and 2 wells located in Lea County, New Mexico, and from the Perry Bass Poker Lake No. 42 well in Eddy County, New Mexico, to Petitioner at two additional points of delivery. The deliveries from the Bass Federal Nos. 1 and 2 wells would take place at Petitioner's wellhead facilities and would be commingled with gas being purchased by Petitioner from others. The deliveries from the Poker Lake No. 42 well would be made by Natural to Petitioner at a proposed point of connection on Petitioner's 26-inch o.d. pipeline in Eddy County, New Mexico, and Petitioner would be required to construct and operate a side tap and valve assembly. Natural would construct and operate all measurement and delivery facilities at the proposed exchange point, it is stated.

The proposed Washita delivery point is said to require the construction of a 4½-inch standard meter orifice station adjacent to Natural's 26-inch o.d. pipeline in Washita County, Oklahoma, and 5.85 miles of 4½-inch o.d. supply lateral pipeline from the Spradlin No. 1 well to the proposed Washita Exchange point. The Eddy exchange point would consist of Petitioner constructing and operating a 4½-inch tap and valve assembly on Petitioner's 26-inch o.d. pipeline in Eddy County, New Mexico.

The estimated cost of the proposed facilities is said to be approximately $518,463.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29608 Filed 11-3-75;8:45 am.]

[Docket No. ER76-185]

IOWA POWER AND LIGHT CO.

Proposed Rate Changes

(OCTOBER 24, 1975).

Take notice that Iowa Power and Light Company (Iowa Power) on October 20, 1975, tendered for filing the following rate schedules:

Service Schedule B to the Electric Interchange Agreement between Iowa Power and Light Company and the City of Pella, Iowa, filed to supersede Supplement No. 2 to Iowa Power Rate Schedule FPC No. 33;
Service Schedule D to the Electric Interchange Agreement between Iowa Power and Light Company and the City of Pella, Iowa, filed to supersede the original Service Schedule D in effect under Iowa Power Rate Schedule FPC No. 33; and
Third Amendment to the Electric Interchange Agreement between Iowa Power and Light Company and the City of Pella, Iowa filed to supersede Supplement No. 3 to Iowa Power Rate Schedule FPC No. 33.

Iowa Power states that since no transactions under Service Schedules B and D have occurred within the last twelve months, and none are contemplated within the next twelve months, the proposed change will have no effect upon revenues from jurisdictional sales and service based on the twelve month period ending October 7, 1976.

Iowa Power further states that the proposed changes in rates charged under Service Schedules B and D were made for the purpose of bringing these rates into conformity with the rates being charged Iowa Power for similar services under the Mid Continent Area Power Pool (MAPP) Agreement to which Iowa Power is a party. The change in reserve requirements of the parties proposed by the Third Amendment was made for the purpose of bringing the City's reserve requirement up to the level which the MAPP Agreement requires Iowa Power to maintain.

Iowa Power requests the Commission waive the prior notice requirements of § 35.13(a) of the regulations and accept the filing with a retroactive effective date of October 7, 1975. Iowa Power states that copies of the filing have been served upon the City of Pella, Iowa, and the Iowa State Commerce Commission.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29613. Filed 11-3-75;8:45 am]

[Docket No. ER76-180]

LOUISVILLE GAS AND ELECTRIC CO.

Tariff Change

OCTOBER 24, 1975.

Take notice that Louisville Gas and Electric Company (LG&E) on October 14, 1975, tendered for filing proposed changes in its Interconnection Agreement between LG&E and East Kentucky Power Cooperative (East Ky.), formerly East Kentucky Rural Electric Cooperative Corporation, designated FPC Rate Schedule No. 25.

The purpose of this filing is to make revisions in the method of computing charges under Article VI of the Interconnection Agreement. The demand charge set forth in this article is increased from $0.06 per kilowatt per weekday (Monday through Friday) to $0.075 per kilowatt per weekday (Monday through Saturday). Also, the provision for the determination of "out-of-pocket" costs is revised to provide for the use of replacement cost of fuel. These proposed revisions reflect a desire on the part of both parties to attain the optimum benefit from the interconnection of their systems. The parties agree that these changes should be increased in consideration of present and anticipated future costs.

Copies of the filing were served upon East Kentucky Power Cooperative.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29614 Filed 11-3-75;8:45 am]

[Docket Nos. E-9136; E-9140]

NEW ENGLAND POWER CO.

Tendered Compliance Filing

OCTOBER 24, 1975.

Take notice that on October 14, 1975, New England Power Company (NEPCO), tendered for filing Sixth Revised Page Numbers 1 and 2 of Schedule II-A to NEPCO's FPC Electric Tariff, Original Volume No. 1. NEPCO states that the amendments are being filed in accordance with the direction of the Commission as set forth by letter dated October 3, 1975. Such revisions effect a modification of the present fuel clause, along with a related adjustment in the basic rate.

NEPCO requests that the prior notice provisions of the Federal Power Act and the Commission's Regulations be waived and that the revised tariff sheets be allowed to become effective on August 2, 1975, subject to refund.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29615 Filed 11-3-75;8:45 am]

[Docket No. ER76-183]

NIAGARA MOHAWK POWER CORP.

Tariff Change

OCTOBER 24, 1975.

Take notice that Niagara Mohawk Power Corporation, on October 20, 1975, tendered for filing as a rate schedule, an agreement between Niagara Mohawk Power Corporation (Niagara) and the Hydro Electric Power Commission of Ontario (HEPC), dated December 18, 1974.

Niagara presently has on file an agreement with HEPCO dated July 1, 1954. This agreement is designated as Niagara Mohawk Power Corporation's Export Rate Schedule FPC No. 12 and has been supplemented three times, on January 18, 1965, May 29, 1967 and May 11, 1973 respectively. The new agreement is being submitted as the fourth supplement to the existing supplemented agreement, Niagara states.

This supplement changes the classifications, rates and charges contained in the present agreement, since they no longer reflect current costs, conditions and practices on HEPC's system, according to Niagara.

Copies of the filing were served upon the following:

Hydro Electric Power Commission of Ontario, 620 University Avenue, Toronto, Ontario, Canada M5G1X6.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29586 Filed 11-3-75;8:45 am]

[Docket No. CP76-120]

NORTHWEST PIPELINE CORP.

Application

OCTOBER 24, 1975.

Take notice that on October 6, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-120 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the receipt, transportation and delivery of natural gas for the Jicarilla Apache Indian Tribe (the Tribe) and exchange of such gas with El Paso Natural Gas Company (El Paso) for redelivery to the Tribe, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the Tribe, with the aproval of the Secretary of the Interior, has executed certain oil and gas mining leases granting Applicant the right to drill for, produce from and market oil and gas from lands identified in said leases. It is stated that the Tribe has executed similar leases with El Paso. Applicant states that pursuant to the executed leases, the Tribe is to be paid a royalty (said to be typically 12½ percent) of all gas, oil, etc., produced under the leases, and the Tribe has the right to elect to take and receive its lessors interest upon 30 days written notice.

It is stated that the Tribe has elected to take in kind its royalty interested in natural gas being produced from wells connected to the gathering systems of Applicant and El Paso by the resolution of the Tribal Council of July 22, 1975. Applicant alleges that El Paso and itself are willing to render transportation service from the wellhead to future points of of consumption for the Tribe. It is claimed that the Tribe intends to utilize the gas in tribal enterprises.

The proposed arrangements for the Tribe to take its royalty in kind are said to be as follows:

(1) The Tribe would take its gas at the wellhead and would direct the operator to deliver such gas into the gathering system of Applicant or El Paso.

(2) Applicant would deliver to El Paso at existing points of interconnection in their San Juan Basin gathering systems, Rio Arriba and Sandoval Counties, New Mexico, gas equivalent in Btu content to the royalty gas delivered to Applicant for the Tribe to Applicant.

(3) El Paso would deliver to the Tribe each day at a proposed delivery point royalty gas equivalent in Btu content to the gas received by Applicant and Northwest Pipeline.

(4) The quantity of royalty gas in excess of the quantity which the Tribe has scheduled for delivery would be available to Applicant and El Paso for sale on a pro rata basis, and such sales would be deemed to have occurred at the wellhead.

(5) Applicant and El Paso would charge the Tribe a gathering charge of 6.61 cents per Mcf gathered, respectively.

(6) Excess royalty gas that is sold by the Tribe to Applicant and El Paso would be priced at an initial rate of 51.0 cents per Mcf at 14.73 psia plus various adjustments.

Applicant states that the volume of gas attributable to the Tribe's royalty interest on an average day in 1974 was 5.425 Mcf, and during the calendar year 1974 such gas totaled 1,980,192 Mcf.

Applicant states that it would utilize its existing field transmission and gathering facilities to implement the proposed arrangement under the terms and conditions of the royalty gas gathering and exchange agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be

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taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29587 Filed 11-3-75;8:45 am]

[Project No. 2579]

OHIO POWER CO.

Application for Amendment of License

OCTOBER 28, 1975.

Public notice is hereby given that an application was filed on August 27, 1975, under the Federal Power Act (16 U.S.C. 791a–825r) by the Ohio Power Company (Correspondence to: Mr. A. Joseph Dowd, Senior Vice President and General Counsel, American Electric Power Service Corporation, Two Broadway, New York, New York 10004; and Mr. Frank N. Bien, Executive Vice President, Ohio Power Company, 301 Cleveland Avenue SW., Canton, Ohio 44702) for amendment of the license for unconstructed Project No. 2570, known as the Racine Project, located on the Ohio River, in Meigs County, Ohio, and Jackson County, West Virginia. The Ohio River is a navigable waterway of the United States.

Applicant seeks to have the Commission amend Article 52 of its license for Project No. 2570 by extending for two years the commencement and completion dates for construction of the project. Article 52 currently requires construction to commence by November 30, 1975, and be completed by November 30, 1977. According to the application, Applicant is requesting the proposed two-year extension because of difficulties encountered in obtaining funds necessary for final engineering and construction of the project.

Applicant also requests that Article 51, which specifies that, inter alia, a revised Exhibit S be filed prior to December 26, 1978, be amended by extending that date three years in order to provide adequate time to conduct at least a full year of operational studies and develop an Exhibit S.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's rules of practice and procedure, specifically § 1.32(b) (18 CFR 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. The applicant or initial pleader has requested that the shortened procedure of § 1.32(b) be issued. If an issue of substance is raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29598 Filed 11-3-75;8:45 am]

[Docket No. ES76-13]

PACIFIC POWER & LIGHT CO.

Application

OCTOBER 28, 1975.

Take notice that on October 2, 1975, Pacific Power & Light Company (Applicant), a corporation organized under the laws of the state of Maine and qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of not exceeding $135,000,000 in an aggregate principal amount at any one time outstanding of unsecured promissory notes (1) pursuant to Lines of Credit ($75,000,000), and (2) in the form of Commercial Paper ($60,000,000).

(1) Unsecured promissory notes in an aggregate principal amount not exceeding $75,000,000 at any one time outstanding would be issued by Applicant to evidence borrowings from commercial banks under Lines of Credit. Each note so issued would be dated the day of issuance and would have a maturity of not more than ninety days from the date thereof. All notes issued pursuant to the Lines of Credit would mature not later than June 30, 1977.

(2) Unsecured promissory notes in an aggregate principal amount not exceeding $60,000,000 at any one time outstanding would be issued and sold by Applicant to one or more Commercial Paper dealers. Each note issued as Commercial Paper would be dated the day of issuance, would have a maturity of not more than 270 days from the date thereof, and would be discounted at the rate prevailing at the time of issuance for Commercial Paper of comparable quality and maturity.

Proceeds from the borrowings to be made under the Lines of Credit and in the form of Commercial Paper would be used to temporarily finance current transactions, including Applicant's construction expenditures, which for 1976 are presently estimated at $334,743,000. The balance of funds required to meet estimated construction expenditures is expected to come, in part, from funds to be generated internally, from borrowings pursuant to a Letter Agreement dated September 18, 1975, not exceeding $50,000,000 at any one time outstanding, and from permanent financing of a type and magnitude not yet finally determined.

Any person desiring to be heard or to make any protest with reference to this application should, on or before November 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29599 Filed 11-3-75;8:45 am]

[Docket No. ER76-176]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Filing of Agreement

OCTOBER 28, 1975.

Take notice that Public Service Company of New Hampshire (PSNH) on October 15, 1975, tendered for filing as an initial rate schedule a Transmission Contract with the City of Holyoke, Massachusetts, Gas & Electric Department (the Buyer).

Under the Contract, PSNH will transmit through its system an entitlement of power which the Buyer will be purchasing from Green Mountain Power Corporation.

PSNH requests that the Commission waive the normal 30-day notice requirement and permit the rate schedule to be effective as of November 1, 1975.

According to PSNH, a copy of the filing was served upon the City of Holyoke, Massachusetts, Gas & Electric Department.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29617 Filed 11-3-75;8:45 am]

[Docket No. ER76-175]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Filing of Agreement

OCTOBER 28, 1975.

Take notice that Public Service Company of New Hampshire (PSNH) on October 15, 1975, tendered for filing as an initial rate schedule a Transmission Contract with Central Maine Power Company (the Buyer).

Under the Contract, PSNH transmitted through its system entitlements of power which the Buyer has purchased from (1) Vermont Electric Power Company, Inc., and (2) The Hartford Electric Light Company and Western Massachusetts Electric Company.

PSNH requests waiver of § 35.11 of the Commission's regulations to permit the rate schedule to be effective as of April 1, 1975.

According to PSNH, a copy of the filing was served upon Central Maine Power Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29616 Filed 11-3-75;8:45 am]

[Docket No. ER76-174]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Filing of Agreement

OCTOBER 28, 1975.

Take notice that Public Service Company of New Hampshire (PSNH) on October 14, 1975, tendered for filing as an initial rate schedule a Transmission Contract with Vermont Electric Power Company, Inc. (the Buyer).

Under the Contract, PSNH will transmit through its system an entitlement of power which the Buyer will be purchasing from The Connecticut Light and Power Company and The Hartford Electric Light Company.

PSNH requests that the Commission waive the normal 30-day notice requirement and permit the rate schedule to be effective as of May 1, 1975.

According to PSNH, a copy of the filing was served upon Vermont Electric Power Company, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29600 Filed 11-3-75;8:45 am]

[Docket Nos. RP72-91 (Phase II), etc.
(AP 5/16/74)]

SOUTHERN NATURAL GAS CO.

Consolidation

OCTOBER 24, 1975.

On October 7, 1975, Southern Natural Gas Company (Southern) filed a motion to consolidate the hearing of the issues pertaining to certain advance payments, presently pending in Docket Nos. RP72-91 (Phase II) et al. (AP 5/16/74), into Southern's presently pending general rate increase filing in Docket No. RP75-84. Southern states that such consolidation will serve to avoid duplicate litigation of this matter.

On October 20, 1975, Staff Counsel filed a response supporting Southern's motion.

Upon consideration, notice is hereby given that the hearing and decision of issues pertaining to certain advance payments pending in Docket Nos. RP72-91 (Phase II) et al. (AP 5/16/74) are consolidated with Docket No. RP75-84.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29583 Filed 11-3-75;8:45 am]

[Docket No. ER76-177]

SOUTHWESTERN ELECTRIC POWER CO.

Tariff Change

OCTOBER 24, 1975.

Take notice that Southwestern Electric Power Company (SWEPCO), on October 16 1975, tendered for filing proposed changes in its FPC Electric Service Tariff, Rate Schedule FPC No. 67 (SWEPCO Rate Schedule SPA/Tex-La/SWEPCO). The proposed changes would increase revenues from Tex-La sales and service by $791,439, based on the twelve-month period ending April 30, 1975.

SWEPCO states that changes embodied in the revised rate schedule are: (1) revised rates for monthly demand charges for 12.5 KV and 69 KV service, (2) determination of Kilowatts of Billing Demand shall be as previously determined but never less than 75 percent of the maximum Kilowatts of Billing Demand during the eleven preceding months, (3) the power factor clause provides for adjustment to the billing demand when the average lagging power factor is less than 85 percent rather than 80 percent, (4) the fuel adjustment clause is revised to conform with the FPC Order No. 517.

SWEPCO states that its existing rates produce a return of only 6.41 percent on the net FPC rate base devoted to serving Tex-La during the twelve-month period ended April 30, 1975. The revised rate is designed to yield SWEPCO a return of 8.19 percent for the same period. Recently SWEPCO has experienced substantial increases in all elements of its costs including fuel, labor, interest, taxes, materials and supplies, and in construction to provide additional capacity to meet its growing requirements. This increased rate of return is needed to help meet the increased costs to serve Tex-La whose load has increased from 10 percent of SWEPCO's peak load in 1972 to 11 percent of the SWEPCO peak in 1974.

SWEPCO proposes to make the revised rate schedule effective January 1, 1976.

Copies of the filing have been mailed to the public utility's jurisdictional customer, Tex-La Electric Cooperative, Inc., Juan Nichols, President, Quitman, Texas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10

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of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29589 Filed 11-3-75;8:45 am]

[Rate Schedule Nos. 15, etc.]

SUN OIL COMPANY, ET AL.

Rate Change Filings

OCTOBER 28, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before November 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Oct. 9, 1975	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75204.	15	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Do	do	258	do	Do.
Oct. 14, 1975	Texas Pacific Oil Co., Inc., 1700 1 Main Pl., Dallas, Tex. 75250.	40	El Paso Natural Gas Co.	Permian Basin.
Do	do	42	do	Do.
Do	do	44	do	Do.
Do	do	56	do	Do.
Do	do	57	do	Do.
Do	do	58	do	Do.
Do	do	59	do	Do.

[FR Doc.75-29621 Filed 11-3-75;8:45 am]

[Project No. 2759]

SWANTON VILLAGE, VERMONT

Application for Preliminary Permit

OCTOBER 28, 1975.

Public notice is hereby given that application for preliminary permit was filed on August 22, 1975, and supplemented on September 16, 1975, under the Federal Power Act, 16 U.S.C. 791a et seq., by Swanton Village, Vermont (correspondence to: Mr. Orman Croft, Village Manager, Swanton Village Offices, 13 York Street, Swanton, Vermont 05488; and Mr. D. Gregory Pierce, P. E. (CE), Buck & Pierce Limited, 36 North Main Street, St. Albans, Vermont 05478) for the proposed Missisquoi River Project No. 2759, to be located on the Missisquoi River in the towns of Highgate and Sheldon, Franklin County, Vermont.

According to the application, the proposed Missisquoi River Project would consist of: (1) An intake above the existing dam on the Missisquoi River at Sheldon Springs; (2) an open channel and inverted siphon aqueduct extending about 5.75 miles from the Sheldon Springs intake to the proposed Missisquoi Storage Reservoir; (3) the Missisquoi Storage Reservoir, about 1,750 acres in area, to be constructed in northern Highgate about six miles from Sheldon Springs and about one mile from Lake Champlain. The reservoir would be created by the construction of eight earthfill dams; (4) a pressure conduit about ¾ mile long to a powerhouse; and (5) a powerhouse with an installed capacity of approximately 80,000 kW to be constructed on Rock River near its confluence with Missisquoi Bay on Lake Champlain.

Additional or alternative plans of development would include raising the crest of the existing dam at Sheldon Springs four or six feet; constructing control dams on the Missisquoi River and its tributaries upstream of Sheldon Springs in the towns of Sheldon, Fairfield, Enosburg and Richford; and constructing the generating facility at Rock River with pumped storage capability.

The application states that the power generated by the project would be used by Swanton Village for distribution to its residents, with surplus power to be sold to or exchanged with other electric utilities in the area.

No construction is authorized under a preliminary permit. A permit, if issued, gives Permittee, during the term of the permit, the right of priority of application for license while Permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposd project, market for the power, and all other necessary information for inclusion in an application for license.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1976, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29618 Filed 11-3-75;8:45 am]

[Docket No. CP76-123]

TEXAS EASTERN TRANSMISSION CORP.

Application

OCTOBER 28, 1975.

Take notice that on October 10, 1975, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76-123 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1976, and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which it purchases and which may become available from various producing areas generally coextensive with Applicant's pipeline system or other pipelines authorized to transport for or exchange gas with Applicant.

The total cost of the proposed facilities, the application indicates, would not exceed $10,000,000, with the cost of any single onshore project not exceeding $1,500,000, and the cost of any single offshore project not exceeding $2,500,000. Applicant states that these costs would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29619 Filed 11-3-75;8:45 am]

[Docket No. CP76-122]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

OCTOBER 24, 1975.

Take notice that on October 9, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-122 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization in the instant application to transport up to 236,000 Mcf of natural gas per day for United from a point of receipt on Applicant's TG line immediately downstream from the Cameron Meadows Plant, Cameron Parish, Louisiana, to a point of intersection between Applicant's TG line and Tennessee Gas Pipeline Company, a Division of Tenneco Inc.'s (Tennessee) 30-inch pipeline in Calcasieu Parish, Louisiana, where delivery will be to Tennessee for the account of United. Applicant states that it would construct and operate side tap piping manifolds at the points of delivery and receipt on the TG line, and such construction is estimated by Applicant to cost approximately $455,000. Applicant states it will finance this cost from funds on hand.

The stated purpose of the proposed transportation is to allow United to receive gas from the proposed High Island Offshore System (HIOS) through Applicant's and Tennessee's existing pipeline systems.

Applicant proposes to charge United 1.0 cent per Mcf of gas transported, which charge is said to produce $516,840 in the first year of operation at 60 percent usage of the maximum transportation quantity.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Seeretary.

[FR Doc.75-29590 Filed 11-3-75;8:45 am]

[Docket No. CP76-124]

TRANSWESTERN PIPELINE CO.

Application

OCTOBER 24, 1975.

Take notice that on October 10, 1975, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76-124 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the calendar year 1976, and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which it purchases which may become available from various producing areas generally coextensive with Applicant's pipeline system or the other pipeline systems authorized to transport for or exchange gas with Applicant.

The total cost of the proposed facilities would not exceed $7,000,000, and the cost of any single project would not exceed $1,500,000, which costs Applicant states would be financed from funds made available from company operations and might later be refinanced through the issuance of first mortgage bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29591 Filed 11-3-75;8:45 am]

[Docket No. CP76-125]

TRANSWESTERN PIPELINE CO.

Application

OCTOBER 24, 1975.

Take notice that on October 10, 1975, Transwestern Pipeline Company (Appli-

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cant), PO Box 2521, Houston, Texas 77001, filed in Docket No. CP76-125 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment during the calendar year of 1976, and the operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000, nor would the cost of any single project exceed $500,000, which costs Applicant states would be financed from funds made available through company operations and might at some later date be financed through the issuance of long-term debt or additional equity.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29592 Filed 11-3-75;8:45 am]

[Docket No. CP75-146]

TRANSWESTERN PIPELINE CO.

Petition To Amend

OCTOBER 24, 1975.

Take notice that on October 10, 1975, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-146 a petition to amend the order of the Commission issued January 20, 1975 (54 FPC), pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the Regulations thereunder (§ 157.7(b)) to increase the total annual cost and single project cost limitations and to expand the definition of budget-type gas purchase facilities authorized, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it was authorized by the order of the Commission to expend on budget type gas purchase facilities up to a total of $5,000,000 annually, and up to $1,000,000 on a single project. Petitioner proposes in the instant petition to amend that it be authorized to expend up to $7,000,000 annually and up to $1,500,000 per any single project for budget-type gas purchase facilities. Petitioner further requests that the Commission expand the definition of gas purchase facilities authorized to be constructed and operated under the aforementioned order to include those facilities which would connect producers' facilities to the facilities of another pipeline company authorized to transport for or exchange with or for the account of Petitioner, natural gas purchased by Petitioner.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules or practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29593 Filed 11-3-75;8:45 am]

[Docket No. CP76-118]

U-T OFFSHORE SYSTEM

Application

OCTOBER 24, 1975.

Take notice that on October 6, 1975, U-T Offshore System (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-118 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a natural gas pipeline system from High Island Area, South and East Additions, South Extension, offshore Texas, to a point onshore Cameron Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is a partnership of Unitex Offshore Transmission Company, a wholly owned subsidiary of United Gas Pipe Line Company (United) and Transco Hydrocarbons Company, a wholly-owned subsidiary of Transco Companies, Inc., and an affiliate of Transcontinental Gas Pipe Line Corporation (Transco). It is stated that Applicant was formed to construct and operate a pipeline system to transport gas to be purchased by United, Transco and others in the High Island Area, South Addition and East Addition, South Extension, offshore Texas from a point of interconnection with the proposed pipeline of High Island Offshore System (HIOS) in West Cameron Block 167, offshore Louisiana, to a point in Cameron Parish, Louisiana. The facilities proposed to be constructed are:

(1) Approximately 29.8 miles of 42-inch pipeline from a point of interconnection with existing pipeline facilities of Transco in Cameron Parish, Louisiana, extending southeast to a point of interconnection with the proposed facilities of HIOS in West Cameron Block 167, offshore Louisiana.

(2) Liquid condensate separation and storage facilities and dehydration facilities in Cameron Parish, Louisiana.

(3) Measuring and regulating facilities to deliver up to 471,900 Mcf of natural gas per day to Transco for the account of United and Transco at a point in Cameron Parish, Louisiana.

No precise estimates of gas reserves are said to be made presently in the areas or specific blocks where United or Transco have or expect to obtain commitments, but Ralph E. Davis Associates, Inc. and Ryder Scott Company Petroleum Engineers, estimate that the gas reserves in the High Island and Galveston areas would be approximately 8.5 and 8.6 million Mcf of natural gas, respectively. United and Transco are both said to expect to purchase substantial volumes of natural gas in the High Island Area, offshore Texas. It is stated that by the end of 1978, which is anticipated to be the second year of operation, United and Transco would have approximately 363,000 Mcf of gas per day deliverable from gas reserves attributable to the interests that United and Transco have acquired or expect to acquire. Applicant further alleges that it has entered into transportation agreements with Michigan Wisconsin Pipe Line Company (Mich Wis) and Texas Gas Transmission Corportation (Texas Gas) to provide gas transportation service for them if certificate authorization to construct facilities proposed in Docket No. CP75-125 [1] is not granted in a timely fashion by the Commission.

Applicant would transport up to 491,630 Mcf of gas per day for United and Transco from a point of interconnection with the pipeline system proposed by HIOS in West Cameron Block 167, offshore Louisiana, to a point of interconnection with the existing onshore facilities of Transco near Johnson's Bayou, Cameron Parish, Louisiana. Applicant states that it would have a capacity with no additional capital expenditure to transport approximately 50 percent of the gas presently expected to be available from the blocks to be attached to the pipeline and without substantial expenditures for additional facilities the pipeline system is said to be capable of an ultimate capacity of 1 million Mcf per day. It is stated that applicant plans to commence construction of the instant proposal in May 1976, and projects a completion and in-service date of January 1, 1977.

Applicant states that the total environmental effect of the project would be limited to slight and temporary disturbances of the onshore and offshore terrain along the pipeline right-of-way, but that the pipeline would provide United and Transco with additional supplies of natural gas. Transco and United are said to be presently curtailing their customers at the average annual rate of 38.5 percent and 43.6 percent, respectively.

Applicant estimates that during the first year of operation the annual cost of service of the pipeline would be $13,391,000, approximately, with a 12 percent overall rate of return. The gas transportation agreements based on Applicant's presently estimated annual costs are said to provide for a demand charge of $2.26 for each Mcf of demand quantity. The estimated cost of service is said to be as follows:

Particulars	*Amount*
Operating expanses	$1,071,000
Depreciation (8.38% × $49,124,000)	4,092,000
Ad valorem taxes	294,000
Federal income taxes	1,902,000
State income taxes	61,000
Return at 12 percent	5,917,000
Total cost of service	$13,337,000
Contract demand (Mcf)	491,600
Demand rate (per Mcf of contract demand)	$2.26

The estimated cost of the proposed facilities is said to be approximately $49,124,000, and the cost of the proposed facilities would be initially financed by $12,500,000 in equity contributions, with the remainder being financed by short-term loans which would be repaid with the proceeds from the subsequent issuances of long-term debt securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commision will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commision's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29544;Filed 11-3-75;8:45 am]

[1] Notice published November 20, 1974 (39 FR 40817).

[Docket No. E-8619]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Certification of Proposed Settlement Agreement and Record of Hearing

OCTOBER 24, 1975.

Take notice that on October 16, 1975 the presiding Administrative Law Judge William L. Ellis certified to the Commission for its consideration a proposed settlement agreement and accompanying record in the above-designated proceeding. The settlement agreement, if approved, would resolve all issues in this proceeding.

The proposed settlement involves a joint filing by Wisconsin Electric Power Company and its subsidiary, Wisconsin Michigan Electric Power Company (Applicants), to increase the rates for service to their wholesale customers tendered to the Commission on February 4, 1974, and effective subject to refund since September 20, 1974.

The rate schedule settled upon will reduce the revenue increase sought by the Applicants from $3,015,016 to $2,637,499 and would eliminate a restriction on sale for further resale of energy furnished under Applicants' rate for wholesale service to large electric utilities.

The agreement also provides for a moratorium against any further rate increase to become effective before January 1, 1976.

Any person wishing to do so may file comments in writing concerning the proposed settlement agreement to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20246. All initial comments should be submitted on or before November 5, 1975. Any reply comments shall be filed on or before November 26, 1975. Copies of the settlement agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29595 Filed 11-3-75;8:45 am]

FEDERAL RESERVE SYSTEM

ANCORP BANCSHARES, INC.

Proposed Acquisition of Ancorp Insurance Co.

Ancorp Bancshares, Inc., Chattanooga, Tennessee, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Ancorp Insurance Company, Phoenix, Arizona. Notice of the application was published on September 25, 1975 in The Record Reporter, a newspaper circlated in Phoenix, Arizona and on September 18, 1975 in the Chattanooga Times a newspaper circlated in Chattanooga, Tennessee.

Applicant states that the proposed subsidiary would engage de novo in the activities of underwriting, as reinsurer, credit life and credit accident and health insurance issued in connection with extensions of credit by the bank

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holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 28, 1975.

Board of Governors of the Federal Reserve System, October 24, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-29541 Filed 11-3-75;8:45 am]

BANCORPORATION OF MONTANA

Order Approving Acquisition of Bank

Bancorporation of Montana, Great Falls, Montana ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the System's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First State Bank of Thompson Falls, Thompson Falls, Montana ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (40 FR 41563, September 8, 1975). The time for filing comments and views has expired, and none has been received. The Federal Reserve Bank of Minneapolis has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls twelve banks in Montana with deposits of $137 million representing 5.2 percent of total commercial bank deposits in Montana and is the fourth largest banking organization in the State.[1] Bank, with total deposits of $9.2 million, is the second largest of two banks in the relevant banking market and controls 49 percent of market deposits.[2] Acquisition of Bank would increase Applicant's share of State deposits to 5.6 percent and Applicant would remain as the State's fourth largest banking organization. Applicant's acquisition of Bank will have no appreciable effect on the concentration of banking resources in the State.

Bank is the only bank in the city of Thompson Falls (population 3,250), located in the extreme northwestern portion of the State. The area, characterized by mountainous terrain, is isolated from the major population centers of Montana. Applicant's nearest banking subsidiary is located approximately 100 road miles from Bank. No meaningful competition exists between any of Applicant's banking subsidiaries and Bank nor, in view of the distances involved and Montana's restrictive statutes concerning branch banking, does it appear that any significant future competition would be eliminated. Furthermore, it is unlikely that Applicant would enter the Thompson Falls market on a de novo basis because although market deposits within the relevant market have grown faster than the Montana average, the area is sparsely populated and isolated from any major population center or significant source of commerce. Therefore, on the basis of the record, it is concluded that consummation of the proposal will not have a significant adverse effect on existing or potential competition in any relevant area and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory, particularly in light of Applicant's commitment to improve the capital position of certain of its subsidiary banks. Therefore, considerations relating to banking factors of the application are consistent with approval.

Applicant proposes to offer trust services to the community in question through one of its subsidiaries and also proposes to introduce expanded bank card services, including convenience checks and overdraft facilities to the community. Therefore, considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application. On the basis of the record, it is this Reserve Bank's judgment that the proposed acquisition is in the public interest and should be approved.

For the reasons summarized above, the Federal Reserve Bank of Minneapolis hereby approves the application. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Federal Reserve Bank of Minneapolis, acting pursuant to delegated authority for the Board of Governors, effective October 16, 1975.

[SEAL] L. G. GABLE,
Vice President.

[FR Doc. 75-29542 Filed 11-3-75; 8:45 am]

CITIZENS BANCORPORATION

Order Denying Formation of Bank Holding Co.

Citizens Bancorporation, Charles City, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 per cent or more of the voting shares of The Citizens National Bank of Charles City, Charles City, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating company with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank ($14.6 million in deposits).[1] Bank is the third largest of five banks operating in the Charles City banking market[2] and controls approximately 19 percent of the total commercial bank deposits therein. Upon acquisition of Bank, Applicant would control the 215th largest bank in Iowa, holding .14 percent of total deposits in commercial banks in the State. Since the purpose of the proposed transaction is to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals, consummation of the proposal herein would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

Applicant's principal is also a principal in The Kanabec Credit Company, Mora, Minnesota, a registered one-bank holding company, which owns 84 percent of The Kanabec State Bank, Mora, Minnesota. In addition, this individual and his brother together own 88 percent of The Sibley County Bank, Henderson, Minnesota. Since both of these banks are located in banking markets separate from the relevant market in this case, and the closest one is approximately 140 miles from Bank, consummation of the proposal would eliminate no existing competition. Therefore, competitive considerations are consistent with approval of the application.

The Board has indicated on previous occasions that it believes that a holding company should provide a source of strength to its subsidiary bank(s) and that every proposed formation and acquisition will be closely examined with this consideration in mind. With respect to the present proposal, Applicant would incur substantial debt which Applicant proposes to service over a 12-year period through dividends from Bank. In the Board's view, the projected earnings of Applicant do not appear to provide Applicant with the necessary financial flexibility to service its debt as well as to serve as a financial source of strength to Bank and to meet unexpected problems. Furthermore, the Board notes with concern the highly leveraged condition of The Kanabec Credit Company as well as the high level of debt incurred by Applicant's principal in acquiring The Sibley County Bank and Bank. This situation could impair the ability of Applicant's principal to aid Applicant in the event it incurs problems servicing its acquisition debt while at the same time maintaining an adequate capital account at Bank. While the Board recognizes that denial herein cannot affect present relationships, the Board believes that it should not approve a holding company debt structure that could impair the financial condition of Bank, nor would the public interest be served by such Board action. Therefore, on the basis of these and other facts of record, the Board has determined that considerations relating to financial factors lend weight toward denial of the application.

Applicant has proposed some changes which could benefit the community, including certain fiduciary services, a strengthened agricultural lending program, and the future use of electronic terminal devices. However, the introduction of these services is not dependent upon formation of Applicant as a bank holding company and, in any event, does not outweigh the aforementioned adverse banking factors connected with this proposal.

On the basis of all of the circumstances concerning this application, the Board concludes that the financial considerations involved in this proposal present adverse circumstances bearing upon the financial condition and prospects of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits which would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[3] effective October 24, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-29543 Filed 11-3-75;8:45 am]

DALE SPRAGUE ENTERPRISES, INC.

Formation of Bank Holding Co.

Dale Sprague Enterprises, Inc., Blue Mound, Kansas has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Farmers State Bank, Blue Mound, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Dale Sprague Enterprises, Inc. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage de novo in the activities of a general insurance agency. Notice of the application was published on July 17, 1975 in The Mound City Republic, a newspaper circulated in Linn County, Kansas.

Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 28, 1975.

Board of Governors of the Federal Reserve System, October 24, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-29544 Filed 11-3-75;8:45 am]

FIRST AMTENN CORP.

Order Denying Acquisition of Bank

First Amtenn Corporation, Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of The First National Bank of Sparta, Sparta, Tennessee ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Tennessee, controls eight banks with aggregate deposits of approximately $1.2 billion, representing 9.4 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits by 0.26 percent and would not significantly increase the concentration of banking resources in Tennessee.

Bank holds deposits of approximately $32 million, representing 66 percent of the total deposits in commercial banks in the relevant market,[2] and ranks as the larger of two banks operating in the market. Applicant's subsidiary bank closest to Bank is located 60 miles away in Tullahoma, Tennessee. It does not appear that any meaningful competition presently exists between Applicant's banking subsidiaries and Bank. Furthermore, it does not appear that any significant competition would develop in the foreseeable future between Applicant and Bank in view of the distances involved and Tennessee law, which prohibits Applicant from entering the relevant market de novo prior to 1980. Moreover, consummation of the proposed transaction could have a salutory effect on competition by permitting Bank's sole competitor in the market, a branch office of Commerce Union Bank of Nashville,

[1] All banking data are as of December 31, 1974, and reflect holding company formations and acquisitions approved through September 30, 1975.

[2] The relevant market for purposes of analyzing the competitive effects of the subject proposal is approximated by all of White County, Tennessee.

[1] All banking data are as of December 31, 1974, and reflect holding company formations and acquisitions approved by the System through September 1975.

[2] Market is approximated by the cities of Thompson Falls and Plains, Montana, and the immediate surrounding area.

[1] All banking data are as of December 31, 1974.

[2] The Charles City banking market is approximated by Floyd County, except for the town of Nora Springs, and includes the town of Nashua in Chickasaw County.

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Coldwell, and Jackson. Absent and not voting: Chairman Burns and Governors Holland and Wallich.

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Nashville, Tennessee, to reorganize itself into a bank with branching powers. Therefore, the Board concludes that consummation of the proposal would not have any significantly adverse effects on existing or potential competition in any relevant area, and that the competitive considerations are consistent with approval of the application.

As indicated on previous occasions, the Board believes that a holding company should be a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of the applicant in each case with this consideration in mind. The subject proposal is not an exchange of shares but contemplates an acquisition debt of more than $6.6 million, including an immediate cash outlay of almost $1 million. The funds required to service this debt would be a significant cash drain on Applicant. In the Board's view, the projected earnings of Applicant do not provide Applicant with the necessary funds to meet this proposed increase in its annual debt servicing requirements while at the same time maintaining and strengthening the capital at its subsidiary banks. Under these circumstances, the Board believes that Applicant should concentrate its financial and managerial resources toward strengthening its existing subsidiaries before seeking further expansion of its banking interests. Accordingly, the Board concludes that considerations relating to the financial and managerial resources and future prospects weigh against approval of the application.

With respect to convenience and needs considerations, Applicant proposes to expand the services presently offered by Bank. While these considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application, they do not outweigh the adverse findings with respect to the financial factors involved in Applicant's proposal.

Based upon the foregoing and other considerations reflected in the record, the Board concludes that the financial considerations involved in the proposal present adverse factors bearing on the financial condition and future prospects of Applicant and Bank. Such adverse factors are outweighed by any procompetitive effects or by the benefits which would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be, and hereby is, denied.

By order of the Board of Governors,[1] effective October 28, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-29545 Filed 11-3-75;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Bucher, Holland, Coldwell and Jackson. Absent and not voting: Governors Mitchell and Wallich.

FIRST FINANCIAL CORP.

Order Approving Acquisition of Bank

First Financial Corporation, Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The First American Bank of Pensacola, Pensacola, Florida ("Bank").

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been received. This Federal Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest banking organization in Florida, controls sixteen banks which have deposits of $1.08 billion or 4.5 percent of deposits in all commercial banks of the State. (Banking data are as of December 31, 1974, and reflect acquisitions and formations approved by the Board through August 19, 1975). Acquisition of Bank, having deposits of $26.3 million, would increase Applicant's share of Florida's commercial bank deposits by less than one percent, and would not change Applicant's rank among other banking organizations in the State in aggregate commercial bank deposits. No undue concentration of banking resources in Florida would result.

Applicant is seeking to make its initial entry into the Pensacola banking market, consisting of Escambia and Santa Rosa counties in the northwest portion of the State. Applicant, in acquiring Bank, the sixth largest bank in the market with deposits representing 6.4 percent of commercial bank deposits in the market, will not be gaining a dominant position.

Applicant's closest subsidiary bank is at Quincy, Florida, 180 miles east of Bank. No competition exists between Applicant's banking subsidiaries and Bank, and it is not likely that future competition would develop between them. The acquisition would have no adverse competitive effects.

The financial and managerial resources of Applicant, its subsidiaries and Bank are generally satisfactory; future prospects appear favorable. The proposed acquisition would allow Bank to make available to the public international services, access to qualified personnel for financial advice, and trust services. Considerations relating to convenience and needs of the community to be served lend weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of this Federal Reserve System, effective October 21, 1975.

[SEAL] KYLE K. FOSSUM,
First Vice President.

[FR Doc.75-29546 Filed 11-3-75;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order No. 106]

LAKE CALUMET HARBOR AREA, CHICAGO, ILL.

Resolution and Order Approving Application of the Chicago Regional Port District for a Foreign-Trade Zone

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

RESOLUTION AND ORDER

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended, (19 U.S.C. 81a–81u) the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the Chicago Regional Port District, a municipal corporation, filed with the Foreign-Trade Zones Board (the Board) on April 8, 1975, requesting a grant of authority for the establishing, operating and maintaining of a foreign-trade zone in Chicago's Lake Calumet Harbor area, Chicago, Illinois, the Board finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

Since the proposal involves an industrial park type zone that envisages the construction of buildings by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal: *Providing*, That prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the District Army Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board order.

GRANT

TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN THE LAKE CALUMET HARBOR AREA, CHICAGO, ILLINOIS

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended, (19 U.S.C. 81a–81u) (hereinafter referred to as "the Act") the Foreign-Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Chicago Regional Port District, a municipal corporation, (hereinafter referred to as "the Grantee"), has made application (filed April 8, 1975) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone in the Lake Calumet Harbor area, Chicago, Illinois;

Whereas notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 22, at the location mentioned above and more particularly described on the maps and drawings accompanying the application requesting authority for a foreign-trade zone in the Lake Calumet Harbor area of Chicago, Illinois, marked as Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefore.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Rogers C. B. Morton, at Washington, D.C., this 29th day of October 1975, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
ROGERS MORTON,
Chairman and Executive Officer.

ATTEST: JOHN J. DAPONTE, JR.,
Executive Secretary.

[FR Doc.75-29548 Filed 11-3-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-148]

VINYL CLAD FENCE FABRIC FROM CANADA

Determination of No Injury or Likelihood Thereof

OCTOBER 24, 1975.

On July 24, 1975, the United States International Trade Commission received advice from the Department of the Treasury that vinyl clad fence fabric from Canada is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on July 29, 1975, the Commission instituted investigation No. AA1921-148 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such vinyl clad fence fabric into the United States.

Notice of the institution of the investigation and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER of August 4, 1975 (40 FR 32796). The hearing was held on September 9, 1975.

In arriving at its determination, the Commission gave due consideration to written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission[1] has unanimously determined that an industry in the United States is not being injured, or is not likely to be injured, or is not prevented from being established, by reason of the importation of vinyl clad fence fabric from Canada that is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF CHAIRMAN WILL E. LEONARD AND COMMISSIONER CATHERINE BEDELL[2]

The Antidumping Act, 1921, as amended, requires that the U.S. International Trade Commission find two conditions satisfied before an affirmative determination shall be made. The first condition is that an industry in the United States is being, or is likely to be, injured, or an industry in the United States is prevented from being established.[3] Second, the requisite injury must be "by reason of" the importation into the United States of the merchandise which the Department of the Treasury (Treasury) has determined is being, or is likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

On the basis of the subject investigation (Inv. No. AA1921-148), we have determined that an industry in the United States is not being nor is likely to be injured by reason of the importation of vinyl clad fence fabric from Canada sold or likely to be sold at LTFV. We have made a negative determination because we do not find the first condition referred to above—an industry is being, or is likely to be, injured—satisfied by the evidence obtained in this investigation.[4]

Imported article and U.S. industry. The imported merchandise in this proceeding for which the Treasury found sales at LTFV is vinyl clad fence fabric. Vinyl clad fence fabric competes with other types of fencing, particularly galvanized steel chain link fencing, although the vinyl clad product has special physical properties and esthetic appeal distinct from galvanized steel chain link fencing.

With respect to what industry is allegedly injured or likely to be injured, the Commission said (at p. 4) in Lock-In Amplifiers and Parts Thereof From the United Kingdom, Investigation No. AA-1921-146, USITC Publication 736 (July 1975):

> The Antidumping Act states that there must be injury to, or likelihood of injury to, or the prevention of the establishment of, "an industry" in the United States in order for relief to be forthcoming. The use of the indefinite article "an," rather than the definite article "the," allows the Commission to examine the impact of the LTFV sales on more than one industry, if it deems such course of action is appropriate. If any industry is injured by LTFV imports, the statute is satisfied. Out of practical considerations and in its sound discretion, the Commission has usually looked at the industry in the United States that would most likely be impacted by LTFV imports to assess injury. If no injury were found to such an industry, and no evidence of injury to another possible industry has been obtained, the Commission has usually concluded that there was no injury to an industry. The industry most likely to be impacted has usually been defined in terms of the domestic facilities devoted to the production of the article most comparable to the LTFV article.

[1] Commissioner Parker did not participate in the decision.

[2] Vice Chairman Daniel Minchew concurs in the result.

[3] Prevention of the establishment of an industry is not an issue in the instant case, and it will not be discussed further.

[4] Failure of the first condition to be met makes consideration of the second condition unnecessary.

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Without determining that it is properly a distinct industry,[6] we have examined in this case the impact of LTFV sales on the domestic facilities of the U.S. producers that are devoted to the production of vinyl clad fence fabric. We find that the facilities producing this article are not injured, nor are they likely to be injured, and, further, that there is no evidence of injury by reason of the LTFV sales to any other facilities which could be construed to comprise an industry.

No injury. Evidence developed by the Commission in connection with this investigation clearly indicates that no domestic industry has been injured. U.S. producers' shipments of vinyl clad fence fabric increased annually during 1970–74, rising from 7,583 tons to 12,374 tons, an increase of 63 percent. During this same period, exports to the United States by the Canadian producer that supplied the preponderance of the LTFV imports declined from 20 percent of U.S. consumption in 1970 to 10.4 percent in 1974, the year in which Treasury found LTFV sales. It was demonstrated that certain established U.S. producers of this product lost part of their market share in 1974 as other, new and smaller U.S. producers increased their market share. This is evidenced by the fact that one producer which made its first shipments of vinyl clad fencing in 1973 increased its share of U.S. producers' total shipments from less than 2 percent in 1973 to about 12.5 percent in 1974. It is also noted that the U.S. producers were confronted with increased quantities of competitively priced fair value imports from Canada during each of the years 1972–74.

Individual U.S. producers' prices for an item of vinyl clad fence fabric (2 inch mesh x 9 gauge x 4 feet high x 50 foot rolls), which is representative of the pricing for the great bulk of total industry shipments, increased during 1973–74 by amounts ranging from 60 percent to over 100 percent. Since late 1973 the prices charged by the principal supplier of the LTFV imports have been as high as or higher than those of any of the 6 domestic producers that supplied the Commission with pricing data. Such large price increases by domestic producers and the consistently higher or equal prices of the imported article establish that there has been no price depression and also refute any claim of price suppression.

Three firms which in the aggregate account for well over two-thirds of total U.S. producers' sales of vinyl clad fence fabric provided the Commission with financial information; two of these firms provided the information on the total operations of their establishments in which vinyl clad fence fabric is produced, and the other firm provided information on its total operations. The net operating profit to net sales ratio of these firms on their combined operations increased from 3.3 percent in 1972 to 10.6 percent in 1973 and to 13.5 percent in 1974, the year in which Treasury found LTFV sales.

Two firms provided the Commission separate data on the profitability of their vinyl clad fence fabric operations. One of these firms reported its net operating profit to net sales ratio on these operations declined slightly in 1973 as compared to 1972 and then increased sharply in 1974. The other firm reported its ratio of net profit to net sales increased in 1973 as compared to 1972 and then declined in 1974. Despite these fluctuations both producers reported substantial operating profits on their vinyl clad fence fabric operations in each of the years 1972–74.

No likelihood of injury. The Report of the Senate Committee on Finance (S. Rept. No. 93–1298) on the bill which became the Trade Act of 1974 remarked (at p. 180) on Commission practice under the Antidumping Act, 1921, in the following manner:

> The Commission's affirmative determinations that an industry "is likely to be injured" by less-than-fair-value imports are based upon evidence showing that the likelihood is real and imminent and not on mere supposition, speculation, or conjecture.

There is no evidence in this investigation that shows any industry is likely to be injured in any real and imminent sense. There is evidence of a strong anticipated growth in the U.S. market for vinyl clad fence fabric, and it is anticipated that U.S. producers of vinyl clad fence fabric will have increased production and sales in view of such growth. The Canadian firm which has supplied the bulk of the LTFV imports has a limited capacity to increase its shipments to the United States. Further, as indicated above, the trend of LTFV imports of vinyl clad fence fabric has been downward over the last several years.

Conclusion. Accordingly, for the reasons indicated, we have determined that an industry is not being injured nor is likely to be injured by reason of imports of vinyl clad fence fabric from Canada that are being, or are likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

CONCURRING STATEMENT OF REASONS OF COMMISSIONERS MOORE AND ABLONDI

The facts in this case are not in dispute, and they present a classic example of what the Senate Committee on Finance, in its Report on the Trade Act of 1974, has described as "technical dumping." Therefore, we have made a negative determination.

In its Report on the Trade Act of 1974, the Senate Finance Committee provided a lengthy definition of "technical dumping" and described the circumstances under which the U.S. International Trade Commission should apply such definition.

A portion of the relevant language of the Finance Committee Report is as follows:

> • • • the Antidumping Act does not proscribe transactions which involve selling an imported product at a price which is not lower than that needed to make the product competitive in the U.S. market, even though the price of the imported product is lower than its home market price. Such so-called "technical dumping" is not anti-competitive, hence, not unfair; it is procompetitive in effect.[8]

Thus, technical dumping occurs when LTFV (less than fair value) imported products are sold in the U.S. market at prices equal to or higher than the prices paid for comparable domestic products. This absence of underselling by competitive LTFV imports has on numerous occasions been characterized by the Commission in antidumping investigations as "technical dumping."

The term "technical dumping" has appeared frequently in Commission determinations under the Antidumping Act, 1921, as amended. For example, in Rayon Staple Fiber from France the Commission stated, "Thus the case involved purely 'technical' dumping prices."[9] The concept was further recognized and articulated in Technical Vanillin from Canada, in which the majority of Commissioners stated:

> The importation of an article sold "at less than fair value" is not ipso facto injurious. The sole exporter of Canadian technical vanillin has sold its product • • • to U.S. consumers at delivered prices equal to or higher than the delivered (or their equivalent) prices offered by the predominant U.S. producer of technical vanillin. • • • The importation of Canadian technical vanillin under such circumstances cannot be considered as injurious or likely to injure an industry in the United States.[9]

How the dumping margin arose. Sales of vinyl clad fence fabric in the Canadian market were made on an F.O.B. delivered basis to all Canadian customers in Canadian currency. At the time of exportation, the Canadian currency was converted to U.S. currency at exchange rates certified by the Federal Reserve Bank of New York. During the period of the Treasury Department's investigation (May through October 1974) the United States dollar was worth less than the Canadian dollar, i.e., one Canadian dollar was worth between $1.02 and $1.03. During this period, when the value of the Canadian dollar exceeded the value of the United States dollar, the sale price in the United States of vinyl clad fence fabric exported by the primary Canadian LTFV exporter was lower than its home market sale price when expressed in United States dollars. According to the Treasury Department file received by the Commission in this investigation, the small dumping margins (2.0 to 4.0 percent) resulted primarily from an unfavorable currency exchange rate which existed from May through October 1974.

Application of "technical dumping" to the facts in this case. The LTFV imports are made to the same specifications (e.g., wire and mesh size, thickness in vinyl coating) as the domestically produced vinyl clad fence fabric. In addition, the LTFV imports have been selling in the same market served by the domestic producers and, in some instances, sales have been made to the same domestic distributors. The imports, however, have not had an anticompetitive price advantage over the prices of articles sold by U.S. producers in the domestic market. In fact, during the period of the Treasury Department's investigation the LTFV imported vinyl clad fence fabric was sold consistently at delivered prices equal to or higher than comparable vinyl clad fence fabric sold by domestic producers. Such LTFV sales therefore do not fall within the ambit of discriminatory sales which might adversely affect domestic competition and thereby cause injury to an industry in the United States within the meaning of the Antidumping Act, 1921, as amended.

Conclusion. Based on the facts developed during this investigation, we have concluded this clearly is a case involving technical dumping; that is, the LTFV imports were sold in the U.S. market at prices equal to or exceeding prices paid for comparable domestic merchandise. Such sales are not anticompetitive, but, as the Senate Finance Committee has pointed out, they are "procompetitive in effect."

Therefore, we concur with our colleagues in the determination that there is no injury or likelihood of injury to an industry in the United States by reason of LTFV sales of vinyl clad fence fabric from Canada.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.75–29531 Filed 11–3–75;8:45 am]

[6] See the discussion (at p. 3) with respect to the injured industry in Electric Golf Cars From Poland, Investigation No. AA1921–147, USITC Publication 740 (September 1975).

[8] Senate Report No. 93–1298, 93d Cong., 2d sess., at p. 179.

[9] Investigation No. AA1921–11, 1959.

[9] Technical Vanillin from Canada, Investigation No. AA1921–26, TC Publication 88, 1963. Also see, Pocket Pencil Sharpeners, Tariff Commission Investigation under the Antidumping Act, 1921, as amended, August 29, 1955; Brass Key Blanks from Canada, Investigation No. AA1921–71, TC Publication 392, 1971.

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ECONOMICS

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name. Advisory Panel for Economics.
Date. November 21–22, 1975.
Time. 9:00 a.m. each day.
Place. Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C.
Type of meeting. Closed.
Contact person. Dr. James H. Blackman, Program Director for Economics, Room 205, National Science Foundation, Washington, D.C. 20550, telephone 202/632–5968.
Purpose of Advisory Panel. To provide advice and recommendations concerning support for research in Economics.
Agenda. To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing. The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552 (b), (4), (5), and (6).
Authority to close meeting. The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of section 10(d) of Public Law 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

[FR Doc.75–29582 Filed 11–3–75;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

FELLOWSHIP PANEL ADVISORY COMMITTEE

Meeting

OCTOBER 23, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Fellowships Panel will be held at Washington, D.C. on December 1, 8, 12, 15, 17, and 19, 1975, from 9 a.m. to 5:30 p.m.

The purpose of the meeting is to review Summer Stipend applications submitted to the National Endowment for the Humanities for 1976 summer grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 6 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75–29623 Filed 11–3–75;8:45 am]

NATIONAL MAGNET LABORATORY VISITING COMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, the National Science Foundation announces the following meeting:

Name. National Magnet Laboratory Visiting Committee.
Date. November 20 and 21, 1975.
Time. 9:15 a.m. each day.
Place. Francis Bitter National Magnet Laboratory, 170 Albany Street, Cambridge, Massachusetts.
Type of meeting. Part open—Open on November 20; closed on November 21.
Contact person. Dr. William T. Oosterhuis, Staff Association for Special Projects, Division of Materials Research, Room 408, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–7334.
Summary minutes—(Open Portion). May be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, Rm. 248, Washington, D.C. 20550.
Purpose of Committee. To provide the Foundation with specific guidance as to how the National Magnet Laboratory may best serve as a national facility responsive to the needs of the scientific community.

NOVEMBER 20—OPEN

Agenda. Welcoming Remarks—Vice President for Research, Massachusetts Institute for Technology (MIT). Introduction—Director, National Magnet Laboratory (NML). Current Program and Future Plans of the Magnet Research and Development Groups—NML Staff Member.
Singlet-Triplet Anticrossings in the He, H_2 and D_2—Representatives from the Bell Laboratories.
Shear Viscosities of Liquid Crystals—Professor, University of Rhode Island.
Alcator—NML Staff Member.
Nuclear Magnetic Resonance Program—NML Staff Member.
General Tour (primarily for new members)—Vice President for Research, MIT.
Raman Scattering—NML Staff Members.
MHD Disk Generator—Professor, Dept. of Aeronautics and Astronautics, MIT.
Recent Spin—Polarized Tunneling Measurements in Superconductors and Ferromagnets—NML Staff Member.
Electronic Properties of Active Sites of Metalloprotein Synthetic Analogs—NML Staff Member.
Recent Studies of the Magnetic Fields of the Human Body—NML Staff Member.
Tour with Demonstrations and Discussions at Scheduled Stops.

NOVEMBER 21—CLOSED

Evaluate the management and the programs of the Laboratory.
Reason for closing. The committee will be reviewing, discussing, and evaluating the management operations and scientific programs of the Laboratory. This review concerns matters which fall within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6).
Authority to close meeting. The determination made in February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of section 10(d) of Pub. L. 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 29, 1975.

[FR Doc.75–29583 Filed 11–3–75;8:45 am]

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NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Change of Agenda

Discussion of Regulatory Guide 1.96, Rev. 1, "Design of Main Steam Isolation Valve Leakage Control Systems for Boiling Water Nuclear Power Plants," at the November 5, 1975 meeting of the ACRS Regulatory Guides Subcommittee has been postponed. This was listed as Item No. 3 on the agenda for that portion of the above meeting which will be open to the public, published at 40 FR 49156, October 21, 1975.

All other matters pertaining to the meeting remain unchanged.

Dated: October 30, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-29552 Filed 11-3-75;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York and Niagara Mohawk Power Corporation, located in Scriba, Oswego County, New York. The amendment is effective as of its date of issuance.

This amendment authorizes 25 miscellaneous Appendix A and two Appendix B Technical Specification changes. The Appendix A changes relate to the correction of typographical errors, clarification of the specifications, and make the specifications consist with the Final Safety Analysis Report (FSAR). The Appendix B changes establish consistency in the Site Radiological Environmental Monitoring Program for the two plants on the site (Facility License No. DPR-59 and License No. DPR-63), and achieve consistency with Appendix A in the administrative controls of the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated March 13, 1975, (2) Amendment No. 3 to License No. DPR-59, with Change No. 3 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th, October 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-29549 Filed 11-3-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.9, Revision 1, "Preparation of Environmental Reports for Commercial Uranium Enrichment Facilities," provides assistance to applicants for the development of environmental reports dealing with the construction, operation, and decommissioning of uranium enrichment facilities. This revision reflects comments received from the public.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 4 Regulatory Guides currently being developed include the following:

Cooling Water System—Protection of Aquatic Organisms (Entrapment).
Cooling Water System—Protection of Aquatic Organisms (Entrainment).
Cooling Water System—Protection of Aquatic Organisms (Cold Shock).
Effluent Monitoring Guide for UF$_6$ Conversion Facilities.
Effluent Monitoring Guide for Uranium Mills.
Effluent Monitoring Guide for Fuel Fabrication Facilities.
Effluent Monitoring Guide for Irradiated Fuel Reprocessing.
Analytical Models for Estimating Radioisotope Concentration in Different Water Bodies.
Methods for Estimating Atmospheric Dispersion of Gaseous Effluents from Routine Releases.
Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Boiling Water Reactors.
Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Pressurized Water Reactors.
Calculation of Annual Average Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Implementing Appendix I.
Land Use Assessment—Agriculture.
Nuclear Power Stations—Guide to Terrestrial Studies.
Preparation of Early Site Review Reports for Nuclear Power Stations.
Assessment of Environmental Impacts of Renewals and Amendments of Licenses for Nuclear Fuel Cycle Facilities.
Environmental Technical Specifications for Nuclear Power Plants.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 28th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-29551 Filed 11-3-75;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS & ELECTRIC CORP.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-18 issued to Rochester Gas & Electric Corporation (the licensee), for operation of the R. E. Ginna Nuclear Power Plant, located in Wayne County, New York.

In accordance with the licensee's application for a license amendment dated September 22, 1975, the amendment would increase the shutdown margin requirements in the Technical Specifications for certain conditions of reactor operation. This increase is the result of recent reanalyses of the main steam line break accident. The licensee has committed to use the most restrictive of the proposed shutdown margin requirements for all operating conditions until the NRC review of this application and the resulting amendment are completed.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By December 4, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Arvin E. Upton, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 22, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489 and the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 23d day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-29473 Filed 11-3-75;8:45 am]

[Dockets Nos. 50-266, 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company (the licensees), for operation of the Point Beach Nuclear Plant, Units 1 and 2, located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The amendment would revise the provisions in the Technical Specifications related to maintaining steam generator tube integrity by changing the primary to secondary leak rate limits and by adding steam generator tube surveillance requirements in accordance with the licensee's applications for amendments dated August 30, 1974 and August 14, 1975.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By December 4, 1975 licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts & Trowbridge, 910 17th Street, NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the applications for amendments dated August 30, 1974 and August 14, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, Wisconsin 54220. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of October 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-29550 Filed 11-3-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 10/30/75 (44 U.S.C. 3509). The

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purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

COMMUNITY SERVICES ADMINISTRATION

Building Winterization Plan, CSA 481, annually, low-income households desiring winterization, Human Resources Division, 395-3532.

SELECTIVE SERVICE SYSTEM

Certificate of service performed, SSS RS-7, monthly, RSP employer, Lowry, R. L., 395-3772.

Statement of Intention—Presidential Clemency Board of Office of Pardon Attorney Referral, SSS RS-9, on occasion, RSP enrollee, Lowry, R. L., 395-3772.

Statement of Intention (DOD referral), SSS RS-8, on occasion, RSP enrollee, Lowry, R. L., 395-3772.

Statement of Understanding, SSS RS-6, on occasion, enrollees in RSP, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census:

Export Mailing List, Request Form, DIB-4052P, on occasion, export oriented business persons, Caywood, D. P., 395-3443.

Privacy and Confidentiality as Factors in Survey Response, single-time, survey research centers, Hulett, D. T., 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, (A) patient interview questionnaire, (B) physician interview questionnaire, (C) facility survey questionnaire, SSA-3214, SSA-3214A, SSA-3214B, other (see SF-83), surgical patients, physicians, surgical facilities human resources division, Dick Eisinger, 395-3532.

Office of the Secretary:

Vietnam Resettlement Operation Feedback Survey, Second Wave Survey, OS-56-75, single-time, individuals, Caywood, D.P., 395-3443.

Proposal Application Forms, 0001, 0002, annually, institutions of higher education, Lowry, R. L., 395-3772.

DEPARTMENT OF THE INTERIOR

Departmental and Other Application for Youth Conservation Corps, annually, youth 15-18 years of age, Lowry, R. L., 395-3772.

REVISIONS

VETERANS ADMINISTRATION

Court Appointed Fiduciarys Account, VA-27-4706, annually, fiduciaries, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Tuberculosis Statistics and Program Evaluation Activity, CDC 5.1393, annually, State and local health departments, Dick Eisinger, 395-6140.

EXTENSIONS

NATIONAL MEDIATION BOARD

Application for Mediation Services, NMB-2, on occasion, railroad and airline mgmt. and unions, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Summary of Loan Fund Requirements, REA 494, on occasion, REA telephone borrowers, Marsha Traynham, 395-4529.

Rural Electrification Administration: Service Requirements and Construction Cost Estimates, REA 495, on occasion, REA telephone borrowers, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Bureau of Census: Monthly Confectionery Survey by Type of Confectionery, M20C.1, monthly, confectionery manufacturers, Marsha Traynham, 395-4529.

Bureau of Census: Production of Pulp, Paper and Board, MA-26C, annually, paper and paperboard mills, Marsha Traynham, 395-4529.

Bureau of Census: Animal and Vegetable Fats and Oils—Monthly Report of Warehouse Stocks, M20H, monthly, public warehouses and storage facilities, Marsha Traynham, 395-4529.

Bureau of Census: Animal and Vegetable Fats and Oils, Monthly Report of Consumers, M20M, monthly, consumers of fats and oils, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Food and Drug Administration: Application for Commission (State Officials to act as Agents for FDA), FD-1777, on occasion, State Government agencies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-29659 Filed 11-3-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1253]

CAPITAL INVESTORS CORP.

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 29, 1975.

Notice is hereby given that Capital Investors Corporation, Capital Building, Front & Ryman Streets, Missoula, Montana 59801; ("Applicant"), a Montana corporation which is a closed-end, nondiversified, management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application on August 14, 1975, and an admendment thereto on October 15, 1975, for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was licensed on October 12, 1962 by the Small Business Administration ("SBA") as a small business investment company ("SBIC") under the Small Business Investment Act of 1958; and that the surrender of said license was accepted by the SBA on July 8, 1975.

Applicant further states that, on April 25, 1975, it and Western Venture Resources, Inc. ("Western"), a privately owned SBIC, entered into a Purchase Agreement ("Agreement") whereby Applicant would sell substantially all of its assets to Western and Western would assume substantially all of the liabilities of the Applicant. Applicant represents that its shareholders approved the Agreement at a Special Meeting on May 20, 1975, and voted to dissolve the corporation on June 17, 1975.

Applicant further represents that it has filed a notice of intent to dissolve with the Secretary of State of Montana and that the filing of the final Articles of Dissolution is contingent upon receipt of a tax clearance certificate from the Department of Revenue, State of Montana. Applicant states that pending final dissolution, it will hold only cash proceeds and certain accounts receivable until the distribution of these proceeds to the shareholders at which time its corporate existence will terminate. Applicant represents that any net proceeds remaining after winding-up its affairs will be distributed to shareholders.

Applicant states that it has ceased all investment activity and no longer proposes to engage in the business of investing, re-investing or trading in securities. Applicant further states that its outstanding securities, other than short-term paper, are currently held beneficially by less than 100 persons, that no corporate holder of its securities has invested more than five percent (5 percent) of its assets in said securities, and that it is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 24, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being

served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29533 Filed 11-3-75;8:45 am]

[File No. 20-2093A1, etc; Release No. 33-5636]

CENTURY PETROLEUM CORP.

Temporary Suspension Order; Opportunity for Hearing

In the matter of the following offering sheet(s) filed by Century Petroleum Corporation:

(File No. 20-2093A1) on May 14, 1975 covering non-producing working interests in the Century Petroleum Corporation—Century No. 1-Adolph Kuffman.

(File No. 20-2093A3) on July 10, 1975 covering non-producing working interests in the Century Petroleum Corporation—Century No. 3-Earl L. Brown.

(File No. 20-2093A4) on July 22, 1975 covering non-producing working interests in the Century Petroleum Corporation—Century No. 4-Earl L. Brown.

(File No. 20-2093A5) on August 15, 1975 covering non-producing working interests in the Century Petroleum Corporation—Century No. 5-Earl L. Brown.

(File No. 20-2093A6) on September 22, 1975 covering non-producing working interests in the Century Petroleum Corporation—Century No. 6-Vance N. Harms.

Century Petroleum Corporation having filed the above offering sheets with the Securities and Exchange Commission pursuant to Regulation B of the general rules and regulations under the Securities Act of 1933, as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheets that:

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(2) (17 CFR 230.306(a)(2)) because William J. Briggs, now president of Century Petroleum Corporation, was restrained and enjoined permanently on February 14, 1975, by the Supreme Court of the State of New York, in and for the County of New York, from offering or selling securities within and from the State of New York, including securities in the form of working interests in oil leases, without complying with Article 23-A of the General Business Law; and further was restrained and enjoined from violating the provisions of Article 23-A of the General Business Law of the State of New York.

2. No exemption is available for this offering under Regulation B because the offering sheet used failed to comply with Rules 330 (a) and (b) of Regulation B (17 CFR 230.330 (a) and (b)) by failing to disclose that on February 14, 1975, William J. Briggs, now president of Century Petroleum Corporation, was restrained and enjoined permanently by the Supreme Court of the State of New York, in and for the County of New York, from offering or selling securities within and from the State of New York, including securities in the form of working interests in oil leases without complying with Article 23-A of the General Business Law; and further was restrained and enjoined from violating the provisions of Article 23-A of the General Business Law of the State of New York.

It is ordered, Pursuant to Rule 334(a) of the general rules and regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's rules of practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 28, 1975.

[FR Doc.75-29537 Filed 11-3-75;8:45 am]

[File No. 20-1887A33, etc.; Release No. 33-5637]

DALLAS OIL & GAS, INC.

Temporary Suspension Order; Opportunity for Hearing

In the matter of the following offering sheet(s) filed by Dallas Oil & Gas, Inc.:

(File No. 20-1887A33) on March 6, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 32-Allan Pickus.

(File No. 20-1887A34) on March 13, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 40-Schroeder.

(File No. 20-1887A35) on March 21, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 34-Frank Martin.

(File No. 20-1887A36) on March 25, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 33-George LeVasser.

(File No. 20-1887A37) on April 15, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 35-Howard Graves.

(File No. 20-1887A38) on May 1, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 36-Arthur H. Lamborn.

(File No. 20-1887A39) on May 5, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 37-Breck Harris.

(File No. 20-1887A40) on May 29, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 38-Sandy I., C. C. Boles Lease.

(File No. 20-1887A41) on June 5, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 39-Debbie; Frank Martin Lease.

(File No. 20-1887A42) on June 12, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 41-Bob Wayne, C. C. Boles Lease.

(File No. 20-1887A43) on June 13, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 42-Jerry Phillips, C. C. Boles Lease.

(File No. 20-1887A44) on June 27, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 50-Michelle, Clifford John & Sonora Gail Leech Teinert, Donald L. & Eric Koch Lease.

(File No. 20-1887A45) on August 18, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 34A-Tasca G. Johnson Heirs Lease.

(File No. 20-1887A46) on August 27, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 43-Darwin E. Peterson, Johnson Heirs.

(File No. 20-1887A47) on September 15, 1975 covering non-producing working interests in the Dallas Oil & Gas, Inc.—Dallas No. 44-C. B. Long & J. H. Johnson Heirs.

Dallas Oil & Gas, Inc. having filed the above offering sheets with the Securities

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and Exchange Commission pursuant to Regulation B of the general rules and regulations under the Securities Act of 1933, as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheets that:

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(2) (17 CFR 230.306(a)(2)) because Dallas Oil & Gas, Inc., and Ray Griffin, president of Dallas Oil & Gas, Inc. were restrained and enjoined permanently on February 14, 1975, by the Supreme Court of the State of New York, in and for the County of New York, from offering or selling securities within and from the State of New York, including securities in the form of working interests in oil leases, without complying with Article 23–A of the General Business Law; and further were restrained and enjoined from violating the provisions of Article 23–A of the General Business Law of the State of New York.

2. No exemption is available for this offering under Regulation B because the offering sheet used failed to comply with Rules 330(a) and 330(b) of Regulation B (17 CFR 230.330(a) and (b)) by failing to disclose that on February 14, 1975, Dallas Oil & Gas, Inc. and Ray Griffin, president of Dallas Oil & Gas, Inc., were restrained and enjoined permanently by the Supreme Court of the State of New York, in and for the County of New York, from offering or selling securities within and from the State of New York, including securities in the form of working interests in oil leases, without complying with Article 23–A of the General Business Law; and further were restrained and enjoined from violating the provisions of Article 23–A of the General Business Law of the State of New York.

It is ordered, Pursuant to Rule 334(a) of the general rules and regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person, on whose behalf said offering sheet was filed, be and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within 30 days after the date of this order from the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within 30 days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's rules of practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 28, 1975.

[FR Doc.75–29536 Filed 11–3–75;8:45 am]

[811–2384]

DELTA CAPITAL CORP.

Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") to declare by order upon its own motion that Delta Capital Corporation, c/o Noah E. Hurley, 312 Ellison Road, Sommerset, New Jersey 08873 ("Delta"), registered under the Act as an open-end, diversified management investment company has ceased to be an investment company as defined in the Act.

Materials in the Commission's records indicate that Delta was organized as a Delaware corporation on February 21, 1973. Delta filed a Notification of Registration on Form N–8A on June 11, 1973 and a Registration Statement on Form N–8B on July 9, 1973.

Materials in the Commission's records indicate that none of Delta's securities have ever been offered or sold to the public and that Delta never became an operating investment company. Materials in the Commission's records also indicate that Delta has been dissolved as a corporation by the State of Delaware under the laws of which it was organized.

Section 8(f) of the Act provides, in pertinent part, that when the Commission on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 24, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Delta at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–29534 Filed 11–3–75;8:45 am]

[File No. 500–1]

ROYAL PROPERTIES INC.

Suspension of Trading

OCTOBER 29, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being trade otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 30, 1975 through November 8, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–29535 Filed 11–3–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Rev. 15; Amdt. 4]

ASSISTANT BRANCH MANAGER

Delegation of Authority

Correction

In FR Doc. 75–28193 appearing on page 49159 in the FEDERAL REGISTER, Tuesday, October 21, 1975, the portion of the Table appearing on page 29160, captioned PART II, entries numbered "1." and "2." should be changed to read as follows:

PART II.—*Disaster program*

SECTION A—DISASTER LOAN AUTHORITY

1. *Direct and immediate participation 7(b)(1) physical disaster loans (SBAct):*
a. * * *
(1) *Home loans:* * * *
(i) Assistant branch manager for F. & I., Biloxi branch office only
(2) *Business loans:* * * *
(i) Assistant branch manager for F. & I., Biloxi branch office only $500,000
2. *Guaranteed Physical Disaster Loans 7(b)(1) (SBAct).* * * *

	Home loans	Business loans
(i) Assistant branch manager for F. & I., Biloxi branch office only	100,000	$500,000
3. *Direct and immediate participation economic injury disaster loans (SBAct).* * * *		4
(i) Assistant branch manager for F. & I., Biloxi branch office only		500,000
4. *Guaranteed economic injury disaster loans (SBAct).* * * *		
(i) Assistant branch manager for F. & I., Biloxi branch office only		500,000
5. *Processing representative.* * * *		
(i) Assistant branch manager for F. & I., Biloxi branch office only		

* * * * * * *

BOSTON DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Boston District Advisory Council will hold a public meeting at 11 a.m., Wednesday, December 3, 1975, at the Sheraton Tara Motor Inn in Framingham, Massachusetts, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, call or write Richard F. Tomeo, 150 Causeway Street, Boston, Massachusetts 02114, (617) 223–4074.

Dated: October 28, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75–29560 Filed 11–3–75;8:45 am]

CLEVELAND DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Cleveland District Advisory Council will hold a public meeting at 9 a.m., Thursday, November 20, 1975, at the Holiday Inn Lakeside, 1111 East 12th Street, Cleveland, Ohio, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, call or write S. C. Hemming, Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199, (216) 522–4182.

Dated: October 28, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75–29561 Filed 11–3–75;8:45 am]

SAN FRANCISCO DISTRICT ADVISORY COUNCIL

Public Meeting

The San Francisco District Advisory Council will hold a public meeting at the Federal Building, Fresno, California, at 10 a.m., Monday, November 24, 1975, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, call or write Gus Anselmo, 450 Golden Gate Avenue, Box 36044, San Francisco, California 94102, (415) 556–7490.

Dated: October 28, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75–29562 Filed 11–3–75;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

KHMER REPUBLIC AND VIETNAM (SOUTH)

Notice of Intention To Terminate Designations of Certain Countries as Beneficiary Developing Countries for Purposes of the Generalized System of Preferences

Notice is hereby given on behalf of the President of his intention to terminate the status of the Khmer Republic and Vietnam (South) as beneficiary developing countries for purposes of the Generalized System of Preferences under Title V of the Trade Act of 1974 (19 U.S.C. 2461–2465), and to issue an Executive order amending Executive Order 11844 of March 24, 1975 by deleting from the list of beneficiary developing countries designated therein: "Khmer Republic" and "Vietnam (South)". The House of Representatives and the Senate have been notified of this intention.

Section 504(b) of the Trade Act provides that the President shall "withdraw, or suspend the designation of any country as a beneficiary developing country if, after such designation, he determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 502(b)." It has been determined that the Khmer Republic and Vietnam (South) no longer meet the eligibility criteria set forth in section 502(b) of the Trade Act, particularly section 502(b)(1), which denies eligibility "if such country is a communist country, unless (A) the products of such country receive nondiscriminatory treatment, (B) such country is a contracting party to the general agreement on tariffs and trade and a member of the international monetary fund, and (C) such country is not dominated or controlled by international communism."

An additional public announcement of the contents of this notice will be made by my office, in view of the fact that the United States does not maintain diplomatic relations or other communications with the Khmer Republic and Vietnam (South).

FREDERICK B. DENT,
Ambassador.

[FR Doc.75–29758 Filed 11–3–75;8:45 am]

VETERANS ADMINISTRATION

SPECIAL MEDICAL ADVISORY GROUP

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92–463 that a meeting of the Special Medical Advisory Group, authorized by 38 U.S.C. 4112(a), will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., on November 24 and 25, 1975. The purpose of the Special Medical Advisory Group is to advise the Administrator and the Chief Medical Director relative to the care and treatment of disabled veterans, and other matters pertinent to the Veterans Administration's Department of Medicine and Surgery. At the forthcoming meeting, committee members will review and discuss various aspects of the Veterans Administration's health care system, including programs of patient care, medical and prosthetics research, and health manpower education and training.

The general session will convene at 9 a.m. on November 24, and break into subcommittee meetings following the noon hour. The November 25 session will commence at 8:30 a.m., and will also be open to the public (up to seating capacity of the room) until 11 a.m. Due to space limitations, it will be necessary for those wishing to attend to contact Mr. Robert E. Lindsey, Committee Management Officer for the Special Medical Advisory Group, Room 808 Veterans Administration Central Office, prior to 4:30 p.m., November 20, 1975. (Phone 202–389–2588)

Commencing at 11 a.m., November 25 and until adjournment, the meeting will be closed for a report and recommendations of the Subcommittee on Academic Affairs, followed by an executive session of the Special Medical Advisory Group. The Subcommittee reviews grant applications and makes recommendations essential in the decision-making role of the agency. The closed portion of the meeting involve: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of grant applications, and similar documents which are exempt from disclosure under the intragency memoranda exemption (exemption (5)) to section 552(b) of title 5, United States Code. The portion of the meeting which neces-

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sitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Dated: October 29, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-29568 Filed 11-3-75;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

Meeting

The BRAC Committee on Consumer and Wholesale Prices will meet at 9:30 a.m., December 3, 1975, at the General Accounting Office Building, 441 G Street, NW., Room 2106, Washington, D.C. The agenda for the meeting is as follows:

1. Review of Alternative Methods of Treating Owner-Occupied Housing in the CPI Revision.
2. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C., this 30th day of October 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75-29575 Filed 11-3-75;8:45 am]

Occupational Safety and Health Administration

[Dockets SCP 7, 8]

STANDARDS COMPLETION PROJECT

Availability of Draft Technical Standards

On March 18, 1974, the Assistant Secretary of Labor for Occupational Safety and Health announced the joint OSHA/NIOSH Standards Completion Project. The purpose of the project is to issue completed standards for all of the toxic materials listed in Tables Z-1, Z-2, and Z-3 of 29 CFR 1910.1000 (formerly Tables G-1, G-2, and G-3 of 29 CFR 1910.93), with the exception of some substances which are or will be the subjects of NIOSH Criteria Documents. These exceptions will be the subject of separate rulemaking proceedings, outside of the Standards Completion Project.

Section 1910.1000 lists exposure limits for certain hazardous or toxic substances. The new standards will establish requirements for monitoring employee exposure, medical surveillance, methods of compliance, handling and use of each substance, employee training, recordkeeping, sanitation, and housekeeping, among other things. In addition, the proposals are also designed to enable employers to better understand and comply with existing OSHA standards. The exposure limits listed in § 1910.1000 are not at issue in the proposals, and no changes to these limits will be proposed or made in the standards issued as part of the Standards Completion Project.

Drafts of the technical content of proposed standards for the following substances, designated Set G, Standards Completion Project, have been prepared:

butadiene
dioxane
heptane
methylcyclohexane
naphtha (coaltar)
octane
pentane
petroleum distillates (naphtha)
propylene dichloride
turpentine

Also prepared are drafts of the technical content of proposed standards for the group of substance designated Set H. These substances are:

Benzyl Chloride
Bromoform
Chlorobromomethane
1,2-Dichloroethylene
Methyl Iodide
Ethyl Bromide
Difluorodibromomethane
Hexachloronaphthalene

These draft technical standards reflect only the technical intent of NIOSH and OSHA and do not necessarily contain the specific language which will appear in the proposed standards. Copies of the draft technical standards on the above listed substances are available for inspection or for purchase, at the standard copying fee, at the Occupational Safety and Health Administration, U.S. Department of Labor, Room N3620, 200 Constitution Avenue, NW., Washington, D.C. 20210. Copies are also available at any of the following OSHA Regional and Area Offices:

REGIONAL OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, 18 Oliver Street, Boston, Massachusetts 02110.
U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.
U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building—Suite 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104.
U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street, NE., Suite 587 Atlanta, Georgia 30309.
U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 32nd Floor, Room 3259, Chicago, Illinois 60604.
U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Griffin at Young, Dallas, Texas 75202.
U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106,
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 15010, 1961 Stout Street, Denver, Colorado 80202.
U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 6048, 900 First Avenue, Seattle, Washington 98174.

AREA OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, Custom House Building, Room 703, State Street, Boston, Massachusetts 02109.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 426, 55 Pleasant Street, Concord, New Hampshire 03301.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 617B, 450 Main Street, Hartford, Connecticut 06103.
U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office, and Courthouse Building, 436 Dwight Street, Room 501, Springfield, Massachusetts 01103.
U.S. Department of Labor, Occupational Safety and Health Administration, 90 Church Street, Room 1405, New York, New York 10007.
U.S. Department of Labor, Occupational Safety and Health Administration, Bell Mead GSA Depot Building T3, Belle Mead, New Jersey 08502.
U.S. Department of Labor, Occupational Safety and Health Administration, 519 Federal Street, Room 408, Camden, New Jersey 08101.
U.S. Department of Labor, Occupational Safety and Health Administration, Picatinney Arsenal Building 171, Dover, New Jersey 07801.
U.S. Department of Labor, Occupational Safety and Health Administration, Teterboro Airport Prof. Building, 377 Route 17, Room 206, Hasbrouck Hts., New Jersey 07604.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, 970 Broad Street, Room 1435C, Newark, New Jersey 07102.
U.S. Department of Labor, Occupational Safety and Health Administration, Clinton Avenue and N. Pearl Street, Room 132, Albany, New York 12207.
U.S. Department of Labor, Occupational Safety and Health Administration, 111 W. Huron Street, Room 1002, Buffalo, New York 14202.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 203, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210.
U.S. Department of Labor, Occupational Safety and Health Administration, 370 Old Country Road, Garden City, Long Island, New York 11530.
U.S. Department of Labor, Occupational Safety and Health Administration, Condominium San Alberto Building, 605 Condado Avenue, Room 328, Santurce, Puerto Rico 00907.
U.S. Department of Labor, Occupational Safety and Health Administration, William J. Green, Jr. Federal Building, 600 Arch Street, Room 4456, Philadelphia, Pennsylvania 19106.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 1110-A, 31 Hopkins Plaza, Charles Center, Baltimore, Maryland 21201.
U.S. Department of Labor, Occupational Safety and Health Administration, Room LL2, 400 First Street, NW., Washington, D.C. 20210.
U.S. Department of Labor, Occupational Safety and Health Administration, Charleston National Plaza, Suite 1726, 700 Virginia Street, Charleston, West Virginia 25301.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 802, Jonnet Building, 4099 William Penn Highway, Monroeville, Pennsylvania 15146.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 8015, 400 N. 8th Street, P.O. Box 10186, Richmond, Virginia 23240.
U.S. Department of Labor, Occupational Safety and Health Administration, Building 10, Suite 33, La Vista Perimeter Park, Tucker, Georgia 30084.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 613A, 310 New Bern Avenue, Raleigh, North Carolina 27601.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 204, Bridge Building, 3200 E. Oakland Park Boulevard, Fort Lauderdale, Florida 33308.
U.S. Department of Labor, Occupational Safety and Health Administration, 1600 Hayes Street, Suite 302, Nashville, Tennessee 37203.
U.S. Department of Labor, Occupational Safety and Health Administration, 2809 Art Museum Drive, Art Museum Plaza, Suite 4, Jacksonville, Florida 32207.
U.S. Department of Labor, Occupational Safety and Health Administration, Todd Mall, 2047 Canyon Road, Birmingham, Alabama 35216.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 554-E—600 Federal Place, Louisville, Kentucky 40202.
U.S. Department of Labor, Occupational Safety and Health Administration, Enterprise Building—Suite 204, 6805 Abercorn Street, Savannah, Georgia 31405.
U.S. Department of Labor, Occupational Safety and Health Administration, Commerce Building—Room 600, 118 North Royal Street, Mobile, Alabama 36602.
U.S. Department of Labor, Occupational Safety and Health Administration, Riverside Plaza Shopping Center, 2720 Riverside Drive, Macon, Georgia 31204.
U.S. Department of Labor, Occupational Safety and Health Administration, 1710 Gervais Street—Room 205, Columbia, South Carolina 29201.
U.S. Department of Labor, Occupational Safety and Health Administration, 650 Cleveland Street, Room 44, Clearwater, Florida 33513.
U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 10th Floor, Chicago, Illinois 60604.
U.S. Department of Labor, Occupational Safety and Health Administration, 847 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.
U.S. Department of Labor, Occupational Safety and Health Administration, 360 S. Third Street, Room 109, Columbus, Ohio 43215.
U.S. Department of Labor, Occupational Safety and Health Administration, Michigan Theatre Building, Room 626, 200 Bagley Avenue, Detroit, Michigan 48226.
U.S. Department of Labor, Occupational Safety and Health Administration 110 South Fourth Street, Room 437, Minneapolis, Minnesota 55401.
U.S. Department of Labor, Occupational Safety and Health Administration, Clark Building, Room 400, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office and Courthouse, Room 423, 46 East Ohio Street, Indianapolis, Indiana 46202.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 4028, Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 734, Federal Office Building, 234 N. Summit Street, Toledo, Ohio 43604.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 2118, 2320 La Branch Street, Houston, Texas 77004.
U.S. Department of Labor, Occupational Safety and Health Administration, Adolphus Tower, Suite 1820, 1412 Main Street, Dallas, Texas 75202.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 421, Federal Building, 1205 Texas Avenue, Lubbock, Texas 79401.
U.S. Department of Labor, Occupational Safety and Health Administration, 546 Carondelet Street, Room 202, New Orleans Louisiana 70130.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 412 Petroleum Building, 420 South Boulder, Tulsa, Oklahoma 74103.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 303, Donaghey Building, 108 East 7th Street, Little Rock, Arkansas 72201.
U.S. Department of Labor, Occupational Safety and Health Administration, 1015 Jackson Keller Road, Room 215, San Antonio, Texas 78213.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 3114, Federal Building, 500 Gold Avenue, S.W., P.O. Box 1428, Albuquerque, New Mexico 87103.
U.S. Department of Labor, Occupational Safety and Health Administration, 1627 Main Street, Room 1100, Kansas City, Missouri 64108.
U.S. Department of Labor, Occupational Safety and Health Administration, 210 North 12th Boulevard, Room 554, St. Louis, Missouri 63101.
U.S. Department of Labor, Occupational Safety and Health Administration, Petroleum Building, 221 South Broadway Street, Suite 312, Wichita, Kansas 67202.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 648, 210 Walnut Street, Des Moines, Iowa 50309.
U.S. Department of Labor, Occupational Safety and Health Administration, City National Bank Building, Harney and 16th Street, 803, Omaha, Nebraska 68102.
U.S. Department of Labor, Occupational Safety and Health Administration, 113 West 6th Street, North Platte, Nebraska 69101.
U.S. Department of Labor, Occupational Safety and Health Administration, 8527 W. Colfax Avenue, Lakewood, Colorado 80215.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 525, Petroleum Building, 2812 1st Avenue, North Billings, Montana 59101.
U.S. Department of Labor, Occupational Safety and Health Administration, Russell Building, Highway 83 North, Bismarck, North Dakota 58501.
U.S. Department of Labor, Occupational Safety and Health Administration, Court House Plaza Building, Room 408, 300 North Dakota Avenue, Sioux Falls, South Dakota 57102.
U.S. Department of Labor, Occupational Safety and Health Administration, Executive Building, Suite 309, 455 East 4th Street, South, Salt Lake City, Utah 84111.
U.S. Department of Labor, Occupational Safety and Health Administration, 100 McAllister Street, Room 1706, San Francisco, California 94102.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 318, Amerco Towers, 2721 North Central Avenue, Phoenix, Arizona 85004.
U.S. Department of Labor, Occupational Safety and Health Administration, 333 Queen Street, Suite 505, Honolulu, Hawaii 96813.
U.S. Department of Labor, Occupational Safety and Health Administration, 1100 E. William Street, Suite 222, Carson City, Nevada 89701.
U.S. Department of Labor, Occupational Safety and Health Administration, Hartwell Building, Room 401, 19 Pine Avenue, Long Beach, California 90802.
U.S. Department of Labor, Occupational Safety and Health Administration, 121—107th Street, NE., Bellevue, Washington 98004.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 227, 605 West 4th Avenue, Anchorage, Alaska 99501.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 526, Pittock Block, 921 SW. Washington Street, Portland, Oregon 97205.
U.S. Department of Labor, Occupational Safety and Health Administration, 1319 W. Idaho Street, Boise, Idaho 83702.

The draft technical standards will also be available for inspection and copying at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW, National Institute for Occupational Safety and Health, Room 10-A22, 5600 Fishers Lane, Rockville, Maryland.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 1114 Commerce Street, Room 1612, Dallas, Texas 75202.
U.S. Department of HEW, National Institute for Occupational Safety and Health, P.O. Box 13716, Philadelphia, Pennsylvania 19108.
U.S. Department of HEW, National Institute for Occupational, Safety and Health, 9017 Federal Building, 19th and Stout Streets, Denver, Colorado 80202.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 50 Seventh Street, N.E., Atlanta, Georgia 30323.
U.S. Department of HEW, National Institute for Occupational Safety and Health, Arcade Building, 1321 Second Street, Seattle, Washington 98101.
U.S. Department of HEW, National Institute for Occupational Safety and Health, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 26 Federal Plaza, New York, New York 10007.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 601 East 12th Street, Kansas City, Missouri 64106.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 223 Federal Office Building, 50 Fulton Street, San Francisco, California 94102.

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U.S. Department of HEW, National Institute for Occupational Safety and Health, 300 South Wacker Drive, Chicago, Illinois 60607.

It is anticipated that standards for the above listed substances will be proposed by OSHA in the near future. At that time, a formal comment period will be provided for the proposals. However, interested persons wishing to submit written data, views, and arguments on the draft technical standards at this time may submit them to the Docket Officer, Standards Completion Project, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3620, 200 Constitution Avenue NW., Washington, D.C. 20210. Comments on Set G should be directed to Docket SCP–7. Those for Set H should be directed to Docket SCP–8. The communications will be available for public inspection and copying at the above location. Information submitted in response to the Notice of Intent to Prepare an Environmental Impact Statement, published in the FEDERAL REGISTER on September 20, 1974 (39 FR 33943), need not be resubmitted.

Signed at Washington, D.C., this 30th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75–29576 Filed 11–3–75;8:45 am]

Office of Employee Benefit Security

ANNUAL RETURN/REPORT FORMS

Extension of Comment Period

In the FEDERAL REGISTER of September 30, 1975, (40 FR 45134) the Department of Labor and the Department of the Treasury, Internal Revenue Service, published the proposed annual return/report forms to be filed by a plan administrator of an employee pension or welfare benefit plan or an employer as required by section 104 of the Employee Retirement Income Security Act of 1974 and section 6058(a) of the Internal Revenue Code of 1954. As a result of the large number of comments received on the forms, including numerous requests for an extension of the comment period, and further consideration of some of the issues raised in the forms and instructions, the period for commenting on the proposed forms is hereby extended. The notice accompanying the publication of the proposed forms provided for a comment period closing on October 30, 1975; however, this period is now extended until November 19, 1975.

In addition to recommendations regarding the proposed forms and instructions, the Department of Labor is soliciting comments on an additional issue. In light of further consideration of the reporting requirements for small plans, the Department of Labor is considering requiring that all plans regardless of size (contrary to the instructions printed with the proposed forms), engage an independent qualified public accountant to conduct an audit of the plan's books and records and prepare an opinion as required under section 103(a)(3)(A) of the Act.

Copies of the FEDERAL REGISTER issue containing the proposed forms may be obtained by writing or calling Distribution Manager A:FM:P, Room 1237, Internal Revenue, Building, 1111 Constitution Avenue NW., Washington, D.C. 20224, Telephone (202) 964–3132, or Public Information Office, Room N5641, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20216, Telephone (202) 523–7408.

Three copies of any comments or recommendations should be sent to the Chairman, Tax Forms Coordinating Committee, Room 1515, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

Issued in Washington, D.C., this 31st day of October 1975.

JAMES D. HUTCHINSON,
Administrator for Pension and Welfare Benefit Programs.

ALVIN D. LURIE,
Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service.

[FR Doc.75–29671 Filed 11–3–75;8:45 am]

Office of the Secretary

[TA–W–119]

ANACONDA CO., HASTINGS-ON-HUDSON, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–119: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1975 in response to a worker petition received on August 25, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing copper wire and cable at the Hastings-on-Hudson, New York plant of the Wire and Cable Division, Anaconda Company, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 40887) on September 4, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Anaconda Company, its customers, U.S. International Trade Commission, the Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 36.8 percent in the first half of 1975 compared to the like period in 1974. Employment of production workers ceased in June 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Hastings-on-Hudson plant declined 38.5 percent in the first half of 1975 compared to the first half of 1974. Sales declined 64.4 percent in the first half of 1975 compared to the first half of 1974. Production at the plant ceased in June 1975.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of insulated power wire and cable like or directly competitive with that produced at the Hastings-on-Hudson plant have decreased, relative to domestic consumption and production, from 15.0 percent and 17.2 percent respectively in 1970 to 4.3 percent and 4.4 percent respectively in 1974. The ratios of imports of all insulated wire and cable to domestic production and consumption declined from less than 3 percent in 1970 to less than 2 percent in 1974.

Mayor customers of the Hastings-on-Hudson plant, primarily electric utility companies, reduced purchases of the major product of that plant, paper-insulated power cable, due to adverse domestic economic conditions. No customers transferred purchases of copper wire and cable from domestic manufacturers to foreign producers.

When sales of the major products manufactured at Hastings-on-Hudson declined due to adverse domestic economic conditions, Anaconda Company closed that plant, ceased production of major product lines of power cable, and transferred remaining product lines to other domestic facilities.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with copper wire and cable produced at the Hastings-on-Hudson plant of the Wire and Cable Division, Anaconda Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 24th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75–29577 Filed 11–3–75;8:45 am]

[TA–W–123]

CLAROSTAT MANUFACTURING CO., ORANGE, VA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–123; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1975 in response to a worker petition received on that date which was filed by the International Union of Electrical Radio and Machine Workers on behalf of workers formerly producing fixed and variable resistors at the Orange, Virginia plant of the Clarostat Manufacturing Company of Dover, New Hampshire.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 40887) on September 4, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Clarostat Manufacturing Company, its customers, the Department of Comerce, U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

A significant number or proportion of the workers at the Orange, Virginia plant of Clarostat Manufacturing Company became totally or partially separated in the fourth quarter of 1974 and in the first half of 1975. Employment declined 41 percent in the fourth quarter of 1974 compared to the same period in 1973. Employment declined 51 percent in the first quarter of 1975 compared to the same period in 1974. The plant closed in April 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of fixed and variable resistors at the Orange, Virginia plant declined 13 percent and 61 percent, respectively from 1973 to 1974. Production of fixed and variable resistors declined 37 percent and 71 percent, respectively in the first quarter of 1975 compared to the first quarter of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with those produced at the Clarostat Manufacturing Company's Orange, Virginia plant increased in recent years. In 1975 the Clarostat Manufacturing Company began importing electrical products like those made at Clarostat's Orange, Virginia facility.

Imports of fixed and variable wirewound resistors increased from 9.0 million units and 18.5 million units respectively, in 1973 to 18.0 million units and 47.0 million units, respectively in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of fixed and variable wirewound resistors was caused by the increase of competitive imports and by the transfer of production from the Orange, Virginia plant to an offshore facility. The company closed its Orange, Virginia plant because it could not compete at a profitable level with imports. The company transferred its production of fixed and variable wirewound resistors offshore to reduce production costs and remain price-competitive with imports. Offshore production began in September 1974. Company imports were received beginning in April 1975 and increased through September 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with those produced at the Orange, Virginia plant of the Clarostat Manufacturing Company were the major factor contributing importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers of the Clarostat Manufacturing Company's Orange, Virginia plant who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 24th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75–29579 Filed 11–3–75;8:45 am]

[TA–W–122]

KAY-TOWNES, INC., ROME, GA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–122: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1975 in response to a worker petition received on August 25, 1975 which was filed by the International Union of Radio, Electrical and Machine Workers on behalf of workers formerly producing antennas and antenna related components at the Romefi Georgia plant of Kay-Townes, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 40889) on September 4, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kay-Townes, Incorporated, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

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SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 56 percent in the first half of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Rome plant of Kay-Townes, Incorporated declined 33 percent in the first half of 1975 compared to the first half of 1974. Production declined 57 percent in the first half of 1975 compared to the first half of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

A survey of domestic antenna producers and Kay-Townes major customers revealed that there are no known imports of antennas like or directly competitive with those produced by Kay-Townes, Inc.

Evidence developed in the Department's investigation indicates that separations at the Kay-Townes plant of workers producing antennas and antenna related components resulted from decreased orders due to depressed economic conditions. Over 90 percent of production at Kay-Townes consists of antennas and antenna related components.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with antennas produced at Kay-Townes, Incorporated did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 24th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-29578 Filed 11-3-75;8:45 am]

[TA-W-118]

JAYSON SHOE MANUFACTURING COMPANY, INC., BIRCH TREE, MO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-118; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1975 in response to a worker petition received on August 25, 1975 which was filed by workers formally producing infants and children's footwear at the Birch Tree, Missouri plant of Jayson Shoe Manufacturing Company, Inc., Clayton, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 F.R. 40888) on September 4, 1975. No public hearings was requested and none was held.

In information upon which the determination was made was obtained principally from officials of Jayson Shoe Manufacturing Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers employed by Jayson Shoe declined 14 percent from 1973 to 1974 and declined 35 percent in the first 7 months of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of footwear produced by Jayson Shoe declined 30 percent from 1973 to 1974 and declined 33 percent in the first 7 months of 1975 compared to the like period in 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with children's and misses' footwear, which represented approximately 90 percent of the firms' production, increased as a ratio to domestic consumption and production from 27.9 percent and 38.7 percent respectively in 1970 to 37.8 percent and 60.7 percent respectively in 1974.

The evidence developed in the Department's investigation indicates that increased import competition contributed importantly to the closing of the Birch Tree plant and the Jayson Shoe Manufacturing Company headquarters in Clayton, Missouri. Since 1972 several major customers reduced their purchases from Jayson Shoe and switched to lower-priced, more popularly styled imported shoes. The company ceased all production at its Birch Tree plant and closed the Clayton office because it could not compete at a profitable level with imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's and misses' footwear produced at the Birch Tree plant of Jayson Shoe Manufacturing Co., Inc. contributed importantly to the total or partial separation of the workers of that plant and of the company's headquarters staff. In accordance with the provisions of the Act, I make the following certification:

All hourly and piecework workers engaged in employment related to the production of footwear at the Birch Tree, Missouri plant of Jayson Shoe Manufacturing Company, Incorporated who became totally or partially separated from employment on or after October 3, 1974 and all hourly and salaried workers at the Clayton, Missouri headquarters of Jayson Shoe Manufacturing Company's engaged in support activities related to the production of footwear at the Birch Tree plant who became totally or partially separated from employment on or after March 29, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 24th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-29580 Filed 11-3-75;8:45 am]

[TA-W-121]

MURATA MANUFACTURING CORP., ROCKMART, GA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-121; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1975 in response to a worker petition received on August 25, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing ceramic capacitors at the Rockmart, Georgia plant of Murata Manufacturing Corporation.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 40889) on September 4, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Murata Manufacturing Corporation, its customers, industry analysts, information and publications of the U.S. Department of Commerce, the U.S. International Trade Commission, the Electronics Industry Association, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 13 percent in the last half of 1974 compared to the like period in 1973. The average number of production workers declined 74 percent in the first half of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Rockmart plant of Murata Manufacturing Corporation declined 32 percent by quantity in the fourth quarter of 1974 compared to the third quarter of 1974. Production declined 55 percent by quantity in the first half of 1975 compared to the first half of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with those produced at the Rockmart plant increased from 1,021 million units in 1973 to 1,110 million units in 1974. In the context of declining demand for fixed ceramic capacitors that developed in 1974, imports which sold at a substantially lower price than domestic output increased their share of the U.S. market. The ratios of imports to domestic production and consumption increased from 38.6 percent and 28.4 percent, respectively in 1973 to 50.9 percent and 34.5 percent, respectively in 1974.

Company imports in the third quarter of 1974 comprised 51 percent of total Murata capacitor supplies in the United States. In the first and second quarters of 1975 imports increased to 69 percent and 82 percent, respectively of total Murata capacitor supplies in the United States.

The evidence developed by the Department's investigation indicates that the separation of workers engaged in employment related to the production of fixed ceramic capacitors was caused by the increase of competitive imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fixed ceramic capacitors produced at the Rockmart plant contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than 6 months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers engaged in employment related to the production of fixed ceramic capacitors at the Rockmart, Georgia plant of Murata Manufacturing Corporation who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23d day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-29581 Filed 11-3-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 905]

ASSIGNMENT OF HEARINGS

OCTOBER 30, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-12343, National Machinery Haulers, Inc.—Purchase—Larry L. Fenner Transport, Inc. and MC 140504 National Machinery Haulers, Inc., now assigned November 4, 1975 is canceled and the application is dismissed.

MC 113362 Sub 283, Ellsworth Freight Lines, Inc., now assigned November 4, 1975 at New York, New York, is canceled and the application is dismissed.

F.D. 28008, Chicago, Milwaukee, St. Paul & Pacific Railroad Company—Discontinuance of Train Nos. 2118 and 2125—Between Walworth, Wisconsin and Solon Mills, Illinois, now being assigned December 9, 1975 (2 days) at Chicago, Illinois and continued to December 11, 1975 (8:00 P.M. Local Time) at Walworth, Wisconsin; in hearing rooms to be designated later.

MC 110563 Sub 151, Coldway Food Express, Inc.; MC 114273 Sub 231, CRST, Inc.; MC 114284 Sub 65, Fox Smythe Transportation Co., Inc.; MC 117815 Sub 239, Pulley Freight Lines, Inc.; MC 118142 Sub 77, M. Bruenger & Co., Inc.; MC 118178 Sub 22, Bill Meeker; MC 119741 Sub 51, Green Field Transport Company, Inc.; MC 127042 Sub 153, Hagen, Inc.; MC 127304 Sub 12, Clear Water Truck Company, Inc.; MC 134755 Subs 49, 50, 52, Charter Express, Inc.; and MC 136786 Sub 73, Robco Transportation, Inc., now assigned November 3, 1975 at Wichita, Kansas, will be held in *Room 406, Bankruptcy Courtroom, Federal Building, 3rd and Market Streets*, instead of at the *Internal Revenue Service Building, Rooms 118 & 120, South Main St.*

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29628 Filed 11-3-75;8:45 am]

[Notice 906]

ASSIGNMENT OF HEARINGS

OCTOBER 30, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

No. AB 26 Sub 4, Southern Railway Company Abandonment Between Williamson and Robert, In Pike Lamar, Upson, Monroe and Crawford Counties, Georgia now being assigned January 15, 1976 (2 days), at Griffin, Ga.; in a hearing room to be later designated; instead of January 15, 1975.

MC-140389 Sub 2, Osborn Transportation, Inc., now assigned January 19, 1976 (1 week), at Atlanta, Ga.; in a hearing room to be later designated; instead of January 19, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29629 Filed 11-3-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 30, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before November 19, 1975.

FSA No. 43068—*Insulating Material from Fruita, Colorado.* Filed by Western

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Trunk Line Committee, Agent, (No. A–2718), for interested rail carriers. Rates on insulating material, viz.: calcium silicante and fibre combined, in carloads, as described in the application, from Fruita, Colorado, to points in Illinois, Indiana, Kentucky, and western trunkline territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 10 to Western Trunk Line Committee, Agent, tariff W–200–E, I.C.C. No. A–4936. Rates are published to become effective on November 28, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–29630 Filed 11–3–75;8:45 am]

[Notice 108]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 4, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 24, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75874. By order of October 7, 1975, the Motor Carrier Board approved the transfer to Michael L. Wherley, doing business as Leonard's Moving and Storage, York, Pa., of portion of Certificate No. MC 1540 issued July 27, 1965, to J. D. Leonard, Inc., York, Pa., authorizing the transportation of household goods, between York, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Maryland, Delaware, New York, New Jersey, and the District of Columbia; and between York, Pa., and points within 25 miles thereof, other than Harrisburg and Lancaster, Pa., on the one hand, and, on the other, points in Virginia, West Virginia, Ohio, Michigan, Indiana, and Illinois. Christain V. Graff, 407 North Front St., Harrisburg, Pa. 17101, attorney for applicants.

No. MC–FC–75925. By order of October 29, 1975, the Motor Carrier Board approved the transfer to Nathan's Express Co., Inc., Providence, R.I., of Certificate No. MC 93422 (Sub-No. 2) issued May 8, 1952, to Nathan Slobodinsky, Hattie Rice, Executrix, D/B/A Nathan's Express, Providence, R. I., authorizing the transportation of cotton piece goods from Webster, Mass., to Providence, R.I. Leo J. Daily, Nolan & Daily, 70 Main St., Coventry, R.I. 02816, attorney for applicants.

No. MC–FC–76030. By order entered October 20, 1975, the Motor Carrier Board approved the transfer to Thomas Frank Keltner, doing business as Keltner Van and Storage Co., Lancaster, Calif., of the operating rights set forth in Certificate No. MC 135366, issued December 28, 1971, to Charles E. Postle, doing business as Rosamond Van & Storage, Rosamond, Calif., authorizing the transportation of used household goods, between specified points in California, subject to certain restrictions. Thomas F. Keltner, 44952 North Yucca Ave., Lancaster, Calif. 93534, for transferee and Charles Edwin Postle, 2828 Sierra Highway, Rosamond, Calif. 93560, for transferor.

No. MC–FC–76118. By order of October 29, 1975, the Motor Carrier Board approved the transfer to Lou Bole Carpet Carriers, Inc., Brooklyn, N.Y., of the operating rights in Certificate No. MC 138065 (Sub-No. 2) issued August 1, 1975, to Louis Bologna, doing business as Lou Bole Carpet Carriers, Brooklyn, N.Y., authorizing the transportation of floor covering, and materials, supplies, and equipment used in the installation thereof, except commodities in bulk, between New York, N.Y., on the one hand, and, on the other, points in Rockland and Westchester Counties, N.Y., Fairfield County, Conn., and a specified portion of New Jersey. Michael R. Werner, 2 West 45th Street, New York, N.Y. 10036, attorney for applicants.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–29627 Filed 11–3–75;8:45 am]

[Notice 124]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 30, 1975.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 276TA), filed October 20, 1975. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, Mo. 64106. Applicant's representative: Rodger J. Walsh, Suite 1200, Temple Bldg., 903 Grand Ave., Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from Buffalo and Geneseo, N.Y., to Crosby, Laredo, and Odessa, Tex.; and from Crosby, Tex., to Buffalo and Geneseo, N.Y., for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lucidol Division, Pennwalt Corporation, 1740 Military Road, Buffalo, N.Y. 14240. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 11727 (Sub-No. 7TA) (Correction), filed July 9, 1975, published in the FEDERAL REGISTER issue of July 25, 1975, and republished as corrected this issue. Applicant: JAMES H. RUSSELL, INC., 3 Rocky Hill Road, Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles and accessories therefor*, from Cliffwood, N.J., to Merrimack, N.H., and from Cartaret and Jersey City, N.J. to Nashua and Merrimack, N.H., for 180 days. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: Gerald H. Curry, District Supervisor, 187 Westminister St., Providence, R.I. 02903. The purpose of this republication is to correct the territorial description.

No. MC 87909 (Sub-No. 22TA), filed October 20, 1975. Applicant: ARROW MOTOR FREIGHT LINE, INC., 2707 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: John P. Rhodes, 2125 Commercial St., Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular routes between Marshalltown, Iowa, Junctions Iowa Highways 14 and 175, and Eldora, Iowa, serving no intermediate points, from Marshalltown, Iowa over Iowa Highway 14 to junction Iowa Highway 175, thence over Iowa Highway 175 to Eldora, Iowa and return over the same route serving Marshalltown, Iowa in conjunction with carriers existing authorized operations, restricted to transportation of shipments interlined with Takin Bros. Freight Line, Inc., which have originated at or are destined to points outside Iowa, and to shipments originating in Marshalltown, Iowa destined to points outside Iowa presently served by carrier, in direct or interline service. (Purpose of this application is to allow carrier to interchange and originate shipments at Marshalltown, Iowa now exchanged with Takin Bros. Freight Line, Inc., at other points on its existing routes), for 180 days. Supporting shipper: Takin Bros. Freight Line, Inc., P.O. Box 5000, 2125 Commercial St., Waterloo, Iowa 50704. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 107478 (Sub-No. 20TA), filed October 15, 1975. Applicant: OLD DOMINION FREIGHT LINE, P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: Francis W. McInerny, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Agricultural *machinery and articles* used in the farming and forestry industries, from Tarboro, N.C., to points in North Dakota, South Dakota, Nebaska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Minnesota, Wisconsin, Iowa, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, with no transportation from compensation on return except as otherwise authorized; and (b) *Materials* and *supplies* used in the manufacture of agricultural machinery and articles used in the farming or forestry industries, (except commodities in bulk, in tank vehicles), from points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tenessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, to Tarboro, N.C. Restriction: Said authority is restricted to the transportation of shipments originating at or destined to the plantsites or storage facilities of the Long Manufacturing Company at Tarboro, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Long Manufacturing Company, Inc., P.O. Box 1139, Tarboro, N.C. 27886. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 111401 (Sub-No. 453TA), filed October 20, 1975. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., Enid, Okla. 73701. Applicant's representative: Victor R. Comstock, P.O. Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic* soda, in bulk, from Houston, Tex., to Laredo, Tex., and Brownsville, Tex., for export into Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: ICC Solvent Chemical Sales Corp., E. M. Vogel, Regional Manager, 3701 Kirby St., 828, Houston, Tex. 77006. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 112822 (Sub-No. 391TA), filed October 20, 1975. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, cooking oils, animal litter, bleaching, cleaning, laundry and scouring compounds, and related materials and supplies*, when moving in mixed loads (except commodities in bulk), from the plantsite and facilities of The Clorox Company, at or near Houston, Tex., to the plantsites and facilities of The Clorox Company, at or near Atlanta, Ga., Kansas City, Kans., and Tampa, Fla., for 180 days. Supporting shipper: The Clorox Company, Beverly R. Mitchell, Asst. T.M., 7901 Oakport St., Oakland, Calif. 94621. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 114569 (Sub-No. 126TA), filed October 15, 1975. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, equipment and machinery*, used in the manufacturing, production, distribution or sale of, and moving in mixed loads with, *confectionery, cocoa, chocolate, and products related thereto* (except in bulk), in vehicles equipped with mechanical refrigeration, from Derry Township, Dauphin County, Pa., to Oakdale, Calif., restricted to traffic originating at Derry Township, Dauphin County, Pa., and destined to the facilities of Hershey Foods Corporation, at Oakdale, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hershey Foods Corporation, 19 E. Chocolate Ave., Hershey, Pa. 17033. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 114569 (Sub-No. 127TA), filed October 17, 1975. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motorcycles, recreational vehicles and machines, accessories and parts*, and (2) *Equipment, materials and supplies* used in the manufacture, distribution or sale of the commodities named in (1) above (except commodities in bulk), moving in both shipper or carrier-owned trailers, between Lincoln, Nebr., on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, South Dakota, North Dakota, Wyoming, Colorado, New Mexico, and Arizona, restricted to traffic moving from or to facilities utilized by Kawasaki Motors Corp., U.S.A., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kawasaki Motors Corp., U.S.A., 1062 McGaw Ave., Santa Ana, Calif. 92705. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 116063 (Sub-No. 141TA), filed October 20, 1975. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2929 West Fifth St., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from the facilities of Wilson & Co., Inc., at Oklahoma City, Okla., to Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilson & Co., Inc., 4545 North Lincoln Blvd., Oklahoma City, Okla. 73105. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, Tex 76102.

No. MC 116740 (Sub-No. 7TA), filed October 20, 1975. Applicant: LEE N. HICKOX, Box 134, Flora, Ill. 62839. Applicant's representative: Robert T. Law-

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ley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden barrel staves and heading*, from Fulton, Ill., to Louisville, Ky., for 180 days. Supporting shipper: Wayne Franklin, Director of Traffic, Blue Grass Cooperage Company, a Division of Brown-Forman Distillers Corp., 850 Dixie Highway, Louisville, Ky. 40210. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 119767 (Sub-No. 333TA), filed October 20, 1975. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and warehouse facilities of Jeno's, Inc., at or near Sodus, Mich., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Avenue South, Duluth, Minn. 55802. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 120364 (Sub-No. 7TA), filed October 15, 1975. Applicant: A & B FREIGHT LINE, INC., 2800 Falund St., Rockford, Ill. 61109. Applicant's representative: Robert M. Kaske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration machines, equipment and parts*, from the plantsite of Imeco Co., located at Polo, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Nosth Dakota, South Dakota, and Wisconsin, with *materials and supplies* on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Imeco Co., Vincent Dresden, Plant Manager, Polo, Ill. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128024 (Sub-No. 10TA), filed October 20, 1975. Applicant: MORGAN PORTABLE BUILDING TRANSPORT CORP., 10540 N. Central Expressway, Dallas, Tex. 75231. Applicant's representative: Dean Madden (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings*, on vehicles with power equipment and winches, between points in Texas, Arkansas, Oklahoma, Louisiana, and Mississippi, on the one hand, and, points in Alabama, Arizona, California, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Missouri, New Mexico, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia on the other. Restriction: Operations are limited to transportation service to be performed under a continuing contract or contracts with Morgan Portable Building Corp., of Dallas, Tex., and its affiliate, Morgan Dallas Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morgan Portable Building Corp., and Morgan-Dallas Corporation, 19540 N. Central Expressway, Dallas, Tex. 75231. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 128246 (Sub-No. 10TA), filed October 14, 1975. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box AD, Watsonville, Calif. 90270. Applicant's representative: Michael P. Groom, 500 The Swenson Bldg., 777 North First St., San Jose, Calif. 95112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed meats*, in vehicles equipped with mechanical refrigeration, from the plantsite of Made-Rite Sausage, Inc., located at or near Sacramento, Calif., to the distribution center of Made-Rite Sausage, Inc., located at or near Eugene, Oreg. Applicant intends to tack its existing authority with MC 128246 (Sub-No. 6), that portion which authorizes transportation from Sacramento, Calif., to Medford, Oreg., for Made-Rite Sausage, Inc., to enable applicant to stop intransit at Medford for partial unloading on shipments moving to final destination at Eugene, Oreg., under a continuing contract with Made-Rite Sausage, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Made-Rite Sausage, Inc., 3353 Second Ave., Sacramento, Calif. 95817. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 129759 (Sub-No. 11TA), filed October 15, 1975. Applicant: TRIANGLE TRUCKING CO., P.O. Box 490, McKees Rocks, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Post tension strand*, from Springfield, Va., to points in South Carolina, restricted to traffic moving under a continuing contract with Atlas Prestressing Corp., Springfield, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Atlas Prestressing Corp., 7954 Cameron Brown Ct., Springfield, Va. 22153. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 134477 (Sub-No. 95TA), filed October 15, 1975. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and warehouse facilities of Jeno's, Inc., at or near Sodus, Mich., to points in Arkansas, Connecticut, Delaware, the District of Columbia, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Jeno's, Inc., P.O. Box 5609, Duluth, Minn. 55806. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135221 (Sub-No. 2TA), filed October 20, 1975. Applicant: DICK SIMON TRUCKING, INC., 3700 South 4355 West, Salt Lake City, Utah 84120. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles* distributed by meat packinghouses as described in Sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Fillmore, Utah, to Los Angeles, Calif., and the Los Angeles, Calif., Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Utah Beef Packers, Inc., Box 398, Fillmore, Utah. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 135352 (Sub-No. 6 TA), filed October 17, 1975. Applicant: LITTLE DUTCH LINES, INC., 1111 North Prairie St., Pella, Iowa 50219. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles*, distributed by meat packinghouses (except commodities in bulk and hides), from Pella, Iowa, to points in Iowa, Illinois, Kansas, Missouri, Michigan, Nebraska, and Wisconsin, under a continuing contract or contracts with Pella Packing, Inc., for 180 days. Supporting shipper: Pella Packing, Inc., R.R. 2, Pella, Iowa 50219. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 136166 (Sub-No. 20TA), filed October 20, 1975. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo

Park, Calif. 94026. Applicant's representative: Robert M. Bowden, Western Traffic Service, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from Burlingame, Calif., to Chicago, Ill.; Dallas, Tex.; Detroit, Mich.; Indianapolis, Ind.; Omaha, Nebr.; and St. Louis, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Guittard Chocolate Company, No. 10 Guittard Road, Burlingame, Calif. 94010. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 136343 (Sub-No. 60TA), filed October 20, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Components for manufactured housing* (except commodities in bulk), between the facilities of ADM Industries, Inc., at Elkhart, Inc., on the one hand, and, on the other, Port Trevorton, Pa., and Hayleville, Ala., for 180 days. Supporting shipper: ADM Industries, Inc., P.O. Box 185, Elkhart, Ind. Send protests to: Robert P. Ameriine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 136375 (Sub-No. 9TA), filed October 15, 1975. Applicant: DONCO CARRIERS, INC., 641 N. Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: William L. Peterson, 401 N. Hudson, Suite 200, P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, household and industrial cleaning products, insect control products, air fresheners, starches, brooms, brushes, mops, germicides, and promotional materials*, (except commodities in bulk), from Great Bend and Larned, Kans., to Birmingham, Huntsville, Mobile and Montgomery, Ala.; Flagstaff, Phoenix and Tucson, Ariz.; Fort Smith and Little Rock, Ark.; Los Angeles, Sacramento, San Diego and San Francisco, Calif.; Boulder, Denver and Grand Junction, Colo.; Hartford, New Haven and Stamford, Conn.; Wilmington, Del.; the District of Columbia; Jacksonville, Miami, Orlando and Tampa, Fla.; Atlanta and Columbus, Ga.; Boise and Pocatello, Idaho; Chicago, East St. Louis and Peoria, Ill.; Davenport and Des Moines, Iowa; Lexington and Louisville, Ky.; New Orleans and Shreveport, La.; Bangor and Portland, Maine; Baltimore, Md.; Boston and Springfield, Mass.; Duluth, Minneapolis and St. Paul, Minn.; Gulfport and Jackson, Miss.; Kansas City, St. Louis and Springfield, Mo.; Billings and Great Falls, Mont.; Grand Island, Nebr.; Carson City and Las Vegas, Nev.; Manchester, N.H.; Camden, Newark, Paterson and Trenton, N.J.; Alamogordo and Albuquerque, N. Mex.; Albany, Buffalo, New York City and Syracuse, N.Y.; Charlotte and Raleigh, N.C.; Fargo and Minot, N. Dak.; Cleveland, Ohio; Eugene and Portland, Oreg.; Erie, Harrisburg, Philadelphia, Scranton and Pittsburgh, Pa.; Providence, R.I.; Charleston and Columbia, S.C.; Rapid City and Sioux Falls, S. Dak.; Chattanooga, Knoxville, Memphis and Nashville, Tenn.; El Paso and San Antonio, Tex.; Salt Lake City, Utah; Burlington and Rutland, Vt.; Richmond and Roanoke, Va.; Seattle and Spokane, Wash.; Charleston and Wheeling, W. Va.; Eau Claire, Green Bay and Milwaukee, Wis.; and Cheyenne, Wyo.; and

(2) *Equipment, materials and supplies* used or useful in the manufacture, sale and distribution of the commodities in (1) above (except commodities in bulk), from points in Texas, Louisiana, Mississippi, Missouri, Illinois, Michigan, Georgia, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and Vermont, to Great Bend, Kans., parts (1) and (2) are restricted to the movement of traffic either originating at or destined to the facilities of the Fuller Brush Company, located at Great Bend, Kans., under a continuing contract with Fuller Brush Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bruce Brown, Manager of Distribution and Traffic, Fuller Brush Company, Niles, Ill. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 136524 (Sub-No. 3TA), filed October 17, 1975. Applicant: DOWNTOWN STORAGE COMPANY, 812 Live Oak, Houston, Tex. 77003. Applicant's representative: Paul D. Angenend, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Houston, Tex., on the one hand, and, on the other, points in Brazoria, Galveston and Matagorda Counties, Tex., under a continuing contract or contracts with Western Electric Company, Inc., of Ballwin, Mo., for 180 days. Supporting shipper: Western Electric Company, Inc., 1111 Woods Mill Road, Ballwin, Mo. 63001. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, Room 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 138274 (Sub-No. 22TA), filed October 14, 1975. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 N. Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 360 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles* distributed by meat packing houses as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite of Flavorland Industries, Inc., at West Fargo, N. Dak., to Watsonville, Los Angeles, Fresno, Salinas, San Francisco, Oakland, and San Jose, Calif., and respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flavorland Industries, Inc., Box 337, West Fargo, N. Dak. 58078. Send protests to: Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 139439 (Sub-No. 1TA), filed October 20, 1975. Applicant: WILLIAM EDWARDS, INC., P.O. Box 938, Verona, Va. 24482. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn*, from the plantsite of United Yarn Products, Co., Inc., at Staunton, Va., to Asheboro, Burlington, Eden, Edenton, Gibsonville, Stanfield, Hickory, Kings Mountain and Kinston, N.C., and Spring City, Tenn., and (2) *Beams and pallets*, from Asheboro, Burlington, Stanfield, Eden, Edenton, Gibsonville, Hickory, Kings Mountain and Kinston, N.C., and Spring City, Tenn., to the plantsite of United Yarn Products Co., Inc., at Staunton, Va., under a continuing contract or contracts with United Yarn Products Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United Yarn Products Co., Inc., P.O. Box 512, Wayne, N.J. 07470. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave., S.W., Roanoke, Va. 24011.

No. MC 139697 (Sub-No. 2TA), (Correction), filed October 6, 1975, published in the FEDERAL REGISTER issue of October 21, 1975, and republished as corrected this issue. Applicant: EDWARD BRUCE WAGONER, doing business as DELIGHT TRANSPORTATION COMPANY, 1100 Dover Road, West Memphis, Ark. 72301. Applicant's representative: Morton E. Kiel, Suite 5 World Tade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as are dealt in by a manufacturer of garden tractors, and materials, supplies and equipment used in the conduct of such business (except commodities in bulk), between South Bend, Ind., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, West Virginia, Ohio, Kentucky, Tennessee, Illinois, Wisconsin, Missouri, Iowa,

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Michigan, Minnesota, Texas, New Mexico, Arizona, California, Alabama, Arkansas, Colorado, Florida, Kansas, Louisiana, Mississippi, and Oklahoma, under a continuing contract with Wheel Horse Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wheel Horse Products, Inc., 515 West Ireland Road, South Bend, Ind. 46614. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201. The purpose of this republication is to indicate the location of South Bend, Ind.

No. MC 141320 (Sub-No. 1TA), filed October 9, 1975. Applicant: UNITED STATES PRIORITY TRANSPORT CORPORATION, 6 Ray Court, Melville, N.Y. 11746. Applicant's representative: Martin D. Friedman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vethicle, over irregular routes, transporting: *Radiopharmaceuticals and medical test kits*, between Carlstadt and Newark International Airport, New Jersey and New York City, N.Y., on the one hand, and, on the other, New York City and the Counties of Westchester, Nassau, Suffolk, Sullivan, Rockland, Orange, Saratoga, Jefferson, Chenango, Onondaga, Otsego, Ulster, Cheming, Tioga, Oswego, Herkimer, Oneida, Schoharie, Schenectady, Montgomery, Albany, Clinton, Chautauqua, Dutchess, Putnam, Broome, Madison, Greene and Columbia, N.Y.; New Haven, Hartford, Fairfield, Litchfield, New London, Tolland, and Windham Counties, Conn.; Worchester, Suffolk, Hampden, Barnstable, Berkshire, Middlesex, Plymouth, Norfolk, Essex, and Bristol Counties, Mass.; Washington, Providence and Bristol Counties, R.I., under a continuing contract with Mallinckrodt, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mallinckrodt, Inc., 463 Barrell Ave., Carlstadt, N.J. Send protests to: Wesley J. Green, Transportation Specialist, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 141402 (Sub-No. 1TA), filed October 16, 1975. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 322, Lapel, Ind. 46051. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass jars, bottles, containers, caps, covers and skids*, from Lapel, Ind., to Fremont, Ohio, Louisville, Ky., Champaign, Chicago Commercial Zone and Plainfield, Ill., under a continuing contract or contracts with Brockway Glass Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brockway Glass Co., Inc., Lapel, Ind. Send protests to: Frances Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 141406 (Sub-No. 1TA), filed October 15, 1975. Applicant: COAST COUNTIES EXPRESS, INC., 3306 Glendale Blvd., Los Angeles, Calif. 90036. Applicant's representative: David P. Christianson, 825 City National Bank Bldg., 606 South Olive St., Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities which by reason of size or weight require the use of special equipment, and commodities in bulk), restricted to the transportation of shipments having a prior or subsequent movement by air, between points in Naval Air Station, Alameda, Calif.; Naval Air Station, North Island (San Diego), Calif.; Naval Air Station, Point Mugu, Calif.; McClellan Air Force Base, Sacramento, Calif.; Norton Air Force Base, San Bernardino, Calif.; and Travis Air Force Base, Fairfield, Calif., on the one hand, and, on the other, points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Department of the Air Force, 63rd Aerial Port Squadron/DPZT, Norton AFB, Calif. 92409. Sierra Army Depot, Herlong, Calif. 96113. Rockwell International Corporation, 3370 Miraloma Ave., Anaheim, Calif. 92803. Lockheed Missiles & Space Co., Inc., 1111 Lockheed Way, Sunnyvale, Calif. 94088. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141414 TA, filed October 15, 1975. Applicant: TOTO PURCHASING & SUPPLY CO., INC., 275 S. Highland, Las Vegas, Nev. 89106. Applicant's representative: W. Owen Nitz, 516 South Third St., Las Vegas, Nev. 89101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, on flat bed equipment, from points in Clark County, Nev., to points in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura Counties, Calif., for 180 days. Supporting shippers: The Flintkote Company, 1650 S. Alameda St., Los Angels, Calif. 90021. The Flintkote Company, Gypsum Products Division, 2201 E. Washington Blvd., Box 2312, Terminal Annex, Los Angeles, Calif. 90051. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza St., Carson City, Nev. 89701.

No. MC 141420 TA, filed October 16, 1975. Applicant: JOHN H. HETZER, 2101 36th St. Parkersburg, W. Va. 26101. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery parts for contractors, road building, mining and logging equipment*, from Indianapolis, Ind., to Belle and Parkersburg, W. Va., under a continuing contract or contracts with Cecil I. Walker Machinery Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cecil I. Walker Machinery Co., U.S. Route 60 East, Belle, W. Va. 25015. Send protests to: H. R. White, District Supervisor, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 141421 (Sub-No. 1TA), filed October 20, 1975. Applicant: GOTTLIEB W. BAUMANN, doing business as ACTION CONTRACT CARRIERS, 200 East North St., Prairie City, Iowa 50228. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Turlock, San Jose, Stockton and Modesto, Calif., to Des Moines, Iowa, under a continuing contract or contracts with Lomar Wholesale Grocery, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lomar Wholesale Grocery, Inc., 106 Jefferson, Des Moines, Iowa 50301. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 141422 TA, filed October 20, 1975. Applicant: FOREST PRODUCTS TRANSPORTATION, INC., Route 2, Hamilton, Ala. 35570. Applicant's representative: John Self, P.O. Box 597, Hamilton, Ala. 35570. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Untreated lumber*, from points in Mississippi south of Interstate 20 to Hamilton, Ala.; (2) *Woodchips*, from Hamilton, Ala., to Counce, Tenn.; and (3) *Lumber*, treated and untreated, from Hamilton, Ala., to points in Florida, Wisconsin, Tennessee, Kentucky, Illinois, Iowa, Michigan, Ohio, Missouri, Indiana, Georgia, Virginia, North Carolina, and South Carolina, under a continuing contract or contracts with W. T. Vick Lumber Company, for 180 days. Supporting shipper: W. T. Vick Lumber Company, Hamilton, Ala. 35570. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 141423 TA, filed October 20, 1975. Applicant: MATERIAL TRANSPORT COMPANY, 7370 N.W. 36th St., Miami, Fla. 33166. Applicant's representative: John W. McWhirter, Jr., 1915 Exchange Bank Bldg., Tampa, Fla. 33602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Cement blocks*, from the plantsites of Lehigh Portland Cement Company, in Medley, Orlando and Riviera Beach, Fla., on the one hand, and, on the other, points in Florida; (b) *Cement including mortar mix and any combination of dry cement with either lime and/or sand, gravel, and/or any other aggregate* to be transported in bulk, bags, boxes or any other type of containers, from the plantsites of Lehigh Portland Cement Company, in Duval, Orange and Dade Counties, to points in Florida; (c) *Cement including mortar mix and any other combination of dry cement with either lime, and/or sand, gravel, and/or any other aggregate*, to be transported in bulk, bags, boxes or any other type of containers, between points in Brevard and Broward Counties, Fla., on the one hand, and, on the other, points in Florida; (d) *Road building and construction aggregates*, between points in Florida; (2) *Cement blocks, cement including mortar mix* and any combination of dry cement with either lime and/or sand, gravel, and/or any other aggregate to be transported in bulk, bags, boxes or any other type of containers and road building and construction aggregates in interstate commerce, from the plantsites of Lehigh Portland Cement Company in Dade, Orange, Palm Beach and Duval Counties, Fla., to points in the state of Georgia lying on and south of U.S. Highway 82. Also interstate Commerce from the plantsites located in Brevard and Broward Counties, Fla., to points in the state of Georgia lying on and south of U.S. Highway 82, under a continuing or contracts with Lehigh Portland Cement Company, for 180 days. Cement Company, 1200 N.W. 137th Ave., Supporting shipper: Lehigh Portland Miami, Fla. 33144. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

PASSENGER APPLICATIONS

No. MC 126203 (Sub-No. 4TA), filed October 10, 1975. Applicant: EVERETT CHARTER SYSTEM, INC., 3131 Cedar St., 607 Third Ave., Seattle Wash. 98104. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg. 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in charter operations, between points in Snohomish, Island and Skagit Counties, Wash., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, Nex Mexico, Oregon, Utah, Washington and Wyoming, through points on the International Boundary line between the United States and Canada, at or near Blaine, Sumas and Lynden, Wash., restricted to traffic originating at or destined to points in British Columbia, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Senior Citizens, 2605 15th, Everett, Wash. Edmonds Community College, 16923 North Road, Bothell, Wash. Everett Community College, 801 Wetmore, Everett, Wash. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 141394 (Sub-No. 1TA), filed October 10, 1975. Applicant: ED BRIDGES, doing business as OZARK COACH LINE, P.O. Box 73, Bakersfield, Mo. 65609. Applicant's representative: Ed Bridges (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, newspapers and express*, between West Plains, South Fork, Hocomo, Caulfield, Tescumseh and Bakersfield, Mo., and Mountain Home, Ark., from West Plains, Mo., West over U.S. Highway 160 to its junction with Missouri Highway 101 at Caulfield, Mo., thence south on Missouri Highway 101, to the Missouri-Arkansas state line, thence south over Arkansas Highway 101 to its junction with U.S. Highway 62, thence west over U.S. Highway 62 to Mountain Home, Ark., and return over the same route, and from West Plains, Mo., west over U.S. Highway 160 to its junction with Missouri Highway 201, thence south over Missouri Highway 201 to the Missouri-Arkansas state line, thence south over Arkansas Highway 201 to Mountain Home, Ark., and return over the same route, and; from Caulfield, Mo., south over Missouri Highway 160 to its junction with Missouri-Arkansas state line, thence south over Arkansas Highway 101 to its junction with U.S. Highway 62, thence west over U.S. Highway 62 to Mountain Home, Ark., and return over the same route, service is authorized to all intermediate points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPERS: There are approximately 114 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 101 Walnut St., Kansas City, Mo. 64106.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29631 Filed 11-3-75;8:45 am]

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federal register

TUESDAY, NOVEMBER 4, 1975



PART II:

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Revocation, Redesignation and Issuance of Regulations

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Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER Y—INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT PROGRAMS

CONTRACTS AND GRANTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT; EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT

Revocation, Redesignation and Issuance of Regulations

OCTOBER 24, 1975.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 40982 of the September 4, 1975, FEDERAL REGISTER (40 FR 40982), there was published a notice of proposed rulemaking to amend Chapter I of Title 25 of the Code of Federal Regulations by revoking Part 33 under Subchapter E and by adding new Parts 401 through 407 under a new Subchapter Y. The amendment was proposed under the authority in the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638; 88 Stat. 2203).

I. REDESIGNATION

Parts 401 through 407 are being redesignated upon the request of the Office of the FEDERAL REGISTER because these Parts were incorrectly numbered when published as proposed regulations. The Office of the Federal Register has assigned only Parts 1 through 299 to Chapter I of Title 25 of the Code of Federal Regulations which can be issued by the Bureau of Indian Affairs. The Parts beginning with 300 on up are assigned to other Chapters and other offices. Since the Bureau cannot use Part numbers 401 through 407, these Parts are redesignated as follows:

A. Part 401 is redesignated as Part 271. Sections 401.1 through 401.26 are redesignated as §§ 271.1 through 271.26. A new § 271.27 is added and § 401.27 is redesignated as § 271.28. Remaining §§ 401.31 through 401.84 are redesignated as §§ 271.31 through 271.84.

B. Part 402 is redesignated as Part 272. Sections 402.1 through 402.55 are redesignated as §§ 272.1 through 272.55.

C. Part 403 is redesignated as Part 273. Sections 403.1 through 403.44 are redesignated as §§ 273.1 through 273.44. Section 403.45 is deleted. Sections 403.46 through 403.54 are redesignated as §§ 273.45 through 273.53. Remaining §§ 403.61 through 403.73 are redesignated as §§ 273.61 through 273.73.

D. Part 404 is redesignated as Part 274. Sections 404.1 through 404.53 are redesignated as §§ 274.1 through 274.53.

E. Part 405 is redesignated as Part 275. Sections 405.1 through 405.4 are redesignated as §§ 275.1 through 275.4.

F. Part 406 is redesignated as Part 276. Sections 406.1 through 406.16 are redesignated as §§ 276.1 through 276.16.

G. Part 407 is redesignated as Part 277. Sections 407.1 through 407.53 are redesignated as §§ 277.1 through 277.53.

The purpose of the regulations is to implement the Indian Self-Determination and Education Assistance Act. (Pub. L. 93–638; 88 Stat. 2203). Part 271 (formerly Part 401) contains regulations under which tribal organizations, upon the request of an Indian tribe, can contract for the operation of all or parts of authorized Bureau of Indian Affairs programs for the benefit of Indians and Alaska Natives. Under Part 272 (formerly Part 402), tribal governing bodies may receive grants for strengthening tribal governments; planning, training, evaluation, or other activities to improve a tribe's capacity to contract; acquiring land for those purposes; and planning, designing, monitoring, and evaluating Federal programs serving the tribe or Alaska Native group.

Under Part 273 (formerly Part 403), a State, school district, or Indian corporation may contract for supplemental programs or operational support for education. The regulaitons in Part 273 replace the regulations in Part 33 and reflect the changes made to the Johnson-O'Malley Act (the Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458, 25 U.S.C. 452–456) by the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638; 88 Stat. 2203). Tribal organizations can contract for supplemental programs or operational support for education under Part 271 upon the request of an Indian tribe.

Part 274 (formerly Part 404) contains regulations under which tribal organizations may receive contracts or services for school construction for previously private schools that are controlled or managed by an Indian tribe or tribal organization.

Part 275 (formerly Part 406) informs the Indian tribes of ways in which they can obtain the use of Government employees in operating all or parts of Bureau of Indian Affairs programs under contract.

Part 276 (formerly Part 406) contains the administrative requirements for grants available under Part 272. These administrative requirements are basically the same as those in Federal Management Circular 74–7 which applies to the administration of grants with States and local governments. Federal Management Circular 74–7 is being revised to also apply to Indian tribes.

Under Part 277 (formerly Part 407), a State education agency or school district may contract for acquiring sites for, or for constructing, acquiring, or renovating, school facilities needed for educating Indians residing on an Indian reservation or other trust land.

The regulations have been developed in consultation with national, regional, tribal, and Alaska Native organizations served by the Bureau of Indian Affairs.

Based on two series of nationwide Indian and Alaska Native consultation sessions, the Bureau of Indian Affairs has attempted to spell out clearly the regulatory requirements necessary to implement Pub. L. 93–638. A concerted effort has been made to incorporate into the regulations three principal perspectives: The intent of Congress and the President as reflected in the legislation; the continuing Federal responsibility and trust relationships toward Indian tribes; and the expressed wishes and desires of tribal and Alaska Native leaders and members. The Bureau of Indian Affairs believes that such a posture has been achieved in these regulations.

Public Law 93–638 is a significant piece of legislation for Indian and Alaska Native people. The implementing regulations buttress the spirit and substance of this legislation by emphasizing the following elements: The role of tribal and Alaska Native governments as the key decision-makers in the self-determination process; the expanded powers and responsibilities of Indian Education Committees in public school assistance programs serving Indian and Alaska Native children; the recognition of the desirability of tribally-controlled and operated schools as an alternative to Federal and public learning systems; the availability of grants to strengthen tribal and Alaska Native governments and to enhance their eventual capability to operate a Bureau program under contract or to redesign a Bureau program for operation by the Bureau; and the use of Federal personnel for expanding the human resource base of tribal and Alaska Native governing bodies.

An important feature of the legislation is the change it makes in the contract relationship by directing the Bureau to contract a program to a tribal organization upon the request of a tribe unless the Bureau can make a finding to support declination in accordance with criteria set out in the Act. Unlike the ordinary relationship between the government and a prospective contractor, under this legislation the burden of proof is on the Bureau to show that the contract should not be entered into. Both the statute and the regulations stipulate, unless substantial evidence in support of a specific declination criteria exists, the Bureau will enter into the proposed contract.

The public was given until October 4, 1975, to submit written comments, suggestions, or objections regarding the proposed amendment. All comments received with respect to the proposed amendment were given due consideration.

II. CHANGES MADE DUE TO COMMENTS RECEIVED

As a result of comments received, the following changes in the regulations are made in addition to language changes for clarification:

A. PART 271:

1. The phrase "Revolving Funds for Loans; Indian Loan Guarantee and Insurance Funds" is added to § 271.2(d) to make it clear that programs and activities enumerated as line items in the Bureau's budget under those subactivities are considered a "business related function".

2. The definition of "Indian tribe" in § 271.2(i) is changed to make clear the involvement of the United States Government.

3. The definition of "previously private school" in § 271.2(j) is revised to conform to the definition in Part 273.

4. In § 271.2(p), the phrase "tribal governing body" is added for clarification.

5. Section 271.2(q) is changed to make it clear that the subactivity of "minerals, mining, irrigation, and power" is included in the definition of "Tribal governmental function."

6. Section 271.2(r) is revised to make it clear that intertribal organizations are considered "tribal organizations."

7. Section 271.2(s) is revised to clarify what is a "trust resource".

8. Section 271.2(t) is revised to strengthen the definition of "trust responsibility" and limit the definition to the purposes of the regulations.

9. Paragraphs (e) and (f) are added to § 271.3 to insure consultation with cognizant Indian organizations and give tribal groups an opportunity to suggest changes annually or at their own initiative.

10. An additional paragraph (h) is added to § 271.4 to make it clear that the eligibility criteria for services for individuals is not changed by the regulations, but that there is a means by which eligibility criteria may be waived.

11. Section 271.13 is changed to eliminate the need for an application form.

12. An additional paragraph (i) (5) is added to § 271.14 which requires staffing information to be given in the application.

13. An additional paragraph (b) (4) is added to § 271.15 to make it clear that applications for contracts that are not within the purview of § 271.1(a) may be declined.

14. Section 27115(c) (4) is revised to emphasize the positive effect of a tribal governing body's resolution on the matter of community support.

15. Section 271.15(c) (5) (ii) and § 271.15(c) (6) (i) (A) are revised to permit an agreement to develop a personnel system rather than requiring the system to be in place.

16. Sections 271.16(a), 271.20, 271.62, 271.82, 271.83 (a) and (b), and 271.84 are revised to recognize any limitations that a tribal governing body might include in its resolution requesting a contract.

17. A new paragraph (b) (3) is added to § 271.16 to permit Bureau records to be physically located at the contract site when copying such records is not practicable or feasible due to their volume.

18. Paragraph (c) (2) (vii) of § 271.18 is expanded to emphasize the rights of the tribal governing body to set limitations on tribal organizations by resolution.

19. Several changes are made in § 271.20 to permit recontracting applications to go directly to the Area Director, to permit more time to consider such applications and to make it clear that tribes may withdraw from multi-tribal contracts.

20. An additional paragraph (b) is added to § 271.21 which requires applications for contracts to be submitted at least 120 days in advance of the proposed contract starting date when the proposed contract may result in the displacement of Bureau personnel, to give the Bureau sufficient time to comply with appropriate Civil Service Commission requirements.

21. Section 271.22(e) (2) is revised to permit applicants to request additional time to respond to the Superintendent's written recommendations to avoid possible declination.

22. Section 271.23(b) (1) is revised to set a limit on the time the Bureau can take to negotiate a contract.

23. Section 271.23(b) (2) is revised to make both the time and the place of the meeting under that section at the mutual agreement of the parties.

24. Section 271.25(b) is revised to clarify when, how and to whom recommendations are to be furnished.

25. Section 271.25(d) (1) is revised to set a time limitation on negotiating a contract when an Area Director's recommendation to decline is not accepted by the Commissioner.

26. Former § 401.27 is redesignated as § 271.28 and a new § 271.27 is added to provide a mechanism for the Commissioner to extend technical assistance to tribes in the event of declination.

27. Section 271.32 is revised to more clearly delineate what are considered contractable trust resources programs or portions thereof.

28. Paragraphs (a) and (e) (1) of § 271.41 are revised to take into consideration modifications or supplements to Chapter 2000 of the Treasury Fiscal Requirements Manual that might occur and to permit letters of credit to be used when the advance payment requirement is $120,000 rather than $250,000.

29. Section 271.42(b) is revised to make it clear that when equipment is transferred to a contractor it must meet certain standards at the time of transfer.

30. An additional paragraph (d) is added to § 271.44 to make it clear that a tribal governing body can establish its own Indian preference requirements to the extent that such requirements are not inconsistent with the intent of the regulations.

31. Section 271.46 is revised to conform to the requirements of the Federal Records Act and to require that records used or created under the contract are returned to the Bureau for proper disposition.

32. Section 271.47(a) is revised to make it clear that examination of records are restricted to those that are contract-related.

33. Section 271.49(a) and (b) is revised to make reports, required thereunder, contract-related.

34. Section 271.49(a) (3) is revised to permit a tribal organization to submit its report when, in a multi-tribal situation, all of the tribes have not endorsed the report within a certain time.

35. Section 271.54(a) is revised to clarify what is included in the Bureau's direct operational costs and that such costs do not form a basis for reducing a tribal organization's allowable indirect costs.

36. Section 271.55(c) is revised to require savings under a retroceded contract to be carried over to provide services and benefits by the Bureau.

37. A new § 271.56 is added to conform the regulations to the requirements of the Privacy Act (5 U.S.C. 552a).

38. Section 271.65(c) is revised to provide for the appeal under this section to be sent to the Director, Office of Hearings and Appeals.

39. Section 271.72 is revised to permit tribes that so desire to retrocede from a multi-tribal contract, to delineate the conditions under which such retrocession may occur, and to state the rights of both the retroceding and non-retroceding tribes.

40. Section 271.73 is revised to permit a tribal governing body to submit its application to contract for a retroceded program directly to the Area Director or Commissioner, as appropriate.

41. Section 271.74 is revised to make it clear that when reassumption of a program is contemplated because of violation of rights, there must be a pattern or practice of such violation.

42. Section 271.74(b) and (c) are revised to emphasize a tribal organization's right to a hearing and decision and to provide for the Commissioner reviewing an Area Director's decision to reassume a contract before the reassumption can take place.

43. Section 271.75 is revised to require the Bureau to give a tribal organization an opportunity to present a plan to overcome deficiencies in contract performance before action to cancel can be taken and the right to have an Area Director's decision reviewed by the Commissioner before any proposed cancellation action can occur. In addition, paragraph (h) (formerly § 401.75(e)) is revised to clarify the funding level for a program under a contract cancelled for cause.

44. Section 271.76(a) is revised to permit the Bureau to operate the program under a retroceded contract at either the level intended by the contract or as operated previously by the Bureau.

45. Section 271.77(b) is revised to make the position and ceiling reserve applicable only to those contracts initially entered into on or after the effective date of the regulations.

46. Section 271.81 (c) is revised to require the hearing official to issue a decision within 30 days of the hearing.

47. Section 271.83 (a) is changed to provide for an appeal to the Director, Office of Hearings and Appeals, as provided in Subpart G of 43 CFR Part 4.

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B. PART 272

1. The definition of "tribal government", "tribal governing body", and "tribal council" is added as paragraph (q) of § 272.2. Existing paragraphs (q) and (r) of former § 402.2 are redesignated as paragraphs (r) and (s) of § 272.2. This change is made for consistency with Part 271.

2. The definitions of "Indian tribe," "resolution," "trust resources," and "trust responsibilities" given in paragraphs (j), (l), (r), and (s) of § 272.2 are revised to be consistent with the definitions in Part 271.

3. Comments were received pertaining to the need for more specific procedures in § 272.4 which provides for revising or amending the regulations in Part 272. As a result, new paragraphs (e) and (f) are added to this section to provide for more extensive and far-reaching consultation with tribes and Indian organizations in this regard.

4. Comments expressing concern about potential but unintentional limitations on the use of grants were received. Accordingly, language changes are made in paragraphs (a), (b), and (d) of § 272.12 providing "sight examples" rather than using phrases such as "this includes but is not limited to".

5. Many comments received expressed concern about § 272.15(b) (2) and (3). The major concern in this regard was the $20,000 maximum limitation on initial planning grants to be used to develop larger grant applications. Accordingly, language is added to clarify the source of funds for these initial planning grants. Also, it should be noted that this $20,000 limitation does not apply to the final grant application itself but rather to the cost of developing such an application. Another change is that the approving officer shall take action on an initial planning grant application within 30 days instead of "with a minimum of delay."

C. PART 273:

1. The definitions of "Indian tribe" and "tribal organization" in paragraphs (g) and (v) of § 273.2 are revised to be consistent with the definitions in Part 271.

2. The definition for "previously private school" in § 273.2(n) is changed by deleting the phrase "early childhood" and substituting "age 3 years" to establish a specific base age that is less ambiguous than the deleted term. Also deleted from this section is the last sentence to clarify that such schools could be other than former sectarian facilities.

3. The definition of "reservation" in § 273.2(o) is revised to give statutory reference for Alaska Native regions and to delete the restrictive words "public domain."

4. A definition of "tribal government," "tribal governing body," and "tribal council" is added as § 273.2(u) to conform to the definitions in Part 271.

5. Paragraphs (d) and (e) are added to § 273.3 to conform to 25 CFR 271.3.

6. The term "early childhood" is also deleted in § 273.12 and the phrase "age 3 years" is substituted to establish a base age. The term "except those who are enrolled in Bureau or sectarian operated schools" is added after "grade(s) 12" to denote that these educational facilities are not included as eligible applicants.

7. Section 273.13(b)(1)(iv) is corrected to read "70%" instead of "75%," due to a misprint. Also, the last sentence of this paragraph, referring to the 51% eligible Indian enrollment, is deleted as the Commissioner has the delegated authority to waive any part(s) of these regulations.

8. A change is made to § 273.13(b)(1) by adding (v), (vi) and (vii) to strengthen the basis for contractor accountability.

9. Sections 273.15(a), 273.16(c) and 273.17(d) are deleted. The deleted paragraphs related to the matter of establishing Indian Education Committees where majority Indian school boards already exist. Since the Act was silent on this issue, i.e. it neither required nor prohibited an Indian Education Committee where a majority Indian school board already existed, the Bureau is not including this element in the regulations. Majority Indian school boards may make provisions for such parental involvement.

10. Section 273.16(a)(4) is changed by inserting "Commissioner through the" before the word "appropriate" and by inserting "or suspension" after the word "cancellation." This change is made to permit suspension of a program as an alternative to cancellation under certain circumstances.

11. Section 273.18(j), which requires that the education plan list special programs which are or will be operated and which gives examples of such programs, is deleted and will be considered for inclusion in the program guidelines to be developed. Subsequent paragraphs are redesignated.

12. Section 273.18(g), which requires certain written information be provided as part of the education plan, is revised to clarify the material that is to be provided as part of the plan.

13. The term "February 1" is substituted in § 273.21 in place of "January 15" to give consideration for election to Pueblo Councils. The same change is made in §§ 273.25(b) and 273.28(b).

14. Section 273.24(b) is amended by deleting the word "promptly" and inserting the phrase "within 20 days" after the word "request" to specify the response time allowed.

15. In § 273.25(a), the phrase "and any additional information requested in § 273.24(b)" is inserted in place of the phrase "except as given in paragraph (b) of this section." This change is made to clarify the change made in § 273.24(b). The same change is made to § 273.28(a).

16. Section 273.31 is completely revised to establish a policy for gradual phase-out of operational support and add a hold-harmless provision for supplemental assistance.

17. The last sentence of § 273.32 is added to provide some flexibility for Indian Education Committees to approve de minimus participation by non-eligible students in programs contracted under Part 273.

18. Section 273.35 is completely revised to provide for meeting the full costs of peripheral dormitory students attending local public schools.

19. Additions are made to § 273.38 to assure equal treatment of Indian children. The additions are at the end of the first sentence and at the end of the section.

20. A new phrase is added at the end of § 273.44(a) and in § 273.44(b) after the word "may" to emphasize the role of tribal governing bodies on their reservations.

21. Former § 403.45 on wage and labor standards is deleted as not being applicable to contracts under this part.

22. A new paragraph (d) is added to § 273.45 on Indian preference to conform to 25 CFR 271.44.

23. Section 273.47 is revised to refer to Federal Records Act requirements.

24. The term "and to the tribe(s)" is added in § 273.50(c) after the phrase "Indian Education Committee(s)" to assure tribal notification.

25. A new § 273.54 is added to include the Privacy Act requirements in the regulations.

D. PART 274:

1. The definition of "average daily membership" in former § 404.3(a) is deleted as the term is not used in the text. Subsequent paragraphs in the section are redesignated.

2. The definitions of "Indian tribe" and "tribal organization" in paragraphs (j) and (r) of § 274.3 are revised to be consistent with the definitions in Part 271.

3. A definition of "tribal government," "tribal governing body," and "tribal council" is added as § 274.3(q) to conform to the definition in Part 271.

4. The definition in § 274.3(n) for "previously private school" is changed by deleting the phrase "early childhood" and substituting "age 3 years" to establish a specific base age that is less ambiguous than the deleted term. Also deleted from this section is the last sentence to clarify that such schools could be other than former sectarian facilities.

5. New paragraphs (d) and (e) are added to § 274.5 to conform to 25 CFR 271.3.

6. Section 274.11(b) is changed by adding new language for this paragraph as a condition of eligibility so Federal monies for construction are used only for facilities on tribal or government land. The term "early childhood" is also deleted in § 274.11(c) for consistency with § 274.3(n).

7. The term "No later than" is inserted to begin the sentence in § 274.22(a) to provide flexibility of operations.

8. Section 274.34 is revised to assure compliance and that funds are used for the purpose of the Act.

9. A new phrase is added at the end of § 274.36(a) and in § 274.36(b) after the word "may" to emphasize the role of tribal governing bodies on their reservations.

10. A new paragraph (d)(4) is added to § 274.36 to allow records to be physically located at the contract site where copying is not practical or feasible because a large volume is involved.

11. A new paragraph (d) is added to § 274.38 on Indian preference to conform to 25 CFR 271.44.

E. PART 275:

1. The definition of "tribal government" and "tribal council" in paragraph (j) of § 275.2 is changed to include "tribal governing body" to comply with the definition in Part 271.

2. The definitions of "Indian tribe" and "tribal organization" in paragraphs (f) and (k) are revised to be consistent with the definitions in Part 271.

3. In § 275.3(a)(1) (formerly § 405.3(a)), the word "shall" is changed to "may" in the second sentence to make it clear that the agreement is optional and not required.

4. The paragraphs in § 275.3 are redesignated because the requirements in paragraph (c)(4) relate to more than agreements under the 1834 Act.

5. Section 275.3(b) (formerly § 405.3(c)(4)) is revised to clarify that the contracts referred to are contracts under Part 271 and that the application must be submitted, instead of notifying the Area Director, at least 120 days in advance.

F. PART 276:

1. The definitions of "Indian tribe" and "tribal organization" in paragraphs (j) and (r) of § 276.2 are revised to be consistent with the definitions in Part 271. The definition of "letter of credit" in paragraph (j) of this section is revised to reflect a memorandum of understanding between the Departments of Interior and Treasury.

2. A definition of "tribal government," "tribal governing body," and "tribal council" is added as § 276.2(q) to conform to the definition in Part 271.

3. A new paragraph (c) is added to § 276.13 to further clarify Indian preference procedures.

4. Section 276.15 is revised by adding procedures for grant rescission as recommended by the Library of Congress.

G. PART 277:

1. The last sentence of § 277.2(b) is amended to clarify the language. In addition, the phrase "designated by the Commissioner" is inserted after "officer" to denote that authority for construction contracts for school facilities will not be delegated to Bureau of Indian Affairs Area Directors but will remain vested in the Commissioner.

2. The definition of "average daily membership" in former § 407.3(a) is deleted as the term does not appear in the text. Subsequent paragraphs in the section are redesignated.

3. The definitions in § 407.3 (h), (k), and (l) are deleted as they presently appear in the Pub. L. 81-815 regulations issued by the Department of Health, Education, and Welfare and are not required here.

4. The definition of "Indian tribe" in § 277.3(g) (formerly § 407.3(j)) is revised to conform to the same definition in Part 271.

5. A definition of "tribal government," "tribal governing body," and "tribal council" is added as § 277.3(o) to conform to the definition in Part 271.

6. New paragraphs (d) and (e) are added to § 277.4 to conform to 25 CFR 271.3.

7. Section 274.11(a) is amended by deleting the term "State education agency or" and that portion of the sentence after the word "Indians." These changes are in conformity with the current regulations for Pub. L. 81-815 issued by the Department of Health, Education, and Welfare.

8. In § 277.12(a), the term "Indian Education Committee" is substituted for the term "public school officials", as stated in the Act. Further, in § 277.12(c), the term "and the Indian Education Committee" is inserted after the word "officials" to maintain consistency with paragraph (a) of that section.

9. The word "Regional" is deleted in § 277.13(a) in consultation with the Department of Health, Education, and Welfare as is the phrase in § 277.13(b)(1)(i) after the word "purposes".

10. Deletions are made in § 277.22(e). The term "local education agency" is substituted for the phrase "tribe to obtain its approval". Also deleted is the phrase after the word "adequacy". These changes are in conformity with Pub. L. 81-815 regulations issued by the Department of Health, Education, and Welfare.

11. Section 277.24 is revised to assure compliance and that funds are used for the purposes of the Act.

12. A new phrase is added at the end of § 277.26(a) and in § 277.26(b) after the word "may" to emphasize the role of tribal governing bodies on their reservations.

13. A new paragraph (d) is added to § 277.28 on Indian preference to conform to 25 CFR 271.44.

14. The last sentence of § 277.31(e) is deleted and new language inserted upon the advice of the Department of Health, Education, and Welfare regarding public school policies.

III. CHANGES NOT ADOPTED

Certain other comments have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons given:

A. PART 271

1. Various comments were received regarding the definition of "Indian," "Indian tribe," "tribal organization" and "trust responsibility". Although the definitions contained in the regulations may not resolve each commentator's concern, it is felt that the definitions are consistent with the Act and generally in conformity with what was expressed during the consultation sessions required by the Act.

2. Two commentators expressed the opinion that tribal organizations should be allowed to contract for Bureau programs under other authorities when the tribal governing body does not request a contract. Although the Bureau recognizes that other contracting authorities are available to it, it does not believe that the mandate of the Act would be served if it contracts for Bureau programs under these other authorities because the tribal governing body involved does not request the contract under the regulations promulgated to implement the Act.

3. Comments were received that were critical of the Bureau's restricting contracting under the Act to non-profit cost reimbursable contracts. The Bureau believes that the requirements found in section 106 of the Act concerning the amount of funds to be provided under a contract and how savings under a contract can be utilized, can best be served through non-profit cost reimbursable contracts.

4. One commentator objected to the Bureau's perception of the role of the tribal governing body in the contracting process and felt the role of the Indian people and community was being subverted thereby, citing the language in section 102 of the Act whereby requests for contracts must be submitted by Indian tribes in support of this contention. The Bureau does not agree with this analysis and feels that the Act clearly mandates the role of the tribal governing body in the contracting process.

5. One commentator observed that in certain States only Certified Public Accountants can be licensed under State law and suggested that provision be made in the regulations for the certification of accountants in such States under rules and regulations that would be developed by the Secretary. The Bureau does not believe that such action would be feasible or practical and, therefore, has taken no action on this comment.

6. One commentator felt that the retrocession procedure of the regulations, as they relate to a tribal governing body's right to request retrocession of a contract when the contractor is not the tribal governing body, violates the contractor's right to due process. The Bureau believes that the tribe that requests a contract also has the right to request retrocession of the contract and that the procedures set forth in the regulations concerning the tribal organization's rights in this situation do not violate due process.

7. Several commentators suggested that the regulations should provide for the payment of a tribal organization's legal expenses when a hearing or appeal is involved. The Bureau feels that these suggestions were well made, but does not believe it is authorized to provide for such payments.

8. Several commentators took exception to the requirement for contractors to make a monthly report regarding the contract to the members of the tribe(s) being served under the contract. The Bureau believes that the people receiving contract services should receive this information on a regular basis without having to make a specific request for it.

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9. Some concern was expressed over the regulations dealing with appeals. The Bureau is giving this matter further consideration and will utilize the comments submitted in its consideration.

10. Several commentators expressed the opinion that the equal opportunity provisions of the regulations were not not applicable to Indian tribes in view of Title VII of the Civil Rights Act. The Bureau does not believe that the arguments submitted in support of this position are so clear as to require a change in the regulations at this time. Counsel has, however, been sought and the results will be considered when received.

B. PART 272:

1. Many comments pertained to "tribal organizations" and recommended that "tribal organizations" be permitted to apply for or request grants on the same basis as tribal governing bodies as per §§ 272.11 and 272.16. The Bureau's position in this regard is that a tribal governing body should be the prime grantee with all of the authority and responsibility this designation infers. In effect, the Bureau believes that "tribal organizations" should not have equal status with tribal governing bodies in this grant program and that the regulations as written reaffirm the basic authority and responsibility of tribal governing bodies for tribal business affairs. Tribal governing bodies may, of course, subgrant or subcontract with tribal organizations as per § 272.26.

2. Other comments recommended that authority for the approval, execution and administration of grants be extended to the Agency or Superintendent level. The Bureau agrees that input at the the Agency or Superintendent level is and has provided for this input in § 272.15 and § 272.18. However, the Bureau has determined that it is administratively and technically difficult for any given Agency or Superintendent to assume these responsibilities and that the Area or Commissioner levels are better equipped by virtue of available staff and technical expertise to function in this regard. Also, this is consistent with the approval, execution and administration procedures prescribed in Part 271 on contracts.

C. PART 273

1. Several respondents objected to the inclusion of "previously private schools" as participants under this Part. The Bureau of Indian Affairs does not agree with these respondents as the Act requires that such schools be included, as stated in Title II, Section 208.

2. Various comments were also received regarding the composition, scope of duties, powers, and responsibilities of the Indian Education Committee. The Bureau takes the position that the present regulations reflect the legislative intent and statutory provisions of the Act relative to this Committee.

3. Suggestions were made to alter, in one form or another, the allocation and distribution of funds under this Part. The Bureau takes the position that operational support taken off the top will be phased-out, as stated in § 273.31, over a three year period. The allocation of funds for supplementary programs or operational support will be determined so as to assure an equitable distribution for eligible Indian students with the proviso that each State in FY 1977 will receive no less than 75 percent of its FY 1975 supplementary program assistance.

4. Some commentators raised issues regarding the internal operation of tribal governing bodies relating to such matters as Indian preference, the Indian Education Committee, etc. The Bureau of Indian Affairs takes the position that these issues fall within the purview of the governing bodies of tribes to be resolved in their dealings with their constituents.

D. PART 274:

1. Several comments were received regarding the requirement of vesting land title in the tribe or in the United States in order to qualify for construction monies. The Bureau of Indian Affairs declares this requirement is a policy decision to protect the integrity and expenditure of Federal funds.

2. Some commentators raised questions related to the minimum or projected enrollment figure of 25 pupils in elementary grades. The Bureau believes an enrollment figure lower than this number would not prove economically feasible in construction.

E. PART 275:

There were no major suggestions received regarding Part 275 which were not adopted.

F. PART 276:

1. Some comments were received which pertained to Part 276, Uniform Administrative Requirements for Grants. With the exception of changes to §§ 276.13 and 276.15, no significant changes were made in Part 276. This is because the standards and requirements contained in Part 276, including Appendices A and B, conform with Federal Management Circular 74-7, "Uniform administrative requirements for grants-in-aid to State and local governments". These administrative standards and requirements are minimal and are in use government-wide, including grant programs provided to Indians by other Federal agencies.

G. PART 277:

1. Several comments were received regarding language directly affecting either Pub. L. 81-815 or its regulations. The Bureau of Indian Affairs takes the position that the regulations for Pub. L. 93-638 affecting public school construction, i.e. Part 277, in no way modify the procedures, criteria, and regulatory mechanisms inherent in Pub. L. 81-815 as administered by the Department of Health, Education and Welfare.

H. GENERAL COMMENTS APPLYING TO ALL PARTS:

1. Several comments were received suggesting that the regulations issued by the Bureau of Indian Affairs, Department of Interior, and by the Indian Health Service, Department of Health, Education and Welfare, to implement Pub. L. 93-638 be the same. Since the early planning stages of the regulations, Bureau of Indian Affairs and Indian Health Service staffs have consulted continually on making both sets of regulations as consistent as possible. We will work further with the Indian Health Service and other Department of Health, Education and Welfare representatives on possible revisions and amendments to the regulations to achieve greater uniformity and consistency. No amendments will be made without appropriate Indian consultation or which would detract from the legislative intent or statutory provisions of the Act.

Accordingly, Chapter I of Title 25 of the Code of Federal Regulations is amended by revoking Part 33 under Subchapter E and by adding new Parts 271 through 277 under a new Subchapter Y as set forth below.

IV. EFFECT ON OTHER DOCUMENTS

A. On the effective date of these regulations, the tribal contracting guidelines published beginning on page 6377 of the February 11, 1975, FEDERAL REGISTER (40 FR 6377) are hereby revoked. These guidelines are no longer needed since all contracting with tribal organizations for the operation of all parts of Bureau programs will be done in accordance with 25 CFR Part 271 and 41 CFR Part 14H-70.

B. On the effective date of these regulations, the All Purpose Tribal Contract issued by memorandum dated May 7, 1974, is hereby revoked.

C. Part 20 of the Bureau of Indian Affairs Manual on Indian involvement programs will be revoked by a release memorandum to be issued in the near future. The revocation will be made effective on the effective date of these regulations.

D. Except for Part 14H-70, Chapter 14H of Title 41 of the Code of Federal Regulations which contains the Bureau of Indian Affairs procurement regulations will be revised as soon as possible after the effective date of the regulations in 25 CFR Parts 271 through 277.

Effective date. The revocation of Part 33 and the addition of Parts 271 through 277 shall become effective on December 4, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

SUBCHAPTER Y—INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT PROGRAMS

PART 271—CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT

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Subpart G—Hearings and Appeals

271.81 Hearings.
271.82 Appeals from decision or action by Area Director.
271.83 Appeals from decision or action by Commissioner.
271.84 Appeals from Bureau decision to cancel contract for cause.

AUTHORITY: Sec. 102, Public Law 93-638, 88 Stat. 2203, unless otherwise noted.

Subpart A—General Provisions

§ 271.1 Purpose and scope.

(a) The purpose of the regulations in this Part is to give the application and approval process for non-profit contracts with the Bureau under section 102 of Title I of the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203). Title I is known as the Indian Self-Determination Act. Contracts under the Act include "tribal governmental functions" as defined in § 271.2(q), "business related functions" as defined in § 271.2(d), and certain contractable trust resources programs or parts of programs as set forth in § 271.32. The nature of contracts with Indian entities which do not fall within the purview of the Act, including contracts which may provide for profit, and the conditions for entering into such contracts, are set forth in the regulations implementing the Act of June 25, 1910 (36 Stat. 861, 25 U.S.C. 47), commonly referred to as the "Buy Indian" Act.

(b) Section 104 of Title I of the Act provides authority for making grants for certain purposes. It is the Bureau's policy to make grants for the purpose specified in Section 104 of the Act in lieu of contracts. Part 272 of this chapter gives the procedures and requirements for obtaining grants under section 104 of the Act.

(c) Nothing in these regulations shall be construed as:

(1) Affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe;

(2) Authorizing or requiring the termination of any trust responsibility of the United States with respect to the Indian people; or

(3) Permitting significant reduction in services to Indian people as a result of this Part.

(d) Nothing in these regulations shall be construed to mandate a tribe to apply for a contract or contracts with the Bureau to plan, conduct, and administer all or parts of any Bureau program. Such applications under these regulations are strictly voluntary.

§ 271.2 Definitions.

As used in this part: (a) "Act" means the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203).

(b) "Area Director" means the official in charge of a Bureau of Indian Affairs Area Office.

(c) "Bureau" means the Bureau of Indian Affairs.

(d) "Business related function" means all programs authorized to be administered by the Bureau for the benefit of Indians enumerated as line items in the Bureau's annual budget request under Tribal Resources Development as the Sub-activities of Business Enterprise Development, Credit and Indian Action Teams; Revolving Funds for Loans; Indian Loan Guaranty and Insurance Funds; and also programs or parts of programs connected with construction projects but exclusive of the actual construction of the project.

(e) "Commissioner" means the Commissioner of Indian Affairs.

(f) "Days" means calendar days.

(g) "Economic enterprise" means any commercial, industrial, agricultural, or business activity that is at least 51 percent Indian owned, established or organized for the purpose of profit.

(h) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is federally recognized as eligible by the United States Government through the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(i) "Indian" means a person who is a member of an Indian tribe.

(j) "Previously private school" means a school (other than a Federal school formerly operated by the Bureau) that is operated primarily for Indian students in any grade or grades from age 3 years through grade(s) 12; and, which at the time of application is controlled, and sanctioned or chartered by the governing body(s) of an Indian tribe(s).

(k) "Recontracting" means the entering into a contract with a tribal organization which holds a contract for the same program.

(l) "Resolution" means the formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic document, a written expression adopted pursuant to tribal practices will be acceptable.

(m) "Secretary" means the Secretary of the Interior.

(n) "Superintendent" means the official in charge of a Bureau of Indian Affairs Agency Office.

(o) "Tribal Chairman" means tribal chairman, governor, chief or other person recognized by the tribal government as its chief executive officer.

(p) "Tribal government, "tribal governing body" and "tribal council" means the recognized governing body of an Indian tribe.

(q) "Tribal governmental function" means all programs authorized to be administered by the Bureau for the benefit of Indians enumerated as line items in the Bureau's annual budget requests under the Activities of Education and Indian Services, the Subactivities of Direct Employment and Road Maintenance, and those programs related to Irrigation and Power Operation and Maintenance identified as a part of the subactivity minerals, mining, irrigation and power under the Activity of Tribal Resources Development.

(r) "Tribal organization" means the recognized governing body of any In-

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dian tribe; or any legally established organization of Indians or tribes which is controlled, sanctioned, or chartered by such governing body or bodies or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract must be made by the tribe that will receive services under the contract; *Provided further*, That in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

(s) "Trust resources" means natural resources, land, water, minerals, funds or property, asset, or claim, including any intangible right or interest on any of the foregoing, which is held by the United States in trust for any Indian tribe or any Indian individual or which is held by any Indian tribe or Indian individual subject to a restriction on alienation imposed by the United States.

(t) "Trust responsibility" means, for the purposes of this part only, the retect, manage, develop and approve authorized transfers of interests in trust resources held by Indian tribes and Indian individuals to a standard of the highest degree of fiduciary responsibility.

§ 271.3 Revision or amendment of regulations.

In order to make any substantive revisions or amendments to the regulations in this Part, the Secretary shall take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(c) Publish the proposed revisions or amendments in the Federal Register as proposed rulemaking to provide adequate notice to, and receive comments from, all interested parties.

(d) After consideration of all comments received, publish the regulations in the FEDERAL REGISTER in final form not less than 30 days before the date they are made effective.

(e) Annually consult with Indian tribes and national and regional Indian organizations about the need for revision or amendment, and consider their views in preparing the revision or amendment.

(f) Nothing in this section shall preclude Indian tribes or national or regional Indian organizations from initiating request for revisions or amendments subject to paragraphs (a), (b), (c) and (d) of this section.

§ 271.4 Statement of policy.

(a) The Congress has recognized the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress has declared its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibilities to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

(c) It is the policy of the Bureau to facilitate the efforts of Indian tribes to plan, conduct, and administer programs, or portions thereof, which the Bureau is authorized to administer for the benefit of Indians and to facilitate the coordination of all Federal and other programs on Indian reservations.

(d) It is the policy of the Bureau to continually encourage Indian tribes to become increasingly knowledgeable about Bureau programs and the opportunities Indian tribes have regarding them; however, it is the policy of the Bureau to leave to Indian tribes the initiative in making requests for contracts and to regard self-determination as including the decision of an Indian tribe not to request contracts.

(e) It is the policy of the Bureau not to impose sanctions on Indian tribes with regard to contracting or not contracting; however, the special resources made available to facilitate the efforts of those Indian tribes which do wish to contract should be made known to all tribes, as should the current realities of funding and Federal personnel limitations.

(f) Contracting is one of several mechanisms by which Indian tribes can exercise their right to plan, conduct, and administer programs or portions thereof which the Secretary is authorized to administer for the benefit of Indians. Another mechanism afforded Indian tribes is the use of a grant, as provided in Part 272 of this chapter, or other resources, to plan the manner in which it wishes the Bureau to operate a program or portion thereof.

(g) Contracting by its very nature places Bureau officials in the dual position of assisting Indian tribes, in many instances, by furnishing technical assistance in preparation of contract proposals, and of carrying out their fiscal and administrative responsibilities as officials of the Federal Government. It is recognized that very often these two positions are in opposition to each other. The Act and these regulations are designed to address this problem to the degree practicable. The Commissioner, Area Directors and Superintendents, as line officers of the Bureau, are expected to balance these two positions within the framework of the regulations in this Part.

(h) The regulations in this Part are not meant to and do not change the eligibility criteria which individuals must meet to be eligible for any program currently operated by the Bureau. The eligibility criteria for each Bureau program is given in the Part of Chapter I, Title 25 of the Code of Federal Regulations which deals with that program. A contractor shall use the existing Bureau eligibility criteria in operating all or parts of a Bureau program under a contract under this part unless a waiver is obtained from the Commissioner. The Commissioner may not waive eligibility criteria established by statute. The Commissioner may waive eligibility criteria established by regulation in Chapter I, Title 25 of the Code of Federal Regulations.

Subpart B—Application Process

§ 271.11 Eligible applicants.

Any tribal organization is eligible to apply for a contract or contracts with the Bureau to plan, conduct, and administer all or parts of Bureau programs under section 102 of the Act. However, before the Bureau can enter into a contract with a tribal organization, it must be requested to do so by the Indian tribe or tribes to be served by the contract in accordance with § 271.18.

§ 271.12 Contractable Bureau programs.

Tribal organizations are entitled to contract with the Bureau to plan, conduct, and administer all or parts of any program which the Bureau is authorized to administer for the benefit of Indians. All or parts of any program include:

(a) Any part of a Bureau program which is divisible from the remainder of the program so long as the contract does not significantly reduce benefits to Indians served by the non-contracted part(s) of the program. However, to the extent that it is within the Bureau's existing authority and the program or part thereof involves only one tribe and one Bureau Agency or Area Office, the benefits provided to Indians by the non-contracted part(s) of the program may be reduced at the request of the tribe. When the program or part thereof serves more than one tribe, the benefits provided by the non-contracted part(s) of the program may be reduced when all of the tribes served consent to a reduction.

(b) A single employee position only when the functions to be performed provide a direct service to Indians and meets the criteria in paragraph (a) of this section.

(c) Programs or parts of programs or services that are authorized but not currently operated or provided by the Bureau.

(d) Operation of, or services provided by, previously private schools.

(e) All of the foregoing paragraphs of this section apply to trust resources programs or portions thereof. Additional criteria for contractable trust resources programs, or portions thereof, are given in § 271.32.

§ 271.13 Application information.

Application instructions and related materials may be obtained from Superintendents, Area Directors, and the Commissioner.

§ 271.14 Contents of contract application.

Application for a contract under this Part shall contain the following information in sufficient detail to permit evaluation of the application in light of the declination criteria set forth in § 271.15. No further detail is, or shall be, required.

(a) Full name, address and telephone number of the tribal organization which is applying for the contract.

(b) Full name of tribe(s) with which the tribal organization is affiliated.

(c) Full name of tribe(s) directly benefiting or receiving services from the proposed contract.

(d) Documentation of the tribal request to contract as required in § 271.18.

(e) Date of submission to the Bureau and the name of the office where the application was submitted.

(f) Signature by the authorized representative of the tribal organization and the date thereof.

(g) Estimated number of Indian people who will receive benefits or services from the contract, based on available data including tribal records.

(h) Descriptive narrative of what functions, Bureau programs, or portions of programs the tribal organization wants to contract for.

(i) Plan of operations, which shall include but is not limited to:

(1) A statement of tribal goals and objectives to be obtained by the contract.

(2) The organization, methods and procedures to be used to accomplish the tribal goals and objectives.

(3) The means to measure progress and accomplishment.

(4) The budget showing the amount and sources of funding and other resources required for the contract.

(5) Staffing plan, including extent, if any, that Bureau personnel may be utilized. (See Part 275 of this chapter for staffing options the applicant may wish to consider).

(6) The evaluation criteria and control systems the tribal organization will use to assure that the quality and quantity of actual performance conforms to the requirements of the plan.

(j) Statement of tribal organization's substantive knowledge of the program, part of a program or functions to be contracted.

(k) Description of personnel system and position descriptions for key personnel.

(l) Listing of equipment, facilities, and buildings needed to carry out the contract and how the tribal organization intends to obtain them.

(m) Certification by a licensed accountant that the bookkeeping and accounting procedures the tribal organization presently uses meet the standards of Appendix B of Part 276 of this chapter. In place of the certification, the tribal organization may submit a written agreement to establish a bookkeeping and accounting system that meets the standards of Appendix B of Part 276 of this chapter and to have the bookkeeping and accounting system certified before the Bureau disburses any funds under a contract awarded as a result of the application. When a certification has been submitted in connection with a previous application, the applicant may state this fact instead of submitting a new certification.

(n) Proposed system for managing property and keeping records or agreement to establish within 90 days of contract execution, a satisfactory system for managing property and keeping records.

(o) Advance payment required by the tribal organization for contract.

(p) Term of contract requested and proposed starting date of contract.

§ 271.15 Criteria for declining to contract.

(a) The Commissioner may decline to contract only for the specific causes given in paragraph (b) of this section. The burden of proof is on the Commissioner to demonstrate, through substantial evidence, that one of the specific grounds for declination exists and that, therefore, the application must be declined.

(b) The Commissioner may decline to contract when:

(1) The services to be provided to the intended Indian beneficiaries of the particular program or function to be contracted will not be satisfactory.

(i) It will be presumed by the Bureau that the program plan and budget set forth by the tribal organization provides a basis for the delivery of satisfactory services to the Indian people unless it can be demonstrated by the Bureau by substantial evidence that the program will yield results which will be deleterious to the welfare of the Indian people to be served.

(ii) The service to be provided shall be deemed satisfactory if the contract application indicates that the applicant has or will establish procedures to assure that services and assistance shall be provided to the Indians affected by the contract in a fair and uniform manner. Such procedures include eligibility criteria for a tribal member to receive services; recordkeeping adequate to verify the fairness and uniformity of services in case of formal complaints; an adequate complaint procedure available to all Indians affected; and those rights the individual will retain following the complaint.

(2) Adequate protection of trust resources is not assured. Criteria for determining if there is adequate protection of trust resources are given in § 271.34.

(3) The proposed project or function to be contracted cannot be properly completed or maintained by the proposed contract.

(4) The application is not within the purview of § 271.1(a).

(c) In arriving at his finding, the Commissioner shall consider whether the tribal organization would be deficient in performance under the contract with respect to the factors listed in this paragraph.

(1) Equipment, buildings and facilities. No higher standards with regard to buildings, facilities, or equipment shall be applied to tribal organizations than have previously been applied to the Bureau. As provided in § 271.42, the Bureau shall make available the use of all equipment which has been allocated to the operation of the program by the Bureau in the past, unless the Bureau proves the provision of the equipment will seriously interfere with the Bureau's ability to provide services to Indian people in non-contracted programs. Where equipment is shared by the programs to be contracted and other non-contracted programs, equipment-sharing or other suitable arrangements shall be stated in the contract.

(2) Bookkeeping and accounting procedures. It must be clearly demonstrated by the Bureau that the tribal organization which will undertake the contract does not have or cannot set in place, using the contract funds, an accounting and bookkeeping system which will be adequate.

(3) Substantive knowledge of the program to be contracted.

(i) Where the tribal organization proposing to contract is the tribal governing body and the program or function to be contracted is a tribal governmental function, there shall be an absolute presumption that the tribal governing body has substantive knowledge of the program or function to be contracted.

(ii) Where the tribal organization proposing to contract is not the tribal governing body or the program or function to be contracted is not a tribal governmental function, the tribal organization shall be presumed to have substantive knowledge of the program to be contracted if the tribal organization meets one or more of the following conditions:

(A) The tribal organization has adequately managed a similar program before through grant or contract.

(B) The tribal organization which is to manage the project possesses by virtue of its knowledge and/or experience substantive knowledge of the program to be contracted.

(C) The tribal organization has been a consumer of such services in the past and thus has developed an understanding of the issues involved with the program sufficient to enable it to effectively carry out the contract operation; and, the tribal organization can secure through the resources of the contract, Bureau staff or other resources, the training in the particular subject area which will develop its substantive knowledge of the program.

(4) Community support. Before the Bureau can enter into a contract there must be a request made in accordance with § 271.18. The tribal governing body's resolution under § 271.18 shall be presumed to demonstrate that there is community support for the proposed contract. Unless it can be demonstrated by substantial evidence that there is a lack of community support for

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the contract and the lack of support will result in unsatisfactory services, inadequate protection of trust resources or impossibility of service maintenance, the tribal governing body's resolution shall be deemed conclusive. Those asserting that there is a lack of community support for a proposed contract must demonstrate that they have exhausted their tribal remedies before the matter is considered by the Bureau. In any event, there will be no finding by the Bureau of a lack of community support that would result in deficiencies in performance under the contract until those asserting it have exhausted all their tribal remedies.

(5) Adequacy of trained personnel. The adequacy of trained personnel available to the tribal organization to carry out the proposed contract will be presumed if any of the following conditions exist:

(i) If the tribal organization has a personnel system that prescribes minimum occupational qualification standards, procedures for the selection of personnel on the basis of such standards, and the personnel to be used under the proposed contract are to be employed under the personnel system.

(ii) If there is no tribal personnel system, it will be assumed that the personnel to be employed under the proposed contract are adequately trained if the tribal organization has established position descriptions for key personnel to be employed under the contract and agrees to establish a personnel system similar to the one described in paragraph (c) (5) (i) of this section.

(6) Other necessary components of contract performance.

(i) All other necessary components of contract performance will be deemed to be met unless a tribal organization:

(A) Does not agree to develop an adequate personnel system that provides selection standards which insure equal access to all qualified tribal members;

(B) Has not agreed to establish and maintain a property management system which will adequately account for and protect government property.

(C) Has not agreed to keep such records as required pursuant to § 271.46, make reports required by § 271.49, or to make such reports and information available to Indian clients as required by § 271.48.

(D) Has not submitted a completed contract application.

(ii) All "other necessary components" have been specifically identified in this section. No other components shall be defined which may serve as a basis for declination unless they are added to these regulations by revision or amendment of the regulations.

(d) Program plans and designs of tribal organizations for contract operation of Bureau programs or parts may be inconsistent with other Parts of this chapter if a waiver is obtained from the Commissioner. Inconsistencies between such plans and designs and Bureau manuals, guidelines or other procedures that are appropriate to programs or parts of programs operated by the Bureau are not grounds for declination.

(e) Tribes may request a waiver from the Commissioner of regulations in this chapter as given in § 1.2 of this chapter.

(f) Bureau officials may not decline to enter into a contract with a tribal organization because of any objection that could be overcome through the contract.

§ 271.16 Access to Bureau records.

(a) Upon the request of a tribal organization, the Superintendent or Area Director shall make available any information requested and such other information as the tribal organization may need to prepare a contract application or carry out a contract. Tribal organizations, other than the governing body of an Indian tribe (except when operating under a contract authorized under the Act), shall seek such information through that tribe's chairman or other official(s) designated by the tribal governing body, unless the tribal resolution under § 271.18(d) (1) or subsequent resolution sets forth another procedure. Requests for information are subject only to the limits of the Freedom of Information Act (5 U.S.C. 552) as amended by the Act of November 21, 1974 (Public Law 93–502, 88 Stat. 1561), the Privacy Act (5 U.S.C. 552a) and other applicable laws. Information to be made available shall include, but not be limited to:

(1) Data on program services to intended beneficiaries;

(2) Reports on Bureau program operations for the past three years;

(3) Present Bureau staffing pattern and grade levels, existing vacancies and position descriptions;

(4) Data on the amount of funds which have been provided for the direct operation of the specific program(s) or portions thereof by the Bureau during the past fiscal year and proposed contract period;

(5) Existing appraisals, inventories, and assessment of trust resources.

(b) The tribal organization shall have access to Bureau records as follows:

(1) The tribal organization shall have access to needed Bureau records at the appropriate Bureau office for review and making copies of selected records.

(2) If the tribal contractor needs a reasonable volume of identifiable Bureau records, the Bureau will furnish the copies to the tribal organization.

(3) Where a large volume of records are needed and copying is not practical or feasible, the records may be physically located at the contract site provided that Bureau official is designated by the Commissioner or Area Director as custodian of the records.

(c) Failure of the Bureau to provide such access may be appealed under the provisions set out in 43 CFR 2.17.

§ 271.17 Pre-application technical assistance.

(a) Upon the request of a tribe, Bureau Agency and Area Offices shall provide technical assistance to a tribal organization to assist them in:

(1) Determining the appropriateness of contracting.

(2) Developing an effective program design and plan of operations.

(3) Preparing technical parts of the contract application.

(4) Such other ways as may be requested.

(b) Upon the request of a tribe, to the extent that funds are available, the Bureau may make technical assistance available to the tribal organizations from sources including, but not limited to:

(1) Technical assistance organizations under contract with the Bureau.

(2) Grants under Part 272 of this chapter.

(3) Other technical assistance resources funded by the Bureau.

(c) Upon the request of a tribe, the Bureau will also assist tribal organizations in obtaining technical assistance from other Federal agencies.

§ 271.18 Tribal request for initial contract.

(a) Before the Bureau can enter into a contract with a tribal organization, it must be requested to do so by the tribe to be served under the contract. The tribe's request shall be in the form of a resolution by the tribal governing body. If the tribal organization is applying for a contract to perform services benefiting more than one tribe, an authorizing resolution from each tribal governing body must be obtained before submitting the application to the Bureau for approval. A tribal governing body may pass a single resolution authorizing a tribal organization to apply for, negotiate, and execute more than one contract if the resolution specifies for each contract the same information required in paragraphs (b) and (c) of this section.

(b) The resolution of the tribal governing body shall authorize the applicant tribal organization to apply for, negotiate and contract with the Bureau, subject to the specific terms, conditions and limitations of the resolution and applicable tribal laws, codes, and regulations. The resolution shall include the results of the vote (the number for and against), the date the resolution was approved, and signature of the person authorized to certify the accuracy of the information contained in the resolution.

(c) The tribal governing body's request (resolution) should include the following:

(1) When the tribal organization is the tribal governing body:

(i) A brief statement of the contract scope.

(ii) The tribal official authorized to negotiate the contract and any amendments thereto.

(iii) The tribal official authorized to execute the contract and any amendments thereof.

(iv) The expiration date of the authorities granted by the resolution.

(v) The extent and procedure, if any, for review of the contract and any amendments thereto by the tribal governing body before execution.

(vi) The proposed date for contract commencement.

(vii) The proposed term of the contract.

(2) When the tribal organization is other than the tribal governing body:

(i) The name of the tribal organization.

(ii) A brief statement of the contract scope.

(iii) The extent and procedure for review by the tribal governing body of the contract and any amendments thereto prior to execution by the tribal organization.

(iv) The tribal office or official to which the Bureau should send copies of contract documents and correspondence.

(v) The proposed term of the contract.

(vi) The proposed date for contract commencement.

(vii) Any limitations on authorities granted the tribal organization, including authorities granted to or vested in the tribal organization and/or tribal governing body in regard to:

(A) Access to Bureau records under § 271.16.

(B) Recontracting under § 271.20.

(C) Appeals of a decision of the Commissioner under § 271.26.

(D) Requests to revise or amend a contract under §§ 271.61 and 271.62.

(E) Requests for contract retrocession under §§ 271.71 and 271.72.

(F) Right to appeal under § 271.82 § 271.83 or § 271.84.

(d) Any procedures given in this section concerning the manner in which a tribal governing body passes a tribal resolution shall apply except where inconsistent with the tribe's organic documents or in the absence of such organic documents the tribal practice.

§ 271.19 Status of contracts in effect before effective date of regulations.

(a) Contracts between the Bureau and tribal organizations, which were entered into before the effective date of these regulations and are still in effect, shall continue until expiration of that Contract. Any revisions or amendments requested during the contract period shall be subject to the provisions of Subpart E of this Part.

(b) Upon completion of contracts in effect before the effective date of the regulations, one of the following will occur:

(1) Where the tribal organization was authorized to enter into its existing contract by a tribal resolution, even if the resolution was passed before the effective date of these regulations, the tribal organization shall have the right to recontract subject to the provisions given in § 271.20.

(2) Where the tribal organization did not have a tribal resolution authorizing it to enter into the existing contract, it shall not be entitled to recontract, but must obtain a tribal request as provided in § 271.18 and submit an application as provided in § 271.14.

§ 271.20 Recontracting.

The Bureau will recontract for the same function(s) or programs as the original contract at the written request of the tribal organization designated in the tribal resolution. Requests for recontracting shall be made as follows unless restricted by the resolution under § 271.18(c) (2) or subsequent resolutions:

(a) If the original contract provided services to only one Indian tribe, written applications to recontract shall be sent by the tribal organization to the Area Office as follows:

(1) Directly, when the tribal organization involved is the governing body of the tribe.

(2) Through the governing body of the tribe for review when the tribal organization is not the governing body of the tribe. Submission shall be made to the governing body at least 120 days before the original contract expires. Copies of the submission shall be sent to the Superintendent and Area Director at the time of submission to the tribal governing body. The tribal organization shall promptly notify the Area Director in writing of the date the tribal governing body received the application. If, within 45 days after receiving the application, the tribal governing body does not provide the Area Director with a formal resolution objecting to the application to recontract, the absence of receipt of such resolution shall constitute the tribe's request to recontract.

(b) If the original contract provided services to more than one Indian tribe, the tribal organization must give a copy of the written application to recontract to each tribal governing body 120 days before the original contract expires. The tribal organization shall promptly notify the Bureau office, where the application is to be submitted under § 271.21, in writing of the date the tribal governing bodies received copies of the application. If, within 45 days after receiving copies of the application, none of the tribal governing bodies provide the appropriate Bureau office with a formal resolution objecting to the application to recontract, the absence of receipt of such resolutions shall constitute the tribe's request to recontract. If one or more of the tribal governing bodies involved object to the contract, they may withdraw from the contract. In such case those withdrawing can stipulate how they wish the previously contracted services to be rendered and the remainder may be recontracted at the option of the tribes involved.

§ 271.21 Submission of requests to contract.

(a) Tribal requests to contract and contract applications shall be submitted to the Bureau, as follows:

(1) To the Superintendent when the tribe(s) or Indians to be served by the contract are within the jurisdiction of that Agency office.

(2) To the Area Director when the tribe(s) or Indians to be served by the contract are within the jurisdiction of more than one Agency office in the same Bureau Area.

(3) To the Commissioner when the tribe(s) or Indians to be served by the contract are within the jurisdiction of more than one Area Office.

(b) An application for a contract under this Part may be submitted at any time. However, when the proposed contract may result in the displacement of Bureau personnel, the application must be submitted to the appropriate Bureau official at least 120 days before the contract's proposed starting date so the Bureau can comply with all Civil Service Commission requirements which apply to separation and/or reassignment of Federal employees.

§ 271.22 Review and action by Superintendent.

The Superintendent shall take the following actions after receiving the contract application:

(a) Within five days of receipt, the Superintendent shall notify the applicant and the tribal governing body, if different from the applicant, that the application was received.

(b) Within 15 days of receipt, the Superintendent shall review the application for completeness and request any additional information from the applicant or from the requesting tribe that is needed to satisfy the requirements of § 271.14.

(c) Within 30 days of receipt, the Superintendent shall make recommendations in writing to the applicant and the tribal governing body which he feels are needed to avoid possible declination and shall indicate the technical assistance available from the Agency Office to correct any deficiencies.

(d) The Superintendent shall provide the technical assistance offered in the written recommendation as requested by the tribal organization and tribal governing body.

(e) The Superintendent shall forward the application to the Area Office with his comments and recommendations as follows:

(1) Within 30 days after receiving the application when the Superintendent has no recommendations to make to the applicant.

(2) Within 10 days after making written recommendations to the applicant when the applicant does not respond, or request additional time in which to respond or refuses the technical assistance offered.

§ 271.23 Review and action by Area Director.

Upon receipt of the contract application, the Area Director will review the application and the Superintendent's recommendations or, where the application was submitted directly to the Area Director as provided for in § 271.21, obtain the appropriate Superintendents' recommendations within 10 days and then proceed as follows:

(a) Notify the applicant and the tribal governing body, if different from the applicant, that the application was received, within five days of its receipt.

(b) Within 30 days, review the contract application, the recommendations of the Superintendent, any responses from the contract applicant or the tribal governing body and the criteria for declination set forth in § 271.15 to determine if there are any declination issues that must be addressed, and at the completion of the review, take one of the following actions as appropriate:

(1) If there are no declination issues, the Area Director will notify the contract

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applicant in writing of this fact, and shall negotiate and award the contract within 30 days of notifying the applicant, unless a later date is requested by the applicant, and furnish a copy of any documents to be used by the Bureau during negotiations.

(2) If it is felt that there are declination issues that must be resolved, the Area Director will notify the applicant and/or tribal governing body of this fact in writing. The notice shall include a list of the declination issues identified by the Area Director, the reason(s) for such identification, a copy of any documents used in arriving at the issues, recommendations for resolving the issues and the technical assistance available for this purpose. The notice shall also request a meeting with the applicant and/or tribal governing body to discuss the issues and seek agreement on a course of action to resolve them. The meeting shall be held within 15 days of the applicant's and/or tribal governing body's receipt of the notice or at a time and place mutually agreed to by the parties.

(i) If the applicant accepts the technical assistance, it shall be provided in accordance with the applicant's request. At such time as the issues are thus resolved, the Area Director will so advise the applicant and offer to enter into negotiations within 15 days of resolution or at the applicant's convenience.

(ii) If the applicant declines the Area Director's offer of technical assistance and the matter is not otherwise resolved, the Area Director shall proceed in accordance with § 271.24.

(iii) If the applicant does not respond within 30 days of receipt of the Area Director's recommendations and offer of assistance, and does not request additional time in which to respond, the Area Director shall proceed in accordance with § 271.24.

(iv) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's receipt of the applicant's response to the Area Director's recommendations, the Area Director shall proceed in accordance with § 271.24.

§ 271.24 Area Director's recommendation to decline.

(a) If the Area Director, the applicant and the tribal governing body fail to resolve the declination issues, the Area Director shall prepare a written recommendation to decline.

(b) This recommendation shall contain, at a minimum, the following information:

(1) Identification of specific objections, categorized under one or more of the declination factors set forth in § 271.15.

(2) Specific recommendations on actions required by the applicant or tribe to overcome objections.

(3) Description of the nature, scope, and source of the technical assistance which has been provided or offered by the Bureau to assist the tribal organization to overcome declination objections.

(4) Copies of all correspondence between the Agency, Area and applicant and/or tribe, and all responses thereto, including any reports of meetings between the parties relative to the application.

(5) Copy of original application.

(c) The Area Director shall send the written recommendation to the Commissioner within 15 days after the time periods provided in § 271.23(b)(2)(iii) and (iv). At the same time, he shall send a copy of the written recommendation to the tribal organization and tribal governing body.

(d) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b)(3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 271.23.

§ 271.25 Review and action by Commissioner.

(a) Within five days after receiving a contract application submitted directly under § 271.21 or a contract application and the Area Director's recommendations to decline, the Commissioner shall notify the applicant and the tribal governing body(s) in writing of the receipt of the application.

(b) Within 20 days after an application is received by the Commissioner under § 271.21, the Commissioner shall direct and the appropriate Area Director(s) shall furnish written recommendations to the Commissioner, the tribal governing body(s) and the applicant.

(c) Within 15 days after receiving the Area Directors' recommendations, the Commissioner shall review the application, the Area Directors' recommendations, and the declination criteria in § 271.15.

(d) Within 15 days after receiving the Area Directors' recommendations, the Commissioner shall notify the applicant, the appropriate tribal governing bodies, and the Area Director(s) of one of the following:

(1) When the Commissioner does not accept the Area Director's recommendations to decline, notice shall be given that the recommendations are not accepted and that the Bureau shall negotiate and award the contract within 45 days, unless the applicant requests additional time.

(2) When the Commissioner accepts the Area Directors' recommendations and believes that the Bureau should not contract as requested, notice shall be given that the Commissioner plans to issue a declination notice and that the applicant has the following rights:

(i) The applicant may submit a written rebuttal to the Commissioner's plan to issue a declination notice.

(ii) The applicant may request a meeting with the Commissioner or his representative under paragraph (e) of this section.

(iii) The applicant must use these rights within 30 days after receiving the notice required in paragraph (d)(2) of this section.

(e) If the applicant requests a meeting with the Commissioner under paragraph (d)(2)(ii) of this section, the Commissioner shall:

(1) Select a site for a meeting between the applicant and the Commissioner or his representative from the Bureau's headquarters.

(2) Authorize payment of transportation costs and per diem under terms he may make to allow adequate representation of the applicant and the appropriate tribe(s), if the meeting is more than 50 miles from the office of the applicant.

(3) Notify the applicant and the appropriate tribe(s) of the time, location and other terms of the meetings.

(4) Hold the meeting within 30 days of the request, unless the applicant requests a later date.

(f) (1) If the Commissioner determines the application should be declined, the declination notice shall be issued as follows:

(i) Within 15 days after receiving the applicant's rebuttal submitted under paragraph (d)(2)(i) of this section or

(ii) After the conclusion of the meeting under paragraph (e) of this section.

(iii) Within 45 days after notifying the applicant under paragraph (d)(2) of this section when the applicant has not used the rights under paragraph (d)(2) of this section.

(2) The declination notice shall be in writing and shall contain:

(i) Identification of specific objections, categorized under one or more of the declination criteria set forth in § 271.15.

(ii) Specific recommendations on actions required by the applicant to overcome objections and a description of the nature, scope, and source of the technical assistance which will be available to overcome declination objections.

(iii) Copies of all correspondence between the Bureau, applicant and/or tribe(s), and all responses thereto, including any reports of meetings between the parties relative to the application.

(iv) Copy of original application.

(v) The appeal rights of the applicant and/or the tribal governing body under § 271.83.

§ 271.26 Appeals of Commissioner's decision to decline.

The tribal organization and/or the tribal governing body shall have 60 days to appeal to the Board of Indian Appeals, Department of Interior, Washington, D.C., the decision by the Commissioner to decline to contract. Provided, that the tribal organization is authorized by the tribal governing body in the request under § 271.18(c)(2) or subsequent resolution to make such an appeal. The appeal shall be made as provided in § 271.83.

§ 271.27 Technical assistance after declination.

If the Commissioner's decision to decline to contract is not appealed or is upheld on appeal, the Commissioner shall immediately offer technical assistance to the tribal governing body for the purpose of overcoming the declination issues. Within 30 days of the tribal governing body's acceptance of this offer, the Commissioner will make technical assistance available to the tribal governing body for the development of a plan for overcoming the objections that resulted in the decision to decline.

§ 271.28 Failure of Bureau Agency or Area Office to act.

Whenever a Bureau Agency or Area Office official fails to take action on a contract application within the time limits established in this Part, the tribal organization that submitted the application, may, at its option, request action by the next higher Bureau official. In such cases, the official that failed to act shall immediately forward the application and all material pertinent thereto to the official to whom the request for action was made.

Subpart C—Additional Requirements for Trust Responsibilities

§ 271.31 Applicability.

This Subpart gives additional requirements applicable to the application and approval process for contracts under this Part which involve the Bureau's trust responsibilities in the area of natural resources, such as assessments, irrigation, real estate, forestry, range management, wildlife and parks, water inventories, and hunting and fishing.

§ 271.32 Contractable functions or programs.

Contractable trust resources programs, or portions thereof, include the following:

(a) Assessments; inventories of existing resources in trust for individuals and for tribes.

(b) Soil and moisture conservation: basic soil and water conservation, watershed protection, flood prevention, cooperative surveys and investigations, and resource conservation and development.

(c) Irrigation: development, construction, recordkeeping, rehabilitation, operations and maintenance.

(d) (1) Real estate: land use planning and zoning, maintenance of land records, preparation of abstracts of title, research programs to determine heirship and inventory of estates, collection of technical data and studies to be used in determinations of tribal claims to real property, collection of data leading to ascertainment of surface and subsurface resources, administration of leases.

(2) Advice and technical assistance provided individual landowners in connection with lease negotiations initially will be made concurrently by the contractor and an appropriately designated Federal official.

(e) Forestry: forest management and planning, including the making of inventories, management plans and maintenance, tribal or individual Indian consultation services, administration of timber sales and Indian permit cutting, conduct of timber stand improvement projects, protection of the forest against wildfire, trespass, disease, or insect infestation, and participation in cooperative programs with other Federal, State, or tribal organizations related to programs of the Bureau. Activities which already are provided Indian forests from non-Bureau sources, as part of the management of a forested area larger than the reservation, are not contractable under provisions of this Part. Advice and technical assistance provided individual landowners in connection with forestry programs will be made concurrently by the contractor and an appropriately designated Federal official.

(f) Range management: development of contract stipulations for agricultural leases/permits (land use stipulations or conservation standards necessary to define each use shall be incorporated in and made a part of such lease or permit); supervision of compliance, fee collection, watershed management, game and fish management, outdoor recreation, wildfire prevention and control.

(g) Wildlife and parks: conservation, use, and development of wildlife (including fisheries resources), and preservation of natural beauty, historical sites, and archeological remains.

(h) Water inventories and other appropriate programs for protection of water rights.

(i) Hunting and fishing: programs to regulate and enforce on- and off-reservation hunting and fishing and programs to provide data supporting litigation concerning hunting and fishing issues.

§ 271.33 Content of application.

In addition to the information required in § 271.14, the following additional information shall be included in the contract application when a trust resource or responsibility is involved:

(a) A statement of the impact of proposed activity on trust resources related to:

(1) Maintenance of inventory levels and values to tribes and to individuals; and,

(2) Income to individuals and tribe. The statement must also demonstrate a thorough assessment of the trust resources issues, positive steps to protect the trust resources, provisions that limit or eliminate potential for conflicts-of-interest, and that no delegation of trust responsibility is requested.

(b) A statement of the special skills and qualifications required of personnel attached to program activity impacting on trust resources and trust responsibility.

§ 271.34 Criteria for declining to contract.

If a contract application includes a project or function which is related to the Bureau's performance of a trust responsibility in the area of natural resources as given in § 271.32, the Commissioner shall decline to contract if he finds that:

(a) The contract application provides for or would necessarily require the delegation to the tribal organization of a trust responsibility vested by law in the Secretary or the Commissioner.

(b) The contract application provides for the termination of a trust responsibility.

(c) The contract application provides for completion or maintenance of the project or function to a lesser standard than under Bureau administration. However, a tribal proposal to raise performance standards shall not be used as a reason for declination.

(d) The proposed activity requires special skills for its performance and the proposed key staff does not meet Civil Service Commission or excepted qualification standards, other accepted professional standards appropriate to the discipline involved, or are not otherwise recognized as technically qualified.

Subpart D—General Contract Requirements

§ 271.41 Advance payments.

(a) At the request of a tribal contractor, the Bureau contracting officer shall make advance payments under contracts as provided in this section. The requirements given in this section and in Chapter 2000 of the Treasury Fiscal Requirements Manual, as modified or supplemented, apply to making the advance payments.

(b) Any request for advance payment by a tribal contractor shall specify the amount(s) required and the dates such advance(s) will be required and shall be supported by a schedule of estimated expenditures.

(c) An initial advance will be limited to the amount of estimated expenditures for a sufficient period of time required to effect payment, based on experience in the locality. The initial advance may be made in amounts and at times determined suitable to satisfy the minimum essential needs of the contractor.

(d) Later advances may be made at times and in amounts determined necessary to insure availability of funds for timely payment of the tribal contractor's obligations and to minimize the time between withdrawal from the Treasury and expenditure. Requests for advances after an initial advance shall be accompanied and supported by a report of expenditures to date and the amount of funds on hand.

(e) Advance payments shall be made as follows:

(1) When the annual advance to a tribal contractor is expected to exceed $120,000 in the aggregate and the contract term is for at least one year, the letter-of-credit method normally shall be used. The requirements contained in Chapter 2000 of the Treasury Fiscal Requirements Manual, as modified or supplemented, shall apply to making these advance payments.

(2) Except as provided in paragraph (e)(1) of this section, advance payments shall be made by check made payable to the tribal contractor and handled as follows:

(i) Advance payments may be made directly to the tribal contractor when the contractor is a tribal governing body, a non-profit Indian organization serving as a governmental instrumentality of an

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Indian tribe or an intertribal council. However, when the contractor is not one of the above, the advance payment may be made directly if all of the following conditions exist:

(A) The advance payment does not exceed $2500.

(B) It is the only advance payment involved in the contract.

(C) The performance time is less than 90 days.

(D) The advance payment does not exceed 85% of the amount of the contract.

(ii) Checks for advance payments which cannot be made directly to the tribal contractor, as given in paragraph (e) (2) (i) of this section, shall be marked for deposit in a special bank account established for the contract. No part of the funds deposited in the special bank account shall be mingled with other funds of the tribal contractor before the funds are withdrawn to meet obligations under the contract.

(f) Tribal contractors shall not be held accountable for interest earned on funds advanced pending disbursement. However, bank balances must be maintained at the minimum level consistent with program requirements. Requests for advances shall be reviewed to insure that excess funds are not advanced.

(g) Sub-advances may be made when predetermined as a part of contracted programs or when specifically authorized in writing by the contracting officer. Sub-advances will not be made to individuals except for approved travel. In such cases, the sub-advances shall not exceed the minimum required for one trip and shall be settled by voucher or repayment within 30 days.

§ 271.42 Use of Government property.

(a) In carrying out a contract made under this Part, the Superintendent, Area Director or Commissioner shall, wherever possible, permit a tribal contractor to use existing buildings, facilities, and related equipment and other personal property owned by the Bureau within his jurisdiction. To the extent possible, arrangements on the use of Bureau property shall be provided for in the contract agreement. In determining whether real or personal property can be provided, the Bureau shall determine whether it can provide comparable services for any of the uncontracted part(s) of the program.

(b) Requests for the use of Bureau property which arise after signing of the contract shall be submitted to the relevant Bureau official by the tribal organization. Such requests should be granted and the contract appropriately amended unless such use will seriously interfere with the administration of existing Bureau programs. The property at the time of transfer must conform to the minimum standards established by the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

§ 271.43 Wage and labor standards.

(a) All laborers and mechanics employed by tribal contractors or subcontractors in the construction, alteration, or repair of buildings or other facilities in connection with contracts under this Part shall be paid wages not less than those on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended. However, this requirement doees not apply where the tribal contractor is the recognized governing body of the tribe or a non-profit Indian organization serving as a governmental instrumentality of an Indian tribe and the construction, alteration, or repair work is being performed by the tribal organization or the tribe with its own employees.

§ 271.44 Indian preference.

(a) Any contract made by the Bureau with a tribal organization shall provide that the tribal contractor shall, to the greatest extent feasible, give preference in and opportunities for employment and training to Indians.

(b) Any contract made by the Bureau with a tribal organization shall provide that the tribal contractor shall, to the greatest extent feasible, give preference in the award of subcontracts to Indian organizations and to Indian-owned economic enterprises.

(c) All subcontractors employed by the tribal organization shall, to the extent possible, give preference to Indians for employment and training and shall be required to include in their bid submission a plan to achieve maximum use of Indian personnel.

(d) In the performance of contracts under this Part 271 and subject to the provisions of Part 14 H–70 of Title 41, a tribal governing body may develop its own Indian preference requirements to the extent that such requirements are not inconsistent with the purpose and intent of paragraphs (a), (b), and (c) of this section.

§ 271.45 Liability and motor vehicle insurance.

(a) Tribal organizations shall obtain public liability insurance under contracts entered with the Bureau under this Part. However, where the contracting officer determines that the risk of death, personal injury or property damage under the contract is small and that the time and cost of procuring the insurance is great in relation to the risk, the contract may be exempted from this requirement.

(b) Notwithstanding paragraph (a) of this section, any contract which requires or authorizes, either expressly or by implication, the use of motor vehicles must contain a provision requiring the tribal organization to provide liability insurance, regardless of how small the risk.

§ 271.46 Recordkeeping.

A tribal contractor will be required to maintain a record-keeping system which will allow the Bureau to meet its legal records program requirements under the Federal Records Act (44 U.S.C. 3101 et seq.) and to facilitate contract retrocession or reassumption under Subpart F of this part. Such a record system shall:

(a) Fully reflect all financial transactions involving the receipt and expenditure of funds provided under the contract in a manner which will provide accurate, current and complete disclosure of financial status; correlation with budget or allowable cost schedules; and clear audit facilitating data.

(b) Reflect the amounts and sources of funds other than contract funds which may be included in the operation of a program.

(c) Provide for the creation, maintenance and safeguarding of records of lasting value, including those involving individual rights, such as permanent student records and transcripts.

(d) Provide for orderly retirement of records used or created under the contract. Such records shall be returned to the Bureau for disposition according to the General Records Schedules and the Bureau Records Control Schedules.

§ 271.47 Records—access to and retention.

(a) During the term of a contract under this Part and for three years after the project or undertaking is completed, the Comptroller General, the Secretary and the Commissioner or any of their duly authorized representatives shall have access, for audit and examination purposes, to any of the tribal contractor's books, documents, papers, and records which, are related or pertinent to the contract or any subcontract, with the following exceptions:

(1) The records shall be retained beyond the three year period if audit findings have not been resolved.

(2) When records are transferred to or maintained by the Bureau, the three year retention requirement does not pertain to the contractor for those records.

(b) The tribal contractor will be responsible for maintaining all documents such as invoices, purchase orders, cancelled checks, balance sheets and all other records relating to financial transactions in a manner which will facilitate auditing. The tribal contractor will be responsible for maintaining files of correspondence and other documents relating to the administration of the program or project properly separated from general records or cross-referenced to general files.

§ 271.48 Freedom of information.

(a) Unless otherwise required by law, the Bureau shall not place restrictions on tribal contractors which will limit public access to the tribal contractors' records except when records must remain confidential.

(b) A tribal contractor under this Part shall make all reports and information concerning the contract, including the report required under § 271.49, available to the Indian people which the contractor serves or represents. Reports and information may be withheld from disclosure only when both of the following conditions exist:

(1) The reports and information fall within one of the following exempt categories:

(i) Specifically required by statute or Executive Order to be kept secret.

(ii) Related solely to internal personnel rules and practices of the Bureau.

(iii) Commercial or financial information obtained from a person or firm on a privileged or confidential basis.

(iv) Memoranda or letters between agencies of the Federal Government which would not be available by law to a party other than the Federal Government in litigation with the Federal Government.

(v) Personnel, medical, and similar files where disclosure would be a clearly unwarranted invasion of personal privacy.

(vi) Investigatory records compiled for law enforcement purposes when production of the records would:

(A) Interfere with enforcement proceedings;

(B) Deprive a person of a right to a fair trial;

(C) Be an unwarranted invasion of personal privacy;

(D) Disclose the identity of a confidential source and confidential information furnished only by the confidential source;

(E) Disclose investigative techniques and procedures; or

(F) Endanger the life or physical safety of law enforcement personnel.

(vii) Contained in or related to examination, operating, or condition reports prepared for the use of an agency of the Federal Government responsible for the regulation or supervision of financial institutions.

(viii) Geological and geophysical information and data concerning wells.

(2) Disclosure is prohibited by statute or Executive Order or sound grounds exist for using the exemption given in paragraph (b) (1) of this section.

(c) A request to inspect or copy reports and information shall be in writing and must reasonably describe the reports and information requested. The request may be delivered or mailed to the tribal contractor. Within ten working days after receiving the request, the tribal contractor shall determine whether to grant or deny the request. The requester shall be notified immediately of the determination.

(d) The time limit for making a determination may be extended up to an additional ten working days for good reason. The requester shall be notified in writing of the extension, reasons for the extension, and date on which the determination is expected to be made.

§ 271.49 Annual reporting.

(a) For each fiscal year during which a tribal organization receives or expends funds pursuant to a contract under this Part, the tribe which requested the contract must submit a report to the Commissioner. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended, the tribe's evaluation of the contract performance using the criteria submitted in the contract application, and information on the conduct of the program or services involved. The report shall include any other contract-related information requested by the Commissioner and may be submitted as follows:

(1) When the contract is with the governing body of an Indian tribe, the tribe shall submit the report to the Area Director.

(2) When the contract is with a tribal organization other than the governing body of the tribe, the tribe has the option of having the tribal organization prepare the report and submit it to the tribe for review and approval before the tribe submits it to the Area Director or Commissioner as appropriate.

(3) When the contract benefits more than one tribe, the tribal organization shall prepare and submit the report to each of the tribes benefiting under the contract. Each tribe shall endorse the report before submitting it to the Area Director or Commissioner as appropriate. Should any of the tribes fail to endorse the report within 75 days of its receipt, the tribal organization may submit the report with the endorsements that have been received.

(b) The annual report shall be submitted to the Area Director or Commissioner as appropriate within 90 days after the end of the fiscal year in which the contract was performed. However, upon receipt of a written request, the period for submitting the report may be extended by the Area Director or the Commissioner if there is just cause for such extension.

(c) In addition to the yearly reporting requirement given in paragraphs (a) and (b) of this section, the contract shall provide that the tribal contractor will make available monthly, to members of the tribe(s) affected, an accounting of the amounts and the purposes for which the contract funds were expended during the previous monthly period in the following manner:

(1) By posting a notice containing such information on or before the tenth of each month, at a conspicuous place readily accessible to members of the tribe(s) affected; or,

(2) By such other means as is mutually agreed to by the tribal contractor and the Bureau.

(d) In addition to the requirements contained in paragraphs (a), (b) and (c) of this section, the tribal contractor shall furnish other contract-related reports when and as required by the Area Director or Commissioner.

§ 271.50 Penalties.

If any officer, director, agent, or employee of, or connected with, any contractor or subcontractor under this Part embezzles, willfully misapplies, steals, or obtains by fraud any of the funds or property connected with the contract or subcontract, he shall be subject to the following penalties:

(a) If the amount involved does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) If the amount involved exceeds $100, he shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

§ 271.51 Federal contracting laws and regulations.

(a) Contracts with a tribal organization under this Part shall comply with the Bureau procurement regulations contained in 41 CFR Part 14H–70, except as provided in paragraph (b) of this section.

(b) The Commissioner may waive any Federal contracting laws, executive orders, regulations, rules and other administrative requirements which he determines are not appropriate for the purposes of the contract involved or are inconsistent with the Act. Regulations and clauses which are deemed inconsistent or inappropriate for inclusion in contracts entered into under the Act may be waived, modified or supplemented in 41 CFR Part 14H–70 of the Bureau's procurement regulations. Requests for waivers may be made as follows:

(1) Tribal organizations may submit written requests for a waiver or modification of contract regulations on specific contracts to the Commissioner through, or jointly with, the contracting officer. The contracting officer will promptly transmit the request and his recommendations on it to the Commissioner, who shall issue a ruling within 15 days after receipt of the request.

(2) When the waiver or modification requested is determined by the Commissioner to apply in general, it will be made a part of 41 CFR Part 14H–70. When the Commissioner determines that the request for modification or waiver should not apply in general but is warranted for the contract to which the request pertains, the tribal organization and the contracting officer will be so advised in writing.

(3) If the request for waiver or modification is determined by the Commissioner not to be appropriate, the tribal organization will be notified in writing.

(c) Contracts will be negotiated on a non-competitive basis without advertising when the contracts are requested by a tribal governing body in accordance with § 271.18.

(d) A tribal organization is not required to furnish performance and payment bonds before carrying out a contract under this Part for the construction of public buildings or works as required by the Miller Act of August 24, 1935 (49 Stat. 793), as amended. However, the tribal organization shall require each of its subcontractors to furnish both performance and payment bonds as follows:

(1) A performance bond with a surety or sureties satisfactory to the approving official, and in an amount he deems adequate, for the protection of the United States.

(2) A payment bond with a surety or sureties satisfactory to the approving official for the protection of all persons supplying labor and material in carrying out the contract. Whenever the total amount payable by the terms of the contract is not more than $1,000,000, the payment bond shall be one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract is more

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than $1,000,000 but not more than $5,000,000, the payment bond shall be 40 percent of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract is more than $5,000,000, the payment bond shall be $2,500,000.

§ 271.52 Term of contract.

(a) The term of contracts under this Part shall not exceed one year except that contracts may be made for a longer term up to three years, subject to availability of funds under the following circumstances:

(1) The services provided under the contract can reasonably be expected to be continuing in nature and, as a result, a longer contract term would be advantageous.

(2) The Indian tribe(s) to be served by the contract request that the term be more than one year. The tribal organization will indicate the desired term of the contract on the application form. When the Indian tribe(s) request that the contract be approved as provided in § 271.18, that will also be deemed a request for the longer term indicated in the application.

(b) Contracts made for a term of more than one year may be renegotiated annually to reflect factors, including, but not limited to, cost increases beyond the control of the tribal contractor. Proposed changes in the services provided under the contract which reflect changes in program emphasis may be considered during the annual renegotiation if the changes fall within the general scope of the contract. Such changes may be initiated by either the tribal contractor or the Bureau but must be agreed to by both.

§ 271.53 Performing personal services.

Any contract made under this Part may include provisions for the performance of personal services which would otherwise be performed by Federal employees. Such services include, but are not limited to, performing the following functions in accordance with the contract and applicable rules and regulations:

(a) Determining the eligibility of applicants for assistance, benefits, or services.

(b) Determining the extent or amount of assistance, benefits, or services to be provided.

(c) Determining the provisions of such assistance, benefits, or services.

§ 271.54 Contract funds.

The tribal organization shall be entitled to be funded for direct and indirect costs under the contract as follows:

(a) Direct costs under contracts for operations of programs or parts shall not be less than the Bureau would have provided if the Bureau operated the program or part during the contract. Direct costs shall include the Bureau's direct costs for planning, administering, and evaluating the program or part and shall not be used to reduce indirect costs otherwise allowable to the tribal organization.

(b) Direct costs under contracts for operation of programs or parts operated by the Bureau before contract operations shall be not less than the funds that are programmed and available for the program or part at the time of the contract application, except as limited in paragraph (g) of this section.

(c) Direct costs under contracts for the operation of programs or parts authorized to be operated by the Bureau, but not operated by the Bureau, for the benefit of the Indians to be served under the contract shall be determined by mutual agreement based on a comparison of similar programs operated by the applicant, the requesting tribe, other tribes, the Bureau, other governmental, public or private organizations.

(d) Direct costs for programs or parts to be contracted at the Agency Office level shall be based on the funds available at that level.

(e) Direct costs for programs or parts to be contracted at the Area Office level shall be based on funds available at that level.

(f) Allowability of costs under contracts shall be determined under Appendix A of Part 276 of this chapter.

(g) Funds provided under contract for direct or indirect costs shall not cause a reduction in funds provided for other programs or parts not under contract, except as agreed to by the affected tribe(s) and within the existing authorities of the Bureau.

§ 271.55 Savings under contract.

(a) If it becomes apparent during the contract term that the estimated amount of a contract under this Part will be in excess of actual expenditures under the contract, the identified savings shall be used to provide additional services or benefits under the contract.

(b) When both the tribal organization and the Bureau agree that it is not practicable to spend the savings during the contract term and the contract funds were appropriated pursuant to the Act of November 2, 1921 (42 Stat. 208), the savings may be carried over into the succeeding fiscal year contract, except as otherwise specifically provided in appropriation acts. Savings carried over into a succeeding fiscal year shall be added to the contract amount for that fiscal year. The savings shall not reduce the amount that would have been made available if there had been no savings.

(c) If there are savings under a contract that is retroceded as provided in § 271.71, the savings shall be used by the Bureau to operate the program or part of a program covered by the retroceded contract. The savings shall be carried over and used for such operations during the succeeding fiscal year, except as otherwise specifically provided in appropriation acts.

§ 271.56 Privacy Act requirements.

(a) When a tribal contractor operates a system of records to accomplish a Bureau function, the contractor shall comply with Subpart D of 43 CFR Part 2 which implements the Privacy Act (5 U.S.C. 552a). Examples of the tribal contractor's responsibilities are:

(1) To continue maintaining those systems of records declared by the Bureau to be subject to the Privacy Act as published in the FEDERAL REGISTER.

(2) To make such records available to individuals involved.

(3) To disclose an individual's record to third parties only after receiving permission from the individual to whom the record pertains. 43 CFR 2.56 lists exceptions to this procedure.

(4) To establish a procedure to account for access, disclosures, denials, and amendments to records.

(5) To provide safeguards for the protection of the records.

(b) The tribal contractor may not:

(1) Discontinue or alter any established systems of records without prior approval of the appropriate Bureau systems manager.

(2) Deny requests for notification or access of records without prior approval of the appropriate Bureau systems manager.

(3) Approve or deny requests for amendments of records without prior approval of the appropriate Bureau systems manager.

(4) Establish a new system of records without prior approval of the Department of Interior and the Office of Management and Budget.

(5) Collect information about an individual unless it is relevant or necessary to accomplish a purpose of the Bureau as required by statute or Executive Order.

(c) The tribal contractor is subject to the penalties provided in subsection (i) of 5 U.S.C. 552a.

Subpart E—Contract Revision or Amendment

§ 271.61 Requesting revision or amendment.

(a) Any contract made under this Part may be revised or amended as deemed necessary to carry out the purposes of the program, project or function being contracted.

(b) The contractor shall submit proposed revisions and amendments to the Bureau as follows:

(1) To the contracting officer in the Area Office when the tribe(s) or Indians served by the contract are within the jurisdiction of that Area Office.

(2) To the contracting officer in the Bureau's headquarters in Washington, D.C. when the tribe(s) or Indians served are within the jurisdiction of more than one Area Office.

(c) The contractor shall send copies of all requests for revisions or amendments to the designated representative of the tribal governing body at the same time as they are sent to the appropriate contracting officer.

§ 271.62 Review and action by contracting officer.

Upon receipt of the proposed revision or amendment from the contractor, the contracting officer shall, unless the tribal resolution under § 271.18(c)(2) or any subsequent amendment restricts such action, proceed as follows:

(a) Within five days, notify in writing the contractor and the tribal governing body(s) if different from the contractor, of receipt of the proposed revision or amendment and that the tribal governing body(s) shall have 15 days from receipt of the notice to send any written objections to the contracting officer. If the tribal governing body(s) object to the proposed revision or amendment, the contracting officer shall so notify the contractor and the proceedings under this subpart shall cease.

(b) Within 30 days after the tribal governing body(s) received the notice, if no objections are received, review the proposed revision or amendment and the criteria for declination given in § 271.15. At the completion of the review, the following action will be taken as appropriate:

(1) If there are no declination issues, the contracting officer will notify the contractor and the tribal governing body(s) in writing of this fact and revise or amend the contract within 30 days of issuing the notice or at their convenience.

(2) If it is felt that there are declination issues that must be resolved, the contracting officer will notify the contractor and the tribal governing body(s) of this fact and the extent of the issues, recommend a course of action to resolve the issues and offer technical assistance to resolve the issues within 30 days after issuing the notice.

(i) If the contractor and the tribal governing body(s) accept the technical assistance, it shall continue in accordance with their request. At such time as the issues are thus resolved the contracting officer will so advise the contractor and the tribal governing body(s) and revise or amend the contract within 15 days of resolution or at their convenience.

(ii) If the contractor and the tribal governing body(s) decline the contracting officer's offer of technical assistance and the matter is not otherwise resolved, the contracting officer shall proceed in accordance with § 271.63.

(iii) If the contractor and the tribal governing body(s) do not respond within 30 days of receipt of the contracting officer's recommendations and offer of assistance and do not request additional time in which to respond the contracting officer shall proceed in accordance with § 271.63.

(iv) If the contractor and the tribal governing body(s) do not agree with the contracting officer's recommendations and the matter is not resolved within 30 days of the contracting officer's receipt of their response to the contracting officer's recommendations, the contracting officer shall proceed in accordance with § 271.63.

§ 271.63 Contracting officer's recommendation to decline.

(a) If the contracting officer, the contractor, and the tribal governing body fail to resolve the declination issues, the contracting officer shall prepare a written recommendation to decline.

(b) This recommendation shall contain, at a minimum, the following information:

(1) Identification of specific objections, categorized under one or more of the declination factors set forth in § 271.15.

(2) Specific recommendations on actions required by the contractor or tribe(s) to overcome objections.

(3) Description of the nature, scope, and source of the technical assistance which has been provided or offered by the Bureau to assist the contractor and the tribal governing body(s) to overcome the declination objections.

(4) Copies of all correspondence between the contracting officer and contractor and tribal governing body(s) and all responses thereto, including any reports of meetings between the parties relative to the proposed revision or amendment.

(5) Copy of original proposed revision or amendment.

(c) The contracting officer shall make written recommendations to:

(1) The Area Director when the tribe(s) or Indians served by the contract are within the jurisdiction of that Area Office.

(2) The Commissioner when the tribes or Indians served are within the jurisdiction of more than one Area Office.

§ 271.64 Review and action by Area Director or Commissioner.

(a) Within five days after receiving a proposed revision or amendment and the contracting officer's recommendations to decline, the Area Director or Commissioner as given in § 271.61 shall notify the contractor and the tribal governing body(s) in writing of the receipt of the proposed revision or amendment.

(b) Within 15 days after receiving the contracting officer's recommendations, the Area Director or Commissioner shall review the application, the contracting officer's recommendations, and the declination criteria in § 271.15.

(c) Within 15 days after receiving the contracting officer's recommendations, the Area Director or Commissioner shall notify the contractor, the appropriate tribal governing body(s), and the contracting office of one of the following:

(1) When the Area Director or Commissioner does not accept the contracting officer's recommendations to decline, notice shall be given that the recommendations are not accepted and that the Bureau shall revise or amend the contract as requested by the contractor and the tribal governing body(s).

(2) When the Area Director or Commissioner accepts the contracting officer's recommendations and believes the Bureau should not revise or amend the contract as requested, notice shall be given that the Area Director or Commissioner plans to issue a declination notice and that the contractor and the tribal governing body(s) have the following rights:

(i) The contractor and the tribal governing body(s) may submit a written rebuttal to the Area Director's or Commissioner's plan to issue a declination notice.

(ii) The contractor and the tribal governing body(s) may request to appear before the Area Director or Commissioner or their representatives under paragraph (d) of this section.

(iii) The contractor and the tribal governing body(s) must exercise these rights within 30 days after receiving the notice required in paragraph (c)(2) of this section.

(d) If the contractor and the tribal governing body(s) request to appear before the Area Director or Commissioner under paragraph (c)(2)(ii) of this section, the Area Director or Commissioner shall:

(1) Select a site for a meeting between the contractor, the tribal governing body(s), and the Area Director or Commissioner. The Area Director or Commissioner may designate a representative from his office to attend the meeting.

(2) Authorize payment of transportation costs and per diem under terms he may make to allow adequate representation of the contractor and the appropriate tribe(s), if the meeting is more than 50 miles from the office of the contractor.

(3) Notify the contractor and the appropriate tribe(s) of the time, location and other terms of the meeting.

(4) Hold the meeting within 30 days of the request, unless the contractor and the tribal governing body(s) request a later day.

(e) (1) The Area Director or Commissioner shall issue a declination notice as follows:

(i) Within 15 days after receiving the contractor's and tribal governing body(s)' rebuttal submitted under paragraph (c)(2)(i) of this section or after the conclusion of the meeting under paragraph (d) of this section.

(ii) Within 45 days after issuing the notice under paragraph (c)(2) of this section when the contractor and tribal governing body(s) have not used the rights under paragraph (c)(2) of this section.

(2) The declination notice shall be in writing and shall contain:

(i) Identification of specific objections, categorized under one or more of the declination criteria set forth in § 271.15.

(ii) Specific recommendations on actions required by the contractor or tribe to overcome the objections.

(iii) Description of the nature, scope, and source of the technical assistance which has been provided or offered by the Bureau to assist the contractor and the tribal governing body(s) to overcome declination objections.

(iv) Copies of all correspondence between the Bureau, the contractor and/or tribe, and all responses thereto, including any reports or meetings between the parties relative to the application.

(v) Copy of original proposed revision or amendment.

(vi) The appeal of rights of the contractor and the tribal governing body(s)

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under § 271.82 or § 271.83 as given in § 271.65.

§ 271.65 Appeal of Area Director's or Commissioner's decision to decline.

(a) The contractor and/or the tribal governing body(s) shall have 60 days to appeal the decision by the Area Director or Commissioner to decline to amend the contract.

(b) An appeal from an Area Director's decision to decline to amend the contract shall be made to the Commissioner as provided in § 271.82.

(c) An appeal from the Commissioner's decision to decline to amend the contract shall be made to Director, Office of Hearings and Appeals, Department of Interior, Washington, D.C., as provided in § 271.83.

§ 271.66 Revisions or amendments proposed by Bureau.

(a) Where the Bureau proposes a revision or amendment to a specific contract, it shall notify the contractor and the tribal governing body(s) in writing of the following:

(1) The specific revision or amendment which is proposed.

(2) The rationale for the proposal.

(b) All amendments proposed by the Bureau must be agreed to, in writing, by the contractor, the tribal governing body(s) and the Bureau. If such agreement cannot be obtained, the proposed amendment shall not be adopted by the Bureau.

Subpart F—Retrocession and Reassumption

§ 271.71 Retrocession.

(a) Tribal governing bodies not only have a right to contract for Bureau programs or portions thereof, as they choose, but also have a right to return responsibility for the operation of a contracted program or portion thereof to the Bureau for any reason they deem appropriate. Retrocession specifically recognizes the Federal Government's unique and continuing relationship with and responsibility to Indian people.

(b) When a tribal organization experiences specific problems with the operation of a contract and is considering the possibility of retrocession, it may request the Bureau to assist it to avoid retrocession. In the event of such a request, the Bureau will:

(1) Meet with appropriate officials of the tribal organization and the tribe, where the tribal governing body is not the contractor, to develop a plan to avoid retrocession.

(2) Provide, to the extent possible, special technical assistance to assist the tribal organization to satisfactorily operate the program and enable it to avoid retrocession.

§ 271.72 Full retrocession procedures.

(a) Whenever an Indian tribe requests retrocession of a contract, retrocession shall be effective upon a date specified by the Commissioner or Area Director as appropriate but no later than 120 days after the date of the request from the tribe(s), except when the tribe(s) and the Commissioner mutually agree on a later date.

(b) When the contract is with a tribal organization other than the tribal governing body and the tribal resolution required under § 271.18(c)(2) does not vest in the tribal governing body the sole right to request retrocession, the tribal governing body shall consult with the tribal organization and, if so requested, offer it an opportunity to be heard in accordance with tribal procedures before requesting retrocession of the contract.

(c) When the contract is with a tribal organization which is performing services benefiting more than one Indian tribe, all or any of the tribes may request a retrocession in accordance with the procedures provided for in the tribal resolution required for the initial contract § 271.18(c)(2). When all of the tribes request retrocession, the retrocession shall be accomplished as provided for in this section. When one or more, but not all of the tribes request retrocession, the contract will continue until the end of the contract term or the fiscal year, whichever comes first. In such case the Bureau shall assess its available resources and capabilities to provide such services independently of and in addition to that being provided under the contract and inform the tribes requesting retrocession of the level of services that will be available to them upon retrocession. The fact that these services may necessarily be at a reduced level will not constitute cause to cancel the existing contract providing services to tribes not retroceding. The existing contract will be modified as appropriate to reflect the nonparticipation to the tribes no longer being served. The Bureau will, however, provide sufficient resources to maintain the existing level of services under the contract to the tribes that did not request retrocession.

(d) Within 15 days after receipt by the Commissioner or Area Director of a request for retrocession, representatives of the tribe(s), the tribal organization when appropriate, and the Commissioner or Area Director as appropriate shall meet and take the following actions:

(1) Mutually agree on a plan for orderly transfer of responsibilities.

(2) Mutually agree on a plan for inventorying and accounting for materials and supplies on hand, equipment, facilities and real property.

(3) Establish an accounting of funds, current and anticipated obligations, and costs of operation until the retrocession date.

(4) Identify all records relating to the contract and to the contracted function.

(e) On the date of retrocession, the tribal contractor will deliver to the Bureau all property that was acquired with contract funds and all materials, supplies and records of whatever nature which have been identified as necessary for the continuation of the program, project or function.

(f) Within 60 days after retrocession, the tribe(s) and the Bureau will jointly develop a report to the Commissioner outlining the reasons why retrocession was requested.

(g) Retrocession of a contract by an Indian tribe shall be without prejudice to:

(1) Any other contract to which it is a party.

(2) Any other contracts it may request.

(3) Any future request to contract for the programs or services covered by the retroceded contract, insofar as the conditions which led to retrocession are no longer a factor and the tribal organization is the same one that held the retroceded contract.

§ 271.73 Tribal assumption of retroceded contracts.

Wherever an Indian tribe chooses to retrocede a contract operated by a tribal organization other than the tribal governing body, the tribal governing body pursuant to § 271.18 may contract for the program. In such a case, the tribal governing body shall submit a contract application pursuant to § 271.14; *Provided*, That the tribal governing body may submit the contract application directly to the Area Director or Commissioner, as appropriate.

§ 271.74 Reassumption.

(a) A contract made under this Part may be terminated, and control or operation of the program or function assumed by the Commissioner or Area Director as appropriate, in whole or in part, when the Commissioner or Area Director determines that the tribal organization's performance under the contract involves:

(1) The violation of the rights of any persons can be identified as a pattern or practice, or

(2) The endangerment of the health, safety and welfare of any persons, or

(3) Gross negligence or mismanagement in the handling or misuse of funds provided under the contract.

(b) If the Commissioner or Area Director as appropriate finds there is an immediate threat to safety, he may, upon written notice to the tribal organization, immediately suspend the contract and resume control or operation of the program. In such an event, the Commissioner or Area Director will hold a hearing within 10 days. The hearing shall be conducted as provided in § 271.81. The decision issued pursuant to § 271.81(c) shall include a statement of the corrective action needed to be taken by the tribal organization before it can assume operation of the contract.

(c)(1) If there is no immediate threat to safety, the Commissioner or Area Director as appropriate shall provide written notice to the tribal organization of intent to terminate the contract. The notice shall give the reasons for the proposed termination, the corrective measures necessary, and a reasonable time period in which corrective action must be taken. The Commissioner or Area Director shall also hold a hearing in accordance with § 271.81 within 10 days of issuance of the notice.

(2) When the decision resulting from the hearing held pursuant to § 271.81 is adverse to the tribal organization, the decision shall as a minimum state the corrective action that must be taken, state the technical assistance the Bureau will provide the tribal organization and give the tribal organization at least 60 days in which to take corrective action. Within 30 days of the tribal organization's receipt of an Area Director's decision, it may request the Commissioner to review the decision. If the Commissioner determines that staying the Area Director's decision will not result in an immediate threat to safety, he may provide additional time for taking corrective action. If the Commissioner determines the Area Director's decision is not correct, he may advise the Area Director to rescind the hearing decision.

(d) A decision to terminate the contract and reassume control or operation may be appealed as provided in § 271.82 or §271.83, as appropriate.

(e) The Commissioner may decline to enter into a new contract and may retain control of the program or function until he is satisfied that the conditions which caused the contract to be terminated have been corrected.

§ 271.75 Cancellation of contract for cause.

(a) Any contract with a tribal organization entered into under this Part may be cancelled for cause when the tribal organization fails to perform within the terms and conditions of the contract.

(b) Before cancellation of the contract, the Area Director or Commissioner shall advise the tribal organization and the tribal governing body(s) if different than the tribal organization in writing of the following:

(1) The reasons why the Area Director or Commissioner is considering cancelling the contract.

(2) That the tribal organization will be given at least 45 days to present an acceptable plan to overcome the deficiencies in its contract performance.

(3) That the Bureau will furnish technical advice an assistance to help overcome the deficiencies in the contract performance, when requested.

(c) When the contract is with other than the governing body of the Indian tribe, the tribe(s) receiving services or benefits under the contract will be notified when a cancellation for cause is contemplated. The notice shall include the reasons why a cancellation for cause is contemplated and any supporting documents used by the Area Director to reach his conclusions. The notice shall also offer to hold a meeting with the tribe(s) to discuss the issues and explore any options available to the tribe(s). The Area Director and the tribe(s) will mutually consider the relevant issues before the Area Director proceeds with any cancellation action.

(d) If the tribal organization does not present an acceptable plan to overcome the deficiencies in its contract performance within 45 days of its receipt of the notice of deficiencies or does not request the Commissioner to review the Area Director's decision as provided in paragraphs (e) and (f) of this section, the Area Director will cancel the contract for cause. The contracting officer will notify the tribal organization, in writing, of the cancellation. The notice shall give the reasons for the cancellation and the right of the tribal organization to appeal under § 271.84.

(e) When the Area Director determines the contract should be cancelled for cause the decision shall state as a minimum: The reasons for the decision; the actions that must be taken to achieve satisfactory performance; the technical assistance the Bureau will provide 60 days to correct its performance deficiencies; and the tribal organization's right of appeal under § 271.84. The decision shall also advise the tribal organization that it may request the Commissioner to review the decision and that such request must be made within 30 days of receipt of the decision.

(f) The Commissioner's review will be conducted and the tribal organization advised of the results within 30 days of receiving the request. If the Commissioner concurs in the Area Director's decision, the tribal organization will be so advised in writing and of its right to appeal the Area Director's decision pursuant to § 271.84. If the Commissioner decides that the Area Director's decision is not supported by the record, he will so advise both the Area Director and the tribal organization and the cancellation action will cease. In no case shall an Area Director cancel a contract until the review requested by a tribal organization has been completed by the Commissioner and results thereof have been received.

(g) When a contract is cancelled for cause, the Bureau will either perform the work with its own forces or by another contract, as appropriate. When the Bureau does not have sufficient forces on hand to immediately perform the work, it may, for temporary periods of the shortest duration possible, contract with a contractor that is not a tribal organization. However, in such cases, the advice of the tribe(s) will be obtained to determine how they desire the services to be rendered.

(h) Excess costs resulting from a cancellation that are required to operate the program will be provided by the Bureau to the extent that funds are available for that fiscal year. However, if current funds are not sufficient to maintain the program at its planned level, the program may be reduced until funds become available for the remainder of the fiscal year, at which time the program will be resumed at its planned level.

(i) Any tribal organization that has a contract cancelled for cause must demonstrate that the causes which led to the cancellation have been cured before it will be considered for another contract. In addition, there must be a new resolution and a new request from the Indian tribe(s) that will receive services or benefits under the contract.

§ 271.76 Bureau operation of retroceded, reassumed or cancelled for cause contracts.

(a) The Bureau shall provide to the tribe(s) and Indians served by a contract which is retroceded, reassumed, or cancelled for cause not less than the same quantity and quality of service that would have been provided at the level intended by the contract or operated previously by the Bureau.

(b) The Bureau shall provide to the tribe(s) and Indians served by a contract which is retroceded, reassumed, or cancelled for cause not less than the same quantity and quality of permanent and temporary personnel that meet the U.S. Civil Service qualifications that would have been provided at the level intended by the contract or previously operated by the Bureau. The procedures in § 271.-77 will be followed to obtain personnel to operate programs or parts of programs previously under contract with a tribal organization but returned for operation by the Bureau because the contract was either retroceded, reassumed or cancelled for cause.

(c) This section shall apply to all contracts for the operation of Bureau programs or parts of programs in effect at the time of the effective date of these regulations entered into under the authority of the Buy Indian Act (25 U.S.C. 47), and any contracts under this Part.

(d) Actions under this section shall not cause a reduction in the quality and quantity of services to tribe(s) or Indians not served by contracts which are retroceded, reassumed or cancelled for cause.

§ 271.77 Authorized position and end-of-year employment ceiling reserve for Bureau operation of retroceded, reassumed or cancelled contracts.

(a) When authorized permanent and other positions and permanent and other end-of-year employment ceiling are not required for the operation of all or parts of a Bureau program because the program or parts of a program are under contract with a tribal organization under this Part, the positions and ceilings shall be reserved. The positions and ceiling reserved shall be available only for the same program or parts of a program at the same locations if the Bureau must operate the program or parts of a program because a tribe has retroceded the contract or because the Bureau has reassumed or cancelled the contract for cause.

(b) The Bureau shall establish a position and ceiling reserve for all contracts for the operation of all or parts of Bureau programs initially entered into on or after the effective date of these regulations.

Subpart G—Hearings and Appeals

§ 271.81 Hearings.

Hearings required by § 271.74 shall be conducted as follows:

(a) The tribal organization and the Indian tribe(s) shall be notified, in writing, of the hearing. The notice shall give

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the date, time, place, and purpose of the hearing.

(b) A written record of the hearing shall be made. The record shall include written statements submitted at the hearing or within five days following the hearing.

(c) Within 30 days of the hearing, the Commissioner or Area Director as appropriate shall issue a written decision on the issues considered during the hearing.

§ 271.82 Appeals from decision or action by Area Director.

A tribal organization (unless restricted by the tribal resolution under § 271.18 (c) (2) or subsequent resolutions) or tribal governing body may appeal any decision made or action taken by an Area Director under this Part. Such appeal shall be made to the Commissioner as provided in Part 2 of this chapter.

§ 271.83 Appeals from decision or action by Commissioner.

(a) A tribal organization (unless restricted by the tribal resolution under § 271.18(c) (2) or subsequent resolutions) or tribal governing body may appeal the Commissioner's decision to decline to contract or to decline to amend a contract under §§ 271.25 or 271.64 to the Director, Office of Hearings and Appeals, Department of the Interior, as provided in Subpart G of 43 CFR Part 4.

(b) A tribal organization (unless restricted by the tribal resolution under § 271.18(c) (2) or subsequent resolutions) or tribal governing body may appeal any other decision made, action taken, or action not taken within the time limits required by this Part, by the Commissioner if authorized and as provided in Part 2 of this chapter. A decision by the Commissioner concerning funding levels for a program or part of a program to be contracted is considered to be an exercise of the Commissioner's discretionary authority and, therefore, is final for the Secretary.

§ 271.84 Appeals from Bureau decision to cancel contract for cause.

A tribal organization (unless restricted by the tribal resolution under § 271.18 (c) (2) or subsequent resolutions) may appeal the Bureau's decision to cancel for cause any contract made under this Part. Such appeal shall be made to the Director of the Office of Hearings and Appeals as provided in Subpart G of 43 CFR Part 4.

PART 272—GRANTS UNDER INDIAN SELF-DETERMINATION ACT

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AUTHORITY: Sec. 104, Pub. L. 93-638, 88 Stat. 2203, unless otherwise noted.

Subpart A—General Provisions

§ 272.1 Purpose and scope.

The purpose of the regulations in this Part is to provide the application and approval procedures for the award by the Bureau of grants under section 104(a) of Title I of the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203). Title I is known as the Indian Self-Determination Act.

§ 272.2 Definitions.

As used in this Part:

(a) "Act" means the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203).

(b) "Applicant" means a tribal governing body applying for a grant under this Part.

(c) "Area Director" means the official in charge of a Bureau of Indian Affairs Area Office.

(d) "Bureau" means the Bureau of Indian Affairs.

(e) "Commissioner" means the Commissioner of Indian Affairs.

(f) "Days" means calendar days.

(g) "Economic enterprise" means any commercial, industrial, agricultural or business activity that is at least 51 per cent Indian owned, established or organized for the purpose of profit.

(h) "Grant" means a written agreement between the Bureau and a tribal governing body where the Bureau provides funds to carry out specified programs, services or activities and where the administrative and programmatic provisions are specified.

(i) "Grantee" means the tribal governing body which is responsible for administration of the grant.

(j) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is federally recognized as eligible by the United States Government through the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(k) "Indian" means a person who is a member of an Indian tribe.

(l) "Resolution" means the formal manner in which the tribal government expresses its legislative will pursuant to its organic documents. In the absence of such organic documents a written expression adopted pursuant to tribal (current) practices will be acceptable.

(m) "Secretary" means the Secretary of the Interior.

(n) "Superintendent" means the official in charge of a Bureau of Indian Affairs Agency Office.

(o) "Subcontracts" means contracts undertaking some of the obligations of primary grants.

(p) "Subgrants" means secondary grants undertaking some of the obligations of primary grants.

(q) "Tribal government", "tribal governing body" and "tribal council" means the recognized governing body of an Indian tribe.

(r) "Trust resources" means natural resources, land, water, minerals, funds or property, asset, or claim, including any intangible right or interest in any of the foregoing, which is held by the United States in trust for any Indian tribe or Indian individual subject to a restriction on alienation imposed by the United States.

(s) "Trust responsibility" means for the purposes of this Part only the responsibility assumed by the United States Government, by virtue of treaties, statutes and other means, legally associated with the role of trustee, to protect, manage, develop and approve authorized transfers of interest in trust resources held by Indian tribes and Indian individuals to a standard of the highest degree of fiduciary responsibility.

§ 272.3 Effect on existing Indian rights.

The regulations in this Part are not meant to and do not:

(a) Affect, modify, diminish, or otherwise impair the sovereign immunity from suit enjoyed by an Indian tribe; or

(b) Authorize, require or permit the termination of any existing trust responsibility of the United States with respect to the Indian people.

§ 272.4 Revision or amendment of regulations.

Before making any substantive revisions or amendments to the regulations in this part, the Secretary shall take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(c) Publish any proposed revisions or amendments in the FEDERAL REGISTER as proposed rulemaking to provide adequate notice to, and receive comments from all interested parties.

(d) After consideration of all comments received, publish the regulations in the FEDERAL REGISTER in final form not less than 30 days before the date they are made effective.

(e) Annually consult with Indian tribes and national and regional Indian organizations about the need for revision or amendment, and consider their views in preparing the revision or amendment.

(f) Nothing in this section shall preclude Indian tribes or national or regional organizations from initiating requests for revisions or amendments, subject to paragraphs (a), (b), (c) and (d) of this section.

§ 272.5 Statement of policy.

(a) The Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) is intended to facilitate increased self-determination for American Indians by providing a means through which they may plan, conduct and administer programs and services to Indian people. These programs and services are essentially those authorized by the Act of April 16, 1934 (Johnson-O'Malley Act); the Act of November 2, 1921 (Snyder Act) and other subsequent Acts.

(b) A most important aid available to assist Indians in achieving this objective of increased self-determination is the grant authority provided in section 104 of the Act. This grant authority will assist Indian tribes in improving their governing capabilities, increase their ability to effectively administer programs under contract, and enable them to provide direction to the Federal programs intended to serve Indian people.

(c) Under this grant authority the Bureau of Indian Affairs will administer a program of Indian self-determination grants which shall be subject to Parts 272 and 276 of this chapter. In the administration of this grant program, it shall be the Bureau's policy that approval of applications for these grants shall include a determination that there is a direct and reasonable relationship between the applicant's proposal and the provisions of section 104a of the Act and of § 272.12.

(d) In accordance with this policy, it shall be the responsibility of the applicant to establish that such a grant will improve the tribe's governing capabilities, enhance the tribe's ability to administer Federal programs under contract, or enable the tribe to provide direction to Bureau programs and to other Federal programs serving it.

(e) Emphasis on planning and training in relation to the purposes of a grant given in paragraph (d) of this section is considered in keeping with the intent of section 104(a) of the Act. Applications which include these elements are encouraged.

Subpart B—Application Process

§ 272.11 Eligibility requirements.

The governing body of any Indian tribe or tribes may apply for a grant under this Part.

§ 272.12 Purposes of grants.

Grants are for the purpose of: (a) Strengthening and improving administration of tribal government. Examples in this specific regard are as follows:

(1) Developing the capability of the executive, legislative, and judicial branches of tribal government in such areas as administration of planning, financial management, or merit personnel systems.

(2) Improvement of tribally funded programs or activities.

(3) Development, construction, improvement, maintenance, preservation, or operation of tribal facilities or resources.

(4) Training of tribal officials and employees in areas relating to the planning, conduct and administration of tribal programs.

(5) Design and implementation of new tribal government operations.

(6) Development of policy-making, legislative and judicial skills.

(b) Planning, training, evaluation or other activities designed to improve the capacity of an Indian tribe to enter into a contract or contracts pursuant to section 102 of the Act and the additional costs associated with the initial years of operation under such a contract or contracts. Examples of use of grants by Indian tribes, as indicated in this paragraph, are as follows:

(1) Evaluation of programs and services currently being provided directly by the Bureau in order to determine:

(i) Whether it is appropriate for the Indian tribe to enter into a contract pursuant to section 102 of the Act for a program or a portion of a program.

(ii) Whether the Indian tribe can improve the quality or quantity of the service now available.

(iii) Whether certain components should be redesigned but the program should continue to be operated by the Bureau.

(iv) Whether the program as currently administered by the Bureau is adequate to meet tribal needs and, therefore, the Indian tribal organization does not wish to contract or modify the program.

(2) Planning or redesigning a Bureau program before the Indian tribe contracts for it, and development of an operational plan for carrying out the anticipated contract in order to facilitate the transition of the program from Bureau to tribal operation.

(3) Training of tribal officials and employees in areas related to the conduct and administration of programs of the Bureau which the Indian tribe may wish to operate under contract.

(4) Costs associated with contracting to enable tribal contracting. Examples of such costs include curriculum development in support of tribal contracting of schools, in-service training programs to develop the skills of employees of the Indian tribe on a continuing basis, special on-the-job training activities in support of tribal members being prepared to assume program responsibilities.

(c) Acquisition of land in connection with paragraphs (a) and (b) of this section. Procedures for acquisition of land are prescribed in § 276.11 of this chapter.

(d) Planning, designing, monitoring, and evaluating Federal programs serving the Indian tribe. An example of this regard is assisting the tribal government to influence Federal programs presently offered or those that could be offered to the tribe to assure that they are responsive to the needs of Indian tribes. A tribal government may monitor and evaluate the operations of such programs which now serve tribal members and replan and redesign those programs to better respond to their needs. Bureau programs which are planned, replanned, designed or redesigned in accordance with this paragraph shall be implemented by the Bureau as prescribed in § 272.27.

(e) Funds made available for grants for the purposes described above may be applied as matching shares for other Federal or non-Federal grant programs as prescribed in § 272.33.

§ 272.13 Obtaining application instructions and materials.

Application instructions and related application materials may be obtained from Superintendents, Area Directors, and the Commissioner.

§ 272.14 Content of application.

Application for a grant under this Part shall include:

(a) Name and address of Indian tribal governing body(s) applying for a grant.

(b) Descriptive name of project.

(c) Federal funding needed.

(d) Population directly benefiting from the project.

(e) Length of project.

(f) Beginning date.

(g) Project budget categories or items.

(h) Program narrative statement.

(i) Certification or evidence of request by Indian tribe.

(j) Name and address of Bureau office to which application is submitted.

(k) Date application is submitted to Bureau.

(l) Additional information pertaining to grant applications for funds to be used as matching shares will be requested as prescribed in § 272.33.

§ 272.15 Assistance in developing and completing grant applications.

(a) Technical assistance and support necessary to develop and complete grant applications under this Part shall be provided by the Superintendents, Area Di-

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rectors and their designated representatives upon request of the applicant.

(b) Applicants may apply for initial planning grants to cover the costs of developing and completing larger grant applications. Such initial planning grants will be made from funds which may be budgeted for grants under this part for tribal governing bodies. Applications for these initial planning grants shall be made as follows:

(1) An application for an initial planning grant may be accomplished by submission of a tribal request as prescribed in § 272.16, together with an accompanying letter from the tribal governing body requesting an initial planning grant in a specific amount. This letter shall include a brief description of the proposed initial planning project, its purpose or objective as related to development or completion of a larger grant application, and the initial planning project budget categories or items.

(2) This initial planning grant shall be no more than 10% of total grant funds which may be budgeted for grants under this part for the tribal governing body, up to a maximum of $20,000.

(3) An application for an initial planning grant shall be submitted directly to the appropriate officer having grant approval authority as prescribed in § 272.17(a) or (b) and shall be acted upon by that officer within 30 days.

§ 272.16 Request from tribal governing body.

The Bureau shall not make a grant under this Part unless specifically and officially requested to do so by a tribal governing body. This request may be in the form of a tribal resolution, an endorsement included in the grant application or such other forms as the tribal constitution or current practice requires.

§ 272.17 Grant approval limitations.

(a) Area Office approval. Authority for approval of a grant application under this Part shall be with the Area Director when the intent, purpose and scope of the grant proposal pertains solely to an Indian tribe or tribes located within that Area Director's administrative jurisdiction.

(b) Central Office approval. Authority for approval of a grant application under this Part shall be with the Commissioner when the intent, purpose and scope of the grant proposal pertains to Indian tribes representing different Area Office administrative jurisdictions but located within the Commissioner's overall administrative jurisdiction.

(c) Grant approvals under this section shall be subject to availability of funds. These funds will include those which are:

(1) Directly appropriated for implementation of this Act.

(2) Appropriated under other Acts for Bureau programs which are related to the purposes prescribed in § 272.12. However, this does not include funds appropriated for Indian Business Development Fund grants which are administered under Part 80 of this chapter.

§ 272.18 Submitting application to Agency Office.

An application for a grant under this Part shall be initially submitted to the appropriate Superintendent for review and recommendation as prescribed in § 272.19. This does not include applications for initial planning grants to develop and complete larger grant applications. Such initial planning grant applications are submitted and acted upon as prescribed in § 272.15(b).

§ 272.19 Agency Office review and recommendation.

(a) Recommendation for approval or disapproval of a grant under this Part shall be made by the Superintendent when the intent, purpose and scope of the grant proposal pertains to or involves an Indian tribe or tribes located within that Superintendent's administrative jurisdiction.

(b) Upon receipt of an application for a grant under this Part, the Superintendent shall:

(1) Acknowledge in writing receipt of the application within 10 days of its arrival at the Agency Office.

(2) Review the application for completeness of information and promptly request any additional information which may be required to make a recommendation.

(3) Assess the completed application for appropriateness of purpose as prescribed in § 272.12, and for overall feasibility.

(4) Inform the applicant, in writing and before any final recommendation, of any special problems or impediments which may result in a recommendation for disapproval; offer any available technical assistance required to overcome such problems or impediments; and solicit the applicant's written response.

(5) Recommend approval or disapproval following full assessment of the completed application and forward the application and recommendation to the Area Director for further action.

(6) Promptly notify the applicant in writing as to the final recommendation. If the recommendation is for disapproval, the Superintendent will include in the written notice to the applicant the specific reasons therefor.

(7) In instances where a joint application is made by tribes representing more than one Agency Office administrative jurisdiction, copies of the application shall be provided by the applicants to each involved Superintendent for review and recommendation as prescribed in this section.

§ 272.20 Deadline for Agency Office action.

Within 30 days of receipt of an application for a grant under this Part, the Superintendent shall take action as prescribed in § 272.19. Extension of this deadline will require consultation with and written consent of the applicant.

§ 272.21 Area Office review and action.

(a) Upon receipt of an application for a grant requiring Area Office approval, the Area Director shall:

(1) Review the application following the applicable review procedure prescribed in § 272.19.

(2) Review the Superintendent's recommendation as pertains to the application.

(3) Approve or disapprove the application.

(b) In instances where a joint application is made by tribes representing more than one Area Office administrative jurisdiction, the Area Director shall add his recommendation for approval or disapproval to that of the Superintendent and shall forward the application and recommendations to the Commissioner for further action.

(c) Upon taking action as prescribed in paragraph (a) or (b) of this section, the Area Director shall promptly notify the applicant in writing as to the action taken. If the action taken is disapproval or recommendation for disapproval of the application, the Area Director will include in the written notice the specific reasons therefor.

§ 272.22 Deadline for Area Office action.

Within 30 days of receipt of an application for a grant under this Part, the Area Director shall take action as prescribed in § 272.21. Extension of this deadline will require consultation with and written consent of the applicant.

§ 272.23 Central Office review and decision.

Upon receipt of an application for a grant requiring Central Office approval, the Commissioner shall:

(a) Review the application following the applicable review procedures prescribed in § 272.19.

(b) Review Agency and Area Office recommendations as pertain to the application.

(c) Approve or disapprove the application.

(d) Promptly notify the applicant in writing as to the approval or disapproval of the application. If the application is disapproved, the Commissioner will include in the written notice the specific reasons therefor.

§ 272.24 Deadline for Central Office action.

Within 30 days of receipt of an application for a grant under this Part the Commissioner shall take action as prescribed in § 272.23. Extension of this deadline will require consultation with and written consent of the applicant.

§ 272.25 Grant execution and administration.

(a) Grants approved pursuant to § 272.17(a) shall be executed and administered at the Area Office level.

(b) Grants approved pursuant to § 272.17(b) shall be executed and administered at the Central Office level provided that the Commissioner may designate an Area Office to execute or administer such a grant.

§ 272.26 Subgrants and subcontracts.

The grantee may make subgrants or subcontracts under this part provided

that such subgrants or subcontracts are for the purpose for which the grant was made and that the grantee retains administrative and financial responsibility over the activity and the funds.

§ 272.27 Acceptance of tribal plans for the operation of Bureau programs.

Any Bureau program, excluding any trust resources program, which is planned, replanned, designed or redesigned by a tribe under a grant provided under this part, or from any other resource, shall be implemented by the Bureau if requested by the tribe through resolution. However, before implementation the program shall meet the following requirements:

(a) Funding, staffing and other resources are available to implement the plan.

(b) The implementation of the plan would not cause a reduction in the quality or quantity of services to Indians.

(c) The plan meets the administrative planning requirements of the Bureau. However, the plan need not meet the planning requirements for the particular program.

(d) The plan provides a basis for the delivery of satisfactory services to Indian people, unless it can be demonstrated by the Bureau by substantial evidence that the plan will yield results which will be deleterious to the welfare of the Indian people to be served.

(e) The Commissioner may waive any regulatory requirements given elsewhere in this chapter or any other requirements not inconsistent with law. Inconsistencies between tribal plans and Bureau manual, guidelines, or other non-regulatory procedures are not constraints on the tribal plans.

Subpart C—General Grant Requirements

§ 272.31 Applicability.

The general requirements for grant administration in this Subpart are applicable to all Bureau grants provided to tribal governing bodies under this Part, except to the extent inconsistent with an applicable Federal statute or regulation.

§ 272.32 Reports and availability of information to Indians.

Any tribal governing body receiving a grant under this Part shall make information and reports concerning that grant available to the Indian people which it serves or represents. Access to these data shall be requested in writing and shall be made available by the tribe within 10 days of receipt of that request, subject to any exceptions provided for in the Freedom of Information Act (5 U.S.C. 552), as amended by the Act of November 21, 1974 (P.L. 93-502; 88 Stat. 1561).

§ 272.33 Matching share.

(a) Specific Federal laws notwithstanding, grant funds provided to tribal governing bodies under this Part may be used as matching shares for any other Federal or non-Federal grant programs which contribute to the purposes specified in § 272.12.

(b) Superintendents, Area Directors, and their designated representatives will, upon tribal request, assist tribes in obtaining information concerning other Federal grantor agencies with matching fund programs and will, upon tribal request, provide technical assistance to tribes in developing applications for submission to those Federal grantor agencies.

§ 272.34 Performing personal services.

Any grant provided under this Part may include provisions for the performance of personal services which would otherwise be performed by Federal employees.

§ 272.35 Fair and uniform services.

Any grant provided under this Part shall include provisions to assure the fair and uniform provision by the grantee of services and assistance to all Indians included within or affected by the intent, purpose and scope of that grant.

§ 272.36 Penalties.

If any officer, director, agent, or employee of, or connected with, any recipient of a grant, subgrant, contract or subcontract under this Part, embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, assets, or property which are the subject of such a grant, subgrant, contract, or subcontract, he shall be subject to the following penalties:

(a) If the amount involved does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) If the amount involved exceeds $100, he shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

Subpart D—Grant Revision, Cancellation, or Assumption

§ 272.41 Revisions or amendments of grants.

(a) Requests for budget revisions or amendments to grants awarded under this Part shall be made as provided in § 276.14 of this chapter.

(b) Requests for revisions or amendments to grants provided under this Part, other than budget revisions referred to in paragraph (a) of this section, shall be made to the Bureau officer responsible for approving the grant in its original form. Upon receipt of a request for revisions or amendments to grants, the responsible Bureau officer shall follow precisely the same review procedures and time specified in § 272.19.

§ 272.42 Assumption.

(a) When the Bureau cancels a grant for cause as specified in § 276.15 of this chapter, the Bureau may assume control or operation of the grant program, activity or service. However, the bureau shall not assume a grant program, activity or service that it did not administer before tribal grantee control unless the tribal grantee and the Bureau agree to the assumption.

(b) When the Bureau assumes control or operation of a grant program cancelled for cause, the Bureau may decline to enter into a new grant agreement until satisfied that the cause for cancellation has been corrected.

Subpart E—Hearings and Appeals

§ 272.51 Hearings.

Hearings referred to in § 276.15 of this chapter shall be conducted as follows:

(a) The grantee and the Indian tribe(s) affected shall be notified, in writing, at least 10 days before the hearing. The notice should give the date, time, place, and purpose of the hearing.

(b) A written record of the hearing shall be made. The record shall include written statements submitted at the hearing or within 5 days following the hearing.

(c) The hearing will be conducted on as informal a basis as possible.

§ 272.52 Appeals from decision or action by Superintendent.

(a) A grantee may appeal any decision made or action taken by a Superintendent under this Part. Such appeal shall be made to the Area Director as provided in Part 2 of this chapter.

(b) The appellant shall provide its own attorney or other advocates to represent it during the appeal process.

§ 272.53 Appeals from decision or action by Area Director.

(a) A grantee may appeal any decision made or action taken by an Area Director under this Part. Such appeal shall be made to the Commissioner as provided in Part 2 of this chapter.

(b) The appellant shall provide its own attorney or other advocates to represent it during the appeal process.

§ 272.54 Appeals from decision or action by Commissioner.

(a) A grantee may appeal any decision made or action taken by the Commissioner under this Part only as provided in Part 2 of this chapter.

(b) The appellant shall provide its own attorney or other advocates to represent it during the appeal process.

§ 272.55 Failure of Agency or Area Office to act.

Whenever a Superintendent or Area Director fails to take action on a grant application within the time limits established in this Part, the applicant may at its option, request action by the next higher Bureau official who has grant approval authority as prescribed in this Part. In such instances, the Superintendent or Area Director who failed to act shall immediately forward the application and all related materials to that next higher Bureau official.

PART 273—EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT

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AUTHORITY: 25 U.S.C. 452–456; sec. 202, Pub. L. 93–638, 88 Stat. 2203, unless otherwise noted.

Subpart A—General Provisions

§ 273.1 Purpose and scope.

(a) The purpose of the regulations in this Part is to set forth the application and approval process for education contracts under the Johnson-O'Malley Act. Such contracts shall be for the purpose of financially assisting those efforts designed to meet the specialized and unique educational needs of eligible Indian students, including programs supplemental to the regular school program and school operational support, where such support is necessary to maintain established State educational standards.

(b) The application and approval process in this part applies specifically to contracts with a State, school district, or Indian corporation.

(c) Contracts with tribal organizations for supplemental and operational support will be entered into only upon the request of an Indian tribe(s), and shall be subject to the provisions of Part 271 of this chapter and 41 CFR Part 14H–70, except as provided in § 273.11.

(d) Nothing in these regulations shall be construed as:

(1) Affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe;

(2) Authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people; or,

(3) Permitting significant reduction in services to Indian people as a result of this Part.

(e) Nothing in these regulations shall be construed to mandate an Indian tribe to request a contract or contracts. Such requests are strictly voluntary.

§ 273.2 Definitions.

As used in this Part:

(a) "Area Director" means the official in charge of a Bureau of Indian Affairs Area Office.

(b) "Bureau" means the Bureau of Indian Affairs.

(c) "Commissioner" means the Commissioner of Indian Affairs.

(d) "Days" means calendar days.

(e) "Economic enterprise" means any commercial, industrial, agricultural, or business activity that is at least 51 percent Indian owned, established or organized for the purpose of profit.

(f) "Education plan" means a comprehensive plan for the programmatic and fiscal services of and accountability by a contractor for the education of eligible Indian students under this Part.

(g) "Indian tribe" means any Indian Tribe, Band, Nation Rancheria, Pueblo, Colony or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is federally recognized as eligible by the United States Government through the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(h) "Indian corporation" means a legally established organization of Indians chartered under State or Federal law and which is not included within the definition of "tribal organization" given in paragraph (u) of this section.

(i) "Indian Education Committee" means one of the entities specified by § 273.15.

(j) "Indian" means a person who is a member of an Indian tribe.

(k) "Johnson-O'Malley Act" means the Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458, 25 U.S.C. 452–456), and further amended by the Act of January 4, 1975 (88 Stat. 2203).

(l) "Operational support" means those expenditures for school operational costs in order to meet established State educational standards or State-wide requirements.

(m) "Pub. L. 93–638" means the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638; 88 Stat. 2203).

(n) "Previously private school" means a school (other than a Federal school formerly operated by the Bureau) that is operated primarily for Indian students from age 3 years through grades 12; and, which at the time of application is controlled, sanctioned, or chartered by the government body(s) of an Indian tribe(s).

(o) "Reservation" or "Indian Reservation" means any Indian tribe's reservation, Pueblo, Colony, or Rancheria, including former reservations in Oklahoma, Alaska Natives regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and Indian allotments.

(p) "School district" or "local education agency" means that subdivision of the State which contains the public elementary and secondary educational institutions providing educational services and is controlled by a duly elected board, commission, or similarly constituted assembly.

(q) "Secretary" means the Secretary of the Interior.

(r) "State" means a State of the United States of America or any political subdivision of a State.

(s) "Superintendent" means the official in charge of a Bureau of Indian Affairs Agency Office.

(t) "Supplemental programs" means those programs designed to meet the specialized and unique educational needs of eligible Indian students which may have resulted from socio-economic conditions of the parents, from cultural or language differences or other factors, and as provided by § 273.34(b).

(u) "Tribal government", "tribal governing body" and "tribal Council" means the recognized governing body of an Indian tribe.

(v) "Tribal organization," means the recognized governing body of any Indian tribe or any legally established organization of Indians or tribes which is controlled, sanctioned, or chartered by such governing body or bodies, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract must be made by the Indian tribe that will receive services under the contract; *Provided further*, That in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

§ 273.3 Revision or amendment of regulations.

In order to make any substantive revision or amendments to regulations in this part, the Secretary shall take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Publish the proposed revisions or amendments in the Federal Register as proposed rulemaking to provide adequate notice to, and receive comments from, all interested parties.

(c) After consideration of all comments received, publish the regulations in the Federal Register in final form not less than 30 days before the date they are made effective.

(d) Annually consult with Indian tribes and national and regional Indian organizations about the need for revision or amendment, and consider their views in preparing the revision or amendment.

(e) Nothing in this section shall preclude Indian tribes or national or regional Indian organizations from initiating request for revisions or amendments subject to paragraphs (a), (b), and (c) of this section.

§ 273.4 Policy of maximum Indian participation.

The meaningful participation in all aspects of educational program development and implementation by those affected by such programs is an essential requisite for success. Such participation not only enhances program responsiveness to the needs of those served, but also provides them with the opportunity to determine and affect the desired level of educational achievement and satisfaction which education can and should provide. Consistent with this concept, maximum Indian participation in the development, approval and implementation of all programs contracted under this Part shall be required.

Subpart B—Application Process

§ 273.11 Eligible applicants.

(a) Any State, school district, tribal organization or Indian corporation is eligible to apply for contracts for supplemental or operational support programs. For the purposes of this Part, previously private schools as defined in § 273.2(n) are considered tribal organizations.

(b) States, school districts, or Indian corporations shall apply for contracts for supplemental or operational support programs as required in this Part.

(c) Tribal organizations must comply with the following requirements to obtain contracts for supplemental programs or operational support:

(1) The application submitted by the tribal organization shall meet the requirements in § 273.20 in addition to those in § 271.14 of this chapter.

(2) The requirements in §§ 271.1 through 271.27, 271.41 through 271.52, 271.54, 271.61 through 271.66, and 271.81 through 271.84 shall apply to such contracts with tribal organizations.

(3) The provisions in §§ 271.71 through 271.77 of this chapter concerning retrocession and reassumption of programs do not apply to a tribal organization retroceding a contract for supplemental programs or operational support as the Bureau does not operate education programs authorized to be contracted under the Johnson-O'Malley Act. However, the tribal organization may retrocede such a contract and the Bureau will then contract with a State, school district, or Indian corporation under this Part for the supplemental programs or operational support.

(4) The requirements in §§ 273.12 through 273.18, 273.20, 273.21, 273.31 through 273.39, 273.41, 273.51 and 273.52 shall apply to such contracts with tribal organizations.

(5) The requirements in 41 CFR Part 14H–70 shall apply to such contracts with tribal organizations.

§ 273.12 Eligible students.

Indian students, from age 3 years through grade(s) 12, except those who are enrolled in Bureau or sectarian operated schools, shall be eligible for benefits provided by a contract pursuant to this Part if they are ¼ or more degree Indian blood and recognized by the Secretary as being eligible for Bureau services. Priority shall be given to contracts (a) which would serve Indian students on or near reservations and (b) where a majority of such Indian students will be members of the tribe(s) of such reservations (as defined in § 273.2(o)).

§ 273.13 Proposals eligible for contracts.

(a) Any proposal to contract for funding a program which meets the definition of a supplemental program given in § 273.2(t) will be considered an eligible proposal under this Part.

(b)(1) To contract for operational support, a public school district shall be required to establish as part of the proposal that:

(i) It cannot meet the applicable minimum State standards or requirements without such funds.

(ii) It has made a reasonable tax effort with a mill levy at least equal to the State average in support of educational programs.

(iii) It has fully utilized all other sources of financial aid, including all forms of State aid and Pub. L. 874 payments. The State aid contribution per pupil must be at least equal to the State average.

(iv) There is at least 70 percent eligible Indian enrollment within the school district.

(v) It shall clearly identify the educational needs of the students intended to benefit from the contract.

(vi) It has made a good faith effort in computing State and local contributions without regard to contract funds pursuant to this part.

(vii) It shall not budget or project a deficit by using contract funds pursuant to this Part.

(2) The requirements given in paragraph (b)(1) of this section do not apply to previously private schools.

(c) At his discretion, the Commissioner may consider as eligible a proposal to contract under which a school district will be reimbursed for the full per capita costs of educating Indian students who meet all of the following:

(1) Are members of recognized Indian tribes.

(2) Do not normally reside in the State in which the school district is located.

(3) Are residing in Federal boarding facilities for the purpose of attending public schools within the school district.

§ 273.14 Preparing the education plan.

A prospective contractor in consultation with its Indian Education Committee(s) shall formulate an education plan and submit it to the appropriate Area Director as a part of the application to contract required by § 273.20. Such plan shall become a part of any contract awarded. The education plan shall contain:

(a) The education programs approved by the Indian Education Committee(s) as required in § 273.17.

(b) Other requirements for the education plan given in § 273.18.

§ 273.15 Establishment of Indian Education Committee.

(a) When a school district to be affected by a contract(s) for the education of Indians pursuant to this Part has a local school board not composed of a majority of Indians, the tribal governing body(s) of the Indian tribe(s) affected by the contract(s) under this Part shall specify one of the following entities to serve as the Indian Education Committee for the purpose of this Part:

(1) An Indian Education Committee to be elected from among the parents (including persons acting *in loco parentis* except school administrators or officials) of eligible Indian students enrolled in the school(s) affected by a contract(s) under this Part; or

(2) A local Indian committee established pursuant to section 305(b)(2)(B)(ii) of the Act of January 23, 1972 (86 Stat. 235) and existing prior to January 4, 1975; or

(3) An Indian advisory school board or Indian Education Committee established pursuant to the Johnson-O'Malley Act and existing prior to January 4, 1975.

(b) When the local school board is not composed of a majority of Indians and the tribal governing body(s) of the Indian tribe(s) affected by a contract(s) under this Part determine which of the entities provided for in paragraph (a) of this section is to serve as the Indian Education Committee for the purpose of this Part, it shall notify the Area Director of

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such determination by January 15 preceding the school year for which the contract will be let.

(c) The Indian Education Committee established under paragraph (a) of this section and its members shall establish procedures under which the Committee shall serve. Such procedures shall be set forth in the Committee's organizational documents and by-laws. Each Committee shall file a copy of its organizational documents and by-laws with the appropriate Area Director, together with a list of its officers and members as soon as practicable after the Committee is organized.

(d) The existence of an Indian Education Committee shall not limit the continuing participation of the rest of the Indian community in all aspects of programs contracted under this part.

§ 273.16 Powers and duties of Indian Education Committee.

(a) Consistent with the purpose of the Indian Education Committee, each such Committee shall be vested with the authority to:

(1) Participate fully in the planning, development, implementation, and evaluation of all programs, including both supplemental and operational support, conducted under a contract or contracts pursuant to this Part. Such participation shall include further authority to:

(i) Recommend curricula, including texts, materials, and teaching methods to be used in the contracted program or programs.

(ii) Approve budget preparation and execution.

(iii) Recommend criteria for employment in the program.

(iv) Nominate a reasonable number of qualified prospective educational programmatic staff members from which the contractor would be required to select.

(v) Evaluate staff performance and program results and recommend appropriate action to the contractor.

(2) Approve and disapprove all programs to be contracted under this Part. All programs contracted pursuant to this Part shall require the prior approval of the appropriate Indian Education Committee.

(3) Secure a copy of the negotiated contract(s) which include the program(s) approved by the Indian Education Committee.

(4) Recommend to the Commissioner through the appropriate Bureau contracting officer cancellation or suspension of a contract(s) which contains the program(s) approved by the Indian Education Committee if the contractor fails to permit such Committee to exercise its powers and duties as specified by this section.

(b) The organizational papers and by-laws of the Indian Education Committee may include additional powers and duties which would permit the Committee to:

(1) Participate in negotiations concerning all contracts under this Part.

(2) Make an annual assessment of the learning needs of Indian children in the community affected.

(3) Have access to all reports, evaluations, surveys, and other program and budget related documents determined necessary by the Committee to carry out its responsibilities, subject only to the provisions of § 273.49.

(4) Request periodic reports and evaluations regarding the Indian education program.

(5) Hear grievances related to programs in the education plan.

(6) Meet regularly with the professional staff serving Indian children and with the local education agency.

(7) Hold committee meetings on a regular basis which are open to the public.

(8) Have such additional powers as are consistent with these regulations.

§ 273.17 Programs approved by Indian Education Committee.

(a) All programs contracted under this Part shall:

(1) Be developed and approved in full compliance with the powers and duties of the Indian Education Committee as set out in § 273.16 and as may be contained in the Committee's organizational documents and by-laws.

(2) Be included as a part of the education plan provided for in § 273.14.

(b) No program contracted pursuant to this Part shall be changed from the time of its original approval by the Indian Education Committee to the end of the contract period without the prior approval, in writing, of the Committee.

(c) Programs developed or approved by the Indian Education Committee pursuant to this Part may, at the option of such Committee, include funds for the performance of Committee duties, including the following:

(1) Members' attendance at regular and special meetings, workshops and training sessions, as the Committee deems appropriate.

(2) Such other reasonable expenses incurred by the Committee in performing its primary duties, including the planning, development, implementation and evaluation of the program.

§ 273.18 Additional requirements for education plan.

In addition to incorporating the programs approved by the Indian Education Committee(s) as required by § 273.14(a), the education plan prepared by the prospective contractor shall:

(a) Contain educational goals and objectives which adequately address the educational needs of the Indian students to be served by the contract.

(b) Incorporate the program or programs developed and approved by the Indian Education Committee(s). As provided in § 273.17(b), changes in such programs must have prior written approval of the Indian Education Committee(s).

(c) Contain procedures for hearing grievances from Indian students, parents, community members, and tribal representatives relating to the program(s) contracted under this Part. Such procedures shall provide for adequate advance notice of the hearing.

(d) Identify established State standards and requirements which shall be maintained in operating programs and services contracted under this Part.

(e) Describe how the State standards and requirements will be maintained.

(f) Provide that the contractor shall comply in full with the requirements concerning meaningful participation by the Indian Education Committee as required by § 273.4.

(g) Provide that education facilities receiving funds shall be open to visits and consultations by the Indian Education Committee(s), tribal representatives, Indian parents in the community, and by duly authorized representatives of the Federal and State governments.

(h) Outline procedures of administrative and fiscal management to be used by the contractor.

(i) Contain justification for requesting funds for operational support. The public school district must establish in its justification that it meets the requirements given in § 273.13(b). The information given should include records of receipt of local, State, and Federal funds.

(j) Include budget estimates and financial information needed to determine program costs to contract for services. This includes, but is not limited to, the following:

(1) State and district average operational cost per pupil.

(2) Other sources of Federal funding the applicant is receiving, the amount received from each, the programs being funded, and the number of eligible Indian students served by such funding.

(3) Administrative costs involved, total number of employees, and total number of Indian employees.

(4) Costs which parents normally are expected to pay for each school.

(5) Supplemental and operational funds outlined in a separate budget, by line item, to facilitate accountability.

(6) Total number of employees for each special program and number of Indian employees for that program.

(k) State the total enrollment of school or district, by age and grade level.

(l) State the eligible Indian enrollment—total and classification by tribal affiliation(s) and by age and grade level.

(m) State the total number of school board members and number of Indian school board members.

(n) List Government equipment needed to carry out the contract.

(o) State the period of contract term requested.

(p) Include the signature of the authorized representative of applicant.

(q) Provide written information regarding:

(1) Program goals and objectives related to the learning needs of potential target students.

(2) Procedures and methods to be used in achieving program objectives, including ways whereby parents, students and communities have been involved in determining needs and priorities.

(3) Overall program implementation including staffing practices, parental and community involvement, evaluation of program results, and dissemination thereof.

(4) Determination of staff and program effectiveness in meeting the stated needs of target students.

§ 273.19 Obtaining application forms.

Application forms, instructions, and related application materials are available from Agency Superintendents, Area Directors and the Commissioner. Use of standard application forms will facilitate processing of applications. However, they are not required if the information required by § 273.20 is given in the application to contract.

§ 273.20 Content of application to contract.

An application for a contract under this Part shall be in writing and shall contain the following:

(a) Name, address, and telephone number of the proposed contractor.

(b) Name, address, and telephone number of the tribe(s) to be served by the contract.

(c) Descriptive narrative of the contract proposal.

(d) The education plan required by § 273.14.

(e) A separate budget outlining the Johnson-O'Malley funds for operational support and/or supplemental programs, by line item, to facilitate accountability.

(f) A clear identification of what educational needs the Johnson-O'Malley funds requested for operational support will address.

(g) Documentation of the requirements for operational support in § 273.13 (b)(1).

§ 273.21 Tribal request for contract.

(a) An Indian tribal governing body(s) that desires that a contract be entered into with a tribal organization must so notify the Area Director no later than February 1 preceding the school year for which the contract will be let.

(b) If the tribal governing body's notice is not received by the date given in paragraph (a) of this section, the Area Director may contract with the State, school district, or Indian corporation under this Part.

§ 273.22 Application approval officials.

(a) Each Area Director is authorized to approve the contract(s) submitted by the State, school district, or Indian corporation under this Part which will provide services to Indian children within the jurisdiction of that Area Office.

(b) When a proposed contract(s) will provide services to Indian children within the jurisdiction of more than one Area Office, the contract must be approved by the Commissioner.

§ 273.23 Submitting application to Area Office.

When services under the proposed contract will be provided to Indian children within the jurisdiction of a single Area Office, the completed application shall be submitted to the Area Director of that Area Office.

§ 273.24 Area Office review and decision.

Upon receiving a contract application, the Area Director shall:

(a) Notify the applicant in writing that the application has been received. This notice shall be made within fourteen (14) days after the Area Office receives the application.

(b) Review the application for completeness and request within 20 days any additional information from the applicant which will be needed to reach a decision.

(c) On receiving an application for operational support, make formal written determination and findings supporting the need for such funds. In arriving at such a determination, the Area Director must be assured that each local education agency has made a good faith effort in computing State and local contributions without regard to funds requested pursuant to this Part.

(d) Assess the completed application to determine if the contract proposal is feasible and if the proposal and the application comply with the appropriate requirements of the Johnson-O'Malley Act and of the regulations in this Part.

(e) Approve or disapprove the application after fully reviewing and assessing the application and any additional information submitted by the applicant.

(f) Promptly notify the applicant in writing of the decision to approve or disapprove the application. If the application is disapproved, the notice will give the reasons for disapproval and the applicant's right to appeal pursuant to Part 2 of this chapter.

§ 273.25 Deadline for Area Office action.

(a) The Area Director shall approve or disapprove an application for a contract within sixty (60) days after the Area Office receives the application and any additional information requested in § 273.24(b). The sixty (60) day deadline can be extended after obtaining the written consent of the applicant.

(b) An application under this Part cannot be approved before February 1 preceding the school year for which the contract will be let.

§ 273.26 Submitting application to Central Office.

When services under the proposed contract will be provided to Indian children within the jurisdiction of two or more Area Offices, the completed application shall be submitted to the Commissioner through the respective Area Offices.

§ 273.27 Central office review and decision.

Upon receiving a contract application, the Commissioner shall:

(a) Notify the applicant in writing that the application has been received. This notice shall be made within fourteen (14) days after the Central Office receives the application.

(b) Review the application for completeness and request within 20 days any additional information from the applicant which will be needed to reach a decision.

(c) On receiving an application for operational support, make formal written determination and findings supporting the need for such funds. In arriving at such a determination, the Commissioner must be assured that each local education agency has made a good faith effort in computing State and local contributions without regard to funds requested pursuant to this Part.

(d) Assess the completed application to determine if the contract proposal is feasible and if the proposal and the application comply with the appropriate requirements of the Johnson-O'Malley Act and of the regulations in this Part.

(e) Approve or disapprove the application after fully reviewing and assessing the application and any additional information submitted by the applicant.

(f) Promptly notify the applicant in writing of the decision to approve or disapprove the application. If the application is disapproved, the notice will give the reasons for disapproval and the applicant's right to appeal pursuant to Part 2 of this chapter.

§ 273.28 Deadline for Central Office action.

(a) The Commissioner shall approve or disapprove an application for a contract within sixty (60) days after the Central Office receives the application, and any additional information requested in § 273.27(b). The sixty (60) day deadline can be extended after obtaining the written consent of the applicant.

(b) An application under this Part cannot be approved before February 1 preceding the school year for which the contract will be let.

§ 273.29 Negotiating the contract.

After the proposal for a contract has been approved by the Area Director or Commissioner as provided in § 273.22, the contract will be negotiated by a Bureau contracting officer assisted by Bureau education personnel.

Subpart C—Funding Provisions

§ 273.31 Distribution formula.

(a) Funds for both supplemental programs and operational support shall be apportioned among the States on a substantially equal basis, based upon the number of eligible Indian students for whom funds are sought, with allowances being made for the actual cost of delivering educational services in each State; except that, any State or contractor who meets criteria in this Part and received operational support in FY 1976 may continue to receive such funds in FY 1977 and FY 1978 in addition to those described above. However, the amount of such assistance each year will be equal to that State or contractor's prior year operational support allocation reduced by one-third of its FY 1976 operational support allocation. Further, in FY 1977 no State shall receive less than 75% of the supplemental program assistance they received in FY 1975.

(b) Except as described in paragraph (a) of this section, all other funds shall

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be distributed among the contractors within each State so that each contractor will receive approximately the same amount for each eligible Indian student to be served under the contract.

(c) The Commissioner may make exceptions to the provisions of paragraphs (a) and (b) of this section based upon the special cultural, linquistic, social or educational needs of the communities involved, including the actual cost of education in the community.

§ 273.32 Pro rata requirement.

All monies provided by a contract pursuant to this Part, shall be expended only for the benefit of eligible Indian students. Where students other than eligible Indian students participate in programs contracted under this part, money expended under such contract shall be prorated to cover the participation of only the eligible Indian students, except where the participation of non-eligible students is so incidental as to be de minimus. Such de minimus participation must be approved by the Indian Education Committee.

§ 273.33 Use of funds for operational support.

All funds for school operational support shall be used to meet established State educational standards or Statewide requirements.

§ 273.34 Use of other Federal, State and local funds.

(a) Contract funds under this part shall supplement, and not supplant, Federal, State and local funds. Each contract shall require that the use of these contract funds will not result in a decrease in State, local, or Federal funds which would be made available for Indian students if there were no funds under this Part.

(b) State, local and other Federal funds must be used to provide comparable services to non-Indian and Indian students prior to the use of Johnson-O'Malley funds for the provision of supplementary program services to Indian children.

(c) Funds for operational support shall be used only as prescribed in § 273.33.

§ 273.35 Capital outlay or debt retirement.

In no instance shall contract funds provided under this part be used as payment for capital outlay or debt retirement expenses; except that, such costs are allowable if they are considered to be a part of the full per capita cost of educating eligible Indian students who reside in Federal boarding facilities for the purpose of attending public schools.

§ 273.36 Eligible subcontractors.

No contract funds under the Johnson-O'Malley Act shall be made available by the Bureau directly to other than tribal organizations, States, school districts and Indian corporations. However, tribal organizations, States, school districts, and Indian corporations receiving funds under this part may use the funds to subcontract for necessary services with any appropriate individual, organization or corporation.

§ 273.37 Use of funds outside of schools.

Nothing in these regulations shall prevent the Commissioner from contracting with Indian corporations who will expend all or part of the funds in places other than the public or private schools in the community affected.

§ 273.38 Equal quality and standard of education.

Contracts with State education agencies or school districts receiving funds under the provisions of this part shall provide educational opportunities to all Indian children within that school district on the same terms and under the same conditions that apply to all other students provided that it will not affect the rights of eligible Indian children to receive benefits from the supplemental programs as provided for in this part. School districts receiving funds under this part must insure that Indian children receive all aid from the State, and other proper sources other than this contract, which other schools in the district and other school districts similarly situated in the State are entitled to receive. In no instance shall there be discrimination against Indians or schools enrolling such Indians.

Subpart D—General Contract Requirements

§ 273.41 Special program provisions to be included in contract.

All contracts under this Part shall contain the following:

(a) The education plan required by §§ 273.14 and 273.18 and, as part of the education plan, the education programs approved by the Indian Education Committee(s) under § 273.17.

(b) Any formal written determination and findings made by the Area Director or Commissioner supporting the need for operational support as required by §§ 273.24(c) and 273.27(c).

(c) The provision that State, local, and other Federal funds shall be used to provide comparable services to non-Indian and Indian students prior to the use of Johnson-O'Malley funds for the provision of supplementary program services to Indian children, as required in § 273.34(b).

§ 273.42 Civil Rights Act violations.

In no instance shall there be discrimination against Indians or schools enrolling such Indians. When informed by a complainant or through its own discovery that possible violation of Title VI of the Civil Rights Act of 1964 exists within a State school district receiving funds under this Part, the Department of the Interior shall, in accordance with Federal requirements, notify the Department of Health, Education, and Welfare of the possible violation of Title VI. The Department of Health, Education, and Welfare will conduct an investigation into the matters alleged, pursuant to a Memorandum of Understanding between the Department of the Interior and the Department of Health, Education, and Welfare. If the report of the investigation conducted by the Department of Health, Education, and Welfare discloses a failure or threatened failure to comply with this Part, and if the noncompliance cannot be corrected by informal means, compliance with this Part may be effected by the suspension or termination of or refusal to contract or to continue financial assistance under the Johnson-O'Malley Act or by any other means authorized by law. As delineated in 43 CFR 17.1, 17.8, and 17.9, such other means may include reference to the Department of Justice with a recommendation that appropriate legal proceedings be brought by the United States to secure compliance or by formal hearing before the Commissioner or, at his discretion, before an administrative law judge designated in accordance with section 11 of the Administrative Procedure Act. The Secretary, may, by agreement with one or more other Federal departments, provide for the conduct of consolidated or joint hearings as prescribed in 43 CFR 17.8(e).

§ 273.43 Advance payments.

Advance payments to States, school districts and Indian corporations will be made in accordance with the applicable provisions of 41 CFR 1 as supplemented by 41 CFR 14 and 41 CFR 14H except 41 CFR Part 14H–70.

§ 273.44 Use and transfer of Government property.

(a) The use of Government-owned facilities for school purposes may be authorized when not needed for Government activities. Transfer of title to such facilities (except land) may be arranged under the provisions of the Act of June 4, 1953 (67 Stat. 41) subject to the approval of the tribal government if such property is located on a reservation.

(b) In carrying out a contract made under this Part, the Area Director or Commissioner may, with the approval of the tribal government, permit a contractor to use existing buildings, facilities, and related equipment and other personal property owned by the Bureau within his jurisdiction under terms and conditions agreed upon for their use and maintenance. The property at the time of transfer must conform to the minimum standards established by the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651). Use of Government property is subject to the following conditions:

(1) When nonexpendable Government property is turned over to public school authorities or Indian corporations under a use permit, the permittee shall insure such property against damage by flood, fire, rain, windstorm, vandalism, snow, and tornado in amounts and with companies satisfactory to the Federal officer in charge of the property. In case of damage or destruction of the property by flood, fire, rain, windstorm, vandalism, snow or tornado, the insurance money collected shall be expended only for repair or replacement of property. Otherwise, insurance proceeds shall be paid to the Bureau.

(2) If the public school authority is self-insured and can present evidence of that fact to the Area Director or Commissioner, insurance for lost or damaged property will not be required. However, the public school authority will be responsible for replacement of such lost or damaged property at no cost to the Government or for paying the Government enough to replace the property.

(3) The permittee shall maintain the property in a reasonable state of repair consistent with the intended use and educational purposes.

(c) The contractor may have access to existing Bureau records needed to carry out a contract under this Part, as follows:

(1) The Bureau will make the records available subject to the provisions of the Freedom of Information Act (5 U.S.C. 552), as amended by the Act of November 21, 1974 (Pub. L. 93–502, 88 Stat. 1561).

(2) The contractor may have access to needed Bureau records at the appropriate Bureau office for review and making copies of selected records.

(3) If the contractor needs a small volume of identifiable Bureau records, the Bureau will furnish the copies to the contractor.

§ 273.45 Indian preference.

(a) Any contract made by the Bureau with a State, school district or Indian corporation shall provide that the contractor shall, to the greatest extent feasible, give preference in and opportunities for employment and training to Indians.

(b) Any contract made by the Bureau with a State, school district or Indian corporation shall provide that the contractor shall, to the greatest extent feasible, give preference in the award of subcontracts to Indian organizations and Indian-owned economic enterprises.

(c) All subcontractors employed by the contractor shall, to the extent possible, give preference to Indians for employment and training and shall be required to include in their bid submission a plan to achieve maximum use of Indian personnel.

(d) In the performance of contracts under this Part 273 and subject to the provisions of Part 14H of Title 41, a tribal governing body may develop its own Indian preference requirements to the extent that such requirements are not inconsistent with the purpose and intent of paragraphs (a), (b) and (c) of this section.

§ 273.46 Liability and motor vehicle insurance.

(a) States, school districts and Indian corporations shall obtain public liability insurance under coptracts entered into with the Bureau under this Part. However, where the Bureau contracting officer determines that the risk of death, personal injury or property damage under the contract is small and that the time and cost of procuring the insurance is great in relation to the risk, the contractor may be exempted from this requirement.

(b) Notwithstanding paragraph (a) of this section, any contract which requires or authorizes, either expressly or by implication, the use of motor vehicles must contain a provision requiring the State, school district, or Indian corporation to provide liability insurance, regardless of how small the risk.

(c) If the public school authority is self-insured and can present evidence of that fact to the Area Director or Commissioner, liability and motor vehicle insurance will not be required.

§ 273.47 Recordkeeping.

A contractor will be required to maintain a recordkeeping system which will allow the Bureau to meet its legal records program requirements under the Federal Records Act (44 U.S.C. 3101 et seq.). Such a record system shall:

(a) Fully reflect all financial transactions involving the receipt and expenditure of funds provided under the contract in a manner which will provide accurate, current and complete disclosure of financial status; correlation with budget or allowable cost schedules; and clear audit facilitating data.

(b) Reflect the amounts and sources of funds other than Bureau contract funds which may be included in the operation of the contract.

(c) Provide for the creation, maintenance and safe guarding of records of lasting value, including those involving individual rights, such as permanent records and transcripts.

(d) Provide for orderly retirement of permanent records in accordance with General Records Schedules and the Bureau Records Control Schedule, when there is no established system set up by the State, school district, or Indian corporation.

§ 273.48 Audit and inspection.

(a) During the term of a contract under this Part and for three years after the project or undertaking is completed, the Comptroller General and the Secretary, or any of their duly authorized representatives, shall have access, for audit and examination purposes, to any of the contractor's books, documents, papers, and records which, in their opinion, may be related or pertinent to the contract or any subcontract.

(b) The contractor will be responsible for maintaining all documents such as invoices, purchase orders, cancelled checks, balance sheets and all other records relating to financial transactions in a manner which will facilitate auditing. The contractor will be responsible for maintaining files of correspondence and other documents relating to the administration of the contract properly separated from general records or cross-referenced to general files.

(c) The contractor receiving funds under this Part shall be responsible for contract compliance.

(d) The records involved in any claim or expenditure that has been questioned shall be further maintained until final determination has been made on the questioned expenditures.

(e) All contracts, non-confidential records concerning all students served by the program, reports, budgets, budget estimates, plans, and other documents pertaining to preceding and current year administration of the contract program shall be made available by the contractor and local school officials to each member of the Indian Education Committee and to members of the public upon request. The contractor or local school official shall provide, free of charge, single copies of such documents upon request.

§ 273.49 Freedom of information.

(a) Unless otherwise required by law, the Bureau shall not place restrictions on contractors which will limit public access to the contractor's records except when records must remain confidential.

(b) A contractor under this Part shall make all reports and information concerning the contract available to the Indian people which the contract affects. Reports and information may be withheld from disclosure only when both of the following conditions exist:

(1) The reports and information fall within one of the following exempt categories:

(i) Specifically required by statute or Executive Order to be kept secret.

(ii) Commercial or financial information obtained from a person or firm on a privileged or confidential basis.

(iii) Personnel, medical, social, psychological, academic achievement and similar files where disclosure would be a clearly unwarranted invasion of personal privacy.

(2) Disclosure is prohibited by statute or Executive Order or sound grounds exist for using the exemption given in paragraph (b)(1) of this section.

(c) A request to inspect or copy reports and information shall be in writing and must reasonably describe the reports and information requested. The request may be delivered or mailed to the contractor. Within ten (10) working days after receiving the request, the contractor shall determine whether to grant or deny the request. The requester shall be notified immediately of the determination.

(d) The time limit for making a determination may be extended up to an additional ten (10) working days for good reason. The requester shall be notified in writing of the extension, reasons for the extension, and date on which the determination is expected to be made.

§ 273.50 Annual reporting.

(a) A contractor under this Part shall make a detailed annual report to the approving official before September 15 of each year and covering the previous school year. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended, information on the conduct of the program, a quantitative evaluation of the effectiveness of the contract program in meeting the

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stated objectives contained in the applicant's educational plans, and a complete accounting of actual receipts at the end of the contract period:

(b) In addition to the yearly reporting requirement given in paragraph (a) of this section, the contractor shall furnish other contract-related reports when and as required by the Area Director or Commissioner.

(c) A contractor under this Part shall send copies of the reports required by paragraphs (a) and (b) of this section to the Indian Education Committee(s) and to the tribe(s) under the contract at the same time as the reports are sent to the Bureau.

§ 273.51 Penalties.

If any officer, director, agent, or employee of, or connected with, any contractor or subcontractor under this Part embezzles, willfully misapplies, steals, or obtains by fraud any of the funds or property connected with the contract or subcontract, he shall be subject to the following penalties:

(a) If the amount involved does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) If the amount involved exceeds $100, he shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

§ 273.52 State school laws.

In those States where Public Law 83–280, 18 U.S.C. 1162 and 28 U.S.C. 1360 do not confer civil jurisdiction, State employees may be permitted to enter upon Indian tribal lands, reservations, or allotments if the duly-constituted governing body of the tribe adopts a resolution of consent for the following purposes:

(a) Inspecting school conditions in the public schools located on Indian tribal lands, reservations, or allotments.

(b) Enforcing State compulsory school attendance laws against Indian children, parents or persons standing in loco parentis.

§ 273.53 Applicable procurement regulations.

States, school districts, or Indian corporations wanting to contract with the Bureau under this part must comply with the applicable requirements in the Federal Procurement Regulations (41 CFR Part 1), as supplemented by the Interior Procurement Regulations (41 CFR Part 14), and the Bureau of Indian Affairs Procurement Regulations (41 CFR Part 14H), except 41 CFR Part 14H–70.

§ 273.54 Privacy Act requirements.

(a) When a contractor operates a system of records to accomplish a Bureau fucntion, the contractor shall comply with Subpart D of 43 CFR Part 2 which implements the Privacy Act (5 U.S.C. 552a). Examples of the contractor's responsibilities are:

(1) To continue maintaining those systems of records declared by the Bureau to be subject to the Privacy Act as published in the FEDERAL REGISTER.

(2) To make such records available to individuals involved.

(3) To disclose an individual's record to third parties only after receiving permission from the individual to whom the record pertains. 43 CFR 2.56 lists exceptions to this procedure.

(4) To establish a procedure to account for access, disclosures, denials, and amendments to records.

(5) To provide safeguards for the protection of the records.

(b) The contractor may not:

(1) Discontinue or alter any established systems of records without prior approval of the appropriate Bureau systems manager.

(2) Deny requests for notification or access of records without prior approval of the appropriate Bureau systems manager.

(3) Approve or deny requests for amendments of records without prior approval of the appropriate Bureau systems manager.

(4) Establish a new system of records without prior approval of the Department of Interior and the Office of Management and Budget.

(5) Collect information about an individual unless it is relevant or necessary to accomplish a purpose of the Bureau as required by statute or Executive Order.

(c) The contractor is subject to the penalties provided in subsection (i) of 5 U.S.C. 552a.

Subpart E—Contract Revision or Cancellation

§ 273.61 Contract revision or amendment.

Any contract made under this Part may be revised or amended as deemed necessary to carry out the purposes of the program being contracted. A contractor may make a written request for a revision or amendment of a contract to the Bureau contracting officer. However, no program approved by the Indian Education Committee shall be altered from the time of its original approval to the end of the contract period without the written approval of the Committee.

§ 273.62 Cancelling a contract for cause.

(a) Any contract entered into under this Part may be cancelled for cause when the contractor fails to perform the work called for under the contract or fails to permit an Indian Education Committee to perform its duties pursuant to this Part.

(b) Before cancelling the contract, the Bureau will advise the contractor in writing of the following:

(1) The reasons why the Bureau is considering cancelling the contract.

(2) The contractor will be given an opportunity to bring its work up to an acceptable level.

(c) If the contractor does not overcome the deficiencies in its contract performance, the Bureau shall cancel the contract for cause. The Bureau will notify the contractor, in writing, of the cancellation. The notice shall give the reasons for the cancellation and the right of the contractor to appeal under Subpart C of 43 CFR Part 4.

(d) When a contract is cancelled for cause, the Bureau will attempt to perform the work by another contract.

(e) Any contractor that has a contract cancelled for cause must demonstate that the cause(s) which led to the cancellation have been remedied before it will be considered for another contract.

Subpart F—Appeals

§ 273.71 Contract appeal.

A contractor may appeal an adverse decision or action of a Bureau contracting officer regarding a contract under this Part as provided in Subpart C of 43 CFR Part 4.

§ 273.72 Appeal from decision to cancel contract for cause.

A contractor may appeal the decision of a Bureau official to cancel a contract under this Part for cause. The appeal shall be made as provided in Subpart C of 43 CFR Part 4.

§ 273.73 Other appeals.

Any decision or action taken by a Bureau official under this Part, other than those given in §§ 273.71 and 273.72, may be appealed as provided in Part 2 of this chapter.

PART 274—SCHOOL CONSTRUCTION CONTRACTS OR SERVICES FOR TRIBALLY OPERATED PREVIOUSLY PRIVATE SCHOOLS

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Subpart D—Appeals

274.51 Contract appeal.
274.52 Appeal from decision to cancel contract for cause.
274.53 Other appeals.

AUTHORITY: Sec. 204 and 208, Pub. L. 93–638, 88 Stat. 2203, unless otherwise noted.

Subpart A—General Provisions

§ 274.1 Purpose.

The purpose of the regulations in this Part is to give the application and approval process for obtaining a contract or services from the Bureau for school construction for previously private schools now controlled and operated by tribes or tribally approved Indian organizations under sections 204 and 208 of Title II of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638, 88 Stat. 2203).

§ 274.2 Scope.

The Act authorizes the expenditure of funds authorized and appropriated under Part B of the Act to contract or provide services for school construction for tribally operated previously private schools. After an application has been completed and approved by the tribe, the application is forwarded through Bureau channels to the Commissioner for ranking by priority. If a project is within the funding priority, the Bureau contracting officer offers to negotiate a contract with the applicant subject to approval by the requesting tribe(s) for architectural-engineering design, facilities construction and purchase of equipment to provide educational facilities meeting Bureau space standards and construction code regulations. Subject to approval by the requesting tribe(s), the applicant then has the following options:

(a) Enter into a contract with the Bureau under which the applicant performs all or part of the necessary work with the Bureau performing the rest.

(b) Request that the Bureau perform or arrange for the performance of all the necessary work.

§ 274.3 Definitions.

As used in this Part:

(a) "Act" means the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 88 Stat. 2203).

(b) "Area Director" means the official in charge of a Bureau of Indian Affairs Area Office.

(c) "Attendance area" means, in relation to a particular school, the area in which the children who are normally served by that school reside.

(d) "Bureau" means the Bureau of Indian Affairs.

(e) "Commissioner" means the Commissioner of Indian Affairs.

(f) "Contractor" means an applicant who has been awarded a contract under this Part.

(g) "Days" means calendar days.

(h) "Economic enterprise" means any commercial, industrial, agricultural, or business activity that is at least 51 percent Indian owned, established or organized for the purpose of profit.

(i) "Existing school facilities" means all facilities constructed as school buildings and used continuously for classroom purposes. Excluded are basement rooms, hallways, or other space, the use of which for school purposes (in view of the character, inaccessibility or other equally cogent reasons) seriously restricts the educational objective, or has impaired or will impair the health or safety of the school children.

(j) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is federally recognized as eligible by the United States Government through the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(k) "Indian" means a person who is a member of an Indian tribe.

(l) "Initial equipment" means any movable equipment necessary and appropriate to equip minimum school facilities. Such term does not include equipment purchased to replace any equipment which is obsolete or worn out and which was purchased with funds under the Act.

(m) "Minimum school facilities" means classroom and auxiliary rooms and initial equipment necessary to operate an approved educational program for the membership of the school at normal capacity in accordance with criteria established by the Bureau.

(n) "Previously private school" means a school (other than a Federal school formerly operated by the Bureau), that is operated primarily for Indian students from age 3 years through grade(s) 12; and, which at the time of application is controlled, sanctioned, or chartered by the governing body(s) of an Indian tribe(s).

(o) "Secretary" means the Secretary of the Interior.

(p) "Superintendent" means the official in charge of a Bureau of Indian Affairs Agency Office.

(q) "Tribal government", "tribal governing body", and "tribal council" means the recognized governing body of an Indian tribe.

(r) "Tribal organization" means the recognized governing body of any Indian tribe; or any legally established organization of Indians or tribes which is controlled, sanctioned, or chartered by such governing body or bodies or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract or services must be made by the Indian tribe that will receive services under the contract or from the Bureau by other means; *Provided further*, That in any case where a contract or services will affect more than one Indian tribe, the approval of each such Indian tribe shall be prerequisite to the approval of the application for the contract or services.

§ 274.4 Effect on existing Indian rights.

Nothing in these regulations shall be construed as:

(a) Affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe;

(b) Authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people; or

(c) Permitting significant reduction in services to Indian people as a result of this Part.

§ 274.5 Revision or amendment of regulations.

In order to make any substantive revisions or amendments to regulations in this Part, the Secretary shall take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Publish the proposed revisions or amendments in the Federal Register as proposed rulemaking to provide adequate notice to, and receive comments from, all interested parties.

(c) After consideration of all comments received, publish the regulations in the FEDERAL REGISTER in final form not less than 30 days before the date they are made effective.

(d) Annually consult with Indian tribes and national and regional Indian organizations about the need for revision or amendment, and consider their views in preparing the revision or amendment.

(e) Nothing in this section shall preclude Indian tribes or national or regional Indian organizations from initiating request for revisions or amendments subject to paragraph (a), (b), and (c), of this section.

Subpart B—Application Process

§ 274.11 Eligible applicants.

Any tribal organization which meets all of the following criteria is eligible to apply for a contract with or services from the Bureau for school construction:

(a) The tribal organization must control and manage the previously private school for which the organization is applying for a contract or services under this Part.

(b) Title to the land on which the construction for the previously private school is located must be vested in the tribe or the United States; or, a lease for the useful life of the improvement must be entered into with the tribe or the United States for the ground on which it is located.

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(c) The previously private school controlled and managed by the tribal organization must have a minimum current enrollment or projection of 25 students through grade(s) 8 and/or 50 students in grades 9 through 12.

§ 274.12 Obtaining application forms.

Application forms, instructions and related application materials are available from Agency Superintendents, Area Directors and the Commissioner. Use of standard application forms will facilitate processing of applications. However, they are not required if the information contained in § 274.13 is stated in the applicant tribe's request for a contract or services.

§ 274.13 Contents of application.

An application for funding under this Part shall be in writing and shall contain the following information:

(a) Full name, address and telephone number of the tribal organization which is applying for the contract or services.

(b) Full name of tribe(s) with which the tribal organization is affiliated.

(c) Full name of tribe(s) directly benefiting or receiving services from the proposed contract or from the Bureau by other means.

(d) Documentation of the tribal request in the form of a resolution as outlined in § 274.15.

(e) Date of submission to the Bureau and the name of the office where the application was submitted.

(f) Signature by the authorized representative of the tribal organization and the date thereof.

(g) Outline of the educational program including:

(1) Narrative description of elementary programs with educational philosophy.

(2) Narrative description of secondary programs with educational philosophy. If application is for secondary facility, include course offering with each course outlining enrollment, class size, class meetings per week, minutes per class and fraction of year taught.

(3) What will happen to the education of the students now, in 1 to 3 years and in 4 to 10 years if the proposed facilities are not constructed? Discuss all available options, including but not limited to:

(i) Off-reservation boarding schools.

(ii) On-reservation boarding schools.

(iii) Public, Bureau or other day schools.

(iv) Temporary facilities.

(h) Outline geographic attendance boundaries and include:

(1) Map of attendance area with description.

(2) Description of other Federal, public and/or private schools within the above attendance boundary.

(3) Discussion of impact the project will have on the schools listed in paragraph (h) (2) of this section and on feeder schools.

(4) Bus routes and/or change in bus routes caused by construction of facilities.

(i) Outline school enrollment characteristics and data including:

(1) Present total enrollment and enrollment by grade.

(2) Enrollment for the past six years by total and by grade.

(3) Estimate of enrollment by year for the next five years by total and by grade.

(4) Source and/or reasons for any student population growths.

(5) Number of students residing in attendance area but enrolled in other schools, number of students attending school but residing outside attendance area, and number of people by age group residing in attendance area between one and twenty-five. The data should be current as of the time of application.

(j) Outline project description and justification data including:

(1) Function of proposed new facility, i.e., kitchen dining building for 300 students grades K–8, etc.

(2) Data such as capacity, date constructed, square footage and condition of existing facility described in paragraph (j) (1) of this section which needs to be replaced.

(3) Problems which may be encountered such as lack of adequate construction site, disputed jurisdiction, flood plain, soil conditions, archeological clearance, lack of electric power or water.

(4) Justification for project (Choose one and explain):

(i) The facility has been destroyed by a natural disaster.

(ii) The facility is unsafe or unsanitary. Documentation in the form of an engineering and/or safety report must be included for facilities that are unsafe or unsanitary. Also, there are no local educational facilities available that can provide seats for the unhoused students.

(iii) The same conditions exist as given in paragraph (j) (4) (ii) of this section for unsafe or unsanitary facilities except that other facilities can be used to seat the unhoused students temporarily.

(iv) Unhoused pupils due to enrollment and population changes.

(v) The facility is functionally obsolete. It will not meet the education program or other requirements for such reasons as poor arrangtment of rooms, inadequate spaces and need for structural and utility changes.

(vi) The facility is functionally obsolete due to age. Operation and maintenance is costly and the facility is impractical to maintain.

(vii) The facility will make it possible for children to attend school nearer their home.

(5) A current overall plan for constructing Bureau facilities, prepared by the Bureau and approved by the tribes affected.

(6) Attendance area school construction plans and memoranda of agreement. Attach any school construction plans for the applicable attendance area for all Federal, public or private schools and any memoranda of agreement concerning such plans. If there are none, a current status report shall be submitted.

§ 274.14 Assistance in completing applications.

An applicant may obtain assistance in completing the application forms from the Agency or Area Offices. The Superintendent, Area Director, or Commissioner shall make any information available to the applicant needed to prepare the application except as restricted from disclosure by the Freedom of Information Act (5 U.S.C. 552), as amended by the Act of November 21, 1974 (Pub. L. 93–502; 88 Stat. 1561).

§ 274.15 Tribal request.

(a) Before the Bureau can approve a tribal organization's application for a contract or services, it must be requested to do so by the Indian tribe to be affected by the contract or services. The Indian tribe's request shall be in the form of a resolution by the tribal governing body. If the tribal organization is applying for a contract or services which will affect more than one tribe, an authorizing resolution from each tribal governing body must be obtained before submitting the application to the Bureau for approval.

(b) The resolution of the tribal governing body shall also specify the tribal organization which is to operate the school. The resolution shall include the results of the vote (the number for and against), the date the resolution was approved, and signature of the person authorized to certify the accuracy of the information contained in the resolution.

(c) The tribal governing body's request (resolution) should include the following:

(1) When the tribal organization is the tribal governing body, the expiration date of the authorities granted by the resolution.

(2) When the tribal organization is other than the tribal governing body:

(i) The name of the tribal organization.

(ii) The tribal office or official to which the Bureau should send copies of documents and correspondence.

(iii) Any limitations on authorities granted the tribal organization.

(3) The tribal governing body's approval or disapproval of the Bureau's current overall educational facilities construction plan which includes the new construction proposed by this project to ensure:

(i) Coordination of facility construction with public school projects.

(ii) Coordination of facility construction with other agencies.

(iii) Approval and support of the proposed project.

(d) Any procedures given in this section concerning the manner in which a tribal governing body passes a tribal constitution, law, code, ordinance, or other written document. In such cases, the tribal law or procedures shall be cited in the resolution and shall take precedence.

§ 274.16 Where to submit application.

(a) The completed application with documentation of the tribal request(s) shall be delivered or mailed to the Superintendent having jurisdiction over the tribe(s) requesting the contract or services.

(b) When the contract or services requested in the application will benefit more than one tribe under the jurisdiction of more than one Agency Office within one Area, the application and documentation of the tribal requests shall be delivered or mailed to the Area Director involved.

(c) When the contract or services requested in the application will benefit more than one tribe under the jurisdiction of more than one Area Office, the application and documentation of the tribal requests shall be delivered or mailed to the Commissioner.

§ 274.17 When to submit application.

Applications may be submitted by a tribal organization to the Bureau at any time to be placed on the Bureau's priority listing.

§ 274.18 Agency Office review and action.

(a) The Superintendent has 30 days from receipt of an application to notify the applicant in writing of its receipt, review the application for completeness, and request any needed information from the applicant.

(b) When the Superintendent has determined that the application is complete, he will forward the completed application with documentation of the tribal request(s) to the Area Director having jurisdiction over that Agency Office with a written statement that the application is complete.

§ 274.19 Area Office review and action.

Within 30 days after receiving an application directly or from the Superintendent, the Area Director will take the following actions:

(a) Notify the applicant in writing that the application was received in the Area Office.

(b) Review each application submitted directly to the Area Office as provided in § 274.16(b) for completeness and obtain any needed information from the applicant.

(c) Assign each proposed project an Area Office priority. The Area Office will include an updated priority index with each application or group of applications transmitted to the Commissioner for appropriate action.

(d) Forward each application and documentation of tribal request(s) to the Commissioner.

§ 274.20 Priorities for funding construction.

As prescribed in §§ 274.19(c) and 274.21(b), the Area Director and Commissioner shall evaluate and assign priorities on the basis of the application data submitted as required by § 274.13 including:

(a) Education program required by § 274.13(g).

(b) Geographic attendance boundaries given in § 274.13(h).

(c) Enrollment characteristics given in § 274.13(i).

(d) Project description and justification required by § 274.13(j).

§ 274.21 Central Office review and action.

Within 30 days after receiving an application directly or from the Area Director, the Commissioner will take the following actions:

(a) Notify the applicant in writing that the application was received in the Central Office.

(b) Review each application submitted directly to the Commissioner as given in § 274.16(c) for completeness, request any needed information from the applicant, and assign the proposed project a priority.

(c) Update the Bureauwide priority listing of all approved projects in order of priority with the project with the highest priority listed first. As new applications are received, they will be added to the priority listing according to their ranking.

(d) Notify each applicant in writing of the project's priority ranking on the Bureauwide list. The applicant will be notified of any subsequent changes to that ranking if new applications were received with a higher ranking.

§ 274.22 On-site inspection and cost estimate.

(a) No later than three months before the new fiscal year begins, the Commissioner or his representative shall conduct an on-site inspection for projects high on the priority listing, beginning with the project ranked highest on the Bureauwide priority listing. The on-site inspection is to determine which buildings are to be retained, demolished or remodeled and to gather initial information required for development of the planning document.

(b) From this information, a tentative cost estimate for design, construction and equipment will be made for budget purposes in cooperation with the tribal organization.

§ 274.23 Preparing a commitment-to-fund listing.

As each high priority project is given an on-site inspection and a tentative cost estimate is made, the project will be placed on a commitment-to-fund listing. Projects will be added as long as the total of the tentative cost estimates is less than the amount of funds appropriated for previously private school construction for the new fiscal year. Each applicant will be notified in writing when the project has been placed on the commitment-to-fund listing.

§ 274.24 Performing construction work.

When a project has been placed on the commitment-to-fund listing, the applicant will be given the following options, subject to approval by the requesting tribe(s):

(a) To negotiate a contract with the Bureau to perform all of the work or part of the work needed for the project with the Bureau performing the rest. Such contracts shall comply with the requirements in Subpart C of this Part and with 41 CFR Part 14H–70.

(b) To have the Bureau perform or arrange for the performance of all the work needed.

§ 274.25 Reapplication.

Once an applicant has applied for a contract or services and the project has been placed on the Bureauwide priority listing, there is no need to reapply. The project will be carried on the priority listing until placed on the commitment-to-fund list. However, if changes occur which would affect the project's rank and, thus, its priority, the applicant must submit a new application.

§ 274.26 Funding provisions.

(a) No funds from any contract under this Part shall be made available by the Bureau directly to other than Indian tribes and tribal organizations. However, Indian tribes and tribal organizations assisted under this Part may use funds provided to subcontract for necessary services.

(b) Twenty-five (25) per cent of all funds appropriated under Title II, Part B, section 204 of the Act shall be expended for construction of previously private schools controlled and managed by a tribal organization. Any unobligated funds will be retained until completion of the project and unexpended funds returned to the Bureau. Projects which are partially funded shall be given first consideration for the additional funding necessary to complete such projects.

Subpart C—General Contract Requirements

§ 274.31 Applicability.

This Subpart applies only when the applicant exercises the option of contracting with the Bureau to perform all or part of the construction work.

§ 274.32 Architectural design.

(a) Plans and specifications for a project shall comply with such Federal, State and local laws, ordinances and regulations pertaining to standards or construction and safety requirements as may be applicable.

(b) An Architect/Engineer shall be selected by the contractor subject to the advice and assistance of the Commissioner who shall counsel the contractor with respect to professional qualifications and performance history of firms so the best qualified firm for the work is selected. No Architect/Engineer agreement shall be entered into by the contractor until the Commissioner has reviewed the agreement and consented in writing to its provisions.

(c) Plans and specifications must conform to the project description, with approved revisions. Such plans and specifications must be forwarded for the approval of the Commissioner including schematic design, design development, and final construction document.

§ 274.33 Facilities construction.

(a) The Commissioner may assist in preconstruction and construction activi-

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ties to assure conformity with the requirements of the Act. Approval of all proposed preconstruction documents will be obtained from the Commissioner. Assistance prior to the preparation of these and similar documents will be provided, upon request, by the Commissioner or his representative. A preliminary conference may be suggested with the project architect and others if that seems desirable. The Commissioner will provide sufficient copies of all forms used to prepare the documents required for the project.

(b) The Commissioner will provide, upon request, technical supervision and services to the contractor in connection with the construction of school facilities. When appropriate, such services will provide assistance with periodic inspection of construction progress and determine the propriety of making partial payments as construction progresses.

§ 274.34 Selecting initial equipment.

Equipment procured with payments under this Part must be approved by the Commissioner before invitations for bids or requests for proposals as to the acquisition of such equipment are issued. In order to obtain such approval, a list of equipment to be procured (indicating quantities, costs, and specifications) shall be provided to the Commissioner for prior approval.

§ 274.35 Payment to contractors.

(a) At the request of a contractor, the Bureau contracting officer may make advance payments under contracts made under this Part. The requirements given in this section and in Chapter 2000 of the Treasury Fiscal Requirements Manual apply to making the advance payments.

(b) Any request for advance payment by a contractor shall specify the amount(s) required and the dates such advance(s) will be required and shall be supported by a schedule of estimated expenditures.

(c) An initial advance shall be limited to the amount of estimated expenditures for a period of time required to effect payment, based on experience in the locality. The initial advance shall be made in amounts and at times determined suitable to satisfy the minimum essential needs of the contractor.

(d) Later advances shall be made at times and in amounts determined necessary to insure availability of funds for timely payment of the contractor's obligations and to minimize the time between withdrawal from the Treasury and expenditure. Requests for advances after an initial advance shall be accompanied and supported by a report of expenditures to date and the amount of funds on hand.

§ 274.36 Use and transfer of Government property.

(a) The use of Government-owned facilities for tribal purposes may be authorized when not needed for Government activities. Transfer of title to such facilities may be arranged under the provisions of the Act of June 4, 1953 (67 Stat. 41), subject to the approval of the tribal government if property is located on a reservation.

(b) In carrying out a contract made under this Part, the Commissioner may, with the approval of the tribal government, permit a contractor to use existing buildings, facilities, and related equipment and other personal property owned by the Bureau within his jurisdiction under terms and conditions agreed upon for their use and maintenance. The property at the time of transfer must conform to the minimum standards established by the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

(c) Use of Government property is subject to the following conditions:

(1) When nonexpendable Government property is turned over to the tribal organization under a use permit, the permittee shall insure the property against damage by flood, fire, rain, windstorm, vandalism, snow and tornado in amounts and with companies satisfactory to the Federal officer in charge of the property. In case of damage or destruction of the property by flood, fire, rain, windstorm, vandalism, snow or tornado, the insurance money collected shall be expended only for repair or replacement of the property. Otherwise, insurance proceeds shall be paid to the Bureau.

(2) If the tribal organization is self-insured and can present evidence of that fact to the Commissioner, insurance for lost or damaged property will not be required. However, the tribal organization will be responsible for replacement of such lost or damaged property at no cost to the Government or for paying the Government enough to replace the property.

(3) The permittee shall maintain the property in a reasonable state of repair consistent with the intended use and educational purposes.

(d) The contractor may have access to existing Bureau records needed to carry out a contract under this Part, as follows:

(1) The Bureau will make the records available subject to the provisions of the Freedom of Information Act (5 U.S.C. 552), as amended by the Act of November 21, 1974 (Pub. L. 93-502, 88 Stat. 1561).

(2) The contractors may have access to needed Bureau records at the appropriate Bureau office for review and making copies of selected records.

(3) If the contractor needs a small volume of identifiable Bureau records, the Bureau will furnish the copies to the contractor.

(4) Where a large volume of records are needed and copying is not practical or feasible, the records may be physically located at the contract site provided that a Bureau official is designated by the Commissioner or Area Director as custodian of the records.

§ 274.37 Wage and labor standards.

All laborers and mechanics employed by contractors or subcontractors in constructing, altering, or repairing buildings or other facilities in connection with contracts under this Part shall be paid wages not less than those on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended. However, this requirement does not apply where the contractor is the recognized governing body of the tribe and the construction, alteration or repair work is being performed by the tribal organization or the tribe with its own employees.

§ 274.38 Indian preference.

(a) Any contract made by the Bureau with a tribal organization shall provide that the contractor shall, to the greatest extent feasible, give preference in and opportunities for employment and training to Indians.

(b) Any contract made by the Bureau with a tribal organization shall provide that the contractor shall, to the greatest extent feasible, give preference in the award of subcontracts to Indian organizations and Indian-owned economic enterprises.

(c) All subcontractors employed by the contractor shall, to the extent possible, give preference to Indians for employment and training and shall be required to include in their bid submission a plan to achieve maximum use of Indian personnel.

(d) In the performance of contracts under this Part 274 and subject to the provisions of Part 14H-70 of Title 41, a tribal governing body may develop its own Indian preference requirements that are not inconsistent with the purpose and intent of paragraph (a), (b), and (c) of this section.

§ 274.39 Liability and motor vehicle insurance.

(a) Tribal organizations shall obtain public liability insurance under contracts entered into with the Bureau under this Part. However, where the Bureau contracting officer determines that the risk of death, personal injury or property damage under the contract is small and that the time and cost of procuring the insurance is great in relation to the risk, the contract may be exempted from this requirement.

(b) Notwithstanding paragraph (a) of this section, any contract which requires or authorizes, either expressly or by implication, the use of motor vehicles must contain a provision requiring the tribal organization to provide liability insurance, regardless of how small the risk.

§ 274.40 Recordkeeping.

A contractor will be required to develop and maintain a record-keeping system which will:

(a) Fully reflect all financial transactions involving the receipt and expenditure of funds provided under the contract in a manner which will provide accurate, current and complete disclosure of financial status; correlation with budget or allowable cost schedules; and clear audit facilitating data.

(b) Reflect the amounts and sources of funds other than Bureau contract funds which may be included in the construction project.

(c) Provide for the creation, maintenance and safeguarding of records of lasting value.

§ 274.41 Audit and inspection.

(a) During the term of a contract under this Part and for three years after the project or undertaking is completed, the Comptroller General and the Secretary, or any of their duly authorized representatives, shall have access for audit and examination purposes to any of the contractor's books, documents, papers, and records which, in their opinion, may be related or pertinent to the contract or any subcontract.

(b) The contractor will be responsible for maintaining all documents such as invoices, purchase orders, cancelled checks, balance sheets and all other records relating to financial transactions in a manner which will facilitate auditing. The contractor will be responsible for maintaining files of correspondence and other documents relating to the administration of the program under the contract properly separated from general records or cross-referenced to general files.

(c) The contractor receiving funds under this Part shall be primarily responsible for contract compliance.

(d) The records involved in any claim or expenditure that has been questioned shall be further maintained until final determination has been made on the questioned expenditure.

(e) All contracts, reports, budgets, budget estimates, plans, and other documents pertaining to administration of the contract shall be made available by the contractor. The contractor shall provide, free of charge, single copies of such documents upon request.

§ 274.42 Freedom of information.

(a) Unless otherwise required by law, the Bureau shall not place restrictions on contractors which will limit public access to the contractor's records except when records must remain confidential.

(b) A contractor under this Part shall make all reports and information concerning the contract available to the Indian people which the contractor serves or represents. Reports and information may be withheld from disclosure only when both of the following conditions exist:

(1) The reports and information fall within one of the following exempt categories:

(i) Specifically required by statute or Executive Order to be kept secret.

(ii) Commercial or financial information obtained from a person or firm on a privileged or confidential basis.

(iii) Personnel, medical, and similar files where disclosure would be a clearly unwarranted invasion of personal privacy.

(iv) Geological and geophysical information and data concerning wells.

(2) Disclosure is prohibited by statute or Executive Order or sound grounds exist for using the exemption given in paragraph (b)(1) of this section.

(c) A request to inspect or copy reports and information shall be in writing and must reasonably describe the reports and information requested. The request may be delivered or mailed to the contractor. Within ten (10) working days after receiving the request, the contractor shall determine whether to grant or deny the request. The requester shall be notified immediately of the determination.

(d) The time limit for making a determination may be extended up to an additional ten (10) working days for good reason. The requester shall be notified in writing of the extension, reasons for the extension, and the date on which the determination is expected to be made.

§ 274.43 Reporting.

(a) A contractor under this Part shall make a detailed report to the Commissioner after construction is completed. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended.

(b) The contractor shall furnish other contract-related reports when and as required by the Commissioner.

(c) A contractor under this Part shall send copies of the reports required by paragraphs (a) and (b) of this section to the tribal governing body(s) who requested the contract at the same time as the reports are sent to the Bureau.

§ 274.44 Repayment of funds.

Any funds paid under a contract entered into under this Part which are not expended, obligated or used for the purposes of the contract during its term shall be returned to the Bureau.

§ 274.45 Penalties.

If any officer, director, agent, or employee of, or connected with, any contractor or subcontractor under this Part embezzles, willfully misapplies, steals, or obtains by fraud any of the funds or property connected with the contract or subcontract, he shall be subject to the following penalties:

(a) If the amount involved does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) If the amount involved exceeds $100, he shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

§ 274.46 Applicable procurement regulations.

41 CFR Part 14H-70 provides the contract clauses which shall be included in contracts made with tribal organizations under this Part and places some requirements on them in addition to those given in this Subpart.

§ 274.47 Contract revision or amendment.

(a) Any contract made under this Part may be revised or amended as deemed necessary to carry out the purposes of the contract. No revision or amendment shall be made without the consent of the contractor. A contractor may make a written request for a revision or amendment of a contract to the Bureau contracting officer.

(b) If the contracting officer disapproves the proposed revision or amendment of the contract, he will notify the contractor in writing within 30 days after receiving the request. The notice shall state:

(1) The objections to the requested revision or amendment.

(2) The right of the contractor to appeal as provided in Subpart C of 43 CFR Part 4.

§ 274.48 Cancelling a contract for cause.

(a) Any contract entered into under this Part may be cancelled for cause when the contractor fails to perform the work called for under the contract.

(b) Before cancelling the contract, the Bureau will advise the contractor in writing of the following:

(1) The reasons why the Bureau is considering cancelling the contract.

(2) That the contractor will be given an opportunity to bring its work up to an acceptable level.

(3) That the Bureau may furnish technical advice and assistance to help overcome the deficiencies in the contract performance, when requested.

(c) If the contractor does not overcome the deficiencies in its contract performance, the Bureau will cancel the contract for cause. The Bureau will notify the contractor, in writing, of the cancellation. The notice shall give the reasons for the cancellation and the right of the contractor to appeal under Subpart C of 43 CFR Part 4.

(d) When a contract is cancelled for cause, the Bureau will either perform the work with its own forces or by another contract, as appropriate. However, when the contract is with other than the governing body of the Indian tribe, the advice of the tribe(s) will be obtained to determine how they wish the work to be performed.

§ 274.49 Privacy Act requirements.

(a) When a contractor operates a system of records to accomplish a Bureau function, the contractor shall comply with Subpart D of 43 CFR Part 2 which implements the Privacy Act (5 U.S.C. 552 a). Examples of the contractor's responsibilities are:

(1) To continue maintaining those systems of records declared by the Bureau to be subject to the Privacy Act as published in the FEDERAL REGISTER.

(2) To make such records available to individuals involved.

(3) To disclose an individual's record to third parties only after receiving permission from the individual to whom the record pertains. 43 CFR 2.56 lists exceptions to this procedure.

(4) To establish a procedure to account for access, disclosures, denials, and amendments to records.

(5) To provide safeguards for the protection of the records.

(b) The contractor may not:

(1) Discontinue or alter any established systems of records without prior

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approval of the appropriate Bureau systems manager.

(2) Deny requests for notification or access of records without prior approval of the appropriate Bureau systems manager.

Subpart D—Appeals

§ 274.51 Contract appeal.

A contractor may appeal an adverse decision or action of a Bureau contracting officer regarding a contract under this Part as provided in Subpart C of 43 CFR Part 4.

§ 274.52 Appeal from decision to cancel contract for cause.

A contractor may appeal the decision of a Bureau official to cancel a contract under this Part for cause. The appeal shall be made as provided in Subpart C of 43 CFR Part 4.

§ 274.53 Other appeals.

Any decision or action taken by a Bureau official under this Part, other than those given in §§ 274.51 and 274.52 may be appealed only as provided in Part 2 of this chapter.

PART 275—STAFFING

Sec.
275.1 Purpose and scope.
275.2 Definitions.
275.3 Methods for staffing.
275.4 Implementing regulations.

AUTHORITY: Sec. 502, 84 Stat. 1909, 1925; Sec. 105, Pub. L. 93-638, 88 Stat. 2203; 25 U.S.C. 48.

§ 275.1 Purpose and scope.

The purpose of this Part is to outline methods available to tribes for utilizing the services of Bureau employees. These regulations are not intended to prevent an Indian tribe or tribal organization from staffing their programs by other methods they feel appropriate. However, when an Indian tribe or tribal organization decides to provide Bureau employees certain Federal benefits, Civil Service Commission regulations must be adhered to.

§ 275.2 Definitions.

As used in this Part:

(a) "Act" means the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203).

(b) "Area Director" means the official in charge of a Bureau of Indian Affairs Area Office.

(c) "Bureau" means the Bureau of Indian Affairs.

(d) "Commissioner" means the Commissioner of Indian Affairs.

(e) "Days" means calendar days.

(f) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony, or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is federally recognized as eligible by the United States Government through the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(g) "Indian" means a person who is a member of an Indian tribe.

(h) "Superintendent" means the official in charge of a Bureau of Indian Affairs Agency Office.

(i) "Tribal Chairman" means tribal chairman, governor, chief or other person recognized by the tribal government as its chief executive officer.

(j) "Tribal government" "tribal governing body," and "tribal council" means the recognized governing body of any Indian tribe.

(k) "Tribal organization" means the recognized governing body of any Indian tribe; or any legally established organization of Indians or tribes which is controlled, sanctioned, or chartered by such governing body or bodies or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

§ 275.3 Methods for staffing.

(a) An Iidian tribal organization may use any of the following three methods to employ or obtain the services of Bureau employees:

(1) Agreement in accordance with the Intergovernmental Personnel Act of 1970 (5 U.S.C. 3371-3376). The agreement may be arranged between the tribal organization, the employee, and the Area Director or Commissioner. Assistance will be provided by the Area Personnel Office in complying with Civil Service instructions (Federal Personnel Manual Chapter 334) for completing an agreement.

(2) Employment of Bureau employees on or before December 31, 1985, when serving under an appointment not limited to one year or less. A mutual agreement will be made between a tribal organization and the employee before leaving Federal employment to retain coverage for any of the following Federal benefits:

(i) Compensation for work injuries.

(ii) Retirement.

(iii) Health insurance.

(iv) Life insurance.

(3) An agreement by an Indian tribe in accordance with the 1834 Act (25 U.S.C. 48) may be made in connection with contracts under section 102 of the Act.

(i) The agreement may provide for the tribal government to direct the day-to-day activities of Bureau employees. Tribal government direction of Bureau employees means the tribal chairman or other tribal official, as designated by the tribal governing body, is responsible for the planning, coordination, and completion of the daily on-the-job assignments of Bureau employees. The daily assignments of each such Bureau employee are limited to those that fall within the general range of duties prescribed in the employee's Bureau position.

(ii) The agreement to direct day-to-day activities of Bureau employees shall include all employees:

(A) whose positions are in the program or portion of the program to be contracted; or

(B) in a portion of the program to continue under Bureau operation in connection with a contract for other portions of the program.

(iii) The proposed agreement will be worked out between the tribe, the Superintendent, and the Area Director and forwarded to the Commissioner for final approval.

(b) When a contract application under Part 271 of this chapter does not include a proposed agreement for direction of Bureau employees, the application must be submitted at least 120 days in advance of the proposed effective date of the contract to allow time for placement of affected employees.

§ 275.4 Implementing regulations.

Regulations to implement section 105 of the Act will be issued by the Civil Service Commission. The regulations will cover the situations described in paragraphs (a) (1) and (a) (2) of § 275.3.

PART 276—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS

Sec.
276.1 Purpose and scope.
276.2 Definitions.
276.3 Cash depositories.
276.4 Bonding and insurance.
276.5 Recordkeeping.
276.6 Program income.
276.7 Standards for grantee financial management systems.
276.8 Financial reporting requirements.
276.9 Monitoring and reporting program performance.
276.10 Grant payment requirements.
276.11 Property management standards.
276.12 Procurement standards.
276.13 Indian preference in grant administration.
276.14 Budget revision.
276.15 Grant closeout.
276.16 Subgrants and subcontracts to nonprofit organizations.

APPENDIX A—PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO GRANTS

APPENDIX B—FINANCIAL REPORTING REQUIREMENTS

AUTHORITY: 34 CFR 256; Sec. 104, Public Law 93-638, 88 Stat. 2203, unless otherwise noted.

§ 276.1 Purpose and scope.

(a) The purpose of the regulations in this Part is to give the uniform administrative requirements for grants awarded by the Bureau of Indian Affairs.

(b) The regulations in this Part shall apply to all grants awarded by the Bureau of Indian Affairs unless the Part which gives the application process and special requirements for the specific type of grant states otherwise.

§ 276.2 Definitions.

As used in this part:

(a) "Advance by Treasury check" means a payment made by a Treasury check to a grantee upon its request or through the use of predetermined payment schedules before payments are made by the grantee.

(b) "Date of completion" means the date when all work under a grant is completed or the date in the grant award document, or any supplement or amendment thereto, on which Federal assistance ends.

(c) "Disallowed costs" means those charges to a grant which the Bureau or its representative determines to be unallowable.

(d) "Economic enterprise" means any commercial, industrial, agricultural or business activity that is at least 51 percent Indian owned, established or organized for the purpose of profit.

(e) "Excess property" means property under the control of the Bureau which, as determined by the Commissioner, is no longer required for its needs.

(f) "Expendable personal property" means all tangible personal property other than nonexpendable property.

(g) "Grant closeout" means the process by which the Bureau determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the Bureau.

(h) "Grantee" means the entity which is responsible for administration of the grant.

(i) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is federally recognized as eligible by the United States Government through the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(j) "Letter of credit" means an instrument certified by an authorized official of the Bureau which authorizes a grantee to draw funds when needed from the Treasury, through a Regional Disbursing Office, in accordance with the provisions of Treasury Circular No. 1075 as modified and supplemented by a memorandum of understanding between the Bureau of Government Financial Operation, Department of the Treasury and the Department of the Interior.

(k) "Nonexpendable personal property" means tangible personal property having useful life of more than one year and an acquisition cost of $300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above.

(l) "Personal property" means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

(m) "Real property" means land, land improvements, structures and appurtenances thereto, excluding removable personal property, machinery and equipment.

(n) "Reimbursement by Treasury check" means a payment made to a grantee with a Treasury check upon request for reimbursement from the grantee.

(o) "Suspension of a grant" means an action by the Bureau which temporarily suspends assistance under the grant pending corrective action by the grantee or pending decision to terminate the grant by the Bureau.

(p) "Termination of a grant" means the cancellation of Federal assistance, in whole or in part, under a grant at any time prior to the date of completion.

(q) "Tribal government", "tribal governing body" and "tribal council" means the recognized governing body of an Indian tribe.

(r) "Tribal organization" means the recognized governing body of any Indian tribe or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or bodies of which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

§ 276.3 Cash depositories.

(a) Except for situations described in paragraphs (b) and (c) of this section, the Bureau will not:

(1) Require physical segregation of cash depositories for Bureau grant funds provided to a grantee.

(2) Establish any eligibility requirements for cash depositories in which Bureau grant funds are deposited by grantees or their subgrantees.

(b) A separate bank account shall be used when payments under letter of credit are made on a "check-paid" basis in accordance with agreements entered into by a grantee, the Bureau, and the banking institutions involved. A check-paid basis letter of credit is one under which funds are not drawn from the Treasury until the grantee's checks have been presented to its bank for payment.

(c) Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees are encouraged to use minority banks.

§ 276.4 Bondings and insurance.

In administering Bureau grants, grantees shall observe their regular requirements and practices with respect to bonding and insurance. The Bureau will not impose additional bonding and insurance requirements, including fidelity bonds, except as provided in paragraphs (a) and (b) of this section.

(a) The recipient of a Bureau grant which requires contracting for construction or facility improvement (including any Bureau grant which provides for alterations or renovations of real property) shall follow its own requirements and practices relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding $100,000. For contracts exceeding $100,000, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The bid guarantee shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under the contract.

(3) A payment bond on the part of the contractor for 100 per cent of the contract price. A payment bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(b) Where, in connection with a Bureau grant, the Bureau also guarantees the payment of money borrowed by the grantee, the Bureau may at its discretion require adequate bonding and insurance if the bonding and insurance requirements of the grantee are not deemed to be sufficient to protect adequately the interests of the Federal Government.

§ 276.5 Recordkeeping.

(a) The Bureau shall not impose record retention requirements over and above those established by the grantee except that financial records, supporting documents, statistical records, and all other records pertinent to a Bureau grant, or to any subgrant (or negotiated contract exceeding $2500) under a grant, shall be retained for a period of three years, with the following qualifications:

(1) The records shall be retained beyond the three year period if audit findings have not been resolved.

(2) Records for nonexpendable property which was acquired with Bureau grant funds shall be retained for three years after its final disposition.

(3) When grant records are transferred to or maintained by the Bureau, the three-year retention requirement is not applicable to the grantee.

(b) The retention period starts from the date of submission of the final expenditure report or, for grants which are renewed annually, from the date of the submission of the annual expenditure report.

(c) Grantees are authorized, if they desire, to substitute microfilm copies in lieu of original records.

(d) The Bureau shall request transfer of certain records to its custody from grantees when it determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping the Bureau may make arrangements with the grantee for the grantee to retain any records which are continuously needed for joint use.

(e) The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books, documents, papers, and records of the grantees and their subgrantees which are pertinent to a specific grant

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program for the purpose of making audit, examination, excerpts, transcripts and copies at government expense.

(f) Unless otherwise required by law, the Bureau shall not place restrictions on grantees which will limit public access to the grantee's records created as part of the grant except when records must remain confidential. Following are some of the reasons for withholding records:

(1) Prevent a clearly unwarranted invasion of personal privacy;

(2) Specifically required by statute or Executive Order to be kept secret;

(3) Commercial or financial information obtained from a person or firm on a privileged or confidential basis.

§ 276.6 Program income.

(a) No grantee receiving a grant shall be held accountable for interest earned on grant funds, pending their disbursement for program purposes.

(b) Proceeds from the sale of real or personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with § 276.11.

(c) Royalties received from copyrights and patents produced under the grant during the grant period shall be retained by the grantee and, in accordance with the grant agreement, be either added to the funds already committed to the program or deducted from total allowable project costs for the purpose of determining the net costs on which the Bureau share of costs will be based. After termination or completion of the grant, the Bureau share of royalties in excess of $200 received annually shall be returned to the Bureau in the absence of other specific agreements between the Bureau and the grantee. The Bureau share of royalties shall be computed on the same ratio basis as the Bureau share of the total project cost.

(d) All other program income earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be either:

(1) Added to funds committed to the project by the Bureau and the grantee and be used to further eligible program objectives, or

(2) Deducted from the total project costs for the purpose of determining the net costs on which the Bureau share of costs will be based.

(e) Grantees shall record the receipt and expenditures of revenues (such as taxes, special assessments, levies, fines, etc.) as a part of grant project transactions when such revenues are specifically earmarked for a grant project in accordance with grant agreements.

§ 276.7 Standards for grantee financial management systems.

(a) Grantee financial management systems for grants and subgrantee financial management systems for subgrants shall provide for:

(1) Accurate, current, and complete disclosure of the financial results of each grant program in accordance with Federal reporting requirements and for each subgrant in accordance with the grantees' requirements. Except when specifically required by law, the Bureau will not require financial reporting on the accrual basis from tribal organizations whose records are not maintained on that basis. However, when accrual reporting is required by law, tribal organizations whose records are not maintained on that basis will not be required to convert their accounting systems to the accrual basis; they may develop the accrual information through an analysis of the documentation on hand or on the basis of best estimates.

(2) Records which identify adequately the source and application of funds for grant—or subgrant—supported activities. These records shall contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(3) Effective control over and accountability for all grant or subgrant funds, and real and personal property acquired with grant or subgrant funds. Grantees and subgrantees shall adequately safeguard all such property and shall assure that it is used solely for authorized purposes.

(4) Comparison of actual with budgeted amounts for each grant or subgrant, and, when specifically required by the performance reporting requirements of the grant or subgrant, relation of financial information with performance or productivity data, including the production of unit cost information.

(5) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury as close as possible to the time of making the disbursements. Subgrantees shall institute similar procedures when funds are advanced by the grantee.

(6) Procedures for determining the allowability and allocability of costs shall be in accordance with the applicable cost principles prescribed in Appendix A of this Part.

(7) Accounting records which are supported by source documentation.

(8) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(b) Grantees shall require subgrantees (recipients of grants which are passed through by the grantee) to adopt all of the standards in paragraph (a) of this section.

§ 276.8 Financial reporting requirements.

Requirements for grantees to report financial information to the Bureau, and to request advances and reimbursement when a letter of credit method is not used, are prescribed in Appendix B of this Part.

§ 276.9 Monitoring and reporting program performances.

(a) Grantees shall constantly monitor the performance under grant-supported activities to assure that adequate progress is being made toward achieving the goals of the grant. This review shall be made for each program, function, or activity of each grant as set forth in the approved grant application.

(b) Grantees shall submit a performance report for each grant which briefly presents the following for each program, function, or activity involved:

(1) A comparison of actual accomplishments to the goals established for the period. Where the output of grant programs can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(2) Reasons for slippage in those cases where established goals were not met.

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(c) Grantees shall submit the performance reports to the Bureau with the Financial Status Reports (prescribed in Appendix B of this Part) in the frequency established by Appendix B. The Bureau shall prescribe the frequency with which the performance reports will be submitted with the Request for Advance or Reimbursement (prescribed in Appendix B) when that form is used in lieu of the Financial Status Report. In no case shall the performance reports be required more frequently than quarterly or less frequently than annually.

(d) Between the required performance reporting dates, events may occur which have significant impact upon the project or program. In such cases, the grantee shall inform the Bureau as soon as the following types of conditions become known:

(1) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accomplished by a statement of the action taken, or contemplated, and any Bureau assistance needed to resolve the situation.

(2) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

(e) If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with the criteria established in § 276.14, the grantee shall submit a request for budget revision.

(f) The Bureau shall make site visits as frequently as practicable to:

(1) Review program accomplishments and management control systems.

(2) Provide such technical assistance as may be required, or requested.

§ 276.10 Grant payment requirements.

(a) Except for construction grants for which the letter-of-credit method is optional, the letter-of-credit funding method shall be used by the Bureau where all of the following conditions exist:

(1) When there is or will be a continuing relationship between a grantee and the Bureau for at least a 12-month period and the total amount of advances to be received within that period from the Bureau is $250,000, or more, as prescribed by Treasury Circular No. 1075.

(2) When the grantee has established or demonstrated to the Bureau the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the grantee.

(3) When the grantee's financial management system meets the standards for fund control and accountability prescribed in § 276.7.

(b) The method of advancing funds by Treasury check shall be used, in accordance with the provisions of Treasury Circular No. 1075, when the grantee meets all of the requirements specified in paragraphs (a) (2) and (3) of this section.

(c) The reimbursement by Treasury check method shall be the preferred method when the grantee does not meet the requirements specified in either paragraph (a) (2) or (a) (3), or both. This method may also be used when the major portion of the program is accomplished through private market financing or Federal loans, and when the Bureau grant assistance constitutes a minor portion of the program.

(d) Unless otherwise required by law, the Bureau shall not withhold payments for proper charges made by grantees at any time during the grant period unless:

(1) A grantee has failed to comply with the program objectives, grant award conditions, or Bureau reporting requirements; or

(2) The grantee is indebted to the United States and collection of the indebtedness will not impair accomplishment of the objectives of any grant program sponsored by the United States. Under such conditions, the Bureau may, upon reasonable notice, inform the grantee that payments will not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal government is liquidated.

(e) Appendix B of this Part provides the procedures for requesting advances or reimbursements.

§ 276.11 Property management standards.

(a) Grantees may follow their own property management policies and procedures if they observe the requirements of this section. With respect to property covered by this section, the Bureau may not impose on grantees any requirements (including property reporting requirements) not authorized by this Part unless specifically required by Federal law.

(b) Title to real property to be acquired in whole or in part from a Bureau grant under Part 272 of this Chapter shall vest in one of the following manners:

(1) Title may be taken by the United States in trust for the Indian tribe upon the request of the tribe and when the real property to be acquired is within the reservation boundaries or adjoins on at least two sides other trust or restricted lands as prescribed in Part 272 of this chapter.

(2) Fee title to the acquired real property shall vest in the Indian tribe whenever the acquisition does not meet the criteria in paragraph (b) (1) of this section or unless for other reasons a tribe requests title to be taken in the name of the United States. In the absence of applicable statutory authority governing the disposition of real property acquired by a tribe, the tribe shall use the real property for the authorized purposes and in accordance with any other requirements imposed by the terms and conditions of the original grant. Changes in use compatible to other tribal programs may be authorized by the Bureau. When no longer needed for the authorized purposes, the real property shall be used in accordance with the standards set forth in § 276.11(d) (1) for non-expendable personal property. Accordingly, the following priority order for use of such property shall be:

(i) Other grants from the Bureau.

(ii) Grants from other Federal agencies.

(iii) Tribal purposes consistent with those authorized for support by Bureau grants.

(iv) Tribal official activities.

(3) In those instances where the Indian tribe requests, title may be acquired by the United States. Use of these acquired real property interests will be subject to the authorized purposes and in accordance with the provisions of the original grant. Upon a determination that the real property is no longer needed for the authorized purposes, disposition may be made by declaring it excess under provisions of the Act of January 2, 1975 (88 Stat. 1954) and title transferred to the Secretary to be held by the United States in trust for the tribe. Where real property does not meet the requirements under the Act of January 2, 1975 (88 Stat. 1954), the tribe may elect to acquire title under applicable enabling statutory authorities, or in the absence of statutory authority, request withholding disposition in aid of legislation, or authorize disposal under the General Services Administration procedures.

(c) The provisions of paragraph (b) (2) and (3) of this section shall also apply when real property is acquired in whole or in part by a Bureau grant other than that provided under Part 272 of this Chapter. However, when such property is acquired by a grantee other than an Indian tribe, or a tribal governing body, fee simple title to the property shall vest in the grantee upon acquisition. In the absence of applicable statutory provisions governing the use or disposition of such property, it shall be subject to the following requirements, in addition to any other requirements imposed by the terms and conditions of the grant:

(1) The grantee shall use the real property for the authorized purpose of the original grant as long as needed.

(2) The grantee shall obtain approval by the Bureau for the use of the real property in other projects when the grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs, or programs that have purposes consistent with those authorized for support by the grantor.

(3) When the real property is no longer needed as provided in paragraphs (c) (1) and (2) of this section, the grantee shall return all real property furnished or purchased wholly with Bureau grant funds to the control of the Bureau. In the case of property purchased in part with Bureau grant funds, the grantee may be permitted to take title to the Federal interest therein upon compensating the Federal Government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the property was acquired to the current fair market value of the property.

(d) Standards and procedures governing ownership, use, and disposition of nonexpendable personal property furnished by the Bureau or acquired with Bureau funds are set forth below:

(1) *Nonexpendable personal property acquired with Bureau funds.* When nonexpendable personal property is acquired by a grantee wholly or in part with Bureau funds, title will not be taken by the Bureau except as provided in paragraph (d) (1) (iv) of this section but shall be vested in the grantee subject to the following restrictions on use and disposition of the property:

(i) The grantee shall retain the property acquired with Bureau funds in the grant program as long as there is a need for the property to accomplish the purpose of the grant program whether or not the program continues to be supported by Bureau funds. When there is no longer a need for the property to accomplish the purpose of the grant program, the grantee shall use the property in connection with the other Federal grants it has received in the following order of priority:

(A) Other grants from the Bureau needing the property.

(B) Grants of other Federal agencies needing the property.

(ii) When the grantee no longer has need for the property in any of its Federal grant programs, or programs that have purposes consistent with those authorized for support by the grantor, the property may be used for its own official activities in accordance with the following standards:

(A) Nonexpendable property with an acquisition cost of less than $500 and used four years or more. The grantee may use the property for its own official activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(B) All other nonexpendable property. The grantee may retain the property for

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its own use if a fair compensation is made to the Bureau for the latter's share of the property. The amount of compensation shall be computed by applying the percentage of Bureau participation in the grant program to the current fair market value of the property.

(iii) If the grantee has no need for the property, disposition of the property shall be made as follows:

(A) Nonexpendable property with an acquisition cost of $1,000 or less. Except for that property which meets the criteria of paragraph (d) (1) (ii) (A) of this section, the grantee shall sell the property and reimburse the Bureau an amount which is computed in accordance with paragraph (d) (1) (iii) of this section.

(B) Nonexpendable property with an acquisition cost of over $1,000. The grantee shall request disposition instructions from the Bureau. The Bureau shall determine whether the property can be used to meet the Bureau's requirement. If no requirement exists within the Bureau, the availability of the property shall be reported to the General Services Administration (GSA) by the Bureau to determine whether a requirement for the property exists in other Federal agencies. The Bureau shall issue instructions to the grantee within 120 days and the following procedures shall govern:

(*1*) If the grantee is instructed to ship the property elsewhere, the grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the grantee's participation in the grant program to the current fair market value of the property, plus any shipping or interim storage costs incurred.

(2) If the grantee is instructed to otherwise dispose of the property, he shall be reimbursed by the Bureau of such costs incurred in its disposition.

(3) If disposition instructions are not issued within 120 days after reporting, the grantee shall sell the property and reimburse the Bureau an amount which is computed by applying the percentage of Bureau participation in the grant program to the sales proceeds. Further, the grantee shall be permitted to retain $100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

(iv) Where the Bureau determines that property with an acquisition cost of $1,000 or more and financed solely with Bureau funds is unique, different, or costly to replace, it may reserve title to such property, subject to the following provisions:

(A) The property shall be appropriately identified in the grant agreement or otherwise made known to the grantee.

(B) The Bureau shall issue disposition instructions within 120 days after the completion of the need for the property under the grant for which it was acquired. If the Bureau fails to issue disposition instructions within 120 days, the grantee shall apply the standards of paragraphs (d) (1) (i), (d) (1) (ii) (B), and (d) (1) (iii) (B) of this section.

(2) Federally-owned nonexpendable personal property. Unless statutory authority to transfer title has been granted to an agency, title to Federally-owned property (property to which the Federal Government retains title including excess property made available by the Bureau to grantees) remains vested by law in the Federal Government. Upon termination of the grant or need for the property, such property shall be reported to the Bureau for further Bureau use or, if appropriate, for reporting to the General Services Administration for other Federal agency use. Appropriate disposition instructions will be issued to the grantee after completion of Bureau review.

(e) The grantee's property management standards for nonexpendable personal property shall also include the following procedural requirements:

(1) Property records shall be maintained accurately and provide for a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; source of the property; percentage of Federal funds used in the purchase of property; location, use, and condition of the property; and ultimate disposition data including sales price or the method used to determine current fair market value if the grantee reimburses the Bureau for its share.

(2) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current use, and continued need for the property.

(3) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented.

(4) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(5) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

(f) When the total inventory value of any unused expendable personal property exceeds $500 at the expiration of need for any grant purposes, the grantee may retain the property or sell the property as long as he compensates the Bureau for its share in the cost. The amount of compensation shall be computed in accordance with paragraph (d) (1) (ii) (B) of this section.

(g) Specific standards for control of intangible property are provided as follows:

(1) If any program produces patentable items, patent rights, processes, or inventions, in the course of work aided by a Bureau grant, such fact shall be promptly and fully reported to the Bureau. Unless there is prior agreement between the grantee and Bureau on disposition of such items, the Bureau shall determine whether protection on such invention or discovery shall be sought and how the rights in the invention or discovery—including rights under any patent issued on it—shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" (President's memorandum for heads of executive departments and agencies), dated August 23, 1971, and Statement of Government Patent Policy as printed in 36 FR 16889.

(2) Where the grant results in a book or other copyrightable material, the author or grantee is free to copyright the work, but the Bureau reserves a royalty-free nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

(h) The use of Bureau-owned facilities under the jurisdiction of the Commissioner by a grantee for purposes of carrying out a grant may be authorized when the facilities are not needed for Bureau purposes.

§ 276.12 Procurement standards.

(a) The standards contained in this section do not relieve the grantee of the contractual responsibilities arising under its contracts. The grantee is the responsible authority, without recourse to the Bureau regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant. This includes but is not limited to: disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to the tribal, Federal or other authority which has proper jurisdiction.

(b) Grantees may use their own procurement regulations provided that procurements made with Bureau grant funds adhere to the standards set forth as follows:

(1) The grantee shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Bureau grant funds. Grantee's officers, employees or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by law, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the grantee officers, employees, or agents, or by contractors or their agents.

(2) All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or non-competitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. However, this provision will apply only after the Indian preference requirements prescribed in § 276.13 have been met.

(3) The grantee shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(i) Proposed procurement actions shall be reviewed by grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(ii) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. In competitive procurements, such description shall not contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. When so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(iii) Positive efforts shall be made by the grantees to use small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed using Bureau grant funds. However, this provision will apply only after the Indian preference requirements prescribed in § 276.13 have been met.

(iv) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the grant program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(v) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (b) (3) (vi) of this section is necessary to accomplish sound procurement. However, procurement of $10,000 or less need not be so advertised. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered. (Factors such as discounts, transportation costs, taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the grantee. Any or all bids may be rejected when it is in the grantee's interest to do so.

(vi) Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the grantee if:

(A) The public exigency will not permit the delay incident to advertising;

(B) The material or service to be procured is available from only one person or firm; (all contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the Bureau for prior approval).

(C) The total amount involved does not exceed $10,000;

(D) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institutions;

(E) No acceptable bids have been received after formal advertising;

(F) The purchases are for highly perishable materials or medical supplies; for material or services where the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for supplies purchased for authorized resale; and for technical or specialized supplies requiring substantial initial investment for manufacture;

(G) Otherwise authorized by law, rules or regulations. Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

(vii) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(viii) Procurement records or files for purchases in amounts over $10,000 shall provide at least the following pertinent information: Justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiation.

(ix) A system for contract administration shall be maintained to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

(c) In addition to provisions to define a sound and complete agreement, the grantee shall include the following provisions in all contracts and subgrants:

(1) Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contracts, amounts for which are over $10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions where the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) In all contracts for construction or facility improvement awarded over $100,000, grantees shall observe the bonding requirements provided in § 276.4.

(4) All construction contracts awarded by recipients and their contractors or subgrantees having a value of more than $10,000, shall contain a provision requiring compliance with Executive Order No. 11246, entitled "Equal Employment Opportunity," as amended by Labor Regulations (41 CFR Part 60). However, this Equal Employment Opportunity provision will apply only after the Indian preference requirements prescribed in § 276.13 have been met.

(5) All contracts and subgrants for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the Bureau.

(6) When required by the Federal grant program legislation, all construction contracts awarded by grantees and subgrantees over $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) and as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The grantee shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The grantee shall report all suspected or reported violations to the Bureau.

(7) Where applicable, all contracts awarded by grantees and subgrantees over $2,000 for construction contracts and over $2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under Section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard workday or workweek is permissible if the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked over 8 hours in any calendar day or 40 hours in the work week. Section 107 of the Act applies to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles

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ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(8) Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or constraints in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Bureau. The contractor shall be advised as to the source of additional information regarding these matters.

(9) All negotiated contracts (except those of $10,000 or less) awarded by grantees shall include a provision to the effect that the grantee, the Bureau, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

(10) Contracts and subgrants of amounts over $100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970 (42 U.S.C. 1251 et seq.) as amended. Violations shall be reported to the Bureau and the Regional Office of the Environmental Protection Agency.

§ 276.13 Indian preference in grant administration.

Any grant or subgrant shall require that to the greatest extent feasible:

(a) Preferences and opportunities for training and employment in connection with the administration of such a grant or subgrant shall be given to Indians.

(b) Preference in the award of a subgrant, contract or subcontract in connection with administration of a grant shall be given to Indian organizations and economic enterprises.

(c) A tribal governing body may develop its own Indian preference requirements to the extent that such requirements are not inconsistent with the purpose and intent of paragraphs (a) and (b) of this section for grants executed under this Part.

§ 276.14 Budget revision.

Criteria and procedures to be followed by grantees in reporting deviations from grant budgets and requesting approval for budget revisions are as follows:

(a) For nonconstruction grants, grantees shall request prior approvals promptly from the Bureau for budget revisions whenever:

(1) The revision results from changes in the scope or the objective of the grant-supported program.

(2) The revision indicates the need for additional Bureau funding.

(3) The grant budget is over $100,000 and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed $10,000, or five percent of the grant budget, whichever is greater. The same criteria apply to cumulative amount of transfers among programs, functions, and activities when budgeted separately for a grant, except that the Bureau shall permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended.

(4) The grant budget is $100,000, or less, and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed five percent of the grant budget. The same criteria apply to the cumulative amount of transfers among programs, functions, and activities when budgeted separately for a grant, except that the Bureau shall permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended.

(5) The revisions involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs.

(6) The revisions pertain to the addition of items requiring approval in accordance with the provisions of Appendix A of this Part.

(b) All other changes to nonconstruction grant budgets, except for the changes described in paragraph (d) of this section do not require approval. These changes include (1) the use of grantee funds in furtherance of program objectives over and above the grantee minimum share included in the approved grant budget and (2) the transfer of amounts budgeted for direct costs to absorb authorized increases in indirect costs.

(c) For construction grants, grantees shall request prior approval promptly from the Bureau for budget revisions whenever:

(1) The revision results from changes in the scope or the objective of the grant-supported programs.

(2) The revision increases the budgeted amounts of Bureau funds needed to complete the project.

(d) When the Bureau awards a grant which provides support for both construction and nonconstruction work, the Bureau may require, in the grant agreement, the grantee to request prior approval before making any fund or budget transfers between the two types of work supported.

(e) For both construction and nonconstruction grants, the Bureau shall require tribal grantees to notify the Bureau promptly whenever the amount of Bureau authorized funds is expected to exceed the needs of the grantee by more than $5,000 or 5 percent of the Bureau grant, whichever is greater. This notification will not be required when applications for additional funding are submitted for continuing grants.

(f) When requesting approval for budget revisions, grantees shall use the budget forms which were used in the grant application. However, grantees may request by letter the approvals required by the provisions of Appendix A of this Part.

(g) Within 30 days from the date of receipt of the request for budget revisions, the Bureau shall review the request and notify the grantee whether or not the budget revisions have been approved. If the Bureau does not reach a decision prior to the end of the 30 day period or should the grantee not be notified of the Bureau's decision by the end of the 30 day period the grantee may appeal directly to the Commissioner.

§ 276.15 Grant closeout.

(a) In closing out Bureau grants, the following shall be observed:

(1) Upon request, the Bureau shall make prompt payments to a grantee for allowable reimbursable costs under the grant being closed out.

(2) The grantee shall immediately refund to the Bureau any unencumbered balance of cash advanced to the grantee.

(3) The Bureau shall obtain from the grantee within 90 days after the date of completion of the grant all financial, performance, and other reports required as a condition of the grant. The Bureau may grant extensions when requested by the grantee.

(4) The Bureau shall make a settlement for any upward or downward adjustments to the Federal share of costs after these reports are received.

(5) The grantee shall account for any property acquired with grant funds; or received fom the Government in accordance with the provisions of § 276.11.

(6) If a final audit has not been performed before the closeout of the grant, the Bureau shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

(b) Suspension. When a grantee has materially failed to comply with the terms and conditions of a grant, the Bureau may after reasonable notice to the grantee, suspend the grant. The notice preceding suspension shall include the effective date of the suspension, the reasons for the suspension, the corrective measures necessary for reinstatement of the grant, and, if there is no immediate threat to safety, a reasonable time frame for corrective action prior to actual suspension. No obligations incurred by the grantee during the period of suspension shall be allowable under the suspended grant, except that the Bureau may at its discretion allow necessary and proper costs which the grantee could not reasonably avoid during the period of suspensions if such costs would otherwise be allowable under the applicable cost principles specified in Appendix A of this Part. Appropriate adjustments to the payments under the suspended grant will be made, either by withholding the payments or by not allowing the grantee credit for disbursements which he may make in liquidation of unauthorized obligations he incurs during the period of suspension. Suspensions shall remain in

effect until the grantee has taken corrective action to the satisfaction of the Bureau or given assurances satisfactory to the Bureau that corrective action will be taken, or until the Bureau cancels the grant.

(c) (1) Cancellation for cause. The Bureau may cancel any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has:

(i) Materially failed to comply with the terms and conditions of the grant;

(ii) Violated the rights or endangered the health, safety, or welfare of any persons;

(iii) Been grossly negligent in or has mismanaged the handling or use of funds provided under the grant.

(2) When it appears that cancellation of a grant shall become necessary, the Bureau shall promptly notify the grantee in writing of this possibility. This written notice shall advise the grantee of the reason for the possible cancellation and the corrective action necessary to avoid cancellation. The Bureau shall also offer, and provide if requested by the grantee, any technical assistance which may be required to effect the corrective action. The grantee shall have 60 days in which to effect this corrective action before the Bureau provides notice of intent to cancel the grant as provided in paragraph (c) (3) of this section.

(3) Upon deciding to cancel for cause, the Bureau shall promptly notify the grantee in writing of that decision, the reasons for the cancellation, and the effective date. The Bureau shall also provide a hearing for the grantee before cancellation. However, the Bureau may immediately cancel the grant, upon notice to the grantee, if the Bureau determines that continuance of the grant poses an immediate threat to safety. In this event, the Bureau shall provide a hearing for the grantee within ten (10) days of cancellation.

(4) Payments made to grantees or recoveries by the Bureau under grants cancelled for cause shall be in accordance with the legal rights and obligations of the parties.

(d) (1) Cancellation on other grounds. Except as provided in paragraph (c) of this section, grants may be cancelled in whole or in part only as follows:

(i) By the Bureau with the consent of the grantee, in which case the two parties shall agree upon the cancellation conditions, including the effective date, and in the case of partial cancellation, the portion to be cancelled; or

(ii) By the grantee, upon written notice to the Bureau, setting forth the reasons for the cancellation, the effective date, and, in the case of partial cancellation, the portion to be cancelled.

(2) When a grant is cancelled in accordance with paragraph (d) of this section, the grantee shall not incur new obligations for the cancelled portion after the effective date, and shall cancel as many outstanding obligations as possible. The Bureau shall allow full credit to the grantee for the Bureau share of the noncancellable obligations properly incurred by the grantee before cancellation.

§ 276.16 Subgrants and subcontracts to non-profit organizations.

The uniform administrative requirements in this part, including the cost principles in Appendix A, to this part, are applicable to all subgrants or subcontracts made by a grantee in accordance with the provisions of this chapter. However, these requirements and cost principles are applicable as minimum standards for subgrants or subcontracts made to nonprofit organizations. Accordingly, the grantee may prescribe additional or more stringent requirements with regard to subgrants or subcontracts made to non-profit organizations.

APPENDIX A—PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO GRANTS

PART I—GENERAL

A. *Purpose and scope.* 1. *Objectives.* This attachment sets forth principles for determining the allowable costs of programs administered by grantees under grants from the Bureau. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Bureau and tribal participation in the financing of a particular grant. They are designed to provide that Bureau assisted programs bear their fair share of costs recognized under these principles, except where restricted or prohibited by law. No provision for profit or other increment above cost is intended.

2. *Policy guides.* The application of these principles is based on the fundamental premises that:

a. Grantees are responsible for the efficient and effective administration of grant programs through the application of sound management practices.

b. The grantee assumes the responsibility for seeing that Bureau assisted program funds have been expended and accounted for consistent with underlying agreements and program objectives.

c. Each grantee organization, in recognition of its own unique combination of staff facilities and experience, will have the primary responsibility for employing whatever form of organization and management techniques may be necessary to assure proper and efficient administration.

3. *Application.* These principles will be applied by the Bureau in determining costs incurred by grantees under Bureau grants (including subgrants, contracts by grantees and subcontracts).

B. *Definitions.* 1. *Approval or authorization of the Bureau* means documentation evidencing consent prior to incurring specific cost.

2. *Cost allocation plan* means the documentation identifying, accumulating, and distributing allowable costs under grants and contracts together with the allocation methods used.

3. *Cost*, as used herein, means cost as determined on a cash, accrual, or other basis acceptable to the Bureau as a discharge of the grantee's accountability for Bureau funds.

4. *Cost objective* means a pool, center, or area established for the accumulation of cost. Such areas include organizational units, functions, objects or items of expense as well as ultimate cost objectives including specific grants, projects, contracts, and other activities.

5. *Federal agency* means any department, agency, commission, or instrumentality in the executive branch of the Federal Government which makes grants to grantees.

6. *Grant* means an agreement between the Bureau and a grantee whereby the Bureau provides funds or aid in kind to carry out specified programs, services, or activities. The principles and policies stated in this Appendix as applicable to grants in general also apply to any Federally sponsored cost reimbursement type of agreement performed by a grantee, including contracts, subcontracts and subgrants.

7. *Grant program* means those activities and operations of the grantee which are necessary to carry out the purposes of the grant, including any portion of the program financed by the grantee.

8. *Grantee* means the entity which is responsible for administration of the grant.

9. *Services*, as used herein, means goods and facilities, as well as services.

10. *Supporting services* means auxiliary functions necessary to sustain the direct effort involved in administering a grant program or an activity providing service to the grant program. These services may be centralized in the grantee department or in some other agency, and include procurement, payroll, personnel functions, maintenance and operation of space, data processing, accounting, budgeting, auditing, mail and messenger service, and the like.

C. *Basic guidelines.* 1. *Factors affecting allowability of costs.* To be allowable under a grant program, costs must meet the following general criteria:

a. Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of a grantee.

b. Be authorized or not prohibited under applicable laws or regulations.

c. Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items.

d. Be consistent with policies, regulations, and procedures that apply uniformly to both Federally assisted and other activities of which the grantee is a part.

e. Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.

f. Not be allocable to or included as a cost of any other Federally financed program in either the current or a prior period.

g. Be net of all applicable credits.

2. *Allocable costs.* a. A cost is allocable to a particular cost objective to the extent of benefits received by such objective.

b. Any cost allocable to a particular grant or cost objective under the principles provided for in this Appendix may not be shifted to other Federal grant programs to overcome funds deficiencies, avoid restrictions imposed by law or grant agreements, or for other reasons.

c. Where an allocation of joint cost will ultimately result in charges to a grant program, an allocation plan will be required as prescribed in Section I.

3. *Applicable credits.* a. Applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allocable to grants as direct or indirect costs. Examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indentities on losses; sale of publications, equipment, and scrap; income from personal or incidental services; and adjustments of overpayments or erroneous charges.

b. Applicable credits may also arise when Bureau funds are received or are available

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from sources other than the grant program involved to finance operations or capital items of the grantee. This includes costs arising from the use of depreciation of items donated or financed by the Bureau to fulfill matching requirements under another grant program. These types of credits should likewise be used to reduce related expenditures in determining the rates or amounts applicable to a given grant.

D. *Composition of cost.* 1. *Total cost.* The total cost of a grant program is comprised of the allowable direct cost incident to its performance, plus its allocable portion of allowable indirect costs, less applicable credits.

2. *Classification of costs.* There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the grant or other ultimate cost objective. It is essential, therefore, that each item of cost be treated consistently either as a direct or an indirect cost. Specific guides for determining direct and indirect costs allocable under grant programs are provided in the sections which follow.

E. *Direct costs.* 1. *General.* Direct costs are those that can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts, or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the other ultimate cost objective.

2. *Application.* Typical direct costs chargeable to grant programs are:

a. Compensation of employees for the time and effort devoted specifically to the execution of grant programs.

b. Cost of materials acquired, consumed, or expended specifically for the purpose of the grant.

c. Equipment and other approved capital expenditures.

d. Other items of expense incurred specifically to carry out the grant agreement.

e. Services furnished specifically for the grant program by other agencies, provided such charges are consistent with criteria outlined in Section G of these principles.

F. *Indirect costs.* 1. *General.* Indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities, to the grantee department. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect cost within a grantee department or in other agencies providing services to a grantee department. Indirect cost pools should be distributed to benefiting cost objectives on bases which will produce an equitable result in consideration or relative benefits derived.

2. *Grantee departmental indirect costs.* All grantee departmental indirect costs, including the various levels of supervision, are eligible for allocation to grant programs provided they meet the conditions set forth in this Part. In lieu of determining the actual amount of grantee departmental indirect cost allocable to a grant program, the following methods may be used:

a. *Predetermined fixed rates for indirect costs.* A predetermined fixed rate for computing indirect costs applicable to a grant may be negotiated annually in situations where the cost experience and other pertinent facts available are deemed sufficient to enable the contracting parties to reach an informed judgment (1) as to the probable level of indirect costs in the grantee department during the period to be covered by the negotiated rate, and (2) that the amount allowable under the predetermined rate would not exceed actual indirect cost.

b. *Negotiated lump sum for overhead.* A negotiated fixed amount in lieu of indirect costs may be appropriate under circumstances where the benefits derived from a grantee department's indirect services cannot be readily determined as in the case of small, self-contained or isolated activity. When this method is used, a determination should be made that the amount negotiated will be approximately the same as the actual indirect cost that may be incurred. Such amounts negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses of the grantee department before allocation to remaining activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

3. *Limitation on indirect costs.* a. Bureau grants may be subject to laws that limit the amount of indirect costs that may be allowed. In this event, the Bureau will establish procedures which will assure that the amount actually allowed for indirect costs under each such grant does not exceed the maximum allowable under the statutory limitation or the amount otherwise allowable under this Appendix, whichever is the smaller.

b. When the amount allowable under a statutory limitation is less than the amount otherwise allocable as indirect costs under this Appendix the amount not recoverable as indirect costs under a grant may not be shifted to another Federally sponsored grant program or contract.

G. *Cost incurred by organizations other than the grantee.* 1. *General.* The cost of service provided by other organizations may only include allowable direct costs of the service plus a prorata share of allowable supporting costs and supervision directly required in performing the service, but not supervision of a general nature such as that provided by the head of an organization and his staff assistants not directly involved in operations. However, supervision by the head of an organization whose sole function is providing the service furnished would be an eligible cost. Supporting costs include those furnished by other units of the supplying organizations.

2. *Alternative methods of determining indirect cost.* In lieu of determining actual indirect cost related to a particular service furnished by another organization, either of the following alternative methods may be used provided only one method is used for a specific service during the fiscal year involved.

a. *Standard indirect rate.* An amount equal to ten percent of direct labor cost in providing the service performed by another organization (excluding overtime, shift, or holiday premiums and fringe benefits) may be allowed in lieu of actual allowable indirect cost for that service.

b. *Predetermined fixed rate.* A predetermined fixed rate for indirect cost of the unit or activity providing service may be negotiated as set forth in Section F.2.a.

H. *Cost incurred by grantee for others.* 1. *General.* The principles provided in Section G will also be used in determining the cost of services provided by the grantee to another agency.

I. *Cost allocation plan.* 1. *General.* A plan for allocation of costs will be required to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by formal accounting records which will substantiate the propriety of eventual charges.

2. *Requirements.* The allocation plan of the grantee should cover all joint costs of the grantees as well as costs to be allocated under plans of other agencies or organizational units which are to be included in the costs of federally sponsored programs. The cost allocation plans of all the agencies rendering services to the grantee, to the extent feasible, should be presented in a single document. The allocation plan should contain, but not necessarily be limited to, the following:

a. The nature and extent of services provided and their relevance to the Federally sponsored programs.

b. The items of expense to be included.

c. The methods to be used in distributing cost.

3. *Instructions for preparation of cost allocation plans.* The Bureau, in consultation with the other Federal agencies concerned, will be responsible for developing and issuing the instructions for use by grantees in preparation of cost allocation plans.

4. *Negotiation and approval of indirect cost proposals for grantees.* a. The Bureau, in collaboration with the other Federal agencies and offices concerned, will be responsible for negotiation, approval, and audit of cost allocation plans, which will be submitted to it by the grantees. These plans will cover central support service costs of the grantees.

b. The Department of the Interior Office of Audit and Investigation will have responsibility similar to that set forth in a., above, for the negotiation, approval, and audit of the indirect cost proposal.

c. Questions concerning the cost allocation plans approved under a. and b., above, should be directed to the Bureau.

PART II—STANDARDS FOR SELECTED ITEMS OF COST

A. *Purpose and applicability.* 1. *Objective.* This attachment provides standards for determining the allowability of selected items of cost.

2. *Application.* These standards will apply irrespective of whether a particular item of cost is treated as direct or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable, rather determination of allowability in each case should be based on the treatment of standards provided for similar or related items of cost. The allowability of the selected items of cost is subject to the general policies and principles stated in Part I of this Appendix.

B. *Allowable costs.* 1. *Accounting.* The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes cost incurred by central service agencies for these purposes. The cost of maintaining central accounting records required for overall tribal government purposes, such as appropriation and fund accounts by the Treasurer, Comptroller, or similar officials, is considered to be a general expense of government and is not allowable.

2. *Advertising.* Advertising media includes newspapers, magazines, radio and television programs, direct mail, trade papers, and the like. The advertising costs allowable are those which are solely for:

a. Recruitment of personnel required for the grant program.

b. Solicitation of bids for the procurement of goods and services required.

c. Disposal of scrap or surplus materials acquired in the performance of the grant agreement.

d. Other purposes specifically provided for in the grant agreement.

3. *Advisory councils.* Costs incurred by grantee advisory councils or committees established pursuant to Bureau requirements to carry out grant programs are allowable. The cost of like organizations is allowable when provided for in the grant agreement.

4. *Audit service.* The cost of audits necessary for the administration and management of functions related to grant programs is allowable.

5. *Bonding.* Costs of premiums on bonds covering employees who handle grantee funds are allowable.

6. *Budgeting.* Costs incurred for the development, preparation, presentation, and execution of budgets are allowable. Costs for services of a central budget office are generally not allowable since these are costs of general government. However, where employees of the central budget office activity participate in the grantee budget process, the cost of identifiable services is allowable.

7. *Building lease management.* The administrative cost for lease management which includes review of lease proposals, maintenance of a list of available property for lease, and related activities is allowable.

8. *Central stores.* The cost of maintaining and operating a central store's organization for supplies, equipment, and materials used either directly or indirectly for grant programs is allowable.

9. *Communications.* Communication costs incurred for telephone calls or service, telegraph, teletype service, wide area telephone service (WATS), centrex, telpak (tie lines), postage, messenger service and similar expenses are allowable.

10. *Compensation for personal services.* a. *General.* Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and supplementary compensation and benefits. The costs of such compensation are allowable to the extent that total compensation for individual employees: (1) is responsible for the services rendered, (2) follows an appointment made in accordance with tribal government ordinances and rules and which meets Federal merit system or other requirements, where applicable; and (3) is determined and supported as provided in b., below. Compensation for employees engaged in federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the tribal government. In cases where the kinds of employees required for the federally assisted activities are not found in the other activities of the tribal government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

b. *Payroll and distribution of time.* Amounts charged to grant programs for personal services, regardless of whether treated as direct or indirect costs, will be based on payrolls documented and approved in accordance with generally accepted practice of the tribal government. Payrolls must be supported by time and attendance or equivalent records for individual employees. Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort.

11. *Depreciation and use allowance.* a. Grantees may be compensated for the use of their own buildings, capital improvements, and equipment through use allowances or depreciation. Use allowances are the means of providing compensation in lieu of depreciation or other equivalent costs. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

b. The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used in the computation. The computation will exclude the cost or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Bureau through charges to Bureau grant programs or otherwise, irrespective of whether title was originally vested or where it presently resides. In addition, the computation will also exclude the cost of land. Depreciation or a use allowance on idle or excess facilities is not allowable, except when specifically authorized by the Bureau.

c. Where the depreciation method is followed, adequate property records must be maintained, and any generally accepted method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected Federally sponsored programs and must result in equitable charges considering the extent of the use of the assets for benefit of such programs.

d. In lieu of depreciation, a use allowance for buildings and improvements may be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized as building cost) will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost of usable equipment.

e. No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated, provided, however, that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to utilization of the facility or item for the purpose contemplated.

12. *Disbursing service.* The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable. Disbursing services cover the processing of checks or warrants, from preparation to redemption, including the necessary records of accountability and reconciliation of such records with related cash accounts.

13. *Employee fringe benefits.* Costs identified under a. and b. below are allowable to the extent that total compensation for employees is reasonable as defined in Section B.10.

a. Employee benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, court leave, military leave, and the like, if they are: (1) provided pursuant to an approved leave system, and (2) the cost thereof is equitably allocated to all related activities, including grant programs.

b. Employee benefits in the form of employers' contribution or expenses for social security, employees' life and health insurance plans, unemployment insurance coverage, workmen's compensation insurance, pension plans, severance pay, and the like, provided such benefits are granted under approved plans and are distributed equitably to grant programs and in other activities.

14. *Employee morale, health and welfare costs.* The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred, are allowable. Income generated from any of these activities will be offset against expenses.

15. *Exhibits.* Costs of exhibits relating specifically to the grant programs are allowable.

16. *Legal expenses.* The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a tribal government or his staff solely for the purpose of discharging his general responsibilities as legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

17. *Maintenance and repair.* Costs incurred for necessary maintenance, repair, or upkeep of property which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

18. *Materials and supplies.* The cost of materials and supplies necessary to carry out the grant programs is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

19. *Memberships, subscriptions and professional activities.* a. *Memberships.* The cost of membership in civic, business, technical and professional organizations is allowable provided: (1) the benefit from the membership is related to the grant program, (2) the expenditure is for agency membership, (3) the cost of the membership is reasonably related to the value of the services or benefits received, and (4) the expenditure is not for membership in an organization which devotes a substantial part of its activities to influencing legislation.

b. *Reference material.* The cost of books, and subscriptions to civic, business, professional, and technical periodicals is allowable when related to the grant program.

c. *Meetings and conferences.* Costs are allowable when the purpose of the meeting is the dissemination of technical information relating to the grant program and they are consistent with regular practices followed for other activities of the grantee.

20. *Motor pools.* The costs of a service organization which provides automobiles to grantees at a mileage or fixed rate and/or provides vehicle maintenance, inspection and repair services are allowable.

21. *Payroll preparation.* The cost of preparing payrolls and maintaining necessary related wage records is allowable.

22. *Personnel administration.* Costs for the recruitment, examination, certification, classification, training, establishment of pay standards, and related activities for grant programs, are allowable.

23. *Printing and reproduction.* Cost for printing and reproduction services necessary for grant administration, including but not limited to forms, reports, manuals, and informational literature, are allowable. Publication costs of reports or other media relating to grant program accomplishments or results are allowable when provided for in the grant agreement.

24. *Procurement service.* The cost of procurement service, including solicitation of bids, preparation and award of contracts, and all phases of contract administration in providing goods, facilities and services for grant programs, is allowable.

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25. *Taxes.* In general, taxes or payments in lieu of taxes which the grantee is legally required to pay are allowable.

26. *Training and education.* The cost of in-service training, customarily provided for employee development which directly or indirectly benefits grant programs is allowable. Out-of-service training involving extended periods of time is allowable only when specifically authorized by the Bureau.

27. *Transportation.* Costs incurred for freight, cartage, express, postage and other transportation costs relating either to goods purchased, delivered, or moved from one location to another are allowable.

28. *Travel.* Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business incident to a grant program. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in non-Federally sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class air accommodations are not reasonably available.

C. *Costs allowable with approval of the Bureau.* 1. *Automatic data processing.* The cost of data processing services to grant programs is allowable. This cost may include rental of equipment or depreciation on grantee-owned equipment. The acquisition of equipment, whether by outright purchase, rental-purchase agreement or other method of purchase, is allowable only upon specific prior approval of the Bureau as provided under the selected item for capital expenditures.

2. *Building space and related facilities.* The cost of space in privately or publicly owned buildings used for the benefit of the grant program is allowable subject to the conditions stated below. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy, without authorization of the Bureau.

a. *Rental cost.* The rental cost of space in a privately owned building is allowable.

b. *Maintenance and operation.* The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations and the like, are allowable to the extent they are not otherwise included in rental or other charges for space.

c. *Rearrangements and alterations.* Cost incurred for rearrangement and alteration of facilities required specifically for the grant program or those that materially increase the value or useful life of the facilities (Section C.3.) are allowable when specifically approved by the Bureau.

d. *Depreciation and use allowances on publicly owned buildings.* These costs are allowable as provided in Section B.11.

e. *Occupancy of space under rental-purchase or a lease with option-to-purchase agreement.* The cost of space procured under such arrangements is allowable when specifically approved by the Bureau.

3. *Capital expenditures.* The cost of facilities, equipment, other capital assets, and repairs which materially increase the value or useful life of capital assets is allowable when such procurement is specifically approved by the Bureau. When assets acquired with Bureau grant funds are (a) sold, (b) no longer available for use in a Federally sponsored program or (c) used for purposes not authorized by the Bureau, the Bureau's equity in the asset will be refunded in the same proportion as Bureau participation in its cost. In case any assets are traded on new items, only the net cost of the newly acquired assets is allowable.

4. *Insurance and indemnification.* a. Costs of insurance required, or approved and maintained pursuant to the grant agreement, is allowable.

b. Costs of other insurance in connection with the general conduct of activities is allowable subject to the following limitations:

(1) Types and extent and cost of coverage will be in accordance with sound business practice.

(2) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property is unallowable except to the extent that the Bureau has specifically required or approved such costs.

c. Contributions to a reserve for a self-insurance program approved by the Bureau are allowable to the extent that the type of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

d. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the grant agreement. However, costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice, and minor losses not covered by insurance, such as spoilage, breakage and disappearance of small hand tools which occur in the ordinary course of operations, are allowable.

e. *Indemnification* includes securing the grantee against liabilities to third persons and other losses not compensated by insurance or otherwise. The Bureau is obligated to indemnify the grantee only to the extent expressly provided for in the grant agreement, except as provided in d. above.

5. *Management studies.* The cost of management studies to improve the effectiveness and efficiency of grant management for ongoing programs is allowable except that the cost of studies performed by agencies other than the grantee or outside consultants is allowable only when authorized by the Bureau.

6. *Preagreement costs.* Costs incurred prior to the effective date of the grant, whether or not they would have been allowable thereunder if incurred after such date, are allowable when specifically provided for in the grant agreement.

7. *Professional services.* Cost of professional services rendered by individuals or organizations not a part of the grantee is allowable subject to such prior authorization as may be required by the Bureau.

8. *Proposal costs.* Costs of preparing proposals on potential Federal Government grant agreements are allowable when specifically provided for in the grant agreement.

9. *Tribal government officer salaries and expenses.* Identifiable salary and expense costs incurred as a direct result of a tribal government officer's service to a grant program provided under this chapter are allowable subject to advance agreement with and approval by the Bureau. A general limitation in this regard is prescribed in section D.6.

D. *Unallowable costs.* 1. *Bad debts.* Any losses arising from uncollectible accounts and other claims, and related costs, are unallowable.

2. *Contingencies.* Contributions to a contingency reserve or any similar provision for unforeseen events are unallowable.

3. *Contributions and donations.* Unallowable.

4. *Entertainments.* Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities, are unallowable.

5. *Fines and penalties.* Costs resulting from violations of, or failure to comply with Federal, State and local laws and regulations are unallowable.

6. *Tribal officer salaries and expenses.* The salaries and expenses of tribal government officers are considered a cost of general tribal government and are unallowable except as prescribed in Section C.9.

7. *Interest and other financial costs.* Interest on borrowing (however requested), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection therewith, are unallowable except when authorized by Federal legislation.

8. *Underrecovery of costs under grant agreements.* Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements.

APPENDIX B—FINANCIAL REPORTING REQUIREMENTS

A. *Purpose and scope.* This appendix prescribes requirements for grantees to report financial information to the Bureau and to request advances and reimbursement when a letter-of-credit method is not used.

B. *Definitions.* 1. *Accrued expenditures.* Accrued expenditures are the charges incurred by the grantee during a given period requiring the provision of funds for: (1) goods and other tangible property received; (2) services performed by employees, contractors, subgrantees, and other payees; and (3) amounts becoming owed under programs for which no current services or performance are required.

2. *Accrued income.* Accrued income is the earnings during a given period which is a source of funds resulting from: (1) services performed by the grantee; (2) goods and other tangible property delivered to purchasers; and (3) amounts becoming owed to the grantee for which no current services or performance are required by the grantee.

3. *Disbursements.* Disbursements are payments in cash or by check.

4. *Bureau funds authorized.* Funds authorized represent the total amount of the Bureau funds authorized for obligations and establish the ceilings for obligation of Bureau funds. This amount may include any authorized carryover of unobligated funds from prior fiscal years.

5. *Obligations.* Obligations are the amounts of orders placed, contracts and grants awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

6. *Outlays.* Outlays represent charges made to the grant project or program. Outlays can be reported on a cash or accrued expenditure basis.

7. *Program income.* Program income represents earnings by the grantee realized from the grant-supported activities. Such earnings exclude interest income and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, sale of assets purchased with grant funds, and royalties on patents and copyrights. Program income can be reported on a cash or accrued income basis.

8. *Unobligated balance.* The unobligated balance is the portion of the funds authorized by the Bureau which has not been obligated by the grantee and is determined by deducting the cumulative obligations from the funds authorized.

9. *Unpaid obligations.* Unpaid obligations represent the amount of obligations incurred by the grantee which have not been paid.

C. *Standard forms.* 1. Only the following forms will be authorized for obtaining financial information from grantees for grant programs:

a. *Financial Status Report.* (1) The Bureau shall require grantees to use a standard Financial Status Report to report the status of funds for all nonconstruction grant programs. The Bureau may, however, have the bursement (paragraph 2a) is determined to provide adequate information to meet their needs, except that a final Financial Status Report shall be required at the completion of the grant when the Request for Advance or Reimbursement form is used only for advances.

(2) The Bureau shall prescribe whether the report shall be on a cash or accrual basis. If the Bureau requires accrual information and the grantee's accounting records are not normally kept on the accrual basis, the grantee should develop such information through an analysis of the documentation on hand or on the basis of best estimates.

(3) The grant agreement shall determine the frequency of the Financial Status Report for each grant program considering the size and complexity of the particular program. However, the report shall not be required more frequently than quarterly or less frequently than annually. Also, a final report shall be required at the completion of the grant.

(4) The original and two copies of the Financial Status Report shall be submitted 30 days after the end of each specified reporting period. In addition, final reports shall be submitted 90 days after the end of the grant period or the completion of the project or program. Extensions to reporting due dates may be approved when requested by the grantee.

b. *Report of federal cash transactions.* (1) When funds are advanced to grantees through letters of credit or with Treasury checks, each grantee shall submit a report of Federal Cash Transactions. The Bureau shall use this report to monitor cash advanced to grantees and to obtain disbursement or outlay information for each grant or project from the grantees.

(2) The grant agreement may require forecasts of Federal cash requirements in the Remarks section of the report.

(3) When practical and deemed necessary, the Bureau may require grantees to report in the Remarks section the amount of cash in excess of three days' requirements in the hands of subgrantees or other secondary recipients and to provide short narrative explanations of actions taken by the grantees to reduce the excess balances.

(4) The Bureau shall accept the identical information from the grantees in a machine-usable format in lieu of the Report of Federal Cash Transactions.

(5) Grantees shall submit the original and two copies of the Report of Federal Cash Transactions no later than 15 working days following the end of each quarter. For those grantees receiving annual grants totalling one million dollars or more, the Bureau shall require a monthly report.

(6) The Bureau shall waive the requirement for submission of a Report of Federal Cash Transactions when monthly advances do not exceed $10,000 per grantee provided that such advances are monitored through other forms contained in this Appendix or the grantee's accounting controls are adequate to minimize excessive Federal advances.

2. Except as noted below, only the following forms will be authorized for the grantees in requesting advances and reimbursements.

a. *Request for advance or reimbursement.* (1) The "Request for Advance or Reimbursement" form is the standard form for all nonconstruction grant programs when letters of credit or predetermined automatic advance methods are not used. The Bureau, however, has the option of using this form for construction programs in lieu of an "Outlay Report and Request for Reimbursement for Construction Programs" (paragraph 2b) and shall specify in the grant agreement.

(2) Grantees shall be authorized to submit requests for advances or reimbursement at least monthly when letters of credit are not used. Grantees shall submit the original and two copies of a Request for Advance or Reimbursement.

b. *Outlay Report and Request for Reimbursement for Construction Program.* (1) The "Outlay Report and Request for Reimbursement for Construction Programs" form is the standard format to be used for requesting reimbursement for construction programs. The Bureau may, however, have the option of substituting a "Request for Advance or Reimbursement" form (paragraph 2a) in lieu of this form when the Bureau determines that the former provides adequate information to meet its needs as stated in the grant agreement.

(2) Grantees shall be authorized to submit requests for reimbursement at least monthly when letters of credit are not used. Grantees shall submit the original and two copies of an "Outlay Report and Request for Reimbursement for Construction Programs" form.

3. When the Bureau needs additional information in using these forms, the following shall be observed:

a. When necessary to comply with future legislative requirements, the Bureau shall issue instructions to require grantees to submit such information under the Remarks section of the reports.

b. When necessary to meet specific program needs, the Bureau shall submit the proposed reporting requirements to the General Services Administration for approval under the exception provision of this Appendix.

c. The Bureau, in obtaining information as in paragraphs a and b above, must also comply with report clearance requirements of the Office of Management and Budget Circular No. A-40, as revised.

PART 277—SCHOOL CONSTRUCTION CONTRACTS FOR PUBLIC SCHOOLS

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AUTHORITY: Sec. 204, Pub. L. 93-638, 88 Stat. 2203, unless otherwise noted.

Subpart A—General Provisions

§ 277.1 Purpose.

The purpose of the regulations in this Part is to give the application and approval process for a State or local education agency to obtain school construction contracts from the Bureau under Section 204 of Title II of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638, 88 Stat. 2203), to assist in the education of Indians.

§ 277.2 Scope.

(a) The application process for public school construction contracts under Section 204 of Pub. L. 93-638 is given in 20 U.S.C. 631-645 and 45 CFR 114. The application process is administered by and is the responsibility of the Commissioner of Education. The Commissioner of Indian Affairs participates with the Commissioner of Education in preparation of programs, cost estimates and other supplemental data which are part of the application and national priority index. The Commissioner of Education furnishes the national priority index to the Bureau at the start of each fiscal year.

(b) The Bureau requests and receives funding for acquisition of sites and for architectural-engineering design, facilities construction and equipment for the program. Funds are allocated to projects by the Bureau on the basis of funding priorities as established by the Commissioner of Education. In accordance with the approved program, a contract is negotiated with the applicant by a Bureau contracting officer, designated by the Commissioner, for the acquisition of sites and for the design, construction and purchase of equipment to provide educational facilities meeting standards of construction given in Pub. L. 81-815.

§ 277.3 Definitions.

As used in this Part:

(a) "Bureau" mean the Bureau of Indian Affairs.

(b) "Commissioner of Education" means the United States Commissioner of Education, Department of Health, Education, and Welfare.

(c) "Commissioner of Indian Affairs" means the Commissioner of Indian Affairs, Department of the Interior.

(d) "Contractor" means an applicant who has been awarded a contract under this Part.

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(e) "Days" means calendar days.

(f) "Economic enterprise" means any commercial, industrial, agricultural, or business activity that is at least 51 percent Indian owned, established or organized for the purpose of profit.

(g) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony, or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is federally recognized as eligible by the United States Government through the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(h) "Indian" means a person who is a member of an Indian tribe.

(i) "P.L. 81–815" means the Act of September 23, 1950 (P.L. 81–815, 72 Stat. 548), as amended.

(j) "P.L. 93–638" means the Indian Self-Determination and Education Assistance Act (P.L. 93–638, 88 Stat. 2203).

(k) "School district" or "local education agency" means that subdivision of the State which contains the public elementary and secondary educational institutions providing educational services and is controlled by a duly elected board, commission or similarly constituted assembly.

(l) "Secretary" means the Secretary of the Interior.

(m) "State" means a State of the United States of America or any political subdivision of a State.

(n) "State education agency" means the State Board of Education or other agency or office primarily responsible for supervision by the State of public elementary and secondary schools or, if there is no such office or agency, an office or agency designated by the Governor or by State law.

(o) "Tribal government", "tribal governing body" and "tribal council" means the recognized governing body of an Indian tribe.

§ 277.4 Revision or amendment of regulations.

In order to make any substantive revisions or amendments to regulations in this Part, the Secretary shall take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Publish any proposed revisions or amendments in the FEDERAL REGISTER as proposed rulemaking to provide adequate notice to, and receive comments from, all interested parties.

(c) After consideration of all comments received, publish the regulations in the FEDERAL REGISTER in final form not less than 30 days before the date they are made effective.

(d) Annually consult with Indian tribes and national and regional Indian organizations about the need for revision or amendment, and consider their views in preparing the revision or amendment.

(e) Nothing in this section shall preclude Indian tribes or national or regional Indian organizations from initiating request for revisions or amendments subject to paragraphs (a), (b) and (c) of this section.

Subpart B—Application Process

§ 277.11 Eligible applicants.

(a) Any school district may apply for a contract with the Bureau to assist the agency or district in acquiring sites for, or in constructing, acquiring, or renovating, facilities (including all necessary equipment) in school districts on or adjacent to or in close proximity to any Indian reservation or other lands held in trust by the United States for Indians.

(b) The project for which the applicant is requesting funding must meet the eligibility requirements under subsections (a) and (b) of section 14 of Pub. L. 81–815.

§ 277.12 Consultation with Indians.

(a) Except where there is a majority of Indians on an elected public school board, the Commissioner of Indian Affairs shall consult with the local Indian Education Committee and the tribal governing body(s) of the local Indian tribe(s) affected before the application for funding public school construction is submitted to the Commissioner of Education.

(b) This requirement will be deemed to be met unless the official tribal governing body(s) of the Indian tribe(s) to be benefited by the application notify the Commissioner of Education, in writing, within 60 days after the date of the consultation that the tribe(s) disapprove the application. The notice of disapproval must give specific stated objections to the application. A copy of the notice of disapproval shall be delivered or mailed to the Commissioner of Indian Affairs at the same time as the notice is delivered or mailed to the Commissioner of Education.

(c) After being notified that the tribe(s) disapproved a proposed application, the Commissioner of Indian Affairs or his designated representatives shall meet with tribal, public school officials and the Indian Education Committee to provide assistance in resolving the stated objectives to the application. The Commissioner of Indian Affairs shall notify the Commissioner of Education 15 days in advance of the date, place, and time of such meetings and shall invite the Commissioner of Education or his representatives to attend.

§ 277.13 Application procedure for placement on priority list.

(a) Applications for public school construction assistance under this Part will be submitted and processed in accordance with procedures outlined in 20 U.S.C. 631–645 and 45 CFR 114. Application forms, instructions, advice, and assistance in accordance with 20 U.S.C. 636 and 45 CFR 114 may be obtained from each State education agency. All questions pertaining to the preparation and filing of preapplications, applications, and request for materials should be directed to the State Representative for School Assistance, who will respond or may forward the inquiries, where appropriate, to the Commissioner of Education.

(b) Section 204(b) of Pub. L. 93–638 assigns responsibility for the application processing, determination of eligibility and establishment of project priority to the Commissioner of Education. Such application and review and determination processes includes the following:

(1) Field and site review by the Commissioner of Education assisted by the Commissioner of Indian Affairs to determine:

(i) Tentative cost estimate for budget purposes. The Commissioner of Indian Affairs or his representative will assist the Commissioner of Education in conducting the on-site inspection to determine which buildings need to be retained, demolished or remodeled and to gather initial information required for development of the planning document. From this information, a tentative cost estimate for design, construction, and equipment will be made for budget purposes.

(ii) Equal quality and standard of education. While assisting in the on-site inspection, the Commissioner of Indian Affairs or his representative must determine whether the quality and standard of education (including facilities and auxiliary services) for Indian students enrolled in the school are at least equal to that provided all other students from resources, other than resources provided under this Part, which are available to the local school district. If it is determined that the quality and standard of education for Indian students is not at least equal to that given all other students enrolled in the schools, the Commissioner of Indian Affairs or his representative shall recommend that the project not be placed on the priority list. Such a project will not be placed on the Bureau's commitment-to-fund list which is prepared under § 277.15.

(2) Discussion and consultation with State and local education agencies to determine the exact nature of the project to be constructed, including existing structure renovation or replacement.

(3) Presentation of program development for review and approval by the State and/or local education representatives and a current and updated project cost estimate.

(c) The Commissioner of Indian Affairs participates in the application process by furnishing technical assistance to the Commissioner of Education. The Commissioner of Indian Affairs insures consultation with Indians and assists with the preparation of the program, cost estimates, etc. as part of the data needed in order for the Commissioner of Education to prepare the priority listing of eligible applicants.

(d) The projects will be ranked by priority based on criteria established by the Commissioner of Education as given in 45 CFR 114.16.

§ 277.14 Submitting priority list to Bureau.

Pursuant to Section 204(b) of Pub. L. 93–638, a list of public school projects eligible for funding under this Part shall be submitted to the Commissioner of Indian Affairs by the Commissioner of Education at the beginning of each fiscal year.

§ 277.15 Preparing a commitment-to-fund list.

(a) When the Commissioner of Indian Affairs receives the priority list from the Commissioner of Education, the Commissioner of Indian Affairs will place the project highest on the priority list at the top of a commitment-to-fund list. Projects will be added to the commitment-to-fund list in the same order as they are on the priority list. Each project will be added to the commitment-to-fund list as long as the total of the tentative cost estimates is less than the amount of funds appropriated for public school construction under this Part for the new fiscal year. However, a project shall not be placed on the commitment-to-fund list if the Commissioner of Indian Affairs or his representative has determined under § 277.13(b)(1)(ii) that the quality and standard of education for Indian students enrolled in the schools are not at least equal to that provided all other students from resources, other than resources provided under this Part, which are available to the local school district.

(b) Each applicant will be notified in writing when the project has been placed on the commitment-to-fund list.

§ 277.16 Negotiating a contract.

When a project has been placed on the commitment-to-fund list, a contract will be negotiated by a Bureau contracting officer with the applicant. The contract will be developed in accordance with the regulations in 41 CFR 1 as supplemented by 41 CFR 14 and 41 CFR 14H, except 41 CFR Part 14H–70.

§ 277.17 Funding provisions.

(a) The Commissioner of Indian Affairs will expend not less than 75 per cent of appropriated funds authorized pursuant to Title II, Part B, Section 204 of Pub. L. 93–638 on those projects which meet the eligibility requirements under subsections (a) and (b) of section 14 of Pub. L. 81–815.

(b) Projects which are partially funded shall be given first consideration for the additional funding necessary to complete such projects.

(c) No funds from any contract under this Part shall be made available by any Federal agency directly to other than public agencies. However, school districts and State education agencies assisted by this Part may use funds provided under this Part to contract for necessary services with any appropriate individual, organization, or corporation.

(d) Funds approved for public school construction under this Part may not exceed the Federal share of the total cost of the proposed school facilities, as such facilities are defined within the meaning of Pub. L. 81–815, to serve both Indian and non-Indian children, with the definition of children to be as prescribed by Pub. L. 81–815.

(e) When non-Federal funds are involved, a local school district shall have 120 days from receipt of the notice that the project has been placed on the commitment-to-fund list to assemble the funds from local and/or State sources before the contract negotiations are completed. An extension may be granted by the Commissioner of Indian Affairs for unusual circumstances.

Subpart C—General Contract Requirements

§ 277.21 Costs included in contracts.

A contract with a school district under this Part may include costs for architectural design, site acquisition, facilities construction (including site development and supervision), and equipment in accordance with the approved project description.

§ 277.22 Architectural design.

(a) Drawings and specifications for a project shall comply with such Federal, State, and local laws, codes, ordinances and regulations pertaining to standards of construction and safety requirements, as may be applicable.

[16 Comp. Gen. 948 (1937)]

(b) Local education agencies shall give due consideration to excellence of architecture and design when constructing minimum school facilities under this Part.

(c) An Architect/Engineer shall be selected by the contractor to prepare the plans and specifications with the advice and assistance of the Commissioner of Indian Affairs who shall counsel the contractor with respect to professional qualifications and performance history of firms in order that the best qualified firm be selected. No Architect/Engineer agreement involving the expenditures of Federal funds shall be entered into by the contractor until the Commissioner of Indian Affairs has reviewed such agreement.

(d) The drawings and specifications will conform to the project description as shown in the completed application, or as modified by approved revisions.

(e) The drawings and specifications will be sent to the Commissioner of Education for review to ensure that the approved program is followed. The drawings and specifications will be reviewed with the local education agency.

After approval by the State and other regulatory agencies, the final drawings and specifications will be reviewed and approved by the Bureau for structural and safety adequacy.

§ 277.23 Facilities construction.

The contractor usually bids, awards and administers the construction contract. The Commissioner of Indian Affairs will assist in preconstruction and construction activities to assure conformity with the requirements of Pub. L. 93–638. Approval of all proposed preconstruction documents will be obtained from the Commissioner of Indian Affairs. Assistance prior to the preparation of these and similar documents will be provided upon request. In this connection, the Commissioner of Indian Affairs may suggest a preliminary conference with the project architect and others if that seems desirable. The Bureau shall make interim inspections and audits during construction and participate in the final acceptance inspection.

§ 277.24 Selecting initial equipment.

Equipment procured with payments under this part must be approved by the Commissioner before invitations for bids or requests for proposals as to the acquisition of such equipment are issued. In order to obtain such approval, a list of equipment to be procured (indicating quantities, costs, and specifications) shall be provided to the Commissioner for prior approval.

§ 277.25 Advance payments.

Advance payments to State education agencies or school districts will be made in accordance with the applicable provisions of 41 CFR 1 as supplemented by 41 CFR 14 and 41 CFR 14H, except 41 CFR Part 14H–70.

§ 277.26 Use and transfer of Government property.

(a) The use of Government-owned facilities for public school purposes may be authorized when not needed for Government activities. Transfer of title to such facilities (except land) may be arranged under the provisions of the Act of June 4, 1953 (67 Stat. 41), subject to the approval of the tribal government if property is located on a reservation.

(b) In carrying out a contract made under this Part, the Commissioner of Indian Affairs may, with the approval of the tribal government, permit a contractor to use existing buildings, facilities, and related equipment and other personal property owned by the Bureau under terms and conditions agreed upon for their use and maintenance. The property at the time of transfer must conform to the minimum standards established by the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

(c) Use of Government property is subject to the following conditions:

(1) When nonexpendable Government property is turned over to public school authorities under a use permit, the permittee shall insure such property against damage by flood, fire, rain, windstorm, vandalism, snow, and tornado in amounts and with companies satisfactory to the Bureau officer in charge of the property. In case of damage or destruction of the property by flood, fire, rain, windstorm, vandalism, snow or tornado, the insurance money collected shall be expended only for repair or replacement of prop-

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erty. Otherwise, insurance proceeds shall be paid to the Bureau.

(2) If the public school authority is self-insured and can present evidence of that fact to the Commissioner of Indian Affairs, insurance for lost or damaged property will not be required. However, the public school authority will be responsible for replacement of such lost or damaged property at no cost to the Government or for paying the Government enough to replace the property.

(3) The permittee shall maintain the property in a reasonable state of repair consistent with the intended use and educational purposes.

§ 277.27 Wage and labor standards.

All laborers and mechanics employed by contractors or subcontractors in constructing, altering, or repairing buildings or other facilities in connection with contracts under this Part shall be paid wages not less than those on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended.

§ 277.28 Indian preference.

(a) Any contract made by the Bureau with a State or school district shall provide that the contractor shall, to the greatest extent feasible, give preference in employment and training to Indians.

(b) Any contract made by the Bureau with a State or school district shall provide that the contractor shall, to the greatest extent feasible, give preference in the award of subcontracts to Indian organizations and to Indian-owned economic enterprises.

(c) All subcontractors employed by the contractor shall, to the greatest extent feasible, give preference to Indians for employment and training and shall be required to include in their bid submission a plan to achieve maximum use of Indian personnel.

(d) In the performance of contracts under this Part 277 and subject to the provisions of Part 14 H of Title 41, a tribal governing body may develop its own Indian preference requirements to the extent that such requirements are not inconsistent with the purpose and intent of paragraphs (a), (b), and (c) of this section.

§ 277.29 Liability and motor vehicle insurance.

(a) States and school districts shall obtain public liability and motor vehicle insurance under contracts entered into with the Bureau under this Part. However, where the Bureau contracting officer determines that the risk of death, personal injury or property damage under the contract is small and that the time and cost of procuring the insurance is great in relation to the risk, the contract may be exempted from this requirement.

(b) Notwithstanding paragraph (a) of this section, any contract which requires or authorizes, either expressly or by implication, the use of motor vehicles must contain a provision requiring the State or school district to provide liability insurance, regardless of how small the risk.

(c) If the State or public school authority is self-insured and can present evidence of that fact to the Commissioner of Indian Affairs, liability and motor vehicle insurance will not be required.

§ 277.30 Recordkeeping.

A contractor will be required to develop and maintain a recordkeeping system which will:

(a) Fully reflect all financial transactions involving the receipt and expenditure of funds provided under the contract in a manner which will provide accurate, current and complete disclosure of financial status; correlation with budget or allowable cost schedules; and clear audit facilitating data.

(b) Reflect the amounts and sources of funds other than Bureau contract funds which may be included in the construction project.

(c) Provide for the creation, maintenance and safeguarding of records of lasting value.

§ 277.31 Audit and inspection.

(a) During the term of a contract under this Part and for three years after the project or undertaking is completed, the Comptroller General and the Secretary, or any of their duly authorized representatives, shall have access, for audit and examination purposes, to any of the contractor's books, documents, papers, and records which, in their opinion, may be related or pertinent to the contract or any subcontract.

(b) The contractor will be responsible for maintaining all documents such as invoices, purchase orders, cancelled checks, balance sheets and all other records relating to financial transactions in a manner which will facilitate auditing. The contractor will be responsible for maintaining files of correspondence and other documents relating to the contract properly separated from general records or cross-referenced to general files.

(c) The contractor receiving funds under this Part shall be primarily responsible for contract compliance.

(d) The records involved in any claim or expenditure that has been questioned shall be further maintained until final determination has been made on the questioned expenditure.

(e) All contracts, reports, budgets, budget estimates, plans, and other documents pertaining to administration of the contract shall be made available by the contractor. The contractor shall provide information in accordance with the Freedom of Information Act.

§ 277.32 Fredom of information.

(a) Unless otherwise required by law, the Bureau shall not place restrictions on contractors which will limit public access to the contractor's records except when records must remain confidential.

(b) A contractor under this Part shall make all reports and information concerning the contract available to the Indian people which the contract affects. Reports and information may be withheld from disclosure only when both of the following conditions exist:

(1) The reports and information fall within one of the following exempt categories:

(i) Specifically required by statute or Executive Order to be kept secret.

(ii) Commercial or financial information obtained from a person or firm on a privileged or confidential basis.

(iii) Personnel, medical, and similar files where disclosure would be a clearly unwarranted invasion of personal privacy.

(iv) Geological and geophysical information and data concerning wells.

(2) Disclosure is prohibited by statute or Executive Order or sound grounds exist for using the exemption given in paragraph (b)(1) of this section.

(c) A request to inspect or copy reports and information shall be in writing and must reasonably describe the reports and information requested. The request may be delivered or mailed to the contractor. Within ten (10) working days after receiving the request, the contractor shall determine whether to grant or deny the request. The requester shall be notified immediately of the determination.

(d) The time limit for making a determination may be extended up to an additional ten (10) working days for good reason. The requester shall be notified in writing of the extension, reasons for the extension, and the date on which the determination is expected to be made.

§ 277.33 Reporting.

(a) A contractor under this Part shall make a detailed report to the Commissioner of Indian Affairs after construction is completed. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended.

(b) The contractor shall furnish other contract-related reports when and as required by the Commissioner of Indian Affairs.

(c) A contractor under this Part shall send copies of the reports required by paragraphs (a) and (b) of this section to the tribe(s) affected by the construction at the same time as the reports are sent to the Bureau.

§ 277.34 Repayment of funds.

Any funds paid under a contract entered into under this Part which are not expended, obligated or used for the purposes of the contract during its term shall be returned to the Bureau.

§ 277.35 Penalties.

If any officer, director, agent, or employee of, or connected with, any contractor or subcontractor under this Part embezzles, willfully misapplies, steals, or obtains by fraud any of the funds or property connected with the contract or subcontract, he shall be subject to the following penalties:

(a) If the amount involved does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) If the amount involved exceeds $100, he shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

§ 277.36 Applicable procurement regulations

States or school districts wanting to contract with the Bureau under this Part must comply with the applicable requirements in the Federal Procurement Regulations (41 CFR 1), as supplemented by the Interior Procurement Regulations (41 CFR 14) and the Bureau of Indian Affairs Procurement Regulations (41 CFR 14H), except 41 CFR Part 14H–70.

§ 277.37 Privacy Act requirements.

(a) When a contractor operates a system of records to accomplish a Bureau function, the contractor shall comply with Subpart D of 43 CFR Part 2 which implements the Privacy Act (5 U.S.C. 552a). Examples of the contractor's responsibilities are:

(1) To continue maintaining those systems of records declared by the Bureau to be subject to the Privacy Act as published in the FEDERAL REGISTER.

(2) To make such records available to individuals involved.

(3) To disclose an individual's record to third parties only after receiving permission from the individual to whom the record pertains. 43 CFR 2.56 lists exceptions to this procedure.

(4) To establish a procedure to account for access, disclosures, denials, and amendments to records.

(5) To provide safeguards for the protection of the records.

(b) The contractor may not:

(1) Discontinue or alter any established systems of records without prior approval of the appropriate Bureau systems manager.

(2) Deny request for notification or access of records without prior approval of the appropriate Bureau systems manager.

Subpart D—Contract Revision or Cancellation

§ 277.41 Contract revision or amendment.

Any contract made under this Part may be revised or amended as deemed necessary to carry out the purposes of the contract. A contractor may make a written request for a revision or amendment of a contract to the Bureau contracting officer.

§ 27.42 Canceling a contract for cause.

(a) Any contract entered into under this Part may be cancelled for cause when the contractor fails to perform the work called for under the contract.

(b) Before cancelling the contract, the Bureau will advise the contractor in writing of the following:

(1) The reasons why the Bureau is considering cancelling the contract.

(2) That the contractor will be given an opportunity to bring its work up to an acceptable level.

(c) If the contractor does not overcome the deficiencies in its contract performance, the Bureau shall cancel the contract for cause. The Bureau will notify the contractor, in writing, of the cancellation. The notice shall give the reasons for the cancellation and the right of the contractor to appeal under Subpart C of 43 CFR Part 4.

(d) When a contract is cancelled for cause, the Bureau will either perform the work with its own forces or by another contract, as appropriate.

Subpart E—Appeals

§ 277.51 Contract appeal.

A contractor may appeal an adverse decision or action of a Bureau contracting officer regarding a contract under this Part as provided in Subpart C of 43 CFR Part 4.

§ 277.52 Appeal from decision to cancel contract for cause.

A contractor may appeal the decision of a Bureau official to cancel a contract under this Part for cause. The appeal shall be made as provided in subpart C of 43 CFR Part 4.

§ 277.53 Other apeals.

Any decision or action taken by a Bureau official under this Part, other than those given in §§ 277.51 and 277.52, may be appealed only as provided in Part 2 of this chapter.

[FR Doc.75-29301 Filed 11-3-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14H—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 14H–70—CONTRACTING WITH INDIAN ORGANIZATIONS PURSUANT TO THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

OCTOBER 24, 1975.

Beginning on page 41025 of the September 4, 1975, FEDERAL REGISTER (40 FR 41025), there was published a notice of proposed rulemaking to amend Chapter 14H of Title 41 of the Code of Federal Regulations by adding a new Part 14H–70. This amendment was proposed pursuant to the authority contained in the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638; 88 Stat. 2203).

The purpose of the amendment is to consolidate in one Part all of the contracting requirements which Indian tribal and Alaska Native organizations must follow in contracting with the Bureau of Indian Affairs under the Indian Self-Determination and Education Assistance Act. In preparing the regulations in new Part 14H–70, waivers were made of some of the standard Federal Procurement Regulations as authorized by section 106(a) of the Act. Certain requirements were waived in an attempt to simplify contracting procedures for Indian tribal and Alaska Native organizations. Additional waivers may be made on a case-by-case basis as the Commissioner considers such waivers appropriate.

The Bureau of Indian Affairs has sought to be responsive to the recommendations of Indian and Alaska Native governing bodies who are, or have contemplated, operating Bureau programs under contract. For some time, these groups have been critical of the complexities inherent in negotiating contracts under the standard Federal Procurement Regulations. In many instances, an unfavorable psychological climate was created that inhibited local desires for more meaningful expressions of self-determination based on their own needs and goals.

Through experience, the Bureau of Indian Affairs and its constituents have found the standard procurement regulations to contain numerous requirements that have little if any applicability to contracts. For this reason, the Bureau has evolved what, in essence, is a set of "Indian" Procurement Regulations for dealing with tribal and Alaska Native groups as the new Part 14H–70.

These regulations reflect the Bureau's attempt to follow the recommendations of Indian and Alaska Native people to place in one part all pertinent contracting regulations or references to such regulations affecting contracts with tribal organizations; to reduce referencing regulations contained in other CFR Parts, if possible; to make the regulations as comprehensive and clear as possible; to assure that both parties to the contract know their rights, roles and responsibilities; and to remove any unnecessary or inapplicable requirements found in the standard procurement rules which would not apply to self-determination contracts with tribal organizations.

The contractual approach is one of several voluntary options available to Indian and Alaska Native governing bodies to assist them in the self-development process. Depending on their basic needs and goals, they may want to use the contract mechanism in their self-development process. If so, Part 14H–70 seeks to simplify the contracting procedure for them.

The public was given until October 4, 1975, to submit written comments, suggestions, or objections regarding the proposed amendment. All comments received with respect to the proposed amendment were given due consideration.

A. *Changes made due to comments received.* As a result of comments received, the following changes in the regulations are made in addition to language changes for clarification:

1. A new § 14H–70.103 is added to define what is considered an Indian reservation and the former §§ 14H–70.103 and 14H–70.104 are redesignated as §§ 14H–70.104 and 14H–70.105, accordingly.

2. Section 14H–70.402 is revised to make it clear that an Indian tribe has the right to determine the tribal organization that will provide services to it under a contract and that, in such instances, the tribe's determination constitutes the Bureau's justification for

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negotiating the contract with the designated tribal organization on a noncompetitive basis.

3. Section 14H–70.605 is revised to conform it to the revision in 25 CFR 271.71 and 25 CFR 271.72.

4. Section 14H–70.608 and § 14H–70.610 are changed to conform them to the revision in 25 CFR 271.44.

5. Section 14H–70.612(a) is revised by amending paragraph (f) of the Advance Payment clause to remove a restrictive requirement on liquidation of advance payments.

6. Section 14H–70.612(b) is revised to remove language from paragraph (f) of the clause concerning interest earned on advances that was inconsistent with the Act.

7. Section 14H–70.612(c) is revised by adding language to the preamble to the clause and paragraph (a) thereunder to take into consideration a memorandum of understanding between the Departments of Interior and Treasury which simplifies advance payment procedures under letters of credit.

8. Section 14H–70.615 is revised to insure that reports required under a contract be specified in the contract.

9. Section 14H–70.616 is revised to make sure it conforms to the requirements in 25 CFR 271.74.

10. A new § 14H—70.635 is added to reflect the addition of the Privacy Act requirements to 25 CFR Part 271.

11. A new § 14H–70.636 is added in response to concerns expressed over copyrights.

12. A new § 14H–70.637 is added in response to concerns expressed over the Government Printing and Binding Regulations.

13. A new § 14H–70.638 is added on cancellation of contracts for cause because it was inadvertently omitted when the proposed regulations were published on September 4, 1975. It has, however, been drafted to conform to 25 CFR 271.75.

14. Section 14H–70.1403(a) is revised to take into consideration modifications or supplements to Chapter 2000 of the Treasury Fiscal Requirements Manual.

15. Section 14H–70.1405 is revised to authorize use of letters of credit for advance payments when the amount of the advance is $120,000 rather than $250,000 and to take into consideration modifications or supplements to Chapter 2000 of the Treasury Fiscal Requirements Manual.

B. *Changes not adopted.* Certain other comments have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons given:

1. Several comments were received that were common to both 25 CFR Part 271 and this Part 14H–70 of Title 41 of the Code of Federal Regulations. To the extent that these common comments were not accepted or taken under further consideration, they were answered in the preamble to 25 CFR Part 271 (a related document published elsewhere in Part II of this issue of the FEDERAL REGISTER).

2. Several commentators took exception to the requirement for liability insurance and expressed that as a minimum the Bureau should assume responsibility for losses over an agreed to amount. The Bureau will seek counsel on this issue and, if the results thereof indicate a change can be made, the commentators' comments will be considered accordingly.

3. One commentator expressed the opinion that the language of the Disputes clause in § 14H–70.618 placed an almost impossible burden on the contractor. The Bureau cannot agree with this contention as the language in question is common to Government contracts.

4. One commentator expressed the opinion that referencing Appendix A to 25 CFR Part 276 in § 14H–70.626 precludes the Bureau from accepting an indirect cost rate approved by another Federal agency. The Bureau does not agree with this opinion as express reference has been made to the acceptability of another Federal agency's audited rate in § 14H–70.1003.

Accordingly, Chapter 14H of Title 41 of the Code of Federal Regulations is amended by adding a new Part 14H–70 as set forth below.

Effective date. The addition of Part 14H–70 shall become effective on December 4, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

Subpart 14H–70.0—Regulation System

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14H–70.408 Audit as a pricing aid.
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Subpart 14H–70.5—Special and Directed Sources of Supply

Sec.
14H–70.501 General Services Administration supply sources.
14H–70.502 Inter-agency motor pool vehicles.
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Subpart 14H–70.6—Contract Clauses

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14H–70.602 Required clauses.
14H–70.603 Definitions.
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14H–70.609 Equal opportunity.
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14H–70.611 Indemnity and insurance.
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14H–70.621 Bid guarantee and bonds.
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14H–70.624 Limitation of costs.
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14H–70.629 Audit and records.
14H–70.630 Contract Work Hours and Safety Standards Act—Overtime Compensation.
14H–70.631 Price reduction for defective cost or pricing data.
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14H–70.633 Buy American Act.
14H–70.634 Anti-Kickback Act.
14H–70.635 Privacy Act requirements.
14H–70.636 Rights in data.
14H–70.637 Printing.
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Subpart 14H–70.7—Cancellation or Reassumption of Contracts

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Subpart 14H–70.8—Bonds and Insurance

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Subpart 14H–70.9—Labor

14H–70.901 Labor standards in construction contracts.
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Subpart 14H–70.10—Contract Cost Principles and Procedures

14H–70.1001 Principles for determining costs.
14H–70.1002 Predetermined fixed rates.
14H–70.1003 Procedures.

Subpart 14H–70.11—Procurement Forms

14H–70.1101 Applicability of standard forms.

Sec.

Subpart 14H–70.12—Procurement of Construction

14H–70.1201 Scope of subpart.
14H–70.1202 Exceptions.

Subpart 14H–70.13—Retention Requirements for Contractor and Subcontractor Records

14H–70.1301 General.

Subpart 14H–70.14—Contract Financing

14H–70.1401 General.
14H–70.1402 Reimbursement.
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14H–70.1410 Agreement for special bank account.

Subpart 14H–70.15—Novation and Change of Name Agreements

14H–70.1501 General.

Subpart 14H–70.16—Procurement Reports

14H–70.1601 General.
14H–70.1602 Standard Form 37, Report on Procurement by Civilian Executive Agencies.

AUTHORITY: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 (c); Pub. L. 93–638, 88 Stat. 2203.

§ 14H–70.000 Scope of part.

This part sets forth policies and procedures concerning the Bureau of Indian Affairs Procurement Regulation System insofar as the system pertains to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–683, 88 Stat. 2203).

Subpart 14H–70.0—Regulation System

§ 14H–70.001 Scope of subpart.

This Subpart establishes a system for the codification and publication of procurement policy and procedural regulations of the Bureau of Indian Affairs which implement the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638, 88 Stat. 2203).

§ 14H–70.002 General.

The Act provides that, contracts with tribal organizations pursuant to Section 102 of the Act shall be in accordance with all contracting laws and regulations except that, in the discretion of the Secretary, contracts may be negotiated without advertising and need not conform with the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended. The Secretary may waive any provision of such contracting laws or regulations which he determines are not appropriate for the purposes of the contract involved or inconsistent with the provisions of the Act.

§ 14H–70.003 Federal and Interior procurement regulations.

To the extent that the Federal Procurement Regulations and Interior Procurement Regulations, 41 CFR Chapter 1, Chapter 14, and Chapter 14H (except 41 CFR Part 14H–1) respectively are not made specifically applicable to contracts entered into pursuant to the Act by reference in this Part 14H–70 they are hereby waived. If this part conflicts with any of the provisions of either the Federal Procurement Regulations or Interior Procurement Regulations the provisions of this Part 14H–70 shall govern. When either the Federal Procurement Regulations or Interior Procurement Regulations are referenced in this Part, the reference shall be similar to the following:

(a) "§ 1–1.000 of this title", when referring to a section of the Federal Procurement Regulations.

(b) "§ 14–1.000 of this title", when referring to a section of the Interior Procurement Regulations.

§ 14H–70.004 Area Office implementation of Federal or Interior procurement regulation issuances.

Any regulations issued through the Federal Procurement Regulation or Interior Procurement Regulation System shall not be implemented by contracting officers insofar as contracts entered into pursuant to the Act are concerned unless such regulations are implemented in this Part 14H–70.

§ 14H–70.005 Applicability.

The provisions of this Part 14H–70 apply only to those contracts between the Bureau and Indian organizations entered into pursuant to the Act. They do not apply to contracts with individuals, partnerships, corporations or other Indian organizations that do not fall under the purview of the Act.

§ 14H–70.006 Changes of regulations.

(a) To the extent that a change of the regulations issued under this Part 14H–70 may—

(1) Impose additional requirements on the contractor;

(2) Have an adverse effect on the contractor's operations; or,

(3) Delay or impede the contracting process, such changes shall be made only after consultation, to the maximum extent practicable, with Indian tribes and national and regional Indian organizations. Further those changes shall be presented to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives before publication in the FEDERAL REGISTER for comments.

(b) To the extent that changes of the regulations issued under this Part 14H–70 affect only the internal operation of the Bureau's contracting offices, the changes may be made without consultation.

Subpart 14H–70.1—Definition of Terms

§ 14H–70.101 Definitions.

For the purpose of this part, unless otherwise indicated in 25 CFR 271.2, the terms given in this subpart have the meanings set forth in this subpart. The definitions in 25 CFR 271.2 also apply to this part.

§ 14H–70.102 Contract.

"Contract" means any promissory arrangement between a tribal organization and the Federal government which is reduced to writing and signed by duly authorized agents of the parties. The term "contract" will also mean a transaction authorized by a purchase order signed in behalf of the Federal government by a duly authorized agent and accepted in behalf of a tribal organization by beginning performance.

§ 14H–70.103 Indian reservation.

"Indian reservation" means any Indian tribe's reservation, Pueblo, Colony, or Rancheria, including former reservations in Oklahoma, Alaska native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and Indian allotments.

§ 144–70.104 Program.

"Program" means a delivery of service generally of a continuing nature separated from other similar efforts by funds, staff or location, except that a program may involve, in certain instances, more than one location.

§ 14H–70.105 Project.

"Project" means an effort aimed at a specific objective, not of a continuing nature, and having defined parameters.

Subpart 14H–70.2—General Policies

§ 14H–70.201 Method of procurement.

It is neither feasible nor practicable to obtain competition on contracts entered into under the Act. Therefore, contracts with tribal organizations entered into pursuant to the Act will be negotiated without competition.

§ 14H–70.202 Profit.

(a) Profit is not allowable on contracts entered into pursuant to the Act.

(b) Profit may be allowed when a contract is entered into pursuant to the Act of June 25, 1910 (36 Stat. 861; 25 U.S.C. 47), commonly referred to as the "Buy Indian Act" and its implementing regulations and when all of the following conditions are met:

(1) The contract is for the procurement of goods, materials, supplies, etc., or, if for services, the services are for a specific project rather than for the operation of a Bureau program or part of a program.

(2) The materials to be supplied or the services to be provided are normally supplied or provided by a private contractor rather than by Bureau personnel or, in the case of services traditionally performed by Bureau personnel, a contract for such services does not involve "tribal governmental functions" or "business related functions" as defined in 25 CFR 271.2 or contractable trust resources programs as set forth in 25 CFR 271.32.

(3) Definitive specifications are used which permit rejection by the Bureau of defective material and workmanship and replacement at the contractor's expense as may be required.

(4) The price to be paid can be demonstrated to be fair and reasonable in

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terms of the price prevailing in the locality for similar materials or services, including profit.

(5) All requirements of applicable procurement laws and regulations are followed.

§ 14H–70.203 Payment of interest on contractor's claim.

(a) Payment of interest on contractor's claims is allowable under the conditions set forth in §1–1.322 of this title.

(b) Payment of interest is allowable whether the clause set forth in § 14H–70.628–28 is or is not included in the contract.

§ 14H–70.204 Protests to Comptroller General.

Contracting officers will process protests to the Comptroller General in accordance with the procedures set forth in §§ 1–2.407–8 and 14–2.407–8 of this title.

Subpart 14H–70.3—Procurement Responsibility and Authority

§ 14H–70.301 General.

The responsibilities of the Bureau under Subparts 1–1.4 and 14–1.4 of this title are not changed by the Act.

Subpart 14H–70.4—Procurement by Negotiation

§ 14H–70.401 Scope of subpart.

This subpart concerns negotiation of contracts entered into pursuant to the Act.

§ 14H–70.402 Circumstances permitting negotiation.

Contracts for the performance of programs or parts of programs located on or near an Indian reservation can be performed successfully only by the Indian tribe which represents such Indian reservation or by a tribal organization approved by the Indian tribe. Such contracts will be negotiated on a non-competitive basis with the tribal organization designated by such Indian tribe in its request. Contracts for programs and parts of programs which are not located on or near an Indian reservation may be negotiated with a tribal organization approved by the Indian tribe or tribes served by such program or parts of programs.

§ 14H–70.403 Determinations, findings and authorities.

A tribe's request that a contract be entered into with a designated tribal organization will be entered into the contract file and will serve as the contracting officer's justification for negotiating the contract on a non-competitive basis.

§ 14H–70.404 Types of contract.

Cost-reimbursement type contracts provide for payment to the contractor of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract. This type of contract establishes an estimate of total cost to obligate the funds, and a monetary ceiling which the contractor may not exceed. Cost reimbursement type contracts will be used for all contracts made pursuant to this Part.

§ 14H–70.405 Negotiated overhead rates.

Overhead (indirect costs) is allowable on contracts entered into pursuant to the Act under the conditions set forth in Subpart 14H–70.10 of this part.

§ 14H–70.406 Price negotiation policies.

(a) When costs reflected in a program proposal submitted by a tribal organization essentially conform with the Bureau budget for that program and do not exceed the amount programmed for and allocated to the operating level, the proposal may be accepted without price negotiation.

(b) When costs reflected in a program proposal differ from the Bureau budget with respect to certain budget items, the contracting officer may request the tribal organization to submit cost and pricing data in sufficient detail to determine the validity and reasonableness of costs.

(c) When a program proposal is not based on a Bureau budget which has previously been established in the budget process for that program, unit costs and total costs will be subject to negotiation.

(d) Nothing in this section is to be construed to mean that contracting officers and cognizant program officials are relieved from responsibility for assuring that elements of total contract amounts are reasonable as to unit prices, salary scales, and program requirements. Recognition will be given to the special and unique relationship between the Bureau and tribal organizations under this Act; however, acceptance of proposals, without review, discussion and resolution of differences by negotiation will not be made, except as provided in § 14H–70.408. Files will be properly documented to reflect the negotiation process, including the basis for final determination of the scope of work and price.

§ 14H–70.407 Requirements for price or cost analysis and cost or pricing data.

Except for initial contracts or other agreements, the requirements of § 1–3.807–2 and § 1–3.807–3 of this title are optional with the contracting officer.

§ 14H–70.408 Audit as a pricing aid.

(a) In instances in which a basis for price determination does not exist in sufficient detail and form and the contract amount is expected to exceed $100,000, the contracting officer may request a pre-award audit; or if time does not permit, a clause may be inserted in the contract providing for adjustment of allowable costs when determined necessary or advisable by a post-award audit.

(b) When the contracting officer determines that there is sufficient information to award a contract without a pre-award audit the audit may be waived. However, the waiver of a pre-award audit shall be supported by a written statement in the contract files setting forth the reason for the waiver as prescribed by § 14–63.103(a) (1) of this title.

§ 14H–70.409 Subcontracting.

Any contract proposal or plan of operations submitted by a tribal organization which contains a proposed subcontract will identify the subcontractor, the amount and purpose of the subcontract, the manner in which the subcontractor was selected, and the basis for the cost of subcontract. Subcontract opportunities shall be advertised or negotiated in a manner that provides open and free competition to the maximum extent practicable and subcontracts will be awarded in accordance with sound business practices.

Subpart 14H–70.5—Special and Directed Sources of Supply

§ 14H–70.501 General Services Administration supply sources.

Tribal organizations performing services under cost reimbursement contracts pursuant to the Act are entitled to use General Services Administration supply sources in accordance with Subpart 1–5.9 of this title.

§ 14H–70.502 Inter-agency motor pool vehicles.

Tribal organizations performing services under cost reimbursement contracts pursuant to the Act are entitled to use General Services Administration inter-agency motor pool vehicles in accordance with Subpart 1–5.5 of this title.

§ 14H–70.503 Purchase of passenger carrying vehicles.

Purchase of passenger carrying vehicles is prohibited. If allowed under the contract, purchase of other vehicles shall be through Federal buying channels unless a waiver by the General Services Administration is obtained.

Subpart 14H–70.6—Contract Clauses

§ 14H–70.601 Scope of subpart.

This subpart sets forth the clauses to be included in the contracts entered into with tribal organizations pursuant to the Act.

§ 14H–70.602 Required clauses.

The clauses set forth in this subpart shall be included in all contracts entered into pursuant to the Act unless otherwise indicated.

§ 14H–70.603 Definitions.

DEFINITIONS

The following terms shall have the meanings set forth below throughout this contract:

(a) The term "head of the agency" or "Secretary" as used herein means the Secretary, the Under Secretary, and Assistant Secretary, or any other head or assistant head of the Department of the Interior; and the term "his duly authorized representative" means any person or persons or board (other than the contracting officer) authorized to act for the head of the agency or the Secretary.

(b) The term "contracting officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is properly designated as a contracting officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a contracting officer acting within the limits of his authority.

§ 14H–70.604 Effect on existing rights.

EFFECT ON EXISTING RIGHTS

(a) Nothing in this contract shall be construed as—

(1) Affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe; or,

(2) Authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

§ 14H–70.605 Retrocession.

RETROCESSION

The contractor agrees to comply with the procedures and requirements in 25 CFR 271.71 and 271.72 in the event of retrocession.

§ 14H–70.606 Examination of records.

(a) The following clause shall be included in all negotiated contracts which do not exceed $10,000:

EXAMINATION OF RECORDS

(a)(1) The contractor agrees to maintain books, records, documents and other evidence pertaining to the costs and expense of this contract (hereinafter collectively called records) to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs of whatever nature for which reimbursement is claimed under the provisions of this contract.

(2) The contractor agrees to make available at the office of the contractor at all reasonable times during a period of three years, after final payment under this contract all records specified in paragraph (1) above for examination and audit by designated representative of the Comptroller General, the Secretary of Interior or the contracting officer.

(3) The contractor further agrees that records which relate to claims, litigation, or to any costs or expenses of this contract to which exception has been taken by the Comptroller General, the Secretary of Interior or the contracting officer or any of their duly authorized representatives shall be retained by the contractor until such appeals, litigation or exceptions have been disposed of.

(4) The provisions of this clause shall be applicable to and included in any negotiated subcontract.

(b) The following clause shall be included in all negotiated contracts which exceed $10,000:

EXAMINATION OF RECORDS

(a)(1) The contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract (hereinafter collectively called "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract.

(2) The contractor agrees to make available at the office of the contractor at all reasonable times during the period set forth in subparagraph (4) below any of the records for inspection, audit or reproduction by any authorized representative of the Comptroller General, Secretary of the Interior, and the contracting officer.

(3) If the Comptroller General or any of his duly authorized representatives determine that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the contractor, the contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within 2 years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through the contracting officer, such documentary evidence in support of transportation costs as may be required by the Comptroller General or any of his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the contractor shall preserve and make available his records:

(i) Until expiration of 3 years after final payment under this contract or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, and

(ii) For such longer period, if any, as is required by applicable statutes, by any other clause of this contract, or by (A) or (B) below:

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting settlement.

(B) Records which relate to:

(i) Appeals under the disputes clause of this contract;

(ii) Litigation or the settlement of claims arising out of the performance of this contract; or,

(iii) Costs and expenses of this contract to which exception has been taken by the Comptroller General, Secretary of the Interior or the contracting officer, or any of their duly authorized representatives, shall be retained by the contractor until such appeals, litigation, claims or exceptions have been disposed of.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in subparagraph (4)(ii)(B) above, the contractor may in fulfillment of his obligation to retain his records as required by this clause substitute photographs, microphotographs, or other authentic reproductions of such records, after the expiration of 2 years following the last days of the month of reimbursement to the contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the contracting officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost, cost-plus-a-fixed-fee, time-and-material or labor-hour basis.

(b) The contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in paragraph (a) (6) above, a provision to the effect that the subcontractor agrees that the Comptroller General, the Secretary of the Interior, and the contracting officer, or any of their duly authorized representatives, shall, until the expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract", as used in this paragraph (b) only, excludes:

(i) Purchase orders not exceeding $10,000; and

(ii) Subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

§ 14H–70.607 Penalties.

PENALTIES

(a) Any officer, director, agent, employee or such other person connected in any capacity with this contract or any subcontract thereunder that embezzles, willfully misapplies, steals or obtains by fraud any of the money, funds, assets or property provided through the contract shall be fined not more than $10,000 or imprisoned for not more than two years, or both; Provided, that if the amount embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, such person shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) The contractor agrees to insert this clause in all subcontracts.

§ 14H–70.608 Indian employment preference.

INDIAN EMPLOYMENT PREFERENCE

(a) The contractor shall give preference in employment for all work performed under the contract, including subcontracts thereunder, to qualified Indians regardless of age, religion or sex and, to the extent feasible consistent with the efficient performance of the contract, provide employment and training opportunities to Indians, regardless of age, religion or sex that are not fully qualified to perform under the contract. The contractor shall comply with any Indian preference requirements established by the tribe receiving services under the contract to the extent that such requirements are not inconsistent with the purpose and intent of this paragraph.

(b) If the contractor or any of its subcontractors is unable to fill its employment openings after giving full consideration to Indians as required in paragraph (a) above, these employment openings may then be filled by other than Indians under the conditions set forth in the Equal Opportunity clause of this contract.

(c) The contractor agrees to include this clause or one similar thereto in all subcontracts issued under the contract.

§ 14H–70.609 Equal opportunity.

EQUAL OPPORTUNITY

During the performance of this contract and after complying with the Indian Employment Preference clause of this contract, the contractor agrees as follows:

(a) The contractor will not discriminate against any employee or applicant for employment because of race, age, religion, or sex. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, age, religion, or sex. Such action shall include, but not be limited to, the following: Employment, up-grading, demotion, or transfer; recruitment or recruitment advertising; payoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, age, religion or sex.

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(c) The contractor will include the provisions of paragraphs (a) through (b) in every subcontract or purchase order, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Bureau of Indian Affairs may direct as a means of enforcing such provisions, including sanctions for noncompliance. However, if the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Bureau of Indian Affairs, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

§ 14H–70.610 Use of Indian business concerns.

USE OF INDIAN BUSINESS CONCERNS

(a) As used in this clause, the term "Indian business concern" means Indian organizations or an Indian-owned economic enterprise as defined in 25 CFR 271.2.

(b) The contractor agrees to give preference to qualified Indian business concerns in the awarding of any subcontracts entered into under the contract consistent with the efficient performance of the contract. The contractor shall comply with any preference requirements regarding Indian business concerns established by the tribe(s) receiving services under the contract to the extent that such requirements are not inconsistent with the purpose and intent of this paragraph.

(c) If no Indian business concerns are available under the conditions in paragraph (b) above, the contractor agrees to accomplish the maximum amount of subcontracting, as the contractor determines is consistent with its efficient performance of the contract, with small business concerns, labor surplus area concerns or minority business enterprises, the definitions for which are contained in Subparts 1–1.7, 1–1.8, and 1–1.13 of the Federal Procurement Regulations. The contractor is not, however, required to establish a small business, labor surplus, or minority business subcontracting program as described in § 1–1.710–3(b), § 1–1.805–3(b) and § 1–1.1310–2(b) respectively of the Federal Procurement Regulations (41 CFR 1).

§ 14H–70.611 Indemnity and insurance.

INDEMNITY AND INSURANCE

(a) The contractor shall indemnify and save and keep harmless the Government against any or all loss, cost, damage, claim, expense or liability whatsoever, because of accident or injury to persons or property or others occurring in connection with any program included as a part of this contract, and provide where applicable, the insurance described below.

(b) The contractor shall secure, pay the premium for, and keep in force until the expiration of this contract or any renewal period thereof, insurance as provided below. Such insurance policies shall specifically include a provision stating the liability assumed by the contractor under this contract.

(1) Workman's compensation insurance as required by laws of the State.

(2) Owner's, landlord's and tenant's bodily injury liability insurance with limits of not less than $50,000 for each person and $500,000 for each accident.

(3) Property damage liability insurance with limits of not less than $25,000 for each accident.

(4) Automobile bodily injury liability insurance with limits of not less than $50,000 for each person and $500,000 for each accident and property damage liability insurance with a limit of not less than $5,000 for each accident.

(5) Food products liability insurance with limits of not less than $50,000 for each person and $500,000 for each accident.

(6) Other insurance not specifically mentioned when required.

(c) Each policy of insurance shall contain an endorsement providing that cancellation by the insurance company shall not be effective unless a copy of the cancellation is mailed (registered) to the contracting officer at least 30 days before the effective date of cancellation.

(d) A certificate of each policy of insurance, and any changes therein, shall be furnished to the contracting officer immediately upon receipt from the insurance company.

(e) Insurance companies of the contractor shall be satisfactory to the contracting officer. When in his opinion an insurance company is not satisfactory for reasons that will be stated, the contractor shall provide insurance through companies that are satisfactory to the contracting officer.

(f) Each policy of insurance shall contain a provision that the insurance carrier waives any rights it may have to raise as a defense the tribe's sovereign immunity from suit, but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy of insurance. The policy shall contain no provision, either express or implied, that will serve to authorize or empower the insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

§ 14H–70.612 Advance payment.

(a) The following clause will be inserted in all contracts in which deposit of the advance in a special bank account is not required.

ADVANCE PAYMENT

(a) *Amount of advance.* At the request of the contractor, and subject to the conditions set forth herein, the Government shall make advance payments to the contractor. Each payment shall be limited to the amount determined necessary for the contractor's operation under the contract for the period of time covered by the advance, which shall not be less than two weeks, except that the final payment under the contract may be a period less than two weeks.

(b) Payment will be made by check payable to the contractor.

(c) Funds advanced under this contract may not be used for any purpose except for making payments for materials, labor, administrative and overhead expenses allowable under this contract.

(d) The contractor shall keep separate accounts in his accounting system which will reflect all receipts, expenditures, fund balances and obligations under this contract.

(e) *Return of funds.* The contractor may at any time repay any or all of the funds advanced hereunder when it is determined that such funds will not be required for operations under the contract; or, when requested in writing, by the contracting officer, as a result of retrocession, recision or termination for cause of this contract, the contractor shall return such amount as may be determined by the contracting officer is not required for settlement of outstanding obligations.

(f) *Liquidation.* If not otherwise liquidated, the advance payment(s) made hereunder shall be liquidated as herein provided. When the sum of all the estimated payments remaining due on the contract approximate the unliquidated amount of the advance payment(s), the contracting officer shall thereafter withhold further payments due on the contract, represented by proper invoiced amounts submitted by the contractor, and apply the amount(s) withheld against the liquidation of the advance payment until the advance payment has been fully liquidated. If upon completion or termination of the contract, or for other reasons, the entire advance payment(s) is not fully liquidated, by the process indicated above, and the contractor does not repay the balance due upon request, then the balance thereof shall be offset against any sums otherwise due or which may become due to the contractor from the Government on any other contracts or from any source.

(g) No interest will be charged on advance payments.

(b) The following clause will be used in all contracts under which deposit of advance payments in a special bank account will be required.

ADVANCE PAYMENTS

(a) *Amount of advance.* At the request of the contractor and subject to conditions set forth herein, the Government shall make advance payments to the contractor in amounts and at such times as agreed to between the contractor and the contracting officer and which are specified in ------ of this contract.

(b) *Special bank account.* Until the advance payment(s) made hereunder is liquidated and the contracting officer approves in writing the release of any funds due and payable to the contractor, the advance payment(s) and all other payments (progress, partial, and final) made under the contract shall be made by check payable to the contractor but mailed to the bank, where the special bank account is maintained as stated in the Agreement for Special Bank Account. The check must be marked for "Deposit in Special Bank Account Number ------, Bureau of Indian Affairs." The Agreement for Special Bank Account shall designate the account number. No part of the funds deposited in the Special Bank Account shall be mingled with other funds of the contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided, each withdrawal shall be only by check of the contractor, unless countersigning on behalf of the Government by the contracting officer or such other person as he may designate in writing is determined to be in the best interest of the Government and the contracting officer notifies the contractor and bank in writing that countersigning will be required.

(c) *Use of funds.* The funds in the Special Bank Account may be withdrawn by the contractor solely for the purposes of making payments for materials, labor, administrative and overhead expenses, and other purposes required for this contract, or for the purposes of reimbursing the contractor for such payments, and for such other purposes as the contracting officer may approve in writing. If this is a cost reimbursement contract, the funds in the Special Bank Account may be withdrawn by the contractor solely for the purpose of making payments for items of allowable costs as provided in the clause titled "Allowable Cost and Payment" of this contract. Any interpretation required as to the proper use of funds shall be made in writing by the Contracting Office.

(d) *Return of funds.* The contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the contracting officer, the contractor shall repay to the Government such part of the unliquidated balance of the advance payment as shall in the opinion of the contracting officer be in excess of the contractor's current requirements or, when added to total advances previously made and liquidated, are in excess of the amount specified in paragraph (a)(1) hereof or are no longer to be made available to the contractor because of default, or abuse of their use, or for such other reasons as the contracting officer may specify. If the contractor fails to repay such part of the unliquidated balance of the advance payment when so requested by the Contracting Officer, all or any part thereof may be withdrawn from the Special Bank Account by check(s) made payable to the Bureau of Indian Affairs signed by the contracting officer or by an official of the Bureau of Indian Affairs authorized in writing by the contracting officer to take such action. Such withdrawals shall be applied in reduction of the advance payment(s) then outstanding hereunder. The contracting officer shall notify the contractor and the bank of the action taken.

(e) *Liquidation.* If not otherwise liquidated, the advance payment(s) made hereunder shall be liquidated as herein provided. When the sum of all the estimated payments remaining due on the contract approximate the unliquidated amount of the advance payment(s), the contracting officer shall thereafter withhold further payments due on the contract, represented by proper invoiced amounts submitted by the contractor, and apply the amount(s) withheld against the liquidation of the advance payment until the advance payment has been fully liquidated. If, upon completion or termination of the contract, or for other reasons, the entire advance payment(s) is not fully liquidated, by the process indicated above, and the contractor does not repay the balance due upon request, then the balance thereof shall be offset against any sums otherwise due or which may become due to the contractor from the Government on any other contracts or from any source.

(f) *Interest charge.* No interest will be charged on the amount of the advance payment(s).

(g) *Bank agreement.* Before an advance payment(s) is made hereunder, the contractor shall submit to the contracting officer in the form prescribed, an Agreement for Special Bank Account, in triplicate, signed by the contractor and an official of the bank in which the Special Bank Account is established as the depository for the advance payment(s) and other payments. The agreement shall clearly set forth the character of the Special Bank Account and the responsibilities of the contractor, the bank and contracting officer, thereunder. Wherever possible, such bank shall be a member of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, 49 Stat. 684, as amended; 12 U.S.C. 264).

(h) *Lien on special bank account.* The Government shall have a lien upon any balance in the Special Bank Account paramount to all other liens, which lien shall secure the repayment of any advance payment(s) made hereunder.

(i) *Lien on property under contract.* Any advance payment(s) made under this contract shall be secured, when made, by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract. The Government's lien shall apply to all material and other property acquired for or allocated to the performance of this contract, except to the extent that the Government by virtue of any other provision of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the contractor. The contractor shall identify, by marking or segregation, all property which is subject to a lien in favor of the Government by virtue of any provisions of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The contractor shall maintain adequate accounting control over such property on his books and records. If at any time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, interalia, the existence of such lien. A copy of each receipt shall be delivered by the contractor to the contracting officer. If this contract is cancelled in whole or in part and the contractor is authorized to sell or retain cancellation inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the contracting officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such cancellation inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention of the contractor's termination claim, is applied in reduction of advance payment(s) then outstanding hereunder.

(j) *Insurance.* The contractor represents and warrants that he is now maintaining with responsible insurance carriers:

(1) Insurance upon his own plant and equipment against fire and other hazards to the extent that like properties are usually insured by others operating plants and properties of similar character in the same general locality;

(2) Adequate insurance against liability on account of damage to persons or property; and,

(3) Adequate insurance under all applicable workmen compensation laws. The contractor agrees that, until work under this contract has been completed and the advance payment(s) made hereunder has been liquidated, he will:

(i) Maintain such insurance;

(ii) Maintain adequate insurance upon any materials, parts, assemblies, sub-assemblies, supplies, equipment, and other property acquired for or allocable to this contract and subject to the Government lien hereunder; and,

(iii) Furnish such certificate with respect to his insurance as the contracting officer may require.

(k) *Default provisions.* Upon the happening of any of the following events of default:

(1) Cancellation of this contract by reason of fault of the contractor;

(2) A finding by the contracting officer that the contractor:

(i) Has failed to observe any covenants, conditions, or warranties of these provisions or has failed to comply with any material provision of this contract; or,

(ii) Has so failed to make progress or is in such unsatisfactory financial conditions as to endanger performance of this contract; or,

(iii) Has allocated inventory to this contract substantially exceeding reasonable requirements; or,

(iv) Is delinquent in payment of taxes, or of the costs of performance of this contract in the ordinary course of business.

(3) Appointment of a trustee, receiver or liquidator for all or a substantial part of the contractor's property or institution of bankruptcy, reorganization, arrangement, or liquidation proceedings by or against the contractor;

(4) Service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account; or,

(5) The commission of an act of bankruptcy; the Government, without limiting any rights which it may otherwise have, may in its discretion and upon written notice to the contractor and bank, withhold further withdrawals from the Special Bank Account and withhold further payments on this contract. Upon the continuance of any such events of default for a period of 30 days after such written notice to the contractor and bank, the Government may, in its discretion, and without limiting any other rights which the Government may have, take the following additional actions as it may deem appropriate in the circumstances:

(i) Withdraw all or any part of the balance in the Special Bank Account by checks made payable to the Bureau of Indian Affairs, signed solely by an official of the Bureau of Indian Affairs authorized in writing by the contracting officer to take such action, and apply such amounts in reduction of the advance payment(s) then outstanding hereunder and in reduction of any other claims of the Government against the contractor;

(ii) Demand immediate repayment of the unliquidated balance of the advance payment(s) hereunder; or,

(iii) Take possession of and, with or without advertisement, sell at public sale at which the Government may be the purchaser, or at a private sale, all or any part of the property on which the Government has a lien under this contract and, after deducting any expenses incident to such sale, apply the net proceeds of such sale in reduction of the unliquidated balance of the advance payment(s) hereunder and in reduction of any other claims of the Government against the contractor.

(l) *Prohibition against assignment.* Notwithstanding any other provision of this contract, the contractor shall not, while any part of the advance payment(s) is unliquidated, pledge, or otherwise assign any monies due under this contract, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution.

(m) *Information—access to records.* The contractor shall furnish to the contracting officer signed or certified balance sheets and profit and loss statements monthly, if required by the contracting officer, together with a monthly bank statement for the Special Bank Account and such other information concerning the operation of the contractor's business as may be requested. The contractor shall afford to authorize representatives of the Government facilities for inspection of the contractor's books, records, and accounts.

(n) *Designations and determinations.* (1) *Amount.* The amount of the advance payment(s) at any time outstanding hereunder shall not exceed the amount authorized in the Findings, Determinations, and Authorization for the advance payment(s).

(2) *Depository.* The advance payment(s) shall be deposited in the bank with which the Agreement for Special Bank Account is established.

(o) *Other security.* The terms of this contract shall be considered adequate security for advance payment(s) hereunder.

(p) *Representations and warranties.* To induce the making of the advance payment(s), the contractor represents and warrants that:

(1) No litigation or proceedings are presently pending or threatened against the contractor.

(2) None of the provisions herein contravenes or is in conflict with the authority under which the contractor is doing business or with the provision of any existing agreement of the contractor.

(3) The contractor has the power to enter into this contract and accept an advance

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payment(s) hereunder, and has taken all necessary action to authorize such acceptance under the terms and conditions of this contract.

(4) None of the assets of the contractor is subject to any lien or encumbrance of any character except for current taxes not delinquent. There has been no assignment of claims under any contract affected by these advance payment provisions, or if there has been any assignment, such assignments have been terminated.

(5) All information furnished by the contractor to the contracting officer in connection with the request for an advance payment is true and correct.

(6) These representations and warranties shall be continuing and shall be deemed to have been repeated by the submission of any subsequent request for additional advance payment(s) under this contract.

(q) *Subadvances.* Subject to the prior written approval of the contracting officer, funds from the Special Bank Account may be used by the contractor to make advance payment(s) or down payments to subcontractors and suppliers of material in advance of performance by the subcontractor or suppliers of material. Such subadvances shall not exceed the subcontract price or estimated cost as the case may be. The subcontractors or suppliers of material to whom such advance payment(s) is made shall furnish adequate security therefor. Unless other security is required by the contracting officer, covenants in subcontracts, expressly made for the benefit of the Government providing for a Special Bank Account for the subadvance with Government lien thereon, and providing for a Government lien, paramount to all other liens, on all property under such subcontract, and imposing upon the subcontractor and the depository bank substantially the same duties and giving the Government substantially the same rights as are provided herein (and in the Agreement for Special Bank Account supplemental hereto) between the Government, the contractor, and the bank may be considered as adequate for such subadvance(s), unless adequate justification is first furnished to and approval obtained by the contracting officer.

(r) *Covenants.* During the period of time that an advance payment(s) made hereunder remains unliquidated, the contractor shall not, without prior written consent of the contracting officer:

(1) Mortgage, pledge, or otherwise encumber, or suffer to be encumbered, any of the assets of the contractor now owned or hereinafter acquired by it, or permit any pre-existing mortgages, liens, or other encumbrances to remain on or attach to any assets of the contractor which are allocated to the performance of this contract and with respect to which the Government has a lien hereunder;

(2) Sell, assign, transfer, or otherwise dispose of accounts receivable, notes, or claims for money due or to become due.

(3) Declare or pay any dividends, except dividends payable in stock of the corporation, or make any other distribution on account of any shares of its capital stock, or purchase, redeem, or otherwise acquire for value any such stock, except as required by sinking fund or redemption arrangements reported to the contracting officer incident to the establishment of these advance payment(s) provisions;

(4) Sell, convey, or lease all or a substantial part of its assets;

(5) Acquire for value the stock or other securities of any corporation, municipality, or governmental authority, except direct obligations, of the United States.

(6) Make any advance or loan to or incur any liability as guarantor;

(7) Permit a writ of attachment or any similar process to be issued against its property without procuring release thereof or bonding the same within 30 days after the entry of the writ of attachment or any similar process;

(8) Pay any salaries, commissions, bonuses, or other remuneration in any form or manner to its directors, officers, or key employees in excess of existing rates of payments, or of rates provided by this contract, or in existing agreements, in connection with which notice has been given to the contracting officer; or accrue such excess remuneration without first obtaining an agreement subordinating the same to all claims of the Government hereunder.

(9) Make any substantial change in management, ownership, or control of the organization with which this contract is made.

(10) Merge or consolidate with any other firm or corporation, change the type of its business, or engage in any transaction outside the ordinary course of its business as presently conducted;

(11) Deposit any of its funds except in a bank or trust company insured by the Federal Deposit Insurance Corporation; or,

(12) Create or incur indebtedness, borrow money or advances other than advances to be made hereunder, except as specified herein.

(c) The following clause will be used in all contracts in which the advance payment will be made by Letter of Credit:

ADVANCE PAYMENT

At the request of the contractor, and subject to the conditions set forth herein, and to Treasury Fiscal Requirements Manual, Department Circular 1075 as modified by the memorandum of understanding between the Departments of Treasury and Interior. The Government shall make advance payments to the contractor by Letter of Credit.

(a) The contractor agrees to comply with all the requirements and conditions set forth in Treasury Fiscal Requirements Manual, Department Circular 1075, as modified by the memorandum of understanding between the Departments of Treasury and Interior, a copy of which is attached and made a part of this contract.

(b) The contractor agrees to initiate cash draw-downs only when actually needed for its disbursements.

(c) The contractor agrees to report to the contracting officer cash disbursements and balances monthly not later than 15 days after the end of the month covered by the report.

(d) Failure to adhere to the provisions of this clause may cause the unobligated portion of the Letter of Credit to be dissolved by the contracting officer or the Department of the Treasury.

§ 14H–70.613 Contract funding and renegotiation.

The following clause shall be included in contracts which have a term of more than one year under the conditions set forth in 25 CFR 271.51.

CONTRACT FUNDING AND RENEGOTIATION

(a) Funds other than those appropriated during the fiscal year in which the contract commenced, that are included in the contract amount are subject to the availability of appropriations from Congress and there shall be no legal liability on the part of the Government in regard to such funds unless and until they are appropriated. Funds appropriated during the fiscal year in which the contract commenced that are included in the contract amount but not expended at the end of such fiscal year may be carried over and used for contract purposes in the succeeding fiscal year of the contract's operation, when the contract funds were appropriated pursuant to the Act of November 2, 1921 (42 Stat. 208), except as otherwise specifically provided in appropriation acts, or may be used to provide additional services upon modification of the contract to include such services therein.

(b) Each succeeding year of the contract may be renegotiated prior to the end of the then current fiscal year in order to reflect changes that have taken place beyond the control of the contractor since the contract was originally negotiated or last renegotiated as is applicable.

§ 14H–70.614 Government furnished property.

GOVERNMENT FURNISHED PROPERTY

(a) The Government will deliver to the contractor the property described in the Schedule and may, at its option, furnish other supplies or equipment as it may from time to time deem necessary or desirable for use in performing the work under this contract. All property furnished by the Government, together with all property acquired or furnished by the contractor with contract funds, title to which vests in the Government under this article, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property."

(b) The title of each item of equipment purchased with funds made available under this contract, the cost of which is reimbursable to the contractor under the contract, shall pass to and vest in the Government upon:

(1) Issuance for use of such property and in the performance of this contract; or,

(2) Commencement of processing or use of such property in the performance of this contract; or,

(3) Reimbursement of the cost thereof by the Government, whichever first occurs. A simple record listing all items of equipment purchased with funds made available under this contract showing such property by names, manufacturers, serial number (if any), and the cost of the equipment, will be furnished to the contracting officer by the contractor. Each item of Government property shall be given an identification number, be subject to accountability, and become a part of the Bureau's property inventory, all as provided by the Bureau Manual.

(c) Title to Government property shall remain in the Government and shall be unaffected by the incorporation or attachment thereof to any property not owned by the Government, nor shall Government property or any part thereof be or become a fixture or lose its identity as personal property by reason of affixation to any reality. Except as otherwise specifically provided in this contract, the contractor:

(1) Shall not pledge, assign, or transfer title to any Government property; nor to allow or suffer anything to be done whereby any Government property may be seized, taken in execution, attached, destroyed or injured, and

(2) Shall not remove or otherwise part with possession of, or permit the use by others of, any Government property.

(d) The contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection and preservation of Government property.

(e) Except as may be otherwise provided for herein, Government property shall be used only for the performance of this contract unless written permission is granted by the contracting officer.

(f) Upon completion or termination of the contract, the contractor shall make such disposition of Government property then in his possession or custody as the contracting officer shall direct.

(g) The contractor shall be responsible for the care and safekeeping of Government property, and for the return or delivery of the same in the condition in which received or appropriated for the contract, except for reasonable wear and tear, and except to the extent such property is consumed in the performance of this contract.

§ 14H–70.615 Annual reporting.

ANNUAL REPORTING

(a) Within 90 days of the end of each fiscal year of this contract's term, the Indian tribe that requested the contract shall furnish the contracting officer a report that includes but is not limited to an accounting of the amounts and purposes for which the contract funds were expended and information on the conduct of the program or services and the extent to which the goals and objectives of the tribe were accomplished.

(b) When the contractor is the governing body of the Indian tribe that requested the contract, the report shall be submitted directly to the contracting officer.

(c) When the contractor is a tribal organization other than the governing body of the tribe, the tribal governing body that requested the contract shall submit the report. However, at the option of the tribe, the contractor shall prepare the report and submit it to the tribe for review and approval prior to the tribe submitting the report to the contracting officer.

(d) When the contract benefits more than one tribe, the contractor shall prepare the report and submit it to each of the tribes. Each of the tribes will endorse and make any comments they consider applicable before submitting the report to the contracting officer.

(e) Notwithstanding this requirement for an annual report, the contracting officer may request the contractor to furnish such other reports at such intervals as specified by the contract.

§ 14H–70.616 Reassumption of programs.

REASSUMPTION OF PROGRAMS

The contractor agrees to comply with the procedures and requirements given in 25 CFR 271.74 in the event of reassumption.

§ 14H–70.617 Fair and uniform services.

FAIR AND UNIFORM SERVICES

The contractor agrees that any services or assistance provided to Indians under the contract shall be provided in a fair and uniform manner.

§ 14H–70.618 Disputes.

DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the contracting officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the contractor. The decision of the contracting officer shall be final and conclusive unless within thirty (30) days from the date of receipt of such copy, the contractor mails or otherwise furnishes to the contracting officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the contractor shall proceed diligently with the performance of the contract and in accordance with the contracting officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above. However, nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

§ 14H–70.619 Officials not to benefit.

OFFICIALS NOT TO BENEFIT

No members of Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

§ 14H–70.620 Changes.

The following changes clauses are for use as indicated:

(a) For contracts other than construction.

CHANGES

This contract may be modified or amended on the written request of the contractor to the contracting officer; or when recommended by the contracting officer and with the consent of the contractor. When the contracting officer recommends declination of a contractor's request to amend the contract, the matter shall be resolved as prescribed in 25 CFR 271.63, 271.64, and 271.65.

(b) In addition, all cost-reimbursement contracts over $10,000 shall contain the following clause:

FUNDING CHANGES

If for any reason beyond the control of the Bureau, the amount of funds allocated for the program operated under this contract are reduced by an amount or by a percentage resulting in a specific amount, the contract will be modified accordingly after consultation with the contractor. Such modification shall be made without penalty to the Government and shall not constitute basis for a claim under this contract.

§ 14H–70.621 Bid guarantee and bonds.

The following clause shall be included in all construction contracts with a tribal organization, in accordance with § 1–10.103, § 1–10.104–1(a) and § 1–10.104–1(b) of this title, when it is estimated that the amount of the contract will exceed $2,000:

BID GUARANTEE AND BONDS

(a) The contractor shall require a bid guarantee from all (sub) contractors who submit bids (proposals) for performing work under the contract in accordance with the policy set forth in § 1–10.103–1 of the Federal Procurement Regulations (41 CFR 1). When the bid guarantee is in the form of a bid bond, it may be submitted on other than the standard Government form: Provided, that the bond binds the Principal and the Surety(ies) in the same manner as they would be bound had the bid (proposal) been submitted to the Government.

(b) The contractor shall require the successful bidder (offerer) to furnish performance and payment bonds in the amounts set forth in the Miller Act (40 U.S.C. 270a–270e) and in accordance with the policies in §§ 1–10.104 and 1–10.105 of the Federal Procurement regulations (41 CFR 1) as a condition precedent to the award of the (sub) contract. The bonds may be submitted on other than the standard Government form: Provided, that the form used binds the Principal and the Surety(ies) in the same manner that they would be bound were the (sub) contract with the Government.

§ 14H–70.622 Certificate of nonsegregated facilities.

CERTIFICATE OF NONSEGREGATED FACILITIES

By signing the contract, the contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

A certification of nonsegregated facilities must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

§ 14H–70.623 Convict labor.

CONVICT LABOR

In connection with the performance of work under this contract, the contractor agrees not to employ any person undergoing sentence of imprisonment except as provided by Public Law 89–176, September 10, 1965 (18 U.S.C. 4082(c)(2)) and Executive Order 11755, December 29, 1973.

§ 14H–70.624 Limitation of costs.

LIMITATION OF COSTS

(a) It is estimated that the total costs to the Government for the performance of the work specified in this contract, will not exceed the estimated costs set forth in the Schedule. The contractor agrees to use its best efforts to perform this contract within

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the estimated total amount so specified, but neither the Government nor the contractor guarantees the accuracy of such estimate. If at any time the contractor has reason to believe that the costs which it expects to incur in the performance of this contract in the next succeeding thirty (30) days, when added to all costs previously incurred, will exceed eighty-five percent (85%) of the estimated costs then set forth in the Schedule, or if at any time the contractor has reason to believe that the total costs for the performance of this contract, will be greater or substantially less than the then estimated cost thereof, the contractor shall notify the contracting officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obliged to reimburse the contractor for costs incurred in excess of the estimated costs set forth in the Schedule, and the contractor shall not be obliged to continue performance under the contract or to incur costs in excess of such estimate, unless and until the contracting officer has notified the contractor in writing that such estimated cost has been increased, and has specified in such notice a revised estimated cost, which shall thereupon constitute the estimated cost of performance of this contract. When, and to the extent that, the estimated cost has been increased, any costs previously incurred by the contractor in excess of such estimated cost shall be allowable to the same extent as if such costs are incident to and necessary for the performance of work specifically authorized under this contract at the time incurred.

(c) If the estimated cost is not increased, and additional funds are not allocated to the contract, and all work under this contract is discontinued because of exhaustion of funds, the contractor shall furnish a final report on the work which has been performed and the Government shall have no obligation to make further payments hereunder.

§ 14H–70.625 Allowable cost and payment.

ALLOWABLE COST AND PAYMENT

(a) For the performance of this contract, the Government shall pay to the contractor (1) the costs thereof (hereinafter referred to as "allowable cost") determined by the contracting officer to be allowable in accordance with:

(i) Appendix A to 25 CFR 276 as in effect on the date of this contract.

(ii) The terms of this contract.

(b) Once each month (or at more frequent intervals as may be specified elsewhere, or if approved by the contracting officer), the contractor may submit to the contracting officer or his authorized representative, in such form and reasonable detail as may be required, an invoice or public voucher supported by a statement of cost incurred by the contractor in the performance of this contract and claimed to constitute allowable cost.

(c) Promptly after receipt of each invoice or voucher, the Government shall make payment of the allowable costs incurred subject to the provisions of (d) below.

(d) At any time or times prior to final payment under this contract, the contracting officer may cause to be made such audit of the invoices or vouchers and statements of cost as shall be deemed necessary. Each payment made before that time shall be subject to reduction to the extent that amounts included in the related invoice or vouchers and statement of cost are found by the contracting officer not to constitute allowable cost, and shall also be subject to reduction for overpayments or to increase for underpayments on preceding invoices or vouchers.

(e) On receipt and approval of the voucher or invoice designated by the contractor as the "completion voucher" or "completion invoice" and statement of cost, which shall be submitted by the contractor as promptly as may be practicable following completion of the work under this contract but no later than six (6) months (or such longer period as the contracting officer may in his discretion, approve in writing) from the date of such completion, and following compliance by the contractor with all provisions of this contract, the Government shall as promptly as may be practicable pay to the contractor any balance of allowable cost.

(f) Any cost incurred by the contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specification or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the contractor at its expense or without cost to the Government.

§ 14H–70.626 Negotiated overhead rates.

NEGOTIATED OVERHEAD RATES

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The contractor, as soon as possible, but not later than six (6) months after the expiration of each of the contractor's financial years or such other period as may mutually be agreed upon by the Government and the contractor shall submit to the contracting officer, with a copy of the cognizant audit agency, a proposed final overhead rate or rates for that period based on the contractor's costs experience during that period, together with supporting cost data. Negotiation of final overhead rates by the contractor and the contracting officer shall be undertaken as promptly as practicable after receipt of the contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Appendix A of 25 CFR 276, as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, (3) the periods for which the rates apply, and (4) the specific items treated as direct costs or any changes in the items previously agreed to be direct costs.

(e) Pending establishment of final overhead rates for any period, the contractor shall be reimbursed either at negotiated provisional rates as provided in this contract or at billing rates acceptable to the contracting officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in this contract shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the contracting officer within the meaning of the clause of this contract entitled "Disputes."

§ 14H–70.627 Assignment of claims.

ASSIGNMENT OF CLAIMS

Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15); if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing.

§ 14H–70.628 Payment of interest on contractor's claims.

PAYMENT OF INTEREST ON CONTRACTOR'S CLAIMS

(a) If an appeal is filed by the contractor from a final decision of the contracting officer under the disputes clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97, from the date the contractor furnishes to the contracting officer his written appeal under the disputes clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to the contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a board of contract appeals.

(b) Notwithstanding (a) above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the contracting officer determines the contractor has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

§ 14H–70.629 Audit and records.

AUDIT AND RECORDS

(a) The contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The contractor's facilities, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the contracting officer or his authorized representatives. In addition, for purpose of verifying that cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000, were accurate, complete and current, the contracting officer, or his authorized representative, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or of the time period for the particular records specified in 41 CFR Part 1–20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (c) (2) (i) or (ii) below.

(i) If the contract is completely or partially cancelled the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract as to which exception has been taken by the contracting officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) (1) The contractor shall insert the substance of this clause, including the whole of this paragraph (d), in each subcontract hereunder that is not firm-fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved in place of the contractor; to add "of the Government prime contract" after "contracting officer"; and to substitute "the Government prime contract" in place of "this contract" in (B) of paragraph (c) (2) (ii) above.

§ 14H–70.630 Contract Work Hours and Safety Standards Act—Overtime Compensation.

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

This contract is subject to the Contract Work Hours and Safety Standards Act and to the applicable rules, regulations, and the interpretations of the Secretary of Labor.

(a) *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any work-week in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such work-week on work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of forty hours in such work-week, whichever is the greater number of overtime hours.

(b) *Violation, liability for unpaid wages, liquidated damages.* In the event of any violation of the provisions of paragraph (a), the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of the standard work-week of forty hours without payment of the overtime wages required by paragraph (a).

(c) *Withholding for unpaid wages and liquidated damages.* The contracting officer may withhold from the Government prime contractor, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the provision of paragraph (b).

(d) *Subcontracts.* The contractor shall insert paragraphs (a) through (d) of this section in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for three years from the completion of the contract.

§ 14H–70.631 Price reduction for defective cost or pricing data.

The following clause shall be included in all contracts where cost and pricing data is required in accordance with § 14H–70.407.

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA

(a) If the contracting officer determines that any price negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the contractor, or any subcontractor pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data-Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate of Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

§ 14H–70.632 Subcontractor cost and pricing data.

The following clause should be included in all contracts, when the subcontracts of the type and size described herein are contemplated.

SUBCONTRACTOR COST AND PRICING DATA

(a) The contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursed type, time and material, labor-hour, incentive, or price redeterminable subcontract the price of which is expected to exceed $100,000; and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (a) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The contractor shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursement type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceed $100,000 unless the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder which exceed $100,000, the contractor shall insert the substance of the following clause:

SUBCONTRACTOR COST AND PRICING DATA—PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed $100,000; and—

(2) Prior to award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The contractor shall require subcontractors to certify, in substantially the same form as that used in the Certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000.

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§ 14H–70.633 Buy American Act.

BUY AMERICAN ACT

(a) The Buy American Act (41 U.S.C. 10a–d) requires, with certain exceptions, that in the procurement of supplies and services only domestic source end products shall be acquired for public use.

(b) The provisions of Part 1–6 of the Federal Procurement Regulations (41 CFR 1–6) deals with the Buy American Act and its application to Government contracts.

(c) The provisions of Part 1–6 of the Federal Procurement Regulations (41 CFR 1–6) are applicable to this contract and any subcontracts entered into under the contract. Questions concerning the Buy American Act and its applicability in specific circumstances should be directed to the contracting officer.

§ 14H–70.634 Anti-Kickback Act.

ANTI-KICKBACK ACT

(a) Pub. L. 86–695, September 2, 1960 (41 U.S.C. 51–54) among other things, prohibits the payment, directly or indirectly, by or on behalf of a subcontractor in any tier under any Government negotiated contract of any fee, gift, or gratuity to the prime contractor or any higher tier subcontractor or any officer, agent, partner or employee thereof, as an inducement or acknowledgement for the award of a subcontract or order.

(b) The provisions of Pub. L. 86–695, are set forth in more detail in § 1–1.320 of the Federal Procurement Regulations (41 CFR 1–1) and are applicable to this contract and any subcontracts entered into under the contract.

§ 14H–70.635 Privacy Act requirements.

PRIVACY ACT REQUIREMENTS

The contractor agrees to comply with all the requirements and provisions of Subpart D of 43 CFR Part 2 which implements the Privacy Act (5 U.S.C. § 552a).

§ 14H–70.636 Rights in data.

RIGHTS IN DATA

(a) *Subject data.* As used in this clause, the term "Subject Data" means writings, sound recordings, pictorial reproductions, drawings, designs or other graphic representations, procedural manuals, forms, diagrams, workflow charts, equipment descriptions, data files and data processing or computer programs, and words of any similar nature (whether or not copyrighted or copyrightable) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and similar information incidental to contract administration.

(b) *Government rights.* Subject only to the provision of (c) below, the Government may use, duplicate or disclose for government purposes, all subject data delivered under this contract.

(c) *License to copyrighted data.* In addition to the Government rights as provided in (b) above, with respect to any Subject Data which may be copyrighted the Contractor agrees to and does hereby grant to the Government a royalty-free, nonexclusive and irrevocable license to use, or duplicate such data for government purposes: Provided, that such license shall be only to the extent that the Contractor now has, or prior to completion of final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(d) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(e) *Marking and identification.* The contractor shall mark all Subject Data with the number of this contract and the name and address of the contractor or subcontractor who generated the data. The contractor shall not affix any restrictive markings upon any Subject Data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate, or ignore any such markings.

(f) *Subcontractor data.* Whenever any Subject Data is to be obtained from a subcontractor under this contract, the contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's rights in that subcontractor Subject Data.

(g) *Deferred ordering and delivery of data.* The Government shall have the right to order, at any time during the performance of this contract, or within 2 years from either acceptance of all items (other than data) to be delivered under this contract or termination of this contract, whichever is later, any Subject Data and any data not called for in the schedule of this contract but generated in performance of the contract, and the contractor shall promptly prepare and deliver such data as is ordered. If the principal investigator is no longer associated with the contractor, the contractor shall exercise its best efforts to prepare and deliver such data as is ordered. The Government's right to use data delivered pursuant to this paragraph (g) shall be the same as the rights in Subject Data as provided in (b) above. The contractor shall be relieved of the obligation to furnish data pertaining to an item obtained from a subcontractor upon the expiration of 2 years from the date he accepts such items. When data, other than Subject Data, is delivered pursuant to this paragraph (g), payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it or preparing it for delivery.

§ 14H–70.637 Printing.

PRINTING

Unless otherwise specified in this contract, the contractor shall not engage in, nor subcontract for, any printing (as that term is defined in title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: Provided, however, That performance of a requirement under this contract involving the reproduction of less than 5,000 production units of any one page or less than 25,000 production units in the aggregate of multiple pages, will not be deemed to be printing. A production unit is defined as one sheet, size 8 by 10½ inches, one side only, one color.

§ 14H–70.638 Cancellation for cause.

CANCELLATION FOR CAUSE

This contract may be cancelled for cause under the conditions and in accordance with the procedures set forth in 25 CFR 271.75.

Subpart 14H–70.7—Cancellation or Reassumption of Contracts

§ 14H–70.701 General.

(a) Contracts pursuant to the Act may only be cancelled or reassumed under the conditions set forth in 25 CFR 271 as follows:

(1) Retrocession (25 CFR 271.71)

(2) Reassumption (25 CFR 271.74)

(3) Cancellation for cause (25 CFR 271.76)

(b) The clauses to be included in contracts covering the above situations are found in Subpart 14H–70.6 of this Part.

§ 14H–70.702 Settlement of cancelled contracts.

The settlement of any contracts cancelled or reassumed for the reasons set forth in § 14H–70.701 shall be as mutually agreed to by the Bureau and the contractor. If mutual agreement cannot be reached, the principles set forth in Subpart 1–3.6 of this title shall be used to arrive at the settlement.

Subpart 14H–70.8—Bonds and Insurance

§ 14H–70.801 Scope of subpart.

This subpart deals with the requirement for tribal organizations to furnish bid guarantees, performance bonds and payment bonds on contracts for construction.

§ 14H–70.802 Policy on use of bid guarantees.

Bid guarantee will not be required in connection with construction contracts negotiated with an Indian tribe or an Indian organization serving as a governmental instrumentality of an of an Indian tribe; *Provided that* such tribe or tribal organization shall require any subcontractor to furnish a bid guarantee in the amount and manner set forth in § 1–10.104–1 of this title.

§ 14H–70.803 Performance bonds.

(a) Performance bonds will not be required from an Indian tribe or Indian organization serving as a governmental instrumentality or an Indian tribe; *Provided that* such tribe or tribal organization shall require any subcontractor performing work under the contract to provide a performance bond in the amount and manner set forth in § 1–10.104–1 of this title.

(b) The clause to be included in construction contracts with Indian tribes and Indian organizations relative to performance bonds is set forth in § 14H–70.621.

§ 14H–70.804 Payment bonds.

(a) Payment bonds will not be required from an Indian tribe or Indian organization serving as a governmental instrumentality of an Indian tribe: However, such tribe or tribal organization shall require any subcontractor performing work under the contract to provide a payment bond in the amount and manner set forth in § 1–10.105–1 of this title.

(b) The clause to be included in construction contracts with Indian tribes and Indian organizations relative to payment bonds is set forth in § 14H–70.621.

§ 14H–70.805 Liability insurance.

(a) This section prescribes policies and procedures with respect to the furnishing of liability insurance by Indian contractors in accordance with 25 CFR 271.45.

(b) Contracting offices shall assure themselves that all contracts with tribal organizations provide for the tribal organization to obtain general liability insurance and motor vehicle insurance. Each such contract shall further provide that the insurance carrier must be satisfactory to the contracting officer and that the contractor shall forward to the contracting officer a copy of the certificate of insurance as soon as such certificate is received from the insurance carrier.

§ 14H–70.806 Insurance coverage.

(a) The insurance provided by the contractor shall provide coverage to the contractor, the United States, their agents, and their employees within minimum amounts that are at least comparable to the minimum insurance coverage carried by other organizations in the same general area performing similar activities.

(b) The insurance shall provide for a waiver by the insurance carrier of any right it may have to raise as a defense the tribe's sovereign immunity from suit when a claim is within the limits of the policy. Further, the insurance shall not empower the insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

§ 14H–70.807 Exceptions.

(a) In those cases where the contracting officer determines that the risk of death, personal injury or property damage under the contract is small and that the time and cost of procuring the insurance is great in relation to the risk, he may exempt such contracts from the requirements of this Subpart.

(b) Some of the factors which the contracting officer shall consider in determining the magnitude of the risk involved are:

(1) The nature of the program contracted for.

(2) The number of persons involved in performing the contract.

(3) The contract period.

(4) The number of persons likely to come in contact with or be affected by the performance of the contract.

(5) The nature and value of any property which might be affected by the contract.

§ 14H–70.808 Motor vehicle insurance.

Notwithstanding the provisions of § 14H–70.807, any contract which requires or authorizes, either expressly or by implication, the use of motor vehicles must contain a provision requiring the tribal contractors to provide motor vehicle insurance, regardless of how small the risk may seem.

§ 14H–70.809 Indemnity and insurance clause.

The clause contained in § 14H–70.611 shall be included in all contracts with tribal contractors, unless the contracting officer determines that an exemption is warranted under § 14H–70.807. The limits of liability prescribed in the clause may be modified by the contracting officer when he determines such action is warranted.

Subpart 14H–70.9—Labor

§ 14H–70.901 Labor standards in construction contracts.

The provisions of Subpart 1–12.4 of this title are applicable to construction contracts entered into pursuant to the Act, except when the contractor is the recognized governing body of an Indian tribe or a non-profit Indian organization serving as a governmental instrumentality of an Indian tribe.

§ 14H–70.902 Labor standards in subcontracts.

Subcontracts shall include and subcontractors shall comply with the provisions of Part 1–12 of the Federal Procurement Regulations (41 CFR 1–12) to the extent that the provisions are applicable to the subcontract requirements. Questions concerning the applicability of the provisions of Part 1–12 of the Federal Procurement Regulations should be addressed to the contracting officer.

Subpart 14H–70.10—Contract Cost Principles and Procedures

§ 14H–70.1001 Principles for determining costs.

The principles for determining costs applicable to contracts under the Act are contained in Appendix A to 25 CFR 276.

§ 14H–70.1002 Predetermined fixed rates.

(a) Indirect cost or overhead rates may be negotiated annually where cost experience, reliable accounting data and other pertinent facts are available to support the projection of allowable costs for the period covered by the contract or grant. Negotiated rates shall not result in an amount which will exceed actual costs.

(b) Where cost experience and accounting data are not available to support a negotiated rate and where the estimated amount of the contract is less than $10,000, a lump sum overhead amount may be negotiated. Such an amount will be based on reasonable projection of estimated costs to be incurred by the tribal organization and shall take into consideration all costs which can be applied as direct costs, and shall not exceed 10 percent of the direct labor costs.

§ 14H–70.1003 Procedures.

(a) When a tribal organization desires overhead rates to be established and where no other Federal agency has established a rate nor will be expected to do so, the tribal organization may request through the contracting officer that a rate be established. The request shall be supported by, as a minimum:

(1) A schedule of common costs which cannot be feasibly charged as direct costs of a program and are costs benefiting more than one program.

(2) The nature and extent of services provided and their relevance to the specific program.

(3) Methods and manner of distribution of costs.

(4) Total business of all programs to which indirect costs will be distributed.

(b) The contracting officer shall, after review and if indicated, further consultations with the tribal organization, forward the request to the Department of Interior, Office of Audit and Investigation, for review and audit as determined necessary. In the event a rate is approved without audit, the contract shall contain a clause to the effect that upon audit the rate may be changed retroactively to the beginning of the contract period.

(c) An audit by the Department's Office of Audit and Investigation will not be required prior to contract award and overhead rates may be approved by the Contracting Officer when:

(1) The amount of the contract is less than $100,000.

(2) The contract is not the initial contract with the particular tribal organization, an overhead rate was previously established, and the overhead rate currently requested does not exceed that previously established one by more than one percentage point.

(3) Current overhead rates have been established by another Federal agency.

Subpart 14H–70.11—Procurement Forms

§ 14H–70.1101 Applicability of standard forms.

The standard forms prescribed in Part 1–16 of this title may be used in connection with contracts entered into pursuant to the Act when applicable and may be modified when deemed necessary. However, standard forms other than SF 147 that contain clauses not prescribed by this Part 14H–70 shall not be used.

Subpart 14H–70.12—Procurement of Construction

§ 14H–70.1201 Scope of subpart.

This subpart sets forth procedures and requirements peculiar to construction contracts. The terms and conditions of construction contracts when negotiated with an Indian organization pursuant to the Act shall to the extent applicable be in accordance with the requirements set forth in Part 1–18 of this title. However, if there is a conflict between Part 1–18 of this title and any provision of the Act or 25 CFR 271, the Act or 25 CFR 271 shall govern.

§ 14H–70.1202 Exceptions.

(a) Subpart 1–18.10 of this title is not applicable.

(b) The contract clauses required by § 1–18.703–1 of this title shall be inserted in construction contracts with an Indian tribe or an Indian organization which serves as a governmental instrumentality of an Indian tribe, but shall be prefaced by the provision contained in § 1–18.703–2 of this title.

(c) In all cases, the contracting officer shall obtain and insert the Wage Determination Decision issued by the Secretary of Labor in the contract prior to award of any contract for construction that falls within the purview of the Davis-Bacon Act. The Wage Determina-

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tion Decision should be furnished sufficiently in advance of the contract award date to permit full consideration by the tribal organization and any prospective subcontractors prior to contract award.

Subpart 14H–70.13—Retention Requirements for Contractor and Subcontractor Records

§ 14H–70.1301 General.

The record retention requirements in Subpart 1–20.2 and Subpart 1–20.3 of this title are applicable to contracts under the Act.

Subpart 14H–70.14—Contract Financing

§ 14H–70.1401 General.

This subpart sets forth the methods of making payments to tribal organizations performing contracts under the Act.

§ 14H–70.1402 Reimbursement.

This method will be used when a tribal organization does not request an advance payment. Payment will be made on receipt of a SF–1034 or other approved invoice form supported by documentation required by the contract after completion of the contract or such portions thereof as provided in the contract for partial payments.

§ 14H–70.1403 Advance payments by Treasury check.

(a) At the request of a tribal contractor, and subject to the conditions hereinafter set forth, and Chapter 2000 of the Treasury Fiscal Requirements Manual as modified or supplemented, the Government will make advance payments to tribal organizations as prescribed in 25 CFR 271.41.

(b) Any request for advance payment by a tribal contractor shall specify the amount(s) required and the dates such advance(s) will be required and shall be supported by a schedule of estimated expenditures.

(c) An initial advance will be limited to the amount of estimated expenditures for a period of time required to effect payment, based on experience in the locality. The initial advance may be made in amounts at times determined suitable to satisfy the minimum essential needs of the contractor.

(d) Subsequent advances may be made at times and in amounts determined necessary to insure availability of funds for timely payment of the contractor's obligations and to minimize the time between withdrawal from the Treasury and expenditure. Requests for advances subsequent to an initial advance shall be accompanied and supported by a report of expenditures to date and the amount of funds on hand.

§ 14H–70.1404 Advance payments when special bank account required.

(a) Contracts authorizing the making of advance payments shall, except as provided in 25 CFR 271.41(a)(2)(i), require that the check be mailed to a bank to be deposited in a special bank account in the name of the contractor. No part of the funds deposited in the special bank account shall be mingled with other funds of the contractor prior to withdrawal to meet obligations accruing under the contract.

(b) For all advance payments requiring the use of a special bank account, the form of Agreement for Special Bank Account prescribed in § 14H–70.1410 shall be used.

(c) All contracts requiring the use of a special bank account shall contain the contract clause prescribed in § 14H–70.612(b).

§ 14H–70.1405 Letter of credit.

When a contract authorizes advance payments totaling $120,000 or more and the contract period is one year or more, advance payments will normally be made by Letter of Credit in accordance with the policies and procedures contained in Treasury Fiscal Requirements Manual, Chapter 2000, as modified or supplemented.

§ 14H–70.1406 Approval of advance payments.

(a) Area Directors may approve advance payments which do not exceed $250,000. When the contract term is for more than one year, Area Directors may approve advance payments which do not exceed $250,000 each succeeding year of the contract.

(b) Requests for advance payments exceeding $250,000 in the aggregate for the term of the contract, or one year if a multi-year contract, shall be forwarded to the Commissioner of Indian Affairs by Area Director for submission to the Department in accordance with § 14–30.406 of this title.

§ 14H–70.1407 Sub-advances.

Sub-advances may be made when predetermined as a part of a contracted program or when specifically authorized in writing by the contracting officer. Sub-advances will not be made to individuals except for approved travel and in such cases shall not exceed the minimum required for one trip and shall be settled by voucher or repayment within 30 days.

§ 14H–70.1408 Interest.

(a) Contractors shall not be held accountable for interest earned on funds advanced pending disbursement. However, it is required that bank balances be maintained at the minimum level consistent with program requirements, and requests for advances shall be reviewed to insure that excess funds are not advanced.

(b) Contractors shall not be charged interest by the Bureau for funds advanced under contracts entered into pursuant to the Act.

§ 14H–70.1409 Automatic advances.

When periodic payments under a contract will be essentially uniform and predictable, automatic advance payments may be authorized by the contracting officer to avoid delay inherent in payments based on formal request by the contractor. In such cases, reports of expenditures will be required and payments will be adjusted as necessary to prevent withdrawal of funds over and above that needed for efficient operation, and to insure adequate funds for timely settlement of the contractor's obligations. Adjustments to automatic advances shall be made after consultation with the contractor.

§ 14H–70.1410 Agreement for special bank account.

(a) In all instances where deposit of an advance payment in a special bank account is required, the following form of agreement will be used:

AGREEMENT FOR SPECIAL BANK ACCOUNT

(1) This agreement entered into between the United States of America, hereinafter called the "Government," contractor, and Bank, each represented by the officials executing this agreement.

(2) The Government and the contractor entered into the contract(s) or Supplemental Agreement(s) thereto, providing for the making of advance payment(s) to the contractor. Copy of the advance payment clause included in the contract is attached to and made a part of this agreement.

(i) The advance payment clause requires that amounts advanced to the contractor be deposited in a Special Bank Account at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U.S.C. 264), separate from the contractor's general or other funds; and, the Bank being such a bank, the parties are agreeable to so depositing said amounts with the Bank.

(ii) This Special Bank Account shall be designated as indicated in paragraph (7) of this agreement.

(3) In consideration of the foregoing, and for other good and valuable considerations, it is agreed that:

(i) The Government shall have a lien upon the credit balance in said account to secure the repayment of all advance payments made to the contractor, which lien shall be superior to any lien or claim of the bank with respect to such account.

(ii) The Bank will be bound by the provisions of the advance payment clause relating to the deposit in and withdrawal of funds from the Special Bank Account, but shall not be responsible for the use of funds withdrawn from said account. Upon receipt by the Bank of written directions of any kind from the contracting officer, or from the duly authorized representative of the contracting office, pertaining to the use of the funds in the Special Bank Account upon Department of the Interior, Bureau of Indian Affairs stationery and purporting to be signed by the contracting officer or the contracting officer's authorized representative, the Bank shall act thereon and insofar as the rights, duties, and liabilities of the Bank are concerned, the written directions shall be conclusively deemed to have been properly issued and filed with the Bank by the Department of the Interior, Bureau of Indian Affairs.

(iii) The Government, or its authorized representatives, shall have access to the books and records maintained by the Bank with respect to the Special Bank Account at all reasonable times and for all reasonable purposes, including (but without limiting the generality thereof) the inspection or copying of such books and records and any and all memoranda, checks, correspondence or documents appertaining thereto. Such books and records shall be preserved by the Bank for a period of six (6) years after the closing of the Special Bank Account.

(4) In the event of the service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account, the Bank will promptly notify the contracting officer.

(5) The Bank, contractor, and Government by executing this agreement are bound by all of the provisions contained in the advance payment clause attached which is made a part of the contract.

(6) The contract number and purpose of the Contract(s) or supplemental agreement(s) referred to above are as follows:

_____

_____

(7) The Special Bank Account shall be designated as SPECIAL BANK ACCOUNT NUMBER _____ Bureau of Indian Affairs. IN WITNESS WHEREOF, The parties hereto have caused this agreement to be executed as of the date and year written below:

Date _____, 19--

CONTRACTOR

Name: _____

_____

Name and title of representative: _____

_____

Complete mailing address: _____

_____

_____

BANK

Name: _____

_____

Name and title of representative: _____

_____

Complete mailing address: _____

_____

_____

UNITED STATES OF AMERICA DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs: _____

_____

Complete Mailing Address: _____

_____

_____

Name and Title of Contracting Officer: _____

_____

_____

(b) The following instructions apply to the form of agreement shown in paragraph (a) of this section:

(1) Under paragraph (6) of the agreement, state the contract number and describe the purpose of the contract in brief but sufficient detail to convey a general understanding of its nature. If the contract uses a descriptive title to designate its purpose, that description should be used.

(2) Insert, in the blank space in paragraph (7) of the agreement, the number assigned by the Bank as the Account Number for the "Special Bank Account."

(3) The agreement should be dated on the date it is signed by the contracting officer.

(4) The complete mailing address of the Bank is necessary as the advance payment check and all progress payment checks will be mailed to the Bank. The zip code is required.

(5) The contracting officer should not sign the agreement until authority to make the advance payment has been obtained.

(c) The following is the form of modification of an agreement for a special bank account for advance payments:

AGREEMENT FOR SPECIAL BANK ACCOUNT

Modification Number _____

(1) The Agreement for Special Bank Account dated _____, 19--, is modified as follows:

(2) The contract number and the purpose of the contract is as follows: _____

_____

_____

_____

(4) The Special Bank Account number is indicated as follows: _____

_____

IN WITNESS WHEREOF, the parties hereto have caused this modification to be executed as of the date and year written below:

Date _____, 19--

Name of contractor

_____

Signature

By _____

Name and title of contractor's representative:

_____

_____

_____

Name of bank

_____

Signature

By _____

Name and title of bank's representative:

_____

_____

_____

Subpart 14H–70.15—Novation and Change of Name Agreements

§ 14H–70.1501 General.

The provisions of Subpart 1–26.4 of this title are applicable to contracts under the Act.

Subpart 14H–70.16—Procurement Reports

§ 14H–70.1601 General.

This subpart sets forth the requirements for reporting procurement actions under the Act.

§ 14H–70.1602 Standard Form 37, Report on Procurement by Civilian Executive Agencies.

Procurements under the Act shall be reported on SF–37, in accordance with § 1–16.804–3 and § 14–16.804–3 of this title. However, the number and dollar amount of such procurements shall be entered in the "remarks" section of SF–37, and shall be clearly identified as having been entered into with tribal organizations pursuant to the Act.

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TUESDAY, NOVEMBER 4, 1975



PART III:

FEDERAL ELECTION COMMISSION

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FEDERAL CAMPAIGN FUNDS

Public Financing of Conventions and Advisory Opinions and Requests

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FEDERAL ELECTION COMMISSION

[11 CFR Parts 120, 121, 122, 123, 124]

[Notice 1975-68]

FEDERAL CAMPAIGN FUNDS

Public Financing of Conventions Regulation

The Federal Election Commission today publishes proposed regulations covering Public Financing of Conventions, 26 U.S.C. 9008.

Comment period. Interested parties are invited to submit written comments on these proposed regulations to the Rulemaking Section, Office of the General Counsel, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463. Comments should be received on or before December 4, 1975.

Hearings. The schedule for public hearings on the proposed regulation will be published in the near future.

Effective date. These regulations shall become effective on a date specified in a future notice published in the FEDERAL REGISTER, which effective date shall not be less than 30 calendar days after the date of this notice of proposed rulemaking, nor before approval by the United States Congress.

PART 120—GENERAL PROVISIONS

Sec.
120.1 Scope.
120.2 Definitions.

AUTHORITY: 26 U.S.C. 9008.

§ 120.1 Scope.

(a) This part interprets 26 U.S.C. 9008, which authorizes the Federal Election Commission to certify to the Secretary of the Treasury for payments of the amounts to which the national committee or any major or minor party is entitled under 26 U.S.C. 9008 with respect to a presidential nominating convention, but the entitlement of each major party may not exceed the aggregate amount of $2,000,000.

(b) Under 26 U.S.C. 9008(b) the national committees of both major and minor parties are entitled to payments from public funds to defray expenses which they have incurred with respect to a presidential nominating convention. For a minor party to be entitled to its proportionate share of public funds for convention expenses, its presidential candidate in the last election must have received (as the presidential candidate of that party) at least 5 percent of the total popular vote received by all presidential candidates in such election.

§ 120.2 Definitions.

The following definitions shall apply for the purposes of Parts 120–129.

(a) "Commission" means the Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463, telephone (202) 382-5162.

(b) "Fund" means the Presidential Election Campaign Fund established by 26 U.S.C. 9006(a).

(c) "Major party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

(d) "Minor party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

PART 121—PAYMENT PROCEDURE FOR PRESIDENTIAL NOMINATING CONVENTIONS

Sec.
121.1 Information required to qualify for public funds.
121.2 Commission review.
121.3 Payment schedule.

AUTHORITY: 26 U.S.C. 9008.

§ 121.1 Information required to qualify for public funds.

(a) To qualify for public financing of their conventions, the national committees of the major and minor parties shall file an application statement containing the information in paragraph (c) of this section with the Federal Election Commission.

(b) Such statement shall be filed no earlier than June 1 of the calendar year preceding the year in which a presidential nominating convention of a political party is held.

(c) The application statement shall include:

(1) The name and address of the national committee;

(2) The name and address of the convention arrangements committee of the national committee or such similar committee in charge of the national convention;

(3) The name, address, and position of the officers and members of the convention arrangements committee;

(4) The name, address, and position of the party officials designated by the national committee to sign requests for payment;

(5) The name and address of the commercial bank to be used as the convention arrangement's committee depository;

(6) Signature cards, available from the Commission, signed by the designated party officials authorized to request payments;

(d) Any change in the information required by paragraph (c) of this section shall be reported to the Commission within a 10-day period following the change.

§ 121.2 Commission review.

Upon receipt of the application statement filed under § 121.1, the Commission shall within 30 days verify such statement and notify the Secretary of the Treasury to make available for payment the amount that such committee is eligible to receive under Part 122 of this chapter.

§ 121.3 Payment schedule.

After a national committee has qualified for funds, payments will be disbursed upon the receipt of a payment request in installments in the manner specified in paragraphs (a)-(e) of this section.

(a) *Initial payment.* (1) A written request for an initial payment shall

(i) Be signed by the authorized individual(s) whose name appears on the signature card;

(ii) Specify an amount to be received, not to exceed 30 percent of the aggregate amount to which the committee is entitled under Part 122 of this chapter;

(iii) Specify one or more accounts established solely for the purpose of depositing therein and drawing therefrom all public funds received for convention financing, or certify that such account(s) will be established;

(iv) Specify one or more accounts established solely for the purpose of depositing therein and drawing therefrom all private contributions earmarked to defray nonqualified convention expenses, or certify that such account(s) will be established if the national committee decides to receive such contributions; except that a minor party may, in addition, use such accounts for private contributions earmarked to defray qualified convention expenses; and

(v) Be supported by a statement projecting and describing estimated qualified convention expenses and those already incurred, if any, through and including December 31 of the current calendar year, except that projected expenditure categories need not be itemized in specific dollar figures.

(2) A request for an initial payment may be submitted to the Commission simultaneously with the application statement required under § 121.1 or at any time thereafter. A properly submitted payment request shall be reviewed and certified by the Commission to the Secretary for payment not later than 5 working days after being received by the Commission, or July 1 of the calendar year preceding the calendar year of the convention, whichever is later.

(b) *Quarterly payment requests.* (1) Requests for disbursements after the national committee has qualified and received its initial disbursement shall be submitted quarterly commencing with January 1 of the year in which the convention will be held.

(2) Such written requests shall

(i) Be signed by the authorized individual(s);

(ii) Be accompanied by a statement of projected qualified convention expenses estimated through the close of the quarterly period, except that no specific dollar figure need be assigned to the various expenditure categories; and

(iii) Specify an amount to be received which shall reflect the amount of such projected expenses.

(c) *Special certification for accelerated payment schedule.* The Commission may certify more than one disbursement per quarter where a showing is made that a deficit is likely to be incurred unless a further disbursement is made. Any payment request for such further disbursement should be supported by a summary of actual qualified convention expenses previously incurred for the quarter, together with the projected qualified convention expenses which will occasion the deficit if a further disbursement is not forthcoming.

(d) *Amount of disbursement.* Each disbursement certification to the Secretary will be based upon the qualified convention expenses projected for the requesting period, subject to any deductions as the Commission may determine under paragraph (e) of this section and § 124.1 (f) of this chapter.

(e) *Post-convention disbursements.* (1) Notwithstanding the payment request for the last quarter preceding the convention, the Commission may in its discretion certify to the Secretary for payment an amount less than the amount requested, but in no case may the amount of such adjustment downward exceed 10 percent of the initial entitlement in that party's account.

(2) Funds withheld under this subsection, if any, shall be disbursed after the convention upon the proper submission of a post-convention payment request accompanied by the convention financing report required under § 109.3(a) of this chapter.

(3) Post-convention payments shall be subject to audit by the Commission and a deduction computed under § 124.1 (f) of this chapter in addition to other requirements imposed by law.

PART 122—ENTITLEMENT TO AND DISPOSITION OF PAYMENTS FROM THE FUND

Sec.
122.1 Major parties.
122.2 Minor parties.
122.3 Adjustment of entitlements.
122.4 Use of funds.
122.5 Investment of funds.

AUTHORITY: 26 U.S.C. 9008

§ 122.1 Major parties.

Subject to the provisions of this part, the national committee of a major party shall be entitled to receive payments under § 121.3 of this Chapter, with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed $2 million.

§ 122.2 Minor parties.

Subject to the provisions of this part, the national committee of a minor party shall be entitled to payments under § 121.3 of this Chapter, with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed an amount which bears the same ratio to the amount the national committee of a major party is entitled to receive under § 122.1, as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the United States of the major parties in the preceding presidential election.

§ 122.3 Adjustment of entitlements.

The entitlements established by this part shall be adjusted in the same manner as expenditure limitations established by section 608(c) and section 608(f) of Title 18, United States Code, are adjusted pursuant to the provisions of section 608 (d) of such title.

§ 122.4 Use of funds.

Any payment made under § 121.3 of this chapter shall be used only;

(a) To defray qualified convention expenses, or

(b) To repay loans the proceeds of which were used to defray qualified convention expenses, or

(c) To restore funds (other than contributions received by such committee which were earmarked to defray qualified convention expenses) used to defray qualified convention expenses.

§ 122.5 Investment of funds.

Any investment of public funds or their use in any other way which generates income is permissible only if the income so generated is used for the purposes described in § 122.4, and such income will be applied against the national committee's entitlement.

PART 123—LIMITATION OF EXPENDITURES

Sec.
123.1 Major Parties.
123.2 Minor Parties.
123.3 Exception.

AUTHORITY: 26 U.S.C. 9008.

§ 123.1 Major parties.

Except as provided by § 123.3, the national committee of a major party may not incur qualified convention expenses with respect to a presidential nominating convention which, in the aggregate, exceed the amount of payments to which such committee is entitled under § 122.1, whether or not the national committee elects to receive any of its entitled funds.

§ 123.2 Minor parties.

Except as provided by § 123.3 the national committee of a minor party may not incur qualified convention expenses with respect to a presidential nominating convention which, in the aggregate, exceed the amount of the entitlement of the national committee of a major party under § 121.6 of this chapter, whether or not the national committee elects to receive any of its entitled funds.

§ 123.3 Exception.

The Commission may authorize the national committee of a major party or minor party to make expenditures for qualified convention expenses which, in the aggregate, exceed the limitation established by § 123.1 or § 123.2. Such authorization shall be based upon a determination by the Commission that, due to extraordinary and unforeseen circumstances, such expenditures are necessary to assure the effective operation of the presidential nominating convention by such committee. In no case, however, will such authorization entitle the national committees to receive public funds greater than the amount the national committees are entitled to under § 122.1 or § 122.2 of this chapter.

PART 124—POST-DISBURSEMENT PROCEDURES

Sec.
124.1 Repayments.
124.2 Notification of need for repayments.
124.3 Examination and audits.

AUTHORITY: 26 U.S.C. 9008.

§ 124.1 Repayments.

(a) If the Commission determines that any portion of the payments to the national committees under § 121.3 of this chapter was in excess of the aggregate payments to which the national committees were entitled, it shall so notify such national committees and such national committees shall pay to the Secretary an amount equal to such portion.

(b) If the Commission determines that the national committees incurred qualified convention expenses in excess of the aggregate payments to which the national committee of a major party was entitled, it shall notify such national committees of the amount of such excess and such national committees shall pay to the Secretary an amount equal to such amount.

(c) If the Commission determines that the national committee of a major party accepted contributions earmarked to defray qualified convention expenses (other than to defray the excess qualified convention expenses with respect to which repayment is already required under paragraph (b) of this section or to meet the exception in § 123.3 of this chapter), it shall notify such national committees of the amount of the contributions so accepted, and such national committees shall pay to the Secretary an amount equal to such amount.

(d) If the Commission determines that any amount of any payment to the national committees under § 121.3 of this chapter was used for any purpose other than—

(1) To defray the qualified convention expenses with respect to which such payment was made; or

(2) To repay loans the proceeds of which were used to defray qualified convention expenses, or otherwise to restore funds (other than contributions received by such national committee which were earmarked to defray such expenses used to defray such qualified convention expenses.

It shall notify such national committees of the amount so used, and such national committees shall pay to the Secretary an amount equal to such amount.

(e) No repayment shall be required from the national committees under this section, when added to other repayments required from such national committees

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under this section, exceeds the amount of payments received by such national committees under § 121.3 of this chapter.

(f) Subject to § 124.2, the Commission may obtain such repayment by authorizing the Secretary of the Treasury to deduct the repayable amount determined under paragraphs (a)–(e) of this section from the amount otherwise due the national committee for its next payment. All other repayments shall be made payable to the Secretary of the Treasury.

§ 124.2 Notification of need for repayment.

(a) If the Commission determines that repayment is required under § 124.1, it shall give written notification to the affected national committee of the amounts required to be paid and the reasons thereof.

(b) No notification shall be made by the Commission under this section more than 3 years after the last day of the presidential nominating convention.

§ 124.3 Examinations and audits.

The Commission may conduct such examinations and audits as it deems necessary in order to determine whether a repayment is required from the national committee.

Dated: October 24, 1975.

JOAN D. AIKENS,
Commissioner,
Federal Election Commission.

[FR Doc.75-29227 Filed 11-3-75;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1975–66]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975–26 thru 30 and 1975–74. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

Immediately following Advisory Opinion 1975–27 is the joint dissenting opinion of Commissioners Aikens and Tiernan who voted against the adoption of Advisory Opinion 1975–27.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975–26

CONTRIBUTION LIMITATIONS AS APPLIED TO EXCESS SENATORIAL CAMPAIGN FUNDS DEPOSITED WITH NATIONAL REPUBLICAN SENATORIAL COMMITTEE

This advisory opinion is issued under 2 U.S.C. 437f in response to a request submitted by the National Republican Senatorial Committee (NRSC) which was published as AOR 1975–26 in the August 20, 1975, FEDERAL REGISTER (40 FR 36532). Interested parties were given an opportunity to submit written comments relating to the request.

The NRSC in a letter from its chairman, Senator Ted Stevens, has requested a determination as to the applicability of the Federal Election Campaign Act Amendments of 1974 to the following factual situation.

In 1972, former Delaware Senator J. Caleb Boggs transferred $11,402 in leftover funds from his own campaign to NRSC with the request that the funds be held by NRSC for the use of the 1976 Republican Senatorial candidate from Delaware. In January 1973 NRSC acknowledged receipt of the funds and continues to regard them as earmarked for the Republican Senate candidate from Delaware pursuant to Mr. Boggs' instructions.

The specific issue raised is whether the contribution limitations established in 18 U.S.C. 608(b), as amended in 1974 (Pub. L. 93–443) and effective on January 1, 1975, with respect to elections occurring after that date (see AO 1975–5 and AO 1975–6 at 40 FR 31316), apply to this transaction and limit NRSC to distributing only $5,000 of the $11,402 to the Delaware Republican Senate candidate in 1976. If NRSC is not so limited a further issue is whether it may contribute an additional $5,000 to such candidate from its unearmarked funds.

In the narrow factual circumstances present in this specific case, one which may be confined to the transitional period marking the change over from the rules of the 1971 Act to those of the 1974 Amendments, the Commission is of the view that the entire $11,402 may be transferred to the Republican Senatorial candidate from Delaware who is nominated for the 1976 general election. The Commission emphasizes that the transactions underlying this request are subject to audit verification by the Commission. The Commission is further of the view that NRSC may contribute an additional sum from its general funds for the 1976 Republican Senatorial candidate from Delware subject to applicable limitations in 18 U.S.C. 608(b).

The Commission notes that when NRSC transmits these funds to the Senate candidate in 1976, it should indicate on the relevant report that the funds were earmarked for such candidate in 1973.

ADVISORY OPINION 1975–27

ATTORNEY'S OR ACCOUNTANT'S FEES AS EXPENDITURES

The Federal Election Commission renders this advisory opinion under 2 U.S.C. 437f in response to requests submitted by a candidate and a political committee. The requests were made public by the Commission and published in the FEDERAL REGISTER on August 20, 1975 (40 FR 36532). Interested parties were given an opportunity to submit comments relating to the requests.

The requesting parties seek an advisory opinion as to whether expenses incurred by a candidate or a committee for legal and accounting fees paid for the purpose of complying with the Federal Election Campaign Act of 1971, as amended, must be charged against the expenditure limitations of 18 U.S.C. 608. 18 U.S.C. 608 establishes expenditure limitations for candidates and committees with respect to any election for Federal office.

The term "expenditure" is specifically defined in 18 U.S.C. 591(f) to include and exclude certain types of transactions "made for the purpose of influencing" the nomination or election of a Federal candidate. This definition determines what transactions are subject to limit under 18 U.S.C. 608(c) and those which are not. Section 591(f)(4) enumerates several exclusions, including a fundraising exclusion up to 20 percent of the applicable spending limit. None of these exclusions, extend to amounts paid for accounting or legal services rendered to assist a Federal candidate in complying with the Act and applicable provisions in Title 18, United States Code. Expenditures for accounting or legal services are at least indirectly made to influence the election of Federal candidates since one's election is jeopardized by conduct that may violate the law. Furthermore, compliance clearly enhances one's candidacy and may with good reason be deemed to justify expenditures for the described professional services, even if the candidate must charge them against the applicable spending limit.

The Commission recognizes, however, that some disbursements to pay the described fees, while subject to disclosure, may under certain circumstances be outside the defined category of "expenditure" because they are not made for the purpose of influencing the election of a Federal candidate. For example, fees for accounting or legal services rendered in connection with preparing for or responding to formal compliance proceedings instituted against the candidate or committee by the Commission, would not be counted against the applicable spending limit. By contrast, however, accounting or legal fees paid to assure compliance generally, or to assist in a routine Commission audit, would be considered as expenditures subject to both disclosure and limitation.

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

DISSENTING OPINION OF COMMISSIONER JOAN D. AIKENS AND COMMISSIONER ROBERT O. TIERNAN TO ADVISORY OPINION 1975–27

In issuing Advisory Opinion 1975–27, the Federal Election Commission has ruled that expenses incurred by a candidate or committee for legal and accounting fees paid for the purpose of general compliance with the Federal Election Campaign Act of 1971, as amended, must be charged against the expenditure limitations of the Act, whereas such fees paid to prepare and respond to formal compliance actions will be exempted from the ceilings.

This Dissenting Opinion expresses the views of Commissioner Joan D. Aikens and Robert O. Tiernan who voted against Advisory Opinion 1975–27.

It is the view of Commissioners Aikens and Tiernan that expenditures for accounting and attorney fees which are made to assure adherence to the mandates of this complex new law at every stage of a campaign for federal office have an equal claim for an exemption from the expenditure limits of the Act, and should not merely be limited to the later point of defending against formal complaints. Early and timely preventive actions are the very essence of voluntary compliance; such efforts can easily be distinguished from political strategy and tactical advice. Good faith attempts to anticipate and meet the requirements of the Act well in advance of formal complaint actions should also be recognized and given strong encouragement and endorsement.

It should be noted that, to date, the Commission has received a significant input from numerous sources regarding this Advisory Opinion Request—all of which were unanimous in their support of the exclusion of all these expenses from the expenditure limitations.

The Chairmen of the Republican Senatorial and Democratic Senatorial Cam-

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paign Committees in their comments regarding this Request stated,

The burdens of complying with the Federal campaign laws and Commission regulations are far in excess of that anticipated by Congress when the 1974 Amendments were passed. Because of the complexity of the new law, nearly every Federal candidate will need an accountant and an attorney to strictly comply with its numerous requirements.

They went on to note, "The difficulties of compliance are particularly acute for non-incumbent challengers • • •"

The newcomer to politics, the volunteer campaign official, and the modestly funded candidate should not be dissuaded from entering the electoral arena because of difficulties in interpreting the Act; once involved in a political campaign, they should not be restrained in their actions or expressions because of uncertainty about the consequences of every deed. Expert professional legal and accounting advice is an integral part of a political campaign for federal office. This assistance should be available to every candidate, no matter whether it is used prospectively to guide a campaign within the boundaries of the Act, or subsequently to defend against formal complaints.

JOAN D. AIKENS,
Commissioner.
ROBERT O. TIERNAN,
Commissioner.

ADVISORY OPINION 1975–28

STATUS AND ACTIVITIES ALLOWED OF A POLITICAL COMMITTEE SUPPORTING A FORMER CANDIDATE FOR THE PRESIDENCY

This advisory opinion is issued pursuant to 2 U.S.C. 437f in response to a request by the Percy Committee, and published as AOR 1975–28 in the August 20, 1975, FEDERAL REGISTER (40 FR 36532). Interested parties were given an opportunity to submit written comments pertaining to the request. No comments were received.

In response to a number of requests and initiatives by friends and supporters of Senator Charles H. Percy of Illinois the Percy Committee (Committee) was established on February 9, 1973, to explore his possible candidacy for the Office of President. The Committee represents that the contributions received and expenditures made by it have been reported in accordance with the Federal Election Campaign Act of 1971. Apart from a final bill from the Committee's accountants, which has not yet been rendered, the Committe states that it is not aware of any outstanding obligations or anticipated contributions related to a possible presidential candidacy by Senator Percy in 1976. The Committee has approximately $9,000 of funds on hand, but is not and will not be soliciting additional contributions or making additional expenditures (with the exception of the bill referred to above) to pursue a possible presidential candidacy by Senator Percy in 1976. The Committee further indicates that Senator Percy is not and does not expect to be a presidential candidate for 1976.

The Percy Committee has requested an advisory opinion on several matters.

1. Will the Percy Committee cease to be a "political committee" established on behalf of a potential presidential candidate once the last expenditure related to a possible presidential candidacy has been made (which is expected to be the payment to the Percy Committee's accountant referred to above)?

The Committee must, of course, extinguish all debts and obligations relating to the possible presidential candidacy of Senator Percy before it may cease to be a political committee established on behalf of a potential presidential candidate. 2 U.S.C. 434. Since the Committee is or will be making ongoing expenditures relating to Senator Percy's other political activities, it should clearly indicate which expenditures are made to extinguish debts relating to the potential presidential candidacy. By clearly indicating the purpose of the expenditures, the Committee will prevent any confusion as to whether the expenditure should be charged against Senator Percy's senatorial expenditure limitation in 18 U.S.C. 608(c). The Commission notes that the Committee has recently filed an amended registration statement indicating that they do not intend to support a presidential candidate.

2. Since Senator Percy is expected to engage in political activity from time to time in Illinois and is also expected to seek reelection in 1978 and certain political expenses related to these activities can be expected in such regard from time to time, are the receipts and expenditures of and for the Percy Committee required to be recorded and reported in accordance with the law?

The Commission is currently in the process of preparing regulations regarding the allocation of expenditures incurred by an officeholder or candidate appearing on behalf of other candidates within his or her electoral district. These expenditures, as so allocated, as well as expenditures made with respect to the Senator's candidacy for reelection, will of course be charged against his expenditure limitation in 18 U.S.C. 608(c) and must be recorded and reported in accordance with 2 U.S.C. 431 et seq. It is to be noted that contributions to and expenditures made from funds established exclusively for the purposes of supporting the activity of a Federal officeholder are currently the subject of a draft Commission regulation, with respect to which there will be further public notice.

3. May the Percy Committee engage in general political fundraising and make expenditures related to Senator Percy's political activities as well as his expected reelection campaign?

As indicated, the Committee may engage in such activities but must continue to report all receipts and expenditures. Furthermore, any contribution received and expenditure made after January 1, 1975, is subject to limitation under 18 U.S.C. 608.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–29

LIMITATIONS ON CONTRIBUTIONS BY LOCAL POLITICAL PARTIES

This advisory opinion is issued pursuant to 2 U.S.C. 437f in response to a request submitted by Represenative Tom Railsback and published as AOR 1975–29 in the August 20, 1975, FEDERAL REGISTER (40 FR 36532). Interested parties were given an opportunity to submit written comments pertaining to the request. No comments were received.

Representative Railsback asks for an opinion as to the maximum contribution that a county central committee of a political party (an official subordinate organ of a State political party committee) may make to a candidate for the U.S. House of Representatives in the primary and the general elections.

There are two contribution limitations for political committees. Under 18 U.S.C. 608(b)(1), a person (including a political committee) is limited to a contribution of $1,000 per election (see 18 U.S.C. 591(a)) to a candidate for nomination or election to Federal office. Therefore, a political committee under 18 U.S.C. 608(b)(1) may contribute $1,000 with respect to the candidate's primary election and $1,000 with respect to the candidate's general election.

Contributions by a county central committee of a State political party are limited to $5,000 per candidate per election if the county committee meets the following criteria:

1. Has been registered as a political committee under 2 U.S.C. 433 for a period of 6 months;

2. Receives contributions from more than 50 donors;

3. Has contributed to 5 or more Federal candidates.

A county central committee which meets these criteria may then contribute $5,000 with respect to the Congressman's primary election and another $5,000 with respect to the general election. In the event of a run-off election, an additional contribution of $1,000 or $5,000 may be made (see definition of "election," 18 U.S.C. 591(a)).

Contributions by a county central committee must also be made without the direction or control of any other political committee or person. The conference report to the 1974 Amendments states that:

• • • if a person exercises any direct or indirect control over the making of a contribution, then such contribution shall count toward the limitation with respect to such person • • • but it will not count toward a person's contribution limitation when it is demonstrated that such person exercised no direct or indirect control over the making of the contribution involved. (House Conference Report No. 93–1438, page 51)

Thus, if the State committee exercises control over any contribution by the county central committee, such contribution will count as a contribution by the State committee. The Conference Report permits "the maximum contribution from each level of the organization if the decision or judgment to make such contributions is independently exercised within the separate levels of the organization."

In conclusion, the Commission notes parenthetically that under 18 U.S.C. 608(f)(3) a subordinate committee of a State party committee of a political party may make expenditures in connection with the general election campaign of a candidate for the House of Representatives. The total amount available for spending on behalf of a candidate for the House of Representatives by a State committee of a political party and its subordinate committees under 608(f)(3) is $10,000. Any desired allocation of this amount would be a matter for decision among the State and local committees. (See AO 1975–2, 40 FR 36092, August 18, 1975). In any event, expenditures under 608(f)(3) are not chargeable against any Federal candidate's spending limit under 18 U.S.C. 608(c).

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–30

USE OF CAMPAIGN FUND FOR NEWSPAPER SUBSCRIPTIONS AND TRAVEL EXPENSES

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request for an advisory opinion which was submitted by Congressman David R. Bowen, and published as AOR 1975–30 in the August 20, 1975, FEDERAL REGISTER (40 FR 36532). Interested parties were given an opportunity to submit written comments relating to the request. No comments received.

The request generally asks whether certain expenditures may be made by the principal campaign committee of a Member of Congress, under the Federal Election Campaign Act of 1971, as amended, and pertinent provisions in Title 18, United States Code. Specifically, it was asked whether a campaign fund may be used to:

(a) Purchase newspaper subscriptions; and

(b) Reimburse the Member for travel expenses incurred in connection with the Member's political appearances in his Congressional District.

The Act generally defines an expenditure both for the disclosure requirements (2 U.S.C. 431(f)) and the limitations on expenditures (18 U.S.C. 591(f)), as a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing the nomination for election, or election of any person to Federal office. While the Act does provide that certain activities are not to be subject to the provisions providing for the reporting and limitation of expenditures (2 U.S.C. 431(f)(4) and 18 U.S.C. 591(f)(4)), the Act in no way limits the right of a candidate to make his own determination as to what expenditures should be made by his campaign. Thus any expenditure which a candidate or his principal campaign committee report as having been made for purposes of influencing a Federal election, will be treated accordingly and counted toward the appropriate limitations provided in 18 U.S.C. 608 (a) and (c).

Accordingly, it is the opinion of the Commission that expenditures may be made by a candidate or his principal campaign committee for the purpose of (a) purchasing newspaper subscriptions; (b) reimbursing a Member of Congress for travel expenses incurred in connection with the Member's political appearances in his Congressional district, and for any other purpose intended to influence a Federal election.

This advisory opinion is issued only on an interim basis pending the promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–74

CONTRIBUTIONS BY INDIVIDUALS TO NATIONAL POLITICAL PARTIES IN NON-ELECTION YEARS

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request submitted by the Republican National Committee (hereafter RNC) which was published as AOR 1975–74 in the October 1, 1975, FEDERAL REGISTER (40 FR 45294). Interested parties were given an opportunity to submit written comments relating to the request. No comments received.

The RNC request raises three questions as to the circumstances under which individual contributions in a non-election year must be carried over to a subsequent election year and charged against the contribution limitations applicable to that year. The three questions which, in effect, seek an interpretation of the second sentence of 18 U.S.C. 608(b)(3) will be discussed in turn.

A. The RNC asks first whether a contributor who in 1975 gives an unearmarked $25,000 contribution to the National Committee of a major political party (such as the Republican National Committee), must apply this against what the contributor may give the National Committee and/or any Federal candidate in 1976.

The Commission concludes that the answer to this question must be no.

18 U.S.C. 608(b)(3) states:

No individual shall make contributions aggregating more than $25,000 in any calendar year. For purposes of this pargaraph, any contribution made in a year other than the calendar year in which the election is held with respect to which such contribution was made, is considered to be made during the calendar year in which such election is held.

The effect of this provision is to require that certain, non-election year contributions by an individual contributor (as discussed *infra*) must be subtracted from the $25,000 aggregate limitation applicable to the election year. The carry over or carry back effect applies to contributions in the year immediately preceding or following the election. It may in certain specific circumstances apply in other years as well.

Resolution of the question posed by the RNC necessarily turns on the meaning of the word contribution, as it is used in section 608(b)(3).

The Commission has already determined in AO 1975–4 (40 FR 29793) that the word contribution as it is defined in 18 U.S.C. 591(c) and as it is set forth in the first sentence of 608(b)(3) includes not only contributions which are earmarked[1] for furthering the election of a particular candidate(s), but in addition any contributions which are simply turned over to a political party committee for defraying party expenses generally. However, this broad definition is plainly constricted by the literal language of the second sentence of section 608(b)(3) which indicates that a contribution must be carried over or back to the year in which "the election is held" only if it is made "with respect to" that election. Since a contribution with respect to an election is tantamount to support of the candidate(s) who is running in that election, the scope of the quoted phrases from section 608(b)(3) must be narrowed to contributions which are either earmarked by the donor for the use of a particular candidate or candidates, or which the donor can reasonably expect will be earmarked by the donee committee. Other contributions are deemed to be for general party purposes and are excluded from the scope of the second sentence.

Further support for this view is found in the portion of the House-Senate Conference Report discussing the meaning of the language at issue herein. It was stated pertinently:

any contribution to a campaign of a candidate in a year other than the calendar year in which the election to which such campaign relates is held shall be considered to be made during the calendar year in which such election is held

The Report makes it clear that the word contribution as referred to in section 608(b)(3) is intended to apply only to monies given to a campaign of a candidate—in short, it applies only to earmarked contributions.

Finally, if the word contribution, as it is set forth in the second sentence of section 608(b)(3) is construed in terms of the section 591(e) definition, the $25,000 ceiling on aggregate individual donations set forth in the first sentence of section 608(b)(3), would have to be construed in an unduly restrictive manner. Since every non-election year contribution would be subject to the carry-back/

[1] For the purposes of this advisory opinion the word "earmarked" should be construed to include any contribution directed to a particular Federal candidate by the donor or any other person (as the word is defined in 2 U.S.C. 431(h)) on his behalf. (See discussion, *infra*). Thus the term is used in a broader sense than the typical earmarking situation where a contribution is made through a conduit or intermediary to a particular Federal candidate.

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carry-over effect and thus limited, this would mean that a donor could contribute up to the $25,000 ceiling annually only if the contributions were made in an election year and not in any other year. In short, there would be a chilling effect on contributions to political parties in non-election years. Surely, such a result was not intended by the framers of the statute.

It remains to be considered whether a contribution to the RNC which is not earmarked by the donor may nonetheless be construed as earmarked.

The Commission is of the view that if an unearmarked contribution is made by a donor to a political committee[2] which devotes the greater part of its resources to supporting a particular Federal candidate or a limited group of such candidates, then that contribution must be treated as earmarked by the donor and must be pro rated against his $1,000 per candidate contribution limit (18 U.S.C. 608(b)(1)) according to the number of candidates supported by the committee. In this situation there can be no question as to the ultimate destination of the contribution. Accordingly, regardless of the expressed wishes of the donor, his contribution must be construed as earmarked.

However, it should be noted that in the event the political committee comes within the scope of the specialized definition set forth in 18 U.S.C. 608(b)(2)—that is, "an organization registered as a political committee under Section 433, Title 2, United States Code, for a period of not less than 6 months which has received contributions from more than 50 persons and except for any State political party organization, has made contributions to 5 or more candidates for Federal office"—then all contributions to the committee will be construed as unearmarked in the absence of evidence to the contrary. An organization which meets these criteria may support a wide range of candidates and issues and thus cannot be automatically viewed as a mere conduit to the campaign(s) of a small group of Federal candidates. This does not mean that a small, multicandidate committee, which fully satisfies the criteria of 608(b)(2) can never be construed as earmarking its monies to a particular Federal candidate or candidates. However, because such cases will involve varying factual circumstances and will not be susceptible to a neat characterization, the Commission will deal with them as they arise.

With regard to the RNC—as the organization which "is responsible for the day-to-day operation of the * * * (Republican) Party at the national level" (18 U.S.C. 591(k)), it is plainly a multicandidate political committee within the meaning of the definition in 608(b). Because of the scope of the RNC's operations, the Commission assumes (unless there are facts to the contrary) that a contribution to it which is unearmarked by the donor cannot be construed as earmarked because of subsequent use. Thus an individual who donates $25,000 to the RNC in 1975 need not apply this against his 1976 aggregate spending limitation.

B. The second question raised by the RNC involves a situation where a contributor gives unearmarked monies to the RNC in 1975 and the RNC on its own initiative later contributes a sum in excess of $1,000 to a candidate which the contributor wishes to support in 1976. The question is whether the indivdual contributor is in violation of the law if he makes a further contribution to the same candidate in 1976.

The Commission concludes that the answer to the question is no.

As already noted in the discussion of the RNC's first question, an unearmarked individual contribution to a national political organization, such as the RNC, is exempt from the carry over/carry back provision of section 608(b)(3). This being true, it follows that any subsequent use of the contribution by the RNC cannot be attributed to the individual. Indeed, since all contributions are presumably commingled by the RNC it would not even be clear whether a contribution to a particular candidate could be attributed to a particular individual. A requirement that the RNC maintain records as to its use of each individual contribution would plainly be unreasonable.

It should also be noted that the Commission's conclusion herein would be different if the circumstances set forth in the second RNC question were reversed—that is, if an individual contributor gave $25,000, in $1,000 components, to particular candidates in 1975 for 1976 elections and then in 1976 wished to contribute to the RNC. In such a situation, the earmarked 1975 contributions would carry over to 1976 and would preclude the contributor from giving any money in that year.

C. The final question asked by the RNC is whether if a contributor gives $1,000 in 1975 to the 1976 primary of a Federal candidate and the candidate does not win the primary, the $1,000 contribution must be counted against the contributor's overall $25,000 limitation in 1976.

The Commission is of the view that this question is distinct from the other two asked by the RNC, since it involves a contribution made "with respect to" an election and the word election plainly encompasses primaries as well as general elections (See 18 U.S.C. 591(a)). The fact that the candidate involved did not win the election is immaterial; there is no requirement in section 608(b)(3) that in order for the carry over provision to be triggered, the contributor must support a victorious candidate. Indeed the relevant definition of candidate specifically states that the word refers to "an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected" (18 U.S.C. 591(b), emphasis added). Thus, the $1,000 contribution must be counted against the contributor's overall $25,000 limitation in 1976.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: October 24, 1975.

JOAN D. AIKENS,
Commissioner,
Federal Election Commission.

[FR Doc.75-29228 Filed 11-3-75;8:45 am]

[2] Political Committee is defined in 18 U.S.C. 591(d) as "any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000."

[Notice 1975-67, AOR 1975-82—AOR 1975-86]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinions Requests 1975-82 through 1975-86 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before November 14, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-82: FUNDRAISING IN 1976 TO RETIRE 1974 CAMPAIGN DEBT (REQUEST EDITED AND PARAPHRASED BY THE COMMISSION)

GENTLEMEN: * * * Right now, (my committee) still owe(s) approximately $60,000 (with respect to my 1974 campaign). This amount will probably be reduced to $40,000 as of December 31, 1975.

During the early months of 1976, it will be necessary for my committee to conduct additional fundraising activities in order to finally wipe out this deficit.

* * * I would like a written opinion as to whether fundraising activities early in 1976 to pay off a 1974 campaign deficit would be charged against my 1976 re-election campaign fund limitation.

FRED RICHMOND,
House of Representatives.

Source: Honorable Fred Richmond, House of Representatives, 1533 Longworth House Office Building, Washington, D.C. 20515 (October 8, 1975).

AOR 1975-83: EXPENSES INCURRED DURING 1975 TO RETIRE 1974 CAMPAIGN DEBTS; PAYMENT IN 1976 OF BANK LOAN RELATING TO 1974 CAMPAIGN (REQUEST EDITED AND PARAPHRASED BY THE COMMISSION)

GENTLEMEN: On behalf of the above described committee and its chairman, Mr. Robert L. Brock, we would respectfully request the following rulings in respect to the application of Commission Notices 1975-19 (40 FR 32952, August 5, 1975) and 1975-20 (40 FR 32950, August 5, 1975) to the situations described herein.

1. The Dr. Bill Roy for Senator Committee was the principal campaign committee of Dr. William R. Roy, Topeka, Kansas in the 1974 primary and general election campaigns for the office of United States Senator from Kansas. The committee was registered with the Secretary of the Senate in March, 1974 and has filed all required reports with the Secretary of the Senate. The committee completed the campaign with some substantial debts which have been duly reported on the filed reports.

2. On November 21, 1974, the committee borrowed $50,000 from the Fidelity State Bank, 600 Kansas Avenue, Topeka, Kansas 66603. The note was executed by the committee chairman, Mr. Robert L. Brock, 1533 Stratford Road, Topeka, Kansas 66604 and was personally guaranteed by him in his individual capacity. The entire proceeds of this note were disbursed within a few days to pay obligations of the 1974 campaign. The note was for 90 days and has been renewed by the bank with the most recent renewal being September 29, 1975, maturing December 19, 1975. The personal guarantee has been in effect throughout the term of the note. The loan was made by the bank in accordance with the applicable banking laws and regulations in the ordinary course of business.

3. The committee has conducted a fundraising campaign during 1975 intended to retire all of the outstanding debts including the above described bank loan. To this purpose the committee has incurred certain expenses in raising the funds. These expenses include salaries, postage, printing, telephone charges and like directly related expenses. No expenses have been incurred in direct campaigning for a subsequent election. Not directly related to fundraising but necessary to the committee is the interest expense on the above note. It now appears unlikely that sufficient funds will be raised to permit full repayment of the note and thus Mr. Brock will be required to pay the note from his personal funds.

4. On the basis of the above facts we respectfully request (an advisory opinion as to whether:)

(a) Expenses of the committee incurred after January 1, 1975, directly related to payment or continuation of outstanding obligations on January 1, 1975, may be paid out of funds solicited for and restricted to repayment of past campaign debts.

(b) Payment by Mr. Robert L. Brock of all or part of the bank note with date of origin November 21, 1974, under the obligation of his personal guarantee of the same date, will not be subject to the limitations of 18 U.S.C. 608(b)(1) and 18 U.S.C. 608(b)(3) notwithstanding the fact that such payment may be made after January 1, 1976.

DON R. PAXON.

Source: Don R. Paxon, Treasurer, Dr. Bill Roy for Senator Committee, P.O. Box 42, Topeka, Kansas 66601 (September 29, 1975).

AOR 1975-84: COVERAGE OF AGENT'S FEES BY HONORARIUM LIMITATIONS (REQUEST EDITED BY THE COMMISSION)

DEAR MR. CHAIRMAN: As you know the Federal Election Campaign Act Amendments of 1974 establish a maximum $1000 per honorarium and maximum $15,000 per year in total honorariums. Many Members of Congress have entered into contracts with speaker's bureaus or agents whereby for a percentage of the honorarium, the bureau or agent obtains speaking engagements or appearances for the Member. Would you please advise as to whether the percentage fee is included in the $1,000 per engagement and $15,000 yearly total maximums or whether these maximums apply only to income actually received by the Member of Congress.

TOM RAILSBACK,
Member of Congress.

Source: Representative Tom Railsback, House of Representatives, 2431 Rayburn House Office Building, Washington, D.C. 20515 (October 5, 1975).

AOR 1975-85: APPLICATION OF HONORARIUM LIMITATIONS TO THE ACCEPTANCE OF AN AWARD (REQUEST EDITED BY THE COMMISSION)

MR. CHAIRMAN:

* * * * *

Facts: Senator Hubert H. Humphrey has been selected as one of the recipients for 1975 of the "Joseph Prize for Human Rights" which is given through the Anti-defamation League of B'nai B'rith. The prize includes a medal and a $5,000 monetary award. The Senator is not required to provide any service to the Anti-defamation League in order to receive the prize, i.e., he is not required to make an appearance, speech or prepare an article. It is likely, however, that he will accept the prize in person at the designated meeting of the ADL and will make some comments.

If permitted to accept this monetary award, Senator Humphrey intends to donate that amount of a charitable purpose.

Enclosed please find a statement of the basic principles of the Joseph Prize as prepared by the Anti-Defamation League.

Question: Does this prize fall within the definition of "honorarium of more than $1,000 * * * for any appearance, speech or article, "as that phrase is used in 18 U.S.C. Section 616(1)?

The basic principles of the Joseph Prize are as follows:

"* * * The Joseph Prize for Human Rights celebrates the efforts in our own day of those leaders who seek the establishment of human rights in the hope that they achieve the goal.

An international award, the Joseph Prize will be presented annually or as the occasion warrants to one whose life's work has been the improvement of human relations and the preservation or growth of human rights. The Prize reflects the concern of I. S. and Anna K. Joseph for the development of democratic institutions and practices that will lead to the fullest flowering of the human spirit.

The Prize has been established by a grant of $500,000 from the Joseph Foundation to the Anti-Defamation League of B'nai B'rith and will carry a monetary award and a gold medal to the laureate chosen by the Board of Trustees.

DAVID G. GARTNER.

Source: David G. Gartner, Administrative Assistant to Senator Hubert H. Humphrey, Washington, D.C. 20510 (October 3, 1975).

AOR 1975-86: EXTENT OF FEDERAL REGULATION OF LOCAL POLITICAL PARTY ACTIVITIES (REQUEST EDITED BY THE COMMISSION)

DEAR COMMISSIONERS:

* * * * *

The recent meeting of the Republican National Committee provided the opportunity to discuss with a number of state party organizations in interpreting and complying with the Federal Election Campaign Act. At the local level, e.g., county, district, city, ward, party officials all are volunteers. In few places are attorneys or accountants available to assist with the interpretation of the law and the filing of reports.

Furthermore, most of these party organizations have little to do with campaigning for Federal candidates. It may be possible for a large administrative burden to be lifted from the Commission, while obtaining substantial compliance with the law, if ground rules can be established for the operation of such local party organizations.

The Republican National Committee would like to propose that such local Republican Committees (and Democratic Committees) be permitted to:

1. Engage in ongoing Republican Party activities including registration drives, and

2. Receive corporate and other contributions permitted under state law,

3. Without the obligation to report to the Commission under 2 U.S.C. 432 or 437(a) or in any other manner be subject to the jurisdiction of the Commission: *Provided*, That the committee meets the following tests:

a. Such committees and local political party committees, e.g., county, district, city or ward, either independent of or subordinate to the state political party.

b. Such committees engage in day-to-day operations for the benefit of the (Republican) party as a whole, including registration, education, turn-out of the voters, conduct of polls, recruitment of workers, etc.

c. Such committees support local and state candidates but not Federal candidates.

d. Such committees do not receive contributions for Federal elections in excess of $1,000 nor spend on Federal elections in excess of $100.00.

e. If party officials in the local jurisdiction (county, district, city, ward) receive or spend for Federal elections, such activity is carried out by separate organizations with segregated bank accounts (A.O. 1975-2).

* * * * *

WILLIAM C. CRAMER.

Source: William C. Cramer, Republican National Committee, 485 L'Enfant Plaza, Suite 4100, Washington, D.C. 20024 (October 8, 1975).

Dated: October 24, 1975.

JOAN D. AIKENS,
Commissioner,
Federal Election Commission.

[FR Doc.75-29229 Filed 11-3-75;8:45 am]

[Notice 1975-70, AOR 1975-87, AOR 1975-97]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975-87 through 1975-97 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the Federal Register. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it

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issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975–87: Whether Costs of Republican Candidates Conference are Contributions by the Republican National Congressional Committee and/or Expenditures by Participating Candidates (Request Edited and Paraphrased by the Commission).

REQUEST

Dear COMMISSIONERS: The Natural Republican Congressional Committee, (hereinafter "NRCC") a political committee as defined in 2 U.S.C. § 431(d), hereby requests that the Federal Election Commission (hereinafter "FEC") issue an advisory opinion pursuant to 2 U.S.C. § 437f as to the legality of the transactions and activities described in this letter.

FACTS

In the past the NRCC, a multicandidate political committee as defined by 18 U.S.C. § 608(b)(2), has conducted the Republican Candidates Conference (hereinafter "Conference") biennially. The purpose of the Conference has been to assemble Republican staff personnel as well as candidates for the House of Representatives and the Senate, in order to provide them with general information on campaign strategy and current issues. The Conference has been held over a three or four day period sometime during the month of June in those years when general Congressional elections have taken place. Participants have included candidates for the Federal offices of Representative and Senator, their spouses and campaign staffs, as well as Members of Congress and their staffs. Except for Members of Congress, each participant has been charged a registration fee of One Hundred dollars.

The receipts from the payment of registration fees have been sufficient to cover the expenses incurred by the NRCC in conducting the Conference. These expenses include: the rental of Conference meeting rooms; the rental of hotel rooms which are used by the NRCC staff as offices or accommodations for the duration of the Conference; meals and receptions; local transportation; security personnel; printing and mailing; the rental of a copying machine; travel and lodging expenses of speakers and panelists; and room guarantees required by the hotel. The salaries of NRCC staff, who are full time employees but assigned to organize and operate the Conference, are not paid from the Conference receipts.

Each Conference participant has been responsible, in addition to the registration fee, for the payment of the cost of transportation to and from the Conference as well as the cost of lodging while in Washington, the site of every Conference. The NRCC has made the lodging arrangements with local hotels and has been able to arrange for the usual convention discount rate. Furthermore, if any of the meetings have taken place at a location other than the meetings have taken place at a location other than the Conference center, the NRCC has provided local transportation to those events.

The Conference participants have been given the opportunity to take part in seminars, lectures and workshops covering a wide variety of topics dealing with election campaigns. Non-incumbent participants have been able to have private meetings with Members of Congress in order to discuss the rigors of conducting a campaign for Federal office. Briefings on current issues have been led by administration personnel as well as other knowledgeable persons. Each participant has received a campaign manual and research materials compiled by the NRCC research staff. The cost of all meals for the Conference attendees is included within the registration fee.

The NRCC may conduct a Conference in 1976 which will be structured similarly to the past Conferences. For this reason, the NRCC requests that the FEC issue an advisory opinion • • • [as to whether] the cost of the Conference, including the time of NRCC employees, does not have to be included within the NRCC's permissible contribution to any candidate in any election. In other words, [does] the cost of the Conference • • • have to be allocated on a pro rata basis to each of the candidates attending the Conference thereby reducing by the pro rata cost the amount of monies which the NRCC could contribute to a candidate in any election [?]

Furthermore, • • • [do] the candidates and Members of Congress attending the Conference • • • have to consider the cost of the Conference on a pro rata basis, the registration fee or any of the services provided by the NRCC in conducting the Conference as expenditures under the Act [?]

• • • • •

STEVEN STOCKMEYER.

Source: Steven Stockmeyer, Executive Director, National Republican Congressional Committee, 512 House Office Building Annex, Washington, D.C. 20515. (October 8, 1975.)

AOR 1975–88: Use and Reporting of Excess Funds Raised To Pay 1974 Campaign Debts (Request Edited and Paraphrased by the Commission).

GENTLEMEN: I would like to seek a clarification and some guidance regarding the use and reporting of excess campaign funds.

• • • [The Dodd for Congress Committee has] raised this year in total receipts the sum of $25,750.51. Essentially, all of this was raised in an effort to pay debts remaining from the 1974 campaign. All such debts have now been paid. Additionally, we have paid some bills, totaling approximately $500, not attributable to the 1974 campaign but rather attributable to office type expenses incurred after January 1, 1975.

We have on hand at the present time in the checking account a total of $1,838.64.

It is with regard to that amount that I am seeking guidance • • •.

• • • • •

I would be very grateful if you could give me some advice as to how these funds should be used and reported. If they are to be returned to the donors as indicated in Advisory Opinion 1975–6, what procedure must be followed to return such funds to the donors? For example, must the funds be pro-rated and returned pro-rata to each donor?

THOMAS B. WILSON

Source: Thomas B. Wilson, Counsel, Dodd for Congress Committee, 1028 Poquonock Road, Groton, Connecticut 06340. (October 3, 1975.)

AOR 1975–89: Treatment of Honorariums Earned Though Not Yet Received (Request Edited by the Commission).

Dear Mr. CHAIRMAN: A question has arisen regarding section 616 of Title 18, United States Code, and I would appreciate an advisory opinion.

Section 616 states, in part, "(2) accepts honorariums • • • aggregating more than $15,000 in any calendar year; • • •". The question is whether honorariums accepted during a given calendar year include all honorariums actually received during that year, or whether they include all honorariums earned during that year (e.g. for speeches delivered during that year) even if some honorariums were actually received during the subsequent calendar year.

• • • • •

MIKE MCCORMACK,
Member of Congress.

Source: Honorable Mike McCormack, U.S. House of Representatives, 1503 Longworth House Office Building, Washington, D.C. 20515. (October 7, 1975.)

AOR 1975–90: Multicandidate Political Committee—Overhead Costs; Contributions Received in 1975; Expenditures Prior to Commitment of Support (Request Edited by the Commission).

DEAR SIRS: I am writing as Chairman of the Executive Committee of The Fund for a Representative Congress—A Fund to Elect Black Republicans to Congress, which was recently incorporated in the District of Columbia and has been registered in your office by Samuel C. Jackson, Esq., Chairman. The Fund is a multi-candidate organization.

I am writing you at this time • • • to ask for an advisory opinion regarding specific problems about which we have questions:

(1) As a multicandidate committee, are we allowed to pay overhead costs of operation without attributing those costs to any candidate?

(2) Does a contribution to The Fund in 1975 count as part of the allowable contribution of the donor to any candidate supported by The Fund in the 1976 election?

(3) The Fund expects to spend some money in research, interviewing and screening candidates prior to commitment of support. Do those expenditures have to be charged to candidates? If so, how do we treat expenditures for candidates who are rejected?

• • • • •

DR. MAURICE A. DAWKINS.

Source: Dr. Maurice A. Dawkins, Chairman, Executive Committee, Fund For A Representative Congress, 1625 "I" Street NW., Suite 124–A, Washington, D.C. (October 10, 1975.)

AOR 1975–91: Expenditures by the Democratic National Committee and Other Political Committees To Defray Expenses of Delegates and Alternates To The Presidential Nominating Convention. (Request Edited by the Commission).

DEAR COMMISSIONERS: On behalf of the Democratic National Committee, we would like to submit to the Commission a request for guidance with respect to certain questions arising under the provisions of 26 U.S.C. 9008.

• • • • •

26 U.S.C. 9008(c) provides that "no part of any payment made under subsection (b) shall be used to defray the expenses of any candidate or delegate who is participating in any presidential nominating convention." The Democratic National Committee may therefore undertake to defray expenses of delegates to its national convention only out of private funds, and only upon a determination by the Commission [under 26 U.S.C. 9008(d)(3)] that the expenditure of private funds for such purpose, due to extraordinary and unforeseen circumstances, is necessary to assure the effective operation of the Democratic convention.

We therefore request that the Commission indicate at this time whether expenditures from private funds to defray expenses of delegates would under any circumstances be authorized under 26 U.S.C. 9008(d)

(3), and if so, what the nature of such circumstances would be.

The second question • • • relates to payments to defray expenses of delegates or alternates to the national convention which are made by political committees or groups other than the Democratic National Committee.

State and local party committees have traditionally made funds available to defray expenses of national convention delegates who could not otherwise afford to attend the convention. Such funds may be supplied from the general treasury of such party committees, or may be raised by special events or solicitations conducted solely for this purpose. Certain other membership organizations, such as voluntary political funds, may also undertake to defray expenses of their members who are selected as delegates or alternates to the national convention.

• • • We believe that payments made by party committees or other organizations to defray delegate expenses do not constitute contributions to or expenditures on behalf of the Democratic National Committee. We further believe that any such payments would not be treated as expenditures by the Democratic National Committee. We further believe that any such payments would not be treated as expenditures by the Democratic National Committee subject to the limitation on expenditures provided by 26 U.S.C. 9008(d).

SHELDON S. COHEN.

Source: Sheldon S. Cohen, Counsel, Cohen and Urets, 1775 K Street, NW., Washington, D.C. 20006. (September 24, 1975.)

AOR 1975–92: Incorporation of a Separate Segregated Fund Organization Registered as a Political Committee (Request Edited by the Commission).

Dear Mr. CURTIS: The [American Apparel Manufacturers Political Action Committee (AAMPAC)] which we represent, is a nationwide organization formed to solicit political contributions from individuals and to make contributions to and expenditures on behalf of candidates for Federal office. AAMPAC has filed a statement of registration as required by 2 U.S.C. 433 and files regular reports on its activities with the proper authority. The Committee was organized by the American Apparel Manufacturers Association and has operated, since its formation, as an unincorporated separate segregated fund of the type described in 19 U.S.C. 610.

The trustees of the Committee propose that it be incorporated as a non-profit corporation. If incorporated AAMPAC would continue to operate in the same fashion as heretofore.

On behalf of AAMPAC, we hereby request an advisory opinion, in accordance with 2 U.S.C. 437f, as to the propriety, under the Federal Election Campaign Act of 1971, as amended, of the organization and operation of the Committee as a non-profit corporation. In particular, would the provisions of 18 U.S.C. 610 prohibit the Committee, as a corporation, from contributing funds to the campaign of a candidate for Federal office?

Further, would AAMPAC be required after incorporation to qualify as a new committee for the contribution limits allowed by section 608(b)(2) or would its pre-incorporation status under that section remain applicable?

WEBSTER, KILCULLEN & CHAMBERLAIN,
by Allen P. Bye.

Source: Alan P. Dye, Counsel, American Apparel Manufacturers Political Action Committee, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006. (October 13, 1975.)

AOR 1975–93: Date When Honorarium Received (Request Edited by the Commission).

Gentlemen: I hereby request an advisory opinion from the Commission regarding the following circumstances:

In 1974, I contracted for a speaking engagement at Chatham College for an honorarium of $2000. The engagement took place, as scheduled, in 1974, but the check in payment of the agreed upon honorarium was not transmitted to me until 1975. (The speech was given on November 16, 1974.)

Section 616 of Title 18, United States Code, prohibits any elected officer of the Federal Goevrnment from accepting any honorarium of more than $1000 and also prohibits the acceptance of honorariums aggregating more than $15,000 in any calendar year. • • •

The specific questions that I wish the Commission to address are:

1. May I accept the full $2000 honorarium without violating section 616?

2. Does this honorarium—whether I properly may accept $1000 or $2000—count against the $15,000 aggregate limit for 1975 established by section 616?

BELLA S. ABZUG.

Source: Honorable Bella S. Abzug, House of Representatives, Washington, D.C. 20515. (October 16, 1975.)

AOR 1975–94: Payment by Candidate of Out-of-Pocket Costs of Services Provided by Corporation; Use of Typing Services of Corporation Employee (Request Edited and Paraphrased by the Commission).

DEAR SIR: [I request an advisory opinion as to whether the exception from the definition of contributions for "the sale of any food or beverage by a vendor • • •" at cost, would carry over to sales by small corporations, such as a restaurant. • • • would this exception carry over to the corporate prohibition section, so that the sale at cost of a food or beverage to a candidate or a candidate's committee would not constitute a contribution by a corporation in violation of the statutory prohibition? • • • Could a small corporation which owns a restaurant allow a candidate to hold a cocktail party or dinner at the restaurant, so long as the candidate paid the actual out-of-pocket costs of the cocktail party or dinner without such constituting a corporate contribution?]

[I further request an advisory opinion as to] whether the use of equipment, with the candidate or committee paying the actual out-of-pocket for use of that equipment would generally constitute a contribution I [have] in mind specifically the use of an individual's airplane or of loaned typewriters or copying equipment, where the candidate or committee [pays] the costs of fuel and oil and other out-of-pocket costs on the airplane, or the actual costs of typewriter ribbons and supplies for use of the typewriter or copying machine. • • • [Would] such uses of equipment, with corresponding payment of actual out-of-pocket costs of such use (without any allocation of depreciation as a cost) • • • constitute a contribution? • • • If a corporation allowed a candidate or committee to use its typewriters, for example, and the candidate or committee reimbursed the corporation for any actual out of pocket costs, such as ribbons or typewriter supplies, would that constitute a contribution?

Could you also inform me whether a candidate or officer of a committee who is employed by a corporation, and who during normal working hours occasionally has his secretary do typing for the candidate or committee, must allocate any dollar value to such services, and report such as contribution?

• • • • •

DONALD E. KNICKREHM.

Source: Donald E. Knickrehm, Treasurer, Ken Pursley For Congress Committee, P.O. Box 862, Boise, Idaho 83701. (September 16, 1975.)

AOR 1975–95: Formation by the Colorado Republican State Central Committee of Separate Committees to Receive and Expend Federal and Non-Federal Funds. (Request Edited by the Commission.).

Dear SIR: [the Colorado Republican State Central Committee (CRSCC)] has filed reports with the various supervisory officers since 1972 • • •. The following plan has now been agreed to by the Executive Committee of the CRSCC and [an advisory opinion] is hereby requested [as to whether] such plan will • • • violate the Federal Election Campaign Act of 1971, as amended.

1. The Colorado Republican State Central Committee is legally constituted under the Colorado Statutes as are county central committees and local precinct committees.

2. In the past, CRSCC reported for Federal purposes all funds received and expenditures made as the committee was state-wide and supported Federal, State and local candidates.

3. On June 23, 1975, a new committee, 1976 Legislative Campaign Committee, now known as Colorado Republican Committee (CRC) was registered with the Colorado Secretary of State to engage in state-wide and local political activities. The Committee has a chairman and treasurer, as well as a separate bank account and set of books. Since formation, the CRC has received funds and made expenditures, all of which are for non-Federal campaign purposes. Funds received by the CRSCC in July, 1975 • • • to be used for non-federal purposes. Expenditures for rent, salaries, telephone, etc., were made by CRSCC in July and August • • •. All other expenditures have been made by CRC and all funds have been received by that Committee other than the amount transferred in August. These amounts received and expended by CRC • • • will be used for non-federal purposes.

4. It is anticipated that the remaining cash balance of $3,102.13 now held by the CRSCC will be transferred to CRC prior to December 31, 1975 to be used for non-Federal campaign purposes. It is also anticipated that the December 31, 1975 quarterly report of CRSCC will show no further financial activities, other than the transfer of these funds and/or payment of any debts remaining which were previously incurred by CRSCC. It is further anticipated that the December 31, 1975 quarterly report will be a "termination report" for CRSCC and that the legally constituted committee will not carry on any further financial activities.

5. Before December 31, 1975, it is anticipated that a new Colorado Federal Campaign Committee will be organized to solicit and receive funds for Federal campaign purposes in 1976 and subsequent years. Such committee will have a chairman and treasurer, separate bank account(s) and a separate set of books. CFCC will register with the Federal Election Committee as soon as it is organized. CFCC will only solicit and expend funds in connection with Federal election campaigns and will be required to meet the reporting requirements, receipt and expenditure limitations of the Federal Election Campaign Act of 1971, as amended. The CRC will not be a subordinate committee and will not report to the Federal Election Com-

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mittee because it will be solely engaged in non-Federal campaign activities; however, it will report to the Colorado Secretary of State under present Colorado Law, as will the new CFCC and as CRSCC has in the past.

6. The CFCC committee will pay to CRC appropriate charges for rent, utilities, services of bookkeeping, stationery, etc. in the form of a monthly or periodic overhead charge.

• • • it is anticipated the legally constituted Colorado Republican State Central Committee will be a non-financial entity with all financial matters separated between (1) the Colorado Republican Committee, organized for State and local campaign purposes and a non-reporting committee to the Federal Election Commission and (2) the Colorado Federal Campaign Committee, yet to be formed, which will limit itself to Federal election campaigns as far as soliciting and expending funds and will be a reporting committee to the Federal Election Commission. • • •

• • • • • •

CARL M. WILLIAMS,
Chairman.

HUGH S. HATCHER,
Treasurer.

Source: Carl M. Williams, Chairman and Hugh S. Hatcher, Treasurer, Colorado Republican State Central Committee, 3955 East Exposition Avenue, Denver, Colorado 80209. (October 14, 1975.)

AOR 1975–96: State Party Committees—Solicitation of Funds for Federal Candidates; Administration Fee; Broad Support Expenditures; Expenditures by District and Local Committees (Request Edited by the Commission)

Dear Mr. CURTIS: As Minnesota's Republican State Finance Chairman I am writing you to clarify the impact of the new Federal laws on our system of raising funds in this state.

I am writing you this letter in order to request an advisory opinion. • • •

• • • • • •

• • • Our State Party has traditionally helped fund the legislative and United States Congressional races as well as using its income to support a central staff, and a staff in the field at the congressional district level.

About 70 percent of the money raised by the State Party (which averages about $900,000 a year) is returned in the form of cash or services to many types of candidates (state, local and federal). Further, all of the funds raised by our State Party are contributed by approximately thirty thousand individual citizens with 80 percent of the total funds being received in amounts less than $100.00 per contributor. • • •

• • • Our party organization has a state central office in St. Paul. Each of the eight congressional districts is working toward having its own "district" office on an autonomous basis, but nonetheless being part of the state's Republican elected organization. Within each of the congressional districts there are either the traditional county organizations, or political sub-divisions based on Minnesota's state legislative boundaries. These county or legislative organizations are also becoming more autonomous, but nonetheless do "report" to the district leadership.

Since we use this three-level organization (state-wide, district, and local unit) to raise funds which are either merged at the state office or retained by the district or local unit, and since these funds can be used for statewide, congressional or local candidate funding, we have some very important questions of clarification as to how we can conform to the new federal laws for those portions of the funds which are used in support of congressional candidates (U.S., House and Senate).

The clarification of these points are important to us since the problem is compounded by the fact that a local Republican block worker, in the process of soliciting contributions, may ask his neighbor for a $30.00 contribution that may be later allocated to three separate levels of political activity (Federal, State and local).

In addition to this normal Republican volunteer fund-raising system, we have created a special volunteer committee to coordinate and encourage all employee political action programs. This committee will probably be called the Minnesota Republican Congressional Fund. Money for this fund will primarily be raised through employee payroll deduction or by solicitation within a company environment, and the individual contributor may often pre-designate personally that the money he is giving will be used only for the Minnesota Republican Congressional Fund. However the State Finance Committee may hold these designated funds in escrow until the Federal candidates actually need them. We would clearly be obligated to spend an amount equal to the amount received, although we anticipate there will be a modest fee of about 10 percent for administration which would allow us to file reports, keep required records and mail appropriate receipts.

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1. Can Republican Volunteers solicit checks from employees or Employee Political Action Committees within a company's premises if the contributions are designated for Federal congressional support only?

2. Can the State Committee hold these designated funds in escrow until the Federal candidates actually need the funds, and charge a 10 percent fee for administration?

3. Can the State Committee spend these escrowed funds without limit in broad support of all Republican congressional candidates in Minnesota in either the primary or the general elections (i.e., for sample ballots or state-wide advertising sponsoring three or more Federal candidates)?

4. Can the State Committee spend these escrowed funds in behalf of each Republican congressional candidate to the extent of $10,000 in both the primary and the general elections under the qualification of "other committee"? These "independent congressional district committees" are already functioning and may hold district fund-raising events independent of state-wide fund raising programs.

6. Can one or more county volunteer committees or separate local sub-divisions from within that same congressional district make a $5,000 contribution in both the primary and the general elections to the same congressional candidate, which would be in addition to the state-wide committee's contribution and to the congressional district committee's contributions (above)?

7. When all of these above points are clarified and the committees which would be permitted under Federal law to give the amounts specified to House candidates, what would be the comparable amounts that could be given by these same committees in support of the United States Senate candidate?

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R. L. MCELHENY,
Chairman, Minnesota Republican Finance Committee.

Source: R. L. McElheny, Chairman, Minnesota Republican Finance Committee, 555 Wabasha Street, St. Paul, Minnesota 55102. (October 13, 1975.)

AOR 1975–97: Volunteered Services of Entertainer for Campaign Fundraiser; Attribution of Entertainer's Travel Expenses (Request Edited by the Commission).

GENTLEMEN: Our campaign is planning a fund-raising event to be held on November 8. This event would be built around the performance of a well-known entertainer.

Assuming the entertainer is willing to donate his time and talent how do we handle this contribution under the new law? Is it proper to list only his out-of-pocket expenses, such as travel, hotel, food, as his campaign contribution?

Would this amount then be the amount included in the cost for purposes of determining how much of the price of the ticket should be listed as a campaign contribution by the person who purchases it? For example, if the cost of hiring a hall and paying the entertainer's expenses adds up to $3 per ticket and we sell the ticket for $10 is it assumed that the person who buys the ticket is making a campaign contribution in the amount of $7?

MARIA CARRIER.

Source: Maria Carrier, N. H. Udall '76 Committee, 146 Lowell Street, Manchester, N.H. 03104. (September 25, 1975.)
Dated: October 29, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

[FR Doc.75-29509 Filed 11-3-75;8:45 am]

federal register

TUESDAY, NOVEMBER 4, 1975

PART IV:

CONSUMER PRODUCT SAFETY COMMISSION

■

MEETINGS; ADVANCE PUBLIC NOTICE, PUBLIC ATTENDANCE, AND RECORDKEEPING

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Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1001—ADMINISTRATION, PRACTICES, AND PROCEDURES

Procedural Policy on Meetings, Prior Public Notice, and Records of Proceedings; Deletion

The Consumer Product Safety Commission hereby deletes § 1001.60 of Title 16, Code of Federal Regulations, Part 1001 because, elsewhere in the FEDERAL REGISTER today, the Commission has published 16 CFR Part 1012, "Meetings: Advance Public Notice, Public Attendance, and Recordkeeping." Section 1001-.60 is therefore obsolete.

Dated: October 29, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-29517 Filed 11-3-75;8:45 am]

PART 1001—ADMINISTRATION, PRACTICES, AND PROCEDURES

PART 1012—MEETINGS: ADVANCE PUBLIC NOTICE, PUBLIC ATTENDANCE, AND RECORDKEEPING

Adoption of Meetings Policy

The purpose of this document is to promulgate the policy set forth below regarding requirements of the Consumer Product Safety Commission (CPSC) for advance public notice, public attendance, and records for meetings that are of substantial interest involving Commissioners and/or CPSC staff and outside parties. In developing a meetings policy, the Consumer Product Safety Commission has followed the principle that the public interest is best served when regulatory affairs are open to the fullest extent practicable. To that end, meetings and records will be open to the public unless they fall within exceptions required by law or established in this policy.

The Commission has explicitly detailed its requirements for advance public notice and its requirements that the public be permitted to attend meetings of substantial interest in order to make clear the conditions and exceptions that exist relative to this policy. In addition to the specified exceptions, the Commission acknowledges that extraordinary circumstances arise which might require either that advance notice cannot be given or that a meeting be closed or both. To ensure that no one claims the existence of such extraordinary circumstances without justification, the policy set forth below requires: (1) Approval from the Chairman whenever CPSC staff, other than personal staff of Commissioners, believe it necessary to hold or attend a meeting of substantial interest to the public without giving the advance public notice specified in §§ 1012.3, and 1012.4(c)(1) of this part and (2) approval from a majority of the Commission whenever CPSC staff, other than personal staff of Commissioners, believe it necessary to hold or attend a closed meeting of substantial interest.

BACKGROUND

In the FEDERAL REGISTER of October 24, 1974 (39 FR 37780), the Consumer Product Safety Commission proposed an interim and amended procedures policy (16 CFR 1001.60 through 1001.67) regarding public notification and disclosure of meetings to serve as its interim policy until finalized. Previously, on October 1, 1973 (38 FR 27214), the Commission had promulgated 16 CFR 1001.60 prescribing a basic procedural policy for meetings, prior public notice, and records of proceedings.

With the expansion of the material for procedural policy on meetings proposed October 24, 1974, from 16 CFR 1001.60 into 16 CFR 1001.60 through 1001.67, the material became an appropriate size and nature to constitute a part. Thus, the material is adopted below as 16 CFR Part 1012.

RESPONSE TO PROPOSAL

In response to the proposal of October 24, 1974, 16 comments were received from interested parties, including the Chemical Specialties Manufacturers Association, Inc.; Consumer Electronic Group of the Electronic Industries Association; the National Cash Register Co.; Glass Container Manuufacturers Institute; Power Tool Institute; J. I. Case; Walker Manufacturing Co.; Thomas K. Wilka, Public Interest Seminar, Georgetown University Law Center; Allen S. Saeks, consumer representative, Product Safety Advisory Council, Consumer Product Safety Commission; a consumer; and members of the CPSC staff reflecting experience with implementation of the proposal.

Two of the comments supported the proposal as published. The main issues raised in the remainder of the comments and the Commission's conclusions thereon are as follows:

1. *Definitions*—a. *Meeting.* Regarding proposed 16 CFR 1001.61(d) CPSC staff point out that the definition is too broad and ask for clarification and specificity.

The Commission believes the policy clearly indicates that the Commission does not intend that any everyday encounter of its staff with the public constitutes a "meeting" that would be of public interest. However, the Commission does not intend that substantive discussions between staff and the public not be construed as a meeting simply because they are held in a nonbusiness environment.

The Commission therefore has decided that "meeting" does not need to be redefined.

b. *Outside party.* Regarding proposed 16 CFR 1001.61(e), one industry comment suggests that in the definition of "outside party," the exemption of news media and not of all persons when they are acting in a news-gathering capacity is discriminatory. Another industry comment predicts that members of the news media will meet privately with Commission employees for news-gathering purposes and requests that industry representatives be allowed to attend.

The Commission believes that the public interest is best served when regulatory affairs are open to the fullest extent practicable. To that end, the Commission opens all its meetings to the public whenever possible. Since all interested persons are not able to attend these meetings, the Commission believes that the news media will make important aspects of the proceedings public knowledge. Consequently, the public will learn of Commission activities and be more able to assist the Commission in the goal of reducing the risks of injury associated with consumer products.

The Commission also recognizes that media may meet privately with Commission staff for news gathering. The Commission intended that the exemption provided for such meetings with the media should not be used to exclude any member of the public from attending. The term "news media" is intended by the Commission to include trade press. Therefore, the Commission declines to adopt the suggested changes.

An advisory council member contends that the definition does not make clear whether an individual member of a CPSC advisory council meeting with a Commissioner to discuss a substantial interest matter is an outside party. Another comment states that it is not clear whether an offeror, preparing a standard for CPSC, is a contractor or an outside party.

The Commission concludes that when advisory council members and offeror personnel are not acting in an official capacity, they are outside parties. Therefore, the definition at 16 CFR 1012.2(e) has been changed to clarify this matter.

A consumer comments that the definition of outside party is vague and dangerous because there is no definition of "inside party." The consumer asks about the status of people under contract who do work for the Commission. The Commission considers it unnecessary to define "inside party" because it has defined "outside party." The Commission considers contractors doing work for the Commission as not being within the scope of outside parties, therefore § 1001.63(c)(4)(i)(f) of the interim policy has been omitted for clarity, although 16 CFR 1012.2(e) has not been changed because contractors were specifically excluded from the term "outside party" in the interim policy.

c. *Substantial interest matter.* One individual's comment suggests redefining the term "substantial interest matter" in proposed 16 CFR 1001.61(f) to include any topic of discussion between CPSC staff or Commissioners and a party potentially subject to CPSC regulatory action and suggests requiring advance notice and a meeting summary for all meetings between CPSC personnel and an "outside party" as defined in proposed 16 CFR 1001.61(e).

The Commission believes that it is unnecessary to require advance notice for meetings between CPSC employees and "outside parties" where nonsubstantial interest matters are discussed because such meetings are of minimal interest to the public. However, as indicated in § 1012.4(c)(1)(ii)(A) of this policy, such meetings are to be listed in advance on the public calendar where the public interest would be served.

Another comment from an individual points out that this definition includes more than pending matters and asks if this broad definition is intentional. The commenter is correct. The Commission intends that the definition of "substantial interest matter" be broad to ensure that meetings of substantial public interest be announced in advance and open to the public, when possible.

One industry and three staff comments urge the Commission to clarify the definition and/or expand the list of examples of meetings and activities that are not substantial matters. Although the Commission believes that the definition of "substantial interest" contained in the interim policy is sufficiently clear, additional examples of matters that are, and that are not, substantial interest matters have been included.

2. *Advance public notice.* A staff comment questions whether advance notice and meeting summaries are required for speeches given before outside parties.

The Commission concludes that speeches generally do not meet the definitions of substantial interest matters since they generally convey information about the status of matters before the Commission and do no involve significant discussion about such matters. However, the Commission encourages the staff to list notices of upcoming speeches in the public calendar for informational purposes. The regulation (16 CFR 1012.4(c)(1)(ii)(F) below) has been revised accordingly.

An industry comment urges the Commission to consider providing a period of overlap when the interim meetings policy is finalized during which the Commission's day-to-day meeting activities would be published in the FEDERAL REGISTER in addition to being listed in the public calendar.

The Commission has not used the FEDERAL REGISTER for the above purposes since October 1974, and provides the CPSC's public calendar regularly and free of charge to all those who request it. The Commission therefore concludes that the suggested accommodation is unnecessary.

The regulation (16 CFR 1012.3 below) accordingly has not been changed in this regard.

3. *Location of meetings between CPSC and outside parties.* Regarding proposed 16 CFR 1001.63(c), a comment suggests that the regulation would be more comprehensive if the requirements for meetings between Commissioners or CPSC staff and outside parties applied not only to meetings at CPSC premises and at the premises of outside parties, but also to other locations at which the Commissioners or CPSC staff would likely meet with outside parties.

The Commission intended the Regulations to cover such meetings. The regulations (16 CFR 1012.4(c) and 1012.3(a)(1) below) has been changed accordingly to clarify that it includes meetings between Commissioners or CPSC staff and outside parties at any location.

4. *Notice and public attendance requirements for section 15(b) notifications*—a. *Initial notifications.* Regarding proposed 16 CFR 1001.63(c)(1)(i)(b), an individual commenter objects to the exemption of initial section 15(b) notifications from the advance notice and open-meetings requirements.

The Commission finds that advance notice of and public attendance at meetings involving initial section 15(b) notifications would be impossible because with many initial notifications under section 15(b) of the Consumer Product Safety Act it is necessary for the CPSC staff to act immediately upon the notification in the interest of public safety. Also, exempting the initial notification will protect from adverse publicity parties who report possible hazards which, upon investigation, turn out not to require CPSC action. Subsequent meetings and negotiations, however, are not excepted from the notice requirement. The regulation (16 CFR 1012.4(c)(1)(ii)(B) below) has been revised to so state, but 16 CFR 1012.4(c)(2)(ii)(C) has not been changed.

b. *Subsequent meetings.* Regarding proposed 16 CFR 1001.63(c)(1)(i)(b), an individual commenter suggests that the exemption from advance notice and open-meeting requirements not be limited to meetings involving initial section 15(b) notifications. The commenter contends that the meetings following the initial section 15(b) notification meeting also require frank negotiations without the defensiveness and caution likely to be generated by the presence of outsiders. Another commenter believes subsequent meetings should be closed to the public because confidential information or trade secrets might be discussed.

The Commission believes that the suggested changes would be inappropriate since the intent of the regulation is to give public notice on substantial interest matters whenever practical. Since negotiations leading to the settlement of cases are open, the public should be given advance notice of such negotiations. The Commission will give all interested persons the opportunity to observe its regulatory affairs and exempts initial 15(b) notifications in the interest of speed and to permit frank exploratory reporting and discussion that may take place at that time. In addition, § 1012.4(c)(2)(ii)(A), already provides that portions of meetings at which proprietary data are to be discussed in a manner as to imperil their confidentiality are not open to the public. Accordingly the suggestion is not adopted.

5. *Attendance by the public*—a. *Proprietary data.* Regarding proposed 16 CFR 1001.63(c)(4)(i)(a), which provides for closed meetings to protect the confidentiality of proprietary data, a comment of an individual states that the concept of "proprietary data" is much broader than that of a trade secret and other material protected by law. The comment contends that unless the term "proprietary data" is defined in the regulation, the public could be excluded from many meetings.

The Commission recognizes that the term "proprietary data" may encompass various materials protected by law, including trade secrets. The Commission directs that its Office of the General Counsel shall determine whether materials are proprietary data and thereby fall within exceptions of the law or the subject regulation. The policy (16 CFR 1012.4(c)(2)(ii)(A) below) has been changed accordingly.

b. *Lack of space.* Regarding proposed § 1001.63(c)(4)(i)(b), a consumer objects to permitting a meeting, open to the press or other news media, to be otherwise closed due to lack of space. The commenter suggests that many meetings involving substantial interest matters could easily be closed to interested consumers by simply claiming there is room only for the press and news media.

The Commission when accepting invitations, requests that every effort be made to accommodate observers and when space is limited the public can be informed of details of the meeting by members of the press and media. The regulation (16 CFR 1012.4(c)(2)(ii)(B) below) therefore has not been changed.

c. *Initial section 15(b) notifications.* Regarding proposed 16 CFR 1001.63(c)(4)(i)(c), which provides for a closed first meeting dealing with initial 15(b) notifications, an industry comment suggests a definition be provided for the term "initial notification."

"Initial notification" is defined by the Commission's section 15(b) policy found at 16 CFR 1115. The Commission finds that open meetings involving initial section 15(b) notifications would be impossible because with many initial notifications under section 15(b) of the Consumer Product Safety Act it is necessary for the CPSC staff to act immediately upon the notification in the interest of public safety. Also, exempting the initial notification will protect manufacturers who may report potential possible hazards which will later turn out not to require CPSC action from injuring their business because of adverse publicity. Accordingly, the regulation (16 CFR 1012.4(c)(2)(ii)(C) below) has not been changed.

d. *Negotiations for settlement.* Proposed 16 CFR 1001.63(c)(4)(i)(d) provides for closed meetings held during the normal course of field surveillance, inspection, or investigation of a person or company, but not for negotiations leading to settlement of individual cases. The closed meetings are necessary for efficient enforcement of the Acts the Commission administers and to maintain the confidentiality of proprietary data such as formulations, design specifications and other information that could work to eliminate the firms' competitive advantage if disclosed to the public. Two

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industry commenters suggest that the regulation be revised to exclude the public from the settlement negotiations. An industry commenter objects to public access to negotiations for settlement on the basis of imperiling the confidentiality of data and because the public presence would hamstring productive settlement discussion where offers may be held against the parties if the settlement does not work out.

The Commission believes that the right of the public to attend negotiations leading to the settlement of any case will not imperil the confidentiality of proprietary data because under 16 CFR 1012.4(c)(2)(ii)(A) the Office of the General Counsel will determine whether proprietary data will be discussed in such a manner as to imperil their confidentiality. Also, the Commission concludes that the concern that negotiations may be hamstrung is overridden by the need to have the public fully informed as to how and why settlements are reached. Therefore, the subject regulation (16 CFR 1012.4(c)(2)(ii)(D) below) has not been changed as suggested.

e. *Meetings with other government officials.* Regarding proposed 16 CFR 1001.63(c)(4)(i)(e), which provides for closed meetings held with other government agency officials when they request a closed meeting and when the CPSC employee involved finds that extraordinary circumstances so warrant, an individual commenter contends that the test of "extraordinary circumstances" does not delineate a clearly and narrowly drawn exception to the open meetings policy. Similarly, another individual commenter objects to such an exception in any "openness" policy. Several staff comments ask that specific meetings with other government agencies be exempt from the openness requirements.

The Commission believes that close working relationships are required with other government agencies be exempt federal, that often approximate the working relationship among members of CPSC's own staff. While it is the intent of the Commission to give public notice and open to the public all such meetings that it can, it recognizes that it is not practical to open meetings when the other agency requests that they be closed to protect the confidentiality of its information, when cooperative efforts of emergencies require meetings that cannot be anticipated, or when a CPSC or other agency position could be compromised. The regulation (16 CFR 1012.4(c)(2)(ii) below) has been changed in order to clarify these matters.

f. *Meetings between CPSC staff and outside parties.* Proposed 16 CFR 1001.63(c)(4)(i)(g) provides that a meeting between agency staff (other than Commissioners and their personal staff) and an outside party may be closed if a majority vote of the Commission determines that extraordinary circumstances so require and the reasons therefor are detailed in the public calendar. An industry commenter objects to the requirements that these reasons be detailed in the public calendar and suggests instead that the reasons be given in the public calendar in appropriate general terms. An individual commenter suggests that a test of "extraordinary circumstances" that delineates a clearly and narrowly drawn exception should be added.

The Commission does not agree with these suggestions. The Commission also finds no validity in one commenter's contention that it may be as damaging to a manufacturer as conducting an open meeting if the reasons for closing the meeting are detailed in the public calendar. For example, if the meeting is closed in order for a corporation to seek the views of CPSC staff with respect to the safety of a product, a short statement to this effect should not be damaging. The Commission believes it is able to determine on a case by case basis whether extraordinary circumstances warrant a closed meeting and therefore declines to change this requirement.

The regulation (16 CFR 1012.4(c)(2)(ii)(F) below) has, therefore, not been changed.

g. *Meetings between Commissioners and outside parties.* Proposed 16 CFR 1001.63(c)(4)(i)(h), permits a meeting between a Commissioner or his or her personal staff, and an outside party to be closed if the Commissioner finds that extraordinary circumstances so require and the reasons therefor are detailed in the public calendar. One industry comment suggests that the reasons be given in appropriate general rather than detailed terms in the public calendar.

For the reasons set forth in the previous paragraph of this Preamble, the Commission does not agree with the commenter's suggestion. The regulation (16 CFR 1012.4(c)(2)(ii)(G) below) has therefore has not been changed.

6. *Meeting summaries.* Regarding proposed 16 CFR 1001.64(a), which prescribes requirements for meeting summaries, one industry comment suggests that summaries of closed meetings be kept confidential. One industry and one staff comment suggest not requiring that summaries of authorized closed meetings be made available to the public.

The Commission intends that the regulation not require meeting summaries of closed meetings or portions of meetings that are closed to contain any proprietary data or information otherwise protected by law from disclosure to the public.

An industry commenter suggests that outside parties participating in open meetings be given an opportunity to review and comment on the meeting summary before it becomes part of the public record. He also suggested that meeting participants be permitted to submit their own meeting summary for the public record when they disagree with the Commission's meeting summary.

The Commission believes the suggested provisions unnecessary since all members of the public have the opportunity to communicate in writing with the Commission on matters before it and such correspondence becomes a part of the Commission's public record. Accordingly, the regulation (16 CFR 1012.5(a) below) has not been changed.

7. *News media.* Proposed 16 CFR 1001.65 exempts the news media from the meetings policy requirements when meeting with Commission representatives to be informed of Commission activities. An industry comment complains that parties with a direct interest in a specific matter pending before the Commission should be informed about a decision by the Commission rather than by the news media.

The Commission agrees with this comment and will attempt to ensure that the Commission notifies a party with a direct interest in a Commission decision immediately after the decision is rendered.

Another industry comment suggests deleting from the regulation the exemption of the news media from the requirements of the meetings policy.

For reasons discussed under 1.b of this Preamble (exempting the news media from the definition of outside party) the Commission does not agree. The regulation (16 CFR 1012.6 below) therefore has not been changed to delete the exemption as suggested.

A third industry comment asks if the public will be excluded from planned interviews and briefings between the Commissioners, the staff, and the news media.

The Commission does not intend to exclude the public from planned briefings between the Commissioners and the news media, for reasons given in 1.b of this Preamble.

8. *Telephone conversations.* Regarding proposed 1 CFR 1001.66, which prescribes the meetings policy requirements on telephone conversations, an industry commenter suggests the regulations should be revised to eliminate the requirement that summaries of telephone conversations be made available to the public in cases where closed meetings are authorized.

The Commission believes that it is important that summaries of all meetings and telephone conversations involving substantial interest matters be available to the public. However, this meetings policy does not require summaries to contain any proprietary data or information otherwise protected by law from disclosure to the public. Therefore the regulation (16 CFR 1012.7 below) is not changed to adopt this suggestion.

Another industry commenter contends that a participating outside party should be permitted to review and comment on any summary of a telephone conversation before the summary is incorporated in the record.

The Commission finds such permission unnecessary because all members of the public have the opportunity to communicate in writing with the Commission on matters before it and such correspondence becomes a part of the Commission's public record.

An industry commenter suggests that proposed 16 CFR 1001.66(b) be modified so that it will not discourage the use of CPSC as a source of information.

The Commission does not intend nor expect the regulation to interfere with the availability of CPSC staff to discuss informational matters over the telephone. The regulation (16 CFR 1012.7 below) is thought to permit this exchange and is not changed.

In addition to the changes specified above, various portions of the proposed regulation have been changed for clarification.

Having considered the proposal, the comments received, and other relevant material, the Commission concludes that the proposed regulations, changed as described above, shall be promulgated as set forth below.

Accordingly, pursuant to provisions of the Consumer Product Safety Act (15 U.S.C. 2051–81), the Federal Hazardous Substances Act (15 U.S.C. 1261–74), the Flammable Fabrics Act (15 U.S.C. 1191–1204), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76), and the Refrigerator Safety Act (15 U.S.C. 1211–14), Title 16, Chapter II, Subchapter A, is amended by:

§ 1001.60 [Deleted]

1. Deleting § 1001.60
2. Adding a new Part 1012 as follows:

Sec.

1012.1 General policy considerations.
1012.2 Definitions.
1012.3 Forms of advance public notice of meetings; public calendar and FEDERAL REGISTER.
1012.4 Types of meetings; requirements for advance public notice and attendance by the public.
1012.5 Recordkeeping categories.
1012.6 The news media.
1012.7 Telephone conversations.
1012.8 Chart summary of meetings policy.

AUTHORITY: Consumer Product Safety Act (15 U.S.C. 2051–81), the Federal Hazardous Substances Act (15 U.S.C. 1261–1274), the Flammable Fabrics Act (15 U.SC. 1191–1204), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76), and the Refrigerator Safety Act (15 U.S.C. 1211–14).

§ 1012.1 General policy considerations.

(a) In order for the Consumer Product Safety Commission to properly carry out its mandate to protect the public from unreasonable risks of injury associated with consumer products, the Commission must involve the public to the fullest possible extent in its activities.

(b) To guarantee public confidence in the integrity of its decisionmaking, the Commission must, to the fullest possible extent, conduct its business in an open manner which is free from any actual or apparent impropriety.

(c) To achieve the goals set forth in paragraphs (a) and (b) of this section, the Commission believes that, wherever practicable, it should notify the public in advance of all meetings involving matters of substantial interest held or attended by its personnel and permit the public to attend such meetings. Furthermore, to ensure the widest possible exposure of the details of such meetings, the Commission should keep records of them which are freely available for inspection by the public.

§ 1012.2 Definitions.

As used in this Part 1012, the following words shall have the meanings set forth:

(a) *Agency.* The entire organization which bears the title Consumer Product Safety Commission.

(b) *Agency staff.* Employees of the Agency other than the five Commissioners.

(c) *Commission.* The five Commissioners of the Consumer Product Safety Commission acting in an official capacity.

(d) *Meeting.* Any face-to-face encounter in which one or more employees, including Commissioners, of the Agency discuss any subject relating to the Agency or any subject under its jurisdiction.

(e) *Outside party.* Any person not an employee, not under contract to do work for the Agency, or not acting in an official capacity as a consultant to the Consumer Product Safety Commission, such as advisory committee members or offeror personnel. Examples of persons falling within this definition are representatives from industry, consumer groups and government. Members of the news media are not considered to be outside parties when acting in a newsgathering capacity. (See also § 1012.6.)

(f) *Substantial interest matter.* Any matter, other than that of a trivial nature, that pertains in whole or in part to any issue that is likely to be the subject of a regulatory or policy decision by the Commission. Pending matters, i.e., matters before the Agency in which the Agency is legally obligated to make a decision, automatically constitute substantial interest matters. Examples of pending matters are: scheduled administrative hearings; matters published for public comment; petitions under consideration; and mandatory standard development activities. The following examples do not constitute substantial interest matters: data collection; inquiries concerning the status of a pending matter; discussions relative to general interpretations of existing laws, rules, and regulations; inspection of non-confidential CPSC documents by the public; negotiations for contractual services; and routine CPSC activities such as recruitment, training, meetings involving consumer deputies, or meetings with hospital staff and other personnel involved in the National Electronic Injury Surveillance System.

§ 1012.3 Forms of advance public notice of meetings: public calendar and Federal Register.

Advance notice of Agency activities is provided to the public so that it may know of and participate in these activities to the fullest extent possible. The following two types of notices are utilized by the Agency.

(a) *Public calendar.* (1) The printed public calendar is the principal means by which the Agency notifies the public of its day-to-day activities. The public calendar provides advance notice of public hearings, Commission meetings, meetings with outside parties involving substantial interest matters, selected staff meetings, Advisory Committee meetings, and other events such as speeches, and participation in panel discussions, regardless of the location. The public calendar also lists recent CPSC FEDERAL REGISTER issuances and Advisory Opinions of the Office of the General Counsel.

(2) Upon request in writing to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, any person or organization will be sent the public calendar on a regular basis free of charge. In addition, interested persons may contact the Office of the Secretary to obtain information from a master calendar kept current on a daily basis.

(3) The master calendar, supplemented by meeting summaries, is intended to serve the requirements of section 27(j)(8) of the Consumer Product Safety Act.

(4) Commissioners and Agency staff are responsible for reporting meeting arrangements to the Office of the Secretary so that they may be published in the printed public calendar at least seven days before a meeting, except as provided in § 1012.4(c)(1). Such reports shall include the following information:

(i) Probable participants and their affiliations;

(ii) Date, time and place of the meeting;

(iii) Subject of the meeting (as fully and precisely designated as possible);

(iv) Who requested the meeting;

(v) Whether the meeting involves matters of substantial interest;

(vi) Notice that the meeting is open or reason why the meeting or any portion of the meeting is closed (e.g., discussion of trade secrets); and

(vii) Name and telephone number of the CPSC host or contact person.

(b) *Federal Register.* The FEDERAL REGISTER is the publication through which official notifications, including formal rules and regulations of the Agency, are made. Because the public calendar is the primary device through which the Agency notifies the public of its routine, daily activities, the FEDERAL REGISTER will be utilized only when required by law or when the Agency believes that the additional coverage it can provide is necessary to assist in notification to the public of important meetings.

§ 1012.4 Types of meetings: requirements for advance public notice and attendance by the public.

For the purpose of implementing the Agency's meeting policy, meetings which involve Agency staff or the Commissioners shall be classified in the following categories, and shall be held according to the procedures outlined within each category.

(a) *Hearings.* Hearings are public inquiries held by direction of the Commission for the purpose of fact finding or to comply with statutory requirements. The Office of the Secretary is responsible for providing transcription services at the hearings. Where possible, notice of forthcoming hearings will be published in the public calendar and the FEDERAL REGIS-

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TER at least 30 days before the date of said hearings.

(b) *Meetings of the Commission.* Meetings of the Commission are held for the purpose of conducting the formal business of the Agency including the rendering of official decisions, and for the gathering of information by the Commission. Such meetings may be of the following types:

(1) *Executive sessions.* Executive Sessions are sessions at which policy and regulatory decisions are made by the Commission. They are attended solely by the Commissioners and are held by majority vote of the Commission and without advance notice. Formal minutes are the responsibility of the Commission.

(2) *Closed sessions.* Closed sessions are generally attended only by the Commissioners and members of the Agency staff. Closed sessions may be held at the direction of a majority vote of the Commission and without prior notice. The Office of the Secretary is responsible for the minutes.

(3) *Open sessions.* Open sessions are attended by the Commissioners, the Agency staff, and any other individual or group desiring to observe. Active participation of the public at these meetings is at the discretion of the Commission. Members of the public desiring to attend an open session are encouraged to contact the Office of the Secretary at least one day prior to the meeting. Notice of an open session will usually be furnished through the public calendar at least seven days prior to the session. The Office of the Secretary is responsible for the minutes.

(c) *Meetings between commissioners or agency staff and outside parties.* The following requirements shall apply to meetings between Commissioners or Agency staff and outside parties whether hosted or attended at Agency premises or at the premises of outside parties, or at any other location:

(1) *Notice.* (i) (A) Notice of meetings with outside parties involving substantial interest matters shall be published in the public calendar at least 7 days in advance of the meeting. Any Agency employee planning to host or attend such a meeting must notify the Office of the Secretary as provided in § 1012.3(a)(4). Once notification has been made, Commission employees subsequently desiring to attend the meeting need not notify the Office of the Secretary.

(B) When there is no opportunity to give 7 days advance notice of a meeting, Agency staff (other than the personal staff of Commissioners) who desire to hold or attend such meeting must obtain the approval of the Office of the Chairman. Personal staff of Commissioners must obtain the approval of their respective Commissioners. If such approval is obtained, the Office of the Secretary must be notified in advance of the meeting to record the meeting on the master calendar. The Office of the Secretary shall publish notice of the meeting as an addendum to the succeeding public calendar. Because it could unduly compromise the independence of individual Commissioners, they need not obtain the permission of the Chairman to hold or attend an emergency unscheduled meeting. Listing of the meeting in the master calendar is still required.

(ii) *Exceptions.* The notice requirement shall not apply to:

(A) Meetings with outside parties not involving substantial interest matters (although such meetings should be listed where the public interest would be served).

(B) Initial notifications pursuant to section 15(b) of the Consumer Product Safety Act, however, subsequent meetings are not excepted from the notice requirement.

(C) Meetings held during the normal course of field surveillance, inspection or investigation of a person or company, including informal citation hearings under the Federal Hazardous Substances Act or the Poison Prevention Packaging Act. However, advance notice is required for any negotiations leading to settlement of individual cases.

(D) Discussions with, or at the request of, members of Congress and their staffs, or the Office of Management and Budget relating to legislation or appropriation matters.

(E) Meetings with Department of Justice employees regarding litigation matters.

(F) Routine speeches given by CPSC personnel before outside parties. However, personnel are encouraged to submit advance notice of these speeches to the Office of the Secretary for inclusion in the public calendar, for information purposes.

(2) *Attendance by the public.* (i) Any person or organization may attend any meeting listed in the master calendar unless that meeting has been listed as a closed meeting. Generally, all meetings between Agency employees and outside parties are open to the public for the purpose of observation or participation, subject only to space limitations. Participation by the public may be permitted by the meeting chairperson. When feasible, a person or organization desiring to attend should give at least one day advance notice to the employee holding or attending such meeting.

(ii) The following meetings are not open to the public:

(A) Meetings, or, if possible, portions of meetings where the Office of the General Counsel has determined that proprietary data are to be discussed in such a manner as to imperil their confidentiality.

(B) Meetings held by outside parties at which limits on attendance are imposed by lack of space need not be open: *Provided,* That such meetings are open to the press or other news media.

(C) Initial notifications pursuant to section 15(b) of the Consumer Product Safety Act. All subsequent meetings shall be open to the public.

(D) Meetings held during the normal course of field surveillance, inspection, or investigation of a person or company, including informal citation hearings under the Federal Hazardous Substances Act or the Poison Prevention Packaging Act. However, the public may attend any negotiations leading to settlement of individual cases.

(E) Meetings held with other government officials when they request that the meeting be closed, and, in the opinion of the Agency employees, extraordinary circumstances warrant closing the meeting.

(F) Meetings between Agency staff (other than Commissioners and their personal staff) and an outside party, when, by majority vote of the Commission, it is determined that extraordinary circumstances require that the meeting be closed. In such a case, the reasons for closing the meeting or a portion of the meeting shall be detailed in the public calendar.

(G) Meetings between a Commissioner, his or her personal staff, and an outside party, when in the opinion of the Commissioner extraordinary circumstances require that the meeting be closed. In such a case, the reasons for closing the meeting or a portion of the meeting shall be detailed in the public calendar.

(H) Discussions with members of Congress and their staffs or the Office of Management and Budget relating to legislation or appropriation matters.

(I) Meetings with Department of Justice employees regarding litigation matters.

(3) *Recordkeeping.* Any Commission employee who holds or attends a meeting involving a substantial interest matter must prepare a meeting summary as described in § 1012.5(a). However, only one meeting summary is required for each meeting, even if more than one CPSC employee holds or attends the meeting.

(d) *Staff meetings.* Staff meetings are attended only by members of the Agency as a general rule. At the discretion of the participants, such meetings may be listed on the public calendar and attendance by the public may be permitted. Recordkeeping is at the discretion of the participants.

(e) *Advisory committee meetings.* Meetings of the Agency's advisory committees are scheduled by the Commission. Notice will be given in both the public calendar and the FEDERAL REGISTER. Advisory committee meetings serve as a forum for discussion of matters relevant to the Agency's statutory responsibility with the objective of providing advice and recommendations to the Commission. The Agency's advisory committees are the National Advisory Committee for the Flammable Fabrics Act, the Product Safety Advisory Council, and the Technical Advisory Committee on Poison Prevention Packaging. The Office of the Secretary is responsible for the recordkeeping for such meetings. All meetings of advisory committees are open to the public except as provided in the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 7770; 5 U.S.C. App. I (Supp. I 1974) and the Commission regulations under that Act (16 CFR Part 1018; 40 FR 43886, September 24, 1975)).

§ 1012.5 Recordkeeping categories.

Depending on the type and purpose of meetings, different kinds of recordkeeping are appropriate. The following is a list of the types of and requirements for the three categories of recordkeeping utilized by the Agency.

(a) *Meeting summaries.* (1) Meeting summaries are written records setting forth the issues discussed at all meetings with outside parties involving substantial interest matters. A meeting summary should detail the essence of all substantive matters relevant to the Agency, especially any matter discussed which was not listed on the public calendar and should describe any decisions made or conclusions reached regarding substantial interest matters. A summary should also indicate the date and the identity of persons at the meeting.

(2) A meeting summary or a notice of cancellation of the meeting, must be submitted to the Office of the Secretary, as described in § 1012.4(c)(3) within twenty (20) days after the meeting for which the summary is required. The Office of the Secretary shall maintain a public file of the meeting summaries in chronological order.

(b) *Commission minutes.* (1) Commission minutes document the decisions of the Commission. Minutes may be taken verbatim when necessary or desirable and may include attachments such as Commission opinions, briefing papers, or other documents presented at the meeting.

(2) Minutes recorded at executive session are subject to the final approval of the Commission. The Commission's final minutes constitute the official means of recording the decisions of the Commission and the votes of the individual Commissioners when filed with the Office of the Secretary.

(c) *Transcripts.* A transcript is a verbatim record of a meeting. Transcript records may include exhibits submitted to be part of the formal record of a meeting. Transcripts are generally taken at public hearings and certain public meetings when complex subjects indicate verbatim records are desirable. Copies of transcripts are placed on file for public inspection in the Office of the Secretary.

§ 1012.6 The news media.

The Agency recognizes that the news media occupy a unique position relative to informing the public of the activities of the Agency. It is believed that the inherently public nature of the news media requires that their activities be exempt from the requirements of this meetings policy whenever meetings are held with the news media for the purpose of informing them about Agency activities. Such meetings are not exempt in the event that any representative of the news media attempts to influence any Agency employee on a substantial interest matter.

§ 1012.7 Telephone conversations.

Telephone conversations present special problems regarding this meetings policy. It is recognized that persons outside the Agency have a legitimate right to information and to present their views regarding Agency activities. It is further recognized that such persons may not have the financial means to travel to meet with Agency employees. However, because telephone conversations, by their very nature, are not susceptible to attendance or participation by the public, care must be taken to ensure that they are not utilized to circumvent the meetings policy. Two basic rules apply to telephone conversations:

(a) Any telephone conversation in which substantial interest matters are discussed with outside parties must be detailed in a meeting summary which meets the requirements of § 1012.5(a)(1). A summary detailing telephone conversations must be submitted by the CPSC employee involved to the Office of the Secretary within 20 days after the telephone call for which a summary is required. The Office of the Secretary shall maintain a public file of telephone call summaries in chronological order.

(b) All Agency personnel must exercise sound judgment in discussing substantial interest matters during a telephone conversation and in the exercise of such discretion, should not hesitate to terminate a telephone conversation and insist that the matters being discussed be postponed until a meeting with appropriate advance public notice may be scheduled or until the matter is presented to the Agency in writing if the outside party is financially or otherwise unable to meet with the Agency employee.

§ 1012.8 Chart summary of meetings policy.

The following is a chart summary of the meetings policy contained in this Part 1012:

Chart summary of meetings policy

Meeting category	Notice			Attendance		Records		
	Federal Register	Public Calendar	No advance notice	Open	Closed	Minutes	Transcript	Meeting summary
Public hearing	×	×		×			×	
Involving Commission:								
Executive session			×		×	×		
Closed session			×		×	×		
Open session				×		×		
Involving outside parties		[1] ×		[2] ×		×		
Advisory committee	×	×		[3] ×				[4] ×
Staff meetings		[4] ×						[4] ×

[1] Notice in the Public Calendar is required for all meetings between Commissioners for Agency staff, and outside parties, involving matters of substantial interest, except as described in 16 CFR 1012.4(c)(1)(ii).
[2] Meetings between Commissioners or Agency staff and outside parties are open to the public, except as described in 16 CFR 1012.4(c)(2)(ii).
[3] Meeting summaries are required for meetings where matters of substantial interest are discussed.
[4] At the discretion of participants.

Effective date: This Part 1012 becomes effective on December 4, 1975.

Dated: October 29, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-29518 Filed 11-3-75;8:45 am]

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federal register

TUESDAY, NOVEMBER 4, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART V:

PENSION BENEFIT GUARANTY CORPORATION

PENSION PLANS

Allocation of Assets and Limitations on Guaranteed Benefits

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PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2608]

ALLOCATION OF ASSETS

Proposed Determination of Payable Benefits

Section 4044 of the Employee Retirement Income Security Act of 1974 (hereinafter "the Act") requires that upon the termination of a defined benefit pension plan the assets of such plan be allocated among six priority categories. The allocation of plan assets affects the determination of what benefits are funded by plan assets, whether a terminating plan covered by the insurance provisions of Title IV of the Act has sufficient assets to pay all benefits guaranteed by such insurance provisions, the amount which the PBGC must pay from its insurance funds to cover guaranteed benefits, and consequently the amount of liability which will be imposed on the sponsoring employer under section 4062 or 4064 of the Act.

Notice is hereby given that the Pension Benefit Guaranty Corporation (hereinafter "the PBGC") proposes to amend Chapter XXVI of Title 29, Code of Federal Regulations, to add a new Part 2608, set forth below, which implements section 4044 of the Act.

This proposed regulation was prepared by the staff of the Pension Benefit Guaranty Corporation at the request of the Board of Directors of the Corporation. With the understanding that this is a staff document without the Board's endorsement of the policies underlying it, the Board authorized publication of this proposed regulation in the FEDERAL REGISTER to invite public comments and suggestions that will assist the Board in its consideration of the regulation to be finally adopted.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, Room 7200, 2020 K Street NW., Washington, D.C. 20006. Each person submitting comments should include his name and address, identify this notice, and give reasons for any recommendations. Comments should be submitted on or before December 4, 1975. Copies of written comments will be available for examination for a reasonable period by interested persons in the Office of Communications of the PBGC, Room No. 7100, 2020 K Street NW., Washington, D.C. 20006, between the hours of 9 a.m. and 4 p.m. This proposal may be changed in light of the comments received.

STATUTORY PURPOSES

The proposed regulation is based on the PBGC's view that section 4044 requires that the assets of a terminating plan be allocated so as (a) to provide that the value of a participant's voluntary contributions be protected by first allocating assets to those contributions, (b) to provide that the remaining assets be allocated sequentially to the remaining priority categories listed in section 4044(a) of the Act, and (c) to discourage plans from being structured in a manner intended to unreasonably divert assets away from guaranteed benefits to non-guaranteed benefits.

BASIC APPROACH

First, the total benefits payable under the plan with respect to each participant are divided among the priority categories established in section 4044 of the Act.

Next, each participant's benefit assigned to a priority category is divided between (1) that portion of the benefit which would be guaranteeable under the guaranteed benefits regulation contained in Part 2605 of this chapter if the insurance limitations contained in section 4022(b) of the Act which are incorporated in that regulation did not apply, and (2) that portion of the benefit which could not be guaranteed even if the insurance limits were disregarded. The guaranteeable portion of the benefit is called a "basic type benefit" and the portion not guaranteeable a "non-basic type benefit." The purpose of this division of a participant's benefit assigned to a priority category between basic and non-basic type benefits is twofold. First, it allows the values of the same type benefits assigned to a higher priority category to be subtracted from the value of such benefits assigned to a lower priority category in accordance with section 4044(b)(1) of the Act which provides that the amount allocated under one priority category shall be adjusted for any allocation of assets with respect to that benefit under a prior category. Second, it enables the identification of those types of benefits which would be guaranteed under Part 2605 of this chapter so that one can determine whether the plan is sufficient, i.e., has adequate assets to pay all guaranteed benefits, or, if it is insufficient, the amount of the liability for payment of guaranteed benefits.

After a participant's benefits have been divided into basic and non-basic types, the value of each type of benefit in each priority category is computed according to the valuation factors prescribed by the PBGC. Then, the total value of the benefits assigned to a priority category is determined by summing the values of all benefits assigned to that priority category.

Next, the assets of the plan are allocated sequentially to each priority category. If the assets allocated to a priority category are insufficient to satisfy in full all benefits in that category, such assets are allocated pro-rata among the benefits of participants in such category based on the ratio that the sum of the value of all of a participant's benefits in that category bears to the total value of the benefits in such category. This will accomplish the first purpose of section 4044 which is to assure that assets are allocated in order to the priority categories, and within those categories, divided proportionately among the benefit values of the participants.

Although the assets allocated to priority categories 1 through 4 and priority category 6 are to be allocated pro-rata among the benefits of the participants, a special rule is establish in section 4044(b)(3) of the Act for assets allocable to priority category 5. Under this special rule, which is embodied in § 2608.4(d)(2) of the proposal, assets allocable to priority category 5 are distributed first to those participant's benefits which would have been allocated to priority category 5 on the basis of the plan's provisions which were in effect at the beginning of the 5 year period ending on the date of termination. If the assets so allocated are sufficient to pay all such benefits, the assets are allocated on the basis of the participant's benefits which would be in category 5 taking into account the first plan amendment during the 5 year period. This process is repeated for subsequent amendments during the 5 year period ending on the date of plan termination until either all assets allocable to category 5 are exhausted or all plan amendments within the 5 year period are included in the computation. If the plan assets are exhausted before all benefits are assigned under plan amendments, the assets allocable to the plan amendment for which benefits were being assigned when the assets were exhausted are allocated pro-rata among the benefits of participants under that amendment.

Once the assets are allocated to each participant's benefits in a priority category, they are first applied to his basic type benefits, and any remainder is then applied to his non-basic type benefit. For example, assume a plan with participants, A and B, each having a benefit valued at $10,000 in priority category 3. However, $5,000 of participant A's benefit is the result of a non-basic temporary annuity, while all of participant B's benefit is a basic type of benefit which would be fully guaranteed. If there is a total of $16,000 in plan assets allocable to priority ctegory 3, $8,000 in assets would be allocable to each participant's benefit. Under the approach in the proposal participant A would receive $8,000 from the plan and nothing from the PBGC because the $2,000 benefit not payable from plan assets is a non-basic type benefit. Participant B, on the other hand, would receive a total benefit of $10,000, $8,000 from the plan and $2,000 from the PBGC. This will prevent diversion of PBGC funds to non-guaranteed benefits by plans which attempt to build up the non-basic type benefit which would be in priority category 2 or 3.

Finally, all of the assets allocated to the value of a participant's basic type benefits throughout the priority categories are added, and the total substracted from the participant's guaranteed benefit, calculated under the regulations of the PBGC, to determine the amount, if any, by which the plan assets are insufficient to provide that participant his guaranteed benefit. The total plan asset insufficient is equal to the sum of the insufficiencies with respect to each participant.

PRIORITY CATEGORY 1

VOLUNTARY EMPLOYEE CONTRIBUTIONS

Voluntary employee contributions consist of contributions to a plan by an employee which are not required. Under the Act, benefits attributable to such contributions are treated as benefits derived from a separate individual account plan, and, as such, pursuant to section 4021(b)(12), are not guaranteeable. Section 2608.6 of the proposal provides that the value of the benefits derived from voluntary employee contributions is equal to the separate account maintained in the pension plan for such contributions, or, if no such separate account is maintained, the total of such contributions.

PRIORITY CATEGORY 2

MANDATORY EMPLOYEE CONTRIBUTIONS

Section 2608.7 of the proposal establishes the rules for determining the value of accrued benefits derived from mandatory employee contributions. It deals with two distinct situations. First, plans which are subject to section 204(c) of the Act which prescribes the method of determining that portion of an accrued benefit that is derived from mandatory employee contributions and that portion that is derived from employer contributions, and, second, plans which are not subject to section 204(c) of the Act. These latter plans are comprised of plans which terminated or will terminate before section 204(c) of the Act becomes applicable to them.

Under the Act it is contemplated that the value of a participant's benefits derived from his mandatory contributions should be protected to the greatest extent possible, and that his accrued benefit derived from his own contributions will have a value at least equal to the aggregate of those contributions. Accordingly, under both major subsections of proposed § 2608.7, setting forth the manner of determining the value of a participant's accrued benefits derived from his mandatory contributions, the value of such benefit is under all circumstances equal to the participant's accumulated mandatory contributions.

As previously noted, proposed § 2608.7(a) applies to plans subject to section 204(c) of the Act, and accordingly accumulated employee contributions are determined on the basis set forth in section 204(c), except that, as provided in section 4044(b)(5), distributions to an employee from the plan are deducted in determining his mandatory contributions for purposes of allocating the assets of a terminated plan. Thus, under proposed § 2608.7(a)(1) accumulated employees contributions are equal to the total mandatory employee contributions plus applicable interest on such contributions less any distributions of benefits under the plan before the date of termination. Total accumulated contributions equals the total mandatory contributions of the employee plus interest, if any, provided by the plan before the effective date of section 204(c) of the Act plus employee contributions made after that date and interest of 5 percent on the total accumulated mandatory employee contributions in the plan compounded annually for all years after section 204(c) becomes effective for that plan. Any benefits distributed under the plan plus interest (computed for each year at the rate applicable to employee contributions) on such benefits is subtracted from the above total to determine an employee's accumulated contribution. Using the accumulation rules, conversion factors, and related limitations developed by the Internal Revenue Service under the Act, the PBGC will determine the benefit accrued for normal age retirement derived from employee contributions. The value of this benefit constitutes the value of the basic type category 2 benefit. Its value is likely to be significantly less than the employee's accumulated contributions as of the date of termination when valued under PBGC valuation standards because the interest rates used by the PBGC in the foreseeable future will likely be higher than the interest rates prescribed under section 204(c), and because the PBGC valuation of the employees' derived benefits is discounted for mortality before normal retirement age as well as after such age. The value attributable to these differences constitutes the non-basic type benefit in priority category 2.

Internal Revenue Service conversion factors have been used because otherwise there would be a difference in the annuity derived from employee contributions for employees who left the plan before it terminated and employees who left the plan after it terminated. Since the purpose of determining that annuity is to calculate the amount of benefit derived from employee contributions in which an employee is vested, if the PBGC used different factors than the Internal Revenue Service for determining the annuity derived from an employee's own contributions, two employees each with the same accumulated contributions and service would receive different vested benefits if one retired before plan termination and the other retired after plan termination, a result not consonant with the intent of Act.

Proposed § 2608.7(b) applies to plans terminated before section 204(c) of the Act becomes applicable to them. Because section 204(c) of the Act does not apply to such plans for determining that portion of an employee's accrued benefit which is attributable to his own contributions, proposed § 2608.7(b) contains another approach for determining that benefit. Since plans which require employee contributions generally vest the employee in his own contributions, any accrued benefit derived from such contributions is a basic type benefit. The amount of accumulated employee contributions available to pay for that benefit shall be determined by deducting the value of any death benefit in the form of a return of employee contributions from the value of the accumulated contributions. Since the death benefit is not guaranteeable under Part 2605 of this Chapter, it is a non-basic type benefit. Thus, this approach differs from that for plans covered by section 204(c), but the value of a participant's benefits in priority category 2 still equals his accumulated mandatory contributions.

Proposed §§ 2608.7(b)(3) and (b)(4) provide, respectively, that the value of the participant's accrued basic type benefit and his vested basic type benefit be computed. If after deducting the value of the death benefit, the remaining amount of the participant's contributions would pay for more than his accrued benefit under the plan, the value of the accrued benefit is a basic type benefit, and any excess is a non-basic type benefit as is the death benefit. Under proposed § 2608.7(b)(6), if the value of an employee's accrued benefit exceeds his accumulated mandatory contributions less the value of the death benefit, those contributions could only provide some of his accrued benefit. Accordingly, the value of his non-basic type priority category 2 benefit is the value of the death benefit discussed above, and the remainder of the participant's accumulated contributions is the value of such participant's basic type priority category 2 benefit.

PRIORITY CATEGORY 3

Two types of benefits payable as annuities are allocable to priority category 3. The first type covered in proposed § 2608.8(a)(1) is an annuity which has been in pay status for at least the 3 year period ending on the date of plan termination. The second type, covered in proposed § 2608.8(a)(2) is an annuity which could have been in pay status for that 3 year period. With respect to annuities which have been in pay status for the required period, the amount of annuity payments assignable to priority category 3 is determined on the basis of the plan's provisions which were in effect at any time during the 5 year period ending on the date of plan termination under which such annuity would be the least. Additionally, the level of such benefits is limited to the lowest level which was in pay status during that 3 year period. Thus, cost-of-living adjustments during such 3 year period due to escalator provisions which were contained in the plan for the entire 5 year period ending on the date of plan termination are disregarded in determining the level of benefits assignable to priority category 3.

With respect to annuities which could have been in pay status for the required 3 year period, the type of annuity which is assignable to priority category 3 is computed on the basis of the plan's provisions in effect during the 5 year period ending on the date of plan termination under which the annuity would be the least. However, for purposes of computing the amount of the annuity, but not whether a participant was entitled to that particular form of annuity, the participant's age, service, salary and any other factors relevant under the plan formula to compute the amount of the annuity are determined as of the date of termination. Thus, if a participant was

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entitled to an early retirement benefit at the beginning of the 3 year period ending on the date of plan termination, under proposed § 2608.8(a)(2) that benefit is assignable to priority category 3. If the reduction provided for in the plan were 5 percent a year for each year the participant retired before his normal retirement age, and 3 years before the plan terminated the reduction would be 25 percent, under the proposal the reduction would only be 10 percent because the participant would be credited with the extra 3 years of service for purposes of determining the amount of the benefit. If, however, under that same plan the participant became eligible for a special unreduced early retirement benefit 2 years before plan termination, under the proposal the special early retirement benefit would not be assigned to priority category 3 because the participant could not have taken it 3 years before the plan terminated. Thus, under the proposal a higher claim on assets is given both to benefits which have been in pay status for the 3 years ending on the date of plan termination and those which could have been in pay status for such period. Therefore, under the proposal a participant's reasonable expectation based on the benefit he was entitled to 3 years before plan termination is protected.

To avoid double counting of participants' benefits under a plan, under proposed § 2608.8(b) the value of the basic type annuity in category 3 is reduced by the value of the basic type benefit derived from participants' contribution in priority category 2. However, because the non-basic form of benefit in priority category 3 would be a nonguaranteeable annuity, and the non-basic benefit in priority category 2 is not an annuity it is not subtracted from the non-basic type benefit in priority category 3, because it is not the same type of benefit.

PRIORITY CATEGORY 4

Proposed § 2608.9 covers benefits in priority category 4. Such benefits consist of (1) all other benefits guaranteed under Part 2605 of this chapter which have not been allocated to a higher priority category, and, (2) benefits which would be guaranteed if the insurance limits on benefits payable to one person with respect to more than one participant or from more than one terminated plan, and the insurance limits on benefits payable to a substantial owner (sections 4022(b)(5) and 4022(b)(6) of the Act, respectively) were not applicable. Because the benefits in priority category 4 are all basic type benefits, the value of the basic type benefits in priority categories 2 and 3 are subtracted from the value of the basic type benefits which would otherwise belong in priority category 4 to determine the value of benefits in that priority category.

PRIORITY CATEGORY 5

Proposed § 2608.10 covers benefits in priority category 5. Those benefits consist of all other nonforfeitable benefits, exclusive of benefits derived from voluntary employee contributions, provided by the plan that were not allocated to a higher priority category. Since the benefits in priority categories 2 through 4 nonforfeitable, whether basic or non-basic type, the total value of such benefits with respect to each participant is subtracted from the total value of that participant's nonforfeitable benefits under the plan to determine the value of the participant's nonforfeitable benefits in priority category 5. Proposed § 2608.10 also contains special rules for subdividing the benefits in priority category 5. These rules only apply if there are plan assets available for benefits in priority category 5, but such assets are not sufficient to cover all priority category 5 benefits so that the special rules which were discussed above required by the Act by allocating assets to benefits in that category apply.

PRIORITY CATEGORY 6

Priority category 6, covered in proposed § 2608.11, contains all plan benefits with respect to a participant not assigned to priority categories 1 through 5. Thus, priority category 6 will contain the value of accrued forfeitable benefits of a participant.

EXCESS ASSETS

Section 4044(d) of the Act provides that any assets which remain after all plan benefits actually have been paid may be returned to the employer or otherwise distributed in any lawful manner provided in the plan. However, that section also requires that any excess assets attributable to employee contributions must be returned to the employees. The PBGC is currently considering how to implement section 4044(d) and invites suggestions on the method for implementing such section. The regulation contained in this proposal will be amended at a later date to incorporate rules for implementing section 4044(d) of the Act.

In consideration of the foregoing, it is proposed that Chapter XXVI of Title 29, Code of Federal Regulations be amended by adding a new Part 2608 to read as follows:

PART 2608—ALLOCATION OF ASSETS

Sec.
2608.1 Purpose and Scope.
2608.2 Definitions.
2608.3 General Rule.
2608.4 Manner of Allocation.
2608.5 Violations.
2608.6 Priority Category 1 Benefits.
2607.7 Priority Category 2 Benefits.
2608.8 Priority Category 3 Benefits.
2608.9 Priority Category 4 Benefits.
2608.10 Priority Category 5 Benefits.
2608.11 Priority Category 6 Benefits.

AUTHORITY: Secs. 4002(b)(3), 4044, Pub. L. 93-406, 88 Stat. 1004, 1025-27 (29 U.S.C. 1302(b)(3), 1344)

§ 2608.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to establish the procedure for allocating a plan's assets in accordance with section 4044 of the Act upon the plan's termination.

(b) *Scope.* This part applies to the termination of a plan covered by section 4021 of the Act which occurs on or after September 2, 1974.

§ 2608.2 Definitions.

For purposes of this part:

"Act" means the Employee Retirement Income Security Act of 1974.

"Annuity" means a series of periodic payments to a participant or a surviving beneficiary for a fixed or contingent period.

"Basic type benefit" means a type of benefit which is, or would be, guaranteed under the provisions of Part 2605 of this chapter, if the insurance limits contained in § 2605.4(b) of this chapter did not apply.

"Mandatory employee contributions" means amounts contributed to the plan by a participant which are required as a condition of employment, as a condition of participation in such plan, or as a condition of obtaining benefits under the plan attributable to employer contributions.

"Non-basic type benefit" means any benefit provided by a plan other than a basic type benefit.

"Nonforfeitable benefit" means a benefit payable with respect to a participant if on the date of termination of the plan the participant has satisfied all of the conditions required of him under the provisions of the plan to establish entitlement to the benefit, except the submission of a formal application, retirement, or the completion of a required waiting period. Benefits that become nonforfeitable solely as a result of the termination of a plan will be considered forfeitable.

"Normal retirement age" means the age specified in the plan as the normal retirement age, which age with respect to each participant cannot exceed the later of age 65 or the age attained after 10 years of participation in the plan or, if no normal retirement age is specified in the plan, age 65.

"Plan" means a defined benefit plan.

"Plan assets" means the dollar value of the assets available to pay plan benefits determined in the manner prescribed by the Pension Benefit Guaranty Corporation.

"Priority categories" or "Priority category" means the categories contained in 4044(a)(1) through 4044(a)(6) of the Act setting forth the order in which plan assets are to be allocated upon termination.

"Value of plan benefits" means the value, stated in dollars and cents, as of the date of plan termination, of the benefits to be provided by the plan, calculated on the basis of interest (including costs of administration) and mortality rates prescribed by the Pension Benefit Guaranty Corporation.

"Voluntary employee contributions" means amounts contributed to a plan pursuant to the provisions of the plan by an employee which are not mandatory employee contributions.

§ 2608.3 General rule.

Upon the termination of a plan to which this part applies, the assets of such plan shall be allocated to benefits provided by the plan in the manner prescribed by this part.

§ 2608.4 Manner of allocation.

Assets shall be allocated by using the following procedure:

(a) *Allocation of benefits.* Benefits payable with respect to each participant under the plan after the date the plan terminates shall be divided among the six priority categories contained in section 4044 of the Act and the value of that portion of a participant's benefit assigned to each priority category shall be determined in accordance with §§ 2608.6 through 2608.11.

(b) *Value of benefits in each priority category.* The total value of the benefits assigned to each priority category shall be computed by adding together the values of the benefits assigned to such category.

(c) *Allocation of assets to priority categories.* The assets of the plan shall be allocated to each priority category in succession, beginning with the first priority category. If the plan has sufficient assets to satisfy in full the value of all benefits assigned to a priority category, the remaining assets shall then be allocated to the next lower priority category. This process shall be repeated until all assets of the plan have been allocated to priority categories.

(d) *Allocation of assets to benefits within priority categories.* (1) Except for benefits assigned to the fifth priority category, if the plan assets allocable to any priority category are insufficient to satisfy in full the value of the benefits assigned to that category, the plan assets shall be allocated to the value of the benefits assigned to such category of each participant by multiplying the plan assets allocated to the category by a fraction, the numerator of which shall be the value of the participant's benefits assigned to such category and the denominator of which shall be the value of all benefits assigned to such category.

(2) If the plan assets allocable to priority category 5 are insufficient to cover the benefits assigned to such category, the following allocation procedure shall apply:

(i) The assets allocable to priority category 5 shall first be allocated to the value of the nonforfeitable benefits of plan participants computed on the basis of the provisions of the plan which were in effect at the beginning of the five (5) year period ending on the date of plan termination.

(ii) If the assets available for allocation under paragraph (d)(2)(i) of this section are sufficient to satisfy in full the benefits described in such subparagraph, the remaining plan assets allocable to category 5 shall be allocated to the benefit changes applicable to each participant under the earliest amendment of the plan during the five year period ending on the date of plan termination which was effective during such period. If the plan assets allocable to such amendment are sufficient to satisfy in full the value of the benefits of plan participants under such amendment, any remaining plan assets shall be similarly allocated to the next succeeding amendment. This process shall be repeated until all plan assets allocable to priority category 5 have been exhausted. In the event that the plan assets are insufficient to satisfy in full the benefits attributable to any sub-category of priority category 5, the assets allocable to such sub-category shall be distributed among participants' benefits in such sub-category on the basis of the ratio that each participant's benefits assigned to such sub-category bears to the total benefits assigned to such sub-category.

(3) The assets allocated to each participant within each priority category shall first be applied to satisfy the value of the participant's basic type benefit assigned to such category. Any remaining assets shall then be applied to the value of such participant's non-basic type benefit assigned to that priority category.

(4) If the plan assets allocable to a participant's basic type benefit in all priority categories are not sufficient to satisfy in full the value of the participant's benefits guaranteed under Part 2605 of this chapter, the amount of the difference, but not less than zero, between the assets so allocated and the value of such benefits shall constitute the amount of asset deficiency with respect to that participant. The sum of such differences with respect to all plan participants shall constitute the plan asset deficiency of section 4062(b)(1) of the Act.

§ 2608.5 Violations.

It shall be a violation of the Act to allocate plan assets other than as prescribed in section 4044 of the Act and this part, except as may be required under section 4044(b)(4) of the Act. Where a distribution, transfer or allocation of assets is made to a participant in contemplation of plan termination it shall be treated as an allocation of plan assets upon termination of the plan.

§ 2608.6 Priority Category 1 Benefits.

The benefits assigned to priority category 1 consist of accrued benefits of participants which derive from voluntary employee contributions. The value of such benefits is the balance of the participant's account if the plan maintains a separate account for contributions from a participant. If the plan does not maintain such a separate account, the value of such benefits is the total of the participant's voluntary contributions. Benefits assigned to priority category 1 are non-basic type benefits.

§ 2608.7 Priority Category 2 Benefits.

(a) *Plans subject to section 204(c) of the Act.* The present value of priority category 2 benefits for plans subject to the provisions for allocating accrued benefits between employer and employee contributions contained in section 204(c) of the Act, shall be computed as follows:

(1) Compute each participant's accumulated contributions as of the date of termination by:

(i) Adding:

(A) The total of the participant's mandatory contributions to the plan, plus

(B) Interest, if any, under the plan to the end of the last plan year to which section 204(c) of the Act does not apply, and

(C) Interest on the sum of the amounts determined under paragraphs (a)(1)(i)(A) and (B) of this section compounded at 5 percent per annum from the beginning of the first plan year to which section 204(c) of the Act applies to the earlier of the participant's retirement date or the date of plan termination; and

(ii) Substracting from the total of paragraphs (a)(1)(i)(A), (i)(B) and (i)(C) of this section:

(A) Any payments or distributions from the plan to the participant or to his beneficiary; and

(B) Interest payable under paragraphs (a)(1)(i)(B) and (1)(i)(C) of this section on the amounts which are described in paragraph (a)(1)(ii)(A) of this section paid prior to the participant's retirement date, calculated from the date of such payments until the earlier of the participant's retirement date or date of termination.

(2) Compute the value of each participant's benefits assignable to priority category 2 as follows:

(i) For participants who have not retired and who have not reached normal retirement age as of the date of plan termination:

(A) Add accumulated employee contributions computed under paragraph (a)(1) of this section and interest on such contributions compounded at 5 percent per annum from the date of plan termination to the date on which the participant would attain normal retirement age.

(B) Using the Internal Revenue Service factors in effect for such purposes, convert the amount determined under paragraph (a)(2)(i)(A) of this section to the normal form of the accrued benefit payable at normal retirement age under the plan that is attributable to accumulated employee contributions.

(C) Compute the value of the benefit determined under paragraph (a)(2)(i)(B) of this section using the valuation factors established by the Pension Benefit Guaranty Corporation for such purpose which are applicable to the date of plan termination.

(D) The value of the basic type priority category 2 benefit is equal to the value of the benefit computed under paragraph (a)(2)(i)(C) of this section. The value of the non-basic type priority category 2 benefit is equal to the difference between the value of accumulated employee contributions computed according to paragraph (a)(1) of this section and the value of the basic type priority category 2 benefit computed under this subparagraph, which difference shall not be less than zero.

(ii) For participants who have retired before the date of plan termination or have attained normal retirement age on such date:

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(A) Using the Internal Revenue Service factors in effect for such purposes, convert the accumulated employee contributions computed under paragraph (a)(1) of this section to the normal form of the accrued benefit payable at normal retirement age under the plan that is attributable to accumulated employee contributions.

(B) Compute the value of the benefit determined in paragraph (a)(2)(ii)(A) of this section using the valuation factors established by the Pension Benefit Guaranty Corporation for such purpose which are applicable to the date of plan termination.

(C) The value of the basic type priority category 2 benefit is equal to the value of the benefit computed under paragraph (a)(2)(ii)(B) of this section. The value of the non-basic type priority category 2 benefit is equal to the difference between the value of the accumulated employee contributions computed according to paragraph (a)(1) of this section and the value of the basic type priority category 2 benefit computed under this subparagraph, which difference shall not be less than zero.

(b) *Plans not subject to section 204(c) of the Act.* (1) Compute the accumulated mandatory contributions, which shall not be less than zero, of each employee as of the date of plan termination pursuant to § 2608.7(a)(1)(i)(A) adding such interest on employee contributions as may be provided by the plan, and subtracting any payments or distributions from the plan to the participant or his beneficiary before the date of plan termination including interest on such distributions to such date.

(2) Compute the value of any death benefits under the plan, not payable as a result of death before the date of plan termination, which are attributable to the refund of employee contributions as determined under the plan in the event of the death of the participant prior to the commencement at normal retirement age of benefit payments under the plan. The value of such benefit is to be computed using the valuation factors applicable to the date of plan termination established by the Pension Benefit Guaranty Corporation.

(3) Determine the value of the participant's accrued basic type benefit under the plan payable in the normal form provided by the plan for retirement at the normal retirement age, and compute its value using the valuation factors which are applicable to the date of plan termination established by the Pension Benefit Guaranty Corporation.

(4) Determine the value of the participant's basic type accrued vested benefit by multiplying the actuarial value of the participant's accrued benefit determined under paragraph (b)(3) of this section by the percentage of his accrued benefit in which a participant is vested under the plan's vesting provisions.

(5) If the difference between the accumulated employee contributions computed under paragraph (b)(1) of this section and the value of the death benefits computed under paragraph (b)(2) of this section is equal to or greater than the value of the participant's total accrued basic type benefits computed under paragraph (b)(4) of this section:

(i) The value of the basic type priority category 2 benefit is the total value of the participant's accrued basic type benefit computed under paragraph (b)(4) of this section; and

(ii) The value of the non-basic type priority category 2 benefit is the difference between the value of the employee's accumulated contributions computed under paragraph (b)(1) of this section and the amount computed under paragraph (b)(4) of this section.

(6) If the difference between the accumulated employee contributions computed under paragraph (b)(1) of this section and the value of the employee death benefits computed under paragraph (b)(2) of this section does not exceed the value of the participant's accrued basic type benefit computed in accordance with paragraph (b)(4) of this section.

(i) The value of the basic type priority category 2 benefit is the difference between the value of the employee contributions computed under paragraph (b)(1) of this section and the value of the death benefits computed under paragraph (b)(2) of this section; and

(ii) The value of the non-basic type priority category 2 benefit is the value of the death benefits computed under paragraph (b)(2) of this section.

§ 2608.8 Priority Category 3 Benefits.

(a) *Definition.* Priority category 3 benefits consist of:

(1) Benefits payable as an annuity under the terms of the plan which have been in pay status for the 3 year period ending on the date of plan termination at the lowest level in pay status during such period; computed on the basis of the plan's provisions in effect during the 5 year period ending on such date under which the amount of such annuity would be the least, valued in accordance with paragraph (b)(1) of this section; or

(2) Benefits payable as an annuity on or after the date of plan termination calculated on the basis of the benefits which would have been payable in the normal form of payment under the plan at the beginning of the 3 year period ending on the date of plan termination with respect to a participant who was entitled to retire before the beginning of such period, computed on the basis of the plan's provisions in effect during the 5 year period ending on the date of plan termination under which the amount of such annuity would be the least, valued in accordance with paragraph (b)(2) of this section. The amount of the annuity, but not entitlement to an annuity, shall be determined using the age, service and other revelant factors for computing the annuity under the plan with respect to the participant as of the date of plan termination.

(b) *Valuation.* The value of priority category 3 benefits shall be computed separately with respect to each participant as follows:

(1) With respect to annuities which were in pay status for the 3 year period ending on the date of plan termination—

(i) First, determine the lowest annuity which was payable during such 3 year period in accordance with paragraph (a)(1) of this section, and compute its value using the valuation factors applicable to the date of plan termination established by the Pension Benefit Guaranty Corporation;

(ii) Second, determine that portion of the annuity derived under the preceding subparagraph which is, or would be, a basic type benefit, and compute its value using the valuation factors applicable to the date of plan termination established by the Pension Benefit Guaranty Corporation;

(iii) Third, determine the value of the non-basic type benefit by subtracting the value of the basic type annuity determined under paragraph (b)(1)(ii) of this section from the value of the annuity which was in pay status determined under paragraph (b)(1)(i) of this section; and

(iv) Fourth, subtract from the value of the basic type benefits with respect to the participant computed under paragraph (b)(1)(ii) of this section the value of the basic type benefits derived from mandatory employee contributions with respect to that participant computed under §§ 2608.7(a) and 2608.7(b), whichever is appropriate, to determine the value, but not less than zero, of the participant's basic type benefits which were in pay status for 3 years attributable to priority category 3.

(2) With respect to annuities which could have been in pay status for the 3 year period ending on the date of plan termination:

(i) First, determine the lowest annuity which would have been payable in accordance with paragraph (a)(2) of this section, and compute its value using the valuation factors applicable to the date of termination established by the Pension Benefit Guaranty Corporation;

(ii) Second, determine that portion of the annuity derived under the preceding subparagraph which is, or would be, a basic type benefit, and compute its value using the valuation factors applicable to the date of plan termination established by the Pension Benefit Guaranty Corporation;

(iii) Third, determine the value of the non-basic type benefit to be assigned to priority category 3 by subtracting the value of the basic type annuity determined under paragraph (b)(2)(ii) of this section from the value of the annuity which could have been in pay status determined under paragraph (b)(2)(i) of this section; and

(iv) Fourth, subtract from the value of the basic type benefits with respect to the participant computed under paragraph (b)(2)(ii) of this section the value of the basic type benefits with respect to that participant computed under § 2608.7(a) or § 2608.7(b), whichever is appropriate, to determine the value, but not less than zero, of the participant's basic type benefits which could have been in pay status to be assigned to priority category 3.

(c) *Participant's benefits attributable to priority category 3.* (1) The value of a participant's basic type benefit attributable to priority category 3 shall be either:

(i) The value of his basic type benefits computed under paragraph (b)(1)(iv) of this section; or

(ii) The value of his basic type benefits computed under paragraph (b)(2)(iv) of this section.

(2) The value of the participant's non-basic type benefit attributable to priority category 3 shall be either:

(i) The value of the participant's non-basic type benefit computed under paragraph (b)(1)(iv) of this section; or

(ii) The value of the participant's non-basic type benefit computed under paragraph (b)(2)(iii) of this section.

(3) The value of each participant's benefit attributable to priority category 3 is the sum of values determined under paragraphs (c)(1) and (c)(2) of this section.

§ 2608.9 Priority Category 4 Benefits.

(a) *Definition.* The benefits in priority category 4 consist of all basic type benefits which do not exceed the limitations on the guarantee of benefits set forth in sections 4022(b)(1), 4022(b)(2), 4022(b)(3), 4022(4), 4022(b)(7) and 4022(b)(8) of the Act as implemented by Part 2609 of this chapter, valued in accordance with paragraph (b) of this section.

(b) *Valuation.* The value of the benefit of each participant or beneficiary who receives a benefit attributable to priority category 4 shall be computed separately with respect to each participant as follows:

(1) First, determine the value of the benefits in this priority category with respect to each participant using the valuation factors applicable to the date of plan termination established by the Pension Benefit Guaranty Corporation.

(2) Second, subtract from the value of each participant's benefit computed under paragraph (b)(1) of this section, the value of that participant's basic type benefits assigned to priority category 2 computed under § 2608.7(a) or §2608.7(b), whichever is appropriate, and the value of that participant's basic type benefits assigned to category 3 computed under § 2608.8(c)(1) to determine the value, but not less than zero, of such participant's benefits assigned to priority category 4.

§ 2608.10 Priority Category 5 Benefits.

(a) *Definition.* Priority category 5 benefits consist of all nonforfeitable benefits, exclusive of benefits derived from voluntary employee contributions assigned to priority category 1, payable with respect to a participant in a plan, valued in accordance with paragraph (b) of this section.

(b) *Valuation.* The value of such benefits shall be computed separately with respect to each participant as follows:

(1) Compute the value of all of a participant's nonforfeitable benefits under the plan as of the date of plan termination using the valuation factors applicable to the date of plan termination established by the Pension Benefit Guaranty Corporation.

(2) Subtract from the value computed under paragraph (b)(1) of this section, the sum of the values of the benefits assigned to priority categories 2 through 4 to determine the value, but not less than zero, of the benefits assigned to priority category 5.

(3) If there are plan assets available to allocate to benefits in priority category 5 but such assets are not sufficient to satisfy in full the values of the benefits assigned to priority categories 1 through 5:

(i) First, determine with respect to each participant the benefits which would be payable and nonforfeitable under the provisions of the plan as in effect at the beginning of the 5 year period ending on the date of plan termination;

(ii) Second, compute the value of such benefits using the valuation factors applicable to the date of plan termination established by the Pension Benefit Guaranty Corporation;

(iii) Third, subtract from the value computed under the preceding subparagraph, the sum of the values of all benefits assigned to priority categories 2, 3, or 4. This yields the value of the benefits assigned to § 2608.4(d)(2) for purposes of allocating assets.

(iv) Fourth, if the assets allocable to benefits assigned to § 2608.4(d)(2) are sufficient to satisfy in full all such benefits, determine the change in the benefits payable and nonforfeitable under the plan with respect to each participant under the provisions of the plan as amended by the first plan amendment which was effective during the 5 year period ending on the date of plan termination;

(v) Compute the value of the benefit changes determined under the preceding paragraph using the valuation factors applicable to the date of plan termination established by the Pension Benefit Guaranty Corporation. This yields the value of the benefit changes due to the first plan amendment within the 5 year period ending on the date of termination; and

(vi) Repeat the procedure of subparagraphs (b)(3)(iv) and (3)(v) of this section until all assets of the plan have been exhausted or all plan amendments have been allocated, whichever occurs first.

§ 2608.11 Priority Category 6 Benefits.

(a) *Definition.* The benefits of priority category 6 consist of all benefits provided by a plan, other than benefits assigned to priority categories 1 through 5.

(b) *Valuation.* The value of the benefits in this category shall be computed as follows:

(1) First, determine all the benefits provided by a plan, forfeitable or nonforfeitable, with respect to a participant; and

(2) Second, determine the value, but not less than zero, of the benefits determined under the preceding subparagraph using the valuation factors applicable to the date of plan termination established by the Pension Benefit Guaranty Corporation and subtract therefrom the value of the benefits with respect to that participant in priority category 1 through 5.

Issued in Washington, D.C., on this 30th day of October 1975.

STEVEN E. SCHANES,
Executive Director,[1]
Pension Benefit Guaranty Corporation.

HENRY ROSE,
Secretary,
Pension Benefit Guaranty Corporation.

[FR Doc.75-29639 Filed 11-3-75;8:45 am]

[29 CFR Part 2609]

GUARANTEED BENEFITS

Proposed Limitations

Section 4022(b) of the Employee Retirement Income Security Act of 1974 (hereinafter "the Act"), 29 U.S.C. 1322 (b), sets forth limitations on the guarantee of benefit payments by the Pension Benefit Guaranty Corporation (hereinafter "PBGC"). These limitations apply to those benefits described in Part 2605 of Chapter XXVI of Title 29, Code of Federal Regulations. PBGC now proposes to amend Chapter XXVI of Title 29, Code of Federal Regulations, by adding a new Part 2609 setting forth the regulations implementing the guarantee limitations.

This proposed regulation was prepared by the staff of the Pension Benefit Guaranty Corporation. With the understanding that this is a staff document without the Board's endorsement of the policies underlying it, the Board of Directors of the Corporation authorized publication of this proposed regulation in the FEDERAL REGISTER to invite public comments and suggestions that will assist the Board in its consideration of the regulation to be finally adopted.

Interested persons may participate in this proposed rulemakinig by submitting written data, views, or arguments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, Room 7200, 2020 K Street NW., Washington, D.C. 20006. Each person submitting comments should include his name and address, identify this notice, and give reasons for any recommendations. Comments should be submitted on or before December 4, 1975. Copies of written comments will be available for examination for a reasonable period by interested persons in the Office of Communications of the PBGC, Room No. 7100, 2020 K Street NW., Washington, D.C. 20006, between the hours of 9 a.m. and 4 p.m. This proposal may be changed in light of the comments received.

The basic rule of the guarantee limitations, as provided in section 4022(b)(3)

[1] Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving the publication of these proposed regulations and authorizing its Executive Director to issue same.

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of the Act and implemented by proposed § 2609.3(a), is one which ties the maximum guarantee to a specific form of benefit payable at a specified age in a specified amount. That is, the value of the benefits guaranted by PBGC cannot exceed the value of a single life annuity payable in monthly installments commencing at age 65 in the lesser amount of: (1) A figure based on the participant's highest average compensation during a 5-year period, or (2) $750 adjusted for changes in the Social Security contribution and benefit base. The current adjusted amount is $801.14. Moreover, as provided in proposed § 2609.3(b), the maximum guaranteed payments made by PBGC from its funds to any person or with respect to any participant cannot exceed the guarantee maximum set forth in § 2609.3(a) based on the adjusted $750 figure.

Many pension plans provide benefits in forms other than a single life annuity and the benefits may be payable at ages younger than 65. The value of a given monthly benefit in a form other than a single life annuity is usually more than the value of the same monthly benefit payable as a single life annuity, and thus the guarantee maximum set forth in proposed § 2609.3(a) (which is based on a single life annuity) must be reduced to reflect the greater values of such other benefit forms. For example, a period certain and continuous annuity under which a benefit is payable to a participant for his life, but for not less than a specified period of time whether or not the participant dies during that period, has a greater value than a single life annuity where payments cease upon the participant's death, whenever it occurs. Similarly, a benefit payable at an age younger than 65 has a greater total value then one commencing at age 65.

Therefore, proposed § 2609.4 sets forth various factors to be applied to the monthly amount computed under § 2609.4 monthly amount computed under § 2609.3(a) in order to determine the maximum amount of the monthly benefit which is guaranteeable. Proposed § 2609.4(c) contains the age adjustment factors which reduce the maximum guarantee when a benefit becomes payable at an age lower than 65. It should be noted that this adjustment will reduce substantially the maximum guaranteeable benefit, and thus may sharply curtail the guaranteed monthly benefit of a disabled retiree who begins receiving his pension benefit at an age below 65. Likewise, the guaranteed benefit of a surviving spouse would be reduced greatly if the survivor were much younger than the deceased participant. There would be a similar result in the case of a lifetime benefit payable to a surviving child. However, if the benefit to the surviving child is payable only until he reaches an age specified in the plan, substantially higher guaranteed benefits are payable. Such a benefit is a temporary life annuity, and PBGC will provide the appropriate adjustment factors on a case-by-case basis.

It is also necessary, in the case of a benefit payable to a participant and his beneficiary, to adjust the guarantee maximum to reflect differences in age between the participant and beneficiary. Proposed § 2609.4(e) provides the factors to be used to adjust for age differences.

Proposed § 2609.4(d) sets forth the adjustment factors applicable for several of the most common benefit forms payable in monthly installments. Covered by this paragraph are period certain and continuous annuities, joint and survivor annuities and step-down life annuities. PBGC will provide the appropriate adjustment factors, when needed, for benefit forms not covered in this paragraph.

The other principle guarantee limitation contained in section 4022(b) of the Act applies to benefit increases that have been in effect for less than five years with respect to participants other than substantial owners (as defined in section 4022(b)(6) and to all benefits that have been in effect for less than 30 years with respect to participants who are substantial owners. The definition of "benefit increase" contained in proposed § 2609.2 includes not only increases in the amount of the benefit payable, but also advances in the participants' entitlement to the benefit. The latter types of increase, such as a reduction in the normal retirement age under the plan or a liberalization of the plan's vesting provisions, increase the value of the benefit to the participant by, in the examples given, enabling him to receive his benefit at an earlier age or entitling him to receive a greater percentage of the benefit accrued under the plan. Inasmuch as the guarantee limitations are keyed to the value of benefits, plan amendments which produce increases in value are treated as benefit increases.

Proposed § 2609.5(c) sets forth the method for computing benefit increases. Because a benefit increase may result from a plan amendment which changes the form of the benefit payable, the formula for determining the benefit increase converts the old benefit form to the new benefit form. This enables one to determine any increase in value created by the change in benefit form. For plans under which there have been multiple benefit increases, the amount of each increase is to be expressed in the form of the benefit provided by the plan at the date of plan termination, calculated in accordance with proposed § 2609.5(d). Because increases in benefits due solely to increases in credited service do not constitute a "benefit increase" as defined in § 2609.2, all calculations under proposed § 2609.5 (c) and (d) are based on the participant's total credited service to the date of plan termination.

Proposed § 2609.6 sets forth the phase-in rule for benefit increases payable with respect to participants other than substantial owners (as defined in section 4022(b)(6) of the Act). Under this rule, the amount of a benefit increase that is guaranteed depends on the number of full years prior to plan termination that the benefit increase has been in effect. In all cases benefit increases subject to phase-in will be fully guaranteed after they have been in effect for 5 years. The guarantee is phased-in at an annual rate of 20 percent of the amount of the increase or $20 per month, whichever is greater. To the extent that a benefit increase causes the total benefit to exceed the guarantee maximum set forth in proposed § 2609.3(a), that portion of the benefit increase is not included in calculating the amount of the benefit increase subject to the phased-in guarantee. If there are multiple benefit increase within any 12-month period preceding the date of plan termination, those increases are aggregated for the purpose of applying the phase-in formula, pursuant to proposed § 2609.6(d).

Proposed § 2609.7 sets forth the phase-in rule for all benefits payable with respect to a participant who is a substantial owner. Under this rule, the guarantee of benefits payable with respect to such a participant under a plan in which there has never been a benefit increase (other than that arising from the adoption of the plan) is phased-in over a 20-year period. Further, the guarantee of any subsequent benefit increase payable with respect to a participant who is a substantial owner is also phased-in over a 30-year period, commencing with the effective date of the increase, and the guarantee of all such benefit increases cannot exceed the guarantee of the benefits provided under the original plan. Finally, as under the 5-year phase-in rule a benefit increase that causes the total benefit to exceed the guarantee maximum set forth in proposed § 2605.17 (a) is not guaranteed.

In consideration of the foregoing, it is proposed to amend Chapter XXVI of Title 29, Code of Federal Regulations, by adding a new Part 2609 to read as follows:

PART 2609—LIMITATIONS ON GUARANTEED BENEFITS

Sec.

2609.1 Purpose and scope.
2609.2 Definitions.
2609.3 Maximum guaranteeable benefit.
2609.4 Computation of maximum guaranteeable benefits.
2609.5 Benefit increases.
2609.6 Five-year phase-in of benefit guarantee for participants other than substantial owners.
2609.7 Phase-in of benefit guarantee for participants who are substantial owners.
2609.8 Effect of tax disqualification.

AUTHORITY: Secs. 4002(b)(3), 4022(b), Pub. L. 93-406, 88 Stat. 1004, 1016-18 (29 U.S.C. 1302(b)(3), 1322(b))

§ 2609.1 Purpose and scope.

(a) The purpose of this part is to describe the limitations on benefits guaranteed under Part 2605 of this chapter and to provide the methods for applying such limitations.

(b) This part applies to each plan providing benefits guaranteed under Part 2605 of this chapter.

§ 2609.2 Definitions.

As used in this part:

"Act" means the Employee Retirement Income Security Act of 1974.

"Annuity" means a series of periodic payments to a participant or surviving beneficiary for a fixed or contingent period.

"Benefit" means a benefit described in Part 2605 of this chapter.

"Benefit increase" means any benefit arising from the adoption of a new plan or an increase in the value of benefits payable arising from an amendment to an existing plan. Such increases include, but are not limited to, a scheduled increase in benefits under a plan or plan amendment, such as a cost-of-living increase, and any change in plan provisions which advances a participant's or beneficiary's entitlement to a benefit, such as liberalized participation requirements or vesting schedules, reductions in the normal or early retirement age under a plan, and changes in the form of benefit payments. In the case of a plan under which the amount of benefits depends on the participant's salary and the participant receives a salary increase the resulting increase in benefits to which the participant becomes entitled will not, for the purpose of this part, be treated as a "benefit increase." Similarly, in the case of a plan under which the amount of benefits depends on the participant's age or service, and the participant becomes entitled to increased benefits solely because of advancement in age or service, the increased benefits to which the participant becomes entitled will not, for the purpose of this part, be treated as a "benefit increase."

"Cash refund annuity" means annuity under which if the participant dies prior to the time when he has received pension payments equal to a fixed sum specified in the plan, then the balance is paid as a lump-sum death benefit.

"Installment refund annuity" means an annuity under which if the participant dies prior to the time he has received pension payments equal to a fixed sum specified in the plan, then the balance is paid as a death benefit in periodic installments equal in amount to the participant's periodic benefit.

"Joint and survivor annuity (joint basis)" means an annuity which is payable in periodic installments to a participant and upon his death or the death of hs beneficiary is payable to the survivor for the survivor's life in the same or in a reduced amount.

"Joint and survivor annuity (contingent basis)" means an annuity which is payable in periodic installments to a participant for his life and upon his death is payable to his beneficiary for the beneficiary's life in the same or in a reduced amount.

"PBGC" means the Pension Benefit Guaranty Corporation.

"Period certain and continuous annuity" means an annuity which is payable in periodic installments for the participant's life, but for not less than a specified period of time whether or not the participant dies during that period.

"Step-down life annuity" means an annuity payable in a certain amount for the life of the participant plus a temporary additional amount payable until the participant attains an age specified in the plan.

"Successor plan" means a plan which covers substantially the same employees and provides substantially the same benefits as a previously established plan.

§ 2609.3 Maximum guaranteeable benefit.

(a) *General limitation.* Benefits payable with respect to a participant under a plan shall be guaranteed only to the extent that such benefits do not exceed the actuarial value of a benefit in the form of a life annuity payable in monthly installments, commencing at age 65 equal to the lesser of the amounts computed in paragraphs (a) (1) and (2) of this section.

(1) One-twelfth of the participant's average annual gross income from his employer during either his highest-paid 5 consecutive calendar years in which he was an active participant under the plan, or if he was not an active participant throughout the entire such period, the lesser number of calendar years within that period in which he was an active participant under the plan.

(i) As used in this paragraph, "gross income" means "earned income" as defined in section 911(b) of the Internal Revenue Code of 1954, determined without regard to any community property laws.

(ii) For the purposes of this paragraph, if the plan is one to which more than one employer contributes, and during any calendar year the participant received gross income from more than one such contributing employer, then the amounts so received shall be aggregated in determining the participant's gross income for the calendar year.

(2) $750 multiplied by the fraction $\frac{x}{\$13,200}$, where "x" is the Social Security contribution and benefit base determined under section 230 of the Social Security Act in effect at the date of termination of the plan.

(b) *Aggregate payments limitation.* If a person is entitled to benefits under two or more plans or with respect to two or more participants, or if more than one person is entitled to benefits payable with respect to one participant, the aggregate benefits payable by PBGC from its funds shall be limited to the extent set forth in paragraph (a) of this section computed without regard to the provisions of paragraph (a)(1) of this section. The limitation contained in paragraph (a) of this section shall be applied separately to each plan at the date of its termination, and the amounts payable by PBGC under each plan shall be aggregated up to the limitation contained in this paragraph.

§ 2609.4 Computation of maximum guaranteeable benefits.

(a) *General.* Where a benefit is payable in any manner other than as a monthly benefit payable for life commencing at age 65, the maximum guaranteeable monthly amount of such benefit shall be computed by applying the applicable factor or factors set forth in paragraphs (c)-(e) of this section to the monthly amount computed under § 2609.3(a). In the case of a step-down life annuity, the maximum guaranteeable monthly amount of such benefit shall be computed in accordance with paragraph (f) of this section.

(b) *Application of adjustment factors to monthly amount computed under § 2609.3(a).* (1) Each percentage increase or decrease computed under paragraphs (c), (d), and (e) of this section shall be added to or subtracted from a base of 1.00, and the resulting amounts shall be multiplied.

(2) The monthly amount computed under § 2609.3(a) shall be multiplied by the product computed pursuant to paragraph (b)(1) of this section in order to determine the participant's and/or beneficiary's maximum benefit guaranteeable.

(c) *Annuitant's age factor.* If a participant or the beneficiary of a deceased participant is entitled to and chooses to receive his benefit at an age younger than 65, the monthly amount computed under § 2609.3(a) shall be reduced by the following amounts for each month up to the number of whole months below age 65 that corresponds to the later of the participant's age at the date of plan termination or his age at the time he begins to receive the benefit:

For each of the 60 months immediately preceding the 65th birthday, the reduction shall be 1/12 of 1 percent;
For each of the 60 months immediately preceding the 60th birthday, the reduction shall be 1/12 of 1 percent;
For each of the 120 months immediately preceding the 55th birthday, the reduction shall be 2/12 of 1 percent; and
For each succeeding 120 month period, the monthly percentages reduction shall be 1/2 of that used for the preceding 120 month period.

(d) *Factor for benefit payable in a form other than as a life annuity.* When a benefit is in a form other than a life annuity payable in monthly installments, the monthly amount computed under § 2609.3(a) shall be adjusted by the appropriate factors on a case-by-case basis by PBGC. This paragraph sets forth the adjustment factors to be used for several common benefit forms payable in monthly installments.

(1) *Period certain and continuous annuity.* The monthly amount computed under § 2609.3(a) shall be reduced by the following amounts for each month of the period certain subsequent to the date of plan termination:

For each month up to 60 months deduct 1/24 of 1 percent;
For each month beyond 60 months deduct 1/12 of 1 percent.

(i) A cash refund annuity shall be treated as a benefit payable for a period certain and continuous. The period of certainty shall be computed by dividing the amount of the lump-sum refund by the lesser of the maximum monthly amount guaranteeable under § 2609.3(a), computed without regard to the provisions of this paragraph, and the monthly amount to which the participant is entitled under the terms of the plan.

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(ii) An installment refund annuity shall be treated as a benefit payable for a period certain and continuous. The period of certainty shall be computed by dividing the amount of the remaining refund by the lesser of the maximum monthly amount guaranteeable under § 2609.3(a), computed without regard to the provisions of this paragraph, and the monthly amount to which the participant is entitled under the terms of the plan.

(2) *Joint and survivor annuity (contingent basis).* The monthly amount computed under § 2609.3(a) shall be reduced by an amount equal to 10 percent plus ⅛ of 1 percent for each percentage point in excess of 50 percent of the participant's benefit that will continue to be paid to the beneficiary. If the benefit payable to the beneficiary is less than 50 percent of the participant's benefit, PBGC shall provide the adjustment factors to be used.

(3) *Joint and survivor annuity (joint basis).* The monthly amount computed under § 2609.3(a) shall be reduced by an amount equal to ⅛ of 1 percent for each percentage point in excess of 50 percent of the participant's original benefit that will continue to be paid to the survivor. If the benefit payable to the survivor is less than 50 percent of the participant's original benefit, PBGC shall provide the adjustment factors to be used.

(e) **When a benefit is payable in a form described in paragraphs (d) (2) or (3) of this section, and the beneficiary's age is different from the participant's age, the monthly amount computed under § 2609.3(a) shall be adjusted by the following amounts:**

If the beneficiary is younger than the participant, deduct 1 percent for each year of the age difference;

If the beneficiary is older than the participant, add ½ of 1 percent for each year of the age difference.

In computing the difference in ages, years over 65 years of age shall not be counted.

(f) *Step-down life annuity.* (1) The temporary additional amount payable under a step-down life annuity shall be converted to a life annuity payable in monthly installments by multiplying the appropriate factor based on the participant's age and the number of remaining years of the temporary additional benefit by the amount of the temporary additional benefit. The factors to be used are set forth in the table below. The amount of the monthly benefit so calculated shall be added to the level amount of the monthly benefit payable for life to determine the level-life annuity that is equivalent to the step-down life annuity.

Factors for converting temporary additional benefit under stepdown life annuity

Age of participant at the later of the date the temporary additional benefit commences or the date of plan termination [1]	Number of years temporary additional benefit is payable under the plan as of the date of plan termination									
	1	2	3	4	5	6	7	8	9	10
45	0.060	0.117	0.170	0.220	0.268	0.315	0.355	0.395	0.435	0.475
46	.061	.119	.173	.224	.273	.321	.362	.403	.444	.485
47	.062	.121	.176	.228	.278	.327	.369	.411	.453	.495
48	.063	.123	.179	.232	.283	.333	.376	.419	.462	.505
49	.064	.125	.182	.236	.288	.339	.383	.427	.471	.515
50	.065	.127	.185	.240	.293	.345	.390	.435	.480	.525
51	.066	.129	.188	.244	.298	.351	.397	.443	.489	.535
52	.067	.131	.191	.248	.303	.357	.404	.451	.498	.545
53	.068	.133	.194	.252	.308	.363	.411	.459	.507	.555
54	.069	.135	.197	.256	.313	.369	.418	.467	.516	.565
55	.070	.137	.200	.260	.318	.375	.425	.475	.525	.575
56	.072	.141	.206	.268	.328	.387	.439	.491	.543	
57	.074	.145	.212	.276	.338	.399	.453	.507		
58	.076	.149	.218	.284	.348	.411	.467			
59	.078	.153	.224	.292	.358	.423				
60	.080	.157	.230	.300	.368					
61	.082	.161	.236	.308						
62	.084	.165	.242							
63	.086	.169								
64	.088									

[1] Age of participant is his age at his last birthday.

NOTE.—If the benefit is payable for less than 1 year, the appropriate factor is obtained by multiplying the factor for 1 year by a fraction, the numerator of which is the number of months the benefit is payable, and the denominator of which is 12. If the benefit is payable for 1 or more whole years, plus an additional number of months less than 12, the appropriate factor is obtained by linear interpolation between the factor for the number of whole years the benefit is payable and the factor for the next year.

(2) If a participant is entitled to and chooses to receive a step-down life annuity at an age younger than 65, the monthly amount computed under § 2609.3(a) shall be adjusted by applying the factors set forth in paragraph (c) of this section in the manner described in paragraph (b) of this section.

(3) If the level-life monthly benefit calculated pursuant to paragraph (f) (1) of this section exceeds the monthly amount calculated pursuant to paragraph (f) (2) of this section, then the monthly maximum benefit guaranteeable shall be a step-down life annuity under which the monthly amount of the temporary additional benefit and the amount of the monthly benefit payable for life, respectively, shall bear the same ratio to the monthly amount of the temporary additional benefit and the monthly benefit payable for life provided under the plan, respectively, as the monthly benefit calculated pursuant to paragraph (f) (2) of this section bears to the monthly benefit calculated pursuant to paragraph (f) (1) of this section.

§ 2609.5 Benefit increases.

(a) *Scope.* This section applies:

(1) To all benefit increases, as defined in § 2609.2, payable with respect to a participant other than a substantial owner (as defined in section 4022(b)(6)(A) of the Act), which have been in effect for less than five years preceding the date of plan termination, and

(2) To all benefit increases payable with respect to a substantial owner, which have been in effect for less than 30 years preceding the date of plan termination.

(b) *General rule.* Benefit increases described in paragraph (a) of this section shall be guaranteed only to the extent provided in § 2609.6 with respect to a participant other than a substantial owner and in § 2609.7 with respect to a participant who is a substantial owner.

(c) *Computation of guaranteeable benefit increases.* Except as provided in paragraph (d) of this section pertaining to multiple benefit increases, the amount of a guaranteeable benefit increase shall be the amount, if any, by which the monthly benefit calculated pursuant to paragraph (c)(1) of this section exceeds the monthly benefit calculated pursuant to paragraph (c)(3) of this section.

(1) Determine the lesser of (i) the monthly benefit payable under the terms of the plan subsequent to the increase, using service credited to the date of plan termination or (ii) the maximum monthly benefit guaranteeable under § 2609.3(a) subsequent to the increase, using service credited to the date of plan termination;

(2) Determine, in accordance with the provisions of § 2609.4, the factors which would be used to calculate the monthly maximum benefit guaranteeable under the plan prior to the increase, and state those factors in the manner set forth in § 2609.4(b)(1);

(3) Multiply the monthly benefit provided under the plan prior to the increase based on service credited to the date of plan termination by a fraction, the numerator of which is the product of the factors, stated in the manner set forth in § 2609.3(b)(1), used in the calculation under paragraph (c)(2) of this section and the denominator of which is the product of the factors computed pursuant to paragraph (c)(3) of this section.

(d) *Multiple benefit increases.* (1) Where there has been more than one benefit increase described in paragraph (a) of this section, the amounts of guaranteeable benefit increases shall be calculated beginning with the earliest increase, and each such amount (except for the amount resulting from the final benefit increase) shall be multiplied by a fraction, the numerator of which is the product of the factors, stated in the manner set forth in § 2609.4(b)(1), used to calculate the monthly maximum guaranteeable benefit under § 2609.3(a) and the denominator of which is the product of the factors used in the calculation under paragraph (c)(2) of this section.

(2) Each benefit increase shall be treated separately for the purposes of § 2609.6, except as otherwise provided in § 2609.6(d) and for the purposes of § 2609.7, as appropriate.

(e) For the purposes of this part, a benefit increase is deemed to be in effect

commencing on the later of its adoption date or its effective date.

§ 2609.6 Five-year phase-in of benefit guarantee for participants other than substantial owners.

(a) *Scope.* This section applies to the guarantee of benefit increases which have been in effect for less than five years with respect to participants other than substantial owners, as defined in section 4022(b)(6)(A) of the Act.

(b) *Phase-in formula.* The amount of a benefit increase computed pursuant to § 2609.5 shall be guaranteed to the extent provided in the following formula:

The number of years the benefit increase has been in effect, not to exceed five, multiplied by the greater of (1) 20 percent of the amount computed pursuant to § 2609.5; or (2) $20 per month.

(c) *Computation of years.* In computing the number of years a benefit increase has been in effect, each complete 12-month period prior to the date of termination during which such benefit increase was in effect shall constitute one year.

(d) *Multiple benefit increases.* In applying the formula contained in paragraph (b) of this section, multiple benefit increases within any 12-month period prior to the date of termination and calculated from that date shall be aggregated and treated as one benefit increase.

(e) Notwithstanding the provisions of paragraph (b) of this section, a benefit increase described in paragraph (a) of this section shall be guaranteed only if PBGC determines that the plan was terminated for a reasonable business purpose and not for the purpose of obtaining the payment of benefits by PBGC.

§ 2609.7 Phase-in of benefit guarantee for participants who are substantial owners.

(a) *Scope.* This section shall apply to the guarantee of all benefits described in Part 2605 of the chapter with respect to participants who are substantial owners, as defined in section 4022(b)(6)(A), at the date of plan termination or who were substantial owners at any time within the 5-year period preceding that date.

(b) *Phase-in formula when there have been no benefit increases.* Benefits provided by a plan under which there has been no benefit increase as defined in § 2609.2, other than the adoption of the plan, shall be guaranteed to the extent provided in the following formula:

The monthly amount computed under § 2609.3(a) multiplied by a fraction not to exceed 1, the numerator of which is the number of full years prior to the date of plan termination that the substantial owner was an active participant under the plan, and the denominator of which is 30.

(c) *Phase-in formula when there have been benefit increases.* If there has been a benefit increase under the plan as defined in § 2609.2, other than the adoption of the plan, benefits provided by each such increase shall be guaranteed to the extent provided in the following formula:

The amount of the guaranteeable benefit increase computed under § 2609.5 multiplied by a fraction not to exceed 1, the numerator of which is the number of full years prior to the date of termination that the benefit increase was in effect and during which the substantial owner was an active participant under the plan, and the denominator of which is 30. However, in no event shall the total benefits guaranteed under all such benefit increases exceed the benefits which are guaranteed under paragraph (b) of this section with respect to a plan described therein.

§ 2609.8 Effect of tax disqualification.

(a) *General rule.* Except as provided in paragraph (b) of this section, benefits accrued under a plan after the date on which the Secretary of the Treasury or his delegate issues a notice that any trust which is part of the plan no longer meets the requirements of section 401(a) of the Internal Revenue Code of 1954 or that the plan no longer meets the requirements of section 404(a) of the Code or after the date of adoption of a plan amendment that causes the issuance of such a notice shall not be guaranteed under this part.

(b) *Exceptions.* The restriction on the guarantee of benefits set forth in paragraph (a) of this section shall not apply if:

(1) The Secretary of the Treasury or his delegate issues a notice stating that the original notice referred to in paragraph (a) of this section was erroneous;

(2) The Secretary of the Treasury or his delegate finds that, subsequent to the issuance of the notice referred to in paragraph (a) of this section, appropriate action has been taken with respect to the trust or plan to cause it to meet the requirements of section 401(a) or 404(a)(2), respectively, and issues a subsequent notice stating that the trust or plan meets such requirements; or

(3) The plan amendment is revoked retroactively to its original effective date.

Issued in Washington, D.C., this 30th day of October, 1975.

STEVEN E. SCHANES,
Executive Director,[1]
Pension Benefit Guaranty Corporation.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc.75-29636 Filed 11-3-75;8:45 am]

[1] Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving the publication of these proposed regulations and authorizing its Executive Director to issue same.

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TUESDAY, NOVEMBER 4, 1975



PART VI:

INTERSTATE COMMERCE COMMISSION

Procedures to be Followed in Motor Carrier Revenue Proceedings

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Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. MC-82]

PART 1104—PROCEDURES TO BE FOLLOWED IN MOTOR CARRIER REVENUE PROCEEDINGS

In response to various petitions for modification and reconsideration, the Interstate Commerce Commission has revised procedures, adopted in prior reports (339 I.C.C. 325 and 340 I.C.C. 1), governing the data and information to be submitted by motor carriers of general commodities seeking general revenue increases.

These revisions (1) expand the application of the procedures (making the Niagara Frontier Tariff Bureau, Inc. and the Motor Carriers Traffic Association also subject to them), (2) require the submission of certain additional data, and (3) revise and further define various definitions and data computations. Specific revisions are as follows.

The traffic study requirement of § 1104.2(a) is amended to allow use of data based on the latest traffic year and augmentation of the traffic study group with additional carriers where appropriate. Also with regard to the traffic study requirement, the phrase "possible labor and non-labor increases," found in § 1104.3(c), is changed to read "provable labor and non-labor increases," and a third alternative method of updating cost data authorized.

Revenue need computations required by § 1104.4 and prescribed in Appendix A to Part I have also been revised in several aspects. The carriers now must submit data for the two calendar years immediately preceding the "base calendar year—actual" and quarterly data between the "base calendar year—actual" and the proposed effective date of the increase.

Another change is that data specified in Appendices A, B; and C must now be shown separately for study carriers which derive 50 percent and more of their system revenues from the issue traffic. Definitions of "current liabilities" and "working capital" have also been modified, and computations regarding "carriers' rate of return on shareholders' equity," "capital structure," and "long-term debt to shareholders' equity" are now required with and without "intangibles."

Appendix B has also been expanded by adding thereto a "return on total capitalization" ratio and two new ratios. Also newly being required is a "funds flow" statement which is to be computed on both a carrier only and a consolidated basis.

Other changes authorize the use of year-end balance sheet data in computing all but one Appendix B ratio; require data regarding cash dividends on stock and a "dividend payout ratio"; and submission of Appendix A, B, and C data on a specified consolidated basis. As revised, deferred taxes are now excluded from the "sum of money" calculations of Appendix A, and Appendix B is to be calculated on a defered tax basis, including certain deferred tax liability data. The procedures now also include conversion tables (Attachment I to Appendices A and B) to reflect changes to the carriers' annual report form (Motor Carrier Annual Report Form A for Class I Motor Carriers of Property) as a result of the new uniform system of accounts which became effective January 1, 1974.

These regulations are issued under 49 U.S.C. 305(h), 316(g), 316(l), and 5 U.S.C. 553(b).

The changes to the procedures are to take effect on or before December 4, 1975. Reasons for their adoption are set forth in the Commission's Report and Order on Furthering Reconsideration, entered September 19, 1975 and printed at 351 I.C.C. 1.

Issued in Washington, D.C., October 23, 1975.

Upon consideration of the record in this proceeding, including the prior reports of the Commission, 339 I.C.C. 324 and on reconsideration, 340 I.C.C. 1, prescribing procedures published as Part 1104 "Procedures to be Followed in Motor Carrier Revenue Proceedings," of Chapter X of Title 49 of the Code of Federal Regulations; of petitions for reconsideration and modification filed on January 10, 1972 by Rocky Mountain Motor Tariff Bureau, on April 3, 1972 by Arthur W. Todd, and on April 10, 1972 individually by the National Industrial Traffic League, (hereafter the NIT League), by the Middle Atlantic Conference, and jointly by Central and Southern Motor Freight Tariff Association, Inc., Central States Motor Freight Bureau, Inc., The Eastern Central Motor Carriers Association, Inc., Middle Atlantic Conference, Middlewest Motor Freight Bureau, The New England Motor Rate Bureau, Inc., Pacific Inland Tariff Bureau, Southern Motor Carriers Rate Conference, and Southwestern Motor Freight Bureau, Inc.; and replies thereto filed on May 1, 1972 by Niagara Frontier Tariff Bureau, Inc.; on June 29, 1972 jointly by the National Small Shipments Traffic Conference and Drugs and Toilet Preparation Traffic Conference; and on June 30, 1972 by certain petitioners, by the Rocky Mountain Motor Tariff Bureau, Inc., and individually by the Motor Carriers Traffic Association, Inc. and NIT League; and good cause appearing therefor:

It is ordered, That the said petitions be and they are hereby granted.

It is further ordered, That the prescribed procedures previously modified in Appendix III of our report on reconsideration, 340 I.C.C. 1 at 27, be, and they are hereby, amended to read as set forth below to the report and order of the Commission of further reconsideration, 351 I.C.C. 54, decided on this date.

It is further ordered, That the prescribed procedures as amended, shall be published in the FEDERAL REGISTER and in the Code of Federal Regulations.

It is further ordered, That the prescribed procedures, as amended, shall take effect on or before December 4, 1975.

And it is further ordered, That this order shall continue in full force and effect until the further order of the Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

Sec.
1104.1 Application.
1104.2 Traffic study.
1104.3 Cost study.
1104.4 Revenue need.
1104.5 Official notice.
1104.6 Summary of the increase proposal.
1104.7 News release.
1104.8 Service.
1104.9 Availability of underlying data.

Appendix A—Revenue need and allocation to traffic at issue.
Appendix B (Part I)—Financial data.
Appendix B (Part II)—Accounts giving effect to interperiod tax allocation (deferred taxes).
Appendix C—Statement of changes in financial position.

AUTHORITY: (49 U.S.C. 305(h), 316(g), 316(l), and 5 U.S.C. 553(b)).

Prescribed procedures[1]

§ 1104.1 Application.

(a) Upon the filing by the tariff publishing agencies named hereinafter on behalf of their motor common carrier members, or by such other agencies as the Commission may by order otherwise designate, of agency tariff schedules which contain: (1) Proposed general increases in rates or charges on general freight where such proposal would result in an increase of $1 million or more in the annual operating revenues on the traffic affected by the proposal; (2) a proposed general adjustment with the objective of restructuring the rates on a wide range of traffic, involving both increases and reductions in rates and charges, where such proposal would result in a net increase of $1 million or more in annual operating revenues; or (3) in any proceeding involving a proposed rate restructuring which would result in a net increase of less than $1 million in annual operating revenues, the motor common carriers of general freight on whose behalf such schedules are filed shall, concurrently with the filing of those tariff schedules, file and serve, as provided hereinafter, a verified statement presenting and comprising the entire evidential case which is relied upon to support the proposed general increase or rate restructuring. Carriers thus required to submit their evidence when they file their schedules are hereby notified that special permission to file those schedules shall be conditioned upon the publishing of an effective date at least 45 days later than the date of filing, to enable proper evaluation of the evidence presented. Under agency tariffs meeting the provisions of paragraphs (a) (1) and (a) (2) of this section, the carriers shall submit data in accordance with §§ 1104.2–1104.4. Under agency tariffs meeting the provisions of paragraph (a) (3) of this section, the carriers shall submit the data sought in §§ 1104.2 and 1104.3. Data to be submitted in accordance with §§ 1104.2–1104.4 represent the minimum data required to be filed and served, and in no way shall be considered as limiting the type of evidence that may be presented at the time of filing of the schedules. If a formal proceeding is instituted, the carriers are not precluded from updating the evidence submitted at the time of filing of the schedules to reflect the contemporary situation.

(b) The motor common carriers of general freight which are subject to the provisions of this section are those which are members of the following tariff publishing agencies:

Central and Southern Motor Freight Tariff Association, Inc., Central States Motor Freight Bureau, Inc., The Eastern Central Motor Carriers Association, Inc., Middle Atlantic Conference, Middlewest Motor Freight Bureau, Motor Carriers Tariff Association, Inc., The New England Motor Rate Bureau, Inc., Niagara Frontier Tariff Bureau, Inc., Pacific Inland Tariff Bureau, Inc., Rocky Mountain Motor Tariff Bureau, Inc., Southern Motor Carriers Rate Conference.

(c) Upon the filing of tariff schedules other than those described hereinabove, the carriers or their tariff publishing agencies shall be required to comply with such procedures as the Commission may direct in the event an investigation is instituted. Nothing stated in this part shall relieve the carriers of their burden of proof imposed under the Interstate Commerce Act.

§ 1104.2 Traffic study.

(a) The respondents shall submit a traffic study for the most current 12-month calendar year available, which shall be referred to as the "base calendar year—actual." If the effective date of the tariff schedules occurs during the calendar period August 1 through December 31, inclusive, the "base calendar year-actual" shall be the immediately preceding calendar year. If the effective date of the tariff schedules occurs during the calendar period January 1 through July 31, inclusive, the "base calendar year-actual" shall be the second preceding calendar year: *Provided, however*, That if traffic study data for the immediately preceding calendar year are available then this study year should be used as the "base calendar year—actual." The study shall include a probability sampling of the actual traffic handled during identical time periods for each study carrier.

(b) (1) The study carriers shall consist of those carriers subject to the requirements for allocation of expenses between line-haul and pickup and delivery services, as provided in Part 1207 of this chapter, Instruction 27, which participate in one of the motor carrier industry's Continuous Traffic Studies (CTS), and which derive $1 million or more in annual operating revenues from this issue traffic or 1 percent or more of the total annual operating revenues of all carriers from the issue traffic. A list of such carriers and the appropriate revenue data shall be submitted to corroborate the selection of the study carriers. "Issue traffic" consists of those shipments on which the freight rates or charges would be affected by the rate proposal.

(2) In addition to the traffic, cost, revenue need, and affiliate data studies required for the above designated study carriers, respondents may also submit, in addition thereto, similar studies based on an expanded group of study carriers. This expanded study carrier group shall include only those Instruction 27 carriers which participate in the industry's CTS and it shall include all such carrier's which derive annual revenues from the issue traffic equal to, or exceeding, the annual issue traffic revenues received by a study carrier obtaining no less than $200,000 in annual issue traffic revenues.

(c) (1) Respondents shall take a sample of the traffic handled by the study carriers according to acceptable standards of probability sampling principles and practices, and shall explain and evaluate the probability sample from the standpoint of purpose, sample design (including explanation of estimation procedure and disclosure of sampling errors for derived characteristics), quality control aspects involved in processing and tabulating data and any statistical analysis performed on the sampled data.[2] This explanation shall include the method or methods which were used to properly weight those study shipments which were interlined between two or more study carriers so as to avoid multiple counting.

(2) The foregoing explanation shall include an estimate of the number of single-line shipments of issue traffic and revenues derived therefrom which were not included in the frame of study carriers (as defined in § 1104.2(b) (1)). This estimate shall be provided for each Class I carrier not included in the study carrier frame which derived $50,000 more of revenue from the issue traffic during the base calendar year-actual. However, some revenue figure less than $50,000 may also be used. A full explanation of the principles, procedures and data sources used to develop this estimate shall be provided.

(3) Respondents shall also submit the following statistical data relative to the components of the sample: (i) The number of *single-line* shipments and revenues derived therefrom for (a) the total traffic (issue and non-issue), and (b) the issue traffic only; (ii) The number of interline shipments and revenues derived therefrom for (a) the total traffic (issue and non-issue), b) the issue traffic only; (iii) The number of interline "segments" carried by the *study carriers* and revenues derived therefrom for (*a*) the total traffic (issue and non-issue), and (*b*) the issue traffic only; and (iv) The number of interline "segments" carried by the *non-study carriers* and revenues derived therefrom for (*a*) the total traffic (issue and non-issue), and (*b*) the issue traffic only.

(d) For cost and revenue purposes, the "carried" basis shall be shown. "Carried" traffic means the issue traffic handled solely by the study carriers, either single-line or interline. Respondent carriers, however, are not precluded from submitting additional data on a through basis but they should be prepared to demonstrate that use of this basis does not result in a substantial sampling bias.

Estimates of current revenues applicable to the issue traffic should reflect all rates and charges in effect no later than 45 days prior to the date of the tariff filing.

§ 1104.3 Cost study.

(a) The respondents shall submit a cost study. Highway Form B may be used for this purpose. Service unit costs shall be developed for each individual study carrier, adjusted by size of shipment and length of haul, and shall be applied to respective individual carrier's traffic service units as developed from its traffic study. Operating ratios shall be determined for the issue traffic on the "carried" traffic basis by individual weight brackets affected by the rate proposal for: (1) The traffic study year, that is, the "base calendar year-actual," as hereinbefore defined; (2) a "present proforma year" based on present wage, price and productivity levels prevailing on a date no later than 45 days prior to the date of the tariff; and (3) a "restated proforma year" based on provable wage, price and productivity levels prevailing on the effective date of the proposed rates, with a separation indicating projected operating ratios on two bases, namely, "based on current revenues," and "based on proposed revenues." Operating ratios shall also be shown for all other traffic not affected by the rate proposal for the same weight brackets as shown for the issue traffic, but only for the period indicated in subparagraph (1) of this paragraph. In determining the cost for interline movements involving both study and non-study carriers, either the weighted composite unit cost of the study carriers or the applicable regional average unit cost should be used for that portion of the interline movements handled by the non-study carriers.

(b) In addition to the operating ratios, the cost study shall also be used to develop and provide the revenue-to-cost comparisons required in Appendix A to this part for the time period there specified.

(c) For both the operating ratios and the revenue-to-cost comparisons in Appendix A to this part, the "each-to-each" costing method, i.e., the application of each individual study carrier's unit costs to its traffic service units, applies only to the "base calendar year—actual." The application of provable labor and non-labor cost increases for the purpose of updating the "base calendar year-actual"

[1] The prescribed procedures as set forth hereinafter also incorporate changes recently adopted in Ex Parte No. 286, *Notice of Increases in Frt. Rates and Pass. Fares*, 349 I.C.C. 741.

[2] Although not adopted by the Commission, attention is called to a staff report, "Guidelines for the Presentation of the Results of Sample Studies," February 1, 1971, available from the Superintendent of Documents.

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cost data may be accomplished by using one of the following methods: (1) Individual carrier "updating" data applied to each of the respective study carrier's base data; (2) composite carrier "updating" data— for those individual study carriers whose revenues from the issue traffic during the "base calendar year-actual" amount to 50 percent or more of their respective total system revenues—applied to the study carriers' base data; or (3) composite carrier "updating" data—for those study carriers which in total account for 50 percent of the issue traffic revenues during the "base calendar year-actual"—applied to the study carriers' base data. In subparagraph (3) of this paragraph the study carriers to be used shall be selected from a list of study carriers arrayed in descending order beginning with the carrier deriving the greatest *percentage* of its total system revenues from the traffic at issue. The issue traffic revenues for each of the study carriers (beginning with that carrier having the greatest percentage as defined above) shall be accumulated until such revenues amount to 50 percent of the total issue traffic revenues for all study carriers. The study carriers thus obtained shall, on a composite basis, be used for "updating" purposes. However, method in subparagraph (2) may be used only if method in subparagraph (2) indicates less than six individual study carriers obtaining 50 percent or more of their respective total system revenues from the issue traffic. The sample values for expenses and revenues shall be expanded to full year values without adjustments to known annual report figures of any carrier.

(d) Where cost studies are developed through the use of computer processing techniques, there shall be submitted a manual application of the costing procedures used for one traffic and cost study carrier (study carrier) in order to demonstrate the procedures by which the computer program distributes the annual report statistics, and applies service unit costs to each shipment. An illustration of the application of service unit-costs to the applicable traffic service units generated by one single-line sample shipment and by one interline sample shipments shall also be submitted. These sample shipments shall be on the "carried" basis.

§ 1104.4 Revenue need.

Traffic and cost study carriers, i.e., the study carriers, shall submit evidence of the sum of money, in addition to operating expenses, including that needed to attract debt and equity capital, which they require to insure financial stability and the capacity to render service this evidence shall include data required by Appendix A, parts I and II, and Appendices B and C to this part.

§ 1104.5 Official notice.

The Commission will take official notice of all of the proponent carriers' annual and quarterly reports on file with the Commission.

§ 1104.6 Summary of the increase proposal.

The respondents shall submit a summary of the increase proposal, drafted in language directed at a reader who is not an expert in transportation matters and prepared in sufficient detail to apprise such a reader of the nature of the increase proposal. Pursuant to this purpose the summary will essentially contain the following:

(a) A general description of the increase proposal including its proponent(s), effective date, geographic scope, the amount of the increase, and a general description of holddowns, flagouts, and exceptions.

(b) A summary of the supporting rationale for the increase including why it is needed, what it will accomplish, an explanation in general terms for the presence of the holddowns, flagouts, and exceptions found therein; and as applicable, conclusions reached (1) in the traffic study, (2) in the cost study, (3) concerning the effect of transactions with affiliates on the parent's revenue need, and (4) with regard to the sum of money which the carrier asserts it requires to insure its financial stability.

(c) A statement indicating that copies of the proposal, the entire evidentiary case in support thereof, and this summary have been furnished to regional and district offices of the Commission and to the State regulatory agency responsible for such matters in all States served by the carrier and affected by the proposal.

(d) A statement as follows: "The proposed tariff* contains the only legal terms of the increase binding on the parties." (*"(A)nd/or petition" if applicable).

§ 1104.7 News release.

The respondents shall submit a notice of the increase proposal, suitable for forwarding as a news release, and prepared so that the public in general may be apprised of the increase proposal; and which pursuant to this purpose as a minimum will contain essentially the following:

(a) A statement directed at the editor of a newspaper stating that the news release has been prepared in accordance with regulations of the Interstate Commerce Commission so that the public in general may be apprised of the increase proposal, and requesting that the information being forwarded be given prominent placement in the newspaper so that as large a segment as possible of the public in general may be apprised thereof.

(b) A description, in language sufficient to apprise a reader who is not an expert in transportation matters, of the nature of the proposal—including the amount of the increase, the proponent (s) its geographic scope, and, in general terms, holddowns, flagouts, and exceptions.

(c) A statement summarizing the supporting rationale for the increase, including why it is needed, what it will accomplish, and, in general terms, accounting for the presence of the holddowns, flagouts, and exceptions.

(d) A statement indicating that copies of the proposal, the evidentiary case in support thereof, and a summary statement have been forwarded to regional and district offices of the Commission and to the State regulatory agency responsible for such matters in all States served by the carrier and affected by the proposal; and indicating that the public may also obtain copies of those documents by writing to "(*Here the name and address of the carrier or publishing agent will be inserted*)."

§ 1104.8 Service.

(a) The detailed information called for herein shall be in writing and shall be verified by a person or persons having knowledge thereof. The original and 16 copies of each verified statement (including the summary and the news release) for use by the Commission shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

(b) One copy of each statement excluding the news release, shall be sent by first-class mail (1) to each of the regional and district offices of the Commission in the area affected by the proposed increase, where it will be open to public inspection; (2) to the State regulatory agency responsible for such matters in States served by the carrier and affected by the proposal; and (3) to each party of record in the last formal proceeding concerning a general rate increase in the affected area or territory.

(c) A copy of the news release, will be transmitted to the major news wire services and the principal newspaper of general circulation in the capital and four largest cities of each State served by the carrier and affected by the proposal. For the purpose of this requirement, the principal newspaper of general circulation is that newspaper of general circulation published in a city having the largest average daily circulation. Where such service is made by mail, the news release shall be mailed in time to be received on the date the original is filed with the Commission.

(d) Otherwise, the service requirements of Rule 22 of the Commission's general rules of practice should be observed. Information with respect to carrier affiliates may be served on the parties in summary form, if so desired. A copy of each statement shall be furnished to any interested person on request.

§ 1104.9 Availability of underlying data.

All underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so, and shall be made available to the Commission upon request therefor. The underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination. Since Appendix A to this part data are to be submitted on a combined carrier basis, any underlying individual carrier data used to complete Appendix A to this part should be furnished to the Commission for its use as well as for the use of parties opposing the sought increases.

APPENDIX A

Revenue need and allocation to traffic at issue

(Dollars in thousands)

Specify: ☐ Group I; ☐ Group II; ☐ Group III

Line No.	Item	Source 1/	Second Preceding Calendar Year Actual 2/		First Preceding Calendar Year - Actual 2/		Current & Comparative Periods — Actual 4/ Base Calendar Year - Actual 3/		Corresponding Previous Period to Col. (6)		Present Proforma Year 5/		Restated Proforma Year 6/ Based on Current Revenues		Based on Proposed Revenues		Based on Constructed Revenue Needs 7/
	(1)	(2)	(3)		(4)		(5)		(6)		(7)		(8)		(9)		(10)		(11)
	Part I Revenue Need																		
1	Carrier Operating Revenues	AR Sch. 101, L. 1	$		$		$		$		$		$		$		$		$
2	Carrier Operating Expenses	AR Sch. 101, L. 2																	
3	Oper. Ratio (% to 1 dec.)	Line 2 ÷ Line 1		%		%		%		%		%		%		%		%	
4	Net Carrier Operating Income	AR Sch. 101, L. 3	$		$		$		$		$		$		$		$		$
5	Lease of Distinct Operating Unit (Net)	AR Sch. 101, net of L. 10 & L. 10																	
6	Other Deductions																		
	Less Other Income Excl. Net Lease of Distinct Operating Unit	AR Sch. 101, net of L. 21 & L. 16 plus net of L. 14 and L. 10																	
7	Ordinary Income Before Income Taxes	AR Sch. 101, L. 22																	
8	Income Taxes on Ordinary Income	AR Sch. 101, L. 23																	
9	Provisions for Deferred Taxes	AR Sch. 101, L. 24																	
10	Ordinary Income	AR Sch. 101 L. 25																	
11	Total Extraordinary and Prior Period Items	AR Sch. 101, L. 30																	
12	Provisions for Deferred Taxes - Extraordinary and Prior Period Items	AR Sch. 101, L. 29																	

See following pages for footnotes

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APPENDIX A

Revenue need and allocation to traffic at issue

(Dollars in thousands)

Line No.	Item	Source 1/	Second Preceding Calendar Year - Actual 2/	First Preceding Calendar Year - Actual 2/	Base Calendar Year - Actual 3/	Current & Comparative Periods - Actual 4/		Present Proforma Year 5/	Restated Proforma Year 6/		
						Period Succeeding Col. (5)	Corresponding Previous Period to Col. (6)		Based on Current Revenues	Based on Proposed Revenues	Based on Constructed Revenue Needs 7/
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	Part I Revenue Need										
13	Net Income (or loss)	AR Sch. 101, L. 41	$	$	$	$	$	$	$	$	$
14	Interest and Amortization of Debt - Discount Expense and Premium	AR Sch. 101, L. 20									
15	Percent Carrier Operating Property (Net) to Total Tangible Property (2 decimals)	AR Sch. 100, Col. (b) L. 16 ÷ L. 20	%	%	%	%	%	%	%	%	%
16	Interest Charges Assigned to Transportation Service	L. 14 x L. 15	$	$	$	$	$	$	$	$	$
17	Taxable Income Assigned to Transportation Service	L. 4 + L. 5 - L. 16									
18	Income Taxes Assigned to Transportation Service	(L. 17 ÷ L. 7) x L. 8									
19	Income or Loss Assigned to Transportation Service	L. 17 minus L. 18									
20	Sum of Money Above Operating Expenses Assigned to Transportation Service 8	Ls. 5, 16, 18, & 19									
21	Operating Expenses Plus Sum of Money	L. 2 Plus L. 20									

See following pages for footnotes

APPENDIX A

Revenue need and allocation to traffic at issue

(Dollars in thousands)

Line No.	Item	Source 1/	Second Preceding Calendar Year - Actual 2/	First Preceding Calendar Year Actual 2/	Base Calendar Year - Actual 3/	Current & Comparative Periods - Actual 4/		Present Proforma Year 5/	Restated Proforma Year 6/		
						Period Succeeding Col. (5)	Corresponding Previous Period to Col. (6)		Based on Current Revenues	Based on Proposed Revenues	Based on Constructed Revenue Needs 7/
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	Part II Allocation to Traffic at Issue										
22	Constant Costs and Sum of Money Allocated to Issue Traffic (A)	Method A	$	$	$			$	$	$	$
	(B)	Method B	$	$	$			$	$	$	$
23	Variable Expenses from Traffic at Issue (90% variable excl. Return on Investment 9/	From Traffic & Cost Study									
24	Operating Revenues from Traffic at Issue 9/	From Traffic Study									
25	Constant Costs and Sum of Money allocated to Issue Traffic plus variable Expenses (A)	L. 22 plus L. 23 Method A	$	$	$			$	$	$	$
	(B)	Method B	$	$	$			$	$	$	$
26	Revenue-to-Cost Comparison(1 Dec.) (A)	L. 24 ÷ L. 25 Method A									
	(B)	Method B									

See following pages for footnotes

METHOD A—*Constant costs and sum of money allocated to issue traffic based on ton and ton-mile method (See note A.)*

Line No.	Item (1)	Source for columns 3, 4, 5 (2)	Second preceding calendar year-actual (3)	First preceding calendar year-actual (4)	Base calendar year-actual (5)	Present pro-forma year (6)	Restated proforma year: Based on current revenues (7)	Restated proforma year: Based on proposed revenues (8)	Restated proforma year: Based on constructed revenue need (9)
(a)	System constant costs	L. (b) + L. (c)---------	$	$	$	$	$	$	$
(b)	Not related to distance	(See Note B)----------							
(c)	Related to distance	(See Note B)----------	$	$	$	$	$	$	$
(d)	Percent not related to distance (3 decimals)	L. (b) ÷ L. (a)---------	%	%	%	%	%		% %
(e)	Percent related to distance (3 decimals)	L. (c) ÷ L. (a)---------	%	%	%	%	%	$ $	% %
(f)	System sum of money	Appendix A, part I, L. 20 -	$	$	$	$			
(g)	Not related to distance	L. (f) x L. (d)---------							
(h)	Related to distance	L. (f) x L. (e)---------							
(i)	Total system constant costs plus sum of money	L. (a) + L. (f)---------							
(j)	Not related to distance	L. (b) + L. (g)---------							
(k)	Related to distance	L. (c) + L. (h)---------	$	$	$	$	$	$	$
(l)	Tons carried on issue and nonissue traffic combined	From traffic study							
(m)	Ton-miles	-----do----------							
(n)	Issue traffic tons carried	------do----------							
(o)	Issue traffic ton-miles	------do----------							
(p)	Percent of issue traffic tons to system tons (3 decimals)	L. (n) + L. (l)---------	%	%	%	%	%		% %
(q)	Percent of issue traffic ton-miles to system ton-miles (3 decimals)	L. (o) + L. (m)	%	%	%	%	%		% %
	Constant costs and sum of money allocated to issue traffic								
(r)	Not related to distance	L. (p) x L. (j)	$	$	$	$	$	$	$
(s)	Related to distance	L. (q) x L. (k)					$	$	$
(t)	Total (enter amount in appendix A, part II, line 22, Method A, appropriate columns)	L. (r) + L. (s)	$	$	$	$			

Note A: This procedure allocates constant costs and the sum of money based on the ton and ton-mile method and shall be submitted for the information of the Commission. How much of the constant and sum of money costs may or should be recovered by any specific segment of traffic rest on (1) considerations including value of service, demand, and ability to pay, and (2) considerations which involve matters relating to regulatory policy.

Note B: Determine the amount of constant costs for Lines (b) and (c) by using Schedule A of Highway Form B, 6-68 (Revised October, 1974) in the following manner:

First, determine the amount of "unrelated" operating expenses assigned to the "non-distance" factor, Line (b), by computing the percentage relationship that the sum of Schedule A, Line 139, Columns (6), (7), (8), and (9) is to Schedule A, Line 139, Column (3). This percent multiplied by the total "unrelated" operating expenses (Schedule A, Line 136, Column (11), provides the amount of "unrelated" expenses assigned to the "non-distance" factor. The amount of "unrelated" operating expenses assigned to the "distance" factor, Line (c), is the difference between the total unrelated expenses and the amount assigned to the "non-distance" factor.

Secondly, For Method A, Line (b), add the sum of Schedule A, Line 139, Columns (6), (7), (8), and (9) multiplied by 10%, to the amount determined above for the "non-distance" unrelated. For Method A, Line (c), add the sum of Schedule A, Line 139, Columns (4) and (5) multiplied by 10%, to the amount determined above for the "distance" unrelated.

METHOD B—*Constant costs and sum of money allocated to issue traffic based on dollar (expense) method (See note A.)*

Line No.	Item (1)	Source for columns 3, 4, 5 (2)	Second preceding calendar year-actual (3)	First preceding calendar year-actual (4)	Base calendar year-actual (5)	Present pro-forma year (6)	Restated proforma year: Based on current revenues (7)	Restated proforma year: Based on proposed revenues (8)	Restated proforma year: Based on constructed revenue need (9)
(a)	System constant costs	Note B	$	$	$	$	$	$	$
(b)	System sum of money	Appendix A, part I, line 20							
(c)	Total system constant costs plus sum of money	Line (a) plus line (b)							
(d)	Variable expenses on issue traffic	From traffic and cost study;							
(e)	Variable expenses on issue and nonissue traffic combined	From traffic and cost study;							
(f)	Percent relationship (3 decimals)	Line (d) ÷ line (c)	%	%	%	%	%	%	%
(g)	Constant costs and sum of money allocated to issue traffic (enter amount in appendix A, part II, line 22, Method B, appropriate columns)	Line (c) x line (f)	$	$	$	$	$	$	$

Note A: This procedure allocates constant costs and the sum of money based on the dollar (expense) method and shall be submitted for the information of the Commission. How much of the constant and sum of money costs may or should be recovered by any specific segment of traffic rests on (1) considerations including value of service, demand, and ability to pay, and (2) considerations which involve matters relating to regulatory policy.

Note B: Determine the amount of constant costs, including "unrelated," by using Schedule A of Highway Form B (Revised October, 1974), Line 139, column (3) multiplied by 10 percent, plus Line 136, column (11); insert this amount on Line (a).

Explanatory, and Footnotes to Appendix A

EXPLANATORY

The purpose of appendix A is twofold, namely: (1) to obtain, through Part I, *Revenue Need*, an indication of the past, present, and restated system revenue needs of the traffic and cost study carriers, which, along with the financial data required in appendixes B and C, will facilitate an analysis of the financial stability of these carriers, and (2) to allocate a part of these system revenue needs to the traffic at issue as provided for in Part II, *Allocation to Traffic at Issue*. It is that portion of constant and sum of money costs resulting from this allocation (line 22) plus the related variable expenses (line 23) which produces the total costs assigned to the issue traffic (line 25). These costs are then compared to the issue traffic revenues in the revenue-to-cost comparison shown on line 26. This comparison provides some indication of how much the total issue traffic is contributing to the carriers' overall revenue needs; and it serves as a reference point for the consideration of ratemaking factors, other than costs, which may influence the appropriateness of the issue traffic's contribution.

Appendix A should be submitted for each of the following carrier groupings:

Group I.—All traffic and cost study carriers.

Group II.—Those traffic and cost study carriers which derive 50 percent and more of their total system revenues from the traffic at issue, as indicated in the "base calendar year-actual."

Group III.—Those traffic and cost study carriers which derive less than 50 percent of their total system revenues from the traffic at issue, as indicated in the "base calendar year-actual."

Where, in a given situation, there are less than 5 traffic and cost study carriers which do not derive 50 percent and more of their total system revenues from the traffic at issue, carrier groupings II and III need not be submitted.

Time frames for the column heads (3) through (8) should be appropriately identified either in the column heads themselves or by footnote. Data in Parts I and II, for each of the columns (3) through (7), should be developed for each traffic and cost study carrier and the respective results appropriately combined, for all such carriers. Data in part I, columns (8) through (11), which reflect an updating of revenue need data from the "base calendar year—actual" to present and restated levels, should be developed on either an individual carrier basis, or on a composite carrier basis comprised of all traffic and cost study carriers. Under either basis, operating revenues, line 1, column (10), should reflect the proposed revenues attributable to the system-wide operations of the study carriers, and every effort should be made to reflect the increased revenues resulting from other proposed rate increases on non-issue traffic which have an effective date on or near the effective date of proposed rate increases on the "issue traffic."

With respect to the total operating expenses, line 2, columns (8), (9), and (10), when the composite carrier basis is used these expenses shall be determined by applying updating factors in the following manner: *Issue Traffic*—Use factors from either the individual carrier basis or the so-called 50 percent and over carrier basis, *Non-Issue Traffic*—Use factors from the composite carrier basis. The updated expenses so determined separately for the issue and non-issue traffics should then be combined and inserted in line 2.

Data in part II, line (23), columns (8) through (11), which reflect an updating of the cost and traffic study data for the "base calendar year—actual" to present and restated levels, should be developed by the use of either individual carrier data for each of the study carriers, or the composite carrier data for those study carriers whose revenues from the issue traffic amount to 50 percent or more of their total system revenues in the "base calendar year—actual." However, for line (23), columns (8) through (11) the method selected should be the same as that used to update the operating ratios to present and restated levels as required in §1104.3.

Cost Study

Data in parts I and II, columns (8) through (11), must be appropriately explained and supported. Each of the dollar figures called for in these columns shall be accompanied by an explanation of the bases or methods of restatement, including explicit identification of all projected or assumed changes in revenues, in wage rates, in price levels of other expenses and property items, and in productivity, as compared with the preceding factual) year results.

FOOTNOTES

[1] Annual report sources in this column refer to 1974 Annual Report Form M-1 for Class I motor carriers; for Class II Carriers and for years prior or subsequent to 1974 use comparable annual report sources. The annual report sources apply to columns (3) through (5). Data for columns (8) through (11) should consider the data in columns (3) through (6) as a base in order to reflect data for the "Present proforma year." Sources for columns (6) and (7) may be either quarterly or annual reports, as applicable.

[2] For the purpose of Appendix A the time periods "Second Preceding Calendar Year—Actual" (column (3)), and "First Preceding Calendar Year—Actual" (column (4)) refer to the calendar years immediately preceding the "Base Calendar Year—Actual" (column (5)). Where the consist of the traffic and cost study carriers used in columns (3) or (4) is different from that used in the "Base Calendar Year—Actual," identify that difference in carrier consist and explain.

[3] The data in part I, column (5), should reflect the revenue need data (part I) for the traffic and cost study data (part II), for the traffic study year, i.e., the "Base Calendar Year—Actual," which should coincide with the "Base Calendar Year—Actual" referred to in §1104.3, *Cost Study*.

[4] The purpose of column (6) is to obtain the actual income statement data available for a time period immediately following the "Base Calendar Year—Actual" column (5). The purpose of column (7) is to obtain comparative data for the corresponding previous period. Since a proposed rate increase having an effective date of August 1 or later must be based on a traffic study for the previous calendar year, i.e., the "Base Calendar Year—Actual," the quarterly periods (cumulative if more than one) immediately following this base year should be reported in column (6). Comparative data for the corresponding quarters in the "Base Calendar Year—Actual" should be reported in column (7). In the event that a proposed rate increase has an effective date earlier than August 1, it is possible that actual data will be available for more than 4 quarters following the "Base Calendar Year—Actual." For example, if the proposed rate increases were effective July 1, 1974, the "Base Calendar Year—Actual" would be 1972 and therefore, the calendar year 1973 and the 1st quarter of 1974, should be reported separately as column 6(a) calendar year 1973 and column 6(b) 1st quarter 1974. Since the corresponding previous period is calendar year 1972, the same as the Base Calendar Year—Actual (column 5), only the 1st quarter of 1973 need be reported in column (7).

[5] The data in column (8) should be based on present wage, price and productivity levels prevailing on a date no later than the 45 days prior to the date of the tariff filing.

[6] The data in columns (9), (10), and (11) should be based on provable wage, price, and productivity levels prevailing on the effective date of the proposed rates.

[7] The purpose of this column is to obtain data on what the system revenue needs of the study carriers *should* be at a given time. Part I shall be based on an analysis of the sum of money in addition to operating expenses (including that needed to attract debt and equity capital) required to insure financial stability and the capacity to render service.

[8] In columns (8) through (10), determine the sum of money based on data shown for lines 1 through 18. In column (11), the constructed sum of money should be supported by evidence that it is a just and reasonable amount and is that needed to attract debt and equity capital and to insure financial stability and the capacity to render service. Such evidence should include an analysis of the adequacy of the carriers' earnings, the carriers' cost of debt and equity capital, the various kinds of risk attending their operatinns and the financing thereof, and the carriers' ongoing needs for working capital, new equipment and facilities.

[9] Show expenses and revenues allocated to the total issue traffic based on an expansion of the sample to a full year. The amount shown on line 23 for variable expenses, should agree with that shown in Method B, line (d).

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Conversion table data sources for appendix A prior to and following January 1, 1974

System of Accounts Effective Prior to Jan. 1, 1974				System of Accounts Effective Jan. 1, 1974			
Appendix A Line No.	Acct. No	Annual 1/ Report Source	Account Title or Other Designations	Appendix A Line No.	Acct. No.	Annual Report Source	Account Title or Other Designation
1	Accts. 3100, 3110, 3120, 3130, and 3900	Sch. 2998 L. 3	Operating Revenues	1	Accts. 3100, 3200, 3300, 3400, and 3900	Sch. 101 L. 1	Carrier Operating Revenues
2	Accts. 4000, 5000, 5100, 5150, and 5200	Sch. 2998 L. 10	Operating Expenses	2	Accts. 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 5100, 5300, 5400, 5500, 5700, and 5900	Sch. 101 L. 2	Carrier Operating Expenses
*	-	Sch. 2998 L. 11	Net Operating Revenue	4	-	Sch. 101 L. 3	Net Carrier Operating Income
3	Accts. 5400 and 5500	Sch. 2998 Net of L. 12 and L. 13	Lease of Distinct Operating Unit-Net	5	Accts. 8310 and 8320	Sch. 101 net of L. 10 and L. 16	Lease of Distinct Operating Units-Net
*	Accts. (7100, 7300, 7400, and 7500)-(6100, 6300, 6400, and 6500)	Sch. 2998 L. 27 - L. 20	Miscellaneous Deductions Less Other Income	6	Accts. (8420, 8520, 8540 and, 8600)-(8100, 8210, 8220, 1420, 8410, 8510 and 8530)	Sch. 101 (L. 21 - L. 16)-(L. 14 - L. 10)	Other Deductions Less Other Income (excl. Lease of Distinct Operating Units-Net)

Conversion table—Appendix A—Continued

System of Accounts Effective Prior to Jan. 1, 1974				System of Accounts Effective Jan. 1, 1974			
Appendix A Line No.	Acct. No.	Annual 1/ Report Source	Account Title or Other Designations	Appendix A Line No.	Acct. No.	Annual Report Source	Account Title or Other Designation
*	-	Sch. 2998 L. 28	Ordinary Income Before Income Taxes	7	-	Sch. 101 L. 22	Ordinary Income Before Income Taxes
6	Acct. 8800	Sch. 2998 L. 29	Income Taxes on Ordinary Income	8	Acct. 8710, 8720, and 8730	Sch. 101 L. 23	Income Taxes on Ordinary Income
-	-	-	-	9	Acct. 8740	Sch. 101 L. 24	Provision for Deferred Taxes
*	-	Sch. 2998 L. 30	Ordinary Income	10	-	Sch. 101 L. 25	Ordinary Income
7	Acct. 8910, 8930 and 8950	Sch. 2998 L. 34	Total Extraordinary and Prior Period Items	11	Acct. 8810, 8820, 8850 and 8851	Sch. 101 L. 30	Total Extraordinary and Prior Period Items
-	-	-	-	12	Acct. 8851	Sch. 101 L. 29	Provision for Deferred Taxes - Extraordinary and Prior Period Items
8	-	Sch. 2998 L. 35	Net Income (or Loss)	13	-	Sch. 101 L. 31	Net Income (or Loss)
*	Acct. 7100, 7300 and 7400	Sch. 2998 Net of L. 23, L. 24, and L. 25	Interest, Amortization of Debt Discount and Expense and Amortization of Premium on Debt	14	Acct. 8600	Sch. 101 L. 20	Interest, and Amortization of Debt Discount Expense and Premium
10	Acct. 1200 + 1300 ÷ sum of accts 1200, 1300 and 1400	Sch. 100, Col. (a) L. 21 plus L. 23 ÷ L. 26	Percent Carrier Operating Property (Net) to Total Tangible Property	15	Acct. 1200 (excl of Accts 1261 and 1262) ÷ Acct. 1200	Sch. 100, Col. (b) L. 16 ÷ L. 20	Percent Carrier Operating Property (Net) to Total Tangible Property

* No comparable Line Item in Appendix A Prior to January 1, 1974

1/ Refers to Annual Report Sources in effect December 31, 1970

Check Appropriate Blocks	
☐ Carrier Only	☐ Group I
☐ Consolidated	☐ Group II
	☐ Group III

APPENDIX B (Part)

Financial data
(dollars in thousands)

Line No.	Item	Source	Calendar Years Preceding Effective Date of Rate Proposal		
			3rd Year 19__	2nd Year 19__	Actual or Estimated 1st year 19
	(1)	(2)	(3)	(4)	(5)
1	Current Assets (End of Year)	A.R. Sch. 100, L.13 (Col. b)			
2	Current Liabilities (End of Year)	A.R. Sch. 100, L.56 (Col. b)			
3	Current Assets (Average Beg. and End Yr.)	A.R. Sch. 100, L.13 (Average of Cols. b and c)			
4	Current Liabilities (Average Beg. and End Yr.)	A.R. Sch. 100, L.56 (Average of Cols. b and c)			
5	Net-Carrier Operating Property (Average Beg. and End Yr.)	A.R. Sch. 100, L.16 (Average of Cols. b and c)			
6	Total Intangible Property (End of Year)	A.R. Sch. 100, L.27 (Col. b)			
7	Total Intangible Property (Average Beg. and End Yr.)	A.R. Sch. 100, L.27 (Average of Cols. b and c)			
8	Equipment Obligations and Other Debt Due Within One Year	A.R. Sch. 100, L.52 (Col. b)			
9	Long-Term Debt Due After One Year (End of Year)	A.R. Sch. 100, L.61 (Col. b)			
10	Long-Term Debt Due After One Year (Average Beg. and End Yr.)	A.R. Sch. 100, L.61 (Average of Cols. b and c)			

Financial data—Continued
(dollars in thousands)

Line No.	Item	Source	Calendar Years Preceding Effective Date of Rate Proposal		
			3rd Year 19	2nd Year 19	Actual or Estimated 1st Year 19
	(1)	(2)	(3)	(4)	(5)
11	Stockholders' Equity (End of Year)	A.R. Sch. 100, L. 80 or L. 84 or L. 88 (Col. b)			
12	Stockholders' Equity (Average Beg. and End Year)	A.R. Sch. 100, L. 80 or L. 84 or L. 88 (Average of Cols. b and c)			
13	Carrier Operating Revenues	A.R. Sch. 101, L. 1			
14	Carrier Operating Expenses	A.R. Sch. 101, L. 2			
15	Depreciation and Amortization of Carrier Operating Property	A.R. Sch. 4000, L. 65 (Col. b)			
16	Net Carrier Operating Income Plus (Minus) Net Lease of Distinct Operating Units	A.R. Sch. 101, L. 3 Plus (Minus) net of L. 10 and L. 16			
17	Income Available for Payment of Interest	A.R. Sch. 101, L. 15			
18	Interest and Amortization of Debt Discount Expense and Premium	A.R. Sch. 101, L. 20			
19	Ordinary Income before Income Taxes	A.R. Sch. 101, L. 22			
20	Net Income (or loss)	A.R. Sch. 101, L. 31			
21	Preferred Dividends (Cash)	A.R. Sch. 102B, L. 11 plus L. 12			
22	Common Stock Dividends (Cash)	A.R. Sch. 102B, L. 13			

Financial data—Continued
(dollars in thousands)

Line No.	Item (1)	Source (2)	Calendar Years Preceding Effective Date of Rate Proposal: 3rd Year 19 (3)	2nd Year 19 (4)	Actual or Estimated 1st Year 19 (5)
23	Net Income Available for Payment of Dividends on Common Stock	App. B - L. 20 minus L. 21			
24	Cash Flow	App. B - L. 15 plus L. 20			
25	Working Capital (Average Beg. and End Year)	App. B - L. 3 minus L. 4			
26	Investment in Carrier Operating Property plus Working Capital (Average Beg. and End Yr.)	App. B - L. 5 plus L. 25			
27	Stockholders' Equity, Exclusive of Intangibles (End of Year)	App. B - L. 11 minus L. 6			
28	Stockholders' Equity, Exclusive of Intangibles (Average Beg. and End Year)	App. B - L. 12 minus L. 7			
29	Long-Term Debt plus Stockholders' Equity (End of Year)	App. B - L. 9 plus L. 11			
30	Long-Term Debt plus Stockholders' Equity (Average Beg. and End Yr.)	App. B - L. 10 plus L. 12			
31	Long-Term Debt plus Stockholders' Equity Excluding Intangibles (End of Year)	App. B - L. 9 plus L. 27			
32	Long-Term Debt plus Stockholders' Equity Excluding Intangibles (Average Beg. and End Year)	App. B - L. 10 plus L. 28			
33.	Current Ratio (2 decimals)	App. B - L. 1 ÷ L. 2			

Financial data—Continued
(dollars in thousands)

Line No.	Item (1)	Source (2)	Calendar Years Preceding Effective Date of Rate Proposal: 3rd Year 19 (3)	2nd Year 19 (4)	Actual or Estimated 1st Year 19 (5)
34	Throw off to Debt Ratio (2 decimals)	App. B - L. 24 ÷ L. 9			
35	Throw off to Debt Ratio, Current Maturities (2 decimals)	App. B - L. 24 ÷ L. 8			
36	Capital Structure Ratio Including Intangibles (2 decimals)	App. B - L. 9 ÷ L. 29			
37	Capital Structure Ratio Excluding Intangibles (2 decimals)	App. B - L. 9 ÷ L. 31			
38	Ratio of Long-Term Debt to Stockholders' Equity, Including Intangibles (2 decimals)	App. B - L. 9 ÷ L. 11			
39	Ratio of Long-Term Debt to Stockholders' Equity Excluding Intangibles (2 decimals)	App. B - L. 9 ÷ L. 27			
40.	Operating Ratio (1 decimal)	App. B - L. 14 ÷ L. 13			
41	Ratio of Net Income (or loss) to Carrier Operating Revenues (2 decimals)	App. B - L. 20 ÷ L. 13			
42	Rate of Return on Investment in Carrier Operating Property plus Working Capital (2 decimals)	App. B - L. 16 ÷ L. 26			

Financial data—Continued
(dollars in thousands)

Line No.	Item	Source	Calendar Years Preceding Effective Date of Rate Proposal		
			3rd Year 19	2nd Year 19	Actual or Estimated 1st Year 19
	(1)	(2)	(3)	(4)	(5)
43	Rate of Return on Stockholders Equity (2 decimals)	App. B - L. 20 ÷ L. 12			
44	Rate of Return on Stockholders' Equity, Excluding Intangibles (2 decimals)	App. B - L. 20 ÷ L. 28			
45	Rate of Return on Total Capitalization (2 decimals)	App. B - (L. 20 plus L. 18) ÷ L. 30			
46	Rate of Return on Total Capitalization Excluding Intangibles (2 decimals)	App. B - (L. 20 plus L. 18) ÷ L. 32			
47	Interest Coverage Ratio (2 decimals)	App. B - L. 17 ÷ L. 18			
48	Dividend Payout Ratio (2 decimals)	App. B - L. 22 ÷ L. 23			

See following pages for explanatory.

Check Appropriate Blocks

☐ Carrier Only ☐ Group I
☐ Consolidated ☐ Group II
☐ Group III

APPENDIX B (PART II)

Accounts giving effect to interperiod tax allocation (deferred taxes)
(dollars in thousands)

Line No.	Item	Source	Calendar Years Preceding Effective Date of Rate Proposal		
			3rd Year 19	2nd Year 19	Actual or Estimated 1st Year 19
	(1)	(2)	(3)	(4)	(5)
	Balance Sheet Accounts:				
1	Deferred Income Tax Charges	A.R. Sch. 100, L. 12			
2	Accumulated Deferred Income Tax Charges	A.R. Sch. 100, L. 38			
3	Deferred Income Tax Credits	A.R. Sch. 100, L. 55			
4	Accumulated Deferred Income Tax Credits	A.R. Sch. 100, L. 63			
	Income Statement Accounts:				
5	Provision For Deferred Taxes	A.R. Sch. 101, L. 24			
6	Provision For Deferred Taxes - Extraordinary and Prior Period Items	A.R. Sch. 101, L. 29			

See following pages for explanatory.

Explanatory, Appendix B (Parts I and II)

The purpose of Appendix B (Parts I and II) together with Appendices A and C and the various data required therein, is to establish the minimum financial data required for an evaluation of the carriers' revenue needs.

Appendix B (Parts I and II) data shall be filed on both a "consolidated" and "carrier only" bases. The "consolidated" data required for these purposes shall be compiled in conformity with the guidelines set forth below. The "carrier only" data required under these procedures relate strictly to the carrier entity and its financial statements filed with the Commission.

Guidelines for compiling "consolidated" data follow:

(1) Consolidated data, as defined herein for the purpose of these instructions, refers to the consolidated statement of financial position, income statement, and statement of changes in financial position of the traffic and cost study carriers and any "Family" companies which comprise integral parts of the carrier's operations and whose express purpose, either singularly or collectively, is to provide transportation service or is supportive to such activity.

(2) The definition of family company herein is limited to the following:

(a) any carrier or non-carrier holding company which is exclusively engaged in the provision of motor carrier transportation service and controls, through majority stock ownership, one or more carriers.

(b) any carrier subsidiary which is majority owned and controlled by its carrier parent and whose express purpose and operations are supportive to the transportation operations of its parent.

(c) any carrier affiliate under common control with the carrier and whose express purpose and operations are supportive to the transportation operations of the carrier.

(3) Subject to any modification arising from the instructions set forth above, balance sheet and income statement data for the purpose of these instructions shall be consolidated in accordance with generally accepted accounting principles.

(4) Any balance sheet or income statement data prepared in accordance with generallly accepted accounting principles shall be restated in conformity with the Uniform System of Accounts for Class I and Class II motor carriers.

"Consolidated" and "carrier only" data shall be filed separately for each of the following traffic and cost study carrier groupings, namely:

Group I.—All traffic and cost study carriers.

Group II.—Those traffic and cost study carriers which derive 50 percent and more of their total system revenues from the traffic at issue, as indicated in the "base calendar year-actual."

Group III.—Those traffic and cost study carriers which derive less than 50 percent of their total system revenues from the traffic at issue, as indicated in the "base calendar year-actual."

Individual data for *each* of the traffic and cost study carriers need not be filed.

Source references through line 22 of Part I and for all lines of Part II relate to Motor Carrier Form M 1 (Class I Motor Carriers of Property) for the year ended

December 31, 1974. Class I carriers should use comparable annual report sources for calendar years other than 1974. Other than Class I motor carriers should also use comparable annual report sources.

Appendix B (Part II) Instructions:

Appendix B (Part II) is designed specifically to segregate the impact of the Commission's deferred tax accounting rule changes on the carriers financial statements.

If the financial data reported in columns 3, 4, or 5 of Appendix B (Part I) apply to periods subsequent to January 1, 1974 (the effective date of the deferred tax rule change), it will be necessary to complete the corresponding column of Appendix B (Part II). For example, if the data reported in column 5 of Appendix B (Part I) is based on calendar year 1974, it will be necessary to complete column 5 of Appendix B (Part II).

NOTE

It should be noted that the time periods in this Appendix may not be identical to those in Appendix A. For example, in Appendix A the "first preceding calendar year—actual" refers to the year immediately preceding the latest traffic study year, i.e., the "base calendar year-actual." However, in Appendix B the "first preceding calendar year" is that year immediately preceding the effective date of the rate proposal. Therefore, these two time references may not be for the same calendar year. Notwithstanding these possible differences in time references and identifications, there will be situations where different time references will be for the same calendar year. For example, the "base calendar year—actual" in Appendix A may be for the year 1973 and the "first preceding calendar year" in Appendix B may likewise be for the year 1973. Thus, where there is comparability between the Appendices A and B for a given year, certain figures in these Appendices should agree. The following identifies the line numbers in these Appendices for those figures which should be in agreement for the same calendar year.

Appendix A, Line No	*Appendix B (Part I), Line No*
1	13
2	14
3	40
4	16
7	19
13	20
14	18

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ATTACHMENT I

Conversion Table data sources for appendix B prior to and following January 1, 1974

System of Accounts Effective Prior to Jan. 1, 1974				System of Accounts Effective Jan. 1, 1974			
Appendix B Line No.	Acct. No.	Annual 1/ Report Source	Account Title or Other Designation	Appendix B Line No.	Acct. No.	Annual Report Source	Account Title or Other Designation
*	Accts. 1000, 1020, 1040, 1060, 1080, 1100, 1120, 1130, 1140, 1160, 1170, 1180, and 1190	Sch. 100 L. 18 (Col. c)	Current Assets (End of Year)	1	Accts. 1011, 1012, 1020, 1030, 1110, 1120, 1130 net of acct. 1138, 1140, 1151, 1160, and 1170	Sch. 100 L. 13 (Col. b)	Current Assets (End of Year)
*	Accts. 2000, 2020, 2030, 2050, 2070, 2090, 2100, 2120, 2150, 2160, 2180 and 2190	Sch. 101 L. 13 (Col. c) plus L. 15 (Col. c)	Current Liabilities (End of Year)	2	Accts. 2000, 2020, 2030, 2041, 2051, 2110, 2120, 2131, 2140, 2150, 2160, 2170, 2180, and 2190	Sch. 100 L. 56 (Col. b)	Current Liabilities (End of Year)
1	Accts. 1000, 1020, 1040, 1060, 1080, 1100, 1120, 1130, 1140, 1160, 1170, 1180, and 1190	Sch. 100 L. 18 Average of Cols. a and c)	Current Assets (Average Beg. and End Year)	3	Accts. 1011, 1012, 1020, 1030, 1110, 1120, 1130 net of acct. 1138, 1140, 1151, 1160, and 1170	Sch. 100 L. 13 (Average of Cols. b and c)	Current Assets (Average Beg. and End Year)
6	Accts. 2000, 2020, 2030, 2050, 2070, 2090, 2100, 2120, 2150 2160, 2180 and 2190	Sch. 101 L. 13 plus. L. 15 (Average of Cols a and c)	Current Liabilities (Average Beg. and End Year)	4	Accts. 2000, 2020, 2030, 2041, 2051, 2110, 2120, 2131, 2140, 2150, 2160, 2170, 2180 and 2190	Sch. 100 L. 56 (Average of Cols. b and c)	Current Liabilities (Average Beg. and End Year)

Conversion Table—Continued

System of Accounts Effective Prior to Jan. 1, 1974				System of Accounts Effective Jan. 1, 1974			
Appendix B Line No.	Acct. No.	Annual 1/ Report Source	Account Title or Other Designation	Appendix B Line No.	Acct. No.	Annual Report Source	Account Title or Other Designation
3	Acct. 1200 and 1300	Sch. 100 L. 21 Plus L. 23 (Average of Cols. a and c)	Net-Carrier Operating Property (Owned plus Leased to Others) (Average Beg. and End Year)	5	Acct. 1200	Sch. 100 L. 16 (Average of Cols. b and c)	Net-Carrier Operating Property (Average Beg. and End Year)
*	Acct. 1500 and 1550	Sch. 100 L. 32 (Col. c)	Intangibles (End of Year)	6	Accts. 1300 and 1340	Sch. 100 L. 27 (Col. b)	Total Intangible Property (End of Year)
5	Acct. 1500 and 1550	Sch. 100 L. 32 (Average of Cols. a and c)	Intangibles (Average Beg. and End Year)	7	Accts. 1300 and 1340	Sch. 100 L. 27 (Average of Cols. b and c)	Total Intangible Property (Average Beg. and End Year)
*	Acct. 2190	Sch. 101 L. 15 (Col. c)	Equipment Obligations and Other Debt Due Within One Year	8	Acct. 2160	Sch. 100 L. 52 (Col. b)	Equipment Obligations and Other Debt Due Within One Year
*	Accts. 2200, 2250, 2300, 2330, and 2360	Sch. 101 L. 25 (Col. c)	Long-Term Debt Due After One Year (End of Year)	9	Accts. 2310, 2320, and 2330	Sch. 100 L. 61 (Col. b)	Long-Term Debt Due After One Year (End of Year)
*	Accts. 2200, 2250, 2300, 2330, and 2360	Sch. 101 L. 25 (Average of Cols. a and c)	Long-Term Debt Due After One Year (Average Beg. and End Year)	10	Accts. 2310, 2320, and 2330	Sch. 100 L. 61 (Average of Cols. b and c)	Long-Term Debt Due After One Year (Average Beg. and End Year)
*	Accts. 2700 - 2930	Sch. 101 L. 55 (Col. c)	Shareholders' Equity (End of Year)	11	Accts. 2611 - 2800	Sch. 100 L. 80 or L. 84 or L. 88 (Col. b)	Stockholders' Equity (End of Year)

Conversion Table—Continued

System of Accounts Effective Prior to Jan. 1, 1974				Systems of Accounts Effective Jan. 1, 1974			
Appendix B Line No.	Acct. No.	Annual 1/ Report Source	Account Title or Other Designation	Appendix B Line No.	Acct. No.	Annual Report Source	Account Title or Other Designation
8	Accts. 2700 - 2930	Sch. 101 L. 55 (Average of Cols. a and c)	Shareholders' Equity (Average Beg. and End Year)	12	Accts. 2611 - 2600	Sch. 100 L. 80 or L. 84 or L. 88 (Average of Cols. b and c)	Shareholders' Equity (Average Beg. and End Year)
9	Accts. 3100, 3110, 3120, 3130, and 3900	Sch. 2998 L. 3	Operating Revenues	13	Accts. 3100, 3200, 3300, 3400 and 3900	Sch. 101 L. 1	Carrier Operating Revenues
11	Accts. 4000, 5000, 5100, 5150 and 5200	Sch. 2998 L. 10	Operating Expenses	14	Accts. 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 5100, 5300, 5400, 5500, 5700, and 5900	Sch. 101 L. 2	Carrier Operating Expenses
*	Accts. 5000, 5100, and 5150	Sch. 2998 L. 6 plus L. 7 plus L. 8	Depreciation and Amortization of Carrier Operating Property	15	Acct. 5300	Sch. 4000, L. 65 (Col. b)	Depreciation and Amortization of Carrier Operating Property
12	-	Sch. 2998 L. 14	Net Carrier Operating Income	16	Accts. 8310 and 8320	Sch. 101 L. 3 plus (Minus) Net of L. 10 & L. 16	Net Carrier Operating Income Plus (Minus) Net Lease of Distinct Operating Units
*	-	Sch. 2998 L. 21	Income Available for Payment of Interest	17	-	Sch. 101 L. 15	Income Available for Payment of Interest
*	Accts. 7100, 7300 and 7400	Sch. 2998 net of L. 23, L. 24 and L. 25	Interest Amortization of Debt Discount and Expense and Amortization of Premium on Debt	18	Acct. 8600	Sch. 101 L. 20	Interest and Amortization of Debt Discount Expense and Premium

Conversion Table—Continued

System of Accounts Effective Prior to Jan. 1, 1974				System of Accounts Effective Jan. 1, 1974			
Appendix B Line No.	Acct. No.	Annual 1/ Report Source	Account Title or Other Designation	Appendix B Line No.	Acct. No.	Annual Report Source	Account Title or Other Designation
13	-	Sch. 2998 L. 28	Ordinary Income Before Income Taxes	19	-	Sch. 101 L. 22	Ordinary Income Before Income Taxes
14	-	Sch. 2998 L. 35	Net Income (or Loss)	20	-	Sch. 101 L. 31	Net Income (or Loss)
*	Acct. 2944	Sch. 2930 L. 34 plus L. 35	Preferred Dividends (Cash)	21	Acct. 2941	Sch. 102B L. 11 plus L. 12	Preferred Dividends (Cash)
*	Acct. 2944	Sch. 2930 L. 36	Common Stock Dividends (Cash)	22	Acct. 2941	Sch. 102B L. 13	Common Stock Dividends (Cash)

* No comparable line item in Appendix B prior to January 1, 1974

1/ Refers to annual report sources in effect December 31, 1970

APPENDIX C

Statement of changes in financial position

(Dollars in thousands)

Check Appropriate Blocks	
☐ Carrier Only	☐ Group I
☐ Consolidated	☐ Group II
	☐ Group III

Line No.	Item (1)	Calendar Years Preceding Effective Date of Rate Proposal: 3rd Year 19 (2)	2nd Year 19 (3)	Actual or Estimated 1st Year 19 (4)
	Source of funds:			
1	Net income			
2	Add non-cash charges for depreciation and amortization			
	Add non-cash charges for additions (deduct for decrease) to estimated liabilities:			
3	Self insurance			
4	Personal injuries, property damage, workmen's compensation			
5	Cargo loss and damage claims			
6	Over charge claims			
7	Other important items (specify)			
8	Total non-cash charges (Lines 2 thru 7)			
9	Funds provided by operations (Lines 1 and 8)			
10	Proceeds from sale of capital stock of own issue			
11	Proceeds from sale of funded debt and other obligations of own issue (except for equipment obligations)			
12	Proceeds from sale of equipment obligations of own issue			
13	Book cost of depreciable transportation property retired during year			
14	Less accumulated depreciation			
15	Net book value of depreciable transportation property retired during year			
16	Net book value of miscellaneous physical property disposed of during year			
17	Net book value of investment securities disposed of during year			
18	Advances, notes and other debts repaid by affiliated companies			
19.	Advances, notes and other debts repaid by other companies			
20.	Net decrease in sinking and other special funds			
21	Net decrease in working capital (totsl current assets less total current liabilities)			
22	Other sources (specify)			
23				
24				
25				
26	Total sources of funds (should be same as line 44)			

Statement of changes in financial position—Continued

(Dollars in thousands)—Continued

Line No.	Item (1)	Calendar Years Preceding Effective Date of Rate Proposal: 3rd Year 19 (2)	2nd Year 19 (3)	Actual or Estimated 1st Year 19 (4)
	Application of funds:			
27	Investment in transportation property			
28	Investment in miscellaneous physical property			
29	Investments and advances, affiliated ICC regulated carriers			
30	Investments and advances, other affiliated companies			
31	Total investments and advances, affiliated companies			
32	Investments in nonaffiliated companies			
33	Advances, notes and other debts repaid to other companies			
34	Capital stock of own issue reacquired			
35	Funded debt and other obligations paid or reacquired (except equipment obligations)			
36	Equipment obligations paid or reacquired			
37	Net increase in sinking and other special funds			
38	Payment of dividends (other than stock dividends)			
39	Net increase in working capital			
40	Other applications (specify)			
41				
42				
43				
44	Total application of funds (should be same as Line 26)			

See following pages for explanatory.

Explanatory, Appendix C

The purpose of Appendix C, together with Appendices A and B and the various data required therein, is to establish the minimum financial data required for an evaluation of the carriers' revenue needs.

Appendix C data shall be filed on both a "consolidated" and "carrier only" basis. The "consolidated" data required for these purposes shall be compiled in conformity with the guidelines set forth below. The "carrier only" data required under these procedures relate strictly to the carrier entity and its financial statements filed with the Commission.

Guidelines for "consolidated" data follow:

(1) Consolidated data, as defined herein for the purpose of these instructions, refers to the consolidated statement of financial position, income statement, and statement of changes in financial position of the traffic and cost study carriers and any "family" companies which comprise integral parts of the carriers' operations and whose express purpose, either singularly or collectively, is to provide transportation service or is supportive to such activity.

(2) The definition of family company herein is limited to the following:

(a) any carrier or non-carrier holding company which is exclusively engaged in the provision of motor carrier transportation service and controls, through majority stock ownership, one or more carriers.

(b) any carrier subsidiary which is majority owned controlled by its carrier parent and whose express purpose and operations are supportive to the transportation operations of its parent.

(c) any carrier affiliate under common control with the carrier and whose express purpose and operations are supportive to the transportation operations of the carrier.

(3) Subject to any modification arising from the instructions set forth above, balance sheet and income statement data for the purpose of these instructions shall be consolidated in accordance with generally accepted accounting principles.

(4) Any balance sheet or income statement data prepared in accordance with generally accepted accounting principles shall be restated in conformity with the Uniform System of Accounts for Class I and Class II motor carriers

"Consolidated" and "carrier only" data shall be filed separately for each of the following traffic and cost study carrier groupings, namely:

Group I.—All traffic and cost study carriers.

Group II.—Those traffic and cost study carriers which derive 50 percent and more of their total system revenues from the traffic at issue, as indicated in the "base calendar year-actual."

Group III.—Those traffic and cost study carriers which derive less than 50 percent of their total system revenues from the traffic at issue, as indicated in the "base calendar year-actual."

Individual data for *each* of the traffic and cost study carriers need not be filed.

The term "funds" for the purpose of preparing this Appendix shall include all assets or financial resources even though a transaction may not directly affect cash or working capital. For example, the purchase of property in exchange for shares of stock or bonds would be an application of funds for investment in property provided by the issue of securities. Sources and uses of funds should be individually disclosed. For example, outlays for fixed assets should not be reported net of retirements

NOTE: Items in column 1 of this Appendix are identical to those appearing in Schedule 103 of 1974 Annual Report Form M-1. For years prior or subsequent to 1974 use comparable annual report sources.

Affiliate data

Name of affiliate	Type of affiliation	Percentage ownership by carrier	Type of service to carrier	Total affiliate revenue	Total affiliate income from operations before income taxes	Percentage revenue derived from carrier to total revenue
(1)	(2)	(3)	(4)	(5)	(6)	(7)

See following page for explanatory.

Explanatory, Appendix D

The purpose of Appendix D is to supplement Appendix B consolidated financial data with information pertaining to carrier-affiliate business relationships. Appendix D shall be filed by each traffic and study carrier having affiliates subject to consolidation under the guidelines set forth in Appendices B and C.

Guidelines for compiling affiliate data follow:

Column (1)—State full name of affiliate.

Column (2)—Enter code letter as follows:

A—Company controlled by carrier.
B—Company indirectly controlled by carrier, through intermediary companies.
C—Company under common control with carrier.
D—Company controlling carrier.

Column (3)—Enter percentage ownership by carrier of affiliates coded "A" in Column (2). Leave blank for affiliates coded other than "A."

Column (4)—Enter code letter signifying type of service performed by affiliate for carrier as follows:

A—Engineering
B—Management
C—Legal
D—Accounting
E—Financial
F—Furnishing of materials and supplies
G—Leasing of land and/or structures
H—Leasing of equipment
I—Purchase of equipment
J—Construction
K—All other services

Column (5)—State total affiliate revenue for most recent full calendar year.

Column (6)—State total affiliate income from operations before income taxes for most recent full calendar year.

Column (7)—State percentage of total affiliate revenue in Column (5) derived from services provided to carrier.

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presidential documents

Title 3—The President

PROCLAMATION 4405

Thanksgiving Day, 1975

By the President of the United States of America

A Proclamation

Two hundred years ago the frontier colonies of America braced for a long and determined conflict with the strongest military power in the world. The petition of our Founding Fathers for redress of their grievances had been rejected by King and Parliament, and the people of America began the struggle from which emerged this great Nation.

Our Nation is the oldest continuously surviving republic in the world. For 200 years our freedoms have been questioned, challenged, tested and reinforced. These freedoms have shaped our destiny and served as a beacon to other peoples. Our Nation draws its strength from people of every creed, of every color, of every race—native Americans and people from every nation in the world who for two centuries have come to share in the rewards and responsibilities of our American Republic.

On the eve of our 200th year, Thanksgiving Day should be a day of special reflection upon the qualities of heart, mind and character of the men and women who founded and built our great Nation. Let us join in giving thanks for our cultural pluralism. Let us celebrate our diversity and the great strengths that have come from sharing our traditions, our ideas, our resources, our hopes and our dreams. Let us be grateful that for 200 years our people have been dedicated to fulfilling the democratic ideal—dedicated to securing "liberty and justice for all."

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accord with Section 6103 of Title 5 of the United States Code, do hereby proclaim Thursday, November 27, 1975, as a day of national thanksgiving.

Let each of us, in his own way, join in expressing personal gratitude for the blessings of liberty and peace we enjoy today. In so doing, let us reaffirm our belief in a dynamic spirit that will continue to nurture and guide us as we prepare to meet the challenge of our third century.

I call upon all Americans on this day to gather with family and friends in homes and places of worship and join in offering gratitude for this

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Nation's countless blessings. I ask that we share with our senior citizens and with those less fortunate than ourselves this special day that brings us all closer together.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of November, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-29946 Filed 11-4-75;12:03 pm]

Executive Order 11887 • November 4, 1975

Amending the Civil Service Rules To Except Certain Positions From the Career Service

By virtue of the authority vested in me by the Constitution of the United States of America and Sections 3301 and 3302 of Title 5 of the United States Code, and as President of the United States of America, Section 6.8 of Civil Service Rule VI is amended by adding "and in the Department of Commerce" after "Department of the Interior".

Gerald R. Ford

THE WHITE HOUSE,
November 4, 1975.

[FR Doc.75-29947 Filed 11-4-75;12:03 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 32—National Defense

CHAPTER XIV—RENEGOTIATION BOARD

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

§ 1453.3 [Amended]

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953* is amended by deleting in subdivision (i) thereof, the words "January 1, 1974", and inserting in lieu thereof the words "January 1, 1975".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219)

Dated: October 31, 1975.

R. C. HOLMQUIST,
Chairman.

[FR Doc.75-29697 Filed 11-4-75;8:45 am]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

PART 1430—DAIRY PRODUCTS

Increase in Prices

The United States Department of Agriculture has announced an increase, effective October 2, 1975, in the price support level for manufacturing milk for the remainder of the marketing year which ends March 31, 1976, through purchases by Commodity Credit Corporation (CCC) of dairy products under the price support program as provided herein. Accordingly, § 1430.282 is revised to read as follows:

§ 1430.282 Price support program for milk.

(a) (1) The general levels of prices to producers for milk will be supported from October 2, 1975, through March 31, 1976, at $7.71 per hundredweight for manufacturing milk.

(2) Price support for milk will be through purchases by CCC of butter, nonfat dry milk, and Cheddar cheese, offered subject to the terms and conditions of purchase announcements issued by the Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(3) Commodity Credit Corporation may, by special announcements, offer to purchase other dairy products to support the price of milk.

(4) Purchase announcements setting forth terms and conditions of purchase may be obtained upon request from:

United States Department of Agriculture, Agricultural Stabilization and Conservation Service, Commodity Operations Division, Washington, D.C. 20250 or United States Department of Agriculture, Agricultural Stabilization and Conservation Service, Prairie Village ASCS Commodity Office, P.O. Box 8377, Shawnee Mission, Kansas 66208.

(b) (1) CCC will consider offers of butter, Cheddar cheese, and nonfat dry milk in bulk containers meeting specifications in the announcements at the following prices:

[In cents per pound]

Commodity and location	Produced Apr. 1 through Oct. 1, 1975	Produced on or after Oct. 2, 1975
Cheddar cheese, U.S. grade A or higher (standard moisture basis, 37.8 to 39 pct).[1]	79.25	55.00
Nonfat dry milk, spray process, U.S. extra grade[2]	60.60	62.40
Butter, U.S. grade A or higher, New York, N.Y., and Jersey City, Newark, and Secaucus, N.J.	70.75	81.25

[1] For cheese which is offered on a "dry" basis (less than 37.8 pct moisture) the price per pound shall be as indicated in form ASCS-150. Copies are available in offices listed in (a)(4).

[2] If upon inspection bags do not fully comply with specifications, the price paid will be subject to a discount of 0.25¢ (¼¢)/lb of nonfat dry milk.

(2) Offers to sell butter at any location for which a price is not specifically provided for in this section will be considered at the price set forth in this section for New York City, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight for a 60,000 pound carlot, in effect at the beginning of the 1975-76 marketing year (April 1, 1975), from such other point to New York City. The minimum price at any location shall be the price at New York City minus three cents per pound. In the area consisting of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, CCC will purchase only bulk butter produced in that area; butter produced in other areas is ineligible for offering to CCC in these States.

(Sec. 201, 401, 63 Stat. 1052, 1054, as amended; Sec. 4(d), 62 Stat. 1070, as amended; 7 U.S.C. 1446, 1421, 15 U.S.C. 714b(d))

Signed at Washington, D.C., on: October 29, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-29743 Filed 11-4-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

Correction Notice

● Purpose: To make editorial corrections. ●

Reference to § 108.8 in § 102.3(b)(2)(iii) shall be corrected to read § 108.5 by these amendments. Also, the requirements in § 102.3(b)(2)(iii) and the requirements in § 108.5 are amended to require a listing of fractions rather than the entire product.

These amendments correct the name of *Erysipelothrix rhusiopathiae* in § 112.104(e)(2) to conform with the accepted spelling now being used. They also correct a misprint in the spelling of the word "sudden" in § 113.104(e)(1).

These amendments delete the label requirements in § 113.250(h)(2)(i) and add them in a new paragraph to § 112.7. This change is made to conform with the policy of codifying label requirements in Part 112.

Capitalize each word in the heading of § 113.104.

PART 102—LICENSES FOR BIOLOGICAL PRODUCTS

1. § 102.3 is amended by revising § 102.3(b)(2)(iii) to read:

§ 102.3 License applications.

* * * * * *

(b) * * *

(2) * * *

(iii) At least three copies of legends prepared as prescribed in § 108.5 of this subchapter designating which facilities are to be used in the preparation of each fraction; and

* * * * * *

PART 108—FACILITY REQUIREMENTS FOR LICENSED ESTABLISHMENTS

2. § 108.5 is amended by revising § 108.5(b)(1) to read:

§ 108.5 Preparation of legends.

* * * * * *

(b) * * *

(1) A listing of all rooms by identifying letters or numbers and the fractions prepared in each. Exceptions may be listed for general purpose areas or rooms. Functions performed in each area and room shall be described.

* * * * * *

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PART 112—PACKAGING AND LABELING

3. § 112.7 is amended by adding a new paragraph (l) to read:

§ 112.7 **Special additional requirements.**

• • • • • •

(l) In the case of normal serum, antiserum, and antiserum derivatives, the type of preservative used shall be indicated on all labels.

PART 113—STANDARD REQUIREMENTS

4. § 113.104 is amended by revising paragraphs (e) (1) and (2) to read:

§ 113.104 **Erysipelothrix Rhusiopathiae Bacterin.**

• • • • • •

(e) • • •

(1) A satisfactory challenge shall be evidenced in the controls by a bacteremia, a high body temperature, and clinical signs of sickness, including but not limited to acute illness with hyperemia of the abdomen and ears possibly terminating in sudden death; moribund and anorexia, with or without metastatic skin lesions; slowness with variable anorexia, stiffness, and/or joint involvement; and any combination of these symptoms and lesions.

(2) If at least 75 percent of the controls do not show characteristic symptoms of swine erysipelas during the observation period, including but not limited to a body temperature of 105.6° F or higher on at least 2 days or 107° F or higher for at least 16 hours, the test shall be considered inconclusive; *Provided*, That control pigs which meet the criteria requirements for susceptibility except for high body temperature shall be considered susceptible if sacrificed and organisms identified as *Erysipelothrix rhusiopathiae* can be isolated from the blood, spleen, or other organs.

• • • • • •

5. Section 113.250 is amended by revising paragraph (h) (2) (i) to read:

§ 113.250 **General requirements for biological products of animal blood origin.**

• • • • • •

(h) • • •

(2) • • •

(i) Normal serum, antiserum, and antiserum derivatives shall contain at least one preservative in the following table. The amount shall be within the range of concentration set forth.

• • • • • •

(37 Stat. 832–833; 21 U.S.C. 151–158).

Effective date. November 5, 1975.

These amendments are editorial corrections which do not impose additional restrictions, but relax certain requirements and clarify others.

It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective as provided in this document less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of October, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-29744 Filed 11-4-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1975-10]

TRANSPORTATION COSTS WHERE TRANSPORTATION IS PROVIDED BY THE FIRM CONCERNED

Correction

In FR Doc. 75-23412, appearing at page 40826, in the issue for Thursday, September 4, 1975, on page 40827, in the second column, the sixteenth line from the top should be changed to read "livered to Firm Y. Consequently such in-".

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 75-980]

PART 541—DEFINITIONS

Amendments Relating to Certain Interest Rate Adjustments

OCTOBER 29, 1975.

The following summary of the amendment adopted by this Resolution is included for the reader's convenience and is subject to the full description in the preamble and the specific provisions in the regulation.

I. *Existing Regulation.* Federal associations may not increase the interest rate on installment loans by increasing the monthly payment.

II. *Proposed Amendment.* A. Federal associations would be permitted to adjust mortgage interest rates by changing the amount of the monthly payments, by changing the length of the loan term, or by a combination thereof.

B. Adjustable interest rate loans secured by owner-occupied single-family dwellings would have to contain a number of consumer protections.

III. *Final amendment.* A. Withdraws proposed provisions with respect to loans secured by homes and combinations of home and business property.

B. Permits Federal associations to increase the interest rate on installment loans with respect to multi-family and commercial property.

IV. *Reason for Amendment.* To give Federal associations additional flexibility in negotiating loans involving commercial and multi-family dwelling borrowers. Multi-family and commercial properties are business investments for their owners and Federal associations should be able to contract for interest rate adjustments on such properties.

By Resolution No. 75-118, dated February 6, 1975, the Board proposed to amend Parts 541 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 541 and 545) by amending §§ 541.14(a), 541.14(b) and 541.14(c) and by adding a new § 545.6-2 in order to authorize and regulate the manner in which federal savings and loan associations may adjust the interest rates on loans secured by improved real estate—including multi-family and commercial property. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on February 14, 1975 (40 FR 6870-6874), with an invitation for interested persons to submit written comments by May 15, 1975.

Section 541.14(a) presently prohibits Federal associations from making loans having increasing monthly payments which are secured by any type of improved real estate—including multi-family and commercial property. The proposed amendments would have permitted Federal associations to adjust interest rates by changing the amount of the monthly payments, by changing the length of the loan term, or by a combination thereof. Adjustable interest rate loans secured by owner-occupied single-family dwellings would have been subject to a number of consumer protections.

The amendment adopted by this Resolution excepts loans secured by multi-family and commercial property from the restriction in § 541.14(a) that payments not increase. This "exception" is accomplished by amending § 541.14(a) so as to apply only to owner-occupied homes and combinations of home and business property the present requirement that payments are not to increase. This amendment differs from the proposal with respect to loans secured by multi-family and commercial property in one respect. The proposal would have required that such loans be in accordance with applicable usury limitations. Upon reconsideration, the Board does not believe this agency needs to refer specifically to usury laws in connection with such loans.

The Board believes that § 541.14(a) is presently too restrictive with respect to multi-family and commercial property and that Federal associations should be given authority to accomplish interest rate increases by means of increasing the monthly payments. Many lenders, including commercial banks and insurance companies, commonly make loans on the basis that the payments can be increased and the Board believes that its regulations should be amended to give Federal associations full authority to contract freely as to interest rate provisions with commercial and multi-family dwelling borrowers. Limiting the ability of Federal associations to contract freely wth such borrowers concerning interest rates is inappropriate because

commercial and multi-family borrowers are normally investors—*i.e.*, they obtain loans to engage in profit-making business ventures.

As indicated above, the proposal would also have authorized Federal associations to make loans secured by other than multi-family and commercial property (*i.e.* homes and combinations of home and business property) having increasing monthly payments. Although the Board continues to believe such loans should be permitted, it has determined to take no further action at this time to permit such loans because of the substantial Congressional opposition to the proposal. Those provisions of the proposal not implemented by this Resolution are therefore withdrawn.

Accordingly, on the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Federal Home Loan Bank Board hereby amends § 541.14(a) as set forth below, effective December 8, 1975.

§ 541.14 **Installment loan; partially-amortized monthly installment loan; flexible payment loans.**

(a) *Installment loan.* The term "installment loan" means any loan repayable in regular periodic payments sufficient to retire the debt, interest and principal, within the loan term. However, as to a loan secured by a home or a combination of home and business property occupied or to be occupied by the borrower, no required payment after the first payment shall be more, but may be less, than any preceding payment.

• • • • • •

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-29700 Filed 11-4-75;8:45 am]

PART 541—DEFINITIONS

Amendment Relating to Installment Loans

The following summary of the amendment adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the regulations.

A. *Existing regulation.* A minimum loan term of not less than ten years is required on a partially-amortized monthly installment loan, which is an authorized type of commercial and multi-family loan.

B. *Amended regulation.* Minimum loan terms on such loans are eliminated.

C. *Reason for amendment.* The current regulation is unnecessarily restrictive.

The Federal Home Loan Bank Board considers it desirable to amend paragraph (b) of § 541.14 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 541.14(b)) for the purpose of eliminating minimum loan terms on partially amortized monthly installment loans. Such loans by Federal savings and loan associations are authorized by §§ 545.6-1 (b) and (c) on the security of commercial and multi-family property.

Present § 541.14(b) requires a minimum term of not less than 10 years for a partially amortized monthly installment loan. This amendment eliminates this requirement.

Accordingly, the Board hereby amends §541.14(b), to read as set forth below, effective November 5, 1975.

Since this amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment is unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

§ 541.14 **Installment loan; partially-amortized monthly installment loan; flexible payment loan.**

• • • • • •

(b) *Partially-amortized monthly installment loan.* The term "partially-amortized monthly installment loan" means any loan which is repayable in full in a lump sum at the end of the loan term but which requires partial amortization during the loan term by regular monthly payments which include both principal and interest, beginning within not more than 60 days after disbursement of the loan proceeds. Such monthly payments may not be fixed at less than the amount of the monthly payments which would be required to amortize an entire loan of the same amount, principal, and interest, within a 30-year loan term.

• • • • • •

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-29701 Filed 11-4-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15132; Amdt. 39-2416]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Models BAC 1-11 200 and 400 Airplanes

There have been reports of failure and damage of the aileron trim tab connecting rod on British Aircraft Corporation Model BAC 1-11 200 and 400 Series airplanes due to insufficient clearance and contact of the rod with adjacent structure that could result in restriction of aileron control movement and loss of control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection of the aileron trim tab connecting rod on British Aircraft Corporation Model BAC 1-11 200 and 400 Series airplanes for cracks, bowing, and insufficient clearance with adjacent structure and replacement of defective parts and alteration, as necessary, to provide the necessary minimum clearance.

Since this situation requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to Model BAC 1-11 200 and 400 Series airplanes certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible failure of aileron trim tab connecting rods, accomplish the following:

(a) Within the next ten hours' time in service after the effective date of this AD, inspect the aileron trim tab connecting rods, P/N AB33A445 (200 Series) or P/N AK 33A445 (400 Series), for minimum clearance with adjacent structure, cracks, and bowing in accordance with paragraphs 1. through 4. of British Aircraft Corporation telegram to all operators, 27-CW-PM5310, dated October 23, 1974, (hereinafter referred to as BAC telegram) or an FAA-approved equivalent.

(b) If during the inspection required by paragraph (a) of this AD, a connecting rod is found to be cracked or bowed, before further flight, except that the airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the repair can be performed—

(1) Replace the cracked or bowed part with a serviceable part of the same part number or an FAA-approved equivalent part; and

(2) Comply with paragraph (e) of this AD.

(c) If during the inspection required by paragraph (a) of this AD, an indication of contact of an aileron trim tab connecting rod with the adjacent structure is found but the connecting rod is free of cracks and bowing, before further flight, except that the airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the repair can be performed—

(1) Restore the protective finish to all dented and chafed areas of the connecting rod, and

(2) Comply with paragraph (e) of this AD.

(d) If during the inspection required by paragraph (a) of this AD, insufficient clearance is found between an aileron trim tab connecting rod and adjacent structure and paragraphs (b) and (c) of this AD are not applicable, comply with paragraph (e) of this AD within 1000 hours' time in service after being inspected in accordance with paragraph (a) of this AD.

(e) Provide the minimum clearance, between the aileron trim tab connecting rod and adjacent structure, as specified in paragraphs 1., 2., or 3. of the BAC telegram, as applicable, or an FAA-approved equivalent.

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If alteration of the structure adjacent to an aileron trim tab connecting rod is necessary to provide the proper minimum clearance, the alteration must be accomplished in accordance with paragraph 7. of the BAC telegram as amended by issue 2 of the telegram dated October 25, 1974.

(f) For purposes of this AD, the term "Land" as used in paragraph 7 of the BAC telegram as amended by issue 2 to the telegram, dated October 25, 1974, means "edge distance".

This amendment becomes effective November 19, 1975.

Issued in Washington, D.C., on October 28, 1975.

J. A. FERRARESE,
Acting Director.
Flight Standards Service.

[FR Doc.75-29649 Filed 11-4-75;8:45 am]

[Docket No. 15133; Amdt. 39-2417]

PART 39—AIRWORTHINESS DIRECTIVES

Slingsby Sailplanes T59D Kestrel Gliders

There have been reports of excessive wear of the rudder cables adjacent to the rudder pedals on Slingsby Sailplanes T59D Kestrel gliders that could result in separation of the rudder cables and loss of yaw control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require periodic inspection of the rudder cables adjacent to the rudder pedals on Slingsby Sailplanes T59D Kestrel gliders and the replacement of those cables, if necessary.

Since this situation requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SLINGSBY SAILPLANES. Applies to T59D Kestrel gliders certified in all categories.

Compliance is required as indicated.

To prevent possible rudder cable failure, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect the rudder cables for broken wires of any strand at the points the cables leave the top of the rudder pedals throughout the maximum to minimum rudder pedal adjustment range, and also immediately aft of the cable ferrules.

(b) If a broken wire of any strand is found during an inspection required by paragraph (a) of this AD, before further flight, replace the defective cable with a serviceable cable of the same specification or an FAA-approved equivalent cable and continue to comply with paragraph (a).

This amendment becomes effective November 19, 1975.

Issued in Washington, D.C., on October 28, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-29650 Filed 11-4-75;8:45 am]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Airway Description

Correction

In FR Doc. 75-28830, appearing at page 50025, in the issue for Tuesday, October 28, 1975, in the 12th line of the second paragraph the figure now reading "V-229" should be changed to read "V-299".

[Airspace Docket No. 75-SO-139]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tallassee, Ala., transition area.

The Tallassee transition area is described in § 71.181 (40 F.R. 441). It is necessary to amend the description to reflect the correct geographical coordinates of the airport and to revoke an extension that is no longer required. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, January 29, 1976, as hereinafter set forth.

In § 71.181 (40 F.R. 441), the Tallassee, Ala., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tallassee Municipal Airport (Lat. 32°28'52" N., Long. 85°53'06" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on October 28, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-29651 Filed 11-4-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation SPR-94, Amdt. 3]

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

Technical Amendments

OCTOBER 30, 1975.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

The Board's recently adopted Part 378a of its Special Regulations (14 CFR Part 378a) governs the operation of One-stop-inclusive Tour Charters (OTC), including Special Event Charters, just as Part 378 of the Special Regulations (14 CFR Part 378) has for some years governed the operation of Inclusive Tour Charters (ITC). Basically, the OTC is a type of charter quite similar in concept to the ITC, in that both provide for *ad hoc* authority of a charterer, acting as an independent tour operator, to arrange a package tour, consisting of air transportation and ground accommodations, which the tour operator then sells at a fixed price to individual members of the public.

Thus, as does the ITC rule, after which the OTC rule is patterned, Part 378a exempts tour operators (other than foreign tour operators) from various provisions of Title IV of the Federal Aviation Act of 1958 for the purpose of enabling them to act as indirect air carriers, subject to compliance with the various conditions and restrictions set forth in the respective regulations. Also, as does the ITC rule, the OTC rule authorizes tour operators to provide tours utilizing aircraft chartered from both U.S. and foreign direct air carriers, in conjunction with foreign-originating as well as U.S.-originating tours. Again, as it had done with respect to ITC's, the Board has declined to exercise its jurisdiction over foreign tour operators of OTC's which originate in a foreign country (§ 378a.23), preferring instead to impose upon the direct air carriers the obligation to secure such operators' compliance with the basic substantive requirements of the OTC rule (§ 378a.40).

However, because the text of the OTC rule varies somewhat from that of the ITC rule—even with respect to certain technical provisions common to both rules—the literal terms of the OTC rule, unlike the ITC rule, require those foreign tour operators over whom we have declined to exercise jurisdiction to comply fully with certain requirements as to the filing of materials which are designed for the protection of U.S. consumers, but are not basic substantive requirements of the rule. This technical difference between the OTC rule and the ITC rule was inadvertent, since, in adopting the OTC rule, the Board did not intend to require foreign tour operators of OTC's originating in a foreign country to file with the Board those materials whose filing is primarily required for the protection of U.S. consumers, and has thus not been required with respect to foreign tour operators of ITC's originating in a foreign country.[1]

In order to maintain substantial conformity between the manner in which these two similar special charter rules treat foreign-originated charters operated by foreign indirect air carriers, we have determined to amend the OTC rule by adapting the technique used by the ITC rule to clarify which of its provisions do not apply to foreign tour operators, to wit, the use of a definition of "foreign tour operator" which incorporates the specific provisions of the rule which do not apply to foreign-originated charters. Also, we will amend § 378a.40, which, as indicated above, imposes on the direct air carrier responsibility to secure compliance by the foreign OTC tour operator with the basic substantive requirements of the OTC rule, to specify the provisions of the rule which will not apply to foreign-originated charters. Finally, we will adopt a new § 378a.44, which requires the direct air carrier performing the air transportation portion of a foreign-originated OTC operated for a foreign tour operator to file a modified tour prospectus concerning such tour in a manner similar to that now required of the direct air carrier under the ITC rule.

Because these amendments serve primarily to clarify the Board's intent in adopting the OTC rule, remove a burden from foreign tour operators, and do not materially increase the filing burden already imposed on direct air carriers by existing regulations (which require certain materials to be filed which in the absence of the amendment would be required jointly by the direct carriers and the foreign-tour operator), the Board finds that notice and public procedure hereon are unnecessary, and that the amendments may be effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 378a of its Special Regulations (14 CFR Part 378a), effective October 30, 1975, as follows:

1. Amend § 378a.2 by revising the definition of "foreign tour operator," the section as amended to read in pertinent part as follows:

§ 378a.2 Definitions.

* * * * *

"Foreign tour operator" means any person not a citizen of the United States, as defined in Section 101(13) of the Act (other than a direct foreign air carrier), who is (1) engaged in the formation of groups for air transportation on one-stop-inclusive tour charters which originate in a foreign country and over whom the Board has declined to exercise its jurisdiction, or (2) engaged in the formation of groups for transportation on one-stop-inclusive tour charters which originate in the United States and who hold a permit issued pursuant to Section 402 of the Act authorizing such transportation: *Provided,* That with respect to §§ 378a.21, 378a.24, 378a.25(a) (1) and (2), 378a.26-.33, 378a.50-.51, 378a.105, and 378a.107(c) (2), (3) and (4) the definition of "Foreign tour operator" is confined to the definition set forth in paragraph (2) of this definition.

* * * * *

3. Amend § 378a.40 to read as follows:

§ 378a.40 Charter not to be performed unless compliance with part.

A direct air carrier shall not perform air transportation in connection with an OTC unless it has made a reasonable effort to verify that all provisions of this part have been complied with, and that the tour operator's authority under this part has not been suspended by the Board: *Provided, however,* That where an OTC is organized by a foreign tour operator over whom the Board has declined to exercise its jurisdiction pursuant to § 378a.23, no direct air carrier may perform air transportation in connection with such OTC unless the tour is formed and implemented in accordance with the general conditions and limitations set forth in Subpart B or Subpart F of this part, and the tour operator performs all acts and duties which this part requires to be performed by tour operators within the Board's jurisdiction, other than the provisions set forth in §§ 378a.25(a) (1) and (2), 378a.28, 378a.30-.33, 378a.50-.51, 378a.105 and 378a.107(c) (2), (3) and (4).

4. Amend Subpart D by adopting a new § 378a.44 to read as follows:

§ 378a.44 One-stop-inclusive tours operated by U.S. certificated air carriers or foreign air carriers for foreign tour operators.

At least 45 days in advance of the date of departure of a proposed foreign-originated OTC or series of OTC's to be operated by a U.S. certificated air carrier or foreign air carrier for a foreign tour operator, such carrier shall file with the Board (Supplementary Services Division, Bureau of Operating Rights) a Tour Prospectus which shall contain the following information:

(a) The name and address of the foreign tour operator;

(b) The proposed date and time of each flight;

(c) The aircraft type to be used for each flight including the number of seats;

(d) The charter price for the aircraft;

(e) The duration of each tour, the tour itinerary, including the name of hotels, and any sightseeing or other arrangements included in the tour; and

(f) The tour price per passenger.

(Secs. 101(3), 204(a), 401, 402, 407, 416(a), and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.)

Effective: October 30, 1975.

Adopted: October 30, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-29718 Filed 11-4-75;8:45 am]

[1] On the other hand, insofar as the OTC rule differs substantially from the ITC rule, in prohibiting the sale of seats by the tour operator or foreign tour operator within a prescribed period before the flight departure date, and that prohibition entails the implementing requirement that a passenger list be filed with the Board no later than the cut-off date for such sales, we consider this filing requirement to be one of the substantive requirements distinguishing OTC's from ITC's. Therefore, it is among the requirements applicable to all OTC's, including those foreign-originated OTC's operated by tour operators over whom we have declined to exercise jurisdiction, even though it is not required for ITC's.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2734]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bridgestone Tire Co. of America, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; § 13.135 Nature of product or service; § 13.175 Quality of product or service; § 13.195 Safety; 13.195-60 Product; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; 13.533-45 (a) Advertising substantiation. Subpart—Failing to maintain records: § 13.-1051 Failing to maintain records; 13.-1051-30 Formal regulatory and/or statutory requirements. Subpart—Misrepresenting oneself and good—Goods: § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Bridgestone Tire Company of America, Inc., a corporation.

Consent order requiring a Torrance, Calif., distributor and seller of tires, among other things to cease misrepresenting the safety or performance characteristics of any automobile tires, and misrepresenting any generalized safety claims. Further, the respondent is required to have a "reasonable basis" in substantiation of claims regarding the safety performance characteristics of "any product."

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I

It is ordered That respondent Bridgestone Tire Company of America, Inc., a

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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corporation, its successors and assigns, officers, representatives, agents, employees, directly through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any product in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any automobile tire has any safety or performance characteristic or is superior in quality or performance to other tires, either overall or with respect to any such characteristic, unless at the time such representation is first disseminated, the representation is fully and completely substantiated by competent scientific tests and respondent has relied upon such tests. Provided, furthermore, that with respect to any representation concerning the safety of automobile tires which representation is not expressly limited to a specific safety characteristic(s) the basis for such a representation shall include, at the minimum, tests for the following characteristics: (a) stopping; (b) cornering; (c) puncture protection; and (d) high speed performance.

2. Failing to provide for the maintenance of, in conjunction with Paragraph One of this Order, the results of each test, the original test data collected in the course of each test, and a detailed description of how the test was performed, all of which shall be available in written form for inspection, upon reasonable notice, for at least three years following the final use of the representation.

3. Making any representation, directly or by implication, regarding the safety or performance characteristics of any product, unless at the time such representation is first disseminated there exists a reasonable basis for such representation and respondent relies upon such basis. Provided, however, that with respect to automobile tires, the only reasonable basis for such a representation shall be competent scientific tests as specified in Paragraph One of this Order.

4. Failing to provide for the maintenance of, in conjunction with Paragraph Three of this Order, all documentation in substantiation of any representation in advertising disseminated, by respondent, all of which shall be available in written form for inspection upon reasonable notice, for at least three years following the final use of the representation.

II

It is further ordered That for the purpose of Paragraph One of Part I of this Order:

1. A claim of "security" shall be construed as a safety claim.

2. A representation as to the quality or performance characteristics of any automobile tire implies that it is superior in quality or performance to any other automobile tire or all other automobile tires if it is phrased in the comparative or superlative degree, or if any advertising containing such representation conveys a net impression of comparative superiority.

III

It is further ordered That respondent Bridgestone Tire Company of America, Inc., shall forthwith deliver a copy of this Order to each of its operating departments, divisions, and subsidiaries engaged in the advertising, offering for sale, sale or distribution to the public at retail or automobile tires and to the manager of each present and every future retail outlet owned and operated by said respondent.

It is further ordered That respondent notify the Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation that may affect the compliance obligations arising out of the Order.

It is further ordered That respondent shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the Order to cease and desist.

The Decision and Order was issued by the Commission September 30, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-29644 Filed 11-4-75;8:45 am]

[Docket 8935]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Food Fair Stores, Inc., et al.

Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.430 To enhance, maintain or unify prices; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.470 To restrain or monopolize trade; § 13.475 To restrain competition in buying. Subpart—Corrective actions and/or requirements: §13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Enforcing dealings or payments wrongfully: § 13.1045 Enforcing dealings or payments wrongfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Food Fair Stores, Inc., a corporation, and Amterre Development Inc., a corporation.

Consent order requiring Amterre Development, Inc., a Bala Cynwyd, Pa., a shopping center developer, among other things to cease maintaining resale prices, discouraging discount advertising and selling, and denying competitive prices to the public through the insertion of restrictive provisions in leases and agreements with shopping center tenants.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I

For the purposes of this order the following definitions shall apply:

A. The term "respondent" refers to Amterre and its subsidiaries, officers, agents, representatives, employees, successors, and assigns, in their capacities as such. "Subsidiary" means a person, entity or corporation in which Amterre has voting control.

B. The term "shopping center" refers to a planned development of retail outlets, managed as a unit in relation to a trade area, which the development is intended to serve, and providing on-site parking in some definite relationship to the types and sizes of stores in the development.

C. The term "tenant" refers to any occupant or potential occupant of retail space in any of respondent's shopping centers, whether as a lessee or owner of such space.

D. The term "retailer" refers to a tenant which sells merchandise or services to the public.

E. The terms "range of prices" and "price range" refer to such descriptive words as "popular priced," "medium priced," "high priced," "merchandise ranging in price from $90 to $190," and "the sale of merchandise at prices less than $15." The terms "range of prices" and "price range" do not include references to the general quality of merchandise or services, explicitly characterized as such, that the tenant principally will offer.

F. The term "price line" refers to descriptive words identifying a particular retailer as an example of a category of merchants selling merchandise within a generally identifiable range of prices.

II

A. *It is ordered*, That respondent cease and desist from making, carrying out, or enforcing, directly or indirectly, an agreement or provision of an agreement which:

1. specifies that any retailer in any of respondent's shopping centers shall or shall not sell or offer to sell merchandise or services at any particular price or within any range of prices;

2. specifies that any retailer in any of respondent's shopping centers shall or shall not sell or offer to sell designated price lines of merchandise;

3. specifies that any retailer in any of respondent's shopping centers shall not be a discounter or sell or offer to sell merchandise or services at discount prices;

4. specifies the content of or prohibits any type of advertising by a retailer, other than advertising within any of respondent's shopping centers, except that respondent may require a tenant to include the name, insignia, or other identifying mark of any of respondent's shopping centers in advertising pertaining to the tenant's store in any of respondent's shopping centers.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

B. *It is further ordered* That respondent will within thirty (30) days after service of this Order mail a copy of Letter "A", attached hereto, to all tenants of its shopping centers whose leases make reference in the use clauses to the price or quality of the merchandise or services to be sold.

C. *It is further ordered* That respondent cease and desist from entering into any agreement, directly or indirectly, with any tenant that said tenant may:

1. specify or control or may require respondent to specify or control prices, price ranges, or price lines of merchandise or services sold by any other retailer;

2. control or may require respondent to control discounting by any other retailer; or

3. exclude any retailer from any of respondent's shopping centers by reason of such retailer's discount selling or discount advertising.

D. *It is further ordered* That respondent advise the Commission in writing within sixty (60) days of any occasion that:

1. a tenant disapproves the admission into any of respondent's shopping centers of any other retailer;

2. a tenant refuses to approve the renewal of another retailer's lease in any of respondent's shopping centers;

3. a tenant approves the admission of another retailer into any of respondent's shopping centers subject to conditions imposed by the tenant relating to the pricing, price ranges, price lines, trade names, store names, trademarks, brands or lines of merchandise, or the discounting practices or methods of such other retailer; or

4. a tenant enters into an agreement with respondent to become a tenant in any of respondent's shopping centers on condition that respondent refuse to renew the lease of another retailer.

III

It is further ordered That respondent shall:

A. within thirty (30) days after service of this Order upon respondent, notify each of its tenants of this Order by providing each tenant with a copy thereof by registered or certified mail;

B. within sixty (60) days after service of this Order upon respondent, file with the Commission a report showing the manner and form in which it has complied and is complying with each and every specific provision of this Order; and

C. notify the Commission at least thirty (30) days prior to any change in the corporate respondent which may affect compliance obligations arising out of this Order.

IV

It is further ordered That the complaint in this proceeding be, and it hereby is, dismissed with respect to respondent Food Fair Stores, Inc.

LETTER "A"

[On Official Amterre Development Inc Stationery]

Gentlemen: Amterre Development Inc has consented to the issuance by the Federal Trade Commission of an Order which, among other things, prohibits Amterre from specifying that its tenants shall or shall not sell merchandise or services at any particular price or within any range of prices, and that its tenants shall or shall not sell designated price lines of merchandise. A copy of the Order is enclosed.

Your lease describes the merchandise or services you are to sell in terms such as "popular priced," "medium priced," "high priced," "medium to better quality," or the like. Please be advised that such language is intended only as a description of the general quality of the merchandise or services you sell. It is not intended and will not be enforced to affect the retail selling price of your merchandise or services. Pursuant to the terms of the Order you are free to set the prices for your merchandise and services and are not required to adhere to any particular price, range of prices, or price lines expressed or implied in your lease or in any other agreement with the shopping center.

This letter shall not operate as a waiver of any rights which Amterre may now have to required you, except as your lease otherwise provides, to sell merchandise or services at a general quality level or levels.

Sincerely,

President, Amterre Development Inc.

The Decision and Order was issued by the Commission September 30, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-29645 Filed 11-4-75;8:45 am]

[Docket C-2733]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

General Foods Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; § 13.195 Safety; § 13.205 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising; 13.2275–70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of General Foods Corporation, a corporation.

Consent order requiring a White Plains, N.Y., producer, distributor, and seller of food products, among other things to cease using depictions and descriptions which have the capacity to influence children to engage in harmful activities—specifically, representing that a plant is edible in its raw state (1) where the visual impression is conveyed that the plant was not grown for human consumption; or (2) where a raw plant is shown being consumed and it is specifically described as a "wild" plant.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

For the purposes of this order, the following definitions apply:

1. The term "commerce" means commerce as defined by the Federal Trade Commission Act, as amended.

2. The term "plant" means any whole plant or any constituent part thereof.

I

It is ordered That respondent General Foods Corporation, a corporation (hereinafter referred to as respondent), its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other other device, in connection with the advertising, offering for sale, sale or distribution in or affecting commerce of any product, forthwith cease and desist from, directly or indirectly:

A. Representing, through depictions, descriptions, or otherwise, that a plant is suitable for human consumption in its raw state in an advertisement containing a visual depiction of (1) the plant in its growing state or natural surroundings which depiction is not a clear portrayal of conditions of domestic cultivation for human consumption or (2) the consumption of a raw plant described in the advertisement as wild.

B. Representing through depictions, descriptions, or otherwise, that a plant is suitable for human consumption in its raw state in an advertisement containing a visual depiction of the plant in its growing state or natural surroundings where said plant is not the advertised product or an ingredient, or a characterizing flavor, or source thereof, in the advertised product.

C. Representing, through depictions, descriptions, or otherwise, that any given thing or things, other than things that are commonly recognized as foods or lawful food additives, are suitable for human consumption as a food where it is reasonably foreseeable, through reasonable inquiry, that such representation has the tendency or capacity to influence members of the audience in reasonably good health to engage in behavior which creates an imminent risk of physical harm to those persons or to others.

II

It is further ordered That respondent shall forthwith distribute a copy of this

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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Order to each of its operating divisions.

It is further ordered That respondent notify the Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered That respondent shall, within sixty (60) days after service upon it of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

The Decision and Order was issued by the Commission October 1, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-29646 Filed 11-4-75;8:45 am]

[Docket 9002]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

TV Stereo City Freight Liquidators, Inc., et al.

Correction

In FR Doc. 75-28503 appearing on page 49569 of the issue for Thursday, October 23, 1975, the following correction is made.

On page 49570, order Paragraph 3., line nine insert "misrepresenting, in any manner, the advantages," immediately after the words "rental plans; or".

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-29641 Filed 11-4-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75-279]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Amendment to the Customs Regulations Requiring Certain Information To Be Provided on the Reverse of Customs Form 7501

Treasury Decision 75-209, published in the FEDERAL REGISTER on August 19, 1975 (40 FR 36116) amended paragraph (b) of § 10.53 of the Customs Regulations (19 CFR 10.53(b)) by substituting the words "on the front of Customs Form 7501" for "on the reverse of Customs Form 6417". This change was made in conjunction with the abolishment of Customs Form 6417, Summary of Entered Values, and relates to a declaration required to be furnished in connection with the entry of antiques and other articles under items 766.20 and 766.25 of the Tariff Schedules of the United States (19 U.S.C. 1202). However, inasmuch as there may be insufficient space on the front of Customs Form 7501, Consumption Entry, to place the required declaration, it has been determined more appropriate to require the declaration to be placed on the reverse of Form 7501.

§ 10.53 [Amended]

Accordingly, paragraph (b) of § 10.53 of the Customs Regulations (19 CFR 10.53(b)) is hereby amended by substituting the word "reverse" for "front".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Because this amendment to the Customs Regulations merely provides for a minor clerical change, and places no additional burden on the public, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective November 5, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: October 29, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-29759 Filed 11-4-75;8:45 am]

[T.D. 75-278]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Customs Bills for Deferred Taxes on Imported Alcoholic Beverages, Amended

On November 5, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 39044), which proposed to amend paragraphs (f) and (h) of § 24.4 of the Customs Regulations (19 CFR 24.4 (f) and (h)), to specify the name and number of the form used by the United States Customs Service to bill importers for deferred taxes on alcoholic beverages and to eliminate the procedure whereby an importer is sent a second Customs bill on that form when the initial Customs bill for the deferred taxes has not been paid within the specified period.

Pursuant to § 24.4(f)(1) of the Customs Regulations, each importer who has been permitted to pay on a semi-monthly basis the estimated import taxes on alcoholic beverages entered, or withdrawn from warehouse, for consumption by him during each period will be billed at the end of each semi-monthly period for all taxes deferred during that period. The bill, accompanied by a statement listing each tax amount deferred and the related entry number, must be paid in full by the last day of the next succeeding deferral period.

Section 24.4(h)(1) currently provides that when any bill for deferred taxes is not paid within the period specified in § 24.4(f)(1), the importer shall be sent a Notice of Amount Due, Customs Form 6084, and a copy shall be sent to the surety on his bond.

Customs Form 6084 has been revised, and is now known as the United States Customs Service Bill. That form is used to bill importers for deferred taxes pursuant to § 24.4(f)(1) of the Customs Regulations. As a consequence, the use of Customs Form 6084 again, pursuant to § 24.4(h)(1) as a notice to the importer of a Customs bill past due, is both inappropriate and unnecessary. The proposed amendment to § 24.4(h)(1) provides that in the event the initial bill for deferred taxes on Customs Form 6084 is not paid within the specified time, a demand for payment shall be made to the surety on the importer's bond.

Interested persons were given 30 days from the date of publication of the notice to submit relevant written data, views, or arguments regarding the proposed amendments. After consideration of the comment received, it has been determined that the proposed amendments should be adopted as set forth in the notice of proposed rulemaking.

Accordingly, the proposed amendments are adopted as set forth below.

Effective date. These amendments shall become effective December 5, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: October 29, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Paragraphs (f)(1) and (h)(1) of § 24.4 are revised to read as follows:

24.4 Optional method for payment of estimated import taxes on alcoholic beverages upon entry, or withdrawal from warehouse, for consumption.

* * * * * * *

(f) * * *

(1) *Billing.* Each importer who has deferred tax payments on imported alcoholic beverages will be billed on Customs Form 6084, United States Customs Service Bill, at the end of each tax deferral period for all taxes deferred during the period. Each bill will identify each tax amount deferred and the related entry numbers. These bills must be paid in full by the last day of the next succeeding deferral period.

* * * * * * *

(h) * * *

(1) When any bill on Customs Form 6084 for deferred taxes is not paid within the period specified in paragraph (f) of this section, a demand for payment shall be made to the surety on the importer's bond. * * *

* * * * * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1622, 1624))

[FR Doc.75-29760 Filed 11-4-75;4:45 pm]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7367]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Minimum Vesting Standards

PREAMBLE

This document contains temporary income tax regulations (26 CFR Part 11) under section 411 of the Internal Revenue Code of 1954, as added by section 1012(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 901) (hereinafter referred to as the "Act").

The temporary regulations contained in this document will also apply for purposes of sections 203 and 204 of such Act (88 Stat. 854, 858).

Section 411 of the Code prescribes minimum vesting standards which are qualification requirements for pension, stock bonus, or profit-sharing plans (and their related trusts) described in section 401(a). These qualification requirements also apply to custodial accounts, annuity plans, and bond purchase plans described in sections 401(f), 404(a)(2), and 405(a), respectively.

Section 411(e) and § 11.411(a)-1(c) provide that section 411 does not apply to governmental plans, certain church plans, plans not providing for employer contributions after September 2, 1974, and certain plans of organizations described in section 501(c)(8) or (9) of the Code.

Section 11.411(a)-2 provides the effective dates for the temporary regulations under section 411. In general, these rules apply to plans in existence on January 1, 1974, for plan years beginning after December 31, 1975, and to other plans for plan years beginning after September 2, 1974.

Section 411(a)(2) and § 11.411(a)-3 set forth a qualification requirement relating to the required time for vesting in employer-derived accrued benefits. A plan must provide for vesting which satisfies one of three standards.

The first standard requires 100 percent vesting after 10 years of service. The second standard requires 25 percent after five years of service, 5 percent additional vesting for each of the next 5 years, and 10 percent additional vesting for each of the next 5 years, so that an employee is 100 percent vested after 15 years of service. The third standard requires each employee with 5 years or more of service to be 50 percent vested when the sum of his age and service equals 45, with 10 percent additional vesting for each year thereafter. It is contemplated that a plan could satisfy one standard for one class of employees and another of the standards for another class of employees.

Section 11.411(a)-4 defines the term "nonforfeitable" for purposes of satisfying the vesting requirements. Specific instances in which rights are not treated as forfeitable are set forth.

Section 11.411(a)-5 sets forth rules for determining an employee's years of service which must be taken into account in applying the vesting standards.

Section 11.411(a)-6 sets forth rules for years of service and breaks in service.

Section 11.411(a)-7 sets forth definitions and special rules for purposes of the temporary vesting regulations. Definitions are set forth for accrued benefit, normal retirement age, and normal retirement benefit. A special rule is given for "cash-outs" of an employee's accrued benefit.

Section 11.411(a)-8 sets forth rules with respect to the change of a plan's vesting schedule. Under these rules, an employee's nonforfeitable percentage after the amendment must not be less than the percentage determined under the pre-amendment schedule. In addition, certain employees are given the option to have their vesting percentage determined under the pre-amendment schedule.

Section 11.411(a)-9 sets forth a special rule with respect to a plan's break in service rules which places certain limitations on plan amendments to its break in service rules for the period between January 1, 1974, and the time section 411 applies to the plan.

Under section 411(b) and section 11.411(b)-1, for plan years beginning after the applicable effective date of section 411, rules are provided for the determination of the accrued benefit to which a participant is entitled under a plan.

Under a defined contribution plan, a participant's accrued benefit is the balance to the credit of the participant's account.

Under a defined benefit plan, a participant's accrued benefit is his accrued benefit determined under the plan. A defined benefit plan is not a qualified plan unless the method provided by the plan for determining accrued benefits satisfies at least one of the alternative methods, *i.e.*, the 3 percent method, the 133⅓ percent rule, and the fractional rule (described in section 11.411(b)-(1)(b)) for determining accrued benefits with respect to all active participants under the plan.

In addition, a defined benefit plan (without regards to any combining of plans of an employer) must provide only one method for the computation of accrued benefits.

Special rules are provided for the first two years of service by a participant, certain insured defined benefit plans, and certain reductions in accrued benefits due to increasing age or service. In addition, a special rule is provided with respect to accruals for service before the effective date of section 411. The special rule relating to accruals for service prior to the effective date of section 411 requires, *inter alia*, the accrual of the excess of the accrued benefit to which a participant would be entitled if the plan satisfied one of the alternative methods for all plan years prior to the effective date of section 411, over the amount required to be accrued under the special rule, as if the plan had been initially adopted on the effective date of section 411.

Section 11.411(c)-1 sets forth rules for allocating accrued benefits between employer and employee contributions.

Section 11.411(d)-2 sets forth rules with respect to termination, partial termination, a complete discontinuance of contributions.

Section 11.411(d)-3 sets forth special rules for prohibited discrimination on early termination, class year plans, and accrued benefit decreases.

Certain regulations prescribed by the Secretary of Labor are applicable for purposes of section 411 and the regulations thereunder.

ADOPTION OF REGULATIONS

In order to prescribe temporary income tax regulations (26 CFR Part 11) to reflect the addition of section 411 to the Internal Revenue Code, and in order to supersede § 11.411(a)(10)(B)-1 of the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR § 11.411(a)(10)(B)-1), the following temporary regulations are hereby adopted.

§ 11.401(a)-19 Nonforfeitability in case of certain withdrawals.

(a) *Application of section.* Section 401(a)(19) and this section apply to a plan to which section 411(a) applies. (See section 411(e) and § 11.411(a)-2 for applicability of section 411.)

(b) *Prohibited forfeitures*—(1) *General rule.* A plan to which this section applies is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) if, under such plan, any part of a participant's accrued benefit derived from employer contributions is forfeitable solely because a benefit derived from the participant's contributions under the plan is voluntarily withdrawn by him after he has become a 50 percent vested participant.

(2) *50 percent vested participant.* For purposes of paragraph (b)(1) of this section, a participant is a 50 percent vested participant when he has a nonforfeitable right (within the meaning of section 411 and the regulations thereunder) to at least 50 percent of his accrued benefit derived from employer contributions.

(3) *Certain forfeitures.* Paragraph (b)(1) of this section does not apply in the case of a forfeiture permitted by section 411(a)(3)(D)(iii) and § 11.411(a)-4(b)(5)(i) (relating to forfeitures of certain benefits accrued before September 2, 1974).

§ 11.411(a)-1 Minimum vesting standards; general rules.

(a) *In general.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless—

(1) The plan provides that an employee's right to his normal retirement benefit (see § 11.411(a)-7(c)) is nonforfeitable (see § 11.411(a)-4) upon and after the attainment of normal retirement age (see § 11.411(a)-7(b)),

(2) The plan provides that an employee's rights in his accrued benefit de-

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rived from his own contributions (see § 11.411(c)–1) are nonforfeitable at all times, and

(3) The plan satisfies the requirements of—

(i) Section 411(a)(2) and § 11.411(a)–3 (relating to vesting in accrued benefit derived from employer contributions), and

(ii) In the case of a defined benefit plan, section 411(b)(1) and § 11.411(b)–1 (relating to accrued benefit).

(b) *Organization of regulations relating to minimum vesting standards*—(1) *General rules.* This section prescribes general rules relating to the minimum vesting standards provided by section 411.

(2) *Effective dates.* Section 11.411(a)–2 provides rules under section 1017 of the Employee Retirement Income Security Act of 1974 relating to effective dates under section 411.

(3) *Employer contributions.* Section 11.411(a)–3 provides rules under section 411(a)(2) relating to vesting in employer-derived accrued benefits.

(4) *Certain forfeitures.* Section 11.411(a)–4 provides rules under section 411(a)(3) relating to certain permitted forfeitures, suspensions, etc. under qualified plans.

(5) *Nonforfeitable percentage.* Section 11.411(a)–5 provides rules under section 411(a)(4) relating to service included in the determination of an employee's nonforfeitable percentage under section 411(a)(2) and § 11.411(a)–3.

(6) *Years of service; break in service.* Section 11.411(a)–6 provides rules under section 411(a)(5) and (6) of the Internal Revenue Code of 1954 relating to years of service and breaks in service. Rules prescribed by the Secretary of Labor, relating to years of service and breaks in service under part 2 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are provided under 29 CFR Part 2530 (Department of Labor regulations relating to minimum standards for employee pension benefit plans).

(7) *Definitions and special rules.* Section 11.411(a)–7 provides definitions and special rules under section 411(a)(7), (8), and (9), for purposes of section 411 and the regulations thereunder.

(8) *Changes in vesting schedule.* Section 11.411(a)–8 provides rules under section 411(a)(10) relating to changes in the vesting schedule of a plan.

(9) *Breaks in service.* Section 11.411(a)–9 provides special rules relating to breaks in service.

(10) *Accrued benefits.* See § 11.411(b)–1 for rules under section 411(b) relating to accrued benefit requirements under defined benefit plans.

(11) *Allocation of accrued benefits.* See § 11.411(c)–1 for rules under section 411(c) relating to allocation of accrued benefits between employer and employee contributions.

(12) *Discrimination, etc.* See § 11.411(d)–1 for rules relating to the coordination of section 411 with section 401(a)(4) (relating to discrimination) and other rules under section 411(d).

(c) *Application of standards to certain plans*—(1) *General rule.* Except as provided in paragraph (c)(2) of this section, section 411 does not apply to—

(i) A governmental plan (within the meaning of section 414(d) and the regulations thereunder),

(ii) A church plan (within the meaning of section 414(e) and the regulations thereunder) which has not made the election provided by section 410(d) and the regulations thereunder.

(iii) A plan which has not provided for employer contributions at any time after September 2, 1974, and

(iv) A plan established and maintained by a society, order, or association described in section 501(c)(8) or (9), if no part of the contributions to or under such plan are made by employers of participants in such plan.

(2) *Vesting requirements.* A plan described in subparagraph (1) of this paragraph shall, for purposes of section 401(a), be treated as meeting the requirements of section 411 if such plan meets the vesting requirements resulting from the application of section 401(a)(4) and section 401(a)(7) as in effect on September 1, 1974.

§ 11.411(a)–2 Effective dates.

(a) *Plan not in existence on January 1, 1974.* Under section 1017(a) of the Employee Retirement Income Security Act of 1974, in the case of a plan which was not in existence on January 1, 1974, section 411 and the regulations thereunder apply for plan years beginning after September 2, 1974. See paragraph (c) of this section for time plan is considered in existence.

(b) *Plans in existence on January 1, 1974.* Under section 1017(b) of the Employee Retirement Income Security Act of 1974, in the case of a plan which was in existence on January 1, 1974, section 411 and the regulations thereunder apply for plan years beginning after December 31, 1975. See paragraph (c) of this section for time plan is considered to be in existence.

(c) *Time of plan existence*—(1) *General rule.* For purposes of this section, a plan is considered to be in existence on a particular day if—

(i) The plan on or before that day was reduced to writing and adopted by the employer (including, in the case of a corporate employer, formal approval by the employer's board of directors and, if required, shareholders), even though no amounts had been contributed under the plan as of such day, and

(ii) The plan was not terminated on or before that day.

For example, if a plan was adopted on January 2, 1974, effective as of January 1, 1974, the plan is not considered to have been in existence on January 1, 1974, because it was not both adopted and in writing on January 1, 1974.

(2) *Collectively-bargained plan.* Notwithstanding paragraph (c)(1) of this section, a plan described in section 413(a), relating to a plan maintained pursuant to a collective-bargaining agreement, is considered to be in existence on a particular day if—

(i) On or before that day there is a legally enforceable agreement to establish such a plan signed by the employer, and

(ii) The employer contributions to be made to the plan are set forth in the agreement.

(3) *Special rule.* If a plan is considered to be in existence under paragraph (c)(1) of this section, any other plan with which such existing plan is merged or consolidated shall also be considered to be in existence on such date.

(d) *Existing plans under collective bargaining agreements.* For a special effective date rule for certain plans maintained pursuant to a collective bargaining agreement, see section 1017(c)(1) of the Employee Retirement Income Security Act of 1974 (88 Stat. 932).

(e) *Certain existing plans may elect new provisions.* The plan administrator may elect to have the provisions of the Code relating to participation, vesting, funding, and form of benefit apply to a selected plan year. See § 11.410(a)–2(d) for rules relating to such an election.

§ 11.411(a)–3 Vesting in employer-derived benefits.

(a) *In general*—(1) *Alternative requirements.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless the plan satisfies the requirements of section 411(a)(2) and this section. A plan satisfies the requirements of this section if it satisfies the requirements of paragraph (b), (c), or (d) of this section.

(2) *Composite arrangements.* A plan will not be considered to satisfy the requirements of paragraph (b), (c), or (d) of this section unless it satisfies all requirements of a particular one of such paragraphs with respect to all of an employee's years of service. A plan which, for example, satisfies the requirements of paragraph (b) (but not (c) or (d)) for an employee's first 9 years of service and satisfies the requirements of paragraph (c) (but not (b)) for all of his remaining years of service, does not satisfy the requirements of this section.

(3) *Plan amendments.* A plan which satisfies the requirements of a particular one of such paragraphs for each of an employee's years of service and which is amended so that, as amended, it satisfies the requirements of another such paragraph for all such years of service, satisfies the requirements of this section even though, as amended, it does not satisfy the requirements of the paragraph which were satisfied prior to the amendment. See § 11.411(a)–8 for rules relating to employee election where the vesting schedule is amended.

(b) *10-year vesting.* A plan satisfies the requirements of section 411(a)(2)(A) and this paragraph if an employee who has completed 10 years of service has a nonforfeitable right to 100 percent of his accrued benefit derived from employer contributions.

(c) *5- to 15-year vesting.* A plan satisfies the requirements of section 411(a)(2)(B) and this paragraph if an employee who has completed at least 5 years of service has a nonforfeitable right to a percentage of his accrued benefit derived from employer contributions, which percentage is not less than the nonforfeitable percentage determined under the following table:

Completed years of service:	Nonforfeitable percentage
5	25
6	30
7	35
8	40
9	45
10	50
11	60
12	70
13	80
14	90
15 or more	100

(d) *Rule of 45.* A plan satisfies the requirements of section 411(a)(2)(C) and this paragraph if an employee is entitled to the greater of the two percentages determined under subparagraph (1) or (2) of this paragraph.

(1) *Age and service test.* An employee who is not separated from the service, who has completed at least 5 years of service, and with respect to whom the sum of his age and years of service equals or exceeds 45, has a nonforfeitable right to a percentage of his accrued benefit derived from employer contributions which is not less than the nonforfeitable percentage corresponding to his number of completed years of service or to the sum of his age and completed years of service (whichever percentage is the lesser) determined under the following table:

Completed years of service	Sum of age and service	Nonforfeitable percentage
5	45 or 46	50
6	47 or 48	60
7	49 or 50	70
8	51 or 52	80
9	53 or 54	90
10 or more	55 or more	100

(2) *Service test.* An employee who has completed at least 10 years of service has a nonforfeitable right to a percentage of his accrued benefit derived from employer contributions determined under the following table:

Completed years of service:	Nonforfeitable percentage
10	50
11	60
12	70
13	80
14	90
15	100

(3) *Computation of age.* For purposes of subparagraph (1) of this paragraph, the age of an employee is his age on his last birthday.

(e) *Examples.* The rules provided by this section are illustrated by the following examples:

Example (1). Plan B provides that each employee's rights to his employer-derived accrued benefit are nonforfeitable as follows:

Completed years of service:	Nonforfeitable percentage
2 or less	0
3	30
4	35
5	40
6	45
7	50
8	55
9	60
10	65
11	70
12	75
13	80
14	85
15	100

Plan B does not satisfy the requirements of paragraph (c) of this section (relating to 5–15-year vesting) because the nonforfeitable percentage provided by the plan after completion of 14 years of service (85 percent) is less than the percentage required by paragraph (c) of this section at that time (90 percent). The fact that the nonforfeitable percentage provided by the plan for years prior to the 13th year of service is greater than the percentage required under paragraph (c) of this section is immaterial. The plan fails to satisfy the requirements of paragraph (c) of this section even if it is demonstrated that the value of the vesting provided by the plan to the employee is at least equal to the value of the vesting rate required by that paragraph.

Example (2). Plan C provides for plan participation after the completion of 1 year of service. The plan provides that each employee's rights to his employer-derived accrued benefit are 100 percent nonforfeitable after 10 years of plan participation rather than service. The plan does not satisfy the requirements of paragraph (b) of this section because, under the plan, an employee obtains a 100 percent nonforfeitable right to his employer-derived accrued benefit only after completion of more than 10 years of service.

Example (3). Plan D provides that each employee's rights to his employer-derived accrued benefit are nonforfeitable in accordance with the following schedule:

Completed years of services:	Nonforfeitable percentage
0–9	0
10	50
11	60
12	70
13	80
14	90
15	100

The plan does not satisfy the requirements of paragraph (b) of this section after the 9th year of service. It does not satisfy the requirements of paragraph (c) of this section for years prior to the 10th year of service. It does not satisfy the requirements of paragraph (d)(1) of this section for any year of service prior to the 10th year. The plan does not satisfy the requirements of this section because it does not satisfy the requirements of a particular one of the three paragraphs for each of an employee's years of service.

Example (4). Plan G provides that each employee's rights to his employer-derived accrued benefit are 100 percent nonforfeitable upon completion of 5 years of service. The plan satisfies the requirements of paragraphs (b), (c), and (d) of this section and, because it satisfies the requirements of at least one of such paragraphs for all of an employee's years of service, it satisfies the requirements of this section.

§ 11.411(a)–4 Forfeitures, suspensions, etc.

(a) *Nonforfeitability.* Certain rights in an accrued benefit must be nonforfeitable to satisfy the requirements of section 411(a). This section defines the term "nonforfeitable" for purposes of these requirements. For purposes of section 411 and the regulations thereunder, a right to an accrued benefit is considered to be nonforfeitable at a particular time if, at that time and thereafter, it is an unconditional right. Except as provided by paragraph (b) of this section, a right which, at a particular time, is conditioned upon a subsequent event, subsequent performance, or subsequent forbearance, is a forfeitable right at that time. Certain adjustments to plan benefits such as adjustments in excess of reasonable actuarial reductions, can result in rights being forfeitable. Rights which are conditioned upon a sufficiency of plan assets in the event of a termination or partial termination are not considered to be forfeitable. To the extent that rights are not required to be nonforfeitable to satisfy the minimum vesting standards, or the nondiscrimination requirements of section 401(a)(4), they may be forfeited without regard to the limitations on forfeitability required by this section.

(b) *Special rules.* For purposes of paragraph (a) of this section, a right is not treated as forfeitable—

(1) *Death.* In the case of a participant's right to his employer-derived accrued benefit, merely because such accrued benefit is forfeitable by the participant to the extent it has not been paid or distributed to him prior to his death. This subparagraph shall not apply to a benefit which must be paid to a survivor in order to satisfy the requirements of section 401(a)(11).

(2) *Suspension of benefits upon reemployment of retiree.* In the case of certain suspensions of benefits under section 411(a)(3)(B), see regulations prescribed by the Secretary of Labor under 29 CFR Part 2530 (Department of Labor regulations relating to minimum standards for employee pension benefit plans).

(3) *Retroactive plan amendment.* In the case of a participant's right to his employer-derived accrued benefit, merely because such benefit is subject to reduction to the extent provided by a plan amendment described in section 412(c)(8) and the regulations thereunder, which amendment is given retroactive effect in accordance with such section.

(4) *Withdrawal of mandatory contribution*—

(i) *General rule.* In the case of a participant's right to his employer-derived accrued benefit, merely because all or a portion of such benefit may be forfeited on account of the withdrawal by the participant of any amount attributable to his accrued benefit derived from his mandatory contributions (within the meaning of section 411(c)(2)(C) and § 1.411(c)–1) before he has become a

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50 percent vested participant (within the meaning of § 1.401(a)–19(b)(2)).

(ii) *Restoration of benefit.* Paragraph (b)(4)(i) of this section shall not apply unless, at the time the amount described in such subdivision is withdrawn by the participant, the plan provides the employee with a right to restoration of his employer-derived accrued benefit to the extent forfeited in accordance with such subdivision upon repayment to the plan of the amount withdrawn by him plus, in the case of a defined benefit plan, interest on such amount. Such interest shall be computed at the rate determined for purposes of section 411(c)(2)(C) on the date of such repayment (compounded annually from the date of such withdrawal). In the case of a defined contribution plan, the plan shall not be considered to fail to satisfy the requirements of this subdivision merely because under the plan the restoration of employer-derived accrued benefits described in this subdivision is not provided unless the repayment described in this subdivision is made before the close of the vesting computation period within which the participant has a one-year break in service within the meaning of § 1.411(a)–6. A defined contribution plan or a defined benefit plan may require that such repayment be made within 2 years of the employee's resumption of employment covered by the plan.

(iii) *Computation of benefit.* In the case of a defined contribution plan, the employer-derived accrued benefit required to be restored by this paragraph shall not be less than the amount in the account balance of the employee which was forfeited, unadjusted by any subsequent gains or losses.

(iv) *Delayed forfeiture.* A defined contribution plan may in lieu of the forfeiture and restoration described in this subparagraph provide that the forfeiture does not occur until the expiration of the time for repayment described in paragraph (b)(4)(ii) of this section provided that the conditions of this paragraph are satisfied.

(5) *Certain benefits*—(i) *General rule.* In the case of a participant's right to the portion of the employer-derived benefit which accrued prior to September 2, 1974, merely because such portion may be forfeited on account of the withdrawal by the participant of an amount attributable to his benefit derived from mandatory contributions (within the meaning of section 411(c)(2)(C) and § 11.411(c)–1(c)(4)) made by the participant before September 2, 1974, if the amount so subject to forfeiture is no more than proportional to such amounts withdrawn. This subparagraph shall not apply to any plan to which any mandatory contribution (within the meaning of section 411(c)(2)(C) and § 11.411(c)–1(c)(4)) is made after September 2, 1974.

(ii) *Defined contribution plan.* In the case of a defined contribution plan, the portion of a participant's benefit which accrued prior to September 2, 1974, shall be determined on the basis of a separate accounting between benefits accruing before and after such date. Gains, losses, withdrawals, forfeitures, and other credits or charges must be separately allocated to such benefits. Any allocation made on a reasonable and consistent basis prior to [date of publication] shall satisfy the requirements of this paragraph.

(iii) *Defined benefit plan.* In the case of a defined benefit plan, the portion of a participant's benefit which accrued prior to September 2, 1974, shall be determined in a manner consistent with the determination of an accrued benefit under section 411(b)(1)(D), see § 11.411(b)–1(c). Any method of determining such accrued benefit which the Commissioner finds to be reasonable shall satisfy the requirements of this paragraph.

(6) *Class-year plans, etc.* For purposes of paragraphs (b)(4) and (5) of this section, in the case of a class-year plan (within the meaning of section 411(d)(4) and § 11.411(d)–3), a withdrawal of employee contributions shall be treated as a withdrawal of such contributions on a plan year by plan year basis in succeeding order of time. For additional requirements relating to nonforfeitability of benefits in the event of a withdrawal by the employee, see section 401(a)(19) and § 11.401(a)–19.

(c) *Examples.* The rules of this section are illustrated by the following examples:

Example (1). Corporation A's plan provides that an employee is fully vested in his employer-derived accrued benefit after completion of 5 years of service. The plan also provides that, if an employee works for a competitor he forfeits his rights in the plan. Such provision could result in the forfeiture of an employee's rights which are required to be nonforfeitable under section 411 and therefore the plan would not satisfy the requirements of section 411. If the plan limited the forfeiture to employees who completed less than 10 years of service, the plan would not fail to satisfy the requirements of section 411 because the forfeitures under this provision are limited to rights which are in excess of the minimum required to be nonforfeitable under section 411(a)(2)(A).

Example (2). Plan B provides that if an employee does not apply for benefits within 5 years after the attainment of normal retirement age, the employee loses his plan benefits. Such a plan provision could result in forfeiture of an employee's rights which are required to be nonforfeitable under section 411 and, therefore, the plan would not satisfy the requirements of section 411.

§ 11.411(a)–5 Service included in determination of nonforfeitable percentage.

(a) *In general.* Under section 411(a)(4), for purposes of determining the nonforfeitable percentage of an employee's right to his employer-derived accrued benefit under section 411(a)(2) and § 11.411(a)–3, all of an employee's years of service with an employer or employers maintaining the plan shall be taken into account except that years of service described in paragraph (b) of this section may be disregarded.

(b) *Certain service.* For purposes of paragraph (a) of this section, the following years of service may be disregarded:

(1) *Service before age 22.* (i) In the case of a plan which satifies the requirements of section 411(a)(2)(A) or (B) (relating to 10-year vesting and 5–15-year vesting, respectively), a year of service completed by an employee before he attains age 22.

(ii) In the case of a plan which does not satisfy the requirements of section 411(a)(2)(A) or (B), a year of service completed by an employee before he attains age 22 if the employee is not a participant (for purposes of section 410) in the plan at any time during such year.

(iii) For purposes of this subparagraph, service during a vesting computation period described in section 411(a)(5)(A) within which the employee attains age 22 may not be disregarded.

(2) *Contributory plans.* A year of service completed by an employee under a plan which requires mandatory contributions (within the meaning of section 411(c)(2)(C) and § 1.411(c)–1(c)(4)) to be made by the employee for such year, if the employee does not participate for such year solely because of his failure to make mandatory contributions to the plan.

(3) *Plan not maintained*—(i) *In general.* An employee's years of service with an employer during any period for which the employer did not maintain the plan or a predecessor plan may be disregarded for purposes of section 411(a)(2). Paragraph (b)(3)(ii) of this section provides rules regarding the period prior to the adoption of a plan. Paragraph (b)(3)(iii) of this section provides rules regarding the period after the termination of a plan. Paragraph (b)(3)(iv) of this section provides rules regarding employers who have certain relationships with other employers maintaining the plan.

(ii) *Period prior to adoption.* The period for which a plan is not maintained by an employer includes the period before the plan was established. For purposes of this subdivision, a plan is established on the first day of the plan year in which the plan is adopted even though the plan is adopted after such first day (or the first day of the plan year for which the plan is first effective taking into account any retroactive effective date allowed by section 401(b)). Except as provided in paragraph (b)(3)(iv) of this section, if an employer adopts a plan which has previously been established by another employer or group of employers, the plan is not maintained by the adopting employer prior to the first day of the plan year in which the plan is adopted by the adopting employer. In the case of a transfer of assets or liabilities (including a merger or consolidation) involving two plans maintained by a single employer, the successor (or transferee) plan is treated as if it was established at the same time as the date of the establishment of the earliest component plan. In the case of a plan merger, consolidation, or transfer of plan assets or liabilities involving plans of two or more employers, the successor plan is treated as if it were established on each of the separate dates on which such component plan was established for the employees of each employer. Thus, for example, if employer A establishes a plan January 1, 1970, and employer B establishes a plan January 1, 1980, and the plans were subsequently merged, then the merged plan would be treated as if it were in existence on January 1, 1970, with respect to A's employees and as if it were in existence on January 1, 1980, with respect to B's employees.

(iii) *Period after termination or withdrawal.* The period for which a plan is not maintained by an employer includes the period after the plan is terminated. For purposes of this section, a plan is terminated at the date there is a termination of the plan within the meaning of section 411(d)(3)(A) and the regulations thereunder. Notwithstanding the preceding sentence, if contributions to or under a plan are made after termination, the plan is treated as being maintained until such contributions cease. In the case of a plan maintained by more than one employer, the period for which the plan is not maintained by the withdrawing employer includes the period after the withdrawal from the plan.

(iv) *Certain employers.* For purposes of this paragraph—

(A) *Predecessor employers.* Service with a predecessor employer who maintained the plan of the current employer is treated as service with such current employer (see section 414(a)(1) and the regulations thereunder), and certain service with a predecessor employer who did not maintain the plan of the current employer is treated as service with the current employer (see section 414(a)(2) and the regulations thereunder).

(B) *Related employers.* Service with an employer is treated as service for certain related employers. These related employers include members of a controlled group of corporations (within the meaning of section 1563(a), determined without regard to subsections (a)(4) and (e)(3)(C) thereof) and trades or businesses (whether or not incorporated) which are under common control (see section 414 (b) and (c)).

(C) *Plan maintained by more than one employer.* Service with an employer who maintains a plan is treated as service for each other employer who maintains that plan (see section 413 (b)(4) and (c)(3) and 29 CFR Part 2530, Department of Labor regulations relating to minimum standards for employee pension benefit plans).

(v) *Predecessor plan*—(A) *General rule.* In the case of an employee who was covered by a predecessor plan, the time the successor of such plan is maintained for such employee includes the time the predecessor plan was maintained if, as of the later of the time the predecessor plan is terminated or the successor plan is established, the employee's years of service under the predecessor plan are not equalled or exceeded by the aggregate number of consecutive 1-year breaks in service occurring after such years of service. Years of service and breaks in service, without regard to whether the employee has nonforfeitable rights under the predecessor plan, are determined under section 411(a)(5) and (6) except that years between the termination date of the predecessor plan and the date of establishment of the successor plan do not count as years of service.

(B) *Definition of predecessor plan.* For purposes of this section, if—

(1) An employer establishes a retirement plan (within the meaning of section 7476(d)) qualified under subchapter D of chapter 1 of the Code within the 5-year period immediately preceding or following the date another such plan terminates, and

(2) The other plan is terminated during a plan year to which this section applies, the terminated plan is a predecessor plan with respect to such other plan.

(C) *Example.* The rules provided by this subparagraph are illustrated by the following example:

Example. (1) Employer X's qualified plan A terminated on January 1, 1977. Employer X established qualified plan B on January 1, 1981. Under paragraph (b)(3)(v)(B) of this section, plan A is a predecessor plan with respect to plan B because plan B is established within the 5-year period immediately following the date plan A terminated.

(2) Employee C was not covered by the A plan. Under the general rule in paragraph (b)(3)(v)(A) of this section, plan B is not maintained until January 1, 1981, with respect to Employee C.

(3) Employee D was covered by the A plan. On December 31, 1976, D had 4 years of service. D had 4 consecutive 1-year breaks in service because, during the years between the termination of plan A and the establishment of plan B, he did not have more than 500 hours of service in any applicable computation period. Because D's consecutive 1-year breaks (4) equal his years of service prior to his breaks (4), plan B is not maintained until January 1, 1981, with respect to employee D.

(4) Employee E was covered by the A plan. On December 31, 1975, E had 6 years of service. E had a 1-year break in service in 1976. E also had 4 consecutive 1-year breaks in service for the period between plan A's termination and plan B's establishment. Because E's years of service (6) are not less than his consecutive 1-year breaks (5), plan B is maintained for E as of the establishment date of plan A.

(4) *Break in service.* A year of service which is not required to be taken into account by reason of a break in service (within the meaning of section 411(a)(6) and § 11.411(a)–6)).

(5) *Service before January 1, 1971.* A year of service completed by an employee prior to January 1, 1971, unless the employee completes at least 3 years of service at any time after December 31, 1970. For purposes of determining if an employee completes 3 years of service, whether or not consecutive, the exceptions of section 411(a)(4) are not applicable. For the meaning of the term "year of service", see regulations prescribed by the Secretary of Labor under 29 CFR Part 2530, relating to minimum standards for employee pension benefit plans.

(6) *Service before effective date.* A year of service completed before the first plan year for which this section applies to the plan, if such service would have been disregarded under the plan rules relating to breaks in service (whether or not such rules are so designated in the plan) as such rules were in effect from time to time under the plan. In general, rules which relate to required minimum hours or other length of service will be considered break in service rules. See § 11.411(a)–9 for requirements relating to certain amendments to the break in service rules of a plan.

(c) *Special continuity rule for certain plans.* For special rules for computing years of service in the case of a plan maintained by more than one employer, see § 210 of 29 CFR Part 2530 (Department of Labor regulations relating to minimum standards for employee pension benefit plans).

§ 11.411(a)–6 Year of service; hour of service; breaks in service.

(a) *Year of service.* Under section 411(a)(5)(A), for purposes of the regulations thereunder, the term "year of service" is defined in regulations prescribed by the Secretary of Labor under section 203(b)(2)(A) of the Employee Retirement Income Security Act of 1974. For special rules applicable to seasonal industries and maritime industries, see regulations prescribed by the Secretary of Labor under subparagraphs (C) and (D) of section 203(b)(2) of the Employment Retirement Income Security Act of 1974.

(b) *Hours of service.* Under section 411(a)(5)(B), for purposes of the regulations thereunder, the term "hours of service" has the meaning provided by section 410(a)(3)(C). See regulations prescribed by the Secretary of Labor under 29 CFR Part 2530, relating to minimum standards for employee pension benefit plans.

(c) *Breaks in service.* Under section 411(a)(6), for purposes of § 11.411(a)–5(b)(4) and of this section—

(1) *In general*—(i) *Year of service after 1-year break in service.* In the case of any employee who has incurred a 1-year break in service, years of service completed before such break are not required to be taken into account until the employee has completed one year of service after his return to service.

(ii) *Defined contribution plan*—(A) *General rule.* In the case of a participant in a defined contribution plan or in an insured defined benefit plan (which plan satisfies the requirements of section 411(b)(1)(F) and § 11.411(b)–1) who has incurred a 1-year break in service, years of service completed after such break are not required to be taken into account for purposes of determining the nonforfeitable percentage of the participant's right to employer-derived benefits which accrued before such break. This subdivision does not permit years of service completed before a 1-year break in service to be disregarded in determining the nonforfeitable percentage of a participant's right to employer-derived benefits which accrue after such break.

(B) *Special rule.* If a defined contribution plan makes a distribution to a participant at a time when the participant is less than 100 percent vested in his employer contributions and there is no

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break in service prior to the relevant time, the plan must provide that—

(1) A separate account is established for the participant's interest in the plan as of the time of the distribution, and

(2) That at any relevant time the participant's vested portion of the separate account is not less than an amount ("X") determined by the formula:

$$X=P(AB+(R\times D))-(R\times D)$$

For purposes of applying the formula: P is the vested percentage at the relevant time; AB is the account balance at the relevant time; D is the amount of the distribution; and R is the ratio of the account balance at the relevant time to the account balance after distribution.

(C) *Example.* The rule of paragraph (c)(1)(ii)(B) of this section is illustrated by the following example:

Example. A receives a distribution of $250 from the X defined contribution plan when his account balance equals $1,000 and he is 25 percent vested. He does not incur a break in service. Six years later, when A is 60 percent vested, he incurs a break in service. At this time his separate account balance equals $1,500.

$$R=\frac{\$1,500}{\$750}\text{ or }2$$

A's separate account must equal 60 percent ($1,500+(2\times\$250))-(2\times\$250)$, or 60 percent ($1,500+\$500)-\$500$, or $1,200-\$500=\$700$.

(iii) *Nonvested participants.* In the case of an employee who is a nonvested participant in employer-derived benefits at the time he incurs a 1-year break in service, years of service completed by such participant before such break are not required to be taken into account for purposes of determining the nonforfeitable percentage of his right to employer-derived benefits if at such time the number of consecutive 1-year breaks in service included in his most recent break in service equals or exceeds the aggregate number of his years of service, whether or not consecutive, completed before such break. In computing the aggregate number of years of service prior to such break, years of service which could have been disregarded under this subdivision by reason of any prior break in service may be disregarded.

(2) *One-year break in service defined.* The term "1-year break in service" means a calendar year, plan year, or other 12-consecutive month period designated by a plan (and not prohibited under regulations prescribed by the Secretary of Labor) during which the participant has not completed more than 500 hours of service. See regulations prescribed by the Secretary of Labor under 29 CFR Part 2530, relating to minimum standards for employee pension benefit plans.

(d) *Examples.* The rules provided by this section are illustrated by the following examples:

Example (1). (i) X Corporation maintains a defined contribution plan to which section 411 applies. The plan uses the calendar year as the vesting computation period. In 1980, Employee A, who was hired at age 35, separates from the service of X Corporation after competing 4 years of service. At the time of his separation, Employee A had a non-forfeitable right to 25 percent of his employer-derived accrued benefit which was not distributed. In 1985, after incurring 5 consecutive one-year breaks in service, Employee A is re-employed by X Corporation and becomes an active participant in the plan. The plan provides that, for 1985 and all subsequent years, Employee A's previous years of service will not be taken into account for purposes of computing the nonforfeitable percentage of his employer-derived accrued benefit, solely because of his break in service.

(ii) The plan fails to satisfy section 411. Section 411(a)(6)(B) would permit the plan to disregard Employee A's prior service for purposes of computing his nonforfeitable percentage in 1985 only, but such service must be taken into account in subsequent years unless there is another break in service. Under section 411(a)(6)(C), the plan is not required to take Employee A's post-break service into account for purposes of computing his nonforfeitable right to his pre-break employer-derived accrued benefits. This provision, however, would not permit the plan to disregard pre-break service in determining his nonforfeitable right to his benefit accrued after the break. The exception provided by section 411(a)(6)(D) does not apply in the case of a participant who has any nonforfeitable right to his accrued benefit derived from employer contributions.

Example (2). (i) X Corporation maintains a qualified plan to which sections 410 and 411 (relating to minimum participation standards and minimum vesting standards, respectively) apply. The plan permits participation upon completion of a year of service and provides that 100 percent of an employee's employer-derived accrued benefit vests after 10 years of service. The plan uses the calendar year as the vesting computation period. The plan provides that an employee who completes at least 1,000 hours of service in a 12-month period is credited with a year of service for participation and vesting purposes. The plan also provides that an employee who does not complete more than 500 hours of service in that 12-month period incurs a one-year break in service. The plan includes the rule described in section 411(a)(6)(D) for participation and vesting purposes. Under this rule, an employee's years of service prior to a break in service may be disregarded under certain circumstances if he has no vested right to any employer-derived benefit under the plan. The plan does not contain the rule described in section 411(a)(6)(B) (relating to the requirement of one year of service after a one-year break in service).

(ii) Employee A commences employment with the X Corporation on January 1, 1977. Employee A's employment history for 1977 through 1989 is as follows:

Year ending Dec. 31:	Hours of service completed
1977	1,000
1978	800
1979	1,000
1980	400
1981	1,000
1982	0
1983	400
1984	1,000
1985	0
1986	0
1987	500
1988	200
1989	1,000

Employee A's status as a participant during this period is determined as follows:

1978: Employee A was a plan participant on January 1, 1978, because he completed a year of service (1,000 hours) in 1977. He did not complete a year of service in 1978 because he completed fewer than 1,000 hours in that year. Because he completed more than 500 hours of service in 1978, however, Employee A did not incur a one-year break in service that year.

1979: Employee A completes a year of service in 1979. Because he did not incur a one-year break in service in 1978, the plan may not disregard his 1977 service for purposes of determining his years of service as of January 1, 1979.

1980: Employee A incurs a one-year break in service in 1980.

1981: Because Employee A had completed 2 years of service prior to 1981 and had incurred one 1-year break in service prior to 1981, under section 411(a)(6)(D), the plan may not disregard his pre-1980 service in 1981. Employee A completes a year of service in 1981.

1982: Employee A incurs a one-year break in service in 1982

1983: Employee A incurs a one-year break in service in 1983. As of the end of 1983, he has completed 3 years of service and has incurred 2 consecutive one-year breaks in service.

1984: Employee A completes a year of service in 1984. Under section 411(a)(6)(D), his pre-1983 service may not be disregarded in 1984 because, as of the beginning of 1984, his pre-1984 years of service (3) exceed his consecutive one-year breaks in service (2).

1985–1988: Employee A incurs 4 consecutive one-year breaks in service during the years 1985 through 1988.

1989: Employee A's pre-1989 service is disregarded in 1989 and all subsequent plan years because his years of service as of January 1, 1989, equal the number of consecutive one-year breaks he has incurred as of that date. Therefore, as of the beginning of 1989, Employee A is not a plan participant. Employee A completes a year of service in 1989. (Although section 411(a)(6)(D) does not prohibit the plan provision under which Employee's A's pre-1989 service is disregarded, that section does not require such a provision in a qualified plan.)

§ 1.411(a)–7 Definitions and special rules.

(a) *Accrued benefit.* For purposes of section 411 and the regulations thereunder, the term "accrued benefit" means—

(1) *Defined benefit plan.* In the case of a defined benefit plan—

(i) If the plan provides an accrued benefit in the form of an annual benefit commencing at normal retirement age, such accrued benefit, or

(ii) If the plan does not provide an accrued benefit in the form described in subdivision (i) of this subparagraph, an annual benefit commencing at normal retirement age which is the actuarial equivalent (determined under section 411(c)(3) and § 11.411(c)–5) of the accrued benefit determined under the plan.

For purposes of this paragraph a subsidized early retirement benefit which is provided by a plan is not taken into account, except to the extent of determining the normal retirement benefit under the plan (see section 411(a)(9) and paragraph (c) of this section). The accrued benefit includes any optional settlement at normal retirement age under

actuarial assumptions no less favorable than those which would be applied if the employee were terminating his employment at normal retirement age. The accrued benefit does not include any subsidized value in a joint and survivor annuity to the extent that the annual benefit of the joint and survivor annuity does not exceed the annual benefit of a single life annuity.

(2) *Defined contribution plan.* In the case of a defined contribution plan, the balance of the employee's account held under the plan.

(b) *Normal retirement age*—(1) *General rule.* For purposes of section 411 and the regulations thereunder the term "normal retirement age" means the earlier of—

(i) The time specified by a plan at which a plan participant attains normal retirement age, or

(ii) The later of—

(A) The time the plan participant attains age 65, or

(B) The 10th anniversary of the date the plan participant commences participation in the plan.

For purposes of paragraph (b)(1)(i) of this section, if an age is not specified by a plan as the normal retirement age, then the normal retirement age under the plan is the earliest age beyond which the participant's benefits under the plan are not greater solely on account of his age or service. For purposes of paragraph (b)(1)(ii)(B) of this section, participation commences on the first day of the first year in which the participant commenced his participation in the plan, except that years which may be disregarded under section 410(a)(5)(D) may be disregarded in determining when participation commenced.

(2) *Examples.* The provisions of this paragraph are illustrated by the following examples:

Example (1). Plan A defines normal retirement age as age 65. Under the plan, benefits payable to participants who retire at or after age 60 are not reduced on account of early retirement. For purposes of section 411 and the vesting regulations, normal retirement age under Plan A is age 65 (determined under subparagraph (1)(i) of this paragraph). This is true even if in operation all participants retire at age 60.

Example (2). Plan B does not specify any age as the normal retirement age. Under the plan, participants who have attained age 55 are entitled to benefits commencing upon retirement but the benefits of participants who retire before attaining age 70 are subject to reduction on account of early retirement. For purposes of section 411 and the vesting regulations the normal retirement age under plan B is the later of (i) age 65, or (ii) the 10th anniversary of the date a plan participant commences participation in the plan (assuming such date is prior to age 70).

Example (3). The facts are the same as in example (2). Employee X first became a participant in Plan B on January 1, 1980 at age 53. His participation continued until December 31, 1980, when he separated from the service with no vested benefits. After incurring 5 consecutive 1-year breaks in service, Employee X again becomes an employee and a plan participant on January 1, 1986, at age 59. For purposes of section 411, Employee X's normal retirement age under Plan B is age 69, the 10th anniversary of the date on which his year of plan participation commenced. His participation in 1980 may be disregarded under the last sentence of paragraph (b)(1) of this section.

(c) *Normal retirement benefit*—(1) *In general.* For purposes of section 411 and the regulations thereunder, the term "normal retirement benefit" means the periodic benefit under the plan commencing upon early retirement (if any) or at normal retirement age, whichever benefit is greater.

(2) *Periodic benefit.* For purposes of paragraph (c)(1) of this section—

(i) In the case of a plan under which a benefit is payable as an annuity in the same form upon early retirement and at normal retirement age, the greater benefit is determined by comparing the amount of such annuity payments.

(ii) In the case of a plan under which an annuity benefit payable upon early retirement is not in the same form as an annuity benefit payable at normal retirement age, the greater benefit is determined by converting the annuity benefit payable upon early retirement age into the same form of annuity benefit as is payable at normal retirement age and by comparing the amount of the converted early retirement benefit payment with the amount of the normal retirement benefit payment.

(3) *Benefits included.* For purposes of this paragraph, the normal retirement benefit under a plan shall be determined without regard to medical benefits or disability benefits not in excess of the qualified disability benefit. For this purpose, a qualified disability benefit is a disability benefit which is not in excess of the amount of the benefit which would be payable to the participant if he separated from service at normal retirement age.

(4) *Determination of early retirement benefit.* For purposes of this paragraph, the early retirement benefit under a plan shall be determined without regard to any qualified plan benefits provided for a participant which commence before his benefits payable under title II of the Social Security Act become payable. For purposes of this paragraph, qualified plan benefits are plan benefits which do not exceed such social security benefits and which terminate when the participant is eligible for such social security benefits.

(5) *Special limitation.* If a defined benefit plan bases its normal retirement benefits on employee compensation, the compensation must reflect the compensation which would have been paid for a full year of participation within the meaning of section 411(b)(3). If an employee works less than a full year of participation, the compensation used to determine benefits under the plan for such year of participation must be multiplied by the ratio of the number of hours for a complete year of participation to the number of hours worked in such year. A plan whose benefit formula is computed on a computation base which cannot decrease is not required to adjust employee compensation in the manner described in the previous sentence. Thus, for example, if a plan provided a benefit based on an employee's compensation for his highest five consecutive years, the plan would not have to so adjust compensation. However, if a plan provided a benefit based on an employee's compensation for the employee's last five years or the five highest consecutive years out of the last 10 years, the compensation, must be so adjusted. For special rules for applying the limitations on proration of a year of participation for benefit accrual, see 29 CFR Part 2530.204.

(6) *Examples.* The provisions of this paragraph are illustrated by the following examples:

Example (1). Plan A provides for a benefit equal to 1 percent of high 5 years compensation for each year of service and a normal retirement age of 65. The plan also provides for a full unreduced accrued benefit without any actuarial reduction for any employee at age 55 with 30 years of service. Even though the actuarial value of the early retirement benefit could exceed the value of the benefit at the normal retirement age, the normal retirement benefit would not include the greater value of the early retirement benefit because actuarial subsidies are ignored.

Example (2). Plan B provides the following benefits: (1) at normal retirement age 65, $300/mo. for life and (2) at early retirement age 60, $400/mo. for life. The normal retirement benefit is $400/mo., the greater of the benefit payable at normal retirement age ($300) or early retirement ($400).

Example (3). Assume the same facts as example (2) except that the early retirement benefit of $400 is reduced to $300 upon attainment of age 65. If each employee's social security benefit at age 65 is not less than $100, the $100 would be considered to be a social security supplement and would therefore be ignored. Consequently, the normal retirement benefit would be $300.

Example (4). Plan C provides a benefit at normal retirement age equal to 1 percent per year of service, multiplied by the participant's compensation averaged over the 5 years immediately prior to retirement. An early retirement benefit is provided upon attainment of age 60 equal to the benefit accrued to date of early retirement reduced by 4 percent for each year by which the early retirement date precedes the normal retirement age of 65. Employee A was hired at age 30, participated immediately, and retired at age 65. Employee A's annual compensation was $50,000 between ages 55–60 and was reduced to $33,000 after age 60. The following table indicates the amount of annual benefit that would have been provided by the plan formula if the employee retired at or after age 60:

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Age	Final average computed (1)	Percent accrued benefit (2)	Reduction (3)	Annual benefit (4)
60	$50,000	30	0.90	$12,000
61	46,600	31	.84	12,135
62	43,200	32	.88	12,165
63	39,800	33	.92	12,083
64	36,400	34	.96	11,881
65	33,000	35	1.00	11,550

NOTE.—Col. (1) times col. (2) times col. (3) equals col. (4).

The normal retirement benefit is the greater of the benefit payable at normal retirement age or the early retirement benefit. Employee A's normal retirement benefit is $12,165, the greatest annual benefit Employee A would be entitled to.

(d) *Certain cash-outs of accrued benefits*—(1) *Involuntary cash-outs.* For purposes of determining an employee's right to an accrued benefit derived from employer contributions under a plan, the plan may disregard service performed by the employee with respect to which—

(i) The employee receives a distribution of the present value of his entire nonforfeitable benefit,

(ii) The portion of such distribution which is attributable to the present value of the employer-derived accrued benefit is not in excss of $1,750,

(iii) The distribution is made due to the termination of the employee's participation in the plan, and

(iv) The plan has a repayment provision which satisfies the requirements of subparagraph (4) of this paragraph in effect at the time of the distribution.

A distribution shall be deemed to be made due to the termination of an employee's participation in the plan only if it is made within 1 year after such termination.

(2) *Voluntary cash-outs.* For purposes of determining an employee's accrued benefit derived from employer contributions under a plan, the plan may disregard service performed by the employee with respect to which—

(i) The employee receives a distribution of the present value of his nonforfeitable benefit attributable to such service,

(ii) The employee voluntarily elects to receive such distribution,

(iii) The distribution is made on termination of the employee's participation in the plan, and

(iv) The plan has a repayment provision in effect at the time of the distribution which satisfies the requirements of paragraph (d)(4) of this section.

A distribution shall be deemed to be made on termination of participation only if it is made within 1 year after such termination.

(3) *Disregard of service.* Service of an employee permitted to be disregarded under paragraph (d) (1) or (2) of this section is not required to be taken into account in computing the employee's accrued benefit under the plan. In the case of a distribution described in paragraph (d)(2) of this section which is less than the present value of the employee's total nonforfeitable benefit immediately prior to the distribution, the accrued benefit not required to be taken into account is such accrued benefit multiplied by a fraction, the numerator of which is the amount of the distribution and the denominator of which is the present value of his total nonforfeitable benefit immediately prior to such distribution. However, such service may not by reason of this paragraph be disregarded for purposes of determining an employee's years of service under sections 410(a)(3) and 411(a)(4).

(4) *Plan repayment provision.*—(i) A plan repayment provision satisfies the requirements of this subparagraph if, under the provision, the accrued benefit of an employee which is disregarded by a plan under paragraph (d) (1) or (2) of the section is restored upon repayment to the plan by the employee of the full amount of the distribution. A plan is not required to provide for such repayment unless the employee—

(A) Received a distribution which is in a plan year to which section 411 applies (see § 11.411(a)–2) which distribution is less than the present value of his accrued benefit, and

(B) Resumes employment covered under the plan.

For purposes of (A) of this paragraph (d)(4)(i), an employee receives a distribution which is less than the present value of his accrued benefit if any portion of such benefit is forfeitable at the time of such distribution.

(ii) In the case of a defined benefit plan (as defined in section 414(j)) the restoration of the employee's accrued benefit may be conditioned upon repayment of interest on the full amount of the distribution. Such interest shall be computed on the amount of the distribution from the date of such distribution to the date of repayment, compounded annually from the date of distribution, (c)(2)(C) (see § 11.411(c)–3) in effect on the date of repayment. A plan may provide for repayment of interest which is less than the amount determined under the preceding sentence.

(iii) In the case of a defined contribution plan (as defined in section 414(i)) the plan repayment provision described in this subparagraph may provide that the employee must repay the full amount of his distribution before the close of the vesting computation period within which the participant has a one-year break in service within the meaning of § 11.411(a)–6.

(iv) A defined benefit plan or a defined contribution plan may require that such repayment be made within 2 years of the employee's resumption of employment covered by the plan.

(v) In the case of a defined contribution plan, the employer-derived accrued benefit required to be restored by this sub-paragraph shall not be less than the amount in the account balance of the employee, both the amount distributed and the amount forfeited, unadjusted by any subsequent gains or losses. Thus, for example, if an employee received a distribution of $250 when he was 25 percent vested in an account balance of $1,000, upon repayment of $250 the account balance may not be less than $1,000 even if, because of plan losses, the account balance, if not distributed, would have been reduced to $500.

§ 11.411(a)–8 Changes in vesting schedule.

(a) *Requirement of prior schedule.* Under section 411(a)(10)(A), for plan years for which section 411 applies, a plan will be treated as not meeting the minimum vesting standards of section 411(a)(2) if the plan does not satisfy the requirements of this paragraph. If the vesting schedule of a plan is amended, then as of the date such amendment is adopted, the plan satisfies the requirements of this paragraph if, under the plan as amended, in the case of an employee who is a participant on—

(1) The date the amendment is adopted, or

(2) The date the amendment is effective, if later, the nonforfeitable percentage of such employee's right to his employer-derived accrued benefit (determined as of such date) is not less than his percentage computed under the plan without regard to such amendment.

(b) *Election of former schedule*—(1) *In general.* Under section 411(a)(10)(B), for plan years for which section 411 applies, if the vesting schedule of a plan is amended, the plan will not be treated as meeting the minimum vesting standards of section 411(a)(2) unless the plan, as amended, provides that each participant whose nonforfeitable percentage of his accrued benefit derived from employer contributions is determined under such schedule, and who has completed at least 5 years of service with the employer, may elect, during the election period, to have the nonforfeitable percentage of his accrued benefit derived from employer contributions determined without regard to such amendment.

(2) *Election period.* For purposes of subparagraph (1) of this paragraph, the election period under the plan must begin no later than the date the plan amendment is adopted and end no earlier than the latest of the following dates:

(i) The date which is 60 days after the day the plan amendment is adopted,

(ii) The date which is 60 days after the day the plan amendment becomes effective, or

(iii) The date which is 60 days after the day the participant is issued written notice of the plan amendment by the employer or plan administrator.

(3) *Service requirement.* For purposes of subparagraph (1) of this paragraph, a participant shall be considered to have completed 5 years of service if such participant has completed 5 years of service

(as computed under the plan for the purpose of determining such participant's nonforfeitable percentage under section 411(a)(2)) with the employer prior to the expiration of the election period described in paragraph (b)(2) of this section.

(4) *Election only by participant.* The election described in paragraph (b)(1) of this section is available only to an individual who is a participant in the plan at the time such election is made.

(5) *Election may be irrevocable.* A plan, as amended, shall not fail to meet the minimum vesting standards of section 411(a)(2) by reason of section 411(a)(10)(B) merely because such plan provides that the election described in paragraph (b)(1) of this paragraph is irrevocable.

§ 11.411(a)–9 Amendment of break in service rules; transitional period.

(a) *In general.* Under section 1017(f)(2) of the Employee Retirement Income Security Act of 1974, a plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) if the rules of the plan relating to breaks in service are amended, and—

(1) Such amendment is effective after January 1, 1974, and before the effective date of section 411, and

(2) Under such amendment, the nonforfeitable percentage of any employee's right to his employer-derived accrued benefit is less than the lesser of the nonforfeitable percentage of such employee's right to such benefit—

(i) Under the break in service rules provided by section 411(a)(6) and § 11.411(a)–6(c), or

(ii) The greatest such percentage under the plan as in effect on or after January 1, 1974 (provided the break in service rules of the plan were not in violation of any law or rule of law on January 1, 1974).

(b) *Break in service rules.* For purposes of paragraph (a), the term "break in service rules" means the rules provided by a plan relating to circumstances under which a period of an employee's service or plan participation is disregarded, for purposes of determining the extent to which his rights to his accrued benefit under the plan are unconditional, if under such rules such service is disregarded by reason of the employee's failure to complete a required period of service within a specified period of time.

§ 11.411(b)–1 Accrued benefit requirements.

(a) *Accrued benefit requirements*—(1) *In general.* Under section 411(b), for plan years beginning after the applicable effective date of section 411, rules are provided for the determination of the accrued benefit to which a participant is entitled under a plan. Under a defined contribution plan, a participant's accrued benefit is the balance to the credit of the participant's account. Under a defined benefit plan, a participant's accrued benefit is his accrued benefit determined under the plan. A defined benefit plan is not a qualified plan unless the method provided by the plan for determining accrued benefits satisfies at least one of the alternative methods (described in paragraph (b) of this section) for determining accrued benefits with respect to all active participants under the plan. In addition, a defined benefit plan (without regard to any combining of plans of an employer) must provide only one method for the computation of accrued benefits. A defined benefit plan does not satisfy the requirements of section 411(b) and this section merely because the accrued benefit is defined as the "reserve under the plan". Special rules are provided for the first two years of service by a participant, certain insured defined benefit plans, and certain reductions in accrued benefits due to increasing age or service. In addition, a special rule is provided with respect to accruals for service before the effective date of section 411.

(2) *Cross references*—

(i) *3 percent method.* For rules relating to the 3 percent method of determining accrued benefits, see paragraph (b)(1) of this section.

(ii) *133⅓ percent method.* For rules relating to the 133⅓ percent method of determining accrued benefits, see paragraph (b)(2) of this section.

(iii) *Fractional method.* For rules relating to the fractional method of determining accrued benefits, see paragraph (b)(3) of this section.

(iv) *Accruals before effective date.* For rules relating to accruals for service before the effective date of section 411, see paragraph (c) of this section.

(v) *First 2 years of service.* For special rules relating to determination of accrued benefit for first 2 continuous years of service, see paragraph (d)(1) of this section.

(vi) *Certain insured plans.* For special rules relating to determination of accrued benefit under a defined benefit plan funded exclusively by insurance contracts, see paragraph (d)(2) of this section.

(vii) *Accruals decreased by increasing age or service.* For special rules relating to prohibition of decrease in accrued benefit on account of increasing age or service, see paragraph (d)(3) of this section.

(viii) *Separate accounting.* For rules relating to requirements for separate accounting, see paragraph (e) of this section.

(ix) *Year of participation.* For definition of "year of participation", see paragraph (f) of this section.

(b) *Defined benefit plans.* A defined benefit plan satisfies the requirements of section 411(b)(1) and this paragraph for a plan year to which section 411 and this section apply if it satisfies the requirements of paragraph (b)(1), (2), or (3) of this section for such year.

(1) *3 percent method*—(i) *General rule.* A defined benefit plan satisfies the requirements of this paragraph for a plan year, if, as of the close of the plan year, the accrued benefit to which each participant is entitled, computed as if the participant separated from the service as of the close of such plan year, is not less than 3 percent of the 3 percent method benefit, multiplied by the number of years (not in excess of 33⅓) of his participation in the plan including years after his normal retirement age. For purposes of this subparagraph, the "3 percent method benefit" is the normal retirement benefit to which the participant would be entitled if he commenced participation at the earliest possible entry age for any individual who is or could be a participant under the plan and if he served continuously until the earlier of age 65 or the normal retirement age under the plan.

(ii) *Special rules*—(A) *Compensation.* In the case of a plan providing a retirement benefit based upon compensation during any period, the normal retirement benefit to which a participant would be entitled is determined as if he continued to earn annually the average rate of compensation which he earned during consecutive years of service, not in excess of 10, for which his compensation was the highest. For purposes of this paragraph (b)(1)(ii)(A), the number of consecutive years of service used in computing average compensation shall be the number of years of service specified under the plan (not in excess of 10) for computing normal retirement benefits.

(B) *Social security, etc.* For purposes of this subparagraph, for any plan year, social security benefits and all relevant factors used to compute benefits, *e.g.*, consumer price index, are treated as remaining constant as of the beginning of the current plan year for all subsequent plan years.

(C) *Computation in certain cases.* In the case of any plan to which the provisions of section 411(b)(1)(D) and paragraph (c) of this section are applicable, for any plan year the accrued benefit of any participant shall not be less than the accrued benefit otherwise determined under this subparagraph, reduced by the excess of the accrued benefit determined under this paragraph as of the first day of the first plan year to which section 411 applies over the accrued benefit determined under section 411(b)(1)(D) and paragraph (c) of this section and increased by the amount determined under paragraph (c)(2)(v) of this section.

(iii) *Examples.* The application of this subparagraph is illustrated by the following examples.

Example (1). The M Corporation's defined benefit plan provides an annual retirement benefit commencing at age 65 of $4 per month for each year of participation. As a condition of participation, the plan requires that an employee have attained age 25. The normal retirement age specified under the plan is age 65. The plan provides for no limit on the number of years of credited service. A, age 40, is a participant in the M Corporation's plan. A has completed 12 years of participation in the plan of the M Corporation as of the close of the plan year. Under subdivision (i) of this subparagraph, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (25) under the plan and served continuously until normal retirement

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age (65) is an annual benefit of $1,920 [40×(12×$4)]. Under subdivision (i) of this subparagraph, the plan does not satisfy the requirements of this subparagraph unless A has accrued an annual benefit of at least $691 [0.03×($1,920×12)] as of the close of the plan year. Under the M Corporation plan, A is entitled to an accrued benefit of $576 [(12×12)×$4] as of the close of the plan year. Thus, with respect to A, the accrued benefit provided under the M Corporation plan does not satisfy the requirements of this subparagraph.

Example (2). Assume the same facts as in example (1) except that the M Corporation's plan provides that only the first 30 years of participation are taken into account. Under subdivision (i) of this subparagraph, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible energy age under the plan (25) and served continuously until normal retirement age (65) is an annual benefit of $1,440 [30×$48]. Under subdivision (i) of this subparagraph, the plan does not satisfy the requirements of this subparagraph unless A has accrued an annual benefit of at least $518 [0.03×($1,440×12)] as of the close of the plan year. Under the M Corporation plan, A is entitled to an accrued benefit of $576 [12×$48]. Thus, with respect to A, the accrued benefit provided under the M Corporation plan satisfies the requirements of this subparagraph.

Example (3). The N Corporation's defined benefit plan provides an annual retirement benefit commencing at age 65 of 50 percent of average compensation for the highest 3 consecutive years of compensation for an employee with 25 years of participation. A participant who separates from service before age 65 is entitled to 2 percent of average compensation for the highest 3 consecutive years of compensation for each year of participation not in excess of 25. The plan has no minimum age or service requirement for participation. The normal retirement age specified under the plan is age 65. On December 31, 1990, B, age 40, is a participant in the N Corporation's plan. B began employment with the N Corporation and became a participant in the N Corporation's plan on January 1, 1980. Under this subparagraph, the normal retirement benefit to which a participant would be entitled if he commenced participation at the earliest possible entry age (0) under the plan and served continuously until normal retirement age (65) is 50 percent of average compensation for the highest 3 consecutive years of compensation per year commencing at age 65. Under this subparagraph, B must have accrued an annual benefit of at least 16.5 percent of his highest 3 consecutive years of compensation per year commencing at age 65 [0.03×50 percent of average compensation for the highest 3 consecutive years of compensation×11] as of the close of the plan year. Under the N Corporation plan, B has accrued an annual benefit of 22 percent of average compensation for his highest 3 consecutive years of compensation per year commencing at age 65. Thus, with respect to B, the accrued benefit under the N Corporation plan satisfies the requirements of this subparagraph.

Example (4). The P Corporation's defined benefit plan provides an annual retirement benefit commencing at age 65 of 50 percent of average compensation for the 3 consecutive years of compensation from the P Corporation next preceding normal retirement age. The plan has no minimum age or service requirement for participation. The normal retirement age under the plan is age 65. On December 31, 1990, C, age 55, separates from service with the P Corporation. C began employment with the P Corporation and became a participant in the P Corporation's plan on January 1, 1980. As of December 31, 1990, C's average compensation for the 3 consecutive years preceding his separation from service is $15,000. Under this subparagraph, the normal retirement benefit to which a participant would be entitled if he commenced participation at the earliest possible entry age (0) under the plan and served continuously until normal retirement age (65) is an annual benefit of 50 percent of average compensation for the 3 consecutive years of compensation from the P corporation next preceding normal retirement age commencing at age 65. C must have accrued an annual benefit of at least $2,475 commencing at age 65 [0.03×(0.50×$15,000)×11] as of his separation from the service with the P Corporation in order for the P Corporation's plan to satisfy the requirements of this subparagraph with respect to C.

Example (5). On December 31, 1985, the R Corporation's defined benefit plan provided an annual retirement benefit commencing at age 65 of $100 for each year of participation, not to exceed 30. As a condition of participation, the plan requires that an employee have attained age 25. The normal retirement age specified under the plan is age 65. The appropriate computation period is the calendar year. On January 1, 1986, the plan is amended to provide an annual retirement benefit commencing at age 65 of $200 for each year of participation (before and after the amendment), not to exceed 30. B, age 40, is a participant in the R Corporation's plan. B has completed 15 years of participation in the plan of the R Corporation as of December 31, 1990. Under subdivision (i) of this subparagraph, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (25) under the plan and served continuously until normal retirement age (65) is an annual benefit of $6,000 [30×200]. Under subdivision (i) of this subparagraph, the plan does not satisfy the requirements of this subparagraph unless B has accrued an annual benefit of at least $2,700 [0.03×$6,000×15] as of December 31, 1990. Under the R Corporation plan, B is entitled to an accrued benefit of $3,000 [$200×15] as of December 31, 1990. Thus, with respect to B, the accrued benefit provided under the R Corporation plan satisfies the requirements of this subparagraph.

Example (6). On December 31, 1995, the J Corporation's defined benefit plan provided an annual retirement benefit commencing at age 65 of $4,800 after 30 years of participation. The normal retirement age specified under the plan is age 65. The appropriate computation period is the calendar year. On January 1, 1996, the plan is amended to provide an annual retirement benefit commencing at age 65 of $6,000. A, age 40, is a participant in the J Corporation's plan since its adoption on January 1, 1986. Under subdivision (i) of this subparagraph, on December 31, 1995, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (0) under the plan and served continuously until normal retirement age (65) is an annual benefit of $4,800. Under subdivision (i) of this subparagraph, on January 1, 1996, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (0) under the plan and served continuously until normal retirement age (65) is an annual benefit of $6,000. Under subdivision (i) of this subparagraph, the plan does not satisfy the requirements of this subparagraph unless A has an accrued benefit on December 31, 1995 of at least $1,440 [$4,800×0.03×10] and an accrued benefit on January 1, 1996 of at least $2,000 [$6,000×0.03×10].

Example (7). The X Company's defined benefit plan provides an annual retirement benefit commencing at age 65 of $4 per month for each year of participation (not to exceed 30). As a condition of participation, the plan requires that an employee have attained age 25. The normal retirement age specified under the plan is age 65. D, age 68, is a participant in the X Company's plan. D has completed 20 years of participation in the X Company plan as of the close of the plan year. Under paragraph (b)(1)(i) of this section, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (25) under the plan and served continuously until normal retirement age (65) is an annual benefit, commencing at age 65, of $1,440 [30×$48]. Under paragraph (b)(1)(i) of this section, the plan does not satisfy the requirements of this paragraph unless D has accrued an annual benefit, commencing at age 65, of $864 [0.03×$1,440×20] as of the close of the plan year. Under the X Company plan, D has accrued an annual benefit, commencing at age 65, of $960 [20×$48]. Thus, with respect to D the accrued benefit provided under the X Company plan satisfies the requirements of this paragraph.

Example (8). Assume the same facts as in example (7) except that for purposes of determining accrued benefits under the plan the X Company's plan disregards all years of participation after normal retirement age. Under paragraph (b)(1)(i) of this section, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (25) under the plan and served continuously until normal retirement age (65) is an annual benefit of $1,440 [30×$48]. Under paragraph (b)(1)(i) of this section, the plan does not satisfy the requirements of this subparagraph unless D has accrued an annual benefit, commencing at age 65, of $864 [0.03×$1,440×20] as of the close of the plan year. Under the X Company's plan, D has accrued an annual benefit commencing at age 65, of $816 [17×$48]. Thus, with respect to D, the accrued benefit provided under the X Company plan does not satisfy the requirements of this paragraph.

(2) *133⅓ percent rule*—(i) *General rule.* A defined benefit plan satisfies the requirements of this subparagraph for a particular plan year if—

(A) Under the plan the accrued benefit payable at the normal retirement age (determined under the plan) is equal to the normal retirement benefit (determined under the plan), and

(B) The annual rate at which any individual who is or could be a participant can accrue the retirement benefits payable at normal retirement age under the plan for any later plan year cannot be more than 133⅓ percent of the annual rate at which he can accrue benefits for any plan year beginning on or after such particular plan year and before such later plan year.

(ii) *Special rules.* For purposes of this paragraph—

(A) *Plan amendments.* Any amendment to the plan which is in effect for the current plan year shall be treated as if it were in effect for all other plan years.

(B) *Change in accrual rate.* Any change in an accrual rate which change does not apply to any individual who is or could be a participant in the plan year is disregarded. Thus, for example, if for its plan year beginning January 1, 1980, a defined benefit plan provides an accrued benefit in plan year 1980 of 2 percent of a participant's average compensation for his highest 3 years of compensation for each year of service and provides that in plan year 1981 the accrued benefit will be 3 percent of such average compensation, the plan will not be treated as failing to satisfy the requirements of this subparagraph for plan year 1980 because in plan year 1980 the change in the accrual rate does not apply to any individual who is or could be a participant in plan year 1980. However, if, for example, a defined benefit plan provided for an accrued benefit of 1 percent of a participant's average compensation for his highest 3 years of compensation for each of the first 10 years of service and 1.5 percent of such average compensation for each year of service thereafter, the plan will be treated as failing to satisfy the requirements of this paragraph for the plan year even though no participant is actually accruing at the 1.5 percent rate because an individual who could be a participant and who had over 10 years of service would accrue at the 1.5 percent rate, which rate exceeds 133⅓ percent of the 1 percent rate.

(C) *Early retirement benefits.* The fact that certain benefits under the plan may be payable to certain participants before normal retirement age is disregarded. Thus, the requirements of subdivision (i) of this subparagraph must be satisfied without regard to any benefit payable prior to the normal retirement benefit (such as an early retirement benefit which is not the normal retirement benefit (see § 11.411(a)–7(c)).

(D) *Social security, etc.* For purposes of this paragraph, for any plan year, social security benefits and all relevant factors used to compute benefits, *e.g.*, consumer price index, are treated as remaining constant as of the beginning of the current plan year for all subsequent plan years.

(E) *Postponed retirement.* A plan shall not be treated as failing to satisfy the requirements of this subparagraph for a plan year merely because no benefits under the plan accrue to a participant who continues service with the employer after such participant has attained normal retirement age.

(F) *Computation of benefit.* A plan shall not satisfy the requirements of this subparagraph if the base for the computation of retirement benefits changes solely by reason of an increase in the number of years of participation. Thus, for example, a plan will not satisfy the requirements of this paragraph if it provides a benefit, commencing at normal retirement age, of the sum of (*1*) 1 percent of average compensation for a participant's first 3 years of participation multiplied by his first 10 years of participation (or, if less than 10 his total years of participation) and (*2*) 1 percent of average compensation for a participant's 3 highest years of participation multiplied by each year of participation subsequent to the 10th year.

(iii) *Examples.* The application of this subparagraph is illustrated by the following examples:

Example (1). On January 1, 1980, the R Corporation's defined benefit plan provides for an annual benefit (commencing at age 65) of a percentage of a participant's average compensation for the period of 5 consecutive years of participation for which his compensation is the highest. The percentage is 2 percent for each of the first 20 years of participation and 1 percent per year thereafter. The appropriate computation period is the calendar year. The R Corporation's plan satisfies the requirements of this paragraph because the 133⅓ percent rule does not restrict subsequent accrual rate decreases.

Example (2). On January 1, 1980, the J Corporation's defined benefit plan provides for an annual benefit (commencing at age 65) of a percentage of a participant's average compensation for the period of his final 5 consecutive years of participation. The percentage is 1 percent for each of the first 5 years of participation; 1½ percent for each of the next 5 years of participation; and 1⅝ percent for each year thereafter. The appropriate computation period is the calendar year. Even though no single accrual rate under the J Corporation's plan exceeds 133⅓ percent of the immediately preceding accrual rate, the J Corporation's plan does not satisfy the requirements of this subparagraph because the rate of accrual for all years of participation in excess of 10 (1⅝ percent) exceeds 133⅓ percent of the rate of accrual for any of the first 5 years of participation (1 percent).

Example (3). On January 1, 1980, the C Corporation's defined benefit plan provides for an annual benefit (commencing at age 65) of a percentage of a participant's average compensation for the period of 3 consecutive years of participation for which his compensation is the highest. The percentage is 2 percent for each of the first 5 years of participation; 1 percent for each of the next 5 years of participation; and 1½ percent for each year thereafter. The appropriate computation period is the calendar year. Even though the average rate of accrual under the C Corporation's plan is not less rapidly than ratably, the C Corporation's plan does not satisfy the requirements of this subparagraph because the rate of accrual for all years of participation in excess of 10 (1½ percent) for any employee who is actually accruing benefits or who could accrue benefits exceeds 133⅓ percent of the rate of accrual for the sixth through tenth years of participation, respectively (1 percent).

(3) *Fractional rule*—(i) *In general.* A defined benefit plan satisfies the requirements of this paragraph if the accrued benefit to which any participant is entitled is not less than the fractional rule benefit multiplied by a fraction (not exceeding (1)—

(A) The numerator of which is his total number of years of participation in the plan, and

(B) The denominator of which is the total number of years he would have participated in the plan if he separated from the service at the normal retirement age under the plan.

(ii) *Special rules.* For purposes of this paragraph—

(A) *Fractional rule benefit.* The "fractional rule benefit" is the annual benefit commencing at the normal retirement age under the plan to which a participant would be entitled if he continued to earn annually until such normal retirement age the same rate of compensation upon which his normal retirement benefit would be computed. Such rate of compensation shall be computed on the basis of compensation taken into account under the plan (but taking into account average compensation for no more than the 10 years of service immediately preceding the determination). For purposes of this paragraph (b)(3)(ii)(A), the normal retirement benefit shall be determined as if the participant had attained normal retirement age on the date any such determination is made.

(B) *Social security, etc.* For purposes of this subparagraph, for any plan year, social security benefits and all relevant factors used to compute benefits, *e.g.*, consumer price index, are treated as remaining constant as of the beginning of the current plan year for all subsequent plan years.

(C) *Postponed retirement.* A plan shall not be treated as failing to satisfy the requirements of this subparagraph merely because no benefits under the plan accrue to a participant who continues service with the employer after such participant has attained normal retirement age under the plan.

(D) *Computation in certain cases.* In the case of any plan to which the provisions of section 411(b)(1)(D) and paragraph (c) of this section are applicable, for any plan year the accrued benefit of any participant shall not be less than the accrued benefit otherwise determined under this subparagraph, reduced by the excess of the accrued benefit determined under this subparagraph as of the first day of the first plan year to which section 411 applies over the accrued benefit determined under section 411(b)(1)(D) and paragraph (c) of this section and increased by the amount determined under paragraph (c)(2)(v) of this section.

(iii) *Examples.* The application of this subparagraph is illustrated by the following examples:

Example (1). The R Corporation's defined benefit plan provides an annual retirement benefit commencing at age 65 of 30 percent of a participant's average compensation for his highest 3 consecutive years of participation. If a participant separates from service prior to normal retirement age, the R Corporation's plan provides a benefit equal to an amount which bears the same ratio to 30 percent of such average compensation as the participant's actual number of years of participation in the plan bears to the number of years the participant would have participated in the plan had he separated from service at age 65. The plan further provides that normal retirement age is age 65. A, age 55, is a participant in the R Corporation's plan for the current year, and A has 15 years of participation in the R Corporation's plan. As of the current year, A's average compensation for his highest 3 years of compensation

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is $20,000. The R Corporation's plan satisfies the requirements of this paragraph because if A separates from the service in the current year he will be entitled to an annual benefit of $3,600 commencing at age 65 [(0.3× $20,000)×15/25].

Example (2). The J Corporation's defined benefit plan provides a normal retirement benefit of 1 percent per year of a participant's average compensation from the employer. In the case of a participant who separates from service prior to normal retirement age (65), the plan provides that the annual benefit is an amount which is equal to 1 percent of such compensation multiplied by the number of years of plan participation actually completed by the participant. The plan year of the J Corporation's plan is the calendar year. B, age 55, is a participant in the J Corporation's plan for the current year. B became a participant in the J Corporation's plan on January 1, 1980. As of December 31, 1990, B's compensation history is as follows:

Year:	Compensation
1980	$17,000
1981	18,000
1982	20,000
1983	20,000
1984	21,000
1985	22,000
1986	23,000
1987	25,000
1988	26,000
1989	29,000
1990	32,000

If B separates from service on December 31, 1990, he would be entitled to an annual benefit of $2,530 commencing at age 65. Because the J Corporation's plan does not limit the number of years of compensation to be taken into account in determining the normal retirement benefit, B's rate of compensation for purposes of determining his normal retirement benefit is $23,600:

$$\frac{[\$18,000+\$20,000+\$20,000+\$21,000+\$22,000+\$23,000+\$25,000+\$26,000+\$29,000+\$32,000]}{10}$$

Under this paragraph, B's accrued benefit under the J Corporation's plan as of December 31, 1990 must not be less than 2,561 per year commencing at age 65 [0.01×($17,000+$18,000+$20,000+$20,000+$21,000+$22,000+$23,000+$25,000+$26,000+$29,000+$32,000+($23,600×10))×11/21]. Thus, the J Corporation's plan would not satisfy the requirements of this paragraph.

(c) *Accruals for service before effective date*—(1) *General rule.* For a plan year to which section 411 applies, a defined benefit plan does not satisfy the requirements of section 411(b)(1) and this section unless, under the plan, the accrued benefit of each participant for plan years beginning before section 411 applies is not less than the greater of—

(i) Such participant's accrued benefit (as of the day before section 411 applies) determined under the plan as in effect from time to time prior to September 2, 1974 (without regard to any amendment adopted after such date), or

(ii) One-half of the accrued benefit that would be determined with respect to the participant as of the day before section 411 applies if the participant's accrued benefit were computed for such prior plan years under a method which satisfies the requirements of section 411(b)(1)(A), (B), or (C) and paragraph (b)(1), (2), or (3) of this section. See 29 CFR Part 2530, Department of Labor regulations relating to minimum standards for employee pension benefit plans, for time participation deemed to begin.

(2) *Special rules*—(i) A plan shall not be deemed to fail to satisfy the requirements of section 411(b) and this section merely because the method for computing the accrued benefit of a participant for years of participation prior to the first plan year for which section 411 is effective with respect to the plan is not the same method for computing the accrued benefit of a participant for years of participation subsequent to such plan year.

(ii) For purposes of subparagraph (1)(ii) of this paragraph, section 411(b)(1)(A) and paragraph (b)(1) of this section shall be applied as if the participant separated from service with the employer on the day before the first day of the first plan year to which section 411 applies.

(iii) For purposes of subparagraph (1)(ii) of this paragraph, section 411(b)(1)(B) and paragraph (b)(2) of this section shall be applied in the following manner:

(A) Except as provided in (B) of this subdivision, section 411(b)(1)(B) and paragraph (b)(2) of this section shall be applied as if the participant separated from service with the employer on the day before the first day of the first plan year to which section 411 applies.

(B) In the case that the plan does not satisfy the requirements of section 411(b)(1)(B) and paragraph (b)(2) of this section at any time prior to the day specified in (c)(2)(iii)(A) of this section, the plan shall be deemed revised to the extent necessary to satisfy the requirements of section 411(b)(1)(B) and paragraph (b)(2) of this section for all plan years beginning before the applicable effective date of section 411 and this section. For purposes of the preceding sentence, a plan shall not be deemed revised to the extent necessary to satisfy the requirements of section 411(b)(1)(B) and paragraph (b)(2) of this section for a plan year if the benefit a participant would receive if he were employed until normal retirement age is reduced by such revision or if the revised rate of accrual with respect to such accrued benefit does not otherwise satisfy the requirements of section 411(b)(1)(B) and paragraph (b)(2) of this section.

(iv) For purposes of paragraph (c)(1)(ii) of this section, section 411(b)(1)(C) and paragraph (b)(3) of this section shall be applied as if the participant separated from service on the day before the first day of the first plan year to which section 411 applies.

(v) The excess of the accrued benefit payable at normal retirement age of any participant determined under section 411(b)(1)(A), (B), or (C) (without regard to section 411(b)(1)(D)), and paragraph (b)(1), (2), or (3) of this section (without regard to this paragraph) as of the day before the first day of the first plan year to which section 411 and this section applies over the accrued benefit determined under subparagraph (1) of this paragraph shall be accrued in accordance with the provisions of the plan as in effect after the applicable effective date of section 411, as if the plan had been initially adopted on such effective date.

(d) *Special rules*—(1) *First 2 years of service.* Notwithstanding subparagraphs (1), (2), and (3) of paragraph (b) of this section, under section 411(b)(1)(E) and this paragraph, a plan shall not be treated as failing to satisfy the requirements of paragraph (b) of this section solely because the accrual of benefits under the plan does not become effective until the employee has completed 2 continuous years of service. For purposes of this paragraph, continuous years of service are years of service (within the meaning of section 410(a)(3)(A)) which are not separated by a break of service (within the meaning of section 410(a)(5)). For years of service beginning after such 2 years of service, the accrued benefit of an employee shall not be less than that to which the employee would be entitled if section 411(b)(1)(E) and this paragraph did not apply. Thus, for example, a plan which otherwise satisfies the requirements of paragraph (b)(2) of this section provides for a rate of accrual of 1 percent of average compensation for the highest 3 years of compensation beginning with the third year of service of a participant shall not be treated as satisfying paragraph (b)(2) of this section because as of the time the employee completes 3 continuous years of service there is no accrual during the first 2 years service. In addition, a plan which otherwise satisfies the requirements of paragraph (b)(1) of this section and which requires that an employee must attain age 25 and complete 1 year of service prior to becoming a participant will not satisfy the requirements of paragraph (b)(1) of this section if an employee who completes 2 years of service prior to attaining age 25 does not begin accruals immediately upon commencement of participation in the plan. For rules relating to years of service, see 29 CFR part 2530, Department of Labor regulations relating to minimum standards for employee pension benefit plans.

(2) *Certain insured defined benefit plans.* Notwithstanding paragraphs (b)(1), (2), and (3) of this section, a defined benefit plan satisfies the requirements of paragraph (b) of this section if such plan is funded exclusively by the purchase of contracts from a life insurance company and such contracts satisfy the requirements of sections 412(i)(2) and (3) and the regulations thereunder. The preceding sentence is applicable only if an employee's accrued benefit as of any applicable date is not less than the cash surrender value such employee's insurance contracts would have on such applicable date if the requirements of section 412(i)(4), (5), and (6) and the regulations thereunder were satisfied.

(3) *Accrued benefit may not decrease on account of increasing age or service.* Notwithstanding paragraphs (b)(1), (2), and (3) of this section and paragraphs (d)(1) and (2) of this section, a defined benefit plan shall be treated as not satisfying the requirements of paragraph (b) and this paragraph of this section if the participant's accrued benefit is reduced on account of any increase in his age or years of service. The preceding sentence shall not apply to benefits under the plan commencing before such participant's entitlement to benefits payable under title II of the Social Security Act, as amended, which benefits under the plan do not exceed such participant's social security benefits and which terminate when his social security benefits commence.

(e) *Separate accounting.* A plan satisfies the requirements of this paragraph if the requirements of paragraph (e)(1) or (2) of this section are met.

(1) *Defined benefit plan.* In the case of a defined benefit plan, the requirements of this paragraph are satisfied if the plan requires separate accounting for the portion of each employee's accrued benefit derived from any voluntary employee contributions permitted under the plan. For purposes of this subparagraph the term "voluntary employee contributions" means all employee contributions which are not mandatory contributions within the meaning of section 411(c)(2)(C) and the regulations thereunder.

(2) *Defined contribution plan.* In the case of a defined contribution plan, the requirements of this paragraph are not satisfied unless the plan requires separate accounting for each employee's accrued benefit.

(f) *Year of participation*—(1) *In general.* For purposes of determining an employee's accrued benefit, a "year of participation" is a period of service determined under regulations prescribed by the Secretary of Labor in 29 CFR part 2530, relating to minimum standards for employee pension benefit plans.

(2) *Additional rule relating to year of participation.* A trust shall not constitute a qualified trust if the plan of which such trust is a part provides for the crediting of a year of participation, or part thereof, and such credit results in the discrimination prohibited by section 401(a)(4).

(g) *Additional illustrations.* The application of this section may be illustrated by the following example:

Example. (i) The S Corporation established a defined benefit plan on January 1, 1980. The plan provides a minimum age for participation of age 25. The normal retirement age under the plan is age 65. The appropriate computation periods are the calendar year. The plan provides an annual benefit, commencing at age 65, equal to $96 per year of service for the first 25 years of service, and $48 per year of service for each additional year of service.

(ii) The plan of the S Corporation does not satisfy the requirements of section 411(b)(1)(A) and paragraph (b)(1) of this section because the accrued benefit under the plan at some point will be less than the accrued benefit required under section 411(b)(1)(A) and paragraph (b)(1) of this section (i.e., 3 percent × normal retirement benefit × years of participation).

(iii) The plan of the S Corporation does satisfy the requirements of section 411(b)(1)(B) and paragraph (b)(2) of this section because the rate of benefit accrual is equal in each of the first 25 years of service and the rate decreases thereafter.

(iv) The plan of the S Corporation does satisfy the requirements of section 411(b)(1)(C) and paragraph (b)(3) of this section because the accrued benefit under the plan will equal or exceed the normal retirement benefit multiplied by the fraction described in paragraph (b)(3)(i) of this section.

§ 11.411(c)–1 Allocation of accrued benefits between employer and employee contributions.

(a) *Accrued benefit derived from employer contributions.* For purposes of section 411 and the regulations thereunder, under section 411(c)(1), an employee's accrued benefit derived from employer contributions under a plan as of any applicable date is the excess, if any, of—

(1) The total accrued benefit under the plan provided for the employee as of such date, over

(2) The accrued benefit provided for the employee, derived from contributions made by the employee under the plan as of such date.

For computation of accrued benefit derived from employee contributions to a defined contribution plan or from voluntary employee contributions to a defined benefit plan, see paragraph (b) of this section. For computation of accrued benefit derived from mandatory employee contributions to a defined benefit plan, see paragraph (c) of this section.

(b) *Accrued benefit derived from employee contribution to defined contribution plan, etc.* For purposes of section 411 and the regulations thereunder, under section 411(c)(2)(A) the accrued benefit derived from employee contributions to a defined contribution plan is determined under paragraph (b)(1) or (2) of this section, whichever applies. Under section 411(d)(5), the accrued benefit derived from voluntary employee contributions to a defined benefit plan is determined under paragraph (b)(1) of this section.

(1) *Separate accounts maintained.* If a separate account is maintained with respect to an employee's contributions and all income, expenses, gains, and losses attributable thereto, the accrued benefit determined under this subparagraph as of any applicable date is the balance of such account as of such date.

(2) *Separate accounts not maintained.* If a separate account is not maintained with respect to an employee's contributions and the income, expenses, gains, and losses attributable thereto, the accrued benefit determined under this subparagraph is the employee's total accrued benefit determined under the plan multiplied by a fraction—

(i) The numerator of which is the total amount of the employee's contributions under the plan less withdrawals, and

(ii) The denominator of which is the sum of (A) the amount described in paragraph (b)(2)(i) of this section, and (B) the total contributions made under the plan by the employer on behalf of the employee less withdrawals.

For purposes of this paragraph, withdrawals include only amounts distributed to the employee and do not reflect the cost of any death benefits under the plan.

(c) *Accrued benefit derived from mandatory employee contributions to a defined benefit plan*—(1) *General rule.* In the case of a defined benefit plan (as defined in section 414(j)) the accrued benefit derived from contributions made by an employee under the plan as of any applicable date is an annual benefit, in the form of a single life annuity (without ancillary benefits) commencing at normal retirement age, equal to the amount of the employee's accumulated contributions (determined under subparagraph (3) of this paragraph) multiplied by the appropriate conversion factor (determined under paragraph (c)(2) of this section). Paragraph (e) of this section provides rules for actuarial adjustments where the benefit is to be determined in a form other than the form described in this subparagraph.

(2) *Appropriate conversion factor.* For purposes of this paragraph, the term "appropriate conversion factor" means the factor necessary to convert an amount equal to the accumulated contributions to a single life annuity (without ancillary benefits) commencing at normal retirement age and shall be 10 percent for a normal retirement age of 65 years. For other normal retirement ages the appropriate conversion factor shall be the factor as determined by the Commissioner.

(3) *Accumulated contributions.* For purposes of section 411(c) and this section, the term "accumulated contributions" means the total of—

(i) All mandatory contributions made by the employee (determined under paragraph (b)(4) of this section),

(ii) Interest (if any) on such contributions, computed at the rate provided by the plan to the end of the last plan year to which section 411(a)(2) does not apply (by reason of the applicable effective date), and

(iii) Interest on the sum of the amounts determined under subdivisions (i) and (ii) of this subparagraph compounded annually at the rate of 5 percent per annum from the beginning of the first plan year to which section 411(a)(2) applies (by reason of the applicable effective date) to the date on which the employee would attain normal retirement age.

For example, if under section 1017 of the Employee Retirement Income Security Act of 1974, section 411(a)(2) of the Code applies for plan years beginning after December 31, 1975, and for plan years beginning before 1975, the plan provided for 3 percent interest on employee contributions, an employee's accumulated contributions would be computed by crediting interest at the rate provided by the plan (3 percent) for plan years beginning before 1976 and by

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crediting interest at the rate of 5 percent (or another rate prescribed under section 411(c)(2)(D)) thereafter. Section 1017 of the Employee Retirement Income Security Act of 1974 and § 11.411(a)-2 provide the effective dates for the application of section 411(a)(2).

(4) *Mandatory contributions.* For purposes of section 411(c) and this section the term "mandatory contributions" means amounts contributed to the plan by the employee which are required as a condition of his employment, as a condition of his participation in the plan, or as a condition of obtaining benefits (or additional benefits) under the plan attributable to employer contributions. For example, if the benefit derived from employer contributions depends upon a specified level of employee contributions, employee contributions up to that level would be treated as mandatory contributions.

(d) *Limitation on accrued benefit.* The accrued benefit derived from employee contributions under a plan (determined under paragraphs (b) and (c) of this section) shall not exceed the greater of—

(1) The accrued benefit of the employee under the plan, or

(2) The accrued benefit derived from employee contributions determined without regard to any interest under section 411(c)(2)(C) (ii) and (iii) and under subdivisions (ii) and (iii) of paragraph (c)(3) of this section.

(e) *Actuarial adjustments for defined benefit plans*—(1) *Accrued benefit.* In the case of a defined benefit plan (as defined in section 414(j)) if an employee's accrued benefit is to be determined as an amount other than an annual benefit commencing at normal retirement age, such benefit (determined under section 411(c)(1) and paragraph (a) of this section) shall be the actuarial equivalent of such benefit, as determined by the Commissioner.

(2) *Accrued benefit derived from employee contributions.* In the case of a defined benefit plan (as defined in section 414(j)) if the accrued benefit derived from contributions made by an employee is to be determined with respect to a benefit other than an annual benefit in the form of a single life annuity (without ancillary benefits) commencing at normal retirement age, such benefit (determined under section 411(c)(2)(B) and paragraph (c) of this section) shall be the actuarial equivalent of such benefit, as determined by the Commissioner.

§ 11.411(d)-1 Coordination of vesting and discrimination requirements. [Reserved]

§ 11.411(d)-2 Termination or partial termination; discontinuance of contributions.

(a) *General rule*—(1) *Required nonforfeitability.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless the plan provides that—

(i) Upon the termination or partial termination of the plan, or

(ii) In addition, in the case of a plan to which section 412 (relating to minimum funding standards) does not apply, upon the complete discontinuance of contributions under the plan, the rights of each affected employee to benefits accrued to the date of such termination or partial termination (or, in the case of a plan to which section 412 does not apply, discontinuance), to the extent funded, or the rights of each employee to the amounts credited to his account at such time, are nonforfeitable (within the meaning of § 11.411(a)-4).

(2) *Required allocation.* (i) A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless the plan provides for the allocation of any previously unallocated funds to the employees covered by the plan upon the termination or partial termination of the plan (or, in the case of a plan to which section 412 does not apply, upon the complete discontinuance of contributions under the plan). Such provision may be incorporated in the plan at its inception or by an amendment made prior to the termination or partial termination of the plan or the discontinuance of contributions thereunder.

(ii) Any provision for the allocation of unallocated funds which is found by the Secretary of Labor or the Pension Benefit Guaranty Corporation (whichever is appropriate) to satisfy the requirements of section 4044 or section 403(d)(1) of the Employee Retirement Income Security Act of 1974 is acceptable if it specifies the method to be used and does not conflict with the provisions of section 401(a)(4) of the Internal Revenue Code of 1954 and the regulations thereunder. Any allocation of funds required by paragraph (1), (2), (3), or (4)(A) of section 4044(a) of such Act shall be deemed not to result in discrimination prohibited by section 401(a)(4) of the Code. The allocation of unallocated funds may be in cash or in the form of other benefits provided under the plan. However, the allocation of the funds contributed by the employer among the employees need not necessarily benefit all the employees covered by the plan.

(iii) Paragraphs (a)(2)(i) and (ii) of this section do not require the allocation of amounts to the account of any employee if such amounts are not required to be used to satisfy the liabilities with respect to employees and their beneficiaries under the plan (see section 401(a)(2)).

(b) *Partial termination.* Whether or not a partial termination of a qualified plan occurs when a group of employees who have been covered by the plan are subsequently excluded from such coverage either by reason of an amendment to the plan, or by reason of being discharged by the employer, will be determined on the basis of all the facts and circumstances. Similarly, whether or not a partial termination occurs when benefits or employer contributions are reduced, or the eligibility or vesting requirements under the plan are made less liberal, will be determined on the basis of all the facts and circumstances. If a defined benefit plan ceases benefit accruals or decreases accrued benefits under the plan, a partial termination occurs if, as a result of such cessation or decrease, a potential reversion to the employer, or employers, maintaining the plan (determined as of the date such cessation or decrease is adopted) is created or increased. However, if a partial termination of a qualified plan occurs, the provisions of section 411(d)(3) apply only to the part of the plan that is terminated.

(c) *Termination*—(1) *Application.* This paragraph applies to a plan other than a plan described in section 411(e)(1) (relating to governmental, certain church plans, etc.).

(2) *Plans subject to termination insurance.* For purposes of this section, a plan to which title IV of the Employee Retirement Income Security Act of 1974 applies is considered terminated on a particular date if, as of that date—

(i) The plan is voluntarily terminated by the plan administrator under section 4041 of the Employee Retirement Income Security Act of 1974, or

(ii) The Pension Benefit Guaranty Corporation terminates the plan under section 4042 of the Employee Retirement Income Security Act of 1974.

(3) *Other plans.* In the case of a plan not described in paragraph (c)(2) of this section, a plan is considered terminated on a particular date if, as of that date, the plan is voluntarily terminated by the employer, or employers, maintaining the plan.

(d) *Complete discontinuance*—(1) *General rule.* For purposes of this section, a complete discontinuance of contributions under the plan is contrasted with a suspension of contributions under the plan which is merely a temporary cessation of contributions by the employer. A complete discontinuance of contributions may occur although some amounts are contributed by the employer under the plan if such amounts are not substantial enough to reflect the intent on the part of the employer to continue to maintain the plan. The determination of whether a complete discontinuance of contributions under the plan has occurred will be made with regard to all the facts and circumstances in the particular case, and without regard to the amount of any contributions made under the plan by employees. Among the factors to be considered in determining whether a suspension constitutes a discontinuance are:

(i) Whether the employer may merely be calling an actual discontinuance of contributions a suspension of such contributions in order to avoid the requirement of full vesting as in the case of a discontinuance, or for any other reason;

(ii) Whether contributions are recurring and substantial; and

(iii) Whether there is any reasonable probability that the lack of contributions will continue indefinitely.

(2) *Time of discontinuance.* In any case in which a suspension of a profit-sharing plan maintained by a single employer is considered a discontinuance, the discontinuance becomes effective not later than the last day of the taxable year of the employer following the last taxable year of such employer for which a substantial contribution was made under the profit-sharing plan. In the case of a profit-sharing plan maintained by more than one employer, the discontinuance becomes effective not later than the last day of the plan year following the plan year within which any employer made a substantial contribution under the plan.

(e) *Contributions or benefits which remain forfeitable.* The provisions of this section do not apply to amounts which are reallocated to prevent the discrimination prohibited by section 401(a)(4).

§ 11.411(d)-3 Other special rules.

(a) *Prohibited discrimination.* Under section 411(d)(2), section 411(a) does not apply to benefits which may not be provided for designated employees in the event of early termination of the plan under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by section 401(a)(4), see § 11.410(a)-4.

(b) *Class year plans.* Under section 411(d)(4) the requirements of section 411(a)(2) for a class year plan shall be deemed to be satisfied if such plan provides that each employee's rights to or derived from employer contributions on his behalf for any plan year are nonforfeitable no later than the end of the 5th plan year following the plan year for which such contributions were made. However, the rights of an employee who separates from service prior to such time, and who is not reemployed in the plan year of separation, may be forfeited. For purposes of section 411 and the regulations thereunder, the term "class year plan" means a profit-sharing, stock bonus, or money purchase plan which provides that the nonforfeitable rights of employees to or derived from employer contributions are determined separately for each plan year.

(c) *Prohibition against accrued benefit decrease.* Under section 411(d)(6) a plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) if a plan amendment decreases the accrued benefit of any plan participant, unless the plan amendment satisfies the requirements of section 412(c)(8) (relating to certain retroactive amendments) and the regulations thereunder.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved:

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.75-29374 Filed 10-28-75;4:44 pm]

[Income Tax Regulations (T.D. 7388)]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Employees of Organizations Under Common Control

The following temporary regulations relate to a part of the amendment made to the Internal Revenue Code of 1954 by section 1015 of the Employee Retirement Income Security Act of 1974 (88 Stat. 925). Section 1015 added section 414(c), relating to employees of partnerships, proprietorships, etc., which are under common control. The temporary regulations contained in this document pertain to section 414(c) and also apply for purposes of section 210(d) of the Employee Retirement Income Security Act of 1974 (88 Stat. 867).

Section 414(c) contains special rules which apply in the case of two or more trades or businesses which are under common control. If two or more trades or businesses are under common control, then for purposes of applying the provisions of sections 401 (qualified pension, profit-sharing, and stock bonus plans), 410 (minimum participation standards), 411 (minimum vesting standards), and 415 (limitations on benefits and contributions under qualified plans) all employees of all trades or businesses under common control are treated as employed by a single employer.

Section 11.414(c)-2(a) provides that two or more trades or businesses are under common control if they constitute either a "parent-subsidiary group of trades or businesses under common control", a "brother-sister group of trades or businesses under common control", or a "combined group of trades or businesses under common control".

Paragraph (b)(1) of § 11.414(c)-2 defines a parent-subsidiary group to mean one or more chains of organizations (sole proprietorships, partnerships, trusts, estates, and corporations) conducting trades or businesses connected through ownership of a controlling interest with a common parent organization if a controlling interest of each organization other than the common parent is owned by one or more of the other organizations and the common parent owns a controlling interest in at least one of the other organizations.

Paragraph (b)(2) of § 11.414(c)-2 defines the phrase "controlling interest" to mean: ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of a corporation; ownership of an actuarial interest of at least 80 percent of a trust or estate; ownership of at least 80 percent of the profits or capital interest of a partnership; and ownership of 100 percent of a sole proprietorship.

Paragraph (c)(1) of § 11.414(c)-2 defines a brother-sister group to mean two or more organizations conducting trades or businesses if the same five or fewer persons who are individuals, estates, or trusts own a controlling interest of each organization and effective control of each organization exists taking into account the ownership of each such person only to the extent such ownership is identical with respect to each organization. Paragraph (c)(2) of § 11.414(c)-2 defines the phrase "effective control" to be an ownership interest of more than 50 percent.

Paragraph (d) of § 11.414(c)-2 defines a combined group to mean any group of three or more organizations if each organization is a member of either a parent-subsidiary group or a brother-sister group and at least one such organization is the common parent of a parent-subsidiary group and also a member of a brother-sister group.

Section 11.414(c)-3 provides that in the determination of controlling interest or effective control certain interests or stock are to be excluded and treated as not outstanding. Paragraph (b) of § 11.414(c)-3 provides the rules for a parent-subsidiary group and paragraph (c) provides the rules for a brother-sister group. The purpose of these rules is to prevent persons from divesting themselves of sufficient ownership to avoid the application of § 11.414(c)-2 without divesting themselves, as a practical matter, of the benefits of the ownership of an organization.

Section 11.414(c)-4 provides constructive ownership rules that apply in determining the ownership of an interest in an organization.

Adoption of regulations. To prescribe temporary regulations relating to a part of the amendment of the Internal Revenue Code of 1954 by section 1015 of the Employee Retirement Income Security Act of 1974 (88 Stat. 925) adding section 414(c), relating to employees of partnerships, proprietorships, etc., which are under common control, which also apply for purposes of section 210(d) of the Employee Retirement Income Security Act of 1974 (88 Stat. 867), and which shall remain in effect until superseded by permanent regulations, the following regulations are hereby adopted:

Sections 11.414(c)-1—11.414(c)-5 are added to read as follows:

§ 11.414(c)-1 Commonly controlled trades or businesses.

For purposes of applying the provisions of sections 401 (relating to qualified

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pension, profit-sharing, and stock bonus plans), 410 (relating to minimum participation standards), 411 (relating to minimum vesting standards), and 415 (relating to limitations on benefits and contributions under qualified plans), all employees of two or more trades or businesses under common control within the meaning of § 11.414(c)–2 for any period shall be treated as employed by a single employer. See sections 401, 410, 411, and 415 and the regulations thereunder for rules relating to employees of trades or businesses which are under common control. See § 11.414(c)–5 for effective date.

§ 11.414(c)–2 Two or more trades or businesses under common control.

(a) *In general.* For purposes of this section, the term "two or more trades or businesses under common control" means any group of trades or businesses which is either a "parent-subsidiary group of trades or businesses under common control" as defined in paragraph (b) of this section, a "brother-sister group of trades or businesses under common control" as defined in paragraph (c) of this section, or a "combined group of trades or businesses under common control" as defined in paragraph (d) of this section. For purposes of this section and §§ 11.414(c)–3 and 11.414(c)–4, the term "organization" means a sole proprietorship, a partnership (as defined in section 7701(a)(2)), a trust, an estate, or a corporation.

(b) *Parent-subsidiary group of trades or businesses under common control*—(1) *General.* The term "parent-subsidiary group of trades or businesses under common control" means one or more chains of organizations conducting trades or businesses connected through ownership of a controlling interest with a common parent organization if—

(i) A controlling interest in each of the organizations, except the common parent organization, is owned (directly and with the application of § 11.414(c)–4(b)(1), relating to options) by one or more of the other organizations; and

(ii) The common parent organization owns (directly and with the application of § 11.414(c)–4(b)(1), relating to options) a controlling interest in at least one of the other organizations, excluding, in computing such controlling interest, any direct ownership interest by such other organizations.

(2) *Controlling interest defined*—(i) *Controlling interest.* For purposes of paragraphs (b) and (c) of this section, the phrase "controlling interest" means:

(A) In the case of an organization which is a corporation, ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote of such corporation or at least 80 percent of the total value of shares of all classes of stock of such corporation;

(B) In the case of an organization which is a trust or estate, ownership of an actuarial interest of at least 80 percent of such trust or estate;

(C) In the case of an organization which is a partnership, ownership of at least 80 percent of the profits interest or capital interest of such partnership; and

(D) In the case of an organization which is a sole proprietorship, ownership of such sole proprietorship.

(ii) *Actuarial interest.* For purposes of this section, the actuarial interest of each beneficiary of a trust or estate shall be determined by assuming the maximum exercise of discretion by the fiduciary in favor of such beneficiary. The factors and method prescribed in § 20.2031–10 of this chapter (Estate Tax Regulations) for use in ascertaining the value of an interest in property for estate tax purposes shall be used for purposes of this subdivision in determining a beneficiary's actuarial interest.

(c) *Brother-sister group of trade or businesses under common control*—(1) *General.* The term "brother-sister group of trades or businesses under common control" means two or more organizations conducting trades or businesses if (i) the same five or fewer persons who are individuals, estates, or trusts own (directly and with the application of § 11.414(c)–(4), singly or in combination, a controlling interest of each organization, and (ii) taking into account the ownership of each such person only to the extent such ownership is identical with respect to each such organization, such persons are in effective control of each organization.

(2) *Effective control defined.* For purposes of this paragraph, persons are in "effective control" of an organization if—

(i) In the case of an organization which is a corporation, such persons own stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote of such corporation or more than 50 percent of the total value of shares of all classes of stock of such corporation;

(ii) In the case of an organization which is a trust or estate, such persons own an aggregate acturial interest of more than 50 percent of such trust or estate;

(iii) In the case of an organization which is a partnership, such persons own an aggregate of more than 50 percent of the profits interest or capital interest of such partnership; and

(iv) In the case of an organization which is a sole proprietorship, such persons own such sole proprietorship.

(d) *Combined group of trades or businesses under common control.* The term "combined group of trades or businesses under common control" means any group of three or more organizations, if (1) each such organization is a member of either a parent-subsidiary group of trades or businesses under common control or a brother-sister group of trades of businesses under common control, and (2) at least one such organization is the common parent organization of a parent-subsidiary group of trades or businesses under common control and is also a member of a brother-sister group of trades or businesses under common control.

(e) *Examples.* The definitions of parent-subsidiary group of trades or businesses under common control, brother-sister group of trades or businesses under common control, and combined group of trades or businesses under common control may be illustrated by the following examples.

Example (1). (a) The ABC Partnership owns stock possessing 80 percent of the total combined voting power of all classes of stock entitled to vote of S Corporation. ABC is the common parent of a parent-subsidiary group of trades or businesses under common control consisting of the ABC Partnership and S Corporation.

(b) Assume the same facts as in (a) and assume further that S owns 80 percent of the profits interest in the DEF Partnership. The ABC Partnership is the common parent of a parent-subsidiary group of trades or businesses under common control consisting of the ABC Partnership, S Corporation, and the DEF Partnership. The result would be the same if the ABC Partnership, rather than S, owned 80 percent of the profits interest in the DEF Partnership.

Example (2). L Corporation owns 80 percent of the only class of stock of T Corporation, and T, in turn owns 40 percent of the capital interest in the GHI Partnership. L also owns 80 percent of the only class of stock of N Corporation, and N, in turn, owns 40 percent of the capital interest in the GHI Partnership. L is the common parent of a parent-subsidiary group of trades or businesses under common control consisting of L Corporation, T Corporation, N Corporation, and the GHI Partnership.

Example (3). ABC Partnership owns 75 percent of the only class of stock of X and Y Corporations; X owns all the remaining stock of Y, and Y owns all the remaining stock of X. Since interorganization ownership is excluded (that is, treated as not outstanding) for purposes of determining whether ABC owns a controlling interest of at least one of the other organizations, ABC is treated as the owner of stock possessing 100 percent of the voting power and value of X and of Y for purposes of paragraph (b)(1)(ii) of this section. Therefore, ABC is the common parent of a parent-subsidiary group of trades or businesses under common control consisting of the ABC Partnership, X Corporation, and Y Corporation.

Example (4). Unrelated individuals A, B, C, D, E, and F own an interest in sole proprietorship A, a capital interest in the GHI Partnership, and stock of corporations W, X, Y, and Z (each of which has only one class of stock outstanding) in the following proportions:

[In percent]

Individuals	Organizations						Identical ownership
	A	GHI	W	X	Y	Z	
A	100	60	60	60	60	60	60
B		40					
C			40				
D				40			
E					40		
F						40	
Total	100	100	100	100	100	100	60

Under these facts the following brother-sister groups of trades or businesses under common control exist: A, GHI, W, X, and Y; A, GHI, W, X, and Z; A, GHI, W, Y, and Z; A, W, X, Y, and Z; and A, GHI, X, Y, and Z.

Example (5). The outstanding stock of corporations U and V, which have only one class of stock oustanding, is owned by unrelated individuals as follows:

[In percent]

Individuals	Organizations		Identical ownership
	U	V	
F	5		
G	10		
H	10		
I	20		
J	55	55	55
K		10	
L		10	
M		10	
N		10	
O		5	
Total	100	100	55

Corporations U and V are not members of a brother-sister group of trades or business under common control because at least 80 percent of the stock of each corporation is not owned by the same five or fewer persons.

Example (6). A, an individual, owns a controlling interest in ABC Partnership and DEF Partnership. ABC, in turn, owns a controlling interest in X Corporation. Since ABC, DEF, and X are each members of either a parent-subsidiary group or a brother-sister group of trades or businesses under common control, and ABC is the common parent of a parent-subsidiary group of trades or businesses under common control consisting of ABC and X, and also a member of a brother-sister group of trades or businesses under common control consisting of ABC and DEF, ABC Partnership, DEF Partnership, and X Corporation are members of the same combined group of trades or businesses under common control.

§ 11.414(c)–3 Exclusion of certain interests or stock in determining control.

(a) *In general.* For purposes of § 11.414(c)–2(b)(2)(i) and (c)(2), the term "interest" and the term "stock" do not include an interest which is treated as not outstanding under paragraph (b) of this section in the case of a parent-subsidiary group of trades or businesses under common control or under paragraph (c) of this section in the case of a brother-sister group of trades or businesses under common control. In addition, the term "stock" does not include treasury stock or nonvoting stock which is limited and preferred as to dividends. For definitions of certain terms used in this section, see paragraph (d) of this section.

(b) *Parent-subsidiary group of trades or businesses under common control*—(1) *In general.* If an organization (hereinafter in this section referred to as "parent organization") owns (within the meaning of paragraph (b)(2) of this section)—

(i) In the case of a corporation, 50 percent or more of the total combined voting power of all classes of stock entitled to vote or of the total value of shares of all classes of stock of such corporation.

(ii) In the case of a trust or an estate, an actuarial interest (within the meaning of § 11.414(c)–2(b)(2)(ii)) of 50 percent or more of such trust or estate, and

(iii) In the case of a partnership, 50 percent or more of the profits or capital interest of such partnership.

then for purposes of determining whether the parent organization or such other organization (hereinafter in this section referred to as "subsidiary organization") is a member of a parent-subsidiary group of trades or businesses under common control, an interest in such subsidiary organization excluded under paragraph (b)(3), (4), (5), or (6) of this section shall be treated as not outstanding.

(2) *Ownership.* For purposes of paragraph (b)(1) of this section, a parent organization shall be considered to own an interest in or stock of another organization which it owns directly or indirectly with the application of paragrpah (b)(1) of § 11.414(c)–4 and—

(i) In the case of a parent organization which is a partnership, a trust, or an estate, with the application of paragraph (b)(2), (3), and (4) of § 11.414(c)–4, and

(ii) In the case of a parent organization which is a corporation, with the application of paragraph (b)(4) of § 11.414(c)–4.

(3) *Plan of deferred compensation.* An interest which is an interest in or stock of the subsidiary organization held by a trust which is part of a plan of deferred compensation (within the meaning of section 406(a)(3) and the regulations thereunder) for the benefit of the employees of the parent organization or the subsidiary organization shall be excluded.

(4) *Principal owners, officers, etc.* An interest which is an interest in or stock of the subsidiary organization owned (directly and with the application of § 11.414(c)–4) by an individual who is a principal owner, officer, partner, or fiduciary of the parent organization shall be excluded.

(5) *Employees.* An interest which is an interest in or stock of the subsidiary organization owned (directly and with the application of § 11.414(c)–4) by an employee of the subsidiary organization shall be excluded if such interest or such stock is subject to conditions which substantially restrict or limit the employee's right (or if the employee constructively owns such interest or stock, the direct or record owner's right) to dispose of such interest or such stock and which run in favor of the parent or subsidiary organization.

(6) *Controlled exempt organization.* An interest which is an interest in or stock of the subsidiary organization shall be excluded if owned (directly and with the application of § 11.414(c)–4) by an organization (other than the parent organization):

(i) To which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies, and

(ii) Which is controlled directly or indirectly (within the meaning of paragraph (d)(7) of this section) by the parent organization or subsidiary organization, by an individual, estate, or trust that is a principal owner of the parent organization, by an officer, partner, or fiduciary of the parent organization, or by any combination thereof.

(c) *Brother-sister group of trades or businesses under common control*—(1) *In general.* If five or fewer persons (hereinafter in this section referred to as "common owners") who are individuals, estates, or trusts, own (directly and with the application of § 11.414(c)–4)—

(i) In the case of a corporation, 50 percent or more of the total combined voting power of all classes of stock entitled to vote or of the total value of shares of all classes of stock of such corporation,

(ii) In the case of a trust or an estate, an actuarial interest (within the meaning of § 11.414(c)–2(b)(2)(ii)) of 50 percent or more of such trust or estate, and

(iii) In the case of a partnership, 50 percent or more of the profits or capital interest of such partnership,

then for purposes of determining whether such organization is a member of a brother-sister group of trades or businesses under common control, an interest in such organization excluded under paragraph (c)(2), (3), or (4) of this section shall be treated as not outstanding.

(2) *Exempt employee's trust.* An interest which is an interest in or stock of such organization held by an employee's trust described in section 401(a) which is exempt from tax under section 501(a) shall be excluded if such trust is for the benefit of the employees of such organization.

(3) *Employees.* An interest which is an interest in or stock of such organization owned (directly and with the application of § 11.414(c)–4) by an employee of such organization shall be excluded if such interest or stock is subject to conditions which run in favor of a common owner of such organization or in favor of such organization and which substantially restrict or limit the employee's right (or if the employee constructively owns such interest or stock, the direct or record owner's right) to dispose of such interest or stock.

(4) *Controlled exempt organization.* An interest which is an interest in or stock of such organization shall be excluded if owned (directly and with the application of § 11.414(c)–4) by an organization:

(i) To which section 501(c)(3) (relating to certain educational and charitable organizations which are exempt from tax) applies, and

(ii) Which is controlled directly or indirectly (within the meaning of paragraph (d)(7) of this section) by such organization, by an individual, estate, or trust that is a principal owner of such organization, by an officer, partner, or fiduciary of such organization, or by any combination thereof.

(d) *Definitions*—(1) *Employee.* For purposes of this section, the term "employee" has the same meaning such term is given in section 3306(i) of the Code (relating to definitions for purposes of the Federal Unemployment Tax Act).

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(2) *Principal owner.* For purposes of this section, the term "principal owner" means a person who owns (directly and with the application of § 11.414(c)–4)—

(i) In the case of a corporation, 5 percent or more of the total combined voting power of all classes of stock entitled to vote in such corporation or of the total value of shares of all classes of stock of such corporation;

(ii) In the case of a trust or estate, an actuarial interest of 5 percent or more of such trust or estate; or

(iii) In the case of a partnership, 5 percent or more of the profits interest or capital interest of such partnership.

(3) *Officer.* For purposes of this section, the term "officer" includes the president, vice-presidents, general manager, treasurer, secretary, and comptroller of a corporation, and any other person who performs duties corresponding to those normally performed by persons occupying such positions.

(4) *Partner.* For purposes of this section, the term "partner" means any person defined in section 7701(a)(2) (relating to definition of partner).

(5) *Fiduciary.* For purposes of this section and § 11.414(c)–4, the term "fiduciary" has the same meaning as such term is given in section 7701(a)(6) and the regulations thereunder.

(6) *Substantial conditions.* (i) *In general.* For purposes of this section, an interest in or stock of an organization is subject to conditions which substantially restrict or limit the right to dispose of such interest or stock and which run in favor of another person if the condition extends directly or indirectly to such person rights with respect to the acquisition of the direct owner's (or the record owner's) interest or stock. For a condition to be in favor of another person it is not necessary that such person be extended a discriminatory concession with respect to price. A right of first refusal with respect to an interest or stock in favor of another person is a condition which substantially restricts or limits the direct or record owner's right of disposition which runs in favor of such person. Further, any legally enforceable condition which prohibits the direct or record owner from disposing of his or her interest or stock without the consent of another person will be considered to be a substantial limitation running in favor of such person.

(ii) *Special rule.* For purposes of paragraph (c)(3) of this section only, if a condition which restricts or limits an employee's right (or direct or record owner's right) to dispose of his or her interest or stock also applies to the interest or stock in such organization held by a common owner pursuant to a bona fide reciprocal purchase arrangement, such condition shall not be treated as a substantial limitation or restriction. An example of a reciprocal purchase arrangement is an agreement whereby a common owner and the employee are given a right of first refusal with respect to stock of the employer corporation owned by the other party. If, however, the agreement also provides that the common owner has the right to purchase the stock of the employer corporation owned by the employee in the event the corporation should discharge the employee for reasonable cause, the purchase rrangement would not be reciprocal within the meaning of this subdivision.

(7) *Control.* For purposes of paragraphs (b)(6) and (c)(4) of this section, the term "control" means control in fact. The determination of whether there exists control in fact will depend upon all of the facts and circumstances of each case, without regard to whether such control is legally enforceable and irrespective of the method by which such control is exercised or exercisable.

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). ABC Partnership owns 70 percent of the capital interest and of the profits interest in the DEF Partnership. The remaining capital interest and profits interest in DEF is owned as follows: 4 percent by A (a general partner in ABC), and 26 percent by D (a limited partner in ABC). ABC satisfies the 50-percent capital interest or profits interest ownership requirement of paragraph (b)(1)(iii) of this section with respect to DEF. Since A and D are partners of ABC, under paragraph (b)(4) of this section the capital and profits interests in DEF owned by A and D are treated as not outstanding for purposes of determining whether ABC and DEF are members of a parent-subsidiary group of trades or businesses under common control under § 11.414(c)–2(b). Thus, ABC is considered to own 100 percent (70÷70) of the capital interest and profits interest in DEF. Accordingly, ABC and DEF are members of a parent-subsidiary group of trades or businesses under common control.

Example (2). Assume the same facts as in example (1) and assume further that A owns 15 shares of the 100 shares of the only class of stock of S Corporation and DEF Partnership owns 75 shares of such stock. ABC satisfies the 50-percent stock requirement of paragraph (b)(1)(i) of this section with respect to S since ABC is considered as owning 52.5 percent (70 percent × 75 percent) of the S stock with the application of § 11.414(c)–4(b)(2). Since A is a partner of ABC, the S stock owned by A is treated as not outstanding for purposes of determining whether S is a member of a parent-subsidiary group of trades or businesses under common control. Thus, DEF Partnership is considered to own stock possessing 88.2 percent (75÷85) of the voting power and value of the S stock. Accordingly, ABC Partnership, DEF Partnership, and S Corporation are members of a parent-subsidiary group of trades or businesses under common control.

Example (3). ABC Partnership owns 60 percent of the only class of stock of Corporation Y. D, the president of Y, owns the remaining 40 percent of the stock of Y. D has agreed that if she offers her stock in Y for sale she will first offer the stock to ABC at a price equal to the fair market value of the stock on the first date the stock is offered for sale. Since D is an employee of Y within the meaning of section 3306(i) of the Code and her stock in Y is subject to a condition which substantially restricts or limits her right to dispose of such stock and runs in favor of ABC Partnership, under paragraph (b)(5) of this section such stock is treated as not outstanding for purposes of determining whether ABC and Y are members of a parent-subsidiary group of trades or businesses under common control. Thus, ABC Partnership is considered to own stock possessing 100 percent of the voting power and value of the stock of Y. Accordingly, ABC Partnership and Y Corporation are members of a parent-subsidiary group of trades or businesses under common control. The result would be the same if D's husband, instead of D, owned directly the 40 percent stock interest in Y and such stock was subject to a right of first refusal running in favor of ABC Partnership.

§ 11.414(c)–4 Rules for determining ownership.

(a) *In general.* In determining the ownership of an interest in an organization for purposes of § 11.414(c)–2 and § 11.414(c)–3, the constructive ownership rules of paragraph (b) of this section shall apply, subject to the operating rules contained in paragraph (c). For purposes of this section the term "interest" means: in the case of a corporation, stock; in the case of a trust or estate, an actuarial interest; in the case of a partnership, an interest in the capital or profits; and in the case of a sole proprietorship, the proprietorship.

(b) *Constructive ownership*—(1) *Options.* If a person has an option to acquire any outstanding interest in an organization, such interest shall be considered as owned by such person. For this purpose, an option to acquire an option, and each one of a series of such options, shall be considered as an option to acquire such interest.

(2) *Attribution from partnerships*—(i) *General.* An interest owned, directly or indirectly, by or for a partnership shall be considered as owned by any partner having an interest of 5 percent or more in either the profits or capital of the partnership in proportion to such partner's interest in the profits or capital, whichever such proportion is greater.

(ii) *Example.* The provisions of paragraph (b)(2)(i) of this section may be illustrated by the following example:

Example. A, B, and C, unrelated individuals, are partners in the ABC Partnership. The partners' interests in the capital and profits of ABC are as follows:

[In percent]

Partner	Capital	Profits
A	36	25
B	60	71
C	4	4

The ABC Partnership owns the entire outstanding stock (100 shares) of X Corporation. Under paragraph (b)(2)(i) of this section, A is considered to own the stock of X owned by the partnership in proportion to his interest in capital (36 percent) or profits (25 percent), whichever such proportion is greater. Therefore, A is considered to own 36 shares of X stock. Since B has a greater interest in the profits of the partnership than in the capital, B is considered to own X stock in proportion to his interest in such profits. Therefore, B is considered to own 71 shares of X stock. Since C does not have an interest of 5 percent or more in either the capital or profits of ABC, he is not considered to own any shares of X stock.

(3) *Attribution from estates and trusts*—(i) *In general.* An interest in an organization (hereinafter called an "organization interest") owned, directly or indirectly, by or for an estate or trust shall be considered as owned by any beneficiary of such estate or trust who has an actuarial interest of 5 percent or more in such organization interest, to the extent of such actuarial interest. For purposes of this subparagraph, the actuarial interest of each beneficiary shall be determined by assuming the maximum exercise of discretion by the fiduciary in favor of such beneficiary and the maximum use of the organization interest to satisfy the beneficiary's rights. A beneficiary of an estate or trust who cannot under any circumstances receive any part of an organization interest held by the estate or trust, including the proceeds from the disposition thereof, or the income therefrom, does not have an actuarial interest in such organization interest. Thus, where stock owned by a decedent's estate has been specifically bequeathed to certain beneficiaries and the remainder of the estate has been specifically bequeathed to other beneficiaries, the stock is attributable only to the beneficiaries to whom it is specifically bequeathed. Similarly, a remainderman of a trust who cannot under any circumstances receive any interest in the stock of a corporation which is a part of the corpus of the trust (including any accumulated income therefrom or the proceeds from a disposition thereof) does not have an actuarial interest in such stock. However, an income beneficiary of a trust does have an actuarial interest in stock if he has any right to the income from such stock even though under the terms of the trust instrument such stock can never be distributed to him. The factors and methods prescribed in § 20.2031–10 of this chapter (Estate Tax Regulations) for use in ascertaining the value of an interest in property for estate tax purposes shall be used for purposes of this subdivision in determining a beneficiary's actuarial interest in an organization interest owned directly or indirectly by or for an estate or trust.

(ii) *Special rules for estates.* (A) For purposes of paragraph (b)(3) with respect to an estate, property of a decedent shall be considered as owned by his or her estate if such property is subject to administration by the executor or administrator for the purposes of paying claims against the estate and expenses of administration notwithstanding that, under local law, legal title to such property vests in the decedent's heirs, legatees, or devisees immediately upon death.

(B) For purposes of paragraph (b)(3) with respect to an estate, the term "beneficiary" includes any person entitled to receive property of a decedent pursuant to a will or pursuant to laws of descent and distribution.

(C) For purposes of paragraph (b)(3) with respect to an estate, a person shall no longer be considered a beneficiary of an estate when all the property to which he or she is entitled has been received by him or her, when he or she no longer has a claim against the estate arising out of having been a beneficiary, and when there is only a remote possibility that it will be necessary for the estate to seek the return of property from him or her or to seek payment from him or her by contribution or otherwise to satisfy claims against the estate or expenses of administration.

(iii) *Grantor trusts, etc.* An interest owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E, part I, subchapter J of the Code (relating to grantors and others treated as substantial owners) is considered as owned by such person.

(4) *Attribution from corporations*—(i) *General.* An interest owned, directly or indirectly, by or for a corporation shall be considered as owned by any person who owns (directly and, in the case of a parent-subsidiary group of trades or businesses under common control, with the application of paragraph (b)(1) of this section, or in the case of a brother-sister group of trades or businesses under common control, with the application of this section) 5 percent or more in value of its stock in that proportion which the value of the stock which such person so owns bears to the total value of all the stock in such corporation.

(ii) *Example.* The provisions of paragraph (b)(4)(i) of this section may be illustrated by the following example:

Example. B, an individual, owns 60 of the 100 shares of the only class of outstanding stock of corporation P. C, an individual, owns 4 shares of the P stock, and corporation X owns 36 shares of the P stock. Corporation P owns, directly and indirectly, 50 shares of the stock of S. Under this subparagraph, B is considered to own 30 shares of the S stock (60/100×50), and X is considered to own 18 shares of S stock (36/100×50). Since C does not own 5 percent or more in the value of P stock, he is not considered as owning any of the S stock owned by P. If in this example, C's wife had owned directly 1 share of the P stock, C and his wife would each own 5 shares of the P stock, and therefore C and his wife would be considered as owning 2.5 shares of the S stock (5/100×50).

(5) *Spouse*—(i) *General rule.* Except as provided in paragraph (b)(5)(ii) of this section, an individual shall be considered to own an interest owned, directly or indirectly, by or for his or her spouse, other than a spouse who is legally separated from the individual under a decree of divorce, whether interlocutory or final, or a decree of separate maintenance.

(ii) *Exception.* An individual shall not be considered to own an interest in an organization owned, directly or indirectly, by or for his or her spouse on any day of a taxable year of such organization, provided that each of the following conditions are satisfied with respect to such taxable year:

(A) Such individual does not, at any time during such taxable year, own directly any interest in such organization;

(B) Such individual is not a member of the board of directors, a fiduciary, or an employee of such organization and does not participate in the management of such organization at any time during such taxable year;

(C) Not more than 50 percent of such organization's gross income for such taxable year was derived from royalties, rents, dividends, interest, and annuities; and

(D) Such interest in such organization is not, at any time during such taxable year, subject to conditions which substantially restrict or limit the spouse's right to dispose of such interest and which run in favor of the individual or the individual's children who have not attained the age of 21 years. The principles of § 11.414(c)–3(d)(6)(i) shall apply in determining whether a condition is a condition described in the preceding sentence.

(iii) *Definitions.* For purposes of paragraph (b)(5)(ii)(C) of this section, the gross income of an organization shall be determined under section 61 and the regulations thereunder. The terms "interest", "royalties", "rents", "dividends", and "annuities" shall have the same meaning such terms are given for purposes of section 1244(c) and § 1.1244(c)–1(g)(1).

(6) *Children, grandchildren, parents, and grandparents*—(i) *Children and parents.* An individual shall be considered to own an interest owned, directly or indirectly, by or for the individual's children who have not attained the age of 21 years, and if the individual has not attained the age of 21 years, an interest owned, directly or indirectly, by or for the individual's parents.

(ii) *Children, grandchildren, parents, and grandparents.* If an individual is in effective control (within the meaning of § 11.414(c)–2(c)(2)), directly and with the application of the rules of this paragraph without regard to this subdivision, of an organization, then such individual shall be considered to own an interest in such organization owned, directly or indirectly, by or for the individual's parents, grandparents, grandchildren, and children, who have attained the age of 21 years.

(iii) *Adopted children.* For purposes of this section, a legally adopted child of an individual shall be treated as a child of such individual.

(iv) *Example.* The provisions of this subparagraph (6) may be illustrated by the following example:

Example—(A) *Facts.* Individual F owns directly 40 percent of the profits interest of the DEF Partnership. His son, M, 20 years of age, owns directly 30 percent of the profits interest of DEF, and his son, A, 30 years of age, owns directly 20 percent of the profits interest of DEF. The 10 percent remaining of the profits interest and 100 percent of the capital interest of DEF is owned by an unrelated person.

(B) *F's ownership.* F owns 40 percent of the profits interest in DEF directly and is considered to own the 30 percent profits interest owned directly by M. Since, for purposes of the effective control test contained in paragraph (b)(6)(ii) of this section, F is treated as owning 70 percent of the profits interest of DEF, F is also considered as owning the 20 percent profits interest of DEF owned by his adult son, A. Accordingly, F is considered as owning a total of 90 percent of the profits interest in DEF.

(C) *M's ownership.* Minor son, M, owns 30 percent of the profits interest in DEF directly, and is considered to own the

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40 percent profits interest owned directly by his father, F. However, M is not considered to own the 20 percent profits interest of DEF owned directly by his brother, A, and constructively by F, because an interest constructively owned by F by reason of family attribution is not considered as owned by him for purposes of making another member of his family the constructive owner of such interest. (See paragraph (c)(2) of this section.) Accordingly, M owns and is considered as owning a total of 70 percent of the profits interest of the DEF Partnership.

(D) *A's ownership.* Adult son, A, owns 20 percent of the profits interest in DEF directly. Since, for purposes of determining whether A effectively controls DEF under paragraph (b)(6)(ii) of this section, A is treated as owning only the percentage of profits interest he owns directly, he does not satisfy the condition precedent for the attribution of the DEF profits interest from his father. Accordingly, A is treated as owning only the 20 percent profits interest in DEF which he owns directly.

(c) *Operating rules*—(1) *In general.* Except as provided in paragraph (c)(2) of this section, an interest constructively owned by a person by reason of the application of paragraph (b)(1), (2), (3), (4), (5), or (6) of this section shall, for the purposes of applying such paragraph, be treated as actually owned by such person:

(2) *Members of family.* An interest constructively owned by an individual by reason of the application of paragraph (b)(5) or (6) of this section shall not be treated as owned by such individual for purposes of again applying such subparagraphs in order to make another the constructive owner of such interest.

(3) *Precedence of option attribution.* For purposes of this section, if an interest may be considered an owned under paragraph (b)(1) of this section (relating to option attribution) and under any other subparagraph of paragraph (b) of this section, such interest shall be considered as owned by such person under paragraph (b)(1) of this section.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, 30 years of age, has a 90 percent interest in the capital and profits of DEF Partnership. DEF owns all the outstanding stock of corporation X and X owns 60 shares of the 100 outstanding shares of corporation Y. Under paragraph (c)(1) of this section, the 60 shares of Y constructively owned by DEF by reason of paragraph (b)(4) of this section are treated as actually owned by DEF for purposes of applying paragraph (b)(2) of this section. Therefore, A is considered as owning 54 shares of the Y stock (90 percent of 60 shares).

Example (2). Assume the same facts as in example (1). Assume further that B, who is 20 years of age and the brother of A, directly owns 40 shares of Y stock. Although the stock of Y owned by B is considered as owned by C (the father of A and B) under paragraph (b)(6)(i) of this section, under paragraph (c)(2) of this section such stock may not be treated as owned by C for purposes of applying paragraph (b)(6)(ii) of this section in order to make A the constructive owner of such stock.

Example (3). Assume the same facts assumed for purposes of example (2), and further assume that C has an option to acquire the 40 shares of Y stock owned by his son, B. The rule contained in paragraph (c)(2) of this section does not prevent the reattribution of such 40 shares to A because, under paragraph (c)(3) of this section, C is considered as owning the 40 shares by reason of option attribution and not by reason of family attribution. Therefore, since A is in effective control of Y under paragraph (b)(6)(ii) of this section, the 40 shares of Y stock constructively owned by C are reattributed to A. A is considered as owning a total of 94 shares of Y stock.

§ 11.414(c)–5 Effective date.

(a) *General rule.* Except as provided in paragraph (b) or (c) of this section, the provisions of §§ 11.414(c)–1 through 11.414(c)–4 shall apply for plan years beginning after September 2, 1974.

(b) *Existing plans.* In the case of a plan in existence on January 1, 1974, unless paragraph (c) of this section applies, the provisions of §§ 11.414(c)–1 through 11.414(c)–4 shall apply for plan years beginning after December 31, 1975. For definition of the term "existing plan", see § 11.410(a)–2(c).

(c) *Existing plans electing new provisions.* In the case of a plan in existence on January 1, 1974, for which the plan administrator elects pursuant to § 11.410(a)–2(d), the provisions of §§ 11.414(c)–1 through 11.414(c)–4 shall apply to plan years as provided in § 11.410(a)–2(d).

(d) *Application.* For purposes of the Employee Retirement Income Security Act of 1974, the provisions of §§ 11.414(c)–1 through 11.414(c)–4 do not apply for any period of time before the plan years described in paragraph (a), (b), or (c) of this section, whichever is applicable.

Because of the need for immediate guidance with respect to determining whether the employees of a group of trades or businesses under common control shall be treated as employed by a single employer, it is found to be impractical to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(This Treasury decision is issued under the authority contained in sections 414(c) (88 Stat. 925; 26 U.S.C. 414(c)) and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: October 29, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc. 75-29667 Filed 10-31-75;11:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-83]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Inboard Safe Loading Standard

Correction

In FR Doc. 75-21160, appearing at page 33973, in the issue for Wednesday, August 13, 1975, the formula shown in § 183.33(a) for maximum weight capacity for inboard and inboard-outdrive boats should read as follows:

$$W = \frac{\text{(maximum displacement)}}{5} - \frac{\text{boat weight}}{5} - \frac{4(\text{machinery weight})}{5}$$

or

$$W = \frac{\text{(maximum displacement—boat weight)}}{7}$$

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 72-19; General Order 13]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Enlargement of Time; Effective Date

Upon petition of interested parties and good cause appearing, it is ordered that time for filing petition for reconsideration of final rules in this proceeding (40 FR 47770; October 10, 1975) is hereby enlarged to and including December 1, 1975.

§ 536.16 [Amended]

Corresponding with this enlargement of time, it is also determined that the effective date of the rules should be correspondingly postponed. Accordingly, it is ordered that the "December 1, 1975" effective date incorporated in the first sentence of § 536.16 of Part 536, 46 CFR, is amended to read "January 2, 1976.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-29725 Filed 11-4-75;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

In the matter of editorial amendment of Parts 0 and 1 Rules and Regulations.

1. Section 0.401(e) should be amended to reflect the new mailing address of the International Telecommunications Section of the Finance Branch.

2. Section 1.261 should be amended to make it clear that corrections to the transcript of a hearing may be filed at any time during the proceeding until 10 days after notice is given of the certification of the transcript.

3. Section 1.721 should be amended to provide for notation of the File Number on the form for formal complaints against common carriers.

4. Section 1.764 should be amended to provide for service of certain papers on the Secretary of Defense and the Secretary of State (if communication to foreign points is involved) rather than on the Secretary of the Army and the Secretary of the Navy. This change was effected by Public Law 93-506, November 30, 1974, 88 Stat. 1577.

5. The amendments are editorial, informational and procedural in nature. The prior notice and effective date requirements of 5 U.S.C. 553 are therefore inapplicable.

6. The amendments are set out in the attached Appendix. Authority for their adoption is contained in Sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), and 303(r), and in Section 0.231(d) of the Rules and Regulations, 47 CFR 0.231(d).

7. Accordingly, it is ordered, effective November 12, 1975, that the Rules and Regulations are amended as set forth below.

Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.

Adopted: October 29, 1975.

Released: October 30, 1975.

[SEAL] R. D. LICHTWARDT,
Executive Director.

A. In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.401(e) is revised to read as follows:

§ 0.401 Location of Commission offices.

* * * * *

(e) The Commission also maintains offices at Gettysburg, Pennsylvania.

(1) The mailing address of the Gettysburg section of the Data Processing Center, and the Gettysburg Processing Section of the Amateur and Citizens Facilities Branch is:

Federal Communications Commission, 334 York Street, Gettysburg, Pa. 17325.

(2) The mailing address of the International Telecommunications Section of the Finance Branch is:

Federal Communications Commission, P.O. Box IT-70, Gettysburg, Pa. 17325

* * * * *

B. Part I of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 1.261 is revised to read as follows:

§ 1.261 Corrections to transcript.

At any time during the course of the proceeding, or as directed by the presiding officer, but not later than 10 days after the date of notice of certification of the transcript, any party to the proceeding may file with the presiding officer a motion requesting the correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties to the proceeding. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the presiding officer shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties and made a part of the record. The presiding officer, on his own initiative, may specify corrections to be made in the transcript on 5 days' notice.

2. In § 1.721(b), the beginning portion of the complaint form is revised to read as follows:

§ 1.721 Form.

* * * * *

(b) * * *

COMPLAINT

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C.

File No. (To be inserted by the Common Carrier Bureau).

Docket No. (To be inserted by the Secretary of the Commission).

3. Section 1.764(b) is revised to read as follows:

§ 1.764 Discontinuance, reduction, or impairment of service.

* * * * *

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points), and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of all formal applications under this section requesting authorizations (including certificates) are filed with the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points) and the Governor of each State involved. Copies of all applications under this section requesting authorizations (including certificates) are filed with the regulatory agencies of the States involved.

[FR Doc.75-29702 Filed 11-4-75;8:45 am]

[Docket No. 20436; RM-2399]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Lompoc, California).

1. The Commission has before it the *Notice of Proposed Rule Making*, adopted April 15, 1975, 40 FR 18466, inviting comments on a proposal to assign Channel 265A to Lompoc, California, as a second FM assignment. The only commenting party is the petitioner, Straw Broadcasting Co.[1]

2. Lompoc, California (pop. 25,284)[2] is located in Santa Barbara County (pop. 264,324), approximately 120 miles northwest of Los Angeles. It presently receives local service from 3 AM stations, KLOM (Class III, daytime-only); KNEZ (Class III, unlimited-time); and KKOK (Class III, daytime-only), licensed to petitioner; and from 1 FM station, KLOM-FM, Channel 224A. The assignment of Channel 265A to Lompoc will not affect any existing FM assignments.

3. The petitioner failed to file timely comments in response to our *Notice*. Petitioner filed a subsequent "Motion for Leave to File Comments". It asserts therein that it was unable to complete engineering work before the cut-off date, and notes that no other comments were submitted in this proceeding and that the public interest would not be served by the Commission's failure to consider its comments. These late-filed comments include only a statement that petitioner "incorporates by reference and relies upon its Petition and Supplement in support of the *Notice of Proposed Rule Making*" and an attached affidavit signed by the President of Straw Broadcasting Company that he intends to apply for the FM channel if it is assigned to Lompoc and, if authorized, will build a station promptly. While we must adhere to our cut-off procedures in rule making proceedings in order to avoid endless pleadings and comments, deviations have been warranted in the overriding responsibility of serving the public interest. Since a showing of need for a second FM channel assignment at Lompoc was made in the original petition, since the petitioner has expressed its continuing interest in the use of the channel if it is assigned, since no party is prejudiced thereby, we believe that grant of the motion for leave to file late comments is warranted under the circumstances of this case.

4. As stated in the *Notice*, significant preclusion will occur on Channel 265A covering a relatively large area to the north of Lompoc, and on Channel 267 in a limited area to the north and south of Lompoc. We note that the affected cities

[1] Petitioner's comments were filed on July 17, 1975, after the cut-off date of June 16, 1975.

[2] All population data are taken from the 1970 U.S. Census.

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on Channel 265A, Santa Maria and San Luis Obispo, have adequate local aural service. In addition, none of the precluded communities on either channel have expressed an interest in the use of either channel. In view of this and in view of the shown need and interest mentioned in the previous paragraph, we find it in the public interest to assign Channel 265A to Lompoc.

5. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules.

6. Accordingly, *it is ordered*, That effective December 8, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations is amended, insofar as the city listed below is concerned, to read as follows:

City	*Channel No.*
Lompoc, Calif	224A, 265A

7. *It is further ordered*, That petitioner's Motion for Leave to File Comments is granted.

8. *It is further ordered*, That this proceeding is terminated.

Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.

Adopted: October 22, 1975.

Released: October 24, 1975.

FEDERAL COMMUNICATAONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-29703 Filed 11-4-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Corrected Service Order No. 1176-A]

PART 1033—CAR SERVICE

The Kansas City Southern Railway Company Authorized To Operate Over Certain Tracks of St. Louis-San Francisco Railway Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of October, 1975.

Upon further consideration of Corrected Service Order No. 1176 (39 FR 13264, 32138, 33300; 40 FR 8823 and 38162) and good cause appearing therefor:

It is ordered, That:

§ 1033.1176 *The Kansas City Southern Railway Company authorized to operate over certain tracks of St. Louis-San Francisco Railway Company* be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10-17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That this order shall become effective at 11:59 p.m., October 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29773 Filed 11-4-75;8:45 am]

[No. MC-C-3437 (Sub-No. 6)]

PART 1047—EXEMPTIONS

Philadelphia International Airport; Exempt Zone

At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 24th of October, 1975.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Joint petition of Air Freight Motor Carrier Conference, Air Delivery Service, Air Line Freight, Inc., Central Penn Air Service, Inc., Fogg's Daily Service, Harbourt Air Freight Service, Inc., and Moore's Hauling, intervenors in support of petitioner, filed September 3, 1975, for reconsideration;

(2) Petition of Scari's Delivery Service, Inc., petitioner, filed September 3, 1975, for reconsideration;

(3) Reply by Air Cargo, Inc., intervenor in opposition, filed September 22, 1975, to the petitions in (1) and (2) above;

(4) Reply by Pinto Trucking Service, Inc., intervenor in opposition, filed September 26, 1975, to the petitions in (1) and (2) above;

and good cause appearing therefor:

It is ordered, That the petitions be, and they are hereby, denied, for the reason that the findings of Division 1, in its report and order (reported at 123 M.C.C. 228), are in accordance with the evidence and the applicable law.

It is further ordered, That the statutory effective and compliance date of the order of July 3, 1975, in these proceedings, as extended and as indefinitely postponed pursuant to Section 17(8) of the Interstate Commerce Act, be, and it is hereby, reinstated and fixed as December 15, 1975.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29774 Filed 11-4-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

[Docket No. FI-532]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Long Branch, New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Long Branch, New Jersey, under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall Annex, 344 Broadway, Long Branch, New Jersey 07740.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Cranberry Brook	Ocean Ave	15	From 175 ft south of Lake Takanassee to 308 ft north of Lake Takanassee.
	South Lake Dr	16	Entire street.
	North Lake Dr	16	Entire street to New York and Long Branch RR.
	New York and Long Branch RR.	17	From 400 ft south of Cranberry Brook to 450 ft north of Cranberry Brook.
	Hoey Ave	21	From 150 ft south of Cranberry Brook to 400 ft north of Cranberry Brook.
	Lake Ave	21	Between the intersection of Hoey Ave. and 125 ft north of Shrewsbury Ave.
	Woodgate Ave	21	From 175 ft south of Cranberry Brook to 100 ft north of Cranberry Brook.
	Van Court Ave	21	From 200 ft south of Cranberry Brook to 350 ft north of Cranberry Brook.
	Elinore Ave	21	Entire Street.
	Red Oaks Dr	21	To 150 ft south of Cranberry Brook.
Atlantic Ocean	Plaza Ct	10	To 125 ft west of Atlantic Ocean.
	Adams St	10	To 90 ft west of Atlantic Ocean.
	Ocean Ave	10	From 250 ft north of corporate limits.
	do	10	From 200 ft north of Chelsea Ave. to Madison Ave.
	do	10	From 425 ft south of Ocean Ter to 100 ft north of Ocean Ter.
	Ocean Ter	10	To 225 ft west of Ocean Ave.
	View Ave	10	To 300 ft west of Ocean Ave.
	Joline Ave	10	To 225 ft west of Atlantic Ocean.
	Neptune Ave	9	To 800 ft south of corporate limits.
Branchport, Manahassett, and Troutmans Creeks.	Columbia Ave	9	Entire Street.
	Church St	9	To 475 ft south of Columbia Ave.
	White St	9	To 250 ft east of West St.
	West St	9	To 100 ft south of White St.
	Jerome Ave	9	To 600 ft west of West St.
	Colina Dr	9	Entire street.
	Beach Ave	9	Do.
	Naderal Ave	9	Do.
	Long Branch Ave	9	To Airsdale Ave.
	Narragansett	9	To 200 ft south of Naderal Ave.
	Biddle Ave	9	Entire street.
	Patten Ave	9	Do.
	Kingsley St	9	To 700 ft east of Patten Ave.
	Florence Ave	9	From MacArthur Ave. to 825 ft northwest of Avenel Blvd.
	Atlantic Ave	9	From Liberty St. to Florence Ave.
	Joline Ave	9	From 100 ft east of Liberty St. to Florence Ave.
	Sea View Ave	9	From 100 ft east of Liberty St. to 200 ft west of Witmer St.
	Long Branch Ave	9	From Samson Pl. to 100 ft north of Cooper Ave.
	Ellis Ave	9	Entire street.
	Pacific Ave	9	To 125 ft northeast of 6th Ave.
	Birth Ave	9	To 400 ft southeast of Pacific Ave.
	Atlantic Ave	9	From 180 ft northeast of 6th Ave. to 325 ft southwest of 6th Ave.
	Atlantic Ave	9	To Edwards Ave.
	Jay St	9	To 100 ft northeast of New York and Long Branch RR.
	Branchpool Ave	9	To 50 ft north of New York and Long Branch RR.
	New York and Long Branch RR.	9	To 450 ft southeast of corporate limits.
	New Jersey Southern RR.	9	To 500 ft east of corporate limits.
	Myrtle Ave	9	To 200 ft south of corporate limits.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: August 20, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-29754 Filed 11-4-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 204—GENERAL ADMINISTRATION—SOCIAL AND REHABILITATION SERVICE GRANT PROGRAMS

Grant Appeals

Notice of proposed regulations relating to appeals on project grants awarded by the Social and Rehabilitation Service was published in the FEDERAL REGISTER on April 14, 1975 (40 FR 16672). No comments were received.

The purpose of the regulations is to establish procedures for the Service to review post-award disputes prior to submission to the Departmental Grant Appeals Board.

The basis of the regulation is the Department's belief that many disputes may be resolved more expeditiously through informal procedures. This belief is reflected in § 16.5(b)(2) of the Charter for the Departmental Grant Appeals Board, which provides that any informal procedures established by a constituent agency must be exhausted prior to Board review.

No comments, suggestions or objections having been received, the regulations, as proposed, are hereby adopted with a minor clarifying change.

Part 204 of Chapter II, Title 45 of the Code of Federal Regulations would be amended by adding a new § 204.4 to read as follows:

§ 204.4 Grant appeals.

(a) *Scope.* This section applies to certain determinations (as set forth in § 16.5(a)(1)-(4) of this title), made after the effective date of this section, with respect to direct, discretionary project grants awarded by the Social and Rehabilitation Service, and such other grants or grant programs as the Administrator, with the approval of the Secretary, may designate. The statutory authority for current grant programs to which this section applies appears in the appendix to this section. This section is also applicable to determinations with respect to grants which were made under authority which has expired or been repealed since the grants were made, even though such authority does not appear in the appendix.

(b) *Submission.* (1) A grantee who has received notification, as described in § 16.5(b) of this title, of a determination described in § 16.5(a)(1)-(4) of this title, may request reconsideration by informing the Grants Appeals Officer as identified in the final adverse determination or otherwise designated by the Administrator, Social and Rehabilitation Service, Washington, D.C. 20201 of the grantee's intent to contest the determination, and may request reconsideration. The grantee's request for reconsideration must be postmarked no later than 30 days after the postmark date of the written notification of such determination, except when:

(i) The Grant Appeals Officer grants an extension of time for good cause; or

(ii) The constituent agency fails to make a written notification under the circumstances described in the last sentence of § 16.5(b) of this title, in which case, subject to paragraph (b)(1)(i) of this section, the grantee's request for reconsideration must be postmarked no later than 90 days after the postmark date of the grantee's request for permission to incur an expenditure.

(2) Although the request need not follow any prescribed form, it shall clearly identify the question or questions in dispute and contain a full statement of the grantee's position with respect to such question or questions, and the pertinent facts and reasons in support of such position. Except in the case of a determination described in the last sentence of § 16.5(b) of this title, the grantee shall attach to his submission a copy of the agency notification described in § 16.5(b)(1) of this title.

(c) *Action by the Service on requests for reconsideration.* (1) Upon receipt of such an application the Grant Appeals Officer will inform the grantee that:

(i) His request is under review, and

(ii) If no decision is received within 90 days (or 45 days in the case of a determination described in the last sentence of § 16.5(b) of this title) of the postmark date of the grantee's request for reconsideration, the determination may be appealed to the Departmental Grant Appeals Board.

(2) The Grant Appeals Officer will reconsider the determination appealed

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from, considering any material submitted by the grantee and any other material necessary.

(3) If the response to the grantee is adverse to the grantee's position, the response will include notification of the grantee's right to appeal to the Departmental Grant Appeals Board.

APPENDIX

This section is issued under sections 1, 5, 6, and 7 of Reorganization Plan No. 1 of 1953, 18 F.R. 2053, 67 stat. 631 and is applicable to programs carried out under the following authorities:

(1) Section 222(a) and (b) of the Social Security Amendments of 1972 (Pub. L. 92-603).

(2) Section 426 of the Social Security Act (42 U.S.C. 262).

(3) Section 707 of the Social Security Act (42 U.S.C. 907).

(4) Section 1110 of the Social Security Act (42 U.S.C. 1310).

(5) Section 1115 of the Social Security Act (42 U.S.C. 1315).

This proposal issued under the authority of sections 1, 5, 6, and 7 of Reorganization Plan No. 1 of 1953, 16 FR 2053, 67 Stat. 631 and the individual authorities cited in the Appendix.

Effective date: The regulations in this section shall be effective December 5, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.768, Community Service Training Grants; No. 13.766, Public Assistance Research.)

Dated: September 19, 1975.

JOHN C. YOUNG,
Acting Administrator, Social and Rehabilitation Service.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-29748 Filed 11-4-75;8:45 am]

PART 225—TRAINING AND USE OF SUBPROFESSIONALS AND VOLUNTEERS

Statutory Provisions

Part 225, Chapter II, Title 45 of the Code of Federal Regulations is amended to implement sections (3)(a)(1) and (3)(b) of Public Law 93-647, the Social Services Amendments of 1974, which deleted from Title IV-A the requirement for training and use of subprofessionals and volunteers, and repealed Title VI, effective October 1, 1975.

The Department finds that there is good cause to dispense with Notice of proposed rulemaking since the amendments impose no new requirements and merely implement specific statutory provisions not subject to change because of public comment.

Accordingly, the introductory text of § 225.2 and § 225.3 are revised to read as set forth below:

§ 225.2 State plan requirements.

The State plan for OAA, AB, APTD, AABD or MA under titles I, X, XIV, XVI or XIX of the Social Security Act or for CWS under title IV (Part B) of the Act must:

* * * * *

§ 225.3 Federal financial participation.

Under the State plan programs under Titles I, IV (Parts A and B), X, XIV, XVI, and XIX of the Act, Federal financial participation in expenditures for the recruitment, selection, training, and employment and other use of subprofessional staff and volunteers is available at the rates and under related conditions established for training, services, and other administrative costs under the respective titles.

Effective date: The regulations in this section shall be effective on October 1, 1975.

(Catalog of Federal Domestic Assistance Program Nos. 13.724, Public Assistance—State and Local Training and 13.754, Public Assistance—Social Services.)

Dated: September 30, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-29747 Filed 11-4-75;8:45 am]

CHAPTER VIII—CIVIL SERVICE COMMISSION

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing", one additional place for filing in Mississippi:

MISSISSIPPI

County; Place for filing; Beginning date.
* * * * *
Tunica; Tunica—Department of Agriculture Building, Agricultural Conservation and Stabilization Service; South Side, Court Square; November 3, 1975.
* * * * *

(Secs. 7 and 9 of the Voting Rights Act of 1965; Public Law 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-29916 Filed 11-4-75;9:43 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

United States Customs Service

[19 CFR Part 113]

CUSTOMS BONDS

Notice of Proposed Amendment to the Customers Regulations Increasing the Minimum Amount of the Proprietor's Warehouse Bond, Customs Form 3581, from $5,000 to $10,000

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and section 555, 623, 624, 46 Stat. 743, as amended, 759, as amended (19 U.S.C. 1555, 1623, 1624), it is proposed to amend section 113.14(a) of the Customs Regulations (19 CFR 113.14(a)) to increase the minimum amount of the Proprietor's Warehouse Bond, Customs Form 3581, from $5,000 to $10,000.

The Proprietor's Warehouse Bond, Customs Form 3581, secures the payment to the Government of the reimbursable costs of warehouse officers, including salary and overtime, as well as the payment of the duties and taxes due on merchandise removed from the warehouse (or warehouses) to which the bond applies. Section 113.14(a) of the Customs Regulations provides that the Proprietor's Warehouse Bond shall be given in the amount of $5,000 on each building or area covered, but not to exceed $50,000 on all buildings or areas, unless the district director believes additional security is necessary. In view of the substantial increases in recent years in both the quantity and value of imported merchandise, a bond in the minimum amount of $5,000 is no longer adequate to secure the payment of the reimbursable costs or revenue due the United States. A minimum bond requirement of $10,000 would provide more adequate protection.

Accordingly, it is proposed to amend paragraph (a) of section 113.14 of the Customs Regulations (19 CFR 113.14(a)) by substituting "$10,000" for "$5,000".

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulation Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received not later than December 5, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8 (b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

Approved: October 29, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-29761 Filed 11-4-75;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

REGULATIONS RELATING TO MINIMUM VESTING STANDARDS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by January 9, 1976. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by January 9, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 411 and 7805 of the Internal Revenue Code of 1954 (88 Stat. 901, 68A Stat. 917; 26 U.S.C. 411 and 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to reflect the enactment of section 411 of the Internal Revenue Code of 1954 by section 1012(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 901) (hereinafter referred to as the "Act").

The proposed regulations contained in this document will also apply for purposes of sections 203 and 204 of such Act (88 Stat. 854, 858).

Section 411 of the Code prescribes minimum vesting standards which are qualification requirements for pension, stock bonus, or profit-sharing plans (and their related trusts) described in section 401(a). These qualification requirements also apply to custodial accounts, annuity plans, and bond purchase plans described in sections 401(f), 404(a)(2), and 405(a), respectively.

Section 411(e) and proposed § 1.411(a)-1(c) provide that section 411 does not apply to governmental plans, certain church plans, plans not providing for employer contributions after September 2, 1974, and certain plans of organizations described in section 501(c)(8) or (9) of the Code.

Proposed § 1.411(a)-2 provides the effective dates for the proposed regulations under section 411. In general, these rules apply to plans in existence on January 1, 1974, for plan years beginning after December 31, 1975, and to other plans for plan years beginning after September 2, 1974.

Section 411(a)(2) and proposed § 1.411(a)-3 sets forth a qualification requirement relating to the required time for vesting in employer-derived accrued benefits. A plan must provide for vesting which satisfies one of three standards.

The first standard requires 100 percent vesting after 10 years of service. The second standard requires 25 percent after five years of service, 5 percent additional vesting for each of the next 5 years, and 10 percent additional vesting for each of the next 5 years, so that an employee is 100 percent vested after 15 years of service. The third standard requires each employee with 5 years or more of service to be 50 percent vested when the sum of his age and service equals 45, with 10 percent additional vesting for each year thereafter. It is contemplated that a plan could satisfy one standard for one

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class of employees and another of the standards for another class of employees.

Proposed § 1.411(a)–4 defines the term "nonforfeitable" for purposes of satisfying the vesting requirements. Specific instances in which rights are not treated as forfeitable are set forth.

Proposed § 1.411(a)–5 sets forth rules for determining an employee's years of service which must be taken into account in applying the vesting standards.

Proposed § 1.411(a)–6 sets forth rules for years of service and breaks in service.

Proposed § 1.411(a)–7 sets forth definitions and special rules for purposes of the proposed vesting regulations. Definitions are set forth for accrued benefit, normal retirement age, and normal retirement benefit. A special rule is given for "cash-outs" of an employee's accrued benefit.

Proposed § 1.411(a)–8 sets forth rules with respect to the change of a plan's vesting schedule. Under these rules, an employee's nonforfeitable percentage after the amendment must not be less than the percentage determined under the pre-amendment schedule. In addition, certain employees are given the option to have their vesting percentage determined under the pre-amendment schedule.

Proposed § 1.411(a)–9 sets forth a special rule with respect to a plan's break in service rules which places certain limitations on plan amendments to its break in service rules for the period between January 1, 1974, and the time section 411 applies to the plan.

Under section 411(b) and § 1.411(b)–1, for plan years beginning after the applicable effective date of section 411, rules are provided for the determination of the accrued benefit to which a participant is entitled under a plan.

Under a defined contribution plan, a participant's accrued benefit is the balance to the credit of the participant's account.

Under a defined benefit plan, a participant's accrued benefit is his accrued benefit determined under the plan. A defined benefit plan is not a qualified plan unless the method provided by the plan for determining accrued benefits satisfies at least one of the alternative methods, *i.e.*, the 3 percent method, the 133⅓ percent rule, and the fractional rule (described in proposed § 1.411(b)–(1)(b)) for determining accrued benefits with respect to all active participants under the plan.

In addition, a defined benefit plan (without regard to any combining of plans of an employer) must provide only one method for the computation of accrued benefits.

Special rules are provided for the first two years of service by a participant, certain insured defined benefit plans, and certain reductions in accrued benefits due to increasing age or service. In addition, a special rule is provided with respect to accruals for service before the effective date of section 411. The special rule relating to accruals for service prior to the effective date of section 411 requires, *inter alia*, the accrual of the excess of the accrued benefit to which a participant would be entitled if the plan satisfied one of the alternative methods for all plan years prior to the effective date of section 411, over the amount required to be accrued under the special rule, as if the plan had been initially adopted on the effective date of section 411.

Proposed § 1.411(c)–1 sets forth rules for allocating accrued benefits between employer and employee contributions.

Proposed § 1.411(d)–2 sets forth rules with respect to termination, partial termination, and complete discontinuance of contributions.

Proposed § 1.411(d)–3 sets forth special rules for prohibited discrimination on early termination, class year plans, and accrued benefit decreases.

Certain regulations prescribed by the Secretary of Labor are applicable for purposes of section 411 and the proposed regulations thereunder.

Conforming amendments to reflect the addition of section 411 to the Code are made to the regulations under sections 404(a), 406, 407, 801 and 805.

Proposed amendments to the regulations. In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect the addition of section 411 to the Internal Revenue Code, such regulations are amended as follows:

Paragraph 1. The following new section is added immediately before § 1.401–1:

§ 1.401–0 Scope and definitions.

(a) *In general.* Sections 1.401 through 1.401–14 (inclusive) reflect the provisions of section 401 prior to amendment by the Employee Retirement Income Security Act of 1974. The sections following § 1.401–14 and preceding § 1.402(a) (hereafter referred to in this section as the "Post-ERISA Regulations") reflect the provisions of section 401 after amendment by such Act.

(b) *Definitions.* For purposes of the Post-ERISA regulations—

(1) *Qualified plan.* The term "qualified plan" means a plan which satisfies the requirements of section 401(a).

(2) *Qualified trust.* The term "qualified trust" means a trust which satisfies the requirements of section 401(a).

Par. 2. The following new section is added immediately after § 1.401(a):

§ 1.401(a)–19 Nonforfeitability in case of certain withdrawals.

(a) *Application of section.* Section 401(a)(19) and this section apply to a plan to which section 411(a) applies. (See section 411(e) and § 1.411(a)–2 for applicability of section 411).

(b) *Prohibited forfeitures*—(1) *General rule.* A plan to which this section applies is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) if, under such plan, any part of a participant's accrued benefit derived from employer contributions is forfeitable solely because a benefit derived from the participant's contributions under the plan is voluntarily withdrawn by him after he has become a 50 percent vested participant.

(2) *50 percent vested participant.* For purposes of subparagraph (1) of this paragraph, a participant is a 50 percent vested participant when he has a nonforfeitable right (within the meaning of section 411 and the regulations thereunder) to at least 50 percent of his accrued benefit derived from employer contributions.

(3) *Certain forfeitures.* Paragraph (b)(1) of this section does not apply in the case of a forfeiture permitted by section 411(a)(3)(D)(iii) and § 1.411(a)–4(b)(5)(i) (relating to forfeitures of certain benefits accrued before September 2, 1974).

Par. 3. Section 1.404(a) is amended by revising paragraphs (1), (2), (3)(A), (6), (7), and (9)(B)(ii) and the historical note to read as follows:

§ 1.404(a) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; general rule.

Sec. 404. *Deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan*—(a) *General rule.*

(1) *Pension trusts*—(A) *In General.* In the taxable year when paid, if the contributions are paid into a pension trust, and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under section 501(a), in an amount determined as follows:

(i) The amount necessary to satisfy the minimum funding standard provided by section 412(a) for plan years ending within or with such taxable year (or for any prior plan year), if such amount is greater than the amount determined under clause (ii) or (iii) (whichever is applicable with respect to the plan),

(ii) The amount necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the Secretary or his delegate, but if such remaining unfunded cost with respect to any 3 individuals in more than 50 percent of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least 5 taxable years.

(iii) An amount equal to the normal cost of the plan, as determined under regulations prescribed by the Secretary or his delegate, plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount necessary to amortize such credits in equal annual payments (until fully amortized) over 10 years, as determined under regulations prescribed by the Secretary or his delegate.

In determining the amount deductible in such year under the foregoing limitations the funding method and the actuarial assumptions used shall be those used for such year under section 412, and the maximum amount deductible for such year shall be an amount equal to the full funding limitation for such year determined under section 412.

(B) *Special rule in case of certain amendments.* In the case of a plan which the Secretary of Labor finds to be collectively bargained which makes an election under this subparagraph (in such manner and at such time as may be provided under regulations prescribed by the Secretary or his delegate), if the full funding limitation determined under section 412(c)(7) for such year is zero, if as a result of any plan amendment applying to such plan year, the amount determined under section 412(c)(7)(B) exceeds the amount determined under section 412(c)(7)(A), and if the funding method and the actuarial assumptions used are those used for such year under section 412, the maximum amount deductible in such year under the limitations of this paragraph shall be an amount equal to the lesser of—

(i) The full funding limitation for such year determined by applying section 412(c)(7) but increasing the amount referred to in subparagraph (A) thereof by the decrease in the present value of all unamortized liabilities resulting from such amendment, or

(ii) The normal cost under the plan reduced by the amount necessary to amortize in equal annual installments over 10 years (until fully amortized) the decrease described in clause (i).

In the case of any election under this subparagraph, the amount deductible under the limitations of this paragraph with respect to any of the plan years following the plan year for which such election was made shall be determined as provided under such regulations as may be prescribed by the Secretary or his delegate to carry out the purposes of this subparagraph.

(C) *Certain collectively-bargained plans.* In the case of a plan which the Secretary of Labor finds to be collectively bargained, established or maintained by an employer doing business in not less than 40 States and engaged in the trade or business of furnishing or selling services described in section 167(l)(3)(A)(iii), with respect to which the rates have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision thereof, and in the case of any employer which is a member of a controlled group with such employer, subparagraph (B) shall be applied by substituting for the words 'plan amendment' the words 'plan amendment or increase in benefits payable under title II of the Social Security Act'. For purposes of this subparagraph, the term 'controlled group' has the meaning provided by section 1563(a), determined without regard to section 1563(a)(4) and (e)(3)(C).

(D) *Carryover.* Any amount paid in a taxable year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year under the foregoing limitations.

(2) *Employees' annuities.* In the taxable year when paid, in an amount determined in accordance with paragraph (1), if the contributions are paid toward the purchase of retirement annuities, or retirement annuities and medical benefits as described in section 401(h), and such purchase is a part of a plan which meets the requirements of section 401(a)(3), (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16), and (19) and, if applicable, the requirements of section 401(a)(9), (10), (17), and (18) and of section 401(d) (other than paragraph (1)), and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities, or such retirement annuities and medical benefits.

(3) *Stock bonus and profit-sharing trusts*—(A) *Limits on deductible contributions.* In the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which, the trust is exempt under section 501(a), in an amount not in excess of 15 percent of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in any taxable year there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible, shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 percent of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan, but the amount so deductible under this sentence in any one succeeding taxable year together with the amount so deductible under the first sentence of this subparagraph shall not exceed 25 percent of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in any taxable year in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amounts so deductible under this sentence in any one such succeeding taxable year together with the amounts allowable under the first sentence of this subparagraph shall not exceed 15 percent of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust", as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in paragraph (1). If the contributions are made to 2 or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for purposes of applying the limitations in this subparagraph.

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(6) *Time when contributions deemed made.* For purposes of paragraphs (1), (2), and (3), a taxpayer shall be deemed to have made a payment on the last day of the preceding taxable year if the payment is on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof).

(7) *Limit on deductions.* If amounts are deductible under paragraphs (1) and (3), or (2) and (3), or (1), (2), and (3), in connection with two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under such trusts and plans shall not exceed the greater of 25 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries of the trusts or plans, or the amount of contributions made to or under the trusts or plans to the extent such contributions do not exceed the amount of employer contributions necessary to satisfy the minimum funding standard provided by section 412 for the plan year which ends with or within such taxable year (or for any prior plan year). In addition, any amount paid into such trust or under such annuity plans in any taxable year in excess of the amount allowable with respect to such year under the preceding provisions of this paragraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this paragraph shall not exceed 25 percent of the compensation otherwise paid or accrued during such taxable years to the beneficiaries under the trusts or plans. This paragraph shall not have the effect of reducing the amount otherwise deductible under paragraphs (1), (2), and (3), if no employee is a beneficiary under more than one trust or a trust and an annuity plan.

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(9) *Plans benefiting self-employed individuals.* • • •

(B) • • •

(ii) Without regard to the second sentence of paragraph (3); and • • •

[Sec. 404(a) as amended by sec. 24, Technical Amendments Act 1958 (72 Stat. 1623); sec. 3, Self-Employed Individuals Tax Retirement Act 1962 (Pub. L. 87–863, 76 Stat. 1141); sec. 204(a), Act of Nov. 13, 1966 (Pub. L. 89–809, 80 Stat. 1577); secs. 1013(c)(1), (2), and (3), 1016(a)(3), 2001(g)(2)(E) and (F), and 204 (b) and (c)(1), Employee Retirement Income Security Act 1974 (88 Stat. 921, 922, 923, 929, 957 and 986)]

Par. 4. Section 1.404(a)–8 is amended to read as follows:

§ 1.404(a)–8 Contributions of employer under an employees' annuity plan which meets the requirements of section 401(a); application of section 404(a)(2).

(a) If contributions are paid by an employer under an annuity plan for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 1.404(a)–1), the contributions are deductible under section 404(a)(2) if the further conditions provided therein are satisfied. For the meaning of "annuity plan" as used here, see § 1.404(a)–3. In order that contributions by the employer may be deducted under section 404(a)(2), all of the following conditions must be satisfied:

(1) The contributions must be paid toward the purchase of retirement annuities (or for disability, severance, insurance, survivorship benefits incidental and directly related to such annuities, or medical benefits described in section 401(h) as defined in paragraph (a) of § 1.404(h)–1) under an annuity plan for the exclusive benefit of the employer's employees or their beneficiaries.

(2) The contributions must be paid in a taxable year of the employer which ends with or within a year of the plan for which it meets the applicable requirements set forth in section 401(a)(3), (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16), and (19). In the case of a plan which covers a self-employed individual, the contributions must be paid in a taxable year of the employer which ends with or within a year of the plan for which it also meets the requirements of section 401(a)(9), (10), (17), and (18) and of section 401(d) (other than paragraph (1)). See section 401(a) and the regulations thereunder for the requirements and the applicable effective dates of the respective paragraphs set forth in

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section 401(a). Any contributions of an employer which are paid in a taxable year of the employer ending with or within a year of the plan for which it meets the applicable requirements of section 401 may be carried over and deducted in a succeeding taxable year of the employer in accordance with section 404(a)(1)(D), whether or not such succeeding taxable year ends with or within a taxable year of the plan for which it meets the requirements set out in section 401 (a) and (d). See section 401(b) and the regulations thereunder for special rules allowing certain plan amendments to be given retroactive effect.

(3) There must be a definite written arrangement between the employer and the insurer that refunds of premiums, if any, shall be applied within the taxable year of the employer in which received or within the next succeeding taxable year toward the purchase of retirement annuities (or for disability, severance, insurance, survivorship benefits incidental and directly related to such annuities, or medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401(h)–1) under the plan. For the purpose of this condition, "refunds of premiums" means payments by the insurer on account of credits such as dividends, experience rating credits, or surrender or cancellation credits. The arrangement may be in the form of contract provisions or written directions of the employer or partly in one form and partly in another. This condition will be considered satisfied where—

(i) All credits are applied regularly, as they are determined, toward the premiums next due under the contracts before any further employer contributions are so applied, and

(ii) Under the arrangement,

(A) No refund of premiums may be made during continuance of the plan unless applied as aforesaid, and

(B) If refunds of premiums may be made after discontinuance of the plan on account of surrenders or cancellations before all retirement annuities provided under the plan with respect to service before its discontinuance have been purchased, such refunds will be applied in the taxable year of the employer in which received, or in the next succeeding taxable year, to purchase retirement annuities for employees by a procedure which does not contravene the conditions of section 401(a)(4).

If the plan also includes medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401(h)–1, any refund of premiums attributable to such benefits must, in accordance with these rules, be applied toward the purchase of medical benefits described in section 401(h).

(4) Any amounts described in subparagraph (3) of this paragraph which are attributable to contributions on behalf of a self-employed individual must be applied toward the purchase of retirement benefits. Amounts which are so applied are not contributions and thus are not taken into consideration in determining—

(i) The amount deductible with respect to contributions on his behalf, nor

(ii) In the case of an owner-employee, the maximum amount of contributions that may be made on his behalf.

(b) Where the above conditions are satisfied, the amounts deductible under section 404(a)(2) are governed by the limitations provided in section 404(a)(1). See §§ 1.404(a)–3 to 1.404(a)–7, inclusive.

Par. 5. Section 1.406 is amended by revising subsections (b)(1) and (c) and the historical note. These amended provisions read as follows:

§ 1.406 Statutory provisions; certain employees of foreign subsidiaries.

Sec. 406. *Certain employees of foreign subsidiaries.* * * *

(b) *Special rules for application of section 401(a)*—(1) *Nondiscrimination requirements.* For purposes of applying section 401(a)(4) and section 410(b) (without regard to paragraph (1)(A) thereof) with respect to an individual who is treated as an employee of a domestic corporation under subsection (a)—

* * * * *

(c) *Termination of status as deemed employee not to be treated as separation from service for purposes of capital gain provisions and limitation of tax.* For purposes of applying subsections (a)(2) and (e) of section 402, and section 403(a)(2) with respect to an individual who is treated as an employee of a domestic corporation under subsection (a), such individual shall not be considered as separated from the service of such domestic corporation solely by reason of the fact that—

* * * * *

[Sec. 406 as added by sec. 220, Rev. Act 1964 (78 Stat. 58); as amended by sec. 515(c)(2), Tax Reform Act 1969 (83 Stat. 645); secs. 1016(a) and 2005(c)(12), Employee Retirement Income Security Act 1974 (88 Stat. 929 and 992)]

Par. 6. Section 1.406–1 is amended by revising paragraphs (b)(2), (c)(1) and (d) to read as follows:

§ 1.406–1 Treatment of certain employees of foreign subsidiaries as employees of the domestic corporation.

* * * * *

(b) *Application of this section.* * * *

(2) *Supplementary rules.* Paragraph (b)(1)(ii) of this section does not modify the requirements for qualification of a plan described in section 401(a), 403(a), or 405(a) and the regulations thereunder. It is not necessary that the plan provide benefits or contributions for all United States citizens who are employees of such foreign subsidiaries. If the plan is amended to cover individuals who are employees by reason of paragraph (a)(1) of this section, the plan will not qualify unless it meets the coverage requirements of section 410(b)(1) and the nondiscrimination requirements of section 401(2)(4). In addition, the administrative rules contained in § 1.401(a)–3(e) (relating to the determination of the contributions or benefits provided by the employer under the Social Security Act) will also apply for purposes of determining whether the plan meets the requirements of section 401. For purposes of paragraph (b)(1)(iii) of this section, contributions will not be considered as provided under a funded plan merely because the foreign subsidiary is required under the laws of the foreign jurisdiction to pay social insurance taxes or to make similar payments with respect to the wages paid to the employee.

(c) *Special rules*—(1) *Nondiscrimination requirements.* For purposes of applying sections 401(a)(4) and 410(b)(1)(B) and the regulations thereunder (relating to nondiscrimination concerning benefits and contributions and coverage of employees) with respect to an employee of the foreign subsidiary who is treated as an employee of the domestic corporation under paragraph (a)(1) of this section—

* * * * *

(d) *Termination of status as deemed employee not to be treated as separation from service for purposes of capital gain provisions and limitation of tax.* For purposes of applying section 402(a)(2) and (e) and section 403(a)(2) (relating to capital gains treatment for certain distributions which are made after an employee's separation from service) with respect to an employee of a foreign subsidiary who is treated as an employee of a domestic corporation under paragraph (a)(1) of this section, the employee shall not be considered as separated from the service of the domestic corporation solely by reason of the occurrence of any one or more of the following events:

* * * * *

Par. 7. Section 1.407 is amended by revising subsections (b)(1) and (c) and the historical note. These amended provisions read as follows:

§ 1.407 Statutory provisions; certain employees of domestic subsidiaries engaged in business outside the United States.

Sec. 407. *Certain employees of domestic subsidiaries engaged in business outside the United States.* * * *

(b) *Special rules for application of section 401(a)*—(1) *Nondiscrimination requirements.* For purposes of applying section 401(a)(4) and section 410(b) (without regard to paragraph (1)(A) thereof) with respect to an individual who is treated as an employee of a domestic parent corporation under subsection (a)—

* * * * *

(c) *Termination of status as deemed employee not to be treated as separation from service for purposes of capital gain provisions and limitation of tax.* For purposes of applying subsections (a)(2) and (e) of section 402, and section 403(a)(2) with respect to an individual who is treated as an employee of a domestic parent corporation under subsection (a), such individual shall not be considered as separated from the service of such domestic parent corporation solely by reason of the fact that—

* * * * *

[Section 407 as added by sec. 220, Rev. Act 1964 (78 Stat. 60); as amended by sec. 515(c)(3); Tax Reform Act 1969 (83 Stat. 646); secs. 1016(a)(5) and 2005(c)(13), Employee Retirement Income Security Act 1974 (88 Stat. 929 and 992)]

Par. 8. Section 1.407–1 is amended by revising paragraphs (b)(2), (c)(1) and (d) to read as follows:

§ 1.407–1 Treatment of certain employees of domestic subsidiaries engaged in business outside the United States as employees of the domestic parent corporation.

* * * * *

(b) *Application of this section.* * * *

(2) *Supplementary rules.* Paragraph (b)(1)(i) of this paragraph does not modify the requirements for qualification of a plan described in section 401(a), 403(a), or 405(a) and the regulations thereunder. It is not necessary that the plan provide benefits or contributions for all United States citizens who are employees of such domestic subsidiaries. If the plan is amended to cover individuals who are employees by reason of paragraph (a)(1) of this section, the plan will not qualify unless it meets the coverage requirements of section 410(b)(1) and the nondiscrimination requirements of section 401(a)(4). In addition, the administrative rules contained in § 1.401(a)–3(e) (relating to the determination of the contributions or benefits provided by the employer under the Social Security Act) will also apply for purposes of determining whether the plan meets the requirements of section 401. For purposes of paragraph (b)(1)(ii) of this section, contributions will not be considered as provided under a funded plan merely because the domestic subsidiary employer pays the tax imposed by section 3111 (relating to tax on employers under the Federal Insurance Contributions Act) with respect to such employee or is required under the laws of a foreign jurisdiction to pay social insurance taxes or to make similar payments with respect to the wages paid to the empolyee.

* * * * *

(c) *Special rules*—(1) *Nondiscrimination requirements.* For purposes of applying sections 401(a)(4) and 410(b)(1)(B) and the regulations thereunder (relating to nondiscrimination concerning benefits and contributions and coverage of employees) with respect to an employee of the domestic subsidiary who is treated as an employee of the domestic parent corporation under paragraph (a)(1) of this section—

* * * * *

(d) *Termination of status as deemed employee not to be treated as separation from service for purposes of capital gain provisions and limitation of tax.* For purposes of applying section 402(a)(2) and (e), and section 403(a)(2) (relating to capital gains treatment for certain distributions which are made after an employee's separation from service) with respect to an employee of a domestic subsidiary who is treated as an employee of a domestic parent corporation under paragraph (a)(1) of this section, the employee shall not be considered as separated from the service of the domestic parent corporation solely by reason of the occurrence of any one or more of the following events:

* * * * *

Par. 9. The following new sections are added immediately after § 1.409–1:

§ 1.411(a) Statutory provisions; minimum vesting standards; general rule.

Sec. 411. *Minimum vesting standards.* (a) *General rule.* A trust shall not constitute a qualified trust under section 401(a) unless the plan of which such trust is a part provides that an employee's right to his normal retirement benefit is nonforfeitable upon the attainment of normal retirement age (as defined in subsection (a)(8)) and in addition satisfies the requirements of paragraphs (1) and (2) of this subsection and the requirements of paragraph (2) of subsection (b), and in the case of a defined benefit plan, also satisfies the requirements of paragraph (1) of subsection (b).

(1) *Employee contributions.* A plan satisfies the requirements of this paragraph if an employee's rights in his accrued benefit derived from his own contributions are nonforfeitable.

(2) *Employer contributions.* A plan satisfies the requirements of this paragraph if it satisfies the requirements of subparagraph (A), (B), or (C).

(A) *10-year vesting.* A plan satisfies the requirements of this subparagraph if an employee who has at least 10 years of service has a nonforfeitable right to 100 percent of his accrued benefit derived from employer contributions.

(B) *5- to 15-year vesting.* A plan satisfies the requirements of this subparagraph if an employee who has completed at least 5 years of service has a nonforfeitable right to a percentage of his accrued benefit derived from employer contributions which percentage is not less than the percentage determined under the following table:

Years of service:	Nonforfeitable percentage
5	25
6	30
7	35
8	40
9	45
10	50
11	60
12	70
13	80
14	90
15 or more	100

(C) *Rule of 45.* (i) A plan satisfies the requirements of this subparagraph if an employee who is not separated from the service, who has completed at least 5 years of service, and with respect to whom the sum of his age and years of service equals or exceeds 45, has a nonforfeitable right to a percentage of his accrued benefit derived from employer contributions determined under the following table:

If years of service equal or exceed—	And sum of age and service equals or exceeds—	Then the nonforfeitable percentage is—
5	45	50
6	47	60
7	49	70
8	51	80
9	53	90
10	55	100

(ii) Notwithstanding clause (i), a plan shall not be treated as satisfying the requirements of this subparagraph unless any employee who has completed at least 10 years of service has a nonforfeitable right to not less than 50 percent of his accrued benefit derived from employer contributions and to not less than an additional 10 percent for each additional year of service thereafter.

(3) *Certain permitted forfeitures, suspensions, etc.* For purposes of this subsection—

(A) *Forfeiture on account of death.* A right to an accrued benefit derived from employer contributions shall not be treated as forfeitable solely because the plan provides that it is not payable if the participant dies (except in the case of a survivor annuity which is payable as provided in section 401(a)(11)).

(B) *Suspension of benefits upon reemployment of retiree.* A right to an accrued benefit derived from employer contributions shall not be treated as forfeitable solely because the plan provides that the payment of benefits is suspended for such period as the employee is employed, subsequent to the commencement of payment of such benefits—

(i) In the case of a plan other than a multiemployer plan, by the employer who maintains the plan under which such benefits were being paid; and

(ii) In the case of a multiemployer plan, in the same industry, the same trade or craft, and the same geographic area covered by the plan as when such benefits commenced.

The Secretary of Labor shall prescribe such regulations as may be necessary to carry out the purposes of this subparagraph, including regulations with respect to the meaning of the term "employed".

(C) *Effect of retroactive plan amendments.* A right to an accrued benefit derived from employer contributions shall not be treated as forfeitable solely because plan amendments may be given retroactive application as provided in section 412(c)(8).

(D) *Withdrawal of mandatory contribution.* (i) A right to an accrued benefit derived from employer contributions shall not be treated as forfeitable solely because the plan provides that, in the case of a participant who does not have a nonforfeitable right to at least 50 percent of his accrued benefit derived from employer contributions, such accrued benefit may be forfeited on account of the withdrawal by the participant of any amount attributable to the benefit derived from mandatory contributions (as defined in subsection (c)(2)(C)) made by such participant.

(ii) Clause (i) shall not apply to a plan unless the plan provides that any accrued benefit forfeited under a plan provision described in such clause shall be restored upon repayment by the participant of the full amount of the withdrawal described in such clause plus, in the case of a defined benefit plan, interest. Such interest shall be computed on such amount at the rate determined for purposes of subsection (c)(2)(C) on the date of such repayment (computed annually from the date of such withdrawal). In the case of a defined contribution plan, the plan provison required under this clause may provide that such repayment must be made before the participant has any one-year break in service commencing after the withdrawal.

(iii) In the case of accrued benefits derived from employer contributions which accrued before the date of the enactment of the Employee Retirement Income Security Act of 1974, a right to such accrued benefit derived from employer contributions shall not be treated as forfeitable solely because the plan provides that an amount of such accrued benefit may be forfeited on account of the withdrawal by the participant of an amount attributable to the benefit derived from mandatory contributions (as defined in subsection (c)(2)(C)) made by such participant before the date of the enactment of the Act if such amount forfeited is proportional to such amount withdrawn. This clause shall not apply to any plan to which any mandatory contribution is made after the date of

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the enactment of such Act. The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this clause.

(iv) For purposes of this subparagraph, in the case of any class-year plan, a withdrawal of employee contributions shall be treated as a withdrawal of such contributions on a plan year by plan year basis in succeeding order of time.

(v) For nonforfeitability where the employee has a nonforfeitable right to at least 50 percent of his accrued benefit, see section 401(a)(19).

(4) *Service included in determination of nonforfeitable percentage.* In computing the period of service under the plan for purposes of determining the nonforfeitable percentage under paragraph (2), all of an employee's years of service with the employer or employers maintaining the plan shall be taken into account, except that the following may be disregarded:

(A) Years of service before age 22, except that in the case of a plan which does not satisfy subparagraph (A) or (B) of paragraph (2), the plan may not disregard any such year of service during which the employee was a participant;

(B) Years of service during a period for which the employee declined to contribute to a plan requiring employee contributions;

(C) Years of service with an employer during any period for which the employer did not maintain the plan or a predecessor plan (as defined under regulations prescribed by the Secretary or his delegate);

(D) Service not required to be taken into account under paragraph (6);

(E) Years of service before January 1, 1971, unless the employee has had at least 3 years of service after December 31, 1970; and

(F) Years of service before the first plan year to which this section applies, if such service would have been disregarded under the rules of the plan with regard to breaks in service as in effect on the applicable date.

(5) *Year of service*—(A) *General rule.* For purposes of this subsection, except as provided in subparagraph (C), the term "year of service" means a calendar year, plan year, or other 12-consecutive month period designated by the plan (and not prohibited under regulations prescribed by the Secretary of Labor) during which the participant has completed 1,000 hours of service.

(B) *Hours of service.* For purposes of this subsection, the term "hours of service" has the meaning provided by section 410(a)(3)(C).

(C) *Seasonal industries.* In the case of any seasonal industry where the customary period of employment is less than 1,000 hours during a calendar year, the term "year of service" shall be such period as may be determined under regulations prescribed by the Secretary of Labor.

(D) *Maritime industries.* For purposes of this subsection, in the case of any maritime industry, 125 days of service shall be treated as 1,000 hours of service. The Secretary of Labor may prescribe regulations to carry out the purposes of this subparagraph.

(6) *Breaks in service*—(A) *Definition of 1-year break in service.* For purposes of this paragraph, the term "1-year break in service" means a calendar year, plan year, or other 12-consecutive-month period designated by the plan (and not prohibited under regulations prescribed by the Secretary of Labor) during which the participant has not completed more than 500 hours of service.

(B) *1 year of service after 1-year break in service.* For purposes of paragraph (4), in the case of any employee who has any 1-year break in service, years of service before such break shall not be required to be taken into account until he has completed a year of service after his return.

(C) *1-year break in service under defined contribution plan.* For purposes of paragraph (4), in the case of any participant in a defined contribution plan, or an insured defined benefit plan which satisfies the requirements of subsection (b)(1)(F), who has any 1-year break in service, years of service after such break shall not be required to be taken into account for purposes of determining the nonforfeitable percentage of his accrued benefit derived from employer contributions which accrued before such break.

(D) *Nonvested participants.* For purposes of paragraph (4), in the case of a participant who, under the plan, does not have any nonforfeitable right to an accrued benefit derived from employer contributions, years of service before any 1-year break in service shall not be required to be taken into account if the number of consecutive 1-year breaks in service equals or exceeds the aggregate number of such years of service prior to such break. Such aggregate number of years of service before such break shall be deemed not to include any years of service not required to be taken into account under this subparagraph by reason of any prior break in service.

(7) *Accrued benefit*—(A) *In general.* For purposes of this section, the term "accrued benefit" means—

(i) In the case of a defined benefit plan, the employee's accrued benefit determined under the plan and, except as provided in subsection (c)(3), expressed in the form of an annual benefit commencing at normal retirement age, or

(ii) In the case of a plan which is not a defined benefit plan, the balance of the employee's account.

(B) *Effect of certain distributions.* Notwithstanding paragraph (4), for purposes of determining the employee's accrued benefit under the plan, the plan may disregard service performed by the employee with respect to which he has received—

(i) A distribution of the present value of his entire nonforfeitable benefit if such distribution was in an amount (not more than $1,750) permitted under regulations prescribed by the Secretary or his delegate, or

(ii) A distribution of the present value of his nonforfeitable benefit attributable to such service which he elected to receive.

Clause (i) of this subparagraph shall apply only if such distribution was made on termination of the employee's participation in the plan. Clause (ii) of this subparagraph shall apply only if such distribution was made on termination of the employee's participation in the plan or under such other circumstances as may be provided under regulations prescribed by the Secretary or his delegate.

(C) *Repayment of subparagraph (B) distributions.* For purposes of determining the employee's accrued benefit under a plan, the plan may not disregard service as provided in subparagraph (B) unless the plan provides an opportunity for the participant to repay the full amount of the distribution described in such subparagraph (B) with, in the case of a defined benefit plan, interest at the rate determined for purposes of subsection (c)(2)(C) and provides that upon such repayment the employee's accrued benefit shall be recomputed by taking into account service so disregarded. This subparagraph shall apply only in the case of a participant who—

(i) Received such a distribution in any plan year to which this section applies, which distribution was less than the present value of his accrued benefit,

(ii) Resumes employment covered under the plan, and

(iii) Repays the full amount of such distribution with, in the case of a defined benefit plan, interest at the rate determined for purposes of subsection (c)(2)(C).

In the case of a defined contribution plan, the plan provision required under this subparagraph may provide that such repayment must be made before the participant has any one-year break in service commencing after such withdrawal.

(8) *Normal retirement age.* For purposes of this section, the term "normal retirement age" means the earlier of—

(A) The time a plan participant attains normal retirement age under the plan, or

(B) The later of—

(i) The time a plan participant attains age 65, or

(ii) The 10th anniversary of the time a plan participant commenced participation in the plan.

(9) *Normal retirement benefit.* For purposes of this section, the term "normal retirement benefit" means the greater of the early retirement benefit under the plan, or the benefit under the plan commencing at normal retirement age. The normal retirement benefit shall be determined without regard to—

(A) Medical benefits, and

(B) Disability benefits not in excess of the qualified disability benefit.

For purposes of this paragraph, a qualified disability benefit is a disability benefit provided by a plan which does not exceed the benefit which would be provided for the participant if he separated from the service at normal retirement age. For purposes of this paragraph, the early retirement benefit under a plan shall be determined without regard to any benefits commencing before benefits payable under title II of the Social Security Act become payable which—

(i) Do not exceed such social security benefits, and

(ii) Terminate when such social security benefits commence.

(10) *Changes in vesting schedule*—(A) *General rule.* A plan amendment changing any vesting schedule under the plan shall be treated as not satisfying the requirements of paragraph (2) if the nonforfeitable percentage of the accrued benefit derived from employer contributions (determined as of the later of the date such amendment is adopted, or the date such amendment becomes effective) of any employee who is a participant in the plan is less than such nonforfeitable percentage computed under the plan without regard to such amendment.

(B) *Election of former schedule.* A plan amendment changing any vesting schedule under the plan shall be treated as not satisfying the requirements of paragraph (2) unless each participant having not less than 5 years of service is permitted to elect, within a reasonable period after the adoption of such amendment, to have his nonforfeitable percentage computed under the plan without regard to such amendment.

[Section 411(a) added by sec. 1012(a), Employee Retirement Income Security Act 1974 (88 Stat. 901)]

§ 1.411(a)–1 Minimum vesting standards; general rules.

(a) *In general.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless—

(1) The plan provides that an employee's right to his normal retirement benefit (see § 1.411(a)–7(c)) is nonforfeitable (see § 1.411(a)–4) upon and after the attainment of normal retirement age (see § 1.411(a)–7(b)),

(2) The plan provides that an employee's rights in his accrued benefit derived from his own contributions (see § 1.411(c)–1) are nonforfeitable at all times, and

(3) The plan satisfies the requirements of—

(A) Section 411(a)(2) and § 1.411(a)–3 (relating to vesting in accrued benefit derived from employer contributions), and

(B) In the case of a defined benefit plan, section 411(b)(1) and § 1.411(b)–1 (relating to accrued benefit).

(b) *Organization of regulations relating to minimum vesting standards*—(1) *General rules.* This section prescribes general rules relating to the minimum vesting standards provided by section 411.

(2) *Effective dates.* Section 1.411(a)–2 provides rules under section 1017 of the Employee Retirement Income Security Act of 1974 relating to effective dates under section 411.

(3) *Employer contributions.* Section 1.411(a)–3 provides rules under section 411(a)(2) relating to vesting in employer-derived accrued benefits.

(4) *Certain forfeitures.* Section 1.411(a)–4 provides rules under section 411(a)(3) relating to certain permitted forfeitures, suspensions, etc. under qualified plans.

(5) *Nonforfeitable percentage.* Section 1.411(a)–5 provides rules under section 411(a)(4) relating to service included in the determination of an employee's nonforfeitable percentage under section 411(a)(2) and § 1.411(a)–3.

(6) *Years of service; break in service.* Section 1.411(a)–6 provides rules under section 411(a)(5) and (6) of the Internal Revenue Code of 1954 relating to years of service and breaks in service. Rules prescribed by the Secretary of Labor, relating to years of service and breaks in service under part 2 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are provided under 29 CFR Part 2530 (Department of Labor regulations relating to minimum standard for employee pension benefit plans).

(7) *Definitions and special rules.* Section 1.411(a)–7 provides definitions and special rules under section 411(a)(7), (8), and (9), for purposes of section 411 and the regulations thereunder.

(8) *Changes in vesting schedule.* Section 1.411(a)–8 provides rules under section 411(a)(10) relating to changes in the vesting schedule of a plan.

(9) *Breaks in service.* Section 1.411(a)–9 provides special rules relating to breaks in service.

(10) *Accrued benefits.* See § 1.411(b)–1 for rules under section 411(b) relating to accrued benefit requirements under defined benefit plans.

(11) *Allocation of accrued benefits.* See § 1.411(c)–1 for rules under section 411(c) relating to allocation of accrued benefits between employer and employee contributions.

(12) *Discrimination, etc.* See § 1.411(d)–1 for rules relating to the coordination of section 411 with section 401(a)(4) (relating to discrimination) and other rules under section 411(d).

(c) *Application of standards to certain plans*—(1) *General rule.* Except as provided in subparagraph (2) of this paragraph, section 411 does not apply to—

(i) A governmental plan (within the meaning of section 414(d) and the regulations thereunder),

(ii) A church plan (within the meaning of section 414(e) and the regulations thereunder) which has not made the election provided by section 410(d) and the regulations thereunder,

(iii) A plan which has not provided for employer contributions at any time after September 2, 1974, and

(iv) A plan established and maintained by a society, order, or association described in section 501(c)(8) or (9), if no part of the contributions to or under such plan are made by employers of participants in such plan.

(2) *Vesting requirements.* A plan described in subparagraph (1) of this paragraph shall, for purposes of section 401(a), be treated as meeting the requirements of section 411 if such plan meets the vesting requirements resulting from the application of section 401(a)(4) and section 401(a)(7) as in effect on September 1, 1974.

§ 1.411(a)–2 Effective dates.

(a) *Plan not in existence on January 1, 1974.* Under section 1017(a) of the Employee Retirement Income Security Act of 1974, in the case of a plan which was not in existence on January 1, 1974, section 411 and the regulations thereunder apply for plan years beginning after September 2, 1974. See paragraph (c) of this section for time plan is considered in existence.

(b) *Plans in existence on January 1, 1974.* Under section 1017(b) of the Employee Retirement Income Security Act of 1974, in the case of a plan which was in existence on January 1, 1974, section 411 and the regulations thereunder apply for plan years beginning after December 31, 1975. See paragraph (c) of this section for time plan is considered to be in existence.

(c) *Time of plan existence*—(1) *General rule.* For purposes of this section, a plan is considered to be in existence on a particular day if—

(i) The plan on or before that day was reduced to writing and adopted by the employer (including, in the case of a corporate employer, formal approval by the employer's board of directors and, if required, shareholders), even though no amounts had been contributed under the plan as of such day, and

(ii) The plan was not terminated on or before that day.

For example, if a plan was adopted on January 2, 1974, effective as of January 1, 1974, the plan is not considered to have been in existence on January 1, 1974, because it was not both adopted and in writing on January 1, 1974.

(2) *Collectively-bargained plan.* Notwithstanding paragraph (c)(1) of this section, a plan described in section 413(a), relating to a plan maintained pursuant to a collective-bargaining agreement, is considered to be in existence on a particular day if—

(i) On or before that day there is a legally enforceable agreement to establish such a plan signed by the employer, and

(ii) The employer contributions to be made to the plan are set forth in the agreement.

(3) *Special rule.* If a plan is considered to be in existence under subparagraph (1) of this paragraph, any other plan with which such existing plan is merged or consolidated shall also be considered to be in existence on such date.

(d) *Existing plans under collective bargaining agreements.* For a special effective date rule for certain plans maintained pursuant to a collective bargaining agreement, see section 1017(c)(1) of the Employee Retirement Income Security Act of 1974 (88 Stat. 932).

(e) *Certain existing plans may elect new provisions.* The plan administrator may elect to have the provisions of the Code relating to participation, vesting, funding, and form of benefit apply to a selected plan year. See § 1.410(a)–2(d) for rules relating to such an election.

§ 1.411(a)–3 Vesting in employer-derived benefits.

(a) *In general*—(1) *Alternative requirements.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless the plan satisfies the requirements of section 411(a)(2) and this section. A plan satisfies the requirements of this section if it satisfies the requirements of paragraph (b), (c), or (d) of this section.

(2) *Composite arrangements.* A plan will not be considered to satisfy the requirements of paragraph (b), (c), or (d) of this section unless it satisfies all requirements of a particular one of such paragraphs with respect to all of an employee's years of service. A plan which, for example, satisfies the requirements of paragraph (b) (but not (c) or (d)) for an employee's first 9 years of service and satisfies the requirements of paragraph (c) (but not (b)) for all of his remaining years of service, does not satisfy the requirements of this section.

(3) *Plan amendments.* A plan which satifies the requirements of a particular one of such paragraphs for each of an employee's years of service and which is amended so that, as amended, it satisfies the requirements of another such paragraph for all such years of service, satisfies the requirements of this section even though, as amended, it does not satisfy the requirements of the paragraph which were satisfied prior to the amendment. See § 1.411(a)–8 for rules relating to employee election where the vesting schedule is amended.

(b) *10-year vesting.* A plan satisfies the requirements of section 411(a)(2)(A) and this paragraph if an employee

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who has completed 10 years of service thas a nonforfeitable right to 100 percent of his accrued benefit derived from employer contributions.

(c) *5- to 15-year vesting.* A plan satisfies the requirements of section 411(a)(2)(B) and this paragraph if an employee who has completed at least 5 years of service has a nonforfeitable right to a percentage of his accrued benefit derived from employer contribution which percentage is not less than the nonforeitable percentage determined under the following table:

Completed years of service	Nonforfeitable percentage
5	25
6	30
7	35
8	40
9	45
10	50
11	60
12	70
13	80
14	90
15 or more	100

(d) *Rule of 45.* A plan satisfies the requirements of section 411(a)(2)(C) and this paragraph if an employee is entitled to the greater of the two percentages determined under paragraph (d)(1) or (2) of this section.

(1) *Age and service test.* An employee who is not separated from the service, who has completed at least 5 years of service, and with respect to whom the sum of his age and years of service equals or exceeds 45, has a nonforfeitable right to a percentage of his accrued benefit derived from employer contributions which is not less than the nonforfeitable percentage corresponding to his number of completed years of service or to the sum of his age and completed years of service (whichever percentage is the lesser) determined under the following table:

Completed years of service	Sum of age and service	Nonforfeitable percentage
5	45 or 46	50
6	47 or 48	60
7	49 or 50	70
8	51 or 52	80
9	53 or 54	90
10 or more	55 or more	100

(2) *Service test.* An employee who has completed at least 10 years of service has a nonforfeitable right to a percentage of his accrued benefit derived from employer contributions determined under the following table:

Completed years of service	Nonforfeitable percentage
10	50
11	60
12	70
13	80
14	90
15	100

(3) *Computation of age.* For purposes of subparagraph (1) of this paragraph, the age of an employee is his age on his last birthday.

(e) *Examples.* The rules provided by this section are illustrated by the following examples:

Example (1). Plan B provides that each employee's rights to his employer-derived accrued benefit are nonforfeitable as follows:

Completed years of service	Nonforfeitable percentage
2 or less	0
3	30
4	35
5	40
6	45
7	50
8	55
9	60
10	65
11	70
12	75
13	80
14	85
15	100

Plan B does not satisfy the requirements of paragraph (c) of this section (relating to 5–15-year vesting) because the nonforfeitable percentage provided by the plan after completion of 14 years of service (85 percent) is less than the percentage required by paragraph (c) of this section at that time (90 percent). The fact that the nonforfeitable percentage provided by the plan for years prior to the 13th year of service is greater than the percentage required under paragraph (c) of this section is immaterial. The plan fails to satisfy the requirements of paragraph (c) of this section even if it is demonstrated that the value of the vesting provided by the plan to the employee is at least equal to the value of the vesting rate required by that paragraph.

Example (2). Plan C provides for plan participation after the completion of 1 year of service. The plan provides that each employee's rights to his employer-derived accrued benefit are 100 percent nonforfeitable after 10 years of plan participation rather than service. The plan does not satisfy the requirements of paragraph (b) of this section because, under the plan, an employee obtains a 100 percent nonforfeitable right to his employer-derived accrued benefit only after completion of more than 10 years of service.

Example (3). Plan D provides that each employee's rights to his employer-derived accrued benefit are nonforfeitable in accordance with the following schedule:

Completed years of service	Nonforfeitable percentage
0–9	0
10	50
11	60
12	70
13	80
14	90
15	100

The plan does not satisfy the requirements of paragraph (b) of this section after the 9th year of service. It does not satisfy the requirements of paragraph (c) of this section for years prior to the 10th year of service. It does not satisfy the requirements of paragraph (d)(1) of this section for any year of service prior to the 10th year. The plan does not satisfy the requirements of this section because it does not satisfy the requirements of a particular one of the three paragraphs for each of an employee's years of service.

Example (4). Plan G provides that each employee's rights to his employer-derived accrued benefit are 100 percent nonforfeitable upon completion of 5 years of service. The plan satisfies the requirements of paragraphs (b), (c), and (d) of this section and, because it satisfies the requirements of at least one of such paragraphs for all of an employee's years of service, it satisfies the requirements of this section.

§ 1.411(a)–4 Forfeitures, suspensions, etc.

(a) *Nonforfeitability.* Certain rights in an accrued benefit must be nonforfeitable to satisfy the requirements of section 411(a). This section defines the term "nonforfeitable" for purposes of these requirements. For purposes of section 411 and the regulations thereunder, a right to an accrued benefit is considered to be nonforfeitable at a particular time if, at that time and thereafter, it is an unconditional right. Except as provided by paragraph (b) of this section, a right which, at a particular time, is conditioned upon a subsequent event, subsequent performance, or subsequent forbearance, is a forfeitable right at that time. Certain adjustments to plan benefits such as adjustments in excess of reasonable actuarial reductions, can result in rights being forfeitable. Rights which are conditioned upon a sufficiency of plan assets in the event of a termination or partial termination are not considered to be forfeitable. To the extent that rights are not required to be nonforfeitable to satisfy the minimum vesting standards, or the nondiscrimination requirements of section 401(a)(4), they may be forfeited without regard to the limitations on forfeitability required by this section.

(b) *Special rules.* For purposes of paragraph (a) of this section, a right is not treated as forfeitable—

(1) *Death.* In the case of a participant's right to his employer-derived accrued benefit, merely because such accrued benefit is forfeitable by the participant to the extent it has not been paid or distributed to him prior to his death. This subparagraph shall not apply to a benefit which must be paid to a survivor in order to satisfy the requirements of section 401(a)(11).

(2) *Suspension of benefits upon reemployment of retiree.* In the case of certain suspensions of benefits under section 411(a)(3)(B), see regulations prescribed by the Secretary of Labor under 29 CFR Part 2530 (Department of Labor regulations relating to minimum standards for employee pension benefit plans).

(3) *Retroactive plan amendment.* In the case of a participant's right to his employer-derived accrued benefit, merely because such benefit is subject to reduction to the extent provided by a plan amendment described in section 412(c)(8) and the regulations thereunder, which amendment is given retroactive effect in accordance with such section.

(4) *Withdrawal of mandatory contribution.*

(i) *General rule.* In the case of a participant's right to his employer-derived accrued benefit, merely because all or a portion of such benefit may be forfeited on account of the withdrawal by the participant of any amount attributable to his accrued benefit derived from his mandatory contributions (within the meaning of section 411(c)(2)(C) and § 1.411(c)–1) before he has become a 50 percent vested participant (within the meaning of § 1.401(a)–19(b)(2)).

(ii) *Restoration of benefit.* Subdivision (i) of this subparagraph shall not apply unless, at the time the amount described in such subdivision is withdrawn by the participant, the plan provides the employee with a right to restoration of his employer-derived accrued benefit to the extent forfeited in accordance with such subdivision upon repayment to the plan of the amount withdrawn by him plus, in the case of a defined benefit plan, interest on such amount. Such interest shall be computed at the rate determined for purposes of section 411(c)(2)(C) on the date of such repayment (compounded annually from the date of such withdrawal). In the case of a defined contribution plan, the plan shall not be considered to fail to satisfy the requirements of this subdivision merely because under the plan the restoration of employer-derived accrued benefits described in this subdivision is not provided unless the repayment described in this subdivision is made before the close of the vesting computation period within which the participant has a one-year break in service within the meaning of § 1.411(a)–6. A defined contribution plan or a defined benefit plan may require that such repayment be made within 2 years of the employee's resumption of employment covered by the plan.

(iii) *Computation of benefit.* In the case of a defined contribution plan, the employer-derived accrued benefit required to be restored by this subparagraph shall not be less than the amount in the account balance of the employee which was forfeited, unadjusted by any subsequent gains or losses.

(iv) *Delayed forfeiture.* A defined contribution plan may in lieu of the forfeiture and restoration described in this subparagraph provide that the forfeiture does not occur until the expiration of the time for repayment described in subdivision (ii) of this subparagraph provided that the conditions of this subparagraph are satisfied.

(5) *Certain benefits*—(i) *General rule.* In the case of a participant's right to the portion of the employer-derived benefit which accrued prior to September 2, 1974, merely because such portion may be forfeited on account of the withdrawal by the participant of an amount attributable to his benefit derived from mandatory contributions (within the meaning of section 411(c)(2)(C) and § 1.411(c)–1(c)(4)) made by the participant before September 2, 1974, if the amount so subject to forfeiture is no more than proportional to such amounts withdrawn. This subparagraph shall not apply to any plan to which any mandatory contribution (within the meaning of section 411(c)(2)(C) and § 1.411(c)–1(c)(4)) is made after September 2, 1974.

(ii) *Defined contribution plan.* In the case of a defined contribution plan, the portion of a participant's benefit which accrued prior to September 2, 1974, shall be determined on the basis of a separate accounting between benefits accruing before and after such date. Gains, losses, withdrawals, forfeitures, and other credits or charges must be separately allocated to such benefits. Any allocation made on a reasonable and consistent basis prior to [date of publication] shall satisfy the requirements of this subdivision.

(iii) *Defined benefit plan.* In the case of a defined benefit plan, the portion of a participant's benefit which accrued prior to September 2, 1974, shall be determined in a manner consistent with the determination of an accrued benefit under section 411(b)(1)(D), see § 1.411(b)–1(C). Any method of determining such accrued benefit which the Commissioner finds to be reasonable shall satisfy the requirements of this subdivision.

(6) *Class-year plans, etc.* For purposes of subparagraphs (4) and (5) of this paragraph, in the case of a class-year plan (within the meaning of section 411(d)(4) and § 1.411(d)–3, a withdrawal of employee contributions shall be treated as a withdrawal of such contributions on a plan year by plan year basis in succeeding order of time. For additional requirements relating to nonforfeitability of benefits in the event of a withdrawal by the employee, see section 401(a)(19) and § 1.401(a)–19.

(c) *Examples.* The rules of this section are illustrated by the following examples:

Example (1). Corporation A's plan provides that an employee is fully vested in his employer-derived accrued benefit after completion of 5 years of service. The plan also provides that, if an employee works for a competitor he forfeits his rights in the plan. Such provision could result in the forfeiture of an employee's rights which are required to be nonforfeitable under section 411 and therefore the plan would not satisfy the requirements of section 411. If the plan limited the forfeiture to employees who completed less than 10 years of service, the plan would not fail to satisfy the requirements of section 411 because the forfeitures under this provision are limited to rights which are in excess of the minimum required to be nonforfeitable under section 411(a)(2)(A).

Example (2). Plan B provides that if an employee does not apply for benefits within 5 years after the attainment of normal retirement age, the employee loses his plan benefits. Such a plan provision could result in forfeiture of an employee's rights which are required to be nonforfeitable under section 411 and, therefore, the plan would not satisfy the requirements of section 411.

§ 1.411(a)–5 Service included in determination of nonforfeitable percentage.

(a) *In general.* Under section 411(a)(4), for purposes of determining the nonforfeitable percentage of an employee's right to his employer-derived accrued benefit under section 411(a)(2) and § 1.411(a)–3, all of an employee's years of service with an employer or employers maintaining the plan shall be taken into account except that years of service described in paragraph (b) of this section may be disregarded.

(b) *Certain service.* For purposes of paragraph (a) of this section, the following years of service may be disregarded:

(1) *Service before age 22.* (i) In the case of a plan which satisfies the requirements of section 411(a)(2)(A) or (B) (relating to 10-year vesting and 5–15-year vesting, respectively), a year of service completed by an employee before he attains age 22.

(ii) In the case of a plan which does not satisfy the requirements of section 411(a)(2)(A) or (B), a year of service completed by an employee before he attains age 22 if the employee is not a participant (for purposes of section 410) in the plan at any time during such year.

(iii) For purposes of this subparagraph, service during a vesting computation period described in section 411(a)(5)(A) within which the employee attains age 22 may not be disregarded.

(2) *Contributory plans.* A year of service completed by an employee under a plan which requires mandatory contributions (within the meaning of section 411(c)(2)(C) and § 1.411(c)–1(c)(4)) to be made by the employee for such year, if the employee does not participate for such year solely because of his failure to make mandatory contributions to the plan.

(3) *Plan not maintained*—(i) *In general.* An employee's years of service with an employer during any period for which the employer did not maintain the plan or a predecessor plan may be disregarded for purposes of section 411(a)(2). Paragraph (b)(3) of this section provides rules regarding the period prior to the adoption of a plan. Paragraph (b)(3)(iii) of this section provides rules regarding the period after the termination of a plan. Paragraph (b)(3)(iv) of this section provides rules regarding employers who have certain relationships with other employers maintaining the plan.

(ii) *Period prior to adoption.* The period for which a plan is not maintained by an employer includes the period before the plan was established. For purposes of this subdivision, a plan is established on the first day of the plan year in which the plan is adopted even though the plan is adopted after such first day (or the first day of the plan year for which the plan is first effective taking into account any retroactive effective date allowed by section 401(b)). Except as provided in paragraph (b)(3)(iv) of this section if an employer adopts a plan which has previously been established by another employer or group of employers, the plan is not maintained by the adopting employer prior to the first day of the plan year in which the plan is adopted by the adopting employer. In the case of a transfer of assets or liabilities (including a merger or consolidation) involving two plans maintained by a single employer, the successor (or transferee) plan is treated as if it was established at the same time as the date of the establishment of the earliest component plan. In the case of a plan merger, consolidation, or transfer of plan assets or liabilities involving plans of two or more employers, the successor plan is treated as if it were established on each of the separate dates on which such component plan was established for the employees of each em-

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ployer. Thus, for example, if employer A establishes a plan January 1, 1970, and employer B establishes a plan January 1, 1980, and the plans were subsequently merged, then the merged plan would be treated as if it were in existence on January 1, 1970, with respect to A's employees and as if it were in existence on January 1, 1980, with respect to B's employees.

(iii) *Period after termination or withdrawal.* The period for which a plan is not maintained by an employer includes the period after the plan is terminated. For purposes of this section, a plan is terminated at the date there is a termination of the plan within the meaning of section 411(d)(3)(A) and the regulations thereunder. Notwithstanding the preceding sentence, if contributions to or under a plan are made after termination, the plan is treated as being maintained until such contributions cease. In the case of a plan maintained by more than one employer, the period for which the plan is not maintained by the withdrawing employer includes the period after the withdrawal from the plan.

(iv) *Certain employers.* For purposes of this subparagraph—

(A) *Predecessor employers.* Service with a predecessor employer who maintained the plan of the current employer is treated as service with such current employer (see section 414(a)(1) and the regulations thereunder), and certain service with a predecessor employer who did not maintain the plan of the current employer is treated as service with the current employer (see section 414(a)(2) and the regulations thereunder).

(B) *Related employers.* Service with an employer is treated as service for certain related employers. These related employers include members of a controlled group of corporations (within the meaning of section 1563(a), determined without regard to subsections (a)(4) and (e)(3)(C) thereof) and trades or businesses (whether or not incorporated) which are under common control (see section 414 (b) and (c)).

(C) *Plan maintained by more than one employer.* Service with an employer who maintains a plan is treated as service for each other employer who maintains that plan (see section 413 (b)(4) and (c)(3) and 29 CFR Part 2530, Department of Labor regulations relating to minimum standards for employee pension benefit plans).

(v) *Predecessor plan*—(A) *General rule.* In the case of an employe who was covered by a predecessor plan, the time the successor of such plan is maintained for such employee includes the time the predecessor plan was maintained if, as of the later of the time the predecessor plan is terminated or the successor plan is established, the employee's years of service under the predecessor plan are not equalled or exceeded by the aggregate number of consecutive 1-year breaks in service occurring after such years of service. Years of service and breaks in in service, without regard to whether the employee has nonforfeitable rights under the predecessor plan, are determined under section 411(a)(5) and (6) except that years between the termination date of the predecessor plan and the date of establishment of the successor plan do not count as years of service.

(B) *Definition of predecessor plan.* For purposes of this section, if—

(1) An employer establishes a retirement plan (within the meaning of section 7476(d)) qualified under subchapter D of chapter 1 of the Code within the 5-year period immediately preceding or following the date another such plan terminates, and

(2) The other plan is terminated during a plan year to which this section applies, the terminated plan is a predecessor plan with respect to such other plan.

(C) *Example.* The rules provided by this subparagraph are illustrated by the following example:

Example. (1) Employer X's qualified plan A terminated on January 1, 1977. Employer X established qualified plan B on January 1, 1981. Under paragraph (b)(3)(v)(B) of this section, plan A is a predecessor plan with respect to plan B because plan B is established within the 5-year period immediately following the date plan A terminated.

(2) Employee C was not covered by the A plan. Under the general rule in subdivision (v)(A) of this subparagraph, plan B is not maintained until January 1, 1981, with resect to Employee C.

(3) Employee D was covered by the A plan. On December 31, 1976, D had 4 years of service. D had 4 consecutive 1-year breaks in service because during the years between the termination of plan A and the establishment of plan B, he did not have more than 500 hours of service in any applicable computation period. Because D's consecutive 1-year breaks (4) equal his years of service prior to his breaks (4), plan B is not maintained until January 1, 1981, with respect to employee D.

(4) Employee E was covered by the A plan. On December 31, 1975, E had 6 years of service. E had a 1-year break in service in 1976. E also had 4 consecutive 1-year breaks in service for the period between plan A's termination and plan B's establishment. Because E's years of service (6) are not less than his consecutive 1-year breaks (5), plan B is maintained for E as of the establishment date of plan A.

(4) *Break in service.* A year of service which is not required to be taken into account by reason of a break in service (within the meaning of section 411(a)(6) and § 1.411(a)–6)).

(5) *Service before January 1, 1971.* A year of service completed by an employee prior to January 1, 1971, unless the employee completes at least 3 years of service at any time after December 31, 1970. For purposes of determining if an employee completes 3 years of service, whether or not consecutive, the exceptions of section 411(a)(4) are not applicable. For the meaning of the term "year of service", see regulations prescribed by the Secretary of Labor under 29 CFR Part 2530, relating to minimum standards for employee pension benefit plans.

(6) *Service before effective date.* A year of service completed before the first plan year for which this section applies to the plan, if such service would have been disregarded under the plan rules relating to breaks in service (whether or not such rules are so designated in the plan) as such rules were in effect from time to time under the plan. In general, rules which relate to required minimum hours or other length of service will be considered break in service rules. See § 1.411(a)-9 for requirements relating to certain amendments to the break in service rules of a plan.

(c) *Special continuity rule for certain plans.* For special rules for computing years of service in the case of a plan maintained by more than one employer, see § 210 of 29 CFR Part 2530 (Department of Labor regulations relating to minimum standards for employee pension benefit plans).

§ 1.411(a)–6 Year of service; hour of service; breaks in service.

(a) *Year of service.* Under section 411(a)(5)(A), for purposes of the regulations thereunder, the term "year of service" is defined in regulations prescribed by the Secretary of Labor under section 203(b)(2)(A) of the Employee Retirement Income Security Act of 1974. For special rules applicable to seasonal industries and maritime industries, see regulations prescribed by the Secretary of Labor under subparagraphs (C) and (D) of section 203(b)(2) of the Employee Retirement Income Security Act of 1974.

(b) *Hours of service.* Under section 411(a)(5)(B), for purposes of the regulations thereunder, the term "hours of service" has the meaning provided by section 410(a)(3)(C). See regulations prescribed by the Secretary of Labor under 29 CFR Part 2530, relating to minimum standards for employee pension benefit plans.

(c) *Breaks in service.* Under section 411(a)(6), for purposes of § 1.411(a)–5(b)(4) and of this paragraph—

(1) *In general*—(i) *Year of service after 1-year break in service.* In the case of any employee who has incurred a 1-year break in service, years of service completed before such break are not required to be taken into account until the employee has completed one year of service after his return to service.

(ii) *Defined contribution plan*—(A) *General rule.* In the case of a participant in a defined contribution plan or in an insured defined benefit plan (which plan satisfies the requirements of section 411(b)(1)(F) and § 1.411(b)–1) who has incurred a 1-year break in service, years of service completed after such break are not required to be taken into account for purposes of determining the nonforfeitable percentage of the participant's right to employer-derived benefits which accrued before such break. This subdivision does not permit years of service completed before a 1-year break in service to be disregarded in determining the nonforfeitable percentage of a participant's right to employer-derived benefits which accrue after such break.

(B) *Special rule.* If a defined contribution plan makes a distribution to a participant at a time when the participant is less than 100 percent vested in his employer contributions and there is no break in service prior to the relevant time, the plan must provide that—

(*1*) A separate account is established for the participant's interest in the plan as of the time of the distribution, and

(2) That at any relevant time the participant's vested portion of the separate account is not less than an amount ("X") determined by the formula: $X=P(AB+(R\times D))-(R\times D)$. For purposes of applying the formula: P is the vested percentage at the relevant time; AB is the account balance at the relevant time; D is the amount of the distribution; and R is the ratio of the account balance at the relevant time to the account balance after distribution.

(C) *Example.* The rule of paragraph (c)(1)(ii)(B) of this section is illustrated by the following example:

Example. A receives a distribution of $250 from the X defined contribution plan when his account balance equals $1,000 and he is 25 percent vested. He does not incur a break in service. Six years later, when A is 60 percent vested, he incurs a break in service. At this time his separate account balance equals $1,500.

$$R=\frac{\$1,500}{\$750}\text{ or }2$$

A's separate account must equal 60 percent ($1,500+(2\times\$250))-(2\times\$250)$, or 60 percent ($1,500+$500)—$500, or $1,200—$500 equals $700.

(iii) *Nonvested participants.* In the case of an employee who is a nonvested participant in employer-derived benefits at the time he incurs a 1-year break in service, years of service completed by such participant before such break are not required to be taken into account for purposes of determining the nonforfeitable percentage of his right to employer-derived benefits if at such time the number of consecutive 1-year breaks in service included in his most recent break in service equals or exceeds the aggregate number of his years of service, whether or not consecutive, completed before such break. In computing the aggregate number of years of service prior to such break, years of service which could have been disregarded under this subdivision by reason of any prior break in service may be disregarded.

(2) *One-year break in service defined.* The term "1-year break in service" means a calendar year, plan year, or other 12-consecutive month period designated by a plan (and not prohibited under regulations prescribed by the Secretary of Labor) during which the participant has not completed more than 500 hours of service. See regulations prescribed by the Secretary of Labor under 29 CFR Part 2530, relating to minimum standards for employee pension benefit plans.

(d) *Examples.* The rules provides by this section are illustrated by the following examples:

Example (1). (i) X Corporation maintains a defined contribution plan to which section 411 applies. The plan uses the calendar year as the vesting computation period. In 1980, Employee A, who was hired at age 35, separates from the service of X Corporation after completing 4 years of service. At the time of his separation, Employee A had a nonforfeitable right to 25 percent of his employer-derived accrued benefit which was not distributed. In 1985, after incurring 5 consecutive one-year breaks in service, Employee A is re-employed by X Corporation and becomes an active participant in the plan. The plan provides that, for 1985 and all subsequent years, Employee A's previous years of service will not be taken into account for purposes of computing the nonforfeitable percentage of his employer-derived accrued benefit, solely because of his break in service.

(ii) The plan fails to satisfy section 411. Section 411(a)(6)(B) would permit the plan to disregard Employee A's prior service for purposes of computing his nonforfeitable percentage in 1985 only, but such service must be taken into account in subsequent years unless there is another break in service. Under section 411(a)(6)(C), the plan is not required to take Employee A's post-break service into account for purposes of computing his nonforfeitable right to his pre-break employer derived accrued benefits. This provision, however, would not permit the plan to disregard pre-break service in determining his nonforfeitable right to his benefit accrued after the break. The exception provided by section 411(a)(6)(D) does not apply in the case of a participant who has any nonforfeitable right to his accrued benefit derived from employer contributions.

Example (2). (i) X Corporation maintains a qualified plan to which sections 410 and 411 (relating to minimum participation standards and minimum vesting standards, respectively) apply. The plan permits participation upon completion of a year of service and provides that 100% of an employee's employer-derived accrued benefit vests after 10 years of service. The plan uses the calendar year as the vesting computation period. The plan provides that an employee who completes at least 1,000 hours of service in a 12-month period is credited with a year of service for participation and vesting purposes. The plan also provides that an employee who does not complete more than 500 hours of service in that 12-month period incurs a one-year break in service. The plan includes the rule described in section 411(a)(6)(D) for participation and vesting purposes. Under this rule, an employee's years of service prior to a break in service may be disregarded under certain circumstances if he has no vested right to any employer-derived benefit under the plan. The plan does not contain the rule described in section 411(a)(6)(B) (relating to the requirement of one year of service after a one-year break in service).

(ii) Employee A commences employment with the X Corporation on January 1, 1977. Employee A's employment history for 1977 through 1989 is as follows:

Year ending December 31:	*Hours of service completed*
1977	1,000
1978	800
1979	1,000
1980	400
1981	1,000
1982	0
1983	400
1984	1,000
1985	0
1986	0
1987	500
1988	200
1989	1,000

Employee A's status as a participant during this period is determined as follows:

1978: Employee A was a plan participant on January 1, 1978, because he completed a year of service (1,000 hours) in 1977. He did not complete a year of service in 1978 because he completed fewer than 1,000 hours in that year. Because he completed more than 500 hours of service in 1978, however, Employee A did not incur a one-year break in service that year.

1979: Employee A completes a year of service in 1979. Because he did not incur a one-year break in service in 1978, the plan may not disregard his 1977 service for purposes of determining his years of service as of January 1, 1979.

1980: Employee A incurs a one-year break in service in 1980.

1981: Because Employee A had completed 2 years of service prior to 1981 and had incurred one 1-year break in service prior to 1981, under section 411(a)(6)(D), the plan may not disregard his pre-1980 service in 1981. Employee A completes a year of service in 1981.

1982: Employee A incurs a one-year break in service in 1982.

1983: Employee A incurs a one-year break in service in 1983. As of the end of 1983, he has completed 3 years of service and has incurred 2 consecutive one-year breaks in service.

1984: Employee A completes a year of service in 1984. Under section 411(a)(6)(D), his pre-1982 service may not be disregarded in 1984 because, as of the beginning of 1984, his pre-1984 years of service (3) exceed his consecutive one-year breaks in service (2).

1985–1988: Employee A incurs 4 consecutive one-year breaks in service during the years 1985 through 1988.

1989: Empoyee A's pre-1989 service is disregarded in 1989 and all subsequent plan years because his years of service as of January 1, 1989, equal the number of consecutive one-year breaks he has incurred as of that date. Therefore, as of the beginning of 1989, Employee A is not a plan participant. Employee A completes a year of service in 1989. (Although section 411(a)(6)(D) does not prohibit the plan provision under which Employee A's pre-1989 service is disregarded, that section does not require such a provision in a qualified plan.)

§ 1.411(a)–7 Definitions and special rules.

(a) *Accrued benefit.* For purposes of section 411 and the regulations thereunder, the term "accrued benefit" means—

(1) *Defined benefit plan.* In the case of a defined benefit plan—

(i) If the plan provides an accrued benefit in the form of an annual benefit commencing at normal retirement age, such accrued benefit, or

(ii) If the plan does not provide an accrued benefit in the form described in subdivision (i) of this subparagraph, an annual benefit commencing at normal retirement age which is the actuarial equivalent (determined under section 411(c)(3) and § 1.411(c)–5) of the accrued benefit determined under the plan.

For purposes of this paragraph a subsidized early retirement benefit which is provided by a plan is not taken into account, except to the extent of determining the normal retirement benefit under the plan (see section 411(a)(9) and paragraph (c) of this section). The

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accrued benefit includes any optional settlement at normal retirement age under actuarial assumptions no less favorable than those which would be applied if the employee were terminating his employment at normal retirement age. The accrued benefit does not include any subsidized value in a joint and survivor annuity to the extent that the annual benefit of the joint and survivor annuity does not exceed the annual benefit of a single life annuity.

(2) *Defined contribution plan.* In the case of a defined contribution plan, the balance of the employee's account held under the plan.

(b) *Normal retirement age*—(1) *General rule.* For purposes of section 411 and the regulations thereunder, the term "normal retirement age" means the earlier of—

(i) The time specified by a plan at which a plan participant attains normal retirement age, or

(ii) The later of—

(A) The time the plan participant attains age 65, or

(B) The 10th anniversary of the date the plan participant commences participation in the plan.

For purposes of subdivision (i) of this subparagraph, if an age is not specified by a plan as the normal retirement age, then the normal retirement age under the plan is the earliest age beyond which the participant's benefits under the plan are not greater solely on account of his age or service. For purposes of paragraph (b) (1) (ii) (B) of this section, participation commences on the first day of the first year in which the participant commenced his participation in the plan, except that years which may be disregarded under section 410(a) (5) (D) may be disregarded in determining when participation commenced.

(2) *Examples.* The provisions of this paragraph are illustrated by the following examples:

Example (1). Plan A defines normal retirement age as age 65. Under the plan, benefits payable to participants who retire at or after age 60 are not reduced on account of early retirement. For purposes of section 411 and the vesting regulations, normal retirement age under Plan A is age 65 (determined under subparagraph (1) (i) of this paragraph). This is true even if in operation all participants retire at age 60.

Example (2). Plan B does not specify any age as the normal retirement age. Under the plan, participants who have attained age 55 are entitled to benefits commencing upon retirement but the benefits of participants who retire before attaining age 70 are subject to reduction on account of early retirement. For purposes of section 411 and the vesting regulations the normal retirement age under plan B is the later of (i) age 65, or (ii) the 10th anniversary of the date a plan participant commences participation in the plan (assuming such date is prior to age 70).

Example (3). The facts are the same as in example (2). Employee X first became a participant in Plan B on January 1, 1980 at age 53. His participation continued until December 31, 1980, when he separated from the service with no vested benefits. After incurring 5 consecutive 1-year breaks in service, Employee X again becomes an employee and a plan participant on January 1, 1986, at age 59. For purposes of section 411, Employee X's normal retirement age under Plan B is age 69, the 10th anniversary of the date on which his year of plan participation commenced. His participation in 1980 may be disregarded under the last sentence of paragraph (b) (1) of this section.

(c) *Normal retirement benefit*—(1) *In general.* For purposes of section 411 and the regulations thereunder, the term "normal retirement benefit" means the periodic benefit under the plan commencing upon early retirement (if any) or at normal retirement age, whichever benefit is greater.

(2) *Periodic benefit.* For purposes of subparagraph (1) of this paragraph—

(i) In the case of a plan under which a benefit is payable as an annuity in the same form upon early retirement and at normal retirement age, the greater benefit is determined by comparing the amount of such annuity payments.

(ii) In the case of a plan under which an annuity benefit payable upon early retirement is not in th same form as an annuity benefit payable at normal retirement age, the greater benefit is determined by converting the annuity benefit payable upon early retirement age into the same form of annuity benefit as is payable at normal retirement age and by comparing the amount of the converted early retirement benefit payment with the amount of the normal retirement benefit payment.

(3) *Benefits included.* For purposes of this paragraph, the normal retirement benefit under a plan shall be determined without regard to medical benefits or disability benefits not in excess of the qualified disability benefit. For this purpose, a qualified disability benefit is a disability benefit which is not in excess of the amount of the benefit which would be payable to the participant if he separated from service at normal retirement age.

(4) *Determination of early retirement benefit.* For purposes of this paragraph, the early retirement benefit under a plan shall be determined without regard to any qualified plan benefits provided for a participant which commence before his benefits payable under title II of the Social Security Act become payable. For purposes of this subparagraph, qualified plan benefits are plan benefits which do not exceed such social security benefits and which terminate when the participant is eligible for such social security benefits.

(5) *Special limitation.* If a defined benefit plan bases its normal retirement benefits on employee compensation, the compensation which would have been paid for a full year of participation within the meaning of section 411(b)(3). If an employee works less than a full year of participation, the compensation used to determine benefits under the plan for such year of participation must be multiplied by the ratio of the number of hours for a complete year of participation to the number of hours worked in such year. A plan whose benefit formula is computed on a computation base which cannot decrease is not required to adjust employee compensation in the manner described in the previous sentence. Thus, for example, if a plan provided a benefit based on an employee's compensation for his highest five consecutive years, the plan would not have to so adjust compensation. However, if a plan provided a benefit based on an employee's compensation for the employee's last five years, or the five highest consecutive years out of the last 10 years, the compensation, must be so adjusted. For special rules for applying the limitations on proration of a year of participation for benefit accrual, see 29 CFR Part 2530.204.

(6) *Examples.* The provisions of this paragraph are illustrated by the following examples:

Example (1). Plan A provides for a benefit equal to 1% of high 5 years compensation for each year of service and a normal retirement age of 65. The plan also provides for a full unreduced accrued benefit without any actuarial reduction for any employee at age 55 with 30 years of service. Even though the actuarial value of the early retirement benefit could exceed the value of the benefit at the normal retirement age, the normal retirement benefit would not include the greater value of th early retirement benefit because actuarial subsidies are ignored.

Example (2). Plan B provides the following benefits: (1) at normal retirement age 65, $300/mo. for life and (2) at early retirement age 60, $400/mo. for life. The normal retirement benefit is $400/mo., the greater of the benefit payable at normal retirement age ($300) or early retirement ($400).

Example (3). Assume the same facts as example (2) except that the early retirement benefit of $400 is reduced to $300 upon attainment of age 65. If each employee's social security benefit at age 65 is not less than $100, the $100 would be considered to be a social security supplement and would therefore be ignored. Consequently, the normal retirement benefit would be $300.

Example (4). Plan C provides a benefit at normal retirement age equal to 1% per year of service, multiplied by the participant's compensation averaged over the 5 years immediately prior to retirement. An early retirement benefit is provided upon attainment of age 60 equal to the benefit accrued to date of early retirement reduced by 4 percent for each year by which the early retirement date precedes the normal retirement age of 65. Employee A was hired at age 30, participated immediately, and retired at age 65. Employe A's annual compensation was $50,000 between ages 55–60 and was reduced to $33,000 after age 60. The following table indicates the amount of annual benefit that would have been provided by the plan formula if the employee retired at or after after 60:

Age	Final average computated (1)	Percent accrued benefit (2)	Reduction (3)	Annual benefit (4)
60	$50,000	30	0.80	$12,000
61	46,600	31	.84	12,135
62	43,200	32	.88	12,165
63	39,800	33	.92	12,083
64	36,400	34	.96	11,881
65	33,000	35	1.00	11,550

NOTE.—Col. (1) times col. (2) times col. (3) equals col. (4).

The normal retirement benefit is the greater of the benefit payable at normal retirement age or the early retirement benefit. Employee A's normal retirement benefit is $12,165, the greatest annual benefit Employee A would be entitled to.

(d) *Certain cash-outs of accrued benefits*—

(1) *Involuntary cash-outs.* For purposes of determining an employee's right to an accrued benefit derived from employer contributions under a plan, the plan may disregard service performed by the employee with respect to which—

(i) The employe receives a distribution of the present value of his entire nonforfeitable benefit,

(ii) The portion of such distribution which is attributable to the present value of the employer-derived accrued benefit is not in excess of $1,750,

(iii) The distribution is made due to the termination of the employees' participation in the plan, and

(iv) The plan has a repayment provision which satisfies the requirements of paragraph (d) (4) of this section in effect at the time of the distribution.

A distribution shall be deemed to be made due to the termination of an employee's participation in the plan only if it is made within 1 year after such termination.

(2) *Voluntary cash-outs.* For purposes of determining an employee's accrued benefit derived from employer contributions under a plan, the plan may disregard service performed by the employee with respect to which—

(i) The employee receives a distribution of the present value of his nonforfeitable benefit attributable to such service,

(ii) The employee voluntarily elects to receive such distribution,

(iii) The distribution is made on termination of the employee's participation in the plan, and

(iv) The plan has a repayment provision in effect at the time of the distribution which satisfies the requirements of paragraph (d) (4) of this section.

A distribution shall be deemed to be made on termination of participation only if it is made within 1 year after such termination.

(3) *Disregard of service.* Service of an employee permitted to be disregarded under paragraph (d) (1) or (2) of this section is not required to be taken into account in computing the employee's accrued benefit under the plan. In the case of a distribution described in subparagraph (2) of this paragraph which is less than the present value of the employee's total nonforfeitable benefit immediately prior to the distribution, the accrued benefit not required to be taken into account is such accrued benefit multiplied by a fraction, the numerator of which is the amount of the distribution and the denominator of which is the present value of his total nonforfeitable benefit immediately prior to such distribution. However, such service may not by reason of this paragraph be disregarded for purposes of determining an employee's years of service under sections 410(a) (3) and 411(a) (4).

(4) *Plan repayment provision.* (i) A plan repayment provision satisfies the requirements of this subparagraph if, under the provision, the accrued benefit of an employee which is disregarded by a plan under paragraph (d) (1) or (2) of the section is restored upon repayment to the plan by the employee of the full amount of the distribution. A plan is not required to provide for such repayment unless the employee—

(A) Received a distribution which is in a plan year to which section 411 applies (see § 1.411(a)–2) which distribution is less than the present value of his accrued benefit, and

(B) Resumes employment covered under the plan.

For purposes of (d) (4) (i) (A), an employee receives a distribution which is less than the present value of his accrued benefit if any portion of such benefit is forfeitable at the time of such distribution.

(ii) In the case of a defined benefit plan (as defined in section 414(j)) the restoration of the employee's accrued benefit may be conditioned upon repayment of interest on the full amount of the distribution. Such interest shall be computed on the amount of distribution from the date of such distribution to the date of repayment, compounded annually from the date of distribution, at the rate determined under section 411(c) (2) (C) (see § 1.411(c)–3) in effect on the date of repayment. A plan may provide for repayment of interest which is less than the amount determined under the preceding sentence.

(iii) In the case of a defined contribution plan (as defined in section 414(i)) the plan repayment provision described in this subparagraph may provide that the employee must repay the full amount of his distribution before the close of the vesting computation period within which the participant has a one-year break in service within the meaning of § 1.411 (a)–6.

(iv) A defined benefit plan or a defined contribution plan may require that such repayment be made within 2 years of the employee's resumption of employment covered by the plan.

(v) In the case of a defined contribution plan, the employer-derived accrued benefit required to be restored by this subparagraph shall not be less than the amount in the account balance of the employee, both the amount distributed and the amount forfeited, unadjusted by any subsequent gains or losses. Thus, for example, if an employee received a distribution of $250 when he was 25 percent vested in an account balance of $1,000, upon repayment of $250 the account balance may not be less than $1,000 even if, because of plan losses, the account balance, if not distributed, would have been reduced to $500.

§ 1.411(a)–8 Changes in vesting schedule.

(a) *Requirement of prior schedule.* Under section 411(a) (10) (A), for plan years for which section 411 applies, a plan will be treated as not meeting the minimum vesting standards of section 411(a) (2) if the plan does not satisfy the requirements of this paragraph. If the vesting schedule of a plan is amended, then as of the date such amendment is adopted, the plan satisfies the requirements of this paragraph if, under the plan as amended, in the case of an employee who is a participant on—

(1) The date the amendment is adopted, or

(2) The date the amendment is effective, if later, the nonforfeitable percentage of such employee's right to his employer-derived accrued benefit (determined as of such date) is not less than his percentage computed under the plan without regard to such amendment.

(b) *Election of former schedule*—(1) *In general.* Under section 411(a) (10) (B), for plan years for which section 411 applies, if the vesting schedule of a plan is amended, the plan will not be treated as meeting the minimum vesting standards of section 411(a) (2) unless the plan as amended, provides that each participant whose nonforfeitable percentage of his accrued benefit derived from employer contributions is determined under such schedule, and who has completed at least 5 years of service with the employer, may elect, during the election period, to have the nonforfeitable percentage of his accrued benefit derived from employer contributions determined without regard to such amendment.

(2) *Election period.* For purposes of subparagraph (1) of this paragraph, the election period under the plan must begin no later than the date the plan amendment is adopted and end no earlier than the latest of the following dates:

(i) The date which is 60 days after the day the plan amendment is adopted,

(ii) The date which is 60 days effective the day the plan amendment becomes effective, or

(iii) The date which is 60 days after the day the participant is issued written notice of the employer or plan administrator.

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(3) *Service requirement.* For purposes of subparagraph (1) of this paragraph, a participant shall be considered to have completed 5 years of service if such participant has completed 5 years of service (as computed under the plan for the purpose of determining such participant's nonforfeitable percentage under section 411(a)(2)) with the employer prior to the expiration of the election period described in subparagraph (2) of this paragraph.

(4) *Election only by participant.* The election described in subparagraph (1) of this paragraph is available only to an individual who is a participant in the plan at the time such election is made.

(5) *Election may be irrevocable.* A plan, as amended, shall not fail to meet the minimum vesting standards of section 411(a)(2) by reason of section 411(a)(10)(B) merely because such plan provides that the election described in subparagraph (1) of this paragraph is irrevocable.

§ 1.411(a)-9 Amendment of break in service rules; transitional period.

(a) *In general.* Under section 1017(f)(2) of the Employee Retirement Income Security Act of 1974, a plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) if the rules of the plan relating to breaks in service are amended, and—

(1) Such amendment is effective after January 1, 1974, and before the effective date of section 411, and

(2) Under such amendment, the nonforfeitable percentage of any employee's right to his employer-derived accrued benefit is less than the lesser of the nonforfeitable percentage of such employee's right to such benefit—

(i) Under the break in service rules provided by section 411(a)(6) and § 1.411(a)-6(c), or

(ii) The greatest such percentage under the plan as in effect on or after January 1, 1974 (provided the break in service rules of the plan were not in violation of any law or rule of law on January 1, 1974).

(b) *Break in service rules.* For purposes of paragraph (a), the term "break in service rules" means the rules provided by a plan relating to circumstances under which a period of an employee's service or plan participation is disregarded, for purposes of determining the extent to which his rights to his accrued benefit under the plan are unconditional, if under such rules such service is disregarded by reason of the employee's failure to complete a required period of service within a specified period of time.

§ 1.411(b) Statutory provisions; accrued benefit requirements.

Sec. 411. *Minimum vesting standards.*

* * * * *

(b) *Accrued benefit requirements*—(1) *General rules*—(A) *3-percent method.* A defined benefit plan satisfies the requirements of this paragraph if the accrued benefit to which each participant is entitled upon his separation from the service is not less than—

(i) 3 percent of the normal retirement benefit to which he would be entitled if he commenced participation at the earliest possible entry age under the plan and served continuously until the earlier of age 65 or the normal retirement age specified under the plan, multiplied by

(ii) The number of years (not in excess of 33⅓) of his participation in the plan.

In the case of a plan providing retirement benefits based on compensation during any period, the normal retirement benefit to which a participant would be entitled shall be determined as if he continued to earn annually the average rate of compensation which he earned during consecutive years of service, not in excess of 10, for which his compensation was the highest. For purposes of this subparagraph, social security benefits and all other relevant factors used to compute benefits shall be treated as remaining constant as of the current year for all years after such current year.

(B) *133⅓ percent rule.* A defined benefit plan satisfies the requirements of this paragraph for a particular plan year if under the plan the accrued benefit payable at the normal retirement benefit and the normal retirement age is equal to the normal retirement benefit and the annual rate at which any individual who is or could be a participant can accrue the retirement benefits at normal retirement age under the plan for any later plan year is not more than 133⅓ percent of the annual rate at which he can accrue benefits for any plan year beginning on or after such particular plan year and before such later plan year. For purposes of this subparagraph:

(i) Any amendment to the plan which is in effect for the current year shall be treated as in effect for all other plan years;

(ii) Any change in an accrual rate which does not apply to any individual who is or could be a participant in the current year shall be disregarded;

(iii) The fact that benefits under the plan may be payable to certain employees before normal retirement age shall be disregarded; and

(iv) Social security benefits and all other relevant factors used to compute benefits shall be treated as remaining constant as of the current year for all years after the current year.

(C) *Fractional rule.* A defined benefit plan satisfies the requirements of this paragraph if the accrued benefit to which any participant is entitled upon his separation from the service is not less than a fraction of the annual benefit commencing at normal retirement age to which he would be entitled under the plan as in effect on the date of his separation if he continued to earn annually until normal retirement age the same rate of compensation upon which his normal retirement benefit would be computed under the plan, determined as if he had attained normal retirement age on the date on which any such determination is made (but taking into account no more than the 10 years of service immediately preceding his separation from service). Such fraction shall be a fraction, not exceeding 1, the numerator of which is the total number of his years of participation in the plan (as of the date of his separation from the service) and the denominator of which is the total number of years he would have participated in the plan if he separated from the service at the normal retirement age. For purposes of this subparagraph, social security benefits and all other relevant factors used to compute benefits shall be treated as remaining constant as of the current year for all years after such current year.

(D) *Accrual for service before effective date.* Subparagraphs (A), (B), and (C) shall not apply with respect to years of participation before the first plan year to which this section applies, but a defined benefit plan satisfies the requirements of this subparagraph with respect to such years of participation only if the accrued benefit of any participant with respect to such years of participation is not less than the greater of—

(i) His accrued benefit determined under the plan, as in effect from time to time prior to the date of the enactment of the Employee Retirement Income Security Act of 1974, or

(ii) An accrued benefit which is not less than one-half of the accrued benefit to which such participant would have been entitled if subparagraph (A), (B), or (C) applied with respect to such years of participation.

(E) *First two years of service.* Notwithstanding subparagraphs (A), (B), and (C) of this paragraph, a plan shall not be treated as not satisfying the requirements of this paragraph solely because the accrual of benefits under the plan does not become effective until the employee has two continuous years of service. For purposes of this subparagraph, the term "years of service" has the meaning provided by section 410(a)(3)(A).

(F) *Certain insured defined benefit plans.* Notwithstanding subparagraphs (A), (B), and (C), a defined benefit plan satisfies the requirements of this paragraph if such plan—

(i) Is funded exclusively by the purchase of insurance contracts, and

(ii) Satisfies the requirements of paragraphs (2) and (3) of section 412(i) (relating to certain insurance contract plans), but only if an employee's accrued benefit as of any applicable date is not less than the cash surrender value his insurance contracts would have on such applicable date if the requirements of paragraphs (4), (5), and (6) of section 412(f) were satisfied.

(G) *Accrued benefit may not decrease on account of increasing age or service.* Notwithstanding the preceding subparagraphs, a defined benefit plan shall be treated as not satisfying the requirements of this paragraph if the participant's accrued benefit is reduced on account of any increase in his age or service. The preceding sentence shall not apply to benefits under the plan commencing before entitlements to benefits payable under title II of the Social Security Act which benefits under the plan—

(i) Do not exceed such social security benefits, and

(ii) Terminate when such social security benefits commence.

(2) *Separate accounting required in certain cases.* A plan satisfies the requirements of this paragraph if—

(A) In the case of a defined benefit plan, the plan requires separate accounting for the portion of each employee's accrued benefit derived from any voluntary employee contributions permitted under the plan; and

(B) In the case of any plan which is not a defined benefit plan, the plan requires separate accounting for each employee's accrued benefit.

(3) *Year of participation*—(A) *Definition.* For purposes of determining an employee's accrued benefit, the term "year of participation" means a period of service (beginning at the earliest date on which the employee is a participant in the plan and which is included in a period of service required to be taken into account under section 410(a)(5)) as determined under regulations prescribed by the Secretary of Labor which provide for the calculation of such period on any reasonable and consistent basis.

(B) *Less than full time service.* For purposes of this paragraph, except as provided in subparagraph (C), in the case of any employee whose customary employment is less than full time, the calculation of such employee's service on any basis which provides less than a ratable portion of the accrued benefit to which he would be entitled under the plan if his customary employment were full time shall not be treated as made on a reasonable and consistent basis.

(C) *Less than 1,000 hours of service during year.* For purposes of this paragraph, in the case of any employee whose service is less than 1,000 hours during any calendar year, plan year or other 12-consecutive month period designated by the plan (and not prohibited under regulations prescribed by the Secretary of Labor) the calculation of his period of service shall not be treated as not made on a reasonable and consistent basis solely because such service is not taken into account.

(D) *Seasonal industries.* In the case of any seasonal industry where the customary period of employment is less than 1,000 hours during a calendar year, the term "year of participation" shall be such period as determined under regulations prescribed by the Secretary of Labor.

(E) *Maritime industries.* For purposes of this subsection, in the case of any maritime industry, 125 days of service shall be treated as a year of participation. The Secretary of Labor may prescribe regulations to carry out the purposes of this subparagraph.

[Sec. 411(b) as added by sec. 1012(a), Employee Retirement Income Security Act of 1974 (88 Stat. 901)]

§ 1.411(b)-1 Accrued benefit requirements.

(a) *Accrued benefit requirements*—(1) *In general.* Under section 411(b), for plan years beginning after the applicable effective date of section 411, rules are provided for the determination of the accrued benefit to which a participant is entitled under a plan. Under a defined contribution plan, a participant's accrued benefit is the balance to the credit of the participant's account. Under a defined benefit plan, a participant's accrued benefit is his accrued benefit determined under the plan. A defined benefit plan is not a qualified plan unless the method provided by the plan for determining accrued benefits satisfies at least one of the alternative methods (described in paragraph (b) of this section) for determining accrued benefits with respect to all active participants under the plan. In addition, a defined benefit plan (without regard to any combining of plans of an employer) must provide only one method for the computation of accrued benefits. A defined benefit plan does not satisfy the requirements of section 411(b) and this section merely because the accrued benefit is defined as the "reserve under the plan". Special rules are provided for the first two years of service by a participant, certain insured defined benefit plans, and certain reductions in accrued benefits due to increasing age or service. In addition, a special rule is provided with respect to accruals for service before the effective date of section 411.

(2) *Cross references*—

(i) *3 percent method.* For rules relating to the 3 percent method of determining accrued benefits, see paragraph (b)(1) of this section.

(ii) *133⅓ percent method.* For rules relating to the 133⅓ percent method of determining accrued benefits, see paragraph (b)(2) of this section.

(iii) *Fractional method.* For rules relating to the fractional method of determining accrued benefits, see paragraph (b)(3) of this section.

(iv) *Accruals before effective date.* For rules relating to accruals for service before the effective date of section 411, see paragraph (c) of this section.

(v) *First 2 years of service.* For special rules relating to determination of accrued benefit for first 2 continuous years of service, see paragraph (d)(1) of this section.

(vi) *Certain insured plans.* For special rules relating to determination of accrued benefit under a defined benefit plan funded exclusively by insurance contracts, see paragraph (d)(2) of this section.

(vii) *Accruals decreased by increasing age or service.* For special rules relating to prohibition of decrease in accrued benefit on account of increasing age or service, see paragraph (d)(3) of this section.

(viii) *Separate accounting.* For rules relating to requirements for separate accounting, see paragraph (e) of this section.

(ix) *Year of participation.* For definition of "year of participation", see paragraph (f) of this section.

(b) *Defined benefit plans.* A defined benefit plan satisfies the requirements of section 411(b)(1) and this paragraph for a plan year to which section 411 and this section apply if it satisfies the requirements of subparagraph (1), (2), or (3) of this paragraph for such year.

(1) *3 percent method*—(i) *General rule.* A defined benefit plan satisfies the requirements of this paragraph for a plan year if, as of the close of the plan year, the accrued benefit to which each participant is entitled, computed as if the participant separated from the service as of the close of such plan year, is not less than 3 percent of the 3 percent method benefit, multiplied by the number of years (not in excess of 33⅓) of his participation in the plan including years after his normal retirement age. For purposes of this subparagraph, the "3 percent method benefit" is the normal retirement benefit to which the participant would be entitled if he commenced participation at the earliest possible entry age for any individual who is or could be a participant under the plan and if he served continuously until the earlier of age 65 or the normal retirement age under the plan.

(ii) *Special rules*—(A) *Compensation.* In the case of a plan providing a retirement benefit based upon compensation during any period, the normal retirement benefit to which a participant would be entitled is determined as if he continued to earn annually the average rate of compensation which he earned during consecutive years of service, not in excess of 10, for which his compensation was the highest. For purposes of this subdivision (A), the number of consecutive years of service used in computing average compensation shall be the number of years of service specified under the plan (not in excess of 10) for computing normal retirement benefits.

(B) *Social security, etc.* For purposes of this subparagraph, for any plan year, social security benefits and all relevant factors used to compute benefits, *e.g.*, consumer price index, are treated as remaining constant as of the beginning of the current plan year for all subsequent plan years.

(C) *Computation in certain cases.* In the case of any plan to which the provisions of section 411(b)(1)(D) and paragraph (c) of this section are applicable, for any plan year the accrued benefit of any participant shall not be less than the accrued benefit otherwise determined under this subparagraph, reduced by the excess of the accrued benefit determined under this subparagraph as of the first day of the first plan year to which section 411 applies over the accrued benefit determined under section 411(b)(1)(D) and paragraph (c) of this section and increased by the amount determined under paragraph (c)(2)(v) of this section.

(iii) *Examples.* The application of this subparagraph is illustrated by the following examples.

Example (1). The M Corporation's defined benefit plan provides an annual retirement benefit commencing at age 65 or $4 per month for each year of participation. As a condition of participation, the plan requires that an employee have attained age 25. The normal retirement age specified under the plan is age 65. The plan provides for no limit on the number of years of credited service. A, age 40, is a participant in the M Corporation's plan.

A has completed 12 years of participation in the plan of the M Corporation as of the close of the plan year. Under subdivision (i) of this subparagraph, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (25) under the plan and served continuously until normal retirement age (65) is an annual benefit of $1,920 [40×(12×$4)]. Under paragraph (b)(1)(i) of this section, the plan does not satisfy the requirements of this subparagraph unless A has accrued an annual benefit of at least $691 [0.03×($1,920×12)] as of the close of the plan year. Under the M Corporation plan, A is entitled to an accrued benefit of $576 [(12×12)×$4] as of the close of the plan year. Thus, with respect to A, the accrued benefit provided under the M Corporation plan does not satisfy the requirements of this subparagraph.

Example (2). Assume the same facts as in example (1) except that the M Corporation's plan provides that only the first 30 years of participation are taken into account. Under subdivision (i) of this subparagraph, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age under the plan (25) and served continuously until normal retirement age (65) is an annual benefit of $1,440 [30×$48]. Under paragraph (b)(1)(i) of this section, the plan does not satisfy the requirements of this subparagraph unless A has accrued

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an annual benefit of at least $518 [0.03×($1,440×12)] as of the close of the plan year. Under the M Corporation plan, A is entitled to an accrued benefit of $576 [12×$48]. Thus, with respect to A, the accrued benefit provided under the M Corporation plan satisfies the requirements of this subparagraph.

Example (3). The N Corporation's defined benefit plan provides an annual retirement benefit commencing at age 65 of 50 percent of average compensation for the highest 3 consecutive years of compensation for an employee with 25 years of participation. A participant who separates from service before age 65 is entitled to 2 percent of average compensation for the highest 3 consecutive years of compensation for each year of participation not in excess of 25. The plan has no minimum age or service requirement for participation. The normal retirement age specified under the plan is age 65. On December 31, 1990, B, age 40, is a participant in the N Corporation's plan. B began employment with the N Corporation and became a participant in the N Corporation's plan on January 1, 1980. Under this subparagraph, the normal retirement benefit to which a particpant would be entitled if he commenced participation at the earliest possible entry age (0) under the plan and served continuously until normal retirement age (65) is 50 percent of average compensation for the highest 3 consecutive years of compensation per year commencing at age 65. Under this subparagraph, B must have accrued an annual benefit of at least 16.5 percent of his highest 3 consecutive years of compensation per year commencing at age 65 [0.03×50 percent of average compensation for the highest 3 consecutive years of compensation × 11] as of the close of the plan year. Under the N Corporation plan, B has accrued an annual benefit of 22 percent of average compensation for his highest 3 consecutive years of compensation per year commencing at age 65. Thus, with respect to B, the accrued benefit under the N Corporation plan satisfies the requirements of this subparagraph.

Example (4). The P Corporation's defined benefit plan provides an annual retirement benefit commencing at age 65 of 50 percent of average compensation for the 3 consecutive years of compensation from the P Corporation next preceding normal retirement age. The plan has no minimum age or service requirement for participation. The normal retirement age under the plan is age 65. On December 31, 1990, C, age 55, separates from service with the P Corporation. C began employment with the P Corporation and became a participant in the P Corporation's plan on January 1, 1980. As of December 31, 1990, C's average compensation for the 3 consecutive years preceding his separation from service is $15,000. Under this subparagraph, the normal retirement benefit to which a participant would be entitled if he commenced participation at the earliest possible entry age (0) under the plan and served continuously until normal retirement age (65) is an annual benefit of 50 percent of average compensation for the 3 consecutive years of compensation from the P corporation next preceding normal retirement age commencing at age 65. C must have accrued an annual benefit of at least $2,475 commencing at age 65 [0.03×(0.50×$15,000)×11] as of his separation from the service with the P Corporation in order for the P Corporation's plan to satisfy the requirements of this subparagraph with respect to C.

Example (5). On December 31, 1985, the R Corporation's defined benefit plan provided an annual retirement benefit commencing at age 65 of $100 for each year of participation, not to exceed 30. As a condition of participation, the plan requires that an employee have attained age 25. The normal retirement age specified under the plan is age 65. The appropriate computation period is the calendar year. On January 1, 1986, the plan is amended to provide an annual retirement benefit commencing at age 65 of $200 for each year of participation (before and after the amendment), not to exceed 30. B, age 40, is a participant in the R Corporation's plan. B has completed 15 years of participation in the plan of the R Corporation as of December 31, 1990. Under paragraph (b)(1)(i) of this section, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (25) under the plan and served continuously until normal retirement age (65) is an annual benefit of $6,000 [30×200]. Under subdivision (i) of this subparagraph, the plan does not satisfy the requirements of this subparagraph unless B has accrued an annual benefit of at least $2,700 [0.03×$6,000×15] as of December 31, 1990. Under the R Corporation plan, B is entitled to an accrued benefit of $3,000 [$200×15] as of December 31, 1990. Thus, with respect to B, the accrued benefit provided under the R Corporation plan satisfies the requirements of this subparagraph.

Example (6). On December 31, 1995, the J Corporation's defined benefit plan provided an annual retirement benefit commencing at age 65 of $4,800 after 30 years of participation. The normal retirement age specified under the plan is age 65. The appropriate computation period is the calendar year. On January 1, 1996, the plan is amended to provide an annual retirement benefit commencing at age 65 of $6,000. A, age 40, is a participant in the J Corporation's plan since its adoption on January 1, 1986. Under paragraph (b)(1)(i) of this section, on December 31, 1995, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (0) under the plan and served continuously until normal retirement age (65) is an annual benefit of $4,800. Under paragraph (b)(1)(i) of this section, on January 1, 1996, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (0) under the plan and served continuously until normal retirement age (65) is an annual benefit of $6,000. Under subdivision (i) of this subparagraph, the plan does not satisfy the requirements of this subparagraph unless A has an accrued benefit on December 31, 1995 of at least $1,440 [$4,800 × 0.03 × 10] and an accrued benefit on January 1, 1996 of at least $2,000 [$6,000 × 0.03 × 10].

Example (7). The X Company's defined benefit plan provides an annual retirement benefit commencing at age 65 of $4 per month for each year of participation (not to exceed 30). As a condition of participation, the plan requires that an employee have attained age 25. The normal retirement age specified under the plan is age 65. D, age 68, is a participant in the X Company's plan. D has completed 20 years of participation in the X Company plan as of the close of the plan year. Under paragraph (b)(1)(i) of this section, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (25) under the plan and served continuously until normal retirement age (65) is an annual benefit, commencing at age 65, of $1,440 [30 × $48]. Under paragraph (b)(1)(i) of this section, the plan does not satisfy the requirements of this subparagraph unless D has accrued an annual benefit, commencing at age 65, of $864 [0.03 × $1,440 × 20] as of the close of the plan year. Under the X Company plan, D has accured an annual benefit, commencing at age 65, of $960 [20 × $48]. Thus, with respect to D the accrued benefit provided under the X Company plan satisfies the requirements of this subparagraph.

Example (8). Assume the same facts as in example (7) except that for purposes of determining accrued benefits under the plan the X Company's plan disregards all years of participation after normal retirement age. Under paragraph (b)(1)(i) of this section, the normal retirement benefit commencing at age 65 to which a participant would be entitled if he commenced participation at the earliest possible entry age (25) under the plan and served continuously until normal retirement age (65) is an annual benefit of $1,440 [30 × $48]. Under paragraph (b)(1)(i) of this section the plan does not satisfy the requirements of this subparagraph unless D has accrued an annual benefit, commencing at age 65, of $864 [0.03 × $1,440 20] as of the close of the plan year. Under the X Company's plan, D has accrued an annual benefit commencing at age 65, of $816 [17 × $48]. Thus, with respect to D, the accrued benefit provided under the X Company plan does not satisfy the requirements of this subparagraph.

(2) *133⅓ percent rule*—(i) *General rule.* A defined benefit plan satisfies the requirements of this subparagraph for a particular plan year if—

(A) Under the plan the accrued benefit payable at the normal retirement age (determined under the plan) is equal to the normal retirement benefit (determined under the plan), and

(B) The annual rate at which any individual who is or could be a participant can accrue the retirement benefits payable at normal retirement age under the plan for any later plan year cannot be more than 133⅓ percent of the annual rate at which he can accrue benefits for any plan year beginning on or after such particular plan year and before such later plan year.

(ii) *Special rules.* For purposes of this subparagraph—

(A) *Plan amendments.* Any amendment to the plan which is in effect for the current plan year shall be treated as if it were in effect for all other plan years.

(B) *Change in accrual rate.* Any change in an accrual rate which change does not apply to any individual who is or could be a participant in the plan year is disregarded. Thus, for example, if for its plan year beginning January 1, 1980, a defined benefit plan provides an accrued benefit in plan year 1980 of 2 percent of a participant's average compensation for his highest 3 years of compensation for each year of service and provides that in plan year 1981 the accrued benefit will be 3 percent of such average compensation, the plan will not be treated as failing to satisfy the requirements of this subparagraph for plan year 1980 because in plan year 1980 the change in the accrual rate does not apply to any individual who is or could be a participant in plan year 1980. However, if, for example, a defined benefit plan provided for an accrued benefit of 1 percent of a participant's average compensation for his highest 3 years of compensation for each of the first 10 years of service and 1.5 percent of such average compensation for each year of service thereafter, the plan will be treated as failing to satisfy the requirements of this subparagraph for the plan year even though no participant is actually accruing at the 1.5 percent rate because an individual who could be a participant and who had over 10 years of service would accrue at the 1.5 percent rate, which rate exceeds 133⅓ percent of the 1 percent rate.

(C) *Early retirement benefits.* The fact that certain benefits under the plan may be payable to certain participants before normal retirement age is disregarded. Thus, the requirements of subdivision (i) of this subparagraph must be satisfied without regard to any benefit payable prior to the normal retirement benefit (such as an early retirement benefit which is not the normal retirement benefit (see § 1.411(a)-7(c)).

(D) *Social security, etc.* For purposes of this paragraph, for any plan year, social security benefits and all relevant factors used to compute benefits, *e.g.*, consumer price index, are treated as remaining constant as of the beginning of the current plan year for all subsequent plan years.

(E) *Postponed retirement.* A plan shall not be treated as failing to satisfy the requirements of this subparagraph for a plan year merely because no benefits under the plan accrue to a participant who continues service with the employer after such participant has attained normal retirement age.

(F) *Computation of benefit.* A plan shall not satisfy the requirements of this subparagraph if the base for the computation of retirement benefits changes solely by reason of an increase in the number of years of participation. Thus, for example, a plan will not satisfy the requirements of this subparagraph if it provides a benefit, commencing at normal retirement age, of the sum of (*1*) 1 percent of average compensation for a participant's first 3 years of participation multiplied by his first 10 years of participation (or, if less than 10 his total years of participation) and (2) 1 percent of average compensation for a participant's 3 highest years of participation multiplied by each year of participation subsequent to the 10th year.

(iii) *Examples.* The application of this subparagraph is illustrated by the following examples:

Example (1). On January 1, 1980, the R Corporation's defined benefit plan provides for an annual benefit (commencing at age 65) of a percentage of a participant's average compensation for the period of 5 consecutive years of participation for which his compensation is the highest. The percentage is 2 percent for each of the first 20 years of participation and 1 percent per year thereafter. The appropriate computation period is the calendar year. The R Corporation's plan satisfies the requirements of this subparagraph because the 133⅓ percent rule does not restrict subsequent accrual rate decreases.

Example (2). On January 1, 1980, the J Corporation's defined benefit plan provides for an annual benefit (commencing at age 65) of a percentage of a participant's average compensation for the period of his final 5 consecutive years of participation. The percentage is 1 percent for each of the first 5 years of participation; 1⅓ percent for each of the next 5 years of participation; and 1⅔ percent for each year thereafter. The appropriate computation period is the calendar year. Even though no single accrual rate under the J Corporation's plan exceeds 133⅓ percent of the immediately preceding accrual rate, the J Corporation's plan does not satisfy the requirements of this subparagraph because the rate of accrual for all years of participation in excess of 10 (1⅔ percent) exceeds 133⅓ percent of the rate of accrual for any of the first 5 years of participation (1 percent).

Example (3). On January 1, 1980, the C Corporation's defined benefit plan provides for an annual benefit (commencing at age 65) of a percentage of a participant's average compensation for the period of 3 consecutive years of participation for which his compensation is the highest. The percentage is 2 percent for each of the first 5 years of participation; 1 percent for each of the next 5 years of participation; and 1⅓ percent for each year thereafter. The appropriate computation period is the calendar year. Even though the average rate of accrual under the C Corporation's plan is not less rapidly than ratably, the C Corporation's plan does not satisfy the requirements of this subparagraph because the rate of accrual for all years of participation in excess of 10 (1⅓ percent) for any employee who is actually accruing benefits or who could accrue benefits exceeds 133⅓ percent of the rate of accrual for the sixth through tenth years of participation, respectively (1 percent).

(3) *Fractional rule*—(i) *In general.* A defined benefit plan satisfies the requirements of this paragraph if the accrued benefit to which any participant is entitled is not less than the fractional rule benefit multiplied by a fraction (not exceeding 1)—

(A) The numerator of which is his total number of years of participation in the plan, and

(B) The denominator of which is the total number of years he would have participated in the plan if he separated from the service at the normal retirement age under the plan.

(ii) *Special rules.* For purposes of this subparagraph—

(A) *Fractional rule benefit.* The "fractional rule benefit" is the annual benefit commencing at the normal retirement age under the plan to which a participant would be entitled if he continued to earn annually until such normal retirement age the same rate of compensation upon which his normal retirement benefit would be computed. Such rate of compensation shall be computed on the basis of compensation taken into account under the plan (but taking into account average compensation for no more than the 10 years of service immediately preceding the determination). For purposes of this subdivision (A), the normal retirement benefit shall be determined as if the participant had attained normal retirement age on the date any such determination is made.

(B) *Social security, etc.* For purposes of this subparagraph, for any plan year, social security benefits and all relevant factors used to compute benefits, *e.g.*, consumer price index, are treated as remaining constant as of the beginning of the current plan year for all subsequent plan years.

(C) *Postponed retirement.* A plan shall not be treated as failing to satisfy the requirements of this subparagraph merely because no benefits under the plan accrue to a participant who continues service with the employer after such participant has attained normal retirement age under the plan.

(D) *Computation in certain cases.* In the case of any plan to which the provisions of section 411(b)(1)(D) and paragraph (c) of this section are applicable, for any plan year the accrued benefit of any participant shall not be less than the accrued benefit otherwise determined under this subparagraph, reduced by the excess of the accrued benefit determined under this subparagraph as of the first day of the first plan year to which section 411 applies over the accrued benefit determined under section 411(b)(1)(D) and paragraph (c) of this section and increased by the amount determined under paragrah (c)(2)(v) of this section.

(iii) *Examples.* The application of this subparagraph is illustrated by the following examples:

Example (1). The R Corporation's defined benefit plan provides an annual retirement benefit commencing at age 65 of 30 percent of a participant's average compensation for his highest 3 consecutive years of participation. If a participant separates from service prior to normal retirement age, the R Corporation's plan provides a benefit equal to an amount which bears the same ratio to 30 percent of such average compensation as the participant's actual number of years of participation in the plan bears to the number of years the participant would have participated in the plan had he separated from service at age 65. The plan further provides that normal retirement age is age 65. A, age 55, is a participant in the R Corporation's plan for the current year, and A has 15 years of participation in the R Corporation's plan. As of the current year, A's average compensation for his highest 3 years of compensation is $20,000. The R Corporation's plan satisfies the requirements of this subparagraph because if A separates from the service in the current year he will be entitled to an annual benefit of $3,600 commencing at age 65 [0.3×$20,000)×15/25].

Example (2). The J Corporation's defined benefit plan provides a normal retirement benefit of 1 percent per year of a participant's average compensation from the employer. In the case of a participant who separates from service prior to normal retirement age (65), the plan provides that the annual benefit is an amount which is equal to 1 percent of such compensation multiplied by the number of years of plan participation actually completed by the participant. The plan year of the J Corporation's plan is the calendar year. B, age 55, is a participant in the J Corporation's plan for the current year. B became a participant in the J Corporation's plan on January 1, 1980. As of December 31, 1990, B's compensation history is as follows:

V 40 214 NOV 5 75 XUM

Year	Compensation
1980	$17,000
1981	18,000
1982	20,000
1983	20,000
1984	21,000
1985	22,000
1986	23,000
1987	25,000
1988	26,000
1989	29,000
1990	32,000

If B separates from service on December 31, 1990, he would entitled to an annual benefit of $2,530 commencing at age 65. Because the J Corporation's plan does not limit the number of years of compensation to be taken into account in determining the normal retirement benefit, B's rate of compensation for purposes of determining his normal retirement benefit is $23,600 [$18,000+$20,000+$20,000+$21,000+$22,000+$23,000+$25,000+$26,000+$29,000+$32,000]

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Under this subparagraph, B's accrued benefit under the J Corporation's plan as of December 31, 1990 must be not less than $2,561 per year commencing at age 65 [0.01 × ($17,000 + $18,000 + $20,000 + $20,000 + $21,000 + $22,000 + $23,000 + $25,000 + $26,000 + $29,000 + $32,000 + ($23,600 × 10)) × 11/21]. Thus, the J Corporation's plan would not satisfy the requirements of this subparagraph.

(c) *Accruals for service before effective date*—(1) *General rule.* For a plan year to which section 411 applies, a defined benefit plan does not satisfy the requirements of section 411(b)(1) and this section unless, under the plan, the accrued benefit of each participant for plan years beginning before section 411 applies is not less than the greater of—

(i) Such participant's accrued benefit (as of the day before section 411 applies) determined under the plan as in effect from time to time prior to September 2, 1974 (without regard to any amendment adopted after such date), or

(ii) One-half of the accrued benefit that would be determined with respect to the participant as of the day before section 411 applies if the participant's accrued benefit were computed for such prior plan years under a method which satisfies the requirements of section 411(b)(1)(A), (B), or (C) and paragraph (b)(1), (2), or (3) of this section. See 29 CFR Part 2530, Department of Labor regulations relating to minimum standards for employee pension benefit plans, for time participation deemed to begin.

(2) *Special rules*—(i) A plan shall not be deemed to fail to satisfy the requirements of section 411(b) and this section merely because the method for computing the accrued benefit of a participant for years of participation prior to the first plan year for which section 411 is effective with respect to the plan is not the same method for computing the accrued benefit of a participant for years of participation subsequent to such plan year.

(ii) For purposes of paragraph (c)(1)(ii) of this section, section 411(b)(1)(A) and paragraph (b)(1) of this section shall be applied as if the participant separated from service with the employer on the day before the first day of the first plan year to which section 411 applies.

(iii) For purposes of paragraph (c)(1)(ii) of this section, section 411(b)(1)(B) and paragraph (b)(2) of this section shall be applied in the following manner:

(A) Except as provided in (c)(2)(iii)(B) of this section, section 411(b)(1)(B) and paragraph (b)(2) of this section shall be applied as if the participant separated from service with the employer on the day before the first day of the first plan year to which section 411 applies.

(B) In the case that the plan does not satisfy the requirements of section 411(b)(1)(B) and paragraph (b)(2) of this section at any time prior to the day specified in (c)(2)(iii)(A) of this section, the plan shall be deemed revised to the extent necessary to satisfy the requirements of section 411(b)(1)(B) and paragraph (b)(2) of this section for all plan years beginning before the applicable effective date of section 411 and this section. For purposes of the preceding sentence, a plan shall not be deemed revised to the extent necessary to satisfy the requirements of section 411(b)(1)(B) and paragraph (b)(2) of this section for a plan year if the benefit a participant would receive if he were employed until normal retirement age is reduced by such revision or if the revised rate of accrual with respect to such accrued benefit does not otherwise satisfy the requirements of section 411(b)(1)(B) and paragraph (b)(2) of this section.

(iv) For purposes of paragraph (c)(1)(ii) of this section, section 411(b)(1)(C) and paragraph (b)(3) of this section shall be applied as if the participant separated from service on the day before the first day of the first plan year to which section 411 applies.

(v) The excess of the accrued benefit payable at normal retirement age of any participant determined under section 411(b)(1)(A), (B), or (C) (without regard to section 411(b)(1)(D)), and paragraph (b)(1), (2), or 3) of this section (without regard to this paragraph) as of the day before the first day of the first plan year to which section 411 and this section applies over the accrued benefit determined under paragraph (c)(1) of this section shall be accrued in accordance with the provisions of the plan as in effect after the applicable effective date of section 411, as if the plan had been initially adopted on such effective date.

(d) *Special rules*—(1) *First 2 years of service.* Notwithstanding paragraphs (1), (2), and (3) of paragraph (b) of this section, under section 411(b)(1)(E) and this subparagraph, a plan shall not be treated as failing to satisfy the requirements of paragraph (b) of this section solely because the accrual of benefits under the plan does not become effective until the employee has completed 2 continuous years of service. For purposes of this subparagraph, continuous years of service are years of service (within the meaning of section 410(a)(3)(A)) which are not separated by a break in service (within the meaning of section 410(a)(5)). For years of service beginning after such 2 years of service, the accrued benefit of an employee shall not be less than that to which the employee would be entitled if section 411(b)(1)(E) and this subparagraph did not apply. Thus, for example, a plan which otherwise satisfies the requirements of paragraph (b)(2) of this section provides for a rate of accrual of 1 percent of average compensation for the highest 3 years of compensation beginning with the third year of service of a participant shall not be treated as satisfying paragraph (b)(2) of this section because as of the time the employee completes 3 continuous years of service there is no accrual during the first 2 years of service. In addition, a plan which otherwise satisfies the requirements of paragraph (b)(1) of this section and which requires that an employee must attain age 25 and complete 1 year of service prior to becoming a participant will not satisfy the requirements of paragraph (b)(1) of this section if an employee who completes 2 years of service prior to attaining age 25 does not begin accruals immediately upon commencement of participation in the plan. For rules relating to years of service, see 29 CFR part 2530, Department of Labor regulations relating to minimum standards for employee pension benefit plans.

(2) *Certain insured defined benefit plans.* Notwithstanding paragraphs (b)(1), (2), and (3) of this section, a defined benefit plan satisfies the requirements of paragraph (b) of this section if such plan is funded exclusively by the purchase of contracts from a life insurance company and such contracts satisfy the requirements of sections 412(i)(2) and (3) and the regulations thereunder. The preceding sentence is applicable only if an employee's accrued benefit as of any applicable date is not less than the cash surrender value such employee's insurance contracts would have on such applicable date if the requirements of section 412(i)(4), (5), and (6) and the regulations thereunder were satisfied.

(3) *Accrued benefit may not decrease on account of increasing age or service.* Notwithstanding paragraphs (b)(1), (2), and (3) of this section and paragraphs (d)(1) and (2) of this section, a defined benefit plan shall be treated as not satisfying the requirements of paragraph (b) and (d) of this section if the participant's accrued benefit is reduced on account of any increase in his age or years of service. The preceding sentence shall not apply to benefits under the plan commencing before such participant's entitlement to benefits payable under title II of the Social Security Act, as amended, which benefits under the plan do not exceed such participant's social security benefits and which terminate when his social security benefits commence.

(e) *Separate accounting.* A plan satisfies the requirements of this paragraph if the requirements of paragraph (e)(1) or (2) of this paragraph are met.

(1) *Defined benefit plan.* In the case of a defined benefit plan, the requirements of this paragraph are satisfied if the plan requires separate accounting for the portion of each employee's accrued benefit derived from any voluntary employee contributions permitted under the plan. For purposes of this subparagraph the term "voluntary employee contributions" means all employee contributions which are not mandatory contributions within the meaning of section 411(c)(2)(C) and the regulations thereunder.

(2) *Defined contribution plan.* In the case of a defined contribution plan, the requirements of this paragraph are not satisfied unless the plan requires separate accounting for each employee's accrued benefit.

(f) *Year of participation*—(1) *In general.* For purposes of determining an employee's accrued benefit, a "year of participation" is a period of service determined under regulations prescribed by the Secretary of Labor in 29 CFR part 2530, relating to minimum standards for employee pension benefit plans.

(2) *Additional rule relating to year of participation.* A trust shall not constitute a qualified trust if the plan of which such trust is a part provides for the crediting of a year of participation, or part thereof, and such credit results in the discrimination prohibited by section 401(a)(4).

(g) *Additional illustrations.* The application of this section may be illustrated by the following example:

Example. (i) The S Corporation established a defined benefit plan on January 1, 1980. The plan provides a minimum age for participation of age 25. The normal retirement age under the plan is age 65. The appropriate computation periods are the calendar year. The plan provides an annual benefit, commencing at age 65, equal to $96 per year of service for the first 25 years of service, and $48 per year of service for each additional year of service.

(ii) The plan of the S Corporation does not satisfy the requirements of section 411(b)(1)(A) and paragraph (b)(1) of this section because the accrued benefit under the plan at some point will be less than the accrued benefit required under section 411(b)(1)(A) and paragraph (b)(1) of this section (i.e., 3 percent × normal retirement benefit × years of participation).

(iii) The plan of the S Corporation does satisfy the requirements of section 411(b)(1)(B) and paragraph (b)(2) of this section because the rate of benefit accrual is equal in each of the first 25 years of service and the rate decreases thereafter.

(iv) The plan of the S Corporation does satisfy the requirements of section 411(b)(1)(C) and paragraph (b)(3) of this section because the accrued benefit under the plan will equal or exceed the normal retirement benefit multiplied by the fraction described in paragraph (b)(3)(i) of this section.

§ 1.411(c) Statutory provisions; minimum vesting standards; allocation of accrued benefits between employer and employee contributions.

Sec. 411. Minimum vesting standards. * * *

(c) *Allocation of accrued benefits between employer and employee contributions*—(1) *Accrued benefit derived from employer contributions.* For purposes of this section, an employee's accrued benefit derived from employer contributions as of any applicable date is the excess, if any, of the accrued benefit for such employee as of such applicable date over the accrued benefit derived from contributions made by such employee as of such date.

(2) *Accrued benefit derived from employee contributions*—(A) *Plans other than defined benefit plans.* In the case of a plan other than a defined benefit plan, the accrued benefit derived from contributions made by an employee as of any applicable date is—

(i) Except as provided in clause (ii), the balance of the employee's separate account consisting only of his contributions and the income, expenses, gains, and losses attributable thereto, or

(ii) If a separate account is not maintained with respect to an employee's contributions under such a plan, the amount which bears the same ratio to his total accrued benefit as the total amount of the employee's contributions (less withdrawals) bears to the sum of such contributions and the contributions made on his behalf by the employer (less withdrawals).

(B) *Defined benefit plans*—(i) *In general.* In the case of a defined benefit plan providing an annual benefit in the form of a single life annuity (without ancillary benefits) commencing at normal retirement age, the accrued benefit derived from contributions made by an employee as of any applicable date is the annual benefit equal to the employee's accumulated contributions multiplied by the appropriate conversion factor.

(ii) *Appropriate conversion factor.* For purposes of clause (i), the term "appropriate conversion factor" means the factor necessary to convert an amount equal to the accumulated contributions to a single life annuity (without ancillary benefits) commencing at normal retirement age and shall be 10 percent for a normal retirement age of 65 years. For other normal retirement ages the conversion factor shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

(C) *Definition of accumulated contributions.* For purposes of this subsection, the term "accumulated contributions" means the total of—

(i) All mandatory contributions made by the employee,

(ii) Interest (if any) under the plan to the end of the last plan year to which subsection (a)(2) does not apply (by reason of the applicable effective date), and

(iii) Interest on the sum of the amounts determined under clauses (i) and (ii) compounded annually at the rate of 5 percent per annum from the beginning of the first plan year to which subsection (a)(2) applies (by reason of the applicable date) to the date upon which the employee would attain normal retirement age.

For purposes of this subparagraph, the term "mandatory contributions" means amounts contributed to the plan by the employee which are required as a condition of employment, as a condition of participation in such plan, or as a condition of obtaining benefits under the plan attributable to employer contributions.

(D) *Adjustments.* The Secretary or his delegate is authorized to adjust by regulation the conversion factor described in subparagraph (B), the rate of interest described in clause (iii) of subparagraph (C), or both, from time to time as he may deem necessary. The rate of interest shall bear the relationship to 5 percent which the Secretary or his delegate determines to be comparable to the relationship which the long-term money rates and investment yields for the last period of 10 calendar years ending at least 12 months before the beginning of the plan year bear to the long-term money rates and investment yields for the 10-calendar year period 1964 through 1973. No such adjustment shall be effective for a plan year beginning before the expiration of 1 year after such adjustment is determined and published.

(E) *Limitation.* The accrued benefit derived from employee contributions shall not exceed the greater of—

(i) The employee's accrued benefit under the plan, or

(ii) The accrued benefit derived from employee contributions determined as though the amounts calculated under clauses (ii) and (iii) of subparagraph (C) were zero.

(3) *Actuarial adjustment.* For purposes of this section, in the case of any defined benefit plan, if an employee's accrued benefit is to be determined as an amount other than an annual benefit commencing at normal retirement age, or if the accrued benefit derived from contributions made by an employee is to be determined with respect to a benefit other than an annual benefit in the form of a single life annuity (without ancillary benefits) commencing at normal retirement age, the employee's accrued benefit, or the accrued benefits derived from contributions made by an employee, as the case may be, shall be the actuarial equivalent of such benefit or amount determined under paragraph (1) or (2).

[Section 411(c) added by sec. 1012(a), Employee Retirement Income Security Act 1974 (88 Stat. 910)]

§ 1.411(c)–1 Allocation of accrued benefits between employer and employee contributions.

(a) *Accrued benefit derived from employer contributions.* For purposes of section 411 and the regulations thereunder, under section 411(c)(1), an employee's accrued benefit derived from employer contributions under a plan as of any applicable date is the excess, if any, of—

(1) The total accrued benefit under the plan provided for the employee as of such date, over

(2) The accrued benefit provided for the employee, derived from contributions made by the employee under the plan as of such date.

For computation of accrued benefit derived from employee contributions to a defined contribution plan or from voluntary employee contributions to a defined benefit plan, see paragraph (b) of this section. For computation of accrued benefit derived from mandatory employee contributions to a defined benefit plan, see paragraph (c) of this section.

(b) *Accrued benefit derived from employee contribution to defined contribution plan, etc.* For purposes of section 411 and the regulations thereunder, under section 411(c)(2)(A) the accrued benefit derived from employee contributions to a defined contribution plan is determined under paragraph (b)(1) or (2) of this section, whichever applies. Under section 411(d)(5), the accrued benefit derived from voluntary employee contributions to a defined benefit plan is determined under paragraph (b)(1) of this section.

(1) *Separate accounts maintained.* If a separate account is maintained with respect to an employee's contributions and all income, expenses, gains, and

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losses attributable thereto, the accrued benefit determined under this subparagraph as of any applicable date is the balance of such account as of such date.

(2) *Separate accounts not maintained.* If a separate account is not maintained with respect to an employee's contributions and the income, expenses, gains, and losses attributable thereto, the accrued benefit determined under this subparagraph is the employee's total accrued benefit determined under the plan multiplied by a fraction—

(i) The numerator of which is the total amount of the employee's contributions under the plan less withdrawals, and

(ii) The denominator of which is the sum of (A) the amount described in paragraph (b)(2)(i) of this section, and (B) the total contributions made under the plan by the employer on behalf of the employee less withdrawals.

For purposes of this paragraph, withdrawals include only amounts distributed to the employee and do not reflect the cost of any death benefits under the plan.

(c) *Accrued benefit derived from mandatory employee contributions to a defined benefit plan*—(1) *General rule.* In the case of a defined benefit plan (as defined in section 414(j)) the accrued benefit derived from contributions made by an employee under the plan as of any applicable date is an annual benefit, in the form of a single life annuity (without ancillary benefits) commencing at normal retirement age, equal to the amount of the employee's accumulated contributions (determined under paragraph (c)(3) of this section) multiplied by the appropriate conversion factor (determined under paragraph (c)(2) of this section). Paragraph (e) of this section provides rules for actuarial adjustments where the benefit is to be determined in a form other than the form described in this paragraph.

(2) *Appropriate conversion factor.* For purposes of this paragraph, the term "appropriate conversion factor" means the factor necessary to convert an amount equal to the accumulated contributions to a single life annuity (without ancillary benefits) commencing at normal retirement age and shall be 10 percent for a normal retirement age of 65 years. For other normal retirement ages the appropriate conversion factor shall be the factor as determined by the Commissioner.

(3) *Accumulated contributions.* For purposes of section 411(c) and this section, the term "accumulated contributions" means the total of—

(i) All mandatory contributions made by the employee (determined under paragraph (c)(4) of this section),

(ii) Interest (if any) on such contributions, computed at the rate provided by the plan to the end of the last plan year to which section 411(a)(2) does not apply (by reason of the applicable effective date), and

(iii) Interest on the sum of the amounts determined under paragraphs (c)(3)(i) and (ii) of this section compounded annually at the rate of 5 percent per annum from the beginning of the first plan year to which section 411(a)(2) applies (by reason of the applicable effective date) to the date on which the employee would attain normal retirement age.

For example, if under section 1017 of the Employee Retirement Income Security Act of 1974, section 411(a)(2) of the Code applies for plan years beginning after December 31, 1975, and for plan years beginning before 1975, the plan provided for 3 percent interest on employee contributions, an employee's accumulated contributions would be computed by crediting interest at the rate provided by the plan (3 percent) for plan years beginning before 1976 and by crediting interest at the rate of 5 percent (or another rate prescribed under section 411(c)(2)(D)) thereafter. Section 1017 of the Employee Retirement Income Security Act of 1974 and § 1.411(a)-2 provide the effective dates for the application of section 411(a)(2).

(4) *Mandatory contributions.* For purposes of section 411(c) and this section the term "mandatory contributions" means amounts contributed to the plan by the employee which are required as a condition of his employment, as a condition of his participation in the plan, or as a condition of obtaining benefits (or additional benefits) under the plan attributable to employer contributions. For example, if the benefit derived from employer contributions depends upon a specified level of employee contributions, employee contributions up to that level would be treated as mandatory contributions.

(d) *Limitation on accrued benefit.* The accrued benefit derived from employee contributions under a plan (determined under paragraphs (b) and (c) of this section) shall not exceed the greater of—

(1) The accrued benefit of the employee under the plan, or

(2) The accrued benefit derived from employee contributions determined without regard to any interest under section 411(c)(2)(C) (ii) and (iii) and under paragraphs (c)(3) (ii) and (iii) of this section.

(e) *Actuarial adjustments for defined benefit plans*—(1) *Accrued benefit.* In the case of a defined benefit plan (as defined in section 414(j)) if an employee's accrued benefit is to be determined as an amount other than an annual benefit commencing at normal retirement age, such benefit (determined under section 411(c)(1) and paragraph (a) of this section) shall be the actuarial equivalent of such benefit, as determined by the Commissioner.

(2) *Accrued benefit derived from employee contributions.* In the case of a defined benefit plan (as defined in section 414(j)) if the accrued benefit derived from contributions made by an employee is to be determined with respect to a benefit other than an annual benefit in the form of a single life annuity (without ancillary benefits) commencing at normal retirement age, such benefit (determined under section 411(c)(2)(B) and paragraph (c) of this section) shall be the actuarial equivalent of such benefit, as determined by the Commissioner.

§ 1.411(d) Statutory provisions; minimum vesting standards; special rules.

Sec. 411. Minimum vestings standards.

* * *

(d) *Special rules*—(1) *Coordination with section 401(a)(4).* A plan which satisfies the requirements of this section shall be treated as satisfying any vesting requirements resulting from the application of section 401(a)(4) unless—

(A) There has been a pattern of abuse under the plan (such as a dismissal of employees before their accrued benefits become nonforfeitable) tending to discriminate in favor of employees who are officers, shareholders, or highly compensated, or

(B) There have been, or there is reason to believe there will be, an accrual of benefits or forfeitures tending to discriminate in favor of employees who are officers, shareholders, or highly compensated.

(2) *Prohibited discrimination.* Subsection (a) shall not apply to benefits which may not be provided for designated employees in the event of early termination of the plan under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by section 401(a)(4).

(3) *Termination or partial termination; discontinuance of contributions.* Notwithstanding the provisions of subsection (a), a trust shall not constitute a qualified trust under section 401(a) unless the plan of which such trust is a part provides that—

(A) Upon its termination or partial termination, or

(B) In the case of a plan to which section 412 does not apply, upon complete discontinuance of contributions under the plan,

the rights of all affected employees to benefits accrued to the date of such termination, partial termination, or discontinuance, to the extent funded as of such date, or the amounts credited to the employees' accounts, are nonforfeitable. This paragraph shall not apply to benefits or contributions which, under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by section 401(a)(4), may not be used for designated employees in the event of early termination of the plan.

(4) *Class year plans.* The requirements of subsection (a)(2) shall be deemed to be satisfied in the case of a class year plan if such plan provides that 100 percent of each employee's right to or derived from the contributions of the employer on his behalf with respect to any plan year are nonforfeitable not later than the end of the 5th plan year following the plan year for which such contributions were made. For purposes of this section, the term "class year plan" means a profit-sharing, stock bonus, or money purchase plan which provides for the separate nonforfeitability of employees' rights to or derived from the contributions for each plan year.

(5) *Treatment of voluntary employee contributions.* In the case of a defined benefit plan which permits voluntary employee contributions, the portion of an employee's accrued benefit derived from such contributions shall be treated as an accrued benefit derived from employee contributions under a plan other than a defined benefit plan.

(6) *Accrued benefit not to be decreased by amendment.* A plan shall be treated as not satisfying the requirements of this section if the accrued benefit of a participant is decreased by an amendment of the plan, other than an amendment described in section 412(c)(8).

[Section 411(d) added by sec. 1012(a), Employee Retirement Income Security Act 1974 (88 Stat. 911)]

§ 1.411(d)-1 Coordination of vesting and discrimination requirements. [Reserved]

§ 1.411(d)-2 Termination or partial termination; discontinuance of contributions.

(a) *General rule*—(1) *Required nonforfeitability.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless the plan provides that—

(i) Upon the termination or partial termination of the plan, or

(ii) In addition, in the case of a plan to which section 412 (relating to minimum funding standards) does not apply, upon the complete discontinuance of contributions under the plan,

the rights of each affected employee to benefits accrued to the date of such termination or partial termination (or, in the case of a plan to which section 412 does not apply, discontinuance), to the extent funded, or the rights of each employee to the amounts credited to his account at such time, are nonforfeitable (within the meaning of § 1.411(a)-(4).

(2) *Required allocation.* (i) A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless the plan provides for the allocation of any previously unallocated funds to the employees covered by the plan upon the termination or partial termination of the plan (or, in the case of a plan to which section 412 does not apply, upon the complete discontinuance of contributions under the plan). Such provision may be incorporated in the plan at its inception or by an amendment made prior to the termination or partial termination of the plan or the discontinuance of contributions thereunder.

(ii) Any provision for the allocation of unallocated funds which is found by the Secretary of Labor or the Pension Benefit Guaranty Corporation (whichever is appropriate) to satisfy the requirements of section 4044 or section 403(d)(1) of the Employee Retirement Income Security Act of 1974 is acceptable if it specifies the method to be used and does not conflict with the provisions of section 401(a)(4) of the Internal Revenue Code of 1954 and the regulations thereunder. Any allocation of funds required by paragraph (1), (2), (3), or (4)(A) of section 4044(a) of such Act shall be deemed not to result in discrimination prohibited by section 401(a)(4) of the Code. The allocation of unallocated funds may be in cash or in the form of other benefits provided under the plan. However, the allocation of the funds contributed by the employer among the employees need not necessarily benefit all the employees covered by the plan.

(iii) Paragraph (a)(2)(i) and (ii) of this section do not require the allocation of amounts to the account of any employee if such amounts are not required to be used to satisfy the liabilities with respect to employees and their beneficiaries under the plan (see section 401(a)(2)).

(b) *Partial termination.* Whether or not a partial termination of a qualified plan occurs when a group of employees who have been covered by the plan are subsequently excluded from such coverage either by reason of an amendment to the plan, or by reason of being discharged by the employer, will be determined on the basis of all the facts and circumstances. Similarly, whether or not a partial termination occurs when benefits or employer contributions are reduced, or the eligibility or vesting requirements under the plan are made less liberal, will be determined on the basis of all the facts and circumstances. If a defined benefit plan ceases benefit accruals or decreases accrued benefits under the plan, a partial termination occurs if, as a result of such cessation or decrease, a potential reversion to the employer, or employers, maintaining the plan (determined as of the date such cessation or decrease is adopted) is created or increased. However, if a partial termination of a qualified plan occurs, the provisions of section 411(d)(3) apply only to the part of the plan that is terminated.

(c) *Termination*—(1) *Application.* This paragraph applies to a plan other than a plan described in section 411(e)(1) (relating to governmental, certain church plans, etc.).

(2) *Plans subject to termination insurance.* For purposes of this section, a plan to which title IV of the Employee Retirement Income Security Act of 1974 applies is considered terminated on a particular date if, as of that date—

(i) The plan is voluntarily terminated by the plan administrator under section 4041 of the Employee Retirement Income Security Act of 1974, or

(ii) The Pension Benefit Guaranty Corporation terminates the plan under section 4042 of the Employee Retirement Income Security Act of 1974.

(3) *Other plans.* In the case of a plan not described in paragraph (c)(2) of this section, a plan is considered terminated on a particular date if, as of that date, the plan is voluntarily terminated by the employer, or employers, maintaining the plan.

(d) *Complete discontinuance*—(1) *General rule.* For purposes of this section, a complete discontinuance of contributions under the plan is contrasted with a suspension of contributions under the plan which is merely a temporary cessation of contributions by the employer. A complete discontinuance of contributions may occur although some amounts are contributed by the employer under the plan if such amounts are not substantial enough to reflect the intent on the part of the employer to continue to maintain the plan. The determination of whether a complete discontinuance of contributions under the plan has occurred will be made with regard to all the facts and circumstances in the particular case, and without regard to the amount of any contributions made under the plan by employees. Among the factors to be considered in determining whether a suspension constitutes a discontinuance are:

(i) Whether the employer may merely be calling an actual discontinuance of contributions a suspension of such contributions in order to avoid the requirement of full vesting as in the case of a discontinuance, or for any other reason;

(ii) Whether contributions are recurring and substantial; and

(iii) Whether there is any reasonable probability that the lack of contributions will continue indefinitely.

(2) *Time of discontinuance.* In any case in which a suspension of a profit-sharing plan maintained by a single employer is considered a discontinuance, the discontinuance becomes effective not later than the last day of the taxable year of the employer following the last taxable year of such employer for which a substantial contribution was made under the profit-sharing plan. In the case of a profit-sharing plan maintained by more than one employer, the discontinuance becomes effective not later than the last day of the plan year following the plan year within which any employer made a substantial contribution under the plan.

(e) *Contributions or benefits which remain forfeitable.* The provisions of this section do not apply to amounts which are reallocated to prevent the discrimination prohibited by section 401(a)(4).

§ 1.411(d)-3 Other special rules.

(a) *Prohibited discrimination.* Under section 411(d)(2), section 411(a) does not apply to benefits which may not be provided for designated employees in the event of early termination of the plan under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by section 401(a)(4), see § 1.410(a)-4.

(b) *Class year plans.* Under section 411(d)(4) the requirements of section 411(a)(2) for a class year plan shall be deemed to be satisfied if such plan provides that each employee's rights to or derived from employer contributions on his behalf for any plan year are nonforfeitable no later than the end of the 5th plan year following the plan year for which such contributions were made. However, the rights of an employee who separates from service prior to such time, and who is not reemployed in the plan year of separation, may be forfeited. For purposes of section 411 and the regulations thereunder, the term "class year plan" means a profit-sharing, stock bonus, or money purchase plan which provides that the nonforfeitable rights of employees to or derived from employer contributions are determined separately for each plan year.

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(c) *Prohibition against accrued benefit decrease.* Under section 411(d)(6) a plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) if a plan amendment decreases the accrued benefit of any plan participant, unless the plan amendment satisfies the requirements of section 412(c)(8) (relating to certain retroactive amendments) and the regulations thereunder.

§ 1.411(c) Statutory provisions; minimum vesting standards; application of vesting standards to certain plans.

Sec. 411. Minimum vesting standards. * * *

(e) *Application of vesting standards to certain plans.* (1) The provisions of this section (other than paragraph (2)) shall not apply to—

(A) A governmental plan (within the meaning of section 414(d)),

(B) A church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made,

(C) A plan which has not, at any time after the date of the enactment of the Employee Retirement Income Security Act of 1974, provided for employer contributions, and

(D) A plan established and maintained by a society, order, or association described in section 501(c)(8) or (9), if no part of the contributions to or under such plan are made by employers of participants in such plan.

(2) A plan described in paragraph (1) shall be treated as meeting the requirements of this section, for purposes of section 401(a), if such plan meets the vesting requirements resulting from the application of sections 401(a)(4) and 401(a)(7) as in effect on the day before the date of the enactment of the Employee Retirement Income Security Act of 1974.

[Section 411(e) added by sec. 1012(a), Employee Retirement Income Security Act 1974 (88 Stat. 912)]

Par. *10.* The following new sections are added immediately after § 1.412(i)–1:

§ 1.413 Statutory provisions; collectively bargained plans, etc.

Sec. 413 Collectively bargained plans, etc.

(a) *Application of subsection (b).* Subsection (b) applies to—

(1) A plan maintained pursuant to an agreement which the Secretary of Labor finds to be a collective-bargaining agreement between employee representatives and one or more employers, and

(2) Each trust which is a part of such plan.

(b) *General rule.* If this subsection applies to a plan, not withstanding any other provision of this title—

(1) *Participation.* Section 410 shall be applied as if all employees of each of the employers who are parties to the collective bargaining agreement and who are subject to the same benefit computation formula under the plan were employed by a single employer.

(2) *Discrimination, etc.* Sections 401(a)(4) and 411(d)(3) shall be applied as if all participants who are subject to the same benefit computation formula and who are employed by employers who are parties to the collective bargaining agreement were employed by a single employer.

(3) *Exclusive benefit.* For purposes of section 401(a), in determining whether the plan of an employer is for the exclusive benefit of his employees and their beneficiaries, all plan participants shall be considered to be his employees.

(4) *Vesting.* Section 411 (other than subsection (d)(3)) shall be applied as if all employers who have been parties to the collective bargaining agreement constituted a single employer, except that the application of any rules with respect to breaks in service shall be made under regulations prescribed by the Secretary of Labor.

(5) *Funding.* The minimum funding standard provided by section 412 shall be determined as if all participants in the plan were employed by a single employer.

(6) *Liability for funding tax.* For a plan year the liability under section 4971 of each employer who is a party to the collective bargaining agreement shall be determined in a reasonable manner not inconsistent with regulations prescribed by the Secretary or his delegate—

(A) First on the basis of their respective delinquencies in meeting required employer contributions under the plan, and

(B) Then on the basis of their respective liabilities for contributions under the plan.

(7) *Deduction limitations.* Each applicable limitation provided by section 404(a) shall be determined as if all participants in the plan were employed by a single employer. The amounts contributed to or under the plan by each employer who is a party to the agreement, for the portion of his taxable year which is included within such a plan year, shall be considered not to exceed such a limitation if the anticipated employer contributions for such plan year (determined in a manner consistent with the manner in which actual employer contributions for such plan year are determined) do not exceed such limitation. If such anticipated contributions exceed such a limitation, the portion of each such employer's contributions which is not deductible under section 404 shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

(8) *Employees of labor unions.* For purposes of this subsection, employees of employee representatives shall be treated as employees of an employer described in subsection (a)(1) if such representatives meet the requirements of sections 401(a)(4) and 410 with respect to such employees.

(c) *Plans maintained by more than one employer.* In the case of a plan maintained by more than one employer—

(1) *Participation.* Section 410(a) shall be applied as if all employees of each of the employers who maintain the plan were employed by a single employer.

(2) *Exclusive benefit.* For purposes of section 401(a), in determining whether the plan of an employer is for the exclusive benefit of his employees and their beneficiaries all plan participants shall be considered to be his employees.

(3) *Vesting.* Section 411 shall be applied as if all employers who maintain the plan constituted a single employer, except that the application of any rules with respect to breaks in service shall be made under regulations prescribed by the Secretary of Labor.

(4) *Funding.* The minimum funding standard provided by section 412 shall be determined as if all participants in the plan were employed by a single employer.

(5) *Liability for funding tax.* For a plan year the liability under section 4971 of each employer who maintains the plan shall be determined in a reasonable manner not inconsistent with regulations prescribed by the Secretary or his delegate—

(A) First on the basis of their respective delinquencies in meeting required employer contributions under the plan, and

(B) Then on the basis of their respective liabilities for contributions under the plan.

(6) *Deduction limitations.* Each applicable limitation provided by section 404(a) shall be determined as if all participants in the plan were employed by a single employer. The amounts contributed to or under the plan by each employer who maintains the plan, for the portion of this taxable year which is included within such a plan year, shall be considered not to exceed such a limitation if the anticipated employer contributions for such plan year (determined in a reasonable manner not inconsistent with regulations prescribed by the Secretary or his delegate) do not exceed such limitation. If such anticipated contributions exceed such a limitation, the portion of each such employer's contributions which is not deductible under section 404 shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

Allocations of amounts under paragraphs (4), (5), and (6), among the employers maintaining the plan, shall not be inconsistent with regulations prescribed for this purpose by the Secretary or his delegate.

[Sec. 413 as added by sec. 1014, Employee Retirement Income Security Act 1974 (88 Stat. 724)]

§ 1.413–1 Special rules for collectively bargained plans.

(a) through (d) [Reserved]

(e) *Vesting.* Section 411 (other than section 411(d)(3) relating to termination or partial termination; discontinuance of contributions) and the regulations thereunder shall be applied as if all employers who have been parties to the collective-bargaining agreement constituted a single employer. The application of any rules with respect to breaks in service under section 411 shall be made under regulations prescribed by the Secretary of Labor. Thus, for example, all the hours which an employee worked for each employer in a collectively-bargained plan would be aggregated in computing the employee's hours of service under the plan. See also § 210 of 29 CFR Part 2530 (Department of Labor regulations relating to minimum standards for employee pension benefit plans).

§ 1.413–2 Special rules for plans maintained by more than one employer.

(a) through (c) [Reserved]

(d) *Vesting.* Section 411 and the regulations thereunder shall be applied as if all employers who maintain the plan constituted a single employer. The application of any rules with respect to breaks in service under section 411 shall be made under regulations prescribed by the Secretary of Labor. Thus, for example, all the hours which an employee worked for each employer maintaining the plan would be aggregated in computing the employee's hours of service under the plan. See also § 210 of 29 CFR Part 2530 (Department of Labor regulations relating to minimum standards for employee pension benefit plans).

Par. *11.* Section 1.801 is amended by revising paragraph (g)(7) and the historical note to read as follows:

§ 1.801 Statutory provisions; definition of life insurance company.

Sec. 801. Definition of life insurance company. * * *

(g) Contracts with reserves based on segregated asset accounts. * * *

(7) *Basis of assets held for qualified pension plan contracts.* In the case of contracts described in subparagraph (A), (B), (C), (D), or (E) of section 805(d)(1), the basis of each asset in a segregated asset account shall (in addition to all other adjustments to basis) be—* * *

* * * * * *

[Sec. 801 as amended by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 36); sec. 2, Life Insurance Company Tax Act 1959 (73 Stat. 112); sec. 3, Act of October 23, 1962 (Pub. L. 87–858, 76 Stat. 1134); sec. 121, Tax Reform Act 1969 (83 Stat. 541); sec. 2002(g)(11), Employee Retirement Income Security Act 1974 (88 Stat. 970)]

§ 1.801–8 [Amended]

Par. *12.* Paragraph (g) of § 1.801–8 is amended by deleting "or (D)" the two places it appears therein and inserting in lieu thereof "(D), or (E)".

Par. *13.* Section 1.805 is amended by revising subsection (d)(1) and the historical note. These amended provisions read as follows:

§ 1.805 Statutory provisions; policy and other contract liability requirements.

Sec. 805 Policy and other contract liability requirements. * * *

(d) *Pension plan reserves—(1) Pension plan reserves defined.* For purposes of this part, the term "pension plan reserves" means that portion of the life insurance reserves which is allocable to contracts—

(A) Purchased under contracts entered into with trusts which (as of the time the contracts were entered into) were deemed to be (i) trusts described in section 401(a) and exempt from tax under section 501(a), or (ii) trusts exempt from tax under section 165 of the Internal Revenue Code of 1939 or the corresponding provisions of prior revenue laws;

(B) Purchased under contracts entered into under plans which (as of the time the contracts were entered into) were deemed to be plans described in section 403(a), or plans meeting the requirements of section 165(a)(3), (4), (5), and (6) of the Internal Revenue Code of 1939;

(C) Provided for employees of the life insurance company under a plan which, for the taxable year, meets the requirements of section 401(a)(3), (4), (5), (6), (8), (11), (12), (13), (14), (15), (16), and (19);

(D) Purchased to provide retirement annuities for its employees by an organization which (as of the time the contracts were purchased) was an organization described in section 501(c)(3) which was exempt from tax under section 501(a) or was an organization exempt from tax under section 101(6) of the Internal Revenue Code of 1939 or the corresponding provisions of prior revenue laws, or purchased to provide retirement annuities for employees described in section 403(b)(1)(A)(ii) by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing; or

(E) Purchased under contracts entered into with trusts which (at the time the contracts were entered into) were individuals retirement accounts described in section 408(a) or under contracts entered into with individual retirement annuities described in section 408(b).

* * * * * *

[Sec. 805 as amended by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 43); sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 118); sec. 7, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828); sec. 907(a), Tax Reform Act 1969 (83 Stat. 715); secs. 1016(a)(6), 2002(g)(9), and 2004(c)(3), Employee Retirement Income Security Act 1974 (88 Stat. 929, 970, and 986)]

Par. *14.* Section 1.805–7 is amended by revising paragraphs (3) and (4) and adding a new paragraph (5) to paragraph (b) thereof to read as follows:

§ 1.805–7 Pension plan reserves.

* * * * * *

(b) *Pension plan reserves defined.* * * *

(3) Provided for employees of the life insurance company under a plan which for the taxable year meet the requirements of section 401(a)(3), (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16), and (19) for the taxable year to which such paragraphs apply. For the purposes of this subparagraph, the term "employees" includes full-time life insurance salesmen treated as employees under section 7701(a)(20);

(4) Purchased to provide retirement annuities for the employees of an organization which (as of the time the contracts were purchased) was an organization described in section 501(c)(3) which was exempt from tax under section 501(a) or was an organization exempt from tax under section 101(6) of the Internal Revenue Code of 1939 or the corresponding provisions of prior revenue laws. The definition of pension plan reserves described in section 805(d)(1)(D) and this paragraph includes only life insurance reserves held under contracts purchased by those organizations described in section 501(c)(3) and exempt from tax under section 501(a), and does not include life insurance reserves held under contracts purchased by organizations described under any other provision of section 501(c). Accordingly, the reserves held under contracts purchased by such other exempt organizations, or by entities not subject to Federal income tax (such as a State, municipality, etc.), shall not be treated as pension plan reserves unless they qualify as such under section 805(d)(1)(A), (B), (C), or (E); or

(5) Purchased under contracts entered into with trusts which (at the time the contracts were entered into) were individual retirement accounts described in section 408(a) or under contracts entered into with individual retirement annuities described in section 408(b).

* * * * * *

[FR Doc.75–29375 Filed 10–28–75;4:44 pm]

Internal Revenue Service

[26 CFR Part 1]

EMPLOYEES OF ORGANIZATIONS UNDER COMMON CONTROL

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by January 4, 1976. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by January 4, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 414(b) and (c) (88 Stat. 925; 26 U.S.C. 414(b) and (c)) and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 414(b) and (c) of the Internal Revenue Code of 1954, as added by section 1015 of the Employee Retirement Income Security Act of 1974 (88 Stat. 925), relating to employees of a controlled group of corporations and employees of partnerships, proprietorships, etc., which are under common control. The proposed regulations contained in this document also apply for purposes of section 210(c) and (d) of such Act (88 Stat. 866, 867).

Section 414(b) provides that if a single plan is adopted by two or more members of a controlled group of corporations, the minimum funding standard provided in section 412, the tax imposed by section 4971, and the applicable limitations provided by section 404(a) are determined as if such members were a single employer. For purposes of this rule, the term "controlled group of corporations" has the meaning assigned to it under section 1563(a) and the regulations thereunder, except that it does not include an "insurance group" described in section 1563(a)(4). Also, in determining whether a controlled group exists,

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section 1563(e)(3)(C) (relating to constructive ownership of stock owned by an employee's trust) is not to be applied. For purposes of this rule, two or more corporations connected by stock ownership described in section 1563(a) (1), (2), or (3) are members of a controlled group of corporations whether or not they are "component members of a controlled group" within the meaning of section 1563(b).

Section 414(c) contains special rules which apply in the case of two or more trades or businesses which are under common control. If two or more trades or businesses are under common control, then for purposes of applying the provisions of sections 401 (qualified pension, profit-sharing, and stock bonus plans), 410 (minimum participation standards), 411 (minimum vesting standards), and 415 (limitations on benefits and contributions under qualified plans) all employees of all trades or businesses under common control are treated as employed by a single employer.

Proposed § 1.414(c)–2(a) provides that two or more trades or businesses are under common control if they constitute either a "parent-subsidiary group of trades or businesses under common control", a "brother-sister group of trades or businesses under common control", or a "combined group of trades or businesses under common control".

Paragraph (b)(1) of proposed § 1.414(c)–2 defines a parent-subsidiary group to mean one or more chains of organizations (sole proprietorships, partnerships, trusts, estates, and corporations) conducting trades or businesses connected through ownership of a controlling interest with a common parent organization if a controlling interest of each organization other than the common parent is owned by one or more of the other organizations and the common parent owns a controlling interest in at least one of the other organizations.

Paragraph (b)(2) of proposed § 1.414(c)–2 defines the phrase "controlling interest" to mean: ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of a corporation; ownership of an actuarial interest of at least 80 percent of a trust or estate; ownership of at least 80 percent of the profits or capital interest of a partnership; and ownership of 100 percent of a sole proprietorship.

Paragraph (c)(1) of proposed § 1.414(c)–2 defines a brother-sister group to mean two or more organizations conducting trades or businesses if the same five or fewer persons who are individuals, estates, or trusts own a controlling interest of each organization and effective control of each organization exists taking into account the ownership of each such person only to the extent such ownership is identical with respect to each organization. Paragraph (c)(2) of proposed § 1.414(c)–2 defines the phrase "effective control" to be an ownership interest of more than 50 percent.

Paragraph (d) of proposed § 1.414(c)–2 defines a combined group to mean any group of three or more organizations if each organization is a member of either a parent-subsidiary group or a brother-sister group and at least one such organization is the common parent of a parent-subsidiary group and is also a member of a brother-sister group.

Proposed §1.414(c)–3 provides that in the determination of controlling interest or effective control certain interests or stock are to be excluded and treated as not outstanding. Paragraph (b) of proposed § 1.414(c)–3 provides the rules for a parent-subsidiary group and paragraph (c) provides the rules for a brother-sister group. The purpose of these rules is to prevent persons from divesting themselves of sufficient ownership to avoid the application of proposed § 1.414(c)–2 without divesting themselves, as a practical matter, of the benefits of the ownership of an organization.

Proposed § 1.414(c)–4 provides constructive ownership rules that apply in determining the ownership of an interest in an organization.

Proposed amendment to the regulations. In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect the addition of section 414 (b) and (c) to the Internal Revenue Code of 1954 by section 1015 of the Employee Retirement Income Security Act of 1974 (88 Stat. 925) and to prescribe rules under section 210 (c) and (d) of such Act (88 Stat. 866, 867), the Income Tax Regulations are amended as follows:

The following new sections are proposed to be added immediately after § 1.405–3:

§ 1.414(b) Statutory provisions; definitions and special rules; employees of controlled group of corporations.

Sec. 414. *Definitions and special rules.*

* * * * *

(b) *Employees of controlled group of corporations.* For purposes of sections 401, 410, 411, and 415, all employees of all corporations which are members of a controlled group of corporations (within the meaning of section 1563(a), determined without regard to section 1563(a)(4) and (e)(3)(C)) shall be treated as employed by a single employer. With respect to a plan adopted by more than one such corporation, the minimum funding standard of section 412, the tax imposed by section 4971, and the applicable limitations provided by section 404(a) shall be determined as if all such employers were a single employer, and allocated to each employer in accordance with regulations prescribed by the Secretary or his delegate.

[Sec. 414(b) as added by sec. 1015, Employee Retirement Income Security Act, 1974 (88 Stat. 925)]

§ 1.414(b)–1 Controlled group of corporations.

(a) *Definition of controlled group of corporations.* For purposes of this section, the term "controlled group of corporations" has the same meaning as is assigned to the term in section 1563(a) and the regulations thereunder, except that (1) the term "controlled group of corporations" shall not include an "insurance group" described in section 1563 (a)(4) and (2) section 1563(e)(3)(C) (relating to stock owned by employees' trust) shall not apply. For purposes of this section, the term "members of a controlled group" means two or more corporations connected through stock ownership described in section 1563(a) (1), (2), or (3), whether or not such corporations are "component members of a controlled group" within the meaning of section 1563(b). Two or more corporations are members of a controlled group at any time such corporations meet the requirements of section 1563(a) (as modified by this paragraph). For purposes of this section, if a corporation is a member of more than one controlled group of corporations, such corporation shall be treated as a member of each controlled group.

(b) *Single plan adopted by two or more members.* If two or more members of a controlled group of corporations adopt a single plan for a plan year, then the minimum funding standard provided in section 412, the tax imposed by section 4971, and the applicable limitations provided by section 404(a) shall be determined as if such members were a single employer. In such a case, the amount of such items and the allocable portion attributable to each member shall be determined in the manner provided in regulations under sections 412, 4971, and 404(a).

(c) *Cross reference.* For rules relating to the application of sections 401, 410, 411, and 415 with respect to two more trades or business which are under common control, see section 414(c) and the regulations thereunder.

§ 1.414(c) Statutory provisions; definitions and special rules; employees of partnerships, proprietorships, etc., which are under common control.

Sec. 414. *Definitions and special rules.*

* * * * *

(c) *Employees of partnerships, proprietorships, etc., which are under common control.* For purposes of sections 401, 410, 411, and 415, under regulations prescribed by the Secretary or his delegate, all employees of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer. The regulations prescribed under this subsection shall be based on principles similar to the principles which apply in the case of subsection (b).

[Sec. 414(c) as added by sec. 1015, employee Income Retirement Security Act, 1974 (88 Stat. 925)]

§ 1.414(c)–1 Commonly controlled trades or businesses.

For purposes of applying the provisions

For purposes of applying the provisions of sections 401 (relating to qualified pension, profit-sharing, and stock bonus plans), 410 (relating to minimum participation standards), 411 (relating to minimum vesting standards), and 415 (relating to limitations on benefits and contributions under qualified plans), all employees of two or more trades or businesses under common control within the meaning of § 1.414(c)–2 for any period shall be treated as employed by a single employer. See sections 401, 410, 411, and 415 and the regulations thereunder for rules relating to employees of trades or businesses which are under common control. See § 1.414(c)–5 for effective date.

§ 1.414(c)–2 Two or more trades or businesses under common control.

(a) *In general.* For purposes of this section, the term "two or more trades or businesses under common control" means any group of trades or businesses which is either a "parent-subsidiary group of trades or businesses under common control" as defined in paragraph (b) of this section, a "brother-sister group of trades or businesses under common control" as defined in paragraph (c) of this section, or a "combined group of trades or businesses under common control" as defined in paragraph (d) of this section. For purposes of this section and §§ 1.414(c)–3 and 1.414(c)–4, the term "organization" means a sole proprietorship, a partnership (as defined in section 7701(a)(2)), a trust, an estate, or a corporation.

(b) *Parent-subsidiary group of trades or businesses under common control—(1) General.* The term "parent-subsidiary group of trades or businesses under common control" means one or more chains of organizations conducting trades or businesses connected through ownership of a controlling interest with a common parent organization if—

(i) A controlling interest in each of the organizations, except the common parent organization, is owned (directly and with the application of § 1.414(c)–4(b)(1), relating to options) by one or more of the other organizations; and

(ii) The common parent organization owns (directly and with the application of § 1.414(c)–4(b)(1), relating to options) a controlling interest in at least one of the other organizations, excluding, in computing such controlling interest, any direct ownership interest by such other organizations.

(2) *Controlling interest defined—(i) Controlling interest.* For purposes of paragraphs (b) and (c) of this section, the phrase "controlling interest" means:

(A) In the case of an organization which is a corporation, ownership of stock possessing at least 80 percent of total combined voting power of all classes of stock entitled to vote of such corporation or at least 80 percent of the total value of shares of all classes of stock of such corporation;

(B) In the case of an organization which is a trust or estate, ownership of an actuarial interest of at least 80 percent of such trust or estate;

(C) In the case of an organization which is a partnership, ownership of at least 80 percent of the profits interest or capital interest of such partnership; and

(D) In the case of an organization which is a sole proprietorship, ownership of such sole proprietorship.

(ii) *Actuarial interest.* For purposes of this section, the actuarial interest of each beneficiary of a trust or estate shall be determined by assuming the maximum exercise of discretion by the fiduciary in favor of such beneficiary. The factors and methods prescribed in § 20.2031–10 of this chapter (Estate Tax Regulations) for use in ascertaining the value of an interest in property for estate tax purposes shall be used for purposes of this subdivision in determining a beneficiary's actuarial interest.

(c) *Brother-sister group of trades or businesses under common control—(1) General.* The term "brother-sister group of trades or businesses under common control" means two or more organizations conducting trades or businesses if (i) the same five or fewer persons who are individuals, estates, or trusts own (directly and with the application of § 1.414(c)–4), singly or in combination, a controlling interest of each organization, and (ii) taking into account the ownership of each such person only to the extent such ownership is identical with respect to each such organization, such persons are in effective control of each organization.

(2) *Effective control defined.* For purposes of this paragraph, persons are in "effective control" of an organization if—

(i) In the case of an organization which is a corporation, such persons own stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote of such corporation or more than 50 percent of the total value of shares of all classes of stock of such corporation;

(ii) In the case of an organization which is a trust or estate, such persons own an aggregate actuarial interest of more than 50 percent of such trust or estate;

(iii) In the case of an organization which is a partnership, such persons own an aggregate of more than 50 percent of the profits interest or capital interest of such partnership; and

(iv) In the case of an organization which is a sole proprietorship, such persons own such sole proprietorship.

(d) *Combined group of trades or businesses under common control.* The term "combined group of trades or businesses under common control" means any group of three or more organizations, if (1) each such organization is a member of either a parent-subsidiary group of trades or businesses under common control or a brother-sister group of trades or businesses under common control, and (2) at least one such organization is the common parent organization of a parent-subsidiary group of trades or businesses under common control and is also a member of a brother-sister group of trades or businesses under common control.

(e) *Examples.* The definitions of parent-subsidiary group of trades or businesses under common control, brother-sister group of trades or businesses under common control, and combined group of trades or businesses under common control may be illustrated by the following examples.

Example (1). (a) The ABC Partnership owns stock possessing 80 percent of the total combined voting power of all classes of stock entitled to vote of S Corporation. ABC is the common parent of a parent-subsidiary group of trades or businesses under common control consisting of the ABC Partnership and S Corporation.

(b) Assume the same facts as in (a) and assume further that S owns 80 percent of the profits interest in the DEF Partnership. The ABC Partnership is the common parent of a parent-subsidiary group of trades or businesses under common control consisting of the ABC Partnership, S Corporation, and the DEF Partnership. The result would be the same if the ABC Partnership, rather than S, owned 80 percent of the profits interest in the DEF Partnership.

Example (2). L Corporation owns 80 percent of the only class of stock of T Corporation, and T, in turn owns 40 percent of the capital interest in the GHI Partnership. L also owns 80 percent of the only class of stock of N Corporation and N, in turn, owns 40 percent of the capital interest in the GHI Partnership. L is the common parent of a parent-subsidiary group of trades or businesses under common control consisting of L Corporation, T Corporation, N Corporation, and the GHI Partnership.

Example (3). ABC Partnership owns 75 percent of the only class of stock of X and Y Corporations; X owns all the remaining stock of Y, and Y owns all the remaining stock of X. Since interorganization ownership is excluded (that is, treated as not outstanding) for purposes of determining whether ABC owns a controlling interest of at least one of the other organizations, ABC is treated as the owner of stock possessing 100 percent of the voting power and value of X and of Y for purposes of paragraph (b)(1)(ii) of this section. Therefore, ABC is the common parent of a parent-subsidiary group of trades or businesses under common control consisting of the ABC Partnership, X Corporation, and Y Corporation.

Example (4). Unrelated individuals A, B, C, D, E, and F own an interest in sole proprietorship A, a capital interest in the GHI Partnership, and stock of corporations W, X, Y, and Z (each of which has only one class of stock outstanding) in the following proportions:

[In percent]

Individuals	Organizations						Identical ownership
	A	GHI	W	X	Y	Z	
A	100	60	60	60	60	60	60
B		40					
C			40				
D				40			
E					40		
F						40	
Total	100	100	100	100	100	100	60

Under these facts the following brother-sister groups of trades or businesses under common control exist: A, GHI, W, X, and Y; A, GHI, W, X, and Z; A, GHI, W, Y, and Z; A, GHI, X, Y, and Z; and A, W, X, Y, and Z.

Example (5). The outstanding stock of corporations U and V, which have only one class of stock outstanding, is owned by unrelated individuals as follows:

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[In percent]

Individuals	Organizations		Identical ownership
	U	V	
F	5		
G	10		
H	10		
I	20		
J	55	55	55
K		10	
L		10	
M		10	
N		10	
O		5	
Total	100	100	55

Corporations U and V are not members of a brother-sister group of trades or businesses under common control because at least 80 percent of the stock of each corporation is not owned by the same five or fewer persons.

Example (6). A, an individual, owns a controlling interest in ABC Partnership and DEF Partnership. ABC, in turn, owns a controlling interest in X Corporation. Since ABC, DEF, and X are each members of either a parent-subsidiary group or a brother-sister group of trades or businesses under common control, and ABC is the common parent of a parent-subsidiary group of trades or businesses under common control consisting of ABC and X, and also a member of a brother-sister group of trades or businesses under common control consisting of ABC and DEF, ABC Partnership, DEF Partnership, and X Corporation are members of the same combined group of trades or businesses under common control.

§ 1.414(c)–3 Exclusion of certain interests or stock in determining control.

(a) *In general.* For purposes of § 1.414(c)–2(b)(2)(i) and (c)(2), the term "interest" and the term "stock" do not include an interest which is treated as not outstanding under paragraph (b) of this section in the case of a parent-subsidiary group of trades or businesses under common control or under paragraph (c) of this section in the case of a brother-sister group of trades or businesses under common control. In addition, the term "stock" does not include treasury stock or nonvoting stock which is limited and preferred as to dividends. For definitions of certain terms used in this section, see paragraph (d) of this section.

(b) *Parent-subsidiary group of trades or businesses under common control*—(1) *In general.* If an organization (hereinafter in this section referred to as "parent organization") owns (within the meaning of paragraph (b)(2) of this section)—

(i) In the case of a corporation, 50 percent or more of the total combined voting power of all classes of stock entitled to vote or of the total value of shares of all classes of stock of such corporation,

(ii) In the case of a trust or an estate, an actuarial interest (within the meaning of § 1.414(c)–2(b)(2)(ii)) of 50 percent or more of such trust or estate, and

(iii) In the case of a partnership, 50 percent or more of the profits or capital interest of such partnership,

then for purposes of determining whether the parent organization or such other organization (hereinafter in this section referred to as "subsidiary organization") is a member of a parent-subsidiary group of trades or businesses under common control, an interest in such subsidiary organization excluded under paragraph (b)(3), (4), (5), or (6) of this section shall be treated as not outstanding.

(2) *Ownership.* For purposes of paragraph (b)(1) of this section, a parent organization shall be considered to own an interest in or stock of another organization which it owns directly or indirectly with the application of paragraph (b)(1) of § 1.414(c)–4 and—

(i) In the case of a parent organization which is a partnership, a trust, or an estate, with the application of paragraph (b)(2), (3), and (4) of § 1.414(c)–4, and

(ii) In the case of a parent organization which is a corporation, with the application of paragraph (b)(4) of § 1.414(c)–4.

(3) *Plan of deferred compensation.* An interest which is an interest in or stock of the subsidiary organization held by a trust which is part of a plan of deferred compensation (within the meaning of section 406(a)(3) and the regulations thereunder) for the benefit of the employees of the parent organization or the subsidiary organization shall be excluded.

(4) *Principal owners, officers, etc.* An interest which is an interest in or stock of the subsidiary organization owned (directly and with the application of § 1.414(c)–4) by an individual who is a principal owner, officer, partner, or fiduciary of the parent organization shall be excluded.

(5) *Employees.* An interest which is an interest in or stock of the subsidiary organization owned (directly and with the application of § 1.414(c)–4) by an employee of the subsidiary organization shall be excluded if such interest or such stock is subject to conditions which substantially restrict or limit the employee's right (or if the employee constructively owns such interest or such stock, the direct or record owner's right) to dispose of such interest or such stock and which run in favor of the parent or subsidiary organization.

(6) *Controlled exempt organization.* An interest which is an interest in or stock of the subsidiary organization shall be excluded if owned (directly and with the application of § 1.414(c)–4) by an organization (other than the parent organization):

(i) To which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies, and

(ii) Which is controlled directly or indirectly (within the meaning of paragraph (d)(7) of this section) by the parent organization or subsidiary organization, by an individual, estate, or trust that is a principal owner of the parent organization, by an officer, partner, or fiduciary of the parent organization, or by any combination thereof.

(c) *Brother-sister group of trades or businesses under common control*—(1) *In general.* If five or fewer persons (hereinafter in this section referred to as "common owners") who are individuals, estates, or trusts, own (directly and with the application of § 1.414(c)–4)—

(i) In the case of a corporation, 50 percent or more of the total combined voting power of all classes of stock entitled to vote or of the total value of shares of all classes of stock of such corporation,

(ii) In the case of a trust or an estate, an actuarial interest (within the meaning of § 1.414(c)–2(b)(2)(ii)) of 50 percent or more of such trust or estate, and

(iii) In the case of a partnership, 50 percent or more of the profits or capital interest of such partnership,

then for purposes of detremining whether such organization is a member of a brother-sister group of trades or businesses under common control, an interest in such organization excluded under paragraph (c)(2), (3), or (4) of this section shall be treated as not outstanding.

(2) *Exempt employee's trust.* An interest which is an interest in or stock of such organization held by an employee's trust described in section 401(a) which is exempt from tax under section 501(a) shall be excluded if such trust is for the benefit of the employees of such organization.

(3) *Employees.* An interest which is an interest in or stock of such organization owned (directly and with the application of § 1.414(c)–4) by an employee of such organization shall be excluded if such interest or stock is subject to conditions which run in favor of a common owner of such organization or in favor of such organization and which substantially restrict or limit the employee's right (or if the employee constructively owns such interest or stock, the direct or record owner's right) to dispose of such interest or stock.

(4) *Controlled exempt organization.* An interest which is an interest in or stock of such organization shall be excluded if owned (directly and with the application of § 1.414(c)–4) by an organization:

(i) To which section 501(c)(3) (relating to certain educational and charitable organizations which are exempt from tax) applies, and

(ii) which is controlled directly or indirectly (within the meaning of paragraph (d)(7) of this section) by such organization, by an individual, estate, or trust that is a principal owner of such organization, by an officer, partner, or fiduciary of such organization, or by any combination thereof.

(d) *Definitions*—(1) *Employee.* For purposes of this section, the term "employee" has the same meaning such term is given in section 3306(i) of the Code (relating to definitions for purposes of the Federal Unemployment Tax Act).

(2) *Principal owner.* For purposes of this section, the term "principal owner" means a person who owns (directly and with the application of § 1.414(c)–4)—

(i) In the case of a corporation, 5 percent or more of the total combined voting power of all classes of stock entitled to vote in such corporation or of the total value of shares of all classes of stock of such corporation;

(ii) In the case of a trust or estate, an actuarial interest of 5 percent or more of such trust or estate; or

(iii) In the case of a partnership, 5 percent or more of the profits interest or capital interest of such partnership.

(3) *Officer.* For purposes of this section, the term "officer" includes the president, vice-presidents, general manager, treasurer, secretary, and comptroller of a corporation, and any other person who performs duties corresponding to those normally performed by persons occupying such positions.

(4) *Partner.* For purposes of this section, the term "partner" means any person defined in section 7701(a)(2) (relating to definitions of partner).

(5) *Fiduciary.* For purposes of this section and § 1.414(c)–(4), the term "fiduciary" has the same meaning as such trem is given in section 7701(a)(6) and the regulations thereunder.

(6) *Substantial conditions.* (i) *In general.* For purposes of this section, an interest in or stock of an organization is subject to conditions which substantially restrict or limit the right to dispose of such interest or stock and which run in favor of another person if the condition extends directly or indirectly to such person rights with respect to the acquisition of the direct owner's (or the record owner's) interest or stock. For a condition to be in favor of another person it is not necessary that such person be extended a discriminatory concession with respect to price. A right of first refusal with respect to an interest or stock in favor of another person is a condition which substantially restricts or limits the direct or record owner's right of disposition which runs in favor of such person. Further, any legally enforceable condition which prohibits the direct or record owner from disposing of his or her interest or stock without the consent of another person will be considered to be a substantial limitation running in favor of such person.

(ii) *Special rule.* For purposes of paragraph (c)(3) of this section only, if a condition which restricts or limits an employee's right (or direct or record owner's right) to dispose of his or her interest or stock also applies to the interest or stock in such organization held by a common owner pursuant to a bona fide reciprocal purchase arrangement, such condition shall not be treated as a substantial limitation or restriction. An example of a reciprocal purchase arrangement is an agreement whereby a common owner and the employee are given a right of first refusal with respect to stock of the employer corporation owned by the other party. If, however, the agreement also provides that the common owner has the right to purchase the stock of the employer corporation owned by the employee in the event the corporation should discharge the employee for reasonable cause, the purchase arrangement would not be reciprocal within the meaning of this subdivision.

(7) *Control.* For purposes of paragraps (b)(6) and (c)(4) of this section, the term "control" means control in fact. The determination of whether there exists control in fact will depend upon all of the facts and circumstances of each case, without regard to whether such control is legally enforceable and irrespective of the method by which such control is exercised or exercisable.

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). ABC Partnership owns 70 percent of the capital interest and of the profits interest in the DEF Partnership. The remaining capital interest and profits interest in DEF is owned as follows: 4 percent by A (a general partner in ABC), and 26 percent by D (a limited partner in ABC). ABC satisfies the 50-percent capital interest or profits interest ownership requirement of paragraph (b)(1)(iii) of this section with respect to DEF. Since A and D are partners of ABC, under paragraph (b)(4) of this section the capital and profits interests in DEF owned by A and D are treated as not outstanding for purposes of determining whether ABC and DEF are members of a parent-subsidiary group of trades or businesses under common control under § 1.414(c)–2(b). Thus, ABC is considered to own 100 percent (70÷70) of the capital interest and profits interest in DEF. Accordingly, ABC and DEF are members of a parent-subsidiary group of trades or businesses under common control.

Example (2). Assume the same facts as in example (1) and assume further that A owns 15 shares of the 100 shares of the only class of stock of S Corporation and DEF Partnership owns 75 shares of such stock. ABC satisfies the 50 percent stock requirement of paragraph (b)(1)(i) of this section with respect to S since ABC is considered as owning 52.5 percent (70 percent×75 percent) of the S stock with the application of § 1.414(c)–4(b)(2). Since A is a partner of ABC, the S stock owned by A is treated as not outstanding for purposes of determining whether S is a mmeber of a parent-subsidiary group of trades or businesses under common control. Thus, DEF Partnership is considered to own stock possessing 88.2 percent (75÷85) of the voting power and value of the S Stock. Accordingly, ABC Partnership, DEF Partnership, and S Corporation are members of a parent-subsidiary group of trades or businesses under common control.

Example (3). ABC Partnership owns 60 percent of the only class of stock of Corporation Y. D, the president of Y, owns the remaining 40 percent of the stock of Y. D has agreed that if she offers her stock in Y for sale she will first offer the stock to ABC at a price equal to the fair market value of the stock on the first date the stock is offered for sale. Since D is an employee of Y within the meaning of section 3306(i) of the Code and her stock in Y is subject to a condition which substantially restricts or limits her right to dispose of such stock and runs in favor of ABC Partnership, under paragraph (b)(5) of this section such stock is treated as not outstanding for purposes of determining whether ABC and Y are members of a parent-subsidiary group of trades or businesses under common control. Thus, ABC Partnership is considered to own stock possessing 100 percent of the voting power and value of the stock of Y. Accordingly, ABC Partnership and Y Corporation are members of a parent-subsidiary group of trades or businesses under common control. The result would be the same if D's husband, instead of D, owned directly the 40 percent stock interest in Y and such stock was subject to a right of first refusal running in favor of ABC Partnership.

§ 1.414(c)–4 Rules for determining ownership.

(a) *In general.* In determining the ownership of an interest in an organization for purposes of § 1.414(c)–2 and § 1.414(c)–3, the constructive ownership rules of paragraph (b) of this section shall apply, subject to the operating rules contained in paragraph (c). For purposes of this section the term "interest" means: in the case of a corporation, stock; in the case of a trust or estate, an actuarial interest; in the case of a partnership, an interest in the capital or profits; and in the case of a sole proprietorship, the proprietorship.

(b) *Constructive ownership*—(1) *Options.* If a person has an option to acquire any outstanding interest in an organization, such interest shall be considered as owned by such person. For this purpose, an option to acquire an option, and each one of a series of such options, shall be considered as an option to acquire such interest.

(2) *Attribution from partnerships*—(i) *General.* An interest owned, directly or indirectly, by or for a partnership shall be considered as owned by any partner having an interest of 5 percent or more in either the profits or capital of the partnership in proportion to such partner's interest in the profits or capital, whichever such proportion is greater.

(ii) *Example.* The provisions of paragraph (b)(2)(i) of this section may be illustrated by the following example:

Example. A, B, and C, unrelated individuals, are partners in the ABC Partnership. The partners' interests in the capital and profits of ABC are as follows:

[In percent]

Partner	Capital	Profits
A	36	25
B	60	71
C	4	4

The ABC Partnership owns the entire outstanding stock (100 shares) of X Corporation. Under paragraph (b)(2)(i) of this section, A is considered to own the stock of X owned by the partnership in proportion to his interest in capital (36 percent) or profits (25 percent), whichever such proportion is greater. Therefore, A is considered to own 36 shares of X stock. Since B has a greater interest in the profits of the partnership than in the capital, B is considered to own X stock in proportion to his interest in such profits. Therefore, B is considered to own 71 shares of X stock. Since C does not have an interest of 5 percent or more in either the capital or profits of ABC, he is not considered to own any shares of X stock.

(3) *Attribution from estates and trusts*—(i) *In general.* An interest in an

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organization (hereinafter called an "organization interest") owned, directly or indirectly, by or for an estate or trust shall be considered as owned by any beneficiary of such estate or trust who has an actuarial interest of 5 percent or more in such organization interest, to the extent of such actuarial interest. For purposes of this subparagraph, the actuarial interest of each beneficiary shall be determined by assuming the maximum exercise of discretion by the fiduciary in favor of such beneficiary and the maximum use of the organization interest to satisfy the beneficiary's rights. A beneficiary of an estate or trust who cannot under any circumstances receive any part of an organization interest held by the estate or trust, including the proceeds from the disposition thereof, or the income therefrom, does not have an actuarial interest in such organization interest. Thus, where stock owned by a decedent's estate has been specifically bequeathed to certain beneficiaries and the remainder of the estate has been specifically bequeathed to other beneficiaries, the stock is attributable only to the beneficiaries to whom it is specifically bequeathed. Similarly a remainderman of a trust who cannot under any circumstances receive any interest in the stock of a corporation which is a part of the corpus of the trust (including any accumulated income therefrom or the proceeds from a disposition thereof) does not have an actuarial interest in such stock. However, an income beneficiary of a trust does have an actuarial interest in stock if he has any right to the income from such stock even though under the terms of the trust instrument such stock can never be distributed to him. The factors and methods prescribed in § 20.2031–10 of this chapter (Estate Tax Regulations) for use in ascertaining the value of an interest in property for estate tax purposes shall be used for purposes of this subdivision in determining a beneficiary's actuarial interest in an organization interest owned directly or indirectly by or for an estate or trust.

(ii) *Special rules for estates.* (A) For purposes of paragraph (b)(3) with respect to an estate, property of a decedent shall be considered as owned by his or her estate if such property is subject to administration by the executor or administrator for the purposes of paying claims against the estate and expenses of administration notwithstanding that, under local law, legal title to such property vests in the decedent's heirs, legatees or devisees immediately upon death.

(B) For purposes of paragraph (b)(3) with respect to an estate, the term "beneficiary" includes any person entitled to receive property of a decendent pursuant to a will or pursuant to laws of descent and distribution.

(C) For purposes of paragraph (b)(3) with respect to an estate, a person shall no longer be considered a beneficiary of an estate when all the property to which he or she is entitled has been received by him or her, when he or she no longer has a claim against the estate arising out of having been a beneficiary, and when there is only a remote possibility that it will be necessary for the estate to seek the return of property from him or her or to seek payment from him or her by contribution or otherwise to satisfy claims against the estate or expenses of administration.

(iii) *Grantor trusts, etc.* An interest owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E, part I, subchapter J of the Code (relating to grantors and others treated as substantial owners) is considered as owned by such person.

(4) *Attribution from corporations*—(i) *General.* An interest owned, directly or indirectly, by or for a corporation shall be considered as owned by any person who owns (directly and, in the case of a parent-subsidiary group of trades or businesses under common control, with the application of paragraph (b)(1) of this section, or in the case of a brother-sister group of trades or business under common control, with the application of this section), 5 percent or more in value of the stock in that proportion which the value of the stock which such person so owns bears to the total value of all the stock in such corporation.

(ii) *Example.* The provisions of paragraph (b)(4)(i) of this section may be illustrated by the following example:

Example. B, an individual, owns 60 of the 100 shares of the only class of outstanding stock of corporation P. C, and individual, owns 4 shares of the P stock, and corporation X owns 36 shares of the P stock. Corporation P owns, directly and indirectly, 50 shares of the stock of S. Under this subparagraph, B is considered to own 30 shares of the S stock (60/100×50), and X is considered to own 18 shares of S stock (36/100×50). Since C does not own 5 percent or more in the value of P stock, he is not considered as owning any of the S stock owned by P. If in this example, C's wife had owned directly 1 share of the P stock, C and his wife would each own 5 shares of the P stock, and therefore C and his wife would be considered as owning 2.5 shares of the S stock (5/100×50).

(5) *Spouse*—(i) *General rule.* Except as provided in paragraph (b)(5)(ii) of this section, an individual shall be considered to own an interest owned, directly or indirectly, by or for his or her spouse, other than a spouse who is legally separated from the individual under a decree of divorce, whether interlocutory or final, or a decree of separate maintenance.

(ii) *Exception.* An individual shall not be considered to own an interest in an organization owned, directly or indirectly, by or for his or her spouse on any day of a taxable year of such organization, provided that each of the following conditions are satisfied with respect to such taxable year:

(A) Such individual does not, at any time during such taxable year, own directly any interest in such organization;

(B) Such individual is not a member of the board of directors, a fiduciary, or an employee of such organization and does not participate in the management of such organization at any time during such taxable year;

(C) Not more than 50 percent of such organization's gross income for such taxable year was derived from royalties, rents, dividends, interest, and annuities; and

(D) Such interest in such organization is not, at any time during such taxable year, subject to conditions which substantially restrict or limit the spouse's right to dispose of such interest and which run in favor of the individual or the individual's children who have not attained the age of 21 years. The principles of § 1.414(c)–3(d)(6)(i) shall apply in determining whether a condition is a condition described in the preceding sentence.

(iii) *Definitions.* For purposes of paragraph (b)(5)(ii)(C) of this section, the gross income of an organization shall be determined under section 61 and the regulations thereunder. The terms "interest", "royalties", "rents", "dividends", and "annuities" shall have the same meaning such terms are given for purposes of section 1244(c) and § 1.1244(c)–1(g)(1).

(6) *Children, grandchildren, parents, and grandparents*—(i) *Children and parents.* An individual shall be considered to own an interest owned, directly or indirectly, by or for the individual's children who have not attained the age of 21 years, and if the individual has not attained the age of 21 years, an interest owned, directly or indirectly, by or for the individual's parents.

(ii) *Children, grandchildren, parents, and grandparents.* If an individual is in effective control (within the meaning of § 1.414(c)–2(c)(2)), directly and with the application of the rules of this paragraph without regard to this subdivision, of an organization, then such individual shall be considered to own an interest in such organization owned, directly or indirectly, by or for the individual's parents, grandparents, grandchildren, and children, who have attained the age of 21 years.

(iii) *Adopted children.* For purposes of this section, a legally adopted child of an individual shall be treated as a child of such individual.

(iv) *Example.* The provisions of this subparagraph (6) may be illustrated by the following example:

Example—(A) *Facts.* Individual F owns directly 40 percent of the profits interest of the DEF Partnership. His son, M, 20 years of age, owns directly 30 percent of the profits interest of DEF, and his son, A, 30 years of age, owns directly 20 percent of the profits interest of DEF. The 10 percent remaining of the profits interest and 100 percent of the capital interest of DEF is owned by an unrelated person.

(B) *F's ownership.* F owns 40 percent of the profits interest in DEF directly and is considered to own the 30 percent profits interest owned directly by M. Since, for purposes of the effective control test contained in paragraph (b)(6)(ii) of this section, F is treated as owning 70 percent of the profits interest of DEF, F is also considered as owning the 20 percent profits interest of DEF owned by his adult son, A. Accordingly, F is considered as owning a total of 90 percent of the profits interest in DEF.

(C) *M's ownership.* Minor son, M, owns 30 percent of the profits interest in DEF directly, and is considered to own the 40 percent profits interest owned directly by his father, F. However, M is not considered to own the 20 percent profits interest of DEF owned directly by his brother, A, and constructively by F, because an interest constructively owned by F by reason of family attribution is not considered as owned by him for purposes of making another member of his family the constructive owner of such interest. (See paragraph (c)(2) of this section.) Accordingly, M owns and is considered as owning a total of 70 percent of the profits interest of the DEF Partnership.

(D) *A's ownership.* Adult son, A, owns 20 percent of the profits interest in DEF directly. Since, for purposes of determining whether A effectively controls DEF under paragraph (b)(6)(ii) of this section, A is treated as owning only the percentage of profits interest he owns directly, he does not satisfy the condition precedent for the attribution of the DEF profits interest from his father. Accordingly, A is treated as owning only the 20 percent profits interest in DEF which he owns directly.

(c) *Operating rules*—(1) *In general.* Except as provided in paragraph (c)(2) of this section, an interest constructively owned by a person by reason of the application of paragraph (b)(1), (2), (3), (4), (5), or (6) of this section shall, for the purposes of applying such paragraph, be treated as actually owned by such person.

(2) *Members of family.* An interest constructively owned by an individual by reason of the application of paragraph (b)(5) or (6) of this section shall not be treated as owned by such individual for purposes of again applying such subparagraphs in order to make another the constructive owner of such interest.

(3) *Precedence of option attribution.* For purposes of this section, if an interest may be considered as owned under paragraph (b)(1) of this section (relating to option attribution) and under any other subparagraph of paragraph (b) of this section, such interest shall be considered as owned by such person under paragraph (b)(1) of this section.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, 30 years of age, has a 90 percent interest in the capital and profits of DEF Partnership. DEF owns all the outstanding stock of corporation X and X owns 60 shares of the 100 outstanding shares of corporation Y. Under paragraph (c)(1) of this section, the 60 shares of Y constructively owned by DEF by reason of paragraph (b)(4) of this section are treated as actually owned by DEF for purposes of applying paragraph (b)(2) of this section. Therefore, A is considered as owning 54 shares of the Y stock (90 percent of 60 shares).

Example (2). Assume the same facts as in example (1). Assume further that B, who is 20 years of age and the brother of A, directly owns 40 shares of Y stock. Although the stock of Y owned by B is considered as owned by C (the father of A and B) under paragraph (b)(6)(i) of this section, under paragraph (c)(2) of this section such stock may not be treated as owned by C for purposes of applying paragraph (b)(6)(ii) of this section in order ot make A the constructive owner of such stock.

Example (3). Assume the same facts assumed for purposes of example (2), and further assume that C has an option to acquire the 40 shares of Y stock owned by his son, B. The rule contained in paragraph (c)(2) of this section does not prevent the reattribution of such 40 shares to A because, under paragraph (c)(3) of this section, C is considered as owning the 40 shares by reason of option attribution and not by reason of family attribution. Therefore, since A is in effective control of Y under paragraph (b)(6)(ii) of this section, the 40 shares of Y stock constructively owned by C are reattributed to A. A is considered as owning a total of 94 shares of Y stock.

§ 1.414(c)–5 Effective date.

(a) *General rule.* Except as provided in paragraph (b) or (c) of this section, the provisions of § 1.414(b), § 1.414(b)–1, and §§ 1.414(c) through 1.414(c)–4 shall apply for plan years beginning after September 2, 1974.

(b) *Existing plans.* In the case of a plan in existence on January 1, 1974, unless paragraph (c) of this section applies, the provisions of § 1.414(b), § 1.414(b)–1, and §§ 1.414(c) through 1.414(c)–4 shall apply for plan years beginning after December 31, 1975. For definition of the term "existing plan", see proposed § 1.410(a)–2(c).

(c) *Existing plans electing new provisions.* In the case of a plan in existence on January 1, 1974, for which the plan (a)–2(d), the provisions of § 1.414(b), (a)–2(d), the provisions of §1.414(b), § 1.414(b)–1, and §§ 1.414(c) through 1.414(c)–4 shall apply to plan years as in § 11.410(a)–2(d).

(d) *Application.* For purposes of the Employee Retirement Income Security Act of 1974, the provisions of § 1.414(b), § 1.414(b)–1 and §§ 1.414(c) through 1.414(c)–4 do not apply for any period of time before the plan years described in paragraph (a), (b), or (c) of this section, whichever is applicable.

[FR Doc.75-29666 Filed 10-31-75;11:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Modification of Minimum Grade Standards for Inshell Walnuts

Notice is hereby given of a proposal to modify the minimum grade standards for inshell walnuts effective pursuant to § 984.50(a) of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), for walnuts shipped into domestic and export outlets. The marketing agreement and order (hereinafter referred to collectively as the "order"), regulating the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a recommendation of the Walnut Marketing Board to better the quality of inshell walnuts and thereby maintain consumer acceptability and sales.

Section 984.50(a) of the order prescribes minimum standards for inshell walnuts and provides that they may be modified by the Secretary on the basis of a Board recommendation or other information. Such standards require that inshell walnuts handled be equal to or better than the requirements of U.S. No. 2 grade and baby size as defined in the then effective United States Standards for Walnuts (Juglans regia) in the Shell (29 FR 12865; 33 FR 10840). U.S. No. 2 grade allows a total tolerance of 20 percent, by count, for internal grade defects, but not more than 10 percent of the walnuts may be damaged by mold or insects or seriously damaged by other means, of which not more than ½ or 5 percent may be damaged by insects. No part of any tolerance is allowed for walnuts containing live insects. Internal grade defects are mold, shriveling, rancidity, decay, dark discoloration, presence or evidence of insects inside the shell, and uncured kernels which are wet and rubbery, not firm and crisp. It is proposed that the total tolerance for internal grade defects be reduced to a maximum of 15 percent, and the tolerance included within this total tolerance for damage by mold or insects or serious damage by other means be reduced to a maximum of 8 percent. The restricted tolerance of 5 percent for insects would remain the same.

Section 984.50(e) of the order specifies that surplus inshell walnuts for export must meet the requirements of § 984.50(a). Hence, the proposed change would also apply to exports of surplus inshell walnuts. The industry desires that inshell walnuts for export be at least the same quality as those shipped in the United States.

Lots of inshell walnuts failing to meet the increased requirements could be shelled, the defective kernels removed, and the balance marketed as shelled walnuts.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 14, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 984.450 of Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480), by revising the section heading, adding a new paragraph (a), and by redesignating present paragraphs (a) and (b), as (b) and (c), respectively. As amended § 984.450 reads as follows:

§ 984.450 **Grade and size regulations.**

(a) *Modified minimum standards for inshell walnuts.* Pursuant to § 984.50(a),

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inshell walnuts handled under this part shall be equal to or better than the requirements of U.S. No. 2 grade and baby size as defined in the then effective United States Standards for walnuts (Juglans regia) in the Shell, except that, not more than a total of 15 percent, by count, of the walnuts may be damaged by internal grade defects including not more than 8 percent which are damaged by mold or insects or seriously damaged by other means, of which not more than 5 percent may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.

(b) *Minimum kernel content requirements for surplus inshell walnuts.* Any lot of inshell walnuts withheld to meet any part or all of the handler's surplus obligation, shall have a certified kernel-weight of not less than 10 percent of the inshell weight of the lot: *Provided*, That no such lot may be exported unless it meets the minimum requirements for merchantable inshell walnuts effective pursuant to § 984.50(a).

(c) *Minimum kernel content requirements for surplus shelled walnuts.* Any lot of shelled walnuts withheld to meet any part or all of a handler's surplus obligation, shall have a certified kernel-weight of kernels six sixty-fourths of an inch or larger, of not less than 10 percent of the total weight of the lot: *Provided*, That such minimum kernel content requirements shall not apply to any lot of walnut meal certified by the designated inspection service as having been derived from chopping, slicing, or dicing merchantable shelled walnuts: *And provided further*, That no such lots may be exported unless they meet the minimum requirements for merchantable shelled walnuts effective pursuant to § 984.50(b).

It is hereby certified that the economic and inflationary impact of this proposed regulation have been carefully evaluated in accordance with OMB Circular No. A-107.

Dated: October 31, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-29681 Filed 11-4-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 249]

MEDICAL ASSISTANCE PROGRAM

Skilled Nursing and Intermediate Care Facilities—Withdrawal of Notice of Proposed Rule Making

Notice of proposed rule making was published on February 11, 1975 (40 FR 6368) providing for the transfer, from State survey agencies to the Secretary of Health, Education, and Welfare, of certain authorities to alter or waive standards applied to skilled nursing and intermediate care facilities participating in the Medicaid program (title XIX, Social Security Act). These standards are the Life Safety Code of the National Fire Protection Association (with respect to intermediate care facilities), the American National Standards Institute (ANSI) Standards relating to usability of facilities by the physically handicapped, and HEW standards for room size and number of residents per room.

Comments on the proposal were received from 33 respondents, who opposed the transfer of authority on the basis that Medicaid is a State-administered program and States are better able to make determinations relating to individual facilities which are responsive to local situations. In the light of these objections, the Department has decided not to issue the regulations at this time. The proposal is accordingly withdrawn.

Section 1102, 49 Stat. 647 (42 U.S.C. 1302).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: October 20, 1975.

JOHN A. SVAHN,
Acting Administrator,
Social and Rehabilitation Service.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-29746 Filed 11-4-75;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Regulations No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

"Prudent Buyer" Policy Relating to Reimbursement Under Medicare

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulations set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment reflects title XVIII health insurance program policy implementing the "reasonable cost" reimbursement provisions of the law and regulations. The proposed amendment is intended to clarify, by specific reference to the Medicare program's "prudent buyer" policy, the responsibility of Fiscal Intermediaries, in determining reimbursement for services to program beneficiaries, to disallow as unreasonable costs, costs incurred by a participating health care provider in excess of what a prudent and cost-conscious buyer would incur in furnishing such services in the absence of clear evidence that the excess costs were necessarily incurred to meet Medicare program requirements. The proposed amendment also deletes the term "utilization" for purposes of identifying comparable institutions and replaces it with "types of patients receiving services" from the instant. This clarifying change is necessary because the term "utilization" has taken on various meanings (e.g., as it is used in the term "utilization review" or where it is assumed to be a synonym for occupancy rate) and has caused misunderstanding by intermediaries and providers when used in the reasonable-cost context. It should be noted that this regulation applies to any cost which is not subject to a limit established pursuant to § 405.460 of this part and to any component of a cost which is subject to such a limit.

Prior to final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto, which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before December 5, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority of sections 1102, 1815, 1861(v), and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 297, 79 Stat. 322, as amended, and 79 Stat. 331; 42 U.S.C. 1302, 1395g, 1395x(v), and 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: September 2, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405), as amended, is further amended by revising paragraph (c)(2) of § 405.451 to read as follows:

§ 405.451 Cost related to patient care.

* * * * * * *

(c) * * *

(2)(i) The costs that providers incur in furnishing covered health care to health insurance program beneficiaries vary from one provider to another because of differences in the scope of services and intensity of care furnished, differences in types of providers, and the manner in which providers operate. The intent of the requirement in title XVIII of the Act that reimbursement to a provider be based on the reasonable costs that the provider incurs in furnishing covered care to health insurance program beneficiaries is to recognize the costs that each provider incurs in furnishing this care, however widely these costs may vary from one provider to another, as long as the provider's total cost, and components of total cost, are reasonable in amount. Implicit in this intention is the expectation that each provider will seek to minimize the costs that it incurs in furnishing this care so that its actual costs will not exceed what a prudent and cost-conscious buyer would incur in furnishing such care.

(ii) If the total cost, or components of total cost, that a provider incurs in furnishing covered health care to health insurance program beneficiaries exceeds what a prudent and cost-conscious buyer would incur, the excess is considered unreasonable cost and, therefore, not reimbursable, unless the provider can establish with clear evidence (and to its intermediary's satisfaction) that the excess was incurred, of necessity, to furnish services covered under the health insurance program. A provider's total cost as well as components of total cost also are not considered reasonable if these costs are out of line with the costs of comparable providers. In determining whether providers are comparable, the intermediary will take into account such factors as service area, size of institution, scope of services furnished patients, types of patients receiving services, and other relevant factors.

(iii) The rules described in subparts (i) and (ii) apply (1) to any cost which is not subject to a limit established pursuant to § 405.460 of this part and (2) to any component of a cost which is subject to a limit established pursuant to § 405.460 of this part.

* * * * *

[FR Doc.75-29750 Filed 11-4-75;8:45 am]

[20 CFR Part 410]

[Regulations No. 10]

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, AS AMENDED

Representation of Parties, Time Limit for Petitioning for Approval of Attorney Fees

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments would provide: (1) for administrative review of initial approvals of attorney fees subsequent to the expiration of the time limitation for requesting such review, and (2) for the establishment of a time limitation on filing of petitions for approval of fees when past-due benefits are being withheld. These amendments will make treatment of attorneys' fees in "black lung" claims consistent with treatment of attorneys' fees in social security claims.

The present regulations preclude any administrative review of a fee determination upon failure on the part of either the representative or the claimant to request such review within the prescribed 30-day time limit under any circumstances. The proposed amendment makes this provision more flexible and permits review upon showing of good cause for not filing the request timely. Examples of what constitutes "good cause" are also included.

The present regulations do not provide a time limitation for filing a petition for approval of a fee so that, technically, a portion of past-due benefits must be withheld indefinitely. The proposed amendment remedies this by providing that, if a petition is not filed within 60 days of the notice of a favorable determination, the attorney representing the claimant will be notified that, if he does not file a petition or a request for extension of time within 20 days of the date of such notice, the funds being withheld will be released to the claimant. If no such petition is filed upon the expiration of the 20-day period or the period for which an extension of time was granted, the Social Security Administration may release the funds.

Consideration will be given any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before December 5, 1975. The regulations will be effective upon final publication in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Heath, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 411(a), 413(b), 426(a), and 508 of the Federal Coal Mine Health and Safety Act of 1969, as amended, 83 Stat. 793, as amended; 83 Stat. 794, as amended, 83 Stat. 798; 83 Stat. 803, 30 U.S.C. 921(a), 923(b), 936(a), and 957.

(Catalog of Federal Domestic Assistance Program No. 13.806, Special Benefits for Disabled Coal Miners)

Dated: September 4, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 410.686b is amended by revising paragraph (e) to read as follows:

§ 410.686b Fee for services performed for an individual before the Social Security Administration.

* * * * * * *

(e) *Administrative review of fee determination.* (1) *Request timely filed.* Administrative review of a fee determination will be granted if either the representative or the claimant files a written request for such review at an office of the Social Security Administration who did not participate in the fee determination in question will review the determination. Written notice of the decision made on the administrative review shall be mailed to the representative and the claimant at their last known addresses.

(2) *Request not timely filed.* Where the representative or the claimant files a request for administrative review, in accordance with paragraph (e)(1) of this subsection, but files such request more than 30 days after the date of the notice of the fee determination, the person making the request shall state in writing the reasons why it was not filed within the 30-day period. The Social Security Administration will grant the review only if it determines that there was good cause for not filing the request timely. For purposes of this section, "good cause" is defined as any circumstance or event which would prevent the representative or the claimant from filing the request for review within such 30-day period or would impede his efforts to do so. Examples of such circumstances include the following:

(i) The representative or claimant was seriously ill or had a physical or mental impairment and such illness prevented him from contacting the Social Security Administration in person or in writing;

(ii) There was a death or serious illness in the individual's family;

(iii) Pertinent records were destroyed by fire or other accidental cause;

(iv) The representative or claimant was furnished incorrect or incomplete information by the Social Security Administration about his right to request review;

(v) The individual failed to receive timely notice of the fee determination;

(vi) The individual transmitted the request to another government agency in good faith within such 30-day period and the request did not reach the Social Security Administration until after such period had expired.

2. Section 410.686c is amended by adding paragraph (c) to read as follows:

§ 410.686c Petition for approval of fee.

* * * * * * *

(c) *Time limit for filing petition for approval of attorney fee.* In order for an attorney to receive direct payment of a fee authorized by the Social Security Administration from a claimant's past-due benefits (see § 410.686d(b)), the petition for approval of a fee, or written notice of the intent to file a petition, should be filed with the Social Security Administration within 60 days of the date the notice of the determination favorable to the claimant is mailed. Where no such petition is filed within 60 days after the date such notice is mailed, written notice shall be sent to the attorney and the claimant, at their last known addresses, that the Social Security Administration will cer-

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tify for payment to the claimant all the pastdue benefits unless the attorney files within 20 days from the date of such notice a written petition for approval of a fee pursuant to paragraphs (a) and (b) of this section, or a written request for an extension of time. The attorney shall send to the claimant a copy of any request for an extension of time. Where the petition is not filed within this time, or by the last day of any extension approved, the Social Security Administration may certify the funds for payment to the claimant. Any fee charged thereafter remains subject to Social Security Administration approval but collection of any such approved fee shall be a matter between the attorney and his client.

3. Section 410.686d is amended by revising paragraph (b) (1) and adding new paragraph (c) to read as follows:

* * * * *

§ 410.686d Payment of fees.

(b) *Fees authorized by the Social Security Administration.*

(1) *Attorneys.* Except as provided in § 410.686c(c), in any case where the Social Security Administration makes a determination favorable to a claimant who was represented by an attorney as defined in § 410.685(a) in a proceeding before the Social Security Administration and as a result of such determination past-due benefits, as defined in § 410.686b (c), are payable, the Social Security Administration shall certify for payment to the attorney, out of such benefits, whichever of the following is the smallest:

(i) Twenty-five percent of the total of such past-due benefits;

(ii) The amount of attorney's fee set by the Social Security Administration, or

(iii) The amount agree upon between the attorney and the claimant.

* * * * *

(c) *Responsibility of the Social Security Administration.* The Social Security Administration assumes no responsibility for the payment of a fee based on a revised determination where the request for administrative review was not filed timely. (See paragraph (b) of this section for payment of attorney fees authorized by the Social Security Administration.)

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 36]

[Docket No. 15131; Notice No. 75-37]

SUBSONIC TRANSPORT CATEGORY LARGE AIRPLANES AND SUBSONIC TURBOJET POWERED AIRPLANES

Proposed Noise Reduction Stages and Acoustical Change Requirements

In order to provide increased relief and protection to the public health and welfare from aircraft noise, the Federal Aviation Administration (FAA) proposes to amend Part 36 of the Federal Aviation Regulations to provide for three stages of noise reduction, to require new applications for type certificates to comply with noise limits more restrictive than those in current Appendix C, and to increase the severity of the accoustical change requirements for airplanes that comply with current Appendix C. These proposals would apply to subsonic transport category large airplanes and to subsonic turbojet powered airplanes.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C., 20591. Comments on the overall environmental aspects of the proposed rules are specifically invited. All communications received on or before January 5, 1976, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 36 of the Federal Aviation Regulations was issued on November 3, 1969, and has been in effect for the type certification of subsonic transport category and turbojet powered airplanes since December 1, 1969. When it was originally issued, Part 36 contained noise limits (in Appendix C) that represented the most restrictive application of noise reduction technology then viewed as safe, economically reasonable, technologically practicable, and appropriate to the type certification of airplanes to which Appendix C applied. Part 36, as originally issued, also contained "acoustical change" requirements of two kinds: for airplanes that complied with Appendix C noise limits, the rule permitted type design changes that increased noise up to, but not exceeding those limits; for airplanes already noiser than Appendix C noise limit, the rule prohibited further noise escalation.

During the years since the issuance of Part 36, experience indicates that the development of noise reduction technology has progressed to the point that significant noise reductions, below the current Appendix C limits, should be achievable consistent with considerations of safety, economic reasonableness and technological practicability for subsonic transport category large airplanes and subsonic turbojet powered airplanes. In this connection, it should be noted that § 611(d) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574), contains the same constraints on noise abatement regulatory action as were contained in the 1968 Act that added § 611 to the Federal Aviation Act of 1958 (Pub. L. 90-411). Now, as in 1969, the FAA, in the issuance of noise abatement regulations under § 611, is required to consider, among other factors, (1) whether any proposed standard or regulation is consistent with the highest degree of safety in air commerce or air transportation in the public interest, (2) whether any proposed standard or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, appliance, or certificate to which it will apply, and (3) the extent to which such standard or regulation will contribute to carrying out the noise abatement purposes of § 611 so as to protect the public health and welfare from aircraft noise. In order to fulfill its commitment to its aircraft noise control and abatement program, the FAA intends to continuously monitor and periodically review the state of the art in determining whether further amendment of standards or procedures is appropriate. The objective of the FAA is the issuance of an amendment to Part 36 that makes the greatest possible contribution to carrying out the noise abatement purposes of § 611 as amended by the Noise Control Act of 1972, consistent with due consideration of economic and technological impact. To assist the FAA in this objective, public comment is specifically invited on the overall cost effectiveness of the proposed regulations in terms of the noise abatement benefits, as well as the economic and technological effects, that may be expected to result therefrom.

With respect to subsonic transport category large airplanes and subsonic turbojet powered airplanes, the proposals in this notice would accomplish the following:

1. To reflect the FAA's objective of continuous and progressive noise reduction, three stages of noise reduction would be established. Stage 1 would include all airplanes that are noisier than current Appendix C noise limits, including airplanes of older type designs now in the fleet. Stage 2 would include all airplanes that comply with current Appendix C noise limits but that do not comply with the more restrictive noise limits now proposed for addition to Appendix C. Stage 3 would include all airplanes that comply with the proposed, more restrictive noise limits of Appendix C.

2. For new type certificate applications made on or after the publication date of this NPRM, each airplane would be required to meet the Stage 3 takeoff, sideline, and approach noise limits proposed herein for addition to Appendix C. The required noise reduction, below current Appendix C noise levels, would be as much as 10 EPNdB for takeoff, 9 EPNdB for sideline, and 4 EPNdB for approach. The sideline and takeoff noise limits would depend on the number of engines as well as on the maximum weight of the airplane. For airplanes with more than three engines, the .35 n.m. sideline measurement point would be reduced to .25 n.m. for the purpose of showing compliance with Stage 3 sideline noise limits. This would give all Stage 3 airplanes the same sideline measurement point. The tradeoff provisions now in effect would continue to apply for the purpose of showing compliance with the new Stage 3 noise limits (as well as for all acoustical change demonstrations involving noise levels at or below Stage 2 noise limits).

3. For acoustical change approvals applied for on or after the publication date of this NPRM, airplanes that comply with current Appendix C (the new Stage 2 noise limits) but do not comply with the new Stage 3 noise limits (i.e. Stage 2 airplanes) would no longer be allowed unrestricted noise increases up to the current Appendix C limits. Those airplanes having noise levels below the current Appendix C noise limits would be required, after the change in type design, to have noise levels, after tradeoff, no closer to the applicable Appendix C limit (or no farther above that limit, if the use of the tradeoff provisions of § C36.5 (b) originally resulted in an "exceedance" being approved) than were those noise levels prior to the change in type design. Since Appendix C noise limits increase as weight increases, this would permit takeoff, sideline, and approach noise levels to "grow" parallel to the Appendix C slope. For example, if the airplane whose type design will be changed is type certificated with a takeoff noise level "exceedance" 1 EPNdB above the applicable Appendix C takeoff noise limit, a sideline noise level 1 EPNdB below the applicable sideline noise limit, and an approach noise level 2 EPNdB below the applicable approach noise limit, the airplane weight, under this proposal, would be permitted to increase if the takeoff, sideline, and approach numbers remain, respectively, no higher than 1 EPNdB above, 1 EPNdB below, and 2 EPNdB below the Appendix C noise limits applicable at the higher weight. For all acoustical change demonstrations not involving a weight increase, the noise levels would be restricted to noise levels no higher than the noise levels that existed prior to the change in type design. Regardless of whether a weight increase is involved, tradeoffs would continue in effect to the extent that previously approved exceedances over the Appendix C (new Stage 2) noise limits are not increased thereby. In the above example, tradeoffs would be allowed between the sidelines and approach noise levels (because they are each below the applicable Stage 2 noise limit), but could not be used to increase the takeoff noise level (because that level is already above the applicable Stage 2 noise limit).

Application of the tradeoff provisions of Appendix C to the Stage 2 noise levels of Stage 2 airplanes would require that a meaning be given to the term "exceedance" that is different from its traditional meaning. As traditionally applied, an "exceedance" is the increment by which a noise level exceeds the applicable noise limit in paragraph (a) of § C36.5 of Appendix C. Under this proposal, however, the Stage 2 noise levels of Stage 2 airplanes would not be permitted to rise to the Stage 2 noise limit, but would be permitted only to increase to the extent that the increment between those levels and the applicable Stage 2 noise limit is not reduced. In order to apply tradeoffs to this regulatory concept, it is proposed that the term "exceedance," as applied to the Stage 2 noise levels of Stage 2 airplanes, be defined as any increase, in such a noise level, that reduces the increment between that noise level and the applicable Stage 2 noise limit. This refinement in terminology is necessary since noise level increases parallel to the Stage 2 limit line would be permitted with increases in weight.

4. For Stage 2 airplanes for which application for acoustical change is made on or after a date six months after publication of this NPRM, compliance would have to be shown using the power or thrust, speed, and configuration provisions that were added to the acoustical change provisions of Part 36 by Amendment 36-3, which was issued on December 12, 1974, and published in the FEDERAL REGISTER (39 FR 43830) on December 19, 1974. Those provisions include a requirement that takeoff and sideline noise tests be conducted, before and after the type design change, with no reduction in power or thrust. Since Stage 2 airplanes would be those that may have already been required to develop extensive data, using less than full takeoff power or thrust, to demonstrate compliance with current Appendix C, the FAA invites comment on the potential impact of this proposal on acoustical change programs involving Stage 2 airplanes. Alternative regulatory concepts being considered to account for this problem include a requirement that the takeoff and sideline noise tests, after the change in type design, be conducted with not less than (1) the power or thrust, or (2) the percentage of power or thrust, that was originally used in demonstrating the takeoff and sideline noise levels of the airplane under Appendix C. Comment on these regulatory options is invited.

5. For acoustical change approvals applied for on or after the publication date of this NPRM, airplanes that comply with the more restrictive limits of Appendix C proposed in this Notice (i.e. Stage 3 noise limits) would be permitted noise increases up to the new Stage 3 noise limits, but would no longer be permitted noise increases up to the current Appendix C noise limits (i.e. the proposed Stage 2 noise limits). The provisions of Amendment 36-3 would not be applied to Stage 3 airplanes for which acoustical change approvals are applied for. Tradeoffs would be permitted for acoustical change demonstrations for Stage 3 airplanes, in the same manner as they are now permitted under Appendix C, namely, as an allowance for limited exceedances above the applicable Stage 3 noise limits in § C36.5(a). Since this involves exceedances over "the noise levels in paragraph (a)" of § C36.5 no definition of the term "exceedance," different from the current use of that term, is needed or proposed for Stage 3 airplanes.

It should be noted that, while certain of the proposals specified herein would apply to applications that are made on and after the date of this NPRM (but before the effective date of the final rule), none of these proposals would affect approvals that are actually issued prior to the effective date of the final rule. It should be pointed out further, that the mere fact that an application was received prior to the date of this NPRM would not automatically permit the applicant to extend the certification process indefinitely and still be excluded from the requirement proposed in this notice. In this connection, attention is drawn to the provisions of § 21.17 of Part 21 of the Federal Aviation Regulations which provide that an application for type certification of a transport category aircraft is effective for five years and an application for any other type certificate is effective for three years, unless an applicant shows at the time of application that his product requires a longer period of time for design, development, and testing, and the Administrator approves a longer period. If a type certificate is not issued within the prescribed time period, the applicant may file a new application and comply with all of the provisions applicable on that date. Since this would involve a new application date, on or after the date of this Notice, the proposals contained in this notice would have to be complied with.

As the preamble to Part 36 stated in 1969, "as technology makes further noise reductions possible, the FAA will act to ensure that the lowest reasonable noise levels are achieved * * *" The FAA believes that the technology needed to achieve the new Stage 3 noise limits is now available and that application of this technology can be accomplished in an economically reasonable manner for airplanes of all weights. Thus, the proposed revision of Part 36 is intended to establish an "equal technology standard," that is, a standard that would require the application, to all airplanes covered by Appendix C, of the best available, economically reasonable noise suppression technology. At the present time, this level of suppression is essentially defined by the high bypass ratio engine with sound absorbent linings incorporated in the nacelle and engine ducts. While this technology has, to date, been used in large, widebody jets, powered by engines rated at from 40,000 to 50,000 lbs. thrust, the FAA believes that similar technology will be equally effective in reducing noise in smaller airplanes (except as discussed below for engines of less than approximately 5,000 lbs. thrust). In this regard, smaller engines of high bypass ratio design are under development. Two manufacturers are developing engines in the so-called "ten ton" class (20,000 to 30,000 lbs. thrust). These engines should be suitable for advanced airplanes comparable in size to the present narrowbody jets. Another engine is available that, at 6,000 lbs. thrust, could be used in smaller airplanes

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down to approximately 30,000 lbs. maximum weight. These projects indicate that the application of high bypass technology to smaller airplanes is economically reasonable. It is, therefore, likely that future airplane types can achieve noise reductions comparable to the widebodies, allowing for their different weights.

At the lower end of the thrust spectrum, for engines of less than approximately 5,000 lbs. thrust, it appears that high bypass ratio technology for various reasons cannot effectively be applied, and that, therefore, noise standards based on the performance of high bypass ratio engines are probably inappropriate for airplanes that use engines in this low thrust class. Such airplanes are typically business jets with maximum weights of less than approximately 25,000 lbs. However, new turbofan engines with bypass ratios of approximately 3:1 (compared with 5:1 for typical large high bypass ratio engines) have been introduced for airplanes in this weight range, and these engines have been demonstrated to generate much less noise than their pure turbojet predecessors.

Thus, the high bypass ratio engine, combined with sound absorbent linings, represents the "state of the art" for most airplanes, and the medium bypass ratio engine does the same for small, business jet airplanes. The "equal technology standard" objective of this proposed amendment is intended to require that new designs use noise suppression techniques at least as effective as those demonstrated by the airplanes discussed above.

The proposals in this Notice build on certification experience and on the features of current Part 36. Specifically, these proposals recognize that Part 36 addresses a large weight range of airplanes. For the smaller airplanes in this range, as discussed above, the application of moderate bypass ratio engine technology is only now evolving. These airplanes have not, as yet, experienced their growth potential and have not experienced the benefits potentially available from the adoption of sound absorbent material technology to the smaller airplanes and engines. The intermediate weight airplane market has not had acoustically advanced airplanes introduced because of the lack of suitable new technology engines. These engines are now becoming available and improved acoustic designs are expected to follow. The largest airplanes were introduced using the new high bypass ratio technology. In this high weight range, engines that are acoustically improved derivatives of the entry into service versions are expected. It is believed that the proposed scheme, accordingly, would require the implementation of this improved technology and would require equitable application of that technology to all airplane types.

As stated above, the proposed takeoff and sideline noise limits for Stage 3 airplanes are related to the number of engines (as well as to maximum weight). This distinction is proposed because the number of engines affects the level of noise emissions and is a design of parameter of performance. All other things being equal a two-engine airplanes would tend to pass over the 3.5 n.m. takeoff noise measurement point at a higher altitude than would a four-engine airplane, and, being farther away, the noise perceived on the ground would be less. This would be true even if the amount of noise generated at the source were equal for the two airplanes. Airplanes with fewer engines tend to have better climb performance for several reasons. In general, they tend to have shorter takeoff rolls than airplanes with more engines because they are designed to serve smaller airports. In addition, airworthiness regulations require that airplanes maintain a certain gradient with one engine inoperative. Since a two-engine design must maintain its required gradient with only 50 percent of its total installed thrust available, while a four-engine airplane has 75 percent power available, it follows that the two-engine airplane at full power will be able to achieve a steeper climb than the four-engine airplane. Thus, the number of engines is a significant factor in determining the lowest economically reasonable noise level an airplane can be expected to achieve at the 3.5 n.m. measuring point of Appendix C.

For airplanes powered by high bypass ratio engines, it appears that current technology is capable of achieving takeoff noise levels several EPNdB's below current Appendix C in four-engine airplanes, levels somewhat farther below current Appendix C in three-engine types, and even lower levels in two-engine types.

In determining the noise levels to be proposed, three main criteria were used. Most important was the concept that the standard should reflect the best noise suppression technology achieved by present day airplanes. Thus, while some of the current widebody, high bypass ratio engine powered airplanes could not satisfy the proposed standards in their present versions, nevertheless, in every case, designs now in service have demonstrated that the proposed levels can be achieved in some versions.

A second criterion in setting the proposed levels was recognition that a manufacturer must work within a tolerance band in moving from design to final product. The tolerance reflects uncertainties in design and manufacture, and various unknown factors, including variations in measurements at certification time. In the case of a new airplane, a tolerance of at least 3 EPNdB would probably be necessary. To avoid the risk that a new design, possibly costing many millions of dollars, might fail to meet the noise standard, the noise levels the airplane is designed to achieve must be sufficiently below the noise level of the standard that this entire tolerance band is below the standard. It is believed that the proposed standard would allow sufficient tolerance for manufacturers to evolve realistic designs with reasonable assurance that noise limitations will be satisfied.

The final consideration in establishing the proposed limits was that of growth. A new airplane design is generally "grown" over its lifetime, either by increasing its capacity or range. Both of these involve increased public air transportation capabilities. To support this growth, powerplants must be designed so that they too can be grown. From the engine manufacturer's point of view, engine growth also allows an engine to compete over a broader range of airplane applications. Allowance for such growth is a basic factor in the economic viability of aircraft programs. Unfortunately, engine growth is accompanied by increased noise. An increase in thrust is usually accomplished by increasing temperatures and pressures in the engine core, thus increasing the core engine exhaust velocity and decreasing the bypass ratio. The effect of this procedure is that the grown engine is noisier than would be an engine of equal thrust designed with the same performance parameters as the base engine. In addition, a growth version of a given airplane design will frequently have poorer climb characteristics and will, therefore, be at lower altitude when it passes over the 3.5 n.m. takeoff measurement point. Hence, the takeoff noise level in particular is quite sensitive to airplane growth. As noted above, this proposal would limit the noise escalation associated with the growth of new airplane designs by limiting such noise to Stage 3 noise limits.

Based on the general considerations discussed above, the proposed Stage 3 noise limits would involve the following detailed provisions in relation to the noise limits in current Appendix C (which, under this proposal, would be designated as "Stage 2 noise limits."): The proposed takeoff noise levels are related to the number of engines to reflect the impact of the airworthiness climb gradient requirements of § 25.121 (b) of Part 25 of the Federal Aviation Regulations on the thrust to weight ratio of an airplane. The slope of the curve is reduced from 5 EPNdB to 4 EPNdB per halving of weight to reflect an empirical compromise between the currently required slope and the basic physical law that an increase of 3 EPNdB results from a doubling of thrust. At the high weights the curves are leveled off at a weight of 850,000 lbs. to levels of 106, 103, and 100 EPNdB, respectively, for the four-, three-, and two-engine airplanes. This feature serves to retain a limit on the potential escalation of noise while retaining a reasonable growth potential for airplanes at these weights. At the low weight range, which includes many business jets and the smallest air carrier airplanes, the curves are leveled off at 90 EPNdB for three- and four-engine airplanes and at 87 EPNdB for two-engine airplanes. A nominal allowance is made for engine and airplane growth. The 3 EPNdB higher level for three and four-engine airplanes in this weight range is provided to compensate for the almost complete lack of design or certification experience to date for such airplanes.

The sideline noise level reduction would, in many cases, be approximately 8 EPNdB. This is increased to 9 EPNdB for low weight two-engine airplanes and would be 6 EPNdB for three- and four-engine airplanes of the same weight. The greater stringency for the two-engine airplanes is based on certification experience and the lesser stringency for the three- and four-engine airplanes is based on a lack of certification experience and very limited design experience. For the highest weights, the curves are leveled off at 103 EPNdB for the four-engine airplanes and at 100 EPNdB for the two- and three-engine airplanes, all at 850,000 lbs. Since the 2 EPNdB per halving of weight slope is retained, as well as the 75,000 lbs. break point for two- and four-engine airplanes, the transition curve for three-engine airplanes is accomplished by extending the 96 EPNdB plateau up to 212,500 pounds for those airplanes. The 3 EPNdB difference between the noise levels for three-engine and four-engine airplanes of intermediate and high weights is distinguished from the 3 to 4 EPNdB increase in stringency for the four-engine airplanes that results when the sideline measurement point for them is changed from 0.35 to 0.25 n.m. The levels for the four-engine airplanes are believed to be necessary because of technological limitations affecting those airplanes. While acoustic theory does not yet offer a physical explanation of the installation differences for four-engine airplanes, the experience supports the need for special considerations related to sideline noise measurements for those airplanes.

For approach, a 4 EPNdB noise level reduction is proposed, with a minor modification being proposed for high weights. Here it is proposed that the 2 EPNdB per halving slope continue to a takeoff gross weight of 850,000 lbs. and a corresponding noise level of 105 EPNdB. This modification is supported by the most recent certification experience and by the physical limits of an aerodynamic (i.e. airframe) noise floor.

The FAA believes that adoption of the proposed regulations will result in a significant improvement in noise levels of newly type certificated airplanes, and that the public health and welfare requires that the progress represented by these proposals be realized by those air transportation vehicles that will be using U.S. airports for decades to come. In addition, the FAA believes that the proposals in this notice, if adopted on a world-wide basis, will provide an opportunity to make a real contribution to the limitation of aircraft noise nuisance at airports throughout the world. For this reason, the FAA intends to give its full support to the adoption, by ICAO, of amendments to the current airplane noise standards of Annex 16 that will bring those international aircraft noise standards into conformity with those that are adopted by the FAA following this notice. Further, the FAA recognizes that there is a close relationship between airplane source noise levels and the problems facing airport proprietors. While this notice addresses only the source noise level permitted during type certification, public comments are invited concerning the implications (if any) of the proposed rule changes on airport planning and community acceptance.

This notice proposes to revise sections that include language dealing with propeller driven small airplanes. Noise standards for those airplanes were added by Amendment 36–4, which was published in the FEDERAL REGISTER (40 FR 1029) on January 6, 1975. This notice merely proposes to reorganize the sections dealing with propeller driven small airplanes. It does not propose to amend those standards. It should be further noted that Amendment 36–4 created a distinction, for noise certification purposes, between transport category large airplanes and transport category small airplanes. The scope of this notice does not include transport category small airplanes that are propeller driven. It only includes turbojet engine powered airplanes (regardless of weight) and transport category large airplanes.

[Secs. 313(a), 601, 603, and 611 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1431); sec. 6(c), of the Department of Transportation Act 49 U.S.C. 1655(c)); title I of the National Environmental Policy Act of 1969 42 U.S.C. (4321 et seq.); and Executive Order 11514, March 5, 1970]

In consideration of the foregoing, Part 36 of the Federal Aviation Regulations would be amended as follows:

1. Section 36.1 would be amended by adding a new § 36.1(f) to read as follows:

§ 36.1 Applicability.

. . . . . .

(f) For the purpose of showing compliance with this Part for transport category large airplanes and turbojet powered airplanes regardless of category, the following terms have the following meanings:

(1) "Stage 1 noise level" means a noise level greater than the Stage 2 noise limits specified in § C36.5(a)(1) of Appendix C of this Part.

(2) "Stage 1 airplane" means an airplane that has been shown, under this Part, to create noise levels greater than those required for Stage 2 airplanes.

(3) "Stage 2 noise level" means a noise level not greater than the Stage 2 noise limits specified in § C 36.5(a)(1) of Appendix C of this Part but greater than the Stage 3 noise limits specified in § C36.5(a)(2) of Appendix C of this Part.

(4) "Stage 2 airplane" means an airplane that has been shown under this Part to create Stage 2 noise levels at each applicable measuring point specified in § C36.3 of Appendix C of this part (except as provided in the applicable tradeoff provisions of § C36.5(b) of Appendix C of this part), and that creates noise levels higher than those allowed for Stage 3 airplanes.

(5) "Stage 3 noise level" means a noise level not greater than the Stage 3 noise limits specified in § C36.5(a)(2) of Appendix C of this part.

(6) "Stage 3 airplane" means an airplane that has been shown under this part to create Stage 3 noise levels at each applicable measuring point specified in § C36.3 of Appendix C of this Part (except as provided in the applicable tradeoff provisions of § C36.5(b) of Appendix C of this part).

2. Section 36.7(a) would be amended to read as follows:

§ 36.7 Acoustical change.

(a) *Subsonic transport category large airplanes and subsonic turbojet powered airplanes.* For subsonic transport category large airplanes and subsonic turbojet powered airplanes for which an acoustical change approval is applied for under § 21.93(b) of this chapter, the following apply:

(1) If the airplane is a Stage 1 airplane prior to the change in type design, it may not, after the change in type design, exceed the noise levels created prior to the change in type design, measured and evaluated as prescribed in Appendices A and B of this part. The tradeoff provisions of § C36.5(b) of Appendix C of this part may not be used to increase Stage 1 noise levels. For airplanes covered by this subparagraph for which application for acoustical change approval is made on or before September 17, 1971, compliance must be shown using a power or thrust, speed, and configuration that complies with Appendix C of this part. For airplanes for which application for acoustical change approval is made after September 17, 1971, the following must be complied with, in addition to the applicable provisions of Appendices A and B of this part, in determining the takeoff and sideline noise levels of the airplane (and a power or thrust, speed and configuration that complies with Appendix C of this part must be used in determining the approach noise level):

(i) There may be no reduction in power or thrust below the highest airworthiness approved power or thrust, during the tests conducted before and after the change in type design.

(ii) For the noise levels measured and evaluated before and after the change in type design, the test day speed and the acoustic day reference speed must be the minimum approved value V_2+10 knots, or the all-engine-operating speed at 35 feet (for turbine engine powered airplanes), or 50 feet (for reciprocating engine powered airplanes), whichever speed is greater as determined under the regulations constituting the type certification basis of the airplane. The tests must be conducted at the test day speeds ±3 knots. Noise values measured at the test day speeds must be corrected to the acoustic day reference speed.

(iii) During the takeoff and sideline noise tests conducted before the change in type design, the quietest airworthiness approved configuration available for the highest approved takeoff weight must be used.

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(2) If the airplane is a Stage 2 airplane prior to the change in type design, the following apply:

(i) For airplanes for which application for acoustical change approval is made before [the publication date of this NPRM], the airplane may not be a Stage 1 airplane after the change in type design, and compliance must be shown using a power or thrust, speed, and configuration that comply with Appendix C of this part.

(ii) For airplanes for which application for acoustical change approval is made on or after [the publication date of this NPRM] and before [a date six months after the publication date of this NPRM] the takeoff, sideline, and approach noise levels of the airplane must be no closer to the applicable Stage 2 noise limit (or no farther above that limit, in the case of exceedances approved under the tradeoff provisions of § C36.5(b) of Appendix C of this part), after the change in type design, than was the corresponding takeoff, sideline, and approach noise level prior to the change in type design. This must be shown with noise levels, measured and evaluated as prescribed in Appendices A and B of this part, and using a power or thrust and speed, that comply with Appendix C of this part. During the tests conducted before the change in type design, the quietest airworthiness approved configuration available for the highest approved takeoff weight must be used. The tradeoff provisions of § 55.5(b) of Appendix C of this part may not be used to increase Stage 1 noise levels, but may be used with respect to Stage 2 noise levels.

(iii) For airplanes for which application for acoustical change approval is made on or after [a date six months after the publication date of this NPRM] the takeoff, sideline, and approach noise levels of the airplane must be no closer to the applicable Stage 2 noise limit (or no farther above that limit, in the case of exceedances approved under the tradeoff provisions of § C36.5(b) of Appendix C of this part), after the change in type design, than was the corresponding takeoff, sideline, and approach noise level prior to the change in type design. This must be shown with noise levels measured and evaluated as prescribed in Appendices A and B of this part. In addition, compliance with § 36.7 (a)(1)(i) through (iii) must be shown in determining the takeoff and sideline noise levels, and a power or thrust, speed, and configuration that comply with Appendix C of this part must be used in determining the approach noise level. The tradeoff provisions of § C36.5(b) of Appendix C of this part may not be used to increase Stage 1 noise levels but may be used with respect to Stage 2 noise levels.

(3) If the airplane is a Stage 3 airplane prior to the change in type design, the following apply:

(i) For airplanes for which application for acoustical change approval is made before [the publication date of this NPRM], the airplane may not be a Stage 1 airplane after the change in type design, and compliance must be shown using a power or thrust, speed, and configuration that comply with Appendix C of this part.

(ii) For airplanes for which application for acoustical chcange approval is made on or after [a date six months after the publication date of this NPRM], the airplane must remain a Stage 3 airplane after the change in type design, and compliance must be shown using a power or thrust, speed, and configuration that comply with Appendix C of this part.

* * * * *

3. Section 36.201(b) and (c) would be amended to read as follows:

§ 36.201 Noise limits.

* * * * *

(b) For airplanes that have turbojet engines with bypass ratios of 2 or more and for which—

(1) Application was made before January 1, 1967, it must be shown that the noise levels of the airplane are no greater than the Stage 2 noise limits prescribed in § C36.5(a)(1) of Appendix C of this part, or are reduced to the lowest levels that are economically reasonable, technologically practicable, and appropriate to the particular type design;

(2) Application was or is made on or after January 1, 1967, and before (the publication date of this NPRM) it must be shown that the noise levels of the airplane are no greater than the Stage 2 noise limits prescribed in § C36.5(a)(1) of Appendix C of this part; and

(3) Application is made on or after (the publication date of this NPRM), it must be shown that the noise levels of the airplane are no greater than the Stage 3 noise limits prescribed in § C36.5 (a)(2) of Appendix C of this part.

* * * * *

(c) For airplanes that do not have turbojet engines with bypass ratios of 2 or more and for which—

(1) Application was made before December 1, 1969, it must be shown that the lowest noise levels, reasonably obtainable through the use of procedures and information developed for the flight crew under § 36.1501, are determined;

(2) Application was or is made on or after December 1, 1969, and before (the publication date of this NPRM), it must be shown that the noise levels of the airplane are no greater than the Stage 2 noise limits prescribed in § C36.5(a)(1) of Appendix C of this part; and

(3) Application is made on or after (the publication date of this NPRM), it must be shown that the noise levels of the airplane are no greater than the Stage 3 noise limits prescribed in § C36.5 (a)(2) of Appendix C of this part.

* * * * *

4. Appendix C of Part 36 would be amended as follows:

a. Section C36.3(c) would be amended to read as follows:

Section C36.6 *Noise measuring points.*

* * * * *

(c) For the sideline, at the point, on a line parallel to and 0.25 nautical miles from the extended centerline of the runway, where the noise level after liftoff is greatest, except that, for airplanes powered by more than three turbojet engines this distance must be 0.35 nautical miles for the purpose of showing compliance with Stage 1 or Stage 2 noise limits (where applicable).

b. Section C36.5(a) would be amended to read as follows:

Section C36.5 *Noise levels* (a) *General.* Except as provided in paragraphs (b) and (c) of this section, it must be shown by flight test that the noise levels of the airplane, at the measuring points described in § C36.3, do not exceed the following (with appropriate interpolation between weights):

(1) Stage 2 noise limits are as follows:

(i) For approach and sideline, 108 EPNdB for maximum weights of 600,000 lbs. or more, less 2 EPNdB per halving of the 600,000 lbs. maximum weight down to 102 EPNdB for maximum weights of 75,000 lbs. and under.

(ii) For takeoff, 108 EPNdB for maximum weights of 600,000 lbs. or more, less 5 EPNdB per halving of the 600,000 lbs. maximum weight down to 93 EPNdB for maximum weights of 75,000 lbs. and under.

(2) Stage 3 noise limits are as follows:

(i) For approach, 105 EPNdB for maximum weights of 850,000 lbs. or more, less 2 EPNdB per halving of the 850,000 lbs. weight down to 98 EPNdB for maximum weights of 75,130 lbs. and under.

(ii) For sideline for airplanes with more than 3 engines, 103 EPNdB for maximum weights of 850,000 lbs. or more, less 2 EPNdB per halving of the 850,000 lb. maximum weight down to 96 EPNdB for maximum weights of 75,130 lbs. and under.

(iii) For sideline for airplanes with 3 engines, 100 EPNdB for maximum weights of 850,000 lbs. or more, less 2 EPNdB per halving of the 850,000 lbs. maximum weight down to 96 EPNdB for maximum weights of 212,500 lbs. and under.

(iv) For sideline for airplanes with 2 engines, 100 EPNdB for maximum weights of 850,000 lbs. or more, less 2 EPNdB per halving of the 850,000 lbs. maximum weight down to 93 EPNdB for maximum weights of 75,130 lbs. and under.

(v) For takeoff for airplanes with more than 3 engines, 106 EPNdB for maximum weights of 850,000 lbs. or more, less 4 EPNdB per halving of the 850,000 lbs. maximum weight down to 90 EPNdB for maximum weights of 53,125 lbs. and under.

(vi) For takeoff for airplanes with 3 engines, 103 EPNdB for maximum weights of 850,000 lbs. or more, less 4 EPNdB per halving of the 850,000 lbs. maximum weight down to 90 EPNdB for maximum weights of 89,345 lbs. and under.

(vii) For takeoff for airplanes with 2 engines, 100 EPNdB for maximum weights of 850,000 lbs. or more, less 4 EPNdB per halving of the 850,000 lbs. maximum weight down to 87 EPNdB for maximum weights of 89,345 lbs. and under.

c. Section C36.5(b) would be amended by adding the following flush paragraph at the end thereof:

In addition, except as provided in § 36.7 with respect to Stage 1 noise levels, the tradeoff provisions of this paragraph may be used in showing compliance with the acoustical change provisions of that section. For acoustical change approvals involving Stage 2 airplanes, an "exceedance" is any increase in a Stage 2 noise level that reduces the increment between that noise level and the applicable Stage 2 noise limit.

Issued in Washington, D.C., on October 29, 1975.

CHARLES R. FOSTER,
Director of Environmental Quality.

[FR Doc.75-29652 Filed 11-4-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-136]

DESIGNATION OF TRANSITION AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Tuskegee, Ala., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communcations received on or before December 5, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Tuskegee transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Moton Field (Lat. 32°27'36" N., Long. 85°40'44" W.); within 3 miles each side of the Tuskegee VORTAC 018° radial, extending from the 6.5-mile radius area to 8.5 miles north of the VORTAC; excluding the portion within the Tallahassee transition area.

The proposed designation is required to provide controlled airspace protection for IFR operations at Moton Field. A prescribed instrument approach procedure to this airport, utilizing the Tuskegee VORTAC, is proposed in conjunction with the designation of this transition area. If the proposed designation is acceptable, the airport operating authorization will be changed from VFR to IFR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on October 28, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-29653 Filed 11-4-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20501]

DISTORTION OF AUDIENCE RATINGS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's Rules and Regulations to prohibit distortion of audience ratings.

1. The Commission has before it a Motion for Extension of Time filed by Metromedia, Inc. The motion seeks a thirty-day extension of the time provided for the submission of comments in this proceeding.[1] In a subsequent letter, Metromedia indicated that the National Association of Broadcasters, Storer Broadcasting Company, and the National Broadcasting Company share Metromedia's interest in securing an extension of time.

2. Metromedia's request is based on difficulty which would be faced by counsel if it were necessary to comply with the current deadline in this and other proceedings and simultaneously prepare a brief for filing in the Court of Appeals. In addition, Metromedia has indicated that the subject at issue in this proceeding is of particular interest to it, and it hopes to have available for submission to the Commission the views of the general managers of its various radio stations. Metromedia has stated that an extension would permit inclusion of this material in its filing.

3. Based on the foregoing, we are persuaded that a thirty-day extension is warranted. However, the Commission wishes to advise all interested parties that further extensions are not contemplated. With this extension we shall have provided a total of five months for the filing of comments. This important proceeding requires prompt resolution, and as a result, the Commission cannot accept further delays.

4. Accordingly, *It is ordered*, That the subject request is granted and the date for filing comments in this proceeding is extended to and including November 28, 1975, and the date for filing reply comments is extended to and including December 29, 1975.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's Rules.

Adopted: October 22, 1975.

Released: October 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-29709 Filed 11-4-75;8:45 am]

[1] The original date specified for the filing of comments was August 29, 1975, and for reply comments, September 29, 1975. These dates were later extended to October 28, 1975, and November 28, 1975, respectively.

[47 CFR Part 73]

[Docket No. 20500]

LICENSEE-CONDUCTED CONTESTS

Order Extending Time for Filing Comments and Reply Comments

1. The Commission has before it a Motion for Extension of Time filed by Metromedia, Inc. The motion seeks a thirty-day extension of the time provided for the submission of comments in this proceeding.[1] In a subsequent letter, Metromedia indicated that the National Association of Broadcasters, Storer Broadcasting Company, and the National Broadcasting Company share Metromedia's interest in securing an extension of time.

2. Metromedia's request is based on the difficulty which would be faced by counsel if it were necessary to comply with the current deadline in this and other proceedings and simultaneously prepare a brief for filing in the Court of Appeals. In addition, Metromedia has indicated that the subject at issue in this proceeding is of particular interest to it, and it hopes to have available for submission to the Commission the views of the general managers of its various radio stations. Metromedia has stated that an extension would permit inclusion of this material in its filing.

3. Based on the foregoing, we are persuaded that a thirty-day extension is warranted. However, the Commission wishes to advise all interested parties that further extensions are not contemplated. With this extension we shall have provided a total of five months for the filing of comments. This important proceeding requires prompt resolution, and as a result, the Commission cannot accept further delays.

4. Accordingly, *It is ordered*, That the subject request is granted and the date for filing comments in this proceeding is extended to and including November 28, 1975, and the date for filing reply comments is extended to and including December 29, 1975.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's Rules.

Adopted: October 22, 1975.

Released: October 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-29707 Filed 11-4-75;8:45 am]

[1] The original date specified for the filing of comments was August 29, 1975, and for reply comments, September 29, 1975. These dates were later extended to October 28, 1975, and November 28, 1975, respectively.

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[47 CFR Part 73]

[Docket No. 20600]

AM, FM AND TV STATIONS

Order Extending Time for Filing Comments and Reply Comments Relating to Program Logs

In the matter of amendment of Part 73 of the Commission's rules and Regulations relating to program logs for AM, FM and TV stations.

1. On September 17, 1975, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on September 29, 1975, 40 FR 44577. The dates for filing comments and reply comments are presently October 30 and November 12, 1975, respectively.

2. On October 17, 1975, Columbia Broadcasting System, Inc. (CBS), by counsel, requested that the time for filing comments be extended to and including December 15, 1975. Counsel states that the additional time is necessary due to the need for careful study of the several questions presented for comment in this proceeding and because of the proximity of the time for filing comments in this proceeding with that in Dockets 20499, 20500 and 20501.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *It is ordered*, That the dates for filing comments and reply comments, are extended to and including December 15, and December 31, 1975, respectively.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's Rules.

Adopted: October 22, 1975.

Released: October 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-29706 Filed 11-4-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20550]

BROADCAST LICENSEES

Order for Extension of Time for Filing Reply Comments Regarding Nondiscrimination

In the matter of nondiscrimination in the employment policies and practices of broadcast licensees.

1. On July 25, 1975, the Commission released a Notice of Inquiry and Notice of Proposed Rulemaking in the above captioned proceeding. Publication was made in the FEDERAL REGISTER on July 28, 1975, 40 Fed. Reg. 16967. Comments and replies thereto were scheduled to be filed on September 11, 1975, and October 1, 1975, respectively.

2. On September 4, 1975, the Commission adopted an Order extending the dates for filing comments and reply comments in this proceeding to and including October 13, 1975, and October 31, 1975, respectively pursuant to a request filed by the Corporation for Public Broadcasting on August 29, 1975.

3. In a petition dated October 22, 1975, the National Association for Broadcasters requests that the time for filing reply comments in this proceeding be extended through November 14, 1975. In its petition, the National Association of Broadcasters indicates that it, as well as other representatives of parties in this proceeding, "has experienced difficulty in obtaining copies of the numerous pleadings filed in this docket. . . .". The petition further states that ". . . approximately half of the 12 working days allowed by the Commission for preparing reply comments were spent acquiring the necessary pleadings. . . ."

4. Accordingly, because of the importance of this proceeding with the many public interest questions to be resolved, and because of the Commission's desire to allow parties the opportunity to adequately reply, *It is ordered*, That the dates for filing reply comments in this proceeding are extended to and including November 14, 1975.

5. This action is taken pursuant to authority found in Section 4(i), 5(d) (1) and 3030(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: October 21, 1975.

Released: October 28, 1975.

[SEAL] ASHTON HARDY,
General Counsel.

[FR Doc.75-29704 Filed 11-4-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20435; RM-2398]

FM BROADCAST STATIONS

Request for Supplemental Information

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (La Crosse, Wisconsin).

1. Herein the Commission gives consideration to the *Notice of Proposed Rule Making*, adopted April 15, 1975 (40 FR 18462), proposing the assignment of Channel 269A to La Crosse, Wisconsin (pop. 51,153, seat of La Crosse County), as its fourth FM assignment. Comments were filed by petitioner, Family Radio, Inc., licensee of AM Station WIZM in La Crosse; the City of La Crosse; and La Crosse Municipal Airport.

2. The comments raise the issue of aviation hazards from a transmitting antenna, which would have to be located in a limited "open area" 3 miles east of La Crosse, because of our spacing requirements. The La Crosse Airport manager tells us that the city is located in the Mississippi River Valley between high bluffs, and that the airport is on an island between the Mississippi and Black Rivers, just north of the city. He suggests that any location 3 miles east of the community might constitute a hazard to aviation. Petitioner replies that this issue is more appropriately resolved in consideration of an application for a construction permit, and asserts that it will file an application which would meet aeronautical hazard requirements. Petitioner also has filed an engineering report to support its argument that an antenna in the "open area" would not interfere with instrument approach procedures at La Crosse Airport, and that existing obstructions in the area eliminate any impact resulting from a new tower. The City of La Crosse comments that an antenna located anywhere in the "open area" would be a hazard to aircraft using Runway 31 (NW–SE) which is not an instrument runway, and which is the most heavily used runway at the airport. The City attaches an affidavit of the airport manager indicating that 42% of total operations at the airport use runway 31; that 12% of instrument operations use Runway 31; that there are many visual approaches made at the airport; and that visibility at antenna sites on the bluffs is sometimes more limited than that at the airport itself. Therefore the City and the airport manager allege that an antenna anywhere in the "open area" would be a hazard to air traffic.

3. While it is our usual practice to defer the air hazard consideration to the time of application for construction permit, we are not required to close our eyes to the issue in making FM channel assignments in the public interest.[1] Particularly in this case, where spacing requirements limit antenna location to a small area which the city of La Crosse and its airport manager allege is heavily used for air traffic, we are disposed to seek additional information regarding available antenna sites. The burden is on petitioner to convince us that the proposed assignment is in the public interest. We suggest that this burden could be met by a detailed plan for antenna height and location approved by the Federal Aviation Administration. We do not consider this request premature in view of our need to make an informed decision on this proposal and the gravity of possible consequences. We therefore invite comments on the resolution of the air hazard issue only.

4. Interested parties may file such comments on or before December 19, 1975, and reply comments on or before January 8, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

5. An original and three copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties

[1] See *Enterprise and Greenville, Alabama*, 44 F.C.C. 2d 1056 (1974).

during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: October 22, 1974.

Released: October 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-29705 Filed 11-4-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20499]

FRAUDULENT BILLING

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.1205 of the Commission's Rules in Order to prohibit certain fraudulent billing practices.

1. The Commission has before it a Motion for Extension of Time filed by Metromedia, Inc. The motion seeks a thirty-day extension of the time provided for the submission of comments in this proceeding.[1] In a subsequent letter, Metromedia indicated that the National Association of Broadcasters, Storer Broadcasting Company, and the National Broadcasting Company share Metromedia's interest in securing an extension of time.

2. Metromedia's request is based on the difficulty which would be faced by counsel if it were necessary to comply with the current deadline in this and other proceedings and simultaneously prepare a brief for filing in the Court of Appeals. In addition, Metromedia has indicated that the subject at issue in this proceeding is of particular interest to it, and it hopes to have available for submission to the Commission the views of the general managers of its various radio stations. Metromedia has stated that an extension would permit inclusion of this material in its filing.

3. Based on the foregoing, we are persuaded that a thiry-day extension is warranted. However, the Commission wishes to advise all interested parties that further extensions are not contemplated. With this extension we shall have provided a total of five months for the filing of comments. This important proceeding requires prompt resolution, and as a result, the Commission cannot accept further delays.

4. Accordingly, *It is ordered*, That the subject request is granted and the date for filing comments in this proceeding is extended to and including November 28, 1975, and the date for filing reply comments is extended to and including December 29, 1975.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's Rules.

Adopted: October 22, 1975.

Released: October 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-29708 Filed 11-4-75;8:45 am]

[47 CFR Part 83]

[Docket No. 20603]

GENEVA RADIO REGULATIONS

Order Extending Time for Filing Comments

In the matter of amendment of Part 83 of the Commission's rules to conform to the extent practicable, with Geneva Radio Regulations pertaining to the Maritime Mobile-Satellite Service, as revised by the Space WARC, Geneva, 1971, and the Maritime WARC, Geneva, 1974.

1. Comsat General Corporation (Comsat General) has requested, on behalf of itself and the other Marisat system participants, RCA Global Communications, Inc. (RCA), Western Union International, Inc. (WUI) and ITT World Communications, Inc. (ITT), an extension of time of 11 days for the filing of comments in the above captioned proceeding.

2. In support of its request, Comsat General states that additional time beyond the 31 days allowed by the Commission is required for adequate consideration of the important matter raised and for the preparation of detailed comments thereon.

3. It appears that the public interest would be served by granting the additional 11 days asked, to afford the petitioner and other interested parties a full opportunity for the preparation and presentation of their views in this proceeding, to aid the Commission in adopting appropriate rules.

4. Accordingly, *It is ordered*, pursuant to § 0.331 of the Commission's Rules, that the time for filing comments in the above-captioned proceeding is extended from October 30, 1975 to November 10, 1975 and for reply comments from November 10, 1975 to November 21, 1975.

Adopted: October 24, 1975.

Released: October 28, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-29710 Filed 11-4-75;8:45 am]

[1] The original date specified for the filing of comments was August 29, 1975, and for reply comments, September 29, 1975. These dates were later extended to October 28, 1975, and November 28, 1975, respectively.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1100]

[Ex Parte No. 55 (Sub-No. 19)]

REVISED CONTENT REQUIREMENTS AND PAGE LIMITATIONS ON PETITIONS FOR RECONSIDERATION

Proposed Rulemaking

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 24th day of October 1975.

It is ordered, That based upon the reasons set forth in the attached notice, a proceeding be, and it is hereby, instituted pursuant to Section 17 of the Interstate Commerce Act, 49 U.S.C. 17, and Sections 553 and 559 of the Administrative Procedure Act, 5 U.S.C. 553 and 559, for the purpose of amending Rule 101(d) of the General Rules of Practice (49 CFR 1100.101(d)).

It is further ordered, That the attached notice be, and it is hereby, adopted and incorporated by reference into this order.

It is further ordered, That notice of the institution of this proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register as notice to interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

● Purpose: The purpose of this document is to give notice of a rule making proceeding instituted to amend Rule 101 (d) of the General Rules of Practice—Reconsideration. ●

Under the existing Rules of Practice, any party seeking rehearing, reargument, or reconsideration of a final decision by an employee board or a division must specify the matters claimed to have been erroneously decided and the alleged errors or relief sought with the particularity respecting exceptions as outlined in Rule 96(a). The present rule therefore requires that exceptions to statements of fact or matters of law and points relied upon to support exceptions to conclusions made in the prior decision must be stated and numbered separately. Further, when exception is taken to a statement of fact, reference must also be made to the page or part of the record relied upon to support the exception and a corrected statement must be incorporated. While generally petitions filed pursuant to this section of the rules have followed the noted requirements, such compliance has not been uniform, and it has become necessary to emphasize our intent strictly to

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enforce adherence and to prescribe revised requirements which will provide a simple and readily definable method of giving full effect to the present rule. Accordingly, it is proposed that petitioners now be required to set forth the necessary specifications of alleged error, relief sought, and argument in support thereof, in summary form, in a preface to the petition. Such preface shall be a succinct, but accurate and clear, condensation of the matters raised on petition. The preface shall not exceed 3 pages, except in extraordinary circumstances, and upon leave granted. It is anticipated that such waiver of the page limitation shall be granted only in those proceedings which involve novel or complex issues of fact or law. Replies to petitions shall, in no greater number of preface pages, address, point by point, the specifications set forth in the preface to the petition to which they are directed.

The proposed rule amendment is designed to encourage parties to organize their presentation better and to enable the Commission to identify the key issues in the case. A page limitation is necessary to give full effect to the requirement and to prevent the summary from becoming an extended discussion of the arguments which appear later.

In addition to the above amendment, the Commission proposes to impose a 10-page limitation upon petitions for reconsideration in those cases wherein a Division has already considered either exceptions or a prior petition for appellate review.

A Division should not be burdened in a successive petition for reconsideration with arguments already of record upon which it has already ruled on exceptions or a previous petition for reconsideration. Rather, the Division's consideration should be directed principally to new issues raised by its prior action taken in the case and major allegations of error in its prior rulings. By limiting the length of these essentially successive petitions for reconsideration, it is anticipated that most repetitive arguments will be eliminated. Moreover, the arguments which are received should be concise and to the point without inhibiting the members from reviewing more detailed presentations made earlier in those circumstances where sufficient doubt is raised.

On October 17, 1975, we transmitted to Congress proposed legislation that would, among other things, render the decision of the Commission or a division administratively final, and thus eliminate petitions of the type discussed in the preceding two paragraphs. The 10 page limitation on such successive petitions for reconsideration is being proposed on the possibility that the above Section 17 proposal may not be passed in this Congress.

This Notice of Proposed Rulemaking is issued under the authority of Sections 17 of the Interstate Commerce Act, (49 U.S.C. 17), and Sections 553 and 559 of the Administrative Procedure Act, (5 U.S.C. 553 and 559).

Issued in Washington, D.C., this 24th day of October, 1975.

PART 1100—GENERAL RULES OF PRACTICE

Accordingly, it is proposed that the present rule 1100.101(d) [49 CFR 1100.-202(d)] be amended by adding the following:

§ 1100.101 Petitions for rehearing, reargument, or reconsideration (Rule 101).

(d) * * * Such specifications of alleged error, relief sought, and argument in support thereof must be summarized, in a preface to the petition, suitably paragraphed, which shall be a succinct, but accurate and clear, condensation of the matters raised on petition. Except in extraordinary circumstances, and upon leave granted, the preface shall not exceed 3 pages. Replies to petitions shall also contain a preface of no more pages than permitted in the petition's preface, and shall address, point by point, the specifications of alleged error, relief sought, and argument in the preface to the petition. In proceedings in which a division reverses, changes, or modifies a prior decision by a hearing officer or an employee board, petitions for reconsideration addressed to the division in an appellate capacity, and relies thereto, shall not exceed 10 pages, in addition to the preface required by this paragraph.

[FR Doc.75-29771 Filed 11-4-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

ADVISORY COMMITTEE ON DISTILLED SPIRITS PLANT SUPERVISION

Notice of Establishment—Amendment

The Bureau of Alcohol, Tobacco and Firearms is expanding the responsibilities of the Advisory Committee on Distilled Spirits Plant Supervision, establishment of which was announced in the FEDERAL REGISTER of December 19, 1974 (39 FR 43856).

As originally established the Committee's objectives were to advise the Bureau on ways of overcoming or minimizing the problems anticipated in a change in the method of government supervision of distilled spirits plants. These Committee responsibilities were set forth on the assumption that legislation authorizing such changes would be introduced in Congress and considered concurrently with the Committee's deliberations.

Since then, it has been decided the Committee could, with little additional effort or cost, provide valuable advice as to the advisability of changing the present statutory requirements as well as the means of implementing such changes should they be desirable. Consequently, in addition to the responsibilities included in the FEDERAL REGISTER Notice of December 19, 1974, under the heading *"Purpose,"* the Committee's Charter is being expanded to also seek its advice on the question of whether there should be any change from the form of supervision now exercised at distilled spirits plants.

Dated: October 28, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco, and Firearms.

[FR Doc.75-29680 Filed 11-4-75;8:45 am]

Office of the Secretary

SERIES C–1982 TREASURY NOTES

Rate of Percent Per Annum

OCTOBER 30, 1975.

The Secretary of the Treasury announced on October 29, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 32–75, dated October 23, 1975, will be 7⅞ percent per annum. Accordingly, the notes are hereby redesignated 7⅞ percent Treasury Notes of Series C–1982. Interest on the notes will be payable at the rate of 7⅞ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-29643 Filed 11-4-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Meeting

In accordance with Public Law 92–463, dated 6 October 1972, notice is given of a meeting of the Army Advisory Panel on ROTC Affairs on 9 December 1975 at the Pentagon, Washington, D.C. The proposed schedule of activities is as follows:

0830—Opening Remarks and Introduction.
0900—Department of the Army/US Army Training and Doctrine Command Update Briefings.
1000—DA Equal Opportunity Program Briefing.
1020—ROTC Region Presentations.
1200—Lunch.
1330—Army Research Institute Update of ROTC Research Projects.
1400–1700—Panel Discussion of ROTC Topics.

This meeting is open to the public.

ERCOLE M. BARONE,
Major, GS, Executive Secretary, Army Advisory Panel on ROTC Affairs.

[FR Doc.75-29648 Filed 11-4-75;8:45 am]

Office of the Secretary of Defense

DDR&E HIGH ENERGY LASER REVIEW GROUP

Laser Devices Subpanel; Closed Meeting

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that a closed meeting of the DDR&E High Energy Laser Review Group Laser Devices Subpanel will be held 24–26 November 1975, at MIT Lincoln Laboratory, Lexington, Massachusetts.

The subject matter of the meeting is classified in accordance with subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 31, 1975.

[FR Doc.75-29660 Filed 11-4-75;8:45 am]

DDR&E HIGH ENERGY LASER REVIEW GROUP

Vulnerability and Effects Subpanel; Closed Meeting

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that a closed meeting of the DDR&E High Energy Laser Review Group Vulnerability and Effects Subpanel will be held on Tuesday, December 9, 1975, in Arlington, Virginia.

The subject matter of the meeting is classified in accordance with subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 31, 1975.

[FR Doc.75-29661 Filed 11-4-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75–2]

NORTHRIDGE DRUG STORE AND DIXIE DRUG STORE

Revocation and Denial of Registration

Correction

In the FEDERAL REGISTER issue of Monday, September 29, 1975, at page 44589, the effective date of the Final Orders in the above-captioned matter was inadvertently and erroneously omitted from the last sentence of the orders.

The Acting Administrator finds that Section 1316.66, Title 21, Code of Federal Regulations provides in pertinent part that an "order shall specify the date on which it shall take effect, which shall not be less than 30 days from the date of publication in the FEDERAL REGISTER. * * *" It is noted that 30 days have elapsed from the date of publication in the FEDERAL REGISTER of the orders in the above-captioned matter.

Therefore, under the authority vested in the Attorney General by Section 823, Title 21, United States Code, and redelegated to the Administrator of the Drug Enforcement Administration by section 0.100, as amended, Title 28, Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607–75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein and pursuant to the authority delegated to the Acting Administrator by Section 0.132(d), Title 28, Code of Federal Regulations, the Acting Administrator hereby orders that, pursuant to the provisions of Section 1316.66, Title 21, Code of Federal Regulations, the following change be made with reference to the effective date of the Final Orders in the above-captioned matter:

1. The last sentence in the last paragraph of the above-captioned orders on page 44589 should be deleted, and the

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sentence "These orders are effective October 30, 1975." should be inserted in lieu thereof.

Dated: October 31, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-29699 Filed 11-4-75;8:45 am]

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, will meet on November 21, 1975 at the Hospitality House Motor Inn in Arlington, Virginia.

Topics of discussion will include the special needs of criminal justice research, the achievement of consistency in dispositions, and deterrence.

The meeting will be open to the public.

For further information, please contact Gerald M. Caplan, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531. (202) 376-3606.

GERALD YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-29720 Filed 11-4-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

District Managers Delegation of Authority

OCTOBER 22, 1975.

1. In accordance with authority contained in sections 3.1 and 3.9(g) of Bureau Order No. 701 of July 23, 1964, as amended, the amount not to be exceeded in sales by District Managers of material other than forest products is increased to $5,000.

2. Effective date. This delegation will become effective November 5, 1975.

DALE R. ANDRUS,
State Director.

[FR Doc.75-29776 Filed 11-4-75;8:45 am]

National Park Service

[INT FES 75-87]

WHITE SANDS NATIONAL MONUMENT, NEW MEXICO; PROPOSED MASTER PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement on a proposed master plan for White Sands National Monument located within Dona Ana and Otero Counties, New Mexico.

The environmental statement considers development patterns, land classification, boundary adjustments, and management goals for administration of the area. Major development proposals include an improved circulation pattern at the monument entrance, additions to the existing headquarters building and improvements for picnicking in the dunes, additional parking, and a new road to the Heart-of-the-Dunes to form a one-way interpretive motor road. Boundary proposals involve a proposed land exchange in the Garton Lake Area and the deletion of the Dog Canyon tract.

Copies are available from or for inspection at the following locations:

Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.
White Sands National Monument, Post Office Box 458, Alamogordo, New Mexico 88310.
Chaco Center, Anthropology Building, Room 240, University of New Mexico, Post Office Box 26176, Albuquerque, New Mexico 87125.

Dated: October 14, 1975.

STANLEY D. DOREMUS,
Secretary,
of the Interior.

[FR Doc.75-29695 Filed 11-4-75;8:45 am]

Office of the Secretary

EDDY AND LEA COUNTIES, NEW MEXICO

Oil, Gas, and Potash Leasing and Development Within Potash Area

For the purpose of revising the rules for concurrent operations in prospecting for, development, and production of oil and gas and potash deposits owned by the United States within the Potash Area and for the purpose of revising the designated Potash Area to which the amended provisions are to be applicable, it is ordered as follows:

I. The Order of the Secretary of the Interior dated February 6, 1939 (4 FR 1012), withholding certain lands in New Mexico from application or lease under the oil and gas provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended, which Order was revoked by Order of the Secretary of the Interior dated October 16, 1951 (16 FR 10669), shall continue to be revoked. The lands described in said Order dated February 6, 1939 (except the E½SE¼, sec. 24, and the E½E½, W½SE¼, S½SW¼, sec. 25, T. 20 S., R. 29 E., N.M.M., which were withdrawn from all forms of entry by Public Land Order No. 569, 14 FR 1086), which were opened for oil and gas leasing by said Order dated October 16, 1951, shall continue to be open for oil and gas leasing. This Order shall not affect the current status of land with respect to its being withdrawn from, or open for, entry or leasing.

II. Subject to the provisions of I. above, the provisions of the Order of the Secretary of the Interior dated May 11, 1965 (30 FR 6692-93), and the Potash Area designated therein are revised to be as specified herein.

III. *General Provisions*—A. *Issuance of Oil and Gas Leases.*

The Department of the Interior reaffirms its position that the lease stipulations contained in the Order of May 11, 1965, adequately protect the rights of the oil and gas, and potash lessees and operators.

Therefore, each successful applicant for a noncompetitive oil and gas lease, and any party awarded a competitive lease, for lands included in the designated Potash Area will be required, as a condition to the issuance of such lease, to execute a stipulation to the lease as follows:

1. No wells will be drilled for oil or gas except upon approval of the Area Oil and Gas Supervisor of the Geological Survey, it being understood that drilling will be permitted only in the event that it is satisfactorily established that such drilling will not interfere with the mining and recovery of potash deposits, or the interest of the United States would best be subserved thereby.

2. No wells will be drilled for oil or gas at a location which, in the opinion of the Area Oil and Gas Supervisor, would result in undue waste of potash deposits or constitute a hazard to or unduly interfere with mining operations being conducted for the extraction of potash deposits.

3. When it is determined by the Area Oil and Gas Supervision that unitization is necessary for orderly oil and gas development and proper protection of potash deposits, no well shall be drilled for oil or gas except pursuant to a unit plan approved by the Area Oil and Gas Supervisor.

4. The drilling or the abandonment of any well on said lease shall be done in accordance with applicable oil and gas operating regulations including such requirements as the Area Oil and Gas Supervisor may prescribe as necessary to prevent the infiltration of oil, gas, or water into formations containing potash deposits or into mines or workings being utilized in the extraction of such deposits.

The Area Oil and Gas Supervisor in any action taken under Part A, items 1, 2, 3, and 4 shall take into consideration the recommendations of the Area Mining Supervisor of the Geological Survey and the applicable conservation rules and regulations of the Oil Conservation Commission of the State of New Mexico.

B. *Renewal or Extension of Oil and Gas Leases.*

As a condition to the granting of any renewal or extension of any existing lease embracing lands included in the designated Potash Area, the lessee will be required to execute a stipulation identical to that specified in Part A, items 1, 2, 3, and 4 hereof.

C. *Potash Leases*

All potash permits and leases hereafter issued or existing potash leases hereafter renewed for Federal lands within the designated Potash Area, shall be subject to a requirement either to be included in the lease or permit or imposed as a stitpulation, to the effect that no mining

or exploratory operations will be conducted that, in the opinion of the Area Mining Supervisor, would constitute a hazard to oil or gas production, or that would unreasonably interfere with the orderly development and production under any oil or gas lease issued for the same land.

D. *Minable Reserves.*

1. Each potash lessee will file annually by January 1 with the Area Mining Supervisor a map or maps on which has been delineated the following information with respect to the Federal potash leases which it then holds:

a. The areas where active mining operations are now in progress on one or more ore zones.

b. The areas where mining operations have been completed on one or more ore zones.

c. The presently unmined areas which are considered to contain a minable reserve in one or more ore zones, i.e., those areas (enclaves) where potash ore is known to exist in sufficient thickness and quality to be minable under present day technology and economics.

d. The areas within these enclaves which are believed to be barren of commercial ore.

The Area Geologist of the Geological Survey, in consultation with the Area Mining Supervisor, will review the information submitted in this regard and make any revisions in the boundaries of the proposed minable reserves (potash enclaves) which are consistent with the data available at the time of such analyses. The Area Geologist and Area Mining Supervisor will commit their initial findings to a map or maps of suitable scale and will thereafter revise that map or maps as necessary to reflect the latest available information.

E. *Oil and Gas Drilling.*

1. It will be departmental policy to deny approval of most applications for permits to drill oil and gas tests from surface locations within the potash enclaves established in accordance with Part D, item 1 hereof. Two exceptions to this policy will be permitted under the following conditions:

a. Drilling of vertical or directional holes will be allowed to take place from barren areas within the potash enclaves when the Area Mining Supervisor determines that such operations will not adversely affect active or planned mining operations in the immediate vicinity of the proposed drillsite.

b. Drilling of vertical or directional holes will be permitted to take place from a drilling island located within a potash enclave when: (1) there are no barren areas within the enclave or drilling is not permitted on the established barren area(s) within the enclave because of interference with mining operations; (2) the objective oil and gas formation beneath the lease cannot be reached by a well which is vertically or directionally drilled from any permitted location within the barren area(s); or, (3) in the opinion of the Area Oil and Gas Supervisor, the target formation beneath a remote interior lease cannot be reached by a well directionally drilled from a surface location outside the potash enclave. Under these circumstances, the Area Mining Supervisor will, in consultation with the Area Oil and Gas Supervisor, establish an island within the potash enclave from which the drilling of that well and subsequent wells will be permitted. The Area Mining Supervisor in establishing any such island will, consistent with the data supplied by the Area Oil and Gas Supervisor regarding present directional drilling capabilities, select a site which will minimize the loss of potash ore. No island will be established within one mile of any area where approved mining operations will be conducted within three years. To assist the Area Mining Supervisor in this regard, he may require affected potash mining operators to furnish a three-year mining plan.

2. In order to protect the equities between oil and gas lessees while at the same time reducing the number of oil and gas wells which operators propose to drill in the Potash Area, the Area Oil and Gas Supervisor will make greater use of his prerogative to require unitization. Unitization will be mandatory in those cases where completion of the proposed well as a producer would result in the drainage of oil and gas from beneath other Federal lands within a potash enclave. Thus, unitization will be prerequisite to the approval of any well which is (1) located adjacent to an enclave (within a quarter of a mile if an oil test or one-half mile if a gas test) and which is to be drilled vertically to the prospective formation; (2) to be directionally drilled from an adjacent surface location to bottom in a formation beneath an enclave; or, (3) to be vertically or directionally drilled from a barren area or island within an enclave. Any unit plan hereafter approved or prescribed that includes oil and gas leases covered by this notice shall include a provision embodying in substance the requirements set forth in Part A, items 1, 2, 3, and 4 hereof.

3. The Department will cooperate with the New Mexico Oil Conservation Commission (NMOCC) in the implementation of that agency's rules and regulations. In that regard, the Federal potash lessees shall continue to have the right to protest to the NMOCC the drilling of a proposed oil and gas test on Federal lands provided that the location of said well is within the State of New Mexico's "Oil-Potash Area" as that Area is delineated by NMOCC Order 111, as amended. However, the Department will exercise its prerogative to make the final decision of whether to approve the drilling of any proposed well on a Federal oil and gas lease within the Potash Area.

4. Applications for permits to drill vertical tests for oil and gas at locations that are in the Potash Area but outside the State of New Mexico's "Oil-Potash Area" and which do not directly offset an enclave (within a quarter mile of an oil test or within one-half mile if a gas test) will be routinely approved by the Area Oil and Gas Supervisor after review by the Area Mining Supervisor.

F. *Access to Maps and Surveys.*

1. Well records and survey plats that an oil and gas lessee must file pursuant to applicable operating regulations (30 CFR Part 221), shall be available for inspection at the office of the Area Oil and Gas Supervisor, by any party holding a potash permit or lease on the land on which the well is situated insofar as such records are pertinent to the mining and protection of potash deposits.

2. Maps of mine workings and surface installations and records of core analyses that a potash lessee must file pursuant to applicable operation regulations (30 CFR Part 231), shall be available for inspection at the office of the Area Mining Supervisor by any party holding an oil and gas lease on the same land insofar as such maps or records are pertinent to the development and protection of oil and gas deposits.

3. Maps of potash enclaves shall be available for inspection in the office of the Area Geologist, Area Mining Supervisor, and Area Oil and Gas Supervisor. Copies of such maps will be available through local reproduction firms in Roswell, New Mexico.

G. *Definition.*

The word "potash" as used herein shall be deemed to embrace potassium and associated minerals as specified in the Act of February 7, 1927 (44 Stat. 1057).

IV. The lessee of any existing lease in the designated Potash Area may make such land subject to the rules and regulations of Part III. above by filing an election to do so, in duplicate, with the Land Office, Bureau of Land Management, Santa Fe, New Mexico. Except to the extent herein modified, the general regulations contained in 43 CFR Part 3100 (governing the leasing and development of oil and gas deposits) and Part 3500 (governing the leasing and development of potash deposits), shall be applicable to the lands covered hereby.

V. The designated Potash Area is described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 28 E.,
Secs. 25 and 36.
T. 23 S., R. 28 E.,
Sec. 1.
T 19 S., R. 29 E.,
Secs. 1 and 2;
Secs. 11 to 15 inclusive;
Secs. 22 to 26 inclusive;
Secs. 35 and 36.
T. 20 S., R. 29 E.,
Secs. 1 and 2;
Secs. 11 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 21 S., R. 29 E.,
Secs. 1 to 5 inclusive;
Secs. 10 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 22 S., R. 29 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 17 inclusive;
Secs. 19 to 36 inclusive.

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T. 23 S., R. 29 E.,
Secs. 1 to 17 inclusive;
Secs. 21 to 28 inclusive;
Secs. 33 to 36 inclusive.
T. 24 S., R. 29 E.,
Secs. 1 to 4 inclusive.
T. 18 S., R. 30 E.,
Secs. 8 to 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 19 S., R. 30 E.,
T. 20 S., R. 30 E.,
T. 21 S., R. 30 E.,
T. 22 S., R. 30 E.,
T. 23 S., R. 30 E.,
T. 24 S., R. 30 E.,
Secs. 1 to 18 inclusive.
T. 19 S., R. 31 E.,
Secs. 31 to 36 inclusive.
T. 20 S., R. 31 E.,
T. 21 S., R. 31 E.,
T. 22 S., R. 31 E.,
T. 23 S., R. 31 E.,
T. 24 S., R. 31 E.,
Secs. 1 to 18 inclusive.
T. 19 S., R. 32 E.,
Secs. 25 to 28 inclusive;
Secs. 31 to 36 inclusive.
T. 20 S., R. 32 E.,
T. 21 S., R. 32 E.,
T. 22 S., R. 32 E.,
Secs. 1 to 12 inclusive.
T. 19 S., R. 33 E.,
Secs. 21 to 36 inclusive.
T. 20 S., R. 33 E.,
T. 21 S., R. 33 E.,
T. 22 S., R. 33 E.,
Secs. 1 to 12 inclusive.
T. 19 S., R. 34 E.,
Secs. 19 and 20;
Secs. 29 to 32 inclusive.
T. 20 S., R. 34 E.,
Secs. 3 to 10 inclusive;
Secs. 15 to 36 inclusive.
T. 21 S., R. 34 E.,
Secs. 5 to 8 inclusive;
Secs. 17 to 20 inclusive;
Secs. 29 to 32 inclusive.

The area described, including public and nonpublic lands, aggregates 491,915.71 acres, more or less.

VI. This Order shall be effective on November 5, 1975.

KENT FRIZZELL,
Acting Secretary of the Interior.

OCTOBER 7, 1975.

[FR Doc.75-29642 Filed 11-4-75;8:45 am]

Office of the Secretary

[INT FES 75-90]

PROPOSED LACASSINE WILDERNESS AREA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed Lacassine Wilderness Area, Cameron Parish, Louisiana.

The proposal recommends about 2,854 acres of the Lacassine National Wildlife Refuge, Cameron Parish, Louisiana, be designated as wilderness within the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329.

Refuge Manager, Lacassine National Wildlife Refuge, Route 1, Box 186, Lake Arthur, Louisiana 70549.

U.S. Fish and Wildlife Service, Division of Wildlife Refuges, Room 2280, 18th and C Streets, N.W., Washington, D.C. 20240.

Single copies may be obtained by writing the Environmental Impact Statement Coordinator, Division of Wildlife Refuges, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

OCTOBER 30, 1975.

[FR Doc.75-29679 Filed 11-4-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 100]

GRAPE CROP INSURANCE; NEW YORK AND PENNSYLVANIA

Extension for Applications Date

Pursuant to the authority contained in § 411.3 of Title 7 of the Code of Federal Regulations, the time for filing applications for grape crop insurance for the 1976 crop year in all counties in New York and Pennsylvania where such insurance is otherwise authorized to be offered is herby extended until the close of business on December 19, 1975. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] M. R. PETERSON,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.75-29682 Filed 11-4-75;8:45 am]

[Notice No. 101]

WHEAT CROP INSURANCE—HOUSTON COUNTY, GEORGIA

Extension of Applications Date

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for wheat crop insurance in Houston County, Georgia, where such insurance is otherwise authorized to be offered is hereby extended until the close of business on November 15, 1975. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] M. R. PETERSON,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.75-29683 Filed 11-4-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 23(74)-6; Case No. 479 (CP-36A)]

HEWLETT-PACKARD GES. m.b.H.

Order Imposing Civil Penalty and Placing Respondent on Probation for Export Control Violations

In the matter of Hewlett-Packard Ges. m.b.H., Handelskai 52, Postfach 7, A-1025 Vienna, Austria.

The Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, issued a charging letter on November 26, 1974, charging the above respondent with violations of the Export Administration Act of 1969 and regulations thereunder. It alleged, in substance, that the respondent had violated §§387.2, 387.4, and 387.6 of the Export Administration Regulations (hereinafter, the export regulations), in that it, on two separate occasions, reexported or caused to be reexported to Czechoslovakia two computer systems with associated peripherals and accessories, of a value of $61,000 and $29,000 respectively, containing United States—origin parts and components, without obtaining the required authorization for such reexportation. The respondent's answer, dated January 3, 1975, stated that the facts contained in the charging letter are substantially correct and agreed with the information submitted by the parent company to the Office of Export Administration. In addition, it was represented that a substantial portion of the commodities involved had been manufactured outside the United States; that export licenses had been issued by West Germany and Great Britain; that the licensing specialist involved erroneously considered that outstanding demonstration licenses would provide temporary coverage until United States export permission was obtained, and that the transactions involved would be ultimately approved and licensed by the United States. Pressure from the purchasing organization and personal difficulties which forced the relocation of the employee, who is no longer with the Hewlett-Packard organization, were also cited as extenuating circumstances contributing to the violations.

Pursuant to § 388.10 of the Export Administration Regulations, the Office of General Counsel, with agreement of the Director, Compliance Division, submitted to the Hearing Commissioner a consent proposal for the issuance of an order imposing a civil penalty and placing the respondent on probation for 6 months. In said consent proposal the respondent admitted for the purpose of this compliance proceeding only, did not contest or deny the violations set forth in the charging letter of November 26, 1974. The respondent waived: (1) all rights to oral hearing before the Hearing Commissioner; (2) all rights of administrative appeal from and judicial review of said order; and (3) all rights to request refund of any civil penalty imposed pursuant to the consent proposal. It consented to an order imposing the civil penalty hereinafter set forth and probation for 6 months.

The Hearing Commissioner has considered the facts in the case and the respondent's proposal. He has approved the proposal and recommended that it be accepted. The undersigned, having considered the Hearing Commissioner's report and the consent proposal, finds that:

1. The respondent Hewlett-Packard Ges. mbH, Vienna, Austria, is the marketing headquarters for the U.S.S.R. and the Socialist countries of Eastern Europe.

2. During 1973 the respondent reexported or caused to be reexported from the Federal Republic of Germany to Czechoslovakia a HP 9600 E Real Time Executive Computer System valued at approximately $61,000, which contained U.S.-origin parts and components valued at approximately $29,000.

3. The respondent also reexported or caused to reexport a HP 9600 G Data Acquisition and Control Executive (DACE) Computer System valued at approximately $29,000 from Switzerland with U.S.-origin parts and components valued at approximately $27,000, to Czechoslovakia.

4. In each instance the Office of Export Administration was precluded from approving the ultimate consignee as the recipient of the computer systems. The respondent knew that the reexportations described above, were without the required authorization of the Office of Export Administration.

Based upon the foregoing, I have concluded that the respondent violated §§ 387.2, 387.4, and 387.6 of the export regulations in that on two occasions it knowingly reexported commodities from the Federal Republic of Germany and Switzerland to Czechoslovakia, in the manner charged as set forth above and in the Hearing Commissioner's findings of fact.

On consideration of the record in the case, I hereby accept the consent proposal and it is hereby

ORDERED

I. Pursuant to Section 388.1 of the export regulations, a civil penalty of six thousand dollars ($6,000) is imposed on the respondent. Said sum is to be paid to the Treasurer of the United States.

civil penalty, the respondent is placed on probation for a period of six months from the effective date of the order. The conditions of probation are that the respondent shall fully comply with all of the requirements of the Export Administration Act of 1969, as amended, and all regulations, licenses, and orders issued thereunder.

III. Upon a finding by the Director, Office of Export Administration, of such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of the order or with any of the conditions of probation, said official without notice when national security or foreign policy considerations are involved, or with notice if such considerations are not involved, by supplemental order may revoke the probation of the respondent, revoke all outstanding validated export licenses to which said respondent may be a party and deny to said respondent all export privileges for the period of the order. Such supplemental order shall not preclude the Bureau of East-West Trade from taking such further action for any violations as it shall deem warranted. On the entry of a supplemental order revoking the respondent's probation without notice, he may file objections and request an oral hearing as provided in § 388.16 of the United States Export Administration Regulations, but pending such further proceedings, the denial order shall remain in effect.

IV. A copy of this order shall be served on the respondent.

Dated: October 29, 1975.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-29775 Filed 11-4-75;8:45 am]

National Oceanic and Atmospheric Administration

CENTRAL PARK ZOO

Denial of Permit Application

On August 27, 1975, notice was published in the FEDERAL REGISTER (40 FR 38178) that an application had been filed with the National Marine Fisheries Service by the Central Park Zoo, 830 Fifth Avenue, New York, New York 10021, to take two (2) California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that pursuant to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), after having considered the application and all other pertinent information and facts with regard thereto, the National Marine Fisheries Service determined, on October 30, 1975, that the permit request submitted by the Central Park Zoo should be denied.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

OCTOBER 30, 1975.

[FR Doc.75-29689 Filed 11-4-75;8:45 am]

MURRAY L JOHNSON

Receipt of Application for Scientific Research Permit

Notice is hereby given that the following Applicants have applied in due form for a permit to take marine mammals for scienctific research, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals.

Murray L. Johnson, Puget Sound Museum of Natural History, Tacoma, Washington 98416, and Steven J. Jeffries, University of Puget Sound, Tacoma, Washington 98416, to take 130 harbor seals (*Phoca vitulina richardii*) for the purpose of scientific research.

The harbor seals will be taken over a two-year period, by means of shooting. The animals will be taken from the area of Puget Sound, primarily Grays Harbor.

The harbor seals will be examined to obtain standard measurements and weights, age, stomach contents, reproductive condition, and conditions of health and disease. Tissue samples will be collected for analysis of environmental contaminants,

The proposed research is directed towards determining the trophic relationships, reproductive biology and status of the Grays Harbor, harbor seals population, including the impact of the harbor seal on the Grays Harbor ecosystem and the fisheries of that area.

In addition to the taking of 130 harbor seals, the Applicants proposed to conduct behavioral studies of harbor seals in the southern portion of Puget Sound.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before December 5, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

ROBERT W. SCHONING,
Director
National Marine Fisheries Service.

OCTOBER 28, 1975.

[FR Doc.75-29688 Filed 11-4-75;8:45 am]

NORTHWEST FISHERIES CENTER

Issuance of Permit To Take and Import

On July 28, 1975, notice was published in the FEDERAL REGISTER (40 F.R. 31619) that an application had been filed with the National Marine Fisheries Service by the Northwest Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard, East, Seattle, Washington 98112, for a permit to take and import specimen materials from cetaceans which become available to U.S. observers, in the course of their duties in

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observing the commercial whaling activities of other nations.

Notice is hereby given that, on October 31, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking and importing to the Northwest Fisheries Center subject to certain conditions set forth therein. The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the office of the Regional Director, Northwest Region, National Marine Fisheries Service, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

OCTOBER 31, 1975.

[FR Doc.75-29690 Filed 11-4-75;8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Wednesday, December 3, 1975, from 9:00 a.m. to 5:00 p.m. and Thursday, December 4, 1975, from 8:30 a.m. to 12 noon, at the Atlantic Oceanographic and Meteorological Labs (AOML, NOAA), 15 Rickenbacker Causeway, Miami, Florida.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Tentative agenda items include:

Discussion of Regulatory Reform Concept.
Discussion of Economic Impact of Environmental Regulations.
Discussion of "Court for Scientific Controversy Experiment."
Discussion of Proposed Panel on Commercialization of Federally Funded RD&D.
Tour of AOML, National Hurricane and Meteorological Facilities.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting.

Persons desiring to obtain further information concerning the Board should contact Mr. William C. Holt, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 967–2394.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

OCTOBER 29, 1975.

[FR Doc.75-29741 Filed 11-4-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0319]

EDISON PHARMACEUTICAL CO., INC.

Cothyrobal; Prehearing Conference

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs is ordering that a public hearing be held in the matter above (Docket FDC-D-641; NDA No. 16-865).

Pursuant to § 314.204 (21 CFR 314.204), a prehearing conference for the purposes of simplification of the issues; the possibility of obtaining stipulations, admissions of facts and documents; the limitation of the number of expert witnesses; the scheduling of witnesses to be called; the advance submission of all documentary evidence; and such other matters as may aid in the disposition of this proceeding will be held in Rm. 4A-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852, beginning at 10 a.m. on Monday, November 24, 1975.

Dated: October 31, 1975.

DANIEL J. DAVIDSON,
Administrative Law Judge.

[FR Doc.75-29664 Filed 11-4-75;8:45 am]

[Docket No. 75N-0319]

EDISON PHARMACEUTICAL CO., INC.

Cothyrobal; Notice of Hearing

The Commissioner of Food and Drugs announces that a hearing on the new drug application for Cothyrobal (NDA 16-865) will be held on December 8, 1975.

The Commissioner issued in the FEDERAL REGISTER of June 28, 1973 (38 FR 17027), a notice (Docket FDC-D-641) of opportunity for hearing on a proposal to deny approval of the NDA for Cothyrobal, which is recommended for treating hypercholesterolemia, hypothyroidism, and for patients who become thyro-toxic with other types of thyroid medication. The grounds for denial were the Commissioner's conclusions that the drug lacked substantial evidence of safety and effectiveness for use under the conditions of use prescribed, recommended, or suggested in its labeling and that the submissions failed to satisfy basic requirements, which are specified in the regulations, for new drug applications. By letters of July 25 and July 30, 1973, Edison Pharmaceutical Co., Inc. (Edison) and Edward Ford, a member of the board of directors of the Vascular Research Foundation, requested a public hearing on the denial. The Commissioner is issuing notice of hearing pursuant to that request, as ordered by the Court of Appeals for the District of Columbia.

HISTORY OF PRIOR NDA'S

Three separate NDA's have been filed with the Food and Drug Administration (FDA) by various sponsors for Cothyrobal. Each was either denied or withdrawn. A recounting of the disposition of these prior NDA's is useful background to the hearing ordered herein.

The original NDA (NDA 11-311) for Cothyrobal was submitted by Brewer & Co., Inc., on November 18, 1957. The application was reviewed and found not approvable because the information presented was incomplete. By letters of January 17, 1958, April 2, 1958, and December 2, 1959, the applicant was notified that the application was incomplete under 21 U.S.C. 355(b)(1), (2), (3), (4), and (6). On November 14, 1960, the applicant withdrew its application and subsequently transferred its rights in the drug to Vascular Pharmaceutical Co., Inc.

On September 5, 1961, Vascular Pharmaceutical Co. submitted an NDA (NDA 13-118) for Cothyrobal. By letters of November 3, 1961, May 25, 1962, and March 12, 1963, and by telephone conversations on December 14, 1962, and May 20, 1963, the applicant was notified that the application was incomplete and was provided with a detailed statement of the application's deficiencies. On May 21, 1963, the applicant's counsel requested a hearing on the approvability of the application and, on July 19, 1963, a Notice of Hearing was issued. A hearing began on November 18, 1963, but was terminated on November 21, 1963, when the applicant withdraw its NDA without prejudice.

On December 26, 1973, Vascular Pharmaceutical Co., Inc., filed a second NDA (NDA 15-497) for Cothyrobal. This application was reviewed and found not approvable because the information presented was incomplete under 21 U.S.C. 355(b)(1) through (6), and the applicant was so informed by letter on June 15, 1964. On July 29, 1964, the applicant withdrew its application. Numerous discussions and letters followed between representatives of Vascular Pharmaceutical Co. and the FDA concerning the status of Cothyrobal, and, by letter dated April 15, 1968, Vascular Pharmaceutical Co. requested that its NDA (NDA 15-497) be reactivated. On September 5, 1968, the applicant was informed by letter that its application was still not approvable because the information presented was incomplete under 21 U.S.C. 355(b)(1), (2), (3), (4), and (6). On September 15, 1968, the applicant requested that its application be filed over protest and that a hearing be held on the issue of the approvability of its NDA (NDA 15-497). A notice of opportunity for hearing on Cothyrobal was published in the FEDERAL REGISTER on January 8, 1969 (34 FR 273), and, by a letter dated March 19, 1969, the FDA officially served Vascular Pharmaceutical Co. with an order designating a hearing examiner and setting a hearing date for no later than May 7, 1969. However, on January 27, 1969, Vascular Pharmaceutical Co. assigned its interest in the drug to Edison Pharmaceutical Co. (Edison), and on April 22, 1969, counsel representing both companies officially withdrew without prejudice all NDA's that had been submitted for Cothyrobal, and the hearing was not held.

THE PRESENT NDA

The fourth NDA for Cothyrobal (NDA 16-865), which is the subject of the hearing ordered herein, was submitted to FDA on May 9, 1969, by its current sponsor, Edison. This application was reviewed, and by letter dated December 1, 1969, the applicant was informed that the application was not approvable because the information presented was incomplete under 21 U.S.C. 355(b) (1) through (6).

Thereafter, Dr. Murray Israel, the developer of Cothyrobal, and Edison filed an antitrust suit in the United States District Court for the District of Columbia alleging a conspiracy to keep Cothyrobal off the market. The District Court dismissed the suit, but it was reinstated after appeal. After the reinstatement of the antitrust suit, Edison requested that its NDA for Cothyrobal be reactivated, but it submitted no additional information to support its application. After a second review by FDA personnel unconnected with the initial review in 1969 of petitioner's NDA, the Commissioner again found the application not approvable and so informed Edison by letter dated January 26, 1973. However, Edison requested that the NDA be filed over protest, pursuant to 21 CFR 314.110 (then § 130.5(d), prior to recodification published in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680)), and this was done February 15, 1973. As a result, the NDA was reexamined by group of FDA personnel yet another unconnected with either of the prior reviews. On March 15, 1973, the FDA notified Edison by letter that NDA 16-865 was not approvable, a conclusion that was affirmed in a notice published in the FEDERAL REGISTER of June 28, 1973 (38 FR 17027), which contained a statement of nonapprovability as well as a notice of opportunity for hearing.

In response to the notice of opportunity for hearing, Edison, and Edward Ford on his own behalf and that of other individuals, requested a hearing. Upon review, the Commissioner decided, in a final order dated October 26, 1973 and published in the FEDERAL REGISTER of November 1, 1973 (38 FR 39121), that the requests for hearing contained no new data that could correct any of the deficiencies that had been already noted. Accordingly, in the final order the Commissioner concluded: (1) There was a lack of substantial evidence that Cothyrobal had the effect it purported or was represented to have for its intended use, (2) that the legal arguments presented by Edison was insubstantial, and (3) that the petitioners had failed to set forth specific facts showing that there was a genuine and substantial issue of fact in dispute requiring a hearing; and he formally denied the requests for a hearing.

Edison thereupon appealed to the Court of Appeals for the District of Columbia, which, in an opinion dated June 2, 1975, ordered the FDA to hold a hearing on "all relevant issues related to petitioner's NDA." (*Edison Pharmaceutical Co., Inc.* v. *FDA*, 513 F. 2d 1063, 1072 (C.A.D.C., 1975)).

In response to a suggestion by FDA for rehearing en banc, the Court of Appeals reaffirmed its decision and denied the motion, but Judge Leventhal, in a statement for five judges, noted that "substantial evidence of effectiveness is a necessary but not a sufficient condition for approval of an NDA." (*Edison Pharmaceutical Co., Inc.* v. *FDA*, Civil No. 73-2254 (C.A.D.C., Aug. 11, 1975)) Judge Leventhal acknowledged "difficulty with the panel's directions that the FDA hold an evidentiary hearing not only on the threshold controlled test issue but also hold a full evidentiary hearing on all relevant issues relating to the approvability of petitioner's application, whichever way [the Commissioner] decides the threshold issue." Characterizing the panel's ruling as exceptional, Judge Leventhal nevertheless agreed that a hearing was appropriate in light of the unique circumstances of the case.

Therefore, pursuant to the order of the Court of Appeals and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053 as amended (21 U.S.C. 355)) and 21 CFR 314.200(g) and under authority delegated to the Commissioner (21 CFR 2.120):

It is ordered, That a public hearing be held to receive evidence on all issues relating to the approvability of NDA 16-865 (Cothyrobal). The specific issues to be determined at such hearing are:

1. Whether the application contains information and data required by statute, 21 U.S.C. 355(b), in that:

(a) It includes a list of components and a statement of the composition of the drug, as required by 21 U.S.C. 355 (b) (2) and (3).

(b) The application includes a list of the components and a statement of the composition of the diluent that is claimed to be packaged in the drug, as required by 21 U.S.C. 355(b) (2) and (3).

(c) The application contains a full description of the methods, facilities, and controls used in the manufacturing and packaging of the drug, as required by 21 U.S.C. 355(b)(4) and 21 CFR 314.1(c).

(d) Samples of the drug were submitted, as required by 21 U.S.C. 355(b) (5).

(e) Specimens of the proposed labeling for the drug which identify the diluent were submitted, as required by 21 U.S.C. 355(b)(6).

2. Whether the NDA for Cothyrobal, NDA 16-865:

(a) Contains reports of investigation adequate to demonstrate the safety of the drug, as required by 21 U.S.C. 355 (d)(1), (2), and (4).

(b) Contains information demonstrating that the methods used in, and the facilities and controls used for the manufacture, processing, and packing of such drug are adequate to preserve its identity, strength, quality, and purity within the meaning of 21 U.S.C. 355(d) (3).

(c) Demonstrates that there is substantial evidence of effectiveness of the drug as a fixed combination within the meaning of 21 U.S.C. 355(d)(5) and 21 CFR 300.50, in the form of adequate and well-controlled clinical studies, as defined by 21 CFR 314.111(a)(5), on the basis of which it could fairly and responsibly be concluded by experts qualified by scientific training and experience to evaluate drugs, that Cothyrobal is effective under the labeled conditions of use.

If there is no substantial evidence of the safety and effectiveness of Cothyrobal, whether it would be too dangerous to conduct adequate and well-controlled studies from which experts could conclude that the drug is safe and effective for its recommended uses.

The hearing shall take place in Hearing Rm. 4A-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852. The presiding Administrative Law Judge will be Daniel Davidson. The hearing shall convene on December 8, 1975, at 9:30 a.m. Written requests for appearance must be filed with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, not later than November 15, 1975.

Published elsewhere in this issue of the FEDERAL REGISTER is a Notice of Prehearing Conference, issued by Judge Davidson, setting the prehearing conference for Monday, November 24, 1975, at 10 a.m. It is understood that at the prehearing conference, the Bureau of Drugs will move, pursuant to 21 CFR 314.204 and 314.220, for an order requiring the advance submission of all documentary evidence to be offered at the hearing, such submission to be made no later than December 1, 1975.

The hearing will be open to the public. Only those who requested a hearing (Edison, and Edward Ford) will be parties. Any interested person who is not a party may appear at and participate in the hearing and shall have the right to present evidence and file pleadings relevant to the hearing, so long as such person(s) file a request for appearance not later than November 15, 1975.

Dated: October 30, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-29663 Filed 11-4-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Management

[Docket No. D-75-382]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority Regarding Property Disposition

The redelegation of authority by the Assistant Secretary for Housing Management published at 35 FR 16106, Octo-

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ber 14, 1970, as amended, is further amended in the following respects:

1. A new section F is added to read as follows:

Sec. F. *Additional authority redelegated.* The Chief, Contracting Section, and the Supervisory Contracting Specialist, in the Property Disposition Branch, Detroit Area Office, each is designated a contracting officer and is authorized to exercise the authorities redelegated in paragraph 8 of section A.

2. The present section F is redesignated section G and is revised to read as follows:

Sec. G. *Exercise of redelegated authority.* Redelegations of authority in sections A through F shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator, Area Director, and Insuring Office Director, or any of them, to whom a delegate is responsible.

(Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971.)

Effective date. This amendment to the redelegation of authority is effective November 5, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-29753 Filed 11-4-75;8:45 am]

[Docket No. D-75-381]

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FHA COMMISSIONER

Designation and Delegation of Authority

David S. Cook, the Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner, is designated as the Secretary's liaison with the Federal National Mortgage Association and is authorized to exercise the regulatory power and authority conferred on the Secretary by section 309(h) and other provisions of the National Housing Act with respect to all matters regarding the Association. The authority conferred by this delegation may not be redelegated.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); Title III of the National Housing Act, 12 U.S.C. 1716, et seq.)

This designation supersedes the designation effective May 13, 1974 (39 FR 17115, May 13, 1974).

Effective date. This designation and delegation is effective on November 5, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-29665 Filed 11-4-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT NOISE POLICY

Public Hearings

The Federal Aviation Administration will hold a series of public hearings on its airport noise policy. These hearings will afford interested persons the opportunity to present views, data, and arguments regarding the subjects and issues stated in a general notice published in the FEDERAL REGISTER on July 9, 1975 (40 FR 28844). In addition to the afternoon sessions of the hearings, evening sessions are provided to accommodate the general public.

The hearings for the months of November and December were listed at 40 FR 48961 on October 20, 1975. In addition, the hearings will also be conducted at the following times and locations:

Nov. 21, 1975—Harrisburg, Pennsylvania: Convening at 1 p.m. and 6 p.m. at the Hershey Motor Lodge and Convention Center, Trinidad Room, West Chocolate Avenue and University Drive, Hershey, Pennsylvania.

Dec. 5, 1975—Detroit, Michigan: Convening at 1 p.m. and 6 p.m. at Oakland Community College, Room 409, Bldg. J, 27055 Orchard Lake Road, Farmington, Michigan.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator.

Since the hearings will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given the opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearings and to participate by making oral or written statements concerning the respective topics, their substance and issues. Written statements should be submitted in duplicate and will be made a part of the record of proceedings. Persons wishing to make oral statements at the hearings must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to receive additional information should be made as follows:

For the hearings in Harrisburg, write or call:

Public Affairs Officer, Eastern Region (AEA-5), Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, New York 11430; (212) 995-9684.

For the hearings in Detroit, write or call:

Public Affairs Officer, Great Lakes Region (AGL-5), Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois 60018; (312) 694-4427.

In addition to materials presented at the hearing, persons not participating in the hearings are invited to submit written comments on the airport noise policy in accordance with the notice published in the FEDERAL REGISTER on July 9, 1975.

Such communications should be addressed to:

Federal Aviation Administration: Associate Administrator for Policy Development and Review, 600 Independence Avenue SW., Washington, D.C. 20591, Attention: Airport Noise Policy Proceedings.

The closing date for submitting written comments is January 1, 1976. All comments will be available for examination both before and after the closing date for comments.

The general notice (40 FR 28844, July 9, 1975) regarding the FAA's airport noise policy identifies a number of possible airport use-restriction options which may be considered for inclusion in an airport noise relief program. In addition, the FAA identified four potential policy options and their implications. Those policy options are as follows:

1. Airport proprietor actions unconstrained by the FAA.

2. Airport proprietor completely constrained by the FAA with a correlated development of a Federal airport noise abatement plan.

3. Airport proprietor to establish a noise abatement plan.

4. Continue the present policy.

The notice presents analysis of the respective options and contains the material that is the subject of these public hearings. While all comments are of interest, the FAA specifically invites statements or comments regarding the policy options in terms of the specific questions stated in the notice.

Before taking final action regarding its airport noise policy, the FAA will consider the statements presented at the hearings and all written comments submitted.

Transcripts of each hearing will be made and anyone may purchase copies from the reporter. A transcript of each hearing will be available for examination in the office of the Associate Administrator for Policy Development and Review, Room 1000W, 800 Independence Avenue SW., Washington, D.C.

Since the hearings contained in this notice have been previously announced in their respective localities in which they will be held, it is determined that publication of the notice of public hearing in the FEDERAL REGISTER less than 15 days before the first hearing is reasonable under 44 U.S.C. 1508.

Issued in Washington, D.C. on October 30, 1975.

FREDERICK A. MEISTER,
Associate Administrator for Policy Development and Review (Acting).

[FR Doc.75-29719 Filed 11-4-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28087]

DAN-AIR SERVICES, LTD.

Notice of Change in Time and Location of Prehearing Conference and Hearing Regarding Foreign Charter Permit Renewal

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding, which was assigned to be held on November 6, 1975, at 10 a.m., in Room 503, (40 FR 42594), has been changed to 2 p.m., November 6, 1975, (local time), in Room 1003 "B", North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., October 30, 1975.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.75-29716 Filed 11-4-75;8:45 am]

[Docket No. 26407]

MAIL RATES INVESTIGATION

Hearing Regarding Transatlantic, Transpacific and Latin American Service

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on December 2, 1975, at 10 a.m. (local time) in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 31, 1975.

[SEAL] ARTHUR S. PRESENT,
Administrative Law Judge.

[FR Doc.75-29717 Filed 11-4-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, November 19, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems, defined in section 5301 of title 5, United States Code, of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-29654 Filed 11-4-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50046; FRL 452-8]

BAYVET CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Bayvet Corporation, Shawnee Mission, Kansas 66201. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 11556-EUP-1) allows the use of 4.19 pounds of the insecticide fenthion on approximately 300 swine to control hog lice (*Haematopinus suis*). The program is authorized only in the States of Arkansas, Iowa, Kansas, Kentucky, Minnesota, Nebraska, Oklahoma, South Dakota, Texas, and Virginia. The experimental use permit is effective from October 20, 1975, to October 20, 1976. A permanent tolerance has been established for residues of the active ingredient in or on the meat, fat, or meat byproducts of hogs.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 31, 1975.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.75-29779 Filed 11-4-75;8:45 am]

[OPP-50045; FRL 452-7]

NEW YORK STATE AGRICULTURAL EXPERIMENT STATION

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the New York State Agricultural Experiment Station, Highland, New York 12528. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 37787-EUP-1) allows the use of 5.5 pounds of the fungicide oxytetracycline hydrochloride on up to 1500 trees to control the causal agent of "X" disease of peaches. The program is authorized only in the States of Connecticut and New York. The experimental use permit is effective from October 17, 1975, to October 17, 1976. A temporary tolerence has been established for residues of the active ingredient in or on the raw agricultural commodity peaches.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 31, 1975.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.75-29780 Filed 11-4-75;8:45 am]

[FRL 452-1]

NORTH CAROLINA

Approval of the State Program for Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the U.S. Environmental Protection Agency (EPA) has granted the State of North Carolina's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act established the NPDES program, under which the Administrator of EPA may issue permits for the discharge of a pollutant upon the condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit its proposed program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to the program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On December 17, 1974, North Carolina submitted a program for carrying out its proposed NPDES program. Subsequently, the State sought and was granted extensions so that certain legislative and other defects could be cured. On April 30, 1975, EPA conducted a public hearing on the proposed approval in Raleigh, North Carolina. After a review of the North

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Carolina program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor James E. Holshouser, Jr. in a letter dated October 19, 1975.

As of October 20, 1975, the North Carolina NPDES permit program is being administered by the North Carolina Department of Natural and Economic Resources (DNR), 217 W. Jones St., Raleigh, North Carolina 27611 (telephone (919) 829-4984). Mr. James E. Harrington is the DNR's Secretary. The North Carolina program is being administered in accordance with North Carolina statutes and regulations and a Memorandum of Agreement between North Carolina and EPA's Region IV Office, 1421 Peachtree Street, NE., Atlanta, Georgia 30309 (telephone (404) 526-5727). All pertinent documents are available for inspection at the DNR, at EPA's Atlanta, Georgia, Regional Office and at EPA's Headquarters in Room 3201, Waterside Mall, 401 M. Street, SW., Washington, D.C. 20460.

OCTOBER 30, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

[FR Doc.75-29778 Filed 11-4-75;8:45 am]

[OPP-50044; FRL 452-6]

Issuance of Experimental Use Permit
UNION CARBIDE CORP.

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Union Carbide Corporation, Washington, D.C. 20006. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1016-EUP-33) allows the use of 82,000 gallons of the fungicide propionic acid on 16 to 32 piles of corn, containing 15,000 to 200,000 bushels each, to control fungi. The program is authorized only in the States of Colorado, Kansas, Nebraska, and Texas. The experimental use permit is effective from October 15, 1975, to October 15, 1976. A permanent tolerance has been established for residues of the active ingredient in or on corn.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 31, 1975.

MARTIN H. ROGOFF,
Director, Registration Division.

[FR Doc.75-29781 Filed 11-4-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20617; FCC 75-1150]

CANADA/UNITED STATES CHANNELING ARRANGEMENTS FOR THE WEST COAST, GREAT LAKES AND ST. LAWRENCE SEAWAY

Notice of Inquiry

By the Commission: Commissioner Reid absent.

In the matter of proposed Canada/United States channeling arrangements for the West Coast, Great Lakes and St. Lawrence Seaway, and the East Coast for Appendix 18 maritime mobile correspondence frequencies.

1. Notice of Inquiry is hereby given.

2. On February 18-19, 1975, a meeting was held in Ottawa between representatives of the United States and Canada for the purpose of discussing and agreeing on matters affecting Maritime Telecommunications. At that meeting tentative agreement was achieved on arrangements for allotment between Canada and the United States of VHF Appendix 18 frequencies for public correspondence. These arrangements are contained in the working papers set forth in the appendix.

3. The purpose of this Notice is to elicit views from the public regarding these arrangements before these arrangements are implemented by an exchange of letters between the Commission and the Canadian Department of Communications. The Commission emphasizes that once these arrangements are made with Canada, substantive or material changes to what has been arranged will not be subject to reconsideration in a future rule making proceeding to implement these proposed arrangements.

4. Pursuant to the applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before November 28, 1975, and reply comments on or before December 8, 1975. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

5. In accordance with the provisions of Section 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice of Inquiry will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

Adopted: October 15, 1975.

Released: October 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Attachment: Appendix

APPENDIX

WORKING PAPER NO. 1

CANADA/U.S.A. CHANNELLING ARRANGEMENT FOR WEST COAST VHF MARITIME MOBILE PUBLIC CORRESPONDENCE

1. The provisions of this arrangement apply to waters of the State of Washington and of the Province of British Columbia within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

2. This channelling arrangement applies to the following public correspondence channels of Appendix 18 of the International Radio Regulations: channels 24, 84, 25, 85, 26, 86, 27, 87, and 28.

3. Shore-based stations (Note 1) may be established by either country in accordance with the provisions of this arrangement without prior coordination with the other country. There shall, however, prior to implementation, be an exchange of information in respect of the establishment of new stations or a change in technical parameters of existing stations.

4. Shore-based stations proposed for establishment which are not in accordance with the provisions of this arrangement shall be subject to prior coordination in accordance with the provisions of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz. Such stations shall not be protected from interference or cause interference to existing or future stations which are established in accordance with the provisions of this arrangement.

5. Existing stations shall comply with the provisions of this arrangement within 12 months after it becomes effective.

Note 1: In the U.S.A., a shore-based station is a coast station.

6. Definitions and Conditions:

a. *Public correspondence sector:* a distinct geographical area to which is allotted primary, supplementary and local channels. Channels shall be assigned in accordance with Annexes A and B.

b. *Primary channel:* a channel intended to cover the greater portion of a public correspondence sector. It may provide some coverage of an adjacent sector but must not cause harmful interference beyond the adjacent sector.

c. *Supplementary channel:* a channel intended to improve coverage of a portion of a sector poorly covered by a primary channel or to relieve traffic congestion on a primary channel. It must not cause harmful interference beyond the adjacent sector.

d. *Local channel:* a low-power channel designed to provide local coverage of certain bays, inlets and ports where coverage of primary or supplementary channels is poor or where heavy traffic loading warrants it. It must not cause harmful interference to primary or supplementary channels or to local channels in other sectors.

7. Technical Characteristics of Shore-based Stations:

a. For primary and supplementary channels the maximum transmitter power shall be 50 watts and the maximum ERP shall be 125 watts. Antennas shall be sited no higher than necessary to provide the desired coverage within the sector.

b. For local channels the ERP shall not exceed 10 watts. Low siting, directive antennas and natural topography shall be employed to confine coverage to the local area and, in any event, to prevent harmful interference to channels in other sectors.

c. For station design purposes the tolerable interference level shall be considered as a received signal of —107 dBm (—137 dBW) from a vertical dipole located 30 feet above the water.

8. In authorizing the establishment of shore-based stations without coordination under the provisions of this arrangement, each Administration shall ensure that the station coverage and interference range have been computed in accordance with sound engineering practices.

9. In the event that harmful interference is experienced by a station operating in accordance with this arrangement, the following steps shall be taken:

a. The operator of the station affected by the interference shall report the details of the situation to his Administration and, at the same time, shall approach the operator of the station causing the interference in an attempt to resolve the problem between the two operating agencies.

b. The Administration shall inform the other Administration of the report but, at this time, make no request for mitgating action.

c. Should a satisfactory resolution be obtained between the two operating agencies, each shall report the results to its Administration and, at the same time, seek authorization for any consequential technical changes to the station.

d. Failing a satisfactory resolution of the problem between the two operating agencies, the operator of the station affected by the interference shall so inform his Administration which will file a harmful interference report with the other Administration and request mitigation of the interference.

e. Either Administration can request that coordinated tests be carried out to confirm the existence, nature and extent of the interference.

10. This arrangement, which is subject to periodic review at the request of either Administration, supersedes the provisions set forth in the Canada/U.S.A. exchanges of letters dated December 10 and 16, 1965, and January 9 and June 8, 1973, insofar as they pertain to the use of the public correspondence channels stipulated in paragraph 2 above, in the area described in paragraph 1 above.

ANNEX A

CHANNELLING ARRANGEMENT

PUBLIC CORRESPONDENCE SECTOR	PRIMARY CHANNEL		SUPPLEMENTARY CHANNEL		LOCAL CHANNEL	REMARKS
BRITISH COLUMBIA						
Tofino	24	26	86	84	25	
Barkley Sound	27	84	26			
Juan de Fuca (Can)	24	26	86	84		
Gulf Islands	27	84	26			
St.of Georgia South	24	26	86	84	25	
St.of Georgia North	27	26	87	84	25	
Campbell River	24	84	86	26		
WASHINGTON						
Cape Johnson	26		87		85 25	
Ft.Grenville	28		85		25	
Juan de Fuca (USA)	28	25	85			Ch.25-Western portion. Ch.2 -Eastern port.
San Juan Islands	28		85	87		
Puget Sound North	28	24	85			Ch.28 - West Whidbey Isl. Ch.24 - East Whidbey Isl.
Puget Sound Head Canal	26	25	87	86	24	
Lower Puget Sound	28	24	85		25	

WORKING PAPER NO. 2

CANADA/U.S.A. VHF CHANNELLING ARRANGEMENT FOR MARITIME MOBILE PUBLIC CORRESPONDENCE ON THE GREAT LAKES AND THE ST. LAWRENCE SEAWAY

1. The provisions of this arrangement apply to the waters of the Great Lakes and the St. Lawrence Seaway within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

2. This arrangement applies to the following public correspondence channels of Appendix 18 of the International Radio Regulations:

Channels	Ship stations	Coast stations
24	157.200	161.8
84	157.225	161.825
25	157.250	161.850
85	157.275	161.875
26	157.300	161.900
86	157.325	161.925
27	157.350	161.950
87	157.375	161.975
28	157.400	162.000
88	157.425	162.025

3. In considering that:

(a) U.S. operational requirements can be satisfied by 5 channels.

(b) Canadian operational requirements can be satisfied by 4 channels.

(c) Canada and the U.S.A. will use one shared channel, the following channelling arrangement is agreed: Canadian channels: 24, 85, 27, 88,[1] U.S. channels: 84, 25, 86, 87, 28,[2] Shared channel. 26.

4. In adopting the above arrangement, it is understood that each Administration has complete flexibility in making use of its channels within the frequency coordination zone; that the option provided by footnotes 1 and 2 should not be exercised unless the proposed assignment cannot be accommodated on a channel allotted under the plan; that an assignment made under the provisions of footnotes 1 or 2 should not be a far to future

[1] Also assignable to United States stations within the frequency coordination zone, following successful coordination with Canada.

[2] Also assignable to Canadian stations within the frequency coordination zone, following successful coordination with the United States.

[3] Changes to existing assignments and new assignments within the frequency coordination zone of either country are subject to prior coordination with the other Administration.

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utilization of the channel by the Administration to which it is alloted under this arrangement; and that such an assignment will be vacated if requested by the Administration to which the channel is allotted.

5. This arrangement, which is subject to periodic review at the request of either Administration, supersedes the provisions set forth in the Canada/U.S.A. exchanges of letters dated December 10 and 16, 1965, and January 9 and June 8, 1973, insofar as they pertain to the use of the public correspondence channels stipulated in paragraph 3 above, in the area described in paragraph 1 above.

WORKING PAPER #2A

CANADA/USA CHANNELLING ARRANGEMENT FOR EAST COAST VHF MARITIME MOBILE PUBLIC CORRESPONDENCE

1. The provisions of this arrangement apply to the Canadian and U.S.A. east coast waters including the St. Lawrence River east of the St. Lawrence Seaway within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

2. This arrangement applies to the following public correspondence channels of Appendix 18 of the International Radio Regulations:

Channels	Ship stations	Coast stations
24	157.200	161.8
84	157.225	161.825
25	157.250	161.850
85	157.275	161.875
26	157.300	161.900
86	157.325	161.925
27	157.350	161.950
87	157.375	161.975
28	157.400	162.000
88	157.425	162.025

3. In considering that:
(a) U.S. operational requirements can be satisfied by 5 channels.
(b) Canadian operational requirements can be satisfied by 4 channels.
(c) Canada and the U.S.A. will use one shared channel; the following channelling arrangement is agreed: Canadian channels: 24, 85, 27, 88,[1] U.S. channels: 84, 25, 86, 87, 28,[2] Shared channel: 26.[3]

4. In adopting the above arrangement, it is understood that each Administration has complete flexibility in making use of its channels within the frequency coordination zone; that the option provided by footnotes 1 and 2 should not be exercised unless the proposed assignment cannot be accommodated on a channel allotted under the plan; that an assignment made under the provisions of footnotes 1 or 2 should not be a bar to future utilization of the channel by the Administration to which it is alloted under this arrangement; and that such an assignment will be vacated if requested by the Administration to which the channel is allotted.

5. This arrangement, which is subject to periodic review at the request of either Administration, supersedes the provisions set forth in the Canada/U.S.A. exchanges of letters dated December 10 and 16, 1965, and January 9 and June 8, 1973, insofar as they pertain to the use of the public correspondence channels stipulated in paragraph 3 above, in the area described in paragraph 1 above.

APPENDIX

WORKING PAPER NO. 1

CANADA/U.S.A. CHANNELLING ARRANGEMENT FOR WEST COAST VHF MARITIME MOBILE PUBLIC CORRESPONDENCE

1. The provisions of this arrangement apply to waters of the State of Washington and of the Province of British Columbia within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

2. This channelling arrangement applies to the following public correspondence channels of Appendix 18 of the International Radio Regulations: channels 24, 84, 25, 85, 26, 86, 27, 87, and 28.

3. Shore-based stations[1] may be established by either country in accordance with the provisions of this arrangement without prior coordination with the other country. There shall, however, prior to implementation, be an exchange of information in respect of the establishment of new stations or a change in technical parameters of existing stations.

4. Shore based stations proposed for establishment which are not in accordance with the provisions of this arrangement shall be subject to prior coordination in accordance with the provisions of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz. Such stations shall not be protected from interference or cause interference to existing or future stations which are established in accordance with the provisions of this arrangement.

5. Existing stations shall comply with the provisions of this arrangement within 12 months after it becomes effective.

6. Definitions and Conditions:

a. *Public correspondence sector:* a distinct geographical area to which is allotted primary, supplementary and local channels. Channels shall be assigned in accordance with Annexes A and B.

b. *Primary channel:* a channel intended to cover the greater portion of a public correspondence sector. It may provide some coverage of an adjacent sector but must not cause harmful interference beyond the adjacent sector.

c. *Supplementary channel:* a channel intended to improve coverage of a portion of a sector poorly covered by a primary channel or to relieve traffic congestion on a primary channel. It must not cause harmful interference beyond the adjacent sector.

d. *Local channel:* a low-power channel designed to provide local coverage of certain bays, inlets and ports where coverage of primary or supplementary channels is poor or where heavy traffic loading warrants it. It must not cause harmful interference to primary or supplementary channels or to local channels in other sectors.

7. Technical Characteristics of Shore-based Stations:

a. For primary and supplementary channels the maximum transmitter power shall be 50 watts and the maximum ERP shall be 125 watts. Antennas shall be sited no higher than necessary to provide the desired coverage within the sector.

b. For local channels the ERP shall not exceed 10 watts. Low siting, directive antennas and natural topography shall be employed to confine coverage to the local area and, in any event, to prevent harmful interference to channels in other sectors.

c. For station design purposes the tolerable interference level shall be considered as a received signal of —107 dBm (—137 dBW) from a vertical dipole located 30 feet above the water.

8. In authorizing the establishment of shore-based stations without coordination under the provisions of this arrangement, each Administration shall ensure that the station coverage and interference range have been computed in accordance with sound engineering practices.

9. In the event that harmful interference is experienced by a station operating in accordance with this arrangement, the following steps shall be taken:

a. The operator of the station affected by the interference shall report the details of the situation to his Administration and, at the same time, shall approach the operator of the station causing the interference in an attempt to resolve the problem between the two operating agencies.

b. The Administration shall inform the other Administration of the report but, at this time, make no request for mitigating action.

c. Should a satisfactory resolution be obtained between the two operating agencies, each shall report the results to its Administration and, at the same time, seek authorization for any consequential technical changes to the station.

d. Failing a satisfactory resolution of the problem between the two operating agencies, the operator of the station affected by the interference shall so inform his Administration which will file a harmful interference report with the other Administration and request mitigation of the interference.

e. Either Administration can request that coordinated tests be carried out to confirm the existence, nature and extent of the interference.

10. This arrangement, which is subject to periodic review at the request of either

[1] Also assignable to United States stations within the frequency coordination zone, following successful coordination with Canada.
[2] Also assignable to Canadian stations within the frequency coordination zone, following successful coordination with the United States.
[3] Changes to existing assignments and new assignments within the frequency coordination zone of either country are subject to prior coordination with the other Administration.

[1] In the U.S.A., a shore-based station is a coast station.

Administration, supersedes the provisions set forth in the Canada/U.S.A. exchanges of letters dated December 10 and 16, 1965, and January 9 and June 8, 1973, insofar as they pertain to the use of the public correspondence channels stipulated in paragraph 3 above, in the area described in paragraph 1 above.

ANNEX A

CHANNELLING ARRANGEMENT

PUBLIC CORRESPONDENCE SECTOR	PRIMARY CHANNEL		SUPPLEMENTARY CHANNEL		LOCAL CHANNEL	REMARKS
BRITISH COLUMBIA						
Tofino	24	26	86	84	25	
Barkley Sound	27	84	26			
Juan de Fuca (Can)	24	26	86	84		
Gulf Islands	27	84	26			
St.of Georgia South	24	26	86	84	25	
St.of Georgia North	27	26	87	84	25	
Campbell River	24	84	86	26		
WASHINGTON						
Cape Johnson	26		87		85 25	
Pt.Grenville	28		85		25	
Juan de Fuca (USA)	28	25	85			Ch.23-Western portion. Ch.2 -Eastern port
San Juan Islands	28		85	87		
Puget Sound North	28	24	85			Ch.28 - West Whidbey Isl. Ch.24 - East Whidbey Isl.
Puget Sound Hood Canal	26	25	87	86	24	
Lower Puget Sound	28	24	85		25	

WORKING PAPER # 2

CANADA/U.S.A. VHF CHANNELLING ARRANGEMENT FOR MARITIME MOBILE PUBLIC CORRESPONDENCE ON THE GREAT LAKES AND THE ST. LAWRENCE SEAWAY

1. The provisions of this arrangement apply to the waters of the Great Lakes and the St. Lawrence Seaway within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

2. This arrangement applies to the following public correspondence channels of Appendix 18 of the International Radio Regulations:

Channels	Ship stations	Coast stations
24	157.200	161.8
84	157.225	161.825
25	157.250	161.850
85	157.275	161.875
26	157.300	161.900
86	157.325	161.925
27	157.350	161.950
87	157.375	161.975
28	157.400	162.000
88	157.425	162.025

3. In considering that:
(a) U.S. operational requirements can be satisfied by 5 channels.
(b) Canadian operational requirements can be satisfied by 4 channels.
(c) Canada and the U.S.A. will use one shared channel, the following channelling arrangement is agreed: Canadian channels: 24, 85, 27, 88,[1] U.S. Channels: 84, 25, 86, 87, 28[2], Shared channel: 26[3].

4. In adopting the above arrangement, it is understood that each Administration has complete flexibility in making use of its channels within the frequency coordination zone; that the option provided by footnotes 1 and 2 should not be exercised unless the proposed assignment cannot be accommodated on a channel allotted under the plan; that an assignment made under the provisions of footnotes 1 or 2 should not be a bar to future utilization of the channel by the Administration to which it is alloted under this arrangement; and that such an assignment will be vacated if requested by the Administration to which the channel is allotted.

5. This arrangement, which is subject to periodic review at the request of either Administration, supersedes the provisions set fort hin the Canada/U.S.A. exchanges of letters dated December 10 and 16, 1965, and January 9 and June 8, 1973, insofar as they pertain to the use of the public correspondence channels stipulated in paragraph 3 above, in the area described in paragraph 1 above.

WORKING PAPER #2A

CANADA/USA CHANNELLING ARRANGEMENT FOR EAST COAST VHF MARITIME MOBILE PUBLIC CORRESPONDENCE

1. The provisions of this arrangement apply to the Canadian and U.S.A. east coast waters including the St. Lawrence River east of the St. Lawrence Seaway within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

2. This arrangement applies to the following public correspondence channels of Appendix 18 of the International Radio Regulations:

Channels	Ship stations	Coast stations
24	157.200	161.8
84	157.225	161.825
25	157.250	161.850
85	157.275	161.875
26	157.300	161.900
86	157.325	161.925
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87	157.375	161.975
28	157.400	162.000
88	157.425	162.025

3. In considering that:
(a) U.S. operational requirements can be satisfied by 5 channels.
(b) Canadian operational requirements can be satisfied by 4 channels.
(c) Canada and the U.S.A. will use one shared channel; the following channelling arrangement is agreed: Canadian channels: 24, 85, 27, 88[1], U.S. channels: 84, 25, 86, 87, 28[2], Shared channels: 26[3].

4. In adopting the above arrangement, it is understood that each Administration

[1] Also assignable to United States stations within the frequency coordination zone, following successful coordination with Canada.
[2] Also assignable to Canadian stations within the frequency coordination zone, following successful coordination with the United States.
[3] Changes to existing assignments and new assignments within the frequency coordination zone of either country are subject to prior coordination with the other Administration.

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of its channels within the frequency coordination zone; that the option provided by footnotes 1 and 2 should not be exercised unless the proposed assignment cannot be accommodated on a channel alloted under the plan; that an assignment made under the provisions of footnotes 1 or 2 should not be a bar to future utilization of the channel by the Administration to which it is alloted under this arrangement; and that such an assignment will be vacated if requested by the Administration to which the channel is alloted.

5. This arrangement, which is subject to periodic review at the request of either Administration, supersedes the provisions set forth in the Canada/U.S.A. exchanges of letters dated December 10 and 16, 1965, and January 9 and June 8, 1973, insofar as they pertain to the use of the public correspondence channels stipulated in paragraph 3 above, in the area described in paragraph 1 above.

APPENDIX

WORKING PAPER NO. 1

CANADA/U.S.A. CHANNELLING ARRANGEMENT FOR WEST COAST VHF MARITIME MOBILE PUBLIC CORRESPONDENCE

1. The provisions of this arrangement apply to waters of the State of Washington and of the Province of British Columbia within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

2. This channelling arrangement applies to the following public correspondence channels of Appendix 18 of the International Radio Regulations: channels 24, 84, 25, 85, 26, 86, 27, 87, and 28.

3. Shore-based stations [1] may be established by either country in accordance with the provisions of this arrangement without prior coordination with the other country. There shall, however, prior to implementation, be an exchange of information in respect of the establishment of new stations or a change in technical parameters of existing stations.

4. Shore based stations proposed for establishment which are not in accordance with the provisions of this arrangement shall be subject to prior coordination in accordance with the provisions of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz. Such stations shall not be protected from interference or cause interference to existing or future stations which are established in accordance with the provisions of this arrangement.

5. Existing stations shall comply with the provisions of this arrangement within 12 months after it becomes effective.

6. Definitions and Conditions:

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b. *Primary channel:* a channel intended to cover the greater portion of a public correspondence sector. It may provide some coverage of an adjacent sector but must not cause harmful interference beyond the adjacent sector.

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b. For local channels the ERP shall not exceed 10 watts. Low siting, directive antennas and natural topography shall be employed to confine coverage to the local area and, in any event; to prevent harmful interference to channels in other sectors.

c. For station design purposes the tolerable interference level shall be considered as a received signal of −107 dBm (−137 dBW) from a vertical dipole located 30 feet above the water.

8. In authorizing the establishment of shore-based stations without coordination under the provisions of this arrangement, each Administration shall ensure that the station coverage and interference range have been computed in accordance with sound engineering practices.

9. In the event that harmful interference is experienced by a station operating in accordance with this arrangement, the following steps shall be taken:

a. The operator of the station affected by the interference shall report the details of the situation to his Administration and, at the same time, shall approach the operator of the station causing the interference in an attempt to resolve the problem between the two operating agencies.

b. The Administration shall inform the other Administration of the report but, at this time, make no request for mitigating action.

c. Should a satisfactory resolution be obtained between the two operating agencies, each shall report the results to its Administration and, at the same time, seek authorization for any consequential technical changes to the station.

d. Failing a satisfactory resolution of the problem between the two operating agencies, the operator of the station affected by the interference shall so inform his Administration which will file a harmful interference report with the other Administration and request mitigation of the interference.

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[1] In the U.S.A., a shore-based station is a coast station.

ANNEX A.

CHANNELLING ARRANGEMENT

PUBLIC CORRESPONDENCE SECTOR	PRIMARY CHANNEL		SUPPLEMENTARY CHANNEL		LOCAL CHANNEL		REMARKS
BRITISH COLUMBIA							
Tofino	24	26	86	84	25		
Barkley Sound	27	84	26				
Juan de Fuca (Can)	24	26	86	84			
Gulf Islands	27	84	26				
St.of Georgia South	24	26	86	84	25		
St.of Georgia North	27	26	87	84	25		
Campbell River	24	84	86	26			
WASHINGTON							
Cape Johnson	26		87		85	25	
Pt.Grenville	28		85		25		
Juan de Fuca (USA)	28	25	85				Ch.25-Western portion. Ch.28 -Eastern port
San Juan Islands	28		85	87			
Puget Sound North	28	24	85				Ch.28 - West Whidbey Isl. Ch.24 - East Whidbey Isl.
Puget Sound Hood Canal	26	25	87	86	24		
Lower Puget Sound	28	24	85		25		

WORKING PAPER NO. 2

CANADA/U.S.A. VHF CHANNELLING ARRANGEMENT FOR MARITIME MOBILE PUBLIC CORRESPONDENCE ON THE GREAT LAKES AND THE ST. LAWRENCE SEAWAY

1. The provisions of this arrangement apply to the waters of the Great Lakes and the St. Lawrence Seaway within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

2. This arrangement applies to the following public correspondence channels of Appendix 18 of the International Radio Regulations:

Channels	Ship stations	Coast stations
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87	157.375	161.975
28	157.400	162.000
88	157.425	162.025

3. In considering that:

(a) U.S. operational requirements can be satisfied by 5 channels.

(b) Canadian operational requirements can be satisfied by 4 channels.

(c) Canada and the U.S.A. will use one shared channel, the following channelling arrangement is agreed: Canadian channels: 24, 85, 27, 88,[1] U.S. channels: 84, 25, 86, 87, 28,[2] Shared channel: 26.[3]

4. In adopting the above arrangement, it is understood that each Administration has complete flexibility in making use of its channels within the frequency coordination zone; that the option provided by footnotes 1 and 2 should not be exercised unless the proposed assignment cannot be accommodated on a channel allotted under the plan; that an assignment made under the provisions of footnotes 1 or 2 should not be a bar to future utilization of the channel by the Administration to which it is allotted under this arrangement; and that such an assignment will be vacated if requested by the Administration to which the channel is allotted.

5. This arrangement, which is subject to periodic review at the request of either Administration, supersedes the provisions set forth in the Canada/U.S.A. exchanges of letters dated December 10 and 16, 1965, and January 9 and June 8, 1973, insofar as they pertain to the use of the public correspondence channels stipulated in paragraph 3 above, in the area described in paragraph 1 above.

WORKING PAPER #2A

CANADA/USA CHANNELLING ARRANGEMENT FOR EAST COAST VHF MARITIME MOBILE PUBLIC CORRESPONDENCE

1. The provisions of this arrangement apply to the Canadian and U.S.A. east coast waters including the St. Lawrence River east of the St. Lawrence Seaway within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

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[1] Also assignable to United States stations within the frequency coordination zone, following successful coordination with Canada.

[2] Also assignable to Canadian stations within the frequency coordination zone, following successful coordination with the United States.

[3] Changes to existing assignments and new assignments within the frequency coordination zone of either country are subject to prior coordination with the other Administration.

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[3] Changes to existing assignments and new assignments within the frequency coordination zone of either country are subject to prior coordination with the other Administration.

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Administration to which the channel is allotted.

5. This arrangement, which is subject to periodic review at the request of either Administration, supersedes the provisions set forth in the Canada/U.S.A. exchanges of letters dated December 10 and 16, 1965, and January 9 and June 8, 1973, insofar as they pertain to the use of the public correspondence channels stipulated in paragraph 3 above, in the area described in paragraph 1 above.

[FR Doc.75-29462 Filed 11-4-75;8:45 am]

[FCC 75-1193; Docket No. 20288]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Modifying Procedures and Extending Time

In the matter of American Telephone and Telegraph Co. investigation into the lawfulness of Tariff F.C.C. No. 267, offering a dataphone digital service among five cities.

1. The Trial Staff of the Common Carrier Bureau has requested an extension of the deadline established for the filing of proposed findings of fact and conclusions of law in the above-captioned proceeding from November 14, 1975 to January 19, 1976. Additionally, it requests extension of the deadline for the filing of replies to the proposed findings and conclusions from December 12, 1975 to March 1, 1976. Finally, the Trial Staff asks us to authorize such further extensions as may prove necessary. The dates here appealed were established by the presiding Administrative Law Judge pursuant to paragraph 37 of our designation Order in this docket, released December 16, 1974 (50 F.C.C. 2d 501, 516).

2. In support of its request the Trial Staff states that in mid-June and mid-July the two Trial Staff attorneys with primary responsibility for this proceeding left the Commission. The three attorneys comprising the new Staff for this matter are said to require a great deal of time to familiarize themselves with the case adequately, in light of the voluminous and complex record developed to date. The Trial Staff views January 19, 1976 as a conservative, optimistic estimate of the time required properly to prepare and submit proposed findings and conclusions. The Trial Staff further states that none of the other participants in the hearing conference held September 19, 1975 objected to the requested extension of time.[1]

3. The Trial Staff indicates that it is authorized to inform the Commission that both of the presiding Judges believe the Trial Staff's proposed extended dates are reasonable and meeting them would require a "concerted effort" by all parties. The Judges also authorized the Trial Staff to state that the proposed extensions of time would be required to produce "reasoned" proposed findings and conclusions, while the date as set might elicit "ill considered and poorly developed" proposals. Because of the constraints in our designation Order, the requested extensions must be acted upon by us, rather than the Judges. As a result, the Judges permitted the instant appeal.

4. Upon careful consideration of the arguments advanced by the Trial Staff in support of its requests, we conclude that it has shown good cause for the extensions of time for the filing of proposed findings and replies. We reiterate our continuing desire, however, to see this matter concluded as expeditiously as possible.

5. Accordingly, it is ordered, That the procedures established in Paragraph 37 of our Memorandum Opinion and Order, 50 F.C.C. 2d 501, 516 are modified and that the dates for the filing of proposed findings of fact and conclusions of law and replies thereto in the above-captioned proceeding are extended to January 19, 1976 and March 1, 1976 respectively.

Adopted: October 21, 1975.

Released: October 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary,

[FR Doc.75-29711 Filed 11-4-75;8:45 am]

[Docket No. 20622; File No. BPH-8924 etc.]

GAINESVILLE MEDIA, INC. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Gainesville Media, Inc., Gainesville, Florida, Docket No. 20622, File No. BPH-8924 (Requests: 100.9 MHz, Channel No. 265; 3 kW (H&V); 300 feet); Gainesville Broadcasting, Inc., Gainesville, Florida, Docket No. 20623, File No. BPH-9194 (Requests: 100.9 MHz, Channel No. 265; 3 kW (H&V); 300 feet); University City Broadcasting Co., Gainesville, Florida, Docket No. 20624, File No. BPH-9197 (Requests: 100.9 MHz, Channel No. 265; 3 kW (H&V); 300 feet); for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications which are mutually exclusive in that they seek the same channel in Gainesville, Florida.

2. In its demographic description of Gainesville, Gainesville Media, Inc., notes that manufacturing makes "a substantial contribution to the [Gainesville] economy." However, the only community leader interviewed who appears to represent manufacturers is described as "George Linsey, III Public Utilities Division, Gainesville." Even if Mr. Linsey's position with this organization were provided, as required by question and answer 20 of the Commission's Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), this lone contact would not constitute adequate representation of this significant group within the Gainesville community. Accordingly, an appropriate issue will be specified.

3. According to Gainesville Broadcasting, Inc. [GBI], the combined enrollment in the educational institutions in Gainesville totals more than 50,000. Four student leaders were interviewed. However, these interviews were conducted more than six months prior to the filing of the application, and therefore cannot be included in GBI's efforts. See Primer, supra, question and answer 15. As a result, GBI has failed to contact any leaders of this significant group, and an appropriate issue will be specified.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Gainesville Media, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

2. To determine the efforts made by Gainesville Broadcasting, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

6. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually, or if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

Adopted: October 15, 1975.

Released: October 30, 1975.

[FR Doc.75-29712 Filed 11-4-75;8:45 am]

[Docket Nos. 20613, 20614; File Nos. BPH-9255, BPH-9339]

JERSEY SHORE BROADCASTING CORP. AND RAAB COMMUNICATIONS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jersey Shore Broadcasting Corp. Ship Bottom, New Jersey (Docket No. 20613, File No. BPH-9255) (Requests: 100.1 MHz, Channel No. 261; 3 kW (H&V), 300 feet); RAAB Communications, Inc. Ship Bottom, New Jersey (Requests: 100.1 MHz, Channel No. 261; 3 kW (H&V), 300 feet); for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau acting pursuant to delegated authority, has before it the two above-captioned applications which are mutually exclusive in that they seek the same channel in Ship Bottom, New Jersey.

2. Each applicant requests authority, as provided in § 73.210(a)(3) of the rules, to locate the main studio of its facility at the transmitter site, outside of the community of license. As the proposed location would, in each case, be readily accessible to residents of Ship Bottom, and, further, be protected from adverse winter weather conditions common to Long Beach Island proper, the Commission will authorize the location of the main studio at either of the proposed transmitter sites.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Acordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

6. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 10, 1975.

Released: October 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-29713 Filed 11-4-75;8:45 am]

[Docket Nos. 20611, 20612; File Nos. BRH-1402, BPH-9229]

UNITED BROADCASTING CO. AND PUSLIC COMMUNICATORS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of United Broadcasting Co. (KBAY) San Jose, California, Docket No. 20611, File No. BRH-1402; for renewal of license; Public Communicators, Inc. San Jose, California, Docket No. 20612, File No. BPH-9229 (Requests: 100.3 MHz, Channel No. 262; 14.5 kW (H&V); 2,580 feet); for construction permit.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications which are mutually exclusive in that they seek the same facilities in San Jose, California.

2. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

3. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

4. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

5. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 9, 1975.

Released: October 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-29714 Filed 11-4-75;8:45 am]

NEW YORK FIELD OFFICE

Changes in Telephone Numbers

OCTOBER 29, 1975.

Effective immediately, the public may reach the New York Field Office at the following telephone number: 212-620-3435.

Those interested in operator examination information may call: 212-620-3436.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-29715 Filed 11-4-75;8:45 am]

FEDERAL MARITIME COMMISSION

CRUISE LINES INTERNATIONAL ASSOCIATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the

[1] In separate Comments Data Transmission Company (DATRAN) supported the Trial Staff's request, stating that it believes the extension is necessary and appropriate under the circumstances.

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commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. William J. Armstrong, Acting Administrator, Cruise Lines International Association, 17 Battery Place, New York, New York 10004.

Agreement No. 10072 between the parties identified hereafter, establishes a Conference to be known as Cruise Lines International Association which will supersede Agreement No. 10071 which is a cooperative working arrangement under the same name, Cruise Lines International Association. Upon approval of proposed Agreement No. 10072, Agreement No. 10071 will be terminated. Also upon approval of proposed Agreement No. 10072 the Trans-Pacific Passenger Conference (Agreement No. 131) and the International Passenger Ship Association (Agreement No. 9856) will be terminated. Also to be terminated upon approval of proposed Agreement No. 10072 are Agreement No. 10010 (which permits joint promotional and educational activities) and Agreement No. 10070 (which permits discussions relating to the possibility of their reorganization, including the creation of new entities) between the Trans-Pacific Passenger Conference and the International Passenger Ship Association.

Agreement No. 10072 includes the following:

1. Articles.
2. Rules Affecting Travel Agencies.
3. Agency Appointment Agreement.

The Articles of the proposed agreement cover name, purpose and organization; scope; membership; advertising and promotion; travel agents; self-policing and compliance with law.

The Rules Affecting Travel Agencies cover standards for appointment of travel agencies; remuneration; employment of prior defaulters prohibited; ticketing and remittances; advertising and promotion; changes affecting agencies; termination of agency relationship; review; review board and notices.

The Agency Appointment Agreement is an agreement between Cruise Lines International Association, acting as agent for the members of the Association, and travel agents.

The parties to this Agreement are:

Baltic Steamship Co.
Black Sea Shipping Co.
Chandris Lines, Chandris Cruises by Chandris, Incorporated.
Commodore Cruise Line Ltd.
Costa Line, Inc.
Cunard Line Limited.
Epirotiki Lines.
Hellenic Mediterranean Lines.
Holland America Cruises.
Home Lines.
Italian Line.
Norwegian America Line.
Norwegian Caribbean Lines.
Orient Overseas Lines.
Pacific Far East Line.
Nouvelle Campagnie de Paquebots.
Polish Ocean Lines.
Princess Cruises.
Prudential Lines, Inc.
Royal Caribbean Cruise Line, Inc.
Royal Cruise Line.
Royal Viking Line.
Sitmar Cruises.
Sun Line Cruises.

By Order of the Federal Maritime Commission.

Dated: October 31, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-29721 Filed 11-4-75;8:45 am]

[Independent Ocean Freight Forwarder License No. 1592]

ECCA FREIGHT SYSTEMS, INC.

Order of Revocation

On October 10, 1975, ECCA Freight Systems, Inc., One World Trade Center, New York, New York 10048 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1592 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders Commission Order No. 201.1 (Revised) § 5.01(b) (dated 6/30/75);

It is ordered, That Independent Ocean Freight Forwarder License No. 1592 issued to ECCA Freight Systems, Inc. be and is hereby revoked effective October 10, 1975, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon ECCA Freight Systems, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.75-29722 Filed 11-4-75;8:45 am]

[Docket No. 75-47]

KOREA EXPRESS U.S.A., INC.

Order of Hearing on Petition for License as an Independent Ocean Freight Forwarder

Korea Express U.S.A., Inc. (Korea U.S.A.), One World Trade Center, Suite 1729, New York, New York 10048, filed an application for a license as an independent ocean freight forwarder pursuant to section 44, Shipping Act, 1916.

During the course of the Commission's investigation of the applicant it was disclosed that Korea U.S.A. is wholly owned by The Korea Express Co., Ltd. (TKECO). TKECO in turn is related to Dong-Ah Construction Industrial Co., Ltd. and Dong-Ah Kaiser Company through common directors and ownership. TKECO, Dong-Ah Construction Industrial Co., Ltd and Dong-Ah Kaiser Company appear to be shippers, consignees, sellers or purchasers of shipments moving by oceangoing common carriers from the United States to foreign countries and appear to have a beneficial interest in such shipments.

The relationship between the applicant on the one hand and TKECO, Dong-Ah Construction Industrial Co., Ltd. and Dong-Ah Kaiser Company on the other hand, appears to create a relationship between the applicant and shippers, consignees, sellers and purchasers of shipments which is prohibited under sections 1 and 44, Shipping Act, 1916, and the Commission's General Order 4. These provisions only permit licensing of persons who are not shippers or consignees or sellers or purchasers of shipments to foreign countries and are not directly or indirectly controlled by such shippers or consignees or by any person having a beneficial interest therein.

Pursuant to § 510.8 of the Commission's General Order 4 (46 CFR 510.8), the Commission, on July 7, 1975, advised the applicant of its intent to deny the application for the reasons set out hereinabove. In accordance with General Order 4 an applicant may upon receipt of such advice request a hearing on the application.

By letter dated August 14, 1975, Korea U.S.A. through counsel filed an amended application requesting that a restricted independent ocean freight forwarder license be issued to the applicant with the forwarding authority to encompass only the movement of military goods consigned to the Republic of Korea or any agencies or ministries thereof for use by the armed forces of Korea.

The amended application seeking a restricted license apparently is an attempt to remove any possibility of Korea U.S.A. handling shipments in which its affiliate companies have any interest. This would remove the possibility of any direct or indirect rebate being paid as a result of Korea U.S.A. collecting ocean freight brokerage on shipments made by its affiliated companies.

The Commission specifically rejected this concept of a limited license in License No. 790—North American Van Lines, 14 FMC 215 (1971), wherein the majority stated at Page 222 that:

> Shipper control negates the Commission's authority . . . to issue a license . . . regardless of any condition that the licensee may propose.

Even if the applicant only handled Korean Government cargo the applicant would still not appear to meet the definition of an independent ocean freight forwarder as the shipper/consignee relationship between the applicant and its affiliated companies would still exist.

Now, therefore, *it is ordered*, Pursuant to section 44, Shipping Act, 1916, (46 U.S.C. 841b) § 510.8 of the Commission's General Order 4 (46 CFR 510.8), that a hearing is hereby ordered to afford Korea Express U.S.A., Inc. the opportunity to demonstrate that the foregoing information and/or reasons do not warrant finding that the applicant does not qualify for a license as an independent ocean freight forwarder within the meaning of section 44, Shipping Act, 1916, and of the Commission's General Order 4 (46 CFR Part 510).

It is further ordered, That Korea Express U.S.A., Inc. be hereby made a petitioner in this proceeding pursuant to Rule 3(a) of the Commission's Rules of Practice and Procedure (46 CFR 502.41).

It is further ordered, That this proceeding be assigned for public hearing and an initial decision before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the presiding Administrative Law Judge on or before April 30, 1976.

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon petitioner.

It is further ordered, That any persons other than petitioner who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72).

It is further ordered, That all further notices issued by or on behalf of the Commission in this proceeding, including notice and time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-29724 Filed 11-4-75;8:45 am]

[Docket No. 75-46]

U.S. MIAMI-CARIBBEAN/PUERTO RICO TRADES

Order of Investigation and Hearing Regarding Possible Violations of the Shipping Act 1916, and the Intercoastal Shipping Act, 1933

In November 1974, the Commission's staff commenced an investigation of non-vessel operating common carriers (NVOCCs) operating from the Port of Miami in the U.S. South Atlantic-Caribbean/Puerto Rico trades [1] to determine whether any NVOCC serving this trade was engaged in the practice of overdeclaring the weight or measure of individual shipments received from their customers for billing purposes, and underdeclaring or misdescribing the contents of trailerloads of cargo to vessel operating common carriers serving Miami to receive the benefit of a lower tariff rate. In the course of the investigation, bills of lading related to the movement of containerized cargo for NVOCCs by Sea-Land Service, Inc., Trailer Ship Line and TMT Trailer Ferry were obtained for the period July through September 1974.

The documents furnished by the three carriers disclosed that trailerload shipments (as indicated in parentheses) had been transported during the above period for the account of the following NVOCCs: Transconex, Inc. (90), Meteoro Express, Inc. (50), Twin Express, Inc. (40), Econocaribe Consolidators, Inc. (39), Sea-Trailer Express, Inc. (21), Marine Trailer Transport (10), Drake Motor Lines, Drake Marine Division (6). After receipt of this information, each of the foregoing NVOCCs was contacted and requested to furnish shipping documents issued by them to their customers for a selected number of shipments during the period July through September 1974.

Shipping documents in the form of bills of lading, cargo manifests and/or warehouse receipts were obtained from the NVOCCs for 62 of the 256 shipments. Forty-five of the 62 shipments for which some documentation was furnished were shipments for the account of the three largest NVOCCs. Of these 45 shipments, complete documentation for 19 shipments was received by the Commission's staff and examined in detail. As to these 19 shipments, all appear to contain discrepancies between the cargo description, weight and/or measure as shown on the ocean carriers' bills of lading and/or the shipping documents issued by the NVOCCs for the same shipment. As for the 17 shipments out of the 62 which involved trailerload shipments by the other NVOCCs in the subject trades, the available documentation appears to indicate that on 2 of the shipments, NVOCCs had issued individual bills of lading and invoices on a cubic measurement basis which exceeded the actual cubic capacity of the trailers and on 9 of the remaining 15 shipments, NVOCCs issued bills of lading on a cubic measurement basis which appear to be in excess of 85 percent of the actual capacity of the trailer. Documentation showing utilization exceeding 85 percent is noteworthy since 85 percent of the actual capacity of a trailer was acknowledged by both NVOCC and ocean carrier representatives as being the usable cubic capacity of a trailer for most shipments. In all, 42 of the 62 shipments for which documentation was available appear to contain one or more of the above noted discrepancies.

Over-declaring the weight or measure of a domestic offshore shipment in addition to charging a higher rate than would otherwise be applicable to such a shipment and thereby increasing a shipper's transportation cost, results in a violation of Section 2, Intercoastal Shipping Act, 1933 and/or Section 18(a), Shipping Act, 1916. The same practice in the foreign commerce of the United States violates Section 18(b) the Shipping Act, 1916. Underdeclaring the weight or measure of cargo or misdescribing cargo to the underlying ocean carrier to obtain a lower freight than would otherwise be applicable, violates the first paragraph of Section 16 of the Shipping Act, 1916.

It appears from the high number of variances in the descriptions, weights and measures found on separate shipping documents covering the same shipments of trailerload cargo that the NVOCCs serving the Port of Miami in the subject trades may have violated the provisions of the Shipping Act, 1916 and the Intercoastal Shipping Act, 1933, as specified herein, and that these apparent violations are widespread.

Good cause appearing, it is the determination of the Commission that a proceeding should be instituted pursuant to Section 22 of the Shipping Act, 1916, to determine whether NVOCC's operating in the Port of Miami during the period July, 1974 to present have been in compliance, and if not, the extent of any non-compliance, with the provisions of the Shipping Act, 1916 and the Intercoastal Shipping Act, 1933, as specified herein.

It is therefore ordered, That pursuant to Section 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether the non-vessel operating common carriers set forth in Appendix A have violated the provisions of the Shipping Act, 1916 and/or the Intercoastal Shipping Act, 1933, as set forth below.

It is further ordered, That pursuant to Section 16 of the Shipping Act, 1916, a determination shall be made as to whether any of the non-vessel operating common carriers set forth in Appendix A and serving the Port of Miami in the subject trades obtained or are obtaining transportation by water for property at less than the rates and charges which would otherwise be applicable during the period July 1, 1974 to the effective date of this Order.

It is further ordered, That pursuant to 18(b) of the Shipping Act, 1916 and/or Section 2 of the Intercoastal Shipping Act, 1933, a determination shall be made as to whether any of the non-vessel operating carriers set forth in Appendix A serving Miami in the subject trades, charged a greater or lesser compensation for the transportation of property or for any service in connection therewith than the rates and charges filed and effective during the period July 1, 1974 to the effective date of this Order.

It is further ordered, That pursuant to Section 17 and/or 18(a) of the Shipping Act, 1916, a determination shall be made as to whether any of the non-vessel operating carriers set forth in Appendix A failed to establish and/or observe and enforce just and reasonable rates, fares, charges, regulations or practices connected with the receiving, handling, transporting, storing and delivery of less-than-containerload shipments in the trade between the Port of Miami and ports in the Caribbean and Puerto Rico during the period July 1, 1974 to the effective date of this Order.

It is further ordered, That Drake Motor Lines, Inc., Econocaribe Consolidators, Inc., Marine Trailer Transport, Inc., Meteoro Express, Inc., Sea Trailer Express, Inc., Transconex, Inc., and Twin Express, Inc. are hereby made respondents to this proceeding.

It *is further ordered*, That this matter be assigned for public hearing and

[1] Appendix A and Appendix B, respectively list the non-vessel operating carriers and vessel operating carriers serving the subject trades from July 1, 1974.

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decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges, and that the hearing commence on or before April 30, 1976.

It is further ordered, That (1) copy of this Order be forthwith served upon the respondents named herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (2) the respondents and Hearing Counsel be duly served with notice of time and place of the hearing.

It is further ordered, That any person other than respondents and Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave in accordance with Rule 5(1) (46 CFR 502.72) of he Commission's Rules of Practice and Procedure.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

Drake Motor Lines, Inc. d/b/a Drake Marine Division, 20 Olney Avenue, Cherry Hill, New Jersey 08002.
Econocaribe Consolidators, Inc., 2929 N.W. 73rd Street, Miami, Florida 33147.
Marine Trailer Transport, Inc., P.O. Box 924, I.A.B., Miami, Florida 33148.
Meteoro Express, Inc., 521 Fernandez Juncos, Box 5122 Puerto De Tierra, Puerto Rico 00906.
Sea Trailer Express, Inc., Bldg. 2142 MIAD, Miami, Florida 33148.
Transconex, Inc., Transconex International, Inc., P.O. Box 37, Miami, Florida 33148.
Twin Express, Inc., G.P.O. Box 4444, San Juan, Puerto Rico 00936.

APPENDIX B

Klosters Rederi A/S d/b/a Norwegian Caribbean Lines, K. Nielsen Shipping and Trading Co., Inc., General Agents, 903 South American Way, Dodge Islands, Miami, Florida 33132.
N.V. Stoomvaart-Maatschappij, 'OOSTZEE', Curacao d/b/a Trailer Ship Line, K. Nielsen Shipping and Trading Co., Inc., General Agents, 903 South American Way, Dodge Islands, Miami, Forida 33132.
Trailer Marine Transport Corp. (Formerly TMT Trailer Ferry, Inc.), P.O. Box 2110, Jacksonville, Florida 32203.
Sea-Land Service, Inc., P.O. Box 900, Edison, New Jersey 08817.

[FR Doc.75-29723 Filed 11-4-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-171]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Filing of Initial Rate Schedule

OCTOBER 30, 1975.

Take notice that on October 9, 1975, Central Vermont Public Service Corporation (Company) tendered for filing a Purchase Power Contract between Company and Vermont Electric Cooperative, Inc. (Customer) dated October 2, 1975.

Service under the rate schedule is provided to commence November 1, 1975. Pursuant to section 35.11 of the Commission's Regulations, the Company requests a waiver of the 30 day notice requirement. Company states that such a waiver is appropriate in order to permit initiation of service concurrently with the beginning of a power year under the NEPOOL agreement and because negotiations were only recnetly completed. Company adds that if a waiver is granted, it will not affect purchasers of the Company under other rate schedules.

Company states that service to be furnished under this rate schedule consists of a continuing 5-year sale by the Company to the Customer of unreserved system capacity in amounts as specified by the Customer. The rate under which service is to be rendered is the average cost of the Company's capacity and energy, excluding system power purchases from the Power Authority of the State of New York from the St. Lawrence and Niagara projects.

Company reports that it has mailed copies of the rate schedule to the Customer and the Public Service Board of the State of Vermont.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 5, 1975.[1] Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29834 Filed 11-4-75;8:45 am]

[Docket No. ER76-172]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Filing of Initial Rate Schedule

OCTOBER 30, 1975.

Take notice that on October 9, 1975, Central Vermont Public Service Corporation (Company), tendered for filing a Power Transmission Contract between Company and Vermont Electric Cooperative, Inc. (Customer) dated October 2, 1975. Service under the rate schedule is provided to commence as of June 1, 1975. Pursuant to Section 35.11 of the Commission's Regulations the Company requests a waiver of the 30 day notice requirement. Company states that this request is made so that there will be a rate available for the transmission of power over the Company's facilities, which power was purchased by the Customer from Northeast Utilities, Inc., which purchase has an effective date of June 1, 1975. Company further states that if the waiver is not granted, there would be no rate available to the Customer respecting the transmission of the Northeast power purchased by the Customer; and if waiver is granted, it will not affect any other wholesale customer of the Company under other rate schedules.

Company states that the service to be furnished under this rate schedule consists of the transmission of capacity and associated energy contracted for by the Customer on or after the effective date of the agreement whether such power and associated energy is being purchased or sold by the Customer.

Company reports that it has mailed copies of the rate schedule to Customer and the Public Service Board of the State of Vermont.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 5, 1975.[1] Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29833 Filed 11-4-75;8:45 am]

[Docket No. E-9454]

THE PUBLIC SERVICE CO. OF NEW MEXICO

Notice of Further Extension of Procedural Dates

OCTOBER 28, 1975.

On October 21, 1975, The City of Gallup filed a motion to extend the procedural dates fixed by order issued July 31, 1975, as most recently modified by notice issued September 26, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, November 4, 1975.
Service of Company Rebuttal, November 18, 1975.
Hearing, December 2, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29832 Filed 11-4-75;8:45 am]

[1] This document was received the by Office of the Federal Register on November 3, 1975.

[1] This document was received by the Office of the Federal Register on November 3, 1975.

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-360]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric and natural gas rate increase proceeding.

2. *Effective date.* This regulation is effective October 16, 1975.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is hereby delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a proceeding involving the Pacific Gas and Electric Company before the California Public Utilities Commission (Application Nos. 55509 and 55510), concerning proposed increases in electric and natural gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

DWIGHT A. INK,
Acting Administrator of General Services.

OCTOBER 29, 1975.

[FR Doc.75-29647 Filed 11-4-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-87)]

NASA SPACE PROGRAM ADVISORY COUNCIL (SPAC)

Applications Committee November 21, 1975, Meeting

The NASA SPAC Applications Committee will meet on November 21, 1975, at the Headquarters of the National Aeronautics and Space Administration. The meeting will be held in room 226-A of Federal Office Building 10B, 600 Independence Avenue, S.W., Washington, D.C., 20546. Members of the public will be admitted to the meeting beginning at 9:30 a.m. on a first come first served basis up to the seating capacity of the room, which can accommodate about 35 persons. The approved agenda for the meeting is noted below:

The NASA SPAC Applications Committee serves in an advisory capacity only. It is concerned with the total range of applications of space-derived, space-related technology including communications, meteorology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications. Currently, the Committee comprises 7 members, and a recording secretary, Louis B. C. Fong, who can be contacted for further information at (202) 755-8620.

The following is the approved agenda and schedule for the November 21, 1975, meeting of the SPAC Applications Committee:

1. *Chairman's remarks.*

2. *Shuttle payload review.* NASA's current Shuttle payload planning will be presented. Committee members will be asked for their comments and/or suggestions on NASA's plans and for their recommendations on any additional payloads with particular emphasis on those which demonstrate the practical value of space.

3. *Implications of the "Outlook for Space" study for the applications program.* The conclusions and recommendations of the NASA "Outlook for Space" study are being assessed both in terms of their relationship to the Applications Program and the recommendations of the National Research Council-Space Applications Board (NRC-SAB) 1974 Applications Summer Study entitled, "Practical Applications of Space Systems." Committee members will be asked to advise NASA on its current activities and plans relating to the recommendations of both studies.

4. *The tracking and data relay satellite system (TDRSS) in relation to the Earth resource survey data distribution.* When TDRSS becomes a reality, a number of policy and programmatic issues will be raised depending upon what approach NASA uses in its distribution of ERS data to both the United States and the international community.

5. *Earth science and earth applications.* It is timely to discuss Earth science and its relationship to Earth Applications. The views of committee members will be solicited.

WILLIAM W. SNAVELY,
Assistant Administrator for the Office of DOD, and Interagency Affairs, National Aeronautics and Space Administration.

OCTOBER 30, 1975.

[FR Doc.75-29698 Filed 11-4-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON INSPECTION AND ENFORCEMENT ACTIVITIES

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Inspections and Enforcement Activities will hold a meeting on November 21, 1975, in Room 1046, 1717 H Street, N.W., Washington, D.C. 20555. The purpose of this meeting is to continue discussion of third-party inspection and the roles of inspection and examination organizations in relation to nuclear safety.

The agenda for subject meeting shall be as follows:

Friday, November 21, 1975 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent knowledge of inspection and examination practices and organizations, regarding the matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendations of the full Committee.

9 a.m. until the conclusion of business. The Subcommittee will meet in open session to hold discussions with invited participants and members of the NRC Staff on topics pertinent to examination and inspection of safety related systems of nuclear power plants. At the conclusion of the open session, the Subcommittee may caucus in a closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the matter is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than November 14, 1975 to Mr. Gary Quittschreiber, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identify-

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ing the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 20, 1975 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. Gary Quittschreiber) between 8:15 a.m. and 5 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 28, *975 at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after February 23, 1976. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Advisory Committee Management Officer.

OCTOBER 30, 1975.

[FR Doc.75–29676 Filed 11–4–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE TYRONE ENERGY PARK, UNIT 1

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Tyrone Energy Park, Unit 1, will hold a meeting on November 21, 1975 at the Ramada Inn, 2704 Craig Road, Eau Claire, WI 54701. The purpose of this meeting is to develop information to be considered by the ACRS in its review of the application of Northern States Power Company for a construction permit for the Tyrone Energy Parks, Nuclear Unit 1, which is a Standardized Nuclear Unit Power Plant System (SNUPPS) design.

The agenda for subject meeting shall be as follows:

Friday, November 21, 1975, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered during the open session in order to formulate a Subcommittee report and recommendations to the full Committee.

9 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations and hold discussions with the NRC Staff and representatives of Northern States Power Company regarding design features and site-related aspects of the application for a construction permit as well as other matters relating to review of the Safety Analysis Report.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than November 13, 1975 to Mr. R. Muller, ACRS, NRC, Washington, D.C. will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 and at the University of Wisconsin Stout Library, Menomonie, WI 54751.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 19, 1975 to the Office of the Executive Director of the Committee (telephone 202/634–1413, Atten: Mr. R. Muller) between 8:15 a.m. and 5 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. R. Muller of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 28, 1975 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555, and at the University of Wisconsin Stout Library, Menomonie, WI 54751. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after February 23, 1976. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Advisory Committee Management Officer.

OCTOBER 30, 1975.

[FR Doc.75–29675 Filed 11–4–75;8:45 am]

[Docket No. 50–261]

CAROLINA POWER & LIGHT CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR–23 issued to Carolina Power & Light Company which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2, located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment revises provisions in the Technical Specifications relating to the surveillance technique employed for examining certain welds in the inservice inspection program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 10, 1975, (2) Amendment No. 14 to License No. DPR–23, with Change No. 39 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home & Fifth Avenue, Hartsville, South Carolina.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 29th day of October, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch 4, Division of Reactor Licensing.

[FR Doc.75–29674 Filed 11–4–75;8:45 am]

[Docket No. 50–409]

DAIRYLAND POWER COOPERATIVE (LA CROSSE BOILING WATER REACTOR)

Determination with Respect to Request for Variance from the Interim Acceptance Criteria

On August 5, 1974, the Atomic Energy Commission's Regulatory staff (now NRC staff) issued to Dairyland Power Cooperative (the licensee) a Determination (38 FR 29217, August 14, 1975) which granted a variance extending the time until November 1, 1975, for the La Crosse Boiling Water Reactor (the facility) to achieve compliance with the Commission's Interim Acceptance Criteria (IAC) for Emergency Core Cooling Systems for Light-Water Power Reactors set forth in the Commission's Interim Policy Statement (36 FR 12247, June 29, 1971).

By letter dated October 10, 1975, the licensee requested that the November 1, 1975 date for achieving compliance with the IAC for the facility be extended to March 1, 1976. A Notice of Request for Variance and request for public comment thereon is being published in the FEDERAL REGISTER concurrently with this Determination. The licensee's request stated that due to equipment delays and forecasted energy needs in the area, application of the IAC to the facility is not practicable by November 1, 1975.

The NRC staff desires to carefully review the request for variance. The licensee's October 10, 1975 request (received 15 days prior to the November 1, 1975 deadline for achieving compliance with the IAC) does not permit sufficient time for public comment and careful consideration of the licensee's request. Under ordinary circumstances, the NRC staff may have required the licensee to cease operation of the facility on November 1, pending completion of its review and consideration of the request for variance. However, in view of the finding by the NRC staff (discussed below) that there is reasonable assurance that extending the November 1 date to November 21, 1975 will not adversely affect the health and safety of the public, cessation of operation of the licensee's facility on November 1, is not warranted during the interim period needed to complete the review.

There is reasonable assurance that the operation of this facility for an additional period of approximately three weeks will not adversely affect the health and safety of the public. Based on operating experience with the facility since promulgation of the IAC, primary reliance on the conservative design practices utilized by this facility will continue to afford suitable protection to the health and safety of the public. In addition, the augmented inservice inspection requirement of the IAC, which will continue in effect, will provide further assurance during this interim period until November 21, 1975. The likelihood of a loss of coolant accident during this period of time, based on operating experience to date, is so small that it can be considered to be negligible. In view of the foregoing, there is reasonable assurance that operation of the facility until November 21, 1975, will not adversely affect the health and safety of the public.

Accordingly, based on the foregoing considerations, the date by which operation of the facility must be brought into conformity with the IAC is hereby extended through November 21, 1975.

Dated at Bethesda, Maryland this October 29, 1975.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.75–29672 Filed 11–4–75;8:45 am]

[Docket No. 50–409]

DAIRYLAND POWER COOPERATIVE

Request for Variance

The Dairyland Power Cooperative (the licensee), is authorized by Provisional Operating License No. DPR–45 to operate a nuclear power reactor identified as the La Crosse Boiling Water Reactor (the facility), located in Vernon County, Wisconsin, at steady-state power levels up to 165 MWt.

By letter dated October 10, 1975, the licensee has requested a variance to extend the time until March 1, 1976, for achieving compliance with the Commission's Interim Acceptance Criteria (IAC) (36 FR 12247, June 29, 1971) for emergency core cooling systems for light-water reactors. A variance extending the time until November 1, 1975, was previously granted by the Commission in its Determination with Respect to Request for Variance from the Interim Acceptance Criteria dated August 5, 1975 (39 FR 29217, August 14, 1975). On October 29, 1975, the Commission issued a Determination (published concurrently with this Notice) extending the November 1, 1975 date for compliance with the IAC to November 21, 1975, for the purpose of providing additional time to perform its evaluation and providing interested persons with an opportunity for comment.

Notice is hereby given that the Commission is considering the requested variance which would extend the November 1, 1975 deadline for achieving compliance for the facility. The variance may be granted upon a finding that good cause has been shown, and that there is reasonable assurance that the granting of the variance will not adversely affect the health and safety of the public. The Commission will consider and issue a determination, together with supporting reasons, with respect to the request for a variance. In that connection, the Commission invites the submission of views and comments by any interested

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persons. Such views and comments should be submitted in writing, addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, not later than November 19, 1975.

A copy of the licensee's October 10, 1975, request and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Dated at Bethesda, Maryland, this October 29, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Reactor Licensing.

[FR Doc.75-29673 Filed 11-4-75;8:45 am]

[Docket Nos. 50-461 & 50-462]

ILLINOIS POWER CO. (CLINTON POWER STATION, UNITS 1 & 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Alan S. Rosenthal, Chairman, Michael C. Farrar, Member, Dr. W. Reed Johnson, Member.

Dated: October 29, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-29677 Filed 11-4-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 6.7, "Preparation of an Environmental Report to Support a Rule Making Petition Seeking an Exemption for a Radionuclide-Containing Product," provides assistance to petitioners in their development of environmental reports required by the Commission's regulations.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 6.7 will, however, be particularly useful in evaluating the need for an early revision if received by January 5, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 29th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 75-29678 Filed 11-4-75;8:45 am]

[Docket Nos. 50-440, 50-441]

CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL. (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Notice of Oral Argument

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's order of October 30, 1975, oral argument has been calendared for 10 a.m. on Thursday, November 6, 1975 in the Commission's public hearing room, fifth floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland 20014.

ATOMIC SAFETY AND LICENSING APPEAL BOARD,
MARGARET E. DU FLO,
Secretary to the Appeal Board.

OCTOBER 31, 1975.

[FR Doc.75-29801 Filed 11-4-75;8:45 am]

POSTAL RATE COMMISSION

[Docket No. R76-1; Order No. 84]

POSTAL RATE AND FEE CHANGES, 1975

Order Establishing Hearing Dates and Other Procedural Matters

OCTOBER 30, 1975.

On October 22, 1975, the Commission held a prehearing conference in this proceeding. At that conference, a hearing schedule was discussed, as well as various substantive and procedural problems raised by the parties. All parties present at the conference had an opportunity to express their views.

Chairman DuPont, the presiding officer, made a number of rulings during the course of the prehearing conference. In addition, he deferred ruling on several procedural issues raised. The Commission has reviewed the record of the conference and the deferred issues will now be resolved. (*See* Attachments A and B.) Also, for the convenience of all parties, the major rulings already made have been compiled and restated. (*See* Attachment B.) [1]

In addition there are three other matters warranting discussion at this time.

(1) The matter of fees for special services was raised by the Officer of the Commission (OOC) at the prehearing conference. The Officer of the Commission made a motion that the Postal Service be directed to file prepared testimony, sponsored by a witness, in order to support the proposed increase in fees for special services (Tr. 1/97). We need not review our position on jurisdiction over fees for special services. That position was made clear in the Commission's Opinion and Recommended Decision in Docket No. R74-1 (PRC Op. R74-1, App. F, p. 2), and Order No. 84 in this proceeding.[2] Consistent with our position that we have jurisdiction over fees for special services, we are granting the OOC's motion and will order that the Postal Service present evidence to support the increase in special service fees, as shown in Attachment I to its Request for a Recommended Decision (Docket No. R76-1). That evidence should be filed with the Commission by November 14, 1975.

(2) On its own motion, the Commission has also decided to impose an additional evidentiary requirement upon all parties who submit alternative rate proposals covering less than all the classes and subclasses of mail. In the past, parties have typically ignored the "ripple effect" of rate changes they have proposed. For example, a party proposing a reduction in the rates for second class regular rate publications normally would not explain how the lost revenues would be recovered from other classes of mail in order to meet the overall revenue requirement. All parties are put on notice that in the future such rate proposals, unaccompanied by at least a general showing of how the revenue require

[1] Also appended to this order is the hearing schedule for the duration of the proceedings (Attachment A), a list of pending legal memorandums due from certain parties (Attachment C), a revised matrix of participants and the classes of mail in which they have an interest (Attachment D), and a corrected list of team captains (Attachment E).

[2] Order No. 84 made fees for special services an issue in this case and also directed the parties' attention to the Postal Service's unilaterally-initiated rulemaking proceedings to change certain special rates and fees. 40 Fed. Reg. 43232 (September 19, 1975).

ment will be met,[3] will necessarily be accorded less evidentiary weight. In presenting evidence of this nature parties should assume, but not necessarily agree, that the Postal Service's revenue requirement is correct as presented in its evidence herein.

(3) At the prehearing conference, it was agreed that preliminary cross-examination of Postal Service witnesses be deferred until the parties had exhausted their attempts to obtain information by way of informal discovery (Tr. 1/106-107). At the next prehearing conference, which we have scheduled for November 25, 1975, there will be a further opportunity for preliminary cross-examination. Parties wishing to engage in such cross-examination should file a request with the Commission, with service on all parties, stating the reasons preliminary cross- examination is necessary. Requests should be filed by November 18, 1975.

The Commission orders:

(A) The Postal Service will file by November 14, 1975, testimony sponsored by a witness to support its proposed changes in rates and fees for special service as shown in Appendix I to its Request for a Recommended Decision in this docket.

(B) A further prehearing conference will be held on November 25, 1975.

(C) Requests for preliminary cross-examination should be filed by November 18, 1975.

(D) The rulings shown in Attachment B hereto are affirmed and adopted.

By the Commission.

[SEAL] JAMES R. LINDSAY,
Secretary.

ATTACHMENT A

HEARING SCHEDULE FOR DURATION OF PROCEEDINGS—DOCKET R76-1

Month/Date/Year	*Procedural Stage*
November 25, 1975	Second Prehearing Conference.
December 8, 1975	Completion of all discovery directed to the Postal Service. (Answers due 12/15/75 or 20 days after filing of the interrogatory, whichever is earlier.)
December 29, 1975	Filing of the case-in-chief of each participant (including that of OOC).
January 5, 1976	Conferences for the purpose of clarification of each participant's case.
January 12, 1976	Beginning of hearings, *i.e.*, cross-examination, on the Postal Service's case-in-chief.
January 28, 1976	Completion of all discovery directed to the intervenors. (Answers due 2/17/76 or 20 days after filing of the interrogatory, whichever is earlier.)
February 6, 1976	Completion of evidentiary hearings as to the Service's case-in-chief.
February 24, 1976	Beginning of evidentiary hearings as to the case-in-chief of each participant.
March 1, 1976	Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)
March 12, 1976	Completion of the evidentiary hearings as to the case-in-chief of each participant.
March 15, 1976	Beginning of evidentiary hearing on rebuttal evidence.
March 30, 1976	Close of the evidentiary record.
April 30, 1976	Initial briefs filed.
May 10, 1976	Reply briefs filed.
May 17, 1976	Oral argument.

ATTACHMENT B

MAJOR RULINGS BY THE PRESIDING OFFICER CULLED FROM THE TRANSCRIPT OF THE OCTOBER 22, 1975 PREHEARING CONFERENCE [4]

(1) The question of periodic reporting of data by the Postal Service, as raised by the OOC on page 13, item IV of his Prehearing Statement, is not an issue in this case (Tr. 1/11).

(2) As a general proposition, the Commission does not favor the consolidation of rate issues and classification issues (Tr. 1/16). *See also* PRC Op. R71-1, 1-282-83.

(3) The three-day rule for notice of oral cross-examination and the serving of written cross-examination is still operative. *See* Order No. 83 (Tr. 1/21).

(4) The Commission does not at this time intend to issue a tentative decision (Tr. 1/22-23). *See* C.F.R. § 3001.5(e), § 3001.39(b), 5 U.S.C. 557(b).

(5) The possibility of appropriations under 39 U.S.C. § 2004 or appropriations under H.R. 8603 is not an issue in this case (Tr. 1/23).

(6) With respect to informal discovery procedures and the requirement that the Postal Service file with the Commission a listing of information given to parties in response to informal requests, *Order No. 83 is operative.* Order No. 83, p. 10 (Tr. 1/45).

(7) Testimony of witnesses from previous PRC rate cases may be incorporated by reference ("designation"), subject to appropriate objection. Other parties may incorporate other portions of *that* witness' testimony from the same case or incorporate *another* witness' testimony in rebuttal to the designated witness (known as "counter-designation").

All designations must be submitted by November 12; counter-designations by December 1; and objections to designations and counter-designations by December 15. Parties are urged to stipulate evidence in advance of the hearing. Only two copies for the record must be provided when the testimony is offered. However, parties without access to the official record of previous rate cases may make special requests for actual copies of the proffered testimony from the movant (Tr. 1/48). Generally, special requests should be avoided inasmuch as copies of the hearing records in prior rate cases are readily available in printed form pursuant to 39 U.S.C. 3625(e).

These copies, provided by the Public Printer, should be the source for the two "record copies" herein and for the related annotations.

(8) The burden of proof with respect to any given rate is on the proponent of that rate. *See Pan Am.-Grace Airways Mail Rates,* 11 C.A.B. 535, 542-43 (1950); *Re Public Service Co-ordinated Transport,* 5 N.J. 196, 74 A. 2d 580 (1950). This principle also applies to intervenors who propose a rate different from that proposed by the Postal Service. (*See* Tr. 1/84).[5]

(9) Preliminary motions to strike portions of the Postal Service's testimony are due on November 3, 1975 (Tr. 1/75).

(10) Objections to written cross-examination may be presented orally at the written cross-examination is offered into evidence (*See* Tr. 1/75-78).

ATTACHMENT C

LEGAL MEMORANDA DUE FROM VARIOUS PARTIES [6]

Party Principally Concerned	*Subject*
(1) OOC (Tr. 1/12-15)	Data necessary to implement PRS's decision in Docket No. R74-1.
(2) ABP (Tr. 1/16)	Consolidation of rate and classification issues for controlled circulation.
(3) All parties affected (Tr. 1/46-47)	Designation of evidence from Docket No. MC73-1 (references should be to the PRC hearing record since it has not yet been printed by the Public Printer).
(4) OOC, USPS (Tr. 1/86-92)	The use of library reference materials as evidence.

[3] Ideally, rate proposals would cover all classes and subclasses of mail, showing volume changes and the total dollars involved in unit rate changes for each class and subclass. We realize, of course, that some parties do not have the resources to make this type of presentation. Accordingly, a statement of how loss revenue will be met by class and subclass of mail—in terms of dollars and *exclusive* of unit rates—would constitute a satisfactory showing of the "ripple effect."

[4] Including rulings that were deferred.

[5] The presiding officer, in response to a question, stated the Commission is adopting the burden of proof principle which normally applies to administrative ratemaking proceedings. Ruling 8 above is a restatement of that principle as it applies to PRC proceedings.

[6] All memoranda are due by November 6, 1975. Replies by November 17, 1975.

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DOCKET NO. R76-1
PARTIES AND THEIR MAILING CLASS INTERESTS */

		First Class	Priority	Airmail	Second-Class Within County	Second-Class Nonprofit	Second-Class Classroom Public.	Second-Class Regular Rate	Second-Class Transient	Controlled Circulation Publication	Third-Class Single-Piece Rate	Third-Class Bulk Rate	Third-Class Bulk Rate Nonprofit	Fourth-Class Zone Rate Parcels	Fourth-Class Catalogs Zone Rate	Special Fourth-Class Rate (books)	Fourth-Class Library Rate	Government Mail	Mail for the Blind	Special Services
1.	Agricultural Publishers Association							M												
2.	American Business Press, Inc.							M	S	M										
3.	American Lung Association																			S
4.	American Newspapers Publishers Assn.							M												
5.	American Retail Federation	S																		
6.	Arkansas, State of								(ALL CLASSES)											
7.	Aspin, Congressman Les							M												
8.	Associated Third Class Mail Users										S	M	M							M
9.	Association of American Publishers, Inc. and Book Manufacturers Institute															M	M			S

UNITED STATES OF AMERICA, POSTAL RATE COMMISSION — PAGE 2

DOCKET NO. R76-1
PARTIES AND THEIR MAILING CLASS INTERESTS */

		First Class	Priority	Airmail	Second-Class Within County	Second-Class Nonprofit	Second-Class Classroom Public.	Second-Class Regular Rate	Second-Class Transient	Controlled Circulation Publication	Third-Class Single-Piece Rate	Third-Class Bulk Rate	Third-Class Bulk Rate Nonprofit	Fourth-Class Zone Rate Parcels	Fourth-Class Catalogs Zone Rate	Special Fourth-Class Rate (books)	Fourth-Class Library Rate	Government Mail	Mail for the Blind	Special Services	Business Reply
10.	Association of Second Class Mail Publications, Inc.							S													
11.	Barnheim, Jacob L.			S																	
12.	Catholic Press Association					S															
13.	Classroom Periodicals Publishers Association						S									S	S				
14.	Columbia Gas System	S																			
15.	Council of Public Utility Mailers	S																			
16.	Direct Mail/Marketing Association											M	M							S	S
17.	Dow Jones & Company, Inc.							M													

UNITED STATES OF AMERICA, POSTAL RATE COMMISSION — PAGE 3

DOCKET NO. R76-1
PARTIES AND THEIR MAILING CLASS INTERESTS */

		First Class	Priority	Airmail	Second-Class Within County	Second-Class Nonprofit	Second-Class Classroom Public.	Second-Class Regular Rate	Second-Class Transient	Controlled Circulation Publication	Third-Class Single-Piece Rate	Third-Class Bulk Rate	Third-Class Bulk Rate Nonprofit	Fourth-Class Zone Rate Parcels	Fourth-Class Catalogs Zone Rate	Special Fourth-Class Rate (books)	Fourth-Class Library Rate	Government Mail	Mail for the Blind	Special Services
18.	Field Enterprises Educational Corp.															S				
19.	First Class Mailers Association	M	M	M															M	
20.	Florida Department of Citrus, State of													M						
21.	Illinois, State of								(ALL CLASSES)											
22.	Iowa, State of								(ALL CLASSES)											
23.	Macmillan, Inc.	S					S	S		S		S				S	S			
24.	Magazine Publishers Association, Inc.	S			S		S	M				S				S			S	
25.	Mail Advertising Service Assn., International, Inc.											S								

UNITED STATES OF AMERICA, POSTAL RATE COMMISSION — PAGE 4

DOCKET NO. R76-1
PARTIES AND THEIR MAILING CLASS INTERESTS */

		First Class	Priority	Airmail	Second-Class Within County	Second-Class Nonprofit	Second-Class Classroom Public.	Second-Class Regular Rate	Second-Class Transient	Controlled Circulation Publication	Third-Class Single-Piece Rate	Third-Class Bulk Rate	Third-Class Bulk Rate Nonprofit	Fourth-Class Zone Rate Parcels	Fourth-Class Catalogs Zone Rate	Special Fourth-Class Rate (books)	Fourth-Class Library Rate	Government Mail	Mail for the Blind	Special Services
26.	Mail Order Association of America											S		S	S					S
27.	Maine, State of								(ALL CLASSES)											
28.	Massachusetts, State of								(ALL CLASSES)											
29.	Meredith Corporation	S					S					S					S			
30.	Moses, Stephen																			S
31.	National Association of Advertising Publishers and Publishers Distribution Institute									S		S								
32.	National Association of Greeting Card Publishers	M																		
53.	National Easter Seal Society for Crippled Children & Adults											S								S

ATTACHMENT D

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DOCKET NO. R76-1
PARTIES AND THEIR MAILING CLASS INTERESTS */

	First Class	Priority	Airmail	Second-Class Within County	Second-Class Nonprofit	Second-Class Classroom Public.	Second-Class Regular Rate	Second-Class Transient	Controll Circulation Publication	Third-Class Single-Piece Rate	Third-Class Bulk Rate	Third-Class Bulk Rate Nonprofit	Fourth-Class Zone Rate Parcels	Fourth-Class Catalogs Zone Rate	Fourth-Class Special Rate (Books)	Fourth-Class Library Rate	Government Mail	Mail for the Blind	Special Services
34. National Foundation																			S
35. National Industrial Traffic League																			S
36. National Newspaper Association				M			M	M											
37. North Dakota, State of									(ALL CLASSES)										
38. Oklahoma, State of									(ALL CLASSES)										
39. Parcel Post Association													M						S
40. J. C. Penney Company, Inc.	S										S		S	S					S
41. Pennsylvania, State of									(ALL CLASSES)										
42. Post Card Manufacturers Association	M																		

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DOCKET NO. R76-1
PARTIES AND THEIR MAILING CLASS INTERESTS */

	First Class	Priority	Airmail	Second-Class Within County	Second-Class Nonprofit	Second-Class Classroom Public.	Second-Class Regular Rate	Second-Class Transient	Controll Circulation Publication	Third-Class Single-Piece Rate	Third-Class Bulk Rate	Third-Class Bulk Rate Nonprofit	Fourth-Class Zone Rate Parcels	Fourth-Class Catalogs Zone Rate	Special Fourth-Class Rate (Books)	Fourth-Class Library Rate	Government Mail	Mail for the Blind	Special Services
43. Reader's Digest Association, Inc.	M						M				M				M				S
44. The Recording Industry Association of America, Inc.															M				S
45. Rhode Island, State of									(ALL CLASSES)										
46. Schroeder, Congresswoman Patricia	S																		
47. South Carolina, State of									(ALL CLASSES)										
48. Time Incorporated	S			S			M				S				S				S
49. United Parcel Service	S	S	S							S			M	S	S	S			S
50. Warshawsky & Company											M								

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DOCKET NO. R76-1
PARTIES AND THEIR MAILING CLASS INTERESTS */

	First Class	Priority	Airmail	Second-Class Within County	Second-Class Nonprofit	Second-Class Classroom Public.	Second-Class Regular Rate	Second-Class Transient	Control Circulation Publication	Third-Class Single-Piece Rate	Third-Class Bulk Rate	Third-Class Bulk Rate Nonprofit	Fourth-Class Zone Rate Parcels	Fourth-Class Catalogs Zone Rate	Special Fourth-Class Rate (Books)	Fourth-Class Library Rate	Government Mail	Mail for the Blind	Special Services
51. Washington, State of								(ALL CLASSES)											
52. Texas, State of **/								(ALL CLASSES)											

*/ M = MAJOR INTEREST: CLASSES OR SUBCLASSES IN WHICH EVIDENCE IS TO BE PRESENTED BY PARTICIPANT

S = SUBSIDIARY INTEREST: CLASSES OR SUBCLASSES IN WHICH PARTICIPANT HAS A DIRECT INTEREST AND WILL RELY UPON EVIDENCE SUBMITTED BY OTHERS FOR ITS FORMULATION OF A POSITION.

BLANK = CLASSES AS TO WHICH PARTICIPANT IS RAISING NO SPECIFIC ISSUES

**/ THE STATE OF TEXAS HAS BEEN PERMITTED TO INTERVENE AND ITS INTEREST, AS SHOWN IN THE MATRIX, HAS BEEN DEVELOPED FROM ITS PETITION TO INTERVENE.

ATTACHMENT E

CORRECTED LIST OF TEAM CAPTAINS

1. *First Class;* Eugene E. Threadgill, Esquire, Connole & O'Connell, One Farragut Square South, Washington, D.C. 20006, 347-8300.

2. *Second Class;* Justin Wolf, Esquire, 1625 K Street, NW., Washington, D.C. 20006, 737-2413.

3. *Controlled Circulation;* Robert Saltzstein, Esquire, Wyatt and Saltzstein, 1300 Wyatt Building, Washington, D.C. 20005, 638-4485.

4. *Third Class Regular Rate;* J. Edward Day, Esquire, Cox, Langford & Brown, 21 Dupont Circle, NW., Washington, D.C. 20036, 785-0200.

5. *Non-Profit Third Class;* Kenneth Wells Parkinson, Esquire, Jackson, Parkinson & Jackson, 1828 L Street, NW., Washington, D.C. 20036, 466-8850.

6. *Special Rate Fourth Class/Lib. Rate;* Richard Schmidt, Esquire and Ian Volner, Esquire, Cohn & Marks, 1920 L Street, NW., Washington, D.C. 20036, 293-3860.

7. *Fourth Class Other than Special Rate/Library Rate;* Frederick Belen, Esquire, 1776 K Street, NW., Suite 900, Washington, D.C. 20006, 293-6260.

8. *United States Postal Service;* Jim Finch, Esquire, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260, 245-4594.

9. *Officer of the Commission;* Norman Schwartz, Esquire, Postal Rate Commission, 2000 L Street, NW., Suite 500, Washington, D.C. 20268, 254-3840.

[FR Doc.75-29528 Filed 11-4-75;8:45 am]

RENEGOTIATION BOARD

Notice of Compensation of General Counsel

Pursuant to the provisions of Section 309 of Public Law 88-426, and Executive Order 11883, October 6, 1975, the General Counsel of the Renegotiation Board shall receive compensation at the rate of $37,800 per annum, effective October 12, 1975.

Dated October 30, 1975.

R. C. HOLMQUIST,
Chairman.

[FR Doc.75-29698 Filed 11-4-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BENEFICIAL LABS, INC.

Notice of Suspension of Trading

OCTOBER 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Beneficial Labs, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:15 a.m. (e.d.t.) on October 22, 1975 through midnight (e.s.t.) on October 31, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29691 Filed 11-4-75;8:45 am]

Notice of Application

MASSACHUSETTS MUTUAL LIFE INSURANCE CO.

[(812-3846) Rel. No. 9010]

OCTOBER 30, 1975.

Notice is hereby given that Massachusetts Mutual Life Insurance Company ("Applicant"), 1295 State Street, Springfield, Massachusetts 01111, a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, filed an application on August 4, 1975, and an amendment thereto on October 28, 1975, pursuant to Section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 thereunder for an order of the Commission permitting Applicant to engage in the transaction described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant acts as investment adviser to MassMutual Corporate Investors, Inc. (the "Fund"), a non-diversified, closed-end management investment company registered under the Act. Applicant wishes to purchase a 15-year, $900,000 9¾% Mortgage Loan (the "Mortgage") made by a commercial bank to William R. Moore, Jr. and Mary E. Moore, husband and wife, d/b/a Eight & Proctor Investment Company, a general partnership ("Mortgagor"). The Mortgage provided construction financing and is secured by a warehouse and food proces-

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sing building located near Greensboro, North Carolina which is to be leased by Mortgagor for 25 years to Golden State Foods Corporation, a California corporation ("Golden State"). William R. Moore, Jr. is President and owner of approximately 52% of the outstanding stock of Golden State. As the Mortgagor and Golden State are under the common control of William R. Moore, Jr., they are affiliated persons within the meaning of Section 2(a)(3) of the Act.

Pursuant to an Order of the Commission ("Order") issued on August 19, 1971 (Investment Company Act Release No. 6690), Applicant is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges, and other rights at the same time. This Order is subject to several conditions. One condition generally requires that purchases at direct placement of securities, which would be consistent with the investment policies of the Fund, be shared equally by Applicant and the Fund. Another condition requires that, after Applicant and the Fund have invested concurrently in the securities of an issuer, neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, shall acquire any further interest in an issuer or in any affiliated person of an issuer or in securities issued by such issuer or affiliated person other than interests in all respects identical.

The policies of the Fund set forth in its Registration Statement under the Act specify that the principal investments of the Fund will be long-term obligations, and occasionally preferred stocks, purchased directly from issuers, provided that such obligations and stocks have "equity features" such as accompanying shares of common stock or rights to acquire or to convert such long-term obligations or preferred stocks into such shares. The Mortgage does not have any accompanying equity features and, therefore, would not be an investment permitted by the investment policies of the Fund.

Applicant believes that the Mortgage would be an attractive investment but Applicant and the Fund each presently hold $2,250,000 of 9½% Senior Notes due June 15, 1989, and $750,000 of 7½% due Convertible Subordinated Notes due June 15, 1989, issued by Golden State.

Thus, since Applicant and the Fund own securities of Golden State, an affiliate of the Mortgagor, and as the Mortgage would not be an appropriate investment for the Fund, Applicant cannot comply with the condition of the Order that it and the Fund acquire further identical interests in Golden State or its affiliates. Therefore, Applicant has applied for an order of the Commission pursuat to Section 17(d) of the Act and Rule 17d–1 thereunder permitting the acquisition by Applicant of the Mortgage in accordance with other conditions imposed in the Order.

Rule 17d–1 adopted by the Commission under Section 17(d) of the Act provides that an affiliated person of a registered investment company or an affiliated person of such an affiliated person may not effect any transaction in which such investment company is a joint participant without the permission of the Commission. In passing upon applications for orders granting such permission, the Commission is required to consider whether the participation of the investment company in such joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Applicant submits that the issuance of the Mortgage is not disadvantageous to the Fund and is consistent with the provisions, policies and purposes of the Act. Accordingly, Applicant requests an order pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder permitting the issuance of the Mortgage subject to the conditions imposed in the Commission order.

Notice is further given that any interested person may, not later than November 24, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be modified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 24, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29692 Filed 11-4-75;8:45 am]

[Release 34-11772; File No. S7-597]

SECURITIES INFORMATION PROCESSORS

Notice of Applications for Exemptions from Registration

Notice is hereby given that Quotron Systems, Inc. ("Quotron"), P. C. Service Corp. ("Service Corp."), and Bunker Ramo Incorporated ("Bunker Ramo") have applied, pursuant to Section 11A(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78k–1(b)(1), for exemptions from registration as securities information processors. Quotron, Service Corp., and Bunker Ramo were identified in Commission Release No. 34–11673 (September 23, 1975) as parties which each appear to be performing the functions of a securities information processor on an exclusive basis on behalf of a national securities exchange or registered securities association. Section 11A(b)(1) of the Act requires the registration by December 1, 1975, of each securities information processor which is an exclusive processor within the definition of Section 3(a)(22)(B) of the Act.

While Section 11A(b)(3) of the Act requires the Commission, only upon the filing of an application for registration, to publish notice of the filing, the Commission believes it is desirable also to give notice of these applications for exemptions from registration so that interested persons may be afforded an opportunity to submit written data, views and arguments concerning such applications. Accordingly, copies of the applications for exemptions by Quotron, Service Corp. and Bunker Ramo are available for public inspection in the Commission's Public Reference Room at 1100 L Street, N.W., Washington, D.C. 20549.

All persons interested in submitting written data, views and arguments concerning these applications should submit them in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 not later than November 19, 1975. Comments should address whether the grant of any such exemption from registration would be consistent with the public interest, the protection of investors, and the purposes of Section 11A of the Act, including the maintenance of fair and orderly markets in securities and the removal of impediments to and perfection of the mechanism of a national market system. Comments should also address whether the grant, or failure to grant, any such exemption would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. All communications should refer to File No. S7–597 and will be available for public inspection in the Commission's Public Reference Room.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 29, 1975.

[FR Doc.75-29694 Filed 11-4-75;8:45 am]

[Release No. 34-11770; File No. SR-MCC-75-2]

MIDWEST CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on October 24, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

It is the intention of Midwest Clearing Corporation (MCC) to expand its services to its members to include the trade recording, comparison, and settlement of Over-The-Counter (OTC) securities. Specifically, to record, compare and settle OTC issues, MCC will do the following: increase its eligibility list by 6,000 issues, establish a direct communications link with Pacific Clearing Corporation (PCC) whereby MCC will send all OTC trade input to PCC for comparison—PCC will compare and either keep the trade, send it to National Clearing Corporation (NCC), or back to MCC, depending on which corporation the participant has chosen for settlement, adopt standard reports and procedures for OTC clearance and settlement identical to those in place between PCC and NCC; develop interfaced communications between NCC and MCC for coordinaiton of support services necessary to effect and efficient interface. It is believed that the above program will fully encourage greater participation by broker/dealers, banks and other institutions in OTC settlement in a national clearing system.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed change is to permit MCC to enable its members who so choose to record, compare, and settle OTC trades, as well as the listed security traders in MCC. In so doing, it is expected that the members using this service will receive the following benefits: simplification of the settlement process and reconciliation; reduction of costs; complete netting of money and security position; improved control over accounts; interest savings; and reduction in some cases of correspondent trade clearing charges. Relative to MCC, the following is an estimate of the impact which the proposed rule change will have:

(i) MCC has adequate computer communications personnel and facilities capacity, and flexibility to currently handle a minimum of 300% of the forecasted OTC trade volume and security handling. It is estimated that within 90 days this capacity could be increased to handle 600% of the expected volume. MCC, since it will combine OTC with listed trades for money settlement, has systems for the safeguarding of securities and funds in its custody or control which have been previously passed upon by the Commission. No changes to these systems are anticipated in connection with the handling of OTC securities. MCC has clearly demonstrated through past performance its ability to insure compliance by its participants. The activity does not change that ability. MCC recording, comparing, and clearing OTC trades is entirely consistent with Section 17A of the Act. This action will encourage greater participation in a national clearing system since MCC has exclusive members that are members of no other OTC clearing organization. It will also enable MCC to fully interface with other organizations such as PCC and NCC who now perform this function. These activities promote prompt and accurate clearance and settlement of securities transactions, reduce costs, use advanced data processing and communications techniques, and facilitate the linking of all clearance and settlement systems along with the development of uniform standards and procedures for clearance and settlement.

(v) Based upon its fees, variety of supportive services, and promptness and accuracy of reporting mechanism, it is believed that MCC has the most efficient system available today for the clearing and settlement of security transactions. Therefore, it is believed this change will encourage a healthy, competitive environment for OTC settlement.

It is the intent of MCC to interface with PCC and NCC for the comparison of OTC trades and thereby encouraging cooperation and removing impediments to the perfection of a national market system.

Through personal interviews, questionnaires, and correspondence initiated by members, MCC has been asked by its members to increase its services to include the recording, comparison, and settlement of OTC trades.

It is expected that the proposed rule change will increase the competition for participants' activity between PCC, NCC, and MCC. In some cases it will provide an alternative to an existing service. As stated above, MCC has been requested by its members to add this service. It is anticipated that this increased competition is in harmony with the Act and should lead to greater benefits through the further development of innovative services and competitive pricing to the participants. Conversely, should MCC fail to enter this area of business, its viability could be negatively affected by not having a competitive breadth of services with which to compete with other clearing organizations.

On or before December 10, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 26, 1975.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 29, 1975.

[FR Doc.75-29693 Filed 11-4-75;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[USRA Docket No. 76–22]

ERIE LACKAWANNA RAILWAY CO.

Proposed Interim Abandonment

The Trustees in Bankruptcy of the Erie Lackawanna Railway Company propose to abandon two portions of the New Hartford Spur, a line of railroad located in Oneida County, New York, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under Section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93–236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The portion of the New Hartford Spur sought to be abandoned extend from milepost 273.18 to milepost 272.25 and from milepost 271.40 to milepost 271.286, a distance of 1.12 miles, all in the Town of New Hartford, Oneida County, New York.

There are no stations on this line.

In support of its request, Erie Lackawanna asserts that:

1. Abandonment is sought in order to assist the State of New York in carrying out highway construction.

2. Although it would be possible to accommodate the highway construction by replacing the existing overpass with a larger bridge, it would be much cheaper to obtain trackage rights over an adjacent Penn Central line and build necessary track connections at State expense.

3. Rail service to Erie Lackawanna's sole customer on the line, Mohawk Container Company also will be continued.

4. Penn Central has sought abandonment authority in Docket No. 75–118 to accommodate the highway construction but will continue to serve its existing shipper by trackage rights over Erie Lackawanna and track connections.

5. No passenger service or overhead traffic is handled.

The request was accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or

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interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20595, by December 17, 1975, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address between 8:30 a.m. and 5 p.m., Monday through Friday at the office of the New York Department of Transportation, 1220 Washington Avenue, Albany, New York, between 8 a.m. and 4 p.m., Monday through Friday and at the offices of the Erie Lackawanna Railway, Foot of St. Joseph Street, Utica, New York, between 8 a.m. and 5 p.m., Monday through Friday.

In addition to this publication, Erie Lackawanna, shall by November 3, 1975, furnish a copy of this notice and invitation for written submission, to known shippers on the portions of the New Hartford Spur sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along that line, continually during the period from November 3, 1975 to December 17, 1975.

This action is taken pursuant to Section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93–236.

Copies of this notice have been sent by USRA to the Governor of New York, the New York Department of Transportation, the Board of Legislatures of Oneida County, the Mayor of New York Mills, N.Y., the Mayor of New Hartford, N.Y., the Town Supervisor of New Hartford, N.Y., the Director of the Rail Services Planning Office, the President of the National Rail Passenger Corporation, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Publication of this notice does not mean that the Association has reached any conclusion as to merits of the application. The Association will consider the application in the light of the public comments received and the requirements and purposes of the Act before making a decision. The Association will deny any application which a State or local or regional transportation authority reasonably opposes, or where the authorization requested is inconsistent with the requirements and purposes of the Act; it will grant the application if that action is consistent with the requirements and purposes of the Act.

Dated at Washington, D.C. this 24th day of October 1975.

JAMES A. HAGEN,
President, United States Railway Association.

[FR Doc.75-29751 Filed 11-4-75;8:45 am]

[USRA Docket No. 75-118]

PENN CENTRAL TRANSPORTATION CO.

Proposed Interim Abandonment

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon a portion of the West Shore Secondary Track a line of railroad at New York Mills, Oneida County, New York, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under Section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93–236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The portion of the West Shore Secondary Track sought to be abandoned extends from milepost 233.6 to milepost 234.3, a distance of 0.7 miles in New York Mills, Oneida County, New York.

This line serves a non agency station at New York Mills, New York.

In support of its request, Penn Central asserts that:

1. Abandonment of this line is sought in order to assist the State of New York in carrying out highway construction.

2. Although it would be possible to accommodate the highway construction by replacing the existing overpass with a larger bridge, it would be much cheaper to obtain trackage rights over an adjacent Erie Lackawanna line and build necessary track connections at State expense.

3. Rail service to Penn Central's sole shipper, Niagara Mohawk Power Company, will be continued by means of these arrangements.

4. Erie Lackawanna Railway has also sought abandonment authority in Docket 76–22 to accommodate the highway construction but will continue to serve an existing shipper.

5. Alternate transportation service will be available from the numerous motor carriers in the area.

6. No passenger service or overhead traffic is handled.

The request was accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20595, by December 17, 1975, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address between 8:30 a.m. and 5 p.m. Monday through Friday, at the offices of the New York Department of Transportation, 1220 Washington Avenue, Albany, New York, between 8 a.m. and 4 p.m. and the Division Superintendent's Office of the Penn Central Transportation Company, Union Station, 325 E. Main Street, Utica, New York, between 8 a.m. and 5 p.m. Monday through Friday.

In addition to this publication, Penn Central, shall by November 3, 1975, furnish a copy of this notice and invitation for written submission, to known shippers on the portion of the West Shore Secondary Track sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along that line, continually during the period from November 3, 1975 to December 17, 1975.

This action is taken pursuant to Section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93–236.

Copies of this notice have been sent by USRA to the Governor of New York, the New York Department of Transportation, the Board of Legislatives of Oneida County, the Mayor of New York Mills, New York, the Mayor of the Village of New Hartford, New York, the Town Supervisor of New Hartford, New York, the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission, the President of the National Rail Passenger Corporation, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Publication of this notice does not mean that the Association has reached any conclusion as to merits of the application. The Association will consider the application in the light of the public comments received and the requirements and purposes of the Act before making a decision. The Association will deny any application which a State or local or regional transportation authority reasonably opposes, or where the authorization requested is inconsistent with the requirements and purposes of the Act; it will grant the application if that action is consistent with the requirements and purposes of the Act.

Dated at Washington, D.C. this 24th day of October 1975.

JAMES A. HAGEN,
President, United States Railway Association.

[FR Doc.75-29752 Filed 11-4-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-266]

A. GUARACINO, SONS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 24, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of A. Guaracino, Sons, Philadelphia, Pennsylvania (TA–W–266). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with hand-felling of men's coats produced by A. Guaracino, Sons or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29738 Filed 11-4-75;8:45 am]

[TA-W-129]

ALLIANCE MANUFACTURING COMPANY, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–129: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 27, 1975 in response to a worker petition received on August 27, 1975 which was filed by the International Union of Electrical Radio and Machine Workers on behalf of workers formerly producing fractional horsepower motors at the Shenandoah, Virginia plant of Alliance Manufacturing Company, Inc., Alliance, Ohio.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 41571) on September 8, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alliance Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separate, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

3. that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Shenandoah plant declined 8 percent from 1973 to 1974. Average employment increased 7 percent from the first quarter of 1975 to the second quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Shenandoah plant declined 6 percent from 1973 to 1974. Production declined 11 percent from the first quarter of 1975 to the second quarter of 1975.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of fractional horsepower motors decreased from 44.2 million units in 1973 to 41.8 million units in 1974. Subfractional motors, a category of fractional motors, are used in household appliances and consumer electronics products and are not separately identified in the Tariff Schedules of the United States.

Fractional horsepower motor sales are generally dependent on economic conditions of the automobile industry. When automobile sales fell in late 1974, automotive accessory motor producers lost a major segment of their market. Some automotive accessory motor manufacturers turned to household appliance markets (Alliance's market) to replace lost sales. These manufacturers lowered prices in order to gain entry to the household appliance motor market. Alliance began losing sales in late 1974 and early 1975 to these domestic producers.

Major customers of Alliance were afforded the luxury of having several manufacturers to choose from when some automotive accessory motor manufacturers shifted to the sub-fractional motor market for consumer products. Alliance's customers shifted purchases to some of these domestic manufacturers rather than foreign sources because of the need for quick replacement parts and efficient serviceability.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fractional horsepower motors produced at the Shenandoah, Virginia plant of Alliance Manufacturing Company, Inc. did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 29th day of October, 1975.

JAMES F. TAYLOR,
Certifying Officer, Director, Planning and Evaluation.

[FR Doc.75-29728 Filed 11-4-75;8:45 am]

[TA-W-125]

AMERADA HESS CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–125: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 25, 1975 in response to a worker petition received on August 25, 1975 which was filed on behalf of workers formerly handling oil products including gasoline and heating oil at the State Street, First Reserve and Second Reserve Terminals of Amerada Hess.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 40886) on September 4, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Amerada Hess, the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are

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threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined in the first half of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by volume of petroleum products by Amerada Hess declined 6 percent in the first half of 1975 compared to the first half of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

More than 80 percent of the crude oil processed in Amerada Hess' refineries is purchased from foreign sources. Evidence developed in the course of the investigation shows that State Street, First Reserve and Second Reserve Terminals do not refine crude oil but only act as storage facilities for refined petroleum. The utilization of these facilities is a function of the domestic demand for petroleum products of Amerada Hess. As domestic demand fell, Hess imports declined 6 percent and a decision was made to consolidate storage operations. The separation of workers from employment at the Second Reserve Terminal resulted from decreased domestic demand. The evidence further indicates that the closing of the Port Reading, N.J. Refinery of Amerada Hess resulted from the inability to expand the refinery because of lengthy litigation initiated by environmental groups.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with petroleum products including gasoline and heating oil handled by the State Street, First Reserve and Second Reserve terminals did not contribute importantly to the total or partial separations of the workers at such terminals.

Signed at Washington, D.C. this 29th day of October 1975.

JAMES F. TAYLOR,
Certifying officer,
Director, Planning and Evaluation.

[FR Doc.75-28729 Filed 11-4-75;8:45 am]

[TA-W-130(B)]

AUSTINTOWN COIL PLANT OF THE GENERAL ELECTRIC CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-130(B): investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 27, 1975 in response to a worker petition received on August 26, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers (AFL-CIO), on behalf of workers formerly producing coils for incandescent lamps at the Austintown, Ohio Coil Plant of the General Electric Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 41573) on September 8, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the General Electric Company, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 21 percent in the first eight months of 1975 compared to the like period in 1974. Average weekly hours increased 17 percent in the first eight months of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Austintown Coil Plant increased 12 percent in the first months of 1975 compared to the same period in 1974. Shipments increased eight percent in the first eight months of 1975 compared to the first eight months of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of coils used for the manufacture of incandescent lamps are a negligible amount within the U.S. tariff category for "electrical articles and parts, not elsewhere classified." The fragile nature and small size of finished coils plus the special packaging and handling required to prevent damage during shipping make the importing of coils impractical and unprofitable.

The evidence developed in the Department's investigation indicates that the separation of employees working at the Austintown Coil Plant was not caused by an increase in competitive imports. G.E. did not import coils but did import incandescent lamps like those G.E.-made lamps which contained Austintown's coils. Such imports declined absolutely and relatively from 1973 and 1974.

As a captive supplier of coils for G.E. lamp plants, operations at the Austintown plant were dependent on G.E.'s incandescent lamp business. Company lamp sales were adversely affected in late 1973 and in 1974 by the energy crisis and the general economic recession. In early 1975 when lamp inventories had declined and the lamp market had stabilized, G.E. lamp sales and coil production at Austintown both began to rise.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the coils for incandescent lamps produced at the Austintown, Ohio Coil Plant of the General Electric Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 25th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-29730 Filed 11-4-75;8:45 am]

[TA-W-120]

BEKAERT STEEL WIRE CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-120: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 25, 1975 in response to a worker petition received on August 25, 1975 which was filed by the International Union of Radio, Electrical and Machine Workers on behalf of workers formerly producing bead wire, tire cord and hose reinforcing wire at the Rome, Georgia plant of Bekaert Steel Wire Corporation.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 40887) on September 4, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bekaert Steel Wire Corporation, information and publications of the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 4 percent in the first half of 1975 compared to the like period in 1974. Average weekly hours increased 3 percent in the first half of 1975 compared to the like period of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production of bead wire increased 28 percent and 30 percent respectively, in the first half of 1975 compared to the like period in 1974.

Sales of hose reinforcing wire increased 5 percent in the first half of 1975 compared to the like period of 1974. Production of hose reinforcing wire declined 7 percent in the first half of 1975 compared to the like period in 1974.

Sales of tire cord declined 7 percent in the first half of 1975 compared to the like period in 1974. Production of tire cord increased 9 percent in the first half of 1975 compared to the like period of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with those produced at the Rome plant of Bekaert Steel Wire Corporation decreased from 20,161 tons in the first half of 1974 to 18,261 tons in the first half of 1975. The ratios of imports to domestic consumption and shipments increased from 3.31 percent and 3.39 percent, respectively in the first half of 1974 to 4.92 percent and 5.14 percent in the first half of 1975.

Evidence developed in the Department's investigation indicates that the separations of workers at the Rome plant were attributable to gearing up for anticipated increased sales which did not materialize. Company imports of like or directly competitive products with those produced at the Rome plant declined as a proportion of total domestic sales of Bekaert. From 1972 through the first half of 1975, Bekaert has continually reduced its reliance on foreign production for domestic sales.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with bead wire, tire cord and hose reinforcing wire produced at the Rome, Georgia plant did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 29th day of October 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-29731 Filed 11-4-75;8:45 am]

[TA-W-128]

BENDIX CORP.

Notice of Determination Concerning Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-128: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 27, 1975 in response to a worker petition received on August 27, 1975 which was filed by the United Auto Workers on behalf of workers formerly producing components for airbrake systems at the Elyria, Ohio plant of the Bendix Corporation.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 41571) on September 8, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Bendix Corporation, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Elyria plant declined 42 percent in the first half of 1975 compared to the first half of 1974. Average weekly hours declined 12 percent in the first half of 1975 compared to the first half of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Elyria plant declined 19 percent in fiscal year 1975 compared to fiscal year 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of air brake valve components and other non-compressor components are listed under the Tariff schedule basket category of automotive parts and accessories not elsewhere classified.

The ratios of imports of these components to domestic production and consumption increased from 13.3 percent and 14.6 percent, respectively in the first six months of 1974 to 14.1 percent and 17.0 percent in the first six months of 1975.

Imports of compressors decreased from $3.9 million in the first six months of 1974 to $1.0 million in the first six months of 1975. The ratios of imports of compressors to domestic production and consumption declined from 22.2 percent and 19.0 percent respectively in the first six months of 1974 to 9.4 and 9.5 percent in the first six months of 1975.

The evidence developed by the Department's investigation indicates that the separation of workers engaged in employment related to the production of air brake valves and other non-compressor air brake components was caused by the increase of competitive imports from Bendix's foreign production facility. In terms of the fiscal 1973 base year, company imports of these components increased 43 percent and 11 percent in fiscal 1974 and fiscal 1975, respectively.

The evidence further developed by the Department's investigation indicates that the separation of workers engaged in employment related to the production of compressors at the Elyria plant was caused by increased production of compressors at other domestic facilities of the company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with air brake valves and

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other non-compressor components produced at the Elyria, Ohio plant of the Bendix Corporation contributed importantly to the total or partial separations of the workers of that plant. I further conclude that increases of imports like or directly competitive with compressors produced at the Elyria, Ohio plant did not contribute importantly to the total or partial separation of workers at that plant. In accordance with the provisions of the provisions of the Act I make the following certification:

All hourly and salaried workers engaged in employment related to the production of air brake valves and other non-compressor air brake components at the Elyria, Ohio plant of the Bendix Corporation who become totally or partially separated from employment on or after December 29, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-29733 Filed 11-4-75;8:45 am]

CERTIFICATION OF STATES TO THE SECRETARY OF THE TREASURY

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the following named States to the Secretary of the Treasury for the 12-month period ending October 31, 1975, in regard to the unemployment compensation laws of those States which heretofore have been approved under the Federal Unemployment Tax Act.

Alabama	Montana
Alaska	Nebraska
Arizona	Nevada
Arkansas	New Hampshire
California	New Jersey
Colorado	New Mexico
Connecticut	New York
Delaware	North Carolina
Distri t of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon
Idaho	Pennsylvania
Illinois	Puerto Rico
Indiana	Rhode Island
Iowa	South Carolina
Kansas	South Dakota
Kentucky	Tennessee
Louisiana	Texas
Maine	Utah
Maryland	Vermont
Massachusetts	Virginia
Michigan	Washington
Minnesota	West Virginia
Mississippi	Wisconsin
Missouri	Wyoming

Signed at Washington, D.C. this 31st day of October, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-29727 Filed 11-4-75;8:45 am]

[TA-W-263]

DELUCA SPORTSWEAR

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 24, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of DeLuca Sportswear, Philadelphia, Pennsylvania (TA-W-263). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leisure suits produced by DeLuca Sportswear or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29736 Filed 11-4-75;8:45 am]

[TA-W-268]

FULTON CLOTHES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 24, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Fulton Clothes, Inc., Philadelphia, Pennsylvania (TA-W-268). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's suits produced by Fulton Clothes, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29737 Filed 11-4-75;8:45 am]

[TA-W-155]

HARRISBURG MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-155; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 18, 1975 in response to a worker petition received on September 18, 1975 which was filed by the United Shoe Workers of America on behalf of workers producing women's footwear at the Harrisburg Manufacturing Company, Harrisburg, Arkansas, a wholly owned subsidiary of Johansen Brothers Shoe Company, St Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44367) on September 26, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Johansen Brothers Shoe Company, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, the American Footwear Association and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

The average number of production workers at the Harrisburg Manufacturing Company declined 4.6 percent in the fourth quarter of 1974 from the fourth quarter of 1973 and 18 percent in the first half of 1975 compared to the like period of 1974. Average weekly hours declined 25 percent in the first six months of 1975 compared to the first six months of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by the parent company Johansen Brothers Shoe Company declined 36 percent in the first half of 1975 compared to the first half of 1974. Production of women's footwear at the Harrisburg, Arkansas plant declined 30 percent in the first half of 1975 compared to the like period in 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with those produced at the Harrisburg Manufacturing Company increased from 73 million pairs in 1970 to 76 million pairs in 1974. The ratios of imports to consumption and production increased from 37.5 percent and 59.9 percent, respectively in 1972 to 40.6 percent and 68.5 percent in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of women's footwear at the Harrisburg Manufacturing Company was caused by the increase of competitive imports. Customers reduced or discontinued purchases of shoes produced at the Harrisburg plant in favor of lower priced imports. Reduced sales of women's footwear by Johansen led to rapidly declining production at the Harrisburg, Arkansas plant in late 1974 and the first six months of 1975. The company responded to reduced sales and production both by reducing the workforce and by reducing hours of employment in the latter part of 1974 and the first half of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at the Harrisburg Manufacturing Company contributed importantly to the total or partial separation of the workers of the firm. In accordance with the provisions of the Act I make the following certification:

All hourly, piecework, and salaried workers of the Harrisburg, Arkansas plant of Harrisburg Manufacturing Company who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of October 1975.

JAMES F. TAYLOR,
Director Planning and Evaluation Staff.

[FR Doc.75-29734 Filed 11-4-75;8:45 am]

[TA-W-124]

JOHANSEN BROTHERS SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-124; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 25, 1975, in response to a worker petition received on August 25, 1975, which was filed by the Boot and Shoe Workers Union on behalf of workers producing uppers for women's footwear at Johansen Brothers Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 40888) on September 4, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Johansen Brothers Shoe Company, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, the American Footwear Association and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

A significant number or proportion of the workers at the Johansen Brothers Shoe Company became totally or partially separated in the fourth quarter of 1974 and the first half of 1975. Employment declined 6 percent in the last quarter of 1974 compared to the last quarter of 1973. Employment declined 20 percent in the first six months of 1975 compared to the first six months of 1974. Average weekly hours worked dropped 21 percent in the first six months of 1975 compared to the first six months of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by Johansen Brothers Shoe Company declined 36 percent in the first half of 1975 compared to the first half of 1974. Production of uppers at the St. Louis plant is directly related to the production of women's shoes at Johansen Brothers' two plants in Arkansas. Production at the Corning plant declined 44 percent in the first half of 1975 compared to the first half of 1974. Production at the Harrisburg plant fell 30 percent in the first half of 1975 compared to the like period in 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with those produced at Johansen Brothers two shoe plants increased from 73,000,000 units in 1970 to 76,000,000 units in 1974. The ratios of imports to domestic consumption and production increased from 37.5 percent and 59.9 percent, respectively in 1972 to 40.6 percent and 68.5 percent, respectively in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of uppers for women's footwear at Johansen Brothers Shoe Company was caused by

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the increase of competitive imports. The uppers production unit of Johansen Brothers Shoe Company is a captive supplier for the two Arkansas shoe plants also owned by Johansen Brothers. Customers reduced or discontinued purchases of Johansen shoes in favor of lower price imports. Reduced sales of women's footwear by Johansen led to rapidly declining production at the two Arkansas plants and the St. Louis plant in late 1974 and the first six months of 1975. The company responded to reduced sales and production both by reducing the workforce and by reducing hours of employment in the latter part of 1974 and the first half of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at the Johansen Brothers Shoe Company contributed importantly to the total or partial separation of the workers of the firm. In accordance with the provisions of the Act I make the following certification:

All hourly, salaried and piecework employees engaged in the production of uppers for women's shoes at the St. Louis plant of the Johansen Brothers Shoe Company who became totally or partially separated from employment on or after November 30, 1974 are eligible to apply for trade adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of October 1975.

JAMES F. TAYLOR,
Certifying Officer
Director, Planning and Evaluation.

[FR Doc.75-29735 Filed 11-4-75;8:45 am]

[TA-W-265]

KEYSTONE UNIFORM MFG. COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 24, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Keystone Uniform Mfg. Company, Inc., Philadelphia, Pennsylvania (TA-W-265). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with police, fire, and high school band uniforms produced by Keystone Uniform Mfg. Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29739 Filed 11-4-75;8:45 am]

[TA-W-264]

MICHAEL, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 24, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Michael, Incorporated, Philadelphia, Pennsylvania (TA-W-264). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coats for the government (military) produced by Michael, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29740 Filed 11-4-75;8:45 am]

[TA-W-269]

PURITAN CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 24, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Puritan Company, Lansdale, Pennsylvania (TA-W-269). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits produced by Puritan Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29741 Filed 11-4-75;8:45 am]

[TA-W-267]

SCOTESE BROTHERS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 24, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Scotese Brothers, Philadelphia, Pennsylvania (TA-W-267). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with boys' and men's clothing produced by Scotese Brothers or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29742 Filed 11-4-75;8:45 am]

STATE UNEMPLOYMENT COMPENSATION LAWS; CERTIFICATION

In accordance with the provisions of paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), I hereby certify the unemployment compensation laws of the following named States which heretofore have been certified pursuant to paragraph (3) of section 3303(b), to the Secretary of the Treasury for the 12-month period ending October 31, 1975.

Alabama	Montana
Alaska	Nebraska
Arizona	Nevada
Arkansas	New Hampshire
California	New Jersey
Colorado	New Mexico
Connecticut	New York
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon
Idaho	Pennsylvania
Illinois	Rhode Island
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	Washington
Michigan	West Virginia
Minnesota	Wisconsin
Mississippi	Wyoming
Missouri	

Signed at Washington, D.C., this 31st day of October, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-29726 Filed 11-4-75;8:45 am]

[TA-W-130(A)]

YOUNGSTOWN LAMP PLANT OF THE GENERAL ELECTRIC CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-130(A): investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 27, 1975 in response to a worker petition received on August 26, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers (AFL-CIO) on behalf of workers formerly producing incandescent lamps at the Youngstown, Ohio Lamp Plant of the General Electric Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 41573) on September 8, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the General Electric Company, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers decreased 5 percent in the first eight months of 1975 compared to the like period in 1974. Average weekly hours rose eight percent in the first eight months of 1975 compared with the same period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Youngstown plant increased 28 percent in the first eight months of 1975 compared to the same period in 1974. Shipments increased 22 percent in the first eight months of 1975 compared to the first eight months of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with those produced at the Youngstown plant decreased 32 percent from 186.8 million units in 1973 to 126.3 million units in 1974. The ratios of imports to domestic consumption and imports to production declined from 9.9 percent and 10.8 percent respectively in 1973 to 7.7 percent and 8.2 percent in 1974.

The evidence developed in the Department's investigation indicates that the separation of employees working at the Youngstown plant was not caused by an increase in competitive imports. G.E. imported incandescent lamps like those made at Youngstown; however, these imports declined absolutely and relatively from 1973 to 1974.

Operations at Youngstown were dependent on G.E.'s total incandescent lamp business. Total G.E. lamp sales were adversely affected in late 1973 and 1974 by the energy crisis and the general economic recession. In early 1975 when lamp inventories had declined and the domestic lamp market had stabilized, production at Youngstown and total G.E. lamp sales began to rise.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the incandescent lamps

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produced at the Youngstown, Ohio Lamp Plant of the General Electric Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 25th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-29732 Filed 11-4-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

TRI-FOAM SLEEP PRODUCTS, INC.

Commencement of Enforcement Proceeding and Prehearing Conference

Tri-Foam Sleep Products, Inc., a corporation, and Samuel Sidroff, individually and as an officer of the corporation.

Notice is hereby given that a prehearing conference[1] in the above-entitled matter will be held on November 7, 1975, 10 a.m., pursuant to an order served by Administrative Law Judge Paul N. Pfeiffer. This notice is given pursuant to the Consumer Product Safety Commission's Proposed and Interim Rules of Practice for Adjudicative Proceedings published on July 23, 1974 (39 FR 26848) and which governs adjudicative proceedings in this matter.

A Notice of Enforcement[1] has been prepared by the Commission's staff, issued by the Commission and served upon Tri-Foam Sleep Products, Inc., and Samuel Sidroff, individually and as an officer of the corporation (the respondents) as required by the above referenced Rules. In this Notice of Enforcement the staff alleges that respondent's are now and have been engaged in the manufacturing for sale, sale and offering for sale, in commerce, and have introduced, delivered for introduction, transported and caused to be transported in commerce, and have sold or delivered after sale or shipment in commerce, products, as the terms "commerce" and "product", are defined in the Flammable Fabrics Act. These products fail to conform to the requirements of an applicable standard as required by section 3(a) of the Flammable Fabrics Act (15 U.S.C. 1192).

Among such products mentioned above are mattresses manufactured by respondents which are subject to the Standard for the Flammability of Mattresses, FF 4-72, but which were not manufactured and sold in conformance with all of the requirements of the Standard in that respondents, after the effective date of the Standard, (a) failed to affix reequired warning labels to mattresss manufactured from June 22, 1973 through Dcember 22, 1973, (b) since December 23, 1973, failed to carry out required flammability tests on the mattresses, and (c) failed to maintain required records pertaining to the manufacture, flammability testing and sal of the mattresses. This defect may also be an unfair method of competition and an unfair and deceptive act within the intent and meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

The docket in this matter is available in the Office of the Secretary of the Commission. Any person, other than the respondents, who desires to become a party to the procedures, to partcilpate in the prehearing conference, or to testify at the hearing, may request to do so by writing to the Honorable Paul N. Pfeiffer, Administrative Law Judge, Consumer Product Safety Commission, Room 1000, Washington, D.C. 20207 or by telephoning (202) 634-7171 by close of business November 6, 1975.

Dated: October 31, 1975.

SADYE E. DUNN,
Secretary, Commission

[FR Doc.75-29852 Filed 11-4-75;8:45 am]

[1] Filed as part of the original document.

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

OCTOBER 30, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 60186 (Sub-No. 51G), (Correction), filed January 28, 1974, published in the FEDERAL REGISTER issue of February 20, 1975 and republished as corrected this issue. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) between points in New Hampshire, on the one hand, and, on the other, points in Maine, and those in Worcester, Springfield and Lowell, Mass., (2) between Albany, N.Y., Waterbury and South Windsor, Conn., and Hackensack and Cherry Hill, N.J., on the one hand, and, on the other, points in New York (except those on and east of New York Highway 112). Pennsylvania, Delaware, Maryland and the District of Columbia, and (3) between points in Maine and New Hampshire, on the one hand, and, on the other, points in New York (except those on and east of New York Highway 112). The purpose of this filing is to eliminate the gateways of Worcester, Springfield and Lowell, Mass., Albany, N.Y., Hackensack and Cherry Hill, N.J. and South Windsor and Waterbury, Conn. The purpose of this republication is to state that the correct number is MC 60186 (Sub-No. 51G), in lieu of the previously published number of MC 60186 (Sub-No. 51).

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commissioner under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 17, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 19227 (Sub-No. E6), filed April 2, 1974. Applicant: LEONARD BROS. TRUCKING CO., INC., P.O. Box 52062, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *commodities*, (except boats), and (except oil field equipment) the transportation of which because of their size or weight require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies in connection therewith, between points in that part of Texas south of Culberson, Reeves, Pecos, Crockett, Sutton, Kimble, Mason, Llano, Burnet, Travis, Lee, Burleson, Bryan, Grimes, Montgomery, San Jacinto, Polk, Tyler, Jasper and Newton counties, on the one hand, and, on the other, points in that part of Alabama east and south of Cherokee, Calhoun, Talladega, Coosa, Autauga, Lowndes, Wilcox, Monroe, Conecuh and Escambia Counties, Connecticut, Delaware, that part of Georgia east and south of Fannin, Murray, Gordon and Floyd Counties, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, that part of New York east and south of Wayne, Seneca, Yates and Steuben Counties, that part of North Carolina east and south of Swain, Graham and Cherokee Counties, that part of Pennsylvania east and south of Potter, Elk, Jefferson, Indiana, Westmoreland and Fayette Counties, Rhode Island, South Carolina, that part of Tennessee east and south of Hawkins, Hamblen, Jefferson and Sevlea Counties, Vermont, that part of Virginia east and south of Buchanan, Dickenson and Scott Counties, that part of West Virginia east and south of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Kanawha, Boone, Logan and Mingo Counties, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 49052 (Sub-No. E17) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 15, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lee, Macon, Russell, Bullock, Barbour, Pike, Coffee, Dale, Henry, Covington, Geneva and Houston Counties, Ala., on the one hand, and, on the other, *points in Kentucky;* between points in Alabama in and south of Lee, Macon, Elmore, Montgomery, Lowndes, Butler, Conecuh, Escambia, Baldwin and Mobile Counties, on the one hand, and, on the other, points in Kentucky, *in and east of Meade, Hardin, Larue, Green, Adair, and Cumberland Counties;* between points in Alabama in and south of Lee, Macon, Elmore, Autauga, Lowndes, Wilcox, Clarke, and Washington Counties, on the one hand, and, on the other, points in Kentucky in and east of McCreary, Pulaski, Lincoln, Garrard, Jessamine, Woodford, Scott, Owen, Gallatin and Boone Counties; and, between points in Dallas, Marengo, and Choctaw Counties, Ala., on the one hand, and, on the other, points in Kentucky in and east of Whitley, Laurel, Rockcastle, Madison, Jessamine, Fayette, Scott, Owen, Gallatin, and Boone Counties. The purpose of this filing is to eliminate the gateway of Muscogee County, Ga. The purpose of this correction is to clarify the territorial descriptions.

No. MC 49052 (Sub-No. E23), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 12, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H. St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lee, Macon, Russell, Bullock, Barbour, Pike, Coffee, Dale, Henry, Covington, Geneva and Houston Counties, Ala., on the one hand, and, on the other, *points in Kentucky;* between points in Alabama in and south of Lee, Macon, Elmore, Montgomery, Lowndes, Butler, Conecuh, Escambia, Baldwin and Mobile Counties, on the one hand, and, on the other, points in Kentucky, *in and east of Meade, Hardin, Larue, Green, Adair, and Cumberland Counties;* between points in Alabama in and south of Lee, Macon, Elmore, Autauga, Lowndes, Wilcox, Clarke, and Washington Counties, on the one hand, and, on the other, points in Kentucky in and east of McCreary, Pulaski, Lincoln, Garrard, Jessamine, Woodford, Scott, Owen, Gallatin and Boone Counties; and, between points in Dallas, Marengo, and Choctaw Counties, Ala., on the one hand, and, on the other, points in Kentucky in and east of Whitley, Laurel, Rockcastle, Madison, Jessamine, Fayette, Scott, Owen, Gallatin, and Boone Counties. The purpose of this filing is to eliminate the gateway of Muscogee County, Ga. The purpose of this correction is to clarify the territorial descriptions.

No. MC 61825 (Sub-No. E621), (Correction), filed May 13, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel products*, between points in Monroe County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Berkeley, Jefferson, and Morgan Counties, W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va. The purpose of this correction is to reflect the appropriate Sub-No. E621 previously published as E613.

No. MC 61825 (Sub-No. E622), (Correction), filed May 13, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Pennsylvania except points in Allegheny, Crawford, Mercer, Armstrong, Erie, Venango, Beaver, Forest, Warren, Butler, Greene, Washington, Clarion, and Lawrence Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va. The purpose of this correction is to reflect the appropriate Sub-No. E622 previously published as E614.

No. MC 61825 (Sub-No. E623), (Corrected), filed May 13, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Westmoreland County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Boone, Lincoln, Pleasants, Wayne, Cabell, Logan, Putnam, Wirt, Jackson, Mason, Ritchie, Wood, Kanawha, Mingo, and Roane Counties, W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va. The purpose of this correction is to reflect the appropriate Sub-No. E623 previously published as E615.

No. MC 61825 (Sub-No. E624), (Correction), filed May 13, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Columbiana County, Ohio, on the one hand, and on the other, points in Pennsylvania (except points in Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion, Clearfield, Crawford, Clinton, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Venango, Warren, Washington, and Wes moreland Counties). The purpose of this filing is to eliminate the gateways of Weirton, W. Va. The purpose of this correction is to reflect the appropriate Sub-No. E624 previously published as E616.

No. MC 61825 (Sub-No. E625), (Correction), filed May 13, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Westmoreland County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Boone, Lincoln, Pleasants, Wayne, Cabell, Logan, Putnam, Wirt, Jackson, Mason, Ritchie, Wood, Kanawha, Mingo, and Roane Counties, W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va. The purpose of this correction is to reflect the appropriate Sub-No. E624 previously published as E615.

No. MC 61825 (Sub-No. E624), (Correction), filed May 13, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Columbiana County, Ohio, on the one hand, and on the other, points in Pennsylvania (except points in Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion, Clearfield, Crawford, Clinton, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Venango, Warren, Washington, and Wes moreland Counties). The purpose of this filing is to eliminate the gateways of Weirton, W. Va. The purpose of this correction is to reflect the appropriate Sub-No. E624 previously published as E616.

No. MC 64932 (Sub-No. E625), (Correction), filed June 3, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from the plant sites of Baird Chemical Industries, Inc., located at or near Mapleton, Ill., to those points in Kentucky on and west of a line beginning at the Illinois-Kentucky State line and extending along Kentucky Highway 91 to junction U.S. Alternate Highway 41, to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of St. Louis, Mo. The purpose of this correction is to reflect the appropriate Sub-No. E625 previously published as E139.

No. MC 65941 (Sub-No. E34), filed February 2, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: G. V. Thieroff, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *roof deck* (except commodities which because of size or weight require the use of special equipment), (A) from points in Ashtabula, Lake, Geauga, Trumbull, Cuyahoga, Summit and Portage Counties, Ohio, to points in New York east of U.S. Highway 81; (B) from points in Ohio to points

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in Maine, District of Columbia, New Hampshire, Connecticut, Rhode Island, Maryland, Delaware, Massachusetts, New Jersey, and points in Pennsylvania on and east of U.S. Highway 15; (C) from points in Ohio on, west, and south of a line beginning at the Ohio-West Virginia State line, and extending along Ohio Highway 43 to junction U.S. Highway 30, thence along U.S. Highway 30 to Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie, to points in Vermont; (D) from points in Ohio on, and west of U.S. Highway 250, to points in Pennsylvania east of U.S. Highway 219; (E) from points in Ohio on and north of Interstate Highway 70, to points in Virginia on and east of U.S. Highway 202; (F) from points in Ashtabula, Lake, Medina, Geauga, Trumbull, Mahoning, Belmont, Wayne, Tuscarawas, Portage, Carroll, Jefferson, Harrison, Summitt, Cuyahoga, Columbiana and Stark Counties, Ohio, to points in Tennessee; (G) from points in Ashtabula, Trumbull, Mahoning and Columbiana counties, Ohio, to points in Kentucky; (H) from points in Trumbull, Mahoning, Stark, Columbiana, Carroll, Jefferson, Harrison, Belmont and Monroe counties, Ohio, to points in Indiana and Michigan; (I) from points in Columbiana, Jefferson, Harrison, Belmont, and Monroe counties, Ohio, to points in Illinois; (J) from points in Columbiana, Mahoning, Jefferson, Harrison, Belmont, Monroe and Washington counties, Ohio, to points in Wisconsin; (K) from points in Ashtabula, Trumbull, Mahoning, Summitt, Portage, Medina, Lorain, Cuyahoga, Lake, Geauga, Columbiana, Stark, Wayne, Huron, and Erie counties, Ohio to points in Missouri, Iowa, and Minnesota. The purpose of this filing is to eliminate the gateway of Martins Ferry, Ohio, and Beech Bottom, W. Va.

No. MC 92983 (Sub-No. E19), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *cottonseed oil, soybean oil* and *blends thereof*, in bulk, in tank vehicles, from points in South Carolina to Kansas City, Mo.; (B) *cottonseed oil, soybean oil* and *blends thereof, cottonseed oil products*, and *soybean oil products*, (except soap products & paints) in bulk, in tank vehicles; from points in South Carolina to Osceola, Ark., and Dallas, Tex.; (c) *vegetable oil* and *vegetable oil products*, (except soap products and paint) in bulk, (1) from points in South Carolina located in Barnwell, Allendale, Bamberg, Colleton, Hampton, Jasper, and Beauford Counties and those parts of Charleston County located south of the Cooper River including the Charleston Commercial Zone to points in Michigan located in Marquette, Iron, Barga, Houghton, Keweenaw, Onionagon, and Gogeric Counties; (2) from points in South Carolina located in Spartanburg, Darlington, Cherokee, Union, York, Chester, Lancaster, Kershaw, Chesterfield, Marlboro, Lee, Florence, Dillon, Marion and Horry Counties to points in Mississippi located in Adams County on and west of U.S. Highway 61 and points in Jefferson, Clarborne, Warren, Issaquena, Sharkey, Washington, Hunphreys, Le Flore, Tallahatchie, Panola, Tate, De Sota, Tunica, Quitman, Coahoma, Bolivar and Sunflower Counties.

(3) From points in South Carolina located in and west and south of Pickens, Anderson, Abbeville, Greenwood, Saluda, Lexington, Calhoun, Orangeburg, Berkeley and Charleston Counties except Jasper County and those portions of Beaufort County located south of Broad River to points in Louisiana west and north of a line beginning at the Louisiana-Texas State line and extending east along Interstate Highway 10 to its junction with Louisiana Highway 27, thence north along Louisiana Highway 27 to junction with U.S. Highway 190, thence east on U.S. Highway 190 to its junction with Louisiana Highway 112, thence east and north on Louisiana Highway 112 to its intersection with the southern boundary of Rapides Parish, thence along the southern and eastern boundaries of Rapides, La Salle, Caldwell, Ouachita and Morehouse Parishes to the Arkansas-Louisiana State line; (4) from points in South Carolina located in and north of Greenville, Laurens, Newberry, Richland, Sumter, Clarendon, Williamsburg and Georgetown Counties to points in Louisiana located in and north and west of Concordia, Avoyelles, St. Landry, Lafayette and Vermillion Parishes; (D) vinegar, in bulk, in tank vehicles, from points in South Carolina to points in Arkansas; (E) fats and oils intended for use as animal and poultry feed or ingredients, in bulk, in tank vehicles, from points in South Carolina to points in Arkansas; (F) chemicals (except liquid hydrogen, nitrogen, and oxygen to missile storage, launching or test facilities or plants producing liquid hydrogen, nitrogen and oxygen and (except petroleum and petroleum products) in bulk, (1) from points in South Carolina located in Aiken, Barnwell, Allendale, Bamberg, Colleton, Hampton, Jasper, Beaufort, and Charleston Counties to points in Minnesota located on and west of a line beginning at the Minnesota-Iowa State line and extending north along Minnesota Highway 15 to junction with U.S. Highway 12, thence west along U.S. Highway 12 to the junction with Minnesota Highway 4, thence north on Minnesota Highway 4 to junction with Interstate Highway 94, thence west on Interstate Highway 94 to junction with U.S. Highway 71, thnece north on U.S. Highway 71 to its junction with Minnesota Highway 72 in Blacqduck, thence north on Minnesota Highway 72 to the Canadian Border.

(2) From points in South Carolina to points in Missouri located north and west of a line beginning at the Iowa-Missouri State line and extending south on U.S. Highway 63 to its junction with U.S. Highway 36, thence west on U.S. Highway 36 to its junction with Missouri Highway 3, thence south on Missouri Highway 3 to its junction with Missouri Highway 5, thence south on Missouri Highway 5 to junction with Missouri Highway 87, thence south on Missouri Highway 87 to the Intersection with the southern boundary on Moniteau County, thence along the eastern and southern boundaries of Moniteau, Morgan, Benton, Hickory, Cedar, Dade and Jasper Counties to the Missouri-Kansas 'State line; (G) acids and liquid chemicals (except hydrogen, nitrogen and oxygen to missile storage, launching or test facilities or plants producing liquid hydrogen, nitrogen and oxygen and (except those derived from petroleum and petroleum products) in bulk, in tank or hopper vehicles; (1) from points in South Carolina to points in Texas located in and north and west of Parmer, Deaf Smith, Randall, Carson, Gray and Hemphill Counties; (2) from points in South Carolina located in and north and east of Spartanburg, Union, Fairfield, Richland, Sumter, Clarendon, Berlekey and Charleston Counties to points in Texas located in Cochran, Bailey, Lamb, Hale, Castro, Swisher, Briscoe, Armstrong, Donley, Collingsworth and Wheeler Counties; (H) Acids and Chemicals, (except liquid hydrogen, oxygen, or nitrogen, to missile storage or missile launching sites, missile test facilities or manufacturing plants producing liquid oxygen, hydrogen, or nitrogen in bulk; (1) from points in South Carolina to points in South Dakota, North Dakota, Wyoming, Montana, and Idaho; (2) from points in South Carolina to points in Arizona, California, Nevada, Oregon, and Utah; (3) from points in South Carolina to points in New Mexico except Lea and Eddy Counties.

(4) From points in South Carolina located in and north and east of Spartanburg, Union, Fairfield, Richland, Sumter, Clarendon, Williamsburg and Georgetown Counties to points in Lea and Eddy Counties, New Mexico; (I) Acids and chemicals (except liquid hydrogen, nitrogen and oxygen to missile storage, launching or test facilities or plants producing liquid hydrogen, nitrogen and oxygen), in bulk, in tank or hopper vehicles; (1) from points in South Carolina to points in Oklahoma located in and north and west of Beckham, Custer, Blaine, Kingfisher, Logan, Payne, Pownee, Osage, Washington and Nowata Counties; (2) from points in South Carolina located in and north and east of Spartanburg, Union, Fairfield, Richland, Sumter, Clarendon, Berkeley and Charleston Counties to points in Oklahoma located in Harmon, Greer, Jackson, Kiowa, Washita, Caddo, Canadian, Oklahoma, Lincoln, Creek, Tulsa, Rogers, Craig and Ottawa Counties; (3) from points in South Carolina to points in Iowa located in and west of Worth, Cerro Gordo, Franklin, Hardin, Story, Polk, Warren, Lucas and Wayne Counties; (4) from points in South Carolina located in and south of Abbeville, Greenwood, Saluda, Lexington, Richland, Sumter, Florence, Marion and Horry Counties to points in Iowa located in Marshall, Jasper, and Marion Counties; those portions of Monroe and Appanoose located on and west of U.S. Highway 63, and those portions of Mitchell, Floyd, Butler and Grundy Counties located on and west of a line starting at the Iowa-Minnesota State line and extending south along U.S. Highway 218 to junction with U.S. Highway 18, thence south on U.S. Highway 18 to Charles City, thence west and south on Iowa Highway 14 to Grundy Center, thence east and south on unnumbered Highway to the Southern boundary of Grundy County; (5) from points in South Carolina to points in Missouri located in and west of Putnam, Sullivan, Linn, Charlton, Saline, Pettis, Benton, St. Clair, Cedar, Dade and Parton Counties and that part of Jasper County located on and west of U.S. Highway 71, and points in Colorado, Kansas, and Nebraska.

(6) From points in South Carolina located in Jasper and Beaufort Counties to points in Minnesota located on and west of a line beginning at the Canadian Border and extending south along U.S. Highway 75 to junction with Minnesota Highway 11, thence west on Minnesota Highway 11 to junction with Minnesota Highway 220 to east Grand Forks on Minnesota-North Dakota State line; (J) Liquid chemicals, (except hydrogen, nitrogen and oxygen to missile storage, launching sites or test facilities or plants producing liquid hydrogen, nitrogen, and oxygen), in bulk, in tank or hopper vehicles; from points in South Carolina located in Lancaster, Kershaw, Chesterfield, Lee, Darlington, Marlboro, Dillon, Florence, Marion, Williamsburg, Georgetown and Horry Counties and points on and east of a line extending from the South Carolina-North Carolina State line along U.S. Highway 321 to the junction of South Carolina Highway 97, at Chester, thence along South Carolina Highway 97 to the western border of Lancaster County to points in Texas located in Hartley, Sherman and Dallam Counties; (K) Acids and chemicals, (except liquid hydrogen, oxygen, or nitrogen to missile storage or missile launching sites, missile test facilities or manufacturing plants producing liquid oxygen, hydrogen, or nitrogen), in bulk, from points in South Carolina to points in Washington. The purpose of this filing is to eliminate the gateways of: (A) Memphis, Tenn., and Evadale, Ark.; (B) Memphis, Tenn.; (C) Memphis, Tenn.; (D) Memphis, Tenn.; (E) points in Arkansas within the Memphis, Tenn., Commercial Zone; (F) (1) Kansas City, Kans.-Missouri Commercial zone, and Iowa City, Iowa (a point within 15 miles of Windham, Iowa); (F) (2) Kansas City, Kans.-Missouri, Commercial zone; (G) Kansas City, Kans.-Missouri Commercial zone, and Lawrence, Kansas; (H) (1) Kansas, City, Kans.; (H) (2)–(4) Kansas City, Kans.-Missouri Commercial zone; (I) (1)–(5) those points in both the Olathe, Kans., and Kansas City, Kans., commercial zones; (I) (6) those points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zones, and the plantsite of Iowa-Guttenburg Terminal, Inc., located approximately two miles south of Guttenburg, Iowa; (J) those points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zone, and Springfield, Mo.; and (K) Kansas City, Kans.-Missouri Commercial zone.

No. MC 113855 (Sub-No. E24, filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *loaders, conveyors, screens, grizzlies and attachments, accessories and parts*, which because of their size or weight require the use of special equipment, and (ii) *self-propelled articles*, described in (1) above, each weighing 15,000 pounds or more, and *related parts*, moving in connection therewith, (restricted to commodities transported on trailers), restricted in (1) and (ii) above against the transportation of iron and steel articles, (A) (1) from points in Iowa and points in Nebraska on and east of U.S. Highway 81 and on and north of Nebraska Highway 92, to points in Idaho and Nevada; (2) from points in Nebraska on and east of U.S. Highway 281, to points in Boundary County, Idaho; (3) from points in Nebraska, to points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 57 to junction interstate Highway 81, to the New York-Pennsylvania State line, and points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine; (4) from points in Nebraska west of U.S. Highway 73, to points in New York; (5) from points in Iowa on and north of Iowa Highway 92, to points in Arizona; (6) from points in Iowa on and west of U.S. Highway 169, to points in New York and Connecticut; (7) from points in Iowa south and east of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 6 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Iowa-Missouri State line, to points in Arizona on and west of U.S. Highway 89.

(8) From points in Iowa on and west of U.S. Highway 59, to points in Rhode Island, Massachusetts, Vermont, New Hampshire and Maine; (Sioux Falls, S.D.)* (B) (1) from points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 57, thence along New York Highway 57 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, to points in Arizona; (2) from points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Maryland-District of Columbia Boundary line, to points in Arizona on, west and north of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line; (points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, to junction unnumbered highway through Clear Spring to junction U.S. Highway 15, to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pennsylvania, and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pennsylvania, and Sioux Falls, S.D.)* (C) (1) from points in West Virginia, to points in Arizona on and west of U.S. Highway 89; (2) from points in West Virginia on and north of U.S. Highway 33, to points in Arizona; (Elgin, Ill., and Sioux Falls, S.D.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E46), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and aluminum pipe* (except oilfield pipe as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), which because of its size or weight requires the use of special equipment, (A) (1) from points in Minnesota, to points in Arizona, New Mexico, Texas and points in Oklahoma west of U.S. Highway 75; (2) from points in Minnesota on and west of U.S. Highway 71, to points in Louisiana; (3) from points in Iowa on and north of U.S. Highway 20, to points in Oklahoma on and west of Interstate Highway 35 and points in Texas; (4) from points in Iowa, to points in New Mexico and Arizona; (5) from points in Wisconsin on and north of Wisconsin Highway 60, to points in Texas and points in Oklahoma on and west of Interstate Highway 35; (6) from points in Wisconsin to points in New Mexico, Arizona and Colorado; (7) from points in Wisconsin on and north of U.S. Highway 10, to points in Kansas on and west of U.S. Highway 81; (8) from points in Illinois on and north of U.S. Highway 36, to points in Arizona (except Apache, Greenlee and Graham Counties).

(9) From points in Illinois on and north of Illinois Highway 9, to points in New Mexico; (10) from points in Indiana to points in Arizona (except Navajo,

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staff alleges that respondent's are now and have been engaged in the manufacturing for sale, sale and offering for sale, in commerce, and have introduced, delivered for introduction, transported and caused to be transported in commerce, and have sold or delivered after sale or shipment in commerce, products, as the terms "commerce" and "product", are defined in the Flammable Fabrics Act. These products fail to conform to the requirements of an applicable standard as required by section 3(a) of the Flammable Fabrics Act (15 U.S.C. 1192).

Among such products mentioned above are mattresses manufactured by respondents which are subject to the Standard for the Flammability of Mattresses, FF 4-72, but which were not manufactured and sold in conformance with all of the requirements of the Standard in that respondents after the effective date of the Standard, (a) failed to affix required warning labels to mattresses manufactured from June 22 1973 through December 22, 1973, (b) since December 23 1973, failed to carry out required flammability tests on the mattresses, and (c) failed to maintain required records pertaining to the manufacture, flammability testing and sal of the mattresses. This

[1] Filed as part of the original document

an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No MC 60186 (Sub-No. 51C), (Correction), filed January 28, 1974, published in the FEDERAL REGISTER issue of February 20, 1975 and republished as corrected this issue. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn 06066 Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 19227 (Sub-No. E6), filed April 2, 1974. Applicant: LEONARD BROS. TRUCKING CO., INC., P.O. Box 52062, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *commodities*, (except boats), and (except oil field equipment) the transportation of which because of their size or weight require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies in connection therewith, between points in that part of Texas south of Culberson, Reeves, Pecos, Crockett, Sutton, Kimble, Mason, Llano, Burnet, Travis, Lee, Burleson, Bryan, Grimes, Montgomery, San Jacinto, Polk, Tyler, Jasper and Newton counties, on the one hand, and, on the other, points in that part of Alabama east and south of Cherokee, Calhoun, Talladega, Coosa, Autauga, Lowndes, Wilcox, Monroe, Conecuh and Escambia

Kentucky, in and east of Hardin, Larue, Green, Adair, and Cumberland Counties; between points in Alabama in and south of Lee, Macon, Elmore, Autauga, Lowndes, Wilcox, Clarke, and Washington Counties, on the one hand, and, on the other, points in Kentucky in and east of McCreary, Pulaski, Lincoln, Garrard, Jessamine, Woodford, Scott, Owen, Gallatin and Boone Counties; and, between points in Dallas, Marengo, and Choctaw Counties, Ala., on the one hand, and, on the other, points in Kentucky in and east of Whitley, Laurel, Rockcastle, Madison, Jessamine, Fayette, Scott, Owen, Gallatin, and Boone Counties. The purpose of this filing is to eliminate the gateway of Muscogee County, Ga. The purpose of this correction is to clarify the territorial descriptions.

No. MC 49052 (Sub-No. E23), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 12, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H. St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lee, Macon, Russell, Bullock, Barbour, Pike, Coffee, Dale, Wetton, W. Va. The purpose of this correction is to reflect the appropriate Sub-No. E621 previously published as E613.

No. MC 61825 (Sub-No. E622), (Correction), filed May 13, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Pennsylvania except points in Allegheny, Crawford, Mercer, Armstrong, Erie, Venango, Beaver, Forest, Warren, Butler, Greene, Washington, Clarion, and Lawrence Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va. The purpose of this correction is to reflect the appropriate Sub-No. E622 previously published as E614.

No. MC 61825 (Sub-No. E623), (Corrected), filed May 13, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from the plant sites of Baird Chemical Industries, Inc., located at or near Mapleton, Ill., to those points in Kentucky on and west of a line beginning at the Illinois-Kentucky State line and extending along Kentucky Highway 91 to junction U.S. Alternate Highway 41, to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of St. Louis, Mo. The purpose of this correction is to reflect the appropriate Sub-No. E625 previously published as E139.

No. MC 65941 (Sub-No. E34), filed February 2, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: G. V. Thieroff, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *roof deck* (except commodities which because of size or weight require the use of special equipment), (A) from points in Ashtabula, Lake, Geauga, Trumbull, Cuyahoga, Summit and Portage Counties, Ohio, to points in New York east of U.S. Highway 81; (B) from points in Ohio to points

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in Maine, District of Columbia, New Hampshire, Connecticut, Rhode Island, Maryland, Delaware, Massachusetts, New Jersey, and points in Pennsylvania on and east of U.S. Highway 15; (C) from points in Ohio on, west, and south of a line beginning at the Ohio-West Virginia State line, and extending along Ohio Highway 43 to junction U.S. Highway 30, thence along U.S. Highway 30 to Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie, to points in Vermont; (D) from points in Ohio on, and west of U.S. Highway 250, to points in Pennsylvania east of U.S. Highway 219; (E) from points in Ohio on and north of Interstate Highway 70, to points in Virginia on and east of U.S. Highway 202; (F) from points in Ashtabula, Lake, Medina, Geauga, Trumbull, Mahoning, Belmont, Wayne, Tuscarawas, Portage, Carroll, Jefferson, Harrison, Summitt, Cuyahoga, Columbiana and Stark Counties, Ohio, to points in Tennessee; (G) from points in Ashtabula, Trumbull, Mahoning and Columbiana counties, Ohio, to points in Kentucky; (H) from points in Trumbull, Mahoning, Stark, Columbiana, Carroll, Jefferson, Harrison, Belmont and Monroe counties, Ohio, to points in Indiana and Michigan; (I) from points in Columbiana, Jefferson, Harrison, Belmont, and Monroe counties, Ohio, to points in Illinois; (J) from points in Columbiana, Mahoning, Jefferson, Harrison, Belmont, Monroe and Washington counties, Ohio, to points in Wisconsin; (K) from points in Ashtabula, Trumbull, Mahoning, Summitt, Portage, Medina, Lorain, Cuyahoga, Lake, Geauga, Columbiana, Stark, Wayne, Huron, and Erie counties, Ohio to points in Missouri, Iowa, and Minnesota. The purpose of this filing is to eliminate the gateway of Martins Ferry, Ohio, and Beech Bottom, W. Va.

No. MC 92983 (Sub-No. E19), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *cottonseed oil, soybean oil* and *blends thereof*, in bulk, in tank vehicles, from points in South Carolina to Kansas City, Mo.; (B) *cottonseed oil, soybean oil* and *blends thereof, cottonseed oil products*, and *soybean oil products*, (except soap products & paints) in bulk, in tank vehicles; from points in South Carolina to Osceola, Ark., and Dallas, Tex.; (c) *vegetable oil* and *vegetable oil products*, (except soap products and paint) in bulk, (1) from points in South Carolina located in Barnwell, Allendale, Bamberg, Colleton, Hampton, Jasper, and Beauford Counties and those parts of Charleston County located south of the Cooper River including the Charleston Commercial Zone to points in Michigan located in Marquette, Iron, Barga, Houghton, Keweenaw, Onionagon, and Gogeric Counties; (2) from points in South Carolina located in Spartanburg, Darlington, Cherokee, Union, York, Chester, Lancaster, Kershaw, Chesterfield, Marlboro, Lee, Florence, Dillon, Marion and Horry Counties to points in Mississippi located in Adams County on and west of U.S. Highway 61 and points in Jefferson, Clarborne, Warren, Issaquena, Sharkey, Washington, Hunphreys, Le Flore, Tallahatchie, Panola, Tate, De Sota, Tunica, Quitman, Coahoma, Bolivar and Sunflower Counties.

(3) From points in South Carolina located in and west and south of Pickens, Anderson, Abbeville, Greenwood, Saluda, Lexington, Calhoun, Orangeburg, Berkeley and Charleston Counties except Jasper County and those portions of Beaufort County located south of Broad River to points in Louisiana west and north of a line beginning at the Louisiana-Texas State line and extendng east along Interstate Highway 10 to its junction with Louisiana Highway 27, thence north along Louisiana Highway 27 to junction with U.S. Highway 190, thence east on U.S. Highway 190 to its junction with Louisiana Highway 112, thence east and north on Louisiana Highway 112 to its intersection with the southern boundary of Rapides Parish, thence along the southern and eastern boundaries of Rapides, La Salle, Caldwell, Ouachita and Morehouse Parishes to the Arkansas-Louisiana State line; (4) from points in South Carolina located in and north of Greenville, Laurens, Newberry, Richland, Sumter, Clarendon, Williamsburg and Georgetown Counties to points in Louisiana located in and north and west of Concordia, Avoyelles, St. Landry, Lafayette and Vermillion Parishes; (D) vinegar, in bulk, in tank vehicles, from points in South Carolina to points in Arkansas; (E) fats and oils intended for use as animal and poultry feed or ingredients, in bulk, in tank vehicles, from points in South Carolina to points in Arkansas; (F) chemicals (except liquid hydrogen, nitrogen, and oxygen to missile storage, launching or test facilities or plants producing liquid hydrogen, nitrogen and oxygen and (except petroleum and petroleum products) in bulk, (1) from points in South Carolina located in Aiken, Barnwell, Allendale, Bamberg, Colleton, Hampton, Jasper, Beaufort, and Charleston Counties to points in Minnesota located on and west of a line beginning at the Minnesota-Iowa State line and extending north along Minnesota Highway 15 to junction with U.S. Highway 12, thence west along U.S. Highway 12 to the junction with Minnesota Highway 4, thence north on Minnesota Highway 4 to junction with Interstate Highway 94, thence west on Interstate Highway 94 to junction with U.S. Highway 71, thnece north on U.S. Highway 71 to its junction with Minnesota Highway 72 in Blacqduck, thence north on Minnesota Highway 72 to the Canadian Border.

(2) From points in South Carolina to points in Missouri located north and west of a line beginning at the Iowa-Missouri State line and extending south on U.S. Highway 63 to its junction with U.S. Highway 36, thence west on U.S. Highway 36 to its junction with Missouri Highway 3, thence south on Missouri Highway 3 to its junction with Missouri Highway 5, thence south on Missouri Highway 5 to junction with Missouri Highway 87, thence south on Missouri Highway 87 to the Intersection with the southern boundary on Moniteau County, thence along the eastern and southern boundaries of Moniteau, Morgan, Benton, Hickory, Cedar, Dade and Jasper Counties to the Missouri-Kansas State line; (G) acids and liquid chemicals (except hydrogen, nitrogen and oxygen to missile storage, launching or test facilities or plants producing liquid hydrogen, nitrogen and oxygen and (except those derived from petroleum and petroleum products) in bulk, in tank or hopper vehicles; (1) from points in South Carolina to points in Texas located in and north and west of Parmer, Deaf Smith, Randall, Carson, Gray and Hemphill Counties; (2) from points in South Carolina located in and north and east of Spartanburg, Union, Fairfield, Richland, Sumter, Clarendon, Berlekey and Charleston Counties to points in Texas located in Cochran, Bailey, Lamb, Hale, Castro, Swisher, Briscoe, Armstrong, Donley, Collingsworth and Wheeler Counties; (H) Acids and Chemicals, (except liquid hydrogen, oxygen, or nitrogen, to missile storage or missile launching sites, missile test facilities or manufacturing plants producing liquid oxygen, hydrogen, or nitrogen in bulk; (1) from points in South Dakota, North Dakota, Wyoming, Montana, and Idaho; (2) from points in South Carolina to points in Arizona, California, Nevada, Oregon, and Utah; (3) from points in South Carolina to points in New Mexico except Lea and Eddy Counties.

(4) From points in South Carolina located in and north and east of Spartanburg, Union, Fairfield, Richland, Sumter, Clarendon, Williamsburg and Georgetown Counties to points in Lea and Eddy Counties, New Mexico; (I) Acids and chemicals (except liquid hydrogen, nitrogen and oxygen to missile storage, launching or test facilities or plants producing liquid hydrogen, nitrogen and oxygen), in bulk, in tank or hopper vehicles; (1) from points in South Carolina to points in Oklahoma located in and north and west of Beckham, Custer, Blaine, Kingfisher, Logan, Payne, Pownee, Osage, Washington and Nowata Counties; (2) from points in South Carolina located in and north and east of Spartanburg, Union, Fairfield, Richland, Sumter, Clarendon, Berkeley and Charleston Counties to points in Oklahoma located in Harmon, Greer, Jackson, Kiowa, Washita, Caddo, Canadian, Oklahoma, Lincoln, Creek, Tulsa, Rogers, Craig and Ottawa Counties; (3) from points in South Carolina to points in Iowa located in and west of Worth, Cerro Gordo, Franklin, Hardin, Story, Polk, Warren, Lucas and Wayne Counties; (4) from points in South Carolina located in and south of Abbeville, Greenwood, Saluda, Lexington, Richland, Sumter, Florence, Marion and Horry Counties to points in Iowa located in Marshall, Jasper, and Marion Counties; those portions of Monroe and Appanoose located on and west of U.S. Highway 63, and those portions of Mitchell, Floyd, Butler and Grundy Counties located on and west of a line starting at the Iowa-Minnesota State line and extending south along U.S. Highway 218 to junction with U.S. Highway 18, thence south on U.S. Highway 18 to Charles City, thence west and south on Iowa Highway 14 to Grundy Center, thence east and south on unnumbered Highway to the Southern boundary of Grundy County; (5) from points in South Carolina to points in Missouri located in and west of Putnam, Sullivan, Linn, Charlton, Saline, Pettis, Benton, St. Clair, Cedar, Dade and Parton Counties and that part of Jasper County located on and west of U.S. Highway 71, and points in Colorado, Kansas, and Nebraska.

(6) From points in South Carolina located in Jasper and Beaufort Counties to points in Minnesota located on and west of a line beginning at the Canadian Border and extending south along U.S. Highway 75 to junction with Minnesota Highway 11, thence west on Minnesota Highway 11 to junction with Minnesota Highway 220 to east Grand Forks on Minnesota-North Dakota State line; (J) Liquid chemicals, (except hydrogen, nitrogen and oxygen to missile storage, launching sites or test facilities or plants producing liquid hydrogen, nitrogen, and oxygen), in bulk, in tank or hopper vehicles; from points in South Carolina located in Lancaster, Kershaw, Chesterfield, Lee, Darlington, Marlboro, Dillon, Florence, Marion, Williamsburg, Georgetown and Horry Counties and points on and east of a line extending from the South Carolina-North Carolina State line along U.S. Highway 321 to the junction of South Carolina Highway 97, at Chester, thence along South Carolina Highway 97 to the western border of Lancaster County to points in Texas located in Hartley, Sherman and Dallam Counties; (K) Acids and chemicals, (except liquid hydrogen, oxygen, or nitrogen to missile storage or missile launching sites, missile test facilities or manufacturing plants producing liquid oxygen, hydrogen, or nitrogen), in bulk, from points in South Carolina to points in Washington. The purpose of this filing is to eliminate the gateways of: (A) Memphis, Tenn., and Evadale, Ark.; (B) Memphis, Tenn.; (C) Memphis, Tenn.; (D) Memphis, Tenn.; (E) points in Arkansas within the Memphis, Tenn., Commercial Zone; (F) (1) Kansas City, Kans.-Missouri Commercial zone, and Iowa City, Iowa (a point within 15 miles of Windham, Iowa); (F) (2) Kansas City, Kans.-Missouri, Commercial zone; (G) Kansas City, Kans.-Missouri Commercial zone, and Lawrence, Kansas; (H) (1) Kansas, City, Kans.; (H) (2)–(4) Kansas City, Kans.-Missouri Commercial zone; (I) (1)–(5) those points in both the Olathe, Kans., and Kansas City, Kans., commercial zones; (I) (6) those points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zones, and the plantsite of Iowa-Guttenburg Terminal, Inc., located approximately two miles south of Guttenburg, Iowa; (J) those points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zone, and Springfield, Mo.; and (K) Kansas City, Kans.-Missouri Commercial zone.

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(8) From points in Iowa on and west of U.S. Highway 59, to points in Rhode Island, Massachusetts, Vermont, New Hampshire and Maine; (Sioux Falls, S.D.)* (B) (1) from points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 57, thence along New York Highway 57 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, to points in Arizona; (2) from points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Maryland-District of Columbia Boundary line, to points in Arizona on, west and north of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line; (points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, to junction unnumbered highway through Clear Spring to junction U.S. Highway 15, to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pennsylvania, and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pennsylvania, and Sioux Falls, S.D.)* (C) (1) from points in West Virginia, to points in Arizona on and west of U.S. Highway 89; (2) from points in West Virginia on and north of U.S. Highway 33, to points in Arizona; (Elgin, Ill., and Sioux Falls, S.D.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E46), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and aluminum pipe* (except oilfield pipe as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), which because of its size or weight requires the use of special equipment, (A) (1) from points in Minnesota, to points in Arizona, New Mexico, Texas and points in Oklahoma west of U.S. Highway 75; (2) from points in Minnesota on and west of U.S. Highway 71, to points in Louisiana; (3) from points in Iowa on and north of U.S. Highway 20, to points in Oklahoma on and west of Interstate Highway 35 and points in Texas; (4) from points in Iowa, to points in New Mexico and Arizona; (5) from points in Wisconsin on and north of Wisconsin Highway 60, to points in Texas and points in Oklahoma on and west of Interstate Highway 35; (6) from points in Wisconsin to points in New Mexico, Arizona and Colorado; (7) from points in Wisconsin on and north of U.S. Highway 10, to points in Kansas on and west of U.S. Highway 81; (8) from points in Illinois on and north of U.S. Highway 36, to points in Arizona (except Apache, Greenlee and Graham Counties).

(9) From points in Illinois on and north of Illinois Highway 9, to points in New Mexico; (10) from points in Indiana to points in Arizona (except Navajo,

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Apache, Greenlee, Graham and Cochise Counties); (11) from points in Indiana on and north of Indiana Highway 26, to points in New Mexico; (12) from points in Michigan to points in Arizona, points in Oklahoma on and west of U.S. Highway 283, points in Kansas on and west of U.S. Highway 281, and points in Texas on and north of U.S. Highway 87; (13) from points in the Upper Peninsula of Michigan to points in Texas and Oklahoma; (14) from points in Pennsylvania to points in Arizona, New Mexico, points in Oklahoma on and west of U.S. Highway 83 and points in Texas on and west of U.S. Highway 277; (15) from points in Ohio to points in Arizona, points in New Mexico on and west of Interstate Highway 25, and points in Oklahoma on and west of U.S. Highway 83; (16) from points in Ohio on and north of U.S. Highway 36 to points in New Mexico east of Interstate Highway 25; (South Dakota, and Hall County, Nebr.)* (B) (1) from points in New York (except points in Niagara, Erie, Cattaraugus, and Chautauqua Counties), to points in Arizona; (2) from points in New York east of Cayuga, Tomkins and Tioga Counties), to points in New Mexico; (3) from points in Massachusetts, Connecticut, Rhode Island and New Jersey, to points in Arizona, New Mexico and points in Texas on and west of U.S. Highway 83; (points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway to junction Business U.S. Highway 15, near Fairplay, to junction U.S. Highway 15, to junction unnumbered highway through Clear Spring to junction U.S. Highway 15 to junction the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pennsylvania, and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pennsylvania, South Dakota and Hall County, Nebr.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E74), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, S.E., Rochester, Minnesota 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) commodities which because of their size or weight require the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies*, when their transportation is incidental to the transportation of the above-described commodities, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies*, moving in connection therewith (restricted to commodities transported on trailers), between points in North Dakota, on the one hand, and, on the other, (A) points in Iowa, (points in Minnesota within 50 miles of Sioux Falls, S.D., or points in South Dakota east of South Dakota Highway 73)* (B) points in Kansas, Missouri, Illinois, Indiana, Ohio, Pennsylvania and Wisconsin. (South Dakota)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E76), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, Minnesota 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *commodities* which because of their size or weight require the use of special equipment, and *related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation of the above-specified commodities and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies*, moving in connection therewith (restricted to commodities transported on trailers), between points in Montana, on the one hand, and, on the other, (A) points in Wisconsin (points in South Dakota east of the Missouri River),* (B) points in Illinois, Michigan and Missouri. (points in South Dakota east of the Missouri River or east of South Dakota Highway 73)* (C) points in Indiana, (points in South Dakota east of the Missouri River or east of South Dakota Highway 73; or points in South Dakota east of the Missouri River, Davenport, Iowa and Elgin, Ill.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E83), filed May 30, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *tractors, loaders, agricultural earth-moving, excavating and loading machinery and equipment*, and, when moving in combination loads on the same vehicle from the same consignors of the above-specified commodities, *attachments and parts*, of or for the above-specified equipment and machinery, and *accessories* for loaders, (A) from points in Illinois south of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 6 to junction U.S. Highway 30, to the Illinois-Indiana State line, and on and north of U.S. Highway 36, to points in California in, east and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras and Alpine Counties; (B) from points in Milwaukee and Waukesha Counties, Wis., to points in California. The purpose of this filing is to eliminate the gateway of Gwinner or Fargo, N.D.

No. MC 113855 (Sub-No. E88), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) (1) *commodities*, (except boats) which, because of their size or weight require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation of the above-described commodities, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies*, moving in connection therewith (restricted to commodities transported on trailers), (a) between points in Idaho south of Lehmi, Valley and Idaho Counties, on the one hand, and, on the other hand, points in South Dakota. (Utah)* (b) between points in Idaho, on the one hand, and, on the hand, points in South Dakota east of the Missouri River. (Montana or Wyoming)* (c) (1) between points in Idaho, on the one hand, and, on the other, points in Nebraska (except Sheridan, Box Butte, Dawes and Sioux Counties). (ii) between points in Idaho (except Benewah, Shoshone, Kastenal, Bonner and Boundary counties, on the one hand, and, on the other, points in Nebraska. (Utah, Montana, or Wyoming; and points in South Dakota east of the Missouri River)* (B) (1) *heavy machinery and other contractors' materials, supplies, and equipment*, which because of size or weight require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies*, moving in connection therewith (restricted to commodities transported on trailers), (a) between points in Idaho, on the one hand, and, on the other, points in South Dakota east of South Dakota Highway 73. (Montana or Wyoming)* (b) between points in Idaho, on the one hand, and, on the other, points in Nebraska. (Montana or Wyoming, and points in South Dakota east of South Dakota Highway 73)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E90), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55001. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *commodities* which, because of their size or weight require the use of special equipment (except boats and iron and steel articles), and *related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation by said carrier of

the above-described commodities, and (II) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies*, moving in connection therewith (restricted to commodities transported on trailers), (A) between points in Colorado, on the one hand, and, on the other, (1) points in West Virginia, points in Indiana on and north of Interstate Highway 74. (2) points in Kentucky in and east of Mason, Fleming, Bath, Menifee, Breathitt, Knott and Letcher Counties. (South Dakota, Davenport, Iowa, and Elgin, Ill.)* (B) (1) between points in Colorado, on the one hand, and, on the other, points in New York on and east of U.S. Highway 15, points in Maryland on and east of Interstate Highway 81, points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 301, to the Virginia-North Carolina State line, points in North Carolina in and east of Hertford, Bertie, Beaufort and Pemlico Counties, and the District of Columbia.

(2) Between points in Colorado (except Logan, Sedgwick, Phillips, Washington, Yuma, Lincoln, Kit Carson, Cheyenne, Kiowa, Prowers, Bent, and Baca Counties), on the one hand, and on the other, points in New York west of U.S. Highway 15 and on and east of a line beginning at Lake Ontario and extending along New York Highway 98 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line. (South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway to junction Business U.S. Highway 15, near Fairplay, to junction U.S. Highway 15, to junction unnumbered highway through Clear Spring to junction U.S. Highway 15, to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pennsylvania and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pennsylvania)*. The purpose of this filing is to eliminate the gateways indicated in asterisks above.

No. MC 113855 (Sub-No. E122), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *loaders, conveyors, screens, grizzlies and attachments, accessories and parts*, which because of size or weight require the use of special equipment, and *related machinery and parts* when their transportation is incidental to the transportation of the above-described commodities, and (II) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, and parts* moving in connection therewith, (restricted to commodities transported on trailers), (A) (1) from points in Minnesota and points in Walsh, Pembina, Nelson, Grand Forks, Griggs, Steele, Traile, Barres, and Cass Counties; to points in California (except points in San Bernadino and Riverside counties, east of U.S. Highway 395 and points in Imperial County); (2) from points in Iowa to points in California (except San Bernadino, Los Angeles, Orange, Riverside, San Diego, Imperial, Ventura, and Kern Counties); (3) from points in Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 3, thence along Iowa Highway 3 to the Iowa-South Dakota State line, to points in California; (4) from points in Nebraska on and east of U.S. Highway 81, to points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, and Alpine Counties; (Sioux Falls, S.D., and Sparks, Nev.)*.

(B) (1) From points in Colorado, Montana, and Wyoming, to points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine; (2) from points in Michigan, Wisconsin, Ohio, Pennsylvania, points in Illinois on and north of Illinois Highway 6, points in Indiana on and north of Indiana Highway 26, and points in North Dakota on and east of a line beginning at the U.S.-Canada International Boundary line and extending along U.S. Highway 52 to junction North Dakota Highway 3, to the North Dakota-South Dakota State line, to points in Arizona; (3) from points in Kansas (a) on and west of U.S. Highway 281, to points in New York, Connecticut, Rhode Island, Massachusetts, and Vermont; (b) on and west of U.S. Highway 283, to points in New Jersey; (c) on and west of U.S. Highway 81, to points in Maine and New Hampshire; (4) from points in Illinois on and north of Illinois Highway 9, to points in Arizona on, west, and north of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to junctioh Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line; (5) from points in North Dakota on and east of North Dakota Highway 3, to points in Nevada (except Elko county); (6) from points in North Dakota, to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine;. (Sioux Falls, S.D.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E123), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Mechanical lifting equipment*, and *attachments and parts* for mechanical lifting equipment, which because of size or weight require the use of special equipment, and (II) *self-propelled mechanical lifting equipment*, each weighing 15,000 pounds or more, and *related parts and attachments* when moving in connection therewith (restricted to commodities transported on trailers), (A) (1) from points in Nebraska to points in Maine, Vermont, New Hampshire, Maryland, points in New York on, east, and south of New York Highway 14, points in Virginia on and east of U.S. Highway 220, points in North Carolina on and east of U.S. Highway 52, and the District of Columbia. (2) From points in Colorado to points in Maine, Vermont, New Hampshire, Maryland, New York, points in Virginia on and east of U.S. Highway 220, and points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 220 to junction U.S. Highway, 1 to the North Carolina-South Carolina State line.

(3) From points in Iowa on and west of U.S. Highway 71, to points in Maine, Vermont, New Hampshire, New York (except points on and west of U.S. Highway 11), Virginia (except points west of U.S. Highway 15), Maryland (except points west of U.S. Highway 15), and the District of Columbia. (4) From points in Kansas on and west of U.S. Highway 75, to points in Maine, Vermont, New Hampshire, and points in New York in, east, and south of Jefferson, Lewis, Herkimer, Otsego, and Delaware Counties. (South Dakota and Fulton County, Pa.)* (B) (1) From points in Montana to points in South Carolina, Maine, Vermont, New Hampshire, New York, Virginia, points in North Carolina on and east of U.S. Highway 220, points in Georgia on and east of U.S. Highway 441, points in Florida in, east and south of Jefferson County, points in Maryland, and the District of Columbia. (2) From points in Wyoming to points in Maine, Vermont, New Hampshire, New York, Maryland, Virginia, points in North Carolina on and east of U.S. Highway 321, points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 321, to junction U.S. Highway 176, to the Atlantic Ocean, and the District of Columbia. (3) From points in Wyoming (except Laramie, Albany, Platte, and Goshen counties), to points in South Carolina west of the line described in (2) above. (Points in South Dakota east of the Missouri River and Fulton county, Pa.)* (6) From points in North Dakota to points in Maine, Vermont, New Hamsphire, New York, Virginia, points in North Carolina on and east of U.S. Highway 220, points

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in Georgia on and east of U.S. Highway 221, points in Florida in, east, and south of Jefferson County, and points in Maryland, the District of Columbia and South Carolina. (South Dakota or points in Minnesota within Sioux Falls, S.D.; and Fulton County, Pa.) * (D) (1) from points in South Dakota to points in Maine, Vermont, New Hampshire, Maryland, points in North Carolina on and east of U.S. Highway 220, points in South Carolina on and east of U.S. Highway 221, and the District of Columbia. (2) From points in South Dakota west of the Missouri River to points in Georgia on and east of U.S. Highway 221 and points in Florida, in, east and south of Jefferson County. (Fulton County, Pa.) *

(E) From points in Minnesota on and west of a line beginning at the U.S.-Canada International Boundary Line and extending along U.S. Highway 59 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State line; to points in Maine, Vermont, New Hampshire, points in New York on and east of U.S. Highway 11, the District of Columbia, points in Maryland, Virginia, North Carolina, and points in South Carolina on and east of U.S. Highway 15. (Points in Minnesota North of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the U.S.-Canada International Boundary line; South Dakota; and Fulton County, Pa.) * The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E125), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Road construction machinery and equipment*, as defined by the Commission, and *lift trucks* in flatbed trailers, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee, or both, (1) between points in South Dakota, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, South Carolina, Georgia, Florida, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Virginia, and North Carolina. (2) Between points in South Dakota on and north of U.S. Highway 14, on the one hand, and, on the other, points in Tennessee, Mississippi, and points in Arkansas on and east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 65 to junction U.S. Highway 167, to the Arkansas-Louisiana State line. (3) Between points in South Dakota south of U.S. Highway 14 and on and north of U.S. Highway 16, on the one hand, and, on the other, points in Tennessee on and east of Tennessee Highway 69, and points in Mississippi on and east of U.S. Highway 51. (4) Between points in South Dakota (except Charles Mix, Douglas, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay and Union Counties), on the one hand, and, on the other, points in Alabama.

(B) (1) *Road construction equipment and machinery*, and *lift trucks*, which, because of their size and weight require the use of special equipment, (ii) *self-propelled articles*, described in (i) above, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), (1) from points in South Dakota to points in Maine, Vermont, New Hampshire, South Carolina, Georgia, Florida, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Virginia, and North Carolina. (2) From points in South Dakota on and north of U.S. Highway 14, to points in Tennessee, Mississippi and points in Arkansas on and east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 65 to junction U.S. Highway 167, to the Arkansas-Louisiana State line. (3) From points in South Dakota south of U.S. Highway 14 and on and north of U.S. Highway 16, to points in Tennessee on and east of Tennessee Highway 69, and points in Mississippi on and east of U.S. Highway 51. (4) From points in South Dakota (except Charles Mix, Douglas, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, and Union Counties), to points in Alabama. (C) *Street sweeping machines* which, because of their size or weight require the use of special equipment, and *related street sweeper parts and attachments* when their transportation is incidental to the transportation of the above-described commodities, and (2) *self-propelled articles* described in (1) above, each weighing 15,000 pounds or more, and *related machinery, and parts* moving in connection therewith (restricted to commodities transported on trailers), (1) from points in South Dakota to points in Maine, Vermont, New Hampshire, South Carolina, Georgia, Florida, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Virginia, North Carolina, and the District of Columbia. (2) From points in South Dakota on and north of U.S. Highway 14, to points in Tennessee, Mississippi, and those points in Louisiana and Arkansas on and east of U.S. Highway 167.

(3) From points in South Dakota south of U.S. Highway 14 and on and north of U.S. Highway 16, to points in Tennessee on and east of Tennessee Highway 69, and points in Mississippi on and east of U.S. Highway 51. (4) From points in South Dakota (except Charles, Mix, Douglas, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, and Union Counties), to points in Alabama. (D) *Street sweeping machines* (except commodities which because of size or weight require the use of special equipment or special handling), in flatbed trailers only, (1) from points in Maine, Vermont, New Hampshire, South Carolina, Georgia, Florida, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Virginia, and North Carolina to points in South Dakota. (2) From points in Tennessee, Mississippi, and points in Arkansas on and east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 65 to junction U.S. Highway 167, to the Arkansas-Louisiana State line, to points in South Dakota on and north of U.S. Highway 14. (3) From points in Tennessee on and east of Tennessee Highway 69 to points in South Dakota on and north of U.S. Highway 16 and south of U.S. Highway 14. (4) From points in Alabama to points in South Dakota (except Charles, Mix, Douglas, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, and Union counties). The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 113855 (Sub-No. E171), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N.Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Street sweeping machines* (except those which because of size or weight require the use of special equipment), in flat bed trailers, (1) from points in Utah, to points in Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Virginia, North Carolina, Michigan, Ohio, West Virginia, Maryland, Pennsylvania, New Jersey, Wisconsin, and the District of Columbia; (2) from points in Box Elder, Cache, Rich, Weber, Tooele, Davis, Morgan, Salt Lake, Utah, and Wasatch Counties, Utah, to points in Tennessee on and east of Interstate Highway 65, points in South Carolina, Georgia, Florida (except Escambia, Santa Rosa, Okaloosa, Walton Holmes, Washington, and Bay Counties), Alabama (except Washington, Mobile, Baldwin, and Escambia Counties), Indiana and points in Illinois on and north of U.S. Highway 6; (3) from points in Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Virginia, North Carolina, Michigan, (except Battle Creek and Benton Harbor), to points in Utah; (4) from points in Tennessee on and east of Interstate Highway 25, points in South Carolina, Georgia, Florida, (except Escambia, Santa Rosa, Okaloosa, Walton Holmes, Washington, and Bay Counties), Alabama (except Washington, Mobile, Baldwin, and Escambia Counties), Indiana (except points in the corporate limits of Hammond, Whiting, East Chicago, and Gary) and points in Illinois on and north of U.S. Highway 6, to points in Box Elder, Cache, Rich, Weber, Tooele, Davis, Morgan, Salt Lake, Utah and, Wasatch Counties, Utah; (Minneapolis, Minn.) *.

(B) *Road construction machinery and equipment*, as defined by the Commission, and lift trucks (except commodities which because of size or weight require the use of special equipment), in flat bed trailers, (1) from points in Utah, to points in Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Virginia, North Carolina, and Michigan; (2) from points in Box Elder, Cache, Rich, Weber, Tooele, Davis, Morgan, Wasatch, Salt Lake, and Utah Counties, Utah, to points in Tennessee on and east of Interstate Highway 65, points in South Carolina, Georgia, Florida (except Escambia, Santa Rosa, Okaloosa, Walton Holmes, Washington, and Bay Counties), Alabama, (except Washington, Mobile, Baldwin, and Escambia Counties), and Indiana; (3) from points in Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Virginia, North Carolina, and Michigan (except Benton Harbor and Battle Creek), to points in Utah; (4) from points in Tennessee on and east of Interstate Highway 65, points in South Carolina, Georgia, Florida, (except Escambia, Santa Rosa, Okaloosa, Walton Holmes, Washington, and Bay Counties), Alabama (except Washington, Mobile, Baldwin, and Escambia Counties) and Indiana, (except points in the corporate limits of Hammond, Whiting, East Chicago, and Gary). (Minneapolis or St. Paul, Minn., or points within 15 miles thereof.) * (c) (1) Road construction machinery and equipment, as defined by the Commission, and lift trucks, in flatbed trailers, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the use of special equipment is performed by the consignor or consignee or both, (ii) road construction equipment and machinery and lift trucks, which because of size and weight require the use of special equipment, (iii) self-propelled articles, described in (ii) above, each weighing 15,000 pounds or more, (restricted to commodities transported on trailers).

(1) From points in Utah, to points in Maine, Vermont, and New Hampshire; (2) from points in Box Elder, Cache, Rich, Weber, Tooele, Davis, Morgan, Salt Lake, Utah, and Wasatch counties, Utah, to points in Tennessee on and east of Interstate Highway 65, points in South Carolina, Georgia, Florida (except Escambia, Santa Rosa, Okaloosa, Walton Holmes, Washington, and Bay Counties) and Alabama (except Washington, Mobile, Baldwin, and Escambia Counties); (South Dakota and Minneapolis or St. Paul, Minn., or points within 15 miles thereof or of the commercial zone thereof; or, Nebraska or Iowa, and points in Minnesota within 50 miles of Sioux Falls, S.D., and Minneapolis or St. Paul, Minn., or points within 15 miles thereof or of the commercial zone thereof).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E187), filed April 4, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, and sign accessories*, restricted to iron and steel articles, as defined by the Commission, (A) from points in Washington, and Idaho, to points in Arizona, New Mexico, and Colorado; (B) from points in Oregon to points in New Mexico and Colorado; (C) from points in Oregon (except Coos, Curry, Douglas, Josephine, Jackson, Klamath, and Lake Counties), to points in Arizona (except Yuma and Mohave counties); (D) from points in Nevada (except Esmerelda, Nye, Lincoln, and Clark Counties), to points in Colorado (except Rio Blanco, Garfield, Mesa, Gunnison, Delta, Montrose, Ouray, Hinsdale, Mineral, Rio Grande, Conejos, Archuleta, San Juan, La Plata, San Miguel, Dolores, and Montezuma Counties); (E) from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, to points in Colorado. The purpose of this filing is to eliminate the gateway of Clearfield, Utah.

No. MC 119777 (Sub-No. E6), (Correction) filed April 9, 1974, published in the FEDERAL REGISTER October 17, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *iron and steel*, and *iron and steel articles*, which require special handling, because of size and weight (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction operation, repairs, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum); (60) from points in Kentucky on and east of a line beginning at Covington, Ky., thence along U.S. Highway 27 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line to points in Missouri on and north of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 36 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Missouri-Kansas State line. The purpose of this partial correction is to eliminate a duplicate appearing in (Part 60). The remainder of the application remains as previously published.

No. MC 124813 (Sub-No. E3), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50300. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Commercial, animal and poultry feed*, in bags and in bulk, between points in that part of Illinois on and east of U.S. Highway 51 and on and north of U.S. Highway 36, on the one hand, and, on the other, points in Nebraska on and north of U.S. Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 126034 (Sub-No. E5), filed June 3, 1974. Applicant: BUCKS COUNTY CONSTRUCTION CO., P.O. Box 196, Penndel, Pa. 19047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such lime*, fence materials and building materials as would be embraced within machinery (including pumps, condensers, dynamos, motors and parts): (A) (1) from points in Delaware to those points in New Jersey on and north of a line beginning at the Delaware River on the Rancocas Creek near Riverside, New Jersey, thence extending east along said Creek to Browns Mills, New Jersey, where it crosses New Jersey Highway 530, thence east on New Jersey Highway 530 to the Barnegat Bay below Toms River, New Jersey; (2) from points in Maryland on and west of Interstate Highway 81 to points in New Jersey north and east of a line beginning at the Delaware River between Pennsylvania and New Jersey, thence south and east along New Jersey Highway 47 to its junction with an unmarked Highway near Heislerville, New Jersey, thence south along said unmarked Highway to the Delaware Bay near Moore's Beach, New Jersey; (3) from points that are both on and east of Interstate Highway 81 and on and west of Interstate Highway 95 to points in New Jersey on and north of a line beginning at the Delaware River between New Jersey and Pennsylvania at or near Burlington, New Jersey, thence extending east along New Jersey Highway 528 to its junction with New Jersey Highway 527, thence south along New Jersey Highway 527 to its junction with New Jersey Highway 37, thence south and east along New Jersey Highway 37 to the Atlantic Ocean at or near Seaside Heights, New Jersey.

(4) Points in Maryland on and east of U.S. Highway 1, (including those points in Maryland on the Delmarva Peninsula) to points in New Jersey on and north of a line beginning at the Delaware River between Pennsylvania and New Jersey near Trenton, New Jersey, thence extending east along New Jersey Highway 528, to its junction with New Jersey Highway 527, thence south along New Jersey Highway 527 to its junction with

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New Jersey Highway 37, thence east along New Jersey Highway 37 to the Atlantic Ocean near Seaside Heights, N.J.; (B) *Such lime,* fence materials, and building materials, as would be embraced within construction machinery and equipment from points in Delaware and Maryland to those points in Pennsylvania and New Jersey which are both within forty miles of Philadelphia, Pennsylvania (including Philadelphia, Pennsylvania) and are also on and north of a line beginning at Lakewood, New Jersey and extending west on New Jersey Highway 526 to its junction with Interstate Highway 195, thence west along Interstate Highway 195 to its junction with New Jersey Highway 206, thence west along New Jersey Highway 206 to its junction with U.S. Highway 1 near Trenton, New Jersey, thence south and west along U.S. Highway 1 to Pennsylvania Highway 413, thence north and west along Pennsylvania Highway 413 to its junction with U.S. Highway 202, thence west along U.S. Highway 202 to its junction with Pennsylvania Highway 422, thence north and west along Pennsylvania Highway 422 to its junction with Pennsylvania Highway 61 near Reading, Pennsylvania. The purpose of this filing is to eliminate the gateways of (A) (1)–(4) unincorporated points in Bucks County, Pennsylvania that lie within the Philadelphia, Pennsylvania commercial zone. (B) Unincorporated points in Bucks County, Pa., that are within 40 miles of Philadelphia, Pa.

No. MC 126034 (Sub-No. E6), filed June 3, 1974. Applicant: BUCKS COUNTY CONSTRUCTION COMPANY, P.O. Box 196, Penndel, Pa. 19047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: (A) *Such machinery* and boilers, and factory equipment, together with stocks and supplies when part of the movement of a factory as would be embraced within machinery (including pumps, condensers, dynamos, motors, and parts), between Wilmington, Delaware, on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Sayre and Erie, Pennsylvania, Martinsburg, West Virginia, and those in Pennsylvania on and east of the Susquehanda River; (B) *Such machinery* and boilers, and factory equipment, together with stocks and supplies when part of the movement of a factory as would be embraced within lime, fence materials, and building materials, from points in New York, Connecticut, Massachusetts, Washington, D.C., Sayre and Erie, Pennsylvania, Aberdeen, Maryland, Martinsburg, West Virginia, and those in Pennsylvania on and east of the Susquehanna River, to all unincorporated points in Bucks County, Pennsylvania; (C) *Such machinery* and boilers, and factory equipment together with stocks and supplies when part of the movement of a factory as would be embraced within construction machinery and equipment, (1) between points in Connecticut, New York, Massachusetts, on the one hand, and on the other, those points in Delaware within a forty mile radius of Philadelphia, Pennsylvania and those in Pennsylvania that are within forty mile radius of Philadelphia and are on and east of a line extending along Pennsylvania Highway 100 to its junction with U.S. Highway 202, thence south on U.S. Highway 202 to the Delaware line.

(2) Between Sayre and Erie, Pennsylvania, on the one hand, and, on the other, those points in Delaware within a forty mile radius of Philadelphia, Pennsylvania; (3) between Washington, D.C., and Aberdeen, Maryland, on the one hand, and, on the other, those points in Pennsylvania and Delaware which are within forty miles of Philadelphia, Pennsylvania and which are also on and east of a line beginning at St. Georges, Delaware and extending north along U.S. Highway 13 to its junction with Pennsylvania Highway 291, thence north along Pennsylvania Highway 291 to its junction with Pennsylvania Highway 611, thence north along Pennsylvania Highway 611 to its junction with U.S. Highway 202, thence north and east along U.S. Highway 202 to the Delaware River near New Hope, Pennsylvania; and (4) between Martinsburg, West Virginia, on the one hand, and, on the other, those points in Delaware within a forty mile radius of Philadelphia, Pennsylvania and those in Pennsylvania that are within a forty mile radius of Philadelphia, Pennsylvania and are on and east of a line beginning on Pennsylvania Highway 309 near Allentown, Pennsylvania and extending south on Pennsylvania Highway 309 to its junction with Pennsylvania Higway 611, thence south and west on U.S. Highway 1 to its junction with U.S. Highway 202, thence south of U.S. Highway 202 to the Delaware-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of: (A) points in New Jersey that are within the Philadelphia, Pennsylvania commercial zone; (B) New Jersey; (C) points in New Jersey that are within forty miles of Philadelphia, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29763 Filed 11-4-75;8:45 am]

[Notice No. 907]

ASSIGNMENT OF HEARINGS

OCTOBER 31, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 124947 Sub 38, Machinery Transports, Inc., now assigned November 12, 1975 at Denver, Colorado, is canceled and the application is dismissed.

MC 110144 Sub 15, Jack C. Robinson, d.b.a. Robinson Freight Lines continued to November 25, 1975 (1:00 p.m.) at Nashville, Tenn., in the Department of Labor's Conference Room, C-1 Cordell Hull Building.

MC 125433 Sub 59, F-b Truck Line Company, a Corp., now assigned December 2, 1975 at San Francisco, Calif., will be held in Room 13025, Federal Bldg., & U.S. Courthouse, 450 Golden Gate Avenue, San Francisco, Calif.

MC 97710 Sub 7, Peters Truck Lines, now assigned December 8, 1975 at Sacramento, California, is cancelled and reassigned for hearing on the 3rd day of December, 1975, (3 days), at San Francisco, California in Room 13025, Federal Building & U.S. Courthouse, 450 Golden Gate Avenue; and continued to Medford, Oregon on December 8, 1975, (2 weeks), at the Medford Holiday Inn, 2300 Biddie Road.

MC 99140 Sub 11, Midway Motor Freight Lines, Inc., now assigned December 2, 1975 at Little Rock, Arkansas is postponed to January 12, 1975 (2 weeks) at Little Rock, Arkansas; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29768 Filed 11-4-75;8:45 am]

[Ex Parte No. 270 (Sub-No. 9)]

GRAIN AND GRAIN PRODUCTS

Investigation of Railroad Freight Rate Structure

It appearing, That petitions were filed on August 28, 1975, by the Western Railroad respondents; on September 9, 1975, by the New Orleans Traffic and Transportation Bureau; on September 15, 1975, by the New York State Department of Transportation; on October 20, 1975, by the Special Projects Staff; and numerous letters were received from interested parties requesting the Commission to conduct prehearing conferences in this proceeding for the purpose of clarifying the issues and objectives of this investigation; seeking agreement and accord as to source material and marketing evidence in order to avoid repetition and redundancy in the evidence submitted; and determining whether it is possible to select typical and representative rates to be utilized as a basis for cost studies to be adduced in this proceeding;

It further appearing, That no impediment whatsoever exists to prevent any party or parties to this proceeding from coordinating their activities or cooperating in their efforts to avoid redundancy in the assimilation of evidence for submission in the course of this proceeding;

It further appearing, That numerous parties in this proceeding convened in St. Louis, Missouri, on June 12, 1975, and addressed themselves to the issues raised in the aforementioned petitions;

It further appearing, That our order of May 19, 1975 specifies with sufficient clarity the issues and objectives of our investigation and the procedures to be followed in this proceeding;

And it further appearing, That, because of problems that have occurred in

connection with studies being conducted outside this Commission, it has become necessary to postpone the filing dates in this proceeding:

Wherefore, and good cause appearing:

It is ordered, That the petitions moving for a prehearing conference in this proceeding are hereby denied for the reason that insufficient grounds exist to warrant granting the action sought at this time.

It is further ordered, That the filing schedule contained in our order of July 24, 1975, shall be, and it is hereby, modified to the extent that opening statements of fact and argument may be submitted by any parties to this proceeding on or before February 2, 1976; rebuttal statements may be submitted on or before April 5, 1976; and replies (surrebuttal) may be submitted on or before May 17, 1976.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy in the office of the Commission's Secretary and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., on this 24th day of October, 1975.

By the Commission, Commissioner Hardin, Coordinator.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29772 Filed 11-4-75;8:45 am]

[Notice No. 13]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 31, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 C.F.R. 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 104.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before December 5, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 699), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. filed October 23, 1975. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage,* and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Pittsburgh, Pa., over U.S. Highway 22 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction unnumbered highway west of Morgantown, W. Va., thence over unnumbered highway to junction U.S. Highway 19, thence over U.S. Highway 19 to Morgantown, W. Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Pittsburgh, Pa., over Pennsylvania Highway 51 to junction unnumbered highway, thence over unnumbered highway to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 119 to Morgantown, W. Va., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29764 Filed 11-4-75;8:45 am]

[Notice No. 40]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 31, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 C.F.R. 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before December 5, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 906 (Deviation No. 9), CONSOLIDATED FORWARDING CO., INC., 1300 N. Tenth St., St. Louis, Mo. 63106, filed October 20, 1975. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highway 66 and U.S. Highway 36, over U.S. Highway 36 to junction Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 66 and U.S. Highway 36, over U.S. Highway 66 to junction U.S. Highway 40, thence over U.S. Highway 40 to Kansas City, Mo., and return over the same route.

No. MC 59680 (Deviation No. 94), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas, Tex. 75222, filed October 20, 1975. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From North Little Rock, Ark., over Interstate Highway 40 (using portions of U.S. Highway 66 where Interstate Highway 40 is incomplete) to junction U.S. Highway 287, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Little Rock, Ark., over U.S. Highway 67 to Texarkana, Tex., thence over U.S. Highway 82 to Paris, Tex., thence over Texas Highway 24 to Greenville, Tex., thence over U.S. Highway 67 to Dallas, Tex., thence over Texas Highway 114 to Rhome, Tex., thence over U.S. Highway 287 to junction Interstate Highway 40 and return over the same route.

No. MC 109533 (Deviation No. 8), OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, Va. 23309, filed October 9, 1975. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Bluefield, W. Va., over U.S. Highway 21 to Charleston, W. Va., thence over U.S. Highway 35 to junction Ohio Highway 7, thence over Ohio Highway 7 to Gallipolis, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Bluefield, W. Va., over U.S. Highway 460 to junction West Virginia Turnpike (Interstate Highway 77), thence over West Virginia Turnpike to Charleston, W. Va., thence over Interstate Highway 64 to Huntington, W. Va., thence over U.S. Highway 52 to Chesapeake, Ohio, thence over Ohio Highway 7 to

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Gallipolis, Ohio, and return over the same route.

No. MC 134308 (Deviation No. 3), CADDO EXPRESS, INC., P.O. Box 10280, Palo Alto, Calif. 94303, filed October 20, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Selling, Okla., over U.S. Highway 60 to junction U.S. Highway 183, thence over U.S. Highway 183 to Clinton, Okla., thence over Interstate Highway 40 to junction U.S. Highway 281, thence over U.S. Highway 281 to Anadarko, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Selling, Okla., over U.S. Highway 270 to Oklahoma City, Okla., thence over U.S. Highway 62 to Anadarko, Okla., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29765 Filed 11-4-75;8:45 am]

[Notice No. 87]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 31, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating rights' applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210(a)(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 C.F.R. § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before December 5, 1975 (unless otherwise specified). Failure seasonably to file a protest will be constructed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 105566 (Sub-No. 92) (Republication), filed December 22, 1972, and published in the Federal Register issue of February 1, 1973, and republished this issue. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. A Decision and Order of the Commission, Division 1, dated October 15, 1975, and served October 23, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over *irregular routes*, of (1) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and (2) *equipment, materials, and supplies* used in the conduct of such businesses when moving in mixed loads with the commodities in (1) above, from Cincinnati, Ohio to Memphis, Tenn., Irving, Tex., and points in California, restricted to the transportation of traffic originating at and destined to the facilities owned or utilized by The Kroger Company. The purpose of this republication is to indicate the grant of authority to Irving, Tex., rather than Irwin, Tex. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate, petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 12645 (Notice of Filing of Petition to Modify License), filed October 10, 1975. Petitioner: PARAGON TRAVEL AGENCY, INC., 680 Purchase Street, New Bedford, Mass. 02740. Petitioner's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Petitioner holds a license to engage in operation as a *broker* at New Bedford, Mass., in MC 12645, issued February 4, 1957, to sell or offer to sell the transportation of *Passengers and their baggage*, in special or charter operations, between points in the United States. By the instant petition, petitioner seeks to establish an employee-staffed office at Dartmouth, Mass., in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 110060 (Notice of Filing of Petition to Modify Certificate), filed October 16, 1975. Petitioner: TRANSPORTES CHIHUAHUENSES. S.A. de C.V., 16 de Septiembre 250 Ote, Juarez Chihuahua, Mexico. Petitioner's representative: Horacio Ortega D., 111 San Francisco Street, El Paso, Tex. Petitioner holds a motor *common carrier* certificate in MC 110060, issued December 6, 1962, authorizing transportation, over regular routes, of *Passengers and their baggage, and newspapers, express and mail* in the same vehicle with passengers, between the United States-Mexico Boundary line and El Paso, Tex., serving no intermediate points: From the United States-Mexico Boundary line at El Paso over city streets

to the site of the bus terminal located at the intersection of Chihuahua and San Francisco Streets in El Paso, and return over the same route. Restriction: The service authorized herein is restricted against the transportation of traffic solely between El Paso, Tex., and Juarez, Mexico. By the instant petition, petitioner seeks to delete the bus terminal located at the intersection of Chihuahua and San Francisco Streets in El Paso, Tex., in the above described authority and to substitute in lieu thereof, 111 San Francisco Street in El Paso. The rest of the certificate will remain the same. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133591 (Sub-No. 20) (Notice of Filing of Petition to Modify Commodity Description), filed October 17, 1975. Petitioner: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Petitioner's representative: Arnold L. Burke, Suite 3520, 180 North La Salle Street, Chicago, Ill. 60601. Petitioner holds a motor *common carrier* certificate in No. MC 133591 (Sub-No. 20), issued September 2, 1975, authorizing transportation, as pertinent, over *irregular routes*, of *Frozen vegetables*, from points in Idaho, to Kansas City, Mo. By the instant petition, petitioner seeks to add *Frozen potatoes* to the commodity description in the above described authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 138235 (Notice of Filing of Petition To Modify Permit), filed October 17, 1975. Petitioner: DECKER TRANSPORT COMPANY, INCORPORATED, 5 Ida Street, Haledon, N.J. 07508. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *contract carrier* permit in No. MC 138235, issued November 21, 1974, authorizing transportation, over irregular routes, of (1) *Steel storage buildings, shelving, screen houses*, and *aluminum products*, and (2) *materials, equipment, and supplies* used in the manufacture or sale of the commodities in (1) above (except commodities in bulk), Between the facilities of Arrow Group Industries, Incorporated, at or near Cucamonga, Calif., Breese, Ill., and Pompton Plains, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Arrow Group Industries, Incorporated. By the instant petition, petitioner seeks to add *Plastic articles* to the commodity description in the above described authority, and to add St. Louis, Mo., as a terminal point, so as to read, (1) *Steel storage buildings, shelving, screen houses, aluminum products*, and *plastic articles*, and (2) *materials, equipment and supplies* used in the manufacture or sale of the commodities in (1) above (except commodities in bulk), Between the facilities of Arrow Group Industries, Incorporated, at or near Cucamonga, Calif., Breese, Ill., Pompton Plains, N.J., and St. Louis, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Arrow Group Industries, Incorporated. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 8028 (Sub-No. 3), filed September 25, 1975. Applicant: BARRIEAU EXPRESS, INC., 301 Murphy Road, Hartford, Conn. 06114. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, West Virginia, Kentucky, Tennessee, Ohio, Michigan, Indiana, Illinois, Missouri, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Mississippi, Alabama, Georgia and Florida. The purpose of this filing is to eliminate the gateway of Hartford, Conn. and points within 20 miles thereof, (2) between points in Connecticut, New York, and New Jersey bounded by a line beginning at Long Island Sound, and extending along the Connecticut-Rhode Island and Connecticut-Massachusetts State Line to junction Massachusetts Highway 12 thence along Massachusetts Highway 12 to junction U.S. Highway 20, thence west along U.S. Highway 20 to junction Massachusetts Highway 23, thence along Massachusetts and New York Highways 23 to Catskill, N.Y., thence south along U.S. Highway 9-W to junction U.S. Highway 202, thence south along U.S. Highway 202 to Somerville, N.J., thence east along New Jersey Highway 28 to junction New Jersey Highway S-28, thence along New Jersey Highway S-28 to Old Bridge, N.J., thence northeast along unnumbered highway via Runyon, N.J. and Ernston, N.J., to junction U.S. Highway 9, thence along U.S. Highway 9 to South Amboy, N.J., thence to the Raritan Bay, and thence along the bay and ocean shores to the points of beginning at the Connecticut-Rhode Island State line, including points on Long Island, N.Y., and those on the indicated portions of the highways specified, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, West Virginia, Kentucky, Tennessee, Ohio, Michigan, Indiana, Illinois, Missouri, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Mississippi, Alabama, Georgia and Florida. The purpose of this filing is to eliminate the gateway of Chicago, Ill. and points within 50 miles thereof.

NOTE.—This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC-F-12607 published in the FEDERAL REGISTER issue of August 20, 1975. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 8958 (Sub-No. 30) (Partial Correction), filed September 29, 1975 published in the FEDERAL REGISTER issue of October 16, 1975, and republished as corrected in part this issue. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, P.O. Box 119, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors' equipment, machinery, and iron and steel articles* of the kind used in construction and manufacture, which because of size or weight require specialized handling or rigging, between points in Allegheny, Westmoreland, Fayette, Washington and Greene Counties, Pa., and points in Ohio and West Virginia, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Ohio, West Virginia, the District of Columbia and points in Maryland on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateways at Ohio Turnpike Interchange No. 15, Niles, Ohio, Toledo, Ohio, Steubenville, Ohio and its commercial zone, Martins Ferry, Ohio and its commercial zone, any point in that part of Ohio on and east of U.S. Highway 21 and on and north of a line beginning at junction U.S. Highways 21 and 36 and extending eastward along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State Boundary line, points in New York, and those in Pennsylvania on and east of U.S. Highway 15.

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(2) *Wire and wire products, steel, steel ware, steel coal doors, steel channels, steel fence posts, solder, sheet steel, tinpate, and terne plate* of the kind used in construction and manufacture, between points in that part of Indiana south of a line beginning at the Ohio-Indiana State Boundary line and extending along U.S. Highway 30 to Etna Green, Ind., thence along Indiana Highway 19 to junction Indiana Highway 10, thence along Indiana Highway 10 to the Indiana-Illinois State Boundary line, and north of a line beginning at the Ohio-Indiana State Boundary line and extending along U.S. Highway 50 to junction Indiana Highway 7, thence along Indiana Highway 7 to Columbus, Ind., thence along Indiana Highway 46 to Bloomington, Ind., thence along Indiana Highway 45 to junction Indiana Highway 54, thence along Indiana Highway 54 to the Indiana-Illinois State Boundary line, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, West Virginia, District of Columbia, points in that part of Maryland on and east of U.S. Highway 15 and points in that part of Ohio on and east and north of U.S. Highway 250.

The purpose of this filing is to eliminate the gateways at Columbus, Portsmouth and Niles, Ohio, Ohio Turnpike Interchange 15, any point in that part of Ohio on and east of U.S. Highway 21 and on and north of a line beginning at junction U.S. Highway 21 and 36 and extending eastward along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State Boundary line, Wheeling, W. Va., and points within 25 miles of Wheeling, W. Va., points in New York, and those in Pennsylvania on and east of U.S. Highway 15.

NOTE.—The purpose of this partial republication is to correct the territorial description in (1) above, and the commodity description in (2) above. This is a gateway elimination request and is directly related to a Section 5(2) proceeding in MC–F–12582, published in the FEDERAL REGISTER issue of June 4, 1975. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111398 (Sub-No. 15), filed October 14, 1975. Applicant: FISCHBACH TRUCKING CO., a Corporation, 921 Sherman Street, Akron, Ohio 44309. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is manufactured or dealt in by persons whose primary business purpose is the manufacture, processing or distribution of rubber products and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business when moving to or from plants, warehouses or other facilities used by such persons or wholesale or retail outlets for such products, (a) between points in Ohio, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey, that part of New York on and east of a line beginning at the International Boundary line between the United States and Canada and extending along the St. Lawrence River to Alexandria Bay, N.Y., thence along New York Highway 12 to Binghamton, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State Boundary line, and that part of Pennsylvania on and south of U.S. Highway 22 and on and east of Interstate Highway 83, and (b) between points in Ohio, on the one hand, and, on the other, Chicago and Chicago Heights, Ill. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

(2) *Such commodities* as are manufactured, processed or dealt in by persons whose primary business purpose is the manufacture, processing or distribution of asbestos products when moving from or to plants, warehouses or other facilitis used by such presons, or wholesale or retail outlets for such products, from Amber, Pa., to points in Ohio south of U.S. Highway 40 and *returned shipments* of the above specified commodities, from points in Ohio south of U.S. Highway 40, to Amber, Pa. The purpose of this filing is to eliminate the gateways of Akron, Ohio and points in Ohio on and north of U.S. Highway 40. (3) *Such commodities* as are manufactured, processed and dealt in by rubber manufacturers and steel products manufacturers, and equipment, materials and supplies used in the conduct of such businesses, from points in Ohio, to points in that part of New York from Watertown, N.Y. over U.S. Highway 11 to its intersection with New York Highway 12, thence north along New York Highway 12 to Watertown, N.Y., including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

NOTE.—This is a gateway elimination request and is a matter directly related to a section 5(2) proceeding in MC–F–12656 published in the FEDERAL REGISTER issue of October 30, 1975. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–F–12660. Authority sought for purchase by FAYETTEVILLE MOVING & STORAGE, INC., P.O. Box 3574, Fayetteville, NC 28305, of a portion of the operating rights of RABON TRANSFER, INC., Route #3, Box 61, Chadbourn, NC 28431, and for acquisition by JOHN K. BOYETTE, and ELOISE N. BOYETTE, both of 2213 Winterlochen Rd., Fayetteville, NC 28305, of control of such rights through the purchase. Applicants' attorney: Vaughan S. Winborne, 1108 Capital Club Bldg., Raleigh, NC 27601. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Whiteville, N.C., and points in North Carolina within 50 miles of Whiteville, on the one hand, and, on the other, points in Florida, Georgia, South Carolina, Maryland, Pennsylvania, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, Georgia, Florida, Virginia, Maryland, Pennsylvania, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12661. Authority sought for purchase by RAU CARTAGE, INC., 1107 E. Noble St., Monroe, MI 48161, of a portion of the operating rights of FAIRALL TRUCKING COMPANY, 18472 Allen Road, Wyandotte, MI 48192, and for acquisition by JAMES E. RAU, JACK K. RAU, ROBERT E. BISHOP, AND OLLIEBELLE RAU, all of 1107 E. Noble St., Monroe, MI 48161, of control of such rights through the purchase. Applicants' attorneys: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226, and William B. Elmer, 21635 E. Nine Mile Road, St. Clair Shores, MI 48080. Operating rights sought to be transferred: *Paper and paper products*, as a *contract carrier* over irregular routes, from Monroe, Mich., to points in that part of Pennsylvania on and west of U.S. Highway 19; *raw materials* used for the manufacture of paper and paper products, from points in that part of Pennsylvania on and west of U.S. Highway 19 to Monroe, Mich., with restriction; *paper and paper products*, between Donora, Pa., on the one hand, and, on the other, points in Michigan, Ohio, and Indiana, with restriction. Vendee is authorized to operate as a *contract carrier* in Michigan, Ohio, Indiana, Pennsylvania, Illinois, Wisconsin, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12662. Authority sought for control by IOWA PACKERS XPRESS, INC., 920 32nd Avenue West, Spencer, IA 51301, of ROBERT W. GROH, Box 3320, Sioux City, IA 51101, and for acquisition by WILLIAM E. HUSBY, and PATRICIA L. HUSBY, both of 1114 West 7th St., Spencer, IA 51301, of control of ROBERT W. GROH, through the acquisition by IOWA PACKERS XPRESS, INC. Applicants' representative: William E. Husby, 920 32nd Ave., West, Spencer, IA 51301. Operating rights sought to be controlled: *Edible bakery supplies*, as a *contract carrier* over irregular routes, from the plant site of Globe Products Company, of Clifton, N.J., to points in Colorado, Utah, Nevada, Arizona, California, Washington, and Oregon, with restriction. IOWA PACKERS XPRESS, INC., is authorized to operate as a *common carrier* in Iowa, Ohio, Connecticut, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Virginia, Nebraska, Delaware, Maine, Rhode Island, Vermont, New Hampshire, South Dakota, West Virginia, Minnesota, North Dakota, Kansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

SOUTHERN PACIFIC TRANSPORTATION COMPANY, One Market Street, San Francisco, California 94105, represented by Mr. Tom M. Davis, 3000 One Shell Plaza, Houston, Texas 77002, hereby gives notice that, on the 20th day of October, 1975, it filed with the Interstate

Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the Missouri Pacific Railroad Company between Harlingen, Cameron County and Placedo, Victoria County, and traversing Willacy, Kenedy, Kleberg, Nueces, San Patricio and Refugio Counties, all in the State of Texas, a distance of approximately 196.84 miles in lieu of operating on its own routes between Harlingen and Victoria, segments of which are sought to be abandoned in Docket No. AB–12 (Sub-No. 20), which application was assigned Finance Docket No. 28024.

In the opinion of the applicant, the subject matter of this application will not have any significant effect on the quality of the human environment. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in *Ex Parte No. 55 (Sub-No. 4), Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b) (1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

SOUTHERN PACIFIC TRANSPORTATION COMPANY, One Market Street, San Francisco, California 94105, represented by Charles W. Burkett, General Solicitor, Southern Pacific Transportation Company, One Market Street, San Francisco, California 94105, hereby gives notice that, on the 16th day of October, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the Atchison, Topeka and Santa Fe Railway Company between mile post 66 plus 1196.1 feet at Rosenberg, Fort Bend County and mile post 125 plus 3412.2 feet at Brenham, Washington County, a distance of approximately 59.62 miles, all in the State of Texas, for the routing of trains presently operated between Giddings and Houston via Hearne, which application was assigned Finance Docket No. 28023.

In the opinion of the applicant, the subject matter of this application, involving only the operation of one train a day in each direction, will not have any significant effect on the quality of the human environment. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b) (1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearing unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75–29767 Filed 11–4–75;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

Notice of Filing

OCTOBER 31, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A–55846, filed August 1, 1975. Applicant: PENINSULA AIR DELIVERY, 2443 Wyandotte Street, Mountain View, Calif. 94040. Applicant's representative: Dennis D. Kendall, (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except as hereinafter provided), (1) Between all points and places in the San Francisco Territory as previously granted in decision No. 82198 and as set forth in exhibit "A" herein; and (2) Between all points and places on or within 20 lateral miles of the following routes: (a) U.S. Highway 101 between Healdsburg and Salinas, inclusive; (b) State Highway One between Carmel and its intersection with State Highway 17, inclusive; (c) State Highway 17 between its intersection with State Highway One and its intersection with Interstate Highway 580, inclusive; (d) Interstate Highway 580 between its intersection with State Highway 17 and its intersection with Interstate Highway 5, inclusive; (e) Interstate Highway 5 between its intersection with State Highway 4 at Stockton and its intersection with State Highway 152, inclusive; (f) State Highway 4 between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive; (g) State Highway 120 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (h) State Highway 99 between Sacramento and Fresno, inclusive; (i) Interstate Highway 80 between its intersection with State Highway 37 at Vallejo and Sacramento, inclusive; (j) Interstate Highway 680 between its intersection with Interstate Highway 80 and its intersection with Interstate Highway 580.

(k) State Highway 116 between its junction with State Highway 101 and its junction with State Highway 29, inclusive; (l) State Highway 29 between its itersection with State Highway 37 and Napa, inclusive; and (m) State Highway 37 between its intersection with State Highway 29 and Interstate Highway 80, inclusive; In performing the service herin authorized, applicant may make use of any and all streets, roads, highways, and birdges necessary or convenient for the performance of said service. (Except that pursuant to the authority herein granted, carrier shall not transport any shipments of): (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle. (8) Logs. (9) Commodities of unusual or extraordinary value. (10) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. (11) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; and (12) Explosives or dangerous articles. Intrastate, interstate and foreign commerce authority sought.

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Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Bldg., Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102.

Texas Docket No. 2603–B, filed October 21, 1975. Applicant. OBIE NATIONS, doing business as, TYLER BUS LINES, 2315 Lingner, Tyler, Tex. 75701. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Passengers and their baggage* in intrastate, interstate and foreign commerce, between Tyler, Texas, and Hearne, Texas, as follows: From Tyler over Texas Highway 155 to Palestine, thence over U.S. Highway 79 to Hearne, and return over the same route, serving all intermediate points.

NOTE.—Applicant proposes to tack and coordinate the proposed additional services with all services authorized in intrastate commerce under Motor Bus Certificate No. 2603 and with all services now authorized in interstate and foreign commerce under authority granted in Docket No. MC 139829.

Hearing: Date, time and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29766 Filed 11-4-75;8:45 am]

[Notice No. 109]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 5, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 25, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76099. By order of October 31, 1975, the Motor Carrier Board approved the transfer to Wallace Hoffman, Doing Business as Hoffman Garage, Wathena, Kansas, of Certificate No. MC 124369, issued to Ray E. Leman, Doing Business as Leman Motor Service, Hiawatha, Kansas, authorizing the transportation of wrecked and disabled automobiles, trucks, truck-tractors, and trailers (except trailers designed to be drawn by passenger automobiles) by the use of wrecker equipment only, between points in Brown County, Kans., on the one hand, and, on the other, points in Missouri and Nebraska. Clyde N. Christey, 641 Harrison, Topeka, Kansas 66603 Attorney for applicants.

No. MC–FC–76135. By order of October 31, 1975, the Motor Carrier Board approved the transfer to Metals Transport, Inc., Wauwatosa, Wis., of the operating rights in Permit No. MC 138002 (Sub-No. 2) issued November 28, 1973, to Red Mountain Transport, Inc., Birmingham, Ala., authorizing the transportation of material handling equipment, parts and accessories therefor, and material, equipment, and parts supplies used in the manufacture and repair of such commodities, between points in the United States, including Alaska but excluding Hawaii. Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29769 Filed 11-4-75;8:45 am]

WISCONSIN HOLDING CO. AND McLOUTH STEEL CORP.

OCTOBER 31, 1975.

WISCONSIN HOLDING COMPANY AND McLOUTH STEEL CORPORATION, 300 South Livernois, Detroit, Michigan 48209, represented by Messrs. Donald A. Lochhead, Vice President and Treasurer and Gene E. Gann, Chairman of the Board and Chief Executive Officer, 300 South Livernois, Detroit, Michigan 48209, hereby give notice that, on the 2nd day of October, 1975, they filed with the Interstate Commerce Commission at Washington, D.C., a joint application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the proposed transaction whereby the Wisconsin Holding Company shall purchase all of the outstanding capital stock of the Chicago, West Pullman & Southern Railroad Company, a carrier subject to Part I of the Act.

Applicant is not a carrier subject to either Part I or Part III of the Act, but all of applicant's stock is owned by McLouth Steel Corporation, which in turn owns all of the capital stock of R–W Service System, Inc., which is a common motor carrier subject to Part II of the Act.

The operations to be controlled are those of a switching and terminal line whose routes generally extend from 120th Street and Ashland Avenue, Chicago, Illinois, to 106th Street and Torrence Avenue, South Chicago, Illinois each of which points are termini. The mileage of the line to be purchased is 29.62 miles, which application was assigned Finance Docket No. 28007.

In the opinion of the applicants, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex-Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than December 5, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29770 Filed 11-4-75;8:45 am]

federal register

WEDNESDAY, NOVEMBER 5, 1975



PART II:

FEDERAL TRADE COMMISSION

MAIL ORDER MERCHANDISE

Promulgation of Trade Regulation Rule; Statement of Basis and Purpose

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 435—MAIL ORDER MERCHANDISE

Promulgation of Trade Regulation Rule

Correction

In FR Doc. 75-28203, appearing at page 49492, in the issue for Wednesday, October 22, 1975, the following text was inadvertently omitted. It should appear after the signature on page 49494.

STATEMENT OF BASIS AND PURPOSE

CHAPTER I. HISTORY OF THE PROCEEDING

On September 28, 1971 the Commission announced the initiation of a proceeding for the promulgation of a Trade Regulation Rule concerning undelivered mail order merchandise and services and published a proposed Rule.[1] All interested persons were invited to file written data, views or arguments concerning the proposed Rule or to present such information orally at public hearings in Washington, D.C.

Public hearings were held in Washington, D.C., March 27-29, 1972,[2] with Mr. William D. Dixon, Assistant Director Rules and Guides of the Bureau of Consumer Protection presiding. Every person who had expressed a desire to present his views orally at these hearings was accorded the opportunity to do so. Written statements and comments concerning the proposal were received for a period of seven months from September 28, 1971, until April 28, 1972.

After careful consideration of the Record thereby produced, the Commission published a revised proposed Rule on March 8, 1974, and invited written comments on the revisions.[3]

The Public Record of this proceeding closed June 14, 1974.[4]

The Record includes 447 pages of transcript from the hearings held in Washington, D.C.,[5] some 3,200 pages of prenotice consumer letters complaining of mail order practices,[6] a compilation of some 8,000 pages of general record composed mainly of consumer complaints,[7] about 2,300 pages of substantive record contributed by industry members, government and private groups, as well as news articles and Commission complaint proceedings on point,[8] and finally some 1,200 pages of comments on the revised proposed Rule as well as many more recent consumer complaints received by the Commission.[9]

Upon careful analysis and review of the entire Record described above, the Commission has made modifications to the revised proposed Rule published March 8, 1974. The revisions do not raise issues of law or fact which were not fully addressed in the Record. Therefore the Commission is promulgating this Rule without further invitaton for comment on the aforesaid modifications. A summary of the Rule's provisions appears below in Chapter VI, Mechanics of the Rule.

CHAPTER II. NATURE OF MAIL ORDER SALES

"Mail order sales" refers to a marketing method whereby orders are solicited for goods which are to be ordered by mail. Some of the means by which orders are solicited include magazine and newspaper advertisements, catalogs, direct mail solicitations and telephone solicitations. While the method of payment may be cash, check, money order, credit card or debit of the buyer's account, in most instances payment is made at the time of ordering. A variety of goods are offered in this manner including books, records, wearing apparel, home furnishings, novelty items, magazines, and nursery items.

Less mobile consumers especially, including the elderly, the sick or those living in remote or rural areas shop in this manner as a matter of convenience. Others do so because of possible savings or the variety or uniqueness of goods offered.

There are about 6,000 firms in the mail order industry[10] with sales estimated at over 40 billion dollars annually.[11]

CHAPTER III. PROBLEMS WITH MAIL ORDER SALES

The Record of this proceeding contains well over 10,000 pages of complaints regarding mail order sales coupled with hundreds of pages of letters and supporting materials, as well as testimony, from state and local agencies and consumer groups urging action by the Commission to correct these problems. The overwhelming majority of these complaints deal with delays in delivery or outright failure to deliver merchandise and almost half express extreme frustration due to the failure of mail order sellers to responsively answer inquiries concerning orders. In addition, a significant number of complaints concern failure to make refunds, or excessive delays in making refunds, on long overdue orders.

A. *Failure to deliver.* Failure to deliver pre-paid merchandise is by far the most frequent consumer complaint in mail order sales. The experience of federal agencies as well as state and local officials and consumer interest groups in recent years confirm the magnitude of this problem.[12]

In 1970 the Federal Trade Commission participated with other federal, state and local agencies in the formation of consumer protection coordinating committees in Boston, Chicago, Los Angeles, Philadelphia and San Francisco. Through a cooperative effort, consumer complaints from these cities were analyzed and statistics were compiled ranking the most frequent consumer complaints and linking specific types of businesses to the practices complained of during a six month period. Failure to deliver merchandise that has been paid for was found to be by far the most frequent consumer complaint and complaints against mail order houses for failure to deliver ranked near the top in terms of the type of business complained about most by consumers.[13]

For the last seven months of 1971, the President's Office of Consumer Affairs received over 1,100 consumer complaints concerning mail order practices, exceeded in volume only by complaints concerning automobiles and auto service. An analysis of two representative months revealed that non-delivery of ordered merchandise comprised over 60 percent of mail order complaints.[14]

The New York City Department of Consumer Affairs "was plagued by large numbers of complaints from consumers who had pre-paid for advertised merchandise only to find that all they ever received in return was their cancelled check" and as a result, Regulation 8 of the New York City Consumer Protection Law was promulgated in 1971 requiring delivery or a refund within six weeks.[15]

The Bay Area Consumer Protection Coordinating Committee reported in 1971 that failure to deliver mail order merchandise was the "most common complaint" received and that "the largest

[1] 36 FR 19092 (1971).

[2] Public hearings originally scheduled for January 24 and 25, 1972, were rescheduled at the request of industry members. 37 FR 622 (1972).

[3] 39 FR 9201 (1974).

[4] The original April 15, 1974 deadline for receipt of comments was extended to June 14, 1974, in response to petitions from industry members. 39 Fed. Reg. 13563 (April 15, 1974). The Record was re-opened briefly for inclusion of a data submission and comments thereon. 39 Fed. Reg. 40515 (November 18, 1974).

[5] R. 215-33-1-1 (Hereinafter Tr.).

[6] R. 215-1-4, Vols. 1-6 (Hereinafter R.I.). These letters were received before the Commission initiated this proceeding. In almost all cases permission was granted to place these complaints in the public record. (Where permission was not obtained names, addresses and references to parties have been deleted.)

[7] R. 215-33-1-3, Vols. 1-17 (Hereinafter R. II).

[8] R. 215-33-1-2, Vols. 1-4 (Hereinafter R. III).

[9] R. 215-33-1-3, Vols. 18-20 (Hereinafter R. IV).

[10] R. IV, pp. 8869, 9202, 9214.

[11] Statement of Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, (Hereinafter Knauer) Tr. 10; Statement of Congressman Benjamin Rosenthal, Tr. 18; Statement of Mr. John J. Daly, Vice President, Direct Mail Advertising Association, Tr. 32 quoting from "Business and the Consumer: The Creative Interface" by Peter Weaver. A more recent estimate placed industry annual sales at 14.4 billion dollars. N.Y. Times, August 24, 1975, § 3 at 1, col. 3.

[12] It is difficult to determine whether persons complaining of failure to deliver merchandise have experienced a total failure to deliver or are victims of unreasonably long delays who will ultimately receive their orders. The Record does contain instances of persons writing to complain of non-delivery writing at a later date to report that the seller had finally tendered the merchandise or a refund.

[13] FTC News Release, November 25, 1970.

[14] Knauer, Tr. 7.

[15] R. III, p. 608.

number of complaints concern[ed] mail order houses".[16]

Failure to deliver mail order merchandise and services has continued to be a major consumer complaint as demonstrated, for example, by a report from the Attorney General of Wisconsin who wrote to the Commission in support of the revised proposed Rule, by letter dated April 10, 1974:

> In 1970, failure to deliver ranked first in the number of complaints received categorized by the nature of the practice. In 1971, failure to deliver again ranked first while in 1972 and 1973, failure to deliver was second in this regard. In 1973, my Office of Consumer Protection received 2,125 complaints involving failure to deliver which represented 10 percent of the total responses in the nature of complaint area.[17]

The Record of this proceeding contains over 3,000 consumer complaint letters against more than 800 mail order sellers, of which over 90 percent concern failure to deliver mail order merchandise.[18] Many consumers complained about more than one company.

Almost half of all complainants—48.7 percent—reported that they never received any communication whatsoever concerning their unfilled order.[19] Typical of these complaints is one received from a Dayton, Ohio consumer who wrote:

> Last June a new prouct, a small movie projector, was described in the Sunday feature, * * * which I subsequently ordered. My check * * * was deposited * * * a few days after they received my order and returned to me cancelled (PAID). About a month later I sent a letter of inquiry to them which they never answered. Since then I have sent them three more letters, two by certified mail which they received and the Direct Mail/Marketing Association * * * has asked them twice to check into the problem, all without results. No response to date [April 8]; neither the projector or [sic] a reply.[20]

Another example came from a Chicago man who wrote:

> On July 1971 I placed an order with this firm for a stereo amplifier kit and enclosed payment in full, in the form of a personal check for $153.00. By the beginning of August, I had neither received the amplifier nor any reply from this firm to indicate whether my order had been received, or when the item would be shipped, so on August 9th I wrote a follow-up letter of inquiry. * * * At the end of August, I received the deposited-and-cancelled check back through my bank, indicating that my order was, in fact received. However, as of this date [October 24], I still have not received the amplifier, nor any other communication from [the company], and it appears that I have lost $153.00.[21]

Other consumers reported receiving correspondence from a company concerned stating: the order was being processed,[22] shipment of the order was delayed for various reasons [23] or the order had already been shipped.[24]

Consumers also complained that partially filled orders were never completed. For example one consumer wrote:

> In June I ordered a combination of 9 records and books * * * I pre-paid the order and on or about July 13 I received 3 of the ordered records along with a note saying that two items were out of stock. They also informed me that all the rest of my order was on back order and I would receive it soon. In mid-July I sent * * * another pre-payment * * * for two or three items. They have cashed my checks but I have never received the rest of my two orders * * * I would be very much appreciative if you could assist me.[25]

More than a few consumers, after many unsuccessful attempts to obtain either the merchandise ordered or a refund, learned that the mail order company had either gone out of business, moved to an unknown address, filed for reorganization or been petitioned into bankruptcy.[26]

B. *Failure to deliver within a reasonable time.* The Record also contains many letters from irate consumers who received their ordered merchandise only after waiting unreasonable periods of time, often without any explanation being given by the seller for the delays.

Frequently the need for such merchandise has long since passed before it is ever received. A classic example came from a consumer who wrote in support of the original proposed Rule:

> From personal experience, I have found that some mail order houses are not only unbelievably slow, but will ignore inquiries about orders. Last November, I ordered Christmas decorations from * * * a prominent mailorder gift business. When Christmas neared, I wrote them inquiring why I had not received the order. There was no answer so I wrote back asking for a refund. This second letter was also ignored. My Christmas decorations finally did arrive. In early January. They had been shipped the day before Christmas.[27]

Another consumer writing to support the original proposed Rule summed up similar experiences by concluding: "It is very disheartening to receive supposed Christmas presents (ordered in September and October) at Easter time." [28]

Sometimes, delays in filling orders are unavoidable and out of the control of the seller. On the other hand, delays can frequently be attributed to the fact that many sellers place advertisements or solicit orders for merchandise either without a sufficient quantity on hand to fill the orders which might be reasonably expected or with no stock on hand at all.[29] In the latter instance, the buyer is, in effect, providing the seller with an interest-free loan with which to purchase the advertised goods. Even where the order is not prepaid the seller is still causing the buyer great inconvenience by soliciting an order he cannot fill within a reasonable time and is also competing unfairly against other merchants. Although the lack of inventory does not always mean long delay in filling orders, all too often it does.

Although there was no unanimity of opinion among consumers as to what is a "reasonable time" for shipment where the seller has given no indication of shipping time, the specification of thirty days in § 435.1(a)(1) of the Rule is soundly

[16] R. III, p. 241.

[17] R. IV, p. 8443.

[18] The DM/MA sponsored survey of complaint letters to the Commission reported that 93.1 percent complained of "Failure to deliver." R. IV, p. 9292.

[19] R. IV, p. 9297.

[20] R. IV, p. 8378.

[21] R. III, p. 468.

[22] R. IV, p. 9297. 229 letters reported this response as the seller's first post-order correspondence with the buyer.

[23] *Id.* 503 letters reported that a delay notice was the seller's first post-order correspondence with the buyer.

[24] *Id.* 78 letters reported that this was the seller's first post-order correspondence with the buyer.

[25] R. II, p. 249.

[26] *See, e.g.* R. II, pp. 6217 and 7871.

[27] R. II, p. 1638. *See also*, R. II, pp. 1727, 4942, 5037, 5071, 5217, 5111, 6279, 6565.

[28] R. II, p. 7812.

[29] One witness at the hearings, an attorney for several mail order companies, stated flatly that it is a widespread business practice not to have an item in stock when advertised and that some advertisers may never have any stock at all. Statement of Monty Levy, Esq. Tr. 211, 222.

Several consumers noted incredulously that the concern they were dealing with was still advertising and soliciting orders long after they had sent back-order notices. One reported: "I recently had an inordinate amount of difficulty with a lamp order * * * I sent a check with my order (approx. $30.00). The first reply from the company was a form card which came along in about two weeks and advised that the lamps were out of stock and would be shipped later—about 1-2 weeks. They dribbled me along like this for about six months, at which time I requested my money back. I allowed over three weeks . . . to process the money back; and getting no reply I appealed to action line [Direct Mail Adv. Assn], [The company] finally refunded my money, claiming computer error. Item: *Over six months after I placed this lamp order, [the company] was still offering the lamp in their current catalog.*" (Emphasis added.) R. IV, p. 8732. *See also* R. II, pp. 92, 94, 128, 165, 391, 394, 635, 771, 874, 2052, 3300, 3766, 4885, 4912, 4916, 5097, 5721, 5927, 6420, 6974, 7886.

The practice of soliciting mail orders for merchandise prior to making a decision as to whether or not to fill the orders may in certain circumstances be a lawful business practice. For example, in the book publishing business there is a practice called "dry testing" in which marketer disseminates promotional material to the general public soliciting subscriptions to a continuity book series before the books have been published. Whether or not the book series is actually published depends on the size of the response to the solicitation. The Commission has stated that it does not object to the use of dry testing a continuity book series to be sold by mail order where the solicitation does not have the capacity or tendency to mislead the public into believing that the books have been or will be published, the terms and conditions of the transaction and other material facts are clearly and conspicuously disclosed and persons who subscribe are given timely notice of the status of their orders. See Advisory Opinion to Wentworth Press, Inc. dated March 27, 1975 (File No. 753 7003).

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based upon the evidence in the Record."[20] A substantial number of consumers writing the Commission concerning mail order transactions reported their distress and dissatisfaction when they did not receive ordered goods within approximately 30 days of placing their order.[21] In addition, many consumers who wrote supporting the published proposed Rules expressed approval of the time limits contained therein of either 21 [22] or 30 [23] days.

Consumer surveys conducted by a mail order merchandiser, Sunset House, and a trade association, Direct Mail/Marketing Association, also show that substantial numbers of consumers expect shipment of mail order merchandise within 30 days of receipt of an order. For example in the Sunset House survey, persons not in back order situations (persons in the same situation as someone about to order merchandise) were asked what their wishes would be "[i]f you ordered merchandise from Sunset House that was not available for immediate shipment at the time your order was received • • •" Specifically, they were asked "• • • how would you like us to handle the matter?" 554 persons who were past Sunset House customers were asked to choose between "I would be willing to wait 15 days. If you can't ship by the 15th day, I want you to *automatically* refund my remittance at that time" and "I would be willing to wait 15 days or longer provided I could expect a prompt refund if I requested one at a later date." 212 persons responded with 100 choosing to wait only 15 days more and 112 choosing the option of waiting more than 15 days with the right to request a refund. Thus 18.1 per cent of the total sample (and 47.2 per cent of the responding persons) stated that they would not wait more than 15 days beyond "immediate shipment" for Sunset House to ship merchandise.[24] The Commission notes that it is not possible to establish, from Sunset House's submission describing the survey and its results, the statistical significance of the cited results, but the survey *does* indicate that substantial numbers of consumers who are in the position of someone exposed to a solicitation for an order express a clear expectation that merchandise will be shipped in far less than 30 days of the seller's receipt of the order and that a delay in shipment beyond that point would be totally unacceptable.

The consumer survey conducted for Direct Mail/Marketing Association (DM/MA) also provides support for the proposition that a substantial number of consumers expect goods to be shipped within 30 days of receipt of an order. Once again, on the basis of the submission describing the survey and its results, the Commission is not able to evaluate the statistical significance of the survey.

The DM/MA survey asked respondents the following question: "Suppose a company were not able to ship a product in 30 days—and it notified you by mail about this fact stating when shipment would be made. • • • Generally speaking do you think in most cases you would want to wait for your order?" [25] 17.6 percent of the persons queried stated that they would not want to wait more than 30 days,[26] providing further information that substantial numbers of consumers when placing mail orders expect the seller to ship within 30 days of receipt of the order.

The DM/MA survey also records the response of persons who had received at least part of their order when asked how much longer they would have waited. Of persons who had waited less than two weeks for their order, 10.2 percent reported that they would not have waited an additional 15 days.[27] Once again the survey results indicate the expectations of a substantial number of consumers familiar with mail order transactions that sellers will ship mail order merchandise within thirty days of receipt of an order.

Thus, although there may be no unanimity as to what is a reasonable time for shipment, the Record indicates that a substantial number of persons, if not otherwise informed, will believe that thirty days is a reasonable time within which to ship merchandise. The Record demonstrates that a substantial number of consumers, in fact, not only expect shipment of merchandise within 30 days under such circumstances; they virtually demand shipment within that time.

C. *Failure to refund promptly.* Many consumers have found it extremely difficult, and in some cases impossible, to obtain refunds on long overdue orders.

"What recourse does a citizen of one State have when doing business with a company in another State?" queried a disgruntled Ohio consumer upon relating his experience in attempting, unsuccessfully, to secure a refund on a long overdue order:

> Last winter an ad appeared . . . promoting [lettered] T-shirts • • • My children pooled their allowance money and a check for $6.50 was sent to [the company]. The company cashed the check, however, we have yet to receive the shirts. For the past 6 months I have been attempting to get a refund on the shirts—but to no avail. It is a disgrace that business is permitted to cheat the public—and now children seem to be fair play.[28]

Consumers also reported that refunds were made only after numerous requests to the seller, pleas to a governmental agency to intercede and months of waiting as the following excerpt of a consumer letter demonstrates:

> I received a check today • • • exactly 110 days after the purchase was ordered by mail. The company enclosed no letter of comment or apology. In view of the prompt response after four letters and months of being ignored, it does not seem unreasonable to believe that my telling the company I was referring the problem to the FTC had something to do with it • • • [I]t remains an outrageous situation when a consumer has to go directly to the FTC to get a company to conduct its business in a responsible manner.[29]

The Record also demonstrates that refunds are no more readily forthcoming where the consumer receives a part of an order.[30]

In a related matter, a number of persons expressed concern and outrage over the practice of some sellers who, when unable to ship prepaid merchandise, give "refunds" in the form of a credit "voucher", "slip" or "memo" instead of cash or a negotiable instrument.[31] Upon becoming a victim of this practice one consumer wrote: "I was furious at this tactic." [32] Another consumer who had a similar experience concluded that "I definitely think there should be a time limit on refunds, and that credit slips should not be issued." [33]

D. *Failure to responsively answer consumer inquiries.* The Record reveals that many mail order sellers either refuse to respond to consumer inquiries, or fail to responsively answer consumer inquiries, regarding delayed orders or refund demands. Almost half—48.7 percent—of the consumer letters received complained of the total non-responsiveness of mail order sellers.[34]

One consumer asserted in this regard: "Even where there is a legitimate reason for such delay, mail order firms, even the most reputable, are very lax in first advising of the delay and subsequently informing the customer of the progress of his order. They also fail in many instances to respond to inquiries from the consumer regarding the non-delivery of merchandise." [35]

Another consumer wrote: "I have long been seething about my loss of bank interest on my money in the *many* cases in which such firms have, for any number of unexplained reasons, delayed shipment for inexcusably long periods. Inquiries are met by the blank wall of silence, or at best, the old form letter or card ploy, which explains nothing." [36]

[20] The Reasons for Revisions of Original Proposal published with the Revised Proposed Rule at 39 Fed. Reg. 9202 (1974) stated that the choice of thirty days was arbitrary. This statement has been used by some industry spokesmen to attack the choice of thirty days as having arisen from caprice or being made at random and without reason. *See, e.g.*, DM/MA submission at R. IV/pp. 8803, 8892, 8916. On the contrary, the statement merely meant that the choice of the times called for in the Rule lay in the discretion of the Commission. *See, e.g.*, Webster's Seventh New Collegiate Dictionary 45 (7th ed. 1970).

[21] *See, e.g.*, R. II, pp. 402, 411, 507, 3304, 3439, 3447, 3567, 3727, 3900, 3955, 4038, 4112, 4263, 4284, 4691, 4696, 4810, 5105, 5432, 5509, 5564, 5610, 5668, 5765, 5775, 6038, 6470, 6565, 6700, 6729, 6918, 7441, 7467, 7539, 7615, 7620, 7711, 7716, 7751, 7844, 7878, 7882, 7893, 8008. The DM/MA sponsored analysis of complaint letters in the Record states that 247 of the 3128 complaint letters—7.9 percent—record a buyer's initial complaint within 30 days of the order. Of the complaint letters specifying the time between the order and the initial complaint, 1550, these 247 letters represent almost 16 per cent. R. IV, p. 9295.

[22] *See, e.g.*, R. II, pp. 207 (petition with 43 signatures), 527, 907, (petition with 5 signatures), 1211, 3473, 3895, 3967, 4377, 4433, 4604, 4696, 4782, 4791, 4803, 4846, 4847, 5271, 5587, 5924, 6468, 6491, 6528, 6779, 6914, 7538, 7554, 7607, R. IV, pp. 6772, 8739.

[23] *See, e.g.*, R. II, pp. 3052, 3061, 3064, 8074, R. IV, pp. 8081, 8082, 8083, 8126, 8128, 8129, 8146, 8204, 8214, 8219, 8222, 8225, 8228, 8233, 8234, 8258, 8259, 8307, 8343, 8346, 8354, 8365, 8368, 8403, 8407, 8440, 8535, 8562, 8563, 8629, 8636, 8737, 8766, 8806.

[24] R. IV, p. 8777.

[25] R. IV, p. 9340.

[26] R. IV, p. 9325.

[27] R. IV, p. 9930.

[28] R. II, p. 166.

[29] R. II, p. 4425.

[30] *See, e.g.*, R. IV, p. 8566.

[31] *See, e.g.*, R. II, p. 4662, 5097, 5420, 5719, 5919, 6728, 6851, 7216.

[32] R. II, p. 4999.

[33] R. II, p. 4075.

[34] R. IV, p. 9286.

"The unfilled mail order" wrote the Executive Director of the Michigan Consumer's Council "is a problem particularly aggravating to the aggrieved consumer because of his practical inability to deal, except by mail, with the seller in an attempt to resolve his complaint. The consumer who has paid money for undelivered mail order goods or services, and confronts nothing but cold unresponsiveness or broken pledges from the distant seller finds himself with very little viable recourse." [37] A consumer complained that "[f]ollowing up, for the buyer, is a difficult and time consuming process as he is never quite sure where he can write to get results." [38] As one Michigan consumer described her experience with a California seller: "It is difficult to describe the helpless frustration a consumer feels at a time like this. California is so far away from Michigan." [39]

Because of strict requirements of proof and the absence of subpoena power, prosecutions by the Postal Service under the postal criminal fraud statute and civil-administrative actions pursuant to the postal false representation statute have been limited and ineffective in curtailing complaints of mail order abuses.[40] The Record contains a number of consumer letters reporting unsuccessful efforts by consumers to obtain action by the Postal Service on mail order complaints.[41]

CHAPTER IV. INADEQUACY OF EXISTING REMEDIES

The mail order buyer is in a far less advantageous position in seeking to rectify complaints than one who purchases from a local merchant. The purchaser who shops locally has the opportunity of taking his grievance directly to a store representative or manager and in a personal way explaining his difficulty or complaint. The mail order buyer, on the other hand, must deal with a seller who is often hundreds and even thousands of miles away. The use of ordinary first class mail is often totally unsuccessful or time consuming. The use of costly registered letters and long-distance telephone calls is also frequently resorted to, but the distance involved shields mail order sellers from personally resolving complaints. The Record demonstrates consumer frustration with complaints involving companies which only reveal a Post Office box number and withhold their street addresses or telephone numbers.[42]

The high costs of going to court as well as jurisdictional limitations prevent consumers from seeking remedial legal action. "From the consumer's point of view • • • in many cases the amount of money involved is significant, but not enough to mke it worthwhile to the consumer to force the seller to fill the order, or to try to recover his money through the use of legal remedies. In these situations, the individual is simply at the mercy of the mail-order merchandiser." [43]

Totally frustrated by the inaction and silence of the seller and economically blocked from taking traditional legal avenues, victims of mail order abuses are faced with no other alternative but to launch intensive letter-writing campaigns, at no small expense, to postal authorities, other federal and state agencies and officials and the Better Business Bureaus or Chambers of Commerce.

Little has been accomplished on the State or local level to correct these mail order problems, the most notable exception being New York.[44] Since most mail order transactions occur in interstate commerce (i.e., they involve a seller in one State and a buyer in another), remedial action by officials on the State level is often hampered by various jurisdictional limitations. A State consumer protection official reported: "We at the intrastate level are virtually helpless in reaching the practices of the mail-order house operating from outside [the State]." [45] And the Attorney General of West Virginia added in a similar vein: "In these cases we face the same difficulty as do consumer protection agencies in most states—the selling firm is located outside our jurisdiction, and for all practical purposes is not accessible to us." [46] A spokesman for the Consumer Protection of Attorneys General reported that at a meeting attended by representatives from approximately 20 States, the action of the Commission in proceeding toward the promulgation of a Rule governing the sale of mail order merchandise was unanimously supported.[47] Another spokesman for the Consumer Protection Committee stated that when dealing with mail order sellers in other States "• • • we as state authorities, find ourselves with no effective way of helping the consumer. Only an organization with nationwide authority can be truly effective in this area." [48] These groups, along with others such as consumer interest groups, Better Business Bureaus and Chambers of Commerce, often can do no more than join the consumer in his letter-writing campaign.

In February 1972, David L. Ordway, "ombudsman" for the Postal Service, was prompted to warn postal customers to

[35] R. II, p. 6456.

[36] R. II, p. 1211.

[37] R. III, pp. 336, 1374, 2043, 2238, R. IV, p. 8428.

[38] R. III, p. 564 (Hon. Chauncey H. Browning, Jr. Attorney General of West Virginia). A consumer charged: "It is quite apparent that [some mail order companies] find comfort [in the fact] • • • that the amount of money involved does not warrant the expense of legal action for recovery." R. II, p. 6628. *See also*, R. III, pp. 564, 1115,

[39] R. II, p. 77.

[40] R. II, p. 3765.

[41] "Successful prosecution of unscrupulous mail order merchants under the postal criminal fraud statute (18 U.S.C. § 1341) requires proof, beyond reasonable doubt, of the seller's intent to defraud. In many cases ability successfully to prove intent to defraud is frustrated by the seller being able to prove shipment of some of the orders received and the inability of the Postal Service to prove that these represent mere token shipments. The postal laws do not obligate the seller to maintain any shipment records, nor is the Postal Service authorized to compel the production of any records a seller may have maintained. Generally speaking, a successful criminal prosecution cannot be premised upon mere failure to effect reasonably prompt shipment—and successful prosecution results in no relief to injured consumers.

"Civil-administrative action pursuant to the postal false representation statute (39 U.S.C. § 3005) is premised upon the seller obtaining money or property through the mails by virtue of misrepresentation of a material fact. Successful application of this statute can result in but one remedy—a "Mail Stop Order" denying the seller the right to receive any mail, or redeem any Postal Money Order, relating to the scheme upon which the Order was predicated. Where, prior to issuance of the Order, the seller discontinues the practice complained of, the Order is generally of no practical value. Successful application of the statute cannot be based upon failure of the seller to effect reasonably prompt shipment except where the Postal Service can demonstrate that the seller has consistently failed to honor a specific representation respecting the time within which orders will be shipped. Such proof is difficult because the seller is under no legal obligation to maintain records indicating the dates upon which orders were received and shipments made and because the Postal Service lacks authority to compel the production of any records maintained by a mailer. Again, successful application of this statute does not result in any direct relief to an injured consumer." David A. Nelson, Senior Assistant Postmaster General and General Counsel, R. III, pp. 536–537. *See also* letter of William J. Cotter, Assistant Postmaster General, Inspection Service, R. III, pp. 1239–41.

[42] *See, e.g.*, R. II, pp. 3357, 3929, 4984, 5898, 7735.

[43] New York City, home for many mail order businesses, was prompted to promulgate a six week delivery or refund regulation after its Department of Consumer Affairs was flooded with complaints. The New York Attorney General's Office has also been active in recent years in this area and after proceeding on a case-by-case basis for a period of time encouraged the State legislature to pass a law setting reasonable standards of business conduct in the mail order industry which became effective March 1, 1975 (1974 McKinney Session Laws, Chapters 1038, 1039). California enacted regulations covering mail order sales. *See, e.g.*, R. III, pp. 1117, 1403, 2049, R. IV, pp. 8754–58.

[44] R. III, p. 275 (Hon. Barbara D. Dunn, Commissioner, Connecticut Department of Consumer Protection).

[45] R. III, p. 564.

[46] R. III, p. 1622.

[47] R. III, p. 2054.

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be cautious in ordering merchandise or services by mail from unknown mail order merchants and he advised these consumers to consult first with the Better Business Bureau, Chamber of Commerce or a consumer protection agency to determine the reliability of the mail order seller.[59]

Congressman Benjamin Rosenthal, in testifying at the Commission hearings in this proceeding, summed up the problem and potentiality for abuse in mail order marketing by saying,

> While most mail order firms are run by honest businessmen who serve their customers quickly and fairly • • • under existing laws the unscrupulous mail order house can • • • [hide] behind a Post Office Box number and/or a fabricated business name, it can deliver inferior merchandise, or no merchandise at all, disregard consumer complaints and, if things get too uncomfortable, file for bankruptcy or simply leave town. The consumer with cancelled check in hand, is left remediless, often after months of frustrated letter-writing to consumer groups, Better Business Bureaus, Congressmen, the President's Advisor and the firm itself.[60]

CHAPTER VI THE FINAL RULE

The Trade Regulation Rule has undergone several modifications since it was originally published in 1971.[61] A revised proposed Rule accompanied by Reasons For Revisions of Original Proposal was published in March, 1974 and contained substantial modifications of the 1971 proposal.[62] The 1971 proposal was based, with certain exceptions, on the premise that "if goods are not shipped within 21 days, the buyer prefers an immediate refund."[63] The revised proposed Rule extended this time to 30 days "because the Record does not support the 21-day rule."[64] The 1971 proposal required an affirmative disclosure of the "21-day Rule" in each solicitation. The revised proposed Rule abandoned this disclosure provision as being impractical in small classified ads and unnecessary because of the notice a seller would send to solicit a buyer's consent to delayed shipment.[65] The record-keeping requirements of the 1971 proposal included a record of each mail order transaction. The revised proposed Rule reduced the record-keeping requirements to maintaining for 18 months a record of each complaint of failure to deliver and a general record keeping requirement of maintenance of system and procedures designed to show compliance with the Rule. This revision was prompted by concern that the original requirement would have been very expensive while the revised proposed Rule was believed to facilitate enforcement of the Rule while reducing the costs. *See*, fn 65.

In the following discussion of the promulgated Rule, the significant modifications of the previous proposals and the reasons for these modifications are discussed in detail.

A. *Authority of the commission.* Any doubt as to the authority of the Commission to promulgate Trade Regulation Rules has been settled by *National Petroleum Refiners Association, et al. v. F.T.C.*, 482 F.2d 672 (DC. Cir. 1973), *cert. den.* 415 U.S. 951, 39 L.Ed. 2d 567, 94 S. Ct. 1475 (1974)[66] and the action of the Congress in enacting in late 1974 § 202 of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act.[67]

The Commission's powers to define unfair or deceptive practices outlined in *Sperry & Hutchison Co. v. F.T.C.*, 405 U.S. 233, 31 L.Ed.2d 170, 92 S.Ct. 898 (1972), are expansive. *National Petroleum Refiners v. F.T.C.*, 482 F.2d at 685. Similarly, the Commission has broad discretion in determining what is necessary to prevent unfair acts or practices. "The Commission is the expert body to determine what remedy is necessary to eliminate unfair or deceptive trade practices which have been disclosed. It has wide latitude for judgment and the courts will not interfere except where the remedy selected has no reasonable relation to the unlawful practices found to exist." *Jacob Siegel Co. v. F.T.C.*, 327 U.S. 608, 612–613, 90 L.Ed. 888, 66 S.Ct. 758 (1946). In carrying out its function of preventing unfair or deceptive practices, "• • • the Commission is not limited to prohibiting the illegal practice in the precise form in which it is found to have existed in the past • • •" but may "• • • effectively close all roads to the prohibited goal • • •" *F.T.C. v. Ruberoid Co.*, 343 U.S. 470, 473, 1 L.Ed.2d 438, 77 S.Ct. 502 (1942).

B. *Basis for the rule.* It should first be noted that the promulgated Rule is not limited to "pre-paid" mail order transactions in the strictest sense of the term, but is written to include credit transactions where the buyer's account has been charged. While it is true that the vast bulk of the complaints and other information in the Record is concerned with orders where the buyer has literally "pre-paid" (i.e., tendered payment in the form of cash, check or money order),[68] the Commission recognizes that the types of abuses addressed by the Rule are not only relevant to such "pre-paid" transactions.[69] Indeed, the Record contains substantial information that mail order credit transactions are in fact subject to the abuses addressed by the Rule.[70] As a result the Commission has determined that, to the greatest extent possible, the Rule should "close all roads to the prohibited goal", and thus under its authority to define unfair or deceptive acts or practices and to promulgate rules prescribed for the purposes of preventing such act or practices, the Commission has retained the scope of the revised proposed Rule published March 8, 1974 and included credit transactions where the seller charges the buyer's account for the order prior to shipment.

It should also be noted that the promulgated Rule is narrower than the published proposed Rules in that it is limited to merchandise and does not cover "services connected with merchandise." The reasons stated elsewhere for the exclusion of mail order photo finishing are equally applicable to "services connected with merchandise" in general. Although the Commission has received a number of complaints concerning services connected with merchandise,[71] the vast bulk of the information contained in the Record, whether in the form of complaint letters, analyses of the published proposed Rules or alternatives to the published proposed Rules, deals with the problems associated with mail order merchandise. The Commission is therefore reluctant on the basis of the current Record to include "services connected with merchandise" within the scope of the final Rule. This conclusion should not be interpreted as a finding by the Commission that mail order "services connected with merchandise" are not subject to abuses which constitute violations of the Federal Trade Commission Act or as a statement that the Commission will not address any such abuses in the future.

Section 435.1(a) of the Rule requires sellers of mail order merchandise to have a reasonable basis for making certain express and implied representations, at the time of making, with respect to the delivery of mail order merchandise.

Section 435.1(a)(1) of the promulgated Rule is, in essence, a revision of Paragraph A of the revised proposed Rule published in March, 1974.[72] Subparagraph I(A) of the revised proposal prohibited a seller from soliciting a mail order unless the merchandise "will be shipped" within the applicable time set forth in the Rule unless the seller complied with certain provisions of Paragraph (B) of the revised proposed Rule. Paragraph (B) allowed sellers to solicit a buyer's consent to delayed shipment where the delay is due to circumstances beyond the buyer's control. The revisions contained in the promulgated Rule make explicit the obvious, although arguably implicit, intent of the revised proposed Rule to prohibit the solicitation of orders where the seller does not have a reasonable basis to expect shipment within 30 days or the time stated in the solicitation. § 435.1(a)(2) and (3) of the Rule are additions not explicitly found in the previous proposed Rules and are intended to make it clear that sellers must have a reasonable basis for making representations mandated in § 435.1(b) of the Rule.

The requirements of § 435.1(a)(1), (2) and (3) that a seller have a reasonable basis for express representations made about the time of shipment are merely a restatement of the existing legal standard which has been expressed by the Commission on a number of occasions[73] and affirmed by reviewing courts.[74] The Commission has concluded on the basis of the Record and its own expertise that where a seller makes an express representation to a buyer concerning the time of delivery, such a representation has the capacity or tendency to create the impression in the buyer's mind that the seller has a reasonable basis for making such a representation.[75] The failure of the seller to have a reasonable basis for making such a representation constitutes an unfair and deceptive act or practice in violation of Section 5 of the Federal Trade Commission Act.[76]

Where the seller does not make a direct representation as to the time of shipment, the application of the above principles requires a similar result. Where the seller of mail order merchandise does not state a shipping time, what shipping time is implied by the solicitation of an order made by a seller to a prospective buyer? The information in the Record described above establishes that where a seller so solicits an order, the solicitation has the capacity or tendency to create the impression in the buyer's mind that shipment will be made within 30 days. Indeed, the Record clearly and persuasively demonstrates that substantial numbers of consumers purchasing mail order merchandise in fact expect shipment within 30 days of the seller's receipt of an order. Thus, under such circumstances the seller is making the implied promise that he can ship within 30 days of receipt of an order and the mail order purchaser is entitled "as a matter of marketplace fairness" to rely upon the seller "to have a 'reasonable basis' for making performance claims." [77] Where the seller does not have a reasonable basis to expect shipment within 30 days of receipt of an order, or in fact has reason to believe that shipment cannot be made within 30 days of receipt of an order, the Commission finds that soliciting an order for mail order merchandise without disclosing the expected shipping time is unfair and deceptive within the meaning of Section 5 of the Federal Trade Commission Act.

The Record of this proceeding shows that substantial numbers of consumers are not getting mail order merchandise shipped within that time which consumers have been led to believe shipment would be made. The Record also demonstrates that sellers have solicited orders for which they had no reasonable basis to expect shipment within that time expected by many buyers.[78] In addition, the substance of § 435.1(a)(1) of the Rule was supported by many commentators on the Rule including members and representatives of the mail order industry as a reasonable remedy for abuses in the industry.[79] § 435.1(a)(1) is, therefore, within the authority of the Commission as it is both a definition of an unfair and deceptive practice and a requirement prescribed for the purpose of preventing unfair or deceptive acts or practices.

Section 435.1(a)(2) and (a)(3) of the Rule address practices associated with sellers giving buyers notice of delayed shipment. The practice of sending buyers notices of delayed shipment is widespread,[80] but all too often buyers report that sellers have failed in meeting shipping or delivery dates promised in their notices of delay.[81]

A number of complaint letters regarding undelivered mail order merchandise reported that sellers had sent delay notices which were indefinite about the length of the delay[82] and some notices included "explanations" for the delay.[83]

On the basis of the Record and its own expertise, the Commission finds that § 435.1(a)(2) and (a)(3) constitute definitions of unfair or deceptive practices and are also within the power of the Commission to promulgate as requirements to prevent violations of Section 5 of the Federal Trade Commission Act. § 435.1(b) of the Rule requires that sellers confronted with delays notify buyers of the delays and offer the opportunity to cancel the order. § 435.1(a)(2) and (a)(3) assure that such notices do not contain representations which the seller does not have a reasonable basis for making.

Section 435.1(a)(3) in addition requires that where a seller is informing the buyer that he is unable to make any representation regarding the length of any delay, the seller must also inform the buyer of the reasons for the delay. Sellers will be so informing buyers of indefinite delays as part of providing buyers with options to cancel orders or accept delays.[84] The Commission finds that the reasons for an indefinite delay are material facts necessary for a consumer to intelligently exercise the option to cancel the order and that the failure to disclose these material facts constitutes a violation of Section 5 of the Federal Trade Commission Act.

Finally, § 435.1(a) establishes a rebuttable presumption in any action brought by the Federal Trade Commission alleging a violation of § 435.1(a): the failure to produce certain records or other documentary proof will create a rebuttable presumption[85] that the seller

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[59] R. II, p. 7311 (U.S. Postal Service General Release No. 14, February 21, 1972).
[60] Tr. 19.
[61] 36 Fed. Reg. 19092 (1971).
[62] 39 Fed. Reg. 9201 (1974).
[63] *Id.* at 9202.
[64] *Id.*
[65] *Id.*

[66] This case clearly establishes that the Commission can promulgate rules defining unfair or deceptive practices using either bright line standards or rebuttable presumptions, 482 F.2d at 691.
[67] § 202 (designated as 15 USC § 18), which merely codified the Commission's rulemaking authority, states that the Commission is empowered to prescribe: "rules which define with specificity acts or practices which are unfair or deceptive acts or practices in or affecting commerce • • • Rules under this subparagraph may include requirements prescribed for the purposes of preventing such acts or practices."
[68] For example, the DM/MA sponsored analysis of consumer letters states that close to 93 per cent of complainants had paid with their orders. R. IV, p. 9290.
[69] For example, where a seller solicits an order without having a reasonable basis for expecting that he can ship the ordered merchandise within the time expected by many buyers, it is an unfair or deceptive act or practice regardless of the method of payment.
[70] For example, the DM/MA sponsored survey of consumers complaints in the Record indicates that 141 involved credit transactions. R. IV, p. 9290.
[71] The DM/MA sponsored analysis of consumer complaint letters in the Record states that 56 complaints (1.8 per cent of the total complaints) involved "services with merchandise". R. IV, p. 9289.
[72] 39 Fed. Reg. 9201 (1974).

[73] *See, e.g., Pfizer, Inc.*, 81 F.T.C. 23 (1972), *National Dynamics Corporation, et al.*, 82 F.T.C. 488 (1973).
[74] *See, e.g., Firestone Tire & Rubber Co.*, 481 F.2d 246 (6th Cir. 1973), *cert. den.* 414 U.S. 112, 38 L.Ed.2d 739, 94 S.Ct. 841 (1973).
[75] The Commission may utilize its accumulated expertise to determine what direct and implied representations are contained in advertising. *Pfizer, Inc., supra* at 59.
[76] *Id.*, at 58 to 65.
[77] *Id.*, at 62.

[78] For example, Roy Hedberg, President of Sunset House, stated that there are mail order sellers who are not responsible. He stated: "There are those who will promote an item by mail—without *any* inventory and will accumulate customer orders when received—and *then*, and only then, initiate action to *procure* merchandise—since at this point no inventory risks are involved. Obviously, months of delay in receiving merchandise and shipping customer orders may be involved." (emphasis in the original) R. IV, p. 8750. Popular Services, Inc. urged the Commission to take action against "• • • the one problem that exists—i.e. the solicitation of prepayments for merchandise which is not on hand and which the seller has no real expectation of ordering within a reasonable period of time • • •" R. IV, p. 8975 B. *See also* R. II, pp. 243, 286, 336, 535, 1622, 2053–4, R. IV, p. 8985.
[79] *See, e.g.*, R. III, pp. 243, 286, 236–7, 535, 1107, 1498, 2053–4, R. IV, pp. 8873A, 8975B, 8985.
[80] The DM/MA commissioned analysis of consumer complaint correspondence in the Record states that 503 complaints (16 per cent of the total complaints in the Record) reported that a delay notice was the seller's first post-order correspondence with the buyer.
[81] For example, a consumer reported that a seller wrote her in April, 1971, that, with respect to an order placed in January, 1971, "You may expect shipment within 3–4 weeks" but that she had been unable to secure either the merchandise or a refund as late as December, 1971. R. III, p. 3628. Another consumer wrote a company in December about an order placed the previous July: "I have written you twice concerning this order and each time I have received a post card putting me off." The post cards in question had promised delivery within 2 weeks and within 3 weeks. R. III, p. 4494. Another complainant reported receiving in July, 1971 a promise by a seller that although delayed, the order would be delivered within "5 to 6 weeks." The complainant's letter to the Commission, dated February 14, 1972, stated "We are still waiting for the [refund] check or order. At this point we would rather have the check." R. III, p. 5784. *See also* R. III, pp. 3540, 3543, 3558, 3598, 3612, 3904, 3909, 4015, 4060, 4155, 4214, 4280, 4068.
[82] *See, e.g.*, R. III, pp. 4039, 5517, 5761.
[83] Explanations ranged from "We have been let down by our suppliers" (R. III, p. 3535), to a statement that the item was temporarily out of stock (R. III, p. 5113), to stating that the seller's warehouse was being revamped (R. III, p. 5138).
[84] See § 435.1(b)(1)(i) and (b)(2)(i of the Rule.
[85] The Commission's authority to establish rebuttable presumptions in Trade Regulation Rules has been expressly recognized in the Circuit Court of Appeals decision which held that the Commission had the authority to promulgate substantive rules. *National Petroleum Refiners, et al. v. F.T.C., supra.* In addition, the use of presumptions has gained wide acceptance in the law. *See, e.g.*, Rules of Evidence § 301 (Pub. L. No. 93–595

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lacked a reasonable basis in violation of § 435.1(a). The use of a rebuttable presumption was chosen by the Commission in lieu of the extensive record keeping provisions contained in Paragraph (C) of the published revised proposed Rule. The Commission is unprepared, on the basis of the Record in this proceeding, to conclude that the recordkeeping requirements of proposed Paragraph (C) should be uniformly imposed on sellers to prevent unfair or deceptive acts or practices. After weighing the potential cost to business[46] of the proposed Paragraph (C) recordkeeping requirements against the potential economic gain for consumers and the potential ease of law enforcement the Commission is not convinced that the Rule should contain an absolute recordkeeping requirement. The Commission has instead made the finding that records or other documentary proof establishing the use of systems and procedures specified in § 435.1(a) of the promulgated Rule may constitute a reasonable basis for expectation of shipment within the applicable time set forth in § 435.1(a) of the Rule and that the failure to maintain such records shall constitute a rebuttable presumption of non-compliance with § 435.1(a) of the Rule.[47] The Commission recognizes that the question of what constitutes a reasonable basis is essentially a factual issue affected by the interplay of many considerations[48] and while the Commission has promulgated a Rule which establishes that the failure to maintain such records or other documentary proof shall create a rebuttable presumption that the seller lacked a reasonable basis, nothing prevents a seller from rebutting the presumption and demonstrating that he had the required reasonable basis.

Section 435.1(b)(1) of the Rule addresses the situation where a seller is unable to ship merchandise within the time represented, directly or by implication, to the buyer as the time of shipment. The Rule proceeds from the proposition that where the seller is faced with such a situation, fundamental fairness in the marketplace requires that the seller offer the buyer the option of cancelling the order or consenting to delayed shipment.[49]

Section 435.1(b)(1) of the Rule governs situations where the seller has solicited an order and has become aware that shipment cannot be made within the time stated in the solicitation for the order, or if no time is so stated, within 30 days of receipt of the order. The Record contains over 1500 complaint letters reporting the failure of a seller to communicate with buyers about delays in shipment.[50] The Rule requires sellers to (1) notify buyers of delays in shipment, (2) offer such buyers the opportunity to cancel the order and receive, where appropriate a prompt refund and (3) provide the buyer with the material facts necessary for the buyer to make an intelligent choice.

The main departure of § 435.1(b)(1) from the previously published proposed Rules is in the area of what action the consumer must take to cancel the order when given the option to do so. The published proposed Rules took the approach of uniformly requiring receipt by the seller of a positive response by the buyer prior to the expiration of the time stated in the solicitation, or if no time was stated, within 21 or 30 days of receipt of an order from the buyer. The Record contains a number of statements in support of the proposals,[51] while industry spokesmen almost universally condemned this aspect of the proposals as imposing an intolerable burden on the mail order industry.[52]

Although industry spokesmen attempted to extol the concept of "silence equals consent" to a delay as the normal and reasonable solution to consent problems[53] an examination of contract law clearly establishes that silence is not normally to be construed as consent or acceptance regardless of whether the act of the seller in notifying the buyer of delay and proffering an option to cancel the order is viewed as an offer, a counteroffer or an offer to modify an already existing contract.[54] Thus, if the Commission were to uniformly proscribe the use by sellers of the silence of buyers as consent for shipment delays, there would be ample authority for the Commission declaring such a practice unfair and prescribing that sellers not take such silence to mean consent.

Some industry spokesmen attempted to analogize this Rule to that governing the use of negative option plans, 16 CFR 425,[55] however the situations are hardly analogous. As the Statement of Basis and Purpose accompanying the Rule governing the negative option plans pointed out, most buyers in such plans understood the systems before they joined[56] and thus were agreeing in advance to systems requiring them to notify the seller if they did not want to purchase a selection. That Rule assures that all future buyers in such plans will be notified of the negative option feature of the plan prior to joining.[57] In addition, users of negative option plans claimed that the negative option features of their plans were absolutely essential and that not allowing them to use this key feature of their marketing plan would have catastrophic effects. Although sellers alleged in this proceeding that there would be serious problems arising from the published proposed Rules' positive option (silence does not equal consent to a delay), it is clear from the forgoing that the negative option is not of the same importance here as in situations governed by 16 CFR 425.

As has been explained in detail above, where a seller solicits orders and states a time for shipment, many buyers will quite reasonably expect shipment within that time. Similarly when no time is stated in the solicitation, the Record amply demonstrates that the solicitation, at the very least, has the capacity or tendency to create the impression in the minds of buyers that shipment will be made within 30 days of receipt of the order. Where the seller is not able to make shipment within the applicable time he is, in effect (1) rejecting the buyer's offer by making a counteroffer, (2) seeking to alter a contract, or (3) in breach of contract.[58] If a seller simply remains silent and ships the merchandise late or merely notifies the buyer of delay without offering the opportunity to cancel the order, both of which the Record demonstrates occur in a substantial number of instances, the seller is attempting to impose upon the buyer a contract far different from the one the buyer thought he was entering into. The imposition of a contract upon a buyer (1) without giving the buyer the opportunity to freely accept or reject the contract or (2) where there is surprise has been proscribed by statute and widely condemned in decisions as oppressive and contrary to public policy.[59] In light of the existing law, and of the widespread acceptance by persons commenting in this Rule-making proceeding, the Commission adopts the proposition that the failure of a seller to position that the failure of a seller to offer a buyer the option to cancel an order where the seller encounters a delay in shipment beyond the times specified in the Rule is an unfair or deceptive act or practice in violation of the Federal Trade Commission Act.

Although the Commission could have adopted the approach of the published proposed Rules and uniformly applied the generally accepted contract law principle that a seller may not construe silence as consent to delay in shipment, it has chosen not to do so in § 435.1(b)(1) of the promulgated Rule. Instead, § 435.1(b)(1) has adopted a more flexible approach to regulating "first delay" situation—i.e. those where the seller is unable to ship within the time set forth in the solicitation or, if no time is stated in the solicitation, within 30 days of receipt of a properly completed order.

Section 425.1(b)(1)(ii) states that, where a seller is faced with a definite revised shipping date of 30 days or less later than the applicable shipping date set forth in § 435.1(a)(1) of the Rule, the lack of a response from the buyer rejecting the delay and cancelling the order will be deemed as the buyer's consent to the delay of 30 days or less. § 435.1(b)(1)(iii) states that, where the seller is faced with a definite revised shipping date of more than 30 days later than the applicable date set forth in § 435.1(a)(1) of the Rule or when the seller is unable to make any representation about the length of the shipping delay, the seller must deem the order cancelled unless (1) the seller ships the merchandise within 30 days of the applicable time set forth in § 435.1(a)(1) and prior to receiving a cancellation of the order from the buyer or (2) the seller has received within 30 days of the applicable time set forth in § 435.1(a)(1) the buyer's express consent to the delay. The net effect of § 435.1(b)(1)(ii) is to make silence equal consent to a delay of definite duration of 30 days or less. The net effects of § 435.1(b)(1)(iii) are to give a seller 1) a minimum of 30 days to actually obtain the buyer's consent to an indefinite delay or a delay of more than 30 days beyond the applicable time set forth in §§ 435.1(a)(1) and (2) and 2) a period of up to an additional 30 days beyond the applicable time set forth in § 435.1(a)(1) to fill an order without having obtained the buyer's express consent to the delayed shipment.

In adopting the regulatory approach of §§ 435.1(b)(1)(ii) and (b)(1)(iii) the Commission has taken into account all of the basic economic facts and considerations presented in the Record and has weighed the burden and cost to vendors against the loss to buyers.[100] The result is differing requirements depending on the nature of the "first delay."

A number of material considerations underlie the Commission's decision to adopt this regulatory approach. First, in most instances, sellers ship merchandise within 30 days of receipt of an order,[101] and as a result sellers will normally state no time for shipment in their solicitations, impliedly representing shipment within 30 days. The Parcel Post Association succinctly described the practical problems sellers would face if they had to receive the buyer's consent to a delay within 30 days of receipt of an order:

> Thirty days allows the seller only 7–10 days to determine whether or not he can ship before the end of the 30-day period. That is because the seller must not only prepare and mail the notice to the buyer, he must allow sufficient time for the buyer to receive it, to fill it out, to return it and for the seller to receive it.[102]

In addition, the available information appears to indicate that in "first delay" situations involving delays of 30 days or less, those covered by § 435.1(b)(1)(ii) of the Rule, the majority of purchasers would prefer to wait for their orders, although the longer the anticipated delay, the more buyers would prefer to cancel their orders. For example, a survey conducted by Sunset House,[103] a mail order seller, indicated that most persons responding to a questionnaire expressed a preference to wait when confronted with a delay, although the longer the delay period, the lower the percentage of respondents who expressed such a preference; of persons in a "back order" situation responding to a questionnaire sent approximately 15 days after receipt of an order, 91 percent stated they would be willing to wait 15 days more for shipment while only about 54 percent stated a willingness to wait more than an additional 45 days for shipment. R. IV p. 8781.

A survey conducted for Direct Mail/Marketing Association[104] showed similar results: the survey population consisted of mail order users who had received at least part of a mail order in 1974. The population was asked how long they waited for their order and how much longer they would have waited for delivery of their order. Of all respondents who had received part of their order within four weeks of placing it, approximately 86 percent stated they would wait an additional 14 days for delivery, approximately 62 percent an additional 30

(Jan. 2, 1975)), Rules of Evidence for the United States Courts and Magistrates § 301, Comment (Revised Proposed Draft, March 1971). Also, while there is some authority for the proposition that the Commission cannot shift the burden of proof, at least in a case where to do so would sweep "across lawful and unlawful conduct without distinction," *Federated Nationwide Wholesalers, et al. v. F.T.C.*, 398 F.2d 253 (2d Cir. 1968), the recognized distinction between burdens of proof and presumptions makes inappropriate the use of such a proposition in any analysis of the Commission's authority to establish rebuttable presumptions in Trade Regulation Rules. *See, e.g.*, 9 S. Wigmore, Wigmore on Evidence, § 2485 (3rd Ed. 1940), McCormick, McCormick on Evidence, §§ 336–347 (2d. Ed. 1972).

[46] *See, e.g.*, R. IV, p. 8094 (Jay Norris Corp.); R. IV, p. 8458 (Frederick's of Hollywood, suggested the requirement "would seriously discriminate against small companies that are not geared up to automated processing and recordkeeping"); R. IV, p. 8862 (MOAA stated that "Industry costs of maintaining specific records for stated periods would be substantial and very likely passed on to customers"); R. IV, p. 9009 (Parcel Post Association); R. IV, pp. 9213–9214 (Sears pointed out that "keeping the generation of paperwork and its accumulation to the barest minimum consistent with serving the customer's need is an important factor in keeping the cost of merchandise as low as possible. This includes the prompt destruction of records once they have served their purpose.")

[47] The lack of any documentary evidence showing the use of systems which assure the shipment of merchandise within any applicable time set forth in the Rule, in the absence of any information to the contrary, clearly justifies the conclusion that a seller lacks a reasonable basis for expecting to be able to ship within said time. Indeed, the proposed alternate Rule of the Direct Mail Advertising Association includes provisions requiring a reasonable basis and the maintenance of records showing the employment of systems and procedures designed to provide shipment within the applicable time set forth in the Rule. R. III, p. 1710. Paragraph C of the revised proposed Rule also contained such a recordkeeping requirement.

[48] *Pfizer, Inc., supra* at 64.

[49] This principle was contained in the two proposed Rules published by the Commission, both of which received widespread consumer support; the Commission received about 200 letters in support of the March 8, 1974 published revised proposed rule alone. R. IV, pp. 8044, 8045, 8047, 8049, 8052, 8053, 8061B, 8074, 8081, 8082, 8083, 8092, 8098, 8102, 8103, 8125, 8126, 8127, 8128, 8136, 8137, 8138, 8143, 8146, 8148, 8149, 8153, 8164, 8165, 8166, 8168, 8169, 8178, 8180, 8187, 8188, 8194, 8195, 8200, 8201, 8202, 8203, 8204, 8212, 8213, 8217, 8218, 8219, 8222, 8223, 8224, 8225, 8230, 8231, 8233, 8236, 8237, 8240, 8242, 8243, 8247, 8255, 8257, 8258, 8259, 8260, 8261, 8268, 8273, 8280, 8281, 8282, 8283, 8284, 8285, 8286, 8287, 8288, 8289, 8290, 8291, 8292, 8293, 8294, 8295, 8296, 8297, 8298, 8299, 8300, 8318, 8319, 8323, 8329, 8330, 8331, 8332, 8333, 8334, 8335, 8336, 8337, 8338, 8343, 8344, 8345, 8346, 8347, 8353, 8354, 8364, 8365, 8368, 8375, 8376, 8378, 8379, 8382, 8388, 8389, 8403, 8405, 8407, 8408, 8409, 8414, 8423, 8430, 8434, 8435, 8438, 8440, 8453, 8458, 8460, 8462, 8463, 8467, 8468, 8476, 8477, 8480, 8481, 8482, 8483, 8485, 8501, 8513, 8514, 8516, 8523, 8530, 8534, 8535, 8547, 8548, 8550, 8553, 8554, 8555, 8556, 8559, 8560, 8562, 8563, 8564, 8565, 8566, 8573, 8574, 8575, 8577, 8578, 8580, 8626, 8629, 8634, 8637, 8638, 8732, 8735, 8737, 8758, 8765, 8766, 8806, 8951.

In addition a number of industry spokesmen, while disagreeing with the specific approaches taken by the Commission's published proposed Rules, supported this fundamental proposition. *See, e.g.*, submission of Direct Mail/Marketing Association (R. III, pp. 1502, 1497, 1561), L. L. Bean, Inc. (R. III, p. 1103), Mail Order Association of America (R. III, p. 1399, R. IV, p. 8853), Associated Third Class Mail Users (R. III, p. 1277), Prentice-Hall, Inc. (R. III, p. 1638), Sunset House (R. IV, p. 8748), Popular Services, Inc. (R. IV, p. 8853), Parcel Post Association (R. IV, p. 9003).

[50] RIV, p. 9297.

[51] *See, e.g.*, Footnote 89.

[52] *See, e.g.*, Associated Third Class Mail Users (R. III, p. 1280) Mail Order Association of America (R. III, p. 1398), Direct Mail/Marketing Association (R. IV, p. 8877), Parcel Post Association (R. IV, p. 9000).

[53] *See, e.g.* R. IV p. 8933 wherein DM/MA called the imposition of a requirement that "silence does not equal consent" to a delay as "not only unjustified, but arbitrary, capricious and unreasonable."

[54] The proposition that silence does not normally equal consent has gained extremely wide acceptance in the law. *See, e.g.*, 1 S. Williston, A. Treatise on the Law of Contracts (3rd Ed.) § 91 (1962), 1 A Corbin, Corbin On Contracts, § 72 (1969), Restatement of Contracts § 72 (1932). The cases reciting the proposition are voluminous, *see, e.g., Solis-Cohen v. Phoenix Mutual Life Insurance Co.*, 413 Pa. 633, 118 A. 2d 554 (1964), *Beech Aircraft Corp. v. Flexible Tubing Corp.*, 270 F. Supp. 548 (D. Conn. 1967). *See generally*, 1 Williston, *supra* at §§ 27, 73 and 77, 1 Corbin, *supra* at §§ 25 and 82, Restatement of Contracts, *supra* at § 60, and Uniform Commercial Code, §§ 2–206, 2–207 and 2–209.

[55] *See, e.g.* R. IV, pp. 8857–8.

[56] 38 Fed. Reg. 4903 (1973).

[57] 16 CFR § 425.1.

[58] Uniform Commercial Code §§ 2–207, 2–209, Williston, *supra*, at §§ 73, 77, 846, Cobin, *supra*, at §§ 71–75, 82, Restatement of Contracts §§ 60, 313, comment c, *Barnard-Curtis Co. v. U.S.*, 257 F.2d 565 (10th Cir. 1958), *cert. den.*, 358 U.S. 906, 3 L.Ed.2d 625, 79 S. Ct. 602 (1958), *DeSombre v. Bickel*, 18 Wis. 2d 390, 118 NW2d 868 (1963).

[59] *See, e.g., Overmeyer v. Frick*, 405 U.S. 174, 31 L.Ed 2d 124, 92 S.Ct. 775 (1972) *Fuentes v. Shevin*, 407 U.S. 67, 32 L.Ed.2d 556, 92 S.Ct. 1983 (1972), Uniform Commercial Code § 2–302, *Allstate Industries*, 75 F.T.C. 465 (1969) *aff'd* 423 F. 2d 423 (4th Cir.), *cert. den.*, 400 U.S. 828, 27 L.Ed.2d 58, 91 S.Ct. 57 (1970).

[100] The Commission has previously explained in detail the reasons for taking these steps as part of any unfairness analysis in *Pfizer, supra* at 61–62.

[101] *See, e.g.*, R. IV, p. 9001 and R. III, p. 1275.

[102] R. IV, p. 9000. Similar statements expressing concern over the practical problems associated with the revised proposed Rule's universal requirement of a buyer's express consent to a shipping delay were made by a number of trade associations and companies. *See, e.g.* R. IV, pp. 8055 (Elin Uniform Manufacturing Co.), 8859 (Mail Order Association of America), 8931 (Direct Mail/Marketing Association), 8976 (Popular Services, Inc.), 8980 (National Retail Merchants Association), 8986 (Columbia House), 9209 (Sears, Roebuck & Co.).

[103] As was previously discussed, the Commission makes no judgment as to the statistical validity of this survey.

[104] Once again, the Commission has made no judgment as to the statistical validity of this survey.

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days and approximately 31 percent an additional 45 days.[105]

The available information therefore tends to indicate that of all the buyers who will receive notices of options pursuant to § 435.1(b)(1)(ii) of the Rule, (i.e. those receiving notices of delays of 30 days or less), a substantial majority will prefer to consent to the delay. As a result, requiring buyers to affirmatively consent to delays of 30 days or less will apparently cost significantly more, due to postage and handling for example, than allowing sellers to construe silence as consent in a "first delay" situation. In addition, the assertion has been made by a number of trade associations and companies that, whether due to inertia, forgetfulness or the like, substantial numbers of consumers apparently will not respond to the query of a seller and express their preference, even if they know that not to respond will result in the seller interpreting this silence to mean the opposite of their preference.[106] This assertion also suggests that there is an intangible "cost" to requiring consumer responses in the form of time, effort and inconvenience related to filling out and mailing response forms. This consideration coupled with the apparent desire of most buyers in a "first delay" situation to wait 30 days or less and the above described time pressure placed on sellers has caused the Commission to conclude that, on the basis of the available information, it should not uniformly apply the approach of "silence does not equal consent" to situations involving a definite delay of 30 days or less.

An analysis similar to that described immediately above has led the Commission to a different conclusion with respect to "first delay" situations where the seller provides a definite revised shipping date more than 30 days later than the applicable time set forth in § 435.1(a)(1) or is unable to give a definite revised shipping date. The available information indicates that although most buyers will consent to a delay of up to 30 days, the longer the delay, the less willing buyers are to wait. Where the delay is in excess of thirty days the information in the Record fails to demonstrate that a sizeable majority of buyers prefers to wait, and in fact some of the information suggests the contrary. For example, the DM/MA survey results state that of all respondents who had received part of their order, 84.7 per cent would have waited an additional 14 days to receive their order, 64.0 per cent an additional 30 days and only 33.7 per cent an additional 45 days.[107] The survey conducted by Sunset House also demonstrated a marked decline in consumer willingness to accept delayed shipment as the length of the delay increased: while only 8.7 per cent of respondents in a "back order" situation sent a questionnaire approximately 15 days after receipt of an order stated they would not be willing to accept a 15 day delay, almost half—45.4 per cent—stated they would not accept a delay in excess of 45 days.[108]

Section 435.1(b)(1)(iii) allows a seller 30 days beyond the applicable time set forth in § 435.1(a)(1) to either obtain the seller's consent to a further delay or to ship the order. Where there is a delay beyond 30 days, there is simply no substantial information to support the contention that a sizeable majority of buyers prefers to wait. Thus, the available information indicates that § 435.1(b)(1)(iii)'s requirement of a buyer's consent to a delay beyond 30 days will not result in significantly higher costs than allowing silence to equal consent to a delay of any duration. In "first delays" 45 days or longer, the DM/MA survey strongly suggests that requiring consent to a delay will actually substantially reduce postage and clerical costs because just over ⅓ of the buyers were shown to prefer to wait that long. The same information mandates the conclusion that the approach of § 435.1(b)(1)(iii) will also minimize the number of people who due to inertia, forgetfulness or the like will have their true preference frustrated. Also minimized will be the number of people burdened with responding to the queries of sellers.

In allowing sellers 30 days beyond the applicable time set forth in § 435.1(a)(1) the Commission is not only taking consumer preference into account, it is also dealing equitably with the potential problems sellers would have faced in actually obtaining consent within the applicable time set forth in § 435.1(a)(1). Although sellers might have encountered such problems under the published proposed Rules, under § 435.1(a)(1), of the promulgated Rule the seller has, at the very least, 30 days to obtain the buyer's consent or ship the merchandise in the absence of an express cancellation from the buyer.

Section 435.1(b)(1)(iii) provides additional protection to buyers who expressly consent to indefinite delays: the seller must grant the buyer the continuing option to cancel at any time after the applicable time in § 435.1(a)(1) by so notifying the seller prior to the time of shipment. The Commission, while seeking to avoid interference with the ability of both buyer and seller to maintain an order when an indefinite delay is encountered, recognizes that consumer injury may result if a buyer were locked into the prior acceptance of an indefinite delay, regardless of how long the delay persisted. The Commission believes that the solution in § 435.1(b)(1)(iii) represents an equitable balance of the interests of both buyer and seller and will prevent acts or practices which violate Section 5 of the Federal Trade Commission Act.

Section 435.1(b)(1)(iv) addresses the problems which may arise for sellers due to the provisions of § 435.1(b)(2) of the Rule which require that a seller faced with an additional delay receive a response from the buyer accepting the delay period prior to the delayed shipping date previously consented to by the buyer. This provision enables a seller to obtain the express consent of a buyer to a delay beyond the time the seller has stated as the anticipated delay, enabling a seller to avoid a potential race against time should a further unanticipated delay arise near the end of a delay period consented to by a buyer pursuant to this Rule.

Section 435.1(b)(1)(iv) contains the same provision found in § 435.1(b)(1)(iii) which provides a buyer consenting to an indefinite delay with a right to cancel prior to actual shipment. The reasons for such a provision in § 435.1(b)(1)(iii) are of equal validity for § 435.1(b)(1)(iv) and are at the heart of the Commission's decision to apply it in § 435.1(b)(1)(iv).

Section 435.1(b)(2) of the Rule governs situations where a seller has already obtained explicit consent of a buyer to a delay of specific duration (whether pursuant to § 435.1(b)(1)(iii) or (iv) or § 435.1(b)(2)) or has deemed the buyer to have consented to a definite delayed shipping date pursuant to § 435.1(b)(1)(ii) and discovers that he is unable to ship within that time. The Rule requires the seller to notify the buyer of the delay, and, where possible, its anticipated duration, and to inform the buyer of his option to cancel the order. Section 435.1(b)(2) retains the provision of the published proposed Rules that, in such circumstances, silence of the buyer may not be deemed consent to the delay and that an order must instead be deemed cancelled unless the seller receives the buyer's express consent to the further delay prior to the expiration of the delay period previously consented to by the buyer.

The need for the notice and option to cancel requirements of the Rule have been exhaustively examined above. The considerations which went into the Commission's decision to adopt the flexible regulatory approach of § 435.1(b)(1) to govern "first delay" situations (which were discussed in detail in the analysis of § 435.1(b)(1)) are equally persuasive in support of a uniform adoption of "silence does not equal consent" in "multiple delay" situations. Not only is there no substantial information in the Record to support a deviation by the Commission from the generally accepted contract law concept that "silence does not equal consent", there is substantial information indicating that such a course of action would be not in the public interest.

For example, it has previously been mentioned that the Record demonstrates that the longer the delay, the more buyers prefer to cancel their orders. The survey for DM/MA showed that although

[105] The percent figures are calculations made from data from the survey appearing at R. IV, p. 9330.

[106] R. IV, pp. 8517, 8842 (Associated Third Class Mail Users), 9058 (Downe Communications, Inc.), 9199 (Sears, Roebuck & Co.). *See also* survey of Sunset House which showed that over 20 percent of customers did not respond to requests for instructions on how to handle a delayed shipment. R. IV, p. 8771.

[107] R. IV, p. 9330.

[108] R. IV, p. 8781.

84.7 percent of respondents who received at least part of their order said they would have waited 14 days longer to receive their order, less than two-thirds would have waited 30 days longer, only about one-third stated a willingness to wait 45 days, less than one-fourth would have been willing to wait an additional 60 days; a mere 16.7 percent stated willingness to wait beyond an additional 60 days for delivery.[109]

The consumer survey conducted by Sunset House also shows that consumers in multiple delay situations are less inclined to accept further delay than consumers who have received fewer notices of delayed shipment. Of persons responding to a questionnaire sent in lieu of a "First Delay Card," 13.9 per cent stated their unwillingness to accept specified delays,[110] while 19.0 per cent of persons responding to a questionnaire sent about 15 days after being sent a "First Delay Card" stated their unwillingness to accept identical specified delays.[111] This survey's respondents also showed more reluctance to tolerate delay, the longer the delay became. For example, of persons responding to a questionnaire sent 15 days after a "First Delay Card," 11.6 per cent expressed unwillingness to accept an additional 15 day delay, while almost half rejected an additional delay of more than 45 days.[112]

Since it has not been demonstrated that an overwhelming majority of persons will consent to "multiple delays" (in fact, the available information suggests that such is not the case), the costs incurred in financing the responses of buyers consenting to "multiple delays" do not weigh as heavily in any policy argument for the Commission allowing sellers to construe silence as consent in circumstances governed by § 435.1(b)(2).[113] Furthermore, even if it were demonstrated that a sizeable majority of buyers in "multiple delay" situations would prefer to wait, the number of consumers involved in "multiple delay" situations should be only a small fraction of the buyers who experienced a "first delay," again indicating a much smaller cost impact. Also, the Commission is acutely aware of the fact that many consumers will not return cards due to inertia and the like and is unwilling to allow sellers "two bites" at this apple.[114]

The Commission recognizes that a seller faced with unanticipated multiple delays will be required to meet a high standard where "silence equals cancellation." Although the seller is dealing with a delay which was "unanticipated" (if it were otherwise the seller would be in violation of § 435.1(a) of the Rule), the seller in a "multiple delay" situation has been put on notice that there is a problem in getting the particular item shipped and thus has the opportunity to keep an especially careful watch on the developing situation. Such a seller also is given the opportunity under § 435.1(b)(1)(iv) of the Rule to solicit, in advance of a further unanticipated delay, the consent of a buyer to a delay beyond that anticipated.

The above considerations have led the Commission to conclude that the practice of a seller in a "multiple delay" situation of imposing a further delay in delivery where the buyer has not expressly consented thereto is a violation of Section 5 of the Federal Trade Commission Act. Section 435.1(b)(2) of the Rule is in addition a reasonable prescription for preventing Section 5 violations.

Section 435.1(b)(3) of the Rule states that it is a Section 5 violation for a seller giving any option pursuant to § 435.1(b)(1) or (b)(2) to fail to furnish a buyer with adequate means, at the seller's expense, to exercise such an option. There was virtually no opposition in the Record for the proposition that the seller should bear the expenses of buyers communicating their decisions on options made necessary by the Rule.[115] The Commission's Rule governing the use of negative option plans, 16 CFR 425, does not require that sellers supply postage paid forms to buyers for use in expressing the decision to purchase or not to purchase, but the negative option plan situation is readily distinguishable from the situation governed by this Rule; in the negative option situation the buyer is made aware of the steps he must take to reject a selection prior to entering into any contractual arrangement with the buyer and every buyer thus expects to incur this expense and potential inconvenience.

In the situation governed by this Rule the buyer who must decide whether or not to exercise an option under the Rule is confronted with a situation which was not anticipated at the time he or she placed the order. He or she should not be confronted with any more unanticipated inconvenience or expense than is absolutely necessary. It is true that if sellers are required to pay for the responses of buyers to options, sellers will in all likelihood pass the costs which arise on to buyers, however in that event the cost of buying merchandise, including the seller's costs in paying for such buyer responses, will be disclosed prior to the time of placing an order. In addition, industry spokesmen repeatedly raised the problems associated with obtaining responses from consumers to inquiries. The requirement that the seller bear the initial expense of buyer responses will minimize the burden placed on consumers and hence will increase the likelihood of consumer response.

Section 435.1(b)(3) of the Rule establishes two related rebuttable presumptions which are similar in content to provisions contained in the published revised proposed Rule, which required a seller to send the specified notices to the buyer by first class mail accompanied by means in writing (by business reply mail or with postage prepaid) by which the seller could signify his option to cancel the order or accept delayed shipment. Although there was fairly wide-spread acceptance of the reasonableness of such requirements, it was pointed out that other means of communication, such as the use of the telephone, were of possibly superior efficacy and should not be forbidden by any Commission Rule.[116]

The Commission is of the view that the methods for contacting buyers and for providing a response mechanism described in the rebuttable presumption are the only methods which have a presently demonstrable ability to insure that buyers are provided with intelligible information and are given a meaningful opportunity to exercise their option to cancel their order or consent to delayed shipment. Pursuant to its authority to prescribe requirements for the prevention of unfair or deceptive practices, the Commission could have imposed in this Rule the notice and reply requirements of the published revised proposed Rule. However, the Commission does not wish to absolutely bar sellers from making use of other means of communication which are consistent with the requirements of the Rule and which can be demonstrated to be of equal or superior efficacy to the methods contained in these two rebuttable presumptions.

The final segment of § 435.1(b) makes it clear that, like the published proposed Rules, the final Rule is not designed to prevent a seller, who is unable to make shipment within the time set forth in § 435.1(a)(1) or within any delay period consented to by the buyer, from deciding to consider the order cancelled, notifying the buyer of this decision and providing a prompt refund. This provision of the Rule is not a judgment of any Commission that the activity of any seller in so doing is not, under any circumstances, a breach of contract or a violation of Section 5 of the Federal Trade Commission Act. It is merely a result of the Commission's conclusions that the present Record does not indicate that such activity is causing significant consumer injury and that regulating such activity is not necesary for the proper functioning of the Rule.

Section 435.1(c) of the Rule mandates that sellers deem orders cancelled and provide prompt refunds in enumerated situations. The first three are merely restatements of those situations where the buyer has taken a course of action or inaction under § 435.1(b) of the Rule which

[109] R. IV, p. 9330.

[110] R. IV, p. 8781.

[111] R. IV, p. 8785.

[112] *Id.*

[113] "An unfairness analysis will take into account many basic economic facts and considerations . . .", *Pfizer*, Inc., supra at 61.

[114] An unfairness analysis weighs the burden and cost to vendors against losses to buyers. *Id.* at 62.

[115] Direct Mail/Marketing Association, while not objecting to the seller paying for the postage a buyer will need to transmit a cancellation notice, did object to prepaid postal devices as a substantial and unnecessary burden. R. IV, p. 8929. The Commission finds this distinction insubstantial, especially in light of a submission from the president of DM/MA's predecessor organization, Direct Mail Advertising Association, which lauded business reply mail because of "• • • the convenience it affords the customer. Also, responses can be returned to the mailer at the mailer's postage expense." R. III, p. 579.

[116] *See, e.g.*, R. IV, pp. 8855, 8983.

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would constitute cancellation of the order and entitle him to a refund. The reasons for requiring sellers to deem action or inaction on the part of a buyer as a cancellation of an order have been discussed above and shall not be repeated here.

The fourth situation mandating a seller to deem an order cancelled and to make a prompt refund is where the seller has notified a buyer of his inability to make shipment and his decision to cancel the order instead. Section 435.1(b) of the Rule specifically states that this Rule does not prohibit a seller from doing so. Section 435.1(c)(4) of the Rule assures that sellers opting to take this course of action do in fact deem orders cancelled and make prompt refunds.

Section 435.1(c)(5) is merely a restatement of the provision of the revised proposed Rule which required a refund where the seller is unable to ship within 30 days of receipt of an order or within the time stated in the solicitation and in addition fails to offer the option prescribed by § 435.1(b)(1). The Rule obviously cannot permit a seller who (1) fails to ship as required and (2) in addition violates the Rule's requirement of an offer to the buyer to cancel the order to retain any benefits from the transaction. The requirement of § 435.1(c)(5) makes it clear that the Rule does not permit such unfair or deceptive conduct.

The Record, not surprisingly, shows widespread support for the proposition that where an order is cancelled, the seller should provide a prompt refund.[117] The disagreement over what should constitute a "prompt refund" is discussed below.

In any action alleging a violation of this Rule, the failure of a seller to have records or other documentary proof establishing the use of systems which assure compliance, in the ordinary course of business, with any requirement of § 435.1 (b) or (c) of the Rule will create a rebuttable presumption that the seller failed to comply with said requirement. The revised proposed Rule made such a failure in itself a violation of the Rule and such a requirement was suggested by industry representatives as an alternative to the extensive recordkeeping requirements of the revised proposal.[118] Although the Commission, on the basis of the Record, could have made the establishment and maintenance of such records or other documentary proof an absolute requirement, it has chosen instead to establish that the failure to do so will create a rebuttable presumption of non-compliance with the Rule. By establishing this rebuttable presumption the Commission provides businesses with guidance while not preventing a business not wishing to undertake a recordkeeping expense from rebutting the presumption and demonstrating that it has complied with the Rule.

The definition of "Receipt of a properly completed order" § 435.2(b) has been rewritten to reflect the realities of the marketplace. The revised proposed Rule, published in March, 1974, measured events from "receipt of payment," however, the final Rule has adopted "receipt of a properly completed order" as more precise and also more reflective of the fact that credit sales are covered by the Rule.

§ 435.2(b) as it appears in the final Rule addresses the concern expressed by some sellers that improperly completed order forms could prevent them from shipping within the time requirements of the Rule and thus trigger the Rule's notice of delay and refund provisions.[119] The final Rule eliminates this problem by expressly providing that an order must contain all the information needed by the seller before the time standards of the Rule apply. Although the Rule's notice of delay and refund provisions are modified to take into account illegible or improperly completed orders, the Rule is not an invitation for sellers to knowingly enjoy the use of funds tendered with such orders while not undertaking any obligations with respect to the buyers placing the orders.

It should be noted that § 435.2(b) has also taken into account sellers' fears that they may be the victims of unscrupulous buyers. The Record contains a number of submissions expressing concern that the Rule would facilitate the defrauding of sellers with "bad checks."[120] § 435.2(b) is responsive to such concerns. The definition makes it clear that the seller is not forced to ship merchandise or meet the Rule's notice and refund requirements where the buyer's check or money order has been dishonored or where the seller discovers that the buyer does not qualify for a credit sale.

Finally, it should be noted that § 435.2(b) retains credit sales within the Rule's scope where the seller charges the buyer's account prior to shipping the merchandise. The reasons for retaining the scope of the revised proposed Rule are discussed in detail below in the analysis of the Commission's decision to not exempt credit transactions.

The revised Rule published in March, 1974 contained a definition of "prompt refund" (II(C) of the proposal). The final Rule has split this definition into individual "refund" and "prompt refund" definitions to facilitate understanding. In addition both of these definitions contain revisions from the earlier proposal to reflect valid comments in the Record.

The definition of "refund" has only been altered for credit sales and this alteration was made to give sellers the greatest possible flexibility in removing charges, preventing charges from being made and in notifying buyers of such actions.[121] The Rule's requirements for "refunds" is credit sales are in no way inconsistent with the requirements of the recently enacted Fair Credit Billing Act.[122] In fact the requirements of the Rule will facilitate the correction of any "billing errors" pursuant to the Act by assuring that in, most instances, a buyer availing himself of the Act's provisions will have some acknowledgement from the seller that a charge for goods is not appropriate.

The definition of "refund" has also been drafted to make it explicit that, where a buyer tenders payment in the form of cash, check or money order, the seller must return the amount tendered in the form of cash, check or money order. The Record has demonstrated that the practice of sellers issuing credit memoranda or the like has occurred and that such a practice should not be tolerated where the order is cancelled due to a delay in shipping.[123]

The definition of "prompt refund" contained in the final Rule makes a distinction between credit sales and those where the buyer has tendered payment in the form of cash, check or money order. In the latter case the March, 1974 proposed Rule's 7 working days requirement for refunds remains unchanged, except that the Rule requires that the refund be *sent* to the buyer by first class mail within 7 working days and not that it be received by the buyer within 7 working days.[124]

A number of industry spokesmen suggested that 7 working days was not enough time to make refunds, even with the "sent" modification in the final Rule. The Mail Order Association of America (MOAA), representing "most of the nation's major catalog retailers",[125] suggested that 14 working days [126] and, later, 10 working days [127] would be more realistic. Direct Mail/Marketing Association, with over 1600 members,[128] also suggested 10 working days.[129] MOAA stated that 7 working days was marginal for larger mail order houses,[130] however, Sears, Roebuck & Co. limited its objection to the refund provision of the March, 1974 proposed Rule to the requirement that the

[117] *See, e.g.*, R. III, pp. 276, 1107, 1277, 1399, 1498, 1597, 1617, 2077, R. IV pp. 8499, 8748, 8873A, 8975B, 8985.

[118] *See, e.g.*, R. IV, pp. 8875A (Mail Order Association of America), 9014 (Parcel Post Association) 9215 (Sears, Roebuck & Co.).

[119] *See e.g.*, R. II, p. 1641 wherein Prentice-Hall, Inc. stated that it received an average of 122 orders per week which are so illegible or incomplete as to make fulfillment impossible.

[120] *See, e.g.*, R. III, pp. 267, 280, 488, 1045, 1307, 1625, 1954, 2088, 2246.

[121] A number of industry spokesmen pointed out that the III(C) definition in the March, 1974 proposed Rule was too restrictive. For example, Columbia House suggested that the use of the term "credit memorandum" connoted a specific accounting device. R. IV, p. 8988.

[122] §§ 161–171 of P.L. 93–495 (Oct. 28, 1974) codified at 15 U.S.C. §§ 1666–1666j.

[123] *See e.g.*, R. II, pp. 4075, 4652, 4999, 5097, 5420, 5573, 5919, 6728, 6851, 7216, R. IV, p. 9286.

[124] A number of submissions in the Record pointed out that a seller could not guarantee that the U.S. Postal Service would deliver mail within a given period of time. *See, e.g.*, submission of Mail Order Association of America, R. IV, p. 8866. The Commission recognizes the problem and has corrected it.

[125] R. IV, p. 8854.

[126] R. III, p. 1415.

[127] R. IV, p. 8866.

[128] R. IV, p. 8877.

[129] R. III, p. 2302.

[130] R. IV, p. 8866.

customer *receive* a refund within 7 workdays days.[131] MOAA's second objection dealt specifically with the receipt within seven working days requirement of the March, 1974 proposal,[132] a requirement which has been modified to meet the objection. MOAA's final objection dealt with credit sales,[133] an objection which has been meoted by the final Rule, as is discussed below.

The Parcel Post Association, which represents over 200 members, submitted a revised proposed rule for consideration by the Commission which incorporates the final Rule's 7 working day requirement.[134] In addition several companies suggested that the 7 working days requirement of the final Rule was workable.[135]

The Commission finds on the basis of the above Record that the defining of "prompt refund" in terms of 7 business days, as is done in the final Rule, is both fair and workable. It gives the buyer back his money as soon as possible while not putting an unobtainable or unreasonable time constraint on sellers.

Where there is a credit sale, the Commission has defined "prompt refund" in terms of one billing cycle. A number of industry spokesmen express concern that a requirement such as 7 working days for refunds in credit sales would wreak havoc on credit billing systems and was totally unworkable.[136] The Commission has concluded that since the buyer has not been deprived of his money in situations governed by § 435.2(d)(2) and the practical difficulties involved with adjusting charge accounts are widely acknowledged taking up to one billing cycle to make a "prompt refund" where there is a credit sale is not unfair or deceptive and the Rule reflects that finding.[137]

Section 435.2(e) "time of solicitation" identifies the precise time at which a seller making a solicitation incurs an obligation to have the reasonable basis mandated by § 435.1(a) of the Rule. Although a seller must have a reasonable basis prior to making the solicitation,[138] the Commission recognizes that there can be a significant time lag between the time the seller has made firm arrangements for a solicitation and the time such solicitation reaches the public.[139] The Commission therefore realizes that at the time a solicitation is actually disseminated unanticipated events may have increased the expected shipping time beyond that reasonably anticipated at the time the solicitation was prepared. The Commission does not believe, on the basis of the available information, that the potential for consumer injury that would arise in those relatively rare instances covered by § 435.2(e)(2) and (3), when weighed against the "substantial expense" contemplated by these provisions, compels a conclusion that economic fairness requires sellers to bear such an expense.

Note 3 of the Rule exempts collect-on-delivery (C.O.D.) sales from the application of the Rule. The Record contains almost no complaints or other comments on C.O.D. mail order transactions [140] and neither of the two published proposed Rules had any application to C.O.D. mail order sales. Although the Commission is clearly empowered to "close all roads" as part of the process of preventing unfair or deceptive trade practices, the combination of virtually no information in the Record concerning abuses involving C.O.D. sales or the advisability of applying the Rule to C.O.D. sales and the lack of any explicit notice to the public that the Commission's Rule might govern C.O.D. sales persuades the Commission that, at this time, the exclusion of collect-on-delivery transactions from the application of this Rule is appropriate.

Note 4 of the Rule makes it clear that the Rule does not govern transactions regulated by the Commission's Rule entitled "Use of Negative Option Plans by Sellers in Commerce", 16 CFR 245.[141] Although there may continue to be unfair or deceptive practices related to the use of such plans, the Commission believes that because of the unique nature of such plans, amendment of 16 CFR 245, rather than promulgation of this Rule, is the appropriate path to end any such practices.

The language of Note 5, dealing with the effect on State law and municipal ordinances, has been altered to clarify its meaning. There has been no alteration of the intended meaning of similar provisions in the earlier proposed Rules.

Note 6 is an addition to the Rule to make explicit the intent of the Commission that if any provision or application of the Rule is held invalid the remainder of the Rule or its application elsewhere shall not be affected.

Note 7 establishes the effective date of the Rule. There was very little comment in the Record on what the period of time should be between the promulgation of the Rule and the date upon which the Rule becomes effective.[142]

The Commission believes that since the Rule makes express provision for the use of previously prepared advertising materials after the effective date of the Rule and has otherwise been designed to place as small a burden on sellers consistent with protecting the public interest providing for the Rule to become effective 100 days after promulgation will be ample time for sellers to bring themselves into compliance.

It should be noted that although the Rule, in some instances, will allow sellers to use advertising materials prepared prior to the effective date of the Rule which would otherwise be in violation of § 435.1(a)(1), the remainder of the Rule will be applicable to all sellers where a seller receives a properly completed order on or after the effective date of the Rule, regardless of whether the seller's solicitation is exempt. The Commission, while recognizing that sellers may face practical problems with the preparation and use of advertising materials, does not believe that these problems should be used as an excuse for escaping the notice and refund provisions of the Rule.

C. *Requests for exemption from application of the rule.* A number of requests were received by the Commission for the exemption of certain mail order transactions from the scope of the Rule. The following is a discussion of the various requests and of the Commission's decisions granting or denying such requests.

1. *Credit transactions.* Direct Mail/Marketing Association sought to exclude credit transactions arguing that the number of complaints involving credit mail order transactions found in the Record is insignificant.[143] While it is true that most of the consumer complaints received by the Commission involved prepaid orders, a substantial number of complaints involved credit transactions.[144]

[131] R. IV, p. 9211.

[132] R. IV, p. 8866.

[133] *Id.*

[134] R. IV, pp. 8998, 9014–5.

[135] *See, e.g.*, R. III, p. 1342 (Newmann & Altman, Inc.), R. IV, pp. 8471 (Frederick's of Hollywood), 8977 (Popular Services Co.), 8985 (Columbia House), 9054 (Hewlett-Packard Co.), 9059 (Downe Communications, Inc.).

[136] *See, e.g.*, R. IV, pp. 8984A (National Retail Merchants Association), 8866–7 (Mail Order Association of America).

[137] "An unfairness analysis will take into account many basic economic facts and considerations, and will permit a broad focus in the examination of marketing practices. Unfairness is potentially a dynamic analytical tool capable of a progressive, evolving application which can keep pace with a rapidly changing economy." *Pfizer, Inc.*, *supra* at 61.

[138] *Pfizer, Inc.*, *supra* at 64.

[139] *See, e.g.*, submission of Sears, Roebuck & Co., where it is pointed out that catalogs are prepared long in advance of their distribution, R. IV, p. 9203.

[140] The DM/MA sponsored analysis of complaint letters states that only 6 of the 3138 letters in the Record involved C.O.D. transactions. R. IV, p. 9290.

[141] Some sellers using negative option plans governed by 16 CFR 245 were concerned that this Rule could be construed as imposing requirements on users of such plans. R. III, p. 1505 (Book-of-the-Month Club, Inc.).

[142] Comment came almost entirely from two mail order trade associations: Mail Order Association of America (MOAA) and Direct Mail/Marketing Association (DM/MA which at the time of the comment was named Direct Mail Advertising Association). MOAA stated that "To cover catalogs and other media in process or effect, and to avoid significant changeover problems of mail order houses during the peak Christmas holiday season, the Rule should not be made effective earlier than six months after promulgation, and should not apply to media printed prior to the effective date." RIV., p. 8856. Representatives of DM/MA also argued for a six month period between promulgation and the effective date. R. III, pp. 1704 and 2302.

[143] *See*, R. III, pp. 2299–2300, R. IV, pp. 8923–26.

[144] The DM/MA sponsored survey of consumer complaints in the Record indicates that 141 involved credit transactions. R. IV, p. 9290.

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Direct Mail/Marketing Association also attacked the extent of the Rule's coverage of credit transactions as "unrealistic" and "unfair."[146] DM/MA charged that "[i]t is neither logical nor fair to impose a delivery obligation on the seller vis-a-vis a buyer who has incurred no pre-delivery obligation to pay • • • ."[147] The Commission notes that DM/MA's assertions are not universally shared by industry spokesmen. The Mail Order Association of America supported regulation of mail order credit transactions and declared that "[i]t is proper that 'receipt' of a credit order should begin at the time when the customer's account is charged."[147] The Commission, upon review of the entire Record, rejects DM/MA's assertions and finds that the Record amply justifies the action taken by the Commission in the area of credit transactions.[148]

While the consumer who paid in advance may feel more oppressed when faced with non-delivery or late delivery of merchandise, all consumers who order mail order merchandise are the victims of unfair or deceptive practices when the seller who solicited their orders lacked a reasonable basis for expecting to be able to ship within 30 days of receipt of the orders or within the time stated in the solicitations. All consumers who order mail order merchandise and who are faced with a delay in shipment beyond thirty days or the time represented by the seller are also victims of unfair or deceptive practices where they are unable to cancel the order and obtain, where applicable, a refund or credit adjustment. In conclusion, the Commission finds that the abuses present in the mail order industry which are addressed by the Rule are present or are capable of being used in all types of mail order transactions within the scope of the Rule. Thus the Commission finds that the exclusion of credit transactions would run contrary to the evidence in the Record and in addition would seriously dilute and undermine the effectiveness of the Rule.

An examination of the newly-enacted Fair Credit Billing Act[149] reveals that the enactment of this legislation does not obviate the need for Commission action in the area of mail order credit sales. The only area governed by the Rule which is affected by the Act is the billing for goods not delivered. The provisions of the Act relevant to a consideration of the Rule were intended to govern "billing errors"[150] while the Rule is intended to govern the entire mail order transaction and to prevent the occurrence of such "errors" in mail order transactions where a refund is called for.

2. *Premium offers and promotions.* The Premium Advertising Association of America sought to exclude promotions and premium offers arguing that responding consumers seek to take advantage of a unique bargain and, since such articles often cannot be obtained elsewhere, consumers want the merchandise not a refund.[151] It was also argued that the mail cost for notification of customers on a temporarily out of stock premium involving a modest cash requirement may operate to destroy a substantial part of the premium advertising business, consequently, in the alternative, an exemption for items less than $10.00 was sought.[152] While these so-called "box top" type offers may "represent a promotional rather than a profit-making activity",[153] the Record contains a significant number of consumer complaints, primarily related to non-delivery, involving premium offers.[154] The fact that a significant number of consumers took the time and expense to complain about dissatisfaction with transactions involving small amounts of money strongly suggests that an exclusion of premium offers would not be in the public interest. In addition, the Record shows that 43 per cent of the over 3000 consumer complaint letters involved amounts of $10 or less.[155] The suggestion that a precedent for an exemption of low dollar amount transactions exists in the Commission's Trade Regulation Rule concerning a Cooling-Off Period for Door-to-Door Sales, 16 C.F.R. 429,[156] is inapposite. In promulgating that Trade Regulation Rule the Commission justified the exclusion of sales under $25.00 by observing that "Virtually all of the examples of the sort of sales which outraged consumers were for amounts in excess of $25.00."[157] In the present proceeding the Commission has received more that 1300 complaints involving mail order sales of $10.00 or less and there is no substantial information to justify such an exclusion.

3. *Specialty items and sales between businesses.* Still another industry trade association, Specialty Advertising Association International, sought to exclude specialty items such as calendars, pens, ashtrays, etc., bearing advertising messages, which are not sold to the general consuming public.[158] The contention was also made that sales between businesses should not fall within the purview of the Rule.[159] The Record demonstrates, however, that businessmen have encountered the same problems as the general public when dealing with distant mail order sellers[160] and that there is no compelling reason to treat them differently from other members of the consuming public.

4. *Magazine subscriptions.* The Magazine Publishers Association, as well as several individual publishers, argued that because of their special nature, magazine subscriptions should not be covered by the Rule.[161] These arguments centered around explaining why magazine subscriptions often cannot be commenced within the 30-day delivery period specified in the revised, proposed and final Rules.

The Commission finds no compelling reason why magazine publishers who are unable to ship the first issue within thirty days of receipt of an order cannot simply disclose the anticipated time between the order and shipment of the first issue. Time, Inc. attempted to explain its opposition to the application of the Rule to magazine subscriptions by stating that the inclusion of shipping time would result in a decrease in the rate of response to subscription solicitations for reasons other than conscious adverse consumer reaction to the disclosed shipping time: *"Anything contained in a solicitation which is not essential and basic information which the recipient requires to enter his order must result in a reduction of response"* (emphasis in the original).[162]

The Commission has made a determination that information disclosing shipping time is material and must be disclosed. In addition, the assertion by Time, Inc. that the inclusion in a solicitation of anything "which is not essential and basic information" will hurt sales does not appear to be an iron rule governing the actual practices of magazine publishers including Time, Inc. For example, the Commission notes that a solicitation for subscriptions to FORTUNE magazine, a Time, Inc. publication, in the June, 1974 issue of MONEY magazine, also a Time, Inc. publication, ran to well over 300 words. The Commission also notes that a solicitation for subscriptions to MONEY appearing in

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[146] R. IV, p. 8924.

[147] R. IV, p. 8925.

[148] R. III, p. 1416.

[149] The Record, in fact, justifies the inclusion of all credit sales of mail order merchandise within the scope of the Rule. However, neither published proposed Rule explicitly covered all credit transactions. The Commission wishes to give every reasonable opportunity for notice and comment upon the scope of Trade Regulation Rules and has therefore decided to retain the scope of the published revised proposed Rule.

[150] §§ 161–171 of P.L. 93–495 (October 28, 1974) Codified at 15 U.S.C. §§ 1666–1666j.

[151] *Id.* at § 161, 15 U.S.C. § 1666.

[152] R. II, p. 1557.

[153] R. IV, p. 8454. *See also* R. IV, pp. 8116–8119 (General Mills, Inc.), 8469–8470 (Scott Paper Company), 8488–8490 (General Foods Corporation), and 8499–8500 (National Premium Sales Executives, Inc.).

[154] R. IV, p. 8454 (Submission of Premium Advertising Association of America).

[155] *See, e.g.*, R. II, pp. 606, 611, 781, 785, 796, 821, 872, 1132, 1139, 1160, 1163, 1203, 1214, 2042, 3128, 3443, 3473, 3612, 3826, 3885, 4037, 4065, 4137, 4487, 4595, 4650, 4776, 4804, 4893, 5063, 5110, 5258, 5301, 5706, 5787, 5858, 5890, 5913, 6067, 6154, 6155, 6206, 6224, 6237, 6257, 6562, 6609, 6726, 7156, 7192, 7399, 7415, 7416, 7706, 7723.

[156] R. IV, p. 9391 (The DM/MA analysis of the consumer complaints states that of the 3138 complaint letters in the Record, 656 involved amounts of less than $5 and 693 involved amounts of between $5 and $10.).

[157] R. IV, p. 8455.

[158] Trade Regulation Rule Concerning a Cooling-Off Period for Door-to-Door Sales, Statement of Basis and Purpose at 31 Fed. Reg. 22946 (1972).

[159] R. III, pp. 1430–1437.

[160] *See, e.g.*, R. IV, pp. 8076 (Pioneer Co.), 9259 (Commerce Clearing House, Inc.).

[161] *See, e.g.*, R. II, p. 5784, R. IV, p. 8487.

[162] R. III, pp. 1438–1445; R. IV, pp. 8807–8836. *See also* R. IV, pp. 8527 (Trailer Life), 8529 (Golf Digest), 8542 (Consumers Digest), 8556 (Antique Monthly), 8561 (Science News), 8745 (McCall's), 8761 (Readers' Digest), 8803 (Hearst Magazines), 8839 (Redbook), 8952 (Time), 8970 (Magazine Division/Meredith Corporation), 9055 (Ladies Home Journal).

[163] R. IV, pp. 8957–8.

the May, 1974 issue of MONEY contained over 250 words.[163]

To the extent that the inclusion of shipping information may unconsciously affect the decision making process of potential subscribers, the Commission believes that any such adverse effect is greatly outweighed by the need for the Rule to apply to magazine subscriptions.[164] The Commission is aware of no reason why publishers of magazines cannot disclose the anticipated time period between receipt of an order and the shipment of the first issue in a way which will not be false or deceptive.[165]

Finally, the Magazine Publishers Association asserted that the Commission already established as reasonable a period longer than 30 days for the beginning of a magazine subscription: "This entry period was established by the Commission in the various 'cease and desist' orders it issued over the past several years concerning the trade practices of field selling subscription agencies."[166] The Association cited order provisions requiring customer orders to be entered with publishers no later than 60 days after the date of sale and to refund money to persons not receiving magazines within 120 days of the date of sale. "Inherent in these two provisions is a recognition by the Commission of a minimum of 60 days for the transit of orders and entry of subscription service by the publishers as a reasonable standard for the industry."[167]

The Commission has indeed issued cease and desist orders containing the language cited by the Association. *Public Circulation Service, Inc.*, 81 F.T.C. 187 (1972), *Subscription Bureau, Inc.*, 81 F.T.C. 201 (1972), *Dixie Reader's Service, Inc.*, 81 F.T.C. 215 (1972), *Interstate Publishers Service, Inc., et al*, 82 F.T.C. 364 (1973). All four of the above cited cases involved consent orders with respondents pursuant to Section 2.34(b) of the Commission's Rules of Practice.

The argument of the Association that bringing mail order subscriptions within the purview of the Rule conflicts with the action taken in those four cases is defective for a number of reasons. First, the cease and desist orders were responsive to abuses alleged to have been committed by field selling subscriptions agencies, not by magazine publishers, and the cases involved consent agreements where it cannot justifiably be said that the Commission established a time period for the start of magazine subscriptions applicable to the entire magazine industry. The use of case-by-case adjudication to establish industry-wide standards has been criticized as depriving agencies of a broad range of criticism, ideas and data, *see, e.g., National Petroleum Refiners Association* v. *F.T.C., supra* at 682. The development of such a standard for an industry in consent orders involving a related industry would be even more open to such criticism.

Second, the orders referred to merely require that the respondent sellers give conspicuous notice that a buyer can request a refund if the magazine isn't received within a specified time period (a clear warning that the buyer may have to wait that long) and to refund money upon such requests. Thus, the sellers in the cease and desist orders mentioned by the Association are required to provide the very type of notice which the Association claims its members cannot make.

In addition the cease and desist orders set an outside time limit for delivery beyond which the buyer can demand a refund. The Rule does not establish any absolute period as reasonable for the delivery or shipment of merchandise as suggested by the Association. The Rule merely states that if the seller has reason to believe that shipment will not be made within 30 days of receipt of the order, the anticipated time of shipment must be disclosed and if the seller cannot in fact ship within 30 days of receipt of the order or within the time represented to the buyer, the seller must give the buyer an opportunity to cancel the order.

5. *Customized or made-to-order merchandise.* Manufacturers of made-to-order and customized merchandise, which may take longer than 30 days to prepare and ship, likewise sought exemption from the rule.[168] However, no industry spokesman explained persuasively why such merchandisers cannot affirmatively disclose the estimated shipping time in their order solicitations. In addition, the difficulties raised by some spokesmen with the revised proposed Rule's requirement of silence does not equal consent to a delay[169] have been alleviated by the flexible requirements of the promulgated rule.

Industry representatives admitted in their submissions that at times they can not ship goods within 30 days.[170] Thus, the Record establishes that the potential for consumer injury, which the Rule is designed to end, exists in this segment of the mail order industry. The Commission therefore concludes that, in the absence of any persuasive reasons for exemption, the request for an exemption should be denied.

6. *Seed and nursery businesses.* Submissions of seed and nursery businesses maintained that they should be given an exemption because such items are "shipped at the proper planting time for the customers' area", which they say is disclosed in ads and solicitations, and since this future shipment date depends on so many variables it can never be "clearly and conspicuously stated" in the solicitation to which the buyer responds.[171] These submissions also point out that the buyers of seeds and plants do not expect shipment within 30 days but at the proper time for planting.

The Commission has received a number of complaints from consumers involving mail order nurseries,[172] but has concluded that although there are apparently abuses which may merit Commission action, the nursery industry is so unique that it cannot be adequately regulated by this Rule. Thus, the sale of seeds and growing plants is excluded from coverage of the Rule.

7. *Mail order photo finishing.* A number of trade associations concerned with mail order photo finishing[173] and mail order photo finishing businesses[174] protested the published proposed Trade Regulation Rules. Although the great bulk of the criticism from mail order photo finishing industry spokesmen centered around the record keeping provisions of the proposed Rules, the Record reflects their concern that the Rule's application to their industry will impose a substantial burden while not producing measurable consumer benefit.

The Record indicates that, although the Commission has received a number of consumer complaints concerning mail order photo finishing,[175] the problem associated with mail order film processing

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[164] Although the two solicitations described here are not part of the Record in this proceeding, their content is not open to factual dispute.

[165] The Record is replete with consumer complaints of non-delivery or unreasonable delays in delivery of magazine subscriptions. *See, e.g.*, R. II, pp. 700, 810, 937, 942, 947, 948, 150, 1155, 1217, 1243, 1337, 1340, 1341, 1342, 1345, 1347, 1350, 1499, 1588, 1657, 1726, 1732, 1840, 1903, 1985, 2055, 3013, 3101, 3125, 3318, 3389, 3589, 3747, 3805, 3904, 4130, 4235, 4292, 4439, 4461, 4577, 4690, 4758, 4830 4850, 4881, 5009, 5033, 5047, 5060, 5126, 5658, 5732 5954, 6012, 6191, 6206, 6317, 6485, 6608, 6632, 6731, 6844, 6863, 6865, 6999, 6915, 6919, 7005, 7023, 7100, 7171, 7412, A spokesman for the Kansas Attorney General stated that "Problems with regard to the shipment of magazines have gone completely out of hand . . ." R. III, p. 612.

[166] Time, Inc. suggested that such may not be the case, however, this argument is rejected by the Commission as insubstantial. R. IV, p. 8956.

[167] R. IV, p. 8812.

[168] *Id.*

[169] *See, e.g.*, R. IV, pp. 8055 (uniforms), 8084 (church Bulletins), 8006 (desk diaries), 8114 (business calendars), 8544 (furniture).

[170] R. IV, p. 8055 (Elm Uniform Manufacturing Co.).

[171] *See, e.g.*, R. IV, pp. 8055, 8084.

[172] R. IV, pp. 8072–8073 (Henry Field Seed and Nursery Co.) 8091 (Andrews Nursery Company), 8099–8101 (Stern's Nurseries, Inc.), 8110–8111 (Michigan Bulb Company), 8139–8140 (Stark Bros. Nurseries & Orchards Company), 8185–8186 (Buntings Nurseries), 8197–8198 (Star Roses), 8238 (Rocknoll Nursery), 8249 (Wolfe Nursery), 8309–8312 (Geo. W. Park Seed Co., Inc.), 8339–8341 (House of Wesley, Inc.), 8371–8372 (Spring Hill Nurseries Co.), 8420–8422 (American Seed Trade Association, Inc.), 8472–8475 (American Association of Nurserymen, Inc. and Mail Order Association of Nurserymen), 8486 (H. G. Hastings Co.). *See also*, R. IV, at 8465 (Envelope Manufacturers Association), 8846 (Associated Third Class Mail Users), 9006 (Parcel Post Association).

[173] *See, e.g.*, R. II, pp. 1756, 1764, 1934, 5016, 5045, 5933, 5973, 5974, 6100, 6400, 6570, 6618, 6670.

[174] *See, e.g.*, R. III, pp. 1651 (National Association of Photographic Manufacturers, Inc.), 1657 (Master Photo Dealer's Finishers' Association).

[175] *See, e.g.*, R. III, pp. 1064, 1096, 1121, 1122, 1205, 1215, 1229, 1239, 1649.

[176] The DM/MA sponsored analysis of consumer letters states that the Record contains 34 complaints involving mail order photo finishing, R. IV, p. 9290.

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are not the same as those which are the primary focus of the Rule. Photo finishing is essentially a service with normally very rapid processing and remailing to the customer.[17] There is virtually nothing in the Record to indicate that mail order photofinishers solicit orders when they do not have a reasonable basis to expect shipment within 30 days of receipt of an order or that photo finishers encounter, with any significant frequency, situations where they become aware that they will not be able to ship an order within 30 days.

Upon reflection, the Commission concludes that in the case of the mail order photo finishing industry the customer is ordering a service and not merchandise to be shipped and there is the absence of the "back order" situation which often occurs with mail order merchandise.[17] As a result the available information appears to support the contention that most of the problems associated with mail order photo finishing delays are the result of loss or theft and not "mere" delays in shipping orders.[18] Thus, film processing is exempted from the scope of the Rule.

CHAPTER VI. MECHANICS OF THE RULE

The following discussion of the mechanics of the Rule is in many respects a restatement of the information contained in the previous discussion of the Basis for the Rule. It is included to provide a brief analysis of the requirements of the Rule without the detailed legal discussions and analysis of the Record contained in the Basis for the Rule section. This discussion is provided to acquaint the reader with the general provisions of the Rule and is not designed to be an exhaustive description of the Rule's requirements.

A. *Transactions governed.* The Rule governs all transactions, except collect-on-delivery transactions and those credit transactions where the seller does not charge the buyer's account prior to shipment, wherein the seller solicits an order for the sale of merchandise to be ordered by the buyer through the mails.

B. *Requirements at the time of solicitation.* The Rule requires a seller to possess, at the time of solicitation of an order, a reasonable basis to expect that he will be able to ship merchandise within that time clearly and conspicuously stated in such solicitation or, if no time is stated in such solicitation, within 30 days after receipt of a properly completed order. "Receipt of a properly completed order", "shipment" and "solicitation" are clearly defined in § 435.2 (a), (b) and (e). § 435.2 (b) and (e) are discussed in detail below.

The Rule also provides guidance to businesses as to what the Commission will accept as a reasonable basis for expecting to be able to ship within the applicable time: the use of systems and procedures which assure the shipment of merchandise, in the ordinary course of business, within the applicable time. The Rule also states that the seller's lack of documentary proof establishing the use of such systems and procedures will create a rebuttable presumption that the seller lacked a reasonable basis.

C. *"First Delay" notice requirement: § 435.1(b)(1).* A "first delay" situation exists where a seller is unable to ship merchandise within the time clearly and conspicuously stated in a solicitation, or if no time is so stated, within 30 days of receipt of a properly completed order from the buyer. "First delay" situations are governed generally by § 435.1(b)(1).

In a "first delay" situation the seller is required to offer the buyer an option either to consent to the delay or to cancel the order and receive a prompt refund. The offer must be made within a reasonable time after the seller first becomes aware that he is confronted with a "first delay" situation, but in no event later than the applicable time set forth in § 435.1(a)(1). The information which must be included within any offer of the option is specified by §§ 435.1 (b)(1)(i), (b)(1)(ii) and (b)(1)(iii) of the Rule. The seller must, pursuant to § 435.1(a)(3), have a reasonable basis for making a representation regarding a definite revised shipping date. In addition, where a seller lacks a reasonable basis for making any representation regarding a definite revised shipping date § 435.1(a)(3) of the Rule requires that, in any offer of an option, the seller inform the buyer of the reason or reasons for the delay.

D. *No buyer response in "First Delay" situations.* Under § 435.1(b)(1) the significance of no response from a buyer to a notice of delayed shipment depends upon the nature of the "first delay." Where a seller in a "first delay" situation supplies the buyer with a definite revised shipping date which is not more than 30 days later than the applicable time set forth in § 435.1(a)(1), the failure of the buyer, prior to shipment, to respond to the offer and cancel the order shall be deemed to be a consent to shipment on or before the definite revised shipping date. Where a seller is unable to provide a definite revised shipping date or provides a definite revised shipping date more than 30 days later than the applicable time set forth in § 435.1(a)(1), the seller may ship the order within 30 days of the applicable time set forth in § 435.1(a)(1), unless the seller receives a notice of cancellation from the buyer prior to shipment. If the seller is in fact unable to ship within 30 days of the applicable time set forth in § 435.1(a)(1) the seller must deem the buyer's order cancelled unless the seller receives the buyer's express consent to the delay within the additional 30 day period. Where a buyer expressly consents to an indefinite delay, the Rule requires the seller to grant the buyer a continuing right to cancel the order at any time prior to actual shipment.

E. *"Multiple Delay" notice requirements of § 435.1(b)(2).* A "multiple delay" situation exists where the seller is unable to ship on or before (1) the definite revised shipping date consented to under §§ 435.1(b)(1)(ii) or (iii), (2) the specific date consented to by the buyer pursuant to § 431.1(b)(1)(iv) or (3) a definite revised shipping date previously established pursuant to § 431.1(b)(2).

As in "first delay" situations, the seller is required to offer the buyer an option either to consent to the delay or to cancel the order and receive a prompt refund. Once again the seller must make the offer within a reasonable time after first becoming aware that he is confronted with a "multiple delay" situation. The information required to be included with the offer is specified in § 435.1 (b)(2)(i), (b)(2)(ii), and (b)(2)(iii). The requirements of § 435.1(a)(2) and (a)(3) are once again applicable as in § 435.1(b)(1) of the Rule.

It should be noted that the Rule allows a seller to obtain the consent of the buyer to further delay more than once. The seller need only have a reasonable basis for expecting shipment within the times stated in the offers of options.

F. *No buyer response in "Multiple Delay" situations.* Where a seller in a "multiple delay" situation supplies the buyer with any offer of an option pursuant to § 435.1(b)(2)—whether the offer states a definite revised shipping date or informs the buyer of the seller's inability to provide a definite revised shipping date—the seller must deem the order cancelled and make a prompt refund unless prior to the expiration of (1) the old definite revised shipping date provided under § 435.1(b)(1)(i), (2) the specific date previously consented to pursuant to § 435.1(b)(1)(iv) or (3) the definite revised shipping date previously consented to pursuant to § 435.1(b)(2), the seller receives notification from the buyer specifically consenting to the further delay. The Rule is quite explicit that in "multiple delay" situations the seller *cannot* construe silence of the buyer as consent to the further delay.

G. *Obtaining consent to unanticipated delays.* Section 435.1(b)(1)(iv) provides a mechanism through which a seller may obtain, in advance, the express consent of the buyer to a delay beyond the time the seller has stated as the anticipated length of a delay in shipment. Thus a seller may avoid a potential "race against time" due to § 435.1(b)(2)'s "silence of the buyer must be construed as cancellation of the order" provision should the seller experience an unanticipated delay beyond that consented to by the buyer.

H. *Clear and conspicuous offers, notices and options.* Section 435.1 (b)(1) and (b)(2) mandate that required offers, notices and options to buyers be clear and conspicuous. Section 435.1(b)(3) of the Rule provides guidance as to what constitutes "clear and conspicuous" within the context of the Rule by stating the failure of a seller to provide any required offer, notice or option in writing and by first class mail will create a rebuttable presumption that a seller failed to give a clear and conspicuous offer, notice or option. Any seller wishing to do so may use other means of providing an

[17] It is estimated that most orders are on their way back to the customer within 48 hours of receipt. R. III, p. 1658.

[18] For example, Sunset House stated that it encounters 200,000 "back orders" a year. R. IV, p. 8750.

[19] *See, e.g.*, Statement of Mail Enterprises, Inc., R. III, p. 1229.

offer, notice or option which is of equal or superior efficacy to the method prescribed by the Rule.

I. *Providing adequate means for buyer response.* Section 435.1(b)(3) of the Rule requires a seller to provide buyers with adequate means, at the seller's expense, to exercise any option or to notify the seller regarding cancellation pursuant to this Rule. This provision governs situations where (1) the seller has given the buyer an option to cancel or consent to delayed shipment and (2) the buyer has a continuing right to cancel, such as that mandated by § 435.1 (b)(1)(iii) and (b)(1)(iv).

The Rule establishes a rebuttable presumption that failure to provide the buyer with the means in writing (by business reply mail or with postage prepaid) to exercise any option or to notify the seller regarding a decision to cancel constitutes a failure to provide adequate means to notify or cancel pursuant to the Rule. By establishing this presumption the Commission is providing guidance and is not preventing sellers from providing other means which are of equal or superior efficacy to the means prescribed by the Rule.

J. *Seller's right to cancel not proscribed by the rule.* § 435.1(b) of the Rule makes it clear that the Rule does not forbid a seller who is unable to make shipment within the time set forth in § 435.1(a)(1) or within any delay period consented to by the buyer pursuant to § 435.1(b) to decide to cancel the buyer's order notifying the buyer of this decision and providing a prompt refund.

K. *When does the buyer's right to a refund vest?* Section 435.1(c) of the Rule states with precision the times at which the seller must deem an order cancelled and make a prompt refund. These are also the times at which the buyer's right to a refund vests under the Rule.

L. *Record keeping to show compliance with the rule's notice and refund provisions.* Although the Rule does not absolutely require a seller to have records or other documentary proof establishing the use of systems which assure compliance with any requirements of § 435.1 (b) and (c) of the Rule, the failure of a seller to have such records will create a rebuttable presumption of non-compliance.

M. *"Receipt of a properly completed order."* Section 435.2(b), "receipt of a properly completed order" is extremely important as it establishes the precise moment from which seller must measure time under § 435.1 (a)(1) and (b)(1) of the Rule. It should be noted that receipt of the properly completed order is generally the time at which the seller actually receives an order from the buyer containing all the information requested by the seller accompanied, where required, by the proper payment. Where there is a credit sale, "receipt of a properly completed order" is the time at which the seller charges the buyer's account.

The Rule provides, however, that where the seller received notice that the buyer's check or money order has been dishonored or that the buyer does not qualify for a credit sale, receipt of a properly completed order is defined as the time when the seller (1) learns that the buyer's check or money for the proper amount has been honored, (2) receives cash from the buyer in the proper amount or (3) learns that the buyer qualifies for a credit sale.

N. *"Prompt refund".* The time for making a prompt refund in compliance with the Rule is dependent upon whether the seller is tendering a refund in cash, check or money order pursuant to § 435.2(c)(1) or (c)(2)(iii) or making a refund within the meaning of § 435.2(c)(2)(i) or (c)(2)(ii).

In cases where a seller is tendering a refund by cash, check or money order the seller must send the refund to the buyer by first class mail within seven working days of the date on which the buyer's right to a refund vests under the Rule.

Where a refund is made within the meaning of § 435.2(c)(2)(i) and (c)(2)(ii), a refund must be sent to the buyer by first class mail within one billing cycle from the date on which the buyer's right to a refund vests under the Rule.

O. *"Time of solicitation".* It should be noted that the rigors of § 5435.1(a)(1)'s requirement that a seller must have a reasonable basis at the time of the solicitation to expect shipment within the applicable time are tempered by the definition of "time of solicitation". The Commission recognizes that, because of the potential problems and delay involved in preparing solicitations for orders, a seller might have had a reasonable basis when preparing the solicitation, but that a later unanticipated event may have increased the shipping time prior to the time of the actual solicitation. Thus the definition contains within it provisions based on "substantial expense" to the seller, which, where appropriate, fix the "time of solicitation" at a time earlier than the time at which the seller actually mails or otherwise disseminates the solicitation to a prospective purchaser. It should be noted that where the "time of solicitation" is fixed at an earlier time, the seller has incurred an obligation under § 435.1(b)(1), upon receipt of an order, to inform the buyer of the fact that he cannot ship within the applicable time set forth in § 431.1(a)(1) of the Rule.

P. *Effective date of the rule.* The Rule provides in Note 7, that the Rule governs all transactions where receipt of a properly completed order occurs more than 100 days after promulgation of the Rule. Section 435.1(a)(1) of the Rule, which regulates seller conduct at the time of the solicitation of an order, governs all solicitations where the time of the solicitation is more than 100 days after the promulgation of the Rule.

The effect of Note 7 is to allow sellers to continue to use advertising material prepared prior to the effective date of the Rule where the materials cannot be changed or cancelled without incurring substantial expense. Sellers allowed to do so are still subject to the other provisions of the Rule. Thus a seller allowed to do so who is unable to ship within the time noted in the solicitation, or if no time is stated within 30 days of receipt of a properly completed order, will still have to comply with the remainder of the Rule.

Promulgated October 22, 1975, by the Federal Trade Commission.

CHARLES A. TOBIN,
Secretary.

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federal register

WEDNESDAY, NOVEMBER 5, 1975



PART III:

DEPARTMENT OF LABOR

Manpower Administration

■

SPECIAL UNEMPLOYMENT ASSISTANCE

Revision

V 40 214 NOV 5 75 XUM

Title 20—Employees' Benefits

CHAPTER V—MANPOWER ADMINISTRATION, DEPARTMENT OF LABOR

PART 619—SPECIAL UNEMPLOYMENT ASSISTANCE

Revision of Regulations

On February 6, 1975, a document was published in the FEDERAL REGISTER (40 FR 5502) establishing a new Part 619 in Chapter V of Title 20 of the Code of Federal Regulations. Corrections to that document were published on February 25, 1975 (40 FR 8075). Part 619 implements the Special Unemployment Assistance Program enacted in Title II of the "Emergency Jobs and Unemployment Assistance Act of 1975" (Pub. L. 93–567; 88 Stat. 1845, 1850). The Act created a new, temporary program of Special Unemployment Assistance (SUA), financed from Federal funds, to furnish unemployment benefits to individuals who are unemployed and unable to obtain work, and who have no right under any State or Federal law to compensation, assistance, or allowances with respect to their unemployment.

Although Part 619 was made effective upon publication in the FEDERAL REGISTER, comments were solicited through March 14, 1975.

In addition, subsequent to the publication of Part 619, amendments to Title II of Public Law 93–567 were enacted in Title II of the "Emergency Compensation and Special Unemployment Assistance Extension Act of 1975" (Pub. L. 94–45; 89 Stat. 236, 240), and the Special Unemployment Assistance Program was affected by a provision enacted in Chapter VI of Title I of the "Second Supplemental Appropriations Act, 1975" (Pub. L. 94–32; 89 Stat. 173, 178).

All comments received with respect to Part 619 were given due consideration, and Part 619 has been reviewed in the light of the statutory changes made by Pub. L. 94–32 and the Extension Act.

A. As a result of the statutory changes in Pub. L. 94–32 and the Extension Act, and further review, Part 619 has been substantially revised as follows:

1. Technical and clarifying changes are made throughout Part 619, including the addition of paragraph headings.

2. In § 619.1 the purpose of Part 619 is clarified, and two rules of construction have been added to preclude strict interpretation of the Act and Part 619, and to provide assurance of uniform interpretation of the Act and Part 619 in all States insofar as is possible. Another provision has been added for monitoring the application of the Act and securing uniformity.

3. In § 619.2(j) the terms "employment not covered" and "wages not covered" are substituted for the term "not covered" in accord with the clarifying amendment in section 203(a) of the Extension Act. These changes are effective throughout the effective period of the program.

4. A new § 619.2(m) is added to define "Special Unemployment Assistance benefit year" as it is defined by an amendment in section 203(b)(2) of the Extension Act.

5. In relettered § 619.2(o) the term "State agency" is redefined as it is defined by an amendment in section 203(b)(2) of the Extension Act.

6. A new § 619.2(q) defining the term "valid claim" is added so as to incorporate the valid claim concept in keeping with amendments in the Extension Act. References to "timely initial claim" in various sections are changed to "valid claim."

7. In relettered § 619.2(u) the definitions of the terms "week of partial unemployment" and "week of part-total unemployment" are amended by deleting from the definitions the clauses which require that a claimant's earnings be less than the earnings allowance prescribed by the applicable State law plus the claimant's weekly amount of SUA. The change clarifies the application of varying State law provisions on the calculation of rights to partial benefits.

8. In § 619.3(b) "1976" is changed to "1977" and "1975" is changed to "1976" (in two places), pursuant to amendments in section 201(b) of the Extension Act which extend the Special Unemployment Assistance Program for an additional year.

9. In § 619.4 a provision is added requiring that a week of unemployment, for which SUA is payable, must occur during the individual's Special Unemployment Assistance benefit year, as well as during a Special Unemployment Assistance Period, in accordance with amendments in sections 201(a) and 203(b)(2) of the Extension Act.

10. Following the semicolon in the first sentence of § 619.4(b), the words "by the applicable State law" are deleted the first time they appear, so as to conform to the definitions of employment and wages not covered.

11. In § 619.4(e) a requirement is added which provides that SUA shall not be payable after the expiration of the individual's Special Unemployment Assistance benefit year, in accordance with amendments in sections 201(a) and 203(b)(2) of the Extension Act.

12. Section 619.6(a) is revised to reflect amendments in the Extension Act. The maximum amount of SUA payable to an individual during a Special Unemployment Assistance benefit year is changed to 150 per centum of the maximum amount of regular compensation as calculated under the provisions of the applicable State unemployment compensation law. This amount may not exceed thirty-nine (formerly twenty-six) times the weekly benefit amount determined under § 619.5.

13. A new § 619.6(b) is added providing for a special reduction in the maximum amount of SUA payable to an individual, in accordance with the amendment in section 203(c) of the Extension Act.

14. A new § 619.6(d) is added for clarification, to express the rule for computing the maximum amount of SUA in a Special Unemployment Assistance benefit year in certain circumstances.

15. A new § 619.6(e) is added specifying an effective date of July 1, 1975, for the revised § 619.6, in accordance with section 204(c) of the Extension Act. For the period prior to July 1, 1975, the former § 619.6 remains in effect.

16. New §§ 619.8(b), 619.8(c), and 619.8(e) are added for clarification. Paragraph (b) provides for determinations of claims for waiting period credit and weekly payments of SUA. Paragraph (c) contains the provision on redeterminations of entitlement formerly in § 619.9(a). Paragraph (e) requires prompt payment of SUA when due.

17. Section 619.9 is revised to limit it to appeals and hearings on SUA claims, and to clarify its application. The provision on reconsideration in § 619.9(a) is deleted and is now covered by paragraphs (c) and (f) of § 619.8.

18. A new § 619.9(c) is added to provide expressly that the Secretary's "Standard for Appeals Promptness—Unemployment Compensation" (20 CFR Part 650) shall apply to SUA appeals, and to apply State law on advancement of unemployment compensation claims on judicial calendars to SUA claims.

19. Paragraphs (a)(6) and (a)(7) of § 619.12 are corrected to exclude the Trade Act of 1974 (Pub. L. 93–618; 88 Stat. 1978, 2020–2030; 19 U.S.C. 2291–2323), so that entitlement to a trade readjustment allowance under that Act will not make an individual ineligible for a payment of SUA or waiting period credit. Paragraph (h) is added to govern weeks in which an individual is entitled to both SUA or waiting period credit and a trade readjustment allowance under the Trade Act.

20. A new § 619.12(e) is added, precluding payment of SUA and waiting period credit to teachers and certain other school employees, during a period between academic years or terms in the circumstances specified. Paragraph (e) is added to implement the amendment in section 202 of the Extension Act and the provision enacted in Chapter VI of Title I of the Second Supplemental Appropriations Act, 1975, and applies to weeks of unemployment beginning on and after June 13, 1975.

21. Section 619.13 is revised to implement the new overpayment and fraud provisions in accordance with the amendments in section 203(b)(1) of the Extension Act. Paragraph (a) restates the statutory provisions. Paragraph (b) prescribes the application of the amendments and the prior provisions of § 619.13. Paragraph (c) specifies the methods of enforcing repayment of overpayments. Paragraph (d) is essentially the same as former paragraph (e). Paragraph (e) applies the rule of common law offset so that SUA payable to an individual may be offset against any debt due to the United States from the individual. Paragraph (f) specifies the provisions of State laws which are applicable and those which are inapplicable, in regard to overpayments and fraud.

22. A new § 619.14 is added for clarification. It prohibits waiver of rights to SUA, assignment of those rights, and any legal process against SUA except as provided in § 619.13 or by applicable Federal law. Discrimination against SUA claimants in regard to employment is also prohibited, as is obstruction of an individual's attempt to claim or receive SUA. These "inviolate rights to SUA" are similar to the inviolate rights to State unemployment compensation which are requirements for State unemployment compensation laws under section 303(a) of the Social Security Act (42 U.S.C. 503(a)), and section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)).

23. A new paragraph (a) is added to § 619.15, formerly § 619.14, requiring State agencies to keep records under the Act. In paragraph (b) a provision is added limiting disclosure of information where such disclosure would conflict with the Freedom of Information Act (5 U.S.C. 552), or the Privacy Act (5 U.S.C. 552a), or regulations of the Department of Labor promulgated thereunder.

24. In § 619.19, formerly § 619.18, paragraph (a)(3) is amended to require that the appropriate Assistant Regional Directors for Manpower be notified when national "on" and "off" indicators are determined. Paragraph (b) is amended to require notice of area "on" and "off" indicators to be given to appropriate State agencies and Assistant Regional Directors for Manpower.

25. A new § 619.21 is added. It provides for public inspection and copying of Agreements under the Act.

B. The comments received on Part 619 were given due consideration, but were not adopted for the following reasons:

1. It is suggested that Part 619 is unclear on the extent of its coverage as it pertains to employment of students and students' spouses, and to individuals engaged in casual labor. The scope of the program's coverage is in general and specific terms, and § 619.2(j) has been revised in accordance with an amendment on this point in section 203(a) of the Extension Act. Because of the many differences in coverage of State unemployment compensation laws, the coverage of this program will vary from State to State. It is considered better to prescribe coverage of the program in the terms of the statute, rather than attempt to prescribe in a regulation the specific coverage of the program in each State.

2. Another comment questions the use of the term "individuals" in this Part, rather than "workers". When referring to the members of the public at large the term "individuals" is preferred to the term "workers".

3. It is suggested that § 619.8(a)(2) be amended to allow the use of affidavits where neither a record nor information regarding employment and wages is available. The suggestion criticizes § 619.8(a)(2) as working a hardship against migrant and seasonal farmworkers, since members of this group may not know who their employers are, and because some of such workers are paid as a family and may not know what portion of the wages are attributable to each family member. Information concerning employment and wages is required for the proper administration of the Act. An affidavit may be used where records of employment and wages are not available. Extra efforts are required in some instances to obtain inaccurate information, but a determination of entitlement may not be made under the Act in the absence of the required information.

Accordingly, 20 CFR Part 619 is revised as set forth below.

Since the Extension Act was enacted on June 30, 1975, and several of the amendments to the Act became effective on or before that date, it is essential to publish the revised Part 619 as quickly as possible. For this reason, I, as Secretary of Labor, find that it is contrary to the public interest to publish the revised Part 619 as a proposal with opportunity for comment, and further determine that 29 CFR 2.7 shall not apply to this document. For the same reason and, in addition, for the reason that maximum entitlement to Special Unemployment Assistance was increased, I find that it is necessary that the revised Part 619 shall become effective on November 5, 1975. Therefore, Part 619 as revised in this document shall take effect on November 5, 1975.

Although revised Part 619 is being published in final form and is made effective as stated above, it is the policy of the Department of Labor to solicit and consider comments on the regulations it issues. Therefore, comments will be received, just as though this document was a proposal, until December 5, 1975, after which time the comments received will be evaluated, and, if warranted, Part 619 will be appropriately amended. Meanwhile, in the interest of making revised Part 619 effective as stated above, it shall be in force upon publication in the FEDERAL REGISTER and shall remain in force until further revised.

Interested persons are invited to submit written data, views, or arguments on revised Part 619, to the U.S. Department of Labor, Manpower Administration, Room 7000, Patrick Henry Building, 601 "D" Street NW., Washington, D.C. 20213, on or before December 5, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

Effective date: 20 CFR Part 619 is revised effective November 5, 1975.

Signed at Washington, D.C. this 28th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

Part 619 of Title 20, Code of Federal Regulations, is revised to read as follows:

Sec.
619.1 Purpose; rules of construction.
619.2 Definitions.
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619.15 Recordkeeping; disclosure of information.
619.16 Special Unemployment Assistance Period.
619.17 Determination of national and area unemployment rates.
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619.19 Announcement of the beginning and ending of a Special Unemployment Assistance Period.
619.20 Grants to States.
619.21 Public access to Agreements.
619.22 Information, reports and studies.

AUTHORITY: Sec. 202, Pub. L. 93–567 (88 Stat. 1845, 1850).

§ 619.1 Purpose; rules of construction.

(a) *Purpose.* Title II of the "Emergency Jobs and Unemployment Assistance Act of 1974" created a temporary program of Special Unemployment Assistance (SUA) for individuals who are unemployed during a period of aggravated unemployment and who are not otherwise eligible for unemployment compensation or allowances with respect to their unemployment under any other law. The regulations in this part are issued to implement the Act as it has been amended and supplemented.

(b) *First rule of construction.* The Act and the implementing regulations in this Part shall be construed liberally so as to carry out the purposes of the Act.

(c) *Second rule of construction.* The Act and the implementing regulations in this Part shall be construed so as to assure insofar as possible the uniform interpretation and application of the Act throughout the United States.

(d) *Effectuating purpose and rules of construction.* (1) In order to effectuate the provisions of this section each State agency shall forward to the United States Department of Labor, not later than 10 days after issuance, a copy of each judicial or administrative decision ruling on an individual's entitlement to SUA or waiting period credit. On request of the Department, a State agency shall forward to the Department a copy of any determination or redetermination ruling on an individual's entitlement to SUA or waiting period credit.

(2) If the Department believes a determination, redetermination, or decision is inconsistent with the Secretary's interpretation of the Act, the Department may at any time notify the State agency of the Department's view. Thereafter the State agency shall appeal if possible, shall not follow such determination, redetermination, or decision as a precedent; and, in any subsequent proceedings which involve such determination, redetermination, or decision, or wherein such determination, redetermination, or de-

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cision is cited as precedent or otherwise relied upon, the State agency shall inform the hearing officer or court of the Department's view and shall make all reasonable efforts, including appeal or other proceedings in any appropriate forum, to obtain modification, limitation, or overruling of the determination, redetermination, or decision.

(3) A State agency may request reconsideration of a notice that a determination, redetermination, or decision is inconsistent with the Act, and shall be given an opportunity to present views and arguments if desired. If a determination, redetermination, or decision setting a precedent becomes final, which the Department believes to be inconsistent with the Act, the Secretary will decide whether the Agreement with the State shall be terminated.

(4) Concurrence of the Department in a determination, redetermination, or decision shall not be presumed from the absence of a notice issued pursuant to this paragraph.

§ 619.2 Definitions.

For the purposes of the Act and this part:

(a) "Act" means title II of the "Emergency Jobs and Unemployment Assistance Act of 1974" (Pub. L. 93–567; 88 Stat. 1845, 1850, approved December 31, 1974), as amended and supplemented by chapter VI of title I of the Second Supplemental Appropriations Act, 1975 (Pub. L. 94–32; 89 Stat. 173, 178), and title II of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94–45; 89 Stat. 236, 240).)

(b) "Agreement" means an agreement entered into pursuant to the Act, between a State and the Secretary of Labor of the United States, under which the State agency of the State agrees to make payments of Special Unemployment Assistance in accordance with the Act and the regulations and procedures thereunder prescribed by the Secretary.

(c) "Applicable State law" means the State law of the State which is the applicable State for an individual.

(d) "Area" means an area designated by the Secretary as an area served by an entity which is eligible to be a prime sponsor under section 102(a) of the Comprehensive Employment and Training Act of 1973 (29 U.S.C. 812(a)).

(e) "Compensation" means cash benefits (including dependents' allowances) payable to individuals with respect to their unemployment, and includes regular, additional, extended, and emergency compensation as defined in this section, and unemployment compensation payable under the Hawaii Agricultural Unemployment Compensation Law.

(f) "Regular compensation" means compensation payable to an individual under any State law, and, when so payable, includes compensation payable pursuant to 5 U.S.C. chapter 85, but not including extended compensation or additional compensation.

(g) "Additional compensation" means compensation totally financed by a State and payable under a State law by reason of conditions of high unemployment or by reason of other special factors, and, when so payable, includes compensation payable pursuant to 5 U.S.C. chapter 85.

(h) "Extended compensation" means compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, as amended (title II, Public Law 91–373; 84 Stat. 695, 708), with respect to the payment of extended compensation, and, when so payable, includes additional compensation and compensation payable pursuant to 5 U.S.C. chapter 85.

(i) "Emergency compensation" means compensation payable under the Emergency Unemployment Compensation Act of 1974 (Pub. L. 93–572), as amended, and referred to as Federal Supplemental Benefits (20 CFR Part 618).

(j)(1) "Employment not covered" means services performed by an individual for another as an employee (as defined in 26 U.S.C. 3121(d)) within a State or within or among two or more States, or on or in connection with an American vessel or American aircraft (as specified and defined in 26 U.S.C. 3306 (c), (m), and (n)), or outside of the States (except in Canada) for an American employer (as defined in 26 U.S.C. 3306(j)(3)) if the individual is a citizen of the United States, if the services are not services covered for the purpose of determining eligibility for compensation under a State law, the Hawaii Agricultural Unemployment Compensation Law, the Railroad Unemployment Insurance Act, or 5 U.S.C. chapter 85, and if the services constitute employment as determined under 26 U.S.C. 3306(c) without regard to the exclusions specified in paragraphs (1) through (9), (10)(B)(ii), (14), (15), and (17) of that section.

The term "wages not covered" means wages for services performed in "employment not covered" as defined in this paragraph.

The term "United States" as used in 26 U.S.C. 3306(c) shall include the Virgin Islands for the purposes of determining "employment not covered" as defined in this paragraph.

(2) The definitions in paragraph (j)(1) of this section, revised in accordance with the amendment in section 203(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94–45; 89 Stat. 236, 241), shall be effective throughout the effective period of the Special Unemployment Assistance Program as specified in § 619.3.

(k) "Secretary" means the Secretary of Labor of the United States.

(l) "Special Unemployment Assistance" (referred to in this Part as SUA) means the benefits payable under the Act to individuals.

(m) "Special Unemployment Assistance benefit year" means the fifty-two week period beginning with the first week for which an individual files a valid claim for SUA.

(n) "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(o) "State agency" means the agency of the State which administers the program established by the Act.

(p) "State law" means the unemployment compensation law of a State which has been approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304), and further means, with respect to the Virgin Islands, the unemployment compensation law of the Virgin Islands.

(q) "Valid claim" means an initial claim filed by an individual with respect to which a determination is made that the individual meets the requirements of paragraphs (b) and (e) of § 619.4, and is totally, part-totally, or partially unemployed.

(r) "Wages" means remuneration for services performed for another in an employer-employee relationship.

(s) "Waiting period" means the waiting period as provided in the applicable State law.

(t) "Week" means a calendar week.

(u) "Week of unemployment" means any week during which an individual is totally, part-totally, or partially unemployed. A week of total unemployment is a week in which an individual performs no work and earns no wages or has less than full-time work and earns not more than the earnings allowance prescribed in the applicable State law. A week of part-total unemployment is a week of otherwise total unemployment during which an individual has odd jobs or subsidiary work with earnings in excess of the earnings allowance prescribed in the applicable State law. A week of partial unemployment is a week during which an individual works less than regular, full-time hours for the individual's regular employer, because of lack of work, and earns more than the earnings allowance, prescribed by the applicable State law.

§ 619.3 Effective period of the program.

(a) *Beginning date.* Except as provided in paragraphs (b) and (c) of this section, SUA shall be payable, or waiting period credited, with respect to a week of unemployment commencing with the week beginning on December 22, 1974.

(b) *Ending dates.* SUA shall not be payable to any individual with respect to any week of unemployment ending after March 31, 1977; and no individual shall be entitled to a payment of SUA with respect to any week of unemployment which begins after December 31, 1976, unless the individual has filed a valid claim for SUA which is effective with respect to a week that begins on or before December 31, 1976.

(c) *Agreement as precondition.* Notwithstanding any other provision of the Act or this Part, SUA shall be payable solely through a State agency and only pursuant to an Agreement, and with respect to weeks in which an Agreement is in effect.

§ 619.4 Eligibility requirements for Special Unemployment Assistance.

An individual shall be eligible to receive a payment of SUA or waiting period credit with respect to a week of unemployment which begins during a Special Unemployment Assistance Period, and the individual's Special Unemployment Assistance benefit year, in accordance with the provisions of the Act and this Part, if that week is within the effective period of the program as set forth in § 619.3 and if, with respect to that week, all of the following requirements of (a) through (f) are met.

(a) *Ineligibility under other laws.* The individual (1) is not eligible for compensation under any State or Federal unemployment compensation law, including the State law of any State, 5 U.S.C. chapter 85, the Emergency Unemployment Compensation Act of 1974, and the Hawaii Agricultural Unemployment Compensation Law, as such laws may be amended, with respect to that week of unemployment; and is not eligible for unemployment compensation under the Railroad Unemployment Insurance Act, as amended, with respect to that week of unemployment; (2) is not receiving compensation with respect to that week of unemployment under the unemployment compensation law of Canada, as amended; and (3) is not eligible for assistance or an allowance payable with respect to that week of unemployment under any other Federal law, such as the Public Works and Economic Development Act Amendments of 1974, the Disaster Relief Act of 1974, the Trade Expansion Act of 1962, or any successor legislation or similar legislation, as determined by the Secretary.

(b) *Qualifying requirements.* (1) The individual meets the qualifying employment and wage requirements of the applicable State law in a base year which, notwithstanding the State law, shall be the fifty-two week period preceding the first week with respect to which the individual files an initial claim for SUA, and meets such qualifying employment and wage requirements; and for the purpose of this paragraph employment and wages which are not covered shall be treated as though they were covered, and shall be combined with employment and wages covered by any State or Federal unemployment compensation law, including the Railroad Unemployment Insurance Act and the Hawaii Agricultural Unemployment Compensation Law, in determining whether the individual meets the qualifying employment and wage requirements of the applicable State law, except that employment and wages shall be excluded for this purpose to the extent that the individual is or was entitled to compensation on the basis of such employment and wages under any unemployment compensation law. Employment and wages considered in determining an individual's eligibility for and entitlement to SUA shall not thereafter be considered in determining the individual's eligibility for and entitlement to SUA in connection with any further claim for SUA.

(2) For the purpose of determining an individual's eligibility for SUA under a State law that bases eligibility on employment or wages by calendar quarters, any employment or wages during the fifty-two week base year which fall within two incomplete calendar quarters shall either be treated as falling within two quarters, or be added together and treated as falling within one quarter, whichever is most advantageous to the individual.

(c) *Status of individual.* The individual is totally, part-totally, or partially unemployed, and is able to work, available for work, and seeking work within the meaning of, or as required by, the applicable State law, and is not subject to disqualification as provided in § 619.12 (d) with respect to that week of unemployment.

(d) *Claim filed.* The individual has filed an initial claim for SUA, and, as appropriate, has filed a timely claim for waiting period credit or a payment of SUA with respect to that week of unemployment.

(e) *Employed in the area.* In the area in which the individual was last employed for at least five workdays prior to filing an initial claim for SUA, a Special Unemployment Assistance Period is in effect with respect to that week of unemployment: *Provided*, That, if the individual, except for the imposition of a disqualification, was otherwise eligible for a payment of SUA or waiting period credit with respect to a week of unemployment which began during a Special Unemployment Assistance Period, but did not exhaust entitlement to SUA during the period, entitlement shall continue after the end of the period, but SUA shall not be payable for any week of unemployment that begins more than twenty-six weeks after the end of the period, or which begins after the expiration of the individual's Special Unemployment Assistance benefit year, or which ends after the effective period of the Special Unemployment Assistance Program as specified in § 619.3.

(f) *Agreement in effect.* The State in which the individual was last employed for at least five workdays, prior to filing an initial claim for SUA has entered into an Agreement which is in effect in that week.

§ 619.5 Special Unemployment Assistance: weekly amount.

(a) *Total unemployment.* (1) The weekly amount of SUA payable to an eligible individual for a week of total unemployment shall be the weekly benefit amount for a week of total unemployment that would be payable to the individual as regular compensation, as computed under the provisions of the applicable State law: *Provided*, That, in computing the individual's weekly amount of SUA, the base year, notwithstanding the applicable State law, shall be the fifty-two week period preceding the first week with respect to which the individual files a valid claim for SUA; and for the purpose of this proviso employment and wages which are not covered by the applicable State law, and employment and wages which are covered by any unemployment compensation law, shall be treated in the same manner and with the same effect and exception as is provided in § 619.4(b).

(2) If the individual would have more than one weekly amount of regular compensation for total unemployment computed under the provisions of the applicable State law in accordance with this paragraph, the weekly amount of SUA for total unemployment shall be the higher of: (i) The average amount determined by (A) multiplying each weekly amount, including dependents' allowances, payable for total unemployment, by the number of weeks for which each amount would be payable, (B) totaling the products so obtained, and (C) dividing this sum by the total number of weeks involved in the computation; or (ii) the amount that is reasonably representative of the weekly amounts.

(b) *Partial and part-total unemployment.* The weekly amount of SUA payable for a week of partial or part-total unemployment shall be determined under the provisions of the applicable State law which apply to regular compensation.

(c) *Computation rule.* For the purpose of computing an individual's weekly amount of SUA under a State law that calculates the weekly benefit amount on the basis of distribution of employment or wages among calendar quarters, any employment or wages during the fifty-two week base year which fall within two incomplete calendar quarters shall either be treated as falling within two quarters, or be added together and treated as falling within one quarter, whichever is most advantageous to the individual.

§ 619.6 Special Unemployment Assistance: maximum amount.

(a) *Computation.* Except as provided in paragraph (b) of this section, the maximum amount of SUA which shall be payable to an individual during a Special Unemployment Assistance benefit year established for the individual shall be 150 per centum of the maximum amount of regular compensation that would be payable to the individual during such benefit year, as computed under the provisions of the applicable State law, on the basis of the individual's employment and wages creditable for this purpose under the Act and this Part, but not exceeding thirty-nine times the weekly benefit amount payable to the individual for a week of total unemployment as determined under § 619.5: *Provided*, That, for the purpose of computing an individual's maximum amount of SUA the individual's base year, notwithstanding the State law, shall be the fifty-two week period preceding the first week with respect to which the individual files a valid claim for SUA; and for the purpose of this proviso employment and wages which are not covered by the applicable State law, and employment and wages which are covered by any unemployment compensation law, shall

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be treated in the same manner and with the same effect and exception as is provided in § 619.4(b).

(b) *Special reduction.* (1) The maximum amount of SUA computed in accordance with paragraph (a) of this section for an individual shall be reduced by the amount of compensation received by the individual during a benefit year established under any State law for purposes of regular compensation, if the Special Unemployment Assistance benefit year established for the individual commences on a date that occurs within the benefit year established under that State law for purposes of regular compensation.

(2) The special reduction in paragraph (b) (1) of this section shall not operate (i) to reduce the amount in the Special Unemployment Assistance Account of any individual more than the amount standing to the credit of the individual's account as of July 1, 1975, after the application of paragraph (c) (2) of this section, or (ii) to affect the amounts of SUA otherwise payable to the individual for weeks of unemployment which began prior to July 1, 1975.

(c) *Individual accounts.* (1) A Special Unemployment Assistance Account shall be established for each individual determined to be eligible for SUA, in the sum of the maximum amount potentially payable to the individual during the individual's Special Unemployment Assistance benefit year, as computed in accordance with paragraphs (a) and (b) of this section.

(2) In the case of a Special Unemployment Assistance Account established for an individual as of a date prior to July 1, 1975, the sum of the maximum amount potentially payable to the individual shall be recomputed in accordance with paragraphs (a) and (b) of this section, and the amount established in the account as of July 1, 1975, shall be the recomputed sum less the amounts paid to the individual with respect to weeks of unemployment which began prior to July 1, 1975. The recomputed sum shall include any amounts payable to the individual with respect to weeks of unemployment which began prior to July 1, 1975.

(3) If it is subsequently determined as the result of a redetermination or appeal that the individual is entitled to a different amount of SUA than was previously established, an appropriate change shall be made in the individual's Special Unemployment Assistance Account. The appropriate change in the individual's account shall be computed in accordance with this section and, insofar as applicable, § 619.4.

(d) *Computation rule.* For the purpose of computing an individual's maximum amount of SUA in a Special Unemployment Assistance benefit year under a State law that calculates the maximum amount of benefits on the basis of distribution of employment or wages among calendar quarters, any employment or wages during the fifty-two week base year which fall within two incomplete calendar quarters shall either be treated as falling within two quarters, or be added together and treated as falling within one quarter, whichever is most advantageous to the individual.

(e) *Effective date.* The provisions of this section, revised in accordance with the amendments to the Act made by sections 201(a) and 203(c) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94–45, 89 Stat. 236, 240, 242), shall be effective with respect to weeks of unemployment beginning on or after July 1, 1975. This section as it read prior to this revision shall remain applicable with respect to weeks of unemployment which began prior to July 1, 1975 (40 FR 5502, 5504, February 6, 1975).

§ 619.7 Claims for Special Unemployment Assistance.

(a) *Initial claims.* An initial claim for SUA shall be filed by an individual with respect to the individual's applicable State and according to the applicable State law on a form prescribed by the Secretary, which shall be furnished to the individual by the State agency.

(b) *Weekly claims.* Claims for waiting period credit and payments of SUA for weeks of unemployment shall be filed with respect to the individual's applicable State at the times and in the manner as claims for regular compensation are filed under the applicable State law, and on forms prescribed by the Secretary which shall be furnished to the individual by the State agency.

(c) *Secretary's standard.* The procedures for reporting and filing claims for SUA and waiting period credit shall be consistent with this Part and the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" (*Employment Security Manual*, Part V, sections 5000 et seq.).

§ 619.8 Determinations of entitlement; notices to individual.

(a) *Determination of initial claim.* (1) The State agency shall promptly, upon the filing of an initial claim for SUA, determine whether the individual is eligible and whether a disqualification applies, and, if the claim is found to be a valid claim, the weekly and maximum amounts of SUA payable to the individual.

(2) Notwithstanding the provisions of the applicable State law, an individual's eligibility for SUA may be determined, where a record of employment and wages is not available, on the basis of an affidavit submitted to the State agency by the individual.

(b) *Determination of weekly claims.* The State agency shall promptly, upon the filing of a weekly claim for a payment of SUA or waiting period credit with respect to a week of unemployment, determine whether the individual is entitled to SUA or waiting period credit with respect to such week, and, if entitled, the amount of SUA or waiting period credit to which the individual is entitled.

(c) *Redetermination.* The provisions of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to regular compensation under the applicable State law shall apply to determinations pertaining to SUA.

(d) *Notices to individual.* The State agency shall give notice in writing to the individual of any determination or redetermination of an initial claim and determinations or redeterminations of all weekly claims with respect to weeks of unemployment (and any claim with respect to a waiting week, if applicable), and each notice of determination or redetermination shall include such information regarding the determination or redetermination and notice of right to reconsideration or to appeal, or both, as is furnished with written notices of determinations and written notices of redeterminations with respect to claims for regular compensation.

(e) *Promptness.* Full payment of SUA when due shall be made with the greatest promptness that is administratively feasible.

(f) *Secretary's standard.* The procedures for making determinations and redeterminations, and furnishing written notices of determinations, redeterminations, and rights of appeal to individuals claiming SUA or waiting period credit, shall be consistent with this part and the Secretary's "Standard for Claim Determinations—Separation Information" (*Employment Security Manual*, Part V, sections 6010 et seq.).

§ 619.9 Appeal and hearing.

(a) *Applicable State law.* The provisions of the applicable State law concerning the right of appeal and fair hearing from a determination or redetermination of entitlement to regular compensation shall apply to determinations and redeterminations of eligibility for or entitlement to SUA and waiting period credit. Any such determination or redetermination shall be subject to review only in the manner and to the extent provided in the applicable State law with respect to determinations and redeterminations of entitlement to regular compensation.

(b) *Rights of appeal and fair hearing.* The provisions on right of appeal and opportunity for a fair hearing with respect to claims for SUA and waiting period credit shall be consistent with this part and with sections 303(a) (1) and 303 (a) (3) of the Social Security Act (42 U.S.C. 503(a) (1) and 503(a) (3)).

(c) *Promptness on appeals.* Decisions on appeals under the SUA program shall accord with the Secretary's "Standard for Appeals Promptness—Unemployment Compensation" in Part 650 of this chapter.

Any provision of an applicable State law for advancement or priority of unemployment compensation cases on judicial calendars, or otherwise intended to provide prompt payment of unemployment compensation when due, shall apply to proceedings involving entitlement to SUA.

§ 619.10 Provisions of State law applicable to claims.

(a) *Particular provisions applicable.* Except where the result would be inconsistent with the provisions of the Act or this part and procedures thereunder prescribed by the Secretary, the terms and conditions of the applicable State law which apply to claims for, and the payment of, regular compensation shall apply to claims for, and the payment of, SUA and claims for waiting period credit. The provisions of the applicable State law which shall apply to claims for, and the payment of, SUA and claims for waiting period credit include, but are not limited to:

(1) Claim filing and reporting;

(2) Information to individuals, as appropriate;

(3) Notices to individuals and employers, as appropriate, including notice to each individual of each determination and redetermination of eligibility for or entitlement to SUA and waiting period credit;

(4) Determinations and redeterminations;

(5) Ability to work, availability for work, and search for work; and

(6) Disqualifications.

(b) *IBPP.* The Interstate Benefit Payment Plan shall apply, where appropriate, to individuals filing claims for SUA and waiting period credit.

(c) *Procedural requirements.* The provisions of the applicable State law which apply hereunder to claims for, and the payment of, SUA and claims for waiting period credit, shall be applied consistently with the requirements of Title III of the Social Security Act and the Federal Unemployment Tax Act which are pertinent in the case of regular compensation, including but not limited to those standards and requirements specifically referred to in the provisions of this Part.

§ 619.11 The applicable State for an individual.

(a) *Applicable State.* The applicable State for an individual shall be that State in which the individual last worked for at least five workdays prior to filing a valid claim for SUA.

(b) *Limitation.* SUA is payable to an individual only by an applicable State as determined pursuant to paragraph (a) of this section.

§ 619.12 Restrictions on entitlement.

(a) *Entitlement under other laws.* An individual otherwise entitled to waiting period credit or a payment of SUA with respect to a week of unemployment shall not be entitled to such credit or payment if, with respect to that week of unemployment, the individual has received or is entitled to receive a payment with respect to unemployment under any of the following laws, as amended:

(1) Any State law or the Agricultural Unemployment Compensation Law of Hawaii;

(2) Any Federal unemployment compensation law, including 5 U.S.C. chapter 85 and the Railroad Unemployment Insurance Act, but not including the Act;

(3) The Emergency Unemployment compensation Act of 1974;

(4) The Public Works and Economic Development Act Amendments of 1974;

(5) The Disaster Relief Act of 1974;

(6) The Trade Expansion Act of 1962, with respect to weeks of unemployment beginning before April 3, 1975; with respect to weeks of unemployment beginning on or after April 3, 1975, paragraph (h) of this section shall apply;

(7) Any other Federal law which is a successor to any of the laws referred to in (2) through (5) or is similar to such laws in providing for the payment of assistance or an allowance with respect to unemployment.

(b) *Entitlement under Canadian law.* An individual otherwise entitled to waiting period credit or a payment of SUA with respect to a week of unemployment shall not be entitled to such credit or payment if, with respect to that week of unemployment, the individual is receiving compensation under the unemployment compensation law of Canada.

(c) *Excluded employment and wages.* Employment and wages creditable pursuant to § 619.4(b) in determining an individual's eligibility for SUA shall not include employment or wages earned or paid for employment which is contrary to or prohibited by any Federal law.

(d) *Disqualification.* If the week of unemployment for which an individual claims SUA or waiting period credit is a week to which a disqualification for compensation applies under the applicable State law, or would apply but for the fact that the individual has no right to compensation, the individual shall not be entitled to a payment of SUA or to waiting period credit for that week: *Provided*, That, employment or wages required by a State law to end a disqualification shall not be applied subject to any restriction that the employment or wages must be covered under an unemployment compensation law.

(e) *Teachers and certain other school employees.* (1) An individual who performs services primarily in an instructional, research, or principal administrative capacity for an educational institutional or agency shall not be entitled to a payment of SUA or waiting period credit with respect to any week commencing during the period between two successive academic years (or, when the contract provides instead for a similar period between two regular but not successive term, during such similar period) if—

(i) Such individual performed services in any such capacity for any educational institution or agency for the first of such academic years or terms; and

(ii) Such individual has a contract to perform services in any such capacity for any educational institution or agency for the latter of such academic years or terms.

(2) The provisions of paragraph (e) (1) of this section, added in accordance with the provision enacted in Chapter VI of Title I, Second Supplemental Appropriations Act, 1975 (Pub. L. 94–32; 89 Stat. 173, 178), and the amendment in section 202 of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94–45; 89 Stat. 236, 240), shall be effective with respect to weeks of unemployment beginning on and after June 13, 1975.

(f) *MDTA allowances.* An individual who is entitled with respect to a week of unemployment to both SUA and a training allowance under section 203 of the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2583), shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(g) *CETA allowances.* An individual entitled to the payment with respect to a week of unemployment of a basic weekly allowance under section 111(a) of the Comprehensive Employment and Training Act of 1973 (29 U.S.C. 821(a)), shall not, by reason of entitlement to a payment under that Act, be ineligible for a payment of SUA or waiting period credit to which the individual otherwise is entitled with respect to that week.

(h) *Trade Act of 1974 allowances.* An individual who is entitled, with respect to a week of unemployment which begins on or after April 3, 1975, to a trade readjustment allowance under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 *et seq.*; 29 CFR Part 91), shall not, by reason of entitlement to a trade readjustment allowance, be ineligible for a payment of SUA or waiting period credit to which the individual otherwise is entitled with respect to that week.

(i) *Limit on restrictions.* The restrictions on entitlement specified in paragraphs (a), (b), (d), (e), (f), (g), and (h) of this section shall not apply so as to affect the establishment of a valid claim for SUA or a Special Unemployment Assistance benefit year.

§ 619.13 Overpayments; penalty for fraud.

(a) *Statutory provisions.* (1) The penalty for making a false statement, misrepresentation, or nondisclosure to obtain a payment of SUA is prescribed in section 205(c) of the Act. Provisions concerning the recovery of fraudulent and nonfraudulent overpayments, and authorizing waiver of recovery of nonfraudulent overpayments under certain conditions, are prescribed in section 205 (d) of the Act.

(2) Subsection (c) of section 205 of the Act provides that:

(i) If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure the individual has received an amount of SUA under the Act to which the individual was not entitled, the individual—

(A) shall be ineligible for further SUA under the Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

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(3) Subsection (d) of section 205 of the Act provides that:

(i) In the case of any individual who has received an amount of SUA under the Act to which the individual was not entitled, the State is authorized to require the individual to repay the amount of such SUA to the State agency, except that the State agency may waive such repayment if it determines that the payment of such SUA was without fault on the part of the individual, and that such repayment would be contrary to equity and good conscience;

(ii) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any SUA payable under the Act or from any compensation payable to the individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the three-year period after the date the individual received the payment of SUA to which the individual was not entitled, except that no single deduction may exceed 50 per centum of the amount of the payment from which such deduction is made; and

(iii) No repayment shall be required, and no deduction shall be made until a determination of overpayment has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(b) *Application of statutory provisions.* (1) Subsection (c) of section 205 of the Act, as set out in paragraph (a) (2) of this section, shall apply to statements and representations made on and after June 30, 1975, and nondisclosures on and after that date, including statements, representations and nondisclosures in an affidavit referred to in section 205(b) of the Act and in § 619.8(a)(2). The provisions of this section as in effect prior to June 30, 1975 (40 FR 5502, 5505, February 6, 1975), and the last sentence of section 205(b) of the Act as in effect prior to repeal by section 203(b)(1)(A) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94–45, 89 Stat. 236, 241), shall remain applicable prior to June 30, 1975.

(2) Subsection (d)(1) of section 205 of the Act, as set out in paragraph (a)(3)(i) of this section, shall apply to all overpayments of SUA, made from and after the effective date of the Act on December 31, 1974, which have not been recovered prior to June 30, 1975. As to any amount of an overpayment of SUA which has not been recovered prior to June 30, 1975, a determination shall be made as to whether recovery of the overpayment is waived pursuant to subsection (d)(1) of section 205. Each determination or redetermination that an individual has received any amount of SUA to which the individual was not entitled, which is made on or after June 30, 1975, shall include a determination as to whether recovery of the overpayment is waived pursuant to subsection (d)(1) of section 205 of the Act unless it is determined that the overpayment was the result of a false statement, representation, or nondisclosure in violation of subsection (c) of section 205 of the Act.

(3) Subsection (d)(2) of section 205 of the Act, as set out in paragraph (a)(3)(ii) of this section, which concerns recoupment of overpayments from sums payable to an individual under the Act and other specified Federal statutes, shall apply to all such sums otherwise payable to the individual on and after June 30, 1975.

(4) Subsection (d)(3) of section 205 of the Act, as set out in paragraph (a)(3)(iii) of this section, is applicable to every determination and redetermination concluding that an overpayment has been made, which is made on or after June 30, 1975. Paragraph (g) of this section, as in effect prior to June 30, 1975 (40 FR 5502, 5506, February 6, 1975), shall remain applicable to every determination and redetermination, concluding that an overpayment has been made, which is made prior to June 30, 1975.

(c) *Enforcement of repayment.* Repayment of any overpayment of SUA shall be enforced by any action or proceeding which may be brought under State or Federal law, unless recovery of the overpayment is waived in accordance with the Act and this section.

(d) *Recovered overpayments.* Overpayments of SUA recovered in any manner shall be credited or returned to the appropriate account of the United States.

(e) *Debts due the United States.* SUA payable to an individual shall be applied by the State agency for the recovery by offset of any debt due to the United States from the individual, but shall not be applied or used by the State agency in any manner for the payment of any debt of the individual to any State or any other entity or person.

(f) *State law inapplicable.* The provisions in this section concerning overpayments, penalty for fraud, repayment and recoupment of overpayments, and waiver of overpayments, shall apply to the Special Unemployment Assistance Program in lieu of the provisions of the applicable State law except:

(1) As provided in subsections (c) and (d) of section 205 of the Act;

(2) As provided in paragraphs (c), (g), and (h) of this section; and

(3) With regard to disqualification for fraudulently claiming or receiving a payment of compensation.

(g) *Procedural requirements.* (1) The provisions of paragraphs (c), (d), and (f) of § 619.8 shall apply to determinations and redeterminations made pursuant to this section.

(2) The provisions of § 619.9 shall apply to appeals and hearings with respect to determinations and redeterminations made pursuant to this section.

(h) *Fraud detection and prevention.* Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of SUA shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with this part and the Secretary's "Standard for Fraud and Overpayment Detection" (*Employment Security Manual*, Part V, sections 7510 et seq.).

§ 619.14 Inviolate rights to SUA.

(a) *Waiver of rights void.* Any agreement by an individual purporting to waive, release, or commute any right of the individual to SUA shall be void.

(b) *Assignment of rights void.* Any purported assignment, pledge, or encumbrance of any right of an individual to SUA shall be void.

(c) *Legal process prohibited.* Except as provided in § 619.13 or by applicable statute of the United States or regulation of the U.S. Department of Labor, any right of an individual to SUA shall be exempt from levy, execution, attachment, garnishment, order for the payment of attorney fees, or any other remedy whatsoever provided for the collection of debt, and such remedies shall be precluded absolutely. This prohibition shall apply to sums payable to an individual and to sums paid to the individual.

(d) *Discrimination prohibited.* No person shall discriminate against any individual in regard to hiring or tenure of work or any term or condition of employment on account of seeking, claiming, or receiving any right to SUA.

(e) *Obstruction prohibited.* No person shall in any manner obstruct or impede, or attempt to obstruct or impede, any individual in seeking, claiming, or receiving any right to SUA.

§ 619.15 Record keeping; disclosure of information.

(a) *Record keeping.* Each State agency will make and maintain records pertaining to the administration of the Act as the Secretary requires, and will make all such records available for inspection, examination, and audit by such Federal officials or employees as the Secretary may designate or as may be required by law.

(b) *Disclosure of information.* Information in records made and maintained by a State agency in administering the Act shall be kept confidential, and information in such records may be disclosed only in the same manner and to the same extent as information with respect to regular compensation and the entitlement of individuals thereto may be disclosed under the applicable State law. This provision on the confidentiality of information shall not apply, however, to the U.S. Department of Labor, or in the case of information, reports, and studies requested pursuant to § 19.23, or where the result would be inconsistent with the Freedom of Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), or regulations of the U.S. Department of Labor promulgated thereunder.

§ 619.16 Special Unemployment Assistance Period.

(a) *Beginning and ending.* A Special Unemployment Assistance Period shall begin in an area of a State on the first day of the third calendar week after the week for which there is an "on" indicator in the area, and shall terminate with the last day of the third calendar week after the first week for which there is an "off" indicator in the area.

(b) *Duration.* A Special Unemployment Assistance Period which triggers "on" in any area shall have a duration of not less than thirteen weeks, but in no event shall SUA be paid for any week which is not within the effective period of the Special Unemployment Assistance Program as specified in § 619.3.

§ 619.17 Determination of national and area unemployment rates.

The Secretary shall determine the national and area unemployment rates for the purposes of establishing the beginning and ending dates of a Special Unemployment Assistance Period in any area. In making a determination the Secretary shall use:

(a) For a national unemployment rate, the rate of national unemployment (seasonally adjusted) for all States, as determined by the Secretary.

(b) For an area unemployment rate, the rate of unemployment (not seasonally adjusted) in the area, as determined by the Secretary.

§ 619.18 Determination of "on" and "off" indicators.

(a) *"On" indicator.* There shall be an "on" indicator in an area for a week, if for the most recent three consecutive calendar months ending before that week, for which data are available, the Secretary determines that:

(1) The rate of national unemployment (seasonally adjusted) averaged 6.0 per centum or more; or

(2) The rate of unemployment in the area (not seasonally adjusted) averaged 6.5 per centum or more.

(b) *"Off" indicator.* There shall be an "off" indicator in an area for a week if, for the most recent three consecutive calendar months ending before that week for which data are available, the Secretary determines that both paragraphs (a)(1) and (a)(2) of this section are not satisfied.

§ 619.19 Announcement of the beginning and ending of a Special Unemployment Assistance Period.

(a) *National indicators.* In the case of an indicator based on the rate of national unemployment—

(1) Whenever the Secretary determines that there is an "on" indicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "on" indicator, the week when a Special Unemployment Assistance Period will commence, and information regarding the nationwide scope of the Special Unemployment Assistance Program.

(2) Whenever the Secretary determines that there is an "off" indicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination and shall include in such notice the week for which there was an "off" indicator, the week when the Special Unemployment Assistance Period will end, and the areas which shall remain in a Special Unemployment Assistance Period by reason of area continuing "on" indicators.

(3) The Secretary shall also cause to be notified the appropriate news media, the heads of all State agencies, and the Assistant Regional Directors for Manpower, of the determination of an "on" or "off" indicator and of its effect.

(b) *Area indicators.* In the case of area indicators, when there is not in effect an "on" indicator based on the rate of national unemployment, the Secretary shall cause to be published in the FEDERAL REGISTER any determination made by the Secretary that there is an "on" or "off" indicator in an area, the area to which the determination is applicable, and the beginning or ending date, as the case may be, of the Special Unemployment Assistance Period in the area, where the State in which the area is located has entered into an Agreement which is in effect. The Secretary shall cause to be notified of any such determination the head of the State agency of the State concerned and the Assistant Regional Director for Manpower of the region in which the State concerned is located.

(c) *Publicity; notice to individuals.* Whenever the head of a State agency is notified of the Secretary's determination that an "on" or "off" indicator will begin or end a Special Unemployment Assistance Period in an area in the State, the head of the State agency shall promptly announce the Secretary's determination and the beginning or ending date of the Special Unemployment Assistance Period through appropriate news media in the State. In the case of a Special Unemployment Assistance Period that is about to begin, the announcement shall also describe clearly the unemployed individuals who may be eligible for SUA during the period; and in the case of a Special Unemployment Assistance Period that is about to end, the announcement shall also describe clearly the individuals whose entitlement to SUA will be terminated. Whenever there has been a determination that a Special Unemployment Assistance Period will terminate in a State, the State agency shall provide written notice to each individual who is currently filing claims for SUA of the forthcoming end of the Special Unemployment Assistance Period and its effect on the individual's right to assistance.

§ 619.20 Grants to States.

Each State which has entered into an Agreement shall be paid by the United States, from time to time, prior to audit or settlement by the General Accounting Office, and either in advance or by way of reimbursement as the Secretary decides in each instance, such amounts as are deemed necessary by the Secretary to make payments of SUA in accordance with the Act and this part and the procedures thereunder prescribed by the Secretary, and such amounts as are determined by the Secretary to be equal to the necessary costs for the proper and efficient administration of the Act by the State.

§ 619.21 Public access to agreements.

The State Agency will make available to any individual or organization a true copy of the Agreement with that State for inspection and copying. Copies of an Agreement may be furnished on request to any individual or organization upon payment of the same charges, if any, as apply to the furnishing of copies of other records of the State agency.

§ 619.22 Information, reports and studies.

State agencies shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act.

[FR Doc.75-29342 Filed 11-4-75;8:45 am]

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federal register

WEDNESDAY, NOVEMBER 5, 1975



PART IV:

FEDERAL ELECTION COMMISSION

ADVISORY OPINIONS

V 40 214 NOV 5 75 XUM

FEDERAL ELECTION COMMISSION

[11 CFR Part 107]

[Notice 1975–72]

FEDERAL CAMPAIGN FUNDS

Allocation of Candidate and Committee Activities

The Federal Election Commission today publishes proposed regulations covering allocation of campaign contributions and expenditures, generally 2 U.S.C. §§ 431–437.

Comment period. Interested parties are invited to submit written comments on these proposed regulations to the Rule making Section, Office of the General Counsel, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463. Comments should be received on or before December 5, 1975.

Hearings. The schedule for public hearings on the proposed regulation will be published in the near future.

Effective date. These regulations shall become effective on a date specified in a future notice published in the FEDERAL REGISTER, which effective date shall not be less than 30 calendar days after the date of this notice of proposed rulemaking, nor before the approval by the United States Congress.

It is proposed to add Part 107 as set forth below:

PART 107—ALLOCATION OF CANDIDATE AND COMMITTEE ACTIVITIES

Sec.

107.1 Allocation of expenditures between primary and general elections.
107.2 Allocations of contributions between primary and general elections.
107.3 Allocation of expenditures among (or between) candidates.
107.4 Allocation of expenditures among States by candidates for Presidential nomination.
107.5 Allocation of expenses between campaign and non-campaign related travel.

AUTHORITY: Sec. 306, 86 Stat. 17, as amended, (2 U.S.C. 438). Interpret or apply sections 301–308, 86 Stat. 18, (2 U.S.C. §§ 431–437).

§ 107.1 Allocation of expenditures between primary and general elections.

a. *General rule:* Expenditures made prior to the primary election shall be attributed to the primary, and be reported as such, and expenditures made after the primary shall be reported as expenditures made for the general election.

b. *Exceptions:* 1. In the event expenditures are made after the primary election but are clearly and identifiably made in connection with the primary, such expenditures shall be paid from the primary campaign account(s), and be reported as primary expenditures.

2. In the event expenditures are incurred before the primary election, which are clearly identified as being for the general election, such expenditures should be paid from the general election campaign account(s), and be reported as general election expenditures.

3. Goods and/or services purchased before the primary election and used or distributed after the date of the primary election are attributable to the general election and reported as a contribution (transfer) in-kind from the primary campaign account(s), to the extent that the total value of the goods and/or services transferred exceeds $1,000.

§ 107.2 Allocations of contributions between primary and general elections.

a. *General rule.* Contributions received before the primary election shall be deposited in the primary election account, and be reported as contributions for the the primary election shall be deposited in the gneral election account(s), and be reported as contributions made with respect to the general election.

b. *Exceptions:* 1. Contributions received before the primary election, but clearly designated as contributions with respect to the general election, shall be deposited in the general election account(s) and be rported as such.

2. Contributions received after the primary election, but clearly identified as contributions for the primary election shall be deposited in the primary election account(s), and be reported as contributions with respect to the primary election.

§ 107.3 Allocation of expenditures among (or between) candidates.

a. *General rule:* Expenditures made on behalf of more than one candidate shall be attributed to each candidate in proportion to the benefit each can be reasonably expected to derive. The amount attributed should be paid for and be reported by each candidate or his authorized committee in proportion to the benefit derived, or be reported as an independent expenditure where appropriate.

b. *Exceptions:* 1. An authorized expenditure made by a candidate or political committee on behalf of another candidate shall be reported as a contribution (transfer) in-kinid to the candidate on whose behalf the expenditure was made.

2. Expenditure for rent, overhead and general administrative costs of political committees and political party organizations ned not be attributed to inidividual candidates, unless such expenditures are made on behalf of an identifiable candidate or candidates.

c. Expenditures for educational campaign seminars, expenditures for training of campaign workers and registration or get-out-the-vote drives are attributable to candidates only when such expenditures are made on behalf of a clearly identified candidate or candidates.

§ 107.4 Allocation of expenditures among States by candidates for Presidential nomination.

a. Expenditures made by a candidate or his authorized committee(s) which seek to influence the nomination of a candidate for the Office of the President in a particular state shall be attributed ot that state. Such allocation of expenditures shall be reported on FEC Form 1301.

b. Expenditures for administrative, staff, and overhead costs directly relating to the national campaign headquarters shall be reported but need not be attributed to individual states. Expenditures for staff, media, printing and other materials and services used iin specific states shall b attributed to those states.

c. An expenditure by a presidential candidate for use in two or more states, candidate for use in two or more States, which cannot be attributed in specific amounts to each state, shall be attributed to each state based on the voting age papulation in each state which can reasonably expected to be influenced by such expenditure.

1. Expenditures for publication and distribution of newspaper, magazine, radio, television and other types of advertisements distributed in more than one state shall be attributed to each state in proportion to the estimated viewing audience or readership which such publication will reach.

2. Expenditures for travel within a state shall be attributed to such state. Expenditures for travel between states need not be attributed to any individual state.

§ 107.5 Allocation of expenses between campaign and non-campaign related travel.

a. Where a trip involves both campaign-related and non-compaign related stops, the expenditures allocable for campaign purposes are reportable, and are calculated on the cost-per-mile based on standard airline, bus, train, automobile or other appropriate rate, times the distance of the trip, starting at the point of origin, via every campaign-related stop and ending at the point of origin.

b. Where a person conducts any campaign-related business in a location such location is a campaign-related stop and expenditures made are reportable.

c. Travel expenses paid for out of appropriated funds are not campaign-related expenditures and need not be reported.

d. Notwithstanding paragraph (c) of this section, the reportable expenditure for a candidate who uses government conveyance or accommodations for travel which is campaign-related is the rate for comparable commercial or rental. In the case of a candidate authorized by law or required by national security to be accompanied by staff and equipment, the allocable expenditures are the costs of facilities sufficient to accommodate the party, less authorized security personnel and equipment. If such a trip includes both campaign and non-campaign stops, equivalent costs are calculated in accordance with paragraphs (a) and (b) of this section.

Dated: November 3, 1975.

THOMAS B. CURTIS,
Chairman,
Federal Election Commission.

[FR Doc.75-29000 Filed 11-4-75;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1975–71]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975–51, 1975–57, and 1975–77. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975–51

USE OF EXCESS CAMPAIGN FUNDS TO PURCHASE CONGRESSIONAL OFFICE EQUIPMENT

This advisory opinion is issued pursuant to 2 U.S.C. 437f in response to a request by Congressman James L. Oberstar. The request was published in the September 3, 1975, FEDERAL REGISTER (40 FR 40678), and interested parties were given an opportunity to submit written comments pertaining to the request. No comments were received.

In his request, Congressman Oberstar stated:

> Our office plans to install a computer terminal to meet the demand of constituent mail. The cost of the terminal will exceed our office allotment and, therefore, we would like to use excess campaign funds to establish a separate Oberstar Office Equipment account.

Congressman Oberstar has asked whether the use of campaign funds in the manner described is legal.

Under 2 U.S.C. 439a, "[a]mounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, . . . may be used by such candidate or individual, . . . to defray any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office, . . . or may be used for any other lawful purpose." The use of excess campaign funds to install a computer terminal for use in handling constituent mail would be permitted under this section.

The Commission is currently in the process of proposing a regulation pertaining generally to office accounts and in particular to the applicability of expenditure limitations to nonappropriated funds expended to support the activities of an officeholder.

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations of general applicability.

ADVISORY OPINION 1975–57

APPLICATION OF LIMITS TO POST-ELECTION CONTRIBUTIONS TO SINGLE CANDIDATE COMMITTEE

This advisory opinion is rendered pursuant to 2 U.S.C. 437f. The request was published on Setpember 3, 1975, in the FEDERAL REGISTER, 40 FR 40679. Written comments were invited for a period of ten days. No comments were received.

The request was subinitted by the treasurer of the John L. Grady Campaign Fund (hereinafter Grady Committee). Mr. Grady was a candidate for the U.S. Senate in 1974.

The first question raised is whether there is any time limitation on the acceptance of contributions subsequent to an election. Upon further inqiury, the Commission determined that the contributions would be solicited and expended solely to liquidate campaign debts from the 1974 election. The second question posed is whether it is permissible to accept funds raised from testimonials, dinners, etc. to liquidate past campaign debts if such events are held subsequent to an election. Funds raised for the above purpose through testimonials, dinners, etc. are contributions as defined in 2 U.S.C. 431(e).

Advisory Opinion 1976–6, the Policy Statement of the Commission and Interim Guideline published in the FEDERAL REGISTER on July 25, 1975 (40 FR 31315), and August 5, 1975 (40 FR 32950 and 32952) respectively, detail the position of the Commission regarding the retirement of 1974 campaign debts. These three publications set out specifically the requirements a candidate or his campaign committee must meet in order to use contributions for liquidating past debts. The Commission refers the Grady Committee to these publications in answer to its first two questions.

The last issue is whether funds raised after the election may be used to repay the candidate for loans made by him to his campaign fund. A candidate may be repaid for loans made by him to his campaign out of funds raised after the election. If any loans were made by the candidate after January 1, 1975, with respect to his 1974 Senate campaign, then the loan or advance must be evidenced by a written instrument fully disclosing the terms and conditions of such loan or advance. 18 U.S.C. 608(a)(3). The Federal Election Campaign Act of 1971 limited to $35,000 the amount a candidate for Senate could expend from his or her own funds or those of his or her immediate family in connection with a Senate campaign. No change was made in this limitation in the 1974 Amendments. A loan is an "expenditure" as defined in 18 U.S.C. 591(f). Therefore, the outstanding loan(s) by a candidate (or his or her immediate family) to his or her campaign may not exceed $35,000 at any time during the campaign.

The John L. Grady Campaign Fund may repay the candidate for loans or advances made to it before January 1, 1975, even though such loan or advance is not evidenced by a writing. Any loan made by a candidate (or his or her immediate family) on or after January 1, 1975, may only be repaid if it is evidenced by a writing. A loan or advance is computed in arriving at the total expenditure "only to the extent of the balance of such loan or advance outstanding and unpaid." 18 U.S.C. 608(a)(4). While the candidate for Senate may lend his campaign more than $35,000 aggregated during an election, at no time shall the outstanding balance, plus other expenditures from "immediate family" funds, exceed $35,000.

The statute makes no distinction for purposes of campaign debts and obligations between those debts owed the candidate and those owed to other persons. The Commission is of the opinion that both types of debts may be retired from contributions solicited specifically for that purpose (and received on or before December 31, 1975) subsequent to the election.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–77

WHETHER ROYALTIES ARE SUBJECT TO LIMITATIONS ON ACCEPTANCE OF EXCESSIVE HONORARIUMS

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request for an advisory opinion which was submitted by J. Brian Smith, Press Secretary, for Congressman John J. Rhodes, which was published as AOR 1975–77 in the October 1, 1975, FEDERAL REGISTER (40 FR 45295). Interested parties were given an opportunity to submit written comments relating to the request. No comments were received.

The request asks whether royalties from the publication of a book by a Congressman would be limited by the provisions of section 616 of Title 18, United States Code. It is provided in 18 U.S.C. 616 that:

> "Whoever, while an elected or appointed officer or employee of any branch of the Federal Government—
>
> (1) accepts any honorarium of more than $1,000 • • • for any appearance, speech, or article; or
>
> (2) accepts honorariums • • • aggregating more than $15,000 in any calendar year; shall be fined not less than $1,000 nor more than $5,000.

This provision clearly limits honoraria accepted for any appearance, speech, or article. The question then arises as to whether, for purposes of this section, a royalty received for the publication of a book should be treated as identical to an honorarium accepted for an article. As 18 U.S.C. 616 is a criminal statute, the canons of statutory construction require that its language should be strictly con-

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strued so that each word will be given only is plain meaning in the absence of strong evidence to the contrary. Thus in this case the Commission concludes that the word "article" should be read narrowly and not interpreted as meaning "any publication."

This view conforms with the explicit intent of Congress with regard to this section:

Mr. HUGH SCOTT. • • • I have been asked by one Senator to raise a question as regards publication of books as distinguished from magazine articles. There is a limitation here on honoraria of $1,000. I believe there is an exception that does permit Members of Congress to publish books and to receive compensation for that purpose. Is that correct?

Mr. CANNON. The intent is that the publishing of a book does not constitute an honorarium under the language used in the bill. • • •

120 *Cong. Rec.* S18526 (daily ed., Oct. 8, 1974)

Mr. FRENZEL. [Presenting comments for the House of Representatives on the Conference Report.] • • • The conference substitute limits honorariums to $1,000 per appearance and a total of $15,000 per calendar year. I concur with the discussion by Senators Scott and Cannon • • •.

120 *Cong. Rec.* H10334 (daily ed., Oct. 10, 1974)

Accordingly, it is the opinion of the Commission that royalties from the publication of a book by a Congressman would not be affected by the provisions of 18 U.S.C. 616.

This advisory opinion is issued only on an interim basis pending the promulgation by the Commission of rules and regulations of general applicability.

Date: OCTOBER 30, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-29640 Filed 11-4-75;8:45 am]

[Notice 1975-73, AOR 1975-99]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Request 1975-99 is published today.

Interested persons wishing to comment on the subject matter of the Advisory Opinion Request may submit written views with respect to such request on or before November 17, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to the specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-99: Application of 18 U.S.C. § 611 to Contributions Made by Government Contractors to Non-Federal Candidates or for Non-Federal Political Purpose (Request Edited by the Commission).

Dear Commissioners: Pursuant to 2 U.S.C. § 437f • • • the San Francisco Republican County Central Committee, a "committee" as defined by 18 U.S.C. § 591(b) • • • respectfully requests you issue an advisory opinion as to whether a person, as defined by 18 U.S.C. § 591(g), or a labor organization, as defined by 18 U.S.C. § 610, can make contributions to a segregated fund within this committee from which no funds are contributed to or spent on any Federal candidates or campaigns or used to influence Federal elections, without violating § 611 of Title 18 United States Code, if the person or labor union is a government contractor as defined in § 611.

The San Francisco Republican County Central Committee receives funds contributed originally from corporations, labor unions and individual contributors. All corporate and labor union fundsand some individual funds are deposited into a separate, restricted bank account, which is registered under *Califiornia's Political Reform Act of 1974* and reported thereunder. Such restricted funds have been and are used only for constitutional office candidates, legislative candidates, statewide ballot measures, county office candidates, county ballot measures, city council and mayoralty candidates, city and local ballot measures, and special district candidates such as local transit boards and boards of education. A second bank account has been established by the committee for the support of Federal candidates and only unrestricted funds are solicited and deposited into that account, which account has been registered and reported under Title 2, United States Code, and as required, under California's *Political Reform Act of 1974*.

Does § 611 of Title 18, United States Code, prohibit government contractors, as defined therein, from making contributions to this San Francisco Republican County Central Committee restricted account?

VIGO G. NIELSEN, Jr.,
Special Counsel.

Source: San Francisco Republican County Central Committee, by Special Counsel, Vigo G. Nielsen, Jr., Dobbs, Doyle & Nielsen, Suite 2500, The Alcoa Building, One Maritime Plaza, San Francisco, California 94111. (October 24, 1975.)

Dated: November 3, 1975.

NEIL STAEBLER,
Vice Chairman for the
Federal Election Commission.

[FR Doc.75-29901 Filed 11-4-75;8:45 am]

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Title 3—The President

PROCLAMATION 4406

Emergency Medical Services Week, 1975

By the President of the United States of America

A Proclamation

Each week more than a thousand Americans die as a result of accidents, heart attacks and other medical emergencies because emergency assistance is not available.

For many years, physicians and health professionals have urged improved national services and facilities for emergency medical care. Since 1968, pursuant to the publication of Standard 11, "Emergency Medical Services" in accordance with the Highway Safety Act of 1966, the Department of Transportation has been engaged actively in improving Emergency Care at the onset of the emergency and in transit to more definitive care. In 1973, the Congress passed the "Emergency Medical Services Systems Act of 1973" to create an additional national thrust toward the goal of improved total emergency care.

Now two Federal agencies, the Department of Transportation and the Department of Health, Education, and Welfare, are working closely with States and communities to improve medical emergency services. Although many cities enjoy satisfactory services, the great majority of our communities, especially in rural areas, still require considerable improvement.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning November 3 as Emergency Medical Services Week.

I call upon the Governors and Mayors and all other State and local officials to assist hospital administrators and physicians, fire departments, public safety agencies and all ambulance services in improving emergency medical services.

I call upon Federal agencies, especially the Departments of Transportation and Health, Education, and Welfare to continue, with renewed vigor, their assistance to States and communities in accelerating efforts to help those in need of emergency medical assistance.

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I call upon all our people to lend their support to these efforts. We are a traveling nation and none of us knows when we might need help far from home.

Let us affirm that this national legislation is only the beginning of our effort to upgrade and perpetuate this part of our total health care system so no individual in this country will lack help whenever or wherever he needs it.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of November, in the year of our Lord nineteen hundred seventy-five and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-30071 Filed 11-4-75;4:51 pm]

PROCLAMATION 4407

National Farm-City Week, 1975

By the President of the United States of America

A Proclamation

Our Nation, nurtured on individual self-reliance, began as a rural society. Through two centuries, it has developed into primarily an urban society of great cities.

This growth has firmly established an interdependence between farm and city, which is greater today than it was two hundred years ago. Although farmers and ranchers comprise less of our population than in the past, their production of food has more than kept pace with our fundamental needs. This capability to produce our plentiful food supply is, in turn, dependent upon the efforts of those in urban centers to provide the goods and services which our farmers and ranchers need.

It is appropriate to remember and renew our understanding of this continuing partnership between farm and city. Only out of this working partnership will our country achieve new abundance and prosperity in the future.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the period November 21 through November 27, 1975, as National Farm-City Week.

I request interested persons to join with agricultural organizations, business and labor groups, youth and community groups, schools and others to focus attention upon the interrelationships which exist among the constructive labors of all individuals, whether on the farm or in the city.

I urge the Department of Agriculture, educational institutions and other organizations and governmental agencies and officials to mark the significance of National Farm-City Week with special study, public meetings, exhibits and other appropriate activities in the public interest.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of November, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-30072 Filed 11-4-75;4:52 pm]

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PROCLAMATION 4408

Bill of Rights Day Human Rights Day and Week, 1975

By the President of the United States of America

A Proclamation

As the United States of America looks forward to the two hundredth anniversary of our Nation's independence next July, it is appropriate that we pause and reflect on the principles of self-government that underlie our society and continue to nourish it.

Embodied in our great national documents—the Declaration of Independence, the Constitution and the Bill of Rights—are the imperishable ideas that all men are created equal, that they are endowed with unalienable rights of life, liberty, and the pursuit of happiness, and that it is the people of the United States themselves who have ordained and established the government which serves us all.

The Founding Fathers could not foresee in detail the threats to liberty that might arise as the Republic grew, but they had the wisdom to know that threats would appear and that the people must be protected against them. When the new Constitution was being discussed in 1787, Thomas Jefferson complained in a letter to James Madison of the absence of a Bill of Rights, saying: "Let me add that a bill of rights is what the people are entitled to against every government on earth, general or particular; and what no just government should refuse, or rest on inferences."

Madison became convinced of the need for a Bill of Rights and wrote Jefferson: "The political truths declared in that solemn manner acquire by degrees the character of fundamental maxims of free government, and as they become incorporated with the National sentiment, counteract the impulses of interest and passion." In the First Congress, Madison, the principal proponent of those amendments to the Constitution known as the Bill of Rights, defended them in these words: "If they are incorporated into the constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the legislative or executive. . . ."

This has truly been our national experience. So also in the international community have we come to respect and rely on the Universal Declaration of Human Rights as a fundamental statement of principles reaffirming faith in the dignity and worth of the human person and in the equal rights of men and women as the foundation of freedom, justice and peace in the world.

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On December 15 we mark the one hundred eighty-fourth anniversary of the adoption of the Bill of Rights and on December 10 we observe the twenty-seventh anniversary of the Universal Declaration. It is fitting that in 1975, which is International Women's Year, we should recognize especially the contributions of women to political and social progress and underline our commitment to remove promptly such barriers that still remain in the way of their full participation in our Nation's life.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim December 10, 1975, as Human Rights Day and December 15, 1975, as Bill of Rights Day. I call upon the American people to observe the week beginning December 10, 1975, as Human Rights Week. Further, I urge all Americans during the coming bicentennial year to contemplate the principles of liberty and justice enunciated in the Bill of Rights and the Universal Declaration of Human Rights and to draw on them as the best means to assure our Nation's continued progress.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of November, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-30115 Filed 11-5-75;11:29 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Tangerine Regulation 47, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Size Regulation

Effective November 10, 1975, this amendment increases from 2$^{1}/_{16}$ inches (size 210) to 2$^{5}/_{16}$ inches (size 176) the minimum diameter requirement applicable to fresh shipments of Florida tangerines, except that during any week of the period November 10 through November 23, 1975, each handler may ship a quantity of tangerines not smaller than 2$^{1}/_{16}$ inches in diameter equal to 15 percent of the volume of tangerines he shipped in the most recent previous week of the current fiscal period. This requirement is designed to prevent an excessive buildup of smaller size tangerines in fresh market outlets and maintain orderly marketing conditions.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of tangerine shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the need for regulation of tangerine shipments based on the available supply and current and prospective market conditions. The amendment is designed to provide ample supplies of tangerines of the more desirable sizes in the interest of both growers and consumers. The action is designed to prevent an excessive buildup of smaller size tangerines and maintain orderly marketing conditions by preventing the adverse effect on the market caused by shipment of excessive quantities of smaller size fruit when more than ample supplies of the more desirable sizes are available to serve consumers' needs and the smaller fruit will increase to more desirable sizes as the season progresses. For the season through October 26, 1975, fresh shipments of Florida tangerines totaled 570 carlots, and there were an estimated 3,930 carlots remaining for fresh shipment. This amendment is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grade and size, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 28, 1975; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such fruit; compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.561 (Tangerine Regulation 47; 40 FR 42318, 49765) the provisions of paragraph (a)(2) are revised to read as follows:

§ 905.561 Tangerine Regulation 47.

(a) * * *

* * * * *

(2) Any tangerines, grown in the production area, which are of a size smaller than 2$^{5}/_{16}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines: *Provided*, That during any week of the period November 10, 1975, through November 23, 1975, any handler may ship a quantity of tangerines which are smaller than 2$^{1}/_{16}$ inches in diameter, including the aforesaid tolerance, if (i) the number of standard packed boxes of such smaller tangerines does not exceed 15 percent of the total shipments of tangerines by such handler during the last previous week, within the current fiscal period, in which he shipped tangerines; and (ii) such smaller tolerance for tangerines smaller than 2$^{1}/_{16}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 31, 1975, to become effective November 10, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-29846 Filed 11-5-75;8:45 am]

[Valencia Orange Regulation 523]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period November 7–13, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.823 Valencia Orange Regulation 523.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part

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908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges improved somewhat from last week.

Prices f.o.b. averaged $3.42 per carton on a reported sales volume of 535,000 cartons last week, compared with an average f.o.b. price of $3.21 per carton and sales of 428,000 cartons a week earlier.

Track and rolling supplies at 192 cars were down 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 4, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period November 7, 1975, through November 13, 1975, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 375,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 4, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-30116 Filed 11-5-7511:57 am]

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Assignment or Adjustment of Base Quantities

This document amends the Subpart—Rules and Regulations (7 CFR 929.101 *et seq.*) currently in effect pursuant to the applicable provisions of the amended marketing agreement and Marketing Order No. 929 (7 CFR Part 929), as amended, hereinafter referred to collectively as the "order." Said amendment adds a section, as hereinafter set forth, which enumerates the factors to be considered by the Cranberry Marketing Committee as a basis for assigning base quantities to individual growers or adjusting such base quantities pursuant to the order provisions of § 929.48(a)(1). Those order provisions specify, in part, that each grower's base quantity shall be the average of the two years of his greatest sales of cranberries during the six-year base-building period (the "representative period") of 1968–69 through 1973–74 from acreage established on or before August 16, 1968. Individual grower allotments, if and when issued, would be computed as a specified uniform percentage of each grower's base quantity.

Said order provisions further specify that persons who, prior to June 21, 1968, had made firm and substantial commitments for the production of cranberries but who would have no base quantities as determined on representative period sales or whose base quantities would not be representative of such commitments, may file an application with the Cranberry Marketing Committee for adjustment of or a new base quantity. The committee shall, by rules and regulations approved by the Secretary of Agriculture, consider each application and, if appropriate, provide for the assignment or adjustment of base quantities to such producers consistent with such commitments as will be equitable to all growers. Several such applications have been filed. Hence, the amendment which specifies the factors for consideration by the committee. Those factors are (1) the crop and sales records on acreage from which the base quantity derives and on any other acreage under control of the grower, (2) the grower's production trend and the production trend of the adjacent growing area during the representative period 1968–69 through 1973–74, and (3) any other factors as are applicable pursuant to the provisions of the marketing order.

The order regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment was unanimously proposed by the Cranberry Marketing Committee which was established pursuant to the order to administer the terms and provisions thereof.

Notice was published in the October 2, 1975, issue of the FEDERAL REGISTER (40 FR 45443) that the Department was giving consideration to the aforesaid proposal to amend the Subpart—Rules and Regulations. The notice invited interested persons to submit written data, views, or arguments on the proposal not later than October 20, 1975. No such material was submitted.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Cranberry Marketing Committee, and other available information, it is hereby found that amendment of said rules and regulations, as hereinafter set forth, is in accordance with the provisions of the order and will tend to effectuate the declared policy of the act. Therefore, said rules and regulations are hereby amended by adding a new section reading as follows:

§ 929.148 Assignment or adjustment of base quantities.

(a) The committee shall, as a basis for assigning or adjusting any base quantity, consider the following factors:

(1) Crop and sales records on acreage from which the base quantity derives;

(2) Previous crop records on all other acreage, if any, under control of the grower;

(3) The grower's production trend from the beginning of the representative period 1968–69 through 1973–74 until the time of the committee's decision on any request for assignment or adjustment of the base quantity;

(4) The production trend, during the representative period 1968–69 through 1973–74, of the growing area adjacent to the acreage related to the base quantity under consideration; and

(5) Such other factors as are applicable pursuant to this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 3, 1975, to become effective December 10, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-29847 Filed 11-5-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

MAXIMUM ADJUSTED INCOME FOR LOW- AND MODERATE-INCOME FAMILIES

The Farmers Home Administration is amending Exhibits C and D of Subpart A of Part 1822 of Title 7, Code of Federal Regulations (39 FR 45005 40 FR 28463) to further improve the operation and administration of the section 502 rural housing loan program. This amendment revises the adjusted income limits for low- and moderate-income families applying for FmHA Rural Housing loan assistance.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These regulations, however, are not published for proposed rulemaking because the changes increase the income limits for eligibility for a Rural Housing loan in some states and enable the Agency to expedite needed benefits to the public, and to delay issuance of such regulations by publishing for public comment would be contrary to the public interest.

Interested persons may submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Adminstration, United States Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, thirty days after publication in the FEDERAL REGISTER. Material thus submitted will be evaluated and acted upon in the same manner as if this document was a proposal. However, this revised part shall remain effective until it is amended. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m.–4:45 p.m.).

As revised, Exhibits C and D of Subpart A of Part 1822, read as follows:

EXHIBIT C

MAXIMUM ADJUSTED INCOME FOR LOW-INCOME FAMILIES

State:	*Maximum adjusted income*
Alabama	$8,500
Arizona	8,500
Arkansas	8,500
California	8,500
Colorado	8,500
Connecticut	8,500
Delaware	8,500
Florida	8,500
Georgia	8,500
Idaho	8,500
Illinois	8,500
Indiana	8,500
Iowa	8,500
Kansas	8,500
Kentucky	8,500
Louisiana	8,500
Maine	8,500
Maryland	8,500
Massachusetts	8,500
Michigan	8,500
Minnesota	8,500
Mississippi	8,500
Missouri	8,500
Montana	8,500
Nebraska	8,500
Hawaii	10,700
Guam	10,700
District of Marianas	10,700
Nevada	8,500
New Hampshire	8,500
New Jersey	8,500
New Mexico	8,500
New York	8,500
North Carolina	8,500
North Dakota	8,500
Ohio	8,500
Oklahoma	8,500
Oregon	8,500
Pennsylvania	8,500
Puerto Rico	8,500
Rhode Island	8,500
South Carolina	8,500
South Dakota	8,500
Tennessee	8,500
Texas	8,500
Utah	8,500
Vermont	8,500
Virginia	8,500
Virgin Islands	8,500
Washington	8,500
West Virginia	8,500
Wisconsin	8,500
Wyoming	8,500
Alaska	13,500

EXHIBIT D

MAXIMUM ADJUSTED INCOME FOR MODERATE-INCOME FAMILIES

State:	*Maximum adjusted income*
Alabama	$12,900
Arizona	12,900
Arkansas	12,900
California	12,900
Hawaii	16,200
Nevada	12,900
Colorado	12,900
Florida	12,900
Georgia	12,900
Idaho	12,900
Illinois	12,900
Indiana	12,900
Iowa	12,900
Kansas	12,900
Kentucky	12,900
Louisiana	12,900
Maine	12,900
Michigan	12,900
Minnesota	12,900
Mississippi	12,900
Missouri	12,900
Montana	12,900
Nebraska	12,900
Delaware	12,900
New Jersey	12,900
Maryland	12,900
Guam	16,200
New Mexico	12,900
New York	12,900
North Carolina	12,900
North Dakota	12,900
Ohio	12,900
Oklahoma	12,900
Oregon	12,900
Alaska	20,500
Pennsylvania	12,900
South Carolina	12,900
South Dakota	12,900
Tennessee	12,900
Texas	12,900
Utah	12,900
Vermont	12,900
Connecticut	12,900
Massachusetts	12,900
New Hampshire	12,900
Rhode Island	12,900
Virginia	12,900
Washington	12,900
West Virginia	12,900
Wisconsin	12,900
Wyoming	12,900
Puerto Rico	12,900
Virgin Islands	12,900
Districts of Marianas	16,200

Effective Date. This amendment shall be effective on November 6, 1975.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: November 3, 1975.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

FRANK W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

[FR Doc.75-29896 Filed 11-5-75;8:45 am]

V 40 215 NOV 6 75 XUM

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–NW–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Federal Airway Segments; Correction

In FR Doc. 75–26439 appearing at page 45804 in the FEDERAL REGISTER of October 3, 1975, paragraph (5) is corrected in the last two lines of that paragraph by adding the words "Dubois, Idaho;" immediately after "Salmon, Idaho;" and before "to Jackson, Wyo."

Issued in Washington, D.C., on October 31, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–29792 Filed 11–5–75;8:45 am]

[Airspace Docket No. 75–SO–59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways, Reporting Points and Jet Routes; Correction

In FR Doc. 75–25730 appearing at page 44310 in the FEDERAL REGISTER of September 26, 1975, paragraph (d) of § 71.123 appearing on page 44310 is corrected in the fourth line of that paragraph by deleting the figure "014°" and substituting "013°" therefor.

Issued in Washington, D.C., on October 31, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–29793 Filed 11–5–75;8:45 am]

[Docket No. 15129; Amdt. No. 993]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS–230, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective December 18, 1975.*

Ardmore, OK—Downtown Ardmore Arpt., VOR–A, Amdt. 6.
Cleveland, MS—Cleveland Municipal Arpt., VOR–A, Amdt. 3.
Clovis, N.M.—Clovis Municipal Arpt., VOR/DME Rwy 21, Amdt. 4.
Hope, AR—Hope Municipal Arpt., VOR/DME Rwy 4, Amdt. 2.
Missoula, MT—Johnson-Bell Field, VOR/DME–B, Amdt. 2.
Montgomery, AL—Dannelly Field, VOR Rwy 33, Amdt. 17.
Sacramento, CA — Sacramento Executive Arpt., VOR Rwy 2, Amdt. 5.
Sacramento, CA — Sacramento Executive Arpt., VOR/DME Rwy 20, Amdt. 4.
San Antonio, TX—San Antonio Int'l Arpt., VOR Rwy 17, Amdt. 22.
San Juan, P.R.—Puerto Rico Int'l Arpt., VOR Rwy 25, Amdt. 14.

. . . *effective November 13, 1975.*

Gaylord, MI—Otsego County Arpt., VOR Rwy 9, Orig.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective December 18, 1975.*

Sacramento, CA—Sacramento Executive Arpt., LOC(BC) Rwy 20, Amdt. 5.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective December 18, 1975.*

Cleveland, MS—Cleveland Municipal Arpt., NDB 17, Amdt. 1.
Dallas, TX—Dallas Love Field, NDB Rwy 13L, Amdt. 8, Canceled.
Jackson, TN—McKellar Field, NDB Rwy 2, Amdt. 2.
Kingsville, TX—Kleberg County Arpt., NDB Rwy 13, Amdt. 1.
Sacramento, CA—Sacramento Executive Arpt., NDB Rwy 2, Amdt. 5.
San Antonio, TX—San Antonio Int'l Arpt., NDB Rwy 30L, Amdt. 5.
San Antonio, TX—San Antonio Int'l Arpt., NDB Rwy 3R, Amdt. 30.
San Antonio, TX—San Antonio Int'l Arpt., NDB Rwy 12R, Amdt. 15.

. . . *effective December 11, 1975.*

Cheraw, S.C.—Cheraw Municipal Arpt., NDB Rwy 25, Orig.

. . . *effective November 13, 1975.*

Celina, OH—Lakefield Arpt., NDB Rwy 8, Orig.

. . . *effective October 22, 1975.*

International Falls, MN—Falls Int'l Arpt., NDB Rwy 31, Amdt. 3.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective December 18, 1975.*

Crossville, TN—Crossville Memorial Arpt., ILS Rwy 25, Amdt. 2.
Dallas, TX—Dallas Love Field, ILS Rwy 13L, Amdt. 23.
Jackson, TN—McKellar Field, ILS Rwy 2, Amdt. 2.
Kansas City, MO—Kansas City Int'l Arpt., ILS Rwy 9, Amdt. 6.
Sacramento, CA — Sacramento Executive Arpt., ILS Rwy 2, Amdt. 18.
San Antonio, TX—San Antonio Int'l Arpt., ILS Rwy 30L, Amdt. 1.
San Antonio, TX—San Antonio Int'l Arpt., ILS Rwy 3R, Amdt. 7.
San Antonio, TX—San Antonio Int'l Arpt., ILS Rwy 12R, Amdt. 4.
Traverse City, MI—Cherry Capital Arpt., ILS Rwy 28, Amdt. 2.

. . . *effective October 23, 1975.*

Colorado Springs, CO—Peterson Field, ILS Rwy 35, Amdt. 28.

. . . *effective October 22, 1975.*

International Falls, MN—Falls Int'l Arpt., ILS Rwy 31, Amdt. 3.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, *effective December 18, 1975.*

San Antonio, TX—San Antonio Int'l Arpt., RADAR–1, Amdt. 19.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective December 18, 1975.*

Fort Dodge, IA—Fort Dodge Municipal Arpt., RNAV Rwy 6, Orig.
Somerville, N.J.—Somerset Arpt., RNAV Rwy 12, Orig.

These amendments are made effective under the authority of Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on October 31, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.75–29795 Filed 11–5–75;8:45 am]

[Docket No. 15043; Amdt. No. 990]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS–230, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective December 4, 1975.*

Alexandria, LA—Esler Regional Arpt., VOR Rwy 14, Amdt. 8.
Alexandria, LA—Esler Regional Arpt., VOR Rwy 32, Amdt. 9.
Hallock, MN—Hallock Municipal Arpt., VORTAC Rwy 31, Orig.
Lincoln, CA—Lincoln Municipal Arpt., VOR–A, Amdt. 1.
Los Angeles, CA—Los Angeles Int'l Arpt., VOR Rwy 25L, Amdt. 7.
Los Angeles, CA—Los Angeles Int'l Arpt., VOR Rwy 25R, Amdt. 7.
Miami, FL—Miami Int'l Arpt., VOR Rwy 12, Amdt. 20.
Miami, FL—Miami Int'l Arpt., VOR Rwy 30, Amdt. 3.
Wichita Falls, TX—Sheppard AFB/Wichita Falls Air Terminal, VOR–A, Amdt. 9.

. . . *effective November 27, 1975.*

Dyersburg, TN—Dyersburg Municipal Arpt., VOR–A, Amdt. 12.
Henderson, KY—Henderson City-County Arpt., VOR–A, Amdt. 6.

. . . *effective October 30, 1975.*

Grand Island, NE—Grand Island Airpark, VOR Rwy 31, Orig.
Grand Island, NE—Grand Island Airpark, VORTAC Rwy 31, Orig.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective December 4, 1975.*

Alexandria, LA—Esler Regional Arpt., LOC (BC), Rwy 8, Amdt. 3.
Bremerton, WA—Kitsap County Arpt., SDF Rwy 1, Amdt. 1, Canceled.
Bremerton, WA—Kitsap County Arpt., LOC (BC) Rwy 1, Orig.
Miami, FL—Miami Int'l Arpt., LOC(BC) Rwy 9L, Amdt. 3, Canceled.
Miami, FL—Miami Int'l Arpt., LOC(BC) Rwy 9R, Amdt. 9, Canceled.
Tyler, TX—Pounds Field, LOC(BC) Rwy 31, Amdt. 11.
Wichita Falls, TX—Sheppard AFB/Wichita Falls Air Terminal, LOC(BC) Rwy 15R, Amdt. 7.

. . . *effective October 23, 1975.*

Jackson, MS—Allen C. Thompson Arpt., LOC Rwy 33L, Amdt. 1, Canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective December 4, 1975.*

Alexandria, LA—Esler Regional Arpt., NDB Rwy 26, Amdt. 2.
Bremerton, WA—Kitsap County Arpt., NDB Rwy 1, Amdt. 8.
Clinton, MO—Clinton Memorial Arpt., NDB Rwy 4, Orig.
Miami, FL—Miami Int'l Arpt., NDB Rwy 9L, Amdt. 13.
Miami, FL—Miami Int'l Arpt., NDB Rwy 27L, Amdt. 12.
Russellville, AR—Russellville Municipal Arpt., NDB–A, Orig.
Sedalia, MO—Sedalia Memorial Arpt., NDB Rwy 36, Orig.
Tyler, TX—Pounds Field, NDB Rwy 13, Amdt. 9.
Wichita Falls, TX—Sheppard AFB/Wichita Falls Air Terminal, NDB Rwy 33L, Amdt. 6.

. . . *effective October 23, 1975.*

Chase City, VA—Chase City Municipal Arpt., NDB Rwy 36, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective December 4, 1975.

Alexandria, LA—Esler Regional Arpt., ILS Rwy 26, Amdt. 5.
Bremerton, WA—Kitsap County Arpt., ILS Rwy 19, Amdt. 2.
Los Angeles, CA—Los Angeles Int'l Arpt., ILS Rwy 24L/R, Amdt. 9.
Miami, FL—Miami Int'l Arpt., ILS Rwy 9L, Amdt. 21.
Miami, FL—Miami Int'l Arpt., ILS Rwy 9R, Orig.
Miami, FL—Miami Int'l Arpt., ILS Rwy 27L, Amdt. 16.
Miami, FL—Miami Int'l Arpt., ILS Rwy 27R, Amdt. 6.
Tyler, TX—Pounds Field, ILS Rwy 13, Amdt. 11.
Wichita Falls, TX—Sheppard AFB/Wichita Falls Air Terminal, ILS Rwy 33L, Amdt. 8.

. . . *effective October 23, 1975.*

Sterling Rockfalls, IL—Whiteside County-Joseph H. Bittorf Field, ILS Rwy 25, Amdt. 1.

. . . *effective November 27, 1975.*

Bloomington, IN—Monroe County Arpt., ILS/DME Rwy 35, Orig.
Jackson, MS—Allen C. Thompson Field, ILS Rwy 33L, Orig.
Titusville, FL—Titusville-Cocoa Arpt., ILS Rwy 36, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective December 4, 1975.

Alexandria, LA—Esler Regional Arpt., RADAR–1, Amdt. 2.
Miami, FL—Miami Int'l Arpt., RADAR–1, Amdt. 15.

. . . *effective October 23, 1975.*

Albany, NY—Albany County Arpt., RADAR–1, Amdt. 7.

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, effective December 4, 1975.

Bremerton, WA—Kitsap County Arpt., RNAV Rwy 1, Amdt. 2.
Miami, FL—Miami Int'l Arpt., RNAV Rwy 9L, Amdt. 6.
Miami, FL—Miami Int'l Arpt., RNAV Rwy 27R, Amdt. 3.

Correction.—In Docket Nr 15021, Amendment Nr. 988 to Part 97 of the Federal Aviation Regulations, dated October 2, 1975 under Section 97.23 effective November 13, 1975—destroy Lancaster, SC—Lancaster County Arpt., VOR/DME–A, Amdt. 3

Correction.—In Docket Nr. 15021, Amendment Nr. 988 to Part 97 of the Federal Aviation Regulations, published in the Federal Register dated October 2, 1975, on page 45421, under Section 97.27, effective October 15, 1975; and under Section 97.23, effective No- Arpt., NDB–A, Amdt. 1, Canceled. This action is withdrawn. NDB–A, Amdt. 1 remains in effect.

Correction.—In Docket Nr. 14960, Amendment Nr. 987 to Part 97 of the Federal Aviation Regulations published in the Federal Register dated September 25, 1975, on page 44127, under Section 97.27, effective November 6, 1975—change effective date of New Orleans, LA—New Orleans Int'l (Moisant Field) NDB Rwy 10, Amdt. 19 to October 23, 1975; and under Section 97.23, effective November 6, 1975—change effective date of Ellensburg, WA—Bowers Field VOR–A, Amdt. 1 to December 4, 1975.

These amendments are made effective under the authority of Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on October 9, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.75–29796 Filed 11–5–75;8:45 am]

V 40 N 215 NOV 6 75 XUM

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974.....)

Medically Determined Drug Addicts and Alcoholics

On February 4, 1974, there was published in the FEDERAL REGISTER (39 FR 4483) a Notice of Proposed Rule Making with proposed regulations in Subpart I of Regulations No. 16 relating to medically determined drug addicts and alcoholics under title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (Pub. L. 92–603), approved October 30, 1972. The proposed regulations provided that a disabled individual who is medically determined to be a drug addict or alcoholic must undergo appropriate, available treatment at an institution or facility approved by the Secretary in order to be an eligible individual or eligible spouse under the Supplemental Security Income for the Aged, Blind, and Disabled program.

Interested parties were given 30 days in which to submit data, views, and arguments. Four letters of comment were received in response to the proposals. There follows a discussion of the comments and the disposition thereof.

One agency commented that § 416.981 failed to define the term "contributing factor." The agency expressed opposition to the section in the absence of an amendment to the Appendix which would provide standards to medically determine drug addiction and alcoholism both as a primary disability and as a contributing factor to disability. Section 416.906(d) of the regulations states that: "The presence of a condition diagnosed or defined as addiction to alcohol or drugs will not by itself be the basis for a finding that an individual is or is not under a disability. As with any other condition, the determination as to disability in such instances shall be based on symptoms, signs and laboratory findings." Accordingly, while drug addicts and alcoholics may be determined to be disabled under any of the medical criteria in the Appendix to the regulations (Listing of Impairments), specific criteria for the evaluation of claims involving drug addiction and alcoholism are provided under section 12.04 (Functional Non-psychotic Disorders) of the Appendix. In the context of § 416.981, the term "contributing factor" means that drug addition or alcoholism is material to the finding that the individual is disabled, i.e., all other facts being the same, but for his drug addition or alcoholism, the individual would not be determined to be disabled. In light of the comment, § 416.981 has been expanded to further define "contributing factor."

One writer took exception to the requirement that drug addiction and alcoholism be *medically* determined, stating that either physicians or psychologists should be considered competent to assess disability or undertake restorative services as is provided in the Rehabilitation Act of 1973 (Pub. L. 93–112). The words "medically determined" which appear in the regulations are taken from the language in section 1611(e)(3) of the Act, which provides that no person who may qualify by reason of disability shall be eligible for any month in which he is medically determined to be a drug addict or an alcoholic unless he is undergoing appropriate treatment that is available. In making a determination that an individual is a drug addict or an alcoholic, all evidence, including that from psychologists, will be considered. Once the disabled individual is medically determined to be a drug addict or alcoholic, he is subject to the treatment requirement. Section 416.983 defines appropriate treatment as "• • • a recognized medical or other professional procedure for the individual's condition as a drug addict or alcoholic and carried out at, or under the supervision of, an approved treatment facility." Appropriate treatment may, thus, include treatment by a psychologist provided the treatment is carried out at, or under the supervision of, an approved treatment facility. Accordingly, the regulations are not in conflict with the provisions of § 103(a) of Pub. L. 93–112 which pertain to diagnostic and related services in connection with rehabilitation potential.

One writer questioned whether these regulations would provide aid to medical institutions which treat drug addicts and alcoholics and recommended that hospital expenses be provided for a retroactive period of up to four months for expenses incurred in the treatment of drug addicts or alcoholics. To include this within the purview of the subject amendments would require further legislative enactment, since title XVI, as amended by Public Law 92–603, does not specifically provide funds for the treatment of drug addiction and alcoholism. However, section 1615 of the Act does require referral of individuals eligible by reason of disability to the State agency administering the State plan for vocational rehabilitation services for a review of his need for and utilization of the rehabilitation services available to him. Where that State agency determines that an individual is eligible for vocational rehabilitation services, payment for treatment may be made by the agency. Where, for appropriate reasons, that agency determines that an individual is not eligible for vocational rehabilitation services, treatment for drug addiction or alcoholism and the funds for such treatment may be made available, by a qualified State drug or alcoholism authority having *access* to other Federal and State funds.

Another writer agreed for the most part with the proposed regulations but urged that the Social Security Administration fully consider in advance the administrative problems involved in effectively administering such regulations, especially with regard to due process rights of drug addicts and alcoholics to a complete and impartial determination of their status. Due process rights, which are available to all individuals who apply for benefits under title XVI, are protected by the provisions of Subparts M and N of Regulations No. 16. These guidelines assure that the individual who is medically determined to be a drug addict or alcoholic is afforded the same rights for appealing an unfavorable decision on his application for benefits as are granted other individuals who contest a disability determination.

That writer further questioned whether the application of an eligible spouse of a medically determined drug addict or alcoholic could be denied or benefits terminated if the addict or alcoholic refused treatment. Section 1614(b) of the Act provides that an eligible spouse is an aged, blind, or disabled individual who is the husband or wife of another aged, blind, or disabled individual. Only one may qualify as an eligible individual. Accordingly, where the eligible individual's benefits are terminated or he loses his eligibility, the eligible spouse may become an eligible individual, provided the eligible spouse continues to meet the requirements for eligibility. Therefore, the application of an eligible spouse will not be denied nor will benefits be terminated by reason of the refusal of treatment by the eligible individual who is a drug addict or alcoholic.

In addition, § 416.984(b)(2) has been expanded to include licensed facilities among those that will be deemed approved by the Secretary and to further define the utilization of appropriate treatment facilities other than those utilized by the State Vocational Rehabilitation agency.

Accordingly, the regulations are adopted as proposed except for changes in the first sentence of § 416.981 and in paragraph (b)(2) of § 416.984, and are set forth below.

(Secs. 1102, 1611, 1614, and 1631 of the Social Security Act, as amended; 49 Stat. 647, as amended, 86 Stat. 1466, 86 Stat. 1471, 86 Stat. 1475; 42 U.S.C. 1302, 1382, 1382c, and 1383.)

Effective date. These amendments shall be effective November 6, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: November 22, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding §§ 416.981 through 416.985 reading as follows:

Subpart I—Determination of Disability or Blindness

Sec.

416.981 Medically determined drug addicts and alcoholics.
416.982 Treatment required for medically determined drug addicts and alcoholics.
416.983 Appropriate treatment.
416.984 Institutions or facilities approved by the Secretary.
416.985 Availability of treatment.

Subpart I—Determination of Disability or Blindness

§ 416.981 Medically determined drug addicts and alcoholics.

For purposes of this Part 416 an individual will be medically determined to be a drug addict or alcoholic only if he is under a disability (as defined in § 416.901(b)) and drug addiction or alcoholism is a contributing factor to such disability, i.e., is material to the finding of disability. An individual who is under a disability as defined in § 416.901(b) independent of his drug addiction or alcoholism will not be medically determined to be a drug addict or alcoholic for the purposes of Subpart Q of this part. This provision does not apply to any individual whose eligibility for benefits under this Part 416 is based on age or blindness.

§ 416.982 Treatment required for medically determined drug addicts and alcoholics.

No disabled person shall be an eligible individual or eligible spouse for any month if such individual is medically determined to be a drug addict or alcoholic, in accordance with § 416.981, unless he is undergoing treatment that is appropriate for his condition as a drug addict or alcoholic at an approved institution or facility (see § 416.984), so long as such treatment is available, and demonstrates that he is complying with the terms, conditions, and requirements of such treatment.

§ 416.983 Appropriate treatment.

For purposes of this Part 416, appropriate treatment is a recognized medical or other professional procedure for the individual's condition as a drug addict or alcoholic and carried out at, or under the supervision of, an approved treatment facility (see § 416.984). This treatment may include medical examination and treatment, psychiatric, psychological and vocational counselling, or other appropriate services. It may be furnished through one or more facilities as part of an individualized treatment plan intended to insure that the individual is receiving treatment appropriate to his specific needs.

§ 416.984 Institutions or facilities approved by the Secretary.

(a) ***Approved institutions or facilities.*** An institution or facility that furnishes medically recognized treatment for drug addiction or alcoholism, in conformity with applicable Federal and State laws and regulations, may be approved by the Secretary for the purpose of these provisions.

(b) ***Treatment facilities deemed to be approved by the Secretary.*** —(1) ***Conversion cases.*** If an individual, medically determined to be a drug addict or alcoholic in accordance with § 416.981, is converted to the Federal program from a State program on the basis of the criteria outlined in § 416.901(b)(2) and as a condition of eligibility for aid under such State plan he was required to undergo treatment for drug addiction or alcoholism at an institution or facility accepted by the State for such purpose, such institution or facility will be deemed to be approved by the Secretary for such individuals.

(2) *Other cases.* Any institution or facility utilized by a State vocational rehabilitation agency for treatment of drug addicts or alcoholics in connection with their rehabilitation programs under the Rehabilitation Act of 1973, or any institution or facility utilized or licensed by any other appropriate State agency will be deemed to be approved by the Secretary for treatment of medically determined drug addicts or alcoholics. Utilization of appropriate treatment facilities other than those utilized by the State Vocational Rehabilitation agency means the referral of an individual by any State agency empowered to make such referrals to any institution or facility for treatment of drug addiction or alcoholism.

§ 416.985 Availability of treatment.

Whether treatment is available to a particular individual shall depend on the existence of an obtainable treatment vacancy in an approved institution or facility (see § 416.984) and the condition and circumstances of the individual, the treatment required, and the location of the treatment institution or facility, or the services or resources provided by the institution or facility. In determining the availability of treatment, consideration will also be given to the individual's general health, including his mobility and capacity to comprehend the essential specifications of appropriate treatment and the availability and cost of public and private transportation. The individual is not expected to pay for the treatment provided.

[FR Doc.75–29844 Filed 11–5–75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F–0059]

PART 121—FOOD ADDITIVES

Food Additives Permitted in Food for Human Consumption; Chemical for Controlling Microorganisms in Cane-Sugar and Beet-Sugar Mills

Correction

In FR Doc. 75–28547, appearing at page 49573, in the issue for Thursday, October 23, 1975, the following correction should be made: On page 49574, the chemical name in the third entry under § 121.1155(b)(3)(i) should read: "Sodium dimethyldithiocarbamate".

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 442—CEPHA ANTIBIOTIC DRUGS

Sterile Cephradine; Cephradine for Injection

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, regarding approval of the sterile antibiotic drug product cephradine for injection.

The Commissioner concludes that data supplied by the manufacturer about this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for its certification, effective November 6, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. Part 436 is amended:

a. In § 436.31 by adding new paragraphs (a)(5) and (b)(13) and (14), to read as follows:

§ 436.31 Equipment and diluents for use in biological testing.

• • • • • •

(a) • • •

(5) *Pyrogen-free sodium carbonate.* Heat anhydrous sodium carbonate for not less than 4 hours at 170° C.

(b) • • •

(13) Diluent 13 (pyrogen-free sodium carbonate solution). Dissolve 25.6 grams of anhydrous pyrogen-free sodium carbonate (prepared as described in paragraph (a)(5) of this section) in 1,000 milliliters pyrogen-free, distilled water (diluent 1). Pyrogen-free sodium carbonate solution meets the requirements for the absence of pyrogens as described in § 436.32(a)(3) when 1.0 milliliter per kilogram is administered as described in § 436.32(a)(2).

(14) Diluent 14 (0.07M sterile sodium carbonate solution). Dissolve 7.3 grams of sodium carbonate in distilled water to make 1,000 milliliters. Sterilize in an autoclave at 121° C for 20 minutes.

b. In § 436.32 by adding a new paragraph (g), to read as follows:

§ 436.32 Pyrogen test.

• • • • • •

(g) *Method 7.* Proceed as directed in paragraph (a) of this section, except dilute sample with sodium carbonate solution (diluent 13).

c. In § 436.33(b) by alphabetically inserting two new items in the table, as follows:

§ 436.33 Safety test.

• • • • • •

(b) • • •

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Antibiotic drug	Diluent (diluent number as listed in sec. 436.31)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in par. (c) of this section
• • •	•	•	•	•
Cephradine for injection	1	23	0.5	Intravenous.
Cephradine, sterile	14	23	.5	Do.
• • •	•	•	•	•

• • • • • •

2. Part 442 is amended by adding §§ 442.40a and 442.240 to Subparts A and C, respectively, as follows:

§ 442.40a Sterile cephradine.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephradine is 7-[D-2 - amino - 2 - (1,4 - cylohexadien - 1-yl) acetamido] - 3 - methyl - 8- oxo - 5-thia - 1 - azabicyclo[4.2.0]oct - 2 - ene-2-carboxylic acid. It is so purified and dried that:

(i) Its potency is not less than 900 and not more than 1,050 micrograms of cephradine per milligram on an anhydrous basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 6.0 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 6.0.

(vii) Its cephalexin content is not more than 5 percent on an anhydrous basis.

(viii) It passes the identity test.

(ix) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, cephalexin content, identity, and crystallinity.

(ii) Samples required:

(A) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(B) For sterility testing: 1 package containing approximately 6 grams of a composite sample.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 442.40 (b) (1) of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(g) of this chapter, using a solution containing 80 milligrams of cephradine per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 o this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(7) *Cephalexin content.* Proceed as directed in § 442.40(b) (5).

(8) *Identity.* Proceed as directed in § 436.211 of this chapter, using the 1 percent potassium bromide disc prepared as described in paragraph (b) (1) of that section.

(9) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 442.240 Cephradine for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephradine for injection is a dry mixture of cephradine and one or more suitable and harmless solubilizing and buffering agents. Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of cephradine that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its loss on drying is not more than 5.0 percent. Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 8.0 and not more than 9.6. The cephradine used conforms to the standards prescribed by § 442.40a(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(A) The sterile cephradine used in making the batch for potency, moisture, pH, cephalexin content, identity, and crystallinity.

(B) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

(ii) Samples required:

(A) The cephradine used in making the batch: 10 packages, each containing approximately 500 milligrams.

(B) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling for intramuscular use. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute an aliquot of this solution with solution 1 to the reference concentration of 10.0 micrograms of cephradine per milliliter (estimated).

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 442.40(b) (1) (ii), preparing the sample as follows: Reconstitute the sample as directed in the labeling for intramuscular use. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute an aliquot of this solution with distilled water to 1 milligram of cephradine per milliliter (estimated)

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 80 milligrams of cephradine per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

Since the conditions prerequisite to providing for certification of the subject antibiotic drug have been complied with and since the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This regulation shall be effective November 6, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: October 31, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-29848 Filed 11-5-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-744]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● **Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).** ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Georgia	Talbot	Woodland, city of	Oct. 28, 1975, emergency	Apr. 11, 1975		
Idaho	Lemhi	Salmon, city of	do			
Indiana	Wabash	Wabash, city of	do	June 7, 1974		
New Hampshire	Hillsborough	Goffstown, town of	do	Sept. 20, 1974		
New York	Washington	Salem, village of	do	Apr. 12, 1974		
Ohio	Knox	Fredericktown, village of	do	Apr. 5, 1974		
Pennsylvania	Bradford	Granville, township of	do	July 26, 1974		
Do	Franklin	Lurgan, township of	do	Nov. 1, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Indiana	Carroll	Unincorporated areas	Oct. 28, 1975 emergency	Oct. 18, 1974		
Minnesota	Koochiching	Ranier, city of	do	Aug. 9, 1974		
Missouri	Jasper	Carl Junction, city of	do	Feb. 8, 1974		
New Jersey	Middlesex	Jamesburg, borough of	do	June 28, 1974		
New Mexico	Grant	Bayard, village of	do	Aug. 30, 1974		
New York	Greene	Prattsville, town of	do	Sept. 20, 1974		
Ohio	Cuyahoga	Shaker Heights, city of	do	Aug. 1, 1975		
Pennsylvania	Berks	Morion, township of	do	Sept. 13, 1974		
Do	Pike	Matamoras, borough of	do			
Vermont	Essex	Concord, town of	do	Sept. 20, 1974		
West Virginia	Brooke	Unincorporated areas	do	Nov. 22, 1974		
Do	Morgan		do			
Do	Monongalia	Blacksville, city of	do	Oct. 25, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Indiana	Tipton	Tipton, city of	Oct. 29, 1975, emergency	Dec. 28, 1973		
Michigan	Antrim	Banks, township of	do			
Nebraska	Webster	Blue Hill, village of	do	Feb. 14, 1975		
Pennsylvania	Susquehanna	Little Meadows, borough of	Oct. 28, 1975, emergency	Nov. 1, 1974		
Do	Washington	Morris, township of	Oct. 29, 1975, emergency	Mar. 21, 1975		
Virginia		Williamsburg, city of (Independent City)	do	Mar. 28, 1975		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Fresno	Fresno, city of	October 30, 1975, emergency	Oct. 18, 1974		
Do	Monterey	Monterey, city of	do			
Florida	Holmes	Ponce de Leon, town of	do	Nov. 22, 1974		
Massachusetts	Middlesex	Groton, town of	do	Sept. 6, 1974		
Michigan	Barry	Maple Grove, township of	do			
Missouri	Buchanan	Rushville, village of	do	Oct. 18, 1974		
Nebraska	Buffalo	Shelton, village of	do	Sept. 6, 1974		
New Hampshire	Grafton	Wentworth, town of	do	Aug. 16, 1974		
New Mexico	Rio Arriba	Unincorporated areas	do	Oct. 25, 1974		
New York	Franklin	Bombay, town of	do	Sept. 6, 1974		
Do	St. Lawrence	Lawrence, town of	do	Sept. 20, 1974		
North Dakota	La Moure	Marion, town of	do	Feb. 21, 1975		
Oklahoma	Muskogee	Braggs, town of	do	Dec. 27, 1974		
Do	Kiowa	Mountain View, town of	do	Nov. 1, 1974		
Wisconsin	Price	Kennan, village of	do	Nov. 8, 1974		

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Poinsett	Weiner, city of	Oct. 31, 1975, emergency	Apr. 18, 1975		
Florida	Sumter	Wildwood, city of	do	Jan. 23, 1974		
Illinois	DeKalb	Genoa, city of	do	Mar. 1, 1974		
Maine	Oxford	Andover, town of	do	Nov. 8, 1974		
Do	Knox	Rockland, city of	do	do		
Montana	Flathead	Unincorporated areas	do	Sept. 13, 1974		
Nebraska	Antelope	Oakdale, village of	do	Dec. 28, 1973		
New Hampshire	Rockingham	Hampton Falls, town of	do	Dec. 6, 1974		
New York	Otsego	Cherry Valley, village of	do	Nov. 15, 1974		
Do	Genesee	Corfu, village of	do	do		
Pennsylvania	Wayne	Bethany, borough of	do	Jan. 17, 1975		
Do	Clarion	Limestone, township of	do	Feb. 21, 1975		
West Virginia	Monongalia	Unincorporated areas	do	July 18, 1975		
Do	Wayne	do	do	Feb. 21, 1975		

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974).

Issued: October 23, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29755 Filed 11-5-75;8:45 am]

[Docket No. FI-745]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

● Purpose. The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards. ●

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be on or before December 8, 1975, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Butler	Georgiana, city of	H 010018A 01 through H 010018A 02	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, P.O. Box 206, Georgiana, Ala. 36033.	Feb. 21, 1975. Oct. 31, 1975.
Arkansas	Ashley	Parkdale, town of	H 050007A 01 through H 050007A 02	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, Town of Parkdale, Town Hall, Parkdale, Ark. 71661.	Mar. 29, 1974. Oct. 31, 1975.
Do	Clay	Piggott, city of	H 050035A 01	do	Mayor, City of Piggott, City Hall, Piggott, Ark. 72454.	Nov. 16, 1973. Oct. 31, 1975.
California	Los Angeles	Culver City, city of	H 060114A 01 through H 060114A 03	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Public Works Director and City Engineer, 9770 Culver Blvd., Culver City, Calif. 90230.	June 28, 1974. Oct. 31, 1975.
Do	do	El Segundo, city of	H 060118A 01 through H 060118A 02	do	Director of Public Works, Main St., El Segundo, Calif. 90245.	July 26, 1974. Oct. 31, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Orange	Villa Park, city of	H 060236A 01 through H 060236A 04	do	Director of Public Works, City of Villa Park, 17855 Santiago Blvd., Villa Park, Calif. 92667.	Feb. 22, 1974. Oct. 31, 1975.
Colorado	Delta	Paonia, town of	H 080045A 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, P.O. Box 460, Paonia, Colo. 81428.	May 24, 1974.
Do	Washington	Otis, town of	H 080178A 01	do	Mayor, Town Hall, Otis, Colo. 80743.	May 24, 1974. Oct. 31, 1975.
Florida	Polk	Winter Haven, city of	H 120271A 01 through H 120271A 06	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, Box 2277, Winter Haven, Fla. 33880.	Aug. 16, 1974. Oct. 31, 1975.
Illinois	Cook	Maywood, village of	H 170124A 01 through H 170124A 02	Governor's Task Force on Flood Control, 300 North State St., Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, 115 South Fifth Ave., Maywood, Ill. 60153.	Feb. 1, 1974.
Do	Edgar	Paris, city of	H 170225A 01 through H 170225A 04	do	Mayor, 123 South Central Ave., Paris, Ill. 61944.	May 3, 1974. Oct. 31, 1975.
Do	Fulton	Cuba, city of	H 170243A 01	do	Mayor, City Hall, Cuba, Ill. 61427.	Jan. 31, 1975. Oct. 31, 1975.
Do	La Salle	Peru, city of	H 170406A 01 through H 170406A 03	do	Mayor, 1503 4th St., Peru, Ill. 61354.	Apr. 5, 1974. Oct. 31, 1975.
Do	Lawrence	Lawrenceville, city of	H 170411A 01 through H 170411A 02	do	Mayor, 700 State St., Lawrenceville, Ill. 62439.	Mar. 8, 1974. Oct. 31, 1975.
Do	Saline	Eldorado, city of	H 170596A 01	do	Mayor, City Hall, Eldorado, Ill. 62930.	Feb. 22, 1974. Oct. 31, 1975.
Do	Vermilion	Rankin, village of	H 170668A 01	do	Village President, South Main St., Rankin, Ill. 60960.	May 17, 1974.
Do	Fulton	Banner, village of	H 170743A 01	do	Village President, Village of Banner, Rural Route No. 3, Canton, Ill. 61520.	Dec. 28, 1973.
Do	Jo Daviess	Hanover, village of	H 170755A 01	do	Mayor, Box 12, Hanover, Ill. 61041.	Apr. 5, 1974. Oct. 31, 1975.
Do	Tazewell	Hopedale, village of	H 170791A 01	do	Village President, Village Hall, Hopedale, Ill. 61747.	Apr. 5, 1974.
Indiana	Orange	Paoli, town of	H 180189A 01 through H 180189A 04	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town President, Municipal Bldg., Paoli, Ind. 47454.	Nov. 23, 1973. Oct. 31, 1975.
Iowa	Cass	Anita, town of	H 190048A 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Anita, Iowa 50020.	May 3, 1974. Oct. 31, 1975.
Do	Clayton	St. Olaf, city of	H 190084A 01	do	Mayor, City Hall, St. Olaf, Iowa 52072.	Aug. 30, 1974. Oct. 31, 1975.
Kansas	Brown	Hiawatha, city of	H 200080A 01	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, First Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Hiawatha, Kans. 66434.	Feb. 8, 1974. Oct. 31, 1975.
Do	Cherokee	Baxter Springs, city of	H 200045A 01	do	Mayor, City of Baxter Springs, City Hall, 11th & Park St., P.O. Box 577, Baxter Springs, Kans. 66713.	May 24, 1974. Oct. 31, 1975.
Do	Harper	Attica, city of	H 200127A 01	do	Mayor, City of Attica, City Hall, 101 North Main St., Attica, Kans. 67009.	June 28, 1974. Oct. 31, 1975.
Do	Jefferson	McLouth, city of	H 200148A 01	do	Mayor, City Hall, Main Street, McLouth, Kans. 66054.	Mar. 22, 1974.
Do	Marion	Marion, city of	H 200207A 01	do	Mayor, City Hall, 203 North 3d., Marion, Kans. 66861.	Feb. 1, 1974. Oct. 31, 1975.
Do	Morris	Council Grove, city of	H 200234A 01	do	Mayor, City of Council Grove, City Hall, 200 West Main St., Council Grove, Kans. 66846.	Dec. 28, 1973. Oct. 31, 1975.
Do	Republic	Belleville, city of	H 200287A 01	do	Mayor, City Hall, Belleville, Kans. 66935.	Feb. 15, 1974. Oct. 31, 1975.
Louisiana	Evangeline Parish.	Basile, town of	H 220065A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town Hall, Basile, La. 70515.	May 24, 1974. Oct. 31, 1975.
Do	do	Turkey Creek, village of.	H 220069A 01	do	Mayor, Village of Turkey Creek, Village Hall, Turkey Creek, La. 70585.	Aug. 30, 1974. Oct. 31, 1975.
Do	Jefferson Davis Parish.	Lake Arthur, town of.	H 220099A 01	do	Regional Planning & Development Commission, Town of Lake Arthur, P.O. Box 3164, Lake Charles, La. 70601.	Jan. 9, 1974. Oct. 31, 1975.
Maine	Penobscot	Bangor, city of	H 230102A 01 through H 230102A 11	Office of Civil Emergency Preparedness, State House, Augusta, Maine. 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine. 04330.	City Planning Department, City Hall, Bangor, Maine. 04401.	Mar. 29, 1974. Oct. 31, 1975.
Massachusetts	Worcester	Bolton, town of	H 250296A 01 through H 250296A 06	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman of Selectmen, Board of Selectmen, Main St., Bolton, Mass. 01740.	June 28, 1974. Oct. 31, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Michigan	Oakland	Madison Heights, city of.	H 260174A 01 through H 260174A 03	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	City Manager, 300 West 13th Mile Rd., Madison Heights, Mich. 48071.	May 24, 1974. Oct. 31, 1975.
Do	Saginaw	Frankenmuth, city of.	H 260185A 01	do	City Manager, 465 South Main, Frankenmuth, Mich. 48734.	Jan. 23, 1974. Oct. 31, 1975.
Do	Wayne	Wayne, city of	H 260245A 01 through H 260245A 02	do	Mayor, 34808 Sims Ave., Wayne, Mich. 48184.	May 31, 1974. Oct. 31, 1975.
Do	Oakland	Clarkston, village of.	H 260472A 01 through H 260472A 02	do	Village President, 25 South Main, Box 207, Clarkston, Mich. 48016.	Apr. 25, 1975 Oct. 31, 1975.
Minnesota	Dakota	Randolph, city of.	H 270112A 01	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, Randolph, Minn. 55065	July 19, 1974. Oct. 31, 1975.
Do	Goodhue	Zumbrota, city of.	H 270148A 01 through H 270148A 02	do	Mayor, Box 158, Zumbrota, Minn. 55992.	May 24, 1974. Oct. 31, 1975.
Do	Meeker	Litchfield, city of.	H 270285A 01 through H 270285A 02	do	Mayor, 126 Marshall Ave., Litchfield, Minn. 55355.	Apr. 12, 1974.
Do	Winona	Rollingstone, city of.	H 270630A 01	do	Mayor, City Hall, Rollingstone, Minn. 55969.	Aug. 2, 1974.
Do	Ramsey	Roseville, city of.	H 270599A 01 through H 270599A 04	do	Mayor, 2701 North Lexington, Roseville, Minn. 55113.	Jan. 25, 1975. Oct. 31, 1975.
Missouri	Butler	Fisk, city of.	H 290015A 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, 119 East Main St., Drexel, Mo. 64742.	Mar. 29, 1974. Oct. 31, 1975.
Do	Clark	Luray, village of.	H 290082A 01	do	Mayor, Village Hall, Luray, Mo. 63453	Oct. 18, 1974.
Do	St. Louis	Lakeshire, city of.	H 290364A 01	do	Mayor, City Hall, 10600 Puttington Dr., St. Louis, Mo. 63123.	May 10, 1974.
Do	Stoddard	Advance, city of.	H 290420A 01 through H 290420A 02	do	Mayor, City Hall, Advance, Mo. 63730.	Mar. 1, 1974. Oct. 31, 1975.
Do	Stone	Crane, city of.	H 290430A 01 through H 290430A 02	do	Mayor, City Hall, 120 North Commerce, Crane, Mo. 65633.	June 7, 1974. Oct. 31, 1975.
Do	Cass	Drexel, city of	H 290064A 01 through H 290064A 02	do	Mayor, City Hall, 119 East Main St., Drexel, Mo. 64742.	Mar. 29, 1974. Oct. 31, 1975.
Do	Stone	Galena, city of.	H 290431A 01	do	Mayor, City Hall, Galena, Mo. 65656	Aug. 30, 1974. Oct. 31, 1975.
New Hampshire	Grafton	Ashland, town of.	H 330042A 01 through H 330042A 08	Office of Comprehensive Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Vice-Chairman Planning Board, School St., Ashland, N.H. 03217.	June 28, 1974. Oct. 31, 1975.
New Jersey	Cape May	Middle, township of.	H 340154A 01 through H 340154A 22	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Township of, 33 Mechanic St., Cape May, N.J. 08210.	Sept. 20, 1974. Oct. 31, 1974.
New York	Jefferson	Chaumont, village of.	H 360329A 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Mayor, Washington St., Chaumont, N.Y. 13622.	May 17, 1974.
Do	Nassau	Plandome Manor, village of.	H 360486A 01	do	Mayor, Village Hall, Plandome Manor, N.Y. No ZIP.	June 21, 1974. Oct. 31, 1975.
North Carolina	Martin	Robersonville, town of.	H 370156A 01	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Box 726, Robersonville, N.C. 27871.	June 7, 1974. Oct. 31, 1975.
Do	Orange	Carrboro, town of.	H 370275A 01	do	Town Manager, P.O. Box 337, Carrboro, N.C. 27510.	Feb. 22, 1974.
North Dakota	Sheridan	Goodrich, city of.	H 380108A 01	State Water Commission, State Office Bldg., 900 East Boulevard, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	City Auditor, City Hall, Goodrich, N. Dak. 58444.	Nov. 22, 1974. Oct. 31, 1975.
Do	Wells	Fessenden, city of.	H 380226A 01	do	Mayor, City Hall, Fessenden, N. Dak. 58438.	Jan. 17, 1975.
Ohio	Cuyahoga	Westlake, city of.	H 390136A 01 through H 390136A 05	Ohio Department of Natural Resources, Fountain Square, Flood Insurance Coordination Bldg., Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	Mayor, 27216 Hilliard Blvd., Westlake, Ohio 44145.	Apr. 12, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Huron	Monroeville, village of.	H 390283A 01	do	Mayor, Monroeville, Ohio 44847	Nov. 2, 1973. Oct. 31, 1975.
Do	Knox	Danville, village of.	H 390308A 01	do	Mayor, Box W, Danville, Ohio 43014	May 17, 1974. Oct. 31, 1975.
Do	Morgan	McConnelsville, village of.	H 390422A 01	do	Mayor, 9 West Main St., McConnelsville, Ohio 43756.	May 17, 1974.
Oklahoma	Tillman	Davidson, town of.	H 400204A 01	Oklahoma Water Resources Board, Fifth Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Chairman, Board of Trustees, Town Hall, Davidson, Okla. 73530.	July 26, 1974.
Oregon	Lane	Eugene, city of	H 410122A 01 through H 410122A 16	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	City Engineer, Department of Public Works, 777 Pearl St., Eugene, Oreg. 97401.	June 7, 1974. Oct. 31, 1975.
Do	Multnomah	Wood Village, city of.	H 410185A 01	do	City Recorder, City Hall, Wood Village, Oreg. No Zip.	May 10, 1974.
Do	Wasco	Maupin, city of	H 410233A 01	do	Natural Resource Planner, City of Maupin, 502 East 5th St., The Dalles, Oreg. 97058.	Dec. 13, 1974. Oct. 31, 1975.
Pennsylvania	Greene	Clarksville, borough of.	H 420476A-01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Clarksville, Pa. 15322	Nov. 15, 1974. Oct. 31, 1975.
Do	Luzerne	Wyoming, borough of.	H 420633B 01 through H 420633B 02	do	Borough Connell President, 120 2d St., Wyoming, Pa. 18644.	Feb. 9, 1973. Mar. 22, 1974. Oct. 31, 1975.
Do	Erie	Harborcreek, township of.	H 421144A 01 through H 421144A 05	do	Township Board of Supervisors, Chairman, 5691 Buffalo Rd., Harborcreek, Pa. 16421.	Sept. 13, 1974. Oct. 31, 1975.
Do	Huntingdon	Wood, township of.	H 421707A 01 through H 421707A 04	do	Wood Township Supervisors, Chairman, Wood, Pa. 16694.	Dec. 20, 1974. Oct. 31, 1975.
Do	York	West Manheim, township of.	H 422234A 01 through H 422234A 09	do	Township Supervisors, Chairman, Township of West Manheim, Rural Delivery No. 1, Hanover, Pa. 17331.	Dec. 13, 1974.
Do	Armstrong	North Apollo, borough of.	H 422300A 01	do	Borough Council President, Box 207, North Apollo, Pa. 15673.	Jan. 31, 1975. Oct. 31, 1975.
South Carolina	Florence	Florence, city of	H 450078A 01	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	City Manager, Drawer AA, City County Complex, Florence, S.C. 29501.	May 31, 1974. Oct. 31, 1975.
Texas	Ochiltree and Lipscomb.	Booker, city of	H 480444A 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, Booker, Tex. 79005.	May 24, 1974. Oct. 31, 1975.
Utah	Davis	Farmington, city of.	H 490044A 01 through H 490044A 02	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Farmington, Utah 84025.	June 28, 1974. Oct. 31, 1975.
Do	Garfield	Panguitch, city of.	H 490070A 01	do	Mayor, City Hall, Panguitch, Utah 84759.	June 28, 1974.
Do	Wasatch	Midway, city of	H 490167A 01	do	Mayor, City Hall, Midway, Utah 84049.	June 28, 1974. Oct. 31, 1975.
Virginia	Independent	Fredericksburg, city of.	H 510065A 01 through H 510065A 02	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton, Bldg., P.O. Box 1157, Richmond, Va. 23209.	City Manager, City Hall, Box 239, Fredericksburg, Va. 22401.	June 21, 1974. Oct. 31, 1975.
Do	King William	West Point, town of.	H 510063A 01 through H 510063A 04	do	Mayor, Town Office, West Point, Va. 23181.	May 31, 1974. Oct. 31, 1975.
Washington	King	Normandy Park, city of.	H 530084A 01 through H 530084A 02	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	City Manager, City Hall, Normandy Park, Wash. 98166.	June 28, 1974. Oct. 31, 1975.
Do	Spokane	Medical Lake, town of.	H 530179A 01 through H 530179A 02	do	Town Planner, Town Hall, Medical Lake, Wash. 99022.	June 7, 1974. Oct. 31, 1975.
Wisconsin	Racine	Sturtevant, village of.	H 550358A 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Village President, 3111 91st St., Sturtevant, Wis. 53177.	May 24, 1974.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: October 23, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29756 Filed 11-5-75;8:45 am]

V 40 215 NOV 6 75 XUM

[Docket No. FI-776]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of Mobile, Alabama

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the County of Mobile, Alabama, as an eligible community and included Map No. H 015008 28, which indicates that the subdivision known as Rabbit Creek Estates, Mobile County, Alabama, as recorded in Map Book 25, Page 88, in the office of the Judge of the Probate Court of Mobile County, Alabama, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 1–6 and 10–15 of the above mentioned subdivision are within Zone C, and Lots 7–9 are within Zone B, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the rate map. Accordingly, effective December 15, 1970, Map No. H 015008 28 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29872 Filed 11-5-75;8:45 am]

[Docket No. FI-775]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Arvada, Colorado

On July 13, 1972, in 37 FR 13715, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Arvada, Colorado, as an eligible community and included Map No. H 085072 04, which indicates that Lot 4, Oak Subdivision, Arvada, Colorado, as recorded in Book 30, Page 33, in the office of the Clerk and Recorder of Jefferson County, Colorado, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone B, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the rate map. Accordingly, effective May 1, 1971, Map No. H 085072 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29873 Filed 11-5-75;8:45 am]

[Docket No. FI-327]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Cedar Rapids, Iowa

On August 12, 1974, in 39 FR 28888, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Cedar Rapids, Iowa, as an eligible community and included Map No. H 190187 01 which indicates that Lots 328 through 369, Northbrook Unit VII, Cedar Rapids, Iowa, as recorded in Volume 19, page 80 in the office of the Recorder of Linn County, Iowa, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective August 2, 1974, Map No. H 190187 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 21, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-29874 Filed 11-5-75;8:45 am]

[Docket No. FI-134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Borough of Chatham, New Jersey

On May 24, 1973, in 38 FR 13646, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Borough of Chatham, New Jersey, as an eligible community and included Map No. H 340338 02, which indicates that Lot 3/7, Block 148, Borough of Chatham, New Jersey, as recorded in Deed Book 2325, Page 341, in the office of the Clerk of Morris County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective June 1, 1973, Map No. H 340338 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 21, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-29875 Filed 11-5-75;8:45 am]

[Docket No. FI-321]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Charlotte, North Carolina

On August 6, 1974, in 39 FR 28265, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Charlotte, North Carolina, as an eligible community and included Map No. H 370159 21, which indicates that Lot 49, Block 22, Starmont #5 Subdivision, Charlotte, North Carolina, as recorded in Map Book 9, Page 385, in the office of the Register of Deeds for Mecklenburg County, North Carolina, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 370159 21 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 20, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-29876 Filed 11-5-75;8:45 am]

[Docket No. FI-748]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Washington, North Carolina

On February 8, 1973, in 638 FR 3582, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Washington Park, North Carolina, as an eligible community and included Map No. H 370268 01, which indicates that Lot 3, Block 11, Washington Park, North Carolina, as recorded in Plat Cabinet A, Slide 30, in the office of the Register of Deeds of Beaufort County, North Carolina, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective February 9, 1973, Map No. H 370268 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 20, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-29877 Filed 11-5-75;8:45 am]

[Docket No. FI-270]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Grove City, Ohio

On May 17, 1974, in 39 FR 17523, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Grove City, Ohio, as an eligible community and included Map No. H 390173 04 which indicates that a part of Brook Park Section 2, Grove City, Ohio, as recorded in Plat Book 50, Page 4 in the Office of the Recorder of Franklin County, Ohio, is within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 1 through 18, and 29 of the above property are not within the Special Flood Hazard Area. Accordingly, effective May 17, 1974, Map No. H 390173 04 is hereby corrected to reflect these lots are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 22, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29878 Filed 11-5-75;8:45 am]

[Docket No. FI-288]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Groveport, Ohio

On June 13, 1974, in 39 FR 2695, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Groveport, Ohio, as an eligible community and included Map No. H 390174 02 which indicates that a portion of Hamilton Downs Section 1, Groveport, Ohio, as recorded in Plat Book 50, Pages 15 and 16 in the office of the Recorder of Franklin County, Ohio, is within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 1 through 109, and Reserves B and C of the above property are not within the Special Flood Hazard Area. Accordingly, effective May 31, 1974, Map No. H 390174 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 20, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-29880 Filed 11-5-75;8:45 am]

[Docket No. FI-279]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Richardson, Texas

On June 3, 1974, in 39 FR 19466, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Tulsa, Oklahoma, as an eligible community and included Map No. H 405381 15 which indicates that Pads 105 through 116, 132 through 160, 201, 202, 211 through 214, 301, 302, 303, 310 through 314, 321, 322, 323, 401, 402, 409, 410, 411, 507, 508, 601 through 639, 651 through 683, 701 through 725, 801 through 819, and 901 through 919, Cherry Hills Mobile Home Park, Tulsa, Oklahoma, as recorded in Book 3927, Page 1949 of Document 76086 in the office of the Clerk of Tulsa County, Oklahoma, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone B, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective November 20, 1970, Map No. H 405381 15 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968, (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 20, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-29880 Filed 11-5-75;8:45 am]

[Docket No. FI-279]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Richardson, Texas

On June 3, 1974, in 39 FR 19466, the Federal Insurance Administrator pub-

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lished a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Richardson, Texas, as an eligible community and included Map No. H 480184 09 which indicates that Lot 36, Block 10, University Estates No. 3–A, Richardson, Texas, as recorded in Volume 72036, Pages 1095 through 1101 in the office of the Clerk of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective May 24, 1974, Map No. H 480184 09 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 21, 1975.

RICHARD KRIMM,
Acting Federal
Insurance Administrator.

[FR Doc.75–29881 Filed 11–5–75;8:45 am]

[Docket No. FI–755]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Chesapeake, Virginia

On July 18, 1970, in 35 FR 11586, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Chesapeake, Virginia, as an eligible community and included Map No. H 510034 01 which indicates that Lot 20, Raleigh Place Section 9, Chesapeake, Virginia, as recorded in Map Book 59, Page 6 in the office of the Clerk of the Circuit Court of Chesapeake, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective July 18, 1970, Map No. H 510034 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 20, 1975.

RICHARD KRIMM,
Acting Federal
Insurance Administrator.

[FR Doc.75–29883 Filed 11–5–75;8:45 am]

[Docket No. FI–754]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. E 515525 21 which indicates that Lot 48, Section One, Chalet Woods Subdivision being 14830 Cranoke Street, Centreville, Virginia, as recorded in Deed Book 2906, Page 307 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 21 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 21, 1975.

RICHARD KRIMM,
Acting Federal
Insurance Administrator.

[FR Doc.75–29884 Filed 11–5–75;8:45 am]

[Docket No. FI–752]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 24 which indicates that Lot 195, Section 4, Pohick Estates Subdivision, being 8731 LaGrange Street, Lorton, Fairfax County, Virginia, as recorded in Deed Book 2871, Page 463 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 24 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 20, 1975.

RICHARD KRIMM,
Acting Federal
Insurance Administrator.

[FR Doc.75–29882 Filed 11–5–75;8:45 am]

[Docket No. FI–454]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Chesterfield County, Virginia

On January 28, 1975, in 40 F.R. 4134, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Chesterfield County, Virginia, as an eligible community and included Map No. H 510035 70 which indicates that Lot 35, Block A, Section 3, Kendale Acres, Chesterfield County, Virginia, as recorded in Plat Book 22, Pages 13 through 15 in the office of the Clerk of Chesterfield County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective January 10, 1975, Map No. H 510035 70 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 20, 1975.

RICHARD KRIMM,
Acting Federal
Insurance Administrator.

[FR Doc.75–29885 Filed 11–5–75;8:45 am]

[Docket No. FI–751]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515552 18 which indicates that Lot 439A, Section 7, Canterbury Woods Subdivision, being 5003 Althea Drive, Fairfax County, Virginia, as recorded in Deed Book 3199, Page 331 in the office of the Clerk of the Court, Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 18 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 20, 1975.

RICHARD KRIMM,
Acting Federal
Insurance Administrator.

[FR Doc.75–29885 Filed 11–5–75;8:45 am]

[Docket No. FI–751]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 04 which indicates that Lot 3 of a Subdivision of a Portion of the Property of Louise R. Hartley, being 935 Swinks Mill Road, McLean, Virginia, as recorded in Book 4249, Page 644 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is within Zone B, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 04 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 22, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.75–29887 Filed 11–5–75;8:45 am]

Title 26—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7389]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Temporary Regulations Relating to Disclosure Statements Regarding Individual Retirement Accounts, Individual Retirement Annuities, and Endowment Contracts

This document contains temporary income tax regulations (26 CFR Part 11) under section 407(l) of the Internal Revenue Code of 1954 as added by section 2002 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406, 88 Stat. 958), hereinafter referred to as the "Act", in order to provide rules for the issuance of disclosure statements to individuals for whom an individual retirement account, an individual retirement annuity, or an endowment contract described in section 408(b) of the Code is established pursuant to section 408(l) of the Code. These temporary regulations are to remain in force and effect until superseded by permanent regulations.

Section 408(l) of the Code requires, in part, that the trustee of an individual retirement account and the issuer of an endowment contract described in section 408(b) or an individual retirement annuity make a report regarding such account, contract, or annuity to the individuals for whom the account, contract, or annuity is, or is to be, maintained with respect to contributions, distributions, and such other matters as set forth in regulations. The time and manner of furnishing such reports is also left to regulatory prescription.

The temporary regulations provide that a disclosure statement must be furnished to the "benefited individual" for whom such account, contract, or annuity is established. Furthermore, a copy of the instrument which establishes such account, contract, or annuity must accompany the disclosure statement.

A disclosure statement must be furnished to the benefited individual not later than the seventh day preceding the date on which the account, contract, or annuity is established. However, if the account, contract, or annuity permits the benefited individual to revoke the account, contract, or annuity within at least seven days, then the disclosure statement may be furnished on the date of establishment. A special disclosure statement is required to be furnished no later than the 30th day after the date an amendment to the account, contract, or annuity becomes effective or is adopted (whichever is later). If an account, contract, or annuity has already been established, purchased, or amended before November 30, 1975, a disclosure statement must be furnished not later than December 31, 1975.

The contents of the disclosure statement required under the temporary regulations involve three different categories. All information must be set forth in non-technical language. First, the regulations require concise explanations of the statutory requirements of the account, contract, or annuity, and of the statutory limitations and restrictions on the retirement savings deduction.

The second category consists of statements describing, among other things, the statutory prohibitions against engaging in prohibited transactions, borrowing on or pledging as security for a loan the account, contract, or annuity, making distributions before age 59½, and making certain accumulations.

The third category requires a financial disclosure, in accordance with the description set forth in the temporary regulations, for the first five taxable years during which contributions are to be made, and for the years during which the benefited individual attains ages 60, 65 and 70.

The disclosure statement required to be issued in relation to an amendment of an account, contract, or annuity need only contain those matters which are affected by such amendment.

ADOPTION OF REGULATIONS

In order to prescribe temporary income tax regulations pursuant to section 408(l) of the Internal Revenue Code of 1954, as added by section 2002 of the Employee Retirement Income Security Act

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of 1974 (Pub. L. 93-406, 88 Stat. 958), relating to disclosure statements to an individual for whom is established an individual retirement account, individual retirement annuity, or endowment contract described in section 408 (b), the following regulations are hereby adopted:

§ 11.408(i)-1 Disclosure statements regarding individual retirement accounts, individual retirement annuities, and endowment contracts described in section 408(b).

(a) *Requirement of disclosure statement.* Under the authority contained in section 408(i), a disclosure statement shall be furnished in accordance with the provisions of this section by the trustee of an individual retirement account or the issuer of an individual retirement annuity or of an endowment contract described in section 408(b) to the individual (hereinafter referred to as the "benefited individual") for whom the account, contract, or annuity is established. Such disclosure statement shall be accompanied by a copy of the instrument which establishes the account, contract, or annuity.

(b) *Time for furnishing disclosure statement*—(1) *General rule.* Except as provided in paragraph (b)(2) of this section, a disclosure statement required by this section shall (except in the case of a disclosure statement relating to an amendment) be furnished to the benefited individual not later than the seventh day preceding the date on which the individual retirement account, individual retirement annuity, or endowment contract is established on his behalf. Such disclosure statement may be furnished on the date of establishment if the benefited individual is permitted to revoke the account, annuity or contract within at least seven days of such establishment date. A disclosure statement relating to an amendment described in paragraph (d) of this section shall be furnished to the benefited individual not later than the 30th day following the later of the date on which the amendment becomes effective or the date on which it is adopted.

(2) *Accounts, annuities, or contracts established or amended before November 30, 1975.* In the case of an account, annuity, or contract described in paragraph (a) of this section which is established, purchased, or amended before November 30, 1975, the disclosure statement required by this section with respect to such establishment, purchase, or amendment shall be furnished to the benefited individual not later than December 31, 1975.

(c) *Contents of disclosure statement.* Except as provided in paragraph (d) of this section, the disclosure statement required by this section shall set forth in non-technical language the following matters:

(1) Concise explanations of—

(i) The statutory requirements with respect to the account, annuity or contract (as the case may be) as prescribed in section 408(a) (relating to an individual retirement account) and section 408(b) (relating to an individual retirement annuity and an endowment contract).

(ii) The limitations and restrictions on the deduction for retirement savings under section 219.

(2) Statements to the effect that—

(i) If the benefited individual or his beneficiary engages in a prohibited transaction described in section 4975(c) with respect to an individual retirement account, the account will lose its exemption from tax by reason of section 408(e)(2)(A), and the owner of the account must include in gross income the fair market value of the account.

(ii) If the owner of an individual retirement annuity or endowment contract described in section 408(b) borrows any money under or by use of such annuity or contract, then, under section 408(e)(3), such annuity or contract loses its section 408(b) classification and the owner must include in gross income the fair market value of the annuity or endowment contract.

(iii) If a benefited individual pledges an individual retirement account as security for a loan, then, under section 408(e)(4), the portion so pledged is treated as distributed to such individual.

(iv) An additional tax of 10 percent is imposed by section 408(f) on certain distributions made before the benefited individual has attained age 5½.

(v) Section 2039(c) (relating to exemption from estate tax of annuities under certain trusts and plans) is not applicable to an individual retirement account, individual retirement annuity, or endowment contract described in section 408(b).

(vi) Section 402(e) (relating to tax on lump sum distributions) is not applicable to distributions from an individual retirement account, an individual retirement annuity, or an endowment contract described in section 408(b).

(vii) An excise tax is imposed under section 4973 on excess contributions.

(viii) An excise tax may be imposed on the payee under section 4974, relating to certain accumulations.

(ix) Further information can be obtained from any district office of the Internal Revenue Service.

(x) (If applicable) the benefited individual is entitled to revoke the account, annuity or contract within at least seven days of the date of establishment.

(3) The financial disclosure required by paragraph (e) of this section.

(d) *Disclosure statements regarding amendments.* In the case of an amendment to the terms of an account, annuity, or contract described in paragraph (a) of this section, the disclosure statement required by this section need not repeat material contained in the statement furnished pursuant to paragraph (c) of this section, but it must set forth in non-technical language those matters described in paragraph (c) of this section which are affected by such amendment.

(e) *Financial disclosure.* With respect to an account, contract, or annuity described in paragraph (a) of this section, the disclosure statement must set forth unless prohibited by State or Federal law or regulation in effect on November 1, 1975—

(1) In cases where either an amount is guaranteed over a period of time (such as in the case of a non-participating insurance or annuity contract), or a projection of growth of the value of the account, contract, or annuity can reasonably be made (such as in the case of a participating insurance or annuity contract, or a typical savings account), the amount of money that would be available to the benefited individual if the purchaser (i) were to make level annual contributions of an assumed amount, and (ii) were to withdraw such account, contract, or annuity at the end of each of the first 5 years during which contributions are to be made, and at the end of each of the years in which the purchaser attains the ages of 60, 65 and 70.

(2) In all cases not subject to paragraph (e)(1) of this section (such as in the case of a mutual fund), a description (in non-technical language) with respect to the benefited individual's interest in the account, annuity, or contract, of:

(i) Each type of charge which may be made against a contribution made by or on behalf of such individual,

(ii) The method for computing and allocating annual earnings, and

(iii) Each charge (other than those described in complying with paragraphs (e)(2)(i) and (ii) of this section) which may be applied to such interest in determining the net amount of money available to the benefited individual.

(f) *Penalty for failure to furnish disclosure statement.* The provisions of section 6693, relating to failure to provide reports on individual retirement accounts or annuities, shall apply to any trustee or issuer who fails to deliver a disclosure statement in accordance with this section.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(This Treasury decision is issued under the authority contained in sections 408 (i) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 964, 68A Stat. 917; 26 U.S.C. 408(i) and 7805.)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: November 3, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.75-29839 Filed 11-3-75;11:05 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-195]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Areas, Henderson Harbor, N.Y.

This amendment to the anchorage Regulations relocates special anchorage Area B in Henderson Harbor, New York, 300 feet to the north of its present position. The size of the anchorage area would remain the same.

The relocation is necessary in order to allow unobstructed access to Graham Creek. The present location of the anchorage area places the southwest corner of the area in the middle of the Graham Creek channel.

The relocation of the anchorage will clear the channel and increase vessels safety, therefore notice and public procedure are contrary to the public interest and the amendment will become effective in less than thirty days.

In consideration of the foregoing, Part 110 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 110.87 [Amended]

In § 110.87(b), by striking the figure "700 feet" and inserting the figure "1000 feet" in place thereof.

(Sec. 1.28 Stat. 647, as amended (33 U.S.C. 258); Sec. 6(g)(1)(c), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(c); 49 CFR 1.46(c)(8); 5 U.S.C. 552(b)(3)(B)).

Effective date. This amendment is effective December 8, 1975.

Dated: October 31, 1975.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-29851 Filed 11-5-75;8:45 am]

[CGD 74-300]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Coney Island Creek, N.Y.

This amendment changes the regulations for the City of New York highway bridge at Harway (Cropsey) Avenue across Coney Island Creek to delete the requirement that the draw be restored to operable condition within 6 months after notification by the Commandant to do so. This amendment was circulated as a public notice dated February 5, 1975 by the Commander, Third Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74-300) on January 29, 1975 (40 FR 4317). One reply was received which had no objection to the proposed change.

Also, editorial changes in § 117.190(f) are made for purposes of clarification.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.190(f) to read as follows:

§ 117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.

* * * * * *

(f) * * *

(1) The draws of the following bridges need not open for the passage of vessels and the provisions of paragraphs (b) through (e) of this section shall not apply to these bridges.

(i) Arm of Eastchester Bay, City of New York highway bridge between Rodman Neck and City Island.

(ii) Bronx River, City of New York highway bridge at Westchester Avenue.

(iii) Bronx River, Penn Central railroad bridge north of Westchester Avenue.

(iv) Flushing Creek; Whitestone Parkway Bridge and the City of New York highway and rapid transit bridge at Roosevelt Avenue.

(v) Coney Island Creek; City of New York highway bridges at Harway (Cropsey) Avenue and at Stillwell Avenue and New York City Transit Authority bridge near Stillwell Avenue.

(vi) Richmond Creek; city of New York highway bridge at Richmond Avenue, Staten Island.

(vii) Peekskill (Annsville) Creek, Penn Central railroad bridge near Peekskill, New York.

(viii) Hudson River; State of New York highway (Troy-Menands) bridge between Albany and Rensselaer Counties.

(2) Wappinger Creek; Penn Central Railroad bridge at New Hamburg. The draw shall open on signal from 11:30 a.m. to 7:30 p.m. from May 15 through October 15. At all other times the draw shall open on signal if at least 12 hours notice is given to the Chief Train Dispatcher, Penn Central Railroad Company, New York, N.Y.

(3) Lake Champlain; Vermont Department of Highways bridge across entrance to Missisquoi Bay, between Alburg Tongue and Hog Island, at East Alburg, Vt. The draw shall open on signal if at least 24 hours notice is given.

(4) Missisquoi Bay, Lake Champlain, Vt.; Central Vermont Railway drawbridge. From June 1 through September 30 from 7 a.m. to 11 p.m. the draw shall open on signal. At all other times the draw shall open on signal if at least 24 hours notice is given to Central Vermont Railway, Inc., St. Albans, Vt. 05478.

(5) Tonawanda Creek; Penn Central Railroad Company bridge between Tonawanda and North Tonawanda. From December 16 through March 31, the draw shall open on signal if at least 12 hours notice is given. From April 1 through December 15, the draw shall open on signal and shall be left in the fully open position whenever a drawtender is not in attendance.

(6) Tonawanda Inner Harbor (Little River); Penn Central Railroad Company bridge between Island Street, North Tonawanda, and Tonawanda Island. The draw shall open on signal if at least 24 hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall be come effective on December 8, 1975.

Dated: October 30, 1975.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-29862 Filed 11-5-75;8:45 am]

[CGD 75-087]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Coosaw River, S.C.

This amendment changes the regulations for the Seaboard Coast Line Railroad swing span across the Coosaw River (Whale Branch) near Coosaw, S.C., to require that the draw open on signal from 6 a.m. to 8 p.m., Monday through Friday, if at least 24 hours notice is given. At all other times the draw may remain closed to the passage of vessels. This amendment was circulated as a public notice dated May 9, 1975, by the Commander, Seventh Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75-087) on May 5, 1975, (40 FR 19484). Ten responses were received. Two had no objection to the proposal. Eight objected in general terms to the proposal, however, in view of the limited requests for passages from vessels (21 openings from January 1974 through June 1975), the Coast Guard feels that the regulations as proposed will provide for the reasonable needs of navigation. If navigation increases on this stretch of this waterway, these regulations may be amended.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising paragraph (h) (8) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * * *

(h) * * *

(8) *Coosaw River (Whale Branch).* The draw of the Seaboard Coast Line Railroad bridge, mile 5.8, and the draw of the U.S. Highway 21 bridge, mile 7.0, shall open on signal from 6 a.m. to 8 p.m., Monday through Friday, if at least 24

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hours notice is given. At all other times, the draw need not open for the passage of vessels.

* * * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on December 8, 1975.

Dated: October 31, 1975.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-29863 Filed 11-5-75;8:45 am]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 46—PROTECTION OF HUMAN SUBJECTS

Fetuses, Pregnant Women, In Vitro Fertilization

On August 8, 1975, final regulations were published in the FEDERAL REGISTER (40 FR 33526) concerning research, development, and related activities involving fetuses, pregnant women, and human *in vitro* fertilization.

Section 46.207 thereof provides in pertinent part that: "No pregnant woman may be involved as a subject in an activity covered by this subpart unless: (1) The purpose of the activity is to meet the health needs of the mother and the fetus will be placed at risk only to the minimum extent necessary to meet such needs. . . ." This is consistent with Recommendation No. 2 of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (40 FR 33547). Section 46.206, however, states that: "No activity to which this subpart is applicable may be undertaken unless: . . . . (2) Except where the purpose of the activity is to meet the health needs of the particular fetus, the risk to the fetus is minimal. . . ." Since § 46.206 sets forth general limitations applicable to the entire subpart, it unintentionally confines the scope of the aforequoted portion of § 46.207 to research involving minimal risk to the fetus despite the clear aim of § 46.207 to permit research involving greater than minimal risk to the fetus where necessary to meet the health needs of the mother. The amendment set forth below is intended to correct this error.

In view of the limited purpose of the amendment, the Department finds that good cause exists for dispensing with a notice of proposed rulemaking.

Accordingly, section 46.206(a) of Subpart B of Part 46 of Title 45 is amended to read as follows:

§ 46.206 General limitations.

(a) * * *

(2) Except where the purpose of the activity is to meet the health needs of the mother or the particular fetus, the risk to the fetus is minimal and, in all cases, is the least possible risk for achieving the objectives of the activity.

Dated: October 9, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: October 31, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-29845 Filed 11-5-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36137]

CLASSIFICATION OF CARRIERS
Revision of Rules

Decided October 6, 1975.
Service Date November 5, 1975.

Upon investigation and consideration of views, arguments and representations of the parties, certain revised accounting and reporting regulations concerning classification of carriers, governing railroads, electric railways, motor carriers of property, motor carriers of passengers, inland and coastal waterway carriers and freight forwarders, are adopted to be effective January 1, 1976.

Harry J. Breithaupt, Jr. and *Hollis G. Duensing* for Association of American Railroads (AAR);

Paul Angeloff for Chattahoochee Industrial Railroad;

Lawrence R. Temple for Scholastic Transit Co.;

Thomas R. Fugee for National Accounting and Finance Council of the American Trucking Associations, Inc. (ATA);

H. R. Hill for H. R. Hill Trucking; Association;

Norman R. Benke for Consolidated Freightways;

Thomas Keene for Keene's Transfer, Inc.;

K. H. Lemnah for Montpelier and Barre Railroad Company; and

C. L. Packard for Georgia Highway Express, Inc.

REPORT OF THE COMMISSION

By Notice of Proposed Rulemaking dated April 22, 1975, served May 20, 1975, and published in the FEDERAL REGISTER on May 23, 1975 (40 FR 22557), the Commission made public that it had under consideration certain revisions to the uniform system of accounts and reports for the following modes:

Railroad Companies
Electric Railways
Motor Carriers of Passengers
Motor Carriers of Property
Inland and Coastal Waterway Carriers
Freight Forwarders.

All interested parties were given the opportunity to submit their views and comments in writing by June 23, 1975.

BACKGROUND

An extended lag affects the classification of carriers under current accounting and reporting rules. In some instances, this lag extends as long as three years after carriers qualify for reclassification.

The Commission believes the revisions described in the appendices hereto will eliminate undue delays in reclassification and minimize system implementation problems. The revisions will also provide stability and active carrier participation in the classification process.

REPRESENTATIONS

The public notification of the proposed rulemaking in the FEDERAL REGISTER provided that any person desiring to participate could do so by filing, within a prescribed time, written statements of facts, views or arguments. Comments received from the ten respondents are summarized below:

The Association of American Railroads (AAR) unequivocally supported the increase in the minimum dollar classification guidelines and the upward reclassification of carriers based on a single year's revenues. However, the AAR opposed elimination of the one year transition period between the base year and effective date of classification. It also opposed the filing of the carrier classification form by carriers not subject to reclassification.

The Chattahoochee Industrial Railroad supported the increase in the minimum dollar classificataion guidelines and proposed the adoption of an inflation clause in the accounting and reporting rules. This clause would provide for automatic revision of the minimum dollar classification guidelines in the event of inflationary increases. It also proposed more uniform time constraints in the reclassification process and contends that upward and downward reclassification should be effective immediately after attainment of a new classification.

The National Accounting and Finance Committee of the American Trucking Associations, (ATA), objected to the provisions requiring all carriers to file the carrier classification form. It requested an exemption for carriers not subject to reclassification.

Scholastic Transit Company unequivocally supported the proposal.

Keene's Transfer, Inc. requested an increase in the Class III minimum dollar classification.

Consolidated Freightways submitted comments similar to ATA's.

The California Trucking Association unequivocally supported the proposal and urged the Commission to limit exceptions.

H. R. Hill Trucking requested an increase in the minimum dollar classification guidelines for Class III motor carriers of property. It also suggested the establishment of separate accounting and reporting requirements for contract motor carriers.

Georgia Highway Express submitted comments similar to ATA's.

DISCUSSION AND CONCLUSIONS

The following discussion is arranged according to subject matters raised by the respondents.

Carrier Classification Form. The respondents generally agreed that the carrier classification form will be useful and appropriate but objected to the applicability of the form to all carriers. The Association of American Railroads objected to the use of the form. The respondents believe the form should only be applicable to carriers subject to reclassification. They presented statistics indicating the vast majority of carriers will not be subject to reclassification. They also indicated that revenue forecasting, as required by the classification form, by carriers not subject to reclassification will be a costly and burdensome task. Similar comments were made regarding the additional paperwork, filing and storage requirements.

We have reviewed the respondents' arguments. The revisions were not intended to create additional costs or burdensome paperwork, filing and storage requirements. Therefore, the proposed regulations will be modified to require only carriers subject to reclassification to file the form. The form will be distributed at the end of the third calendar quarter each year and carriers anticipating reclassification will complete and return the form along with the Quarterly Financial Report for the third calendar quarter. All carriers subject to reclassification, based on actual annual gross carrier operating revenues, will adopt the new accounting and reporting rules of the appropriate date including carriers who failed to file the classification form.

Elimination of One-Year Transition Period for Class I and Class II's. Only the AAR objected to the elimination of the one-year transition period on upward reclassification from Class II to Class I. The other respondents did not comment on this aspect of the revision. The AAR stated the revision fails to recognize the greater accounting and reporting burden imposed on Class I railroads. It believes the proposed two-month transition period, (November 1 to December 31), is not sufficient for data processing and other recordkeeping changes. It also stated retention of the one-year transition period would eliminate the need for the carrier classification form.

We believe that the proposed two-month period is sufficient for all system changes. Under the present accounting rules, Class II railroads are allowed to maintain the same accounts as Class I railroads, however, certain operating accounts must be condensed for Class II report purposes. Similar provisions are included in the accounting rules for electric railroads and inland and coastal waterway carriers. We do not believe the expansion of the accounting system for certain operating accounts will impose an undue hardship on railroads. Carrier management should be able to forcast short-term revenue trends and plan for upcoming reclassification before the issuance of the carrier classification form. Carriers can, therefore, plan necessary system changes.

We believe that a one-year transition period is only warranted in cases where carriers move from a classification not subject to the prescribed uniform system of accounts (USOA) to a classification subject to the USOA.

Increase in Railroad Minimum Dollar Classification. The railroad respondents unanimously supported the increase in the minimum dollar classification guidelines. They believe the increase is reasonable recognition of inflationary trends in the national economy and railroad freight rates. The Chattahoochee Industrial Railroad requested the Commission to consider insertion of an inflation clause which would increase the minimum dollar classification guidelines in the event of future inflationary increases. They stated the last increase was in 1965 and under current trends, the present increase could be nullified within a few years.

We do not accept the proposed "inflation clause" because of the variances in indices measuring inflationary increases. The Commission will continue to assess the effect of inflation on the classification guidelines. When economic and other conditions dictate, the minimum dollar classification guidelines for all modes will be increased accordingly.

Uniform Time Constraints. The Chattahoochee Industrial Railroad proposed uniform time period constraints for railroad reclassifications. The revised effective date for upward reclassifications from Class II to Class I is the year immediately following qualification. Downward reclassification is not effective until the year following the third consecutive year a carrier fails to meet the minimum revenue qualification. Chattahoochee Industrial Railroad stated the three year delay in downward reclassification is unfair and places an unnecessary accounting and reporting burden on carriers for three years.

As previously mentioned, Class I and II railroads maintain similar accounts although Class II railroads condense certain operating accounts for report purposes. The Commission does not view this difference as an accounting and reporting burden. Frequent shifting between Class I and Class II status will distort the continuity of statistical data. The three year delay in downward reclassification will prevent reclassification in cases of unusual or temporary decreases in revenues. Carriers may file for exceptions in circumstances where revenues will evidently remain below the minimum dollar classification guidelines and the delay in reclassification will impose an undue hardship.

Limited Exceptions. The California Trucking Association expressed overall support for the proposal. While it recognized the need for an exception clause, it urged limitation of exceptions to prevent the establishment of "loopholes" for carrier inconvenience.

We incorporated an exception clause into the classification rules to provide relief in justifiable circumstances where undue hardships are imposed on carriers. We will continue to carefully scrutinize all requests for exceptions.

Class III Motor Carriers of Property Revisions. Keene's Transfer Inc. and H. R. Hill Trucking proposed an increase to the Class III minimum dollar classification guideline. In addition, H. R. Hill Trucking requested the establishment of separate accounting and reporting rules for contract motor carriers.

We are aware of the effects of inflation on the minimum dollar classification guidelines. Adjustments to these guidelines will be made when inflationary increases materially distort the classification of carriers.

In our opinion, there is no justification at this time for the establishment of separate accounting and reporting rules for contract motor carriers. Accounting and reporting rules for specialized carriers will be established only when carriers, the Commission and the public will benefit from such action.

FINDINGS

We find that the revisions to the Commission's accounting and reporting regulations concerning the applicability of the carrier classification form, reflected in the appendices hereto, should be approved and adopted effective January 1, 1976.

We further find this decision is not a major Federal Action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

An appropriate order will be entered.

ORDER

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the *6th* day of *October*, 1975.

Consideration having been given to the matters involved in this proceeding, and the said Commission, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That Parts 1201, 1202, 1206, 1207, 1209, 1210, 1240 and 1249 of Title 49 of the Code of Federal Regulations be, and they are hereby revised as set forth below.

It is further ordered, That the prescribed amendments shall be effective for the classification year beginning January 1, 1976, and based on calendar year 1975 operating revenues.

And it is further ordered, That, service of this order be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(49 U.S.C. 12, 20, 304, 913, 1012)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

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PART 1201—RAILROAD COMPANIES

General Instructions

The text of instruction 1–1 "Classification of Carriers" is revised to read:

1–1 Classification of Carriers. (a) For purposes of the accounting and reporting regulations, carriers are grouped into the following two classes:

Class I. Carriers having annual carrier operating revenues of $10 million or more.

Class II. Carriers having annual carrier operating revenues of less than $10 million.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. Class II carriers shall adopt Class I classification effective as of January 1 of the following year.

(2) If at the end of any calendar year a Class I carrier's annual operating revenue is less than $10 million, and has been for three consecutive years, the carrier shall adopt the accounting and reporting requirements for Class II carriers. Such adoption shall be effective as of January 1 of the following year.

(3) Carriers shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Newly organized carriers shall be classified on the basis of their annual carrier operating revenues for the latest period of such operation. If actual data are not available, new carriers shall be classified on the basis of their carrier operating revenue known and estimated for a year.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(6) If unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request the Commission for an exception to the regulations. This request shall be in writing specifying the conditions justifying an exception.

(c) Class I carriers shall keep all of the accounts of this system of accounts which are applicable to their operations. Class II carriers shall keep all of the system of accounts which are applicable to their operations, except that their accounts for operating expenses may be kept under the accounts of the respective condensed groupings provided for herein.

(d) In applying the classification grouping to any switching or terminal company which is operated as a joint facility of owning or tenant railways the sum of the annual carrier operating revenues, the joint facility rent income, and the totals of the joint facility credit accounts in operating expenses, shall be used in determining its class.

PART 1202—ELECTRIC RAILWAYS

The text of instruction 00–1 "Classification of Carriers" is revised to read:

00–1 Classification of carriers.

(a) For purposes of the accounting and reporting regulations, carriers are grouped into the following three classes:

Class I. Carriers having annual carrier operating revenues of $1 million or more.

Class II. Carriers having annual carrier operating revenues of $250,000 but less than $1 million.

Class III. Carriers having annual carrier operating revenues of less than $250,000.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. Adoption of the higher classification shall be effective as of January 1 of the following year.

(2) If at the end of any calendar year a carrier's annual operating revenue is less than the minimum of the class in which the carrier is classified, and has been for three consecutive years, the carrier shall adopt the accounting and reporting requirements of the lower class in which it falls. Such adoption shall be effective as of January 1 of the following year.

(3) Carriers shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Newly organized carriers shall be classified on the basis of their annual carrier operating revenues for the latest period of operation. If actual data are not available, new carriers shall be classified on the basis of their carrier operating revenue known and estimated for a year.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(6) In unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request the Commission for an exception to the regulations. This request shall be in writing specifying the conditions justifying an exception.

(c) Both Class I and Class II carriers shall keep the accounts prescribed herein, except that a condensed grouping of primary operating expense accounts is provided for the use of Class II carriers. Class II carriers desiring to do so may maintain the primary accounts prescribed for Class I carriers but must be prepared to combine the accounts for the purpose of making entries in reports filed with the Commission.

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

Instructions

The text of instruction 2–1 "Classification of Carriers" is revised to read:

2–1 Classification of carriers.

(a) For purposes of the accounting and reporting regulations, carriers are grouped into the following three classes:

Class I. Carriers having annual carrier operating revenues (including interstate and intrastate) of $1 million or more.

Class II. Carriers having annual carrier operating revenues (including interstate and intrastate) of $200,000 but less than $1 million.

Class III. Carriers having annual carrier operating revenues (including interstate and intrastate) of less than $200,000.

(b) (1) The class to which any carrier belongs shall be determined by annual gross carrier operating revenue. If at the end of any calendar year such annual gross carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. For Class III carriers adoption of Class II classification shall be effective as of January 1 of the following year. For Class II carriers adoption of a higher classification shall be effective as of January 1 of the second succeeding year after the carrier meets the minimum revenue limit for Class I.

(2) If at the end of any calendar year a carrier's operating revenue is less than the minimum of the class in which the carrier is classified, and has been for three consecutive years, the carrier shall adopt the accounting and reporting requirements of the lower class in which the current year revenue falls. Adoption of the lower class shall be effective as of January 1 of the following year.

(3) Carriers shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Any carrier which begins new operations (obtains operating authority not previously held) or extends its existing authority (obtains additional operating rights) shall be classified in accordance with a reasonable estimate of its annual carrier operating revenues.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(6) In unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request the Commission for an exception to the regulations. This request shall be in writing specifying the conditions justifying an exception.

(c) Only Class I carriers shall keep all the accounts prescribed in this part, where applicable. Class II and Class III are not required to keep the accounts prescribed in this part.

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

CLASS I AND CLASS II MOTOR CARRIERS INSTRUCTION

1. The text of instruction 1 "Classification of Carriers" is revised to read:

1. Classification of carriers.

(a) For purposes of accounting and reporting regulations, except those regulations pertaining to accounting and reporting for revenue and expense items, common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I. Carriers having annual carrier operating revenues (including interstate and intrastate) of $3 million or more.

Class II. Carriers having annual carrier operating revenues (including interstate and intrastate) of $500,000 but less than $3 million.

Class III. Carriers having annual carrier operating revenues (including interstate and intrastate) of less than $500,000.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. For Class II carriers adoption of Class I classification shall be effective as of January 1 of the following year. For Class III carriers adoption of a higher classification shall be effective as of January 1 of the second succeeding year.

(2) If at the end of any calendar year a carrier's annual carrier operating revenue is less than the minimum of the class in which the carrier is classified, and has been for three consecutive years, the carrier shall adopt the accounting and reporting requirements of the lower class in which the current year revenue falls. Adoption of the lower class shall be effective as of January 1 of the following year.

(3) Carriers shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Any carrier which begins new operations (obtains operating authority not previously held) or extends its existing authority (obtains additional operating rights) shall be classified in accordance with a reasonable estimate of its annual carrier operating revenues.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the combination occurred.

(6) In unusual circumstances, such as partial liquidation, curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request the Commission for an exception to the regulations. This request shall be in writing specifying the conditions justifying an exception.

(c) Special provisions for carriers with revenues from general and special commodities and from household goods operations.

(1) Separate matrices of revenue and expenses are provided for carriers subject to Instructions 27 and 28A and for carriers subject to Instruction 28B for accounting and reporting purposes. For purposes of accounting and reporting, the revenues of common and contract motor carriers of property, shall be categorized as follows:

Instruction 27 and 28A (general and other special commodity).

Instruction 28B (household goods).

Each category of revenue is then classified in accordance with the dollar revenue limits prescribed in paragraph (a). When a carrier has both household goods and general and other special commodity revenue, each category shall be classified (I, II or III) to determine the accounting and reporting regulations which pertain to that category.

(2) If a carrier grouped as Class I or Class II carrier in accordance with paragraph (a) has operations in both categories in paragraph (c) (1) above, and one of the categories is classified as Class III, such revenues and expenses shall be accounted and reported in accordance with the regulations pertaining to the Class I or Class II category.

(3) If a carrier grouped as Class II in accordance with paragraph (a) has operations in both categories and both categories are grouped as Class III in accordance with paragraph (c) (1), such revenues and expenses shall be accounted and reported in accordance with the regulations pertaining to the category with the larger annual carrier operating revenues.

(d) Any carrier, at its option, may adopt the accounting requirements of a higher class than the one in which it falls. Notice of such action shall be promptly filed with the Commission. However, for reporting purposes the carrier shall comply with the reporting requirements of the class applicable to its annual carrier operating revenue.

2. The text of instruction 27 "Distribution of expenses to activities: general commodity carriers" is amended to read:

27. Distribution of expenses to activities: general commodity carriers.

All Class I and Class II common carriers which derive 75 percent or more of their revenues from the intercity transportation of general commodities will be classified as Instruction 27 carriers in the year immediately following the year in which the carriers meet this minimum revenue qualification. They shall distribute expenses to the following activities (see definition 2):

. . . . . .

PART 1209—INLAND AND COASTAL WATERWAYS CARRIERS

Introduction

The text of paragraph (ii) "Classification of Carriers" is revised to read:

(ii) *Classification of carriers.* (a) For purposes of the accounting and reporting regulations, carriers are grouped into the following three classes:

Class A. Carriers having annual carrier operating revenues of $500,000 or more.

Class B. Carriers having annual carrier operating revenues of $100,000 but less than $500,000.

Class C. Carriers having annual carrier operating revenues of less than $100,000.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. For Class B carriers adoption of Class A classification shall be effective as of January 1 of the following year. For Class C carriers adoption of a higher classification shall be effective as of January 1 of the second succeeding year.

(2) If at the end of any calendar year a carrier's annual carrier operating revenue is less than the minimum of the class in which the carrier is classified, and has been for three consecutive years, the carrier shall adopt the accounting requirements of the lower class in which the current year revenue falls. Such adoption shall be effective as of January 1 of the following year.

(3) Carriers shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Any carrier which begins new operations (obtains operating authority not previously held) or extends its existing authority (obtains additional operating rights) shall be classified in accordance with a reasonable estimate of its annual carrier operating revenues.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the

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combined revenue for the year when the combination occurred.

(6) In unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request the Commission for an exception to the regulations. Such request shall be in writing specifying the conditions justifying an exception.

(c) Class A companies shall keep all of the accounts of this system of accounts which are applicable to their operations. Class B companies shall keep all of the accounts of this system of accounts which are applicable to their operations, except that their accounts for operating revenues and operating expenses may be kept under the accounts of the condensed classification provided herein.

PART 1210—FREIGHT FORWARDERS

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Line Item "0–1 Introduction" is amended to read: 0–1 Classification of Carriers.

2. Line Item "0–2 Applicability of the Regulations" is deleted.

INSTRUCTIONS

3. The title and text of instruction "0–1 Introduction" is revised to read: 0–1 Classification of Carriers.

(a) For purposes of the accounting and reporting regulations, freight forwarders are grouped into the following two classes:

Class A. Freight forwarders having annual operating revenues of $100,000 or more.

Class B. Freight forwarders having annual operating revenues of less than $100,000.

The term "operating revenues" refers to the amounts includible in accounts 501, 521, 522, and 523.

(b) (1) The class to which any freight forwarder belongs shall be determined by annual operating revenue. If at the end of any calendar year such annual operating revenue is greater than the maximum for the class in which the freight forwarder is classified, the freight forwarder shall adopt the accounting and reporting requirements of the higher class in which it falls. For Class B freight forwarders adoption of Class A classification shall be effective as of January 1 of the second succeeding year.

(2) If at the end of any calendar year a Class A freight forwarder's annual operating revenue is less than $100,000, and has been for three consecutive years, the freight forwarder shall adopt the accounting and reporting requirements applicable to a Class B. Such adoption shall be effective as of January 1 of the following year.

(3) Freight forwarders shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Any freight forwarder which begins new operations (obtains operating authority not previously held) or extends its existing authority (obtains additional operating rights) shall be classified in accordance with a reasonable estimate of its annual operating revenues.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving freight forwarder shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(6) In unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the freight forwarder, the freight forwarder may request the Commission for an exception to the regulations. Such request shall be in writing specifying the conditions justifying an exception.

(c) Under Part IV of the Interstate Commerce Act the observance of the rules and regulations stated in this system of accounts becomes obligatory upon persons having direct charge of the accounts of the freight forwarders concerned, and such persons will be held responsible for their proper application.

Subsection (d) of section 421 of Part IV of the Interstate Commerce Act provides that:

"(d) Any freight forwarder, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required under this part, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file with the Commission any false report, account, records, or memorandum, or shall knowingly and willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the freight forwarder, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, shall be subject for each offense to a fine of not more than $5,000. As used in this subsection the word 'keep' shall be construed to mean make, prepare, or compile, as well as retain."

(d) Class A companies shall keep all of the accounts of this system of accounts which are applicable to their operations. No uniform system of accounts is prepared for Class B companies.

0–2 [Deleted]

4. The title and text of Instruction 0–2 "Applicability of the regulations" is deleted.

PART 1240—CLASSES OF CARRIERS

The text of §§ 1240.1, 1240.2, 1240.3, 1240.4, 1240.5 and 1240.6 are revised to read as follows:

Subpart A—Railroads

§ 1240.1 Classification of rail carriers.

(a) For the purpose of annual, other periodical and special reports, commencing with reports for the year, quarter or month beginning January 1, 1975, and thereafter until further ordered, operating carriers by railroad subject to the provisions of Part I of the Interstate Commerce Act shall be, and they are hereby, grouped into the following classes:

Class I. Carriers having annual carrier operating revenues of $10 million or more.

Class II. Carriers having annual carrier operating revenues of less than $10 million.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. Class II carriers shall adopt Class I classification effective as of January 1 of the following year.

(2) If at the end of any calendar year a Class I carrier's annual operating revenue is less than $10 million, and has been for three consecutive years, the carrier shall adopt the accounting and reporting requirements for Class II carriers. Such adoption shall be effective as of January 1 of the following year.

(3) Carriers shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Newly organized carriers shall be classified on the basis of their annual carrier operating revenues for the latest period of operation. If actual data are not available, new carriers shall be classified in the basis of their carrier operating revenue known and estimated for a year.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(c) In unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request the Commission for an exception to the regulations. This request shall be in writing specifying the conditions justifying an exception.

(d) In applying the classification grouping to any switching or terminal company which is operated as a joint facility of owning or tenant railways the sum of the annual carrier operating revenues, the joint facility rent income, and the totals of the joint facility credit accounts in operating expenses, shall be used in determining its class.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interprets or Applies Sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

Subpart B—Carrier by Water

§ 1240.2 Classification of carriers by water.

(a) For the purpose of annual, other periodical and special reports, commencing with reports for the year, quarter or month beginning January 1, 1975, carriers by water subject to the provisions of the Interstate Commerce Act shall be, and they are hereby, grouped into the following classes:

Class A. Carriers having annual carrier operating revenues of $500,000 or more.

Class B. Carriers having annual carrier operating revenues of $100,000 but less than $500,000.

Class C. Carriers having annual carrier operating revenues of less than $100,000.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. For Class B carriers adoption of Class A classification shall be effective as of January 1 of the following year. For Class C carriers adoption of a higher classification shall be effective as of January 1 of the second succeeding year.

(2) If at the end of any calendar year a carrier's annual carrier operating revenue is less than the minimum of the class in which the carrier is classified, and has been for three consecutive years, the carrier shall adopt the accounting requirements of the lower class in which the current year revenue falls. Such adoption shall be effective as of January 1 of the following year.

(3) Carrier shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Any carrier which begins new operations (obtains operating authority not previously held) or extends its existing authority (obtains additional operating rights) shall be classified in accordance with a reasonable estimate of its annual gross carrier operating revenues.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(c) In unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request the Commission for an exception to the regulations. Such request shall be in writing specifying the conditions justifying an exception.

(Sec. 12, 24 Stat. 383, as amended, 54 Stat. 933; 49 U.S.C. 12, 904. Interprets or Applies Sec. 20, 23 Stat. 386, as amended, 54 Stat. 944; 49 U.S.C. 20, 913)

Subpart C—Carriers by Electric Railway

§ 1240.3 Classification of carriers by electric railway.

(a) For the purpose of annual, other periodical and special reports commencing with the year, quarter or month beginning January 1, 1975, carriers by electric railway subject to the provisions of the Interstate Commerce Act shall be, and they are, grouped into the following classes:

Class I. Carriers having annual carrier operating revenues of $1 million or more.

Class II. Carriers having annual carrier operating revenues of $250000 but less than $1 million.

Class III. Carriers having annual carrier operating revenues of $250,000 but $250,000.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. Adoption of the higher classification shall be effective as of January 1 of the following year.

(2) If at the end of any calendar year a carrier's annual carrier operating revenue is less than the minimum of the class in which the carrier is classified, and has been for three consecutive years, the carrier shall adopt the accounting and reporting requirements of the lower class in which it falls. Such adoption shall be effective as of January 1 of the following year.

(3) Carriers shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Newly organized carriers shall be classified on the basis of their annual carrier operating revenues for the latest period of such operation. If actual data are not available, new carriers shall be classified on the basis of their carrier operating revenue known and estimated for a year.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(c) In unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request the Commission for an exception to the regulations. This request shall be in writing specifying the conditions justifying an exception.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interprets or Applies Sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

Subpart D—Motor Carriers

§ 1240.4 Classification of motor carriers of passengers.

(a) For purposes of the accounting and reporting regulations, commencing with the year beginning January 1, 1975, common and contract carriers of passengers subject to the Interstate Commerce Act are grouped into the following classes:

Class I. Carriers having annual carrier operating revenues (including interstate and intrastate) of $1 million or more.

Class II. Carriers having annual carrier operating revenues (including interstate and intrastate) of less than $300,000.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year or of 13 4-week periods, such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. For Class III carriers adoption of Class II classification shall be effective as of January 1 of the following year. For Class II carriers adoption of a higher classification shall be effective as of January 1 of the second succeeding year after the carrier meets the minimum revenue limit for Class I.

(2) If at the end of any calendar year, or accounting year of 13 4-week periods, a carrier's annual operating revenue is less than the minimum of the class in which the carrier is classified, and has been for three consecutive years, the carrier shall adopt the accounting and reporting requirements of the lower class in which the current year revenue falls. Adoption of the lower class shall be effective as of January 1 of the following year.

(3) Carriers shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Any carrier which begins new operations (obtains operating authority not previously held) or extends its existing authority (obtains additional operating rights) shall be classified in accordance with a reasonable estimate of its annual gross carrier operating revenues.

Any carrier which begins new operations is required to furnish the above estimate, including intrastate, anticipated interstate and local cartage revenues, to the Bureau of Accounts, Section of Reports, prior to the issuance of a certificate or permit.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the

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next calendar year on the basis of the combined revenue for the year when the combination occurred.

(c) In unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request the Commission for an exception to the regulations. This request shall be in writing specifying conditions justifying an exception.

(Secs 204, 220, 49 Stat. 546, as amended, 563, as amended 49 U.S.C. 304, 320)

§ 1240.5 Classification of motor carriers of property.

(a) For purposes of accounting and reporting regulations, commencing with the year beginning January 1, 1975, common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I. Carriers having annual carrier operating revenues of $3 million or more.

Class II. Carriers having annual carrier operating revenues of $500,000 but less than $3 million.

Class III. Carriers having annual carrier operating revenues of less than $500,000.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year, or accounting year of 13 4-week periods, such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. For Class II carriers adoption of Class I classification shall be effective as of January 1 of the following year. For Class III carriers adoption of a higher classification shall be effective as of January 1 of second succeeding year.

(2) If at the end of any calendar year, or accounting year of 13 4-week periods a carrier's annual carrier operating revenue is less than the minimum of the class in which the carrier is classified, and has been for three consecutive years, the carrier shall adopt the accounting and reporting requirements of the lower class in which the current year revenue falls. Adoption of the lower class shall be effective as of January 1 of the following year.

(3) Carriers shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Any carrier which begins new operations (obtains operating authority not previously held) or extends its existing authority (obtains additional operating rights) shall be classified in accordance with a reasonable estimate of its annual gross carrier operating revenues.

Any carrier which begins new operations is required to furnish the above estimate, including intrastate, anticipated interstate and local cartage revenues, to the Bureau of Accounts, Section of Reports, prior to the issuance of a certificate or permit.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(c) In unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request the Commission for an exception to the regulations. This request shall be in writing specifying the conditions justifying an exception.

(d) Special Provisions for Carriers with Household Goods Operations.

(1) For purposes of accounting and reporting revenues and expenses, the revenues of common and contract motor carriers of property, that have household goods operations, are categorized as follows:

Instruction 28B (household goods).

Instruction 27 and 28A (general commodity and other).

Each category of revenue is then classified in accordance with the dollar revenue limits prescribed in paragraph (a) of this section and shall be classified in accordance with paragraph (b) of this section. When a carrier has both household goods and general commodity and other revenue, each category shall be classified (I, II, or III) to determine the accounting and reporting regulations which pertain to that category.

(2) If a carrier grouped as Class I or Class II carrier in accordance with paragraph (a) of this section has operations in both categories in paragraph (c) (1) of this section, and one of the categories is classified as Class III, such revenues and expenses shall be accounted and reported in accordance with the regulations pertaining to the Class I or Class II category.

(3) If a carrier grouped as Class II in accordance with paragraph (a) of this section has operations in both categories and both categories are grouped as Class III in accordance with paragraph (c) (1) of this section, such revenues and expenses shall be accounted and reported in accordance with the regulations pertaining to the category with the larger annual gross carrier operating revenues.

(Secs. 204, 220, 49 Stat. 546, as amended 563, as amended: 49 U.S.C. 304, 320)

Subpart E—Freight Forwarders

§ 1240.6 Classification for freight forwarders.

(a) For the purpose of annual, other periodical and special reports, commencing with the year, quarter or month beginning January 1, 1975, freight forwarders subject to the provision of Part IV of the Interstate Commerce Act, shall be, and they hereby are, grouped into the following classes:

Class A. Freight forwarders having annual operating revenues of $100,000 or more.

Class B. Freight forwarders having annual operating revenues of less than $100,000.

(b) (1) The class to which any freight forwarder belongs shall be determined by annual operating revenue. If at the end of any calendar year such annual operating revenue is greater than the maximum for the class in which the freight forwarder is classified, the freight forwarder shall adopt the accounting and reporting requirements of the higher class in which it falls. For Class B freight forwarders adoption of Class A classification shall be effective as of January 1 of the second succeeding year.

(2) If at the end of any calendar year a Class A freight forwarder's gross operating revenue is less than $100,000, and has been for three consecutive years, the freight forwarder shall adopt the accounting and reporting requirements applicable to a Class B. Such adoption shall be effective as of January 1 of the following year.

(3) Freight forwarders shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Any freight forwarder which begins new operations (obtains operating authority not previously held) or extends its existing authority (obtains additional operating rights) shall be classified in accordance with a reasonable estimate of its annual gross operating revenues.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving freight forwarder shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(c) In unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the freight forwarder, the freight forwarder may request the Commission for an exception to the regulations. Such request shall be in writing specifying the conditions justifying an exception.

(d) Any freight forwarder, at its option, may adopt the accounting requirements of a higher class than the one in which it falls. Notice of such action shall be promptly filed with the Commission. However, for reporting purposes the freight forwarder shall comply with the reporting requirements of the class applicable to its annual gross operating revenue.

(e) Under part IV of the Interstate Commerce Act the observance of the rules and regulations stated in this system of accounts becomes obligatory upon persons having direct charge of the accounts of the freight forwarders concerned, and such persons will be held responsible for their proper application.

(Secs. 403, 412, 56 Stat. 285, 294, 49 U.S.C. 1003, 1012)

PART 1249—REPORTS OF MOTOR CARRIERS

The text of § 1249.15 is revised to read as follows:

§ 1249.15 Quarterly report of freight loss and damage claims.

Commencing with reports for the quarter beginning January 1, 1976, and for subsequent quarters thereafter, until further ordered, all common and contract carriers of property having annual operating revenues (including interstate and intrastate) of $1 million, or more, from property motor carrier operations, shall compile and file quarterly reports in accordance with Motor Carrier Quarterly Report of Freight Loss and Damage Claims, Form QL&D. Carriers shall be exempt from filing such quarterly reports commencing with the year immediately following the third consecutive year in which a carrier fails to meet the minimum revenue qualification. Such quarterly reports (which need not include data relating to claims filed for loss or damage to shipments transported in armored-truck service, as described in Classification of Motor Carriers of Property, 2 M.C.C. 703, at page 712) shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C., 20423, within 40 days after the close of each quarter.

CARRIER CLASSIFICATION FORM

This form is to be completed and returned by carriers subject to reclassification. This form will serve as notification to the Commission of the effective date of the new classification and should be returned to the Commission with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

A. Provide data on respondent carrier in blanks below:

Name of Company_____

	Date	Gross Carrier Operating Revenue	Classification Adopted by Carrier
1. Current year,	19___,	$_____	Class _____
2. Previous year,	19___,	$_____	Class _____
3. Next previous year,	19___,	$_____	Class _____

B. On the basis of the information in Part A above and the applicable carrier classification rules in 49 CFR, 1240, answer the questions by checking the appropriate box:

	Yes	No
1. Does the respondent carrier qualify for reclassification to a *higher* class?	☐	☐
2. Does the respondent carrier qualify for reclassification to a *lower* class?	☐	☐

IF YOUR ANSWER TO EITHER QUESTION IS "YES" COMPLETE THE REMAINDER OF THIS FORM AND SEND TO THE COMMISSION

C. Based on the information in Parts A and B above and the applicable carrier classification rules in 49 CFR, 1240, check the appropriate box relevant to your new classification:

1. *Carrier's New Classification*	*Check one box only*
Class I or Class A	☐
Class II or Class B	☐
Class III or Class C	☐

Certification

Based on the information provided in this form I will adopt the accounting and reporting requirements for Class _____ carriers effective January 1, 19___, in accordance with the provisions of 49 CFR 12___.

Signature of Affiant _____

[N.B. Motor carriers of property subject to two classifications of operating accounts (such as household goods carriers having general commodity and other operations) shall complete one form for each operation subject to change in class, in addition to the one applicable to the total operation.]

CARRIERS NOT SUBJECT TO RECLASSIFICATION ARE EXEMPT FROM FILING THIS FORM

[FR Doc. 75-29910 Filed 11-5-75; 8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 23, 3040]

[30 CFR Parts 211, 216]

COAL MINING OPERATING REGULATIONS

Extension of Comment Period

On Friday, September 5, 1975, the Department of the Interior published a Notice of Proposed Rulemaking in the FEDERAL REGISTER which would revise 30 CFR Part 211 and 43 CFR Part 23 and promulgate a new subpart 3041 of 43 CFR (40 FR 41122).

The Notice of Proposed Rulemaking invited interested parties to submit written comments, suggestions or objections to the Director, Bureau of Land Management and/or Director, United States Geological Survey, on or before November 4, 1975.

A draft environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 was prepared in connection with these proposed regulations. A notice of the availability of said statement was published on October 7, 1975 (40 FR 46315), and a period of 45 days from the date of such notice was set for the receipt of written comments on the draft statement.

In response to several requests for additional time within which to comment upon the proposed regulations, the period for submitting comments, suggestions or objections with respect thereto is hereby extended from November 4, 1975, to and including Friday, November 21, 1975.

Written comments should be addressed to Director, United States Geological Survey, National Center, Reston, Virginia 22092, and/or Director, Bureau of Land Management, (730), Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Dated: November 3, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

[FR Doc.75-29911 Filed 11-5-75;8:45 am]

Geological Survey

[30 CFR Parts 211, 216]

COAL MINING OPERATING REGULATIONS

Extension of Comment Period

CROSS REFERENCE: For a document issued jointly by the Department of Interior's Geological Survey and Bureau of Land Management on the subject of coal mining operating regulations, see FR Doc. 75-29911 appearing in the proposed rules section of this issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

[Docket No. AO-214-A5]

ALMONDS GROWN IN CALIFORNIA

Notice of Hearing on Proposed Amendment of the Marketing Agreement and Order

Correction

In FR Doc. 75-29028, appearing at page 50289, in the issue for Wednesday, October 29, 1975, the following corrections should be made on page 50291:

1. In the first column, insert the line "Proposed by Superior Farming Co.:" above item 19.

2. In the first column, insert the line "Proposed by Valley Almond Growers Cooperative:" above item 20.

3. In the third column, insert the line "Proposed by the Fruit and Vegetable Division, Agricultural Marketing Service:" above item 23.

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Marketing Percentages for the 1975-76 Marketing Year

Notice is hereby given of a proposal to establish free and surplus marketing percentages and withholding factors for the 1975-76 marketing year as follows: California—66⅔ percent, 33⅓ percent, and 50 percent, respectively; and Oregon-Washington—83⅓ percent, 16⅔ percent, and 20 percent, respectively. The 1975-76 marketing year began on August 1, 1974. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed percentages were recommended by the Walnut Marketing Board pursuant to § 984.48 of the marketing agreement and order program. The Board's recommendation is based on estimates for the current marketing year of supply, and inshell and shelled trade demands adjusted for handler carryover. In recognition of marketing and production differences, the order specifies that the surplus percentage for Oregon-Washington be one-half that for California.

The total 1975-76 supply subject to regulation is estimated at 168.7 million pounds kernelweight. Inshell and shelled trade demands adjusted for handler carryover are estimated at 34.1 and 79 million pounds kernelweight, or a total trade demand of 113.1 million pounds kernelweight.

The proposed regulation would meet the trade demand by establishing the supply of merchantable walnuts available to the domestic inshell and shelled markets at maximum quantities that can be expected to be utilized, while also providing an ample carryover into the 1976-77 marketing year. The surplus is primarily for export.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 21, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.222 Free and surplus percentages and withholding factors for walnuts during the 1975-76 marketing year.

The free and surplus percentages, and withholding factors during the marketing year beginning August 1, 1975, shall be as follows:

	California	Oregon-Washington
Free percentages	66⅔	83⅓
Surplus percentages	33⅓	16⅔
Withholding factors	50	20

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular-A-107.

Dated: October 31, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-29892 Filed 11-5-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Proposed Test Procedures

● Purpose: To revise the test procedures for testing live vaccines for purity. ●

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of Federal Regulations issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

Bacterial or fungicidal contamination of live virus vaccines is detected by using the test procedures prescribed in § 113.27. The authorized retests using only ten samples creates a doubt as to the accuracy of the results obtained. This doubt is eliminated for all practical purposes when twenty samples are used as provided for in these amendments.

The tests for bacterial contamination prescribed in § 113.26 for use in testing for bacteria in products other than live virus vaccines calls for incubation for 14 days. The test in § 113.27 calls for incubation for only 7 days. Experience has shown that some bacterial contamination is not determined until the second week of incubation. These amendments increase the incubation period to 14 days in § 113.27 to conform to the requirements in § 113.26.

These amendments change the requirement of the diluent to be used in the test from "sterile distilled water" to "sterile purified water." This change permits the use of water which has been purified by means other than distillation.

§ 113.27 is amended by revising paragraphs (a)(3)(ii), (a)(4), (a)(7)(i) and (ii), (c)(1), (d)(2), (d)(2)(i), (ii) and (vii), and adding a new paragraph d)(2)(viii) to read:

§ 113.27 Detection of viable bacteria and fungi in live vaccines.

* * * * *

(a) * * *

(3) * * *

(ii) Desiccated vaccine shall be rehydrated as recommended on the label with the accompanying diluent or with sterile purified water.

(4) To test for bacteria, 0.2 ml of vaccine from each final container sample shall be placed into a corresponding individual vessel containing a minimum of 120 ml of Soybean Casein Digest Medium. Additional medium shall be used if the determination made as required in § 113.25(d) indicates the need for a greater dilution of the biological product. Incubation shall be at 30° to 35° C for 14 days.

* * * * *

(7) * * *

(i) If growth is found in two or three test vessels of the initial test, one retest to rule out faulty technique may be conducted using 20 unopened final container samples.

(ii) If no growth is found in 9 or 10 of the test vessels in the initial test or 19 or 20 of the test vessels in the retest, the serial or subserial meets the requirements of the test.

* * * * *

(c) * * *

(1) To test for bacteria, 0.2 ml of the sample of Master Seed Virus shall be placed in 10 individual vessels each containing a minimum of 120 ml of Soybean Casein Digest Medium. Incubation shall be at 30° to 35° C for 14 days.

* * * * *

(d) * * *

(2) Test procedures in this paragraph shall be followed.

(i) Ten final container samples of completed product from each serial and each subserial shall be tested using the medium prescribed in paragraph (d)(1) of this section.

(ii) Immediately prior to starting the test, frozen liquid vaccine shall be thawed, and lyophilized vaccine shall be rehydrated to the quantity recommended on the label using the accompanying sterile diluent or sterile purified water. Product recommended for mass vaccination shall be rehydrated at the rate of 30 ml sterile purified water per 1000 doses.

* * * * *

(vii) If the average count at either incubation condition for a serial or subserial exceeds one colony per dose for vaccines recommended for poultry or 10 colonies per dose for vaccines recommended for other animals, one retest to rule out faulty technique may be conducted using 20 unopened final containers.

(viii) If the average count at either incubation condition of the final test for a serial or subserial exceeds one colony per dose for vaccines recommended for poultry or 10 colonies per dose for vaccines recommended for other animals, the serial or subserial is unsatisfactory.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Services, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before December 8, 1975, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at the above address, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 3rd day of November, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc.75-29894 Filed 11-5-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 285]

ATLANTIC TUNA FISHERIES

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Commerce (the Secretary), pursuant to section 6(c) of the Atlantic Tunas Convention Act of 1975, Pub. L. 94-70, 16 USC 971-971h, (the Act) which authorizes the Secretary to promulgate regulations to implement the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), proposes to delete existing Subpart A—"General," to add a new Subpart A—"General," to add a new Subpart C—"Yellowfin Tuna," and to add a new Subpart D—"Restrictions on Tuna Imports" to 50 CFR Part 285. The authority of the Secretary under the Act has been delegated to the Director, National Marine Fisheries Service (the Director).

Existing subpart A contains general provisions that were meant to apply to all subsequent subparts. Subpart A was initially promulgated on August 13, 1975, pursuant to Section 6(d) of the Act which provided authority to promulgate regulations with respect to Atlantic bluefin tuna within 30 days of the Act's enactment (See 40 FR 33978). Because the statutory authority for existing Subpart A applies only to Atlantic bluefin tuna, Subpart A must be repromulgated if it is to apply to tuna other than Atlantic bluefin tuna to be regulated pursuant to the Act and these regulations. In addition, because of the proposed new Subparts C and D, certain changes must be made to existing Subpart A.

In § 285.1 *Definitions* the following additional terms, among others, are proposed: Cargo vessel, Fishing voyage, Regional Director, Regulatory Area, Tuna, Round tuna and Yellowfin tuna. No changes are proposed for §§ 285.2, 285.4, 285.5 and 285.7. A landing prohibition is added to § 285.3. Section 285.6 *Civil procedures* is expanded to provide for the expeditious disposition of seized tuna because of its perishable nature. Finally, § 285.8 is added to clarify the relationship of these regulations to those State laws which are similar in subject matter. Section 9 of the Act provides for regulations to be effective within the territorial sea of the United States (generally the area over which the States have jurisdiction pursuant to the Submerged Lands Act, 43 U.S.C. 1301-1343), provided that the Secretary first determines that:

a. Within a reasonable period of time after promulgation of these regulations States have not adopted measures which implement the Commission's recommendations; or

b. If a State adopts regulations they are:

(1) Less restrictive; or

(2) Not effectively enforced.

There is also provision for a State to request a hearing on the record to consider these issues. (These provisions are proposed to be implemented by § 285.8.) Consequently, it is necessary to initially define the regulatory area for yellowfin tuna to exclude the territorial sea of the United States. In the event the Director makes a finding that the laws and regulations of a State(s), or the absence thereof, do not meet the criteria of section 9 of the Act, and publishes notice thereof pursuant to § 285.8 of the proposed regulations, the regulatory area

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for yellowfin tuna will automatically include the territorial sea or any part thereof as appropriate. Section 285.8 of the proposed regulations will allow States 30 days from the date of promulgation of these regulations to adopt appropriate measures.

In this regard it should be noted that on August 13, 1975, regulations pertaining to Atlantic Bluefin Tuna were promulgated (40 FR 33978) which initially defined "regulatory area" to include the territorial sea. As noted in the preamble to those regulations, this definition was based on the language set forth in the House and Senate Reports which recognized the emergency nature of the action (See 40 FR 33979). In that instance States were afforded the opportunity to adopt similar measures within 30 days of the date of promulgation, and if adopted the Federal regulations would not have continued in effect in waters over which the States have jurisdiction. No State adopted such measures within the prescribed period of time. Consequently the regulations pertaining to Atlantic Bluefin Tuna remain in effect within the territorial sea of the United States.

Although the Director is not proposing, at this time, to amend Subpart B—"Atlantic bluefin tuna," Subpart B is set forth so that a fair assessment can be made of those proposed provisions of Part 285 which may relate to it.

Subpart C contains those regulations which pertain exclusively to yellowfin tuna (*Thunnus albacares*). These regulations are designed to implement the recommendations of the International Convention for the Conservation of Atlantic Tunas, the text of which are as follows:

APPENDIX 2 TO ANNEX 6

RECOMMENDATION

The Council:

Referring to Item 13 of the Proceedings of the Second Regular Meeting of the Commission, held in Madrid in 1971, authorizing the Council to recommend to the Contracting States to take regulatory measures regarding yellowfin.

Recommends that the Contracting States take the necessary measures to prohibit any taking and landing of yellowfin tuna weighing less than 3.2 kg.

Notwithstanding the above regulation, the Contracting States may grant tolerances to boats which have incidentally captured yellowfin weighing less than 3.2 kg., with the condition that this incidental catch should not exceed 15 percent of the number of fish per landing of the total yellowfin catch of said boats.

Subsequent to these recommendations becoming effective, several nations expressed great difficulty in the practical application of the recommended tolerance measured solely on the number of fish. As a result of this difficulty, it was resolved that a tolerance measured by weight of fish would be acceptable provided that such tolerance is equivalent to the tolerance measured by the number of fish.

The United States has chosen to use a tolerance measured by weight of fish. The equivalent tolerance by weight has been determined to be 3 percent. Consequently, the allowable incidental catch set forth in § 285.22 is expressed as 3 percent by weight.

Section 285.20 authorizes the taking of yellowfin tuna that weigh 7 pounds round weight (3.2 kg.) or more. The open and closed seasons are set forth in § 285.21. Provision is made for incidental catch in § 285.22. In § 285.23 recordkeeping requirements similar to those required for vessels that fish for yellowfin tuna in the Pacific Ocean are provided.

Section 285.24 requires that fishing vessels entering or departing the regulatory area through the Panama Canal must advise the Regional Director, Southwest Region, and be subject to inspection.

Subpart D contains regulations concerning the importation of Atlantic tunas from any country in any form. In § 285.30 references to the Act are made concerning the requirement for such importation regulations.

Section 285.31 lists yellowfin tuna and Atlantic bluefin tuna as the species regulated pursuant to the Act. Section 285.32 notes that yellowfin tuna, Atlantic bluefin tuna, skipjack, albacore, bigeye, Atlantic bonita, and billfishes are presently under investigation by the Commission. Section 285.33 authorizes the Director to conduct inquiries and investigations concerning the effectiveness of the Commission's recommendations as they relate to actions by other member countries. Section 285.34 requires the publication of the findings resulting from investigations carried out under § 285.33. Section 285.35 sets forth the standards of proof required for the importation of tuna. The removal of import restrictions is provided for in § 285.36.

Hearings will be held to solicit comments from the public on proposed subparts, A, C, and D. In order to provide maximum participation by interested persons, two hearings have been scheduled. A public hearing will be held on the West coast since yellowfin tuna taken in the Atlantic is taken by vessels which are either based in California or have representation in California. A public hearing will also be held on the East Coast since commercial and recreational, interests in Atlantic bluefin tuna are located there and these interests may be affected by proposed subparts A and D.

As previously noted on August 13, 1975, the Director, pursuant to section 6(d) of the Act, published in the FEDERAL REGISTER (40 FR 33978) emergency conservation measures designed to implement recommendations approved by the Commission pertaining to Atlantic Bluefin Tuna. These regulations will not be the subject of the scheduled hearings; only the proposed new subparts A, C, and D will be addressed.

On the West coast, interested persons will be afforded an opportunity to comment on the proposed regulations at a public hearing scheduled to be held in the United Portuguese Club, 2818 Addison Street, San Diego, California, beginning at 9:30 a.m., November 25, 1975. Any person who intends to testify at this hearing is requested to furnish in writing, prior to the hearing, his name and the name of the organization he represents, if any, to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California, 90731. Any interested person may submit in writing to the Regional Director, Southwest Region on or before December 4, 1975 any relevant data, views or arguments.

On the East coast, interested persons will be afforded an opportunity to comment on the proposed regulations at a public hearing to be held in Room E226, J. F. K. Federal Building, Cambridge Street, Boston, Massachusetts, beginning at 10 a.m., November 25, 1975. Any person who intends to testify at this hearing is requested to furnish in writing, prior to the hearing his name and the name of the organization he represents, if any, to the Regional Director at Gloucester, Massachusetts. Any interested person may submit in writing to the Regional Director, Northeast Region on or before December 4, 1975, any relevant data, views or arguments.

As a result of the preparation of an environmental assessment of the impact of these proposed regulations on the environment, pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., it has been determined that this proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA and therefore does not require the preparation of a detailed environmental impact statement under section 4332(2)(c) of NEPA.

In accordance with Executive Order No. 11821 dated November 27, 1974, it is hereby certified that the inflationary impact of this action on the Nation has been carefully evaluated; no substantial impact on the Nation is anticipated.

Issued at Washington, D.C., and dated November 3, 1975.

JACK W. GEHRINGER,
Deputy Director.

In consideration of the foregoing, it is proposed to amend (with the exception of Subpart B—"Atlantic Bluefin Tuna" which is set forth only to facilitate an adequate analysis) 50 CFR Part 285 by deleting existing Subpart A—"General" and by adding in lieu thereof, a new Subpart A—"General," by adding a new Subpart C—"Yellowfin tuna" and by adding a new Subpart D—"Restrictions on Tuna Imports," as follows:

PART 285—ATLANTIC TUNAS

Subpart A—General

Sec.
285.1 Definitions.
285.2 Basis and purpose.
285.3 Prohibitions.
285.4 Civil penalties.
285.5 Enforcement.
285.6 Civil procedures.
285.7 Persons and vessels exempt.
285.8 Relationship to other laws and regulations.

Subpart B—Atlantic Bluefin Tuna (Thunnus thynnus thynnus)

Sec.
285.10 Authorized fishing.
285.11 Open and closed seasons.
285.12 Quotas.
285.13 Incidental catch.
285.14 Reporting requirements.
285.15 Presumptions.

Subpart C—Yellowfin Tuna (Thunnus albacares)

285.20 Authorized fishing.
285.21 Open and closed seasons.
285.22 Incidental catch.
285.23 Recordkeeping.
285.24 Reporting requirements.

Subpart D—Restrictions on Tuna Imports

285.30 Basis and purpose.
285.31 Species subject to regulation.
285.32 Species under investigation by the Commission.
285.33 Investigation authorized.
285.34 Publication of findings.
285.35 Proof of admissibility.
285.36 Removal of import restrictions.

AUTHORITY: Atlantic Tunas Convention Act of 1975, Pub. L. 94–70, 16 U.S.C. 971–971h.

Subpart A—General

§ 285.1 Definitions.

In addition to the meaning ascribed by the Act, if any, the following terms shall mean:

"The Act" means Atlantic Tunas Convention Act of 1975, Pub. L. 94–70.

"Albacore" means the species of fish scientifically known as *Thunnus alalunga*.

"Angling" means the taking or the attempted taking of fish with a hand held rod and reel designed and manufactured for the purpose of sport.

"Atlantic bluefin tuna" means the species of fish scientifically known as *Thunnus thynnus thynnus*.

"Atlantic bonito" means the species of fish scientifically known as *Sarda chiliensis*.

"Cargo vessel" means any fishing vessels used for transporting fish or fish products.

"Closed season" means (a) for the purposes of Atlantic bluefin tuna the time during which a regulated species may not be lawfully taken within the regulatory area, except in limited quantities as an incident to fishing for species of fish other than Atlantic bluefin tuna with which Atlantic bluefin tuna may be mingled; (b) for purposes of yellowfin tuna, the time during which yellowfin tuna may not be lawfully taken within the regulatory area.

"Commercial activity" means all activities, other than fishing, of industry and trade, including but not limited to, the buying and selling of a regulated species and activities conducted for the purpose of facilitating such buying and selling.

"Commission" means the International Commission for the Conservation of Atlantic Tunas established pursuant to Article III of the Convention.

"Convention" means the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, 20 U.S.T. 2887, including any amendments or protocols which are or become effective for the United States.

"Council" means the Council established within the International Commission for the Conservation of Atlantic Tunas pursuant to Article V of the Convention.

"Dealer" means any person (as hereinafter defined) who engages in a commercial activity with respect to a regulated species or parts thereof.

"Director" means the Director of the National Marine Fisheries Service.

"Fishing" means the catching, taking, or fishing for, or the attempted catching, taking, or fishing for, any species of fish covered by the Convention, or any activities in support thereof.

"Fishing vessel" includes all watercraft, except purse seine skiffs, which are used, used in support of, or outfitted for, catching, taking, processing or transporting fish.

"Fishing voyage" means the period between the date a fishing vessel departs from any port to carry out fishing operations and the date such vessel unloads any of its catch or the date such vessel returns to any port for the express purpose of receiving an inspection by a designated agent of the National Marine Fisheries Service.

"Open season" means the time during which a regulated species may be lawfully taken within the regulatory area in accordance with established quotas or other limitations.

"Person" includes any individual, partnership, corporation, or association subject to the jurisdiction of the United States.

"Purse seining" means the taking or the attempted taking of fish by means of an encircling net and associated gear used in commercial fishing operations.

"Quota" means the amount of fish measured either by number or weight, that may be retained.

"Regional Director" means:

(a) For purposes of Atlantic bluefin tuna—the Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

(b) For purposes of yellowfin tuna—the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

"Regulatory area" means:

(a) For the purposes of Atlantic bluefin tuna—all waters of the Atlantic Ocean including adjacent seas;

(b) For the purposes of yellowfin tuna—all waters of the Atlantic Ocean including adjacent seas except the waters over which States have jurisdiction unless the Director has determined otherwise in accordance with § 285.8.

"Round weight" means the weight of a fish prior to gilling, gutting, and beheading.

"Secretary" includes the Secretary of Commerce or his designee.

"State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States.

"Tuna" means Atlantic bluefin, yellowfin, skipjack, albacore or Atlantic bonito.

"Yellowfin tuna" means the species of fish scientifically known as *Thunnus albacares*.

§ 285.2 Basis and purpose.

(a) At a Tuna Symposium convened in Dakar, Senegal December 12–17, 1960, the Commission for Technical Cooperation in Africa South of the Sahara suggested the need to develop international procedures for the conservation of Atlantic tunas. The idea gained support and culminated in the convening of a Conference of Plenipotentiaries on the Conservation of Atlantic Tunas in Rio de Janeiro, Brazil, during May 2–14, 1966. The Conference prepared the International Convention for the Conservation of Atlantic Tunas, which entered into force March 21, 1969, after ratification by Canada, Japan, France, Ghana, South Africa, Spain, and the United States. Ratifications have been deposited by Brazil, Cuba, Ivory Coast, Korea, Morocco, Portugal and Senegal since the Convention entered into force.

(b) The International Commission for the Conservation of Atlantic Tunas (ICCAT) has been established under the authority of the Convention. The Commission is responsible for the study of the populations of tuna and tuna-like fishes in the Atlantic Ocean and is empowered to recommend proposals for joint action by member governments aimed at maintaining these stocks at levels which will permit the maximum sustainable catch. The Commission structure also includes a Council which serves as an executive body between biennial meetings of the Commission.

(c) The First Regular Meeting of the Commission held in Rome, December 1–6, 1969, and the First Regular Meeting of the Council in Madrid, November 16–20, 1970, centered on organizational questions. Priority was given to the collection of basic data by the Secretariat from member countries on tuna fisheries and to the organization of a Standing Committee on Research and Statistics (SCRS). The Committee, composed of scientists from member countries, is responsible for coordinating and reviewing data collection and stock assessment work on tuna and tuna-like species in the Atlantic.

(d) At the second biennial meeting of the Commission held in Madrid December 2–7, 1971, the SCRS reviewed the somewhat limited data available and warned that regulatory measures may be needed in the future (1) to control the taking of Atlantic bluefin and yellowfin tuna below a certain size and (2) to reduce fishing intensity on yellowfin tuna.

(e) At the Second Regular Meeting of the ICCAT Council in Madrid November 29–December 5, 1972. The Council recommended a ban on taking and landing yellowfin tuna weighing less than 3.2 kilograms but provided for an incidental catch allowance for yellowfin tuna weighing less than 3.2 kilograms of 15 percent

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of all yellowfin onboard. The Council held its Third Regular Meeting in Madrid November 20–26, 1974, at which time it adopted two regulatory measures for Atlantic bluefin tuna which included a 6.4 kilogram minimum size and a limit on fishing mortality of Atlantic bluefin tuna to recent levels for a period of one year. The Council's recommendations were formally approved by a majority of the Commission members in February 1975.

(f) On August 5, 1975, the President signed into law the Atlantic Tuna Convention Act of 1975, which under certain conditions authorizes the Secretary to implement the Commission's recommendations. The Secretary's authority under the Act has been delegated to the Director.

(g) The regulations in this part are designed to implement the provisions of the Act and the Commission's recommendations for conservation.

§ 285.3 Prohibitions.

(a) It shall be unlawful—

(1) For any person in charge of a fishing vessel or any fishing vessel subject to the jurisdiction of the United States to engage in fishing or to land any tuna in violation of these regulations; or

(2) For any person to land, transship, ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish which he knows, or should have known, were taken or retained contrary to these regulations, without regard to the citizenship of the person or fishing vessel which took the fish.

(b) It shall be unlawful for a dealer or master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to fail to make, keep, or furnish any catch returns, statistical records, or other reports required by these regulations to be made, kept, or furnished by such dealer, master or person.

(c) It shall be unlawful for a dealer or master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to refuse to permit any person authorized to enforce the provisions of these regulations, to enter the premises of said dealer or to board such vessel in order to inspect its catch, equipment, books, documents, records, or other articles or question the persons onboard in accordance with the provisions of these regulations, or to obstruct such officials in the execution of such duties.

(d) It shall be unlawful for any person to import from any country any fish in any form of those species subject to regulation pursuant to a recommendation of the Commission, or any fish in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of these regulations.

§ 285.4 Civil penalties.

Any person who—

(a) Violates any provision of § 285.3 (a) of this Part shall be assessed a civil penalty of not more than $25,000 and for any subsequent violation of said section shall be assessed a civil penalty of not more than $50,000;

(b) Violates any provision of § 285.3 (b) or (c) of this Part shall be assessed a penalty of not more than $1,000 and for any subsequent violation of said subsection shall be assessed a civil penalty of not more than $5,000; or

(c) Violates any provision of § 285.3 (d) of this Part shall be assessed a civil penalty of not more than $100,000.

§ 285.5 Enforcement.

(a) These regulations and the provisions of the Act shall be enforced jointly by the Secretary, the Secretary of the department in which the Coast Guard is operating, and the United States Customs Service.

(b) Enforcement Agents of the National Marine Fisheries Service shall enforce these regulations and the provisions of the Act on behalf of the Secretary and may take any actions authorized by the Act and these regulations with respect to enforcement. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal Agency for the purposes of enforcing this Act. Pursuant to the limitations of section 6 of the Act, the Secretary may also designate personnel of a State to enforce these regulations and the provisions of the Act.

§ 285.6 Civil procedures.

(a) The method for assessment of civil penalties for violation of these regulations or the Act shall be in accordance with the rules and procedures set forth in 50 CFR Part 218.

(b) In view of the perishable nature of tuna when not processed otherwise than by chilling or freezing, any person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable tunas as may be seized and forfeited pursuant to the Act or any regulations promulgated thereunder.

(c) The proceeds of any sale made pursuant to paragraph (b) of this section after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the National Marine Fisheries Service (Account No. 14X6875(17) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States seizes any tuna taken in the regulatory area under the applicable laws or regulations of such government, such tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any tuna so seized by an official of a State shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be processed again under applicable Federal laws or regulations.

§ 285.7 Persons and vessels exempt.

Nothing contained in this Part shall apply to any person or vessel authorized by the Commission, the Director or any State, upon approval by the Director, to engage in fishing for research purposes.

§ 285.8 Relationship to other laws and regulations.

(a) Pursuant to subsection 9(d) of the Act, with respect to any State whose waters border on the convention area:

(1) These regulations shall apply therein if the Director determines that any such State:

(i) Within 30 days after the promulgation of these regulations, has not enacted laws or promulgated regulations which implement the recommendations of the Commission within its waters; or

(ii) Has enacted such laws or promulgated such regulations, but such laws or regulations:

(A) Are less restrictive than the regulations promulgated pursuant to this Act to implement such recommendations of the Commission, or

(B) Are not being effectively enforced;

(b) To insure that the purposes of this section are carried out, the Director shall undertake a continuing review of the relevant laws and regulations of all States to which the Act and these regulations apply or may apply and the extent to which such laws and regulations are enforced.

(c) Pursuant to subsection 9(d)(2) of the Act a State may request a hearing on the record within 30 days after promulgation of these regulations.

Subpart B—Atlantic Bluefin Tuna (Thunnus thynnus thynnus)

§ 285.10 Authorized fishing.

Fishing for Atlantic bluefin tuna that weigh between 14 pounds round weight (6.4 kg.) and 115 pounds round weight (52.3 kg.) or in excess of 300 pounds round weight (136.4 kg.) by persons or fishing vessels subject to the jurisdiction of the United States is authorized in the regulatory area only during open season. Fishing for Atlantic bluefin tuna that weigh less than 14 pounds round weight or in excess of 115 pounds round weight but less than 300 pounds round weight by persons or fishing vessels subject to the jurisdiction of the United States is not authorized at any time in the regulatory area. However, Atlantic bluefin tuna that weigh less than 14 pounds or in excess of 115 pounds round weight but less than 300 pounds round weight may be incidentally taken in the course of fishing in the regulatory area by persons or fishing vessels subject to the jurisdiction of the United States only in the manner and in the numbers or weights, as the case may be, as set forth in § 285.13.

§ 285.11 Open and closed seasons.

(a) The Director shall announce in the FEDERAL REGISTER the opening and the closing of the seasons or areas for the taking of Atlantic bluefin tuna. In determining whether a season or area shall be opened and when a season or area shall be closed for the calendar year 1975, the Director will take into consideration the number or tons, as the case may be, of Atlantic bluefin tuna taken during the period from 1 January 1975 to the date these regulations are promulgated.

§ 285.12 Quotas.

The quotas, by method of fishing, for Atlantic bluefin tuna in the regulatory area during the open season are as follows:

(a) Purse seining:

(1) The total annual quota for Atlantic bluefin tuna that weigh between 14 pounds (6.4 kg.) round weight and 115 pounds (52.3 kg.) round weight is 1,100 short tons (997 metric tons).

(2) The total annual quota for Atlantic bluefin tuna that weigh in excess of 300 pounds (136.4 kg.) round weight is 200 short tons (132 metric tons).

(b) Fishing by other than purse seining:

(1) The total annual quota of Atlantic bluefin tuna which weigh in excess of 300 pounds round weight is 2,250 tuna of which no more than 200 tuna shall be taken south of a line extending from the entrance to Chatham Harbor, Massachusetts, east into the Atlantic Ocean.

(2) The daily bag limit per person for persons who angle for Atlantic bluefin tuna which weigh between 14 pounds round weight and 115 pounds round weight is four Atlantic bluefin tuna.

When the quota for a particular weight of Atlantic bluefin tuna has been reached, the Director shall, in accordance with § 285.11 close the season for Atlantic bluefin tuna of that weight.

§ 285.13 Incidental catch.

(a) Purse seine vessels fishing for Atlantic bluefin tuna weighing more than 14 pounds round weight but less than 115 pounds round weight, may, in addition, incidentally take on any one trip Atlantic bluefin tuna outside said weight limits provided, however, that the number of such tuna taken shall not exceed either 15 percent of the total number of Atlantic bluefin tuna taken which do not exceed said limits or 4 percent by weight of the total weight of Atlantic bluefin tuna taken which do not exceed said limits.

(b) Persons angling for Atlantic bluefin tuna, which weigh between 14 pounds round weight and 115 pounds round weight, may include in the daily bag limit one Atlantic bluefin tuna less than 14 pounds round weight and one Atlantic bluefin tuna greater than 115 pounds round weight but less than 300 pounds round weight.

(c) Persons or fishing vessels subject to the jurisdiction of the United States fishing for species of fish other than Atlantic bluefin tuna may, in addition, incidentally take on any one trip, or in the case of traps within any 30 day period, Atlantic bluefin tuna of any weight provided that said tuna do not exceed, by weight, 2% of the total weight of the fish taken.

(d) All Atlantic bluefin tuna taken incidentally shall be included in the quotas set forth in § 285.12.

§ 285.14 Reporting requirements.

(a) Reports and records required by this section when required to be forwarded to the National Marine Fisheries Service, should be forwarded to:

Director, Northeast Region
National Marine Fisheries Service
14 Elm Street, Federal Building
Gloucester, Massachusetts 01930

The tags referred to in (b) and (c) of this section may be obtained by writing to the same address.

(b) Any person or master or operator of any fishing vessel subject to the jurisdiction of the United States that takes an Atlantic bluefin tuna in excess of 300 pounds round weight shall affix through the fleshy part of the keel on the peduncle, an individually numbered tag furnished by the National Marine Fisheries Service. The person, master or operator shall complete the numbered card furnished with the tag and mail the card to the National Marine Fisheries Service within 72 hours of landing.

(c) It shall be the responsibility of any dealer who purchases or otherwise obtains an Atlantic bluefin tuna that weighs in excess of 300 pounds round weight to affix, unless there is already affixed upon the tail, through the fleshy part of the keel on the peduncle, an individually numbered tag furnished by the National Marine Fisheries Service. The dealer shall complete the numbered card furnished with the tag and mail the card to the National Marine Fisheries Service within 72 hours of receipt of such tuna. An affixed tag whether attached by a dealer, person or master or operator of a fishing vessel must remain in place until such tuna is being processed, packed for export or otherwise disposed of, at which time the dealer shall remove a 3–6 inch section of the tail (caudal peduncle) containing the tag, notify the National Marine Fisheries Service and retain the tail piece with tag for collection by a representative from the National Marine Fisheries Service.

(d) With respect to Atlantic bluefin tuna that weigh less than 300 pounds round weight, dealers shall maintain and forward to the National Marine Fisheries Service, within 72 hours of engaging in a commercial activity involving such Atlantic bluefin tuna, a complete record of such activity including the numbers, and disposition (names, adresses and where applicable country of origin) of such Atlantic bluefin tuna.

§ 285.15 Presumptions.

For purposes of this Part 285, there shall be a rebuttable presumption that Atlantic bluefin tuna which are of the following lengths when measured in a straight line from the tip of the nose to the fork of the tail weigh the amount noted in association with the length:

27 inches (68 cm.)—14 pounds (6.4 kg.).
56 inches (142 cm.)—115 pounds (52.3 kg.).
75 inches (191 cm.)—300 pounds (136.4 kg.).

For any Atlantic bluefin tuna which is less than or in excess of the lengths set-forth herein, there shall be a rebuttable presumption that such Atlantic bluefin tuna correspondingly weighs less than or in excess of, as the case may be, the appropriate associated weights.

Subpart C—Yellowfish Tuna (Thunnus Albacares)

§ 285.20 Authorized fishing.

Fishing for yellowfin tuna that weigh 7 pounds round weight (3.2 kg.) or more by persons or fishing vessels subject to the jurisdiction of the United States is authorized in the regulatory area during the open season. Except as provided in § 285.22, fishing in the regulatory area for yellowfin tuna that weigh less than 7 pounds round weight by persons or fishing vessels subject to the jurisdiction of the United States is not authorized.

§ 285.21 Open and closed seasons.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours on the first day of January and terminate at 2400 hours on the last day of December, unless announced to the contrary by notice in the FEDERAL REGISTER.

§ 285.22 Incidental catch.

Persons or fishing vessels subject to the jurisdiction of the United States may take yellowfin tuna that weigh less than 7 pounds round weight as an incident to fishing in the regulatory area for yellowfin tuna that weigh 7 pounds round weight or more, provided, however, that no such persons or fishing vessels may land or transship such yellowfin tuna (weighing less than 7 pounds round weight) taken during any one fishing voyage as exceed 3 percent by weight of the total weight of yellowfin tuna taken in said fishing voyage that weigh 7 pounds round weight or more.

§ 285.23 Recordkeeping.

(a) Any person in charge of a fishing vessel, or any master or other person in charge of a fishing vessel subject to the jurisdiction of the United States or any person as may be authorized in writing to serve as the agent of such person or master, shall:

(1) Keep an accurate log of all operations conducted from the vessel, entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of tuna aboard by species. The record and bridge log shall be sufficient to comply with this paragraph, provided however, that the items of information specified herein are fully and accurately entered in such log.

(2) Furnish on a form obtainable from the Regional Director, following the sale or delivery of a catch of tuna made by such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual, giving the name and official number of the fishing vessel, the dates of beginning and ending of the fishing voyage, the port of depar-

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ture, and a listing separately by species of the round weight quantities (pounds or short tons) of tuna sold or delievered. At the option of the vessel master or other person in charge, a copy of the fish ticket, weighout slip, settlement sheet, or similar record issued by the dealer or his agent may, however, be used for reporting purposes in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph. In addition, any vessel landing its catch in California may satisfy the requirements of this paragraph by submitting an official copy of the California fish ticket. Such sale and delivery reports shall be delivered or mailed to the Regional Director within 72 hours after weighout has been completed.

(b) Any person authorized to carry out enforcement activities under the Act or these regulations shall have power, without warrant or other process, to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as required by the regulations in this part to be made, kept or furnished.

§ 285.24 Reporting requirements.

(a) Any person in charge of a fishing vessel or any Master or other person in charge of a fishing vessel, subject to the jurisdiction of the United States, except vessels proceeding directly to Puerto Rico or to any other U.S. Port for unloading, shall report to the Regional Director not less than 48 hours prior to entering the regulatory area via the Panama Canal. In addition, any person in charge of a fishing vessel or any Master or other person in charge of a vessel, subject to the jurisdiction of the United States except a vessel without yellowfin tuna aboard, shall notify the Regional Director not less than 48 hours prior to leaving the regulatory area via the Panama Canal. Each report shall include the name of the reporting vessel, the tonnage of yellowfin tuna aboard, and whether the yellowfin tuna were caught in Pacific or Atlantic waters.

(b) All such fishing vessels entering or leaving the regulatory area via the Panama Canal shall be subject to inspection. Official seals will be affixed to wells containing yellowfin tuna taken within or outside the regulatory area, as appropriate and the same will be noted on the vessel log. The official seals shall be removed only by a designated agent of the National Marine Fisheries Service, upon the arrival at point of sale or delivery.

(c) Any person in charge of a fishing vessel or any Master or other person in charge of a fishing vessel subject to the jurisdiction of the United States, shall notify the Regional Director not less than 48 hours prior to any transfer of yellowfin tuna taken in the regulatory area to another vessel for the purpose of transshipment. Such reports shall include the date and place of unloading, name and destination of the oncarrying vessel, and the tonnage by species of tuna transferred.

(d) The failure to file the reports or to follow the procedures required by this section, the tampering with or the removal of an official seal, or the alteration of a fishing vessel's log by any person or fishing vessel subject to the jurisdiction of the United States shall be a prohibited act within the meaning of § 285.3 of this Part.

Subpart D—Restrictions on Tuna Imports

§ 285.30 Basis and purpose.

(a) The stocks of Atlantic tunas under investigation and regulation by the Commission represent the concern of a number of countries interested in the conservation of such stocks. In order to assure that the achievement of the conservation objectives of the Commission are fulfilled the Act provides for certain restrictions on the importation of Atlantic tunas. Pursuant to Section 6(c) of the Act, the Secretary, with the concurrence of the Secretary of State, is directed to promulgate regulations to prohibit:

(1) The entry into the United States of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission; and

(2) The entry into the United States, from any country when vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the regulatory area;

(3) The entry into the United States, from any country when vessels of such country engage in repeated and flagrant fishery operations in the regulatory area which seriously threaten the achievement of the objectives of the Commission's recommendations, of fish in any form of those species which are under investigation by the Commission and which were taken from the regulatory area.

(b) By letter of _____, the Secretary of State concurred in the promulgation of the regulations in this part. Such regulations are designed to implement the provisions of Section 6(c) of the Act with respect to import controls and to proscribe procedures for the establishment of restrictions on imports of tuna and tuna-like fish whenever such action shall be deemed warranted.

§ 285.31 Species subject to regulation.

The species of tuna currently subject to regulation pursuant to recommendations of the Commission within the meaning of Section 6(c) are yellowfin tuna and Atlantic bluefin tuna.

§ 285.32 Species under investigation by the Commission.

Those species of tuna currently under investigation by the Commission within the meaning of section 6(c) of the Act are yellowfin, Atlantic bluefin, skipjack, albacore, bigeye and Atlantic bonito, and billfishes.

§ 285.33 Investigations authorized.

(a) The Director shall cause to be made, from time to time, such inquiries and investigations as may be necessary to keep himself and other interested persons currently informed regarding the nature and effectiveness of the measures for the implementation of the Commission's recommendations concerning those activities which are being carried out by foreign countries whose vessels engage in fishing within the regulatory area. In making a finding, as to:

(1) Whether or not fish in any form of those species which are subject to regulation by the Commission are being taken from the regulatory area in a manner or under such circumstances as would tend to diminish effectiveness of the conservation recommendations of the Commission; or

(2) Whether or not a country is condoning the use of vessels in the conduct of fishing operations in the regulatory area in such a manner or under such circumstances that would tend to diminish the effectiveness of the conservation recommendations of the Commission; or

(3) Whether or not a country is condoning the use of vessels in repeated and flagrant fishing operations which seriously threaten the objectives of the Commission, the Director shall take into account, among such other considerations as may appear to be pertinent in a particular case, the following factors:

(i) Whether or not the country provides or causes to be provided to the Commission pertinent statistics on a timely basis;

(ii) whether or not the country has in force conservation measures applicable to its own fishermen adequate for the implementation of the Commission's recommendations;

(iii) whether or not the country has in force measures for the control of landings in its ports of species subject to regulations which are taken in the regulatory area by fishermen of other countries contrary to the Commission's conservation recommendations;

(iv) whether or not the country, having put conservation measures into effect, takes reasonable action to enforce such measures;

(v) the number of vessels of the country which conduct fishing operations in the regulatory area;

(vi) the quantity of species subject to regulation taken from the regulatory area by the Country's vessels contrary to the Commission's conservation recommendations and its relationship to (A) the total quantity permitted to be taken by the vessels of all countries participating in the fishery and (B) the quantity of such species sought to be restored to the stocks of fish pursuant to the Commission's conservation recommendations.

(b) Any person who shall have reason to believe that the vessels of any country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission or that other acts within the purview of the import control provisions of section 6(c) of the Act, are occurring or are likely to occur, may communicate his belief to the Director. Every such communication shall contain or be accompanied by a full statement of the reasons for the belief, including a detailed description of such specific acts or events as may indicate a need for instituting an investigation as authorized in this part.

(c) Upon receipt by the Director of any communication submitted pursuant to paragraph (b) of this section and found to comply with the requirements of that paragraph, the Director promptly shall cause such investigation to be made as appears to be warranted by the circumstances of the case. In conducting such investigations the Director or his designated representative shall consider any representations offered by foreign interests, importers, brokers, domestic producers, or other interested persons. Unless good cause to the contrary shall exist, every such investigation shall be completed within 60 days following receipt of the communication.

§ 285.34 Publication of findings.

If it shall be determined on the basis of § 285.33 that species of fish subject to regulation or under investigation by the Commission, as the case may be, are ineligible for entry into the United States pursuant to the provisions of section 6 (c) of the Act, the Director, with the approval of the Secretary of the Commerce and with the concurrence of the Secretary of State, shall publish a finding to that effect in the FEDERAL REGISTER. Effective upon the date of publication of such finding in the FEDERAL REGISTER every shipment of fish in any form of the species found to be ineligible shall be denied entry unless it shall be established by satisfactory proof pursuant to § 285.35 that a particular shipment of such fish is not ineligible for entry: *Provided*, That entry shall not be denied and no such proof shall be required for any such shipment which, on the date such publication, was in transit to the United States on board a vessel operating as a common carrier.

§ 285.35 Proof of admissibility.

(a) For the purposes of § 285.33 of this part and section 6(c) of the Act a shipment of fish in any form of the species under regulation or under investigation by the Commission offered for entry, directly or indirectly, from a country named in a finding published under § 285.34 shall be deemed to be eligible for entry if the shipment is accompanied by a certificate of eligibility certifying as may be appropriate, that the fish in the shipment:

(1) Are not of the species specified in the published finding;

(2) Are of the species named in the published finding but were not taken in the regulatory area; or

(3) Are of the species named in the published finding but are products of an American fishery lawfully taken in conformity with applicable conservation laws and regulations and landed in the country named in the published finding solely for transhipment. The certificate shall be attached to the invoice and be in the following form:

CERTIFICATE OF ELIGIBILITY

I, _____ an authorized officer of the Government of _____, certify that the shipment of tuna accompanied by this certificate, consisting of _____ of _____ (Quality) (Species) in _____ (Number and kind of packages or containers bearing the following marks and numbers)

☐ (a) Contains no tuna of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Atlantic Tunas Convention Act of 1975. (A certificate of authentication executed by a consular officer or a consular agent of the United States must be attached.)

☐ (b) Contains tuna of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Atlantic Tunas Convention Act of 1975, but that such tuna were caught in the waters of _____ (Identify area or areas in which tuna were taken) by vessels subject to the jurisdiction of _____ (A certificate of authentication executed by a consular officer or consular agent of the United States must be attached.)

☐ (c) Contains tuna of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Atlantic Tunas Convention Act of 1975, but that such tuna, as shown in the attached declaration, were taken in strict conformity with applicable conservation laws and regulations in a fishing enterprise conducted under the American flag by vessels of the United States, are products of an American fishery within the meaning of Schedule 1, Part 15A, Tariff Schedules of the United States, were landed in a foreign country solely for transshipment without change in condition and are eligible for free entry under such Schedule and 19 CFR 10.78–10.79. (Where an entry is to be made pursuant to this paragraph, this certificate must be executed by a consular officer or consular agent of the United States and the declaration(s) required by 19 CFR 10.79 and must be attached.)

_____
Signature

_____
Title

_____
Address

(b) If the tuna are offered for entry under paragraph (a) or (b) of the Certificate of Eligibility, the certificate must be executed by a duly authorized official of the country named in the published finding and the certificate must be authenticated with respect to the signature and official position of the person executing the same by a consular officer or consular agent of the United States. Such certificate of authentication shall be attached to the Certificate of Eligibility and be substantially in the following form:

_____
_____
_____ ss:
_____
_____

I, _____;
(Name of the consular officer or consular agent)
_____ of the United
(Title)
States of America at _____,
(Place)
duly commissioned and qualified, do hereby certify that _____, whose
(Name of foreign official)
true signature and official seal are, respectively subscribed and affixed to the annexed certificate, was, on the ____ day of _____, 19__, the date thereof,
(Title of foreign official)
duly commissioned and qualified, to whose official acts faith and credit are due.

In witness whereof I have hereunto set my hand and affixed the seal of the _____ this _____ 19__, _____
Signature

_____
(Name and full title of officer)

(c) If the tuna are offered for entry under paragraph (c) of the Certificate of Eligibility, the certificate must be executed by a consular officer of consular agent of the United States and be accompanied by the declaration(s) required by 19 CFR 10.79. The "Declaration of Master and Two Members of Crew on Entry of Products of American Fisheries", required by 19 CFR 10.79 must contain a further statement as follows: "We further declare that the said tuna were caught by us in full compliance with Part 285, Title 50, Code of the *Federal Regulations*, and such other conservation laws and regulations as were applicable at the time the fishing operation was in progress.

§ 285.36 Removal of import restrictions.

Upon a determination by the Director that the conditions no longer exist which warranted the imposition of import restrictions in the finding published pursuant to § 285.34 the Director, with the approval of the Secretary and the concurrence of the Secretary of State, shall publish a finding to such effect in the FEDERAL REGISTER. Effective upon the date of publication of such finding, the prior existing import restrictions against the country designated therein shall terminate: *Provided*, that for a period of 1 year from such date of publication every shipment of fish in any form that was subject to the finding published pursuant to § 285.34 shall continue to be denied entry unless the shipment is accompanied by a certification executed by an authorized official of the country of export and authenticated by a consular

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officer or consular agent of the United States, certifying that no portion of the shipment is comprised of fish taken prior to or during the import restriction.

[FR Doc.75-29785 Filed 11-5-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 103]

VOCATIONAL EDUCATION CURRICULUM

Additional Criteria

Pursuant to the authority contained in Section 191 of Part I of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1391, notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 103 of Title 45 of the Code of Federal Regulations by revising Appendix C to read as set forth below. The proposed Appendix C would contain additional criteria for selection of applications under the program of support for Vocational Education Curriculum projects for fiscal year 1976.

(a) *Program purpose.* Section 191 of Part I of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1391, provides for federally administered grants or contracts for programs and projects for the development of curriculums for new and changing occupations, and for coordination of improvements in, and dissemination of, existing curriculum materials. The purposes of these projects are to: (1) Promote the development and dissemination of vocational education curriculum materials for use in teaching occupational subjects, including curriculums for new and changing occupational fields, and including those in public service; (2) Develop standards for curriculum development in all occupational fields; (3) Coordinate efforts of the States in the preparation of curriculum materials and also in the preparation of current lists of curriculum materials available in all occupational fields; (4) Survey curriculum materials produced by other agencies of Government, including the Department of Defense; (5) Evaluate vocational-technical education curriculum materials and their uses; and (6) Train personnel in curriculum development.

(b) *Other program information.* The projects are conducted under grants or contracts awarded by the Commissioner of Education, in accordance with the provisions of Part I of the Act and with the applicable Federal regulations (45 CFR Part 103). Eligible applicants include local educational agencies, State boards for vocational education, and public and private agencies, institutions or organizations. Under departmental policy profit making applicants are eligible only for a contract.

(c) *Regulations and criteria.* Regulations for vocational education discretionary programs were published in the FEDERAL REGISTER on August 15, 1974, 39 FR 29361. Regulations published in the FEDERAL REGISTER on November 6, 1973, 38 FR 30654, relate to general fiscal and administrative provisions for all Office of Education programs. These general regulations contain general criteria for the review of applications under Office of Education project type programs (45 CFR 100a.26) and are applicable to the programs under Part I of the Act.

In addition to the criteria for review of applications already published in the FEDERAL REGISTER, as described above, it is proposed that the additional criteria set forth in proposed Appendix C to the regulations in 45 CFR Part 103 will be applicable in connection with the review of applications for grants to be awarded in fiscal year 1976.

(d) *Written comments.* Interested persons are invited to submit written comments, suggestions, or objections regarding such proposed additional criteria to the Division of Research and Demonstration, U.S. Office of Education, 7th and D Streets, SW., Room 5042, ROB #3, Washington, D.C. 20202, on or before December 8, 1975. Comments received shall be available for public inspection at the above office, Monday through Friday between the hours of 8:30 a.m. and 4 p.m. All relevant materials received on or before December 8, 1975, will be considered.

It is hereby certified that the economic and inflationary impacts of this proposed amendment have been evaluated in accordance with OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program Number 13.496; Vocational Education—Curriculum)

Dated: September 1, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

APPENDIX C—VOCATIONAL EDUCATION CURRICULUM

FISCAL YEAR 1976

The Office of Education contemplates supporting six project grants for six curriculum coordination centers in fiscal year 1976 from funds available for the Vocational Education Curriculum program. Four of these awards will be open to competition. Two will be noncompeting continuations of grants made in fiscal year 1975 to the California State Department of Education and to Mississippi State University.

Two of the four competing awards will be funded with a two-year multi-year approval on a non-competing annual basis. The other two of these four awards will be funded with a three-year multi-year approval on a non-competing basis. The awards will be made to begin January 1, 1976.

The applicants will submit their project goals and activities for the multi-year period. Multi-year approval is intended to offer the project a reasonable degree of stability over time and to facilitate long range planning. Approval of a multi-year project shall not commit the Office of Education to provide financial assistance from appropriations not currently available; and second and third year funding is contingent on satisfactory performance.

(a) *Awarded applicants' obligations.* One of the three-year awards will provide leadership to curriculum coordination in the Northeast area including Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Vermont, Virgin Islands. The other three-year award will provide leadership for the Northwest area including Alaska, Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming.

One of the two-year awards will provide leadership to curriculum coordination for the East-Central area including Delaware, District of Columbia, Illinois, Indiana, Maryland, Michigan, Minnesota, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin. The other two-year award will provide leadership for the Midwest area including Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas.

Each awardee will be the facilitator in enabling these States to:

(1) Improve their own curriculum services and capabilities;

(2) Share information and plans regarding curriculum materials and needs in order to reduce duplication of efforts;

(3) Plan for cooperation in development, testing, evaluation, dissemination, reproduction and implementation of materials; and

(4) Develop and maintain intra-State liaison activities that will stimulate cooperative relationships at State and local levels.

In addition each awardee will become a member of the National Network Council for Curriculum Coordination in vocational and technical education; and as a member each awardee will:

(1) Conduct coordination, dissemination and diffusion activities in order to improve the acceptance of new curriculum products and to assess their impact;

(2) Establish and maintain a system for determining curriculum needs in vocational and technical education and for recommending priorities for State and national emphasis;

(3) Share information regarding materials and studies available and under development; and

(4) Provide curriculum services which will encourage the adaptation, demonstration and adoption of effective curricula and curriculum development practices in vocational and technical education.

The Office of Education will entertain requests for these grants to support:

(1) Communication and coordination activities with the States, the Network, and the U.S. Office of Education.

(2) Travel costs and per diem for the Center personnel to attend two meetings of the National Network Council for Curriculum Coordination. One of these meetings will be held in Washington, D.C.

(3) Travel costs and per diem, excluding honoraria, for State representatives to attend meetings sponsored by the center. Each of the six centers will hold a consortium meeting with their State representatives concurrently at a central U.S. location.

(b) *Application review criteria.* The criteria to be utilized in reviewing applications are listed below. These criteria are consistent with section 100a.26, Review of Applications, in the Office of Education's General Provisions for Programs, published in the

FEDERAL REGISTER in 38 FR 30654 on November 6, 1973. Segments or a segment of the application must address each criterion. Each criterion is weighted to show the maximum score that can be given to each specific criterion. Each criterion and the maximum points possible are as follows:

Criteria:	Score
(a) *Need and problems.*—The application should clearly define the need for the project within the specified consortium of States and should indicate responsiveness to problems rather than symptoms	20
(b) *Objectives.*—The objectives should be clearly stated, capable of being attained by the proposed procedures, and capable of being measured	10
(c) *Plan.*—The management plan should show functions to be performed and services to be provided; and the procedures for accomplishing each are delineated	20
(d) *Results.*—The proposed outcomes should be identified and described in terms of potential impact at National, State and local levels, Part I program purposes, and cost effectiveness and efficiency	20
(e) *Institutional capability.*—Application should clearly set forth current curriculum strengths and the capability of the applicant to immediately initiate and maintain liaison functions with consortium States	15
(f) *Personnel.*—The qualifications and experience of key staff should be appropriate for the requirements of the project; specific responsibilities should be identified for each of the key staff; and at least one key staff person should devote a minimum of 50 percent of his/her time to the project	10
(g) *Budget.*—The estimated cost should be reasonable in relation to anticipated results and the geographic area, scope, and duration of the project	5

[FR Doc.75-29840 Filed 11-5-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-WE-24]

FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-293 from Bryce Canyon, Utah, to Grand Canyon, Ariz., via the Page, Ariz., VOR to be established at Lat. 36°55'41" N., Long. 111°27'00" W.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 9009. All communications received on or before December 8, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend VOR Federal Airway No. 293 from Bryce Canyon, Utah, to Grand Canyon, Ariz., via the INT of Bryce Canyon 120°T (105°M) and the Page, Ariz., 340°T (325°M) radials and Page, Ariz.

The proposed extension of V-293 would provide continuous controlled airspace, charted radials, distance and minimum en route altitudes from Bryce Canyon, Utah, to Grand Canyon, Ariz., via Page, Ariz., for scheduled air carrier aircraft operating into Page on a regular basis. The indirect airway between Bryce Canyon and Page would permit better VOR reception and lower MEA than a direct route over higher terrain.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on October 31, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-29797 Filed 11-5-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 453-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to Idaho Implementation Plan

Pursuant to Section 110 of the Clean Air Act, as amended, the Governor of Idaho on July 28, 1975, submitted to the Administrator of the Environmental Protection Agency (EPA) a proposed revision to the Idaho Air Quality Implementation Plan. The proposed revision is a consent order for Beker Industries Corporation (formerly known as the Agricultural Products Corporation) which was adopted by the Idaho Board of Environmental and Community Services (now the Board of Health and Welfare) on October 24, 1973, after proper notice and public hearing.

The consent order replaces Regulation R—"Regulation for Control of Sulfur Oxides Emissions from Sulfuric Acid Plants" as the emission limiting regulation applying to the Beker Industries facility located in Caribou County, Idaho. The consent order contains provisions applicable to the "existing" sulfuric acid plant and the "new" sulfuric acid plant which commenced operation on March 28, 1974. Since this order was adopted by Idaho on October 24, 1973, certain of the provisions in the order dealing with start up of the new sulfuric acid plant are no longer applicable and have not been included in the following summary. The major provisions of the consent order are summarized as follows:

1. In the event the tail gas absorption unit on the new sulfuric acid plant should emit more than 6 lbs. sulfur dioxide (SO_2) per ton of 100 percent sulfuric acid produced, the Department of Environmental and Community Services (now the Department of Health and Welfare) shall have the authority to determine whether or not the new sulfuric acid plant should be immediately shut down and repaired.

2. The combined allowable SO_2 emissions from the existing and new sulfuric acid plants shall not exceed 27,000 lbs. of SO_2 per any consecutive 24-hour period. In the event ambient air SO_2 violations occur, this emission limit will be lowered.

3. Monitoring data from the continuous SO_2 recorder shall be submitted to the Department within seven days of initial start up of the new source and every seven days thereafter, or as often as required by the Department.

4. There shall be no increase in existing plant emissions after the new sulfuric acid plant is in operation. The maximum rate for existing sources is as follows:

a. Phosphate rock dryer—51.2 lbs. of particulate/hour.

b. North calciner—47.8 lbs. of particulate/hour.

c. South calciner—46.3 lbs. of particulate/hour.

d. Present sulfuric acid plant—27 lbs. SO_2/ton 100 percent sulfuric acid produced and 28 lbs. sulfur oxides/ton of 100 percent sulfuric acid produced.

5. Beker Industries shall operate two Hi-Vol filters and one continuous ambient SO_2 monitor at sites approved by the Department.

6. No process or individual source within the entire plant complex shall be operated in violation of any local, state or federal air pollution regulation or standard and nothing herein shall be construed to excuse Beker Industries from compliance with any federal, state, or local regulation or standard which requires or which may require more strict control standards than set out herein.

The Administrator is today proposing to approve the consent order as a revision to the Idaho State Implementation Plan. It should be noted that although the consent order indicates that the order may be amended at any time with the consent of the Department and Beker Industries, any such amendments will not become part of the Implementation Plan until approved by EPA. In addition to proposing to approve the consent order, the Administrator is today pro-

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posing to disapprove Regulation R as it applies to the Beker Industries Corporation because it does not meet the requirements of 40 CFR 51.13 in that the control strategy contained in the regulation is not adequate for the attainment and maintenance of SO_2 national ambient air quality standards. The proposed disapproval is shown below. The Administrator also proposed disapproval of Regulation R as it applies to The J. R. Simplot Company in Pocatello, Idaho and proposed a federal regulation to apply to that facility on August 23, 1975 (40 FR 36385). Since Regulation R applies to only Beker Industries Corporation and The J. R. Simplot Company, should EPA approve the submitted consent order for Beker Industries and promulgate the proposed federal regulation for The J. R. Simplot Company, Regulation R would be disapproved in its entirety as part of the State Implementation Plan. Further, should EPA promulgate the proposed federal regulation for The J. R. Simplot Company and approve the consent order for Beker Industries as an Implementation Plan revision, the compliance schedule for sulfuric acid plants promulgated by EPA on August 23, 1973 (38 FR 22741) in 40 CFR 52.677(d) (3) and (4) would be revoked. The proposed revocation is also shown below.

All interested persons are invited to comment on the proposed revision to the Idaho State Implementation Plan. Comments should be addressed to the Regional Administrator, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: K. Higley. Copies of the proposed revision and any comments received will be available for public inspection at the following addresses:

State of Idaho, Department of Health and Welfare, Statehouse, Boise, Idaho 83720
Environmental Protection Agency, Idaho Operations Office, 422 W. Washington Street, Boise, Idaho 83720
Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101
Environmental Protection Agency, Freedom of Information Center, 401 M Street SW., Washington, D.C. 20460

Relevant comments received on or before December 8, 1975, will be considered.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5.)

Dated: October 28, 1975.

CLIFFORD SMITH, Jr.,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart N—Idaho

1. Section 52.670 is amended by revising paragraph (c) (2) to read as follows:

§ 52.670 Identification of plan.

* * * * * *

(c) Supplementary information was submitted on:

* * * * * *

(2) March 2, May 5 and June 9, 1972; February 15, July 23 and October 16, 1973; July 1, 1974 (Idaho Indirect Source Regulation and compliance schedules); and January 10 (Regulation C), January 24 (Regulation A) and July 28 (Consent Order) 1975.

2. Section 52.675(c) is added as follows:

§ 52.675 Control strategy: Sulfur oxides—Eastern Idaho Intrastate Region.

* * * * *

(c) Regulation R of the Rules and Regulations for the Control of Air Pollution in Idaho, which is part of the sulfur dioxide (SO_2) control strategy, is disapproved as it relates to the Beker Industries Corporation facility located in Caribou County, Idaho, in the Eastern Idaho Intrastate Air Quality Control Region, since it is inconsistent with the requirements of § 51.13 of this chapter. These requirements are not met by Regulation R in that the SO_2 control strategy contained therein is not adequate for the attainment and maintenance of SO_2 national ambient air quality standards (IIAAQS). Further, the Regulation, as it applies to Beker Industries Corporation, has been superseded by a Consent Order issued by the Idaho Board of Environmental and Community Services, dated October 24, 1973.

3. Section 52.677 is amended by revoking subparagraphs (3) and (4) of paragraph (d) as follows:

§ 52.677 Compliance schedules.

* * * * *

(d) * * *
(3) [Reserved]
(4) [Reserved]

[FR Doc.75-29912 Filed 11-5-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

PROPOSALS FOR INCREASED PRICING FLEXIBILITY

Notice of Change in Hearing Dates

In its notice of proposed rulemaking and public hearing issued October 7, 1975 (40 FR 49372, October 22, 1975) the FEA stated that the public hearing in the matter of proposals for increased pricing flexibility would be held beginning at 9:30 a.m., on November 11, to be continued, if necessary, on November 12, 1975, in Room 2105, 2000 M Street, NW., Washington, D.C.

Due to scheduling problems, the hearing date has been changed to November 12, with the hearings to be continued, if necessary, on November 13, 1975. There is no change in the location or in the time the hearings will begin.

Issued in Washington, D.C., October 31, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.75-29784 Filed 11-3-75;9:27 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 239, 240, 249]

[Release Nos. 33-5627, 34-11733; File No. S7-593]

ENVIRONMENTAL AND SOCIAL DISCLOSURE

Notice of Commission Conclusions and Rulemaking Proposals

PRELIMINARY STATEMENT AND SUMMARY

The Securities and Exchange Commission today announced its conclusions and proposals for further rulemaking action in the proceeding announced in Securities Act Release No. 5569 (February 11, 1975) concerning possible disclosure in registration statements, reports and other documents filed with the Commission or required to be furnished to investors pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934 of environmental and other matters of social concern, including equal employment matters.

The Commission has concluded that, although it is generally not authorized to consider the promotion of social goals unrelated to the objectives of the federal securities laws, it is authorized and required by the National Environmental Policy Act of 1969 (NEPA) to consider the promotion of environmental protection as a factor in exercising its rulemaking authority under the Securities Act of 1933 and the Securities Exchange Act of 1934. In this regard, NEPA and the promotion of environmental protection which it explicitly mandates all agencies to effect are unique insofar as the Commission's disclosure requirements are concerned.

The Commission has broad discretion with regard to the promulgation of disclosure requirements under the federal securities laws, limited only by the requirement that it determine that such disclosures are necessary to discharge its statutory responsibilities or are necessary or appropriate in the public interest or for the protection of investors. In exercising this discretion, we have recognized that certain types of information are often of importance to investors generally and thus may appropriately be made the subject of specific disclosure requirements applicable to all registrants. On the other hand, certain types of information which are of importance only in certain instances have generally not been made the subject of specific disclosure requirements.

No showing has been made in this proceeding, particularly in light of the more than 100 areas of social information identified by persons responding to our request for comments, that disclosure of information describing corporate social practices should be specifically required of all registrants. This is not to say, however, that, in specific cases, some information of this type might not be required in order to make the statements in a filing not misleading or to make the filing otherwise complete with respect to information investors appropriately might need to make informed investment or voting decisions. The Commission's rules already require, in addition to specific disclosures, the disclosure of any other material information. Indeed, at a prior stage in its consideration of environmental and social disclosure, the Commission alerted registrants to this fact. Securities Act Release No. 5170 (July 19, 1971). And, in those particular instances in which disclosures are required thereunder, the law provides remedies for noncompliance. In appropriate cases, the Commission may commence an enforcement action, and investors who believe that they have been, or are being, injured by non-disclosure of specific information have judicial remedies available to them. As the Supreme Court has recognized, these remedies constitute a necessary supplement to the Commission's own enforcement activities.

Accordingly, in light of the apparent interest among some investors and the Commission's obligation to consider promotion of environmental protection among other factors in exercising its disclosure authority, we have today proposed for comment rules which would make available to interested investors information regarding the extent to which corporations have failed to satisfy environmental standards under federal law. We have also concluded that specific disclosure requirements regarding corporate equal employment and other practices are not appropriate at this time.

Below is a topical outline of the matters considered by the Commission in this release:

I. Background.
II. The Commission's Disclosure Authority and Responsibilities Under the Federal Securities Laws.
A. The Commission's disclosure authority.
B. The Commission's discretion to exercise its disclosure authority.
C. The scope of judicial review.
III. The National Environmental Policy Act.
A. Structure of the Act.
B. The effect of the Act on the Commission's disclosure authority.
C. Environmental disclosure alternatives.
IV. Investor Interest In, and Use of, Social Disclosure.
A. The extent of investor interest.
B. The nature of investor interest.
C. The use of social information by investors.
D. Avenues available to interested investors to affect corporate social practices.
V. Disclosure of Information Relevant to Equal Employment Opportunity and Other Matters of Social Concern.
VI. Rulemaking Proposals.
A. General purpose.
B. Synopsis of proposals.
C. Operation of proposals.

I. BACKGROUND

This proceeding, the most recent aspect of the Commission's consideration of environmental and social disclosure, was conducted pursuant to an order of the District Court for the District of Columbia in "Natural Resources Defense Council, Inc. v. Securities and Exchange Commission," 389 F. Supp. 689 (D.D.C., 1974). Plaintiffs in that case had sought review of the promulgation by the Commission of the environmental disclosure rules announced in Securities Act Release No. 5386 (April 20, 1973) and the related denial of plaintiffs' petition[1] for rules requiring registrants to file with the Commission information concerning both the environmental consequences of their activities, and statistics and legal proceedings regarding their equal employment practices.

The court held that the Commission had failed to satisfy the procedural requirements of the Administrative Procedure Act (APA), 5 U.S.C. 551, *et seq.*, in its informal rulemaking proceeding in three respects:

(1) By failing to state in Securities Act Release No. 5235 (February 16, 1972), announcing the Commission's proposed environmental disclosure rules, that those rules were intended fully to discharge the Commission's obligations under NEPA;

(2) By failing to state in Release No. 5386 (which adopted, with certain modifications, the disclosure rules proposed for comment in Release No. 5235), in sufficient detail to permit judicial review,

(a) The Commission's view of its obligation under the federal securities acts and NEPA,

(b) The alternatives which it considered in its rulemaking action, and

(c) Its reasons for rejecting substantial alternatives; and

(3) By failing to state the reasons for its denial of the equal employment portion of plaintiffs' petition.

The court ordered the Commission to undertake "rulemaking action to bring the Commission's corporate disclosure regulations into full compliance with the letter and spirit of NEPA,"[2] and to reconsider the Commission's denial of the equal employment portion of the petition.[3] The court also suggested that the Commission resolve what it characterized as two "overriding factual issues": (1) The extent of interest among "ethical investors" in the disclosure by corporations of the environmental impact of corporate activities and of their equal employment opportunity practices and (2) the avenues open to such investors to eliminate corporate practices inimical to the environment and equal employment opportunity.[4]

Although the Commission disagreed with the ruling of the district court, on February 11, 1975, in Securities Act Release No. 5569,[5] the Commission announced the present phase of this public proceeding pursuant to the court's order. In accord with the Commission's normal practice, the release was published in the "SEC Docket"[6] and distributed to persons on the Commission's mailing list for releases issued under the Securities Act and the Securities Exchange Act. Such distribution includes all registrants under the Securities Act and all reporting companies under the Securities Exchange Act. In addition, to insure the fullest possible notice to interested persons, the Commission provided 500 copies of the release to the Natural Resources Defense Council for distribution. The Commission itself mailed copies of the release, together with letters inviting comment, to various interested governmental agencies,[7] to persons who had responded to two earlier releases requesting comment on certain matters of social significance,[8] and to persons who commented on the environmental disclosure rules proposed in Securities Act Release No. 5235, *supra*. The Commission also announced in Securities Act Release No. 5577 (April 4, 1975),[9] that it would make available a reasonable number of copies of Release No. 5569, upon request, to any other group or organization whose membership might be interested in commenting thereon.

Public hearings commenced on April 14, 1975, and continued on 19 days through May 14. Fifty-four oral presentations and 353 written comments were received. Because many of the written comments arrived after the May 14 deadline specified in Release No. 5569, the staff informally held the proceeding open and accepted comments through the end of May. A number of comments received thereafter have been placed in the public file. The entire file, which includes documents in excess of 10,000 pages, is divided into letters of comment, transcripts of testimony received at the hearing, and exhibits presented in the course of testimony. These documents are, and have been, available for public inspection at

[1] S.E.C. File No. 4-179.

[2] 389 F. Supp. at 693. In its unreported order accompanying the opinion, the court provided that the rules promulgated in Release No. 5386 would "remain in effect pending further rulemaking action by the SEC."

[3] The Court's original order, dated December 9, 1974, directed the Commission to "take further rulemaking action" within 120 days. That order has been modified so that the Commission is now required, on or before October 14, 1975, to determine and publicly announce its conclusions respecting the proceeding announced in Securities Act Release No. 5569 (February 11, 1975), and the disclosure rules proposed as a result of that proceeding.

[4] 389 F. Supp. at 701-702.

[5] 40 "Federal Register" 7013 (February 18, 1975).

[6] 6 "SEC Docket" 257 (February 25, 1975). The "SEC Docket" is a weekly compilation of the Commission's releases and is available on a subscription basis from the Government Printing Office. The "SEC Docket" has approximately 6,500 subscribers.

[7] These were the United States Army Corps of Engineers; Council on Environmental Quality; Environmental Protection Agency; Equal Employment Opportunity Commission; Labor Relations and Civil Rights Division of the Department of Labor; and Land and Natural Resources Division of the Department of Justice.

[8] These were (1) Securities Exchange Act Release No. 9822 (October 17, 1972), which invited comment on a rulemaking petition filed by Public Citizen, Inc. and others concerning contributions to segregated funds to be used by corporations for political purposes; and (2) Securities Exchange Act Release No. 9908 (December 14, 1972), which invited comment on a rulemaking petition filed by the United Church of Christ and others concerning employment practices in the securities industry.

[9] 40 "Federal Register" 16375 (April 11, 1975).

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the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C.[10]

II. THE COMMISSION'S DISCLOSURE AUTHORITY AND RESPONSIBILITIES UNDER THE FEDERAL SECURITIES LAWS

A. The Commission's disclosure authority. The provisions of the Securities Act of 1933 [11] and the Securities Exchange Act of 1934 [12] are the starting point for any analysis of the Commission's authority or obligation to require specific disclosures. Those Acts confer upon the Commission broad discretion to determine what matters, in addition to those specifically enumerated in the Acts, are appropriate for disclosure. That broad discretion is limited, as set forth immediately below, by the requirement that the Commission determine disclosure of such matters is either necessary to discharge the Commission's obligations under the Acts or is necessary or appropriate in the public interest or for the protection of investors. In addition, Congress desired that disclosure be fair as well as full.

The Commission's general rulemaking authority is contained in Section 19(a) of the Securities Act and Section 23(a) of the Securities Exchange Act, which authorize the Commission to promulgate such rules "as may be necessary to carry out the provisions of this title," and "as may be necessary or appropriate to implement the provisions of this title for which [it is] responsible or for the execution of the functions vested in [it] by this title . . .," respectively. Certain sections of those Acts also confer specific and independent grants of rulemaking authority.

Thus, Sections 7 and 10(c) of the Securities Act prescribe certain types of information to be disclosed in registration statements and prospectuses, respectively, and authorize the Commission to require disclosure therein of such other information "as [is] necessary or appropriate in the public interest or for the protection of investors." Similarly, under Section 12(b) of the Securities Exchange Act, the Commission may require, in applications for the registration of securities, such information respecting the issuer's organization, financial structure, nature of business and financial statements as it deems "necessary or appropriate in the public interest or for the protection of investors." Section 13(a) under that Act requires each issuer of a security registered under Section 12 to keep current the information in its application or registration statement and to file annual and quarterly reports in accordance with rules prescribed by the Commission "as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security." Pursuant to Section 15(d) of the Securities Exchange Act, such reports are also required of certain companies which have filed registration statements under the Securities Act. Section 14(a) of the Securities Exchange Act prohibits the solicitation of proxies in contravention of such rules as the Commission prescribes "as necessary or appropriate in the public interest or for the protection of investors."

The requirement that disclosure be fair as well as full arises from the preamble to the Securities Act of 1933 which sets forth the purpose of that Act:

[t]o provide full and fair disclosure of the character of securities sold in interstate and foreign commerce. . . .

Of the various purposes of the Securities Exchange Act, as set forth in its preamble and in Section 2 of the Act, the Congressional aim "to require appropriate reports" is of direct concern here.[13] The Senate Report on proposed legislation ultimately embodied in the Securities Exchange Act points out that information required under the Securities Act relates only to the time of issuance, whereas

[r]eports under this bill will provide adequate information reasonably up to date as long as the security is traded in on an exchange.[14]

An additional objective of the Act, not referred to in the preamble or in Section 2, but underlying Section 14(a), is the promotion of fair opportunity for corporate suffrage.

The Acts and the relevant legislative history also suggest that a prime expectation of the Congress was that the Commission's disclosure authority would be ued to require the dissemination of information which is or may be economically significant. The Securities Act of 1933 was enacted in response to the flotation during the post-World War I decade of $25 billion of securities which proved worthless.[15] The significance of the enumerated disclosure items in Schedule A to that Act is essentially economic in nature. As the House Report which preceded the Securities Act states:

The type of information required to be disclosed is of a character comparable to that demanded by competent bankers from their borrowers, and has been worked out in the light of these and other requirements.[16]

Similarly, the items prescribed in Section 12(b) of the Securities Exchange Act for inclusion in registration statements filed thereunder are essentially of economic significance,[17] as are the specific references in Section 13(b) to the form of, and the methodology underlying, annual and quarterly reports. As the Senate Report explained:

The bill provides that . . . a condition of such registration shall be the furnishing of complete information relative to the *financial condition* of the issuer, which information shall be kept up to date by adequate periodic reports.[18]

That economic were the primary concern of the Congress in prescribing the Commission's disclosure authority appears also to be the view of the Supreme Court, given its recent emphasis on the economic nature of securities transactions in "United Housing Foundation, Inc. v. Forman," ---- U.S. ----, 95 S. Ct. 2051 (June 16, 1975). The Court rejected the contention that instruments designated as "stock" were necessarily "securities" under the federal securities laws, stating:

Because securities transactions are economic in character Congress intended the application of these statutes to turn on the *economic realities* underlying a transaction. . . .

95 S. Ct. 2059 (emphasis added). And, in considering whether the interests in question constituted an "investment contract" or an "instrument commonly known as a security," the Court stated:

There is no doubt that purchasers in this housing cooperative sought to obtain a decent home at an attractive price. But that type of economic interest characterizes every form of commercial dealing. What distinguishes a security transaction—and what is absent here—is an investment where one parts with his money in the hope of receiving profits from the efforts of others, and not where he purchases a commodity for personal consumption or living quarters for personal use.

Id. at 2063 (footnote omitted).[19]

It is also evident, however, that insofar as the Commission's rulemaking authority under Section 14(a) of the Securities Exchange Act is concerned, the primacy of economic matters, particularly with respect to shareholder proposals, is somewhat less. Section 14(a) provides that proxies may be solicited only in conformity with "such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors." The Congressional purpose in enacting Section 14 has been characterized as "to require fair opportunity for the operation of corporate suffrage." [20]

The Senate Report on Section 14(a) indicates that Congress was concerned that shareholders be informed of the nature of the matters which would be presented at shareholder meetings and on which those soliciting proxies would cast their votes.[21] The House Report, on the other hand, appears to place somewhat greater emphasis on the prevention of injury to stockholder financial interests which could result from unregulated management proxy solicitation.[22]

B. The Commission's discretion to exercise its disclosure authority. As stated above, Congress has conferred on the Commission broad discretion to determine what disclosures, in addition to those specifically enumerated in the Securities Act and the Securities Exchange Act, should be required of all registrants. In administering the various federal securities laws,[23] the Commission was expected to become entirely familiar with the securities markets and to develop an expertise which would enable it to resolve questions such as what disclosure of information regarding securities and issuers is necessary to discharge its responsibilities under the Securities Act and the Securities Exchange Act or is "necessary or appropriate in the public interest or for the protection of investors." [24] The Commission's broad discretion to require disclosure provides necessary latitude to expand or contract disclosure rules in light of changes in the relevant context in which securities issuers conduct their businesses. Statutes, business relationships, supply conditions and a host of other factors which could not be foreseen in 1933 and 1934 may today have a significant impact on the financial condition of companies and the priorities of investors.

If the Commission had not been vested with broad discretion to review continuously and determine the appropriate content of its disclosure requirements, either periodic review and adjustment thereof by Congress would have been necessary or disclosure would have been frozen in the mold dictated by conditions perceived in 1933 and 1934. In the alternative, perhaps, Congress might have prescribed a mechanism to periodically determine the actual interests of investors. But, as discussed *infra*, Section IV(A), there appears to be no feasible, precise method to accomplish such an undertaking, short of an in-depth statistical survey.[25] Furthermore, such a survey, while superficially attractive, would at best produce results that might rapidly become outdated in light of the shifting and fluctuating nature of public opinion and the focus of popular attention from time to time.[26] Finally, some consideration would have to be given to whether interests of which investors are largely unaware might become recognized if disclosure of relevant information were to be required. It is thus apparent that the first of these alternatives would have resulted in the remedial disclosure provisions of the federal securities laws rapidly becoming outmoded, while the second would not have been workable and would have been totally unstable.

Whether particular disclosure requirements are necessary to permit the Commission to discharge its obligations under the Securities Act and the Securities Exchange Act or are necessary or appropriate in the public interest or for the protection of investors involves a balancing of competing factors. As a practical matter, it is impossible to provide every item of information that might be of interest to some investor in making investment and voting decisions. As discussed *infra*, Section V, participants in the proceeding suggested more than 100 topics concerning which they desired disclosure. A disclosure document which incorporated each of these suggestions would consist of excessive and possibly confusing detail, whether provided directly to investors or filed with the Commission for inspection by interested per-

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[10] The public file in this phase of the proceeding consists of the following subfiles:

S7-551-1: Written comments received in response to Release No. 5569 and certain background information as described in that Release.

S7-551-1A: Witnesses' prepared statements and exhibits submitted at the public hearing.

S7-551-1C: Correspondence in connection with the proceeding other than written comments.

S7-551-1H: Transcripts of the public hearings.

Other Commission public files which contain materials relevant to the issues in this proceeding include:

S7-429: Written comment received in response to Release No. 5235, *supra*, concerning proposed environmental disclosure rules.

4-150: Written comment received in response to Release No. 9822, *supra* note 8, concerning corporate political funds.

4-160: Written comment received in response to Release No. 9908, *supra* note 8, concerning employment practices in the securities industry.

4-179: Natural Resources Defense Council rulemaking petition and materials related to the denial thereof.

[11] 15 U.S.C. 77a *et seq.* The Act appears in the United States Code as 15 U.S.C. Section 77, the sections of the Act being identified by the letters a-bb rather than by the corresponding Arabic numbers.

[12] 15 U.S.C. 78a *et seq.* The Act appears in the United States Code as 15 U.S.C. Section 78, the sections of the Act being identified by the letters a-jj rather than by the corresponding Arabic numbers. Recent amendments to the Securities Exchange Act, adopted this year in Pub. L. 94-29, have not as yet been included in this codification.

[13] The preamble to the Securities Exchange Act makes clear that the major purposes of that Act were [t]o provide for the regulation of securities exchanges and of over-the-counter markets . . . to prevent inequitable and unfair practices on such exchanges and markets, and for other purposes.

Section 2 of that Act states: For the reasons hereinafter enumerated, transactions in securities as commonly conducted upon securities exchanges and over-the-counter markets are affected with a national public interest which makes it necessary . . . to require appropriate reports. . . .

[14] S. Rep. No. 792, 73d Cong., 2d Sess. at 10 (1934). In 1964, the Securities Exchange Act was amended to extend the reporting requirements to certain issuers, the securities of which were not traded on an exchange. Public Law No. 88-467 (Aug. 20, 1964), 78 Stat. 565. See 15 U.S.C. 781(g), 78m(a), 78n.

Such disclosure is, of course, related to the other statutory objectives of controlling speculation and insider trading and of eliminating manipulation. As the House Report made clear:

There cannot be honest markets without honest publicity. Manipulation and dishonest practices of the market place thrive upon mystery and secrecy.

H.R. Rep. No. 1383, 73d Cong., 2d Sess. at 11 (1934).

[15] H.R. Rep. No. 85, 73d Cong., 1st Sess. (1933) at 2.

[16] *Id.* at 4.

[17] The Commission's rulemaking authority under Section 12(b) is limited to information "in respect of" certain enumerated items.

[18] S. Rep. No. 792, *supra* note 14, at 10 (emphasis added).

[19] In "National Association for the Advancement of Colored People v. Federal Power Commission," ---- F. 2d ----, No. 72-1959 (C.A.D.C., February 5, 1975), the Court of Appeals for the District of Columbia observed that in 1971 this Commission had issued a release which called attention to its then-existing disclosure requirements regarding the pendency of civil rights proceedings which could affect a registrant's business activities, and stated:

In thus acting, however, the SEC appears to us merely to have been fulfilling its proper role of seeing that investors are fully informed of circumstances which might bear on the financial prospects of securities-issuing corporations.

Slip Op. at 23-24.

On the other hand, in the action out of which this proceeding arose, Judge Richey stated:

There are many so-called 'ethical investors' in this country who want to invest their assets in firms which are concerned about and acting on environmental problems of the nation. This attitude may be based purely upon a concern for the environment; but it may also proceed from the recognition that awareness of and sensitivity to environmental problems is the mark of intelligent management. Whatever their motive, this Court is not prepared to say that they are not rational investors and that the information they seek is not material information within the meaning of the securities laws.

389 F. Supp. at 700 (*dictum*).

[20] "Securities and Exchange Commission v. Transamerica Corp.," 163 F. 2d 511, 518 (C.A. 3, 1947) *cert. denied*, 332 U.S. 847 (1947). See also, "J. I. Case Co. v. Borak," 377 U.S. 426, 431-32 (1964).

[21] S. Rep. 792, *supra* note 14, at 12:

In order that the stockholder may have adequate knowledge as to the manner in which his interests are being served, it is essential that he be enlightened not only as to the financial condition of the corporation, but also as to the major questions of policy, which are decided at stockholders' meetings.

[22] H.R. Rep. 1383, *supra* note 14, at 13-14:

Fair corporate suffrage is an important right that should attach to every equity security bought on a public exchange. . . . Insiders have at times solicited proxies without fairly informing the stockholders of the purposes for which the proxies are to be used and have used such proxies to take from the stockholders for their own selfish advantage valuable property rights.

[23] The Commission's organic statutes include: Securities Act of 1933, 15 U.S.C. 77a *et seq.* Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.* Public Utility Holding Company Act of 1935, 15 U.S.C. 79 *et seq.* Trust Indenture Act of 1939, 15 U.S.C. 77aaa *et seq.* Investment Company Act of 1940, 15 U.S.C. 80a-1 *et seq.* Investment Advisers Act of 1940, 15 U.S.C. 80b-1 *et seq.*

[24] The courts have repeatedly recognized broad discretion in the Commission to make determinations whether to take action and the form any action should take, dependent on its expertise in securities matters. See, *e.g.*, "Securities and Exchange Commission v. Chenery Corp.," 332 U.S. 194, 209 (1974):

The Commission's conclusion [regarding a reorganization plan under the Public Utility Holding Company Act] here rests squarely in that area where administrative judgments are entitled to the greatest amount of weight by appellate courts. It is the product of administrative experience, appreciation of the complexities of the problem, realization of the statutory policies, and responsible treatment of the uncontested facts. It is the type of judgment which administrative agencies are best equipped to make and which justifies the use of the administrative process. . . . Whether we agree or disagree with the result reached, it is an allowable judgment which we cannot disturb.

[25] There are approximately 30 million United States investors holding approximately $660 billion in common and preferred stock, exclusive of investment company shares. See notes 48 and 50, *supra*.

[26] If the Commission were required to promulgate rules by plebiscite at the behest of any member of the public, its functions would be purely ministerial, a result clearly not intended by Congress in 1934 or in 1975 when it last reviewed the workings of the Commission and the securities laws.

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sons. Thus, certain types of disclosure might be so voluminous as to render disclosure documents as a whole significantly less readable and, thus, less useful to investors generally.[27] In addition, disclosure to serve the needs or desires of limited segments of the investing public, even if otherwise desirable, may be inappropriate, since the cost to registrants, which must ultimately be borne by their shareholders, would be likely to outweigh the resulting benefits to most investors.

The weighing of these factors, among others, is the mechanism by which disclosure is rendered fair as well as full. In administering the disclosure process under the Securities Act and the Securities Exchange Act, the Commission has generally resolved these various competing considerations by requiring disclosure only of such information as the Commission believes is important to the reasonable investor—"material information." 17 CFR 230.405(*l*), 230.408, 240.12b–20, and 240.14a–9(a). This limitation is believed necessary in order to insure meaningful and useful disclosure documents of benefit to most investors without unreasonable costs to registrants and their shareholders.

In arriving at our decision, we are also influenced by our view that the discretion vested in the Commission under the Securities Act and the Securities Exchange Act to require disclosure which is necessary or appropriate "in the public interest" does not generally permit the Commission to require disclosure for the sole purpose of promoting social goals unrelated to those underlying these Acts. Recently, the Court of Appeals for the District of Columbia reaffirmed this principle in a case involving the obligations of the Federal Power Commission with respect to employment discrimination.[28]

The Court stated:

> . . . Congress has not charged the [Federal Power] Commission with advancing *all* public interests, but only the public's interest in having the particular mandates of the Commission carried out, its interest, in other words, in the conservation of natural resources and the enjoyment of cheap and plentiful electricity and natural gas.

Slip Op. at 19 (emphasis in original). Significantly, the Court recognized that many of its previous decisions, as well as those of the Supreme Court, have required agencies to consider the antitrust implications of their actions, but it stated:

> These do not, however, establish that the content of the 'public interest' criterion is generally supplied by other national policies and laws. *Some* such policies and laws are surely relevant, but not simply because they exist. They are relevant because their objectives 'can be related to the objectives of the statute administered by the agency.'
>
> Slip Op. at 19 (emphasis in original.)[29]
>
> [w]ords like 'public interest' and the interest of 'investors or consumers,' though of wide generality, take their meaning and definition from the substantive purposes of the Act.

"Alabama Electric Cooperative, Inc. v. Securities and Exchange Commission," 353 F. 2d 905, 907 (C.A.D.C., 1965). See "City of Lafayette v. Securities and Exchange Commission," 454 F. 2d 941 (C.A.D.C., 1971). See also, "American Sumatra Tobacco Corp. v. Securities and Exchange Commission," 110 F. 2d 117, 121 (C.A.D.C., 1940) (Securities Exchange Act).

Thus, although the Commission's discretion to require disclosure is broad, its exercise of authority is limited to contexts related to the objectives of the federal securities laws. Specifically, insofar as is relevant here, the Commission may require disclosure by registrants under the Securities Act and the Securities Exchange Act if it believes that the information would be necessary or appropriate for the protection of investors or the furtherance of fair, orderly and informed securities markets or for fair opportunity for corporate suffrage. Although disclosure requirements may have some indirect effect on corporate conduct, the Commission may not require disclosure solely for this purpose.

C. The scope of judicial review. As discussed above, the scope of the Commission's discretion to determine what disclosure is appropriate to fulfill its responsibilities under the federal securities laws is extremely broad. Correspondingly, the scope of judicial review of a Commission decision regarding whether to require disclosure of a particular type of information must be limited.[30] If this were not the case, the court, rather than the Commission, would generally be responsible for making the difficult judgments regarding what information is necesary for the Commission to discharge its responsibilities under the Securities Act and the Securities Exchange Act or is necessary or appropriate in the public interest or for the protection of investors. Courts, however, are ill-equipped to make such determinations because the problems presented cannot "be resolved by 'judicial application of canons of statutory construction.'" "Hahn v. Gottlieb," 430 F. 2d 1243, 1249 (C.A. 1, 1970). This is an area "where laws are so broadly drawn that agencies have large discretion,"[31] and "there is no law [for courts] to apply."[32] In short, the proper content of disclosure requirements, or whether that content should be effected by rulemaking or *ad hoc* adjudicatory actions, are judgments "based upon public policy, . . . judgment[s] which Congress has indicated [are] type for the Commisison to make." "Securities and Exchange Commission v. Chenery Corp.," 332 U.S. 194, 209 (1947).

Finally, the substitution of judicial for Commission discretion in disclosure rulemaking would distort the Commission's overall administration of the disclosure process by permitting persons so inclined to utilize judicial review under the Administrative Procedure Act to vindicate their own value preferences, a prospect rejected by the Supreme Court in analogous, but somewhat different, contexts involving environmental consequences of agency decisionmaking in "Sierra Club v. Morton," 405 U.S. 727, 740 (1972) and "Citizens to Preserve Overton Park, Inc. v. Volpe," 401 U.S. 402, 416 (1971).

III. The National Environmental Policy Act

A. Structure of the Act. NEPA is unique in that Congress, in this single enactment, supplemented the mandate of all federal agencies to include consideration of environmental values within agency responsibility. In determining what action to take as a result of the proceeding announced in Release No. 5569, the Commission must determine what effect NEPA has on the principles discussed above which govern its disclosure authority. The pertinent provisions of NEPA are contained in Sections 101 through 105 of that Act, 42 U.S.C. 4331 through 4335.

Section 101(a) sets forth the "continuing policy" of the federal government "to use all practicable means and measures" to protect environmental values. Section 101(b) states that the substantive "responsibility" of the federal government is "to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may" achieve certain environmental goals.

Section 102 specifies methods to be followed. Section 102(1) authorizes and directs that "to the fullest extent possible . . . the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in [the Act]." Section 102(2) directs that "all agencies of the Federal Government" shall, "to the fullest extent possible," follow certain procedures in conducting their activities. For example, Section 102(2)(C) requires the preparation of

[27] For example, certain persons submitted for staff examination environmental impact statements prepared in connection with corporate projects in which there was federal involvement. These documents appeared to contain a wealth of environmentally significant information, and typically consisted of several volumes containing many thousands of pages. If comparable material were to be added to registration statements, it would dwarf the disclosure which the Commission presently requires.

[28] "National Association for the Advancement of Colored People v. Federal Power Commission," —— F. 2d —— (C.A.D.C., No. 72–1959, February 5, 1975).

[29] In this vein, in cases arising under the Public Utility Holding Company Act of 1935, the courts repeatedly have held that

[30] To the extent that a Commission decision on a disclosure issue is reviewable at all, review is limited to whether the decision was procedurally in conformity with the Administrative Procedure Act and whether the decision was arbitrary, capricious, or otherwise abusive of the Commission's broad discretion in this area. 5 U.S.C. 706.

[31] "Administrative Procedure Act: Legislative History," S. Doc. No. 248, 79th Cong., 2d Sess., at 275 (Report of the House Committee on the Judiciary) (1946).

[32] *Id.* at 212 (Senate Judiciary Committee Report).

environmental impact statements in connection with "major Federal actions significantly affecting the quality of the human environment."

The courts have described the difference between the mandates of Section 101 and 102 in terms of the degree of discretion permitted. Since Section 102 requires that its provisions should be carried out "to the fullest extent possible," strict adherence thereto is required. More flexibility is considered implicit, however, in the mandate of Section 101 "to use all practicable means."[33]

To date, the case law under NEPA has primarily involved the need for, the procedures regarding, and the adequacy of, environmental impact statements required by Section 102(2)(C) in connection with "major Federal actions significantly affecting the quality of the human environment." Thus, NEPA's import remains unclear where, as here, there is no major federal action significantly affecting the environment, and any environmental impact would only be indirect.[34] As was aptly put in "City of New York v. United States," 337 F. Supp. 150, 159 (E.D.N.Y., 1972), NEPA is

> a relatively new statute so broad, yet opaque, that it will take even longer than usual fully to comprehend its import.

B. The effect of the Act on the Commission's disclosure authority. NEPA's effect on the Commission's authority to require disclosure appears to turn on the meaning of Section 102(1), which requires the Commission "to the fullest extent possible" to interpret and administer the federal securities laws "in accordance with the policies set forth in [NEPA]."

One possible view is that the phrase "public interest," as it appears in certain of the statutory provisions which establish the Commission's authority to require disclosure by registrants, must be interpreted broadly with respect to environmental matters, notwithstanding its established meaning, discussed *supra*, Section II(B). The argument continues that, since the "policies" of NEPA are in effect the protection of the environment, the Commission is authorized to require comprehensive disclosure by registrants of the environmental effects of their business activities in order to promote the protection of the environment, regardless of whether such disclosure is necessary to permit the Commission to discharge its responsibilities under the Securities Act and the Securities Exchange Act or is necessary or appropriate for the protection of investors. Further, since Section 102(1) encompasses the "administration" of federal laws, as well as their interpretation, the Commission is required to exercise such authority "to the fullest extent possible," as well.

We believe that a more reasonable interpretation is that Section 102(1) was intended to permit and require agencies such as this Commission to consider environmental values in the performance of the functions authorized under their organic statutes.[35] First, in "Calvert Cliffs' Coordinating Committee v. Atomic Energy Commission," *supra*, the court explained:

> Section 101 sets forth the Act's basic substantive policy: that the federal government 'use all practicable means and measures' to protect environmental values. Congress did not establish environmental protection as an exclusive goal; rather, it desired a reordering of priorities, so that environmental costs and benefits will assume their proper place along with other considerations.
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> . . . . . .
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> Thus the general substantive policy of the Act is a flexible one. It leaves room for a responsible exercise of discretion and may not require particular substantive results in particular problematic instances.
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> . . . . . .
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> Perhaps the greatest importance of NEPA is to require the Atomic Energy Commission and other agencies to *consider* environmental issues just as they consider other matters within their mandates. This compulsion is most plainly stated in Section 102.

449 F. 2d at 1112 (emphasis in original).

Second, it seems extremely unlikely that Congress could have intended, without specific consideration of the consequences, indiscriminately to propel federal agencies into substantive environmental programs which might have only the most superficial connection with their activities under their organic statutes. The Conference Report on NEPA explains that

> the language in section 102 is intended to assure that all agencies of the Federal Government shall comply with the directives set out in said section 'to the fullest extent possible' *under their statutory authorizations* and that no agency shall utilize an *excessively* narrow construction of its existing statutory authorizations to avoid compliance.[36]

And, during House debates on NEPA, Representative Aspinal described the intended effect of Section 102:

> Section 102 tells the agencies to follow to the fullest extent possible *under their existing authority* the procedures required to make their operations consistent with the environmental policy established in this Act.[37]

Thus, in "Gage v. Atomic Energy Commission," 479 F. 2d 1214, 1220 n. 19 (C.A.D.C., 1973), the court stated:

> NEPA does not mandate action which goes beyond the agency's organic jurisdiction.[38]

See "Kitchen v. Federal Communications Commission," 464 F. 2d 801, 802 (C.A.D.C., 1972).[39] See also the pronouncement of Section 105 that

> [t]he policies and goals set forth in [the Act] are supplementary to those set forth in existing authorizations of Federal agencies.

The Conference Report on NEPA explains:

> The effect of this section, which is a slightly revised version of section 103 of the Senate bill, is to give recognition to the fact that the bill does not repeal existing law. This section does not, however, obviate the requirement that the Federal agencies conduct their activities in accordance with the provisions of this bill unless to do so would clearly violate their *existing* statutory authorizations.[40]

Third, the broadest interpretation of Section 102(1) would result in disclosures which are the equivalent of comprehensive environmental impact statements by most large corporations, despite the Congressional intent reflected in Section 102(2)(C) that the preparation of such statements be required only of federal agencies, and then only those contemplating major federal action.

This raises a question having broader implications. NEPA is addressed primarily, if not wholly, to activities of the federal government which have an im-

[33] "Calvert Cliffs' Coordinating Committee v. Atomic Energy Commission," 449 F. 2d 1109, 1112 (C.A.D.C., 1971).

[34] Some clarification will undoubtedly result when "Gifford-Hill & Co., Inc. v. Federal Trade Commission," 389 F. Supp. 167 (D.D.C., 1974), is resolved on appeal (C.A.D.C., No. 74–2024) or if the Supreme Court grants certiorari in "Scenic Rivers Association of Oklahoma v. Lynn," —— F. 2d ——, Nos. 74–1520 and 74–1750 (C.A. 10, July 30, 1975) and considers the merits of that case.

[35] We reject the proposition, advanced in this proceeding, that Section 102(2)(F) of NEPA, which directs agencies to make information publicly available which is "useful in restoring, maintaining, and enhancing the quality of the environment," requires or permits the Commission to collect such information from issuers of securities for the sole purpose of making it available to the public and other agencies. The legislative history of NEPA makes it clear that the provisions of that Section relate to information developed in the course of agency activities undertaken within organic authority. It does not, in the Commission's view, authorize the collection of corporate information unrelated to investor protection solely for the purpose of dissemination. See *e.g.*, 115 Cong. Rec. 40420 (December 20, 1969).

[36] H.R. Rep. No. 91–765, 91st Cong., 1st Sess. at 10 (1969) (emphasis added). The analysis of conference committee changes to S. 1075 (the bill which ultimately became NEPA) was inserted in the Congressional Record during Senate debate. It states that section 102 was designed to assure *consideration* of environmental matters by all agencies in their planning and decision making—especially those agencies who now have little or no legislative authority to take environmental considerations into account.

115 Cong. Rec. 40418 (December 20, 1969) (emphasis added).

[37] 115 Cong. Rec. 40926 (December 22, 1969) (emphasis added).

[38] In "Gage," the question involved was whether the Atomic Energy Commission has authority to preclude acquisition of land by regulatees in contemplation of power plant construction but prior to obtaining a construction permit from that agency.

[39] It is suggested in "Calvert Cliffs' coordinating Committee v. Atomic Energy Commission," 464 F. 2d 1109, 1112 (C.A.D.C., 1971), that a major impetus for the language of Section 102(1) was the holding in "State of New Hampshire v. Atomic Energy Commission," 406 F. 2d 170 (C.A. 1, 1969), that consideration by the Atomic Energy Commission of the nonradiological impact of power plants which it might license was outside the scope of its authority to consider public "health and safety." Significantly, only consideration of environmental values within the scope of that Commission's traditional licensing function was involved there.

[40] H.R. Rep. No. 91–765, *supra note* 36, at 10 (emphasis added).

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pact on the environment—as is recognized in the case law.[42] Other statutes, federal and state, seek to control the environmental impact of purely private activities. It is, of course, true that federal and private activities may interact to such a degree as to bring the private activities within the scope of NEPA, as where a federal agency licenses a private corporation to engage in an activity which directly affects the environment. But something more is sought here. The Commission, of course, does nothing which directly affects the environment, nor does it license or authorize anyone else to do so. It is, however, contended that the Commission's disclosure scheme, which applies to almost all private corporations in which there are a significant number of investors, must be utilized as a weapon to influence, if not control, most of the activities in the private sector which have an impact on the environment. Nowhere in NEPA is there any suggestion of an intention to create such a wide ranging environmental control over the private sector. Such a major purpose would hardly have gone wholly unmentioned. This does not mean that NEPA has no effect on the Commission's responsibilities, but it does mean that the purpose of the disclosure scheme administered by the Commission has not been basically changed by NEPA.

Accordingly, we believe that NEPA authorizes and requires the Commission to consider the promotion of environmental protection "along with other considerations"[43] in determining whether to require affirmative disclosures by registrants under the Securities Act and the Securities Exchange Act, and, although NEPA does not require any specific disclosures, as such, we have been required to explain the alternatives which we considered in meeting our obligations under NEPA and the reasons why we have rejected substantial alternatives, in sufficient detail to permit judicial review.[44]

C. Environmental disclosure alternatives. We have concluded, as discussed *infra* Section IV, that there is a degree of interest among some investors in corporate environmental practices. The basis for this interest is claimed to be primarily economic in nature: it is argued that non-compliance with environmental laws may result in extensive costs or liabilities; that the ability to avoid environmental problems provides a good measure of management's overall quality; and that corporate environmental responsibility will, in the long run, determine the public relations and regulatory framework in which a company operates. It also is claimed that such investors would use relevant environmental information primarily in voting rather than in investment decisions.

The major alternatives proposed in the proceeding by which the Commission could protect the interests of these investors are to require: (1) comprehensive disclosure of the environmental effects of corporate activities, (2) disclosure of corporate noncompliance with applicable environmental standards, (3) disclosure of all pending environmental litigation, (4) disclosure of general corporate environmental policy, and (5) disclosure of all capital expenditures and expenses for environmental purposes.

We reject the first of these, proposed by the Natural Resources Defense Council, for a number of reasons. First, the interest among investors that may exist appears to be primarily in whether corporations are acting in an environmentally unacceptable manner, rather than in whether, and to what extent, corporations have gone beyond what is expected of them in this area. Second, unless existing environmental standards may be used as a reference point, both the costs to registrants and the administrative burdens involved in the proposed disclosure would be excessive. There appears to be no established, uniform method by which the environmental effects of corporate practices may be comprehensively described. Nor does there appear to be scientific agreement as to the harmfulness to the environment of many activities. It appears, therefore, that the proposed disclosures would be extremely voluminous, subjective and costly to all concerned. They also would not lend themselves to comparisons of different companies, which is of great importance to investors since investment decisions essentially involve a choice between competing investment alternatives.

Moreover, there appears to be virtually no direct investor interest in voluminous information of this type. Proponents, apparently conceding this, suggest that the disclosures be contained in documents which are filed with the Commission but which are not furnished directly to investors. They claim that analysts will study the materials and report their conclusions to investors in some meaningful, understandable form. This would merely substitute the opinions of such analysts, however, for the standards established by and pursuant to federal environmental legislation. And although diversity of viewpoint may be generally desirable, we have concluded that the additional costs and burdens necessary to achieve such diversity in this area greatly outweigh resulting benefits to investors and to the environment, discused *infra*, Section IV(D).[45]

The second alternative, however, seems to hold more promise. Pursuant to federal environmental statutes, most corporations are presently required to monitor and file quantitive reports, which are publicly available, regarding many aspects of their activities which affect the environment. In addition, the types of activities subject to such requirements continue to expand.[46]

Certain types of non-compliance with applicable environmental requirements may be material within the meaning of the Commission's existing rules. 17 CFR 230.405(*1*), 230.408, 240.12b–20, and 240.14a–9(a). Disclosure of such information is already required.[46] But while the disclosure of non-material information is generally not required for reasons discussed *supra*, Section II(B), adding the promotion of environmental protection to the other factors considered by the Commission in the administration of the disclosure process causes a different balance to be struck here.

Accordingly, we have today proposed for comment amendments to certain registration forms under the Securities Act and certain registration and reporting forms and rules 14a–3 and 14c–3 under the Securities Exchange Act which would, where applicable, require a registrant to provide as an exhibit to certain documents filed with the Commission a list of the registrant's most recently filed environmental compliance reports which indicate that the registrant has failed to satisfy, at any time within the previous twelve months, environmental standards established pursuant to a federal statute. In addition, the proposed amendments would, except for purposes of Forms 10 and 12 under the Exchange Act, require the registrant to undertake promptly to provide to investors copies of the reports listed, upon written request and the payment of a specified reasonable fee. Under the proposed amendments, investors who are interested in such information should be able to obtain it in connection with making investment or voting decisions.

The third alternative, disclosure of all pending environmental litigation, has been rejected. The existing environmental disclosure requirements, adopted in Securities Act Release No. 5386, (April 20, 1973), call for disclosure with respect to certain administrative and judicial proceedings arising under federal, state, or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment. All environmental proceedings initiated by a government authority are treated as being material and are already required to be disclosed. Those proceedings which are similar in nature, however, may be grouped and described generically. Nongovernmental civil actions primarily for damages must be disclosed only if the amounts involved, individually or in the aggregate, exclusive or interest and costs, exceed 10% of the current assets of the registrant and its subsidiaries on a consolidated basis.

In Securities Act Release No. 5386 (April 20, 1973) these requirements, which go beyond those applicable to legal proceedings regarding nonenvironmental matters, were adopted pursuant to NEPA. In our view, expanding these requirements further to include all nongovernmental proceedings would not provide meaningful information to investors. Nor are we convinced that it would contribute significantly to the protection of the environment. There appears to be no method by which to screen out nongovernmental actions which are substantially without merit or to ascertain whether any damages sought have been substantially inflated. Thus, we have concluded that additional requirements are unwarranted.

We have also rejected the fourth and fifth alternatives. A requirement that registrants disclose their environmental policy would result in subjective disclosures largely incapable of vertification and highly susceptible to public-relations presentations. Similarly, we do not believe that capital expenditures and expenses for environmental purposes generally serve as a meaningful index of corporate environmental practices. To the extent they are material, they are already required to be disclosed, although some changes in our requirements have been proposed to ensure uniformity. In any event, they are a function of a number of factors, including the extent to which the corporation's activities have significant effects on the environment or have in the past been subjected to environmental controls. Moreover, we believe that the disclosures which we have proposed today would provide more meaningful and complete information in this regard. We will, however, continue to reevaluate the need for further disclosure requirements from time to time as our experience with disclosure in this area increases.

IV. Investor Interest In and Use of Social Disclosure

As discussed *supra*, Section I, two of the issues with which Judge Richey indicated concern are the extent of investor interest is disclosure by corporations of the environmental impact of their activities and of their equal employment practices, and the avenues open to interested investors to eliminate corporate practices inimical to the environment and equal employment opportunity. We have serious reservations as to whether Commission rulemaking can be premised upon an attempt to quantify investor interest, but we have attempted to comply with the spirit of the court's suggestion.[47]

A. The Extent of Investor Interest. Taking the representations of the participants in the proceeding at face value, the least subjective indications of investor interest in social information are the stated views of the approximately 100 participants identifying themselves as investors who consider social information important. These persons constitute, however, an insignificant percentage of the estimated 30 million U.S. shareholders.[48] Furthermore, although many did not identify their investment portfolios, the holdings of those who did[49] constitute approximately ⅔ of 1% of the estimated aggregate value of the common and preferred stock and corporate bonds held in this country at the end of 1974.[50]

A second indication of the extent to which social concerns enter into the investment decisions of presumably small, individual investors may be found in the experience of the mutual funds which have been formed with specific social objectives. In 1971, four such funds were created: Dreyfus Third Century Fund, Pax World Fund, First Spectrum Fund, and Social Dimensions Fund. Of these, Dreyfus and Pax have assets of approximately $18 million and $.6 million, respectively.[51] First Spectrum, which reported net assets of $13,840 on June 30, 1974, and described itself as "inactive," was deregistered on September 24, 1974 (Investment Company Act Release No. 8517). Social Dimensions Fund filed a registration statement with the Commission in 1971, but that statement never became effective. Although the Fund has not been deregistered, it is currently reporting no assets. Significantly, the total assets of these funds represent an insignificant portion of the estimated total value of open-end investment company shares held in this countrv at the end of 1974, approximately $35 billion.[52]

Unfortunately there was no broad participation by financial institutions in the proceeding. There are indirect indications, however, that the social policies of corporations are considered as "investment issues" by some institutional investors. The policy statements of committees of the Investment Company Institute[53] and the American Bankers

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[42] See "Movement Against Destruction v. Volpe," 361 F. Supp. 1360, 1383 (D. Md., 1973) ("Despite the breadth of the NEPA, its application is only to the decisionmaking processes of the Federal government."); "Carolina Action v. Simon," 389 F. Supp. 1244 (M.D.N.C., 1975), *affirmed*, —— F. 2d ——, No. 75–1253 (C.A. 4, June 25, 1975) (NEPA is inapplicable to federal disbursements of general revenue sharing funds despite environmental impact of state use of such funds); "Civic Improvement Committee v. Volpe," 459 F. 2d 957, 958 (C.A. 4, 1972) ("Despite the breadth of the NEPA we think there are doubtless local projects that may be destructive of environmental assets that are not within the ambit of protection of the Act."); "United States v. Stoeco Homes, Inc.," 498 F. 2d 597, 607 (C.A. 3, 1974) (NEPA does not apply to state or private activities).

[43] "Calvert Cliffs' Coordinating Committee v. Atomic Energy Commission," 449 F. 2d 1109, 1112 (C.A.D.C., 1971).

[44] "Natural Resources Defense Council, Inc. v. Securities and Exchange Commission," 389 F. Supp. 689, 701 (D.D.C., 1974). There is a recognized distinction, however, between the requirement that a "concise general statement . . . of basis and purpose" accompany rules adopted by an agency, 5 U.S.C. 553(c), and the requirement that "a brief statement of reasons" accompany the denial of a petition for rulemaking, 5 U.S.C. 555(e). The latter is, with minor exceptions, unreviewable. See "Administrative Procedure Act; Legislative History," *supra* note 32 at 201 (Senate Judiciary Committee Report).

[45] The Commission could presumably attempt to develop its own environmental guidelines and standards in order to eliminate these difficulties. As difficult as it is to accept this type of reasoning, it follows from the excessively broad and overly-literal approach urged upon us and the district court by the Natural Resources Defense Council. Of course, the costs involved in any such undertaking would be prohibitive. Moreover, in light of the Congressional delegation of responsibility in this area to the Environmental Protection Agency and the Council on Environmental Quality, any such effort on our part would be duplicative and of questionable propriety.

[46] The history of the Federal Water Pollution Control Act, 33 U.S.C. 1251, *et seq.*, provides an example of this process of expansion. The initial enactment, the Water Pollution Control Act of 1948, 62 Stat. 1155, has undergone significant enlargement through aemndments in 1956 (the Water Pollution Control Act Amendment of 1956, 70 Stat. 498), 1965 (the Water Quality Act of 1965, 79 Stat. 903), 1970 (the Water Quality Improvement Act of 1970, 84 Stat. 91) and, most comprehensively, in 1972 (the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816).

[46] Rule 405 (*1*) under the Securities Act of 1933 provides: The term 'material,' when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before purchasing the security registered.

Rule 408 provides: In addition to the information expressly required to be included in a registration statement, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

Rule 12b–20 under the Securities Exchange Act of 1934 is worded substantially the same as Rule 408 above.

Rule 14a–9(a) provides: No solicitation subject to this regulation shall be made by means of any proxy statement, form of proxy, notice of meeting or other communication, written or oral, containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter which has become false or misleading.

[47] The Commission has provided, for the court's convenience, a copy of certain analyses of the proceeding prepared by the staff to assist us in reviewing the various submissions. We point out, however, that the actual submissions received in the proceeding, and not these staff analyses, form the basis of the Commission's conclusion described herein.

[48] See testimony of the National Investor Relations Institute, May 13, 1975, Transcript at 2454.

[49] The holdings represented investments of approximately seven foundations, 22 religious institutions, 11 educational institutions, two mutual funds, five environmental groups, 37 individual investors, and one state, Minnesota, which holds primarily short-term notes.

[50] See Division of Research and Statistics, Federal Reserve System, "Flow of Funds, Assets and Liabilities Outstanding 1974," (May, 1975). Based upon that study, at year end 1974 approximately $660 billion in common and preferred stock (exclusive of open-end investment company shares) and approximately $290 billion in corporate bonds were held in the United States.

[51] Both participated in the proceeding.

[52] "Flow of Funds, Assets and Liabilities," *supra* note 50.

[53] Investment Company Institute, "Corporate Responsibility and Mutual Funds" (undated), submitted as an exhibit during the testimony of Central Presbyterian Church, New York; File S7–551–1A at tab 20.

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Association, Trust Division,"[54] as well as the written comment of the Financial Analysts Federation,[55] are to this effect. Of similar import are the responses of banks and mutual funds to the survey reported in the "Ford Report," and an even greater degree of interest was expressed in the responses of religious and educational institutions.[56] In addition, at least six organizations have been formed to provide social information to a wide range of institutional investors.[57]

As discussed below, most participants in the proceeding who expressed interest as investors in social disclosure stated that they would use such information in determining how to vote their proxies or otherwise to act to influence management policies, rather than to make investment decisions. In this regard, we note that certain social shareholder proposals that appear to have social implications have received an average of from 2 to 3% of the vote in recent years and that corporations have apparently not received a significant number of social inquiries from their shareholders. We also note that 76% of the large corporations which responded to a survey published by the Committee for Economic Development indicated that they had undertaken some type of social audit.[58]

Finally, while the social views expressed by public interest groups and religious institutions might be indicative of the views of some portion of their membership, and while national social policies, as reflected in federal or uniform state legislation, might also be indicative of the views of United States citizens, whether these views are or would be reflected in decisions to purchase, hold, or sell securities is highly speculative and a conclusory leap we are not prepared to make on the basis of this proceeding.

While the proceeding was given considerable publicity,[59] no one was required to respond and the number who did so was relatively small, considering the fact that investors number in the millions. Presumably only those with a strong interest took the trouble to respond, although there are probably many more with some interest. On the other hand, many, presumably, had little or no interest in these particular matters. This does not appear to be a matter which could be resolved by any feasible statistical survey. Investors, like other Americans, have a great variety of interests and concerns, which are held with varying degrees of intensity and in accordance with a variety of personal priorities. Moreover, the results of any such survey might rapidly become outdated in light of the shifting and fluctuating nature of public opinion and the focus of popular attention from time to time.

Although there appears to be a degree of interest among some investors in matters of social concern, any conclusions we might draw from the proceeding would be largely based upon inferences, previously discussed. The reliability of these inferences as indicative of actual investor interest in social matters is uncertain. For example, the motivations underlying policy statements and limited financial support for social research organizations are not always clear. It is also apparent that shareholder support for social proposals is in part a result of the specific wording involved. Finally, a number of participants in this proceeding have cautioned the Commission against measuring the extent of investor interest without giving some weight to the possibility that once social information becomes available, investors will realize its importance and become interested. That is, of course, no less speculative than any of the foregoing.

The Commission's experience over the years in proposing and framing disclosure requirements has not led it to question the basic decision of the Congress that, insofar as investing is concerned, the primary interest of investors is economic. After all, the principal, if not the only, reason why people invest their money in securities is to obtain a return. A variety of other motives are probably present in the investment decisions of numerous investors but the only common thread is the hope for a satisfactory return, and it is to this that a disclosure scheme intended to be useful to all must be primarily addressed.

B. The Nature of Investor Interest. Those investor-participants who supported social disclosure were virtually unanimous in stating that, contrary, to implications in Release No. 5569, environmental, equal employment, or other social information is in fact economically significant. These persons suggested a variety of rationales, including: (1) noncompliance with environmental, equal employment, and similar laws could lead to extensive corporate costs or liabilities; (2) the ability to avoid such problems provides an index to management's overall quality; and (3) in the long run, corporate social responsibility determines the public relations and regulatory framework in which a company operates.[60] Relatively few investor-participants expressed on noneconomic grounds.

To the extent that other indications suggest the basis of investor interest in social disclosure, they seem of similar import. The policy statements of committees of the Investment Company Institute and the American Bankers Association, Trust Division, and the comment of the Financial Analysts Federation, are grounded in these concerns.[61] The results of the survey reported in the "Ford Report" reflect similar concerns on the part of banks, insurance companies and mutual funds.[62] And although some religious and educational institutions may have noneconomic concerns as well, serious questions exist as to whether other institutions which act essentially in a fiduciary capacity may attempt to promote particular social views without specific authorization from the beneficiaries whom they serve. Further, it seems probable that corporate interest in social responsibility is primarily grounded in long-term economic well being.

C. The use of social information by investors. The majority of those investor-participants who explained the use to which they might put social information indicated that such information might play a role in voting on shareholder proposals. A lesser number indicated that such data would be taken into account in determining what securities to purchase, hold or sell. Many of the religious institutions stated that such information would be used in deciding whether to commence correspondence or negotiations with management to persuade it to change some policy.

Some of the other indications of investor interest referred to above suggest that social disclosures would be used both for investment and voting purposes.[63] Of some import, however, is the fact that Investor Responsibility Research Center, apparently one of the more established social research organizations, devotes a substantial amount of its efforts to analysis of shareholder proposals. In addition, the views of public interest groups and religious institutions and national social policies seem more likely to be reflected generally in voting decisions since any economic consequences are only indirect.

At this time, therefore, it appears that those investors who are interested in social disclosure would use the information more in making voting rather than investment decisions.

D. Avenues available to interested investors to affect corporate social practices. Participants in the proceeding suggested a variety of course through which shareholders may influence corporate social behavior, including shareholder proposals, political action, discussions with management, refusals to purchase securities, and publicity. It was pointed out, however, that the effectiveness of discussions with management often depends on the number of shares owned, and that refusals to purchase are generally ineffective without publicity and support of a significant number of investors. The effectiveness of such tactics appears to depend on the particular circumstances involved and does not readily lend itself to generalization.

Many participants in the proceeding suggested, however, that environmental disclosures would have no impact on corporate behavior because existing environmental statutes already provide a sufficient incentive to avoid environmental injury, because companies are already required to monitor many aspects of their environmental practices and to file public compliance reports with various state and federal environmental agencies, and because instances of significant environmental degradation already are widely publicized. Certain participants even suggested that Commission disclosure requirements would detract from the goal of environmental protection by requiring firms to divert resources from environmental protection to environmental disclosure.

Nonetheless, it appears that disclosure to investors of information reflecting corporate compliance with existing environmental standards might have some indirect effect on corporate practices to the benefit of the environment. It seems clear that investors do not at present have ready access to objective information concerning the environmental practices of corporations. And although the relevant compliance reports are reasonably accessible to inhabitants of the localities most directly affected by such practices, there is presently no single governmental source to which an investor can look for the environmental reports filed by a company.

Given the fact that there is a degree of interest among some investors in information regarding corporate environmental practices, we conclude that the availability of such information may result in some investor or shareholder action. Participants in the proceeding pointed out that the submission of and voting on socially-oriented shareholder proposals has often caused a corporation to alter its behavior even though the proposals are defeated by a wide margin. Many participants also believe that disclosure requirements would serve to focus management attention on environmental issues and result in clearer recognition of the future costs and legal problems associated with environmental degradation.[64] Further, the Wheat Report, a comprehensive study of the disclosure process administered by the Commission, states in this regard:

> Although basically intended to inform, the disclosure provisions of the early Acts were expected to accomplish more. Their principal architects were disciples of Justice Brandeis who, in 1913, made the famous observation in "Other People's Money" that: "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants. . . ."
>
> The fact that there is a significant degree of truth in such observations is attested by all who have worked with the disclosure provisions of the '33 and '34 Acts. The registration process has sometimes been referred to as a housecleaning: one of its most valuable consequences is the elimination of conflicts of interest and questionable business practices which, exposed to public view, have what Justice Frankfurter once termed "a shrinking quality."[65]

Having thus attempted fully to meet the expressed concerns of Judge Richey in these regards, we proceed to reconsideration of our previous denial of the equal employment portion of the petition of the Natural Resources Defense Council.

V. Disclosure of Information Relevant to Equal Employment Opportunity and Other Matters of Social Concern

By petition dated June 7, 1971, the Natural Resources Defense Council and the Project on Corporate Responsibility requested the Commission to modify its forms for the registration of securities under the Securities Exchange Act to require: (1) That certain registrants disclose "a breakdown, in conformity with Consolidated Employer Information Reports EEO–1, showing the figures and percentages of minority or female employment in each of [nine specified job categories]";[66] and (2) that all registrants disclose information concerning any proceedings in any court or before any agency challenging compliance by registrant or any subsidiary with the federal Equal Employment Opportunity Act or raising questions as to registrants compliance with Executive Order 11246 relating to discriminatory hiring practices by employers contracting with the federal government."[67]

It was also proposed that registrants subject to the second requirement disclose the EEO–1 statistics bearing on the legal proceedings in question.

On December 22, 1971, after evaluating the proposals contained in the rulemaking petition, the Commission informed the petitioners that it had declined to take the action requested in their petition. The notification of that decision stated:

> Shortly after your petition was filed, the Commission issued, on July 19, 1971, Securities Act Release No. 5170 concerning material disclosure of environmental and civil rights matters. For your information, enclosed is a copy of that release. Since that time, the Commission and its staff have been continually reviewing the types of disclosure being made as a result thereof. Before determining whether to amend the disclosure requirements contained in the various forms filed with the Commission, the Commission believes that it should evaluate the results of the guidelines for a longer period of time. On the basis of that review, the Commission will actively consider amendments to the forms in the near future.[68]

Pursuant to Judge Richey's order, described *supra*, Section I, we have reconsidered the equal employment portion of the petition. In its release announcing the proceeding, the Commission also invited comment on two "Possible Additional Disclosure Requirements" which were substantially similar to those proposed by petitioners, as well as on "any other matters of social concern to members of the investing public."[69]

At the outset, it should be noted that the Commission's present disclosure requirements call for disclosure of certain equal employment matters. Rules adopted pursuant to the Securities Act and the Securities Exchange Act provide generally that in addition to the information expressly required to be included in registration statements and in reports, further material information, if any, must be included as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading." In Securities Act Release No. 5170 (July 19, 1971), the Commission publicly announced that existing requirements for describing registrant's business in filings under the securities laws require disclosure of material legal proceedings

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[54] Executive Committee of the Trust Division of the American Bankers Association, "Statement of Principles for the Guidance of Bank Fiduciaries in Dealing With Issues of Corporate Social Responsibility," (February 4, 1973); File S7–551–1 at 1775.

[55] Letter dated May 13, 1975 from Theodore R. Dilley, President of Financial Analysts Federation, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission; File S7–551–1 at 3173.

[56] B. Longstreth & H. Rosenbloom, "Corporate Social Responsibility and the Institutional Investor—A Report to the Ford Foundation" (1973) [hereinafter the "Ford Report"]. Many participants in the proceeding cited the result of the Ford Foundation survey as evidence that there was substantial interest in obtaining and using social information among institutional investors.

J. Simon, C. Powers & J. Gunneman, "The Ethical Investor, Universities and Corporate Responsibility" (1972), was also relied on by disclosure proponents as evidence of investor interest. It should be noted, however, that that work reports primarily the opinions of its authors and is not based on any survey or study of investors.

[57] They include Catholic Church Investment for Corporate Social Responsibility; Council on Economic Priorities; New York Forum for Investment Responsibility; Inform; Interfaith Center for Corporate Responsibility; and Investor Responsibility Research Center, Inc.

[58] J. Corson & G. Steiner, "Measuring Business's Social Performance: The Corporate Social Audit" at 24 (1974). Comment received from a number of participants also revealed that the accounting profession is devoting substantial efforts to development of techniques for measurement of social factors.

[59] See Notes 5–10 *supra* and accompanying text.

[60] In "National Association for the Advancement of Colored People v. Federal Power Commission," F. 2d No. 75–1959 (C.A.D.C., 1975), the court acknowledged:

> In the long run, after all, the most efficient, lowest-cost production and distribution of electricity and natural gas will be that which is conducted in compliance with the laws, employment discrimination laws and other laws alike.
>
> Slip Op. at 26.

[61] See notes 53–55 *supra*.

[62] See note 56 *supra*.

[63] See *e.g.*, "Corporate Responsibility and Mutual Funds," *supra* note 53 and "Statement of Principles for the Guidance of Bank Fiduciaries," *supra* note 54.

[64] Significantly, the Council on Environmental Quality is among those who advance this proposition.

[65] "Disclosure to Investors, A Reappraisal of Administrative Policy Under the 1933 and 1934 Acts" (1969) at 50–51 (footnotes omitted).

[66] Petition at 5; File No. 4–179. The petition would make this requirement applicable only to registrants which must file form EEO–1 with the Equal Employment Opportunity Commission, and which "make disclosures in reports to stockholders or employees or other public announcements . . . as to their hiring of minority group or female employees." Petition at 5. However, in its Statement of April 10, 1975, at 6A–7A (File No. S7–551–1A at tab 1), in this proceeding, the Natural Resources Defense Council restated its proposal in a form which would require all registrants obligated to file EEO–1 Employer Information reports with the EEOC to disclose the EEO–1 statistics in Securities Act and Securities Exchange Act filings.

[67] Petition at 6–7.

[68] Letter dated December 22, 1971, from Ronald F. Hunt, Secretary, Securities and Exchange Commission, to the Project on Corporate Responsibility and the Natural Resources Defense Council. The letter has been placed in File 4–179.

[69] Securities Act Release No. 5569 (February 11, 1975) at 5–6.

[70] Rule 408 under the Securities Act, 17 CFR 230.408; and Rules 12b–20 and 14a–9(a) under the Securities Exchange Act, 17 CFR 240.12b–20 and 240.14a–9(a).

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related to civil rights, any material sanctions imposed for violation of the nondiscrimination rules of any federal agency, and certain other material matters relating to equal employment.

The petition states that the disclosure proposals therein "are designated to reflect increased investor concern that corporate and other investor-owned business should be conducted in a socially responsible manner."[71] In the proceeding, as discussed *supra*, Section IV, those investor-participants who supported social disclosure were virtually unanimous in stating that such information is economically significant. They argue that non-compliance with environmental, equal employment, or similar laws could lead to extensive corporate costs and liabilities; that the ability to avoid such problems provides an index to management's overall quality; and that in the long run, corporate social responsibility determines the public relations and regulatory framework within which a company operates. Relatively few investor-participants expressed interest on noneconomic grounds. To the extent that other indications suggest the basis of investor interest, they seem of similar import. These considerations, however valid, do not persuade us that disclosure requirements regarding such matters should be judged by a different standard than is applied to other matters of economic concern to investors.

In the instant proceeding, over 100 different "social matters" were submitted in which "ethical" investors were said to be interested.[72] As against this bewildering array of special causes, it has been suggested that investors are at least entitled to information regarding matters which embody fundamental national social principles as reflected in federal legislation or court decisions. We believe that persuasive arguments can be made, however, substantial amount of federal legislation to some extent embodies fundamental national social principles and, accordingly, many topics of social concern would remain. Thus, there is no distinguishing feature which would justify the singling out of equal employment from among the myriad of other social matters in which investors may be interested in the absence of a specific mandate comparable to that of NEPA. Disclosure of comparable non-material information regarding each of these would in the aggregate make disclosure documents wholly unmanageable and would significantly increase the costs to all involved without, in our view, corresponding benefits to investors generally.

In particular, we do not believe that any of the suggestions advanced as to disclosure concerning non-material equal employment proceedings would provide a useful reliable method by which to screen out actions which are without merit or to ascertain whether any damages sought have been substantially inflated. In any event, we believe that our present materiality standards regarding legal proceedings provide adequate information to meet the needs of investors generally in this regard.

It has been suggested, however, that the existence of imbalance in employment statistics, such as would be revealed in Forms EEO–1 filed by registrants, itself constitutes some evidence of unlawful discrimniation and is thus economically material. The significance of this information in some cases does not persuade us that all registrants should be required to disclose employment statistics, particularly since their meaningful interpretation is dependent upon sophisticated analysis and other information such as the makeup of the available labor pools and existing hiring and promotion practices.[73]

The petition expressed a concern that corporations might mislead stockholders and others by making public statements in regard to "minority group or female employment practices, without [revealing a] numerical or percentage breakdown by job categories."[74] We are not persuaded that the possibility of such misleading statements by a few justifies a broad requirement for detailed disclosure by all. To the extent that there are employment conditions that are materially adverse to the business of the registrant, disclosure would be called for under present requirements.[75] In specific cases, the failure to make appropriate disclosures could be actionable by the Commission, depending upon the appropriate exercise of the Commission's prosecutorial discretion. In addition, if petitioners, or others, believe that in a particular instance these requirements are being violated, they may seek equitable relief or damages in court. Private civil actions based upon violations of the federal securities laws are a "necessary supplement" to the Commission's own enforcement actions, "J. I. Case Co. v. Boark," 377 U.S. 426, 432 (1964).

In view of the foregoing, the Commission has determined to deny again that portion of the petition which proposes that certain forms prescribed by the Commission be modified to require disclosure of certain specific equal employment information. We have also considered, and determined not to adopt, other equal employment disclosure alternatives brought to our attention in this proceeding and have determined not

[71] Petition at 2–3.

[72] These include: advertising practices; all advertising costs; "false" advertising; contract disputes; patent disputes; compliance with antitrust laws; limitations on competition; concentration in an industry; consumer protection activities and consumer affairs posture; any activities likely to lead to litigation; all litigation (issues, disposition); all litigation but for that settled or dismissed without conformance of corporate activities to the substance of the complaint; degree of compliance with applicable regulations; all government hearings; all agency actions; a textual summary of agency actions; charitable contributions; company activities undertaken without a goal of profit maximization; community activities; commitment to the "human community"; corporate external relations; "good things a company has done"; financial practices; energy conservation; distribution of resources; investment practices; marketing practices; pricing practices; expenditures in the land grant college system; receipt of federal subsidies; corporate practices that are damaging to "intereats of other investors," the "overall economy," or to "property"; biographical information, including race and sex, regarding directors; interlocking directorates; the existence of a corporate environmental department; control within a corporation; the role of the board of directors; all subsidiaries; all benefits received by directors; "commerciogenic" malnutrition; food production; in-house nutritional research; registrant's impact on the world food crisis; contractual commitments to purchase crops; a division-by-division breakdown of the number of employees in agri-business companies; foreign investments; nature of operations in South Africa; U.S.-Soviet trade; marketing efforts of drug companies outside the U.S.; employment practices in foreign facilities; registrant's participation in the "flight of companies making hazardous goods to foreign countries"; registrant's participation in the Arab boycott; exports; products made in foreign countries; foreign military goods contracts; foreign beneficial ownership; purchases from, and sales to, communist countries; activities which would be illegal in the U.S. but which are conducted abroad; registrant's impact on unemployment; compliance with the Fair Labor Standards, the Occupational Safety and Health, and the National Labor Relations Acts; health hazards in plants; health standards; effects on the unionized work force of company policies and technology; employee relations other than wages, hours, and working conditions; the psychological work environment; pension and health protection; management opportunities for women and minorities; the costs of giving "preferential treatment" to blacks and females; safety records; employee training and education; employee benefits, relations and satisfactions; discrimination against persons less than six feet tall; lobbying efforts; political influence; political contributions; all products by brand name; all product lines; product-by-product financial statements; product purity (recalls, reasons for corrective action); toxic substances produced; product reliability; customer complaints; tobacco products manufactured; alcoholic beverages produced; gambling equipment manufactured; strip mining; defense contracts and military goods produced; nuclear energy production; banking operations; with respect to agricultural machinery companies, manpower displacement research; tax loophole savings; tax law compliance; all state and federal t x returns; all tax disputes; beneficial ownership; racial justice; prospective legislation; and the willingness to disclose corporate information to shareholders.

[73] Substantial questions have been raised in the proceeding regarding the propriety of the Commission's requiring disclosure of Forms EEO–1 filed by registrants with the Equal Employment Opportunity Commission. Officers and employees of that Commission are specifically prohibited by statute from making any information obtained under its statutory authority public prior to the institution of a proceeding involving such information. 42 U.S.C. 2000e–8(e). In addition, it is claimed that disclosure of this information would reveal trade secrets or otherwise confidential commercial or financial information. In light of our views, generally, we have not found it necessary to consider these issues.

[74] Petition at 4.

[75] See Rule 408 under the Securities Act, 17 CFR 230.408 and Rules 12b–20 and 14a–9(a) under the Securities Exchange Act, 17 CFR 240.12b–20 and 240.14a–9(a).

to propose at this time specific disclosure requirements regarding the other areas of social concern. We will, of course, continue to reevaluate the need for such requirements from time to time.

VI. Rulemaking Proposals

The amendments today proposed relate to certain registration forms under the Securities Act of 1933 ("Securities Act") and certain registration and reporting forms and rules 14a–3 and 14c–3 under the Securities Exchange Act of 1934 ("Exchange Act") relating to the disclosure of environmental matters. Their explanation follows.

A. General purpose. If adopted, the proposed amendments would, where applicable, require a registrant to provide as an exhibit to certain documents filed with the Commission a list of the registrant's most recently filed environmental compliance reports which indicate that the registrant has not met, at any time within the previous twelve months, any applicable environmental standard established pursuant to a federal statute. In addition, the proposed amendments would, except for purposes of Forms 10 and 12 under the Exchange Act, require the registrant to undertake to provide promptly copies of the reports listed, upon written request and the payment of a reasonable fee for furnishing such reports.

In addition, amendments are proposed to the description of business items contained in certain registration and reporting forms which would require disclosure, if applicable, of material estimated capital expenditures for environmental control facilities for at least the remaining portion of the registrant's current fiscal year and its succeeding fiscal year and such further periods as the registrant may deem material.

This release contains a brief synopsis of the proposals to assist in a better understanding of their provisions. However, attention is directed to the proposals themselves for a more complete understanding.

B. Synopsis of proposals. Proposed Amendment of Instructions As to Exhibits of Forms S–1, S–2, S–7, and S–9 Under the Securities Act and Forms 10, 10–K, 12, and 12–K Under the Exchange Act.

The Commission has concluded that information regarding the effects a company's operations have on the environment may be important to some investors if the information can be made available in a manageable form without substantial costs which outweigh the benefits to investors. The Commission therefore proposes to amend the Instructions as to Exhibits of the various registration and reporting forms to include an additional instruction (referred to for purposes of this release as Instruction A) which would require the disclosure of certain environmental compliance information. The Commission is publishing Instruction A as a model, rather than publish each specific instruction, since the substance of the Instruction should provide an adequate basis for comment from interested persons.

Instruction A requires a list of the registrant's most recently filed environmental compliance reports which indicate that the registrant has not met, at any time within the previous 12 months, any applicable environmental standard established pursuant to any Federal statute. Authority to enforce certain federal statutes relating to the protection of the environment is delegated to State or local regulatory agencies. Reports filed with State or local agencies pursuant to such federal authority are included in the scope of Instruction A. Also, Instruction A contemplates the disclosure of the most recent periodic compliance report whether filed on an annual basis, quarterly basis, or otherwise; and any special compliance report.

In order to make the information presented more meaningful, Instruction A requires disclosure as to each report listed indicating the general nature of he standard exceeded (*e.g.*, air quality or water quality), the date of the report, and the name and address of the agency where the report was filed. In addition, other information necessary to sufficiently identify the report to enable an interested person to inspect or acquire such report from the respective agency is required. Such information would include any special file or reference numbers used by a particular agency, if known to the registrant.

Proposed Amendments to Rules 14a–3 and 14c–3 Under the Exchange Act

In view of the Commission's opinion that the information contained in the reports required to be listed by instruction A may be important to some investors, it believes that such reports should be made reasonably available. The proposed amendments to Rules 14a–3 and 14c–3 would require that there be included in management's proxy statement, information statement, or in the annual report to stockholders, an undertaking which indicates that the issuer has filed with the Commission as an exhibit to its annual report on Form 10–K or 12–K the information required by Instruction A and also states that the issuer will provide promptly copies of the reports listed pursuant to the Instruction to each person solicited or furnished an information statement upon written request and the payment of a reasonable fee. A note to the proposed amendments to Rules 14a–3 and 14c–3 indicates that the issuer shall also provide promptly copies of the reports listed to any beneficial owner of its securities upon written request and the payment of a reasonable fee.

Proposed Undertaking to Forms S–1, S–2, S–7 and S–9 Under the Securities Act

The Commission also proposes to amend Forms S–1, S–2, S–7 and S–9 to include an additional undertaking (referred to for purposes of this release as Undertaking B) which would be required in the registration statement if the registrant is required to furnish the exhibit called for by Instruction A.

Undertaking B would, in language essentially the same as that in the proposed amendment to Rules 14a–3 and 14c–3, obligate the registrant to furnish promptly copies of those environmental compliance reports listed pursuant to Instruction A upon written request and the payment of a reasonable fee. The undertaking also provides that the obligation to furnish copies is applicable to all requests received not later than 40 days after the effective date of the registration statement.

Proposed Amendment to Forms S–1, S–2, S–7 and S–9 Under the Securities Act and Forms 10, 10–K, 12 and 12–K Under the Exchange Act to Require a Statement of the Nature and Availability of the Reports Listed Pursuant to Instruction A

In order to bring to the attention of investors the information made available by the proposed amendments, the Commission proposes to adopt Instruction C which would require a statement in the various registration forms and reports specified above indicating that the registrant has filed as an exhibit with the Commission the information required by Instruction A.

The statement required by Instruction C as proposed for Forms S–1, S–2, S–7, and S–9 would also indicate that the registrant will provide promptly copies of those environmental compliance reports listed pursuant to Instruction A to any interested person upon written request received not later than 40 days after the effective date of the registration statement and the payment of a reasonable fee. A statement regarding the availability of the reports listed pursuant to the Instruction for Forms 10–K and 12–K is not necessary since adequate notice will be provided by the statement called for by the proposed amendments to Rules 14a–3 and 14c–3.

Proposed Amendment to Forms S–1, S–2, S–7, and S–9 Under the Securities Act and Forms 10 and 10–K, Under the Exchange Act to Require Disclosure Relating to the Material Effects of Environmental Compliance

The proposed amendment to the appropriate Items and Instructions relating to environmental information is designed to provide more meaningful disclosure with respect to the material effects of compliance with Federal, state or local environmental standards on the registrant's business and to make such disclosure more uniform among registrants. Specifically, the proposed amendment (referred to for purposes of this release as Item D) would require as part of the description of the registrant's business disclosure as to material estimated capital expenditures for environmental control facilities for at least the remainder of the registrant's current fiscal year and its succeeding fiscal year and such further periods as the registrant may deem material.

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It should be noted that the description of business in Form S–2 does not currently require disclosure of the effect of environmental compliance on the business conducted but is proposed to be amended to include such information. The Commission is only publishing Item D as a model since the language of the amendment will be identical in each form or report.

C. *Operation of proposals.* The Commission is mindful of the cost to registrants and others of its proposals and it recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the cost to registrants and others of the proposals published in this release, if adopted.

Pursuant to Section 23(a)(2) of the Exchange Act, the Commission has considered the impact that these proposals would have on competition and is not aware, at this time, of any burden that such rules, if adopted, would impose on competition not necessary or appropriate in furtherance of the purposes of that Act. However, the Commission specifically invites comment as to the competitive impact of these proposals, if adopted.

The Commission hereby proposes for comment (1) proposed amendments to Forms S–1 (17 CFR 239.11), S–2 (17 CFR 239.12), S–7 (17 CFR 239.26), and S–9 (17 CFR 239.22) pursuant to Sections 7, 10 and 19(a) of the Securities Act and (2) proposed amendments to Rules 14a–3 (17 CFR 240.14a–3) and 14c–3 (17 CFR 240.14c–3) and Forms 10 (17 CFR 249.210), 10–K (17 CFR 249.310), 12 (17 CFR 249.212) and 12–K (17 CFR 249.312) pursuant to Sections 12, 13, 14, 15(d) and 23(a) of the Exchange Act.

All interested persons are invited to submit their views and comments on the foregoing proposals, in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before January 12, 1976. Such communications should refer to File No. S7–593 and will be available for public inspection. The text of the proposed amendments to rules, forms and reports is set forth below.

(Secs. 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 205, 209, 48 Stat. 906, 908; secs. 203(a), 49 Stat. 704; secs. 1, 8, 49 Stat. 1375, 1379; secs. 201, 202, 68 Stat. 685, 686; secs. 3–6, 78 Stat. 565–574; secs. 1–3, 82 Stat. 454, 455; sec. 28(c), 84 Stat. 1435; secs. 1–5, 84 Stat. 1497 (15 U.S.C. 77g, 77k, 77s(a), 78*l*, 78m, 78n, 78o(d), 78w(a)))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 14, 1975.

It is proposed to amend 17 CFR Chapter II as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

By adding Instruction "A", Undertaking "B", Instruction "C" and Item "D" as to Exhibits in §§ 239.11, 12, 22 and 26 as follows:

§ 239.11 Form S–1, registration statement under the Securities Act of 1933.

Instruction "A" as to Exhibits.—A list of the registrant's most recently filed environmental compliance reports which indicate that the registrant has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute and setting forth as to each such report (1) the general nature of the environmental standard involved (*e.g., air quality or water quality*); (2) the identity and address of the person with whom the report was filed; (3) the date of the report; and (4) any other information necessary to sufficiently identify the report to enable an interested party to inspect or acquire the report from the recipient agency.

Undertaking "B".—The following undertaking shall be included in the registration statement if the registrant is required to furnish the list called for by Instruction A of Instructions As To Exhibits:

The undersigned registrant hereby undertakes upon written request received not later than 40 days after the effective date of the registration statement to provide promptly copies of those environmental reports listed as an exhibit pursuant to Instructions A of Instructions As To Exhibits, upon the payment of a reasonable fee which shall be limited to the registrant's reasonable expense in furnishing such reports.

Instruction "C".—If the registrant has filed an exhibit to the registration statement pursuant to Instruction A, a statement shall be provided in the prospectus indicating that the registrant has filed as an exhibit to the registration statement a list of the issuer's most recently filed environmental compliance reports which indicate that the issuer has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute. The statement shall also indicate that the registrant will provide promptly copies of the reports listed to any interested person, upon written request, received not later than 40 days after the effective date of the registration statement and the payment of a reasonable fee which is limited to the registrant's reasonable expense in furnishing such reports.

Item "D".—Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

§ 239.12 Form S–2, for shares of certain corporations in the development stage.

Instruction "A" as to exhibits.—A list of the registrants most recently filed environmental compliance reports which indicate that the registrant has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute and setting forth as to each such report (1) the general nature of the environmental standard involved (*e.g.*, air quality or water quality); (2) the identity and address of the person with whom the report was filed; (3) the date of the report; and (4) any other information necessary to sufficiently identify the report to enable an interested party to inspect or acquire the report from the recipient agency.

Undertaking "B".—The following undertaking shall be included in the registration statement if the registrant is required to furnish the list called for by Instruction A of Instructions As To Exhibits:

The undersigned registrant hereby undertakes upon written request received not later than 40 days after the effective date of the registration statement to provide promptly copies of those environmental reports listed as an exhibit pursuant to Instruction A of Instructions As To Exhibits, upon the payment of a reasonable fee which shall be limited to the registrant's reasonable expense in furnishing such reports.

Instruction "C".—If the registrant has filed an exhibit to the registration statement pursuant to Instruction A, a statement shall be provided in the prospectus indicating that the registrant has filed as an exhibit to the registration statement a list of the issuer's most recently filed environmental compliance reports which indicate that the issuer has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute and setting forth as to each such report (1) the general nature of the environmental standard involved (*e.g.*, air quality or water quality); (2) the identity and address of the person with whom the report was filed; (3) the date of the report; and (4) any other information necessary to sufficiently identify the report to enable an interested party to inspect or acquire the report from the recipient agency.

Undertaking "B".—The following undertaking shall be included in the registration statement if the registrant is required to furnish the list called for by Instruction A of Instructions As To Exhibits:

The undersigned registrant hereby undertakes upon written request received not later than 40 days after the effective date of the registration statement to provide promptly copies of those environmental reports listed as an exhibit pursuant to Instruction A of Instructions As To Exhibits, upon the payment of a reasonable fee which shall be limited to the registrant's reasonable expense in furnishing such reports.

Item "D".—Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

§ 239.22 Form S–9, for the registration of certain debt securities.

Instruction "A" as to exhibits.—A list of the registrant's most recently filed environmental compliance reports which indicate that the registrant has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute and setting forth as to each such report (1) the general nature of the environmental standard involved (*e.g.*, air quality or water quality); (2) the identity and address of the person with whom the report was filed; (3) the date of the report; and (4) any other information necessary to sufficiently identify the report to enable an interested party to inspect or acquire the report from the recipient agency.

Undertaking "B".—The following undertaking shall be included in the registration statement if the registrant is required to furnish the list called for by Instruction A of Instructions As To Exhibits:

The undersigned registrant hereby undertakes upon written request received not later than 40 days after the effective date of the registration statement to provide promptly copies of those environmental reports listed as an exhibit pursuant to Instruction A of Instructions As To Exhibits, upon the payment of a reasonable fee which shall be limited to the registrant's reasonable expense in furnishing such reports.

Instruction "C".—If the registrant has filed an exhibit to the registration statement pursuant to Instruction A, a statement shall be provided in the prospectus indicating that the registrant has filed as an exhibit to the registration statement a list of the issuer's most recently filed environmental compliance reports which indicate that the issuer has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute and setting forth as to each such report (1) the general nature of the environmental standard involved (*e.g.*, air quality or water quality); (2) the identity and address of the person with whom the report was filed; (3) the date of the report; and (4) any other information necessary to sufficiently identify the report to enable an interested party to inspect or acquire the report from the recipient agency.

Undertaking "B".—The following undertaking shall be included in the registration statement if the registrant is required to furnish the list called for by Instruction A of Instructions As To Exhibits:

The undersigned registrant hereby undertakes upon written request received not later than 40 days after the effective date of the registration statement to provide promptly copies of those environmental reports listed as an exhibit pursuant to Instruction A of Instructions As To Exhibits, upon the payment of a reasonable fee which shall be limited to the registrant's reasonable expense in furnishing such reports.

Instruction "C".—If the registrant has filed an exhibit to the registration statement pursuant to Instruction A, a statement shall be provided in the prospectus indicating that the registrant has filed as an exhibit to the registration statement a list of the issuer's most recently filed environmental compliance reports which indicate that the issuer has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute and setting forth as to each such report (1) the general nature of the environmental standard involved (*e.g.*, air quality or water quality); (2) the identity and address of the person with whom the report was filed; (3) the date of the report; and (4) any other information necessary to sufficiently identify the report to enable an interested party to inspect or acquire the report from the recipient agency.

Item "D".—Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By redesignating paragraph (b)(9) of § 240.14a–3 as (b)(9)(i) and adding paragraph (b)(9)(ii) as follows:

§ 240.14a–3 Information to be furnished to security holders.

* * * * * * *

(b) * * *

(9)(i) * * *

(ii) If applicable, Management's proxy statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type stating that the issuer has filed with the Commission as an exhibit to its current annual report on Form 10–K or 12–K a list of the issuer's most recently filed environmental compliance reports which indicate that the issuer has not met, at any time within the past 12 months, any environmental standard established pursuant to any Federal statute; and also stating that the issuer will provide promptly, upon written request, copies of the reports so listed to each person solicited upon the payment of a reasonable fee which shall be limited to the issuer's reasonable expenses in furnishing such reports. Such undertaking shall indicate the name and address of the person to whom such a written request is to be directed.

NOTE.—Pursuant to the undertaking required by the above subparagraph, the issuer shall furnish promptly copies of the reports listed to a beneficial owner of its securities upon receipt of written request and payment of the specified fee from such person. Each request must set forth a good-faith representation that, as of the record date for the annual meeting of the issuer's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

2. By redesignating paragraph (a)(9) of § 240.14c–3 as (a)(9)(i) and adding paragraph (a)(9)(ii) as follows:

§ 240.14c–3 Annual Report to be furnished security holders.

(a) * * *

(9)(i) * * *

(ii) If applicable, the information statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type stating that the issuer has filed with the Commission as an exhibit to its current annual report on Form 10–K or 12–K a list of the issuer's most recently filed environmental compliance reports which indicate that the issuer has not met, at any time within the past 12 months, any environmental standard established pursuant to any Federal statute and also stating that the issuer will provide promptly, upon written request, copies of the reports listed to each person furnished an information statement upon the payment of a reasonable fee which shall be limited to the issuer's reasonable expenses in furnishing such reports. Such undertaking shall indicate the name and address of the person to whom such a written request is to be directed.

NOTE.—Pursuant to the undertaking required by the above subparagraph, the issuer shall furnish promptly copies of the reports listed to a beneficial owner of its securities upon receipt of written request and payment of the specified fee from such person. Each request must set forth a good-faith representation that, as of the record date for the annual meeting of the issuer's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

1. By adding Instruction "A", Instruction "C" and Item "D" as to Exhibits in § 249.210 as follows:

§ 249.210 Form 10, general form for registration of securities pursuant to Section 12(b) or (g) of the Securities Exchange Act of 1934.

Instruction "C".—If the registrant has the registrant's most recently filed environmental compliance reports which indicate that the registrant has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute and setting forth as to each such report (1) the general nature of the environmental standard involved (*e.g.*, air quality or water quality); (2) the identity and address of the person with whom the report was filed; (3) the date of the report; and (4) any other information necessary to sufficiently identify the report to enable an interested party to inspect or acquire the report from the recipient agency.

Instruction "C".—If the registrant has filed an exhibit to this report pursuant to Instruction A, a statement shall be provided in the report indicating that the registrant has filed as an exhibit to the report a list of the issuer's most recently filed environmental compliance reports which indicate that the issuer has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute.

Item "D".—Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

2. By adding Instruction "A" and Instruction "C" as to Exhibits in § 249.212 as follows:

§ 249.212 Form 12, for issuers which file reports with certain other federal agencies.

Instruction "A" as to Exhibits.—A list of the registrant's most recently filed environ-

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mental compliance reports which indicate that the registrant has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute and setting forth as to each such report (1) the general nature of the environmental standard involved (*e.g.*, air quality or water quality); (2) the identity and address of the person with whom the report was filed; (3) the date of the report; and (4) any other information necessary to sufficiently identify the report to enable an interested party to inspect or acquire the report from the recipient agency.

Instruction "C".—If the registrant has filed an exhibit to this report pursuant to Instruction A, a statement shall be provided in the report indicating that the registrant has filed as an exhibit to the report a list of the issuer's most recently filed environmental compliance reports which indicate that the issuer has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute.

3. By adding Instruction "A", Instruction "C" and Item "D" as to Exhibits in § 249.310 as follows:

§ 249.310 Form 10–K, annual report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934.

Instruction "A" as to Exhibits.—A list of the registrant's most recently filed environmental compliance reports which indicate that the registrant has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute and setting forth as to each such report (1) the general nature of the environmental standard involved (*e.g.*, air quality or water quality); (2) the identity and address of the person with whom the report was filed; (3) the date of the report; and (4) any other information necessary to sufficiently identify the report to enable an interested party to inspect or acquire the report from the recipient agency.

Instruction "C".—If the registrant has filed an exhibit to this report pursuant to Instruction A, a statement shall be provided in the report indicating that the registrant has filed as an exhibit to the report a list of the issuer's most recently filed environmental compliance reports which indicate that the issuer has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute.

Item "D".—Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of material into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

4. By adding Instruction "A" and Instruction "C" as to Exhibits in § 249.312 as follows:

§ 249.312 Form 12–K, annual report for issuers which file reports with certain other federal agencies.

Instruction "A" as to Exhibits.—A list of the registrant's most recently filed environmental compliance reports which indicate that the registrant has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute and setting forth as to each such report (1) the general nature of the environmental standard involved (*e.g.*, air quality or water quality); (2) the identity and address of the person with whom the report was filed; (3) the date of the report; and (4) any other information necessary to sufficiently identify the report to enable an interested party to inspect or acquire the report from the recipient agency.

Instruction "C".—If the registrant has filed an exhibit to this report pursuant to Instruction A, a statement shall be provided in the report indicating that the registrant has filed as an exhibit to the report a list of the issuer's most recently filed environmental compliance reports which indicate that the issuer has not met, at any time within the past 12 months, any applicable environmental standard established pursuant to any Federal statute.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 113]

NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS

Proposed Inclusion of a Prohibition Against Discrimination in Credit by Recipient Creditors by Reason of Marital Status

Notice is hereby given that the Small Business Administration proposes to amend its nondiscrimination requirements in 13 CFR Part 113. Interested parties may on or before December 8, 1975, submit written comments, suggestions or objections regarding the proposed amendment. Please send comments to the Compliance Division, Room 326, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

This amendment prohibits discrimination based on marital status by recipients of Federal financial assistance. Such discrimination is contrary to Federal Law and policy.

Accordingly, Part 113 of Chapter I of Title 13 CFR is hereby amended by:

§ 113.1 [Amended]

1. Amending § 113.1(a) by inserting on line 16 after the word "sex" the words "marital status."

2. Adding § 113.3(d)

§ 113.3 Discrimination prohibited.

* * * * *

(d) With regard to all recipients offering credit, such as Small Business Investment Companies and Community Development Companies, to discriminate against debtors on the basis of race, color, religion, sex, marital status or national origin.

§ 113.3–1 [Amended]

3. Amending § 113.3–1(a) by inserting on lines 3, 10, and 13 after the word "sex" the words "marital status."

§ 113.5 [Amended]

4. Amending § 113.5(d)(2) by inserting on line 8 after the word "sex" the words "marital status."

Dated: October 16, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-29902 Filed 11-5-75;8:45 am]

[FR Doc.75-29824 Filed 11-5-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM–5/121]

OVERSEAS SCHOOLS ADVISORY COUNCIL

Notice of Meeting

The Overseas Schools Advisory Council, Department of State, will hold its annual meeting on Wednesday, December 10, 1975, 9:30 a.m. in Conference Room 1206, Department of State building, Washington, D.C.

Agenda items scheduled for discussion are as follows:

I. Welcome and Introduction of Members.

II. Greetings from Department of State.

III. Report of Action of Executive Committee Meeting of May 13, 1975.

IV. Progress Report of Council's 1974/1975 "Fair Share" Program and 1975/1976 "Fair Share" Presentation.

V. Status of Local Fund-Raising Efforts by the Overseas Schools.

VI. Report of /I/D/E/A/'s Activities.

VII. Future Council Activities.

A. Recommendations of Study Group, Giving Consideration to Suggestions from Overseas Schools, Office of Overseas Schools of Department of State and /I/D/E/A/.

B. Discussion of Letter to Be Sent to Schools Regarding Next Phase of Council's Activities.

C. Scope of Information and Assistance to Be Provided to U.S. Corporate and Foundation Community and to Schools.

Since the meeting will be conducted in a secure building and space is limited, members of the public desiring to attend the meeting should call Ms. Judy Knott, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703–235–9601, to arrange attendance.

Dated: October 28, 1975.

ERNEST N. MANNINO,
Executive Secretary,
Overseas Schools Advisory Council.

[FR Doc.75-29826 Filed 11-5-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Small Tract Classification

1. Pursuant to Section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315(f)) the lands described below are hereby opened and classified for lease or sale under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

BOISE MERIDIAN, IDAHO

T. 48 N., R. 3 E.,
Sec. 10, A tract of land described as follows:
Beginning at a point located 1360 feet south 51°30' east of the section corner common to sections 3, 4, 9 and 10, T. 48 N., R. 3 E., Boise Meridian, which is Corner No. 1, thence south 10° east, 865 feet to Corner No. 2; thence south 56°30' east, 90 feet to Corner No. 3; thence north, 450 feet to Corner No. 4; thence east, 270 feet to Corner No. 5 on line 3–4 of the Rolling Stone Lode, Mineral Survey 3423; thence north 40° west, 740 feet along line 3–4 of the Rolling Stone Lode, Mineral Survey 3423 to Corner No. 6; thence south 30° west, 110 feet to Corner No. 1, the point of beginning.
The area described contains approximately 4.60 acres, more or less.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, but not from leasing under the mineral leasing laws.

3. There is one preference right applicant for the designated tract. The preference right applicant will be offered the tract by direct lease or sale at the appraised value.

WM. L. MATHEWS,
State Director.

[FR Doc.75-29860 Filed 11-5-75;8:45 am]

NATIONAL ADVISORY BOARD FOR WILD FREE-ROAMING HORSES AND BURROS

Notice of Meeting

OCTOBER 29, 1975.

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold a meeting on December 5 and 6, 1975, at the Naval Weapons Center, China Lake, California. The agenda includes:

Friday, December 5—(1) The ecological impact of wild horses on the public lands; (2) the ecological impact of wild burros on the public lands; (3) burros on and adjacent to the Naval Weapons Center; (4) presentations by conservation, wild horse and burro, livestock, and wildlife organizations; (5) burro research; (6) wild horses in the Challis EIS; (7) agency reports; (8) public comment; and (9) Advisory Board discussion and recommendations.

Saturday, December 6—An aerial and ground tour of lands administered by the Naval Weapons Center, National Park Service, and the Bureau of Land Management. The tour will leave the Naval Weapons Center at 8 a.m. Individuals desiring to participate in the field trip other than official participants will arrange for their own transportation and lunch.

The meeting will be open to the public. Time has been set aside beginning at 3:30 p.m., September 5, for brief statements by members of the public. Those persons wishing to make an oral statement must inform the Director (330), Bureau of Land Managmeent, in writing prior to the meeting of the Board. One written copy of all oral statements identifying the author is desired to provide a record for the minutes. Any interested person may file a written statement with the Board for its consideration. Written statements may be submitted at the meeting or mailed to the Director (330), Bureau of Land Management, Washington, D.C. 20240.

Additional details can be obtained by contacting the Office of Public Affairs, Bureau of Land Management, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

Minutes of the meeting will be available for public inspection 60 days after the meeting at the Office of the Director (330), Bureau of Land Management, Interior Building, Washington, D.C. 20240.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.75-29821 Filed 11-5-75;8:45 am]

SALEM DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is here by given that the Salem District Multiple Use Advisory Board will meet on December 11, 1975, commencing at 9 a.m., in the Pringle Park Community Building, Winter and Oak Streets, Salem, Oregon. The Agenda for the meeting includes election of a chairman and vice-chairman; reports on the proposed Crabtree Lake Research National Area, proposed Valley of the Giants Natural Area, Walter Horning Tree Seed Orchard programs, timber reinventory, allowable cut determinations, and environmental impacts on resource programs. Other discussions will concern District organization and advisory board functions and procedures.

The meeting will be open to the public. It will be held in a room accommodating 60 people. In addition to discussion of agenda topics by board members, there will be time for brief statements on agenda topics by nonmembers. Persons wishing to make oral statements should so advise the Salem District Manager prior to the meeting. Written statements for consideration by the board should be sent to the District Manager, Bureau of Land Management, P.O. Box 3227, Salem, Oregon 97302.

B. T. VLADIMIROFF,
Salem District Manager.

OCTOBER 28, 1975.

[FR Doc.75-29820 Filed 11-5-75;8:45 am]

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ROGUE RIVER, OREGON

Amended Recreational Use Controls

OCTOBER 30, 1975.

Notice of the establishment of recreational use controls relating to commercial operations on the Rogue River Wild Area was published in the FEDERAL REGISTER, December 3, 1974 (39 FR 41869).

The purpose of this document is to provide notice of an amendment to that section of the use controls which established a maximum permitted camping party size of 20 people, so far as the Federal Government is involved. The amendment will permit an increase of maximum camping party size from 20 to 24 people under Federal regulations.

The section entitled "Seasonal Restrictions" is amended by revising the first paragraph as follows:

SEASONAL RESTRICTIONS

Summer season. (From the Friday preceding Memorial Day through Labor Day) not more than three camping parties will launch per day: Two parties not exceeding 24 people each, and one party not exceeding ten people, including guides. The maximum camping party size is 24.

This amendment has no effect whatever on regulations of the Oregon State Marine Board.

This notice shall become effective on November 6, 1975.

E. J. PETERSEN,
Acting BLM State Director.

FRANK J. KOPECKY,
Acting USFS Regional Forester.

[FR Doc.75-29822 Filed 11-5-75;8:45 am]

OUTER CONTINENTAL SHELF OFF SOUTHERN CALIFORNIA

Oil and Gas Lease Sale No. 35

DECEMBER 11, 1975.

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) and the regulations issued thereunder (43 CFR Part 3300).

2. *Bid Filing.* Sealed bids will be received by the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 300 North Los Angeles Street, Los Angeles, California 90012, either in person or by mail until 9:30 a.m., p.s.t., December 11, 1975, for the oil and gas lease sale described in paragraph 13 herein, in areas of the Outer Continental Shelf adjacent to the State of California. Bids delivered in person to the Manager will be received at his office at the aforementioned address through 4 p.m., p.s.t., on December 10, 1975, or at the Regency West Room of the Hyatt Regency Hotel, 711 S. Hope Street, Los Angeles, California 90012, between the hours of 8 a.m., p.s.t., and 9:30 a.m., p.s.t., on December 11, 1975. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., p.s.t., on December 11, 1975. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR 3300, 3300.1, 3302.1, 3302.3, 3302.4, 3302.5 and 3305. Particular attention is directed to the publication in the FEDERAL REGISTER Vol. 40, No. 191, page 45171, dated October 1, 1975, entitled *Qualified Joint Bidders* which amended 43 CFR 3302.3. Persons who are on a list of restricted joint bidders published in the FEDERAL REGISTER pursuant to that regulation or whose status is determined to be restricted prior to the date of the sale will be disqualified from bidding jointly with others on the list.

3. A separate bid in a sealed envelope must be submitted for each tract. The envelope should be labeled "Sealed Bid for Oil and Gas Lease (Insert number of tract), not to be opened until 10 a.m., p.s.t., December 11, 1975." A suggested bid form is shown in paragraph 15. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. Oil payment, overriding royalty, logarithmic or sliding scale bids may not be submitted. No bid for less than a full tract as listed in paragraph 18 will be considered. Bidders are warned against violation of section 1860 in Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

4. Bids submitted on all tracts to be offered at this sale must be on a cash bonus bid basis with a fixed royalty of 16⅔ percent, except for tracts 35–254, 35–261, and 35–262 which must be on a cash bonus bid basis with a fixed royalty of 33⅓ percent. Leases which may be issued will provide for a yearly rental or minimum royalty of $3 per acre or fraction thereof. Companies submitting joint bids must express on the bid form the proportionate interest of each company participating in that joint bid in a percent to a maximum of five decimal places, as well as submit a sworn statement that the bid is not disqualified under 43 CFR 3302.3–4(c).

5. Each bidder must have submitted by 9:30 a.m., p.s.t., December 11, 1975, the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 34, 1965, as amended by Executive Order No. 11375, on the Compliance Report Certification Form, 1140–8 (November 1973) and the Affirmative Action Representation Form, Form 1140–7 (December 1971).

6. Tracts being offered for lease may be located on the following official leasing maps:

Outer Continental Shelf, California, Channel Island Area Leasing Maps, 6A, 6B, 6C, 6D, and 6E, a set of 5. These maps may be purchased for $5 per set.

7. All maps and forms referred to above and copies of the lease form referred to in paragraph 12 of this notice without the modifications and stipulations set out in that paragraph may be obtained from the Manager, Pacific Outer Continental Shelf Office, at the above address.

8. *Bid opening.* Bids will be opened on December 11, 1975, beginning at 10 a.m., p.s.t., in the Regency West Room, Hyatt Regency Hotel at the above address. The opening of bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, December 11, 1975, that bid will be returned unopened to the bidder as soon thereafter as possible.

9. Any cash, checks, drafts or money orders submitted with the bids may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

10. *Acceptance or rejection of bids.* No bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(1) The bidder has complied with all requirements of this notice and applicable regulations;

(2) His bid is the highest valid cash bonus bid; and

(3) The amount of the bid has been determined to be adequate by the United States.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $25 or more per acre or fraction thereof. The United States reserves the right to reject any bid submitted, including, but not by way of limitation, the right to reject any bid for inadequacy even though the cash bonus bid is in the amount of $25 or more per acre or fraction thereof.

11. The successful bidders for tracts in this sale will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements set forth in 43 CFR 3304.1 within the time frame provided in 43 CFR 3302.5.

12. *Lease terms and stipulations.* Leases issued as a result of this sale will be on Form 3300–1 (February 1971), as modified in accordance with this paragraph, and will contain one or more of the following stipulations and will exclude the following language from section 3(a)(1), paragraph 3, sentence 2 of Form 3300–1, "* * * and gas used for purposes of production from and operations upon the leased area or unavoidably lost * * *."

Stipulation No. 1. (To apply to all leases resulting from this lease sale).

(a) If the Supervisor, having reason to believe that a site, structure, or object of historical or archeological significance, hereinafter referred to as "cultural resource" may exist in the lease area, shall, within one year from the effective date of this lease, give the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall immediately upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter referred to as "operation", the lessee shall conduct geophysical surveys to determine the potential existence of any cultural resource that may be affected by such operation. If such geophysical surveys show anomalies that suggest the potential existence of a cultural resource that may be adversely affected by any lease operation, the lessee shall:

(1) relocate the site of such operation so as not to adversely affect the anomaly identified; or (2) establish, to the satisfaction of the Supervisor, on the basis of an archeological survey conducted by a qualified marine archeological surveyor using such survey equipment and techniques as deemed necessary by said marine archeological surveyor, either that such operation will not adversely affect the anomaly identified or that the potential cultural resource suggested by the occurrence of the anomaly does not exist.

All data obtained in the course of any geophysical or archeological surveys conducted pursuant to the provisions hereof shall be submitted to the Supervisor with any application by the lessee for drilling or other activity. After consideration of such data, the Supervisor will prepare a report on his determination regarding the existence of and need for protection of any potential cultural resource, and shall forward such report to the Manager, Pacific OCS Office, Bureau of Land Management, for his review and recommendations. Upon consideration of the recommendations, if any, of the Manager, Pacific OCS Office, the Supervisor will prepare a final report, a copy of which shall be supplied to the lessee. Should the Supervisor determine in his report, contrary to the contentions of the lessee, that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its disposition.*

The lessee agrees that, if any site, structure, or object of historical or archeological significance, hereinafter referred to as "cultural resource", should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

(b) Structures for drilling or production, including pipelines, shall be kept to the minimum necessary for proper exploration, development and production and to the greatest extent consistent therewith, shall be placed so as not to interfere with other significant uses of the Outer Continental Shelf, including commercial fishing. To this end, no structure for drilling or production, including pipelines, may be placed on the Outer Continental Shelf until the Supervisor has found that the structure is necessary for the proper exploration, development, and production of the leased area and that no reasonable alternative placement would cause less interference with other significant uses of the Outer Continental Shelf including commercial fishing. The lessee's exploratory and development plans, filed under 30 CFR 250.34, shall identify the anticipated placement and grouping of necessary structures, including pipelines, showing how such placement and grouping will have the minimum practicable effect on the other significant uses of the Outer Continental Shelf, including commercial fishing.

*Adversely affected sites which may be eligible for inclusion on the *National Register of Historic Places will be handled according* to procedures outlined in 36 CFR Part 800 (1974).

Stipulation No. 2. (To apply to all leases resulting from this lease sale.)

The lessee shall have the pollution containment and removal equipment available as required by OCS Order No. 7 of June 1, 1971, as may be amended. Prior to drilling, the lessee shall demonstrate to the satisfaction of the Area Supervisor, U.S. Geological Survey, that said oil spill containment and removal equipment is adequate and deployable in sufficient time to prevent to the maximum extent possible using the best available technology and all reasonable care, spill damage to Areas of Special Biological Significance (ASBS), marine life refuges and/or ecological reserves which occur in closest proximity to the planned production area(s). In the event of a significant oil spill as defined by OCS Order No. 7, or an oil spill of any size or quantity which cannot be immediately controlled, the operator shall immediately notify the Supervisor and deploy the appropriate equipment to the site of the oil spill, unless, because of weather and attendant safety of personnel the Supervisor shall modify this requirement.

Stipulation No. 3. (To apply to all leases resulting from this lease sale.)

(a) Should any new areas of special biological significance be discovered within two (2) years of the lease sale or as a result of BLM Baseline Studies, whichever terminates first, the lease block(s) or portion(s) thereof containing these areas and appropriate buffer zones shall be explored and developed using the best available technology and all reasonable care, to prevent, to the maximum extent possible, detrimental impact upon such areas. The term "best available technology" as used in this paragraph means technology the use of which by the lessee is practical and economically feasible, as determined by the Supervisor.

(b) If within the above specified time limit, the Supervisor has reason to believe that such a site of special biological significance may exist in the lease area, (see 3a) he shall give the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall immediately upon receipt of such notice comply with the following requirements: prior to any drilling activity or the construction or placement of any structure for exploration or development on lease areas including, but not limited to, well drilling and pipeline and platform placement, hereinafter referred to as "operation", the lessee shall conduct site specific surveys, as approved by the Supervisor, to determine the potential existence of any unique biological resource that may be adversely affected by any lease operation. If such surveys show anomalies that suggest the potential existence of a unique biological resource that may be adversely affected by any lease operation, the lessee shall:

(1) relocate the site of such operation so as not to adversely affect the anomaly identified; or (2) establish, to the satisfaction of the Supervisor, on the basis of the site-specific survey, either that such operation will not adversely affect the anomaly identified or that the potential biological resource suggested by the occurrence of the anomaly does not exist.

All data obtained in the course of any biological surveys conducted pursuant to the provisions hereof shall be submitted to the Supervisor with any application by the lessee for drilling or other activity, with a copy to the Manager, Pacific OCS Office. The Supervisor will prepare a final report, a copy of which shall be supplied to the lessee. Should the Supervisor determine in his report, contrary to the contentions of the lessee, that the existence of a biological resource which may be adversely affected by such operations is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such resource until the Supervisor has given the lessee directions with respect to its disposition.

(c) The lessee agrees that, if any site, strucure, or object of biological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the resource from damage until the Supervisor has given the lessee directions with respect to its disposition.

Stipulation No. 4. (In order to indemnify and save harmless the United States, the following stipulation will apply to leases resulting from this lease sale in tract numbers 35–21, 35–25 thru 35–60 in the Santa Rosa-Cortes North area, tract numbers 35–61 thru 35–171 in the Santa Rosa-Cortes South Area, and tract numbers 35–179, 35–185, 35–196 and 35–203 in the Santa Barbara-Santa Catalina area).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Space and Missile Test Center (SAMTEC), the Pacific Missile Test Center (PMTC), or other appropriate military agency.

The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against, all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee of the aforementioned military installations and agencies, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

Stipulation No. 5. (The following stipulation will apply to all leases resulting from this lease sale in tract numbers 35–21, 35–25 thru 35–60 in the Santa Rosa Cortes North area, tract numbers 35–61 thru 35–171 in the Santa Rosa-Cortes South area and tract numbers 35–179, 35–185, 35–196, and 35–203 in the Santa Barbara-Santa Catalina area).

V 40 215 NOV 6 75 XUM

(a) The lessee agrees that when operating or causing to be operating on its behalf boat or aircraft traffic into individual designated warning areas, the lessee shall coordinate and comply with instructions from the Commander of the appropriate onshore military installation i.e., the Space and Missile Test Center (SAMTEC), the Pacific Missile Test Center (PMTC), or other appropriate military agency, when utilizing an individual designated warning area *prior to commencing such traffic*. Such coordination and instruction will provide for positive control of boats and aircraft operating into the warning areas at all times.

(b) The lessee, recognizing that mineral explorations and exploitation and recovery operations on the leased areas of submerged lands can impede tactical military operations, hereby recognizes *and agrees* that the United States reserves and has the right to temporarily suspend operations of the lessee under this lease in the interests of national security requirements. Such temporary suspension of operations, including the evacuation of personnel, and appropriate sheltering of personnel not evacuated, (an appropriate shelter shall mean the protection of all lessee personnel for the entire duration of any Department of Defense activity from flying or falling objects or substances) will come into effect upon the order of the Commander, Space and Missile Test Center (SAMTEC) or his authorized designee, the Pacific Missile Test Center (PMTC), or higher authority, that national security interests necessitate such action. It is understood that any temporary suspension of operations ordered by said official may not exceed seventy-two hours, however, any suspension may be extended by order of the Secretary of Defense. During such periods equipment may remain in place.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Commander of the appropriate onshore military installation i.e., the Space and Missile Test Center (SAMTEC), and the Pacific Missile Test Center (PMTC), or other appropriate military agency, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities conducted within individual designated warning areas. Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the Commander of the appropriate onshore military installation conducting operations in the particular warning area: Provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 6. (Portions of Tanner Bank and Cortes Bank are considered to be unique biological areas. To protect them the following stipulations shall apply to all leases resulting from this lease sale in tracts numbered 35–104, 35–105, 35–114, 35–115, 35–156, 35–157, 35–159, and 35–160 in the Santa Rosa-Cortes South area).

The Lessee Agrees:

(a) Operations in the zone up to 5 miles from the 80 meter isobath around these unique biological areas are restricted as follows: (1) Drill cuttings and drilling muds must be disposed of by barging the materials a minimum of ten miles from any 80 meter isobath surrounding areas of special biological significance. Disposal sites must be approved by the Area Supervisor USGS and must have been coordinated with BLM and Fish and Wildlife representatives. (2) Formation waters must be analyzed for salinity, heavy metals and hydrocarbons. Toxicity tests must be performed. A decision, based upon these analyses and upon the volume of discharge, shall then be made by the Area Supervisor USGS as to whether the formation waters should be re-injected or discharged into the sea. If there is any question regarding the effect of the formation water upon local marine life, the formation water shall be re-injected. The Area Supervisor may also elect to discharge the formation water, but require the use of diffusers.

(b) No garbage, untreated sewage, or other solid waste shall be disposed from platforms, vessels (workboats, crew-boats, supply boats, pipe-laying vessels) involved with exploration and development operations within the area on each bank bounded by a line five miles from the 80 meter isobath around these unique biological areas.

(c) No drilling permits will be issued by the Supervisor until he has found that the lessee's exploration and development plan, filed under 30 CFR 250.34 is adequate. As a part of the development plan a monitoring program must be included. The monitoring program will be designed to assess the effects of oil and gas exploration and development operations on the viability of these areas. The program will be designed, performed and financed by BLM, with the aid of qualified, independent scientists when necessary. The monitoring team will be available at the time OCS operations in the area begin. The team will submit its findings on a regular basis, or immediately in the case of imminent danger. If OCS operations are shown to be adversely affecting the unique areas, the lessee shall immediately cease or modify his operations to halt or mitigate such adverse effect.

Stipulation No. 7. (The following stipulation will apply to all leases resulting from this lease sale in tract numbers 35–243 thru 35–297 in the San Pedro Bay area.)

The lessee agrees that in order to control any oil spilled as a result of lease operations from entering Anaheim and Newport Bays, the best available technology to control such oil shall be used and shall be available on all fixed or mobile structures located on the lease or similar safeguards shall be available as approved by the supervisor.

Stipulation No. 8. (The following stipulation shall apply to leases resulting from this lease sale on tract numbers 35–21, and 35–25 thru 35–28 in the Santa Rosa-Cortes North Area.)

The lessee agrees that in order to control any oil spilled as a result of lease operations from entering on San Miguel, Santa Rosa and Santa Cruz islands, the best available technology to control such oil shall be used and shall be available on all fixed or mobile structures located on the lease or similar safeguards shall be available as approved by the supervisor.

Stipulation No. 9. (The following stipulation shall apply to leases resulting from this lease sale on tract numbers 35–180, 35–181, 35–182, 35–185, 35–186, 35–187, 35–188, 35–196, 35–197, 35–203, and 35–204 in the Santa Barbara-Catalina Area.)

The lessee agrees that in order to control any oil spilled as a result of lease operations from entering on Santa Barbara island, the best available technology to control such oil shall be used and shall be available on all fixed or mobile structures located on the lease or similar safeguards shall be available as approved by the supervisor.

Stipulation No. 10. (This stipulation will apply to all leases resulting from this lease sale in tract numbers 35–243 thru 35–297 in the San Pedro Bay area.)

In the approval of exploration and development plans, including the installation of platforms, the Supervisor shall require the lessee to camouflage all structures by appropriate painting.

Tract Description

13. The tracts offered for bid are as follows:

NOTE: There is a hiatus in the numbers of the tracts listed. Some of the tracts identified in the final EIS are not included in this notice.

California

OCS Official Leasing Map, Channel Islands Area Map 6A

[Approved Aug. 8, 1966; Revised July 24, 1967]

Tract No.	Block	Description	Acreage
35-21	41N 76W	SW¼SW¼	360
35-25	41N 72W	SE¼SW¼, NE¼SE¼, S½SE¼	1,440
35-28	40N 77W	All	5,769
35-29	40N 76W	NW¼NE¼, S½NE¼, NW¼, S½	5,400
35-30	40N 75W	S½	2,880
35-31	40N 74W	SE¼NE¼, S½	3,240
35-32	40N 73W	NE¼, E½NW¼, SW¼NW¼, S½	5,400
35-33	40N 72W	All	5,760
35-36	39N 76W	All	5,760
35-37	39N 75W	All	5,760
35-38	39N 74W	All	5,760
35-39	39N 73W	All	5,760
35-40	39N 72W	All	5,760
35-44	38N 74W	All	5,760
35-45	38N 73W	All	5,760
35-46	38N 72W	All	5,760
35-50	37N 74W	All	5,760
35-51	37N 73W	All	5,760
35-52	37N 72W	All	5,760
35-56	36N 73W	All	5,760
35-57	36N 72W	All	5,760

OCS Official Leasing Map, Channel Islands Area Map 6B

[Approved Aug. 8, 1966; Revised July 24, 1967]

Tract No.	Block	Description	Acreage
35-26	41N 71W	S½NE¼, S½	3,600
35-27	41N 70W	S½NE¼, NW¼, S½	5,040
35-31	40N 71W	All	5,760
35-35	40N 70W	All	5,760
35-41	39N 71W	All	5,760
35-42	39N 70W	All	5,760
35-43	39N 69W	All	5,760
35-47	38N 71W	All	5,760
35-48	38N 70W	All	5,760
35-49	38N 69W	All	5,760
35-53	37N 71W	All	5,760
35-54	37N 70W	All	5,760
35-55	37N 69W	All	5,760
35-58	36N 71W	All	5,760
35-59	36N 70W	All	5,760
35-60	36N 69W	All	5,760
35-172	37N 55W	All	5,760
35-173	36N 55W	All	5,760
35-174	36N 54W	All	5,760
35-175	35N 55W	All	5,760
35-176	35N 54W	All	5,760
35-177	35N 53W	All	5,760
35-178	35N 52W	All	5,760
35-179	34N 57W	All	5,760
35-180	34N 55W	All	5,760
35-181	34N 54W	All	5,760
35-182	34N 53W	All	5,760
35-183	34N 52W	All	5,760
35-184	34N 51W	All	5,760

OCS Official Leasing Map, Channel Islands Area Map 6B—Continued

Tract No.	Block	Description	Acreage
35-185	33N 57W	All	5,760
35-186	33N 55W	N½	2,880
35-187	33N 54W	N½N½	1,440
35-188	33N 53W	N½, N½SE¼, SE¼SE¼	3,960
35-189	33N 52W	All	5,760
35-190	33N 51W	All	5,760
35-191	33N 50W	All	5,760
35-192	33N 49W	All	5,760
35-193	33N 48W	All	5,760
35-194	33N 47W	N½, SW¼, N½SE¼, SW¼SE¼	5,400
35-195	33N 46W	N½, N½S½	4,320
35-196	32N 57W	All	5,760
35-197	32N 56W	NW¼, W½SW¼	2,160
35-198	32N 51W	All	5,760
35-199	32N 50W	All	5,760
35-200	32N 49W	All	5,760
35-201	32N 48W	All	5,760
35-202	32N 47W	N½NW¼, SW¼NW¼, W½SW¼	1,800
35-203	31N 57W	All	5,760
35-204	31N 56W	W½NW¼, SW¼	2,160
35-243	35N 41W	SW¼NW¼, SW¼, W½SE¼, SE¼SE¼	2,880
35-244	35N 40W	S½S½	1,440
35-250	34N 41W	All	5,760
35-251	34N 40W	All	5,760
35-257	33N 41W	All	5,760
35-258	33N 40W	All	5,760

OCS Official Leasing Map, Channel Islands Area Map 6C

[Approved Aug. 8, 1966]

Tract No.	Block	Description	Acreage
35-245	35N 39W	All [1]	3,338
35-246	35N 38W	All [1]	5,011
35-247	35N 37W	All [1]	5,395
35-248	35N 36W 36N 36W	All [1]	4,151
35-252	34N 39W	All	5,760
35-253	34N 38W	All	5,760
35-254	34N 37W	All	5,760
35-255	34N 36W	All	5,760
35-256	34N 35W 35N 35W	All [1]	4,125
35-259	33N 39W	All	5,760
35-260	33N 38W	All	5,760
35-261	33N 37W	All	5,760
35-262	33N 36W	All	5,760
35-263	33N 35W	All	5,760
35-264	33N 34W	SW¼NW¼, SW¼, SW¼SE¼	2,160
35-265	32N 39W	All	5,760
35-266	32N 38W	All	5,760
35-267	32N 37W	All	5,760
35-268	32N 36W	All	5,760
35-269	32N 35W	All	5,760
35-270	32N 34W	All	5,760
35-271	32N 33W	SW¼NE¼, W½NW¼, SE¼NW¼, S½SW¼	4,320
35-272	32N 32W	NW¼S½W¼, S½SW¼	1,080
35-273	31N 37W	All	5,760
35-274	31N 36W	All	5,760
35-275	31N 35W	All	5,760
35-276	31N 34W	All	5,760
35-277	31N 33W	All	5,760
35-278	31N 32W	NW¼NE¼, S½NE¼, NW¼, S½	5,400
35-279	31N 31W	SW¼, SW¼SE¼	1,800
35-280	30N 36W	All	5,760
35-281	30N 35W	All	5,760
35-282	30N 34W	All	5,760
35-283	30N 33W	All	5,760
35-284	30N 32W	All	5,760

OCS Official Leasing Map, Channel Islands Area Map 6C—Continued

Tract No.	Block	Description	Acreage
35-285	30N 31W	All	5,760
35-286	30N 30W	W½SW¼	720
35-287	29N 35W	All	5,760
35-288	29N 34W	All	5,760
35-289	29N 33W	All	5,760
35-290	29N 32W	All	5,760
35-291	29N 31W	All	5,760
35-292	29N 30W	SW¼NE¼, NW¼, S½	4,680
35-293	28N 34W	All	5,760
35-294	28N 33W	All	5,760
35-295	28N 32W	All	5,760
35-296	28N 31W	All	5,760
35-297	28N 30W	All	5,760

OCS Official Leasing Map, Channel Islands Area Map 6D

[Approved Aug. 8, 1966]

Tract No.	Block	Description	Acreage
35-61	20N 65W	All	5,760
35-62	20N 64W	All	5,760
35-63	20N 63W	All	5,760
35-64	20N 62W	All	5,760
35-65	20N 61W	All	5,760
35-66	20N 60W	All	5,760
35-67	19N 65W	All	5,760
35-68	19N 64W	All	5,760
35-69	19N 63W	All	5,760
35-70	19N 62W	All	5,760
35-71	19N 61W	All	5,760
35-72	19N 60W	All	5,760
35-73	18N 64W	All	5,760
35-74	18N 63W	All	5,760
35-75	18N 62W	All	5,760
35-76	18N 61W	All	5,760
35-77	18N 60W	All	5,760
35-78	17N 63W	All	5,760
35-79	17N 62W	All	5,760
35-80	17N 61W	All	5,760
35-81	17N 60W	All	5,760
35-82	17N 59W	All	5,760
35-83	17N 58W	All	5,760
35-84	16N 67W	All	5,760
35-85	16N 62W	All	5,760
35-86	16N 61W	All	5,760
35-87	16N 60W	All	5,760
35-88	16N 59W	All	5,760
35-89	16N 58W	All	5,760
35-90	16N 57W	All	5,760
35-91	15N 67W	All	5,760
35-92	15N 66W	All	5,760
35-93	15N 60W	All	5,760
35-94	15N 59W	All	5,760
35-95	15N 58W	All	5,760
35-96	15N 57W	All	5,760
35-97	15N 56W	All	5,760
35-98	14N 66W	All	5,760
35-99	14N 65W	All	5,760
35-100	14N 61W	All	5,760
35-101	14N 60W	All	5,760
35-102	14N 59W	All	5,760
35-103	14N 58W	All	5,760
35-104	14N 57W	All	5,760
35-105	14N 56W	All	5,760
35-106	14N 55W	All	5,760
35-107	13N 66W	All	5,760
35-108	13N 65W	All	5,760
35-109	13N 64W	All	5,760
35-110	13N 61W	All	5,760
35-111	13N 60W	All	5,760
35-112	13N 59W	All	5,760
35-113	13N 58W	All	5,760
35-114	13N 57W	All	5,760
35-115	13N 56W	All	5,760
35-116	13N 55W	All	5,760
35-117	13N 54W	All	5,760
35-118	12N 66W	All	5,760
35-119	12N 64W	All	5,760
35-120	12N 61W	All	5,760
35-121	12N 60W	All	5,760

OCS Official Leasing Map, Channel Islands Area Map 6D—Continued

Tract No.	Block	Description	Acreage
35-122	12N 59W	All	5,760
35-123	12N 58W	All	5,760
35-124	12N 57W	All	5,760
35-125	12N 56W	All	5,760
35-126	12N 55W	All	5,760
35-127	12N 54W	All	5,760
35-128	12N 53W	All	5,760
35-129	11N 66W	All	5,760
35-130	11N 67W	All	5,760
35-131	11N 65W	All	5,760
35-132	11N 64W	All	5,760
35-133	11N 63W	All	5,760
35-134	11N 61W	All	5,760
35-135	11N 60W	All	5,760
35-136	11N 59W	All	5,760
35-137	11N 58W	All	5,760
35-138	11N 57W	All	5,760
35-139	11N 56W	All	5,760
35-140	11N 55W	All	5,760
35-141	11N 54W	All	5,760
35-142	11N 53W	All	5,760
35-143	10N 67W	All	5,760
35-144	10N 66W	All	5,760
35-145	10N 64W	All	5,760
35-146	10N 63W	All	5,760
35-147	10N 61W	All	5,760
35-148	10N 60W	All	5,760
35-149	10N 59W	All	5,760
35-150	10N 58W	All	5,760
35-151	10N 57W	All	5,760
35-152	10N 56W	All	5,760
35-153	10N 55W	All	5,760

OCS Official Leasing Map, Channel Islands Area Map 6E

[Approved Aug. 8, 1966]

Tract No.	Block	Description	Acreage
35-154	9N 63W	All	5,760
35-155	9N 60W	All	5,760
35-156	9N 59W	All	5,760
35-157	9N 58W	All	5,760
35-158	8N 63W	All	5,760
35-159	8N 59W	All	5,760
35-160	8N 58W	All	5,760
35-161	7N 67W	All	5,760
35-162	7N 66W	All	5,760
35-163	7N 59W	All	5,760
35-164	7N 58W	All	5,760
35-165	6N 67W	All	5,760
35-166	6N 66W	All	5,760
35-167	6N 59W	All	5,760
35-168	6N 58W	All	5,760
35-169	5N 67W	All	5,760
35-170	5N 66W	All	5,760
35-171	4N 67W	All	5,760

[1] That portion seaward of the three geographic mile line.

14. Some of the tracts may fall in prohibited dumping areas and in Fairways, precautionary zones, traffic separation schemes or in areas where application is pending for a shipping safety fairway. For the location of those areas and operational restrictions which will or might be imposed, the District Engineer, U.S. Army Engineer District, Los Angeles, Corps of Engineers should be consulted.

Suggested Bid Form

15. It is suggested that bidders submit their bids in the following form:

V 40 N 215 NOV 6 75 XUM

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the land of the Outer Continental Shelf specified below:

Tract No:	Total amount bid	Amount per acre	Amount of cash bonus submitted with bid

Proportionate Interest of Company Submitting Bid

Qualification File No. _____ _____ % _____
Company

Address

Signature
(Please type signer's name under signature)

NOTE: In the case of joint bids, each joint bidder must execute the following statement before a notary public:

I hereby certify that _____ (entity submitting bid) is not disqualified from joint bidding under 43 CFR 3302.3-4(c).

Signature

Sworn to and subscribed before me this _____ day of _____ 19__.

Notary Public

State of _____

(County) of _____

16. *Withdrawal of Tracts.* The United States reserves the right to withdraw any tract from this sale prior to the issuance of a written acceptance of a bid for that tract.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: November 3, 1975.

THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.75-29888 Filed 11-5-75;8:45 am]

Fish and Wildlife Service

UNIVERSITY OF CALIFORNIA, DEPARTMENT OF BIOLOGY

Notice of Receipt of Amendments to Marine Mammal Permit

A permit authorizing capture and tagging of sea otters was issued to the University of California, Department of Biology, Los Angeles, California, on June 23, 1975, pursuant to the Marine Mammal Protection Act of 1972. A notice containing the application for the permit was published in the FEDERAL REGISTER on April 7, 1975 (40 FR 15410–11) soliciting public comments for a period of 30 days. A notice of the issuance of the permit was published on July 3, 1975 (40 FR 28110–11).

Thomas R. Laughlin, M.A., of the University of California, Department of Biology, has submitted a request for significant amendments to the permit. Published herewith is a copy of the terms of the permit, and the request for amendments. This request is being considered pursuant to § 13.23 of Fish and Wildlife regulations, Title 50 Code of Federal Regulations (see 39 FR 1162).

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

3-201
(7/74)

2. AUTHORITY - STATUTES
16 USC 1371(a)(1)
REGULATIONS (Attached)
50 CFR 13.31

1. PERMITTEE
University of California
Department of Biology
Los Angeles, California 90024

3. PRT-9-20-C

4. RENEWABLE ☐ YES ☒ NO
5. MAY COPY ☒ YES ☐ NO
6. EFFECTIVE JUN 23 1975
7. EXPIRES OCT 31 1975

8. NAME AND TITLE OF PRINCIPAL OFFICER (If 31 is a business)

9. TYPE OF PERMIT
MARINE MAMMAL

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Pacific coastal waters between Marina and Big Sur, California

11. CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE and any person designated in writing.

D. Authorized to capture and tag no more than 10 sea otters, to attach telemetry equipment to no more than 3 of these 10 sea otters, and release them all at the capture site. The project is to be conducted in conjunction with personnel of the Sea Otter & Walrus Project, 4454 Business Park Boulevard, Anchorage, Alaska 99503 telephone 907-265-3261.

E. Authorized to possess carcasses of sea otters killed accidentally or found dead. They will be delivered to the California Game & Fish Department to be used for scientific purposes. A receipt will be obtained and retained for each.

F. No more than two (2) mortalities shall be permitted to occur in the course of this research. Should such mortality occur, research activities shall be terminated pending determination by the Director on the continuance of the research.

G. Person(s) engaged in authorized activity must have permit or copy in possession.

H. The U.S. Fish and Wildlife Service office shall be notified seven days before commencing the authorized activity. The death of any of the sea otters shall be reported within 24 hours to the next office. Address - Special Agent in Charge; U.S. Fish and Wildlife Service; 2800 Cottage Way, Rm. E-1924; Sacramento, California 95825; telephone 916-484-4748.

I. Maintain records as required by 50 CFR 12.46.

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS
A report as required in 16 USC 1374 of the activities conducted hereunder shall be made to the Director (FWS/LE), U.S. Fish & Wildlife Service POB 19183, Wash., D.C. 20036 within 60 days of the end of the study or permit expiration.

ISSUED BY /s/ Lynn E. Frazier
TITLE Chief, Division of Law Enforcement
DATE JUN 23 1975

DEPARTMENT OF BIOLOGY
Los Angeles, Calif., October 3, 1975.

DIRECTOR, FISH AND WILDLIFE SERVICE,
DEPARTMENT OF THE INTERIOR,
Washington, D.C.

DEAR SIRS: This is a request for amendment to permit number FWS/LE PRT 9-20-c issued to the Department of Biology, University of California, Los Angeles, for the capture and tagging of sea otters (*Enhydra lutris*) in California. The permit issued authorized the capture and tagging of ten sea otters, to attach telemetry equipment to no more than three of these ten sea otters, and to release them all at the capture site. We request the amendment to allow a maximum total of 30 more animals to be captured and that a minimum of 12 more animals to be radio tagged. This would increase the total number allowed under the permit from ten to 40 animals and allow radio transmitters on 15 rather than three animals. The permit should also allow capture of animals from San Louis Obisbo, Monterey, and Santa Cruz counties.

We feel that the permit amendment is justified for the following reasons. Our study has been very successful to this point. We have been able to determine, with a great amount of certainty, the 24-hour activity cycle of the animals fixed with radio collars. These studies also elucidate the nocturnal feeding strategies of sea otters. We have shown that sea otters do feed at night and have been able to quantitatively compare the amount of time spent feeding at night versus the day. Concomitantly, we have been able to monitor home range and intraspecies foraging patterns. The radio tag collars do not appear to have any detrimental effect on the sea otters, although we have not been able to closely inspect any of these animals. Sea otter number 24 lost its radio collar after four days and has been resighted numerous times since then and no cuts or abrasions were seen on the neck.

The flipper-tagging technique has also been quite effective. Each flipper tag is individually color coded allowing for precise identification of individual sea otters in the field (tag numbers are usually too difficult to discern). Such identification has allowed an observer to follow a single sea otter through a behavioral interaction (i.e., play, copulation, etc.). This technique has also facilitated documentation of site preference and movements of individual sea otters.

We feel that our methods and techniques have been very effective. There have not been any deaths or injuries caused as a result of our work and the sea otters do not appear to be severely affected by the tagging and capture operations. Every sea otter captured and tagged under this permit has been resighted for at least 18 days post capture and some for as many as 55 days. Most of the resightings have occurred in the area of capture. Thus, the technique does not have adverse effects on the sea otters and does not force them from preferred areas.

Unfortunately the results so far obtained are too scanty. More animals must be captured in order to sufficiently elucidate sea otter behavior. We have tagged nine sea otters; all but one have been males. Radio tags were placed on one male and one female. Obviously this is a very small sample size. More females (and males) must be sampled as well as more animals from each age class in order to obtain a good representation of the types of behavior patterns being investigated in this study. It is for this reason that we initially requested to tag 40 animals and radio tag 15. The work of Dr. Siniff in Alaska and ours in California indicate that radio telemetry is a viable tool in elucidating sea otter biology and that such a technique is not injurious to the animals.

Thank you very much for your time and consideration in this matter. If you require any data to support statements put forth in this request, please feel free to ask.

Sincerely,

THOMAS R. LOUGHLIN, M.A.

In keeping with the spirit of the Marine Mammal Protection Act of 1972, this Notice is being published to allow public comment on the request for amendments. Interested persons may comment on these amendments by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 8, 1975, will be considered.

Dated: October 31, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-29913 Filed 11-5-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A268]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Donley County, Texas, as a result of a tornado May 28, 1975; excessive rainfall and hailstorms

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May 28 and June 16, 21 and 23, 1975; flooding May 28 and June 23, 1975; and windstorms June 16, 18, 19 and 25, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 29, 1975, for physical losses and July 29, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 3rd day of November, 1975.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75-29897 Filed 11-5-75;8:45 am]

[Notice of Designation Number A116]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Wisconsin counties as a result of drought June 1 through July 31, 1974:

Burnett Washburn

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 8, 1975, for physical losses and July 9, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 3rd day of November 1975.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75-29898 Filed 11-5-75;8:45 am]

Forest Service

MARBLE SKI AREA, INC.

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement about the Marble Ski Area, Inc. proposed use of the White River National Forest. The Forest Service report number is USDA–FS–R2–FES (Adm) FS–73–58.

The environmental statement concerns a proposal not to issue a special use permit pursuant to the application of the Marble Ski Area, Inc., to expand their existing facilities onto 600 acres of the White River National Forest within Gunnison County, Colorado.

The draft environmental statement was transmitted to CEQ on April 5, 1973.

This final environmental statement was transmitted to CEQ on October 31, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.
USDA, Forest Service, White River National Forest, Old Federal Building, P.O. Box 948, Glenwood Springs, Colorado 81601.

A limited number of single copies are available upon request to Thomas C. Evans, Forest Supervisor, USDA Forest Service, White River National Forest, Old Federal Building, P.O. Box 948, Glenwood Springs, Colorado 81601.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

CLAYTON B. PIERCE,
Director, Multiple Use and Environmental Quality Coordination.

OCTOBER 31, 1975.

[FR Doc.75-29817 Filed 11-5-75;8:45 am]

MEDICINE BOW NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Medicine Bow National Forest Grazing Advisory Board will meet at 10 a.m., December 2, 1975, at the Supervisor's Office, 605 Skyline Drive, Laramie, Wyoming 82070.

The following topics are planned for discussion:

1. Land Planning on the Medicine Bow National Forest.
2. The allocation of available grazing capacity.
3. Follow-up on an outline for coordinated range allotment plans.
4. Discussion of changes in the Range Management section of the Forest Service Manual.

Additional items may be discussed if time allows.

The meeting will be open to the public. Persons who wish to attend, should notify Medicine Bow National Forest at 605 Skyline Drive, Laramie, Wyoming 82070, phone 745–7308 area code 307. Written statements may be filed with the committee before or after the meeting.

ALAN R. DUHNKRACK,
Forest Supervisor.

OCTOBER 21, 1975.

[FR Doc.75-29815 Filed 11-5-75;8:45 am]

WINEMA NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Winema National Forest Grazing Advisory Board will meet at 1 p.m. on December 9, 1975, second floor, Post Office Building, 7th and Walnut, Klamath Falls, Oregon 97601. The purpose of this meeting is 1975 grazing report, problems, budgeting, review of proposed manual amendment, 10-year program, and other items as needed.

The meeting will be open to the public. Persons who wish to attend should notify Robert S. Snoich, Post Office Building. 882–7761. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at any time.

ROBERT J. CHADWICK,
Forest Supervisor.

OCTOBER 29, 1975.

[FR Doc.75-29816 Filed 11-5-75;8:45 am]

Soil Conservation Service

CASSVILLE FLOOD PREVENTION RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) MEASURE

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cassville Flood Prevention Resource Conservation and Development Measure, Barry County, Missouri.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. J. Vernon Martin, State Conservationist, Soil Conservation Service, USDA, P.O. Box 459, Terrace Level, Parkade Plaza, Columbia, Missouri 65201, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by two single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Terrace Level, Parkade Plaza, 601 Business Loop 70 West, Columbia, Missouri 65201.

The negative declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until November 21, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives References Services.)

Date: October 29, 1975.

VICTOR H. BARRY, JR.,
Deputy Administrator for Field Services Soil Conservation Service.

[FR Doc.75-29819 Filed 11-5-75;8:45 am]

LOWER SAN SABA RIVER (MIDDLE COLORADO) WATERSHED PROJECT

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lower San Saba River (Middle Colorado) Watershed Project, McCulloch and San Saba Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these fidings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection from flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by one single purpose floodwater retarding structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until November 21, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: October 28, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-29818 Filed 11-5-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N–0176]

OVER-THE-COUNTER (OTC) MISCELLANEOUS EXTERNAL AND INTERNAL DRUG PRODUCTS

Safety and Effectiveness Review; Request for Data and Information; Extension of Time for Submissions

Correction

In FR Doc. 75–29440. appearing at page 51077, in the issue for Monday, November 3, 1975, the dates "January 2, 1975" in the first and third paragraphs should read "January 2, 1976".

National Institutes of Health

CHEMICAL/BIOLOGICAL INFORMATION-HANDLING REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Chemical/Biological Information-Handling Review Committee, Division of Research Resources, 8 p.m. to 10:30 p.m., December 10, 1975, at the Commodore Hotel, 109 E. 42nd Street, New York City, N.Y., and 9 a.m. to adjournment, December 11, 1975, in Room 205, Basic Sciences Building, Mount Sinai School of Medicine, Fifth Avenue and 100th Street, New York City, N.Y. This meeting will be open to the public from 9 p.m. to 10:30 p.m. on December 10 for a discussion of the Chemical/Biological Information-Handling Program plans, and for the entire meeting on December 11 for a presentation by the Mount Sinai staff on scientific applications of the PROPHET System. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8 p.m. to 9 p.m., December 10, for the review of research prospectuses submitted by organizations seeking access to PROPHET System services. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on these individual research prospectuses which contain information of a proprietary or confidential nature, including research protocols and other technical information on the subject of applications of computers to research in pharmacology and personal information concerning individuals associated with the prospectuses.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Bldg. 31, Rm. 5B–39, Bethesda, Maryland 20014, telephone Area Code 301, 496–5545, will provide summaries of meetings and rosters of committee members.

Dr. William F. Raub, Program Director, Chemical/Biological Information-Handling Program, Division of Research Resources, Bldg. 31, Rm. 6A–04, Bethesda, Maryland 20014, telephone Area Code 301, 496–4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.877, National Institutes of Health.)

Dated: October 23, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-29828 Filed 11-5-75;8:45 am]

LIPID METABOLISM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Lipid Metabolism Advisory Committee, National Heart and Lung Institute on December 9, 1975 in Building 31, Conference Room 8, Bethesda, Maryland.

The entire meeting will be open to the public from 8:30 a.m. to 5 p.m. to discuss the Lipid Metabolism Branch status report and program review plans. Attendance by the public will be limited to space available. Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, National Institutes of Health, Building 31, Room 5A21, Bethesda, Maryland 20014, (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Basil M. Rifkind, Chief, Lipid Metabolism Branch, NHLI, Building 31, Room 4A18, (301) 496–1681, will provide substantive program information.

Dated: October 30, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-29830 Filed 11-5-75;8:45 am]

NATIONAL ADVISORY EYE COUNCIL

Amended Notice of Meeting

Notice is hereby given of a change in the meeting on November 17 at 9 a.m., Building 31, Conference Room #7, of the National Advisory Eye Council, which was published in the FEDERAL REGISTER on Wednesday, October 22, 1975 (40 FR 49382).

The Vision Research Program Planning Subcommittee of the National Advisory Eye Council was to have convened at 9 a.m. on Monday, November 17, but

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has been changed to convene at 7:30 p.m. and adjourn at 10 p.m. This meeting will be open to the public from opening until adjournment. As stated in the previous notice, the meeting will be held in Conference Room #7, of Building 31. Attendance by the public will be limited to space available.

The full National Advisory Eye Council was to have convened on Monday, November 17 at 3 p.m., but has been changed to convene on Tuesday, November 18 at 9 a.m. As stated in the previous notice, the meeting will be held in Building 31, Conference Room #7. The meeting will be open to the public from 9 a.m. to 11:30 a.m., and closed to the public from 11:30 a.m. to adjournment. Attendance by the public will be limited to space available.

Dated: October 30, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-29829 Filed 11-5-75;8:45 am]

Office of Education

GRADUATE AND UNDERGRADUATE INTERNATIONAL STUDIES PROGRAMS

Notice of Closing Date for Receipt of Initial Applications

Notice is hereby given that pursuant to the authority contained in section 601(a) of Title VI of the National Defense Education Act of 1958, as amended (20 U.S.C. 511(a)), applications are being accepted from institutions of higher education for initial grants under the Graduate and Undergraduate International Studies Programs. (A separate Notice of Closing Date will be published for applications for continuation grants.)

Applications for initial grants must be received by the U.S. Office of Education Application Control Center on or before December 15, 1975.

A. *Applications sent by mail.*

An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.435. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than December 10, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.*

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.*

Information and application forms may be obtained from the Language and Area Centers Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 3671, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Applicable regulations.*

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the criteria relating to the graduate and undergraduate international studies programs, published in this volume of the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Number 13.435; Higher Education—Language and Area Centers Program)

Dated: September 6, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-29843 Filed 11-5-75;8:45 am]

GRADUATE AND UNDERGRADUATE INTERNATIONAL STUDIES PROGRAMS

Notice of Proposed Criteria for Funding of Applications

Pursuant to the authority contained in section 601(a) of the National Defense Education Act of 1958, as amended, (20 U.S.C. 511(a)), notice is hereby given that the Commissioner of Education with the approval of the Secretary of Health, Education and Welfare, proposes to establish funding criteria set forth below to evaluate applications submitted by institutions of higher education for grants for graduate and undergraduate international studies programs.

Section 601(a) authorizes the Commissioner to make grants to institutions of higher education to establish, equip and operate graduate and undergraduate programs in international studies and the international aspects of professional and other fields of study.

The criteria read as follows:

In addition to evaluation on the basis of criteria found in the Office of Education General Provisions at 45 CFR 100a.26(b) (38 FR 30654, 30664, November 6, 1973) the Commissioner will further evaluate applications for Federal support to graduate and undergraduate international studies programs in accordance with the following criteria.

1. *Graduate Programs.* (a) The international nature, contemporary relevance, and interdisciplinary and comparative dimensions of the program;

(b) The extent to which provision is made for evaluation of the effect of the program on the students receiving training, the campus, the community, local teachers, and neighboring institutions of higher education;

(c) The institution's capability to provide foreign language study as a part of each student's international studies experience;

(d) The commitment of the institution toward the establishment and operation of the programs as evidenced by the thoroughness of preparation of the program, maximum use of available resources including institutional financial support, and the overall quality of the program;

(e) The probability that a clearly improved educational experience will be available at the institution for prospective students within two years and that the program will be continued after Federal support is withdrawn.

(20 U.S.C. 511(a)).

2. *Undergraduate Programs.* (a) The extent to which provisions are made for evaluation of the effect of the program on students receiving training, the campus, the community, local teachers, and neighboring institutions of higher education.

(b) The commitment of the institution toward the establishment and operation of the program as evidenced by the thoroughness of preparation of the program, maximum use of available resources including institutional financial support and the overall quality of the program.

(c) The institution's capability to provide foreign language study as a part of each student's international studies experience.

(d) The probability that a clearly improved educational experience will be available at the institution for prospective students within two years and that the program will be continued after Federal support is withdrawn.

(20 U.S.C. 511(a)).

Interested persons are invited to submitted written comments, suggestions, or objections regarding the proposed funding criteria to the Language and Area Centers Program, Bureau of Postsecondary Education, U.S. Office of Education, 7th and D Streets, SW., Room 3671, Regional Office Building Three, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

All relevant material must be received on or before December 8, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program: 13.435 Foreign Language and Area Studies—Centers)

Dated: September 10, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

[FR Doc.75-29842 Filed 11-5-75;8:45 am]

VOCATIONAL EDUCATION CURRICULUM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 191 of Part I of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1391, applications are being accepted for four vocational education grant awards for the fiscal year 1976.

Applications must be received by the U.S. Office of Education Application Control Center on or before December 10, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Washington, D.C. 20202; Attention: 13.496. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than December 5, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be delivered to the Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th & D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturday, Sunday, or Federal holiday. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Research and Demonstration, Bureau of Occupational and Adult Education, Office of Education, Room 5034, 7th & D Streets, SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR 100a) published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and the Vocational Education Regulations, Parts C, D, and I (45 CFR Part 103) published in the FEDERAL REGISTER on August 15, 1974 at 39 FR 29361, and the criteria for fiscal year 1976 published simultaneously herewith.

(Catalog of Federal Domestic Assistance Number 13.496; Vocational Education—Curriculum)

(20 U.S.C. 1391)

Dated: September 6, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-29841 Filed 11-5-75;8:45 am]

Social Security Administration

SUPPLEMENTAL SECURITY INCOME STUDY GROUP

Meeting

Notice is hereby given pursuant to Pub. L. 92-463, that the SSI Study Group has cancelled the meeting scheduled for December 18 and 19, 1975 and scheduled a meeting for November 24 and 25 from 9 a.m. to 5 p.m. in Room G-10-A East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland. The meeting is open to the public.

Further information on the Study Group may be obtained from Nelson Sabatini, Executive Secretary of the Study Group, Room 960 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2330. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Number 13.807, Supplemental Security Income for the Aged, Blind, and Disabled)

Dated: October 31, 1975.

NELSON SABATINI,
Executive Secretary, Supplemental Security Income Study Group.

[FR Doc.75-29859 Filed 11-5-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC CONTROL TOWER

Notice of Commissioning

Notice is hereby given that on November 4, 1975, the Airport Traffic Control Tower at the Williamson County Airport, Marion, Illinois, will be commissioned as an FAA facility. This information will be reflected in the FAA Organization Statement the next time it is issued. Communications to the tower should be as follows:

Federal Aviation Administration, Airport Traffic Control Tower, Fourth Floor, Williamson County Airport, Marion, Illinois 62959.

It has been determined that good cause exists for publication of this notice in less than 30 days prior to the commissioning date.

(Section 313(a), 72 Stat. 752; 49 U.S.C. 1354) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Des Plaines, Illinois, on October 29, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-29800 Filed 11-5-75;8:45 am]

AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Notice of Establishment

Notice is hereby given of the establishment of the Air Traffic Procedures Advisory Committee. The Federal Aviation Administration is the sponsor of the committee, and the membership includes representatives from the Federal Aviation Administration, U.S. Army, U.S. Navy, U.S. Air Force, Aircraft Owners and Pilots Association, Air Line Pilots Association, Allied Pilots Association, Air Transport Association of America, Air Traffic Control Association, National Air Carriers Association; National Air Transportation Associations, Inc., National Business Aircraft Association, National Pilots Association, and Professional Air Traffic Controllers Organization. The committee will review present air traffic control procedures and practices and make recommendations to the Federal Aviation Administration for the standardization, clarification, and upgrading of terminology and procedures.

The Secretary of Transportation has determined that the formation and use of the Air Traffic Procedures Advisory Committee are necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Meetings of the committee will be open to the public.

Issued in Washington, D.C. on October 31, 1975.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.75-29798 Filed 11-5-75;8:45 am]

FIELD OFFICE

Notice of Relocation

Notice is hereby given that effective November 1, 1975, the Air Transportation Security Field Office (ATSFO) at Tucson International Airport, Tucson, Arizona, will be relocated to the Sky Harbor International Airport, Phoenix, Arizona. Normal ATSFO services to airports throughout Arizona will continue unchanged.

[Section 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a)).]

Issued in Los Angeles, California on October 22, 1975.

ROBERT H. STANTON,
Director, Western Region.

[FR Doc.75-29799 Filed 11-5-75;8:45 am]

Coast Guard

[CGD 75-209]

SOUTHERN PACIFIC TRANSPORTATION CO.

Notice of Public Hearing Concerning Proposed Bridge Alteration

Notice is hereby given that a public hearing regarding the Southern Pacific Transportation Company bridge across the Gulf Intracoastal Waterway, 58.9 miles west of Harvey Lock, at Houma, Louisiana, will be held on Wednesday, 10 December 1975, at 10 a.m. at the Municipal Auditorium, 880 Verret Street, Houma, Louisiana. This hearing is being held under the authority of Section 3 of the Act of June 21, 1940 (Truman-Hobbs Act).

The existing bridge, which has a swing span, provides approximately 86 feet of horizontal clearance, measured normal

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to the channel axis, in each of the two draws. A number of complaints has been received alleging that the bridge is unreasonably obstructive to navigation. The purpose of the hearing, is to determine whether alteration is needed, and if so, what alteration is required having due regard for the necessity of free, easy and unobstructed navigation upon the waterway. The needs of rail traffic will also be considered.

Public comments, views, and data are required for ascertaining whether the bridge unreasonably obstructs navigation, whether vessels have unreasonable difficulty in passing through the bridge, the changes necessary to render navigation through or under the bridge reasonably free and unobstructed, the character and amount of commerce affected, whether the commerce affected is sufficient to justify alteration of the bridge, and the impact of the alteration, if made, upon the quality of the human environment.

Any person who wishes to appear and be heard at this public hearing may do so. Persons planning to appear and be heard are requested to notify the Commander, Eighth Coast Guard District, Customhouse, New Orleans, Louisiana 70130, any time prior to the hearing indicating the amount of time required. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Limitations of time allocated, if required, will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of, or in addition to oral statements, and will be made a part of the record of the hearing. Such written statements and exhibits may be delivered at the hearing or mailed in advance to the Commander, Eighth Coast Guard District.

(54 Stat. 498, 33 U.S.C. 513; Sec. 4(f), 80 Stat. 934, as amended, 49 U.S.C. 1653(f); Sec. 6(g)(3), 80 Stat. 937, 49 U.S.C. 1655(g)(3); 33 CFR 116.20; 49 CFR 1.46(c)(6)).

Dated: October 29, 1975.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-29864 Filed 11-5-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-10-135; Dockets 20421, *et al*, 19314, 27286, 21471, 24265]

OKLAHOMA-DENVER-SOUTHEAST POINTS INVESTIGATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of October, 1975.

In the matter of petition of the Denver parties for an investigation of the need for new, improved, and additional air service at Denver, Colorado; petition of the Oklahoma parties for air service to Atlanta; applications of Braniff Airways, Inc. for amendment of its certificate of public convenience and necessity.

By Order 68-10-168, October 30, 1968, the Board instituted the *Oklahoma-Southeast Points Investigation* to determine whether new or improved service is required between the two largest cities in Oklahoma (Oklahoma City and Tulsa), on the one hand, and the major southeastern cities of Atlanta, Tampa, and Miami, on the other. The order provided that any authority granted would be in the form of separate Oklahoma City-Tulsa-Atlanta and Oklahoma City-Tulsa-Tampa-Miami segments, subject to a pretrial restriction against new turnaround authority between Oklahoma City and Tulsa and between Tampa and Miami.

There were subsequently filed a number of petitions for reconsideration seeking both expansion and limitation of the issues.[1] Those seeking expansion proposed the inclusion in the proceeding of issues of service to Denver, Kansas City, Memphis, Huntsville, Orlando and Kennedy Space Center;[2] the redesignation of Miami on the new segment in issue as the hyphenated point Miami-Fort Lauderdale, and of Tampa as Tampa-St. Petersburg-Clearwater; and the relaxation of the separate-segment restriction of Order 68-10-168 to allow consideration of a single segment Oklahoma City-Tulsa-Atlanta-Tampa-Miami. In the opposite direction, United Air Lines requested the imposition of a pretrial restriction precluding new single-plane service between Atlanta, Tampa, and Miami, on the one hand, and Denver, Salt Lake City, Portland, and Seattle, on the other.

Answers supporting and opposing the various petitions for reconsideration were filed by numerous parties, including the Bureau of Operating Rights.[3] Applications conforming to the scope of the investigation as established in Order 68-10-168, or as sought to be expanded by the petitions for reconsideration, were filed by a number of carriers and civic parties, and were moved for consolidation into the investigation.[4]

By Order 69-3-69, March 19, 1969, action was deferred on the various petitions and motions then pending in the proceeding until further order of the Board, in order to await completion of the *Southern Tier Nonstop Service Investigation*, Docket 18357, and the *Southern Airways Route Realignment Investigation*, Docket 18610, which were then in an advanced procedural stage.[5] Board decisions in both of these investigations were issued in the latter part of 1969; in both, however, judicial challenges led to remanded proceedings which were not concluded for several years thereafter.[6] At the present time, however, no other investigations are underway which bear on the scope of the present proceeding.

Apart from the present proceeding, the applications moved for consolidation herein, and the various pending petitions and motions, there are presently pending before the Board the following matters germane to a consideration of the aforesaid petitions and motions: (1) a renewed petition[7] by the Denver parties[8] in Docket 19314 for an expedited hearing on Denver-Memphis/Atlanta/Miami service; (2) a motion by the Tulsa parties[9] for an expedited hearing on Braniff's application in Docket 21471 for unrestricted Denver-Tulsa authority; (3) an application by Braniff in Docket 24265 under Subpart N of the Board's Rules of Practice for Denver-Tampa/Miami nonstop authority; (4) an application by Continental in Docket 27124 under Subpart N for unrestricted authority in a number of markets, among them Denver-Oklahoma City; (5) a petition by the Oklahoma parties[10] in Docket 27286 for an immediate hearing on Oklahoma City/Tulsa-Atlanta service; and (6) an application by United in Docket 28185 for Denver-Atlanta authority.

Upon consideration of the foregoing, the Board has determined that the *Oklahoma-Southeast Points Investigation* should move forward at this time. We have also determined that the proceeding should be expanded (and renamed) to include consideration of new and improved service between Denver and Atlanta, Tampa, and Miami, direct or by way of Oklahoma City and/or Tulsa, and between Denver and Oklahoma City/Tulsa, subject to the previously imposed pretrial condition against the grant of new turnaround authority between Oklahoma City and Tulsa, and between Tampa and Miami. We will not, however, further expand the proceeding to include issues of service to Kansas City, Memphis, Huntsville, Orlando, or Kennedy Space Center, nor will we modify the separate-segment restriction of Order 68-10-168 so as to permit consideration of a single segment embracing both Atlanta and Tampa/Miami.[11] Finally, no need for a pretrial restriction against single-plane service between the Southeast points at issue and Salt Lake City has been shown; and although there are considerations which would argue for the imposition of such a condition between the Southeast points and Portland and Seattle, we will not impose such a restriction in advance of the hearing, but will await the evidentiary showing made by the parties as to the need or lack of need therefor.

The Denver-Southeast markets are quite large and in apparent need of improved service. Thus, in the Denver-Atlanta market (38,870 passengers annually or 106 per day),[12] no carrier holds effective single-plane authority;[13] the best available service is a daily one-stop round-trip interchange flight via Memphis operated by Braniff and Eastern.[14] While load factors over the Atlanta-Memphis segment of this service averaged 52.6 percent in fiscal 1974, load factors over the Denver-Memphis segment averaged 73.3 percent, and during peak periods (June, July, and August) exceeded 80 percent. The Denver-Miami market is even larger (52,190 passengers or about 143 a day). No carrier holds nonstop authority, the best available service being that provided by Braniff on a one-stop basis via Dallas.[15] The market thus appears to merit consideration of nonstop service. The Denver-Tampa market (25,130 passengers or 69 a day, and similar to Denver-Miami as regards authority and service[16] is somewhat smaller, but because of its location its traffic flows can be combined with those of the Denver-Miami market to support a greater quantum of service in both markets than either could support separately. The substantial Denver-Tulsa market (53,930 passengers or 148 a day), in which Continental is the monopoly unrestricted carrier,[17] receives only a single daily nonstop round trip, and appears ripe for consideration of service improvements. The even larger Denver-Oklahoma City market (60,390 passengers or 165 a day), in which Braniff is the monopoly unrestricted carrier,[18] receives 3½ daily nonstop round trips, and might not otherwise merit priority of hearing; but in view of its close relationship to the other issues in the case, consideration of the need for a second unrestricted carrier can be accorded without unduly expanding the issues.

Considerations of the most efficient use of the Board's hearing resources, as well as the overlapping of issues and parties, dictate that the needs of the Denver-Southeast markets be heard in the same proceeding as those of Oklahoma-Southeast markets, rather than in two separate but simultaneous proceedings.[19] Certain of the applicants for Oklahoma-Southeast authority would undoubtedly cite Denver-Southeast traffic as "beyond-segment" support for their service proposals; while other applicants would be citing the same traffic in support of nonstop Denver-Southeast service. In the particular circumstances here presented, we do not consider it necessary or desirable to determine in advance whether or to what extent the public convenience and necessity would be served by Denver-Southeast traffic moving by way of the Oklahoma points, on the one hand, or directly, on the other. Similar considerations dictate the inclusion of Denver-Oklahoma service issues in a single proceeding rather than hearing them separately. (The same consideration does not apply to the short-haul, well-served Oklahoma City-Tulsa and Tampa-Miami "entry mileage" markets, and thus no new turnaround authority in these markets will be considered.) In contrast, we believe it would be inadvisable to relax the separate-segment restriction of Order 68-10-168 so as to permit consideration of including Atlanta, Tampa, and Miami on the same segment. The Atlanta-Tampa/Miami markets already have multiple-carrier service, and no party suggests that further authorizations are needed in these markets, which are too long to be considered mere entry mileage. Moreover, it would be undesirable to consider routing Denver/Oklahoma-Tampa/Miami traffic over the already highly congested Atlanta gateway, and moreover the circuity involved in such routings is greater than that involved in Denver-Southeast routings via the Oklahoma points.[20] The potential combination of Denver and Oklahoma traffic flows to Atlanta, and separately to Tampa and Miami, together with available beyond-market traffic flows, should suffice to ensure multiple daily service over each of the separate segments in issue, without the necessity for combining them into a single segment.

The same considerations which have persuaded us to include Denver issues in the present proceeding do not, however, support the further expansion of the case to include issues of service to Kansas City, Memphis, Huntsville, Orlando, or Kennedy Space Center. In contrast to the situation of Denver, Kansas City-Southeast and Oklahoma-Southeast traffic could not be combined without substantial circuity; and although Denver-Southeast and Kansas City-Southeast traffic could be so combined, the number of alternative routings thus introduced would greatly and unduly complicate the case. Moreover, the Kansas City-Atlanta market (46,950 passengers) already has two authorized nonstop carriers, although the Kansas City-Tampa/Miami markets (24,960 and 45,170 passengers, respectively) do not. Similarly, the Memphis-Denver (23,270 passengers), Memphis-Oklahoma City (16,690 passengers), Memphis-Atlanta (133,180

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[1] These petitions for reconsideration are listed and summarized in Appendix A. Appendices A-D filed as part of the original document.

[2] To be served through the Titusville-Cocoa Beach (TI-CO) Airport.

[3] The answers are listed and summarized in Appendix B. The positions of the parties on the various proposed modifications in the scope of the proceeding are tabulated in Appendix C.

[4] These applications are listed and summarized in Appendix D.

[5] The Board noted that the petitions seeking inclusion of Denver, Kansas City, and Memphis raised issues similar to those earlier dealt with by the Board in Orders E-26597, March 29, 1968, and 68-7-6, July 1, 1968, when it denied the petition of the Denver parties in Docket 19314 for an immediate hearing on Denver-Southeast service. In that order, the Board had indicated that a reexamination of the matter might be warranted after final decision in the *Southern Tier* case, *supra*. The Board also noted that Memphis-Florida service was at issue in the *Southern Route Realignment* case, *supra*.

[6] See *Southern Tier Competitive Nonstop Investigation (Houston-Miami Phase)*, Order 73-2-99, February 23, 1973; *Southern Airways, Inc., Route Realignment Investigation (New Route Authority Phase)*, Order 73-2-90, February 23, 1973.

[7] The Denver parties' original petition in this Docket was denied by Orders E-26597 and 68-7-6 (see footnote 5, *supra*). The petition was renewed pursuant to the Board's indication in those orders that a subsequent reexamination might be appropriate.

[8] City and County of Denver, Colorado Public Utilities Commission, and Denver Chamber of Commerce.

[9] City of Tulsa and Metropolitan Tulsa Chamber of Commerce.

[10] Cities of Oklahoma City and Tulsa, Trustees of Oklahoma City Airport Trust, Tulsa Airport Authority, and Oklahoma City and Metropolitan Tulsa Chambers of Commerce.

[11] The proposal by Delta and National to redesignate Miami on the new segments at issue as Miami-Fort Lauderdale, and Tampa as Tampa-St. Petersburg-Clearwater, is supported by a number of parties including the Bureau, and is opposed by none. Since this change will not materially expand the scope of the proceeding, and is in accord with prior Board actions, it will be adopted. All applicants may treat their applications as covering the above hyphenated designations for Miami and Tampa without the necessity for formal amendment. All subsequent references in this order to "Miami" and "Tampa" shall be taken as referring to the hyphenated designations.

[12] All traffic figures set forth herein are for calendar 1974 unless otherwise stated, and are for true O&D passengers as shown in Table 8 of the Board's O&D Survey, 4th Quarter, 1974.

[13] United has highly circuitous single-plane authority via Cleveland, Pittsburgh, or other northeast points. TWA has relatively noncircuitous authority via Kansas City or St. Louis but its certificate precludes single-plane service.

[14] The interchange partners also operate two-stop service via Oklahoma City and Memphis. Termination of the interchange service will be in issue in the event new single-carrier Denver/Oklahoma-Atlanta authority is awarded.

[15] United and TWA have Denver-Miami/Tampa authority similar to their Denver-Atlanta authority (see *supra*, footnote 13). Continental has single-carrier authority in the Denver-Miami (but not the Denver-Tampa) market via the segment junction point Houston, but a combination of restrictions in its certificate precludes single-plane service. The carrier has pending a Subpart N application in Docket 27124 for removal of one of these restrictions, an incidental effect of which would be to authorize Denver-Houston-Miami one-stop service. (This application will be the subject of a separate order.)

[16] Except that Continental has no Tampa authority (see preceding footnote).

[17] Frontier's best Denver-Tulsa authority is two-stop; Braniff's is one-stop via Amarillo, or two-stop via Oklahoma City and one other point. The Tulsa parties have sought a priority hearing on Braniff's application in Docket 21471 for removal of its restriction. In view of our action herein, their motion will be denied insofar as it seeks a separate hearing restricted to Denver-Tulsa issues alone.

[18] Frontier's best Denver-Oklahoma City authority is one-stop; Continental's nonstop authority is subject to a long-haul restriction requiring service to Seattle or Portland. Continental's Subpart N application in Docket 27124 (*supra*, note 15) seeks removal of this restriction. While this application, which covers a number of additional markets, will be the subject of a subsequent order, in view of our inclusion of the Denver-Oklahoma City market in this proceeding, that market will not be separately put in issue in the Subpart N case in the event the latter is set for hearing.

[19] In view of our decision to include the Denver-Miami/Tampa markets in this proceeding, we will dismiss Braniff's Subpart N application in Docket 24265 for nonstop authority in these markets. In view of the many applications for authority in these markets and the interrelationship with the other markets at issue herein, the case would be too complex for processing under the simplified and expedited procedures of Subpart N of our Rules of Practice.

[20] The circuitry of Denver-Southeast routings via Oklahoma City or Tulsa ranges from zero (DEN-TUL-TPA) to 53 miles (DEN-OKC-ATL); that of Denver/Oklahoma-Tampa/Miami routings via Atlanta ranges from 87 miles (DEN-ATL-MIA) to 144 miles (OKC-ATL-TPA).

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passengers) and Memphis-Miami (48,350 passengers) all now receive non-stop service,[21] while the Memphis-Tulsa market (9,390 passengers), which does not, is quite small.[22] Inclusion of Memphis in the case, therefore, would promise relatively less public benefit to offset the substantial complication and delay it would introduce into the proceeding. Similar considerations suggest *a fortiori* the inexpediency of including Huntsville, Orlando, or Kennedy Space Center (TI–CO) in the present proceeding.[23] To include all of these cities—and the many others which could subsequently claim inclusion on the same criteria—would transform a moderate-sized, manageable case into a gigantic area proceeding covering a substantial portion of the country. This would not in our judgment be a wise use of the Board's resources at the present time. The foregoing does not, of course, imply that some of the markets excluded from this proceeding may not warrant consideration for improved service in a separate proceeding at an appropriate time.[24]

Finally, we find that no convincing argument has been made for the imposition of a pretrial restriction against single-plane service between the Southeast points at issue and Salt Lake City. No carrier presently has usable authority in these small markets, and there appears to be no reason why ordinary beyond-segment rights should be excluded in advance. If there is in fact a need for such a restriction, it can be shown at the hearing.

The situation as regards Portland and Seattle is somewhat different. In several successive proceedings, either as a result of pretrial restrictions or as a matter of sound discretion, the Board imposed certificate conditions precluding or limiting single-plane service between the Pacific Northwest and some or all of the Southeast points here at issue.[25] Thus, Eastern's St. Louis-Seattle/Portland award in the *Pacific Northwest-Southwest Service Investigation*, 46 C.A.B. 654 (1967), was subject to such a condition; and its subsequent St. Louis–Omaha and Omaha-Seattle/Portland awards in the *Service to Omaha and Des Moines Case*, Order 70–7–24, July 6, 1970, limited it to two - stop Seattle/Portland - Atlanta/Tampa and three-stop Seattle/Portland-Miami service. Similarly, Braniff's Dallas-Tampa/Miami award in the *Southern Tier Competitive Nonstop Investigation*, Order 69–7–135, July 24, 1969, following upon its Seattle/Portland-Dallas award in *Pacific Northwest-Southwest, supra*, was made subject to a single-plane restriction in the Seattle/Portland-Tampa/Miami markets, for reasons explained in the opinion and order on reconsideration, Order 69–9–111, September 18, 1969. Finally, Continental's Houston-Miami award in the remanded *Southern Tier* case, Order 73–2–89, February 23, 1973, was made subject to a Seattle/Portland-Miami single-plane restriction. In view of the foregoing, it may well be that considerations of equity will require a similar Seattle/Portland-Southeast restriction on any award made in this proceeding. We prefer, however, not to impose such a restriction prior to hearing, since the evidentiary record or events occurring prior to final decision may show such a restriction to be either unduly restrictive or altogether unnecessary. Instead, the parties will have the opportunity to submit evidence and arguments at the hearing on the need or lack of need for a single-plane or some other type of restriction in the Seattle/Portland-Southeast markets.

Environmental impact. The Board has determined that this proceeding, as its scope is modified by the present order, is by its very nature not one that will lead to "a major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA). All prospective environmental effects, direct and secondary, would proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion with regard to the environment is based largely upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should improved service be authorized in the Denver-Oklahoma City/Tulsa-Atlanta/Tampa/Miami markets.

As an indication of the potential levels of service which might be expected in these markets if new service authorizations are granted in this proceeding, we note that in 1974 the largest of the markets, Denver-Oklahoma City, generated about 83 true O&D passengers per day in each direction; the other markets in issue ranged downward to less than half that number. These passengers in 1974 traveled on existing single-plane and connecting services; if they were diverted to newly authorized flights, some existing flights might well be canceled or consolidated, some existing one-stop flights might be converted to nonstop, the existing Braniff-Eastern interchange service in the Denver/Oklahoma City-Atlanta markets might be terminated, etc. Thus, new authorizations *per se* would not necessarily result in more flights, although they might do so to some extent. However, new authorizations and improved service would undoubtedly stimulate additional traffic, which would tend to require additional flights. The degree of traffic stimulation cannot be accurately forecast at this time, but it is highly unlikely that stimulation would exceed 100 percent in any market, and doubtless in many cases it would be much less. We note that Braniff in its Subpart N application in Docket 24265 proposed two new daily round-trip flights in the Denver-Tampa/Miami markets.[26] Denver-Miami is among the largest markets involved in the proceeding. Taking all the foregoing into account, we would not expect the grant of new authorizations herein to result at the outset in more than two or at most three additional round-trip flights per day in any market, and these figures may well take inadequate account of the existing flights which would probably be canceled, consolidated, etc.

The limited potential for increased frequencies as a result of these cases must be placed in the context of the large overall level of traffic at the cities involved. It is estimated that during FY 1976, Denver, the nation's 9th largest hub, will experience 202,000 scheduled aircraft operations; Atlanta, the nation's 2nd largest hub, will experience 449,000 operations; Miami, the nation's 11th largest hub, will experience 254,000 operations; and Tampa, the nation's 23rd largest hub, will experience 106,000 operations. Of the medium-sized hub cities involved, Oklahoma City will experience 50,000 operations and Tulsa will experience 44,000 operations.[27] Thus, any increase in service resulting from these investigations will have a relatively modest impact upon total operation levels in the subject markets. It would, therefore, not be reasonable to conclude on the face of the matter that authorizations of new service in the markets at issue in these cases would lead to more than very minor environmental changes.

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment for these proceedings. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, *it is ordered*, That:

1. The proceeding in Docket 20421 instituted by Order 68–10–168, October 30, 1968, be and it hereby is redesignated the *Oklahoma-Denver-Southeast Points Investigation*, and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated, as the orderly administration of the Board's docket shall permit.

2. The issues in said proceeding shall include the following:

(a) Do the public convenience and necessity require the certification of an air carrier or carriers to engage in air transportation between—

(i) Oklahoma City and/or Tulsa, Okla., on the one hand, and (A) Atlanta, Ga., (B) Miami/Fort Lauderdale and/or Tampa/St. Petersburg/Clearwater, Fla., and/or (C) Denver, Colo., on the other, and

(ii) between Denver, Colo., on the one hand, and (A) Atlanta, Ga., and/or (B) Miami/Fort Lauderdale and/or Tampa/St. Petersburg/Clearwater, on the other, directly or by way of Oklahoma City and/or Tulsa, Okla.?

(b) If so, what carrier or carriers should be authorized to perform the needed services, and under what terms, conditions, and limitations?

(c) Does the public interest require the imposition of a condition restricting the service which any newly authorized carrier would otherwise be able to provide between Atlanta, Ga., or Miami/Fort Lauderdale or Tampa/St. Petersburg/Clearwater, Fla., on the one hand, and Seattle-Tacoma, Wash., or Portland, Oreg., on the other?

(d) Does the public interest require the termination of the interchange agreement between Braniff and Eastern in the Denver/Oklahoma City-Atlanta markets?

3. Any authority granted in said proceeding—

(a) Shall be ineligible for subsidy;

(b) Shall (except in the case of a carrier holding on-segment authority subject to a restriction) be in the form of a separate segment or segments comprising all or part of either or both of the following two segments: Denver-Oklahoma City-Tulsa-Atlanta, Denver-Oklahoma City-Tulsa-Tampa-Miami;

(c) Shall not include new turnaround authority (1) between Oklahoma City and Tulsa, or (2) between Miami and Tampa.

4. There are hereby consolidated into said proceeding, to the extent that they conform to the scope of the issues as hereinabove stated, the following applications and petitions or the conforming portions thereof:

American, Docket 20482; Braniff, Docket 20478; Braniff, Docket 21471; Continental, Docket 20480; Delta, Docket 20483; Eastern, Docket 19406*; Frontier, Docket 19226*; National, Docket 20479; Southern, Docket 20485; Trans World Docket 18802*; Trans World, Docket 19657*; Trans World, Docket 20487; United, Docket 28185; Western, Docket 19390*; Denver Parties, Docket 19314*; Oklahoma Parties, Docket 27286.

Amended application or petition marked by an asterisk.

5. Except to the extent granted in paragraph 4 hereof, all pending motions to consolidate applications into the said proceeding be and they hereby are denied.

6. To the extent the applications and petitions listed in paragraph 4 do not conform to the scope of the proceeding, the nonconforming portions thereof be and they hereby are dismissed without prejudice.

7. Additional applications conforming to the scope of the proceeding as amended herein, motions to consolidate, and petitions for reconsideration of the order shall be filed no later than twenty (20) days after the date of service of this order, and answers thereto shall be filed no later than ten (10) days thereafter.

8. Except to the extent granted herein, the motions of the Denver parties in Docket 19314 and the Tulsa parties in Docket 21471 for expedited hearing and similar relief be and they hereby are denied.

9. The Subpart N application of Braniff Airways in Docket 24265 and the application and petition of the Memphis parties in Docket 20484 be and they hereby are dismissed without prejudice.

10. This order shall be served upon all parties to Docket 20421 and the dockets listed in paragraphs 4, 8, and 9 hereof.

11. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–29871 Filed 11–5–75;8:45 am]

[Docket 27881, 26141, 27287]

TRANSPORTES AEREOS NACIONALES, S.A. (TAN), ET AL.

Foreign Carrier Permits; Notice of Postponement of Hearing

In the matter of Transportes Aereos Nacionales, S. A. (TAN) Docket 27881; Servicio Aereo de Honduras, S. A. (SAHSA) Docket 26141; Servicio Aereo de Honduras, S. A. (SAHSA) Docket 27287.

Notice is hereby given, pursuant to the provision of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled consolidated proceedings, which was assigned to be held on November 25, 1975 (40 FR 47532, October 9, 1975), is postponed to December 15, 1975, at 10 a.m. (local time) and will be held in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., November 3, 1975.

[SEAL] DEE C. BLYTHE,
Administrative Law Judge.

[FR Doc.75–29870 Filed 11–5–75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ARCHITECTURAL GLASS

Extension of Time for Publishing Proposed Rule or Withdrawing Notice of Proceeding

The purpose of this notice is to extend by 30 days, until November 28, 1975, the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER a proposed consumer product safety standard for architectural glass or a notice withdrawing the notice of proceeding for development of a standard.

A standard development proceeding for architectural glass was commenced under the CPSA by notice in the FEDERAL REGISTER of May 28, 1974 (39 FR 18502), soliciting offers to develop a recommended consumer product safety standard. The Commission subsequently accepted the offer of the Consumer Safety Glazing Committee, and CSGC submitted a recommended standard to the Commission on January 24, 1975. A more detailed discussion of the history of the

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[21] The Memphis-Miami market, moreover, has been the subject of Board consideration and the award of new authority in the relatively recent past. *Southern Route Realignment Investigation*, Order 73–2–90, February 23, 1973. The large Memphis-Atlanta market receives 12 daily nonstop round trips.

[22] Although the Memphis-Tampa market (22,590 passengers) presently receives no nonstop and little one-stop service, it would be impractical to include this single Memphis market in the case.

[23] Huntsville and Orlando exchange only small volumes of traffic with Denver, Oklahoma City, and Tulsa, the largest of the markets being Denver-Orlando with 12,280 annual passengers or 33 per day. Kennedy Space Center (TI–CO) no longer receives certificated service separate from Orlando since the deletion of Eastern's authority by Order 74–7–35, July 8, 1974.

[24] The Denver-Huntsville and Denver-Orlando markets, which TWA seeks to include in this proceeding, are also involved in the petition of the Denver parties in Docket 27491 for a separate investigation of the service needs of a number of Denver-Southeast markets other than Atlanta, Tampa, and Miami. (This petition will be dealt with by a subsequent order.)

[25] Northwest has long-standing one-stop authority in these markets via the segment junction points Chicago and Minneapolis-St. Paul. United has unusably circuitous authority via Cleveland and other Northeast points (see note 13, *supra*). Eastern, Braniff, and Continental hold authority subject to restrictions described in the text, *supra*. At one time or another most of these carriers have expressed an interest in improving their present restricted authority in the markets.

[26] Actually its schedule proposal in Docket 24265 does not show any increase in Denver-Tampa/Miami single-plane service, but rather substitutes two nonstop flights for one-stops over Dallas. However, the accompanying text states that there would be no reduction in service in the Denver-Dallas and Dallas-Tampa/Miami markets, so in terms of total operations the nonstop flights would in substance be new.

[27] *Terminal Area Forecast*, 1975–1985, Department of Transportation, Federal Aviation Agency, Office of Aviation Economics, Aviation Forecast Division, July 1973 (the forecasts in this study were prepared before the energy crisis in the Fall of 1973 and, therefore, do not reflect its impact on future activity levels). An additional indication of the size of these cities is revealed by the following:

City	Year June 30, 1974	
	Scheduled service enplanements	Scheduled service departures
Denver	5,226,987	96,007
Oklahoma City	731,729	23,752
Tulsa	628,166	20,107
Atlanta	11,978,848	199,928
Miami	5,664,135	102,783
Tampa	2,469,982	48,715

Source: *Airport activity statistics of certificated route air carriers, year ended June 30, 1974; and origin-destination survey of airline passenger traffic, year ended June 30, 1974.*

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architectural glass standard development proceeding appears in the FEDERAL REGISTER of July 23, 1975 (40 FR 30862). In that notice, the Commission also extended the period within which it must propose a standard for architectural glass or withdraw the notice of proceeding until October 29, 1975, in order to allow the staff to make changes in the recommended standard that were considered necessary prior to its proposal in the FEDERAL REGISTER as a mandatory standard.

The Commission staff submitted a draft proposed standard to the Commission on October 22, 1975, for its consideration. In order to allow adequate time to properly analyze and evaluate the draft proposed standard, which is a complex and lengthy document, the Commission is extending the period within which it must either publish a proposed consumer product safety standard applicable to architectural glass, or withdraw the notice of proceeding for 30 days, or until November 28, 1975. This period may be further extended by a notice published in the FEDERAL REGISTER showing good cause.

Dated: November 3, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-29865 Filed 11-5-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 452-4]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of September 1, 1975 and September 15, 1975.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone AC 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: October 21, 1975.

PETER L. COOK,
Acting Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Sept. 1 and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-J65016-MT	Master plan, Big Mountain Ski Resort, Flathead National Forest, Mont.	ER-2	I
D-AFS-L61040-ID	Proposed land use plan, Middle Fork Boise River Planning unit, Boise National Forest, Idaho.	LO-2	K
D-REA-G05002-LA	Big Cajun No. 2, Point Coupee Parish, La.	ER-2	G
D-SCS-E36028-NC	Bear Swamp watershed, Chowan and Perquimans Counties, N.C.	LO-1	E
Department of Commerce:			
D-NOA-A64042-00	Consideration of waiver of the Moratorium on the importation of South African sealskins.	LO-2	A
Corps of Engineers:			
DS-COE-A35057-OH	Small boat harbor of refuge, Fairport Harbor, Lake County, Ohio.	LO-2	F
D-COE-C07001-VI	Proposal to construct a 200,000 BPCD refinery and marine platform terminal, Virgin Islands Refinery Corp., St. Croix, V.I.	3	C
D-COE-C85001-NJ	Stoeco Homes, Inc., residential lagoon development, Cape May County, Ocean City, N.J.	ER-2	C
D-COE-E31002-00	Lake Seminole and Jim Woodruff Lock and Dam, operation and maintenance, Alabama, Florida, and Georgia.	LO-2	E
D-COE-E35010-GA	Permit to authorize maintenance dredging, Kings Bay Military Ocean Terminal, Cumberland Sound, Camden County, Ga.	ER-2	E
D-COE-E35011-00	Tennessee River and Tributaries, open channel maintenance, Kentucky, Tennessee, Mississippi, Alabama, and Georgia.	LO-2	E
D-COE-E35012-00	Cumberland River, operation and maintenance, and management of water resource development project, mile 0 through 381, Tennessee and Kentucky.	LO-2	E
D-COE-E36026-KY	Kentucky River Basin, small flood control, Nicholasville, Jessamine County, Ky.	ER-2	E
D-COE-E36027-MS	Gordons Creek, flood control, Forrest County, Hattiesburg, Miss.	LO-2	E
D-COE-F32023-00	Operation and maintenance of pools 24, 25, and 26, Mississippi and Illinois Rivers, Mo. and Ill.	ER-2	F
DOC-E-F34005-IN	Big Walnut Lake, Big Walnut Creek, Wabash River Basin, Putnam County, Ind.	ER-3	F
D-COE-G32020-TX	Maintenance dredging, Sabine-Neches Waterway, Tex.	ER-1	G
D-COE-G34014-00	Operation and maintenance program, Denison Dam, Lake Texoma, Red River, Bryan County, Okla., and Grayson County, Tex.	LO-1	G
D-COE-G34015-TX	Maintenance dredging, Galveston Harbor and Channel, Tex.	ER-1	G
D-COE-G36028-OK	Albany Lake, Island Bayou, Okla.	ER-2	G
D-COE-H07000-MO	Iatan steamelectric plant, Platte County, Mo.	LO-2	H
D-COE-H36018-MO	Strate Branch, Marion County drainage district, Mo.	LO-2	H
D-COE-K32003-AS	Pago Pago Harbor, Tutnila Island, American Samoa.	LO-2	J
D-COE-K32004-AS	Aunu'U Boat Harbor, Aunu'U Island, American Samoa.	LO-2	J
D-COE-K38001-HI	Permit for improvements to Ala Moana Park drainage canal, Honolulu, Hawaii.	LO-2	J
D-COE-L36036-WA	Swinomish Channel maintenance dredging, Skagit County, Wash.	LO-1	K
D-COE-F36023-MN[1]	Winona, flood control project and waterfront development, Minnesota.	EU-2	F
Federal Power Commission:			
D-FPC-G02001-LA	Calcasieu LNG project, Calcasieu Parish, La.	LO-2	G
D-FPC-K05003-CA	Helms project No. 2735, Fresno and Madera Counties, Calif.	LO-2	J
D-FPC-L05002-WA	Rock Island recreation plan, exhibit R or Rock Island Hydroelectric project, No. 943, Chelan County, Wash.	LO-1	K
General Services Administration:			
D-GSA-D18003-VA	Federal building and parking facility, Norfolk, Va.	LO-2	D

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Sept. 1 and 15, 1975*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Housing and Urban Development:			
D-HUD-D89015-PA	Eastwick urban renewal, Philadelphia, Pa.	ER-2	D
D-HUD-E28002-NC	Brunswick County water system, phase I, Brunswick County, N.C.	LO-2	E
D-HUD-G85004-AR	Water treatment plant improvements, Osceola, Ark.	3	G
D-HUD-G85006-TX	Park Forest, north subdivision, Collin County, Plano, Tex.	LO-2	G
D-HUD-G85007-TX	Park Central development, Port Arthur, Jefferson County, Tex.	LO-2	G
Department of the Interior:			
D-BLM-A02080-AK	Oil and gas lease sale No. 29, Outer Continental Shelf (OCS), northern Gulf of Alaska.	EU-2	C
D-BOR-J61006-MT	Missouri wild and scenic river study, Montana.	LO-1	I
Nuclear Regulatory Commission:			
D-NRC-H06000-KS	Wolf Creek generating station, Coffey County, Kans.	ER-2	H
Federal Energy Administration:			
RD-FEA-A02076-00	Mandatory oil import program	ER-2	A
Department of Transportation:			
D-FHW-D40010-WV	Appalachian corridor H, Lorenz to Elkins, Upshur, Barbour, and Randolph Counties, W. Va.	ER-2	D
D-FHW-D40022-WV	I-64, Bragg to Sam Black Church, Raleigh, Summers, and Greenbriar Counties, W. Va.	LO-2	D
D-FHW-E40049-TN	TN-67, from Appalachian corridor B to TN-91, Washington and Carter Counties, Tenn.	LO-2	E
D-FHW-E40050-SC	Connector, U.S. 276 and U.S. 76, Laurens, Greenville, and Anderson Counties, S.C.	LO-2	E
D-FHW-G40034-OK	U.S. 62 and OK-82, Tahlequah, Cherokee County, Okla.	LO-1	G
D-FHW-G40035-TX	Beltway 8 from U.S. 59 Southwest Freeway to I-10 Katy Freeway, Harris County, Tex.	ER-2	G
D-FHW-H40030-KS	McLean Blvd., Wichita, Sedgwick County, Kans.	LO-2	H
D-FHW-K40022-HI	Kauai Belt Rd., U.S. 48, Hanalei to Kalihiwai, Kauai County, Hawaii.	ER-2	J
D-FHW-K40023-AZ	Forest Highway 12, AZ-12, Yount to AZ-260, Gila and Coconino Counties, Ariz.	LO-1	J

[1] Pertains to the probable particulate air quality violation with respect to the construction and operation of grain elevators which is a portion of the waterfront development described in the draft environmental impact statement.

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental impact of the action

LO—Lack of objection.—EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental reservations.—EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally unsatisfactory.—EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilizd may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the impact statement

Category 1—Adequate.—The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information.—EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate.—EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

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APPENDIX III. *Final environmental impact statements for which comments were issued between Sept. 1 and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-SCS-F64001-MN..	Chippewa and Long Prairie headwaters, fish and wildlife development, Douglas Grant, Ottertail, and Pope Counties, Minn.	EPA has no objections to the project as proposed.	F
Corps of Engineers:			
F-COE-A35131-FL..	Jacksonville Harbor, maintenance dredging, Jacksonville, Fla.	EPA generally had no objections to the proposed project. However EPA restated a need for a long-range plan for disposal of spoil.	E
F-COE-A39110-MI..	South Haven Harbor, mitigation of shore damage, Michigan.	EPA generally had no objections to the proposed project. However, EPA has requested the Corps to conduct a chemical analysis of the borrow material to determine its acceptability for use as beach nourishment.	F
F-COE-E36001-TN..	West Tennessee tributaries project, flood control, Tennessee.	EPA generally had no objections to the proposed project. EPA suggested that a more thorough evaluation be conducted on the possible effects of the channelization on long-term effect on water quality.	E
F-COE-F36002-OH..	Cooperative beach erosion control project, Lakeview Park, Lorain, Ohio.	EPA generally had no objections to the proposed project.	F
F-COE-F36003-IL..	Beach erosion control, South Boulevard Beach, Evanston, Ill.	EPA generally had no objections to the proposed project. EPA requested special consideration be given to fill material, secondary effects on local residents, and that suitable assurances be made to develop and implement a littoral drift study.	F
F-COE-F36004-IL..	Kent Creek, local protection project, Rockford, Ill.	EPA generally had no objections to the proposed project.	F
Department of Housing and Urban Development:			
F-HUD-E53007-FL..	Sterling Park, Title X, Seminole County, Fla.	....do.....	E
Department of Transportation:			
F-FHW-A41086-CO..	U.S. 40, Steamboat Springs, Routt County, Colo.	....do.....	I
F-FHW-A42030-NB..	U.S. 30, Columbus, Pinito County, Nebr.	EPA expressed environmental reservations with the proposed project due to predicted noise levels which exceed the recommended levels set by FHWA's Policy and Procedure Memorandum 90-2.	H
F-FHW-F10007-WI..	U.S. 10 and WI-114, Winnebago, Calumet, and Outagamie Counties, Wis.	EPA generally had no objections to the proposed project.	F
F-FHW-F10011-CO..	Project F-019-2(14), Durango South, LaPlata County, Colo.	EPA continues to have environmental reservations over the proposed project. EPA feels that there are serious disadvantages to the proposed alternative as it will require channelization of the Animas River thereby encroaching upon the site of 2 radioactive tailings piles. This channelization will reduce the land area of the smelter bench and may have the effect of further limiting or complicating the options for remedying the existing tailings problem. In addition, this project will convert land use adjacent to the tailings to a high use transportation corridor which will bring the general public in much closer proximity to a source of radioactivity than they are currently exposed to. It is recommended that the highway either be located in a manner as to not disturb the smelter bench or be built after the engineering feasibility evaluation and recommendations are completed by ERDA for these tailings piles.	I

APPENDIX IV. *Final environmental impact statements which were reviewed and not commented on between Sept. 1 and 15, 1975*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-L61014-ID....	Land use plan, Bear Valley planning unit, Boise and Challis National Forests, Idaho.	K
F-AFS-L61023-ID....	Land use plan, Idaho City planning unit, Boise National Forest, Idaho....	K
F-SCS-G35015-LA....	Duralde des Cannes watershed, Evangeline and Acadia Parishes, La.....	G
F-SCS-J36003-MT....	City of Browning watershed, Glacier County, Mont.....	I
F-SCS-J38000-SD....	Mission Hill watershed, Yankton Cplmtu. Spit] Dalpta.....	I
Corps of Engineers:		
F-COE-A34003-KY....	Cave Run Lake project, Licking River Basin, Ky.....	E
F-COE-A34119-KY....	Laurel River Lake, Cumberland River Basin, Laurel River, Ky.....	E
F-COE-A36110-PA....	Tamaqua local flood protection project, Schuylkill County, Pa.....	D
FS-COE-A36365-HI....	Kandera-Kailua area flood control and allied purposes project, Oahu, Honolulu County, Hawaii.	J
F-COE-A38006-TX....	Taylors Bayou, drainage and flood control project, Jefferson County, Tex.	G
F-COE-A39105-OK....	Operation and maintenance program Fort Gibson Lake, Grand Neosho River, Tenkiller Ferry Lake, Illinois River, Okla.	G
FS-COE-L36003-WA....	Chief Joseph Dam, additional units, operation and maintenance, Columbia River, Wash.	K

APPENDIX IV. *Final environmental impact statements which were reviewed and not commented on between Sept. 1 and 15, 1975*—Continued

Identifying No.	Title	Source of review
General Services Administration:		
F-GSA-J81002-SD....	Federal Office Bldg., Huron, Beadle County, S. D.....	I
International Boundary and Water Commission:		
F-IBW-G36019-00....	Rio Grande canalization project, New Mexico and Texas.....	G
Department of Transportation:		
F-DOT-A51211-OK....	Sequoyah Park Airport, Wagoner, Okla.....	G
F-FHW-A42200-KS....	U.S. 69, Bourbon County, Kans.....	H
F-FHW-A42257-AL....	AL-69, Foley to Loxley, Baldwin County, Ala.....	E
F-FHW-E40039-FL....	FL-60, Indian River County, Vero Beach, Fla.....	E
F-FHW-E40027-GA....	Marion Rd: Fulton and Dekalb Counties, Ga.....	E
F-FHW-E40053-TN....	TN-82 relocation, Appalachian corridors, Grainger County, Tenn.....	E

APPENDIX V.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Sept. 1 and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Commerce:			
R-DOC-A87001-00..	15 CFR pt. 7, national voluntary laboratory, accreditation program.	EPA believes that the definitions of the words "Product" and "Class of technology" have created some confusion in the private sector over which Federal Agency is responsible for certification of environmental measurement laboratories. EPA suggested modifications which would help clarify the possible confusion.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75-29783 Filed 11-5-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-94]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Tender of Revised Tariff Sheets

OCTOBER 29, 1975.

Take notice that on October 15, 1975, Great Lakes Gas Transmission Company (Great Lakes) tendered for filing Second Substitute Sixteenth Revised Sheet No. 57 and Second Revised Sheet No. 54 to First Revised Volume No. 1, and Third Revised Sheet No. 53–B and First Revised Sheet No. 53–C to Original Volume No. 2 of its FPC Gas Tariff. Great Lakes requests that these tariff sheets be accepted for filing and made effective as of November 14, 1975.

In the transmittal letter accompanying such filing, Great Lakes states that the purpose of the revised tariff sheets is to revise the formula for allocating purchased gas costs between sales and transportation services. According to the Company, the allocation formula proposed herein is based upon "actual experience during a recent Determination Period." Great Lakes states further that such actual experience indicated that there should be a change in the allocation factors between the resale and transportation customers.

Great Lakes requests that the Commission grant "such special permissions and waivers of its Regulations, including but not limited to Sections 154.22 and 154.66 thereof, as it may deem necessary in order that the tendered tariff sheets may become effective November 14, 1975."

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29837 Filed 11-5-75;8:45 am]

[Docket No. ER76-173]

LAKE SUPERIOR DISTRICT POWER CO.

Notice of Filing of Wheeling Agreement

OCTOBER 30, 1975.

Take notice that on October 9, 1975, Lake Superior District Power Company (LSDP) tendered for filing an agreement providing for wheeling service to Jump River Electric Cooperative, Inc., Barron Electric Cooperative, Bayfield Electric Cooperative, Inc., and Price Electric Cooperative, Inc. The agreement also provides for the sale by LSDP of certain facilities. The proposed rate schedule will supersede an interim wheeling agreement presently on file as LSDP's Rate Schedule FPC No. 23. LSDP requests that the Commission waive the prior notice requirements so as to permit the proposed rate schedule to become effective as of October 1, 1975.

The filing indicates that copies of the filing were sent to all of the customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29836 Filed 11-5-75;8:45 am]

[Docket No. CP76-138]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

OCTOBER 30, 1975.

Take notice that on October 21, 1975, Transcontinental Gas Pipe Line Corporation (Transco); Post Office Box 1396; Houston, Texas 77001, filed in Docket No. CP76-138 an application pursuant to Section 7 of the Natural Gas Act, as amended, the Rules and Regulations of the Federal Power Commission issued thereunder and Section 2.79 of the Commission's General Policy and Interpretations for a certificate of public convenience and necessity authorizing Transco to transport approximately 1,500 Mcf of natural gas per day on an interruptible basis for Cannon Mills Company (Cannon), an existing industrial customer of Public Service Company of North Caro-

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lina, Inc. (Public Service), a Transco CD–2 customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that the gas will be purchased by Cannon from production in the Midland Field, Acadia Parish, Louisiana and delivered to Transco at the inlet side of Transco's metering facilities located at the tailgate of Continental Oil Company's Acadia Gas Processing Plant in Acadia Parish, Louisiana. Transco will deliver the gas to existing points of delivery to Public Service for the account of Cannon. Cannon will pay Transco an initial charge of 22 cents per Mcf delivered to Public Service for Cannon's account, and Transco will retain 3.8 percent of the transportation volumes for compressor fuel and line loss make-up.

The application states that the gas is intended for high-priority process use in Cannon's Kannapolis and Concord, North Carolina plants.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1975, file with the Federal Power Commission; Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29838 Filed 11–5–75;8:45 am]

[Docket No. RP75–74 and 74–52 (PGA76–1a)]

TRANSWESTERN PIPELINE CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 29, 1975.

Take notice that Transwestern Pipeline Company (Transwestern) on October 15, 1975, tendered for filing as part of its FPC Gas Tariff, Second Revised Volume No. 1, the following sheets: Second Substitute Original Sheet No. 5, Second Substitute Original Sheet No. 6.

These sheets are issued pursuant to ordering paragraph (G) of FPC Order issued September 30, 1975, in Docket No. RP74–52 (PGA 76–1) in order to reflect in Transwestern's rates on October 1, 1975, without suspension that portion of Transwestern's increased purchased gas cost not in excess of the levels prescribed in Opinion No. 742 for small producers and Opinion No. 699–H for other than small producers.

This filing is made in supplement to Transwestern's Motion filing in Docket No. RP75–74 of September 30, 1975, wherein Transwestern converted the purchased gas cost adjustments filed in Docket No. RP74–52 (PGA 76–1) to the Docket No. RP75–74 basis.

The proposed effective date of the above tariff sheets is October 1, 1975.

Copies of the filing were served upon the company's jurisdictional customers and the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29835 Filed 11–5–75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt and Approval of a Proposed Report

The following request for clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on October 20, 1975. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

CIVIL AERONAUTICS BOARD

Request for clearance of a single time request for data on flight attendants and food expense to assist the CAB in completing its computerized route financial system. Respondents are 35 certificated route air carriers and the burden is estimated to be 30 minutes per response. CAB requested emergency clearance because they wanted responses by October 31, 1975, so that the computerized route financial system could be quickly computed. Clearance was provided by GAO under number B–180226 (S76007) on October 22, 1975.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75–29856 Filed 11–5–75;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 29, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FPC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before November 24, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

FEDERAL POWER COMMISSION

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 12, Power System Statement (Class I and II systems and requested Class IV and V systems). FPC Form No. 12 is filed annually on on before the first of May with the Commission by each Corporation, person, agency, authority or other legal entity or instrumentality, whether public or private, which operates facilities for the generation or transmission or distribution of electric energy, and which is in the classification of Class I and II Systems, or Class IV or V specifically directed. The report and form is prescribed under the Commission's regulations, 18 CFR 141.51. There will be responses for approximately 623 systems and it is estimated that an average of 250 hours will be required annually per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 12–A, Power System Statement (Classes III, IV and V Systems). FPC Form No. 12–A is filed annually on or before the first of May with the Commission by each corporation, person, agency, authority or other legal entity or instrumentality, whether public or private, which operates facilities for the generation or transmission or distribution of electric energy, and which is in the classification of Class III, IV, or V Systems, except wherein these systems have during the year less than 5000 megawatt-hours of "net energy for system" unless specifically directed otherwise. The report and form is prescribed under the Commission's regulations, 18 CFR 141.52. There will be 2121 responses and it is estimated that an average of 25 hours will be required annually per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 12–C, Electric Generating Capacity. Form No. 12–C is designed to collect from the smaller industrial establishments (5,000 kw or less) annual capacity and generation, sales of electric energy, and principal product, such information to be used by FPC regional offices in making forecasts and preparation of other related studies. There will be responses for approximately 570 industrial plants and it is estimated that an average of one hour will be required annually per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 12–D, Power System Statement (Class III systems with less than 5000 Mwh; specified Class IV and V systems). FPC Form No. 12–D is filed annually on or before the first of May with the Commission by each corporation, person, agency, authority or other legal entity or instrumentality, whether public or private, which operates facilities for the generation or transmission or distribution of electric energy, and which is in the classification of Class III, wherein these systems have during the year less than 5000 megawatt-hours of "net energy for systems," or if specifically directed otherwise. The report and form is prescribed under the Commission's regulations, 18 CFR 141.55. There will be responses for 869 systems and it is estimated that an average of 15 hours will be required annually per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 12–F, Power Line and Construction Data. Form No. 12–F collects information on: (a) New lines placed in service, old lines removed from service and changes in existing lines; (b) new lines under construction; and (c) lines proposed for installation in the next six years but not under construction. Form No. 12–F will be filed annually by approximately 554 electric utilities that own or intend to construct electric transmission lines for 69 Kv (designed voltage) or greater in the contiguous U.S. or 22 Kv or greater in the case of Puerto Rico, Virgin Islands, Alaska and Hawaii and it is estimated that an average of 20 hours will be required annually per response.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75–29857 Filed 11–5–75;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO on October 30, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before November 24, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

Request for an extension no change clearance of Quarterly Report Form QL&D, required to be filed by some 1900 motor carriers of property with an average operating revenue of $1 million or more, pursuant to Section 220 of the Interstate Commerce Act. Data are used for economic regulatory purposes. Minor revisions in this quarterly report resulted from the addition of city zone codes following publication of Notice of Change in the FEDERAL REGISTER, 40 FR 27747; 39578. Reporting burden for carriers is estimated to average 36 hours per report. Reports are mandatory and available for use of the public.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75–29858 Filed 11–5–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA 201–11]

FERRICYANIDE AND FERROCYANIDE BLUE PIGMENTS

Notice of Investigation and Hearing

Investigation instituted. Following receipt of a petition on October 2, 1975, filed by the American Cyanamid Co., Wayne, New Jersey, the United States International Trade Commission on October 30, 1975, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether ferricyanide and ferrocyanide blue pigments, provided for in item 473.28 of the Tariff Schedules of the United States, are being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.s.t., on Tuesday, January 13, 1976, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, N.W. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his offices in Washington not later than noon, Thursday, January 8, 1976.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Center.

By order of the Commission:

Issued: November 3, 1975.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.75–29850 Filed 11–5–75;8:45 am]

[332–76]

U.S.-CANADIAN AUTOMOTIVE AGREEMENT

Place of Public Hearing

Notice is hereby given that the public hearing in connection with United States International Trade Commission Investigation No. 332–76, U.S.–Canadian automotive agreement in Detroit, Michigan beginning at 10 a.m., e.s.t., on Tuesday, November 18, 1975, will be held in Courtroom 859 of the Federal Building, 231 West Lafayette Street. Requests for appearances at the hearing should be received by the Secretary of the Commission at his office in Washington, D.C., no later than noon on November 13, 1975.

Notice of Investigation and Hearing was published in the FEDERAL REGISTER

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on Monday, September 8, 1975 (40 FR 41565).

By order of the Commission.

Issued: October 31, 1975.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.75-29851 Filed 11-5-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE 75-88]

SPACE PROCESSING AD HOC ADVISORY SUBCOMMITTEE

Notice of Meeting

The NASA Space Processing Ad Hoc Advisory Subcommittee of the Applications Steering Committee will meet at NASA Headquarters, 600 Independence Avenue, SW., Washington, D.C. on November 20-21, 1975. The meeting will be held in Room 226B of FOB 10B from 8:30 a.m. to 4:30 p.m. on each day.

The subcommittee will review the applications for membership on the Applications Steering Committee, Space Processing Payload Advisory Subcommittee received in response to an Applications Notice announcing this opportunity and recommend individuals for appointment to this subcommittee. In addition, the current status of proposals tentatively selected for the Space Processing Rocket Experiment Project (Announcement of Opportunity OA-74-1) in May, 1975 will be reviewed and a recommendation on their final disposition will be prepared.

Since the subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552(b)(6), as described above, it is hereby determined that the sessions should be closed to the public.

For further information, please contact Dr. James H. Bredt at Area Code 202, 755-3848.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

OCTOBER 31, 1975.

[FR Doc.75-29831 Filed 11-5-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL COUNCIL ON THE ARTS

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on November 21, 1975 from 9:30 a.m.-1:45 p.m. in the Shoreham Building and from 2:30 p.m.-5 p.m. in the Auditorium of the Department of Labor at 3rd and Constitution Ave., NW. On November 22 and 23 the Council will meet in the Shoreham Building, 1st floor conference room, 806 15th Street NW., Washington, D.C.

A portion of this meeting will be open to the public on November 21 from 2:30 p.m.-5 p.m. and on November 22 from 8:30 a.m.-1:30 p.m. on a space available basis. Accommodations are limited. During the open session on November 21, there will be presentations by the Federal Design Council and the Architecture & Environmental Arts Program. On November 22 the agenda will include: Discussion on Program Guidelines and reports from Assistant Chairman/Management, Research, Evaluation, Literature, Education, Theatre, and Bicentennial Resources Development.

The remaining sessions of this meeting on November 21 from 9:30-1:45 p.m., on November 22 from 1:45 p.m.-6 p.m., and on November 23 from 8:45 a.m.-1 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-29823 Filed 11-5-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

SYSTEM OF RECORDS UNDER THE PRIVACY ACT

Corrections

Notice is hereby given of an amendment to the NSF Systems of Records No. 1 currently entitled, "Applicants for Employment," as published in the FEDERAL REGISTER, Vol. 40, No. 166, Part III, page 38129 on August 26, 1975. The purpose of this amendment is to provide a more descriptive title of the system and to correct an inadvertent error in the description of the category of individuals covered by the system. Accordingly, the following changes and corrections are made to the following characteristics of NSF System No. 1:

1. The "System name" is revised to read as follows: System name. Employment Inquiries and Background Information.

2. The "Categories of individuals covered by the system" is revised to read as follows:

Categories of individuals covered by the system: Individuals inquiring about opportunities for employment at the Foundation who supply resumes, standard form 171's or other background information either on their own or at the request of Foundation personnel. This system covers only information submitted as general background for use in the event vacancies should occur as opposed to formal applications (e.g. SF 171's) with respect to positions for which the Foundation is actively recruiting. In the latter case, applications are filed with the announcement folders and are not a part of this system of records, but the applications may become part of NSF System No. 25 if the applicant does obtain employment with the Foundation.

Dated: October 31, 1975.

H. GUYFORD STEVER,
Director.

[FR Doc.75-29855 Filed 11-5-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-31]

ACCIDENT REPORT; RECOMMENDATION RESPONSE

Notice of Availability and Receipt

Highway Accident Report. Research into effective restraints and human crash tolerances of sideward-sitting occupants of motor vehicles was urged by the National Transportation Safety Board in a report released October 31, 1975. The report, No. NTSB-HAR-75-6, resulted from the Board's investigation of the crash of a multipurpose vehicle, operated by the U.S. Immigration and Naturalization Service, into the rear of a parked tractor-semitrailer truck near El Centro, California, March 8, 1974. The Safety Board determined that the probable cause of the collision was that the multipurpose vehicle left the roadway and collided with a tractor-trailer parked approximately 15 feet off the pavement. The Board was unable to determine why the driver was not controlling the multipurpose vehicle.

The report contains eight safety recommendations, Nos. H-75-23 through 30, directed to five Federal agencies. The Safety Board recommends: That the Federal Highway Administration (1) clarify its rule 49 CFR 392.22(b)(1) for placement of warning devices for parked trucks and buses, and (2) design future motorist aid facilities to meet, wherever possible, the 30-foot-minimum for a clear roadside recovery area (H-75-23 and 24); that the National Highway Traffic Safety Administration (1) set guidelines, based on human factors research, for seat installations made after initial vehicle sale, and (2) study crash forces on sideward-sitting occupants of vehicles and issue standards adequate for their protection (H-75-25 and 26); that the Civil Service Commission require all Federal agencies to adhere to Federal Personnel Manual physical standards for its motor vehicle operators (H-75-27); that the Immigration and Naturalization Service (1) assure the hiring of only medically qualified persons as motor vehicle operators, and (2) consider revising its procedures for transporting aliens in externally secured compartments to assure that help will be available in an emergency to assist in the evacuation of the vehicle (H-75-28 and 29); and that the Department of Justice consider this emergency prisoner-evacuation problem and develop safe evacuation guidelines for all appropriate Federal, State, and local agencies (H-75-30). Recommendations H-75-23 and H-75-27 through 30 are designated "Class I" to indicate the need for urgent action.

Response to Recommendation R-75-22. The Department of Transportation has rejected a recommendation stemming from the Safety Board's investigation of a hazardous materials accident which occurred in the Norfolk and Western Railway yard at Decatur, Illinois, July 19, 1974 (40 FR 27081). DOT's Materials Transportation Bureau replied on October 20, 1975, to this recommendation, which is directed to reporting requirements. MTB notes that from January 1, 1971, to date, more than 29,000 hazardous materials incidents have been reported on Form F-5800.1. MTB states that many of the reports were incomplete in one or more areas, and that followup efforts to secure additional information often proved difficult since "the persons preparing the reports were not in a position to secure the needed information." According to MTB, "The addition of a new reporting element requiring reporters of incidents to 'delineate the danger zone' would call for a subjective evaluation beyond the capabilities and qualifications of those persons now preparing the reports." MTB concludes, "While the Bureau has some modifications of the hazardous materials incident reporting requirements under consideration, one of which addresses Recommendation R-75-22, we do not intend to initiate procedures to adopt in full, or in part, the recommendation at the present time or in the near future. Therefore, pursuant to 49 USC 1906, this response should be considered a refusal to initiate or conduct procedures for adopting Recommendation R-75-22 for the following reasons: (1) The ability of carrier personnel to report the delineation of danger zones is questionable and would call for subjective evaluations resulting in submission of data of questionable value; and (2) While some clarification of the determination of what constitutes an injury may be appropriate, the determination of damages relative to accidents of significance can best be handled by a followup procedure, rather than promulgation of detailed requirements for all incidents which would impose an unreasonable burden upon reporting carriers and cause a proliferation of reports, including resubmitted reports."

The highway accident report is available to the general public; single copies may be obtained without charge. A $4 user-service charge will be made for a copy of the recommendation response letter, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, identified by the report and/or recommendation number and the date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

NOVEMBER 3, 1975.

[FR Doc.75-29891 Filed 11-5-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. P-560-A]

CENTRAL MAINE POWER CO.

Receipt of Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Central Maine Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, which was docketed on August 20, 1975, in connection with their plans to construct and operate a reactor in Searsport, Maine. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portions of the application consisting of an Environmental Report and a Preliminary Safety Analysis Report pursuant to § 2.101 of Part 2, are expected to be filed in April and June 1976, respectively. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

The applicant has solicited from other New England utilities non-binding indications of potential interest in the unit. As utilities indicate their interest, additional antitrust information will be submitted for them.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Local Public Document Room, Office of Town Manager, Union Hall, Reservoir Street, Searsport, Maine 04974. Docket No. P-560-A has been assigned to the application and should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before December 30, 1975.

Dated at Bethesda, Md., this 23rd day of October 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch, Division of Reactor Licensing.

[FR Doc.75-29240 Filed 10-29-75;8:45 am]

[Docket No. 50-261]

CAROLINA POWER AND LIGHT CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), for operation of the H. B. Robinson Steam Electric Plant Unit 2, located in Darlington County, Hartsville, South Carolina.

In accordance with the licensee's application dated September 5, 1975, the amendment would relate to the expansion of the spent fuel storage pool. The licensee proposes to install 36 additional storage locations in the present spent fuel, pool, increasing its capacity from 240 fuel assemblies to 276 fuel assemblies.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By December 8, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trow-

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bridge, and Madden, Barr Building, 910 17th Street, NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 5, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 30th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-29802 Filed 11-5-75;8:45 am]

[Docket Nos. STN 50-454, STN 50-455]

COMMONWEALTH EDISON CO. (BYRON STATION, UNITS 1 AND 2)

Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Commonwealth Edison Company to conduct certain additional site activities in connection with the Byron Station, Units 1 and 2.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e) (3), and include installation of reinforced concrete base mat and external walls below grade and below grade interior walls to the extent necessary for structural integrity of the external walls, including any electrical conduits, ducts, piping or other structural members embedded in the base and walls for the Unit 1 containment building, auxiliary building and fuel handling building, Unit 1 pipe tunnel, Unit 1 and Unit 2 turbine building, circulating water pump house; and grouting and installation of foundation for essential service water cooling towers.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Commonwealth Edison Company and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Partial Initial Decision on public health and safety issues was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on October 29, 1975. The safety related activities authorized by the Commission are within the scope of 10 CFR 50.10(e) (3). This is in addition to activities previously authorized under 10 CFR 50.10 (e) (1). Notice of this action was published in the FEDERAL REGISTER on December 19, 1974 (39 FR 43768). A copy of (1) the Partial Initial Decision issued October 29, 1975; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report and amendments thereto; (4) the staff's Final Environmental Statement dated July 1974; and (5) the Commission's letters of authorization dated December 13, 1974, and October 30, 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Byron Public Library, Third and Washington Streets, Byron, Illinois.

Dated at Rockville, Maryland, this 30th day of October, 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Division of Reactor Licensing.

[FR Doc.75-29803 Filed 11-5-75;8:45 am]

[Docket Nos. STN 50-456, STN 50-457]

COMMONWEALTH EDISON CO. (BRAIDWOOD STATION, UNITS 1 AND 2)

Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Commonwealth Edison Company to conduct certain additional site activities in connection with the Braidwood Station, Units 1 and 2.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e) (3), and include installation of reinforced concrete base mat and external walls below grade and below grade interior walls to the extent necessary for structural integrity of the external walls, including any electrical conduits, ducts, piping or other structural members embedded in the base and walls for the Unit 1 containment building, auxiliary building and fuel handling building, Unit 1 pipe tunnel, Unit 1 and Unit 2 turbine building, and lake screen house.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Commonwealth Edison Company and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Partial Initial Decision on public health and safety issues was issued by the Atomic Safty and Licensing Board in the above captioned proceeding on October 29, 1975. The safety relatd activities authorized by the Commission are within the scope of 10 CFR 50.10(e) (3). This is in addition to activities previously authorized under 10 CFR 50.10 (e) (1). Notice of this action was published in the FEDERAL REGISTER on January 20, 1975 (40 FR 3237). A copy of (1) the Partial Initial Decision issued October 20, 1975; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report and amendments thereto; (4) the staff's Final Environmental Statement dated July 1974; and (5) the Commission's letters of authorization dated January 14, 1975, and October 30, 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Wilmington Township Public Library, 201 South Kankakee Street, Wilmington, Illinois.

Dated at Rockville, Maryland, this 30th day of October, 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Division of Reactor Licensing.

[FR Doc.75-29804 Filed 11-5-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to revise the high steam flow trip setting associated with the High Pressure Coolant Injection (HPCI) system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 11, 1975, (2) Amendment No. 20 to License No. DPR-57, with Change No. 20 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of October, 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-29805 Filed 11-5-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment will (1) revise the surveillance testing requirements for the personnel air lock to the primary containment and (2) correct a typographical error.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated April 29, 1975 and August 13, 1975, (2) Amendment No. 21 to License No. DPR-57, with Change No. 21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 29th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-29806 Filed 11-5-75;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO.

Availability of Final Environmental Statement for the Wolf Creek Generating Station, Unit No. 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed Wolf Creek Generating Station Unit 1 to be constructed by Kansas Gas and Electric Company and Kansas City Power and Light Company in Coffey County, Kansas, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Office of the County Clerk, Coffey County Courthouse, Burlington, Kansas. The Final Environmental Statement is also being made available at the Budget Division, Department of Administration, 1st Floor—State House, Topeka, Kansas.

The notice of availability of the Draft Environmental Statement for the Wolf Creek Generating Station and requets for comments from interested persons was published in the FEDERAL REGISTER on July 7, 1975 (40 FR 28509). The comments received from Federal, State, and local agencies and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG 75/096) may be purchased from the National Technical Information Service, Springfield, Virginia, 22161, at a cost of $9.25 for printed copies and $2.25 for microfiche.

Dated at Rockville, Maryland, this 31st day of October, 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Division of Reactor Licensing.

[FR Doc.75-29807 Filed 11-5-75;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-63 issued to Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit 1, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment requires operability and surveillance by hydraulic snubbers required to protect the primary coolant system and all other safety related systems and components.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 17, 1975, (2) Amendment No. 3 to License No. DPR-63, with Change No. 3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 1st day of October, 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-29808 Filed 11-5-75;8:45 am]

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[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Provisional Operating License No. DPR-21 issued to Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment incorporates into the Millstone Nuclear Power Station Unit 1 Technical Specifications changes to the Administrative Controls.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 3, 1974, (2) Amendment No. 14 to License No. DPR-21, with Change No. 27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 21st day of October, 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc. 75-29810 Filed 11-5-75;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment will allow fuel handling with the availability of a single source of off site power and two sources of emergency on site power.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 17, 1975, (2) Amendment No. 15 to License No. DPR-21, with Change No. 28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 22d day of October 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-29809 Filed 11-5-75;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, the Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment will revise the provisions in the Technical Specifications relating to temperature limits for the pressure suppression pool water.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendments to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on September 4, 1975 (40 FR 40880). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see the letter from G. Lear to D. C. Switzer dated February 15, 1975, the letter from D. C. Switzer to G. Lear dated March 31, 1975, and the letter from K. R. Goller to D. C. Switzer dated July 16, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The proposed license amendment and the Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 29th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-29811 Filed 11-5-75;8:45 am]

[Dockets Nos. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO. ET AL.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 13 and 11 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in York County, Pennsylvania. The amendments are effective as of one week following the completion of the modification to the reactor pressure sensing devices.

The amendments modify the Technical Specifications to accommodate a plant modification to replace existing reactor pressure sensing switches with analog loops, each consisting of a pressure transmitter, a pressure indicator and a trip unit.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated September 19, 1975, (2) Amendments Nos. 13 and 11 to Licenses Nos. DPR-44 and DPR-56, with Changes Nos. 14 and 11, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 30th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-29812 Filed 11-5-75;8:45 am]

[License No. 05-16698-01E]

TELEDYNE AQUA TECH

Issuance of Byproduct Material License

Please take notice that the Nuclear Regulatory Commission has, pursuant to Section 32.26 of 10 CFR Part 32, issued License No. 05-16698-01E to Teledyne Aqua Tech, 1730 East Prospect, Fort Collins, Colorado 80521, which authorizes the distribution of Model No. D-1 ionization fire detectors to persons exempt from the requirements for a license pursuant to Section 30.20 of 10 CFR Part 30.

1. The devices are designed to detect incipient fire by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of each detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by a radioactive source of americium-241.

2. The byproduct material incorporated in each detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A-001) or by Radiochemical Centre (Model No. AMM). The nominal activity contained in each unit is 1.0 microcuries and the maximum is 1.3 microcuries.

3. Each exempt unit will have a label identifying the distributor and the byproduct material contained in the unit and recommending that the unit be returned to the manufacturer for repair or disposal.

A copy of the license and license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 "H" Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, October 30, 1975.

For the Nuclear Regulatory Commission.

NATHAN BASSIN,
Acting Chief, Materials Branch, Division of Fuel Cycle and Materials Safety.

[FR Doc.75-29813 Filed 11-5-75;8:45 am]

[Docket Nos. 50-259, 50-260]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-33 and Amendment No. 12 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units 1 and 2, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications regarding the surveillance requirements for the diesel generators and their associated boards to make them consistent with the corresponding limiting condition for operation.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated October 28, 1975, (2) Amendment No. 15 to License No. DPR-33 and Amendment No. 12 to License No. DPR-52 with Change No. 14, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 31st day of October, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-29814 Filed 11-5-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 31, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the Agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL ACADEMY OF SCIENCES

Questionnaire for Former Full-Time VA Physicians, single-time, former full-time VA physicians, Dick Eisinger, 395-6140.

NATIONAL SCIENCE FOUNDATION

Return on Investment in Continuing Education of Engineers for Profit Making Organizations, single-time, business firms, Raynsford, R., 395-3814.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Questionnaires for Purchasers, Producers, and Importers of Birch Door Skins, single-time, Door Skin producers, purchasers, importers, Evinger, S. K., 395-3710.

DEPARTMENT OF DEFENSE

Department of the Army (excl. Def Civil Preparedness Agcy): Community Attitudes Survey for Final Environmental Impact Statement, MRD 0911, single-time, 41 Landowners in Colorado and 400 residents, Lowry, R. L., 395-3772.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of education: Application for Federal Assistance (Nonconstruction Programs) for Emergency School Aid Act, Title VII, PL 92-318 as Amended—Instructions & Supplementary, DE-116-I, annually, LEA's and other eligible applicants, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Manpower Administration: Measuring the Effectiveness of Employer Services in the USES, MI-274, single-time, State employer services program staff, Human Resources Division, Strasser, A., 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Appeal to the Board of Veterans Appeals, VA 1-9, on occasion, appellants for VA benefits. Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Regulations—Grading and Inspection of Poultry and Edible Products etc., on occasion, Marsha Traynham, 395-4529.

Regulations Governing the Grading & Inspection of Domestic Rabbits & Edible Products Thereof, on occasion, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-30022 Filed 11-5-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19230; 70-5756]

ARKANSAS-MISSOURI POWER CO. AND ASSOCIATED NATURAL GAS CO.

Proposal To Make Unsecured Short-Term Borrowings

OCTOBER 31, 1975.

Notice is hereby given that the Arkansas-Missouri Power Company ("Arkansas-Missouri"), 405 West Park St., Blytheville, Arkansas 72315, a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, and Associated Natural Gas Company ("Associated"), 405 West Park St., Blytheville, Arkansas 72315, a wholly owned subsidiary of Arkansas-Missouri, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6 and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas-Missouri proposes to make unsecured short-term borrowings from thirty commercial banks, from time to time during the period commencing on the effective date of this application-declaration and continuing for one year thereafter, in an aggregate amount not to exceed $7,750,000 at any one time outstanding. These borrowings will be in addition to other bank borrowings previously authorized by this Commission (HCAR No. 18990). To effect such borrowings, Arkansas-Missouri proposes to issue and sell to the First National Bank in Little Rock, for the account of the participating banks, unsecured promissory notes payable not more than 270 days from the date of issue and which may be renewed from time to time but to mature not later than one year from the effective date of this application-declaration. The notes will bear interest, payable quarterly and at maturity, on the unpaid principal amount thereof at a rate per annum equal to the commercial loan rate of Chemical Bank, New York, New York, on borrowings having a 90 day maturity by responsible and substantial commercial borrowers, with adjustments to be made effective on the first business day of the month next following the month in which any change in such rate occurs. The notes will be prepayable in whole or in part, at any time without premium or penalty, at the option of Arkansas-Missouri. No compensating balances are required.

Associated proposes to make unsecured short-term borrowings from twenty-two commercial banks in an aggregate amount not to exceed $2,750,000 at any one time outstanding. To effect such borrowings Associated proposes to issue and sell to the First National Bank, Sikeston, Missouri, for the account of participating banks, an unsecured promissory note payable not more than 270 days from the date of issuance. The note will bear interest, payable quarterly and on maturity, on the unpaid principal amount thereof at a rate per annum equal to the commercial loan rate of the Chase Manhattan Bank, New York, New York, from time to time in effect on borrowings having a 90 day maturity by responsible and substantial corporate borrowers, with adjustments to be made effective on the first business day of the month next following the month in which any change in rate occurs. The note will be prepayable in whole or in part, at any time, without premium or penalty, at the option of Associated. No compensating balances are required.

The net proceeds to be received from the issuance and sales of notes by both Arkansas-Missouri and Associated will be used to retire presently outstanding short-term debt ($9,350,000 for Arkansas-Missouri and $2,750,000 for Associated as of September 30, 1975).

The fees and expenses to be incurred in connection with these transactions are estimated at $5,000. The application-declaration states that the sale of notes by Arkansas-Missouri is subject to approval by the Arkansas Public Service Commission. It is stated that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 25, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29786 Filed 11-5-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA

Notice of Suspension of Trading

OCTOBER 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being trade otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 3, 1975 through November 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29787 Filed 11-5-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

OCTOBER 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 3, 1975 through November 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29788 Filed 11-5-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Notice of Suspension of Trading

OCTOBER 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 3, 1975 through November 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29789 Filed 11-5-75;8:45 am]

[Release No. 33-19224]

REFUNDABILITY OF LONG-TERM DEBT AND PREFERRED STOCK

Request for Comments

Request for comments on whether the Commission should permit long-term debt and preferred stock issued by companies subject to the Public Utility Holding Company Act of 1935 ("Act") to contain restrictions on refundability during a period of 10 years rather than five years.

The Commission's Statement of Policy Regarding First Mortgage Bonds and Preferred Stock issued by companies subject to the Act (Holding Company Act Release Nos. 13105 [21 FR 1286] and 13106 [21 FR 1288] February 16, 1956) originally required that such securities be redeemable at the option of the issuer "at any time upon reasonable notice and with reasonable redemption premiums, if any." We have applied the same requirements to all long-term debt. Unrestricted refundability gives effect to the statutory policy, as expressed in Section 1(b)(5), which calls for economy in the raising of capital. Following an extensive re-examination of this redemption policy, we modified our standard to permit issuers subject to the Act to include a refunding limitation which would prohibit, for a period of not more than five years after sale, the refunding of senior securities by the issuance of new senior securities at lower interest or preferred dividend costs (Holding Company Act Release Nos. 16369, May 8, 1969 [23 FR 9553] and 16758, June 22, 1970 [35 FR 10585]. We then stated on page 2 of both releases:

> The Commission wishes to emphasize that it will continuously review the effects of its redemption policies, including specifically the foregoing modification, and based on experience with the modification make such adjustments in these policies as may from time to time be deemed appropriate, including a rescission of the present modification.

[In millions]

Total issues	Long-term debt[1]		Preferred stocks	
	Dollar volume	Number of issues	Dollar volume	Number of issues
June 1974 to January 1975	$1,229	23	$955	33
February to September 1975	2,806	52	1,330	45
Total	4,036	85	2,285	78
Issues with 10-yr clause:				
June 1974 to January 1975	690	14	451	16
February to September 1975	960	18	296	10
Total	1,640	32	747	26
Percent with 10-yr clause to total:				
June 1974 to January 1975	37.4	42.4	47.2	48.5
February to September 1975	34.2	34.6	22.3	22.2
Total	35.5	37.6	32.7	33.3

[1] Issues with a maturity of 10-yr or less not included.

We have been informed that some major institutions have been reluctant or unwilling to purchase senior securities without a 10-year call restriction. Actually no one pretends to know what the cost of money is likely to be six years hence and thereafter. An institutional investor who insists upon a 10-year call restriction does so as a hedge against the mere contingency that the cost of money can decline. Perhaps he is in a position to exact this concession solely because of the keen competition for funds in the capital market. The issuer, for his part, may be willing to forego the privilege of refunding six to ten years hence in order to secure funds that are urgently needed now.

In 1969–1970 there were indications that the issuer could realize savings of about 25 to 30 basis points in current cost of money (Holding Company Act Release Nos. 16211, p. 5 and 16685, p. 5), and we modified our policy in recognition of such claims to savings. One of the questions is whether an extension of the call restriction to ten years would yield discernible and demonstrable savings in cost to the issuer.

It appears appropriate to examine the need or advisability of extending up to ten years the nonrefundability restriction for long-term debt and preferred stock. Accordingly, comments of the registered public utility holding companies, underwriters, institutional investors and any other interested persons should be directed to the following questions, among others:

1. Have issuers or underwriters been advised that institutional investors are unwilling to purchase long-term debt or preferred stock without a 10-year call restriction? Specify which institutions have such a policy and state by whom so advised. State also whether there has been a change in such institutional policy in the current year.

2. Have issuers and underwriters been informed by institutional investors that a lower cost of money would be acceptable for including a 10-year nonrefunding provision? If so, specify the percentage of cost savings.

3. Assume an issue of $25 million and a cost of money of 25% less at the end of the fifth year than the rate at which the issue was first sold. What would be the additional cost to the issuer because of inability to refund during the sixth to the tenth years?

All interested persons are invited to submit their comments in writing to George A. Fitzsimmons, Secretary, Se-

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curities and Exchange Commission, Washington, D.C. 20549, on or before December 12, 1975. All such communications should be filed in triplicate and should refer to File No. S7-596 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 24, 1975.

[FR Doc.75-29790 Filed 11-5-75;8:45 am]

[Release 34-11779; File No. S7-599]

SECURITIES INFORMATION PROCESSORS

Notice of Application for Registration

Notice is hereby given that, pursuant to Section 11A(b)(2) of the Securities Exchange Act of 1934, (the "Act") the Consolidated Tape Association ("CTA") filed an application on October 29, 1975 with the Securities and Exchange Commission (the "Commission") for registration as a securities information processor.

The Commission is required under new Section 11A(b)(3) of the Act to find, before granting registration, that an applicant "is so organized, and has the capacity, to be able to assure the prompt, accurate, and reliable performance of its functions as a securities information processor, . . . and, insofar as it is acting as an exclusive processor, operate fairly and efficiently . . ." Additionally, Section 11A(b)(3) of the Act provides that the Commission shall, upon the filing of an application for registration pursuant to Section 11A(b)(2) of the Act, publish notice of the filing and afford interested persons an opportunity to submit written data, views and arguments concerning such application. A copy of the CTA application is available for public inspection in the Commission's Public Reference Room at 1100 L Street, NW., Washington, D.C. 20549.

All persons interested in submitting written data, views and arguments concerning CTA's application should submit them in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 not later than November 21, 1975. All communications should refer to File No. S7-599 and will be available for public inspection in the Commission's Public Reference Room.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 30, 1975.

[FR Doc.75-29791 Filed 11-5-75;8:45 am]

[Release No. 11780; SR-ASECC-75-1]

AMERICAN STOCK EXCHANGE, INC.

Notice of Filing of Proposed Rule Changes

OCTOBER 31, 1975.

Notice is hereby given that the American Stock Exchange, Inc. (the "Amex"), 86 Trinity Place, New York, New York 10006, has filed, pursuant to Rule19b-4 [17 CFR 240.19b-4] under the Securities Exchange Act of 1934 (the "Act") [15 U.S.C. 78s], as amended by Pub. L. No. 94-29 (June 4, 1975), amendments (the "Amendments") to the rules of the American Stock Exchange Clearing Corporation ("ASECC").

1. *The Amendments.* The Amendments were adopted to enable ASECC to collect, from its members, New York City taxes on the sale and purchase of bonds. New York City imposed the bond transfer tax, effective August 15, 1975. The procedures for collection of the New York City bond transfer tax are identical to the procedures for collection of the New York State stock transfer tax; the Amendments consist of minor changes in ASECC's rules 3, 13 and 16, which relate to the collection of the State stock transfer tax, to expand their scope to include the bond transfer tax.

2. *Solicitation of Comments on the Amendments.* Publication of the Amendments is expected to be made in the FEDERAL REGISTER during the week of November 3, 1975. Interested persons are invited to submit views and comments on the Amendments within two weeks of publication in the FEDERAL REGISTER. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-ASECC-75-1.

Copies of the Amendments and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing will also be available at the principal office of the Amex.

3. *Summary Effectiveness of the Amendments.* The Amendments, which establish collection procedures identical to the ASECC procedures currently in effect for the collection of the New York State stock transfer tax, were adopted under unusual emergency circumstances arising from the sudden promulgation of the New York City bond transfer tax. The regulation imposing the tax requires brokers and dealers to remit the tax through organizations which, like ASECC, clear and settle bond transactions. In addition, other methods of collection would be cumbersome and would place an inappropriate burden on the orderly operation of bond markets.

In view of the emergency nature of the Amendments, their similarity to existing procedures and their importance to the orderly operation of the bond markets, the Division of Market Regulation finds that immediate effectiveness of the Amendments is necessary for the maintenance of fair and orderly markets.

It is therefore ordered, pursuant to Section 19(b)(3)(B) of the Act [15 U.S.C. 78s(b)(3)(B)], that the Amendments relating to the collection of the New York City bond transfer tax, filed with the Commission on September 24, 1975, be put into effect summarily, effective October 31, 1975, until, pursuant to Section 19(b)(2) of the Act [15 U.S.C. 78s(b)(2)], the Commission (or the Division of Market Regulation, pursuant to delegated authority, approves the Amendments or until the Commission institutes proceedings to determine whether the Amendments shall be disapproved.

By the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29853 Filed 11-5-75;8:45 am]

[Rel. No. 19232; 70-5750]

NEW ENGLAND ELECTRIC SYSTEM

Proposed Issue and Sale of Short-Term Notes to Banks

OCTOBER 31, 1975.

Notice is hereby given that New England Electric System ("NEES"), 20 Turnpike Road, Westborough, Massachusetts 01581, a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rules 42(b)(2) and 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

NEES requests that, for the period ending May 31, 1977, it be permitted from time to time to issue or renew notes of a maturity of less than one year evidencing short-term bank borrowings provided that the aggregate principal amount of such notes outstanding at any one time shall not be more than $25,000,000. Upon completion of the next common share issue, the proceeds of which are expected to aggregate $30,000,000, or May 31, 1977, whichever occurs first, the borrowing authority requested hereby will terminate.

The new notes will bear interest at not in excess of the prime interest rate for commercial borrowing of the bank from which the borrowing is made at the date of the issue of such note, will mature not less than one year from the date of issue, and will be prepayable at any time without premium or penalty. NEES will make the borrowings from among the following banks:

Continental Illinois National Bank & Trust Co., Chicago	$5,000,000
The Chase Manhattan Bank, N.A., New York	5,000,000
1st National City Bank, New York	5,000,000
Irving Trust Co., New York	5,000,000
Morgan Guaranty Trust Co., New York	5,000,000
Total	25,000,000

The amounts that NEES may borrow may be increased or decreased during the period, but at no time will the aggregate amount of short-term borrowings from all banks exceed the authorization requested.

NEES will either maintain funds in the banks which represent compensating balances or in lieu thereof will pay fees equivalent to such compensating balance requirements. Assuming a 8% prime rate and a compensating balance of 10% of the line of credit and 10% of any borrowings thereunder, the effective rate of interest to be paid by NEES is approximately 10%.

The proceeds from the sale of notes will be made available to subsidiaries particularly New England Power Company ("NEPCO") through the purchase of additional shares of its common capital stock scheduled for mid-December 1975, in furtherance of its construction program and to make loans to New England Energy Incorporated in furtherance of its exploration for, and development and production of, fuel used in the NEES System.

The application-declaration states that NEES' expenses incident to the proposed issuance of notes will be approximately $5,000 and that no state commission or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 25, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29854 Filed 11-5-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area-No. 1153; Amdt. No. 2]

MONTANA

Declaration of Disaster Area

The above numbered Declaration (See 40 FR 29365) and amendment No. 1 (40 FR 31052) are amended by adding Fergus, and Judith Basin and adjacent counties within the State of Montana, and the time for filing applications is extended to December 23, 1975, for physical damage and July 24, 1976, for economic injury.

Dated: October 30, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-29825 Filed 11-5-75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 19, 1975, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building—U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Memphis City Schools, Adult Education Center, Vance Annex, 370 South Orleans, Memphis, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: October 31, 1975.

R. S. BIELAK,
Director,
VA Regional Office.

[FR Doc.75-29827 Filed 11-5-75;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 13, 1975, at 1 p.m., the Des Moines Regional Office Station Committee on Educational Allowances shall at Room 1021, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled at Dwyer Aircraft Sales, Box 329, Municipal Airport, Mason City, Iowa 50401, should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: October 30, 1975.

ROBERT L. WINTERS,
Director.

[FR Doc.75-29868 Filed 11-5-75;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 13, 1975 at 10 a.m., the Des Moines Regional Office Station Committee on Educational Allowances shall meet at Room 1021, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled at Marshalltown Aviation, Inc., Rural Route 1, Marshalltown, Iowa 50158, should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: October 30, 1975.

ROBERT L. WINTERS,
Director.

[FR Doc.75-29869 Filed 11-5-75;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON ECONOMIC GROWTH

Meeting

The BRAC Committee on Economic Growth will meet at 10 a.m., December 2, 1975, at the General Accounting Office Building, 441 G Street NW., Room 2106, Washington, D.C. The agenda for the meeting is as follows:

1. Progress Report on the Interim Revisions of the 1980 and 1985 Economic Growth Projections.

2. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C., this 29th day of October 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75-29899 Filed 11-5-75;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Notice 908]

ASSIGNMENT OF HEARINGS

NOVEMBER 3, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

I & S 9060 Sub 2, Iron or Steel Scrap, Western & Southern Territories, now being assigned December 10, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12321, Akers Motor Lines, Inc.—Control—Central Motor Lines, Inc.; F.D. 27900, Akers Motor Lines, Inc.—Securities and MC-F-12557, Transcon Lines-Purchase (Portion)-Central Motor Lines, Inc. and Akers Motor Lines, Incorporated, now assigned December 2, 1975 at Charlotte, North Carolina, will be held in the Sheraton Center, 555 S. McDowell Street.

MC 76036 Sub 6, Canadian Freightways Eastern Limited, now assigned November 12, 1975 at Lansing, Michigan, is cancelled and reassigned for hearing on January 19, 1976 at Lansing, Michigan, (1 week), at the Hilton Hotel, 7601 Saginaw Street.

MC 64932 Sub 549, Rogers Cartage Co., now assigned December 1, 1975, at Chicago, Ill., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29903 Filed 11-5-75;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption 63, Amdt. 7]

BESSEMER AND LAKE ERIE RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire December 31, 1975.

This amendment shall become effective October 31, 1975.

Issued at Washington, D.C., October 23, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-29904 Filed 11-5-75;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption 95, Amdt. 3]

BESSEMER AND LAKE ERIE RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 95 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire December 31, 1975.

This amendment shall become effective October 31, 1975.

Issued at Washington, D.C., October 23, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-29905 Filed 11-5-75;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption 55, Amdt. 10]

NORFOLK AND WESTERN RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 55 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire December 31, 1975.

This amendment shall become effective October 31, 1975.

Issued at Washington, D.C., October 23, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-29906 Filed 11-5-75;8:45 am]

[I.C.C. Modification No. 2-A, Fifth Rev. S.O. 1043]

UNION PACIFIC RAILROAD CO.

Upon further consideration of I.C.C. Modification No. 2, issued September 23, 1975, and good cause appearing therefor:

It is ordered, That, pursuant to the authority vested in me by section (b) of Fifth Revised Service Order No. 1043, I.C.C. Modification No. 2 to Fifth Revised Service Order No. 1043, be, and it is hereby, vacated and set aside.

Effective 11:59 p.m., October 24, 1975.

Issued at Washington, D.C., October 24, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-29907 Filed 11-5-75;8:45 am]

[Notice No. 88]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 31, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) (as amended, 49 FR 37215) published in the FEDERAL REGISTER issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 9269 (Sub-No. 19), filed October 17, 1975. Applicant: BEST WAY MOTOR FREIGHT, INC., 1765 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: William J. Dahl (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving Yakima, Benton, and Franklin Counties, Wash. as off route points in connection with carrier's authorized regular route operation in Sub No. 15, between Tacoma and Spokane, Wash. over Interstate Highway 90.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 11722 (Sub-No. 48), filed October 14, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Charles C. Flower, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint, in rolls*, from Seattle, Wash., to Sunnyside, Pasco, Kennewick, Richland, Ellensburg, Wenatchee, Walla Walla, and Longview, Wash.; Lewiston, Boise, Sandpoint, Moscow, Emmett, and Twin Falls, Idaho; and Ontario, Astoria, Portland, Albany, Eugene, Medford, Coos Bay, and Salem, Oreg.

NOTE.—Applicant holds contract carrier authority in MC 124658 Subs 2 and 6, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Yakima, Wash., Portland, Oreg., or Seattle, Wash.

No. MC 22229 (Sub-No. 105), filed October 14, 1975. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue, S.E., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Mathews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Swainsboro, Ga., as an intermediate point in its regular route between Atlanta and Savannah, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta or Savannah, Ga.

No. MC 25798 (Sub-No. 278), filed October 14, 1975. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine products, brandy and grape juice*, from points in California, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Kansas, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 28599 (Sub-No. 9), filed October 10, 1975. Applicant: DEVINE & SON TRUCKING CO., a Corporation, P.O. Box 217, 2700 Rice Ave., West Sacramento, Calif. 95691. Applicant's representative: James J. Devine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood shavings and ground wood*, in bulk, in specialized equipment, fom Reno, Nev., to Rocklin, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sacramento or San Francisco, Calif.

No. MC 30561 (Sub-No. 3), filed October 3, 1975. Applicant: JOSEPH RUFFIN, doing business as, RUFFIN'S MOTOR FREIGHT, 34 Elder Avenue, Yeadon, Pa. 19050. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glassware*, as described in Appendix IX to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the ports and storage facilities used by Associated Imports, Inc., at or near Baltimore, Md.; Boston, Mass.; Chicago, Ill.; Detroit, Mich.; New York, N.Y.; Philadelphia, Pa.; Savannah, Ga.; Wilmington, Del.; and Portage, Ind.; to those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, under a continuing contract or contracts with Associated Imports, Inc., of Providence, R.I.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 31237 (Sub-No. 8), filed October 16, 1975. Applicant: DIGNAN TRUCKING, INC., 3210 Hammonds Ferry Rd., P.O. Box 7463, Baltimore, Md. 21227. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, automobiles, commodities in bulk, commodities requiring special equipment) serving the facilities of London Fog Division of Londontown Corporation, located at or near Eldersburg (Carroll County), Md., as an off-route points in connection with applicant's authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 35628 (Sub-No. 378), filed October 14, 1975. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and other facilities of Minnesota Mining and Manufacturing Company located at or near Knoxville, Iowa, as an off-route points in connection with applicant's otherwise authorized operations.

NOTE.—If a hearing is deemed necessary, the applicant requests that the application be consolidated with other similar applications, at St. Paul, Minn., Chicago, Ill., or Washington, D.C.

No. MC 39443 (Sub-No. 23), filed October 9, 1975. Applicant: THOMPSON, INC., 5014 Broadway, Quincy, Ill. 62301. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry, dry, and dry animal and poultry feed ingredients*, in bulk, from the plantsite of Gooch Feed Mill Corporation, a Subsidiary of Archer Daniels Midland Company, (1) at Baxter, Iowa, to points in Illinois; and (2) at Decatur, Ill., to points in Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

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No. MC 46240 (Sub-No. 17), filed October 17, 1975. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonferrous metals*, (A) from points in Illinois (except Chicago), Missouri (except St. Louis), New Jersey, New York, Pennsylvania, and Wisconsin, to Port Huron, Mich.; and (B) from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Tennessee, and West Virginia, to Port Huron, Mich.; (2) *Copper, brass, bronze, and aluminum articles*, from Port Huron, Mich., to points in the Commercial Zones of Milwaukee, Kenosha, Racine and Waukesha, Wis., points in Erie, Lawrence and Mercer Counties, Pa., and points in Chautauqua, Erie, Genesee, Monroe, Wayne, Cayuga, and Onondaga Counties, N.Y.; and (3) *brass, bronze, copper, aluminum and plastic articles*, from Hartville, Tenn., to points in Ohio, Indiana, Illinois, Wisconsin, Pennsylvania, Kentucky, West Virginia, Missouri, Iowa, New York, New Jersey, Albama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana Massachusetts, Minnesota, and Mississippi, under a continuing contract or contracts with Mueller Brass Company of Port Huron, Mich.

NOTE.—Applicant states that it presently holds authority to transport non-ferrous scrap metals and that the purpose of paragraph (1) is to expand the commodity description from non-ferrous scrap metals to nonferrous metals. Applicant holds common carrier authority in MC 106603 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 51146 (Sub-No. 447), filed October 14, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from the plant and warehouse facilities of Henry Wurst, Inc. located at or near Apex, N.C., to points in Missouri, Illinois, Indiana, Iowa, Wisconsin, Minnesota, Ohio, Kentucky, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Michigan, Vermont, New Hampshire, Maine, Massachusetts, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59680 (Sub-No. 215), filed October 17, 1975. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, P.O. Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and household goods as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), Between St. Louis, Mo. and Amarillo, Tex. in connection carrier's otherwise authorized regular route operations, serving no intermediate points: From St. Louis, Mo. over U.S. Highway 66 (also over U.S. Interstate Highway 44 to junction of U.S. Highway 40, thence over U.S. Interstate Highway 40) to Amarillo, Tex., and return over the same route, alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., Dallas, Tex., or Washington, D.C.

No. MC 61231 (Sub-No. 86), filed October 3, 1975. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except in bulk), from the plantsite and warehouse facilities of North Star Steel Company at Newport, Minn., to points in Arizona, Arkansas, Colorado, Kentucky, Michigan, Montana, Ohio, Oklahoma, New Mexico, Texas, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 61440 (Sub-No. 152), filed October 16, 1975. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, P.O. Box 82488, Exchange Branch, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and storage facilities of Continental Carbon Co. located at or near Sheerin, Tex., as an off-route point in connection with carrier's otherwise authorized regular operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Washington, D.C.

No. MC 61592 (Sub-No. 373), filed October 14, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. No. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses, set up*, (1) from Clay Center and Belleville, Kans., to points in Adams, Boone, Buffalo, Butler, Cass, Clay, Colfax, Custer, Dawson Dodge, Douglas, Fillmore, Franklin, Frontier, Furnes, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Lancaster, Lincoln, Logan, McPherson, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Thayer, Valley, Washington, Webster, and York Counties, Nebr.; and (2) from Harper, Kans., to points in Alfalfa, Beaver, Cimarron, Ellis, Garfield, Grant, Harper, Kay, Major, Noble, Osage, Pawnee, Texas, Tulsa, Washington, Woods, and Woodward Counties, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 61592 (Sub-No. 375), filed October 14, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 46206. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements and attachments* for agricultural machinery and implements; (2) *such merchandise* as is dealt in by lawn and garden stores (except chemicals and commodities in bulk); and (3) *parts* for the items named in (1) and (2) above when moving in mixed shipments with items named in (1) and (2) above, from Memphis, Tenn., to points in the United States (except Alaska Hawaii, Maine, Massachusetts, Vermont, Connecticut, New Hampshire, New York, Rhode Island, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia), restricted to the transportation of traffic originating at the facilities used by International Harvester Company at Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 71902 (Sub-No. 83), filed October 15, 1975. Applicant: UNITED TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, Okla. 73118. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles*, in initial movements, in truckaway service, from the plantsite or facilities of the Chrysler Corporation at or near Belvidere, Ill., to points in Kansas and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 73587 (Sub-No. 141), filed October 16, 1975. Applicant: ELLIOTT BROTHERS TRUCKING COMPANY, INC., P.O. Box 719, Easton, Md. 21601. Applicant's representative: William J. Little, Suite 1110, Ten East Baltimore Street, Baltimore, Md. 21202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, other than small arms ammunition, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Serving the plantsite of London Fog Division, Londontown Corporation at or near Eldersburg, Md., as an off-route point in connection with applicant's present regular route operations between Alexandria, Va., and Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 74321 (Sub-No. 115), filed October 17, 1975. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of National Pipe & Tube Company located in Liberty County, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the production and distribution of iron and steel articles, from points in the United States (except Alaska and Hawaii), to the plantsite of National Pipe & Tube Company in Liberty County, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex. or Denver, Colo.

No. MC 75320 (Sub-No. 183), filed October 15, 1975. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Serving the junction of U.S. Highway 60 and Oklahoma Highway 51 at or near Wagoner, Okla. for purposes of joinder only; and (2) Serving the junction of Arkansas Highway 244 and Arkansas Highway 59 located approximately 3 miles north of Evansville, Ark. for purposes of joinder only.

NOTE.—If a hearing is deemed necessary, applicant request it be held at Jackson, Miss.

No. MC 82492 (Sub-No. 126), filed October 16, 1975. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Plainwell, Mich., to points in Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 83539 (Sub-No. 421), filed October 14, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials and roofing supplies*, between Los Angeles, Calif., on the one hand, and, on the other, points in Arizona, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 87909 (Sub-No. 21), filed October 20, 1975. Applicant: ARROW MOTOR FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Marshalltown, Iowa and junction Iowa Highways 14 and 175 and Eldora, Iowa: From Marshalltown, Iowa over Iowa Highway 14 to junction Iowa Highway 175, thence over Iowa Highway 175 to Eldora, Iowa and return over the same route serving Marshalltown, Iowa in conjunction with carriers existing authorized operations and serving no intermediate points, restricted to the transportation of shipments interlined with Takin Bros. Freight Line, Inc. which have originated at or are destined to points outside Iowa and to shipments originating in Marshalltown, Iowa destined to points outside Iowa presently served by carrier, in direct or interline service.

NOTE.—The purpose of this application is to allow carrier to interchange and originate shipments at Marshalltown, Iowa now exchanged with Takin Bros. Freight Line, Inc. at other points on its authorized regular routes. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 92068 (Sub-No. 14), filed October 8, 1975. Applicant: MUTUAL TRANSPORTATION, INCORPORATED, President and Fleet Streets, Baltimore, Md. 21202. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by chain and department stores: (1) from the facilities of Mutual Transportation, Inc. located at Washington, D.C., to the store and facilities of the K Mart Store of S. S. Kresge Company located at the intersection of U.S. Highway 301 and Maryland Highway 424 near Crofton, Md.; and (2) from the facilities of Mutual Transportation, Inc. located at Baltimore, Md., to the store and facilities of the K Mart Store of S. S. Kresge Company located at the intersection of Maryland Highway 2 (Governor Ritchie Highway) and Jumpers Hole Road in Anne Arundel County, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92550 (Sub-No. 8), filed October 6, 1975. Applicant: J. G. STROCK, doing business as, SAFEWAY MOTOR FREIGHT COMPANY, 846 Willard, N.E., Warren, Ohio 44483. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 930, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel rods*, from Cleveland, Ohio and Youngstown, Ohio, to New Brighton, Pa., under a continuing contract or contracts with Brainard Rivet Company, Girard, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Youngstown or Columbus, Ohio.

No. MC 94430 (Sub-No. 37), filed Oct. 16, 1975. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. 46771. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Louisville, Ky.

No. MC 95540 (Sub-No. 935), filed Oct. 14, 1975. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Fulton County, Ga., to points in Denver County, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 100666 (Sub-No. 309), filed October 20, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th, 280 National Foundation Life Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant and warehouse facilities of Nucor Steel at or near Jewett,

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Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 104430 (Sub-No. 44), filed October 6, 1975. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Highway 24 West, McComb, Miss. 39648. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed, liquid feed supplements, and molasses*, in bulk, in tank vehicles, from points in Pike County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La. or Jackson, Miss.

No. MC 107002 (Sub-No. 475), filed October 15, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway West), Jackson, Miss. 39205. Applicant's representatives: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204 and H. D. Miller, Jr., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products*, in bulk, from the plantsite and warehouse facilities of Cargill, Incorporated at or near Memphis, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107162 (Sub-No. 41), filed October 17, 1975. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route No. 1, Brimley, Mich. 49716. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Palletized bin boxes and pallets*, from Hermansville and Menominee, Mich., to points in Wisconsin, Ohio, Indiana, Illinois, Iowa, Minnesota, North Dakota, and South Dakota; (2) *malt beverages*, from points in Houston County, Ga., to points in the Upper Peninsula of Michigan and Aurora, Green Bay, Hurley, and Marinette, Wis.; and (3) *salt* (except in bulk), from Detroit, Mich., to ports of entry on the International Boundary line between the United States and Canada at or near Sault Ste. Marie, Mich.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Green Bay, Wis. or Sault Ste. Marie, Mich.

No. MC 107227 (Sub-No. 132), filed October 10, 1975. Applicant: INSURED TRANSPORTERS, INC., 45055 Fremont Boulevard, P.O. Box 1807, Fremont, Calif. 94538. Applicant's representative: John G. Lyons, 1418 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors, and truck chassis*, in initial movements, in drive-away service, from the plantsite of the Peterbilt Motors Company located at or near Newark (Alameda County), Calif., to points in Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 107295 (Sub-No. 782), filed October 8, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 68142. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* manufactured, shipped or received by Boise Cascade Corporation, its subsidiaries and affiliates, (except commodities in bulk), between points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at and destined to, the plantsites, warehouses and distribution facilities of Boise Cascade Corporation, its subsidiaries, and affiliates.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Washington, D.C.

No. MC 107295 (Sub-No. 783), filed October 14, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections, (2) *building sections, and building panels*, (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above, and (4) *metal prefabricated structural components and panels and accessories* used in the installation and completion thereof, from Houston, Tex., to points in Arizona, Alabama, Florida, Georgia, Kansas, Louisiana, Missouri, Minnesota, Mississippi, Nebraska, North Dakota, South Dakota, Oklahoma, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex. or Washington, D.C.

No. MC 107839 (Sub-No. 164), filed October 6, 1975. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: Jerald D. Watters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Golden, Colo., to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 110525 (Sub-No. 1134), filed October 14, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, in bulk*, in tank vehicles, from the plantsite of Georgia Pacific Corporation located at or near Plaquemine, La., to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 111729 (Sub-No. 578), filed October 9, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blood*, and *blood components, derivatives and supplies*, from Wilkes Barre, Pa., to East Orange, Elizabeth, Summit, and Trenton, N.J.; Buffalo and Port Jervis, N.Y.; Cleveland, Ohio; and points in Passaic County, N.J.; (2) *Business papers, records*, and *audit and accounting media* of all kinds, from Birmingham, Ala., to points in Ohio; (3) *urine samples*, from points in Ohio, to Birmingham, Ala.; (4) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies*, and *advertising materials* (except motion picture film used primarily for commercial theatre and television exhibition), between Parkersburg, W. Va., on the one hand, and, on the other, points in Ohio and Kentucky; and (5) *Ophthalmic goods*, and *related business papers and documents*, between Minneapolis, Minn. and Rock Island, Ill.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112304 (Sub-No. 103), filed October 15, 1975. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes*, and *parts, attachments and accessories* therefor, between the plantsites and facilities of the FMC Corporation located at or near Bowling Green, Ky., on the one hand, and, on the other, points in the United States located in and east of Minnesota, Iowa, Missouri, Oklahoma and Texas; and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), from points in the United States located in and east of Minnesota, Iowa, Missouri, Oklahoma, and Texas, to the plantsites and facilities of the FMC Corporation located at or near Bowling Green, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Louisville, Ky.

No. MC 112617 (Sub-No. 335), filed September 29, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the plantsite of Cargill, Inc. (Exxon Asphalt Terminal) near Louisville, Ky. to points in Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 112822 (Sub-No. 389), filed October 16, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese food*, and *cheese spreads*, from Monetts, Mo., to points in Indiana, Ohio, Pennsylvania, and West Virginia; and *refused and rejected shipments* of the above described commodities, on return, restricted to the transportation of traffic originating at the plantsite and storage facilities of L. D. Schreiber Cheese Co., Inc. at Monett, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 113267 (Sub-No. 324), filed October 16, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk in tank vehicles), from Mobile, Ala., to points in Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Missouri, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile, Ala. or Washington, D.C.

No. MC 113434 (Sub-No. 64), filed October 17, 1975. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsites and warehouses facilities of Jeno's, Inc., at or near Sodus, Mich., to points in Illinois, Indiana, Kentucky, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114334 (Sub-No. 33), filed September 17, 1975. Applicant: BUILDERS TRANSPORTATION COMPANY, a Corporation, 3710 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising matters, catalogs or catalog sections, newsprint, paper printing, books and book pages*, not cut to page size, *steel and paper cores, printed matter, magazines, periodicals and raw paper stock*, from Jonesboro, Ark. and Senatobia, Miss., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its intersection with the western boundary of Itasca County, Minn., thence northwardly along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, and points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114608 (Sub-No. 28), filed October 8, 1975. Applicant: CAPITAL EXPRESS, INC., 5635 Clay, Grand Rapids, Mich. 49508. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, and parts therefor*, when moving in the same vehicle, from Columbus and Mansfield, Ohio, to Wyoming, Mich., under contract with Kelvinator, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich., or Chicago, Ill.

No. MC 115651 (Sub-No. 26), filed September 8, 1975. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, Ill. 61102. Applicant's representative: Robert D. Higgins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of, and warehouse facilities of Economics Laboratory, Inc., at or near Joliet, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Des Moines, Iowa.

No. MC 115654 (Sub-No. 44), filed October 14, 1975. Applicant: TENNESSEE CARTAGE COMPANY, INC., Candy Lane, P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipment with mechanical refrigeration, from the warehouse and storage of The Nestle Co., Inc. located at or near Memphis, Tenn., to points in Alabama, Arkansas, Louisiana, Mississippi, and points in Missouri on and south of U.S. Highway 62.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville or Memphis, Tenn.

No. MC 116048 (Sub-No. 23), filed October 10, 1975. Applicant: JAMES ELWOOD QUINN, INC., P.O. Box 236, Beulaville, N.C. 28518. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs and food products*, from Portland, Maine and points in Aroostock County, Maine, to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Louisiana, Mississippi, Alabama, Tennessee and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine, Boston, Mass., or New York, N.Y.

No. MC 116544 (Sub-No. 157), filed October 17, 1975. Applicant: ALTRUK FREIGHT SYSTEMS INC., 2619 "N" Street, P.O. Box 7364, South Omaha, Nebr. 68107. Applicant's representative: Roland Rice, Suite 618, Perpetual Bldg., 1111 E St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, cheese food, and cheese spreads*, from Monett, Mo., to points in Ohio, Indiana, North Carolina, Tennessee, New York, New Jersey, Pennsylvania, Maryland, Virginia, West Virginia, Kentucky, Connecticut, Massachusetts, Rhode Island and the District of Columbia; and (2) *returned, refused and rejected shipments of cheese, cheese food, and cheese spreads*, from the destination states in (1) above, to Monett, Mo., restricted in (1) above to traffic originating at the plantsite or storage facilities of the L. D. Schreiber Cheese Co., Inc., at Monett, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 118142 (Sub-No. 104), filed October 14, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry dog food* (except in bulk), from the plantsites and warehouses of Sunshine Feed Mills, Incorporated at Red Bay, Ala. and Tupelo, Miss., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Louisiana, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita or Kansas City, Kans.

No. MC 118159 (Sub-No. 164), filed October 16, 1975. Applicant: NATIONAL

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REFRIGERATED TRANSPORT, INC., P.O. Box 51366—Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, cheese foods, and cheese spreads*, from Monett, Mo., to points in Ohio, Indiana, North Carolina, South Carolina, Tennessee, New York, New Jersey, Pennsylvania, Maryland, West Virginia, Virginia, Kentucky, Florida, Georgia, Alabama, Rhode Island, Connecticut, Massachusetts, and the District of Columbia, restricted to traffic originating at the plantsite or storage facilities of L. D. Schreiber Cheese Company, Inc., at Monett, Mo. and (2) *return of refused or rejected shipments*, from the destination states named in (1) above, to Monett, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119229 (Sub-No. 5), filed October 17, 1975. Applicant: ORLANDO TRUCKING, INC., P.O. Box 132, Old Glory Road, R.D. # 3, Lebanon, N.J. 08833. Applicant's representative: Bert Collins, Suite 6193—5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel cabinets*, crated and uncrated, from Richmond, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Connecticut, Delaware, Maryland, West Virginia, the District of Columbia, North Carolina, South Carolina, Georgia and Florida, under a continuing contract or contracts with Richmond Stancraft Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at New York, N.Y.

No. MC 119641 (Sub-No. 132), filed October 14, 1975. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278—Colee Station, Ft. Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, North Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconisin and the District of Columbia, to Bettendorf and Davenport, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 332), filed October 20, 1975. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425–13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and warehouse facilities of Jeno's, Inc. at or near Sodus, Mich., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119988 (Sub-No. 85), filed October 14, 1975. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials, equipment and supplies* utilized in the manufacture thereof, between the plantsites and storage facilities of International Paper Co. at or near Bastrop, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 119988 (Sub-No. 86), filed October 17, 1975. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Humus, peat moss, seeds, and nursery and horticultural stock, equipment and supplies*, in mixed loads (except in bulk), between Columbus, Ohio, on the one hand, and, on the other, points in Texas, Oklahoma, Arkansas and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 120737 (Sub-No. 32), filed October 14, 1975. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39—R.R. #5, Canton, Ill. 61520. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements and attachments* for agricultural machinery and implements; (2) *such merchandise* as is dealt in by lawn and garden stores (except chemicals and commodities in bulk); and (3) *parts* for the items named in (1) and (2) above when moving in mixed shipments with items named (1) and (2) above, from Memphis, Tenn., to points in the United States (except Alaska, Hawaii, Maine, Massachusetts, Vermont, Connecticut, New Hampshire, New York, Rhode Island, New Jersey, Delaware, Maryland, Virginia and the District of Columbia) restricted to the transportation of traffic originating at the facilities used by International Harvester Company at Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 121060 (Sub-No. 40), filed October 17, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing materials*; (2) *materials and supplies* used in the distribution or installation of the commodities described in (1) above (except in bulk), from the facilities of Flintkote Company at or near Peachtree City, Ga., to points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, Kentucky, Arkansas, West Virginia, Georgia and the District of Columbia; and (3) *materials, equipment and supplies* used in the manufacture or distribution of roofing and roofing materials (except in bulk), from points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, Kentucky, Arkansas, West Virginia, Georgia, and the District of Columbia, to the facilities of Flintkote Company at or near Peachtree City, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 665), filed October 10, 1975. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in bulk, from Tuscaloosa, Ala., to Laurel, Miss., (2) *cinders*, in bulk, from Kaukauna, Wis., to West Chicago, Ill., and (3) (a) *corn products*, dry, in bulk, from Danville, Ill., to points in the United States (except Alabama, Alaska, Florida, Georgia, Hawaii, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee and Wisconsin) and (b) *soybean products*, dry, in bulk, from Danville, Ill., to points in the United States (except Alaska, Hawaii, Indiana, Michigan, Ohio, and Wisconsin), restricted against the transportation of animal and poultry feed and animal and poultry feed ingredients.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub-No. 68, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125091 (Sub-No. 5), filed October 16, 1975. Applicant: BOEHMER TRANSPORTATION CORP., a corporation, Mill and Union Streets, Machias, N.Y. 14101. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in dump vehicles, (1) from Freedom and Yorkshire (Cattaraugus County), New York, to points in Erie, Crawford, Venango, Clarion, Jefferson, Clearfield, Lycoming, Warren, Cameron, Forest, Elk, Clinton, Potter and Tioga Counties, Pa. (except points in Warren, Cameron, Forest, Elk, Clinton, Potter and Tioga Counties, Pa. within 50 miles of Olean, N.Y.); and (2) from the plant site of Buffalo Slag Co., Inc. located at or near Alfred Station (Allegany County), N.Y., to points in Clearfield, Jefferson, Clarion, Lycoming, Warren, Cameron, Forest, Elk, Clinton, Potter and Tioga Counties, Pa. (except points in Warren, Cameron, Forest, Elk, Clinton, Potter and Tioga Counties, Pa. within 50 miles of Olean, N.Y.).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 126118 (Sub-No. 16), filed October 14, 1975. Applicant: GEORGE M. HILL, doing business as, HILL TRUCKING COMPANY, 928 West Main, Johnson City, Tenn. 37601. Applicant's representative: George M. Hill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related commodities including advertising*, from Detroit, Mich., to Appalachia and Bristol, Va., Johnson City, Tenn. and points in South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Johnson City, Tenn.

No. MC 126276 (Sub-No. 140), filed October 14, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from the plant and warehouse sites of American Can Company located at Washington, N.J., to points in the United States (except Alaska and Hawaii), under contract with American Can Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127283 (Sub-No. 10), filed October 14, 1975. Applicant: SILICA SAND TRANSPORT, INC., Box 212, Routes 47 & 71, Yorkville, Ill. 60560. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and foundry aggregates*, from points in the United States (except Alaska and Hawaii), to points in Indiana, Illinois, Wisconsin, Iowa and Michigan, under a continuing contract or contracts with Harold G. Bos d.b.a. Bos Sand Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127832 (Sub-No. 13), filed Oct. 3, 1975. Applicant: C & S TRANSFER CO., INC., P.O. Box 5249, Macon, Ga. 31208. Applicant's representative: William Addams, Ste 212—5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, supplies and equipment* used in the operation of cafeterias and restaurants, between the storage facilities of State Wholesale Foods, Inc., at or near Macon, Ga., High Point and North Wilkesboro, N.C., under a continuing contract or contracts with State Wholesale Food, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 128273 (Sub-No. 206), filed October 17, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising materials* when moving with malt beverages, from the plantsite and storage facilities of Miller Brewing Company at Fort Worth, Tex., to points in Louisiana; and (2) *materials, supplies and equipment* used in manufacture, sale and distribution of malt beverages, including empty malt beverage containers, from points in Louisana, to the plantsite and storage facilities of Miller Brewing Company at Fort Worth, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128294 (Sub-No. 11), filed October 14, 1975. Applicant: NITEHAWK EXPRESS, INC., 2334 University Avenue, St. Paul, Minn. 55101. Applicant's representative: Joseph J. Dudley, W–1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), *materials, equipment and supplies* used by canning factories and frozen food plants (except in bulk), between the plantsites and storage facilities of Green Giant Company and its wholly owned subsidiaries, located in Minnesota, Wisconsin, Illinois, Texas, Pennsylvania, Delaware, Maryland, Ohio, Michigan, Georgia, Florida, New Jersey, Indiana and Kansas, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Iowa, Delaware, New York, Connecticut, New Hampshire, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Minnesota, Michigan, Indiana, Maryland, Pennsylvania, Rhode Island, Vermont, Virginia, North Carolina, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, New Jersey, Massachusetts, Maine, South Carolina and Ohio, restricted to shipments originating or terminating at the plantsites and storage facilities of the Green Giant Company and its wholly owned subsidiaries in the above mentioned states, and further restricted to service to be performed under a continuing contract or contracts with Green Giant Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 128988 (Sub-No. 70), filed October 14, 1975. Applicant: JO/KEL, INC., 159 South Seventh Street, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lamps and parts for lamps*, from the facilities of Westinghouse Electric Corporation at or near Fairmont, W. Va., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minnesota, thence northward along the western boundaries of Itasca and Koochiching Counties, Minnesota to the International Boundary line between the United States and Canada (except Arizona, California, Nevada, Oregon, Washington and Utah), restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, and further restricted to a transportation to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or Los Angeles, Calif.

No. MC 128988 (Sub-No. 71), filed October 14, 1975. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformers*, from the facilities of Westinghouse Electric Corporation located at or near Athens, Ga., to points in California, Oregon, Washington, Idaho, Nevada, Arizona, Utah and Montana, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment and commodities in bulk and further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa., or Los Angeles, Calif.

No. MC 133119 (Sub-No. 77), filed October 14, 1975. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 So. 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Pauls Valley, Okla., to points in the United States

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(except Oklahoma, Alaska and Hawaii), restricted to traffic originating at Pauls Valley, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Oklahoma City, Okla.

No. MC 133655 (Sub-No. 86), filed October 14, 1975. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products, and paper and paper products* (except commodities in bulk) and *materials and supplies* used in the manufacture or distribution of cellulose materials and products, and paper and paper products, between Oppelo, Ark. and Fort Worth, Tex., on the one hand, and, on the other, points in New Mexico and Colorado.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133671 (Sub-No. 3), filed October 8, 1975. Applicant: MILLER BROS. CO., INC., Box 1, Hyrum, Utah 84319. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, in temperature controlled vehicles, from the plantsite of Gossner Cheese Company located at or near Logan, Utah, to points in California, under a continuing contract or contracts with Gossner Cheese Company.

NOTE.—Applicant holds common carrier authority in MC 117669 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it to be held at Salt Lake City, Utah.

No. MC 134477 (Sub-No. 94), filed October 16, 1975. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and warehouse facilities of Jeno's Inc., at or near Sodus, Mich., to points in Arkansas, Connecticut, Delaware, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held at Minneapolis, Minn.

No. MC 134755 (Sub No. 57), filed October 15, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax products*, (except in bulk), from Buffalo, N.Y., to points in Arkansas, Oklahoma, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 138398 Sub-No. 5, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y., or Kansas City, Mo.

No. MC 135078 (Sub-No. 8), filed October 8, 1975. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Window shade rollers, slats, window shades and window shade materials*, from Ogdensburg, N.Y., to Chicago, Ill.

NOTE.—Applicant holds contract carrier authority in MC 135007 Sub No. 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Chicago, Ill.

No. MC 136208 (Sub-No. 4), filed October 20, 1975. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 17007, 712 North Columbia Blvd., Portland, Oreg. 97215. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Styrofoam, iron, steel, and aluminum in bars, sheets, plates, tubing, pipe, extrusions, beams and fence posts*, from points in Los Angeles County, Calif. and the San Francisco Bay area, Calif., on the one hand, and, on the other, points in Washington and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 136220 (Sub-No. 25), filed October 8, 1975. Applicant: ROY SULLIVAN, doing business as, SULLIVAN TRUCKING COMPANY, 1705 NE. Woodland, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coal by-products*, from points in Oklahoma, to points in Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 138125 (Sub-No. 1) filed October 10, 1975. Applicant: M.A.P. TRANSPORTATION, INC., 15012 Midway City, Calif. 92655. Applicant's representative: Donald Murchinson, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plate glass, window glass, and rolled glass*, between San Francisco, Oakland, Sacramento, Stockton, Los Angeles, and Long Beach, Calif., on the one hand, and, on the other, points in California, restricted to traffic having a prior or subsequent movement by rail or water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 138144 (Sub-No. 7), filed October 7, 1975. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, Wis. 53213. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are manufactured or distributed by manufacturers of (1) *buildings*, complete, knocked down, or in sections; (2) *building sections and panels;* (3) *component parts, materials and supplies*, for (1) and (2); and (4) *parts, accessories and equipment*, used in the installation of (1), (2) and (3) (except commodities in bulk), from West Milwaukee and Milwaukee, Wis., to points in the United States including Alaska and Hawaii, restricted to a transportation service to be performed under a continuing contract or contracts with INRYCO, a subsidiary of Inland Steel Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 138299 (Sub-No. 8) (Correction), filed September 24, 1975, published in the FEDERAL REGISTER issue of October 23, 1975 and republished as corrected this issue. Applicant: TRAILS TRUCKING, INC., 719 Union Street, Montebello, Calif. 90640. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglas materials and fiberglas products, fibrous glass; mineral wool products, fibrous glass textile materials, fibrous glass textile products and roofing materials*, from Santa Clara, Calif., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and El Paso, Tex., under a continuing contract or contracts with Owens-Corning Fiberglas Corporation.

NOTE.—The purpose of this republication is to indicate that applicant seeks contract carriage in lieu of common carriage as previously published. Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138398 (Sub-No. 15), filed October 10, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tile*, from Cleveland, Miss., to points in

Alabama, Texas, California, Florida, Georgia, Illinois, Maryland, Oklahoma, Minnesota, Missouri, Kansas, North Carolina, South Carolina, Pennsylvania, Tennessee, Utah, District of Columbia, Washington, New Mexico, and Oregon; (2) *materials, and supplies*, (except in bulk) used in the manufacture of tile, from points in North Carolina, South Carolina, Illinois, Oklahoma, Tennessee, Alabama, Florida, Texas, Georgia, Maryland, and Pennsylvania to Cleveland, Miss. and (3) *tile* from Morrisville, Pa., to Cleveland, Miss., (1), (2), and (3) under a continuing contract or contracts with Robertson American of Mississippi.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. of Jackson, Miss.

No. MC 138941 (Sub-No. 8), filed October 16, 1975. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), (1) from Springfield, Ill., to points in Texas, New Mexico, Arizona, California, Oregon, Washington, New Jersey and Georgia and (2) from points in Wayne, Ontario and Monroe County, N.Y., to Springfield, Ill., under contract with Mobil Chemical Company, Plastics Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139302 (Sub-No. 4), filed October 8, 1975. Applicant: KREUGER TRUCKING CO., INC., 1580 William St., Buffalo, N.Y. 14240. Applicant's representative: S. Michael Richards, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete floor/roof slabs and allied products*, from ports of entry on the International Boundary line between the United States and Canada located at Niagara Falls and Buffalo, N.Y., to points in New York State, on and west of Interstate Route 81.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo or Rochester, N.Y.

No. MC 139495 (Sub-No. 101), filed October 14, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cartons and boxes*, from the facilities of Mead Packaging, Division of Mead Corporation, located at or near Atlanta, Ga., to points in Tennessee, Mississippi, Kentucky, Arkansas, Missouri, Illinois, Oklahoma, Louisiana, Texas, Kansas, and Colorado.

NOTE.—Applicant holds motor contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139837 (Sub-No. 4), filed Oct. 14, 1975. Applicant: K & I DISTRIBUTORS, INC., P.O. Box 29, New Haven, Ind. 46774. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by chain stores and mail-order department stores*, (1) from Columbus, Ohio, to points in Ohio on and south of a line beginning at the point where the Indiana-Ohio state boundary line extends easterly along U.S. Highway 30 to its junction with U.S. Highway 30–N, thence along U.S. Highway 30–N to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia state boundary line; and points in that part of Kentucky on and east of Interstate Highway 75; and (2) from Louisville, Ky., to points in that part of Ohio on and south of Interstate Highway 70, restricted to a transportation service to be performed under a continuing contract or contracts with Amway Corporation, at Ada, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 140484 (Sub-No. 13), filed October 17, 1975. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Clayton Geer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated shipping containers*, from Hialeah, Fla., to points in the United States in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota.

NOTE.—Applicant holds contract carrier authority in MC 134433 Sub, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Toledo, Ohio or Washington, D.C.

No. MC 140484 (Sub-No. 14), filed October 16, 1975. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Clayton Geer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macrame', wrought iron stands, glassware, and pottery*, from San Diego County, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 134443 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz. or Washington, D.C.

No. MC 140981 (Sub-No. 2), filed October 15, 1975. Applicant: LESTER E. WRIGHT, doing business as, WRIGHT TRUCKING, P.O. Box 13, Correctionville, Iowa 51016. Applicant's representative: E. A. Hutchison, 414 Security Bank Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salvaged compressed car bodies, and salvaged scrap copper, brass and aluminum*, from Sioux City, Iowa, to grinding plants and smelting plants, at St. Louis, Mo.; Beloit and Milwaukee, Wis.; Chicago, Ill., and Kansas City, Kans., under contract with Sioux City Compressed Steel Co., at Sioux City, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 141000 (Sub-No. 2), filed October 14, 1975. Applicant: ROADRUNNER ENTERPRISES, a corporation, P.O. Box 26748, 415 Rankin Road, NE., Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing products, supplies and equipment*, from Lubbock, Tex., to points in Arizona, Colorado and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Albuquerque, N. Mex., or Phoenix, Ariz.

No. MC 141254 (Sub-No. 2), filed October 14, 1975. Applicant: R. WALKER TRUCKING, INC., 1409 East 19th, The Dalles, Oreg. 97058. Applicant's representative: Douglas A. Wilson, 303 East "D" Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic expanded foam, cellular, nested trays and cartons*, from Yakima, Wash.; Fresno, Calif.; Melbourne, Ark., and Landover, Mo., to points in Washington, Oregon, California Idaho, Nevada, Montana, Wyoming, Colorado, New Mexico, Kansas, Arkansas, and Maryland.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg. or Seattle, Wash.

No. MC 141225 (Sub-No. 1), filed October 7, 1975. Applicant: BURNS TRANSFER, INC., 2538 North Washington Street, Kokomo, Ind. 46901. Applicant's representative: Edward P. Dechert, 300 North Main Street, Box 269, Kokomo, Ind. 46901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Indiana, restricted to the transportation of shipments having a prior or subsequent movement in containers, and further restricted to the performance of pick-up and delivery service in conjunction with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis or Fort Wayne, Ind.

No. MC 141259, filed August 12, 1975. Applicant: GARY L. McCALLISTER, doing business as, M–C TRANSPORTATION, Box 1911, Rock Springs, Wyo.

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82901. Applicant's representative: Gary L. McCallister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite, lime (hydrated) and bentonite (common ground clay)*, in bulk and in sacks, from Battle Mountain, (Lander County), Nev. and Salt Lake City, (Salt Lake County), Utah, to Rock Springs, (Sweetwater County), Wyo. and Casper. (Natrona County), Wyo.; (2) *sand*, in bulk and in sacks, from Houch, (Apache County), Ariz., to Rock Springs, (Sweetwater County), Wyo. and Houch, (Apache County), Ariz., to Vernal, (Dagget County), Utah; and (3) *cement*, in bulk and in sacks, from Devil's Slide, (Morgan County), Utah, to Rock Springs, (Sweetwater County), Wyo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Rock Springs or Casper, Wyo.

No. MC 141318 (Sub-No. 1), filed September 11, 1975. Applicant: PERNSTEINER TRUCKING, INC., Route #2, Medford, Wis. 54451. Applicant's representative: Harold Pernsteiner (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors, sashes, window units, screens, frames and window blinds*, from Medford, Wis., to points in North Dakota, South Dakota, Montana, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Michigan, Nebraska, Pennsylvania, West Virginia, Iowa and Tennessee; and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in North Dakota, South Dakota, Montana, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Michigan, Nebraska, Pennsylvania, West Virginia, Iowa and Tennessee, to Medford, Wis., under a continuing contract or contracts with Weather Shield Mfg., Inc.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 141357 (Sub-No. 2), filed October 17, 1975. Applicant: SHANUS, INC., 232 N. 1st Street, Minneapolis, Minn. 55401. Applicant's representative: Michael J. Priestley, 100 W. Franklin Avenue, Minneapolis, Minn. 55404. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fleshings* (a by-product or residue of hides) from Minneapolis/St. Paul, Minn. and commercial zone, to Sioux City, Iowa and Green Bay, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 141397, filed October 8, 1975. Applicant: VINCENT T. CONTE, 643 Harold Street, Mamaroneck, N.Y. 10543. Applicant's representative: Roger H. Sirlin, 211 Mamaroneck Avenue, Mamaroneck, N.Y. 10543. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, between points in Westchester and Bronx Counties, N.Y., and points in Fairfield County, Conn., under a continuing contract or contracts with TM's of Stamford, Inc., Roevins of Yonkers, Inc., Roevins of of Larchmont, Inc., and Roevins of Riverdale, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mamaroneck, N.Y.

No. MC 141398, filed October 9, 1975. Applicant: J & W MOVING & STORAGE CO., INC., 541 Craft Highway, P.O. Box 2400, Mobile, Ala. 36601. Applicant's representative: Robert G. Gleason, 15 South Grady Way, Evergreen Bldg., #217, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods:* (1) Between Gulfport, Miss., on the one hand, and, on the other, points in Harrison, Jackson, Hancock, Pearl River, Stone, George, Greene, Wayne, Jones, Perry, Forrest, Covington, Lamar, Marion, Jefferson Davis, Walthall, Lawrence, Pike and Lincoln Counties, Miss.; (2) Between Mobile, Ala., on the one hand, and, on the other, points in Baldwin, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington Counties, Ala.; and (3) Between Mobile, Ala., on the one hand, and, on the other, points in Gulfport, Miss., restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 141400, filed October 2, 1975. Applicant: FRANK'S TOWING, INC., 953 Central Street, Lowell, Mass. 01852. Applicant's representative: Joseph P. Donahue, Jr., 21 George Street, Lowell, Mass. 01852. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles*, between points in Massachusetts, New York, New Jersey, Maine, New Hampshire, Vermont, Rhode Island, and Connecticut.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141410 (Sub-No. 1), filed October 7, 1975. Applicant: KAZERY'S BLACK ANGUS MEATS AND GROCERIES TRUCKING CO., a corporation, P.O. Box 8780, Jackson, Miss. 39204. Applicant's representative: Morton E. Kiel, Suite 6193–5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay and clay products*, from Jackson, Miss., to points in California; and (2) *catalyst*, from Los Angeles, Calif., to Jackson, Miss., under contract with Filtrol Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 141418, filed October 8, 1975. Applicant: PAUL SAVAGE, doing business as, PAUL SAVAGE TRUCKING, 152 Crystal St., North Arlington, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal finishing compounds* (except in bulk), from Kearney, N.J., to points in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Delaware, Maryland, Ohio, Indiana, Illinois, Michigan, Virginia, North Carolina, South Carolina, Georgia and West Virginia and (2) *materials, equipment and supplies* used or useful in the manufacture or sale of the above commodities (except commodities in bulk), from the destination states in (1) above, to Kearny, N.J., under a continuing contractor contracts with Frederick Gumm Chemical Co., Inc., Kearny, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 141419, filed October 14, 1975. Applicant: S & M MATERIALS COMPANY, a corporation, P.O. Box 218, Lumpkin, Ga. 31815. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dirt, gravel, sand and crushed stone*, in bulk, in dump vehicles, from points in Russell County, Ala., to points in Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

PASSENGER APPLICATIONS

No. MC 129969 (Sub-No. 3), filed October 10, 1975. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. 07801. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between the Port Authority Bus Terminal, at New York, N.Y., and the plantsite of Nabisco, Inc., at East Hanover, N.J., under a contract or continuing contracts with Nabisco, Inc.

NOTE.—Applicant holds common carrier authority in MC 109802 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 141104 (Sub-No. 1), filed October 8, 1975. Applicant: MARTIN'S COACHES LIMITED, a corporation, 1050 9th Avenue, West, Box 534, Owen Sound, Ontario, Canada N4K 1L5. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, from ports of entry on the International Boundary line between the United States and Canada, to points in the United States including Alaska but excluding Hawaii, and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 141294 (Sub-No. 1), filed September 18, 1975. Applicant: GETTYSBURG TOURS, INC., 302 York Street, Gettysburg, Pa. 17325. Applicant's representative: James D. Campbell, Jr., Six North Third Street, Bergner, Bldg., P.O. Box 840, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in the Borough of Gettysburg, Pa., and Highland, Liberty, Freedom, Mount Joy, Mount Pleasant, Hamiltonban, Cumberland, Franklin and Straban Township (Adams County), Pa., and extending to points in Frederick County, Md. bounded and described as follows: Beginning at a point on the Maryland-Pennsylvania State Boundary line and extending southwesterly along Friends Creek Road to intersection Harbaugh Road, thence southeasterly along Harbaugh Road to intersection Eyler Valley Road, thence southwesterly along Eyler Valley Road to intersection Little Owens Creek, thence southeasterly along Little Owens Creek to intersection Old Limeklin Road, thence northeasterly along Old Limeklin Road to intersection Orndorff Road, thence southeasterly along Ordnorff Road to intersection Old Frederick Road, thence southerly along Old Frederick Road to intersection Mumma Ford Road at Maryland Highway 76, thence along Mumma Ford Road to intersection the Monocacy River, thence northeasterly along the Monocacy River to intersection the Maryland-Pennsylvania State Boundary line, and thence westerly along said boundary line to the point of beginning.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg or Gettysburg, Pa. or Washington, D.C.

BROKER APPLICATION

No. MC 130344, filed September 30, 1975. Applicant: SUNNY TRAVEL CENTER, 207 First Avenue, Rock Falls, Ill. 61071. Applicant's representative: Sondra Decker (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Rock Falls, Ill., to sell or offer to sell the transportation of *Individual passengers and groups of passengers*, in charter operations, on tours, by motor carriers, beginning and ending at Rock Falls, Ill., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rock Falls, Sterling, Dixon, Rock Island, or Rockford, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29762 Filed 11-5-75;8:45 am]

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federal register

THURSDAY, NOVEMBER 6, 1975

PART II:

ENVIRONMENTAL PROTECTION AGENCY

ORE MINING AND DRESSING POINT SOURCE CATEGORY

Interim Effluent Limitations and Guidelines, and Proposed Pretreatment Standards

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[450-2]

PART 440—ORE MINING AND DRESSING POINT SOURCE CATEGORY

Interim Final Rules

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The regulation set forth below establishes Part 440—ore mining and dressing point source category and will be applicable to existing sources for the iron or subcategory (Subpart A), the base and precious metals subcategory (Subpart B), the bauxite subcategory (Subpart C), the ferro-alloy ores subcategory (Subpart D), the uranium, radium and vanadium ore subcategory (Subpart E), the mercury ore subcategory (Subpart F), and the titanium ore subcategory (Subpart G) of the ore mining and dressing point source category pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b), and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources and pretreatment standards for existing sources and for new sources.

(a) Legal authority.

(1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the iron ore subcategory (Subpart A), the base and precious metals subcategory (Subpart B), the bauxite subcategory (Subpart C), the ferroalloy ores subcategory (Subpart D), the uranium, radium and vanadium ore subcategory (Subpart E), the mercury ore subcategory (Subpart F), and the titanium ore subcategory (Subpart G) of the ore mining and dressing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives; including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the iron ore subcategory (Subpart A), the base and precious metals subcategory (Subpart B), the bauxite subcategory (Subpart C), the ferroalloy ores subcategory (Subpart D), the uranium, radium and vanadium ore subcategory (Subpart E), the mercury ore subcategory (Subpart F) and the titanium ore subcategory (Subpart G) of the ore mining and dressing source category.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Proposed regulations in fulfillment of these requirements appear elsewhere in Part II of this issue.

(b) Summary and basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for both new and existing sources.

(1) General methodology.

The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The Development Document addressed the production of antimony, beryllium and the rare earth metals; the regulations set forth herein do not address the production of these metals. There is currently in the United States only one facility solely producing antimony; one facility solely producing beryllium; and one facility solely producing the rare earth metals. Each of these operations is located in water-short areas with high evaporation rates; consequently, the three facilities are achieving zero discharge from both mine and mill. Because all three facilities are now achieving zero discharge, no benefit to the environment can be shown by establishing effluent limitations. The techniques currently used for pollution control by these facilities may not be applicable to any future operations and information has not been obtained with which other effluent limitations can be established. Therefore limitations for these ore mining and dressing operations are not being set forth at this time.

(2) Summary of conclusions with respect to the iron ore subcategory (Subpart A), the base and precious metals subcategory (Subpart B), the bauxite subcategory (Subpart C), the ferroalloy ores subcategory (Subpart D), the uranium, radium and vanadium ore subcategory (Subpart E), the mercury ore subcategory (Subpart F), and the titanium ore subcategory (Subpart G) of the ore mining and dressing point source category.

(i) Categorization.

For the purpose of studying waste treatment and effluent limitations, the ore mining and dressing point source category was divided into seven subcategories based on the metal ore produced or processed. These seven subcategories were then further divided into a total of twenty two (22) subdivisions primarily based on considerations of type of process and waste water characteristics and treatability as outlined in the Development Document referred to below. Other factors have been recognized as causing differences in the waste discharged, however, it has been determined that these factors do not significantly affect the treatability of the wastes generated within a subcategory. In those situations where there is a difference in the treatability of the wastes generated within a subcategory, the effluent limitations have been set so that all facilities within that subcategory can achieve the limitations with the treatment identified, with a lesser treatment or without treatment. To require a higher level of treatment for those facilities that need little or no treatment to achieve the limitations is not believed to be justified.

The subcategories and subdivisions within the subcategories are as follows:

(1) Subpart A, Iron Ore Subcategory.

The provisions of this subpart are applicable to discharges from (a) mines operated to obtain iron ore regardless of the type of ore or its mode of occurrence (b) mills beneficiating iron ores by physical and chemical separation and mills beneficiating iron ores by only physical (not magnetic) methods; and (c) mills beneficiating iron ores by magnetic and physical separation.

(2) Subpart B, Base and Precious Metals Subcategory.

The provisions of this subpart are applicable to discharges from (a) mines operated to obtain copper bearing ores, lead bearing ores, zinc bearing ores, gold bearing ores or silver bearing ores or any combination of these ores from open-pit or underground operations other than placer deposits; (b) mills which employ the froth-flotation process along or in conjunction with other processes, for the beneficiation of copper ores, lead ores, zinc ores, gold ores or silver ores or any combination of these metals; (c) mines and mills which employ dump, heap, in situ leach or vat-leach processes for the extraction of copper from ores or ore waste materials; (d) mills which extract gold or silver by the cyanidation process alone (e) mills which extract gold or silver by the amalgamation process alone; and (f) mines or mine and mill complexes beneficiating gold ores, silver ores, tin ores or platinum ores by gravity separation methods, (this includes placer or dredge mining or concentrating operations, as well as hydraulic mining operations).

(3) Subpart C, Bauxite Ore Subcategory.

The provisions of this subpart are applicable to discharges from mines producing bauxite and other aluminum ores.

(4) Subpart D, Ferroalloy Ores Subcategory.

The provisions of this subpart are applicable to discharges from (a) mines producing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year; (b) Mines or mills processing less than 5,000 metric tons (5,512 short tons) of ferroalloy ores per year by methods other than ore leaching; (c) Mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by purely physical methods including ore crushing, washing, jigging, heavy-media and gravity separation, and magnetic and electrostatic separation; (d) mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by froth flotation methods, and (e) mills processing ferroalloy ores by leaching techniques (either acid or alkaline) and associated chemical beneficiation techniques. Ferroalloy metals include: chromium, cobalt, columbium, tantalum, manganese, molybdenum, nickel, tungsten and vanadium (recovered alone and not as a by-product of uranium mining and mills).

(5) Subpart E, Uranium, Radium and Vanadium Ores Subcategory.

The provisions of this subpart are applicable to discharges from (a) mines, either open-pit or underground, from which uranium, radium and vanadium ore are produced; and (b) mills using the acid leach, alkaline leach, or combined acid and alkaline leach process for the extraction of uranium, radium and vanadium. Only vanadium by-product production from uranium ores are covered under this subpart.

(6) Subpart F, Mercury Ore Subcategory.

The provisions of this subpart are applicable to discharges from (a) mines, either open-pit or underground, operated for the production of mercury ores; and (b) mills beneficiating mercury ores by gravity separation methods or by froth-flotation methods.

(7) Subpart G, Titanium Ore Subcategory.

The provisions of this subpart are applicable to discharges from (a) mines obtaining titanium ores from lode deposits; (b) mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods, or flotation methods; and (c) mines engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene, monazite, zircon, and other heavy metals, and the milling techniques employed in conjunction with the dredge mining activity (milling techniques employed include the use of wet gravity methods in conjunction with electrostatic or magnetic methods).

(ii) Waste characteristics.

The raw waste characteristics of ore mine drainage and mill process waste water are highly dependent upon the mineralogy of the ore processed and the extraction, beneficiation or concentration technique utilized in the mill, and the reagents used. The major pollutant parameters present in all or some of the waste waters from the ore mining and dressing point source category are suspended solids, solubilized metals, radionuclei, organic and inorganic matter, and reageants used in the milling process. The primary metals present that have been identified as causing significant pollution problems include iron, cadmium, copper, zinc, mercury, lead, molybdenum, arsenic, nickel, aluminum, antimony, chromium and vanadium. The radionuclei include radium 226 and uranium. The primary reagents of interest are cyanide and ammonia; other reagents and organic and inorganic materials present in the waste water may exert an oxygen demand on the receiving water and can be measured by determining the chemical oxygen demand (COD) of the waste water.

Interim final effluent limitations guidelines based upon what is achievable through the application of the best practicable control technology currently available are established to control each of the above pollutants. The determination of which pollutants to limit in each subcategory was based on (1) which pollutants are frequently present in the discharge in concentrations deleterious to aquatic organisms; and (2) which pollutants will be removed or reduced by the technology identified as the best practicable control technology currently available. In those situations where the available data indicates one or more of the pollutants to be limited are normally reduced incidentally with the removal or

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reduction of another parameter, limitations for only one parameter are specified.

No limitations have been established for several other waste water constituents including total dissolved solids, sulfates, fluoride, manganese and oil and grease. Total dissolved solids concentrations in some discharges are at levels capable of disrupting an aquatic ecosystem, but economically feasible technology for achieving substantial reductions in dissolved solids levels does not exist at this time. Levels of sulfates, fluoride and manganese observed in discharges from the ore mining and dressing point source category do not appear to warrant concern at this time. Oil and grease resulting from spills and leakage in the mining and mills have been observed in several of the discharges. The identified technologies are not designed specifically for oil and grease removal. Spills of this pollutant are controlled under 40 CFR 112, therefore, limitations for oil and grease have not been established herein.

(iii) Origin of waste water pollutants.

The waste water situation evident in the mining segment of the ore mining and dressing is unlike that encountered in most other industries. Water enters mines via precipitation, ground water infiltration, and runoff where it may become polluted by contact with materials in the ore, overburden material, mine bottom, or exposed in the areas disturbed by the mining operation. Except for dust control and fire protection, water is not used in the actual mining of ore in the United States (with the exception of the hydraulic mining of some placer deposits). Waste water handling and management is a problem that plagues much of the mining industry. Waste water handling and management is required, and is a part of most ore mining methods or systems. This waste water is discharged from the mine as mine drainage. Mine drainage may be polluted and require treatment before it can be discharged to navigable waters. In addition to handling and treating often massive volumes of waste water during active mining operations, ore mine operators are faced with the same burden during idle periods. Mine drainage may continue indefinitely after all mining operations have ceased if proper control technology is not employed to prevent waste water pollution after mine shutdown or closure. It was determined that the quantity of mine water discharged was dependent upon many factors beyond the control of the mine operator and unrelated or only indirectly related to mine production; therefore, raw waste loadings are expressed in terms of concentration (with the exception of pH units) rather than units of production.

Process water use in the milling segment of the ore mining and dressing industry includes ore transport, ore and product wash, dust suppression, grinding and classification, heavy media separation, flotation, and equipment and floor wash. The quantity of mill process water used (and mill process waste water discharged) within a subcategory is based primarily upon the mineralogy of the ore being processed which affects the fineness of grind required to liberate the metal values and the processes required to concentrate the metal values. Because of the variables within a subcategory affecting the quantity of mill process waste water discharged, a relationship between production and discharge could not be developed; therefore raw waste loadings are expressed in terms of concentration (with the exception of pH units) rather than units of production.

In addition to the above, boiler blowdown and non-contact cooling water, such as bearing cooling water, may be discharged.

(iv) Treatment and control technology.

Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available.

Waste water treatment technology discussed in the Development Document identified below provides the basis for the effluent limitations guidelines. This discussion does not preclude the selection of other waste treatment alternatives which provide equivalent or better levels of treatment.

As previously discussed, raw waste loadings from both the mining and milling segments of the ore mining and dressing industry are unrelated, or only indirectly related, to production quantities. Consequently, effluent limitations are expressed in terms of concentration rather than units of production.

The following is an identification of the best practicable control technology currently available for:

SUBPART A—IRON ORE SUBCATEGORY

(1) Mines operated to obtain iron ore.

Best practicable control technology currently available (BPCTCA) for the control of waste water in this subdivision is settling ponds with coagulation-flocculation systems. At selected locations, it may be possible to employ settling ponds alone to meet the effluent limitations specified herein. For acid mine discharge, lime-neutralization will be required.

(2) Mills beneficiating iron ores by physical and chemical separation and mills beneficiating iron ore by only physical (not magnetic) methods.

BPCTCA for the treatment of waste water in this subdivision is the use of tailing ponds with coagulation-flocculation systems.

(3) Mills beneficiating iron ores by magnetic and physical separation.

BPCTCA for the control of waste water from this subdivision is no discharge of waste water.

SUBPART B—BASE AND PRECIOUS METALS SUBCATEGORY

(1) Mines operated to obtain copper bearing ores, lead bearing ores, zinc bearing ores, gold bearing ores, or silver bearing ores or any combination of these ores.

BPCTCA for the control of waste water pollutants from this subdivision is the use of lime precipitation and settling, with pH adjustment prior to discharge if necessary.

(2) Milling operations which employ the froth-flotation process alone or in conjunction with other processes, for the beneficiation of copper ores, lead ores, zinc ores, gold ores, or silver ores or any combination of these ores.

BPCTCA for this subdivision is the use of lime-precipitation methods, tailings impoundments for removal of suspended solids and precipitates, and partial reuse of mill water. If cyanide is present in waste water, alkaline chlorination for cyanide destruction may be required. Adjustment for the pH of the waste water may be required prior to discharge.

(3) Mines and mills which employ dump, heap, insitu leach or vat-leach processes for the extraction of copper from copper ores.

BPCTCA for this subdivision is no discharge of waste water.

(4) Mills which extract gold or silver by the cyanidation process alone.

BPCTCA for this subdivision is no discharge of process waste water.

(5) Mills which extract gold or silver by the amalgamation process alone.

BPCTCA for this subdivision is lime precipitation in conjunction with sedimentation or tailing impoundment, with in-process recycle of the mercury reagent in the amalgamation process. Adjustment of the pH of waste waters prior to discharge may be necessary.

(6) Mines or mine and mill complexes beneficiating gold ores, silver ores, tin ores or platinum ores by gravity separation.

BPCTCA for this subdivision is the use of settling or tailing impoundments for settling of suspended solids. An alternative technology is the pumping of waste water from dredging operations back to a tailing-disposal area for filtration through sands and gravels. At some operations, it may be necessary to add flocculating agents to enhance the settling of suspended solids. pH adjustment prior to discharge may be required.

SUBPART C—BAUXITE SUBCATEGORY

BPCTCA for this subcategory is use of lime precipitation and settling. Adjustment of waste water pH prior to discharge may be required.

SUBPART D—FERROALLOY ORES SUBCATEGORY

(1) Mines producing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year.

BPCTCA for this subdivision is the use of lime precipitation in conjunction with a settling pond or a mechanical clarifloculator for suspended solids removal. pH adjustment prior to discharge may be necessary.

(2) Mines or mills processing less than 5,000 metric tons (5,512 short tons) of ferroalloy ores per year by methods other than ore leaching.

BPCTCA for this subdivision is the use of settling or tailing ponds in conjunction with pH control.

(3) Mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by purely physical methods including ore crushing, washing, jigging, heavy-media and gravity separation, and magnetic and electrostatic separation.

BPCTCA for this subdivision is the use of process-water recycle in conjunction with tailing impoundment, lime precipitation, flocculation, and secondary settling. pH adjustment prior to discharge may be necessary.

(4) Mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by froth flotation methods.

BPCTCA for this subdivision include the use of primary settling or tailing ponds in conjunction with lime precipitation and secondary settling. Flocculation may be necessary at selected locations to meet suspended-solid limitations. pH adjustment prior to discharge may be necessary.

(5) Mills processing ferroalloy ores by leaching techniques (either acid or alkaline) and associated chemical beneficiation techniques.

BPCTCA for this subdivision includes tailing-pond impoundments for primary settling, in conjunction with lime precipitation, flocculation, and secondary settling. Segregation of waste water streams and ammonia stripping may be required. The segregation of highly contaminated leaching, solvent extraction, precipitation, and scrubber waste streams from noncontact cooling water and uncontaminated waste streams is essential to effective removal of metals from the waste water. pH adjustment prior to discharge may be necessary.

SUBPART E—URANIUM, RADIUM, AND VANADIUM ORES SUBCATEGORY

(1) Mines, either open pit or underground, from which uranium, radium and vanadium ores are produced.

BPCTCA for this subdivision is the use of settling ponds in conjunction with lime precipitation, ion exchange (for uranium removal), barium chloride coprecipitation (for radium removal), and secondary settling.

(2) Mills using the acid leach, alkaline leach or combined acid and alkaline leach process for the extraction of uranium, radium and vanadium.

BPCTCA for this subdivision is no discharge of waste water pollutants.

SUBPART F—MERCURY ORE SUBCATEGORY

(1) Mines, either open pit or underground, operated for the production of mercury ores.

BPCTCA is lime precipitation in conjunction with settling impoundments. Adjustment of the pH prior to discharge may be required.

(2) Mills beneficiating mercury ores by gravity-separation methods, or by froth-flotation methods.

BPCTCA is zero discharge by recycle of process water or total impoundment.

SUBPART G—TITANIUM ORE SUBCATEGORY

(1) Mines obtaining titanium ores from lode deposits.

BPCTCA for this subdivision is neutralization in conjunction with the use of a settling pond for suspended solids removal.

(2) Mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods, or flotation methods.

BPCTCA for this subdivision is the use of tailing ponds with lime precipitation and partial recycle of process water. pH adjustment may be required prior to discharge.

(3) Mills engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene, monazite, zircon, and other heavy metals and the milling techniques employed in conjunction with the dredge mining activity.

BPCTCA is settling impoundment with maintenance of a pH of 3.5, secondary settling, and neutralization by lime addition prior to discharge.

The determination that for a number of milling subcategories, BPCTCA was no discharge of waste water pollutants was not intended to prohibit a facility from discharging waste water to an available treatment system which might be present in a combined mine and mill complex. Limitations set forth in the applicable parts of the regulation shall be imposed on the combined discharge.

To preclude a facility from treating only a portion of the mine water in a combined system so that the requirement for recycle of mill process water can be circumvented, or by using a good quality mine water for dilution to avoid both recycle and treatment of mill process water, the following criteria should be applied to a combined treatment system, if the mill is allowed no discharge of pollutants:

(1) A reduction in pollutants attributable to mine water should be shown; (2) all of the mine water should be treated in the combined system; and, (3) the discharge flow should not exceed the flow from the mine less any make-up water used in the mill.

To preclude any possibility that a discharger will obtain excess water for the sole purpose of dilution to circumvent any requirement for treatment, the permit writer should specify in the NPDES permit that dilution in lieu of treatment is not allowed. It is further suggested that the permit writer establish a mass loading discharge limitation in the NPDES permit for each individual facility. For a mine, this mass loading should be calculated using mine waste water volume and allowable concentration of pollutants in the discharge; for a mill, this mass loading should be calculated using mill process water less any recycled water and the allowable concentration of pollutants in the discharge.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to insure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR Part 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) Cost estimates for control of waste water pollutants.

The costs of compliance with the interim final effluent limitations are not expected to significantly affect prices, production, employment or growth, largely because much of the industry is already in full or near compliance with the limitations. Available information indicates that only two establishments will be endangered by the BPCTCA limitations: a small copper mine already closed for economic reasons and a small tungsten mine.

(vi) Energy requirements and non-water quality environmental impacts.

Energy requirements for compliance with the interim final and proposed effluent limitations and standards are low. The main use of energy is for pumps, mixers and control instruments. Wherever feasible, gravity flow is used in treatment facilities for mine drainage and mill process waste water. Mine dewatering and control of storm water runoff is considered an inherent part of the mining operation.

Inherent in the dressing segment of the ore mining and dressing industry, are major problems with solid waste disposal in the form of tailings. Large areas of tailings are a source of air pollution; where radioactive ores are milled, radioactive substances are found in the tailings disposal area. The amount of additional waste and resultant air pollution and radioactive hazards produced as a result of compliance with the regulations is insignificant relative to that already present, consequently, a minimal impact is expected.

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(vii) Economic impact analysis.

The economic impact analysis of the interim final regulations indicates that the economic impact of compliance with the regulation will be minimal. As previously mentioned in paragraph (v) above, only two establishments will be endangered by the BPCTCA limitations.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OMB Circular A–107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding $100 million or annualized costs in excess of $50 million will require certification.

As the Agency's analysis of the potential economic impacts of these regulations indicates, the capital investment and annualized costs associated with compliance are not estimated to exceed these amounts. However, the Agency has reviewed and analyzed the projected effect on the prices and economics of the industry as summarized above.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Ore Mining and Dressing Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M St., S.W., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH552.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) Summary of public participation:

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the ore mining and dressing point source category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) the Ohio River Valley Sanitation Commission; (4) the Delaware River Basin Commission; (5) the New England Interstate Water Pollution Control Commission; (6) U.S. Department of Commerce; (7) U.S. Department of the Interior; (8) U.S. Department of Defense; (9) U.S. Department of Agriculture; (10) U.S. Department of Transportation; (11) U.S. Department of Health, Education, and Welfare; (12) U.S. Department of Housing and Urban Development; (13) U.S. Department of Treasury; (14) Tennessee Valley Authority; (15) Council on Environmental Quality; (16) National Commission on Water Quality; (17) Federal Power Commission; (18) Federal Energy Administration; (19) Office of Management and Budget; (20) Internal Revenue Service; (21) Nuclear Regulatory Commission; (22) The American Society of Mechanical Engineers; (23) The Conservation Foundation; (24) Businessmen for the Public Interest; (25) Environmental Defense Fund, Inc.; (26) National Resources Defense Council; (27) The American Society of Civil Engineers; (28) Water Pollution Control Federation; (29) National Wildlife Federation; (30) The American Mining Congress; (31) The American Iron Ore Association; (32) Environment Canada; and (33) Isaac Walton League. In addition all the individual companies that participated in the contractor's study were consulted.

The following responded with comments: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) Utah International, Inc.; (3) Aluminum Company of America; (4) Amax Inc.; (5) Amax Lead Company of Missouri; (6) American Mining Congress; (7) American Smelting and Refining Company; (8) Anaconda; (9) Bethlehem Steel Corporation; (10) Bunker Hill Company; (11) Colorado Department of Health; (12) Cominco American Inc.; (13) Copper Range Company; (14) Eagle-Picher Industries Inc.; (15) E. I. DuPont de Nemours & Company; (16) Hanna Mining Company; (17) Hecla Mining Company; (18) Iron Ore Association; (19) Jones and Laughlin Steel Corporation; (20) Kennecott Copper Corporation; (21) Kerr American Inc.; (22) Kerr-McGee Nuclear Corporation; (23) Knob Hill Mine; (24) Minnesota Pollution Control; (25) Molybdenum Project, University of Colorado; (26) New Jersey Zinc; (27) New York State Department of Environmental Conservation; (28) N. L. Industries; (29) North Carolina Department of Natural and Economic Resources; (30) Oat Hill Mining Company; (31) Ozark Lead; (32) Reynolds Metals Company; (33) St. Joe Minerals Corporation; (34) State of Delaware; (35) State of Idaho; (36) State of Florida; (37) State of Michigan; (38) Sunshine Mining Corporation; (39) Tennessee Valley Authority; (40) Texas Water Quality Board; (41) Titanium Enterprises; (42) Union Carbide Corporation; (43) Union Copper Corporation; (44) U.S. Antimony Corporation; (45) U.S. Department of the Interior; (46) U.S. Department of Health, Education and Welfare; (47) U.S. Department of Transportation; (48) U.S. Environmental Protection Agency; (49) U.S. Nuclear Regulatory Commission; (50) U.S. Office of Environmental Affairs; (51) U.S. Water Resources Council.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) Two commenters questioned the reason for different effluent limitations for mines and mills processing the same ore.

It was determined that when mine and mill waste water are treated separately, the mill waste water alone can often be treated to a better quality than can the mine waste water alone. When mine waste water and mill waste water are mixed, coprecipitation often occurs and the resultant effluent can readily meet the effluent limitations recommended for discharges from the mill.

(2) Several commenters suggested that a higher level of treatment could be obtained with a resultant benefit to the environment by allowing a mixing of mine waste water and mill process waste water in a combined treatment system or by using mine waste water as mill process water prior to treatment in a combined system. It was noted that when the mine waste water is in excess of that which can be consumptively used as mill process water, a discharge must occur.

Because a benefit to the environment can be shown by using mine waste water as mill process water or treating the mine waste water in a combined treatment system, the development document and the regulation have been revised to allow a discharge, subject to stringent limitations, if a combined treatment system is used.

(3) Several commenters expressed concern that the attainment of "zero" discharge through the use of recycle was impossible for facilities beneficiating ore by the flotation process. It was stated that the flotation process is a very complex process which can be easily upset by the addition of recycle water containing even minute amounts of degraded chemicals initially used in the process. It was also stated that a build-up of salts and other pollutants in the system (without a bleed) will prevent recycle. One commenter stated that the beneficiating process includes a built-in bleed in the form of water trapped in the interstitial voids of the tailings. This commenter further stated that this "bleed" will remove a part of the dissolved salts from a recycle mill's process water, with the result that the circuit can operate on a zero discharge.

Experience at a number of facilities have shown that zero discharge can be achieved on a full scale basis through the use of recycle. Several of these facilities expressed concern over loss of recovery of metal values because of recycle. However, no adverse effect has been demonstrated. Those facilities that have run bench scale tests to determine the effect of recycle on production have noticed a loss in production; however, the bench scale tests were run using the effluent from the existing treatment system with no process modification or reagent change. Based on the experience of those now recycling, it is believed that when all process waste water is recycled, some consideration of process modification or reagent use will be necessary.

(4) Two commenters recommended that limitations not be set for those parameters that are present in the discharge in lower concentrations than are specified in the effluent limitations. Several commenters requested that parameters not present in the process waste water or added in the process not be limited. Several commenters requested that no limitations be set for parameters not removed by the identified treatment systems. Several commenters recommended that only indicator parameters, i.e. the limitation of one parameter will result in the limitation of other parameters, be limited rather than a great number of parameters. One commenter stated that limitations were less stringent than the state water quality standards. Another commenter stated that the limitations were more stringent than the state stream standards.

The effluent limitations have been based on what can be obtained by the application of BPCTCA and BATEA. If a particular facility does not have one of the limited parameters present in the waste water or it is present in quantities below the limitations, then that facility naturally will not have to treat to remove that parameter.

A reanalysis of the parameters to be limited indicated that a number of parameters would be controlled if indicator parameters were controlled. The reanalysis also indicated that some of the limited parameters were not removed by the recommended treatment systems. Therefore, in the regulations only those indicator parameters that are removed by the treatment systems identified are limited.

(5) It was stated that the definition of a mine is too general. One commenter stated that the definition of a mine did not cover drainage tunnels.

The definition of a mine was intended to be sufficiently broad to cover all point source pollution resulting from all of the activities related to operation of the mine including drainage tunnels, haul roads, storage piles, etc.

(6) A number of commenters stated that a variation in raw waste loads impacted on the ability of the discharger to meet the effluent limitations. Several commenters also recommended that effluent limitations be net rather than gross to consider the variation in raw waste loads caused by variation in influent water quality.

It was determined that the treatment systems recommended can achieve the specified effluent limitations regardless of the raw waste quality (within the limits experienced in the ore mining and dressing industry). Of course, as with any treatment system, the treatment systems for the ore mining and dressing industry must be routinely monitored to compensate for changes in the raw waste load. The Environmental Protection Agency has promulgated a regulation (40 CFR Part 125) that provides the Regional Administrator the authority to adjust the effluent limitations to consider specified pollutants in the water supply if the source of the water supply is the same body of water into which the discharge is made and if the waste water treatment system (equal to BPCTCA or BATEA) is not designed to reduce the specified parameters to the level required by the applicable limitations or standards. This latter provision is not expected to be applicable in the ore mining and dressing industry.

(7) It was stated that control of mine closures, revegetation and mine safety should not be considered as part of the effluent limitations setting process.

The contractor's draft report was intended to give an overview of the mining industry in addition to identifying available treatment technologies. The regulation will only consider those items directly impacting on effluent limitations.

(8) One commenter preferred a waste loading limitation rather than a concentration limitation because process water conservation efforts result in higher concentrations in the discharge although waste loadings remain the same.

The technology identified will achieve the effluent levels recommended.

(9) One commenter disagreed with the discussion in Section VI of the draft development document regarding toxicity levels of pollutants.

The discussion in Section VI is only a compilation of some of the toxicity data available.

(10) Several commenters stated that effluent limitations should be based on water quality considerations rather than just technology. One commenter stated that there is no valid reason for total recycle if the discharges do not result in an adverse impact to the environment.

Effluent guidelines and standards are national standards. Sections 301, 304 and 306 of PL 92–500 require that EPA identify the effluent limitations that can be obtained through the application of available treatment technologies. Receiving water quality and water quality standards will be taken into consideration by the permitting authority when a NPDES permit is issued and may result in individual effluent limitations more stringent than the national standards.

(11) One commenter suggested that both ion exchange and coprecipitation for the removal or reduction of molybdenum are treatment techniques in the early stages of development and should not be considered for BATEA or BADT (to establish NSPS).

It has been determined that the technology development is sufficient to allow consideration of ion exchange and coprecipitation techniques as BATEA. It has been recognized that ion exchange and coprecipitation techniques for the removal or reduction of molybdenum, however, are not sufficiently developed to consider as BADT and the development document has been revised accordingly.

(12) Several commenters stated that proposed maximum limitations are not consistently obtainable for all parameters. Other commenters objected to limitations being based on grab samples rather than statistically significant samples.

Maximum and average limitations were based on data supplied by the industry, data presented in the literature and on data obtained during the contractors sampling program. Generally the contractors grab samples, supplemented by 24-hour composite samples, were used to verify the efficiency of the treatment systems recommended.

(13) Several commenters suggested that determination of solubilization potential should be based on pH rather than metal concentration. One commenter suggested the copper industry be subcategorized into solubilization no-solubilization subcategories.

The solubilization no-solubilization potential subcategories for the lead and zinc mines has been found to be an unworkable concept and consequently has been dropped. The effluent limitations are based on what quality can be obtained by treating mine water with solubilization potential (the most difficult mine water to treat). Mine waters with no-solubilization potential can probably meet the limitations either with relatively little treatment or with settling alone.

(14) Several commenters stated that the technology identified as BPCTCA is correct, however, the effluent limitations cannot be met.

Not all of the facilities with the technology identified as BPCTCA inplaced are operated as exemplary facilities, therefore, discharges from those facilities cannot be considered as representative of what can be obtained with proper operation of the treatment system. Data is available that shows the limitations can be achieved.

(15) A number of commenters took exception to the cost data provided in the draft development document. One commenter pointed out that the cost data provided in the draft development document did not agree with data in other EPA publications. Another commenter suggested that the costs were not

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based on actual costs incurred by the industry. Several of the commenters objected to the lack of cost data for lining of tailing ponds. Several commenters also commented that the "economic impact study" in the draft development document was inadequate. One commenter recommended that costs include the costs to abate pollution from sources other than point source discharges.

The cost data presented in the development document was obtained from the industry and from sources supplying equipment to the industry. The costs presented are the estimated costs that a typical facility within an industrial subcategory would incur in the installation of BPCTCA and BATEA. A typical facility may not be an actual facility but rather a hypothetical facility that is representative of the industrial subcategory. Disagreement with other EPA documents was noted; however, it was determined that typographical errors in other documents explained the discrepancies. Only those costs which directly result from the implementation of the requirements set forth in the development document are considered. Items currently in general use throughout the industry are not costed; Items currently in general use throughare not required for the achievement of the recommended effluent limitations are not costed. The cost data in the development document is not the economic impact study but rather has been utilized as input to the economic impact study which was prepared by another EPA contractor (EPA contract #68–01–1541).

(16) One commenter stated that the costs of diversion ditching to control the runoff resulting from rainfall have not been considered.

Diversion ditching to control excess water passing through the mine and mill facilities is generally considered a part of the industrial process rather than for water pollution control. In those cases where the industry or the contractor identified a need for additional diversion ditches for pollution control, the costs have been included.

(17) Four commenters questioned whether the metals limitations are total or dissolved.

Test methods specified in the October 16, 1973 FEDERAL REGISTER (40 CFR Part 136) Procedures for Analysis of Pollutants are the methods that the contractor used in determining obtainable levels (unless specifically noted otherwise) and are the methods which should be used by a discharger in determining whether he is in compliance with the applicable limitations. With the exception of the procedure for analysis of hexavalent chromium and filtrable iron, all analysis for metals provide a total metals concentration.

(18) Several commenters either recommended using drinking water standards for effluent limitations or objected that the recommended effluent limitations are different than the drinking water standards.

The recommended effluent limitations are based on the technology available as required by Pub. L. 92–500. Drinking water standards have been used as a guide in determining which parameters to limit, however, the standards for drinking water are not applicable to effluent limitations.

(19) Several commenters recommended only concentration limits for mill discharges rather than mass loading limitations.

It has been determined that variability in ore mineralogy results in differing water requirements to concentrate products within the same subcategory. For example, water use within the grinding circuit is directly dependent upon the fineness of grind required to liberate the metal ore. Furthermore, is has been determined that in general, water use in a mill is minimized to minimize pumping and treatment costs. Therefore, the effluent limitations have been revised to be concentration limitations only.

(20) One commenter stated that the pH limitations of 6 to 9 are inconsistent with the treatment technologies identified as BPCTCA and BATEA.

The technologies identified generally call for raising the pH (in some cases above pH 9) to reduce the metals concentrations, however, neutralization prior to discharge is also required. The revised development document now clearly specifies neutralization prior to discharge.

(21) One commenter questioned the advisability of different effluent limitations for different subcategories.

It has been determined that the treatability of raw waste loads varies between some subcategories. Effluent limitations that can be achieved for one subcategory may not be achievable for another. Where possible, however, effluent limitations are consistent between subcategories.

(22) One commenter stated that the draft development document did not explain why the issue of net evaporation was used only for the subcategory of copper mills using flotation and not for other subcategories. Several commenters stated that in the development of the recommended effluent limitations, consideration was not given to those areas having an unfavorable water balance (i.e. net precipitation areas).

It was determined that use of net precipitation net evaporation was not a good method for subcategorization and this system was dropped. For BPCTCA, those facilities already at zero discharge will not be allowed by the permitting authority to discharge. Those facilities in net precipitation areas and those facilities currently having a discharge will have until 1983 to eliminate discharges where zero discharge is required. The regulation resulting from the information presented in the draft development document will allow a discharge in those areas where the annual precipitation exceeds the anevaporation; the allowable discharge is equal to the difference between precipitation and evaporation.

(23) One commenter stated that the recommended limitations did not consider the toxic standards.

The recommended limitations have been based on what can be achieved with the available technology. No toxic standards have been promulgated at this time.

(24) One commenter objected to having limitations placed on waste water within the tailing pond.

Limitations apply only to point source discharges to the waters of the United States. Limitations do not apply within a tailing pond or other treatment system.

(25) Several commenters objected to the requirement to contain the runoff from a 1 in 25 year precipitation event. One commenter requested that the requirement for containing a 1 in 25 year precipitation event be clarified.

The requirement to contain or treat all discharges from a specified storm or precipitation event was intended to provide the discharger with a reasonable design criteria and to allow a variance whenever catastrophic conditions occur. The requirements for control or treatment of a catastrophic occurrence have been clarified.

(26) One commenter stated that ammonia levels should be applied to preclude discharges of toxic concentrations of ammonia.

The technology identified for BPC TCA, BATEA and NSPS for the industries referred to does not remove ammonia, consequently ammonia was not limited.

(27) Two commenters stated that sulfide precipitation was not well enough proven to be used for BPCTCA technology.

It has been determined that the level of reliability of sulfide precipitation was not high enough to justify recommending sulfide precipitation as BPCTCA. It is believed, however, that sulfide precipitation is valid for BATEA.

(28) Two commenters suggested that consideration should be given to combined treatment systems for mines, for mills, smelters and refineries.

The revised draft development document has addressed the issue of discharges from combined mine, mill. smelter and refinery treatment systems.

(29) Several commenters objected to the factors used as primary categorization factors. The commenters wanted more factors used to categorize the facilities.

A great number of factors which influence subcategorization of the industry were examined. It was determined that while all of the factors influenced the quality and quantity of wastes from the various facilities, they did not influence the treatability of the waste sufficiently to warrant separate subcategorization.

(30) Two commenters objected to defining process-water as any water including runoff in contact with the ore. These commenters suggested that runoff be considered on an individual basis. One commenter expressed approval as to the definition of process water.

Any water in contact with the ore may become contaminated; therefore, it is important that limitations be set. If the runoff water is not contaminated then the limitations can normally be met without treatment. The technology is available and in use within the industry to control pollution from runoff.

(31) One commenter recommended that limitations be set for mills doing custom work or for mills producing a variety of ores.

The guidelines have been revised to include instructions for determining effluent limitations for mills doing custom work or for mills producing a variety of ores.

(32) One commenter stated that recycle was prohibitive because of long pumping distances.

While it is realized that long pumping distances increase the recycle costs, other facilities have accepted the increased cost with no apparent economic disadvantage. The economic impact study did not determine pumping costs to be excessive.

(33) One commenter objected to using the same technology for controlling Ra 226 for both mines and mills. The commenter further stated that the limitations specified could not be reliably obtained.

The survey of the industry indicated that the technology for removal of Ra 226 is the same for both mines and mills. The limitations have been revised upward to insure that they can be reliably achieved by the recommended treatment system.

(34) One commenter stated that uranium mills in areas of net precipitation or using an acid leach process may not be able to obtain zero discharge of pollutants.

A provision has been made in the regulation to allow a discharge in areas of net precipitation. The technology currently exists and is in use to recycle process water from facilities using an acid leach process.

(35) One commenter stated that no facilities using a fatty acid flotation process have achieved any degree of recycle.

At least one facility (located in California) has had success recycling process water from a fatty acid flotation process.

(36) On commenter objected to the use of 1972 dollars in the cost analysis section of the draft development document. The commenter recommended using 1975 dollars.

A uniform base year, 1972, has been used in all effluent guidelines documents to permit a compilation of all program costs to evaluate the impact of all Effluent Guidelines Division programs on a systematic basis. Appropriate indices are available and were used to convert the dollar costs for pollution control, the industry output and the annual industry capital expenditures to a base year so that all costs could be fairly compared.

(37) Several commenters expressed concern that no recommendations for disposal of solid wastes removed by the recommended treatment systems were provided.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR Part 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to ensure their proper disposal. Additionally, state and local guidelines and regulations should be considered wherever applicable.

(38) Two commenters objected to the use of transfer technology from mills to mines within the same subcategory in determining that a barium chloride coprecipitations treatment system for wastes from uranium mines is BPCTCA. One commenter did not agree that the system could be used on large mine flows.

The barium chloride coprecipitation system is currently in use treating mill waste water (300,000 gpd). The mill waste water in question has compositional characteristics similar to those of the mine waste water. The system in use has been successfully scaled up from pilot size and there appears to be no technical reason that the system cannot be enlarged further to treat any size flow.

(39) One commenter stated that there are contradictions between the draft development document for the ore mining and dressing point source category and other development documents.

The recommended effluent limitations are believed to be obtainable with the technologies identified. Limitations recommended in other documents are not directly applicable to industries in the ore mining and dressing point source category.

(40) One commenter stated that the effluent limitations are below detectable levels.

All limitations have been checked to insure that the levels are above the detection levels for the analytical methods specified in 40 CFR Part 136.

(41) One commenter stated that the time recommended for retention of wastes in a tailing pond was not practical.

Recommended waste water retention time within a treatment system have been eliminated. Each treatment system and the retention time within the treatment systems must be designed and operated for optimum efficiency for each situation.

(42) One commenter suggested that the development document should consider waste water from an air scrubber (used for air pollution control in a pelletizing facility) in determining treatment requirements and cost.

Most pelletizing facilities were found to be reusing their air scrubber waste water as make-up water for adjusting the water content of the concentrate prior to the "balling" process (ball mill feed) to obtain a more uniformly sized pellet. This air scrubber waste water contains iron values obtained from the pelletizing kilns so that this practice results in conservation of iron in addition to reduction of air emissions. Because the practice of air scrubber waste water reuse is wide spread and the costs of reuse are minimal, it has been determined that the impact of scrubber waste water on treatment requirements and treatment costs is negligible.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in Natural Resources Defense Council vs. Train et al. (Cv. No. 1609–73) which requires the promulgation of regulations for this industry category no later than November 15, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: Distribution Officer, WH–552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

In addition to encouraging written comments on the interim final regulation, the Agency would like to encourage written comments on the problem of defining which activities and which land areas should be covered by this regulation. Such comments should be submitted following the procedure for comments addressed to the interim final regulation.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials support-

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ing the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before December 8, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulations.

In consideration of the foregoing, 40 CFR Part 440 is hereby established as set forth below.

Dated: October 17, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart A—Iron Ore Subcategory

Sec.
440.10 Applicability; description of the iron ore subcategory.
440.11 Specialized definitions.
440.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart B—Base and Precious Metals Subcategory

440.20 Applicability; description of the base and precious metals subcategory.
440.21 Specialized definitions.
440.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart C—Bauxite Subcategory

440.30 Applicability; description of the bauxite subcategory.
440.31 Specialized definitions.
440.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart D—Ferroalloy Ores Subcategory

440.40 Applicability; description of the ferroalloy ores subcategory.
440.41 Specialized definitions.
440.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart E—Uranium, Radium and Vanadium Ores Subcategory

440.50 Applicability; description of the uranium, radium and vanadium ores subcategory.
440.51 Specialized definitions.
440.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart F—Mercury Ores Subcategory

440.60 Applicability; description of the mercury ores subcategory.
440.61 Specialized definitions.
440.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart G—Titanium Ore Subcategory

440.70 Applicability; description of the titanium ore subcategory.
440.71 Specialized definitions.
440.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c); 86 Stat. 816 et seq.; Pub L. 92-500.

Subpart A—Iron Ore Subcategory

§ 440.10 Applicability; description of the iron ore subcategory.

The provisions of this subpart are applicable to discharges from (a) mines operated to obtain iron ore, regardless of the type of ore or its mode of occurrence (b) mills beneficiating iron ores by physical and chemical separation and mills beneficiating iron ores by only physical (not magnetic) methods; and (c) mills beneficiating iron ores by magnetic and physical separation.

§ 440.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

(g) The effluent characteristic "Fe (filtrable)" shall be measured by the atomic absorption or colorimetric method in accordance with the procedure discussed in "Standard Methods for the Examination of Water and Wastewater," 13th Edition, 1971, pg. 191, or an equivalent method.

§ 440.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines operated to obtain iron ore shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe (filtrable)	2.0	1.0
pH	Within the range 6.0 to 9.0.	

(2) The quantity of pollutants or pollutant properties discharged from mills that employ chemical and physical methods to beneficiate iron ore and mills that employ only physical (not magnetic) methods to beneficiate iron ore shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe (filtrable)	2.0	1.0
pH	Within the range 6.0 to 9.0.	

(3) There shall be no discharge of pollutants from mills that employ magnetic and physical methods to beneficiate iron ore.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) (2) of this section.

(4) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) through (a) (3) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

Subpart B—Base and Precious Metals Subcategory

§ 440.20 Applicability; description of the base and precious metals subcategory.

The provisions of this subpart are applicable to discharges from (a) mines operated to obtain copper bearing ores, lead bearing ores, zinc bearing ores, gold bearing ores, or silver bearing ores or any combination of these ores from open-pit or underground operations other than placer deposits; (b) mills which employ the froth-flotation process alone or in conjunction with other processes, for the beneficiation of copper ores, lead ores, zinc ores, gold ores or silver ores or any combination of these ores; (c) mines and mills which employ dump, heap, in-situ leach or vat-leach processes for the extraction of copper from ores or ore waste materials; (d) mills which extract gold or silver by the cyanidation process alone; (e) mills which extract gold or silver by the amalgamation process alone; and (f) mines or mine and mill complexes beneficiating gold ores, silver ores, tin ores or platinum ores by gravity separation methods, (this includes placer or dredge mining or concentrating operations, and hydraulic mining operations).

§ 440.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

§ 440.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines operated to obtain copper bearing ores, lead bearing ores, zinc bearing ores, gold bearing ores, or silver bearing ores or any combination

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of these ores from open-pit or underground operations other than placer deposits shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cu	0.10	0.05
Zn	1.0	0.5
Pb	0.4	0.2
Hg	0.002	0.001
pH	Within the range 6.0 to 9.0.	

(2) The quantity of pollutants or pollutant properties discharged from mills which employ the froth-flotation process alone or in conjunction with other processes, for the beneficiation of copper ores, lead ores, zinc ores, gold ores, or silver ores or any combination of these ores shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Milligrams per liter	
TSS	30	20
Cu	0.1	0.05
Zn	0.4	0.2
Pb	0.4	0.2
Hg	0.002	0.001
Cd	0.10	0.05
CN	0.02	0.01
pH	Within the range 6.0 to 9.0.	

(3) There shall be no discharge of pollutants from mines and mills which employ dump, heap, insitu leach or vat-leach processes for the extraction of copper from ores or ore waste materials.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) (2) of this section.

(4) There shall be no discharge of pollutants from mills which extract gold or silver by use of the cyanidation process alone.

In the event that the annual precipitation falling on the treatment system exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and annual evaporation may be discharged subject to the provisions set forth in paragraph (a) (2) of this section.

(5) The quantity of pollutants or pollutant properties from mills which extract gold or silver by use of the amalgamation process alone shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cu	0.10	0.05
Zn	0.4	0.2
Hg	0.002	0.001
pH	Within the range 6.0 to 9.0.	

(6) The quantity of pollutants or pollutant properties discharged in mine drainage from mines or discharged from mine and mill complexes beneficiating gold ores, silver ores, tin ores or platinum ores by gravity separation methods (including mining of placer deposits, dredge mining and hydraulic mining operations) shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	50	30
pH	Within the range 6.0 to 9.0.	

(7) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) through (a) (6) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

Subpart C—Bauxite Subcategory

§ 440.30 Applicability; description of the bauxite subcategory.

The provisions of this subpart are applicable to discharges from facilities engaged in the mining of bauxite and other aluminum ores.

§ 440.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probabilility information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

§ 440.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue

NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

The quantity of pollutants or pollutant properties discharged in mine drainage from mines producing bauxite and other aluminum ores shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe	1.0	0.5
Zn	0.2	0.1
Al	1.2	0.6
pH	Within the range 6.0 to 9.0.	

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

Subpart D—Ferroalloy Ores Subcategory

§ 440.40 Applicability; description of the ferroalloy ores subcategory.

The provisions of this subpart are applicable to discharges from (a) mines producing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year; (b) mines and mills processing less than 5,000 metric tons (5,512 short tons) of ferroalloy ores per year by methods other than ore leaching; (c) mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by purely physical methods including ore crushing, washing, jigging, heavy media and gravity separation, and magnetic and electrostatic separation; (d) mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by froth flotation methods, and (e) mills processing ferroalloy ores by leaching techniques (either acid or alkaline) and associated chemical beneficiation techniques. Ferroalloy metals include: chromium, cobalt, columbium, tantalum, manganese, molybdenum, nickel, tungsten and vanadium (recovered alone and not as a by-product of uranium mining and mills).

§ 440.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

§ 440.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines producing 5,000 metric tons (5,512 short tons) or more of ferroalloy bearing ores per year shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Zn	1.0	0.5
Pb	0.4	0.2
As	1.0	0.5
pH	Within the range 6.0 to 9.0.	

(2) The quantity of pollutants or pollutant properties discharged in mine drainage from mines or discharged from

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mills processing less than 5,000 metric tons (5,512 short tons) of ferroalloy ores per year by methods other than ore leaching shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	50	30
pH	Within the range 6.0 to 9.0.	

(3) The quantity of pollutants or pollutant properties discharged from mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by purely physical methods including ore crushing, washing, jigging, heavy media separation, and magnetic and electrostatic separation shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Zn	0.4	0.2
As	1.0	0.5
pH	Within the range 6.0 to 9.0.	

(4) The quantity of pollutants or pollutant properties discharged from mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by froth flotation methods shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Zn	0.4	0.2
CN	0.10	0.05
As	1.0	0.5
COD	100	50
pH	Within the range 6.0 to 9.0.	

(5) The quantity of pollutants or pollutant properties discharged from mills processing ferroalloy ores by leaching techniques (either acid or alkaline) and associated chemical beneficiation techniques shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Zn	0.4	0.2
As	1.0	0.5
Ammonia	60	30
pH	Within the range 6.0 to 9.0.	

(6) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a)(1) through (a)(5) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

Subpart E—Uranium, Radium and Vanadium Ores Subcategory

§ 440.50 Applicability; description of the uranium, radium and vanadium ores subcategory.

The provisions of this subpart are applicable to discharges from (a) mines, either open-pit or underground, from which uranium, radium and vanadium ore are produced; and (b) mills using the acid leach, alkaline leach, or combined acid and alkaline leach process for the extraction of uranium, radium and vanadium. Only vanadium by-product production from uranium ores is covered under this subpart.

§ 440.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

(g) The effluent characteristic "U" shall be measured by the procedure discussed in the "HASL Procedural Manual," edited by John H. Harley, HASL 300 Health and Safety Laboratory, U.S. Atomic Energy Commission, 1973, pg. EU–03, or an equivalent method.

(h) The effluent characteristic "Ra226" shall be measured by Method 305 "Radium 226 in Water" in accordance with the procedure discussed for total Radium 226 in "Standard Methods for the Examination of Water and Wastewater," 13th Edition, 1971, pg. 617, or an equivalent method.

§ 440.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines, either open-pit or underground, from which uranium, radium and vanadium ores are produced shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Zn	1.0	0.5
As	1.0	0.5
Ra226 [1]	10	3
U	4	2
COD	200	100
pH	Within the range 6.0 to 9.0.	

[1] Values in picocuries per liter.

(2) There shall be no discharge of pollutants from mills using the acid leach, alkaline leach or combined acid and alkaline leach process for the extraction of uranium, radium and vanadium.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the limitations set forth in paragraph (a)(1) of this section.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a)(1) and (a)(2) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

Subpart F—Mercury Ore Subcategory

§ 440.60 Applicability; description of the mercury ore subcategory.

The provisions of this subpart are applicable to discharges from (a) mines, either open-pit or underground, operated for the production of mercury ores; and (b) mills beneficiating mercury ores by gravity separation methods or by froth-flotation methods.

§ 440.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores from storage piles derived from the mining; cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

§ 440.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines, either open-pit or

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underground, operated for the production of mercury ores shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Hg	0.002	0.001
Ni	0.2	0.1
pH	Within the range 6.0 to 9.0.	

(2) There shall be no discharge of pollutants from mills beneficiating mercury ores by gravity separation methods or by froth-flotation methods.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the limitations set forth in paragraph (a)(1) of this section.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a)(1) and (a)(2) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

Subpart G—Titanium Ore Subcategory

§ 440.70 Applicability; description of the titanium ore subcategory.

The provisions of this subpart are applicable to discharges from (a) mines obtaining titanium ores from lode deposits; (b) mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods, or flotation methods; and (c) mines engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene, monazite, zircon, and other heavy metals, and the milling techniques employed in conjunction with the dredge mining activity (milling techniques employed include the use of wet gravity methods in conjunction with electrostatic or magnetic methods).

§ 440.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas No. 2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or methods or the secondary recovery of metal ores from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

§ 440.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines obtaining titanium ores from lode deposits shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe	2.0	1.0
pH	Within the range 6.0 to 9.0.	

(2) The quantity of pollutants or pollutant properties discharged from mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods, or flotation methods shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for and 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe	0.2	0.1
Zn	0.4	0.2
Ni	0.2	0.1
pH	Within the range 6.0 to 9.0.	

(3) The quantity of pollutants or pollutant properties discharged in mine drainage from mines engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene, monazite, zircon, or other heavy metals, and the milling techniques employed in conjunction with the dredge mining activity (milling techniques employed include the use of wet gravity methods in conjunction with electrostatic or magnetic methods) shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe	2	1
COD	30	15
pH	Within the range 6.0 to 9.0.	

(4) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a)(1) and (a)(3) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 440]

[450–3]

ORE MINING AND DRESSING POINT SOURCE CATEGORY

Proposed Effluent Guidelines and Standards

Notice is hereby given that effluent limitations for existing sources, standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). Simultaneously with this notice of proposed rulemaking, EPA is promulgating a regulation adding Part 440 to Chapter 40 of the Code of Federal Regulations. That regulation establishes effluent limitations and guidelines for existing sources based on the best practicable control technology currently available for the ore mining and dressing point source category. The regulation proposed below will amend 40 CFR 440, *Ore Mining and Dressing Point Source Category*, by adding §§ 440.13, 440.14, 440.15 and 440.16 to the iron ore subcategory (Subpart A), §§ 440.23, 440.24, 440.25, and 440.26 to the base and precious metals subcategory (Subpart B), §§ 440.33, 440.34, 440.35 and 440.36 to the bauxite subcategory (Subpart C), §§440.43, 440.44, 440.45 and 440.46 to the ferroalloy ores subcategory (Subpart D), §§ 440.53, 440.54, 440.55 and 440.56 to the uranium, radium and vanadium ores subcategory (Subpart E), §§ 440.63, 440.64, 440.65 and 440.66 to the mercury ore subcategory (Subpart F), and §§ 440.73, 440.74, 440.75 and 440.76 to the titanium ore subcategory (Subpart G) pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317(b) and (c), 86 Stat. 816 et seq.; Pub. L. 92–500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) Legal authority.

(1) Existing Point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304 (b) of the Act, for the iron ore subcategory (Subpart A); base and precious metals subcategory (Subpart B); bauxite subcategory (Subpart C); ferroalloy ores subcategory (Subpart D); uranium, radium and vanadium ores subcategory (Subpart E); mercury ore subcategory (Subpart F); titanium ore subcategory (Subpart G) of the ore mining and dressing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. Simultaneously with the appearance of this proposed rulemaking is a notice, appearing elsewhere in Part II of this issue, titled "Addition to the List of Categories of Sources." This notice adds the ore mining and dressing point source category and is in accordance with the provisions of section 306(b)(1)(A) of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the iron ore subcategory (Subpart A); base and precious metals subcategory (Subpart B); bauxite subcategory (Subpart C); ferroalloy ores subcategory (Subpart D); uranium, radium and vanadium ores subcategory (Subpart E); mercury ore subcategory (Subpart F); titanium ore subcategory (Subpart G) of the ore mining and dressing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to § 306. Sections 440.16, 440.26, 440.36, 440.46, 440.56, 440.66 and 440.76, proposed below, provide pretreatment standards for new sources within the iron ore subcategory (Subpart A); base and precious metals subcategory (Subpart B); bauxite subcategory (Subpart C); ferroalloy ores subcategory (Subpart D); uranium, radium and vanadium ores subcategory (Subpart E); mercury ore subcategory (Subpart F); titanium ore subcategory (Subpart G) of the ore mining and dressing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 440.14, 440.24, 440.34, 440.44, 440.54, 440.64 and 440.74, proposed below provide pretreatment standards for existing sources within the iron ore subcategory (Subpart A); base and precious metals subcategory (Subpart B); bauxite subcategory (Subpart C); ferroalloy ores subcategory (Subpart D); uranium, radium and vanadium ores subcategory (Subpart E); mercury ore subcategory (Subpart F); titanium ore subcategory (Subpart G) of the ore mining and dressing point source category.

(b) Summary and basis of proposed standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the iron ore subcategory (Subpart A); base and precious metals subcategory (Subpart B); bauxite subcategory (Subpart C); ferroalloy ores subcategory (Subpart D); uranium, radium and vanadium ores subcategory (Subpart E); mercury ore subcategory (Subpart F); titanium ore subcategory (Subpart G) of the ore mining and dressing point source category which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below purposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. This regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to specific numerical pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133. Sections 440.16, 440.26, 440.36, 440.46, 440.56, 440.66 and 440.76, proposed below, are intended to implement the intent of § 128.133, by setting forth specific numeric limitations for particular pollutants subject to pretreatment requirements.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Ore Mining and Dressing Industry Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M St., SW., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH552.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation.

A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the ore mining and dressing subcategory being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: Distribution Officer, WH–552. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M St., SW., Washington, D.C. 20460 draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before December 8, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (33 FR 21202).

(Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended (the Act) (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and c), 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92–500)

Dated: October 17, 1975.

JOHN QUARLES,
Acting Administrator.

PART 440—ORE MINING POINT SOURCE CATEGORY

1. The table of contents is amended by adding the following sections:

Subpart A—Iron Ore Subcategory

Sec.
440.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
440.14 Pretreatment standard for existing sources.
440.15 Standards of performance for new sources.
440.16 Pretreatment standards for new sources.

Subpart B—Base and Precious Metals Subcategory

440.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
440.24 Pretreatment standard for existing sources.
440.25 Standards of performance for new sources.
440.26 Pretreatment standards for new sources.

Subpart C—Bauxite Subcategory

440.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
440.34 Pretreatment standard for existing sources.
440.35 Standards of performance for new sources.
440.36 Pretreatment standards for new sources.

Subpart D—Ferroalloy Ores Subcategory

440.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
440.44 Pretreatment standard for existing sources.
440.45 Standards of performance for new sources.
440.46 Pretreatment standards for new sources.

Subpart E—Uranium, Radium and Vanadium Ores Subcategory

440.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
440.54 Pretreatment standard for existing sources.
440.55 Standards of performance for new sources.
440.56 Pretreatment standards for new sources.

Subpart F—Mercury Ore Subcategory

440.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
440.64 Pretreatment standard for existing sources.
440.65 Standards of performance for new sources.
440.66 Pretreatment standards for new sources.

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Subpart G—Titanium Ore Subcategory

Sec.
440.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
440.74 Pretreatment standard for existing sources.
440.75 Standards of performance for new sources.
440.76 Pretreatment standards for new sources.

Subpart A—Iron Ore Subcategory

2. Subpart A is amended by adding §§ 440.13, 440.14, 440.15, and 440.16 as follows:

§ 440.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) The quantity of pollutant properties discharged in mine drainage from mines operated to obtain iron ore shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe (filtrable)	1.0	0.5
pH	Within the range 6.0 to 9.0.	

(2) The quantity of pollutants or pollutant properties discharged from mills that employ chemical and physical methods to beneficiate iron ore and mills that employ only physical (not magnetic) methods to beneficiate iron ore shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe (filtrable)	1.0	0.5
pH	Within the range 6.0 to 9.0.	

(3) There shall be no discharge of pollutants from mills that employ magnetic and physical methods to beneficiate iron ore.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the provisions set forth in paragraph (a) (2) of this section.

(4) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) through (a) (3) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.13 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

§ 440.15 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) below, the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines operated to obtain iron ore shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe (filtrable)	1.0	0.5
pH	Within the range 6.0 to 9.0.	

(2) The quantity of pollutants or pollutant properties discharged from mills that employ chemical and physical methods to beneficiate iron ore and mills that employ only physical (not magnetic) methods to beneficiate iron ore shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe (total)	1.0	0.5
pH	Within the range 6.0 to 9.0.	

(3) There shall be no discharge of pollutants from milling operations that employ magnetic and physical methods to beneficiate iron ore.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the provisions set forth in paragraph (a) (2) of this section.

(4) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) through (a) (3) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.16 Pretreatment standards for new sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.15 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart B—Base and Precious Metals Subcategory

3. Subpart B is amended by adding §§ 440.23, 440.24, 440.25, and 440.26 as follows:

§ 440.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines operated to obtain copper bearing ores, lead bearing ores, zinc bearing ores, gold bearing ores, or silver bearing ores or any combination of these ores from open-pit or underground operations other than placer deposits shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cu	0.10	0.05
Zn	1.0	0.5
Pb	0.2	0.1
Hg	0.002	0.001
pH	Within the range 6.0 to 9.0.	

(2) There shall be no discharge of pollutants from mill operations which employ the froth-flotation process alone or in conjunction with other processes, for the beneficiation of copper ores, lead ores, zinc ores, gold ores, or silver ores or any combination of these ores.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cu	0.1	0.05
Zn	0.2	0.1
Pb	0.2	0.1
Hg	0.002	0.001
Cd	0.02	0.01
CN	0.02	0.01
pH	Within the range 6.0 to 9.0.	

(3) There shall be no discharge of pollutants from mines and mills which employ dump, heap, insitu leach or vat-leach processes for the extraction of copper from ores or ore waste materials.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the provisions set forth in paragraph (a) (2) of this section.

(4) There shall be no discharge of pollutants from mills which extract gold or silver by the cyanidation process alone.

In the event that the annual precipitation falling on the treatment system exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and annual evaporation may be discharged subject to the limitations in (a) (2) of this section.

(5) There shall be no discharge of pollutants from mills which extract gold or silver by the amalgamation process alone.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the provisions set forth in paragraph (a) (2) of this section.

(6) The quantity of pollutants or pollutant properties discharged in mine drainage from mines or discharged from mine and mill complexes beneficiating gold ores, silver ores, tin ores or platinum ores by gravity separation methods (including mining of placer deposits, dredge mining and hydraulic mining operations) shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cu	0.1	0.05
Zn	0.2	0.1
Pb	0.2	0.1
Hg	0.002	0.001
Cd	0.02	0.01
CN	0.02	0.01
pH	Within the range 6.0 to 9.0.	

(7) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) through (a) (6) of this section shall be subject to the limitations in (a) (2) of this section and in case shall exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.32 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

§ 440.25 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

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(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines operated to obtain copper bearing ores, lead bearing ores, zinc bearing ores, gold bearing ores, or silver bearing ores or any combination of these ores from open-pit or underground operations other than placer deposits shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cu	0.10	0.05
Zn	1.0	0.5
Pb	0.2	0.1
Hg	0.002	0.001
pH	Within the range 6.0 to 9.0.	

(2) There shall be no discharge of pollutants from mill operations which employ the froth-flotation process alone or in conjunction with other processes, for the beneficiation of copper ores, lead ores, zinc ores, gold ores, or silver ores or any combination of these ores.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Milligrams per liter	
TSS	30	20
Cu	0.1	0.05
Zn	0.2	0.1
Pb	0.2	0.1
Hg	0.002	0.001
Cd	0.10	0.05
CN	0.02	0.01
pH	Within the range 6.0 to 9.0.	

(3) There shall be no discharge of pollutants from mines and mills which employ dump, heap, in situ leach or vat-leach processes for the extraction of copper from ores or ore waste materials.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the provisions set forth in paragraph (a)(2) of this section.

(4) There shall be no discharge of pollutants from mills which extract gold or silver by the cyanidation process alone.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the provisions set forth in paragraph (a)(2) of this section.

(5) There shall be no discharge of pollutants from mills which extract gold or silver by the amalgamation process alone.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the provisions set forth in paragraph (a)(2) of this section.

(6) The quantity of pollutants or pollutant properties discharged in mine drainage from mines or discharged from mine and mill complexes beneficiating gold ores, silver ores, tin ores, and platinum ores by gravity separation methods (including mining of placer deposits, dredge mining and hydraulic mining operations) shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	50	30
pH	Within the range 6.0 to 9.0.	

(7) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a)(1) through (a)(6) of this section shall be subject to the limitations in (a)(2) of this section and in no case shall exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.33 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart C—Bauxite Subcategory

4. Subpart C is amended by adding §§ 440.33, 440.34, 440.35, and 440.36 as follows:

§ 440.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the ebst available technology economically achievable:

The quantity of pollutants or pollutant properties discharged in mine drainage from mines producing bauxite and other aluminum ores shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe	0.6	0.3
Zn	0.2	0.1
Al	1.0	0.5
pH	Within the range 6.0 to 9.0.	

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.36 Pretreatment standards for new sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.35 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

§ 440.35 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

The quantity of pollutants or pollutant properties discharged in mine drainage from mines producing bauxite and other aluminum ores shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Zn	0.2	0.1
Pb	0.2	0.1
As	1.0	0.5
Mo	2.0	1.0
pH	Within the range 6.0 to 9.0.	

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25-year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.36 Pretreatment standards for new sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.35 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart D—Ferroalloy Subcategory

5. Subpart D is amended by adding §§ 440.43, 440.44, 440.45 and 440.46 as follows:

§ 440.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines producing 5,000 metric tons (5,512 short tons) or more of ferroalloy bearing ores per year shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Zn	0.2	0.1
Pb	0.2	0.1
As	1.0	0.5
Mo	2.0	1.0
pH	Within the range 6.0 to 9.0.	

(2) The quantity of pollutants or pollutant properties discharged in mine drainage from mines or discharged from mills processing less than 5,000 metric tons (5,512 short tons) of ferroalloy ores per year by methods other than ore leaching shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	50	30
pH	Within the range 6.0 to 9.0.	

(3) The quantity of pollutants or pollutant properties discharged from mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by purely physical methods including ore crushing, washing, jigging, heavy media separation, and magnetic and electrostatic separation shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Zn	0.2	0.1
CN	0.04	0.02
As	1.0	0.5
COD	50	25
Mo	2.0	1.0
pH	Within the range 6.0 to 9.0.	

(4) The quantity of pollutants or pollutant properties discharged from mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by froth flotation methods shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.1	0.05
Zn	0.2	0.1
CN	0.04	0.02
As	1.0	0.5
COD	50	25
Mo	2.0	1.0
pH	Within the range 6.0 to 9.0.	

(5) The quantity of pollutants or pollutant properties discharged from mills processing ferroalloy ores by leaching techniques (either acid or alkaline) and associated chemical beneficiation techniques shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Cr	0.10	0.05
Zn	0.2	0.1
As	1.0	0.5
NH_3	10	5
pH	Within the range 6.0 to 9.0.	

(6) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a)(1) through (a)(5) of

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this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.43 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

§ 440.45 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines producing 5,000 metric tons (5,512 short tons) or more of ferroalloy bearing ores per year shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	50	30
pH	Within the range 6.0 to 9.0.	

(2) The quantity of pollutants or pollutant properties discharged in mine drainage from mines or discharged from mills processing less than 5,000 metric tons (5,512 short tons) of ferroalloy ores per year by methods other than ore leaching shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Zn	0.2	0.1
As	1.0	0.5
pH	Within the range 6.0 to 9.0.	

(3) The quantity of pollutants or pollutant properties discharged from mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by purely physical methods including ore crushing, washing, jigging, heavy media separation, and magnetic and electrostatic separation shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Zn	0.2	0.1
As	1.0	0.5
pH	Within the range 6.0 to 9.0.	

(4) The quantity of pollutants or pollutant properties discharged from mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by froth flotation methods shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Zn	0.2	0.1
CN	0.04	0.02
As	1.0	0.5
COD	50	25
pH	Within the range 6.0 to 9.0.	

(5) The quantity of pollutants or pollutant properties discharged from mills processing ferroalloy ores by leading techniques (either acid or alkaline) and associated chemical beneficiation techniques shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Cu	0.10	0.05
Zn	0.2	0.1
As	1.0	0.5
pH	Within the range 6.0 to 9.0.	

(6) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a)(1) through (a)(5) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitation set forth in this section.

§ 440.46 Pretreatment standards for new sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.45 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart E—Uranium, Radium and Vanadium Ores Subcategory

6. Subpart E is amended by adding §§ 440.53, 440.54, 440.55, and 440.56 as follows:

§ 440.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines, either open-pit or underground, from which uranium, radium and vanadium ores are produced shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Zn	0.2	0.1
As	0.1	0.1
Ra226 [1]	10	3
U	4	2
COD	100	50
Mo	2.0	1.0
V	10	5
pH	Within the range 6.0 to 9.0.	

[1] Values in picocuries per liter.

(2) There shall be no discharge of pollutants from mills using the acid leach, alkaline leach or combined acid and alkaline leach process for the extraction of uranium, radium and vanadium.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaportion may be discharged subject to the provisions set forth in paragraph (a)(1) of this section.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a)(1) and (a)(2) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.53 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

§ 440.55 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines, either open-pit or underground, from which uranium, radium and vanadium ores are produced shall no exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Cd	0.10	0.05
Zn	0.2	0.1
As	0.1	0.1
Ra226	10	3
U	4	2
COD	100	50
pH	Within the range 6.0 to 9.0.	

(2) There shall be no discharge of pollutants from mills using the acid leach, alkaline leach or combined acid and alkaline leach process for the extraction of uranium, radium and vanadium.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the provisions set forth in paragraph (a)(1) of this section.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a)(1) and (a)(2) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.56 Pretreatment standards for new sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.55 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart F—Mercury Ore Subcategory

7. Subpart F is amended by adding §§ 440.63, 440.64, 440.65, and 440.66 as follows:

§ 440.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines, either open-pit or underground, operated for the production of mercury ores shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Hg	0.001	0.0005
Ni	0.3	0.1
pH	Within the range 6.0 to 9.0.	

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(2) There shall be no discharge of pollutants from mills beneficiating mercury ores by gravity separation methods or by froth-flotation methods.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the provisions set forth in paragraph (a) (1) of this section.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) and (a) (2) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.63 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

§ 440.65 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines, either open-pit or underground, operated for the production of mercury ores shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Hg	0.002	0.001
Ni	0.2	0.1
pH	Within the range 6.0 to 9.0.	

(2) There shall be no discharge of pollutants from mills beneficiating mercury ores by gravity separation methods or by froth-flotation methods.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) (1) of this section.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) and (a) (2) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.66 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.66 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart G—Titanium Ore Subcategory

8. Subpart G is amended by adding §§ 440.73, 440.74, 440.75, and 440.76 as follows:

§ 440.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achieveable:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines obtaining titanium ores from lode deposits shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe	2.0	1.0
pH	Within the range 6.0 to 9.0.	

(2) There shall be no discharge of pollutants from mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods or flotation methods.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe	2	1
Zn	0.3	0.1
Ni	0.3	0.1
pH	Within the range 6.0 to 9.0.	

(3) The quantity of pollutants or pollutant properties discharged in mine drainage from mines engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene, monazite, zircon, and other heavy metals, and the milling technique employed in conjunction with the dredge mining activity (milling techniques employed include the use of wet gravity methods in conjunction with electrostatic or magnetic methods) shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe	2	1
COD	30	15
pH	Within the range 6.0 to 9.0.	

(4) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) through (a) (3) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.74 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.73 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

§ 440.75 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines obtaining titanium ores from lode deposits shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe	2.0	1.0
pH	Within the range 6.0 to 9.0.	

(2) There shall be no discharge of pollutants from mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods or flotation methods.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe	0.2	0.1
Zn	0.2	0.1
Ni	0.2	0.1
pH	Within the range 6.0 to 9.0.	

(3) The quantity of pollutants or pollutant properties discharged in mine drainage from mines engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene, monazite, zircon, and other heavy metals, and the milling techniques employed in conjunction with the dredge mining activity (milling techniques employed include the use of wet gravity methods in conjunction with electrostatic or magnetic methods) shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	30	20
Fe	2	1
COD	30	15
pH	Within the range 6.0 to 9.0.	

(4) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) through (a) (3) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 25 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 440.76 Pretreatment standards for new sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 440.76 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

[FR Doc.75-29452 Filed 11-5-75;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[450-4]

WATER POLLUTION PREVENTION AND CONTROL

Addition to the List of Categories of Sources

Section 306(b)(1)(A) of the Federal Water Pollution Control Act, as amended October 18, 1972 (Pub. L. 92-500), directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise a list of categories of sources which shall, at the minimum, include those listed in section 306(b)(1)(A). As soon as practicable, but in no case more than one year after the inclusion of a category of sources in such list, the Administrator is required to propose and publish regulations establishing Federal standards of performance for new sources within such categories. The original list of 27 source categories was published January 16, 1973 (38 FR 1624). Standards of performance have been promulgated for all 27 source categories.

The Administrator, after evaluating available information, has determined that ore mining and dressing is an additional category of point sources which meets the above requirements. Evaluation of other point source categories is in progress, and the list will be supplemented from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 306(b)(1)(A) of the Act amends the list of categories of sources as follows:

List of Categories of Sources

34. Ore Mining and Dressing

Proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources applicable to the above point source categories appear elsewhere in Part III in this issue of the FEDERAL REGISTER.

Dated: October 17, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-29453 Filed 11-5-75;8:45 am]

federal register

THURSDAY, NOVEMBER 6, 1975



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL DEFENSE STUDENT LOAN PROGRAM

NATIONAL DIRECT STUDENT LOAN PROGRAM

Cancellation of Loan for Teaching Service

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL DEFENSE STUDENT LOAN PROGRAM; NATIONAL DIRECT STUDENT LOAN PROGRAM

Cancellation of Loan for Teaching Service

• List of Schools Determined to Have a High Concentration of Students from Low-Income Families—List of Schools in Which the Enrollment of Students from Low-Income Families Exceeds Thirty Percent of the Total Enrollment of Students •

Pursuant to the provisions of section 205(b)(3)(A)(i) of the National Defense Education Act of 1958, as amended (20 U.S.C. 425(b)(3)(A)(i)), notice is hereby given of the public and other nonprofit elementary and secondary schools which have been listed in accordance with the regulations governing the administration of the National Defense Student Loan Program (45 CFR 144.8(i)(2)) as being in school districts of local educational agencies eligible for assistance pursuant to Title II of Public Law 874, 81st Congress, as amended (Title I of the Elementary and Secondary Education Act of 1965), and as having high concentrations of children from low-income families for the 1975–76 school year.

Pursuant to the provisions of section 465(a)(2) of the Higher Education Act of 1965, as amended (10 U.S.C. 1087ee(a)(2)), notice is hereby also given of the public and other nonprofit elementary and secondary schools which have been listed as being in school districts of local educational agencies eligible for assistance pursuant to Title I of the Elementary and Secondary Education Act of 1965 and which have been determined for the 1975–76 school year to be schools in which the enrollment of children described in section 103(c)(1)(A), (B), or (C) (formerly clauses (A), (B), or (C) of section 103(a)(2)) of Title I of the Elementary and Secondary Education Act of 1965 using a low-income factor of $3,000, exceeds 30 percent of that school's enrollment.

Teachers with outstanding indebtedness as a result of loans made prior to July 1, 1972 under the National Defense Student Loan Program are entitled to a 15 percent per annum rate of loan cancellation for each complete academic year (or equivalent) of full-time teaching service performed in a public or other nonprofit elementary or secondary school which for that year has been designated by the U.S. Commissioner of Education as having a high concentration of students from low-income families.

Teachers with outstanding indebtedness as a result of loans made on or after July 1, 1972 under the National Direct Student Loan Program are entitled to a 15 percent per annum rate of loan cancellation for each of the first two complete academic years (or equivalent) of full-time teaching service performed in a public or other nonprofit elementary or secondary school which has been designated by the U.S. Commissioner of Education for those years as being a school in which the enrollment of children described in section 103(c)(1)(A), (B), or (C) (formerly clauses (A), (B), or (C) of section 103(a)(2)) of Title I of the Elementary and Secondary Education Act of 1965 using a low-income factor of $3,000, exceeds 30 percent of that school's enrollment. The rate of National Direct Student Loan cancellation for teaching a third or fourth year in one of these designated schools is 20 percent per annum, and the rate of cancellation for teaching the fifth year in one of these designated schools is 30 percent per annum.

The school lists appear in alphabetical order by State. The entries for American Samoa, Guam, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands appear following the list for the State of Wyoming. The District of Columbia is included in the alphabetical sequence.

Inquiries concerning these lists may be made to the appropriate State educational agency or to the Program Support Branch, Division of Student Support and Special Programs, Bureau of Postsecondary Education, U.S. Office of Education, Washington, D.C. 20202.

(Catalog of Federal Domestic Assistance Number 13.470; Higher Education—National Defense/Direct Student Loan Cancellations)

Dated: October 23, 1975.

T. H. BELL,
U.S. Commissioner of Education.

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name	Location	Code *	School Name

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

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Alabama

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
ABBEVILLE	1	ABBEVILLE ELEMENTARY 1-6
	1	ABBEVILLE HIGH 9-12
AKRON	1	AKRON COMMUNITY 1-12
ALABASTER	3	PELHAM HIGH SCHOOL 7-9
ALBERTA	1	ALBERTA ELEMENTARY 1-6
ALEXANDER CITY	1	NEW SITE 1-12
	1	JIM PEARSON 1-2
	3	LAUREL SCHOOL 3-4
	3	RADNEY SCHOOL 5-6
ALICEVILLE	1	ALICEVILLE ELEMENTARY K-4
	1	ALICEVILLE HIGH SCHOOL 9-12
	1	ALICEVILLE MIDDLE SCHOOL 5-8
ALLGOOD	1	ALLGOOD 1-6
ALPINE	1	HANNAH J. MALLORY 1-6
	3	WINTERBORO 1-12
ANDALUSIA	1	ANDALUSIA PUBLIC KINDERGARTEN K
	3	CHURCH STREET SCHOOL K-5
	3	PLEASANT HOME 1-12
	3	STRAUGHN 1-12
ANNISTON	1	ANNISTON HIGH SCHOOL 1-12
	1	COBB JUNIOR HIGH 7-9
	1	CONSTANTINE ELEMENTARY 1-6
	1	COOPER AVENUE ELEMENTARY K-6
	1	COUNTY TRAINING 1-3
	3	EULATON 1-2
	1	JOHNSTON ELEMENTARY 1-6
	1	NORWOOD ELEMENTARY 1-6
	1	RANDOLPH PARK ELEMENTARY K-6
	1	TENTH STREET ELEMENTARY K-6
ANSLEY	1	SHELLHORN ELEMENTARY K-6
ARDMORE (TENNESSEE)	3	ARDMORE 1-12
ASHFORD	1	ASHFORD HIGH SCHOOL 1-12
ASHLAND	3	ASHLAND ELEMENTARY 1-6
	1	CLAY COUNTY HIGH SCHOOL 7-12
ATHENS	3	CLEMENTS 1-12
	1	EAST LIMESTONE 1-12
	1	JOHNSON JUNIOR 1-9
	1	OWENS 1-9
	1	PINEY CHAPEL 1-9
	3	REID 1-6
ATMORE	1	ATMORE STATE TEHCNICAL SCHOOL 4-12
	3	FREEMANVILLE 1-6
AUTAUGA	3	ALMA HINSON JUNIOR HIGH 7-9
	1	ATTALLA ELEMENTARY 1-6
	1	CURTISTON ELEMENTARY 1-6
	1	STOWERS HILL ELEMENTARY 1-6
AUTAUGAVILLE	1	AUTAUGAVILLE ELEMENTARY 1-6
	1	AUTAUGAVILLE HIGH 7-12
BAKERHILL	1	BAKERHILL K-12
BANKS	1	BANKS JUNIOR HIGH K-9
BARTON	1	BARTON ELEMENTARY 1-4
BAY MINETTE	1	BAY MINETTE 1-12
	3	WHITE HOUSE 1-6
BAYOU LA BATRE	1	ALBA 1-12
BEAR CREEK	3	PHILLIPS K-12
BEATRICE	1	BEATRICE ELEMENTARY 1-6
	1	J.F. SHIELDS HIGH 5-12
BERRY	3	BERRY 1-12
BESSEMER	1	ABRAMS HIGH 8-12
	1	ADDISON ELEMENTARY 1-6
	1	ARLINGTON K
	1	CLARENDON AVENUE MIDDLE 5-8
	1	DUNBAR MIDDLE 5-7
	1	DUNBAR PRIMARY K-4
	1	GASTON JR. HIGH 7-9
	3	GREENWOOD 1-8
	1	HARD MIDDLE 5-8
	1	HARD PRIMARY K-4
	1	JAMES A DAVIS MIDDLE 5-8
	1	JONESBORO PRIMARY K-4
	1	LANIER HIGH 9-12
	1	ROOSEVELT ELEMENTARY 1-6
BESSEMER cont.	1	VANCE PRIMARY K-4
	1	WESTHILLS PRIMARY K-4
BILLINGSLEY	1	BILLINGSLEY 1-12
BIRMINGHAM	1	ALABAMA BOYS INDUSTRIAL SCHOOL 1-10
	1	ALABAMA STATE TRAINING SCHOOL FOR GIRLS 1-12
	3	CENTER STREET 1-8
	1	DAVIS 1-8
	3	EAGAN 1-8
	1	EDGEWATER JUNIOR HIGH 5-9
	3	GATE CITY 1-8
	3	HILL 1-8
	3	LAKEVIEW 1-8
	1	LEWIS 1-8
	1	LINCOLN 1-8
	3	MARTIN 1-4
	1	NORTHSIDE 1-8
	1	PARKER H.S. 9-12
	3	PATTERSON 1-8
	1	PHILLIPS H.S. 9-12
	1	POWELL 1-8
	3	PRINCETON 1-8
	1	SHIELDS 1-8
	3	SPRINGDALE ELEMENTARY 1-7
	1	TUGGLE 1-8
	3	TUXEDO 1-8
	3	WENONAH 10-12
	1	WENONAH ELEMENTARY 1-6
	2	WOODLAWN H.S. 9-12
BOAZ	1	CENTER POINT 1-9
BOLIGEE	1	PARAMOUNT HIGH SCHOOL 1-12
BOYKIN	1	BOYKIN ELEMENTARY K-6
BRANTLEY	1	BRANTLEY K-12
BREMEN	3	COLD SPRINGS 1-12
BRENT	1	BRENT ELEMENTARY 5-6
BREWTON	1	SOUTHERN NORMAL HIGH SCHOOL 9-12
BRIGHTON	1	BRIGHTON ELEMENTARY 1-6
	1	BRIGHTON HIGH 7-12
BROOKWOOD	3	BROOKWOOD ELEMENTARY K-6
	3	BROOKWOOD HIGH SCHOOL 7-12
BROWNSBORO	1	BIG COVE 1-8
	1	BROWNSBORO 1-8
BRUNDIDGE	1	NEW HOPE 1-9
	1	PIKE COUNTY ELEMENTARY K-7
	1	PIKE COUNTY HIGH K-12
	1	SPRING HILL ELEMENTARY K-6
BUHL	1	BUHL ELEMENTARY K-6
BUTLER	1	BUTLER ELEMENTARY K-8
	1	CHOCTAW COUNTY HIGH SCHOOL 9-12
	1	EAST CHOCTAW SCHOOL K-8
CAMDEN	1	CAMDEN ACADEMY ELEMENTARY K-7
	1	WILCOX COUNTY HIGH 8-12
CAMP HILL	1	EDWARD BELL 1-12
CARBON HILL	1	CARBON HILL ELEMENTARY 1-4
	1	CARBON HILL HIGH 9-12
	1	CARBON HILL JUNIOR HIGH 5-8
CARROLLTON	1	CARROLLTON SCHOOL K-12
CASTLEBERRY	1	CONECUH COUNTY HIGH K-12
CATHERINE	3	CATHERINE ACADEMY K-12
CENTREVILLE	1	BIBB COUNTY HIGH SCHOOL 7-12
	1	CENTREVILLE ELEMENTARY K-4
	1	SIX MILE ELEMENTARY 1-6
CHATOM	1	CHATOM ELEMENTARY 1-5
	3	WASHINGTON COUNTY HIGH 9-12
CHEROKEE	3	ALLSBORO ELEMENTARY 1-8
	3	CHEROKEE ELEMENTARY 1-4
	3	CHEROKEE MIDDLE 5-8
	3	CHEROKEE VOC. HIGH 9-12
CHILDERSBURG	3	CHILDERSBURG ELEMENTARY 1-4
	3	CHILDERSBURG HIGH 9-12
CLANTON	3	WHEATLEY 9-12
	3	CHILTON COUNTY HIGH 9-12
	3	CLANTON ELEMENTARY 1-4
	3	HENRY M. ADAIR 5-8

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Location	Code *	School Name
CLAYTON	1	CLAYTON K-12
CLIO	1	CLIO K-12
CLOVERDALE	3	CLOVERDALE SCHOOL 1-9
COATOPA	1	BELMONT 1-8
COFFEE SPRINGS	1	COFFEE SPRINGS SCHOOL 1-12
COFFEEVILLE	1	COFFEEVILLE ELEMENTARY K-6
	1	COFFEEVILLE HIGH 7-12
COLLINSVILLE	1	COLLINSVILLE 1-12
COLUMBIA	3	HOUSTON COUNTY HIGH SCHOOL 1-12
COLUMBIANA	3	COLUMBIANA ELEMENTARY 1-5
	3	COLUMBIANA MIDDLE 6-8
COTTONWOOD	3	COTTONWOOD HIGH SCHOOL 1-12
COURTLAND	1	COURTLAND ELEMENTARY 1-8
	1	COURTLAND HIGH 9-12
COY	1	TATES CHAPEL ELEMENTARY 1-6
CRAGFORD	3	MELLEN VALLEY H.S. 1-12
CRANE HILL	3	DOWLING 1-9
CROSSVILLE	3	KILPATRICK 1-9
CUBA	1	KINTERBISH 1-9
CULLMAN	3	FAIRVIEW 1-12
	3	WELTI 1-9
CUSSETA	1	CUSSETA ELEMENTARY 1-6
DADEVILLE	3	DADEVILLE ELEMENTARY 1-6
	3	DADEVILLE HIGH 7-12
DANVILLE	1	SPEAKE 1-12
DAPHNE	1	DAPHNE 1-9
DAVISTON	1	DAVISTON 1-12
DEATSVILLE	3	HOLTVILLE HIGH 1-12
DECATUR	1	LAKEVIEW ELEMENTARY 1-5
	1	WESTLAWN ELEMENTARY 1-5
DEMOPOLIS	3	DEMOPOLIS HIGH SCHOOL 9-12
	1	DEMOPOLIS JR HIGH 7-8
	1	EASTSIDE ELEMENTARY K-6
	1	JOHN ESSEX HIGH SCHOOL 1-12
DETROIT	1	DETROIT K-7
DIXIANA	3	BRADFORD ELEMENTARY 1-6
DIXONS MILL	1	MARENGO HIGH SCHOOL 1-12
DOTHAN	1	CARVER JUNIOR HIGH 7-9
	1	EAST HIGHLAND ELEMENTARY 1-6
	1	HIGHLANDS ELEMENTARY 1-7
	1	LAKE STREET ELEMENTARY 1-6
	1	MONTANA STREET ELEMENTARY 1-6
	1	ROSE HILL ELEMENTARY 1-7
	1	STRINGER STREET ELEMENTARY 1-6
	1	WILSON STREET ELEMENTARY 1-6
DOZIER	1	DOZIER K-12
DUNCANVILLE	1	MAXWELL ELEMENTARY K-6
ELECTIC	3	ECLECTIC 1-12
ELBA	1	GOODMAN 1-9
ELBERTA	1	ELBERTA 1-9
ELKMONT	3	LIMESTONE COUNTY HIGH 1-12
ELMORE	1	FRANK LEE YOUTH CENTER 4-9
ENSLEY	3	MOORE 1-6
ENTERPRISE	1	MT PLEASANT 1-9
EUFAULA	1	COMER K-12
EUTAW	1	EATMAN JR. HIGH 1-9
	1	EUTAW HIGH SCHOOL 10-12
	1	EUTAW MIDDLE GRADE 1-9
EVERGREEN	1	EVERGREEN CITY K-3
	1	EVERGREEN HIGH 9-12
	1	LYEFFION K-12
	1	MARSHALL-MIDDLE 6-8
	1	SOUTHSIDE 4-5
EXCEL	1	EXCEL HIGH 1-12
FAIRFAX	3	FAIRFAX ELEMENTARY 1-6
FAIRVIELD	3	C J DONALD ELEMENTARY 1-8
	1	FAIRFIELD HIGH SCHOOL 9-12
	1	FOREST HILLS ELEMENTARY 1-5
	3	ROBINSON ELEMENTARY 1-8
FAIRHOPE	1	FAIRHOPE 1-12
FAYETTE	1	FAYETTE 1-12
	3	HUBBERTVILLE 1-12
FIVE POINTS	1	FIVE POINTS ELEMENTARY 1-6
	1	FIVE POINTS HIGH 7-12
FLORALA	1	FLORALA 9-12
	1	FLORALA CITY SCHOOL 1-8
FLORENCE	1	BRANDON 1-6
	2	CENTRAL SCHOOL 1-12
	1	OAKLAND SCHOOL 1-9
	3	POWELL 1-6
FOLEY	1	FOLEY 1-12
FORKLAND	1	BIRDINE JR HIGH 1-9
FOSTERS	1	MYRTLEWOOD ELEMENTARY K-6
FRISCO CITY	1	FRISCO CITY ELEMENTARY 1-5
	1	FRISCO CITY HIGH 6-12
FRUITDALE	3	FRUITDALE HIGH 1-12
FT. DEPOSIT	1	LOWNDES COUNTY HIGH SCHOOL K-12
FT. PAYNE	3	ADAMSBURG 1-8
	3	FISHER 1-8
	3	RUHAMA 1-9
FULTON	3	FULTON ELEMENTARY K-6
FYFFE	3	FYFFE 1-12
GADSDEN	1	CARVER 5-6
	3	CATHEY 1-4
	1	COLLEY 1-6
	1	CORY 1-5
	3	DONEHOO 1-5
	1	DRAKE 5-6
	3	DWIGHT 1-4
	3	ELLIOTT 1-4
	3	LITCHFIELD 7-9
	1	OAK PARK 1-4
	3	SMITH 1-6
	3	STRIPLIN 1-4
	3	WAGNER 1-5
	1	WASHINGTON 6
GARDEN CITY	3	GARDEN CITY 1-7
GEORGIANA	1	GEORGIANA HIGH 1-12
	3	R. L. AUSTIN MIDDLE SCHOOL K-8
GERALDINE	1	WHITON 1-6
GILBERTOWN	1	GILBERTOWN SCHOOL K-8
GOODWATER	1	GOODWATER ELEMENTARY 1-5
	1	GOODWATER HIGH 6-12
CORDO	3	CORDO ELEMENTARY SCHOOL K-6
	1	CORDO HIGH SCHOOL 7-12
GOSHEN	1	GOSHEN ELEMENTARY K-5
	1	GOSHEN HIGH 6-12
GREENSBORO	1	GREENSBORO PUBLIC 1-12
GREENVILLE	3	BAPTIST HILL KINDERGARTEN K
	1	GREENVILLE ELEMENTARY 4-6
	1	GREENVILLE HIGH 9-12
	1	GREENVILLE JUNIOR HIGH 7-8
	3	W. O. PARMER ELEMENTARY 1-3
GROVE HILL	1	CLARKE COUNTY HIGH 8-12
	1	GROVE HILL ELEMENTARY K-7
GROVE OAK	3	GROVE OAK 1-9
GUNTERSVILLE	3	CARLISLE PARK 6-8
	3	CHEROKEE 4-5
	3	GUNTERSVILLE CITY 1-3
HALEYVILLE	3	HALEYVILLE ELEMENTARY SCHOOL 1-6
HANCEVILLE	2	HANCEVILLE 1-12
HARTFORD	1	GENEVA COUNTY HIGH SCHOOL 1-12
HARVEST	1	HARVEST 1-8
HAYNEVILLE	1	CENTRAL 1-6
	1	HAYNEVILLE 1-12
	1	LOWNDES CO. TRAINING SCHOOL 7-12
	1	RUSSELL 1-6
	1	WHITE HALL SCHOOL 1-8
HAZEL GREEN	3	NEW SHARON 1-8
HEADLAND	1	HEADLAND ELEMENTARY 1-6
	1	HEADLAND HIGH 9-12
HELENA	1	HELENA SCHOOL 1-8
HENEGAR	3	HENAGAR 1-9
HIGHLAND HOME	1	HIGHLAND HOME K-12

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Location	Code *	School Name
WILLSBORO	1	CHALYBEATE 1-9
	1	TENNESSEE VALLEY 1-9
WOLF	3	HOLT HIGH SCHOOL 10-12
WOODRAVILLE	1	HORORAVILLE K-9
WOOD HULL	1	PINTLALA 1-6
HUNTSVILLE	3	BLOSSOMWOOD 1-5
	1	CAVALRY HILL ELEMENTARY 1-5
	1	CENTRAL 1-8
	1	EAST CLINTON 1-6
	1	FARMERS CAPITAL 1-8
	2	J.O. JOHNSON HIGH 9-12
	1	LINCOLN 1-6
	1	STONE JR. HIGH 6-9
	1	TERRY HEIGHTS 1-6
	1	WEST HUNTSVILLE 1-5
HURTSBORO	1	RUSSELL ELEMENTARY K-8
	1	RUSSELL HIGH 9-12
JACK	1	ZION CHAPEL 1-12
JACKSON	1	GILLMORE ELEMENTARY K-4
	1	HARPER MIDDLE SCHOOL 5-8
	1	JACKSON HIGH 9-12
JEMISON	2	JEMISON 1-12
JOPPA	3	RYAN 1-9
KELLYTON	3	KELLYTON JR. HIGH 1-9
KENNEDY	3	KENNEDY K-12
KILLEN	1	ALLEN THORNTON SCHOOL 10-12
KINSTON	1	KINSTON 1-12
LAFAYETTE	1	CHAMBERS COUNTY HIGH 1-12
	1	EASTSIDE ELEMENTARY 1-3
	1	LAFAYETTE HIGH 8-12
	1	PLAINVIEW ELEMENTARY 1-6
	1	SOUTHSIDE ELEMENTARY 4-7
LAMISON	1	EPIPHANY-MESSIAH LUTHERAN 1-7
LANETT	1	HUGULEY ELEMENTARY 1-6
LANGDALE	3	LAFAYETTE LANIER ELEMENTARY 1-6
LEIGHTON	1	HATTON ELEMENTARY 1-6
	1	LEIGHTON ELEMENTARY 1-4
	3	LEIGHTON MIDDLE 5-8
LEROY	3	LEROY HIGH SCHOOL 1-12
LESTER	3	WEST LIMESTONE 1-12
LETOHATCHIE	1	CALHOUN ELEMENTARY 1-4
	1	CALHOUN HIGH 5-12
LINCOLN	3	C R DREW 5-8
	3	TALLADEGA COUNTY HIGH 1-12
LINDEN	1	GEORGE P AUSTIN HIGH 7-12
	1	LINDEN ELEMENTARY SCHOOL K-6
LINEVILLE	3	BARFIELD JR H S 1-9
	3	LINEVILLE ELEMENTARY 1-6
	3	LINEVILLE H S 7-12
LIPSCOMB	1	LIPSCOMB JUNIOR 1-9
LISMAN	1	LISMAN SCHOOL K-8
LIVINGSTON	1	LIVINGSTON HIGH 10-12
	1	SUMTER COUNTY TRAINING 1-9
LOACHAPOPA	3	LOACHAPOKA 1-12
LOCKHART	1	W S HARLAN 1-8
LOUISVILLE	1	LOUISVILLE K-12
LOWER PEACHTREE	1	MONROE SENIOR 1-12
LOXLEY	3	LOXLEY 1-9
LUVERNE	1	LUVERNE K-12
MADISON	3	BOB JONES 9-12
	3	MADISON MIDDLE SCHOOL 5-8
	3	WEST MADISON 1-4
MAPLESVILLE	3	ISABELLA 1-12
	3	MAPLESVILLE 1-12
MARBURY	3	MARBURY 1-12
MARION	1	HEIBERGER 1-8
	1	MARION ELEMENTARY K-6
	3	MARION HIGH 7-12
	1	WESTSIDE 1-12
MARION JUNCTION	1	HAZEN-HARRELL 1-9
	1	WESTLAWN 1-6
MCCALLA	2	MCADORY HIGH 1-12
MCINTOSH	3	FRANK W BOYKIN ELEM 1-6
MCINTOSH cont.	1	MCINTOSH HIGH 7-12
	3	REEDS CHAPEL ELEMENTARY 1-6
MCKENZIE	3	MCKENZIE HIGH K-12
MENTONE	1	MOON LAKE 1-6
MERIDIANVILLE	3	MERIDIANVILLE 1-8
MIDWAY	1	MERRITT JR. HIGH K-9
MILLBROOK	3	MILLBROOK MIDDLE 4-6
	3	ROBINSON SPRINGS 1-3
	1	STANHOPE ELMORE HIGH SCHOOL 7-12
MILLERS FERRY	1	WILCOX COUNTY TRAINING K-6
MILLERVILLE	1	BIBB GRAVES H.S. 7-12
	3	MILLERVILLE ELEMENTARY 1-6
MILLPORT	1	MILLPORT K-12
MILLRY	3	MILLRY HIGH SCHOOL 1-12
MOBILE	1	COUNCIL 1-5
	3	CRAIGHEAD 1-5
	1	CRICHTON 1-5
	1	DUNBAR 6-8
	3	FONVIELLE 1-5
	3	LEINKAUF 1-5
	3	MARYVALE 1-5
	2	MURPHY 9-12
	1	OLD SHELL 1-5
	3	STANTON RD. 1-5
	1	TRINITY LUTHERAN K-5
	3	WILLIAMS 1-5
	1	WOODCOCK 1-5
MONROEVILLE	1	MONROE COUNTY HIGH 8-12
	1	MONROEVILLE ELEMENTARY 1-4
	1	MONROEVILLE MIDDLE 5-7
MONTEVALLO	3	MONTEVALLO ELEMENTARY 1-4
	3	MONTEVALLO MIDDLE 5-7
MONTGOMERY	3	BALDWIN 7-9
	1	BELLINGER HILL 1-6
	1	BOOKER WASHINGTON 1-6
	3	CAPITOL HEIGHTS ELEM. 1-6
	3	CARVER ELEMENTARY 1-6
	3	CARVER JUNIOR 7-9
	3	CARVER SENIOR 10-12
	1	CATOMA 1-6
	3	CHISHOLM 1-6
	1	DAISY LAWRENCE 1-6
	3	DAVIS 1-6
	3	FEWS 1-6
	1	FOREST AVENUE 1-6
	2	GOODWYN 7-9
	3	HARRISON 1-6
	1	HAYNEVILLE ROAD 1-6
	3	HIGHALND AVENUE 1-6
	3	HIGHLAND GARDENS 1-6
	3	HOUSTON HILL 7-9
	2	JEFFERSON DAVIS 10-12
	2	LANIER 10-12
	2	LEE 10-12
	1	LOVELESS 1-6
	1	MACMILLAN 1-6
	1	MCINTYRE JR 7-9
	1	PATTERSON 1-6
	3	PETERSON 1-6
MORRIS	3	MORRIS ELEMENTARY 1-6
MOULTON	1	LAWRENCE COUNTY HIGH 7-12
	1	MIDWAY 1-7
	3	MOULTON ELEMENTARY 1-3
	3	MOULTON INTERMEDIATE 4-6
MOUNDVILLE	1	HALE COUNTY HIGH 7-12
	1	MOUNDVILLE ELEMENTARY 1-6
MOUNT VERNON	3	BELSAW 6-8
MT HOPE	1	MT HOPE 1-12
MT MEIGS	1	ALABAMA INDUSTRIAL SCHOOL 7-12
	1	GEORGIA WASHINGTON 7-9
MULGA	1	MULGA ELEMENTARY 1-4
MUNFORD	3	HILL ELEMENTARY 1-6
	3	MUNFORD 7-12

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Location	Code *	School Name
NEW BROCKTON	1	NEW BROCKTON 1-12
NEW MARKET	3	NEW MARKET 1-8
NEWBERN	1	NEWBERN ELEMENTARY 1-8
	1	SUNSHINE HIGH 1-12
NEWVILLE	1	HENRY COUNTY MIDDLE 7-8
NORTHPORT	1	MATTHEWS ELEMENTARY K-6
	1	NORTHPORT JR HIGH 7-9
NOTASULGA	1	NOTASULGA 1-12
	3	REELTOWN 1-12
OPELIKA	3	BEAUREGARD 1-12
	3	BROWN INTERMEDIATE 4-6
	1	DIXIE ELEMENTARY K-6
	3	MARTIN INTERMEDIATE 4-6
	3	PEPPERELL INTERMEDIATE 4-6
	3	SANFORD 4-9
OPP	1	BLUE SPRINGS 1-8
	3	FLEETA 1-8
ORRVILLE	1	FIVE POINTS 1-3
	1	KEITH 5-12
	1	SALEM 1-4
OWENS CROSS ROADS	3	OWENS CROSS ROADS 1-8
OZARK	1	EMMA P FLOWERS 1-6
	3	JOSEPH W LISENBY 1-6
PANOLA	1	NORTH SUMTER 1-9
PARSLEY	3	HARMON JUNIOR HIGH SCHOOL 1-9
PELL CITY	3	O D DURAN JR HIGH 7-9
PERDIDO	3	PERDIDO 1-9
PETERMAN	1	GREER ELEMENTARY 1-6
PHENIX CITY	1	CENTRAL ELEMENTARY 1-6
	1	CENTRAL HIGH SCHOOL 11-12
	1	MEADOWLANE ELEM 1-5
	1	PHENIX CITY ELEM K-2
	1	PHENIX CITY MIDDLE SCHOOL 7-8
	1	RIDGECREST ELEM 1-5
	1	S GIRARD HIGH SCHOOL 9-10
	3	SUMMERVILLE ELEM 1-5
	1	SUSIE E ALLEN ELEM K-5
	1	WESTVIEW ELEM K-5
PINE APPLE	1	MOORE ACADEMY K-6
	1	W J JONES 7-12
PINE HILL	1	PINE HILL CONS ELEMENTARY K-4
	1	PINE HILL HIGH 9-12
	1	PINE HILL MIDDLE SCHOOL 5-8
PITTSVIEW	1	PITTSVIEW ELEMENTARY K-9
PLANTERSVILLE	1	PLANTERSVILLE 1-12
PLATEAU	1	MOBILE CO TRAINING 6-8
	1	WHITLEY 1-5
PRATT CITY	3	PRATT 1-8
PRICHARD	1	BLOUNT 9-12
	1	GLENDALE 1-5
	1	PALMER 1-5
	1	PRICHARD 6-8
	3	ROBBINS 1-5
	2	VIGOR 9-12
RAMER	1	DUNBAR 1-6
	1	MONTGOMERY COUNTY 7-12
RANDOLPH	3	RANDOLPH ELEMENTARY 1-6
RED LEVEL	1	RED LEVEL 1-12
REFORM	1	PICKENS COUNTY HIGH SCHOOL 6-12
	3	REFORM ELEMENTARY SCHOOL K-5
REPTON	1	NICHBURG JR HIGH K-8
	1	REPTON K-12
RIVERVIEW	3	BEULAH 1-12
	1	RIVERVIEW ELEMENTARY 1-6
ROANOKE	3	HANDLEY HIGH 7-12
	3	HANDLEY-INTERMEDIATE 3-6
	3	KNIGHT-ENLOE 1-3
ROSA	1	SOUTH MACON 1-12
ROBERTSDALE	1	ROBERTSDALE 1-12
ROCK MILLS	1	ROCK MILLS 1-8
ROCKFORD	1	COOSA COUNTY HIGH 1-12
ROGERSVILLE	3	ELGIN SCHOOL 1-6
RUSSELLVILLE	3	BELGREEN 1-12
	3	MT STAR 1-9
	3	ROCKWOOD 1-9
	3	THARPTOWN 1-9
SAFFORD	1	MARTIN STATION 1-4
SALEM	3	WACOOCHEE 7-9
SAMANTHA	1	NORTHSIDE HIGH SCHOOL 7-12
	3	WALKER ELEMENTARY K-6
SAMSON	1	SAMSON HIGH SCHOOL 1-12
SARDIS	1	HUNTER MISSION 1-6
	1	SHILOH 1-9
SAWYERVILLE	1	SAWYERVILLE ELEMENTARY 1-8
SEALE	1	CHAVALA HIGH 7-12
	1	MT OLIVE SCHOOL K-12
	1	OLIVER ELEMENTARY K-6
SELMA	1	BRANTLEY 1-9
	1	BYRD ELEMENTARY K-6
	1	CLARK ELEMENTARY K-6
	1	EAST END ELEMENTARY K-6
	1	EASTSIDE JUNIOR HIGH 7-8
	1	FRANCES THOMAS ELEMENTARY K-6
	1	KNOX ELEMENTARY K-6
	1	PAYNE ELEMENTARY K-6
	1	SELMA HIGH SCHOOL 10-12
	1	SOUTHSIDE 1-12
	1	SUTTLE COMMUNITY 1-12
	1	TIPTON 1-9
	1	VALLEY GRANDE 1-6
	1	WESTSIDE JUNIOR HIGH 7-9
SHAWMUT	3	SHAWMUT ELEMENTARY 1-6
SHEFFIELD	3	ANNAPOLIS ELEMENTARY 1-5
	3	BLAKE ELEMENTARY 1-5
	3	BRICK ELEMENTARY 1-6
	3	L.F.WILLSON MIDDLE SCHOOL 6-8
	1	SOUTHEAST ELEMENTARY 1-5
	1	SOUTHWEST ELEMENTARY 1-5
SHORTER	1	WOLFE SHORTER 1-12
SILAS	1	SHADY GROVE K-8
	1	SILAS ELEMENTARY K-6
	1	SOUTHERN CHOCTAW HIGH SCHOOL 9-12
SLOCOMB	1	SLOCOMB HIGH SCHOOL 1-12
SMITHS	3	SMITHS ELEMENTARY 1
	1	SMITHS STATION HIGH SCHOOL 2-12
SOMERVILLE	3	COTACO 1-9
STAPLETON	3	STAPLETON 1-6
SULLIGENT	1	SULLIGENT K-12
SUMMERDALE	1	SUMMERDALE 1-9
SWEET WATER	1	SWEET WATER HIGH SCHOOL 1-12
SYCAMORE	3	SYCAMORE ELEMENTARY 1-3
	3	SYCAMORE JR. HIGH 4-9
SYLACAUGA	1	B.B. COMER 1-12
	3	EAST HIGHLAND MIDDLE SCHOOL 7-8
	3	FAYETTEVILLE 1-12
	3	MAIN AVENUE ELEMENTARY 1-5
	1	MOUNTAINVIEW ELEMENTARY 1-6
	1	STEWARTVILLE JR. HIGH 1-8
	1	SYLAVON ELEMENTARY 1-5
	3	SYLVANIA 1-12
TALLADEGA	3	C.L. SALTER ELEMENTARY K-4
	1	CENTRAL ELEMENTARY K-4
	3	GRAHAM ELEMENTARY K-4
	1	HAL HENDERSON ELEMENTARY K-4
	3	IDALIA 1-6
	3	JONESVIEW 1-6
	3	R.L. YOUNG ELEMENTARY K-4
	1	TALLADEGA CO. TRAINING 1-12
	2	TALLADEGA MIDDLE 5-8
TALLASSEE	3	EAST TALLASSEE SCHOOL 1-2
	3	TALLASSEE SCHOOL 3-12
TANNER	1	MOORESVILLE-BELLE MINA 1-9
	1	TANNER 1-12
THOMASTON	1	MARENGO COUNTY HIGH SCHOOL 1-12
	1	MARENGO COUNTY TRAINING SCHOOL 1-12

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Alabama

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
THORSBY	3	THORSBY 1-12
TONEY	1	TONEY 1-8
TOWN CREEK	3	HATTON ELEMENTARY 1-6
	3	HATTON HIGH 7-12
	1	HAZLEWOOD ELEMENTARY 1-6
	1	HAZLEWOOD HIGH 7-12
TRINITY	1	WEST MORGAN 1-12
TROY	3	CHARLES HENDERSON HIGH 9-12
	1	CHARLES HENDERSON JR. HIGH 6-8
	1	COLLEGEVIEW ELEMENTARY 1-5
	1	OAKLAND HEIGHTS 1-3
	1	TROY ELEMENTARY 1-5
TUSCALOOSA	3	ALBERTA 1-6
	1	CENTRAL 1-6
	1	DRUID HIGH 10-12
	1	ENGLEWOOD ELEMENTARY K-6
	1	HILLCREST JR. HIGH 7-9
	1	HOLT ELEMENTARY K-6
	1	PARKVIEW 1-6
	1	STAFFORD 1-6
	1	STILLMAN HEIGHTS 1-6
	1	THIRTY-SECOND AVENUE 1-6
	3	TUSCALOOSA JR. HIGH 7-9
	1	TWENTIETH STREET 1-6
	1	WESTLAWN JR. HIGH 7-9
TUSCUMBIA	3	LITTLEVILLE ELEMENTARY 1-8
	3	NEW BETHEL ELEMENTARY 1-8
	3	NORTHSIDE SCHOOL 4-7
	3	SOUTHSIDE ELEMENTARY 1-3
	1	SPRING VALLEY ELEMENTARY 1-8
	3	UNDERWOOD ELEMENTARY 1-8
TUSKEGEE	1	NICHOLS 1-7
	1	TUSKEGEE PUBLIC 1-8
	1	WASHINGTON PUBLIC 1-7
TUSKEGEE INSTITUTE	1	CHILDRENS HOUSE 1-7
	1	LEWIS ADAMS 1-7
	1	TUSKEGEE INSTITUTE HIGH SCHOOL 9-12
TYLER	1	TYLER UNION 1-9
UNION SPRINGS	1	BULLOCK CO. JR. HIGH K-9
	1	SOUTH HIGHLANDS 4-7
	1	UNION SPRINGS ELEM. K-3
	1	UNION SPRINGS HIGH 10-12
	1	UNION SPRINGS JR. HIGH 8-9
UNIONTOWN	1	ROBERT HATCH 1-12
	1	UNIONTOWN HIGH 1-12
URIAH	1	J. U. BLACKSHER 1-12
	1	URIAH MIDDLE 5-7
VALLEY HEAD	3	VALLEY HEAD 1-12
VANCE	1	VANCE ELEMENTARY K-6
VERNON	1	VERNON K-12
VINA	3	VINA 1-12
VINCENT	1	VINCENT ELEMENTARY 1-5
	1	VINCENT MIDDLE 6-8
VINEMONT	3	VINEMONT 1-12
WADLEY	3	WADLEY HIGH 1-12
WAGARVILLE	3	WAGARVILLE ELEMENTARY 1-6
WALNUT GROVE	3	WEST END HIGH 7-12
WATERLOO	3	WATERLOO SCHOOL 1-12
WEBB	3	WEBB JUNIOR HIGH SCHOOL 1-9
WEDOWEE	1	FOLSOM 1-9
	3	RANDOLPH CO. HIGH 1-12
	3	WEDOWEE ELEMENTARY 4-6
WEOGUFKA	3	WEOGUFKA HIGH 1-12
WEST BLOCTON	1	WEST BLOCTON ELEMENTARY K-6
	3	WEST BLOCTON HIGH 7-12
WETUMPKA	3	SEWELL MEMORIAL 1-6
	1	TUTWILLER PRISON 4-9
	3	WALLSBORO 1-6
	3	WETUMPKA ELEMENTARY 1-5
	1	WETUMPKA HIGH SCHOOL 8-12
	3	WETUMPKA MIDDLE SCHOOL 6-7
WHISTLER	1	THOMAS 1-5
WOODLAND	3	WOODLAND HIGH 1-12
YORK	1	SUMTER COUNTY HIGH 10-12
	1	YORK WEST END 1-9

Alaska

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)		
Adak	1	Atka School 1-8
Aleknagik	1	Aleknagik School 7-8
Allakaket	1	Allakaket School K-8
Anaktuvak Pass	1	Anaktuvak Pass Elementary
Anchorage	1	Denali Elementary
	1	Fairview Elementary
	1	Government Hill Elementary
Angoon	1	Angoon School 1-10
Aniak	1	Aniak School 1-11
Anvik	1	Anvik School 1-8
Atmautluak	1	Atmautluak 1-8
Belkofski	3	Belkofski 1-8
Bethel	1	Bethel Primary K-3
Bethel	1	Bethel Middle High 4-8
Birch Creek	1	Birch Creek School 1-8
Cantwell	1	Cantwell School 1-8
Chalkyitsik	1	Chalkyitsik UG
Chignik	3	Chignik Bay School K-8
	3	Chignik Lagoon K-8
	1	Chignik Lake K-8
Chuthabaluk	1	Chuthabaluk 1-8
Circle	1	Circle School 1-8
Clark's Point	1	Clark's Point 1-8
Copper Center	1	Copper Center 1-8
Crooked Creek	1	Crooked Creek Elementary
Deering	1	Deering Ipnatchiak 1-8
Dot Lake	1	Dot Lake School K-8
Eagle	1	Eagle Village School 1-8
Egegik	1	Egegik 1-8
Ekwok	1	Ekwok School K-8
Emmonak	1	Emmonak High 9-11
False Pass	1	False Pass 1-8
Ft. Yukon	1	Ft. Yukon K-12
Fortuna Ledge	1	Fortuna Ledge 1-8
Gakona	1	Gakona 1-8
Galena	1	Galena Elementary
Holy Cross	1	Holy Cross 1-10
Homer	3	East Homer Elementary
Hoonah	1	Hoonah K-12
Huslia	1	Huslia 1-8
Hydaburg	1	Hydaburg Elementary

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Alaska

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Igutigig	1	Igutigig Elementary
Ivanof Bay	1	Ivanof Bay 1-8
Juneau	1	Capitol School
Kaltag	1	Kaltag Elementary 1-8
Kenai	1	Bob Bartlett Elementary/High K-12
	1	English Bay 1-8
	1	Nikolaevsk Elementary
	1	Port Graham Elementary
Kenny Lake	1	Kenny Lake 1-8
Ketchikan	1	Naukati Bay K-8
Kiana	1	Kiana 9
Kivalina	1	Kivalina K-11, UG
Kobuk	1	Kobuk 1-8
Kodiak	1	East Elementary
	1	Kodiak High 9-12
	1	Old Harbor K-12
Kokhanok	1	Kokhanok UG
Kongignak	1	Kongignak 1-8
Koyuk	1	Koyuk Malemute 1-7
Koyukuk	1	Koyukuk 2-8
Lime Village	1	Lime Village UG
Manokotak	1	Manokotak 1-9
Matanuska-Susitna	1	Trapper Creek Elementary
	1	Willow Elementary
Mentasta	1	Mentasta Lake K-8
Metlakatla	1	Metlakatla Elementary
Minto	1	Minto K-8
Mountain Village	1	Mountain Village 9
New Stuyahok	1	New Stuyahok 1-9
Nikolai	1	Nikolai UG
Nikolski	1	Nikolski 1-8
Noatak	1	Noatak 1-9
Nome	1	Nome Elementary
	1	Nome Beltz High
	1	Council
Nondalton	3	Nondalton Elementary
Noorvik	1	Noorvik 1-12
Northway	1	Northway K-9
Nulato	1	Nulato 1-12
Nuiqsit	1	Nuiqsit Elementary
Perryville	1	Perryville 1-8
Pilot Point	1	Pilot Point 1-8
Pitka's Point	1	Pitka's Point 1-8
Platinum	1	Platinum Elementary
Point Bay	1	Point Bay Elementary
Point Hope	1	Point Hope Elementary
Port Heiden	1	Port Heiden 1-8
Portage Creek	1	Ohgsenakale K-8
Rampart	1	Rampart UG
Red Devil	1	Red Devil 2-8
Ruby	1	Ruby School 1-8
Russian Mission	1	Russian Mission 1-8
St. Mary's	1	St. Mary's Elementary
	1	St. Mary's Junior High
	1	St. Mary's Senior High
Selawik	1	Selawik Elementary
	1	Selawik Secondary
Shishmaref	1	Shishmaref 1-8
Shungnak	1	Shungnak 1-9
Sleetmute	1	Sleetmute 1-8
Stevens Village	1	Stevens Village K-8
Stony River	1	Stony River 1-8
Teller	1	Teller 1-8
Togiak	1	Togiak 1-10
Wassilla	1	Alcantra Youth Camp 7-9
	1	Twin Hills 1-8
Whitemountain	1	Whitemountain School 1-8
Willow	1	Willow Elementary 1-8
	1	Turning Point Boy Ranch 9-11

Arizona

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
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Aguila	2	Aguila EL
Alpine	1	Alpine Conservation Center
Apache Junction	2	Apache Junction EL
	2	Apache Junction HS
Arlington	2	Arlington EL
Avondale	1	Avondale EL #1
	1	Avondale EL #2
	1	Lattie Coor EL
Bapchule	1	St. Peter Indian EL
Benson	2	Benson Primary
	2	Benson Middle EL
	2	Benson HS
Bisbee	2	Lincoln EL
Bouse	2	Bouse EL
Bowie	1	Bowie EL
	2	Bowie HS
Buckeye	2	Buckeye EL
	2	Buckeye UHS
	2	Harquahala Vly EL
Casa Grande	1	Casa Grande JHS
	1	Casa Grande HS
	1	Kleven Mile Corner EL
	1	Ocotillo EL
	1	Palo Verde EL
	2	St. Anthony EL
Cashion	1	Littleton EL
	2	Underdown JHS
Chandler	1	Chandler Heights (K-2)
	2	Chandler HS
	2	Basha EL
	1	Denver (K-6)
	2	Erie (K-6)
	2	Galveston (K-6)
	2	Seton HS
Chinle	1	Chinle EL
	1	Chinle JHS
	1	Chinle HS
	1	Many Farms EL
	1	Red Mesa EL
	1	Red Mesa HS
	1	Round Rock EL
Chloride	1	Chloride EL
	2	Mt. Tipton EL
Clifton	2	Clifton EL

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Location	Code *	School Name
Concho	1	Concho EL
Coolidge	2	Coolidge HS
	2	Intermediate
	2	JH School
	2	Kenilworth EL
	2	North (5)
	2	South (3)
	2	West (K-2)
Dateland	2	Dateland EL
Douglas	2	A Avenue EL
	2	Joe Carlson EL
	2	Clawson EL
	2	Fifteenth St. EL
	2	Loretta EL
	2	Sarah Marley EL
	2	Twelfth St. JHS
Duncan	2	Duncan EL
Eager	1	Eager Unit (4-8)
Ehrenberg	2	Ehrenberg EL
Elfrida	2	Elfrida EL
Elgin	2	Sonoita EL
Eloy	1	Central (3-5)
	1	Curiel (1-3)
	1	Curiel (K)
	1	Eloy JHS
	1	Santa Cruz Vly UHS
	2	Toltec EL
Flagstaff	2	Coconino HS
	2	East Flagstaff JHS
	2	Emerson EL
	2	Flagstaff JHS
	1	Kinsey EL
	1	Leupp EL
	2	Marshall EL
	2	Mt. Elden EL
	2	Our Lady of Guadalupe
	1	South Beaver EL
	1	Thomas EL
Florence	1	Arizona State Prison
	2	Florence EL
	2	Florence HS
Ft. Defiance	1	Ft. Defiance EL
	1	Ft. Defiance JHS
	1	Window Rock EL
	1	Window Rock HS
Ft. Thomas	1	Ft. Thomas EL
	1	Ft. Thomas HS
Fredonia	2	Fredonia EL
	2	Fredonia HS
	2	Moccasin EL
Ganado	1	Ganado EL
	1	Ganado HS
Glendale	2	Glendale HS
	2	Imes EL
	2	Our Lady of Perpetual Help
	1	Harold Smith EL
	2	Unit #1
	2	Unit #7
Globe	2	Central EL
	1	Rice HS
Heber	2	Sitgreaves EL
Higley	1	Higley EL
Holbrook	1	Holbrook JHS
	1	Holbrook HS
	1	Hulet EL
	1	Pittman EL
	1	Sheldon EL
	1	Woodruff EL
Joseph City	2	Joseph City EL
	2	Joseph City HS
Kayenta	1	Kayenta EL
	1	Monument Vly HS
Keams Canyon	1	Keams Canyon EL
Kingman	2	La Senita EL
	2	Palo Christi EL
Laveen	2	Cash EL
	2	Laveen EL
	1	St. John Indian EL
Marana	2	Marana EL
	2	Marana HS
Maricopa	1	Maricopa EL
	1	Maricopa HS
	1	Mobile EL
McNary	2	McNary EL
	2	McNary HS
McNeal	1	Double Adobe EL
	2	McNeal EL
Mesa	2	Eisenhower EL
	2	Franklin EL
	2	Fremont JHS
	1	Irving EL
	2	Jefferson EL
	1	Lehi EL
	2	Mesa JHS
	2	Powell EL
	2	Redbird EL
	2	Salk EL
	2	Stevenson EL
	2	Taft EL
	2	Whitman EL
Miami	2	Buena Vista EL
	2	Bullion Plaza EL
	2	Inspiration EL
	2	Lower Miami EL
	2	George Washington EL
Mohave Valley	1	Mohave Vly EL
Naco	2	Naco EL
Nogales	1	Elm Street EL
	1	Lincoln EL
	2	Wade Carpenter JHS
	1	A. J. Mitchell EL
	2	Nogales JHS
	1	Mary Welty EL
	1	Sacred Heart EL
Oracle	2	Oracle (K-3)
	2	Oracle (4-8)
Page	2	Page EL
	2	Page HS
Parker	1	Blake Primary
	1	La Paz EL
	1	Wallace EL
Patagonia	2	Patagonia EL
Payson	2	Julia Randall EL
Peach Springs	1	Peach Springs EL
Peoria	2	Central EL
	1	Dysart EL
	1	Dysart HS
	1	El Mirage EL
	2	Ira Murphy EL
	2	Peoria EL
	2	Peoria HS
Picacho	1	Picacho EL
Pine	2	Pine EL
Phoenix	1	Adobe Mountain
	1	Barr EL
	1	Bethune EL
	2	Bourgade HS
	1	Capital EL
	2	Carl Hayden HS
	2	Central HS
	1	Court EL
	2	Creighton EL
	2	Crockett EL
	1	Dunbar EL

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Arizona

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Location	Code *	School Name
Phoenix cont.	2	East HS
	1	Edison EL
	2	Emerson/Monterey EL
	2	Franklin/Kenilworth EL
	2	Fowler EL
	1	Garfield EL
	1	Grant EL
	1	Gray/Herrera/Lincoln
	1	Hawkins EL
	2	Heard/Grand EL
	2	Jorgenson EL
	1	Julian EL
	2	Kennedy EL
	1	King EL
	2	Lassen EL
	2	Loma Linda EL
	1	Longfellow EL
	1	Longview EL
	1	Lowell EL
	2	Machan EL
	2	Madrid EL
	2	Mountain View EL
	1	Murphy #1 EL
	1	Murphy #3 EL
	2	North HS
	1	Ott EL
	1	Palmdale EL
	2	Palomino EL
	1	Phoenix UHS
	1	Rio Vista EL
	2	Roosevelt EL
	1	Rose Linda EL
	2	St. Catherine EL
	2	St. Marks EL
	1	St. Marys EL
	2	St. Marys HS
	2	St. Matthews EL
	1	Sierra Vista EL
	1	Skiff EL
	1	South Mountain HS
	1	Sullivan EL
	1	Sunland EL
	1	Washington, B. T. EL
	2	Whittier EL
Pirtleville	2	Pirtleville EL
Pisinemo	1	San Jose Indian EL
Prescott	2	Dexter EL
Queen Creek	2	Combs EL
	1	Queen Creek EL
Roll	2	Mohawk Vly EL
Sacaton	1	Sacaton EL
Safford	2	Lafe Nelson (3-6)
Salome	2	Salome EL
San Carlos	1	Rice EL
	1	Sc. Charles Mission School
Sanders	1	Fuerco EL
	1	Valley HS
San Simon	1	San Simon EL
	1	San Simon HS
Sells	1	Baboquevari HS
	1	Indian Oasis JHS
	1	Sells EL
	1	Topowa EL
Show Low	2	Pinedale EL
Snowflake	2	Clay Springs EL
	2	Snowflake EL
	2	Snowflake JHS
	2	Taylor EL
Solomon	2	Solomonville EL
Somerton	1	O. L. Carlisle EL
Springerville	1	Springerville Unit
Stanfield	1	Stanfield EL
Tempe	2	Evans EL
	2	Frank EL
	2	Holdeman EL
	2	Kyrene Del Norte EL
	2	Newitt EL
	2	Scales EL
	1	Thew EL
	2	Waggoner EL
Tolleson	2	Pendergast EL
	2	Tolleson #1 EL
	2	Tolleson #2 EL
	2	Tolleson UHS
	1	Union EL
Tombstone	2	Huachuca City EL
	2	Meyer EL
	2	Tombstone HS
	2	Wyatt JHS
Tonopah	2	Ruth Fisher EL
Tuba City	1	Tuba City EL
	1	Tuba City HS
Tucson	2	Amphitheater JHS
	2	Amphitheater HS
	2	Apollo JHS
	1	Arizona Youth Center
	1	Borton EL
	1	Carrillo EL
	1	Cavett EL
	1	Davis EL
	2	Dill, Mary E, EL
	1	Drachman EL
	2	Elvira EL
	2	Ford EL
	1	Government Heights EL
	1	Holloday EL
	2	Keeling EL
	2	Keen EL
	2	Lawrence EL
	2	Liberty EL
	2	Lynn EL
	1	Manzo EL
	2	Menlo Park EL
	1	Mission View EL
	2	Nash EL
	1	Ochoa EL
	2	Pistor JHS
	2	Prince EL
	2	Pueblo Gardens
	2	Pueblo HS
	1	Richey EL
	1	Rose EL
	1	Roskruge EL
	1	Roosevelt EL
	1	Safford EL
	1	Safford JHS
	2	St. Peter and Paul EL
	2	Santa Cruz EL
	1	San Xavier Mission EL
	1	Spring JHS
	2	Sunnyside HS
	2	Tanque Verde EL
	2	Tolson EL
	2	Tucson HS
	1	Tully EL
	2	University Heights EL
	1	Utterback JHS
	2	Van Buskirk EL
	2	Vesey EL
	1	Wakefield JHS
	2	Wetmore EL
	2	White EL
Vail	1	Vail EL

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Location	Code *	School Name
Wellton	2	Antelope JHS
	1	Wellton EL
Wenden	1	Wenden EL
Whiteriver	1	Alchesay HS
	1	Seven-Mile EL
	1	Whiteriver EL
	1	Whiteriver JHS
Willcox	2	Willcox School (K-4)
	2	Willcox School (5-8)
Williams	2	Williams EL
	2	Williams HS
Window Rock	1	Window Rock EL
Winkleman	2	Hambley JHS
	2	Winkleman EL
Winslow	1	Bonnie Brennan EL
	1	Jefferson EL
	1	Washington/Lincoln EL
	2	Winslow JHS
	2	Winslow HS
Wittman	1	Hadaburg EL
Young	2	Young EL
Yuma	2	Alice Byrne EL
	1	Carver EL
	2	Crane Pueblo (K-5)
	2	Crane Rancho (K-5)
	2	Crane Viejo (6-8)
	2	Fourth Avenue JHS
	2	Ham, G. EL
	1	Immaculate Conception EL
	2	O. C. Johnson EL
	2	C. W. McGraw EL
	1	M. E. Post EL
	1	Roosevelt EL

Arkansas

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Location	Code *	School Name
Alexander	3	Arkansas Training School 1-12 for Girls
Alma	3	Alma 1-12
	3	Kibler 1-6
Alpena	3	Alpena 1-12
Altheimer	1	Altheimer K-12
Altus	1	Altus-Denning K-6
	1	St. Mary's 1-6
Arkadelphia	3	Arkadelphia K
Arkansas City	1	Arkansas City K-8
Armorel	1	Armorel K-12
Aubrey	1	Aubrey K-6
Augusta	3	Augusta 1-12
Bald Knob	3	Bald Knob 1-12
Banks	3	Banks 1-12
Batesville	3	Seventh Day Adventist 1-2 4-6 8
Bay	1	Bay-Brown K-12
Bearden	3	Bearden 1-12
Belleville	3	Belleville 1-12
Bentonville	1	Bentonville K-12
Bergman	3	Bergman K-12
Big Flat	1	Big Flat 1-12
Biggers	3	Biggers-Reyno K-12
Black Rock	3	Black Rock K-12
Blevins	3	Blevins 1-12
Blytheville	1	Blytheville 10-12
	1	Central 4-6
	3	East 7-9
	1	Fairview 4-6
	1	Franklin 1-3
	1	Harrison K-3
	1	Robinson 1-3
	1	West 7-9
Bradford	3	Bradford K-12
Bradley	1	Bradley K-12
Brickeys	1	Nathan Hale K-6
Briggsville	1	Fourche Valley 1-12
Brinkley	1	Brinkley 1-12
Burdette	1	Burdette K-6
Cabot	3	Cabot K-3
	1	Cabot 4-6
	3	Cabot 7-8
	1	Cabot 9-12
Caddo Gap	1	Caddo Gap 1-6
Caldwell	1	Caldwell 1-5
Cale	1	Cale 1-12
Calico Rock	3	Calico Rock 1-12
Caraway	3	Caraway 1-12
Carlisle	3	Carlisle 1-12
Carthage	3	Carthage 1-12
Casa	1	Casa 1-6
	1	Casa 7-12
Cave City	3	Cave City K-12
Cherry Valley	3	Cherry Valley 1-6
Chidester	1	Chidester 1-12
Clarendon	1	Clarendon 1-12
Clarksville	3	Hurie K-4
Clinton	3	Alread 1-12
Compton	3	Compton 1-8
Concord	1	Concord 1-12
Conway	1	Conway 6-9
Corning	3	McDougal 1-6
Cotter	3	Cotter 1-12
Cotton Plant	1	Cotton Plant 1-12
Cove	3	Van Cove 1-6
	1	Van Cove 7-12
Crawfordsville	1	Crawfordsville 1-12
Cushman	1	Cushman K-12
Dardanelle	3	Dardanelle 1-12
Decatur	3	Decatur K-12
Deer	3	Deer 1-12
Delaplaine	3	Delaplaine 1-12
Delight	3	Delight K-12
Dell	3	Dell K-12
Dermott	1	Dermott 1-12
	1	Morris Booker Memorial 1-12
DeValls Bluff	1	DeValls Bluff 1-12
Doddridge	3	Bright Star 1-12
Dumas	1	Dumas K-12
Dyess	1	Dyess 1-6
	1	Dyess 7-9
Earle	1	Earle 1-12
Edmonson	1	Medlock 1-6
Elaine	1	Elaine K-12
El Dorado	3	Barton 7-9
	1	Fairview K
	3	Hugh Goodwin 1-6
	3	Morning Star 6
	1	Murrell Heights 1-5
	3	Northwest 1-5

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
El Dorado cont.	3	Retta Brown 1-6
	3	Rogers 7-9
	1	Southside 1-6
	1	Watson 6
	1	West Woods 1-5
	1	Yocum 1-5
Elkins	3	Elkins K-12
Emerson	3	Emerson 1-12
Emmet	3	Emmet 1-12
England	1	England K-12
Eudora	1	Eudora 1-12
	1	Ross Van Ness 1-8
Evening Shade	3	Evening Shade 1-12
Everton	3	Bruno-Pyatt 1-6
	1	Bruno-Pyatt 7-12
Fayetteville	1	Jefferson 1-6
Flippin	3	Flippin K-12
Floral	3	Floral 1-12
Fordyce	1	Fordyce K-12
Foreman	1	Foreman K-12
Forrest City	1	Central 4-6
	1	Evans 1-6
	1	Forrest City 7-9
	1	Forrest City 10-12
	1	Forrest Hills 1-6
	1	Primary 1-3
	1	Stewart 1-3
	1	Stewart 4-6
Fort Smith	1	Belle Grove 1-6
	1	Belle Point 1-6
	1	Darby 7-9
	1	DuVall 1-6
	1	Howard K-6
	1	Parker K-6
	1	Rogers K-6
	1	Spradling 1-6
	3	Sutton 1-6
	1	Trusty K-6
Fountain Hill	3	Fountain Hill K-12
Garland	3	Garland K-9
Genevia	1	College Station K-4
Gentry	3	Gentry K-12
Gould	1	Gould K-12
Grady	1	Grady 1-12
Gravette	3	Gravette K-6
	3	Gravette 7-12
Green Forest	3	Green Forest K-12
Griffithville	3	Griffithville K-12
Grubbs	3	Grubbs K-12
Guy	1	Guy-Perkins K-12
Hamburg	1	Hamburg K-12
Hampton	3	Hampton K-12
Harrisburg	1	Common K-12
Hartford	3	Hartford 1-12
Hazen	3	Hazen 1-12
Heber Springs	3	West Side K-12
Hector	1	Hector 1-12
Helena	1	Helena Crossing 1-6
	1	J. F. Wahl 3-6
	1	Jefferson 1
	1	Lake View K-12
	1	North End 2
Hermitage	3	Hermitage K-12
Hickory Ridge	3	Hickory Ridge 1-6
Hiwasse	3	Hiwasse 1-5
Holly Grove	1	Holly Grove 1-12
Hope	1	Beryl Henry 1-5
	1	Brookwood 1-5
	1	Garland 1-5
	1	Hope 10-12
	1	Hopewell 6
	1	Paisley K-4
Hope cont.	3	Spring Hill 1-12
	1	Yerger 7-9
Horatio	3	Horatio 1-12
Hot Springs	3	Central 7-9
	3	East Side 1-6
	3	Gardner 1-6
	3	Goldstein 1-6
	3	Park 1-6
Hoxie	3	Hoxie 1-12
Hughes	1	Hughes 1-12
Hulbert	1	Dabbs 1-6
Humnoke	3	Humnoke 1-12
Humphrey	3	Humphrey 1-12
Huntsville	1	Huntsville 1-12
Huttig	1	Huttig 1-12
Imboden	3	Sloan-Hendrix K-12
Jasper	1	Jasper 1-12
Jerusalem	3	Jerusalem 1-8
Joiner	1	Shawnee 1-6
	1	Shawnee 7-9
Jonesboro	1	East 1-6
	1	Helen P. Dudley Ungraded
	1	North 1-6
	3	West 1-6
Judsonia	3	Judsonia 1-12
Junction City	3	Junction City K-12
Keiser	1	Keiser 1-6
	1	Keiser 7-9
Kensett	3	Kensett 1-12
Kingsland	3	Kingsland K-12
Kingston	3	Kingston 1-12
Lake City	3	Dixie 1-6
	3	Lake City 1-12
Lake Village	1	Lakeside 1-12
Lamar	3	Lamar 1-6
	1	Lamar 7-12
Lavaca	3	Lavaca 1-12
Lawson	1	Lawson K
Leachville	3	Leachville 1-12
Lead Hill	3	Lead Hill K-12
Lepanto	1	Lepanto 1-12
Leslie	1	Leslie 1-12
Lewisville	3	Lewisville 1-12
Lexa	3	Barton-Lexa K-12
Lincoln	3	Lincoln 1-12
Little Rock	3	Fair Park 1-3
	3	Forrest Heights 8-9
	3	Forrest Park 1-3
	3	Garland 1-5
	3	Oakhurst 4-5
	3	Parham 1-5
	3	Stephens 4-5
Lonoke	1	Lonoke K-12
Luxora	1	Luxora 1-12
Lynn	3	Lynn K-12
McCrory	1	McCrory K-12
McGehee	1	McGehee 1-12
McNeil	1	McNeil 1-12
McRae	3	McRae 1-12
Madison	1	Madison-Butlers 1-6
Magnolia	1	Magnolia K-12
	1	Walker K-12
Mammoth Spring	3	Mammoth Spring 1-12
Manila	3	Manila K-12
Marion	1	Marion 1-12
Marked Tree	1	Marked Tree 1-12
Marmaduke	3	Marmaduke 1-12
Marianna	1	Futrall 9
	1	Lee 10-12
	1	Strong 3-5
	1	Strong 6-7
	1	Strong 8
	1	Whitten-Hunnally K-2

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Location	Code *	School Name
Marshall	3	Marshall 1-12
Marvell	1	Marvell 1-12
Maynard	3	Maynard 1-12
Melbourne	3	Melbourne 1-12
Mena	3	Mena 1-12
Menifee	1	East Side K-12
Monette	1	Monette K-12
Monticello	1	Monticello 1-12
Moro	1	Moro K-6
Morrilton	1	Morrilton 7-9
	1	Morrilton 10-12
	1	Northside 1-6
	1	Reynolds 1-6
	1	Westside 3-6
Moscow	1	Linwood K-12
Mountainburg	3	Mountainburg 1-12
Mount Holly	3	Mount Holly K-12
Mount Judea	1	Mount Judea K-12
Mountain Home	3	Mountain Home 7
	2	Nelson-Wilks 1-6
New Edinburg	3	New Edinburg 1-12
Newark	3	Newark 1-12
Newport	1	Albright K-6
	1	Castleberry K-6
	3	Newport 7-8
	1	Newport 9-12
Norphlet	3	Norphlet 1-12
Norman	1	Caddo Hills 7-12
	1	Norman 1-5
North Little Rock	3	Baring Cross K-6
Oark	1	Oark 1-12
Oden	3	Oden 1-12
Okolona	1	Okolona 1-12
Osceola	1	East 1-5
	3	Osceola 6-7
	3	Osceola 10-12
Ozark	3	Pleasant View K-12
Palestine	1	Palestine K-12
Pangburn	3	Pangburn K-12
Paragould	3	Baldwin 1-5
	2	East K-6
	1	Elmwood 1-5
	1	Oakwood 1-5
	3	West K-6
	3	Woodrow Wilson 1-5
Parkdale	1	Parkdale 1-9
Parkin	1	Parkin 1-12
Patmos	3	Patmos 1-6
Perry	1	Perry 1-6
Piggott	3	Piggott K-12
Pine Bluff	3	Arkansas Training School 1-12 for Boys
	1	Barnes Memorial 1-9
	3	Carver K-4
	3	Coleman 7-8
	1	Dollarway K-12
Pleasant Plains	3	Pleasant Plains K-12
Portland	1	Portland K-12
Poughkeepsie	3	Poughkeepsie 1-12
Prairie View	1	Prairie View K-4
Prescott	2	Prescott 1-12
Rison	1	Rison 1-12
Rohwer	1	Delta 7-9
	1	Desha-Central 1-6
Rose Bud	3	Rose Bud 1-12
Rosston	1	Oak Grove 1-12
St. Charles	2	St. Charles 1-12
St. Joe	1	St. Joe 1-12
St. Paul	3	St. Paul 1-12
Salem	3	Salem 1-12
Saratoga	1	Saratoga 1-12
Scotland	3	Scotland 1-12
Scott	3	Scott K-6
Scranton	3	Scranton 5-8
	1	Scranton 9-12
Selma	1	Selma 1-8
Sherrill	1	Barrett-Rosenwald K-8
Shirley	1	Shirley 1-12
Siloam Springs	3	Siloam Springs 5-6
	3	Siloam Springs 7-9
	1	Siloam Springs 10-12
	3	Southside K-4
Smackover	3	Smackover K-12
Snowball	1	Snowball 1-12
Snow Lake	1	Snow Lake 1-12
Springdale	1	Jones K-6
Stamps	3	Stamps 1-12
Star City	3	Glendale 1-12
	1	Star City K-12
Stephens	1	Stephens K-12
Strawberry	3	Strawberry K-12
Strong	1	Strong 1-12
Stuttgart	1	Duerkle 1-4
	1	Holman 5
	1	Julia Shannon 1-4
	1	Lincoln K
	1	Northside 1-4
	3	Stuttgart 6-7
	3	Stuttgart 8-9
Subiaco	3	St. Benedict's 1-8
Sulphur Rock	3	Sulphur Rock K-12
Sulphur Springs	3	Sulphur Springs 1-5
Taylor	3	Taylor K-12
Texarkana	1	Carver K
	3	Central 1-5
	3	College Hill 1-5
	3	College Hill 7-9
	3	Genoa Central 1-12
	2	Kilpatrick 1-5
	3	Union 1-5
	3	Washington 6
Thornton	3	Thornton 1-12
Timbo	1	Timbo 1-12
Tucker	3	Tucker Intermediate 1-12 Reformatory
Tuckerman	3	Tuckerman 1-12
Turrell	1	Turrell 1-12
Tyronza	3	Tyronza K-12
Urbana	3	Urbana 1-9
Valley Springs	3	Valley Springs 1-12
Van Buren	3	Izard 1-6
	1	Oak Grove 1-6
	1	Sophia Meyer 1-6
Vanndale	3	Vanndale 1-6
Village	1	Village 1-12
Viola	3	Viola 1-12
Wabbaseka	1	Wabbaseka 1-12
Waldo	1	Waldo K-12
Walnut Ridge	3	Walnut Ridge 1-12
Ward	3	Ward 1-5
Washington	3	Lincoln 1-12
Watson	1	Delta 10-12
	1	Watson 1-6
West Helena	1	Beech Crest 1-2
	1	Central 9-12
	1	Miller 7-8
	1	Westside 3-4
	1	Woodruff 5-6
West Memphis	1	Bragg 1-6
	1	East 7-9
	1	Jackson 1-6
	1	Maddux 1-6
	1	Richland 1-6
	1	Weaver 1-6

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Location	Code *	School Name
West Memphis cont.	1	West 7-8
	1	West Memphis 10-12
	1	Wonder 1-6
	1	Wonder 7-9
West Ridge	3	Etowah K-12
Western Grove	1	Western Grove K-12
Wheatley	1	Wheatley K-12
Widener	1	DeRossitt 1-6
Wilburn	3	Cleburne County 1-12
Williford	3	Williford K-12
Wilmar	1	Wilmar K-12
Wilmot	1	Wilmot K-12
Wilson	1	Rivercrest 10-12
	1	Wilson 1-6
	1	Wilson 7-9
Winslow	3	Winslow 1-12
Witts Springs	1	Witts Springs 1-12
Wright	1	Plum Bayou 1-12
Wrightsville	3	Arkansas Training School 1-12 for Boys
	1	J. C. Cook K-3
Wynne	1	Wynne 1-12
Yellville	1	Oakland 1-6
	3	Yellville-Summit 1-12

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Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)		
ALAMEDA COUNTY		
ALAMEDA CITY UNIFIED		
	1	Haight EL, JHS
	1	Maestick EL
ALAMEDA COUNTY SPECIAL SCHOOLS		
	1	Chabot Ranch EL, HS
	1	Juvenile Hall EL, HS
	1	Juvenile Hall Girls EL, HS
	1	Las Vistas School for Girls EL, HS
	1	Los Cerros Senior Boys HS
	1	Snediger Cottage EL, HS
ALAMEDA CITY UNIFIED		
	1	Cornell EL
BERKELEY UNIFIED		
	1	Berkeley East Campus HS
	1	Berkeley West Campus HS
	1	Emerson EL
	1	Franklin EL
	1	Grizzly Peak EL
	1	Hillside EL
	1	John Muir EL
	1	La Conte EL
	1	Malcolm X EL
	1	Thousand Oaks EL
	1	Tilden EL
	1	Washington EL
	1	Whittier EL
	1	Willard PHS
DIOCESE OF OAKLAND		
	1	Sacred Heart EL-NP
	1	Saint Anthony's EL-NP
	1	Saint Benedict EL-NP
	1	Saint Bernard EL-NP
	1	Saint Columba EL-NP
	1	Saint Cyril EL-NP
	1	Saint Elizabeth EL-NP
	1	Saint Francis de Sales EL-NP
	1	Saint Louis Bertrand EL-NP
	1	Saint Mary EL-NP
	1	Saint Patrick's EL-NP
ALAMEDA COUNTY cont.		
EMERY UNIFIED		
	1	Anna Yates EL
	1	Emery FHS, HS
	1	Ralph Hawley EL
FREMONT UNIFIED		
	1	Brier EL
	1	F. M. Grimmer EL
	1	J. Haley Durham EL
	1	Vallejo Mill EL
HAYWARD UNIFIED		
	1	Bowman EL
	1	Burbank EL
	1	Cherryland EL
	1	Hillcrest EL
	1	Longwood EL
	1	Markham EL
	1	Mohrland Continuation HS
	1	Muir EL
	1	Palma Ceia EL
	1	Ruus EL
	1	Sequoia EL
	1	Shepherd EL
LIVERMORE VALLEY JOINT UNIFIED		
	1	Del Valle Continuation HS
	1	Marylin Avenue EL
	1	Rincon Avenue EL
MURRAY ELEMENTARY		
	1	Donlin EL
	1	L. R. Cronin EL
NEW HAVEN UNIFIED		
	1	Alvarado Middle EL
	1	Decoto EL
	1	El Rancho Verde EL
	1	Hillview Crest EL
	1	Searles EL
NEWARK UNIFIED		
	1	August Schilling EL
OAKLAND CITY UNIFIED		
	1	Allendale EL
	1	Anthony Chabot EL
	1	Bella Vista EL
	1	Brookfield Village EL
	1	Castlemont HS
	1	Clawson EL
	1	Cole EL

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Location	Code *	School Name
ALAMEDA COUNTY cont.		
OAKLAND CITY UNIFIED		
	1	Crocker Highlands EL
	1	Dag Hammarskjold EL
	1	Davey Continuation HS
	1	Durant EL
	1	Edison EL
	1	Elmhurst FHS
	1	Emerson EL
	1	E. Morris Cox EL
	1	Franklin EL
	1	Fremont HS
	1	Frick FHS
	1	Fruitvale EL
	1	Garfield EL
	1	Golden Gate EL
	1	Grant Continuation HS
	1	Hamilton JHS
	1	Havenscourt JHS
	1	Hawthorne EL
	1	Highland EL
	1	Hoover JHS
	1	Horace Mann EL
	1	Jefferson EL
	1	Lafayette EL
	1	Lazear EL
	1	Lockwood EL
	1	Longfellow EL
	1	Lowell FHS
	1	Madison JHS
	1	Manzanita EL
	1	Markham EL
	1	Martin Luther King EL
	1	McClymonds HS
	1	Melrose EL
	1	Oakland Technical HS
	1	Parker EL
	1	Peralta EL
	1	Prescott EL
	1	Ralph J. Bunche EL
	1	Roosevelt JHS
	1	Santa Fe EL
	1	Sobrante Park EL
	1	Stonehurst EL
	1	Washington EL
	1	Webster EL
	1	Whittier EL
	1	Willow Manor EL
	1	Woodland EL
	1	Woodrow Wilson JHS
PLEASANTON JOINT ELEMENTARY		
	1	Harvest Park EL
	1	Pleasanton EL
	1	Walnut Grove EL
SAN LEANDRO UNIFIED		
	1	Cleveland EL
ALPINE COUNTY		
ALPINE COUNTY UNIFIED		
	1	Clay EL
	1	Diamond Valley EL
AMADOR COUNTY		
CALIFORNIA YOUTH AUTHORITY		
	1	Pine Grove Conservation Camp EL, HS
	1	Preston School of Industry EL, HS
BUTTE COUNTY		
BANGOR UNION ELEMENTARY		
	1	Bangor EL
BUTTE COUNTY cont.		
BIGGS UNIFIED		
	1	Biggs EL
	1	Biggs HS
BUTTE COUNTY SPECIAL SCHOOLS		
	1	Table Mountain School (Juvenile Hall)
CHICO UNIFIED		
	1	Chapman EL
	1	Continuation Education HS
	1	Oakdale EL
	1	Rosedale EL
FEATHER FALLS UNION ELEMENTARY		
	1	Feather Falls EL
GOLDEN FEATHER UNION ELEMENTARY		
	1	Concow EL
	1	Spring Valley EL
GRIDLEY UNION ELEMENTARY		
	1	McKinley EL
	1	Sycamore EL
	1	Wilson EL
GRIDLEY UNION HIGH		
	1	Esperanza Continuation HS
	1	Gridley HS
OROVILLE CITY ELEMENTARY		
	1	Bird Street EL
	1	Burbank EL
	1	Central EL
	1	Eastside EL
	1	Oakdale Heights EL
OROVILLE UNION HIGH		
	1	Las Plumas HS
	1	Oroville HS
	1	Prospect Continuation HS
PALERMO UNION ELEMENTARY		
	1	Helen M. Wilcox EL
	1	Honcut EL
	1	Palermo EL
PARADISE UNIFIED		
	1	Ridgeview Continuation HS
THERMALITO UNION ELEMENTARY		
	1	Nelson Avenue EL
	1	Poplar Avenue EL
	1	Sierra Avenue EL
CALAVERAS COUNTY		
CALAVERAS UNIFIED		
	1	West Point EL
COLUSA COUNTY		
COLUSA COUNTY SPECIAL SCHOOLS		
	1	Fouts Springs Boys Ranch JHS, HS
COLUSA UNIFIED		
	1	Colusa EL
	1	Colusa JHS
	1	Colusa HS
PIERCE JOINT UNIFIED		
	1	Dunnigan EL
	1	Pierce HS

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CONTRA COSTA COUNTY		
ANTIOCH UNIFIED		
	1	Fremont EL
BRENTWOOD UNION ELEMENTARY		
	1	Garin EL
BYRON UNION ELEMENTARY		
	1	Byron EL
CANYON ELEMENTARY		
	1	Canyon EL
CONTRA COSTA COUNTY SPECIAL SCHOOLS		
	1	Contra Costa County Boy's Ranch EL, HS
	1	Edgar Children's Shelter EL, HS
	1	George Miller, Jr. Memorial Center East
	1	George Miller, Jr. Memorial Center West
	1	Girls' Center
	1	GUIDE-Western Girls EL
	1	Juvenile Hall
	1	Juvenile Replacement Center
DIOCESE OF OAKLAND		
	1	Saint Catherine of Siena EL-NP
JOHN SWETT UNIFIED		
	1	Millcreek EL
	1	Willow Continuation HS
LIBERTY UNION HIGH		
	1	Liberty Continuation HS
MARTINEZ UNIFIED		
	1	Martinez EL
MOUNT DIABLO UNIFIED		
	1	Ambrose EL
	1	Bel Air EL
	1	Pacifica HS
	1	Riverview JHS
	1	Shore Acres EL
PITTSBURG UNIFIED		
	1	Central JHS
	1	Delta Continuation HS
	1	Los Medanos EL
	1	Marina EL
	1	Martin Luther King EL
	1	Parkside EL
	1	Pittsburg North Campus HS
	1	Pittsburg South Campus HS
	1	Village EL
RICHMOND UNIFIED		
	1	Alvarado EL
	1	Belding EL
	1	Coronado EL
	1	Cortez EL
	1	Dover EL
	1	Downer JHS
	1	El Portal EL
	1	Ells HS
	1	Helms JHS
	1	King EL
	1	Lake EL
	1	Lincoln EL
	1	Nystrom EL
	1	Peres EL
	1	Richmond HS
	1	Riverside EL
	1	Samuel Gompers Continuation HS
CONTRA COSA COUNTY cont.		
RICHMOND UNIFIED		
	1	Stege EL
	1	Verde EL
	1	Washington EL
	1	Wooda EL
SAN RAMON VALLEY UNIFIED		
	1	Los Cerros JHS
	1	Twin Creeks EL
DEL NORTE COUNTY		
DEL NORTE COUNTY UNIFIED		
	1	*Bar-O Boys Ranch EL, HS
	1	Bess Maxwell EL
	1	Del Norte HS
	1	Joe Hamilton EL
	1	Northwest Continuation HS
EL DORADO COUNTY		
EL DORADO COUNTY SPECIAL SCHOOLS		
	1	Juvenile Hall
GEORGETOWN DIVIDE UNION ELEMENTARY		
	1	Georgetown Divide EL
LAKE TAHOE UNIFIED		
	1	Bijou EL
FRESNO COUNTY		
ALVINA ELEMENTARY		
	1	Alvina EL
AMERICAN UNION ELEMENTARY		
	1	American EL
BIOLA-PERSHING UNION ELEMENTARY		
	1	Biola-Pershing EL
BURREL UNION ELEMENTARY		
	1	Burrel EL
CANTUA ELEMENTARY		
	1	Cantua EL
CARUTHERS UNION ELEMENTARY		
	1	Caruthers EL
CARUTHERS UNION HIGH		
	1	Caruthers HS
CENTRAL UNION HIGH		
	1	Central HS
	1	Pershing Continuation HS
CLOVIS UNIFIED		
	1	Clovis Continuation HS
	1	Dry Creek EL
	1	Nelson EL
	1	Pinedale EL
	1	Temperance Kutner EL
	1	Weldon EL
COALINGA JOINT UNIFIED		
	1	Annie E. Cheney EL
	1	Henry F.Bishop EL
	1	Huron EL
	1	Nell Dawson EL
	1	Sunset EL
FIREBAUGH JOINT ELEMENTARY		
	1	Arthur E. Mills EL
	1	Firebaugh JHS
	1	Parkside EL

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Location	Code *	School Name
FRESNO COUNTY cont.		
FOWLER UNIFIED		
	1	Casa Blanca Continuation HS
	1	Fowler HS
	1	Fremont EL
	1	James E. Konkel EL
	1	Malga EL
	1	Marshall EL
FRESNO CITY UNIFIED		
	1	Addams EL
	1	Addams JHS
	1	Ayneworth EL
	1	Bethune EL
	1	Birney EL
	1	Burroughs EL
	1	Calwa EL
	1	Carver EL
	1	Columbia EL
	1	Edison HS
	1	Emerson EL
	1	Franklin EL
	1	Irwin JHS
	1	Jefferson EL
	1	King EL
	1	Kirk EL
	1	Lafayette EL
	1	Lane EL
	1	Lincoln EL
	1	Lowell EL
	1	Mayfair EL
	1	Muir EL
	1	Roosevelt HS
	1	Rowell EL
	1	Sequoia JHS
	1	Sunset EL
	1	Tehipite JHS
	1	Teilman EL
	1	Webster EL
	1	Winchell EL
	1	Yosemite JHS
FRESNO COLONY ELEMENTARY		
	1	Fresno Colony EL
	1	Ivy EL
	1	Western EL
FRESNO COUNTY SPECIAL SCHOOLS		
	1	Juvenile Hall
FRIANT UNION ELEMENTARY		
	1	Friant EL
HELM ELEMENTARY		
	1	Helm EL
HERNDON ELEMENTARY		
	1	Herndon EL
HOUGHTON-Kearney EL		
	1	Houghton-Kearney EL
KERMAN UNION HIGH		
	1	Buena Vista HS
	1	Kerman HS
KINGS CANYON JOINT UNIFIED		
	1	Alta EL
	1	Dunlap EL
	1	Jefferson EL
	1	Kings Canyon Continuation HS
	1	L. W. McCord EL
	1	Reedley HS
	1	Sheridan EL
LAS DELTAS ELEMENTARY		
	1	Las Deltas EL
LATON JOINT UNIFIED		
	1	Laton Continuation HS
	1	Laton EL
	1	Laton HS
MADISON ELEMENTARY		
	1	Madison EL
	1	Sunset EL
McKINLEY-ROOSEVELT UNION ELEMENTARY		
	1	McKinley EL
	1	Roosevelt EL
MENDOTA UNION ELEMENTARY		
	1	McCabe EL
	1	McCabe Senior Elementary JHS
	1	Washington EL
MONROE ELEMENTARY		
	1	Monroe EL
ORANGE CENTER ELEMENTARY		
	1	Orange Center EL
ORO LOMA ELEMENTARY		
	1	Oro'Loma EL
PACIFIC UNION ELEMENTARY		
	1	Pacific Union EL
PARLIER UNIFIED		
	1	Central EL
	1	Mendocino JHS
	1	Parlier HS
	1	Tuolumne EL
PINE RIDGE ELEMENTARY		
	1	Pine Ridge EL
RAISIN CITY ELEMENTARY		
	1	Raisin City EL
RIVERDALE JOINT UNION ELEMENTARY		
	1	Riverdale EL
	1	Riverdale Primary EL
RIVERDALE JOINT UNION HIGH		
	1	Riverdale HS
SANGER UNIFIED		
	1	Centerville EL
	1	Del Rey EL
	1	Jefferson EL
	1	Kings River Continuation HS
	1	Lincoln EL
	1	Madison EL
	1	Sanger HS
	1	Washington JHS
	1	Wilson EL
SAN JOAQUIN ELEMENTARY		
	1	San Joaquin EL
SELMA UNIFIED		
	1	Eric White EL
	1	George Washington EL
	1	Heartland Continuation HS
	1	Indianola EL
	1	James Garfield EL

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Location	Code *	School Name
FRESNO COUNTY cont.		
SELMA UNIFIED		
	1	Roosevelt EL
	1	Selma HS
	1	Thomas Jefferson EL
SIERRA JOINT UNION HIGH		
	1	Sierra HS
SUN-EMPIRE UNION ELEMENTARY		
	1	Sun-Empire EL
TEAGUE ELEMENTARY		
	1	Teague EL
TRANQUILLITY ELEMENTARY		
	1	Tranquillity EL
TRANQUILLITY UNION HIGH		
	1	Tranquillity HS
WASHINGTON COLONY ELEMENTARY		
	1	Washington Colony EL
WASHINGTON UNION HIGH		
	1	Washington HS
	1	Washington Union Continuation HS
WEST PARK ELEMENTARY		
	1	West Park EL
WESTSIDE ELEMENTARY		
	1	Martin P. Gunderson EL
GLENN COUNTY		
HAMILTON UNION ELEMENTARY		
	1	Hamilton EL
HAMILTON UNION HIGH		
	1	Community Continuation HS
	1	Hamilton Union HS
PLAZA ELEMENTARY		
	1	Plaza EL
PRINCETON JOINT UNIFIED		
	1	Codora EL
	1	Princeton EL
	1	Princeton JHS, HS
HUMBOLDT COUNTY		
BLUE LAKE UNION ELEMENTARY		
	1	Blue Lake EL
BLUFF PRAIRIE ELEMENTARY		
	1	Bluff Prairie EL
BRIDGEVILLE ELEMENTARY		
	1	Bridgeville EL
EUREKA CITY ELEMENTARY		
	1	Alice Birney EL
	1	Franklin EL
	1	Grant EL
	1	Jefferson EL
	1	Lafayette EL
	1	Lincoln EL
	1	Marshall EL
	1	Washington EL
	1	Worthington EL
HUMBOLDT COUNTY cont.		
EUREKA CITY HIGH		
	1	Catherine L. Zane JHS
	1	Eureka Juvenile Hall HS
	1	Eureka HS
	1	George C. Jacobs JHS
	1	Winship JHS
	1	Zoe Barnum HS
FORTUNA UNION ELEMENTARY		
	1	Fortuna EL
GREEN POINT ELEMENTARY		
	1	Green Point EL
HYDESVILLE ELEMENTARY		
	1	Hydesville EL
KLAMATH-TRINITY JOINT UNIFIED		
	1	Hoopa Valley EL
	1	Jack Norton EL
	1	Weitchpec EL
MAPLE CREEK ELEMENTARY		
	1	Maple Creek EL
MATTOLE UNION ELEMENTARY		
	1	Mattole Union EL
RIO DELL ELEMENTARY		
	1	Rio Dell EL
	1	Rio Dell Primary EL
SOUTHERN HUMBOLDT JOINT UNIFIED		
	1	Whitethorn EL
TRINIDAD UNION ELEMENTARY		
	1	Trinidad EL
IMPERIAL COUNTY		
BRAWLEY ELEMENTARY		
	1	Barbara Worth JHS
	1	J. W. Oakley EL
	1	Miguel Hidalgo EL
	1	Phil Swing EL
	1	Ruth Reid EL
CALEXICO UNIFIED		
	1	Allen and Helen Maine EL
	1	Aurora Continuation HS
	1	Calexico HS
	1	Dool EL
	1	Hoffman EL
	1	Jefferson EL
	1	Rockwood EL
CALIPATRIA UNIFIED		
	1	Calipatria HS
	1	Fremont EL
	1	Miland EL
DIOCESE OF SAN DIEGO		
	1	Our Lady of Guadalupe Academy EL-MP
	1	Vincent Memorial HS-MP
EL CENTRO ELEMENTARY		
	1	Harding EL
	1	Kennedy JHS
	1	Lincoln EL
	1	McKinley EL
	1	Washington EL

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Location	Code *	School Name
IMPERIAL COUNTY cont.		
HEBER ELEMENTARY	1	Heber EL
HOLTVILLE UNIFIED	1	Sam Webb Continuation HS
IMPERIAL COUNTY SPECIAL SCHOOLS	1	Esther Ruff Juvenile Hall EL, HS
IMPERIAL UNIFIED	1	Ben Hulse EL
	1	Frank M. Wright JHS
	1	Westside EL
MEADOWS UNION ELEMENTARY	1	Meadows EL
SAN PASQUAL VALLEY UNIFIED	1	San Pasqual Valley EL
	1	San Pasqual Valley HS
	1	San Pasqual Valley Continuation HS
WESTMORLAND UNION ELEMENTARY	1	Westmorland EL
KERN COUNTY		
ARVIN UNION ELEMENTARY	1	Haven Drive EL
	1	Meridan EL
	1	Sierra Vista EL
BAKERSFIELD CITY ELEMENTARY	1	Casa Loma EL
	1	Colonel Thomas Baker EL
	1	Fremont EL
	1	Jefferson EL
	1	Lincoln JHS
	1	McKinley EL
	1	Mount Vernon EL
	1	Owens EL
	1	Wayside EL
	1	Williams EL
EDISON ELEMENTARY	1	Edison EL
EL TEJON UNION ELEMENTARY	1	Mettler EL
FAIRFAX ELEMENTARY	1	Fairfax EL
GENERAL SHAFTER ELEMENTARY	1	General Shafter EL
KERN COUNTY SPECIAL SCHOOLS	1	Camp Erwin Owen HS
	1	Juvenile Hall Central EL
	1	Juvenile Hall Central HS
KERN JOINT UNION HIGH	1	Arvin HS
	1	McFarland HS
	1	Vista Continuation HS
LAMONT ELEMENTARY	1	Alicante Avenue EL
	1	Lamont EL
	1	Mountain View JHS
	1	Myrtle Avenue EL
KERN COUNTY cont.		
LERDO ELEMENTARY	1	Lerdo EL
LOST HILLS UNION ELEMENTARY	1	Lost Hills EL
MARICOPA UNIFIED	1	Maricopa EL
POND UNION ELEMENTARY	1	Pond EL
RICHLAND ELEMENTARY	1	Richland EL
	1	Richland JHS
	1	Richland Primary EL
SEMITROPIC ELEMENTARY	1	Semitropic EL
SIERRA SANDS UNIFIED	1	Rand EL
STANDARD ELEMENTARY	1	Standard EL
TAFT CITY ELEMENTARY	1	Conley EL
VINELAND ELEMENTARY	1	Sunset EL
	1	Vineland EL
WASCO UNION ELEMENTARY	1	Karl F. Clemens EL
	1	Thomas Jefferson JHS
KINGS COUNTY		
ARMONA UNION ELEMENTARY	1	Armona EL
	1	Parkview EL
CENTRAL UNION ELEMENTARY	1	Central EL
	1	Stratford EL
CORCORAN JOINT UNIFIED	1	Bret Harte EL
	1	Corcoran HS
	1	John C. Fremont EL
	1	John Muir JHS
	1	Kings Lake HS
	1	Mark Twain EL
	1	Westside EL (Preschool)
DIOCESE OF FRESNO	1	Thomas McCarthy Memorial EL-NP
HANFORD ELEMENTARY	1	Jefferson EL
	1	Lee Richmond EL
	1	Lincoln EL
	1	Washington EL
HANFORD JOINT UNION HIGH	1	Earl Johnson HS
	1	Hanford East Campus HS
	1	Hanford West Campus HS
KINGS COUNTY SPECIAL SCHOOLS	1	Kings County Juvenile Center

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Location	Code *	School Name
KING COUNTY cont.		
LAKESIDE UNION ELEMENTARY	1	Gardenside EL
	1	Lakeside EL
REEF-SUNSET UNION ELEMENTARY	1	Avenal EL
	1	Kettleman City EL
LAKE COUNTY		
	1	Lucerne EL
LOS ANGELES COUNTY		
ABC UNIFIED	1	Benito Juarez EL
	1	Bloomfield EL
	1	El Dorado Continuation HS
	1	John F. Kennedy EL
	1	M.T. Killingsworth JHS
	1	Vern W. Furgeson EL
ALHAMBRA CITY ELEMENTARY	1	William Northrup EL
	1	Ynez EL
ALHAMBRA CITY HIGH	1	Century Continuation HS
ARCHDIOCESE OF LOS ANGELES	1	All Saints EL-NP
	1	All Souls EL-NP
	1	Ascension EL-NP
	1	Assumption EL-NP
	1	Bishop Amat Memorial HS-NP
	1	Bishop Conaty Memorial HS-NP
	1	Bishop Montgomery HS-NP
	1	Bishop Mora Salesian HS-NP
	1	Cantwell Boys HS-NP
	1	Cathedral HS-NP
	1	Christ the King EL-NP
	1	Divine Saviour
	1	Dolores Mission EL-NP
	1	Epiphany EL-NP
	1	Guardian Angel EL-NP
	1	Holy Cross Middle JHS-NP
	1	Holy Family EL-NP
	1	Holy Innocents EL-NP
	1	Holy Name of Jesus EL-NP
	1	Holy Spirit EL-NP
	1	Holy Trinity EL-NP
	1	Holy Trinity EL-NP
	1	Immaculate Conception EL-NP
	1	Little Flower of Jesus EL-NP
	1	Mary Immaculate EL-NP
	1	Mother of Sorrows EL-NP
	1	Mount Carmel HS-NP
	1	Nativity EL-NP
ARCHDIOCESE OF LOS ANGELES	1	Nativity EL-NP
	1	Our Lady Help of Christians
	1	Our Lady of Guadalupe(Hazard) EL-NP
	1	Our Lady of Guadalupe (Rosehill)
	1	Our Lady of Loretto EL-NP
	1	Our Lady of Loretto HS-NP
	1	Our Lady of Lourdes EL-NP
	1	Our Lady Queen of the Angels Middle JHS-NP
	1	Our Lady of Refuge EL-NP
	1	Our Lady of the Rosary of Talpa EL-NP
	1	Our Lady of Soledad EL-NP
	1	Our Lady of Victory EL-NP
	1	Our Mother of the Good Counsel EL-NP
	1	Peter Noster HS-NP
LOS ANGELES COUNTY cont.		
ARCHDIOCESE OF LOS ANGELES	1	Pius X HS-NP
	1	Precious Blood EL-NP
	1	Regina Caeli HS-NP
	1	Resurrection EL-NP
	1	Sacred Heart EL-NP
	1	Sacred Heart EL-NP
	1	Sacred Heart EL-NP
	1	Sacred Heart EL-NP
	1	Sacred Heart EL-NP
	1	Sacred Heart HS-NP
	1	Sacred Heart of Mary HS-NP
	1	Saint Agatha EL-NP
	1	Saint Agnes EL-NP
	1	Saint Albert The Great EL-NP
	1	Saint Aloysius EL-NP
	1	Saint Alphonsus EL-NP
	1	Saint Ambrose EL-NP
	1	Saint Anastasia EL-NP
	1	Saint Andrew EL-NP
	1	Saint Andrew HS-NP
	1	Saint Anne EL-NP
	1	Saint Anselm EL-NP
	1	Saint Anthony EL-NP
	1	Saint Anthony EL-NP
	1	Saint Anthony EL-NP
	1	Saint Anthony HS-NP
	1	Saint Anthony of Padua EL-NP
	1	Saint Athanasius EL-NP
	1	Saint Augustine EL-NP
	1	Saint Benedict EL-NP
	1	Saint Bernadette EL-NP
	1	Saint Bernard EL-NP
	1	Saint Bernard EL-NP
	1	Saint Bernard HS-NP
	1	Saint Brigid EL-NP
	1	Saint Cecilia EL-NP
	1	Saint Clement EL-NP
	1	Saint Columbkille EL-NP
	1	Saint Eugene EL-NP
	1	Saint Ferdinand EL-NP
	1	Saint Frances X. Cabrini EL-NP
	1	Saint Francis of Assisi EL-NP
	1	Saint Gertrude EL-NP
	1	Saint Helen EL-NP
	1	Saint Hilary EL-NP
	1	Saint Ignatius EL-NP
	1	Saint John the Evangelist EL-NP
	1	Saint Joseph EL-NP
	1	Saint Joseph EL-NP
	1	Saint Lawrence of Brindisi EL-NP
	1	Saint Louis of France EL-NP
	1	Saint Malachy EL-NP
	1	Saint Marie Goretti EL-NP
	1	Saint Marianne de Parsdes EL-NP
	1	Saint Mark EL-NP
	1	Saint Mary EL-NP
	1	Saint Mary Magdalen EL-NP
	1	Saint Mathias EL-NP
	1	Saint Matthias Catholic HS-NP
	1	Saint Michael EL-NP
	1	Saint Michael HS-NP
	1	Saint Odilia EL-NP
	1	Saint Paul EL-NP
	1	Saint Raphael EL-NP
	1	Saint Sebastian EL-NP
	1	Saint Teresa of Avila EL-NP
	1	Saint Thomas EL-NP
	1	Saint Turibius EL-NP
	1	Saint Verbum Dei HS-NP
	1	Saint Vincent EL-NP

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LOS ANGELES COUNTY cont.		
ARCHDIOCESE OF LOS ANGELES		
	1	Sainte Peter and Paul EL-NP
	1	Salesian HS-NP (aka Bishop Mora)
	1	San Antonio de Padua EL-NP
	1	San Miguel EL-NP
	1	Santa Isabel EL-NP
	1	Santa Rosa de Lima EL-NP
	1	Santa Teresita EL-NP
	1	Transfiguration EL-NP
AZUSA UNIFIED		
	1	Charles H. Lee EL
	1	Clifford D. Murray EL
	1	Gladstone Street EL
	1	Longfellow EL
	1	Mountain View EL
	1	Oak Grove JHS
BALDWIN PARK UNIFIED		
	1	De Anza EL
	1	Elvin EL
	1	Foster EL
	1	Kenmore EL
	1	Landis JHS
	1	North Park Continuation HS
	1	Pleasant View EL
	1	Sierra Vista HS
	1	Tracy EL
BASSETT UNIFIED		
	1	Bassett EL
	1	Bassett HS
	1	Don Julian EL
	1	Edgewood JHS
	1	Ethel D. Keenan EL
	1	Florence E. Flenner EL
	1	J. E. Van Wig EL
	1	Sunkist EL
	1	Thomas M. Erwin EL
	1	Tonopah EL
	1	Torch JHS
BELLFLOWER UNIFIED		
	1	Albert Baxter EL
	1	Lincoln EL
	1	Ramona EL
	1	Will Rogers EL
BURBANK UNIFIED		
	1	Benjamin Franklin EL
	1	Joaquin Miller EL
	1	William McKinley EL
CALIFORNIA YOUTH AUTHORITY		
	1	Fred C. Nelles EL-HS
	1	Southern Reception Center EL-HS
CHARTER OAK UNIFIED		
	1	Cedargrove
	1	Charter Oak HS
	1	Willow EL
CLAREMONT UNIFIED		
	1	Vista Del Valle EL
COMPTON UNIFIED		
	1	Abraham Lincoln EL
	1	Abraham Lincoln EL
	1	Ardella B. Tibbey EL
	1	Augusta A. Mayo EL
	1	Bunche JHS
LOS ANGELES COUNTY cont.		
COMPTON UNIFIED		
	1	Caldwell Street EL
	1	Centennial HS
	1	Charles W. Bursch EL
	1	Clarence A. Dickerson EL
	1	Collin P. Kelly EL
	1	Compton HS
	1	Dominguez HS
	1	El Segundo EL
	1	Enterprise JHS
	1	Frances Willard EL
	1	Gen. Benjamin A. Davis JHS
	1	General Rosecrans EL
	1	George Washington EL
	1	George Washington Carver EL
	1	Henry Wadsworth Longfellow EL
	1	John F. Kennedy EL
	1	Laurel Street EL
	1	Marian Anderson EL
	1	Mark Twain EL
	1	Martin Luther King EL
	1	McKinley EL
	1	Pioneer EL
	1	Ralph Waldo Emerson EL
	1	Robert F. Kennedy EL
	1	Roosevelt JHS
	1	Stephen C. Foster EL
	1	Theodore Roosevelt EL
	1	Thomas Jefferson EL
	1	Tumsen Continuation HS
	1	Vanguard JHS
	1	Walton JHS
	1	Whaley JHS
	1	Willowbrook JHS
COVINA VALLEY UNIFIED		
	1	Lark Ellen EL
	1	Merwin EL
CULVER CITY UNIFIED		
	1	Betsy Ross EL
	1	Washington EL
DOWNEY UNIFIED		
	1	Gauldin EL
DUARTE UNIFIED		
	1	Andres Duarte EL
	1	Maxwell EL
	1	Northview EL
	1	Royal Oaks EL
EAST WHITTIER CITY ELEMENTARY		
	1	Evergreen EL
EL MONTE ELEMENTARY		
	1	Columbia EL
	1	Cortada EL
	1	Loma EL
	1	Potrero EL
	1	Shirpser EL
	1	Wilkerson EL
EL MONTE UNION HIGH		
	1	El Monte HS
EL RANCHO UNIFIED		
	1	Lawrence T. Magee EL
	1	South Ranchito EL

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LOS ANGELES COUNTY cont.		
GARVEY ELEMENTARY		
	1	Dan T. Williams EL
	1	Fern EL
	1	Frances E. Willard EL
	1	Margaret Duff EL
	1	Monterey Vista EL
	1	Ralph Waldo Emerson EL
GLENDORA UNIFIED		
	1	Roosevelt EL
	1	Stanton EL
	1	Whitcomb Continuation HS
HACIENDA LA PUENTE UNIFIED		
	1	California EL
	1	Shadybend EL
	1	Sparks JHS
	1	Valley Continuation HS
	1	Willow EL
	1	Workman EL
HUGHES-ELIZABETH LAKES UNION ELEMENTARY		
	1	Hughes-Elizabeth Lakes EL
INGLEWOOD UNIFIED		
	1	Bennett EL
	1	Center Park EL
	1	Kew EL
	1	Monroe JHS
	1	Oak Street EL
	1	Woodworth EL
KEPPEL UNION ELEMENTARY		
	1	Almondale EL
	1	Alpine EL
	1	Antelope EL
LAWNDALE ELEMENTARY		
	1	William Anderson EL
	1	William Green EL
LENNOX ELEMENTARY		
	1	Larch EL
	1	Whelan EL
LONG BEACH UNIFIED		
	1	Addams EL
	1	Barton EL
	1	Burbank EL
	1	Burnett EL
	1	Edison EL
	1	Franklin JHS
LONG BEACH UNIFIED		
	1	Lee EL
	1	Lincoln EL
	1	Polytechnic HS
	1	Reid Continuation HS
	1	Roosevelt EL
	1	Signal Hill EL
	1	Stevenson EL
	1	Washington JHS
	1	Webster EL
	1	Whittier EL
LOS ANGELES CITY UNIFIED		
	1	Adams JHS
	1	Albion Street EL
	1	Aldama EL
	1	Alexandria Avenue EL
	1	Allesandro EL
	1	Alta Loma EL
LOS ANGELES COUNTY cont.		
LOS ANGELES CITY UNIFIED		
	1	Ambler Avenue EL
	1	Anchorage Street EL
	1	Angeles Mesa EL
	1	Ann Street EL
	1	Annadale EL
	1	Aragon Avenue
	1	Area D Alternative EL, HS
	1	Area E Alternative EL, HS
	1	Area H Alternative EL, HS
	1	Arlington Heights EL
	1	Ascot Avenue EL
	1	Audubon JHS
	1	Avalon Gardens EL
	1	Baldwin Hills EL
	1	Bandini Street EL
	1	Barton Hill EL
	1	Bellmont Continuation HS
	1	Belmont HS
	1	Belvedere EL
	1	Belvedere JHS
	1	Berendo JHS
	1	Bethune JHS
	1	Bonita Street EL
	1	Braddock Drive EL
	1	Breed Street EL
	1	Bridge Street EL
	1	Broad Avenue EL
	1	Broadway EL
	1	Brooklyn Avenue EL
	1	Buchanan Street EL
	1	Budlong Avenue
	1	Burbank JHS
	1	Bushnell Way EL
	1	Cabrillo Avenue EL
	1	Camellia Avenue EL
	1	Canoga Park EL
	1	Canfield Crescent Heights Alternative EL
	1	Carver JHS
	1	Castelar Street EL
	1	Catskill Avenue EL
	1	Century Park EL
	1	Cienega EL
	1	Cimarron Avenue EL
	1	City Terrace EL
	1	Clay JHS
	1	Clifford Street EL
	1	Coeur D'Alene Avenue EL
	1	Coldwater Canyon Avenue EL
	1	Commonwealth Avenue EL
	1	Compton Avenue EL
	1	Cooper JHS-HS
	1	Corona Avenue EL
	1	Cortez Street EL
	1	Dacotah Street EL
	1	Dayton Heights EL
	1	Dorris Place EL
	1	Drew JHS
	1	Dublin Avenue EL
	1	Dyer Street EL
	1	Eastman Avenue EL
	1	Edison JHS
	1	El Dorado Avenue EL
	1	El Sereno EL
	1	El Sereno JHS
	1	Elizabeth Street EL
	1	Elysian Heights EL
	1	Eshelman Avenue EL
	1	Euclid Avenue EL
	1	Evergreen Avenue EL
	1	Fair Avenue EL

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Location	Code *	School Name
LOS ANGELES COUNTY cont.		
LOS ANGELES CITY UNIFIED		
	1	Farmdale EL
	1	Fenton Avenue EL
	1	Fifteenth Street EL
	1	Fifty-Fourth Street EL
	1	Fifty-Ninth Street EL
	1	Fifty-Second Street EL
	1	Figueroa Street EL
	1	Filmore Street EL
	1	First Street EL
	1	Fishburn Avenue EL
	1	Fletcher Drive EL
	1	Florence Avenue EL
	1	Ford Boulevard
	1	Forty-Ninth Street EL
	1	Forty-Second Street EL
	1	Foshey JHS
	1	Fourth Street EL
	1	Fremont Continuation HS
	1	Fremont HS
	1	Fries Avenue EL
	1	Gage JHS
	1	Garfield Continuation HS
	1	Garfield HS
	1	Garvanza EL
	1	Gates Street EL
	1	Glassell Park EL
	1	Glen Alta EL
	1	Glenwood EL
	1	Gompers JHS
	1	Graham EL
	1	Grand View Boulevard EL
	1	Grant EL
	1	Grape Street EL
	1	Griffin Avenue EL
	1	Griffith JHS
	1	Gulf Avenue EL
	1	Avenue EL
	1	Hammel Street EL
	1	Harbor City EL
	1	Harrison Street EL
	1	Hart Street EL
	1	Harte JHS
	1	Hawaiian Avenue EL
	1	Heliotrope Avenue EL
	1	Hillcrest Drive EL
	1	Hillside EL
	1	Hobart Boulevard EL
	1	Hollenbeck JHS
	1	Holmes Avenue EL
	1	Hooper Avenue EL
	1	Hoover Street EL
	1	Humphreys Avenue EL
	1	Huntington Drive EL
	1	Hyde Park EL
	1	Irving, JHS
	1	Jackson JHS-HS
	1	Jefferson HS
	1	Jorden HS
	1	La Salle Avenue EL
	1	Langdon Avenue EL
	1	Lankershim EL
	1	Latona Avenue EL
	1	Liberty Boulevard EL
	1	Lillian Street EL
	1	Lincoln Continuation HS
	1	Lincoln HS
	1	Locke Continuation HS
	1	Locke HS
	1	Lockwood Avenue EL
	1	Logan Street EL
	1	Loma Vista Avenue EL
	1	Lorena Street EL
	1	Loreto Street EL
	1	Macley JHS
	1	Magnolia Avenue EL
	1	Main Street EL
	1	Malabar Street EL
	1	Manchester Avenue EL
	1	Manhattan Place EL
	1	Mann JHS
	1	Manual Arts HS
	1	Marianna Avenue EL
	1	Marina Del Rey JHS
	1	Mark Twain JHS
	1	Markham JHS
	1	Marvin EL
	1	Mayberry Street EL
	1	McKinley Avenue EL
	1	Menlo Avenue EL
	1	Metropolitan HS
	1	Micheltorena Street EL
	1	Middleton Street EL
	1	Miles Avenue EL
	1	Miller EL
	1	Miramonte EL
	1	Montegue Street EL
	1	Monte Vista EL
	1	Morningside EL
	1	Mount Vernon JHS
	1	Muir JHS
	1	Multnomah Street EL
	1	Murchison Street EL
	1	Nevin Avenue EL
	1	Nightingale JHS
	1	Nimitz JHS
	1	Ninety-Fifth Street EL
	1	Ninety-Ninth Street EL
	1	Ninety-Second Street EL
	1	Ninety-Seventh Street EL
	1	Ninety-Sixth Street EL
	1	Ninety-Third Street EL
	1	Noble Avenue EL
	1	Normandie Avenue EL
	1	Normont EL
	1	Norwood Street EL
	1	O'Melveny EL
	1	One Hundred Eighteenth Street EL
	1	One Hundred Eleventh Street EL
	1	One Hundred Ninth Street EL
	1	One Hundred Second Street EL
	1	One Hundred Seventh Street EL
	1	One Hundred Sixteenth Street EL
	1	One Hundred Thirty-Fifth Street EL
	1	One Hundred Twelfth Street EL
	1	One Hundred Twenty-Second Street EL
	1	Osceola Street EL
	1	Oxnard Street EL
	1	Pacoima EL
	1	Pacoima JHS
	1	Palms EL
	1	Park Avenue EL
	1	Park Western Place EL
	1	Parmelee Avenue EL
	1	Pasteur JHS
	1	Plummer EL
	1	Queen Anne Place EL
	1	Ramona EL
	1	Raymond Avenue EL
	1	Riggin EL
	1	Ritter EL

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Location	Code *	School Name
LOS ANGELES COUNTY cont.		
LOS ANGELES CITY UNIFIED		
	1	Robert F. Kennedy EL
	1	Roosevelt HS
	1	Roscoe EL
	1	Rosemont Avenue EL
	1	Rowan Avenue EL
	1	Russell EL
	1	San Fernando EL
	1	San Fernando JHS
	1	San Fernando Continuation HS
	1	San Fernando HS
	1	San Pedro Street EL
	1	Santa Barbara EL
	1	Santa Monica Boulevard EL
	1	Saturn Street EL
	1	Second Street EL
	1	Selma Avenue EL
	1	Seventy-Fifth Street EL
	1	Seventy-Fourth Street EL
	1	Sharp Avenue EL
	1	Shenandoah Street EL
	1	Sheridan Street EL
	1	Sierra Park EL
	1	Sierra Vista EL
	1	Sixth Avenue EL
	1	Sixty-Eighth Street EL
	1	Sixty-First Street EL
	1	Sixty-Sixth Street EL
	1	Solano Avenue EL
	1	Soto Street EL
	1	South Park EL
	1	Stanford Avenue EL
	1	Stevenson JHS
	1	Stoner Avenue EL
	1	Sylmar EL
	1	Sylvan Park EL
	1	Telfair Avenue EL
	1	Tenth Street EL
	1	Thirty-Second Street EL
	1	Thirty-Seventh Street EL
	1	Thirty-Sixth Street EL
	1	Trinity Street EL
	1	Twentieth Street EL
	1	Twenty-Eighth Street EL
	1	Twenty-Fourth Street EL
	1	Union Avenue EL
	1	Utah Street EL
	1	Valley Alternative EL, HS
	1	Van Deene Avenue EL
	1	Van Nuys EL
	1	Vaughn Street EL
	1	Vermont Avenue EL
	1	Vernon City EL
	1	Victoria Avenue EL
	1	Victory Boulevard EL
	1	Vine Street EL
	1	Vinedale EL
	1	Virgil JHS
	1	Virginia Road EL
	1	Wadsworth Avenue EL
	1	Washington Continuation HS
	1	Washington HS
	1	Weigand Avenue EL
	1	West Athens EL
	1	West Vernon Avenue EL
	1	Western Avenue EL
	1	Westminster Avenue EL
	1	Wilmington JHS
	1	Wilmington Park EL
	1	Wilshire Crest EL
	1	Wilson HS
	1	Wilton Place EL
	1	Woodcrest EL
	1	Woodlawn Avenue EL
	1	Yorkdale EL
LOS ANGELES COUNTY SPECIAL SCHOOLS		
	1	Afflerbaugh-Paige JHS, HS
	1	Centinela Community Day Center
	1	David Gonzales HS
	1	Fred Miller HS
	1	Glenn Rocky HS
	1	Joseph Scott HS
	1	Juvenile Hall--Boys EL, HS
	1	Juvenile Hall--Girls EL, HS
	1	Kenyon Scudder HS
	1	Las Palmas School for Girls JHS, HS
	1	Los Padrinos--Boys Juvenile Hall
	1	Los Padrinos--Girls Juvenile Hall
	1	MacLaren Hall EL, HS
	1	Vernon Kilpatrick
LOS NIETOS ELEMENTARY		
	1	Ada S. Nelson EL
	1	Aeolian EL
	1	Los Nietos JHS
	1	Rancho Santa Gertrudes EL
	1	Wallace S. Wiggins EL
LYNWOOD UNIFIED		
	1	Lincoln EL
	1	Lindbergh EL
	1	Lugo EL
	1	Roosevelt EL
	1	Vista Continuation HS
	1	Will Rogers EL
MONROVIA UNIFIED		
	1	Bradoaks EL
	1	Canyon Center EL
	1	Canyon Continuation HS
	1	Monroe EL
	1	Wild Rose EL
MONTEBELLO UNIFIED		
	1	Bell Gardens EL
	1	Bell Gardens JHS
	1	Bell Gardens HS
	1	Colmar EL
	1	Eastmont EL
	1	Eastmont JHS
	1	Fremont EL
	1	Garfield EL
	1	George Miller Schurr HS
	1	La Merced JHS
	1	Montebello JHS
	1	Montebello HS
	1	Montebello Gardens EL
	1	Montebello Park EL
	1	Rosewood Park EL
	1	Suva EL
	1	Suva JHS
	1	Vail Continuation HS
	1	Washington EL
	1	Winter Gardens EL
MOUNTAIN VIEW ELEMENTARY		
	1	Charles T. Kranz JHS
	1	Cogswell EL
	1	Jenny Tucker Baker EL
	1	La Primaria EL
	1	Loma Vista EL

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Location	Code *	School Name
LOS ANGELES COUNTY cont.		
MOUNTAIN VIEW ELEMENTARY		
	1	Maxson EL
	1	Miramonte EL
	1	Monte Vista EL
	1	Parkview EL
	1	Willard F. Payne EL
NORWALK-LA MIRADA UNIFIED		
	1	Foster Road EL
	1	Nettie L. Waite EL
PARAMOUNT UNIFIED		
	1	Abraham Lincoln EL
	1	Los Cerritos EL
	1	Mark Keppel EL
	1	Roosevelt EL
PASADENA UNIFIED		
	1	Allendale EL
	1	Altadena EL
	1	Alternative EL-HS
	1	Burbank EL
	1	Don Benito EL
	1	Foothill Continuation HS
	1	Hale EL
	1	Hamilton EL
	1	Intermediate Opportunity EL,HS
	1	Jefferson EL
	1	Lincoln EL
	1	Longfellow EL
	1	Madison EL
	1	Pasadena HS
	1	Sierra Madre EL
	1	Willard EL
	1	Wilson JHS
POMONA UNIFIED		
	1	Alcott EL
	1	Arroyo EL
	1	Fremont JHS
	1	Garey HS
	1	Hamilton EL
	1	John Marshall JHS
	1	Kellogg EL
	1	Lexington EL
	1	Lincoln EL
	1	Madison EL
	1	North San Antonio EL
	1	Park Avenue Continuation HS
	1	Roosevelt EL
	1	Washington EL
REDONDO BEACH CITY ELEMENTARY		
	1	Andrews EL
	1	Birney EL
	1	Jefferson EL
ROWLAND UNIFIED		
	1	Giano JHS
	1	Hurley EL
	1	La Seda EL
	1	Nogales HS
	1	Northam EL
	1	Rorimer EL
	1	Santana Continuation HS
	1	Villacorta EL
	1	Yorbita EL
SANTA MONICA UNIFIED		
	1	Edison EL
	1	John Muir EL
	1	Madison EL
	1	Washington EL
LOS ANGELES COUNTY cont.		
SOUTH WHITTIER ELEMENTARY		
	1	Sunnyside EL
TORRANCE UNIFIED		
	1	Fern-Greenwood EL
	1	Torrance EL
WEST COVINA UNIFIED		
	1	Cortez EL
	1	Monte Vista EL
WHITTIER CITY ELEMENTARY		
	1	Benjamin Franklin EL
	1	Lydia Jackson EL
	1	Mill EL
	1	West Whittier EL
MADERA COUNTY		
CHOWCHILLA ELEMENTARY		
	1	Fairmead EL
	1	Merle L. Fuller EL
	1	Stephens EL
	1	Wilson EL
MADERA UNIFIED		
	1	Eastin-Arcola EL
	1	George Washington EL
	1	James Monroe EL
	1	Madera HS
	1	Millview EL
	1	Sierra Vista EL
	1	Sugar Pine Continuation HS
	1	Thomas Jefferson JHS
RAYMOND-KNOWLES UNION ELEMENTARY		
	1	Raymond-knowles EL
MARIN COUNTY		
LINCOLN ELEMENTARY		
	1	Lincoln EL
MARIN COUNTY SPECIAL SCHOOLS		
	1	*Bayview EL, JHS
	1	*Loma Alta (Juvenile Hall)
SAUSALITO ELEMENTARY		
	1	Bayside EL
	1	Martin Luther King EL
MARIPOSA COUNTY		
CALIFORNIA YOUTH AUTHORITY		
	1	Mt. Bullion Conservation Camp EL, HS
MENDOCINO COUNTY		
ANDERSON VALLEY UNIFIED		
	1	Anderson Valley EL
	1	Anderson Valley JHS
	1	Anderson Valley HS
	1	Ocean View EL
FORT BRAGG UNIFIED		
	1	Leggett Valley EL
	1	Redwood EL
MANCHESTER UNION ELEMENTARY		
	1	Manchester EL
MENDOCINO COUNTY SPECIAL SCHOOLS		
	1	Clearwater Ranch EL, HS
	1	Live Oaks EL, HS
	1	Paul Bunyan EL, HS

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Location	Code *	School Name
MENDOCINO COUNTY cont.		
MENDOCINO UNIFIED		
	1	Comptche EL
	1	Greenwood EL
	1	Mendocino EL
	1	Mendocino JHS, HS
ROUND VALLEY UNIFIED		
	1	Round Valley EL
	1	Round Valley HS
UKIAH UNIFIED		
	1	Frank Zeek EL
	1	Nokomis EL
	1	River EL
	1	South Valley Continuation HS
	1	Trinity School EL
	1	Ukiah Juvenile Hall EL, HS
WILLITS UNIFIED		
	1	Brookside EL
	1	Laytonville JHS, HS
	1	Willits JHS, HS
MERCED COUNTY		
ATWATER ELEMENTARY		
	1	Aileen Coburn EL
	1	Mitchell EL
BALLICO-CRESSEY ELEMENTARY		
	1	Ballico EL
	1	Cressey EL
DELHI ELEMENTARY		
	1	El Capitan JHS
DIOCESE OF FRESNO		
	1	Saint Jude EL-NP
DOS PALOS JOINT UNION ELEMENTARY		
	1	Bryant JHS
	1	Dos Palos EL
	1	George Christian EL
DOS PALOS JOINT UNION HIGH		
	1	Dos Palos HS
EL NIDO ELEMENTARY		
	1	El Nido EL
GUSTINE UNIFIED		
	1	Gustine EL
HILMAR UNIFIED		
	1	Elim EL
	1	Hilmar JHS, HS
	1	Marquin EL
LE GRAND UNION ELEMENTARY		
	1	Le Grand EL
LE GRAND UNION HIGH		
	1	Le Grand HS
LIVINGSTON UNION ELEMENTARY		
	1	Campus Park EL
	1	Livingston JHS
	1	Selma Herndon EL
LOS BANOS UNIFIED		
	1	Henry Miller EL
	1	Los Banos EL
	1	R. M. Miano EL
MERCED COUNTY cont.		
MERCED CITY ELEMENTARY		
	1	Ada Givens EL
	1	Franklin EL
	1	Herbert Hoover JHS
	1	John Fremont EL
	1	John Muir EL
	1	Luther Burbank EL
	1	Margaret Sheehy EL
	1	Preschool
	1	Rudolph Rivera JHS
	1	Tenaya JHS
PLAINSBURG UNION ELEMENTARY		
	1	Plainsburg EL
PLANADA ELEMENTARY		
	1	Planada EL
SNELLING-MERCED FALLS UNION ELEMENTARY		
	1	Snelling Merced Falls EL
WEAVER UNION ELEMENTARY		
	1	Weaver EL
WINTON ELEMENTARY		
	1	Frank Sparks EL
	1	Winton EL
MODOC COUNTY		
MODOC JOINT UNIFIED		
	1	Arlington EL
TULELAKE BASIN JOINT UNIFIED		
	1	Newell EL
MONTEREY COUNTY		
ALISAL UNION ELEMENTARY		
	1	Bardin EL
	1	Fremont EL
DIOCESE OF MONTEREY		
	1	San Carlos EL-NP
GONZALES UNION ELEMENTARY		
	1	Fairview EL
	1	La Gloria EL
GRAVES ELEMENTARY		
	1	Graves EL
MISSION UNION ELEMENTARY		
	1	Mission EL
MONTEREY PENINSULA UNIFIED		
	1	Bay View EL
	1	Cypress HS
	1	Eldon J. Covell EL
	1	Fremont JHS
	1	Highland EL
	1	Juan Cabrillo EL
	1	Manzanita EL
	1	Marina Del Mar EL
	1	Martin Luther King JHS
	1	Noche Buene EL
NORTH MONTEREY COUNTY UNION ELEMENTARY		
	1	Castroville EL
	1	Elkhorn EL
	1	Joseph Gambetta EL
	1	Moss Landing EL

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Location	Code *	School Name
MONTEREY COUNTY cont.		
PACIFIC ELEMENTARY	1	Pacific EL
PACIFIC GROVE UNIFIED	1	Robert Down EL
SALINAS CITY ELEMENTARY	1	Boronda EL
	1	Lincoln EL
	1	Roosevelt EL
	1	Sherwood EL
SALINAS UNION HIGH	1	El Sausal JHS
	1	Mount Toro Continuation HS
	1	Washington JHS
SAN LUCAS UNION ELEMENTARY	1	San Lucas EL
SOLEDAD UNION ELEMENTARY	1	San Vicente EL
NAPA COUNTY		
NAPA COUNTY SPECIAL SCHOOLS	1	Juvenile Hall EL, HS
NAPA VALLEY UNIFIED	1	Capell EL
	1	Lincoln EL
	1	Napa Continuation HS
NEVADA COUNTY		
CALIFORNIA YOUTH AUTHORITY	1	Washington Ridge Conservation Camp
ORANGE COUNTY		
ANAHEIM ELEMENTARY	1	George Washington EL
	1	Horace Mann EL
	1	Patrick Henry EL
	1	Thomas Jafferson EL
ARCHDIOCESE OF LOS ANGELES	1	Saint Joseph EL-NP
	1	School of Our Lady EL-NP
CAPISTRANO UNIFIED	1	Las Palmas EL
	1	Serra EL
FULLERTON ELEMENTARY	1	Valencia Park
GARDEN GROVE UNIFIED	1	Edward Russell EL
	1	Ethel M. Evans EL
	1	Heritage EL
	1	Lincoln Educational Training Center
	1	Louis Lake Continuation HS
	1	Mendenhall Continuation HS
LA HABRA CITY ELEMENTARY	1	El Cerrito EL
	1	Valencia EL
	1	Walnut Street EL
MAGNOLIA ELEMENTARY	1	Esther L. Walter EL
	1	Jonas Salk EL
ORANGE COUNTY cont.		
NEWPORT-MESA UNIFIED	1	Monte Vista EL
	1	Whittier EL
OCEAN VIEW ELEMENTARY	1	Oak View EL
ORANGE COUNTY SPECIAL SCHOOLS	1	Joplin HS
	1	Los Pinos HC
	1	McMillan JHS, HS
	1	Otto A. Fischer and Sitton EL, HS
	1	Potrero JHS
	1	Rio Contiguo HS
ORANGE UNIFIED	1	Esplanade, EL
	1	Jordan, EL
	1	Riverdale, EL
PLACENTIA UNIFIED	1	Rio Vista EL
SANTA ANA UNIFIED	1	Adams EL
	1	Diamond EL
	1	Edison EL
	1	Franklin EL
	1	Fremont EL
	1	Lincoln EL
	1	Lowell EL
	1	Martin EL
	1	Monroe EL
	1	Monte Vista EL
	1	Mountain View Continuation HS
	1	Roosevelt EL
WESTMINSTER ELEMENTARY	1	Webber EL
Placer County		
PLACER COUNTY SPECIAL SCHOOLS	1	Juvenile Hall EL, HS
ROSEVILLE JOINT UNION HIGH	1	Adelante Continuation HS
Riverside County		
BANNING UNIFIED	1	Banning HS
	1	Central EL
	1	Coombs JHS
	1	Hemmerline EL
	1	Hoffer EL
	1	Ramsey Continuation HS
	1	Saint John HS-NP
BEAUMONT UNIFIED	1	Ettie Lee Homes EL, HS
	1	Palm EL
	1	San Andreas Continuation HS
	1	Wellwood EL
CALIFORNIA YOUTH AUTHORITY	1	Oak Glen Cooservation Camp EL, HS
COACHELLA VALLEY UNIFIED	1	Coachella Valley HS
	1	Dateland JHS
	1	John Kelly EL
	1	La Familia Continuation HS
	1	Mecca EL
	1	Oasis EL
	1	Palm View EL
	1	Peter Pendleton EL

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Location	Code *	School Name
RIVERSIDE COUNTY cont.		
COACHELLA VALLEY UNIFIED (continued)	1	Sea View EL
	1	Valley View EL
	1	Westside EL
CORONA-NORCO UNIFIED	1	El Cerrito EL
	1	Garretson EL
	1	Home Gardens EL
	1	Jefferson EL
	1	John Stellings EL
	1	Lincoln EL
DESERT SANDS UNIFIED	1	Dwight Eisenhower EL
	1	Herbert Hoover EL
	1	Martin Van Buren EL
	1	Theodore Roosevelt EL
	1	Woodrow Wilson JHS
DIOCESE OF SAN DIEGO	1	Boys Town of the Desert EL,HS-NP
	1	Our Lady of Perpetual Help EL-NP
ELSINORE UNION ELEMENTARY	1	Elsinore EL
	1	Machado EL
	1	Wildomar EL
ELSINORE UNION HIGH	1	Elsinore HS
	1	Elsinore JHS
HEMET UNIFIED	1	Cottonwood EL
	1	Hemet EL
	1	Winchester EL
JURUPA JOINT UNIFIED	1	Glen Avon EL
	1	Ina Arbuckle EL
	1	Jurupa JHS
	1	Mission Bell EL
	1	Mission JHS
	1	Nueva Vista Continuation HS
	1	Pacific Avenue EL
	1	Pedley EL
	1	Rubidoux HS
	1	Rustic Lane EL
	1	Troth Street EL
	1	Van Buren EL
	1	West Riverside
MORENO VALLEY UNIFIED	1	Sunnymead EL
PALO VERDE UNIFIED	1	Felix J. Appleby EL
	1	Margaret White EL
	1	Ruth Brown EL
	1	Twin Palms Continuation HS
PERRIS ELEMENTARY	1	Good Hope EL
	1	Perris EL
PERRIS UNION HIGH	1	Perris HS
RIVERSIDE COUNTY cont.		
RIVERSIDE COUNTY SPECIAL SCHOOLS	1	F. H. Betterfield EL,HS (Juvenile Hall) R
	1	Twin Pines Probation Ranch HS
RIVERSIDE UNIFIED	1	Longfellow EL
SAN JACINTO UNIFIED	1	Edward Hyatt EL
	1	Monte Vista JHS
	1	Mountain View Continuation HS
	1	San Jacinto EL
	1	San Jacinto HS
VAL VERDE ELEMENTARY	1	Mead Valley Team EL
	1	Val Verde EL
SACRAMENTO COUNTY		
CALIFORNIA YOUTH AUTHORITY	1	Northern Reception Center EL-HS
CENTER JOINT ELEMENTARY	1	Center Joint EL
	1	Cyril Spinelli EL
DEL PASO HEIGHTS ELEMENTARY	1	Del Paso Heights EL
	1	Fairbanks EL
	1	Garden Valley EL
	1	Morey Avenue EL
	1	North Avenue EL
DIOCESE OF SACRAMENTO	1	Holy Angels EL-NP
	1	Immaculate Conception EL-NP
ELK GROVE UNIFIED	1	Cosumnes EL
	1	David Reese EL
	1	Florin EL
	1	Isabelle Jackson EL
	1	Sierra-Enterprise
FOLSOM-CORDOVA UNIFIED	1	Kinney Continuation HS
GRANT JOINT UNION HIGH	1	Del Paso JHS
	1	Grant HS
	1	Las Palmas JHS
	1	Norte Del Rio HS
	1	Rio Linda JHS
	1	Rio Linda HS
	1	Rio Tierra JHS
	1	Valle Vista JHS
	1	Vista Nueva Continuation HS
NORTH SACRAMENTO ELEMENTARY	1	Alethea B. Smythe EL
	1	Ben Ali EL
	1	D. W Babcock EL
	1	Dos Rios EL
	1	Gardenland EL
	1	Hagginwood EL
	1	Harmon Johnson EL
	1	Harold A Cook EL
	1	Hazel Strauch EL
	1	McClellan EL
	1	Noralto EL
	1	Northwood EL
	1	Woodlake EL

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Location	Code *	School Name
SACRAMENTO COUNTY cont.		
RIO LINDA UNION ELEMENTARY	1	Oakdale EL
	1	Westside EL
ROBLA ELEMENTARY	1	Bell Avenue EL
	1	Robla EL
	1	Taylor Street EL
SACRAMENTO CITY UNIFIED	1	A. M. Winn EL
	1	American Legion Continuation HS
	1	Bowling Green EL
	1	Bret Harte EL
	1	Caleb Greenwood EL
	1	California JHS
	1	Camellia EL
	1	Charles M. Goethe JHS
	1	Clayton B. Wire EL
	1	Coloma EL
	1	David Lubin EL
	1	Donner EL
	1	Earl Warren EL
	1	Edward Kemble EL
	1	Edward Kemble Annex EL
	1	El Dorado EL
	1	Elder Creek EL
	1	Ethel I. Baker EL
	1	Ethel Phillips EL
	1	Freeport EL
	1	Fremont EL
	1	Fruit Ridge EL
	1	H. W Harkness EL
	1	Jedediah Smith EL
	1	Joaquin Miller JHS
	1	John Bidwell EL
	1	John D. Sloat EL
	1	John F. Morse EL
	1	John H. Still JHS
	1	Joseph Bonnheim EL
	1	Kit Carson JHS
	1	Maple EL
	1	Mark Hopkins EL
	1	Mark Twain EL
	1	Marshall EL
	1	Newton Booth EL
	1	Nicholas EL
	1	Oak Ridge EL
	1	Pacific EL
	1	Peter Burnett
	1	Peter Lassen JHS
	1	Phoebe A. Hearst EL
	1	Sacramento HS
	1	Sierra EL
	1	Sutter JHS
	1	Tahoe EL
	1	Theodore Judah EL
	1	Will C Wood JHS
	1	William Land EL
	1	Woodbine EL
SACRAMENTO COUNTY SPECIAL SCHOOLS	1	Carson Creek HS
	1	El Centro Juvenile Court JHS, HS
	1	Esperanza Juvenile Court HS
SAN BENITO COUNTY		
NORTH COUNTY JOINT UNION ELEMENTARY	1	Ausaymas EL
	1	Pacheco EL
SAN BENITO COUNTY cont.		
SAN BENITO COUNTY SPECIAL SCHOOLS	1	Career Opportunities School
SAN BERNARDINO COUNTY		
ADELANTO ELEMENTARY	1	Adelanto EL
BARSTOW UNIFIED	1	Central HS
	1	Daggett EL
	1	Henderson EL
	1	Newberry EL
	1	Thomson EL
	1	William J. Ingels EL
	1	Yermo EL
CALIFORNIA YOUTH AUTHORITY	1	Youth Training EL, HS
CHINO UNIFIED	1	Boys Republic HS
COLTON JOINT UNIFIED	1	Alice Birney EL
	1	Bloomington HS
	1	Bloomington JHS
	1	Colton JHS
	1	Colton HS
	1	Crestmore EL
	1	Gerald A. Smith EL
	1	Grant EL
	1	Lincoln EL
	1	Paul J. Rogers EL
	1	San Salvador EL
	1	Slover Mountain Continuation HS
	1	Walter Zimmerman EL
	1	Washington EL
	1	Woodrow Wilson EL
DIOCESE OF SAN DIEGO	1	Our Lady of Guadalupe EL-NP
	1	Saint Anthony EL-NP
FONTANA UNIFIED	1	Birch HS
	1	Juniper EL
NEEDLES UNIFIED	1	Amboy EL
	1	Grace Henderson EL
ONTARIO-MONTCLAIR ELEMENTARY	1	Bon View EL
	1	Euclid EL
	1	Mariposa EL
	1	Mission EL
ORO GRANDE ELEMENTARY	1	Oro Grande EL
RIALTO UNIFIED	1	Roscoe E. Watts EL
SAN BERNARDINO CITY UNIFIED	1	Alessandro EL
	1	Bradley EL
	1	Burbank EL
	1	California EL
	1	Franklin JHS
	1	Fremont JHS

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Location	Code *	School Name
SAN BERNARDINO COUNTY cont.		
	1	Lincoln EL
	1	Lytle Creek EL
	1	Monterey EL
	1	Mount Vernon EL
	1	Muscott EL
	1	Muscoy EL
	1	Richardson JHS
	1	Riley EL
	1	Rio Vista EL
	1	Roosevelt EL
	1	Vermont EL
SAN BERNARDINO COUNTY SPECIAL SCHOOLS	1	Burton Thrsll EL, HS
	1	Herbert S. Bailey Juveniel EL, HS
SAN DIEGO COUNTY		
CAJON VALLEY UNION ELEMENTARY	1	Bostonia EL
	1	Crest EL
	1	John Ballantyne EL
	1	Lexington EL
	1	Magnolia EL
CARLSBAD CITY UNIFIED	1	Jefferson EL
	1	Pine EL
CHULA VISTA CITY ELEMENTARY	1	Harborside EL
	1	John J. Montgomery EL
	1	Los Altos EL
DIOCESE OF SAN DIEGO	1	Mission San Antonio de Pala
	1	Nazareth EL-NP
	1	Our Lady's School EL-NP
	1	Rosary HS-NP
	1	Saint Jude Academy EL-NP
	1	San Ysidro Academy EL-NP
ESCONDIDO CITY ELEMENTARY	1	Central EL
JULIAN UNION ELEMENTARY	1	Julian HS
JULIAN UNION HIGH	1	Julian HS
LEMON GROVE ELEMENTARY	1	Golden Avenue EL
MOUNTAIN EMPIRE UNIFIED	1	Campo El
	1	Clover Felts El
	1	Descanso El
	1	Jacumba El
	1	Mountain Empire JHS
	1	Mountain Empire HS
NATIONAL ELEMENTARY	1	Central EL
	1	El Toyon EL
	1	Ira Harbison EL
	1	John A. Otis EL
	1	Kimball EL
	1	Las Palmas EL
	1	Lincoln Acres EL
	1	Olivewood EL
	1	Palmer Way EL
SAN DIEGO COUNTY cont.		
OCEANSIDE CITY UNIFIED	1	Ditmar EL
	1	Laurel EL
	1	Mission EL
SAN DIEGO CITY UNIFIED	1	Baker EL
	1	Balboa EL
	1	Bandini EL
	1	Brooklyn EL
	1	Burbank EL
	1	Central EL
	1	Chollas EL
	1	Crockett EL
	1	Emerson EL
	1	Encanto EL
	1	Euclid EL
	1	Gompers JHS
	1	Hamilton EL
	1	Horton EL
	1	Kennedy EL
	1	Knox EL
	1	Lincoln HS
	1	Logan EL
	1	Lowell EL
	1	Mead EL
	1	Memorial JHS
	1	O'Farrell JHS
	1	Sherman EL
	1	Stockton EL
	1	Valencia Park EL
SAN DIEGO COUNTY SPECIAL SCHOOLS	1	Chula Vista Center HS
	1	El Cajon Center HS
	1	Escondido Center HS
	1	Hillcrest EL, HS
	1	Los Vecinos HS
	1	Rancho Del Campo HS
	1	Sarah Anthony Juvenile Hall EL, HS
	1	Sierra Vista HS
SAN YSIDRO ELEMENTARY	1	Beyer EL
	1	La Mirada EL
	1	Smythe EL
	1	Sunset EL
	1	Willow EL
SOUTH BAY UNION ELEMENTARY	1	Bayside EL
	1	Central EL
	1	Nestor EL
	1	Sunnyslope EL
SWEETWATER UNION HIGH	1	Montgomery HS
	1	National City JHS
	1	Southwest JHS
VALLECITOS ELEMENTARY	1	Vallecitos EL
WARNER UNION ELEMENTARY	1	Warner EL
SAN FRANCISCO COUNTY		
ARCHDIOCESE OF SAN FRANCISCO	1	All Hallows EL-NP
	1	Cathedral Girls HS-NP
	1	Cathedral Parish JHS-NP
	1	Convent of the Good Shepherd HS-NP

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Location	Code *	School Name
SAN FRANCISCO COUNTY cont.		
ARCHDIOCESE OF SAN FRANCISCO		
	1	Epiphany EL-NP
	1	Holy Name EL-NP
	1	Immaculate Conception EL-NP
	1	John F. Kennedy Memorial School of St. John Parish EL-NP
	1	Mission Dolores Boys EL-NP
	1	Most Holy Redeemer EL-NP
	1	Notre Dame EL-NP
	1	Notre Dame HS-NP
	1	Our Lady of the Visitacion EL-NP
	1	Sacred Heart EL-NP
	1	Sacred Heart HS-NP
	1	Saint Agnes EL-NP
	1	Saint Anne EL-NP
	1	Saint Anthony EL-NP
	1	Saint Charles Borromeo EL-NP
	1	Saint Elizabeth EL-NP
	1	Saint Emydius EL-NP
	1	Saint Gabriel EL-NP
	1	Saint James EL-NP
	1	Saint Joseph EL-NP
	1	Saint Michael EL-NP
	1	Saint Paul Intermediate EL-NP
	1	Saint Paul of the Shipwreck EL-NP
	1	Saint Paul Primary EL-NP
	1	Saint Peter EL-NP
	1	Saint Teresa EL-NP
	1	Saints Peter and Paul EL-NP
	1	School of the Epiphany EL-NP
	1	Univerasity Mound HS-NP
SAN FRANCISCO UNIFIED		
	1	Alamo Primary EL
	1	Alvarado Primary EL
	1	Benjamin Franklin JHS
	1	Bessie Carmichael Intermediate EL
	1	Bret Harte Intermediate EL
	1	Bryant Primary EL
	1	Buena Vista Annex Intermediate EL
	1	Buena Vista Primary EL
	1	Burnett Intermediate EL
	1	Charles R. Drew EL
	1	Cleveland Primary EL
	1	Commodore Stockton Primary EL
	1	Daniel Webster Intermediate EL
	1	Douglas Primary EL
	1	Downtown HS
	1	Dudley Stone Primary EL
	1	Edgewood EL-NP
	1	Edison Intermediate EL
	1	Edward R. Taylor Primary EL
	1	Everett JHS
	1	Fairmount Primary EL
	1	Francis Scott Key Intermediate EL
	1	Frank McCoppin Primary EL
	1	George Peabody Primary EL
	1	Glen Park Primary EL
	1	Golden Gate Primary EL
	1	Grattan Intermediate EL
	1	Hawthorne Primary EL
	1	Hidden Valley EL, JHS
	1	Homewood Terrace EL, HS-NP
	1	Horace Mann JHS
	1	Hunters Point II EL
	1	Irving M. Scott Primary EL
	1	J. Eugene McAteer HS
	1	James Denman JHS
	1	Jean Parker Primary EL
	1	Jedediah Smith EL
SAN FRANCISCO COUNTY cont.		
SAN FRANCISCO UNIFIED		
	1	John A. O'Connell Vocational and Technical Institute HS
	1	John McLaren Intermediate EL
	1	John Muir Primary EL
	1	Junipero Serra EL
	1	Junipero Serra Annex EL
	1	Kate Kennedy Primary EL
	1	Laguna Honda Intermediate EL
	1	Le Conte Intermediate EL
	1	Luther Burbank JHS
	1	Marshall Primary EL
	1	McKinley Primary EL
	1	Miraloma Primary EL
	1	Mission HS
	1	Monroe Intermediate EL
	1	Mount Saint Joseph EL-NP
	1	Opportunity II HS
	1	Opportunity JHS
	1	Pacific Heights Primary EL
	1	Parkside Primary EL
	1	Patrick Henry Intermediate EL
	1	Paul Revere Annex Primary EL
	1	Pelton JHS
	1	Portola JHS
	1	Potrero Hill JHS
	1	San Francisco Boys Home JHS,HS-NP
	1	Saint John Lutheran EL-NP
	1	San Miguel Primary EL
	1	Sanchez Primary EL
	1	Second Community EL
	1	Sir Francis Drake Intermediate EL
	1	Sir Francis Drake Annex EL
	1	Spring Valley Primary EL
	1	Starr King Intermediate EL
	1	Sutro Primary EL
	1	Treasure Island Annex Intermediate EL
	1	Treasure Island Primary EL
	1	Twin Peaks Primary EL
	1	Ulloa Primary EL
	1	University Mound HS
	1	West Portal Primary EL
	1	Woodrow Wilson HS
SAN JOAQUIN COUNTY		
BANTA ELEMENTARY		
	1	Banta EL
CALIFORNIA YOUTH AUTHORITY		
	1	Karl Holton EL-HS
	1	O. H .Close EL-HS
DELTA ISLAND UNION ELEMENTARY		
	1	Delta Island EL
DIOCESE OF STOCKTON		
	1	Saint George EL-NP
	1	Saint Gertrude EL-NP
	1	San Joaquin Middle JHS-NP
ESCALON UNIFIED		
	1	Dent EL
	1	El Portal Middle EL
HOLT UNION ELEMENTARY		
	1	Holt EL
JEFFERSON ELEMENTARY		
	1	Jefferson EL

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Location	Code *	School Name
SAN JOAQUIN COUNTY cont.		
LAMMERSVILLE ELEMENTARY		
	1	Lammersville EL
LODI UNIFIED		
	1	Children's Center EL
	1	Elkhorn EL
	1	Garfield EL
	1	Lafayette Head Start EL
	1	Lawrence EL
	1	Lincoln EL
	1	Lodi North Campus Continuation HS
	1	Needham EL
MANTECA UNIFIED		
	1	Calla HS
	1	East Union HS
	1	French Camp EL
	1	Lathrop EL
NEW HOPE ELEMENTARY		
	1	New Hope EL
NEW JERUSALEM ELEMENTARY		
	1	New Jerusalem EL
RINDGE ELEMENTARY		
	1	Rindge EL
STOCKTON CITY UNIFIED		
	1	August EL
	1	Burbank EL
	1	Continuation HS
	1	Conway Children Center EL
	1	Coretta King EL
	1	Edison HS
	1	Fillmore EL
	1	Garfield EL
	1	Gateway HS
	1	Grant EL
	1	Hamilton JHS
	1	Hazelton EL
	1	Jackson EL
	1	Jefferson EL
	1	King EL
	1	Marshall JHS
	1	Martin Luther King EL
	1	McKinley EL
	1	Monroe EL
	1	Montezuma EL
	1	Nightingale EL
	1	Roosevelt EL
	1	Sierra Vista Preschool EL
	1	Taft EL
	1	Taylor EL
	1	Van Buren EL
	1	Washington EL
TRACY ELEMENTARY		
	1	El Portal EL
	1	South EL
	1	West Park EL
SAN LUIS OBISPO COUNTY		
ATASCADERO UNIFIED		
	1	West Mall Continuation HS
DIOCESE OF MONTEREY		
	1	Saint Rose Grammar EL-NP
SAN LUIS OBISPO COUNTY cont.		
LUCIA MAR UNIFIED		
	1	Grover City EL
	1	Grover Heights EL
	1	Oceano EL
PASO ROBLES UNION ELEMENTARY		
	1	Georgia Brown EL
SAN LUIS COASTAL UNIFIED		
	1	Emerson EL
	1	Hawthorne EL
SAN LUIS OBISPO COUNTY SPECIAL SCHOOLS		
	1	Sunnyacres Juvenile Hall
SAN MATEO COUNTY		
CARRILLO UNIFIED		
	1	Alvin S. Hatch EL
	1	El Granada EL
	1	Farallone View EL
	1	Half Moon Bay HS
	1	Manual F. Cunha JHS
JEFFERSON ELEMENTARY		
	1	Colma EL
	1	Colma JHS
	1	Crocker EL
	1	George Washington EL
	1	John F. Kennedy EL
	1	Woodrow Wilson EL
LAGUNA SALADA UNION ELEMENTARY		
	1	Westview EL
RAVENSWOOD CITY ELEMENTARY		
	1	Belle Haven EL
	1	Brentwood EL
	1	Costano EL
	1	Garden Oaks JHS
	1	Green Oaks JHS
	1	Kavanaugh EL
	1	Menlo Oaks JHS
	1	O'Connor EL
	1	Runnymede EL
	1	Willow EL
REDWOOD CITY ELEMENTARY		
	1	Fair Oaks EL
	1	Hoover EL
	1	Washington EL
SAN MATEO CITY ELEMENTARY		
	1	Lawrence Pre K & K
SAN MATEO COUNTY SPECIAL SCHOOLS		
	1	Girls Day Facility
	1	Glenwood Boys Ranch
	1	Hillcrest Juvenile Hall
SEQUOIA UNION HIGH		
	1	Carlmont HS
	1	Menlo Atherton HS
	1	Ravenswood HS
	1	San Carlos HS
	1	Sequoia HS
	1	Woodside HS

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Location	Code *	School Name
SANTA BARBARA COUNTY		
ARCHDIOCESE OF LOS ANGELES	1	Dolores EL-NP
	1	La Purisima Conception EL-NP
	1	Our Lady of Guadalupe EL-NP
	1	Saint Vincent School EL-NP
	1	The Notre Dame School EL-NP
CARPINTERIA UNIFIED	1	Aliso EL
CASMALIA ELEMENTARY	1	Casmalia EL
GOLETA UNION ELEMENTARY	1	Goleta EL
GUADALUPE UNION ELEMENTARY	1	Guadalupe EL
	1	Main Street EL
LOMPOC UNIFIED	1	El Camino EL
LOS ALAMOS ELEMENTARY	1	Los Alamos EL
SANTA BARBARA CITY ELEMENTARY	1	McKinley EL
	1	Wilson EL
SANTA BARBARA COUNTY SPECIAL SCHOOLS	1	La Posada Juvenile Hall EL
	1	La Posada Juvenile Hall HS
	1	Los Robles HS
SANTA MARIA ELEMENTARY	1	Cook EL
	1	Fairlawn EL
	1	Oakley EL
SANTA MARIA JOINT UNION HIGH	1	Delta Continuation HS
VISTA DEL MAR UNION ELEMENTARY	1	Vista Del Mar EL
SANTA CLARA COUNTY		
ALUM ROCK UNION ELEMENTARY	1	A. J. Dorsa EL
	1	Ben Painter EL
	1	Clyde Arbuckle EL
	1	Clyde L. Fischer JHS
	1	Donald J. Meyer EL
	1	Grandin Miller EL
	1	Harry Slonaker EL
	1	Lee Mathson JHS
	1	Lester W. Shields EL
	1	Lyndale EL
	1	Mayfair EL
	1	Mildred Goss EL
	1	Millard McCollum EL
	1	O. S. Hubbard EL
	1	Pala JHS
	1	Richard E. Conniff EL
	1	San Antonio EL
	1	Sylvia Cassell EL
	1	Thomas A. Ryan EL
ARCHDIOCESE OF SAN FRANCISCO	1	Saint Albert the Great EL-NP
CAMPBELL UNION ELEMENTARY	1	Hamilton EL
SANTA CLARA COUNTY cont.		
EAST SIDE UNION HIGH	1	William C. Overfelt HS
	1	Yerba Buena HS
EVERGREEN ELEMENTARY	1	Evergreen EL
	1	George V. LeyVa EL
	1	Katherine R. Smith EL
	1	Laurelwood EL
	1	O.B. Whaley EL
	1	Quimby Oak JHS
FRANKLIN-McKINLEY ELEMENTARY	1	Franklin EL
	1	J. Wilbur Fair JHS
	1	McKinley EL
	1	Santee EL
GILROY UNIFIED	1	Brownell JHS
	1	Eliot EL
	1	El Roble EL
	1	Gilroy HS
	1	Glen View EL
	1	Las Animas EL
	1	Mount Madonna Continuation HS
	1	Rucker EL
	1	San Ysidro EL
LUTHER BURBANK ELEMENTARY	1	Luther Burbank EL
MORGAN HILL UNIFIED	1	Central Continuation HS
	1	Live Oak HS
	1	Morgan Hill EL
	1	Nordstrom EL
	1	P. A. Walsh EL
	1	Raymond Gwinn EL
	1	San Martin EL
MOUNT PLEASANT ELEMENTARY	1	Fred Marten EL
	1	Mount Pleasant EL
	1	Robert Sanders EL
PALO ALTO CITY UNIFIED	1	Ventura EL
SAN JOSE UNIFIED	1	Anne Darling EL
	1	Grant EL
	1	Horace Mann EL
	1	Lowell EL
	1	San Jose HS
	1	Selma Olinder EL
	1	Walter L. Bachrodt EL
	1	Washington EL
SANTA CLARA COUNTY SPECIAL SCHOOLS	1	Boy's Ranch School
	1	Del Valle Center
	1	Muriel Wright School for Girls
	1	Osborne Juvenile Center
	1	William F. James Boy's Ranch School I
	1	William F. James Boy's Ranch II
SANTA CLARA UNIFIED	1	Agnew EL
	1	Brown EL
	1	Valley Continuation HS
WHISMAN ELEMENTARY	1	Powell EL

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SANTA CRUZ COUNTY		
PAJARO VALLEY JOINT UNIFIED	1	Freedom EL
SANTA CRUZ CITY ELEMENTARY	1	Laurel EL
SHASTA COUNTY		
ANDERSON UNION HIGH	1	North Valley Continuation HS
BELLA VISTA ELEMENTARY	1	Bella Vista EL
CANYON UNION ELEMENTARY	1	Meadow Lane EL
	1	Verde Vale EL
ENTERPRISE ELEMENTARY	1	Rother EL
	1	Shasta Meadows EL
GRANT ELEMENTARY	1	Grant EL
HAPPY VALLEY UNION ELEMENTARY	1	Happy Valley EL
IGO-ONO-PLATINA UNION ELEMENTARY	1	Igo Ono EL
INDIAN SPRINGS ELEMENTARY	1	Indian Springs EL
MOUNTAIN UNION ELEMENTARY	1	Cedar Creek EL
	1	Montgomery Creek EL
OAK RUN ELEMENTARY	1	Oak Run EL
REDDING ELEMENTARY	1	Magnolia EL
SHASTA COUNTY SPECIAL SCHOOLS	1	Juvenile Hall
SHASTA LAKE UNION ELEMENTARY	1	Deer Creek EL
	1	Project City EL
	1	Toyon EL
SHASTA UNION HIGH	1	Pioneer Continuation HS
SOLANO COUNTY		
FAIRFIELD-SUISUN JOINT UNIFIED	1	Anna Kyle EL
	1	Crescent EL
	1	E. Ruth Sheldon EL
	1	Fairview EL
	1	Sem Yeto Continuation HS
SOLANO COUNTY SPECIAL SCHOOLS	1	Juvenile Hall EL, HS
VALLEJO CITY UNIFIED	1	Beverly Hills EL
	1	Curry EL
	1	Farragut EL
	1	Grant EL
	1	Lincoln EL
SONOMA COUNTY		
BELLEVUE UNION ELEMENTARY	1	Bellevue EL
CALIFORNIA YOUTH AUTHORITY	1	Los Guilucos EL-HS
CLOVERDALE UNIFIED	1	Musallacon Continuation HS
GEYSERVILLE UNIFIED	1	Geyserville EL
	1	Geyersville Educational Park EL, JHS, HS
GUERNEVILLE ELEMENTARY	1	Guerneville EL
HEALDSBURG UNION HIGH	1	Mountain View Continuation HS
MONTE RIO UNION ELEMENTARY	1	Monte Rio EL
MONTGOMERY ELEMENTARY	1	Montgomery EL
RESERVATION ELEMENTARY	1	Reservation EL
SANTA ROSA CITY ELEMENTARY	1	Brook Hill EL
	1	Burbank EL
	1	Doyle Park EL
	1	Fremont EL
	1	Lincoln EL
SONOMA COUNTY SPECIAL SCHOOLS	1	Juvenile Hall
WAUGH ELEMENTARY	1	Waugh EL
WINDSOR UNION ELEMENTARY	1	Starr EL
	1	Windsor EL
WRIGHT ELEMENTARY	1	Wright El
STANISLAUS COUNTY		
CERES UNIFIED	1	Argus Continuation HS
	1	Caswell EL
	1	Ceres HS
	1	Don Pedro EL
	1	Mae Hensley JHS
	1	Walter White EL
	1	Westport EL
EMPIRE UNION ELEMENTARY	1	Capistrano EL
	1	Empire EL
	1	Empire JHS
HICKMAN ELEMENTARY	1	Hickman EL
HUGHSON UNION ELEMENTARY	1	Emille J. Ross JHS
	1	Hughson EL
	1	Lebright EL

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STANISLAUS COUNTY cont.		
HUGHSON UNION HIGH	1	Billy Joe Dickens Continuation HS
KEYES UNION ELEMENTARY	1	Keyes EL
KNIGHTS FERRY ELEMENTARY	1	Knights Ferry EL
MODESTO CITY ELEMENTARY	1	Bret Hart EL
	1	Franklin EL
	1	Orville Wright EL
	1	Robertson Road EL
	1	Shakelford EL
	1	Washington EL
NEWMAN-CROWS LANDING UNIFIED	1	Bonita EL
	1	Newman-Crows Landing Continuation HS
	1	Orestimba HS
	1	Von Renner EL
	1	Yolo JHS
OAKDALE JOINT UNION HIGH	1	Riverbank HS
OAKDALE UNION ELEMENTARY	1	Cloverland EL
PATTERSON JOINT UNIFIED	1	Grayson EL
	1	Northmead EL
RIVERBANK ELEMENTARY	1	California Avenue EL
	1	Cardozo EL
	1	Rio Altura EL
SALIDA UNION ELEMENTARY	1	Salida EL
STANISLAUS UNION ELEMENTARY	1	Josephine Chrysler EL
WATERFORD ELEMENTARY	1	Waterford EL
TEHAMA COUNTY		
CORNING UNION ELEMENTARY	1	West Street EL
CORNING UNION HIGH	1	Richfield Continuation HS
TRINITY COUNTY		
COX BAR ELEMENTARY	1	Cox Bar EL
TRINITY COUNTY JOINT UNION HIGH	1	Hayfork HS
	1	Southern Trinity HS
	1	Trinity HS
TULARE COUNTY		
ALLENSWORTH ELEMENTARY	1	Allensworth EL
TULARE COUNTY cont.		
ALPAUGH UNIFIED	1	Alpaugh EL
	1	Alpaugh HS
COLUMBINE ELEMENTARY	1	Columbine EL
CUTLER-OROSI JOINT UNIFIED	1	Cutler EL
	1	El Monte EL
	1	Lovell Continuation HS
	1	Orosi HS
	1	Palm EL
	1	Yettem EL
DINUBA ELEMENTARY	1	Jefferson EL
	1	Wilson EL
DINUBA JOINT UNION HIGH	1	Dinuba HS
	1	Magnolia Continuation HS
DUCOR UNION ELEMENTARY	1	Ducor Union EL
EARLIMART ELEMENTARY	1	Earlimart EL
	1	Earlimart JHS
FARMERSVILLE ELEMENTARY	1	George L. Snowden EL
	1	J. E. Hester EL
HOT SPRINGS ELEMENTARY	1	Hot Springs EL
	1	Johnsondale EL
KINGS RIVER UNION ELEMENTARY	1	Kings River EL
LIBERTY ELEMENTARY	1	Liberty EL
LINDSAY UNIFIED	1	Grove Continuation HS
	1	Jefferson EL
	1	Lindsay JHS
	1	Lindsay HS
	1	Washington EL
MONSON-SULTANA JOINT UNION ELEMENTARY	1	Monson-Sultana EL
PALO VERDE UNION ELEMENTARY	1	Palo Verde EL
PIXLEY UNION ELEMENTARY	1	Pixley EL
PLEASANT VIEW ELEMENTARY	1	Pleasant View EL
PORTERVILLE ELEMENTARY	1	John J. Doyle EL
	1	Olive Street EL
PORTERVILLE UNION HIGH	1	Citrus Continuation HS
	1	Johnsondale HS
	1	Monache HS
	1	Porterville HS

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California

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
TULARE COUNTY cont.		
RICHGROVE ELEMENTARY	1	Richgrove EL
ROCKFORD ELEMENTARY	1	Rockford EL
STONE CORRAL ELEMENTARY	1	Stone Corral EL
STRATHMORE UNION ELEMENTARY	1	Strathmore EL
STRATHMORE UNION HIGH	1	Strathmore HS
SUNNYSIDE UNION ELEMENTARY	1	Sunnyside EL
TERRA BELLA UNION ELEMENTARY	1	Terra Bella EL
TIPTON ELEMENTARY	1	Tipton EL
TRAVER JOINT ELEMENTARY	1	Traver EL
TULARE CITY ELEMENTARY	1	Alice G. Mulcahy JHS
	1	Lincoln EL
	1	Maple EL
	1	Roosevelt EL
	1	Wilson EL
TULARE COUNTY SPECIAL SCHOOLS	1	Juvenile Hall
	1	Robert K. Meyers HS
TULARE UNION HIGH	1	Tulare HS
	1	Tulare Western HS
	1	Valley Continuation HS
VISALIA UNIFIED	1	Complex JHS
	1	Crowley EL
	1	Goshen EL
	1	Green Acres JHS
	1	Highland EL
	1	Houston EL
	1	Mineral King EL
	1	Redwood HS
	1	Union EL
WOODLAKE UNION ELEMENTARY	1	Woodlake EL
WOODVILLE ELEMENTARY	1	Woodville EL
TUOLUMNE COUNTY		
BELLEVIEW ELEMENTARY	1	Belleview EL
CHINESE CAMP ELEMENTARY	1	Chinese Camp EL
JAMESTOWN ELEMENTARY	1	Jamestown EL
SUMMERVILLE ELEMENTARY	1	Summerville EL
VENTURA COUNTY		
ARCHDIOCESE OF LOS ANGELES	1	Santa Clara EL
	1	Santa Clara HS
CALIFORNIA YOUTH AUTHORITY	1	Ventura HS
HUENEME ELEMENTARY	1	Art Haycox EL
	1	Hueneme EL
MOORPARK UNION ELEMENTARY	1	Flory EL
	1	Poindexter EL
OCEAN VIEW ELEMENTARY	1	Mar Vista EL
	1	Ocean View Children's Center EL
OXNARD ELEMENTARY	1	Brittell EL
	1	Curren EL
	1	Driffill EL
	1	Elm Street EL
	1	Harrington EL
	1	Haydock EL
	1	John C. Fremont EL
	1	Juanita EL
	1	Kamala EL
	1	Marina West EL
	1	McKinna EL
	1	Ramona EL
	1	Rose Avenue EL
	1	Sierra Linda EL
RIO ELEMENTARY	1	El Rio EL
	1	Rio Del Valle EL
	1	Rio Real EL
SANTA PAULA ELEMENTARY	1	Barbara Webster EL
	1	Grace S. Thille EL
	1	Isbell EL
	1	McKevett EL
SANTA PAULA UNION HIGH	1	Renaissance Continuation HS
VENTURA UNIFIED	1	Avenue EL
	1	Mill EL
	1	Sheridan Way EL
YOLO COUNTY		
DIOCESE OF SACRAMENTO	1	Holy Cross EL-NP
ESPARTO UNIFIED	1	Esparto EL
	1	Esparto HS
WASHINGTON UNIFIED	1	Alyce Norman EL
	1	Broderick EL
	1	Bryte EL
	1	Elkhorn Village EL
	1	Evergreen EL
	1	Westfield Village EL

(California is continued on top of next page)

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California

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
YOLO COUNTY cont.		
WINTERS JOINT UNIFIED		
	1	Waggoner EL
	1	Winters EL
	1	Wolfskill EL
WOODLAND JOINT UNIFIED		
	1	Beamer EL
	1	Laugenour EL
YOLO COUNTY SPECIAL SCHOOLS		
	1	Juvenile Hall-Dan Jacobs
YUBA COUNTY		
CAMPTONVILLE ELEMENTARY		
	1	Camptonville EL
MARYSVILLE JOINT UNIFIED		
	1	Alicia JHS
	1	Arboga EL
	1	Brophy EL
	1	Cedar Lane EL
	1	Cordua EL
	1	Dobbins
	1	Ella EL
	1	Linda EL
	1	Mary Covillaud EL
	1	Marysville HS
	1	Olivehurst EL
	1	W. T. Ellis Continuation HS
	1	Yuba Feather EL
	1	Yuba Gardens JHS
YUBA COUNTY SPECIAL SCHOOLS		
	1	Harry P. B. Carden Juvenile Hall EL-HS

COLORADO

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
AGATE (SEE BENNETT)		
AGUILAR	1	AGUILAR EL
	1	AGUILAR JHS
AKRON (SEE HAXTUN)		
ALAMOSA	2	ALAMOSA JHS
	1	ANTONITO EL
	1	ANTONITO JHS
	1	ANTONITO HS
	1	BOYD EL
	1	CENTAURI HS
	1	CENTENNIAL JHS
	1	CENTER EL
	1	CENTER JHS
	1	CENTER HS
	1	DEL NORTE JHS
	2	DEL NORTE HS
	2	EVANS INT EL
	1	LA JARA EL
	1	MANASSA EL
	1	MONTE VISTA EL
	1	MONTE VISTA JHS
	2	MONTE VISTA HS
	1	MOUNTAIN VALLEY EL
	1	MOUNTAIN VALLEY JHS-HS
	1	ROMEO EL
	1	SAN LUIS EL
	1	SANFORD EL
	1	SANFORD HS
	1	SANGRE DE CRISTO EL
	2	SARGENT EL
	1	SIERRA GRANDE EL
	1	UNDERWOOD EL
ANTONITO (SEE ALAMOSA)		
ARAPAHOE (SEE LAMAR)		
ARICKAREE(SEE HAXTUN)		
ARRIVE (SEE HUGO)		
ARVADA (SEE LAKEWOOD)		
AULT	2	HIGHLAND MIDDLE SCHOOL
	2	HIGHLAND HS
AURORA	2	CRAWFORD EL
	2	KENTON EL
	2	WEST MIDDLE SCHOOL
	2	CENTRAL HS
	2	ST.THERESE SCHOOL
BENNETT	1	BENNETT EL
	2	BYERS EL
	2	STRASBURG EL
BERTHOUD (SEE LOVELAND)		
BETHUNE (SEE BURLINGTON)		
BLANCA (SEE ALAMOSA)		
BOULDER	2	LAFAYETTE EL
	2	LINCOLN EL
	2	NEDERLAND EL
	2	SACRED HEART SCHOOL
BRIGGSDALE (SEE FT. MORGAN)		
BRIGHTON	1	NORTH EL
	2	N BRIGHTON JHS
	2	SOUTH ELEMENTARY
	2	WALTER L VIKAN JHS
BRUSH (SEE FT. MORGAN)		
BUENA VISTA	1	COLORADO STATE REFORMATORY
BURLINGTON	2	BURLINGTON EL
	2	BURLINGTON MIDDLE SCHOOL
	2	BURLINGTON HS
	1	FLAGLER EL
	2	STRATTON EL
BYERS (SEE BENNETT)		
CALHAN	2	FALCON JR SR HS
	2	LORRAINE EL
	2	FOUNTAIN MIDDLE
	2	FOUNTAIN HS
	2	MIAMI HS
CAMPO (SEE LAMAR)		
CANON CITY	2	HARRISON EL
	2	LINCOLN EL
	2	WASHINGTON EL
CENTER (SEE ALAMOSA)		
CHEYENNE MTN. (SEE CALHAN)		

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Colorado

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
CHEYENNE WELLS (SEE LAMAR)		
COLORADO SPRINGS	1	ADAMS EL
	1	BRISTOL EL
	2	BUENA VISTA EL
	2	COLUMBIA EL
	2	GARFIELD EL
	1	HELEN HUNT EL
	2	IVYWILD EL
	2	LINCOLN EL
	1	LOWELL EL
	2	NORTH JHS
	1	SOUTH JRS
	2	WASHINGTON EL
	2	WEST JHS
	2	WHITTIER EL
COMMERCE CITY	2	ADAMS CITY JHS
	2	ADAMS CITY HS
	2	ALSUP EL
	2	CENTRAL EL
	2	DUPONT EL
	2	MONACO EL
	2	ROSE HILL EL
	2	ASSUMPTION SCHOOL
CORTEZ	2	CORTEZ JHS
	1	DOWNEY EL
	1	KEMPER EL
	1	MANAUGH EL
	1	MESA EL
	2	MONTEZUMA CRTZ HS
CRAIG	2	CRAIG JHS
	2	MOFFAT HS
	2	SUNSET EL
CRIPPLE CREEK (SEE CALHAN)		
DEER TRAIL (SEE BENNETT)		
DEL NORTE (SEE ALAMOSA)		
DELTA	2	CEDAREDGE UNDIV 7-12
	1	CRAWFORD EL
	1	DELTA JHS
	2	DELTA HS
	1	GARNET MESA EL
	1	HOTCHKISS EL
	2	HOTCHKISS JHS-HS
	1	CEDAREDGE EL
	1	LINCOLN EL
	1	PAONIA PRIMARY EL
	1	PAONIA INTERMED EL
	2	PAONIA HS
DENVER	2	ABRAHAM LINCOLN HS
	1	BAKER JHS
	1	BARNUM EL
	2	BELMONT EL
	1	BOULEVARD EL
	1	BROWN EL
	1	BRYANT WEBSTER EL
	1	CHELTENHAM EL
	1	CLAYTON COLLEGE FOR BOYS
	2	COLE JHS
	2	COLFAX EL
	1	COLORADO CHILDREN'S HOME
	2	COLUMBIAN EL
	1	COLUMBINE EL
	2	COLWELL EL
	1	CROFTON EL
	2	EAGLETON EL
	1	EBERT EL
	1	DEL PUEBLO EL
	2	ELYRIA EL
	2	EMERSON EL
	1	FAIRMONT EL
	1	FAIRVIEW EL
	1	GARDEN PLACE EL
DENVER cont.		
	1	GILPIN EL
	1	GREENLEE EL
	1	HARRINGTON EL
	1	HORACE MANN JHS
	1	LAKE JHS
	1	MITCHELL EL
	2	MOREY JHS
	1	MUNROE EL
	2	NORTH HS
	1	REMINGTON EL
	2	SHERMAN EL
	2	SKINNER JHS
	1	SMEDLEY EL
	1	SMILEY JHS
	1	SMITH EL
	1	SWANSEA EL
	1	VALDEZ EL
	2	VALVERDE EL
	1	WESTWOOD EL
	1	WHITTIER EL
	1	WYATT EL
	2	WYMAN EL
	1	ANNUNCIATION SCHOOL
	2	CENTRAL CATHOLIC HS
	1	LOYOLA EL
	1	PRESENTATION SCHOOL
	1	SACRED HEART SCHOOL
	1	ST. ANTHONY SCHOOL
	1	ST. FRANCIS DE SALES EL
	1	ST. JOSEPH EL
	1	MT. ST. VINCENT HOME
	1	DENVER CHILDREN'S HOME
DINOSAUR (SEE STEAMBOAT SPGS)		
DOLORES	2	DOLORES EL
	2	DOLORES JHS
DOVE CREEK	1	RICO EL
	2	SEVENTH STREET EL
DURANGO	1	FORT LEWIS MESA EL
	2	MASON EL
	2	MILLER JHS
	2	NEEDHAM EL
	1	PARK EL
	1	RIVERVIEW EL
	1	SACRED HEART
EADS (SEE LAMAR)		
EAGLE	3	MCCOY EL
EATON	2	EATON EL
	2	EATON JHS
	2	EATON HS
	2	GALETON EL
EDGEWATER (SEE LAKEWOOD)		
ELLICOTT (SEE CALHAN)		
EVERGREEN (SEE LAKEWOOD)		
FLAGLER (SEE BURLINGTON)		
FLEMING (SEE HAXTUN)		
FLORENCE	2	FREMONT EL
FOUNTAIN (SEE CALHAN)		
FRUITA (SEE GRAND JUNCTION)		
FT. COLLINS	2	DUNN EL
	2	HARRIS EL
	1	LA PORTE AVE EL
	2	LINCOLN JHS
	2	PUTNAM EL
	2	TRAVELLI EL
	2	EYESTONE EL
FT. LUPTON	2	FORT LUPTON INTERMEDIATE
	2	FORT LUPTON HS
	2	LEO WM. BUTLER EL
FT. MORGAN	2	BAKER EL
	2	BRUSH JHS
	2	BRUSH HS

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Colorado

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
FORT MORGAN cont.	2	CENTRAL EL
	2	COLUMBINE EL
	2	WELDON VALLEY EL
	2	WIGGINS EL
GENOA (SEE HUGO)		
GILCREST	2	GILCREST EL
	2	LA SALLE EL
	2	NORTH VALLEY MIDDLE SCH
	2	PLATTEVILLE EL
GILCREST	1	SOUTH VALLEY MIDDLE SCH
GOLDEN (SEE LAKEWOOD)		
GRANADA (SEE LAMAR)		
GRANBY (SEE STEAMBOAT SPGS)		
GRAND JUNCTION	2	COLUMBINE EL
	2	COLUMBUS EL
	2	FRUITA EL
	2	SCENIC EL
	2	CLIFTON EL
	2	ST. JOSEPH SCHOOL EL
GREELEY	2	ARLINGTON EL
	2	CAMERON EL
	1	CHAPPELOW EL
	1	EAST MEMORIAL EL
	2	GREELEY CENTRAL HS
	2	GREELEY WEST HS
	2	HEATH JHS
	2	JACKSON EL
	2	JOHN EVANS JHS
	1	JEFFERSON EL
	2	MADISON EL
	1	BILLIE MARTINEZ EL
	1	SPECIAL EDUCATION EL
	1	GREELEY CATHOLIC SCHOOL EL
	1	TRINITY LUTHERAN SCHOOL
GROVER (SEE FT. MORTAN)		
GYPSUM (SEE EAGLE)		
HANOVER (SEE CALHAN)		
HARRISON	2	CENTENNIAL EL
	2	CHAMBERLIN EL
	1	STRATTON MEADOWS EL
HAXTUN	2	AKRON EL
	2	HOLYOKE EL
	2	OTIS EL
	2	PLATTE VALLEY EL
HAYDEN (SEE STEAMBOAT SPGS)		
HOLYOKE (SEE HAXTUN)		
HUDSON (SEE KEENESBURG)		
HUGO	1	KIT CARSON EL
	1	GENOA EL
IGNACIO	1	IGNACIO EL
	1	IGNACIO JHS
JULESBURG (SEE HAXTUN)		
KARVAL (SEE HUGO)		
KEENESBURG	2	HUDSON EL
KERSEY	2	PLATTE VALLEY JHS
	2	PLATTE VALLEY EL
KIM (SEE LAMAR)		
KIT CARSON (SEE HUGO)		
LA JARA (SEE ALAMOSA)		
LA JUNTA	1	Colorado Boys Ranch
	1	EAST SIX CENTER EL
	1	LA JUNTA JHS
	1	LA JUNTA HS
	1	NORTH LA JUNTA EL
	1	SOUTH EL
	1	WEST EL SPEC. ED.
	1	COLUMBIAN EL
LA PORTE (SEE FT. COLLINS)		
LA SALLE (SEE GILCREST)		
LAKEWOOD	1	GOLDEN GATE YOUTH CAMP
	1	LOOKOUT MTN SCHOOL FOR BOYS
	2	BELMONT JHS
	2	CENTRAL LAKEWOOD EL
	2	DANIELS EL
LAKEWOOD cont.	2	EDGEWATER EL
	2	FOSTER EL
	2	LUMBERG EL
	2	MOLHOLM EL
	2	NORTH LAKEWOOD EL
	2	PLEASANT VIEW EL
	2	ST. ANNE SCHOOL
LAMAR	2	LAMAR JHS
	1	LINCOLN EL
	3	ARAPAHOE EL
	1	ARAPAHOE UNDIV HS
	1	CHEYENNE WELLS EL
	1	GRANADA EL
	1	GRANADA UNDIVIDED
	2	SPRINFIELD EL
	2	WALSH EL
	1	CAMPO EL
LAS ANIMAS	2	COLUMBIAN EL
	1	LAS ANIMAS JHS
	2	LAS ANIMAS HS
	1	MEMORIAL EL
	1	ST. MARYS EL
LIMON	2	LIMON EL
LIVERMORE (SEE FT. COLLINS)		
LONE STAR (SEE HAXTUN)		
LONGMONT	2	CENTRAL EL
	2	COLUMBINE EL
	2	ERIE EL
	2	ERIE JHS
	2	FREDERICK EL
	2	FREDERICK JHS
	2	MEAD EL
	1	MIDWEST CHILDREN'S HOME
	1	MOUNTAIN STATES CHILDREN'S HOME
	2	NORTHEAST JHS
LOVELAND	2	BALL JHS
	2	BERTHOUD EL
	2	TRUSCOTT EL
	2	WINONA EL
MANCOS	1	MANCOS EL
	2	MANCOS JHS-SHS
MANITOU SPGS	1	BROCKHURST BOYS RANCH
	1	RAMPART BOYS HOME
MANZANOLA	1	MANZANOLA EL
	1	MANZANOLA JHS
	1	MANZANOLA HS
MAPLETON	2	BERTHA HEID EL
	2	HIGHLAND HS
	2	JOHN DEWEY JHS
	2	WESTERN HILLS EL
MC CLAVE (SEE LAMAR)		
MEEKER (SEE STEAMBOAT SPGS)		
MERINO SEE HAXTUN)		
MINTURN (SEE EAGLE)		
MOFFAT (SEE ALAMOSA)		
MONTE VISTA (SEE ALAHOSA)		
MONTROSE	1	MONTROSE JHS
	1	MORGAN EL
	1	NORTH SIDE EL
	1	OLATHE EL
	1	OLATHE HS
MONUMENT (SEE CALHAN)		
MORRISON	1	MOUNT VIEW GIRLS' SCHOOL
MOSCA (SEE ALAMOSA)		
NEW RAYMER (SEE FT. MORGAN)		
NORTHGLENN (SEE THORNTON)		
NUNN (SEE AULT)		
OAK CREEK (SEE STEAMBOAT SPGS)		
ORDWAY	1	CROWLEY COUNTY EL
	1	CROWLEY COUNTY JHS
	2	CROWLEY HS
OTIS (SEE HAXTUN)		

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Colorado

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Location	Code *	School Name
PAGOSA SPRINGS	1	PAGOSA SPRINGS EL
PALISADE (SEE GRAND JUNCTION)		
PEETZ (SEE HAXTUN)		
PEYTON (SEE CALHAN)		
PIERCE (SEE AULT)		
PLAINVIEW (SEE LAMAR)		
PLATTEVILLE (SEE GILCREST)		
POWDER WASH (SEE STEAMBOAT SPGS)		
PRIMERO (SEE WESTON)		
PRITCHETT (SEE LAMAR)		
PUEBLO CITY	1	BESSEMER EL
	1	BRADFORD EL
	2	CENTENNIAL HS
	2	CENTRAL GRADE SCHOOL EL
	2	CENTRAL HS
	2	CORWIN MIDDLE SCHOOL
	2	EAST HS
	2	FOUNTAIN EL
	2	FREED MIDDLE SCHOOL
	1	FULTON HEIGHTS EL
	1	SPANN EL
	2	HYDE PARK EL
	1	IRVING EL
	2	JAMES H RISLEY MIDDLE SCHOOL
	2	LAKE VIEW EL
	2	MINNEQUA EL
	2	PARK VIEW EL
	2	KEATING MIDDLE SCHOOL
	2	THATCHER EL
	1	WASHINGTON EL
	1	EL PUEBLO BOYS RANCH
RANGELEY (SEE STEAMBOAT SPGS)		
REDCLIFF (SEE EAGLE)		
RIFLE	2	ESMA LEWIS EL
	2	SILT EL
RUSH (SEE CALHAN)		
SAGUACHE (SEE ALAMOSA)		
SALIDA	2	LONGFELLOW EL
SAN LUIS (SEE ALAMOSA)		
SANFORD (SEE ALAMOSA)		
SARGENT (SEE ALAMOSA)		
SECURITY	2	J A TALBOTT EL
	2	MARTIN LUTHER KING EL
	2	NORTH SECURITY EL
	1	PINELLO EL
	2	SOUTH SECURITY EL
	2	SPROUL JHS
	2	WIDEFIELD HS
SEDGWICK (OVID)(SEE HAXTUN)		
SEIBERT (SEE BURLINGTON)		
SHERIDAN	1	FORT LOGAN EL
	1	ORA OLIVER EL
	2	SHERIDAN MIDDLE
	1	SHERIDAN HS
SHERIDAN LAKE (SEE LAMAR)		
SIMLA (SEE CALHAN)		
STEAMBOAT SPRINGS	2	SOUTH ROUTT EL
STERLING	1	CALICHE JHS
	2	STERLING HS
	1	CROOK EL
	2	SEXSON EL
STERLING (SEE HAXTUN)		
STRASBURG (SEE BENNETT)		
STRATTON (SEE BURLINGTON)		
SWINK	1	SWINK EL
	1	SWINK JHS
	2	THORNTON HS
	2	NORTH STAR EL
THORNTON	2	THORNTON EL
TIMNATH (SEE FT. COLLINS)		
TRINIDAD	1	TRINIDAD JHS
	1	EAST STREET EL
	1	ECKHART EL
	1	PARK STREET EL
	1	RICE MIDDLE
	1	TRINIDAD HS
	1	HOLY TRINITY SCHOOL Pre-8
	1	MOUNT CARMEL
VAIL (SEE EAGLE)		
VILAS (SEE LAMAR)		
VIRGINIA DALE (SEE FT. COLLINS)		
VONA (SEE BURLINGTON)		
WALDEN (SEE STEAMBOAT SPRINGS)		
WALSENBURG	1	GARDNER EL
	1	HILL EL
	1	LATHROP PARK YOUTH CAMP
	1	MIDDLE SCHOOL
	1	WALSENBURG HS
	1	WASHINGTON EL
	1	ST. MARYS SCHOOL
WALSH (SEE LAMAR)		
WELDONA (SEE FT. MORGAN)		
WELLINGTON (SEE FT. COLLINS)		
WESTCLIFFE	1	CUSTER CO. CONS. EL
WESTMINSTER	1	BAKER EL
	2	BERKELEY GARDENS EL
	2	CLAUDE E. ROUSH EL
	2	FAIRVIEW EL
	2	HARRIS PARK EL
	2	MESA EL
	2	SHERRELWOOD EL
	2	SKYLINE VISTA EL
	2	WESTMINSTER EL
	2	HOLY TRINITY SCHOOL EL
WESTON	1	WESTON ELEMENTARY
	1	PRIMERO UNDIV HS
WHEATRIDGE (SEE LAKEWOOD)		
WIDEFIELD (SEE SECURITY)		
WIGGINS (SEE FT. MORGAN)		
WILEY (SEE LAMAR)		
WINDSOR	2	PARK EL
	2	TOZER EL
	2	WINDSOR HS
WOODLAND PARK (SEE CALHAN)		
WOODLIN (SEE FT. MORGAN)		
WRAY (SEE HAXTUN)		
YAMPA (SEE STEAMBOAT SPGS)		
YODER (SEE CAHLAN)		
YUMA (SEE HAXTUN)		

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CONNECTICUT

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Ansonia	2	Larkin el
	2	Lincoln Hayes middle
	2	Nolan el
	2	Peak el
	2	Willis middle
Bloomfield	2	Laurel el
Branford	2	Stony Creek el
Bridgeport	1	Barnum el
	1	Bassick hs
	2	Beardsley el
	2	Blackham el
	2	Black Rock el
	2	Blessed Sacrement el
	2	Bryant el
	1	Central hs
	1	Columbus el
	1	Cross el
	2	Dunnigan el
	1	East Side mid
	1	Edison el
	1	Franklin el
	1	Garfield el
	1	Hall el
	1	Hallen el
	2	Hooker el
	1	Howe el
	1	Jefferson el
	1	Johnson el
	1	John Winthrop el
	1	Longfellow el
	2	Madison el
	1	Maplewood el
	1	McKinley el
	1	Newfield el
	1	Read el
	1	Roosevelt
	1	Sheridan el
	2	Shelton el
	2	Sacred Heart el
	2	St. Anthony el
	2	St. Cyril + Methodius el
	2	St. Mary el
	2	St. Stephen el
	1	Waltersville el
	2	Webster el
	1	Whittier el
	1	Warren Harding hs
Bridgeport	1	Winthrop el
Bristol	2	Bingham el
	2	Callen el
	2	Edgewood el
	2	O'Connell el
	2	South Side el
Chester	2	Chester el
Cromwell	1	Children's Home el
Danbury	2	Beaver Brook el
	2	Hayestown el
	2	Mill Ridge el
	2	Morris St. el
	2	Park Ave. el
	2	Pembroke el
	2	Roberts el
	2	Shelter Rock el
	2	South St. el
Deep River	2	Deep River el
	2	John Winthrop jhs
Derby	1	Mt. St. John el
	2	Franklin el
	2	Irving el
	2	Lincoln el
East Haddam	2	East Haddam el
East Hampton	2	Center el
	2	Memorial el
East Hartford	2	Center el
	2	Hockanum el
	2	Mayberry el
	2	Norris el
	2	O'Brien el
	2	Second North el
	2	South Grammar el
	2	Willow Brook Pk. el
East Haven	2	Deer Run el
	2	Momauguin el
	2	Moore el
East Windsor	1	Rodway School el
East Lyme	2	Niantic el
Enfield	2	Higgins el
	2	Enfield Intermediate el
Fairfield	2	McKinley el
Franklin	2	Franklin el
Greenwich	2	Hamilton el
Griswold	2	Griswold el
	2	Cutler jhs
Groton	2	Claude Chester el
	2	Fitch jhs
	2	Eastern Point el
	2	Freeman Hathaway el
Hamden	1	Whitney Hall el
	2	Putnam Ave. el
	2	Ridge Hill el
	1	Hamden - N.H. Co-op
Hartford	1	Arsenal el
	1	Barbour el
	1	Barnard-Brown el
	2	Batchelder el
	2	Bulkeley hs
	1	Burns el
	2	Burr el
	2	Cathedral of St. Joseph el
	1	Children's Village el
	1	Clark el
	1	Corrections Dept. hs
	2	Dwight el
	1	Esquelita Bilingue el
	2	Fisher el
	1	Fox el
	1	Fox middle
	1	Gray Lodge hs
	1	Hartford hs
	1	Hooker el
	1	Jones el
	2	Kennelly el
	1	Kinsella el
	2	McDonough el
	2	Naylor el
	1	New Park Ave. el
	2	Our Lady of Sorrows el
	1	Quirk middle
	2	Rawson el
	2	St. Anne el
	2	St. Justin el
	2	St. Peter el
	1	Simpson Waverly el
	2	Twain el
	1	Vine el
	1	Weaver hs
	2	Webster el
	1	West Middle el
	1	Wish el
Killingly	2	Central el
	2	Memorial el
Litchfield	1	Conn. Jr. Republic hs
Manchester	2	Buckland el
	2	Nathan Hale el
	2	Robertson el

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CONNECTICUT

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Manchester cont.	2	Verplanck el
	2	Waddell el
	2	Washington el
Meriden	2	Barry el
	1	Curtis Home el
	1	Conn. School for Boys hs
	2	Jefferson mid
	2	Lincoln el
	2	Pulaski el
	2	Putnam el
	2	Platt hs
	2	Sherman el
	2	Trumbull el
Middletown	2	Bielefield el
	2	Central middle
	2	Farm Hill el
	2	Keigwin middle
	1	Long Lane School hs
	2	Macdonough el
	2	Middletown hs
	2	Snow el
	2	Stillman el
	2	Wesley el
	2	Wilson middle
Milford	1	Boys Village el
	2	Central el
	2	Beach el
	2	Ft. Trumbull el
	2	Lenox el
	2	Point Beach el
	2	Pumpkin Delight el
	2	St. Anne el
	2	Seabreeze el
	2	Simon Lake el
Montville	2	Palmer el
	2	Uncasville el
Naugatuck	2	Andrew el
	2	Central el
	2	Hop Brook el
New Britain	2	Burritt el
	2	Chamberlain el
	1	Children's Home el
	2	Diloreto el
New Britain	1	Franklin el
	2	Jefferson el
	2	Nathan Hale jhs
	2	Northend el
	2	New Britain Sr. hs
	2	Slade jhs
	2	Smalley el
	2	Washington jhs
New Haven	1	Baldwin el
	1	Barnard el
	2	Beecher el
	2	Betsy Ross middle
	1	Brennan el
	2	Bishop Woods el
	1	Cheever el
	1	Clinton el
	1	Columbus-Woolsey el
	1	Conte el
	1	Dwight el
	1	Day el
	1	Fair Haven middle
	1	Grant el
	1	Highland Heights el
	1	Hill Central el
	1	Hillhouse hs
	1	Ivy el
	2	Jepson el
	1	Kimberly el
	1	King el
	1	Lee hs
New Haven cont.	1	Lincoln-Bassett el
	1	Prince el
	2	Quinnipiac el
	2	Sacred Heart el
	1	Scranton el
	1	Sheridan middle
	1	Sherman el
	2	St. Martin de Porres el
	2	St. Peter el
	2	St. Stanislaus el
	1	Strong el
	1	Troup middle
	1	Truman el
	1	Welch-Welch Annex el
	2	West Hills el
	1	Winchester el
	1	Wilbur Cross hs
	2	Woodward el
Newington	2	St. Mary el
New London	2	Edgerton el
	2	Harbor el
	2	Jennings el
	1	Nameaug el
	2	Nathan Hale el
	2	St. Mary el
	1	Winthrop el
	2	New London jhs
Norwalk	2	Benjamin Franklin middle
	2	Brian McMahon hs
	2	Broad River el
	2	Columbus el
	2	Cranberry el
	2	Fitch el
	2	Honeyhill el
	2	Jefferson el
	2	Magrath el
	2	Marvin el
	2	Naramake el
	2	Nathan Hale el
	2	Norwalk hs
	2	Roton jhs
	2	Rowayton el
	2	Silvermine el
	2	Tracey el
	2	West Rocks jhs
	2	Wolfpit el
Norwich	2	Bishop el
	2	Broad St. el
	2	Buckingham el
	2	Elizabeth el
	2	Greeneville el
	2	Kelly jhs
	2	Thomas Mahan el
	1	Norwich Pre-School el
	2	Smith Ave. el
	2	Stanton el
	2	Veterans el
	2	West Thames el
	2	Wequonnoc el
Plainfield	2	Plainfield Grammar el
	2	All Hallows el
	2	Memorial el
Plainville	2	Trask el
Portland	2	Central el
Putnam	2	Israel Putnam el
	2	Putnam Grammar el
Seymour	2	Center-Annex el
Shelton	2	Commodore Hull el
	2	Lafayette el
	2	Ferry el
Sprague	2	Sayles el
Stafford	2	Borough el
	2	Pinney el
	2	St. Edward el

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

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Location	Code *	School Name
Stamford	2	Belltown el
	2	Burdick jhs
	2	Davenport el
	2	Dolan jhs
	2	Franklin el
	2	Hart el
	2	Murphy el
	2	Newfield el
	2	Northeast el
	2	Rippowam hs
	2	Riverbank el
	2	Rogers el
	2	Roxbury el
	2	Ryle el
	2	Springdale el
	2	Stark el
	2	Stillmeadow el
	2	Toquam el
	2	Turn of River jhs
	2	Westover el
	2	Willard el
Sterling	2	Sterling el
	2	Broadway el
	2	Old Mystic el
Stonington	2	West Broad el
	2	West Vine el
Stratford	2	Honeyspot el
Thompson	2	Memorial el
Torrington	2	North el
	2	Riverside el
	2	South el
	2	Southwest el
	2	Wetmore el
Vernon	2	Center el
	2	Skinner el
Wallingford	2	Stevens el
	2	Whittelsey el
Waterbury	1	Bishop el
	2	Bucks Hill el
Waterbury	1	Croft el
	2	Crosby hs
	1	Driggs el
	2	Duggan el
	2	Gilmartin el
	2	Hopeville el
	2	Kennedy hs
	1	Maloney el
	1	Merriman el
	1	Regan el
	2	Russell el
	2	Sacred Heart el
	2	St. Mary el
	2	St. Thomas el
	1	Slocum el
	2	Sprague el
	1	Walsh el
	2	Washington el
	1	Webster el
	2	Wilby hs
	1	Wilson el
West Hartford	2	Elmwood el
West Haven	2	Colonial Park el
	2	First Ave. el
	2	Giannotti jhs
	2	Forest el
	2	Noble el
	2	Stiles el
	2	Thompson el
	2	Union el
	2	Washington el
Westport	2	Assumption el
Winchester	2	St. Anthony el
Windham	2	Kramer middle
	2	Natchang el
	2	Noble el
	2	Oaks el
	2	Sweeney el
Windsor	2	Deerfield el
	2	Wolcott el
Windsor Locks	2	Union el

Delaware

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Bridgeville	1	Bridgeville EL
	2	North Bridgeville EL
	2	Woodbridge HS
Clayton	1	Clayton EL
Delmar	2	Delmar HS
Dover	2	Dover Central Middle
	2	Dover HS
	2	East Dover EL
	2	Fairview EL
	2	South Dover EL
	1	West Dover EL
Felton	2	Lake Forest North EL
Frederica	2	Lake Forest East EL
Greenwood	2	Greenwood EL
Harrington	2	Chipman JHS
	2	Lake Forest South EL
Hartly	2	Hartly EL
Houston	2	West Milford EL
Laurel	2	North Laurel EL
Lincoln	2	Evelyn I. Morris EL
Middletown	1	Middletown EL
	2	Middletown HS
	2	Redding Middle
Milford	2	Benjamin Banneker EL
	2	Lulu M. Ross EL
	2	Milford Middle
Newark	2	Brookside EL
New Castle	2	Carrie Downie EL
	1	Colwyck EL
	2	De La Warr HS
	2	Dunleith Middle
	2	Eisenberg JHS
	2	Manor Park EL
	2	Minquadale EL
	1	Rose Hill EL
Odessa	2	Odessa EL
Seaford	2	Douglass Intermediate
	2	Seaford Central EL
	2	Seaford JHS
	2	West Seaford EL
Smyrna	2	Smyrna EL
	2	Smyrna HS
	2	Smyrna Middle
	2	Smyrna North EL
Townsend	1	Townsend EL

(Delaware is continued on top of next page)

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Delaware

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Wilmington	1	Bancroft Middle
	1	Bayard Middle
	1	Charles B. Lore EL
	1	Cool Spring EL
	1	Drew-Pyle EL
	1	Elbert Palmer EL
Wilmington cont.	1	Evan G. Shortlidge EL
	1	Frederick Douglass Stubbs EL
	1	George Gray EL
	1	Mary C.I. Williams EL
	1	North East EL
	1	Warner Middle

District of Columbia

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Washington, D. C.	1	Academy of Our Lady HS
	3	Adams EL
	1	Aiton EL
	1	Amidon-Bowen-Syphax EL
	2	Ballou HS
	3	Bancroft EL
	1	Banneker JHS
	3	Bell Vocational HS
	1	Birney EL
	3	Blow-Pierce EL
	3	Browne JHS
	3	Bruce-Monroe EL
	3	Bryan EL
	3	Buchanan EL
	1	Bundy EL
	3	Burdick Vocational HS
	1	Nannie Helen Burroughs K-3
	3	Burrville EL
	1	Cardozo HS
	2	Carver EL
	3	Chamberlain Vocational HS
	3	Cleveland EL
	3	Congress Heights EL
	1	H. D. Cooke EL
	3	J. F. Cooke EL
	1	D. C. Street Academy HS
	2	Davis EL
	1	Douglass JHS
	1	Draper EL
	1	Drew EL
	1	Dunbar HS
	3	Eastern HS
	3	Eckington EL
	3	Edmonds-Peabody EL
	1	Emery EL
	1	Evans JHS
	3	Francis JHS
	3	Friendship EL
	3	Gage EL
	3	Garfield EL
	1	Garnet-Patterson JHS
	1	Garrison EL
	3	Gibbs EL
	3	Giddings EL
	1	Goding EL
	1	Gonzaga College HS
	3	Greene EL
	1	Grimke EL
	3	Hamilton JHS
	1	Harris EL
	1	Harrison EL
	2	Hart JHS
	3	Hendley EL
	1	Hine JHS
	3	Holy Comforter 1-8
	1	Holy Name 1-8
	1	Holy Redeemer 1-8
	3	Houston EL
	1	Immaculate Conception 1-6
Washington D.C. cont.	3	Immaculate Conception Academy HS
	1	Jefferson JHS
	3	Johnson JHS
	1	Kenilworth EL
	3	Ketcham EL
	2	Kimball EL
	3	Kingsman EL
	2	Kramer JHS
	3	Langdon EL
	3	Langston-Slater EL
	3	Lenox EL
	3	Lewis EL
	2	Lincoln JHS
	1	Logan EL
	3	Lovejoy EL
	1	Lundlow-Taylor EL
	1	Malcolm X EL
	2	Maury EL
	1	McGogney EL
	3	Merritt EL
	1	Meyer EL
	1	Miller JHS
	1	Miner EL
	1	Montgomery EL
	1	Morgan EL
	1	Moten EL
	3	Mott EL
	1	Muhammad University of Islam #4 1-12
	1	Nalle EL
	3	Orr EL
	1	Our Lady of Perpetual Help K-8
	3	Park View EL
	3	Payne EL
	3	Phelps Vocational HS
	1	Plummer EL
	1	Randall JHS
	3	Raymond EL
	1	Richardson EL
	1	Roper JHS
	3	Ross EL
	3	St. Martin K-8
	3	St. Patrick's Academy HS
	1	St. Peter 1-8
	1	S. S. Paul & Augustine K-8
	1	Savoy-Nichols Avenue EL
	1	Seaton EL
	1	Shadd EL
	1	Shaw JHS
	1	Simmons EL
	2	Simon EL
	3	Sixteenth & Butler Sts. EL
	2	Spingarn HS
	1	Stanton EL
	2	Stevens EL
	1	Stuart JHS
	1	Terrell JHS
	1	Thomas EL
	1	Thomson EL
	1	Tubman EL
	1	Turner EL

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District of Columbia

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Washington D.C. cont.	1	Tyler EL
	1	Van Ness EL
	1	Walker-Jones EL
	1	Washington Highlands EL
	1	Washington Urban League Preparatory and Dix Street Academy HS
	3	M. M. Washington Vocational HS
	3	Watkins EL
	1	Weatherless EL
Washington D.C. cont.	3	Webb EL
	3	Wheatley EL
	1	J. O. Wilson EL
	3	Woodson HS
	3	Young EL
Lorton, Virginia		(D. C. Department of Corrections)
	1	Youth Center #1 (HS)
Occoquan, Virginia	1	Youth Center #2 (HS)

FLORIDA

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Alachua	1	Alachua EL
	1	Mabane Middle
	1	Santa Fe HS
Alford	1	Alford EL
Altamonte Springs	1	Rosenwald EL
Anthony	1	Anthony EL
Apalachicola	1	Chapman EL
Apopka	1	Wheatley EL
Archer	1	Archer Community K-6
Arcadia	1	DeSoto Middle
	1	Memorial EL
	1	West Elementary EL
Auburndale	1	Auburndale K
Avon Park	1	Avon Park EL
	1	Avon Park Middle
Bartow	1	Bartow EL
	1	Bartow JHS
	1	Golfview 7
Belle Glade	1	Belle Glade EL
	1	Glade View EL
	2	Glades Central HS
	1	Gove EL
	1	Lakeshore EL
	1	Lakeshore JHS
Belle View	1	Belle View EL
Blountstown	1	Blountstown EL
	1	Blountstown JHS
Boca Raton	2	Boca Raton Middle
Bonifay	1	Bonifay EL
Bowling Green	1	Bowling Green EL
Boynton Beach	1	Poinciana EL
Bradenton	1	Ballard EL
	1	Bradenton Middle
	2	Manatee HS
	2	Southeast HS
Branford	1	Branford K-12
Bristol	1	Bristol EL
Brooker	1	Brooker EL
Brooksville	1	Brooksville JHS
	1	Brooksville K
	2	Hernando HS
Bunnell	1	Bunnell EL
	1	Flagler-Palm Coast HS
Bushnell	1	Bushnell EL
Campbellton	1	Graceville Middle
Canal Point	1	Canal Point EL
Cantonment	1	Allen, J. EL
	1	Molino EL
	1	Ransom Middle
Center Hill	1	Center Hill EL
Century	1	Carver, G.W. Middle
	1	Century EL
Chiefland	1	Chiefland EL
	1	Chiefland HS
Chipley	1	Roulhack Middle
	1	Smith, K.M. EL
Citra	1	Citra EL
Clarksville	1	Carr EL
Clewiston	1	Clewiston EL
	1	Harlem Academy K
Cocoa	1	Pineda EL
	1	Poinsett Middle
	2	Clearlake Middle
Coconut Creek	2	Coconut Creek HS
Coleman	1	Coleman EL
Coral Gables	2	Coral Gables HS
Cottondale	1	Cottondale K-12
Crawfordville	2	Wakulla HS
Crescent City	1	Crescent City Community EL
Crestview	1	Carver-Hill K
	1	Southside EL
Cross City	1	Anderson, James EL
	1	Dixie County HS
Crystal River	2	Crystal River Middle
	2	Crystal River EL
Dade City	1	Lacoochee EL
	1	Moore-Mickens Middle
	1	Pasco EL
	1	Pasco JHS
	1	Rodney B. Cox EL
	2	Shady Hills EL
Dania	1	Collins EL
	2	Olsen Middle
Davenport	1	Davenport EL
Daytona Beach	1	Bonner EL
	2	Campbell Center JHS
	1	North Ridgewood EL
Deerfield Beach	1	Deerfield Park EL
	2	Deerfiled Beach EL
	2	Deerfiled Beach Middle
	2	Deerfield Beach HS
DeFuniak Springs	1	Maude Sanders
	1	Walton Middle
Delray Beach	2	Carver Middle
	1	Pine Grove EL
Dover	1	Dover EL
Dundee	1	Dundee EL
Dunnellon	1	Dunellon EL
	1	Dunellon Middle
Eastpoint	1	Eastpoint EL
Ellington	1	Blackburn EL
Ft. Lauderdale	1	Sunland Park EL
	1	North Fork EL
	1	Walker EL
	1	Hortt EL
	1	Riverland EL
	1	Rock Island EL
	1	Everglades Middle
	1	Wilton Manors EL
	1	Sunrise Middle
	1	Larkdale EL
	1	Dillard HS

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Ft. Lauderdale cont.	1	Lincoln Park EL
	1	Dillard EL
	2	Parkway Middle
	2	Rogers Middle
	2	Lauderhill Middle
	2	Rickards Middle
	2	Northeast HS
	1	New River Middle
Fort McCoy	1	Fort McCoy EL
Fort Myers	2	Cypress Lake Middle
	1	Dunbar EL
	2	Dunbar Middle
	2	Lee Middle
	1	Michigan EL
	2	Orange River EL
	1	Heights EL
	1	J. English EL
	1	Tice EL
	2	Villas EL
Ft. Pierce	1	Fairlawn EL
	1	Ft. Pierce Central HS
	1	Ft. Pierce EL
	1	Garden City EL
	1	Lawnwood EL
	1	Lincoln Park School 9
	1	McCarty, D. Middle
	1	Means Court EL
	1	Moore, C.A. EL
	1	St. Lucie Middle
	1	Sweet, F.K. EL
Ft. White	1	Ft. White EL
Frostproof	1	Frostproof EL
Gainesville	1	Duval EL
	1	Kirby Smith EL
	1	Williams EL
	1	Lincoln Middle
	1	Bishop Middle
	2	Westwood Middle
	2	Gainesville HS
	1	Idylwild EL
	1	Eastside HS
	2	Buchholz HS
	1	Prairie View EL
	2	Ft. Clarke Middle
Gifford	2	Indian River Middle
Glen St. Mary	1	Westside EL
Gonzalez	2	Tate HS
Graceville	1	Graceville K-4, 9-12
	1	Popular Springs K-12
Grand Ridge	1	Grand Ridge K-12
Green Acres City	2	Green Acres EL
Green Cove Springs	1	Green Cove Springs Middle
	2	Bennett EL
Greensboro	1	Greensboro HS
Greenville	1	Greenville Middle
	1	Greenville Primary
Gretna	1	Gretna EL
Groveland	1	Davis EL
	1	Groveland HS
Hanies City	1	Bethune EL
	1	Bethune Middle
	1	Haines City JHS
Hallandale	1	Hallandale Middle
	1	Moore, C.A. K
Hastings	1	Hastings EL
	1	Hastings Jr.-Sr. HS
Havana	1	Havana Middle
	1	Havana HS
	1	St. Johns EL
Hawthorne	1	Hawthorne EL
	1	Shell Middle
Hialeah	2	Filer, Henry H. JHS
	2	Hialeah-Miami Lakes HS
High Springs	1	High Springs EL
	1	Spring Hill Middle
Holly Hill	1	Holly Hill EL
	2	Holly Hill JHS
Hollywood	1	Bethune EL
	1	Carver Ranches EL
	1	Watkins EL
	2	Attucks Middle
	2	McNichols Middle
Homestead	1	Homestead JHS
Hosford	1	Hosford K-8
Hudson	2	Hudson EL
Immokalee	1	Immokalee HS
	1	Immokalee Middle
Indiantown	1	Indiantown Middle
Interlocken	1	Interlocken Community EL
	2	Interlocken HS
Inverness	2	Inverness Middle
Jacksonville	1	Arlington Heights EL
	1	Axson, J. Allen EL
	1	Beal, B. EL
	1	Bethune, M.M. EL
	1	Biltmore EL
	1	Brentwood EL
	1	Brown, R.L. EL
	1	Butler, E.J. 7
	1	Carver, G.W. EL
	1	Culver, L.M. EL
	1	Daniels, R.V. EL
	1	Davis, J. JHS
	1	Dinsmore EL
	2	DuPont, A.I. JHS
	2	Fletcher, D. JHS
	1	Forest Hill EL
	1	Garden City EL
	1	Gilbert, M.W. 7
	1	Gorrie, John JHS
	1	Gregory Drive EL
	1	Harbor View EL
	1	Highlands EL
	1	Highlands JHS
	1	Hull, S.A. EL
	2	Hyde Grove EL
	1	Hyde Park EL
	1	Jackson, A. HS
	1	Jacksonville Heights EL
	1	West Jacksonville EL
	1	Jefferson, T. EL
	1	Johnson, J.W. 7
	1	Kirby-Smith JHS
	1	Lackawana EL
	1	Lake Forest EL
	2	Lake Shore JHS
	2	Landon JHS
	1	Livingston, S.P. EL
	1	Long Branch EL
	1	Love Grove EL
	1	Love, John EL
	1	Moncrief EL
	1	Morgan, A.R. EL
	1	Morse Ave. EL
	1	North Shore EL
	1	Northwestern JHS
	1	Norwood EL
	1	Oak Hill EL
	1	Oceanway EL
	1	Oceanway 7
	1	Paxon JHS
	1	Paxon HS
	1	Payne, R.E. EL
	1	Pickett EL
	1	Pinedale EL
	1	Pine Estates EL
	1	Pine Forest

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List of Schools Determined to have High Concentrations of Students from Low-Income Families For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Jacksonville cont.	1	Raines W. HS
	1	Romona EL
	1	Reynolds Lane EL
	1	Ribault JHS
	1	Ribault HS
	1	Riverside, C. EL
	1	Rutherford, M.W. EL
	1	San Mateo EL
	2	Sandalwood JHS-HS
	1	Scott, S. EL
	1	Sheffield, L.S. EL
	1	Sherwood Forest EL
	1	Southside Estates EL
	2	Southside JHS
	1	Spring Park EL
	1	Stanton HS
	1	Stilwell J. JHS
	2	Stuart, J.E.B. JHS
	1	Timucuan EL
	1	Tobbert, S.E. 6
	1	Upson, R.N. EL
	1	Windy Hill EL
	1	Woodland Acres EL
	1	Woodson, C.G. EL
Jasper	1	Central Hamilton EL
	1	Hamilton Co. HS
	1	Hamilton Middle
Jennings	1	North Hamilton EL
Key West	1	Frederick Douglas EL
LaBelle	1	LaBelle EL
Lake Bulter	1	Lake Bulter Middle
Lake City	1	Columbia HS
	1	Five Points EL
	1	Lake City JHS
	1	Melrose EL
	1	NiBlack 6
Lakeland	2	Combee EL
	1	Cox EL
	1	Lincoln Ave. EL
	1	McKeel JHS
	1	Rochelle EL
Lake Placid	1	Lake Placid EL
	2	Lake Placid HS
Lake Wales	1	Lake Wales JHS
	1	Lake Wales Middle
	1	Roosevelt Pre-K, 7
	1	Spook Hill EL
Lauderdale Lakes	2	Anderson, Boyd H. HS
Lawtey	1	Lawtey EL
Lee	1	Lee JHS
Leesburg	2	Leesburg JHS
	2	Leesburg HS
Live Oak	1	Suwannee EL
	1	Suwannee HS
	1	Suwannee Middle
	1	Suwannee Primary EL
Longwood	2	Millwee Middle
Lutz	2	Lutz EL
	1	Mort EL
MAcclenny	1	Macclenny EL
Madison	1	Madison HS
	1	Madison Middle
	1	Madison Primary EL
Malone	1	Malone K-12
Mango	1	Mango El
Margate	2	Margate Middle
Marianna	1	Golson, F.M. EL
	1	Marianna HS
	1	Marianna Middle
	1	Riverside EL
Mascotte	1	Mascotte EL
Mayo	1	Mayo K-12
McDavid	1	Ward EL
Melbourne	2	Stone Middle
Melrose	1	Melrose EL
Miami	2	Allapattah EL
	2	Broadmoor EL
	2	Carribean EL
	2	Citris Grove EL
	2	Comstock EL
	1	Douglas EL
	1	Drew EL
	1	Dunbar EL
	1	Earlington Heights EL
	1	Edison Park EL
	1	Evans, L.C. EL
	1	Floral Heights EL
	1	Holmes EL
	1	Leisure City EL
	1	Liberty City EL
	1	Little River EL
	2	Miami Park
	1	Naranja EL
	1	Olinda El
	1	Orchard Villa EL
	2	Pharr, K. EL
	1	Pine Villa EL
	1	Poinciana Park EL
	2	Redland EL
	1	Riverside EL
	2	St. Francis Xavier K-7
	2	Shenandoah EL
	1	West Dunbar EL
	2	West Little River EL
	1	Wheatley, P. EL
ELEMENTARY AND SECONDARY		
	2	Allapattah JHS
	2	Miami Edison Middle
SECONDARY		
	2	Brownsville JHS
	1	Citris Grove JHS
	2	Culter Ridge JHS
	1	Drew, C.R. JHS
	2	Lee, Robert E. JHS
	2	Madison JHS
	2	Mann JHS
	2	Mays JHS
	1	Meritt, A. JHS
	2	Miami Carol City HS
	2	Miami Central HS
	2	Miami Edison HS
	1	Miami Jackson HS
	2	Miami Killian HS
	1	Miami Northwestern HS
	2	Miami Palmetto HS
	2	Miami Sr. HS
	2	North Dade JHS
	2	North Miami Beach Sr. HS
	1	Redland JHS
	2	Richmond Heights JHS
	2	Shenandoah JHS
	1	South Dade Sr. HS
	2	South Miami Sr. HS
	1	Washington, B.T. JHS
Miami Beach	2	Miami Beach HS
Miami Springs	2	Miami Springs JHS
	2	Miami Springs Sr. HS
Miccosukee	1	Concord EL
Midway	1	Midway EL
Monticello	1	Howard Middle
	1	Jefferson Co. EL
	1	Jefferson Co. HS
	1	Scott, M.B. EL
Naples	1	Highlands EL
	1	Pinecrest K
	1	Lake Trafford EL
	1	Bethune EL

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Location	Code *	School Name
Newberry	1	Newberry Jr.-Sr. HS
	1	Newberry EL
Nocatee	1	Nocatee EL
North Miami	2	North Miami Sr. HS
Oak Hill	1	Burns-Oak Hill EL
Ocala	1	Belleview-Santos Middle
	1	College Park Primary EL
	1	Fellowship EL
	1	Fessenden EL/Middle
	2	Forrest HS
	1	Howard Upper Elem.
	1	Howard Middle
	1	Madison Sr. Primary EL
	1	N.H. Jones Upper Elem.
	1	Oakcrest EL
	1	Osceola Middle
	2	Vanguard HS
Okeechobee	1	Okeechobee EL
	1	Okeechobee JHS
	1	Okeechobee Primary EL
	1	Okeechobee South EL
Oldtown	1	Oldtown EL
Orlando	1	Delaney EL
	1	Hillcrest El.
	1	Ivey Lane EL
Oxford	1	Oxford EL
Pahokee	1	East Lake EL
	1	Pahokee EL
	1	Pahokee Jr.-Sr. HS
Palatka	1	Browning-Pearce EL
	1	Long, J.A. EL
	2	Palatka Central HS
	2	Palatka Middle
	2	Palatka South HS
	1	Silver Lake Community EL
Palm Bay	1	Palm Bay EL
Palm Beach Gardens	2	H.L. Watkins JHS
Palmetto	1	Palmetto EL
	1	Palm View EL
	1	Tillman EL
Panama City	1	Cedar Grove EL
	1	Oakland Terrace EL
	1	Southport EL
	1	Everitt JHS
	2	Jinks JHS
	2	Mowat JHS
	2	Rutherford HS
	2	Bay High
Pensacola	1	Beggs EL
	1	Bibbs EL
	1	Blount, W.A. Middle
	2	Brentwood Middle
	1	Brown-Barge EL
	2	Brownsville Middle
	1	Clubbs, A.V. Middle
	1	Cook, N.B. EL
	1	DeVaughn EL
	1	Dixon EL
	1	Gibson EL
	1	Goulding EL
	1	Hallmark EL
	1	McMillan EL
	1	McReynolds EL
	1	Oak Crest EL
	1	Olive EL
	1	Pensacola HS
	2	Pine Meadow EL
	1	Semms EL
	2	Washington HS
	1	Wedgewood Middle
	1	Yniestra EL
	1	Young EL
Perry	1	Gladys Morse EL
	1	Perry EL
	2	Taylor Co. HS
Plant City	1	Burney EL
	2	Cork EL
	1	Glover EL
	1	Lincoln EL
	1	Simmons EL
	2	Tomlin JHS
Pompano Beach	1	Blanche Ely K
	1	Markham EL
	1	Sanders Park EL
	1	Pompano Beach EL
	1	Charles Drew EL
	1	Park Ridge EL
	1	Crystal Lake Middle
	2	Pompano Beach MIddle
Ponce de Leon	1	Ponce de Leon K-12
Port St. Joe	2	Port St. Joe HS
Quincy	1	Carter-Parramore HS
	1	Greensboro EL
	1	Havana EL
	1	Monroe EL
	1	Quincy JHS
	1	Shanks HS
	1	Stewart St. EL
Reddick	1	Collier Primary EL
	1	North Marion Upper E/M
Riverview	2	East Bay HS
	1	Eisenhower JHS
	1	Riverview EL
Riviera Beach	2	Lincoln EL
Ruskin	1	Ruskin EL
St. Augustine	1	Mill Creek EL
	2	Ketterlinus JHS
St. Petersburg	1	Disston JHS
	1	Lakeview EL
	2	16th St. JHS
Samoset	1	Samoset EL
Sanford	1	Crooms 9
	1	Goldsboro EL
	1	Lakeview Middle
	1	Midway EL
	1	Pine Crest EL
	1	Sanford Grammar EL
	1	Sanford Middle
	2	Seminole HS
	1	Southside EL
Sarasota	1	Brooker Middle
Sebring	1	Woodlawn EL
Seville	1	Seville Public EL
Sneads	1	Sneads K-12
South Bay	1	Rosenwald EL
	1	South Bay EL
Sparr	1	North Marion HS
	1	Sparr Middle
Starke	1	Southside EL
	1	Bradford Middle
Steinhatchee	1	Steinhatchee EL
Stuart	1	Parker, J.D. EL
	2	Stuart Middle
Summerfield	1	Lake Weir HS
Tallahassee	1	Bond EL
	1	Caroline Brevard EL
	1	Hartsfield EL
	1	Oakridge EL
	1	Pine View EL
	1	Wesson EL
	1	Cobb Middle
	1	Fair View Middle
	2	Raa Middle
	2	Godby HS
	2	Leon HS
	2	Rickards HS

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Location	Code *	School Name
Tampa	1	Alexander EL
	1	Ballast Point EL
	2	Bay Crest EL
	1	Ballawy EL
	2	Blake 7
	1	Broward EL
	2	Buchanan JHS
	2	Chamberlain HS
	1	Chairamonte EL
	1	Citrus Park EL
	1	Clair-Mel EL
	1	Cleveland EL
	1	Cuesta EL
	1	DeSoto EL
	1	Dickerson EL
	1	Dowdell JHS
	1	Edison EL
	1	Foster EL
	1	Franklin 7
	1	Gary EL
	1	Graham EL
	2	Greco JHS
	2	Hillsborough HS
	1	Jackson Heights EL
	2	Jefferson HS
	1	Kenly EL
	1	Lanier EL
	1	Lavoy Ung.
	1	Lee EL
	1	Lois EL
	1	McFarland Park EL
	1	Madison JHS
	2	Mann JHS
	1	Marcall 7
	2	McClain JHS
	1	Meacham EL
	1	Mendenhall EL
	1	Middelton JHS
	1	Miles EL
	1	Monroe JHS
	1	Oakgrove 7
	1	Oak Park EL
	1	Orange Grove EL
	1	Palm River
	1	Pierce JHS
	1	Potter EL
	2	Robinson HS
	1	Robles EL
	2	St. Joseph's K-8
	1	Seminole EL
	1	Shore EL
	1	Sligh 7
	1	Sulphur Springs EL
	1	Tampa Bay Blvd. EL
	2	Tampa Bay Vo-Tech HS
	1	Twin Lakes El
	1	Van Buren HS
	1	Washington, B.T. 7
	1	Washington, G. JHS
	2	Webb JHS
	1	West Tampa 7
	1	Williams EL
	1	Witter EL
	2	Woodbridge EL
	1	Young 7
Thonotosassa	1	Thonotosassa EL
Trenton	1	Trenton K-12
Umatilla	2	Umatilla EL
Vernon	1	Vernon EL
	1	Vernin HS
Vero Beach	2	Vero Beach JHS
	2	Vero Beach HS
Wabasso	1	Douglas EL
	1	Wabasso EL
Wahneta	1	Wahneta EL
Waldo	1	Waldo Community K-6
Warrington	1	Warrington EL
	2	Warrington Middle
Wauchula	1	Wauchula EL
	1	Hardee HS
	1	Hardee Middle
Webster	1	South Sumter Middle
	1	Webster
Weirsdale	1	Stanton Primary EL
	1	Weirsdale Upper Elem.
West Palm Beach	2	Forrest Hills HS
	2	Jefferson Davis Middle
	1	Military Trail EL
	1	Palm View EL
	1	Roosevelt EL
	2	Roosevelt JHS
	2	Twin Lakes HS
	1	West Gate EL
	1	Wynnebrook EL
Westville	1	Prosperity EL
Wewahitcha	1	Wewahitcha EL
Wildwood	1	Wildwood EL
	1	Wildwood Middle
Williston	1	Williston EL
	1	Williston HS
	1	Williston Intermediate
Wimauma	1	Wimauma EL
Winter Garde	1	Maxi EL
	1	Tildenville EL
Winter Haven	1	Northeast JHS
Woodville	1	Woodville EL
Zolfo Springs	1	Zolfo EL

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Location	Code *	School Name
Alapha	1	Alapha EL
Albany	1	Broad Ave. EL
	1	Mamie Brosnan EL
	1	Carver JHS
	1	Coachman Park EL
	1	Flintside EL
	3	Hazard EL
	1	Lincoln Hgts. EL
	1	Madison EL
	1	River Road EL
	1	River Road JHS
	1	Southside JHS
Alma	1	Bacon Co. EL
	1	Bacon Co. HS
	1	Bacon Co. JHS
Alto	1	Georgia Industrial Ins.
Ambrose	3	Ambrose EL
Americus	1	Americus HS
	1	Central JHS
	3	Sarah Cobb EL
	1	East View EL
	3	Furlow EL
	1	Northeast EL
	3	Reese Park EL
	1	Staley JHS
Arlington	1	Calhoun Co. EL
Ashburn	1	Turner Co. EL at Ashb.
	1	Turner Co. HS
	1	Turner Co. JHS
Athens	2	Barnett Shoals EL
	1	Barrow EL
	3	Clarke Middle
	2	Cedar Shoals HS
	1	Fowler Dr. EL
	2	Hilsman Middle
	3	Lyons Middle
	1	Oconee EL
	3	West Broad EL
Atlanta	1	Archer HS
	1	Atlanta Youth Dev. Ctr.
	1	Blalock EL
	3	Bouldercrest EL
	1	Boyd EL
	3	Butler EL
	1	Campbell EL
	2	Carter EL
	1	Carver HS
	1	J. Cherry EL
	1	Clifton EL
	1	Cook EL
	1	Craddock EL
	1	Drew EL
	1	Dunbar EL
	2	East Atlanta HS
	1	Fowler EL
	2	George HS
	1	Gilbert EL
	1	Gresham Park EL
	2	Harper HS
	2	Herndon EL
	3	John Hope EL
	2	Howard HS
	3	J. M. Jones EL
	1	King Middle
	1	Meadowview EL
	1	Parks Middle
	1	Pitts EL
	1	Price HS
	1	Rusk EL
	3	Robinson EL
	1	Sky Haven EL
	2	Slater EL
Atlanta cont.	2	S. R. Smith EL
	1	Terry Mill EL
	2	Thomasville EL
	1	Walker HS
	2	Washington HS
	2	West Fulton HS
	1	Williams EL
	1	L. E. Williams EL
Attapulgus	3	Auburn EL
Auburn	1	Augusta Youth Dev. Ctr.
Augusta	2	Barton Chapel EL
	1	Bayvale EL
	1	Blythe EL
	2	Butler HS
	1	Collins EL
	1	Copeland EL
	1	Craig EL
	1	Floyd Pre-School
	3	Forest Hills EL
	1	Glenn Hills EL
	1	Glenn Hills HS
	1	Gracewood EL
Augusta (Cont'd)	1	Graham EL
	1	Griggs EL
	1	Hephzibah JHS
	1	Houghton EL
	3	Immaculate Conception EL
	1	A. R. Johnson JHS
	1	Josey HS
	3	Lake Forest Dr. EL
	3	Lamar EL
	1	Laney HS
	1	Langford JHS
	1	Merry EL
	1	Milledge EL
	1	Milledge Fredom EL
	1	Monte Sano EL
	1	Murphy JHS
	1	Reynolds EL
	1	Richmond Academy HS
	3	Robinson EL
	1	Sand Bar Ferry EL
	1	Sand Bar Ferry JHS
	1	Telfair St. EL
	1	Tubman JHS
	1	Walker EL
	1	Wheeless EL
	1	Windsor Spring EL
Austell	1	Austell EL
Avondale Estates	1	Avondale HS
Bainbridge	3	Elcan King EL
Ball Ground	1	Ball Ground EL
Barnesville	1	Lamar Co. HS
	1	Birch St. EL
	1	Graham St. EL
	1	Lamar Co. EL Thomaston St.
Barwick	1	Barwick EL
Baxley	2	Baxley EL
Bethlehem	1	Bethlehem EL
Blakely	2	Early Co. EL
	1	Early Co. HS
	2	Early Co. JHS
Bloomingdale	1	Bloomingdale EL
Boston	1	N. Boston EL
Brooklet	1	Brooklet EL
	1	S. E. Bulloch JHS
	1	S. E. Bulloch HS
Brunswick	1	Altama EL
	1	Ballard EL
	2	Brunswick HS
	2	Burroughs-Mollette Ctr.
	2	Glynn Co. JHS

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Location	Code *	School Name
Brunswick cont.	1	Greer EL
	1	Goodyear EL
	1	Sidney Lanier EL
	3	Jane Macon JHS
	3	Reynolds St. EL
	2	Risley Center EL
	1	Risley EL
Buchanan	2	Buchanan EL
Buena Vista	1	Marion Co. EL
	2	Marion Co. JHS-HS
Buford	1	Buford EL
	1	Buford Middle
	1	Ga. Training & Dev. Ctr.
Byromville	1	Byromville EL
Camilla	1	Mitchell Co. EL
	1	Mitchell Co. HS
Canton	2	Canton EL
	3	Clayton EL
	3	Free Home EL
Carrollton	1	Maple St. EL
Cedartown	3	Cedartown HS
	1	Cedartown JHS
	1	College St. EL
	1	Northside EL
	1	Purks EL
	1	Westside EL
Chatsworth	3	Northwest EL
Claxton	1	Claxton EL
	1	Claxton HS
	1	Evans Co. JHS
Cochran	1	Cochran EL
Colbert	1	Colbert EL
	1	S. Madison Middle
College Park	1	Avery EL
	1	Beavers EL
	3	Eva L. Thomas HS
Collins	1	Collins EL
Colquitt	1	Miller Co. School I
	1	Miller Co. School II
	1	Miller Co. School III
Columbus	3	Brown Ave. EL
	2	Carver EL
	1	Columbus JHS
Columbus (Cont'd)	1	Fifth Ave. EL
	1	Fox EL
	1	Muscogee EL
	3	Thirtieth Ave. EL
	3	Waverly Terrace EL
	3	Wood EL
Comer	1	Comer EL
Commerce	2	Commerce EL
	2	Commerce HS
Concord	1	Pike Co. JHS
Cordele	1	Blacksheer Trail EL
	1	A. S. Clark EL
	1	Crisp Co. HS
	1	Crisp Co. JHS
	1	O'Neal EL
	1	J. S. Pate EL
	1	Southwestern EL
Covington	1	E. L. Ficquett EL
	3	Mixon Heard EL
	2	Newton Co. HS
	1	Sharp Middle
Crawfordville	1	Taliaferro Co. HS & EL
Cusseta	1	Cusseta EL
Cuthbert	2	Randolph Co. EL
Dalton	2	Antioch EL
	2	Eastside EL
	2	Morris-Roan EL
	3	N. Dalton EL
	2	Valley Point EL
Danielsville	1	Danielsville EL
Darien	1	McIntosh Co. Acad. HS
	1	Todd-Grant EL
Dawson	2	Carver EL
	2	Lillie Cooper PRI
Dawsonville	1	Dawson Co. EL
	1	Dawson Co. HS
Decatur	2	Decatur HS
	1	Forrest Hills EL
	1	Gordon HS
	1	Alexander Hooper EL
	1	Kelley Lake EL
	3	Knollwood EL
	1	Medlock EL
	1	Leslie J. Steele EL
	1	Tilson EL
	1	Toney EL
	1	Wadsworth EL
	3	Westchester EL
Dereraux	1	Southwest EL
Dexter	1	Northwest Laurens PRI
Dixie	1	Brooks Co. Trg. EL
Doerun	2	Doerun EL & HS
	1	Hillcrest EL
	3	Minton EL
Douglas	1	Coffee Co. HS
Dublin	1	East Laurens EL
	2	East Laurens HS
	1	East Laurens PRI
	1	Saxon Heights EL
	1	Southwest Laurens EL
	1	West Laurens JHS
Dudley	1	Northwest Laurens EL
	1	Northwest Laurens PRI
Duluth	3	Warsaw EL
East Point	3	Central Park EL
	1	East Point EL
	3	Marion Smith EL
	1	Quillian EL
Eastanolle	1	Eastanollee EL
	3	Stephens Co. JHS
Eastman	2	Eastman EL
Eatonton	1	Putnam Corr. Inst.
Edison	1	Calhoun Co. HS
Elberton	3	Central EL
Ellaville	1	Schley Co. EL
	1	Schley Co. HS
Ellijay	3	East Ellijay EL
	1	Ellijay EL
	1	Gilmer HS
	3	Oakland EL
	3	Southwestern EL
Enigma	1	Enigma EL
Eulonia	1	Eulonia EL
Fargo	1	Fargo EL
Fitzgerald	1	Ben Hill Co. EL
	1	Fitzgerald EL
	1	Fitzgerald HS
	1	Fitzgerald JHS
Folkston	1	Bethune Middle
	1	Folkston EL
Ft. Gaines	1	Clay Co. EL
Ft. Valley	2	Ft. Valley Middle
	2	H. A. Hunt EL
Franklin	1	Heard Co. EL
Gabbettville	3	Center EL
Gainesville	1	Hall Co. K
	3	Main St. EL
	1	Miller Park EL
Garden City	1	Chatham Corr. Inst.
	1	Mercer JHS
	1	Sprague EL

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Gay	1	McCrary EL
Geneva	1	S. Talbot EL
Georgetown	1	Quitman Co. EL
	1	Quitman Co. HS
Gibson	1	Glascock Co. Consol.
Girard	1	Girard EL
Glennville	1	Glennville Middle
	1	Glennville HS
	1	Seckinger EL
Gough	1	Gough EL
Gray	2	Califf Middle
Greensboro	1	Floyd T. Corry JHS
	1	Green Co. HS
	1	Greensboro EL
Greenville	2	Greenville EL
Griffin	2	Atkinson EL
	2	Griffin HS
	2	Moore EL
Hahira	1	Hahira EL
	2	Hahira JHS
Hampton	2	Hampton EL
Hardwick	1	Colony Farm Corr. Inst.
	1	Ga. Rehab. Cent. for Women
Hartwell	3	Eagle Grove EL
	1	Nancy Hart EL
	2	Hart Co. JHS
	2	Hartwell EL
Hawkinsville	1	Bozeman JHS
	1	Hawkinsville HS
	1	Pulaski Co. EL
Hiawassee	1	Hiawassee-Macedonia EL
	1	Towns Co. HS
Hogansville	1	Hogansville EL
	1	Hogansville HS
	1	Hogansville PRI
Holly Springs	3	Holly Springs EL
Hollywood	3	Woodville EL
Homerville	1	Clinch Co. HS
	1	Clinch Co. JHS
	1	Homerville EL
Isle of Hope	1	Isle of Hope EL
Jackson	1	Ga. Diag. & Class. Ctr.
Jasper	2	Jasper EL
	2	Pickens Co. HS
Keysville	1	Palmer EL
LaFayette	1	W. LaFayette EL
LaGrange	3	Hillcrest EL
	3	Rosemont EL
	2	South Side PRI
	1	Troup HS
	1	Troup JHS
Lakeland	1	Lanier Co. EL
	1	Lanier City HS
	1	Lanier Co. PRI
Leesburg	1	Lee Correctional Inst.
Lenox	1	West Berrien EL
Leslie	1	Southeast EL
	1	Union HS
Lexington	2	Oglethorpe Co. EL
Lincolnton	1	Lincoln Co. HS
	1	Lincoln Co. JHS
Lithonia	1	Lithonia HS
	1	Stoneview EL
Louisville	1	Louisville Academy EL
	1	Louisville HS
Ludowici	1	Long Co. 1-12
Lumber City	1	Lumber City EL
Lumpkin	1	Lumpkin EL
Macon	1	Alexander II EL
	1	Ada J. Banks EL
	1	Charles Bruce EL
	1	M. M. Burdell EL
Macon cont.	1	J. W. Burke EL
	1	Minnie Butler EL
	1	G. W. Carver EL
	3	Joseph Clisby EL
	1	Metta Danforth EL
	1	Duresville EL
	1	Fort Hawkins EL
	1	Green St. EL
	1	Eugenia Hamilton EL
	1	Macon Youth Dev. Ctr.
	1	Matilda Hartley EL
	1	Ballard-Hudson HS
	1	Dudley Hughes HS
	1	Henry Hunt EL
	1	B. S. Ingram EL
	2	A. L. Miller JHS
	3	Virgil Powers JHS
	1	Maude Pye EL
	1	Unionville EL
	1	L. H. Williams EL
	1	Winship EL
Madison	2	Morgan Co. EL & JHS
Manor	3	Manor EL
Mansfield	3	Mansfield EL
Marietta	3	Park St. EL
Marshallville	1	Lamson Richardson EL
McDonough	1	McDonough EL
	1	McDonough Middle
McRae	1	Central Middle
	1	McRae-Helena EL
	1	Telfair Co. HS
	1	Workmore EL
Metter	1	Metter EL
	1	Metter HS
	1	Metter PRI
Midville	1	S. R. Dinkins EL
Midway	1	Liberty EL
Milan	1	Milan City EL
Milledgeville	2	Baldwin HS
	2	Boddie JHS
	1	Milledgeville Youth Dev. Ctr.
Mineral Bluff	1	Mineral Bluff EL
Monroe	2	Monroe PRI
Montezuma	2	Macon Co. HS
	3	D. F. Douglass HS
	3	D. F. Douglass EL
Monticello	1	Jasper Co. EL
	1	Jasper Co. HS
	1	Washington Park EL
Morgan	1	H. T. Singleton EL
Morganton	3	E. Fannin HS
	1	Morganton EL
Morven	1	Morven EL
Moultrie	3	Moultrie JHS
Mt. Airy	3	Hazel Grove EL
Mt. Vernon	1	Montgomery Corr. Inst.
Mountville	1	Mountville EL
Nashville	1	Berrien JHS
	1	Nashville EL
Newnan	1	Maggie Brown K
	3	East Newnan EL
Newton	1	Baker Co. HS & EL
Norwood	3	Norwood EL
Ocilla	1	Irwin Co. EL
	1	Irwin Co. HS
	1	Irwin Co. JHS
	1	Irwin Co. Middle
Odum	1	Wayne Corr. Inst.
Oglethorpe	3	Macon Co. JHS
	3	Macon Co. PRI
Palmetto	1	Palmetto EL
Pavo	1	Pavo EL

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GEORGIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Pelham	1	South EL
Perry	1	Kings Chapel EL
	1	New Hope EL
	1	Perry Annex EL
	1	Perry HS
	1	Perry JHS
	1	Southside EL
	1	Tucker EL
Plains	1	Plains HS
	1	Westside EL
Pooler	1	Pooler EL
Pt. Wentworth	1	Port Wentworth EL
	1	Strong EL
Portal	1	Portal EL & HS
Porterdale	3	Porterdale EL
Preston	1	Webster Co. EL
	1	Webster Co. HS
Quitman	1	Brooks Co. HS
	1	Brooks Co. JHS
	1	Quitman EL
	1	Quitman PRI I
	1	Quitman PRI II
Ray City	1	Ray City EL
Reidsville	1	Georgia State Prison
	1	Reidsville HS
	1	Tattnall EL
Rentz	1	Southwest Laurens EL
Rhine	3	Rhine EL
Richland	3	Richland EL
	1	Stewart Co. HS
	1	Stewart Co. JHS
Roberta	1	Crawford Co. EL
	1	Crawford Co. JHS & HS
Rochelle	3	Rochelle-Excelsior EL
Rockmart	1	Eastside EL
	3	Euharlee EL
	2	Goodyear EL
	2	Rockmart HS
Rockmart (Cont'd)	1	Rockmart JHS
Rock Springs	1	Walker Corr. Inst.
Rocky Face	2	West Side EL
Rome	1	Anna K. Davie EL
	1	Main EL
	3	McHenry EL
	1	Southeast EL
	3	West Central EL
Sandersville	2	T. J. Elder EL
	2	T. J. Elder JHS
	2	Sandersville EL
Sardis	1	Cousins EL
	1	Sardis-Girard-Alex. HS
St. George	1	St. Geo. EL & HS
Savannah	1	Anderson EL
	1	Arnold HS
	1	Barnard EL
	1	Bartlett JHS
	1	Bartow EL
	1	Beach JHS & HS
	1	Butler EL
	1	Chatham JHS
	1	Cuyler JHS
	1	DeRenne EL
	1	Ellis EL
	1	Florance EL
	1	Gadsden EL
	1	Gould EL
	1	Groves HS
	1	Haven EL
	1	Haynes EL
	1	Heard EL
	1	Henry EL
Savannah cont.	1	Herty EL
	1	Hesse EL
	1	Hodge EL
	3	Howard EL
	1	Hubert EL & JHS
	1	Jackson EL
	1	Jenkins HS
	1	Johnson HS
	1	Largo-Tibet EL
	1	Low EL
	1	Myers JHS
	1	Penn. Ave. EL
	1	Pulaski EL
	1	Riley EL
	1	Savannah HS
	1	Scott JHS
	1	Shuman JHS
	1	Jacob Smith EL
	1	Spencer EL
	1	Thirty-Eighth EL
	1	Thirty-Seventh EL
	1	Tompkins EL
	1	Tompkins HS
	1	Tybee EL
	1	White Bluff EL
	1	Whitney EL
	1	Wilder JHS
	1	Windsor Forest EL
	1	Windsor Forest HS
Smyrna	3	Hawthorne EL
Social Circle	1	Social Circle EL
	1	Social Circle HS
Soperton	1	Treutlen EL
	1	Treutlen HS
	1	Treutlen PRI
Sparta	1	Hancock Central EL & HS
	1	Sparta EL
Statenville	1	Echols Co. HS & EL
Statesboro.	1	Julia Bryant EL
	1	William James JHS
	1	Mattie Lively EL
	1	Nevils EL
	1	Northside EL
	2	Statesboro HS
Stilson	1	Stilson EL
Stone Mountain	1	St. Mt. Corr. Inst.
Sumner	1	Sumner EL
	1	Parker EL
Surrency	1	Fourth District EL
Sycamore	1	Turner Co. EL at Sycam.
Sylvania	3	Arnett EL
	2	Central Middle
	3	Annie E. Daniels EL
Sylvester	1	J. W. Halley JHS
	1	Sylvester EL
	1	Osie Whearry EL
	1	Worth Co. HS
Talbotton	1	Central EL
	1	Central HS
Tallapoosa	2	Haralson Co. HS
Tennille	2	D. D. Crawford EL
Thomaston	1	North Thomaston EL
Thomasville	1	Balfour EL
	1	Central HS
	1	Gladys H. Chappelle EL
	1	Douglass Middle
	1	Dunlap EL
	1	East Side EL
	1	Garrison-Pilcher EL
	1	Harper EL
	1	Jerger EL

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GEORGIA

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Thomasville cont.	1	Magnolia JHS
	1	Scott EL
	1	Thomasville HS
Thunderbolt	1	Thunderbolt EL
Toccoa	1	Toccoa EL
Unadilla	1	Unadilla EL
	1	Unadilla JHS & HS
Union Pt.	1	Union Point EL
Valdosta	1	Leila Ellis EL
	1	Lomax-Pinevale EL
	1	Lowndes Corr. Inst.
	2	Lowndes JHS
	2	Lowndes HS
	1	Southeast EL
	1	South St. K
	1	Valdosta JHS
	1	Valdosta HS
	1	West Gordon EL
Vienna	1	Vienna EL
	1	Vienna HS
	1	Vienna Intermediate JHS
	1	Vienna PRI
Young Harris	3	Young Harris EL
Waco	3	Waco EL
Wadley	1	Wadley HS
	1	Carver EL
Waleska	3	R. M. Moore EL
Waresboro	1	Waresboro EL
Warner Robins	1	Watson EL
	1	Elberta EL
Warrenton	1	Warrenton EL
Warwick	1	Warwick EL
Washington	1	Washington-Wilkes HS
	1	Washington-Wilkes PRI
	1	North Wilkes EL
Waycross	1	Crawford St. EL
	3	Morton Ave. EL
	3	Gilchrist Park EL
	1	Wacona EL
	1	McDonald St. EL
	1	Ware Corr. Inst.
Waynesboro	1	Waynesboro EL
	1	Waynesboro HS
	1	Blakeney EL
	1	Blakeney JHS
West Point	1	West Point PRI
	1	Gray Hill EL
	1	West Point EL
	1	West Point HS
Winder	1	Statham EL
	1	Winder-Barrow Middle
	1	Winder EL
Winterville	1	Winterville EL
Woodbine	2	Woodbine EL
Woodland	1	N. Talbot EL
Wrens	1	Wrens HS
	1	Wrens EL
Wrightsville	2	Wrightsville EL
	2	Wrightsville PRI
Zebulon	1	Pike Co. EL
	1	Pike Co. HS
	1	Pike Co. PRI

HAWAII

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Aiea	2	Aiea EL
	2	Waimalu EL
Capt. Cook	1	Bookena EL
Ewa	2	Ewa EL
Ewa Beach	2	Pohakea EL
Haiku	1	Haiku EL
Haleiwa	2	Haleiwa EL
Hana	2	Hana EL-HS
Hanalei	1	Hanalei EL
Hauula	2	Hauula EL
Hilo	1	Waaheo EL
	2	Hilo Intermediate
	1	Hilo Union EL
	1	Kapiolani EL
	2	Kaumana EL
	1	Keaukaha EL
Holualoa	2	Holualoa EL
Honaunau	2	Honaunau EL
Honolulu	2	Ala Wai EL
	2	Anuenue EL
	2	Central Intermediate
	1	Dole Intermediate
	2	Farrington HS
	1	Fern EL
	2	Jarrett Intermediate
	1	Jefferson EL
	2	Kaahumanu EL
	1	Kaewai EL
	1	Kaiulani EL
	2	Kalakaua Intermediate
	1	Kalihi EL
	2	Kalihi-kai EL
	2	Kalihi-uka EL
	1	Kalihi-waena EL
Honolulu cont.	2	Kauluwela EL
	2	Lanakila EL
	2	Likelike EL
	1	Linapuni EL
	2	Lincoln EL
	1	Palolo EL
	1	Puuhale EL
	2	Royal EL
Hoolehua	2	Molokai Intermediate-HS
Kaaawa	1	Kaaawa EL
Kahuku	1	Kahuku EL-HS
	2	Sunset Beach EL/Kahuku Annex
Kailua	2	Kailua EL
Kalaheo	2	Kalaheo EL
Kamuela	2	Waimea EL-Intermediate
Kaneohe	2	Kahaluu EL
	1	Benjamin Parker EL
	1	Waiahole EL
	2	Heeia EL
Kapaa	2	Kapaa EL
	2	Kapaa Intermediate-HS
Kaumakani	1	Kaumakani EL
Kaunakakai	1	Kaunakakai EL
Kealakekua	2	Kilohana EL
	2	Konawaena EL
	2	Konawaena Intermediate-HS
Kihei	2	Kihei EL
Kilauea	2	Kilauea EL
Kona	2	Kealakehe EL
Kualapuu	1	Kualapuu EL
Laie	2	Laie EL
Lanai City	2	Lanai EL-HS
Maunaloa	2	Maunaloa EL

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Hawaii

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name	Location	Code *	School Name
Mountain View	2	Mountain View EL	Waianae	1	Maili EL
Naalehu	2	Naalehu EL		1	Makaha EL
Nanakuli	1	Nanaikapono EL		1	Waianae EL
	2	Nanakuli Intermediate-HS		1	Waianae HS
Pahoa	2	Pahoa EL-HS		1	Waianae Intermediate
Paia	1	Paia EL	Wailuku	2	Waihee EL
Wahiawa	2	Iliahi EL		2	Wailuku EL
Waialua	2	Waialua EL	Waimanalo	2	Pope EL
	2	Waialua Intermediate-HS		1	Waimanalo EL-Intermediate
			Waipahu	1	Waipahu EL

IDAHO

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name	Location	Code *	School Name
Aberdeen	1	Aberdeen El	Firth	2	Johnson El
	1	Grandview El		2	Harding Gibbs JHS
	1	Springfield El		2	Firth HS
	2	Aberdeen JHS	Fruitland	2	Fruitland El
	2	Aberdeen SHS		2	Fruitland JHS
Arco	2	Arco El	Glenns Ferry	1	Glenns Ferry El
	1	Clyde El		2	Glenns Ferry JHS
	1	Howe El	Grand View	2	Bruneau El
	2	Moore El		2	Rimrock JHS
Blackfoot	2	Central El	Grangeville	2	Elk City El
	1	Fort Hall El		2	Riggins El
	2	Groveland El		1	Sts. Peter & Paul El
	2	St. Margaret's El		1	Valley El
	2	Stoddard El		1	Clearwater HS
	2	Wapello El	Hagerman	2	Hagerman HS
	2	West Center El	Hansen	2	Hansen El
	2	Blackfoot JHS	Harrison	1	Harrison El
Bliss	1	Bliss El		1	Rose Lake El
	1	Bliss JHS		1	Kootenai J-SHS
Boise	2	Franklin El	Hazelton	2	Hazelton El
	2	Lowell El	Idaho Falls	2	Ammon El
	2	St. Joseph's El		2	Emerson El
	2	St. Mary's El		2	Erickson El
	2	Whitney El		2	Fairview El
	1	Whittier El		2	Osgood El
Bonners Ferry	1	Evergreen El		1	Riverside El
	1	Naples El	Irwin	2	Swan Valley El
	2	Northside El	Kellogg	2	Elk Creek El
	1	Southside El		2	Silver King El
	2	Valley View El	Kendrick	1	Juliaetta El
Buhl	2	Buhl El		2	Kendrick J-SHS
Burley	1	Burley Head Start	Kimberly	2	Kimberly El
	2	Declo El		2	Kimberly JHS
	2	Malta El	Lapwai	2	Lapwai El
	1	Miller El		2	Lenore El
	1	Oakley El		2	Lapwai J-SHS
	1	Overland El	Leadore	1	Leadore El
	2	Burley JHS		1	Tendoy El
	2	Oakley HS	Lewiston	2	Whitman El
Caldwell	1	Van Buren El	Malad	2	Malad El
	1	Washington El		1	Stone El
	2	Wilson El		2	Malad JHS
Cambridge	2	Cambridge El		2	Malad SHS
Cascade	2	Cascade El	Marsing	1	Marsing El
	2	Cascade J-SHS		1	Marsing HS
Craigmont	2	Highland El	Melba	2	Melba El
Culdesac	1	Culdesac El	Meridian	2	Cloverdale El
	2	Culdesac HS	Mullan	2	Mullan El
Dietrich	2	Dietrich El	Murtaugh	1	Murtaugh El
	2	Dietrich J-SHS		1	Murtaugh JHS
Dubois	2	Lindy Ross El	Nampa	2	Central El
Fairfield	2	Camas County El		2	Eastside-Greenhurst El
Filer	1	Clover Lutheran El		1	Kenwood El
	2	Filer El		1	Lakeview-Parkview El
				2	Lincoln El
			New Meadows	1	Meadows Valley El

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IDAHO

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name	Location	Code *	School Name
New Plymouth	2	New Plymouth El	Rupert cont.	2	St. Nicholas El
	2	New Plymouth JHS		2	Washington El
	2	New Plymouth SHS	Salmon	2	Salmon El
Parma	2	Parma El		2	Brooklyn JHS
Plummer	2	Plummer El		2	Salmon HS
	2	Plummer HS	Sandpoint	2	Clark Fork El
Pocatello	2	Bonneville El		2	Colburn El
	2	Emerson El	St. Maries	2	Emida El
	2	Jefferson El	Tetonia	2	Teton Middle School
	2	Roosevelt El	Twin Falls	1	Bickel El
	2	St. Anthony's El		2	Immanuel Lutheran El
	1	Tyhee El		2	Lincoln El
	2	Whittier El		2	O'Leary JHS
Post Falls	2	Seltice El	Wallace	2	Murray El
Roberts	2	Roberts El	Weiser	2	Park El
Rockland	1	Rockland El		2	Pioneer El
	1	Rockland HS		2	Weiser JHS
Rupert	2	Acequia El		2	Weiser SHS
	2	Hayburn El	Wendell	2	Wendell El
	2	Memorial El	Wilder	1	Holmes El
	1	Pershing El		2	Wilder J-SHS

Illinois

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Location	Code *	School Name	Location	Code *	School Name
Addison	1	Lutherbrook EL	Aurora cont.	2	Smith EL
Akin	2	Akin EL		1	W. S. Beaupre EL
Albion	2	Albion EL	Bartelso	2	Bartelso EL
Aledo	2	Apollo EL	Baylis	2	Baylis EL
Algonquin	2	Algonquin JHS	Beardstown	2	Beard EL
	2	Lake in Hills EL		2	Lincoln EL
Alsey	2	Alsey EL		1	Washington EL
Alton	2	Alton HS	Belleville	2	Bunsen EL
	1	Catholic Childrens Home EL		2	Central JHS
	1	Centra JHS		2	Douglas EL
	1	Clara Barton EL		2	Henry Raab EL
	2	East JHS		2	Jefferson EL
	1	Eunice Smith EL		2	Roosevelt EL
	2	Horace-Mann Dunbar EL		2	Washington EL
	1	Humboldt Lovejoy EL	Bellmont	2	Bellmont EL
	1	Irving EL	Benld	2	Benld Attendance Center EL
	1	Lincoln EL	Benton	2	Benton Cons. HS
	1	McKinley Delmar EL		2	Douglas EL
	1	Milton EL		2	Grant EL
	2	Rufus Easton EL		2	Logan EL
	2	Thomas Jefferson EL		2	Washington EL
	1	Washington EL		2	Webster JHS
	2	West JHS	Berwyn	2	Emerson EL
Amboy	2	Amboy HS		2	Hiawatha EL
Arcola	2	Arcola EL		2	Irving EL
Argo	2	Argo EL		2	Pershing EL
Aroma Park	2	Aroma Park EL	Bethalto	2	Wilbur Trimpe JHS
Ashley	2	Ashley EL	Bloomington	2	Bent EL
Assumption	2	Assumption K-12		2	Bloomington JHS
	2	Bond EL		2	Bloomington HS
Atwood	2	Atwood-Hammond EL		2	Irving EL
Aurora	2	Abraham Lincoln EL		2	Jefferson EL
	2	C.F. Simmons JHS		1	Marc Center K-12
	2	C.I. Johnson EL		2	Sheridan EL
	2	Greenman EL	Blue Island	2	DD Eisenhower HS
	1	Hope D. Wall EL		2	E.F.Kerr JHS
	2	J.M. Freeman EL		1	Garfield EL
	2	K.D. Waldo JHS		2	Lincoln EL
	1	L.D. Brady EL		1	Mann EL
	2	Mary Todd EL		2	Mother Of Sorrows HS
	2	Nancy Bill EL		2	Nathan Hale Campus EL
	2	Oak Park EL		2	Sanders EL
	2	Olney C. Allen EL	Bluford	2	Bluford EL
	2	Rose E. Krug EL		2	Farrington EL

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Location	Code *	School Name
Bone Gap	2	Bone Gap
Bradley	2	Bradley Central EL
Bridgeport	2	Bridgeport EL
	2	Seed EL
Broadwell	2	Broadwell EL
Brookfield	2	Congress Park EL
Brookport	1	Brookport EL
	1	Brookport Unit HS
	2	Unity EL
Buda	1	Buda EL
	2	Western C. U. HS
Buncombe	2	Buncombe Cons. EL
	2	Lick Creek EL
Bunker Hill	2	Bunker Hill HS
	2	Meisener EL
Burbank	2	Nottingham EL
	2	Reavis HS
Byron	2	Byron HS
	2	Mary Morgan EL
Cahokia	2	Cahokia EL
	2	Cahokia HS
	2	Elizabath Morris EL
	2	Huffman EL
	2	Jerome EL
	2	Penniman EL
	2	Wirth JHS
Cairo	1	Bennett EL
	1	Cairo JHS
	1	Cairo-Egyptian Adult EL
	1	Cairo-Egyptian Child HS
	1	Emerson EL
Calumet City	2	Lincoln EL
Cambria	2	Cambria EL
Camden	1	Camden EL
Canton	1	Isaac Swan EL
Carbondale	2	Brush EL
	2	Carbondale Central HS
	2	Carbondale East HS
	2	Carbondale H.S. Voc. Ct. HS
	1	Lakeland EL
	1	Lewis EL
	2	Lincoln JHS
	2	Parrish EL
	1	Thomas EL
	2	Unity Point EL
	2	Winkler EL
Carlinville	2	Carlinville HS
	2	Carlinville JHS
Carlyle	2	Carlyle EL
Carmi	2	Big Prairie EL
	1	Brownsville JHS
	2	Carmi HS
	2	Jefferson EL
	2	Washington Middle JHS
Carpentersville	2	Josephine Perry JHS
	2	Meadowdale EL
Carrier Mills	2	Carrier Mills
Carrollton	2	Carrollton EL
Carterville	2	Carterville EL
	2	Carterville HS
Caseyville	2	Caseyville EL
Cave In Rock	1	Cave-In-Rock EL
	1	Cave-In-Rock HS
	1	Shewmaker JHS
Centralia	2	Centralia HS
	2	E. Field EL
	1	Franklin EL
	1	Grand Prairie EL
	1	Lincoln EL
	2	Worth Wamac EL
	2	Schiller EL
	2	Washington EL
Chadwick	1	Chadwick K-12
Champaign	2	Bottenfield EL
	2	Carrie Busey EL
	2	Centennial HS
	1	Columbia EL
	2	D.R. Howard EL
	2	Franklin K-12
	2	Garden Hills EL
	2	Jefferson K-12
	1	Lottie Switzer EL
	2	Marquette EL
	2	South Side EL
	2	Washington EL
Chatsworth	2	Chatsworth EL
Chicago	1	Abbott EL
	1	ABC Adjustment EL
	1	Agassiz EL
	2	Alcott EL
	1	Aldridge EL
	1	Altgeld EL
	2	Amundsen HS
	1	Andersen Ed. Voc. Guid. HS
	1	Andersen Ed. Voc. Guid. EL
	1	Andersen EL
	2	Armour EL
	1	Armstrong EL
	1	Attucks EL
	2	Audubon EL
	1	Austin HS
	1	Austin Middle School EL
	1	Austin Special EL
	2	Avalon Park EL
	2	Avondale EL
	1	Banneker EL
	2	Barnard EL
	2	Barry EL
	2	Barton EL
	1	Bass EL
	2	Bates EL
	1	Beale EL
	1	Beale Upper Grade Center EL
	1	Beethoven EL
	1	Beidler EL
	2	Bennett EL
	2	Bethel-Cam Christian EL
	1	Bethune EL
	1	Birney EL
	2	Black EL
	2	Blaine EL
	2	Blessed Sacrament EL
	1	Bond EL
	1	Bontempo EL
	2	Bowen High HS
	1	Bradwell EL
	1	Brainard El
	2	Brenan El
	2	Brenan EL
	1	Brenneman EL
	2	Brentano EL
	2	Bright EL
	1	Brown EL
	1	Brownell EL
	1	Bryant EL
	1	Bryn Mawr EL
	2	Bunche EL
	1	Burke EL
	2	Burley EL
	1	Burnham EL
	2	Burnham Anthony EL
	2	Burnham Goldsmith EL
	2	Burns Branch EL
	2	Burns EL
	2	Burnside EL
	1	Burr EL
	2	Burroughs EL

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List of Schools Determined to have High Concentrations of Students from Low-Income Families
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Location	Code *	School Name
Chicago cont.	2	Byford EL
	1	Byrd EL
	2	Caldwell EL
	1	Calhoun N. EL
	2	Calumet HS
	1	Cam Academy HS
	2	Cameron EL
	1	Carnegie EL
	1	Carpenter EL
	1	Carter EL
	1	Carver Area HS
	1	Carver EL
	1	Carver Upper Gr Center EL
	1	Cather EL
	2	Central YMCA HS
	1	Chalmers EL
	2	Chappell EL
	1	Chase EL
	1	Chicago Matro Study HS
	1	Chicago Voc HS
	1	Chopin EL
	1	Chopin Upper Grade EL
	1	Christian Action Acad EL
	2	Christopher EL
	1	Clark Middle EL
	1	Clemente HS
	2	Cleveland EL
	1	Cole Center EL
	2	Coles EL
	1	Colman EL
	1	Colman Modular EL
	1	Columbus EL
	2	Cook EL
	1	Cooley Ed&Voc Guid EL
	1	Cooley Upper Gr Cntr EL
	1	Cooley Voc HS
	2	Coonley EL
	1	Cooper EL
	1	Cooper Upper Gr Cntr EL
	1	Copernicus EL
	1	Corkery EL
	1	Cornell EL
	2	Courtenay EL
	1	Crane HS
	1	Cregier Voc HS
	1	Crown EL
	2	Cuffe EL
	2	Darwin EL
	2	Davis EL
	1	Delano EL
	2	Deneen EL
	1	Depriest EL
	1	Dett EL
	1	Dewey EL
	1	Dickens Center EL
	2	Disney Magnet EL
	2	Dixon EL
	1	Dodge EL
	1	Doniat EL
	1	Donoghue Center EL
	1	Donoghue EL
	1	Doolittle Ed Center EL
	1	Doolittle Inter-Upper EL
	1	Doolittle Primary EL
	1	Douglas EL
	1	Drake Ed Voc Guid Ctr EL
	1	Drake EL
	2	Drew EL
	2	Drummond EL
	1	Dubois EL
	1	Dulles EL
	1	Dumas EL
	1	Dunbar Voc HS
	2	Dunne EL
Chicago cont.	1	Dusable HS
	1	Dusable Upper Gr Cntr EL
	1	Dvorak EL
	1	Dyett Middle EL
	1	Earle EL
	1	Einstein EL
	1	Ellington Branch EL
	1	Ellington EL
	1	Emmet EL
	1	Englewood HS
	1	Ericson EL
	2	Esmond EL
	2	Everett EL
	2	Evers EL
	1	Faraday EL
	1	Farragut HS
	1	Farren EL
	1	Felsenthal EL
	2	Fenger HS
	1	Ferguson Center EL
	1	Fermi EL
	2	Fernwood EL
	2	Field EL
	1	First Bethlehem Luth EL
	1	Fiske EL
	1	Flower Voc HS
	1	Forrestville Gr Cntr EL
	2	Fort Dearborn EL
	2	Foster Park EL
	1	Franklin EL
	1	Frazier EL
	1	Fuller EL
	2	Fulton EL
	2	Funston EL
	1	Gage Park HS
	2	Gale EL
	2	Garvey EL
	2	Gary EL
	1	Gershwin EL
	2	Gillespie EL
	1	Gladstone EL
	1	Goethals Ed Voc Guid EL
	2	Goethe EL
	1	Goldblatt EL
	1	Gompers EL
	1	Goudy EL - 5120 N. Winthrop Ave.
	1	Goudy EL - 5126 N. Kenmore Ave.
	2	Graham EL
	1	Graham Training Cntr HS
	1	Grant EL
	1	Greeley EL
	2	Green EL
	2	Greene EL
	1	Gregory EL
	2	Gresham EL
	1	Guggenheim EL
	1	Haines EL
	2	Hamilton EL
	2	Hamline EL
	2	Hammond EL
	1	Hansberry Center EL
	2	Harlan HS
	1	Harper HS
	1	Harrison HS - 2850 West 24th
	2	Harrison HS - 2021 West 21st
	1	Harte EL
	1	Hartigan EL
	1	Harvard EL
	2	Haugan EL
	2	Hawthorne EL
	2	Healy EL
	2	Hearst EL
	1	Heart of Mary HS
	2	Hedges EL

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Location	Code *	School Name
Chicago cont.	1	Hefferan EL
	2	Henderson EL
	2	Hendricks EL
	2	Henry EL
	1	Henson EL
	1	Herbert EL
	1	Herzl Center EL
	1	Herzl EL
	1	Hess Upper Grade Cntr EL
	2	Hibbard EL
	2	Higgins EL
	1	Hillard EL
	1	Hinton EL
	1	Hirsch HS
	1	Holden EL
	1	Holmes EL
	1	Holy Family EL
	2	Holy Trinity EL
	2	Hookway EL
	1	Hope Middle El
	1	Horner EL
	2	Howe EL
	1	Howland EL
	2	Hoyne EL
	1	Hoyne EL
	1	Hughes EL
	2	Hughes Lanston El
	1	Hyde Park HS
	2	Ill Childrens Hosp K-12
	1	Immaculate Conception EL
	2	Industrial Skill Cntr HS
	1	Irving EL
	1	Jackson Adult Ed Ctr EL
	2	Jackson EL
	2	Jackson Mahalia EL
	2	Jahn EL
	1	Jefferson El
	1	Jenner EL
	1	Jensen El
	1	Jirka EL
	1	Johnson Center EL
	1	Johnson EL
	2	Jones Conn HS
	2	Joplin El
	1	Judd EL
	2	Jungman EL
	2	Kelly HS
	2	Kelvyn Park HS
	2	Kennedy HS
	2	Kenwood Hs
	1	Kershaw El
	1	Key EL
	L	King Ed Voc Guid Ctr EL
	1	King EL
	1	King HS
	1	Kinzie Upper Gr Cntr El
	2	Kipling EL
	2	Kohn EL
	1	Komensky EL
	1	Kosciuszko EL
	2	Kozminski EL
	2	LaSalle EL
	1	Lafayette EL
	1	Lake View HS
	1	Lakeview Conn EL
	2	Lane Tech HS
	2	Las Casas Occup HS
	1	Lathrop EL
	1	Laura Ward EL
	1	Lawless Upper Gr Cntr EL
	1	Lawrence Hall Boys K-12
	1	Lawrence Upper Gr Ctr EL
	1	Lawson EL
Chicago cont.	1	Learning Network EL
	1	Lemoyne EL
	2	Lewis EL
	1	Lewis-Champlin El
	1	Libby EL
	1	Lindblom Tech HS
	2	Linne EL
	2	Lloyd EL
	2	Longfellow EL
	1	Lovett El
	1	Low Upper Grade Cntr EL
	1	Lowell EL
	2	Luella EL
	1	Madison EL
	1	Magellan Ed Voc Guid HS
	1	Manierre EL
	1	Manley HS
	1	Manley Upper Gr Cntr EL
	2	Mann EL
	1	Marconi El
	1	Marshall HS
	1	Marshall Upper Gr Ctr El
	1	Mason Center El
	1	Mason EL
	1	Mason Primary EL
	1	Mason Upper Gr Cntr EL
	1	May EL
	2	Mayer EL
	1	Mayo EL
	2	McCormick EL
	1	McCosh EL
	2	McClellan EL
	2	McCorkle EL
	2	McCutcheon EL - 4865 North Sheridan Road
	1	McCutcheon EL - 4850 North Kenmore
	1	McKinley Upper Gr Ctr EL
	2	McLaren EL
	1	McLaren Occup HS
	2	McPherson EL
	1	MeDill EL
	1	MeDill Primary EL
	1	Melody EL
	1	Miller Center El
	1	Mitchell EL
	1	Mollison EL
	2	Monroe EL
	1	Montefiore Boys El
	1	Moos EL
	2	Morgan EL
	2	Morgan Park HS
	1	Morris EL
	1	Morse El
	1	Morton Upper Gr Cntr EL
	1	Moselley Boys EL
	2	Motley Girls K-12
	2	Mount Vernon EL
	2	Mozart EL
	1	Mulligan EL
	2	Murphy EL
	2	Murray EL
	2	Nansen El
	1	Nash EL
	2	Nettelhorst EL
	1	Newberry El
	1	Newton EL
	2	Nixon EL
	2	Nobel EL
	1	Notre Dame El
	1	Oakenwald North EL
	1	Oakenwald North Cntr EL
	1	Oakenwald South EL
	1	Oakland EL
	2	Ogden EL
	1	Oglesby EL

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Location	Code *	School Name
Chicago cont.	1	Okeefee EL
	1	Olive Center EL
	1	Orr HS
	1	Otis EL
	2	Otoole EL
	1	Our Lady Of Gardens EL
	2	Our Lady Of Guadalupe EL
	1	Our Lady Of Lourdes EL
	1	Our Lady Of Solace EL
	1	Overton Center El
	1	Overton EL
	1	Paderewski EL
	1	Park Manor EL
	1	Parker EL
	1	Parker HS
	1	Parkman EL
	1	Parkside EL
	1	Parkway EL
	1	Peabody EL
	1	Peirce EL
	1	Penn EL
	2	Perry El
	1	Phillips HS
	2	Piccolo Middle EL
	2	Pickard EL
	2	Pirie El
	2	Plamodon EL
	1	Pope EL
	1	Precious Blood EL
	1	Prescott EL
	2	Presentation EL
	1	Price EL
	2	Prosser Voc HS
	2	Providence of God EL
	1	Providence St Mel HS
	1	Pulaski EL
	2	Pullman EL
	2	Raster EL
	2	Ravenswood El
	1	Raymond EL
	1	Reavis EL
	1	Reed EL
	2	Reilly EL
	1	Revere EL
	2	Richards Voc HE
	1	Riis EL
	2	Robichaux EL
	1	Roentgen Ed Voc Guid EL
	2	Roosevelt HS
	1	Ross EL
	2	Ruggles EL
	2	Ryder EL
	1	Ryerson EL
	1	Sabin EL
	1	Salazar Bilingual Ctr EL
	2	Sbarbaro El
	2	Scanlan EL
	1	Schiller EL
	1	Schely EL
	2	Schmid EL
	1	Schneider EL
	2	Schurz HS
	1	Scott Center EL
	1	Scott EL
	1	Senn HS
	2	Seward EL
	1	Sexton EL
	1	Shakespeare EL
	1	Sheperd EL
	2	Sheridan EL
	1	Sherman EL
	1	Sherwood EL
	2	Shoesmith EL
	2	Shoop EL
Chicago cont.	2	Siena HS
	1	Simeon Voc HS
	1	Simpson Family Cntr HS
	1	Skinner EL
	2	Smith EL
	1	Smyth EL
	1	South Shore HS
	1	Spalding EL
	1	Spaulding HS
	1	Spencer EL
	1	Spry EL
	1	Spry Upper Grade Cntr El
	1	St. Agatha EL
	1	St. Ann EL
	1	St Anselm EL
	1	St Bernard EL
	2	St Bonauenture EL
	1	St Boniface EL
	2	St Callistus
	2	St Carthage EL
	1	St Charles Lwanga EL
	2	St Columbanus EL
	2	St Francis De Paula EL
	1	St James Lutheran EL
	1	St James EL
	2	St Joasphat EL
	2	St Josephinum EL
	1	St Josephs EL
	1	St Laurence EL
	1	St Leo The Great EL
	2	St Ludmilla EL
	2	St Malachy EL
	2	St Martin EL
	2	St Mary of Mt Carmel EL
	2	St Mary Of The Lake EL
	1	St Michael Cntrl Boys HS
	2	St Michael EL
	2	St Michaels Central HS
	2	St Procopius HS
	2	St Raphael EL
	1	St Sebastian K-12
	2	St Stainislaus
	2	St Teresa EL
	1	St Theodore EL
	2	St Thos Aquinas EL
	1	St Thos of Canterbury El
	2	Stagg EL
	1	Stewart EL
	1	Stockton Center EL
	1	Stockton EL
	1	Stockton Upper Gr Ctr EL
	1	Stone EL
	2	Stowe EL
	1	Sturgis Voc Ed Guid EL
	1	Suder EL
	2	Sullivan EL
	2	Sullivan HS
	1	Sullivan House EL
	1	Summer EL
	2	Swift EL
	1	Talcott EL
	2	Tanner EL
	2	Taylor EL
	1	Tennyson Ed Voc Guid EL
	1	Terrell EL
	1	Teula Center EL
	1	Tesla EL
	1	The Gestalt Free EL
	1	Thomas EL
	1	Thorp Ed Voc Guid Ctr HS
	1	Thorp EL
	1	Tilden HS
	1	Tilton EL
	2	Trumbull EL

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Location	Code *	School Name
Chicago cont.	1	Truth Center EL
	1	Truth EL
	1	Tubman Family Cntr HS
	2	Turner EL
	1	Van Vlissingen EL
	2	Van Vlissingen East EL
	1	Visitation EL
	2	Visitation HS
	1	Von Humboldt EL
	2	Von Steuben HS
	1	Garfield Park Gr Cntr EL
	1	Wadsworth EL
	1	Wadsworth Upper Gr EL
	1	Waller HS
	1	Walsh EL
	2	Ward EL
	2	Waters El
	1	Webster EL
	1	Wells HS
	1	Wentworth El
	1	Wescott EL
	2	West Pullman EL
	1	Westinghouse Voc HS
	1	Wheatley Center EL
	2	Whistler EL
	2	Whittier EL
	1	Wicker Park EL
	1	Wicker Park Upper Gr Ct EL
	1	Willard EL
	1	Williams EL
	1	Wilson Occup HS
	2	Wirth Expt EL
	1	Woodson North EL
	1	Woodson South Cntr EL
	1	Woodson South EL
	1	Wright EL
	1	Yale EL
	1	Yates EL
	1	Yates Upper Gr Cntr EL
	1	Young EL
Chicago	1	103RD & Corliss HS
Chicago Heights	2	Bloom HS
	1	Garfield EL
	1	Gavin EL
	1	Grant EL
	2	Jefferson EL
	1	Lincoln EL
	2	McKinley EL
	1	Washington JHS
Christopher	2	Christopher Comm HS
	2	Christopher JHS
Cicero	2	T Roosevelt EL
Cissna Park	2	Cissna Park EL
Clinton	2	Webster EL
Coal Valley	1	Arrowhead Ranch Boys EL
Collinsville	2	Dorris EL
	1	Kreitner EL
	2	North JHS
	1	Specialized Serv Inc HS
	1	State Park EL
	2	Webster EL
	2	Webster JHS
Columbia	2	Columbia EL JHS
Cornell	2	Cornell EL
Cottage Hills	2	Forest Homes EL
Creal Springs	1	Creal Springs EL
Crossville	2	Crossville EL
Cypress	2	Cypress EL
Dahlgren	2	Dahlgren EL
Dale	1	Dale EL
Danville	2	Cannon EL
	2	Daniel EL
	2	Diamond EL
	1	Douglas EL
Danville cont.	2	East Park JHS
	2	Edison EL
	2	Elmwood EL
	2	Fairchild EL
	2	Garfield EL
	1	Hope Christian JHS
	1	Lincoln EL
	2	Lynch EL
	2	McKinley EL
	2	No Ridge JHS
	1	Northeast EL
	2	Oaklawn EL
	2	So View JHS
	2	Tilton EL
Decatur	2	Brush College EL
	2	Centennial Lab. EL
	2	Dennis EL
	1	Durfee EL
	2	Eisenhower HS
	2	Garfield EL
	1	Grant EL
	2	Johns Hill JHS
	2	Lincoln EL
	1	Mary W. French School EL
	2	Mound JHS
	2	O. Spencer EL
	2	Pershing EL
	1	Progress School K-12
	2	Roach EL
	2	South Shores School EL
	2	Southeast EL
	1	Ullrich EL
	2	W. Harris EL
	2	W. Wilson JHS
	2	Washington School EL
Des Plaines	2	Maine North HS
	1	River Road EL
Divernon	2	Divarnon EL, JHS
Dixmoor	1	Lincoln EL
	1	Martin L. King, Jr. JHS
	1	McKinley EL
Dixon	2	Madison EL
Dongola	2	Dongola Unit K-12
DuQuoin	2	DuQuoin HS
	2	J. B. Ward EL
	2	R. A. Wheatley EL
Dundee	2	Dundee Highlands EL
Dupo	2	Dupo EL
	2	Dupo HS
Earlville	1	Rollo EL
East Alton	2	East Alton JHS
	2	Eastwood EL
	2	F. G. Blair Elem. School EL
	2	Lincoln EL
	2	Niagara EL
	2	Washington School EL
East Chicago Heights	1	Cottage Grove EL
	1	Medgar Evers EL
	1	Woodlawn EL
East Moline	1	Hoffman EL
	2	McKinley EL
East Peoria	2	Lincoln EL
East St. Louis	1	Alta Sita EL
	1	Attucks EL
	1	Bluff View Park EL
	1	Brown EL
	1	Cannady EL
	1	Centerville EL
	1	Chenot EL
	1	Clark JHS
	1	Dunbar EL
	1	East St. Louis HS
	1	East St. Louis-Lincoln HS
	1	Edgemont EL
	1	Franklin EL

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Location	Code *	School Name
East St. Louis cont.	1	Garfield EL
	1	Garrison EL
	1	Golden Garden EL
	1	Harding EL
	1	Hawthorne EL
	2	Holy Angels School EL
	1	Hughes-Quinn JHS
	2	Immaculate Conception EL
	1	Jackson EL
	1	James Park Slade EL
	1	Jefferson EL
	1	Johnson EL
	1	Kennedy EL
	1	King JHS
	1	Lafayette EL
	1	Lalumier EL
	1	Lansdowne JHS
	1	Lilly-Freeman EL
	1	Longfellow EL
	1	Lucas EL
	1	Manners EL
	1	Monroe EL
	1	Morrison EL
	1	Park EL
	1	Parkside EL
	2	Pitzman EL
	1	Robinson EL
	1	Rock JHS
	1	Rose Lake EL
	1	St. Joseph School EL
	2	St. Patrick EL
	2	St. Phillip School EL
	1	Washington EL
	1	Webster EL
	1	Wilson EL
Effingham	2	South Side EL
	2	West Side EL
Eldorado	2	Eldorado HS
	2	Hillcrest EL
	1	Jefferson EL
	1	Lincoln EL
	2	Washington JHS
Elgin	2	Century Oaks EL
	2	Channing Mem EL
	2	Ellis JHS
	1	Garfield EL
	2	Grant EL
	2	Larsen JHS
	2	Sheridan EL
	1	Wing EL
Elizabethtown	1	Karbers Ridge EL
Energy	2	Energy EL
Enfield	1	Enfield-Booth EL
Evanston	2	Central EL
	2	Chute JHS
	1	Evanston Childrens EL
	2	Haven JHS
	2	Miller EL
	2	Nichols EL
	2	Oakton EL
	2	Orrington EL
	1	Shore Sch & Trn Cntr K-12
	2	Skiles Middle JHS
	2	Washington EL
Ewing	1	Ewing-Northern EL
Fairfield	2	Fairfield HS
	2	New Hope EL
	2	Northside EL
Fithian	2	Oakwood HS
Flora	2	Meandres EL
	1	Washington EL
Fox Lake	2	Shady Lane EL
Freeburg	2	Freeburg EL
Freeport	2	Carl Sandburg JHS
	2	Center EL
	2	Douglas EL
	2	Freeport JHS
	1	Taylor Park EL
Fulton	1	Cedar Bluff EL
Galatia	2	Galatia HS
Galesburg	2	Allen Park EL
	2	Churchill JHS
	1	Cooke EL
	2	L T Stone EL
	2	Lombard K-12
	2	Nielson Middle El
	2	Steele Middle EL
Galva	2	F U White EL
Geff	2	Geff EL
Georgetown	2	Frazier EL
	2	Georgetown JHS
	2	Pine Crest EL
Gillespie	2	New EL
Gladstone	2	Galdstone EL
Godfray	2	North JHS
Golconda	2	Pope Co EL
Golconda	2	Pope Co HS
Grand Chain	1	Century EL
Grand Tower	1	Grand Tower EL
Granite City	2	Coolidge JHS
	2	Emerson EL
	2	Granite City HS
	2	Logan EL
	2	Marshall EL
	1	McKinley EL
	2	Prather JHS
	2	Pre School Center EL
	1	Washington EL
	1	Webster EL
Grayville	2	Grayville JHS
	2	Grayville HS
	2	Wells EL
Great Lakes	2	Forrestal EL
Greenview	2	Greenview Unit K-12
	2	Greenville EL
Gridley	2	Gridley EL
Griggsville	2	Griggsville EL
	2	Griggsville HS
Hardin	2	Hardin EL
Harrisburg	2	Harrisburg HS
	1	Horace Mann EL
	2	Independence EL
	2	Malan JHS
	2	McKinley EL
	1	Phillips EL
Hartford	2	Hartford EL
Harvey	2	Bryant EL
	2	Elmer G. Kich EL
	1	Emerson EL
	1	Field EL
	2	Holmes EL
	1	Lowell-Longfellow EL
	1	Riley EL
Harvey	1	Sandburg EL
	2	St Susanna EL
	1	Taft EL
	2	Thornton HS
	1	Washington EL
	1	Whittier EL
	2	Ziebell El
Havana	2	New Central EL
	2	Riverview EL
Herrick	2	Herrick-Cowden EL
Herrin	1	Chittyville EL
	2	Herrin HS
	1	Lincoln EL

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Location	Code *	School Name
Herrin cont.	2	North Side EL
	2	South Side EL
	2	West Side EL
Hidalgo	1	Hidalgo EL
Hillsboro	2	Beckemeyer EL
	2	Burbank EL
Hillview	1	Hillview EL
Hoopeston	2	Hoopeston JHS
	1	John Greer EL
Hopkins Park	1	Washington Carver EL
Hopkins Park	1	Lorenzo R. SmithJHS
Hoyleton	2	Hoyleton EL
Hume	2	Shiloh EL
Hurst	2	Hurst EL
Iola	1	Iola EL
Luka	2	Luka EL
Jacksonville	2	Armstrong JHS
	2	Franklin EL
	1	Jackson EL
	1	Jefferson EL
	1	Lincoln EL
	1	North Jacksonville EL
	1	Ray Graham EL
	2	Washington EL
Johnston City	2	Jefferson EL
	2	Johnston City HS
	1	Washington EL
Joliet	2	A O Marshall EL
	2	Central Joliet HS
	2	Culbertson EL
	2	Dirksen JHS
	2	East Joliet HS
	1	Edna Keith EL
	1	Eliza Kelly El
	1	F E Marsh EL
	2	Farragut
	1	Forest Park EL
	1	Gompers JHS
	2	Hufford JHS
	1	Lincoln EL
	1	McKinley Park EL
	1	Parks EL
	2	St Mary-Sacred Heart EL
	1	St Thaddeus EL
	1	Thompson EL
	1	Washington JHS
	2	Woodland EL
Jonesboro	2	Jonesboro EL
	1	Ware EL
Joppa	1	Joppa HS
Joy	2	Joy EL
Justice	2	Gladness U Player EL
Kankakee	2	Abraham Lincoln Mid EL
	2	Eastridge HS
	1	Franklin Middle
	2	John F. Kennedy Upper EL
	1	Lafayette EL
	2	Longfellow EL
	2	Mark Twain EL
	2	Martin L KingUpper JHS
	2	Steuben EL
	2	Thomas Edison EL
	1	Washington EL
	2	Westview HS
	2	William H Taft EL
Kansas	2	Kansas EL
Karnak	1	Jamp Childrens Center EL
Keithsburg	2	Keithsburg EL
Kewanee	2	B Alexander EL
	1	Lyle EL
Kincaid	2	South Fork HS
Kinmundy	2	Kinmundy Alma HS
Kirkwood	2	Kirkwood EL
LaSalle	1	Dimmick C C EL
Lake Bluff	2	Lake Bluff JHS
	2	West EL
Lake Villa	1	Allendale Boys EL
Lawrenceville	2	Central EL
	1	Lincoln EL
	2	Parkview JHS
Leaf River	2	Leaf River Cu K-12
Lebanon	2	Lebanon EL
	2	Lebanon HS
Lee	2	Lee EL
Leland	2	Leland EL
Lenzburg	2	Lenzburg EL
Litchfield	2	Litchfield JHS
	2	Russell EL
	2	Sihler EL
Lockport	1	A. F. Hill EL
	1	Fairmont EL
	1	Fairmont JHS
	2	Walsh EL
Logan	2	Logan EL
Louisville	2	Louisville-Bible Grv. EL
	2	North Clay HS
	1	Oskaloosa EL
	1	Lovejoy K-12
Macomb	2	Lincoln EL
Madison	1	Blair EL
	1	Dunbar EL
	1	Harris EL
	1	Louis Baer School EL
	1	Madison HS
	1	Madison JHS
Mansfield	2	Mansfield EL
Marion	2	Lincoln EL
	2	Logan EL
	2	Marion JHS
	2	McKinley EL
	2	Washington EL
Marissa	2	Marissa EL
	2	Marissa HS
Markham	2	Canterbury JHS
	2	Dist. Develop. Center EL
	1	Lemon EL
Marshall	2	North EL
	2	South EL
Mascoutah	2	Mascoutah HS
Mattoon	2	Bennett EL
	2	Washington EL
Maywood	2	Emerson EL
	2	Irving EL
	2	Proviso East HS
	2	Washington EL
McClure	2	McClure EL
McLeansboro	2	Beaver Creek EL
	2	McLeansboro East Side EL
	2	McLeansboro West Side EL
Metropolis	2	Central EL
	1	Geo. R. Clark EL
Metropolis	2	Jefferson EL
	1	Maple Grove EL
	1	Metropolis JHS
	2	Metropolis HS
	2	Washington EL
Midlothian	2	Central Park EL
	2	Spaulding EL
Milford	1	Bryce-Ash Grove EL
Mill Shoals	2	Mill Shoals EL
Millstadt	1	Le Pere EL
Milton	2	East Pike High K-12
Moline	2	Ericsson EL
	2	McKinley EL
Momence	2	Je-Neir EL
	2	Momence HS

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Location	Code *	School Name
Momence cont.	2	Momence JHS
	2	Range EL
Monmouth	1	Harding EL
	2	Lincoln EL
	2	Warren Achievement EL
	2	Warren EL
Montgomery	2	Nicholson EL
Morrisonville	2	Morrisonville EL
	2	Morrisonville K-12
Mound City	1	Lowell EL
Mounds	1	Meridian HS
	1	Meridian JHS
	1	Thistlewood EL
	1	Titus EL
Mount Carmel	2	North Middle School EL
	2	South EL
Mount Carroll	2	Mt. Carroll HS
Mount Olive	2	East EL
Mount Sterling	1	Brown Co. HS
	2	North EL
	1	South EL
Mount Vernon	2	Casey JHS
	1	Dodds EL
	2	D. R. Andy Hall EL
	1	Edison EL
	2	Franklin EL
	2	Horace Mann EL
	2	J. L. Buford EL
	2	Lincoln EL
	2	Mount Vernon HS
	1	Summerville EL
Mulberry Grove	2	Mulberry Grove EL
	2	Mulberry Grove K-12
Mulkeytown	2	Mulkeytown Cons. Sch. EL
Murphysboro	2	Carruthers JHS
	1	Lincoln EL
	1	Logan EL
	2	Longfellow EL
	2	McElvain EL
	2	Murphysboro HS
	2	Orchard Hill EL
	1	Washington EL
New Berlin	1	New Berlin JHS
New Boston	2	New Boston EL
New Burnside	2	Tunnel Hill EL
Newman	2	Newman EL
	2	Newman HS
Newton	2	Newton Elem. & Central EL
Noble	2	Noble EL
Nokomis	2	North EL
	2	South JHS
Norris City	2	Norris City-Omaha EL
	1	Norris City-Omaha HS
North Chicago	2	Green Bay EL
	2	N. Chicago Comm. HS
	2	Neal JHS
	2	Novak-King EL
North Pekin	2	Rogers EL
Oak Lawn	2	H. L. Richards HS
Oakland	2	Lake Crest EL
Oblong	2	Bend EL
Ogden	2	Ogden EL
Okawville	2	Okawville EL
Olney	2	Central EL
Olympia Fields	2	Rich Central Campus HS
Onarga	2	Onarga EL
	2	Onarga JHS & HS
Opdyke	2	Opdyke JHS
Ottawa	2	Columbus EL
	2	Rutland EL
	2	Wallace EL
Palatine	1	Little City Training K-12
Palestine	2	Palestine EL
Palmyra	2	Northwestern School EL
Panama	2	Panama EL
Paris	2	Carolyn Wenz EL
	2	Crestwood EL & JHS
	2	Mayo EL
	2	Memorial EL
	1	Redmon EL
	2	Vance EL
Park Forest	2	Algonquin EL
	2	Blackhawk EL
	1	Blackhawk JHS
	2	Lakewood EL
	2	Mohawk EL
	2	Sauk Trail EL
	2	Westwood EL
	2	Westwood JHS
	2	Wildwood EL
Park Ridge	2	Jeanine Schultz K-12
	1	Park Ridge School Girls HS
Parkersburg	2	Parkersburg EL
Patoka	2	Patoka C. U. School K-12
Patterson	2	Patterson EL
Pearl	1	Pearl EL
Pekin	2	Roosevelt EL
Pembroke	1	Whitney Young EL
Peoria	1	Blaine-Sumner EL
	1	Carver Day Care Cntr. EL
	2	Garfield EL
	1	Greeley EL
	1	Harrison EL
	1	Harrison HMS Day Nurs. EL
	1	Heading Avenue Sch. EL
	2	Hines EL
	1	Irving EL
	2	Kingman EL
	1	Late Afternoon High K-12
	1	Lincoln EL
	1	Longfellow EL
	2	Manual HS
	1	McKinley EL
	1	Roosevelt EL
	2	Trewyn JHS
	2	Tyng
	2	Von Steuben EL
	1	Webster EL
	2	White EL
	2	Woodruff HS
	1	YWCA Nursery EL
Perry	2	Perry HS
Phoenix	2	Coolidge Middle JHS
Pinckneyville	2	Pinckneyville EL
Piper City	2	Ford Central HS
Pittsburg	2	Lincoln EL
Pittsfield	2	Pittsfield S EL
	2	Pittsfield-Higbee Sch. EL
Pleasant Hill	2	Pleasant Hill EL
	2	Pleasant Hill HS
Pocahontas	2	Pocahontas EL
Pontiac	2	Central EL
	2	Ladd EL
Poplar Grove	2	Poplar Grove Comm Unit EL
Posen	2	Gordon Upper Grade JHS
	2	Posen EL
Princeville	2	Princeville EL
Quincy	1	Berrian EL
	2	Dewey EL
	1	Franklin EL
	2	Irving EL
	1	Jackson K-12
	1	Jefferson EL
	2	Washington EL
	2	Webster EL
Raleigh	1	Raleigh EL

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Location	Code *	School Name
Ramsey	2	Ramsey EL
Ridgway	2	Ridgway HS
Robbins	1	Childs EL
	1	Kellar JHS
	1	Turner EL
Rochelle	2	Lincoln EL
	2	Rochelle JHS
Rock Falls	2	Dillion EL
	2	Rock Falls HS
	1	Rock Falls JHS
Rock Island	1	Audubon EL
	1	Central JHS
	2	Earl H. Hanson EL
	2	Frances Willard EL
	1	Franklin JHS
	1	Grant EL
	1	Hawthorne-Irving Sch. EL
	2	Lincoln EL
Rockford	1	Barbour EL
	1	Beyer EL
	2	Bloom EL
	1	Child Development Ctr. EL
	1	Church EL
	1	Dennis EL
	1	Ellis EL
	1	Elmwood Center School HS
	2	Guilford EL
	1	Haskell EL
	1	Henrietta EL
	2	Jackson EL
	1	Kishwaukee EL
	2	Lincoln JHS
	1	Lincoln Park EL
	2	Marquette EL
	1	Martin Luther King EL
	2	Mcintosh EL
	2	Morris Kennedy JHS
	2	Nashold EL
	2	Peterson EL
	2	Riverdahl EL
	2	Riverside EL
	1	Rock River EL
	2	Rockford Auburn HS
	2	Roosevelt JHS
	2	Spring Creek EL
	1	Stiles EL
	2	Thomas Jefferson HS
	1	Turner EL
	1	Washington JHS
	2	North Greene EL
	1	North Greene EL
Rosiclare	1	Rosiclare EL
	2	Rosiclare HS
	2	Stone Church EL
Round Lake	2	RAymond Ellis EL
	2	Round Lake Beach EL
	2	W J Murphy EL
Royalton	1	Zeigler-Royalton EL
Salem	1	Central EL
	2	Oak Park EL
	1	Salem HS
	2	Salem JHS
Sandoval	2	Sandoval EL
	2	Sandoval K-12
Sauget	2	Chartrand EL
Sesser	2	Sesser HS
	2	Washington EL
Shabbona	2	Shabbona EL
	2	Shabbona HS
Shawneetown	2	Southeast Gallatin Cu EL
Sheffield	2	Sheffield Grade & Jr EL
Shelbyville	2	Moulton JHS
Sheridan	2	Sheridan EL
Silvis	2	George O Barn EL
Sims	2	Sims EL
Skokie	2	Walker EL
Smithboro	2	Smithboro EL
Sorento	2	Sorento EL
South Beloit	1	Riverview EL
	2	South Beloit JHS
	2	Wheeler EL
So Chicago Heights	2	Baukview EL
So Holland	2	Eisenhower EL
	2	Madison EL
So Pekin	1	So Pekin EL
Sparta	2	Sparta-Lincoln El
Springfield	1	Douglas EL
	2	Dubois EL
	2	Edison JHS
	2	Enos EL
	2	Harvard EL
	2	Hay-Edwards EL
	1	Iles EL
	1	Lincoln El
	1	Matheny EL
	2	Pleasant Hill El
	2	Ridgely EL
	2	Southern View EL
	2	Springfield Southeast HS
	1	Washington JHS
	2	Webster EL
	1	Withrow EL
St Anne	1	St Anne Comm HS
	2	St Anne EL
	1	Wichert EL
St. Elmo	2	St Elmo EL
St. Francisville	1	St Francisville EL
St. Marys	1	Kaskaskia Island Cons EL
Steger	2	Eastview EL
	2	Parkview EL
Sterling	2	Central EL
	2	Wallace EL
Streator	2	Greeley EL
Stringtown	1	Stringtown EL
Sumner	2	Red Hill JHS
	2	Sumner EL
Swanwick	1	Swanwick EL
Tamaroa	2	Paradise Prairie EL
Tamms	1	Egyptian EL
	1	Egyptian K-12
Tampico	2	Tampico EL
Taylorville	2	Memorial EL
	2	South EL
Texico	2	Field EL
Thomasboro	1	Flatville C C EL
Thompsonville	2	Thompsonville EL
Tilden	2	Tilden EL
Timewell	2	Timewell El
Toledo	2	Cumberland EL
Tovey	1	Tovey EL
Tower Hill	2	Tower Hill
Triumph	2	Ophir EL
Ullin	1	Century K-12
Urbana	2	Brookens JHS
	2	Fisher JHS
	2	Leal EL
	1	M L King EL
	2	Prairie EL
	2	Thomas Paine EL
	1	Washington EL
	1	Webber EL
	2	Wiley EL
Utica	2	Utica EL
	2	EL Wattham EL
Valier	2	Valier JHS
Valmeyer	2	Valmeyer EL
	2	Valmeyer HS

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Location	Code *	School Name
Vandalia	2	Jefferson EL
Venice	1	Venice EL
	1	Venice HS
Vergennes	2	Elverado JHS
Vergennes	2	Vergennes EL
Vienna	2	Vienna EL
Villa Grove	2	Villa Grove K-12
Waltonville	2	Waltonville EL
Waltonville	2	Waltonville HS
Wamac	1	Bronson EL
Warsaw	2	Warsaw Middles Hs
Watseka	2	Nettie Davis EL
Watson	2	Watson EL
Waukegan	1	Andrew Cooke EL
	2	Clearview EL
	2	Daniel Webster JHS
	1	Gertrude Carman EL
	2	Hyde Park EL
	1	Jackson EL
	2	Lyon EL
	2	North EL
	1	Thomas Jefferson JHS
	2	Waukegan HS
	2	West EL
	2	Whittier EL
West Frankfort	2	Central JHS
	2	Denning EL
	2	Frankfort EL
West Frankfort	2	Frankfort HS
Wheeler	2	Muddy EL & JHS
Wheeling	2	R. L. Stevenson EL
White Hall	2	North Greene HS
	2	White Hall EL
Willow Hill	2	Willow Hill & East EL
Winnebago	2	Dorothy Simon EL
Winslow	1	Winslow EL
Witt	2	Witt Unit K-12
Wolf Lake	2	Shawnee Jr-Sr
Wonder Lake	2	Harrison EL
Wood River	2	Lewis Clark JHS
	2	Lewis Clark EL
	2	Lincoln EL
	2	Wood River E. Alton HS
Zeigler	2	Leiter EL
Zion	2	Beulah Park EL
	2	Central JHS
	2	Shiloh Park EL
	2	West EL
	2	Zion-Benton HS
	2	Zion-Benton Twp. HS

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Location	Code *	School Name
Albion	2	Wolf Lake EL
	2	Albion EL
	2	Central Noble HS
	2	Central Noble HS
Anderson	1	Hazelwood EL
	1	Westvale EL
	2	Longfellow EL
	2	Shadeland EL
	2	Southside EL
	2	Seventh St. EL
	2	Twenty-Ninth St. EL
	2	Washington EL
	2	East Side JHS
	2	Columbia-Riley EL
	1	Bronnenberg Children's Home
	1	Hillcrest Christian Home
Angola	2	Orland EL
	2	Flint EL
	2	Prairie Heights EL
	2	Milford EL
	2	Salem EL
Austin	1	Austin EL
	1	Austin Middle Sch.
Bainbridge	2	Russellville EL
Batesville	2	St. Anthony EL
	2	Batesville HS
	2	Westwood EL
Bedford	2	Kindergarten
	2	Tunnelton EL & HS
	2	Fayetteville EL & HS
	2	Englewood EL
	2	Madden EL
	2	Stalker EL
	2	Needmore EL & HS
	2	Lincoln EL
	2	St. Vincent EL
	2	Springville EL
	2	Celtic EL &HS
	2	Parkview-Central EL
Bedford cont.	2	Heltonville EL & HS
	2	Shawswich EL & HS
Beech Grove	2	Beech Grove JHS
Berne	2	Geneva EL
	2	Berne EL
Bicknell	2	East EL & JHS
Bloomfield	2	Washington-Stafford Cons. EL
Bloomington		Fairview EL
	2	Templeton EL
	2	Dyer Middle
	1	Monroe Co. Group Foster Home
Bluffton	2	Columbia EL
Bourbon	2	Triton EL
Brookville	2	Springfield EL
	2	Andersonville EL
	2	Laurel EL - HS
	2	Metamora EL
	2	St. Michael EL
	2	Brookville JHS
	2	Brookville EL
	2	Whitewater EL - HS
	2	Brookville HS
Brownsburg	1	Brown EL
	1	Brownsburg Intermediate
	1	St. Malachy EL
	1	College Ave. El
	1	South EL
Brownstown	2	Carr Twp Sch.
Butler	2	Riverdale EL
Cambridge City	1	Pershing EL
	1	Central EL
	2	Dublin EL
	2	Milton EL
	2	Parkway JHS
	2	Lincoln HS
Campbellsburg	1	W. Washington EL
Cannelton	1	Cannelton HS
	2	Cannelton EL #1
	2	Cannelton EL #2
Cayuga	1	Collett Home for Orphans

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Location	Code *	School Name
Clarksville	2	George Rogers Clark EL
	2	Colgate EL
Clinton	2	Central EL-HS
Columbia City	2	Coesse Sch. LL-JHS
	2	Washington Center EL
	1	Ft. Wayne Area Lifeline Home, Inc.
Columbus	1	Lincoln EL
	2	Fodrea EL
	2	E. Senior High
	2	McDowell EL
	2	Booth Setser EL
	1	County Children's Home
Connersville	2	Bentonville EL
	2	Orange EL
Crown Point	1	Meister EL
	1	Evans EL
	1	River Forest HS
	2	River Forest EL
	2	River Forest JHS
Denver	2	N. Miami Cons EL
Dubois	2	Celestine EL
	2	Dubois HS
	2	Dubois Southside EL
East Chicago	1	Carrie Cosch EL
	1	Columbus EL
	1	Field EL
	1	Bloch JHS
	1	Washington HS
	1	Roosevelt JHS
	1	Franklin EL
	1	Lincoln EL
	1	Washington EL
	1	Riley EL
	1	Harrison EL
	2	McKinley EL
	2	Mark- Roxanna EL
	2	Indiana Harbor Cons. EL
	2	Bishop Noll EL
	1	St. Josephs Carmelite Home for Girls
Elkhart	1	Lincoln Valley Center EL
English	1	Patoka School EL-JHS
	1	English EL - HS
	1	Leavensworth EL
	1	Marengo EL - HS
	1	Milltown EL - HS
Evansville	2	Lincoln EL-JHS
	2	Cedar Hall EL-JHS
	2	Culver EL-JHS
	2	Columbia EL-JHS
	2	Delaware EL-JHS
	1	Hillcrest Washington Home
Fort Wayne	2	Harmar EL
	2	Bunche EL
	2	Washington EL
	2	McCulloch EL
	2	Hanna EL
	2	Memorial Park EL
	1	Allen County Children's Home
	1	Fort Wayne Children's Home
	1	St. Vincent's Treatment Center
Fortville	1	Christian Youth Home
Fountain City	2	Whitewater EL
Francesville	2	Gillam EL
	2	West Central Jr-Sr HS
	2	West Central EL
Frankfort	2	Jefferson EL
Franklin	2	South Side EL
	2	Needham EL
French Lick	2	Springs Valley EL
Gary	1	Head Start
	1	Parent - Child Noble Classroom
	1	Toy Lending Library
	1	Duncan EL
Gary cont.	1	Drew EL
	1	Norton EL
	1	Jefferson EL
	1	Dunbar EL
	1	Beckman JHS
	1	St. Hedwig EL
	1	Spaulding EL
	1	Dulles EL
	1	Carver EL
	1	Douglas EL
	1	Ivanhoe EL
	1	Grissom EL
	1	Froebel JHS
	1	Pulaski Early Learning
	1	Lincoln EL
	1	Bethune EL
	1	Williams EL
	1	Edison JHS
	1	Miller EL
	1	Locke EL
	1	St. Monica EL
	1	Beveridge EL
	1	Emerson HS
	1	Holy Angels EL
	1	Jefferson Intermediate
	1	Holy Trinity EL
	1	Chase EL
	1	West Side Early Learning
	1	Vohr EL
	1	Pulaski Middle
	1	Pyle EL
	1	Black Oak EL
	2	Ridge JHS
	2	Lake JHS
	2	St. Ann's EL
	2	Calumet HS
	2	Hosford Park EL
	2	Longfellow EL
	1	Lake County Children's Home
	1	May Home for Boys, Inc.
Gas City	2	Northview EL
Gaston	2	Harrison EL
	1	Bethel Home Place, Inc.
Goshen	1	Chamberlain EL
	2	Whiteman JHS
	1	Bashor Home of the United Methodist Church
Greencastle	1	Greencastle Orphan's Home
Greenfield	1	Riley EL
	2	Lincoln Park EL
	2	Weston EL
	2	Central HS
	2	Greenfield Middle
Greensburg	2	Sandcreek EL
	2	St. Paul EL
	2	Burney EL
	2	Clarksburg EL
	2	New Point EL
	2	North Decatur JHS
Greenwood	1	Lifeline Youth Home, Unit I
Hammond	2	Riverside EL
	2	Lafayette EL
	2	Maywood EL
	2	Wallace EL
	2	Eggers Middle
	2	Spohn Middle
	2	Columbia EL
	2	Wilson EL
	2	Washington EL
	1	Carmelite Home for Boys
	1	Mayflower Teenage Home
Henryville	1	Clark County Youth

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Location	Code *	School Name
Hobart	2	Ridge View EL
	2	George Earle EL
Huntingburg	2	Crestview EL
	2	Maple Park EL
Huntington	2	Lincoln EL
Hymera	2	Dugger EL
	2	Hymera EL
	2	Shelburn EL
	2	Farmersburg EL
	2	North Central HS
	2	Union HS
	2	Fairbanks EL
Indianapolis	1	School # 45 EL
	1	School # 56 EL
	1	School # 27 EL
	1	School # 2 EL
	1	School # 26 EL
	1	School # 42 EL
	2	School # 4 EL
	2	School # 38 EL
	2	School # 41 EL
	2	School # 112 EL
	2	School # 87 EL
	2	School # 110 EL
	2	School # 22 EL
	2	School # 33 EL
	2	School # 14 EL
	2	School # 114 EL
	2	School # 111 EL
	2	School # 28 EL
	2	School # 73 EL
	2	School # 74 EL
	2	School # 8 EL
	2	School # 20 EL
	2	School # 76 EL
	2	School # 63 EL
	2	School # 44 EL
	2	School # 30 EL
	2	School # 15 EL
	2	School # 47 EL
	2	School # 39 EL
	2	School # 34 EL
	2	School # 60 EL
	2	School # 99 EL
	2	School # 71 EL
	2	School # 51 EL
	2	School # 52 EL
	2	School # 21 EL
	2	School # 31 EL
	?	School # 3 EL
	?	School # 18 EL
	?	School # 19 EL
	?	School # 35 EL
	?	School # 48 EL
	?	School # 64 EL
	?	School # 81 EL
	2	School # 82 EL
	2	Abraham Lincoln EL
	1	Catholic Social Service Group Home
	1	Dignity Unlimited for Boys
	1	Garrard Home
	1	Indiana United Methodist Children's Home, Martin Manor
	1	Lutheran of Lutheran Child Welfare Association of Indiana
	1	Mallon House
	1	Marion County Children's Guardian Home
	1	Pleasant Run Children's Home
	1	St. Elizabeths Home
	1	Southeastern Children's Home
	1	Wheeler Girls Residence
	1	Juvenile Center, Marion County
Indianapolis cont.	1	Lifeline Youth - Unit II
	1	Indiana Girls' School
Jasonville	1	Shakamak EL
	2	Shakamak Middle
	2	Shakamak HS
Jeffersonville	1	Maple EL
	1	Rose Hill EL
	2	Spring Hill EL
	2	Utica EL
	2	McCulloch EL
	2	Riverside EL
	2	Eastlawn EL
	2	Jonathan Jennings EL
	2	Thomas Jefferson EL
	2	Pleasant Ridge EL
	2	Northaven EL
	2	Ewing Lane EL
	1	South Central Christian Children's Home
Kokomo	2	Roosevelt EL
	2	Lincoln EL
	2	Meridian EL
	2	Jefferson EL
	2	Columbian EL
	2	Sycamore EL
	2	Pettit Road EL
	2	Palmer EL
	1	Friendship Home, Inc.
Knightstown	1	Indiana Soldiers & Saliors' Childrens Home
Knox	1	Washington EL
	1	California EL
	1	Palmer/Poltz EL
Ladoga	1	Indiana Children's Christian Home, Inc.
Lafayette	1	Washington EL
	2	Miller EL
	2	Linnwood EL
	2	Murdock EL
	1	Jessie Levering Cary Home for Children
Lakeville	1	Lakeville EL
	1	LaVille Jr-Sr HS
	1	La Paz EL
Lanesville	2	Laconia EL
	2	Heth-Washington EL
	2	Elizabeth EL
	2	New Middletown EL
	2	South Central Jr-Sr HS
	2	Corydon EL
LaPorte	1	Mill Creek EL
	2	Lincoln EL
	2	Washington EL
	2	Maple EL
	2	Kingsford Heights EL
Lawrenceburg	2	Greendale Middle
	2	Lawrenceburg EL
	2	St. Lawrence EL
	2	Lawrenceburg HS
Lebanon	1	Stokes EL
Leopold	1	Perry EL
	2	Perry Jr-Sr HS
Lewisville	2	Spiceland EL
Liberty	2	Kitchell EL
	2	Liberty JHS
	2	Union EL
	2	Liberty EL
	2	Union County HS
Ligonier	2	Perry EL
	2	Ligonier EL
	2	Wawaka EL
	2	Cromwell EL
Linden	2	East Union EL
Lizton	2	North Salem EL
	2	Pittsboro EL
	2	Lizton EL-JHS
Logansport	1	Cass Co. Children's Home Assoc.

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Location	Code *	School Name
Loogootee	2	Crane EL
	2	Loogootee EL
	2	Rutherford EL
Lowell	2	Shelby EL
	2	Lake Prairie EL
	2	Center EL
	2	Lowell MS
Madison	1	Lydia Middleton EL
	1	Eggleston EL
	1	Canaan EL
	2	Dupont EL
	2	Central EL
	2	Deputy EL
	2	E.O. Muncie EL
	2	Pope John EL
Marion	2	Clayton-Brownlee EL
	2	Jefferson EL
	2	Frances Slocum EL
	2	Martin Boots EL
	2	Grant Co. Childrens Home
Marshall	2	Bloomingdale EL
Michigan City	1	Nieman EL
	1	Park EL
	1	Eastport EL
	1	Central EL
	1	Mullen EL
	1	Springfield EL
	1	Pine EL
	2	Riley EL
	2	Marsh EL
	2	Jefferson EL
	2	Coolspring EL
Michigantown	2	Clinton Central EL
	2	Clinton Central HS
Middlebury	2	York EL
	2	Jefferson EL
Mishawaka	1	South Side EL
	2	Battell EL
	2	Phillips EL
	2	Emmons JHS
	2	LaSalle EL
	2	Young JHS
	2	Bingham EL
	2	Emmons EL
	1	Family & Children's Center, Inc.
Mitchell	2	Huron EL
	2	Riley EL
	2	Emerson EL
	2	Burris EL
	2	Mitchell HS
Modoc	2	Union EL
Monon	2	Monon EL
Monroe City	2	Decher EL
	2	South Knox EL
	2	South Knox HS
Monrovia	2	Hall EL
	2	Monrovia HS
	2	Monrovia EL
Montgomery	2	Crawfordsville EL
	2	St. Peters EL
	2	Barr EL
Montezuma	1	Mecca EL
	2	Montezuma EL-HS
	2	Rosedale EL-HS
	2	Bridgeton EL
Mt. Vernon	2	Farmersville EL
Muncie	2	Blaine EL
	2	Washington-Carver EL
	2	Longfellow EL
	2	Lincoln EL
	2	Garfield EL
	2	Jefferson EL
Muncie cont.	2	Forest Park EL
	2	Claypool EL
	2	Roosevelt EL
	2	McKinley Middle
	2	Central HS
	1	Delaware County Children's Home
	1	Cambridge Home
Nappanee	2	Central EL
	2	South EL
	2	Wakarusa EL
Nashville	2	Helmsburg EL
	2	Sprunica EL
	2	Brown County HS
	2	Nashville EL
New Albany	1	Lillian Emery EL
	2	East Spring St. EL
	2	South Ellen Jones EL
	2	West Spring St. EL
	2	Scribner JHS
	2	Fairmont EL
New Castle	1	Hornby EL
	1	Wilbur Wright EL
	2	Weir EL
	2	Parkview JHS
	2	Chrysler HS
New Harmony	2	Cons. School Town of New Harmony & Harmony Twp.
New Haven	2	Sunnymede EL
Noblesville	2	Stony Creek EL
North Manchester	2	Laketon EL
	2	Central JHS
	2	Chester EL
North Vernon	2	Sand Creek EL
	2	Graham Creek EL
Orleans	2	Orleans EL
Osgood	2	Osgood EL
	2	Napoleon EL
Paoli	1	Paoli Jr-Sr HS
	1	Staleup EL
	1	Throop EL
Parker	2	Parker EL
	2	Farmland EL
Pekin	2	Franklin EL
	2	Polk EL
	2	Pierce EL
	2	Eastern HS
	2	Eastern EL
Perrysville	2	Glendale EL
Petersburg	2	Winslow EL
	2	Pike Central HS
	2	Petersburg EL
Plainfield	1	Indiana Boys School
Plymouth	2	Jefferson EL
Portage	1	Garyton EL
	1	Saylor EL
	1	Myers EL
	1	South Haven EL
Portage cont.	1	Kyle EL
	1	Central EL
	1	Jones EL
	1	Crisman EL
Portland	2	Redkey EL
	2	East EL
	2	Portland HS
	2	Portland JHS
Princeton	1	Baldwin Heights EL
Richmond	1	Warner EL
	1	Nicholson EL
	1	Finley EL
	2	Starr EL
	2	Hibberd EL
	2	Vaile EL
	2	Southview EL

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Location	Code *	School Name
Richmond cont.	2	Test JHS
	2	Garrison EL
	2	Boston JHS
	2	Fairview EL
	2	Baxter EL
	2	Richmond HS
	1	Delaware County Childrens Home
Rockport	1	Veatch's Sunnyhill Heights Teenage
Rockville	2	Rockville EL Home
	1	Rockville Training Center
Royal Center	2	Lake Cicott EL
Rushville	2	Mays EL
	2	Rushville EL
	2	Manilla EL
	2	Rushville JHS
	2	New Salem EL
	2	Arlington EL
	2	Milroy EL
	2	Rushville HS
Saint John	2	Kahler EL
	2	Crimmer EL
	2	St. John EL
Salem	2	Bracie M. Shrum EL
	2	Salem Middle
Schererville	1	Hoosier Town, Inc.
Scottsburg	1	Johnson EL
	2	Finley EL
Sellersburg	2	Memphis EL
	1	Maple Manor Christian Home, Inc.
Shelbyville	2	Waldron EL
	2	Flat-Rock EL
	2	Hendricks Twp. Sch
Shoals	2	Shoals Comm. EL
	2	Shoals Comm. Middle Sch.
	2	Shoals Comm. HS
South Bend	1	Colfax EL
	1	Kennedy EL
	1	Studebaker EL
	2	Central Middle Sch.
	2	Harrison EL
	2	La Salle HS
	2	Perley EL
	2	Oliver EL
	2	Lincoln EL
	2	Riley HS
	2	Muessel EL
Spencer	1	Patricksburg EL
	2	Gosport EL
St. John	2	Peifer EL
Terre Haute	1	Greenwood EL
	1	Montrose EL
	1	Sandison EL
	2	Rea EL
	2	Franklin EL
	2	Warren EL
	2	Deming EL
	2	Cruft EL
	2	Crawford EL
	2	W Vigo EL
	2	Maple Ave. EL
	2	Lamme EL
	2	Pugua EL
	2	Davis Park EL
	2	Sarah Scott JHS
	2	Channcey Rose JHS
	1	Father Gilbault School for Boy's
	1	Vigo Co. Home for Dependent Children
	1	H. Ralph Johnston Regional South Comm.
Trafalgar	2	Morgantown EL
	2	Trafalgar EL
	2	Nineveh EL
Union City	2	West Side Middle Sch.
Valparaiso	1	Baptist Children's Home of Ind.
	1	Shults-Lewis Children's Home and School
Versailles	2	Versailles EL
	2	Holton EL K-6
	2	Cross Plaine EL K-6
	2	S. Ripley JHS
	2	S. Ripley SHS
Vevay	2	Allensville EL
	2	Switzerland Co. SHS
	2	Jefferson-Craig EL
	2	Switzerland Co. JHS
	2	Pleasant EL
	2	Patriot EL
	2	Florence EL
Vincennes	1	Knox County Children's Home
Wabash	1	White's EL & HS
	1	Whites Ind. Manual Labor Institute
Walton	1	Sangralea Boy's Fund
Washington	2	West EL
	2	South EL
Wheatfield	2	Wheatfield EL
	1	Christian Haven, Inc.
Westfield	1	Westfield Middle
	2	Washington EL
West Newton	2	Stephen Decatur EL
	2	Decatur JHS
	2	Lynwood EL
	2	Decatur Central HS
Williamsport	2	Pine Village Sch.
	2	Williamsport Sch.
	2	Warren Central EL
	2	Seeger Memorial JHS
Winamac	2	Star City EL
Wolcott	2	Remington EL
	2	Wolcott EL
	2	Tri-C Middle Sch.
	2	Tri-County HS
Zionsville	1	Bethel Home Place #1
	1	Indiana United Methodist Children's Home

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Location	Code *	School Name
Adair	2	Adair EL
	2	Adair-Casey JHS-HS
	2	Casey EL
Afton	1	Afton EL
	1	Arispe EL
	1	East Union JHS-HS
	1	Lorimor EL
Albia	1	Albia HS
	1	Grant EL
	2	Jefferson EL
	1	Lincoln Middle
	1	Lovilia EL
	1	Melrose EL
	1	Washington EL
Alburnett	1	Toddville EL
Allison	2	Allison EL (K-3)
	2	Allison EL (4-6)
	2	Allison-Bristow HS
	2	Bristow EL
Alta	2	Alta EL
	2	Alta JHS-HS
Alton	2	Alton EL
	2	Floyd Valley JHS
	2	Floyd Valley HS
	2	Hospers EL
	2	Newkirk EL
	2	Whittier EL
Ames	1	Iowa Men's Reformatory
Anamosa	2	Viola EL
Andrew	2	Andrew Community (K-12)
Anita	2	Anita EL
	2	Anita JHS-HS
Anthon	2	Oto EL
Aplington	2	Aplington Community (K-12)
Argyle	1	Argyle EL
	2	Central Lee HS
	2	Central Lee JHS
	2	Donnellson EL
	2	Montrose EL
Arnolds Park	2	Arnolds Park Consolidated (K-12)
Atlantic	1	Jackson EL
	2	Lincoln EL
Ayrshire	2	Ayrshire Consolidated (K-12)
Bayard	2	Bayard Community (K-12)
Bedford	1	Bedford EL
	1	Bedford HS
	1	Conway EL
	1	Gravity JHS
Belle Plaine	2	Belle Plaine HS
	2	Central Middle
	2	Lincoln EL
	2	Longfellow EL
Bennett	1	Bennett EL
Blakesburg	2	Blakesburg EL
Bloomfield	2	Bloomfield EL
	2	Troy EL
Bode	2	Livermore EL
Boxholm	2	Boxholm EL
	1	Pilot Mound EL
Brooklyn	2	B-G-M JHS
	2	Malcom EL
Burlington	1	Flint Hills EL
	1	Salter EL
Burt	1	Burt Community (K-12)
Bussey	1	Attica EL
	2	Bussey EL
Calmar	2	South Winneshiek EL
	2	South Winneshiek HS
	2	South Winneshiek JHS
Carson	2	Macedonia EL
Cedar Rapids	1	Fillmore EL
	1	Harrison EL
	2	Hayes EL
Cedar Rapids cont.	2	Jackson EL
	1	Johnson EL
	2	Polk EL
	1	St. Patrick EL
	1	Taylor EL
	1	Tyler EL
	2	Van Buren EL
	2	Wilson JHS
Centerville	2	Central EL
	2	Cincinnati EL
	2	Garfield EL
	2	Howar JHS
	2	Intermediate (4-6)
	2	Lincoln EL
	2	Mystic EL
Clearfield	1	Clearfield Community (K-12)
Clinton	1	Irving EL
	2	Jefferson EL
	1	Kirkwood EL
College Springs	1	Braddyville EL
	1	Coin EL
	1	South Page JHS-HS
Collins	2	Collins EL
Conrad	2	Beaman EL
Corning	1	Corning EL
	1	Corning HS
	1	Corning JHS
Correctionville	2	Correctionville EL
Corwith	2	Corwith-Wesley El HS
Corydon	1	Allerton EL
	1	Corydon EL
	1	Wayne HS
	1	Wayne JHS
Council Bluffs	1	Bloomer EL
	2	Bloomer JHS
	2	Dodge EL
	2	Edison EL
	1	Longfellow EL
	2	Longfellow JHS
	2	Peterson EL
	2	Roosevelt EL
	2	Tinley EL
	2	Walnut Grove EL
Cresco	2	Cresco EL
	2	Crestwood HS
	2	Crestwood JHS
	2	Elma EL
	2	Lime Springs EL
	2	Ridgeway EL
Creston	2	Cromwell EL
	1	Franklin EL
	1	Jefferson-Crest Center EL
Crystal Lake	2	Woden-Crystal Lake JHS-HS
Davenport	1	Holy Trinity EL
	1	Hoover EL
	1	Jefferson EL
	1	Lincoln EL
	2	Monroe EL
	2	Sacred Heart EL
	2	St. Alphonsus EL
	2	Sudlow JHS
	2	Washington EL
	1	Young JHS
Decorah	1	North Winneshiek EL
	1	North Winneshiek JHS-HS
Delhi	2	Delhi EL
Delmar	2	Delwood EL
	2	Delwood JHS
Des Moines	1	Brooks EL
	1	Callanan JHS
	1	Casady EL
	1	Dunlap EL
	1	Edmunds EL

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Location	Code *	School Name
Des Moines cont.	2	Elmwood EL
	2	Findley EL
	1	Fort Des Moines EL
	2	Harding JHS
	1	Hiatt JHS
	1	Irving JHS
	1	King EL
	1	Logan EL
	1	Longfellow EL
	1	Lucas EL
	1	McKinley EL
	2	Mitchell EL
	1	Moulton/Sabin EL
	1	Norwoodville EL, Saydel Consolidated
	2	Phillips EL
	1	St. John EL
	2	St. Peter EL
	2	Tech HS
	2	Wallace EL
	2	Washington EL
	2	Willard EL
	2	Wilson JHS
Diagonal	1	Diagonal Community (K-12)
Dow City	2	Dow City EL
Dubuque	2	Audubon EL
	2	Jackson EL
	1	Prescott EL
	2	St. Mary
Dumont	2	Dumont EL
	2	Dumont HS
	2	Dumont Middle
Eddyville	2	Eddyville EL
	2	Eddyville JHS-HS
Edgewood	1	Edgewood-Colesburg EL
	1	Edgewood-Colesburg JHS-HS
Eldon	2	Batavia EL
	2	Cardinal HS
	1	Cardinal Middle
	2	Eldon EL
Eldora	1	Eldora EL
	2	Eldora JHS-HS
	1	Iowa Training School for Boys
Elgin	2	Clermont EL
	2	Elgin EL
	2	Valley HS
	2	Valley JHS
	2	Wadena EL
Emmetsburg	1	South EL
Essex	2	Essex EL
Evansdale	2	St. Nicholas EL
Everly	1	Everly EL
	2	Moneta EL
Exira	2	Exira JHS-HS
Fairfield	2	Lincoln EL
	1	Roosevelt EL
Farragut	1	Farragut EL
	1	Farragut JHS-HS
Fayette	2	Fayette EL
Fenton	2	Lone Rock EL
	2	Sentral JHS-HS
Fonda	2	Fonda Community (K-12)
Fontanelle	2	Bridgewater EL
	1	Bridgewater-Fontanelle JHS-HS
Fort Dodge	2	Arey EL
	2	Badger EL
	1	Butler EL
	1	Carpenter EL
	2	Duncombe EL
	2	Hawley EL
	1	Highland Park EL
	1	Hillcrest EL
	1	Otho EL
Fort Dodge cont.	1	Riverside EL
	1	South JHS
Garnavillo	2	Garnavillo EL
	2	Garnavillo JHS-HS
Gillett Grove	1	South Clay EL
	2	South Clay JHS-HS
Gilmore City	2	Bradgate EL
	2	Gilmore City EL
Glidden	2	Glidden-Ralston EL
Goldfield	2	Goldfield EL
Goose Lake	1	Charlotte EL
	2	Elvira EL
	2	Goose Lake EL
	2	Northeast JHS-HS
Graettinger	1	Graettinger Community (K-12)
Grinnell	1	Davis EL
	2	Grinnell-Newburg HS
	2	Grinnell-Newburg JHS
Gruver	1	Dolliver EL
	2	Lincoln Central JHS-HS
Guttenberg	2	Guttenberg EL
	2	Guttenberg JHS-HS
Hamburg	1	Hamburg JHS-HS
	1	Marne Simons EL
Hastings	2	Nishna Valley Community (K-12)
Hedrick	1	Hedrick Community (K-12)
Humeston	1	Humeston EL
	1	LeRoy EL
	1	Mormon Trail HS
Huxley	2	Cambridge EL
	2	Kelley EL
	2	Slater EL
Independence	2	East EL
	2	Independence Middle
	2	Jefferson HS
	2	South EL
	2	West EL
Inwood	2	West Lyon Community (K-12)
Iowa City	2	Coralville Central EL
	2	Sabin EL
Irwin	2	Irwin EL
	2	Irwin JHS-HS
Jackson Junction	2	Turkey Valley Community (K-12)
Jewell	2	Jewell EL
	1	Randell EL
	2	Stanhope EL
Kellerton	1	Grand Valley EL
	1	Grand Valley JHS-HS
Keokuk	2	Jefferson EL
	2	Keokuk JHS
	1	Lincoln EL
	2	Washington Central EL
	1	Wells Carey EL
Keosauqua	2	Birmingham EL
	2	Keosauqua EL
Kingsley	2	Kingsley EL
	2	Pierson EL
Knoxville	2	East EL
Lake City	2	Central EL
Lake Park	1	Harris EL
	1	Harris-Lake Park EL
Lakota	2	Lakota EL
	2	Lakota JHS-HS
Lansing	2	Kee HS
	1	Lansing EL
	1	Lansing Middle
	2	New Albin EL
LeGrand	2	Ferguson EL
Lenox	2	Lenox EL-JHS
	2	Lenox HS
Leon	2	Decatur EL
Lineville	1	ACL EL
	1	ACL JHS-HS

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Location	Code *	School Name
Little Rock	1	Little Rock Community (K-12)
Logan	2	Logan EL-JHS-HS
Lost Nation	1	Lost Nation Community (K-12)
Malvern	1	Chantry EL
	1	Malvern JHS-HS
Manchester	2	Dundee EL
	2	Greeley EL
	2	Lambert EL
	2	Ryan EL
	2	West Delaware Primary
Manilla	2	Manilla Community (K-12)
Manly	2	Hanlontown EL
	2	North Central JHS-HS
	2	Plymouth EL
Mapleton	2	Maple Valley EL
	1	Maple Valley Kindergarten
Marshalltown	2	Palmer EL
	2	Woodbury EL
Mason City	2	Garfield EL
	1	Grant EL
	2	McKinley EL
Massena	2	C and M JHS-HS
	1	Cumberland EL
Maynard	2	Maynard EL
	2	Maynard EL-HS
	2	Randalia EL
McGregor	1	Mar-Mac EL (4-5) - HS
	1	Marquette EL
	1	McGregor Middle
Mediapolis	2	Huron EL
Melcher	2	Melcher-Dallas JHS-HS
Miles	2	Miles EL-HS
	1	Sabula EL-JHS
Millersburg	1	Deep River-Millersburg EL
	1	Deep River-Millersburg JHS-HS
Milton	2	Cantril EL
Mitchellville	1	Iowa Training School for Girls
Mondamin	2	Pisgah EL
Monona	2	Luana EL
	2	Monona EL
Montezuma	2	Montezuma EL
Monticello	2	Carpenter EL
	2	Monticello HS
	2	Monticello JHS
	2	Shannon EL
Moorhead	2	Soldier EL
Moravia	2	Moravia EL
	2	Moravia JHS-HS
Moulton	1	Moulton EL
	1	Moulton-Udell HS
	1	Moulton-Udell JHS
	2	Moulton-Udell Middle
	1	Udell EL
Mount Ayr	2	Benton EL
	2	Tingley EL
Muscatine	1	Franklin EL
	1	Garfield EL
	2	Jefferson EL
	2	Madison EL
New Market	1	New Market Community (K-12)
New Providence	2	New Providence EL
	2	New Providence JHS-HS
Newell	2	Newell-Providence Community (K-12)
Nora Springs	1	Nora Springs EL
	1	Nora Springs-Rock Falls JHS-HS
North English	2	English Valleys EL
Oelwein	2	Harlan EL
	2	Hazleton EL
	1	Parkside EL
	2	Stanley EL
	2	Wings Park EL
Osage	2	Mitchell EL
	2	Washington EL
Osceola	1	Clarke HS
	2	Clarke JHS
	1	East EL
	1	North EL
	1	Weldon EL
Oskaloosa	2	Garfield EL
	2	Grant EL
	1	Jefferson EL
	2	Lincoln EL
	2	Webster EL
	2	Whittier EL
Ottumwa	1	Fairview EL
	1	Franklin EL
	2	Irving EL
	1	James EL
	2	Lincoln EL
	2	Wilson EL
Oxford Junction	2	Oxford Junction EL
Packwood	2	Ollie EL
	2	Richland EL
Panora	1	Panora-Linden EL
	1	Panora-Linden Middle
Peterson	1	Sioux Valley EL
	1	Sioux Valley Kindergarten-HS
Pleasantville	1	East EL
	1	North EL
	1	Pleasantville JHS-HS
Pocahontas	2	Pocahontas EL
Pomeroy	2	Pomeroy Community (K-12)
Postville	2	Postville EL
	2	Postville JHS-HS
Preston	1	Preston EL-JHS
	1	Preston HS
Radcliffe	2	Radcliffe EL-JHS
	2	Radcliffe HS
Red Oak	2	Washington EL
Redfield	2	Redfield EL
Rembrandt	2	Rembrandt Consolidated (K-12)
Renwick	2	Renwick EL
	2	Vernon EL
Riceville	1	Riceville EL
	2	Riceville HS
	2	Riceville JHS
Ringsted	2	Ringsted EL
Rockwell City	2	Rockwell City EL
	2	Rockwell City HS
	2	Rockwell City JHS
Ruthven	1	Ruthven EL
	1	Ruthven JHS-HS
Seymour	1	Promise City EL
	1	Sewal EL
	1	Seymour EL
	1	Seymour HS
Sheffield	2	Sheffield EL
Shelby	2	Shelby Community (K-12)
Shenandoah	2	Broad Street EL
	2	Central EL
	2	Fifth and Sixth EL
	1	Lowell Avenue EL
	2	Shenandoah HS
	2	Shenandoah JHS
Sibley	2	Ben Franklin EL
	2	Sibley Middle
Sigourney	2	North EL
	2	Sigourney HS
	2	Sigourney Middle
	1	South EL
Sioux City	1	Bancroft EL
	1	Cooper EL
	2	Emerson EL
	1	Everett EL
	1	Floyd EL
	1	Franklin EL
	1	Grant EL

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IOWA

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Sioux City cont.	1	Hopkins EL
	1	Irving EL
	2	Leeds JHS
	1	McKinley EL
	2	Riverside JHS
	2	Riverview EL
	2	Roosevelt EL
	2	Smith EL
	1	Webster EL
	2	West JHS
	1	Woodrow Wilson JHS
Solon	2	Solon EL
	2	Solon JHS-HS
Stanton	2	Stanton EL
	2	Stanton JHS-HS
State Center	2	Clemons EL
	2	Melbourne EL
	2	State Center EL
Strawberry Point	1	Arlington EL
	1	Lamont EL
	1	Starmont HS
	1	Strawberry Point EL-JHS
Stuart	1	Menlo EL
	1	Stuart EL
Sumner	2	Durant EL
	2	Sumner HS
	2	Sumner JHS
Sutherland	2	Sutherland EL
	2	Sutherland HS
	2	Sutherland JHS
Tabor	1	Fremont-Mills JHS-HS
	1	Randolph EL
	1	Thurman EL
Tama	2	Montour EL
	2	South Tama Intermediate
	2	Tama Primary
Thornton	2	Meservey-Thornton EL
Tiffin	1	Clear Creek EL
Toledo	1	Iowa State Juvenile Home
Traer	2	Traer EL
Truro	2	Interstate 35 HS
	2	New Virginia EL
	2	St. Charles EL
Union	2	Union-Whitten K-JHS-HS
	1	Whitten EL
Urbana	2	Urbana EL
Victor	2	Ladora EL
Villisca	2	Emerson EL
	1	Nodaway EL
	2	Villisca JHS-HS
Walnut	2	Walnut Community (K-12)
Washington	1	Brighton EL
Waterloo	1	City View EL
	1	Cresthaven EL
	2	East HS
	2	Frances Grout EL
	2	Grant EL
Waterloo cont.	1	Hawthorne EL
	2	Immanuel Lutheran
	2	Jewett EL
	2	Krieg EL
	1	Lincoln EL
	1	Logan JHS
	1	Longfellow EL
	1	Lowell EL
	1	McKinstry JHS
	1	Roosevelt EL
	2	St. John EL
	2	St. Mary EL
	2	Van Eaton EL
Waukon	2	Allamakee HS
	2	Allamakee JHS
	1	Dorchester EL
	2	East EL
	1	Waterville EL
	2	West EL
Webster City	2	Hilltop EL
	2	Lawn Hill EL
	2	Riverview EL
	2	South EL
West Bend	2	West Bend EL-HS
	1	West Bend Middle
West Des Moines	2	Phenix EL
West Liberty	2	Nichols EL
	2	West EL
	2	West Liberty Middle
Westfield	2	Westfield EL
Westwide	2	Arcadia EL
	2	Ar-We-Va JHS-HS
	2	Vail EL
Williamsburg	2	Conroy EL
	2	Parvell EL
Winfield	2	Mt. Union EL
	2	Winfield-Mt. Union JHS-HS
Winterset	2	Scott EL
	2	South Ward EL
	2	Winterset JHS
Winthrop	2	Aurora EL
	2	Central EL
	2	Central HS
	2	Central JHS
	2	Quasqueton EL
Wyoming	2	Center Junction EL
	2	Midland HS
	1	Monmouth EL
	2	Onslow EL
	2	Wyoming EL

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KANSAS

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Abilene	1	McKinley El
	1	Garfield El
	2	Abilene JHS
Albert	2	Otis-Bison Primary at Albert
	2	Otis-Bison Primary at Timken
	1	Otis-Bison Intermediate at Otis
	1	Otis-Bison JHS at Bison
	2	Otis-Bison HS at Otis
Alma	2	Paxico El
	2	Alma El
	2	Maple Hill El
Almena	1	Almena El
	1	Long Island El
	1	Northern Valley HS
Altamont	1	Ellis-Fairview-Bartlett El
	2	Altamont El
	2	Mound Valley El
	2	Edna El
Arkansas City	1	Washington El
	1	Francis Willard El
	1	Sleeth El
	2	Pershing El
	2	Roosevelt
Arma	1	Arma El
	1	Arcadia El
	2	Northeast HS
Atchison	2	Martin West El
	2	Franklin El
	2	Central El
	2	Martin East El
Atwood	2	Atwood El
	2	Atwood HS
Augusta	1	Garfield El
	2	Augusta JH
Axtell	2	Axtell El
	2	Summerfield El
	2	Bern El
Baileyville	2	St. Benedict El
	2	Baileyville El
	2	B & B JH
Baldwin	2	Marion Springs El
Barnes	1	Barnes El
	2	Hanover El
	2	Palmer El
	2	Hollenberg El
	2	St. John's Catholic
Baxter Springs	2	Lincoln El
	2	Central El
Beloit	2	North Beloit High (GIS)
Bennington	2	Tescott El
Brookville	2	Brookville El
Buffalo	2	Altoona El
	2	Midway El
	2	Altoona-Midway JH
Buhler	2	Obee El
Burden	1	Cambridge El
	2	Atlanta El
Burlingame	2	Schuyler El
Burlington	2	Burlington El
Burr Oak	1	Burr Oak El
Burrton	2	Burrton El
	2	Burrton HS
Caney	1	Lincoln El
	2	Caney Valley HS
Cawker City	2	Downs El
	1	Glen Elder El
	2	Tipton El
Cedar Vale	2	Cedar Vale El-HS
Chanute	2	Chanute HS
	2	Chanute JHS
	1	Alcott El
	2	Fairfield El
	2	Hutton El
Chanute cont.	2	Murray Hill El
	2	Roosevelt El
Chapman	2	Talmage El
Cherokee	1	Mineral El
	1	Weir El
	2	Cherokee El
	1	Southeast HS
Cherryvale	2	Cherryvale JH
	2	Lincoln Central El
	1	McKinley El
	2	Cherryvale SH
Chetopa	2	Chetopa Schools (K-12)
Cimarron	2	Cimarron-Ensign El
Circleville	2	Soldier El
	2	Circleville El
	2	Whiting El
Claflin	2	Claflin El
Clifton	1	Clyde El
	1	Clifton El
Coffeyville	2	Garfield El
	1	Cleveland El
	1	Lowell El
	1	Whittier El
Coffeyville	1	Longellow El
	2	McKinley (7th Grade)
Columbus	1	Greenlawn El
	1	Highland El
	1	Park El
	1	Scammon El
	1	Spencer El
	1	Central El
	2	Columbus Unified HS
Concordia	1	Garfield El
	2	Lincoln El
	1	Jamestown El
	2	Concordia Middle
	1	McKinley El
Cottonwood Falls	2	Strong City El
Council Grove	1	Wilsey El
	1	Dunlap El
	2	Washington El
	2	Alta Vista El
	1	Garfield El
	2	Dwight El
Cuba	2	Hillcrest El
Cunningham	2	Cunningham El
	1	Nashville El
	2	St. Leo El
	2	Willowdale El
	2	Zenda El
Deerfield	2	Deerfield Public Schools (K-12)
De Soto	1	Sunflower El
	2	De Soto Annex El
	2	De Soto JH
	2	De Soto HS
Derby	2	Cooper El
	2	Oaklawn El
	2	Carlton JH
Dexter	2	Dexter El-HS
Dodge City	1	Miller El
	2	Lincoln El
	2	Sunnyside El
	2	Central El
	2	Wilroads El
	2	Dodge City JH
	2	Dodge City HS
Effingham	2	JU-4 El
	1	Huron El
	2	Potter El
	1	Lancaster El
	2	Muscotah El
	2	Effingham El
Ellis	2	Washington El
Elwood	2	Elwood El-HS

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KANSAS

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Location	Code *	School Name
Ellsworth	2	Kanopolis El
Emporia	2	Logan Avenue El
	2	William Allen White El
Erie	2	Erie El
	2	Stark El
	2	Thayer El
	2	St. Paul El
	2	Galesburg El
Eskridge	1	Harveyville El
	2	Eskridge El
	2	Mission Valley HS
	2	Dover El
Eudora	2	Eudora El
	2	Nottingham Primary
Eureka	2	Toronto El
	2	Eureka El
	2	Mulberry JH
Fredonia	2	Fredonia JH
	1	Fredonia El
	2	Fredonia SH
Galena	2	Galena HS
	2	Galena El
Garden City	1	Buffalo Jones El
	2	Hutchinson El
	2	Garfield El
	2	Alta Brown El
	2	Jennie Barker
Gardner	2	Gardner El
Garnett	2	Westphalia El
Girard	2	Girard HS
	2	Girard Middle
	2	Lowell El
Glasco	2	Milton Vale El
	2	Glasco El
Goodland	2	Central El
	2	North El
	1	West El
Grainfield	2	Grainfield-Gove-Park
Great Bend	2	Riley El
	2	Park El
	2	Washington El
Hamilton	2	Hamilton Schools (K-12)
Hartford	1	Neosho Rapids-Hartford HS
	2	Olpe-Harmony Hill El
Herndon	2	Herndon Public Schools (K-12)
Herington	2	Herington Schools (K-12)
Hiawatha	2	Hiawatha-Robinson-Fairview El
	2	Robinson JH
Hill City	2	Hill City Public Schools (K-12)
Hillsboro	2	Durham El
Hoisington	2	Hoisington Schools (K-12)
Holton	2	Holton Public Schools (K-12)
Horton	2	Horton Public Schools (K-12)
Howard	2	Severy El
	2	Moline El
Hoxie	1	Hoxie El
	1	Hoxie HS
Hugoton	2	Satanta El
	2	Sublette El
Humboldt	2	Humboldt Public Schools (K-12)
Hutchinson	2	Winans El
	1	Avenue A El
	1	Lincoln El
	2	Grandview El
	2	McCandless El
	2	Allen El
	2	Lakeview El
Independence	2	Washington El
	2	Lincoln El
	2	Elk City
	2	Junior High
Iola	1	LaHarpe El
	2	Gas City El
	2	Lincoln El
	2	McKinley El
	2	Jefferson El
Jewell	2	Jewell HS
	1	Randall Middle
	1	Jewell El
Junction City	2	Westwood El
	1	Washington El
	2	Franklin El
	2	Lincoln El
	2	Grandview El
	2	Kingman El
Kansas City	1	Benneker El
	1	Bryant El
	1	Central JH
	1	Douglas El
	1	Emerson El
	2	Fairfax El
	2	Frank Rushton El
	1	Grant El
	1	Hawthorne El
	1	Holy Name El
	1	John Fiske El
	1	Lowell El
	2	Major Hudson El
	1	Morse El
	1	Noble Prentis El
	1	Our Lady & St. Rose El
	1	Prescott-Alcott El
	1	Quindaro El
	1	Riverview El
	1	Stanley El
	1	Whittier El
	1	Chelsea El
	1	Parker El
Kinsley	2	Kinsley Public Schools (K-12)
Kiowa	2	Kiowa Public Schools (K-12)
Kirwin	2	Kirwin El
LaCrosse	2	LaCrosse Schools
	2	McCracken Schools
LaCygne	2	LaCygne El
Langdon	2	Sylvia El
Lawrence	2	India El
	1	Kaw El
	2	Central JH
	2	Cordley El
	1	East Heights El
	1	New York El
	1	Pinckney El
	2	Woodlawn El
Leavenworth	1	Anthony El
	1	Lincoln-N. Broadway El
	2	Immaculate Conception El
Leon	2	Leon El Schools (K-8)
Leoti	2	R. B. Stewart El
	2	Wichita Co JH
Liberal	2	Washington El
Lincoln	2	Lincoln El
Longton	1	Elk Valley Schools (K-12)
Lorraine	2	Lorraine El
	2	Wilson Public Schools (K-12)
Lyons	2	Lyons Public Schools (K-12)
Madison	2	Madison El
	2	Madison HS
Mahaska	2	North Central at Haddam
Manhattan	2	Ogden El
	1	Theodore Roosevelt El
	2	Bluemont El
	2	Seven Dolors El
Manhattan	2	Woodrow Wilson
Marion	2	Florence El

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KANSAS

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Marysville	2	Marysville Elem. Schools
	2	Marysville JH
Mayetta	1	Mayetta El
	2	Boyt El
	2	Mayetta JH-HS
Medicine Lodge	2	Sharon Primary
	2	Sharon JH
	2	Medicine Lodge Primary
	2	Sharon HS
Melvern	1	Quenemo El
Meriden	2	Ozawkie El
Moran	2	Elsmore El
	2	Moran El
Mound City	1	Prescott El
	1	Mound City El
	1	Blue Mound El
Mullinville	2	Mullinville El
Newton	2	Cooper El
Nickerson	2	South Hutchinson El
Norton	2	Eisenhower El
Oberlin	2	Norcatur El
Olathe	2	Fairview El
	2	Westview El
	2	Central El
	2	Washington
Onaga	2	Onaga El
	1	Havensville El
Osawatomie	2	Osawatomie Public Schools (K-12)
Osborne	2	Alton El
Oskaloosa	2	Oskaloosa El
Ottawa	2	Hawthorne El
	1	Sacred Heart El
	2	Lincoln El
Palco	2	Damar JH
	2	Palco El
	1	Zurich El
Paola	2	North El
	2	South El
Parsons	1	McKinley El
	1	Lincoln El
	2	Guthridge El
	1	Garfield El
	2	Washington El
	2	Parsons JH
Piper	2	Piper El
Pittsburg	1	Eugene Field El
	1	Lincoln El
	1	Westside El
	1	Washington El
	2	Roosevelt JH
Pleasanton	2	Pleasanton Schools (K-12)
Pomona	2	Appanoose El
Powhattan	1	Powhattan Public Schools (K-12)
Pratt	2	Liberty Intermediate
	2	Southwest El
	1	Preston El
	2	Haskins El
	2	Pratt HS
Pretty Prairie	2	Pretty Prairie El
Quinter	2	Quinter HS
Riley	2	Leonardville El
Riverton	2	Riverton El
Russell	2	Dorrance El
Salina	1	Hawthorne El
	2	Whittier El
	2	Oakdale El
	2	Sunset El
	2	Roosevelt Lincoln JH
	2	Central HS
Scott City	2	Shallow Water El
	2	Modac El
Sedan	1	Sedan El
	2	Peru Middle School
	2	Sedan HS
Sharon Springs	1	Wallace El
Shawnee Mission	1	South Park El
	2	Greenwood El
Solomon	2	Solomon (K-12)
Sylvan Grove	2	Sylvan Grove El
Syracuse	2	Syracuse Public Schools (K-12)
Stockton	2	Stockton El
St. Francis	1	St. Francis Secondary
	1	St. Francis El
Stafford	1	Central El
	2	Intermediate Bldg (4-8)
Topeka	1	Parkdale El
	1	Lafayette El
	1	Monroe El
	1	Belvoir El
	1	East Topeka JH
Topeka	2	Our Lady of Guadalupe
	2	Sacred Heart El
	2	Youth Center
	1	Quincy El
	1	Grant El
	1	Rice El
	1	Crane JH
	1	Holliday JH
	1	State Street El
	1	Lowman Hill El
	1	Avondale East El
	1	Polk El
	1	Sumner El
	1	Highland Pk North El
	1	Hudson El
	1	Clay El
	1	Highland Park Central El
	1	Quinton Height El
	1	Boswell JH
	1	Lundgren El
	1	Central Park El
	2	Roosevelt JH
	1	Highland Park JH
	1	Curtis JH
Washburn (Topeka)	2	Pauline South El
	2	Pauline Central El
Turner	2	Mancie El
Ulysses	2	Hickok El
Uniontown	1	Bronson-Redfield-Uniontown El
Vermillion	1	Vermillion El
	2	Centralia-Frankfort El
Victoria	2	Pfeifer El
Wellington	2	Kennedy El
Waterville	2	Valley Heights El
	2	Valley Heights HS
Westmoreland	1	St. George El-HS
	1	Westmoreland El-HS
	1	Flush El
Whitewater	2	Potwin El
Wichita	1	Little Early Childhood Educ. Ctr.
	1	L'Ouverture El
	1	Park El
	1	Ingalls El
	1	Meuller El
	1	Rogers El
	1	Kellog El
	1	Harry Street El
	1	Washington El

(Kansas is continued on top of next page)

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KANSAS

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Location	Code *	School Name
Wichita	1	Irving El
	1	Payne El
	1	Lincoln El
	1	McArthur El
	1	Bridgeport El
	1	Longfellow El
	1	Wells El
	1	Funston El
	1	Dodge El
	2	Alcott El
	1	Arkansas Avenue El
	1	Franklin El
	1	Gardiner El
	2	Lawrence El
	2	Linwood El
Wichita cont.	2	McCormick El
	2	Stanley El
	2	Lake Afton Boys Ranch
	2	St. Margaret Mary El
	1	St. Patrick El
	1	Holy Savior El
	1	Our Lady of Guadalupe El
	2	Jefferson El
	2	White El
Winfield	2	Irving El
Winona	2	Winona El
Yates Center	2	Yates Center El
	2	Yates Center HS

Kentucky

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Adairville	3	Adairville EL
	3	Adairville HS
Ages	1	Ages EL
Albany	1	Albany EL
	1	Clinton Co. EL
	1	Clinton Co. H. S.
	1	Irwin EL
Allen	3	Allen EL
Alva	1	Black Star EL
Anchorage	1	Lynwood Treatment Center & School
	1	Ormsby Village HS
Annville	1	Annville Institute HS
Arjay	1	Arjay EL
Artemus	1	Artemus EL
Ary	1	Robinson EL
Ash Camp	3	Sycamore EL
Ashland	1	Clay EL
	3	Condit EL
	3	Crabbe EL
	1	Hatcher EL
Auburn	3	Auburn EL
	1	Chandlers EL
Auxier	1	Auxier EL
Avawam	1	Big Creek EL
Banner	1	Daniels Creek EL
Barbourville	1	Barbourville EL
	1	Barbourville HS
	1	Boone EL
	1	Hampton EL
	1	Jesse D Lay EL
	1	Knox Central H. S.
Bardstown	3	Bardstown Transitional SCH
	1	Foster Heights EL
	1	Old Kentucky Home JHS
	3	St. Thomas EL
Battletown	3	Battletown EL
Baxter	1	Rosspoint EL
Bear Branch	1	Big Creek EL
Beattyville	1	Beattyville EL
	1	Canyon Falls EL
	1	Lee Co. HS
	1	Lee Co. MID
	1	South Side EL
Beaver Dam	3	Southern EL
Beech Grove	3	Beech Grove EL
Beechmont	3	Hughes Kirk EL
	3	Hughes Kirk HS
Benham	1	Benham EL
Berea	3	Kingston EL
	3	Silver Creek EL
Bethany	1	Bethany EL
Bethel	1	Bethel EL
Bethelridge	1	Garrett EL
Bethlehem	3	Eastern EL
Betsy Layne	1	Betsy Layne EL
Beverly	1	Red Bird EL
	1	Red Bird HS
Bevinsville	1	W. D. Osborne EL
Big Laurel	1	Abners Branch Lower EL
Blaine	1	Blaine EL
Bledsoe	1	Green Hills EL
Bloomfield	1	Bloomfield EL
	3	Bloomfield JHS
	1	Eli H. Brown Jr. EL
Bonanza	1	Bonanza EL
Bonnieville	1	Bonnieville EL
Bonnyman	1	Blue Diamond EL
Bonneville	1	Owsley Co. EL
	1	Turner EL
Booneville	1	Owsley County H. S.
Boston	1	Boston EL
Bowen	1	Bowen EL
Bowling Green	1	Delafield EL
	3	Dishman McGinnis EL
	1	L. C. Curry EL
	1	Parker Bennett EL
	3	Potter Orphan Home & School EL
Bradfordsville	1	Bradfordsville EL
Bremen	3	Bremen EL
Brodhead	3	Brodhead EL
Bromley	3	Bromley EL
Brownsville	3	Brownsville EL
Buckhorn	1	Buckhorn EL
	1	Buckhorn HS
Buffalo	3	Buffalo EL
Burdine	3	Burdine EL
Burkesville	1	Burkesville EL
Burlington	3	Cumberland Co. HS
	1	Daniel Boone Treatment Center & School
Burnaside	3	Burnside EL
	1	Burnside HS
Busy	1	Willard EL
Cadiz	3	Trigg Co. EL
	3	Trigg Co. MID
Campbellsburg	3	Campbellsburg EL
Campbellsville	3	Campbellsville EL
	3	Campbellsville MID
Campton	1	Campton El.
	1	Wolfe Co. HS
Cane Valley	1	Cane Valley EL
Caneyville	1	Caneyville EL
Cannel City	1	Cannel City EL

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List of Schools Determined to have High Concentrations of Students from Low-Income Families
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Location	Code *	School Name
Carlisle	3	Nicholas County EL
Carpenter	1	Poplar Creek EL
Carr Creek	1	Carr Creek EL
Carrollton	3	Highway 42 EL
Carter	1	Carter EL
Catlettsburg	3	Catlettsburg JHS
	3	Durbin EL
	3	Eidson EL
Cave City	3	Caverna EL
Cawood	1	Cawood EL
Centertown	3	Centertown EL
	3	Western EL
Chavies	1	Chavies EL
Chenoa	1	Bell County Forestry Camp & School
Clarkson	3	Clarkson EL
Clay City	1	Clay City EL
Clearfield	1	Clearfield EL
Clifford	1	Clifford EL
Clifty	3	Clifty EL
Clinton	3	Central EL
	3	Fulgham EL
	3	Hickman Co. HS
Colson	1	Colson Consolidated EL
Columbia	3	Col. William Casey EL
	3	John Adair MID
	1	Shepherd EL
	1	Sparkesville EL
Columbus	1	Columbus EL
Combs	1	Combs EL
Cooperesville	1	Rocky Branch EL
Corbin	1	Felts EL
	1	Lynn Camp EL
	1	Lynn Camp HS
	1	Oak Grove EL
Corydon	3	Corydon EL
Covington	3	Bishop Howard Nongraded EL
	1	Covington JHS
	1	Glenn O Swing EL
	1	John G Carlisle EL
	1	Latonia EL
	3	Ninth District EL
	3	St. Aloysius EL
	1	St. John EL
	1	Twelfth District EL
	3	Visalia EL
Coxs Creek	3	Coxs Creek EL
Crab Orchard	1	Broughtontown EL
	1	Crab Orchard EL
Cranks	1	Cranks EL
Creekville	1	Flat Creek EL
Creston	1	Phillips EL
Crittenden	1	Northern Kentucky Reception Center & School
Crockett	1	Crockett EL
Crofton	3	Crofton EL
Cromwell	1	Green River Boys Camp & School
Cropper	3	Cropper EL
Cub Run	1	Cub Run EL
Cubage	1	Cubage EL
Cumberland	1	Cumberland EL
	3	Cumberland HS
Custer	3	Custer EL
Dana	1	Prater EL
Danville	3	Toliver EL
Dawson Springs	3	Charleston EL
	3	Dawson Springs EL
Dayton	3	Lincoln EL
Debord	1	Venters Branch EL
Decoy	1	Decoy EL
Dewitt	1	Dewitt EL
Dongola	1	Cowan EL
Dorton	1	Dorton EL
	1	Dorton HS
Drakesboro	3	Drakesboro Consolidated EL
	3	Drakesboro Consolidated HS
Drift	1	Drift EL
Dundee	3	Dundee EL
Dunmor	3	Dunmor EL
E. Somerset	1	Mt. Victory EL
Earlington	1	Earlington EL
	3	Earlington HS
East Bernstadt	1	East Bernstadt EL
	1	East Bernstadt JHS
	1	Hazel Green EL
	1	Hazel Green JHS
East View	3	Western EL
Eastern	3	Allen Central HS
Eddyville	1	Kentucky State Penitentiary & Correctional Institute
Emmalena	1	Emmalena EL
Endicott	1	Home Branch EL
Eolia	3	Eolia EL
	1	Upper Cumberland EL
Erlanger	3	Howell EL
Eubank	1	Eubank EL
	3	Eubank HS
Evarts	1	Evarts EL
	1	Evarts MID
	1	Evarts H. S.
Edmonton	1	Edmonton EL
	3	Metcalfe Co. HS
Ekron	3	Ekron EL
Elizabethtown	1	Valley View EL
Elkhorn City	3	Elkhorn City EL
Elkton	3	Elkton EL
Elliottville	3	Elliottville EL
Emlyn	1	Emlyn EL
Ewing	1	Ewing EL
Ezel	1	Ezel EL
Fallsburg	1	Fallsburg EL
Falmouth	3	Southern EL
Farmers	1	Farmers EL
Feds Creek	3	Feds Creek HS
	1	Jackson Rowe EL
Ferguson	3	Ferguson EL
Finchville	3	Finchville EL
	3	Finchville EL
	3	Finchville EL
Flat Gap	1	Flat Gap EL
Flat Lick	1	Flat Lick EL
Fleming	1	Fleming Neon EL
	3	Fleming Neon HS
Flemingsburg	3	Fleming Co. HS
	1	Fleming Co. MID
	3	Flemingsburg EL
	3	Mt. Carmel EL
Fordsville	3	Fordsville EL
	3	Fordsville HS
Fort Knox	1	Crittenberger EL
	1	Stevens EL
Fountain Run	1	Fountain Run EL
Four Mile	1	Lone Jack EL
	1	Lone Jack HS
Frakes	1	Frakes EL
	1	Henderson Settlement HS
	1	Pine Mountain EL
Frankfort	3	Bald Knob EL
	3	Second Street Elementary
Franklin	3	Franklin Simpson MID
	3	Prospect Hill EL
	3	Round Pond EL
	3	West Simpson EL
Fredville	1	John T. Arnett EL
Freeburn	1	Freeburn EL
Frenchburg	1	Frenchburg P/S & Adult Corr CTR
	1	Menifee Co. Botts EL
	1	Menifee Co. EL
	1	Menifee Co. HS
Ft. Campbell	3	Lincoln EL
Ft. Mitchell	3	Guardian Angel EL

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Location	Code *	School Name
Ft. Thomas	1	Our Lady of the Highlands HS
Fulton	3	Cayce EL
Gamaliel	1	Gamaliel EL
	1	Gamaliel HS
Garrard	1	Chop Bottom EL
	1	Paces Creek EL
Garrett	1	Garrett EL
Garrison	1	Garrison EL
Girdler	1	Girdler EL
Glasgow	3	E. B. Terry EL
	3	Liberty St. EL
	3	Liberty St. MID
	3	Temple Hill EL
Graham	3	Graham EL
Grahn	1	Grahn EL
Gray	1	Grays EL
Grays Knob	1	Hall EL
Grayson	3	Pritchard EL
Greensburg	3	Greensburg EL
	1	Pierce EL
Greenup	3	Argillite EL
	1	Greysbranch EL
	1	Warnock EL
Grethel	1	J. M. Stumbo EL
Guerrant	1	Highland EL
Guthrie	3	Guthrie EL
Hager Hill	1	Porter EL
Haldeman	1	Haldeman EL
Hallie	1	Campbells Branch EL
Happy	1	Robert W. Combs EL
Hardinsburg	3	Hardinsburg EL
	3	St. Romuald HS
Hardshell	1	Caney Consolidated EL
Hardyville	1	Memorial EL
Harlan	1	Elzo Guthrie EL
	1	Harlan County Forestry Camp & School
	1	Harlan EL
	3	Harlan H.S.
	1	Holy Trinity EL
	3	James A Cawood HS
Harold	1	Harold EL
Harrodsburg	3	Evan Harlow EL
Hartford	3	Ohio Co. MID
	3	Wayland Alexander EL
Hazard	1	Cordia EL
	1	Cordia HS
	1	Dennis C. Wooton EL
	3	M. C. Napier HS
	1	Open Door EL
	1	Roy C. Eversole EL
	3	Walkertown EL
Hazel Green	1	Hazel Green Acad HS
	1	Red River Valley EL
Hellier	1	Hellier EL
Helton	1	Beech Fork EL
Henderson	1	Audubon EL
	1	Barret MID
	1	Central EL
	3	Hebbardsville EL
	3	Henderson City HS
	3	Jefferson EL
	1	Seventh Street EL
	1	South Heights EL
Hendricks	1	Middle Fork EL
Herndon	3	South Christian EL
Hickman	3	Fulton Co. HS
	1	Hickman EL
	1	Western EL
Hidalgo	1	Powersburg EL
Hillsboro	1	Hillsboro EL
Hindman	1	Big Branch of Ball EL
	1	Hindman EL
	1	Knott Co. Central H. S.
Hisel	1	Hisel EL
Hiseville	3	Hiseville EL
	3	Hiseville JHS
Hitchins	1	Hitchins EL
Hodgenville	3	Hodgenville EL
	3	Larue Co. MID
Hogue	1	Hogue EL
Holmes Mill	1	Holmes Mill EL
Honaker	1	Spruce Pine EL
Honey Bee	1	Eagle EL
Hopkinsville	3	Attucks MID
	1	Belmont EL
	3	Booker T. Washington MID
	3	Christian Co. MID
	1	Highland EL
	3	Holiday EL
	1	Indian Hills EL
	3	Koffman MID
	1	Lacy EL
	3	Millbrooke EL
	1	Morningside EL
	3	Sinking Fork EL
Horse Branch	3	Horse Branch EL
Horse Cave	3	Caverna HS
	1	Legrande EL
Hoskinston	1	Stinnett EL
Hueysville	1	Joshua EL
	1	Saltlick EL
	1	Upper Quicksand EL
Huff Ky	1	Sunfish EL
Hulen	1	Blackmont EL
Hustonville	1	Cox EL
	1	Hustonville EL
Hyden	1	Hyden EL
	1	Leslie Co. HS
Inez	1	Inez EL
	1	Mouth of Turkey EL
	3	Sheldon Clark HS
Ingram	1	Buckeye EL
Irvine	3	Estill Co. MID
	1	Hargett EL
	3	Irvine EL
Irvington	3	Irvington EL
Island	3	Island EL
Isom	1	Cow Branch EL
Isonville	1	Isonville EL
Jabez	1	Jabez EL
Jackhorn	1	Hemphill EL
Jackson	3	Breathitt Co. HS
	1	Jackson EL
	1	Jackson HS
	1	L. B. J. EL
	1	Little Red MID
	3	Mt. Carmel EL
	1	Mt. Carmel HS
	1	Oakdale Christian HS
Jamestown	1	Jamestown EL
	1	Union Chapel EL
Jeff	3	D. C. Combs Memorial HS
Jellico	1	Boston EL
Jenkins	3	Jenkins MID
Job	1	Grassy EL
Keavy	1	Keavy EL
Kenvir	1	Black Mountain EL
Kettle	1	Kettle EL
Kimper	3	Kimper EL
Kirksville	1	Kirksville EL
Knifley	3	Knifley EL
Kona	1	Martha Jane Potter EL
LaGrange	1	Kentucky State Reformatory & School
Lancaster	3	Buckeye EL
Langley	1	Maytown EL
Lawrenceburg	1	Western HS
Lawton	1	Lawton EL
Leatherwood	1	Leatherwood EL

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Location	Code *	School Name
Lebanon	1	Calvary EL
	1	Glasscock EL
	1	Lebanon EL
	3	Lebanon JHS
	3	Marion Co. Sr. HS
	3	St. Augustine EL
	1	St. Charles EL
	1	St. Charles JHS
Leitchfield	1	Ben Johnson EL
	3	Grayson Co. MID
	3	H. W. Wilkey EL
	1	St. Paul EL
Lejunior	1	Shields EL
Letcher	1	Letcher EL
	3	Letcher HS
Lewisburg	3	Lewisburg EL
Lexington	3	Arlington EL
	1	Ashland EL
	3	Athens EL
	1	Blackburn Correctional Complex & School
	1	Booker T. Washington EL
	1	Harrison EL
	1	Johnson EL
	3	Julia R. Ewan EL
	1	Lexington JHS
	3	Madeline M. Breckinridge EL
	1	Maxwell EL
	3	Picadome EL
	3	Russell Cave EL
	1	Russell EL
	1	Urban County Alternative School
	3	Yates EL
Liberty	1	Douglas EL
	3	Liberty EL II
	1	Liberty I MID
Lida	1	Bush EL
	1	Bush JHS
Lily	1	Lily EL
Linefork	1	Kingdom Come Settlement EL
Livingston	1	Livingston EL
London	1	Camp Ground EL
	1	Colony EL
	1	Johnson EL
	1	Laurel Co. Sr. HS
	3	London JHS
	3	Sublimity EL
Lookout	1	Lookout EL
Loretto	1	Holy Cross EL
	1	St. Francis of Assisi EL
Lost Creek	1	Marie Roberts EL
	1	Riverside Christian Trg. EL
	1	Riverside Christian Trg. HS
Lothair	3	Lothair EL
Louisa	1	Summit EL
	3	Louisa EL
	3	Louisa H.S.
Louisville	1	Abraham Lincoln EL
	1	Atkinson EL
	1	Benjamin Franklin EL
	1	Booker T. Washington EL
	1	Brandeis EL
	1	Byck EL
	3	Cane Run EL
	1	Carmichael EL
	1	Carter EL
	1	Central Kentucky Reception Center
	1	Coleridge Taylor EL
	1	Cochran EL
	1	Community Catholic EL
	1	Dolfinger EL
	1	Duvalle JHS
	1	Elizabeth Breckinridge EL
	3	Emerson EL
	1	Engelhard EL
Louisville cont.	3	Foster EL
	3	Hazelwood EL
	1	Heywood EL
	3	Jacob EL
	1	Jewell Manor Treatment Center & School
	3	Johnston EL
	1	Jones EL
	1	Kennedy EL
	3	King EL
	1	Lowell EL
	1	Mary B. Talbert HS
	1	Mary B. Talbert JHS
	3	Maryville EL
	1	McFerran EL
	1	Meyzeek J.H.S.
	1	Noe Middle
	1	Newburg EL
	1	Parkland J.H.S.
	1	Parkland EL
	1	Perry EL
	3	Portland EL
	1	Price EL
	3	Rangeland EL
	1	Russell JHS
	1	Roosevelt EL
	1	Shawnee J.H.S.
	1	Shawnee EL
	1	Southwick EL
	3	Shelby EL
	1	SS Simon & Jude EL
	1	St. Aloysius EL
	1	St. Ann EL
	1	St. Benedict EL
	1	St. Columba EL
	3	St. Frances of Rome EL
	3	St. George EL
	3	St. Therese EL
	1	Strother EL
	1	Tingley EL
	1	West End Catholic EL
	1	Western JHS
	1	Wheatley EL
	1	Whitney Young EL
	1	Woerner JHS
Lowmansville	1	Lowmansville EL
Loyall	1	Loyall EL
Lucas	3	Austin Tracy EL
Lynch	3	Lynch EL
Lyndon	1	Kentucky Childrens Home & School
Lynn	1	Lynn EL
Mackville	3	Mackville EL
Madisonville	3	Pride Avenue EL
	1	Waddill Avenue EL
Magnolia	3	Magnolia EL
Majestic	1	Majestic Knox Creek EL
Mammoth Cave	3	Lincoln EL
Manchester	1	Burning Springs EL
	3	Clay County H.S.
	1	Goose Rock EL
	1	Horse Creek EL
	1	Hacker EL
	1	Laurel Creek EL
	1	Manchester EL
Mannsville	3	Mannsville EL
Marrowbone	1	Marrowbone EL
Martin	1	Martin EL
Mayfield	3	Washington EL
Mays Lick	1	Mays Lick EL
Maysville	3	Earle D. Jones EL
	3	Maysville MID
	3	Orangeburg EL
McDowell	1	McDowell EL
	1	McDowell H.S.

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Location	Code *	School Name
McKee	1	Jackson Co. HS
	1	McKee EL
McKinney	1	McKinney EL
McQuady	1	McQuady EL
McRoberts	3	McRoberts EL
Melbourne	3	St. Philip EL
Melvin	1	Melvin EL
Middleburg	1	Middleburg EL
Middlesboro	1	East End EL
	1	Middlesboro MID
	3	Middlesboro H.S.
	1	Ward Chapel EL
	1	West End EL
	1	Yellow Creek Ctr EL
Midway	3	Midway EL
Millersburg	3	Millersburg EL
Minerva	1	Minerva EL
Monticello	1	Lake Cumberland Boys Camp & School
	1	Monticello EL
	3	Monticello HS
	1	Sinking Consolidated EL
	1	Wayne Co. EL 1
	1	Wayne Co. EL 3
	1	Wayne County H.S.
	1	Wayne Co. MID
Moores Creek	1	Moores Creek EL
Morehead	3	Morehead EL
	1	Morehead Treatment Center & School
	3	Tildon Hogge EL
Morganfield	3	Morganfield EL
Morgantown	1	Fifth District EL
	1	Fourth District EL
	3	Morgantown EL
Mortons Gap	3	Mortons Gap EL
Mousie	1	Jones Fork EL
Mt. Olivet	3	Deming EL
	3	Deming HS
Mt. Sterling	3	Camargo EL
	3	Mapleton EL
	3	Montgomery Co. JHS
Mt. Vernon	1	Blue Springs EL
	3	Rockcastle Co. HS
	1	Roundstone EL
	1	Mount Vernon EL
Muldraugh	3	Muldraugh EL
Munfordville	3	Hart Co. HS
	1	Munfordville EL
N. Middletown	3	North Middletown EL
Nancy	3	Nancy EL
	3	Nancy HS
Naples	1	Danleyton EL
Nevisdale	1	Nevisdale EL
New Castle	3	New Castle EL
New Haven	1	New Haven EL
	1	New Haven JHS
	1	St. Catherine EL
New Hope	1	St. Vincent De Paul EL
Newport	3	A. D. Owens EL
	1	Arnold EL
	1	Corpus Christi EL
	3	Dora Cumming EL
	1	Newport Alternate HS
	3	Newport MID
Oakland	3	Oakland EL
Oil Springs	1	Oil Springs EL
Oldtown	1	Oldtown EL
Olive Hill	1	Clark Hill EL
	3	Olive Hill EL
	1	Upper Tygart EL
	3	West Carter Co. HS
Olmstead	1	Olmstead EL
Oneida	1	Big Creek EL
	1	Oneida Baptist Institute HS
	1	Oneida EL
Oscaloosa	1	Kingdom Come EL
Owensboro	1	Estes MID
	1	Foust MID
	1	Goodloe EL
	1	Lee EL
	1	Lincoln EL
	3	Mattingly EL
	1	Precious Blood EL
	3	Seven Hills EL
	1	SS Joseph and Paul EL
	1	St. Peter EL
	3	West Louisville EL
Owingsville	3	Owingsville EL
Paducah	1	Clay EL
	1	Cooper-Whiteside EL
	1	Forest Hills EL
	3	Jackson EL
	1	Jetton JHS
	1	St. Francis Desales EL
Paint Lick	1	Paint Lick EL
Paintsville	3	Johnson Central HS
	3	Paintsville EL
	3	Paintsville HS
Paris	3	Center Hill EL
	3	Clintonville EL
	3	Little Rock EL
	3	Southside MID
Park City	3	Park City EL
	3	Park City JHS
Payneville	3	Cross Road EL
	3	Payneville EL
Pellville	3	Pellville EL
Pembroke	1	Pembroke EL
Pewee Valley	1	KCIW & School
Phelps	1	Phelps EL
Philpot	3	Mary Carrico Memorial EL
Phyllis	1	Grapevine EL
Pikeville	1	Island Creek EL
	1	Johns Creek EL
	3	Millard EL
	3	Millard HS
	1	Mullins EL
	3	Pikeville EL
	3	Pikeville HS
Pilgrim	1	Mouth of Pigeon Roost EL
Pine Knot	1	Pine Knot EL
	1	Pine Knot HS
Pineville	3	Bell Co. HS
	1	Dorton Branch EL
	1	Harmony EL
	1	Page EL
	1	Pineville EL
	1	Pineville HS
Pinsonfork	3	Runyon EL
Pippapassaes	1	Caney Creek EL
Pittsburg	1	Pittsburg EL
Pleasant View	1	Pleasant View EL
Prestonsburg	3	Prestonsburg EL
Princeton	3	West Side EL
Providence	3	Broadway EL
Ransom	3	Blackberry EL
Ravenna	1	Ravenna EL
Raywick	1	Raywick EL
Revelo	1	Revelo EL
Richardsville	3	Richardsville EL
Richmond	1	Bellevue EL
	3	Madison HS
	?	Madison MID
	1	Mayfield EL
Roark	1	Jacks Creek Settlement EL
Robinson Creek	1	Robinson Creek EL
Rochester	3	Third District EL
Rockfield	3	Rockfield EL
Rockholds	1	Rockholds EL

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Location	Code *	School Name
Rogers	1	Rogers EL
Rousseau	1	Rousseau EL
Rowdy	1	Lost Creek EL
Rush	3	Garner EL
	3	Star EL
Russell Springs	3	Russell Springs EL
	3	Salem EL
Russellville	3	Russellville MID
Sadieville	3	Sadieville EL
Salt Lick	1	Salt Lick EL
Salyersville	1	Millard Hensley EL
	1	Prater Borders EL
	1	Prater Borders EL
	1	Salyers EL
	1	Salyersville EL
	3	Salyersville HS
Samuels	1	St. Gregory EL
Sand Gap	1	Sand Gap EL
Sandy Hook	1	Elliott Co. HS
	1	Lakeside EL
	1	Sandy Hook EL
Saul	1	Lower Leatherwood EL
Scottsville	3	Allen Co. MID
Sebree	3	Sebree EL
Sharon Grove	3	Sharon Grove EL
Shelbiana	1	Greasy Creek EL
	1	Shelbiana EL
Shepherdsville	3	Cedar Grove EL
Shopville	1	Shopville EL
	3	Shopville HS
Sidney	1	Bevins EL
Silver Grove	3	Silver Grove EL
Smiths Grove	3	Chalybeate EL
Smithtown	1	Smithtown EL
So. Carrollton	3	South Carrollton EL
So. Portsmouth	1	South Portsmouth EL
Somerset	3	Central MID
	3	Hopkins EL
	1	Memorial EL
	1	Parker EL
	1	White Lily EL
	3	Woodstock EL
Sonora	3	Sonora EL
South Irvine	1	South Irvine EL
South Shore	3	McKell EL
	1	McKell JHS
	1	Sunshine EL
Springfield	1	Fredricktown EL
	1	Springfield MID
	3	St. Dominic EL
	3	Washington Co. EL
	3	Washington Co. H.S.
St. Charles	3	St. Charles EL
St. Helens	1	St. Helens EL
Stanford	3	Stanford EL
Stanley	3	Stanley EL
Stanton	1	Rodney T. Clark MID
	3	Stanton EL
Stearns	1	Stearns EL
Stephensport	3	Milner EL
Stoney Fork	1	Rightfork Ctr. EL
Straight Creek	1	Straight Creek EL
Sulphur Well	1	North Metcalfe EL
Summer Shade	1	Summer Shade EL
Summersville	3	Summersville EL
Sweeden	3	Kyrock EL
Toler	3	Varney EL
Tollesboro	3	Tollesboro EL
	1	Tollesboro HS
Tolu	3	Tolu EL
Tomahawk	1	Tomahawk EL
Tompkinsville	1	Joe Harrison Carter EL
	1	Tompkinsville EL
	1	Tompkinsville H.S.
Topmost	1	Beaver Creek EL
Totz	1	Totz EL
Trenton	3	Trenton EL
Turkey Creek	1	Turkey Creek EL
Tyner	1	Tyner EL
Union	3	Hamilton EL
Vanceburg	1	Covedale EL
	1	Kinniconick EL
	1	Laurel EL
	1	Lewis Co. Central EL
Varney	1	Brushy EL
Verda	1	Verda EL
Vest	1	Beckham Combs EL
Viper	1	Stratton EL
	3	Viper EL
Virgie	3	George F. Johnson EL
W. Prestonsburg	1	Charles Clark EL
Wallingford	1	Fox Valley EL
Wallins	1	Wallins EL
Warfield	1	Warfield EL
Warsaw	3	Gallatin Co. HS
Wayland	1	Wayland EL
Waynesburg	3	Highland EL
	1	Kings Mountain EL
	1	Waynesburg EL
Webbville	1	Webbville EL
West Irvine	3	West Irvine EL
West Liberty	3	Morgan Co. HS
	1	Morgan Co. MID
	1	West Liberty EL
	1	Woodsbend Boys' Camp & School
West Point	3	West Point EL
Wheelwright	1	Wheelwright HS
White Mills	3	Lynnvale EL
White Plains	3	White Plains EL
Whitesburg	3	West Whitesburg EL
	1	Whitesburg MID
Whitesville	1	St. Mary of the Woods EL
Whitley City	1	McCreary Co. HS
	1	Whitley City EL
Willard	3	Willard EL
Williamsburg	1	Jellico Creek EL
	1	Liberty EL
	1	Whitley Co. H.S.
	1	Whitley Co. Middle
Williamsport	1	Meade Memorial EL
Williamsburg	3	Williamsburg EL
Winchester	3	Central EL
	1	Fannie Bush EL
	3	Pilot View EL
	3	Shearer EL
	3	Trapp EL
Windsor	1	Phelps EL
Wittensville	1	W. R. Castle Memorial EL
Wofford	1	Wofford EL
Woodbine	1	Woodbine EL
Wooton	1	W. B. Muncy EL
Wrigley	1	Wrigley EL
Wurtland	3	Wurtland EL
	3	Wurtland JHS
Yeaddiss	1	Hayes Lewis EL

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List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)		
Abbeville	3	Abbeville JHS
	3	Abbeville HS
	3	East Abbeville EL
	3	East Broussard HS
	3	Eaton Park EL
	3	Forked Island EL
	3	Herod Island EL
	3	Meaux 1-12
	3	Mount Carmel EL
Abita Springs	3	Abita Springs EL
Alexandria	1	Aaron Street EL
	1	Acadian EL
	3	Holy Savior Menard HS
	1	Lincoln Road EL #1
	1	Lincoln Road EL #2
	3	Prompt Succor EL
	1	Jones Street JHS
	1	Reed Avenue EL
	3	Rosenthal EL
	3	St. Francis Cabrini EL
	3	St. Rita EL
	1	Peabody HS
	1	Peabody EL
	3	Poland 1-12
	1	Silver City EL
	1	South Alexandria EL
	1	South Alexandria Primary
Alto	1	Mangham JHS
Amite	1	Amite EL
	1	Amite HS
	1	Fifth Ward EL
	1	Westside JHS
	1	Woodland HS
Anacoco	1	Anacoco 1-12
Angie	1	Angie 1-12
	1	Wesley Ray 1-12
Arabi	3	St. Louise de Marillac EL
	3	St. Robert Bellarmine EL
Arcadia	1	Arcadia HS
	1	Crawford EL
Arnaudville	1	Little Flower EL
	1	Arnaudville 1-12
Ashland	1	Ashland 1-12
Atlanta	1	Atlanta 1-12
Athens	1	Athens EL
	1	Athens HS
Avery Island	3	Avery Island EL
Avondale	3	Ford, Henry Middle
Bains	1	Bains EL
Baldwin	1	Hamilton, G. W. EL
	1	Mary Hines EL
Barataria	1	Barataria EL
Basile	1	Basile HS
	1	Steward, W. W. EL
Baskin	1	Baskin 1-12
Bastrop	1	Adams EL
	3	Bastrop JHS
	3	East Side EL
	3	Oak Hill/Carver EL
	3	Our Lady Help of Christians 1-12
	3	South Side EL
	3	West Side EL
Batchelor-Innis	3	Upper Pointe Coupee K-12
Baton Rouge	3	Alsen EL
	3	Banks EL
	3	Beechwood EL
	1	Buchanan EL
	1	Capitol EL
Baton Rouge cont.	1	Capitol JHS
	1	Capitol HS
	3	Crestworth EL
	3	Crestworth JHS
	3	Dufrocq EL
	1	Eden Park EL
	3	Greenville EL
	3	Harding EL
	3	McKinley HS
	1	McKinley JHS
	1	Nicholson EL
	3	North Scotlandville EL
	1	Park EL
	1	Polk EL
	3	Progress EL
	1	Reddy EL
	3	Ryan EL
	3	Sacred Heart EL
	3	St. Anthony EL
	3	St. Francis Xavier EL
	1	Louisiana Training Institute K-12
	3	Scott K
	3	Scotlandville JHS
	3	Scotlandville HS
	3	South Boulevard EL
	1	South Greenville EL
	3	University Terrace EL
	3	Zion City EL
Bayou Goula	1	Bayou Goula EL
Belcher	1	Herndon JH
Belle Rose	1	Belle Rose Primary
	1	Belle Rose Middle
Benton	1	Benton EL
Bernice	3	Bernice K-2 and 8-12
Bienville	1	Bienville HS
Bogalusa	3	Annunciation EL
	3	Byrd Avenue EL
	3	Bogalusa JHS
	3	Columbia Street EL
	3	Denhamtown EK
	1	Long Avenue EL
	3	Northside EL
	1	Pleasant Hill EL
	1	Superior Avenue EL
	3	Terrace EL
Bonita	1	Bonita EL-JHS
Bordelonville	1	Bordelonville HS
Bossier City	1	Butler EL
	3	Bossier EL
Boyce	1	Boyce EL
	1	Wettermark EL
Branch	1	Branch EL
Broussard	3	St. Cecilia K-8
Brusly	1	Brusly Middle
	3	Brusly HS
	1	Lukeville EL
Buena Vista	3	Our Lady of Blessed Sacrement EL
Bunkie	1	Bunkie EL
	1	Bunkie Middle
	3	Bunkie HS
	1	St. Anthony EL
Calhoun	3	Central EL
Calvin	1	Calvin K-12
Campti	1	Campti EL
	1	Campti HS
Carencro	3	Carencro Catholic EL
Carlisle	1	Phoenix K-12
Castor	3	Castor K-12
Centerville	3	Centerville HS
Charenton	3	Charenton EL
Chataignier	3	Carver EL
	1	Chataignier HS
Chatham	1	Chatham HS
	1	Henderson, Jasper EL

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Location	Code *	School Name
Chauvin	3	Boudreaux Canal EL
	3	Lacache JHS
	3	Little Caillou EL
	3	Upper Little Caillou EL
Cheneyville	1	Cheneyville EL
	1	Lincoln Williams EL
Church Point	1	Church Point JHS
	1	Church Point HS
	1	Our Mother of Peace 1-8
	1	Richard EL
Clarence	1	Clarence EL
Clayton	1	Clayton EL
Clinton	1	Clinton EL
	1	Clinton Upper EL
	1	Clinton JHS
	1	Clinton HS
	1	Eighth Ward EL
	1	Reiley EL
Cloutierville	1	Cloutierville HS
	1	Springhill HS
Collinston	1	Collinston EL
Colfax	1	Colfax K-8
Columbia	3	Caldwell Parish HS
	3	Caldwell Parish JHS
	3	Central EL
	3	Columbia EL
Convent	1	Romeville Primary
	1	Romeville EL
Cottonport	1	Cottonport EL
	3	Cottonport HS
	1	St. Mary's Parochial 1-8
Cotton Valley	3	Cottco Valley K-12
Coushatta	3	Fairview-Alpha K-12
	1	Coushatta HS
	1	Coushatta EL
	1	Martin High K-12
	1	Springville Middle
	1	Springville JH
Covington	3	Covington Middle
	1	Covington JHS
	3	Covington HS
	3	Lyon EL
	3	Pine View JHS
	3	St. Peter Parochial K-8
Crowley	3	Crowley Kindergarten
	1	Crowley Middle
	1	Crowley JHS
	3	Crowley HS
	1	Notre Dame HS
	1	Redemptorist EL
	1	Ross EL
	1	St. Michael EL
	1	South Crowley EL
Crowville	1	Crowville 1-12
Darrow	3	Marchand EL
Delcambre	3	Delcambre K-12
Delhi	1	Central 1-12
	1	Delhi Primary
	1	Delhi JHS
	1	Delhi HS
DeQuincy	3	DeQuincy EL
	3	DeQuincy Middle
	1	Louisiana Correctional & Industrial School 1-12
DeRidder	3	DeRidder K-1
	3	DeRidder JHS
	3	DeRidder HS
	3	East Beauregard K-12
	3	East Side Upper EL
	1	Singer K-12
Diamond	3	St. Jude Parochial K-8
Dodson	3	Dodson K-12
Donaldsonville	3	Ascension Catholic Interparochial 1-12
	1	Donaldsonville Primary
Donaldsonville coat.	1	Donaldsonville EL
	1	Donaldsonville JHS
	1	Donaldsonville HS
Downsville	1	Downsville K-12
Doyline	1	Doyline HS
Dry Prong	1	Dry Prong HS
Dubach	1	Dubach K and HS
	1	Hico EL
Dubberly	1	Central JHS
	1	Dubberly EL
Edgard	1	Edgard K-12
	1	Lucy EL
	1	Second Ward EL
	1	Second Ward HS
Effie	1	Lafargue K-12
Egan	3	Egan EL
Elton	3	Elton JHS
	3	Elton HS
Epps	1	Epps K-12
Erath	1	Henry 1-12
Esterwood	1	Esterwood EL
Ethel	1	Spears EL
Eunice	1	Central El
	1	East EL
	1	Eunice EL
	1	Eunice JHS
	1	Eunice HS
	1	Glendale EL
	1	Highland EL
	1	St. Edmund K-8
	1	St. Edmund HS
Evangeline	1	Evangeline EL
Evans	1	Evans K-12
Evergreen	1	Evergreen EL
Farmerville	1	Farmerville EL
	1	Farmerville HS
	1	Farmerville Middle
	1	Rocky Branch EL
Fenton	3	Fenton K-12
Ferriday	1	Ferriday 7th grade
	1	Ferriday 8th grade
	1	Ferriday HS South
	1	Ferriday HS North
	1	Ferriday Lower EL
	1	Ferriday Upper EL
Fields	3	Hyatt HS
Folsom	3	Folsom EL
	3	Folsum JHS
Forest	1	Forest HS
Forest Hill	1	Forest Hill EL
Fort Necessity	1	Fort Necessity 1-12
Franklin	3	E. A. Crowell EL
	3	W. P. Foster EL
	3	Franklin HS
	1	Glencoe EL
	1	Thomas Gibbs EL
	3	LaGrange EL
	3	St. John Academy EL
	3	Willow Street EL
Franklinton	3	Enon 1-12
	1	Franklinton JHS
	1	Franklinton EL
	1	Franklinton HS
	3	Pine 1-12
	1	Thomas 1-12
Garyville	1	Garyville EL
	1	Sixth Ward EL
Geismer	3	Dutchtown EL
Georgetown	1	Georgetown HS
Gibsland	1	Gibsland EL
	1	Gibsland-Coleman HS
Gibson	1	Gibson EL
	1	Greenwood Middle

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Location	Code *	School Name
Gilbert	1	Gilbert 1-12
Glenmora	1	Glenmora K-12
	1	Plainview K-12
Gloster	1	Second Ward K-12
Goldonna	1	Goldonna K-12
Gorum	1	Gorum K-12
Grand Chenier	3	Grand Chenier EL
Grand Coteau	1	Academy of Sacred Heart HS
	1	Grand Coteau EL
	1	St. Peter Claver HS
	1	St. Ignatius 1-8
Grayson	3	Grayson EL
Gonzales	3	G. W. Carver K-1
	3	G. W. Carver K-1
	3	St. Theresa of Avila EL
	3	Gonzales EL
Grambling	1	Grambling HS
	1	Grambling EL
Gramercy	3	Gramercy EL
Grand Chenier	3	Grand Chenier EL
Greensburg	1	Greensburg 1-4 & HS
	1	Oakland EL
	1	St. Helena EL
	1	St. Helena HS
Gretna	3	Gretna #1 EL
	3	Gretna Middle
	3	St. Joseph EL
Gueydan	1	Gueydan K-12
	3	St. Peter's EL
Hall Summit	1	Hall Summit K-12
Hammond	1	Annie Eastman EL
	1	Crystal Street EL
	1	Hammond EL
	1	Hammond JHS
	1	Mooney EL
	3	Hammond HS
	1	Pine Ridge K-3
	1	Woodland Park K-3
	1	Holy Ghost EL
Hanna	1	Hanna EL
Harrisonburg	1	Harrisonburg EL
Harvey	3	Harvey 1-5
	3	Homedale 1-5
Haughton	3	Platt K-5
Haynesville	1	Haynesville K-3
	1	Haynesville 4-9
Heflin	1	Heflin K-5
Hessmer	1	Hessmer K-12
Hicks	1	Hicks K-12
Hodge	1	Hodge 3-4
	1	Union 5
Holly Ridge	1	Holly Ridge K-12
Homer	1	Homer EL
	1	Homer JHS
Hornbeck	1	Hornbeck k-12
Hosston	1	Hosston K-8
Houma	3	Acadian EL
	3	Bayou Black EL
	1	East Houma EL
	1	Grand Caillou 1-9
	1	Honduras 1-3
	1	St. Francis de Sales EL
	1	Southdown 4-8
	3	West Park EL
Independence	1	Independence Girls HS
	1	Independence Boys 4-12
	1	Independence EL
	1	Mater Doloroaa 1-8
Iota	1	Iota K-8
	1	St. Francis 1-8
Iowa	1	Watson, J. I K-8
Jackson	1	Jackson EL
	1	Jackson HS
Jeanerette	1	Canal Street EL
	1	Jeanerette JHS
	3	Jeanerette HS
	3	Grand Marais 1-3
Jefferson	1	John H. Martyn Tech. H.S.
Jena	3	Goodpine Middle
	3	Jena 1-3
	3	Jena JHS
	3	Jena HS
	3	Trout-Goodpine K
Jennings	3	Central 1-2
	3	Bathaway K-12
	3	Our Lady Immaculate K-8
	3	West End 3-4
Jonesboro	1	Jonesboro-Hodge HS
	1	Rundell JHS
	1	Southside 1-2
	3	Hawk Kindergarten
Jonesville	3	Block HS
	1	Central 1-12
	1	Jonesville EL
	1	Jonesville JHS
	1	Manifest 1-8
Junction City (Arkansas and Louisiana)	1	Junction City K-12
Kaplan	3	Kaplan EL
	3	Kaplan HS
	3	Maltrait EL
Kelly	3	Kelly EL
Kenner	3	Barbre 6-8
	3	Washington EL
Kentwood	1	Chesbrough 1-12
	1	Kentwood EL
	1	Kentwood HS
	1	New Zion 1-8
	1	Spring Creek 1-12
Kilbourne	1	Kilbourne K-12
Killona	1	Killona EL
Krotz Springs	1	Krotz Springs k-8
Labadieville	1	Labadieville Primary
	1	Labadieville Middle
	1	St. Philomena EL
LaBarre	1	LaBarre K-8
Lacombe	1	Bayou Lacombe K-9
	3	Chahta-Ima 1-9
Lafayette	3	Cathedral-Carmel EL
	3	Cathedral-Carmel HS
	3	Holy Family K-8
	3	Immaculate Heart of Mary 1-8
	3	J. Wallace James 5-6
	3	Our Lady of Fatima K-12
	1	St. Antoine K-2
	3	St. Genevieve EL
Lafitte	1	Fisher 6-11
	1	Lafitte 1-3
Lake Charles	1	Bell City K-12
	1	Barbe EL
	1	Carver EL
	1	Central EL
	1	Cherry Street EL
	3	Cooley EL
	1	W. O. Boston HS
	1	Eastwood EL
	3	Fairview EL
	3	Greinwichel EL
	1	Hamilton EL
	3	Immaculate Heart EL
	1	Jackson Street EL
	1	Kennedy EL
	1	Marion HS
	1	Mill Street EL
	1	Molo JHS
	1	Opelousas Street EL

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Location	Code *	School Name
Lake Charles cont.	1	Reynaud JHS
	1	Riverside EL
	1	Rosteet EL
	1	Rosteet JHS
	3	Sacred Heart K-8
	1	Washington HS
	1	Watson, Pearl JHS
Lakeland	1	St. Alma EL
Lake Providence	1	Lake Providence JHS
	1	Lake Providence HS
	1	Montecello 1-12
	1	Northside EL
	1	Southside EL
LaPlace	1	John L. Ory EL
Lawcell	1	Lawtell EL
	1	Lawtell HS
LeBeau	1	Immaculate Conception EL
Lecompte	1	Carter C. Raymond 2-12
	1	Lecompte EL
	3	Rapides HS
Leesville	1	East Leesville EL
	3	Leesville HS
	3	Leesville JHS
	3	West Leesville EL
Leonville	1	Leonville EL
	1	Leonville HS
Lillie	1	Lillie 3-7
Linville	1	Linville K-12
Lisbon	1	Pineview K-12
Livonia	1	Livonia HS
Logansport	1	Logansport-Rosenwald K-12
Loranger	1	Loranger K-8
Loreauville	1	Loreauville EL
	1	Loreauville HS
Lutcher	3	Lutcher EL
	1	Lutcher JHS
	1	Lutcher HS
Mamou	1	Mamou Lower EL
	1	Mamou Upper EL
	1	Mamou HS
Mangham	1	Mangham HS
	1	Mangham EL
	1	Mangham JHS
Mansfield	1	DeSoto HS
	1	Johnson EL
Many	1	St. John K-8
	3	Many 5-8
Mansura	1	Mansura K-12
Maringouin	1	Upper Maringouin EL
	1	Valverda EL
Marion	1	Marion K-12
Marrero	1	Ames EL
	3	Ellender EL
	3	Butler EL
	3	Immaculate Conception K-8
	3	Madonna Manor
	3	Marrero Middle
	3	Ruppel EL
	3	St. Joseph the Worker EL
	3	Visitation K-8
	3	Wall EL
Marksville	1	Fifth Ward K-12
	1	Marksville EL
	1	Marksville Middle
	3	Marksville HS
	1	Marksville Catholic K-8
Marthaville	1	Marthaville K-12
Maurice	1	Maurice 1-12
Melrose	1	St. Matthew K-12
Melville	1	Melville Riverside Middle
	1	Melville EL
	1	Melville HS
Mer Rouge	3	Delta HS
	1	Mer Rouge 1-8
Mermentau	1	Mermentau EL
Merryville	3	Merryville K-12
Metairie	3	Our Lady of Divine Providence K-8
	3	St. Lawrence the Martyr K-8
Midland	3	Midland HS
Minden	1	Jones EL
	3	Lowe Middle
	3	Minden HS
	1	Phillips Middle
	1	Stewart EL
	3	Webster HS
Monroe	3	Barkdull Faulk EL
	1	Berg Jones EL
	3	Carroll 7
	3	Carroll HS
	1	Carver EL
	3	Clara Hall EL
	1	Clark EL
	3	Jefferson JHS
	3	Lee 8
	3	Lida Benton EL
	1	Lincoln EL
	3	Little Flower of Jesus EL
	1	Louisiana Training Institute K-12
	3	Our Lady of Fatima EL
	1	Richwood HS
	1	Robinson EL
	3	St. Frederick HS
	3	Shady Grove EL
	3	Sherrouse EL
	1	Swayze EL
	1	Wossman HS
Montegut	3	Montegut EL
	1	Pointe-Aux-Chenes EL
Montgomery	3	J. W. Gaines JHS
	1	Montgomery HS
Moreauville	1	Moreauville K-12
	1	Sacred Heart 1-8
Morgan City	3	Holy Cross EL
	3	M. E. Norman EL
	3	Sacred Heart EL
	3	Sumpter Williams EL
Morganza	1	Morganza K-12
Monterey	1	Monterey EL
	1	Monterey HS
Morse	1	Morse EL
Morrow	1	Morrow HS
	1	Morrow EL
Mount Herman	1	Mount Herman HS
Napoleonville	1	Assumption HS
	1	Assumption 9
	1	Napoleonville Primary
	1	Napoleonville Middle
Natalbany	1	Midway EL
	1	Natalbany Middle
Natchez	1	Natchez K-8
Natchitoches	3	East Natchitoches JHS
	3	Natchitoches Central HS
	1	North Natchitoches EL
	1	Northwestern JHS
	3	Parks EL
	3	Weaver EL
Newellton	1	Newellton K-3 and 9-12
	1	Routhwood Middle
New Iberia	1	Anderson Street JHS
	3	Bank Avenue 6
	3	Catholic High
	3	Center Street EL
	1	Hopkins Street EL
	3	Lee Street 4-5
	3	Live Oak K-2
	3	North Street 3-6
	1	Peebles EL
	1	Pesson Addition EL

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Location	Code *	School Name
New Iberia cont.	1	Railroad Avenue EL
	3	St. Edwards EL
	3	Mount Carmel 4-12
New Orleans	1	Bauduit, Agnes EL
	1	Bell, Andrew J. JHS
	1	Belleville EL
	1	Behrman JHS
	1	Benjamin EL
	1	Bienville EL
	1	Carver 6
	1	Carver Middle
	1	Carver HS
	1	Chester, Florence EL
	1	Clark, Joseph S. HS
	1	Cohen HS
	3	Colton JHS
	3	Corpus Christi EL
	1	Couvent, Marie EL
	1	Craig, Joseph S. HS
	1	Crocker EL
	3	Davis, Jefferson EL
	3	Danneel #1 EL
	1	Danneel #2 EL
	1	Dunbar EL
	1	Dunn, Henderson H. EL
	1	Derham JHS
	1	Edison EL
	1	Edwards, Helen EL
	1	Fischer, William EL
	1	Fisk, Abijah EL
	1	Frederick JHS
	1	Franz EL
	1	Gayerre, Charles E. EL
	3	Green JHS
	1	Guste, William EL
	1	Hardin EL
	1	Harney, Edgar P. EL
	1	Henderson, Murray EL
	1	Hoffman, John W. EL
	3	Holy Ghost EL
	3	Howard #1 EL
	1	Jackson, Andrew EL
	1	Jefferson, Thomas EL
	1	Johnson, James W. EL
	1	Jones, Valena C. EL
	3	Kohn JHS
	1	Lafon, Thomy EL
	1	Landry, L. R. HS
	1	Laurel EL
	1	Lawless EL
	1	Lawless JHS
	3	Lawton, Peters EL
	1	Lewis, James EL
	1	Live Oak EL
	1	Live Oak JHS
	1	Lockett, Johnson EL
	1	Macarty EL
	3	McDonough, John HS
	3	McDonough #6 EL
	1	McDonough #7 EL
	1	McDonough #10 EL
	1	McDonough #11 EL
	3	McDonough #15 EL
	1	McDonough #16 EL
	1	McDonough #19 EL
	1	McDonough #24 EL
	1	McDonough #30 EL
	1	McDonough #31 EL
	1	McDonough #32 EL
	1	McDonough #35 HS
	1	McDonough #36 EL
	1	McDonough #38 EL
	1	McDonough #40 EL
New Orleans cont.	1	McDonough #42 EL
	1	Moton, Robert EL
	1	Nelson, Medard H. EL
	3	Nicholls, Francis T. HS
	1	Palmer, B. L. EL
	1	Peters, JHS
	1	Phillips, Edward H. EL
	1	Phillips JHS
	1	Ricard, Fortunatus P. EL
	3	Priestley JHS
	1	Rogers, William O. EL
	3	St. Alphonsus EL
	3	St. Joseph EL
	3	St. Mary of the Angels EL
	3	St. Monica EL
	3	St. Peter Claver EL
	3	St. Phillip the Apostle EL
	3	St. Raymond EL
	3	St. Stephen EL
	1	Schwartz, Louis EL
	1	Semmes, Thomas J. EL
	3	Shaw, John A. EL
	1	Washington, George EL
	1	Washington, B. T. EL
	1	Wheatley, Phyllis EL
	1	Wicker, Albert EL
	1	Williams, Sylvania EL
	3	Wilson, Andrew H. EL
	1	Woodson JHS
	3	Wright JHS
Noble	1	Catholic High of Pointe Coupee
Norco	1	Poydras K-12
Norwood	1	Rosenwald K-12
Oak Grove	3	Ebarb K-12
	3	Sacred Heart 1-8
	1	Norwood 1-8
	1	Fiske Union K-8
	1	Goodwill JHS
	1	Oak Grove EL
	1	Oak Grove 7-12
Oak Ridge	1	Oak Ridge K-8
Oil City	1	Oil City K-8
Opelousas	1	Christ the King 1-8
	1	Courtableau K-7
	1	Creswell EL
	1	East JHS
	1	Grolee EL
	1	Northeast EL
	1	North EL
	1	Opelousas JHS
	1	Opelousas HS
	1	Opelousas Catholic EL
	1	Opelousas Catholic JHS
	1	Opelousas Catholic HS
	3	Park Vista EL
	1	Plaisance K-12
	1	Plaquemine Point EL
	1	South Street EL
	1	Southwest EL
Paincourtville	1	St. Elizabeth EL
Palmetto	1	Palmetto K-12
Patterson	3	Watts, H. A. EL
Paulina	1	Paulina EL
	1	Chanel Interparochial 1-8
Pearl River	3	Pearl River K-8
	3	Pearl River HS
	3	Sixth Ward K-9
Pelican	1	All Saints K-12
	1	Pelican 1-12
Pierre Part	1	Pierre Part K-8
Pine Grove	1	Pine Grove 1-8
Pine Prairie	1	Pine Prairie K-12

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List of Schools Determined to have High Concentrations of Students from Low-Income Families
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Location	Code *	School Name
Pineville	1	Lakeside K-3
	1	Louisiana Training Institute K-12
	1	Slocum 4-6
Pioneer	1	Pioneer EL
	1	Pioneer HS
Pitkin	1	Pitkin K-12
Plaquemine	1	Crescent Bend 1-2
	1	Crescent Bend 3-8
	1	E. J. Gay Middle
	1	Iberville JHS
	1	Plaquemine 1-3
	1	Plaquemine JHS
	1	Plaquemine HS
	1	St. John EL
	1	St. John HS
Plain Dealing	1	Plain Dealing EL
	1	Plain Dealing HS
	1	Rocky Mount K-12
Plaucheville	1	Plaucheville K-12
	1	St. Joseph 1-12
Pollock	1	Pollock K-8
Ponchatoula	3	Champ Cooper K-8
	3	D. C. Reeves EL
	3	Tucker EL
	3	Vinyard 5-6
Port Allen	1	Chamberlin EL
	1	Cohn Middle
	1	Devall Middle
	3	Holy Family EL
	1	Port Allen 1-4
	3	Port Allen HS
Port Barre	1	Port Barre K-3
	1	Port Barre 4-12
Prairieville	3	Prairieville K-7
Princeton	3	Princeton JHS
Provencal	1	Provencal K-12
Rayne	1	Armstrong 5-7
	1	Central Rayne 1
	1	Indian Bayou 1-12
	1	Mire K-8
	3	Rayne HS
	1	Rayne Catholic 1-8
	1	South Rayne 2-4
Rayville	1	Rayville Primary
	1	Rayville 4-8
	1	Rayville HS
Reserve	3	Godchaux K-3
	3	Our Lady of Grace EL
	3	Reserve Rosenwald 4-6
Ridgecrest	3	Ridgecrest EL
Ringgold	1	Ringgold K-4 and 9-12
	1	Southside 5-8
Roanoke	3	Welsh Roanoke JHS
Robeline	1	Allen K-12
	1	Robeline K-12
Rosedale	1	Shady Grove HS
	1	T. A. Levy Middle
Roseland	1	Big Zion 4-6
	1	Roseland K-3
Rosepine	3	Rosepine K-12
Rougon	1	Rougon K-12
Ruston	3	Cypress Springs EL
	3	Glenview HS
	3	Hillcrest EL
	1	I. A. Lewis EL
	3	Ruston EL
Saline	1	Saline K-12
	1	Shady Grove K-12
St. Amant	3	St. Amant EL
St. Francisville	1	St. Francisville 7-12
St. Gabriel	1	St. Gabriel EL
	1	Sunshine HS
St. Joseph	1	J. M. Davidson HS
	1	Tensas EL
St. Martinville	3	Our Lady of Mercy HS
	3	Trinity Catholic K-8
St. Maurice	1	New Enterprise 1-8
St. James	1	Fifth Ward EL
	1	St. James HS
St. Rose	3	St. Rose 3-6
Schriever	3	Schriever EL
Shongaloo	1	Shongaloo K-12
Shreveport	1	Atkins EL
	1	Bethune JHS
	1	Brooks EL
	1	Central EL
	1	Claiborne EL
	1	J. S. Clark JHS
	1	Eden Gardens EL
	1	Eden Gardens JHS
	1	Eighty-First EL
	3	Fairfield EL
	1	Green Oaks HS
	1	Hollywood EL
	1	Ingersoll EL
	1	Laurel EL
	1	Linear JHS
	1	Mooretown EL
	1	Northside EL
	3	Notre Dame HS
	1	Oak Park EL
	3	Our Lady of Blessed Sacrement EL
	1	Pierre Avenue EL
	1	Pine Grove EL
	1	Newton Smith EL
	1	Queensboro EL
	1	St. Paul's EL
	1	Stoner Hill EL
	1	Valencia JHS
	1	Walnut Hill K-8
	1	Washington, Booker T. HS
	3	Werner Park EL
	1	West Shreveport EL
Sibley	1	Sibley HS
Sicily Island	1	Martin JHS
	1	Sicily Island EL
	1	Sicily Island HS
Sikes	3	Sikes 1-12
Simmesport	1	Simmesport EL
	3	Simmesport HS
Singer	1	Singer 1-12
Slaughter	3	Slaughter 1-8
Slidell	1	Alton K-8
	3	Boyet K-9
	3	Carolyn Park EL
Spearsville	1	Spearsville K-2 and 8-12
Spring Creek	1	Spring Creek 1-12
Springhill	3	Browning k-2
	3	Howell 3-4
Starks	3	Starks k-12
Sterlington	3	A. L Smith EL
Sulpher	3	E. K. Key EL
	3	Perkins EL
	3	Alonzo LeBlanc 6-9
Summerfield	1	Summerfield K-12
Sunset	1	Bristol EL
	1	Cankton EL
	1	Sunset K-8
	1	Sunset HS
Tallulah	1	McCall JHS
	1	McCall HS
	1	Tallulah EL
	1	Tallulah HS
	1	Thomastown K-12
	1	Wright EL
Theriot	1	Dularge EL
Tickfaw	1	Nesom 1-8
Transylvania	1	Transylvania EL

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Location	Code *	School Name
Tunica	3	Tunica 1-8
Vacherie	1	St. James JHS
	1	Sixth Ward EL
	1	Vacherie Primary k-3
	3	Vacherie 4-8
	1	Wallace-Rosenwald EL
Varnado	1	Varnado 1-8
	1	Varnado 1-12
Vicksburg, Miss. (Madison Parish)	3	Australia Island EL
Verda	1	Verda EL
Ville Platte	1	Bayou Chicot 4-12
	1	Hester Heath K-3
	1	James Stephen 3-6
	1	Sacred Heart HS
	1	Vidrine K-12
	1	Ville Platte Lower K-2
	1	Ville Platte 7-12
Vinton	3	Vinton EL
Vivian	3	North Caddo 1-12
Waggaman	1	Rilleux EL
Washington	1	Grand Prairie K-12
	1	Washington HS
Waterproof	1	Lisbon EL
	1	Waterproof HS
Waverly	1	Waverly 1-8
Westlake	1	Mossville K-9
West Monroe	3	Crosley EL
	3	Pinecrest K-8
	3	Mitchell EL
	1	Ransom EL
	1	Richardson JHS
	3	St. Paschal EL
Westwego	1	Bridge City EL
	3	Live Oak EL
	1	Louisiana Training Institute 1-12
	1	Pitre EL
	3	Strehle EL
	1	Westwego EL
	1	Worley Middle
White Castle	1	Dorseyville 4-7
	1	Our Lady of Prompt Succor K-8
	1	Samstown EL
	1	White Castle HS
Winnfield	1	East Side EL
	1	West Side EL
	1	Winnfield JHS
	3	Winnfield HS
Winnsboro	1	Ogden 1-12
	1	Ward III 1-12
	1	Winnsboro Upper EL
	1	Winnsboro Lower EL
	1	Winnsboro JHS
	1	Winnsboro HS
Wisner	1	Wisner 1-4
	1	Wisner 5-8
	1	Wisner HS
Zachary	1	Port Hudson EL
	3	Northwestern 6-8
	3	Zachary K-5
	3	Zachary HS
Zwolle	3	St. Joseph EL

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Location	Code *	School Name
Alexander	2	Alexander EL
Allagash Plt.	1	Allagash School K-12
Arundel	1	The School Around Us EL
Auburn	1	Central Middle School
	1	Chamberlain School EL
	1	Franklin School EL
	1	Sherwood Heights EL School
	2	Washburn School EL
Bangor	1	Abraham Lincoln School EL
	1	Harlow Street School EL
	1	Work Skill Development Ctr. HS
	2	Vine Street School EL
Bath	2	Bath JHS
	2	Dike EL School
	2	Lillian F. Fisher School EL
	2	Huse Memorial School EL
	2	Mitchell School EL
	2	Morse HS
	2	William S. Newell School EL
	2	Donald N. Small School EL
Belfast	2	Governor Anderson School EL
Biddeford	2	Biddeford JHS
	2	Birch Street School EL
	1	Emery School EL
	2	John F. Kennedy Memorial School EL
	1	St. Andre Public School EL
	2	St. Mary's School EL
	2	Wentworth Street School EL
Blue Hill	2	Blue Hill Consolidated School EL
	2	George Stevens Academy HS
Bradford	2	Bradford EL School
Bridgewater	2	Bridgewater Grammar School EL
	2	Bridgewater Primary School EL
Brooklin	1	Brooklin EL School
	1	Brooklin JHS
Brooks	1	Morse Memorial School EL
Brooksville	2	Brooksville EL School
Brookton Township	1	Brookton EL
Brownfield	1	Brownfield Consolidated School EL
Bucksport	2	G. Herbert Jewett School EL
	2	Luman Warren School EL
Burnham	1	Burnham Village School EL
Camden	1	The Community School HS
Canaan	1	Canaan Grammar School EL
Carmel	2	New Carmel School EL
	2	Caravel JHS
Caswell Plt.	1	Caswell Plt. Consolidated EL School
Charlotte	1	Charlotte EL School
Connor Township	2	Connor Consolidated School EL
Cornville	1	Cornville Consolidated School EL
Cranberry Isles	2	Isleford EL School
	1	Longfellow School EL
Cumberland	2	Chegeague Island School EL
	2	Cumberland EL School
	2	Mabel I. Wilson School EL
Deer Isle	1	Deer Isle EL School
Denmark	1	Denmark Village School EL
Detroit	1	Dorothy R. Cookson School EL
Eastport	1	Easport Grammar School EL
	1	Easport Primary School EL
	1	Shead Memorial HS
Edmunds Township	1	Edmunds Consolidated School EL
Etna	2	Etna-Dixmont School EL
Eustis	1	Stratton School EL
Farmington	2	Arthur D. Ingalls School EL
	2	W.G. Mallett School EL
	1	Mt. Blue JHS

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Location	Code *	School Name
Farmington cont.	1	Mt. Blue HS
	1	Sandy River School K-12
Franklin	1	Franklin Cons. Grammar School EL
Freeport	2	Freeport HS
	2	Freeport Middle School
	2	Grove Street School EL
	2	Morse Street School EL
	2	George C. Soule School EL
Fryeburg	1	Sadie P. Adams School EL
	1	Charles A. Snow School EL
	1	Charles A. Snow School Annex EL
Gardiner	1	Central Street School EL
	2	Gardiner Area HS
	1	New Mills School EL
	1	Plummer Street School EL
	1	Pray Street School EL
	1	South Gardiner Grammar School EL
	1	Woodman JHS
Grand Isle	2	Lincoln School EL
Greenville	2	Nickerson EL School
	1	Louis Oakes HS
Gouldsboro	1	Gouldsboro Grammar School EL
Hermon	2	Hermon EL School
	2	Hermon HS
Hodgdon	1	Hodgdon EL School
	1	Hodgdon HS
Houlton	1	Bowdoin Street School EL
	1	Houlton EL School
	1	Houlton HS
	1	Lambert School EL
Hudson	1	Hudson EL School
Isle Au Haut	1	Isle Au Haut School EL
Jackman	1	Forest Hills Consolidated School K-12
	1	Forest Hills Middle School
Jonesport	2	Jonesport-Beals HS
	2	West Jonesport School EL
Kingfield	1	Kingfield EL School
	1	Kingfield Grammar School EL
Lamoine	2	Lamoine Consolidated School EL
Lee	1	Eula A. Ham School EL
	1	Lee Academy HS
	1	Mt. Jefferson JHS
Levant	2	Levant Consolidated K-4
Lewiston	1	Frye EL School
	2	Jordan EL School
	2	Lewiston Comprehensive HS
	1	Multi-Purpose Educational Ctr. K-1
Liberty	1	Walker Memorial School EL
Linneus	1	Roosevelt School EL
Lincoln Plt.	1	Wilson's Mills EL School
Litchfield	1	Libby-Tozier School EL
	1	Litchfield Central School EL
Littleton	1	Littleton School EL
Long Island Plt.	1	Frenchboro EL School
Lovell	1	New Suncook School EL
Lubec	1	Lubec HS
	2	Lubec Hilltop School EL
	1	South Street EL School
Madawaska	2	Evangeline School EL
Madison	1	Weston Avenue School K-1
Mars Hill	1	Central Aroostook HS
	1	Fort Street School EL
Matinicus Isle Plt.	2	Matinicus EL School
Mercer	2	Mercer EL School
Millinocket	2	Katahdin Avenue School EL
Monmouth	2	Henry L. Cottrell EL
	2	Monmouth Center School EL
Monroe	1	Monroe EL School
Monticello	1	Wellington School EL
	1	Monticello School EL
New Sharon	2	New Sharon School EL
Norridgewock	1	Central Grade School K-6
North Haven	2	North Haven Community School K-12
North Yarmouth	2	North Yarmouth Memorial School EL
Norway	2	Norway School Complex EL
Orono	1	Asa C. Adams School K-6
	2	Orono Jii-SHS
	1	Skitikuk School K-12
Owls Head	1	Owls Head Central School EL
Oxford	2	Welchville EL School
Patten	2	Patten Grammar School EL
	2	Patten JHS
Pembroke	1	Pembroke EL School
Penobscot	2	Penobscot EL School
Perry	1	Clark School EL
Phillips	1	Phillips EL School
	1	Phillips Grammar School JH
Pittsfield	1	Manson Park School K-1
	1	Pittsfield Grammar School EL
	1	Vickery School EL
	1	Warsaw JHS
Pittston	1	Pittston Consolidated School 4-6
Portland	1	Marada Adams K-2
	1	Cliff Island School K-6
	1	Emerson School 5-6
	2	Fred P. Hall School K-6
	1	Long Island EL School
	1	North School K-6
	1	Peaks Island School K-6
	1	Presumpscot School EL
	2	Thomas B. Reed School K-6
	1	Howard C. Reiche Community School K-6
	1	Shailer School EL
	2	West School K-6
Pownal	2	Pownal EL School
Randolph	1	Theresa C. Hamlin EL School
Rangeley	1	Rangeley EL School
	1	Rangeley HS
Reed Plt.	1	Wytopitlock EL School
Robbinston	1	Robbinston Grade School EL
Rockland	1	McLain EL School
	1	North School EL
	1	Rockland District JhS
	1	Rockland District HS
	1	South School K-6
Rockwood Township	1	Blaine EL
Rome	2	Rome EL School
Saco	2	Governor John Fairfield School EL
	2	Saco Middle School
Saint Agatha	1	Wisdom HS
Sanford	2	Central School EL
	2	Edison School EL
	2	Emerson School EL
	1	Lafayette School EL
	2	Lincoln School EL
	2	Roosevelt School K
	2	Sanford JHS
	2	Sanford HS
	2	Sanford Middle School
Searsport	2	Searsport Central School EL
Sedgwick	1	Sedgwick Primary
Shirley	1	Shirley EL School
Skowhegan	1	Academy School EL
	2	Garfield School EL
	1	Lincoln School EL
	1	Margaret Chase Smith School EL
	2	North Elementary School EL
	2	Skowhegan Area JHS
	2	Skowhegan Area HS
	2	Park School 1-4
Smithfield	1	Smithfield Central School EL
Sorrento	2	Sorrento Grammar School K-8
South Portland	2	George F. Henley School K-6
	2	Lincoln School K-6
	2	Daniel F. Mahoney JHS
South Thomaston	1	Gilford Butler School K-3

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Location	Code *	School Name
Springfield	1	Edith A. Lombard School EL
Stacyville	2	Stacyville EL School
Steuben	1	Ella Lewis School K-8
Stonington	1	Deer Isle-Stonington HS
	1	Stonington EL School
Strong	1	Mt. Abram HS
	1	Strong EL School
Sullivan	1	Sullivan Grammar School EL
	1	Sumner Memorial HS
Swans Island	1	Swans Island Consolidated School EL
Thomaston	2	Thomaston Grammar School EL
	2	Georges Valley HS
Thorndike	1	Mt. View EL School
	1	Mt. View JHS
	1	Mt. View HS
Troy	1	Troy Central School K-6
	2	Union Central School K-8
Unity	1	Unity EL School
Van Buren	2	Champlain School EL
	2	Keegan School EL
	2	St. John Kindle School EL
	2	Van Buren District JHS
	2	Van Buren District HS
Vassalboro	2	Riverside School EL
Veazie	2	John R. Graham School K-8
Vinalhaven	1	Lincoln School K-12
Waldoboro	2	Friendship Street School EL
	2	Medomak Valley HS
Wales	1	Wales Central School K-8
Warren	2	Frank D. Rowe Primary School K-3
	2	Warren Intermediate School EL
Waterboro	2	Waterboro EL School
Weld	1	Weld School K-5
Wells	2	Tatnic Hill Schools 7-12
West Bath	2	West Bath School EL
West Gardiner	1	West Gardiner Central School K-6
Wilton	2	G.D. Cushing School EL
	1	Wilton Academy 5-8
	2	Wilton Central School EL
	2	Wilton Primary School K-1
Windham	2	John A. Andrew School EL
	2	Newhall School K
	2	Arlington School 1-2
	2	Windham HS
Winn	1	Winn EL
Winter Harbor	2	Winter Harbor Grammar School EL
Woolwich	1	Jacataqua School 7-12
York	2	York JHS
	2	York HS
	2	York Village EL School K-5
	2	York Beach EL School

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Location	Code *	School Name
Aberdeen	2	Aberdeen HS
	2	Aberdeen JHS
	2	Bakerfield EL
	2	Hall's Cross Roads EL
	2	Hilledale EL
Abingdon	2	Old Post Road EL
	2	William Paca EL
Accokeek	2	Accokeek EL
Adamstown	2	Carroll Manor EL
Annapolis	1	Annapolis EL
	2	Annapolis HS
	2	Annapolis JHS
	2	Bates JHS
	2	Eastport EL
	2	Germantown EL
	2	Parole EL
	2	Tyler Heights EL
	1	West Annapolis EL
Arbutus	1	Maryland Children's Center
Arnold	2	Arnold EL
Avenue	2	Holy Angels EL
Baltimore	1	No. 1, Edgar Allan Poe HS
	1	No. 2, David E. Weglein EL
	1	No. 4, Steuart Hill EL
	1	No. 7, Cecil EL
	1	No. 8, City Springs EL
	1	No. 9, Carroll Park JHS
	1	No. 10, James McHenry EL
	1	No. 11, Eutaw EL
	1	No. 13, Tench Tilghman EL
	1	No. 16, Johnston Square EL
	1	No. 17, Alicia Crossland JHS
	1	No. 18, Franklin D. Roosevelt EL
	1	No. 19, Lexington Terrace EL
	1	No. 20, Sir Robert Eden EL
	1	No. 22, George Washington EL
	1	No. 23, General Wolfe EL
	1	No. 24, Westside EL
	1	No. 26, Madison Square EL
	1	No. 27, Commodore John Rodgers EL
Baltimore cont.	1	No. 28, William Pinderhughes EL
	1	No. 29, Matthew A. Henson EL
	1	No. 30, George Street EL
	1	No. 32, Guilford Avenue EL
	1	No. 34, Barrister Charles Carroll EL
	1	No. 35, Harlem Park EL
	1	No. 37, Patrick Henry EL
	1	No. 40, Lake Clifton HS
	1	No. 43, Hamstead Hill JHS
	1	No. 48, James Monroe EL
	1	No. 50, Abbottston EL
	1	No. 52, Springhill EL
	1	No. 53, Margaret Brent EL
	1	No. 54, Barclay EL
	1	No. 57, Lombard JHS
	1	No. 61, John Eager Howard EL
	1	No. 63, Rosemont EL
	1	No. 68, Betsy Ross EL
	1	No. 74, Oliver Cromwell EL
	1	No. 78, Harlem Park JHS
	1	No. 90, Clifton Park JHS
	1	No. 92, Oliver H. Perry EL
	1	No. 94, EL
	1	No. 95, Franklin Square EL
	1	No. 96, Nathaniel Ramsey JHS
	1	No. 97, Collington Square EL
	1	No. 98, Samuel F. B. Morse EL
	1	No. 99, Columbus EL
	1	No. 100, Joseph Harrison Lockerman EL
	1	No. 101, Elmer A. Henderson EL
	1	No. 102, Thomas G. Hayes EL
	1	No. 107, Gilmor EL
	1	No. 109, Broadway EL
	1	No. 112, William M. Alexander EL
	1	No. 113, Benjamin Banneker EL
	1	No. 115, Venable JHS
	1	No. 119, John M. Murphy EL
	1	No. 122, Samuel Coleridge Taylor EL
	1	No. 124, Bay-Brook EL
	1	No. 125, Furman L. Templeton EL

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Location	Code *	School Name
Baltimore cont.	1	No. 126, EL
	1	No. 130, Booker T. Washington JHS
	1	No. 132, Coppin EL
	1	No. 135, Samuel Chase EL
	1	No. 138, Robert Fulton EL
	1	No. 139, Charles Carroll of Carrollton EL
	1	No. 141, Abraham Lincoln EL
	1	No. 142, Robert W. Coleman EL
	1	No. 149, Rutland EL
	1	No. 150, Bentalou EL
	1	No. 156, Mount Winans EL
	1	No. 157, George G. Kelson EL
	1	No. 159, Cherry Hill EL
	1	No. 161, Fannie L. Barbour EL
	1	No. 162, Josiah Diggs K-8
	1	No. 163, Patapsco EL
	1	No. 164, Arundel EL
	1	No. 175, EL
	1	No. 176, Frances M. Wood JHS
	1	No. 180, Cherry Hill JHS
	1	No. 181, Charles Hamilton Houston J-SHS
	1	No. 200, EL
	1	No. 202, Lafayette EL
	1	No. 223, Pimlico EL
	1	No. 225, Westport EL
	1	No. 227, St. Helena EL
	1	No. 229, Holabird EL
	1	No. 238, Victory EL
	1	No. 240, Graceland Park-O'Donnell Heights
	1	No. 250, Dr. Bernard Harris EL EL
	1	No. 254, Dr. Martin Luther King EL
	1	No. 296, Jane Addams J-SHS
	1	No. 298, Samuel Gompers JHS
	1	No. 301, William S. Baer EL
	1	No. 302, Hillside EL
	1	No. 303, Upton EL
	1	No. 304, Harbor View EL
	1	No. 307, Claremont EL
	1	No. 308, Hope Center EL
	1	No. 309, Hollins EL
	1	No. 311, Open Arms EL
	1	No. 400, Edmondson HS
	1	No. 404, Eastern HS
	1	No. 406, Forest Park HS
	1	No. 411, Walbrook HS
	1	No. 413, Harbor City HS
	1	No. 414, Paul Laurence Dunbar HS
	1	No. 450, Frederick Douglass HS
	1	No. 451, Joseph C. Briscoe JHS
	1	No. 453, Fairmount Hill JHS
	1	No. 454, Carver Vocational HS
	1	Baltimore Jail School EL
	2	Battle Grove EL
	2	Brooklyn Park EL
	2	Brooklyn Park HS
	2	Chase EL
	2	Chesapeake Terrace EL
	1	Cylburn Children's Home EL
	2	Dundalk EL
	2	Eastwood EL
	2	Edgemere EL
	1	Father Charles Hall-FL
	2	Gray Manor EL
	1	House of Good Shepherd EL
	1	Madonna EL
	2	Martin Boulevard EL
	1	Maryland Training School, K-12
	2	Middleborough EL
	2	Middlesex EL
	1	Our Lady Queen of Angels EL
	1	Ralph Young JHS
	2	Relay EL
	2	Rodgers Forge EL

Location	Code *	School Name
Baltimore cont.	1	St. Ambrose EL
	1	St. Ann EL
	1	Ss. James & John EL
	1	Ss. Phillip & James EL
	1	St. Katharine EL
	1	St. Leo EL
	2	St. Luke EL
	1	St. Michael EL
	1	St. Patrick EL
	2	Westowne EL
	1	Woodbourne Child Study Center
Bel Air	2	Hickory EL
	2	Prospect Mill EL
Berlin	2	Buckingham EL
Bladensburg	2	Bladensburg EL
	2	Bladensburg JHS
	2	Bladensburg HS
Boonsboro	2	Boonsboro JHS
	2	Boonsboro HS
Boyds	2	Edward U. Taylor EL
Brandywine	2	Baden EL
	2	Gwynn Park HS
	2	Gwynn Park JHS
	2	Orme EL
Brentwood	2	Brentwood EL
	2	Colmar Manor EL
Bryantown	2	St. Mary EL
	1	T. C. Martin EL
Bushwood	1	Bethune EL
Cambridge	2	Cambridge HS
	2	East Cambridge EL
	2	Maces Lane JHS
	2	Peach Blossom EL
	2	Sandy Hill EL
	1	St. Clair EL
Capitol Heights	2	Bradbury Heights EL
	2	Capitol Heights EL
	2	Doswell E. Brooks EL
	2	Walker Mill JHS
Cardiff	2	Slate Ridge
Cecilton	2	Cecilton EL
Centreville	2	Centreville EL
	1	Centreville JHS
	2	Kennard EL
	2	Queen Annes County HS
Chaptico	1	Dynard EL
Charlestown	2	Charlestown EL
Chesapeake City	2	Bohemia Manor J-SHS
	2	Chesapeake City EL
Church Hill	2	Chutch Hill EL
Clarksburg	2	Clarksburg EL
Clear Spring	2	Clear Spring EL
	2	Clear Spring J-SHS
College Park	2	Paint Branch EL
Conowingo	2	Conowingo EL
Cordova	2	Cordova EL
Crellin	2	Crellin EL
Crisfield	1	Crisfield #1 EL
	1	Crisfield #3 EL
	1	Sarah Peyton EL
Crownsville	2	South Shore EL
Cumberland	2	Allegany HS
	2	Braddock JHS
	2	Columbia Street EL
	1	East Side EL
	2	Fort Hill HS
	2	Gephart EL
	2	John Humbird EL
	2	Johnson Heights EL
	2	Northeast EL
	2	Pennsylvania Avenue EL
	2	St. Mary EL
	2	St. Patrick EL

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Location	Code *	School Name
Cumberland cont.	2	Washington JHS
	2	West Side EL
Damascus	2	Damascus EL
	2	Damascus J-SHS
Darlington	2	Darlington EL
Deal Island	1	Deal Island EL
Dickerson	2	Monocacy
District Heights	2	District Heights EL
	2	District Heights Parkway EL
Easton	1	Easton HS
	2	Easton JHS
	2	Glenwood EL
	1	Idlewild EL
	2	Mt. Pleasant EL
	1	Ss. Peter & Paul HS
East Riverdale	2	Templeton EL
Edgewood	2	Cedar Drive EL
	2	Deerfield EL
	2	Edgewood EL
Elkton	2	Elkton EL
	2	Elkton JHS
	2	Holly Hall EL
	2	Immaculate Conception EL
Ellicott City	2	Ellicott City EL
	2	Howard HS
	2	Mt. Hebron HS
	2	Rockland EL
Emmitsburg	2	Emmitsburg EL
Faulkner	1	Glenn EL
Federalsburg	2	Colonel Richardson HS
	2	Colonel Richardson JHS
	1	Federalsburg EL
Fishing Creek	1	Hoopers Island EL
Flintstone	1	Boys Forestry Camps
	2	Flintstone J-SHS
Fort Howard	1	Fort Howard EL
Fort Meade	2	MacArthur JHS
	2	Van Bokkelen EL
Frederick	2	East Frederick EL
	2	Elm Street EL
	2	Frederick HS
	2	Governor Thomas Johnson J-SHS
	2	Lincamore J-SHS
	1	South Frederick EL
	2	West Frederick JHS
Friendsville	2	Friendsville EL
Frostburg	2	Beall HS
Fruitland	2	Fruitland EL
Galena	1	Galena EL
Galesville	2	Carrie R. Weedon EL
Gambrills	2	Arundel HS
Glen Burnie	2	Corkran JHS
	2	Georgetown East EL
	2	Glen Burnie HS
	2	Marley EL
	2	Richard Henry Lee
Glenelg	2	Glenelg HS
Grantsville	1	Grantsville EL
Grasonville	1	Grasonville EL
Great Mills	2	Great Mills EL
Greenbelt	2	Greenbelt JHS
	2	Greenbelt Center EL
	2	Greenbelt North End EL
Greensboro	2	Greensboro EL
Hagerstown	2	Bester EL
	2	Broadway EL
	2	Emma K. Doub EL
	2	Fountain Rock EL
	1	Maryland Correctional Institution
	1	Maryland Correctional Training Center
	2	Patomac Heights EL
	2	Salem Avenue EL
	2	South Hagerstown HS

Location	Code *	School Name
Hagerstown cont.	1	Surrey EL
	2	Washington Street JHS
	2	Winter Street EL
Hampstead	2	North Carroll
Hancock	2	Hancock EL
	2	Hancock JHS
	1	Hancock J-SHS
Hanover	2	Harman EL
Harwood	2	Southern HS
Havre de Grace	2	Havre de Grace EL
	2	Havre de Grace HS
	2	Havre de Grace JHS
	2	Meadowvale EL
Hebron	2	Westside EL
Helen	1	Margaret Brent JHS
	2	Mother Catherine Spalding EL
Hillcrest Heights	2	Hillcrest Heights EL
Hurlock	2	Hurlock EL
	2	Hurlock JHS
	2	North Dorchester J-SHS
Hyattsville	2	Edmonston EL
	2	Hyattsville EL
	2	Hyattsville JHS
	2	Kentland EL
	2	Kent JHS
	2	Langley Park EL
	2	McCormick EL
	2	William Wirt JHS
Indian Head	2	J. C. Parks EL
Jessup	2	Guilford EL
	2	Jessup EL
Keedysville	2	Keedysville EL
Kensington	2	Albert Einstein HS
	2	Newport JHS
	2	Pleasant View EL
Kitzmiller	1	Kitzmiller EL
Knoxville	1	Pleasant Valley EL
Landover	2	John Carroll EL
	2	Kenmoor JHS
	2	Matthew Henson EL
	2	Oakcrest EL
	2	Palmer Park EL
Laurel	2	Laurel EL
	2	Laurel HS
	2	O. W. Phair EL
Leonardtown	1	Leonardtown EL
Lexington Park	2	Carver EL
Linthicum	2	Andover HS
Little Orleans	2	Piney Plains
Lonaconing	2	Valley J-SHS
Lothian	2	Lothian EL
	2	Southern JHS
Loveville	2	Banneker EL
Lusby	1	Appeal EL
Lutherville	1	St. Vincent EL
Marbury	2	Gail Bailey EL
Mardela	2	Mardela HS
Marion	2	Marion EL
McCoole	2	McCoole EL
Mechanicsville	2	Mechanicsville EL
	2	Oakville EL
	2	White Marsh EL
Millersville	2	Millersville EL
Millington	1	Millington EL
Morganza	1	Chopticon HS
Mount Ranier	2	Mount Ranier JHS
	2	Thomas Stone EL
Mount Savage	2	Mount Savage EL
	2	Mount Savage J-SHS
Nanjemoy	2	Mount Hope EL
	2	Nanjemoy EL
Newburg	2	Wayside EL
New Market	2	New Market EL

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Location	Code *	School Name
New Windsor	2	New Windsor JHS
Northeast	2	Bay View EL
	2	Northeast EL
	2	Northeast HS
	2	Northeast JHS
Oakland	2	Center Street EL
	2	Dennett Road EL
	2	Oak Street EL
	1	Red House EL
Odenton	2	Arundel JHS
Oldtown	2	Oldtown EL
	2	Oldtown J-SHS
Park Hall	2	Park Hall EL
Parkton	2	Seventh District EL
Pasadena	2	George Fox JHS
	2	High Point EL
	2	Lake Shore EL
	2	Northeast HS
Perryville	2	Perryville EL
	2	Perryville HS
Pittsville	2	Pittsville HS
Pocomoke City	2	Pocomoke EL
	2	Pocomoke HS
	2	Pocomoke JHS
Pomfret	2	Craik EL
Poolesville	2	Poolesville J-SHS
Port Republic	1	Island Creek EL
Port Tobacco	2	Port Tobacco EL
Prince Frederick	1	Central EL
Princess Anne	2	Princess Anne EL
Pylesville	2	North Harford J-SHS
Reisterstown	1	Montrose School
Ridge	2	Ridge EL
Riverdale	2	Parkdale HS
	2	Riverdale EL
	2	Riverdale Hills EL
Rock Hall	2	Rock Hall EL
Rockville	2	Maryvale EL
	2	Park Street
	2	Richard Montgomery HS
	2	Rockville HS
	2	Southlawn JHS
Rohrersville	2	Rohrersville EL
Salisbury	2	Beaver Run EL
	2	Bennett JHS
	2	East Salisbury EL
	2	James M. Bennett HS
	1	Pemberton EL
	2	Prince Street EL
	2	Salisbury EL
Seabrook	2	Caywood EL
	2	Robert Goddard JHS
Seat Pleasant	2	Central HS
	2	Creendale EL
	2	Seat Pleasant EL
Severna Park	2	Jones EL
	2	Oak Hill EL
	2	Severna Park HS
Shady Side	2	Shady Side EL
Sharpsburg	2	Sharpsburg EL
Silver Spring	2	Eastern JHS
	2	East Silver Spring EL
	2	Four Corners EL
	2	Montgomery-Blair HS
	2	Oak View
	2	Takoma Park JHS
Smithsburg	2	Smithsburg HS
	2	Smithsburg JHS
Snow Hill	2	Snow Hill EL
	2	Snow Hill HS
	2	Snow Hill JHS
Sparks	2	Sparks EL
Stevensville	2	Kent Island EL
	2	Stevensville JHS
St. Michaels	2	St. Michaels EL
Street	2	Dublin EL
	2	Highland EL
Sudlersville	2	Sudlersville EL
	2	Sudlersville JHS
Suitland	2	Andrew Jackson JHS
	2	Benjamin Foulois JHS
	2	Spaulding JHS
	2	Suitland HS
	2	Suitland JHS
	2	Thomas Claggett EL
Takoma Park	2	Rolling Terrace EL
Tall Timbers	2	Piney Point EL
Taneytown	2	Taneytown EL
Temple Hills	2	Sandymount EL
Towson	2	Towson EL
Tracys Landing	2	Tracys EL
Union Bridge	2	Elmer A. Wolfe EL
	2	Francis Scott Key HS
Upperco	2	Fifth District EL
Upper Marlboro	2	Douglass EL
	2	Frederick Douglass HS
	2	Frederick Sasscer JHS
	2	James Madison JHS
	2	Kettering EL
	2	Largo HS
	2	Marlton EL
	2	Patuxent EL
Waldorf	2	Malcolm EL
Washington, D.C.	2	Beaver Heights EL
	2	Fairmont Heights HS
	2	Francis Scott Key JHS
	2	John H. Bayne EL
	2	Mary M. Bethune JHS
	2	Morningside EL
Westernport	2	Bruce J-SHS
	2	Westernport EL
Westminster	2	East End EL
Westover	1	Westover EL
Whaleysville	2	Whaleysville EL
Wheaton	2	Highland View EL
	2	Holiday Park EL
	2	Wheaton HS
Woodsboro	2	Woodsboro EL
Worton	2	Worton EL

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Location	Code *	School Name		Location	Code *	School Name	
Abington	2	Charles Frolio	k-12	Boston cont.	1	M E Home Little Wanders	SP
Acushnet	2	Acushnet	Elem.		2	St Augustine	Elem.
	2	Albert f Ford	Jr. H.		2	St Brigid	1-8
Adams	2	Howland	k-3		2	St Francis Desales	1-8
	2	Plunket Intermediate	4-6		2	St Lazarus	1-8
Agavam	2	Katherine G Danahy	k-12		1	St Matthew	1-8
	2	Fadlin M Peirce	k-12		2	St Mary	1-8
Amesbury	2	Amesbury	Elem.		1	St Patrick	Elem.
Amherst	2	Marks Meadow	Elem.		1	St Patrick Sec	Sec.
Andover	2	Greater Lawrence Reg. Voc. Tech.	9-14		1	St Peter	1-8
Arlington	1	St Anne	H.S.		2	Shaw Prep	10-14
Ashfield	2	Sanderson Academy	k-6		1	Thompson Academy	10-12
Athol	2	Ellen Bigelow	1-4		1	Montessori Children House	N-K
	2	Pleasant St	1-4		2	Riverbend	1-8
	2	Sanders Street	k-4		2	St Catherine	1-8
	2	Silver Lake	k-4	Bourne	2	Frances S Stowell	5-6
Attleboro	2	Bliss School	1-5		2	Ella F Hoxie	K-6
	2	Lincoln	1-5		2	Kempton J Coady	Jr. H.
	2	Richardson	1-5	Braintree	2	Donald Ross	K-5
	2	Joseph O Tiffany	1-4		2	Braintree St Coletta Day	UG
	2	Washington	1-5	Bridgewater	2	William H Mc Elwain	k-3
	2	So. Attleboro Middle	6-9		2	Williams Middle	4-8
	2	Peter Thacher Middle	6-8		2	Dr. A F Hune	k-3
	2	Attleboro Voc. Tech H.	H.S.	Brimfield	2	Brimfield	Elem
Baldwinville	2	Narragansett Reg. H.	H.S.	Brockton	2	Brookfield	1-6
Barnstable	1	Hyannis	Elem.		1	James Edgar	1-4
	2	Osterville Annex Mid.	Middle		1	Franklin	1-6
	2	Cotuit	Elem.		1	Howard	1-6
Barre	2	Roger F. Langley	k-2		2	Huntington	1-6
	2	Quabbin Reg.	Jr. Sr.		2	Keith	1-6
	2	Ruggles Lane	3-6		1	Perkins	1-6
Becket	2	Becket Consolidated	3-7		1	B B Russell	1-6
Belchertown	2	Center	1-4		1	St Colman Public	1-6
	2	Cold Spring	k-4		1	George S Paine	1-6
	2	Franklin	1-3		2	Whitman	1-6
	2	Belchertown	Jr. Sr.		1	Downey	1-6
Bellingham	2	South District	5-6		1	East	Jr. H.
Berkley	2	Berkley	Elem.		1	North	Jr. H.
Beverly	1	Abraham Edwards	k-6		2	St Casimir	1-8
	2	Prospect	k-6		1	Westfield Pre	N-K
	1	Washington	k-6	Brookfield	2	Brookfield	Elem.
Billerica	2	Eugene C Vining	1-5	Brookline	2	Edward Devotion	K-1
	2	Locke Middle	Middle		2	Lawrence	K-8
Blackstone	1	Blackstone	6		1	William H Lincoln	K-8
Boston	1	Audubon	k-3		2	Sewall	K-3
	2	Chapman	k-6		2	NE Hebrew Acad	Elem & Sec
	1	Choate Burnham	M-5		1	Pollock School Inc.	UG
	1	David A Ellis Annex	4-6		2	St Dominics Inst.	M-S
	1	David A Ellis	k-6		1	Achievement	7-8
	1	Dennis C Haley	M-7	Cambridge	1	Agassit	K-8
	1	Henry L Higginson	k-6		2	M E Fitzgerald	k-8
	1	Hugh Roe Odonnell	k-12		2	Fletcher	K-8
	1	Julia Ward Howe	k-6		1	Haggerty	k-6
	2	Lowell Mason	k-3		1	Charles G Harrington	K-8
	1	Nathan Hale	k-6		1	Gore Street	K-6
	1	Patrick J Kennedy	k-6		1	Abraham Lincoln	K-6
	1	Robert Treat Paine	1-6		2	Peabody	K-8
	1	Theodore Roosevelt Mid.	2-8		1	Robert F Kennedy	K-8
	2	Washington Irving Col.	k-4		1	Roberts	K-8
	1	Thomas A Edison	Jr. H.		2	Webster	K-8
	1	Patrick F Gavin	Jr. H.		1	Cambridge Alternative	K-5
	2	Girls Latin	7-12		1	Rindge Technical	H.S.
	1	Rafael Hernandez	k-4		2	Central School	M-K
	1	Beres	Elem.-Jr.		1	Charles River Academy	UG
	1	Blessed Sacrament	1-8	Canton	2	Dean S Luce	K-6
	1	Cathedral Grammer	1-8	Carver	2	Gov John Carver	1-5
	1	Don Bosco Tech H.	H.S.	Charlton	2	Shepard Hill Reg.	H.S.
	1	Emmanuel House KDG	M-K	Chelsea	1	Mary C Burke	K-6
	1	Fitton	H.S.		1	Prattville	K-5
	1	Holy Childhood	M-8		1	Shurtleff	K-6
	2	Manville	UG		1	Shurtleff	Jr. H.

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Location	Code *	School Name	
Chelsea cont.	1	Williams	Elem
	1	Williams	Jr. H.
	1	Chelsea	H.S.
	2	St. Rose	Elem.
Chester	2	Chester	Elem.
Chicopee	2	Barry	K-8
	2	Lambert-Lavoie	K-6
	2	Bellamy Middle	Middle
	2	Chicopee	H.S.
	2	Chicopee Comprehensive	H.S.
	2	Holy Name	1-8
	2	St Patricks	Elem.
Chilmark Union 19	2	Chilmark	Elem.
Clinton	2	Bowers	K-3
	2	Corning	1-4
	2	Parkhurst	1-4
	2	Major Walsh	4-5
	2	Our Lady of Jasna Gora	1-8
Danvers	2	Danversport	4-5
Deerfield Union Union 38	2	Old Deerfield	Elem.
Douglas	2	East Douglas	Elem.
	2	Douglas Memorial	H.S.
Dracut	2	Dracut Middle	Middle
	2	George H Englesby	Jr. H.
	1	Dracut Senior	H.S.
Dudley	2	Dudley	Elem.
	2	Dudley Intermediate	7-9
East Bridgewater	2	East Bridgewater Mid.	Middle
East Freetown	2	Freetown Lakeville Middle	Middle
Easthampton	2	Center School	1-4
	2	Parsons	1-4
	2	Park School	5-6
	2	Easthampton	Middle
Erving	2	Erving	Elem.
Everett	2	Adams	Elem.
	1	Alonzo H Evans	7
	1	Benjamin Franklin	K-4
	2	Edward Everett Hale	K-6
	1	George G Hamilton	k-6
	2	Lafayette	K-6
	2	Albert W Lewis	K-5
	2	Horace Mann	K-6
	2	Nichols	K-4
	2	St Anthony	1-8
Fairhaven	2	Edmund Anthony Jr.	K-6
Fall River	2	Diman Reg Voc Tech High	E.S.
	1	Hector L Belisle	K-5
	2	Charles V Carroll	K-6
	2	Carroll Annex	K-3
	1	William Connell	K-2
	1	John J Doran	K-4
	1	Hugo A Dubuque	K-4
	1	Jerome Dwelly	K-6
	1	Fowler	Elem.
	1	William S Greene	K-6
	1	Hartwell St.	Elem.
	1	Hartwell St. Annex	1-4
	2	Highland	k-6
	1	Leontine Lincoln	K-6
	1	Lincoln Annex	K-4
	1	John J McDonough	6-8
	1	John J McDonough Annex	5-6
	1	Slade	K-8
	1	Spring St.	Elem.
	2	George B Stone	k-6
	2	Samuel Watson	K-6
	2	Westall	K-6
	1	Susan H Wixon	K-8
	1	Fall River Middle	Middle
Fall River cont.	2	B M C Durfee	H.S.
	2	Fall River Girls Voc High	H.S.
	2	Nazareth Hall	UG
	1	St Vincent	UG
Falmouth	2	East Falmouth	Elem.
	1	Teaticket	K-4
	2	Woods Hole	K-4
	2	Morse Pond	5-6
	2	Lawrence	7-8
	2	Falmouth	H.S.
Fitchburg	2	Ashburnham St	K
	1	Crocker	Elem.
	2	Bosmer	K-6
	1	Laurel Street	1-6
	1	Walnut Street	K-6
	2	Memorial	Jr. H.
	1	McKay Campus-FSC	K-UG
	2	St Bernard	Elem.
Florida	2	Florida Consolidated	K-8
Foxborough	2	Robinson Hill	K-5
Framingham	2	Lincoln	Elem.
	2	Memorial	1-5
	2	Miriam F McCarthy	1-5
	1	Woodrow Wilson	1-5
	1	Multi Language Ctr.	UG
	2	Farley	Middle
	2	Barbieri	Middle
Franklin	2	Four Corners	1-4
	2	Oak Street	Elem.
Gardner	2	Prospect	1-6
	2	School Street	1-7
Gill	2	Gill	Elem.
Gloucester	1	Babson	K-5
	2	Forbes	1-2
	1	Hovey	2-5
	1	Veterans Memorial	1-6
Grafton	2	Fisherville	1-3
	2	Harding Street	1-4
	2	Grafton Memorial	Middle
Great Barrington	2	William Cullen Bryant	3-6
	2	Justin Dewey	K-2
Greenfield	1	Conway Street	1-3
	2	Federal St North	K-6
	2	Federal Street	K-4
	1	North Parish	K-6
	2	Greenfield	Jr. H.
Groton Union 46	2	Groton	Elem.
Halifax	2	Halifax	Elem.
Hanover	2	South Shore Voc. Tech.	H.S.
Haverhill	2	Burnham	K-4
	1	Fox	1-4
	2	Caleb Dustin Hunking	5-8
	2	St James	Elem.
	1	Tilton	K-4
	2	John G Whittier	5-8
	1	Whittier Reg Voc	9-13
	1	Winter Street	k-4
	2	R L Wood	1-4
Hinsdale	2	Kittridge	K-6
Holbrook	2	John F Kennedy	k-6
	2	South	Elem.
	2	Holbrook	Jr. High
Holliston	2	Holliston	High School
Holyoke	1	Morgan	K-6
	1	Springdale	K-6
	1	West Street	K-6
	1	William Whiting	K-6
	1	Lt Clayre Sullivan	K-6
	2	Maurice A Donahue	K-6
	1	DR WM R Peck	7-9
	1	Lawrence	Elem.
	1	John J Lynch	Jr. High

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Location	Code *	School Name	
Holyoke cont.	2	Holyoke	H.S.
	2	Holyoke Trade	H.S.
	1	Mary Immaculate	K-8
	1	OL Perpetual Help	K-8
Hopedale	2	Dutcher Street	5-6
	2	Park Street	K-3
Hubbardston	2	Hubbardston Center	K-6
Hudson	2	Felton Street	1-3
	2	C A Furley	Middle
	2	John F Kennedy	Middle
Hull	2	Leonard L Damon	Elem.
	1	Memorial	Middle
	1	Lillian M Jacobs	1-5
	2	Hull	H.S.
Huntington	2	Murrayfield	Elem.
Lakeville	2	South Lakeville	1
Lawrence	1	Arlington	K-3
	1	John Breen	K-4
	1	Alexander B Bruce	K-6
	1	James F Hennessey	K-5
	2	Robert L Frost	K-4
	1	Francis M Leahy	K-6
	2	James F Leonard	k-6
	2	John R Rollins	K-6
	1	Charles S Storrow	UG
	2	Emily G Wetherbee	4-6
	1	Park Street	K-3
	2	Salem Street	4-6
	2	Lawrence	H.S.
	2	Sacred Heart	H.S.
Leicester	1	McAuley Nazareth Home	UG
Lenox	1	Rockwood Academy	7-13
	2	Windsor Mountain	H.S.
Leominster	2	Gallagher	Jr. H.
	2	St Cecilia	1-8
Lowell	1	Cardinal Oconnell	K-5
	1	Colburn	1-5
	1	E M Rogers	K-8
	1	Eliot	1-2
	1	Green	K-5
	1	Greenhalge	K-4
	2	Laura E Lee	1-8
	1	Abraham Lincoln	K-6
	1	Hugh J Molloy	K-6
	2	Oakland	K-6
	2	Pawtucketville Mem.	K-6
	2	Peter W Reilly	K-6
	2	Riverside	5-9
	1	Shaughnessy	K-5
	1	Tenth St.	K-6
	1	Ames Street	K-3
	1	Bartlett	Elem.
	1	Bartlett	Jr. H.
	1	Butler	Jr. H.
	2	James S Daley	Jr. H.
	2	Moody Junior High	Jr. H.
	2	Franco American	K-8
	2	Hellenic American	K-6
	2	Notre Dame De Lourdes	1-6
	2	Ste Jeanne Darc	K-8
	1	St Patrick	1-8
	1	St Peter	1-8
Lunenburg	2	Lunenburg	H.S.
Lynn	2	Aborn	1-6
	1	Brickett	Elem.
	2	Burril	Elem.
	1	Julia F Callahan	1-6
	2	Cobbet	Elem.
	1	WM P Connery	1-6
	1	E J Harrington	1-6
	1	Hood	1-6
	1	Ingalls	1-6
	2	Lewis	1-6
Lynn cont.	1	Okeefe	1-6
	1	Tracy	1-6
	2	Washington Community	1-6
	1	Light Street	Elem.
	2	Breed	Jr. High
	1	Cobbet	Jr. High
	2	Eastern	Jr. High
	1	Voc Tech Institute	10-12
	2	Jr. Voc Tech	7-9
	2	St Joseph School	K-8
Malden	1	Charles A Daniels	K-6
	2	Glenwood	k-6
	1	Lincoln	Elem.
	1	Linden	K-6
	2	Maplewood	K-4
	2	Salemwood	K-6
	2	Beebe	Jr. High
	2	Browne	Jr. High
	1	Lincoln	Jr. High
	2	Girls Catholic	High School
Mansfield	2	Spaulding	1-3
Marlborough	2	Bigelow	K-6
	2	Prospect	4-6
Marshfield	2	Gov Edward Winslow	K-6
	2	Furnace Brook	Middle
	2	Martinson	Middle
Mattapoisett	2	Center	1-4
	2	Old Rochester Reg	Jr. High
Maynard	2	Roosevelt	1-6
Medford	1	Columbus	K-6
	2	Lorin L Dame	K-6
	2	Franklin	K-4
	2	John F Kennedy	Elem.
	2	Osgood	K-6
	2	Tufts	K-6
	2	Hobbs	Jr. High
	2	St Joseph School	1-8
Melrose	2	Lincoln	K-6
Mendon	2	Henry P Clough	K-7
Merrimac	2	Helen R Donaghue	3-6
	2	Red Oak	K-3
Methuen	2	Ashford	K-6
	1	Corliss	K-6
	2	Hove	K-6
	2	Marsh School (Old)	5-6
	1	Oakland	K-6
	2	West	K-6
	2	Methuen	Jr. High
	1	Hilltop	UG
Middleborough	2	Flora M Clark	1-2
	2	Mayflower	K-4
	2	Plymouth Street	1
	2	Pratt Free	3-4
	2	Rock	3-4
	2	School Street	3-4
	2	South Middleboro	3-4
	2	Union Street	K-2
	2	West Side	K-4
	2	Henry B Burkland	K-4
	2	Memorial	Jr. High
	2	Middleborough	High School
Middlefield	1	Middlefield	Elem.
Milford	2	Oliver Street	2-5
	2	Plains	K-5
	2	Central	Elem.
	2	Milford	Middle
Millbury	2	Elmwood Street	4-6
	2	Dorothy Manor	1-3
Milton	1	Shaloh House Day Sch.	N-K
Montague	2	Highland	UG
	2	Hillcrest	UG
	2	Montague Center	UG

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Location	Code *	School Name	
Montague cont.	2	Old Sheffield	Middle
	2	Turners Fall	H.S.
Natick	2	Center	4-6
	2	East	K-6
	2	Johnson	K-4
	2	Lincoln	K-6
New Bedford	1	Acushnet Avenue	K-3
	1	Elizabeth Carter Brooks	K-6
	1	Elwyn G Campbell	K-4
	1	Clark Street	K-6
	1	John H Clifford	K-5
	1	James B Congdon	N-6
	1	SGT WM Carney ACAD	K-6
	1	John B Devalles	K-6
	1	Thomas Donaghy	K-6
	1	George H Dunbar	K-6
New Bedford	1	T A Greene	K-6
	1	John Hannigan	K-6
	1	Ellen R Hathaway	K-6
	1	R C Ingraham	K-6
	1	Mt Pleasant	K-6
	1	Sarah D Ottiwell	K-6
	1	John Avery Parker	K-6
	1	Thomas R Rodman	K-6
	2	Jireh Swift	K-6
	1	Thompson St	1-3
	2	Betsey B. Winslow	K-6
	1	Normandin	Jr. H.
	2	New Bedford	H.S.
Newbury	2	Byfield	1-2
	2	Newbury	Elem.
	2	Woodbridge	1-2
Newburyport	1	George W Brown	K-4
	1	Davenport	K-6
	1	Kelley	K-6
	2	Rupert A Nock	Middle
	2	Newburyport	H.S.
New Marlborough	2	New Marlborough Cenral	1-4
Newton	1	Lincoln-Eliot	K-6
Norfolk	2	Alvin J Freeman	K-3
	2	King Philip Reg.	7-9
North Adams	1	Greylock	K-6
	1	Brayton	Jr. H.
	2	Mark Hopkins Campus	K-8
	2	Charles H McCann Tech	9-13
Northampton	2	Florence Grammer	1-6
	2	Jackson Street	1-6
	2	Lilly	K
	2	D A Sullivan	UG
	2	John F Kennedy	Jr. H.
North Andover	2	Bradstreet	K-5
North Attleborough	2	Joseph W Martin Jr.	Elem.
	2	Falls	K-5
	2	John Woodcock	K-3
	2	Richards Avenue	4-5
Northbridge	2	W Edward Balmer	3-6
	2	Clarke	1-2
	2	Plummer	1-2
	2	Cross Street	K-2
North Brookfield	2	North Brookfield	Jr. Sr.
North Egremont	2	North Egremont	1
North Reading	2	Marea J Murphy	6-8
Northfield	2	Pioneer Valley Reg.	7-12
Norton	2	Norton	Middle
Oak Bluffs	2	Oak Bluffs	Elem.
Oakham	2	Oakham Center	Elem.
Orange	1	Butterfield	Elem.
	2	Dexter Park	K-6
	2	Gale Brooks	1-4
	2	Ralph C Mahar Reg.	7-12
Oxford	2	Clara Barton	K-5
	2	Allen Joslin	K-5
Oxford cont.	2	Woodward	1-2
	2	Oxford Middle	6-7
Palmer	2	Bondsville Grammer	K-7
	2	Park Street	1-7
	2	Thorndike Grammer	K-7
	2	St Ann Public	1-6
Peabody	2	Samuel Brown	K-6
	2	Thomas Carroll	K-6
	2	Center	K-6
	2	Farnsworth	1-6
	2	William E Welch Sr.	K-6
	2	Kiley Bros Memorial	1-6
	2	J Henry Higgins	Jr. High
Pembroke	2	Bryantville	Elem.
	2	Pembroke Center	K-6
	2	North Pembroke	Elem.
	2	Silver Lake Reg.	Jr. High
Pepperell	2	Groton Street	1
	2	Peter F Fitzpatrick	K-6
	2	Clara M Shattuck	Elem.
Peru	2	Peru Center	1-6
Pittsfield	1	Briggs Follow through PGM	K-3
	2	Crane	K-6
	2	Mercer	K-6
	1	Plunkett	Elem.
	2	Pontoosuc	K-6
	2	Russell	K-6
	1	Tucker	K-6
	2	John C Crosby	Jr. High
	2	North	Jr. High
	2	Pittsfield Voc.	10-12
Plymouth	2	Plymouth-Carver Intermdte	6-8
	2	Plymouth-Carver	High School
	2	Cold Spring	1-3
	1	Hedge	1-3
	2	Manomet	Elem.
	2	Oak Street	1-3
	2	Nathaniel Morton	Elem.
	2	St Bonaventures KDG	K
Provincetown	2	Provincetown	Elem.
Quincy	2	Lincoln-Hancock	K-6
	2	Broad Meadows	Jr. High
	2	Quincy Point	Jr. High
	2	Remy E Sterling	Jr. High
Randolph	2	Charles G Devine	1-6
Reading	2	Woburn Street	K-6
Revere	1	Julia Ward Howe	K-5
	1	Liberty	K-7
	1	Wolcott	K-8
	2	James A Garfield	Jr. High
Rockland	2	McKinley	K-6
	2	R Stewart Esten	K-6
	2	Rockland	Jr. High
	2	Senior High	High School
Royalston	2	Raymond	K-2
	2	South Royalston	3-6
Russell	2	Russell	Elem.
Salem	2	Bentley	K-4
	2	Bowditch	5-8
	2	Carlton	K-4
	2	Endicott	K-4
	2	Saltonstall	K-8
	1	Hawthorne	1-8
	1	St John The Baptist	1-8
Salisbury Union 68	2	Memorial	1-6
	2	Plains	K
Sandisfield	2	Sandisfield	Elem.
Saugus	2	North Saugus	1-4
Scituate	2	Wampatuck	Elem.
Seekonk	2	North	1-6

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Location	Code *	School Name	
Somerset	2	Village	K-4
Somerville	1	Baxter	K-4
	1	Bingham	1-12
	2	Benjamin G Brown	K-6
	1	Martin W Carr	K-6
	1	Cummings	K-6
	2	S Newton Cutler	K-6
	1	Foster	K-6
	1	Grimmons	K-6
	1	Arthur D Healey	K-6
	2	Powder House Comm.	K-6
	1	John F Kennedy	K-6
	1	Knapp Perry	K-6
	1	Martha Perry Lowe	K-4
	1	Charles G Pope	Elem.
	1	E Somerville Comm.	K-6
	1	George O Proctor	K-6
	1	Northeastern	Jr. H.
	2	Southern	Jr. H.
	2	Western	Jr. H.
	2	Somerville	H.S.
	1	Somerville Tec Trade	H.S.
	2	St Ann	1-8
	1	St Anthony	1-8
	1	Full Circle	9-12
Southborough	2	Mary E Finn	1-4
	2	Living&Learning Sch.	N-K
Southbridge	1	Charlton Street	K-5
	1	Pleasant Street	1-4
	2	West Street	K-5
	2	Mary E Wells	Jr. H.
	1	Pre-Voc.	7-8
South Egremont	2	Sheffield Center	2
Southwhich Union 39	2	Southwick Consolidated	3-4
Spencer	2	Lake Street	K-5
	2	West Main Street	1-4
	2	David Prouty	Jr. H.
Springfield	1	Armory Street	k-6
	1	Thomas M Balliet	K-6
	1	Brigtonwood	K-6
	2	Daniel B Brunton	K-6
	1	William N Deberry	K-6
	1	Hiram L Dorman	K-6
	1	Glenwood	K-6
	2	Alfred M Glickman	K-6
	2	Frederick Harris	K-UG
	2	Homer Street	K-4
	1	Jefferson Avenue	K-1
	1	Lincoln	K-6
	1	Memorial	K-6
	2	Robert O Morris	K-6
	1	Myrtle Street	K-6
	1	Mary O Pottenger	K-6
	1	Page Program	8-12
	1	Sumner Avenue	K-5
	1	Arthur Talmadge	K-6
	1	Title I Reading Ctr.	1-5
	1	Warner	K-6
	1	White Street	K-6
	2	John J Duggan	Jr. H.
	1	Forest Park	Jr. H.
	2	Marcus Kiley	Jr. H.
	1	Van Sickly	Jr. H.
	1	High School of Comm.	H.S.
	2	Technical High	H.S.
	1	Putnam Voc Tech	H.S.
	1	Pupil Adjustment Ctr.	UG
	2	Our Lady of Hope	K-8
	2	St Thomas Aquinas	1-8
	1	Eastern Avenue	UG
Stockbridge	2	Stockbridge Plain	K-6
Stoneham	2	Emerson	K-4
	2	South	K-3
Stoughton	2	Clapp	K-3
	2	Edwin A Jones	2-6
	2	North	Elem.
	2	West	Elem.
	2	Joseph H Gibbaon	K-6
	2	Stoughton	Jr. High
Sturbridge	2	Burgess	Elem.
	2	Tantasqua Reg Voc.	7-12
Taunton	2	Edmund Hatch Bennett	1-5
	1	Caleb Barnum	1-5
	2	Caswell	1-5
	2	Leonard	1-5
	2	Joseph H Martin	6-8
	1	Lowell M Maxham	1-5
	1	School Street	UG
	1	Sheridan Street	1-5
	2	Walker	1-5
	1	Washington	1-5
	1	Weir Grammer	1-5
Templeton	2	Baldvinville	Elem.
	2	East Templeton	4-6
	2	Templeton Center	K-3
Tewksbury	1	Shawsheen	1-4
Tisbury	2	Tisbury	Elem.
Tyngsborough	2	Lakeview	3-6
	2	Winslow	K-2
Uxbridge	2	Earl D Taft	K-4
Wakefield	2	Northeast Mtro Reg. Voc	9-14
Waltham	1	Ezra C Fitch	K-4
	2	Nahum Hardy	K-4
	1	Chauncey Newhall	K-4
	2	School Street	5-6
	2	Thomas R Plympton	K-5
	1	Royal E Robbins	5-6
	2	Warren	SP
	1	Henry Whittemore	K-6
	2	Central	Jr. High
	2	South	Jr. High
	2	Waltham Voc	High School
Ware	2	Church St Intermediate	5-8
	2	South Street	K-2
Wareham	2	John William Decas	1-5
	1	East Wareham	1-4
	2	Intermediate	5-7
	1	Minot Forest	4-6
	2	Onset	K-3
	2	West Wareham	1-4
Warren	2	Quaboag Reg.	High School
	2	Warren	Elem.
Warwick	2	Warwick Center	K-6
Washington	2	Washington	Elem.
Watertown	2	Browne	K-6
	2	Coolidge	K-6
	2	James Russell Lowell	K-5
	2	Parker	K-6
Webster	1	Filmer	1-4
	1	Thompson	1-3
	1	Webster Intermediate	1-8
	1	Intermediate Annex	5-7
	1	Negus Street	3-6
	2	St Louis	1-8
Wellesley	2	Joseph Fiske	K-6
West Bridgevater	2	Sunset Avenue	3
Westfield	1	Franklin Ave	K-5
	2	Prospect Hill	K-5
	2	Southampton Road	K-5
	2	Westfield Voc	High School
	2	Holy Trinity	1-8
Westport	2	Greenwood Park	K-2
West Newbury	2	Pentucket Reg	Jr. High

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Location	Code *	School Name	
West Springfield	2	Margaret C McDonough	K-6
	1	Main Street	K-6
	1	Memorial	K-6
	2	Park Avenue	K-6
West Tisbury	2	West Tisbury	Elem.
Weymouth	2	James Humphrey	K-6
	2	Hunt	K-6
	2	Jefferson	K-6
	2	Washington	1-3
Whitman	2	Park Avenue	K-4
	2	Regal Park	K-5
Williamsburg	2	Anne T Dunphy	2-3
	2	Haydenville Center	K-1
	2	Helen E James	4-6
Wilmington	2	Boutwell	1-4
	2	Glen Road	1-5
	2	Walker	1-3
	2	Wildwood	1-6
	2	West Intermediate	7-8
Winchendon	2	Marvin	K-3
	2	Poland	Elem.
	2	Tucker	1-4
	2	White	1-4
	1	Woodcock	1-4
	2	Old Murdock	1-4
	2	Murdock	Jr & Sr.
Windsor	2	Crane Community	K-1
Winthrop	2	N Elliot Willis	2-6
	2	Arthur W Dalrymple	k-5
Woburn	2	George l Clapp	1-6
	2	Linscott-Rumford	1-6
	1	Plympton	1-6
	2	Shamrock Memorial	1-6
	2	Mary D Altavesta	1-6
	1	Childrens Center	N-K
Worcester	2	Abbott Street	K-6
	1	Adams Street	K-6
	1	Belmont St. Community	K-6
Worcester cont.	1	Cambridge St.	K-6
	1	Canterbury St.	K-6
	1	Chandler St.	K-6
	1	Clark Street	K-6
	2	Columbus Park	K-6
	2	Dartmouth St.	K-6
	1	Downing Street	K-6
	1	Freeland Street	K-6
	1	Gage Street	K-6
	1	Grafton Street	K-6
	2	Granite Street	K-6
	1	Harlow Street	K-6
	2	Lake View	K-6
	1	Lamartine Street	K-6
	2	New Ludlow	K-6
	2	Mill Swan	K-6
	1	Millbury St	K-6
	2	Norrback Ave.	K-6
	1	Oxford Street	K-6
	2	Quinsigamond	K-6
	2	Rice Square	K-6
	1	St Nicholas Ave. Comm	K-8
	2	Thorndyke Road	K-6
	2	Upsala Street	K-6
	1	Winslow St.	K-6
	1	Woodland St Community	K-6
	2	Burncoat St.	Jr. High
	1	Worcester East	Middle
	1	Worcester New	K-8
Wrentham	2	Vogel	3-4
	2	Charles E Roderick	5-6
Yarmouth	2	John Simpkins	K-5
	2	Marguerite E Small	Elem.

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Location	Code *	School Name	Location	Code *	School Name
Ada	2	St. Patrick 7-9	Alpena	2	Alpena High School
Addison	2	Devils Lake Elementary		2	Anna M Besser School 7-9
Adrian	1	Adrian Head Start UNK		1	Bingham School EL
	2	Comstock Elementary		1	Ella M White School EL
	2	Garfield Elementary		1	Gordon School EL
	1	Jefferson Elementary		1	Hinks School EL
	2	Madison Elementary		1	Lincoln Community School EL
	2	Madison High School		1	Maple Ridge School EL
	2	McKinley Elementary		1	Sunset Elementary
	2	Michener Elementary		2	Thunder Bay Junior High School 7-9
Alanson	2	Littlefield Elementary	Alto	2	Alto Area School EL
Alba	1	Alba Public School K-12	Ann Arbor	2	Angell School EL
Albion	2	Albion Senior High School		1	Arbor Heights Center
	1	Crowell School EL		2	Mack Elementary
	1	Dalrymple Elementary	Arcadia	2	Arcadia Elementary
	2	Harrington Elementary	Arnold	1	Wells Township School EL
	2	Saint John School 7-9	Ashley	2	Ashley Community High School 10-12
	1	Starr Commonwealth for Boys K-12		2	Ashley Elementary
	2	Washington Gardner Junior High	Atlanta	2	Atlanta Community Elementary
Algonac	2	Algonac Elementary		1	Atlanta Community High School 7-12
Allegan	2	L E White Junior High School	Atlantic Mine	1	E.B. Holman Elementary
	2	North Ward School EL	Au Gres	1	Au Gres Sims Elementary
	2	Pine Trails Elementary		1	Au Gres Sims High School 7-12
	1	South Ward School EL	Baldwin	1	Baldwin Elementary
	2	West Ward School EL		1	Baldwin Public High School 10-12
Alma	2	Alma Middle		1	Nelson Elementary
	2	Pine [illegible] EL	Bangor	1	Bangor Elementary School MID
	2	Republic School EL		1	Bangor Elementary

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Location	Code *	School Name	Location	Code *	School Name
Bangor cont.	2	Bangor High School 10-12	Big Bay	1	Powell Township Elementary
	1	Bangor Junior High School 7-9	Big Rapids	1	Brookside Elementary
Baraga	1	Baraga Township High School 7-12		1	Eastwood Elementary
	1	Philip Latendresse School EL		2	Pineview School EL
Bark River	2	Ford River School EL	Blanchard	2	Montabella Elem. and Jr. High School
Barryton	1	Barryton Elementary	Bloomingdale	2	Bloomingdale Elementary
	2	Barryton Junior High School 7-9		2	Burrows School EL
Barton City	1	Barton City Elementary		1	Grand Junction Elementary
Battle Creek	1	Ann J Kellogg School EL		2	Pullman Elementary
	2	Battle Creek Central High School	Boon	2	Forest View Elementary
	2	Coburn School EL	Boyne City	2	Central Elementary
	2	Dudley School EL	Boyne Falls	2	Boyne Falls School K-12
	1	Franklin School EL	Breckenridge	2	Breckenridge Elementary
	2	Lamora Park School EL	Bridgeport	2	Brucker Elementary
	1	Level Park School EL		2	Hanlon Middle School
	1	Lincoln School EL	Bronson	1	Anderson Elementary
	1	McKinley School EL		1	Bronson High School 10-12
	1	Northwestern Junior High School 7-9		1	Bronson Junior High School 7-9
	2	Pennfield Poulsen School EL		1	Ryan Elementary
	1	Post Elementary	Buchanan	1	Howe Elementary
	1	Roosevelt School EL		2	Moccasin Elementary
	1	Southeastern Junior High School 7-9	Buckley	1	Buckley Community School K-12
	1	Southwestern Junior High School 7-9	Burr Oak	2	Burr Oak Elementary
	2	Urbandale School EL		2	Burr Oak High School 7-12
	2	Verona School EL	Cadillac	1	Cadillac Junior High School 7-9
	2	W K Kellogg Junior High School 7-9		1	Cass School EL
	1	Washington School EL		2	Cooley School EL
	2	Wattles Park Elementary		1	Kenwood School EL
	1	Wilson School EL		1	Lincoln School EL
Bay City	1	Bangor Central School EL	Caledonia	2	Dutton Elementary
	2	Central High School 10-12	Calumet	1	Centennial School EL
	1	Dolsen School EL		2	M M Morrison School EL
	1	Dorland School EL	Camden	2	Camden Frontier School K-12
	2	Farragut School EL	Carney	1	Carney Nadeau School K-12
	2	Fremont School EL	Caro	2	Frank E. Schall Elementary
	2	Garfield School EL	Casnovia	2	Casnovia Elementary
	2	MacGregor Intermediate School 7-9	Cedar Springs	2	Cedar Springs Elementary
	2	Riegel School EL	Centerville	2	Centerville EL
	1	Trombley School EL	Central Lake	2	Central Lake Elementary
	1	Woodside School EL		2	Central Lake High School 7-12
Bay Port	1	Bay Port Elementary	Chassell	2	Chassell High School 7-12
Beaverton	2	Beaverton Elementary		2	Chassell New Elementary
Belding	2	Belding High School 7-12		1	Southwell Elementary
	2	Belding Middle	Cheboygan	2	Black River Elementary
	2	Grattan Elementary		2	Cheboygan Area High School 10-12
	2	Hallpark Elementary		1	Cheboygan Catholic High School 10-12
Belleville	2	Sumpter Elementary		2	Cheboygan Junior High School 7-9
Benton Harbor	1	Bard School EL		2	Fast Elementary School
	1	Benton Harbor High School 10-12		2	West Elementary School
	1	Benton Harbor 7/8 Grade Ctr 7-9	Coldwater	2	Coldwater SDA Elementary
	1	Boynton School EL		2	Franklin School EL
	1	Calvin Britain School EL		2	St. Charles School EL
	1	Columbus School EL	Coleman	2	Coleman Elementary School
	2	Fair Plain East School EL		2	Coleman Intermediate School
	1	Fair Plain Northeast School EL	Colon	2	Colon Elementary School
	1	Fair Plain 7/8 Grade Center 7-9	Comstock Park	2	East Elementary School
	1	Henry C Morton School EL		1	West Elementary School
	1	Hull School EL	Cooks	1	Big Bay De Noc School K-12
	1	Hull 7/8 Grade Center 7-9	Coopersville	1	Coopersville Elementary School
	1	Johnson School EL		1	Coopersville High School 10-12
	2	Lafayette School EL		1	Coopersville Junior High School 7-9
	1	Martin Luther King Junior Elem.	Copper City	1	Copper City School EL
	1	Martindale School EL	Coral	2	Coral Elementary School
	1	North Shore School EL	Covert	1	Covert Elementary School
	1	Seely McCord School EL		1	Covert High School 7-12
	2	Sorter School EL	Cross Village	1	Cross Village Public School K-5
	2	Spinks Corners School EL	Croswell	1	Applegate EL
	1	Sterne Brunson School EL		2	Croswell Lexington Junior High School
	1	Stump Nickerson Elementary		2	Frostick School MID
Benzonia	1	Crystal Lake Elementary		2	Geiger Elementary School
Bergland	2	Bergland Elementary		2	Patrick Elementary School
Berrien Springs	2	Marrs St. Elementary	Crystal	2	Crystal Elementary School
Bessemer	2	Washington School EL		2	Forest Park Elementary School

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Daggett	1	Daggett Elementary School
Dearborn	2	Federal Elementary School
Dearborn Heights	2	Miller School EL
	1	Robichaud Senior High School
	1	Salina Elementary School EL
	1	Salina Junior High School 7-9
Decatur	1	Volinia Elementary School
Decker	2	Evergreen Elementary School
Deckerville	2	Deckerville Elementary School
Deerfield	2	Deerfield Elementary Annex
	2	Deerfield Elementary School
Deerton	2	Deerton Elementary School
Deford	2	Deford Elementary School
Delton	2	Delton Upper Elementary School
Detour Village	2	Detour Elementary School
Detroit	1	A L Holmes Primary
	1	A L Holmes School EL
	1	Alger School EL
	1	Amos School EL
	1	Angell Elementary School
	1	Angell Primary School EL
	1	Atkinson School EL
	1	Balch Elementary School
	1	Barbour Junior High School 7-9
	2	Barton School EL
	2	Beard School EL
	1	Bell School EL
	1	Bellevue Elementary School
	1	Berry School EL
	1	Biddle Elementary School
	1	Birney Elementary School
	1	Brady School EL
	1	Breitmeyer School EL
	1	Brooks Junior High School 7-9
	1	Bunche School EL
	2	Burbank School EL
	1	Burroughs Junior High 7-9
	1	Burton School EL
	1	Butzel Junior High School 7-9
	1	Cadillac Junior High 7-9
	1	Campau Primary School EL
	1	Campbell Elementary School
	2	Carleton School EL
	1	Carstens School EL
	1	Cary Elementary School EL
	2	Central High School 10-12
	1	Cerveny Junior High School 7-9
	2	Chadsey High School 10-12
	1	Chandler School EL
	1	Chaney School EL
	1	Charles R. Drew Junior High 7-9
	1	Cleveland Junior High School 7-9
	1	Clinton School EL
	1	Clippert Elementary
	1	Clippert Middle School MID
	1	Columbian Elementary School
	1	Columbian Primary Annex EL
	2	Columbus Junior High
	1	Condon Junior High School 7-9
	1	Continuing Education for Girls UNG
	2	Coolidge Elementary School
	1	Cooper School EL
	1	Cortland Primary School EL
	2	Courtis School EL
	1	Courville School EL
	1	Couzens Elementary School
	1	Craft School EL
	1	Crosman School EL
	2	Custer School EL
	1	Damon J. Keith EL
	1	Dancy School of Observation
	1	Davison School EL
	1	Dexter Special UNG
Detroit cont.	1	Doty School EL
	2	Dow World of Work UNG
	1	Dubois School 10-12
	1	Duffield Elementary EL
	1	Duffield Special School UNG
	1	Dwyer School EL
	2	E M Turner School EL
	1	Earhart Junior High School 7-9
	1	East Catholic High School 10-12
	1	Eastside Vicariate Elementary School
	1	Edmonson Elementary School
	1	Ellis Elementary and Special School
	1	Fairbanks Elementary School
	1	Farrand Senior Special B 7-12
	2	Farwell Junior High School 7-9
	1	Ferry Elementary Annex
	1	Field School EL
	1	Fisher School EL
	2	Fitzgerald Elementary
	1	Foch Junior High School 7-9
	1	Foster School EL
	1	Franklin School EL
	1	George Elementary School
	2	George Ford Elementary
	2	George Ford Middle School
	1	Glazer School EL
	1	Goldberg School EL
	1	Gompers School EL
	2	Grant School EL
	1	Grayling Elementary School
	1	Greenfield Park School EL
	1	Greusel Junior High School 7-9
	2	Guest Primary EL
	2	Guest School, EL
	1	Hamilton Elementary School
	2	Hampton Junior High School 7-9
	1	Hancock Primary School EL
	1	Hanneman School EL
	2	Harding Elementary School
	1	Harding Junior High School 7-9
	1	Harris Elementary School
	1	Herman School EL
	1	Higginbotham School EL
	2	Higgins School EL
	1	Hillger School EL
	1	Holy Redeemer Elementary School
	2	Holy Redeemer High School 10-12
	1	Holy Trinity School EL
	1	Houghten School EL
	1	Howe School EL
	1	Hunter Elementary
	1	Hutchins Junior High School 7-9
	1	Hutchinson Elementary School
	1	Ives Elementary School
	1	Jackson Junior High School 7-9
	2	Jamieson School EL
	1	Jefferson Junior High School 7-9
	1	Jeffries School EL
	1	Jones Elementary School
	1	Jones Elementary School Annex
	1	Joy Junior High School 7-9
	1	Joyce Elementary School
	1	Keating School EL
	1	Keidan Elementary School
	1	Kennedy School EL
	1	Kettering Senior High School
	2	King School EL
	1	King, Martin Luther High School
	1	Knudsen School 7-9
	1	Kralik School EL
	1	Leland Orthopedic School EL
	2	Lessenger Junior High School 7-9
	1	Lillibridge School EL

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Location	Code *	School Name
Detroit cont.	1	Lincoln School EL
	1	Lingemann School EL
	1	Logan School and Special EL
	1	Longfellow Junior High 7-9
	1	Lynch School EL
	1	Lyster School MID
	2	MacCulloch School EL
	2	Mackenzie High School 10-12
	1	Marcy School EL
	2	Mark Twain Elementary School
	1	Marxhausen Elementary and Special
	1	Marxhausen Primary School EL
	1	Maybee School EL
	1	Maybury School EL
	1	McFarlane School EL
	1	McGraw School EL
	1	McKerrow Elementary School
	1	McKinstry School EL
	1	McMichael Junior High School 7-9
	1	McMillan Elementary School
	2	Mettetal Junior High School 7-9
	1	Metzner Center EL
	1	Miller Junior High School 7-9
	1	Monica Primary School EL
	1	Monteith School EL
	1	Moore Elementary School
	1	Moore School of Observation MID
	1	Morley Elementary and Special School
	1	Munger Junior High School 7-9
	1	Murray High School 10-12
	1	Myrtle Elementary School
	1	Neinas School EL
	1	Newberry Elementary School
	1	Nichols School EL
	1	Noble Junior High School 7-9
	1	Noble School EL
	1	Northeastern High School 10-12
	1	Northern High School 10-12
	1	Norvell School EL
	2	O W Holmes School EL
	1	Owen Elementary School
	1	Palmer School EL
	1	Parke Annex School EL
	1	Parke School EL
	2	Patronage St. Joseph Elementary
	1	Pattengill School EL
	1	Peck School EL
	1	Pelham Middle School
	1	Pingree School EL
	1	Post Junior High School 7-9
	1	Preston School EL
	2	Priest School EL
	2	Region 5 Middle School
	1	Region 7 Middle School
	1	Remus Robinson Middle School
	2	Richard School EL
	1	Roosevelt School EL
	1	Rose School EL
	1	Ruthruff Elementary School
	2	Saint Brigid Elementary School
	1	Sampson Elementary School
	1	Sanders School EL
	2	Schulze Elementary School
	1	Scripps School EL
	2	Servite High School 10-12
	1	Sherrard Middle School
	2	Sherrill School EL
	1	Southeastern High School 10-12
	1	Spain Junior High School 7-9
	1	St. Ambrose Elementary School
	1	St. Casimir Elementary School
	1	St. Clair School EL
	2	St. Hyacinth Elementary School
Detriot cont.	1	St. Ignatius EL
	1	St. John Berchmans EL
	1	St. Leo Grade School EL
	1	St. Martin de Porres High School 9-12
	1	St. Theresa Visitation School EL
	1	St. Vincent School MID
	1	Stark Elementary
	1	Stephens School EL
	1	Stewart School EL
	2	Stratford School EL
	1	Tappan Elementary
	1	Tendler School EL
	1	Thirkell School EL
	1	Thomas School EL
	1	Trombly School EL
	2	Von Steuben Junior High School
	1	Washington Careers Center 7-12
	1	Webber Junior High School 7-9
	1	Webster School EL
	1	White Elementary School
	1	Whitney M Young Middle School
	1	Willams School EL
	2	Wilson Junior High School 7-9
	2	Wingert School EL
	1	Winship Elementary School
	1	Winship Junior High School 7-9
	1	Winterhalter Junior High School
	1	Woodward School EL
Dollar Bay	2	Thomas R Davis Elementary School
Dorr	2	Sycamore Elementary School
Dowagiac	2	Central Junior High School 7-9
	2	Kincheloe Elementary School
	1	Lincoln Elementary School
	1	McKinley Elementary School
	1	Patrick Hamilton Elementary School
	2	Sister Lakes Elementary School
Durand	2	Bertha Neal School EL
	2	South Side Elementary School
East Detroit	2	Oakwood Junior High School 7-9
East Lansing	1	Spartan Village School EL
	2	Wardcliff Elementary School
	2	Whitehills Elementary School
	2	William Donley Elementary EL
Eaton Rapids	2	King Street Elementary School
	2	Northwestern Elementary School
Eau Claire	2	Eau Claire Middle School 7-9
	2	Lybrook Elementary School
	2	South Maple Grove School EL
Eben Junction	2	Eben High School 7-12
Ecorse	1	Claude J Miller School EL
Edmore	2	Second Street Elementary School
Edwardsburg	2	Edwardsburg Elementary School
Elberta	2	Elberta Elementary School
Elk Rapids	1	Cherryland Middle School
	1	Elk Rapids High School 10-12
	1	Lakeland Elementary School
Elkton	2	Elkton Elementary School
Ellsworth	2	Ellsworth Community Elementary School
	2	Ellsworth Community High School 7-12
Elmira	2	Elmira Elementary School
Engadine	2	Engadine Elementary School
	2	Engadine High School 7-12
Escanaba	2	Pine Ridge School EL
	1	Washington School EL
	1	Webster School EL
Evart	2	Evart Elementary School
	2	Evart High School 7-12
Fair Haven	2	Fair Haven Elementary School
Fairview	1	Fairview Elementary School
	1	Fairview High School 7-12
Falmouth	2	Falmouth Elementary School
Farmington	2	Gill Elementary School
	2	Larkshire Elementary School

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Location	Code *	School Name
Farwell	2	Farwell Middle School
	2	Farwell Upper Elementary School
Fennville	1	Anna Michen Elementary School
	1	Ganges Elementary School
Ferndale	2	Lee O Clark Elementary School
	1	Marta Jardon Vocational School 7-12
Flat Rock	2	Woodhaven High School 10-12
Flint	1	Beecher High School 10-12
	1	Brownell School EL
	1	Bryant School 7-9
	1	Buell Elementary School
	1	Bunche Elementary School
	1	Carpenter Road School EL
	1	Central School 10-12
	1	Cook School EL
	1	Dewey School EL
	2	Donald E. Johnson Elementary School
	1	Donovan Middle School, South
	1	Dort School EL
	2	Durant EL
	2	Eisenhower School EL
	1	Emerson Intermediate School MID
	1	Emerson Junior High School 7-9
	1	Frank Manley Elementary School
	1	Garfield School EL
	1	Gundry School EL
	2	Hamady Junior High School 7-9
	1	Holmes School 7-9
	1	Homedale School EL
	1	Jefferson School EL
	1	Kennedy School EL
	1	Kurtz Elementary School
	1	Lincoln School EL
	1	Longfellow Junior High 7-9
	1	Lowell School 7-9
	1	Martin Luther King Elementary School
	1	Martin School EL
	2	McKinley Junior High School 7-9
	2	Merrill School EL
	1	Messer Elementary School
	2	Michael Hamady Elementary School
	1	Northern School 10-12
	1	Northgate Elementary School
	1	Northwestern School 10-12
	1	Oak School EL
	1	Parkland School EL
	1	Pierson School EL
	2	Potter School EL
	2	Selby School EL
	1	Stevenson School EL
	1	Stewart School EL
	1	Summit Junior High School 7-9
	1	Utley Middle School
	1	Washington School EL
	2	Whittier School 7-9
	1	Wilkens Elementary School
	1	Williams Community Elementary School
	2	Woodland Elementary School
	1	Zink Elementary School
Fowler	2	Fowler High School 7-12
	2	Waldron Elementary School
Frankfort	2	Frankfort Elementary School
Frederic	2	Frederic Elementary School
Freeport	1	Freeport Elementary School
Freesoil	2	Freesoil Community Elementary School
	1	Freesoil Community High School 7-12
Fremont	2	Daisy Brook Elementary School
	1	Lordon School EL
Gagetown	2	Gagetown Elementary School
Germfask	1	Germfask Elementary School
Gladstone	2	Flat Rock Elementary School
	2	W C Cameron Elementary School
Gladwin	2	Beaverton Area School EL
	2	Gladwin Elementary School EL
	2	Gladwin Intermediate School EL
Glennie	1	Glennie Elementary School EL
Grand Haven	1	Central School EL
	1	Elliott School EL
	2	Robinson School EL
Grand Ledge	1	Saint Michael 7-9
Grand Marais	1	Burt Township School K-12
Grand Rapids	1	Aberdeen School EL
	1	Alexander Elementary School EL
	1	Beckwith School EL
	1	Buchanan School EL
	2	Burr Oak School EL
	2	Burton Elementary School EL
	2	Burton Junior High School 7-9
	1	Campau Park School EL
	1	Coit Elementary School EL
	1	Congress School EL
	1	East Leonard School EL
	1	Fountain School EL
	1	Franklin School EL
	1	Hall School EL
	1	Harrison Park Elementary School
	1	Harrison Park Junior High 7-9
	1	Henry Elementary School EL
	2	Huff School EL
	1	Iroquois Middle School MID
	1	Jefferson School EL
	1	Kensington School EL
	1	Lexington School EL
	1	Lincoln School UNG
	1	Madison Park School EL
	2	Michigan Oak School EL
	2	Mulick Park School EL
	2	Oakdale School EL
	2	Orthopedic School UNG
	2	Palmer School EL
	2	Park School UNG
	2	Ridgemoor Park Elementary School
	2	Sacred Heart 7-9
	1	Sheldon School EL
	2	Sibley School EL
	1	Sigsbee School EL
	1	South Middle School MID
	2	St. Adalbert 7-9
	1	St. Andrew 7-9
	2	St. Mary School EL
	2	Stocking School EL
	1	Straight School EL
	2	Townline Elementary School
	1	Vandenberg School EL
	2	Walbridge Academy UNG
	2	Wellerwood School EL
	2	West Kelloggsville School EL
Grandville	2	Grandville Junior High School 7-9
Grayling	2	Grayling Elementary School
	2	Grayling High School 10-12
	2	Grayling Middle School 7-9
Greenville	2	Cedar Crest School EL
	2	Churchill Elementary School
	2	Greenville Intermediate School 7-9
	2	Lincoln Heights Elementary School
	2	Satterlee Elementary School
	2	Turk Lake Elementary School
	2	Walnut School EL
Gregory	2	Gregory Elementary School
Gulliver	1	Doyle Elementary School EL
Gwinn	2	Sands Township School Elementary
Hale	1	Hale Area Elementary School
	2	Hale Area High School 7-12
Hamtramck	1	Hamtramck High School 10-12
	1	Holbrook School EL
	2	Kosciuszko School K. 6-8

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Location	Code *	School Name
Hancock	2	E L Wright School EL
	2	Edward Ryan School EL
	2	Ripley School EL
Harbor Beach	2	Harbor Beach Community High School
	2	Harbor Beach Elementary School EL
Harbor Springs	1	Holy Childhood School EL
Harris	1	Bark River Harris Elementary School
	1	Bark River Harris Junior & Senior
Harrison	1	C A Amble Elementary School EL
	1	Harrison Community High School
	1	Harrison Middle School 7-9
	1	Hillside Elementary School
	1	Robert M Larson Elementary School
Harrisville	1	Harrisville Elementary School
Hart	1	Elbridge Community School EL
	2	Weare Crystal School EL
Hartford	1	North Elementary School EL
Haslett	2	H M Murphy Elementary School
	2	Vera Raiya Elementary School
Hastings	2	Hastings High School 10-12
	2	Hastings Junior High School 7-9
	2	Southeastern School EL
Hawks	2	Hawks Elementary School
Hazel Park	1	Webster School EL
Hermansville	1	Hermansville Bldg. Elementary
	2	North Central Area Junior High 7-9
Herron	2	Wilson Community School EL
Hesperia	2	Hesperia Elementary School
	2	Hesperia Middle School
Highland Park	1	Cortland Elementary School
	1	Donald Thomson School EL
	1	Ferris Middle School 7-9
	1	Frances E Willard School EL
	1	Henry Ford Middle School 7-9
	2	Highland Park High School 10-12
	1	Liberty School EL
	1	Midland Elementary School
	1	Robert E Barber School
Hillman	2	Hillman Elementary School
	2	Montmorenci Elementary School
	1	Rust Elementary School
Holland	1	Federal School EL
	1	Lincoln School EL
	2	Longfellow School EL
	2	North Holland School EL
	2	Vanraalte School EL
	1	Washington School EL
Holton	1	Holton Elementary School
	2	Holton High School 10-12
	2	Holton Middle School MID
Homer	2	Homer Community High School 7-12
Honor	2	Platte River Elementary School
Hope	2	Hillside Elementary School
Hopkins	2	Sandhill School EL
Houghton	1	Houghton Central Elementary School
	2	Houghton Central High School 7-12
	2	Houghton Primary School EL
Houghton Lake	2	Collins Elementary School
Howard City	2	Intermediate School EL
	2	MacNaughton School EL
	2	Senior High School 10-12
Hubbard Lake	2	Caledonia Elementary School
	2	Ossineke School EL
Hubbardston	2	Hubbardston Elementary School
Idlewild	1	Yates Elementary School EL
Indian River	2	Inland Lakes Elementary School
Inkster	2	Drake Elementary School
	1	Carter G Woodson Elementary School
	1	Daly School EL
	1	Douglass Elementary School
	1	Fellrath Middle School
	1	Inkster High School 10-12
	1	Lincoln Child Develop Center EL
Inkster cont.	2	McNair School EL
	1	Mokersky School EL
	1	Parkwood School EL
Ionia	2	East Elementary School
Iron Mountain	1	North Dickinson Co. Elementary School
Iron River	1	Bates Elementary School
Ironwood	1	Central Elementary School
	2	Central Elementary School
	2	Ironwood Catholic Grade School EL
	2	Ironwood Catholic High School 10-12
	2	Luther L Wright High School 10-12
	1	Newport Elementary School
	2	Norrie Elementary School
	2	Roosevelt Elementary School
	2	Sleight Elementary School
Ishpeming	2	Grammar School EL
Ithaca	2	North Elementary School
Jackson	2	Bennett School EL
	2	Frost Junior High School 7-9
	2	Helmer School EL
	2	Hunt Junior High School 7-9
	1	Jackson Alternative School UNG
	2	Lincoln School EL
	1	McCulloch School EL
	1	Northeast Junior High School 7-9
	2	Ridgeway School EL
	1	TA Wilson School EL
	1	Tomlinson School EL
	2	Townsend Elementary School
	2	Trumbull School EL
	2	Western Middle School MID
Johannesburg	1	Johannesburg Central Elementary School
	1	Johannesburg/Lewiston High School 7-12
Kalamazoo	2	Arcadia School EL
	1	Brucker School EL
	2	Burke Elementary School
	2	Central High School 10-12
	1	Continuing Ed Center 7-12
	1	Edison School EL
	2	Greenwood School EL
	1	Hillside Junior High School 7-9
	2	Indian Prairie School EL
	1	Lakewood School EL
	1	Lincoln School EL
	2	Loy Norrix High School 10-12
	1	McKinley School EL
	1	Milwood Elementary School EL
	1	Milwood Junior High School 7-9
	1	Northeastern Junior High School 7-9
	1	Northglade School EL
	1	Oakwood Elementary School EL
	1	Oakwood Junior High School 7-9
	1	Roosevelt School EL
	2	South Junior High School 7-9
	2	South Westnedge School EL
	2	Spring Valley School EL
	1	Upjohn School UNG
	1	Vine School EL
	2	Washington School EL
	2	Westmain School EL
	2	Winchell School EL
	1	Woodrow Wilson School EL
	1	Woodward School EL
Kalkaska	2	Kalkaska High School 10-12
	1	Kalkaska Junior High School 7-9
Keego Harbor	1	Roosevelt School EL
Kent City	1	Kent City High School 10-12
	2	Kent City Middle School MID
	2	Main Elementary EL
Kinde	1	North Huron Elementary School EL
	1	North Huron High School 7-12

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Location	Code *	School Name
Kingsford	2	Garden Village School EL
	2	Kingsford High School 10-12
	2	Kingsford Junior High School 7-9
	2	Roosevelt School EL
	2	Westwood School EL
Kingsley	2	St. Mary Learning Center EL
Kingston	2	Kingston Elementary School EL
Lachine	1	Green Elementary School EL
	2	Long Rapids School EL
Lake City	2	Lake City School K-12
Lake Linden	1	Lake Linden Hubbell Elementary
	1	Lake Linden Hubbell High School 7-12
Lakeview	2	Lakeview Middle School MID
Lanse	2	Laird EL
	2	Sullivan Elementary School EL
Lansing	1	Allen Street School EL
	2	Attwood School EL
	2	Bingham Street School EL
	2	C W Otto Junior High School 7-9
	2	Cavanaugh School EL
	1	Cedar Street School EL
	2	Cumberland School EL
	2	Everett Elementary School
	1	Genesee Street School EL
	1	Gier Park School EL
	1	Grand River Avenue School EL
	1	Harry Hill High School 10-12
	2	Henry E. Gardner Junior High 7-9
	2	Henry R. Pattengill Junior High
	1	High Street School EL
	1	Holmes Street School EL
	1	Lincoln Center FR Emotional EL
	2	Main Street School EL
	2	Maple Hill School EL
	2	Maplewood School EL
	1	Michigan Avenue School EL
	2	Moores Park School EL
	2	North School EL
	1	Northwestern Elementary School
	1	Oak Park School EL
	1	Pleasant View School EL
	2	Post Oak School EL
	1	Walnut Street School EL
	2	Walter French Junior High School
Lawrence	1	Lawrence Elementary School
	2	Lawrence High School 7-12
Lawton	2	Lawton Elementary School
	2	Lawton Middle School MID
Leslie	2	Leslie Upper Elementary School
Lewiston	1	Lewiston School EL
Lexington	2	Meyer School EL
Lincoln	2	Alcona Community High School 7-12
	1	Black River Elementary School
	1	Lincoln Elementary School
Lowell	2	Lowell Middle School
Ludington	1	Foster School EL
Luther	2	Luther Elementary School
Mackinac Island	2	Mackinaw Island School K-12
Madison Heights	1	Edison School EL
Mancelona	2	Mancelona Elementary School
	2	Mancelona High School 7-12
Manistee	2	Madison Elementary School
	2	Washington School EL
Manistique	1	Fairview Elementary School
	1	Hiawatha School EL
	1	Lakeside School EL
	1	Lincoln Elementary
	1	Manistique Central High School 7-12
Marcellus	2	Marcellus Elementary School
	2	Woodland School 7-9
Marine City	2	Marine City Intermediate School 7-9
	2	Ward Cottrell Elementary School
Marion	1	Marion Elementary School
	1	Marion High School 7-12
Marquette	2	Graveraet Middle School
	2	St. Michael School EL
	2	St. Peter School EL
	2	Willard M Whitman School EL
Marshall	2	Mar Lee School EL
Mass	1	Mass Greenland Elementary School
Mattawan	2	Mattawan Middle School
Mears	1	Golden Community School EL
Mecosta	1	Mecosta Elementary School
Memphis	1	Memphis School K-12
Menominee	1	Boswell Elementary School
	2	Central Elementary School
	2	Grant Elementary School
	2	Lincoln Elementary School
	2	Menominee Catholic Central North 7-9
	2	Menominee Catholic Central South 7-9
	2	Menominee High School 10-12
	2	Menominee Middle School 7-9
	2	Roosevelt Elementary School
Middleville	2	Minnie McFall Elementary School
	2	Thornapple Kellogg High School 7-12
	1	Thornapple Kellogg Middle School 7-9
	1	West Elementary School
Midland	2	Bullock Creek Middle School 7-9
	2	Carpenter School EL
	2	Chippewassee School EL
	1	Eastlawn School EL
	1	Longview Elementary School
	1	Mills School EL
	2	Pine School EL
	2	Plymouth Elementary School
	1	State Street Elementary School
	2	Windover School EL
Milan	2	Glenn Brainard Elementary School
Millersburg	2	Millersburg Elementary School
Mio	1	Mio AuSable Elementary School EL
Mohawk	1	Mohawk Elementary School EL
Monroe	1	Lincoln Elementary School EL
	1	Orchard Elementary School EL
Morley	1	Morley Elementary School EL
	2	Morley Stanwood High School 7-12
Morrice	1	Morrice Area Elementary School EL
	2	Morrice Area High School 7-12
Mt. Clemens	1	Alexander Macomb School EL
	1	Christian Clemens School EL
	2	George Washington School EL
	2	Lanse Creuse High School 10-12
	1	Lanse Creuse Special Education Office UNK
	1	Martin Luther King Elementary School EL
	2	Mount Clemens High School 10-12
	2	Rainbow Elementary School EL
	1	Thomas A. Edison School EL
Mt. Morris	1	Buick Elementary School EL
	2	Dailey Elementary School EL
	1	Dolan Junior High School 7-9
	1	Ione Riley Elementary School EL
	1	Mt. Morris Central Elementary School
Mt. Pleasant	2	Ganiard School EL
	2	Mary McGuire School EL
Munising	2	Central Elementary School EL
	2	Lincoln Elementary School EL
	2	Washington Elementary School EL
	2	Wm. G. Mather High School 7-12
Munith	2	Eldon Katz School EL
Muskegon	1	Angell School EL
	1	Bates Elementary School EL
	2	Beach Elementary School EL
	1	Broadway Elementary School EL
	2	Carr Elementary School EL
	1	Craig Elementary School EL
	1	Edgewood Elementary School EL

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Muskegon cont.	2	Father Marquette School 10-12
	1	Froebel School EL
	2	Glenside School EL
	2	Gustafson School EL
	2	Holy Trinity School 7-9
	1	Jibson Elementary School
	2	Jolman School EL
	1	Marquette School EL
	1	Marsh School EL
	1	McLaughlin School EL
	1	Moon School EL
Muskegon	1	Muskegon Area Learning Prog. 10-12
	1	Nelson School EL
	1	Nims School EL
	2	Oakridge High School 10-12
	1	Oakridge Junior High School 7-9
	2	Oakview School EL
	1	Phillips School EL
	2	St. Michael School 7-9
	2	Vanderlaan School UNG
	1	Walter B Steele Junior High School
	2	Wolflake Elementary School
Muskegon Heights	1	Central Elementary School
	1	Charles A. Lindbergh School
	1	E. Grace Loftis School EL
	1	Glendale School EL
	1	Martin Luther King Junior El
	1	Muskegon Heights High School 10-12
	1	Muskegon Heights Junior High School
	1	Theodore Roosevelt School EL
Nashville	2	Kellogg Elementary School EL
New Buffalo	1	New Buffalo Central Elementary
	2	New Buffalo West Elementary
New Haven	1	Frank Lemmon Elementary School
	2	New Haven High School 7-12
	2	New Haven Middle School 7-9
New Troy	2	New Troy Elementary School
	2	New Troy Middle School
Newberry	2	Newberry Elementary School
Niles	2	Brandywine Junior High School 7-9
	2	Brandywine Senior High School
	1	Central Elementary School
	2	Electric Light School EL
	2	LaSalle Elementary School
	2	Northside School EL
	2	Oak Manor Elementary School
	2	Ring Lardner Junior High School
	2	Southside Elementary School
	2	Winkler Elementary School
North Muskegon	2	McMillan School EL
	2	Reeths Puffer Elementary Bldg.
Norway	2	Holy Spirit Central School EL
Nunica	2	Nunica School EL
Okemos	2	Cornell Elementary School
	2	Edgewood Elementary School
Onaway	2	Onaway Elementary School
	2	Onaway High School 7-12
Onekama	2	Onekama Consolidated Elementary
Onsted	2	Onsted Community High School 7-12
	1	Onsted Elementary School
	1	Onsted Little School MID
Ontonagon	2	Ontonagon Area Elementary School
	2	Ontonagon Area High School 10-12
	2	Ontonogon Middle School
Orleans	2	Orleans Elementary School
Uscoda	2	Shiloh K-6
	2	County Line Elementary School
	2	River Road Elementary School
Oshtemo	2	Chime Street School EL
Ossineke	2	Sandborn School EL
Owendale	2	Owen Gage High School 7-12
Oxford	2	Camp Oakland UNG
Painesdale	1	Jeffers High School 7-12
Paw Paw	2	Cedar Street Elementary School
Pelkie	2	Laird Elementary School
	1	Pelkie Agr. Grade School EL
Pellston	1	Pellston Elementary School
	1	Pellston High School 7-12
Perkins	1	Baldwin Township High School 7-12
	1	Baldwin Township Elementary School
Petoskey	2	Sheridan School EL
Pickford	1	Pickford Elementary School
	1	Pickford High School 10-12
Pigeon	2	Elkton Pigeon Bay Port High School
Pinconning	2	Pinconning Central Elementary School
Plymouth	1	Central Elementary School
Pontiac	2	Alcott School EL
	1	Bagley School EL
	1	Bethune School EL
	1	Crofoot School EL
	2	Emerson School EL
	2	Herrington School EL
	1	James Madison Junior High MID
	1	Jefferson Junior High School
	2	John F Kennedy Junior High 7-9
	2	Laura Smith Haviland Comm. EL
	2	Le Baron School EL
	2	Longfellow School EL
	1	Malkim School EL
	2	Mark Twain School EL
	1	McCarroll School EL
	1	Northern High School 10-12
	1	Oakland Co. Childrens Village School UNG
	2	Owen School EL
	1	Pontiac Central High School 10-12
	1	Robert L Frost School EL
	2	Walter Whitman Elementary School
	1	Washington Junior High School MID
	2	Webster School EL
	2	Wever School EL
	1	Whitmer Human Resource Center EL
	1	Whittier Elementary School
	2	Will Rogers School EL
	1	Wisner School EL
Port Austin	2	Port Austin School K-12
	2	St. Michael EL
Port Hope	1	Port Hope School K-12
Port Huron	2	Campau School EL
	2	Chippewa Intermediate School 7-9
	1	Cleveland School EL
	1	Garfield Elementary School
	1	Grant Elementary School
	2	Holland Woods Intermediate School
	2	Jefferson Elementary School
	1	Kimball Intermediate School 7-9
	1	Negaunee Elementary School
	2	Ruth N Bacon School EL
	2	Sparlingville Elementary School
	2	Washington Intermediate School 7-9
	2	Woodrow Wilson School EL
Posen	1	Posen Consolidated Elementary School
	1	Posen Consolidated High School 7-12
Powers	2	Powers Building Elementary
Prudenville	2	Prudenville Junior High School 7-9
Quinnesec	2	Quinnesec School EL
Rapid City	1	Rapid City Elementary School
Ravenna	2	Ravenna Elementary School
	2	Updyke Elementary School
Reading	2	Reynolds Elementary School
Reed City	2	Reed City Elementary School
	2	Reed City Junior High School 7-9
Remus	2	Chippewa Hills High School 10-12
	2	Remus Elementary School
River Rouge	1	Walter White School EL
Riverdale	2	Riverdale Elementary School
Rock	1	Rock Elementary School
	1	Rock High School 7-12

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Location	Code *	School Name
Rockland	1	Rockland Elementary School
Romulus	1	Beverly Elementary School
	2	Cadillac Elementary School
	2	Gordonier Elementary School
	2	Mt. Pleasant Elementary School
	1	Special Services Center UNK
Roscommon	2	Roscommon Elementary School
	2	Roscommon Middle School MID
Rose City	2	Rose City Elem./Jr. High School
Rosebush	2	Rosebush School EL
Roseville	2	Edgewood Elementary School
	2	Grandmont School EL
	2	Kaiser Elementary School
Rothbury	2	Rothbury Elementary School
Ruth	1	Saints Peter and Paul EL
	2	St. Mary EL
Saginaw	1	A.A. Claytor Elementary
	2	Banner Elementary School
	2	Buena Vista High School 10-12
	1	C.C. Coulter Elementary
	1	Central Junior High School 7-9
	2	Continuation School 7-12
	1	Dixie School EL
	1	Edith Baillie Elementary School
	1	Handley School EL
	2	Heavenrich School EL
	2	Henry A Doerr School EL
	2	Hess Elementary School
	1	Highland Park School EL
	2	Houghton Elementary School
	2	Jessie Loomis School EL
	1	Jessie Rouse School EL
	1	Jones School EL
	1	Kaufmann Elementary School
	2	Longfellow School EL
	2	Martha Longstreet School EL
	2	Morley School EL
	2	North Intermediate School 7-9
	1	Orville School EL
	1	Potter School EL
	2	Ricker Junior High School 7-9
	2	Salina School EL
	2	South Intermediate School 7-9
	2	St. Casimir EL
	2	Trinity Lutheran School EL
	1	Webber Junior High School 7-9
Sand Lake	2	Sand Lake Elementary School
Sanford	2	Meridian Elementary
	2	Meridian Junior High School 7-9
Saranac	2	Saranac Elementary School
	2	Saranac Middle School 7-9
Sault Ste. Marie	1	Finlayson School EL
	2	Garfield School EL
	1	Jefferson School EL
	2	Lincoln School EL
	1	Malcolm School EL
	2	McKinley School EL
	2	Sault Area Junior High School 7-9
Sawyer	2	Chikaming Elementary School
	2	Trinity Lutheran School 7-9
Scottville	2	Mason Co. Central Junior High
	2	Riverton Elementary School
	2	Scottville Elementary School
Shelby	1	Benona Community School EL
	1	Ferry Community School EL
	2	Shelby High School 10-12
	2	Shelby Junior High School 7-9
	2	Thomas Read School EL
Shepherd	1	Pleasantville EL
	2	Shepherd Elementary School
Sheridan	2	Sheridan Elementary School
Sidnaw	2	Covington Sidnaw School EL
Skandia	2	Skandia School EL
Skanee	1	Arvon Township School EL
South Haven	2	South Haven Junior High School
Sodus	2	Sodus Elementary
South Haven	1	Central School EL
	2	Indiana School EL
	1	Lincoln School EL
	2	Maple Grove School EL
	2	South Haven High School 10-12
South Range	1	South Range Elementary School
Southfield	2	John Grace School EL
Sparta	2	Myers Elementary School
Springfield	2	Springfield Elementary School
	2	Springfield Junior High School 7-9
	1	Valley View Elementary School
Springport	2	Springport Elementary School
St. Helen	1	St. Helen Elementary School
St. Ignace	1	Bertrand Elementary School
	1	Gros Cap School EL
	1	LaSalle High School 7-12
	1	McCann Street Elementary School
	1	St. Ignace Township School EL
St. James	1	Beaver Island Community Elementary School
	2	Beaver Island Community High School 10-12
St. Joseph	1	Lakeview Gard School MID
	1	Washington School EL
St. Louis	2	Carrie Knause Elementary School
	2	Michigan Avenue Elementary School
St. Louis	2	State Street Elementary School
Stambaugh	2	Stambaugh Elementary School
	2	West Iron County Middle School 7-9
Standish	2	Standish Elementary School
	2	Standish Sterling Central High School 7-12
	2	Standish Sterling Middle School
Stanton	2	Stanton Elementary School
Stephenson	2	Stephenson Elementary School
	2	Stephenson High School 7-12
Sterling Heights	2	Sterling Elementary School
Stockbridge	2	Emma Smith Elementary School
Sturgis	2	Jerolene School EL
	2	Park School EL
	2	Wenzel School EL
Sumner	1	West Elementary School
Taylor	2	Berniece McDowell Elementary School
	1	Eurekadale Elementary School
	1	G M Williams Elementary School
	1	Treadwell Elementary School
Thompsonville	1	Betsie Valley Elementary School
Three Rivers	2	Henry P Barrows School EL
	2	Murray J Huss EL
	2	Three Rivers High School 10-12
	2	Three Rivers Junior High School 7-9
Toivola	1	Heikkinen School EL
Tower	2	Tower Elementary School
Trenary	2	Mathias Township School K-12
Trout Lake	1	Trout Lake School EL
Twining	1	Arenac Eastern School K-12
Ubly	2	Ubly Community School Annex 1 EL
	1	Ubly Community Elementary School
	2	Ubly Community High School 7-12
Union City	2	Union City Junior High School 7-9
Vanderbilt	2	Vanderbilt Elementary School
Vassar	2	Vassar High School 10-12
	2	Vassar Junior High School 7-9
	2	Vestaburg Community Elementary School
	2	Vestaburg Community High School 7-12
Wakefield	2	Central School EL
Walkerville	1	Walkerville Elementary School
	1	Walkerville Rural Community School 7-12
Wallace	2	Mellen Elementary School
Warren	1	Groesbeck School EL
	2	Harding Elementary
	2	Lincoln Elementary School

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Location	Code *	School Name
Warren cont.	1	Lincoln Junior High School 7-9
	2	Washington School EL
Waterford	2	Lotus Lake School EL
Watersmeet	2	Watersmeet Township Elementary
Wayne	1	Truesdell Elementary School
Weidman	1	Weidman Elementary School
West Branch	2	Chester F Surline Elem./Jr. High
	2	Saint Joseph EL
West Olive	2	Agnew School EL
	2	Connell School EL
Westland	1	Jefferson Elementary School
	2	Lincoln Elementary School
White Cloud	2	White Cloud Elementary School
	2	White Cloud High School 7-12
Whitehall	2	Whitehall Elementary School
	2	Whitehall Middle School 7-9
Whittemore	1	Whittemore Elementary School
Winona	2	Elm River Township School EL
Wolverine	1	Wolverine Community Elementary
	1	Wolverine Community Junior-High School
Wyandotte	2	Garfield Elementary School
	2	McKinley Elementary School
	2	Woodruff Elementary School
Wyoming	2	South Godwin Elementary School
Yale	2	Yale Middle School
Ypsilanti	2	Charles F Kettering School EL
	2	L C Perry School EL
	1	Olive M Adams Elementary School
	2	Thurston Elementary School
	2	West Middle School
	1	Woodruff School EL

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Location	Code *	School Name
Adrian	2	Adrian EL
	2	Adrian 7-12
	2	St. Anthony & St. Kilian
Aitkin	1	Palisade EL
	2	Rippleside EL
	2	Aitkin JHS-HS
Akeley	1	Akeley EL
	1	Akeley 7-12
Albany	2	Albany EL
	2	Albany JHS
	2	Albany HS
	2	Avon EL
	2	Farming EL
	2	Holy Family
Albert Lea	1	Freeborn Co. Group Home
Argyle	2	Argyle EL
	2	Argyle 7-12
	2	Rose of Lima
Askov	2	Askov 7-12
	2	Bruno EL
	2	Kerrick EL
Atwater	2	Atwater EL
	2	Atwater 7-12
	2	St. John's Lutheran
Austin	1	Lincoln EL
	1	Minnesota Sheriff's Boys Ranch
Badger	2	Badger EL
	2	Badger 7-12
Bagley	1	Bagley EL
	1	Bagley JHS-HS
	1	Shevlin EL
Balaton	1	Balaton EL
	1	Balaton 7-12
	1	St. Peter
Battle Lake	2	Battle Lake EL
	2	Battle Lake 7-12
Beardsley	1	Beardsley EL
	1	Beardsley 7-12
Belgrade	2	Belgrade EL
	2	Belgrade 7-12
	2	Elrosa EL
Bellingham	2	Bellingham EL
	2	Bellingham 7-12
	2	St. Joseph
Bemidji	1	Archdeacon Gilfillan Center
	2	Bemidji JHS
	2	Bemidji HS
	1	Central EL
	1	Lincoln EL
Bemidji cont.	1	Pleasant Valley EL
	1	St. Philip
	2	Smith EL
	1	Solway EL
Benson	2	Benson JHS
	2	Benson HS
	2	Davers EL
	2	Northside EL
	2	St. Francis of Xavier
	2	Southside EL
Bertha-Hewitt	1	Bertha EL
	1	Bertha-Hewitt 7-12
	1	Hewitt EL
Blackduck	1	Blackduck EL
	1	Blackduck 7-12
Brainerd	2	Brainerd HS
	2	Edison EL
	2	Franklin JHS
	2	Garfield EL
	1	Garrison EL
	2	Harrison EL
	2	Lincoln EL
	1	Lowell EL
	1	Pine Center EL
	2	Riverside EL
	1	St. Francis of Assisi
	2	Washington JHS
	2	Whittier EL
Brooten	1	Brooten EL
	1	Brooten 7-12
Browerville	2	Browerville EL
	2	Browerville 7-12
	2	Browerville
Browns Valley	2	Browns Valley EL
	2	Browns Valley 7-12
Brownton	2	Brownton EL
	2	Brownton 7-12
Buffalo Lake	2	Buffalo Lake EL
	2	Buffalo Lake 7-12
Butterfield	1	Butterfield EL
	1	Butterfield 7-12
	1	Odin EL
Campbell-Tintah	1	Campbell-Tintah EL
	1	Campbell-Tintah 7-12
Canby	1	Canby EL
	1	Canby JHS-HS
	1	St. Leo
	1	St. Peter

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Location	Code *	School Name
Cass Lake	1	Bena EL
	1	Cass Lake EL
	1	Cass Lake 7-12
Centennial (Circle Pines)	1	Minnesota Metropolitan Training Ctr
Chandler-Lk. Wilson	2	Chandler-Lake Wilson EL
	2	Chandler-Lake Wilson 7-12
	2	Chandler Christian
Chokio-Alberta	2	Chokio-Alberta EL
	2	Chokio-Alberta 9-12
	2	Chokio-Alberta Middle
Clara City	2	Clara City EL
	2	Clara City 7-12
Clarissa	2	Clarissa EL
	2	Clarissa 7-12
Clarkfield	2	Clarkfield JHS-HS
	2	H.A. Hagg EL
Clinton	1	Clinton EL
	1	Clinton 7-12
Coleraine	2	Conner JHS
	2	Greenway HS
	1	Murray EL
	1	Pengilly EL
Comfrey	1	Comfrey EL
	1	Comfrey 7-12
	1	St. Paul
Cosmos	2	Cosmos EL
	2	Cosmos 7-12
Crosby	2	Central JHS-HS
	2	Deerwood EL
	1	Emily EL
	2	Franklin EL
	2	Ironton EL
	2	St. Joseph
Dawson	1	Boyd EL
	1	Dassel EL
	1	Dawson JHS-HS
Deer Creek	2	Deer Creek EL
	2	Deer Creek 7-12
Deer River	1	Deer River JHS-HS
	2	King EL
	1	North EL
Delavan	2	Delavan EL
	2	Delavan 7-12
Detroit Lakes	1	Callaway EL
	2	Community HS
	2	Holmes JHS
	2	Holy Rosary
	1	Washington EL
Duluth	1	Bethany Lutheran Home for Children
	1	Emerson EL
	2	Endion EL
	2	Fairmont EL
	1	Irving EL
	1	Jefferson EL
	2	Lincoln EL
	1	Nettleton EL
	1	Northwood Children's Home
	1	Open School JHS-HS
	1	St. Anthony
	1	St. James
	2	West End
	1	Woodland Hills
Eagle Bend	1	Eagle Bend EL
	1	Eagle Bend 7-12
East Grand Forks	1	Valley EL
Eden Valley-Watkins	2	Eden Valley-Watkins EL
	2	Eden Valley-Watkins 7-12
	2	St. Anthony
Edgerton	2	Edgerton EL
	2	Edgerton 7-12
	2	Edgerton Christian
	2	Holland Christian
	2	Southwest Christian
Elbow Lake	2	Agnes Lynn EL
	2	Elbow Lake JHS-HS
Ellsworth	2	Ellsworth EL
	2	Ellsworth 7-12
Erskine	2	Erskine EL
	2	Erskine 7-12
Fertile	2	Fertile EL
	2	Fertile 7-12
Floodwood	1	Floodwood EL
	1	Floodwood 7-12
Foley	2	Foley EL
	2	Foley 7-12
	2	St. John NP
Fosston	2	Fosston JHS-HS
	2	Gully EL
	2	Magelssesn EL
Franklin	2	Franklin EL
	2	Franklin 7-12
Frazee	2	Frazee EL
	2	Frazee JHS-HS
Frost	2	Frost EL
	2	Frost 7-12
Fulda	2	Fulda EL
	2	Fulda 7-12
	2	St. Paul's Lutheran NP
Gary	1	Gary EL
	1	Gary 7-12
Gaylord	2	Gaylord EL
	2	Gaylord 7-12
	2	Immanuel Lutheran NP
Gibbon	1	Gibbon EL
	1	Gibbon 7-12
Glyndon-Felton	2	Felton EL
	2	Glyndon EL
	2	Glyndon-Felton 7-12
Gonvick	2	Gonvick EL
	2	Gonvick 7-12
Goodridge	1	Goodridge EL
	1	Goodridge 7-12
Graceville	1	Big Stone Hutterite Colony
	1	Graceville EL
	1	Graceville 7-12
	1	Trinity Lutheran NP
Granada-Huntley	2	Granada-Huntley 7-12
	2	Huntley EL
Grand Meadow	2	Grand Meadow EL
	2	Grand Meadow 7-12
Grand Rapids	1	Balsam EL
	1	Frontier Farm NP
	1	Squaw Lake EL
	1	Togo EL
Greenbush	2	Greenbush EL
	2	Greenbush 7-12
Grygla	1	Gatzke EL
	1	Grygla EL
	1	Grygla 7-12
Halstad	1	Halstad EL
	1	Halstad 7-12
Harmony	2	Harmony EL
	2	Harmony 7-12
Hendricks	2	Hendricks EL
	2	Hendricks 7-12
Henning	2	Henning EL
	2	Henning 7-12
Herman	1	Herman EL
	1	Herman 7-12
Hill City	2	Hill City EL
	2	Hill City 9-12
	2	Swatara EL
Hoffman	2	Hoffman EL
	2	Hoffman 7-12
Holdingford	1	Holdingford EL
	1	Holdingford 7-12

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Location	Code *	School Name
Isle	1	Isle EL
	1	Isle 7-12
Ivanhoe	1	Ivanhoe EL
	1	Ivanhoe 7-12
Jasper	2	Jasper EL
	2	Jasper 7-12
Kasson-Mantorville	2	Kasson EL
	2	Kasson-Mantorville 7-12
	2	Mantorville EL
Kelliher	2	Kelliher EL
	2	Kelliher 7-12
Kerkhoven-Sunburg	2	Kerkhoven-Sunburg EL
	2	Kerkhoven-Sunburg 7-12
Lake Benton	2	Lake Benton EL
	2	Lake Benton 7-12
Lake of the Woods	2	Baudette EL
	2	Lake of the Woods 7-12
	1	Williams EL
Lamberton	2	Lamberton EL
	2	Lamberton JHS-HS
Lancaster	2	Lancaster EL
	2	Lancaster 7-12
Lanesboro	2	Lanesboro EL
	2	Lanesboro 7-12
Lewiston	2	Altura EL
	2	Lewiston EL
	2	Lewiston 7-12
Long Prairie	2	Long Prairie EL
	2	Long Prairie JHS-HS
	2	St. Mary NP
	2	Trinity Lutheran NP
Little Falls	1	Knight EL
	1	Little Falls Middle
	1	Lindbergh EL
	1	Lincoln EL
	1	Little Falls HS
	1	Our Lady of Lourdes NP
	1	St. Francis NP
	1	St. Mary NP
Littlefork	1	Big Falls EL
	1	Littlefork 7-12
Mahnomen	1	Mahnomen EL
	1	Mahnomen 7-12
	1	Naytahwaush EL
	1	St. Michael NP
Maynard	1	Maynard EL
	1	Maynard 7-12
Madison	2	Madison EL
	2	Madison JHS-HS
	2	St. Michael NP
Mahtomedi	1	Jamestown NP
Marietta	2	Marietta EL
	2	Marietta 7-12
McGregor	1	McGrath EL
	1	McGregor EL
	2	McGregor 7-12
McIntosh	2	McIntosh EL
	2	McIntosh 7-12
	2	Winger EL
Melrose	1	Melrose EL
	1	Melrose JHS
	1	Melrose HS
	1	New Munich EL
	1	St. John-St. Andrew NP
	1	St. Mary NP
	1	Spring Hill EL
Menahga	1	Menahga EL
	1	Menahga 7-12
Mentor	1	Mentor EL
	1	Mentor 7-12
Middle River	2	Middle River EL
	2	Middle River 7-12
Milan	2	Milan EL
	2	Milan 7-12
Minneapolis	1	Agassiz EL
	2	Ascension EL
	1	Bremer EL
	1	Bethune EL
	2	Bryant-Anthony-Ramsey JHS
	2	Central HS
	2	Emerson EL
	2	Folwell
	1	Franklin JHS
	2	Hamilton EL
	1	Hans Christian Anderson EL
	1	Hennepin Co. Home School NP
	2	Holy Cross NP
	2	Holy Rosary NP
	2	Incarnation NP
	2	Immanuel Lutheran NP
	1	Jonathan Group Home NP
	2	Jordan JHS
	1	Laura Ingalls Wilder EL
	1	Lincoln Center
	2	Lind EL
	2	Longfellow EL
	2	Lowry EL
	1	Lutheran Social Service Friendship House
	1	Lyndale EL
	2	Morris Park EL
	1	North HS
	1	Northstar
	1	Our Lady of Victory NP
	1	Phillips JHS
	2	Pillsbury EL
	1	Putnam EL
	2	Ramsey JHS
	1	St. Albert the Great NP
	2	St. Anne NP
	2	St. Austin NP
	2	St. Bridget NP
	1	St. Cyril NP
	1	St. Joseph's Home for Children
	2	St. Stephen NP
	1	Seward EL
	2	Shingle Creek EL
	2	South HS
	2	Southeast Alternatives EL
	1	South Parks Consolidated EL
	2	Tri Cluster EL
	1	United Indian's Group Home NP
	1	West Cluster EL
Minneota	2	Minneota EL
	2	Minneota 7-12
	2	St. Edward NP
	2	St. Eloi NP
Montevideo	1	Sibley EL
Moorhead	1	Lincoln EL
Morgan	1	Morgan EL
	1	Morgan 7-12
	1	St. Michael NP
Morton	2	Morton EL
	2	Morton 7-12
Motley	2	Motley EL
	2	Motley 7-12
Murdock	2	Murdock EL
	2	Murdock 7-12
Nett Lake	1	Nett Lake EL
Newfolden	2	Newfolden EL
	2	Newfolden 7-12
Nicollet	2	Nicollet EL
	2	Nicollet 7-12
	2	Immanuel Lutheran NP
Oklee	2	Oklee EL
	2	Oklee 7-12
Onamia	1	Volunteers of America NP

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Osakis	1	Osakis EL
	1	Osakis JHS-HS
	1	St. Agnes NP
Park Rapids	1	Central EL
	1	Frank White EL
	1	Middle School
	1	Osage EL
	1	Pine Point EL
	1	Park Rapids HS
Parkers Prairie	1	Parkers Prairie EL
	1	Parkers Prairie 7-12
Paynesville	1	Paynesville EL
	1	Paynesville Middle
	1	Paynesville 9-12
Perham	1	Dent EL
	1	Perham EL
	1	Perham JHS-HS
Peterson	1	Peterson EL
	1	Peterson 9-12
Pierz	1	Harding EL
	1	Healy 7-12
	1	St. Joseph NP
	1	St. John Nepomuk
	1	St. Michael NP
Pillager	1	Pillager EL
	1	Pillager 7-12
Pine River	2	Pine River EL
	2	Pine River JHS-HS
Pipestone	2	Brown EL
	2	Central EL
	2	Hill EL
	2	Pipestone JHS-HS
	2	Woodstock EL
Plummer	1	Plummer EL
	1	Plummer 7-12
Raymond	1	Raymond EL
	1	Raymond 7-12
Red Lake	1	Poneman EL
	1	Red Lake EL
	1	Red Lake 7-12
	1	St. Mary's Mission
Red Wing	1	Minnesota State Training School
Remer	2	Longville EL
	2	Remer EL
	2	Remer 7-12
Renville	2	Renville EL
	2	Renville JHS-HS
Roseau	1	Malung EL
	1	Wannaska EL
Rothsay	2	Rothsay EL
	2	Rothsay 9-12
Rushford	2	Rushford EL
	2	Rushford JHS-HS
Russell	1	Russell EL
	1	Russell 7-12
Ruthton	1	Ruthton EL
	1	Ruthton 7-12
St. Clair	2	St. Clair 7-12
	2	St. Clair EL
St. Cloud	1	St. Cloud Children's Home NP
	1	State Reformatory for Men NP
St. Francis	1	Bar-None Boys Ranch NP
	1	Minnesota Sheriffs Boys Ranch
St. Louis	1	Alango EL
	1	Albrook 7-12
	1	Brookston EL
	1	Buyck EL
	1	Toivola EL
St. Paul	2	Ames EL
	1	Arlington House (Boys) NP
	1	Arlington House (Girls)NP
	2	Belssed Sacrament NP
	1	Boy'sTotem Town NP
St. Paul cont.	1	Brown House NP
	1	Bush Memorial Children's Center
	1	Cathedral Montessori
	2	Cherokee Heights EL
	2	Cleveland JHS
	2	Dayton's Bluff EL
	2	East Consolidated EL
	1	Franklin EL
	1	Friendship Hall NP
	2	Humboldt JHS-HS
	1	Jackson EL
	1	Jefferson EL
	2	Maxfield EL
	1	Mechanic Arts JHS
	1	Mechanic Arts HS
	1	Mississippi EL
	1	New Connection NP
	2	North End EL
	2	Parkway EL
	2	Phalen Park EL
	2	Riverview EL
	1	Roosevelt EL
	1	Roosevelt JHS
	2	Sacred Heart NP
	1	St. Adalbert NP
	1	St. Agnes NP
	1	St. Agnes (Sec) NP
	2	St. Bernard NP
	2	St. Casimir NP
	1	St. Francis de Sale NP
	1	St. Matthew NP
	1	St. Patrick NP
	1	Webster EL
	2	Wilson JHS
Sacred Heart	2	Sacred Heart EL
	2	Sacred Heart 7-12
Sandstone	1	E. Central Vocational Center
Sanborn	2	Sanborn EL
	2	Sanborn 7-12
	2	Zion Lutheran NP
Sauk Centre	1	Minnesota Home School NP
Sebeka	1	Sebeka EL
	1	Sebeka JHS-HS
Silver Lake	2	Silver Lake EL
	2	Silver Lake 7-12
	2	Silver Lake Catholic NP
Sioux Valley	1	Sioux Valley EL
	1	Sioux Valley 7-12
Slayton	2	Slayton EL
	2	Slayton JHS-HS
South Koochiching	1	Border EL
	1	Indus 9-12
	1	Loman EL
	1	Mizpah EL
	1	Northome 7-12
Spring Valley	2	Spring Valley EL
	2	Spring Valley 7-12
Staples	1	Lincoln EL
	1	Northside EL
	1	Sacred Heart NP
	1	Staples JHS-HS
Stephen	1	Stephen EL
	1	Stephen 7-12
Storden-Jeffers	2	Storden-Jeffers EL
	2	Storden-Jeffers 7-12
Strandquist	1	Strandquist EL
	1	Strandquist 9-12
Swanville	2	Swanville EL
	2	Swanville 7-12
Togo	1	Thistledew Forestry Camp
Tower-Soudan	1	Soudan EL
Tracy	2	Currie EL
	2	Tracy EL
Tracy cont.	2	Tracy JHS-HS
	2	St. Mary NP
Tri-Mont	2	Tri-Mont EL
	2	Tri-Mont 7-12
Twin Valley	2	Twin Valley EL
	2	Twin Valley 7-12
Tyler	2	Tyler EL
	2	Tyler 7-12
Ulen-Hitterdal	2	Ulen-Hitterdal EL
	2	Ulen-Hitterdal 7-12
Underwood	2	Underwood EL
	2	Underwood 7-12
Verdi	1	Verdi EL
	1	Verdi 9-12
Verndale	1	Verndale EL
	1	Verndale 7-12
Villard	1	Villard EL
	1	Villard 7-12
Wabasso	1	Lucan EL
	1	Our Lady of Victory NP
	1	St. Anne - Mathias NP
	1	Vesta EL
Wabasso cont.	1	Wabasso EL
	1	Wabasso 7-12
	1	Wanda EL
Waldorf-Pemberton	2	Waldorf-Pemberton EL
	2	Waldorf-Pemberton 7-12
Walnut Grove	1	Walnut Grove EL
	1	Walnut Grove 7-12
Warren	2	Warren EL
	2	Warren JHS-HS
Waubun	1	White Earth EL
	1	Ogema EL
	1	Waubun EL
	1	Waubun 7-12
Welcome	2	Welcome EL
	2	Welcome 7-12
Winona	1	Lamberton Home for Children
Worthington	1	Lakeview School NP
Wrenshall	2	Wrenshall EL
	2	Wrenshall 7-12
Wykoff	1	Wykoff EL
	1	Wykoff 7-12
	1	St. Johns Lutheran

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)		
Aberdeen	1	Aberdeen EL
	1	Aberdeen HS
	1	Aberdeen Middle EL-JHS
	1	Shivers JHS
	1	Vine Street EL
Ackerman	1	Ackerman EL
	1	Ackerman JHS-HS
Anguilla	1	North Sharkey EL
Arcola	1	Arcola EL-JHS
Avon	1	Riverside EL-JHS-HS
Bassfield	1	Bassfield EL
	1	Bassfield EL-JHS-HS
Batesville	1	South Panola HS
	1	Batesville EL-JHS
	1	Batesville EL
Bay St. Louis	1	St. Rose de Lima EL
Bay Springs	3	Bay Springs EL
Belden	3	Belden EL-JHS-HS
Belzoni	1	Humphreys Co Ed Pk EL-JHS-HS
Benoit	1	Bolivar Co Dist #2 EL-JHS-HS
Benton	1	Benton HS
	1	King EL-JHS
Bentonia	1	Bentonia HS
	1	Gibbs EL-JHS
Biloxi	1	Howard II EL
	1	Gorenflo EL
Blaine	1	Blaine EL-JHS
Bogue Chitto	1	Enterprise EL-HS
	3	Bogue Chitto EL-HS
Bolton	1	Bolton EL-JHS
Boyle	3	Bell EL
Brazil	1	Johnson EL
Brookhaven	1	Eva Harris JHS
	1	Loyd Star EL-HS
	3	West Lincoln EL-HS
Brooksville	1	Wilson EL-JHS
Bruce	3	Bruce EL-JHS-HS
Byhalia	1	Byhalia HS
	1	Henry EL-JHS
Calhoun City	3	Calhoun City EL-JHS-HS
Camden	1	Velma Jackson EL-JHS-HS
Canton	1	Canton EL
	1	Canton Public IHS-HS
	1	McNeal EL
	1	Nichols EL-JHS
	1	Luther Branson EL-JHS
Carthage	1	Carthage EL-JHS-HS
	1	Thomastown EL-JHS-HS
	1	Edinburg EL-JHS-HS
Centreville	1	Finch EL
	1	William Winans JHS-HS
Chalybeate	1	Chalybeate EL-JHS
Charleston	1	Charleston EL
	1	Charleston EL-JHS
	1	Charleston HS
Clarksdale	1	Coahoma Co AHS
	1	Clarksdale HS
	1	Clarksdale JHS
	1	George Oliver EL
	1	Heidelberg EL
	1	Kirkpatrick EL
	1	Myrtle Hall EL
	1	Oakhurst EL
	1	Riverton EL
	1	Riverton Intermediate JHS
	1	Washington EL
	1	Coahoma HS
	1	Roundaway EL-JHS
	1	Sandy Bayou EL-JHS
	1	Sherard EL-JHS

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Location	Code *	School Name
Cleveland	3	East Side JHS-HS
	3	Nailor EL
Clinton	1	Lovett EL
	1	Sumner Hill JHS-HS
Coahoma	1	Hull EL-JHS
Coffeeville	1	Coffeeville JHS-HS
	1	Coffeeville EL
Coldwater	1	Coldwater JHS-HS
	1	Tate Co EL
	1	East Tate EL
Collins	1	Hopewell EL
	1	Collins EL-JHS-HS
Columbia	1	East Columbia EL-JHS-HS
	1	Jefferson EL-JHS
	1	Columbia Primary EL
	1	Marion Central EL-JHS-HS
	1	Improve EL
	1	Columbia EL
Columbus	1	Plum Grove EL-JHS
	1	Mitchell EL
	1	Motley EL-JHS-HS
	1	West Lowndes EL
	1	Barrow EL
	1	Coleman EL
	1	Hughes EL
Como	1	Como EL-JHS
Crawford	1	Crawford EL-JHS
	1	Moor EL-JHS-HS
Crenshaw	1	East Crenshaw EL
	1	West Crenshaw EL-JHS
Crowder	1	Crowder EL-JHS
Crystal Springs	3	Crystal Springs Zone 1 EL-HS
	1	Crystal Springs Zone 2 EL-JHS
DeKalb	1	West Kemper EL
	1	West Kemper EL-JHS-HS
Drew	1	A. W. James EL
	1	Drew JHS-HS
	1	Hunter Jr Hi EL-JHS
Dublin	1	Dublin EL-JHS
Duck Hill	1	Duck Hill EL-JHS
	1	Duck Hill JHS-HS
Duncan	1	Brooks EL
Dundee	1	Dundee EL-JHS
Durant	1	Durant Att Cnt EL-JHS-HS
Edwards	1	Edwards EL-JHS
Ethel	1	Ethel JHS-HS
Falcon	1	Falcon EL-JHS
Falkner	1	Falkner EL-JHS-HS
Fayette	1	Jefferson Co EL
	1	Jefferson Co JHS
	1	Jefferson Co HS
Fernwood	3	Fernwood EL
Flora	1	Flora EL-JHS
	1	East Flora EL-JHS-HS
Forest	1	North Scott EL-JHS
	1	Scott Central EL-JHS-HS
	1	Lake EL-JHS-HS
Foxworth	1	West Marion EL-JHS-HS
French Camp	1	French Camp EL-JHS
Friars Point	1	Friars Point EL-JHS
Glen Allan	1	Glen Allan EL-JHS-HS
Glendora	1	Black Bayou EL
Goodman	1	Goodman-Pickens EL-JHS
Greenville	1	Akins EL
	1	Bass JHS
	1	Boyd EL
	1	Coleman JHS
	1	Darling EL
	1	Fulwiler EL
	1	Garrett-Hall EL
	1	Greenville HS
	1	Manning EL
	1	McBride EL
	1	Solomon JHS
	1	Stern EL
	1	Trigg EL
	1	Webb EL
	1	Weddington EL
	1	Weston HS
	1	O'Bannon EL-JHS-HS
Greenwood	1	Rising Sun EL-JHS
	1	Amanda Elzy EL-JHS-HS
	3	Stone Middle EL-JHS
	1	St. Francis EL-JHS
Grenada	3	Dotson EL
Gulfport	1	Gaston Point EL
Gunnison	1	Bob Woods EL
Guntown	3	Guntown EL-JHS
Hattiesburg	1	Earl Travillion EL-JHS
	1	Central Forrest EL
	1	Eaton EL
	1	Eureka EL
	1	Grace Love EL
	1	Mary Bethune EL
	1	W. H. Jones EL
Hazlehurst	1	Hazlehurst HS
	1	North Hazlehurst EL
	1	Parrish JHS
	1	South Hazlehurst EL
Heidelberg	1	Heidelberg HS
	1	South Side EL-JHS
Hernando	1	Hernando EL
	1	Hernando EL-JHS
	1	Hernando HS
Hollandale	1	Simmons EL-JHS-HS
Holly Bluff	1	Holly Bluff EL-JHS-HS
Holly Springs	1	Galena EL-JHS
	1	Holly Springs Primary EL
	1	Holly Springs Intermediate EL-JHS
	1	Holly Springs HS
	1	CADET Sch EL-JHS
Houlka	1	Houlka EL-JHS-HS
Independence	1	Independence JHS-HS
Indianola	1	Carver EL
	1	Gentry HS
	1	Indianola JHS
	1	Carver Middle EL-JHS
	1	Lockard EL
Inverness	1	Inverness EL-JHS
Itta Bena	1	Leflore Co Hi EL-JHS-HS
	1	L. S. Rogers EL
Jackson	1	Van Winkle EL
	1	West Side EL-JHS
	1	Baker EL
	1	Blackburn JHS
	1	Brown EL
	1	Enochs JHS

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Location	Code *	School Name
Jackson cont.	1	Galloway EL
	1	Isable EL
	1	Isable Interim EL
	1	Poindexter EL
	1	Rowan JHS
	1	Walton EL
	1	Bailey JHS
	3	Casey EL
	3	Clausell EL
	1	Dawson EL
	3	Johnson EL
	1	Lanier HS
	1	Lester EL
	1	Power EL
Jonestown	1	Jonestown Att Cnt EL
	1	Jonestown EL-JHS
Kilmichael	1	Kilmichael EL-JHS
	1	Kilmichael HS
Kosciusko	1	Zama EL-JHS
	1	Kosciusko Lower EL
	1	Kosciusko Middle EL
	1	Kosciusko Upper EL
Lakeshore	1	Gulfview EL-JHS
Lamar	1	Slayden JHS
Lambert	1	Lambert EL-JHS
	1	Southside EL-JHS
Laurel	1	Nora Davis EL
	1	Oak Park EL
	1	Sandy Gavin EL
	3	Glade EL
	3	Pendorff EL
Leland	1	Dean EL
	1	Dean HS
	1	Lincoln JHS
	1	Lincoln Upper EL
Lena	1	Lena EL-JHS
Lexington	1	Lexington EL
	1	Lexington Att Cnt EL-JHS-HS
Lula	1	Lula EL-JHS
Lumberton	1	Lumberton JHS-HS
	1	Tenth Ave EL
Lyon	1	Lyon EL-JHS
Maben	1	Maben EL
	1	Maben JHS-HS
McAdams	1	McAdams JHS-HS
McCool	1	Greenlee EL
McLain	3	McLain EL-JHS-HS
Macon	1	Macon EL-JHS
	1	Noxubee EL-JHS
Madison	1	Rosa Scott EL-JHS
	1	Madison-Ridgeland HS
Magnolia	3	Magnolia EL
	3	South Pike JHS
	1	South Pike HS
Marks	1	Marks EL-JHS
	1	Westside EL-JHS
	1	Quitman Co HS
Meadville	1	Franklin EL
Meridian	1	East End EL
Merigold	1	Merigold EL
Minter City	1	T. Y. Fleming EL-JHS
	1	Sunnyside EL-JHS
Money	1	Wilkes EL-JHS
Monticello	1	McCullough EL-JHS
	1	Monticello EL
Monticello cont.	1	Topeka-Tilton EL-JHS-HS
	1	Monticello HS
Montpelier	1	Clay Co EL-JHS-HS
Moorhead	1	Moorhead EL
	1	East Moorhead EL-JHS
Morgan City	1	R. B. Schlater EL-JHS
Morton	1	Morton EL-JHS-HS
Moselle	3	Moselle EL-JHS
Mound Bayou	1	Montgomery EL
	1	Kennedy JHS-HS
	1	St. Gabriel EL
Mt. Olive	1	Mt. Olive EL-JHS-HS
Mt. Pleasant	1	Sand Flat EL-HS
Natchez	1	Holy Family EL
New Hebron	1	New Hebron EL-JHS-HS
North Carrollton	1	J. Z. George JHS-HS
	1	Marshall EL
Oakland	3	Oakland EL
	1	Oakland EL-JHS
Olive Branch	1	Olive Branch EL-JHS
	1	Olive Branch EL-HS
Oxford	1	Lafayette EL-JHS-HS
Pace	1	Pace EL
Pass Christian	1	Hancock N Cntl EL-JHS-HS
Pearlington	1	Murphy EL-JHS
Pheba	1	Beasley Att Cnt EL-JHS-HS
Philadelphia	3	Philadelphia EL
Phillip	1	Riverview EL
Piney Woods	1	Piney Woods Country Life EL-JHS-HS
Pope	1	Pope EL-JHS
Poplarville	1	Poplarville Lower EL
	1	Poplarville Upper EL
Port Gibson	1	Addison EL-JHS
	1	Richardson EL
	1	Port Gibson HS
Potts Camp	1	Potts Camp EL-JHS-HS
	1	Mary Reed EL
Prairie	1	Prairie JHS
Prentiss	1	Prentiss EL
	1	Prentiss Middle EL
	1	Prentiss JHS
	1	Prentiss HS
Quitman	3	Quitman Cons EL-HS
	3	Quitman EL
	1	Quitman EL-JHS
Raleigh	3	Raleigh EL-JHS-HS
Raymond	1	G. W. Williams EL-JHS-HS
	1	Carver EL-JHS
Ridgeland	1	Ridgeland EL
Rolling Fork	1	Henry Weathers JHS-HS
	1	Rolling Fork EL
	1	Rolling Fork JHS-HS
Rosedale	1	Bolivar Co Dist #1 HS
	1	Bolivar Co Dist #1 JHS
	1	Rosedale EL
	1	West Bolivar EL
Ruleville	1	Ruleville Public JHS
	1	Ruleville Central EL-HS
Sallis	1	Long Creek EL-JHS
Sarah	1	Strayhorn EL-JHS
Sardis	1	North Panola HS
	1	Green Hill EL
	1	Sardis EL-JHS
Satartia	1	Satartia EL-JHS
Schlater	1	Sam Balkin EL-JHS

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Location	Code *	School Name
Scooba	1	East Kemper EL
	1	East Kemper EL-JHS-HS
Sebastopol	1	Sebastopol EL-JHS-HS
Seminary	3	Seminary EL-JHS-HS
Senatobia	1	Senatobia EL-JHS-HS
Shaw	1	Shaw JHS-HS
	1	McEvans EL-JHS
Shelby	1	Broad St JHS-HS
	1	Shelby EL
Shuqualak	1	Reed EL-JHS
Silver Creek	1	Silver Creek EL
	1	Buelah Williams EL
Sledge	1	Sledge EL-JHS
SoSo	1	SoSo EL-JHS
Starkville	1	Alexander EL-JHS-HS
State Line	1	State Line EL-JHS-HS
Sturgis	1	Sturgis EL-JHS-HS
Sumner	1	Sumner EL
	1	West District JHS
	1	West District EL
Sunflower	1	East Sunflower EL-JHS
Tchula	1	Mileston EL-JHS
	1	Tchula EL-JHS-HS
Terry	1	Perryman EL
	1	Terry JHS-HS
Tippo	1	Tippo EL
Tunica	1	Rosa Fort EL-HS
	1	Tunica JHS
Tutwiler	1	Hopson Bayou EL
Tylertown	1	Tylertown EL
	1	Tylertown JHS-HS
	1	Dexter EL-JHS-HS
	1	Salem EL-JHS-HS
Utica	1	Mixon EL
	1	Hinds Co AHS
	1	Utica JHS-HS
Vaiden	1	Vaiden JHS-HS
	1	North Vaiden EL
Vaughan	1	Linwood EL-JHS
Vicksburg	3	Vicksburg Middle EL-JHS
	3	Kings EL-JHS
Walls	3	Walls EL-JHS
Walnut	1	Walnut EL-JHS-HS
Walnut Grove	1	South Leake EL-JHS-HS
Webb	1	W Tallahatchie HS
	1	Webb-Swan Lake EL
Weir	1	Weir EL-JHS-HS
Wesson	1	Wesson EL-JHS
West	1	Carmack EL-JHS
Winona	3	Winona EL-HS
Woodland	1	Woodland EL-JHS-HS
Woodville	1	Wilkinson Co Trng EL-JHS-HS
Yazoo City	1	Annie Ellis EL
	1	Main St EL
	1	Webster St EL
	1	Woolfolk EL
	1	Yazoo City JHS
	1	Yazoo City HS
	1	Cedar Falls EL-JHS

MISSOURI

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Alma	1	Alma 7-12
	1	Santa Fe EL
Anderson	2	Anderson EL
Ashley	1	St. Clement 1-8
Aurora	2	Robinson 3-8
Ava	2	Ava EL
	2	Ava HS
	2	Mt. Zion Bible 1-12
Bakersfield	2	Bakersfield HS
Bell City	2	Bell City EL
	2	Bell City 7-12
Berkeley	2	Airport EL
	2	Berkeley JHS
	2	Berkeley HS
	2	Caroline EL
	2	Frostfield EL
	2	Holy Ghost K-8
	1	Smith EL
	2	Springdale EL
Bernie	2	Bernie EL
Bolivar	2	Leonard EL
Bonne Terre	2	Bonne Terre EL
Boonville	1	Training School for Boys
	1	Training School for Girls
Braymer	2	Braymer JHS
Briar	2	Lone Star EL
Brookfield	2	Brookfield EL
	2	Brookfield HS
	2	Brookfield Middle 6-8
Broseley	2	Broseley HS
	2	Fisk EL
	2	Oulin EL
Buffalo	2	Buffalo EL
	2	Buffalo HS
Cadet	2	Cruise EL
Campbell	2	Campbell EL
	2	Campbell HS
	1	St. Teresa 1-8
Cape Girardeau	2	Central JHS
	2	Central HS
	2	Jefferson K-6
	2	Lorimier K-6
	1	May Greene K-6
	2	Schultz 7
	2	Washington K-6
Cardwell	2	Southland EL
	1	Southland HS

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Carl Junction	2	Carl Junction K-6
Carrollton	2	Carrollton 7-12
Carthage	2	Carthage JHS
	2	Carthage HS
	2	Eugene Field
	2	St. Ann's 1-8
Caruthersville	1	Caruthersville JHS
	2	Caruthersville HS
	1	Lee Rood EL
	2	Pemiscot R-III EL
	1	Southside EL
	1	Westside EL
Chadwick	1	Chadwick EL
	2	Chadwick HS
Charleston	1	A. D. Simpson EL
	1	Charleston K
	1	Charleston 7-8
	2	Charleston 9-12
	1	Hearnes EL
Chesterfield	2	St. Louis Montessori Academy K-4
Chillicothe	1	Training School for Girls
Clarkton	1	Clarkton EL
	1	Clarkton HS
Clayton	2	Childgrove K-3
Clearwater	2	Piedmont EL
Clinton	2	Southeast EL
Columbia	2	Benton K-6
	2	Blue Ridge
	2	Hickman HS
	2	Jefferson JHS
	2	Ridgeway K-6
	2	West Boulevard K-6
	2	West JHS
Crystal City	2	Crystal City EL
Cuba	2	Cuba EL
Deepwater	2	Deepwater HS
Deering	1	Pemiscot C-7 EL
	2	Pemiscot C-7 7-12
DeSoto	2	DeSoto EL
Dexter	2	Central EL
Doniphan	2	Doniphan EL
	2	Doniphan JHS
	2	Doniphan HS
Eagleville	1	North Harrison EL
	1	North Harrison 7-12
East Carter	2	Ellsinore EL
	2	Grandin EL
East Prairie	1	A. J. Martin 3-6
	2	A. L. Webb JHS
	2	East Prairie HS
	1	R. A. Doyle EL
Eldon	2	Eldon JHS
	1	Hopewell 1-8
El Dorado Springs	2	El Dorado Springs EL
Elsberry	2	Clarence Cannon EL
Eugene	2	Our Lady of Snows 1-8
Excelsior Springs	2	Excelsior Springs HS
	2	Lewis Middle 6-8
Falcon	1	Gasconade 1-8
Farmington	2	Farmington Middle 6-8
	2	Farmington HS
	1	Knob Lick EL
Ferguson	2	McCluer HS
Festus	2	Festus EL
Flat River	2	Central EL
	2	Central HS
Fordland	1	Fordland Honor Camp (Corrections)
Fredericktown	2	Fredericktown EL
	2	Fredericktown HS
Gallatin	2	Gallatin EL
Gideon	2	Gideon EL
	2	Gideon HS
Glasgow	2	Glasgow EL
Granby	2	Granby EL
Grant City	2	Worth EL
	2	Worth HS
Greenville	2	Greenville EL
Hannibal	2	A. D. Stowell EL
	2	Central EL
	2	Eugene Field EL
	2	Hannibal JHS
Hayti	1	Hayti JHS
	1	Hayti North HS
	1	North EL
	1	South EL
Hazelwood	2	Hazelwood Central HS
	1	Marygrove for Girls (Ungraded)
Hillsboro	2	Hillsboro EL
	2	Hillsboro JHS
Holcomb	2	Holcomb EL
Independence	2	Benton K-6
	2	Chrisman JHS
Independence (Fort Osage)	2	Blue Hills EL
	2	Buckner Levasy EL
	2	Cler-Mont EL
	2	Elm Grove EL
	2	Fort Osage JHS
Ironton	2	Arcadia Valley EL
	2	Arcadia Valley HS

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Jameson	2	Jameson EL
Jamesport	2	Tri-County EL
Jefferson City	1	Intermediate Reformatory
	2	Simonsen JHS
	1	State Penitentiary
Jennings	2	Corpus Christi K-8
Joplin	2	Emerson 1-6
	2	Memorial HS
	2	Parkwood HS
	2	Washington 1-6
Kansas City	2	Ashland K-6
	2	Attucks K-6
	2	Bancroft K-7
	2	Bingham JHS
Kansas City	2	Bishop Hogan HS
	2	Bishop Lillis HS
	2	C. A. Franklin K-7
	2	Central JHS
	2	Central HS
	2	East HS
	2	Faxon K-6
	2	Garfield K-7
	2	Garrison K-7
	2	Graceland K-7
	2	Greenwood K-6
	2	Holmes K-6
	1	Joan Davis K-10
	2	Karnes K-7
	2	King JHS
	2	Kumpf K-7
	2	Ladd K-6
	2	Lincoln JHS
	2	Lincoln HS
	2	Linwood K-6
	2	Longfellow K-7
	2	Mann K-7
	2	Manual HS
	2	Melcher K-6
	2	Meservey K-6
	2	Northeast JHS
	2	Northeast HS
	2	Nowlin JHS
	2	Our Lady of the Americas K-8
	2	Paseo HS
	2	Pershing K-6
	2	Phillips K-6
	2	Richardson K-6
	1	St. Martin de Porres 1-8
	2	St. Therese K-8
	1	St. Vincent K-8
	2	Southeast JHS
	2	Southeast HS
	2	Southwest HS
	2	Switzer K-7
	2	Van Horn HS
	2	Washington K-6
	2	Weeks K-7
	2	West HS
	2	Westport HS
	2	Wheatley K-6
	2	Whittier K-7
	2	Woodland K-7
	2	Yates K-6
Kennett	2	H. Byron Masterson 1-6
	2	Kennett JHS
	2	Kennett HS
	1	South EL
Kinloch	1	Dunbar EL
	1	Kennedy JHS
	1	Kinloch EL
	1	Kinloch HS
	1	Our Lady of the Angels K-3
Kingston	1	St. Joachim 1-8
Kirkwood	2	Kirkwood HS
	2	Nipher JHS
	1	Turner EL
Lebanon	2	Donnelly EL
	2	Hillcrest EL
	2	Lebanon JHS
	2	Lebanon HS
	2	Maplecrest EL
Lexington	2	Leslie Bell-Franklin
Louisiana	2	Louisiana HS
	2	Louisiana Middle 5-8
	2	Meriwether EL
Lutesville	2	Lutesville 3-6
Lutie	1	Lutie EL
Malden	1	Beckwith Street EL
	2	Malden JHS
	2	Malden HS
	2	Smith Street EL
Maplewood-Richmond Heights	2	Maplewood-Richmond Heights JHS
	2	Maplewood-Richmond Heights HS
	2	West Richmond EL
Marceline	2	Disney EL
	2	Marceline HS
Marshall	2	Marshall JHS
Marshfield	2	Marshfield EL
Maryland Heights	2	Holmon JHS
	2	Pattonville HS
Maryville	2	Eugene Field EL
	2	Maryville HS
	2	Washington Middle 5-8
Mendon	2	Northwestern K-6
Mexico	2	Eugene Field K-5
	2	Hardin JHS
	2	McMillian K-5
Moberly	2	Moberly 7-8
	2	Moberly HS
	2	North EL
	1	Training Center for Men
Monett	2	Monett EL
Morley	2	Scott Central EL
	2	Scott Central 8-12
Mountain Grove	2	Mountain Grove EL
	2	Mountain Grove HS
Naylor	2	Naylor EL
Neelyville	2	Neelyville 7-12

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Nelson	2	Nelson K-8
Neosho	2	Neosho HS
	2	Ozark Christian Academy K-12
Nevada	2	Bryan K-4
	2	Nevada Middle 5-8
	2	Nevada HS
	1	St. Francis Academy 9-12
New Madrid	2	Boekerton EL
	1	Conran EL
	1	Howardville 4-8
	2	Kewanee EL
	1	Lilbourn EL
	2	Lilbourn HS
	2	Main Street EL
	1	Marston 1-8
	2	Matthews K-6
	2	New Madrid 7-12
	2	Parma EL
	2	Parma 7-12
	2	Portageville EL
	2	Portageville 7-12
	2	Scott Street EL
Niangua	2	Niangua K-8
Norborne	2	Norborne EL
Normandy	2	Garfield EL
	2	Lincoln K-6
	2	McKinley K-6
	2	Normandy JHS
	2	Normandy HS
	2	Pine Lawn EL
	1	St. Paul the Apostle K-8
Oak Grove	2	Oak Grove EL
Park Hill	2	Line Creek EL
Perryville	2	Perryville EL
	1	St. Joseph 1-8
Pierce City	1	St. Mary's 1-8
Poplar Bluff	1	Eugene Field EL
	1	J. Minnie Smith EL
	2	Kinyon EL
	2	Mark Twain EL
	2	Poplar Bluff JHS
	2	Poplar Bluff HS
	1	Poplar Bluff Youth Center
	1	Wheatley EL
	2	Williamson Kennedy EL
Potosi	2	Potosi EL
	2	Potosi Middle 6-8
	2	Potosi HS
Rich Hill	2	Poplar EL
Richland	2	Richland Middle 5-7
	2	Richland HS
Richmond	2	Dear EL
	2	Richmond 8-12
	2	Woodson EL
Ritenour	2	Marvin EL
	2	New Overland EL
	2	Ritenour JHS
	2	Ritenour HS
	2	Wyland EL
Riverview Gardens	2	Riverview Gardens HS
Rolla	2	Rolla HS
St. Charles	2	Central EL
	2	Francis-Howell HS
St. James	1	Boys Town of Missouri 3-9
St. Joseph	2	Benton HS
	2	Central HS
	2	Edison EL
	1	Everett EL
	2	Horace Mann Middle 7-8
	2	Hosea EL
	2	Humboldt EL
	2	Hyde EL
	2	Lafayette HS
	2	Lindbergh EL
	2	Neely EL
	2	Parkway EL
	2	Pickett EL
	2	Robidoux JHS
	2	St. James K-8
	2	Spring Gardens JHS
	2	Truman JHS
	1	Webster EL
Ste. Genevieve	2	Ste. Genevieve Parochial 1-8
St. Charles	2	Orchard Farm EL (R#3)
St. Charles City	2	Benton EL
	2	Hardin JHS
	2	McKinley EL
	2	Powell Terrace K-6
St. Louis	2	Adams K-8
	2	Ames K-8
	1	Arlington K-8
	2	Ashland & Branch K-8
	2	Baden K-8
	1	Banneker K-8
	1	Bates K-8
	1	Beaumont 9-12
	1	Benton K-8
	1	Bishop Healy K-8
	1	Blair K-8
	2	Blow Middle Group K-8
	1	Bryan Hill K-8
	1	Carver K-8
	1	Central 9-12
	1	Central Catholic Community K-8
	1	Central City Lutheran K-8.
	2	Charless K-8
	1	Chouteau K-8
	2	Clay K-8
	2	Cleveland HS
	1	Clinton & Branch K-8
	1	Cote & Branch K-8
	1	Columbia K-8
	1	Compton Heights Catholic K-8
	1	Cote Brilliante K-8
	1	Cupples K-8
	1	DeAndreis HS
	2	Dewey K-8
	1	Dunbar Group K-8
	1	Eliot Group K-8
	1	Enright Middle Group K-8
	1	Euclid Group K-8
	2	Fanning K-8
	1	Farragut K-8
	1	Field & Branch K-8
	1	Ford & Branch K-8

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
St. Louis cont.	1	Franklin K-8
	2	Fremont K-8
	2	Froebel K-8
	2	Garfield K-8
	2	Grant K-8
	1	Gundlach K-8
	1	Harrison K-8
	1	Hempstead & Branch K-8
	1	Henry K-8
	2	Herzon & Branch K-8
	1	Hickey K-8
	1	Hodgen K-8
	1	Holy Cross Catholic 1-8
	1	Holy Guardian Angels 1-6
	2	Holy Family K-8
	1	Holy Name K-8
	1	Howard & Branch K-8
	2	Humboldt K-8
	1	Jackson K-8
	1	Jefferson Group K-8
	2	Laboure HS
	1	Laclede K-8
	1	Lafayette K-8
	1	Langston K-8
	1	Lexington K-8
	1	L'Ouverture K-8
	1	Lowell K-8
	1	McKinley 9-12
	1	Madison K-8
	2	Mann & Branch K-8
	1	Mark Twain & Branch K-8
	1	Markus Lutheran K-8
	1	Marquette K-8
	2	Meramec K-8
	2	Monroe K-8
	2	Most Holy Rosary K-8
	2	Mullanphy K-8
	2	Northwest 9-12
	1	Our Lady Perpetual Help K-8
	1	Peabody K-8
	1	Providence Educational Center (Ung)
	1	Riddick K-8
	1	Rock Spring K-8
	2	Roe K-8
	2	Roosevelt HS
	1	St. Francis Xavier K-8
	2	St. John the Baptist K-8
	2	St. Joseph Croatian K-8
	1	St. Louis Christian Home 3-11
	2	St. Margaret of Scotland 1-8
	1	St. Mark EL
	1	St. Mark HS
	1	St. Matthew's K-8
	1	St. Nicholas K-8
	1	St. Paul's Lutheran K-8
	2	Scullin K-8
	2	Shenandoah K-8
	2	Shepard K-8
	2	Sherman & Branches K-8
	2	Sigel K-8
	1	Soldan 9-12
	2	Southwest HS
	1	Stevens K-8
	1	Stix K-8
	1	Stowe K-8
	1	Sumner 9-12
	2	Trinity Lutheran K-8
	1	Turner Middle Group K-8
	1	Vashon 9-12
	1	Walbridge K-8
	2	Walnut Park & Branch K-8
	1	Webster K-8
	1	Williams & Branches K-8
St. Louis cont.	1	Wyman K-8
	2	Yeatman K-8
	1	Zion Lutheran K-8
Salem	2	Salem EL
	2	Salem JHS
Sarcoxie	2	Sarcoxie HS
	2	Wildwood EL
Schell City	2	Schell City 7-12
Scott City	2	Illmo-Scott City EL
Sedalia	2	Heber Hunt EL
	2	Mark Twain EL
	2	Sedalia JHS
	2	Smith-Cotton HS
	2	Washington EL
Senath	2	Hornersville 5-8
	2	Senath EL
	2	Senath HS
Sikeston	2	Lee Hunter 1-5
	2	Matthews EL
	2	Morehouse EL
	2	Sikeston K
	2	Sikeston Middle 6-7
	2	Sikeston JHS
	2	Sikeston HS
	2	Southeast EL
	2	Southwest EL
Spicakard	2	Spickard K-6
Springfield	1	Berry EL
	2	Bissett EL
	1	Bowerman EL
	1	Boyd EL
	2	Campbell EL
	2	Central HS
	2	Doling EL
	1	Fairbanks EL
	2	Fremont EL
	2	Hillcrest HS
	2	Jarrett JHS
	2	McGregor EL
	2	Parkview HS
	2	Pipkin JHS
	2	Reed JHS
	2	Robberson EL
	2	Study EL
	2	Study JHS
	2	Tefft EL
	2	Weaver EL
	2	Westport EL
	2	Williams EL
	2	York EL
Steele	1	Central EL
	1	East EL
	2	South Pemiscot 7-12
Steelville	2	Steelville EL
Sullivan	2	Sullivan EL
Tarkio	2	Tarkio EL
Thayer	2	Thayer EL
	2	Thayer HS
Tipton	1	Correctional Center for Women
	2	St. Andrew 1-8

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Trenton	2	Rissler K-4
Union	2	Holy Family
Unionville	2	Unionville EL
	2	Unionville Middle 4-8
University City	2	Brittany Middle 6-7
	2	Daniel Boone EL
	2	Delmar Harvard EL
	2	Hanley JHS
	2	Mercy HS
	2	Nathaniel Hawthorne K-5
	2	Pershing EL
	2	University Forest K-5
	2	University City HS
Valley Park	2	Valley Park EL
Vienna	1	Visitation 1-8
Walker	2	Walker JHS
Wardell	1	Pascola EL
	2	Peach Orchard EL
	2	Ross Central EL
Waynesville	2	East EL
Webster Groves	2	Schall EL
Wellston	1	Central EL
	1	Glen Echo EL
	1	Halter HS
	1	Notre Dame de Lourdes 1-8
	1	Spensmar EL
	1	Wellston Middle 6-8
Westphalia	2	Holy Family 1-8
	2	Immaculate Conception 1-8
West Plains	2	St. Marys 1-8
Woodland	2	Woodland HS

MONTANA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Absarokee	2	Absarokee HS
Alberton	2	Alberton E1
	2	Alberton HS
Anaconda	2	Anaconda HS
	2	Anaconda JHS
	2	Bryan E1
	2	Lincoln E1
	2	W. K. Dwyer E1
Arlee	2	Arlee E1
Ashland	3	Ashland E1
	1	St. Labre Mission E1
	1	St. Labre Mission HS
Babb	2	Babb E1
Basin	1	Basin E1
Big Timber	2	Big Timber E1
	1	Sweet Grass County HS
Billings	1	Billings Senior HS
	2	Central Catholic HS
	1	Garfield E1
	1	Lincoln JHS
	2	Lockwood E1
	2	McKinley E1
	1	North Park E1
	1	Orchard E1
	1	Riverside JHS
	1	Taft E1
	2	Washington E1
	1	Yellowstone Boys Ranch
Box Elder	1	Box Elder E1
	1	Box Elder HS
Boyd	2	Boyd E1
Bozeman	2	Bozeman HS
	2	Bozeman JHS
	2	Willson E1
Bridger	2	Bridger E1
	2	Bridger HS
Broadus	2	Broadus E1
	2	Powder River Co. District HS
Brockton	1	Barbara Gilligan E1
	1	Brockton HS
Browning	2	Browning E1
	2	Browning HS
	2	Browning JHS
Browning cont.	2	Croff-Wren E1
	2	K. W. Bergan E1
	2	Starr E1
	2	Vina Chattin E1
Butte	2	Blaine E1
	2	Butte HS
	2	Butte Central 7-12
	2	Lincoln E1
	2	Longfellow E1
	2	McKinley E1
	2	Madison E1
	2	Monroe E1
	2	Sherman E1
	2	Washington E1
	2	Webster-Garfield E1
	2	West JHS
Charlo	2	Charlo E1
	2	Charlo HS
Chester	2	Chester E1
Chinook	2	Chinook HS
	2	Eastside E1
	2	Meadowlark E1
Choteau	2	Choteau E1
Clinton	2	Clinton E1
Clyde Park	2	Clyde Park HS
Colstrip	1	Colstrip HS
Columbia Falls	2	Hungry Horse E1
Conrad	2	Conrad HS
	2	Conrad Lewis JHS
	2	Meadowlark E1
	2	Prairie View E1
Corvallis	2	Corvallis E1
Creston	2	Creston E1
Darby	2	Darby E1
Deer Lodge	2	Deer Lodge E1 (Grades 7 & 8)
	2	Granville-Stuart E1
	2	O. D. Speer E1
Dillon	2	Mary Innes E1
	2	Parkview North E1
Dixon	1	Dixon E1
	1	Dixon HS
Dodson	2	Dodson HS
Elmo	3	Elmo E1

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Ennis	2	Madison Valley Consolidated HS
Fairview	2	Fairview El
	2	Fairview HS
Fallon	2	Fallon El
Frazer	1	Frazer El
	1	Frazer HS
Fromberg	2	Fromberg El
Geraldine	2	Geraldine El
Geyser	2	Geyser El
Glasgow	2	Glasgow HS
	1	North Star El
	2	South Side El
Glendive	2	Dawson County HS
Grass Range	2	Grass Range El
Great Falls	2	C. M. Russell HS
	2	Collins El
	1	Emerson El
	2	Franklin El
	2	Great Falls HS
	1	Longfellow El
	2	McKinley El
	2	Paris Gibson JHS
	2	Russell El
	2	Sunnyside El
	2	Valley View El
	2	West JHS
	1	Whittier El
Greycliff	1	Greycliff El
Hamilton	2	Grantsdale El
	2	Westview El
Hardin	1	Crow Agency El
	1	Hardin HS
	1	Hardin Intermediate
	1	Hardin Grades 7 & 8
	1	Hardin Primary
Harlem	1	Harlem El
	1	Harlem HS
Havre	2	Havre Grades 7 & 8
	2	Havre HS
	1	Lincoln-McKinley El
Hays	1	Hays El
Heart Butte	1	Heart Butte El
Helena	2	Bryant El
	2	Central El
	2	Broadwater El
	2	Helena HS
	2	Helena JHS
	2	Jefferson El
	2	Jim Darcy El
	2	Lincoln El
	1	Mountain View School for Girls
	2	Warren El
Hot Springs	2	Hot Springs El
Jordan	1	Jordan El
Kalispell	2	Elrod El
	2	Flathead HS
	2	Linderman El
	2	Lilian Peterson El
	2	Kalispell JHS
	2	Mountain Brook El
Kevin	2	Kevin El
Laurel	2	Fred W. Graff El
	2	South El
	2	West El
Lewistown	2	Garfield El
	2	Highland Park El
	2	Lincoln El
Lima	2	Lima El
	2	Lima HS
Livingston	2	East Side El
	2	Livingston El
	2	Park HS
Lodge Grass	2	Lodge Grass El
	2	Lodge Grass HS
Lodge Pole	1	Lodge Pole El
Malta	2	Malta El
	2	Malta HS
Miles City	2	Custer County District HS
	2	Lincoln El
	1	Pine Hills School for Boys
Missoula	2	Central El
	2	Emma Dickinson El
	2	Franklin El
	2	Hellgate El
	2	Hellgate HS
	2	Jefferson El
	2	Lowell El
	2	Prescott El
	2	Whittier El
	2	Willard El
Nashua	2	Nashua El
Paradise	2	Paradise El
Perma	2	Camas Prairie El
Philipsburg	2	Philipsburg El
Polson	2	Cherry Valley El
	2	Linderman El
	2	Polson HS
Poplar	1	Poplar El
	1	Poplar HS
Pryor	1	Pryor El
Richey	2	Richey El
	2	Richey HS
Ronan	1	Pablo El
	2	Ronan El
	1	Ronan Grades 7 & 8
	2	Ronan HS
Roundup	2	Central El
	2	Roundup HS
Ryegate	2	Ryegate El
Shelby	2	Bitterroot El
	2	Meadowlark El
	2	Shelby El (7-8)
Sidney	2	Central El
	2	Sidney JHS
	2	Sidney HS
	2	West Side El
St. Ignatius	2	St. Ignatius El
	1	St. Ignatius HS
Stevensville	2	Stevensville El
Sunburst	2	Sunburst El
Townsend	2	Broadwater Co. HS
	2	Townsend El
Trego	2	Trego El
Twin Bridges	1	Montana Children's Center
Valier	1	Valier El
	2	Valier HS
Vaughn	2	Vaughn El
Whitefish	2	Bissell El
	2	Central El
	2	Muldown El
	2	Olney El
	2	Whitefish HS
	2	Whitefish JHS
Whitehall	2	Whitehall El
	2	Whitehall HS
Wibaux	2	Wibaux El
Wolf Point	2	Northside El
	1	Southside El
	1	Wolf Point Grades 7-8
	2	Wolf Point HS
Worden	2	Huntley Project El
	2	Huntley Project HS
	2	Huntley Project JHS

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Nebraska

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Albion	2	Albion K-12
	2	St. Michaels
Allen	2	Allen K-12
Alliance	2	Alliance JHS
	1	Central El
	2	Emerson El
	2	Grandview El
	2	St. Agnes HS
Ansley	2	Ansley K-12
Arapahoe	2	Arapahoe K-12
Arcadia	2	Arcadia El
Arnold	2	Arnold K-12
Ashland	2	Greenwood El
Auburn	2	Auburn HS
	1	Auburn Middle
	2	Calvert El
	1	Peru El
	2	Sheridan El
Aurora	2	Phillips El
	2	South El
Barneston	2	Barneston K-12
Bartlett	2	Wheeler Central K-12
Battle Creek	2	Battle Creek K-12
Bayard	1	Bayard K-12
Beatrice	2	Cedar El
	2	Lincoln El
	2	Paddock Lane El
	2	Stoddard El
	2	Beatrice JHS
	2	Beatrice HS
Beaver City	2	Beaver City K-12
Beemer	2	Beemer K-12
Belgrade	2	Belgrade El
Benedict	2	Benedict K-12
Benkelman	2	Benkelman El
Bertrand	2	Bertrand K-12
Bloomfield	2	Bloomfield K-12
Brady	2	Brady K-12
Brainard	2	Assumption El (Dwight) 1-8
	2	Brainard El
	2	Dwight El
	2	East Butler HS
	2	Holy Trinity 1-8
Broken Bow	2	Custer El
	2	North Park El
Brule	2	Brule K-12
Burwell	2	Burwell El
	2	Burwell HS
Butte	2	Butte K-12
Byron	2	Byron K-12
Cairo	1	Centura East (Dannebrog) K-6
	1	Centura HS 7-12
	1	Centura South (Cairo) K-6
	1	Centura West (Boelus) K-6
Callaway	2	Callaway K-12
Cambridge	2	Cambridge K-12
Campbell	2	Campbell K-12
Cedar Bluffs	2	Cedar Bluffs K-12
Cedar Rapids	1	Cedar Rapids K-12
Central City	2	Archer El
	2	North Ward El
	2	South Ward El
Chadron	2	Chadron HS
	2	Chadron Middle
	2	East Ward El
	2	Kenwood El
Chambers	2	Chambers K-12
Chapman	2	Chapman El
Chappell	2	Chappell K-12
Clarks	2	Clarks K-12
Clearwater	2	Clearwater K-12
Cody	2	Cody-Kilgore K-12
Coleridge	2	Coleridge K-12
Columbus	2	Duncan El
	2	Emerson El
	2	Field El
	2	Highland Park El
	2	Lincoln El
	2	St. Anthony School 1-6
	2	West Park El
	2	Williams El
Cook	2	Nemaha Valley K-12
Cozad	2	Central El
	2	Cozad HS
	2	Cozad JHS
	2	East El
Crawford	2	Crawford K-12
Creighton	2	Creighton K-12
Crete	2	Crete El
Crofton	1	Crofton K-12
	1	St. Rose 1-8
Culbertson	2	Culbertson K-12
Dalton	2	Dalton K-12
David City	2	David City K-12
	2	St. Mary's 1-8
	2	Aquinas HS
Dawson	2	Dawson Verdon K-12
Decatur	1	Decatur K-12
DeWitt	2	Plymouth El
Diller	2	Diller K-12
Dodge	2	Dodge K-12
Dunning	2	Halsey El
	2	Sandhills HS
Elba	1	Elba K-12
Elgin	2	Elgin El
	2	St. Boniface 5-8
	2	Pope John HS
Elm Creek	2	Elm Creek K-12
Elmwood	2	Elmwood K-12
Emerson	1	Emerson El
	2	Emerson-Hubbard HS
	1	Hubbard El
Ewing	2	Ewing K-12
Fairbury	2	Central El
	2	East El
	2	Fairbury JHS
	2	Park El
	2	St. Michaels 1-8
	2	West El
Fairfield	2	Sandy Creek K-12
Fairmont	2	Fairmont K-12
Falls City	2	Falls City HS
	2	Falls City JHS
	2	North El
	2	South El
	2	St. Peter & St. Paul 1-8
	2	Sacred Heart HS
Farwell	2	Farwell El
Firth	2	Norris HS
Fort Calhoun	2	Fort Calhoun K-12
Franklin	2	Franklin K-12
Fremont	2	Archbishop Bergen HS
	1	Washington El
Fullerton	2	Belgrade El
	2	Fullerton K-12
Geneva	1	Geneva North
Genoa	2	Genoa K-12
Gering	2	Central El
	2	Gering HS
	2	Gering JHS
	2	Lincoln El
	2	McKinley El
	2	Northfield El
Gordon	1	Gordon El
	2	Gordon HS
Grand Island	2	Howard El
	2	Lincoln El

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Nebraska

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Greeley	2	Greeley K-12
	2	Sacred Heart 1-8
Gurley	2	Gurley K-12
Harrison	2	Harrison El
	2	Sioux County HS
Hartington	1	Cedar Catholic HS
	1	Hartington K-12
	1	Holy Trinity 1-8
	1	West Catholic 1-8
Harvard	2	Harvard K-12
Hastings	2	Hastings Catholic 1-12
	2	Hastings JHS
	2	Lincoln El
Hay Springs	2	Hay Springs K-12
Hemingford	2	Hemingford K-12
Hershey	2	Hershey K-12
Holbrook	2	Holbrook K-12
Holdrege	2	Lincoln El
	2	Roosevelt El
	2	Washington El
	2	Franklin El
Homer	2	Homer K-12
Hooper	2	Hooper El
Howells	2	Howells Community Catholic 1-6
	2	Howells K-12
Humboldt	2	Humboldt K-12
Humphrey	1	Humphrey K-12
Indianola	2	Republican Valley K-12
Inman	1	Inman K-8
Johnson	2	Johnson-Brock 5-8
Kearney	1	Bryant El
	2	Emerson El
	2	Kearney JHS
	1	Kearney West 7-12
	2	Kenwood El
Kimball	2	Mary Lynch El
	2	West El
Laurel	2	Laurel K-12
Lawrence	2	Lawrence K-12
	2	Sacred Heart 1-8
	2	St. Stevens 1-8
Lebanon	2	Beaver Valley K-12
Lewiston	2	Lewiston K-12
Lexington	2	Bryan El
	2	Morton El
	2	St. Ann's HS
Liberty	2	Liberty 1-6
Lincoln	2	Arnold El
	2	Belmont El
	2	Bethany El
	2	Blessed Sacrament K-8
	2	Dawes JHS
	1	Clinton El
	1	Eastridge
	1	Elliott El
	2	Everett JHS
	2	Goodrich JHS
	1	Hartley El
	2	Havelock El
	2	Huntington El
	2	Lakeview El
	2	Lincoln HS
	2	Lincoln Individual Center
	2	McPhee El
	2	Norwood Park El
	1	Park El
	1	Penal Complex
	1	Sacred Heart K-6
	2	Saratoga El
	2	St. Mary's K-8
	2	St. Patrick's K-8
	2	West Lincoln El
	1	Whitehall K-6
	1	Whittier JHS
Litchfield	1	Litchfield K-12
Lodgepole	2	Lodgepole K-12
Loomis	2	Loomis K-12
Louisville	2	Louisville K-12
Loup City	1	Ashton El
	1	Loup City El
	1	Loup City HS
	1	Loup City Middle
Lyman	1	Lyman K-12
Lynch	2	Lynch K-12
Lyons	2	Lyons K-12
McCook	2	East Ward El
	2	North Ward El
	2	West El
Macy	1	Macy K-12
Madrid	2	Wheatland K-12
Maywood	2	Maywood K-12
Mead	2	Mead K-12
Merna	1	Anselmo El
	2	Anselmo-Merna HS 7-12
	2	Merna El
Minatare	1	Minatare El
	2	Minatare HS
Minden	2	South El
Mitchell	1	Mitchell El
	2	Mitchell HS
	2	Sunflower K-12
Morrill	1	Morrill El
	2	Morrill HS
Murray	2	Murray El
Naper	2	Naper K-12
Nebraska City	2	Fourteenth St. El
	2	Nebraska City HS
	2	Nebraska City JHS
	2	Northside El
	2	Second Ave. El
	2	Sixth St. El
	2	Union El
Nehawka	2	Nehawka K-12
Neligh	2	Neligh K-12
	1	Oakdale El
Nelson	2	Nelson K-12
Newcastle	2	Newcastle K-12
Newman Grove	2	Lindsay Holy Family
	2	Newman Grove K-12
	2	Platte County Dist. #29 1-8
Niobrara	1	Niobrara K-12
Norfolk	2	Grant El
	2	Jefferson El
	2	Lincoln El
	2	Monroe El
	2	Norfolk Catholic HS
	2	Northern Hills El
	2	Sacred Heart 1-6
	2	Washington El
	2	Westside El
North Bend	2	North Bend Grade
North Platte	2	Buffalo El
	2	Cleveland El
	2	Cody El
	2	Jefferson El
	2	Lincoln El
	2	Madison JHS
	2	North Platte HS
	1	Roosevelt El
	2	St. Patrick 1-6
	2	Washington El
Oakland	2	Craig El - JHS
	2	Oakland El
	2	Oakland HS
Ohiowa	2	Ohiowa K-12

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Nebraska

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Omaha	2	Assumption 1-8
	1	Bancroft HS
	1	Bedford El
	2	Benson West El
	1	Boys Town
	2	Castelar El
	2	Catholic Southeast Center #1 1-8
	1	Catholic Southeast Center #2 1-8
	1	Central El
	1	Central HS
	2	Central Park El
	2	Clifton Hill El
	1	Conestoga El
	2	Corrigan El
	1	Cross Lutheran K-8
	1	Dominican HS
	2	Druid Hill El
	2	Field Club El
	2	Florence El
	2	Franklin El
	2	Gethesemene Lutheran El
	2	Highland El
	2	Holy Name El
	2	Holy Name HS
	1	Immaculate Conception 1-8
	2	Indian Hill El
	1	Indian Hill JHS
	2	Individualized Study Center #1 9-12
	2	Individualized Study Center #2 9-12
	2	Individualized Study Center #3 7-9
	2	Jackson El
	1	Kellom El
	1	Kennedy El
	1	Lake El
	2	Lincoln El
	2	Lothrop El
	1	Mann JHS
	2	Marra El
	2	Marra JHS
	1	Martin Luther King Middle
	2	Mason El
	1	McMillan JHS
	2	Miller Park El
	2	Monmouth Park El
	1	North HS
	2	Park El
	2	Pershing El
	2	Ponca El
	1	Pope Paul VI HS
	2	Robbins El
	2	Rosewater El
	1	Sacred Heart 1-8
	2	St. Agnes 1-8
	2	St. Ann 1-8
	1	St. Anthony 1-8
	2	St. Bridget 1-8
	1	St. Mary's 1-8
	2	St. Peter K-8
	2	St. Richard 1-8
	2	Saratoga El
	2	Saunders El
	2	Sherman El
	2	South HS
	2	South Lincoln El
	2	Springlake El
	1	Technical HS
	1	Technical JHS
	2	Train El
	2	Vinton El
	2	Walnut Hill El
	2	Westside Community - Hillside El
	2	Windsor
	2	Yates El
O'Neill	2	O'Neill K-12
	2	St. Mary's 1-6
	2	St. Mary's HS
Orchard	2	Orchard K-12
Ord	1	Ord El
Orleans	2	Orleans K-12
Osmond	2	Osmond K-12
Oxford	2	Oxford K-12
Page	1	Page El
Palmer	2	Palmer K-12
Palmyra	2	Bennet El
Papillion	2	Stanley Hall El
Pawnee	2	Dubois El
	2	Pawnee City El
	2	Pawnee City HS
Paxton	2	Paxton K-12
Petersburg	1	Petersburg K-12
	1	St. John 1-8
Pierce	2	Pierce K-12
	2	Zion Lutheran K-8
Plattsmouth	2	Columbian El
	2	Park El
	2	St. John's 1-8
	2	Wintersteen El
Polk	2	Polk K-12
Prague	2	Prague K-12
Ralston	2	Karen Western El
Randolph	2	Randolph K-12
Raymond	2	Central HS
	2	Ceresco El
	1	Valparaiso El
Ravenna	2	Ravenna El
	2	Ravenna JHS
Red Cloud	2	Red Cloud K-12
Republican City	2	Republican City K-12
Rosalie	2	Rosalie K-12
Rushville	2	Rushville K-12
St. Edward	2	St. Edward K-12
St. Helena	1	Fordyce El
	1	St. Helena El
St. Paul	2	St. Paul K-12
Santee	1	Santee El
Sargent	2	Sargent K-12
Scotia	2	North Loup - Scotia K-12
Scottsbluff	2	Bryant El
	2	Lincoln Heights El
	2	Longefellow El
	1	Roosevelt El
	2	Scottsbluff HS
	2	Scottsbluff JHS
	2	Westmoor El
Seward	2	Garland El
	2	Goehner El
	1	Ulysses El
Shelby	2	Shelby K-12
Sidney	2	North Ward El
	2	Sidney HS
	2	St. Patrick HS
Silver Creek	?	Silver Creek K-12
Snyder	2	Snyder K-12
South Sioux City	2	Dakota City El
	2	Harney El
	2	Lewis & Clark El
	2	South Sioux City JHS
	2	St. Michaels 1-8
Spalding	1	Spalding Academy K-12
	1	Spalding K-12
Spencer	2	Spencer K-12
Springview	2	Keya Paha CHS
Stanton	1	Stanton El
	2	Stanton HS
Stapleton	2	Stapleton K-12
Stella	2	Southeast Nebraska K-12

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Nebraska

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Sterling	2	Sterling K-12
Stratton	2	Stratton K-12
Sutherland	2	Sutherland K-12
Superior	2	Superior K-12
Surprise	2	Surprise El
Syracuse	2	Avoca El
Table Rock	2	Table Rock K-12
Taylor	2	Loup County K-12
Tecumseh	2	Tecumseh K-12
Tekamah	2	Herman El
	2	Tekamah El
	2	Tekamah JHS
Thedford	2	Thedford CHS
	2	Thedford El
Tilden	2	Elkhorn Valley K-12
Tobias	2	Meridian K-12
Trenton	2	Trenton K-12
Trumbull	2	Trumbull K-12
Utica	2	Centennial K-12
Valley	2	Valley K-12
Venango	2	Venango K-12
Verdigre	2	Verdigre K-12
Wahoo	1	Neuman HS
	2	Wahoo HS
	2	Wahoo JHS
	2	West El
	1	St. Wenceslaus 1-8
Wakefield	2	Wakefield K-12
Wallace	2	Wallace K-12
Walthill	2	Walthill K-12
Waterbury	2	Waterbury El
Wausa	2	Wausa K-12
Wayne	1	Carroll El
	2	Wayne El
	2	Wayne HS
	2	Wayne Middle
Weat Point	2	Weat Point K-12
Wilcox	2	Wilcox K-12
Wilsonville	2	Wilsonville K-12
Winnebago	1	Winnebago K-12
Winside	2	Winside K-12
Wisner	2	District #9 K-8
	2	Pilger El
	2	Wisner El
	2	Wisner HS
	2	Zion St. Johns K-8
Wolbach	1	Wolbach K-12
Wood River	2	Wood River El
Wymore	2	Blue Springs El
	2	Homeaville El
	2	Southern HS
Wynot	1	Wynot K-12
York	2	Edison El
	2	Lincoln El
	1	Nebraska Center for Women
	2	St. Joseph's El

NEVADA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)		
Alamo	1	Pahranagat Valley El
	1	Pahranagat Valley Jr-Sr HS
Austin	2	Austin El
	1	Yomba El
Battle Mountain	2	Battle Mountain El
	2	Battle Mountain HS
Caliente	1	Caliente El
	1	Nevada Girls Training Center Jr-Sr
Dayton	2	Dayton El
Elko	2	Grammar School #2
	1	Nevada Youth Training Center Jr-Sr
Fallon	2	Churchill County HS
	2	Cottage El
	2	E. C. Best JHS
	2	Northside El
	2	Oats Park El
	2	West End El
Gabbs	2	Gabbs El
Hawthorne	2	Hawthorne El
Las Vegas	2	Crestwood El
	2	Frank F. Garside JHS
	2	Halle Hewetson El
	2	Ira J. Earl El
	2	Jim Bridger JHS
	2	John C. Fremont JHS
	2	John S. Park El
	2	Kermit T. Booker El
	2	Las Vegas HS
	2	Madison El
	2	Matt Kelly El
	2	Myrtle Tate El
	2	Red Rock El
Las Vegas cont.	2	Rex Bell El
	2	Rose Warren El
	2	Roy W. Martin JHS
	2	Ruth Fyfe El
	2	Sunrise Acres El
	1	Sunset HS
	2	Walter Bracken El
	2	Western HS
Lemmon Valley	2	Lemmon Valley El
Lovelock	2	Lovelock El
	2	Pershing County HS
McDermitt	1	McDermitt K-12
North Las Vegas	2	C. P. Squires El
	2	C. V. T. Gilbert El
	2	Ed Von Tobel JHS
	2	Fay Herron El
	2	Lois Craig El
	2	Marion E. Cahlan El
	1	Opportunity HS
	2	Rancho HS
Owyhee	1	Owhyee K-12
Panaca	2	Lincoln County HS
	2	Panaca El
Pioche	2	Pioche El
Reno	2	Fred W. Traner JHS
	2	Glenn A. Duncan El
	1	Orvis Ring El
	2	Proctor Hug HS
	2	Rita A. Cannan El
	2	Sierra Vista El
	1	Stead El
Schurz	1	Schurz El

(Nevada to be continued on top of next page)

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NEVADA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Sparks	2	Kate M. Smith El
	2	Robert Mitchell El
	2	Sparks JHS
	2	Sun Valley El
Verdi	2	Verdi El
Wadsworth	1	Natchez El
Winnemucca	2	Sonoma Heights El
	2	Winnemucca El
	2	Winnemucca JHS

New Hampshire

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Acworth	2	Acworth EL 1-5
Alexandria (1)	2	Village 1-3
Berlin	2	Bartlett EL K-4
	2	Brown EL K-4
	2	King-Marston K-4
	2	Berlin JHS 7-9
	2	Berlin HS 10-12
	2	Burgess 5-6
	2	Berlin Catholic East 1-8
	2	Berlin Catholic West 1-8
Boscawen	2	Main Street 1-4
Bridgewater (2)	2	River Road 1-6
Bristol (1)	2	Primary-Elementary 1-6
	2	Newfound Memorial HS
Claremont	2	Bluff EL K-6
	2	North Street EL K-6
	2	West Terrace Street EL K-6
	2	Claremont JHS
	2	St. Mary EL
Colebrook	2	Primary 1-5
	2	New EL
	2	Academy HS
Concord	2	Dame K-3
	2	Garison K-6
	2	Rumford
	2	Walker-St. Peter EL
	2	Broken Ground EL 4-6
	2	St. John EL
	2	Bishop Brady HS
	2	Rundlett JHS
	2	Concord Senior HS
	2	Merrimack Valley Central 5-6
	2	Summer Street EL 1-4
	2	Merrimack Valley Regional HS
Conway	2	Elementary
	1	Pine Tree EL
Dalton	2	Elementary
Danbury	2	Elementary
Danville	2	Elementary
	2	Calvary Christian K-8
Derry	2	Charles M. Floyd-Grinnell EL
	2	St. Thomas Aquinas EL
	2	South Range EL
	2	Pinkerton Academy 9-12
(1) See Bristol		
(2) See Hebron		
Dover	2	Garrison EL
	2	Dover Catholic K-8
	1	Pierce-Sawyer EL
	2	Woodman Park EL
	2	Dover JHS
	2	St. Thomas Aquinas HS
Dublin	2	Consolidated EL
Exeter	2	School Street-Main Street EL
	2	Exeter Area JHS
	2	Exeter Area HS
Farmington	2	Memorial Drive-St. Peters EL
	2	Main Street 5-8
	2	Farmington HS
Fitzwilliam	2	Dr. George B. Emerson EL
Franklin	2	Parker C. Hancock EL
	2	Paul A. Smith EL
	2	St. Mary EL
	2	Franklin JR-SR High 8-12
Freedom	3	Elementary
Gilsum	2	Elementary
Grantham	3	Village 1-6
Hebron (2)	2	Village 1-3
Hinsdale	2	Elementary
	2	Hinsdale HS
Hollis	2	EL 1-5
	2	Middle 6-8
	2	Hollis Area HS
Hooksett	2	Fred C. Underhill EL 1-6
	2	Village EL 1-6
	2	Memorial JHS 7-8
Jackson	3	Elementary 1-6
Keene	2	Franklin EL K-6
	2	Lincoln EL K-6
	2	Roosevelt EL K-6
	2	Wheelock EL K-5
	2	Keene JHS 6-8
	2	Keene HS 9-12
	2	St. Joseph EL
Laconia	2	Academy Street-Batchelder Street-Bowman Street EL
	2	Elm Street-Mechanic Street-Washington Street EL
	2	Pleasant Street-Harvard Street EL
	2	Laconia Memorial JHS
	2	Academic HS
	2	Holy Trinity EL
Lancaster	2	Elementary
Loudon	2	Grade 1-4
(2) See Bridgewater		
Mason	2	Public 1-5
Manchester	1	Bakersville EL K-6
	2	Brown EL
	1	Gossler Park EL K-5
	2	Goffe's Falls-Highland K-6
	1	Beech Street EL
	1	Wilson EL K-6
	2	Youngsville EL 1-6
	2	Hillside JHS 7-8
	2	Manchester Central HS 9-12
	2	Manchester West HS 9-12
	1	New Hampshire Youth Development Center
Meredith	2	Inter-Lakes-Lang Street EL
	2	Inter-Lakes HS
Nashua	2	Amherst Street EL
	2	Arlington Street EL
	2	James B. Crowley EL
	1	Ledge Street EL
	2	Mt. Pleasant EL
	1	Temple Street
	2	Spring Street JHS
	2	Nashua HS
	2	Bishop Guertin HS

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NEW HAMPSHIRE

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Nashua cont.	2	Holy Infant Jesus EL
	2	Nashua Catholic JHS
	2	St. Christopher EL
	2	St. Joseph EL
New Durham	2	Elementary
New Ipswich	2	Central Elementary
	2	Mascenic Regional HS
New Hampton	2	Community EL
Newport	2	Richards-Towle EL
	2	Newport JR-SR HS 7-12
Piermont	3	Village 1-8
Plaistow	2	Timberlane Regional HS
Portsmouth	2	Atlantic Heights EL
	2	New Franklin K-6
	1	Wentworth Acres EL
	2	Portsmouth JHS
	2	Portsmouth HS
Rochester	2	Allen EL
	2	Gonic EL
	2	Maple Street EL
	2	Spaulding HS
	2	Rochester Catholic School 1-8
Salem	2	Lancaster EL
	2	North Salem EL
	2	Dr. Louis F. Soule EL
	2	Woodbury 7-8
	2	Salem HS
Sanbornton	2	Central EL
Sandown	2	Central EL
Sandwich	2	Central EL
Seabrook	2	Winnacunnet Cooperative HS
Somersworth	2	Chandler-Middle School Annex EL
	2	Hilltop EL
	2	Indigo Hill 1-6
	2	Middle School 7 8
	2	Somersworth HS 9-12
Stark	3	Village EL
Stratford	3	Public EL
Stewartstown	2	Hollow EL
	2	West Side EL
	3	St. Albert EL
Sullivan	2	Central EL
Surry	2	Elementary
Swanzey	2	Monadnock Regional HS
Tilton	2	Union Sanborn EL
	2	Middle School 5-8
	2	Winnisquam Regional JR-SR HS
Troy	2	Elementary
Whitefield	2	Elementary
	2	White Mountains Regional HS
Wolfeboro	2	Carpenter EL

New Jersey

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Alexandria Twp.	2	Lester D. Winslow - EL
Alloway Twp.	2	Alloway Twp. - EL
Andover Reg.	2	Florence M. Burd - EL
	2	Long Pond - EL
Atlantic City	2	Atlantic City - HS
	1	Brighton Ave. - EL
	2	Central Jr. High - EL
	2	Chelsea Heights - EL
	2	Chelsea Jr. High - EL
	2	Indiana Ave. - EL
	1	Madison Ave. - EL
	1	Massachusetts Ave. - EL
	2	New Jersey Ave. - EL
	2	Pennsylvania Ave. - EL
	2	Richmond Ave. - EL
	2	Venice Park - EL
	2	West Side - EL
Atlantic Highlands	2	Atlantic Highlands - EL
Audubon	1	Audubon High - HS
Bedminster Twp.	2	Bedminster Twp. - EL
Bayonne	2	Mary J. Donohoe - EL
	2	Philip G. Vroom - EL
Belleville	2	Senior High - HS
	2	School No. One - EL
	2	School No. Two - EL
	2	School No. Four - EL
	2	School No. Five - EL
	2	School No. Eight - EL
	2	Garden School - EL
Wellmawr	2	Bell Oaks - EL
	2	Bellmawr Park - EL
	2	Ethel M. Burke - EL
	2	Crescent Park - EL
Belmar Borough	2	Belmar - EL
Belvidere	2	Third Street - EL
Bergenfield	2	Bergenfield High - HS
	2	Franklin - EL
	2	Hoover - EL
	2	Jefferson - EL
	2	Lincoln - EL
	2	Roy W. Brown - Middle
	2	Washington - EL
Bergen Co. Voc.	2	Bergen Co. Voc.-Tech. H.S. - HS
	2	Bergen Co. Voc. - Paramus - HS
Bernardsville	2	Marion T. Bedwell - EL
Bethlehem Twp.	2	Bethlehem Twp. - EL
Beverly	2	Beverly School - EL
Bloomfield	2	North Jr. High - JHS
	2	Carteret - EL
	2	Demarest - EL
	2	Forest Glen - EL
	2	George Morris - EL
Bordentown City	2	Clara Barton - EL
	2	Mac Farland Jr. - EL
Bordentown Twp.	2	Peter Muschal - EL

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Bound Brook	2	Bound Brook High - HS
	2	Lafayette - EL
	2	La Monte - EL
Bradley Beach Boro	2	Bradley Beach - EL
Brick Twp.	2	Laurelton - EL
Bridgeton	2	Bridgeton H.S. - HS
	2	Bridgeton Jr. - JHS
	1	Buckshuten Rd. - EL
	1	Cherry Street - EL
	1	Indian Ave. - EL
	1	Irving Ave. - EL
	1	Pearl Street - EL
	1	Quarter Mile Lane - EL
	1	Vine Street - EL
	1	West Avenue - EL
Bridgewater-Raritan Reg.	2	Bridgewater-Raritan High-East - HS
	2	Bradley Gardens - EL
	2	John F. Kennedy - EL
	2	Washington - EL
Buena Reg.	1	Buena Reg. H.S. Dist. - HS
Burlington Co. Special Services	2	Burl. Co. School - Burlington Twp. - EL
	2	Burl. Co. School - Mount Holly - EL
Burlington Twp.	2	Burlington Twp. H.S. - HS
	2	Burlington Twp. Middle - Middle
Camden City	1	Pyne Poynt - Middle
	1	Veterans Memorial Middle - Middle
	1	Bonsall - EL
	2	Cooper - EL
	2	Cramer - EL
	1	Davis - EL
	1	Fetters - EL
	2	Lanning Square - EL
	2	Mc Graw - EL
	1	Mickle - EL
	2	Northeast - El
	1	Powell - EL
	2	Sewell - EL
	2	Sharp - EL
Camden Co. Voc.-Tech.	2	Pennsauken Campus - HS
	2	Gloucester Campus - HS
Carlstadt-East Rutherford	2	Henry P. Becton Reg. - HS
Carteret	2	Carteret - HS
	2	Nathan Hale - EL
Cinnaminson Twp.	2	Cinnaminson - Middle
	2	Rush School - EL
Clayton	2	Clayton H.S. - HS
Clementon	2	W.T. Gibbs - EL
	2	Watsontown - EL
Clifton	2	School No. Four - EL
	2	School No. 12 - EL
	2	School No. 15 - EL
Clinton Town	2	Clinton - EL
Closter	2	Hillside - EL
Corbin City	1	John S. Helmbold - EL
Cranbury	2	Cranbury - EL
Cranford	2	Cranford Sr. - HS
	2	Lincoln - EL
	2	Livingston - EL
Deerfield Twp.	1	Lillian April - EL
	2	Deerfield - EL
Deptford Twp.	2	Deptford Twp. - HS
	2	Monongehela Jr. - JHS
	1	Almonesson - EL
	2	Deptford Central - EL
	2	Good Intent - EL
	2	Lake Tract - EL
	2	Pine Acres - EL
	2	Shady Lane - EL
Dover Town	2	Academy - EL
	2	East Dover Elem. - EL
	2	Middle School - Middle
Downe Twp.	2	Downe Twp. Primary (Dividing Creek) - EL
	2	Downe Twp. - EL
	1	Satellite - EL
Dumont	2	Grant - EL
	2	Honiss - EL
	2	Lincoln - EL
Dunellen	2	Dunellen H.S. - HS
East Brunswick Twp.	2	Bowne - EL
	2	Mc Ginnis - EL
	2	Murray A. Chittick - EL
East Orange	2	Clifford J. Scott - HS
	1	East Orange H.S. - HS
	2	Columbian - EL
	2	Elmwood - EL
	2	Franklin - EL
	2	East Orange Middle - Middle
	1	Nassau - EL
	2	Washington - EL
	2	Veron V. Davey - Middle
East Rutherford	2	Alfred S. Faust - EL
	2	Franklin - EL
	2	Lincoln - EL
	2	Mc Kenzie - EL
Eatontown	2	M. L. Vetter - EL
	2	Memorial - EL
Edgewater	2	Eleanor Van Gelder - JHS
	2	George Washington - EL
Edison Twp.	2	Edison Twp. H.S. - HS
	2	Woodrow Wilson Jr. - JHS
	2	Benjamin Franklin - EL
	2	James Madison Prim. - EL
	2	Dr. Martin Luther King - EL
	2	Piscatawaytown - EL
Egg Harbor	2	Buffalo Ave. - EL
	2	Philadelphia Ave. - EL
Egg Harbor Twp.	2	Steelmanville - EL
	2	Cardiff - EL
	2	Bargaintown - EL
	2	Farmington - EL
	2	McKee - EL
	2	Scullville - EL
	2	H. Russell Swift - EL
	2	Slaybaugh - Middle

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New Jersey

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Location	Code *	School Name
Elk Twp.	2	Aura - EL
Englewood	2	Lincoln - EL
	1	Roosevelt - EL
Essex Co. Vocational	2	Essex Co. Voc. - Irvington - HS
	2	Essex Co. Voc. - Sussex Ave. - HS
	2	Essex Co. Voc. - No. 13th Street - HS
Estell Manor	2	Estell Manor - EL
Flemington-Raritan Regional	2	Barley Sheaf - EL
Florence Twp.	2	Florence Twp. Memioral - HS
	2	Marcella L. Duffy - EL
	2	Roebling No. 5 - EL
Folsom	2	Folsom - EL
Fort Lee	2	Number 3 - EL
Frankford Twp.	2	Frankford Twp - EL
Franklin Twp. (Gloucester)	2	Franklinville - EL
	2	Franklinville Memioral - EL
	2	Janvier - EL
	2	Lake - EL
	1	Main Road - EL
	2	Malago - EL
Franklin Twp. (Somerset)	2	East Millstone - EL
	2	Franklin Park - EL
	2	Hillcrest - EL
	2	Kingston School - EL
	2	Mac Afee Road - EL
	2	Phillips School - EL
	2	Pine Grove Manor - EL
	2	Sampson G. Smith Intermediate - EL
Fredon Twp.	2	Fredon Twp. - EL
Freehold Borough	2	Intermediate - Middle
Freehold Regional	2	Freehold Twp. - HS
	2	Howell H.S. - HS
Freehold Twp.	2	West Freehold School - EL
Galloway Twp.	2	South Egg Harbor - EL
	2	Rann - EL
Garfield	2	Columbus No. 8 - EL
	2	Jefferson No. 9 - EL
	2	Lincoln - EL
	2	Mark Twain - EL
	2	Roosevelt No. 7 - EL
	2	Woodrow Wilson - EL
Glassboro	2	Academy St. School - EL
	2	Elsmere - EL
	2	Intermediate - EL
	2	J. Harvey Rodgers - EL
Glen Gardner Boro	2	Glen Gardner - EL
Gloucester City	2	Gloucester City Jr. & Sr. - HS
	2	Broadway - EL
	2	Brown St. School - EL
	2	Gloucester Hts. - EL
	2	Highland Park - EL
	2	Mary E. Costello - EL
Gloucester Twp.	2	Blackwood - EL
	2	Blenheim - EL
	2	Glendora - EL
Greater Egg Harbor Reg. H.S. District	2	Absegami High - HS
	2	Oakcrest - HS
Green Twp.	2	Green Consolidated - EL
	2	Green Hills Middle - EL
Greenwich Twp. (Cumberland)	2	Greenwich Primary - EL
	2	Morris Goodwin - EL
Greenwich Twp. (Warren Co.)	2	Stewartsville - EL
	2	Greenwich - EL
Hackensack	2	Fairmount - EL
	2	Hackensack - Middle
Hackettstown	2	Willow Grove - EL
	2	Hackettstown High - HS
Haledon	2	Absalom Grundy - EL
	2	Kossuth Street - EL
	2	M. Stansfield - Middle
Hamburg	2	Hamburg - EL
Hamilton Twp. (Atlantic Co.)	2	Duberson - EL
	2	Shaner Memorial - EL
Hamilton Twp. (Mercer Co.)	2	Hamilton East-Steinert - HS
	2	Hamilton West-Watson - HS
	2	Nottingham Jr. High - JHS
	2	Maple Shade - EL
	2	Mc Galliard - EL
	2	Yardville - EL
Hammonton	2	Hammonton - EL
	2	Hammonton Jr. & Sr. - HS
Hampton Twp.	2	Marian Mc Keown - EL
Hanover Park Reg.	2	Hanover Park High - HS
Harrison Twp.	2	Harrison Twp. - EL
Hawthorne	2	Washington - EL
High Bridge	2	High Bridge - Middle
	2	High Bridge - EL
Highland Park	2	Hamilton - EL
	2	Irving - EL
	2	Lafayette - EL
	2	Middle School - Middle
Highlands Boro	2	Highlands - EL
High Point Reg.	2	High Point Reg. - HS
Hillside	2	Hurden-Looker - EL
Hoboken	2	Hoboken - HS
	2	A. J. Demarest Jr. - JHS
	2	J. F. Brandt Jr. - JHS
	2	Daniel S. Kealey - EL
	2	David E. Rue - EL
	2	J. F. Brandt No. 2 - EL

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Location	Code *	School Name
Hoboken cont.	2	S. F. Leinkauf - EL
	2	Thomas G. Connors Memioral - EL
	2	Wallace - EL
Hopatcong	2	Admin. Bldg. Annex - El
	2	Hudson Maxim - EL
	2	Tulsa Trail - EL
Howell	2	Griebling - EL
	2	Land O'Pines - EL
Irvington	2	Augusta Street - EL
	2	Berkeley Terrace - EL
	2	Florence Ave. - EL
	2	Grove Street - EL
	2	Mt. Vernon Ave. - EL
	2	Myrtle Ave. - EL
	2	Union - EL
Jamesburg	2	Jamesburg H. S. - HS
Jefferson Twp.	2	Ellen T. Briggs - EL
Jersey City	1	Lincoln H.S. - HS
	2	Public School No. 2 - EL
	2	Public School No. 5 - EL
	2	Public School No. 8 - EL
	2	No. 9 Kennedy School - EL
	2	Public School No. 12 - EL
	2	Public School No. 18 - EL
	2	Public School No. 20 - EL
	1	Public School No. 22 - EL
	2	Copernicus No. 25 - EL
	2	Public School No. 27 - EL
	2	Public School No. 29 - EL
	1	Public School No. 31 - EL
	2	Public School No. 33 - EL
	2	Public School No. 35 - EL
	2	Alexander D. Sullivan No. 30 - EL
	2	Public School No. 41 - EL
	2	James F. Murray No. 38 - EL
	2	Joseph Brensinger No. 17 - EL
Keansburg	2	Keansburg Middle School - Middle
	2	Keansburg Elem. - EL
Kingsway Reg. H.S. Dist.	2	Kingsway Reg. H.S. - HS
Kingwood Twp.	2	Kingwood Twp. - EL
Lambertville City	2	Lambertville - EL
Lavallette	2	Lavallette - EL
Lincoln Park	2	Chapel Hill - EL
	2	Pinebrook - EL
	2	Ryerson - EL
Linden	2	Joseph E. Soehl Jr. - JHS
	2	No. 1 - EL
	2	No. 2 - EL
	2	No. 4 - EL
	2	No. 4 Annex - EL
	2	No. 5 - EL
	2	No. 8 - EL
	2	Deerfield Terrace No. 9 - EL
	2	No. 10, Highland Ave. - EL
Lindenwold	2	School No. 1 - EL
	2	School No. 4 - EL
	2	School No. 5 - EL
Linwood	2	Belhaven Ave. - EL
	2	Seaview - EL
	2	Poplar - EL
Little Egg Harbor Twp.	2	Little Egg Harbor - EL
Lodi	2	Roosevelt - EL
Logan Twp.	2	Logan Twp. School - EL
Long Branch	2	Long Branch H.S. - HS
	2	Long Branch Jr. H.S. - JHS
	2	A.A. Anastasia - EL
	2	Broadway - EL
	2	Elberon - EL
	2	Garfield - EL
	2	Gregory - EL
	2	Lenna W. Conrow - EL
	2	North Long Branch - EL
	2	West End School - EL
Lower Cape May Reg.	2	Lower Cape May Reg. - HS
	2	Richard M. Teitelman - JHS
Lower Twp.	2	Lower Twp. Consolidated - EL
	2	Maude Abrams- EL
Lyndhurst	2	Washington - EL
Madison	2	Lucy D. Anthony - EL
	2	Madison Jr. - EL
Madison Twp.	2	Carl Sandburg Middle - Middle
	2	Memorial - EL
	2	Voorhees - EL
	2	Schirra Jr. - EL
Magnolia	2	Magnolia Public - EL
Mahwah	2	Betsy Ross - EL
	2	Commodore Perry - EL
	2	Ramapo-Ridge - Middle
Mainland Reg. H.S. Dist.	2	Mainland Reg. - HS
Manalapan-Englishtown Reg.	2	Clark Mills - EL
	2	Lafayette Mills - EL
	2	Milford Brook - EL
	2	Pine Brook - EL
	2	Pine Street - EL
	2	Taylor Mills - EL
Manasquan	2	Manasquan High - HS
	2	Manasquan Elem. - EL
Manchester Twp.	2	Ridgeway School - EL
	2	Whiting School - EL
Mansfield Twp.	2	Mansfield Twp. - EL
Manville	2	Camplain Road - EL
	2	Main Street - EL
	2	Roosevelt - EL
Maple Shade Twp.	2	Maude M. Wilkins No. 3 - EL
	2	Number 4 - EL
	2	Ralph J. Steinhauer - EL
Margate	2	Granville Ave. - EL
	2	Tighe - Middle

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Location	Code *	School Name
Marlboro Twp.	2	Central - Middle
	2	Marlboro Village - EL
	2	Marlboro Elem. - EL
	2	Asher Holmes - EL
Matawan-Reg.	2	Matawan Ave. - Middle
	2	Ravine Drive - EL
	2	Broad Street - EL
Maurice River Twp.	2	Leesburg - EL
	2	Maurice River Twp. - EL
	2	Port Elizabeth - EL
Maywood	2	Maywood Intermediate - Middle
	2	Maywood Ave. - EL
Mendham Twp.	2	Mendham Twp. - EL
	2	Mendham Twp. - Middle
Middle Twp.	2	Elementary No. 1 - EL
	2	Elementary No. 3 - EL
	2	Elementary No. 4 - Middle
Middlesex Co. Voc.	2	Burr D. Coe Vocational & Tech. - HS
	2	County Vocational - New Brunswick - HS
Middle Twp.	2	Thorne Jr. High - HS
	2	Bayview - EL
	1	East Keansburg - EL
	2	Leonardo - EL
	2	New Monmouth - EL
Millburn	2	Washington - EL
Millville	2	Millville Sr. High - HS
	2	Memioral Jr. High - JHS
	2	Bacon - EL
	2	Culver - EL
	2	Mount Pleasant - EL
	2	Rieck Ave. - EL
	1	R. D. Wood - EL
	2	Western - EL
Mine Hill Twp.	2	Route 46 - EL
Monroe Twp. (Gloucester)	2	Williamstown H. S. - HS
	2	Holly Glen - Hall Street - EL
	2	Oak Knoll - Maple Grove - Middle
	2	Whitehall - Cecil - EL
Monroe Twp. (Middlesex)	2	Number 1 - EL
Montclair	2	Montclair H.S. - HS
	2	Bradford - EL
	1	Glenfield - EL
	1	Glenfield - Middle
	2	Grove Street - EL
	2	Hillside Annex - EL
	2	Hillside - Middle
	2	Mount Hebron - Middle
	2	Nishuane - EL
	2	Northeast - EL
	2	Southeast - EL
	2	Watchung - EL
Moorestown Twp.	2	Mary E. Roberts - EL
	2	Moorestown - Middle
Morris School Dist.	2	Alexander Hamilton - EL
	2	Alfred Vail - EL
	2	Hanover Ave. - EL
	2	Hillcrest - EL
	2	Normandy Park - EL
Morris School Dist. Cont.	2	Thomas Jefferson - EL
	2	Woodland - EL
Mullica Twp.	2	Agriculture - EL
	2	Elwood - EL
	1	Nesco - EL
Neptune Twp.	2	Neptune Sr. High - HS
	2	Neptune Jr. High - JHS
	2	Bradley Park - EL
	2	Gables - EL
	2	Green Grove - EL
	2	Ocean Grove - EL
	2	Ocean GroveMiddle - EL
	2	Ridge Ave. - Middle
	2	Summerfield - EL
	2	Whitesville - EL
Neptune City	2	Roosevelt - EL
	2	Wilson - EL
New Brunswick	2	New Brunswick H.S. - HS
	2	A. Chester Redshaw - Middle
	2	Bayard - EL
	2	Lincoln - EL
	2	Lord Stirling - EL
	2	Mc Kinley - EL
	1	New Street - EL
	2	Washington - EL
	2	Woodrow Wilson - EL
Newark	1	Central High - HS
	2	East Side H.S. - HS
	2	Education Center for Youth - HS
	2	Vailsburg H.S. - HS
	2	Weequahic H.S. - HS
	1	West Side High - HS
	2	Seventh Ave. Jr. High - JHS
	2	Webster Jr. High - JHS
		West Kinney Jr. High - JHS
	2	Abington Ave. - EL
	2	Alexander Street - EL
	2	Alyea Street - EL
	1	Belmont-Runyon - EL
	2	Bergen Street - EL
	2	Boylan Street - EL
	2	Bragaw Ave. - EL
	2	Bragaw Wainwright - EL
	1	Broadway - EL
	1	Burnet Street - EL
	1	Camden - EL
	2	Camden - Middle
	1	Chancellor Ave. Annex - EL
	1	Cleveland - EL
	2	Clinton Ave. - EL
	1	Dayton Street - EL
	2	18th Avenue - EL
	2	First Avenue - EL
	2	Fourteenth Avenue - EL
	1	Garfield - EL
	1	Harriet Tubman - EL
	2	Hawkins Street - EL
	2	Hawthorne Clinton - EL
	1	John F. Kennedy - EL
	1	Madison - EL
	1	Marcus Garvey - EL
	2	Martin Luther King Jr. - EL
	2	Mc Kinley - EL
	1	Miller Street - EL
	1	Montgomery Street - EL
	2	Mount Vernon - EL
	2	Newton Street - EL
	2	Peshine Ave. - EL
	2	Quitman - EL

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List of Schools Determined to have High Concentrations of Students from Low-Income Families For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Newark cont.	1	Quitman St. Annex - EL
	2	Ridge Street - EL
	2	Roberto Clemente - EL
	2	Roberto Clemente Annex - EL
	1	Roberto Clemente, Mt. Pleasant - EL
	1	Rosa L. Parks - EL
	2	South 17th Street - EL
	2	South 17th Street Annex - EL
	2	Speedway Ave. - EL
	2	Springfield Ave. Community Sch. - EL
	1	Sussex Ave. - EL
	1	Sussex Ave. Annex - EL
	2	Thirtheenth Ave. - EL
	1	Warren Street - EL
Newfield	2	Edgarton Memioral - EL
Newton	2	Newton H.S. - HS
	2	Holstead Street - EL
	2	Merriam - EL
Northfield	2	Mt. Vernon - EL
North Bergen	2	North Bergen H.S. - HS
	2	Horace Mann - EL
	2	John F. Kennedy No. 7 - EL
	2	Lincoln No. 5 - EL
	2	Robert Fulton - EL
North Brunswick	2	John Adams - EL
North Hanover Twp.	2	Jacobstown - EL
North Hunterdon Reg.	2	North Hunterdon Regional - HS
North Plainfield	2	Somerset - EL
North Wildwood	2	Margaret Mace - EL
Oaklyn	2	Oaklyn Jr. High - JHS
	2	Oaklyn Elem. - EL
Ocean City	2	Primary - EL
Ocean Twp.	2	Waretown - EL
Ogdensburg	2	Ogdensburg - EL
Oldmans Twp.	2	M. B. Farley - EL
Orange City	2	Orange High - HS
	1	Forest Street - EL
	2	Heywood Ave. - EL
	2	Lincoln Ave. - EL
	1	Oakwood Ave. - EL
	2	Park Ave. - EL
	2	Orange Middle - Middle
Oxford Twp.	2	Oxford Central - EL
Palisades Park	2	Palisades Park Jr.-Sr. - HS
Paramus	2	East Brook Jr. High - JHS
Parsippany-Troy Hills	2	Mt. Tabor - EL
Passaic	2	Jefferson No. 1 - EL
	2	Franklin No. 3 - EL
	2	Lincoln No. 4 - Middle
Passaic Co. Tech. & Vocational	2	Passaic Tech. & Voc. - HS
Paterson City	2	John F. Kennedy - HS
	2	Eastside High School - HS
	2	Bunker Hill School - EL
	1	Edward W. Kilpatrick - EL
	2	Martin Luther King - Middle
	2	Number 2 - EL
	2	Number 4 - EL
	2	Number 7 - EL
	2	Number 8 - EL
	1	Number 10 - EL
	1	Number 12 - EL
	2	Number 16 - EL
	2	Number 24 - EL
	1	Number 26 - EL
Paulsboro	2	Paulsboro High - HS
	2	Billingsport - EL
	2	Laudenslager - EL
Pemberton Twp.	2	Pemberton Twp. H.S. - HS
	2	Browns Mills No. 1 - EL
	2	Emmons - EL
	2	Harker-Wylie/Laurel Hill - Middle
	2	Oak Crest - EL
	2	Oak View - EL
	2	Bussansky - EL
	2	Stackhouse - EL
Pennsauken	2	Pennsauken Sr. H.S. - HS
Penns Grove Upper Penns Neck Reg.	2	Penns Grove H.S. - HS
	1	Broad Street - EL
	2	Paul W. Carleton - EL
Phillipsburg	2	Barber - EL
	2	Beers - EL
	2	Firth - EL
	2	Freeman - EL
	2	Green Street - EL
	2	Middle - Middle
Piscataway Twp.	2	Conackamack - Middle
	2	Quibbletown - Middle
	2	Theodore Schor - Middle
	2	Arbor - EL
	2	Dwight D. Eisenhower - EL
	2	Knollwood - EL
	2	Martin Luther King - EL
	2	New Market - EL
Pittsgrove	2	Norma - EL
Pleasantville	2	South Main - EL
	2	DeCatur - EL
	2	North Main - EL
	2	Leeds Ave. - EL
	2	Pleasantville H.S. - HS
Plumsted Twp.	2	New Egypt - EL
Point Pleasant	2	Point Pleasant High - HS
	2	Ocean Road - EL
Point Pleasant Beach	2	Point Pleasant Beach - HS
Pompton Lakes	2	Pompton Lakes - HS
Princeton Reg.	2	Princeton H.S. - HS
	2	Johnson Park - EL
	2	Littlebrook - EL
	2	John Witherspoon - Middle
	2	Riverside - EL
	2	Community Park - EL

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New Jersey

List of Schools Determined to have High Concentrations of Students from Low-Income Families For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Prospect Park	2	No. 1, Prospect Park - EL
Quinton Twp.	2	Quinton Twp. - EL
Rahway	2	Rahway Jr. High - JHS
	2	Columbian - EL
	2	Franklin - EL
	2	Roosevelt - EL
Rancocas Valley Reg.	2	Rancocas Valley Regional - HS
Randolph Twp.	2	Center Grove - EL
	2	Randolph Intermediate - EL
Red Bank	2	Mechanic St. - EL
	2	Red Bank Primary - EL
	2	River Street - EL
Red Bank Regional	2	Red Bank Regional - HS
Ridgefield	2	Shaler - EL
Ringwood	2	Eleanor G. Hewitt - EL
	2	Martin J. Ryerson - Middle
	2	P. Cooper - EL
	2	Robert Erskine - EL
River Edge	2	Cherry Hill - EL
	2	Hollie M. Davis - EL
	2	Roosevelt - EL
Riverside Twp.	2	Riverside - EL
Riverton	2	Riverton - EL
Rockaway	2	Lincoln - EL
	2	Washington - EL
Rockaway Twp.	2	Dennis B. O'Brien - EL
Roselle	2	Locust School - EL
Roselle Park	2	Roselle Park H.S. - HS
	2	Aldene - EL
	2	Middle School - Middle
Roxbury Twp.	2	Rosbury High - HS
	2	Eisenhower - Middle
	2	Franklin - EL
	2	Jefferson - EL
	2	Nixon - EL
Salem City	2	Salem H.S. - HS
	2	John Fenwick - EL
	2	Salem Middle School - Middle
Sea Bright	2	Sea Bright Elem. - EL
Sea Isle City	2	Sea Isle Elem. - EL
Somerdale	2	No. 1 - EL
Somerville	2	Middle School - Middle
South Amboy	2	H. G. Hoffman - HS
	2	South Amboy Public - EL
South Brunswick	2	Crossroads - Middle
	2	Dayton - EL
South Harrison Twp.	2	Harrisonville - EL
South Plainfield	2	Cedarcraft - Middle
South River	2	Lincoln - EL
	2	Willett - EL
Southern Gloucester Reg. H.S. Dist.	2	Delsea Regional H. S. - HS
Southern Regional H.S. Dist.	2	South Reg. Middle School - Middle
Springfield	2	Florence M. Gaudineer - Middle
Stockton Boro	2	Stockton Elem - EL
Stow Creek Twp.	2	Stow Creek Twp. - EL
Summit	2	Jefferson - EL
	2	Roosevelt - EL
Sussex-Wantage Reg.	2	Wantage - EL
Swedesboro	2	Walter H. Hill - EL
	2	Margaret Clifford - EL
Teaneck	2	Eugene Field - EL
	2	Washington Irving - EL
	2	Whittier - EL
Tinton Falls	2	Tinton Falls - EL
Toms River	2	Cedar Grove - EL
	2	Toms River - EL
Trenton	1	Trenton Central - HS
	2	Jr. No. One - JHS
	2	Jr. No. Three - JHS
	2	Jr. No. Four - JHS
	2	Jr. No. Five - JHS
	2	Jr. No. Three-Elem. Division - EL
	2	Jr. No. Five-Elem. Division - EL
	2	Cadwalder - EL
	2	Franklin - EL
	2	Harrison - EL
	2	Monument - EL
	2	Mott - EL
	2	Washington - EL
Tuckerton	2	Tuckerton - EL
Union City	2	Emerson High - HS
Union Co. Education-al Services Com.	2	Westlake - EL
Union Twp.	2	Union High School - HS
	2	Burnet Jr. H.S. - JHS
	2	Kawameeh Jr. H.S. - JHS
	2	Battle Hill School - EL
	2	Central-Six Jefferson - EL
	2	Connecticut Farms - EL
	2	Franklin School - EL
	2	Hamilton School - EL
	2	Livingston School - EL
	2	Washington - EL
Upper Freehold Reg.	2	Allentown H.S. - HS
Upper Pittsgrove	2	Daretown - EL
	2	Monroeville - EL
	2	Upper Pittsgrove - EL
Ventnor City	2	Lafayette - EL
	2	Oxford - EL
	2	Ventnor Middle - Middle

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Location	Code *	School Name
Vernon Twp.	2	Rolling Hills - EL
Vineland City	2	Landis Jr. High - Middle
	2	Memorial School No. 5 - Middle
	2	Anthony Rossi - EL
	2	Butler Ave. - EL
	2	Dane Barse - EL
	2	East Landis - EL
	2	East Vineland - EL
	2	J.H. Winalow - EL
	1	J.H. Winslow Annex - EL
	2	Edward R. Johnstone - EL
Vineland Con't.	2	Maurice Durand - EL
	1	Maurice Fels - EL
	1	Max Leuchter - EL
	2	Mennies - EL
	2	North Delsea - EL
	2	Oak & Main - EL
	1	Park & East - EL
	1	H. L. Reber - EL
	2	South Vineland - EL
Voorhees Twp.	2	Kresson - EL
Wall Twp.	2	Wall Central - HS
	2	Wall Intermediate - Middle
	2	West Belmar - EL
Wallington Boro	2	Jefferson - EL
Warren Twp.	2	Woodland - EL
Washington Twp. (Gloucester)	2	Washington Twp. - HS
	2	Wedgewood - EL
Washington Twp. (Mercer Co.)	2	Sharon School - EL
Washington Twp. (Morris Co.)	2	Flocktown Road - EL
	2	Long Valley - Middle
	2	Old Farmers Road - EL
Waterford Twp.	2	Atco - EL
Wayne	2	Wayne Valley - HS
	2	Wayne Hills - HS
Weehawken	2	Weehawken High - HS
	2	Daniel Webster - EL
	2	Theodore Roosevelt - EL
	2	Woodrow Wilson No. 4 - EL
West Deptford	2	West Deptford H.S. - HS
	2	Mantua Terrace - EL
	2	Oakview - EL
	2	Verga - EL
West Milford Twp.	2	Apshawa - EL
	2	Hillcrest - EL
	2	Marshall Hill School - EL
	2	Paradise Knoll - EL
	2	Upper Greenwood - EL
West New York	2	No. One - EL
	2	No. Two - EL
	2	No. Three - EL
	2	No. Four - EL
	2	No. Five - EL
West Orange	2	Mountain High - HS
	2	Eagle Rock - EL
	2	Mt. Pleasant - EL
West Paterson	2	No. One - EL
	2	No. Four - EL
Westampton	2	Holly Hills - EL
	2	Westampton - EL
Westville	2	Parkview - EL
White Twp.	2	White Twp. Cons. - EL
Wildwood City	2	Glenwood - EL
	2	Elem. No. 1 - EL
Wildwood Crest	2	Crest Memorial - EL
	2	Philip P. Baker - EL
Winslow Twp.	2	School No. 2 - EL
Woodbine Boro	2	Woodbine - EL
Woodbridge Twp.	2	Avenel Street - EL
	2	Hopelawn - EL
	2	Pennsylvania Ave. - EL
	2	Port Reading - EL
	2	Ross Street - EL
	2	Sewarren - EL
	2	Strawberry Hill - EL
Woodbury	2	Central - EL
	2	Evergreen Ave. - EL
	2	Walnut - EL
	2	West End Memioral - EL
Woodstown-Pilesgrove Reg.	2	Woodstown High - HS
	2	Mary Shoemaker - EL
	2	Woodstown Middle - Middle

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New Mexico

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)		
Alamogordo	1	James B. Hay EL
	1	Sacramento EL
	1	Yucca EL
Albuquerque	1	Coronado/Riverview EL
	3	Duranes EL
	1	East San Jose EL
	1	Eugene Field EL
	1	John Marshall EL
	3	Larrazolo EL
	1	Lew Wallace EL
	3	Lincoln JHS
	1	Longfellow EL
	3	Lowell EL
	3	Mission EL
	3	Mountain View EL
	3	Old Town EL
	3	Stronghurst EL
	1	Twelve Gates EL
	3	Twelve Gates JHS
Artesia	3	Artesia HS
	1	Central EL
	1	Hermosa EL
	3	Park JHS
	1	Penasco EL
	1	Roselawn EL
	1	Yucca EL
	1	Zia EL
Belen	1	Central EL
	3	Dennis Chavez EL
	3	Jarales/Pueblitos EL
	3	Jaramillo EL
	3	Red Brick EL
	1	Rio Grande EL
Bernalillo	1	Bernalillo JHS
	3	Bernalillo HS
	3	Cochiti EL
	1	Roosevelt EL
	1	Santo Domingo EL
Carlsbad	1	Craft EL
	3	Pate R & D EL
Chama	1	Canjilon EL, Chama Valley
	1	Chama EL
	1	Chama Middle-HS
	1	Escalante HS, Chama Valley
	1	Tierra Amarilla EL, Chama Valley
	1	Tierra Amarilla Middle, Chama Valley
Clayton	1	Alvis EL
Clovis	1	La Casita EL
	1	Lincoln-Jackson EL
Corona	1	Corona EL
	1	Corona HS
Cuba	1	Brethren Navajo Mission EL
	1	Cuba EL
	1	Cuba Middle
	1	Cuba HS
	1	Immaculate Conception EL
Deming	1	Bell EL
	1	Chaparral EL
	1	Columbus EL
	1	Deming JHS
	1	Martin EL
	3	Memorial EL
	1	Smith EL
	1	Sunshine EL
Dexter	1	Dexter EL
	1	Dexter JHS
	1	Dexter HS
Espanola	1	Abiquiu EL, Espanola
	1	Alcalde EL, Espanola
	3	Alcalde Mission EL
	1	Chimayo EL, Espanola
	1	Cordova EL, Espanola
	1	Dixon EL, Espanola
	1	Espanola EL
	1	Espanola HS
	1	Fairview EL, Espanola
	1	Hernandez EL, Espanola
	1	J.F.K. JHS, Espanola
	1	San Juan EL, Espanola
	1	Santa Cruz HS, Espanola
	1	Sombrillo EL, Espanola
	1	Truchas EL, Espanola
	1	Velarde EL, Espanola
Estancia	3	Estancia EL
Farmington	1	Apache EL
	3	McCormick EL
	1	Navajo Methodist Mission EL
Fort Sumner	3	Fort Sumner EL
Gallup	1	Aileen Rost EL
	1	Church Rock EL, Gallup-McKinley
	1	Crownpoint EL, Gallup-McKinley
	1	Crownpoint HS, Gallup-McKinley
	1	Gallup JHS
	1	Jefferson EL
	1	J.F.K. JHS
	1	Lincoln EL
	1	Navajo EL, Gallup-McKinley
	1	Ramah EL, Gallup-McKinley
	3	Red Rock EL
	1	Rehoboth EL
	3	Roosevelt EL
	1	St. Anthony EL (Zuni)
	1	St. Francis EL
	1	Sky City EL
	1	Sunnyside EL
	1	Thoreau EL, Gallup-McKinley
	1	Thoreau HS, Gallup-McKinley
	1	Tohatchi EL, Gallup-McKinley
	1	Tohatchi HS, Gallup-McKinley
	1	Towa Yallane EL, Gallup-McKinley
	1	Tse Bonito EL
	1	Washington EL
	1	Zuni Christian EL (Zuni)
	1	Zuni EL, Gallup-McKinley
	1	Zuni HS, Gallup-McKinley
Gallina	1	Coronado HS
	1	Coyote EL, Jemez Mountain
	1	Gallina EL
	1	Lybrook EL, Jemez Mountain
Grants	3	Bluewater EL, Grants
	1	Cubero EL, Grants
	1	Fence Lake EL, Grants
	1	Franklin JHS
	3	Grants HS
	1	Laguna-Acoma JHS-HS Grants
	3	Mesa View EL
	1	Milan EL, Grants
	1	St. Joseph EL
	1	San Mateo EL, Grants
	1	San Rafael EL, Grants
	1	Seboyeta EL, Grants
	1	Sierra Vista EL
Hagerman	1	Hagerman EL
	1	Hagerman HS
Hatch	1	Garfield EL
	1	Hatch EL
	1	Hatch HS
Hobbs	1	Edison EL
	1	Washington EL
	3	Will Rogers EL

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Location	Code *	School Name
House	1	House Non-Graded
Jemez Springs	1	Jemez Valley EL
	1	Jemez Valley HS
	1	San Diego Mission EL
Kirtland	3	Ruth N. Bond EL, Central Consolidated
Lake Arthur	1	Lake Arthur EL
	1	Lake Arthur HS
Las Vegas (East)	1	Douglas EL
	1	Gallinas St. EL
	1	Legion Park EL
	1	Memorial Middle
	1	Mora Ave. EL
	1	Paul D. Henry EL
	1	Robertson HS
	1	Sapello EL
Las Vegas (West)	1	Armijo EL
	1	Bernal EL
	1	North Public EL
	1	Our Lady of Sorrows EL
	1	South Public EL
	1	Union EL
	1	Valley El Pueblo JHS
	1	Villanueva EL
	1	W.L.V. JHS
	1	W.L.V. HS
Logan	1	Logan EL
Lordsburg	3	Central EL
	3	Dugan-Tarango Middle
	1	R.V. Traylor EL
	1	Southside EL
Loving	3	Loving EL
	3	Loving JHS
Lovington	1	Jefferson EL
Los Lunas	1	Los Lunas EL
	3	Los Lunas Middle
	1	Peralta EL
	3	Valencia EL
Magdalena	1	Magdalena HS
	1	Roosevelt EL
Maxwell	1	Maxwell EL-JHS
	3	Maxwell HS
Mora	1	Holman EL, Mora
	1	Mora EL
	1	Mora HS
	1	Ocate EL, Mora
Mosquero	1	Mosquero EL
	1	Mosquero HS
Mountainair	1	Mountainair EL
	1	Mountainair HS
Ojo Caliente	1	El Rito EL, Ojo Caliente
	1	Mesa Vista HS
	1	Ojo Caliente EL
	1	Tres Piedras EL, Ojo Caliente
Pecos	1	Pecos EL
	1	Pecos HS
Penasco	1	Penasco EL & K
	1	Penasco HS
	1	St. Anthony EL
Pojoaque	3	Pojoaque EL
	3	Pojoaque HS
Portales	1	Lindsey EL
Quemado	1	Datil EL, Quemado
Questa	1	Costilla EL, Questa
	1	Questa EL
	3	Questa HS
Raton	3	Columbian EL
	3	Kearny EL
	1	Longfellow EL
	3	Raton Catholic EL
	3	Raton JHS
	3	Raton HS
Reserve	3	Glenwood EL, Reserve
	1	Reserve EL
Roswell	1	Chisum EL
	3	East Grand Plains EL
	3	Edgewood EL
	1	Flora Vista EL
	3	Military Heights EL
	3	Missouri Avenue EL
	1	Pecos EL
Roy	1	Roy EL
	1	Roy HS
Santa Fe	1	Alvord EL
	3	Atalaya EL
	3	Carlos Gilbert EL
	3	Chaparral EL
	1	Cristo Rey EL
	3	Gonzales EL
	3	Harvey JHS
	1	J. O. Hansen EL
	1	Larragoite EL
	1	St. Anne EL
	1	St. Catherine EL
	1	Salazar EL
	1	Santa Fe Community 1-12
	1	Tesuque EL
	3	Young JHS
Santa Rosa	1	Anton Chico EL, Santa Rosa
	3	Santa Rosa EL
	3	Santa Rosa Middle
Shiprock	1	Shiprock Pre-School, Central Consolidated
	1	Shiprock Mesa EL, Central Consolidated
	1	Shiprock Valley EL, Central Consolidated
	1	Shiprock Middle, Central Consolidated
	1	Shiprock HS, Central Consolidated
Silver City	3	Sixth St. EL
Socorro	1	Midway EL
	1	San Antonio EL, Socorro
	1	Socorro JHS
	1	Socorro HS
	1	Torres EL
	1	Zimmerly EL
Springer	1	Forrester EL
	1	Springer HS
Taos	1	Arroyo Hondo EL
	1	Arroyo Seco EL
	1	Canon K
	1	Ranchos-Talpa EL
	1	Taos EL
	3	Taos JHS
	1	Taos HS
	1	Taos Pueblo School 1-4
Tatum	1	Tatum EL
Tohatchi	1	Naschitti EL, Central Consolidated
	1	Newcomb EL, Central Consolidated
Truth or Consequences	1	Arrey EL
	1	Date Street EL
	1	T. or C. Middle
Tucumcari	3	Granger EL
	3	Mountain View EL
	1	Zia EL
Tularosa	1	Bent-Mescalero EL
Wagon Mound	1	Wagon Mound EL
	3	Wagon Mound HS

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New York

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Accord	2	Accord El
Albany	2	Albany HS
	1	Albany Home for Children
	1	Arbor Hill El
	2	Cardinal McCloskey HS
	1	Giffen El
	2	Hackett Middle
	1	LaSalle School
	2	Livingston Middle
	2	Our Lady of Angels
	1	Park Ave School
	1	Philip Schuyler El
	2	Sacred Heart El
	1	St. Ann El
	1	St. Anne Institute
	1	St. John Baptist El
	1	St. Joseph's El
	2	St. Patrick's El
	1	School 17
	1	School 20
	1	School 25
	1	Street Academy
	2	Sunshine El
	1	Thomas S. O'Brien El
	2	Vincentian Inst
Albion	2	Albion El
	2	Albion Middle
Amityville	2	Amityville JHS
	2	Amityville Memorial HS
	2	Northeast El
	2	North West El
	2	Park Avenue El
Amsterdam	2	Academy St El
	2	East Main St El
Angola	2	Most Precious Blood El
Aquebogue	2	Aquebogue El
Arverne	1	P.S. 42 (Queens)
	1	P.S. 198 (Queens)
Astoria	2	Our Lady of Mt. Carmel El
Auburn	2	Casey Park El
	1	Cayuga Home for Children
	1	Central El
	2	Genesee El
	1	Monsignor Dugan START Center
	2	Thornton Ave El
Ausable Forks	2	Ausable Forks El
	2	Holy Name El
Babylon	2	Babylon Memorial El
Batavia	1	Brooklyn El
Bayport	2	Sylvan Ave.El
Bay Shore	1	Brook Ave El
	2	Fifth Ave El
	2	Mary G. Clarkson El
	2	South Country El
Bayside	2	Bayside HS (Queens)
	2	Benjamin V. Cardozo HS (Queens)
	2	P.S. 31 (Queens)
Beacon	2	J.V. Forrestal El
	2	Rombout El
	2	South Avenue El
Bedford Hills	1	P-176-M, Hillcrest Center
Bellport	2	Bellport Middle
	2	Hampton Ave El
	2	Kreamer St El
Binghamton	1	Benjamin Franklin El
	2	Calvin Coolidge El
	1	Childrens Home of Wyoming Conference
	1	Columbus Community El
	1	East JHS
	2	Horace Mann El
	2	North HS
	2	Sts. Cyril & Methodius El
	1	Susquehanna Valley Home
Binghamton cont.	2	Theodore Roosevelt El
	2	Woodrow Wilson El
Bohemia	2	John Paarl El
Bolivar	2	Bolivar CSD
Brant	2	Brant No I El
Brentwood	2	East JHS
	2	Northwest El
	2	Oak Park El
	2	Pine Park El
	2	South JHS
	2	Southwest El
	2	Twin Pines El
	2	West JHS
Bridgehampton	2	Bridgehampton UFSD
Broad Channel	2	St. Virgilius El
Bronx	1	Adlai E. Stevenson HS
	2	Alfred E. Smith HS
	1	Bernard School for Boys
	2	Beth Jacob-Beth Miriam El
	1	Blessed Sacrament El (1160 Beach St)
	1	Christ the King El
	1	DeWitt Clinton HS
	1	Evander Childs HS
	2	(Grace H.) Dodge Voc HS
	2	Greek American Institute
	2	Harry S. Truman HS
	2	Herbert Lehman HS
	2	Holy Cross El
	2	Holy Family El
	1	Holy Spirit El
	2	Immaculate Conception El (Gun Hill Road)
	1	Immaculate Conception El & Annex (151st St)
	1	James Monroe HS & Annex
	2	Jane Addams HS
	2	John F. Kennedy HS
	1	Lincoln Sq Academy
	1	Melrose Community School
	2	Msgr. Scanlon Business HS
	1	Morris HS & Annex
	2	Our Lady of Grace El
	2	Our Lady of Mercy El
	1	Our Lady of Mt. Carmel El
	1	Our Lady of Victory El
	1	P.S. 1
	1	P.S. 2
	1	P.S. 4
	1	P.S. 5
	1	P.S. 6
	2	P.S. 7
	2	P.S. 8
	1	P.S. 9
	1	P.S. 11
	1	P-12-X & Annexes
	2	P.S. 14
	2	P.S. 16
	2	P.S. 17
	1	P.S. 18
	2	P.S. 19
	1	P.S. 20
	2	P.S. 21
	1	P.S. 22
	1	P.S. 23
	1	P.S. 25
	1	P.S. 26
	1	P.S. 27
	1	P.S. 28
	1	P.S. 29
	1	P.S. 30
	1	P.S. 31
	1	P.S. 32

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Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

New York

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Bronx cont.	1	P.S. 33
	2	P.S. 34
	1	P.S. 35
	1	P.S. 36
	1	P.S. 37
	1	P.S. 38
	1	P.S. 39
	1	P.S. 40
	2	P.S. 41
	1	P.S. 42
	1	P.S. 43
	1	P.S. 44
	1	P.S. 45
	2	P.S. 46
	1	P.S. 47
	1	P.S. 48
	1	P.S. 49
	1	P.S. 50
	1	P.S. 51
	1	P.S. 52
	1	P.S. 53
	1	P.S. 54
	1	P.S. 55
	2	P.S. 56
	1	P.S. 57
	1	P.S. 58
	1	P.S. 59
	1	P.S. 60
	1	P.S. 61
	1	P.S. 62
	1	P.S. 63
	1	P.S. 64
	1	P.S. 65
	1	P.S. 66
	1	P.S. 67
	2	P.S. 68
	2	P.S. 69
	1	P.S. 70
	1	P.S. 72
	1	P.S. 73
	1	P.S. 75
	2	P.S. 76
	1	P-77-M & Annexes
	2	P.S. 78
	1	P.S. 79
	2	P.S. 80
	1	P.S. 82
	1	P.S. 84
	1	P.S. 85
	2	P.S. 86
	2	P.S. 87
	1	P.S. 88
	1	P.S. 90
	1	P.S. 91
	1	P.S. 92
	1	P.S. 93
	1	P-94-M & Annexes
	2	P.S. 96
	2	P.S. 97
	1	P.S. 98
	1	P.S. 99
	1	P.S. 100
	2	P.S. 101
	1	P.S. 102
	2	P.S. 103
	1	P.S. 104
	2	P.S. 105
	2	P.S. 106
	1	P.S. 107
	1	P.S. 109
	1	P.S. 110
	1	P.S. 111
	1	P.S. 112
Bronx cont.	2	P.S. 113
	1	P.S. 114
	1	P.S. 115
	1	P.S. 117
	1	P.S. 118
	1	P.S. 119
	1	P.S. 120
	2	P.S. 121
	2	P.S. 122
	1	P.S. 123
	1	P.S. 124
	1	P.S. 125
	2	P.S. 126
	2	P.S. 127
	1	P.S. 129
	1	P.S. 130
	2	P.S. 131
	1	P.S. 132
	1	P.S. 133
	1	P.S. 134
	2	P.S. 135
	1	P.S. 136
	1	P-138-M & Annexes
	1	P.S. 139
	1	P.S. 140
	1	P.S. 142
	2	P.S. 143
	2	P.S. 144
	1	P.S. 145
	1	P.S. 146
	1	P.S. 148
	2	P.S. 149
	1	P.S. 150
	1	P.S. 151
	1	P.S. 154
	1	P.S. 155
	1	P.S. 156
	1	P.S. 157
	1	P.S. 161
	1	P.S. 162
	1	P.S. 166
	1	P.S. 167
	1	P.S. 174
	1	P.S. 183
	1	P-185-X & Annexes
	1	P-186-X & Annexes
	1	P-187-X & Annexes
	1	P-188-X & Annexes
	2	P.S. 192
	1	P-205-X & Annexes
	1	P.S. 211
	2	P.S. 232
	1	P.S. 234
	1	P.S. 235
	1	P-921-X & Annexes
	1	P-979-X & Annexes
	1	R. T. Hudson El
	1	Sacred Heart El
	1	Sacred Heart Middle
	2	St. Adelbert El
	1	St. Angela Merici El
	1	St. Anselm El
	1	St. Anthony of Padua El
	2	St. Anthony El (Mansion St)
	1	St. Athanasius El
	1	St. Augustine El
	2	St. Brendan El
	1	St. Jerome El
	1	St. John Chrysostom El
	1	St. John Vianney El
	1	St. Joseph El
	1	St. Luke El (139th St)
	2	St. Margaret Mary El

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New York

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Bronx cont.	1	St. Martin of Tours El
	2	St. Micholas of Tolentine El
	1	St. Thomas Aquinas El
	2	St. Simon Stock El
	1	St. Peters Lutheran El
	1	St. Pius V El
	1	Sts. Peter and Paul El
	2	Samuel Gompers HS
	1	Theodore Roosevelt HS
	1	Walton HS
	1	William Howard Taft HS and Annex
	1	Woodycrest Five Points Child Care
	1	Youth Development Center #1
Brookhaven	2	Bellport HS
	2	Brookhaven El
	2	South Haven El
Brooklyn	2	Abraham Lincoln HS
	2	Alexander Hamilton Voc & Tech HS
	1	All Saints El
	1	Al Fantis El
	2	Automotive HS
	2	Bais Yaakov Dkhal Adas Yereim
	2	Bais Yaakov HS of Brooklyn
	2	Bay Ridge HS & Annex
	1	Beth Jacob El (Rodney St)
	2	Beth Jacob of Boro Park El
	2	Beth Rachel School for Girls (Hayward St)
	1	Beth Rachel School for Girls (Patchen Ave)
	2	Beth Rivkah for Girls
	2	Beth Rivkah for Girls HS
	2	Beth Sara for Girls
	2	Bishop Loughlin HS
	2	Blessed Sacrament El
	2	Bnos Jacob for Girls
	2	Bolover Yeshiva Bnai Zion El
	1	Boys HS
	2	Brooklyn Academy HS
	2	Brooklyn Hebrew for Special Children
	1	Brooklyn Temple El
	1	Bushwick HS
	1	Canarsie HS
	2	Clara Barton Voc HS
	1	Cooper Park
	1	Eastern District & Annex
	2	East New York Voc & Tech HS
	2	Eli Whitney Voc HS
	2	Epiphany Lutheran El (Lincoln Place)
	1	Erasmus Hall HS
	1	Ft. Greene Catholic (Adelphi)
	1	Ft. Greene Catholic (Vanderbilt Ave)
	2	Ft. Hamilton HS
	1	Fourteen Holy Martyrs El
	2	Franklin D. Roosevelt HS
	1	Franklin K. Lane HS
	2	George Westinghouse HS
	1	George W. Wingate HS
	2	Hanson Place El
	2	Hebrew Academy for Special Children
	2	Holy Cross El
	1	Holy Family El (14th St)
	2	Holy Ghost El
	2	Holy Name (Girls)
	2	Holy Name of Jesus El
	1	Holy Spirit El
	2	Immaculate Conception El
	1	John Jay HS
	1	Lafayette HS
	2	Lubavitcher Chabad El
Brooklyn cont.	1	Lutheran Church of the Risen Christ El
	2	Martin DePorres-East
	1	Martin DePorres-West
	1	Mercy Home for Children
	1	Most Holy Trinity El
	2	Nativity-St. Peter Claver El
	1	Our Lady of Bedford Stuyvesant (East)
	1	Our Lady of Bedford Stryvesant (West)
	2	Our Lady of Consolation El
	2	Our Lady of Czestochowa
	1	Our Lady of Loretto El
	1	Our Lady of Lourdes El
	1	Our Lady of Mt. Carmel El
	2	Our Lady of Peace El
	1	Our Savior El
	2	Our Lady of Solace El
	1	Prospect Heights HS
	1	P.S. 1
	1	P.S. 3
	1	P.S. 5
	2	P.S. 7
	1	P.S. 8
	1	P.S. 9
	1	P.S. 10
	1	P.S. 11
	1	P.S. 15
	1	P.S. 16
	1	P.S. 17
	1	P.S. 18
	1	P.S. 19
	1	P.S. 20
	1	P.S. 21
	1	P.S. 23
	1	P.S. 25
	1	P.S. 26
	1	P.S. 27
	1	P.S. 28
	1	P.S. 29
	1	P.S. 31
	1	P.S. 32
	1	P.S. 33
	1	P.S. 34
	1	P.S. 35
	1	P-36-K & Annexes
	1	P.S. 38
	1	P.S. 39
	1	P.S. 40
	2	P.S. 41
	1	P.S. 44
	1	P.S. 45 & Annexes
	1	P.S. 46
	1	P.S. 49
	1	P.S. 50
	1	P.S. 51
	1	P.S. 54
	1	P.S. 55
	1	P.S. 56
	1	P.S. 57
	1	P.S. 58
	1	P.S. 59
	1	P.S. 61
	1	P.S. 62
	1	P.S. 63
	1	P.S. 64
	1	P.S. 65
	1	P.S. 67
	1	P.S. 71
	1	P.S. 73
	1	P.S. 75
	1	P.S. 76

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Brooklyn cont.	1	P-77-M & Annexes
	1	P.S. 80
	1	P.S. 81
	1	P.S. 83
	1	P.S. 84
	1	P-85-K & Annexes
	1	P.S. 86
	1	P.S. 88
	2	P.S. 89 & Annexes
	2	P.S. 90
	1	P.S. 91
	1	P.S. 92
	1	P.S. 93
	1	P.S. 94
	2	P.S. 95
	2	P.S. 96
	2	P.S. 97
	2	P.S. 99
	2	P.S. 101
	2	P.S. 102
	2	P.S. 104
	1	P.S. 106
	1	P.S. 107
	1	P.S. 108
	1	P.S. 110
	1	P.S. 111
	2	P.S. 112
	1	P.S. 113
	1	P.S. 116
	1	P.S. 117
	1	P.S. 120
	2	P.S. 121
	1	P.S. 122
	1	P.S. 123
	1	P.S. 124
	1	P.S. 125
	1	P.S. 126
	2	P.S. 127
	2	P.S. 128
	1	P.S. 129
	2	P.S. 130
	1	P.S. 131
	1	P.S. 132
	1	P.S. 133
	2	P.S. 135
	1	P.S. 136
	1	P.S. 137
	2	P.S. 138
	2	P.S. 139
	1	P.S. 140 & Annexes
	1	P-141-K
	1	P.S. 142
	1	P.S. 144
	1	P.S. 145
	1	P.S. 147
	1	P.S. 148
	1	P.S. 149
	1	P.S. 150
	1	P.S. 151
	2	P.S. 152
	2	P.S. 153
	1	P.S. 154
	1	P.S. 155
	1	P.S. 156
	1	P.S. 157
	1	P.S. 158
	1	P.S. 159
	2	P.S. 160
	1	P.S. 161
	1	P.S. 162
	1	P-162-M & Annexes
	1	P.S. 164
	1	P.S. 165
Brooklyn cont.	1	P.S. 166
	1	P.S. 167
	1	P.S. 168
	1	P.S. 169
	2	P.S. 170
	1	P.S. 171
	1	P.S. 172
	1	P.S. 174
	1	P.S. 175
	2	P.S. 176
	2	P.S. 177
	1	P.S. 178
	2	P.S. 179
	2	P.S. 180
	1	P.S. 181
	1	P.S. 182
	1	P.S. 183
	1	P.S. 184
	2	P.S. 185
	1	P.S. 188
	1	P.S. 189
	1	P.S. 190
	1	P.S. 191
	1	P.S. 192
	1	P.S. 196
	2	P.S. 199
	2	P.S. 201
	1	P.S. 202
	2	P.S. 205
	1	P.S. 210
	2	P.S. 211
	2	P.S. 212
	1	P.S. 213
	1	P.S. 214
	2	P.S. 217
	1	P.S. 218
	1	P.S. 219
	1	P.S. 220
	1	P.S. 221
	1	P.S. 223
	1	P.S. 224
	2	P.S. 225
	1	P-226-M & Annexes
	2	P.S. 227
	2	P.S. 228
	2	P.S. 229
	2	P.S. 230
	1	P.S. 232
	2	P.S. 233
	2	P.S. 234
	2	P.S. 235
	2	P.S. 238
	1	P.S. 239
	2	P.S. 240
	1	P.S. 241
	1	P.S. 242
	1	P.S. 243
	2	P.S. 244
	1	P.S. 246
	2	P.S. 247
	2	P.S. 248
	1	P.S. 249
	1	P.S. 250
	1	P.S. 252
	2	P.S. 253
	2	P.S. 254
	2	P.S. 255
	1	P.S. 256
	1	P.S. 257
	1	P.S. 258
	2	P.S. 259
	1	P.S. 260
	1	P.S. 261

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List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Brooklyn cont.	1	P.S. 262
	1	P.S. 263
	1	P.S. 265
	2	P.S. 268
	1	P.S. 269
	1	P.S. 270
	1	P.S. 271
	2	P.S. 273
	1	P.S. 274
	1	P.S. 275
	2	P.S. 281
	1	P.S. 282
	1	P.S. 284
	2	P.S. 285
	2	P.S. 286
	1	P.S. 287
	1	P.S. 288
	1	P.S. 289
	1	P.S. 292
	1	P.S. 293
	1	P.S. 294
	1	P.S. 296/770
	1	P.S. 297
	1	P.S. 298
	1	P.S. 299
	1	P.S. 302
	1	P.S. 303
	1	P.S. 304
	1	P.S. 305
	2	P.S. 306
	1	P.S. 307
	1	P.S. 309
	1	P.S. 316
	2	P.S. 318
	1	P.S. 320
	1	P.S. 321
	2	P.S. 327
	1	P.S. 328
	1	P.S. 332
	1	P.S. 335
	1	P.S. 345
	1	P-368-K & Annexes
	1	P-369-K & Annexes
	1	P-370-K & Annexes
	1	P-371-K & Annexes
	2	P.S. 396
	1	P.S. 931
	1	P.S. 932
	2	Sacred Hearts of Jesus and Mary El
	2	St. Agatha El
	1	St. Agnes El
	2	St. Alphonsus El
	2	St. Angela Hall Academy HS
	2	St. Anthony of Padua El
	1	St. Augustine El
	2	St. Catherine of Alexandria El
	2	St. Catherine of Genoa El
	1	St. Cecilia El
	2	St. Charles Borromeo El
	2	St. Francis of Assisi El
	1	St. Francis Xavier El
	2	St. Jerome El
	2	St. John Cantius El
	1	St. John the Evangelist El (195 Maujer St)
	1	St. John the Evangelist El (21st St)
	1	St. Joseph Patron El
	1	St. Joseph's Hall
	1	St. Leonard of Port Maurice El
	1	St. Malachy El
	1	St. Martin of Tours El
	2	St. Mary Star of the Sea El
Brooklyn cont.	1	St. Michael El (4th Ave)
	1	St. Michael El (Liberty Ave)
	1	St. Nicholas El
	1	St. Paul El
	1	St. Peter El
	2	St. Rita El
	2	St. Stephen HS
	2	St. Thomas Aquinas El (8th St)
	1	St. Vincent De Paul El
	1	St. Vincent's Hall
	1	Sts. Cyril & Methodius El
	1	Sts. Peter & Paul El
	1	Sarah J. Hale Voc HS
	2	Soterios Ellenas El
	2	South Shore HS
	1	Thomas Jefferson HS & Annex
	2	Tomer Dvora El
	2	Untd Talmudical Acad Yesh Torah
	1	Unity Catholic
	1	Visitation of Blessed Virgin Mary
	1	William H. Maxwell Voc HS
	2	Woodward El
	2	Yeshiva Ahavas Israel
	2	Yeshiva & Mesivta Be'er Shmuel
	2	Yeshiva & Mesivta of Eastern Pwy
	1	Yeshiva Beth Hillel of Krasna
	1	Yeshiva Beth Yehuda
	2	Yeshiva Karlin Stalin
	1	Yeshiva Mesivta Arlegath Habosem
	2	Yeshiva Machzidie Torah of Belz
	1	Yeshiva Ohel Jacob
	2	Yeshiva Rabbi David Leibowitz
	2	Yeshiva Rabbi Solomon Kluger
	2	Yeshiva Sharei Zedek
	2	Yeshiva Torah Vodaath of Flatbush (Ocean Parkway)
	2	Yeshiva Yagoil Torah
	1	Yeshiva Yesode Hatorah (Bedford Ave)
Brooktondale	1	Austin McCormick Youth Camp
Brushton	2	Brushton-Moira CS
Buffalo	2	Child Care Center
	1	Clinton JHS
	2	Corpus Christi El
	1	Diocesan Educational Campus
	2	East HS
	2	Fillmore Middle
	2	Genesee Humboldt JHS
	2	Grover Cleveland HS
	2	Holy Angels El
	1	Holy Cross El
	2	Immaculate Conception El
	1	Immaculate Heart of Mary El
	2	Kensington HS
	2	Lafayette HS
	2	Our Lady of Loretto El
	2	Our Lady of Lourdes El
	1	P.S. 1
	2	P.S. 3
	1	P.S. 4
	1	P.S. 6
	1	P.S. 8
	2	P.S. 9
	2	P.S. 12
	2	P.S. 16
	1	P.S. 17
	2	P.S. 18
	2	P.S. 19
	2	P.S. 23
	2	P.S. 24
	2	P.S. 26
	1	P.S. 31
	1	P.S. 32 Build Academy
	2	P.S. 33

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New York

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Buffalo cont.	1	P.S. 34
	2	P.S. 35
	1	P.S. 36
	1	P.S. 37
	1	P.S. 38
	1	P.S. 39
	2	P.S. 40
	1	P.S. 41
	2	P.S. 44
	2	P.S. 45
	2	P.S. 48
	2	P.S. 49
	2	P.S. 52
	2	P.S. 53
	2	P.S. 57
	2	P.S. 59
	2	P.S. 61
	2	P.S. 62
	2	P.S. 65
	2	P.S. 74
	2	P.S. 75
	2	P.S. 76
	2	P.S. 77
	2	P.S. 79
	1	P.S. 82
	2	P.S. 84
	1	P.S. 85
	2	P.S. 90
	2	Queen of the Most Holy Rosary El
	1	St. Ann El
	2	St. Augustine Center
	2	St. Bartholomew El
	1	St. Brigid's El
	1	St. Columba El
	2	St. Elizabeth El
	2	St. Mary of Sorrows El
	2	St. Matthew El
	2	Sts. Peter & Paul El
	1	St. Stanislaus El
	1	St. Valentine El
	1	St. Vincent De Paul El
	2	South Park HS
	2	Southside JHS
	2	Transfiguration El
	2	West Hertel Middle
	2	Woodlawn JHS
Burt	2	Olcott El
Calverton	2	Riley Ave El
Cambria Heights	1	Andrew Jackson HS (Queens)
	2	P.S. 147
Canaan	1	Berkshire Farm UFSD
Caroga Lake	2	Wheelerville UFSD
Catskill	2	Catskill JHS
	2	Irving El
Central Islip	2	Andrew T. Morrow El
	2	Anthony Alfano El
	2	Central Islip HS
	2	Cordello Ave El
	2	Francis J. O'Neill El
	2	Marguerite L. Mulvey El
	2	Milligen JHS
	2	Ralph G. Reed El
Channel	2	P.S. 47 (Queens)
Cherry Plain	2	Cherry Plain El
Chester	1	Sugarloaf UFSD
Cohoes	2	Abram Lansing El
	2	Cohoes Middle
	2	School 4 & Annex
College Point	2	P.S. 29 (Queens)
Copiague	2	Copiague JHS
	2	Copiague HS
	2	Deauville Gardens El
	2	Great Neck Road El
Copiague cont.	2	Scudder Ave El
	2	Susan E. Wiley El
Coram	2	Coram El
Corning	2	Winfield Street El
Corona	1	Our Lady of Sorrows El
	2	P.S. 14 (Queens)
	1	P.S. 19
	2	I.S. 61 (Queens)
	2	P.S. 92 (Queens)
	1	P.S. 143 (Queens)
Cortland	2	Randall El
Cottekill	2	Rosendale
DeKalb Junction	2	Hermon-DeKalb CS
Dobbs Ferry	1	Greenburgh Eleven UFSD
	1	St. Christopher UFSD
Dunkirk	2	P.S. 3
	2	P.S. 5
	2	P.S. 6
	2	P.S. 7
East Elmhurst	2	P.S. 127 (Queens)
	2	P.S. 148 (Queens)
	1	P-189-X + Annexes
	1	P-233-X + Annexes
	2	St. Gabriel El
East Hampton	2	East Hampton Middle
	2	John M. Marshall El
East Patchogue	2	East Patchogue El
East Syracuse	2	Heman Street El
Edwards	2	Edwards CSD
Ellenville	2	Ellenville CSD
Elmhurst	2	Newton HS (Queens)
	1	P.S. 89 (Queens)
Elmira	2	Arthur W. Booth El
	2	Coburn El
	2	Edgeworth El
	2	Ernie Davis JHS
	2	George M. Diven El
	2	Harry J. Lagonegro El
	2	J. Sloat Fassett El
	2	Riverside El
	2	Sts. Peter & Paul's El
	2	Thomas K. Beecher El
	2	Washington El
	2	Wellsburg El
Elmira Heights	2	Cohen Middle
	2	Lincoln El
	2	Mary Thurston El
	2	Thomas Edison HS
Elmont	2	Clara H. Carlson El
Endicott	2	Broad Street El
Fair Haven	2	Fair Haven El
Fallsburgh	2	Benjamin Cosor El
	2	Fallsburgh J-S HS
Farnham	2	Farnham El
Far Rockaway	2	Far Rockaway HS
	2	Hebrew Inst (of Long Island)
	1	P.S. 53 (Queens)
	1	P.S. 105 (Queens)
	1	P.S. 106 (Queens)
	1	P.S. 197 (Queens)
	2	P.S. 215 + Annex (Queens)
	2	St. Mary Star of the Sea El
	2	Torah Academy for Girls
Flushing	2	Flushing HS (Queens)
	2	Francis Lewis HS (Queens)
	2	John Bowne HS (Queens)
	2	Learning Institute
	2	P.S. 20 (Queens)
	1	P-23-Q + Annexes
	1	P.S. 154 (Queens)
	2	P.S. 165 (Queens)
	2	P.S. 168 (Queens)
	2	P.S. 189 (Queens)
	2	P.S. 214 (Queens)

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Forest Hills	2	Forest Hills HS (Queens)
Freeport	2	Archer Street El
	2	Bayview Ave. El
	1	Caroline G. Atkinson El
	1	Columbus Ave. El
	2	John W. Dodd JHS
	2	Leo F. Giblyn El
	2	Freeport HS
Freeville	1	George Jr. Republic UFSD
Friendship	2	Friendship CSD
Fulton	2	Erie Street El
	2	Fairgrieve El
	2	Fulton JHS
	2	State Street El
Geneva	2	North Street El
Glen Cove	2	Coles El
	2	Deasy El
	2	East El
	2	Glen Cove Middle
	2	Gribbin El
	2	Landing El
	2	South El
Glens Falls	2	Abraham Wing El
	2	Big Cross Street El
	2	Broad Street El
Gloversville	2	McNab El
	2	Park Terrace El
Goshen	1	Goshen Center for Boys
Grafton	2	Grafton El
Great Neck	2	Clover Drive El
	2	Cutter Mill El
	2	John F. Kennedy El
	2	Kensington-Johnson El
Greenport	2	Greenport UFSD
Hague	2	Hague CSD
Hammond	2	Hammond CSD
Harlem	1	Youth Development Center #2
Hastings On Hudson	1	Greenburgh-Graham UFSD
Haverstraw	2	Haverstraw El
	2	Haverstraw Middle
	2	St. Peter's El
Hawthorne	1	Hawthorne Cedar Knolls UFSD
	1	Linden Hill
Hempstead	1	Franklin El
	1	Fulton El
	1	Jackson El
	1	Ludlum El
	1	Marshall El
	1	Prospect El
	1	Washington El
	1	Hempstead HS
	1	Hempstead Middle
Herkimer	2	Margaret Tuger El
Highland	1	Highland School for Children
Hollis	1	P.S. 35 (Queens)
	1	P.S. 118 (Queens)
	1	P.S. 134 (Queens)
	2	St. Gerard Majella El
Horseheads	2	Lenox Ave. El
Hudson	1	Brookwood School for Girls
	2	John L. Edwards El
Huntington	2	Finley-Toaz School
	2	Jefferson El
	1	Madonna Heights School for Girls
	2	Southdown El
	2	Toaz JHS
Huntington Station	2	St. Hugh of Lincoln El
Industry	1	State Agricultural and Industrial
Inwood	2	School #2
	2	School #4
Irvington	1	Abbott House UFSD
Island Park	2	Audubon Blvd. El - Lincoln Orens JHS
	2	Francis X. Hegarty El
Ithaca	1	Central El
	2	Fall Creek El
	2	Henry St. John El
	2	West Hill El
Jackson Heights	2	Blessed Sacrament El
	1	P.S. 145 (Queens)
	2	P.S. 149 (Queens)
Jamaica	2	August Martin HS (Queens)
	2	Hilcrest HS (Queens)
	2	Immaculate Conception El
	2	Jamaica HS (Queens)
	1	Linden El
	2	Presentation of Blessed Virgin Mary El
	1	P.S. 8 (Queens)
	2	P.S. 30 (Queens)
	2	P.S. 37 (Queens)
	1	P.S. 40 (Queens)
	1	P.S. 45 (Queens)
	2	P.S. 48 (Queens)
	1	P.S. 50 (Queens)
	1	P.S. 52 (Queens)
	2	I.S. 72 (Queens)
	2	P.S. 80 (Queens)
	2	P.S. 82 (Queens)
	1	P.S. 86 (Queens)
	1	P.S. 95 (Queens)
	2	P.S. 100 (Queens)
	1	P.S. 116 (Queens)
	1	P.S. 140 (Queens)
	1	P.S. 142 (Queens)
	1	P.S. 160 (Queens)
	1	P-162-M + Annexes
	2	P.S. 217 (Queens)
	1	P-224-Q + Annexes
	2	P.S. 238 (Queens)
	2	St. Joseph El
	1	St. Pius V El
	2	Thomas A. Edison Voc. HS (Queens)
Jamestown	2	Carlyle C. Ring El
	2	Fairmount El
	2	Jefferson JHS
	2	Lincoln JHS
	2	Rovillus R. Rogers El
	2	Samuel G. Love El
	2	Washington JHS
Johnstown	1	Tryon School for Boys
Keeseville	2	Our Lady of Grace Academy
Kingston	1	John F. Kennedy El
	2	Meagher El
	1	Sojourner El
	2	Sophie G. Finn El
Lackawanna	1	Baker Hall
	2	Bethlehem Park El
	2	Lackawanna HS
	1	Lincoln JHS
	1	Our Lady of Victory Home
	1	Queen of All Saints El
	1	Roosevelt El
	1	Wilson El
Laurelton	2	JH 231 (Queens)
Lewiston	2	Tuscarora El
Lincolndale	1	Lincoln Hall
Long Beach	2	Blackheath Road El
	2	East El
	2	Lido El and JHS
	2	Lindell El
	2	Magnolia El
	2	Long Beach HS
	2	Long Beach JHS
	2	West El
Long Island City	2	Aviation HS (Queens)
	2	L.I. City HS (Queens)

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Location	Code *	School Name
Long Island City cont.	1	P-4-Q + Annexes
	2	P.S. 10 (Queens)
	1	P.S. 17 (Queens)
	2	P.S. 70 (Queens)
	1	P.S. 76 (Queens)
	2	P.S. 84 (Queens)
	2	P.S. 85 (Queens)
	2	P.S. 111 (Queens)
	2	P.S. 112 (Queens)
	2	P.S. 122 (Queens)
	2	P.S. 126 (Queens)
	2	P.S. 141 (Queens)
	2	P.S. 150 (Queens)
	2	P.S. 166 (Queens)
	2	P.S. 171 (Queens)
	2	P.S. 199 (Queens)
	1	P.S. 204 (Queens)
	1	P-224-Q & Annexes
	1	St. Mary El (49th Ave)
	2	St. Rita El
	2	Queens Voc HS
	1	Wm. Cullen Bryant HS
Lynbrook	2	Atlantic Ave El
Lyons	2	Lyons El
Madrid	2	Madrid El
Malone	2	Flanders El
	2	G. R. Davis El
	2	Harrison El
	2	Lamberton El
	2	Raymond St El
Malverne	2	Davidson Ave El
Mamaroneck	2	Mamaroneck Ave El
Manhasset	2	Munsey Park El
Manorville	2	South Manor El
Marathon	2	Marathon El
Masonville	1	Charles Loring Brace Camp
Maspath	1	P-9-Q & Annexes
Mastic Beach	2	William Floyd Middle & HS
Maybrook	2	Maybrook El
Medford	2	Eagle Drive El
	2	Oregon Ave Middle
	2	Patchogue Medford HS
Middle Island	2	C. E. Walters El
	2	Longwood HS
	2	Middle School
	2	West Middle Island El
Middletown	2	Academy Ave El
	1	Edmond Fitzgerald Start Center
	2	Liberty St El
Millbrook	1	Cardinal Hayes Home
	1	Hope Farm UFSD
Mineola	1	Nassau Children's Shelter
	2	Willis Ave
Monsey	2	Elmwood El
	2	Mesifta Beth Shraga
	2	Yeshiva of Spring Valley
Monticello	2	Monticello Middle
	2	Kenneth L. Rutherford El
	2	George Cooke El
Mt. Kisco	2	Mt. Kisco El
Moriches	2	Moriches El
Mount Vernon	2	Columbus El
	2	Graham El
	1	Grimes El
	2	Hamilton El
	2	Holmes El
	2	Longfellow El
	2	Mount Vernon HS
	2	Mount Vernon Middle
	1	Nathan Hale El
	2	Our Lady of Mt. Carmel El
	2	Our Lady of Victory El
	1	Robert Fulton El
Mount Vernon cont.	2	Sacred Heart El
	1	Washington JHS
Natural Bridge	2	Natural Bridge El
Nedrow	2	Onondaga Indian CSD
Newburgh	1	Broadway El
	2	Chestnut St El
	2	Gidney Ave Memorial El
	2	Liberty St El
	2	Montgomery St El
	1	Pre-Kindergarten
	2	St. Francis of Assisi El
	2	St. Patrick's El
	2	South JHS
	2	Union Grove El
	1	Washington St El
	2	West St El
New City	2	Summit Park El
Newfield	2	Newfield CSD
New Hampton	1	New Hampton School for Boys
New Lebanon	2	Darrow School
New Rochelle	2	Albert Leonard JHS
	2	Columbus El
	2	Daniel Webster El
	2	George M Davis, Jr El
	2	Henry Barnard El
	2	Isaac E. Young JHS
	2	Jefferson El
	2	Mayflower El
	2	Stephenson El
	2	Trinity El
New York	1	Ascension El
	1	All Saints El
	1	Annunciation El
	1	Benjamin Franklin HS
	1	Bishop DuBois HS
	2	Blessed Sacrament El (70th Street)
	1	Cardinal McCloskey, Thorpe Residence
	2	Cathedral HS
	2	Central Commercial HS
	2	Charles Evans Hughes HS + Annex
	1	Chelsea Voc. HS
	1	Commander Shea Memorial
	1	Corpus Christi El
	1	Divine Providence Shelter
	1	Esther Schoenfeld
	2	Food and Maritime Trades HS
	1	George Washington HS + Annex
	2	Good Shepherd El
	1	Guardian Angel El
	1	Hasren HS
	1	Harlem HS
	2	Fashion Industries HS
	1	Holy Cross El
	1	Holy Name of Jesus El
	1	Holy Rosary El
	1	Holy Trinity El
	1	Incarnation El
	1	J.C.C.A. Childville, Inc.
	1	Julia Richman HS + Annex
	2	LaSalle Academy
	1	Lorge El
	1	Louis D. Brandeis HS + Annex
	1	Lower East Side Prep
	2	Mabel Dean Bacon Voc. HS + Annex
	2	Manhattan Voc. & Tech. HS
	2	New York School of Printing
	2	Our Lady of Good Counsel El
	1	Our Lady of Lourdes El
	1	Our Lady of Mount Carmel El 440 E. 116 St
	1	Our Lady Queen of Angels El
	1	Our Lady of Sorrows El

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Location	Code *	School Name
New York cont.	1	Mary Help of Christians El
	1	Most Holy Redeemer El
	1	Park East HS
	2	P.S. 1
	2	P.S. 2
	2	P.S. 3
	1	P.S. 4
	1	P.S. 7
	1	P-8-M + Annexes
	1	P.S. 9
	1	P.S. 10
	1	P.S. 11
	1	P.S. 13
	1	P.S. 15
	1	P.S. 17
	1	P.S. 19
	1	P.S. 20
	1	P.S. 22
	1	P.S. 28
	1	P.S. 29
	2	P.S. 30
	1	P.S. 31
	1	P.S. 33
	1	P.S. 34
	1	P-35-M + Annexes
	2	P.S. 36
	2	P.S. 40
	2	P.S. 41
	2	P.S. 42
	1	P.S. 43
	1	P.S. 44
	1	P.S. 45
	2	P.S. 46
	1	P.S. 51
	2	P.S. 52
	1	P-53-M + Annexes (Minuet)
	1	P.S. 54
	1	P.S. 56
	1	P.S. 57
	1	P-58-M + Annexes
	1	P.S. 60
	1	P.S. 61
	1	P.S. 63
	1	P.S. 64
	2	P.S. 65
	1	P.S. 68
	1	P.S. 70
	1	P.S. 71
	1	P.S. 72
	2	P.S. 75
	1	P.S. 76
	1	P.S. 79
	1	P.S. 80
	1	P-82-M + Annexes
	1	P.S. 83
	1	P.S. 84
	2	P.S. 87
	1	P.S. 88
	1	P-91-M + Annexes
	1	P.S. 92
	1	P-94-M + Annexes
	1	P.S. 96
	1	P.S. 97
	1	P.S. 98
	1	P.S. 99
	1	P.S. 100
	1	P.S. 101
	1	P.S. 102
	1	P-106-M + Annexes
	1	P.S. 107
	1	P.S. 108
	1	P.S. 109
	1	P.S. 110
New York cont.	1	P.S. 111
	1	P.S. 112
	1	P.S. 113
	1	P.S. 115
	1	P.S. 116
	1	P.S. 117
	1	P.S. 118
	1	P.S. 120
	1	P.S. 121
	1	P.S. 122
	1	P.S. 123
	2	P.S. 125
	1	P.S. 126
	1	P.S. 128
	1	P.S. 129
	2	P.S. 130
	2	P.S. 132
	1	P.S. 133
	2	P.S. 134
	1	P.S. 136
	1	P.S. 137
	1	P-138-M + Annexes
	1	P.S. 140
	1	P.S. 143
	1	P.S. 144
	1	P.S. 145
	1	P.S. 146
	1	P-148-M + Annexes
	1	P.S. 149
	1	P.S. 151
	2	P.S. 152
	2	P.S. 154
	1	P.S. 155
	2	P.S. 156
	2	P.S. 157
	1	P.S. 160
	1	P.S. 161
	1	P.S. 164
	1	P.S. 165
	2	P.S. 166
	2	P.S. 167
	1	P.S. 168
	1	P-169-M + Annexes
	1	P.S. 171
	2	P.S. 173
	1	P.S. 175
	1	P.S. 176
	1	P.S. 179
	1	P.S. 180
	1	P.S. 185
	1	P.S. 186
	2	P.S. 187
	1	P.S. 188
	1	P.S. 189
	2	P.S. 190
	2	P.S. 191
	1	P.S. 192
	1	P.S. 194
	1	P.S. 197
	2	P.S. 198
	2	P.S. 199
	1	P.S. 200
	1	P.S. 201 Complex
	1	P-202-M + Annexes
	1	P-203-M + Annexes
	1	P-205-M + Annexes
	1	P.S. 206
	1	P.S. 207
	1	P.S. 208
	1	P-226-M + Annexes
	1	P-231-M + Annexes
	1	P-368-K + Annexes
	2	P-911-M + Annexes

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Location	Code *	School Name
New York cont.	1	P-912-M + Annexes
	1	Resurrection El
	1	Rice HS
	1	Sacred Heart of Jesus El
	2	St. Aloysius El
	1	St. Alphonsus Commercial HS
	1	St. Ann El
	1	St. Brigid El
	1	St. Catherine of Genoa El
	1	St. Catherine of Siena El
	1	St. Cecelia El
	2	St. Charles Borromeo El
	1	St. Columba El
	1	St. Elizabeth El
	1	St. Emeric El
	1	St. Francis DeSales El
	1	St. Francis Xavier El
	1	St. George El & HS
	1	St. Gregory the Great El
	2	St. James El
	2	St. Jean Baptiste HS
	2	St. Joseph El (Monroe St)
	1	St. Joseph El (Morningside Ave)
	1	St. Jude El
	1	St. Lucy El
	1	St. Patrick El
	1	St. Paul El
	1	St. Rose of Lima El
	2	St. Spyridon El
	2	St. Stanislaus El
	1	St. Stephen El
	1	St. Thomas Community El
	1	Seward Park HS + Annex
	1	Transfiguration El
	2	Washington Irving HS
	1	West Side HS
	1	Yeshiva & Mesifta Chofetz Chaim/ Radun
	2	Yeshiva Rabbi Joseph Koovitz
Niagara Falls	1	Beech Ave El
	2	Charles B. Gaskill JHS
	1	Cleveland Ave El
	1	Ferry Ave El
	1	Harry F. Abate El
	2	Niagara Falls HS
	1	Niagara Street El
	1	Ninety-Ninth Street El
	1	Ninety-Third Street El
	2	North JHS
	1	Sixty-Sixth Street El
	2	South JHS
	1	Thirty-Ninth Street El
	2	Trott Voc HS
North Tonawanda	2	Grant El
Norwich	2	East Main Street El
	2	Perry Browne El
Nyack	2	Hilltop El
	2	Hilltop JHS
Olean	2	Boardmanville El
	2	Dugan El
	2	East View El
	2	Hillside El
	2	Ivers J. Morton El
	2	North Hill El
	2	Olean JHS
	2	Olean HS
	2	Washington West El
Olmstedville	2	Minerva CS
Oneida	2	North Broad Street El
	2	Willard Prior El
Oneonta	2	Riverside El
Ossining	2	Claremont El
	2	Park El
Otisville	1	Otisville Training School for Boys
Oyster Bay	2	Theodore Roosevelt El
Ozone Park	2	John Adams HS + Annex (Queens)
	2	P.S. 64 (Queens)
	2	P.S. 108 (Queens)
	2	P.S. 202
	2	P.S. 210 (Queens)
Parishville	2	Parishville-Hopkinton CS
Patchogue	2	Barton Ave. El
	2	Bay Ave. El
	2	Canaan El
	2	Medford Ave. El
	2	River Ave. El
	2	Sexton Street Middle
	2	South Ocean Ave. Middle
Peekskill	2	Hillcrest El
	1	Oakside El
	2	Peekskill HS
	2	Peekskill Middle
	1	P-94-M, Villa Loretto
	1	P-138-M, St. Joseph's + Annexes
	1	St. Germain's Home
	1	St. Peter's UFSD
	2	Uriah Hill El
	2	Woodside El
Pelham	2	Hutchinson El
Petersburg	2	Petersburg El
Plattsburgh	2	Monty Street El
Pleasantville	1	Mt. Pleasant-Cottage UFSD
Pomona	1	Woodycrest-Five Points Child Care
Port Chester	1	John F. Kennedy El
	1	Lavinia M. Horton El
	2	Port Chester JHS
	2	Port Chester HS
	1	Thomas A. Edison El
Port Jefferson Sta.	2	Comsewogue El
Potsdam	1	Potsdam CSD
Poughkeepsie	2	Ben Franklin El
	2	Charles B. Wering El
	2	Gov. George Clinton El
	2	G.W. Krieger El
	2	Morse El
	2	Poughkeepsie Middle
	2	Violet Ave. El
	2	William W. Smith El
Pulaski	2	Pulaski El
Queens Village	2	Martin Van Buren HS (Queens)
	2	P.S. 34 (Queens)
	2	P.S. 109 (Queens)
	1	P.S. 135 (Queens)
Quogue	2	Quogue El
Rendolph	1	Randolph Children's Home
Red Hook	1	Overbrook Center for Children
Rensselaer	2	Fort Crailo El
	2	Van Rensselaer El
Rensselaerville	1	Edward R. Cass Youth Camp
Rhinecliff	1	Rhinecliff UFSD
Richmond Hill	2	P.S. 51 (Queens)
	2	P.S. 54 (Queens)
	2	P.S. 55 (Queens)
	2	P.S. 62 (Queens)
	2	P.S. 66 (Queens)
	2	P.S. 90 (Queens)
	1	Richmond HS + Annex (Queens)
Ridge	2	Ridge El
Ridgewood	2	Grover Cleveland HS (Queens)
	1	P-75-Q + Annexes
	1	P.S. 88 (Queens)
Riverhead	2	Phillips Ave. El
	2	Roanoke Ave. El
	2	Riverhead HS
	2	Riverhead JHS
	2	Pulaski Street El

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New York

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Rochester	1	Benjamin Franklin HS
	2	Corpus Christi El
	2	East J-S HS
	1	Edison Industrial HS
	1	Frederick Douglas JHS
	2	Holy Family El
	1	Holy Angels Home of the Sisters of Our Lady of Charity Refuge
	2	Holy Apostles El
	1	Holy Redeemer El
	1	Immaculate Conception El
	1	Interim JHS
	2	Jefferson J-S HS
	1	Joseph C. Wilson JHS
	1	Madison HS
	2	Monroe J-S HS
	1	Neighborhood Street Academy
	1	Operation Young Adults
	1	Our Lady of Mt. Carmel El
	2	Our Lady of Perpetual Help El
	2	St. Anthony of Padua El
	2	St. Boniface El
	1	St. Joseph's Villa of Rochester
	1	St. Michael El
	2	St. Monica El
	1	School 2
	1	School 3
	1	School 4
	1	School 5
	2	School 8
	1	School 9
	1	School 12
	1	School 13
	1	School 14
	1	School 15
	2	School 16
	1	School 17
	1	School 19
	1	School 20
	2	School 21
	2	School 22
	2	School 24
	2	School 25
	1	School 26
	1	School 27
	2	School 28
	1	School 29
	1	School 31
	2	School 33
	2	School 34
	2	School 35
	1	School 36
	2	School 37
	2	School 39
	2	School 40
	2	School 43
	2	School 44
	2	School 52
	2	School 58
	1	School Without Walls
Rockaway Beach	1	P.S. 183 (Queens)
Rockaway Park	1	Beach Channel HS (Queens)
	2	P.S. 180 (Queens)
	2	P.S. 225 (Queens)
Rockville Center	2	Riverside El
	1	Watson El
Rocky Point	2	Joseph A. Edgar El
Rome	2	Alter El
	2	Barringer El
	2	Dewitt Clinton El
	2	Gansevoort El
	2	Strough JHS
Ronkonkoma	2	Cherokee Street
	2	Edith L. Slocum El
Roosevelt	1	Centennial Aye. El
	1	Harry D. Daniels El
	1	Roosevelt J-S HS
	1	Theodore Roosevelt El
	1	Washington Rose El
St. Albans	1	P.S. 36 (Queens)
	1	P.S. 136 (Queens)
	2	P.S. 192 (Queens)
	1	St. Catherine of Sienna El
	1	St. Pascal Babylon El
Salamanca	1	Great Valley Youth Camp
	2	Prospect El
	2	Seneca El
Schenectady	2	Grout Park El
	2	Yates El
	2	Riverside El
	2	Hamilton El
	2	Horace Mann El
	2	Linton HS
	2	Martin Luther King El
	2	Mont Pleasant HS
	2	Oneida JHS
	2	Pleasant Valley El
	2	St. Anthony's El
	2	Steinmetz JHS
Shirley	2	Nathaniel Woodhull El
	2	William Floyd El
Southampton	2	Southampton El
	2	Southampton Intermediate
South Kortright	1	South Kortright Center for Boys
South Lansing	1	South Lansing School for Girls
South Ozone Park	1	P.S. 96 (Queens)
	1	P.S. 121 (Queens)
	1	P.S. 123 (Queens)
	1	P.S. 124 (Queens)
	1	P.S. 155, (Queens)
	1	St. Clement Pope El
	2	St. Theresa of Avila El
Sparkill	1	St. Agnes Home and School for Children
Springfield Gardens	1	P.S. 15 (Queens)
	2	P.S. 59 (Queens)
	2	P.S. 132 (Queens)
	2	P.S. 156 (Queens)
	2	P.S. 181 (Queens)
	2	Springfield Gardens HS (Queens)
Spring Valley	2	Bais Yaakov of S.V.
	1	Lakeside UFSD
	2	North Main Street El
	2	South Madison El
	2	Yeshiva of New Square
Staatsburg	1	Anderson El
Staten Island	2	Assumption El
	2	Curtis HS
	2	Immaculate Conception El
	2	Mt. Carmel, St. Benedicts El
	2	Port Richmond HS
	2	P.S. 12
	2	P.S. 13
	1	P.S. 14
	2	P.S. 16
	1	P.S. 18
	2	P.S. 19
	1	P.S. 20
	2	P.S. 21
	1	P-25-R + Annexes
	2	P.S. 27
	1	P.S. 31
	2	P.S. 39
	2	P.S. 41
	1	P.S. 44
	2	P.S. 46
	2	P.S. 49

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New York

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Staten Island cont.	2	P.S. 51
	2	P.S. 52
	2	P.S. 61
	1	St. Aloysius Mt. Loretto Mission of Immaculate
	1	St. Michaels Home
	2	St. Peter El
	1	Willowbrook START Center
Syracuse	2	Bellevue El
	1	Blodgett JHS
	2	Cathedral Academy
	2	Central Technical HS
	1	Charles Andrews El
	2	Clary JHS
	1	Cleveland El
	1	Clinton El
	2	Corcoran HS
	1	Danforth El
	1	Delaware El
	1	Dr. Martin Luther King Jr. El
	2	Eastwood JHS
	2	Edward Smith El
	1	Elmcrest Children's Center
	2	Elmwood El
	2	Frank C. McCarthy El
	2	Franklin El
	1	Fraser El
	2	Grant JHS
	1	House of Providence
	2	H.W. Smith JHS
	2	James A. Shea JHS
	1	Jefferson El
	2	Lemoyne El
	2	Lincoln El
	1	McKinley-Brighton El
	1	Merrick El
	2	Nichols El
	2	Percy Hughes El
	2	Porter El
	2	Powlesland El
	1	Prescott El
	1	Roosevelt JHS
	2	Salina El
	1	Seymour El
	1	Summer El
	2	T. Aaron Levy JHS
	2	Webster El
	1	Westside Catholic (Gifford Street)
Taberg	1	Annsville Youth Camp
Tonawanda	2	Delaware El
	2	Fletcher El
	2	Parkside El
	2	Robert L. Frost El
Troy	2	Carroll Hill El
	1	P.S. 1
	1	P.S. 2
	2	P.S. 10 El
	2	P.S. 12
	2	P.S. 14
	2	P.S. 17
	2	St. Anthony's El
	2	St. Peter's El
	2	Whipple El
Uniondale	2	Smith Street El
Upper Nyack	2	Upper Nyack El
Utica	1	Brandegee El
	2	Christopher Columbus El
	2	John F. Hughes El
	2	Kemble El
	1	Kernan El
	2	Lincoln El
	2	Mary Street El
	1	Miller El
Utica cont.	1	Potter El
	2	Roscoe Conkling El
	2	St. Francis de Sales El
	2	St. Joseph-St. Patrick El
	1	St. Mary of Mt. Carmel El
	1	The House of the Good Shepherd
	2	Thomas R. Proctor HS
	2	Roosevelt El
	2	Utica Free Academy
	2	Washington El
	2	Wetmore El
	2	Lake Road El
Valley Cottage	2	Valley Cottage El
Van Etten	2	Van Etten El
Verona Beach	1	Sylvan-Verone Beach El
Wading River	1	Little Flower UFSD
Warwick	1	Warwick School for Boys
Waterport	2	Waterport El
Watertown	2	Case JHS
	2	Cooper El
	2	Harold T. Wiley El
	2	Ohio Street El
	2	Meade El
	2	North JHS
	2	Starbuck El
Watervliet	1	St. Colman's
West Babylon	2	Forest Ave. El
	2	Santapogue El
	2	South Bay El
West Brentwood	1	Sam A. Lewisohn START Center
Westbury	2	Drexel El
	1	Dryden El
	2	Grand Street Childhood Center
	2	Park Intermediate
	2	Powell's Lane El
	2	Westbury JHS
	2	Westbury HS
West Haverstraw	2	West Haverstraw El
West Islip	2	Oquenock El
	2	Paumanok El
	2	Southgate El
West Park	1	St. Cabrini Home
White Lake	2	Duggan El
White Plains	2	Battle Hill El
	1	Cardinal McCloskey
	2	Church Street El
	2	East View El
	2	George Washington El
	2	Mamaroneck Ave. El
	2	North Street El
	2	Post Road El
	2	Ridgeway El
	2	Rosedale El
	2	St. John Evangelist El
Whitestone	1	P.S. 194 (Queens)
Williamson	2	Williamson Primary
Wolcott	2	Florentine Hendrick El
Woodhaven	2	P.S. 60 (Queens)
Woodside	2	P.S. 11 (Queens)
	1	P.S. 12 (Queens)
	2	P.S. 125 (Queens)
	2	P.S. 151 (Queens)
Wyandanch	1	Martin Luther King, Jr. El
	1	Milton L. Olive El
	1	Straight Path El
	1	Wyandanch J-S HS
Wynantskill	1	Wynantskill Center for Girls
Yonkers	2	Commerce Middle
	1	Fermi Middle
	2	Hawthorne JHS
	1	Most Holy Trinity
	1	Longfellow JHS
	1	Martin Luther King El

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New York

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Location	Code *	School Name	Location	Code *	School Name
Yonkers cont.	2	Mt. Carmel St. Anthony El	Yonkers cont.	2	P.S. 23
	1	Our Lady of the Rosary El		1	P.S. 25
	1	P.S. 3		2	St. Casimir El
	1	P.S. 6		1	St. Joseph's El
	1	P.S. 7		2	St. Mary's El
	1	P.S. 10		2	St. Michael's El
	1	P.S. 12		1	St. Peter's El
	1	P.S. 18		2	Yonkers HS
	1	P.S. 19	Yorktown Heights	1	Yorktown-Wiltwyck UFSD

North Carolina

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name	Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)			Beulaville	1	Beulaville K-8
				3	East Duplin 9-12
			Biscoe	1	East Montgomery 9-12
			Black Creek	1	Lee Woodard 1-12
			Black Mountain	3	Black Mountain 6-8
			Bladenboro	1	Bladenboro K-12
				1	Spaulding-Monroe 7-8
Aberdeen	1	Aberdeen 5-9	Blanch	1	High Rock 1-7
Ahoskie	3	R.L. Vann 4-5	Bolivia	1	Bolivia K-8
Albemarle	1	East Albemarle 1-6	Brasstown	1	Ogden 1-6
Albertson	1	B.F. Grady K-8	Bridgeton	1	Bridgeton 1-8
Alexander	3	French Broad K-8	Bryson City	3	Almond K-8
Andrews	1	Andrews 1-6	Burgaw	1	Burgaw 1-8
Apex	1	A.V. Baucom 1-4	Burlington	1	Anderson 1-7
	1	Apex K-8	Burnsville	1	Bee Log K-8
	1	Apex 9-12		1	Cane River 9-12
Arapahoe	1	Arapahoe K-8		1	East Yancey 9-12
Ash	1	Waccamaw K-8		1	South Toe K-8
Asheville	3	Aycock K-5		3	Cape Hatteras K-12
	3	Clyde A. Erwin 9-12	Buxton	1	North Duplin K-6
	1	Elida 1-8	Calypso	3	North Duplin 9-12
	3	Emma K-8		3	Camden County 9-12
	3	Johnston K-6	Camden	3	Grandy K-3
	3	Oakley K-8		1	Cameron 1-8
	1	Randolph K-5	Cameron	3	Union Pines 9-12
	3	Rankin K-5		3	Pisgah K-8
	1	Woodfin K-8	Candler	1	Candor 4-8
Atkinson	1	Atkinson 7-12	Candor	1	Carolina Beach 1-4
Aulander	1	Aulander 5-7	Carolina Beach	1	Carthage K-8
Aurora	3	Aurora 8-12	Carthage	1	Sandhills Farmlife 1-8
	3	S.W. Snowden 1-7		1	Cashiers 1-8
Ayden	1	Ayden K-4	Cashiers	1	Cerro Gordo K-8
	1	Ayden Grammar 5-8	Cerro Gordo	1	West Columbus 9-12
	1	Ayden Grifton 9-12		1	Chadbourn 5-8
Badin	1	Badin 1-8	Chadbourn	1	Chadbourn K-4
Bailey	1	Bailey K-6		3	Berryhill K-6
	1	Southern Nash 10-12	Charlotte	3	Bruns Ave 5-6
Bakersville	1	Bowman 9-12		3	Chantilly K-6
	1	Buladean 1-8		1	Cochrane 7-9
	1	Gouge 1-8		1	Coulwood 7-9
	1	Ledger 1-7		1	Dilworth K-6
	1	Tipton Hill 1-8		1	East Mecklenburg 10-12
Bald Creek	1	Bald Creek K-8		1	Eastway 7-9
Banner Elk	1	Banner Elk 1-8		3	Enderly Park 1-6
Barnardsville	3	Barnardsville K-8		1	Garinger 10-12
Bath	3	Bath 1-12		1	Harding 10-12
Battleboro	1	Coker Wimberly K-6		1	Hawthorne 7-9
	1	Phillips K-8		1	Highland K-6
Bayboro	1	Fred A. Anderson K-4		3	Independence 10-12
	1	Pamlico 5-9		3	Kennedy 7-9
	3	Pamlico 10-12		3	McClintock 7-9
Belcross	3	Camden 4-8		1	Myers Park 10-12
Belhaven	3	Belhaven 1-6		1	Northwest 7-9
Benson	1	Benson 3-8		3	Oaklawn 5-6
	1	Meadow K-8		3	Oaklawn 5-6
Bethel	1	Bethel 5-8		1	Plaza Road K-6
	1	Bethel K-4		1	Randolph 7-9
	1	North Pitt 9-12			

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North Carolina

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Location	Code *	School Name	Location	Code *	School Name
Charlotte cont.	1	Ranson 7-9	Elizabethtown	1	Bladen 3-6
	1	Sedgefield 7-9		1	East Bladen 10-12
	1	Sedgefield 1-6		1	Elizabethtown 7-9
	1	Spaugh 7-9		1	Elizabethtown K-2
	3	Thomasboro 1-6	Elizabeth City	1	Elizabeth City 8-9
	3	Tuckaseegee 1-6		1	J.C. Sawyer 1-3
	3	University Park 5-6		1	Northeastern 10-12
	1	West Charlotte 10-12		1	P.W. Moore 7
	1	West Mecklenburg 10-12		1	Pasquotank 4-6
	3	Westerly Hills 1-6		1	Sheep Harney K-6
	1	Williams 7-9	Elk Park	1	Beech Mountain 1-8
	3	Wilmore 1-6		1	Elk Park 1-8
	1	Wilson 7-9	Elm City	1	Coopers K-6
Cherryville	3	North Brook No. 1 K-8		1	Elm City K-8
China Grove	3	China Grove K-6		1	Elm City 9-12
Chinquapin	1	Chinquapin 1-3		1	Gardners 1-5
	1	Chinquapin K-8	Enfield	1	Dawson K-8
Clarkton	1	B.T. Washington 4-8		1	Eastman 8-12
	1	Clarkton K-12		1	Enfield 9-12
Clayton	1	Cleveland K-8		1	Inborden K-8
	1	William Cooper 6-8		1	Pittman K-7
Cleveland	1	Cleveland K-6		1	White Oak K-7
Clinton	3	Clinton 9-12	Engelhard	1	Davis K-6
	1	College Street K-4	Ennice	1	Glade Creek K-8
	3	Kerr K-4	Eureka	1	Eureka 1-6
Colerain	1	Colerain 4-7	Everetts	1	N. Everetts K-6
Columbia	1	Columbia 7-12	Evergreen	1	Evergreen K-8
	1	Tyrrell K-6	Fair Bluff	1	Fairbluff K-8
Columbus	3	Stearns 1-6	Fairmont	1	Fairgrove K-12
Comfort	1	Comfort K-6		1	Fairgrove K-12
Concord	1	Coltrane Webb K-6		1	Fairmont 7-12
	1	Concord 10-12		1	Fairmont K-04
	1	Concord 6-8		1	Fairmont 5-6
	1	Long 1-6		1	Green Grove 4-8
	3	R.B. McAllister 1-6	Faison	3	North Duplin 7-8
Conway	1	Conway 5-8	Farmville	1	Farmville 9-12
Creston	1	Riverview K-8		1	Farmville 7-8
Crossnore	1	Crossnore K-8		1	H. B. Sugg K-6
Crumpler	1	Healing Springs 1-8		1	Sam D. Bundy 1-3
	1	Nathans Creek 1-8	Fayetteville	1	Camden Road K-6
Culberson	1	Ranger 1-8		3	Cumberland Road K-6
Deep Run	3	South Lenoir 10-12		1	J. S. Spivey 7-9
Delco	1	Acme Delco 7-12		1	Pauline Jones 4-6
Dover	1	Fort Barnwell K-8		3	Seabrook K-6
Dublin	1	Dublin K-8		1	Teresa Berrien K-3
Dudley	1	Brogden K-3	Ferguson	1	Boomer Ferguson K-8
	3	Brogden 4-9		3	Mt. Pleasant K-8
	3	Southern Wayne 10-12	Fleetwood	1	Fleetwood 1-8
Dunn	3	Harnett K-8	Four Oaks	1	Four Oaks K-8
Durham	3	Bethesda K-6	Franklin	3	Cartoogechaye 1-8
	1	Burton 1-6		3	Union 1-8
	1	C.C. Spaulding K-6	Franklinton	1	Franklinton K-5
	1	Club Boulevard 4-6		1	Franklinton 6-12
	1	E.K. Powe K-6		1	Wilton K-7
	1	Fayetteville Street K-6	Fremont	1	Fremont K-6
	1	George Watts K-6		1	Norwayne 7-9
	1	Holton 7-9	Fuquay Varina	1	Fuquay Varina K-6
	1	James E. Shepard 7-9		1	Lincoln Heights 1-3
	3	Lowes Grove K-7	Garland	1	Hickory Grove K-8
	1	Lyon Park K-6	Garysburg	1	Garysburg K-8
	1	Morehead K-6	Gaston	1	Gaston 6-12
	1	North Durham K-6		1	Squire K-5
	1	R.N. Harris K-2	Gastonia	1	Gastonia 1-6
	1	Rogers Herr 7-9		3	Peeden 1-3
	1	W.G. Pearson K-6	Gates	1	Buckland K-4
	1	Walltown 1-6	Gatesville	1	Central 8-9
	1	Whitted 7-9		1	Gates County 10-12
East Spencer	3	North Rowan 5-8		1	Gatesville 5-7
Eden	3	Lakeside 1-4	Gibson	1	Gibson 5-8
Edenton	1	Ernest Swain 4-6	Gibsonville	1	Eastern Guilford 8-12
Efland	1	Efland Cheeks K-3	Glenville	1	Glenville 1-12
	1	Efland 4-6	Goldsboro	1	Belfast 1-6
				3	Eastern Wayne 1-5

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Location	Code *	School Name
Goldsboro cont.	1	Edgewood 1-2
	1	Goldsboro 9-9 (W)
	1	Goldsboro 7-8 (N)
	1	Goldsboro 6-7 (S)
	1	Grantham K-8
	1	School Street 5-5
	1	William Street K-4
Green Mountain	1	Clearmont K-8
Greensboro	1	Aycock 7-9
	1	Dudley 10-12
	1	Foust 5-6
	1	Gillespie 7-9
	3	Jackson 7-9
	3	Jonesboro 4-6
	1	Lincoln 7-9
	1	Lindley 7-9
	3	Mendenhall 7-9
	3	Peck 5-6
	1	Porter 4-6
	1	Price 5-6
	1	Washington 5-6
Greenville	3	Agnes Fullilove K-3
	1	Belvoir 4-8
	1	Belvoir K-3
	1	Chicod K-8
	1	D.H. Conley 9-12
	3	E.B. Aycock 7-9
	1	Eastern 1-6
	1	Elmhurst K-6
	1	Falkland K-6
	3	J.H. Rose 10-12
	3	Sadie Saulter 1-6
	3	South Greenville 1-6
	1	Third Street 1-6
	1	Wahl Coates K-6
Grifton	1	Grifton K-8
	3	Savannah 7-9
Grimesland	1	G.R. Whitfield K-8
Halifax	1	Andrew Jackson K-5
Hallsboro	1	Hallsboro K-6
	1	Hallsboro 7-12
Hamilton	1	Edna Andrews K-8
Hampstead	1	Topsail 6-12
Harmony	3	Harmony K-8
Harrellsville	1	A.S. Cherry K-5
Havelock	1	Graham A. Barden K-6
Hayesville	1	Hayesville 7-12
	1	Hayesville K-6
	1	Shooting Creek 1-6
Hays	3	Mt. View K-8
Hays	3	North Wilkes 9-12
Henderson	1	Carver K-6
	1	Dabney 1-6
	1	Eaton Johnson 7-9
	1	Henderson 7-9
	1	New Hope K-6
	1	North Henderson 1-6
	1	Pinkston Street 1-6
	1	Rollins Annex K-6
	1	South Henderson 1-6
	3	Vance 10-12
	1	Yancey 1-6
Hertford	1	Hertford K-8
	1	Perquimans 9-12
Highfalls	1	Highfalls 1-8
Highlands	3	Highlands 1-12
Hillsborough	1	A.L. Stanback 3-4
	1	Cameron Park 1-2
	1	Grady A. Brown 5-6
Hobgood	1	Thomas Shields K-8
Hollister	1	Hollister K-7
Holly Ridge	1	Dixon K-8
Holly Springs	1	Holly Springs K-1
Hookerton	1	East Greene K-4
Hot Springs	1	Hot Springs 1-12
	1	Spring Creek 1-12
Huntersville	1	Alexander 7-9
	1	N. Mecklenburg 10-12
Hurdle Mills	1	Oak Lane 1-6
Jacksonville	1	Bell Fork 4-6
	1	Blue Creek 1-6
	1	Clyde Erwin K-3
	1	Jacksonville 7-9
	3	Morton 1-6
	1	Walter M. Thompson 1-6
Jackson	1	Eastside K-4
	1	Jackson 5-8
Jamesville	1	Jamesville 4-12
	1	Jamesville 4-12
Jefferson	1	Ashe Central 9-12
	1	Jefferson K-8
Kenansville	1	E.E. Smith 7-9
	1	Kenansville K-6
Kenly	1	Glendale Chapel K-8
	1	Kenly K-8
Kinston	1	Adkin Clay Wash 8
	1	Bynum K-6
	3	Contentnea 1-6
	1	J.H. Sampson K-6
	1	Lewis K-6
	3	Moss Hill 1-6
	1	Southeast K-6
	1	Southwood K-6
	3	Woodington 7-9
Kipling	3	Lafayette K-12
Kittrell	1	Zeb Vance K-6
Knightdale	1	Lockhart 6-8
LaGrange	3	Frink 7-9
	3	LaGrange K-6
	3	North Lenoir 10-12
Lake Waccamaw	1	Boys Home 4-8
Landis	1	Landis K-6
Lansing	1	Lansing K-8
Laurel Hill	1	Carver 5-9
Laurinburg	1	Central 5-8
	1	East Laurinburg 1-8
	1	Johnson 4-9
	3	Laurinburg 9
	1	Scotland 10-12
	1	Shaw 5-9
Leland	1	Leland 4-7
	1	North Brunswick 8-12
Lexington	3	Churchland 1-8
	3	Reeds 1-8
	1	Silver Valley 1-6
	3	Tyro 1-8
Linwood	3	West 9-12
Littleton	1	Aurelian Springs K-6
	3	Littleton 7-12
	1	McIver K-6
	1	Northwest 10-12
Louisburg	3	Edward Best 1-4
Lucama	1	Lucama K-12
	1	Springfield K-8
Lumberton	1	Allenton K-8
	1	Deep Branch K-7
	1	Hilly Branch K-3
	1	Janie C. Hargrave K-5
	1	Joe P. Moore 6-7
	1	Littlefield 9-12
	1	Long Branch K-6
	3	Lumberton 8-9
	1	Magnolia K-12
	1	Magnolia K-12
	1	Piney Grove K-8
	1	Rowland Norment K-5

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List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Lumberton cont.	3	Smiths K-8
	1	South Lumberton K-5
Macclesfield	1	Living Hope 1-2
Manteo	3	Manteo 1-6
	3	Manteo 7-12
Maple Hill	1	Maple Hill 1-8
Marble	1	Marble 1-6
Marietta	1	Marietta K-4
Mars Hill	1	Mars Hill 1-12
Marshall	1	Laurel 1-12
	1	Madison 9-12
	1	Marshall 1-12
	1	Walnut 1-8
Maury	1	Maury 5-8
Maxton	1	Maxton 9-12
	1	Oxendine K-8
	1	Prospect K-12
	1	R.B. Dean K-5
	1	Townsend 6-8
Maysville	1	Maysville K-6
	1	Silverdale 1-3
	3	Tabernacle 4-8
Mebane	1	Sweet Gum 1-7
Merry Hill	1	John P. Law K-7
Micaville	1	Micaville K-8
Micro	1	Micro K-8
Middleburg	1	Middleburg K-6
Middlesex	1	Middlesex K-6
Mill Spring	1	Mill Spring 1-6
	3	Polk Central 7-12
	1	Sunny View 1-6
Millers Creek	3	Millers Creek K-8
	3	West Wilkes 9-12
Milton	1	Archibald Murphey 1-3
Minneapolis	1	Minneapolis 1-8
Moncure	3	Moncure K-8
Mooresville	3	Brawley 1-6
	3	Shepherd K-6
Moravian Falls	3	Moravian Falls K-8
Mt. Gilead	1	Mt. Gilead 5-8
	1	West Montgomery 9-12
Mt. Olive	1	Carver K-5
	1	Mt. Olive 6-9
Murphy	1	Hiwassee Dam 1-12
	1	Martins Creek 1-8
	1	Murphy K-6
	1	Peachtree 1-8
N. Wilkesboro	3	C.C. Wright K-8
	3	Fairplains K-8
	3	Union K-8
Nakina	1	Nakina 9-12
Nashville	1	Cedar Grove K-6
	1	Central 9
	1	Greene-Nashville 7-8
Nashville	1	Nashville 1-6
New Bern	1	Albert H. Bangert 1-4
	1	Brinson Memorial K-6
	3	Central 6
	1	Duffy Field 4-6
	1	Eleanor Marshall 1-6
	1	F.R. Danyus 5
	3	H.J. MacDonald 7-8
	1	Jasper K-8
	3	Oaks Road 1-4
	1	Riverside 1-3
	3	Trent Park K-4
New London	3	New London K-8
	3	North Stanly 9-12
Newland	1	Newland 1-8
	1	Riverside 1-8
Norlina	3	Norlina 9-12
	1	Northside K-3
North Wilkesboro	1	North Wilkesboro K-8
	3	Wilkes Central 9-12
Norwood	1	Norwood K-6
	1	South Stanly 7-12
Oak City	1	Oak City 9-12
	1	West Martin K-8
Oakboro	3	Oakboro 1-8
Orrum	1	Orrum 7-12
Oxford	1	Berea K-8
	1	C.G. Credle K-2
	1	D.N. Hix 9
	3	J.F. Webb 10-12
Pactolus	1	Pactolus K-5
Parkton	1	Parkton K-12
	1	Parkton K-12
Pelham	1	Pelham 1-7
Pembroke	1	Pembroke 10-12
	1	Pembroke 8-9
	1	Pembroke K-7
	1	Union Chapel K-7
Pendleton	1	Willis Hare K-4
Pensacola	1	Pensacola K-8
Pikeville	1	Charles B. Aycock 10-12
	1	Nahunta K-6
	1	Pikeville K-6
Pine Level	1	Pine Level K-8
Pinehurst	1	Pinehurst 5-9
Pinetops	1	Carver K-6
	1	South Edgecombe 7-12
Pineville	1	Pineville K-6
	1	Quail Hollow 7-9
Piney Creek	1	Piney Creek K-8
Pisgah Forest	3	Pisgah Forest K-6
Pittsboro	3	Horton 5-8
Pollocksville	1	Pollocksville K-6
Poplar Branch	3	Dr. W T Griggs K-8
Powellsville	1	C G White K-7
Princeton	1	Princeton K-12
Procktorville	1	Proctorville K-6
Raeford	1	Hoke County 9-12
	1	J W McLaughlin 1-1
	1	Raeford 2-3
	1	Scurlock K-5
	1	South Hoke 4-5
	1	Upchurch 6-8
	1	West Hoke K-5
Raleigh	1	Barbee 1-5
Raleigh	3	Crosby Garfield 6-6
Red Oak	1	Red Oak K-6
Red Springs	1	Peterson K-5
	1	Red Springs 6-9
	3	Red Springs 10-12
Reidsville	3	North End K-5
	1	Sadler 1-7
	1	Stoney Creek 1-7
Rich Square	1	Rich Square 5-8
	1	W S Creecy K-12
	1	W S Creecy K-12
Richlands	1	Richlands K-5
	1	Richlands 9-12
	1	Trexler 6-8
Riegelwood	1	Acme Delco K-6
	1	East Arcadia K-9
Roanoke Rapids	3	Clara Hearne K-5
	1	Everetts K-6
	1	W R Davie 7-9
Robbins	1	Elise 5-8
Robersonville	1	East End 4-8
	1	Robersonville 9-12
Rocky Mount	3	Bassett 1-6
	1	Benvenue 7-8
	1	Benvenue K-6

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Location	Code *	School Name
Rocky Mount	1	Bulluck K-3
	3	D S Johnson 1-3
	1	Northern Nash 10-12
	1	West Edgecombe 4-12
	1	Williford K-6
Rocky Point	1	Long Creek-Grady K-8
	1	Rocky Point K-8
Rolesville	1	Rolesville K-6
Ronda	3	East Wilkes 9-12
	3	Ronda Clingman K-8
Rose Hill	3	Charity 8-9
	1	Rose Hill-Magnolia K-7
Rowland	1	Ashpole Center K-3
	1	Purvis K-7
	1	Rowland 9-12
	1	Southside 4-8
	1	Union K-7
Roxboro	1	Earl Bradsher 1-6
	1	North End 1-6
	1	North K-6
	1	Northern 7-9
	1	Person 10-12
	1	South 1-6
	1	Southern 7-9
	1	Woodland 1-6
Roxobel	1	Roxobel Kelford 6-7
Ruffin	1	Happy Home 1-7
	1	Lincoln K-7
	1	Ruffin 8-12
Salisbury	3	R G Kizer 1-6
Saluda	1	Saluda 1-12
Sanford	1	Bragg Street 1-5
	1	Floyd L Knight 1-5
	1	Jonesboro 1-5
	1	Jonesboro 6-8
	1	McIver 1-5
	3	W B Wicker 6-8
Saratoga	1	Saratoga Central 10-12
Scotland Neck	1	Bakers K-8
	1	Brawley K-9
	1	Scotland Neck 10-12
Seaboard	1	Coates K-4
	1	Seaboard 5-8
Seagrove	3	Westmoore 1-8
Selma	1	R B Harrison 7-9
	1	Selma K-6
Seven Springs	1	Seven Springs K-6
Shallotte	1	Shallotte 4-8
	1	West Brunswick 9-12
Shannon	1	Rex Rennert K-8
Shelby	3	Cleveland Training 6-6
	1	Graham K-5
	3	James Love K-5
	3	Jefferson 1-5
	3	Marion K-5
	3	Northside KI-ND
Sims	1	Sims 1-3
Snow Hill	1	Greene Central 10-12
	1	Snow Hill 7-9
	1	Snow Hill 7-9
	1	Snow Hill K-2
	1	West Greene 3-6
Southern Pines	1	Southern Pines 5-9
Southmont	3	Southmont K-6
Southport	1	South Brunswick 9-12
	1	Southport 5-8
Sparta	1	Alleghany 9-12
	1	Sparta K-8
Spring Hope	1	Southern Nash 9-9
	1	Spaulding 7-8
	1	Spring Hope K-6
Spruce Pine	3	Deyton 5-8
	1	Harris 1-4
	3	Harris 9-12
St. Pauls	1	St. Pauls 1-6
	1	St. Pauls 7-12
Stantonsburg	1	Stantonsburg 1-5
Star	1	Star 5-8
Statesville	1	Alan D. Rutherford 1-6
	1	Avery Sherrill K-6
	1	D. Matt Thompson 7-9
	3	East Iredell 1-8
	3	Monticello 1-8
	1	Mulberry Street 1-6
	1	N B Mills 1-6
	1	Pressley 1-6
Stem	1	Stem K-7
Stokes	1	Stokes K-5
	1	Stokes-Pactolus Gram 6-8
Stoneville	1	Stoneville K-6
Stovall	1	Stovall K-8
Sunbury	1	Sunbury K-4
	1	T S Cooper 5-7
Swan Quarter	1	Mattamuskeet 7-12
	1	O A Peay K-6
Swannanoa	3	Charles D Owen 9-12
	3	Swannanoa K-7
Swansboro	3	Swansboro 4-6
	3	Swansboro K-3
Sylva	1	Fairview K-8
	1	Scotts Creek 1-8
Tabor City	1	Sylva Webster 9-12
	1	Guideway K-8
	1	Tabor City West 4-8
	1	Tabor City K-12
Tar Heel	1	Plain View K-6
	1	Tar Hell 7-12
Tarboro	1	North Edgecombe 9-12
	1	Roberson K-8
Teachey	3	Wallace Rose Hill 10-12
Thomasville	1	Church Street 8-8
	1	Colonial Drive K-5
	1	Kern Street K-5
	1	Liberty Drive 1-5
	1	Main Street 6-7
	3	Pilot 1-8
	1	Thomasville 9-12
Tillery	1	Tillery Chapel K-8
Timberlake		
Todd	1	Helena K-6
Topton	1	Elkland 1-8
Traphill	3	Nanthanala 1-12
Trenton	3	Traphill K-8
	1	Jones 7-9
	1	Jones 10-12
	1	Trenton K-6
Troutman	3	Troutman K-6
Troy	1	Troy 6-8
Tryon	3	Green Creek K-6
	1	Tryon K-8
Tuckasegee	1	Canada 1-8
Tyner	1	Chowan 5-12
Unaka	1	Unaka 1-8
Vanceboro	1	Farm Life 4-8
	1	Vanceboro K-3
	1	West Craven 9-12
Vass	1	Vass Lakeview 1-8
Vaughan	3	Vaughan K-6
Virgilina, Va.	1	Oak Hill Toler K-8
W. Jefferson	1	Beaver Creek 9-12
	1	West Jefferson K-8
W. Lumberton	1	West Lumberton K-5
Wade	3	District No. 7 K-4
	1	Wade 5-6

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Location	Code *	School Name
Wake Forest	3	Wake Forest K-6
	3	Wake Forest Rolesville 7-9
	3	Wake Forest Rolesville 10-12
Wallace	1	C. W. Dobbins 1-3
	1	Wallace K-7
Walstonburg	1	North Greene K-4
	1	Walstonburg 5-8
Warrenton	3	Hawkins 7-9
	3	Miriam Boyd K-6
Warrensville	1	Northwest 9-12
Warrenton	1	South Warren K-6
Warsaw	1	Douglas K-6
	1	James Kenan 10-12
	3	Warsaw 7-9
Washington	1	Eastern K-2
	1	John C. Tayloe 3-4
	1	John Small 5-6
	1	P. S. Jones 7-9
	1	Washington 10-12
Weeksville	1	Weeksville K-6
Weldon	1	Weldon K-8
Wendell	3	Vaiden Whitley 9-12
	1	Wendell 1-8
Wentworth	3	Wentworth K-12
	3	Wentworth K-12
West End	1	West End 4-8
Whitakers	1	North Whitakers K-6
	1	Swift Creek K-6
	1	Willow Grove K-8
White Oak	1	White Oak K-8
Whiteville	1	Central 7-9
	1	Edgewood K-3
Whiteville	1	Old Dock K-8
	1	Whiteville K-3
	1	Whiteville 4-6
	3	Whiteville 10-12
	1	Williams Township K-12
Whittier	1	Log Cabin 1-8
	1	Qualla 1-8
Wilbar	3	Union Township K-8
Willard	1	Penderlea 4-12
Williamston	3	Bear Grass 7-12
	1	Church Street K-3
	1	E. J. Hayes 4-8
	1	Farm Life 1-8
Williamson	1	Rodgers K-6
Williamston	3	Williamston 9-12
Willow Springs	1	Willow Springs 1-6
Wilmington	1	Bradley Creek 1-4
	3	Chestnut Street 5-8
	1	College Park K-4
	1	Edwin A. Alderman K-4
	3	John T. Hoggard 10-12
	1	Lake Forest K-4
	1	Sunset Park K-4
	3	Sunset Park 7-8
	3	Tileston 5-6
	1	William H. Blount K-4
	3	William Hooper 5-6
	3	Williston 9-9
	3	Wrightsboro K-4
Wilson	1	Lamms 3-5
	1	New Hope 1-5
	1	Rock Ridge 1-12
	1	Speight K-9
Wilsons Mills	1	Wilsons Mills K-7
Windsor	3	Askewville 1-7
	1	Bertie 8-9
	1	Bertie 10-12
	1	Windsor 5-7
Winfall	1	Perquimans K-4
Winterville	1	A. G. Cox 4-8
	1	W. H. Robinson K-3
Wise	3	North Warren 4-8
Woodland	1	Woodland Olney K-8
Woodleaf	3	Woodleaf K-6
Woodsdale	1	Bethel Hill K-6
Yanceyville	3	Bartlett Yancey 10-12
	1	Jones K-3
	1	N. L. Dillard 8-9
	1	Oakwood K-3
Zebulon	1	Corinth Holders K-8
	1	Zebulon 7-12
	1	Zebulon K-6
Zionville	3	Mabel K-8

NORTH DAKOTA

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualificstion of a high concentration of students from low-income families, and are, therefore, not included on this list.)		
Almont	2	Sims EL-HS
Alsen	2	Alsen EL-HS
Balfour	2	Balfour EL-HS
Beach	2	Beach EL-HS
Belcourt	1	Ojibwa Indian School EL
Bismarck	2	Bismarck SHS
	2	Dorothy Moses EL
	2	Jeannette Myhre EL
	2	Riverside EL
	2	Wachter EL
	2	Wachter JHS
	1	North Dakota State Penitentiary
	2	St. Mary's EL
Bottineau	2	Bottineau EL-HS
Carrington	2	Carrington EL-HS
Carson	2	Roosevelt EL-HS
Colfax	2	Richland EL-HS
Columbus	2	Columbus EL-HS
Courtenay	2	Courtenay EL-HS
Crosby	2	Divide County EL-HS
Devils Lake	2	Devils Lake Central SHS
	1	Minnie H EL
	2	Prairie View EL
	1	Sweetwater EL
	1	St. Joseph EL
Dickinson	2	Al Hagen JHS
	2	Dickinson High SHS
	1	Gladstone EL
	1	P. S. Berg EL
	1	Roosevelt
	2	St. Joseph EL
	2	St. Patrick EL
	2	St. Wenceslaus EL
Driscoll	2	Driscoll EL-HS
Dunseith	1	Dunseith EL-HS
Egeland	2	East Central EL-HS
Elgin	2	Elgin EL-HS
Emerado	2	Emerado EL
Epping	2	Epping EL-HS

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Location	Code *	School Name
Fairmount	2	Fairmount EL-HS
Fairview	2	Yellowstone EL
Fargo	2	B. Franklin JHS
	2	South Sr. High SHS
Fingal	2	Fingal EL-HS
Flasher	2	Flasher EL-HS
Flaxton	2	Flaxton EL-HS
Fordville	2	Fordville EL-HS
Fort Totten	1	Fort Totten EL-HS
Fort Yates	1	St. Bernard's Mission EL
Fullerton	2	Fullerton EL-HS
Glenburn	1	Glenburn EL-HS
Golden Valley	2	Juzeler EL-HS
Goodrich	2	Goodrich EL-HS
Grace City	2	Grace City EL-HS
Grand Forks	1	Belmont EL
	2	Central Sr. High SHS
	2	Valley Jr. High JHS
	1	Washington EL
	2	Wilder EL
	2	Winship EL
	2	St. Michael's EL
Hague	2	Bakker EL
	2	Hague EL-HS
Hannaford	2	Hannaford EL-HS
Hannah	2	Linden EL-HS
Hoople	2	Valley EL-HS
Jud	2	Jud EL-HSD
Kensal	2	Kensal EL-HS
Lankin	2	Lankin EL-HS
Lefor	2	Lefor EL-HS
Lignite	2	Burke Central EL-HS
Lisbon	2	Lisbon EL-HS
Mandan	1	Custer EL
	2	Christ the King EL
	2	Mandan Sr. High SHS
	2	Mandan Central EL
	2	Mary Stark EL
	1	North Dakota State Industrial School
	2	Roosevelt EL
	2	St. Joseph's EL
McClusky	2	McClusky EL-HS
McKenzie	1	McKenzie EL
Medora	2	Billings County EL
Minnewaukan	2	Minnewaukan EL-HS
Minot	2	Central Campus School SHS
	1	Jefferson EL
Minot cont.	2	Lincoln EL
	2	Magic City Campus SHS
	2	Roosevelt EL
	2	Sunnyside EL
Minto	2	Minto EL-HS
Newburg	2	Newburg EL-HS
New England	1	New England EL-HS
New Town	2	New Town EL-HS
Oakes	2	Oakes EL-HS
Oberon	2	Oberon EL-HS
Palermo	2	Palermo EL-HS
Parshall	1	Parshall EL-HS
Pembina	2	Pembina EL-HS
Pettibone	2	Pettibone EL-HS
Pisek	2	Pisek EL-HS
Plaza	2	Plaza EL-HS
Powers Lake	1	Powers Lake EL-HS
Regent	1	Regent EL-HS
Robinson	2	Robinson EL-HS
Rock Lake	2	Rock Lake EL-HS
Rugby	2	Rugby EL-HS
Selfridge	2	Selfridge EL-HS
Sharon	2	Sharon EL-HS
Sheldon	2	Sheldon EL-HS
Sherwood	2	Sherwood EL-HS
Sheyenne	2	Sheyenne EL-HS
Solen	2	Solen EL-HS
Souris	2	Souris EL-HS
St. John	2	St. John EL-HS
St. Michael	1	St. Michael Tribal
St. Thomas	2	St. Thomas EL-HS
Stanley	2	Stanley EL-HS
Steele	2	Steele EL-HS
Streeter	2	Streeter EL-HS
Taylor	2	Taylor EL-HS
Towner	2	Newport EL-HS
Trenton	2	Eight Mile EL-HS
Upham	2	Upham EL-HS
Verona	2	Verona EL-HS
Walhalla	2	Walhalla EL-HS
Warwick	2	Warwick EL-HS
Watford City	2	McKenzie County EL-HS
West Fargo	2	L. E. Berger Middle School EL
Willow City	2	Willow City EL-HS
Woodworth	2	Woodworth EL-HS
Zap	2	Zap EL-HS

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Location	Code *	School Name
Aberdeen	1	Aberdeen EL
Addyston	1	Addyston EL
Akron	2	Barrett EL
	1	Bryan EL
	2	Buchtel HS
	2	Central-Hower HS
	2	Cottage Grove EL
	1	Crosby EL
	2	Crouse EL
	2	East HS
	2	Erie Island EL
	1	Findley EL
	1	Fraumfelter EL
	2	Garfield HS
	2	Glover EL
	2	Goodrich JHS
	2	Goodyear JHS
	1	Grace EL
	1	Henry EL
	2	Hill EL
	2	Jennings JHS
	2	Kent JHS
Akron cont.	1	Lane EL
	1	Leggett EL
	1	Lincoln EL
	1	Margaret Park EL
	2	Mason EL
	1	McEbright EL
	2	North HS
	2	Perkins JHS
	1	Portage Path EL
	2	Rankin/Maple Valley EL
	1	Robinson EL
	1	St. Anthony EL
	1	St. Bernard EL
	2	St. Martha EL
	2	St. Peter EL
	2	Seiberling EL
	2	Schumacher EL
	1	South HS
	2	Stewart EL
	1	Thornton JHS
	1	West JHS
	1	Washington EL
Alliance	1	Washington EL

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Location	Code *	School Name
Allensville	1	Allensville EL
Alliance	2	Alliance HS
	1	Franklin EL
	2	Liberty EL
	2	Maple Ridge EL
	1	Morgan EL
	1	North Lincoln EL
	2	South Lincoln EL
	1	Stanton JHS
	2	State Street JHS
Amanda	2	Amanda K-12
Amesville	2	Amesville EL
Andover	2	Pymatuning Valley EL
	2	Pymatuning Valley EL
Antwerp	2	Antwerp K-12
Ashtabula	2	Ashtabula HS
	1	Chestnut EL
	2	Columbus JHS
	1	Mother of Sorrows EL
	2	St. Joseph EL
	1	Station EL
	2	Washington EL
	2	West JHS
	2	Windermere EL
Athens	2	Athens Middle EL
Baltic	2	Baltic EL
	2	Meadow Valley EL
Barberton	1	Decker EL
	2	U.L. Light JHS
	1	Washington EL
Barnesville	2	Barnesville K-12
Bartlett	2	Bartlett EL
Batavia	1	Northeastern EL
	2	Clermont Northeastern EL
	2	Clermont Northeastern HS
Bateaville	2	Bateaville EL
Beaver	1	Beaver EL
	1	Eastern HS
Bellaire	2	Bellaire HS
	2	Central JHS
	2	First Ward EL
	2	Gravel Hill EL
	2	Indian Run EL
	2	Key Ridge EL
	2	Rose Hill EL
Bellefontaine	1	Western EL
Belle Valley	2	Belle Valley EL
Bellville	2	Bellville EL
Belpre	2	Belpre EL
Bentonville	1	Bentonville EL
Berlin	2	Berlin-Wiee EL
	2	Charm EL
	2	Flat Ridge EL
	2	Highland Middle EL
	2	Hiland HS
Beverly	2	Beverly EL
	2	Ft. Frye HS
Bidwell	1	Bidwell-Porter EL
Blackfork	1	Blackfork EL
Bladensburg	2	Bladensburg EL
Blanchester	2	Blanchester JHS
	2	Blanchester HS
	2	Main St. EL
	2	Putman EL
Bloomingburg	2	Bloomingburg EL
Bloomingdale	2	Wayne EL
Blue Creek	1	Cedar Mills EL
	1	Jefferson EL
Bowerston	2	Bowerston EL
	2	Conotton Valley HS
Bowling Green	2	Bowling Green JHS
	2	Bowling Green HS
	2	Conneaut EL
Bowling Green cont.	2	Crim EL
	2	Kenwood EL
	1	Liberty EL
	2	Milton EL
	2	Ridge EL
	2	South EL
Brilliant	2	Brilliant EL
Bristolville	2	Bristol K-12
Bucyrus	2	Bucyrus Middle JHS
	1	Crawford EL
	2	Kearsley EL
	2	Lincoln EL
Buford	2	Buford EL
Caldwell	2	Caldwell EL
Cambridge	2	Garfield EL
	1	Lincoln EL
Cameron	1	Cameron EL
Campbell	2	Memorial HS
	2	Reed EL
Canton	1	Allen EL
	1	Belden EL
	1	Burns EL
	2	Clarendon EL
Canton	1	Crenshaw JHS
	1	Dueber EL
	1	Garfield EL
	1	Gibbs EL
	1	Hartford JHS
	1	Lathrop EL
	2	Lincoln HS
	1	Martin EL
	1	McGregor EL
	1	McKinley HS
	1	Pleasant View EL
	1	St. Anthony EL
	1	St. Benedict EL
	2	St. John the Baptist EL
	2	St. Joseph EL
	1	St. Paul EL
	1	St. Peter EL
	1	Souers JHS
	2	Summit EL
	2	Timken HS
	2	Trump Rd. EL
	1	Washington EL
	1	Wells EL
	1	Youtz EL
Cardington	2	Cardington EL
Carlisle	2	Carlisle EL
Carrollton	2	Carrollton K-12
Centerburg	2	Centerburg 1-12
Chandlersville	2	Chandlersville EL
Chatfield	2	Buckeye West EL
Chauncey	1	Chauncey EL
Chesapeake	1	East EL
	1	West EL
Cheshire	1	Cheshire-Kyger EL
Chesterhill	2	Marion EL
Chesterville	2	Highland North EL
Chillicothe	1	Bainbridge EL
	2	Central EL
	1	Harrison EL
	1	Higby-Pride EL
	2	Huntington K-12
	2	McArthur EL
	2	Mt. Logan K-9
	2	Smith JHS
	1	Tiffin EL
	2	Twin EL
	2	Zane Trace K-12
Cincinnati	1	Ach JHS
	2	Aiken HS
	2	Anderson HS

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List of Schools Determined to have High Concentrations of Students from Low-Income Families
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Location	Code *	School Name
Cincinnati cont.	2	Arlington Primary EL
	1	Bloom JHS
	2	Bond Hill/Swifton EL
	1	Burdett EL
	1	Burton EL
	1	Campbell JHS
	2	Central Fairmount EL
	1	Chase EL
	2	Clifton EL
	1	Columbian EL
	2	Crest Hills JHS
	1	Cummins EL
	1	Cutter JHS
	1	Douglas EL
	1	Eastwood EL
	1	Fairview EL
	1	Garfield-Millvale EL
	1	Hays EL
	1	Heberle EL
	1	Heinold JHS
	1	Highlands EL
	1	Hoffman EL
	2	Holy Cross 1-8
	1	Holy Family/Our Lady of Grace EL
	2	Hughes HS
	2	Kennedy EL
	2	Kirby Rd. EL
	1	Lincoln EL
	1	Lincoln Hgts. EL
	2	Lucas EL
	2	Lyon JHS
	2	Madisonville-Bramble EL
	1	McKinley EL
	2	McMillan Center (ungraded)
	2	Merry JHS
	2	North Avoodale EL
	1	North Fairmount/Carll EL
	2	Oakley EL
	1	Oyler EL
	1	Parham EL
	1	Peaslee EL
	1	Porter JHS
	2	Princeton JHS
	2	Princeton HS
	2	Quebec Hgts. EL
	2	Roberts JHS
	1	Rockdale EL
	1	Roll Hill EL
	1	Roosevelt EL
	1	Rothenberg EL
	1	St. Anthony EL
	1	St. Francis De Sales EL
	1	St. Francis Seraph EL
	1	St. George EL
	1	St. Leo EL
	1	St. Mark EL
	1	St. Martin De Porres EL
	1	St. Pius EL
	2	St. Vincent De Paul EL
	1	Sands EL
	1	Sawyer JHS
	1	Schiel EL
	2	Schwab JHS
	1	South Avondale EL
	1	Taft EL
	2	Taft HS
	1	Vine EL
	2	Walnut Hills HS
	1	Washburn EL
	1	Washington/Millvale EL
	1	Washington Park-6th Dist. EL
	2	Western Hills HS
	2	Whittier-Osage EL
	1	Windsor EL
Cincinnati cont.	1	Winton Place EL
	1	Winton Terrace EL
	2	Withrow HS
	2	Woodlawn-Riddle EL
	2	Woodward HS
Circleville	2	Circleville JHS
	2	Corwin St. EL
	2	Mound St. EL
	1	S. Court EL
Clarksburg	2	Clarksburg EL
Clarksville	1	Clarksville EL
	2	Clinton-Massie HS
Cleveland	1	Adams HS
	1	Addams Voc. HS
	1	Addison JHS
	2	Almira EL
	1	Attucks EL
	1	Audubon JHS
	2	Barkwill EL
	2	Beehive EL
	1	Benesch EL
	1	Bethune-Rosedale EL
	2	Blessed Sacrament 1-8
	1	Bolton EL
	1	Boulevard EL
	2	Brett EL
	1	Brewer EL
	1	Brobst EL
	1	Buhrer EL
	1	Burroughs EL
	1	Carver EL
	2	Case EL
	1	Central JHS
	1	Chesterfield EL
	1	Chestnut EL
	2	Clark EL
	1	Cleaveland EL
	2	Collinwood HS
	1	Columbia EL
	1	Corlett EL
	1	Cranwood EL
	1	Davis JHS
	2	Denison EL
	1	Dickens EL
	1	Diehl JHS
	1	Dike EL
	1	Doan EL
	1	Dunbar EL
	1	Dunham EL
	1	East HS
	1	East Clark EL
	1	East Madison EL
	1	East Tech HS
	2	Eliot JHS
	1	Empire JHS
	1	Fruitland EL
	1	Fulton EL
	1	Giddings EL
	2	Gilbert EL
	1	Glenville HS
	1	Gordon EL
	1	Anton Grdina EL
	1	Hale JHS
	2	Halle EL
	2	Hamilton JHS
	2	Hart JHS
	2	Harvard EL
	1	Hay HS
	2	Hayes Tech Voc. HS
	1	Hazeldell EL
	1	Henry JHS
	2	Herrick JHS
	1	Hicks EL
	1	Hodge EL

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Location	Code *	School Name
Cleveland cont.	1	Holmes EL
	1	Hough EL
	1	Howe EL
	1	Howells JHS
	1	Immaculate Conception EL
	1	Iowa-Maple EL
	1	Ireland EL
	1	Irving EL
	2	Jamison JHS
	2	Jefferson JHS
	1	Kennard JHS
	2	Kennedy HS
	1	Kentucky-McGuffey EL
	1	M.L. King HS
	1	LaFayette EL
	1	Lake EL
	1	Landis EL
	1	Lawn EL
	1	Lincoln JHS
	2	Lincoln West HS
	1	Longfellow EL
	2	Longmead-Johnson EL
	1	Longwood EL
	1	Marion-Sterling EL
	2	Marshall HS
	1	Martin EL
	1	Miles EL
	1	Miles Park EL
	2	Milford EL
	1	Morgan EL
	2	Mound EL
	1	Mt. Auburn EL
	1	Mt. Pleasant EL
	1	Mt. Pleasant Center EL
	1	Murray Hill EL
	1	Orchard EL
	1	Orr EL
	2	Our Lady of Mt. Carmel E. EL
	1	Parkway EL
	1	Parkwood EL
	1	Pasteur EL
	1	Quincy EL
	1	Raper EL
	1	Rawlings JHS
	1	Revere EL
	1	Rice EL
	1	Rickoff EL
	1	Rockefeller EL
	1	Roosevelt JHS
	1	Roth EL
	2	Sackett EL
	1	St. Adalbert EL
	1	Sta. Agatha & Aloysius EL
	1	St. Catherine EL
	1	St. Francis EL
	2	St. Joseph EL
	1	St. Joseph Franciscan EL
	1	St. Michael EL
	1	St. Paul EL
	1	St. Philip Neri EL
	1	St. Procop EL
	1	St. Thomas Aquinas EL
	2	St. Vitus EL
	1	Scranton-Mill EL
	2	Seltzer EL
	2	Shuler JHS
	2	South HS
	1	Sowinski EL
	2	Spellacy JHS
	1	Stanard EL
	1	Standish EL
	1	Tod EL
	1	Tremont EL
Cleveland cont.	2	Union EL
	1	Urban Community EL
	1	Wade Park EL
	1	Walton EL
	1	Waring EL
	1	Watterson-Lake EL
	1	Waverly EL
	1	Wayne EL
	2	West JHS
	2	West Tech HS
	2	Willard EL
	1	Willow EL
	1	Willson JHS
	1	Woodland EL
	1	Woodland Hills EL
	1	Wooldridge EL
Cleves	2	Young EL
Coal Grove	2	Dawson-Bryant EL
	1	Monitor EL
Coalton	1	Coal EL
Columbus	1	Alum Crest EL
	2	Arlington Park EL
	1	Avondale EL
	1	Barrett JHS
	1	Beatty Park EL
	1	Beck St. EL
	2	Beery JHS
	1	Bellows EL
	2	Broadleigh EL
	2	Burroughs EL
	2	Calumet EL
	2	Cassady EL
	1	Central HS
	1	Champion JHS
	1	Chicago Ave. EL
	2	Clarfield EL
	1	Dana Ave. EL
	2	Deshler EL
	1	Douglas EL
	1	Duxberry Park EL
	2	Eakin EL
	1	East HS
	1	East Columbus EL
	2	East Franklin EL
	1	Eastgate EL
	2	East Linden EL
	2	Eastmoor JHS
	2	Eastmoor HS
	1	Eastwood EL
	1	Eleventh Ave. EL
	1	Everett JHS
	1	Fair Avenue EL
	1	Fairwood EL
	1	Felton EL
	1	Fifth Avenue EL
	2	Finland EL
	2	Finland Middle EL
	1	Franklin JHS
	1	Franklinton EL
	1	Fulton EL
	1	Garfield EL
	1	Gladstone EL
	1	Hamilton Ave. EL
	2	Hamilton Central EL
	2	Hamilton Middle EL
	2	Hamilton HS
	1	Heimandale EL
	1	Heyl EL
	1	Highland EL
	2	Hilltonia JHS
	1	Hubbard EL
	1	Hudson EL
	2	Indianola EL

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Location	Code *	School Name
Columbus cont.	1	Indianola JHS
	1	Kent EL
	2	Koebel EL
	1	Lexington EL
	1	Lincoln Park EL
	1	Linden EL
	1	Linden McKinley HS
	1	Linmoor JHS
	1	Livingston Ave. EL
	1	Main St. EL
	2	Marion-Franklin HS
	2	McGuffey K-9
	1	Medary EL
	2	Medina JHS
	1	Michigan Ave. EL
	2	Mifflin JHS-HS
	1	Milo EL
	1	Mohawk JHS-HS
	1	Monroe JHS
	2	North HS
	2	Northwood EL
	1	Ohio Ave. EL
	1	Pilgrim EL
	1	Reeb Ave. EL
	1	Roosevelt JHS
	1	Second Ave. EL
	2	Seibert EL
	1	Shepard EL
	1	South HS
	2	S. Franklin EL
	1	S. Mifflin EL
	2	Southmoor JHS
	2	Southwood EL
	1	Starling JHS
	2	Stewart EL
	1	Sullivant Ave. EL
	1	Thurber EL
	1	Trevitt EL
	1	Weinland Park-6th Ave. EL
	2	West HS
	2	West Broad EL
	2	W. Franklin EL
	2	Westmoor JHS
	2	W. Mound EL
	1	Windsor EL
Conesville	1	Conesville EL
Conneaut	2	Amboy EL
	2	Chestnut EL
	2	Lakeview EL
	2	Monroe EL
	2	Rowe JHS
	1	Southeast EL
Continental	2	Continental K-12
Coolville	2	Coolville EL
Corning	1	Corning EL
Coshocton	2	Middle EL
	1	Pleasant Valley EL
	2	South Lawn EL
	1	Sycamore EL
	1	Three Rivers EL
Crestline	2	Central 5-12
Cridersville	2	Perry Local K-12
Crooksville	2	Bearfield EL
	2	McCluney EL
	1	York EL
Crown City	1	Hannan Trace EL
	2	Hannan Trace HS
Cutler	2	Cutler EL
Cynthiana	1	Cynthiana EL
Dayton	1	Addams EL
	2	Allen EL
	2	Belmont HS
	2	Brantwood EL
	1	Carlson EL
Dayton cont.	2	Col. White HS
	2	Cornell Hgts. JHS
	2	Drexel K-8
	1	Dunbar HS
	1	Edison EL
	1	Emerson EL
	2	Fairport EL
	2	Fairview HS
	2	Franklin EL
	1	Gardendale EL
	2	Gettysburg EL
	2	Grafton-Kennedy EL
	1	Greene, Grace A. El
	2	Harshman EL
	1	Hawthorne EL
	1	Highview EL
	1	Holy Family EL
	1	Huffman EL
	1	Immaculate Conception 1-8
	1	Irving EL
	1	Jackson EL
	1	Jefferson EL
	2	Kiser HS
	2	Lincoln EL
	1	Longfellow EL
	1	MacFarlane EL
	2	Mad River JHS
	1	McGuffey EL
	1	McNary Park EL
	2	Meadowdale HS
	1	Miami Chapel-Troy EL
	2	Morrison EL
	2	Northridge Middle EL
	2	Olive Hill EL
	2	Patterson-Kennedy EL
	1	Precious Blood 1-8
	2	Residence Park K-8
	1	Resurrection EL
	1	Roosevelt HS
	2	Roth HS
	1	Ruskin EL
	1	St. James EL
	1	Stivers HS
	1	Town View EL
	1	Van Cleve EL
	2	Washington EL
	1	Weaver EL
	2	Webster EL
	1	Westwood EL
	1	Whittier EL
	1	Wogaman EL
	2	Wright EL
	2	Wright HS
Decatur	2	Decatur EL
Delphos	2	Franklin EL
Dennison	2	Claymont JHS
	2	Northside-Claymont EL
	2	Park EL
Dexter	1	Dexter City EL
Dublin	2	Jerome EL
Dundee	1	Dundee EL
East Canton	2	Osnaburg EL
East Cleveland	1	Chambers EL
	1	Kirk JHS
	1	Mayfair EL
	1	Prospect EL
	1	Rozelle EL
	2	Shaw HS
	1	Superior EL
East Liverpool	1	East EL
	2	Lacroft EL
	1	North EL
	2	St. Aloysius EL

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Location	Code *	School Name
East Liverpool cont.	1	Westgate EL
	2	Westgate JHS
East Palestine	2	East North EL
	2	Negley EL
East Sparta	2	East Sparta EL
Edenton	2	Edenton EL
Elyria	2	Elyria HS
	2	Franklin JHS
	2	Gates EL
	2	Hamilton EL
	1	Roosevelt EL
	1	Vincent EL
Euclid	2	Euclid HS
Fairborn	2	Central EL
	2	East EL
	2	Five Points EL
	2	Five Points JHS
	2	South-Palmer EL
	1	Wright EL
Fairpoint	2	Fairpoint EL
Farmdale	2	Gustavus EL
Felicity	2	Felicity-Franklin K-12
Fostoria	2	Bryant EL
	2	Emerson JHS
Franklin	2	Anthony Wayne EL
	2	Farrell EL
Franklin Furnace	2	Green K-12
Freeport	2	Londonderry EL
Fremont	2	Atkinson EL
	2	Croghan EL
	2	Fremont JHS
	2	Otis EL
	2	Ross HS
	2	Stamm EL
Friendship	1	Friendship EL
Galion	2	Dawsett EL
	1	East EL
Gallipolis	1	Addaville EL
	2	Gallia Academy JHS-HS
	2	Washington EL
Garrettsville	2	Garfield EL
Geneva	2	Assumption EL
	2	Geneva EL
	2	Geneva HS
	2	Spencer EL
Germano	2	Germano EL
Gettysburg	2	Gettysburg EL
Girard	2	Tod Woods EL
Glouster	1	Homer Union EL
	2	Trimble EL
	2	Trimble HS
Good Hope	2	Wayne EL
Goshen	2	Cook EL
	2	Goshen Primary EL
Grand River	2	Hutchinson EL
Graysville	1	Graysville EL
	2	Skyview HS
Greenfield	2	Buckskin EL
	2	Greenfield EL
	2	Petersburg EL
Greenville	2	Greenville HS
Grove City	1	Urbancrest EL
Hamden	1	Hamden EL
Hamersville	1	Hamersville EL
Hamilton	2	Buchanan EL
	2	Garfield HS
	2	Harding JHS
	1	Harrison EL
	1	Jefferson EL
	1	Madison EL
	2	Fairfield North EL
	1	Roosevelt JHS
	2	Van Buren EL
Hanging Rock	1	Rock Hill #4 EL
Hanoverton	2	United K-12
Harrison	2	Harrison EL
	2	Harrison HS
Harrisonville	1	Harrisonville EL
Harveysburg	1	Harveysburg EL
Hebron	2	Hebron EL
Higginsport	1	Higginsport EL
Hillsboro	1	Belfast EL
	2	Hillsboro HS
	2	Marshall EL
	2	Washington EL
	2	Webster EL
Holland	2	Spencer-Sharples EL
	2	Springfield JHS
Hooven	2	Hooven-Etown EL
Howard	2	Howard EL
Hoytville	2	Jackson Middle EL
Hubbard	2	Reed EL
	2	Roosevelt EL
Ironton	2	Campbell EL
	1	Deering EL
	1	Kingsbury EL
	2	Lawrence St. EL
	2	Rock Hill #2 EL
	2	Rock Hill JHS
Jackson	1	Bloomfield EL
	1	Franklin EL
	1	Jackson EL
	2	Jackson HS
	1	Kinnison EL
	1	Lick EL
	1	Scioto EL
	2	South St. EL
Jacobsburg	2	Centerville EL
Jasper	1	Jasper EL
Jeffersonville	2	Jeffersonville EL
Jewett	2	Jewett EL
Johnstown	2	Bennington EL
	1	Douglas EL
	2	Oregon EL
Junction City	1	Junction City EL
Kalida	2	Kalida K-12
Keene	1	Keene EL
Kenton	2	Kenton JHS
	2	Westview EL
Kingston	2	Zane Trace EL
Kitts Hill	1	Andis EL
Lakeside	2	Danbury K-12
Lakewood	2	Emerson EL
	2	Harding EL
	2	Lakewood HS
	2	Mann EL
Lancaster	1	South EL
	2	West EL
Langsville	1	Salem Center EL
Latham	1	Western HS
Laurelville	2	Laurelville EL
	2	South Bloomingville EL
Leavittsburg	2	Bascom EL
	2	Leavitt EL
Lebanon	2	Berry EL
Leipsic	2	Leipsic K-12
Lima	1	Edison EL
	1	Emerson EL
	1	Faurot EL
	1	Garfield EL
	2	Irving EL
	1	Jefferson EL
	2	Lima HS
	1	Lincoln EL
	2	Longfellow EL
	1	Lowell EL
	2	Mann EL
	1	North JHS

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Location	Code *	School Name
Lima cont.	1	South JHS
	2	Washington-McKinley EL
	1	Whittier EL
Lisbon	1	Wayne EL
Logan	2	East EL
	2	Green EL
London	2	Fairfield EL
	2	Madison Rural EL
	2	Primary EL
Londonderry	2	Londonderry EL
Lorain	1	Boone-Hawthorne EL
	1	Charleston EL
	2	Clearview HS
	1	Durling EL
	2	Fairhome EL
	2	Garfield EL
	2	Irving EL
	2	King HS
	2	Larkmoor EL
	1	Lincoln EL
	2	Lorain HS
	2	Lowell EL
	2	Masson EL
	1	St. Ladislaus EL
	2	St. Mary EL
	1	St. Nicholas Byzantine EL
	1	St. Stanislaus-Trinity EL
	2	Sheffield Middle JHS
	2	Southview HS
	1	Whittier EL
Lowell	1	Lowell EL
Lower Salem	1	Salem-Liberty EL
Lucasville	2	Glendale EL
	1	Morgan EL
	2	Valley EL
	1	Valley EL
Macon	2	Eastern HS
Magnolia	2	Magnolia EL
	2	Sandy Valley HS
Manchester	2	Manchester K-12
Mansfield	2	Carpenter EL
	1	Creveling EL
	1	Empire EL
	1	Hedges EL
	1	Newman EL
	1	Roseland EL
	2	Sherman JHS
	2	Simpson JHS
	2	Springmill EL
	1	West 5th EL
Marengo	2	Highland West EL
Marietta	2	Harmar EL
	1	Lawrence EL
	2	Marion EL
	1	Norwood EL
	2	Phillips-Norwood EL
Marion	2	Edison EL
	1	Glenwood EL
	2	Harding JHS
	2	Harding HS
	1	Mark Street EL
	1	N. Main EL
	1	Oak Street EL
	2	Oliney Ave. EL
	1	Silver Street EL
	1	Taft Middle EL
Martins Ferry	1	North EL
Martinsville	2	Martinsville-Antioch EL
Massillon	1	Emerson EL
	1	Franklin EL
	1	Jones JHS
	1	Lincoln EL
	2	Longfellow JHS
Massillon cont.	2	Washington HS
	2	York EL
Maumee	2	Gateway JHS
	2	Maumee HS
McArthur	1	McArthur EL
McClure	2	McClure EL
McComb	2	McComb EL
McConnelsville	2	McConnelsville EL
McDermott	1	McDermott EL
	1	Union EL
Mechanicsburg	2	Mechanicsburg K-12
Mentor	2	Headlands EL
	2	Lake EL
	2	Mentor HS
	1	Shore JHS
	2	Sterling Morton EL
Mesopotamia	1	Mesopotamia EL
Middleport	2	Bradbury EL
	2	Middleport EL
Middletown	2	Amanda EL
	2	Amanda JHS
	1	Central EL
	2	Freshman HS
	1	Garfield EL
	2	Jefferson EL
	2	Mayfield EL
	1	McKinley JHS
	2	Middletown HS
	2	Oneida EL
	2	Roosevelt JHS
	2	Sherman EL
	1	Taft EL
Midland	2	Jefferson EL
Milledgeville	1	Jasper EL
Millersburg	2	Mt. Hope EL
Millersport	2	Walnut Twp. K-12
Minersville	1	Racine JHS
Minford	2	Minford Primary EL
	2	Minford Middle EL
Mingo Junction	2	Harmony EL
Monroeville	2	Greenfield EL
Montville	1	Montville EL
Morristown	2	Morristown EL
Moscow	2	Moscow EL
Mt. Orab	1	Mt. Orab EL
	2	Western Brown HS
Mt. Sterling	2	Madison-Mills EL
	2	Monroe EL
Mt. Vernon	1	Columbia EL
	2	East EL
	2	Elmwood EL
	2	Mt. Vernon HS
	2	Mulberry St. EL
	2	Pleasant EL
	2	West EL
Mowrystown	2	Whiteoak HS
Moxahala	1	Moxahala EL
Murray City	1	Murray City EL
Nelsonville	2	Nelsonville EL
	2	Nelsonville-York JHS
	1	Poston EL
	1	York EL
Newark	1	Central EL
	2	Central JHS
	1	Coprad EL
	2	Franklin EL
	1	Hartzler EL
	2	Kettering EL
	2	Lincoln EL
	1	Maholm EL
	2	Mound EL
	2	Newark HS

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List of Schools Determined to have High Concentrations of Students from Low-Income Families For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
New Boston	1	Glenwood HS
	1	Oak EL
	1	Stanton EL
New Lexington	1	Clayton EL
	2	New Lexington EL
	2	New Lexington JHS
New Marshfield	2	Waterloo EL
New Metamoras	2	Metamoras EL
New Philadelphia	2	Front Avenue EL
Newport	2	Newport EL
New Richmond	2	New Richmond EL
New Straitsville	1	New Straitsville EL
Newton Falls	2	Vaughn EL
New Washington	2	Buckeye Central HS
Niles	2	Jackson EL
	2	Jefferson EL
	1	St. Stephen EL
Norton	2	Sherman EL
Norwalk	2	Pleasant-League EL
Norwood	2	Allison St. EL
	2	Norwood JHS
	2	Sharpsburg EL
Oak Hill	1	Central EL
	1	Lewis EL
	1	Oak View EL
Ottawa	2	Ottawa EL
Ottoville	2	Ottoville K-12
Otway	1	Otway EL
Owensville	2	Clermont Northeastern EL
Painesville	2	Harvey HS
	2	Huntington EL
	2	St. Clair EL
	2	Walnut EL
Pandora	2	Pandora-Gilboa K-12
Parma	1	Parmadale EL
Patriot	1	Canmas EL
	2	Southwestern HS
Paulding	2	Paulding K-12
Pedro	1	Rock Hill #1 EL
	1	Rock Hill #3 EL
Peebles	1	Franklin EL
	2	Peebles K-12
Pennsville	1	Pennsville EL
Pickerington	2	Pickerington EL
Piketon	1	Idaho-Parker EL
	2	Piketon HS
	1	Zahns Corner EL
Piqua	1	South St. EL
	1	Staunton EL
Plainfield	2	Plainfield EL
Plymouth	2	Plymouth EL
Pomeroy	2	Meigs HS
	1	Pomeroy EL
	2	Salisbury EL
Port Clinton	2	Bataan EL
Portland	1	Portland EL
Portsmouth	1	Dry Run EL
	1	Garfield EL
	1	Grant EL
	1	Harding EL
	1	Highland EL
	1	Lincoln EL
	1	McKinley JHS
	1	North Moreland EL
	2	Portsmouth HS
	1	Wilson EL
Proctorville	2	Fairland East EL
	2	Fairland West EL
Racine	1	Letart EL
	1	Racine EL
	2	Southern HS
Rainsboro	2	Rainsboro EL
Ravenna	2	Brown JHS
	2	Southeast K-12
Rawson	2	Rawson K-12
Rayland	2	Rayland EL
	2	Smithfield EL
Reedsville	2	Eastern HS
	1	Riverview EL
Richmond Dale	2	Richmond Dale EL
Ripley	1	Ripley EL
	2	Ripley HS
Rock Creek	2	Rock Creek EL
Rockford	2	Rockford EL
Rome	2	Rome-Hartagrove EL
Rootstown	2	Rootstown K-12
Roseville	2	Roseville EL
Russellville	2	Russellville EL
Rutland	1	Rutland EL
Sabina	2	Sabina EL
St. Clairsville	2	St. Clairsville K-12
Salineville	1	Highlandtown EL
Sandusky	2	Adams JHS
	2	Mills EL
	2	Ontario EL
	2	Sandusky HS
Sandyville	2	Sandyville EL
Sarahsville	2	Sarahsville EL
	2	Shenandoah HS
Sardinia	2	Ash Ridge EL
	2	Sardinia EL
Scioto Furnace	1	Scioto Furnace EL
Sciotoville	1	Lindsay EL
Scottown	1	Windsor #2 EL
Seaman	2	North Adams HS
	1	Seaman-Wayne EL
Sebring	2	Sebring EL
Sedalia	2	Midway EL
Shade	2	Shade EL
Shawnee	1	Shawnee EL
Shelby	2	Central EL
Sherrodsville	2	Sherrodsville EL
Shiloh	2	Shiloh EL
Sidney	2	Central EL
Sinking Spring	1	Sinking Spring EL
Southington	2	Southington K-12
South Point	2	Burlington EL
	2	Number #1 EL
	2	Number #2 EL
	2	Sheridan EL
South Webster	2	South Webster EL
Spencerville	2	Spencerville EL
Springfield	2	Bushnell EL
	2	Clark JHS
	1	Emerson EL
	2	Franklin JHS
	1	Frey EL
	1	Fulton EL
	2	Grayhill EL
	2	Hayward JHS
	2	Highlands EL
	1	Keifer JHS
	1	Lagonda EL
	2	Lincoln EL
	2	McGuffey EL
	2	McKinley EL
	2	North HS
	2	Snyder Park EL
	2	South HS
	2	Washington EL
Steubenville	1	Garfield EL
	1	Grant EL
	2	Lincoln EL
	2	Roosevelt EL
	2	Steubenville HS
	1	Wells EL
Stewart	2	Stewart EL
Stockdale	1	Stockdale EL

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List of Schools Determined to have High Concentrations of Students from Low-Income Families
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Location	Code *	School Name
Stoutsville	2	Clearcreek EL
Stout	1	Green EL
Struthers	2	Coitsville EL
Sugarcreek	2	Miller Avenue EL
	1	Ragersville EL
Sugar Grove	2	Berne Union 1-12
Sugartree Ridge	1	Concord EL
Summerfield	2	Summerfield EL
Summitville	1	Franklin EL
Sycamore Valley	1	Bethel EL
Syracuse	1	Syracuse EL
The Plains	2	Athens HS
	2	Plains EL
Thompson	1	Thompson EL
Thurman	1	Centerville EL
Tiffin	2	Noble EL
Tiltonsville	2	Tiltonsville EL
Tiro	2	Buckeye East EL
Toledo	2	Birmingham EL
	1	Chase EL
	2	Cherry EL
	2	DeVilbiss HS
	2	Dorr EL
	2	East Side Central EL
	2	Franklin EL
	1	Fulton-Col EL
	2	Garfield EL
	1	Glenwood-Col. EL
	1	Gunckel EL
	2	Hale EL
	2	Hamilton EL
	2	Jones EL
	1	King EL
	1	LaGrange EL
	1	Libbey HS
	1	Lincoln EL
	2	Macomber HS
	2	Marshall EL
	2	Navarre EL
	2	Oakdale EL
	1	Pickett EL
	2	Riverside EL
	1	Robinson EL
	2	Rogers HS
	1	St. Mary's EL
	1	St. Teresa EL
	1	Scott HS
	1	Sherman EL
	2	Spring EL
	1	Stewart EL
	2	Stickney EL
	2	Waite HS
	2	Walbridge EL
	1	Warren EL
	1	Washington EL
	1	Westfield EL
	2	Woodward HS
Trotwood	2	Trotwood JHS
Troy	2	Forest EL
	2	Heywood EL
	2	Kyle EL
Tuppers Plains	2	Tuppers Plains EL
Uhrichsville	2	Rush EL
	2	Trenton EL
Union Furnace	2	Starr Washington EL
Van Wert	2	East EL
	1	Marsh EL
Vinton	2	Vinton 1-12
Walnut Creek	2	Walnut Creek-Chestnut Ridge EL
Warren	2	Alden EL
	2	East JHS
	2	Elm Road EL
	2	First Street EL
	2	Harding HS
Warren cont.	1	Jefferson EL
	2	Turner JHS
	1	Washington EL
	2	West JHS
	2	Western Reserve HS
	2	Willard EL
Warsaw	1	Riverview HS
	1	Union EL
	1	Warsaw EL
Washington C.H.	2	Chaffin/Wilson/Eber EL
	2	Rose Avenue EL
	2	Staunton/Olive EL
Washingtonville	1	Washingtonville EL
Waterford	2	Waterford EL
Waterloo	1	Waterloo EL
Watertown	2	Watertown EL
Waverly	1	East EL
	1	North EL
	1	West EL
Waynesburg	2	St. James EL
	2	Waynesburg EL
Waynesville	2	Wayne K-12
Wellston	2	Bundy EL
	1	Central EL
	2	Wellston HS
Wellsville	1	Number Sixteen EL
West Lafayette	2	West Lafayette EL
West Portsmouth	1	Jenkins EL
	1	Nauvoo EL
West Union	1	Liberty EL
	1	Tiffin EL
	1	West Union K-12
Wheelersburg	1	Vernon EL
	2	Wheelersburg EL
Wilkesville	1	Wilton EL
Willard	1	East Side EL
Williamsburg	2	Williamsburg K-12
Willow Wood	1	Mason EL
	1	Symmes Valley HS
	1	Windsor Inter. JHS
	1	Windsor #1 EL
Wilmington	2	Consolidated South EL
	1	Kingman EL
	2	Locust St. EL
	2	Smith-Denver EL
	2	Wilmington HS
Winchester	1	Winchester EL
Windham	2	Thomas EL
Windsor	2	Windsor EL
Winesburg	2	Winesburg EL
Wintersville	2	Wintersville EL
Wooster	1	Lincoln Way EL
Xenia	2	Central JHS
	1	McKinley EL
	2	Spring Hill EL
	2	Warner JHS
Youngstown	2	Adams EL
	2	Austintown Middle EL
	2	Bennett EL
	2	Cleveland EL
	1	Covington EL
	2	East HS
	1	Garfield EL
	1	Grant EL
	2	Haddow EL
	2	Harding EL
	1	Harrison EL
	1	Hayes EL
	1	Hillman JHS

(Ohio is continued on top of next page)

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Location	Code *	School Name
Youngstown cont.	1	Immaculate Conception EL
	1	Jefferson EL
	1	Lincoln EL
	1	Madison EL
	1	McKinley EL
	1	Monroe EL
	1	Princeton JHS
	2	Rayen HS
	1	Richey EL
	1	Roosevelt EL
	1	Sacred Heart EL
	2	St. Dominics EL
	1	St. Edwards EL
	1	St. Patrick EL
	2	Science Hill JHS
	2	Sheridan EL
	2	South HS
	2	Stambaugh EL
	1	Thorn Hill EL
	2	Washington EL
Youngstown cont.	2	White EL
	1	Williamson EL
	2	Wilson HS
Zaleski	1	Zaleski EL
Zanesville	1	Bell EL
	2	Cleveland JHS
	2	Garfield EL
	1	Grant EL
	2	Hancock JHS
	2	Lincoln EL
	1	Madison EL
	2	McIntire EL
	1	McKinley EL
	1	Monroe EL
	2	Munson EL
	1	Pioneer EL
	2	Sheridan EL
	2	Wilson EL
	2	Zanesville HS

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List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)		
Achille	3	Achille EL-JHS-HS, I-3
Ada	2	Ada JHS, I-19
	3	Ahloso EL, I-30
	1	Byng EL, I-16
	1	Byng JHS-HS
	3	Francis EL
	3	Homer EL
	3	Pickett-Center EL, D-20
Albion	1	Albion EL, D-2
Allen	1	Allen EL-JHS-HS, I-1
Alluwe	1	Alluwe EL-JHS-HS, I-50
Altus	2	Altus HS, I-18
	1	Eugene Field EL
	2	Roosevelt EL
	3	Washington EL
	1	Wilson EL
Anadarko	2	Anadarko HS, I-13
	1	East EL
	1	Sunset EL
	1	West EL-East JHS
Antlers	1	Antlers EL, I-13
	1	Antlers JHS-HS
Apache	3	Apache EL, I-6
	3	Apache JHS-HS
	3	Boone EL, D-56
	3	Broxton EL-JHS-HS, I-68
Ardmore	2	Ardmore JHS-HS, I-19
	2	Dickson EL-JHS-HS, I-77
	3	Franklin EL, I-19
	1	Jefferson EL
Arkoma	1	Arkoma EL-HS-I-91
Arnett	3	Arnett EL-JHS-HS, I-3
Asher	1	Asher EL-JHS-HS, I-112
Atoka	1	Atoka JHS-HS, I-15
	1	Harmony EL, D-21
	3	Mamie Johnson EL, I-15
Barnsdall	2	Barnsdall EL-JHS-HS, I-29
Bartlesville	2	Central JHS, I-30
	3	Jefferson EL
	3	Lincoln EL
	3	Washington EL
Battiest	1	Battiest EL-JHS-HS, I-71
Bearden	1	Bearden EL, D-29
Beggs	1	Beggs EL-JHS-HS, I-4
Bennington	1	Bennington EL-JHS-HS, I-40
Big Cabin	3	Big Cabin EL-JHS-HS, I-50
Binger	3	Binger EL-JHS-HS, I-15
Bokoshe	1	Bokoshe EL-JHS-HS, I-26
Boley	1	Boley EL-JHS-HS, I-13
	1	Boys State EL-HS
Boswell	1	Boswell EL-JHS-HS, I-1
Bowlegs	1	Bowlegs EL-JHS-HS, I-3
Boynton	1	Boynton EL-JHS-HS, I-4
Bradley	3	Bradley EL, D-63
Bristow	1	Bristow JHS-HS, I-2
	1	Edison EL
	1	Slick EL
	1	Washington EL
Broken Bow	1	Bennet EL, I-74
	1	Broken Bow HS
	3	Dierks EL
	1	East Side JHS
	3	Holly Creek EL, D-72
	3	Lukfata EL, D-9
Burneyville	3	Turner EL-JHS-HS, I-5
Byars	3	Byars EL, D-4
Cache	1	Cache EL-JHS-HS, I-1
Calvin	3	Calvin EL-JHS-HS, I-48
Camargo	3	Camargo EL, D-4
Cameron	1	Cameron EL-JHS-HS, I-17
Canadian	3	Canadian EL-JHS-HS, I-2
Caney	1	Caney EL-JHS-HS, I-26
Canton	1	Canton EL-JHS-HS, I-105
Carnegie	3	Alfalfa EL, D-4
	1	Carnegie EL, I-33
	3	Carnegie HS
	3	Carnegie JHS
Castle	1	Castle EL, D-19
Catoosa	2	Catoosa EL-JHS, I-2
Centrahoma	1	Centrahoma EL, D-5
Chattanooga	3	Chattanooga EL-JHS-HS, I-132
Checotah	1	Checotah EL, I-19
	1	Checotah JHS-HS
	3	Longfellow EL
Chickasha	2	Chickasha Intermediate, I-1
	1	Northwest EL
	3	West EL

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Location	Code *	School Name
Choctaw	2	Choctaw EL-HS, I-4
Claremore	2	Leeper EL, I-1
	2	Claremore HS
Clayton	1	Clayton EL-JHS-HS, I-10
Clinton	1	Clinton JHS, I-99
	1	Nance EL
	1	Washington EL
Coalgate	1	Coalgate EL-JHS-HS, I-1
	1	Cottonwood EL, D-4
	3	Olney EL-JHS-HS, I-4
Colbert	1	Colbert EL-JHS-HS, I-4
Colcord	1	Colcord EL-JHS-HS, I-4
Coleman	3	Coleman EL-JHS-HS, I-35
Collinsville	2	Collinsville EL, I-6
Commerce	2	Commerce EL-JHS-HS, I-18
Connerville	1	Connerville EL, D-40
Coweta	2	Coweta EL-JHS-HS, I-17
Coyle	1	Coyle EL-JHS-HS, I-14
Cromwell	1	Butner EL-JHS-HS, I-15
Crowder	1	Crowder EL-JHS-HS, I-28
Cushing	3	Deep Rock EL, I-67
	3	Sunnyside EL
	3	Wilson EL
Custer	3	Custer EL-JHS-HS, I-1
Davenport	1	Davenport EL-JHS-HS, I-3
Davidson	3	Davidson EL-JHS-HS, I-9
Depew	3	Depew EL, I-21
	3	Gypsy EL, D-12
Dewar	1	Dewar EL-JHS-HS, I-8
Dibble	3	Dibble EL-JHS-HS, I-2
Dill City	3	Dill City EL-JHS-HS, I-3
Dougherty	1	Dougherty EL, D-2
Drumright	2	Drumright EL, I-39
Duke	3	Duke EL-JHS-HS, I-14
Duncan	1	Empire EL-JHS-HS, I-21
Durant	1	Silo EL-JHS-HS, I-1
Dustin	1	Dustin EL-JHS-HS, I-9
Eagletown	1	Eagletown EL-JHS-HS, I-13
Eakly	3	Eakly EL-JHS-HS, I-132
Earlsboro	3	Earlsboro EL-JHS-HS, I-5
El Reno	3	Lincoln EL, I-34
	3	Webster EL
Eldorado	3	Eldorado EL-JHS-HS, I-25
Elgin	2	Elgin EL-JHS-HS, I-16
Elmer	3	Southside EL-JHS-HS, I-212
Enid	2	Enid HS, I-57
	2	Longfellow EL
	3	Roosevelt EL
Eufaula	3	Cooper-McClain EL, I-1
	3	Dixie EL
	1	Eufaula JHS-HS, I-1
	3	Jefferson Davis EL
Fairfax	1	Fairfax EL-JHS-HS, I-25
Fanshawe	1	Fanshawe EL, D-39
Farris	3	Farris EL, D-23
Faxon	3	Faxon EL, D-128
Fillmore	1	Fillmore EL, D-34
Fittstown	3	McLish EL-JHS-HS, I-22
Fort Cobb	2	Fort Cobb EL-JHS-HS, I-7
Fort Gibson	2	Fort Gibson EL-JHS-HS, I-3
Fort Smith, Ark.	1	Pocola EL-JHS-HS, I-7
Fort Towson	1	Fort Towson EL-JHS-HS, I-2
Fox	1	Fox EL-JHS-HS, I-74
Foyil	1	Foyil EL-JHS-HS, I-7
Frederick	1	Central EL, I-158
	3	Emerson EL
	3	Frederick HS
	1	Frederick JHS
	3	Lowell EL
	3	Weaver EL, D-19
	3	Whittier EL, I-158
Gans	3	Gans EL-JHS-HS, I-4
Geary	3	Geary EL, I-80
	3	Geary JHS-HS, I-80
Gene Autry	1	Berwyn EL, D-71
Glover	3	Glover EL, D-23
Gore	3	Carlile EL, I-6
	1	Gore EL-JHS-HS
	3	Gum Springs EL, D-69
Gotebo	3	Gotebo EL-JHS-HS, I-3
Gould	3	Gould EL-JHS-HS, I-6
Gracemont	3	Gracemont EL-JHS-HS, I-86
Graham	1	Graham EL-JHS-HS, I-46
Grandfield	1	Grandfield EL-JHS-HS, I-249
Granite	1	Granite Adult Correctional Inst.
Grant	1	Grant El-JHS-HS, I-3
Grove	1	Grove EL, I-2
	1	Grove JHS-HS
Guthrie	1	Cotteral EL, I-1
	2	Fogarty EL
	2	Guthrie JHS
Haileyville	3	Haileyville EL-JHS-HS, I-11
Hammon	3	Hammon EL-JHS-HS, I-66
Hanna	1	Hanna EL-JHS-HS, I-64
Hartshorne	1	Hartshorne JHS-HS, I-1
	1	North Ward EL
Haskell	2	Haskell EL-JHS-HS, I-2
Haworth	1	Haworth EL-JHS-HS, I-6
Heavener	1	Heavener EL, I-3
	1	Heavener JHS-HS
Helena	1	Helena State Training EL-HS, I-89
Henryetta	2	Henryetta EL, I-2
	2	Henryetta JHS-HS
	1	Ryal EL, D-3
	3	Wilson EL-JHS-HS, I-7
Hobart	3	Hobart Middle School, I-1
Hodgen	1	Hodgen Adult Correctional Institution
	1	Hodgen EL, D-14
Holdenville	2	Holdenville JHS-HS, I-35
	3	Moss El-JHS-HS, I-1
	3	Park View EL, I-35
Hollis	1	Arnett EL-JHS-HS, I-11
	2	Hollis EL-JHS-HS, I-66
Howe	3	Howe EL-JHS-HS, I-67
Hugo	3	Benjamin Franklin EL, I-39
	1	Eugene Field EL
	1	Goodland EL, D-13
	3	Horace Mann EL, I-39
	1	Hugo JHS-HS
	3	Robert E. Lee EL
	3	Washington EL
Hulbert	1	Hulbert EL-JHS-HS, I-16
	1	Lost City EL, D-17
	3	Norwood EL, D-14
	1	Shady Grove EL, D-26
Hunter	3	Hunter EL-JHS-HS, I-43
Idabel	1	Central EL, I-5
	3	George EL
	1	Gray HS
	3	Herndon Kindergarten
	1	Idabel JHS
	1	Southeast EL
Indiahoma	3	Indiahoma EL-JHS-HS, I-2
Indianola	1	Indianola EL-JHS-HS, I-25
Jay	1	Jay EL, I-1
	1	Jay JHS-HS
Jones	2	Jones EL-JHS-HS, I-9
Kansas	1	Kansas EL-JHS-HS, I-3
Kellyville	1	Kellyville EL-JHS-HS, I-31
Keota	1	Keota EL-JHS-HS, I-43
Ketchum	1	Ketchum EL-JHS-HS, I-6
Kingston	2	Kingston EL-JHS-HS, I-3
Kinta	1	Kinta EL-JHS-HS, I-13
Konawa	2	Konawa EL-JHS-HS, I-4
	1	Vamoosa EL, D-8
Lane	3	Lane EL, D-22
Langston	3	Langston EL, D-6

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Location	Code *	School Name
Lawton	1	Bishop EL, D-49
	2	Central JHS, I-8
	3	Country Club Heights EL
	3	Douglass EL
	2	Eisenhower JHS-HS
	3	Howell EL
	3	Jackson EL
	2	Lawton HS
	1	Lincoln EL
	3	Rogers EL
	3	Roosevelt EL
	1	St. Mary's EL, Private
	2	Tomlinson JHS, I-8
	3	Washington EL
Leach	1	Leach EL, D-14
LeFlore	1	LeFlore EL-JHS-HS, I-16
Lehigh	3	Lehigh EL, D-2
Leon	1	Leon EL, D-8
Lexington	1	Lexington Adult Correctional Inst.
Locust Grove	1	Locust Grove EL-JHS-HS, I-17
Longdale	3	Longdale EL, D-70
Lookeba	1	Lookeba-Sickles EL, I-12
	3	Lookeba-Sickles JHS-HS
Luther	1	Luther EL-JHS-HS, I-3
Madill	1	Madill EL, I-2
	1	Madill JHS-HS
Mangum	1	Mangum EL, I-1
Mannford	2	Mannford EL-JHS-HS, I-3
Mannsville	3	Mannsville EL, D-7
Marble City	1	Marble City EL, D-35
Marietta	3	Greenville EL, D-3
	3	Marietta EL, I-16
	1	Marietta Middle-HS
Marland	3	Marland EL-JHS-HS, I-5
Marlow	2	Marlow EL, I-3
Mason	3	Mason EL-JHS-HS, I-2
Maud	1	Wolf EL, D-13
McAlester	3	Jefferson EL, I-80
	1	McAlester Adult Correctional Inst.
	2	McAlester HS, I-80
McCurtain	1	McCurtain EL-JHS-HS, I-37
McLoud	2	McLoud EL-JHS-HS, I-1
Milburn	1	Milburn EL-JHS-HS, I-29
Mill Creek	1	Mill Creek EL-JHS-HS, I-2
Moffett	1	Moffett EL, D-68
Monroe	3	Monroe EL, D-11
Morris	1	Liberty EL, D-9
	1	Morris EL-JHS-HS, I-3
Morrison	3	Morrison EL-JHS, I-6
	3	Morrison HS
Mountain Park	3	Mountain Park EL-JHS-HS, I-6
Mountain View	3	Mountain View El, I-39
	3	Mountain View JHS-HS
Moyers	3	Moyers EL, D-22
Muldrow	1	Belfonte EL, D-50
	3	Liberty EL, D-1
	2	Muldrow EL-JHS-HS, I-3
Muskogee	1	Alice Robertson JHS, I-20
	1	Cherokee EL
	1	DuBoise EL, D-42
	3	Edison EL, I-20
	3	Franklin EL
	1	Grant Foreman EL
	3	Harris-Jobe EL
	3	Houston EL
	3	Irving EL
	3	Jefferson EL
	1	Muskogee HS
	3	Pershing EL
	3	Riverside EL
	1	West JHS
	1	Whittier EL
Nashoba	3	Nashoba EL, D-15
New Lima	1	New Lima EL-JHS-HS, I-6
Nowata	1	Nowata EL, I-40
	2	Nowata JHS-HS
Oaks	1	Oaks EL-JHS-HS, I-5
Okay	1	Okay EL-JHS-HS, I-1
Okemah	1	Oakes EL, I-26
	1	Okemah JHS-HS
Oklahoma City	2	Capitol Hill HS, I-89
	2	Capitol Hill Middle School
	1	Central Middle School
	1	Central Oak EL-Crooked Oak JHS-HS, I-53
	2	Classen HS, I-89
	1	Columbus EL
	3	Corpus Christi El, Private
	3	Culbertson EL, I-89
	2	Douglass JHS, I-89
	3	Green Pastures EL
	2	Harding JHS
	2	Hoover JHS
	2	Jackson JHS
	3	Lee EL
	3	Lincoln EL
	1	Mark Twain EL
	3	Millwood EL-JHS-HS, I-37
	2	Northeast HS, I-89
	2	Northwest Classen HS
	3	Riverside EL
	1	Rockwood EL
	2	Rogers Middle School
	2	Roosevelt JHS
	3	Ross EL
	1	Shidler EL
	2	Southeast HS
	1	Southern Oak EL, I-53
	1	Stand Watie EL, I-89
	2	Star Spencer HS
	2	Taft JHS
	3	Tyler EL
	1	West Oak EL, I-53
	3	Westwood EL, I-89
	1	Wheeler EL
	1	Willard EL
	2	Willow Brook EL
	3	Wilson EL
	3	Woodson EL
Okmulgee	3	Attucks 6th, I-1
	3	Banneker Kindergarten
	3	Emerson EL
	3	Horace Mann EL
	3	Nuyaka EL, D-10
	1	Okmulgee HS, I-1
	1	Okmulgee JHS
	3	Roosevelt EL
	3	Twin Hills EL, D-11
	3	Wilson EL, I-1
Olustee	1	Olustee EL-JHS-HS, I-35
Panama	1	Panama EL-JHS-HS, I-20
Panola	3	Panola EL-JHS-HS, I-4
Paoli	3	Paoli EL-JHS-HS, I-5
Park Hill	3	Keys El, D-6
Pauls Valley	3	Jackson EL, I-18
	3	Jefferson EL
	3	Lee EL
	3	Pauls Valley JHS
	1	Pauls Valley HS
Pawhuska	3	Lynn EL, I-2
	1	Pawhuska EL
	2	Pawhuska JHS-HS
Pawnee	2	Cleveland EL, I-1
	2	Pawnee JHS-HS
Peggs	3	Peggs EL, D-31
Perkins	2	Perkins HS-HS, I-56
Pernell	3	Pernell JHS-HS, I-4

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List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Perry	2	Perry EL-JHS-HS, I-1
Picher	1	Picher-Carden EL-JHS-HS, I-15
Pittsburg	3	Pittsburg EL-JHS-HS, I-63
Ponca City	2	East JHS, I-71
	3	Garfield EL
	3	Lincoln EL
	1	West JHS
Porter	1	Porter EL-JHS-HS, I-3
Porum	1	Porum EL-JHS-HS, I-88
Poteau	1	Hower EL, I-29
	1	Pansy Kidd JHS
	3	Poteau HS
	3	Rodman EL
	3	Simpson EL
Preston	1	Preston EL-JHS-HS, I-5
Pryor	2	Pryor JHS-HS, I-1
	1	Whitaker Children's Home EL
Purcell	3	Hawthorne EL, I-15
Quapaw	1	Quapaw EL-JHS-HS, I-14
Quinton	1	Quinton EL-JHS-HS, I-17
Ralston	3	Ralston EL-JHS-HS, I-69
Rattan	1	Rattan EL-JHS-HS, I-1
Ravia	1	Ravia EL, D-10
Red Bird	1	Miller Washington EL, D-35
Red Oak	1	Red Oak EL-JHS-HS, I-2
Red Rock	3	Red Rock EL-JHS-HS, I-3
Ringling	3	Ringling EL-JHS, I-14
	3	Ringling HS
Roff	3	Roff EL-JHS-HS, I-37
Roland	1	Roland EL-JHS-HS, I-5
Salina	1	Kenwood EL, D-30
	1	Salina EL-JHS-HS, I-16
	1	Wickliffe EL, D-35
Sallisaw	1	Brushy EL, D-36
	1	Central High EL-JHS-HS, I-7
	1	Eastside EL, I-1
	1	Liberty EL
	1	Sallisaw HS
	1	Tommie Spear JHS
Sapulpa	3	Garfield EL, I-33
	3	Jefferson EL
	3	Oakridge EL
	2	Sapulpa HS
	1	Sapulpa JHS
	2	Washington EL
Sasakwa	1	New Model EL, D-32
	1	Sasakwa EL-JHS-HS, I-10
Schulter	3	Schulter EL-JHS-HS, I-6
Seiling	1	Seiling EL-JHS-HS, I-8
Seminole	3	Lincoln EL, I-1
	3	Pleasant Grove EL-JHS-HS, I-5
	2	Seminole HS, I-1
	1	Strother EL-JHS-HS, I-14
	3	Varnum EL-JHS-HS, I-7
	3	Woodrow Wilson EL, I-1
Shady Point	3	Shady Point EL, D-4
Shamrock	3	Shamrock EL, D-56
Shawnee	1	Acme EL, I-93
	1	Franklin EL
	3	North Rock Creek EL, D-10
	3	Pleasant Grove EL, D-29
	3	Robert Lee EL, I-93
	1	Washington EL
Siloam Springs, Arkansas	3	Moseley EL, D-34
Smithville	1	Octavia EL, I-14
	1	Smithville EL-JHS-HS
Soper	1	Soper EL-JHS-HS, I-4
Sparks	3	Sparks EL, D-77
Spavinaw	3	Spavinaw EL, D-21
Spiro	1	Spiro EL-JHS-HS, I-2
Stidham	3	Stidham EL, D-16
Stigler	1	Stigler EL, I-20
	1	Stigler JHS-HS
Stillwater	3	Lincoln EL, I-16
Stillwell	1	Bell EL, D-33
	1	Cave Springs EL-JHS-HS, I-30
	1	Dahlonegah EL, D-29
	1	Greasy EL, D-32
	1	Maryetta EL, D-22
	1	Peavine EL, D-19
	1	Rocky Mountain EL, D-24
	1	Stillwell EL, I-25
	1	Stillwell JHS-HS
	1	Zion EL, D-28
Stonewall	3	Stonewall EL-JHS-HS, I-30
Strang	3	Strang EL, I-2
Stringtown	1	Stringtown Adult Correctional Inst.
	1	Stringtown EL-JHS-HS, I-7
Stroud	2	Stroud EL, I-54
Sulphur	3	Cameron EL, I-1
	1	Sulphur HS
	1	Sulphur Middle School
	3	Washington EL
Taft	1	Moton EL-JHS-HS, I-17
	1	Taft State Children's Home
	1	Taft State Home for Girls
Tahlequah	1	Briggs EL, D-44
	1	Cherokee EL, I-35
	3	Grand View EL, D-34
	3	Greenwood EL, I-35
	3	Lowery EL, D-10
	1	Sequoyah EL, I-35
	1	Stone Chapel EL, D-39
	1	Tahlequah HS, I-35
	1	Tahlequah JHS
	3	Woodall EL, D-21
Tallhina	1	Tallhina EL-JHS-HS, I-52
Tecumseh	1	Girls' Town, I-92
	2	Techumseh JHS-HS
Temple	3	Temple EL, I-101
Tipton	2	Tipton EL-JHS-HS, I-8
Tishomingo	3	Memorial EL, I-20
Tom	1	Tom EL, D-24
Tullahassee	1	C. G. Woodson EL-JHS-HS, I-65
Tulsa	3	Addams EL, I-1
	1	Alcott EL
	1	Anderson JHS
	2	Bell JHS
	2	Bryant EL
	3	Bunche EL
	1	Burroughs EL
	3	Celia Clinton EL
	2	Central HS
	1	Cherokee EL
	1	Cleveland JHS, I-1
	2	Clinton JHS
	1	Dunbar EL
	1	Emerson EL
	1	Eugene Fields EL
	1	Frost EL
	1	Gilcrease JHS
	1	Hamilton JHS
	1	Hawthorne EL
	1	Holy Family School, Private
	1	Houston EL, I-1
	1	Immaculate Conception, Private
	1	Jackson EL, I-1
	1	Johnson EL
	1	Lindsey-Douglass EL
	1	Lowell EL
	3	Lombard EL
	2	McClain HS
	1	Madison JHS
	1	Mark Twain EL
	1	Monroe JHS
	1	Penn EL
	3	Post EL

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Location	Code *	School Name
Tulsa cont.	1	Remington EL
	1	Riley EL
	1	Roosevelt JHS
	1	Sequoyah EL
	1	Springdale EL
	1	Washington HS
	1	Whitman EL
	1	Whittier EL
	1	Woods EL
Tupelo	3	Tupelo EL-JHS-HS, I-2
Tushka	3	Tushka EL-JHS-HS, I-19
Tuskahoma	3	Tuskahoma EL, D-4
Utica	3	Utica EL, D-45
Valliant	2	Valliant EL-JHS-HS, I-11
Vanoss	2	Vanoss EL-JHS-HS, I-9
Vian	1	Vian EL-JHS-HS, I-2
Vinita	3	Hall Halsell EL, I-65
	3	Southeast EL
	3	Vinita JHS
	3	White Oak EL-JHS-HS, I-1
	1	Will Rogers EL, I-65
Wagoner	1	Central EL, I-19
	2	Wagoner JHS-HS
Walnwright	3	Walnwright EL, D-9
Walters	2	Walters EL-JHS-HS, I-1
Wanette	1	Wanette EL-JHS-HS, I-115
Wann	3	Wann EL-JHS-HS, I-2
Wapanucka	3	Wapanucka EL-JHS-HS, I-37
Watonga	2	Watonga EL, I-42
	2	Watonga JHS-HS
Watson	3	Watson EL, D-56
Watts	1	Skelly EL, D-1
	1	Watts EL-JHS-HS, I-4
Webbers Falls	3	Webbers Falls EL-JHS-HS, I-6
Weleetka	1	Graham EL-JHS-HS, I-32
	1	Weleetka EL-JHS-HS, I-31
Welling	1	Tenkiller EL, D-66
Wellston	1	Wellston EL-JHS-HS, I-4
Westville	1	Christle EL, D-13
	1	Westville EL-JHS-HS, I-11
Wetumka	1	Wetumka EL-JHS-HS, I-5
Wewoka	2	Cowart JHS-Wewoka HS, I-2
	1	Justice EL, D-54
	1	Nobletown EL, D-19
	1	Wewoka EL, I-2
Whitefield	1	Whitefield EL, D-10
Whitesboro	1	Whitesboro EL-JHS-HS, I-62
Wilburton	2	Wilburton EL-JHS-HS, I-1
Wilson	2	Wilson EL-JHS-HS, I-43
Wister	1	Wister EL-JHS-HS, I-49
Wright City	1	Wright City EL-JHS-HS, I-39
Wyandotte	3	Turkey Ford EL, D-10
Wynnewood	3	Joy EL, D-1
Yeager	1	Yeager EL, D-3

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)		
Albany	1	Madison El
	2	Memorial JHS
	2	Oak El
	2	South Shore El
	1	Sunrise El
	1	Waverly El
	2	West Albany HS
Amity	2	Amity El
Antelope	2	Antelope El
Ashland	2	Briscoe El
	2	Helman El
Astoria	2	Astor El
	1	Tongue Point Job Corps
	2	Olney El
Athena	2	Athena El
	2	Weston-McEwen HS
Aumsville	1	North Santiam El
Baker	2	Baker JHS
Bandon	1	Bandon Heights El
	2	Bandon HS
	1	Ocean Crest El
Banks	1	Banks El
	2	Banks HS
	1	Banks JHS
	1	Buxton El
Bay City	1	Bay City El
Beaverton	2	McKinley El
	2	Mountain View JHS
Bend	2	Cascade JHS
	2	Marshall El
	2	Three Sisters Jr. Acad El
	1	Thompson El
Blachly	1	Triangle Lake El
	1	Triangle Lake HS
Blodgett	2	Blodgett El
Bonanza	2	Bonanza El
Bonneville	2	Bonneville El
Butte Falls	2	Butte Falls El
Canby	2	Canby El
	2	Canby HS
	2	Howard Eccles El
Cave Junction	1	Evergreen El
Central Point	2	Central Point El
	2	Jewett El
	2	Scenic JHS
Charleston	2	Charleston El
Columbia City	2	Columbia City El
Coos Bay	2	Marshfield HS
Corvallis	2	Corvallis HS
	1	Farm Home JH & HS
	2	Franklin El
	2	Lincoln El
	1	Roosevelt El
	2	Washington El
Cottage Grove	2	Adams-Curtin El
	2	Latham El
	2	Lincoln JHS
Crane	1	Crane El
	2	Crane HS
Culp Creek	1	Culp-Creek-Dorena El
Culver	1	Culver El
	1	Culver HS
Dallas	2	Dallas HS
	2	Lyle El
Days Creek	1	Days Creek El
	2	Days Creek HS
Deer Island	2	Deer Island El
Dufur	2	Dufur El
	1	Dufur HS
Eagle Point	2	Glenn D Hale El
	1	Little Butte El

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Location	Code *	School Name
Eddyville	2	Eddyville El
	2	Eddyville HS
Elmira	2	Elmira HS
	2	Fern Ridge JHS
	1	Veneta El
Estacada	2	Estacada JHS
	2	Estacada El
	2	Estacada HS
	1	Timber Lake Job Corps
Eugene	2	Applegate El
	2	Cascade JHS
	2	Clear Lake El
	2	Ellis Parker El
	2	Fairfield El
	1	Ida Patterson El
	2	Laurel Hill El
	1	Lincoln El
	1	Malabon El
	1	Opportunity Center JHS
	2	Shasta JHS
	2	Westmoreland El
	1	Whitaker El
	2	Willamette HS
Falls City	2	Falls City El
	2	Falls City HS
Florence	2	Siuslaw HS
	2	Siuslaw JHS
Forest Grove	2	Central El
Garibaldi	1	Garibaldi El
Gervais	2	Eldriedge El
	1	Gervais HS
Glide	1	Wolf Creek Job Corps
Gold Hill	2	Patrick El
Grand Ronde	1	Grand Ronde El
Grants Pass	1	Fleming JHS
	2	Fruitdale El
	1	Jerome Prairie El
	2	Madrona El
	2	South JHS
Gresham	2	Dexter McCarty El
	2	East Gresham El
	2	Gresham HS
Halfway	1	Halfway El
	1	Pine Eagle HS
Halsey	2	Central Linn HS
Harrisburg	2	Harris El
Hermiston	2	Sunset El
	2	West Park El
Hillsboro	2	Boscow Barnes El
	1	David Hill El
Independence	2	Central HS
	1	Henry Hill El
	1	Independence El
	2	Talmadge JHS
Jefferson	2	Jefferson El
	2	Jefferson HS
Jewell	2	Jewell HS
Jordan Valley	1	Jordan Valley El
Junction City	2	Central El
	2	Junction City JHS
	1	Laurel El
Keno	2	Keno El
Klamath Falls	2	Brixner JHS
La Grande	2	La Grande HS
Lakeview	2	Arthur D. Hay El
Lawen	2	Lawen El
Lebanon	2	Cascades El
	2	Lebanon HS
	2	Queen Anne El
Lincoln City	2	Delake El
	2	Oceanlake El
	2	Taft El
Long Creek	2	Long Creek El
Lorane	2	Lorane El
Lowell	2	Lowell El
	2	Lowell HS
Manning	1	Manning El
Mapleton	2	Mapleton El
Marion	2	Marion El
McMinnville	1	Cook El
	2	McMinnville HS
	2	McMinnville JHS
	2	Newby El
Medford	2	Jackson El
	2	Medford HS
	2	Washington El
Merrill	2	Merrill El
Milwaukie	2	Milwaukie HS
Mitchell	2	Mitchell El
	2	Mitchell HS
Molalla	1	Dickey Prairie El
Monmouth	2	Campus El
	2	Monmouth El
Monroe	2	Bellfountain El
Mt. Vernon	2	Mt. Vernon El
Murphy	1	Murphy El
Myrtle Point	2	Bridge El
	2	Maple El
Newberg	2	Central El
	2	Edwards El
	2	Ewing Young El
	2	Newberg HS
Newport	2	Sam Case El
	1	Yaquina View El
North Powder	1	North Powder El
	1	Powder Valley HS
Nyssa	1	Nyssa El
	2	Nyssa JHS
Oak Grove	2	Oak Grove El
Oakland	2	Lincoln El
	2	Washington El
Ontario	1	Cairo El
	1	Lindbergh El
	1	May Roberts El
Oregon City	2	Oregon City HS
	2	Thora B. Gardiner JHS
Pendleton	2	Helen McCune JHS
	1	Washington El
Philomath	2	Philomath HS
Phoenix	2	Phoenix El
	2	Phoenix HS
Portland	1	Abernethy El
	2	Adams HS
	1	Albina Youth Opportunity HS
	2	Applegate El
	2	Arleta El
	1	Ball El
	1	Barlow El
	1	Battin El
	2	Beach El
	2	Benson Polytechnic HS
	1	Boise El
	1	Brooklyn El
	1	Buckman El
	2	Chapman El
	1	Clarendon El
	2	Cleveland HS
	1	Columbia El
	2	Creston El
	2	David Douglas HS
	2	David Douglas Sr. HS
	1	Eliot El
	2	Faubion El
	2	Floyd Light Middle
	2	Foster El
	2	Franklin HS

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Location	Code *	School Name
Portland cont.	2	Fremont JHS
	2	George El
	2	Gilbert Middle
	2	Glencoe El
	1	Glenhaven El
	2	Grant HS
	2	Gregory Heights El
	2	Grout El
	2	Hosford El
	1	Humboldt El
	2	Immaculate Heart El
	1	Irvington El
	1	James John El
	2	James Monroe HS
	1	Jefferson HS
	2	Kellogg El
	1	Kelly El
	2	Kennedy El
	2	Kenton El
	2	Kerns El
	1	King El
	2	Lane El
	2	Lent El
	2	Madison HS
	2	Marshall HS
	2	Marysville El
	1	Metropolitan Learning Center K-12
	2	Ockley Green El
	2	Peninsula El
	1	Portland Job Corps
	1	Portsmouth Middle
	2	Prescott El
	2	Rice El
	2	Rigler El
	2	Richmond El
	2	Rockwood Davis El
	2	Rose City Park El
	2	Roosevelt HS
	1	Sabin El
	2	Sacramento El
	1	Sellwood El
	2	Sitton El
	1	St. Andrew El
	1	St. Francis of Assisi EL
	1	Sumner El
	1	Sunnyside El
	1	Terwilliger El
	1	Vernon El
	1	Washington HS
	2	Whitaker El
	2	Whitman El
	2	Wilcox El
	2	Wilson Park El
	1	Woodlawn El
	2	Woodmere El
	2	Woodstock El
Prairie City	1	Prairie City HS
Prineville	2	Crooked River El
Rainier	2	Goble El
	2	Rainier El
Redmond	2	Cloverdale El
Rickreall	2	Oak Grove EL
Rockaway	2	Nean-Kah-Nie Kdg.
Rogue River	2	Evans Valley El
	1	Rogue River El
	2	Rogue River HS
*Roseburg	2	Eastwood El
	2	Fir Grove El
	2	John C Fremont JHS
	2	Joseph Lane JHS
	2	Riverside El
	2	Roseburg HS
	1	Rose El
Rose Lodge Salem	1	Rose Lodge El
	2	Baker El
	1	Bush El
	1	Grant El
	1	Highland El
	1	Hillcrest (Robert Farrell) HS
	2	Hopewell El
	2	Judson JHS
	2	Keizer El
	1	Lake Labish El
	2	Leslie JHS
	2	Liberty El
	2	McNary HS
	2	Middle Grove El
	2	North Salem HS
	1	Oregon Correctional Institution
	1	Oregon State Penitentiary
	2	Parrish JHS
	1	Richmond El
	2	Salem Heights El
	2	Sweigle El
	2	Waldo JHS
	1	Washington El
	2	West Salem El
	2	Whiteaker JHS
Sandy	2	Sandy HS
Seaside	2	Jewell El
Selma	1	Selma El
Simnasho	1	Simnasho El
Sheridan	2	Chapman El
	2	Sheridan HS
Siletz	1	Siletz El
	1	Siletz HS
Silverton	2	Silver Crest El
	2	Silverton HS
Spray	2	Spray El
Springfield	2	Centennial El
	1	Maple El
	2	Thurston HS
	1	Thurston JHS
St Helens	2	John Gumm El
Sweet Home	1	Hawthorne El
	2	Sweet Home HS
Talent	1	Talent El
The Dalles	2	Joseph G Wilson El
Tillamook	1	East El
	2	Tillamook HS
Tiller	1	Tiller El
Toledo	2	Arcadia El
	2	Burgess El
	2	Mary Harrison El
Troutdale	2	Troutdale El
Troutdale	2	Reynolds HS
Turner	2	Cascade JHS
	2	Cascade HS
	2	Turner El
Unity	1	Burnt River El
	2	Burnt River HS
Vale	2	Vale El
Wamic	2	Wamic El
Warm Springs	1	Warm Springs El
White City	2	White City El
Willamina	1	Willamina El
Williams	1	Williams El
Wolf Creek	1	Wolf Creek El
Woodburn	1	MacLaren School For Boys
	1	Washington El
	2	Woodburn HS
	2	Woodburn JHS
Yachats	1	Angell Job Corps
	2	Yachats El

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List of Schools Determined to have High Concentretions of Students from Low-Income Families
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Location	Code *	School Name
Abington	2	Overlook EL
Albion	2	Northwestern EL
	2	Northwestern JHS
	2	Northwestern SHS
Aldenville	1	Aldenville EL
Aleppo	2	Aleppo EL
Alexandria	2	Juniata Valley EL
	2	Juniata Valley JSHS
Aliquippa	1	Aliquippa JHS
	1	Aliquippa SHS
	1	Franklin EL
	1	Highland EL
	2	Hopewell JHS
	2	Hopewell SHS
	1	Jones EL
	1	Laughlin EL
	1	New Sheffield EL
	2	St Titus EL
	1	Washington EL
Allentown	2	Central EL
	1	Cleveland EL
	2	Francis D Raub JHS
	1	Harrison-Morton JHS
	1	Herbst EL
	2	Hiram W Dodd EL
	1	Immaculate Conception EL
	2	Jackson EL
	2	Jefferson EL
	2	Louis E Dieruff HS
	1	McKinley EL
	1	Mosser EL
	2	Ritter EL
	1	Roosevelt EL
	1	Sacred Heart of Jesus EL
	1	Sheridan EL
	2	South Mountain JHS
	1	Stevens EL
	1	St Francis of Assisi EL
	2	Trexler JHS
	2	William Allen SHS
Altoona	2	Altoona Area HS
	1	Garfield EL
	1	Irving EL
	2	Keith JHS
	2	Logan JHS
	1	Penn-Lincoln EL
	2	Theodore Roosevelt JHS
	2	Washington Jefferson EL
	2	Wright EL
Alverton	2	Alverton EL
	2	Southmoreland SHS
Ambler	1	Forest Avenue EL
	2	Wissahickon MID SCH
	2	Wissahickon SHS
Ambridge	2	Ambridge Area (7-12) HS
	2	Anthony Wayne EL
Apollo	2	Washington JHS
Archbald	2	Valley View JSHS
Arnold	2	Arnold JHS
	2	Berkey EL
	1	Fourth Avenue EL
Ashland	1	Barry EL
	1	Estler EL
	1	Fountain Springs EL
	1	Immaculate Heart EL
	2	North Schuylkill JSHS
	1	Seventh Street EL
Ashley	2	Ashley JHS
Atglen	2	Octorara Area HS
Athens	2	Athens Area HS
	2	Harlan Rowe MID SCH
Austin	2	Austin K-12
Avella	2	Avella Area JSHS
	2	Heights EL
Avonmore	1	Horrell EL
Barnesboro	2	Northern Cambria Catholic EL
	2	Northern Cambria EL
	2	Northern Cambria MID SCH
	2	Northern Cambria HS
Beaver Falls	2	Beaver Falls Area MID SCH
	2	Beaver Falls Area SHS
	1	Central EL
	1	South EL
	1	Thirty-Seventh Street EL
Beaver Springs	2	West Snyder JSHS
Bedford	2	Bedford HS
Belle Vernon	2	Belle Vernon Area HS
Bellefonte	2	Bellefonte EL
	2	Bellefonte Area MID SCH
	2	Bellefonte Area SHS
Bellwood	2	Bellwood-Antis JSHS
Berlin	2	Berlin Brothersvalley EL
	2	Berlin Brothersvalley HS
Bessemer	2	Mohawk JSHS
Bethlehem	2	Bethlehem Area AVTS
	2	Broughal JHS
	1	Donegan EL
	1	Holy Infancy EL
	2	Lincoln EL
	1	Marvine EL
	2	Northeast JHS
	1	Rosemont EL
	2	St Annes EL
Black Lick	2	Burrell EL
Blairsville	2	Blairsville JHS
Bloomsburg	2	Bloomsburg Memorial EL
Blossburg	2	North Penn JSHS
Bobtown	1	Bobtown EL
Boothwyn	2	Chichester JHS
	2	Chichester SHS
Boswell	2	North Star JSHS
Braddock	1	Copeland EL
	1	General Braddock INTERMED
	1	General Braddock JHS
	1	St Brendan EL
Bradford	2	Bradford Area SHS
	1	Fifth Ward EL
	1	Hobson Place EL
	2	School Street JHS
Bridgeville	2	Chartiers Valley HS
Bristol	1	Bristol JSHS
	2	Delhaas HS
	1	Jefferson Avenue EL
	1	Lafayette EL
	2	Roosevelt MID SCH
	1	Warren Snyder EL
Brookville	2	Brookville JSHS
	2	Hickory Grove EL
Brownsville	1	Brownsville Area SHS
	1	Brownsville Catholic EL
	2	Centerville EL
	1	Cox-Donahey EL
	1	Hiller EL
Burgettstown	2	Burgettstown JSHS
Butler	2	Butler Area INTERMED
	2	Butler Area JHS
	2	Butler Area SHS
Cairnbrook	2	Cairnbrook EL
	1	Shade JSHS
Cambridge Springs	2	Cambridge Springs EL
	2	Cambridge Springs JSHS
Canonsburg	2	Canon-McMillan JHS
	2	Canon-McMillan SHS
	2	South Central EL

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Location	Code *	School Name
Canton	2	Canton Area EL
	2	Canton Area HS
	1	Canton Area INTERMED
Carbondale	2	Benjamin Franklin HS
	2	Lakeland EL
	2	Marshall EL
	2	Roosevelt EL
	2	St Rose HS
	2	Washington EL
Cardale	1	Cardale EL
Carlisle	1	Penn EL
Carmichaels	2	Carmichaels Area JSHS
	2	Central EL
Carnegie	2	Carlynton HS
Carrolltown	1	Carrolltown (Grade 6) EL
Chambersburg	2	Benjamin Franklin EL
	2	Central JHS
	2	Chambersburg Area MID SCH
	2	Chambersburg Area SHS
	1	Thaddeus Stevens EL
Charleroi	2	Charleroi Area JSHS
Chester	1	Franklin Township EL
	1	Chester HS
	1	Christopher Columbus EL
	1	Dewey-Mann EL
	1	Douglass JHS
	1	Franklin EL
	2	Hilltop EL
	1	Immaculate Heart of Mary EL
	2	Jefferis EL
	1	Larkin EL
	1	Pulaski JHS
	1	Showalter JHS
	1	Smedley JHS
	2	Stetser EL
	1	Toby Farms EL
	1	Washington EL
	1	William Penn EL
Clairton	1	Clairton HS
	1	Clairton MID SCH
	1	Fifth Street EL
	1	Miller Avenue EL
	1	Shaw Avenue EL
Clarion	2	Clarion Area EL
	2	Clarion Area JSHS
Clarks Summit	1	Lourdesmont HS
Claysburg	1	Claysburg-Kimmel JSHS
	2	Franklin D Roosevelt EL
Claysville	2	McGuffey JSHS
Clearfield	2	Clearfield Area MID SCH
	2	Clearfield Area SHS
Clymer	2	Penns Manor Area HS
	1	St Anthony EL
Coalport	1	Coalport EL
Coatesville	1	Carl O Benner EL
	2	Coatesville Area SHS
	1	Edwin F Terry EL
	1	Gordon INTERMED
	2	North Brandywine INTERMED
	1	Rainbow EL
	2	Scott INTERMED
	2	South Brandywine INTERMED
	1	South Coatesville EL
Cocolamus	2	East Juniata JSHS
Cogan Station	2	Hepburn-Lycoming EL
Collingdale	2	Harris EL
Columbia	2	Columbia JSHS
	2	Park EL
Commodore	2	Commodore EL
	2	Purchase Line JSHS
Conemaugh	2	Conemaugh Valley JHS
Confluence	2	Turkeyfoot Valley Area EL
	1	Turkeyfoot Valley Area JSHS
Conneaut Lake	2	Conneaut Lake HS
	2	Conneaut Lake-Sadsbury EL
Conneautville	2	Conneaut Valley EL
Connellsville	2	Bullskin EL
	2	Connellsville Area SHS
	2	Connellsville East JHS
	2	Connellsville West JHS
	2	Connellsville Township EL
	2	Dunbar Township EL
	2	North Fayette AVTS
	2	Zachariah-Connell EL
Conshohocken	2	Hervey S Walker EL
Coraopolis	2	Forest Grove EL
	1	Gilmary HS for Girls
Cornwells Heights	2	Armstrong MID SCH
	2	Belmont Hills EL
	2	Bensalem Township HS
	2	Cornwells-Andalusia EL
	2	Faust EL
	2	Snyder MID SCH
	2	Valley EL
Corry	2	Corry JSHS
	2	Wright EL
Coudersport	2	Coudersport Area EL
Creighton	2	Deer Lakes JHS
Cresson	2	Penn Cambria SHS
Croydon	2	Mary W Devine EL
Cyclone	1	Cyclone EL
Dallas	2	Dallas INTERMED
	2	Dallas JHS
	2	Dallas Township EL
Damascus	2	Damascus Area K-12
Darby	1	Blessed Virgin Mary EL
	2	Darby-Colwyn JHS
	2	Walnut Street EL
Dayton	2	Dayton HS
Defiance	1	Defiance EL
Derry	2	Derry Area JHS
	2	Derry Area SHS
Dimock	2	Elk Lake K-12
Downingtown	2	Downingtown SHS
Doylestown	2	Central Bucks West HS
Drexel Hill	2	Archbishop Prendergast HS
DuBois	2	DuBois Area JHS
Duke Center	2	Otto-Eldred JSHS
Duncannon	2	Susquenita EL
	2	Susquenita HS
Duncansville	2	Allegheny EL
	1	Duncansville EL
Dunmore	2	Dunmore EL
	2	Dunmore JSHS
Duquesne	2	Duquesne Catholic (1-8) EL
	1	Duquesne MID SCH
	2	Duquesne SHS
	1	John F Kennedy EL
East Brady	2	East Brady JSHS
East Millsboro	1	Central EL
Easton	2	Cheston EL
	2	Easton Area HS
	2	Easton Area JHS
	2	Lauer MID SCH
	2	Paxinosa EL
	1	Porter EL
	1	Shull JHS
	1	Wolf EL
East Pittsburgh	1	Bessemer EL
	2	St William EL
	1	Turtle Creek SHS
East Springfield	2	East-West Springfield EL
East Stroudsburg	2	East Stroudsburg JSHS
Ebensburg	2	Bishop Carroll HS
Edinboro	2	General McLane MID SCH

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Location	Code *	School Name
Elderton	2	Elderton EL
	2	Elderton HS
Elizabeth	2	Elizabeth Forward JHS
	2	Elizabeth Forward SHS
Elizabethtown	2	Elizabethtown Area JSHS
Elkland	2	Clark Wood EL
	2	Elkland JSHS
Elliottsburg	2	Green Park EL
Ellwood City	2	Lincoln JSHS
	2	Walnut Ridge EL
Elverson	2	Twin Valley JSHS
Emporium	2	Cameron County JSHS
Erie	2	Academy HS
	1	Burns EL
	1	Burton EL
	2	Cleveland EL
	1	Columbus EL
	1	Diehl EL
	1	East JSHS
	1	Edison EL
	2	Emerson EL
	1	Erie City MID SCH
	2	Erie County AVTS
	1	Garfield EL
	1	Gridley JHS
	1	Holy Family EL
	2	Irving EL
	2	Jefferson EL
	1	Jones EL
	2	Lincoln EL
	1	McKinley EL
	1	Memorial JHS
	2	Our Lady of Peace EL
	1	Penn EL
	1	Roosevelt JHS
	2	Seneca HS
	1	Spirit of Christ EL
	2	St Hedwig EL
	2	St John the Baptist EL
	1	St Joseph EL
	2	St Mary EL
	1	St Patrick EL
	1	St Paul EL
	2	Strong Vincent HS
	2	Technical Memorial (X-Y) AVTS
	1	Washington EL
	1	Wayne EL
	1	Wilson JHS
Eynon	2	Roosevelt EL
Factoryville	2	Lackawanna Trail JSHS
Fairchance	1	Fairchance EL
Fairfield	2	Fairfield Area EL
Fairless Hills	2	Bucks County AVTS
	2	Medill Bair HS
	2	Neil A Armstrong MID SCH
	2	William Penn JHS
Farmington	2	Wharton EL
Farrell	1	Eckles EL
	2	Farrell EL
	2	Farrell MID SCH
	1	Farrell SHS
	2	John Hetra EL
	1	Pargny EL
Fawn Grove	2	Kennard-Dale HS
Feasterville	1	Anna Emmerick Academy EL
Finleyville	2	Finley JHS
Fishertown	2	Chestnut Ridge HS
Flinton	1	Flinton EL
	1	Glendale JSHS
Folcroft	2	Delcroft EL
Folsom	2	Ridley SHS
Ford City	2	Ford City JSHS
Forest City	2	Forest City Regional K-12
Fort Littleton	2	Fort Littleton EL
Foxburg	2	Allegheny-Clarion Valley HS
Frackville	1	Franklin EL
	1	Lincoln EL
Fredericktown	2	Bethlehem Center JHS
	2	Bethlehem Center SHS
Freedom	2	Conway-Liberty-Intermediate EL
Friendsville	2	Choconut Valley EL
Galeton	2	Galeton K-12
Gallitzin	2	Penn Cambria EL
Gap	2	Salisbury EL
Gettysburg	2	Gettysburg JHS
Girardville	1	Girardville EL
Glasgow	1	Mountaindale EL
Glassport	2	Glassport JHS
Glen Campbell	2	Banks-Canoe EL
Glen Rock	2	Southern EL
Glenolden	2	Darby Township HS
Glenshaw	2	Shaler Area JHS
	2	Shaler Area SHS
Graysville	2	Graysville EL
Greensboro	1	Glassworks EL
	1	Mapletown HS
	1	Mapletown MID SCH
	1	Penn Pitt EL
Greensburg	2	Greensburg Central Catholic HS
	2	Greensburg-Salem JHS
	2	Hempfield Area SHS
Greenville	2	Reynolds JSHS
Grindstone	1	Colonial EL
Grove City	1	George Junior Republic JSHS
	2	Hillview EL
Guys Mills	2	Randolph-East Mead EL
	2	Randolph-East Mead JSHS
Hadley	2	Commodore Perry K-12
Hamlin	2	Hamlin EL
Harbor Creek	2	Harbor Creek JSHS
Harrisburg	1	Benjamin Franklin EL
	1	Camp Curtin Early Childhood Center
	1	Cathedral EL
	1	Downey EL
	1	Foose Early Childhood Center
	1	Hamilton EL
	1	Harrisburg HS
	1	Harrisburg MID SCH
	1	Lincoln Early Childhood Center
	1	Marshall EL
	1	Melrose EL
	1	Shimmell Early Childhood Center
	1	Steele EL
	1	Woodward EL
Harrisonville	2	Forbes Road JSHS
	2	Wells-Taylor EL
Hastings	2	Hastings MID SCH
Hawthorn	2	Redbank-Hawthorn EL
Hazel Hurst	1	Hazel Hurst EL
Hazleton	2	Bishop Hafey HS
	2	Hazleton AVTS
	2	St Joseph Memorial EL
	2	St Stanislaus EL
Hollidaysburg	2	Blair EL
	2	Frankstown EL
	2	Hollidaysburg Area JHS
	2	Hollidaysburg Area SHS
Homer City	2	Homer Center EL
	2	Homer Center JSHS
Homestead	1	Barrett EL
	2	Boyle HS
	1	Homestead MID SCH
	2	Steel Valley SHS
Honesdale	2	Honesdale JSHS
	2	Stourbridge EL
Honey Grove	1	Lack-Tuscarora EL

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Location	Code *	School Name
Houtzdale	2	Houtzdale EL
	2	Moshannon Valley JSHS
Hughesville	2	Hughesville JSHS
	2	Joseph C Ashkar EL
Hummelstown	2	Lower Dauphin JHS
Hunlock Creek	2	Hunlock Creek EL
Huntington Mills	2	Huntington Mills EL
Hyde Park	1	Hyde Park EL
Imperial	2	Wilson EL
Indiana	2	Indiana Area JHS
	2	Indiana Area SHS
Industry	2	Western Beaver County JSHS
Irvona	1	Irvona EL
Jeannette	1	Gaskill Avenue EL
	2	Jeannette MID SCH
	2	Jeannette SHS
Jefferson	2	Jefferson-Morgan JSHS
Jermyn	2	Lakeland JSHS
Jersey Shore	2	Jersey Shore Area EL
	2	Jersey Shore Area JHS
	2	Jersey Shore Area SHS
	2	Sailadasburg EL
Jim Thorpe	2	Jim Thorpe Area EL
	2	Jim Thorpe Area JSHS
Johnsonburg	2	Johnsonburg Area EL
	2	Johnsonburg Area JSHS
Johnstown	1	Central Catholic EL
	2	Cochran JHS
	2	Conemaugh Valley EL
	2	Conemaugh Valley SHS
	2	Cypress EL
	2	East Taylor EL
	2	Garfield JHS
	2	Greater Johnstown AVTS
	2	Greater Johnstown Central HS
	2	Meadowvale EL
	2	West End Catholic EL
Jones Mills	2	Donegal EL
Kane	2	Chestnut Street EL
	2	Clay Street EL
	2	Kane Area JHS
	2	Kane Area SHS
Karns City	2	Karns City HS
Kemblesville	2	Kemblesville EL
Kennett Square	2	Greenwood EL
Kingston	1	West Side AVTS
	2	Wyoming Valley West HS
Kinzers	2	Pequea Valley HS
	2	Pequea Valley INTERMED
Kittanning	2	Kittanning JHS
	2	Kittanning SHS
	2	West Hills EL
Kutztown	2	Kutztown EL
Lairdsville	1	Carl G Renn EL
Lake Ariel	2	Lake Ariel EL
	2	Western Wayne JSHS
Lancaster	1	Assumption EL
	2	Fulton EL
	2	George Washington EL
	1	Hand JHS
	1	Higbee EL
	2	Lafayette EL
	2	Lincoln JHS
	2	McCaskey HS
	2	Price EL
	2	Reynolds JHS
	2	Wheatland JHS
Langhorne	2	Neshaminy JHS
	2	Neshaminy SHS
Lansford	2	Panther Valley MID SCH
Laporte	2	Sullivan County JSHS
Latrobe	2	Eastern Westmoreland AVTS
	2	Greater Latrobe (8-12) HS
Lebanon	2	Harding EL
	2	Harrison EL
	2	Lebanon JHS
	2	Lindley Murray EL
Leeper	2	North Clarion County EL
	2	North Clarion County JSHS
Lehighton	2	Franklin EL
	2	Lehighton Area SHS
	2	Lehighton Area JHS
	2	Shull-David EL
Lehman	2	Lake-Lehman JSHS
Levittown	2	Abraham Lincoln EL
	2	Benjamin Franklin MID SCH
	2	Clara Barton EL
	2	James Buchanan EL
	2	Manor EL
	2	Penn Valley EL
	2	St Michael Archangel EL
	2	Woodrow Wilson SHS
Lewistown	2	Chief Logan JSHS
	2	Juniata-Mifflin County AVTS
	2	Lewistown-Granville JHS
	2	Lewistown-Granville SHS
Liberty	2	Liberty JSHS
Library	2	South Park JSHS
Lilly	2	Penn Cambria JHS
Lima	2	Penncrest HS
Linesville	2	Linesville-Conneaut Summit HS
Linwood	2	Linwood EL
Liverpool	1	Susquehanna Township EL
Lower Burrell	1	Wills EL
Lucinda	1	St Joseph EL
	1	St Joseph HS
Luzerne	2	Charles Street EL
Madera	2	Madera EL
Mahoning	1	Madison EL
Mansfield	2	Mansfield JSHS
	2	Warre.. L Miller EL
Marcus Hook	2	Marcus Hook EL
Marietta	2	Riverview EL
Marion Center	2	Marion Center EL
	2	Marion Center JSHS
Markleysburg	2	A M. McMullen MID SCH
	2	Marclay EL
Masontown	2	Masontown Central EL
	2	Masontown JHS
	1	Masontown-West End EL
McClellandtown	1	German Central EL
	1	German Township JHS
	2	German Township SHS
McDonald	2	Fort Cherry JSHS
	2	South Fayette Township EL
	2	South Fayette Township JSHS
McKeesport	1	Centennial EL
	1	Fifth Avenue EL
	1	George Washington EL
	2	McClure JHS
	2	McKeesport Area SHS
	2	McKeesport Area JHS
	2	McKeesport Central Catholic EL
	1	Model EL
	2	South Allegheny HS
	2	Versailles Avenue EL
	2	West Side EL
McKees Rocks	1	Dewitt C Fenton EL
	1	Hamilton JHS
	1	Holy Ghost EL
	1	Mother of Sorrows EL
	1	Sto-Rox JHS
	2	Sto-Rox SHS
	1	Wilson EL

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Location	Code *	School Name
Meadville	2	Crawford County AVTS
	2	Meadville Area JHS
	2	Meadville Area SHS
	2	Second District EL
Mechanicsburg	1	Cumberland-Perry AVTS
Media	2	Delaware County AVTS
	2	Media EL
Melcroft	2	Saltlick EL
Meyersdale	2	Meyersdale Area EL
	2	Meyersdale Area JSHS
Middletown	2	Londonderry EL
Midland	1	Linoln JSHS
	1	Neel EL
Mifflin	2	Mountain View EL
Mifflintown	2	Fermanagh-Mifflintown EL
	2	Juniata HS
	2	Tuscarora JHS
	2	Walker Township EL
Millerstown	2	Greenwood HS
Millersville	2	Penn Manor HS
Millville	2	Millville JSHS
Milmont Park	2	Our Lady of Peace EL
Minersville	2	Minersville Area EL Center
	2	Minersville Area JSHS
Minisink Hills	2	Smithfield Township EL
Monessen	2	Monessen JSHS
Monongahela	2	William Penn EL
	2	Ringgold HS
Montrose	2	Lake Avenue EL
	2	Lathrop Street EL
	2	Montrose Area JSHS
Morrisdale	2	West Branch Area EL
	2	West Branch Area JSHS
Mount Carmel	2	Mount Carmel Area SHS
	2	Mount Carmel EL
Mount Joy	2	Donegal JSHS
Mount Pleasant	2	Hurst JHS
	2	Mount Pleasant Area SHS
	2	Ramsay JHS
	2	Second Ward EL
Mount Union	2	Kistler EL
	2	Mount Union Area JSHS
	1	Mount Union Area EL
	1	Shirley Township EL
Munhall	2	Steel Valley INTERMED
Nanticoke	2	Nanticoke JHS
	2	John S Fine SHS
Nanty Glo	2	Blacklick Valley JSHS
Natrona Heights	2	Highlands INTERMED
	2	Highlands SHS
Nemacolin	2	Nemacolin EL
New Berlin	2	Sun AVTS
New Bethlehem	2	Mahoning EL
	2	Porter Township EL
	2	Redbank Valley HS
New Brighton	2	New Brighton Area EL
	2	New Brighton Area HS
	2	New Brighton Area MID SCH
New Castle	2	Arthur McGill EL
	2	Benjamin Franklin JHS
	2	Croton EL
	2	George Washington JHS
	2	Harry W Lockley EL
	2	John F Kennedy EL
	2	Laurel EL
	2	Laurel JSHS
	2	Lincoln-Garfield EL
	2	Mahoning EL
	2	Mount Jackson EL
	2	New Castle SHS
	2	Rose Avenue EL
	2	Shenango Area EL
	2	Shenango Area JSHS
	2	Thaddeus Stevens EL
New Castle cont.	2	Union Area JSHS
	2	West Side EL
New Freeport	2	Springhill-Freeport EL
New Kensington	2	Edgewood EL
	1	Fort Crawford EL
	1	J F Kennedy EL
	1	Martin EL
	1	Mount St Peter EL
	2	New Kensington JHS
	1	St Marys EL
	2	Upper Burrell EL
	2	Valley SHS
New Oxford	2	New Oxford JSHS
New Paris	2	Chestnut Ridge Central EL
New Tripoli	2	Northwestern Lehigh JSHS
Newport	2	Newport EL
	2	Newport JSHS
Newportville	2	George Clymer EL
New Wilmington	2	Wilmington JSHS
Normalville	2	Springfield EL
Norristown	2	Bishop Kenrick HS
	2	Eisenhower JHS
	2	Paul V Fly EL
	1	Gotwals EL
	1	Hartranft EL
	2	Norristown Area HS
	2	Rittenhouse MID SCH
	2	Stewart MID SCH
	2	St Patrick EL
North Apollo	2	North Apollo EL
North Braddock	1	Benjamin Fairless EL
	1	Hartman EL
	1	Jonas Avenue EL
	1	Scott SHS
North East	2	Heard Memorial EL
	2	Northeast JSHS
North Huntingdon	2	Norwin SHS
North Vandergrift	1	North Vandergrift EL
North Versailles	2	East Allegheny HS
	2	East Allegheny MID SCH
	2	Green Valley EL
Northampton	2	Northampton Area JHS
Northumberland	2	C W Rice MID SCH
Norvelt	2	Norvelt EL
Oakmont	2	Riverview JSHS
Oil City	2	Lincoln EL
	2	Oil City JHS
	2	Oil City SHS
	2	Venango Christian HS
Old Forge	2	Old Forge EL
Olyphant	2	Mid-Valley SHS
Orbisonia	2	South Huntingdon County JSHS
Osceola Mills	2	Osceola Mills EL-JHS
Oxford	2	Jordan Bank-Hopewell EL
	2	Oxford Area HS
	2	Oxford Area INTERMED
Palmerton	2	Stephen S Palmer MID SCH
Patton	2	Cambria Heights 1st Ward EL
	2	Cambria Heights SHS
Peckville	2	Valley View New EL (Center)
Penndel	2	Herbert Hoover EL
Perryopolis	2	Mary Fuller Frazier JSHS
Philadelphia	1	Adaire-Chandler EL
	1	Alcorn EL
	1	All Saints EL
	1	AMY 6-9
	1	Anderson EL
	2	Annunciation BVM EL
	1	Arthur EL
	1	Audenried JHS
	1	Bache EL
	2	Baldi 6-8
	1	Barratt JHS

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List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Philadelphia cont.	1	Barry EL
	1	Bartlett JHS
	2	Barton EL
	1	Bartram HS
	2	Beeber JHS
	1	Belmont EL
	1	Benjamin Franklin HS
	1	Benson EL
	1	Bethune EL
	2	Birney EL
	2	Bishop Neumann HS
	1	Blaine EL
	1	Blankenburg EL
	1	Bok AVTS
	1	Bregy EL
	1	Brown (Henry) K-6
	1	Bryant EL
	2	Bustleton EL
	2	Cardinal Dougherty HS
	2	Carnell EL
	1	Carver EL
	2	Cassidy EL
	1	Catharine EL
	1	Cathedral EL
	2	Central HS
	1	Childs EL
	1	Cleveland EL
	1	Clymer EL
	1	Comegys EL
	2	Conwell MID SCH
	1	Cooke JHS
	2	Cook-Wissahickon EL
	1	Cramp EL
	2	Creighton EL
	1	Daroff EL
	1	Darrah EL
	2	Day EL
	2	Decatur EL
	1	Dick K-6
	2	Disston EL
	1	Dobbins Technical HS
	1	Dubeon EL
	1	Douglas EL
	1	Douglass (Frederick) EL
	1	Drew K-8
	1	Duckrey EL
	1	Dunbar EL
	1	Dunlap EL
	2	Durham EL
	1	East Falls EL
	1	Edison HS
	2	Edmonds EL
	2	Elkin EL
	2	Ellwood EL
	1	Elverson EL
	1	Emlen EL
	1	Fairhill EL
	2	Father Judge HS
	1	Fell EL
	2	Fels JHS
	1	Ferguson EL
	2	Finletter EL
	2	Fitzpatrick EL
	1	Fitzsimons JHS
	2	Forrest EL
	2	Frankford HS
	1	Franklin Learning Center 9-12
	1	Fulton EL
	1	Furness JHS
	1	Germantown HS
	1	Gesu EL
	1	Gideon EL
	1	Gillespie JHS
Philadelphia cont.	1	Girard College 1-12
	2	Girard EL
	2	Gompers EL
	1	Gratz HS
	2	Greenfield K-8
	1	Hackett EL
	1	Hamilton EL
	1	Hanna EL
	2	Harding JHS
	1	Harrington EL
	1	Harrison EL
	1	Harrity EL
	1	Hartranft EL
	1	Hawthorne EL
	2	Henry K-8
	1	Heston EL
	1	Hill EL
	2	Holme (T) K-5
	1	Holmes EL
	2	Holy Child EL
	1	Holy Name of Jesus EL
	2	Hopkinson EL
	2	Houston EL
	2	Howe EL
	1	Huey EL
	1	Hunter K-4
	2	Immaculate Conception (Chelten) EL
	1	Intensive Learning Center K-5
	1	Jackson EL
	1	Jefferson EL
	1	Jenks (AS) EL
	2	Jenks (JS) EL
	1	John W Hallahan Girls HS
	1	Jones JHS
	1	Kearny EL
	1	Kelley EL
	1	Kelly (John B) K-4
	1	Kenderton EL
	1	Kensington HS
	1	Key EL
	1	King HS
	1	Kinsey EL
	1	Kirkbride EL
	2	Lamberton EL
	1	Landreth EL
	1	Lea K-8
	2	Leeds MID SCH
	1	Lehigh EL
	1	Leidy EL
	2	Levering EL
	1	Lewis 5-8
	2	Lincoln HS
	1	Lingelbach EL
	2	Little Flower Catholic Girls HS
	1	Locke EL
	2	Loesche EL
	1	Logan EL
	1	Longstreth EL
	1	Ludlow EL
	2	Mann EL
	2	Mastbaum AVTS
	2	Masterman 5-9
	1	Mater Dolorosa EL
	2	McCall EL
	2	McCloskey EL
	1	McClure EL
	1	McDaniel EL
	1	McKinley EL
	1	McMichael EL
	1	Meade EL
	2	Meehan 6-8
	1	Meredith EL
	1	Mifflin EL

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List of Schools Determined to have High Concentrations of Students from Low-Income Families
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Location	Code *	School Name
Philadelphia cont.	1	Miller EL
	1	Mitchell EL
	1	Moffet EL
	1	Morris EL
	1	Morton EL
	1	Most Blessed Sacrament EL
	1	Most Precious Blood EL
	2	Nativity BVM K-10
	1	Nebinger EL
	2	Northeast Catholic HS
	2	Northeast HS
	2	Olney HS
	1	Our Lady Holy Souls EL
	1	Our Lady of Mercy EL
	2	Our Lady of Victory EL
	1	Our Mother of Sorrows EL
	2	Overbrook EL
	1	Overbrook HS
	1	Parkway UNGRADED
	1	Pastorius EL
	2	Patterson EL
	1	Peirce (TM) K-6
	1	Peirce (WS) K-8
	1	Pennell EL
	1	Pennsylvania Advancement 5-8
	1	Penn Treaty JHS
	2	Pennypacker EL
	2	Pepper 5-8
	2	Philadelphia HS for Girls
	1	Pickett MID SCH
	1	Poe EL
	1	Potter-Thomas EL
	1	Powel EL
	1	Pratt-Arnold EL
	1	Prince Hall EL
	2	Read (F) K-7
	1	Reynolds EL
	1	Rhoads EL
	1	Rhodes 5-8
	2	Richmond EL
	2	Roman Catholic HS
	1	Roosevelt MID SCH
	2	Rowen EL
	2	Roxborough HS
	2	Rush MID SCH
	2	Sacred Heart of Jesus EL
	1	Sartain EL
	1	Sayre JHS
	2	Sharswood EL
	1	Shaw JHS
	2	Shawmont EL
	1	Sheppard EL
	2	Sheridan EL
	1	Shoemaker JHS
	1	Smedley EL
	1	Smith EL
	2	Solis-Cohen EL
	1	South Philadelphia HS
	1	Southwark EL
	1	Spring Garden EL
	1	St Agatha Parochial EL
	2	St Ambrose EL
	1	St Anne EL
	1	St Anthony of Padua EL
	1	Stanton EL
	1	Stanton (MH) EL
	1	St Bonaventure EL
	1	St Boniface BUSINESS SCH
	1	St Boniface EL
	1	St Carthage EL
	1	St Charles Borromeo EL
	1	St Clement EL
	1	St Columba EL
Philadelphia cont.	1	Stearne EL
	2	St Edmond EL
	1	St Edwards EL
	1	Steel EL
	1	St Elizabeth EL
	2	Stella Maris EL
	1	Stetson JHS
	1	Stevens EL
	2	St Francis de Sales EL
	2	St Francis of Assisi EL
	1	St Francis Xavier EL
	1	St Gabriel EL
	1	St Gregory EL
	1	St Hugh EL
	1	St Ignatius Loyola EL
	1	St Joachim EL
	1	St Joan of Arc EL
	2	St John Cantius EL
	2	St Laurentius EL
	1	St Ludwig EL
	1	St Madeleine Sophie EL
	1	St Malachy EL
	2	St Maria Goretti HS
	1	St Marys Interparochial EL
	2	St Martin of Tours EL
	1	St Mary the Eternal EL
	1	St Michael EL
	1	St Nicholas EL
	1	St Nicholas Tolentine EL
	1	Stoddard-Fleisher JHS
	1	Stokely EL
	1	St Peter Claver EL
	1	St Peter the Apostle EL
	1	St Philip Neri EL
	1	Strawberry Mansion JHS
	2	St Raymond EL
	1	St Stephen EL
	2	St Timothy EL
	1	St Veronica EL
	1	St Vincent de Paul EL
	1	St Vincents Home K-6
	1	Sulzberger JHS
	1	Taggart EL
	1	Taylor EL
	1	Thomas (George) EL
	2	Thomas JHS
	1	Tilden MID SCH
	2	Transfiguration EL
	1	Turner MID SCH
	1	University City HS
	1	Vare EL
	1	Vare JHS
	1	Vaux JHS
	1	Visitation EL
	1	Wagner JHS
	1	Walnut Street Center K-1
	1	Walton EL
	1	Wanamaker JHS
	1	Waring-Drexel EL
	1	Washington (George) K-8
	2	Washington HS
	1	Washington (Martha) K-8
	1	Wayne EL
	2	Webster EL
	1	Welsh EL
	2	West Philadelphia Catholic Boys HS
	1	West Philadelphia Catholic Girls HS
	1	West Philadelphia HS
	1	Whittier EL
	1	Willard EL
	1	William Penn HS
	1	Wilson EL
	1	Wister (J) EL

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Location	Code *	School Name
Philadelphia cont.	1	Wister (MC) EL
	1	Wolf EL
	1	Wright EL
Philipsburg	2	North Lincoln Hill EL
	2	Philipsburg JHS
	2	Philipsburg-Osceola Area SHS
Phoenixville	2	Barkley EL
	1	St Gabriels Hall EL
Pine Grove	2	Pine Grove Area MID SCH
	2	Pine Grove Area HS
	2	Pine Grove EL
Pittsburgh	2	Allderdice JSHS
	1	Allegheny SHS
	1	Allison EL
	2	Annunciation EL
	1	Arlington EL
	1	Arsenal EL
	1	Arsenal MID SCH
	2	Avalon EL
	1	Baxter EL
	2	Beechwood EL
	2	Bellevue JSHS
	1	Belmar EL
	1	Beltzhoover EL
	1	Boggs Avenue EL
	2	Bon Air EL
	2	Brentwood JSHS
	2	Brookline EL
	1	Burgwin EL
	2	Carrick SHS
	1	Chartiers EL
	2	Chatham EL
	1	Clayton EL
	1	Columbus MID SCH
	1	Crescent EL
	2	Dickson JHS
	1	Dilworth EL
	1	East Hills EL
	1	East Hills Middle Grade 7-8
	1	Educational Medical JSHS
	1	Fairywood EL
	1	Fifth Avenue JSHS
	1	Fort Pitt EL
	2	Fox Chapel HS
	1	Frick EL
	1	Friendship EL
	2	Fulton EL
	1	Gladstone EL
	1	Gladstone JSHS
	1	Grandview EL
	2	Greenfield EL
	1	Greenway MID SCH
	1	Halls Grove EL
	2	Hebron EL
	1	Hill District Catholic 1-8
	1	Hilltop Catholic HS
	1	Holmes EL
	1	Holy Family Institute EL
	1	Holy Rosary EL
	1	Homewood EL
	1	Horace Mann EL
	1	Horner MID SCH
	1	Immaculate Conception EL
	2	Johnston EL
	2	Keystone Oaks HS
	1	King (Martin Luther Jr) EL
	1	Knoxville EL
	1	Knoxville JHS
	2	Langley JSHS
	1	Latimer EL
	1	Latimer MID SCH
	2	Lawrenceville Catholic Merged 1-12
	2	Lee EL
Pittsburgh cont.	1	Lemington EL
	1	Letsche EL
	2	Liberty EL
	1	Lincoln EL
	2	Linton Intermediate HS
	1	Madison EL
	1	Manchester EL
	1	McCleary EL
	1	McKelvy EL
	1	McNaugher MID SCH
	2	Mifflin EL
	1	Miller EL
	1	Morrow EL
	1	Morse EL
	2	Mount Oliver EL
	1	Murray EL
	2	North Hills HS
	1	Northview Heights EL
	1	Oliver SHS
	1	Opportunity JSHS
	2	Our Lady Help of Christians EL
	2	Overbrook EL
	1	Peabody SHS
	2	Penn Hills JHS
	2	Penn Hills SHS
	1	Perry SHS
	1	Phillips EL
	1	Prospect EL
	1	Prospect JHS
	2	Resurrection EL
	1	Rogers EL
	2	Roosevelt EL
	1	Sample EL
	1	Schenley SHS
	1	Schiller EL
	2	Sheraden EL
	2	South Hills SHS
	1	South JSHS
	1	Spring Garden EL
	1	Spring Hill EL
	1	St Agnes EL
	2	St Canice EL
	1	Stevens EL
	2	Stevens (Penn Hills) EL
	2	St Francis Xavier EL
	1	St Gabriel Archangel 1-8
	2	St James (Rebecca Avenue) EL
	1	St Joseph (Pearl Street) EL
	1	St Kieran EL
	2	St Mary of Mount 1-12
	1	St Peter EL
	2	St Philip EL
	2	St Regis EL
	1	St Stephen EL
	2	St Teresa EL
	2	Swissvale Area SHS
	1	Turner EL
	1	Vann EL
	1	Washington Eighth Grade
	2	Washington EL
	1	Weil EL
	1	Westinghouse JSHS
	2	West Liberty EL
	2	Whittier EL
	2	Wilkinsburg SHS
	1	Woolslair EL
Pittston	2	Pittston Area EL
	2	Pittston Area JHS
	2	Pittston Area SHS
	1	St John Evangelist 1-12
Plains	2	Plains JHS
Pleasant Hills	2	Pleasant Hills MID SCH
Pleasantville	2	Pleasantville EL

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Location	Code *	School Name
Point Marion	2	Albert Gallatin SHS
	1	Friendship Hill EL
	2	Point Marion EL
	1	Point Marion JHS
Port Allegany	2	Arnold Avenue EL
	2	Port Allegany JSHS
Portage	2	Portage Area EL
	2	Portage Area JSHS
Pottstown	2	Edgewood EL
	2	Jefferson EL
	2	Pottstown INTERMED
	2	Pottstown JHS
	1	West End EL
Pottsville	1	Centre Street EL
	1	Duncott EL
	2	Jalappa EL
	2	Lengel MID SCH
	2	Mount Hope EL
	1	Nicholes Biddle EL
	2	Pottsville Area HS
	2	Schuylkill County AVTS
Prospect Park	2	Interboro JHS
Punxsutawney	2	Punxsutawney Area JHS
	2	Punxsutawney Area SHS
Queen	1	Queen EL
Rankin	1	Rankin EL
Reading	1	Amanda E Stout EL
	2	Glenside EL
	1	Lauers Park EL
	1	Northwest Area EL
	2	Northwest JHS
	2	Reading SHS
	2	Southern JHS
	1	Southwest JHS
	1	St Peters EL
	2	Tenth & Green EL
	1	Thomas H Ford EL
	1	Tyson-Schoener EL
Red Hill	2	Upper Perkiomen EL
Red Lion	2	Red Lion Area JHS
Reedsville	2	Kishacoquillas JSHS
Renovo	1	St Joseph EL
Republic	1	Holy Rosary EL
	1	Redstone MID SCH
Reynoldsville	2	Jefferson County-DuBois AVTS
Rimersburg	1	Rimersburg EL
	1	Union HS
Ringtown	1	Ringtown EL
Robertsdale	2	Robertsdale EL
Robesonia	2	Conrad Weiser HS
Rochester	2	Rochester Education Complex K-12
Rockwood	2	Rockwood Area EL
	2	Rockwood Area JSHS
Rogersville	2	West Greene JSHS
Rome	2	Northeast Bradford JSHS
	2	Northeast Bradford EL
Roulette	2	L L Smith EL
Rural Valley	2	Shannock Valley EL
	2	Shannock Valley HS
Saegertown	2	Saegertown MID SCH
Saint Clair	2	Saint Clair Area HS
	2	Saint Clair EL
	1	St Marys Roman Catholic EL
Saint Marys	1	Elk County Christian HS
	2	Saint Marys Area MID SCH
	2	Saint Marys Area SHS
	2	South Saint Marys Street EL
Salina	2	Bell Township EL
Saltsburg	2	Iselin EL
	2	Willard EL
Sarver	2	Buffalo Township EL
Saxonburg	2	Knoch JSHS
Saxton	2	Saxton EL
	2	Saxton-Liberty EL
	2	Stonerstown EL
	2	Tussey Mountain JSHS
Sayre	2	H Austin Snyder EL
	2	Sayre Area HS
Scottdale	2	Central EL
	2	Southmoreland JHS
Scranton	2	Adams EL
	2	Central HS
	2	East Scranton JHS
	2	Garfield EL
	1	Irving EL
	2	Monroe EL
	2	Neil Armstrong EL
	2	North Scranton JHS
	2	South Scranton JHS
	1	St Patrick EL
	2	Technical HS
	2	Webster EL
	2	West Scranton HS
	2	West Scranton MID SCH
Shamokin	1	Lincoln EL
	1	Middle EL
	2	Our Lady Lourdes Regional HS
	2	Shamokin JHS
	2	Shamokin SHS
	1	Stevens EL
	2	Washington EL
Shanksville	2	Shanksville-Stonycreek K-12
Sheatown	2	K M Smith EL
Shenandoah	1	Annunciation BVM EL
	2	Jefferson EL
	2	Shenandoah Heights EL
	2	Shenandoah Valley HS
Shickshinny	2	Garrison Memorial EL
	2	Northwest Area JSHS
Shinglehouse	1	Oswayo Valley EL
Shippensburg	1	Central EL
	1	J W Kline EL
	1	Rowland Laboratory EL
	2	Shippensburg Area JHS
Slatington	2	Slatington EL
	2	Slatington JSHS
Sligo	1	Sligo EL
Smethport	2	Smethport Area JSHS
	2	Smethport EL
Smithfield	1	Smithfield EL
Somerset	2	Somerset County AVTS
South Canaan	2	South Canaan EL
Spraggs	2	Wayne (Spraggs) EL
Spring Mills	2	Penns Valley Area JSHS
Springdale	2	Colfax EL
	2	Springdale SHS
Steelton	1	Steelton EL
	2	Steelton-Highspire JSHS
	2	Tri-Community EL
Summit Hill	2	Panther Valley SHS
Sunbury	1	Beck EL
	1	Fort Augusta EL
	1	Maclay EL
	1	Rohrbach EL
	2	Shikellamy SHS
	1	Sunbury MID SCH
Swiftwater	2	Pocono Mountain MID SCH
Tamaqua	2	Marian HS
	2	Tamaqua Area JSHS
Tarentum	2	Highlands JHS
Taylor	2	Riverside JSHS
	2	Taylor EL
Thorndale	2	Caln EL
Tioga	2	J L T EL
	1	Williamson JSHS

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Location	Code *	School Name
Titusville	2	Main Street EL
	2	Titusville JHS
	2	Titusville SHS
Towanda	2	Mulberry Street EL
	2	Towanda Area MID SCH
	2	Towanda Area SHS
	1	Towanda Township EL
Tower City	2	Williams Valley JSHS
Townville	2	Townville EL
	2	Townville JSHS
Troy	2	Troy JHS
	2	Troy SHS
Trucksville	2	Westmoreland EL
Tunkhannock	2	Tunkhannock Area EL
	2	Tunkhannock HS
	2	Tunkhannock MID SCH
Turtle Creek	1	Penn Avenue EL
	1	Turtle Creek MID SCH
Twin Rocks	2	Big Bend EL
Tyrone	2	Lincoln EL
	2	Logan EL
	2	Tyrone Area JSHS
Union City	2	Union City EL
	2	Union City JSHS
Uniontown	1	Berkeley EL
	1	East End EL
	2	Clark EL
	2	Fairchance-Georges JHS
	2	Fairchance-Georges SHS
	1	Fayette County AVTS
	2	Gallatin EL
	1	Hatfield EL
	1	Hutchinson EL
	1	Kennedy EL
	2	Lafayette JHS
	2	Laurel Highlands SHS
	2	Marshall EL
	2	Menallen EL
	2	North Laurel JHS
	1	Park EL
	2	South Laurel JHS
	1	Swaney EL
	2	Uniontown Area SHS
Upland	1	Hill Street EL
	1	Main Street EL
Vandergrift	1	Kepple Hill EL
	2	Kiski Area SHS
	2	Laurel Point EL
	1	Sherman EL
	2	Vandergrift JHS
Verona	2	Seneca JHS
	2	Shenandoah EL
Warminster	1	Christs Home EL
	1	Lacey Park EL
	2	Log College JHS
	2	William Tennent INTERMED
	2	William Tennent SHS
	1	Willow Dale EL
Washington	2	Clark EL
	2	John F Kennedy EL
	2	North Franklin EL
	2	Trinity MID SCH
	2	Trinity SHS
	2	Washington JSHS
Waterford	2	Fort Leboeuf MID SCH
	2	Waterford EL
Wattsburg	2	Wattsburg Area MID SCH
	2	Wattsburg Central EL
Waymart	1	Waymart EL
Waynesburg	2	East Franklin EL
	2	Margaret Bell Miller EL
	2	Waynesburg Central HS
	1	Whiteley EL
Wellsboro	2	Don Gill EL
	2	Wellsboro Area JHS
	2	Wellsboro Area SHS
West Chester	2	East Bradford EL
	2	East SHS
	1	Fugett EL
	2	Henderson SHS
	1	High Street EL
	2	North JHS
	1	Peirce EL
	2	St Agnes EL
	2	Stetson JHS
West Elizabeth	2	Lincoln EL
West Grove	2	Avon Grove EL
	2	Avon Grove HS
	2	Fred S Engle MID SCH
West Middlesex	2	West Middlesex JSHS
West Mifflin	2	Homeville JHS
West Sunbury	2	Moniteau EL
	2	Moniteau JSHS
Westfield	2	Cowanesque Valley EL
	2	Cowanesque Valley JSHS
Whitaker	1	Whitaker EL
Wilkes-Barre	2	Bishop Hoban HS
	2	Dodson EL
	2	Flood EL
	2	G A R Memorial JSHS
	2	Hanover Green EL
	2	Hanover SHS
	1	Lee Park EL
	2	Mackin EL
	2	Newtown JHS
	1	Sacred Heart of Jesus EL
	2	St Aloysius EL
	1	St Boniface EL
	1	St Nicholas-St Marys EL
	2	Wilkes-Barre AVTS
Wilkinsburg	1	Kelly EL
Williamsburg	2	Williamsburg Community EL
Williamsport	1	Becht EL
	2	Bishop Neumann HS
	2	Clay EL
	2	Cochran EL
	2	Curtin JHS
	2	Jefferson EL
	2	Lose EL
	2	Loyalsock Township JHS
	2	Roosevelt JHS
	2	Stevens JHS
	1	Washington EL
	2	Williamsport Area SHS
Willow Grove	2	Willow Hill EL
Windber	2	West End EL
Wingate	2	Bald Eagle Area JSHS
	2	Wingate EL
Woodlyn	2	Woodlyn EL
Wyalusing	2	Wyalusing Valley JSHS
Wyncote	2	Cheltenham Township SHS
Wysox	2	Wysox EL
York	2	Davis MID SCH
	2	Devers EL
	2	Ferguson EL
	2	Franklin EL
	2	Goode EL
	2	Hannah Penn MID SCH
	2	Immaculate Conception BVM EL
	2	Jackson EL
	2	Lincoln EL

(Pennsylvania is continued on top of next page)

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Pennsylvania

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
York cont.	2	McKinley EL
	2	Noell EL
	2	Smith MID SCH
York cont.	2	West York Area Secondary Complex 7-12
	2	William Penn SHS
	2	York County AVTS
Youngsville	2	Youngsville HS

Rhode Island

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Barrington	1	St. Andrew's EL
Bristol	2	Reynolds EL
Burrillville	1	St. Joseph EL
Central Falls	2	Broad St. EL
	2	Central Falls JHS-HS
	2	Cowden St. EL
	1	Holy Trinity EL
	2	G. Harold Hunt EL
	1	Notre Dame EL
	1	Notre Dame HS
	2	Ella L. Risk EL
	2	Margaret I. Robertson EL
	1	St. Matthew EL
Chariho	2	Chariho Regional HS
Charlestown	2	Charlestown EL
Cranston	2	Valentine Almy EL
	2	Arlington EL
	2	Hugh B. Bain JHS
	2	Edgewood Highland Middle
	2	Gladstone St. EL
	2	Norwood Ave. EL
	2	Park View JHS
	1	St. Mary EL
	2	Joseph L. Sanders EL
Cumberland	1	Berkeley EL
	2	Bernard F. Norton EL
	2	St. Patrick EL
East Providence	2	East Providence HS
	2	James R. D. Oldham EL
	2	Orlo Ave. EL
	2	Sacred Heart EL
Hopkinton	2	Hope Valley EL
Johnston	2	George C. Calef EL
	2	St. Rocco EL
Little Compton	2	Josephine F. Wilbur EL
Middletown	2	John F. Kennedy EL
	2	Oliphant EL
	1	Newport County Catholic Regional Middle
Newport	1	Callender EL
	2	Carey EL
	1	John Clarke EL
	1	Jesus Saviour EL
	2	Lenthal EL
	2	Mumford EL
	1	Newport County Catholic Regional EL
	2	Pell EL
	2	Rogers HS
	2	Thompson JHS
New Shoreham	2	Block Island Consolidated K-12
North Kingstown	1	Davisville EL
	2	Davisville Middle
	2	Hamilton EL
	1	Adm. John M. Hoskins EL
	2	North Kingstown HS
	2	Wickford EL
North Providence	1	St. Patrick HS
North Smithfield	2	Halliwell Memorial EL
Pawtucket	2	Elizabeth Baldwin Annex EL
	1	Anna J. Burns EL
	2	M. Virginia Cunningham Memorial EL
Providence	2	Joseph Jenks JHS
	1	St. Cecilia EL
	1	St. Mary EL
	1	St. Teresa EL
	2	Samuel Slater JHS
	2	Francis J. Varieur EL
	2	West HS
	2	Henry J. Winters EL
	2	Woodlawn Catholic Regional EL
	2	Althea St. EL
	1	Samuel W. Bridgeham Middle
	1	Camden Ave. EL
	2	Central HS
	1	Edmund W. Flynn Model EL
	1	Mary F. Fogarty EL
	1	Holy Name EL
	2	John Howland EL
	2	Joslin St. EL
	1	Kenyon St. EL
	2	Dr. Martin Luther King, Jr. EL
	2	Laurel Hill Ave. EL
	1	Lexington Ave. EL
	1	Bishop McVinney Regional EL & Middle
	2	Asa Messer EL
	1	Opportunities Industrialization Center of R.I., Inc.
	1	Providence Free EL
	2	Ralph St. EL
	2	St. Bartholemew EL
	2	St. Francis Xavier Academy 9-12
	1	St. Patrick Word of God EL
	1	St. Teresa EL
	1	School One 9-12
	2	Gilbert Stuart Middle
	2	Summit Ave. EL
	2	Veazie St. EL
	2	Vineyard St. EL
	1	Roger Williams Middle
	2	Willow St. EL
Richmond	2	Richmond EL
Scituate	2	Clayville EL
South Kingstown	2	Hazard EL
	2	Peace Dale EL
	2	South Kingstown JHS
	2	Wakefield EL
Tiverton	2	Pocasset EL
	2	Tiverton J-SHS
Warwick	2	Conimicut EL
	2	Gorton JHS
	2	Oakland Beach EL
Westerly	2	Bradford EL
	2	High St. EL
West Warwick	2	John F. Horgan EL
	2	Monsignor Vincent EL

(Rhode Island is continued on top of next page)

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Rhode Island

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Woonsocket	2	Citizens' Memorial EL
	2	Fifth Ave. EL
	2	Globe Park EL
	2	Grove St. EL
	2	Harris EL
	2	Hope St. EL
	2	Kendrick Ave. EL
	2	McFee EL
Woonsocket cont.	2	Pothier EL
	2	Second Ave. EL
	2	Social St. EL
	2	South Main St. EL
	2	Summer St. EL
	2	Woonsocket JHS
	2	Woonsocket HS

South Carolina

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Aiken	3	Downer El
	3	Talatha Hawthorne El
	3	East Aiken El
	3	North Aiken El
	3	Groverville El
	3	Greendale El
	3	New Ellenton JHS
	1	Windsor El
Allendale	1	Allendale JHS
	1	Allendale Middle
	1	Allendale Primary
	1	Fairfax Middle
	1	Fairfax Primary
	1	Allendale-Fairfax HS
	1	Fairfax JHS
Anderson	1	Anderson #5 Child Development Center (K only)
	3	South Fant Street El
Aynor	3	Aynor El
	3	Aynor HS
Bamberg	1	Richard Carrol Middle
	1	Bamberg El
	1	Bamberg-Ehrhardt HS
	1	Richard Carrol JHS
Barnwell	3	Barnwell El
	3	Guinyard-Butler Middle
Batesburg	3	Batesburg El
Beaufort	3	McCracken HS
	3	Robert Small JHS
	1	Dale El
	1	Battery Creek El
	1	Lady's Island El
	1	M. C. Riley El
	1	St. Helena El
	1	St. Helena JHS
	1	Broad River El
Bennettsville	3	Adamsville El
	1	Bennettsville HS
	1	Blenheim El
	1	Blenheim HS
	1	Blenheim Primary
	1	Clio El
	1	Clio HS
	3	Fletcher Memorial El
	1	Kollock El
	3	McColl HS
	3	McColl Primary
	1	Wallace HS
	1	Wallace Primary
	3	Bennettsville Middle
	3	Bennettsville Primary
	1	Bennettsville JHS
	3	Bennettsville El
Bethune	1	Bethune El
	1	Bethune HS
Bishopville	1	Bishopville Middle
	1	Bishopville Primary
Bishopville cont.	1	West Lee El
	1	Ashwood Central HS
	1	Mt. Pleasant HS
	1	Bishopville HS
	1	Fleming El
	1	Lower Lee El
Blackville	3	Blackville HS
	3	Blackville Middle
	3	Blackville El
Bowman	1	Bowman El
	1	Bowman HS
Branchville	3	Branchville El
	1	Branchville HS
Boykin	3	Wateree River Correctional Institute
Camden	3	Pine Tree Hill El
	1	Blaney El
	1	Baron DeKalb El
	3	Baron DeKalb HS
	3	Lugoff-Elgin Middle
	3	Lugoff-Elgin HS
Cayce	3	Pine Ridge Middle
	3	Cayce El
	3	Busbee Middle
Charleston	3	Archer El
	1	Porcher El
	1	Sanders-Clyde El
	1	Courtenay El
	1	Jane Edwards El
	3	Haut Gap Middle
	1	Mary Ford El
	1	Lincoln El
	1	Columbus Street El
	1	Baptist Hill HS
	1	Rockville El
	1	Baptist Hill El
	1	Minnie Hughes El
	1	Liberty Hill El
	1	Rhett El
	1	Jennie Moore El
	1	Miley Hill El
	1	McClellanville El
	1	Mitchell El
	1	Schroder Middle
	3	Morningside El
	1	C. A. Brown HS
	1	Chicora El
	1	Mt. Zion El
	1	Burke HS
	1	St. John's HS
	3	Chicora HS
	3	Dorchester Terrace El
	1	Bethune El
	3	North Charleston HS
	1	Ben Tillman El
	1	Buist El

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South Carolina

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Cheraw	3	Long JHS
	3	Cheraw El
	3	Cheraw Primary
	3	Robert Smalls El
	3	Cheraw HS
Chester	1	Lewisville Middle
	3	Lewisville El
	3	Chester JHS
	3	Southside El
	1	Fort Lawn El
	1	Lewisville HS
	3	Dora Jones El
	3	Chester HS
	3	College St. El
Chesterfield	3	Chesterfield HS
	1	Chesterfield El
	1	Edwards El
	1	Chesterfield JHS
Clinton	3	Clinton El
	3	Martha Denny Middle
	3	M. S. Bailey El
	3	Florida Street El
	3	Ball Street Middle
	3	Clinton HS
Columbia	3	Manning Correctional School
	3	Hyatt Park El
	1	McCants El
	1	Logan El
	3	Moore El
	3	Sarah Nance El
	3	Perry Middle
	3	Brockman El
	1	Benson El
	1	Olympia Middle
	3	C. A. Johnson HS
	3	St. Andrews El
	3	Lower Richland HS
	1	Carver El
	3	Gadsden El
	3	Hopkins El
	1	Webber El
	3	Webber Middle
	1	St. Martins El
	3	John G. Richards School for Boys
	1	Willow Lane School for Girls
	3	Central Correction Institution
	3	Walden Correction Institution
	3	Womens Correction Institution
Conway	3	Conway HS
	3	Pee Dee El
	3	Conway JHS
	3	Waccamaw El
	3	West Conway El
	1	Midland El
	3	Twelfth Avenue El
	1	Horry El
	3	Kingston El
	3	Main Street El
	3	North Conway El
	1	South Conway El
	3	Homewood El
Cordova	1	Edisto HS
	1	Edisto Middle
	1	Edisto Primary
Darlington	1	Spring El
	3	St. John's El
	3	Brunson-Dargan JHS
	1	Brockington El
	1	Cain El
	1	Mayo HS
	1	Pine Middle
Denmark	3	Denmark El
	3	Denmark JHS
	3	Denmark Olar HS
Dillon	1	Dillon HS
	1	East Dillon El
	1	Gordon El
	1	J. V. Martin JHS
	1	Maple El
	1	South Dillon El
	1	Steward Heights El
Edgefield	1	Johnston Primary & Middle
	3	Strom Thurmond HS
	3	W. E. Parker El
	1	Merriwether El
	3	Douglas El
Ehrhardt	3	Ehrhardt Middle
	3	Lewis-Butler El
Elloree	1	Elloree El
	1	Elloree HS
Estill	1	Estill El
	1	Estill HS
	1	Estill Middle
Florence	1	Carver El
	1	North Vista El
	3	Holmes El
	3	Harlle El
	1	Bonaire El
	3	Tans Bay El
	3	Savannah Grove El
	1	St. Ann El
Floyds	1	Floyds El
	1	Floyds HS
Gaffney	3	Daniel Morgan El
	3	Cherokee Child Development Center (K only)
Georgetown	1	Maryville El
	1	Howard HS
	1	Choppee K-12
	1	Andrews HS
	1	Deep Creek El
	1	McDonald El
	3	Murrell's El
	1	Parkerville El
	1	Rosemary El
	3	Beck JHS
	1	Brown's Ferry El
	1	Plantersville El
	1	Pleasant Hill 4-12
	1	Sampit El
	1	St. Mary - St. Cyprian El
	3	Kensington El
	1	Andrew Primary
Green Sea	1	Green Sea El
	1	Green Sea HS
Greenville	3	Overbrook-Eastover El
	3	Alexander El
	3	Monaview El
	1	Greenville Child Development Center (K only)
	1	St. Anthony
Greenwood	3	Blake-Central El
Gresham	1	Bethel El
	1	Britton's Neck
Hampton	3	North District JHS
	3	Hampton El
	1	Brunson El
	3	Wade Hampton HS
	1	Yemassee El
Hartsville	3	Thornwell El
	1	Southside El
	1	Washington St. El
	3	Antioch El

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South Carolina

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Hartsville cont.	1	Butler HS
	3	Sonovista El
Hemingway	1	Hemingway HS
	1	Hemingway Middle
	1	Hemingway Primary
Holly Hill	1	Dantzler El 3-8
	1	Gaillard El
	1	Holly Hill El
	1	Providence El K-2
	1	Roberts HS-Holly Hill HS
	1	St. James El
	1	Vance El
	1	Holly Hill Middle
Inman	3	Fingerville El
Jefferson	3	Jefferson El
Johnsonville	1	Johnsonville El
	1	Johnsonville Middle
	1	Johnsonville HS
Kershaw	3	Kershaw Middle
	3	Kershaw El - No. 1 & 2
	3	Flat Creek El
	1	Mt. Pisgah El
	1	Mt. Pisgah HS
Kingstree	1	St. Anne's K
	1	Battery Park K-12
	1	Blakely K-12
	1	Cades K-12
	1	Hebron-Cades El
	1	Kingstree El
	1	Kingstree HS
	1	Kingstree JHS
	1	Lane El
	1	St. Mark K-12
	1	C. E. Murray El
	1	Williamsburg K-12
	1	W. M. Anderson Primary
Lake City	1	Lake City HS
	1	Lake City El
	1	Lake City JHS
	1	Olanta El
	1	Olanta HS
	1	Scranton El
Lake View	1	Lake View El
	1	Lake View HS
	1	Lake View Middle
Lamar	1	Lamar El
	1	Lamar HS
	1	Spaulding El
	1	Spaulding HS
Latta	1	Latta HS
	1	Latta Primary
	1	Latimer El
Loris	1	Daisy El
	1	Finklea Middle
	1	Longs MID
	1	Loris El
	1	Loris HS
	1	Sweet Home El
	1	Loris Middle
McBee	3	McBee HS
	1	Plain View El
McCormick	1	McCormick El
	1	McCormick Middle
	1	Washington El
	1	Willington El
	1	John de la Howe Institution
	1	Plum Branch
	1	McCormick HS
Manning	1	Alcolu El
	1	Manning Middle
	1	Manning HS
	1	Manning Primary
Marion	1	Easterling El
	1	Gilesboro El
	3	Marion El
	1	Marion HS
	1	Southside Middle
Moncks Corner	1	Cross El
	1	Cross HS
	1	Sandridge El
	1	St. Stephen HS
	1	Berkeley El
	1	Berkeley Middle
	1	J. K. Gourdin El
	1	Whitesville El
	1	Macedonia El
	1	Macedonia HS
Johnsonville	3	Goose Creek HS
	1	Berkeley HS
	1	Cainhoy El
	1	Cainhoy HS
	1	St. Stephens El
	1	St. Stephens Middle
	1	Berkeley Child Development Center (K only)
Mullins	1	McCormick Primary
	1	Mullins El
	1	Mullins HS
	1	Mullins JHS
	1	Nichols El
	1	North Mullins Primary
Newberry	3	Bush River El
	1	Garmany Middle
	3	Boundary St. El
	3	Silver Street El
	3	Gallman Middle
	3	Speers Street El
	3	Pomaria El
	3	Prosperity El
	3	Carver Middle
Ninety Six	3	Ninety-Six Middle
North	1	North El
	1	North HS
North Myrtle Beach	3	North Myrtle Beach HS
	3	North Myrtle Beach Primary
	3	North Myrtle Beach El
Orangeburg	1	Holy Trinity El
	1	Whittaker El
	3	Marshall El
	3	Sherida El
	1	Brookdale JHS
	1	Rivelon El
	3	Orangeburg-Wilkerson HS
	1	Mellicamp El
	1	Belleville JHS
	3	Nix El
Pageland	3	Pageland El
	3	Petersburg El
	3	Pageland HS
Pamplico	1	Hannah-Pamplico HS
	1	Hannah-Pamplico Middle
	1	Pamplico El
	1	Hannah El
Rains	1	Pleasant Grove Primary
	1	Rains-Centenary El
	1	Rains-Centenary HS
	1	Terrell's Bay Middle
Ridgeland	3	Hardeeville El
	1	Jasper El
	1	Ridgeland HS
	3	West Hardeeville HS
Ridgeville	1	McDougall Youth Center Corrections
	1	Harleyville-Ridgeville HS
	1	Jenkins HS
	1	Clay Hill El

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South Carolina

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Ridgeville cont.	1	Harleyville El
	1	Ridgeville Middle
Ridge-Spring	1	Ridge-Spring El
Ridgeway	1	Geiger-Ridgeway El
Rock Hill	3	St. Mary's El
Seneca	1	Oconee Comprehensive Child Development Center
Simpsonville	1	Givens Youth Correccional Center
Society Hill	1	Rosenwald El
	1	St. David's Academy
	1	Rosenwald HS
Spartanburg	3	Z. L. Modden El
	3	Cleveland JHS
	1	Mary H. Wright El
	3	Freemont El
St. George	3	St. George HS
	1	St. George El
	1	Williams Memorial Middle
St. Matthews	1	St. John HS
	1	Bethlehem El
	1	St. John El
	1	St. Matthews & Guinyard El
	3	St. Matthews HS
Springfield	1	Norway El
	1	Norway Middle
	3	Springfield El
	3	Hunter-Kinard El
	1	Neeses El
Summerton	1	Summerton El
	1	Scotts Branch Middle
	1	Scotts Branch HS
	1	Spring Hill El
	1	St. Paul El
Sumter	3	Lemira El
	1	Manchester El
	3	Ebenezer Middle
	1	Hillcrest HS
	1	Furman HS
	3	Oakland El
	1	Moore El
	3	McLaurin JHS
	1	Wilder El
	1	St. Judes El
	1	Sumter HS
	1	Bates JHS
	1	Central El
	1	Eastern El
	1	Mayesville Institute El
	1	Mayewood HS
	1	Rafting Creek El
	1	Savage-Glover El
Sumter cont.	1	St. John El
	1	Stonehill El
	1	Sumter Pre-Primary
	1	Delaine El
	3	Crosswell Drive El
Swansea	3	Swansea El
	3	Gaston El
	3	Swansea Middle
	3	Swansea HS
Timmonsville	1	Brockington El
	1	Johnson Middle
	1	Timmonsville El
	1	Timmonsville HS
Turbeville	1	East Clarendon HS
	1	East Clarendon Middle
	1	East Clarendon Primary
Union	3	Jonesville El
	1	Carlsan El
	3	Lockhart El
	3	Buffalo El
Wagener	3	Wagener El
Walhalla	1	Oconee Child Development Center (K only)
Walterboro	1	Colleton/Walterboro JHS
	1	Bells El
	1	Hampton St./Black St. El
	1	Central El
	1	Colleton/Walterboro HS
	1	Cottageville El
	1	Hondersonville El
	1	Ivenia Brown El
	1	Jonesville El
	1	Ritter El
	1	Ruffin HS
	1	Smoaks Middle
	1	St. Anthony El
Williamston	1	Anderson #1 Child Development Center (K only)
Williston	3	Williston El
Winnsboro	1	Fairfield JHS
	1	McCrorey-Liston HS
	1	Kelley-Miller-Greenbrier El
	1	McCrorey-Liston El
	1	White Hall El
	1	Winnsboro HS
	3	Gordon El
	3	Mount Zion El
	3	Everett El
	1	Fairfield Child Development Center (K only)

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South Dakota

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)		
Agar	1	Prairie View EL, Sully Superimposed
Alpena	1	Alpena EL
Armour	1	Chester EL
Astoria	1	Astoria EL
	1	Astoria HS
Batesland	1	Batesland EL, Shannon Co.
	1	OGS EL
	1	OGS HS
	1	Red Cloud Indian School
Belle Fourche	2	Roosevelt Middle
	3	Lincoln EL
Beresford	1	Woodfield Center
Black Hawk	1	Black Hawk EL, Rapid City Ind.
Bonesteel	1	Bonesteel EL
Brentford	1	Brentford EL, Northwestern Ind.
Bristol	3	Bristol EL
Britton	1	Britton EL
	1	Britton HS
Buffalo	1	Harding EL, Harding Co. Ind.
	1	Karinen EL
	1	Painter EL
	1	Reva EL
	1	Lanesboro EL
	1	Ludlow EL
	1	Cox EL
	1	Lincoln EL
	1	Norbect EL
	3	Vessey EL
	1	Southwest EL
	1	Sky Ranch for Boys
Canova	1	Canova EL
	1	Canova HS
Castlewood	1	Castlewood EL
	3	Castlewood HS
Chamberlain	2	Chamberlain EL
	1	St. Joseph's Indian
Chester	1	Chester EL
Claremont	3	Claremont EL, Langford Ind.
Clark	1	Clark EL
Colome	1	Wewela Attendance Center, EL
Conde	1	Conde EL
	3	Conde 7-12
Cresbard	3	Cresbard EL
Custer	1	Harrison Flats EL
	1	Eldorado
Dallas	1	Dallas EL, Gregory Ind.
Deadwood	1	Deadwood and Pluma EL, Lead-Deadwood Ind.
	1	Deadwood JHS
Dell Rapids	2	Dell Rapids EL
Dimock	1	Dimock EL, Parkston Ind.
Dixon	1	Dixon, EL, Gregory Ind.
Dolton	1	Dolton EL, Marion Ind.
Draper	3	Draper HS
Dupree	1	Dupree EL, West River Ind.
	1	Dupree HS
Eagle Butte	1	Cheyenne-Eagle Butte EL
	1	Cheyenne-Eagle Butte HS
Egan	1	Egan EL
	1	Egan HS
Emery	1	Emery EL, Tri-County Ind.
Ethan	1	Ethan EL
	1	Ethan HS
Fairfax	1	Fairfax EL
Fairview	1	Fairview K-12
Faulkton	2	Faulkton EL
	1	Bryant EL
Flandreau	2	Flandreau EL
Fort Pierre	1	Fort Pierre EL
Freeman	2	Freeman EL
Gary	3	Gary EL
	3	Gary HS
Glenham	1	Glenham EL
Gregory	1	Gregory EL
Groton	2	Groton EL
Harrold	1	Hidden Valley EL
	1	Riverdale EL
Hartford	2	West Central HS, West Central Ind.
Herrick	1	Herrick EL
Highmore	1	Convent EL
	1	Franklin EL
	1	Highmore EL
	1	Illinois EL
	1	Peno EL
	1	Pratt EL
	1	Rice Lake EL
	1	Valley EL
	1	Washington EL
Holabird	1	Holabird EL
Hosmer	1	Hosmer EL
	1	Hosmer HS
Hot Springs	1	Brainerd Indian School
	1	Hot Springs EL
	2	Hot Springs Middle
Hudson	1	Hudson EL
Humboldt	2	Humboldt EL, West Central Ind.
Hurley	3	Hurley EL
Huron	2	Huron JHS
	2	Huron HS
	3	Huron Colony EL
	1	Riverside Colony EL
Ipswich	2	Ipswich EL
Isabel	1	Isabel EL
	1	Isabel HS
Jefferson	2	McCook EL
Kimball	1	Kimball EL
Kyle	1	Kyle EL, Shannon Co. Ind.
	1	Kyle HS
Lake Andes	1	Andes Central EL
	3	Lake Andes HS
Lantry	1	Lantry EL, Eagle Butte Ind.
Lead	1	Central EL
	1	Lead HS
Lemmon	1	Lammon EL
Lennox	2	Lennox EL
Leola	1	Leola EL
	1	Leola HS
	1	Spring Creek EL
Loneman	1	Loneman EL, Shannon Co. Ind.
Long Lake	1	Long Lake EL, Leola Ind.
	1	Long Lake Colony EL
McIntosh	1	McIntosh EL
McLaughlin	3	Chapel Rural EL
	1	McLaughlin EL
	3	McLaughlin HS
Madison	2	Lake Central JHS
	2	Lake Central HS
	2	Washington EL
Manderson	1	Manderson EL, Shannon Co. Ind.
Martin	2	Martin #2 EL
Mellette	1	Northwestern 7-12
Midland	3	Midland EL
Milbank	2	Koch EL
Miller	3	Bates EL
	1	Cedar EL
	1	Spring Lake EL
Miltown	1	Miltown EL, Parkston Ind.
Mission	1	He Dog EL
	1	North EL
	1	South EL

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South Dakota

List of Schools Determined to have High Concentrations of Students from Low-Income Families For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Mission cont.	1	Todd Co. JHS
	1	Todd Co. HS
Mitchell	1	Abbott House
	3	Bradley Young EL
	2	Eugene Field EL
	2	Litchfield EL
	2	Longfellow EL
	2	Mitchell JHS
	2	Mitchell HS
	1	Whittier EL
Mobridge	2	Freeman Davis EL
	2	Mobridge JHS
Montrose	1	Montrose EL
Morristown	1	Morristown EL, McIntosh Ind.
New Effington	1	New Effington EL
	1	New Effington HS
New Underwood	1	Harmony EL
	3	New Underwood EL
Nisland	3	Nisland EL, Newell Ind.
Norris	1	Norris-Prairie View, White River
Northville	1	Northville EL, Northwestern Ind.
Okaton	1	Okaton EL, Murdo Ind.
Okreek	1	Okreek EL, Todd Co. Ind.
Oldham	1	Oldham EL
	1	Oldham HS
Onaka	3	Onaka EL, Cresbard Ind.
Parker	1	Parker EL
Parkston	1	Kulm EL
	1	New Elm Spring EL
	1	Parkston EL
	1	Parkston HS
	1	Washington EL
Peever	1	Peever EL, Sisseton Ind.
Philip	3	Philip EL, Haakon Ind.
Pickstown	1	Pickstown Middle, Andes Central
Pierpont	3	Pierpont EL, Langford Ind.
Pierre	1	McKinley EL
	1	Valley View
Pine Ridge	1	Pine Ridge Middle, Shannon Co.
	1	Pine Ridge K
Plankinton	1	State Training SChool
Porcupine	1	Porcupine EL, Shannon Co.Ind.
Ramona	1	Ramona EL
	1	Ramona HS
Rapid City	1	Bergquist EL
	1	Central HS
	1	Garfield EL
	1	General Beadle EL
	1	Horace Mann EL
	2	Knollwood Heights EL
	1	Lincoln EL
	1	North JHS
	2	Robbinsdale EL
	2	South JHS
	2	South Canyon EL
	2	Stevens HS
	2	West JHS
Rapid Valley	1	Rapid Valley EL, Rapid City Ind.
Redfield	1	Redfield EL
Red Shirt Table	1	Red Shirt Table EL, Shannon Co.
Ridgeview	1	Ridgeview EL, Eagle Butte Ind.
Rockyford	1	Rockyford EL, Shannon Co. Ind.
Roscoe	3	Roscoe EL
	1	Roscoe HS
Rosebud	1	Rosebud EL, Todd Co. Ind.
Rosholt	1	Rosholt EL
	1	Rosholt HS
Rutland	1	Rutland EL
	1	Rutland HS
Salem	2	Salem EL
Scenic	3	Scenic EL, Wall Ind.
Seneca	3	Seneca EL, Faulkton Ind.
Sioux Falls	2	Axtell Park EL
	1	Beadle El
	2	Cleveland EL
	1	Collidge
	2	Edison EL
	1	Emerson EL
	2	Franklin EL
	1	Hawthorne EL
	2	L.B. Anderson EL
	1	Lincoln K-6
	2	Lincoln HS
	1	McCrossans Boys Ranch
	2	Patrick Henry, EL
	1	Summit Oaks
	2	Washington HS
	2	Whittier EL
Sisseton	1	Sisseton HS
	1	Thollehaug Middle
	1	Westside EL
	1	Tekakwitha
South Shore	3	South Shore HS
Spearfish	2	Spearfish 7-12
Spencer	1	Spencer EL
Spring Creek	3	Spring Creek EL, Todd Co. Ind.
Stephan	1	Stephan EL, Hyde Co. Ind.
Sturgis	1	Pleasant Valley EL
	2	Williams Middle
Summit	1	Summit EL - HS
Tabor	1	Tabor EL, Bon Homme Ind.
Timber Lake	1	Timber Lake EL
Tulare	3	Tulare EL
Vale	1	Vale EL
Veblen	1	Veblen EL
Vermillion	2	Vermillion Middle
Wagner	1	St. Paul's Indian, E.Chas.Mix
	1	Wagner EL
	1	Wagner HS
Wakpala	1	Wakpala EL, Smee Ind.
	1	Wakpala HS
Watauga	1	Watauga EL, McIntosh Ind.
Watertown	2	Garfield EL
	2	Grant EL
	2	McKinley EL
	2	Roosevelt EL
	2	Watertown JHS
	2	Watertown HS
Waubay	1	Waubay EL
	1	Waubay HS
Waverly	1	Waverly EL
	1	Waverly HS
Webster	2	Webster EL
White Lake	1	White Lake EL.
	1	White Lake HS
White River	1	Cody EL
	1	Cottonwood EL
	1	Running Bird EL
	1	White River EL
	1	White River HS
Willow Lake	1	Willow Lake EL
Wilmot	1	Wilmot EL
Winner	3	Eden EL
	3	Greenwood EL
Witten	1	Witten EL, Wood Ind.
Wood	1	Curlew EL
	1	Pahapesto EL
	3	Schmidt EL
	3	Springview EL
	1	Wood EL
	1	Wood HS
Woonsocket	1	Elliott EL
	3	Woonsocket EL
Yankton	1	Webster EL
	2	Yankton Middle -HS

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Location	Code *	School Name	
Adams	1	Bell Middle	El.
Adamsville	1	Adamsville	El.
	1	Adamsville	HS.
Afton	3	Chuckey Doak	HS.
	1	Newmansville	EL.
Alamo	1	Crockett Co.	EL.
	1	Alamo	EL.
	1	Alamo	HS.
Alcoa	3	Alcoa	EL.
Allardt	1	Allardt	EL.
	1	Armathwaite	EL.
Allons	1	Maple Grove	EL.
	1	Allons	EL.
Alpine	1	Alpine	EL.
Altamont	1	Altamont	EL.
Arlington	1	Arlington	EL.
	1	Barrets	EL.
Atwood	3	Atwood	EL.
	3	Atwood	HS.
Auburntown	3	Auburn	EL.
Baileyton Station	1	Baileyton	EL.
Baxter	3	Baxter	EL.
Bean Station	1	Bean Station	EL.
Beech Bluff	3	Beech Bluff	EL.
	3	Beech Bluff	HS.
Bells	1	Crockett Co.	EL.
	1	Holly Grove	EL.
Belvidere	3	Belvidere	EL.
Bemis	3	J. B. Young	EL.
Benton	1	Benton	EL.
	1	Polk Co.	HS.
Bethel Springs	1	Bethel Springs	EL.
Big Rock	3	North Stewart	EL.
Birchwood	1	Birchwood	EL.
Bloomington Springs	1	Bloomington	EL.
Bonota	1	Bonota	EL.
Bolivar	1	Bolivar	EL.
	1	Bolivar	JHS.
	1	Central	HS.
Bolton	1	Bolton	HS.
Boonshill	3	Boonshill	EL.
Braden	1	Braden	EL.
Bradford	3	Bradford	EL.
	3	Bradford	HS.
Bradyville	1	Woodland	EL.
Brighton	1	Brighton	EL. K-4
	1	Brighton	EL. 5-6
	1	Brighton	HS.
Brownsville	1	Anderson Grammer	Middle
	1	Bailey	EL.
	1	Bradford	EL.
	1	East Side	EL.
	1	Haywood	EL.
	1	Haywood	JHS.
	1	Haywood	HS.
	1	Sunny Hill	Middle
Bulls Gap	1	Bulls Gap	EL.
	1	Bulls Gap	HS.
	3	St. Clair	EL.
Burrville	3	Burrville	EL.
Butler	3	Dry Run	EL.
Byrdstown	1	Pickett Co.	EL.
Caryville	1	Caryville	EL.
	1	Caryville	JHS.
	1	Ridgewood	EL.
	1	Stony Fork	EL.
	1	Stony Fork	HS.
Cedar Hill	3	Cedar Hill	Middle
Celina	1	Celina	EL.
	1	Celina	HS.
Chamansboro	3	West Cheatham	EL.
Chattanooga	3	Alton Park	JHS.
	3	Charles A. Dell	EL.
	3	Clifton Hills	EL.
	1	E. Fifth Street	Middle
	1	East Side	JHS.
	1	F. H. Trotter	EL.
	1	G. Russell Brown	EL.
	1	Howard	EL.
	3	Howard	HS.
	1	James A. Henry	EL.
	1	Joseph E. Smith	EL.
	1	Lookout	JHS.
	1	Mary Ann Garber	EL.
	1	Mountain Creek	EL.
	3	Oak Grove	EL.
Chesterfield	3	Pin Oak	EL.
Chuckey	1	Chuckey	EL.
	1	South Central	EL.
Church Hill	3	McPheeters Bend	EL.
Clairfield	1	Clairfield	EL.
Clairmont	1	Clairmont	EL.
	1	Clairmont	HS.
Clarksburg	3	Clarksburg	EL-Middle-HS
Cleveland	1	Big Springs	EL.
	1	East Cleveland	EL.
	1	Brower	EL.
	1	Blythe Avenue	EL.
Clifton	1	Frank Hughes	EL.
	1	Frank Hughes	HS.
Clinton	1	North Clinton	EL.
Coalfield	3	Coalfield	EL.
	3	Coalfield	HS.
Coleman	1	Coleman	EL.
Collierville	1	Collierville	EL.
	1	Collierville	Middle
Collinwood	3	Collinwood	EL.
	1	Collinwood	HS.
Columbia	1	College Hill	EL.
Cookeville	1	Dodson Branch	EL.
	3	Hardys Chapel	EL.
	3	Park View	EL.
	3	Sycamore	EL.
Copperhill	1	Connerhill	EL.
	1	Copper Basin	HS.
Cordova	1	Mt. Pisgah	EL.
Cornersville	3	Cornersville	EL.
	3	Cornersville	HS.
Cosby	1	Cosby	EL.
	1	Smokey Mountain	EL.
	1	Cosby	HS.
Councill	1	Southside	EL.
	1	Southside	HS.
Covington	1	Covington	HS.
	1	Holmes	EL.
	1	Tabernacle	EL.
	1	Covington Grammar	Middle
	1	Frazier	EL.
Cowan	3	Cowan	EL.
	3	South	JHS.
Crab Orchard	1	Crab Orchard	EL.
Crawford	1	Wilson	EL.
Crockett Mills	3	Hamlett Roberson	EL.
	3	Hamlett Roberson	HS.
Crossville	1	Fakers	EL.
	1	Dim Lick	EL.
	1	Crossville	EL.
	1	Lantana	EL.
	1	Midway	EL.
	3	Pomona	EL.
	3	Ginnie	EL.
	1	Woody	EL.
Crump	1	Crump	EL.

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Location	Code *	School Name		Location	Code *	School Name	
Culleoka	3	Culleoka	EL.	Friendship	1	Friendship	EL.
	3	Culleoka	HS.		1	Friendship	HS.
Cumberland City	3	W. T. Thomas	EL.	Gadsen	1	Gadsen	EL.
	3	W. T. Thomas	HS.		1	Gadsen	HS.
Cunningham	3	Central	EL.	Gainsboro	1	Flynns Lick	EL.
Dandridge	3	Chestnut Hill	EL.		1	Fox	EL.
	1	Swannsylvania	EL.		1	Gainsboro	EL.
Decatur	1	Fairview	EL.	Gassaway	1	Gassaway	EL.
Decaturville	1	Decaturville	EL.	Georgetown	1	Eastview	EL.
Deckerd	3	Alto	EL.	Gibson	1	Gibson	EL.
	3	Deckerd	EL.		1	Gibson	HS.
	3	Oak Grove	EL.		1	Gibson Annex	EL.
Deer Lodge	1	Chestnut Ridge	EL.	Grand Junction	1	Grand Junction	EL.
	3	Deer Lodge	EL.	Granville	1	Granville	EL.
Delano	1	Delano	EL.	Greenback	1	Glendale	EL.
Del Rio	1	Del Rio	EL.		3	Greenback	EL.
Denmark	3	Denmark	EL.	Greenfield	3	Greenfield	EL.
	3	West	JHS.	Greeneville	3	Camp Creek	EL.
	3	West	SHS.		3	Cedar Creek	EL.
Devonia	1	Rosedale	EL.		3	DeBusk	EL.
Dover	3	Dover	EL.		3	Glenwood	EL.
	3	Stewart Co.	HS.		3	Greystone	EL.
Doyle	1	Doyle	EL.		1	North Greene	HS.
Dresden	3	Dresden	EL.		1	Ottway	EL.
Drummonds	1	Drummonds	EL.		3	South Greene	HS.
Ducktown	1	Ducktown	EL.		3	St. James	EL.
Duff	1	Duff	EL.		3	Sunnyside	EL.
	1	White Oak	EL.		1	West Pines	HS.
	1	Wynn Habersham	EL.		3	Andrew Johnson	EL.
	1	Wynn Habersham	HS.		3	Crescent	EL.
Dunlap	3	Griffith	EL.		1	Highland	EL.
	3	Sequatchie Co.	Middle	Grinsley	1	Grinsley	EL.
Dyersburg	1	Dyer Co. Central	EL.	Guild	1	Guild	EL.
	1	Fifth Consolidated	EL.	Halls	1	Halls	EL.
	1	Poellan	EL.		1	Halls	HS.
	3	Dyersburg	JHS.		1	Hankinoo	EL.
	1	Jennie Bell	EL.	Hampton	3	Hampton	EL.
Eidson	1	Kyles Ford	EL.	Harriman	3	Emory Heights	EL.
	1	Clinch	EL.		3	Harriman Central	EL.
	1	Clinch	HS.	Harrogate	1	Ellen Myers	EL.
Elizabethton	3	Gap Creek	EL.		1	Force Ridge	EL.
	3	Happy Valley	Middle	—	1	Force Ridge	HS.
	3	Hunter	EL.		1	Little Creek	EL.
	3	Keenburg	EL.		1	H. Y. Livesay	EL.
	3	Midway	EL.	Hartford	1	Grassy Fork	EL.
	3	Siam	EL.		1	Hartford	EL.
	3	Southside	EL.	Hartsville	3	Trousdale Co.	EL.
	3	Unaka	EL.	Henderson	1	Chester Co.	HS.
	3	Valley Forge	EL.		1	Chester Co.	JHS.
Elkton	3	Elkton	EL.		1	E. Chester Co.	EL.
	3	Elkton	HS.		1	W. Chester Co.	EL.
Elk Valley	1	Elk Valley	EL.	Henning	1	Henning	EL.
	1	Elk Valley	JHS.	Hillham	1	Hillham	EL.
Elora	3	Elora	EL.	Hohenwald	1	Hohenwald East	EL.
Erin	3	Erin	EL.		1	Hohenwald West	EL.
	3	Erin	HS.	HornLeak	1	HornLeak	EL.
Ervin	3	Evans	EL.	Hornsby	1	Hornsby	EL.
	3	Lone Chapel	EL.	Humboldt	3	Humboldt	EL.
	3	Martin Chapel	EL.		1	Humboldt	JHS.
	3	Rock Creek	EL.		3	Humboldt	HS.
	1	Temple Hill	EL.		1	Stinall	EL.
Estell Springs	3	Estell Springs	EL.	Huntingdon	1	Cannon	EL. (HG)
Evensville	3	Evensville	EL.	Huntland	3	Huntland	EL.
Fayetteville	1	Elont District	EL-Middle-HS		3	Huntland	HS.
	1	Howell	EL.	Huntsville	1	Capitol Hill	EL.
	3	Lincoln	EL.		1	Huntsville	EL.
Finley	1	Finley	EL.	-	1	Huntsville	Middle
Flag Pond	3	Flag Pond	EL.		1	Scott	HS.
Flintville	3	Flintville	EL.	Huron	3	Westover	EL.
Fordtes	1	Bolice Powell	EL.	Iron City	3	Iron City	EL.
Franklin	3	Franklin	EL.	Jacksboro	1	Pine Crest	EL.
	1	Franklin	Middle	Jacks Creek	1	Jacks Creek	EL.

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Location	Code *	School Name		Location	Code *	School Name	
Jackson	3	East	EL.	Lenoir City	1	Brewer	EL.
	3	Northside	JHS.		1	West Hill	EL.
	3	Nova	EL.		3	Highland Park	EL.
	3	Pope	EL.	Lexington	1	Bargerton	EL.
	3	South Side	HS.		3	Lexington	HS.
	3	South Side	JHS.		3	South Haven	EL.
	3	Westover	EL.	Liberty	1	West	EL.
	1	Alexander	EL.	Limestone	1	Westview	EL.
	3	Jackson	JHS.	Linden	1	Cedar Creek	EL.
	1	Lincoln	EL.		1	Linden	EL.
	1	Parkview	EL.		3	Perry Co.	HS.
	1	Washington Douglass	EL.		1	Pineview	EL.
	1	West Jackson	EL.		3	Pope	EL.
	3	Whitehall	EL.	Livingston	1	Independence	EL.
Jamestown	1	Banner Roslin	EL.		1	Livingston	EL.
	1	Pine Haven	EL.		1	Pleasant Valley	EL.
	1	Sharp	EL.	Lobelville	3	Beardstown	EL.
	1	Tech	EL.		3	Lobelville	EL.
	1	West Fentress	EL.	Lone Mountain	1	Lone Mountain	EL.
	1	York	EL.	Loudon	1	Davis	EL.
Jellico	1	Jellico	EL.		1	Loudon Grammar	EL.
	1	Jellico	HS.		1	Stokes	EL.
Johnson City	3	Central	EL.	Louisville	3	Louisville	EL.
	3	Happy Valley	EL.	Luttrell	1	Bull Run	EL.
	3	Cherokee	EL.		1	Luttrell	EL.
	3	Keystone	EL.	Lutts	1	Pinhook	EL.
Kelso	3	Kelso	EL.	Lynchburg	1	Lynchburg	EL.
Kenton	3	Kenton	EL.		1	Moore Co.	HS.
Kingsport	1	Arcadia	EL.	Lynnville	3	Jones	EL.
	1	Long Island	EL.		3	Jones	HS.
	1	Washington	EL.	Macon	1	Southwest	EL.
Knoxville	1	Vestal	EL.	Madisonville	1	Madisonville	JHS.
	1	Austin East	HS.		1	Madisonville Grammar	EL.
	1	Edwardsley	JHS.		3	Madisonville	HS.
	1	Beaumont	EL.	Malesus	3	Malesus	EL.
	1	Brownlow	EL.	Manchester	3	East Coffee	EL.
	1	Cansler Kindergarten	EL.		3	North Coffee	EL.
	1	Eastport	EL.	Maryville	3	Bungalow	EL.
	3	Fair Garden	EL.	Mason	1	Bernard	EL.
	1	Flenniken	EL.		1	Mason	EL.-Middle
	1	Green	EL.		1	Mason Primary	EL.
	1	Lincoln Park	EL.	Maury City	1	Maury City	EL-Middle-HS
	1	Lonsdale	EL.	Maynardville	1	Big Ridge	EL.
	1	Maynard	EL.		3	Horace Maynard	HS.
	1	McCallie	EL.		1	Maynardville	EL.
	3	Park	JHS.	McDonald	3	McDonald	EL.
	1	Park Lowry	EL.	McLemoresville	1	McLemoresville	EL.
	1	Riverdale	EL.	Medina	1	Medina	EL.
	1	Rule	HS		1	Medina	HS.
	1	Sam Hill	EL.	Memphis	1	Alcy	EL.
	3	Tyson	JHS.		1	Alton	EL.
	1	Van Gilder	Middle		3	Avon	EL.
	1	Vine	JHS.		3	Fairways	EL.
Lagner	1	Swiss Memorial	EL.		1	A. B. Hill	EL.
La Follette	3	College Hill	EL.		1	Balmoral	EL.
	3	Coolidge	EL.		1	Bellevue	EL.
	3	Demory	EL.		1	Belclair	EL.
	3	Grantsboro	EL.		1	Bethel Grove	EL.
	3	La Follette	JHS.		1	Brookmeade	EL.
	3	La Follette East	Middle		1	Bruce	EL.
	3	La Follette West	EL.		1	Caldwell	EL.
	3	Pleasant Ridge	EL.		1	Carnes	EL.
	1	Stinking Creek	EL.		1	Charjean	EL.
	3	Valley View	EL.		1	Cherokee	EL.
La Grange	1	La Grange Consolidated	EL.		1	Chicago Park	EL.
Lancing	3	Lancing	EL.		1	Chickasaw	EL.
Lavinia	3	Lavinia	EL.		1	Corning	EL.
Lawrenceburg	3	West Highland	EL.		1	Coro Lake	EL.
Lebanon	1	Carroll	EL.		1	Crossvell	EL.
	3	Lebanon	JHS.		1	Dounlass	EL.
	3	Tuckers Cross Roads	EL.		1	Dunn	EL.
					1	Dunbar	EL.

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name	
Memphis cont.	1	Delano	EL.
	1	Denver	EL.
	1	East	EL.
	3	Evans	EL.
	1	Ford Road	EL.
	1	Florida	EL.
	1	Frayser	EL.
	1	Fairley	EL.
	3	Fox Meadows	EL.
	1	Fairview	EL.
	3	Frayser	EL.
	1	Georgia Ave.	EL.
	1	Grant	EL.
	1	Guthrie	EL.
	1	Gordon	EL.
	1	Graves	EL.
	1	Grahamwood	EL.
	1	Grandview Hts.	EL.
	1	Georgian Hills	EL.
	3	Gardenview	EL.
	1	Geeter	EL.
	1	Georgian Hills	EL.
	1	Graceland	EL.
	1	Hollywood	EL.
	1	Hanley	EL.
	1	Hawkins Mill	EL.
	1	Hamilton	EL.
	1	Hunes	EL.
	1	Hamilton	EL.
	1	Havenview	EL.
	1	Idlewild	EL.
	1	Jackson	EL.
	1	Kansas	EL.
	1	Klondike	EL.
	1	Kingsbury	EL.
	3	Knight Road	EL.
	1	Leath	EL.
	1	Locke	EL.
	1	Lauderdale	EL.
	1	LaRose	EL.
	1	Lincoln	EL.
	1	Levi	EL.
	1	Lonerview	EL.
	3	Lakeview	EL.
	1	Lincoln	EL.
	1	Lester	EL.
	1	Longview	EL.
	1	Lanier	EL.
	1	Mallory Hts.	EL.
	1	Manor Lake	EL.
	1	Macon	EL.
	1	Magnolia	EL.
	1	Manassas	EL.
	1	Melrose	EL.
	1	Messick	EL.
	1	Norris	EL.
	1	Oakhaven (Ungraded)	EL.
	1	Orleans	K-6
	1	Peabody	K-6
	1	Porter	JHS.
	1	Prospect	K-2
	1	Raineshaven	K-2
	1	Riverview	K-6
	1	Riverview	JHS.
	1	Rozelle (Ungraded)	EL.
	1	Sea Isle	K-2
	1	Shady Grove	K-6
	1	Shannon (Ungraded)	EL.
	1	Sherwood	EL.
	1	South Park	K-6
	1	Springfield (Ungraded)	EL.
	1	Stafford	K-6
	1	Treadwell	EL.
	1	Treadwell	MS.
	1	Vance	JHS.
	1	Walker (unGraded)	EL.
	1	Wells Station	EL.
	1	West Side (Ungraded)	EL.
	1	West Side	MS.
	1	Westhaven	EL.
	1	Westwood	EL.
	1	Westwood	MS.
	1	Whites Chapel	K-6
	1	Whitney	EL.
	1	Woodstock	EL.
Michie	1	Michie	EL.
Middleton	1	Middleton	EL.
	1	Middleton	MS.
Milan	3	Polk Clark	EL.
Millington	1	E. A. Harrold	EL.
Minor Hill	3	Minor Hill	EL.
	3	Minor Hill	JHS.
Monavk	3	McDonald	EL.
Monroe	1	Monroe	EL.
Monterey	1	Mayland	EL.
	1	Uffelman	EL.
Mooresburg	1	Mooresburg	EL.
Morris Chapel	1	Morris Chapel	EL.
Morristown	3	Southern Heights	EL.
	1	Roberts	EL.
	1	Sherwood	EL.
	3	West	EL.
Moscow	1	Moscow	EL.
	1	Springhill	EL.
Moshein	3	West Greene	EL.
Moss	1	Moss	EL.
	1	Union Hill	EL.
Mountain City	3	Doe	EL.
	3	Nova	EL.
	3	Shouns	EL.
Mt. Pleasant	3	Mt. Pleasant	EL.
	3	Mt. Pleasant Primary	EL.
	3	Mt. Pleasant	MS.
Mulberry	1	Mulberry	EL.
Munford	1	Munford	EL.
	1	Munford-Ellis	Middle
	1	Munford	MS.
Murfreesboro	1	Bolgood	EL.
	1	Bielson	EL.
	1	Bielson Primary	EL.
	3	Reeves Rogers	EL.
Nashville	3	Caldwell	EL.
	3	Glenview	EL.
	1	Lockeland	EL.
	3	Turner	EL.
	1	Warner	EL.
Newburn	3	Newburn Grammar	EL.
Newcomb	1	Newcomb	EL.
Newport	1	Bridgeport	EL.
	1	Centerview	EL.
	1	Edgemont	EL.
	1	Northport	EL.
	1	West End	EL.
New Tazewell	1	Lakeview	EL.
	1	Mickey	EL.
Norma	1	Norma	EL.
Normandy	3	Normandy	EL.
Oakdale	3	Oakdale	EL.
	3	Oakdale	MS.
Oakland	1	Oakland	EL.
	1	Oakland Consolidated	EL.
Obion	1	Cloverdale	EL.
	1	Obion	EL.
Ocoee	1	Ocoee	EL.

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name	
Old Fort	1	Old Fort	Middle
Oneida	1	Burchfield	EL.
	3	Oneida	EL.
	3	Oneida	MS.
Pall Mall	1	Pall Mall	EL.
Palmer	1	Palmer	EL.
Parrottsville	1	Parrottsville	EL.
	1	Parrottsville	MS.
Parsons	1	Parsons	EL.
	1	Parsons	JHS.
	3	Riverside	MS.
Petersburg	3	Petersburg	EL.
Petros	3	Petros	EL.
Philadelphia	3	Philadelphia	EL.
Pikeville	1	Bledsoe Co.	MS.
	1	Cecil R. Ainsby	EL.
	1	Dill	EL.
	1	Mary V. Wheeler	EL.
	1	Pikeville	EL.
Pelham	1	Pelham	EL.
Pinson	3	Pinson	EL.
Pioneer	1	Straight Fork	EL.
Pleasant Hill	1	Pleasant Hill	EL.
Prospect	1	Prospect	EL.
	1	Prospect	MS.
Pulaski	3	Beech Hill	EL.
	3	Beech Hill	MS.
	3	Bodenham	EL.
	3	Bodenham	MS.
	3	Campbellsville	EL.
	3	Campbellsville	MS.
	3	Pulaski	EL.
	3	Pulaski	JHS.
	3	West Hill	EL.
Ramer	1	Ramer	EL.
Readyville	3	West Side	EL.
Reagan	1	Reagan	EL.
Red Boiling Springs	1	Hermitage Springs	EL.
	1	Hermitage Springs	MS.
	1	Red Boiling Springs	EL.
Reliance	1	Reliance	EL.
	1	Greasy Creek	EL.
Ridgely	1	Lara Kendall	EL.
Ripley	1	Ann	EL.
	1	Central	EL.
	1	Curve	EL.
	1	Ripley	Middle Grade
	1	Ripley	HS.
	1	Ripley	JHS.
	1	Ripley Primary	EL.
Rives	3	Rives	EL.
Robbins	1	Robbins	EL.
Rockwood	3	Pond Grove	EL.
Rogersville	1	Dodson Creek	EL.
	1	Keplar	EL.
	1	Rock Hill	EL.
	3	Hawkins	EL.
	1	Lake View	EL.
Roan Mountain	3	Cloudland	EL.
	1	Cloudland	MS.
Rutherford	1	Rutherford	EL.
	1	Rutherford	MS.
Rutledge	1	Joppa	EL.
	1	Rutledge	EL.
	1	Rutledge	MS.
Saltillo	1	Saltillo	EL.
Santa Fe	3	Santa Fe	EL.
	3	Santa Fe	MS.
Sardis	3	Sardis	EL.
	3	Sardis	MS.
Savannah	1	Cerro Gordo	EL.
	1	Hardin Co.	MS.
Savannah cont.	1	Dixon	EL.
	1	North Savannah	EL.
	1	South	EL.
	1	Walker	EL.
	1	Walnut Grove	EL.
	1	White	EL.
Scotts Hill	1	Scotts Hill, Decatur Co	EL.
	1	Scotts Hill "	MS.
	3	Scotts Hill, Henderson "	EL.
	3	Scotts Hill "	MS.
Selmer	1	Selmer	EL.
	1	Selmer	JHS.
Silver Point	1	Dora	EL.
Sevierville	1	Benson	EL.
	1	Boyds Creek	EL.
	3	New Center	EL.
	1	Pittman Center	EL.
	3	Rearwood	EL.
	1	Whites	EL.
Sevanee	3	Sevanee	EL.
Sharps Chapel	1	Sharps Chapel	EL.
Shawanee	1	Shawanee	EL.
Shelbyville	3	Flat Creek	EL.
	3	Madison St.	EL.
	3	Pleasant Grove	EL.
Sherwood	3	Sherwood	EL.
Signal Mountain	1	Lone Oak	EL.
	1	Sawyer	EL.
Smithville	1	DeKalb Co.	MS.
	1	Smithville	Middle
	1	Smithville	EL.
Sneedville	1	Flat Gap	EL.
	1	Hancock Central	EL.
	1	Hancock	MS.
	1	Mulberry Gap	EL.
	1	Seal Mathis	EL.
Somerville	1	Central	EL.
	1	East Side	EL.
	1	Fayette Ware North	MS.
	1	Fayette Ware South	MS.
	1	Jefferson	EL.
	1	Somerville	EL.
South Fulton	1	South Fulton	EL.
Sparta	1	Don De Croft	EL.
	1	Cassville	EL.
	1	East Sparta	EL.
	1	Findlay	EL.
	1	White Co.	JHS.
Speedwell	1	Bolinger	EL.
	1	Powell Valley	EL.
	1	Powell Valley	MS.
	1	Claiborne Co.	MS.
	1	Bradens	EL.
Spencer	3	Mountain View	EL.
	3	Spencer	EL.
	3	Van Buren Co.	MS.
Springfield	1	Bransford	EL.
	1	Cheatham Park	EL.
	1	Krisle	EL.
	1	Westside	EL.
Springhill	1	Springhill	EL.
	1	Springhill	MS.
Stanton	1	Douglas	EL.
	1	South Hatchie	EL.
Sunbright	3	Sunbright	EL.
	3	Sunbright	MS.
Surgoinsville	1	Surgoinsville	EL.
Sweetwater	3	Sweetwater	MS.
	3	Sweetwater	JHS.
	1	Brown	EL.
Taft	1	Blanche	EL.
	1	Taft	EL.

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Location	Code *	School Name		Location	Code *	School Name	
Tazewell	1	Cedar Fork	EL.	Turtletown	1	Turtletown	EL.
	1	Highland View	EL.	Unicoi	3	Unicoi	EL.
	1	Howards Quarter	EL.	Union City	3	Dixie	EL.
	1	Mason Bethel	EL.	Monore	1	Monore	EL.
	1	S. M. S.	EL.		3	Monore	MS.
	1	Sycamore Hall	EL.	Walland	3	Prospect	EL.
	1	Xlanthus	EL.	Walling	1	Central View	EL.
Tellico Plains	1	Hall Play	EL.	Wartburg	3	Central	EL.
	1	Coker Creek	EL.		3	Joyner	EL.
	1	Rural Vale	EL.	Washburn	1	Washburn	EL.
	1	Tellico Plains	EL.		1	Washburn	HS.
	3	Tellico Plains	MS.	Watauga	3	Range	EL.
	1	Tellico Plains	JHS.	Waynesboro	1	Wayne Co.	HS.
Ten Mile	1	Ten Mile	EL.		3	Waynesboro	EL.
Tennessee Ridge	3	Tennessee Ridge	EL.		3	Waynesboro Intermediate	Middle
Thompson Station	1	Burrwood	EL.	West Point	3	West Point	EL.
	1	Thompson Station	EL.	Whiteville	1	Whiteville North Side	EL.
Tiftonville	1	Lake Co.	MS.		1	Whiteville South Side	Middle
	1	Margaret Newton	EL.	Whitwell	3	Griffith Creek	EL.
Toone	1	Toone	EL.	Wildersville	1	Beaver	EL.
Townsend	3	Townsend	EL.	Winchester	3	Broadview	EL.
	3	Townsend	MS.		3	Center Grove	EL.
Tracy City	1	Grundy Co.	MS.		3	Clark Memorial	EL.
	1	Plainview	EL.		1	Franklin Co.	HS.
	1	Shook	EL.		3	Keith Springs	EL.
Trade	3	Trade	EL.		3	Mary Sharpe	EL.
Trenton	1	Peabody	HS.		3	North	JHS.
	1	Spring Hill	EL.		3	Winchester Springs	EL.
	1	Spring Hill	HS.	Winfield	1	Winfield	EL.
	1	Trenton East	EL.	Woodberry	1	East Side	EL.
	1	Trenton West	EL.		3	Short Mountain	EL.
Trezevant	3	Trezevant	EL.		1	Woodberry Grammar	EL.
	3	Trezevant	MS.	Woodland Mills	1	Woodland	EL.
Trimble	1	Trimble	EL.	Yorkville	1	Yorkville	EL.
Troy	3	Troy	EL.		1	Yorkville	HS.

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Location	Code *	School Name	Location	Code *	School Name
Abernathy	1	Abernathy ISD	Austin cont.	1	Becker EL
Abilene	1	College Heights EL		1	Blackshear EL
	1	Fannin EL		1	Brooke EL
	1	Lee EL		1	Campbell EL
	3	Locust EL		1	Dawson EL
Alice	1	Adams JHS		2	Fulmore JHS
	1	Dubose Middle		1	Govalle EL
	1	Garcia EL		1	Johnston HS
	1	Memorial Middle		1	Maplewood EL
	1	Nayer EL		1	Martin JHS
	1	Saenz EL		1	Mathews EL
	1	Saint Joseph EL		1	Metz EL
	1	Salazar EL		1	Norman EL
Alpine	1	Alpine ISD		1	Oak Springs EL
	2	Our Lady of Peace EL		1	Ortega EL
Altair	2	Saint Mary's at Nada EL - Rice ISD		1	Palm EL
Alta Loma	2	Santa Fe ISD		3	Ridgetop EL
Alto	1	Alto ISD		3	Rosewood EL
Amarillo	3	Emerson EL		1	Saint Marys EL
	2	Our Lady of Guadalupe EL		1	Sims EL
	2	Saint Lawrence EL		1	Travis Heights EL
Anderson	3	Anderson-Shiro ISD		1	Zavala EL
Anson	2	Anson ISD	Avalon	3	Avalon ISD
Anton	1	Anton ISD	Ballinger	1	Ballinger ISD
Aransas Pass	1	Aransas Pass ISD		2	Saint Joseph (Rowena School)
Arp	1	Arp ISD	Bandera	2	Bandera ISD
Asherton	1	Asherton ISD	Banquete	1	Banquete ISD
Atlanta	1	Atlanta ISD	Barksdale	1	Nueces Canyon ISD
Austin	1	Allen JHS	Bartlett	1	Bartlett ISD
	1	Allison EL			

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Location	Code *	School Name	Location	Code *	School Name
Bastrop	1	Bastrop ISD	Brownfield	1	Brownfield Middle
Bay City	1	Holmes EL		1	Brownfield Intermediate
	2	Holy Cross Catholic EL		1	Colonial Heights EL
	1	Pierce EL		1	Oak Grove EL
Baytown	1	Carver-Jones EL - Goose Creek ISD	Brownsboro	2	Brownsboro ISD
	3	Harlem EL	Brownsville	1	Canales EL
	2	R. E. Lee HS		1	Castaneda EL
	2	Saint Joseph EL		1	Clearwater EL
Beaumont	1	Bethune EL		1	Cromack EL
	1	Blanchette EL - South Park ISD	Brownsville	1	Del Castillo EL
	1	Bowie JHS	(continued)	1	El Jardin EL
	1	Carver EL		1	Faulk JHS
	1	Charlton-Pollard HS		1	Garden Park EL
	1	Crockett JHS		1	Immaculate Conception EL
	1	Dowling EL		1	Longoria EL
	1	Dunbar JHS		1	Porter HS
	1	Fehl EL - South Park ISD		1	Putgenat EL
	1	Fletcher EL		1	Pesaca EL
	1	French EL		1	Skinner EL
	1	Hebert HS - South Park ISD		1	Victoria Heights EL
	2	Kelly HS - South Park ISD		3	Villa Nueva EL
	1	Lincoln JHS		1	Webb EL
	3	Lucas EL	Brownwood	3	Brownwood State School
	1	Martin EL		3	Coggin EL
	1	Odom JHS - South Park ISD		1	Coggin JHS
	3	Ogden EL		1	Northwest EL
	2	Our Lady of Assumption EL - South Park	Bryan	2	Saint Joseph EL
	1	Our Mother of Mercy EL - South Park	Buffalo	1	Buffalo ISD
	1	Price EL - South Park ISD	Buna	2	Buna ISD
	2	Saint Anthony EL	Burkeville	1	Burkeville ISD
	1	Washington EL	Burton	1	Burton ISD
Bedford	1	Euless JHS - Hurst-Euless-Bedford ISD	Caldwell	1	Caldwell ISD
	1	Midway Park EL	Calvert	1	Calvert ISD
	1	North Euless EL	Cameron	1	Cameron ISD
	1	West Hurst EL	Canutillo	1	Canutillo ISD
Beeville	1	F.M.C. EL	Carmine	3	Round Top-Carmine ISD
	1	Hall EL	Carrizo Springs	3	Big Wells EL
	1	Jackson Kindergarten		1	Carrizo Springs JHS
	1	Madderra EL		1	Carrizo Springs Middle
	1	Our Lady of Victory EL		3	Central EL
	3	Tyler EL		1	North Annex EL
Belton	2	Belton HS		3	North EL
Benavides	3	Realitos EL	Carthage	1	Carthage ISD
Ben Bolt	1	Ben Bolt-Palito Blanco ISD	Castroville	1	Medina Valley ISD
Big Spring	3	Airport EL	Center	1	Center ISD
	1	Bauer EL		3	Excelsin ISD
	3	Cedar Crest EL	Centerville	1	Centerville ISD
	3	Lakeview EL	Charlotte	1	Charlotte ISD
	1	Runnels JHS	Cherokee	3	Cherokee ISD
Bishop	1	Bishop JHS	Childress	2	Childress ISD
	1	Eastside EL	Chillicothe	1	Chillicothe ISD
	3	Petronila EL	Chilton	1	Chilton ISD
	3	Westside EL	Chireno	3	Chireno ISD
Bloomington	3	Bloomington EL	Clarksville	3	Annona EL
	3	Bloomington Intermediate		1	Clarksville EL
	3	Placedo EL		1	Clarksville Intermediate
Boerne	2	Boerne ISD		1	Clarksville JHS
Bogata	1	Talco-Bogata ISD	Cleveland	1	Cleveland ISD
Boling	1	Boling ISD	Clifton	2	Clifton ISD
Bonham	2	Bonham ISD	Coldspring	1	Coldspring-Oakhurst ISD
Borger	2	Saint John EL	Coleman	1	Coleman ISD
Bowie	2	Bowie ISD		3	Mozelle ISD
Boys Ranch	1	Boys Ranch ISD		3	Talpa-Centennial ISD
Brackettville	1	Brackett ISD	Colorado City	1	Colorado ISD
Brady	3	Northward EL	Columbus	2	Columbus ISD
	3	Southward EL		2	Saint Anthony EL
Bremond	1	Bremond ISD	Commerce	2	Commerce ISD
	1	Saint Marys EL	Coolidge	1	Coolidge ISD
Brenham	1	Brenham ISD	Cooper	1	Cooper ISD
	2	Grace Lutheran EL	Corpus Christi	1	Allen EL
Bridgeport	2	Bridgeport EL		3	Allen EL - West Oso ISD
Broaddus	1	Broaddus ISD		1	Austin EL
Brookeland	3	Brookeland ISD		1	Barnes JHS
				1	Christ The King EL

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Location	Code *	School Name
Corpus Christi cont.	1	Chula Vista EL
	3	Clarkwood EL - Tuloso-Midway ISD
	1	Coles EL
	1	Crossley EL
	1	Crockett EL
	1	Cunningham JHS
	1	Driscoll JHS
	1	Evans EL
	1	Fannin EL
	1	Furman EL
	1	Garcia EL
	1	Holy Family EL
	1	Houston EL
	1	Kennedy EL - West Oso ISD
	1	Lamar EL
	1	Lexington EL
	1	Lozano EL
	1	Los Encinos EL
	1	Martin JHS
	1	Molina JHS - West Oso ISD
	1	Moore EL
	1	Oak Park EL
	1	Prescott EL
	1	Sacred Heart EL
	1	Saint Joseph JHS
	1	Savage EL
	1	Seale JHS
	1	Shaw EL
	1	Skinner EL - West Oso ISD
	1	Southgate EL
	1	South Park JHS
	1	Travis EL
	2	Tuloso JHS - Tuloso-Midway ISD
	1	Zavala EL
Corrigan	1	Corrigan-Camden ISD
Corsicana	1	Corsicana HS
	3	Corsicana State Home
	1	Drave Middle
	3	Houston EL
	2	James Collins EL
	1	Lincoln EL
Cotulla	1	Burk EL
	3	Encinal EL
	3	Newman JHS
	3	Ramirez Migrant EL
	3	Welhausen EL
Crockett	1	Crockett ISD
	3	Crockett State Home
Crosby	1	Crosby ISD
	2	Sacred Heart Catholic EL
Crosbyton	2	Crosbyton ISD
Crystal City	1	Crystal City ISD
Cuero	1	Cuero ISD
	2	Saint Michael EL
Cushing	1	Cushing ISD
Dalhart	2	Dalhart ISD
	2	Saint Anthony EL
Dallas	1	Allen EL
	1	Alta Mesa EL - Wilmer Hutchins ISD
	1	Anderson EL
	3	Arlington Park EL
	1	Austin EL
	1	Bishop Heights EL - Wilmer Hutchins
	1	Blair EL
	1	Bonham EL
	1	Bowie EL
	1	Brown EL
	1	Bryan EL
	1	Budd EL
	1	Bushman EL
	1	Carr EL
	1	Carver EL
	1	City Park EL
Dallas cont.	1	Colonial EL
	1	Comstock JHS
	1	Crockett EL
	1	Darrell EL
	1	Douglass EL
	1	Dunbar EL
	1	Earhart EL
	1	Edison JHS
	1	Ervin EL
	1	Fannin EL
	1	Frazier EL
	1	Harllee EL
	1	Harris, F.C. EL
	1	Hassell EL
	1	Holmes JHS
	1	Holy Trinity EL
	1	Jackson EL
	1	Johnston EL
	2	John XXIII School
	3	Juarez EL
	1	Kennedy-Curry JHS - Wilmer Hutchins ISD
	1	Kleberg EL
	1	Lanier EL
	1	Lee EL
	1	Lincoln HS
	1	Lipscomb EL
	1	Lisbon EL
	1	Madison JHS
	1	Marshall EL
	1	Mills EL
	1	Mount Auburn EL
	1	Navarro EL
	1	Pease EL
	1	Pinkston HS
	1	Ray EL
	1	Rhoads EL
	1	Rice EL
	1	Roberts EL
	1	Rusk JHS
	1	Saint Anthony EL
	1	Saint Mary of Carmel EL
	1	Saint Peter EL
	1	Seguin EL
	1	Sequoyah JHS
	1	Spence JHS
	1	Stone JHS
	1	Storey JHS
	1	Thompson, H. S. EL
	1	Travis EL
	1	Tyler EL
	1	Washington, B. T. EL
	1	Wheatley EL
	1	White EL - Wilmer Hutchins ISD
	1	Wilmer EL - Wilmer Hutchins ISD
	1	Winnetka EL
	1	Young EL
	1	Zumwalt JHS
Dayton	2	Dayton ISD
DeKalb	1	DeKalb ISD
De Leon	1	De Leon ISD
Del Rio	1	Austin EL - San Felipe-Del Rio ISD
	1	Lamar EL
	1	Memorial EL
	1	North Heights EL
	1	Sacred Heart EL
	3	Saint Joseph Kindergarten
	1	Sam Houston EL
	1	Travis EL
Del Valle	1	Popham EL
	1	Smith EL
Denton	2	Congress JHS
Devine	2	Devine ISD

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Location	Code *	School Name
Dickinson	2	McAdams JHS
	2	Shrine of True Cross School
Dilley	1	Dilley ISD
Dime Box	3	Dime Box ISD
Dimmitt	1	Dimmitt ISD
Donna	1	Donna EL
	1	Donna Migrant School
	1	Donna Primary
	1	Lenoir JHS
	3	Runn EL
Dougherty	3	Dougherty CSD
Douglass	3	Douglass CSD
Driscoll	3	Driscoll ISD
Dumas	3	Cactus EL
Eagle Pass	1	Austin EL
	1	Benevides Heights EL
	1	Eagle Pass JHS
	1	Glass EL
	1	Lee EL
	1	Our Lady of Refuge EL
	1	San Luis EL
Earth	1	Springlake-Earth ISD
Eastland	2	Eastland ISD
Ector	3	Ector RHSD
Edcouch	1	Edcouch-Elsa ISD
	1	Monte Alto ISD
Edinburg	1	Austin EL
	3	Brewster EL
	1	Edinburg HS
	3	Hargill EL
	1	Jefferson EL
	1	Lamar EL
	1	Lincoln EL
	3	McCook EL
	1	North JHS
	2	Saint Joseph EL
	1	Sam Houston EL
	1	South JHS
	1	Travis EL
	3	Valley View CSD
Edna	2	Edna ISD
El Campo	1	El Campo ISD
	2	Saint Philip EL
Elgin	1	Elgin ISD
Elkhart	1	Elkhart ISD
El Paso	1	Alamo EL
	1	Alta Vista EL
	1	Any EL
	2	Ascarate EL - Ysleta ISD
	1	Bassett EL
	1	Beall EL
	1	Bowie HS
	1	Burleson EL
	2	Cathedral HS
	1	Clardy EL
	1	Cooley EL
	1	Douglass EL
	2	Father Yermo EL
	2	Father Yermo HS
	1	Guillen JHS
	2	Hacienda Heights EL - Ysleta ISD
	1	Hart EL
	1	Hawkins EL
	1	Henderson JHS
	2	Hillcrest JHS - Ysleta ISD
	2	Holy Family EL
	1	Houston EL
	1	Jefferson HS
	2	Jesus and Mary HS
	1	Lamar EL
	2	Marion Manor EL - Ysleta ISD
	1	Mesa Vista EL - Ysleta ISD
	1	North Loop EL - Ysleta ISD
El Paso cont.	3	Presa EL - Ysleta ISD
	2	Ranchland Hills EL - Ysleta ISD
	2	Riverside HS - Ysleta ISD
	2	Riverside JHS - Ysleta ISD
	2	Ramona EL - Ysleta ISD
	1	Roberts EL
	1	Roosevelt EL
	2	Sageland EL - Ysleta ISD
	2	Saint Joseph EL
	1	Socorro ISD
	2	South Loop EL - Ysleta ISD
	1	Thomas Manor EL - Ysleta ISD
	1	Vilas EL
	1	Wainwright EL
	1	Ysleta EL - Ysleta ISD
	1	Zavala EL
Elysian Fields	1	Elysian Fields ISD
Emory	2	Rains ISD
Ennis	1	Houston EL
	2	Saint John Catholic School
Eola	3	Eola RHSD
Estelline	3	Estelline ISD
Etoile	3	Etoile CSD
Fabens	1	Fabens ISD
Fairfield	1	Fairfield ISD
Falfurrias	3	Encino EL - Brooks County ISD
	1	Falfurrias EL
	1	Lasater EL
Fayetteville	3	Fayetteville ISD
Ferris	1	Ferris ISD
Flatonia	1	Flatonia ISD
Floresville	1	Floresville ISD
	1	Sacred Heart EL
Floydada	1	Floydada ISD
Fort Hancock	3	Ft. Hancock ISD
Fort Stockton	1	Ft. Stockton JHS
Fort Worth	2	All Saints EL
	3	Austin EL
	3	Brooklyn Heights EL
	1	Carter Park EL
	1	Carver EL
	1	Circle Park EL
	1	Como EL
	1	Daggett EL
	1	Daggett Middle
	1	Denver Avenue EL
	1	De Zavala EL
	1	Diamond Hill EL
	1	Dillow EL
	1	Dunbar EL
	1	Dunbar HS
	1	Dunbar Middle
	1	Eastland EL
	1	Elder JHS
	1	Glen Park EL
	1	Green EL
	1	Guinn EL
	1	Helbing EL
	1	Holy Name EL
	1	Hubbard EL
	1	Kirkpatrick EL
	2	Lake Worth ISD
	1	McKae EL
	1	Meacham JHS
	1	Mitchell Blvd. EL
	1	Morningside EL
	1	Morningside Sixth Grade
	1	Moore EL
	1	Nash EL
	2	Our Mother of Mercy EL
	1	Parker Middle
	1	Pate EL
	1	Peak EL
	3	Polytechnic EL

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Location	Code *	School Name
Fort Worth cont.	1	Polytechnic HS
	3	Riverside EL
	1	Rosemont Middle
	3	Rosen EL
	1	Saint Mary EL
	1	South Birdville EL - Birdville ISD
	3	South Fort Worth EL
	1	Sunrise EL
	1	Tremble Technical HS
	1	Turner EL
	1	Van Zandt EL
	1	Vickery EL
	1	Washington Heights EL
	1	William James Sixth Grade
	1	Worth Heights EL
Franklin	1	Franklin ISD
Freeport	3	Fleming EL - Brazosport ISD
	1	Velasco EL
Friona	1	Friona ISD
Gainesville	3	Gainesville State School for Girls
Galena Park	2	Jacinto City EL
Galveston	1	Ball HS
	1	Carver EL
	1	Central JHS
	1	Goliad EL
	1	Holy Rosary EL
	2	O'Connell JHS
	2	O'Connell HS
	2	Our Lady of Guadalupe EL
	1	Rosenburg EL
	2	Sacred Heart EL
	1	Saint Marys EL
	2	Saint Patrick EL
	1	San Jacinto EL
Ganado	1	Ganado ISD
Garland	1	Austin Middle
	3	Central EL
	1	Kimberlin EL
	3	Walnut Glen EL
Gatesville	2	Gatesville ISD
	3	Gatesville State School for Boys
	3	Mountainview School for Boys
Gause	3	Gause ISD
Georgetown	1	Georgetown ISD
	2	Zion Lutheran EL
George West	1	George West ISD
Giddings	2	Giddings ISD
	3	Giddings State School
	2	Immaculate Lutheran EL
	2	Saint John Lutheran EL
Gilmer	1	Gilmer ISD
Gladewater	2	Gladewater ISD
	1	Sabine ISD
Goliad	1	Goliad ISD
Gonzales	1	East Avenue EL
	1	Gonzales JHS
	1	North Avenue EL
Goree	3	Goree ISD
Granbury	2	Granbury ISD
Grand Prairie	2	Immaculate Conception EL
Granger	1	Granger ISD
	2	S. S. Cyril and Methodus EL
Grapeland	1	Grapeland ISD
Greenville	3	Austin EL
	1	Carver EL
	2	Greenville JHS
Gregory	1	Austin EL - Gregory-Portland ISD
Groesbeck	1	Groesbeck ISD
Groveton	1	Groveton ISD
Guthrie	3	Guthrie CSD
Hale Center	1	Hale Center ISD
Hallettsville	1	Hallettsville ISD
	2	Sacred Heart School
Hallsville	2	Hallsville ISD
Hamlin	1	Hamlin ISD
Hamshire	2	Hamshire-Fannett ISD
Harlingen	1	Bonham EL
	2	Cookley JHS
	1	Crockett EL
	2	Gay JHS
	2	Harlingen HS
	1	Lamar EL
	1	Milam EL
	1	Stuart EL
	1	Vernon JHS
Harrold	3	Harrold ISD
Hart	1	Hart ISD
Haskell	1	Haskell ISD
Hearne	1	Hearne ISD
Hebbronville	1	Jim Hogg County ISD
	2	Little Flower EL
Hedley	3	Hedley ISD
Hemphill	1	Hemphill ISD
Hempstead	1	Hempstead ISD
Henderson	1	Henderson JHS
	1	Hill Intermediate
	3	Mizner EL
Hereford	1	Bluebonnet EL
	1	Central EL
	1	Shirley EL
	1	Tierra Blanca EL
Hidalgo	1	Hidalgo ISD
Hillsboro	1	Hillsboro ISD
Holland	3	Holland ISD
Hondo	1	Hondo ISD
Honey Grove	1	Honey Grove ISD
Hooks	2	Hooks ISD
Houston	1	Alcott EL
	1	Allen EL
	2	All Saints EL
	1	Anderson EL - Aldine ISD
	2	Annunciation EL
	1	Anson Jones EL
	1	Atherton EL
	1	Attucks JHS
	1	Bastian EL
	1	Berry EL
	1	Bethune EL - Aldine ISD
	1	Blackshear EL
	1	Blessed Sacrament EL
	1	Booker T. Washington HS
	1	Bowie EL
	1	Briscoe EL
	1	Brock EL
	1	Bruce EL
	1	Burbank EL
	1	Burnet EL
	1	Burrus EL
	1	Carnegie EL
	1	Carver HS - Aldine ISD
	1	Chatham EL
	2	Christ The King EL
	3	Clinton Park EL
	1	Concord EL
	1	Crawford EL
	1	Crockett EL
	1	De Zavala EL
	1	Dodson EL
	1	Dogan EL
	1	Douglass EL
	1	Dow EL
	1	Drew JHS - Aldine ISD
	1	Dunbar EL
	1	Easter EL
	1	East Houston EL - North Forest ISD
	1	Edgewood EL - Spring Branch ISD
	1	Edison JHS
	1	Eighth Ave. EL

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Location	Code *	School Name
Houston cont.	1	Elliot EL
	1	Elmore Middle - North Forest ISD
	1	Fairchild EL
	1	Fleming JHS
	1	Fonwood EL - North Forest ISD
	1	Foster EL
	1	Franklin EL
	1	George Washington JHS
	1	Gregory EL
	1	Grimes EL
	1	Harris, J.R. EL
	1	Harper EL
	1	Hartsfield EL
	1	Harvard EL
	1	Henderson, N. Q. EL
	1	Highland Heights EL
	3	Hill EL - Aldine ISD
	1	Hilliard EL - North Forest ISD
	2	Hogg JHS
	1	Hohl EL
	1	Holden EL
	2	Holy Name EL
	1	Houston Gardens EL
	2	Immaculate Heart of Mary EL
	1	Isaacs EL
	1	Jackson JHS
	2	Jefferson EL
	2	Johnson EL - Aldine ISD
	1	Jones, Will EL
	1	Kashmere Gardens EL
	3	Kay EL
	1	Keahey EL - North Forest ISD
	1	Kelso EL
	1	Kennedy EL
	1	Key JHS
	1	Lamar EL
	1	Langston EL
	1	Lantrip EL
	1	Law EL
	1	Lee EL
	1	Lincoln HS
	1	Lockhart EL
	2	Long Point Baptist EL - Spring Branch
	1	Looscan EL
	1	MacArthur EL
	1	Mading EL
	1	Marshall JHS
	1	McDade EL
	1	McReynolds JHS
	1	Milam EL
	3	Miller EL
	1	Miller JHS
	1	Mount Houston EL - North Forest ISD
	1	Oakwilde EL - Aldine ISD
	1	Osborne EL
	1	Our Lady of Guadalupe EL
	2	Our Mother of Mercy EL
	1	Pleasante EL
	1	Port Houston EL
	1	Pugh EL
	2	Resurrection EL
	1	Reynolds EL
	1	Rhoads EL
	2	Ridgecrest EL - Spring Branch ISD
	1	Ross EL
	1	Rusk EL
	1	Ryan EL
	1	Ryan JHS
	2	Saint Anne EL
	2	Saint Francis of Assisi EL
	2	Saint Jerome EL - Spring Branch ISD
	2	Saint Marks Lutheran School
	2	Saint Peter of Apostle EL
	2	Saint Philip Neri EL
Houston cont.	2	Saint Rose of Lima EL
	2	Saint Theresa EL
	1	Sanderson EL
	2	School of the Woods - Spring Branch ISD
	1	Scott EL
	1	Scroggins EL
	1	Shadydale EL - North Forest ISD
	1	Sherman EL
	1	Smith JHS
	1	Southland EL
	1	Stevenson EL
	1	Sunnyside EL
	1	Terrell JHS
	1	Tidwell EL - North Forest ISD
	1	Travis EL
	1	Turner EL
	1	Wesley EL
	1	Wharton EL
	1	Whidby EL
	1	Williams, M.C. HS
	2	Woodson JHS
	1	Yates HS
Hughes Springs	1	Hughes Springs ISD
Huntsville	1	Huntsville ISD
	1	Windham ISD
Idalou	2	Idalou ISD
Ingleside	2	Ingleside ISD
Itasca	1	Itasca ISD
Jacksonville	1	Jacksonville JHS
	1	Joe Wright EL
Jasper	1	Jasper ISD
Jefferson	1	Jefferson ISD
Jewett	1	Leon ISD
Jourdanton	1	Jourdanton ISD
Junction	1	Junction ISD
Karnack	1	Karnack ISD
Karnes City	1	City EL
	3	Fashing EL
	3	Panna Maria EL
Kaufman	2	Kaufman ISD
Kendleton	1	Kendleton ISD
Kenedy	1	Kenedy ISD
Kernes	1	Kernes ISD
Kerrville	2	Notre Dame EL
	1	Tivy EL
Kilgore	2	Kilgore ISD
Killeen	2	Killeen Church EL
	2	Saint Joseph EL
Kingsville	1	Colston EL
	3	Harvey EL
	1	Kleberg EL
	1	Lamar EL
	3	Ricardo ISD
	2	Saint Gertrude EL
	1	Saint Martin EL
Kirbyville	1	Kirbyville ISD
Kountze	1	Kountze ISD
Kress	1	Kress ISD
Kyle	1	Kyle EL - Hayes CSD
Ladonia	1	Fannidel ISD
La Feria	1	La Feria ISD
La Grange	2	La Grange ISD
	2	Sacred Heart EL
La Joya	1	La Joya ISD
Lakeview	3	Lakeview ISD
Lamesa	3	Klondike ISD
	1	Lamesa Middle
	1	North EL
	3	Rogers EL
	1	South EL
Lampasas	2	Lampasas ISD
Lanevilla	1	Lanevilla ISD
La Pryor	1	La Pryor ISD

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Location	Code *	School Name
Laredo	2	Blessed Sacrament EL
	1	Bruni EL
	1	Christen JHS
	1	Clark EL - United ISD
	1	Daiches EL
	1	Farias EL
	1	Hachar EL
	1	Leyendecker EL
	1	Macdonnell EL
	1	Martin HS
	1	Martin EL
	1	Ochoa EL
	1	Our Lady of Guadalupe EL
	1	Pierce EL
	2	Saint Augustine School
	1	Saint Peter EL
	1	Sanchez EL
	1	Santa Maria EL
	1	Santo Nino EL
	1	Tarver EL
	1	Urbahn EL
	2	Ursuline School
	3	Webb Cons. CSD
Lasara	1	Lasara ISD
Latexo	3	Latexo ISD
La Villa	1	La Villa ISD
Lazbuddie	3	Lazbuddie ISD
Leakey	3	Leakey ISD
Lela	3	Lela ISD
Levelland	1	Levelland JHS
	1	Saint Michael EL
Liberty	2	Liberty ISD
Lindale	1	Lindale ISD
Linden	2	Linden-Kildare ISD
Littlefield	2	Littlefield ISD
Livingston	2	Livingston ISD
Llano	2	Llano ISD
Lockhart	1	Lockhart ISD
Lockney	1	Lockney ISD
Lohn	3	Lohn RHSD
Longview	2	Forest Park JHS
	2	Foster JHS
	2	Pine Tree ISD
Loraine	3	Loraine ISD
Lorenzo	1	Lorenzo ISD
Los Fresnos	3	Las Yescas EL
	1	Los Fresnos EL
	1	Los Fresnos JHS
	3	Olmito EL
Louise	1	Louise ISD
Lovelady	1	Lovelady ISD
Lubbock	1	Alderson JHS
	1	Bozeman EL
	1	Dunbar HS
	1	Estacado HS
	3	Guadalupe EL
	1	Harwell EL
	1	Iles EL
	1	Jackson EL
	2	Lubbock-Cooper ISD
	3	Mahon EL
	1	Martin EL
	1	Matthews JHS
	1	McWhorter EL
	1	Parkway EL
	1	Posey EL
	2	Roosevelt ISD
	3	Sanders EL
	2	Slaton JHS
	3	Southeast EL
	1	Struggs JHS
	1	Thompson JHS
	1	Tubbs EL
	1	Wheatly EL
Lubbock cont.	1	Wolffarth EL
Lueders	3	Lueders-Avoco ISD
Lufkin	3	Garrett EL
	1	Harty EL
	3	Redland EL
Luling	2	Luling ISD
Lyford	1	Lyford ISD
Lytle	1	Lytle ISD
Mabank	2	Mabank ISD
Madisonville	1	Madisonville ISD
Magnolia	2	Magnolia ISD
Malakoff	2	Malakoff ISD
Manor	1	Manor ISD
Maple	3	Three Way ISD
Marathon	3	Marathon ISD
Marble Falls	2	Marble Falls ISD
Marfa	1	Marfa ISD
	1	Saint Mary EL
Marietta	3	Marietta CSD
Marlin	1	Marlin ISD
	3	Westphalia CSD
Marshall	3	Austin-Carver EL
	1	Dogan EL
	1	Marshall HS
	1	Marshall JHS
	1	Moore EL
	1	Pemberton HS
	1	Pemberton JHS
	3	Washington EL
Mart	1	Mart ISD
Mason	1	Mason ISD
Mathis	1	Hardin EL
	1	Mathis Intermediate
	1	Mathis JHS
	1	Weber EL
McAllen	2	Alvarez EL
	1	Austin-Navarro EL
	1	Bonham EL
	1	Central EL
	1	Houston-Roosevelt EL
	1	Thigpen EL
	1	Travis JHS
	1	Zavala EL
McCamey	2	McCamey ISD
McCaulley	3	McCaulley ISD
McDade	3	McDade ISD
McFaddin	3	McFaddin ISD
McGregor	2	McGregor ISD
McKinney	1	Caldwell Middle
Memphis	2	Memphis ISD
Menard	1	Menard ISD
Mercedes	1	Mercedes ISD
Mexia	1	Mexia ISD
Midland	1	Crockett EL
	1	De Zavala EL
	1	Pease
	1	South EL
	1	Travis EL
	3	Washington EL
Milford	3	Milford ISD
Mirando City	3	Mirando City ISD
Mission	1	Alton ISD
	1	Castro EL
	1	Guadalupe EL
	1	Marcell EL
	1	Mission HS
	1	Mission JHS
	1	Pearson EL
	1	Roosevelt EL
	1	Sharyland ISD
Monahans	3	Sudderth EL - Monahans-Wickett-Pyote ISD
	3	West Texas Childrens Home
Montgomery	1	Montgomery ISD
Morton	1	Morton ISD

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Location	Code *	School Name
Moulton	1	Moulton ISD
Mount Enterprise	3	Mt. Enterprise ISD
Mount Vernon	1	Mt. Vernon ISD
Muleshoe	1	Muleshoe ISD
Mullin	3	Mullin ISD
Mumford	3	Mumford ISD
Munday	1	Munday ISD
Nacogdoches	1	Brooks EL
	1	Carpenter JHS
	1	Fredonia EL
	1	Marshall EL
	1	Raguet EL
Natalia	1	Natalia ISD
Navasota	1	Navasota ISD
Neches	3	Neches ISD
Needville	2	Needville ISD
New Boston	2	New Boston ISD
New Braunfels	1	Lone Star EL
	2	Saint Peter and Paul EL
New Caney	1	Porter EL
New Deal	1	New Deal ISD
New Summerfield	3	New Summerfield ISD
Newton	3	Newton JHS
Nixon	1	Nixon ISD
Nolan	3	Divide RHSD
Nordheim	3	Nordheim ISD
Normangee	3	Normangee ISD
Oakwood	1	Oakwood ISD
O'Brien	3	Carney ISD
Odem	1	Odem ISD
Odessa	1	Blackshear JHS - Ector ISD
	2	Ector HS
	1	Milam-Carver EL
O'Donnell	1	O'Donnell ISD
Olney	2	Olney ISD
Olton	1	Olton ISD
Omaha	2	Pewitt ISD
Orange	1	Anderson EL - West Orange-Cove ISD
	3	Curtis EL
	1	North JHS
	2	Saint Mary EL
	2	Stark HS
Orange Grove	1	Orange Grove ISD
Ozona	1	Crockett County ISD
Paducah	1	Paducah ISD
Paige	3	Paige ISD
Palacios	1	Palacios ISD
Palestine	1	Palestine ISD
	2	Tucker ISD
Palo Pinto	3	Palo Pinto RHSD #706
Pampa	2	Saint Vincent EL
Paris	1	Justice EL
	1	Paris HS
	1	Paris Middle
Pasadena	2	Gulfhaven School
	1	Parks EL
	2	Saint Pius EL
	2	South Houston Intermediate
	2	Zion Lutheran EL
Pawnee	1	Pawnee ISD
Pearsall	1	Pearsall ISD
Pecos	3	Barstow EL - Pecos-Barstow Toyah ISD
	1	Bessie Haynes EL
	3	De Zavala JHS
	1	Earl Bell EL
Petersburg	1	Petersburg ISD
Pettus	1	Pettus ISD
Petty	3	West Lamar ISD
Pflugerville	2	Pflugerville ISD
Pharr	1	Austin JHS - Pharr-San Juan-Alamo ISD
	3	Bowie EL
	1	Buckner EL
	3	Buell EL
Pharr cont.	3	Carnahan EL
	1	Clover EL
	1	Doedyns EL
	1	Edison EL
	1	Ford EL
	1	Franklin EL
	1	Fulton EL
	1	Jefferson JHS
	1	Napper EL
	1	Sorensen EL
	1	Whitney EL
Pineland	1	West Sabine ISD
Pittsburg	1	Pittsburg ISD
Pleasanton	3	Beming EL
	3	Cambellton EL
	1	Pleasanton EL
	1	Pleasanton JHS
Port Arthur	2	Bishop Byrne HS
	1	Carver EL
	1	DeQueen EL
	1	Franklin EL
	2	Saint Mark EL
	1	Saint Mary EL
	1	Washington EL
	1	Wilson JHS
Port Isabel	1	Point Isabel ISD
Port Lavaca	1	Roosevelt EL - Calhoun County ISD
Post	1	Post ISD
Poteet	1	Poteet ISD
Poth	1	Poth ISD
Powderly	3	Powderly EL - North Lamar ISD
Prairie Lea	3	Prairie Lea ISD
Premont	1	Premont ISD
Presidio	1	Presidio ISD
Progreso	1	Progreso ISD
Quanah	2	Quanah ISD
Queen City	1	Queen City ISD
Ralls	1	Ralls ISD
Raymondville	1	Central Migrant EL
	1	Myra Green JHS
	1	Pittman EL
	1	Smith EL
Rice	3	Rice CSD
Richards	3	Richards ISD
Richland Springs	3	Richland Springs ISD
Rio Grande City	1	Grulla EL
	1	Grulla Primary
	1	Guerra EL
	1	Immaculate Conception EL
	1	La Union EL
	1	North Grammar EL
	1	Ringgold JHS
	1	Ringgold Intermediate
	1	Ringgold Primary
Rio Hondo	1	Rio Hondo ISD
Robstown	1	Hutto EL
	1	Lotspeich EL
	1	Martin EL
	1	Saint Anthony EL
	1	Salazar EL
	1	Seale JHS
Roby	3	Roby ISD
Rochelle	3	Rochelle ISD
Rochester	3	Rochester ISD
Rockdale	2	Rockdale ISD
Rocksprings	1	Rocksprings ISD
Rogers	1	Rogers ISD
Roma	3	Escobares EL
	3	Los Saenz EL
	1	Roma EL
	1	Roma JHS
	1	Scott EL
Ropesville	1	Ropesville ISD

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Location	Code *	School Name
Rosebud	3	Lott EL - Rosebud-Lott ISD
	3	Rosebud Intermediate
	3	Rosebud JHS
	3	Rosebud Primary
Rosenberg	1	Long EL - Lamar CSD
Rotan	1	Rotan ISD
Roxton	3	Roxton ISD
Royse City	1	Royse City ISD
Runge	1	Runge ISD
Rusk	2	Rusk ISD
Sabinal	1	Sabinal ISD
San Angelo	1	Blackshear EL
	3	Bradford EL
	1	Edison JHS
	3	Fort Concho EL
	3	Holiman EL
	1	Lake View HS
	1	Lincoln JHS
	1	Reagan EL
	1	Rio Vista EL
	2	Sacred Heart School
	3	Sam Houston EL
	1	San Jacinto EL
San Antonio	1	Adams EL - Harlandale ISD
	1	Antonio Olivares EL - South San Antonio
	1	Athens - South San Antonio ISD
	1	Barkley EL
	1	Beacon Hill EL
	3	Bob Hope EL - Southwest ISD
	1	Bonham EL
	1	Bowden EL
	1	Bowie EL
	1	Brackenridge EL
	1	Brewer EL
	1	Briscoe EL
	1	Buena Vista EL - Southside ISD
	2	Burbank HS
	1	Burleson EL - Edgewood ISD
	1	Burnet EL
	1	Cardenas EL - Edgewood ISD
	1	Carroll Bell EL - Harlandale ISD
	1	Carvajal EL
	1	Cenizo Park EL - Edgewood ISD
	2	Christ the King School
	1	Collier EL - Harlandale ISD
	1	Collin Garden EL
	1	Columbia Heights EL - Harlandale ISD
	1	Cooper JHS
	1	Coronado EL - Edgewood ISD
	1	Crockett EL
	1	DeZavala EL
	1	Dwight Middle - South San Antonio ISD
	1	Edgewood EL - Edgewood ISD
	1	Edgewood HS - Edgewood ISD
	1	Edgewood JHS - Edgewood ISD
	1	Elementary #1 - Southwest ISD
	1	Emerson JHS
	1	Emma Frey EL - Edgewood ISD
	1	Escobar JHS
	1	Esparza EL - Northside ISD
	1	Flanders EL - Harlandale ISD
	1	Forest Hills EL - Northside ISD
	1	Fox Technical HS
	1	Gardendale EL - Edgewood ISD
	1	Gates EL
	1	Gillette EL - Harlandale ISD
	1	Gonzales EL - Edgewood ISD
	1	Graebner EL
	1	Guerra EL - Edgewood ISD
	1	Gus Garcia JHS - Edgewood ISD
	1	Harlandale Middle - Harlandale ISD
	1	Harmony EL - East Central ISD
	1	Harris JHS
San Antonio cont.	1	Hawthorne JHS
	1	Herff EL
	1	Highland Park EL
	1	Hillcreat EL
	2	Holy Cross HS - Edgewood ISD
	2	Holy Rosary EL - Edgewood ISD
	1	Hutchins EL - South San Antonio ISD
	1	Irving JHS
	1	Ivanhoe EL
	1	Johnson EL
	1	Kindred EL - South San Antonio ISD
	1	King EL
	1	Lamar HS
	1	Las Palmos EL - Edgewood ISD
	1	L. B. Johnson EL - Edgewood ISD
	1	Leal Middle - Harlandale ISD
	1	Lincoln EL - Edgewood ISD
	2	Little Flower School
	1	Lowell JHS
	1	Margie EL
	1	Miller EL
	1	Mission EL - Harlandale ISD
	1	Morrill EL - Harlandale ISD
	3	Navarro EL
	1	Nelson EL
	1	Oak Crest JHS - East Central ISD
	1	Ogden EL
	1	Our Lady of Guadalupe School
	1	Our Lady of Victory
	1	Page JHS
	1	Palo Alto EL - South San Antonio ISD
	1	Pearce EL - Southside ISD
	1	Pershing EL
	2	Poe JHS
	1	Price EL - South San Antonio ISD
	2	Providence HS - Edgewood ISD
	1	Rayburn EL - Harlandale ISD
	1	Rhodes JHS
	1	Riley JHS
	1	Riverside Park EL
	1	Rogers EL
	1	Roosevelt EL - Edgewood ISD
	1	Ruiz EL
	2	Saint Ann EL
	2	Saint Cecelia EL
	2	Saint Francis HS - South San Antonio ISD
	1	Saint Gerard EL
	2	Saint Gregory EL - North East ISD
	2	Saint James EL
	2	Saint Joseph EL - South San Antonio ISD
	2	Saint John Boscoe EL - Edgewood ISD
	2	Saint Leo EL
	2	Saint Martin Hale EL - Edgewood ISD
	2	Saint Mary EL
	2	Saint Margaret Mary EL
	2	Saint Patrick EL - Edgewood ISD
	1	Saint Philip EL
	2	Saint Philip of Jesus EL - Edgewood ISD
	2	Saint Teresa School
	1	Schultz EL - Harlandale ISD
	1	Smith EL
	1	Southside JHS - Southside ISD
	1	Southwest JHS - Southwest ISD
	1	Stafford EL - Edgewood ISD
	1	Stewart EL
	1	Stonewall EL - Harlandale ISD
	1	Storm EL
	1	Sul Ross JHS - Northside ISD
	1	Tafolla JHS
	1	Twain JHS
	1	Vestal EL - Harlandale ISD
	1	Washington EL
	1	Wheatley HS
	1	Whittier JHS

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Texas

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
San Antonio cont.	1	Williams, H.K. EL - Edgewood ISD
	1	Wrenn JHS - Edgewood ISD
San Augustine	1	San Augustin ISD
San Benito	1	Booth EL
	3	Booth Migrant EL
	1	La Encantada EL
	1	Landrum EL
	3	Los Indios EL
	3	Rangerville EL
	1	Roberta EL
	1	San Benito HS
	1	San Benito JHS
	3	Sullivan EL
San Diego	3	Ramirez CSD
	1	San Diego ISD
San Elizario	1	San Elizario ISD
San Isidro	1	San Isidro ISD
San Marcos	1	Bowie EL
	1	Crockett EL
	1	Travis EL
San Perlita	1	San Perlita ISD
San Saba	1	San Saba ISD
Santa Maria	1	Santa Maria ISD
Santa Rosa	1	Santa Rosa ISD
Schulenburg	2	Saint Rose EL
	1	Schulenburg ISD
Seagravea	2	Seagraves ISD
Sealy	2	Sealy ISD
Seguin	3	Burgea EL
	1	Jefferson Ave. EL
	2	Saint James Catholic EL
Seymour	2	Seymour RHSD
Shelbyville	1	Shelbyville ISD
Shepherd	1	Shepherd ISD
Sherman	1	Douglass-Jefferson EL
	2	Saint Mary EL
Shiner	2	Saint Ludmila EL
	2	Saint Paul HS
	1	Shiner ISD
Sierra Blanca	3	Sierra Blanca ISD
Silsbee	2	Silsbee ISD
Sinton	1	Lamar EL
	3	Odem EL
	3	Smith JHS
	1	Welder EL
Skidmore	1	Skidmore-Tynan ISD
Slaton	2	Saint Joseph School
	1	Slaton ISD
Smiley	3	Smiley ISD
Smithville	2	Smithville ISD
Snook	1	Snook ISD
Somerset	2	Somerset ISD
Somerville	1	Somerville ISD
Sonora	2	Sonora ISD
Spade	3	Spade ISD
Spring	2	Klein Trinity Lutheran EL - Klein
Spur	1	Spur ISD
Stafford	2	Dulles JHS - Fort Bend ISD
	2	Jones EL
Stamford	1	Stamford ISD
Stanton	1	Stanton ISD
Stockdale	1	Stockdale ISD
Sweeny	2	Sweeny ISD
Sweetwater	3	Cowen EL
Tahoka	1	Tahoka ISD
Tatum	1	Tatum ISD
Taylor	3	Northside EL
	2	Saint Mary EL
	1	Taylor Middle School
	1	Twelfth Street EL
	3	West End EL
Teague	3	Dew CSD
	1	Teague ISD
Temple	3	Bethune EL
	3	Emerson EL
	3	Freeman Heights EL
	3	Lanier EL
	1	Meridith EL
	1	Reagan EL
	2	Saint Mary Catholic EL
	1	Travis JHS
	3	Vandiver EL
	3	Wheatley EL
Tenaha	1	Tenaha ISD
Terrell	1	Terrell ISD
Texarkana	1	Grim EL
	1	Liberty Eylou ISD
	3	Oaklawn EL
	2	Pine Street JHS
Texas City	1	Our Lady of Fatima EL
	1	Danforth EL
Thrall	1	Thrall ISD
Three Rivers	1	Three Rivers ISD
Timpson	1	Timpson ISD
Tioga	3	Tioga ISD
Trent	3	Trent ISD
Trinity	1	Trinity ISD
Troup	1	Troup ISD
Tulia	2	Tulia ISD
Tyler	1	Austin EL
	1	Bonner EL
	2	Boulter JHS
	2	Chapel Hill ISD
	1	Dogan JHS
	1	Douglas EL
	1	Griffin EL
	2	Gorman HS
	2	Lutheran EL
	1	Pelte EL
	2	Rose Garden School
	2	Saint Andrewe EL
	2	Saint Gregory EL
	2	Seventh Day Adventiat School
Utopia	3	Utopia ISD
Uvalde	1	Anthon EL
	1	Bateaville EL
	1	Benson EL
	1	Robb EL
	1	Sacred Heart Catholic EL
	1	Uvalde JHS
	3	West Garden EL
Valentine	3	Valentine ISD
Van	2	Van ISD
Vanderbilt	3	LaWard EL - Industrial ISD
Van Vleck	1	Van Vleck ISD
Vernon	3	Northside ISD
	3	Central EL
	2	Vernon Intermediate
Victoria	3	Dudley EL
	3	Grosa EL
	1	Hopkins EL
	2	Nazareth Academy
	1	Welder JHS
Vidor	2	Vidor EL
Waco	1	Bells Hill EL
	2	Dripping Springs EL
	3	Gholson CSD
	3	Gurley EL
	3	Hallaburg CSD
	2	Jefferson Moore HS
	2	La Vega ISD
	1	Provident Heights EL
	2	Reicher Catholic HS
	2	Saint Mary Catholic EL
	1	South Waco EL

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Texas

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
	1	Tennyson JHS
	2	University JHS
	3	Waco State Home
Waelder	1	Waelder ISD
Waller	2	Waller ISD
Walnut Springs	3	Walnut Springs ISD
Warren	3	Fred EL
Waskom	1	Waskom ISD
Waxahachie	1	Marvin EL
	1	Northside EL
	1	Wilemon JHS
Webster	3	Harris County Youth Village ISD
Weimar	2	Saint Michael EL
	1	Weimar ISD
Wellington	1	Wellington ISD
Wellman	3	Wellman ISD
Weslaco	1	Weslaco ISD
West	2	Saint Mary Catholic School
Westbrook	3	Westbrook RHSD
Westhoff	3	Westhoff ISD
Wharton	1	Wharton ISD
Whiteface	3	Whiteface ISD
Whitehouse	2	Whitehouse ISD
Whitesboro	2	Whitesboro ISD
Whitharral	3	Whitharral ISD
Wichita Falls	1	Austin EL
	3	Fannin EL
	1	Huey EL
	1	Washington Kindergarten
Willis	1	Willis ISD
Wills Point	2	Wills Point ISD
Wingate	3	Miles-Runnels ISD
Winnie	2	East Chambers ISD
Winona	1	Winona ISD
Winters	1	Winters ISD
Woden	3	Woden ISD
Wolfforth	1	Casey EL - Frenship ISD
Woodsboro	1	Woodsboro ISD
Woodville	1	Woodville ISD
Wortham	3	Wortham ISD
Yoakum	2	Saint Joseph EL
	1	Yoakum ISD
Yorktown	1	Yorktown ISD
Zapata	3	Benavides EL
	1	Zapata EL

UTAH

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)		
American Fork	2	Greenwood El.
	2	Forbes El.
Beryl	1	Escalante Valley El.
Blanding	1	Albert R. Lyman El.
	1	Blanding El.
	1	San Juan HS
Bluff	1	Bluff El.
Bountiful	2	Meadowbrook El.
	2	Stoker El.
Brigham City	2	Central El. - Box Elder Dist.
Castle Dale	2	Emery HS
Cedar City	2	Cedar City East El.
	2	Cedar City North El.
Circleville	2	Circleville El.
Clearfield	1	Clearfield (Thiokol) Job Corp Center
	2	Pioneer El. - Davis Dist.
	2	South Clearfield El.
	2	Sunset JHS
	2	Wasatch El. - Davis Dist.
Cleveland	2	Cleveland - Elmo El.
Clinton	2	Clinton El.
Coalville	2	No. Summit El.
Corrine	2	Corrine El.
Escalante	2	Escalante El.
	2	Escalante HS
Eskdale	2	Eskdale El.
Fairview	2	Fairview El.
Ferron	2	San Rafael El.
	2	So. Emery JHS
Garrison	2	Garrison El.
Green River	2	Green River El.
	2	Green River HS
Heber City	1	Central El - Wasatch Dist.
Helper	2	Helper JHS
	2	Sally Mauro El.
Huntington	2	Huntington El.
	2	North Emery JHS
Ibapah	1	Ibapah El.
Junction	2	Piute HS
Kamas	2	So. Summit El
Kanab	2	Kanab El.
Kearns	2	South Kearns El.
	2	Western Hills El.
Layton	2	Layton El.
	2	Lincoln El.
	2	Vae View El.
Lehi	2	Lehi El.
	2	Sego Lily
Lewiston	2	Lewiston El.
Magna	2	Lake Ridge El.
	2	Webster El. - Granite Dist.
Manila	2	Manila El.
	2	Manila HS
Marysvale	2	Oscarson El.
Mexican Hat	1	Mexican Hat El.
Midvale	2	Midvale El.
Montezuma	1	Montezuma Creek El.
Moroni	2	No. Sanpete JHS
Murray	1	Arlington El.
	2	Grant El.
	2	Viewmont El.
Myton	2	Myton El.
Nephi	2	Juab HS
	2	Nephi El.
Ogden	2	Central JHS - Ogden Dist.
	1	Dee El.
	2	Edison El.
	2	Gramercy El.
	1	Hopkins El.
	1	Jefferson El - Ogden Dist.
	1	Lewis El.
	2	Lincoln El.
	2	Lorin Farr El.
	2	Lynn El.
	2	Mountain View El.
	2	Ogden HS
	2	Quincy El.
	1	State Industrial School
	2	T.O. Smith El.

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UTAH

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Ogden cont.	1	Washington JHS - Ogden Dist.
	1	Weber Basin Job Corp
Orangeville	2	Cottonwood El.
Orem	2	Geneva El.
	2	Hillcrest El.
	2	Sharon El.
	2	Westmore El.
	2	Windsor El.
Panguitch	2	Panguitch El.
	2	Panguitch Intermediate
Partoun	2	Partoun El.
Payson	2	Parkview El.
	2	Payson Middle
Layton	2	Taylor El.
	2	Wilson El.
Pleasant Grove	2	Central El. - Alpine Dist.
	2	Grovecrest El.
Price	2	Mont Harmon JHS
	2	Price El.
	2	Reeves El.
Provo	1	Franklin El. - Provo Dist.
	2	Grandview El.
	2	Joaquin El.
	2	Maeser El.
	2	Sunset El.
	2	Timpanogos El.
Riverton	2	Southland El.
Salina	2	Salina El.
Salt Lake City	2	Backman El.
	2	Central JHS - Granite Dist.
	2	Douglas El.
	2	Edison El.
	2	Emerson El.
	1	Franklin El. - Salt Lake Dist.
Salt Lake City cont.	2	Glendale Park El
	2	Hawthorne El.
	1	Jackson El.
	1	Jefferson El.
	1	Liberty El.
	2	Lincoln El. - Granite Dist.
	1	Lowell El.
	2	Madison El.
	2	Nibley Park El.
	2	Parkview El. - Salt Lake Dist.
	2	Redwood El.
	2	Riley El.
	2	Roosevelt El. - Granite Dist.
	2	Wasatch El. - Salt Lake Dist.
	1	Washington El.
	1	Webster El. - Salt Lake Dist.
	1	Whittier El.
	2	Woodrow Wilson El.
Santaquin	2	Santaquin El.
Spanish Fork	2	Rees El.
	2	Spanish Fork Middle
Spring City	2	Spring City El.
Springville	2	Westside El.
Sunnyside	2	Peterson El.
Sunset	2	Doxey El.
	2	Fremont El.
	2	Sunset El.
Tabiona	2	Tabiona El.
Tremonton	2	McKinley El.
Tropic	2	Bryce Valley HS
Wellington	2	Wellington El.
West Jordan	2	West Jordan El.
Woods Cross	2	West Bountiful El.

VERMONT

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Addison	2	Addison Central El
Alburg	1	Alburg El
Athens	2	Athens North El
Barre	2	Brook Street El
	2	Mathewson El
	2	North Barre El
	2	St Monica El
	2	Spaulding El
Barton	1	Barton Graded El
	1	Lake Region HS
Belvidere	1	Belvidere Center El
Berkshire	2	Berkshire El
Brattleboro	1	Canal El
	1	Green Street El
Brighton	2	Brighton Elementary El
Brookfield	1	Brookfield Elementary El
Brownington	1	Brownington Central El
Burlington	1	Barnes El
	1	Burlington Community Correctional Center HS
	2	Burlington High HS
	1	Champlain El
	2	Christ the King El
	2	Barnes El
	1	Edmunds Elementary-Jr. High
	1	St Joseph El
	2	Thayer El
	1	Wheeler El
	1	Rock Point HS
Cabot	2	Cabot Elementary El
	2	Cabot High HS
Cambridge	1	Cambridge Elementary El
Canaan	1	Canaan Memorial K-12
Charlotte	1	Charlotte Central El
Clarendon	2	Clarendon El
Derby	2	Derby Elementary El
	2	Derby Kindergarten K
Dorset	2	Dorset Elementary El
Enosburg Falls	1	Enosburg Falls Elementary El
	1	Enosburg Falls High HS
Fairfield	1	East Fairfield El
	1	Fairfield Center El
Fair Haven	1	Fair Haven Graded El
	1	Fair Haven South El
Ferrisburg	2	Ferrisburg Central El
Franklin	2	Franklin Central El
Glover	2	Glover Village El
Hardwick	2	Hardwick Elementary El
	2	UHSD #26 HS
Hartford	1	White River Elementary El
Highgate	2	Highgate Central El
	2	Highgate Elementary El
Huntington	2	Huntington Elementary El
Hyde Park	1	Hyde Park Elementary El
	1	Lamoille Union High HS
Irasburg	2	Irasburg Village El
Isle LaMotte	1	Isle LaMotte Elementary El
Lincoln	2	Lincoln Community El

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VERMONT

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Londonderry	2	USD #20 El
Lowell	1	Lowell Village El
Lunenburg	2	Gilman El
	2	Lunenburg Village El
Manchester	2	Manchester Elementary El
Middletown Springs	1	Middletown Springs Village El
Monkton	2	Monkton Central El
Newark	1	Newark Street El
Newfane	2	Newfane New El
	2	Newfane Village El
Newport City	1	Lakeview El
Newport Town	1	Newport Center El
Norton	1	Norton Village El
Pawlet	2	Pawlet Primary El
	2	West Pawlet El
Peacham	1	Peacham Academy HS
Readsboro	2	Readsboro Elementary El
Ripton	1	Ripton Hollow El
Royalton	2	South Royalton Graded-High K-12
Rupert	2	Rupert Village El
	2	Rupert West El
Rutland	2	Longfellow El
	2	Northeast El
	1	Park Street El
	1	St Peter's El
Shaftsbury	2	Shaftsbury Elementary El
Sheldon	2	Sheldon Elementary El
St. Albans City	1	St. Albans City Elementary El
	1	St. Albans Correctional Facility HS
St. Johnsbury	1	St. Johnsbury Correctional Center HS
Sunderland	2	Sunderland Elementary El
Swanton	2	Missisquoi Valley Union High HS
	1	Swanton Central El
	1	Swanton Elementary El
Topsham	1	USD #36 El
Troy	1	North Troy Graded El
	1	Troy Village El
Tunbridge	1	Tunbridge Central El
Vergennes	1	Harrison Greenleaf JHS
	2	UHSD #21 HS
Vershire	1	Vershire Village El
Walden	1	Noyesville El
	1	Star El
	1	Walden Heights JHS
	1	Walden South El
Wallingford	2	Wallingford High HS
	2	Wallingford Village El
Waterville	1	Waterville Central El
Weathersfield	1	Ascutney El
	1	Perkinsville El
Wells River	2	USD #21 K-12
West Fairlee	1	West Fairlee Village El
Westfield	1	Westfield Graded El
West Haven	1	West Haven Elementary El
Westminster	1	Kurn Hattin Home El
Wheelock	1	USD #37 El
Whiting	1	Whiting Village El
Windsor	1	State Correctional Facility HS
Winooski	1	J F Kennedy El
	1	St Francis Xavier El
	1	Winooski Memorial El
	1	Winooski High HS

Virginia

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Abingdon	1	Bethel EL K-7
	1	Cleveland EL K-7
	1	Greendale EL K-7
	1	Hayters Gap EL K-7
Accomac	1	Accomac Primary K-2
	1	Mary N. Smith JHS 7-8
Afton	1	Rockfish Valley EL 1-6
Alberta	1	Alberta Primary 1-3
	1	Red Oak EL 4-7
Aldie	1	Aldie EL 1-5
Alexandria	3	James K. Polk EL K-3
	1	Parker-Gray Middle 7-8
Amelia Courthouse	1	Amelia Co. EL K-7
Appalachia	1	Appalachia EL K-6
	1	Appalachia Comb. 7-12
Appomattox	1	Appomattox Primary K-2
	1	Appomattox EL 3-6
Ararat	1	Blue Ridge EL K-7
	3	Mt. Bethel EL 1-6
Arrington	1	Nelson JHS 7-8
Arvonia	1	Arvonia Primary 1-3
Ashland	1	Henry Clay EL K-3
Austinville	1	Jackson Memorial (K)
Axton	1	Irisburg EL 1-6
Bandy	1	Bandy EL 1-6
Beaverdam	1	Beaverdam EL K-3
Bedford	1	Bedford Educational Center 8
	1	Body Camp EL K-7
Belle Haven	1	Belle Haven Primary 1-2
Ben Hur	1	Lee co. Vocational School
Bent Mountain	1	Bent Mountain EL 1-6
Big Island	1	Big Island EL K-7
Big Stone Gap	1	Big Stone Gap EL K-7
	1	E. Stone Gap EL K-7
	3	Powell Valley HS 8-12
Birchleaf	1	Sandlick EL 1-7
Birds Nest	1	Birds Nest Int. 7
Bishop	1	Bishop EL K-6
Blackstone	1	Blackstone Primary 1-4
	1	Blackstone Int. 5-6
	1	Blackstone JHS 7-9
Bland	1	Bland Correctional Farm
	1	Hollybrook EL K-7
Bloxom	1	Bloxom Primary K-3
Boissevain	3	Abbs Valley-Boissevain EL K-6
Bowling Green	1	Bowling Green Primary 1-3
	1	Bowling Green EL 4-6
	1	Bowling Green JHS 7-8
Boyce	1	Boyce EL K-6
Boydton	1	Boydton Primary K-3
	1	Boydton EL 4-7
Boykins	1	Boykins Primary K-3
	1	Boykins EL 4-7
Breaks	1	Breaks EL 1-7
Bristol	1	Douglas EL 5-6
	1	Highland View EL K-4
	1	Thomas Jefferson EL K-4
	1	Valley Institute EL K-7
	1	Virginia JHS 7-8
Brownsburg	1	Brownsburg EL 1-7

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VIRGINIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Buckingham	1	Buckingham Primary 1-4
	1	Buckingham Co. HS 10-12
Buena Vista	1	Mt. View EL K-7
Bumpass	1	Mt. Garland-Buckner Comb. 1-5
Burkeville	1	Burkeville Primary 3-4
	1	Burkeville Int. 5-6
Callao	1	Callao EL 3-7
Callaway	1	Callaway EL K-7
Cana	1	St. Paul Comb. K-9
Cape Charles	1	Cape Charles EL 1-8
	1	Cape Charles HS 9-12
Capeville	1	Capeville Int. 5-7
Capron	1	Capron EL 5-7
	1	Capron Primary K-2
Castlewood	1	Clinch River EL K-7
	1	Castlewood EL K-7
	1	Copper Creek EL K-7
Carrsville	3	Carrsville EL K-5
Cedar Bluff	1	Rivermont EL K-7
Ceres	1	Ceres EL 1-6
Charles City	1	Charles City West EL 2-4
	1	Charles City East EL 5-6
Charlotte CH	1	Central EL K-4
	1	Charlotte EL 5-7
	1	J. Murray Jeffress EL 4-7
	1	Randolph Henry HS 10-12
	1	Central JHS 8-9
Charlottesville	1	McGuffey Educ. Center
	1	Clark EL K-5
	1	Stone-Robinson EL K-6
	1	Virginia L. Murray EL 1-6
	1	Johnson EL K-5
Chase City	1	Chase City EL 4-7
	1	Chase City Primary K-3
Chatham	1	Spring Garden EL K-7
	1	Climax EL K-6
	1	Chatham EL K-3
Check	1	Check EL 1-7
Cheriton	1	Cheriton Primary K-4
Chesapeake	1	Park EL K-4
Christiansburg	1	Bethel EL K-5
Church Road	1	Northside EL K-3
	1	Midway EL 4-7
Clarksville	1	Clarksville Primary K-3
	1	Clarksville EL 4-7
	1	Bluestone JHS 8-9
Cleveland	1	Cleveland EL K-4
	1	Cleveland JHS 5-8
Clinchco	1	Clinchco EL 1-7
Clinchport	1	Fairview EL K-7
Clintwood	1	Clintwood EL 1-7
	1	Longs Fork EL 1-7
Clover	1	Clover EL 1-7
Cluster Springs	1	South of Dan EL 1-4
	1	Cluster Springs EL 5-7
Coeburn	1	Coeburn Middle 5-7
	1	Coeburn HS 8-12
	1	Coeburn Primary K-4
Council	1	Council EL K-6
	1	Council HS 8-12
Courtland	1	Courtland Primary K-2
	1	Courtland EL 3-7
	1	Southampton JHS 8-9
	1	Southampton HS 10-12
Covington	1	Boiling Springs EL 1-7
	1	Jeter Watson EL K-7
	1	Rivermont EL K-7
Crewe	1	Crewe Primary K-2
	1	Crewe JHS 7-9
Criglersville	1	Criglersville EL 1-7
Critz	1	Hardin-Reynolds EL K-7
Culpeper	1	Culpeper JHS 7-8
	1	Pearl Sample EL 1-4
	1	A.H. Richardson EL 5
	1	Ann Wingfield EL 6
	3	Farmington EL 1-4
	3	Sycamore Park EL 1-4
Cumberland	1	Cumberland HS 8-12
	1	Cumberland EL 1-7
Damascus	1	Damascus EL K-6
Dante	3	Dante EL 1-7
Danville	1	Bellevue EL K-6
	3	Mt. Hermon EL K-7
Dendron	1	L.P. Jackson Comb. 1-12
Dillwyn	1	Dillwyn EL 4-7
	1	Dillwyn Primary K-3
	1	Buckingham Co. JHS 8-9
Dinwiddie	1	Dinwiddie EL 4-7
	1	Dinwiddie Co. JHS 8-9
	1	Dinwiddie Co. HS 10-12
	1	Southside EL K-3
Doswell	1	Doswell EL K-6
Drakes Branch	1	Drakes Branch EL K-7
Drewryville	1	Drewryville EL 3-4
Dryden	1	Dryden Comb. K-12
Duffield	1	Stickleyville EL 1-6
Dugspur	1	Dugspur EL 1-6
Dungannon	1	Dungannon EL K-7
Eagle Rock	1	Eagle Rock EL 1-6
Earlysville	1	Broadus-Wood EL K-6
Eastville	1	Northampton HS 10-12
Emporia	1	Greensville JHS 7-9
	1	Emporia EL K-2
	1	Hicksford EL 3-4
	1	Belfield EL 5-7
	1	Zion Dist. EL 4-5
	1	Greensville Co. HS 10-12
Esmont	1	Benjamin F. Yancey EL K-5
Ewing	1	Elydale EL K-7
	1	Ewing EL K-7
	1	Thomas Walker HS 8-12
Exmore	1	Exmore-Willis Wharf EL 4-6
	1	Hare Valley Primary K-3
Falls Mills	1	Falls Mills EL K-6
Fancy Gap	1	Fancy Gap EL K-6
Farmville	1	Prince Edward Co. HS 8-12
	1	Prince Edward Co. EL K-7
Farnham	1	Farnham EL 4-5
Fork Union	1	Fork Union EL 1-5
Fort Blackmore	1	Fort Blackmore EL K-7
Franklin	1	Morton Primary K-3
	1	Franklin EL 4-6
	1	Hayden JHS 7-8
Fries	1	Vaughn Int. K-9
Gasburg	1	S. Brunswick EL 1-3
Glade Spring	1	Liberty Hall EL K-6
Gladstone	1	Gladstone EL 1-3
Gladys	3	Gladys EL/Primary K-7
Glasgow	1	Glasgow EL K-7
Gloucester	1	Botetourt EL 1-6
Goochland	1	Byrd Primary K-3
	1	Goochland EL K-7
	1	Kanawha EL K-7
	1	Beaumont School for Boys
	1	Virginia State Farm for Men
	1	Industrial Farm for Women
Goode	1	Otter River EL K-7
Gordonsville	1	Gordon-Barbour EL K-5
Gore	1	Gore EL K-5
Goshen	1	Goshen EL K-7
Greenwood	1	Greenwood EL K-5
Grundy	1	Grundy EL K-7
	1	Grundy JHS 8-9

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Location	Code *	School Name
Grundy cont.	1	Harman EL K-7
	1	Big Rock EL K-7
Hague	1	Cople Primary K-2
Halifax	1	Halifax Co. JHS 8-9
	1	Halifax EL 1-3
	1	Sinai EL 4-7
Hanover	1	Dawn EL 1-7
	1	Hanover School for Boys
Harrisonburg	1	Sims Special Service Center
Haysi	1	Haysi HS 8-12
Heathsville	1	Northumberland JHS 8-9
Hillsville	3	Gladesboro EL 1-7
Hiwassee	1	Snowville EL K-5
Honaker	1	Honaker EL K-7
	1	Juvenile Vocational Institute
Hot Springs	1	Valley EL K-7
Hurley	1	Hurley EL K-7
	1	Hurley HS 8-12
Independence	1	Bridle Creek EL 1-7
Ivor	1	Ivor Primary K-2
	1	Ivor EL 3-7
Jarratt	1	Jarratt EL 3-5
	1	Jefferson EL k-2
Jonesville	1	Jonesville EL K-6
	1	Jonesville Comb. 7-12
	1	Flatwoods Comb. K-12
Kenbridge	1	Kenbridge Primary K-3
	1	Kenbridge EL 3-6
Keokee	1	Keokee Comb. K-12
Keysville	1	West End EL K-6
	1	Keysville EL K-7
Kilmarnock	1	Lancaster Int. 5-7
King George	1	King George HS 8-12
	3	King George EL 1-7
King William	1	Hamilton-Holmes EL K-7
	1	King William HS 8-12
Lacrosse	1	Lacrosse EL 5-7
	1	Lacrosse Primary K-4
Lambsburg	1	Lambsburg EL 1-6
Lancaster	1	Lancaster Primary K-4
	1	Lancaster HS 8-12
Lawrenceville	1	Sturgeon EL K-7
	1	Meherrin-Powellton EL 4-7
	1	Totaro EL 4-7
	1	Lawrenceville Primary 1-3
Lebanon	1	Oak Grove EL K-7
	3	Lebanon EL K-6
Leesburg	1	Lucketts EL 1-5
Lexington	1	Effinger EL 1-7
	1	Highland Belle EL K-7
	1	Harrington-Waddell K-4
Lottsburg	1	Lottsburg EL K-3
Louisa	1	Louisa EL 1-5
	1	Louisa Int. 6-8
Lovingston	1	Lovingston EL 4-6
Lynchburg	1	Payne EL K-6
	1	T. C. Miller EL K-6
Machipongo	1	Machipongo EL K-7
	1	Northampton JHS 8-9
Mappsville	1	N. Accomack EL K-7
Marshall	1	Northwestern EL K-2
	1	W. G. Coleman EL 3-6
	1	Marshall JHS 7-9
Martinsville	1	Patrick Henry EL K-4
	1	S. Martinsville EL 1-6
	1	Clearview EL K-4
	1	Joseph Martin EL K-4
	1	Leatherwood EL K-7
	3	Samuel H. Hairston EL 6-7
Massies Mill	1	Massies Mill EL
McKenney	1	McKenney EL K-3
	1	Sunnyside EL 4-7
Meadows of Dan	3	Meadows of Dan EL K-7
Nelfe	1	S. Accomack EL K-6
Mendota	1	Hamilton EL K-7
Middleburg	1	Banneker EL 1-5
Millboro	1	Millboro EL K-7
Mineral	1	Apple Grove-Shalfar Complex 1-5
	1	Mineral EL 1-5
Monterey	1	Highland EL 1-7
Montpelier	1	Montpelier EL K-3
	1	Bethany EL 4-7
Montross	1	Montross EL 3-6
	1	A. T. Johnson JHS 7-8
	1	Washington & Lee HS 9-12
Naruna	3	William Campbell HS 8-12
Nathalie	1	Sydnor-Jennings EL K-4
	1	Meadville EL K-7
	1	Volens EL 5-7
Natural Bridge Sta.	1	Natural Bridge Forestry Camp
	1	Natural Bridge EL 1-7
New Canton	1	Gold Hill EL 4-7
Newport News	1	James Lee EL 1-7
	1	Magruder EL K-7
	1	Sedgefield EL 1-5
	1	John Marshall ML K-7
Newsoms	1	Newsoms Primary K-3
	1	Newsoms EL 4-7
Nora	1	Ervinton EL K-7
	1	Ervinton HS 8-12
Norfolk	1	Tucker EL 4-6
	1	Young Park EL K-2
	1	Gatewood EL 4-6
	1	Titus EL 4-6
	1	Diggs Park EL K-3
	1	West EL 4-6
	1	Pretty Lake EL K-2
	1	Coleman Place EL K-3
	1	Bowling Park EL K-4
	1	Carey EL 4-6
	1	Meadowbrook EL K-6
	1	Chesterfield Heights EL K-3
	1	Granby EL K-3
	1	Ocean View EL K-4
	1	Tidewater Park EL 4-6
	1	Lansdale EL 5-6
	1	Larchmont EL K-3
	1	Oceanair EL K-3
	1	Easton EL K-3
	1	Roberts Park EL 4-6
	1	Mary Calcott EL K-3
	1	John Marshall EL 3-6
	1	Lindenwood EL K-6
	1	Stuart EL 4-6
	1	W.H. Taylor EL K-6
	3	Fairlawn EL K-3
Norge	1	Norge EL K-3
Norlina, NC.	1	Palmer Springs EL K-7
North Garden	1	Red Mill EL K-5
Norton	1	W. Norton EL K-7
	1	John I. Burton HS 8-12
	1	Norton EL K-7
Oak Grove	1	Oak Grove EL 4-6
	1	Washington Dist. Primary K-3
Oakwood	1	Streets EL 1-6
	1	Garden EL K-7
Orange	1	Prospect Hts Middle 6-8
	3	Orange EL K-5 K-
Painter	1	Central HS 9-12
Palmyra	1	Columbia Dist EL 1-6
	1	Central EL 4-6
	1	Cunningham Dist EL 1-3
	1	Palmyra EL 1-4
Pamplin	1	Pamplin EL K-6
Peaks	1	Janie Porter Barrett School for Girls

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Location	Code *	School Name
Pennington Gap	1	Elk Knob EL 1-7
	1	Pennington EL K-7
	1	Pennington HS 8-12
Petersburg	1	Stonewall Jackson EL 1-4
	1	Robert E. Lee EL 1-3
	1	Westview EL 5-7
	1	Virginia Avenue EL 5-7
	1	J.E.B. Stuart EL 1-4
	1	Blandford EL 4-7
	1	Petersburg HS 10-12
	1	Peabody JHS 8-9
	1	Eastside EL K-3
	1	A.P. Hill EL 4-7
	1	Walnut Hill EL 1-3
	3	David Andreson EL 1-3
Phenix	1	Phenix EL K-3
Portsmouth	1	John Tyler EL K-5
	1	Park View EL 1-6
	1	Westhaven EL 1-5
	1	Shea Terrace EL K-6
	1	Port Norfolk EL K-6
	1	Academy Park EL K-6
	1	Highland-Biltmore EL 1-4
	1	Douglass Park EL K-3
	1	Emily Spong EL 5-6
	1	Brighton EL K-6
	1	Churchland EL K-5
	1	James Hurst EL K-4
	1	Olive Branch EL 3-4
	1	Thomas Jefferson Center
	1	Truxton Sec. Educ. Center
	1	R. E. Lee Center
	1	S. H. Clarke Voc. Center
	1	Harry A. Hunt JHS 6-8
	1	Alf J. Mapp JHS 7-8
	1	Woodrow Wilson HS 9-12
	1	I.C. Norcom HS 9-12
Pound	1	Pound Primary K-5
	1	Pound EL 6-7
	1	Pound HS 8-12
Pulaski	1	Central-Critzer EL 4-5
	1	Jefferson EL K-3
Purcellville	1	Emerick EL K-5
Radford	1	Indian Valley EL 1-7
Raven	1	Raven EL K-6
Reedville	1	Reedville Primary K-3
	1	Fairfields EL 4-7
Remington	1	Remington EL K-3
Richmond	1	Clark Springs EL PK-5
	1	Baker-Southampton EL PK-5
	1	Munford-Highland Park EL K-5
	1	Mason-Reid EL PK-5
	3	Patrick Henry-Franklin EL K-5
	3	Blackwell EL PK-5
	1	Woodville-Redd EL K-5
	1	Webster-Davis EL
	1	Chimborazo-Summer Hill EL K-5
	1	Fulton EL K-5
	1	George Wythe HS 9-12
	1	Lee-Amelia-Maymont EL PK-5
	1	Carver-Fisher EL PK-5
	1	Fairfield-Greene EL PK-5
	1	West End-Fox EL K-5
	1	Bellevue Modal EL K-3
	1	Bon Air School for Girls
	1	Reception & Diagnostic Center
	1	Pinecrest
	1	Bureau of Correctional Field Units
	1	Virginia State Penitentiary
Ringgold	1	Kentuck EL K-3
	1	Dan River EL 4-7
Roanoke	1	Hurt Park EL K-6
	1	West End EL K-6
Roanoke cont.	3	William Ruffner JHS 7-9
	3	Virginia Hts EL K-6
	3	Wasena EL K-6
	1	Belmont EL K-6
	1	Forest Park EL K-6
	1	Jamison EL K-6
	1	Highland Park EL K-6
	1	Stonewall Jackson JHS 7-9
	1	Lincoln Terrace EL K-6
	1	Oakland EL K-6
	1	Morningside EL K-6
	1	Northwest EL K-6
	1	Addison JHS 7-9
Rocky Gap	3	Rocky Gap Comb. K-12
Rocky Mount	1	Continuing Educ. Center
Rosedale	1	Belfast-Elk Garden EL K-7
Rose Hill	1	Rose Hill EL K-7
Roseland	1	Fleetwood EL 1-6
Ruther Glen	1	Ladysmith EL 1-5
Ruthville	1	Charles City Co. HS 8-12
	1	Charles City Co. JHS 7
Salem	1	Broad Street EL 4-6
Saltville	1	Saltville EL K-7
Saluda	1	St. Clare Walker Middle 6-7
Saxe	1	Bacon Dist. EL K-4
Schuyler	1	Schuyler EL 1-6
Scottsburg	1	Clays Mill EL K-4
Scottsville	1	Scottsburg EL 5-7
Shanghai	1	Scottsville Comb. K-9
Shawsville	1	King & Queen EL K-7
Shipman	1	Shawsville EL K-5
South Boston	1	Ryan EL 1-3
	1	Washington-Coleman EL 1-3
	1	C. H. Friend EL K-7
	1	Halifax Co HS 10-12
South Hill	1	South Hill Primary K-3
	1	South Hill EL 4-7
Southampton	1	Parkview JHS 8-9
Speedwell	1	Southampton Correctional Farm
Sperryville	1	Speedwell EL K-7
Spotsylvania	1	Rappahannock EL 1-7
	1	Livingston EL K-5
Stacy	1	Berkeley EL K-5
Stanardsville	1	R. E. Lee EL K-5
	1	Slate Creek (J.M. Bevins) EL K-7
	1	Greene Co. EL K-3
Stanley	1	William Monroe EL 3-7
Stony Creek	1	William Monroe HS 8-12
	1	Stanley EL 1-7
	1	Agnes H. Jones EL 6-7
St. Charles	1	Stony Creek JHS 8-9
St. Paul	1	St. Charles EL K-7
	1	St. Paul EL K-7
St. Stephens Ch.	1	St. Paul HS 8-12
Suffolk	1	Lawson-Marriott EL K-7
	1	Cypress Middle EL 4-7
	1	E. Suffolk Middle 4-7
	1	E. Suffolk Primary K-3
	1	King's Fork Primary K-3
	1	Oakland Primary K-3
	1	John Randolph Primary K-1
	1	Andrew J. Brown EL 2-3
	1	Thomas Jefferson EL 4-5
	1	Booker T. Washington JHS 6-8
	1	Robertson Middle 4-7
	1	Holland Primary K-3
	1	William T. Jones Primary K-3
	1	Florence Bowser Primary 1-3
	1	Mt. Zion Middle 4-7
	1	Chuckatuck EL 4-7
	1	Southwestern Middle 4-7
	1	Driver EL K-7
	3	Suffolk HS 9-12

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Location	Code *	School Name
Surry	1	Lebanon EL 1-7
	1	Surry EL 3-4
Sussex	1	Central EL-HS 1-12
Swords Creek	3	Givens EL K-7
	1	Swords Creek EL K-7
Tangier	1	Tangier Comb. K-12
Tannersville	1	Tannersville EL 1-6
Tazewell	1	Cove EL 1-6
	1	Tazewell EL-JHS K-8
	1	Thompson Valley EL 1-6
Temperanceville	1	Temperanceville Primary K-2
Trevilians	1	Green Springs-A. G. Despot Complex
Union Level	1	Buckhorn Primary -EL K-7
Unionville	1	Lightfoot EL 4-5
	1	Unionville EL K-3
Vansant	1	Russell Prater EL K-7
	1	Vansant EL K-7
Vernon Hill	1	Wilson Memorial EL K-7
Victoria	1	Central HS 9-12
	1	Lunenburg Primary K-2
	1	Lunenburg JHS 7-8
	1	Victoria EL 3-6
Virgilina	1	Virgilina EL 1-7
Virginia Beach	3	Seatack EL K-7
Wakefield	1	Ellen W. Chambliss EL 1-2
	1	Wakefield EL 2-5
Warsaw	1	Rappahannock HS 9-12
	1	Richmond Co. Int. 6-8
	1	Warsaw Primary K-3
Waverly	1	Annie B. Jackson EL 5-7
	1	Waverly JHS 8-9
Waynesboro	1	Rosenwald EL 4-6
	1	Shenandoah Heights EL 4-6
	1	Wenonah EL K-6
Whitetop	1	Mt. Rogers Comb. K-12
Whitewood	1	Whitewood EL K-7
Wicomico Church	1	Rehobath EL K-7
Willis	1	Willis EL 1-7
Winchester	1	Gainesboro EL K-5
Wise	1	Wise Primary -EL K-7
Woodlawn	3	Woodlawn Comb. K-9
Woolwine	3	Woolwine EL K-7
Wyllliesburg	1	Wyllliesburg EL 5-7
Wytheville	1	Sheffey EL K-7

Kathy

Washington

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Location	Code *	School Name
Aberdeen	2	A. J. West K-6
	2	Robert Gray K-6
	2	Stevenson-Washington K-6
Addy	1	Summit Valley 1-5
Airway Heights	2	Sunset K-6
Arlington	2	Arlington K-5
	2	Arlington 6-8
	2	Arlington 9-12
Asotin	1	Asotin K-6
	2	Asotin 7-12
Auburn	2	Cascade 7-9
	2	Chinook 1-6
	2	Evergreen 1-6
	2	South Auburn 1-6
	1	Terminal Park 1-6
Bay Center	3	Bay Center 5-6
Bellingham	2	Columbia K-5
	2	Happy Valley K-5
	2	Larbee Valley K-5
Black Diamond	1	Black Diamond K-8
Bremerton	2	Crownhill K-6
	2	Haddon K-6
	2	Marion K-6
	2	Naval Avenue K-6
	2	Navy Yard City K-6
Brewster	1	Brewster K-8
Bridgeport	2	Bridgeport K-6
Buena	1	Buena K-6
Burien	1	Ruth School for Girls 9-12
Burlington	2	Lucille Umbarger K-8
	2	West View 1-8
Carnation	2	Carnation 1-6
Carson	2	Carson 1-6
	1	Wind River 7-8
Cashmere	2	Cashmere 9-12
	2	Vale K-5
Centralia	2	Edison 1-6
	2	Jefferson-Washington 1-6
	1	Maple Lane Institution 9-12
Chehalis	1	Green Hill Institution 7-12
Chelan	1	Holden Village K-12
	1	Morgan Owings 1-6
Chewelah	2	Chewelah K-6
	2	Jenkins 7-12
Chimacum	1	Chimacum K-8
	1	Chimacum 9-12
Clallam Bay	1	Neah Bay K-12
Clarkston	2	Grantham K-5
	2	Highland K-5
	2	Lincoln 6-8
	2	Parkway K-5
Cle Elum	2	Cle Elum-Roslyn K-5
Clear Lake	2	Clear Lake K-5
College Place	1	Davis K-5
	1	Sager 6-8
Colton	3	Colton 1-6
Colville	3	Seventh Day Adventist 1-6
Connell	2	Connell K-6
Coulee City	2	Coulee City 1-8
Cowiche	1	Highland 9-12
	1	Marcus Whitman K-4
Curtis	1	Boistfort K-8
Cusick	1	Cusick K-6
	1	Cusick 7-12
Dallesport	1	Dallesport K-5
Darrington	1	Darrington K-8
Dayton	2	Dayton K-8
Deer Park	2	Arcadia 5-8
	2	Deer Park K-4
Easton	3	Easton K-6
	1	Easton 7-12
Eatonville	2	Eatonville 1-8
	3	Weyerhaeuser 1-6
Edmonds	2	Beverly 1-6
Ellensburg	2	Lincoln K-5
	2	Morgan 6-8
	2	Mount Stuart K-5
	2	Washington K-5
Elma	2	Elma K-6
	2	McCleary K-8
Enumclaw	1	Selleck 1-6
Ephrata	2	Columbia Ridge K-6
	2	Grant K-3
	2	Parkway 4-6
Everett	2	Emerson K-5
	2	Everett 9-12
	2	Evergreen 6-8
	2	Explorer 1-5

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Location	Code *	School Name
Everett cont.	1	Explorer 6-8
	1	Garfield K-5
	1	George Washington Carver 6-8
	1	Hawthorne K-5
	1	Jackson K-5
	2	Jefferson K-5
	2	Lowell K-5
	2	Madison K-5
	2	Olivia Park 1-5
	2	Port Gardner 6-8
Federal Way	2	Bridgadoon K-6
	2	Camelot K-6
	1	Continuation 8-12
	2	Lake Grove K-6
Ferndale	2	Central 3-5
	2	Mountain View K-3
	2	Vista 6-8
Forks	2	Forks K-3
Fort Lewis	2	Hillside K-6
Gifford	3	Evergreen 1-8
Gig Harbor	1	Purdy Treatment Center 7-12
Glenwood	1	Glenwood 1-12
Goldendale	2	Goldendale K-3
	2	Goldendale 4-8
Graham	2	Kapowsin 1-5
Grand Coulee Dam	2	Lake Roosevelt 10-12
Grandview	1	Arthur H. Smith K-6
	1	Central K-4-5
	1	Harriett 7-9
	2	Harriett 10-12
	1	Harriett Thompson 1-5
Granger	1	Granger 8-12
	1	Liberty 4
	1	Roosevelt K-7
Granite Falls	2	Granite Falls K-6
Greenacres	2	Greenacres 1-6
Harrah	1	Harrah K-5
Hoquiam	2	Central K-6
	2	Emerson K-6
	2	Lincoln K-6
	2	Washington K-6
Hunters	1	Columbia K-8
	1	Columbia 9-12
Index	1	Index 1-6
Issaquah	1	Echo Glen Institution 1-8
Kelso	2	Barnes 1-6
	2	Catlin 1-6
	1	Wallace 1-6
	2	Washington 1-6
Kennewick	2	Eastgate K-5
	2	Finley K-6
	2	Fruitland K-5
Kent	2	Cedar Valley K-6
	2	Covington K-6
	1	Grass Lake K-6
	1	Kent K-6
	2	O'Brien K-6
	2	Pine Tree K-6
	2	Sequoia 7-9
	2	Springbrook K-6
	1	Thomas Continuation 7-12
Kettle Falls	2	Kettle Falls K-6
	2	Kettle Falls 7-12
Kittitas	2	Kittitas K-6
La Conner	2	La Conner K-8
Lake Steven	2	Hillcrest K-6
	2	Sunnycrest K-6
Lakewood	2	Lakewood K-6
Lakewood Center	1	Lakeview K-6
	2	Southgate K-6
Leavenworth	2	Leavenworth K-8
Longview	1	Broadway K-6
	2	Kessler K-6
Longview cont.	2	Monticello 7-9
	2	St. Helen K-5
Lowden	1	Lowden 1-6
Lyle	1	Lyle 6-8
Lynden	2	Lynden Christian 9-12
Lynnwood	1	Cedar Valley 1-6
	2	College Place 1-6
Malott	1	Malott 3-5
Maple Valley	2	Maple Valley 3-6
Marysville	2	Liberty K-5
	2	Marysville 6-8
	2	Pilchuck 6-8
	2	Shoultes K-5
	2	Sunnyside K-5
	1	Tulalip K-5
Mead	3	Greenbluff L C 7-12
Mesa	1	Basin City K-6
	2	Mesa 1-6
Monroe	2	Central 4-6
	1	Washington State Reformatory 7-12
Moses Lake	2	Chief Moses 7-9
	2	Frontier 7-9
	1	Garden Heights 1-3
	1	Knolls Vista 4-6
	2	Lakeview 4-6
	2	Larson Heights 1-3
	1	Longview 1-3
	1	Midway 1-2
	2	North 4-6
	1	Peninsula 3-6
Mountlake Terrace	2	Evergreen 1-6
	1	Forest Crest 1-6
	2	Melody Hill 1-6
	2	Mountlake Terrace 1-6
	2	Mountlake Terrace 7-9
Moxee	2	Moxee 1-8
Mt. Vernon	2	Conway 1-8
Naches	1	Naches K-8
	2	Naches Valley 9-12
Naselle	1	Naselle Youth Camp 7-12
Nespelem	1	Nespelem K-6
Newport	2	Newport 9-12
	2	Sadie Halstead 1-8
Nooksack	2	Nooksack 7-12
North Bend	2	North Bend K-6
North Bonneville	1	North Bonneville 1-4
Northport	1	Northport K-6
	1	Northport 7-12
Oak Harbor	2	Olympic View 1-6
Oakville	1	Oakville 1-8
	3	Oakville 9-10
Okanogan	2	Virginia-Grainger K-2-6
Olympia	2	Garfield K-6
	1	Madison K-6
	2	McKinley K-6
	2	Reeves 7-9
	2	Rogers K-6
	2	Roosevelt K-6
	2	William Winlock Miller 10-12
Omak	2	East 4-6
	2	North K-3
	1	St. Mary Mission 1-6
Onalaska	2	Onalaska K-6
	2	Onalaska 7-12
Orient	1	Orient 1-8
Orondo	1	Orondo 1-6
Oroville	2	Oroville K-6
Othello	2	Hiawatha K-4
	2	Scootney Springs 5-6
Outlook	1	Outlook K-6
Pacific	1	Alpac 1-6
Packwood	2	Packwood 7-9
Parkland	2	Parkland K-6

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Washington

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Pasco	1	Captain Gray K-6
	1	Longfellow K-6
	1	McLoughlin 7-9
	2	Robert Frost K-6
	2	Steven 7-9
Pateros	1	Pateros 1-6
Port Angeles	2	Dry Creek K-6
	2	Fairview 1-6
	2	Monroe K-6
	2	Port Angeles 10-12
	2	Roosevelt 7-9
	2	Stevens 7-9
	2	Washington K-6
Port Orchard	1	Madrona Heights 1-12
	2	South Kitsap 10-12
Prosser	1	Housel 6-8
	1	Prosser Heights 3-5
	1	Riverview K-2
	1	Whitstran 1-5
Pullman	1	Tekoa K-6
Puyallup	2	McAlder 1-6
Quincy	2	Mountain View K-3
	2	Pioneer 4-6
Rainier	1	Rainier K-6
Renton	2	Hillcrest K-6
	1	Sartori 8-12
	1	Tiffany Park K-6
Republic	2	Republic 1-6
Roy	2	Roy-Lacamas 1-5
Royal	1	Red Rock K-5
	2	Royal 6-8
Ryderwood	2	Vader K-8
Seattle	1	Aldercrest K-6
	2	Borden 7-9
	1	Burien Heights K-6
	2	Cascade 7-9
	2	Cleveland 10-12
	2	Earlington K-6
	2	Fairmount Park K-6
	2	Garfield 9-12
	1	Gatzert I K-6
	2	Glendale 7-9
	1	High Point II K-6
	2	Hilltop 1-6
	1	Immaculate 9-12
	1	Interim 10-12
	2	Martin Luther King K-2
	1	Maywood 1-6
	2	Meany-Madrona 5-6
	2	Meany-Madrona 7-8
	2	Minor I K-4
	1	Mountain View 1-6
	2	North City K-6
	2	Ridgecrest K-6
	2	Riverton 1-6
	1	Ryther Child Clinic 1-12
	1	Salmon Creek 1-6
	2	South Heights 1-6
	2	Southgate 1-6
	2	St. Bennedict 1-8
	2	St. Edward 1-8
	1	St. Mary 1-5
	2	Thorndyke 1-6
	2	Van Asselt II K-6
	1	White Center Heights 1-6
Sedro Woolley	2	Evergreen K-5
	2	Mary Purcell K-5
Sequim	1	Sequim K-4
	2	Sequim 5-8
Shelton	2	Evergreen K-6
	2	Hood Canal K-8
	1	Washington State Correction Center 9-12
Snohomish	2	Central K-6
	2	Emerson K-6
	2	Maltby K-6
	2	Riverview K-6
	2	Snohomish 7-8
	2	Snohomish 9-12
Snoqualmie	2	Snoqualmie K-6
	2	Snoqualmie 7-8
South Bend	1	South Bend K-6
	2	South Bend 7-12
South Whidbey	2	Langley 7-12
Soap Lake	2	Soap 7-12
	1	Soap Lake K-6
Spanaway	2	Bethel 9-12
	2	Bethel 6-8
	2	Elk Plain 1-5
	2	Spanaway 1-5
Spokane	2	Adams 1-6
	1	Arlington 1-6
	1	Audubon 1-6
	1	Bancroft 1-6
	1	Bemiss 1-6
	2	Blake 1-6
	1	Continuation 10-12
	1	Cooper 1-6
	1	Emerson 1-6
	2	Finch 1-6
	2	Franklin 1-6
	1	Garfield 1-6
	2	Glover 7-9
	1	Good Shephard Home 9-12
	1	Grant 1-6
	3	Great Northern 1-6
	1	Havermale 7-9
	1	Holmes 1-6
	2	Keyatone 1-6
	1	Ledgerwood 1-6
	2	Lewis & Clark 10-12
	1	Libby 7-9
	2	Lincoln Heights 1-6
	1	Logan 1-6
	2	Loma Vista 1-6
	1	Longfellow 1-6
	2	Madison 1-6
	2	Ness K-3
	2	North Central 10-12
	2	Opportunity 1-6
	1	Pratt 1-6
	1	Regal 1-6
	2	Ridgeview 1-6
	2	Rogers 10-12
	1	Roosevelt 1-6
	1	Seth Woodard K-3
	1	Shaw 7-9
	1	Sheridan 1-6
	1	Spokane Garry 7-9
	2	St. Aloysius 1-8
	1	Stevens 1-6
	2	Trent K-6
	2	Trentwood K-6
	1	Whitman 1-6
	1	Willard 1-6
Springdale	1	Mary Walker 9-12
	1	Springdale K-5
	1	Springdale 6-8
Stevenson	2	Stevenson 1-6
Sultan	2	Sultan K-7
Sumas	2	Sumas K-6
Sumner	2	Bonney Lake 1-6
	2	Daffodil Valley 1-6
	2	Maple K
	2	Maple Lawn 1-6

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Washington

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Location	Code *	School Name
Sunnyside	1	Lincoln 5-6
	1	Lincoln 7-9
	1	Lincoln 10-12
	1	Washington K-4
Tacoma	2	Arlington K-6
	1	Boze K-6
	1	Bryant K-6
	1	Cascadia Diagnostic Center 1-12
	1	Christensen K-6
	2	Clover Creek 1-5
	2	Delong K-6
	1	Edison K-6
	2	Fawcett K-6
	2	Fern Hill K-6
	1	Franklin K-6
	2	Gault 7-9
	2	Grant K-6
	2	Gray 7-9
	2	Henry Foss 10-12
	1	Holy Rosary 1-8
	2	James Sales K-6
	2	Jason Lee 7-9
	2	Jefferson K-6
	2	Larchmont K-6
	2	Lincoln 10-12
	1	Lister K-6
	2	Lyon K-6
	1	Madison K-6
	1	Mann K-6
	2	Mason 7-9
	1	McCarver K-6
	1	McIlvaigh 7-9
	1	McKinley K-6
	2	Midland K-6
	1	Oakland K-6
	2	Park Avenue K-6
	1	Reed K-6
	1	Remann Hall 7-12
	1	Rogers K-6
	1	Roosevelt K-6
	2	Seward K-6
	1	Sheridan K-6
	2	Sherman K-6
	2	Spanaway 6-8
	1	St. Frances Cabrini 1-8
	1	St. Leo 1-6
	1	Stanley K-6
	2	Stewart 7-9
	2	Thompson 1-5
	2	Wainwright K-6
	2	Washington K-6
	1	Whitman K-6
	1	Willard K-6
Taholah	1	Taholah K-8
Tenino	2	Tenino 1-6
Tieton	1	Tieton 5-8
Toledo	2	Toledo K-8
Tonasket	2	Tonasket 1-8
Toppenish	1	Garfield K-4
	1	Lincoln K-4
	1	McKinley K-6
	1	Mount Adams 5-7
	1	Toppenish 8-9
	1	Toppenish 10-12
Union Gap	1	Union Gap K-5
	1	Union Gap 6-9
Vancouver	2	Covington 7-9
	1	Fruit Valley K-6
	2	George Marshall K-6
	1	Hough K-6
	2	John Rogers K-6
	2	Orchards K-6
	2	Shumway 7-9
	2	Silver Star K-6
	1	Washington K-6
Veradale	2	Progress 1-6
Waitsburg	1	Dixie 1-6
Walla Walla	1	Child Development Center K
	2	Garrison 7-9
	2	Green Park 1-6
	1	Jefferson 1-6
	2	Sharpstein 1-6
	2	Walla Walla 10-12
	1	Washington 1-6
	1	Washington State Penitentiary 7-12
Wapato	1	Parker 1-6
	2	Parker Heights K-6
	1	Wapato Primary K-6
	1	Wapato Intermediate K-6
	1	Wapato 7-9
	1	Wapato 10-12
Warden	1	Jeanette Evan 1-5
	2	Warden 6-8
Wellpinit	1	Wellpinit 1-6
	1	Wellpinit 7-12
Wenatchee	2	Lincoln K-6
	2	Mission View K-6
White Salmon	2	White Salmon 6-8
	2	Whitson K-5
White Swan	1	Robertson 6-8
	1	White Swan 9-12
Winlock	2	Winlock Miller K-6
Woodinville	2	Woodin K-6
Yakima	1	Adams K-6
	2	Ahtanum 1-8
	1	Barge-Lincoln K-6
	1	Broadway K-6
	1	Castlevale K-6
	2	Davis 10-12
	2	Franklin 7-9
	1	Garfield K-6
	2	Hoover K-6
	1	Jefferson K-6
	2	Lewis & Clark 7-9
	2	Lower Naches K-8
	1	Madison K-6
	2	McKinley K-6
	1	Stanton K-6
	1	Washington 7-9
	2	Wide Hollow 1-8
Yelm	1	McKenna 1-5
	1	Southworth 1-5
	1	Yelm 6-8
	2	Yelm 9-12
Zillah	2	Hilton K-6

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Accoville	1	Buffalo EL
Adrian	1	Adrian K-6
Albright	1	Albright EL
Alderson	1	Alderson EL
	2	Alderson JHS
Alkol	3	Martin EL
	1	Woodville K-8
Alum Bridge	2	Alum Bridge EL
Alvon	3	Anthony Creek EL
Ansted	1	Ansted EL
	1	Ansted HS
	1	Ansted Upper Middle
Arnoldsburg	1	Arnoldsburg EL
Arthurdale	1	Arthurdale K-4
Ashford	1	Ashford-Rumble EL
Ashton	2	Hannan K-6
Augusta	1	Augusta K-6
Aurora	1	Aurora HS
Baisden	1	Cline K-6
Ballard	3	Ballard EL
Bartley	1	Bartley EL
Bears Fork	1	Bears Fork K-6
Beckley	1	Central EL
	1	Piney Oaks EL
Belington	1	Belington EL
	1	Belington Middle
Belmont	2	Belmont K-6
Berkeley Springs	3	Greenwood EL
Berwind	1	Berwind EL
Besoco	1	Stoco JHS
Beverly	1	Beverly K-6
Bickmore	3	Bickmore EL
Big Creek	1	Big Creek EL
Bigbend	1	Brooksville 1-8
Birch River	1	Birch River K-8
Blandville	1	Middle Island EL
Bluefield	1	Central JHS
	1	Preston K-6
	1	Ramsey EL
	1	Wade EL
Bomont	1	H. E. White K-8
Bradshaw	1	Bradshaw EL
	1	Bradshaw JHS
Bramwell	1	Bramwell EL
	1	Bramwell HS
Branchland	1	Branchland EL
	1	Fez EL
	1	Guyan Valley HS
	3	McComas EL
	1	Pleasant View K-8
Brandywine	1	Brandywine K-8
Brownton	1	Mt. Vernon EL
Bruceton Mills	1	Bruceton-Brandonville K-6
Buckhannon	1	Hodgesville K-6
	3	Sand Run EL
Burlington	1	Burlington EL
Burnsville	1	Burnsville K-6
Cameron	1	Big Run EL
	1	Cameron K-6
Camp Creek	3	Camp Creek EL
Cannelton	1	Cannelton K-8
Canvas	2	Canvas EL
Capon Bridge	1	Capon Bridge EL
	1	Capon Bridge JHS
Center Point	1	Center Point EL
Century	3	Century 1-5
Chapmanville	2	Chapmanville East EL
	2	Chapmanville West EL
	3	Manila EL
Charleston	1	Chandler EL
	1	Fruth K-6
Chattaroy	1	Chattaroy K-6
Christian	1	Christian EL
Cinderella	3	Cinderella EL
Circleville	1	Circleville K-8
	1	Circleville HS
Clarksburg	1	East View EL
	1	Hartman EL
	1	Hepzibah EL
	1	Linden EL
	1	St. Marys Central EL
	1	Sardis EL
	2	Summit Park 1-9
Clay	1	Clay K-6
	1	Clay County 7-8
Coal Mountain	1	Coal Mountain K-8
Coalton	1	Coalton EL & HS
Colcord	1	Clear Fork EL
	1	Clear Fork HS
Comfort	1	Comfort EL
Cove Gap	3	Cove Gap K-6
Cowen	1	Cowen EL
Crum	1	Crum K-6
	1	Crum HS
Culloden	1	Culloden K-6
Danville	1	Danville K-8
Davis	2	Mountaineer 1-12
Davy	1	Davy EL
Danese	1	Danese K-6
Dehue	1	Dehue K-6
Delbarton	1	Burch HS
	1	Delbarton EL
Diana	1	Diana EL
Dingess	1	Dingess EL
Dunlow	1	Dunlow K-6
Durbin	1	Durbin K-8
Earling	1	Earling EL
East Lynn	1	Beech Fork K-6
	1	East Lynn K-6
Eccles	1	Eccles EL
	1	Eccles JHS
Edgarton	3	Delorme EL
Elk Garden	1	Elk Garden K-6
Elkins	1	Elkins JHS
	1	Elkins Central EL
Fairmont	1	Central K-8
Fayetteville	1	Beckwith EL
	1	Fayetteville EL
	1	Fayetteville HS
	1	Fayetteville Consolidated K-6
	1	Gatewood EL
Ferrellsburg	1	Ferrellsburg EL
Fireco	3	Fireco EL
Flat Top	3	Flat Top EL
Flatwoods	1	Flatwoods EL
Flemington	1	Flemington K-6
	1	Flemington HS
Forest Hill	3	Forest Hill EL
Fort Gay	1	Fort Gay K-6
	1	Fort Gay HS
	1	Thompson K-6
Four States	3	AnnaBelle K-6
Frametown	1	Frametown EL
Frankford	1	Frankford EL
Franklin	1	Franklin K-8
	1	Franklin HS
French Creek	1	French Creek EL
Gap Mills	1	Gap Mills EL
	1	Gap Mills JHS
Gauley Bridge	1	Gauley Bridge K-7
	1	Gauley Bridge HS
Gay	3	Aplin Ridge EL
Genoa	1	Genoa K-6
Gerrardstown	1	Gerrardstown EL
Gilbert	2	Gilbert EL
	1	Gilbert HS
Glen Jean	1	Glen Jean K-6

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Location	Code *	School Name
Glen Rogers	1	Glen Rogers EL
	1	Glen Rogers HS
Glen White	1	Glen White K-6
Grafton	1	Grafton Middle EL
Grantsville	1	Grantsville EL
Great Cacapon	1	Great Cacapon K-6
Greenville	1	Greenville EL
	1	Greenville JHS
Griffithsville	1	Duval HS
	1	Griffithsville EL
Hacker Valley	1	Hacker Valley EL
Hambleton	3	Hamrick K-6
Hamlin	1	Hamlin EL
	1	Hamlin HS
Hanover	1	Huff Consolidated EL
Harpers Ferry	1	C. W. Shipley EL
Harts	1	Atenville EL
	1	Harts HS
	1	Hugh Dingess EL
Hemphill	1	Hemphill EL
Herndon	1	Herndon EL
	1	Herndon EL Annex
	2	Herndon HS
Hillsboro	1	Hillsboro K-8
Hinton	1	Bellepoint EL
	1	Central EL
	1	Greenbrier EL
Huntington	1	Cabell K-6
	1	Emmons K-6
	1	Ensign K-6
	1	Enslow JHS
	1	Guyandotte EL
	1	Hite-Saunders K-6
	1	Jefferson K-6
	1	Johnston K-6
	1	Lincoln EL
	1	Monroe EL
	1	Oley K-6
	1	Oley JHS
	1	Simms EL
Huttonsville	1	Huttonsville EL
Iaeger	1	Iaeger EL
	1	Iaeger HS
	1	Iaeger Intermediate
	3	Lick Branch EL
	3	Litwar EL
	1	Panther EL
Indore	1	Brown K-8
Isaban	3	Hardy Union EL
Ivydale	1	Ivydale K-6
Jacksonburg	1	Jacksonburg EL
Julien	2	Lory-Julian 1-8
Kasson	1	Kasson K-5
Kenna	1	Kenna K-7
Kenova	1	Ferndale K-6
Kentuck	3	Goshen EL
Kermit	3	Jennys Creek EL
	1	Kermit EL
	1	Kermit HS
	1	Marrowbone EL
Keyser	1	Keyser EL
Keystone	1	Keystone EL
Kingston	1	Kingston K-6
Kingwood	2	Kingwood EL
Kirby	3	Grassy Lick EL
Lashmeet	1	Lashmeet K-6
Layland	3	Layland EL
Lenore	1	Lenore EL
	1	Lenore HS
Lesage	1	Cox Landing K-6
Lester	1	Lester EL
Little Birch	1	Little Birch EL
Lizemore	2	Lizemore EL
Logan	1	Logan EL
Lookout	1	Nuttall HS
	1	Divide K-6
	1	Lost Creek EL
Lumberport	2	Lumberport EL
McGraws	1	John McGraws K-8
Marlinton	1	Marlinton K-8
Martinsburg	1	Burke Street EL
Masontown	1	Masontown 1-2
Matewan	1	Magnolia HS
Mathias	1	Mathias School 1-12
Matoaka	1	Matoaka EL
	1	Matoaka HS
McMechen	1	Bishop Donahue HS
Meadow Bridge	1	Meadow Bridge EL
	1	Meadow Bridge HS
Midkiff	1	Midkiff EL
Mill Creek	1	Mill Creek K-6
Milton	3	Balls Gap EL
Minden	1	Minden EL
Minnora	1	Minnora EL
Monaville	1	Monaville EL
Montcalm	1	Montcalm EL
	1	Montcalm HS
Montgomery	1	Montgomery EL
	1	Montgomery HS
Moorefield	1	Moorefield HS
	1	Moorefield EL
Morgantown	3	National K-3
Mt. Hope	1	Mt. Hope EL
	1	Mt. Hope HS
Mullens	1	Mullens EL
Myrtle	3	Myrtle EL
Naugatuck	3	Naugatuck EL
Nellis	1	Nellis K-8
New Creek	1	New Creek EL
Newburg	1	Fellowsville K-6
	3	Fellowsville JHS
	1	Newburg HS
	1	Newburg Independence K-6
Newhall	1	Newhall EL
Newton	1	Newton EL
Nolan	1	Nolan EL
Normantown	1	Normantown EL
Northfolk	1	Anawalt EL
	1	Northfork HS
	1	Switchback EL
Oak Hill	1	Collins HS
	1	Oak Hill K-6
	1	Oak Hill East End K-6
	1	Page K-8
	1	Rosedale EL
Oakvale	1	Oakvale K-6
	1	Oakvale HS
Oceana	1	Road Branch K-8
Odd	1	Odd EL
Orma	3	Orma EL
Parkersburg	1	Fairplain K-6
	1	Jefferson K-6
	1	Nash K-6
	1	Tavennerville EL
	2	Tygart K-6
Parsons	1	Parsons K-6
	1	Parsons HS
Paw Paw	1	Paw Paw K-6
Paynesville	3	Lester EL
	3	Three Forks EL
Peterstown	1	Peterstown EL
	1	Peterstown HS
Pettus	1	Pettus K-6
Philippi	1	Philippi (1-5) EL
	1	Philippi (6-8) Middle
Pickens	1	Pickens K-6
Piedmont	1	Piedmont EL
Pine Grove	1	Valley HS

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WEST VIRGINIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Pineville	2	Pineville JHS
	2	Pineville HS
Pipestem	3	Pipestem EL
Powellton	1	Powellton K-6
Powhatan	1	Elk Horn JHS
Prichard	1	Prichard K-6
Princeton	1	Silver Springs K-6
	1	Thorn EL
Proctor	3	St. Joseph EL
Quinwood	1	Crichton EL
	1	Crichton JHS
Racine	2	Racine K-4
Ragland	1	Chafin EL
Rainelle	1	East Rainelle EL
Ramage	1	Ramage EL
Ranger	3	Cuzzie EL
	1	Ranger EL
Red Jacket	1	Red Jacket K-6
	1	Red Jacket JHS
Reedsville	1	Reedsville 5-6
Reedy	1	Reedy EL
Renick	1	Renick JHS
Rhodell	2	Rhodell K-8
Roanoke	1	Roanoke El
Rock Cave	1	Rock Cave EL
Romney	1	Hampshire HS
	1	Romney EL
	1	Romeny JHS
Ronceverte	1	Ronceverte EL
Rowlesburg	1	Rowlesburg K-6
	1	Rowlesburg HS
Rupert	2	Rupert EL
	1	Rupert JHS
St. George	3	St. George EL
St. Marys	1	Park 5-9
	1	St. Marys EL
Salem	1	Van Horn EL
Salt Rock	1	Salt Rock
Sandfork	1	Sandfork EL
Sandstone	1	Sandstone EL
Scarbro	1	Scarbro EL
Shady Spring	3	Richmond EL
Simon	1	Long Branch EL
Slanesville	3	Slanesville EL
Smithers	1	Oakland EL
Smithfield	1	Smithfield K-6
Smithville	1	Smithville K-8
Spanishburg	1	Spanishburg K-6
Spelter	1	Ziesing EL
Sprigg	3	Sprigg EL
Springfield	1	Springfield-Green EL
Stepheneon	1	Stephenson K-6
Stirret	1	Stirret EL
Stollings	1	Stollings EL
Stotesbury	1	Mark Twain K-6
	3	Mark Twain JHS
Summerlee	1	Summerlee 1-8
Sutton	1	Sutton EL
	1	Sutton JHS
Talcott	1	Talcott EL
	1	Talcott HS
Tallmansville	3	Tallmansville EL
Tanner	1	Tanner EL
Terra Alta	1	Terra Alta K-6
	1	Terra Alta HS
Thacker	3	Thacker EL
Tunnelton	1	Tunnelton HS
	1	Tunnelton-Denver K-6
Union	1	Union EL
	1	Union HS
Upper Glade	1	Webster County High
Valley Fork	1	Valley Fork EL
Valley Head	1	Valley Head K-6
Varney	1	Varney EL
Verdunville	1	Verdunville EL
Vulcan	3	Vulcan EL
Walker	1	Pleasant Valley K-6
Walkersville	1	Walkersville School 1-9
Wallace	1	Wallace 1-9
Walton	1	Walton K-6
	1	Walton HS
War	1	Big Creek HS
	1	War EL
Wardensville	1	Wardensville School 1-12
Wayne	1	Crockett K-6
	1	Wayne K-6
	1	Wayne JHS
	1	Wayne HS
Webster Springs	1	Webster Springs Adv. EL
	1	Webster Springs Primary
Welch	1	Welch HS
West Milford	1	West Milford EL
Weston	3	Kitsonville 1-4
Wheeling	1	Central Catholic HS
	1	Clay EL & JHS
	1	Wheeling Catholic Consolidated EL
Whitmer	1	Whitmer K-6
Williamson	1	East Williamson EL
	1	Main Building EL
	2	Williamson HS
Wilsie	3	Wilsie EL
Worthington	3	Hess EL
Wyatt	1	Wyatt EL

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Wisconsin

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Adams	2	Adams EL
	2	Castle Rock EL
	2	Roche A Cri EL
Alma	2	Alma EL-HS
Alma Center	2	Lincoln HS
	2	Alma Center EL
Almond	2	Almond EL
Amberg	2	Amberg EL
Amery	2	Amery EL
Amherst	2	Amherst HS
	2	Amherst EL
	2	Pleasant View EL
Aniwa	1	Aniwa EL
Antigo	2	Antigo JHS-HS
	1	Crestwood EL
	2	East EL
	2	North EL
	2	Pleasant View EL
	2	Spring Valley EL
	2	West EL
	2	Peace Lutheran EL
	2	Saint Hyacinth EL
	2	Saint Johns EL
	2	Saint Mary EL
Appleton	2	Columbus EL
Arcadia	2	Arcadia HS
	2	Arcadia EL
	2	Arcadia Catholic EL
Arena	2	Arena EL
Argonne	1	Argonne EL
Arkansaw	2	Arkansaw EL
Arpin	2	Arpin JHS
	2	Bethel Junior Academy EL
Ashland	2	Ashland HS
	2	Ashland Middle
	2	Beaser EL
	2	Ellis EL
Auburndale	2	Auburndale HS
	2	Auburndale EL
	2	Saint Mary EL
Augusta	2	Augusta HS
Avoca	1	Avoca EL
Baldwin	2	Greenfield EL
Bangor	2	Bangor HS
	2	Bangor EL
	2	Bangor JHS
	2	Saint Pauls Lutheran EL
Baraboo	2	Pleasant Valley EL
	1	South EL
Bayfield	1	Bayfield EL-HS
	1	Holy Family EL
Bear Creek	2	Bear Creek Primary K-8
	2	St. Marys EL
Beaver	2	Beaver EL
Belmont	2	Belmont HS
	2	Belmont EL
Beloit	1	Burdge EL
	2	Cunningham EL
	2	Hackett EL
	2	Beloit Catholic HS
	2	Brother Dutton EL
	2	Saint Johns Lutheran EL
	2	Saint Thomas EL
	2	Good Shephard EL
	2	Mc Neel EL
	2	Merrill EL
	2	Waterman EL
	2	Wright EL
Birchwood	2	Birchwood EL
Black River Falls	2	Black River Falls JHS
	2	Third Street EL
	2	Forrest Street EL
	2	Gebhardt EL
	2	Saint Joseph EL
Blair	2	Blair 7-12
	2	Blair EL (K-6)
Bloomer	2	Bloomer EL
Blue River	2	Riverdale JHS
	2	Blue River EL
Bonduel	2	Navarino EL
Boscobel	1	Boscobel JHS-HS
	2	Boscobel EL
	1	Immaculate Conception EL
Bowler	2	Bowler HS
	2	Bowler EL
Boyceville	2	Boyceville HS
	2	Boyceville EL
Boyd	2	Boyd EL
Brill	1	Brill EL
Brookfield	1	Mary Center West Treatment Center
Bruce	1	Bruce EL
Butternut	2	Butternut EL-HS
Cable	3	Cable EL (Grade 3)
	1	Cable EL (4-6)
Cadott	2	St. Josephs EL
Campbellsport	2	Campbellsport EL
	2	Our Lady of Angels EL
	2	Saint Matthew EL
Cashton	2	Cashton EL
	2	Sacred Heart EL
Cassville	2	Cassville EL
	2	Saint Charles EL
Cataract	2	Cataract EL
Catawba	1	Catawba EL
Centuria	2	Centuria EL
Chaseburg	2	Chaseburg EL
Chetek	2	Roselawn EL
Chippewa Falls	2	Halmstad EL
	2	Hillcrest EL
	2	Stillson EL
Clayton	2	Clayton EL
Clear Lake	2	Clear Lake JHS
	2	Clear Lake EL
	2	Sunnyside SDA EL
Coleman	2	Coleman HS
	2	Coleman EL
	2	Seventh Day Adventist EL
Colfax	2	Colfax HS
Coloma	1	Coloma EL
Coon Valley	2	Coon Valley EL
Crandon	1	Crandon HS
	1	Crandon EL
	1	Mole Lake EL
Cumberland	2	Cumberland EL
Curtis	1	Holway EL
Darlington	2	Darlington EL
	2	Holy Rosary EL
Deerbrook	1	River Grove EL
De Soto	2	Prairie View EL
Dodge	2	Sacred Heart EL
Dodgeville	2	Dodgeville EL
	2	Saint Joseph EL
Dousman	1	Lad Lake Inc.
Drummond	1	Drummond HS
Dunbar	3	Dunbar EL
Durand	2	Caddie Woodlawn EL (K-6)
	2	Sacred Heart EL
	2	Saint Marys EL
East Bloomfield	2	Christ Lutheran EL
Eau Claire	2	Delong JHS
	2	Little Red EL
	2	Saint James The Greater EL
	1	Sunburst Youth Homes

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Wisconsin

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Elcho	2	Elcho HS
	2	Elcho EL
Eleva	2	Eleva EL
Exeland	2	Exeland JHS
Fairchild	2	Fairchild EL
Florence	2	Florence HS
	1	Florence EL
	3	Lincoln EL
Fond du Lac	2	Goodrich HS
	2	Sabish JHS
	2	Chegwin-Fahey EL
	2	Franklin EL
Fox Lake	1	Lakeview Technical H.S.
Friendship	2	Friendship EL
Galesville	2	Galesville EL
Gillingham	2	Union EL
Gilmanton	2	Gilmanton HS
	1	Gilmanton EL
	3	Gilmanton JHS
Gleason	2	Midway EL
Glenwood City	2	Glenwood City JHS-HS
	2	Glenwood City EL
Glidden	2	Glidden HS
	1	Glidden EL
Goodman	2	Goodman Armstrong EL
Grandview	3	Grandview EL
Grantsburg	2	Grantsburg HS
	2	Grantsburg EL
	3	Nelson EL
Green Bay	2	East HS
	2	Edison JHS
	2	Franklin JHS
	2	Lombardi JHS
	2	Washington JHS
	1	Fort Howard EL
	2	Howe EL
	2	Keller EL
	2	Lincoln EL
	1	Nicolet EL
	2	Norwood EL
	2	Roosevelt EL
	1	Tank EL
	2	Wequoick EL
	1	Whitney EL
	1	River Valley High School
	1	Saint Joseph Home For Children EL
	1	Our Lady of Charity School For Girls
Greenleaf	2	St. Marys EL
Greenville	2	SS. Mary EL
Greenwood	2	Greenwood EL
Hancock	2	Hancock Middle
Hamburg	2	Maple Grove EL
Haugen	1	Haugen EL
	1	Holy Trinity EL
Hawkins	2	Hawkins EL
Hayward	1	Hayward HS
	1	Hayward JHS
	1	Hayward EL
	1	Lake EL
Herbster	2	Herbster EL
Highland	2	Highland HS
	1	Highland EL
Hillsboro	2	Hillsboro JHS-HS
	2	Hillsboro EL Center
Holcombe	2	Holcombe HS
	2	Holcombe EL
Hortonville	2	Hortonville EL
	2	Bethlehem Evang Lutheran EL
	2	SS. Peter & Paul EL
Hustisford	2	Bethany Lutheran EL
Independence	2	Independence EL-HS
	2	SS. Peter & Paul EL
Iola	2	Iola-Scandinavia HS
	2	Iola-Scandinavia EL
Iron Mountain	1	Hillcrest EL
Iron River	3	Oulu EL
Irma	1	Lincoln High School
Jim Falls	1	Jim Falls EL
Kansasville	2	Kansasville EL
	2	St. Marys EL
Kaukauna	2	Nicolet EL
	2	Quinney (7-8)
	2	Saint Aloysius EL
	2	Saint Francis EL
	2	Saint Mary EL
Kendall	2	Kendall EL
Kennan	1	Kennan Middle
Kenosha	2	Bradford HS
	2	Tremper HS
	2	Bullen JHS
	2	Lance JHS
	2	Lincoln JHS
	2	Washington JHS
	1	Bain EL
	2	Columbus EL
	2	Durkee EL
	1	Frank EL
	2	Green Bay Rd. EL
	2	Hill Crest EL
	1	Jefferson EL
	1	Lincoln EL
	2	McKinley EL
	1	Wilson EL
	2	Bethany Lutheran EL
	1	Friedens Lutheran EL
	1	Holy Rosary EL
	1	Mount Carmel EL
	1	Saint Anthonys EL
	1	Saint Casimir EL
	1	Saint George EL
	2	Saint Lukes Lutheran EL
	1	Saint Mark EL
	2	Saint Peters EL
	2	Saint Thomas EL
Keshena	1	Keshena Pre-School-Grade 5
	2	Menominee County Community HS
	2	St. Josephs EL
Kiel	2	SS. Peter & Paul EL
Lac Du Flambeau	2	Lac Du Flambeau EL
La Crosse	2	Central HS
	2	Logan JHS
	2	Franklin EL
	2	Hamilton EL
	1	Jefferson EL
	2	Washburn EL
	1	Saint Michaels Home For Children
	2	Cathedral El
	2	First Evang Lutheran EL
	2	Holy Trinity Catholic EL
	2	Immanuel Lutheran EL
	2	St. James EL
	2	St. Johns EL
	2	Faith Baptist EL-HS
	1	La Crosse Home For Children

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Location	Code *	School Name
Ladysmith	2	Ladysmith EL
	2	Our Lady of Sorrows EL
La Farge	1	La Farge HS
	1	La Farge EL
Lake Mills	2	Middle School
	2	Prospect Street EL
	2	Saint Pauls Lutheran EL (K-5)
	2	Saint Pauls Lutheran EL (6-8)
Lancaster	2	Winskill EL
	2	Saint Clement EL
La Valle	2	Ironton La Valle EL
Lena	2	Lena Middle-HS
	2	Lena EL
	3	Spruce EL
	2	St. Charles Catholic EL
Lily	3	Lily EL
Linden	2	Linden EL
Lone Rock	1	Lone Rock EL
Loyal	2	Loyal JHS
	2	Loyal El
	2	Saint Anthony EL
Lublin	2	Lublin EL
Mackville	2	St. Edwards EL
Madison	2	East HS
	2	West HS
	2	A Lincoln Middle
	2	Marquette Middle
	2	Sherman Middle
	2	Emerson EL
	1	Franklin EL
	2	Glendale El
	1	Hawthorne EL
	2	Lake View EL
	2	Lapham EL
	2	Leopold EL
	2	Longfellow EL
	1	Lowell EL
	1	Marquette EL
	2	Mendota EL
	2	Sherman EL
	1	Saint Bernard EL
	2	Saint James EL
	2	Saint Patricks EL
	1	Jonah House Inc.
Manawa	2	Saint Pauls Lutheran EL
Manitowoc	2	Bethany Evang Luth EL
Maple	2	Northwestern HS (7-12)
Marinette	2	Marinette HS
	2	Marinette Middle
	2	Garfield EL
	2	Lincoln EL
	2	Marinette Catholic Center HS
Marshfield	1	Sunburst Youth Home
Mattoon	2	Mattoon EL
Mauston	2	West Side EL
	2	Middle 5-8
	2	Mauston Area HS
	2	St. Patrick EL
Mazomanie	1	Mazomanie EL
Mc Allister	3	Mc Allister EL
Medford	2	Medford Hs
	2	Medford JHS
	2	Brookside EL
	2	Jefferson EL
	2	Holy Rosary Catholic EL
	2	Immanuel Lutheran EL
Melrose	2	Melrose-Mindoro HS
	2	Melrose EL
Menomonie	2	Saint Pauls Lutheran EL
Merrill	2	Merrill JHS
	1	Franklin EL
Merrill cont.	2	Jefferson EL
	1	Scott EL
	2	Washington EL
	2	Saint John Lutheran EL
	2	Trinity Lutheran EL
Merrillan	2	Merrillan EL
Middleton	2	Saint Peter EL
Milltown	2	Milltown EL
Milwaukee	2	Bay View HS
	2	Custer HS
	2	Hamilton HS
	2	James Madison HS
	2	Pulaski HS
	2	South Division HS
	2	King HS
	1	North Division HS
	2	Riverside HS
	2	Washington HS
	1	West Division HS
	2	Juneau HS
	1	Lincoln HS
	2	Marshall HS
	2	Audubon JHS
	2	Bell JHS
	2	Burroughs JHS
	2	Edison JHS
	1	Fulton JHS
	2	Fritsche JHS
	2	Kosciuszko JHS
	2	Morse JHS
	2	Muir JHS
	2	Parkman JHS
	1	Peckham JHS
	1	Jackie Robinson JHS
	1	Roosevelt JHS
	2	Sholes JHS
	2	Steuben JHS
	2	Walker JHS
	2	Webster JHS
	1	Wells Street JHS
	2	Wright JHS
	2	Allen Field EL
	1	Auer Avenue EL
	1	Berger EL
	1	Brown Street EL
	2	Burbank EL
	2	Carleton EL
	2	Cass Street EL
	1	Clarke Street EL
	2	Clement Avenue EL
	2	Clemens EL
	2	Congress EL
	2	Curtin EL
	2	Doerfler EL
	2	Douglas Road EL
	2	Dover Street EL
	2	Eighty-First EL
	1	Elm EL
	2	Fernwood EL
	1	Fifth Street EL
	2	Forest Home Avenue EL
	1	Fourth Street EL
	1	Franklin EL
	2	Fratney EL
	2	Garden Homes EL
	1	Garfield Avenue EL
	2	Grant EL
	2	Green Bay Avenue EL
	2	Greenfield EL
	2	Hampton EL
	2	Hayes EL
	2	Hi-Mount Blvd EL
	1	Holmes EL

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Wisconsin

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For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Milwaukee cont.	1	Hopkins Street EL
	2	Kagel EL
	2	Keefe Avenue EL
	1	Kilbourn EL
	1	La Follette EL
	2	Lancaster EL
	1	Lee EL
	2	Lincoln Avenue EL
	1	Lloyd Street EL
	2	Longfellow EL
	1	Mac Dowell EL
	2	Maryland Avenue EL
	1	McKinley EL
	1	Meinecke Avenue EL
	2	Mitchell EL
	2	Morgandale EL
	2	Mound EL
	2	Neeskara EL
	1	Ninth Street EL
	2	Oklahoma Avenue EL
	1	Palmer EL
	2	Philipp EL
	1	Pierce EL
	2	Riley EL
	2	Sherman El
	1	Siefert EL
	2	Sixty-Sixth Street EL
	2	Story EL
	2	Thirty-Eighth Street EL
	2	Thirty-Fifth Street EL
	1	Thirty-First Street EL
	2	Thirty-Seventh Street EL
	2	Townsend Street EL
	2	Trowbridge Street EL
	1	Twelfth Street EL
	1	Twentieth Street EL
	1	Twenty-First Street EL
	2	Twenty-Fourth Street EL
	1	Twenty-Seventh Street EL
	1	Vieau EL
	1	Walnut Street EL
	2	Whitman EL
	2	Wisconsin Avenue EL
	2	Divine Savior-Holy Angels HS
	1	Marquette HS
	2	Messmer HS
	2	Milwaukee Lutheran HS
	2	Notre Dame HS
	2	Pius XI HS
	1	Saint Joan Antida HS
	1	Saint John Cathedral HS
	2	Saint Marys Academy HS
	2	Wisconsin Lutheran HS
	2	Atonement Lutheran EL
	1	Bethany Lutheran EL
	1	Bethlehem Lutheran EL
	1	Bruce Guadalupe EL
	2	Centenial Lutheran EL
	2	Christ Lutheran EL
	2	Christ Memorial Luth EL
	2	Ebenezer Lutheran EL
	1	Emmaus Lutheran EL
	2	Garden Homes Lutheran EL
	2	Gethsemane Lutheran EL
	2	Gospel Lutheran EL
	1	Harambee Community EL
	2	Holy Angels EL
	2	Holy Ghost EL
	1	Holy Ghost Lutheran EL
	2	Holy Redeemer EL
	2	Holy Rosary EL
	2	Immaculate Conception EL
	2	Indian Community EL
Milwaukee cont.	2	Jerusalem Lutheran EL
	1	Leo Community EL
	1	Martin Luther King Community EL
	1	Francis Community EL
	2	Mother of Good Counsel EL
	2	Mother of Perpetual Help EL
	2	Mount Calvary Lutheran EL
	2	Mount Lebanon Lutheran EL
	2	Mount Olive Lutheran EL
	2	North Trinity Lutheran EL
	2	Our Lady Queen of Peace EL
	2	Redemption Lutheran EL
	2	Saint Adalbert EL
	2	Saint Agnes EL
	2	Saint Albert EL
	2	Saint Alexander EL
	2	Saint Anne EL
	2	Saint Anthony EL
	2	Saint Augustine EL
	2	Saint Barbara EL
	1	Saint Casimir EL
	2	Saint Catherine EL
	2	Saint Hedwig EL
	2	Saint Helen EL
	2	Saint Hyacinth EL
	2	Saint Ignatius EL
	2	Saint James Evang Lutheran EL
	2	Saint John De Nepomuc EL
	2	Saint John Kanty EL
	2	Saint Josaphat EL
	2	Saint Lucas Lutheran EL
	1	Saint Marcus Lutheran EL
	2	Saint Martini Lutheran EL
	2	Saint Mary Czestochowa EL
	2	Saint Matthew Lutheran EL
	2	Saint Pauls Catholic EL
	2	Saint Peters Lutheran EL
	1	Lakeside Childrens Center
	1	St. Aemilian Child Care Center
	1	St. Marys Hill Group Home
	1	St. Charles Boys Home
	1	Saint Philip Neri Cath EL
	1	Saint Philips Lutheran EL
	2	Saint Rita EL
	1	Saint Roses's Residence
	2	Saint Sebastian EL
	2	Saint Stanislaus EL
	2	Saint Stephen Lutheran EL
	1	Saint Thomas Aquinas EL
	2	Saint Vincent Depaul EL
	1	Sharon School 7th Day Advent EL
	1	Siloah Lutheran EL
	2	SS Cyril & Methodius EL
	2	SS Peter & Paul EL
	2	Urbandav School EL
	2	Walther Memorial Lutheran EL
	2	Milwaukee Jr. Academy (1-10)
Mindoro	2	Mindoro EL
	2	Burr Oak Lutheran EL
Mineral Point	2	Mineral Point EL
Minong	2	Minong EL
Mondovi	2	Anthony EL
	2	Mondovi EL
	2	Sacred Heart EL
	1	Dover EL
Monroe	2	Northside EL
Montello	2	Saint Johns Lutheran EL
Montfort	2	Montfort EL
Monticello	2	Monticello K-12

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Location	Code *	School Name
Mosinee	2	Mosinee EL
Mountain	2	Mountain EL
Mukwonago	1	Norris Inc.
Neenah	1	Mckinley EL
	2	Roosevelt EL
	2	Washington EL
	2	Martin Luther Evang Luth EL
	2	Saint Gabriel EL
Neillsville	1	Black River School
	1	Sunburst Youth Homes
Neopit	1	Neopit EL
	2	St. Anthony EL
Neshkoro	2	Neshkoro EL
New Holstein	2	New Holstein EL
	2	Cons Parochial EL
	2	Holy Rosary EL
New Lisbon	2	New Lisbon EL
New London	2	New London HS
	2	Washington JHS
	2	Lincoln EL
	2	Parkview EL
	2	Sugar Bush EL
	1	Rawhide Inc.
New Richmond	2	New Richmond EL
Niagara	1	Niagara EL
Norwalk	2	Norwalk EL
Onalaska	2	Luther HS
Omro	2	Omro HS
Ontario	1	Ontario EL
Oregon	1	Oakwood HS
Osceola	2	Osceola EL
Oshkosh	2	Dale EL
	2	Green Meadow EL
	2	Jefferson EL
	2	Lincoln EL
	2	Oaklawn EL
	2	Washington EL
	2	Grace Lutheran EL
	2	Sacred Heart EL
	2	Saint Mary EL
	2	Saint Peter EL
	2	Saint Vincent EL
	2	Trinity Lutheran EL
Osseo	2	Osseo-Fairchild HS
	2	Osseo EL
Owen	2	Owen-Withee JHS
	2	Owen EL
	2	Holy Rosary EL
Oxford	2	Oxford EL
Pembine	1	Pembine Middle - HS
Pepin	2	Pepin EL-HS
Peshtigo	2	Saint Johns Evang Lutheran EL
Phillips	2	Phillips Middle
	2	Phillips EL
Pittsville	2	Pittsville EL
Plainfield	2	Tri County HS
	2	Plainfield EL
Plum City	2	Plum City EL
	2	Saint John The Baptist EL
Plymouth	1	Forest Hills High School
Portage	2	Central Grade K-6
	2	Saint Johns Lutheran EL
	2	Saint Marys Parochial EL
	2	SDA EL
Prairie Du Chien	2	Prairie Du Chien EL
	2	Saint Gabriel EL
	2	Saint John Nepomucene EL
Prairie Du Sac	2	Sauk Prairie HS
	2	Grand Avenue EL
Prairie Farm	2	Prairie Farm HS
	1	Prairie Farm EL
Racine	2	Washington Park HS
	2	Wm Horlick HS
	2	Franklin EL
	2	Garfield EL
	2	James EL
	2	Jefferson EL
	2	Stephen Bull EL
	2	Racine Lutheran HS
	2	Saint Catherines HS
	2	Holy Trinity Community EL
	2	Saint John Nepomuk EL
	2	Saint Johns Lutheran EL
	2	Saint Joseph EL
	2	Saint Stanislaus EL
	1	Taylors Childrens Home
Readfield	2	Readfield EL
Reedsburg	2	Reedsburg EL (K-8)
	2	Sacred Heart EL
	2	Saint Peters Lutheran EL
Reedsville	1	Triple R Ranch Inc.
Rewey	2	Rewey EL
Rice Lake	2	Franklin EL
	2	Hilltop EL
	2	Jefferson EL
	2	Lincoln City EL
	2	Saint Joseph EL
	2	Seventh Day Adventist EL
Richland Center	2	Richland Center HS
	2	Richland Middle
	2	Jefferson EL
	2	Lincoln EL
	1	Rockbridge EL
	2	Saint Marys EL
	2	SDA EL
	2	Mennonite EL
	2	Ithaca EL
Ridgeway	2	Ridgeway EL
Rockland	2	Hylandale Academy HS
Rosholt	2	Rosholt HS
	2	Rosholt EL
	2	Saint Adalbert EL
Sauk City	2	Sauk Prairie Middle
	2	Spruce EL
	2	Madison Street EL
	2	Saint Aloysius EL
Seneca	2	Seneca HS
	1	Seneca Primary K-3
	1	Seneca JHS
Seymour	2	Rock Ledge EL
	2	Saint John Baptist EL
Shawano	2	Divine Savior Lutheran EL
	2	Shawano HS
	2	Franklin Middle
Sheboygan	2	Jefferson EL
	2	Lincoln EL
	2	Longfellow EL
	2	Sheridan EL
	2	Holy Name EL
	2	Saint Clement EL
	2	SS Cyril & Methodius EL
Shell	2	Shell Lake HS 9-12
	2	Shell Lake EL
Shiocton	2	Shiocton HS
	2	Shiocton EL
Siren	1	Siren HS
	1	Siren EL
Soldiers Grove	2	North Crawford JHS
Solon Springs	2	Saint Croix HS
	1	Saint Croix EL
Southern Door	2	Southern Door EL-Middle
Sparta	1	Wisconsin Child Center

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Wisconsin

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Spencer	2	Spencer HS
	2	Spencer EL
Spooner	2	Spooner HS
	2	Spooner JHS
	2	Hammill EL
	2	Saint Francis De Sales EL
Spring Green	2	Spring Green JHS
	2	Spring Green EL
	2	Saint Johns The Evangelist EL
Stanley	2	C W Dodge EL
	2	Lincoln EL
	2	Holy Family EL
Stevens Point	2	Stevens Point Area HS
	2	McKinley EL
	2	St. Joseph EL
	2	Pacelli HS
	1	Chileda Institute For Education Development
Stoddard	2	Stoddard EL
Stone Lake	3	Stone Lake EL
	1	St. Francis Indian Mission EL
Stoughton	2	East EL
	2	Kegonsa EL
	2	South EL
	1	Martin Luther Home
Stratford	2	Stratford EL
Strum	2	Strum EL
Superior	2	Central JHS
	2	Blaine EL
	1	Ericsson EL
	2	Franklin EL
	2	Cathedral JHS
Suring	2	Suring EL
	2	Saint John Lutheran EL
Taylor	1	Taylor HS
	1	Taylor EL
Thorp	2	Thorp EL
	2	Thorp Catholic EL
Tigerton	2	Tigerton EL
Tomah	2	Tomah JHS
Trempealeau	2	Trempealeau EL
Viola	1	Kickapoo HS
	1	Viola EL
	3	Kickapoo Pre-School
Viroqua	2	Viroqua HS
	2	Viroqua Middle
	2	Viroqua EL
Wabeno	1	Wabeno EL (Lincoln-Washington)
Wales	1	Ethan Allen HS
Warrens	1	Warrens EL
Washburn	2	Saint Louis EL
Waukesha	2	Central Campus HS
	2	South Campus HS
	2	White Rock EL
	2	Catholic Memorial HS
Waumandee	2	St. Boniface EL
Wausau	2	Wausau East HS
	2	Wausau West HS
	2	Lincoln EL
	2	Newman HS
	2	Trinity Lutheran EL
Wausaukee	2	Wausaukee HS
	2	Wausaukee EL
Wautoma	3	Mount View EL
Wauwatosa	1	Carmelite Home For Boys
	1	Lutheran Childrens Friends Society
	1	Milwaukee County Childrens Home
Wauzeka	2	Wauzeka HS
	2	Wauzeka EL
Webster	2	Webster JHS-HS
	3	Dairyland EL
	1	Danbury EL
	2	Webster EL
West Allis	2	Lincoln EL
	2	Roosevelt EL
West Baraboo	2	West Gordon L. Willson EL
West Bloomfield	2	Saint Johns Lutheran EL
Westby	2	Westby EL-HS
Westfield	2	Westfield EL
West Lima	3	West Lima EL
Weyauwega	2	Weyauwega HS
	2	Weyauwega Middle
	2	Weyauwega EL
	2	Saint Peter Lutheran EL
Weyerhauser	1	Weyerhauser EL-HS
Wheeler	3	Plainview EL
Whitehall	2	Memorial HS
	2	Sunset EL
White Lake	1	White Lake EL-HS
Wilton	2	Amish EL-HS
Withee	2	Withee EL
Wisconsin Dells	2	Wisconsin Dells EL
Wisconsin Rapids	2	Lincoln HS
	2	West JHS
Wittenberg	2	Wittenberg EL
	1	Homme Home For Boys
Wonewoc	2	Wonewoc HS
	2	Wonewoc EL Center
	2	Saint Pauls Evang Lutheran EL
Wrightstown	2	Wrightstown EL-HS
	2	Saint John Lutheran EL
	2	Saint Paul EL
Wyeville	1	Wyeville EL

Wyoming

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Arapahoe	1	Arapahoe EL.
Basin	2	Basin K-12
Big Piney	2	Big Piney K-12
Buffalo	2	Buffalo EL
	2	Buffalo HS
Casper	2	Dean Morgan JHS
	2	Jefferson EL
	1	Lincoln/Roosevelt EL
	2	McKinley EL
	2	Mills EL
	2	Mountain View EL
	2	Natrona Co. HS
	2	Park EL
Casper cont.	2	St. Anthony's EL
	2	Willard EL
Cheyenne	2	Arp EL
	2	Central HS
	1	Cole EL
	1	Corlett EL
	2	Fincher EL
	2	Goins EL
	1	Hebard EL
	1	Johnson JHS
	2	Pioneer Park EL
	2	St. Mary's 1-12

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WYOMING

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Chugwater	2	Chugwater 1-12
Clearmont	2	Clearmont 1-12
Cody	2	Cody HS
	2	Eastside EL
Douglas	2	Converse Co.-HS
	2	Douglas EL
Ethete	1	Mill Creek EL
Evanston	2	Clark EL
	2	Evanston HS
Ft. Washakie	1	Ft. Washakie EL
Gillette	2	Eastside EL
	2	Northside EL
Glenrock	2	Glenrock HS
Glendo	2	Glendo 1-12
Green River	2	Green River HS
	2	Jefferson EL
	2	Roosevelt EL
	2	Washington EL
Greybull	2	Greybull EL-HS
Hulett	2	Hulett K-12
Jackson	2	Wilson EL
Kemmerer	2	Kemmerer EL
Lander	2	LanderValley HS
	2	North EL
	2	South EL
	2	Starrett JHS
Laramie	2	Laramie JHS
	1	Lincoln EL
	2	Hellie Iles EL
	2	St. Laurence EL
	2	Stanton EL
	2	Thayer EL
	2	Washington/Whiting EL
Lovell	2	Lovell EL
Lusk	2	Lusk EL
Manderson	2	Manderson 1-12
Moorcroft	2	Moorcroft K-12
Mountain View	2	Mountain View 1-12
Newcastle	2	Gertrude Burns K-6
	2	Newcastle HS
Pavillion	2	Wind River K-12
Pine Bluffs	2	Pine Bluffs K-12
Pinedale	2	Pinedale K-12
Powell	2	Parkside EL
	2	Powell HS
	2	Southside EL
	2	Westside EL
Ranchester	2	Tongue River K-12
Rawlins	2	Baggs EL
	1	Pershing EL
	2	Rawlins HS
	1	St. Joseph's EL
	2	Sunnyside EL
Riverton	2	Jackson EL
	1	Jefferson EL
	2	Riverton HS
	2	St. Margaret's EL
Rock Springs	2	Lowell EL
	2	Rock Springs HS
	2	Roosevelt EL
	2	Washington EL
Saratoga	2	Platte Valley K-12
Sheridan	2	Coffeen EL
	2	Holy Name EL
	2	Sheridan JHS-HS
	1	Woodland Park EL
Shoshoni	2	Shoshoni K-12
Sundance	2	Sundance K-12
Ten Sleep	2	Ten Sleep 1-12
Thermopolis	2	Thermopolis EL
Torrington	2	Torrington EL-HS
Upton	2	Upton 1-12
Wheatland	2	Wheatland EL HS
Worland	2	Eastside EL
	2	Westside EL
	2	Worland HS

American Samoa

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Manu'a Island	1	Faleasao 1-8
	1	Fitiuta 1-8
	1	Manu'a High 9-12
	1	Ofu 1-8
	1	Olosega 1-8
Swains Island	1	Swains 1-8
Tutuila Island	1	Afono 1-8
	1	Alataua Lua 1-8
	1	Alofau 1-8
	1	Aoa 1-8
	1	Asua 1-8
	1	Auasi 1-8
	1	Aunuafoo 1-8
	1	Faleasao 9-12
	1	Fagaitua High 9-12
	1	Fagali'i 1-8
	1	Fagamalo 1-8
	2	Fia Iloa 1-4
	1	Laulii 1-8
	1	Le'ateele 1-8
Tutuila Island cont.	1	Leone High 9-12
	1	Leone Midcliff 1-8
	1	Lupelele 1-8
	2	Mapusaga High 7-12
	2	Marist Brothers K-8
	2	Marist Brothers 9-12
	1	Masefau 1-8
	3	Matafao 1-8
	1	Matatula 1-8
	1	Mauga-o-Alava 1-8
	1	Olomoana 1-8
	1	Pava'ia'i 1-8
	1	Poloa 1-8
	2	Fa'aseo High 9-12
	2	St. Francis K-10
	2	St. Theresa K-10
	3	Samoana High 9-12
	1	Siliaga 1-8
	1	7th Day Adventist K-8

Guam

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Adelup	2	Adelup EL
Agat	2	Agat EL
Barrigada	1	B. P. Carbullido EL
Dededo	2	M. A. Ulloa EL
Inarajan	2	Inarajan EL JHS
Mangilao	2	Guam Vocational-Technical HS
	2	Price EL
Mongmong	2	J. Q. San Miguel EL
Ordot/Chalan Pago	2	Ordot/Chalan Pago EL
Santa Rita	2	J. P. Torres EL
Talofofo	2	Talofofo EL
Tamuning	2	L. B. Johnson EL
	2	Tamuning EL
Yona	2	Yona EL

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Puerto Rico

List of Schools Determined to have High Concentrations of Students from Low-Income Families For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Adjuntas	1	Centro, El.
	1	Ciénaga, El.
	1	Emajagual, El.
	1	Guayabo Dulce, El.
	1	Guilarte, El.
	1	José Pilar González, El.
	1	Juan González, El.
	1	Juncos, El.
	1	Las Maracas, El.
	1	Paso Hondo, 1-8
	1	Pellejas Central, El.
	1	Pellejas Hoyo, El.
	1	Portillo, El.
	1	Portugués
	1	Rafael Aparicio Jiménez, J.H.S.
	1	Rafael Aparicio Jimpenes, H.S.
	1	Saltillo, El.
	1	Severo Cordero Carder (Limaní), El.
	1	Tanamá, El.
	1	Tanamá Yayales, El.
	1	Vaces Saltillo, El.
	1	Valle de Tanamá, El.
	1	Vegas Abajo, El.
	1	Vegas Arriba, El.
	1	Yahuecas Arriba, El.
	1	Yahuecas Second Unit, El-JHS
	1	Yayales, El.
	1	Washington Irving, El.
Aguada	1	Antonio Sánchez Ruiz (Guayabo), El.
	1	Arsenio Martínez, JHS
	1	Arsenio Martínez, HS
	1	Atalaya 3, El.
	1	Atalaya Abajo, El.
	1	Atalaya Arriba, El.
	1	Cerro Gordo, El.
	1	Comunidad Aislada (Cerro Gordo), El.
	1	Cruces Abajo, El.
	1	Elementary Urban, El.
	1	Guanábanas S.U., El., JHS
	1	Guaniquilla, El.
	1	Hernández Second Unit, El., JHS
	1	Jaguey S.U., El., JHS
	1	Lagunas, El.
	1	Mal paso, 1-8
	1	Mamey, El.
	1	Marías, El.
	1	Naranjo Abajo, El.
	1	Naranjo Arriba, El.
	1	Naranjo Cuchillas, El.
	1	Parcelas Cornelias, El.
	1	Piedras Blancas, El.
	1	Río Grande, El.
	1	Tablonal, El.
Aguadilla	1	Adams Second Unit, El., JHS
	1	Agustín Stahl, 1-8
	1	A.J. Ferreris, El.
	1	Barriada Cabán, El.
	1	Barriada de Diego, El.
	1	Barriada Esteves, 1-8
	1	Bishop McManus, SHS
	1	Borinquen New Building, El.
	1	Borinquen Second Unit, El., JHS
Aguadilla cont.	1	Caimital Altos Sector Jiménez, El.
	1	Carmen Gómez Tejera, El.
	1	Central Presbiteriano, El.
	1	Dr. Rafael del Valle, JHS
	1	Eladio J. Vega, El.
	1	Escuela Adventista, El.
	1	Extensión Borinquen, El.
	1	Guerrero (Ramón Rodríguez), El.
	1	José de Diego, SHS
	1	José de Jesús Esteves, El.
	1	Lucía Cubero, El.
	1	Manuel Corchado, El.
	1	Marina Ramón Añeses Morell, El.
	1	Montaña Second Unit, El., JHS
	1	Palmar Abajo (Rafael Fabián), El.
	1	Playuela, El.
	1	Rafael Cordero (Camaseyes), El.
	1	San Carlos, El.
	1	Urbanización El Prado, El.
	1	Victoria Ferreris Emilia, El.
Aguas Buenas	1	Academia San Alfonso, El. JHS
	1	Caguitas Carretera, El.
	1	Caguitas Centro, El.
	1	Camino Verde, El.

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Puerto Rico

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Location	Code *	School Name
Aguas Buenas cont.	1	Dr. Gustavo Muñoz Díaz, El-JHS
	1	Jagueyes Abajo, El.
	1	Jagueyes Carretera (Luis La Salle), El.
	1	Juan Asencio, El.
	1	Josefita Pastrana, HS
	1	Las Corujas, El.
	1	Luis T. Baliñas, El.
	1	Multas Alvelo, El.
	1	Multas Tiza, El.
	1	Parcelas Bayamoncito, El.
	1	Pueblo Viejo, El.
	1	Rafael Nicolau, El.
	1	Ramón M. Carazo, El.
	1	Santa Clara, El.
	1	Segunda Unidad Bayamoncito, El-JHS
	1	Segunda Unidad Sumidero, El-JHS
	1	Sonadora, El.
	1	Sumidero I, El.
Aibonito	1	Bonifacio Sánchez, JHS
	1	Campito, El.
	1	Caonillas, El.
	1	Casa de Salud Rosario Belber, El.
	1	Centro Tratamiento Social para niños, El.
	1	Cuyón, El.
	1	Dr. José N. Gándara, HS
	1	Federico Degetau, El.
	1	Federico Degetau, (Pasto 2), El.
	1	José de Diego (Robles), El.
	1	Llanos Adentro, El.
	1	Llanos Carretera, El.
	1	Menonita Betania, El, JHS
	1	Rabanal, El.
	1	Sierra, El.
	1	Sucesión Torres, El.
	1	República de Haití (Algarrobo), El.
	1	Segunda Unidad Barrio Pasto, El. JHS
	1	Segunda Unidad José Celso Barbosa (Asomante), El., JHS
	1	Segunda Unidad La Plata, El. - JHS
Añasco	1	Alcides Figueroa, HS
	1	Antonio González Suárez, El.
	1	Caguabo, El.
	1	Caracol Abajo, El.
	1	Caracol Arriba, El.
	1	Caracol Arriba Nueva, El.
	1	Casey Abajo, El.
	1	Cerro Gordo, El.
	1	Corcovada, El.
	1	Eugenio María de Hostos, El.
	1	Hatillo, El.
	1	Isabel Suárez, JHS
	1	La Choza Piñales, El.
	1	Marías Abajo, El.
	1	Marías Arriba, El.
	1	Mata y Orsini, El.
	1	Miraflores Abajo, El.
	1	Natividad García, El.
	1	Orejas, El.
	1	Pajuelas Marías, El.
	1	Piñales Abajo, El.
Añasco cont.	1	Piñales Adentro (Caracol), El.
	1	Piñales Arriba, El.
	1	Quebrada Larga Abajo, El.
	1	Quebrada Larga Arriba, El.
	1	Ramírez de Arellano, El.
	1	Segunda Unidad Espiño, El-JHS
	1	Segunda Unidad Playa, El-JHS
Arecibo	1	Allende, El.
	1	Antonio Luchetti, HS
	1	Arrozal Muertos, El.
	1	Asomante, El.
	1	Ballajá, El.
	1	Barrancas, El.
	1	Biáfara, El.
	1	Barriada Susoni, El.
	1	Calichosa Centro, El.
	1	Candelaria, El.
	1	Cuños, El.
	1	Caracoles, El.
	1	Carreras, José Martes), El.
	1	Centro de Educación y Trabajo El-JHS - HS
	1	Cercadillo, El.
	1	Colegio Evangélico Capitán Correa, El.
	1	Cotto Anexo, El.
	1	Cuesta Biáfara, El.
	1	Dolores Gómez, El.
	1	Domingo Ruiz, El.
	1	Dorothy de Bourne, El.
	1	Dos Bocas, El.
	1	Dra. María Cadilla Martínez, HS
	1	Espino, El.
	1	Factor I, El.
	1	Factor II, El.
	1	Guinea, El.
	1	Higuillales, El.
	1	Intermedia Urbana, JHS.
	1	J.G. Padillas, JHS.
	1	J.W. Harris, El.
	1	José Limón de Arce Voc., HS
	1	Julio Seijo, El.
	1	La Milagrosa, El.
	1	Luis F. Pérez (Islote), El-JHS
	1	Llanadas, El.
	1	Manantiales, El.
	1	Montaña, El.
	1	Narciso Varona (Planta), El.
	1	Parcelas Hato Arriba, El.
	1	Puerto Largo, El.
	1	Río Arriba, El., JHS
	1	Roosevelt, El
	1	Rosa de León, El.
	1	Royal Commercial College, Business School
	1	San Felipe, El., JHS, HS
	1	San Rafael, El.
	1	Segunda Unidad Domingulto, El., JHS
	1	Segunda Unidad Dr. Cayetano Coll y Toste (Miraflores), El-JHS
	1	Segunda Unidad Esperanza, El., JHS
	1	Segunda Unidad Eugenio María de Hosto (Garrochales), El, JHS
	1	Segunda Unidad Federico Degetau, El., JHS
	1	Segunda Unidad Hato Viejo, El., JHS

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Puerto Rico

List of Schools Determined to have High Concentrations of Students from Low-Income Families For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
Arecibo cont.	1	Segunda Unidad Ramón E. Betances (Bajadero), El., JHS
	1	Segunda Unidad Sábana Hoyos, El., JHS
	1	Trina Padilla de Sanz, SHS
	1	University Gardens
	1	Víbora, El.
	1	Víctor Rojas I, El.
	1	Víctor Rojas II, El.
	1	Vigía, El.
	1	Zeno Gandía, El.
	1	Zenón Rivera, El.
Arroyo	1	Alberto Molina, El.
	1	Barriada Marín No. 1, El.
	1	Barrio Chardón, El.
	1	Carmen Boxello de Huyke, HS
	1	Cayetano Sánchez, El.
	1	Enrique Huyke, El.
	1	José de Choudens, JHS
	1	José M. de Massari, El.
	1	Nicasio Ledee, El.
	1	Palmarejo, El.
	1	Segunda Unidad Pitahaya, El.-JHS
	1	Segunda Unidad Yaurel, El.-JHS
Barceloneta	1	Agustín Balseiro (Palmas Altas), El.
	1	Búfalo I, El.
	1	Easton (Cruce Dávila), El.
	1	Fernando Suria Chávez, HS
	1	Imbery, El.
	1	Jesús M. Rivera, El.
	1	José Cordero Rosario (Garrapatas), El.
	1	Primitivo Marchand (Garrochales), El.
	1	Punta Palmas, El.
	1	Rafael Balseiro Maceiro, JHS
	1	Segunda Unidad Magueyes, El.-JHS
Barranquitas	1	Barrancas, El.
	1	Cañabón, El.
	1	Elemental Urbana, El.
	1	El Cortón, El.
	1	Farallón, El.
	1	José Berríos Berdecía, JHS
	1	La Tiza, El.
	1	La Torre, El.
	1	La Vega, El.
	1	Maná Abajo, El.
	1	Pedro Laboy, JHS
	1	Quebrada Grande I, El.
	1	Quebrada Grande II, El.
	1	Quebrada Grande III, El.
	1	Quebradillas, I, El.
	1	Segunda Unidad Helechal, El. JHS
	1	Segunda Unidad Lajitas, El. JHS
	1	Segunda Unidad La Loma, El. JHS
	1	Segunda Unidad Palo Hincado, El. JHS
	1	Superior, HS
Bayamón Norte	1	Academia Boschetti, El.
	1	Academia Discípulos de Cristo, El.
	1	Bayamón Gardens Intermedia, JHS
	1	Braulio Dueño Colón, El.
	1	Carrión Maduro, El.
	1	Colegio La Milagrosa, I-B
	1	Colegio La Salle, JHS, SHS
	1	Colegio Santa Rita, El, JHS, SHS
Bayamón Norte cont.	1	Colegio Santiago Apóstol, El.
	1	Colegio Santo Domingo, I-B
	1	Dr. Agustín Stahl, SHS
	1	Epifanio Fernández Vargas (Santa Mónica), El.
	1	José Dávila Semprit (Sierra Bayamón II), El.
	1	Juan Ramón Jiménez (Hato Tejas), JHS
	1	Liceo Hispanoamericano, SHS
	1	Luis Muñoz Rivera, El. JHS
	1	Metropolitan School of Commerce, SHS
	1	Millones (Hiram González) El.
	1	Miraflores, E.
	1	Pájaros Americanos, El.
	1	Papá Juan XXIII, JHS-SHS
	1	Rafael Hernández (Bayamón Gardens) El.
	1	Rafael Martínez Nadal (Hermanas Dávila), El.
	1	Rexville, El.
	1	Río Hondo Hato Tejas, El.
	1	Río Plantation Hato Tejas, El.
	1	Riverview, El.
	1	Saint Rosle School, 9-2
	1	Santa Elena, El.
	1	Sierra Bayamón, JHS
	1	Sierra Bayamón II (Dr. Santos J. Sepúlveda), El.
	1	Van Scoy, El.
	1	Van Scoy, JHS
	1	Villa España, El.
	1	Villa Rica (Juan Morell Campos), El.
	1	Virgilio Dávila (Hato Tejas), El.
Bayamón Sur	1	Academia Claret, El.
	1	Academia Discípulos de Cristo, JHS, SHS
	1	Academia Santa Rosa, I-B
	1	Alturas de Flamboyán, El.
	1	Ángel Mislán El.
	1	Bernardo Huyke (Pensacola), El.
	1	Caná, El.
	1	Centro de Estudio y Trabajo, El., JHS, SHS
	1	Cerro Gordo Aldea, El.
	1	Cervantes Saavedra (Lomas Verdes), SHS
	1	Colegio Ellinger Roig
	1	Colegio Luterano, El.
	1	Colegio Sagrada Familia, I-B
	1	Colegio San Agustín, El.
	1	Colegio San Miguel, El.
	1	Colegio Yasmín, El.
	1	Cristóbal Colón (Lomas Verdes II), El.
	1	Dajaos Centro (José M. Torres) El., JHS
	1	Diego de Torres Vargas (Santa Juanita), El.
	1	Flamboyán Gardens, El.
	1	Francisco Oller (Magnolia Gardens I), El.
	1	Guaraguao Arriba, El.
	1	Guaraguao Carretera, El.
	1	Guaraguao Centro, El.
	1	Guaraguao Rincón, El.
	1	Irlanda Heights, El.
	1	Jardines de Caparra, El.
	1	Jardines de Caparra, JHS, SHS
	1	José Andino y Amézquita (Parcelas J. Sánchez), El., JHS
	1	José A. Dávila, JHS
	1	José Campeche (Sta. Juanita), El.
	1	Josefita Monserrate Sellés (Lomas Verdes II), El.
	1	José Padín (Lomas Verdes), JHS

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Location	Code *	School Name
Bayamón Sur cont.	1	Juan Rivera (Dajaos Carretera), El.
	1	Julio Ressy (Centro Gordo), El.
	1	Lomas Verdes Nueva, El.
	1	Luis Pales Matos (Sta. Rosa) JHS, SHS
	1	Magnolia Gardens, El.
	1	María Felíú Balseiro (Lomas Verdes), JHS
	1	Miguel Meléndez Muñoz (Royal Town), JHS, SHS
	1	Montañez Aldea, El.
	1	Padre Rufo Hernández (Santa Juanita), El.
	1	Pájaros Puertorriqueños, El.
	1	Roberto Junghann, El.
	1	Royal Town, El.
	1	Santa Juanita X (Ángel Mislán), El.
	1	Santa Juanita IX, JHS
	1	Santa Rosa, El.
	1	Santa Olaya, I-B
	1	Segunda Unidad Barrio Nuevo, El., JHS
	1	Segunda Unidad Cacique Majagua (Buena Vista), El, JHS
	1	The American Business College, SHS
	1	Tomás Ongay, SHS
Cabo Rojo	1	Ballajá, El.
	1	Betances, El.
	1	Boriquen, El.
	1	Capilla, El.
	1	Colegio San Agustín, El., JHS
	1	Collores, El.
	1	Corozo, El.
	1	Delicias, El.
	1	Garfield, El.
	1	Garita, El.
	1	Guaniquilla, El.
	1	Luis M. Marín, HS
	1	Luis Muñoz Souffront, El.
	1	Matienzo, El.
	1	Pedro F. Colberg, El.
	1	Pedro N. Colberg, JHS
	1	Plan Bonito, El.
	1	Sabana Alta, El.
	1	Segunda Unidad Boquerón, El-JHS
	1	Segunda Unidad Llanos Tuna, El., JHS
	1	Segunda Unidad Puerto Real, El., JHS
	1	Segunda Unidad Monte Grande, El., JHS
Caguas	1	Abelardo Díaz Morales (Caguax), El.
	1	Aguayo Aldea, JHS
	1	Amalia H. Mangual, El.
	1	Andrés González, El.
	1	Anón, El.
	1	Antonio Longo, El.
	1	Antonio Paoli, SHS
	1	Antonio S. Pedreira, JHS
	1	Atravesada, El.
	1	Bairoa Adentro, El.
	1	Beatriz Carretera, El.
	1	Benita González, El.
	1	Barrio Tomás de Castro, El.
	1	Boneville, El.
	1	Brisas del Turabo, El.
	1	Bunker - Barrio Cañaboncito, El.
	1	Caguas City College, SHS
	1	Caguas Norte, El.
	1	Caserío Mercado, El.
	1	Centro de Estudio y Trabajo, El., JHS, SHS
Caguas cont.	1	Cipriano Manrique, El.
	1	Colegio Adventista, El.
	1	Colegio Bautista, El.
	1	Colegio Católico, El.
	1	Colegio San José, El.
	1	Diego Vázquez, El.
	1	Dr. Juan J. Osuna, El. - JHS
	1	El Hato, El.
	1	Fournier Business College, SHS
	1	Gerardo Selles Solá, JHS
	1	Hormigas (Ramón Santiago), El.
	1	Jardines de Caguas, El.
	1	Jesús T. Piñero - La Barra - Río Cañas, El. JHS
	1	José de Diego, El.
	1	José G. Benítez, HS
	1	Juan J. Osuna, El.
	1	Juan Navarro Lasierra, El.
	1	La Changa - Río Cañas, El.
	1	La Jurado, El.
	1	La Lima, El.
	1	La Veinticinco, El.
	1	Lizardi, El.
	1	Los Claudios, El.
	1	Luis Muñoz Grillo, El. - JHS
	1	Luis Muñoz Rivera, El.
	1	Luis Ramos González, JHS
	1	Maldonado, El.
	1	Manuela Toro, El.
	1	Manuel Cintrón, El.
	1	Mariolga, El.
	1	Miguel F. Chiques, El.
	1	Notre Dame, JHS, SHS
	1	Paula Mojica, El.
	1	Piñas Bo. Beatriz, El.
	1	Pradera, El.
	1	Ramón Bruqueras, El.
	1	República de Costa Rica (Vocational) HS
	1	Residencial Bairoa I, El.
	1	Residencial Bairoa II, El.
	1	Salvador Rodríguez, El.
	1	Santo Domingo, El.
	1	Secretarial High School, SHS
	1	Segunda Unidad Francisco Valdés, El., JHS
	1	Segunda Unidad Mercedes Palma, El., JHS
	1	Segunda Unidad Sandalio Marcano, El., JHS
	1	Teresita Avella, El.
	1	Turabo Gardens, El.
	1	Villa Blanca (Pepita Garriga), El.
	1	Villa Carmen (Rosa Benítez), El.
	1	Villa del Rey (Cuarta Sección), JHS
	1	Villa del Rey (John F. Kennedy), El.
	1	Villanueva (Charles E. Miner), El.
Camuy	1	Abra Honda José M. Hernández, El.
	1	Aceitunal, El.
	1	Camuy Arriba, Nicolás Hernández, El.
	1	Camuy Arriba (Parcelas), El.
	1	Cibao Lugo Joaquín Vázquez, El., JHS
	1	Ciénaga Adentro, El.
	1	Dr. Iguina Palomar, El.
	1	Echegaray Quebradas, El.
	1	Escuela Superior Pablo Avila González, JHS
	1	José Julián Acosta, JHS
	1	Julián Blanco Puertos, El.
	1	Laurentino Estrella, El.

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Location	Code *	School Name
Camuy cont.	1	Membrillo Ralph W. Emerson, El.
	1	Ocasio Cibao, El.
	1	Puente Pica, (Eugenio M. de Hostos), El.
	1	Puente Zarza Dr. García, El.
	1	Puertos Arriba, El.
	1	Santiago Péndula, El.
	1	Santiago Vega, El.
	1	Segunda Unidad Antonio Reyes, El., JHS
	1	Segunda Unidad Ramón Baldorioty de Castro El. JHS
	1	Segunda Unidad Santiago R. Palmer, El., JHS
	1	Yeguada Amador, El.
	1	Yeguada Arias, El.
	1	Zanja Plá, El.
Canóvanas	1	Cambalache, El.
	1	Contresana, El.
	1	Cubuy I y II, El.
	1	Cubuy Campamento, El.
	1	Cubuy Marina, El.
	1	Eugenio María de Hostos, El.
	1	La Central (Julia de Burgos), El.
	1	La Central (Anexo), El.
	1	Las 400, El.
	1	Las Parcelas Campo Rico, El.
	1	Lomas Coles, El.
	1	Lomas Consolidados, El.
	1	Lomas Tino, El.
	1	Luis Hernáiz Veronne, JHS, SHS
	1	Nuestra Señora del Pilar, El.
	1	Palma Sola, El.
	1	San Isidro, El.
	1	Segunda Unidad Campo Rico, El-JHS
Carolina	1	Amalia Expósito (Hoyo Mulas), El.
	1	Arrayanés I, El.
	1	Arrayanés II, El.
	1	Barrazas I, El.
	1	Barrazas II, El.
	1	Barrazas IV, El.
	1	Cacao Centro, El.
	1	Canovanillas 2, El.
	1	Cedros, El.
	1	Colegio Bautista, El.
	1	Colegio Cervantes, El.
	1	Colegio de Jesús, El.
	1	Colegio Consuelo Escalona, El.
	1	Colegio Inmaculada Concepción, El.
	1	Colegio María Auxiliadorea, I-8
	1	Colegio Nuestra Señora de la Piedad, I-8
	1	Colegio Santa Clara, I-8
	1	Colegio San Francisco de Jesús, I-8
	1	Colegio Santa Gema Galgani, El.
	1	Dr. Clemente Fernández, El.,
	1	Dr. Facundo Bueso, JHS
	1	Eduardo J. Saldaña, JHS
	1	Jardines de Country Club I, El.
	1	Jardines de Country Club II, JHS
	1	Jesús T. Piñero, El., JHS
	1	José M. Lázaro, JHS, SHS
	1	José S. Quiñones, El.
	1	Julia de Burgos, El., JHS
	1	Julio Vizcarrondo, SHS
	1	La Resurrección, El.
	1	Liceo Vistamar, El.
Carolina cont.	1	Los Angeles, El.
	1	Luis Muñoz Rivera, El.
	1	Martín González 2, El.
	1	Parcelas Buenaventura, El.
	1	Pascasio P. Sancérrit, El.
	1	Pedro Moczó Baniet, El.
	1	Pedro Rodríguez Oquendo, (Santa Cruz), El.
	1	Rolling Hills, El.
	1	Sabana Abajo, El.
	1	Sabana Gardens, El.
	1	Saint Just, El., JHS
	1	Salvador Brau, El., JHS
	1	Trujillo Bajo I, El.
	1	Trujillo Bajo II, El.
	1	Urb. Pública de Sabana Abajo El.
	1	Valle Arriba Heights, El.
	1	Villa Carolina I, El.
	1	Villa Carolina II, El.
	1	Villa Carolina III, El.
	1	Villa Carolina IV, JHS
	1	Villa Carolina V, SHS
	1	Villa Fontana, El.
Cataño	1	Centro de Artesanos (Ungraded Voc.)
	1	Centro de Estudio y Trabajo (Ungraded)
	1	Cucharillas II, El.
	1	Francisco Oller, HS
	1	Horace Mann, El.
	1	Isaac del Rosario, I-8
	1	La Pista, El.
	1	Maestro Rafael Cordero, El.
	1	María C. Vallo, El.
	1	Onofre Carballeira, JHS
	1	Puente Blanco, El.
	1	Ramón B. López Carlo (Juana Matos I), El.
	1	Rosendo Matienzo Cintrón, El.
	1	San Vicente de Ferrer, I-8
	1	Segunda Unidad Teodoro Roosevelt, El., JHS
Cayey	1	Alejandro Tapia (Vegas I), El.
	1	Benigno Carrión, El.
	1	Benigno Fernández García, JHS
	1	Benjamín Harrison, HS
	1	Campamento, HS
	1	Cedro, El.
	1	Cedro Carretera, El
	1	Consuelo Benes, El.
	1	Culebras Alto 2, El.
	1	Emérita León, JHS
	1	Emérita León, El.
	1	Emeterio C. Warren (Culebras Bajo), El.
	1	Estela Trías (Lapa), El.
	1	Félix Lucas Benet, El.
	1	Franklin D. Roosevelt (Matón Arriba), El.
	1	Gautier Benítez (Rincón Morrillo), El.
	1	Gerardo Selles Solá (Guavate), El., JHS
	1	Gildo Messó (Cercadillo), El.
	1	Guavate 2, El.
	1	Jájome Alto 2, El.
	1	José G. Padilla (Pasto Viejo), El.
	1	Julio Vizcarrondo (Matón Abajo), El.
	1	Luis M. Rivera, El.
	1	Manuel Corchado (Jájome Bajo), El.
	1	Manuel N. Collazo, El.
	1	Our Lady of Mercy El., JHS, SHS
	1	Ramón Frades (St. Thomas), El.

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Cayey cont.	1	Reparto Montellano, El.
	1	Rosendo Matienzo Cintrón (Farallón), El.
	1	Segunda Unidad Agustín Fernández Colón (montellano), El-JHS
	1	Segunda Unidad Eugenio María de Hostos, El-JHS
	1	Segunda Unidad Rexford G. Tugwell, El-JHS
	1	Vega 2, El.
	1	Yumurí, El.
Ceiba	1	A. Veve Ferrau, JHS
	1	Machos, El.
	1	Parcelas, El.
	1	Quebrada Seca, El.
	1	Río Abajo, El.
	1	Saco I, El.
	1	Saco II, El.
	1	Santa Rosa, El.
	1	Santiago I. Pantín, HS
Ciales	1	Cialitos Centro, El.
	1	Cialitos Cruces, El.
	1	Cordillera (Cristóbal Vicéns), El,
	1	Ernesto Valderas, JHS
	1	Francisco Coira, El.
	1	Hato Viejo Cumbre, El.
	1	Hato Viejo Puente, El.
	1	Horace Mann, El.
	1	Jaguas Santa Clara, El.
	1	Juan Ríos Serpa, SHS
	1	Nuestra Señora del Rosario, El.
	1	Pesa Parcelas, El.
	1	Pozas Lanadas (Jaime Coira), El.-JHS
	1	República del Ecuador (Cialitos Portón), El
	1	Segunda Unidad Francisco Serrano (Pesa), El-JHS
	1	Segunda Unidad Toribio Rivera (Frontón), El-JHS
	1	Seraffn Otero (Pozas Maricaoba), El.
	1	Toro Negro Divisoria, El.
Cidra	1	Barrio Arenas, El.
	1	Barrio Bayamoncito, El.
	1	Barrio Beatriz Adentro, El.
	1	Barrio Ceiba, El.
	1	Barrio Rabanal, El.
	1	Barrio Río Abajo, El.
	1	Barrio Salto, El.
	1	Barrio Sud, El.
	1	Beatriz Carretera, El., JHS
	1	Ceiba II, El.
	1	Certenejas I, El.
	1	Certenejas II, El.
	1	Elemental Primaria, El.
	1	Hervia C, El.
	1	Honduras I, El.
	1	Honduras II, El.
	1	Jesús T. Piñero Y Anexos, JHS
	1	Laberinto, El
	1	Luis Muñoz Rivera, SHS
	1	Luis Muñoz Rivera y Anexos, El.
	1	Montellanos LB
	1	Montellanos 2, El.
	1	Parcelas Gándara, El.
	1	Parcelas Hevia I A, El.
	1	Parcelas Santa Clara, IA, El.
Cidra cont.	1	Parcelas Santa Clara, IB, El.
	1	Sector Cortés, (Barrio Rabanal), El.
	1	Segunda Unidad Rincón, El., JHS
	1	Segunda Unidad Stubbe, El., JHS
Coamo	1	Coamo Arriba, El.
	1	Cuyón, El.
	1	
	1	F. Santiago, HS
	1	Guayabo, El.
	1	Hostos, El.
	1	Intermedia Urbana, JHS
	1	José R. Rodríguez, El.
	1	Meléndez, El.
	1	P. Rodríguez, El.
	1	Palmarejo, El.
	1	Pedro García, El.
	1	Pulguitas Adentro
	1	Pulguitas Carretera
	1	Quebrada Grande, El.
	1	Río Jueyes, El.
	1	Rufino Huertas, El.
	1	Ruiz Belvis, El.
	1	San Diego, El.
	1	Santa Ana, El.
	1	Segunda Unidad Hayales, El., JHS
	1	Segunda Unidad Llanos, El., JHS
	1	Segunda Unidad Santa Catalina, El., JHS
Comerío	1	Cedrito, El.
	1	Cejas, El.
	1	Cuba Libre, El.
	1	Doña Elena Abajo, El.
	1	Doña Elena Alta, El.
	1	Doña Elena Zamora, El.
	1	El Verde I, El.
	1	El Verde 2, El.
	1	Escuela Secundaria, JHS HS
	1	Higuero, El.
	1	Horace M. Towneer-Pedro N. Ortiz, El.
	1	La Prieta, El.
	1	Manuel Espina, El.
	1	Palomas, XI, El.
	1	Parcelas, El.
	1	Piñas Abajo, El.
	1	Piñas Arriba, El.
	1	Río Hondo Arriba, El.
	1	Salto, El.
	1	Segunda Unidad Ramón Ayala (Palomas), El., JHS
	1	Segunda Unidad Río Hondo, El., JHS
	1	Segunda Unidad Sabana, El., JHS
	1	Vega-Redonda, El.
Corozal	1	Abraham Lincoln-Anexo Rafael Martínez Nadal, El.
	1	Abras Centro, El.
	1	Abras Maravilla, El.
	1	Barrio Negro, El.
	1	Barrio Pueblo (Fidel López Colón), El.
	1	Centro Educación y Trabajo
	1	Cibuco, El.
	1	Colegio de la Sagrada Familia, El.
	1	Dos Bocas I, El.

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Corozal cont.	1	Dos Bocas II, El.
	1	Emilio R. Delgado, HS
	1	Hormigas I, El.
	1	Hormigas II, El.
	1	Maná, El.
	1	Maná Quebrada Fría, El.
	1	Manuel Bou Galf, JHS
	1	Padilla Ermita, El.
	1	Palmarito Centro I y II, El.
	1	Palos Blanco Carretera, El.
	1	Palos Blanco Centro, El.
	1	Palos Blanco Cebeo, El.
	1	Palos Blanco Parcelas Medina, El.
	1	Rafael Martínez Nadal, El.
	1	Segunda Unidad Dr. Jospe Padín, El., JHS
	1	Segunda Unidad Julián Marrero, El., JHS
	1	Segunda Unidad Nicolás Rodríguez, El., JHS
	1	Segunda Unidad Palmarito Carreteria, El., JHS
Culebra	1	Antonio R. Barceló, JHS
	1	Escuela Nueva, El., JHS
	1	Franklin D. Roosevelt, El.
	1	Luis Muñoz Rivera, El.
Dorado	1	Espinosa Parcela, El.
	1	Jacinto López Martínez, El.
	1	José de Diego, El.
	1	José S. Alegría, SHS
	1	Kuilan, El.
	1	Luis Muñoz Rivera, El.
	1	Pedro López Camino-Espinosa, El., JHS.
	1	Ricardo Arroyo Laracuente, JHS
	1	Río Lajas, El.
	1	San Antonio, El.
	1	Santa Rosa, El.
	1	Segunda Unidad Maguayo, El-JHS
Fajardo	1	Antonio Valero de Bernabé, JHS
	1	Cabezas, El.
	1	Caserío Veve Calzada, El.
	1	Centro de Adultos, El, JHS, SHS
	1	Colegio Iglesia Evangélica Unidad, El.
	1	Colegio Santiago Apostol, El-JHS
	1	Escuela Monte Brisas, El.
	1	Escuela Superior Nueva, HS
	1	Eugenio Brac, El.
	1	Florencio, El.
	1	Gabino Soto, El.
	1	Pedro Rosario Nieves, El.
	1	Peñón, El.
	1	Puerto Real, El.
	1	Quebrada Vueltas, El.
	1	Ramón Q. Pacheco, El.
	1	Volantín, El.
Florida	1	Adolfo Eguen (Pajonal), El.
	1	Ceiba, El.
	1	Comunidad Arroyo, El.
	1	Francisco Frías Morales, El.
	1	Juan Ponce de León, JHS-HS
Guánica	1	Agripina Seda, JHS
	1	Amalia Sanabria, El.
	1	Ceferino Colón Lucas, El.
Guánica cont.	1	Elsa Couto Anonni, El.
	1	Escuela Beata Imelda, El.
	1	Franklin D. Roosevelt, HS
	1	Fraternidad, El.
	1	James A. Garfield, El.
	1	José Rodríguez Soto, El.
	1	La Luna (Carenero), El.
	1	Luis Muñoz Rivera, El.
	1	Magueyes, El.
	1	María Rosario Cruz Claudio, El.
	1	María L. McDougall, El.
	1	Salinas, El.
	1	Teresita N. Siurano, JHS
Guayama	1	Algarrobos, El.
	1	Barrancas, El.
	1	Carite Chino, El.
	1	Carite Cambrene, El.
	1	Caimital, El.
	1	Carmen, El.
	1	Cautiño, El.
	1	Centros de Estudio y Trabajo, El-JHS-HS
	1	Cimarrona, El.
	1	Colegio San Antonio, 1-8
	1	Colegio San Antonio, HS
	1	Corazón, El.
	1	J. E. Derkes, El.
	1	López Landrón, HS
	1	Luis A. Rivera, JHS
	1	Luis Muñoz Rivera, El.
	1	Luis Palés Matos, El.
	1	Marín, El.
	1	Mosquito, El.
	1	Olimpo, El.
	1	Palmas, El.
	1	Pozuelo, El.
	1	Puerto de Jobos, El.
	1	Rafael López Landrón, SHS
	1	Segunda Unidad Guamaní, El-JHS
	1	Segunda Unidad Puente de Jobos, El-JHS
	1	Simón Madera, JHS
	1	Urb. Mínima Guamaní, El.
	1	Vicente Palés Anés, El.
	1	Washington, El.
Guayanilla	1	A. Cales Quiros, JHS
	1	Arturo Lluberas, El.
	1	Cedro, El.
	1	Colegio Inmaculada Concepción, 1-8
	1	Consejo, El.
	1	Francisco Rodríguez López, HS
	1	Indios, El.
	1	Jagua Pasto I, El.
	1	Jagua Tuna, El.
	1	Luis Muñoz Rivera, El.
	1	Llano, El.
	1	Macana Parcelas, El.
	1	Macana Santoni, El.
	1	Magas Abajo, El.
	1	Magas Arriba, El.
	1	Mario Mercado, El.
	1	Padre Nazario, El.
	1	Playa I, El.
	1	Playa II, El.
	1	Quebrada Honda Abajo, El.
	1	Quebradas, El.

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Location	Code *	School Name
Guayanilla cont.	1	Rafael Dapena, El.
	1	Segunda Unidad Pasto, El-JHS
	1	Sierra Baja, El.
	1	Sitios, El.
Guaynabo	1	Academia Wesleyana (Camino Alejandrino) El., JHS, SHS
	1	American Military Academy, El-JHS, SHS
	1	Baldwin School of Puerto Rico, 1-8
	1	Bernardo Huyke, El.
	1	Camarones Carretera III, El.
	1	Camarones Carretera IV, El.
	1	Camarones Centro, El.
	1	Caribbean Consolidates School (Parkville), El.
	1	Canta Gallo, El.
	1	Centro Oportunidades Educativas, SHS
	1	Centro de Recursos Humanos (Ungraded Voc.)
	1	Colegio Adrianes, El.
	1	Colegio Alejandrino, 1-8
	1	Colegio Marista, El. JHS, SHS
	1	Colegio Rosa Bell, El.
	1	Colegio Sagrado Corazones (Urb. Muñoz Rivera), El.
	1	Colegio San Pedro Mártir de Verona, 1-8
	1	Frailes Alto Rural, El.
	1	Frailes - Sector Piedra Blanca, El.
	1	Hato Nuevo, El.
	1	Hogar Estatal de Niños, 1-8
	1	Island School (Caparra), El, JHS, SHS
	1	Juana Ramos, El.
	1	Juan Ramón Ocasio (Polvorín), El.
	1	Lincoln Military Academy, 1-8
	1	Los Alamos, El.
	1	Luis Muñoz Rivera, I, El.
	1	Luis Muñoz Rivera II, El.
	1	Mamey II (Centro), El.
	1	Mamey I (José de Diego), El.
	1	Margarita Janer, SHS
	1	Nuestra Señora de Belén, 1-8
	1	Parkville, JHS
	1	Ponce de León, JHS
	1	Rafael Hernández (Parcelas Gueraguao), El.-JHS
	1	Rafael Martínez Nadal, JHS
	1	Ramón Marín, 1-8
	1	Rosalina C. Martínez, JHS-SHS
	1	Román Baldorioty de Castro, El.
	1	San José, 1-8
	1	San José, 9-12
	1	Santa Rosa I, El.
	1	Santa Rosa II, El.
	1	Santa Rosa III, El.
	1	Santiago Iglesias, El.
	1	Segunda Unidad Mariano Abril, El, JHS
	1	Sonadora Alta, El.
Gurabo	1	Campamento, El.
	1	Celada Carretería, El.
	1	Celada Centro, El.
	1	Hato Nuevo, El.
	1	Jagual, El.
	1	Jaguas, El.
	1	Luis Muñoz Rivera, El.
	1	Mamey I, El.
	1	Masas 2, El.
	1	Matías G. García, JHS
Gurabo cont.	1	Navarro, El.
	1	Rincón, El.
	1	Segunda Unidad Santa Rita, El-JHS
	1	Superior, HS
Hatillo	1	Adrián Martínez Gandía, El.
	1	Campo Alegre, El-JHS-HS
	1	Corcobados, El.
	1	Domingo Arana, El.
	1	Eugenio M. de Hostos (Carrizales), El.
	1	Joaquín Rodríguez Ruiz (Naranjito), El.
	1	Juliet A. Casey, JHS
	1	Lorenzo-Caballes Gandía, HS
	1	Luis Muñoz Rivera (Capaes), El.
	1	Manuel Corchado (Aibonito), El.
	1	Nuestra Señora del Carmen, 1-8
	1	Roosevelt, El.
	1	Rosa E. Molinary, El.
	1	Segunda Unidad Bayaney, El-JHS
	1	Segunda Unidad Pajuil, El-JHS
Hormigueros	1	Ana Pagán de Rodríguez (Parcelas), El.
	1	Gerardo González, El.
	1	Jaquitas, El.
	1	Miguel A. Rivera, El.
	1	Rafael Hernández (Lavandero), El.
	1	Segunda Ruiz Belvis, JHS-HS
	1	Valle Hermoso, 1-8
Humacao	1	Academia Adventista, El.
	1	Academia San José, 1-8
	1	Ana Roqué, 9-12
	1	Antonia Sáez, El.
	1	Asunción V. López (Candelero Abajo), El.
	1	Candelero Arriba (Cándido Berríos), El.
	1	Carmen A. Martínez (Río Abajo), El.
	1	Caserío Roig (Antonio Roig), El.
	1	Cataño, El.
	1	Colegio San Antonio Abad, JHS-SHS
	1	El Junquito (Víctor Rincón), El.
	1	Julia Hernández, El.
	1	José Figueroa (Caserío Mabú), El.
	1	Luis Muñoz Rivera (Escuela Libre de Música) Ungraded
	1	Mambiche Blanco III
	1	Mambiche Blanco I (Herminia Rodríguez), El.
	1	Mambiche Blanco III (Sabina Cádiz), El.
	1	Mambiche Blanco II, El.
	1	Mambiche Prieto, El.
	1	Mariana II (Juan de Dios López), El.
	1	Mariana III (Manuel Zurrillo), El.
	1	Padre Rivera, El.
	1	Parcelas Antón Ruiz, El.
	1	Parcelas Martínez, El.
	1	Patagonia, El.
	1	Ponce de León, JHS
	1	Punta Brava, El.
	1	Rufino Vigo, El.
	1	Segunda Unidad Buena Vista, El-JHS
	1	Segunda Unidad Collores, El.-JHS
	1	Segunda Unidad Pasto Viejo, El.-JHS
	1	Segunda Unidad Punta Santiago, El.-JHS
	1	Tejas II (Adrián Medina), El.
Isabela	1	A. Geigel Paredes (La Curva), El.
	1	Colegio San Antonio, El-JHS-HS

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Location	Code *	School Name
Isabela cont.	1	Emilia C. Vda, Abreu, El.
	1	Epifanio Estrada (Cotto Parcelas), El.
	1	Francisco Mendoza, HS
	1	García (Galateo Alto), El.
	1	Harding (Planas 2), El.
	1	Hostos (Arenales Altos), El.
	1	José G. Padilla (Sector Poncito-Llanadas), El.
	1	José Julián Acosta (Bejucos), El.
	1	José L. Rafals, El.
	1	Korea (Arenales Bajo), El.
	1	La Planta (Arenales Bajos), El.
	1	Las Cruces (Planas) El.
	1	Luis Muñoz Rivera, JHS
	1	Mantilla (Arenales Altos), El.
	1	Manuel Corchado, El.
	1	Marcos García (Bo. Guayabo), El.
	1	Mateo Hernández (Bo. Guayabo,), El.
	1	McKinley (Planas), El.
	1	M. Rosado (Arenales Altos), El.
	1	Parcelas Huyke (Jobos), El.
	1	Parcelas Mora-Guerrero, El.
	1	P. Román (Arenales Alto), El.
	1	Segunda Unidad José A. Vargas (Llanadas), JHS
	1	Segunda Unidad José C. Rosario (Mora), JHS
	1	Sellés (Arenales Bajo), El.
	1	Ulysses S. Grant (Jobos), El.
	1	U. Pellot (Galateo Bajo), El.
Jayuya	1	Elemental Urbana, El.
	1	Gripiñas, El.
	1	Hoyos, El.
	1	Intermedia Urbana, JHS
	1	Jaguca, El.
	1	Limón, El.
	1	Puerto Plata, El.
	1	Río Grande, el.
	1	Saliente 1-8
	1	Salientito, El.
	1	San Patricio, El.
	1	Santa Clara, El.
	1	Segunda Unidad Coabey, El-JHS
	1	Segunda Unidad Collores, El-JHS
	1	Segunda Unidad Mameyes, El-JHS
	1	Superior Urbana, HS
	1	Yunes, El.
	1	Zamas, El.
	1	Zarzas, El.
Juana Díaz	1	Aguilita, El.
	1	Carmen Flores, El.
	1	Centro de Educación y Trabajo, El-JHS-HS
	1	Cerro, El.
	1	Colegio San Ramón, El-JHS-HS
	1	Com. Cristina, El.
	1	Corral Falso, El.
	1	Cuatro Calles, El.
	1	Cuevas, El.
	1	Cuevitas, El.
	1	Felipe Colón, JHS
	1	Guaraguao Eladio Pagán, El.
	1	Hayes, El.
	1	Jacaguas, El.
	1	Juan B. Romeu, El.
	1	Luis Llorens Torres, HS
	1	Lomas (Juanita Rivera), El.
Juan Díaz cont.	1	Magas, El.
	1	Manuel Fernández Juncos, El.
	1	Manzanilla, El.
	1	Naranjos, El.
	1	Pastillito, El.
	1	Piedra Aguzada, El.
	1	Provincias, El.
	1	Rábanos, El.
	1	Segunda Unidad Carrión (Arús), El.- HS
	1	Segunda Unidad Pastillo, El. JHS.
	1	Segunda Unidad Salvador Busquets, El. - JHS
	1	Segunda Unidad Zoilo Gracia (Collores), El. JHS.
Juncos	1	Agustín Dueño
	1	Alfonso Díaz Lebrón, HS
	1	Caimito I, El.
	1	Ceiba Norte Parcelas, El.
	1	Ceiba Sur, El.
	1	Fray Angel de la Concepción, El.
	1	Fulgencio Piñero, JHS
	1	Lirios, El.
	1	Lirios Dorados, El.
	1	Placita, El.
	1	Sector 400, El.
	1	Segunda Unidad El Mangó, El-JHS
	1	Segunda Unidad Valenciano, El-JHS
	1	Teodoro Delfaus (Canta Gallo), El.
	1	Tomás Hernández, El.
	1	Valencia, El.
Lajas	1	A. Grant Pardo y Anexos, El.
	1	Academia San Luis, JHS
	1	Alejandro Tapia y Anexo, El.
	1	Antonio Pagán, El.
	1	E. Alvarez López, El.
	1	Escuela Nueva Kennedy, El.
	1	Luis Muñoz Rivera, JHS-HS
	1	Olivares-Parcelas, El.
	1	Perry, El.
	1	Ricardo Martí y Anexo (Arturo M. Dávila), El.
	1	R. Matienzo Cintrón (Lajas Arriba), El.
	1	Santa Rosa, El.
	1	Segunda Unidad Palmarejo, El-JHS
	1	Tomás A. Edison, El.
Lares	1	Aurelio Méndez, El.
	1	Bernardo Pagán, El.
	1	Colegio San José , El-JHS
	1	Consuelo González (Dr. Sein), El.
	1	Domingo Aponte, HS
	1	Escuela Secundaria Castañer, (Gabriela Mistral JHS-HS)
	1	Espino Arrillaga, El.
	1	Espino Oliver, El.
	1	Espino S. Lugo, El.
	1	Espino Tabonuco, El.
	1	Esteban Vargas, El.
	1	Francisco Vizcarrondo, El.
	1	González Bello, El.
	1	Gregorio Rivera, El.
	1	Henry Clay, El.
	1	Jorge Washington, El.
	1	Juan C. Pagán, El-JHS
	1	La Matilde, El.
	1	Los Vélez, El.

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Location	Code *	School Name
Lares cont.	1	Manuel Rojas, El.
	1	Mariana Bracetti, El,
	1	Mariano Reyes, El.
	1	Pedro Cabán, El.
	1	Pedro Colón, El.
	1	Piletas Arce, El.
	1	Piletas Bayon, El.
	1	Piletas Castro, El.
	1	Rábanos, El.
	1	Rafael Martínez Nadal, JHS
	1	Santiago Delgado, El.
	1	Santiago R. Palmer, El.
	1	Segunda Unidad Bartolo, El-JHS
	1	Segunda Unidad La América, El-JHS
	1	S.U. Lares, El. JHS
	1	Segunda Unidad Piletas, El-JHS
	1	Vicente Viñas, El.
	1	Virgilio Acevedo, El.
Las Marías	1	Altosano, El.
	1	Anones Rural, El.
	1	Bryan, El.
	1	Bucarabones, El.
	1	Buena Vista Rural, El.
	1	Casas Novas, El.
	1	Casey, El.
	1	Chamarro, El.
	1	Consumo, El.
	1	Espino, El.
	1	Eugenio María de Hostos, JHS
	1	Furnias, El.
	1	Guacio, El.
	1	Lagunas, El.
	1	Naranjales, El.
	1	Palma Escrita, El.
	1	Pura Concepción, El.
	1	Río Cañas, El.
	1	Las Marías, El.
	1	Segunda Unidad Anones, El-JHS
	1	Segunda Unidad Buena Vista, El-JHS
Las Piedras	1	Alberto Molina, El.
	1	Arenas, El.
	1	Arturo Martínez (Barrio Collores), El.
	1	Benito Medina (Tejas 2), El.
	1	Carmen Benítez, El.
	1	Fernando Roig y Anexo, JHS
	1	José Collazo, El.
	1	José de Diego, El.
	1	La Fermina, El.
	1	La Romana, El.
	1	Lijas, El.
	1	Luis Muñoz Rivera, El.
	1	Matías Rivera, El.
	1	Moisés Castro (Tejas), El.
	1	Montones 4 (José O. Zayas), El.
	1	Quebrada Grande, El.
	1	Ramón Power y Giralt, JHS-HS
	1	Santiago V. Calzada, El.
	1	Tomás A. Edison, El.
Loiza	1	Belén Blanas de Zequeira, El.
	1	Carlos Escobar López, JHS-HS
	1	Las Parcelas (Suárez), El.
Loíza cont.	1	Canta Gallo, El.
	1	Escuela Secundaria Urbana, JHS-HS
	1	Fortuna Carretera Urbana, El.
	1	Fortuna Playa, El.
	1	Juan Martín C., El.
	1	Las Viudas, El.
Luquillo	1	Mata de Plátano, El.
	1	Pitahaya, El.
	1	Río Chiquito, El.
	1	Rosendo Matienzo Cintrón, El.
	1	Segunda Unidad de Sabana, El.-JHS
	1	Vallecillo, El.
Manatí	1	Academia Discípulos de Cristo, El.
	1	Cantera, El.
	1	Cantito, El.
	1	Clemente Ramírez Pueblito, El.
	1	Colegio La Inmaculada, El.-JHS, SHS
	1	Colegio Marista (JHS, SHS)
	1	Cruz Rosa Nieves (Tierras Nuevas), El.
	1	Evaristo Camacho (Pinzón), El.
	1	Félix Cordova Dávila, El.
	1	Fernando Callejo, SHS
	1	Francisco Meléndez Balbanes, El.
	1	Jesús T. Piñero, JHS
	1	José A. Montañez Genaro, HS
	1	José de Diego, El.
	1	Josefa Rivera Miranda (San José), El.
	1	José Meléndez Ayala (Boquilla) El.
	1	José Severa Quiñonez, JHS
	1	Rabanos, El.
	1	Segunda Unidad Antonio Vélez Alvarado (Campo Alegre), El-JHS
	1	Segunda Unidad Montebello, El-JHS
	1	Teodomiro Taboas, El.
	1	Trinidad Algarín (Polvorín), El.
Maricao	1	Alerta I, El
	1	Indiera Alta K.M 27, El
	1	Indiera Alta K.M 30, El
	1	Indiera Baja, El.
	1	Indiera Fría 1, El.
	1	Mariana Bracetti, El
	1	Montoso, El.
	1	Rafael Janer, El.
	1	Raúl Ibarra, JHS, SHS
	1	Segunda Unidad Francisco Vicenti, El-JHS
	1	Vizcarrondo I, El.
Maunabo	1	Alfonso Casta Martínez, JHS
	1	Alfonso Casta Martínez, HS
	1	Bordaleza, El.
	1	Calzada, El.
	1	Corozal, El.
	1	Escuela Martiani, El.
	1	Escuela Metodista, El.
	1	José S. Navarro, El.
	1	Lucila Montes, El.
	1	Matuyas Bajo, El.
	1	Playa, El.
	1	Quebrada Arena, El.
	1	Segunda Unidad Manuel Ortíz Suya, El, JHS

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Maunabo cont.	1	Talante, El.
	1	Tumbao, El.
Mayaguez	1	Academia Advenista del Oeste, El.-JHS
	1	Antillian College, HS
	1	Asenjo, El.
	1	Bo. Naranjales, El.
	1	Castillo, El.
	1	Centro de Educación y Trabajo, El-JHS
	1	Centro de Ocupaciones Múltiples, Ungraded
	1	Centro Residencial de Oportunidades Educativas, HS
	1	City College, HS
	1	Charles T. Irizarry, El.-JHS
	1	Clemencia, El.
	1	Colegio San Benito, El.
	1	Colegio La Milagrosa, El, JHS, SHS
	1	Condordia, El.
	1	Cuesta de Piedras, El.
	1	Dr. Pedro Perea Fajardo, HS
	1	Episcopal San Andrés, El.
	1	Ernesto Ramos Antonini, Ungraded
	1	Escuela Central Presbiteriana, 1-8
	1	Escuela Industrial Para Jóvenes, El-JHS
	1	Escuela Marini, El-JHS
	1	Eugenio Ma. de Hostos, HS
	1	Farragut, El.
	1	Francisco Bacó Soria, El.
	1	Francisco Vicenty, El.
	1	Franklin D. Roosevelt, El.
	1	Inmaculate Conception Academy, El-JHS, SHS
	1	José de Diego, HS
	1	José Gautier Benítez, JHS
	1	La Alicia, El.
	1	Las Mesas, El.
	1	Limon, El.
	1	Luis Muñoz Rivera, El.
	1	Malezas, El.
	1	Manuel A. Barreto, JHS
	1	Manuel Fernández Juncos, El.
	1	María D. Faría, JHS
	1	Mariano Riera Palmer, El.
	1	Mar y Sol, El.
	1	Mayaguez Arriba, El.
	11	Miradero I, El.
	1	Miradero 2, El.
	1	Neighborhood House (Marina House), El.
	1	Our Lady of Mount Carmel, 1-8
	1	Parcelas La Soledad, El.
	1	Parcelas Rolón, El.
	1	Qda. Grande 3 - Clemencia, El.
	1	Qda. Grande 4 - Quenepo, El.
	1	Qda. 5 y 6 Cruces, El.
	1	Quemado, El.
	1	Rafael Martínez Nadal, El.
	1	Ramón Valle Seda, El.
	1	Río Cañas Abajo, El.
	1	Río Cañas Arriba, El.
	1	Río Hondo El Sabalos Gardens, El.
	1	Sabalos Nuevos, El.
	1	Sabaneta Alemany, El
	1	Sabanetas Manf, El-JHS
	1	Segundo Ruíz Belvis, El.
	1	Theodore Roosevelt, El.
Moca	1	Aceitunas, El-JHS
	1	Aceitunas Reyes Muñoz, El.
	1	Antonio Babilonia Quiñones, JHS
	1	Antonio S. Pereira, HS
	1	Capa Bosques, El.
	1	Capa LaSalle, El.
	1	Centro, El.
	1	Cerro Gordo L, El.
	1	Cerro Gordo M, El.
	1	Cerro Gordo Parcelas, El.
	1	Climaco Sánchez, El.
	1	Cruz Acevedo, El.
	1	Cuba, El.
	1	Cuchillas Cordero, El.
	1	Cuchillas Ferrer. El.
	1	Félix Vale , El.
	1	Jorge Washington, El.
	1	La Loma, El.
	1	Marías I, El.
	1	Marías 2, El.
	1	Marías 3, El.
	1	Naranjo , El.
	1	Naranjo Sequf, El.
	1	Pedro Acevedo Rivera, El.
	1	Plata Alta, El.
	1	Plata Baja, El.
	1	Segunda Unidad Cuchillas, El-JHS
	1	Segunda Unidad Voladoras, El-JHS
Morovis	1	Alonso del Río, JHS
	1	Barrio Arraijanes, El.
	1	Barrio Franquez, El.
	1	Barrio Pasto Núm. 1, El.
	1	Barrio Pasto Núm. 2, El.
	1	Barrio San Lorenzo, El.
	1	Barrio Vaga No. 1, El.
	1	Dr. Pedro N. Ortíz, El.
	1	Elemental Urbana (Durotex), El.
	1	Escuela Superior, HS
	1	Esperanza González, El.
	1	Jobos, El.
	1	Parcelas Torrecillas, El.
	1	Perchas Díaz, El.
	1	Segunda Unidad Barahona, El-JHS
	1	Segunda Unidad José Barreras, El-JHS
	1	Segunda Unidad Morovis Sur, El-JHS
	1	Torrecillas 1, El.
	1	Unibón Centro, El.
	1	Vaga No. 3, El.
Naguabo	1	Barrio Río, El.
	1	Bo. Florida, El.
	1	Bo. Maizales, El.
	1	Duque Quebrada Grande, El.
	1	Escuela Adventista, El.
	1	Eugenio Brac, El.
	1	Intermedia Urbana (Nueva), JHS
	1	José Ortíz Guzmán, JHS

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Naguabo cont.	1	La Mina, El.
	1	María Parcelas, El.
	1	Peña Pobre Abajo, El.
	1	Peña Pobre Arriba, El.
	1	Peña Pobre Parcela, El.
	1	Playa Hucares, El.
	1	Playa Parcelas, El.
	1	Rafael Rocca, HS
	1	Ramón Rodríguez, El.
	1	Santiago y Lima, El.
	1	Segunda Unidad Daguao, El-JHS
	1	Segunda Unidad Mariana, El-JHS
	1	Segunda Unidad Río Blanco, El-JHS
Naranjito	1	Academia Santa Teresita, JHS, HS
	1	Anones Centro 1, El.
	1	Anones Centro 2, El.
	1	Anones Díaz, El.
	1	Anones Don Tito, 1-8
	1	Bo. Cedro Abajo, 1-8
	1	Bo. Cedro Arriba Feijo, El.
	1	Bo. Lomas Centro, El-JHS
	1	Bo. Lomas Valles, El.
	1	Bo. Nuevo Don Manolo, El.
Naranjito	1	Bo. Nuevo Hevia, El.
	1	Guadiana Altos, El.
	1	Guadiana Cabrera, El.
	1	Guadiana Chinea, El.
	1	José Archilla Cabrera, El.
	1	Lomas Jaguas, El.
	1	Mercedes Rosado, JHS
	1	Mulitas 2, El.
	1	Segunda Unidad Fidel G. Padilla, El-JHS
	1	Segunda Unidad Pedro Fernández, El-JHS
	1	Superior Urbana, HS
Orocovis	1	Barros 2, El.
	1	Cacao Alturita, El.
	1	Cacao Hacienda, El.
	1	Colegio San Juan Bautista, El.
	1	Collores, El.
	1	Damián Abajo, El.
	1	Damián Arriba 1, El.
	1	Damián Arriba 2, El.
	1	Doña Juana, El.
	1	Elemental Urbana, El.
	1	Gato 2, El.
	1	Intermedia Urbana, JHS
	1	José Rojas Cortés, HS
	1	La Francia, El.
	1	Mata de Caña, El.
	1	Ortiga, El.
	1	Pellejas 2, El.
	1	Sábana 1, El.
	1	Saltos Coli, El.
	1	Segunda Unidad Bauta Arriba, El-JHS
	1	Segunda Unidad Bermejales, El-JHS
	1	Segunda Unidad Botijas 1, El-JHS
	1	Segunda Unidad Botijas 2, El-JHS
	1	Segunda Unidad Gato 1, El-JHS
	1	Segunda Unidad Matrullas, El-JHS
	1	Segunda Unidad Saltos Cabra, El-JHS
	1	Segunda Unidad Sanamuertos, El-JHS
	1	Tofingo, El.
Patillas	1	Apeadero, El.
	1	Cacao Abajo, El.
	1	Campusu, El.
	1	Cecilio Lebrón Ramos, HS
	1	Francisco Zenón Gely (Río Arriba), El.
	1	Guillermo Rielkol (El Bajo), El.
	1	Intermedia Urbana, JHS
	1	Jacaboa, El.
	1	Jagual, El.
	1	Lamboglia, El.
	1	Los Barros, El.
	1	Los Pollos, El.
	1	Los Ríos, El.
	1	María Dávila Semidey, El.
	1	Marín Alto, El.
	1	Marín Bajo, El.
	1	Mulas 1, El.
	1	Oben, El.
	1	Quebrada Arriba 1, El.
	1	Quebrada Arriba 2, El.
	1	Ramón Lebrón (Mamey), El.
	1	Segunda Unidad Manuel Mendía Moret (Guadarraya), El-JHS
	1	Segunda Unidad Real, El-JHS
	1	Tomás Vera (Recio), El.
Peñuelas	1	Adolfo Grana Rivera, HS
	1	Barreal 1-4, El.
	1	Cerrote, El.
	1	Coto 1, El.
	1	Coto 2, El.
	1	Corozal, El.
	1	Ismael Maldonado 1-2, El.
	1	Jaguas 1, El.
	1	Jaguas 2, El.
	1	Kennedy, El.
	1	La Gelpa, El.
	1	Macana 1, El.
	1	Macana 2, (Mal Paso), El.
	1	Rucio 1, El.
	1	Segunda Unidad Encarnación, El-JHS
	1	Segunda Unidad Santo Domingo, El-JHS
	1	Tallaboa Alta 1, El.
	1	Tallaboa Alta 2, El.
	1	Tallaboa Alta 3, El.
	1	Tallaboa Alta 4, El-JHS
	1	Tallaboa Poniente 1-2, El.
	1	Webster, El.
	1	Webster, JHS
Ponce	1	Abraham Lincoln.El
	1	Academia Cristo Rey, El, JHS, SHS
	1	Academia Santa María, El, JHS, SHS
	1	Andres Grillasca, El
	1	Arístides Chavier, Ungraded
	1	Bda. Borinquen, El.
	1	Capitanejo, El.
	1	Cárcel del Distrito, El, JHS, SHS
	1	Cerrillo, El.
	1	Cerrillo Hoyos, El.
	1	Ciriaco González, El.
	1	Clemente Batolomei, El.
	1	Comunidad Rural Canas, El.
	1	Dr. Alfredo Aguayo, JHS, SHS

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Location	Code *	School Name
Ponce cont.	1	Dr. José C. Barbosa, El.
	1	Dr. Pila, SHS
	1	Dr. Rafael López Nussa, El.
	1	Dr. Rafael Pujals, JHS
	1	Eduardo Newman Gandía, JHS
	1	Evaristo Izcoa Díaz, El.
	1	Emeterio Colón, JHS
	1	Ernesto Ramos Antonini, JHS
	1	Escuela Industrial para Niñas, 1-8
	1	Escuela López Nussa - Ungraded
	1	Escuela Libre de Música (J.M. Campos) SHS
	1	Escuela Maternal Dr. Pila, Ungraded
	1	Escuela Maternal Santiago Iglesias, Ungraded
	1	Eugenio M. de Hstos (Pámpanos), El.
	1	Federico Degetau, 1-8
	1	Francisco Bosch, El.
	1	Francisco Parra Duperón, El.
	1	Gándara Maternal, Ungraded
	1	Glenview, El.
	1	Hogares Seguros, El.
	1	Instituto Tecnológico, SHS, Voc.
	1	Isidoro Colón, El.
	1	Jaime L. Drew, El.
	1	Joaquín Ferrán, El.
	1	José Gautier Benítez (El Yeso), El.
	1	José Julián Actosta, El.
	1	José Portón González, El.
	1	Juan Cuevas Aboy, El.
	1	Juan Morell Campos, El.
	1	Juan Serrallés, El-JHS
	1	Julio S. Rivas, El.
	1	La Carmelita, El.
	1	La Ceiba, El.
	1	La Mocha, El.
	1	Las mesas, El.
	1	Las Monjitas, El.
	1	Las Raíces, El.
	1	La Yuca, El.
	1	Lessie Graham, El.
	1	Librado Net (San Antonio), El.
	1	Liceo Ponceño, El, JHS, SHS
	1	Los Ausubos, El.
	1	Los Ausubos, El.
	1	Lucy Grillasca, El.
	1	Luis M. Rivera 1, El.
	1	Luis M. Rivera 2, El.
	1	Manuel G. Tavarez, El.
	1	Mary O. Lake (Centro de Educación y Trabajo) JHS, SHS
	1	Mercedes P. Serrallés, El.
	1	Modern Business College, SHS
	1	Montes Llanos, El.
	1	Nuestra Señora del Carmen, 1-8
	1	Olimpio Otero, El.
	1	Palmarejo, El.
	1	Parcelas de Magueyes, El.
	1	Parcelas Marrueños, El.
	1	Parcelas Sabanetas, El.
	1	Pastillo de Canas, El.
	1	Pastillo de Tibes, El.
	1	Pedro Acevedo, El.
	1	Pedro Clausells, El.
	1	Pedro J. Fournier, El.
Ponce cont.	1	Ponce High, SHS
	1	Portones Mameyes, El.
	1	Quebrada Agua, El.
	1	Ramiro Colón, El.
	1	Ramón Emeterio Betances, El.
	1	Ramón Marín, El.
	1	Río Chiquito, El.
	1	Robinson School (Playa), El.
	1	Rodulfo del Valle, El.
	1	Román Baldorioty de Castro, El.
	1	Rosaly Maternal, Ungraded
	1	Ruiz Marín, El.
	1	Sagrada Familia, 1-8
	1	Saliciano, Clavell, El.
	1	San Antón (Ismael Maldonado), JHS
	1	San Conrado, El., JHS, SHS
	1	San Judas Tadeo, 1-8
	1	San Patricio, El.
	1	San Vicente de Paúl, El., JHS
	1	Santa María Virgen, El.
	1	Santa Teresita, 1-8
	1	Santas Pascuas, El.
	1	Santiago González, JHS
	1	Segunda Unidad Corral Viejo, El, JHS
	1	Segundo Ruíz Belvis, El.
	1	Sergio Torruellas Gallart, El.
	1	Simón Moret Gallart
	1	Social Treatment Center for Boys, El., JHS
	1	Superior Vocacional, HS
	1	Tibes 1, El.
	1	Tomás Armstrong Toro, JHS
	1	Tomás C. Maduro, El.
	1	Vallas Torre, El.
	1	Vicente Usera, El.
	1	Victoriano Blanco, El.
Quebradillas	1	Eugenio María de Hostos, El.
	1	Jorge Washington, El.
	1	José C. Barbosa, El.
	1	José de Diego, El.
	1	José J. Acosta, El.
	1	Juan Alejo de Arizmendi, HS
	1	Manuel Ortíz de Renta, JHS
	1	Ramón Avila, El.
	1	Ramón Emeterio Betances, El.
	1	Ramón Saavedra, El.
	1	Roosevelt, 1, El.
	1	San Rafael, El.
	1	Segunda Unidad Honorio Hernández, El.-JHS
	1	Segunda Unidad Luis Muñoz Rivera, El.-JHS
Rincón	1	Adolfo Moreno, El.
	1	Alfredo Raffucci, JHS
	1	Barrio Barrero, El.
	1	Córcega, El.
	1	Gavino Tirado, El.
	1	Genoveva Pérez, El.
	1	Ismael Sánchez, El.
	1	Jaguey, El.
	1	José Pablo Morales, El.
	1	Juan Ruíz Pedrosa, HS
	1	Maestro Gandía, El.
	1	Octavio Cumpiano, El.
	1	Segunda Unidad Calvache, El-JHS

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Río Grande	1	Ausubal, El.
	1	Bartolo, El.
	1	Carola, El.
	1	Centro de Educación y Trabajo, HS
	1	Cerra, El.
	1	Cienaga Alta, El.
	1	Cienaga Baja 1, El.
	1	Cienaga Baja 2, El.
	1	Corea, El.
	1	Cuchillas, El.
	1	Escuela Adventista, El.
	1	Escuela Vocacional, El Pueblo del Niño-Ungraded
	1	Guzmán Arriba 1, El.
	1	Guzmán Arriba 2, El.
	1	Jiménez, El.
	1	Juan Gonzalez, El.
	1	La Ponderosa, El.
	1	Las Dolores, El.
	1	Morovis, El.
	1	Pedro Falú, HS
	1	Pimentel y Castro, JHS
	1	Quebrada Grande, El.
	1	Rafael de Jesús, y Anexo, El.
	1	Segunda Unidad Caciano A. Cepeda, El.-JHS
	1	Segunda Unidad Palmer, El.-JHS
	1	Vega Alegre, El.
Río Piedras A	1	Academia Bautista de P.R., El.-JHS
	1	Academia García, El.-JHS, SHS
	1	Academia María Reina, 9-12
	1	Academia Menonita 1-8
	1	Academia Ospri de Arte y Diseño Floral, Voc.
	1	Academia San Ignacio de Loyola, 1-8
	1	Bella Vista, El
	1	Centro Diagnóstico y Orientación Retardación Mental, Ung
	1	Christian Day School, El.
	1	Colegio Corazón de María, 1-8
	1	Colegio de la Merced, JHS
	1	Colegio de la Merced, SHS
	1	Colegio Gerardo Sellés Sola, 9-12
	1	Colegio Madre Cabrini, El., JHS, SHS
	1	Colegio Myrvan, El.
	1	Colegio Puertorriqueño de Niñas, El., JHS, SHS
	1	Colegio San Ignacio, JHS, SHS
	1	Colegio San Luis Rey, 1-8
	1	Colegio Vedruna, El, JHS, SHS
	1	Commonwealth School, JHS, SHS
	1	Dr. Antonio S. Pedreira, El.
	1	Dr. I. González Martínez, El.
	1	Eleonor Roosevelt, El.
	1	Escuela Cooperativa Eugenio María de Hostos, Ung
	1	Escuela de Seguros del Instituto de Seguros de P.R.
	1	Escuela Libre de Música, JHS, SHS
	1	Escuela Notre Dame, JHS
	1	Escuela Tokio, El.
	1	Escuela Eugenio María de Hostos, El.
	1	Eugenio María de Hostos, Voc.
	1	Gabriela Mistral, SHS
	1	Hospital Universitario (Pediatría), Ungraded
	1	Instituto Comercial de P. R., 9-12
	1	Instituto Técnico Comercial de P. R., Voc.
	1	Instituto Tecnológico, Ungraded
	1	Josefita M. de Sellés, El.
	1	Juan B. Huyke (Altamesa), El.
	1	Juan B. Huyke (Altamesa), JHS
Río Piedras A cont.	1	Juan J. Osuna, JHS, SHS
	1	Julio Sellés Solá (Villa Nevárez), El.
	1	La Amapola, El.
	1	La Esperanza, Ungraded
	1	Las Américas, JHS
	1	Liceo de Arte, Ungraded
	1	Liceo Tecnológico, Voc.
	1	Luis Muñiz Souffront, El.
	1	Luis Palés Matos, JHS
	1	Monacillo 1, El.
	1	Nemesio R. Canales 1, El.
	1	Nemesio R. Canales 2, El.
	1	Nuestra Señora de la Caridad, El.
	1	Nuestra Señora de la Guadalupe, 1-8
	1	Nuestra Señora de la Merced, El.
	1	Nuestra Señora de la Providencia, El, JHS, SHS
	1	Pedro C. Timothee, El.
	1	Pedro C. Timothee, anexo, EL.
	1	Rafael Rivera Otero, El.
	1	República de Brazil, El.
	1	República de El Salvador, El.
	1	República de Mejico, El.
	1	Sacred Heart School, El, JHS
	1	San Juan School of Interior Design, Ungraded
	1	Santa María de los Angeles, 1-8
	1	Sotero Figueroa (University Gardens), JHS, SHS
	1	Summit Hill (Rafael Hernández) El.
	1	Trina Padilla de Sanz, SHS
	1	Víctor Parés Collazo (El Monte) Ungraded
	1	Vista Hermosa, El.
	1	William D. Boyce, El.
	1	William D. Boyce, JHS
Río Piedras B	1	Academia Adventista Metropolitana, JHS, SHS
	1	Academia Adventista Primaria, El.
	1	Academia Cristo Rey, 1-8
	1	Angel Ramos, El.
	1	Antonio Sarriera, JHS, SHS
	1	Bolívar Pagán I, El.
	1	Buena Vista, El.
	1	Ciudad Nueva, 1-8
	1	Colegio Angeles Custodios, El.
	1	Colegio Espíritu Santo El. JHS SHS
	1	Colegio Evangelico Villa Prades, El.
	1	Colegio La Milagrosa, El.
	1	Colegio Lourdes, El, JHS, SHS
	1	Colegio Nuestra Señora de la Altagracia, El.
	1	Colegio Nuestra Señora de Lourdes, El.
	1	Colegio Nuestra Señora de la Victoria, El.
	1	Dra. Antonia Sáez, El.
	1	Dr. José N. Gándara II, JHS
	1	Dr. Rafael López Sicardó, El.
	1	Emilio del Toro Cuevas, El.
	1	Escuela Residencial Orquídeas, JHS, SHS
	1	Felipe Gutiérrez, El.
	1	Gaspar Vilá Mayáns, El.
	1	Gustavo Adolfo Bécquer, El.
	1	Intermedia Villa Granada, JHS
	1	Israel, El.
	1	José Gualberto Padilla, El.
	1	Juan Ponce de León, 9-12
	1	Juan Ramón Jiménez, JHS
	1	Las Mercedes, El.

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Río Piedras B cont.	1	Las Virtudes, El.
	1	Manuel A. Pérez, El.
	1	Pachín Marín A. JHS, SHS
	1	Rafael Hernández, El.
	1	Santiago Iglesias Pantín, El.
	1	Villa Granada, El.
	1	Voc. Metropolitana Miguel Such, SHS
Río Piedras C	1	Academia de Corte y Costura, Ungraded
	1	Alejandrino, El.
	1	Amalia Marín (Venezuela), El.
	1	Caimito Adentro, El.
	1	Caimito Corea, El.
	1	Canejas, El.
	1	Carmen Sanabria de Figueroa, El.
	1	Cepero, El.
	1	Colegio San José, JHS, SHS
	1	Cupeyville, El.
	1	Escuela Elemental de la Universidad, El.
	1	Escuela El Señorial (Urb. El Señorial), El.
	1	Escuela La Cumbre, El.
	1	Escuela Carmen Gómez Tejera, El
	1	Escuela Nueva Cupey Bajo, El.
	1	Escuela Secundaria de la Universidad, JHS, SHS
	1	Gerardo Sellés Solá, El.
	1	Jardines del Paraíso, El.
	1	Jardines de Monte Hatillo, El.
	1	José Celso Barbosa, JHS
	1	José Colombán Rosario (Río Piedras Heights), El. JHS
	1	Luis Muñoz Rivera, El
	1	L. Pereira Leal (Buen Consejo Nuevo), El.
	1	Caimito Cocos, El.
Río Piedras C	1	Morcelo, El
	1	Nuestra Señora de la Providencia (Cupey), El., JHS, SHS
	1	Nuestra Señora del Carmen, El. JHS, SHS
	1	Nuestra Señora del Pilar, El. JHS SHS
	1	República de Colombia, SHS
	1	Sabana Lana, JHS
	1	Salvador Brau (Cupey Alto), El.
	1	San Agustín, El.
	1	San Gerardo, JHS
	1	San Martín, El.
	1	Segunda Unidad Caimito, El. JHS
	1	Segunda Unidad Cupey Bajo El. JHS
	1	Tortugo (Sierra Borinquen), El
	1	Vilá Mayo, SHS
	1	Villa Capri, El.
Sabana Grande	1	David Antongiorgi, El-JHS
	1	Dr. Quevedo Báez, El.
	1	Eduvigis Ramírez, El.
	1	F.D. Roosevelt, El.
	1	Francisco Vázquez, Pueyo (Parcelas Susua), El.
Sabana Grande cont.	1	James Cooper, El.
	1	José A. Castillo, JHS
	1	José C. Barbosa, El.
	1	J.R.Gaztambide, El.
	1	Juan I. Vega, El.
	1	Luis Muñoz Rivera, HS
	1	Luis M. Santiago, El.
	1	Mariano Abril, El.
	1	Maricao Youth Camp, El-JHS
	1	Matienzo Cintrón, El.
	1	Vicente Soltero, El.
Salinas	1	Colegio del Perpetuo Socorro, 1-8
	1	Guillermo Godreau, El
	1	Las Mareas, El.
	1	Luis Muñoz Rivera, HS
	1	Palmas, El
	1	Parcela 80, El.
	1	Parcelas Coco, El.
	1	Parcelas Vázquez, El.
	1	Playa, El.
	1	Playita, El.
	1	Privada de Aguirre , 1-8
	1	Quebrada Yegua, El.
	1	Román Baldority de Castro, JHS
	1	San Felipe, El.
	1	Santiago R. Palmer, El.
	1	Segunda Unidad Coquí, El-JHS
	1	Segunda Unidad Lapa, El-JHS
	1	Woodrow Wilson, El.
San Germán	1	Amina Tío de Malaret (Anones), El
	1	Antonio Martínez, El
	1	Baldorioty de Castro(Minillas Valle), El.
	1	Bartolomé Las Casas(Guamá) El.
	1	Colegio San José, El JHS, S
	1	Dr. J. S. Cardona, JHS
	1	Duey Parcelas, El.
	1	Francisco Servera Silva (Duey Alto), El.
	1	Herminia C. Ramírez (Hoconuco), El.
	1	José Celso Barbosa (Rosario Alto), El.
	1	Lola R. de Tió, HS
	1	Longfellow, El.
	1	Luis Muñoz Rivera (Duey Bajo), El.
	1	Manuel Fernández Juncos (Caín Bajo), El.
	1	Manuel Negrón Collazo (Retiro Tea), El.
	1	Mariano Abril (Hoconuco Alto), El.
	1	Padre Rufo (Tuna), El.
	1	Santiago Veve (Caín Alto 2), El
	1	Segunda Unidad Hoconuco, El. JHS
	1	Segunda Unidad Minillas, El. JHS
	1	Segunda Unidad Rosario, El-JHS
	1	Segunda Unidad Sabana Enoas, EL, JHS
San Juan A	1	Academia Discípulos de Cristo, El, JHS
	1	Academia Perpetuo Socorro, El, JHS, SHS
	1	Academia Sagrado Corazón, El, JHS SHS
	1	Academia San Jorge, El. JHS, SHS
	1	Academia Santa Mónica, 1-8
	1	Academia Santa Mónica, 9-12
	1	A. Caimary, El.
	1	A. Lincoln, El.
	1	Baldorioty, SHS
	1	Central. SHS

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San Juan A cont.	1	Centro Educativo de Adiestramiento Ocupacional Ungraded
	1	Colegio Aurora, El.
	1	Colegio de la Inmaculada, El, JHS, SHS
	1	Colegio Sagrado Corazón, El, JHS, SHS
	1	Colegio San Agustín, El, JHS, SHS
	1	Colegio San Idelfonso, El.
	1	Colegio Santo Tomás de Aquino, El-JHS, SHS,
	1	Colegio San Vicente de Paúl, El, JHS, SHS
	1	Dr. F. Hernández, y Gaetán, El
	1	El Paraíso del Niño, El
	1	Emilio Castelar, El
	1	Episcopal Cathedral School, El, JHS, SHS
	1	Escuela Luchetti, JHS, SHS
	1	Escuela Metodista San Juan Moderno, El
	1	Escuela Primaria Mohler, El, JHS
	1	Facundo Bueso, JHS
	1	George D Robinson School, El, JHS, SHS
	1	José Celso Barbosa, SHS
	1	José Julián Acosta, JHS
	1	Labra, JHS
	1	La Perla, El
	1	L. M. Rivera, El.
	1	Martín G. Braumbough, El.
	1	Matienzo Cintrón, El
	1	Padre Rufo, El
	1	Pedro G. Goyco, El
	1	P.R. Institute of Practical Technology, Voc
	1	Rafael Cordero, JHS
	1	Ramírez Commercial Voc.
	1	Santurce School of Commerce, Voc
	1	Saint Johns, El, JHS, SHS
	1	S. Ruiz Belvis, El.
	1	T. Carrión Maduro, El.
	1	Youth Adults Institutions
San Juan B	1	Academia Santa Teresita, 1-8
	1	Academia Santa Teresita, 9-12
	1	A. Einstein, SHS
	1	Alejandro Tapia, El.
	1	Atlantic View, El.
	1	Buena Vista, El.
	1	Colegio Padre Berríos, El-JHS
	1	Colegio Sagrada Familia, El.
	1	E. Rincón Plumey, JHS
	1	Escuela Residencial Las Margaritas, El.
	1	Federico Asenjo, JHS
	1	Gautier Benítez, El.
	1	Haydée Rexach, El.
	1	Jesús María Quiñones, El.
	1	Julio J. Henna, El.
	1	Luis Llorens Torres, El.
	1	Luis Rodríguez Cabrero, El.
	1	Manuel Cuevas Bacener, JHS
	1	María Auxiliadora, 1-8
	1	M. Boada y Anexos. El.
	1	Oratorio San Juan Bosco, El, JHS, SHS
	1	Ramos Antonini, JHS
	1	Ramón Power, SHS
	1	República del Perú, JHS
	1	San Juan School, El.
	1	Santiago Iglesias y Anexos, El.
	1	School of Interior Decoration, Voc.
	1	Sofía Resach, El.
San Lorenzo	1	Antonio R. Barceló, El.
	1	Cayaguas, El.
	1	Cerro Gordo Arriba, El.
	1	El Parque, El.
	1	Espino Adentro, El.
	1	Espino KM. 12, El.
	1	Espino KM. 14, El.
	1	Espino M. Cruz Anexo 1. El
	1	Espino M. Cruz, El.
	1	Espino Morena, El.
	1	Eugenio María de Hostos, El.
	1	Florida Arriba, El.
	1	Gerardo Sellés Solá, El.
	1	Hato Parcelas Km. 6, El.
	1	Hato 26, El.
	1	Intermedia Urbana, JHS
	1	Jagual Adentro, El.
	1	Jagual Carretera, El.
	1	José Campeche, HS
	1	Josefa Domingo, El.
	1	Luis M. Rivera Urb., El.
	1	Luis M. Rivera (Viejo), HS.
	1	Rafael Colón, El.
	1	Quebrada, El.
	1	Quebrada Arenas-Carmelo Figueroa, El.
	1	Quebrada Arenas III, El.
	1	Quebrada Arenas-Felipe Rodríguez, El.
	1	Quebrada Honda Arriba, El.
	1	Quemados, El.
	1	Quemados Arriba, El.
	1	Quemados Parcelas, El.
	1	Segunda Unidad Zayas, El.-JHS.
	1	Segunda Unidad Quebrada Honda, El.-JHS
San Sebastián	1	Albonito Guerrero, El.
	1	Albonito Beltrán, El.
	1	Albonito Dexter, El.
	1	Altozano, El.
	1	Calabazas Alberty, El.
	1	Calabazas Infante-Estrada, El.
	1	Cibao, El.
	1	Cibao Abrahondas, El.
	1	Culebrinas, El.
	1	Escuela Adventista, El.
	1	Guacio, El.
	1	Guajataca Collazo, El.
	1	Guajataca Juanarena, El.
	1	Guatemala Central, El.
	1	Guatemala La Vega, El.
	1	Guillermo Cardé, El.
	1	Hoyamala Lechuza, El.
	1	Joaquín Oronoz Rondón, El.
	1	Mínima Oronoz, El.
	1	Mirabales Nieves, El.
	1	M. Méndez Licaga, HS
	1	Narciso Rabell Cabrero, 7-12
	1	Perchas Rabell, El.
	1	Perchas Rosario, El.
	1	Piedras Blancas, El.
	1	Pozas, El.
	1	Pozas Central, El.
	1	Ramón M. Torres, El.
	1	Robles, El.
	1	Saltos 2, El.
	1	Segunda Unidad Hato Arriba, El.-JHS
	1	Segunda Unidad Hoyamala, El.-JHS

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Location	Code *	School Name
San Sebastian cont.	1	Segunda Unidad Maximino A. Salas, El-JHS
	1	Segunda Unidad, Saltos, El.-JHS
	1	Sonador 1, El.
	1	Sonador 2, El.
	1	Whittier, El.
	1	Whittier Anexo, El.
Santa Isabel	1	Brumbaugh, El.
	1	Felicia, El.
	1	Jauca, El.
	1	John F. Kennedy, HS
	1	Manuel Martín Monserrate, JHS
	1	Ollas, El.
	1	Paso Seco, El.
	1	Peñuelas, El.
	1	Playa, El.
	1	Playita Cortada, El-JHS
	1	Velázquez, El.
Toa Alta	1	Galatero Parcelas, El.
	1	José de Diego, El.
	1	José M. del Valle, El.
	1	José Pablo Morales, JHS
	1	Luis Muñoz Rivera, El.
	1	Manuel Velilla Cabrera, El.
	1	Nicolás Sevilla Guemarez, SHS
	1	Ortiz Mango, El.
	1	Quebrada Cruz Centro NO. 2, El.
	1	Quebrada Cruz Cocos, El.
	1	Quebrada Cruz Parcela, El.
	1	Secundino Díaz, El.
	1	Segunda Unidad Federico Degetau, El-JHS
	1	Violanta Jiménez, El.
	1	Virgilio Morales, El.
Toa Baja	1	Academia Anita, El.
	1	Academia Espíritu Santo, El.
	1	Campanillas, El.
	1	Candelarias Arenas, El.
	1	Candelaria Macum, El.
	1	Escuela Levittown 2nda. Sec. El.
	1	Escuela Levittown 3ra. Sec., El.
	1	Escuela Levittown 5ta. Sec., El.
	1	Escuela Levittown 5ta. Sec. A, El.
	1	Escuela Levittown 6ta. Sec. El.
	1	Escuela Levittown 7ma. Sec. El.
	1	Escuela Villa Kennedy, El.
	1	Ingenio, El.
	1	J. F. Kennedy (Levittown), EL
	1	José N. Landrón, JHS-HS
	1	Levittown, HS
	1	Luis M. Santiago, El.
	1	Manuel Enrique (Palo Seco), El.
	1	María L. Gómez (Levittown), JHS
	1	Nuestra Señora del Carmen, El.
	1	San José, El.
	1	Segunda Unidad Dávila Semprit (Sabana Seca), El, - JHS
	1	Segunda Unidad Pájaros, El-JHS
	1	Villa Gutierrez, El.
	1	Villa Marisol, El.
Trujillo Alto	1	Abraham Lincoln, El.
	1	Adelina Hernández, El.
	1	Andrés Valcárcel, JHS
Trujillo Alto cont.	1	Antilles Military Academy, El, JHS, SHS
	1	Baldorioty de Castro, El.
	1	Colegio Santa Cruz, El, JHS, HS
	1	Eugenio María de Hosto, JHS
	1	Insular Home for Girls, El. JHS
	1	Jesús Silva, El.
	1	Jesús T. Pinero, El.
	1	José F. Díaz, El.
	1	José J. Acosta, El.
	1	José P. Morales
	1	Juan J. Osuna, El.
	1	Lagos Alto, El.
	1	Medardo Carazo, HS
	1	Paul G. Miller, El.
	1	Ramón T. Colón, El.
	1	Segunda Unidad Alejandro Tapia, El-JHS
	1	Segunda Unidad Rafael J. Cordero, El, JHS
	1	Tulio Larrinaga, El.
Utuado	1	Angeles Altura, El.
	1	Angeles Corcho, El.
	1	Angeles Cordón del Río, El.
	1	Arenas Abajo, El.
	1	Arenas del Guano, El.
	1	Cayuco, El.
	1	Consejo, El.
	1	Don Alonso Abajo, El.
	1	Don Alonso Limón, JHS
	1	Felix Seijo, El.
	1	Francisco Ramos, JHS
	1	Jácanas, El.
	1	Las Palmas, El.
	1	Luis M. Rivera, HS
	1	María Libertad Gómez, El.
	1	Monserrate Moreno, El.
	1	Paso Palmas 1, El.
	1	Paso Palmas Canalizo, El.
	1	Paso Palmas Jauca, El.
	1	Río Abajo 1, El-JHS
	1	Roncador Arriba, El.
	1	Sábana Grande Abajo, El.
	1	Sabana Grande Arriba, El.
	1	Salto Abajo, El.
	1	Santa Isabel 2, El
	1	San Miguel, El, JHS, SHS
	1	Segunda Unidad Angeles, El, JHS, HS
	1	Segunda UnidadCaguanas, El, JHS
	1	Segunda Unidad Caonillas, El-JHS
	1	Segunda Unidad Mameyes, El-JHS
	1	Segunda Unidad Salto Arriba, El, JHS
	1	Tetuán 1, El.
	1	Tetuán 3, El.
	1	Vivi Abajo, El.
	1	Vivi Arriba, El-JHS
Vega Alta	1	Apolo San Antonio, HS
	1	Bajura Almirante, El.
	1	Don Antonio Paoli, El.
	1	Elemental Urbana, El.
	1	Espinosa Adentro, El.
	1	Espinosa Parcelas, El.
	1	Intermedia Urbana, El.

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Location	Code *	School Name
Vega Alta cont.	1	Mavilla, El.
	1	Sábana Breñas, 1-8
	1	Sábana Cerro Gordo, El.
	1	Sábana Hoyos, El.
	1	Santa Ana, El.
	1	Segunda Unidad Maricao, El, JHS
Vega Baja	1	Almirante 1, Sur, El.
	1	Almirante 2, Sur, El.
	1	Almirante Central, El.
	1	Almirantito, El.
	1	Cabo Caribe, El.
	1	Centro Comunal, El.
	1	Colegio Nuestra Señora del Rosario, 1-8
	1	Dr. Jesús M. Armaiz (Carmelita), El.
	1	Intermedia Urbana, JHS
	1	Jardines de Vega Baja, Rafael Hernández, El.
	1	José de Diego, El.
	1	José Gualberto Padilla, El.
	1	Lorencita Ramírez de Arellano, de Ferré, El.
	1	Luis M. Rivera, (Algarrobo 1,) El.
	1	Manuel Negrón Collazo (Sabana), El.
	1	Manuel Padilla Dávila (Puerto Nuevo)
	1	Parcelas Márquez, El.
	1	Pugnado Adentro, El.
	1	Quebradas Arenas, El.
	1	Rosa M. Rodríguez del Valle, El.
	1	San Vicente, El.
	1	Segunda Unidad Almirante Norte, El-JHS
	1	Segunda Unidad Pugnado Afuera, El-JHS
	1	Superior Lino Padró Rivera, JHS, HS
	1	Trocha, El.
Vieques	1	Ernesto Rosario Soto, El.
	1	Esperanza, El.
	1	Eugenio María de Hosto, El.
	1	Extensión Robinson, El.
	1	Franklin D. Roosevelt, El.
	1	Germán Riechoff, JHS-HS
	1	José Celso Barbosa, El.
	1	José Gautier Benítez, El.
	1	Mercedes Luis, El.
	1	Monte Santo, El.
	1	Playa Grande, El.
	1	Segunda Unidad Vocacional, El-JHS
	1	Victor Duttel, El.
	1	Vieques Island Mission, El.
Villalba	1	Aceituna, El.
	1	Apeaderos, El
	1	Camarones, El.
	1	Caonillas, El.
	1	Casilla La Julita, El.
	1	Cerro Gordo, El.
	1	Chichón, El.
	1	Dajaos, El.
	1	Hatillo, El.
	1	Higuero, El.
	1	Jagueyes, El.
	1	José G. Ginorio, El-JHS
	1	Julio Oliviert, JHS
	1	Limón, El.
	1	Mogote, El.
	1	Nuestra Señora del Carmen, El.
	1	Palmarejo, 1-8
	1	Palmasola, El.
Villalba cont.	1	Semil 1 V, El.
	1	Segunda Unidad El Pino, El-JHS
	1	Sieprita, El.
	1	Superior Urbana, HS
	1	Vista Alegre, El.
	1	Walter McJones, El.
	1	Walter McJones, JHS
Yabucoa	1	Aguacate Adentro, El.
	1	Aguacate Arriba, El.
	1	Barrio Guano, El.
	1	Calabazas Abajo, El.
	1	Calabazas Adentro, El.
	1	Calabazas Arriba, El.
	1	Calambreña, El.
	1	Centro de Educación y Trabajo, El-JHS, HS
	1	El Negro, El.
	1	Guardarraya, El.
	1	Guayabo, El.
	1	Jacanas Abajo, El-JHS
	1	Jacanas Granja, El.
	1	Jacanas Sur, El
Yabucoa	1	Jaime C. Rodríguez, El.
	1	José F. Cintrón y Anexo, El.
	1	Juan Martín, El.
	1	Luis Muñoz Rivera, JHS
	1	Parcelas Martorell, El.
	1	Parcelas Trinidad, El.
	1	Piedra Azul, El.
	1	Piedra Blanca, El.
	1	Playa Guayanés, El.
	1	Quebradillas Afuera, El.
	1	Santa Elena, El.
	1	Segunda Unidad Aguacate, El-JHS
	1	Segunda Unidad Camino Nuevo, El-JHS
	1	Segunda Unidad Guayabota, El-JHS
	1	Segunda Unidad Limones, El-JHS
	1	Segunda Unidad Luis Muñoz Rivera (Jagueyes),
	1	Segunda Unidad Playita, El-JHS
	1	Segunda Unidad Tejas Afuera, El-JHS
	1	Tejas Adentro, El.
	1	Teodoro Aguilar Mora, HS
	1	Varsovia, El.
Yauco	1	Aguas Blancas, El.
	1	Algarrobos, El.
	1	Almácigo Alto, 1, El.
	1	Almácigo Alto 2, El.
	1	Almácigo Bajo, (Parcelas), El.
	1	Almácigo Bajo 1, El.
	1	Bda. Liubera, El.
	1	Cambalache, El.
	1	Collores 3, El.
	1	Diego Hernández, El.
	1	Diego Hernández, (Couti), El.
	1	Ernesto Ramos Antonini, HS.
	1	Escuela Vocacional de Yauco, H.S.

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Location	Code *	School Name
Yauco	1	Emiliano J. Díez, El.
	1	Frailes, El.
	1	Jacanas, El.
	1	Josefa Cátala, El.
	1	Lucy's Kindergarten, El.
	1	Luis Muñoz Rivera, El.
	1	Mogotes, El.
	1	Naranjo 4, El.
	1	Naranjo 1, El.
	1	Naranjo 2, El.
	1	Naranjo 3, El.
	1	Nuestra Señora del Rosario, El-JHS-HS
	1	Palomas, El.
	1	Quebradas, El.
	1	R. Martínez Nadal, El.
	1	Rafael Martínez Nadal (Elvira Vicente), JHS
	1	Rancheras 1, El.
	1	Rancheras 2, El.
	1	Rancheras 4, El.
	1	Residencial Santa Catalina, El.
	1	Río Cañas 1, El.
	1	Río Cañas 2, El.
	1	Río Prieto, El.
	1	Rubias Km. 21, El.
	1	Rubias Km. 25, El.
	1	Santiago Negroni, JHS
	1	Segunda Unidad de Barinas, El-JHS
	1	Segunda Unidad Duey, El-JHS
	1	Segunda Unidad Vegas, El-JHS
	1	Sierra Alta 1, El.
	1	Sierra Alta 3, 4, 6, El.
	1	Susúa Alta (Palmita), El.
	1	Vegas, El.
	1	Vegas, Km. 17, El.
	1	Yauco Commercial College, SHS

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Location	Code *	School Name
Marianas District	1	Agrigan EL
	1	Alamagan EL
	1	Chalan Kanoa EL
	1	Garapan EL
	1	Hopwood JHS
	1	Marianas HS
	1	Mount Carmel EL
	1	Mount Carmel HS
	1	Oleai EL
	1	Pagan EL
	1	Rota EL
	1	Rota HS
	1	San Antonio EL
	1	San Roque EL
	1	San Vicente EL
	1	Tanapag EL
	1	Tinian EL
	1	Tinian JHS
Marshalls District	1	Aerok EL
	1	Ailuk EL
	1	Airok EL
	1	Airok Protestant EL
	1	Ajeltake EL
	1	Arno EL
	1	Assumption EL-HS
	1	Aur EL
	1	Bikarej EL
	1	Bikini EL
	1	Buoj EL
	1	Calvary Bible Institute HS
	1	Carlos EL
	1	Delap EL
	1	Ebadon EL
	1	Ebeye EL
	1	Ebeye Protestant EL-JHS
	1	Ebon EL
	1	Enejelar EL
	1	Enejet EL
	1	Enekoin EL
	1	Enniburr EL
	1	Imiej EL
	1	Imroj EL
	1	Imroj Protestant EL
	1	Ine EL
	1	Ine Protestant EL
	1	Jabor EL
Marshalls District cont.	1	Jabat EL
	1	Jaluit EL
	1	Jang EL
	1	Jebal EL
	1	Jeh EL
	1	Kaben EL
	1	Kilange EL
	1	Killi EL
	1	Lae EL
	1	Laura EL
	1	Laura Protestant EL-JHS
	1	Lib EL
	1	Likiep EL
	1	Loen EL
	1	Longar EL
	1	Long Island EL
	1	Lukoj EL
	1	Lukonwor EL
	1	Mae EL
	1	Majkin EL
	1	Marshall Islands HS
	1	Marshalls Christian HS
	1	Mejatto EL
	1	Mejit EL
	1	Mejurirok EL
	1	Milli EL
	1	Nallo EL
	1	Namdrik EL
	1	Namu EL
	1	Narmij EL
	1	Nibun EL
	1	Ollet EL
	1	Rita EL
	1	Ronglap EL
	1	Seventh Day Adventist EL
	1	Tobal EL
	1	Toka EL
	1	Tokewa EL
	1	Tutu EL
	1	Ujae EL
	1	Ujelang EL
	1	Ulien EL
	1	Uliga Protestant EL-JHS
	1	Utrik EL
	1	Woja EL

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Location	Code *	School Name
Marshalls District cont.	1	Wormej EL
	1	Wotje EL
	1	Wotho EL
Palau District	1	Aimeliik EL
	1	Angaur EL
	1	Arai EL
	1	Bethania Seminary HS
	1	Choll EL
	1	Emmaus HS
	1	George B. Harris EL
	1	John F. Kennedy EL
	1	Koror EL
	1	Koror SDA EL
	1	Maris Stella EL
	1	Melekeok EL
	1	Meyuns EL
	1	Mindzenty HS
	1	Ngarsard EL
	1	Ngarchelong EL
	1	Ngardmau EL
	1	Ngaremlengui EL
	1	Ngatpang EL
	1	Ngchemiangel EL
	1	Ngchesar EL
	1	Ngersuul EL
	1	Ngiwal EL
	1	Ngkeklau EL
	1	Ollei EL
	1	Palau HS
	1	Palau Mission Academy HS
	1	Pelelui EL
	1	Pulo-Anna EL
	1	School of the Pacific HS
	1	Sonsorol EL
	1	Tobi EL
Ponape District	1	Awak EL
	1	Christ the King EL
	1	Enipein EL
	1	Iohl EL
	1	Kapingamarangi EL
	1	Kinakapw EL
	1	Kolonia EL
	1	Kusaie HS
	1	Lelu EL
	1	Lewetik EL
	1	Likie EL
	1	Lohd Pah EL
	1	Lukop EL
	1	Malem EL
	1	Mand EL
	1	Mokil EL
	1	Mwand EL
	1	Nan-Uh EL
	1	Nett EL
	1	Ngatik EL
	1	Nukuoro EL
	1	Ohnine EL
	1	Our Lady of Mercy EL
	1	Palikir EL
	1	Parem EL
	1	PATS HS
	1	Pehleng EL
	1	PICS HS
	1	Pingelap EL
	1	Roni EL
	1	Rohn-Kitti EL
	1	St. Joseph EL
	1	Saladak EL
	1	Salapwuk EL
	1	Sapwalap EL
Truk District	1	Sapwehrek EL
	1	Seinwar EL
	1	Sekere EL
	1	Seventh Day Adventist EL
	1	Sokehs Paue EL
	1	Sokehs Pah EL
	1	Tafunsak EL
	1	Takaiu EL
	1	Temwen EL
	1	Utwe EL
	1	Walung EL
	1	Wapar
	1	Wenik EL
	1	Wone EL
	1	Ettal EL
	1	Etten EL
	1	Fot EL
	1	Faichuk HS
	1	Fananu EL
	1	Fanapanges EL
	1	Fano EL
	1	Faro EL
	1	Fason EL
	1	Fason Annex EL
	1	Foupo EL
	1	Foupo Annex EL
	1	Iras EL
	1	Kuchuwa EL
	1	Kuttu EL
	1	Losap EL
	1	Lukunor EL
	1	Magur EL
	1	Messa EL
	1	Messa Annex EL
	1	Moch EL
	1	Moen JHS
	1	Mortlocks HS
	1	Murilo EL
	1	Mwan EL
	1	Nama EL
	1	Namoluk EL
	1	Neauo EL
	1	Nechap EL
	1	Nethon EL
	1	Nomwin EL
	1	Onary EL
	1	Oneop EL
	1	Ono EL
	1	Paren EL
	1	Pata EL
	1	Pis-Losap EL
	1	Pis-Mien EL
	1	Piserach EL
	1	Polle-Annex EL
	1	Polle EL
	1	Pulap EL
	1	Pulusuk EL
	1	Puluwat EL
	1	Romanum EL
	1	Ruo EL
	1	Sacred Heart EL
	1	Sapore EL
	1	Sapuk EL
	1	Satawan EL
	1	Sino Memorial EL
	1	Southern Namoneas HS
	1	St. Cecilia EL
	1	St. Julia EL
	1	Ta EL
	1	Tamatam EL
	1	Truk HS
	1	Udot EL

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Location	Code *	School Name
Truk District cont.	1	Ulul EL
	1	Uman EL
	1	Uman Mochon Annex EL
	1	Uman Annex EL (Nepon)
	1	Weipat HS
	1	West Fefan EL
	1	Wonei EL
	1	Wonip EL
	1	Xavier HS
Yap District	1	Alau JHS
	1	Asor EL
	1	Bacl EL
	1	Dalipebinaw EL
	1	Fauripik EL
	1	Fais EL
	1	Falalis EL
	1	Falalop EL (Ulithi)
Yap District cont.	1	Falalop EL (Wolaei)
	1	Fanif EL
	1	Faraulep EL
	1	Fassarai EL
	1	Gaanelay EL
	1	Gagil EL
	1	Ifalik EL
	1	Kanifay EL
	1	Lamotrik EL
	1	Map EL
	1	Mogmog EL
	1	North Fanif EL
	1	Outer Islands HS
	1	Rumung EL
	1	Satawal EL
	1	St. Mary EL
	1	Tomilang EL
	1	Wottegai EL
	1	Yap HS

Virgin Islands

List of Schools Determined to have High Concentrations of Students from Low-Income Families
For National Defense Student Loan and National Direct Student Loan Cancellation Benefits for the 1975-76 School Year

Location	Code *	School Name
St. Croix	1	Central HS
	1	Charles Emanuel EL
	1	Christiansted EL
	1	Christiansted JHS
	1	Claude O. Markoe JHS
	1	Concordia EL
	1	Frydenborg EL
	1	Grove Place EL
	1	Insular Training School
	1	Pearl B. Larsen EL
	1	Princesse EL
	1	Seventh Day Adventist JHS
	1	Sion Farm EL
	1	St. Mary JHS
St. John	1	Franklin EL
	1	Sprauve JHS
St. Thomas	1	Apostolic Faith JHS
	1	Bethel Baptist EL
	1	Calvary Baptist EL
St. Thomas cont.	1	Charlotte Amalie HS
	1	Church of God EL
	1	Dober EL
	1	Gramboko EL
	1	Harrick EL
	1	Jefferson EL
	1	Kirwan Terrace EL
	1	Lincoln EL
	1	Lockhart EL
	1	Madison EL
	1	Nazareth HS
	1	Nisky EL
	1	Seventh Day Adventist JHS
	1	Ss. Peter & Paul HS
	1	Tutitt EL
	1	Tutu EL
	1	Washington EL
	1	Wayne Aspinall JHS

finis

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

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Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 24—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

Rules of Procedure; Correction

In FR Doc. 75–27183 appearing at page 47473 in the FEDERAL REGISTER of October 9, 1975, the last sentence of item (1) of § 24.21(a)(2) reading "Full-time attorney members are designated as Administrative Judges and the Chairman is designated as Chief Administrative Judge." is deleted.

PAUL H. RAPP,
Chairman,
Board of Contract Appeals.

[FR Doc.75–29941 Filed 11–6–75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of Walnut Marketing Board, and Rates of Assessment, for the 1975–76 Marketing Year

Notice was published in the October 16, 1975, issue of the FEDERAL REGISTER (40 FR 48518) regarding proposed expenses of $218,665 for the Walnut Marketing Board, and rates of assessment of 0.125 cent per pound for inshell walnuts and 0.30 cent per pound for shelled walnuts, for the 1975–76 marketing year. The proposal was pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received. This action approves expenses of $218,665 and fixes assessment rates of 0.125 cent per pound for inshell walnuts and 0.30 cent per pound for shelled walnuts for the Walnut Marketing Board. The expenses are reasonable and likely to be incurred by the Board during the 1975–76 marketing year for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to this part, determine to be appropriate. The assessment rates are to be applied to all merchantable walnuts handled or declared for handling during the 1975–76 marketing year, and are expected to provide sufficient funds to meet the estimated expenses of the Board.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Board, and other available information, it is found that the expenses of the Board, and rates of assessment, for the 1975–76 marketing year (which began August 1, 1975, and ends July 31, 1976), shall be as hereinafter set forth.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the 1975–76 marketing year began August 1, 1975, and the rates of assessment hereinafter fixed will automatically apply to all such assessable walnuts beginning with that date.

The expenses and assessment rates are as follows:

§ 984.327 Expenses of the Walnut Marketing Board and rates of assessment for the 1975–76 marketing year.

(a) *Expenses.* Expenses in the amount of $218,665 are reasonable and likely to be incurred by the Walnut Marketing Board during the marketing year beginning August 1, 1975, for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, are fixed at 0.125 cent per pound for merchantable inshell walnuts handled or declared for handling, and 0.30 cent per pound for merchantable shelled walnuts handled or declared for handling.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: November 4, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–29926 Filed 11–6–75;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 2—RULES OF PRACTICE

Atomic Safety and Licensing Board Alternates

The Nuclear Regulatory Commission has adopted amendments to its "rules of practice", 10 CFR Part 2. These amendments specify the procedures for and delegate specific authority to the Chairman of the Atomic Safety and Licensing Board Panel in designating alternate Atomic Safety and Licensing Board members at all stages of the hearing process.

Section 2.704(a) gives the Commission the discretion to designate in the notice of hearing an Atomic Safety and Licensing Board (ASLB). If the Commission does not exercise this discretion, the Chairman of the ASLB Panel will issue an order designating an ASLB to preside. Section 2.721(a) gives both the Commission and the Chairman of the ASLB Panel the authority to establish ASLBs by designating members of the ASLB Panel established by the Commission.

Section 2.721 was ambiguous as to the appropriate action to be taken when an ASLB member might become unavailable. Section 2.721(b) gave the Commission sole discretion to designate alternate ASLB members even though § 2.721(a) permitted the Chairman of the ASLB Panel to designate the membership of an entire ASLB and § 2.721(b) gave the Chairman of the ASLB Panel sole discretion to constitute the alternate member in certain circumstances. Since the Commission has given the Chairman of the ASLB Panel the authority to designate the members of an ASLB, the Commission now has specifically delegated authority to the Chairman of the ASLB Panel to (1) appoint a qualified alternate at any time before, during, or after an ASLB hearing and (2) constitute the alternate, or in the event an alternate is unavailable or has not been designated, appoint a qualified alternate, to sit as a member of the board. The Commission will continue to have the discretion to designate qualified alternates if it so desires.

Section 2.704 currently contains provisions pertaining to the disqualification of a "presiding officer" on his own motion or that of a party. Clarifying language has been added to reflect current understanding and practice that these provisions apply to all members of a licensing board. In addition, this Section is revised

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to reflect that a motion to disqualify a Board member shall be referred to the Commission, or to the Atomic Safety and Licensing Appeal Board, as appropriate.

Inasmuch as the amendments set forth below are procedural changes, notice of proposed rulemaking and public procedure thereon are not required by section 553 of title 5 of the United States Code.

Pursuant to the Atomic Energy Act of 1954, as amended, section 201 of the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 2 are published as a document subject to codification.

1. Paragraphs (b) through (e) of § 2.704 are revised to read as follows:

§ 2.704 Designation of presiding officer, disqualification, unavailability.

• • • • •

(b) If a designated presiding officer or a designated member of an atomic safety and licensing board deems himself disqualified to preside or to participate as a board member in the hearing, he shall withdraw by notice on the record and shall notify the Commission or the Chairman of the Atomic Safety and Licensing Board Panel, as appropriate, of his withdrawal.

(c) If a party deems the presiding officer or a designated member of an atomic safety and licensing board to be disqualified, he may move that the presiding officer or the board member disqualify himself. The motion shall be supported by affidavits setting forth the alleged grounds for disqualification. If the presiding officer does not grant the motion or the board member does not disqualify himself, the motion shall be referred to the Commission or the Atomic Safety and Licensing Board, as appropriate, which will determine the sufficiency of the grounds alleged.

(d) If a presiding officer or a designated member of an atomic safety and licensing board becomes unavailable during the course of a hearing, the Commission or the Chairman of the Atomic Safety and Licensing Board Panel, as appropriate, will designate another presiding officer or atomic safety and licensing board member. If he becomes unavailable after the hearing has been concluded:

(1) (i) The Commission may designate another presiding officer to make the decision, or

(ii) The Chairman of the Atomic Safety and Licensing Board Panel or the Commission, as appropriate, may designate another atomic safety and licensing board member to participate in the decision;

(2) The Commission may direct that the record be certified to it for decision, except in adjudications in which exceptions to the initial decision may be taken to the Atomic Safety and Licensing Appeal Board; or

(3) The Commission may designate another presiding officer.

(e) In the event of substitution of a presiding officer or a designated member of an atomic safety and licensing board for the one originally designated, any motion predicated upon the substitution shall be made within five (5) days thereafter.

2. Paragraph 2.721(b) is revised to read as follows:

§ 2.721 Atomic safety and licensing boards.

• • • • •

(b) The Commission or the Chairman of the Atomic Safety and Licensing Board Panel may designate an alternate qualified in the conduct of administrative proceedings, or an alternate having technical or other qualifications, or both, for an atomic safety and licensing board established pursuant to paragraph (a) of this section. If a member of a board becomes unavailable, the Commission or the Chairman of the Atomic Safety and Licensing Board Panel may constitute the alternate qualified in the conduct of administrative proceedings, or the alternate having technical or other qualifications, as appropriate, as a member of the board by notifying the alternate who will, as of the date of such notification, serve as member of the board. In the event that an alternate is unavailable or no alternates have been designated, and a member of a board becomes unavailable, the Commission or the Chairman of the Atomic Safety and Licensing Board Panel may appoint a member of the Atomic Safety and Licensing Board Panel who is qualified in the conduct of administrative proceedings or a member having technical or other qualifications, as appropriate, as a member of the atomic safety and licensing board by notifying the appointee who will, as of the date of such notification, serve as a member of the board.

• • • • •

3. The final paragraph of the introductory language in Appendix A of Part 2 is revised to read as follows:

APPENDIX A

• • • • •

Atomic safety and licensing boards are appointed from time to time by the Commission or the Chairman of the Atomic Safety and Licensing Board Panel to conduct hearings in licensing cases under the authority of section 191 of the Act. Section 191 authorizes the Commission to establish one or more atomic safety and licensing boards to conduct public hearings and to make intermediate or final decisions in administrative proceedings relating to granting, suspending, revoking or amending licenses issued by the Commission. It requires that each board consist of one member who is qualified in the conduct of administrative proceedings and two members who have such technical or other qualifications as the Commission deems appropriate to the issues to be decided. Members of each board may be appointed by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel from a panel selected from private life, the staff of the Commission or other Federal agencies.

• • • • •

4. In Appendix A to Part 2, paragraph VII(b) is revised to read as follows:

VII. GENERAL

• • • • •

(b) The Commission or the Chairman of the Atomic Safety and Licensing Board Panel may designate a technically qualified alternate or an alternate qualified in the conduct of administrative proceedings, or both, for a board. The designation of an alternate is discretionary. Alternates may be designated where the Commission (or the Chairman of the Atomic Safety and Licensing Board Panel) in its judgment believes that a proceeding involves factors that warrant the continuing assignment and presence of an alternate. If any alternates are designated before the hearing, they will receive copies and become familiar with the application and other documents filed by the parties prior to the start of the hearing. It is expected that an alternate will be constituted or appointed by the Commission or the Chairman of the Atomic Safety and Licensing Board Panel as a member of the board in situations where a technically qualified member of the board, or the member qualified in the conduct of administrative proceedings, becomes unavailable.

• • • • •

Effective date. These amendments become effective on November 7, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948; Sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 2201, 5841))

Dated this 3rd day of November, 1975 at Washington, D.C.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-30093 Filed 11-6-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75-SW-33; Amdt. 39-2415]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Model M20 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and servicing of the electric landing gear actuator at specific intervals on all Mooney Model 20 series airplanes equipped with Mooney Electric Gear Systems incorporating a Dukes electric landing gear actuator, P/N 4196-00-1C, was published in 40 FR 26542.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MOONEY. Applies to all Mooney Model M20 series airplanes equipped with Mooney Electric Gear Systems incorporating a Dukes electric landing gear actuator, P/N 4196-00-1C.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished within the last 75 hours time in service, and thereafter at intervals not to exceed the time in service from the last inspection specified in Paragraphs (a) and (b).

To prevent further failures of the electric landing gear actuator, Dukes P/N 4196-00-1C, accomplish the following:

(a) Within the next 25 hours time in service, accomplish Parts I and III, and thereafter at every 200 hours time in service, accomplish Part I of Mooney Aircraft Corporation Service Bulletin M20-190, dated January 16, 1975, or later FAA approved revision, or by an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

(b) Within the next 25 hours time in service, and thereafter at every 100 hours time in service, accomplish Part II of Mooney Aircraft Corporation Service Bulletin M20-190 dated January 16, 1975, or later FAA approved revision, or by an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain a copy upon request to Mooney Aircraft Corporation, P.O. Box 72, Kerrville, Texas 78028. This document may also be examined at the office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A history file on this A.D., which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective on December 8, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Fort Worth, Texas on October 24, 1975.

HENRY L. NEWAN,
Director, Southwest Region.

NOTE: The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-30033 Filed 11-6-75;8:45 am]

[Docket No. 75-CE-25-AD; Amdt. 39-2418]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 310Q, T310Q, 310R and T310R Airplanes

There have been reports that the emergency exit window is difficult to remove from some Cessna 310Q, T310Q, 310R and T310R airplanes. This condition is attributable to excessive sealant around the exterior periphery of the window and the installation of extra screws at each end of the interior plastic trim strip. To correct this condition the manufacturer has issued a service letter which recommends, as applicable, inspection and modification of the emergency exit window on Cessna 310Q, T310Q, 310R and T310R model airplanes. Since this condition is likely to exist in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued making compliance with the service letter mandatory.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD:

CESSNA. Applies to Models 310Q/T310Q (Serial Numbers 310Q0401 thru 310Q1160) and 310R/T310R (Serial Numbers 310R0001 thru 310R0330) airplanes.

Compliance: Required as indicated, unless already accomplished.

To assure proper operation of the emergency exit window, within the next 50 hours' time in service after the effective date of this AD, accomplish the window modification, screw inspection, trim modification and placard installation, as applicable, in accordance with Cessna Service Letter ME75-26 or later approved revision or by any equivalent method of compliance approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective November 13, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on October 30, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-30034 Filed 11-6-75;8:45 am]

[Airspace Docket No. 75-CE-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Wichita, Kansas, transition area. •

The United States Air Force decommissioned the McConnell Air Force Base ILS Outer Marker effective October 9, 1975. The facility will be replaced in the ILS instrument approach procedure by a DME and RADAR fix. Accordingly, it is necessary to change the Wichita, Kansas, transition area description by deleting reference to the aforesaid ILS outer marker and instead referring to the airport. This change does not increase the size of the transition area.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 71.181 of Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is amended to read:

WICHITA, KANSAS

That airspace extending upward from 700 feet above the surface within 8.5-mile radius of the Wichita, KS., Municipal Airport (latitude 37°39'09" N., longitude 97° 25'47" W.) and from 9.5 miles west of the LOC (BC) to Runway 1L, extending from 8.5 miles to 15 miles south of the airport to 4.5 miles east of the LOC (FC) to Runway 1R to 6.5 miles east of the 176° radial of the Wichita, KS., VORTAC facility, extending from the 8.5-mile radius to 15 miles south of the airport; within 8.5-mile radius of the McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); and 2 miles each side of the McConnell AFB ILS localizer south course, extending from the 8.5-mile radius to 13 miles south of the AFB, within a 5-mile radius of the Comotara Airpark (latitude 37°44'45" N., longitude 97°13'20" W.); and within 2 miles each side of the 344° bearing from the Comotara Airpark extending from the 5-mile radius to 6 miles north; within a 5-mile radius of the Augusta, Kansas Airport (latitude 37°40'21" N., longitude 97°04'38" W.)

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on October 16, 1975.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.75-30035 Filed 11-6-75;8:45 am]

[Airspace Docket No. 75-SW-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Withdrawal of Final Rule

On October 3, 1975, Part 71 of the Federal Aviation Regulations was amended to include a 700-foot point-in-space transition area over the Gulf of Mexico at latitude 29°15'53.2" N., longitude 94°08'46.9" W.

In the establishment of this transition area, compliance with the provisions of Executive Order 10854 and coordination with the International Civil Aviation Organization (ICAO) were inadvertently omitted.

In consideration of the foregoing, notice is hereby given that the establishment contained in Airspace Docket No. 75-SW-52 (40 FR 45804) is withdrawn pending readvertisement at a later date.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

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Issued in Fort Worth, Tex., on October 30, 1975.

HENRY N. STEWART,
Acting Director.
Southwest Region.

[FR Doc.75-30036 Filed 11-6-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM 76-9; Order No. 540]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Standardized Conditions for Inclusion in Preliminary Permits and Licenses

OCTOBER 31, 1975.

Section 2.9 of the Commission's General Policy and Interpretations, 18 CFR 2.9, provides for the implementation of forms containing standardized conditions for inclusion in preliminary permits and licenses issued under Part I of the Federal Power Act. The forms for preliminary permit and license conditions are denominated "P-Forms" and "L-Forms," respectively.

To date, there has been only one P-Form in use at any given time, for the same standardized preliminary permit conditions pertain to each proposed project for which a permit is issued, regardless of the basis for the Commission's jurisdiction or any other circumstances concerning that project. While some of the standardized conditions to be included in license instruments are also the same in each license issued, other standardized conditions differ according to certain variable factors, including the basis for the Commission's jurisdiction over the project, the status of the project as constructed or unconstructed, and the classification of the project as "major" or "minor."[1] Taking into account the various combinations of these factors, there must of necessity be several different L-Forms available for employment as circumstances dictate.

In the past, L-Forms needing revision were modified on an individual basis upon the issuance or amendment of a license.[2] Thus, while the L-Form applicable to a particular project immediately subject to licensing or amendment could be updated, modification of all other L-Forms needing similar revisions had to await issuance or amendment of licenses for projects to which they were specifically suited. This ad hoc method of revision was inefficient and confusing, and led to inconsistencies between different L-Forms with similar provisions.

In order to avoid these inherent problems, all of the P- and L-Forms have been brought up to date and will be set forth in their entirety immediately hereafter in the Federal Power Commission Reports, and we anticipate that henceforth all L-Forms in which a particular modification should be made will be revised simultaneously. As in the past, it may be necessary in specific situations to delete or alter certain standardized conditions in a license or preliminary permit in order to meet the requirements of a particular project. In such cases the appropriate changes will be made through explicit language in the order issuing or amending the license or preliminary permit and by inclusion therein of appropriate special conditions. However, where modifications are to have general, prospective application in one or more of the forms, the changes will be set forth in a separate order of the Commission, together with a designation of the forms to be affected by the changes.

Effectuation of these policies requires that the provisions of § 2.9 of the Commission's General Policy and Interpretations be amended. This amendment includes a revised list of P- and L-Forms to be employed by the Commission. The list includes several new forms not previously used, and several old forms that are no longer appropriate and have therefore been retired from further use. Among the latter are Forms L-7 (Minor Project Affecting Lands of the United States) and L-8 (Minor-Part Project (Transmission Line)), which have been superseded by forms which differentiate between constructed and unconstructed projects. Also retired is Form L-13 (Unconstructed Major Project Affecting the Interests of Interstate or Foreign Commerce and Affecting Lands of the United States),[3] which is superfluous in that all of its conditions are already included in Form L-2 (Unconstructed Major Project Affecting Lands of the United States).

Minor changes must also be made in paragraphs (b) and (c) of § 2.9 in order to accurately reflect the date of preparation of the revised list, the current address of the Commission's Office of Public Information, and the method of citation to orders in which particular forms are initially published or revised.

Accordingly, the Commission finds. (1) The amendments to § 2.9 of the Commission's General Policy and Interpretations discussed above are necessary and appropriate for the administration of the Federal Power Act, particularly sections 4(e), 4(f), 5, 6 and 15, 16 U.S.C. 797(e), 797(f), 798, 799, and 808.

(2) Inasmuch as the amendments to § 2.9 herein set forth involve only a general statement of the Commission's policy, compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, is not necessary.

(3) In view of the purpose, intent and effect of the amendments herein ordered, good cause exists for making them effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309, 16 U.S.C. 825h, orders:

(A) Paragraphs (b) and (c) of § 2.9, Part 2, Chapter I, Title 18 of the Code of Federal Regulations are hereby amended to read as follows:

§ 2.9 Conditions in preliminary permits and licenses—list of and citations to "P-" and "L-" Forms.

* * * * *

(b) New or revised forms may be approved after preparation of this list (which is current as of October, 1975) and consequently do not appear herein. Forms currently in use, including those forms which have not yet appeared in the FPC reports, may be obtained from the Federal Power Commission, Office of Public Information, 825 N. Capitol St. NE., Washington, D.C. 20426.

(c) Within each of the categories, unless retired, the last-listed form is the one in use at the date of preparation of the list. The dates in the list represent issuance dates of the orders with which the particular forms were first published, or subsequently revised, in the FPC reports.

P-1: Preliminary Permit, 11 F.P.C. 699 (December 2, 1952), 16 F.P.C. 1303 (December 4, 1956), 54 F.P.C. ——— (October —, 1975).

L-1: Constructed Major Project Affecting Lands of the United States, 12 F.P.C. 1262 (September 25, 1953), 32 F.P.C. 71 (July 8, 1964), 54 F.P.C. ——— (October —, 1975).

L-2: Unconstructed Major Project Affecting Lands of the United States, 12 F.P.C. 1137 (August 7, 1953), 17 F.P.C. 62 (January 18, 1957), 31 F.P.C. 528 (March 10, 1964), 54 F.P.C. ——— (October —, 1975).

L-3: Constructed Major Project Affecting Navigable Waters of the United States, 12 F.P.C. 836 (February 6, 1953), 17 F.P.C. 385 (March 4, 1957), 30 F.P.C. 1858 (November 21, 1963), 32 F.P.C. 1114 (October 15, 1964), 36 F.P.C. 971 (December 6, 1966), 40 F.P.C. 1136 (October 29, 1968), 54 F.P.C. ——— (October —, 1975).

L-4: Unconstructed Major Project Affecting Navigable Waters of the United States, 16 F.P.C. 1284 (November 29, 1956), 32 F.P.C. 839 (September 21, 1964), 42 F.P.C. 280 (July 30, 1969), 54 F.P.C. ——— (October —, 1975).

L-5: Constructed Major Project Affecting Navigable Waters and Lands of the United States, 12 F.P.C. 1329 (October 23, 1953), 17 F.P.C. 110 (January 13, 1957), 38 F.P.C. 203 (July 26, 1967), 54 F.P.C. ——— (October —, 1975).

L-6: Unconstructed Major Project Affecting Navigable Waters and Lands of the United States, 12 F.P.C. 1271 (September 29, 1953), 16 F.P.C. 1127 (October 29, 1956), 31 F.P.C. 284 (February 5, 1964), 34 F.P.C. 1114 (October 7, 1965), 54 F.P.C. ——— (October —, 1975).

L-7 (retired): Minor Project Affecting Lands of the United States, 12 F.P.C. 911 (March 30, 1953), 17 F.P.C. 486 (April 2, 1957).

L-8 (retired): Minor-Part Project (Transmission Line), 12 F.P.C. 1017 (June 12, 1953), 41 F.P.C. 217 (March 5, 1969).

L-9: Constructed Minor Project Affecting Navigable Waters of the United States, 32 F.P.C. 577 (August 10, 1964), 54 F.P.C. ——— (October —, 1975).

L-10: Constructed Major Project Affecting the Interests of Interstate or Foreign Commerce, 37 F.P.C. 860 (May 9, 1967), 40 F.P.C. 1489 (December 20, 1968), 54 F.P.C. ——— (October —, 1975).

L-11: Unconstructed Major Project Affecting the Interests of Interstate or Foreign Commerce, 34 F.P.C. 602 (August 26, 1965), 36 F.P.C. 687 (September 26, 1966), 41 F.P.C. 719 (June 6, 1969), 54 F.P.C. ——— (October —, 1975).

L-12: Constructed Minor Project Affecting the Interests of Interstate or Foreign Commerce, 35 F.P.C. 875 (June 3, 1966), 40 F.P.C. 1447 (December 10, 1968), 54 F.P.C. ——— (October —, 1975).

L-13 (retired): Unconstructed Major Project Affecting the Interests of Interstate or Foreign Commerce and Affecting Lands of the United States, 42 F.P.C. 367 (August 6, 1969).

L-14: Unconstructed Minor Project Affecting Navigable Waters of the United States, 54 F.P.C. ——— (October —, 1975).

L-15: Unconstructed Minor Project Affecting the Interests of Interstate or Foreign Commerce, 54 F.P.C. ——— (October —, 1975).

L-16: Constructed Minor Project Affecting Lands of the United States, 54 F.P.C. ——— (October —, 1975).

L-17: Unconstructed Minor Project Affecting Lands of the United States, 54 F.P.C. ——— (October —, 1975).

L-18: Constructed Minor Project Affecting Navigable Waters and Lands of the United States, 54 F.P.C. ——— (October —, 1975).

L-19: Unconstructed Minor Project Affecting Navigable Waters and Lands of the United States, 54 F.P.C. ——— (October —, 1975).

L-20: Constructed Transmission Line Project, 54 F. P.C. ——— (October —, 1975).

L-21: Unconstructed Transmission Line Project, 54 F.P.C. ——— (October —, 1975).

(B) The P-Form and L-Forms listed under paragraph (A) above bearing the date of October, 1975, shall be set forth in their entirety in the Federal Power Commission Reports immediately following this order.

(C) The amendments to § 2.9 of the Commission's General Policy and Interpretations provided for in paragraph (A) above shall be effective immediately upon the date of issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30020 Filed 11-6-75;8:45 am]

[1] Pursuant to section 10(1) of the Federal Power Act, as amended, 16 U.S.C. 803(1), the Commission, in issuing licenses for projects of not more than two thousand horsepower installed capacity (minor projects), may in its discretion waive such conditions, provisions, and requirements of Part I of the Act as it deems to be in the public interest to waive under the circumstances, with the exception of the provision limiting license terms to a maximum of fifty years, and the provision calling for annual charges for use of lands within Indian reservations.

[2] Revisions to the single P-Form were also made at the time a preliminary permit was issued.

[3] Form L-13, which was used for the first and only time on August 6, 1969, has never been listed under § 2.9, for the list has not been updated since the Commission's Order No. 357 of December 29, 1967, 38 F.P.C. 1275. The revised list included in this order brings all citations up to date, insofar as possible.

[Docket No. RM74-16]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Natural Gas Companies Annual Report of Proved Domestic Gas Reserves: FPC Form No. 40; Order Granting Extensions of Time[1]

OCTOBER 29, 1975.

On August 18, 1975, the Commission issued Order No. 526–A, which made new § 260.13 of the Commission's regulations effective as of that date and required respondents to submit to the Commission 1974 data on FPC Form No. 40 by September 17, 1975, for the Offshore Federal Domain and by October 2, 1975, for all other areas. Requests for extensions of time were approved to the extent that all those making such requests were to file for all reporting areas on or before October 17, 1975, later changed to November 17, 1975, for certain named parties by notice issued October 17, 1975.

On October 15, 1975, the United States Court of Appeals for the Ninth Circuit in "Union Oil Company of California, et al. v. Federal Power Commission," Nos. 75–2891, et al., issued an order holding, inter alia, that:

(c) The Federal Power Commission's Order Nos. 526 and 526–A (FPC RM74–16) are temporarily stayed pending further order of the Court only in so far as they require the filing of reserve data in the manner prescribed by Form 40;

(d) If and when requested by the Federal Power Commission, petitioners and intervenors shall file reserve data with the FPC in the form that petitioners and intervenors maintain such information.

We interpret this order to mean that, as explained by petitioners in their motions before the Court, it was not possible for them to supply the Commission with the information requested for 1974 on Form No. 40 in the manner dictated by that form within the time periods set in Order No. 526–A. We reach this conclusion because the Court's stay is temporary and because the companies were directed to submit, upon our request, their reserve information in the form that petitioners and intervenors maintain such information. In addition, while we view the Court stay as delaying the filing of the form, it does not relieve the producers of their obligation to continue the preparation thereof.

Upon reconsideration, we conclude that petitioners were correct that the time limitations set by Order No. 526–A did not, in many cases, provide respondents with adequate time in which to prepare the Form No. 40 type information in the required manner. Therefore, based on the representations of the parties expressed in the various requests for extensions of time, we conclude that it is reasonable to grant to all respondents in this proceeding an extension of time to file Form No. 40 data for 1974 until March 1, 1976.[2]

The Court's stay in this proceeding indicates that the respondents are not required to file Form No. 40 in the manner prescribed in Order Nos. 526 and 526–A until such time as the Court should so direct. We believe that our action in this order, by providing respondents with the time they requested, eliminates their objection that the Commission's demands in terms of time and burden were unreasonable and unrealistic. Therefore, we direct our Solicitor to seek a dissolution of the stay in so far it would relieve respondents of an obligation to file a complete and proper Form No. 40 as of March 1, 1976. We believe a dissolution of the stay is required lest the respondents, in reliance on the stay, defer their efforts to prepare the data necessary to comply with Form No. 40, with the result that they become unable to comply with a deadline they previously viewed as reasonable.

The Commission orders. Upon consideration, all respondents to this proceeding required to submit 1974 reserves data on FPC Form No. 40 are directed to do so no later than March 1, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30019 Filed 11-6-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER V—MANPOWER ADMINISTRATION

PART 601—ADMINISTRATIVE PROCEDURE

Tax Credit Reductions

On September 23, 1975, a document was published in the FEDERAL REGISTER (40 FR 43744) proposing to amend 20 CFR Part 601, Administrative Procedure, by adding to § 601.5 a new paragraph (f). The amendment implements the amendment to section 3302(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 3302(c)(3)) made by section 110(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94–45, approved June 30, 1975; 89 Stat. 236, 239) (Act).

Interested persons were invited to submit written data, views, or arguments on the proposed regulations on or before October 23, 1975. No public comments on the proposal have been received. However, in the interest of clarity the words "in employment" have been inserted after the words "total wages" in two places in § 601.5(f)(2)(i)(A).

[1] While petitions for review have been filed in this docket, our authority to act is concurrent with the Court of Appeals until the record is docketed, section 19(b) of the Natural Gas Act, 15 U.S.C. 717r(b).

[2] The March 1, 1976 date has been chosen after a careful review of all of the applications for extension of time. That date represents our view of a reasonable filing date based upon a review of these extension applications. We recognize that thirteen natural gas companies, only two of whom are parties before the Ninth Circuit, have sought extensions past March 1, 1976, but we do not regard these requests as reasonable.

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The tax credit reductions in 26 U.S.C. 3302(c)(3) are inapplicable when the conditions of 20 CFR 601.5(f) are met. Since the reductions apply to advances made to States from the Federal Unemployment Account in the Unemployment Trust Fund which are outstanding on January 1 of a taxable year and remain outstanding on November 10 of that year, and since Congress has directed the Secretary to promptly prescribe and publish in the FEDERAL REGISTER regulations implementing section 110 (a) of the Act, I find there is good cause to make the benefit conferred by this amendment effective immediately upon publication in the FEDERAL REGISTER.

Accordingly, 20 CFR Part 601 is amended by adding to § 601.5 a new paragraph (f) as set forth below.

Effective date. 20 CFR Part 601 is amended effective November 7, 1975.

Signed at Washington, D.C. this 4th day of November, 1975.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

Part 601 of Title 20, Code of Federal Regulations, is amended by adding to § 601.5 a new paragraph (f) to read as follows:

§ 601.5 Withholding payments and certifications.

* * * * *

(f) *Tax credit reductions.* (1) Section 3302(c)(3) of the Internal Revenue Code of 1954 prescribes the conditions under which the total credits otherwise allowable under section 3302 for a taxable year in the case of a taxpayer subject to the unemployment compensation law of a State shall be reduced on account of an outstanding balance of advances made to the State pursuant to Title XII of the Social Security Act. As amended by section 110(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94-45, approved June 30, 1975; 89 Stat. 236, 239), the incremental reductions in total credits will not apply to a State with respect to each of the taxable years beginning on January 1, 1975, January 1, 1976, and January 1, 1977, if the Secretary of Labor finds as to such year or years that the State has studied and taken appropriate action with respect to the financing of its unemployment compensation program so as substantially to accomplish the purpose of restoring the fiscal soundness of the State's unemployment account in the Unemployment Trust Fund and permitting the repayment within a reasonable time of any advances made to the State's account pursuant to Title XII of the Social Security Act.

(2) The Secretary of Labor's finding with respect to a State as to any of the taxable years 1975, 1976, and 1977, will be based on his determination as to whether the State has taken appropriate action resulting in—

(i) Amendment of its unemployment compensation law, effective in or prior to the taxable year with respect to which the finding is made, or effective at the beginning of the succeeding taxable year, increasing the State's unemployment tax rate, increasing the State's unemployment tax base, or changing the State's experience rating formula, or a combination of such changes, so as to be estimated by the Secretary to achieve for the taxable year with respect to which the finding is made or for the period following the effective date of the amendment—

(A) An average employer tax rate, computed as a percentage of the total wages in employment covered by the State's unemployment compensation law, which exceeds the State's average annual benefit cost rate, computed as a percentage of the total wages in employment covered by the State's unemployment compensation law, for the ten calendar years immediately preceding the year with respect to which the finding is made; and

(B) An effective minimum employer tax rate which is not less than 1.0 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for the same year; and

(C) An effective maximum employer tax rate which exceeds 2.7 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for the same year, or provision for no reduced rate of contributions for any employer subject to the State unemployment compensation law; or

(ii) (A) Amendment of its unemployment compensation law increasing the State's unemployment tax rate, increasing the State's unemployment tax base, or changing the State's experience rating formula, or a combination of such changes, so as to be estimated by the Secretary of Labor to result in increasing contributions to the State's unemployment fund, for the taxable year with respect to which the finding is made, and the allocation from such increased contributions of a sum sufficient to make the repayment in the amount and within the time limit prescribed in paragraph (f)(2)(ii)(B) of this section; and

(B) Repayment to the Treasury of the United States, for credit to the Federal unemployment account in the Unemployment Trust Fund, prior to November 10 of the taxable year with respect to which the finding is made, of an amount equal to the amount of the additional tax which would be payable by all taxpayers subject to the unemployment compensation law of the State for that taxable year if the reduction in total credits prescribed by section 3302(c)(3) of the Internal Revenue Code of 1954 for that taxable year was applied without regard to the amendment added by section 110(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975. The amount determined under the preceding sentence shall be reduced by the amount of any additional tax payable for that taxable year by taxpayers subject to the unemployment compensation law of the State by reason of the reduced credit provisions of section 3302(c)(3) of the Internal Revenue Code of 1954, as amended by section 110(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975.

(3) A finding by the Secretary of Labor with respect to any State shall be made as of November 10 of the taxable year with respect to which the finding is made, and such finding shall be published in the FEDERAL REGISTER together with the reasons for the finding.

[FR Doc.75-30059 Filed 11-6-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS: GENERAL

[Docket No. 75N-0293]

PART 201—LABELING

PART 207—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

Drug Listing Act of 1972; Revision of Implementing Regulations

In a notice published in the FEDERAL REGISTER of September 5, 1974 (39 FR 32146), the Commissioner of Food and Drugs proposed to amend the regulations (21 CFR Part 132, recodified as 21 CFR Part 207 in the FEDERAL REGISTER of March 27, 1975 (40 FR 13996)) implementing the Drug Listing Act of 1972 to: (1) adopt the single character "N" to replace the present NDC (National Drug Code) prex; (2) permit the NDC number to appear as part of and contiguous to the grocery UPC (Universal Product Code) symbol wherever such symbol appears on consumer packages for over-the-counter drugs in addition to the placement as stated in § 132.8(b)(3)(i) (recodified as § 207.35(b)(3)(i)); (3) clarify that a list of drugs containing a particular active ingredient will be available for public disclosure; and (4) delete the requirement that the prefix "NDC" or "N", as the proposed prefix, be in a different color or different type style (front) from that used to print the NDC number if the label is printed rather than typewritten. This proposal was in response to a petition filed by Bristol-Myers Company of New York, N.Y. Interested persons were invited to submit comments on the proposal by November 4, 1974.

The Commissioner is now issuing a final regulation that permits the NDC number to appear as part of and contiguous to the UPC symbol wherever the symbol appears on consumer packages for over-the-counter drugs. When the UPC symbol appears prominently and in a conspicuous place, other than on the natural bottom of the immediate or outside container or wrapper, and the NDC number appears as part of and contiguous to the symbol, this placement will be regarded as meeting the labeling requirements of section 502(c) of the Federal Food, Drug, and Cosmetic Act as to prominence and conspicuousness. Whenever the NDC number is used on a label or in the labeling of a drug product, either alone or as part of and contiguous to the UPC symbol, it must be preceded by either the prefix "NDC" or "N." Under this final regulation, it is no longer necessary for the prefix to the NDC number to be in a different color or different type style (font) from that used to print the number, if the label is printed rather than typewritten. Also under this final regulation, a list of drugs containing a particular active ingredient will be regarded as information available for public disclosure.

Because 21 CFR Part 132 was recodified as 21 CFR Part 207 since the proposal was published, where specific sections and paragraphs of the proposed regulation are cited in the comments in this preamble the recodified number is used.

In response to the proposal, comments were received from 14 manufacturers, 3 trade associations, and 2 members of the Drug Ad Hoc Committee. The Commissioner has reviewed all of the comments. A summary of the comments and the Commissioner's conclusions are as follows:

1. One comment stated that the proposal should be reissued to convey that the petition was actually a recommendation of the Drug Ad Hoc Committee. The comment further stated that without such indication, significant support for the petition by representative drug industry groups would not be apparent to readers of the FEDERAL REGISTER.

The Commissioner disagrees with that contention. The proposal stated that the petition was filed by Bristol-Myers Company, a major drug manufacturer, and that copies of the petition were available to the public. Although the Drug Ad Hoc Committee (a private association of drug manufacturers) supported the recommendation, it was not indicated as being a co-petitioner. According to the petition, the recommendation was also supported by other trade associations. The Commissioner concludes that omission in the proposal of a statement that the petition was developed and endorsed by the Drug Ad Hoc Committee was not misleading to anyone reading the proposal as to the type of party supporting the proposed changes. The Commissioner concludes that the comments set forth issues that would undoubtedly have been raised regardless of who supported the recommendations of the petition; therefore, he does not find a compelling reason to reissue the proposal in the FEDERAL REGISTER.

2. Several comments asserted that adoption of the proposal would be extremely costly and time consuming in view of the necessity of revising printing plates, redesigning labels and discarding the present inventory of printed labels. The comments argued that many firms have already placed the NDC prefix on their labels in accordance with regulations previously promulgated by the Food and Drug Administration. To compel industry members to again expend considerable sums of money for new label plates introduces an inflationary element without any redeeming features. The comments further suggested that industry be given the option to use either the prefix "NDC" or "N." This would remove the burden on companies in complying with current regulations and fulfill the objectives of this proposed change. These comments suggested that, if such an option is rejected, effective dates for the proposed change to be from 1 to 5 years from the date of publication of the final regulation or whenever existing label plates are revised, whichever comes first. The comments also suggested that, if the option was not allowed, there be a provision for intermixing the prefixes "NDC" and "N" during the transition period.

The Commissioner recognizes that many firms did revise their labeling, or are in the process of doing so, to include the NDC number in the format set forth by the implementing regulations to the Drug Listing Act of 1972. He has also considered the economic impact that the requirements of this regulation will have on industry. The Commissioner concludes that to provide compatibility with the UPC and to remove the burden of additional labeling expenditures from firms who are currently complying with the implementing regulations of the Drug Listing Act of 1972, the final regulation should allow the NDC number, when used alone or as part of and contiguous to the UPC symbol, to be preceded by either the prefix "NDC" or "N" whenever the NDC number is used on a label or in the labeling of a drug product. He also concludes that the prefix used for a drug product should be used consistently on the label of the immediate container, outer container, or wrapper, if any, and other labeling for that drug product. Section 207.35(b)(3)(ii) has been revised accordingly. To provide firms time to comply with these requirements regarding use of the prefix "NDC" or "N," the final regulation provides that current labeling shall be revised on or before November 7, 1977, or at the next revision of printing plates in the normal course of business, whichever occurs first.

3. Several comments expressed the view that any revision of the implementing regulations for the Drug Listing Act of 1972, with regard to the NDC number, should specify that section 502(c) of the Federal Food, Drug, and Cosmetic Act should be considered satisfied as to "prominence" and "conspicuousness" when the placement of the NDC number as an integral part of the UPC symbol appears in labeling or on the package in a prominent location other than the natural bottom of the package. Comments stated that the adoption of such a provision would encourage the use of NDC and HRI numbers by those companies who plan to otherwise utilize the UPC symbol. If such a provision is rejected, firms may be reluctant to provide labeling space on products for an NDC number, in addition to space already provided for a UPC symbol.

The Commissioner agrees with the comment and advises that it is the policy of the Food and Drug Administration to encourage use of the NDC number on all drug product labels and labeling. To ensure that this regulation reflects this policy, compatability with the UPC must be achieved, where possible. The Commissioner recognizes that the UPC was developed for products sold in retail establishments, i.e., products directly available to consumers, including over-the-counter drug products, as opposed to prescription drug products which are dispensed by a pharmacist in a retail establishment. He also recognizes that the guidelines for placing the UPC symbol on a consumer package suggest locations that will be compatible with checkout counter operations and that such locations may differ from the one required for the NDC number when used alone on a drug product label. Therefore, the Commissioner concludes that, for over-the-counter drug products, the requirements of section 502(c) of the Federal Food, Drug, and Cosmetic Act regarding prominence and conspicuousness will be satisfied if the NDC number, preceded by the prefix "NDC" or "N," appears as part of and contiguous to the UPC symbol and the symbol is displayed in a prominent and conspicuous location other than the natural bottom of the drug product package.

4. One comment stated that § 207.35(b)(3)(i) clearly indicates that the placement of the NDC number on the label of the immediate container must be in the top third of the center panel, but its intended location on the outer container or wrapper is not clearly defined since an outer container such as a carton has no "center panel." The comment suggested that if the location for an outer container is intended to be on the main panel this might be clarified by using the term "principal display panel."

The Commissioner has reviewed the wording of § 207.35(b)(3)(i) and concludes that the term "principal display panel" should be used to indicate the location of the NDC number on both the immediate and outer container or wrapper. The term "center panel" has been deleted. Therefore, whenever the NDC number is voluntarily placed on a label, it shall be placed prominently in the top third of the principal display panel of the immediate container and of the outer container or wrapper, if there is one. To assure compatibility with the UPC symbol location guidelines, where possible, and to comply with the requirements of the act regarding prominence and conspicuousness, the UPC symbol shall be placed prominently and in a conspicuous location other than the natural bottom of the immediate container and of the outer container or wrapper, if any, when the NDC number appears as part of and contiguous to this symbol for over-the-counter drug products. The term "principal display panel" as it applies here

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means that part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display to the consumer (for over-the-counter drug products) or to the dispenser (for prescription drug products). Section 207.35(b)(3)(i) has been revised accordingly.

5. One comment expressed concern as to how the Food and Drug Administration proposed to deal with those manufacturers of health-related items who have adopted the HRI prefix for their product labeling. The comment recognized that the use of the HRI prefix was entirely voluntary.

The Commissioner advises that, although the use of the NHRIC (National Health Related Items Code) number is voluntary and not subject to this regulation, either the prefix "HRI" or "H" may precede the NHRIC number when such a number is placed on the label of a product listed under the NHRIC System. Specific questions relating to the use of the NHRIC number and its prefix should be directed to the Food and Drug Administration, Bureau of Medical Devices and Silver Spring, MD 20910.

6. One comment saw little or no rationale for separately identifying HRI codes from NDC codes with an "H" and "N" respectively. The comment further stated that the original intention of the letters NDC and HRI was strictly to distinguish this code from other numbers on packages and suggested that an "N" would be sufficient to identify both NDC and HRI codes. Another comment pointed out that the single character prefixes "N" and "H" were structurally very similar and would lead to more confusion than using the prefixes "NDC" and "HRI," which are sufficiently different to permit adequate distinction between them.

As stated in the preamble to the proposal, products listed in compliance with the Drug Listing Act of 1972 and products listed under the National Health Related Items Code System comprise two separate operating systems. At the present time, separate publications would be issued if the code numbers used to represent the products in these two systems are published. To facilitate identification of a product from its code number by reference to a published list of such code numbers, it would be necessary to know whether the code number represented a drug product or a health-related item. Although the code formats for drug products and health-related items differ, this is not considered to be the most desirable method of identifying these two categories of products. Thus, although the use of the single prefix "N" to designate both NDC and HRI codes would be sufficient for distinguishing these codes from other numbers on packages, it would not provide adequate information from which a person could determine the proper list of codes. The Commissioner, therefore, concludes that the NDC number should be preceded by either the prefix "NDC" or "N" and the NHRIC number should be preceded by either the prefix "HRI" or "H." The Commissioner rejects the comment that the prefixes "N" and "H" would lead to confusion because of their similarity in structure.

7. One comment requested the Food and Drug Administration interpretation of section 502(c) of the act relating to conspicuous placement of any information required to appear on drug labels and § 207.35(b)(3) of the current regulations, which states that the NDC number is requested but not required to appear on all drug labels and in all drug labeling. The comment also requested a restatement of the reasons why the NDC number is not appropriate as an integral part of the UPC symbol.

The Commissioner recognizes that placement of the NDC number on the label or in the labeling of a drug product is voluntary; however, if the NDC number is shown on a drug product label, the regulation sets forth the requirements for the position and format of the NDC number. Therefore, if a firm chooses to place the NDC number on a drug product label, the requirements of § 207.35(b)(3) shall be complied with. These requirements are consistent with section 502(c) of the act as to prominence and conspicuousness.

As previously stated in paragraph 3 above, the NDC number may be included as part of and contiguous to the UPC symbol provided the symbol is displayed prominently and in a conspicuous location other than the natural bottom of the drug product package.

8. In regard to proposed § 207.37(a)(2)(iii), which would clarify that a list of drugs containing a particular active ingredient will be available for public disclosure, one comment contended that section 510(f) of the Federal Food, Drug, and Cosmetic Act requires that a denial of the confidential status of a list of drugs containing a particular ingredient must be based upon a specific finding that it would be inconsistent with the protection of the public health and that the proposal did not relate any such finding. The comment refers to a letter of December 22, 1971, from the Assistant General Counsel of the Department of Health, Education, and Welfare, Food and Drug Division, to the Senate Committee considering H.R. 9936, in which the type of information the Food and Drug Administration intended for disclosure and nondisclosure is discussed. The comment stated that in listing the types of information subject to disclosure, a list of drugs containing a particular active ingredient was conspicuously absent. For the Commissioner now to state that § 207.37(a)(2)(iii) was never intended to prevent public disclosure of lists of drugs containing a particular active ingredient, according to the comment, is a complete departure from the position stated in the legislative history.

The Commissioner does not concur with this comment. Section 510(f) of the Federal Food, Drug, and Cosmetic Act permits the Secretary to disclose information where confidentiality would be inconsistent with protection of the public health and is intended to permit greater public disclosure, rather than greater confidentiality of product information. Section 502(e) of the act requires that the established name of each active ingredient be stated on the label of a drug product; therefore, such information has been previously disclosed to the public, and a list of drugs containing a particular active ingredient would be available for public disclosure. In active ingredients, except those named in section 502(e) of the act, are not required to be stated on the label of a drug product, may not have previously been disclosed to the public, and are, therefore, not available for public disclosure. Section 207.37 has been amended to clarify this point.

9. In addition to amending Part 207, the Commissioner is also amending Subpart A of Part 201 by establishing a new § 201.2 *Drugs and devices; National Drug Code numbers* to include under the labeling provisions of Chapter I of Title 21 of the Code of Federal Regulations a reference to the requirements regarding the use of National Drug Code numbers in the labeling of drug products.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 506, 507, 510, 512, 701(a), 704, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055, 1057 as amended, 55 Stat. 851, 59 Stat. 463 as amended, 76 Stat. 794 as amended, 82 Stat. 343–351 (21 U.S.C. 321, 352, 355, 356, 357, 360, 360b, 371(a), 374)); the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)); and the Drug Listing Act of 1972 (Public Law 92–387; 86 Stat. 559–562) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 201, Subpart A is amended by adding a new section to read as follows:

§ 201.2 Drugs and devices; National Drug Code numbers.

The National Drug Code (NDC) number is requested but not required to appear on all drug labels and in all drug labeling, including the label of any prescription drug container furnished to a consumer. If the NDC number is shown on a drug label, it shall be displayed as required in § 207.35(b)(3) of this chapter.

2. In Part 207:

a. Section 207.35 is amended by revising paragraph (b)(3)(i), (ii), and (iii) to read as follows:

§ 207.35 Notification of registrant; drug establishment registration number and drug listing number.

* * * * * *

(b) * * *

(3) * * *

(i) The NDC number shall be placed prominently in the top third of the principal display panel of the label of the immediate container and of the outside container or wrapper, if any. However, the NDC number may appear as part of and contiguous to the UPC (Universal Product Code) symbol for over-the-counter drug products if such symbol appears prominently and in a conspicuous location, other than the natural bottom, of the immediate container and of the outside container or wrapper, if any. The term "principal display panel," as used in this paragraph, means that part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display to the consumer (for over-the-counter drug products) or to the dispenser (for prescription drug products).

(ii) The NDC number shall be preceded by either the prefix "NDC" or "N" whenever it is used on a label or in labeling. The prefix used for a drug product shall be used consistently on the label of the immediate container, outside container or wrapper, if any, and on other labeling for that drug product.

(iii) The Product-Package Code configuration shall be indicated and the segments of the number shall be separated by a dash, e.g., NDC 15643–542–12 or N 15643–542–12.

* * * * * *

b. Section 207.37 is amended by adding a new paragraph (a)(1)(x), and by revising paragraph (a)(2)(iii) to read as follows:

§ 207.37 Inspection of registrations and drug listings.

(a) * * *

(1) * * *

(x) A list of drug products containing a particular active ingredient.

(2) * * *

(iii) A list of drugs containing a particular inactive ingredient.

* * * * * *

Effective date. This regulation shall become effective on December 8, 1975, except that the effective date for revising current labeling to comply with § 207.35(b)(3)(ii) regarding the use of the prefix "NDC" or "N" shall be November 7, 1977, or at the next revision of printing plates in the normal course of business, whichever occurs first.

(Secs. 201, 502, 505, 506, 507, 510, 512, 701(a), 704, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055, 1057 as amended, 55 Stat. 851, 59 Stat. 463 as amended, 76 Stat. 794 as amended, 82 Stat. 343–351 (21 U.S.C. 321, 352, 355, 356, 357, 360, 360b, 371(a), 374); sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262); Pub. L. 92–387 (86 Stat. 559–562))

Dated: October 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-29228 Filed 11-6-75;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

STERILE BLEOMYCIN SULFATE

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, as amended, with respect to approval of the antibiotic drug sterile bleomycin sulfate.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug, effective November 7, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 430, 431, 436, and 450 are amended to provide for certification of sterile bleomycin sulfate as follows:

PART 430—ANTIBIOTIC DRUGS: GENERAL

1. Part 430 is amended:

a. In § 430.4 by adding new paragraph (a)(41), as follows:

§ 430.4 Definitions of antibiotic substances.

(a) * * *

(41) *Bleomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces verticillus* and each of the same substances produced by any other means is a kind of bleomycin.

b. In § 430.5 by adding new paragraphs (a)(57) and (b)(57), as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(57) *Bleomycin.* The term "bleomycin master standard" means a specific lot of bleomycin designated by the Commissioner as the standard of comparison in determining the potency of the bleomycin working standard.

(b) * * *

(57) *Bleomycin.* The term "bleomycin working standard" means a specific lot of a homogeneous preparation of bleomycin.

c. In § 430.6 by adding new paragraph (a)(5), as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

(a) * * *

(5) *Bleomycin.* The term "unit" applied to bleomycin means the bleomycin activity (potency) contained in 0.637 milligram of the bleomycin master standard.

* * * * *

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

2. In Part 431 by amending § 431.53(b)(1), by alphabetically inserting the three following items into the table:

§ 431.53 Fees.

* * * * * *

(b) * * *

(1) * * *

Test:	*Chargeable fee per test*
* * * * * *	
Bleomycin fractions	$1,725.00
Bleomycin potency	35.00
* * * * * *	
Copper content	36.00
* * * * * *	

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

3. Part 436 is amended:

a. In § 436.33(b) by alphabetically inserting a new item in the table, as follows:

§ 436.33 Safety test.

* * * * * *

(b) * * *

Antibiotic drug	Diluent (diluent number as listed in sec. 436.31)	Test dose: Concentrations in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in par. (c) of this section
* * * * * *				
Bleomycin sulfate	4	5 units	0.5	Intravenous.
* * * * * *				

b. In § 436.35(c) by alphabetically inserting a new item in the table, as follows:

§ 436.35 Histamine test.

* * * * * * *

(c) * * *

Antibiotic	Diluent (diluent number as listed in sec. 436.31(b))	Concentration of test solution (milligrams of activity per milliliter)	Volume of test solution to be injected (milliliters per kilogram of body weight)
* * * * * * *			
Bleomycin sulfate	4	[1] 0.5	1.0
* * * * * * *			

[1] The concentration of the test solution is expressed in units per milliliter in lieu of milligrams of activity per milliliter.

* * * * * * *

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c. In § 436.101 by adding new paragraph (a) (16) to read as follows:

§ 436.101 Solutions.

(a) • • •

(16) *Solution 16 (0.1 M potassium phosphate buffer, pH 7.0).*

Dibasic potassium phosphate: 13.6 gm.
Monobasic potassium phosphate: 4.0 gm.
Distilled water, q.s.: 1,000.0 ml.

Adjust with 18 *N* phosphoric acid or 10 *N* potassium hydroxide to yield a pH 6.8 to 7.2 after sterilization.

• • • • • •

d. In § 436.102 by adding paragraphs (b) (34), (35), and (36) to read as follows:

§ 436.102 Culture media.

• • • • • •

(b) • • •

(34) *Medium 34.*

Glycerol: 10.0 gm.
Peptone: 10.0 gm.
Beef extract: 10.0 gm.
Sodium chloride: 3.0 gm.
Distilled water q.s.: 1,000.0 ml.
pH 7.0 after sterilization.

(35) *Medium 35.* Same as medium 34, except add 17.0 grams of agar to each liter of medium.

(36) *Medium 36.*

Pancreatic digest of casein	grams	15
Papaic digest of soybean	grams	5
Sodium chloride	grams	5
Agar	grams	15
Distilled water, q.s.	milliliters	1,000

pH 7.3 after sterilization.

e. In § 436.103 by alphabetically inserting a new item in the table in paragraph (a) and by adding paragraph (b) (8) to read as follows:

§ 436.103 Test organisms.

(a) • • •

Test organisms	Method used	Medium used for the— Slants	Medium used for the— Roux bottles	Incubation period of Roux bottle	Suggested dilution factor	Suggested storage period of suspensions under refrigeration
•	•	•	•	•	•	•
Test organism X—*Mycobacterium smegmatis* (ATCC 607).	8		36			2 weeks.

(b) • • •

(8) *Method 8.* Maintain organisms on agar slants containing 10 milliliters of the appropriate medium and transfer to a fresh slant about once a week. Incubate the slants at 37° C for 48 hours. Using 3 milliliters of sterile U.S.P. saline T.S., wash the growth from the agar slant into a 500-milliliter Erlenmeyer flask containing 100 milliliters of medium 34, as described in § 436.102(b) (34), and 50 grams of glass beads. Agitate the culture by rotation at a speed of 130 cycles per minute and a radius of 3.5 centimeters at 27° C for 5 days. Determine the amount of suspension to be added to each 100 milliliters of agar by the use of test plates. Store the test organism suspension under refrigeration.

f. In § 436.105 (a) and (b) by alphabetically inserting a new item in the respective tables, as follows:

§ 436.105 Microbiological agar diffusion assay.

• • • • • • •

(a) • • •

Antibiotic	Media to be used (as listed by medium number in sec. 436.102(b)) Base layer	Media to be used (as listed by medium number in sec. 436.102(b)) Seed layer	Milliliters of media to be used in the base and seed layers Base layer	Milliliters of media to be used in the base and seed layers Seed layer	Test organism	Suggested volume of standardized inoculum to be added to each 100 mls of seed agar	Incubation temperature for the plates (° C)
•	•	•	•	•	•	•	•
Bleomycin	35	35	10	6	×	1.0	32-35
•	•	•	•	•	•	•	•

(b) • • •

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in sec. 436.200)	Initial solvent	Diluent (solution number as listed in sec. 436.101(a))	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Standard response line concentrations: Diluent	Standard response line concentrations: Final concentrations, units or micrograms of antibiotic activity per milliliter
•	•	•	•	•	•	•	•
Bleomycin	7		16	2 units	2 weeks	16	0.01, 0.02, 0.04, 0.08, 0.16 unit.
•	•	•	•	•	•	•	•

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

4. In Part 450 by adding new §§ 450.10a and 450.210, to read as follows:

§ 450.10a Sterile bleomycin sulfate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile bleomycin sulfate is the amorphous sulfate salt of bleomycin. Bleomycin has been separated into several similar glyco-peptide molecules. It is a cream-colored powder that is so purified and dried that:

(i) Its potency is not less than 1.5 units and not more than 2.0 units of bleomycin per milligram. If it is packaged for dispensing, the content of the ampoule or vial is not less than 90 percent and not more than 120 percent of the number of units of bleomycin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine nor histamine-like substances.

(vi) Its loss on drying is not more than 6.0 percent.

(vii) Its pH in an aqueous solution containing 10 units per milliliter is not less than 4.5 and not more than 6.0.

(viii) Its copper content is not greater than 0.1 percent.

(ix) Its content of various bleomycins is as follows: Bleomycin A_2 is not less than 60 percent and not more than 70 percent; bleomycin B_2 is not less than 25 percent and not more than 32 percent; bleomycin B_1 is not more than 1 percent. Bleomycins A_2 and B_2 should comprise not less than 90 percent of the total bleomycins.

(x) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, loss on drying, pH, copper, content of various bleomycins, and identity.

(ii) Samples required:

(*a*) For all tests except sterility: A minimum of 20 immediate containers.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 7.0 (solution 16), to provide a stock solution of convenient concentration; if it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove all of the withdrawable contents. Dilute the sample thus obtained with solution 16 to provide a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 16 to the reference concentration of 0.04 unit of activity per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) of that section, except use the entire contents of each of the immediate containers tested.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 0.5 unit of bleomycin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *Loss on drying.* Proceed as directed in § 436.200(a) of this chapter, using the total contents of 2 or 3 vials.

(7) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 units per milliliter.

(8) *Copper content—*(i) *Reagents.* Dissolve 10 milligrams of zinc dibenzyldithiocarbamate in 100 milliliters of carbon tetrachloride.

(ii) *Preparation of standard copper solution.* Accurately weigh 1.965 grams of cupric sulfate pentahydrate and transfer to a 1-liter volumetric flask. Dissolve the material in 0.1*N* hydrochloric acid, dilute to volume with 0.1*N* hydrochloric acid and mix well. Transfer 3 milliliters of this stock solution to a 1-liter volumetric flask, dilute to volume with 0.1*N* hydrochloric acid, and mix well. This standard copper solution contains 0.0015 milligram of copper per milliliter. Transfer 10 milliliters of the standard copper solution to a 60-milliliter separatory funnel.

(iii) *Preparation of the sample.* Accurately weigh approximately 15 milligrams of sample into a 60-milliliter separatory funnel. Dissolve the sample in 10 milliliters of 0.1*N* hydrochloric acid.

(iv) *Procedure.* To the separatory funnels containing the sample solution and standard copper solution, add 10 milliliters of the zinc dibenzyldithiocarbamate solution and shake the funnels vigorously for 1 minute. Allow the phases to separate. Filter the carbon tetrachloride phase (lower phase) through 1 gram of anhydrous sodium sulfate to remove excess water. Using a suitable spectrophotometer equipped with 1-centimeter cells, and carbon tetrachloride as a blank, measure the absorbance of the standard copper solution and the sample solution at 435 nanometers. Calculate the percent copper as follows:

$$\text{Percent copper} = \frac{\text{Absorbance of sample solution} \times 1.5}{\text{Absorbance of standard copper solution} \times \text{Sample weight in milligrams}}$$

(9) *Content of various bleomycin fractions—*(i) *Apparatus and reagents—*(*a*) *Column.* Precision glass chromatographic column (1.5±0.0005 centimeters ID×45 centimeters long) equipped with two column end units.

(*b*) *Column end units.* Plastic cylinders (approximately 15 centimeters long), which must fit snugly in the glass chromatographic column. Each end unit contains a barrel and sleeve assembly, and a sealing piston at the end of which is a porous polyethylene disc. A viton O-ring between the barrel and the piston can be expanded to grip the unit in position. A teflon feed tube in the hole in the center of the barrel can be connected to the pump or other equipment. A Whatman Precision Chromatography column or equivalent is suitable.[1]

(*c*) *Extension tube.* Glass tube same dimensions as the column.

(*d*) *Gradient elution device.* Two vertically mounted 500-milliliter glass cylinders connected by means of a glass capillary (1 millimeter ID), which extends from the bottom of the first cylinder to the bottom of the second cylinder. The second cylinder is positioned on a magnetic stirrer and contains a stirring bar. A polyethylene capillary (2 milliliters ID) connects the bottom of the second cylinder to a peristaltic pump. A stock-cock valve between the two cylinders, and one between the second cylinder and the pump, control the solution flow.

[1] Available from: Whatman, 9 Bridewell Pl., Clifton, N.J. 07014.

(*e*) *Solution A.* 0.025 *M* ammonium formate.

(*f*) *Solution B.* 0.5 *M* ammonium formate.

(*g*) *Column support.* Transfer approximately 50 grams of carboxymethyl cellulose ion exchanger (Whatman CM 52 [2] or equivalent) to a coarse-porosity fritted glass funnel, 600 milliliter, mounted on a 1,000-milliliter suction flask. Add approximately 325 milliliters of solution A and equilibrate for 10 to 15 minutes with occasional stirring. Draw off the solution with gentle suction. Repeat with the addition of 325 milliliters of solution A as above, as many times as necessary until the pH of the eluate is around 6.5.

(*h*) *Peristaltic pump with very little pulsing.*

(*i*) *Fraction collector.*

(*j*) *Ultraviolet spectrophotometer for recording absorbance versus time.*

(*k*) *Ultraviolet spectrophotometer.*

(ii) *Preparation of the chromatographic column.* Fit a column end unit into the bottom of the column and tighten in place. Place the extension tube on top of the column via a suitable connector, such as clamped rubber tubing, so as to make a smooth joint inside. Set the column in a vertical position. Add approximately 100 milliliters of solution A to the column support in the funnel, prepared as described in paragraph (b) (9) (i) (*g*) of this section, and stir to make a slurry. Pour the slurry into a beaker and then into the extension tube. Allow the effluent to run to waste through the lower end unit. Im-

[2] Available from: Whatman, 9 Bridewell Pl., Clifton, N.J. 07014.

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mediately after the slurry has been added, insert a column end unit into the extension tube, tighten and connect it to the pump. Pump solution A from a flask containing several hundred milliliters of the solution through the extension tube and column at a flow rate of at least 150 milliliters per hour. Allow the column to pack until the bed height reaches a stable value. Shut off the flow from the bottom of the column by tap, or clamp, or valve. Stop the pump. Disconnect the feed tube from the pump. Release and withdraw the column end unit from the extension tube. Siphon off the solution in the extension tube and remove the extension tube from the column. The column should be overflowing with solution. Insert the column end unit into the top of the column being careful to exclude air. Carefully push the end unit down until it just touches the top of the bed allowing the displaced solution to escape via the top feed tube. Tighten the end unit in place on the column. Reconnect the feed tube of the top column end unit to the pump and open the flow from the bottom of the column. Pump solution A down through the column at approximately 150 milliliters per hour until the bed height reaches a stable value. Shut off the flow from the bottom of the column. Stop the pump. Disconnect the feed tube from the pump. Release and loosen the top column end unit. Push it down gently into the column until it firmly touches the top of the bed and tighten it. Reconnect the top column end unit to the pump and open the flow from the bottom of the column. Pump the solution through the column at a rate of 20 milliliters per hour for several hours. Add 535 milliliters of solution A to the cylinder of the gradient elution device to be connected to the pump. Stir the solution in this cylinder continuously. Add 500 milliliters of solution B to the other cylinder of the gradient elution device.

(iii) *Procedure.* Dissolve a sample containing approximately 15 units of bleomycin in 1 milliliter of solution A in a small conical centrifuge tube. Pump this sample solution to the top of the column. Wash the centrifuge tube three times with 1 milliliter of solution A and pump each wash to the top of the column. Do not pump air into the column. Connect the cylinder of the gradient elution device containing solution A to the pump. Maintain a flow rate of 20 milliliters per hour. Monitor the absorbance of the column effluent at 292 nanometers with a recording spectrophotometer. Collect seven 5-milliliter effluent fractions. Open the stop-cock between the two cylinders of the gradient elution device; then collect 170 5-milliliter effluent fractions from the column. By inspection of the monitored absorbances, identify the fraction numbers for each bleomycin peak by reference to the relative migration rates given in paragraph (b)(9)(iv) of this section. Measure the absorbance of each tube of the identified fractions at 292 nanometers with distilled water as a blank.

(iv) *Calculations.* Determine the migration rate (Rm) of each bleomycin fraction relative to the migration rate of the bleomycin A_2 as follows:

$$Rm \text{ (Migration rate relative to bleomycin } A_2) = \frac{\text{Test tube number of each bleomycin fraction at its peak}}{\text{Test tube number of bleomycin } A_2 \text{ at its peak}}$$

The approximate Rm values of the bleomycin fractions are:

Fractions	Rm
Bleomycinic acid	0.16
Bleomycin A_1	0.48
Demethyl bleomycin A_2	0.52
Bleomycin B_1	0.58
Bleomycin A_2	1.00
Bleomycin A^1_2	1.12
Bleomycin B_2	1.22
Bleomycin A_5	1.65
Bleomycin B_4	1.85

Add the absorbances of each tube of each bleomycin fraction to obtain the total absorbance of the particular bleomycin fraction. Add the absorbances of all the bleomycin fractions to obtain the grand total absorbance.

$$\text{Percent of a particular bleomycin fraction in the bleomycin sample} = \frac{\text{(Total absorbance of all tubes of a particular fraction} \times 100)}{\text{(Grand total of absorbances of all bleomycin fractions)}}$$

(10) *Identity test.* Proceed as directed in § 436.211 of this chapter, using the method described in paragraph (b)(1) of that section, using a 1 percent mixture.

§ 450.210 Sterile bleomycin sulfate.

The requirements for certification and the tests and methods of assay for sterile bleomycin sulfate packaged for dispensing are described in § 450.10a.

Since the conditions prerequisite to providing for certification of the subject antibiotic drug have been complied with, and since the matter is noncontroversial in nature, notice and public procedures and delayed effective date are not prerequisites to this promulgation.

Effective date. This regulation shall be effective on November 7, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: October 31, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-29849 Filed 11-6-75;8:45 am]

[FRL 453-7; FAP5H5098/T6]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEED ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Thiabendazole

On August 1, 1975, notice was given (40 FR 32377) that Merck & Co., Inc., Rahway, NJ 07065, had filed a pesticide petition (FAP 5H5098) with the Environmental Protection Agency (EPA). This petition proposed that 21 CFR 123 & 561 be amended to permit the postharvest use of the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole) on sugar beets with tolerance limitations of 0.5 part per million (ppm) in sugar beet sugar, 50 ppm in dry sugar beet pulp, and 40 ppm in sugar beet molasses, in a proposed experimental use program in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The tolerance limitations are being established and the experimental use permit is being issued to:

1. Evaluate the control of fungal organisms in piled sugar beet storage

2. Obtain data on residue concentration in sugar beet pulp and molasses from postharvest treatment of sugar beets with thiabendazole

3. Permit the marketing of dry sugar beet pulp and molasses produced from sugar beets which have received postharvest treatment with thiabendazole.

Merck & Co. subsequently amended the petition by withdrawing the request for a food additive tolerance in sugar beet sugar.

The scientific data reported have been evaluated. Residues of the fungicide will result in dry sugar beet pulp and sugar beet molasses from the uses as provided for by the experimental use permit issued under FIFRA, and therefore tolerance limitations are being established to coincide with this experimental use to protect the public health.

Any person adversely affected by this regulation may, on or before December 8, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective November 7, 1975, Part 561, § 561.380, is amended to read as follows:

(Sec. 409(c)(1) and (4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1) and (4)) transferred to the Administrator EPA in Reorganization Plan No. 3 (35 FR 15623))

Dated: November 4, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 561 is amended by adding the tolerance limitations "50 parts per million . . ." and "40 parts per million . . ." as follows:

§ 561.380 Thiabendazole.

• • • • •

50 parts per million in dry sugar beet pulp resulting from postharvest application of the fungicide to sugar beets. Such residues may be present therein only as a result of application of the fungicide in an experimental use program which expires November 4, 1976. Residues not in excess of this tolerance limitation remaining after expiration of this experimental use program will not be considered actionable if the fungicide is legally applied during the term and in accordance with the provisions of the experimental use permit/feed additive tolerance limitation.

40 parts per million in sugar beet molasses resulting from postharvest application of the fungicide to sugar beets. Such residues may be present therein only as a result of application of the fungicide in an experimental use program which expires November 4, 1976. Residues not in excess of this tolerance limitation remaining after expiration of this experimental use program will not be considered actionable if the fungicide is legally applied during the term and in accordance with the provisions of the experimental use permit/feed additive tolerance limitation.

[FR Doc.75-30068 Filed 11-6-75;8:45 am]

SUBCHAPTER J—RADIOLOGICAL HEALTH

[Docket No. 75N-0048]

PART 1030—PERFORMANCE STANDARDS FOR MICROWAVE AND RADIOFREQUENCY EMITTING PRODUCTS

Microwave Ovens

The Commissioner of Food and Drugs is amending the performance standard in § 1030.10 (21 CFR 1030.10) for microwave ovens to indicate clearly that concealed interlocks must meet the commonly accepted definition of concealment, i.e., being hidden from view and undisclosed. The amendment allows microwave ovens to have, as an alternative to a concealed interlock, an interlock that cannot be actuated when access to it is possible. Also, the requirement that prohibits insertion of objects into the oven, which can cause excess radiation emission, is being changed to better define the term "object" and to cover parts of microwave oven interiors other than the cavity. The amendment also corrects a minor technical inconsistency in the requirements for magnetically operated interlocks. The amendment applies to all microwave ovens manufactured on or after November 7, 1976.

A proposed rule published in the FEDERAL REGISTER of June 26, 1975 (40 FR 27038), provided that interested persons had until August 25, 1975 to file written comments with the Hearing Clerk, Food and Drug Administration, regarding the proposal. Two comment letters were received in response to the proposal. One comment, from a manufacturer of microwave ovens, indicated no objection to the proposed amendment.

The second comment, from a manufacturers' association, reaffirmed the views of the association as presented at a public meeting held on December 10, 1974. At that meeting, the association's representative opposed the proposed amendment. Furthermore, the comment stated that in proposed § 1030.10(c)(2)(iv) a new phrase, "• • • or other microwave energy containing spaces • • •", had been added, and that this phrase was not understood by the industry and must be explained.

The Commissioner has determined that there was no documented information brought forth at the December 10, 1974 public meeting to change the decision to proceed with amendment of the standard. Regarding the phrase, "• • • or other microwave energy containing spaces • • •", it should be noted that this phrase was included in the draft amendment made public prior to the December 10, 1974 meeting and included in background material made available to meeting participants. The phrase is intended to extend the prohibition against insertion of objects to all interior oven spaces that are designed to contain microwave energy or can reasonably be expected to contain microwave energy. The present § 1030.10(c)(2)(iv) refers only to the microwave oven cavity and therefore does not take into account the possibility that insertion of objects into other microwave - energy - containing spaces may result in excessive emission.

In the proposed § 1030.10(c)(2)(i), the dimensions of the armature, used to determine test magnet strength, were inadvertently given as 60 millimeters by 50 millimeters by 8 millimeters. The dimensions in the present standard are 80 millimeters by 50 millimeters by 8 millimeters. The change from the present standard was unintentional and has been corrected in the regulation.

The Commissioner concludes that promulgation of this amendment to the performance standard for microwave ovens will not significantly affect the quality of the human environment and, therefore, that no environmental impact statement is necessary pursuant to 21 CFR Part 6 and 40 CFR Part 1500. The environmental impact analysis report and environmental assessment, along with other pertinent background data and information supporting the Commissioner's conclusions about this amendment are available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The regulation has been reviewed and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A-107, and guidelines issued April 1, 1975, by the Department of Health, Education, and Welfare.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to him (21 CFR 2.120), Part 1030 is amended in § 1030.10 by revising paragraph (c)(2)(i) and (iv), to read as follows:

§ 1030.10 Microwave ovens.

• • • • • •

(c) • • •

(2) *Safety interlocks.* (i) Microwave ovens shall have a minimum of two operative safety interlocks. At least one operative safety interlock on a fully assembled microwave oven shall not be operable by any part of the human body, or any object with a straight insertable length of 10 centimeters. Such interlock must also be concealed, unless its actuation is prevented when access to the interlock is possible. Any visible actuator or device to prevent actuation of this safety interlock must not be removable without disassembly of the oven or its door. A magnetically operated interlock is considered to be concealed, or its actuation is considered to be prevented, only if a test magnet held in place on the oven by gravity or its own attraction cannot operate the safety interlock. The test magnet shall be capable of lifting vertically at zero air gap at least 4.5 kilograms, and at 1 centimeter air gap at least 450 grams when the face of the magnet, which is toward the interlock when the magnet is in the test position, is pulling against one of the large faces of a mild steel armature having dimensions of 80 millimeters by 50 millimeters by 8 millimeters.

• • • • • •

(iv) Microwave radiation emission in excess of the limits specified in paragraph (c)(1) of this section shall not be caused by insertion of an insulated wire through any opening in the external surfaces of a fully assembled oven into the cavity, waveguide, or other microwave-energy-containing spaces while the door is closed, provided the wire, when inserted, could consist of two straight segments forming an obtuse angle of not less than 170 degrees.

• • • • •

Effective date. This regulation shall become effective on November 7, 1976.

(Sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f))

Dated: October 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-29927 Filed 11-6-75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 627-75]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Protection of Privacy of Individuals Records

Correction

In FR Doc. 75-28905, appearing at page 50642 in the issue for Thursday, October 30, 1975, "or his delegate." should be added to the end of the second full sentence in § 16.48(b), appearing on page 50644.

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Title 29—Labor

CHAPTER XXV—EMPLOYEE BENEFITS SECURITY, OFFICE OF DEPARTMENT OF LABOR

SUBCHAPTER B—DEFINITIONS AND COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

PART 2510—DEFINITIONS OF TERMS USED IN SUBCHAPTERS C, D, E, F, AND G OF THIS CHAPTER

Guidance To Determine Coverage

● **Purpose: The purpose of these amendments to chapter XXV of the Department of Labor regulations is to provide guidance to determine coverage under the Employee Retirement Income Security Act of 1974 (hereinafter "the Act").** ●

On December 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 42234) of proposed regulations concerning the definition of the term "multiemployer plan" under section 3(37) of the Act.

On May 12, 1975, a final rule (40 FR 20629) and proposed rule (40 FR 20653) redesignating both final and proposed subchapters, parts and sections were published in the FEDERAL REGISTER. Under this redesignation system, the section numbers of proposed and adopted regulations promulgated under Chapter XXV are based on the section numbers of the Act to which each regulation relates. The December 4 proposed regulations have been redesignated in accordance with this system.

The regulations contained in this document are both temporary regulations effective immediately and proposed regulations for final adoption. The primary reason for making these regulations effective immediately on a temporary basis is that plans not in existence on January 1, 1974 must meet the requirements of the Act for plan years beginning after September 2, 1974. For many plans the first plan year beginning after September 2, 1974 will be a plan year beginning on September 1, 1975, as a result of procedures set forth by the Internal Revenue Service in Revenue Procedures 74–38, 74–39, and 74–40 issued September 10 and 11, 1974. These procedures classified plans as "pre-existing plan" (adopted and put into effect by an employer on or before January 1, 1974), "new plan subject to prior law" (adopted and put into effect by an employer after January 1, 1974, whose first plan year begins on or before September 2, 1974, whether or not it is adopted and put into effect by an employer before September 2, 1974), and "new plan subject to new law" (adopted and put into effect by an employer after January 1, 1974, whose first plan year begins after September 2, 1974). The effect of these procedures was to permit plans adopted after January 1, 1974 to meet the requirements of prior law rather than the requirements of the Act by making the plan year begin on or before September 2, 1974. Many of these plans will now have plan years beginning September 1, 1975, during which they will be required to meet the standards of the Act. In addition, preexisting plans must meet the requirements of the Act for plan years beginning after December 31, 1975. The regulations in Part 2530 will allow these plans to make the necessary adjustments. Any changes or modifications contained in "final" regulations will be prospective only.

For the foregoing reasons, the undersigned finds that good cause exists for making these regulations temporarily effective without advance publication as specified in the Administrative Procedure Act (5 U.S.C. 553(d)(3)).

These regulations are also proposed for final adoption as soon as possible. Interested persons are invited to submit written data, views, or arguments concerning any or all of the proposed regulations contained in this document on or before December 3, 1975. Such data, views and comments should be submitted to the Office of Employee Benefits Security DEVD–ME, Labor Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216. All comments should be clearly referenced to the numbers of the sections to which the comments are directed.

The regulation provides that all multiemployer plans must meet the tests set forth in section 3(37)(a)(i)–(iv), and in addition a plan not in existence prior to the effective date of the Act must meet the test that it was established for a substantial business purpose. With one exception, all changes in this regulation from the December 4 proposal are editorial in nature and made in the interest of clarity.

The exception, contained in subsection (b), is a newly added set of rules for determining whether a plan was in existence prior to the effective date of the Act. These rules are consistent with those contained in § 1.411(a)–2(c) of the proposed regulations of of the Internal Revenue Service concerning vesting (26 CFR 1.411(a)–2(c). Comments are specifically solicited on these new provisions.

(Sec. 505, Pub. L. 93–406, 88 Stat. 894, 29 U.S.C. 1135; Secretary of Labor's Order No. 27–74, and Labor Management Services Administration Order No. 2–6.)

Accordingly, Chapter XXV of Title 29 of the Code of Federal Regulations is amended by adding a new § 2510.3–37.

§ 2510.3–37 Multiemployer plan.

(a) *General.* Section 3(37) of the Act contains in subparagraph (a)(i)–(iv) a number of criteria which an employee benefit plan must meet in order to be a multiemployer plan under the Act. Section 3(37) also provides that the Secretary may prescribe by regulation other requirements in addition to those contained in subparagraph (a)(i)–(iv). The purpose of this regulation is to establish such requirements.

(b) *Plans in existence before the effective date.* (1) A plan in existence before September 2, 1974, will be considered a multiemployer plan if it satisfies the requirements of section 3(37)(A)(i)–(iv) of the Act.

(2) For purposes of this section, a plan is considered to be in existence if:

(i) (A) The plan was reduced to writing and adopted by the participating employers and the employee organization (including, in the case of a corporate employer, formal approval by an employer's board of directors or shareholders, if required), even though no amounts had been contributed under the plan, and

(B) The plan has not been terminated; or

(ii) (A) There was a legally enforceable agreement to establish such a plan signed by the employers and the employee organization, and

(B) The contributions to be made to the plan were set forth in the agreement.

(iii) If a plan was in existence within the meaning of paragraph (b)(i) or (ii) of this section, any other plan with which such existing plan is merged or consolidated shall also be considered to be in existence.

(c) *Plans not in existence before the effective date.* In addition to the provisions of section 3(37)(A)(i)–(iv) of the Act, a multiemployer plan established on or after September 2, 1974, must meet the requirement that it was established for a substantial business purpose. A substantial business purpose includes the interest of a labor organization in securing an employee benefit plan for its members. The following factors are relevant in determining whether a substantial business purpose existed for the establishment of a plan; any single factor may be sufficient to constitute a substantial business purpose:

(1) The extent to which the plan is maintained by a substantial number of unaffiliated contributing employers and covers a substantial portion of the trade, craft or industry in terms of employees or a substantial number of the employees in the trade, craft or industry in a locality or geographic area;

(2) The extent to which the plan provides benefits more closely related to years of service within the trade, craft or industry rather than with an employer, reflecting the fact that an employee's relationship with an employer maintaining the plan is generally short-term although service in the trade, craft or industry is generally long-term;

(3) The extent to which collective bargaining takes place on matters other than employee benefit plans between the employee organization and the employers maintaining the plan; and

(4) The extent to which the administrative burden and expense of providing benefits through single employer plans would be greater than through a multiemployer plan.

Issued in Washington, D.C. this 4th day of November 1975.

JAMES D. HUTCHINSON,
Administrator for Pension and Welfare Benefit Programs.

[FR Doc.75–30082 Filed 11–6–75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 411–8]

PART 79—REGISTRATION OF FUELS AND FUEL ADDITIVES

Requirements

On March 7, 1974, the Environmental Protection Agency published a notice of proposed rulemaking in the FEDERAL REGISTER (39 FR 8929) setting forth proposed regulations for the registration of fuels and fuel additives. Pursuant to this notice, many written comments were received during an extended public comment period. The proposed registration requirements have been reviewed in the light of these comments, and numerous changes have been made. The Agency's responses to the issues raised in the comments are set forth below.

Definition of fuels and designation of engine oils for registration. Industry trade associations and other interested persons have asserted that the definition of fuels contained in the regulations is impermissibly broad. They contend that section 211 of the Clean Air Act, as amended, authorizes registration of fuels for use in motor vehicles only and that the definition of fuel must be confined to substances or materials intended for use as a source of propulsion for motor vehicles. They object, therefore, to the designation of additives used in motor vehicle engine oils as subject to registration.

First, neither the language nor the legislative history of section 211 supports limiting the registration authority of section 211(a) to motor vehicle fuels and additives. While only motor vehicle fuels are subject to regulation under section 211(c), the Administrator's authority to require registration of "any fuel or fuel additive" was established in the Clean Air Act of 1967 and retained in the 1970 Amendments. EPA has designated only motor vehicle fuels for registration at this time, but this choice is dictated by research priorities and not by a lack of authority to regulate other types of fuels.

Section 79.2(c) of the registration regulations contains the definition of "fuel" as promulgated in the original fuel registration regulations issued in 1970. The word "fuel" is defined as "any material which is capable of releasing energy or power by combustion or other chemical or physical reaction." EPA believes that this broad definition of fuel reflects the intent of Congress in providing for the registration of fuels and fuel additives to grant authority encompassing all materials which might affect the emission products of combustion and thus the public health and welfare.

The function of motor vehicle engine oils is to lubricate the cylinder walls and the intake and exhaust valves of both standard piston and rotary engines. Although these oils are not introduced into the combustion chamber for the purpose of providing power for the engine, a portion of the oil is in fact combusted in the normal operation of the engine. This quantity increases in older, partially worn engines.

Most of the parties commenting on the regulations conceded that engine oils are combusted in the normal operation of both standard piston and rotary engines. They argued, however, that the quantities of engine oil consumed in the piston engine are not great enough to have a significant impact on emissions or emission control devices. While a relatively large volume of engine oil is deliberately introduced into the fuel and combustion process of the rotary engine, some persons commenting asserted that EPA should wait until larger numbers of rotary engines appear on the market.

The total quantity of engine oils consumed in vehicles is, of course, less than that of gasoline. However, the concentrations of additives containing various elements, especially metals, whose emission products are of concern to EPA are much higher in engine oils than in gasoline. Engine oils contain large quantities of additives, averaging 15 percent of total product volume and ranging as high as 40 percent. Gasoline additives, by contrast, average only 0.1 percent of total product volume. Considering both the consumption rates and the average additive content of engine oils and gasoline, the combustion and emission products of engine oil additives are, on the average, somewhat lower than that of gasoline additives; but they are of the same order of magnitude and are readily detectable in the exhaust.

There is ample evidence in the literature that lubricant composition and additive materials influence exhaust composition. Some investigators have found that lubricant consumption greatly increased emission of polynuclear aromatic hydrocarbons.[1] [2] Another researcher found zinc and barium in exhaust particles due to lubricant trace metals.[3] High lubricant consumption in rotary engines has also been a matter of considerable concern. A current EPA-funded program seeks to determine the impact on diesel exhaust products of the current commercial practice of adding used motor oil to diesel fuel.[4] EPA must monitor the composition of engine oil additives to guard against the introduction into engine oil of additives which could result in exhaust products damaging to emission control devices, as well as to insure that potentially toxic (as, for example, carcinogenic) products in significant levels do not enter the ambient air, particularly in regions of high traffic density.

Finally, many of the comments suggest that EPA should not require registration of particular fuels or additives such as engine oil additives unless EPA has reason to believe that their emission products impair the effectiveness of emission control devices or endanger public health or welfare. These comments misconceive the purpose of the registration requirements. The principal purpose of section 211(a) is to provide the Agency with information on fuel or additive composition before the emission products of such materials develop into a problem possibly requiring regulation under section 211(c). Thus, the fact that the rotary engine, for example, is not yet in widespread use has little bearing on whether to require registration of additives for engine oils. The regulations being promulgated, therefore, retain the requirement of registration of additives for motor vehicle engine oil. An effort has been made, however, to reduce the reporting burden imposed by the regulations where possible.

Testing to determine the effect of fuels or fuel additives on emission control systems or the public welfare. Section 79.6(b) of the proposed regulations states that the Administrator may require a fuel manufacturer or an additive manufacturer to conduct tests in accordance with protocols based on generally accepted test methods and procedures in order to determine the fuel's or additive's effects on emissions, emission control performances of motor vehicles, or the extent to which such emissions affect welfare. Several persons commented that this provision is unauthorized because section 211(b)(2)(A) authorizes requiring tests "to determine potential public health effects" of a fuel or additive and does not refer to requiring tests to ascertain the effects on emissions, emission control systems, or public welfare.

EPA believes that requiring the latter tests is amply supported by section 211(b)(2)(B) which requires a registrant to furnish "such other information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or additive contained in such fuel, the effect of such fuel or additive on the emission control performance of any vehicle or engine, or the extent to which such emissions affect the public health or welfare." It is clear from the legislative history of section 211 that the authority of section 211(b)(2)(B) is not limited to obtaining information already developed by the registrant but extends to information that could readily be developed by test methods and procedures having general acceptance in the scientific community.

The specific authority of section 211(b)(2)(A) to require tests to determine "potential public health effects . . . (including, but not limited to, carcinogenic, teratogenic, or mutagenic effects) . . ." is directed at an area of more esoteric information where test procedures and research parameters are not well established or generally accepted. Consequently, testing requirements in the field of potential public health effects may not be imposed until such time as the Administrator has prescribed specific protocols and procedures for conducting the research. These protocols and procedures will be proposed for public com-

[1] Begeman, C. R. and J. M. Colucci, SAE Trans., 79, 1682 (1970).
[2] Gross, G., Final Report on CRC–APRAC Project CAPE–6–68, Oct. 31, 1973.
[3] Ninomiya, J. S., W. Bergman, and B. H. Simpson, Paper No. EN–106, presented at the Second International Clean Air Congress, Washington, D.C., Dec. 6–11, 1970.
[4] EPA grant 802425–01–02, Pennsylvania State University, May 1974.

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ment. Requests to registrants for information to be developed by generally accepted test methods will not be subject to notice and comment procedures.

Fuel "processors". Several commentators asserted that a fuel "processor" may not be required to perform tests because the word "processor" appears only in section 211(a), which prohibits any fuel or additive manufacturer or processor from selling unregistered fuels or additives, but is omitted from section 211(b)(2), which authorizes the Administrator to require tests.

By enacting section 211 (a) and (b), Congress intended to establish authority for the Administrator to obtain information on health and welfare effects and effects on emission control devices of fuels and additives from the firms and individuals who introduce such fuels and additives into the marketplace. The combining of additives and/or fuels holds the potential of creating previously unidentified combustion by-products, and those who engage in this activity must be viewed in the same light as those who produce the substances which are combined. That the Congress chose to apply the broadest possible scope to its prohibition against marketing unregistered fuels or additives does not, in the Agency's view, suggest that the Administrator was to be barred from obtaining necessary information from those who in fact produce new fuels or additives by combining other fuels or additives. Broad applicability of the registration regulations is essential to assure that EPA receives complete information on the composition of designated fuels and additives from those who sell or introduce such products into commerce.

The Act does not define either "manufacturer" or "processor" as used in section 211, and nothing in the legislative history suggests that Congress intended to distinguish between manufacturers and processors for the purpose of reporting or testing requirements under the registration program. Indeed, there is no indication that the terms "manufacturer" and "processor" were meant to denote separate classes of producers. EPA has considered the term "manufacturer" to include "processor," and the existing registration regulations reflect that view. We find no legal or policy considerations compelling a departure from this interpretation in the revised regulations. To eliminate any further confusion of terminology, EPA has deleted the term "processor" from the definition of fuel manufacturer.

Registration of packaged additives. A group of persons commenting has recommended that packaged additives sold to consumers for addition to fuels be exempted from reporting and registration. Although the usage of packaged additives is limited, EPA has an obligation to be aware of the composition of every additive being used in motor vehicles in order to take appropriate action if an ingredient harmful to health, welfare, or an emission control device is included. This can only be assured by requiring the registration of all packaged additives. The reporting burden for manufacturers of packaged additives should be reduced in some cases by the more limited classes of information required from additive manufacturers who use only registered components with or without substances containing only hydrogen and carbon.

EPA has also consulted with representatives of the Consumer Product Safety Commission and was advised that regulation of packaged additives under the Federal Hazardous Substances Act does not require submission to that Agency of the information required under EPA's registration program.

Test fuels or additives; spot purchases from foreign sources. The Agency concurs with the recommendation of a number of persons commenting to exempt fuels and additives in test or developmental status from registration, and provisions exempting such fuels and additives not offered for sale to the public have been added. Also, an exemption for factory fill fuel has been included. The possibility of spot purchases of fuels of foreign manufacture to ease shortages is recognized, and a provision for simplified reporting of such purchases has been added. From time to time, a fuel manufacturer or processor may find himself in a special or unusual situation where he needs to use a registered additive which he has not previously reported. A provision for the use under such circumstances of any additive on the list of registered additives has been included.

Information required for registering fuels and additives. Many fuel or additive producers commented that the registration requirements impose an excessive burden. This objection is based in part on a misunderstanding of the regulations. In other cases, EPA has modified the requirements to avoid duplicative reporting of information where possible and to eliminate information requirements where the utility of the data is marginal at this time.

Some parties overlooked the fact that all information specified in Subpart D was to be furnished only to the extent such information is already known to the manufacturer, as was stated in §§ 79.11(f) and 79.21(e). The regulations being promulgated have been modified to clarify this point. The phrase "to the extent known to the manufacturer" has been shifted to the specific listings of desired information in Subpart D. In addition, the intent of this phrase has been clarified by explaining that (1) specified data are to be furnished only if known to the manufacturer "as a result of testing conducted for reasons other than fuel or additive registration or reporting" and (2) specified information is considered to be "known" only when "a report thereon has been prepared and circulated or distributed outside the research department or division."

Since a number of persons misinterpreted the request for information regarding any analytical technique that can be used to detect the presence of an additive in a fuel and to measure its concentration as a requirement to develop such a technique, it has been reworded to state that the manufacturer shall submit a suitable technique only if one is already known to him. It has also been pointed out that in some cases an additive manufacturer cannot be sure of the final chemical reaction products in his additive. Such a manufacturer may furnish the chemical composition "to the extent known," provided he also furnishes a description of the manufacturing process resulting in the final reaction products of the additive.

Several changes affecting the requirements and procedures for the registration of fuel additives have been made. New developments in additives containing carbon, hydrogen, and oxygen make it technically impossible to justify their exemption from registration in spite of recommendations to this effect. Some compounds having only carbon, hydrogen, and oxygen are known to have toxic or carcinogenic properties. B-propriolactane is a widely known carcinogen; some epoxides are also known to have toxic effects. Unsaturated carbonyl compounds which may be generated as partial combustion products are highly toxic and may also have carcinogenic activity. Thus, it is important to monitor the composition of fuel additives which contain only carbon, hydrogen, and oxygen. The additive definition has, however, been changed to exclude substances containing only carbon and/or hydrogen to avoid any uncertainty concerning the status of refinery blending streams. Refinery process chemicals are also excluded from the registration requirements.

In operations under the current regulations, additive manufacturers have understood that they are not required to furnish information about purchased components, provided such information can be obtained from the component manufacturer upon request; and a provision covering this has been inserted in these regulations. Another new provision will permit an additive manufacturer to register only the individual components of mixtures of additives that he markets only to fuel manufacturers rather than each of the mixtures, provided he will identify the components in any particular mixture upon request.

In addition, an additive manufacturer who sells under his own name a registered additive purchased from another manufacturer or a blend of such registered additive with other such registered additives and/or substances containing only carbon and/or hydrogen will be required to register his additive(s) but will not be required to furnish annual reports thereafter. This change is intended to limit potential duplicative reporting of information.

To ease the reporting burden on manufacturers of motor vehicle engine oil additives, those manufacturers are exempted from the requirement to furnish the chemical compounds in each additive to be registered and will be required to give a breakdown by chemical element only. Information on the chemical elements contained in such additives is considered sufficient for the program at this time.

Certain changes in fuel manufacturer reporting requirements have been made. The provision for reporting geographic variation in additive usage has been eliminated because of the difficulty and/or impossibility of obtaining meaningful and useful data. The only data to be required on a quarterly basis will be on additive usage, as is being provided under the current regulations, and fuel production. In addition, quarterly reports will be for calendar quarters. Other data as listed in Subpart D are to be furnished on an annual basis.

The types of gasoline being designated have been reduced to three: (1) Unleaded; (2) leaded, premium; and (3) leaded, nonpremium. The Agency feels that at the present time there is sufficient leaded premium gasoline on the market to warrant its classification but will consider elimination of this classification when the amount of leaded, premium gasoline sold is substantially reduced. The designated grades of motor vehicle diesel fuels have been reduced to two: (1) grade 1–D and (2) grade 2–D.

As requested by a number of persons commenting, time limits in which EPA will take specified actions to register fuels or additives have been set forth.

Procedural issues; confidentiality of information. Several persons requested that EPA hold a hearing on the record with the right of cross examination by interested members of the public. It is well established that a formal hearing is not required unless the statute calls for rulemaking on the record after opportunity for an agency hearing. To adopt the requirements of formal procedural rulemaking would be contrary to congressional intent and would serve only to delay the issuance of the regulations. In addition, neither the Administrative Procedure Act nor section 211 of the Clean Air Act requires that any public hearing, formal or informal, be held in addition to the opportunity to submit written comments on the proposed amendments to the fuel registration regulations. While the Agency recognizes that oral presentations may be beneficial in particular cases where a hearing is not required by law, the parties requesting a hearing have made no showing that the issues involved in the fuel registration program compel a departure from the procedures for informal rulemaking calling for written submissions only.

There is similarly no legal requirement that an environmental impact statement be prepared on the proposed amendments. See Amoco Oil v. EPA, 501 F.2d 722, 749–50 (D.C. Cir. 1974). Moreover, the Agency's published statement of policy that such statements will be prepared voluntarily in connection with specified rulemaking activities is applicable (a) to regulations proposed after October 15, 1974, and (b) to major regulatory actions involving establishment of substantive standards or criteria (39 FR 16186). The proposed amendments to the fuel registration program at issue in this rulemaking are excluded from the policy statement on both grounds.

Concern has been expressed that the provisions of EPA's regulations on Public Information (40 CFR Part 2) referenced in § 79.3 of the proposed registration regulations may not afford notice to a registrant that a request has been made for release of information considered by the registrant to be a trade secret. The preliminary determination as to potential exemption from disclosure on grounds of trade secrecy is made in this case by the Office of Fuel and Fuel Additive Registration. If the information "may be exempt" from disclosure, the matter is referred to the EPA Office of General Counsel; and the registrant is notified. It has been the policy of the Office of Fuel and Fuel Additive Registration to regard all information designated by the registrant as trade secret as potentially exempt. Thus, the registrant would be notified of any request for data that would call the trade secret status of such information into question.

The regulations promulgated below shall be effective on November 7, 1975. (Sections 211 and 301(a) of the Clean Air Act, 42 U.S.C. 1857f–6c and 1857g).

Dated: October 31, 1975.

JOHN QUARLES,
Acting Administrator.

Part 79, Chapter I of Title 40 of the Code of Federal Regulations, is revised to read as follows:

Subpart A—General Provisions

Sec.
79.1 Applicability.
79.2 Definitions.
79.3 Confidentiality of information.
79.4 Requirement of registration.
79.5 Periodic reporting requirements.
79.6 Requirement for testing.
79.7 Samples for test purposes.
79.8 Penalties.

Subpart B—Fuel Registration Procedures

79.10 Notification by fuel manufacturer.
79.11 Information and assurances to be provided by the fuel manufacturer.
79.12 Determination of noncompliance.
79.13 Registration.
79.14 Termination of registration of fuels.

Subpart C—Additive Registration Procedures

79.20 Notification by additive manufacturer.
79.21 Information and assurances to be provided by the additive manufacturer.
79.22 Determination of noncompliance.
79.23 Registration.
79.24 Termination of registration of additives.

Subpart D—Designation of Fuels and Additives

79.30 Scope.
79.31 Additives.
79.32 Motor vehicle gasoline.
79.38 Motor vehicle diesel fuel.

AUTHORITY: Secs. 211 and 301(a) of the Clean Air Act, 42 U.S.C. 1857f–6c and 1857g.

Subpart A—General Provisions

§ 79.1 Applicability.

The regulations of this part apply to the registration of fuels and fuel additives designated by the Administrator, pursuant to section 211 of the Clean Air Act (42 U.S.C. 1857f–6c, asamended by section 9, Pub. L. 91–604).

§ 79.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Act" means the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Pub. L. 91–604).

(b) "Administrator" means the Administrator of the Environmental Protection Agency.

(c) "Fuel" means any material which is capable of releasing energy or power by combustion or other chemical or physical reaction.

(d) "Fuel manufacturer" means any person who, for sale or introduction into commerce, produces or manufactures a fuel or causes or directs the alteration of the chemical composition of, or the mixture of chemical compounds in, a bulk fuel by adding to it an additive.

(e) "Additive" means any substance, other than one composed solely of carbon and/or hydrogen, that is intentionally added to a fuel named in the designation (including any added to a motor vehicle's fuel system) and that is not intentionally removed prior to sale or use.

(f) "Additive manufacturer" means any person who produces or manufactures an additive for use as an additive and/or sells an additive under his own name.

(g) "Range of concentration" means the highest concentration, the lowest concentration, and the average concentration of an additive in a fuel.

(h) "Chemical composition" means the name and percentage by weight of each compound in an additive and the name and percentage by weight of each element in an additive.

(i) "Chemical structure" means the molecular structure of a compound in an additive.

(j) "Impurity" means any chemical element present in an additive that is not included in the chemical formula or identified in the breakdown by element in the chemical composition of such additive.

§ 79.3 Confidentiality of information.

Information obtained by the Administrator or his representatives pursuant to this part shall be treated, insofar as its confidentiality is concerned, in accordance with regulations in 40 CFR Part 2. Results of tests required under § 79.6(a) to determine potential public health effects of fuels or additives shall in no case be considered confidential.

§ 79.4 Requirement of registration.

(a) Fuels. (1) No manufacturer of any fuel designated under this part shall, after the date prescribed for such fuel in this part, sell, offer for sale, or introduce into commerce such fuel unless the Administrator has registered such fuel.

(2) No manufacturer of a registered fuel shall add or direct the addition to

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it of an additive which he has not previously reported unless he has notified the Administrator of such intended use, including the expected or estimated range of concentration. If necessary to meet an unforeseen production problem, however, a fuel manufacturer may use an additive that he has not previously reported provided that (i) the additive is on the current list of registered additives and (ii) the fuel manufacturer notifies the Administrator within 30 days regarding such unforeseen use and his plans regarding continued use, including the expected or estimated range of concentration.

(3) Any designated fuel that is (i) in a research, development, or test status; (ii) sold to automobile, engine, or component manufacturers for research, development, or test purposes; or (iii) sold to automobile manufacturers for factory fill, and is not in any case offered for commercial sale to the public, shall be exempt from registration.

(4) A domestic fuel manufacturer may purchase and offer for commercial sale foreign-produced fuel containing unidentified additives provided that within 30 days of his offer for sale he notifies the Administrator of the purchase, the source of purchase, the quantity purchased, and summarized results of any tests performed to determine the acceptability of the purchased fuel to the fuel manufacturer.

(b) Additives. (1) No manufacturer of any additive designated under this part shall, after the date prescribed for such additive in this part, sell, offer for sale, or introduce into commerce such additive for use as an additive unless the Administrator has registered such additive.

(2) Any designated additive that is either (i) in a research, development, or test status or (ii) sold to petroleum, automobile, engine, or component manufacturers for research, development, or test purposes, and in either case is not offered for commercial sale to the public, shall be exempt from registration.

(3) Process chemicals used by refineries during the refinery process are exempted from the requirement for registration.

(4) If an additive manufacturer prepares for sale only to fuel manufacturers a mixture of two or more registered additives (with or without substances containing only carbon and/or hydrogen), he will not be required to register such mixture provided he will, upon request, furnish the Administrator with the names and percentages by weight of all components of such mixture.

§ 79.5 Periodic reporting requirements.

(a) Fuel manufacturers. (1) For each calendar quarter (January through March, April through June, July through September, October through December) commencing after the date prescribed for a particular fuel in Subpart D, fuel manufacturers shall submit to the Administrator a report for each registered fuel showing (i) the range of concentration of each additive reported under § 79.11(a) and (ii) the volume of such fuel produced in the quarter. Reports shall be submitted within 45 days after the close of the reporting period on forms supplied by the Administrator upon request.

(2) Fuel manufacturers shall submit to the Administrator a report annually for each registered fuel providing additional data and information as specified in § 79.31 (c) and (d) in the designation of the fuel in Subpart D. Reports shall be submitted on or before March 31 for the preceding year or part thereof on forms supplied by the Administrator upon request. If the date prescribed for a particular fuel in Subpart D or the later registration of a fuel is between October 1 and December 31, no report will be required for the period to the end of that year.

(b) Additive manufacturers. Additive manufacturers shall submit to the Administrator a report annually for each registered additive providing additional data and information as specified in subparagraphs (c) and (d) in the designation of the additive in Subpart D. Additive manufacturers shall also report annually the volume of each additive produced. Reports shall be submitted on or before March 31 for the preceding year or part thereof on forms supplied by the Administrator upon request. If the date prescribed for a particular additive in Subpart D or the later registration of an additive is between October 1 and December 31, no report will be required for the period to the end of that year. These periodic reports shall not, however, be required for any additive that is (1) an additive registered under another name, (2) a blend or mixture of two or more registered additives, or (3) a blend or mixture of one or more registered additives with one or more substances containing only carbon and/or hydrogen.

§ 79.6 Requirement for testing.

(a) The Administrator may establish procedures and protocols for the conduct of tests to determine potential public health effects of a designated fuel or additive (including, but not limited to, carcinogenic, teratogenic, or mutagenic effects) and may thereafter require a fuel manufacturer or an additive manufacturer to conduct tests in conformance with such test procedures and protocols.

(b) In order to obtain such information as is reasonable and necessary to determine the emissions resulting from the use of a fuel or an additive in a fuel, the effect of such fuel or additive on the emission control performance of any motor vehicle or motor vehicle engine, or the extent to which such emissions affect the public welfare, the Administrator may require a fuel manufacturer or an additive manufacturer to conduct tests in accordance with protocols based on generally accepted test methods and procedures.

(c) Any test required under this section shall be performed in accordance with a time schedule prescribed by the Administrator, after consultation with the manufacturer involved.

(d) The Administrator may require a fuel manufacturer to perform tests under this section on any fuel registered for such manufacturer or an additive manufacturer to perform tests under this section on any additive registered for such manufacturer. He may not require any test as a prerequisite of registration unless it is part of a test protocol established by regulation a reasonable time prior to notification by the manufacturer.

§ 79.7 Samples for test purposes.

When the Administrator requires for test purposes a fuel or additive which is not readily available in the open market, he may request the manufacturer of such fuel or additive to furnish a sample in a reasonable quantity. The fuel or additive manufacturer shall comply with such request within 30 days.

§ 79.8 Penalties.

Any person who violates section 211(a) of the Act or who fails to furnish any information required under this part shall forfeit and pay to the United States a civil penalty of $10,000 for each and every day of the continuance of such violation, which shall accrue to the United States and be recovered in a civil suit in the name of the United States, brought in the district in which such person does business. The Administrator may, upon application therefor, remit or mitigate any such forfeiture; and he shall have authority to determine the facts upon all such applications.

Subpart B—Fuel Registration Procedures

§ 79.10 Notification of fuel manufacturer.

Any manufacturer of a designated fuel who wishes to have such fuel registered shall notify the Administrator in accordance with § 79.11 at least 60 days prior to the date prescribed for such fuel in Subpart D or, after such prescribed date, at least 30 days prior to the date on which such fuel manufacturer proposes to begin to sell, offer for sale, or introduced into commerce such fuel. If a fuel manufacturer produces more than one grade or brand of a designated fuel, only one notification or report is required for that designated fuel, showing highest, lowest, and average values for all such grades or brands. Each notification shall be signed by the fuel manufacturer or his agent and shall be submitted on such forms as the Administrator will supply on request.

§ 79.11 Information and assurances to be provided by the fuel manufacturer.

Each notification submitted by a fuel manufacturer shall include the following:

(a) The commercial identifying name of each additive that will or may be used in a designated fuel subsequent to the date prescribed for such fuel in Subpart D;

(b) The name of the additive manufacturer of each additive named;

(c) The range of concentration of each additive named, as follows:

(1) In the case of an additive which has been or is being used in the designated fuel, the range during any 3-month or longer period prior to the date of submission;

(2) In the case of an additive which has not been used in the designated fuel, the expected or estimated range;

(d) The purpose-in-use of each additive named;

(e) The description (or identification, in the case of a generally accepted method) of a suitable analytical technique (if one is known) that can be used to detect the presence of each named additive in the designated fuel and/or to measure its concentration therein;

(f) Such other data and information as are specified in the designation of the fuel in Subpart D;

(g) Assurances that the fuel manufacturer will notify the Administrator in writing and within a reasonable time of any change in:

(1) The name of any additive previously reported;

(2) The name of the manufacturer of any additive being used;

(3) The purpose-in-use of any additive;

(4) Information submitted pursuant to paragraph (e) of this section;

(h) Assurances that the fuel manufacturer will not represent, directly or indirectly, in any notice, circular, letter, or other written communication, or any written, oral, or pictorial notice or other announcement in any publication or by radio or television, that registration of the fuel constitutes endorsement, certification, or approval by any agency of the United States.

§ 79.12 Determination of noncompliance.

Whenever the Administrator determines that a notification fails to comply with the regulation of this part, he shall within 30 days (60 days in the case of initial registrations prior to the date prescribed for the fuel in Subpart D) of receipt of the notification inform the noncomplying fuel manufacturer of the reasons for such determination.

§ 79.13 Registration.

(a) If the provisions of this part requiring the submission of information and the giving of assurances have been complied with for a particular fuel, the Administrator shall register that fuel and within 30 days (60 days in the case of initial registrations prior to the date prescribed for the fuel in Subpart D) of receipt of the notification notify the fuel manufacturer of such registration.

(b) The Administrator shall maintain a list of registered fuels, which shall be available to the public upon request.

§ 79.14 Termination of registration of fuels.

Registration may be terminated by the Administrator if the fuel manufacturer requests such termination in writing.

Subpart C—Additive Registration Procedures

§ 79.20 Notification by additive manufacturer.

Except as provided in § 79.23(b), any manufacturer of a designated additive who wishes to have such additive registered shall notify the Administrator in accordance with § 79.21 at least 90 days prior to the date prescribed for such additive in Subpart D or, after such prescribed date, at least 30 days prior to the date on which such additive manufacturer proposes to begin to sell, offer for sale, or introduce into commerce such additive. Each notification shall be signed by the additive manufacturer or his agent and shall be submitted on such forms as the Administrator will supply upon request.

§ 79.21 Information and assurances to be provided by the additive manufacturer.

Each notification submitted by an additive manufacturer shall include the following:

(a) The chemical composition of the additive with the methods of analysis identified, except that

(1) If the chemical composition is not known, full disclosure of the chemical process of manufacture will be accepted in lieu thereof;

(2) In the case of an additive for engine oil, only the name, percentage by weight, and method of analysis of each element in the additive are required;

(3) In the case of a purchased component, only the name, manufacturer, and percent by weight of such purchased component are required if the manufacturer of the component will, upon request, furnish the Administrator with the chemical composition thereof.

(b) The chemical structure of each compound in the additive if such structure is known and is not adequately specified by the name given under "chemical composition." Nominal identification is adequate if mixed isomers are present.

(c) The description (or identification, in the case of a generally accepted method) of a suitable analytical technique (if one is known) that can be used to detect the presence of the additive in any fuel named in the designation and/or to measure its concentration therein.

(d) Fuels in which the use of the additive is recommended and the manufacturer's recommended range of concentration and purpose-in-use in each.

(e) Such other data and information as are specified in the designation of the additive in Subpart D.

(f) Assurances that any change in information submitted pursuant to (1) paragraphs (a), (b), (c), and (d) of this section will be provided to the Administrator in writing within 30 days of such change; and (2) paragraph (e) of this section as provided in § 79.5(b).

(g) Assurances that the additive manufacturer will not represent, directly or indirectly, in any notice, circular, letter, or other written communication or any written, oral, or pictorial notice or other announcement in any publication or by radio or television, that registration of the additive constitutes endorsement, certification, or approval by any agency of the United States.

§ 79.22 Determination of noncompliance.

Whenever the Administrator determines that a notification fails to comply with the regulations of this part, he shall within 30 days (90 days in the case of initial registrations prior to the date prescribed for the additive in Subpart D) of receipt of the notification inform the noncomplying additive manufacturer of the reasons for such determination.

§ 79.23 Registration.

(a) If the provisions of this part requiring the submission of information and the giving of assurances have been complied with for a particular additive, the Administrator shall register that additive and within 30 days (90 days in the case of initial registrations prior to the date prescribed for the additive in Subpart D) of receipt of the notification notify the additive manufacturer of such registration.

(b) Any additive which had been registered under the provisions of this part prior to the promulgation date of these regulations shall be deemed registered under these regulations upon such promulgation date. The information requirements of § 79.21 must be complied with for any such additive within 6 months after the promulgation of this part.

(c) The Administrator shall maintain a list of registered additives, which shall be available to the public upon request.

§ 79.24 Termination of registration of additives.

Registration may be terminated by the Administrator if the additive manufacturer requests such termination in writing.

Subpart D—Designation of Fuels and Additives

§ 79.30 Scope.

Fuels and additives designated and dates prescribed by the Administrator for the registration of such fuels and additives, pursuant to section 211 of the Act, are listed in this subpart. In addition, specific informational requirements under §§ 79.11(f) and 79.21(e) are set forth for each designated fuel or additive. Additional fuels and/or additives may be designated and pertinent dates and additional specific informational requirements prescribed as the Administrator deems advisable.

§ 79.31 Additives.

(a) All additives produced or sold for use in motor vehicle gasoline, motor vehicle diesel fuel, and/or motor vehicle engine oil are hereby designated.

(b) All designated additives must be registered within 6 months after the promulgation of this part, except as provided in § 79.23(b).

(c) In accordance with §§ 79.5(b) and 79.21(e), and to the extent such information is known to the additive manufacturer as a result of testing conducted for reasons other than additive regis-

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tration or reporting purposes, the additive manufacturer shall furnish the highest, lowest, and average values of the impurities in each designated additive, if greater than 0.1 percent by weight. The methods of analysis in making the determinations shall also be given.

(d) In accordance with §§ 79.5(b) and 79.21(e), and to the extent such information is known to the additive manufacturer, he shall furnish summaries of any information developed by or specifically for him concerning the following items:

(1) Mechanisms of action of the additive;

(2) Reactions between the additive and the fuels listed in paragraph (a) of this section;

(3) Identification and measurement of the emission products of the additive when used in the fuels listed in paragraph (a) of this section;

(4) Effects of the additive on all emissions;

(5) Toxicity and any other public health or welfare effects of the emission products of the additive;

(6) Effects of the emission products of the additive on the performance of emission control devices/systems. Such submissions shall be accompanied by a description of the test procedures used in obtaining the information. Information will be considered to be known to the additive manufacturer if a report thereon has been prepared and circulated or distributed outside the research department or division.

§ 79.32 Motor vehicle gasoline.

(a) The following fuels commonly or commercially known or sold as motor vehicle gasoline are hereby individually designated:

(1) Motor vehicle gasoline, unleaded—motor vehicle gasoline that contains no more than 0.05 gram of lead per gallon;

(2) Motor vehicle gasoline, leaded, premium—motor vehicle gasoline that contains more than 0.05 gram of lead per gallon and is sold as "premium;"

(3) Motor vehicle gasoline, leaded, non-premium—motor vehicle gasoline that contains more than 0.05 gram of lead per gallon but is not sold as "premium."

The Act defines the term "motor vehicle" to mean any self-propelled vehicle designed for transporting persons or property on a street or highway. For purposes of this registration, however, gasoline specifically blended and marketed for motorcycles is excluded.

(b) All designated motor vehicle gasolines must be registered within 8 months after promulgation of this part.

(c) In accordance with § 79.5(a)(2) and 79.11(f), and to the extent such information is known to the fuel manufacturer as a result of testing conducted for reasons other than fuel registration or reporting purposes, the fuel manufacturer shall furnish the data listed below. The highest, lowest, and average values of the listed characteristics/properties are to be reported. For initial registration, data shall be given for any 3-month or longer period prior to the date of submission. For annual reports thereafter, data shall be for the calendar year, except that if the first required annual report covers a period of less than a year, the data may be for such shorter period.

(1) Hydrocarbon composition (aromatic content, olefin content, saturate content), with the methods of analysis identified;

(2) Polynuclear organic material content, sulfur content, and trace element content, with the methods of analysis identified;

(3) Reid vapor pressure;

(4) Distillation temperatures (10 percent point, end point);

(5) Research octane number and motor octane number.

(d) In accordance with § 79.5(a)(2) and 79.11(f), and to the extent such information is known to the fuel manufacturer, he shall furnish summaries of any information developed by or specifically for him concerning the following items:

(1) Mechanisms of action of each additive he reports;

(2) Reactions between such additives and motor vehicle gasoline;

(3) Identification and measurment of the emission products of such additives when used in motor vehicle gasoline;

(4) Effects of such additives on all emissions;

(5) Toxicity and any other public health or welfare effects of the emission products of such additives;

(6) Effects of the emission products of such additives on the performance of emission control devices/systems. Such submissions shall be accompanied by a description of the test procedures used in obtaining the information. Information will be considered to be known to the fuel manufacturer if a report thereon has been prepared and circulated or distributed outside the research department or division.

§ 79.33 Motor vehicle diesel fuel.

(a) The following fuels commonly or commercially known or sold as motor vehicle diesel fuel are hereby individually designated:

(1) Motor vehicle diesel fuel, grade 1-D;

(2) Motor vehicle diesel fuel, grade 2-D.

The Act defines the term "motor vehicle" to mean any self-propelled vehicle designed for transporting persons or property on a street or highway.

(b) All designated motor vehicle diesel fuels must be registered within 12 months after promulgation of this part.

(c) In accordance with §§ 79.5(a)(2) and 79.11(f), and to the extent such information is known to the fuel manufacturer as a result of testing conducted for reasons other than fuel registration or reporting purposes, the fuel manufacturer shall furnish the data listed below. The highest, lowest, and average values of the listed characteristics/properties are to be reported. For initial registration, data shall be given for any 3-month or longer period prior to the date of submission. For annual reports thereafter, data shall be for the calendar year, except that if the first required annual report covers a period of less than a year, the data may be for such shorter period.

(1) Hydrocarbon composition (aromatic content, olefin content, saturate content), with the methods of analysis identified;

(2) Polynuclear organic material content, sulfur content, and trace element content, with the methods of analysis identified;

(3) Distillation temperatures (90 percent point, end point);

(4) Cetane number or cetane index.

(d) In accordance with §§ 79.5(a)(2) and 79.11(f), and to the extent such information is known to the fuel manufacturer, he shall furnish summaries of any information developed by or specifically for him concerning the following items:

(1) Mechanisms of action of each additive he reports;

(2) Reactions between such additives and motor vehicle diesel fuel;

(3) Identification and measurement of the emission products of such additives when used in motor vehicle diesel fuel;

(4) Effects of such additives on all emissions;

(5) Toxicity and any other public health or welfare effects of the emission products of such additives.

Such submission shall be accompanied by a description of the test procedures used in obtaining the information. Information will be considered to be known to the fuel manufacturer if a report thereon has been prepared and circulated or distributed outside the research department or division.

[FR Doc.75-30070 Filed 11-6-75;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 453-2]

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

Pretreatment Standards for New Sources

On pages 37052-37054 of the FEDERAL REGISTER of August 25, 1975, there was published a proposal to amend § 406.16, the pretreatment standards for new sources in the Corn Wet Milling Subcategory (Subpart A). The change to § 406.16 provides a formula that has been developed to quantify excessive loads for new corn wet mills to publicly owned treatment works (POTW). This change is in response to the remand to the Environmental Protection Agency (EPA) of new source pretreatment standards by the United States Circuit Court of Appeals for the Eighth Circuit made on May 5, 1975. See CPC International Inc. v. Train, 515 F.2d 1032 (8th Cir. 1975). The remand required EPA to review paragraph (d) of § 128.131 of the general pretreatment standards (40 CFR

128) as it applies to the corn wet milling industry through § 406.16, and to amend the regulation to define in a reasonably specific manner what EPA considers to be an excessive discharge to a POTW over relatively short periods of time. Comments on the proposed amendment were invited. Interested persons were given 20 days in which to submit comments.

Summary of comments. The following organizations responded to the request for written comments contained in the preamble to the proposed regulation: Anheuser-Busch, Inc.; CPC International, Inc.; and National Canners Association.

Each of the comments received was carefully reviewed and analyzed. The following are the significant comments and the EPA's response to them.

1. All of the commenters objected to the fixed value of 2 for K in the proposed formula $P=K(Q+R)-S$. It was suggested by the commenters that K, which represents the ratio of peak design capacity to average design capacity of the publicly owned treatment works (POTW), should be a variable based on individual plant conditions.

As stated in the preamble to the proposed amendment, the decision to set K at 2 appeared appropriate based on the data obtained. Six municipalities indicated variations in daily loadings greater than 2 (in some cases greater than 1.2 times the average), can cause upsets. Regulatory recommendations such as the Ten-States Standards (1) support a peak to average value of 2. Operating data provided in publications such as that by Metcalf and Eddy (2) reaffirm a ratio value of approximately 2. The WPCF Manual of Practice No. 9 (3) reports the ratio of maximum flow to average flow to vary from about 3:1 or 4:1 for one million gallons per day (mgd) systems to 1.3:1 or 2:1 for 100 mgd systems. Because of the quantity of waste from corn wet mills such facilities usually discharge to the larger municipal systems. The WPCF Manual of Practice No. 8 (4) indicates the normal design food-to-microorganism ratio (F:M) is about 0.3, but that good treatment can be achieved with an F:M value of 0.5. This ratio gives a K value of 1.67. Ten-States Standards (1) requires a return sludge pumping ratio of 30 to 75 percent of the design flow for normal and peak conditions, respectively. The return sludge ratio is integrally related to maintaining the F:M ratio and, therefore, the indicated K value is 2.5. The capacity of an aeration system to handle BOD loads and maintain dissolved oxygen levels is critical. Ten-States Standards (1) calls for 1500 cu. ft./lb. BOD5 for normal capacity with a system capability to deliver 200 per cent of this value or a K of 2. Analysis of the above data, together with other information available to EPA, indicates a K value of 2 is appropriate. It is agreed, however, that some POTW may be capable of handling higher or lower pollutant or flow peaks than might be indicated by use of the proposed formula with K equal to 2. As pointed out by one commenter this follows from the fact that the formula is extremely sensitive to the ratio of S (existing peak load to POTW) to Q (average existing waste load to POTW) especially for flow. The flow value is to be taken on an hourly basis, and will therefore have more variations than BOD5 and total suspended solids, which are on a daily basis. The commenter showed that a negative value for P could be realized where the S to Q ratio was 2.5 rather than the 1.5 used in the two examples cited by the Agency in the preamble to the proposed regulation.

The value of (S/Q) would normally be less than K. This follows from the definition of the terms in the equation in that K, which represents the ratio of peak design capacity, to average design capacity is expected to be larger than the ratio of the average existing peak load to the average existing waste load (S/Q). The former ratio represents maximum design conditions. Operating conditions represented by (S/Q) would normally be less than these. It follows therefore, that as (S/Q) approaches 2, the POTW becomes unique as far as the proposed formula is concerned. Where this does occur and where plant operating conditions and performance are found to be satisfactory, a change in the value of K is appropriate. Based on EPA's determination and information submitted by one of the commenters, when the ratio of S/Q exceeds 1.5, a K value of 3 rather than 2 is justified for use in the formula. Data available to EPA indicate that (S/Q) would not be expected to exceed 2 for the size POTW that will be treating new corn wet mill discharges.

2. Two of the commenters objected to the proposed formula because it assumes that the new source corn wet mill peak load discharge to the POTW occurs at the same time as the existing peak load at the POTW. It was argued that, if they do not overlap, there can be no justification for such an approach. This was pointed out by the commenters as a strong reason for having pretreatment standards set by the corn wet mill and the POTW involved.

It is agreed that the formula assumes the overlap of the peak load from the corn wet mill and the peak load at the POTW. As stated in the preamble to the proposed amendment, this assumption is considered necessary to provide protection to the POTW during the time it would be most prone to upsets from uncontrolled loads discharged from a new source corn wet mill. It is still EPA's contention that this assumption is valid and is in keeping with the Court remand to "amend the regulation so as to define in a reasonably specific manner what it considers to be an excessive discharge to a municipal plant over relatively short periods of time." The formula is intended to warn new corn wet mill dischargers of the scope of prohibited conduct in terms of the most likely circumstances in which a discharge from a new facility might upset a POTW—not all the kinds of ways a discharge may upset POTW. The formula has been clarified to reflect that intended for application where peak loads coincide.

When peak loads do not coincide, the likelihood of upsets occurring are considerably reduced. However, at times of non-peak loading, upsets may occur from other factors which are not specifically controlled by this regulation. Of course, such upsets may be subject to local or state regulatory measures. However, it is feasible for a municipality to adapt the formula to control the discharges of new corn wet mills to POTW where peak loads do not overlap. To use this approach, it is suggested the corn wet mill provide the POTW with: (1) An engineering study of the interrelationship of its flow and pollutant loadings with those of the POTW and (2) the mill's proposed control measures that will assure overlapping of peak loads does not occur. When the formula is then applied by the POTW, the value of S in the formula would be modified to correspond to the peak load at the POTW in relation to the programmed discharge of the new corn wet mill.

3. One commenter pointed out that in the formula the parameters Q and R are not defined as to the period of time to be averaged.

These parameters, as well as the others in the formula, are defined in terms of daily BOD5 and total suspended solids discharges and hourly flow levels. It is recommended that in applying the formula for BOD5, total suspended solids and flow, a long term average be used which is based on plant data representative of the plant operation. The value for R should also be determined from available long term average waste load data for the new corn wet mill.

The time spans in the formula are believed reasonable in view of the court requirement to define excessive discharges over a short period of time. In addition, they reflect conventional plant design and monitoring practices. This is particularly true for the medium and large size POTWs that normally treat corn wet mill wastes.

4. One commenter stated that data on BOD5 and total suspended solids is not sufficiently accurate to use in the formula.

This is questioned since the record shows that BOD5 and suspended solids values are routinely used for monitoring plant operation and for obtaining data on treatment efficiency.

The commenter also suggested that placing the flow parameter on an hourly basis was impractical. The Agency has no intention to overburden industry with monitoring requirements. The time span used was set in view of the fact that the size of POTW to which corn wet mills discharge are constantly monitoring flow. Moreover, EPA has information that shows many industries, including corn wet mills monitor discharge flow. Finally EPA had to recognize the fact that the Court required the definition be for short time periods.

5. It was suggested by one commenter that R should be redefined as "the average capacity to be provided by the munic-

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ipality for the industrial discharger". By defining R in this manner, it was stated that the door remains open for the industrial discharger to reserve capacity to be used at a future date. Use of the suggested definition would not be satisfactory as the formula is to be used to determine the effect of an actual flow. The present definition of R should in no way interfere with negotiating for future reserve capacity.

6. One commenter pointed out that the calculated peak waste load allowed to several new industries entering the same POTW will vary depending on the order in which the new sources enter the system.

It is agreed this could occur. Each new plant entering the system must be considered a separate case and all allowances must be determined on a new data base specific for the situation at that time.

7. One commenter claimed that the proposed formula seeks to limit discharges from new sources at levels less than two times average capacity.

As shown in the sample calculations in the preamble to the proposed regulation, discharges of 3 to 8 times average capacity are readily possible. The permitted use of a K value of 3 as well as 2 in the formula will further assure adequate discharge levels where POTW operating conditions allow.

8. The recommendation was made by two commenters that dry weather flow be stipulated for all parameters in the proposed regulation. The formula is meant to apply to dry weather conditions and the regulation will so indicate.

9. One commenter objected to use of a formula because there are times during the startup of treatment of wastewaters resulting from the processing of seasonal crops when the volume and quantity of pollutant discharges can quadruple the load to the POTW for three or four days.

It is for this problem of overloading that a formula for control of discharges to a POTW is needed.

(1) *Recommended Standards for Sewage Works*, Great Lakes—Upper Mississippi River Board of State Sanitary Engineers (Ten States), 1971.

(2) Metcalf and Eddy, Inc., *Wastewater Engineering*, McGraw-Hill Book Co., 1972.

(3) *Design and Construction of Sanitary and Storm Sewers*, WPCF Manual of Practice No. 9, 1969.

(4) *Sewage Treatment Plant Design*, WPCF Manual of Practice No. 8, 1967.

Pretreatment standards are hereby adopted and are set forth below.

Effective date. These EPA standards are effective December 8, 1975.

Dated: October 30, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 406, Subpart A, § 406.16 is amended as set forth below:

§ 406.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the corn wet milling subcategory which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters) shall be the standard set forth in Part 128 of this chapter, for existing sources, except: For the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133, of this chapter shall not apply and for purpose of this section, § 128.131(d) of this chapter is amended to read as set forth in paragraph (a) of this section. In addition to the prohibitions set forth in § 128.131 of this chapter (as amended in paragraph (a) herein), the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to publicly owned treatment works by a new source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

(a) Process waste water shall not be discharged to a POTW at a flow rate or pollutant mass loading rate which is excessive over any time period during the peak load at a POTW. Excessive discharges are defined as those in which the flow, of BOD5 or total suspended solids (TSS) exceed the respective values of P from the following formula:

$P=K(Q+R)-S.$

Where:

P=maximum allowable peak waste load for the new corn wet milling source to be discharged to the POTW (gallons per one hour for flow and pounds per day for BOD5 and TSS).

Q=average existing waste load to POTW.

R=average waste load for the new corn wet milling source to be discharged to POTW.

S=existing peak load of POTW.

K=2. When the ratio of (S/Q) is greater than 1.5, K=3.

Calculations are to be based on dry weather conditions.

[FR Doc.75-30067 Filed 11-6-75;8:45 am]

[FRL 453-3]

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

Decision Not To Revise New Sources Performance Standards

On August 25, 1975, notice was published in the FEDERAL REGISTER (39 FR 10512), announcing the availability of documents relating to and to request comments on the tentative decision of the Environmental Protection Agency (EPA or Agency) not to revise standards of performance for new sources in the Corn Wet Milling subcategory of the Grain Mills Point Source Category.

The purpose of this further notice is to announce EPA's decision not to revise standards of performance for new sources in the Corn Wet Milling subcategory of the Grain Mills Point Source Category. On May 5, 1975, the U.S. Court of Appeals for the Eighth Circuit remanded to EPA the new source performance standards and the pretreatment standards for new sources for the Corn Wet Milling subcategory of the Grain Mills Point Source Category (40 CFR 406.15 and 406.16) promulgated by EPA under section 306 and 307 of the Federal Water Pollution Control Act Amendments of 1972. EPA has reviewed its new source performance standards for these point sources pursuant to the remand and has concluded that these standards should not be revised.

The review of data, literature, available technology, methodology, and factual conclusions which support this regulation are set forth in substantial detail in EPA's response to the remand entitled "Supplement to Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Corn Wet Milling Subcategory, Grain Processing Segment of the Grain Mills Point Source Category", EPA, August 1975. The document was made available for public review at the time of publication of the notice of availability of supplemental documents and request for comments on August 25, 1975. A record on remand, representing the technical data and other information gathered by the Agency during the initial period of the remand proceeding, was also available for interested members or the public to review at the EPA Information Center.

Interested persons were invited to participate in this evaluation by submitting written comments in triplicate within 20 days from the date of publication. Comments on all aspects of the tentative conclusion were solicited including adequacy of available data, methodology of approach, and suggestions as to what alternative approach should be taken.

The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) Summary of Comments. The following groups responded to the request for comments which was in the notice of availability of supplemental documents: Corn Products; CPC International, Inc., National Canners Association, Grain Processing Corporation, Anheuser-Busch, Inc., CPC International, Inc., and The Hubinger Company. Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and EPA's response to these comments.

(1) One general comment is that in-depth (deep bed) filtration is not a reliable, effective method to achieve the required New Source Performance Standard on a consistent basis. EPA's expert consultant's interpretation and evaluation of industry filtration study data are asserted to be questionable, and claimed to not fully support the applicability of filtration to corn wet milling wastes. Comparable performance of deep bed filtration for municipal waste is questioned.

Based on review of the literature, expert opinion, and practical application of filtration within other industries with similar wastes, EPA has concluded that deep bed filtration subsequent to effective biological treatment is a viable means of achieving the new source performance standard for the corn wet milling industry. Available evidence supports that deep bed filtration is capable of providing a high level of pollutant reduction performance on a reliable and sustained basis with proper design, operation, and maintenance of the preceding biological treatment system.

Deep bed filtration is a demonstrated and available technology. It is universally applied in the treatment of water supplies for municipalities and industries and can produce effluents containing essentially no suspended solids in these applications. Filtration has been successfully employed in the treatment of municipal and industrial secondary (biologically treated) effluents. The process has been sufficiently demonstrated to enable the development of meaningful design criteria and has been employed in numerous applications. In municipal applications, a well designed filter can be expected to reduce suspended solids by 80 percent or more and to produce an effluent containing less than 10 mg/l TSS. Similar results can be anticipated with industrial wastes if the preceding biological treatment system is well designed and operated. It has also been demonstrated that deep bed filtration performs as an effective back-up system during periods of biological treatment upset and thus helps to insure that a stable effluent will be consistently produced.

Filtration may be successfully applied to corn wet milling wastes. The process has been demonstrated with other high strength organic wastes. Expert opinion supports this applicability, as well as the ability of a well designed treatment system to meet the New Source Performance Standards. The pilot filtration tests at CPC-Pekin and the full-scale operation of deep bed filters at Clinton Corn support the applicability of this technology in the corn wet milling industry. The Pekin test results indicate that excellent TSS removals can be attained, and the ability of filters to act as an effective "back-up" system during biological treatment upset is also demonstrated. At Clinton Corn, deep bed filters have been employed successfully following biological treatment since November 1974. Data from Clinton indicate that deep bed filters can affect average TSS removals of better than 75 percent. Experience at Clinton also indicates that deep bed filters can be operated at reasonable loading rates without problems with clogging, excessive head loss, or excessive backwashing.

Industries that use filtration, and have successfully tested, and are installing filters include: steel manufacturing, petroleum refining, brewing, corn wet milling, wine processing, and food processing. Multi-media filtration has had particular application in the petroleum refining industry, where at least three refineries are known to successfully treat refinery waste waters after biological treatment. These applications represent some of the longest-term use of modern filtration facilities employed with biological treatment systems for treatment of strong industrial waste.

Operational problems to the extent they have been demonstrated or are expected to result, would not preclude the pollutant reduction benefits of filter technology.

In conclusion, EPA did not totally rely upon municipal filtration data for determining performance of deep bed filters for corn wet milling wastes. Deep bed filtration experience with other industries and within the corn wet milling industry itself was also evaluated. There is no evidence that biologically well-treated corn wet milling wastes are less amenable to deep bed filtration than municipal wastes, if the preceding biological treatment facilities are performing well. As experience at the Clinton, Iowa corn wet milling plant indicates, filtration is not a problem for these specific wastes.

Industry in referring to its independent consultant effort, apparently is referring only to one consultant and one pilot plant filtration study, namely that conducted at the Pekin, Illinois corn wet milling plant. The results of this pilot study are not exhaustive or entirely conclusive. The comments ignore the fact that in spite of the judged value of pilot plant work, the industry's engineering consultant recommended, designed, and installed deep bed filters for the existing corn wet mill at Clinton, Iowa. Apparently, filtration would be a planned addition for new plants to be constructed.

(2) A major concern was whether a properly operated biological treatment system (activated sludge) could be expected to produce an effluent of consistent quality and sustained pollutant reduction level to permit continual high-level performance of the subsequent deep-bed filter. The industry is asserted to have a unique problem of waste treatability attributable to waste characteristic variation, treatment facility upsets, and colloidal waste solids not being removed by coagulation, sedimentation, or biological treatment. These claims are reported to be substantiated by independent industry-sponsored studies.

An extensive review of available data on the application of activated sludge and deep bed filtration for treatment of various waste waters was conducted by EPA. Sources of data included the technical literature, field inspections, special consultants, corn wet milling companies, and equipment manufacturers. The review focused on the technology recommended by EPA to meet the New Source Performance Standards; namely, good inplant waste control, maximum water recycling, activated sludge biological treatment, and deep bed filtration. The data clearly substantiates the fact that high strength biodegradable organic wastes, such as those generated by corn wet mills, can be successfully treated with biological treatment processes, particularly complete mix activated sludge. With proper design and operation of treatment facilities, a stable high quality effluent can be attained on a reliable and sustained basis.

In industries generating wastes similar to corn wet milling wastes, such as brewing, distilling, and malting, the data show that consistently high levels of effluent reduction are attainable on a long-term basis. High quality effluents with BOD5 and TSS concentrations less than 30 mg/l are consistently and routinely produced at many treatment facilities. This has been demonstrated with a wide variety of industrial wastes, including those generated by breweries, edible oil refineries, malting plants, distilleries, bakeries, wineries, and fruit and vegetable processing plants.

Activated sludge has yet to be applied to its fullest potential within the corn wet milling industry because of less-than-desired in-plant waste controls, design inadequacies, and operational deficiencies. If these deficiencies were eliminated, the activated sludge process would be capable of successfully treating corn wet milling wastes and produce an effluent with BOD5 and TSS levels of 30 mg/l or less on a sustained basis regardless of the influent BOD and TSS concentration levels. Because of present inadequacies in handling and treatment of process wastes, as amply addressed in the Supplemental Development Document, overall pollution control technology within the corn wet milling industry has been judged uniformly inadequate, necessitating evaluation of treatment technology for similar industries.

Variable waste strength contribution and plant upsets are not unique to the corn wet milling industry. Many other industries experience similar waste variations and treatment conditions, yet have demonstrated an ability to achieve high levels of pollutant reduction on a sustained, reliable basis. In-plant controls and waste equalization facilities can substantially aid in the continued successful performance of the biological treatment systems.

The industry consultant is well aware that improvements in biological treatment systems at existing corn wet milling plants are needed, and in fact, in past studies at several plants has actually recommended major changes to upgrade existing facilities.

(3) A common comment was made that the concept of product mix as affecting waste load and technology was not properly considered in formulation of the new source performance standards.

EPA has acknowledged, and continues to acknowledge, that product mix variations may indeed have some influence on raw waste characteristics of corn wet milling wastes. However, no reliable and meaningful relationship between product mix and waste flow characteristics has been demonstrated to date either by

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EPA or industry. EPA's evaluation of industry-supplied data utilizing standard statistical approaches indicated no directly correlatable relationships between raw waste load and other individual factors such as plant age, plant size, product mix, etc.

Industry representatives have commented on several instances that new plants to be constructed will likely convert a large part of their grind into syrup, and this conclusion is amply verified by present trends within the industry. In any case, the new source performance standards would be equally as applicable irrespective of product emphasis. Waste load variation has been determined as not being attributable directly to any one factor or condition alone in a reliable and predictable manner. Obviously, any influence on waste load for this industry caused by various factors to any extent that it may exist is interrelated in a very complex and presently undefinable manner.

The industry has yet to provide data or information to responsibly disprove the considered conclusions of EPA. More importantly, evidence supports that any variations in product mix as affecting raw waste load do not preclude compliance of existing or new sources with present effluent guidelines and new source performance standards. Manufacturing processes employed in the corn wet milling industry are not separate and unique from other processes employed within the food processing industry as a whole. Neither is the inherent waste contribution variability and any treatment difficulties experienced with the corn wet milling industry a unique experience as compared to other industries. Many other related industries (as cited in the Supplemental Development Document) that produce a variety of different products have demonstrated the capability to successfully employ biological treatment and other treatment methods to accomplish high levels of pollutant reduction.

(4) A substantial number of comments expressed concern as to the apparent omission by EPA in recognizing the existing application, need for improved measures, and identification of available methods, and costs of various in-plant pollution control measures associated with New Source Performance Standard technology. The industry asserts that all accomplishable in-plant controls are now generally being applied within the industry as economically justifiable. One commenter claims in-plant controls would have a significant effect on increased waste load variability.

EPA has recognized, and continues to recognize, that the corn wet milling industry has made, and is continuing to make, substantial progress in the installation and initiation of pollutant-reducing in-plant controls. In some plants, very substantial progress has been made in isolating, minimizing, controlling, and recovering accidental spillage thereby reducing pollutant effects on navigable waters. Newer plants have made considerable improvement in treatment facility operation, and more extensive waste monitoring. However, as each plant incorporates in-plant controls to varying degrees, no one plant may be presently identified as exhibiting completely exemplary in-plant controls. Based on industry surveys and plant visitations, specific in-plant controls for pollutant reduction have been identified by EPA for various levels of technology, and are clearly set forth for new sources in the Supplemental Development Document as well as previous development documents prepared by EPA for the corn wet milling industry. Of primary importance is the need for recognition of the fact that maximum in-plant controls may be incorporated for any new source to result in absolute minimization of the resultant waste load and optimization of overall pollution reduction. New sources are not limited by factors oftentimes affecting needed in-plant changes for existing sources such as space, equipment layout, etc. Therefore, comparison of in-plant control features and results for any one existing non-exemplary plant with a potentially exemplary new source would be non-representative. In its evaluation, EPA did not find in-plant controls to be implemented in existing plants to the maximum economic limit as alleged by the industry. Contrary to some industry allegations, incorporation of in-plant controls should definitely reduce waste load variability by dampening, eliminating, or minimizing shock waste loading effects.

Industry representatives have stated to EPA that new plants will incorporate recommended in-plant controls as a matter of good production and engineering practices, irrespective of pollution control requirements. Such a statement has been made by EPA in Chapter 5 of the Supplemental Development Document. Therefore, EPA has properly concluded, based on its own studies and statements of industry representatives, that no additional cost or economic impact would be attributable to in-plant controls to comply with new source performance standards as compared to those same measures installed to facilitate compliance with the 1983 guidelines.

EPA feels that energy requirements and operating costs have been properly evaluated and estimated for new source performance standards based on all available data. Data as presently made available by industry does not sufficiently support any increased cost value or other adjustment associated with these items.

(5) Several commenters questioned the validity of use and citation of summary data in the remand document in support of the success of biological treatment relating to fruit and vegetable and other industry wastes. This matter was of particular concern since the effluent guidelines and new source performance standards for the fruits and vegetables industry have not as yet been published in the FEDERAL REGISTER. Also many of the examples of successful biological treatment systems for other industry wastes incorporate systems other than activated sludge, some employing inordinately long waste retention periods.

Summary data cited in the Supplemental Development Document clearly support the efficiency of biological treatment for a variety of fruit and vegetable processing wastes. The base data was supplied by industry itself and verified by independent sampling and analysis by EPA. As such, the data constitutes a valuable source of information related to the characteristics, treatability, and practical treatment plant performance for an important segment of the food processing industry.

Utilization of this data base shall in no way be contingent upon publication of effluent guidelines for the Fruits and Vegetables industry in the FEDERAL REGISTER. A draft copy of the Fruits and Vegetables development document was made available for industry review in November, 1974. The data was cited only as an example of successful treatment, not as a basis for establishing guidelines in any other industry. In this report, the data has been properly used and interpreted in a technically accurate and reasonable manner. Any interpretation of the basic data together with other information which may ultimately be made for the fruit and vegetable industry for purpose of standards development is a separate consideration.

The data indicates corn wet milling wastes to be readily biodegradable, and amendable to high pollutant reductions utilizing conventional biological treatment systems. In evaluating biological treatment for corn wet milling wastes, experience with treatment of other types of similar industry wastes was properly considered. Many of these successful biological treatment processes are other than conventional activated sludge systems or include activated sludge with appropriate additions or modifications. In formulation of the guidelines and new source performance standards, an appropriately designed activated sludge system was chosen as one means of achieving the standard. Activated sludge as a method of biological waste treatment is well established and widely utilized and demonstrated with reliable and predictable results. Other biological waste treatment "schemes" are available and equally applicable in achieving the guidelines and standards. EPA has not stipulated any treatment mechanism to be universally utilized, but simply has offered activated sludge as one method of achieving the standards. Even though biological treatment systems (activated sludge, waste stabilization lagoons, aerated lagoons, trickling filters, biodiscs, etc.) differ in their operation and physical appearance, the mode of biological treatment and principles of biological treatment action remain unchanged for these biological processes. Waste stabilization lagoons are appropriate for many industries where land is suitable and available. In fact, land may be used for waste treatment and disposal in a variety of applications (spray irrigation, solids settling, lagoons, holding ponds, sludge holding and dewatering, effluent polishing, and reaeration), and may be the preferred alternative for new plants where land factors are favorable. However, activated sludge offers a well-founded technology which is practical and available for general application without any notable restraints in its general use. Results are reliable and predictable based on long-standing industry-wide and municipal performance.

(6) Several commenters indicate confusion as to the interpretation and intent of EPA's effluent variability analysis of historical treatment data contained in the Supplemental Development Document and supportive record in relation to its application to the new source performance standard.

Effluent variability as reflected in the new source performance standards are based solely on treatment technology and variations anticipated for a well-designed, well-operated treatment system as experienced within operating biological treatment systems on an overall multi-industry basis. EPA has never asserted that statistically derived variability factors are a desirable or even appropriate means for determining effluent guidelines and new source performance standards for the corn wet milling industry. Factors were calculated and are presented in the Supplemental Development Document only as an illustration that the new source performance standard is reasonable and attainable in relation to existing overall industry practice. There obviously is no statistical data available with respect to treatment systems for new sources. In this respect, variability data for existing sources would not be entirely representative of and comparable with effluent variability to be expected for new sources inasmuch as no present corn wet milling plant is now completely "exemplary" in terms of the established new source performance standard. Upsets in most instances at existing plants (e.g. Clinton Corn) may be attributed to specific events or occurrences of poor operation (e.g. spills) rather than product variability changes or other production-related factors. It should be emphasized that no existing plants incorporate full in-plant controls or equalization that materially affect raw waste load variability and sustained biological treatment performance.

(7) Several other commenters note that raw waste loading at corn wet mills has materially increased over that determined in earlier studies resulting from the recent need for compliance with air pollution criteria. An additional source of waste water in the form of wet scrubber water is generated which should properly be considered in determining the total plant raw waste load.

Effluent guidelines and standards for the wet corn milling industry have been and continue to be based on the most current data base and information regarding the industry presently available. Information on air pollution has only recently been made available to EPA in any meaningful but incomplete fashion. The data submitted by industry is in the form of summary information and is judged insufficient by EPA for purposes of thorough evaluation and decision making. The validity of the summary data and industry's conclusions derived are subject to serious question without further substantiation. Even though allocation of pollutant loads from air pollution control devices has not been specifically made for the corn wet milling industry for purposes of limitations and standards, such pollutant discharges are in no way exempted, and may be regulated and evaluated on an individual plant-by-plant basis.

It should be noted that a number of methods exists for removal of particulate material from exhaust stacks, not all of which are by any means water related. Non-water quality related methods exist as alternative measures which may be applied. One plant presently within the corn wet milling industry re-uses the wet scrubber water within the milling process. Data supplied by industry and otherwise available to EPA is not sufficient to allow an accurate, well-based determination of the qualities of wet scrubber waters, the effects of various in-process controls, or specific alternative control technologies. Without adequate data for substantiation and use in formulating these nationally-based guidelines and standards, consideration for such waste loads must be made on an individual plant-by-plant basis. Maximum in-plant controls should be utilized and effective non-water quality related alternatives sought.

(b) Economic impact. The costs required for new corn wet mills of various sizes to meet the New Source Performance Standards were reevaluated and are indicative of current pollution control technology. These costs are based on January 1975 dollar values and include waste treatment facilities and necessary in-plant controls or cooling system designs.

Any additional costs that may be attributable directly to pollution abatement from inprocess control for new sources were not able to be specifically identified by either EPA or the corn wet milling industry. Indeed, such pollutant reduction measures will reportedly be installed within a new plant for production reasons with or without pollutant restraints. Therefore, pollution control costs as estimated for New Sources Standards are equal to or less than that expected for existing plants to comply with 1983 guidelines.

(c) Basis for decision not to revise new source performance standard. On the basis of the original and additional investigative work performed, EPA finds no justification for revision of the New Source Performance Standard for the Corn Wet Milling Subcategory of the Grain Mills Category on either technological or economic grounds. Therefore, EPA has determined not to revise the standard, and therefore, the New Source Performance Standard as promulgated by the Agency for the Grain Mills Point Source Category on March 20, 1974 (39 FR 10512) shall remain applicable.

Dated: October 30, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-30068 Filed 11-6-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 248—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

August 1972 OASDI Benefit Increase; Freedom of Choice Exemption for Puerto Rico, Guam, and the Virgin Islands; Expiration of Certain "Pass-along" Provisions

The purpose of this regulation is to implement Pub. L. 94-48, approved July 1, 1975, which requires the following changes in the regulations for the medical assistance programs administered under title XIX, Social Security Act (Medicaid):

1. Section 1 of Pub. L. 94-48 extends the requirement that individuals eligible for financial assistance and entitled to OASDI benefits for August 1972 who become ineligible for financial assistance solely because of the 20 percent increase in OASDI benefits shall continue to be eligible for Medicaid as though they were "categorically needy," i.e., still eligible for a money payment.

2. Section 2 of Pub. L. 94-48 amended section 1902(a)(23) of the Act by adding a clause specifically excepting Puerto Rico, the Virgin Islands, and Guam from the requirement that States permit individuals eligible for Medicaid to obtain medical assistance from any qualified provider of their choice. This enactment abrogates the effect of previous Congressional enactments (Pub. L. 90-248, Section 227(b) as amended by Pub. L. 92-603, section 271A(a)) under which a temporary exemption from the freedom of choice requirement that had been granted to these jurisdictions would have expired on June 30, 1975.

The amendments to the regulations set forth below implement these provisions. Notice of proposed rulemaking has been dispensed with since the amendments merely reflect the statutory provisions and proposed rulemaking procedures would unnecessarily delay Medicaid agencies in taking appropriate action.

In addition to the above changes, the regulations are also being revised to delete obsolete provisions for "pass-along" of certain increases in social security benefits. Under sections 306 of Pub. L. 92-603, and 1007 of Pub. L. 91-172 as modified by section 304 of Pub. L. 92-603,

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the requirement for disregard of such increases expired on December 31, 1973. At the same time, a new § 248.1(a)(3) has been added to specify that the disregard still applies with respect to redeterminations of Medicaid financial eligibility for certain "grandfathered" groups. Since this is also a technical change required by statute, notice of proposed rulemaking is unnecessary.

Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

1. In § 248.1, a new paragraph (a)(3) is added and paragraph (b)(3) is revised, as follows:

§ 248.1 State plan requirements and options for coverage under the medical assistance program.

(a) * * *

* * * * * *

(3) *Special provision applicable to "grandfathered" groups.* In any case in which a determination must be made under this section as to whether an individual continues to meet financial eligibility conditions in December 1973, such determination must include provision for the pass-on of increased OASDI benefits in accordance with section 306 of Pub. L. 92–603 and 1007 of Pub. L. 91–172 (as modified by section 304 of Pub. L. 92–603), as such pass-alongs were in effect in December 1973.

(b) * * *

(3) With respect to both families with children and aged, blind, or disabled individuals include:

(i) Any individual who would be eligible for aid under title IV–A of the Act or benefits or supplementary payments under title XVI (as may be applicable) except for any eligibility condition or other requirement that is specifically prohibited in a program of medical assistance under title XIX.

(ii) Any individual:

(A) Who, for the month of August 1972, was receiving or eligible for financial assistance under the State's plan approved under title I, IV–A, X, XIV, or XVI of the act and who was also entitled to monthly insurance benefits under title II of the act for the month of August 1972, and

(B) who, except for the increase in monthly insurance benefits under title II resulting from enactment of Public Law 92–336, would have been eligible for financial assistance for the current month. Under this requirement:

(*1*) An individual qualifies as receiving or eligible for financial assistance for August 1972 if, with respect to such month:

(*i*) He was receiving financial assistance; or

(*ii*) He met all conditions of eligibility for financial assistance under title I, IV–A, X, XIV, or XVI as in effect in August 1972 but had not applied, provided the State title XIX plan included such individuals as categorically needy in August 1972; or

(*iii*) He was in a medical facility or intermediate care facility, and had he left, would have been eligible for financial assistance, provided the State title XIX plan included such individuals as categorically needy in August 1972.

(2) An individual is considered as though he were eligible for financial assistance for the current month if with respect to such month, except for the increase in monthly insurance benefits under title II resulting from enactment of Pub. L. 92–336:

(*i*) He would meet all conditions of eligibility for financial assistance (however, he need not file an application). In such case he is eligible under the current title XIX plan to the same extent as individuals who are receiving financial assistance; or

(*ii*) He is in a medical or intermediate care facility and, if he left, would be eligible for financial assistance, provided the State title XIX plan includes such individuals as categorically needy. In such case he is considered as though he were categorically needy and is eligible under the title XIX plan to the same extent as other categorically needy individuals in such a facility.

* * * * * *

2. Section 248.10(b)(3) is revised to read as follows:

§ 248.10 Coverage and conditions of eligibility for medical assistance.

* * * * * *

(b) * * *

(3) Provide that medical assistance, to the same extent and under the same conditions as it is furnished to the categorically needy, will also be furnished to any individual:

(i) Who, for the month of August 1972, was receiving or eligible for financial assistance under the State's plan approved under title I, IV–A, XIV, or XVI of the act and who was also entitled to monthly insurance benefits under title II of the act for the month of August 1972, and

(ii) Who, except for the increase in monthly insurance benefits under title II resulting from enactment of Pub. L. 92–336, would have been eligible for financial assistance for the current month. Under this requirement:

(*1*) An individual qualifies as receiving or eligible for financial assistance for August 1972 if, with respect to such month:

(*i*) He was receiving financial assistance; or

(*ii*) He met all conditions of eligibility for financial assistance under title I, IV–A, X, XIV, or XVI as in effect in August 1972 but had not applied, provided the State title XIX plan included such individuals as categorically needy in August 1972; or

(*iii*) He was in a medical facility or intermediate care facility, and, had he left, would be eligible for financial assistance, provided the State title XIX plan includes such individuals as categorically needy.

(2) An individual is considered as though he were eligible for financial assistance for the current month if with respect to such month, except for the increase in monthly insurance benefits under title II resulting from enactment of Pub. L. 92–336:

(*i*) He would meet all conditions of eligibility for financial assistance (however, he need not file an application). In such case he is eligible under the current title XIX plan to the same extent as individuals who are receiving financial assistance; or

(*ii*) He is in a medical or intermediate care facility and, if he left, would be eligible for financial assistance, provided the State title XIX plan as then in effect includes such individuals as categorically needy. In such case he is considered as though he were categorically needy and is eligible under the title XIX plan to the same extent as other categorically needy individuals in such a facility.

* * * * * *

3. Section 249.20 is revised to read as follows:

§ 249.20 Free choice of providers of medical services: State plan requirement.

A State plan for medical assistance under title XIX of the Social Security Act must (except in the case of Puerto Rico, the Virgin Islands, and Guam) provide that any individual eligible for medical assistance under the plan may obtain the services available under the plan from any institution, agency, pharmacy, or practitioner, including an organization which provides such services or arranges for their availability on a prepayment basis, which is qualified to perform such services. However, services provided on a prepayment basis may be limited in accordance with section 1902(a)(23) of the Social Security Act. This provision does not prohibit the State agency from establishing the fees which will be paid to providers for furnishing medical and remedial care available under the plan or from setting reasonable standards relating to the qualifications of providers of such care.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date. The regulations shall be effective July 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.714; Medical Assistance Program)

Dated: October 3, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: November 3, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-30031 Filed 11-6-75;8:45 am]

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Reserved Beds in Long-Term Care Facilities

Final regulations relating to payment for reserved beds in long-term care facilities under Medicaid (Title XIX, Social Security Act) were published on December 17, 1974, (39 FR 43631). The regulation specified the conditions under which Federal financial participation (FFP) will be available in State payments to reserve a bed in a long-term care facility for recipients undergoing hospitalization or on therapeutic home visits.

Since then, correspondence has been received from State and Congressional sources taking issue with the limits on FFP for home visits. The usual criticism is that three days are insufficient for patients who must travel a distance or, in the case of intermediate care facility patients, who have opportunities for extended visits with relatives during such times as summer vacation periods. The comments do not take exception to the total number of days (18) allowed, but suggest that the individual 3-day limits be eliminated or changed e.g., 6 days per calendar quarter not to exceed the annual number of 18 days.

Other comments were critical of requirements for prior approval of absences due to hospitalization. The letters noted that physicians determine the need for hospitalization as part of utilization review requirements.

Another point at issue was the requirement to determine whether or not a bed is otherwise required for occupancy. It was contended that the demand for beds is a function of factors which are not clearly reflected in simple occupancy rates.

In the light of these comments, the purpose of this amendment is to revise the basis under which FFP is allowable in State payments for reserved beds in long-term care facilities. The basis for this change is the Department's desire to correct some of the problems that have created undue hardships for recipients and to simplify administration of State Medicaid programs with respect to payments for reserved beds. The revision allows FFP in costs to reserve beds of patients for leaves of absence up to 18 days annually, with no other limits on absences per quarter. It also removes restrictions such as those noted above (prior authorization, occupancy assessments, etc.). Since the entire provision for these payments is a State option, the Department believes these restrictions are unnecessary for purposes of control and are burdensome in administration. FFP during periods of hospitalization remains available for up to 15 days for any single hospital stay.

The Department finds that there is good cause to dispense with notice of proposed rulemaking since the changes respond to numerous comments received both prior to publication of the regulations on December 17 and, as noted above, during the months since publication. An additional period for further comment would unnecessarily delay changes requested by States and recipient groups and concurred in by the Department.

Section 250.30(d), Part 250, Chapter II, Title 45, is revised to read as follows:

§ 250.30 Reasonable charges.

* * * * * *

(d) *Federal financial participation.*—(1) *General* Federal financial participation is available for payments within the upper limits described in paragraph (b) of this section, in accordance with the provisions of the State plan.

(2) *Payments during recipient's absence from long term care facility.* (i) Federal financial participation is available in vendor payments which are necessary to reserve a bed in a long term care facility (skilled nursing facility, intermediate care facility, tuberculosis or mental hospital, or chronic care part of a general hospital facility) for a recipient during a temporary absence fr. a hospital for an acute condition or for a leave of absence (defined to include visits with relatives and friends, and leaves to participate in State-approved therapeutic or rehabilitative programs).

(ii) The following conditions will be met in any instance in which a bed is reserved:

(*a*) The State plan provides for such payments:

(*b*) In the case of a leave of absence, the patient's plan of care provides for such absence.

(iii) Federal financial participation in the cost of reserving a bed for purposes of paragraph (d)(2) of this section is available for (*a*) periods of hospitalization for acute conditions not to exceed 15 days per any single hospital stay and for (*b*) leaves of absence not to exceed 18 days in total during any 12-month period. The limitations do not apply in the case of patients in institutions for the mentally retarded or persons with related conditions (see § 249.13(a)(1)(xi)(E) of this chapter). Where the limitations for therapeutic visits interfere with a State approved therapeutic or rehabilitative program, the State agency may submit a request for special limits to the Regional Commissioner. In addition, the State shall obtain, and submit to the Regional Commissioner as requested, data on long-term care recipients who make home visits.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date. The regulations in this section shall be effective on November 7, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: September 18, 1975.

JOHN C. YOUNG,
Acting Administrator, Social and Rehabilitation Service.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-29939 Filed 11-6-75;8:45 am]

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1601—BY-LAWS OF THE LEGAL SERVICES CORPORATION

Adoption and Effective Date

Proposed By-laws of Legal Services Corporation, the corporation established by section 1003(a) of the Legal Services Corporation Act (the "Act"), 42 U.S.C. § 2996b, were published in the FEDERAL REGISTER on August 11, 1975 (40 FR 33751–55). The Corporation received both oral and written comments from the public. These comments were considered at meetings of the Committee on By-laws and Regulations held in Washington, D.C. on August 25, September 8, October 4, October 19, and October 20, 1975 and by the full Board of Directors on September 9 and October 4, 1975. At its meeting on October 4, 1975, the Board revised and then adopted the By-laws and directed that as revised they be published in the FEDERAL REGISTER to become effective 30 days after their publication. The By-laws so adopted and published herein contain the following changes (in addition to typographical and clarifying language changes) from the proposed text:

1. The last section of § 1.01 of the proposed text (now § 1601.1) relating to the status of the Corporation in relation to the United States Government was amended to conform more precisely to section 1005(e)(1) of the Act.

2. A new § 1601.3 was added to consolidate definitions that appeared in various subsequent sections in the proposed by-laws.

3. Section 3.02(c) of the proposed text was deleted because of the definitions of "Director" and "member of the Board" in § 1601.3(d).

4. In § 3.05(a) of the proposed text (now § 1601.11), the capacities in which a Director of the Corporation may serve or may have served another firm or organization for purposes of being disqualified from participating in Board proceedings with respect to matters benefiting such firm or organization were broadened to include consultant, attorney, and agent and any other capacity specified by the Board. The financial or ownership interest in another firm or organization for purposes of such disqualification was broadened by the insertion of the words "direct or indirect." Inclusion of the President in the coverage of this subsection was deleted since he will be governed by the conflict-of-interest provisions under § 6.11 of the proposed text (now § 1601.39). The last sentence of § 3.05(a) of the proposed text (now § 1601.11(a)) was modified to preserve the Corporation's right to have a transaction declared void or voidable and at the same time its right to hold a Director liable for an unfair transaction.

5. Section 3.06(b) of the proposed text (now § 1601.12(b)) was amended to make clear that for purposes of removal on account of non-attendance at meetings, a Director who arrives late at a meeting or is required to leave early is not considered to have been absent.

6. Section 3.06(c) of the proposed text (now § 1601.12(c)) was amended to make clear that whatever the ground for removal of a Director, the process must be instituted by five or more Directors except when the ground is failure to attend the required number or percentage of meetings.

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7. Section 3.08 of the proposed text (now § 1601.14). A sentence was added making clear that if the Board authorizes a Director to serve the Corporation in any other capacity, he may not receive compensation in both capacities.

8. In § 4.05 of the proposed text (now § 1601.19), the time for giving of general notice of a Board meeting to the public was changed from "promptly upon" to "concurrently with" the giving of notice to the Directors, and the requirement of general notice was extended to any rescheduling of a meeting.

9. Section 4.07(a) of the proposed text (now § 1601.21(a)) was amended to provide that if the number of Directors in office is seven or fewer, two-thirds of them must be present to establish a quorum.

10. Section 4.08 of the proposed text (now § 1601.22), relating to the holding of public meetings and executive sessions, was published in alternative forms. Most of the public comments received related to this Section. Most of such comments urged that, as proposed in alternative § 4.08 of the proposed text, the By-laws contain a list of the matters which could be discussed in executive session. The Board concluded that it was impossible to prepare a list that would adequately provide for the kinds of matters that might have to be considered in executive session. At the same time, it concluded that criteria should be established for the holding of executive sessions. Accordingly, § 4.08 of the proposed text (now § 1601.22) was amended to include the following:

Subsection (a) provides, in the same language as that of section 1004(g) of the Act, that the determination to hold an executive session must be made by two-thirds of the Directors eligible to vote and must be limited to specific matter "on a specific occasion." If an executive session is held in the course of a public meeting, the chairman of the meeting must announce the subject matter before the executive session is held.

Subsection (b) recites the governing principle that "the public is entitled to the fullest information regarding the decision-making process of the Corporation consistent with the protection of personal privacy or with compelling interests of the Corporation or the public."

11. A new § 1601.23 was added making clear that communications from the public are welcome and that members of the public may address a Board meeting upon invitation of the chairman of the meeting unless the Board otherwise directs.

12. Section 4.10 of the proposed text (now § 1601.25). Choosing between alternatives in the proposed provision for action by the Board without a meeting, the Board decided that such action should require unanimous consent in writing rather than written consent of two-thirds of the Directors.

13. Section 5.01 of the proposed text (now § 1601.26) was amended to make the Chairman of the Board an *ex officio* non-voting member of each committee of the Board.

14. Section 5.02(a) of the proposed text (now § 1601.27(a)) was amended to provide that, in the case of a committee having an even number of voting members, the quorum requirement is one-half rather than a majority of the members, and if a voting member is absent, the Chairman of the Board, if present, may be counted for quorum purposes.

15. Section 5.02(b) of the proposed text (now § 1601.27(b)) was amended to include a provision that failure to provide general notice of a committee meeting shall not affect the validity of action taken thereat.

16. In section 5.02(c) of the proposed text (now § 1601.27(c)), the requirement that two-thirds of the committee members must make the determination to hold an executive session was limited, consistently with section 1004(g) of the Act, to executive sessions held with respect to matter on which a committee had been given the power of the Board to act. In the case of other committees, executive sessions may be held upon a vote of a majority, or one-half if the number of voting members of the committee is even.

17. Section 6.03 of the proposed text (now § 1601.30) was amended to require the vote of a majority of the Directors in office for removal of the President.

18. In § 6.06(a) of the proposed text (now § 1601.30) was amended to require lations promulgated pursuant to the Act were added to the provisions to which the President is subject.

19. A new § 1601.36 was added providing for the office, and specifying the duties, of the Comptroller. In view of this addition, the duty to keep accounts was deleted from the duties of the Treasurer in §6.08 of the proposed text (now § 1601.35).

20. In Section 6.09 of the proposed text (now § 1601.37), specific authority was given for delegation, to a committee or another officer, of the Board's authority to fix the compensation of officers other than the President or a Vice President.

21. Section 6.11 of the proposed text (now § 1601.39) was amended to provide that the rules and regulations governing outside interests of officers and employees may forbid any participation in certain corporate action, rather than participation "personally and substantially."

22. In § 10.01(b) of the proposed text (now § 1601.43(b)), a clarifying amendment, conforming to subsection (a), provides for indemnification of parties to "completed" as well as threatened and pending actions.

23. Section 11.01 of the proposed text (now § 1601.44) was amended to provide that amendment of the By-laws may be accomplished by vote of a majority rather than 60 percent of the Directors in office.

Accordingly, the By-laws of Legal Services Corporation shall become effective on December 8, 1975, in the following form:

Subpart A—Nature, Powers, and Duties of Corporation; Definitions

Sec.
1601.1 Nature of the corporation.
1601.2 Power and duties.
1601.3 Definitions.

Subpart B—Offices and Agents

1601.4 Principal office.
1601.5 Agent.
1601.6 Other offices and agents.

Subpart C—Board of Directors

1601.7 General powers.
1601.8 Number, terms of office, and qualifications.
1601.9 The chairman of the board.
1601.10 Qualification.
1601.11 Outside interests of directors.
1601.12 Removal.
1601.13 Resignation.
1601.14 Compensation.

Subpart D—Meetings of Directors

1601.15 Regular meetings.
1601.16 Special meetings.
1601.17 Notice and waiver of notice.
1601.18 Agenda.
1601.19 General notice.
1601.20 Organization of directors' meetings.
1601.21 Quorum, manner of acting, and adjournment.
1601.22 Public meetings; executive sessions.
1601.23 Public participation.
1601.24 Minutes.
1601.25 Action by directors without a meeting.

Subpart E—Committees

1601.26 Establishment and appointment of committees.
1601.27 Committee procedures.

Subpart F—Officers

1601.28 Officers.
1601.29 Election, term of office, and qualifications.
1601.30 Removal.
1601.31 Resignation.
1601.32 Vacancies.
1601.33 The president.
1601.34 The secretary.
1601.35 The treasurer.
1601.36 The comptroller.
1601.37 Compensation.
1601.38 Prohibition against using political test or qualification.
1601.39 Outside interests of officers and employees.

Subpart G—Deposits and Accounts

1601.40 Deposits and accounts.

Subpart H—Seal

1601.41 Seal.

Subpart I—Fiscal Year

1601.42 Fiscal year.

Subpart J—Indemnification

1601.43 Indemnification.

Subpart K—Amendments

1601.44 Amendments.

AUTHORITY: Sec. 1008(e), 88 Stat. 387 (42 U.S.C. 2996g(e)).

Subpart A—Nature, Powers, and Duties of Corporation; Definitions

§ 1601.1 Nature of the corporation.

Legal Services Corporation is the corporation established by section 1003 of the Legal Services Corporation Act, 42 U.S.C. 2996b. The Act establishes the Corporation in the District of Columbia as a private nonmembership, nonprofit corporation for the purpose of providing financial support for legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance. Except as otherwise specifically provided in the Act, the Corporation is not considered a department, agency, or instrumentality of the United States Government.

§ 1601.2 Powers and duties.

The powers and duties of the Corporation are as set forth in the Act. The powers of the Corporation include, to the extent consistent with the Act, the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, D.C. Code Title 29, Chapter 10, other than the power to cease corporate activities.

§ 1601.3 Definitions.

As used in these By-laws, except where the context otherwise requires—

(a) "Act" means the Legal Services Corporation Act, 42 U.S.C. 2996–2996*l*, which was added to the Economic Opportunity Act of 1964 as Title X thereof by an Act of Congress cited as the Legal Services Corporation Act of 1974, Pub. L. 93–355, approved July 25, 1974, 88 Stat. 378;

(b) "Board" means the Board of Directors of the Corporation.

(c) "Corporation" means the Legal Services Corporation established by section 1003 of the Act, 42 U.S.C. 2996b;

(d) "Director" or "member of the Board" means a voting member of the Board of Directors appointed by the President of the United States;

(e) The pronouns "he," "him," and "his" mean, respectively, "he or she," "him or her," and "his or her";

(f) "Member of the immediate family" means, with respect to any individual, a spouse, child, parent, brother, or sister of such person, or a spouse or relative of any of the foregoing who has the same home as such person;

(g) "Person" means an individual, corporation, association, partnership, trust, or other entity;

(h) "Recipient" means a grantee, contractee, or recipient of financial assistance described in clause A of section 1006(a)(1) of the Act;

(i) "Telegraph" includes any means of record communication.

Subpart B—Offices and Agents

§ 1601.4 Principal office.

The Corporation shall maintain its principal office in the District of Columbia.

§ 1601.5 Agent.

The Corporation shall maintain in the District of Columbia designated agent to accept service of process for the Corporation.

§ 1601.6 Other offices and agents.

The Corporation may also have offices and agents at such other places, either within or without the District of Columbia, as the business of the Corporation may require.

Subpart C—Board of Directors

§ 1601.7 General powers.

The property, affairs, and business of the Corporation shall be under the direction of the Board, subject to the provisions of the Act.

§ 1601.8 Number, terms of office, and qualifications.

(a) The Board shall consist of eleven voting members and the President of the Corporation *ex officio*. The voting members shall be appointed by the President of the United States by and with the advice and consent of the Senate. No more than six of the voting members shall be of the same political party. A majority of the voting members shall be members of the bar of the highest court of a state. None of the voting members shall be a full-time employee of the United States.

(b) The term of office of each voting member of the Board shall be three years, except that five of the members first appointed have been designated by the President of the United States to serve for a term of two years. Each member of the Board shall continue to serve until his successor is appointed and qualified. The term of the initial members of the Board shall be computed from July 14, 1975, the date of the first meeting of the Board. The term of each member of the Board other than the initial members shall be computed from the date of termination of the preceding term. Any member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. No member of the Board shall be reappointed to more than two consecutive terms immediately following such member's initial term.

§ 1601.9 The chairman of the board.

The initial Chairman of the Board, during the period July 14, 1975 to July 13, 1978, shall be a member of the Board initially designated as Chairman by the President of the United States or, if he should resign or otherwise vacate his office or his Board membership, the member subsequently so designated by the President of the United States. Thereafter, annually or at such other time as there may be a vacancy in this office, the Board shall elect a Chairman of the Board from among its voting members who shall serve in such capacity until his successor has been duly elected and qualified, or until he shall resign or otherwise vacate his office or his Board membership. The Chairman of the Board shall, if present, preside at all meetings of the Board, shall carry out all other functions required of him by the Act and these By-laws, and shall perform such other duties as from time to time may be assigned to him by the Board.

§ 1601.10 Qualification.

A person shall be deemed to have qualified as a Director, or as the Chairman of the Board, when upon his appointment or selection, as the case may be, he has affirmed or executed a statement, in a form provided by the Board, to discharge his duties faithfully.

§ 1601.11 Outside interests of directors.

(a) No member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly benefits such member or pertains specifically to any firm or organization with which such member is then associated or has been associated within a period of two years. For the purposes of this paragraph, (1) a member of the Board shall be deemed "associated" with a firm or organization if he (i) is serving or has served within the past two years as a director, officer, trustee, employee, consultant, attorney, agent, or partner thereof, or in any of such other capacities as the Board may from time to time determine, (ii) is negotiating or has any arrangement concerning prospective employment therewith, or (iii) has or has had within the past two years any direct or indirect financial or ownership interest therein; and (2) the term "member of the Board" includes a member of the immediate family of a member of the Board. If a Director violates this paragraph in connection with any transaction, the validity of the transaction, unless void by law or voidable by the Corporation, shall not be affected by the violation, but the Director by law may be liable to the Corporation for damages.

(b) Pursuant to procedures to be established by the Board from time to time, each member of the Board, upon assuming office and at least annually thereafter, shall file with the Secretary a statement identifying any firm or organization with which he is then or has been within the past two years associated (as defined in paragraph (a) of this section) and the nature of the association In the event the association is a result of a financial or ownership interest, that fact shall be reflected in the statement, but the member need not reveal the degree of financial interest. Such statements shall be available for public inspection.

§ 1601.12 Removal.

(a) A Director may be removed, by a vote of seven members at a meeting of the Board, for persistent neglect of or inability to discharge duties, for malfeasance in office, or for offenses involving moral turpitude, and for no other cause.

(b) When a Director shall fail to appear at three consecutive meetings of the Board or at one-half of the meetings held during a two-year period, the Secretary shall notify him in writing that the agenda for the next meeting of the Board will include the question whether he should be removed for persistent neglect of or inability to discharge duties.

(c) Except as provided in paragraph (b) of this section, the Board shall consider whether a Director shall be removed only when five or more Directors have stated in writing that they be-

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lieve there is reasonable cause for such action, giving specific allegations in support of such belief.

(d) A Director may not be removed unless (1) notice of the basis of removal has been given to such Director at least thirty days before a vote is taken concerning his removal and (2) the Director has been afforded the opportunity to contest his removal by making written submissions to the other members of the Board and by appearing in person, with or without counsel present, at the meeting at which the vote concerning removal is taken.

§ 1601.13 Resignation.

A Director may resign at any time by giving written notice of his resignation to the President of the United States and to the President of the Corporation. Notice of a resignation shall be posted at the offices of the Corporation in an area to which the public has access. A resignation shall take effect at the time received by the President of the United States unless another time is specified therein. The acceptance of a resignation shall not be necessary to make it effective.

§ 1601.14 Compensation.

Directors shall be entitled to receive, at appropriate rates prescribed from time to time by the Board, not in excess of the rates established for consultants to the Federal Government, per diem compensation for their services as members of the Board or of any committee thereof and reimbursement for travel, subsistence, and other expenses necessarily incurred in connection therewith. A Director shall not serve the Corporation in any other capacity or receive compensation for such services, except as authorized by the Board. In no event shall a Director receive compensation in more than one capacity.

Subpart D—Meetings of Directors

§ 1601.15 Regular meetings.

(a) Regular meetings of the Board shall be held at least four times a year, on the first Friday of March, June, October, and December, if not a legal holiday or, if a legal holiday, then on the next business day following, at 10 a.m., or at such other date and time as shall be determined by a majority of the members of the Board. Such regular meetings shall be held in the District of Columbia unless a majority of the members of the Board otherwise determine. Notice of the place of a regular meeting shall be mailed to each Director at least ten days before the date of the meeting or shall be telegraphed or delivered at least five days before such date.

(b) In the event a majority of the members of the Board agree to postpone a regular meeting, notice of such postponement shall be mailed to each Director at least five days before the scheduled date for such meeting or shall be telegraphed or delivered at least three days before such scheduled date. In the event a majority of the members of the Board agree to reschedule a regular meeting to a date in advance of the scheduled date for such meeting, notice of such rescheduling shall be mailed to each Director at least twenty-one days before the rescheduled date for such meeting or shall be telegraphed or delivered at least fifteen days before such rescheduled date. Every such notice shall specify the place, day, and hour of the rescheduled meeting.

§ 1601.16 Special meetings.

Special meetings of the Board may be called by the Chairman of the Board or shall be called upon receipt by him of a written request from five or more members of the Board or from the President of the Corporation and four or more members of the Board. Notice of any such meeting shall be mailed to each Director at least seven days before the date on which the meeting is to be held or shall be telegraphed or delivered at least three days before such date. Every such notice shall specify the place, day, and hour of the meeting.

§ 1601.17 Notice and waiver of notice.

(a) Notice of a meeting of the Board when mailed shall be deemed given when deposited in the United States mail, postage paid, addressed to the Director at his address appearing on the books of the Corporation or supplied by him for the purpose of this notice. Notice may be delivered at such address to a person having apparent authority to accept such delivery for such Director. Notice by telegraph shall be sent, charges prepaid, to such address.

(b) A waiver of notice of a meeting in writing signed by the Director entitled to such notice, whether before or after the time of such meeting, shall be deemed equivalent to the timely giving of such notice. Attendance of a Director at any meeting shall constitute a waiver by him of notice of such meeting except where he attends for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

§ 1601.18 Agenda.

For each regular and special meeting, the Chairman of the Board or the President of the Corporation shall cause to be prepared an agenda of matters to be discussed at the meeting and shall make reasonable effort to mail the agenda to all Directors as far in advance of the meeting as practicable. When feasible, the agenda shall be posted at the offices of the Corporation, in an area to which the public has access, at least three days before the date on which the meeting is to be held. Any matters appearing on the agenda which the Chairman of the Board or the President of the Corporation believes should be discussed in an executive session in accordance with § 1601.22 shall be so noted. Matters not appearing on the agenda may also be discussed and acted upon at the meeting, but the Chairman of the Board or the President of the Corporation shall endeavor to include as many matters on the agenda as can be reasonably anticipated.

§ 1601.19 General notice.

Concurrently with the giving of notice to the Directors of any meeting of the Board or any rescheduling thereof, such notice shall be filed for publication in the FEDERAL REGISTER and posted at the offices of the Corporation in an area to which the public has access. Reasonable effort shall be made to communicate such notice, at least three days before the meeting, to the chairman of each state advisory council appointed pursuant to section 1004(f) of the Act and to every recipient. Failure to provide general notice in accordance with this Section shall not affect the validity of Board action at such meeting.

§ 1601.20 Organization of directors meeting.

At each meeting of the Board, the Chairman of the Board or, in his absence, a temporary chairman chosen by a majority of the members of the Board present shall preside. The Secretary of the Corporation shall act as secretary at all meetings of the Board. In the absence from any such meeting of the Secretary, the chairman of the meeting shall appoint a person to act as secretary of the meeting.

§ 1601.21 Quorum, manner of acting, and adjournment.

(a) At each meeting of the Board, the presence of six Directors or, if the number of Directors in office is seven or fewer, two-thirds of such Directors shall constitute a quorum for the transaction of business. Except as otherwise specifically provided by law or these By-laws, the vote of a majority of the Directors present at the time of a vote, provided that a quorum is present at such time, shall be the act of the Board. If a quorum is present when a meeting is convened at which an action is subsequently voted upon, the action shall be the valid action of the Board unless a Director suggests the absence of a quorum and there is, in fact, no quorum then present. A Director who is present at a meeting of the Board but is required to abstain from participation in the vote upon any matter, whether he remains in the meeting or withdraws therefrom during the vote, may be counted for purposes of determining whether or not a quorum is present, and if a quorum is present, the vote of a majority of the Directors who are eligible to vote with respect to such matter shall be the act of the Board.

(b) A majority of the Directors present at a duly convened meeting, whether or not they shall comprise a quorum, may temporarily adjourn the meeting. Whenever a meeting is temporarily adjourned to a date not more than five business days following such adjournment, it shall not be necessary to give any notice of the adjourned meeting or of the business to be transacted thereat otherwise than by an announcement at the meeting at which such adjournment is taken.

(c) Each Director shall be entitled to one vote. Voting rights of Directors may not be exercised by proxy.

§ 1601.22 Public meetings; executive sessions.

(a) All meetings of the Board shall be open to the public unless two-thirds of the Directors eligible to vote determine that consideration of specific matter on a specific occasion shall be closed to the public. That part of a meeting closed to the public shall be known as an executive session. Agenda and non-agenda items may be considered in an executive session. An executive session shall consider only matter for which the required determination has been made. The chairman of the meeting shall announce the subject of the executive session prior thereto.

(b) In determining whether an executive session is required the Board shall be governed by the principle that the public is entitled to the fullest information regarding the decision-making process of the Corporation consistent with the protection of personal privacy or with compelling interests of the Corporation or the public.

§ 1601.23 Public participation.

The Board welcomes written and other communication from members of the public. Members of the public may address a meeting of the Board upon invitation of the chairman of the meeting unless the Board otherwise directs.

§ 1601.24 Minutes.

The minutes of each meeting of the Board, including an executive session, shall record the names of the Directors present, the actions taken, and the result of each vote. If there is a division on a vote, the minutes shall record the vote of each Director. Minutes shall reflect discussions held in executive session, including as much information as possible about such discussions without compromising the purpose for which such meeting was closed to the public. A copy of the minutes of each meeting shall be supplied to each member of the Board in advance of the next meeting and shall be presented for approval by the Board at such meeting. The minutes of each meeting shall be available for inspection by the public in the form supplied to, and in the form approved by, the Directors.

§ 1601.25 Action by directors without a meeting.

Any action which may be taken at a meeting of the Board may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the Directors and general notice of the proposed action is published in the manner prescribed by § 1601.19 on or before the date when such consents are first solicited. Any such action so taken shall be included on the agenda of the next meeting of the Board for discussion, ratification, or such other action as may be indicated by the circumstances.

Subpart E—Committees

§ 1601.26 Establishment and appointment of committees.

The Board may by resolution of a majority of the Directors in office establish (and thereafter dissolve) such executive, regular, standing, or temporary committees as the Board may deem appropriate to perform such functions as it may from time to time designate. The authority of any such committee shall expire at the time specified in such resolution, which shall be no later than two years after its establishment. The Board may appoint Directors to serve on such committees including one to serve as the chairman, or may delegate to the Chairman of the Board the authority to make such appointments. A person appointed as a member of a committee shall serve as such only at the pleasure of the Board. The Chairman of the Board shall be an *ex officio* nonvoting member of each committee.

§ 1601.27 Committee procedures.

(a) Except as otherwise provided in these By-laws or in the resolution establishing the committee, a majority of the voting members thereof, or one-half of such members if their number is even, shall constitute a quorum: *Provided*, That if the Chairman of the Board is present, he may be counted in lieu of any absent voting member for quorum purposes. The vote of a majority of the voting members present at the time of a vote, if a quorum is present at such time, shall be the act of the committee. Meetings of each committee shall be called by the chairman of the committee or any two members of the committee, with notice thereof provided to each committee member including the Chairman of the Board. An agenda shall not be required for a committee meeting, but shall be furnished with the notice when feasible.

(b) Notice of a committee meeting shall be provided to members of the committee in the manner required for notice of special meetings of the Board by §§ 1601.16 and 1601.17(a). Notice may be waived in the manner described in § 1601.17(b). When feasible, general notice of a committee meeting shall be given in the manner described in § 1601.19, but failure to provide general notice shall not affect the validity of action at such committee meeting.

(c) All meetings of a committee shall be open to the public unless a majority of the voting members of the committee, or one-half of such members if their number is even, determine that part or all of the meeting shall be in executive session closed to the public; provided that, in the case of a committee to which has been delegated the power of the Board to act on any matter, an executive session shall not be held with respect to such matter unless two-thirds of the committee members eligible to vote make such determination pursuant to the provisions of § 1601.22.

(d) Minutes shall be kept of each committee meeting in the manner described in § 1601.24. The minutes shall be available for inspection by the public.

(e) Any Director and the President of the Corporation shall have access to the records of any committee irrespective of whether he is a member of the committee.

Subpart F—Officers

§ 1601.28 Officers.

The officers of the Corporation shall be a President, a Secretary, a Treasurer, a Comptroller, and such other officers as the Board determines to be necessary. The President of the Corporation shall be appointed by a majority of the Directors in office. Other officers shall be appointed by the Board after consultation with the President of the Corporation. The officers shall have such authority and perform such duties, consistent with the Act and these By-laws, as may from time to time be determined by the Board or, with respect to the other officers, by the President of the Corporation consistently with any such determination of the Board. The President of the Corporation shall provide supervision and direction to the other officers in the performance of their duties.

§ 1601.29 Election, term of office, and qualifications.

The officers of the Corporation shall be appointed annually at the October meeting of the Board or whenever a vacancy arises. Each officer shall hold his office until his successor shall have been duly appointed or until he shall resign or shall have been removed in the manner provided in § 1601.30. Any two offices may be held by the same person, except the offices of the President of the Corporation and Secretary. All officers shall serve at the pleasure of the Board.

§ 1601.30 Removal.

The President of the Corporation may be removed by a majority of the Directors in office, and any other officer may be removed by the Board pursuant to the quorum and voting provisions of § 1601.21 but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

§ 1601.31 Resignation.

Any officer may resign at any time by giving written notice of his resignation to the Board. Such resignation shall take effect at the time received, unless another time is specified therein. The acceptance of such resignation shall not be necessary to make it effective.

§ 1601.32 Vacancies.

Any vacancy in any office shall be filled as provided in § 1601.28.

§ 1601.33 The president.

(a) The President of the Corporation shall be its Chief Executive Officer and shall have the responsibility and author-

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ity, in accordance with the Act, rules and regulations promulgated pursuant to the Act, and these Bylaws, subject to the direction of and policies established by the Board, for (1) the day-to-day administration of the affairs of the Corporation; (2) the appointment of such employees of the Corporation as he determines necessary to carry out the purposes of the Corporation and the removal of such employees; (3) the making of grants and the entering into of contracts; and (4) the exercise of such other powers incident to the office of the President of the Corporation and the performance of such other duties as the Board may from time to time prescribe.

(b) The President of the Corporation shall be a member of the bar of the highest court of a State and shall be a nonvoting *ex officio* member of the Board of Directors.

§ 1601.34 The secretary.

The Secretary shall (a) ensure that all notices are duly given in accordance with the Act and these By-laws; (b) be the custodian of the seal of the Corporation and affix such seal to all documents the execution of which is authorized by the Board or by any officer or employee of the Corporation to whom the power to authorize the affixing of such seal shall have been delegated; (c) keep, or cause to be kept, in books provided for the purpose, minutes of the meetings of the Board and of each committee of the Board; (d) ensure that the books, reports, statements, and all other documents and records required by law are properly kept and filed; (e) sign such instruments as require the signature of the Secretary; and (f) in general, perform all the duties incident to the office of the Secretary and such other duties as from time to time may be assigned to him.

§ 1601.35 The treasurer.

The Treasurer shall (a) have charge and custody of, and be responsible for, all funds and securities of the Corporation and (with the exception of petty cash) deposit all such funds and securities in such banks, trust companies, or other depositories as shall be selected in accordance with the provisions of these By-laws; (b) receive, and give receipts for, moneys due and payable to the Corporation from any source whatsoever; (c) sign such documents as shall require the signature of the Treasurer; (d) render to the Board at each regular meeting and at such times as the Board may require a report on the financial condition of the Corporation; and (e) in general, perform all the duties as from time to time may be assigned to him. The Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such sureties as the Board shall determine.

§ 1601.36 The comptroller.

The Comptroller shall keep or cause to be kept full and correct records and accounts of the business, transactions, receipts, and disbursements of the Corporation and at all reasonable times shall exhibit such records and accounts to any Director upon application at the office of the Corporation where such records are kept; and shall perform such other duties as from time to time may be assigned to him.

§ 1601.37 Compensation.

The compensation of the officers shall be fixed from time to time by the Board or, in the case of an officer other than the President or a Vice President, by a committee or another officer to whom such authority is delegated, at rates not in excess of amounts permitted by law. No officer of the Corporation may receive any salary or other compensation for services from any source other than the Corporation during his period of employment by the Corporation except as authorized by the Board.

§ 1601.38 Prohibition against using political test or qualification.

No political test or political qualification shall be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, agent, or employee of the Corporation.

§ 1601.39 Outside interests of officers and employees.

The board may from time to time adopt rules and regulations governing the conduct of officers or employees with respect to matters in which they have any interest adverse to the interests of the Corporation. Such rules and regulations may forbid an officer or employee from participating in corporate action with respect to any contract, grant, transaction, or other matter in which, to the knowledge of such officer or employee, he or any member of his immediate family has any interest, financial or otherwise, unless (a) such officer or employee makes full disclosure of the circumstances to the Board or its delegate and the Board or its delegate determines that the interest is not so substantial as to affect the integrity of the services of such officer or employee, or (b) on the basis of standards to be established in such rules and regulations, the interest is too remote or too inconsequential to affect the integrity of such services. Such rules and regulations may also prohibit or establish appropriate limits upon (1) the ownership by an officer or employee, or member of his immediate family, of securities of any firm, corporation, or other entity doing a substantial volume of business with the Corporation and (2) the present or future association by an officer or employee (or former officer or former employee), or member of his immediate family, with any firm, corporation, or other entity doing a substantial volume of business with the Corporation.

Subpart G—Deposits and Accounts

§ 1601.40 Deposits and accounts.

All funds of the Corporation, not otherwise employed, shall be deposited from time to time in general or special accounts in such banks, trust companies, or other depositories as the Board may select, or as may be selected by any officer, agent, or employee of the Corporation to whom such power has been delegated by the Board. For the purpose of deposit and for the purpose of collection for the account of the Corporation, checks, drafts, and other orders for the payment of money that are payable to the order of the Corporation may be endorsed, assigned, and delivered by any officer of the Corporation designated by the Board.

Subpart H—Seal

§ 1601.41 Seal.

The Corporation shall have a corporate seal, which shall include the words "Established by Act of Congress July 25, 1974" and shall be in the form adopted by the Board.

Subpart I—Fiscal Year

§ 1601.42 Fiscal year.

The fiscal year of the Corporation shall begin on October 1.

Subpart J—Indemnification

§ 1601.43 Indemnification.

(a) The Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the Corporation), by reason of the fact that he is or was a Director, officer, employee, or agent of the Corporation, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit, or proceeding if he acted in good faith and in a manner he reasonably believed to be in the best interests of the Corporation and, with respect to any criminal action, suit, or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction, or upon a plea of *nolo contendere* or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in the best interests of the Corporation and, with respect to any criminal action, or proceeding, had reasonable cause to believe that his conduct was unlawful.

(b) The Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action or suit by or in the right of the Corporation to procure a judgment in its favor, by reason of the fact that he is or was a Director, officer, employee, or agent of the Corporation, against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in the best interests of the Corporation, except that no indemnification shall be made in respect to any claim, issue, or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the Corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the court shall deem proper.

(c) To the extent that a Director, officer, employee, or agent of the Corporation has been successful on the merits or otherwise in the defense of any action, suit, or proceeding referred to in paragraph (a) and (b) of this section or in the defense of any claim, issue, or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

(d) Any indemnification under paragraph (a) and (b), of this section (unless ordered by a court) shall be made by the Corporation only as authorized in the specific case upon a determination that indemnification of the Director, officer, employee, or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in paragraph (a) and (b) of this section. Such determination shall be made (1) by the Board by a majority vote of a quorum consisting of Directors eligible to vote who were not parties to such action, suit, or proceeding, or (2) if such quorum is not obtainable or, even if obtainable, a quorum of disinterested Directors so directs, by independent legal counsel in a written opinion.

(e) Expenses incurred in defending a civil or criminal action, suit, or proceeding may be paid by the Corporation in advance of the final disposition of such action, suit, or proceeding as authorized by the Board in any case upon receipt of an undertaking by or on behalf of the Director, officer, employee, or agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the Corporation as authorized in this Section.

(f) The indemnification provided by this Section shall not be deemed exclusive of any other rights to which a person seeking indemnification may be entitled under any By-law, agreement, or vote of disinterested Directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a Director, officer, employee, or agent and shall inure to the benefit of the heirs, executors, and administrators of such a person.

Subpart K—Amendments

§ 1601.44 Amendments.

These By-laws may be amended by a vote of a majority of the Directors in office: *Provided*, That (a) such amendment is not inconsistent with the Act, (b) the notice of the meeting at which such action is taken shall have stated the substance of the proposed amendment, (c) the notice of such meeting shall have been mailed, telegraphed, or delivered to each Director at least five days before the date of the meeting, and (d) when feasible, the proposed amendment shall have been published in the FEDERAL REGISTER at least thirty days before the meeting and interested parties shall have been afforded a reasonable opportunity to comment thereon.

Effective date: December 8, 1975.

DAVID S. TATEL,
Counsel to the Corporation.

[FR Doc.75-29922 Filed 11-6-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER N—DANGEROUS CARGOES

[Docket No. HM-129; Amdt.; CGD 74-276]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

Portable Tank Markings

The purpose of this amendment is to make the portable tank marking requirements for water transportation in 46 CFR 146.05–15(e) (1) (i) compatible with the portable tank marking requirements for land transportation in 49 CFR 173.401(a) (1).

Interested persons have been afforded an opportunity to participate in this rulemaking by notice of proposed rulemaking that was published in the FEDERAL REGISTER on January 29, 1975 (40 FR 4318) and by public hearing that was held on February 25, 1975. No oral presentations were made, however, five written comments were received. One comment indicated that the proposed marking change to 46 CFR is still inconsistent with the requirements of 49 CFR 173.401(a) (1). The change in 46 CFR by this amendment does not duplicate the requirements of 49 CFR, however, it does permit the use of letter heights of one-tenth the diameter of the tank as required by 49 CFR 173.401(a)(1). Another comment suggested a letter height of four inches for tanks over two feet in diameter and two inches for tanks under two feet in diameter. While this suggestion has merit, it is considered beyond the scope of the rulemaking because this amendment is intended only to make the portable tank marking requirements for water shipment compatible with those for land shipment. Also, to incorporate such a marking change would result in further inconsistency with portable tank marking requirements for land shipment. Several comments recommended the adoption of the two-inch minimum letter height (regardless of tank diameter) proposed in Docket HM–103; Notice 73–10. This recommendation is not being incorporated in the amendment as it would result in further inconsistency with the present requirements of 49 CFR 173.401(a) (1).

Compliance with this amendment prior to the effective date is considered by the Bureau as compliance with existing regulations.

In consideration of the foregoing, Part 146 of Title 46 Code of Federal Regulations is amended as follows:

§ 146.05–15 [Amended].

Section 146.05–15 paragraph (e) (1) (i) is amended by striking the words "The height of all required lettering must be at least 2 inches or one-tenth the diameter of the tank (subject to a maximum of 5 inches), whichever is greater" and inserting the words "The height of all required lettering must be 2 inches or one-tenth the diameter of the tank, whichever is higher, but need not be higher than 5 inches" in place thereof.

Effective: December 31, 1975.

(46 U.S.C. 170(7), 49 CFR 1.53(f))

Issued in Washington, D.C., on November 3, 1975.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.75-29934 Filed 11-6-75;8:45 am]

[Docket No. HM-130; Amdt. CGD 74-292]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

Portable Tank Gross Weights

The purpose of these amendments to Part 146 of Title 46, Code of Federal Regulations, is to allow the carriage of a portable tank having a gross weight of 55,000 pounds or less on board a vessel.

Interested persons have been afforded an opportunity to participate in this rulemaking by notice of proposed rulemaking that was published in the FEDERAL REGISTER on June 9, 1975 (40 FR 24532), and by public hearing that was held on July 1, 1975. Ten written comments were received, all of which endorsed the proposed amendment. One of the commenters suggested that paragraphs §§ 146.21–15(b), 146.26–10(b) and 146.26–20(f) should also be amended by striking the figures "20,000" wherever they appear and inserting "55,000" in place thereof. This suggestion has been incorporated in the amendment.

Compliance with these amendments before the effective date is considered by the Bureau as compliance with existing regulations.

In consideration of the foregoing, Part 146 of Title 46 Code of Federal Regulations is amended as follows:

§ 146.05–5 [Amended].

1. By revoking § 146.05–5(h) which increased the gross weight limitation for DOT specification tanks from 8,000 pounds to 20,000 pounds.

§§ 146.21–100, 146.23–100, 146.24–100, 146.25–100, 146.26–100 [Amended].

2. By striking the figures "8,000" and "20,000" wherever they appear in §§ 146.21–100, 146.23–100, 146.24–100, 146.25–200, and 146.26–100 and inserting "55,000" in place thereof.

§ 146.07–1 [Amended].

3. By striking the figure "20,000" in the second and third sentences in § 146.-

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07–1(b)(4) and inserting the figure "55,000" in place thereof.

§§ 146.21–15, 146.26–10, 146.26–20 [Amended].

4. By striking the figure "20,000" wherever it appears in §§ 146.21–15(b), 146.26–10(b), and 146.26–20(f), and inserting the figure "55,000" in place thereof.

Effective: December 31, 1975.

(46 U.S.C. 170(7), 49 CFR 1.53(f))

Issued in Washington, D.C., on November 3, 1975.

JAMES T. CURTIS, JR.,
Director,
Materials Transportation Bureau.

[FR Doc.75-29936 Filed 11-6-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20474; RM-2442]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Paso Robles, Calif.

Report and order—(Proceeding terminated). In the Matter of Amendment of § 73.202(b), Table of assignments, FM Broadcast Stations. (Paso Robles, California).

1. The Commission has before it the "Notice of proposed rulemaking," adopted May 6, 1975, 40 FR 21742, inviting comments on a proposal by F. Ray Bryant and Nancy L. Bryant, who are jointly licensed to operate Stations KPRL(AM) and KPRA(FM) (Channel 232A), Paso Robles, California, to amend the FM Table of Assignments by substituting Channel 223 for Channel 232A and to modify their KPRA license to specify operation on Channel 223. The adoption of this proposal would not require any other changes in the FM Table of Assignments. The only comments filed regarding this proposal were those of the petitioners.

2. Paso Robles, with a population of 7,168,[1] is located midway between San Francisco and Los Angeles, California and is in the center of the northern part of San Luis Obispo County (pop. 105,690). At the present time, local aural service consists solely of petitioners' two stations—Class IV AM Station KPRL and KPRA(FM), which is one of five FM assignments in San Luis Obispo County.[2]

3. Petitioners allege that Channel 223 should be substituted for Channel 232A because present intermixture of Class A and Class B channels in San Luis Obispo County is "competitively unhealthy." Two Class B channels are presently being operated from the City of San Luis Obispo; and a third channel has been applied for at Morro Bay or Atascadero, California. In addition, petitioners state that Station KWAV(FM) (Channel 245) at Monterey, California, "cuts heavily into the Paso Robles market." Consequently, petitioners argue, a Class B assignment is needed in Paso Robles so that its FM station can survive competitively.

4. Petitioners have also presented data to indicate that Paso Robles and the surrounding area are growing. They state that the Paso Robles-Atascadero market has a population of 20,000. However, they assert, this figure will be increasing because of the development of nearby recreational areas such as Lake Nacimiento and San Antonio Lake which are about 16 miles northwest of Paso Robles. We are informed that already these and other nearby recreational facilities attract many weekend tourists. Petitioners point out that 550,000 tourists visited here in 1970 and that this figure is expected to rise to 750,000 by the end of 1975 and to 1,000,000 by 1980. Petitioners believe that the assignment of a Class B channel to Paso Robles will enable KPRA to keep pace with and to provide service to this growing Lake Nacimiento area.

5. Another reason relied upon by petitioners for the assignment of a Class B channel to Paso Robles is that this will provide the scattered populations in the surrounding rural areas with either first or second FM service. According to petitioners' Roanoke Rapids-Goldsboro, N.C. study, 9 F.C.C. 2d 672 (1967), the 1 mV/m contour of Channel 223 will extend 33 miles and will provide first FM service to 471 persons in a 230 square-mile area and second FM service to 2,076 persons in a 1,030 square-mile area. As a result, the petitioners conclude that the Class B assignment at Paso Robles will enable KPRA to render better service to its area because of increased coverage capability.

6. The petitioners' preclusion study, confirmed by the Commission's engineering staff, shows that preclusion will occur on five channels. The preclusion on Channels 220, 221A, and 222 is minimal because it affects very small land areas that contain communities with populations less than one thousand persons or communities which already either have local FM service or receive FM service from a nearby community. The primary preclusion will occur on the co-channel 223 at Coalinga, California (pop. 6,161), in Fresno County (pop. 413,053), and at Avenal, California (pop. 3,035), in Kings County (pop. 64,610). In addition, Coalinga will be precluded from being assigned Channel 224A. However, petitioners' preclusion study correctly suggests that Channel 232A, if deleted from Paso Robles, may be assigned to Coalinga, Avenal, or most of the area precluded from the use of Channel 224A. Also, Class B Channels 258, 275, and 295 would be available for assignment at or near Paso Robles in the event that future broadcast needs require a Class B channel assignment.

7. In view of the fact that Station KPRA(FM) is located in a growing region, consisting of many rural areas, with scattered populations, we believe that the public interest would be served by the substitution of Channel 223 for Channel 232A at Paso Robles, California. The assignment is made because, as mentioned, preclusionary effects are negligible and such an assignment would bring a first FM service to about 500 persons and a second FM service to about 2,000 persons. This would comply with the first and third priorities used in establishing the FM Table of Assignments in 1963—that insofar as possible, an FM channel should be assigned to provide first and then second FM service to as much of the population of the United States as possible. Further notice of proposed rulemaking, Docket No. 14185, adopted July 25, 1962 (FCC 62–867). Incorporated by reference in paragraph 25 of the Third Report, Memorandum Opinion and Order (40 F.C.C. 747, 758 (1968)). This decision is not based on petitioners' argument that it would eliminate intermixture. Our policy against intermixture of channels applies to assignments within the same community. On rare occasions, under appropriate circumstances and where communities are so close to each other that they might be considered to be in the same "market," we have extended the principle to apply to a market. Fairmont, West Virginia, 40 F.C.C. 1021, 1024 (1965). In the instant case it is not only questionable whether the stations mentioned by petitioners are in the same market, but petitioners appear to be advancing the proposition that intermixture of classes of channels within a county is contrary to our policy. No such county non-intermixture policy exists.

8. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules.

9. *Accordingly, it is ordered*, That effective December 15, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended, insofar as the city below is concerned, to read:

City	Channel No.
Paso Robles, California	223

10. *It is further ordered*, That effective December 15, 1975, and pursuant to Section 316 of the Communications Act of 1934, as amended, the outstanding license of F. Ray Bryant and Nancy L. Bryant (joint tenants), for Station KPRA(FM), Paso Robles, California, is modified to specify operation on Channel 223 in lieu of Channel 232A subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than December 15, 1975, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by January 5, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KPRA(FM) on Channel 223 at Paso Robles, California.

(c) The licensee may continue to operate on Channel 232A under its outstanding authorization for one year from the effective date of this Order, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 223, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 223 until the Commission specifically authorizes it to do so.

11. *It is further ordered*, That the Secretary of the Commission shall send a copy of this Report and Order by Certified Mail, Return Receipt Requested, to F. Ray Bryant and Nancy L. Bryant, joint tenants, the licensees of KPRA (FM), Paso Robles, California.

12. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: October 30, 1975.

Released: November 4, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-30024 Filed 11-6-75;8:45 am]

[Docket No. 19928]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain Cities in Illinois and Indiana

Report and order—(Proceeding terminated). In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast Stations. (Danville and Hoopeston, Illinois; Attica, Crawfordsville, Frankfort, Fowler, Greencastle, Lafayette, Logansport, North Vernon and Terre Haute, Indiana), Docket No. 19928, RM–1971, RM–2244, RM–2161, RM–2353, RM–2203.

1. The Commission here considers the six alternative FM assignment proposals for communities in Illinois (Hoopeston and Danville) and Indiana (Lafayette and Terre Haute) raised by the conflicting FM assignment proposals in RM–1971 (Hoopeston), RM–2161 (Lafayette), RM–2203 (Danville) and RM–2244 (Terre Haute)[1] and advanced for consideration and public comment in the Notice of proposed rulemaking released herein on January 31, 1974 (39 FR 4586), together with the counterproposals and comments received on the proposals.

2. The six alternative proposals are the following: [2]

City	Channel No. Add—	Channel No. Delete—
I. Hoopeston, Ill.	241	
Fowler, Ind.	252A	240A
II. Hoopeston, Ill.	265A	
Danville, Ill.	241	
Fowler, Ind.	252A	240A
III. Hoopeston, Ill.	265A	
Fowler, Ind.	252A	240A
Lafayette, Ind.	243	244A
IV. Hoopeston, Ill.	265A	
Terre Haute, Ind.	242	
V. Danville, Ill.	241	
Hoopeston, Ill.	265A	
Fowler, Ind.	252A	240A
Terre Haute, Ind.	243	
VI. Danville, Ill.	241	
Hoopeston, Ill.	265A	
Fowler, Ind.	252A	240A
Lafayette, Ind.	243	244A

3. Comments and/or reply comments in response to the Notice were timely filed by the following parties: [3]

David Steinhart, Hoopeston, petitioner in RM–1971.

Vermilion Broadcasting Corporation, licensee of AM Station WITY, Danville, petitioner in RM–2203.

Radio Lafayette, Incorporated, licensee of AM Station WAZY (daytime-only) and Station WAZY–FM (Channel 244A), Lafayette, petitioner in RM–2161.

Citizens Broadcasting Company, licensee of AM Station WAAC (daytime-only), Terre Haute, petitioner in RM–2244.

WCVL, Inc., licensee of AM Station WCVL and permittee of FM Station WLFQ (Channel 280A), Crawfordsville, Indiana. Its comments include a counterproposal for Lafayette (or Attica), Indiana, which is discussed below.

Logansport Broadcasting Corp., licensee of AM Station WSAL and Station WSAL–FM (Channel 272A), Logansport, Indiana. Its comments also advance alternative proposals for Logansport (RM–2353) upon which Public Notice (Report No. 904), as corrected by Public Notice (Report No. 906), was given on April 9 and April 22, 1974, respectively, advising that its proposals would be treated as counterproposals herein. Its proposals are also discussed below. (Comments only.)

Kickapoo Broadcasting Co., licensee of FM Station WIAI (Channel 256), Danville.

Tiprad Broadcasting Co., Inc., former licensee of FM Station WXUS (Channel 224A), Lafayette. (Comments only.) [4]

Wabash Valley Broadcasting Corporation, licensee of Station WTHI–TV, (Channel 10), Terre Haute. (Comments only.)

Eastern Broadcasting Corporation, licensee of AM Station WBOW, and FM Station WBOQ (Channel 298), Terre Haute. (Comments only.)

Raftis Broadcasting Company, licensee of Station WVTX–FM (Channel 264), Terre Haute. (Comments and supplement thereto only.)

Wabash College Radio, Inc., licensee of FM Station WNDY (Channel 292A), Crawfordsville, Indiana. (Reply comments only.)

Kaspar Broadcasting Company, Inc., licensee of Station WILO–FM (Channel 259), Frankfort, Indiana. (Reply comments only.)

Dorrell Ochs, licensee of Station WOCH–FM (Channel 291), North Vernon, Indiana. (Reply comments only.)

4. We have carefully considered all arguments and data contained in the comments received from the above parties on the FM assignment proposals and counterproposals before us, together with that contained in the petitions and related pleadings which were considered in deciding to hold rule making on the Hoopeston, Danville, Lafayette and Terre Haute proposals. Of these proposals, we have decided, for the reasons discussed below, that only two of them—the proposals to assign Channel 265A to Hoopeston for a first assignment and to assign Channel 243 in place of Channel 244A to Lafayette as a second Class B (third FM) assignment, as proposed in Plan III, paragraph 2 above—have sufficient merit to warrant adoption. Since we find the counterproposals submitted by WCVL, Inc., and Logansport Broadcasting Corp. not worthy of adoption for reasons apart from their conflicts and/or relationship to the other proposals before us, we will first discuss them. Unless otherwise indicated, all population data are from the 1970 U.S. Census.

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[1] All population data are from the 1970 U.S. Census, unless otherwise indicated.

[2] Of the five FM assignments in San Luis Obispo County, there are three Class B channels and two Class A channels. Channels 227 and 241 are assigned to the city of San Luis Obispo and are presently occupied by Stations KZOZ(FM) and KUNA(FM), respectively. (Station KZOZ is a "grandfathered" station with power in excess of the maximum standards.) Channel 283, assigned to Morro Bay, is unoccupied but has been applied for by three applicants at Morro Bay (BPH–8586, BPH–8465, BPH–9067) and a fourth applicant at Atascadero (BPH–8915). Channel 237A is assigned to Arroyo Grande but is used by Station KPGA(FM) at Pismo Beach. The fifth Class A channel, of course, is at Paso Robles.

[1] In RM–1971, petitioner (David Steinhart) requested the assignment of Class B Channel 241 to Hoopeston for a first FM assignment by substituting Channel 252A for Channel 240A (unused) at Fowler, Indiana.

In RM–2161, petitioner (Radio Lafayette, Incorporated) requested the assignment of Class B Channel 243 to Lafayette for a second Class B (third FM) assignment by deleting Channel 244A from Lafayette, occupied by Station WAZY–FM, licensed to Radio Lafayette, and by replacing the Fowler Channel 240A assignment with Channel 252A.

In RM–2203, petitioner (Vermilion Broadcasting Corporation) requested the assignment of Class B Channel 241 to Danville for a third Class B assignment by substituting Channel 252A for Channel 240A at Fowler.

In RM–2244, petitioner (Citizens Broadcasting Company) requested the assignment of either Class B Channel 242 or Channel 243 to Terre Haute for a fifth Class B assignment.

[2] In Alternative I, the proposed Hoopeston Channel 241 assignment would require a transmitter site at least 11 miles south of Hoopeston.

In II, the proposed Danville Channel 241 assignment would require a site at least 6 miles northwest of Danville.

In III, the proposed Lafayette Channel 243 assignment would require a site at least 14 miles west southwest of Lafayette.

In IV, the proposed Terre Haute Channel 242 assignment would require a site approximately 16 miles north from the center of Terre Haute.

In V, the proposed Danville Channel 241 assignment would require a site at least 6 miles northwest of Danville, and the proposed Terre Haute Channel 243 assignment would require a site approximately 16 miles northwest of Terre Haute and 4 miles east of Paris, Illinois.

In VI, the proposed Danville Channel 241 assignment would require a site approximately 11 miles northwest of Danville, and the proposed Lafayette Channel 243 assignment would require use of a site approximately 10 miles west of Lafayette. This proposal would also limit use of Channel 240A, Clinton, Illinois, to an antenna site at least 4 miles west of Clinton. A construction permit (BPH–9104) was granted on December 10, 1974, for a Clinton Channel 240A station (WHOW–FM) at a site 4 miles south of Clinton.

[3] A late-filed letter from WFBM, Inc., licensee of FM Station WFBQ (Channel 234), Indianapolis, Indiana, is also accepted for consideration in connection with RM–2353 despite its untimeliness as we are persuaded that our Public Notices on the Logansport alternative proposals in RM–2353 did not provide sufficient details on them to put WFBM on notice that it could be affected by one of the alternatives proposed; and that it promptly filed upon learning its implications.

[4] An application for voluntary assignment of license (BALH–2058) from Tiprad to Twin Cities Broadcasting, Inc., filed October 3, 1974, was granted on February 12, 1975.

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5. *Counterproposal of WCVL, Inc.* In its comments, WCVL, Inc., the licensee of AM Station WCVL and Station WLFQ, Channel 280A, at Crawfordsville,[5] requests adoption of a variant of the proposal to assign a second Class B channel to Lafayette in alternative Plan III (para. 2, supra) in lieu of any of the six alternative proposals. Its counterproposal differs from alternative Plan III only in that it proposes the assignment of Channel 280A, as well as Channel 243, to Lafayette by deleting Channel 280A from Crawfordsville, as follows:

City	Channel No.	
	Add—	Delete—
Hoopeston	295A	
Fowler	292A	240A
Lafayette	243, 280A	244A
Crawfordsville		280A

Also, as an alternative to the Channel 243 assignment proposed for Lafayette, WCVL proposes the assignment of Channel 243 for a first FM assignment to Attica, Indiana, a community (1970 population, 4,262) located approximately 21 miles southwest of Lafayette and 25 miles northwest of Crawfordsville.

6. The stated objective of WCVL's counterproposal is to make the proposed Lafayette (or Attica) Channel 243 assignment available for application to it, as well as others, for use primarily for the regional service for which it believes there is a greater need in this Indiana area than there is for a second Class B outlet at Lafayette. By assigning Channel 280A, as well as Channel 243 to Lafayette, WCVL states that Station WAZY–FM, whose operating frequency (Channel 244A) would be required to be deleted if Channel 243 were to be assigned to Lafayette (or Attica), could be shifted to operation on Channel 280A if its licensee (Radio Lafayette) did not desire to compete for Channel 243 with it and other possible applicants for Channel 243 or, if it did compete, was not the winning applicant. If Station WAZY–FM's licensee were to compete and prevail, WCVL states that Channel 280A should remain in Crawfordsville.

7. Proponents of the conflicting and related proposals for Terre Haute (Citizens Broadcasting Company) and for Lafayette (Radio Lafayette) oppose the WCVL counterproposal. Citizens contends that, in addition to the objections it has raised to the Lafayette Channel 243 assignment proposal of Radio Lafayette, the WCVL counterproposal is objectionable because it would shift Channel 280A from Crawfordsville to Lafayette and make a mockery of the recently concluded proceeding in Docket No. 19512 wherein Crawfordsville was preferred to West Lafayette for the Channel 280A assignment based on a finding that Crawfordsville's need for a second FM outlet outweighed that of West Lafayette for a first FM assignment. Radio Lafayette contends that the "regional" use of Channel 243 proposed by WCVL is but a euphemism for de facto allocation of the channel to Crawfordsville. It argues that, as a general policy, wide-coverage Class B channels are not assigned to small communities and that in instances where exceptions have been made, it has been where the community is the center of a large surrounding rural area and is far removed from large population centers. It submits that since Crawfordsville (population, 13,847), is located approximately 26 miles south of Lafayette and 28 miles northwest of Indianapolis, both large metropolitan cities, it does not qualify for a Class B assignment under this exception to general policy. Radio Lafayette also contends that if Channel 243 is assigned to Lafayette, section 307(b) of the Act mandates that it be used primarily to serve the Lafayette-West Lafayette community and surrounding area rather than for a regional service primarily for the rural areas surrounding Crawfordsville.

8. Radio Lafayette further submits that, since Crawfordsville is served by WCVL's local AM station and has two occupied Class A FM assignments, and receives a number of 1 mV/m FM services from other nearby cities, it and the surrounding area are being adequately served. It also notes that there are a number of unoccupied Class A assignments which could augment service to the Crawfordsville area and that its contemplated Lafayette Channel 243 station would also place a 60 dBu contour over the area.

9. We find no merit in this WCVL proposal. Aside from the question of whether Lafayette warrants the proposed Channel 243 assignment, we would be opposed to the assignment of an FM channel to it or any other metropolitan city of its size (population, 44,955) except upon a showing that it would serve a need and demand in the proposed city of assignment. The WCVL showing not only does not contain such a showing but would have us negate such an assumption. Since wide-coverage Class B channels are normally not assigned to small communities, we would also be opposed to the assignment of a Class B channel to a small community located in close proximity to a much larger community, as Attica is with respect to Lafayette, for use for a regional service, as proposed, especially when the assignment could be made to the larger community, as is the case with respect to the WCVL proposal, and it has not been shown that the proposed assignment would serve any special need of the small community for a local outlet.

10. Moreover, we oppose deletion of Channel 280A from Crawfordsville. After a lengthy rule making proceeding in Docket No. 19512, we decided that, in light of the technical limitations restricting the nighttime coverage of Crawfordsville's only AM outlet (WCVL's station) and the operating problems of Crawfordsville's only FM station, a student-managed station (WNDY, Channel 292A), the assignment and use of Channel 280A at Crawfordsville could meet the demand for a first year-round local aural service throughout all of Montgomery County (in which Crawfordsville is located) and that this represented a better use of the frequency than would its assignment and use at West Lafayette as a first local outlet and an eighth aural outlet and service in the Lafayette-West Lafayette metropolitan area. WCVL was the proponent of the Crawfordsville Channel 280A proposal and is now the licensee of the new Channel 280A station at Crawfordsville. We find no basis in the WCVL showing herein for now concluding that the public interest would be served by depriving Crawfordsville of its new local FM outlet by reassigning Channel 280A to Lafayette.

11. *Logansport, Indiana, Counterproposal (RM–2353).* Logansport Broadcasting Corp. (WSAL), licensee of AM Station WSAL and Station WSAL–FM (Channel 272A), at Logansport, advances three alternative plans for providing Logansport (population 19,255), the seat of Cass County (population 40,456), located approximately 32 miles northeast of Lafayette and 22 miles northwest of Kokomo, Indiana, with a first Class B assignment in substitution for the Channel 272A assignment utilized by Station WSAL–FM. The only other Logansport FM assignment, Channel 237A, is occupied by Station WVTL at Monticello, Indiana (population, 4,869), located in White County (population 20,995), approximately 21 miles west of Logansport. WSAL's alternative Plans I and II would substitute Channel 291 for Channel 272A at Logansport. Its Plan III would replace Channel 272A with Channel 249 at Logansport. Since only its Plan I is supported by an engineering statement, the others cannot be considered as being full-fledged proposals entitled to consideration.[6] Therefore, only the first of its three plans will be discussed.

12. WSAL's Plan I for assigning Channel 291 in place of Channel 272A at Logansport, which would require changes in assignments occupied by existing stations in three other Indiana communities at North Vernon (WOCH–FM, Channel 291), Lafayette (WXUS–FM, Channel 224A) and Crawfordsville (WNDY, Channel 292A), is as follows:

City	Channel No.	
	Add—	Delete—
Crawfordsville, Ind	[1] 224A	292A
Fowler, Ind	292A	240A
Lafayette, Ind	240A	224A
Logansport, Ind	291	272A
North Vernon, Ind	292A	291

[1] WSAL alternatively suggests that an educational channel instead of channel 224A should be assigned to Crawfordsville for use by Station WNDY, a student-operated commercial station, in place of channel 292A. While stating that it believes such a channel would be available for assignment to Crawfordsville, it does not specify any.

13. This proposed WSAL plan conflicts with the alternative proposals in paragraph 2, supra, for the assignment of Channel 241 to Hoopeston or Danville or of Channel 243 to Lafayette, as well as with the WCVL Lafayette (or Attica) Channel 243 counterproposal. The conflict exists because this WSAL plan would reassign Channel 240A from Fowler to Lafayette in place of Channel 224A at Lafayette, and with Channel 240A at Lafayette, spacing requirements would not permit a Channel 241 assignment at either Hoopeston or Danville or a Channel 243 assignment at Lafayette or Attica. WSAL's Plan I, however, does not conflict with the alternative proposals in paragraph 2 above for the assignment of Channel 242 or Channel 243 to Terre Haute.

14. In support of the assignment of a Class B channel to Logansport, WSAL avers that Logansport is the trading, social and cultural center of a highly developed agricultural area and that its population of 19,255 is not a true indication of its importance to northcentral Indiana. Other information is provided on the manufacturing, food packing and other area activities.

15. WSAL states that the program service of its AM station (WSAL), a Class IV station operating with a power of 1 kW day and 250 watts night, has always been oriented toward the farmers and farm communities within a radius of 30 to 35 miles of the city and that its AM programming has been largely duplicated by its FM station (WSAL–FM). It contends that, since the interference-free service area of WSAL is severely restricted in the early morning, late afternoon and evening throughout much of the year, most of the farmers needing its AM service do not have acceptable reception nor does its FM station, even though operating with maximum Class A facilities, significantly augment its AM service. WSAL claims that there is a paucity of needed FM service in the Logansport area, particularly to the north and northwest, which could be provided by a Class B station at Logansport. Such a station, it says, would be able to provide a first FM service to 6,560 persons in an area of 134 square miles and a second FM service to 9,918 persons in an area of 413 square miles. No showing is made of availability of AM service in these areas. Making the proposed Logansport Channel 291 assignment would require Station WOCH–FM at North Vernon to relinquish its Class B channel for a Class A channel, 272A. Since Station WOCH–FM is short-spaced by 26.6 miles to Station WPBF (Channel 290) at Middletown, Ohio, a situation existing prior to the adoption of the present Table of FM Assignments in 1963, and operates with less than maximum Class A facilities, WSAL urges that the change would improve the North Vernon's station's potential for service. WSAL contends that if Station WOCH–FM were to operate with maximum Class A facilities, it could increase its present 1 mV/m service area by 71.5 percent and the population served by 63 percent.

16. Dorrell Ochs, the licensee of Station WOCH–FM at North Vernon, opposed the WSAL counterproposal, and asserted that he was preparing and shortly would file an application to increase power to 50 kW [7] which would provide a new FM service to 97,442 persons in an area of 1,056 square miles. He contends that WSAL errs in assuming that he cannot improve his Class B facilities at North Vernon due to adjacent short spacing with Station WPBF at Middletown, since the conditional terms of the license for Station WPBF, which now operates with maximum Class B facilities, would allow WOCH–FM also to operate with maximum Class B facilities, and this is the case. Ochs also contends that the WSAL showing is not sufficiently documented to demonstrate a need for a Class B facility at Logansport that warrants deleting the occupied North Vernon Class B assignment, noting that Logansport experienced a population decrease of 8.8 percent and Cass County a population decrease of 1.2 percent over the 1960–70 period whereas North Vernon and Jennings County, in which North Vernon is located, experienced population increases of 6.4 percent and 12.7 percent, respectively, during the same period. Ochs argues that North Vernon and the surrounding areas have a greater need for the occupied North Vernon Class B assignment than Logansport, and that it would be contrary to existing case law and precedent to adopt the WSAL counterproposal requiring involuntary modification of its FM station license on the basis of the WSAL showing.

17. WSAL's Plan I is also opposed by Wabash College Radio, Inc. (Wabash), licensee of Station WNDY at Crawfordsville, which would be required to change its operating frequency from Channel 292A to either Channel 224A or an unspecified educational channel.[8] Wabash contends that, even if the WSAL counterproposal were technically feasible, which it questions, it would be contrary to the public interest to require a number of existing stations to change their facilities merely to permit an existing FM station to improve its coverage. Wabash also opposes operating Station WNDY on an educational FM assignment since the station is operated by students as a training laboratory and commercial operation is necessary to provide meaningful training. It also avers that the revenues derived from commercial operation are important to the continued operation of its station.

18. Both Radio Lafayette, Incorporated, and Vermilion Broadcasting Corporation, express opposition to the WSAL Plan I counterproposal which conflicts with their proposals for Lafayette and Danville under consideration herein. Radio Lafayette contends that WSAL by its counterproposal would have the Commission establish a precedent of compelling any Class B station which is not using maximum permissible facilities to exchange its Class B channel authorization for a Class A channel authorization, thus depriving the licensee of any opportunity to improve its facilities in the future.

19. We find no public interest basis for concluding that adoption of WSAL's Plan I for the assignment of a Class B channel to Logansport would be warranted. Considering the size of Logansport (population, 19,255), its two local radio services, and the other FM services available to the Logansport area from the nearby Monticello Class A station and the Kokomo Class B station (WWKI), we believe that the public interest value of a Class B assignment over a Class A assignment for increased service in the Logansport area is outweighed by the consideration that the WSAL proposal, besides disturbing existing stations in other communities, would decrease their potential for service in their areas. That being the case, we now turn to the original proposals.

20. *Hoopeston, Illinois (RM–1971).* Class B Channel 241 or Channel 265A have been proposed for assignment to Hoopeston for a first FM assignment and a first aural broadcast outlet. Hoopeston, with a population of 5,461, is located in Vermilion County (population 97,047), approximately 23 miles north of Danville (population 42,570), the seat of Vermilion County. While Hoopeston is without a radio broadcast outlet of its own, the Hoopeston area receives service from the four Danville stations (two unlimited-time AM and two Class B FM stations) and from other AM and FM stations at Watseka and Chicago, Illinois.

21. The Channel 241 proposal, initially advanced by David Steinhart in RM–1971, would require a change in the unoccupied Fowler, Indiana, Channel 240A assignment for which Channel 252A was proposed, and use of Channel 241 at a transmitter site at least 11 miles south of Hoopeston to meet spacing requirements to cochannel stations at Owensboro, Kentucky (WSTO) and Clinton, Iowa (KROS–FM). Further, as previously detailed in the Notice, the Hoopeston Channel 241 proposal conflicts with the Danville Channel 241, the Lafayette

[5] Channel 280A was assigned to Crawfordsville for a second FM assignment by our Second Report and Order of March 7, 1973, in Docket No. 19512, a proceeding originally instituted to consider a proposal, among others, to assign Channel 280A to West Lafayette, Indiana (contiguous to Lafayette), for a first FM assignment, in response to a counterproposal of WCVL (39 F.C.C. 2d 1027).

[6] Plans II and III call for assigning Channel 291 in place of 272A at Logansport or Channel 259 for 272A at Logansport, respectively. Each involves related changes, and neither would warrant adoption on its merits in any event.

[7] BPH–9233, granted December 30, 1974.

[8] Although WSAL's Plan I would also require Station WXUS–FM (Channel 224A), Lafayette, to change its operating frequency, its licensee (then Tiprad Broadcasting Co., Inc.) filed no reply comments stating its position on the proposal.

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Channel 243 and the Terre Haute Channel 242 proposals before us for consideration herein. It would also conflict with the Lafayette (or Attica) and Logansport counterproposals.

22. The Channel 265A proposal, suggested by the proponents of the conflicting Class B assignment proposals for Danville (RM–2202), Lafayette (RM–2161) and Terre Haute (RM–2244) to resolve conflicts between their proposals and the Hoopeston Channel 241 proposal, can be made without affecting any other FM assignment or requiring any restriction in the selection of an antenna site for a Channel 265A station in the area in or near Hoopeston. This Hoopeston Class A proposal also, unlike the Hoopeston Channel 241 proposal, does not conflict with any of the other assignment proposals for Danville, Lafayette (or Attica), Terre Haute and Logansport under consideration herein.

23. The Hoopeston Channel 265A proposal was advanced for consideration not only as a means of resolving conflicts between Steinhart's Class B proposal for Hoopeston and the Class B proposals for Danville, Lafayette and Terre Haute but also because, while we were satisfied by Steinhart's prior showing, which has been adequately discussed in the Notice, that a first FM assignment to Hoopeston would serve a need and demand, we were not convinced by it that any basis exists for concluding that Hoopeston would warrant a Class B assignment. As the Notice stated, in the absence of a showing of overriding public interest reasons for doing so, we would not normally assign a wide-coverage Class B channel to a community the size of Hoopeston considering its proximity to the larger community of Danville, particularly when it appears that an available Class A channel (which is designed for use in relatively small communities of its size to meet needs for a local outlet) could be assigned to Hoopeston.

24. None of the commenting parties, including the petitioner (Steinhart), give reason for concluding that a Class B assignment to Hoopeston would better meet Hoopeston's need for a local broadcast outlet than would a Class A channel. Opponents of a Class B assignment to Hoopeston, contend that such an assignment is unnecessary and unwarranted. Radio Lafayette also avers that, while Steinhart's Class B proposal for Hoopeston was supported by a showing that the assignment would provide service to unserved and underserved areas, most of such areas would also receive service from a Class A facility.[9] Steinhart states that a Class A assignment is acceptable to him and that he would promptly construct and put a first new FM station at Hoopeston in operation. He urges that Hoopeston warrants a Class A assignment in view of its size, its lack of any aural broadcast outlet, and his prior showing as to its available economic support for an FM station. He also stresses that Hooperston is not a suburb or bedroom community for a larger city, that it is relatively isolated, and that a first local FM station would provide it with a much needed source of local information and a needed outlet for expression of local views and concerns.

25. The record herein does not support a finding that Hoopeston warrants a Class B assignment. We believe, however, that it does support a finding that the public interest will be served by assigning Hoopeston a Class A channel. Since proposed Channel 265A is technically feasible for a Hoopeston assignment without affecting existing assignments and can, we are convinced, be satisfactorily used for a local station at Hoopeston, the assignment is being made.

26. With the Hoopeston assignment question resolved by the assignment of Channel 265A to the community, as proposed in Plans II–VI, we turn to the other aspects of those plans which present the possibility of making a Class B assignment to either Danville (Plan II), Lafayette (Plan III) or Terre Haute (Plan IV), or, alternatively, to both Danville and Terre Haute (Plan V) or to both Danville and Lafayette (Plan VI) by judicious selection of transmitter sites. However, while it appeared when the Notice was issued that alternative Plan VI would permit Class B assignments to both Danville and Lafayette, it is now evident that this is not technically feasible.[10] The choices presented by the alternative plans are therefore limited to making one Class B assignment to either Danville, Lafayette or Terre Haute or to making two such assignments only at Dainville and Terre Haute (Plan V). We now discuss the assignment proposals for these communities.

27. *Danville, Illinois (RM–2203).* As stated in the Notice, Danville (population, 42,570), the seat of Vermilion County (population 97,047) and its largest city, has the only aural broadcast outlets in the county. These consist of two unlimited-time AM stations (WITY and WDAN) and two Class B FM stations (WIAI and WMBS) which occupy the only Danville FM assignments. The Class A assignment we are assigning to Hoopeston, also located in Vermilion County (some 23 miles north of Danville), will provide for a third FM outlet in the county.

28. Vermilion Broadcasting Corporation (Vermilion), the licensee of AM Station WITY at Danville and the proponent of the proposal in RM–2203 to assign Channel 241 to Danville for a third Class B assignment, again urges that the assignment be made, and it supports the alternative plans set forth in paragraph 2 above which would permit the assignment (Plans II and V). Vermilion also affirms its intention to apply for Channel 241 if it is assigned to Danville and, if authorized, to build the station promptly. In opposing comments, Kickapoo Broadcasting Company (Kickapoo), licensee of one of he two FM stations at Danville (WIAI), registers its continued opposition to this proposal. Citizens Broadcasting Company and Radio Lafayette also indicate opposition to the Danville Channel 241 proposal insofar as it would conflict with their proposals for the assignment of Channel 242 to Terre Haute, and of Channel 243 to Lafayette. Citizens, however, supports Plan V which would assign Channel 241 to Danville and Channel 243 to Terre Haute.

29. We are satisfied that the assignment of Channel 241 to Danville for a third FM assignment, as proposed (Alternatives II and V), could be made without affecting any existing FM assignment other than the unoccupied Fowler Channel 240A assignment if used at an antenna site at least six miles northwest of Danville. This assumes, of course, that the conflicting proposals for Lafayette (Alternative II) and for Terre Haute (Alternative IV), as well as the conflicting counterproposals for Lafayette (or Attica) and Logansport FM assignments are rejected. We are also satisfied by the preclusion study submitted with Vermilion's comments that its Danville Channel 241 proposal is not objectionable on that score. We are not persuaded, however, that Danville warrants a third FM assignment.

30. In the Notice we indicated that we had reservations about Vermilion's request for a third Class B assignment at Danville since the requested assignment would exceed our criterion of no more than two channels for cities of less than 50,000 in population and that, in the absence of a compelling public interest reason we would not normally conclude that Danville is entitled to an additional assignment.[11] To justify a third Class B FM assignment at Danville, Vermilion devotes its comments in large part to showing that Danville has potential for economic and population growth and that the problems which have delayed the development of new industries there are in the process of being solved so that it is now anticipated by local authorities that by the 1980 Census Danville will have a population of 50,000.

31. In its opposing comments, Kickapoo contends that Vermilion's showing provides no reason for departing from our assignment criteria and assigning a third FM channel to Danville. It submits that, considering that the local and other radio and other mass media services available to Danville include service from eight AM stations (2 Danville, 1 Paris, 1 Champaign, 4 Chicago stations), six FM stations (2 Danville, 1 Watseka, 1 Terre Haute, 1 Paris and 1 Champaign stations), four TV stations (1 Danville, 1 Champaign, 1 Decatur and 1 Urbana stations), two local cable TV stations, and one local daily newspaper, there is nothing to suggest that Danville is in "need" of a third FM channel assignment.

32. As to the growth potential of Danville, it is Kickapoo's position that the optimistic outlook painted by Vermilion is at the most speculative. It contends that neither Vermilion nor the Vermilion County Planning Commission have shown any study to support the claim that Danville's population will increase to 50,000 or more in the reasonably near future. Kickapoo also notes that the 1974 letter of the Vermilion County Planning Commission upon which Vermilion relies acknowledges that the Commission's projection of a population of 50,000 for Danville by 1980 is not based on "firm population projections." Kickapoo also states that the 1970 Census shows that the growth rate of Danville over the 1960–1970 period was but 1.7 percent (from 41,856 to 42,570 in population), and that since Danville still has a serious industrial water supply problem, has not implemented its urban renewal program, and the 1970 Census indicates a decreasing number of labor force candidates (age 20–29), the growth of Danville cannot be expected. Kickapoo further points to a 1972 report prepared for the Vermilion County Planning Commission on population characteristics of Vermilion County and Danville which concluded that development opportunities in Danville and in the county are "extremely limited." In reply, Vermilion, supported by a letter from the Vermilion County Planning Commission, states that the Commission now considers that 1972 report outdated. Vermilion also submitted a letter of April 3, 1974, from the Danville Director of Urban Renewal to show that the urban renewal project for the city has been and is being implemented to some extent by land acquisitions, business relocations and projections for new businesses.

33. Kickapoo further contends that even if it is assumed that the population of Danville would exceed 50,000 by 1980 this would not be justification for now assigning an additional FM assignment to Danville, particularly since it would preclude use of the channel elsewhere. It also urges in its reply comments that, with the substantial inflationary trend throughout the country, the drop in housing starts which is occurring and being felt in Danville, as well as Danville's industrial makeup deficiencies in water pressure, etc., and Danville's significant unemployment problem (approximately 7 percent), it would be unwise to set a precedent for assigning a channel to a community years before it can show that it meets the basic population criteria for the assignment.

34. Danville, with a 1970 population of 42,570 and two Class B FM assignments, now has its fair apportionment of the available FM channels in terms of our population criteria used for implementing the mandate of section 307(b) of the Communications Act, but, as we have often stated, these criteria are guidelines and not immutable standards. Additional channels have been provided when there was no paucity of available FM channels or when the assignment presented a way of bringing FM service to unserved or underserved areas. Here, none of these points have been shown to apply. Thus we have no basis for concluding that Danville warrants an additional Class B FM assignment. Danville is well served by aural broadcast stations and this channel would not bring a first or second FM service to any significant area and population. Available Class B channels are in short supply in this Illinois-Indiana area. Even if Danville could grow to 50,000 by 1980, the case for a third FM assignment there is not strong. On balance, we believe that neither the need for an additional Class B assignment at Danville nor the potential of such an assignment for implementing our FM goals and objectives for a fair apportionment of the available channels and expanding FM service to unserved and underserved areas is sufficient to permit a conclusion that the public interest would be served by making the assignment and thereby further reducing the already limited other channel assignment possibilities in this general area which would have such potential.

35. *Terre Haute, Indiana (RM–2244).* The alternative proposals of Citizens Broadcasting Company (Citizens) in RM–2244 for the assignment of either Class B Channel 242 or Class B Channel 243 to Terre Haute for a fifth Class B assignment are embodied in Plan IV (its Channel 242 proposal) and alternative Plan V (its Channel 243 proposal). In its comments, Citizens urges adoption of Plan V which, in addition to permitting the Hoopeston Channel 265A assignment (as would the alternative plans for Danville, Lafayette and Terre Haute) which we have decided merits adoption, would permit two Class B assignments—Channel 243 to Terre Haute and Channel 241 to Danville. We have, however, decided that Danville does not warrant an additional Class B assignment. For the reasons discussed below, we reach the same conclusion respecting an additional Class B assignment for Terre Haute.

36. Terre Haute (population, 70,286), the seat of Vigo County (population, 114,528) and the central city of the Terre Haute Standard Metropolitan Statistical Area (population, 175,143) which encompasses Vigo, Clay, Sullivan and Vermilion counties in Indiana, has seven commercial aural broadcast outlets. These consist of three AM stations (two unlimited-time operations and petitioner's daytime-only operation) and four Class B FM stations. Station WISU (Channel 209), an educational station licensed to the trustees of Indiana State University, is also at Terre Haute.

37. Under the population criteria, Terre Haute, with a population of 70,286, would warrant four FM assignments and it has four Class B assignments. As the Notice indicated, the fundamental issue is whether Terre Haute, nevertheless, warrants an additional FM assignment. To assist in evaluating the need for additional FM service in the Terre Haute area, the Notice requested information as to the service potential of the alternative Channel 242 and Channel 243 proposals for Terre Haute, based on the criteria used for such studies In re Roanoke Rapids-Goldsboro, N.C., 9 F.C.C. 2d 672 (1967). It also requested additional information to assist in evaluating the claim of Raftis Broadcasting Company (Raftis), licensee of Station WVTS–FM at Terre Haute, in opposition to the Citizens petition. Raftis had asserted that neither a Terre Haute Channel 242 nor Channel 243 station operating from the site required to meet spacing requirements would, because of shadowing problems, be able to provide the required 3.16 mV/m signal over Terre Haute.

38. Citizens contends that the terrain between the required site areas for both Channel 242 and Channel 243 and Terre Haute is essentially flat and permits no possibility of shadowing. Raftis, however, submitted with its opposing comments a map showing the shadowed areas and radial profile graphs of terrain analysis in support of its claim that operation of a Terre Haute station at either of the required Channel 242 and 243 sites would not provide a line-of-sight over Terre Haute and would neither enable the station to place a 3.16 mV/m signal over all of Terre Haute nor a signal of sufficient strength to overcome the blanketing effect of Stations WTHI–FM and WISU(FM) which are located at the same site in Terre Haute.

39. In reply, Citizens asserts that the Raftis topographic map shows only three small unpopulated areas to be subject to shadowing due to terrain obstructions and that the losses due to terrain shadowing would not be such as to reduce the field strength to less than 70 dBu. As to shadowing by tall buildings, Citizens avers that Raftis applied the diffraction loss (6 dB) incorrectly; that the signal would be diffracted not only on the top edges of the buildings but by each of their sides and would reinforce the signals behind the buildings; and that signals would also be reflected from the sides of adjacent buildings and would tend to fill in areas behind the buildings. Citizens further maintains that the existence of a few buildings which would obstruct line-of-sight conditions is not

[9] Radio Lafayette's comparative study indicates that all of the claimed area (15.7 square miles) and population (130 persons) that would receive a first FM service from a Hoopeston Class B assignment would also be served by a Class A facility, and that, of the claimed 21,069 persons in an area of 363 square miles that would receive a second FM service from a Hoopeston Class B assignment, all but 2,193 of the residents in an area of 533 square miles would be served by a Hoopeston Class A station.

[10] As indicated in footnote 2, supra, the technical feasibility of Plan VI depends, among other things, on use of the Clinton, Illinois, Channel 240A assignment at a transmitter site at least four miles west of Clinton. Since the licensee of AM Station WHOW at Clinton was granted a construction permit on December 10, 1974, authorizing use of Channel 240A at the site of its AM station about four miles south of Clinton, this rules out the possibility of making the proposed assignments to both Danville and Lafayette, as contemplated by Plan VI.

[11] For the criteria, see Further Notice of Proposed Rule Making, Docket No. 14185 (FCC 62–887), incorporated by reference in the Third Report, Memorandum Opinion and Order, 40 F.C.C. 747 (1969).

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unique to Terre Haute but is a condition that exists to some extent in cities as large or larger than Terre Haute and that the high signal level required over cities is in recognition of the shadowing effects of tall buildings.

40. The Raftis exhibit, we believe, provides support for Citizen's contentions respecting the claimed shadow problem. There are four tall buildings casting shadows over a small portion of the city and three small areas in the shadow of terrain obstructions. FM stations are expected to provide a totally shadow-free service,[12] and we are satisfied that a Terre Haute station operating on either Channel 243 or Channel 242 from sites restricted by the spacing requirements would be able to provide a 70 dBu signal over the city without undue shadowing. As to blanketing, Raftis implies that a station operating from a site located some distance from a community would not be able to provide service to the community because of strong signals from stations located within the community. At most, the blanketing would occur in the immediate vicinity of the intown transmitters. (The two Terre Haute FM stations in question—WTHI–FM and WISU—are located at the same site.) Since stations are required to limit emission of signals on channels which are more than 600 kHz from the carrier frequency to 80 decibels below the level of unmodulated carrier, there is no reason why a local station with its transmitter located out-of-town could not provide more than adequate service to Terre Haute.

41. Wabash Valley Broadcasting Corporation, licensee of Station WTHI–TV (Channel 10) at Terre Haute, as well as of Station WTHI(AM) and Station WTHI–FM, because of concern over the potential of the Channel 242–243 proposals herein for second harmonic interference to the reception of its Channel 10 television service, urges adoption of alternative Plan IV which proposes Channel 242 for Terre Haute. Since Plan IV proposes the assignment of Channel 242 only, and a Terre Haute Channel 242 station would be located closer to its television station where the intensity of its television signal would be higher, it feels that this proposal would have the least potential for interference to its Channel 10 television station. We are not persuaded, however, that the possibility of second harmonic interference is an insurmountable problem or is reason for rejecting any of the FM proposals before us.[13] If such interference should occur, the FM licensee would be expected to rectify any interference problems caused to TV reception in accordance with the procedures outlined in the Public Notice of September 1, 1967 (FCC 67–1012) concerning FM Interference to TV Reception. Further we observe that Citizens states that should either Channel 242 or Channel 243 be assigned to Terre Haute and it obtain authorization therefor, it would take all reasonable steps to minimize the possibility of interference to Station WTHI–TV.

42. As to the service potential of the alternative Terre Haute Channel 242 and Channel 243 proposals, Citizens states that neither channel has potential for providing a first or second FM service to any significant areas and populations because of the many Class A stations and assignments to small communities along the Indiana-Illinois border. Its engineering exhibit indicates that a Terre Haute Channel 243 operation would not provide a first service to any area but would provide a second FM service to 272 persons in an area of 40 square miles. It also shows that a Terre Haute Channel 242 operation would provide a first FM service to 59 persons in an area of four square miles and a second FM service to 3,446 persons in an area of 149 square miles.

43. While we believe that the alternative Terre Haute Channel 242 and Channel 243 proposals are not objectionable for technical reasons, we have not been shown such special circumstances or public interest considerations sufficient to warrant a conclusion that Terre Haute warrants a fifth Class B assignment. Citizens urges as one consideration that Plan V would permit two new Class B stations at Danville and Terre Haute and thus result in a more efficient use of the available frequencies than adoption of the conflicting plan for assignment of Channel 243 to Lafayette which would only change an existing Class A transmission service at Lafayette to a Class B service. (The conflicting WCVL Channel 243 counterproposal would add a new Lafayette or Attica transmission service.) While this would perhaps be a decisive consideration if either or both Danville and Terre Haute lacked their full complement of FM assignments under the criteria employed for achieving an overall fair, equitable and efficient distribution of radio frequencies, it lacks force since they do and, considering the extreme scarcity of Class B assignment possibilities in this area, it is evident that making the requested Class B assignments at Terre Haute and Danville (Plan V) would not only preclude the requested Class B channel substitution at Lafayette but would further limit, if not preclude, other possibilities for Class B assignments to meet future needs of other communities in compliance with the criteria used for achieving overall fairness and efficiency in the nationwide FM assignment plan.

44. Citizens also urges that Terre Haute warrants an additional FM assignment because of its size and because it is the largest of the cities for which Class B assignments are proposed herein. This also is not a compelling reason for assigning an additional Class B channel to Terre Haute since, with a population of 70,286, it now has the maximum number of FM channels normally allowed under the population guideline for cities up to 100,000 in population. Moreover, three other FM assignments (two Class A and one Class B), all occupied, have been made in the Terre Haute area at West Terre Haute, Paris and Brazil. In the circumstances, it does not appear that there is any reason to assume that Terre Haute has been treated unfairly in comparison to other cities of similar or larger size in the apportionment of the available FM channels or that its size is in itself a justifiable reason for preferring it to smaller cities, such as Lafayette, for a Class B assignment. Further, as two of the Terre Haute FM licensees contend (Eastern Broadcasting Corporation and Raftis), the growth pattern of Terre Haute is not indicative of any need of Terre Haute for an additional Class B assignment. As Raftis points out, Terre Haute had a 3 percent population decline over the 1960–1970 period (decreasing from 72,500 in 1960 to 70,286 in population in 1970) and it states that the decline is projected to continue in this decade. Raftis further points out that neighboring West Terre Haute also had a 10 percent decrease in population over the 1960–1970 period and that all of the counties in the Terre Haute SMSA except Vigo County, which had a 5.6 percent increase in population over the 1960–1970 period, likewise declined in population. Raftis also makes mention of the fact that the Commission's AM–FM Market Financial Data reports for 1969, 1970, 1971 and 1972 (also for 1973) show losses, before taxes, for the Terre Haute market.

45. Citizens urges that the requested assignment to Terre Haute, followed by issuance of a construction permit to it, would more nearly equalize the distribution of AM and FM stations in the city, since it is the only licensee of a daytime-only AM station and the only AM licensee without a companion FM station in Terre Haute. However, as Raftis points out, it and the licensees of other independent FM stations in the area are also without a "companion" AM station, and if the winning applicant for any new FM assignment at Terre Haute were other than Citizens, as is possible, even this claimed benefit of its proposal would not result. Further, if Citizens' objective of more nearly equalizing the distribution of AM and FM stations within Terre Haute were to be considered sufficient reason for providing a community with more FM assignments than it qualifies for under the population criteria for a fair, equitable and efficient distribution of frequencies among communities in implementation of Section 307(b) of the Act, the criteria would become useless for furthering its objective.

46. In sum, we find no basis in this record for concluding that another possible assignment to Terre Haute inconsistent with the population guidelines would have significant public interest potential for satisfying our priorities for bringing a first or second FM service to a larger area or for satisfying any special need for an additional FM service in the Terre Haute area. Since it is also clear from this record that there is a problem of Class B channel availability in this general area and that neither Channel 242 nor Channel 243 may be assigned to Terre Haute without further limiting other possibilities for assignments with such potential, we believe that the overall public interest and Section 307(b) of the Act dictate denial of these alternative Class B assignment proposals for Terre Haute.

47. *Lafayette, Indiana (RM–2161).* Since Plan VI for assigning Class B channels to both Lafayette (Channel 243) and Danville (Channel 241) is not technically feasible (paragraph 26, *supra*), we will limit our discussion here to Plan III for assigning Channel 243 to Lafayette. This proposal, advanced by Radio Lafayette, Incorporated, in RM–2161 and supported by it in its comments, would assign Channel 243 to Lafayette for a second Class B assignment (third FM) by deleting the occupied Lafayette Channel 244A assignment upon which Radio Lafayette operates Station WAZY–FM and by changing the unused Fowler Channel 240A assignment to Channel 252A. As stated in the Notice, this proposal would be technically feasible provided that the antenna for a Lafayette Channel 243 operation is located at least 14 miles west southwest of Lafayette to meet spacing requirements to Channel 242 (WBBM–FM), Chicago, Illinois, and to Channel 243 (WQMS), Hamilton, Ohio.

48. Lafayette (population 44,955), the seat of Tippecanoe County (population 109,378) and the central city of the Lafayette-West Lafayette Standard Metropolitan Statistical Area (coextensive with Tippecanoe County) has two commercial AM stations, one of which is Radio Lafayette's daytime-only station (WAZY) and the other an unlimited-time station (WASK). Lafayette also has three commercial FM stations which operate on Class B Channel 287 (WASK–FM) and on Channel 244A (WAZY–FM, also licensed to Radio Lafayette) and Channel 224 (WXUS), the only FM channels assigned. Lafayette also has an educational FM station (WJEF), which operates on Channel 220A. Contiguous to Lafayette is West Lafayette (population 19,157), also in Tippecanoe County and an integral part of the Lafayette-West Lafayette Urbanized Area (these communities are separated only by the Wabash River and connected by bridges), which, while it has no AM or FM commercial outlet or FM assignment, has an unlimited-time AM educational station (WBAA), licensed to Purdue University.

49. The fundamental question raised by the Lafayette Channel 243 proposal is whether the mixture of classes of FM assignments in Lafayette should be changed from one Class B and two Class A FM assignments to two Class B and one Class A FM assignments. In the Notice, we stated that such a change in the intermixture of FM assignments in a community would not ordinarily be made, absent a strong showing that the public interest gains to be had by the change would not be offset by its adverse effect upon the remaining local Class A station, and expressed some reservation as to whether such a showing could be made for the Lafayette Channel 243 proposal. To assist in its further evaluation, we called for additional showings from the petitioner in regard to the preclusionary effect of the proposal and its potential for serving unserved or underserved areas. We also raised the question of the feasibility of an alternative transmitter site for Radio Lafayette's Class A station for meeting its claimed coverage problems in the Lafayette area.

50. The revised preclusion showing contained in Radio Lafayette's comments supports its contentions that the proposed Lafayette Channel 243 assignment would foreclose future assignments only on Channel 241 and Channel 242 and that there are no communities in or near the Channel 241 preclusion area, other than Hoopeston and Danville, or in or near the Channel 242 preclusion area, other than Terre Haute, which would appear to warrant a Class B assignment. Since we have decided that Hoopeston, Danville and Terre Haute do not warrant a Class B assignment, the preclusionary effect of the Lafayette Channel 243 proposal presents no problem or bar to its adoption.

51. Based on a new coverage study, provided by Radio Lafayette, using Roanoke Rapids-Goldsboro criteria, as requested, a Lafayette Channel 243 station would provide a first FM service to an area of 2.5 square miles encompassing 95 residents and a second FM service to an area of 196 square miles containing 8,289 persons. Radio Lafayette further submits that, insofar as potential for service to unserved and underserved areas is concerned, the Lafayette Channel 243 proposal is clearly preferable to the Class B proposals for Danville and Terre Haute which were not supported by any claim of significant service to such areas and to the Hoopeston Class B proposal also, considering that most of the areas that would receive a first or second service from that proposal would also receive such service from the Class A channel being assigned to Hoopeston.

52. Radio Lafayette's comments also indicate that it has given consideration to the question of whether relocation of its FM station's antenna site, now located four miles south of the center of Lafayette, might prove a satisfactory solution to its claimed coverage problems in serving downtown Lafayette and the areas to the north, northwest and northeast. It contends that, due to zoning and height restrictions because of the three airports surrounding the city, the possibility of Radio Lafayette being able to acquire a suitable antenna site overlooking Lafayette or within the city itself appears unlikely. It further states that a cursory analysis made by the Des Plaines, Illinois, office of the Federal Aviation Administration, as indicated by the FAA letter accompanying its comments, would seem to indicate that its Class A station could not even increase the height of its existing tower, let alone relocate it, since the existing antenna is located within the restricted five mile radius of both Halsmer and Purdue University airports. Radio Lafayette also contends that, if it were possible to move its Class A station four miles north into the city enabling it to provide a stronger signal over downtown Lafayette, such a change would impair its Class A signal in the rapidly expanding areas surrounding the city and not enable it to cover all of Tippecanoe County. Radio Lafayette further maintains that any relocation of its Class A station's antenna site to a central location within Lafayette would be economically impracticable since the cost of relocation would be approximately $100,000 and the move would neither substantially improve its service to the community nor enable it to meet the future needs of the growing Lafayette-West Lafayette area; and that, on the other hand, a Class B facility, which could be constructed for around $61,000 at an antenna site outside of all airport control zones, would provide far greater coverage and assure the greater Lafayette community of quality FM reception.

53. Radio Lafayette states that should Channel 243 be substituted for Channel 244A at Lafayette it cannot forecast what potential adverse impact this might have on the remaining local Class A station. It urges, however, that since Channel 243 appears to be the last possible Class B channel that can be assigned to Lafayette (without disturbing other existing stations), it has demonstrated that Channel 243 is the only viable method of effectively meeting the needs of the rapidly expanding Lafayette area and section 307(b) of the Act and the public interest must prevail over the more narrow policy of avoiding further intermixture of facilities in Lafayette and dictate the assignment of Channel 243 to Lafayette. Lafayette Radio states that upon assignment of Channel 243 to Lafayette and (as requested) modification of its license for Station WAZY–FM to specify operation on Channel 243 instead of Channel 244A, it will seek authority to construct and operate a 50 kW 500 foot HAAT stereo broadcast station.

54. Tiprad Broadcasting Co., Inc. (Tiprad), former licensee of FM Station WXUS, Channel 224A, Lafayette, which would be the remaining local Class A station should Channel 243 be substituted

[12] See Richlands, Va., 47 F.C.C. 2d 722 (1974).

[13] Wabash also urges that, if adopted, the proposed Danville Channel 241 assignment should be conditioned on use of a site at least six miles northwest of Danville and in an isolated rural area to avoid interference to Station WTHI–TV. While the site location for a Danville Channel 241 operation which would be required to meet spacing requirements happens also to be at least six miles in the rural area to the northwest of Danville, such a condition would not be warranted solely because of the potential for second harmonic interference since the required site for the Danville FM station would be more than 70 miles from the WTHI–TV site, and beyond its predicted Grade B contour.

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for Channel 244A (WAZY–FM) at Lafayette, opposes the proposed channel substitution. It contends that since Lafayette now has five commercial aural broadcast stations (two AM, 3 FM) and one noncommercial educational station, the proposed change for WAZY–FM would serve no demonstrable public need; that while it might enhance the economic position of its licensee, it would put Station WXUS in an undesirable position, as Lafayette's only Class A FM station competing with two local Class B FM stations, as well as the two local AM stations; and that use of Channel 243 at Lafayette would preclude use of Channels 243 and 244A to better advantage in areas with less existing service. Tiprad avers that the claimed poor coverage of Radio Lafayette's Class A station (WAZY–FM) over Lafayette is not justification for the proposed channel change and would be a wasteful use of a Class B frequency; that if Station WAZY–FM has a principal city coverage problem, it could be eliminated or reduced by use of maximum Class A facilities and relocation of its site within the city; and that Radio Lafayette has offered only glib assurances about the difficulty of obtaining a better site and no documented showing of any attempt to find a better site and to obtain maximum, or at least improved, facilities (in terms of height)." Tiprad also urges that Radio Lafayette's claims that its Lafayette Channel 243 proposal would provide a new service to unserved or underserved areas is not convincing since its showing of "white" and "gray" areas only takes into account the availability of FM services. It maintains that, if all aural services are considered (AM or FM), it appears that a significant part of the "white" or unserved area is near Rennsselaer, Indiana, and receives primary service from the local AM station there (WRIN). However, Tiprad fails to mention that Station WRIN at Rennsselaer is a daytime-only operation. Tiprad also maintains that if Channel 265A is assigned to Hoopeston, as we have decided to do, the "gray" or underserved area that would receive a second FM service from a Lafayette Channel 243 facility would be less than claimed by Radio Lafayette. While Tiprad does not state the extent of the underserved area that would be affected, staff study indicates that only an estimated 17 square miles out of the 196 square miles that the Radio Lafayette showing indicates would receive a second FM service from a Lafayette Channel 243 station would be affected.

[14] Since Tiprad's comments were filed on the same day as those of Radio Lafayette it is evident that it is referring to Radio Lafayette's showing in this regard in its prior petition and pleadings and not to the further and more substantial showing contained in Radio Lafayette's comments, documented by letters indicating that FAA, legal and realtor advice was sought in its exploration of the possibility of a suitable alternative antenna site for its Class A station.

55. We do not, of course, make or, for that matter, refrain from making FM assignments for the personal benefit of particular licensees but in the overall public interest which, in our view, would be served by adoption of the Lafayette Channel 243 proposal. While Tiprad and others have expressed concern that this would place Station WXUS in an undesirable position, and we recognize that the status quo in the Lafayette FM situation would seemingly have some competitive advantages for its licensee, we believe that the record herein compels the conclusion that it would be inconsistent with the public interest to deny the public in the Lafayette area opportunity for a second wide-coverage local FM service in consideration of maintaining equality and parity between the two local Class A stations.

56. Several considerations have led us to this decision. In the first place, the assignment of a second Class B channel to Lafayette would comport with our assignment criteria in view of its size and that of West Lafayette which is an integral part of the Lafayette-West Lafayette Urbanized Area, and particularly since this appears to be a growing area. (E.g., during the 1960–1970 period, Lafayette increased in population by 6.2 percent; West Lafayette by 51.1 percent; and Tippecanoe County by 22.7 percent.) Secondly, second Class B assignment at Lafayette would, in our view, serve a need for a local full-time wide-coverage aural broadcast service from a second source since, while Lafayette has two AM and three local FM commercial services, only one of the AM stations is an unlimited-time station and both it and the only wide-coverage Class B station at Lafayette are under common ownership. Thirdly, we are satisfied from our consideration of the conflicting proposals and technical showings of their proponents herein, as well as by independent staff study, that using Channel 243 at Lafayette has the most potential for effective use of the scarce spectrum space in this area and would provide opportunity for a substantial underserved area and population to have needed FM service. We are also convinced from our study of assignment possibilities and this record that the subject Lafayette Channel 243 proposal, requiring only a change in the unused Class A assignment at Fowler for which the proposed replacement is technically feasible, presents the only possible way of providing Lafayette with a second Class B assignment without disturbing existing stations elsewhere and without denying opportunity for an assignment to another community with a greater need for a first or additional FM service.

57. Since we have decided that the assignment of Channel 243 to Lafayette is warranted in the public interest, we are deleting Channel 244A on which Station WAZY–FM operates. Radio Lafayette has asked for an Order to Show Cause to change the operating frequency of Station WAZY–FM from Channel 244A to Channel 243, but this is not necessary since it is clear from its request that it assents to such action. However, prior to the changeover, the several conditions mentioned in paragraph 59 below must first be met.

58. In view of the foregoing, and pursuant to authority contained in sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended and § 0.281(b)(6) of the Commission rules: *It is ordered*, That effective December 15, 1975, the FM Table of Assignments, § 73.202(b) of the rules and regulations, is amended to read as follows for the communities listed below:

City:	Channel No.
Hoopeston, Ill	265A
Lafayette, Ind	224A, 243, 287

59. *It is further ordered*, That effective December 15, 1975, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Radio Lafayette, Incorporated, for Station WAZY–FM, Lafayette, Indiana, is modified to specify operation on Channel 243 in lieu of Channel 244A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than December 15, 1975, of its acceptance of this modification.

(b) The licensee may continue to operate on Channel 244A under its outstanding authorization until it is ready to operate on Channel 243 or the Commission sooner directs but no later than 3 a.m., local time, August 1, 1976.

(c) At least 30 days before it wishes to commence operation on Channel 243, or within 30 days after it receives notification from the Commission if the Commission sooner directs the change set forth in (b) above, but not later than July 1, 1976, the licensee of Station WAZY–FM shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 243 at Lafayette, Indiana.

(d) Ten days prior to commencing operation on Channel 243, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(e) Radio Lafayette, Incorporated, shall not commence operation on Channel 243 until the Commission specifically authorizes it to do so.

60. *It is further ordered*, That the proposals of David Steinhart in RM–1971 to assign Channel 241 to Hoopeston, Illinois; of Vermilion Broadcasting Corporation in RM–2203 to assign Channel 241 to Danville, Illinois; and of Citizens Broadcasting Company in RM–2244 to assign Channel 242 or Channel 243 to Terre Haute, Indiana, as well as the alternative Lafayette or Attica Channel 243 counterproposal advanced herein by WCVL, Inc., and the alternative counterproposals advanced herein by Logansport Broadcasting Corp. (RM–2353) for the assignment of either Channel 229 or 259 to Logansport, Indiana, are denied.

61. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Adopted: October 30, 1975.

Released: November 5, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75–30025 Filed 11–6–75;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—HAZARDOUS MATERIALS

[Docket No. HM–22, Amdt. 171–31]

PART 171—GENERAL INFORMATION AND REGULATIONS

Matter Incorporated by Reference

The purpose of this amendment to the Hazardous Materials Regulations is to update the reference to sections VIII (Division I) and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

On September 2, 1975, a notice of proposed rulemaking was published Docket No. HM–22; Notice No. 75–8 (40 FR 40171), proposing to make the above change. One comment was received which supported the proposed change.

In consideration of the foregoing, 49 CFR Part 171 is amended by revising § 171.7(d)(1) to read as follows:

§ 171.7 Matter incorporated by reference.

• • • • •

(d) • • •

(1) ASME Code means sections VIII (Division I) and IX of the 1974 edition of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code," and addenda thereto through June 30, 1975.

• • • • •

Effective date. December 30, 1975. However, immediate compliance with the regulations, as amended herein, is authorized.

(Transportation of Explosives Act (18 U.S.C. 831–835); 49 CFR 1.53(g))

Issued in Washington, D.C., on November 3, 1975.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.75–29935 Filed 11–6–75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected Service Order No. 1176–A]

PART 1033—CAR SERVICE

Kansas City Southern Railway Company Authorized To Operate Over Certain Tracks of St. Louis-San Francisco Railway Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of October, 1975.

Upon further consideration of Corrected Service Order No. 1176 (39 FR 13264, 32138, 33300; 40 FR 8823 and 38162) and good cause appearing therefor:

§ 1033.1176 [Removed]

It is ordered, That: § 1033.1176 *The Kansas City Southern Railway Company Authorized to Operate Over Certain Tracks of St. Louis-San Francisco Railway Company* be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 54 Stat. 911: 49 U.S.C. 1(10–17), 15(4), and 17(2). Interprets or applies secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911: 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered. That this order shall become effective at 11:59 p.m., October 30, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–30080 Filed 11–6–75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Maine

Correction

In FR Doc. 75–28192, appearing on page 49092 in the issue of Tuesday, October 21, 1975, the headings should read as set forth above.

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

VARIOUS CANNED FRUITS

Proposed United States Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering amending the United States Standards for Grades of various canned fruits.

These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than December 8, 1975, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

STATEMENT OF CONSIDERATION LEADING TO THE PROPOSED AMENDMENTS

The Federal Food and Drug Administration published an order to amend nine canned fruit standards in the FEDERAL REGISTER of February 7, 1975 (40 FR 5762). These amendments affected the standards of identity for:

(1) Canned Peaches (21 CFR 27.2).
(2) Canned Apricots (21 CFR 27.10).
(3) Canned Prunes (21 CFR 27.15).
(4) Canned Pears (21 CFR 27.20).
(5) Canned Seedless Grapes (21 CFR 27.25).
(6) Canned Cherries (21 CFR 27.30).
(7) Canned Berries (21 CFR 27.35).
(8) Canned Fruit Cocktail (21 CFR 27.40).
(9) Canned Figs (21 CFR 27.70).

An order confirming the effective date, which began on March 11, 1975 with all products shipped in interstate commerce to comply after December 31, 1975 was published in the FEDERAL REGISTER of July 9, 1975 (40 FR 28791).

One of the principal features of this order was to promote consistency with anticipated world-wide standards for these products.

In the case of the standards of identity for Canned Peaches a new style designated as "halves and pieces" was added. In the case of the standards of identity for Canned Peaches and Canned Pears the name of the style previously designated as "mixed pieces of irregular sizes and shapes" was changed to "pieces or irregular pieces."

The requirement for packing media in the case of all nine fruits was amended to permit the use of fruit juices either single strength, mixed with water, or mixed with a nutritive sweetner.

In the case of canned peaches the density requirements for Extra Heavy sirup, Heavy sirup, and Light sirup were changed as follows:

	Previous brix	Changed to—
Extra heavy sirup.	24° or more, but not more than 35°.	22° or more, but not more than 35°.
Heavy sirup...	19° or more, but less than 24°.	18° or more, but less than 22°.
Light Sirup....	14° or more, but less than 19°.	14° or more, but less than 18°.

The density ranges in the standards of identity for the other fruits remain the same as previously designated.

The proposed amendments to the United States standards for grades of the various canned fruits contained herein are essentially the same as those in the order published by the Federal Food and Drug Administration. In the case of canned dried prunes the section on drained weight would be amended to add the Food and Drug method of ascertaining the drained weights published three years ago. No other changes are proposed.

Dated: October 31, 1975.

DONALD E. WILKINSON,
Administrator.

The proposed amendments are as follows:

(1) CANNED CLINGSTONE PEACHES

(a) Section 52.2561 *Product description* would be amended to delete paragraph (b) and to include "solid-pack" as follows:

§ 52.2561 Product description.

"Canned clingstone peaches" is the product represented as defined in the standard of identity for canned peaches (21 CFR 27.2 and 27.6) issued pursuant to the Federal Food, Drug, and Cosmetic Act. For the purposes of the standards in this subpart, and unless the text indicates otherwise the terms "canned peaches" or "canned clingstone peaches," include "canned yellow clingstone peaches", "canned spiced yellow clingstone peaches," "canned solid-pack yellow clingstone peaches," and "canned artificially sweetened yellow clingstone peaches" as defined in the aforesaid standards of identity.

(b) Section 52.2562 *Style* would be amended to include a new style of "halves and pieces" and to rephrase the current style designation of "mixed pieces of irregular sizes and shapes" as follows:

§ 52.2562 Styles.

(a) "Halves" consisting of peeled and pitted peaches, cut approximately in half along the suture from stem to apex.

(b) "Halves and pieces" consisting of peeled and pitted peaches in which the halves are more than 50 percent, by weight.

(c) "Quartered" consisting of peeled and pitted peaches cut into four approximately equal parts.

(d) "Sliced" consisting of peeled and pitted peaches cut into sectors smaller than quarters.

(e) "Diced" consisting of peeled and pitted peaches cut into approximate cubes.

(f) "Whole" consisting of peeled, unpitted, whole peaches with or without stems removed.

(g) "Pieces or irregular pieces" consisting of peeled, pitted, and cut units of canned peaches that are predominantly irregular in size and shape which do not conform to a single style of halves, quartered, sliced, or diced and which may consist of:

(1) Units (commonly called "salad cuts" or "salad pieces") which may have been prepared originally as peach halves but which are irregular in size and shape in that more than one-fourth of the unit appears to have been removed at the outer curved surface and which have been cut further into pieces;

(2) Units which may have been prepared originally as peach slices but which are irregular in size and shape in that they have been cut further into pieces; or

(3) Mixtures of two or more of the following styles which may or may not be of normal shape: Halves, quartered, sliced, or diced.

(c) Section 52.2565 *Liquid media and Brix measurements* would be amended to read as follows:

§ 52.2565 Liquid media and Brix measurements.

Designation	*Brix measurements*
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	22° or more but not more than 35°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	18° or more but less than 22°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	14° or more but less than 18°.
"Slightly sweetened water;" or "Extra Light sirup;" "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	10° or more but less than 14°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.
"Artificially sweetened"	Do.

(2) CANNED FREESTONE PEACHES

(a) Section 52.2601 *Product description* would be amended to delete paragraph (b); to include "solid-pack," and to include "artificially sweetened" peaches as follows:

§ 52.2601 Product description.

"Canned freestone peaches" means "canned yellow freestone peaches" or "canned yellow free peaches" as such product is represented as defined in the standard of identity for canned peaches (21 CFR 27.2 and 27.6) issued pursuant to the Federal Food, Drug, and Cosmetic Act. For the purposes of the standards in this subpart, and unless the text indicates otherwise, the terms "canned peaches" or "canned freestone peaches" include "canned yellow freestone peaches," "canned spiced yellow freestone peaches," "canned solid-pack yellow freestone peaches," and "canned artificially sweetened yellow freestone peaches," as defined in the Food and Drug Standard of Identity.

(b) Section 52.2602 *Styles* would be amended to include a new style of "halves and pieces" and to rephrase the current style designation of "mixed pieces of irregular sizes and shapes" as follows:

§ 52.2602 Styles.

(a) "Halves" consisting of peeled and pitted peaches cut approximately in half along the suture from stem to apex.

(b) "Halves and pieces" consisting of peeled and pitted peaches in which the halves are more than 50 percent, by weight.

(c) "Quartered" consisting of peeled and pitted peaches cut into four approximately equal parts.

(d) "Sliced" consisting of peeled and pitted peaches cut into sectors smaller than quarters.

(e) "Diced" consisting of peeled and pitted peaches cut into approximate cubes.

(f) "Whole" consisting of peeled, unpitted, whole peaches with or without stems removed.

(g) "Pieces or irregular pieces" consisting of peeled, pitted, and cut units of canned peaches that are predominantly irregular in size and shape which do not conform to a single style of halves, quartered sliced, or diced and which may consist of:

(1) Units (commonly called "salad cuts" or "salad pieces") which may have been prepared originally as peach halves but which are irregular in size and shape in that more than one-fourth of the unit appears to have been removed at the outer surface and which have been cut further into pieces;

(2) Units which may have been prepared originally as peach slices but which are irregular in size and shape in that they have been cut further into pieces; or

(3) Mixtures of two or more of the following styles which may or may not be of normal shape: halves, quartered, sliced, or diced.

(c) Section 52.2605 *Liquid media and Brix measurements* the designations and Brix measurements would be amended to read as follows:

§ 52.2605 Liquid media and Brix measurements.

Brix measurements	*Designations*
"Extra heavy sirup;" "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	22° or more but not more than 35°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	18° or more but less than 22°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	14° or more but less than 18°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	10° or more but less than 14°.

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Designations	*Brix measurements*
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.
"Artificially sweetened"	Do.

(3) CANNED APRICOTS

(a) In § 52.2641 the product description would be amended to include the Food and Drug citation for "artificially sweetened" canned apricots as follows:

§ 52.2641 Product description.

(a) *Canned apricots.* "Canned apricots," is the product represented as defined in the Standards of Identity for canned apricots (21 CFR 27.10 and 27.14) issued pursuant to the Federal Food, Drug, and Cosmetic Act, and prepared in one of the styles specified in § 52.2642; in one of the liquid media specified in§ 52.2644; and is sealed in a container and so processed by heat as to prevent spoilage. The food may be seasoned with one or more of the optional ingredients permitted in the Food and Drug Standards of Identity.

§ 52.2642 [Amended]

(b) In § 52.2642(d) the name of the style previously designated as "mixed pieces of irregular sizes and shapes" would be changed to "pieces or irregular pieces."

(c) In § 52.2644 Liquid media and Brix measurements the designations and Brix measurements would be amended to read as follows:

§ 52.2644 Liquid media and Brix measurements.

• • • • •

Designations	*Brix measurements*
"Extra heavy sirup" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	25° or more but not more than 40°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	21° or more but less than 25°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	16° or more but less than 21°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	10° or more but less than 16°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.
"Artificially sweetened"	Do.

(4) CANNED SOLID-PACK APRICOTS

(a) In § 52.2641 the product description would be amended to conform to the Food and Drug standard of identity for canned solid-pack apricots as follows:

§ 52.2641 Product description.

(a) • • •

(b) "Canned solid-pack apricots," is the product represented as defined in the standards of identity for canned apricots (21 CFR 27.10) issued pursuant to the Federal Food, Drug, and Cosmetic Act, and prepared in one of the styles specified in § 52.2642 and is sealed in a container and so processed by heat as to prevent spoilage. The food may be seasoned with one or more of the optional ingredients permitted in the aforementioned standards of identity.

(5) CANNED DRIED PRUNES

(a) Section 52.5601 *Product description* would be amended to cite the Food and Drug Standard of Identity for Canned Prunes and to cover Pitted Prunes as follows:

§ 52.5601 Product description.

"Canned dried prunes" is the product represented as defined in the standards of identity for canned prunes (21 CFR 27.15) issued pursuant to the Federal Food, Drug Standard of Identity for Canned Prunes and to cover Pitter Prunes as follows:

(b) Section 52.5604 Sirup density would be amended to read as follows:

§ 52.5604 Liquid media and Brix measurements.

"Cut-out" requirements for liquid media in canned dried prunes are not incorporated in the grades of the finished product since sirup or any other liquid medium as such, is not a factor of quality for the purposes of these grades. The designations of liquid packing media and the Brix measurements, where applicable, are as follows:

Designations	*Brix measurements*
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	30° or more but not more than 45°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	24° or more but less than 30°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	20° or more but less than 24°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	Less than 20°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.

(c) Section 52.5606 Recommended minimum drained weights would be amended in its entirety to read as follows:

§ 52.5606 Recommended minimum drained weights.

(a) *General.* (1) The minimum drained weight recommendations for the various styles in Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The recommended minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for ascertaining drained weight.* The drained weight is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937±3 percent, square openings) so as to distribute the product evenly, inclining the sieve to approximately a 17 to 20 degree angle to facilitate drainage, and allowing the product to drain for two minutes.

The drained weight is the weight of the sieve and prunes less the weight of the dry sieve. A sieve 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can.

(c) *Compliance with recommended minimum drained weights.* A lot of canned prunes is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended minimum drained weight specified in Table I; and

(2) Any sample unit(s) which fails to meet the recommended minimum drained weight is within the range of good commercial practice.

TABLE I

Container size or name	Recommended drained weight (in ounces)		
	Metal containers		Glass containers
	Regular pack	Heavy pack	Regular pack
8 oz.	5½		
No. 1 tall	10¾		
No. 2	13		
No. 2½	19	29	18
No. 10	70	110	

(e) Canned dried prunes that meet the recommended drained weight requirements for "Heavy Pack" will be certified as "Heavy Pack" in addition to the grade statement.

(6) CANNED PEARS

(a) Section 52.1612 Styles would be amended to read as follows:

§ 52.1612 Styles.

(a) "Halves" are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximate halves.

(b) "Quarters" are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximate quarters.

(c) "Slices" are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximate equal segments smaller than quarters.

(d) "Dice" or "diced" canned pears are peeled pears, with cores and stems removed, cut into approximate cubes.

(e) "Whole" canned pears are peeled, cored, or uncored, whole pears with or without stems removed.

(f) "Pieces or irregular pieces" are peeled and cored cut units of canned pears that are predominantly irregular in size and shape which do not conform to a single style of halves, quarters, slices, or dice and which may consist of:

(1) Units (commonly called "salad cuts" or "salad pieces" or "chunk style"), which may have been prepared originally as pear halves but which are irregular in size and

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shape in that more than one-fourth of the unit appears to have been removed at the outer curved surface and which have been cut further into pieces; or

(2) Mixtures of two or more of the following styles which may or may not be of normal shape: Halves, quarters, slices, dice, or whole.

Section 52.1614 *Liquid media and Brix measurements*—the designations and Brix measurements would be amended as follows:

§ 52.1614 **Liquid media and Brix measurements.**

Designations	*Brix measurements*
"Extra Heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	22° or more but not more than 35°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	18° or more but less than 22°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	14° or more but less than 18°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	Less than 14°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.
"In clarified juice"	Do.
"Artificially sweetened"	Do.

(7) CANNED GRAPES

(a) Section 52.4021 *Product description* would be amended to read as follows:

§ 52.4021 **Product description.**

(a) "Canned grapes" is the product represented as defined in the Standards of Identity for canned grapes (21 CFR 27.25) issued pursuant to the Federal, Food, Drug, and Cosmetic Act. For the purpose of these standards canned grapes are prepared from the light seedless varietal type and are stemmed.

(b) Section 52.4023 *Liquid media and Brix measurements*—the designations and Brix measurements would be amended to read as follows:

§ 52.4023 **Liquid media and Brix measurements.**

Designations	*Brix measurements*
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	22° or more but not more than 35°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	18° or more but less than 22°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	14° or more but less than 18°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	Less than 14°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.

(8) CANNED RED TART PITTED CHERRIES

Section 52.773 *Designations of liquid media and Brix measurements*—the designations and Brix measurements would be amended to read as follows:

§ 52.773 **Liquid media and Brix measurements.**

Designations	*Brix measurements*
"Extra heavy sirup;" "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	28° or more but not more than 45°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	22° or more but less than 28°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	18° or more but less than 22°.
"Slightly sweetened water;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	Less than 18°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.

(9) CANNED SWEET CHERRIES

(a) Section 52.821 Identity would be amended to read as follows:

§ 52.821 **Product description.**

(a) "Canned sweet cherries" is the product represented as defined in the Standards of Identity for Canned Cherries (21 CFR 27.30 and 27.34) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) Section 52.825 Liquid media and Brix measurements.

The designations and Brix measurements would be amended to read as follows:

§ 52.825 **Liquid media and Brix measurements.**

Designations	*Brix measurements*
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	25° or more but not more than 35°.
"Heavy sirup;" "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s).	20° or more but less than 25°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	16° or more but less than 20°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or 'Slightly sweetened fruit juice(s)."	Less than 16°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.
"Artificially sweetened"	Do.

(10) CANNED BLACKBERRIES AND OTHER SIMILAR BERRIES

(a) Section 52.551 Product description would be amended to read as follows:

§ 52.551 **Product description.**

(a) "Canned blackberries" and other similar berries such as "boysenberries," "dewberries," "loganberries," and "youngberries" is the product represented as defined in the standards of identity (21 CFR 27.35) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) Section 52.553 The title of this section and the designations and Brix measurements would be amended to read as follows:

§ 52.553 **Liquid media and Brix measurements.**

Designations	*Brix measurements*
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	24° or more but not more than 35°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	19° or more but less than 24°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	14° or more but less than 19°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	Less than 14°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.

(11) CANNED BLUEBERRIES

(a) Section 52.581 *Product description* would be amended to read as follows:

§ 52.581 **Product description.**

(a) Canned blueberries is the product represented as defined in the Standards of Identity (21 CFR 27.35) for canned berries issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) Section 52.584 would be amended in its entirety to read as follows:

§ 52.584 **Liquid media and Brix measurements.**

(a) Brix measurement requirements for the liquid media in canned blueberries are not incorporated in the grades of the finished product since sirup, or any other liquid medium, as such, is not a factor of quality for the purpose of these grades. The designations of liquid packing media and Brix measurements, where applicable, are as follows:

Designations	*Brix measurements*
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	25° or more but not more than 35°.

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Designations	*Brix measurements*
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	20° or more but less than 25°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	15° or more but less than 20°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	Less than 15°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.

(12) CANNED RASPBERRIES

(a) Section 52.3311 *Product description* would be amended to read as follows:

§ 52.3311 Product description.

Canned raspberries is the product represented as defined in the Standards of Identity (21 CFR 27.35) for canned berries issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) Section 52.3314 would be amended in its entirety to read as follows:

§ 52.3314 Liquid media and Brix measurements.

(a) Brix measurements for the liquid media in canned raspberries are not incorporated in the grades of the finished product since sirup, or any other liquid medium, as such, is not a factor of quality for the purpose of these grades. The designations of liquid packing media and Brix measurements, where applicable, are as follows:

Designations	*Brix measurements*
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	27° or more but not more than 35°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	20° or more but less than 27°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	15° or more but less than 20°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	11° or more but less than 15°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.

(13) CANNED FRUIT COCKTAIL

(a) Section 52.1051 would be amended to read as follows:

§ 52.1051 Product description.

"Canned fruit cocktail" is the product represented as defined in the Standards of Identity (21 CFR 27.40 and 27.43) for canned fruit cocktail and canned artificially sweetened fruit cocktail, respectively, issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) Section 52.1054 Liquid media and Brix measurements—the designations and Brix measurements would be amended to read as follows:

§ 52.1054 Liquid media and Brix measurements.

• • • • •

Designations	*Brix measurements*
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	22° or more but not more than 35°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	18° or more but less than 22°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	14° or more but less than 18°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	10° or more but less than 14°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.
"Artificially sweetened"	Do.

(14) CANNED KADOTA FIGS

(a) In § 52.2821, paragraph (a) would be amended and paragraph (c) would be deleted in its entirety to read as follows:

§ 52.2821 Product description.

(a) *Canned figs.* "Canned figs" is the product represented as defined in the Standard of Identity (21 CFR 27.70 and 27.73) for canned figs and canned artificially sweetened canned figs, respectively, issued pursuant to the Federal Food, Drug, and Cosmetic Act.

• • • • •

(c) [Deleted]

(b) Section 52.2824 would be amended to read as follows:

§ 52.2824 Liquid media and Brix measurements.

Cut-out requirements for liquid media in Canned Kadota Figs are not incorporated in the grades of the product since sirup or any other liquid medium, as such, is not a factor of quality for the purpose of these grades. The cut-out Brix measurements, as applicable, for the respective designations are as follows:

Designations	*Brix measurements*
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water" or "Extra heavily sweetened fruit juice(s)."	26° or more but not more than 35°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	21° or more but less than 26°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	11° or more but less than 16°.
	16° or more but less than 21°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.
"Artificially sweetened"	Do.

[FR Doc.75-29893 Filed 11-6-75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

[15 CFR Part 60]

PUBLIC INFORMATION

Proposed Rulemaking

On August 4, 1975, the Secretary of Commerce, through Department of Commerce Organization Orders 35–IA and 35–2A, abolished the Social and Economic Statistics Administration (SESA). Because the Bureau of the Census had been a component of SESA, appeals under the Freedom of Information Act were made to the Administrator of SESA. The Bureau of the Census proposes that initial determinations under the Freedom of Information Act be made by the Associate Director for Administration and determinations on appeal be made by the Director. The Bureau also proposes to add a definition of reasonable time to § 60.11 to clarify the period that records required for the conduct of business must be kept within the Freedom of Information facility. Other minor non-substantive changes have meen made.

Interested parties have 30-days within which to submit comments which will be considered before final action is taken on these proposed amendments. Comments should be addressed to:

Attorney-Adviser, Bureau of the Census, Room 3039, Federal Building 3, Suitland, Maryland 20233.

Copies of all written comments will be available for examination by interested persons at the above address during and after the 30-day period. The proposed amendments may be changed in light of the comments received. In consideration of the above, it is proposed to amend 15 CFR Part 60 as it appeared in the FEDERAL REGISTER May 7, 1975 (40 FR 19810) in the manner set forth below.

Dated: November 3, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

Sec.

60.1 Scope and purpose.
60.2 Policies.
60.3 Definitions.
60.4 Publication in the FEDERAL REGISTER.
60.5 Availability of materials for inspection and copying.
60.6 Confidentiality of data collected by the Bureau of the Census.
60.7 Requests for records.
60.8 Initial determinations of availability of records.
60.9 Appeals from initial denials or untimely delays.
60.10 Fees.
60.11 Arrangements for public inspection and copying of available records.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93–502; 5 U.S.C. 553; 5 U.S.C. 301; 40 FR 11551.

§ 60.1 Scope and purpose.

(a) This part revises the rules whereby the Bureau of the Census is to make publicly available the materials and indexes specified in 5 U.S.C. 552(a)(2), and the records requested under 5 U.S.C. 552(a)(3). This revision is to conform the rules to the requirements of the Freedom of Information Act (5 U.S.C. 552), as amended by Pub. L. 93–502, 88 Stat. 1561, effective February 19, 1975.

(b) These rules supplement Department Administrative Order 205–12, which contains policies, delegations of authority, and other rules implementing 5 U.S.C. 502. These rules also supplement the rules published on March 12, 1975, by the Department of Commerce (40 FR 11551).

§ 60.2 Policies.

(a) Policies and other factors to be considered in issuing the rules in this part are set forth in Department Administrative Order 205–12.

(b) Requests for records made under 5 U.S.C. 552(a)(3) apply only to existing records, and the Bureau is not required, in response to a request, to create records by combining or compiling information contained in existing records, or otherwise to prepare new records. However, Bureau officials may, upon request, provide or create new information in record form pursuant to user charge statutes, such as 15 U.S.C. 1525–1527, or in accord with authority otherwise provided by law.

§ 60.3 Definitions.

(a) To the extent that terms used in this part are defined in 5 U.S.C. 551, they shall have the same definition herein.

(b) As used in this part, "Act" means the "Freedom of Information Act," as amended, 5 U.S.C. 552.

§ 60.4 Publication in the Federal Register.

(a) Materials required to be published pursuant to the provisions of 5 U.S.C. 552(a)(1) have been and shall continue to be so published, in one of the following ways:

(1) By publication in the FEDERAL REGISTER of the Department Orders of the Department of Commerce, including any supplements and appendices thereto, and of appropriate Secretary of Commerce Circulars and Department Administrative Orders;

(2) By publication in the FEDERAL REGISTER of agency rules and regulations, and by their subsequent inclusion in the Code of Federal Regulations;

(3) By publication in the FEDERAL REGISTER of appropriate general notices; and

(4) By other forms of publication, when incorporated by reference in the FEDERAL REGISTER with the approval of the Director of the Federal Register.

(b) Those materials which are published in the FEDERAL REGISTER pursuant to 5 U.S.C. 552(a)(1) shall, to the extent practicable and to further assist the public, be made available for inspection and copying at the facility identified in § 60.5(c).

§ 60.5 Availability of materials for inspection and copying.

(a) The Director, Bureau of the Census shall, as provided in 5 U.S.C. 552(a)(2) and subject to other provisions of law, establish and maintain a reference facility for the public inspection and copying of:

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(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the Bureau and are not published in the FEDERAL REGISTER;

(3) Administrative staff manuals and instructions to staff that affect a member of the public;

(4) Current indexes providing identifying information for the public as to any matter which is (i) issued, adopted, or promulgated after July 4, 1967, and (ii) required to be made available or published by section 552(a)(2);

(5) Records of the final votes of each member in every proceeding of any agency comprised of more than one member;

(6) Rules and decisions denying requests for records which otherwise implement or relate to the Act; and

(7) Materials published in the FEDERAL REGISTER pursuant to 5 U.S.C. 552(a)(1) and such other materials which each unit may consider desirable and practical to make available for the convenience of the public.

(b) The Bureau may, to prevent unwarranted invasion of personal privacy, delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, and shall, in each such case, explain in writing the justification for the deletion.

(c) The Secretary of Commerce has determined (DAO 205–12, subparagraph 5.02a.5.) that it is unnecessary and impracticable to publish quarterly or more frequently and distribute (by sale or otherwise) copies of each index and supplements thereto, as provided in 5 U.S.C. 552(a)(2). Upon request, copies of such indexes shall be provided at the public reference facility at a cost not to exceed the direct cost of duplication.

(d) The above materials may be inspected in the Census Freedom of Information Records Inspection Facility located at the Library Branch, Room 2455, Federal Building 3, Bureau of the Census, Washington, D.C. 20233 (Suitland, Maryland). This facility is open to the public Monday through Friday of each week, except on official Federal holidays, between the hours of 9 a.m. and 4:30 p.m. There are no fees or formal requirements for such inspections. Upon request, however, the facility will arrange to have copies of the above materials made at the cost shown in § 60.10.

(e) Correspondence concerning the materials available in the facility should be sent to the above address. The telephone number of the facility is 763–5040, Area Code 301.

§ 60.6 Confidentiality of data collected by the Bureau of the Census.

(a) The Bureau of the Census is required by law to keep certain records confidential. Protection against unauthorized disclosures is provided by title 13, U.S.C.

§ 60.7 Requests for records.

(a) The procedures of this section are applicable only to those records not customarily available to the public as part of the regular informational activities of the Bureau or which are not available in the Census reference facility described in § 60.5. The procedures and fees generally do not apply to applications for personal census information. Applications for personal census information should be directed to the Bureau's Personal Census Service Branch at Walnut and Pine Streets, Pittsburg, Kansas 66762.

(b) A person who wishes to inspect records described in § 60.7(a) shall make a request in writing, with the envelope and letter clearly marked "Freedom of Information Desk" or "Freedom of Information Request" or the equivalent, to distinguish it from other mail to the Department. Each such request, so marked, shall be addressed to Associate Director for Administration, Bureau of the Census, Attention: Fredom of Information Desk, Washington, D.C. 20233.

(c) A request which is not addressed as described in § 60.7(b) and which is not routed through the Department's Central Facility, will not be deemed to have been "received" for purposes of the time period for a request for records set forth in 5 U.S.C. 552(a)(6), until the earlier of the time that (1) forwarding of the request to the responsible unit has been effected, or (2) such forwarding would have been effected with the exercise of due diligence by Bureau personnel. In each instance when a request is forwarded, the Bureau of the Census shall notify the requester that his request was improperly addressed and of the date the request was received by Census.

(d) A request for records shall sufficiently identify the records requested to enable Census personnel familiar with the subject matter to locate them with a reasonable amount of effort. The requester shall, to the extent possible, furnish specific descriptive information regarding dates and places the records were made, the file descriptions, subject matter, persons involved, and other pertinent details that will help identify the records. If the request relates to a matter in pending litigation, the court, location and case shall be identified. When more than one record is requested, the request shall clearly describe each specific record, and the specific information requested which is contained in a record, so that its availability may be separately determined. Employees at the Census reference facility described in § 60.5 will assist the public to a reasonable extent in framing a request.

§ 60.8 Initial determinations of availability of records.

(a) Whenever the Bureau of the Census receives a request for records it shall promptly log the receipt of the request, and within 10 days of its receipt (excepting Saturdays, Sundays and legal public holidays) shall initially determine:

(1) Whether the request is for records under the Act, is for materials available otherwise than under the Act, or is for information not contained in existing records, and, therefore, not under the Act. The requester shall be promptly notified in writing how the request is being handled when it does not come within the Act.

(2) Whether the records requested are reasonably described and can be located on the basis of the information supplied by the requester. If any of the records requested cannot be identified and located from the information furnished, the Bureau shall promptly so inform the requester in writing, specifying what additional identification is needed to assist the Bureau in locating the record, and offering to assist the requester to reformulate its request.

(3) Whether the records no longer exist or are not in the Bureau's possession. The Bureau shall, if it knows which unit of the Department or other agency may have the records, forward the request to it. In each instance, the Bureau shall promptly notify the requester in writing.

(4) Whether the requested records are the exclusive or primary concern of another executive agency. If so, the Bureau shall promptly refer the request to that other agency for further action under its rules, and promptly notify the requester in writing of this referral.

(5) Whether the request is a categorical one. A categorical request, i.e., one for all records falling within a reasonably specific but broad category, shall be regarded as conforming to the statutory requirement that records be reasonably described, if the particular records can be identified, searched for, collected and produced without unduly burdening or disrupting the Bureau's operations. If the categorical request does not reasonably describe the records requested, the Bureau shall promptly notify the requester in writing specifying what additional identification is needed, and extend to the requester an opportunity to confer with Bureau personnel to attempt to reformiate the request so as reasonably to describe the records.

(6) In each of the situations set forth in paragraphs (a) and (b) of this section, the procedures relating to fees described in § 60.10 shall also be applied and coordinated as appropriate.

(b) An official having custody of the records requested in the Bureau of the Census shall review the request to determine the availability of the records requested.

(1) The determination shall be made within 10 days (excepting Saturdays, Sundays and legal public holidays) of the receipt of the request (as defined in § 60.7(c), unless the time is extended as provided in paragraph (b)(2) of this section.

(2) In unusual circumstances, the Associate Director for Administration may extend the time for initial determination for up to 10 days (excluding Saturdays, Sundays and legal public holidays) by written notice to the requester setting forth the reasons for the extension and

the date on which a determination is expected to be dispatched. Extensions of time for the initial determination and extensions of time on appeal may not exceed a total of 10 days, and time taken for the former counts against available appeal extension time. "Unusual circumstances" means, but only to the extent reasonably necessary to the processing of a particular request:

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practical speed, with another agency or unit having a substantial interest in the determination of the request, or among two or more components of the Bureau having substantial subject-matter interest therein.

(3) If no determination has been sent to the requester at the end of the initial 10-day period, or the last extension thereof, the requester may deem his request to be initially denied, and exercise a right of appeal therefrom. When no determination can be made within the applicable time period, the Bureau shall nevertheless exercise due diligence in continuing to process the request. It shall, on expiration of the applicable time period, inform the requester of the reason for the delay, of the date a determination is expected to be sent, and of the requester's right to treat the delay as a denial and to appeal therefrom. It may ask the requester to forego an appeal until a determination is made.

(4) If it is determined that the records requested are to be made available, and there are no further fees to be paid, the responsible official shall promptly notify the requester as to where and when the requested records or copies may be obtained or otherwise provide them as agreed. If there are fees still to be paid by the requester, he shall be notified that upon payment the records will immediately be made available.

(5) Only the Associate Director for Administration has been authorized to make initial denials of requests for records. A reply initially denying, in whole or in part, a request for records shall be in writing, signed by the Associate Director for Administration and it shall include:

(i) A reference to the specific exemption or exemptions of the Act authorizing the withholding of the records, stating briefly why the exemption applies and, where relevant, why a discretionary release is not appropriate.

(ii) The name and title or position of each official responsible for the denial.

(iii) A statement of the manner in which any reasonably segregable portion of a record shall be provided to the requester after deletion of the portions which are determined to be exempt.

(iv) A brief statement of the right of the requester to appeal the determination, and the address to which the appeal should be sent, in accord with § 60.9 (a) and (b).

(6) The Office of the General Counsel of the Department shall be consulted before any initial denial of a request for records is issued and a copy of each initial denial shall be provided to the Assistant General Counsel for General Legal Services of the Department of Commerce.

§ 60.9 Appeals from initial denials or untimely delays.

(a) When a request for records has been initially denied in whole or in part, or has not been timely determined, the requester may submit a written appeal within 30-calendar days after the date of the written denial or, if there has been no determination, on the last day of the applicable time limit. The appeal shall include a copy of the original request, the initial denial, if any, and a statement of the reasons why the records requested should be made available and why the initial denial, if any, was in error. No personal appearance, oral argument or hearing on appeal is provided.

(b) An appeal shall be addressed to the Director, Bureau of the Census, Washington, D.C. 20233. Both the appeal envelope and the letter shall be clearly marked "Freedom of Information Appeal" or "Appeal for Records" or the equivalent. An appeal not addressed and marked as provided herein will be so marked by the Bureau personnel when it is so identified, and will be forward immediately to the proper addressee. An appeal incorrectly addressed will not be deemed to have been "received" for purposes of the time period for appeal set forth in 5 U.S.C. 552(a)(6), until the earlier of the time that (1) forwarding to the Director has been effected, or (2) such forwarding would have been effected with the exercise of due diligence by Bureau personnel. In each instance when an appeal is so forwarded, the Director shall notify the requester that the appeal was improperly addressed and of the date the appeal was received by that official.

(c) The Director, Bureau of the Census, shall act upon an appeal within 20 days (excluding Saturdays, Sundays and legal public holidays) of its receipt, unless an extension of time is made in unusual circumstances, when the time for action may be extended up to 10 days (excluding Saturdays, Sundays and legal public holidays) minus any days of extension granted at the initial request level. A notice of such extension shall be sent to the requester, setting forth the reasons and the date on which a determination of the appeal is expected to be sent. As used in this paragraph, "unusual circumstances" are defined in § 60.8(b)(2).

(d) If a decision on appeal is to make the records available to the requester in part or in whole, such records shall be promptly made available for inspection and copying as provided in § 60.5.

(e) If no determination of an appeal has been sent to the requester within the 20-day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies with respect to such request, giving rise to a right of judicial review as specified in 5 U.S.C. 552(e)(4). When no determination can be sent to the requester within the applicable time limit, the Director shall nonetheless exercise due diligence in continuing to process the appeal. When the time limit expires, the requester shall be informed of the reason for the delay, of the date when a determination may be expected to be made, and his right to seek judicial review. The requester may be asked to forego judicial review until the appeal is determined.

(f) A determination on appeal shall be in writing and, when it denies records in whole or in part, the notice to the requester shall include: (1) Notation of the specific exemption or exemptions of the Act authorizing the withholding, a brief explanation of how the exemption applies, and, when relevant, a statement as to why a discretionary release is not appropriate; (2) a statement that the decision is final for the Bureau and for the Department of Commerce; (3) advice that judicial review of the denial is available in the district in which the requester resides or has his principal place of business, the district in which the agency records are situated, or the District of Columbia, and (4) the names and titles or positions of each official responsible for the denial of the request.

(g) No final denial may be issued without (1) consulting with the Office of the Special Assistant to the Secretary for Public Affairs, and (2) concurrence of the Office of the General Counsel of the Department.

(h) Final appeal decisions shall be indexed and kept available for public inspection and copying. Copies shall be sent to the Department's Assistant Secretary for Administration and Assistant General Counsel for General Legal Services.

§ 60.10 Fees.

A uniform schedule of fees and procedures for collecting fees for the U.S. Department of Commerce has been promulgated and is published in 15 CFR 4.9, and applies to all requests for Bureau of the Census records made under the Freedom of Information Act.

§ 60.11 Arrangements for public inspection and copying of available records.

(a) Upon receipt of the records search fee, and any fees for additional services requested by the applicant, the requested record which has been determined to be available shall, unless the applicant has otherwise indicated, be transferred to the Census reference facility, where it will be held for inspection by the applicant for a reasonable time. The address, and hours of operation, of this facility are stated in § 60.5(d). A reasonable time shall generally be considered to be not less than one week or more than three weeks. In the event the requester does not review the records within this time,

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they shall be refiled and paragraph (e) of this section will apply.

(b) In the event that disclosable records are required for the conduct of the daily business of the Bureau during the time when they would otherwise be available in the facility, the requester shall be so notified at the time it is determined that the records are to be made available and a specific appointment time for inspection obtained from the requester. At such time the records will be made available in the Census facility for inspection. If the requester does not appear at the appointed time, the records shall be refiled and paragraph (e) of this section will apply.

(c) During inspection of the record at the facility, the applicant may copy by hand any portion of the record, may request the facility to make a copy thereof, and may obtain certification of a machine-copied record in accordance with the fee structure in § 60.10.

(d). No changes or alterations of any type may be made to the record being inspected, nor may any matter be added to or subtracted therefrom. Papers bound or otherwise assembled in a record file may not be dissembled during inspection. Staff of the facility shall provide assistance if dissembly of a record is necessary for copying purposes, and are authorized to supervise public inspection as necessary to protect the records of the Bureau. The public is reminded of title 18, United States Code, section 2701 (a), which makes it a crime to conceal, remove, mutilate, obliterate, or destroy any record filed in any public office, or to attempt to do any of the foregoing.

(e) If the records are not reviewed as outlined in paragraph (a) or (b) of this section they will not be made available again for inspection until the following requirements are met: (1) All monies due on the first request have been remitted; (2) any estimated fee for a second search is paid; (3) the requester initiates and confirms a specific appointment time.

(f) If an applicant does not want to inspect a record by personal visit, he may request that a copy thereof be mailed to him, upon payment of the copying and postage fees set forth in § 60.10. Original copies of records shall not be sent to any location other than the reference facility for public inspection pursuant to 5 U.S.C. 552(a)(3).

[FR Doc.75-29945 Filed 11-6-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 133]

LIBRARY RESEARCH AND DEMONSTRATION

Proposed Amended Criteria

Pursuant to the authority contained in Part B of Title II of the Higher Education Act of 1965, as amended (20 U.S.C. 1034), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend criteria for Library Research and Demonstration Projects as set forth below. The purpose of this change is to add point scores for each criterion to insure fair and uniform application of the criteria. This change will affect Appendix A and will not otherwise affect the criteria except for a few nonsubstantive changes of an editorial nature.

Interested persons are invited to submit written comments, suggestions, or objections regarding the amendments to the Division of Library Programs, U.S. Office of Education, 7th and D Streets, SW., Room 5901, ROB No. 3, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

All comments, suggestions, or objections to be considered must be received not later December 8, 1975, unless such 30th day is a Saturday, Sunday, or Federal holiday, in which case such material must be received by the next following business day.

(Catalog of Federal Domestic Assistance Program No. 13.475, Research and Development—Library and Demonstration)

Dated: September 17, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

APPENDIX A—CRITERIA FOR APPROVING APPLICATIONS

(a) *Initial applications.* In approving applications for new projects, the Commissioner will use the following criteria and maximum weights in connection with the special consideration described in § 133.7. These criteria are consistent with and take the place of the criteria specified in 45 CFR 100a.26.

(1) *Significance, impact and relevance.* The proposed project promises to contribute to the solution of an important library problem, the improvement of operations or services in a significant number of libraries, or the fulfillment of unmet informational, cultural or educational needs; the relevance of the project to special consideration as reflected in the program regulations; and the reasonableness with regard to cost in relation to anticipated results. (20 points)

(2) *Problem and needs assessment.* The proposal identifies and demonstrates by objective evidence the nature and magnitude of the needs to be addressed by the proposed program, the degree of the applicant's demonstrated knowledge of previous successes and failures with the same or similar programs, and the ability to accommodate them. (5 points)

(3) *Statement of objectives.* Objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures and are capable of being measured. Kinds and nature of output products to meet these objectives are clearly specified and have high potential effectiveness in meeting the objectives. (10 points)

(4) *Activities and scheduling.* Activities included in the proposed program promise of themselves to result in the attainment of the applicant's stated objectives and are so scheduled as to result in that attainment in an efficient manner. (10 points)

(5) *Resources and resource management.* The application indicates that the project will be operated with adequate resources and effective management. Consideration will be given to the following factors:

(i) Key personnel with adequate qualifications and experience—(20 of 35 points);

(ii) Coordination with and maximum utilization of existing library resources—(3 of 35 points);

(iii) Appropriate utilization of specialists, consultants, community advisory boards, project advisory boards, and paraprofessionals where necessary—(3 of 35 points);

(iv) A realistic and sufficient budget that corresponds to the statement of work or activities to be performed—(3 of 35 points);

(v) A budget that minimizes or excludes purchase of books, equipment, and printing and in general does not provide for operational money except as necessary to support the proposed project—(4 of 35 points);

(vi) Existing facilities that are adequate for the project—(2 of 35 points).

(6) *Evaluation.* Applicant provides for objective quantifiable measurement of the success of proposed program in attaining the stated objectives. Consideration will be given to the following factors:

(i) A statement of criteria by which attainment of objectives is to be measured;

(ii) Description of the instruments to be used to collect data or method of selecting existing instruments;

(iii) An assessment of the validity of such instruments;

(iv) Schedule for collection of data and description of method to be used to review the program; and

(v) Provision for comparison of evaluation results, norms, control group or performance results of other programs or other external standards. (5 points)

(7) *Dissemination.* The proposal contains provisions which promise to result in adequate dissemination of the results of the proposed program and will make outputs available through commercial publications, published articles, conference papers, audio-visual presentations or in other ways as appropriate. (5 points)

(8) *Continuity and replication of project.* The proposed program is designed in a manner to insure the continuity of the project or parts of it at the site selected or its replication at other sites as well as strength of of commitment to continuity and where appropriate replication at other sites in supporting letters and documents. (10 points)

(20 U.S.C. 1031, 1034)

(b) *Continuation of assistance.* In approving applications for assistance to continue programs already funded under this part during the fiscal year for which assistance is sought, the Commissioner will apply (in addition to the criteria set forth in 45 CFR 100a.26(b)) the following criteria:

(1) *Program results.* The extent to which:

(i) The applicant demonstrates, by technical and evaluation reports, products, and other objective evidence, that the program proposed to be continued has been successful in meeting stated objectives and identified needs; and

(ii) Such program has been modified as may be required so as to increase the likelihood of success in meeting such needs.

(2) *Adoption by others.* The extent to which services, techniques, and new knowledge resulting from activities assisted under this part in prior fiscal years have been adopted by others.

(3) *Other educational criteria.* The extent to which the proposed activities satisfy the criteria set forth in paragraph (a) "initial applications."

(c) *Priority.* In approving applications for assistance under this part, the Commissioner will give priority to the applications described in paragraph (b) of this section. "Continuation of assistance", for continuation of projects within their previously established project periods.

(20 U.S.C. 1031–1034)

[FR Doc.75-29937 Filed 11-6-75;8:45 am]

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N-0151]

METHADONE

Proposal To Amend Procedures for Denying or Revoking Approval of Applications To Receive Shipments

The Commissioner of Food and Drugs is proposing to amend the hearing procedures in the methadone regulations to provide for a separation of functions between the Bureau of Drugs and the Office of the Commissioner concerning denial or revocation of approval of an application to receive shipments of methadone, and to describe the requirements of a notice of opportunity for hearing and the procedures governing a request for hearing. Interested persons have until January 6, 1976 to submit comments.

The Commissioner, by an order published in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), promulgated regulations revising, among other provisions, § 314.200 (21 CFR 314.200) concerning the requirements of a notice of opportunity for hearing, request for hearing, and grant or denial of hearing applicable to new drug applications. The primary purpose of that revision was to implement four 1973 Supreme Court decisions that interpreted the new drug provisions of the Federal, Food, Drug, and Cosmetic Act. The principal changes made were in the separation of functions between the Commissioner and the Director of the Bureau of Drugs concerning the notice of opportunity for hearing and the granting or denying of a request for hearing, and in the development of procedures for summary disposition of hearing requests by the Commissioner.

In the preamble to the order of March 13, 1974, the Commissioner recognized that, while the former procedures had been upheld in the courts, modification of the hearing procedures to separate sharply the functions of the Commissioner and the Director of the Bureau of Drugs was desirable to dispel any perception of prejudgment and unfairness that arises from having the same person who issues the notice of opportunity for hearing rule on whether a hearing is justified. Therefore, the Director of the Bureau of Drugs, by an order published in the same issue of the FEDERAL REGISTER (39 FR 9657), was delegated the authority to issue a notice of opportunity for hearing (21 CFR 2.121(1). If a request for hearing is made, the Commissioner then reviews, without Bureau of Drugs participation, both the request for hearing and a proposed order ruling on the matter, drafted by the Bureau of Drugs. After his review, the Commissioner issues a FEDERAL REGISTER notice granting or denying the hearing.

The Commissioner concludes that the hearing procedures in § 310.505(h) of the methadone regulation should be amended to conform to the hearing procedures applicable to new drug applications in § 314.200. This revision will effectuate the policy of the Commissioner to separate the functions of the Director of the Bureau of Drugs and the Commissioner in issuing a notice of opportunity for a hearing and in granting or denying a request for a hearing. However, the Commissioner believes that the informal conference currently provided in the methadone regulations (21 CFR 310.505(h)(2)) is advantageous and should be retained. This conference will now be conducted by the Director of the Division of Methadone Monitoring who will make a recommendation to the Director of the Bureau of Drugs concerning the application. If the latter finds that the applicant has failed to submit adequate assurance justifying approval of the application, he shall issue a notice of opportunity for hearing.

Currently, § 310.505(h) provides that when it is found that an applicant fails to submit adequate assurance justifying approval of his application to receive shipments of methadone (hereinafter referred to as methadone application), a notice of opportunity for hearing should be published and all matters thereafter be handled in accordance with the procedures and requirements containd in § 314.200. However, since § 314.200 contains certain provisions that are not applicable to methadone applications, the Commissioner concludes that this reference may lead to uncertainty with regard to the type of notice required for a notice of opportunity for hearing on a methadone application, as well as the requirements for a request for hearing. He, therefore, has amended the methadone regulations by excerpting from § 314.200 the hearing procedures and those requirements relevant to a request for hearing on a methadone application, and has incorporated them into a new paragraph specifically applicable to methadone applications. Thus, the procedures set forth in § 314.200 remain essentially unchanged.

The Commissioner advises, however, that the 60-day time period provided for by § 314.200 to file records and information to justify a hearing is not appropriate for this regulation. While a 60-day period is proper when broad scientific issues of drug safety or effectiveness are involved, it is neither necessary nor appropriate to the limited factual issues involving the conditions for use of methadone by individual treatment programs. Therefore, the Commissioner proposes to require that both the request for a hearing and all filings in support thereof be submitted within 30 days, with a hearing, when justified, to be held no more than an additional 90 days after the expiration of the initial 30-day time period provided.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701 (a), 52 Stat. 1052–1053, as amended, 1055 (21 U.S.C. 355, 371(a))); the Public Health Service Act as amended (sec. 303 (a), 70 Stat. 929, as amended (42 U.S.C. 242a(a))); the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241 (42 U.S.C. 257a)), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend § 310.505 by revising paragraph (h), and by adding a new paragraph (l) to read as follows:

§ 310.505 Conditions for use of methadone.

* * * * *

(h) *Denial or revocation of approval.* (1) Complete or partial denial or revocation of approval of an application to receive shipments of methadone (Forms FD–2632 "Application for Approval of Use of Methadone in a Treatment Program" and FD–2636 "Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification and Maintenance Treatment") may be proposed to the Director of the Bureau of Drugs, Food and Drug Administration, by the Director of the Division of Methadone Monitoring, Bureau of Drugs, on his own initiative or at the request of representatives of the Drug Enforcement Administration, Department of Justice, National Institute on Drug Abuse, the State authority, or any other interested person.

(2) Before presenting such a proposal to the Director of the Bureau of Drugs, the Director of the Division of Methadone Monitoring will notify the applicant in writing of the proposed action and the reasons therefor and will offer him an opportunity to explain the matters in question in an informal conference and/or in writing within 10 days after receipt of such notification. The applicant shall have the right to hear and to question the information on which the proposal to deny or revoke approval is based, and may present any oral or written information and views.

(3) If the explanation offered by the applicant is not accepted by the Bureau of Drugs as sufficient to justify approval of the application, and denial or revocation of approval is therefore proposed, the Director of the Bureau of Drugs will evaluate information obtained in the informal hearing before the Director of the Division of Methadone Monitoring. If the Director of the Bureau of Drugs finds that the applicant has failed to submit adequate assurance justifying approval of the application, he shall issue a notice of opportunity for hearing with respect to the matter pursuant to paragraph (l) of this section, and the matter shall thereafter be handled in accordance with the procedures therein.

(4) If the Secretary determines that there is an imminent hazard to health, revocation of approval will become effective immediately and any administrative procedures will be expedited.

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(5) A treatment program or medication unit or any part thereof, including any facility or any individual, may appeal to the Food and Drug Administration a complete or partial denial or revocation of approval by the State authority unless the denial or revocation is based upon a State law or regulation. The appeal shall first be made to the Director of the Division of Methadone Monitoring who shall hold an informal conference on the matter in accordance with paragraph (h) (2) of this section. The State authority may participate in the conference. The appellant or the State authority may appeal the decision of the Director, Division of Methadone Monitoring, to the Director of the Bureau of Drugs. If the Director of the Bureau of Drugs proposes to deny or revoke approval, such action shall be handled in accordance with paragraph (h) (3) of this section. The Director of the Bureau of Drugs may not grant or retain Food and Drug Administration approval if he finds that the appellant is not in compliance with all applicable State laws and regulations and with this section.

(6) Upon revocation of approval of an application, the Director of the Bureau of Drugs will notify the applicant, the State authority, the Drug Enforcement Administration, Department of Justice, and all other appropriate persons that the applicant may no longer receive shipments of methadone, and will require the recall of all methadone from the applicant. Revocation of approval may also result in criminal prosecution.

* * * * * *

(l) *Notice of opportunity for hearing; notice of appearance and request for hearing; grant or denial of hearing.* (1) The notice to the applicant of an opportunity for a hearing on a proposal by the Director of the Bureau of Drugs to deny or revoke approval of an application to receive shipments of methadone (Forms FD–2632 "Application for Approval of Use of Methadone in a Treatment Program" and FD–2636 "Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification and Maintenance Treatment") will state the reasons for the Director's action and the grounds upon which he proposes to issue his order.

(i) Such notice shall be specific, i.e., either referring to specific requirements in the statute and regulations with which there is a lack of compliance, or providing a detailed description and analysis of the specific facts resulting in the notice.

(ii) The notice will be published in the FEDERAL REGISTER and will state that the applicant has 30 days after the date of publication of the notice within which he is required to file a written notice of appearance and request for hearing if he elects to avail himself of the opportunity for a hearing. The failure to file such a written notice of appearance and request for hearing within that 30 days constitutes an election by the applicant not to avail himself of the opportunity for a hearing.

(2) The notice of opportunity for hearing shall be provided to an applicant by delivering the notice in person or by sending it by registered or certified mail to the last address shown in the application to receive shipments of methadone.

(3) (i) If the applicant elects to avail himself of the opportunity for hearing, he shall file with the Hearing Clerk within 30 days after the date of the publication of the notice of opportunity for hearing (a) a written notice of appearance and request for hearing, and (b) unless a different period of time is specified in the notice of opportunity for hearing, the records, data, and information on which he relies to justify a hearing with respect to his application to receive shipments of methadone.

(ii) No records, data, or information submitted after such 30 days will be considered in determining whether a hearing is warranted. Exceptions may be made on the basis of a showing of inadvertent omission and hardship.

(iii) Any other interested person who is not subject to the notice of opportunity for hearing may also submit comments on the proposal to deny or revoke approval of the application to receive methadone shipments. Such comments shall be submitted within the time, and pursuant to the requirements, specified in this section.

(4) The failure of any person subject to a notice of opportunity for hearing to submit a notice of appearance and request for hearing or to raise all contentions on which he relies shall constitute a waiver of any such contentions not so raised.

(5) Upon receipt of any request for hearing, the Director of the Bureau of Drugs shall prepare an analysis of the request and a proposed order ruling upon the matter. The analysis and proposed order, the request for hearing, and any proposed order denying a hearing and response pursuant to paragraph (l) (6) (ii) of this section, shall be submitted to the office of the Commissioner for independent review and decision. No representative of the Bureau of Drugs shall participate or advise in the review and decision by the Commissioner. The office of the General Counsel shall observe the same separation of functions.

(6) A request for hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing with respect to the particular application specified in the request for hearing.

(i) A specific notice of opportunity for hearing (as defined in paragraph (l) (1) (i) of this section) shall state that, if it conclusively appears from the face of the records, data, and information in the request for hearing that there is no genuine and substantial issue of fact which precludes the denial of approval of the application or the revocation of approval of the application, the Commissioner will enter summary judgment against the person(s) who requests a hearing, making findings and conclusions and denying a hearing. Any such order entering summary judgment shall set forth in detail the findings and conclusions of the Commissioner and shall specify why the applicant fails to meet the requirements of the statute and regulations or why the request for hearing does not raise a genuine and substantial issue of fact.

(ii) Where the person(s) requesting a hearing submits records, data, or information of a type required by the statute and regulations, and the Director of the Bureau of Drugs concludes that summary judgment against such person(s) should be considered, he shall serve upon such person(s) by registered mail a proposed order denying a hearing. Such person(s) shall have 30 days after receipt of such proposed order to respond with sufficient records, data, and information to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing.

(iii) If review of the records, data, and information submitted warrants the conclusion that the ground(s) cited in the notice are not valid, the Commissioner shall deny the hearing, enter summary judgment for the person(s) requesting the hearing, and rescind the notice of opportunity for hearing.

(iv) In the case of denial or revocation of approval, if a hearing is requested and justified, it shall commence no more than 90 days after the expiration of such 30 days (the period within which the request for a hearing and all filings must be made pursuant to paragraph (l) (1) (ii) of this section).

(v) A hearing shall be granted if there exists a genuine and substantial issue of fact or if the Commissioner concludes, in his discretion, that a hearing would otherwise be in the public interest.

(vi) a request for hearing, and any subsequent grant or denial of a hearing, shall be applicable only to the particular methadone program named in such documents.

(7) Any application to receive methadone shipments subject to a notice of opportunity for hearing, for which an opportunity for a hearing is waived or for which a hearing is denied, shall promptly be the subject of a notice published in the FEDERAL REGISTER denying or revoking approval of the application. The Commissioner may, in his discretion, defer or stay such action pending a ruling on any related request for a hearing or pending any related hearing or other administrative or judicial proceeding.

Interested persons may, on or before January 6, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–29929 Filed 11–6–75;8:45 am]

[21 CFR Parts 950, 951, 952]

[Docket No. 75N–0075]

NATIONAL SHELLFISH SAFETY PROGRAM

Extension of Time for Comments on Proposed Rulemaking

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of June 19, 1975 (40 FR 25916), proposed rules to ensure the safety and wholesomeness of fresh and frozen molluscan shellfish (oysters, clams, and mussels) sold in interstate commerce. Comments on the proposed rules were due by October 17, 1975. The Commissioner is extending the time for comment to November 13, 1975.

The Commissioner has received a request, dated October 14, 1975, from the Department of Economic and Community Development of the State of Maryland for an extension of the comment period because a comprehensive economic impact statement could not be completed in the original time provided for comments. The request did not specify the period for which the extension was requested. However, subsequent telephone conversations resulted in the request of 30 additional days from the date of the written request. The written request is on file with the Hearing Clerk, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Good reason therefore appearing, the Commissioner hereby extends the period for filing comments on this proposal to November 13, 1975.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 402, 403, 701(a), 52 Stat. 1046–1048, 1055, as amended (21 U.S.C. 342, 343, 371(a))) and the Public Health Service Act (secs. 301, 308, 311, 361, 58 Stat. 691, 703, as amended (42 U.S.C. 241, 242f, 243, 264)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 3, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–29930 Filed 11–6–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75–CE–14]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Washington, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before December 8, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public-use instrument approach procedure is being established for the Washington, Iowa, Airport, utilizing the non-directional beacon to be located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach by designating a 700-foot transition area at Washington, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is added:

WASHINGTON, IOWA

That airspace extending upward from 700' above the surface within a 5-mile radius of the Washington Airport (latitude 41°16'00" N., longitude 91°41'00" W.); and that airspace 3 miles each side of the 141° bearing from Washington NDB (latitude 41°16'13" N., longitude 91°41'04" W.); extending from the 5-mile radius to a point 8.5 miles southeast of the NDB.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on October 17, 1975.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.75–30037 Filed 11–6–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–CE–12]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Meade, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before December 8, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public-use instrument approach procedure has been established for the Meade, Kansas, Municipal Airport, utilizing a non-directional beacon located on the airport. Consequently, it is necessary to provide controlled airspace protections for aircraft executing this new approach procedure by designating a 700-foot transition area at Meade, Kansas.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 (40 FR 441), the following transition area is added:

MEADE, KANSAS

The airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Meade, Kansas Municipal Airport (latitude 37°16'45" N., longitude 100°-21'15" W.); within 3 miles each side of the Meade NDB (latitude 37°16'49" N., longitude 100°21'31" W.); 006° bearing, extending from the 5.5-mile radius to 8.5 miles north of the NDB.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on October 16, 1975.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.75–30038 Filed 11–6–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–SW–71]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Paducah, Tex.

Interested persons may submit such written data, views or arguments as they

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may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before December 8, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

PADUCAH, TEX.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Paducah, Tex., Dan E. Richards Airport (latitude 34°01'30" N., longitude 100° 17'00" W.).

The proposed transition area will provide controlled airspace for aircraft executing the proposed VOR/DME RWY 35 (Original) instrument approach procedure.

This will also serve to inform interested airspace users of the change of airport category from VFR to IFR.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on October 30, 1975.

HENRY N. STEWART,
Acting Director,
Southwest Region.

[FR Doc.75-30039 Filed 11-6-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-74]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Canadian, Tex.

Interested persons may submit such written data, views or arguments as they my desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before December 8, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

CANADIAN, TEX.

That airspace extending upward from 700 feet above the surface within a 5.5-statute-mile radius of Hemphill County Airport, Canadian, Tex. (latitude 35°53'45" N., longitude 100°24'06" W.), including an extension from the 5.5-statute-mile-radius area to 8.5 statute miles southwest of the NDB and 3 statute miles either side of the 054° T (044° M) bearing to the NDB.

The transition area will provide controlled airspace for aircraft executing the NDB instrument approach procedure proposed for the Hemphill County Airport.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Forth Worth, TX., on October 30, 1975.

HENRY N. STEWART,
Acting Director,
Southwest Region.

[FR Doc.75-30040 Filed 11-6-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-73]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the La Pryor, Tex. (La Paloma Ranch Airport), transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before December 8, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comment received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 6202), the La Pryor, Tex. (La Paloma Ranch Airport, transition area is amended to read:

LA PRYOR, TEX. (LA PALOMA RANCH AIRPORT)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of La Paloma Ranch Airport (latitude 28°53'30" N., longitude 99°51'09" W.) and within 3.5 miles each side of the 002° T (353° M) bearing from the La Pryor, Tex., NDB (latitude 28°55'47" N., longitude 99°51'-16" W.) extending from the 5-mile-radius area to 11.5 miles northwest of the La Pryor, Tex., NDB.

This proposed amendment changes the extension to the 5-mile transition area from 353° to 002° T to more correctly align the transition extension area with the NDB RWY 17 instrument approach procedure.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on October 30, 1975.

HENRY N. STEWART,
Director,
Southwest Region.

[FR Doc.75-30041 Filed 11-6-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-75]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Gruver, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before December 8, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

GRUVER, TEX.

That airspace extending upward from 700 feet above the surface within a 6-statute-mile radius of the Cluck Ranch Airport (latitude 36°10'45" N., longitude 101°41'40" W.).

The transition area will provide controlled airspace for aircraft executing the Borger, Tex., VOR/DME instrument approach procedure proposed for the Cluck Ranch Airport, Gruver, Tex.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on October 30, 1975.

HENRY N. STEWART,
Director,
Southwest Region.

[FR Doc.75-30042 Filed 11-6-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-72]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Sonora, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before December 8, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

SONORA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sonora Municipal Airport (latitude 30°35'00" N., longitude 100°39'00" W.) and within 3 miles each side of the 358° bearing from the Sonora, Tex., NDB (latitude 30°34'54" N., longitude 100°38'43" W.) extending 8.5 miles northwest of the Sonora, Tex., NDB.

The proposed transition area will provide controlled airspace for aircraft executing the NDB-A (Original) standard instrument approach procedure.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on October 30, 1975.

HENRY N. STEWART,
Acting Director,
Southwest Region.

[FR Doc.75-30043 Filed 11-6-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-WE-8]

AIRWAY FLOOR

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would lower the airway floor of V-244 between Mono Lake, Calif., and Coaldale, Nev.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif., 90009. All communications received on or before December 8, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would change the airway floor from "Stockton 246° radials; 76 miles, 51 miles 145 MSL, Coaldale, Nev.;" to read "Stockton 246° T (229° M) radials, 76 miles 12 AGL, 27 miles 145 MSL, 59 miles 12 AGL, Coaldale, Nev.;". This change will establish an airway floor of 1200 feet AGL beginning just west of the redesignated Nichols intersection and will support a lower minimum enroute altitude east of the intersection. Nichols intersection is being redesignated as a result of airspace Docket No. 75-WE-7 effective December 4, 1975, that extended airway V-230 from Friant, Calif., to Bishop, Calif.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 31, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-30044 Filed 11-6-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20438; RM-2401]

FM BROADCAST STATIONS

Table of Assignments; Snowmass Village, Colo.

In the matter of amendment of § 73.202 (b), FM Broadcast Stations. (Snowmass Village, Colo.), Docket No. 20438, RM-2401.

Report and order.—(Proceeding terminated).

1. The Commission has under consideration its notice of proposed rulemaking, adopted April 15, 1975, 40 FR 18464, inviting comments on a proposal to assign Channel 269A to Snowmass Village, Colorado.

The notice was issued by the Commission in response to a "Petition for Rule Making," filed on behalf of Robert Schuster, Walter Birk, and Frank Woods, d/b/a Rainbow Associates ("Rainbow"), which requsted the assignment described above. In response to the filing of the petition, Recreation Broadcasting of Aspen, Inc. ("Recreation")

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filed an "Opposition to Petition for Rule Making" in which it asserted that the Aspen/Snowmass Village area was already adequately served and could not financially support another aural facility. Further, Recreation questioned whether Snowmass Village, Rainbow's proposed location, constitutes a "community" as that term is used in the Commission's rules and regulations. In response to our Notice, only Recreation, an opponent of the assignment proposal, filed comments.

3. Rainbow's failure to file comments in response to our Notice or a reply to Recreation's opposition obviates the necessity of considering substantive issues raised by Recreation its pleadings. To effectuate the efficient use of the available radio spectrum, the Commission requires parties seeking channel assignments to express a continuing interest in the assignment so that channels which are assigned will not lie fallow and unused. In accordance with that policy, paragraph two of the Appendix to the Notice clearly indicated that the proponent of the petition was expected to file comments restating a present intention to apply for the channel if it was assigned, and, if authorized, to build a station. Moreover, the petitioner was informed in the Notice that it would be expected to answer questions raised in the initial response and that failure to file comments in response to the Notice might lead to denial of the request. Rainbow's reaction to all of this was an unexplained silence, leaving us with no alternative but to deny the petition for failure to exhibit the requisite showing of continuing interest in the channel assignment proposal.

4. In large part, we are denying Rainbow's petition on procedural grounds; however, it may also be denied in our estimation, because of its failure to establish that the requested proposal would benefit the public interest.

5. *Accordingly, it is ordered*, That the "Petition for Rule Making," submitted on behalf of Robert Schuster, Walter Birk, and Frank Woods, d/b/a Rainbow Associates, is denied.

6. Authority for the action taken herein is found in sections 4(i), 5(d)(1), 303(g), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations.

7. *It is further ordered*, That this proceeding is terminated.

Adopted: October 30, 1975.

Released: November 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-30026 Filed 11-6-75;8:45 am]

[47 CFR Part 76]
[Docket No. 20508]

CABLE TELEVISION CHANNEL CAPACITY AND ACCESS CHANNEL

Proposed Requirements; Order Extending Time for Comments

In the matter of amendment of Part 76 of the Commission's rules and regulations concerning the cable television channel capacity and access channel requirements of § 76.251, Docket No. 20508.

1. Citizens Communications Center has requested a change in the reply dates in Docket 20508[1] from November 6, 1975, to November 14, 1975. In support of this request, Citizens Communications Center cites several other matters demanding its counsel's immediate attention.

2. In view of the limited delay requested, the complexity of the issues presented in this docket and the Commission's desire to obtain the views of all interested parties, we believe that a grant of Citizens Communications Center's request would be in the public interest.

Accordingly, it is ordered, That the date for filing replies in Docket 20508 is extended to November 14, 1975.

This action is taken by the Chief, Cable Television Bureau pursuant to the authority delegated by § 0.288 of the Commission's rules.

Adopted and released: November 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-30027 Filed 11-6-75;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

[1 CFR Part 431]

FREEDOM OF INFORMATION ACT

Proposed Regulations

The following proposed regulations, drafted in accordance with Section 552(a)(1)(A & C) of the Freedom of Information Act, are hereby offered for public comment. Interested parties have until December 4, 1975, to submit comments, which should be addressed to the Executive Director, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506.

Signed the 4th day of November 1975.

CAROL W. PARSONS,
Executive Director.

[1] See issue of Thursday, August 14, 1975, page 34155.

PART 431—FREEDOM OF INFORMATION ACT

Sec.
431.1 Scope.
431.2 Purpose.
431.3 Application.
431.4 Definitions.
431.5 Availability of records.
431.6 Exemptions.
431.7 Categories of records exempt from disclosure under 5 U.S.C. 552.
431.8 Submission of requests for described records.
431.9 Denial of request.
431.10 Appeal.
431.11 Judicial relief available to the public.
431.12 Extension of time limits.
431.13 Exhaustion of administrative remedies.
431.14 Service of process.
431.15 Fee schedule.
431.16 Form of payment.
431.17 Prepayment of fees over $25.
431.18 Exemptions from fee.
431.19 Annual report.

§ 431.1 Scope.

These regulations set forth policies and procedures concerning the disclosure and availability to the public of records and information held by the Privacy Protection Study Commission with respect to: (a) Agency organization, functions, decisionmaking channels, and rules and regulations of general applicability, (b) Agency final opinions and orders, including policy statements and staff manuals, (c) Operational and other appropriate agency records, and (d) Agency proceedings. The part also covers exemptions from disclosure of such materials, procedures for guidance of the public in obtaining information and inspecting records, service or subpoena or other legal demand with respect to records.

§ 431.2 Purpose.

The purpose of these regulations is to prescribe procedures under which the public may obtain information and inspect records of the Privacy Protection Study Commission under the Freedom of Information Act.

§ 431.3 Application.

These procedures apply to all records and informational materials generated, developed, or held by the Privacy Protection Study Commission which come within the purview of 5 U.S.C. 552, as amended.

§ 431.4 Definitions.

For purposes of these procedures, the following terms have the meanings ascribed to them in this section.

(a) Records. The term "records" means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics made or received by the Privacy Protection Study Commission in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Privacy Protection Study Commission or because of the informational value of data contained therein. The term does not include:

(1) Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents; or

(2) Objects or articles, such as structures, furniture, paintings, sculpture, models, vehicles, or equipment.

(b) Availability. The term "availability" signifies the right of the public to obtain information, purchase materials, and inspect and copy records and other pertinent information.

(c) Reasonably described. The term "reasonably described," when applied to a requested record, means identifying it to the extent that it will permit the location of the particular document with a reasonable effort.

(d) Requester. The term "requester" means any party who submits a written request for records pursuant to this part.

(e) Agency. The term "agency," as defined in section 552(e) of title 5, United States Code, includes any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

§ 431.5 Availability of records.

Privacy Protection Study Commission records are available, to the greatest extent possible, in keeping with the spirit and intent of the Freedom of Information Act and will be furnished promptly to any member of the public upon request addressed to the office designated in the relevant subsequent section at such fees as are specified in the relevant subsequent section. The person making the request need not have a particular interest in the subject matter, nor must he provide justification for the request. The requirement of 5 U.S.C. 552 that records be available to the public refers only to records in being at the time the request for them is made.

§ 431.6 Exemptions.

The exemptions enumerated in 5 U.S.C. 552(b), under which the provisions for availability of records and informational materials will not apply, are general in nature. The Privacy Protection Study Commission will decide each case on its merits. Except when a record is classified or when disclosure would violate any other Federal statute, the authority to withhold a record from disclosure will not be invoked unless there is a compelling reason to do so. In the absence of such compelling reason, records and other information will be disclosed although otherwise subject to exemption.

§ 431.7 Categories of records exempt from disclosure under 5 U.S.C. 552.

5 U.S.C. 552(b) provides that the requirements of the statute do not apply to matters that are:

(a) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are, in fact, properly classified pursuant to such Executive Order.

(b) Related solely to the internal personnel rules and practices of an agency.

(c) Specifically exempted from disclosure by statute.

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(e) Inter-agency or intra-agency memoranda or letter which would not be available by law to a party other than an agency in litigation with the agency.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source.

(5) Disclose investigative techniques and procedures; or

(6) Endanger the life or physical safety of law enforcement personnel.

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(i) Geological and geophysical information and data, including maps.

Any reasonably segregable portion of a record shall be provided to any person requesting the record after deletion of the portions which are exempt under this section.

§ 431.8 Submission of requests for described records.

For Privacy Protection Study Commission records, requests shall be submitted in writing to the Public Affairs Officer, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506. Requests should bear the legend, FREEDOM OF INFORMATION REQUEST, prominently marked on both the face of the request letter and the envelope. Requests shall be answered within 10 working days of the receipt of the request. When a request is approved, records will be made available promptly in accordance with the terms of the request. Copies may be furnished or the records may be inspected at the office of the Privacy Protection Study Commission. Upon receipt of a request which does not reasonably describe the records requested, the Privacy Protection Study Commission shall contact the requester to seek a more specific description. The 10 working day time limit established for the answering of requests shall be tolled while the Privacy Protection Study Commission expeditiously seeks from the requester a more specific description of the records requested to assist the Commission in establishing the existence or nonexistence of the records.

§ 431.9 Denial of request.

If a request is denied, the requester shall be advised within ten working days of the receipt of the request and furnished written reasons for the denial. The denial will (a) describe briefly the records or records requested, (b) state the legal basis for nondisclosure, (c) state the name and titles or positions of the official responsible for the denial of such requests, and (d) state the requester's appeal rights.

§ 431.10 Appeal.

A requester denied access, in whole or in part, to the Privacy Protection Study Commission records may appeal that decision with the Privacy Protection Study Commission. All appeals should be addressed to the Executive Director, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506. An appeal must be received in the Privacy Protection Study Commission office no later than thirty calendar days after receipt by the requester of the initial denial of access in the case of a total denial, or thirty calendar days after receipt by the requester of records made available in the case of a partial denial. An appeal must be in writing and may contain a brief statement of the reasons why the records should be released, and enclose copies of the initial request and denial. The appeal letter should bear the legend, FREEDOM OF INFORMATION APPEAL, conspicuously marked on both the face of the appeal letter and on the envelope. The Privacy Protection Study Commission has twenty working days after the receipt of an appeal to make a determination with respect to such appeal. Upon receipt of an appeal, the Executive Director will consult with the General Counsel and the official who made the initial denial. If the Executive Director determines that the appeal should be granted, he shall so notify the requester and make the records available to him. If the Executive Director decides that the appeal should be denied the requester shall be no notified that this is the final administrative deter-

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mination. The Executive Director, shall, however, following such determination, inform the Commission as a whole of each final denial at its next scheduled meeting and the Commission shall retain the authority to order documents released, notwithstanding the decision of the Executive Director. The notification letter shall contain: (1) A brief description of the record or records requested; (2) a statement of the legal basis for nondisclosure; (3) a statement of the name and title or position of the official or officials responsible for the denial of the initial request and the denial of the appeal; and (4) a statement of the requester's rights of judicial review.

§ 431.11 Judicial relief available to the public.

(a) Upon denial of a requester's appeal by the Executive Director, the requester may file a complaint in a district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4)(B).

(b) The Executive Director of the Privacy Protection Study Commission will be the named defendant in any action filed.

§ 431.12 Extension of time limits.

In unusual circumstances as specified in this section, the time limits prescribed in these procedures may be extended by the Executive Director upon the request of the Public Affairs Officer. The Privacy Protection Study Commission will provide written notice to the requester setting forth the reasons for such extension and the date on which a determination is expected. Such notice will specify no date that would result in an extension of more than ten work days. In unusual circumstances, the Executive Director may authorize more than one extension, divided between the initial request stage and the appeal stage, but in no event will the combined periods of extension exceed ten working days. As used in this subsection, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request:

(a) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(b) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request.

§ 431.13 Exhaustion of administrative remedies.

Any person making a request to the Privacy Protection Study Commission for records shall be deemed to have exhausted his administrative remedies with respect to the request if the agency fails to comply within the applicable time limit provisions set forth in these procedures.

§ 431.14 Service of process.

A subpoena duces tecum or other legal demand for the production of records held by the Privacy Protection Study Commission should be addressed to the Executive Director, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506. When such a subpoena or demand is served on any person other than the Executive Director, he shall decline respectively to produce such records on the ground that he is without authority to accept such subpoena or demand.

§ 431.15 Fee schedule.

In computing applicable fees, the Privacy Protection Study Commission will consider only the following costs in providing the requested records.

(a) Reproduction fees. (1) The fee for reproducing copies of the Privacy Protection Study Commission records (by routine electrostatic copying) up to and including material 8½ x 14 inches shall be $0.10 per page. (2) The fee for reproducing copies of the Privacy Protection Study Commission records over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources.

(b) Search fees. (1) The standard search fee shall be $4 per hour or fraction thereof beyond the initial half hour used to locate the requested records. (2) When professional staff must be used to search for the requested records because clerical staff would be unable to locate them, the search fee shall be $8 per hour or fraction thereof beyond the initial half hour used to locate the requested records. (3) When the search includes nonpersonnel expenditures to locate and extract requested records, such as computer time or transportation expenses, the applicable fee shall be the direct cost to the Privacy Protection Study Commission.

§ 431.16 Form of payment.

Payment shall be by check or money order payable to the Privacy Protection Study Commission and shall be addressed to the Public Affairs Officer.

§ 431.17 Prepayment of fees over $25.

(a) When the Public Affairs Officer determines that the anticipated total fee (search and reproduction) is likely to exceed $25, he shall notify the requester that he must repay the anticipated fee prior to the Privacy Protection Study Commission making the records available. The Privacy Protection Study Commission will remit the excess paid by the requester or bill the requester for an additional amount according to variations between the final fee charged and the amount prepaid.

§ 431.18 Exemptions from fee.

When the Public Affairs Officer determines that at least one of the following conditions exists, he shall waive the fee requirement and provide one copy of the Commission records without charge to the requester.

(a) When the incremental cost of collecting the fee would be an unduly large part of or an amount greater than the fee;

(b) When the reproduction is for a foreign, State, or local government of international agency and furnishing it without charge is an appropriate courtesy;

(c) When it is determined that it would be in the public interest or primarily benefiting the general public to waive the fee.

§ 431.19 Annual Report.

On or before March 1 of each calendar year, the Privacy Protection Study Commission shall submit to the Speaker of the House of Representatives and President of the Senate, for referral to the appropriate committees of the Congress, a report on the Privacy Protection Study Commission's implementation of 5 U.S.C. 552 which covers the preceding calendar year.

[FR Doc.75-30046 Filed 11-6-75;8:45 am]

[1 CFR Part 430]

PRIVACY ACT OF 1974

Proposed Regulations for Implementation

The following proposed regulations, drafted in accordance with section 552(f) of the Privacy Act of 1974, are hereby offered for public comment. Interested parties have until December 4, 1975, to submit comments, which should be addressed to the Executive Director, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506.

Signed the 4th day of November 1975.

CAROLE W. PARSONS,
Executive Director.

PART 430—PRIVACY ACT OF 1974

Sec.

430.1 Purpose and scope.
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430.6 Requests for correction or amendment of record.
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§ 430.1 Purpose and scope.

The purpose of these regulations are to:

(a) Establish procedures by which an individual can ascertain if the Privacy Protection Study Commission (hereafter referred to as the Commission) maintains a system of records in which there is a record pertaining to the individual.

(b) Establish procedures by which an individual may gain access to a record or information maintained on that individual and have such record or information disclosed for the purpose of review, copying, correction and/or amendment.

§ 430.2 Definitions.

(a) For the purpose of these regulations:

(1) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(2) the term "maintain" includes maintain, collect, use, or disseminate;

(3) the term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(4) the term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(5) the term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by Section 8 of Title 13; and

(6) the term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 430.3 Disclosure of records.

No official or employee of the Commission shall disclose any record contained in a system of records to any person or to another agency without the express written consent of the subject individual unless the disclosure is:

(a) To officers or employees who have a need for the information in the official performance of their duties;

(b) Pursuant to the provisions of the Freedom of Information Act;

(c) For a routine use as published in the annual notice in the FEDERAL REGISTER;

(d) To the Bureau of the Census for uses pursuant to Title 13, United States Code;

(e) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record. The record shall be transferred in a form that is not individually identifiable. The written statement should include at a minimum:

(1) A statement of the purpose for requesting the records; and

(2) Certification that the records will be used only for statistical purposes.

These written statements should be maintained by the Commission. In addition to deleting personal identifying information from records released for statistical purposes, the system manager shall ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records.

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government;

(g) To another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal enforcement activity, if the activity is authorized by law, and if the head of the agency or instrumentality or his designated representative has made a written request to the Commission specifying the particular portion desired and the law enforcement activity for which the record is sought;

(h) To a person showing compelling circumstances affecting the health and safety of an individual, not necesarily the individual to whom the record pertains (Upon such disclosure, a notification must be sent to the last known address of the subject individual.);

(i) To either House of Congress or to a subcommittee or committee (joint or of either House, to the extent that the subject matter falls within their jurisdiction);

(j) To the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office; or

(k) Pursuant to the order of a court of competent jurisdiction. Except for paragraphs (a), (b) and (c) of this section on the disclosure of records, such disclosure will be made only if:

(1) The request is made in writing to the Executive Director of the Commission describing what records are being requested to be disclosed and explaining the basis of the request including the anticipated uses of the information.

§ 430.4 Accounting of disclosures.

(a) An accurate accounting of each disclosure except those for intra-agency use and those under the Freedom of Information Act shall be made and retained for 5 years after the disclosure or for the life of the record, whichever is longer. The accounting shall include the date, nature, and purpose of each disclosure, and the name and address of the person or agency to whom the disclosure is made.

(b) The System manager also shall maintain in conjunction with the accounting of disclosures:

(1) A full statement of the justification for the disclosure;

(2) All documentation surrounding disclosure of a record for statistical or law enforcement purposes; and

(3) Evidence of written consent to a disclosure given by the subject individual.

(c) Except for the accounting of disclosures made to agencies or instrumentalities in law enforcement activities or of disclosures made from exempt systems, the accounting of disclosures shall be made available to the individual upon request. Procedures for requesting access to the accounting are the same as access to individual records.

§ 430.5 Procedures for requests to gain access to individual records.

An individual seeking to ascertain the existence of a record in any system of records of the Commission or to gain access to such record should either: (a) Submit a request in writing to the Commission; or (b) present himself in person to the Commission offices. If the request is made in writing, it should be addressed to the Public Affairs Officer, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506. The envelope carrying the request, as well as the request letter itself, should bear the legend, "Privacy Act Request." For purposes of identifying the individual in the system of records, the request letter should contain the name and address of the subject individual, the identity of the system to be searched, and a brief description of the nature of the contact with the Commission so that proper identification of the individual can be made. Under no circumstances will the requester need to justify his request. To assure that the subject individual is the person making the request when seeking access to personnel records, the letter must be notarized. If the nature of the record contained in a system of records is such that its disclosure is required under the Freedom of Information Act, the identifying procedures will not be applied. If the request is made in person at the Commission offices, the requesting individual should present himself to the Public Affairs Officer or his designated staff on any working day between the hours of 9 a.m. and 5 p.m. The individual may be asked to fill out a form identifying the system to be searched and a brief description of the nature of the contact with the Commission so that proper identification of the individual in the system can be made. If a requested record exists in the system of records maintained by the Commission, the subject individual will be notified within 10 working days of the receipt of the request. If the individual had requested a copy of the record, a copy would accompany the notification. Copying of material on the request of the individual will be subject to a fee as stated in a subsequent relevant section. If the individual does not request a copy of the record at the time of making the original request for access, either in writing or in person, the individual may either (1) request in writing a copy of the record upon notification of its existence or (2) present himself in person at the Commission offices for personal inspection of the record upon notification of its existence. If the individual requests to inspect the record in person, he may be required to identify himself by a standard method, *e.g.*, driver's license. He may also be accompanied by a person of his

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choice to inspect the records. If accompanied, the requester may be required to sign a written statement granting the other person access. If the requested record does not exist in the system of records maintained by the Commission, the subject individual will be so notified within 10 working days of the receipt of the request.

§ 430.6 Requests for correction or amendment of record.

Upon disclosure of information to the individual about whom the record had been maintained by the Commission, if the subject individual desires to correct or amend the record, the subject individual shall make a separate written request to the Public Affairs Officer of the Commission explaining why the individual believes a portion(s) of the record to be either inaccurate, irrelevant, untimely or incomplete. Upon the receipt of a request to correct or amend information maintained on the subject individual, the Public Affairs Officer shall submit it to the Executive Director who shall respond to the requester within 10 working days of the receipt of the request indicating either:

(a) The requested correction or amendment is being made to that portion(s) of the record the subject individual believed to be inaccurate, irrelevant, untimely or incomplete; or

(b) The requested correction or amendment to the individual's record is being refused, the reason for the refusal and the procedures established by the Commission for the individual to appeal that decision.

If the nature of the request or the system of records precludes completing the review within 10 working days, the required acknowledgement must be provided within 10 working days and the review should be completed as soon as reasonably possible, normally within 30 working days of the receipt of the request unless unusual circumstances preclude completing action within that time.

§ 430.7 Appeal of refusal to correct or amend an individual's record.

An individual has 30 calendar days from the receipt of the Executive Director's decision in which to appeal that decision or refusal to make the requested correction or amendment to the subject individual's record. The individual should submit a written appeal addressed to the Secretary of the Commission, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506. The Secretary of the Commission shall transmit the appeal to the full Commission for the final administrative determination. The individual shall be advised of the final administrative determination by the Chairman of the Commission within 30 working days of the receipt of the appeal, unless the Commission has shown good cause for extending the response time for another 30 working days. If after review by the full Commission the final administrative determination is a continued refusal to correct or amend the individual's record as requested by the subject individual, the individual shall be so notified by letter from the Chairman of the Commission and advised of his rights to judicial review of the Commission's administrative action.

§ 430.8 Judicial review.

Within 2 years of the receipt of a final adverse administrative determination an individual may seek judicial review of that adverse determination as provided in 5 U.S.C. § 552a(g)(1)(A).

§ 430.9 Fee schedule.

If a request for information is answered by the return of copies of an individual's record upon the individual's request to the requesting individual, he will be charged $0.10 per page, excluding the cost of any search for and review of the material.

[FR Doc.75-30045 Filed 11-6-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1003, 1100]

[Ex Parte No. 55 (Sub-No. 14)]

REVISION OF APPLICATION FORMS FOR OPERATING AUTHORITY AND AMENDMENTS TO GENERAL RULES OF PRACTICE

Notice of Proposed Rulemaking

● **Purpose: On July 7, 1975, the Interstate Commerce Commission announced the results of an unprecedented internal staff study of the Agency's operations. Among the recommendations of the "Blue Ribbon Staff Panel" was that the Commission take immediate and forceful steps to improve its case processing. To that end, the purposes of the rulemaking proceeding instituted herein are (1) to explore the feasibility and desirability of requiring applicants for operating authority to submit, at the time the application is filed, verified statements containing all the evidence upon which they intend to rely, (2) to consider the requirement of a standardized format for verified statements submitted by all parties in proceedings involving applications for operating authority, and (3) to effect necessary changes in existing pertinent application forms as a result of amendments to the General Rules of Practice.** ●

I. The number of applications filed for authority to conduct operations in interstate or foreign commerce as common and contract carriers of property and passengers by motor vehicle, as brokers, as water carriers, and as freight forwarders continues to increase annually. Motor carrier applications alone (excluding gateway elimination proceedings but including case reopenings), which comprise 78.2 percent of the Commission's formal case docket, increased from 6,197 new filings in 1973 to 6,667 new filings in 1974, to 7,155 receipts in Fiscal Year 1975. As of June 30, 1975, the pending docket of this category of cases was 6,466.

In May 1966, when this Commission first established in Rule 247 (49 CFR 1100.247) of the general rules of practice more comprehensive requirements for the filing of applications seeking operating authority, it was determined that, "the mechanics of regulation must be such that administrative decisions are not only fair and impartial, but are rendered with reasonable dispatch and efficiency." With the continuing increase in this Commission's docket, efficient regulation becomes even more necessary and desirable. The proposed amendment of Rule 247, as set forth below, would require applicants to submit at the time of filing of the application, and thus to prepare prior to filing, their verified statements containing all the evidence upon which they intend to rely. This provision is designed to decrease "regulatory lag" and thereby permit this Commission to consider more applications in less time. The proposed format for verified statements submitted by all parties in application proceedings will clarify the evidentiary presentations, aiding the Commission in its disposition of cases and further contributing to an overall decrease in the amount of time during which a case is pending before the Agency. It is believed that none of the proposals herein will substantially increase the burden or impose any unreasonable or unjustified restrictions on any party appearing before this Commission. Moreover, whenever the functioning of this Agency is improved, the public interest is served.

II. The essence of the recommendations herein is embodied in the proposed amendments to Special Rule 247, which governs applications for operating authority pursuant to Sections 206 (except section 206(a)(6)), 209, 211, 302(e), 303, 309, and 410 of the Interstate Commerce Act. Under the proposal, all such applications shall be accompanied by not only the "certifications of support" now required, but also by an original and one copy of verified statements containing all the evidence and facts upon which the applicant relies. Failure to file such statements may result in summary dismissal of the application for want of prosecution. This requirement will encourage more diligence in the preparation of applications, which are not overly broad and frivolous, by compelling the carrier to scrutinize more closely its own capabilities, as well as the actual needs of the shipper or shippers supporting it for authority, *before* it initiates any action on this Commission's docket. Fewer amendments to the application will be necessary; amendments which *broaden* the scope of the proposed operations are proscribed, inasmuch as additional evidence to support a broadened application is likewise prohibited under the considered proposal. Because applicant will already have the verified supporting statement of shippers in the record from the time the application is filed, the pressure which is frequently exerted by protesting carriers on shippers to withdraw their support should be greatly mitigated, and attempts to do so will be frustrated. Moreover, this requirement will enable carriers' representatives to assess the merits of their clients' cases more accurately and permit them to advise against seeking additional authority where the likelihood of success is doubtful because of obviously meager evidence of need. So-called "me-too" applications, designed to test the market but which lack adequate support, needlessly add to our already large caseload and will be discouraged under the proposed regulation, or will be summarily dismissed where a prima facie case is clearly not established. Furthermore, potential protesting carriers can better evaluate an applicant's presentation and frivolous protests be avoided.

This proposal represents a tightening and extension of existing Special Rule 247(b)(3), which requires an applicant who requests handling of its case under the modified procedure to submit its evidence in written form at the time the application is filed. Although the rule as proposed would require the preparation and submission of statements by *all* applicants, the filing thereof will be without prejudice against subsequent designation for oral hearing, where this Commission believes such hearing is appropriate and necessary. Applicant may specifically request oral hearing, but must adequately explain why its evidence is more amenable to oral presentation. Because applicant's evidence will already be before this commission when the designation for handling under either modified procedure or oral hearing is made, such designation will necessarily be more realistic.

The proposed amendments to Special Rule 247 are designed to retain the present framework for oral hearing and should not result in a disadvantage for any party to the proceeding. Nor are they intended to shift the burden of proof from applicant. Verified statements are often submitted and included in the record by testifying witnesses. Where oral hearing is directed applicant will be afforded the alternative of relying solely on these previously filed statements or of presenting the same or additional evidence in testimonial form. Under the proposal herein, applicant may continue to submit additional certifications of support once the proceeding is designated, or reassigned for oral hearing. It is thus not precluded from necessary and often unavoidable expansion of its case during the generally longer waiting period before the hearing commences. The presentation of protestant's case at oral hearing, of course, will not be altered in any respect by the proposed changes.

Applications will be published in the FEDERAL REGISTER, along with a list of those parties supporting the authority sought, under the proposed regulations. This listing will afford potential protestants a better opportunity than now exists to evaluate and to express their respective interests in the proceedings. Protests will still be required to be filed within 30 days of publication of the notice. Within 15 days of the expiration of this 30-day period, applicant, pursuant to proposed Special Rule 247(f)(3), shall serve copies of its verified statements originally filed with the Commission on all parties of record from whom it has received protests, and shall so certify to the Commission. At the end of this 15-day period, the Commission will designate the application for handling under either modified procedure or oral hearing. If the former is ordered, protestants shall serve copies of their verified statements on all parties of record within a designated 30-day period, and rebuttal statements by applicants would be due 20 days hence. The proposed rules make it clear that, in order for this streamlined procedure to be effective, no extensions of time for these filings will be granted, except "in the most extraordinary circumstances." While such circumstances cannot be precisely defined, they do *not* include scheduling problems, vacations, or other occurrences which generally happen in the course of any business.

Another major change in existing procedures effected by the proposed amendment of Special Rule 247 is the requirement that verified statements submitted by any party to the proceeding be prepared in accordance with a format specifically described in the rules. The proposal requires each element of information to be clearly identified, titled, and placed in a separately numbered paragraph. Evidence which is lengthy and susceptible to being listed or similarly compiled may be presented in the form of an appendix to the verified statement, so long as that appendix is clearly identified within the statement format. Other information, which a party considers essential to proving its case but which does not fall within a category specified in the rules, as well as legal argument, may appear as final portions of the statements. Proposed Special Rule 247(b)(1) sets forth the required format for statements submitted by applicant, including statements of support, and subsection (f)(3) details the requirements for statements submitted by protestants.

It is anticipated that adoption of such standardized formats will greatly aid the Commission in its disposition of application proceedings. For example, where serious deficiencies in an applicant's prima facie case are readily apparent, it will result in an early dismissal. This regulation will likewise compel closer scrutiny by all the involved parties of their own evidence. In light of the Agency's expanding caseload and the other demands made on its administrative expertise, it should not be incumbent on this Commission to "ferret out" the really essential facts, which prove or disprove a particular party's case, from prolix, generalized, and often incomprehensible statements filed by the parties. By the same token, the standardized format should aid all parties in presenting their cases. By following the format provided, a carrier should be less likely to omit pertinent information crucial to its particular position. Although the format set forth in the rules imposes mandatory requirements on the parties to an application proceeding, it will not be printed as a "fill-in-the-blank" type form. It is intended to serve as a guideline, and is not intended to restrict what facts or argument are to be presented by the parties. Rather, it is a vehicle for the presentation thereof and is not designed to encompass all possible evidentiary presentations.

In addition to the changes in Special Rule 247 discussed above, minor rephrasing and some renumbering of subsections within that rule have been proposed. Certain modifications of General Rules 22, 49, 51, 57, and 74 (49 CFR 1100.22, 49, 51, 57, and 74) are also necessary so as to preclude interpretive problems. As is presently the case, the General Rules of Practice, including those rules which relate specifically to the modified procedure, are applicable to application proceedings unless Special Rule 247 provides otherwise. Because the use of discovery procedures in licensing cases has been found for the most part to either delay the handling of the matter or to result in a "fishing expedition", it is being proposed that application proceedings which are the subject of Rule 247 (49 CFR 1100.247) be excluded from the scope of the new discovery rules (49 CFR 1100.57–67) and that in any instance in which a party desires to avail itself of appropriate discovery procedures in such proceedings, it shall file a petition requesting such relief.

III. The proposed amendments to the rules discussed in this Notice, in turn, necessitate some revision of pertinent applications forms. Part IV of forms OP-OR-9, OP-OR-11, OP-WC-20, and OP-FF-10, and Part V of form OP-WC-10 will be amended so as to indicate that applicant, under the proposed amendment of Special Rule 247, must present its case in chief at the time it files its application. In addition, the existing instructions on form OP-OR-9 will be revised, and the instructions on the other forms noted above will be elaborated upon, as set forth in Appendix B hereto.

IV. Because this Commission desires to serve the public interest in the most efficient manner possible, while preserving Constitutional safeguards of due process, we deem it essential to institute this rulemaking proceeding for the purpose of amending the General Rules of Practice and revising certain application forms in order to facilitate the processing of applications for operating authority and to decrease regulatory lag. Any forms adopted in this proceeding will be submitted to the General Accounting Office for clearance.

V. Oral hearings do not appear necessary at this time and are not contemplated. This Commission, however, would appreciate the written views, comments, suggestions, and pertinent evidence of any interested parties relating to the action proposed in this notice. An original (and 15 copies whenever possible) of such views, comments, suggestions, and evidence shall be filed with this Commission on or before December 22, 1975.

All written submission will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and

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Constitution Avenue, Washington, D.C.

This notice of proposed rulemaking is issued under the authority of sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

Accordingly, it is proposed to modify 49 CFR 1003.1, 1003.2, and 1003.3, and 49 CFR 1100.22, 1100.49, 1100.51, 1100.57, 1100.74, and 1100.247, as follows.

PART 1003—LIST OF FORMS

§§ 1003.1–1003.3 [Amended]

1. Part IV in forms OP–OR–9 and OP–OR–11 of § 1003.1, OP–WC–20 of § 1003.2, and OP–FF–10 of § 1003.3 is revised to read as follows:

IV. (a) If applicant, in prosecuting this application, intends to rely on evidence of witnesses who will testify in support thereof, as to their need for the service proposed, applicant (1) *shall* attach to this application certifications of support prepared in the form prescribed in the appendix to the instructions accompanying this application form and (2) *shall* file concurrently therewith appropriately verified statements of all the evidence upon which it relies, which statements *shall* be prepared in accordance with the form prescribed in Special Rule 247 of the Commission's General Rules of Practice. The certification must be signed by the individual, or by an authorized representative of the corporation, association, or partnership, upon whose support applicant intends to rely.

No application depending upon the supporting evidence of public witnesses will be accepted for filing unless it is accompanied by the certifications of support of such witness. Failure to file the verified statements described in (2) above will result in summary dismissal of the application for want of prosecution. No additional certifications of support or verified statements will be accepted *unless and until* the proceeding is designated or reassigned for oral hearing. The total number of witnesses whose testimony is offered in support of an application designated for oral hearing may not exceed twice the number for whom certificates were originally filed with the application.

(b) If applicant does not intend to rely on the evidence described in (a) above, explain why and describe briefly the type of evidence which will be relied upon by applicant to support its burden of proof: ----------

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2. Part V in form OP–WC–10 of § 1003.2 is revised to read as follows:

V. (a) If applicant, in prosecuting this application, intends to rely on evidence of witnesses who will testify in support thereof, as to their need for the service proposed, applicant *shall* file concurrently with this application appropriately verified statements of all the evidence upon which it relies, which statements *shall* be prepared in accordance with the form prescribed in Special Rule 247 of the Commission General Rules of Practice. Failure to file such statements may result in summary dismissal of the application for want of prosecution. No additional verified statements will be accepted *unless and until* the proceeding is designated or reassigned for oral hearing.

(b) If applicant does not intend to rely on the evidence described in (a) above, described briefly the type of evidence which will be relied upon by applicant to support its burden of proof: ----------

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(Applicants for exemption under 302(e) should furnish a true copy of the charter, lease, or other agreement under which it proposes to operate).

3. The following language is to be added to each respective form. Page 5 of forms OP–OR–11 and OP–FF–10 is renumbered page 6, respectively, and the following language is inserted and numbered page 5 in each form. The following langauge is added to page 5 of form OP–WC–20 and as page 6 of form OP–WC–10. Page 7 of form OP–OR–9 is deleted, and the following language is inserted and numbered page 7.

Special Rule 247(b)(1) of the Commission's General Rules of Practice has been amended to provide for the mandatory filing with the application of the certifications of support *and* verified statements of all the evidence upon which applicant relies. Such statements shall be prepared so as to present the evidence in the format described in Special Rule 247. Failure to file properly verified statements may result in summary dismissal of the application for want of prosecution. The filing of these statements by applicant will be without prejudice against subsequent designation for oral hearing of the proceeding. No additional certifications of support or verified statements will be accepted *unless and until* the proceeding is designated or reassigned for oral hearing. If, subsequent to such designation, additional witnesses become known to the applicant, applicant shall file a certification for each such witness with the Commission and shall concurrently serve copies thereof upon all parties of record. The total number of witnesses whose testimony is offered in support of an application designated for oral hearing may not exceed twice the number for whom certifications were originally filed with the application. Certifications of additional witnesses as provided above must be filed and served not later than 30 days prior to the date assigned for commencement of the hearing: *Provided*, That, the presiding officer may authorize additional certifications for witnesses to be presented at a continued hearing to be filed and served not later than 30 days prior to the date of the continued hearing. No testimony will be received from witnesses for whom such certifications have not been timely received. An applicant who believes its application is susceptible of handling without oral hearing may request such handling when the application is filed. Any request for an oral hearing shall be supported by a specific explanation as to why the evidence would be more amenable to presentation at oral hearing. Amendments to applications which broaden the scope of the proposed operations will not be allowed. Restrictive amendments acceptable to the Commission may be submitted at any time: *Provided*, That, except as hereinafter provided, in cases assigned for oral hearing amendments must be received by the Commission not later than (1) 30 days after the service date of a notice that the case has been assigned for oral hearing, or (2) the date of prehearing conference assigned to consider such amendments. Restrictive amendments submitted after such date may be considered by the Commission or presiding officer only if exceptional reason is shown why the amendment could not have been timely filed. Prehearing conferences assigned for the consideration of amendments shall be subject to the provisions of subparagraph (e)(6) of this rule respecting appearance at hearings.

NOTE.—Certifications of support are not applicable to the preparation of form OP–WC–10.

PART 1100—GENERAL RULES OF PRACTICE

4. Sections 1100.22, 1100.49, 1100.51, 1100.57, 1100.74, and 1100.247 are revised to read as follows.

NOTE: Brackets indicate matter which has been added to existing rules or reworded.

§ 1100.22 Service; pleadings and papers to show. (Rule 22)

(a) *Generally.* Except as otherwise provided in paragraph (b) of this section, or as otherwise provided respecting applications (Rule 38(b) and [Special Rule 247]), formal complaints (Rule 34), and informal complaints (Rule 24(b)), every pleading, document, or paper must, when filed, or tendered to the Commission for filing, include a certificate showing simultaneous service thereof upon all parties to the proceeding. Such service shall be made by delivery in person, or by first-class or air mail, or by express, properly addressed with charges prepaid, one copy to each party. Service shall be effected upon the parties to the proceeding by the same means of communication and class of service that is employed in making delivery to the Commission: *Provided, however*, That when delivery is made to the Commission in person, and it is not feasible to serve the other parties in person, service shall be made upon parties 1000 or more miles distant from the party effecting service by air mail and upon parties less than 1000 miles distant by first-class or air mail. When any party is represented by a practitioner, service upon such practitioner will be deemed service upon the party.

(b) *Exceptions as to letter.* Copies of letters to the Commission relating to oral argument (Rule 98) and subpenas (Rule 56(a)) need not be served upon other parties to the proceeding.

§ 1100.49 Modified procedure; content of pleadings. (Rule 49)

(a) *Generally.* [Except as otherwise provided in Special Rule 247], a statement filed under the modified procedure after that procedure has been directed shall state separately the facts and arguments and include the exhibits upon which the party relies. If no answer has been filed pursuant to the waiver provision of Rule 46, defendant's statement must admit or deny specifically and in detail each material allegation of the complaint. In addition defendant's statement and complainant's statement in reply shall specify those statements of fact and arguments of the opposite party to which exception is taken, and include a statement of the facts and arguments in support of such exception. Complainant's statement of reply shall be confined to rebuttal of the defendant's statement.

(b) *Exhibit identification.* In addition to being in compliance with Rule 8(a) and (b), an exhibit which is part of any pleading filed under modified procedure shall serially be numbered and bear the notation, properly filled out, in the upper right-hand corner: "Complainant (Defendant) ----------, Exhibit No. ----------, Witness ----------."

(c) Damages. If an award of damages is sought the paid freight bills or properly certified copies thereof should accompany the original of complainant's statement when there are not more than 10 shipments, but otherwise the documents should be retained.

§ 1100.51 Modified procedure; when pleadings filed and served. (Rule 51)

[Except as otherwise provided in Special Rule 247], within 20 days from the date of an order requiring modified procedure, complainant shall serve upon the other parties a statement of all the evidence upon which it relies. Within 30 days thereafter defendant shall serve its statement. Within 20 days thereafter complainant shall serve its statement in reply. No further reply may be made by any party except by permission of the Commission.

§ 1100.57 Discovery. (Rule 57)

(a) *In general.* Unless otherwise ordered in accordance with these rules, or as required by the Interstate Commerce Act or other applicable statutes, parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding (other than those informal proceedings specified in rules 200 and 225), including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible as evidence if the information sought appears reasonably calculated to lead to the discovery of admissible evidence: [*Provided*, That, Rules 57–67, inclusive, shall not apply to proceedings subject to the provisions of Rule 247, except that in such proceedings a petition seeking appropriate procedures may be filed].

§ 1100.74 Witness examination; order of procedure. (Rule 74)

[Except as otherwise provided in Special Rule 247], witnesses will be orally examined under oath before the officer unless their testimony is taken by deposition or the facts are presented to the Commission in the manner provided under modified or shortened procedure. In formal-complaint, application, and investigation proceedings complainant, applicant, and respondent, respectively, shall open and close at the hearing, except at further hearings granted on petition the petitioner requesting further hearing shall open and close, and except, further, that parties other than the respondent shall open and close in investigations in which the burden of proof is not upon the respondent. Interveners shall follow the party in whose behalf the intervention is made. The foregoing order of presentation may be varied by the officer, who also shall designate the order of presentation in any other type of proceeding, of any party to any proceeding, or of parties to several proceedings being heard upon a consolidated record.

§ 1100.247 Special rules governing notice of filing of applications by motor carriers of property or passengers and brokers under sections 206 (except section 206(a)(6) relating to Certificates of Registration), 209 and 211, by water carriers under sections 302(e), 303, and 309, and by freight forwarders under section 410 of the Interstate Commerce Act, and certain other procedural matters with respect thereto. (Rule 247)

(a) *Scope and applicability of special rules*—(1) *Scope.* These special rules govern the filing and handling pursuant to the provisions of the Interstate Commerce Act of (i) applications for certificates, permits, and licenses respecting the transportation of property or passengers under sections 206 (except section 206(a)(6) relating to Certificates of Registration), 209, and 211, (ii) applications for certificates, permits, and exemptions respecting the water transportation of property or passengers under sections 302(e), 303, and 309, and (iii) applications for permits to operate as freight forwarders and for certificates of abandonment under section 410. Except as otherwise herein provided, the general rules of practice shall apply.

(2) *Applicability.* Except as otherwise provided herein these special rules shall apply to all applications enumerated in paragraph (a)(1) of this section and filed with the Commission on and after ---------- and to such of those applications filed prior to that time as the Commission may designate by appropriate publication in the FEDERAL REGISTER.

(b) *Applications.*—(1) *Form and content.* An application filed with the Commission under these special rules shall be prepared in accord with and contain the information called for in the form of application prescribed by the Commission or in instructions which are issued by the Commission with respect to the filing of such an application. An application for a certificate, permit, or license as defined in paragraph (a)(1) of this section [shall be accompanied by (i) certifications of support on the prescribed form for each individual, corporation, or partnership known to the applicant upon whose support applicant intends to rely, and (ii) an original and one copy of verified statements of all the evidence upon which applicant relies and of the facts to which its witnesses would testify at an oral hearing if one were held, which statements shall be prepared so as to present the evidence in accordance with the format described immediately below].

[VERIFIED STATEMENT OF APPLICANT]

I. Legal name and domicile of carrier.
II. Identity and qualifications of testifying witness.
III. Authority sought.
IV. General scope of presently authorized common and contract carrier operations. Attach as an identified appendix copies of any pertinent operating rights and note:
A. any duplicating authority, and
B. dual operations, which would result from a grant of this application.
V. Affiliations with other carriers and persons affiliated with carriers, etc. (Indicate pertinent MC numbers and docket numbers of finance proceedings; identify common and contract carriers as such.)
VI. Terminal facilities and communications network. (may be listed or described in an identified appendix).
VII. Equipment (may be summarized or listed in an identified appendix).
VIII. Safety program.
IX. Financial data (Attach appropriate current balance sheet and income statement in an identified appendix).
X. Type of service offered (e.g., LTL, multiple delivery, regular-route, bulk, interline, door-to-door, etc.).
XI. Extent of service now provided to the party or parties supporting the application (pertinent traffic studies may be attached in an identified appendix).
XII. Feasibility of proposed operation and impact on the environment.
XIII. Argument and additional comments relevent to the proceeding.
XIV. Verification.

[VERIFIED STATEMENT IN SUPPORT OF THE APPLICATION]

I. Legal name and domicile and supporting person.
II. Identity and qualifications of testifying witness.
III. General description of the party's operations, if applicant is property carrier.
IV. Specific commodities to be transported under the authority applied for herein, if applicant is property carrier. (Representative list of commodities may be attached as an identified appendix).
V. Origin of traffic (specific points or representative listing thereof).
VI. Volume and frequency of traffic and the specific (or representative) points to which it moves.
VII. Type of service required (e.g., special equipment or loading facilities, bulk, LTL, multiple delivery, charter operations, etc.).
VIII. Amount of traffic to be tendered to applicant.
IX. How the involved traffic now moves.
X. Deficiencies in existing service (documentation thereof may be submitted as an identified appendix).
XI. Other similar or identical applications supported by this party (provide pertinent docket numbers).
XII. Argument (why applicant's service is needed.
XIII. Verification.

[Failure to file such statements may result in summary dismissal of the application for want of prosecution. The filing of these statements by applicant will be without prejudice against subsequent designation for oral hearing of the proceeding. No additional certifications of support or verified statements will be accepted unless and until the proceeding is designated or reassigned for oral hearing. If such designation has been made, and additional witnesses have.

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become known to the applicant, applicant shall file a certification for each such witness with the Commission and shall concurrently serve copies thereof upon all parties of record. The total number of witnesses whose testimony is offered in support of an application designated for oral hearing may not exceed twice the number for whom certifications were originally filed with the application]. Certifications of additional witnesses as provided above must be filed and served not later than 30 days prior to the date assigned for commencement of the hearing: *Provided*, That, the presiding officer may authorize additional certifications for witnesses to be presented at a continued hearing to be filed and served not later than 30 days prior to the date of the continued hearing. No testimony will be received from witneses for whom such certifications have not been timely received.[1]

(2) *Copies and service.* Copies of an application filed under these special rules shall be furnished in such number and shall be filed and served in the manner and upon the persons specified in the form or instructions.

(3) [Requests for handling applications under either oral hearing or modified procedure. An applicant who believes its application is susceptible of handling without oral hearing may request such handling when the application is filed. Any requests for an oral hearing shall be supported by a specific explanation as to why the evidence would be more amenable to presentation at oral hearing].

(c) *Notice to interested persons.*[1] Notice of the filing of applications to competitors and other interested persons will be given by the publication [in the FEDERAL REGISTER of a summary of the authority sought and a list of those persons supporting the application.] Such summaries will be prepared by the Commission, and it shall be the responsibility of applicant promptly to advise the Commission if the summary does not properly describe the authority sought. No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligation to file copies of applications with Governors, State Boards, and Regional Directors of the Commission's Bureau of Operations as may be required by the prescribed form of the application.

[(d)] *Amendments.* [Amendments to applications which broaden the scope of the proposed operations will not be allowed]. Restrictive amendments acceptable to the Commission may be submitted at any time: *Provided*, That, except as hereinafter provided, in cases assigned for oral hearing amendments must be received by the Commission not later than (1) 30 days after the service date of a notice that the case has been assigned for oral hearing, or (2) the date of prehearing conference assigned to consider such amendments. Restrictive amendments submitted after such date may be considered by the Commission or presiding officer only if exceptional reason is shown why the amendment could not have been timely filed. Prehearing conferences assigned for the consideration of amendments shall be subject to the provisions of paragraph [(e)(6)] of this rule respecting appearance at hearings.

[(e)] *Protests and request for hearing.* (1) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. A protest filed under these rules shall certify that it has been served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing published in the FEDERAL REGISTER.) Unless otherwise specified in the published notice, the original and one copy of the protest shall be filed with the Commission. Protests not in reasonable compliance with the requirements of these rules may be rejected in the discretion of the Commission.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding.

(3) A protest against any application shall set forth specifically the grounds upon which it is made and contain a detailed statement of the protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method (whether by joinder, interline, or other means) by which protestant would use such authority to provide all or part of the service proposed), shall request an oral hearing if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests phrased in general terms and not complying with these specifications may be rejected.

(4) [A protest embracing a] request for an oral hearing shall be supported by a specific explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits, shall set forth the number of witnesses which would be presented by the protestant and an estimate of the hearing time required for such presentation,[1] and shall contain the following certification without further qualification:

The undersigned hereby certifies that, if an oral hearing is held, protestant(s) will appear and present evidence of protestant(s) own operations and particular interest(s) in the outcome of this application unless this application amended so as to eliminate the interest(s) of protestant(s) as set forth in this protest.

(5) Where a person has a limited interest in an application, which possibly could be eliminated by a restrictive amendment to the application, which amendment must be acceptable to the Commission, it may also include in a protest filed in conformity with this paragraph an offer to withdraw the protest in the event of acceptance by applicant and the Commission of such amendment.

(6) Except where a restrictive amendment has been made as provided in paragraph (e)(5) of this section, or for good cause shown, the failure of any person filing a protest to an application to appear at a hearing scheduled thereon shall be construed as a waiver of its right to participate further in the proceeding; such person shall no longer be considered as a party to the proceeding, and it and any representative responsible for its participation in the proceeding may be subject to censure for failure to appear. In addition, the mere appearance of protestant without the presentation of evidence of protestant's own operations and particular interest in the application may, in the absence of good cause shown, subject protestant and its representative to similar censure.

(7) An interested person, not a protestant, desiring to receive notice of the time and place of any hearing, conference, or other proceedings shall notify the Commission by telegram or letter (original and one copy) within 30 days from the date of the publication of the notice of the filing of the application in the FEDERAL REGISTER.

(8) A person (carrier) who does not file a protest as required by the regulations in this part, or who otherwise fails to remain a proper party to an application proceeding filed under the regulations in this part (by withdrawal of a previously filed protest, by failure to file verified statements in opposition as required by an appropriate order, by failure as required by an appropriate order, by failure to appear at a scheduled oral hearing, or by other means), and who is not granted leave to intervene pursuant to the provisions of paragraph [(f)] of this section, except for good cause shown, may not personally, or through a representative, appear as a witness for a party protestant, except as provided hereafter. This provision shall not preclude the filing of a proper joint protest on behalf of several opposing carriers, or the presentation of evidence of service by bona fide connecting carriers through a duly qualified protestant, as to the nature and extent of their joint services, or other probative evidence, provided the party protestant's original protest contains a clear statement that its opposition is based, in part at least, upon a transportation service performed by it jointly with connecting carriers.

[(f)] *Hearing or other procedures to be followed*—(1) *Determination.* The Commission will determine whether an assignment for oral hearing should be made, after notice to interested persons of the filing of the application has been published in the FEDERAL REGISTER and the period for filing protests has expired. At or prior to such time, any applicant who does not intend to prosecute its application should promptly request dismissal thereof.

(2) *Uncontested proceedings.* Proceedings in which no protests are filed within 30 days after publication of notice in the FEDERAL REGISTER, and which are not assigned for oral hearing, will be determined on the basis of [the] verified statements [already] submitted by applicant, [in accordance with the provisions of Special Rule 247(b)(1)].[1]

(3) *Contested proceedings.* In those contested proceedings in which the Commission determines that assignment of an application for oral hearing is unnecessary, thereafter the procedure shall be in accordance with Rules 45(b), 46(b), and 47–54, inclusive, of the general rules of practice, [unless this Special Rule specifically provides otherwise. In all proceedings, within 15 days of the expiration of the 30-day period in which protests are to be filed, applicant shall serve copies of the verified statements which it initially filed with the Commission on all parties of record, and it shall concurrently certify to the Commission that such service has been made. If the proceeding is designated for handling under modified procedure, within 30 days of such designation protestants shall serve their verified statements on the Commission (an original and one copy) and on all parties of record, which statements shall be prepared so as to present the evidence in accordance with the format described immediately below].

VERIFIED STATEMENT OF PROTESTANT

I. Legal name and domicile.
II. Identity and qualifications fo testifying witness.
III. General scope of authorized operations.
IV. Extent of protest (specifically identify pertinent conflicting authority and attach as an appendix copies thereof).
V. Terminal facilities and communications network (may be listed or described in an identified appendix).
VI. Equipment (may be summarized or listed in an identified appendix).
VII. Type of service offered (e.g., LTL, multiple delivery, regular-route, bulk, interline, door-to-door, etc.).
VIII. Traffic subject to diversion if this application is granted. Appropriate traffic studies may be attached as an identified appendix, showing: A. extent of service now provided to the party or parties supporting the application, and B. service provided to other parties within the scope of the application.
IX. Argument (why additional service is not needed, refutation of alleged service deficiencies, etc.).
X. Verification and certificate of service.

[Within 20 days thereafter, applicant shall serve its statement in reply. Requests for extension or modification of the time limits described above will be granted only in the most extraordinary circumstances]. All other contested proceedings which are subject to these rules will be assigned for oral hearing, unless other procedures are ordered.

[(g)] *Failure to prosecute applications.* An applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof. Failure to prosecute an application under procedures ordered by the Commission will result in dismissal thereof. Submission of a request for dismissal of an application later than 15 calendar days after the service date of a notice setting it for oral hearing, or failure by applicant to appear and prosecute the application at such hearing will result in dismissal thereof and will bar the filing of any application for the same or any part of the same authority by the same applicant for a period of 1 year after the date of the dismissal order except upon a petition showing good cause why this rule should be waived. Such petition shall be served upon all protestants to the prior application.

[(h)] *Notice of hearing, conference or other proceedings*—(1) *Initial assignment.* Notice of the time and place of any hearing, conference, or other proceedings will be given to applicant's representative, applicant, protestants, and other interested parties by mailing to them the order or notice assigning the application for hearing, conference, or other procedure, [and by publishing said notice or order in the FEDERAL REGISTER].

(2) *Assignment of an application for hearing concurrently with notice of its filing.* For the convenience of the Commission in handling applications related to one or more applications which already have been noticed in the FEDERAL REGISTER when, in the Commission's discretion, the public interest would be served, an application may be concurrently noticed and assigned for hearing provided appropriate publication in the FEDERAL REGISTER can be made at least 1 week prior to the assigned date of hearing. Where such action is taken, and regardless of any prior publication of the application, any interested person may, without filing a protest prior to the assigned hearing, appear at the hearing in opposition to the application so assigned and become a party and be entitled to participate in that proceeding.

(3) *Requests for change.* A request by any party for a change in the time or place of an assigned hearing must set forth good and sufficient cause for the action requested, must be in writing and filed with the Commission not less than 10 days before the assigned hearing date, except in emergency circumstances, and must be served on all known parties of record at the same time and by the same method of communication as service is made on the Commission. Where such requests are filed less than 10 days before the date of hearing, the petitioning party shall state the reasons for his failure to make such request within the prescribed 10 days.

(4) *Notice of changes.* The applicant's representative (or applicant if it has no representative), protestants, and those who request notice of changes in time or place of hearing, conference, or other proceeding will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

[(i)] *Intervention.* Rule 73 relating to participation without intervention is inapplicable to applications subject to this section, except with respect to those persons seeking to intervene in support. No person who fails to file a protest as provided in these rules will be permitted to intervene in opposition in a proceeding except upon a showing of substantial reasons in a petition submitted in accordance with Rule 72.

[(j)] *Drafting of initial decision by prevailing party.* Applications in which oral hearings are held and in which the hearing officer can announce his decision, either (1) on the record after the close of the taking of testimony or (2) by appropriate notification to the parties after the filing of briefs, may be made the subject of a report and recommended order, prepared by the party or parties in whose favor the hearing officer decides, within a period specified by the hearing officer. The hearing office will make such changes as he considers appropriate in the draft prepared for him.

[FR Doc.75-29909 Filed 11-6-75;8:45 am]

[1] Indicates material deleted.

[1] Indicates material deleted.

[1] Indicates material deleted.

[49 CFR Part 1063]

[Ex Parte No. MC-95]

PRACTICES OF MOTOR COMMON CARRIERS OF PASSENGERS (ADEQUACY OF SERVICE, EQUIPMENT, AND FACILITIES)

Filing Dates

● **Purpose: The purpose of this document is to establish filing dates for written comments.** ●

By order dated June 23, 1975, the Intertsate Commerce Commission adopted a notice of proposed rulemaking instituting the above-entitled proceeding. The notice indicated that oral hearings were expected to be scheduled and requested interested persons to inform the Commission of their intention to participate.

A careful review of the issues involved and the persons wishing to participate in this proceeding have led to a determination that the most efficient manner of handling this proceeding is by requiring the submission of written comments, views, or arguments. This does not preclude oral hearing at a later date when the broad issues present in this case have been narrowed. No purpose would be served by expending the time and money necessary for a number of oral hearings when many of the issues can be resolved or simplified through the receipt of written statements. Furthermore, many of the persons who expressed an interest in participating in this proceeding live at diverse locations and many are elderly or handicapped, and we believe it would facilitate their participation to utilize the written statements procedure.

Any interested person wishing to submit a written statement of views, comments, or arguments regarding the proposed rules shall file an original and 15 copies (whenever possible) of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, on or before January 6, 1976;

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and replies thereto may be filed on or before February 20, 1976.

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

This notice of proposed rulemaking is issued under the authority of Part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.), including more specifically sections 203(a)(1), 204(a)(6), 208(a), 216, 217, 219, 220, and 222, and pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act).

Issued in Washington, D.C., October 28, 1975.

ROBERT L. OSWALD,
Secretary.

[Ex Parte No. MC-95]

PRACTICES OF MOTOR COMMON CARRIERS OF PASSENGERS (ADEQUACY OF SERVICE, EQUIPMENT, AND FACILITIES

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of October, 1975.

It appearing, that by order of June 23, 1975, the Interstate Commerce Commission entered a notice of proposed rulemaking and order in the above-entitled proceeding, in which it was indicated that evidence would be received at oral hearings to be scheduled as a need therefore appeared;

It further appearing, that upon further consideration it is believed that more meaningful and responsive comments can be obtained by first receiving written statements from interested parties and scheduling hearings at a later date, if necessary, on issues not resolved by the written comments; that the issues involved herein are broad and cover virtually the entire scope of services offered by motor common carriers of passengers operating over regular-routes or conducting special operations; that because broad issues are involved equally wide ranging comments can be expected; that, in order to ascertain fully those proposals which are in controversy, written statements can best serve this purpose; that, further, it is believed that certain of the proposals may emerge as either unopposed or unnecessary and, therefore, can be finally resolved without the expenditures of time and money incumbent in oral hearings;

It further appearing, that those parties which have indicated their intent to participate in this proceeding are domiciled at widely dispersed locations; that further many are elderly or physically handicapped and to require them to travel to a hearing would either inflict an unnecessary hardship upon them, or would preclude their participation in this proceeding; that it is the Commission's desire to obtain comments from all interested parties in the most economical method possible; and that, therefore, the initial use of written comments will present a more convenient and acceptable forum for those parties desiring to comment on the proposed regulations;

And good cause appearing therefore:

It is ordered, That any interested person wishing to submit a written statement of views, comments, or arguments regarding the proposed rules shall file an original and 15 copies (whenever possible) of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, on or before January 6, 1976; and that replies thereto may be filed on or before February 20, 1976.

It is further ordered, That written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C., during regular business hours.

And it is further ordered, That a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, for public inspection and that a copy of the attached notice be delivered to the Director, Division of the Federal Register for publication in the FEDERAL REGISTER as notice for all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30081 Filed 11-6-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-C5/3]

FINE ARTS COMMITTEE

Cancellation of Meeting

The Fine Arts Committee meeting which was rescheduled for Monday, November 17, 1975 and published in the FEDERAL REGISTER on October 14, 1975 (40 FR 48145) has been cancelled due to the Secretary of State's change in schedule. He will be in Europe with the President for the Economic Summit Conference.

The Fine Arts Committee meeting will be rescheduled for January 1976. The exact date will be announced in advance of the meeting.

Dated: October 30, 1975.

CLEMENT E. CONGER,
Chairman,
Fine Arts Committee.

[FR Doc.75-29908 Filed 11-6-75;8:45 am]

Agency for International Development

HOUSING GUARANTY PROGRAM FOR NICARAGUA

Information for Investors

The Agency for International Development ("A.I.D.") has advised Banco de la Vivienda de Nicaragua (the "Borrower") that A.I.D. is prepared to guaranty repayment of principal and interest on a loan in an amount not to exceed $10 million by an eligible U.S. Investor to the Borrower.

A.I.D.'s guaranty will be subject to execution of an agreement between Borrower and an eligible U.S. investor acceptable to A.I.D. for the loan and subject to the satisfaction of certain further terms and conditions by the Borrower. The guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority, contained in section 222 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to finance housing projects in Nicaragua.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with

Duncan H. Cameron, Esquire, Cameron, Hornbostel & Adelman, 1707 H Street NW., Washington, D.C. 20006, Telephone: 202-965-4690.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the twenty-eighth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 300E, SA-2, Washington, D.C. 20523.

This information is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select a lender and negotiate the terms of the proposed loan.

Dated: October 30, 1975.

PETER M. KIMM,
Director of Housing, Agency for International Development.

[FR Doc. 75-29944 Filed 11-6-75; 8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE SIXTH NATIONAL BANK REGION

Meeting

A meeting of the Advisory Committee on Banking Policies and Practices for the Sixth National Bank Region will be held November 21, 1975 at Amelia Island Plantation, Amelia Island, Florida, beginning at 9 a.m. and lasting until 12 p.m. The meeting will be open to the public. There will be no closed sessions. Interested members of the public will be admitted on a first come basis.

Persons or groups planning to make statements over five minutes in length must submit three copies to the Regional Administrator of National Banks, 1510 First National Bank Tower, Two Peachtree Street, Atlanta, Georgia 30303 prior to November 18, 1975.

Dated: November 4, 1975.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-30064 Filed 11-6-75;8:45 am]

Customs Service

[T.D. 75-282]

EXCESS COST OF PRECLEARANCE OPERATIONS

Reimbursable Services

NOVEMBER 1, 1975.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning November 23, 1975.

Installation:	*Biweekly excess cost*
Montreal, Canada	$8,785
Toronto, Canada	15,674
Kindley Field, Bermuda	2,698
Nassau, Bahama Islands	12,741
Vancouver, Canada	4,102
Winnipeg, Canada	1,695

JOHN A. HURLEY,
Assistant Commissioner of Customs (Administration).

[FR Doc.75-29952 Filed 11-6-75;8:45 am]

Internal Revenue Service

COMMISSIONER'S ADVISORY GROUP

Open Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, a meeting of the Commissioner's Advisory Group will be held on December 4 and 5, 1975, in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224. The meeting will begin at 10 a.m. on December 4 and 9 a.m. on December 5. The agenda will include various topics concerning the procedures and operations of the Internal Revenue Service.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Committee members, there will be time for statements by non-members. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 3011, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-30061 Filed 11-6-75;8:45 am]

[Order No. 153]

REGIONAL COMMISSIONER, SOUTHWEST REGION

Delegation of Authority

Nationwide authority to make determinations on certain oil related issues.

Pursuant to authority vested in the Commissioner of Internal Revenue by IRC 7802, 26 CFR 1.482 and Treasury

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Department Order No. 150–37, the nationwide authority to determine

A. Intercompany and intracompany transfer prices of foreign-produced crude oil and products refined therefrom, and

B. The acceptance of the average freight rate assessment (A.F.R.A.) as an intercompany charge for shipping of foreign-produced crude oil and products

is hereby delegated to the Regional Commissioner, Southwest Region.

This delegation does not extend to cases pending before the United States Tax Court, nor those within the jurisdiction of the Department of Justice.

This authority may not be redelegated.

Issued: October 30, 1975.

Effective: November 24, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-30060 Filed 11-6-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

NAVY RESALE SYSTEM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given of a closed meeting of the Navy Resale System Advisory Committee on November 24, 1975, at the New York Athletic Club, 180 Central Park South, New York City, New York. The meeting will commence at 9 a.m. and is scheduled to terminate at 12 noon. The agenda consists of matters relating solely to the internal policies and practices of the Navy Department insofar as they pertain to Navy resale affairs, including a review of operations, financial controls, personnel policies, facilities, and various aspects of system administration, and will involve discussion of trade secrets and privileged or confidential commercial or financial information. The Secretary of the Navy for that reason has determined in writing that this meeting will be closed to the public because it will be concerned with matters listed in section 552(b)(2) and (4) of title 5, *United States Code.*

Dated: November 3, 1975.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy Assistant Judge Advocate General (Civil Law).

[FR Doc.75-29918 Filed 11-6-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "ELECTRONIC TEST EQUIPMENT"

Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92-463, notice is hereby given that the Defense Science Board Task Force on "Electronic Test Equipment" will meet in open session on December 2 and 3, 1975 in Room 9W67, National Center Building No. 1, 2511 Jefferson Davis Highway, Arlington, Virginia.

The sessions will commence at 9 a.m. each day.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to examine the greater use of the Department of Defense of privately-developed, commercially-available, off-the-shelf electronic test equipment, including modifications thereof, with the goal of achieving economy and reliability benefits for the several Armed Services and to recommend policies and procedures which will maximize these benefits.

This will be the ninth meeting of the Task Force. The planned agenda will cover three general areas:

1. Procurement.
2. Logistics.
3. Applications, Requirements and Equipment.

The detailed discussions and investigations into these general areas will be conducted by working groups made up of designated Task Force members or their designated representatives and selected Task Force observers. Each working group will formulate proposals related to its general area of responsibility corresponding to one of the three specified above. The working group proposals as approved by the Task Force will form the basis for the ultimate Task Force recommendations.

Persons wishing to attend are advised that a reasonable quantity of seating for observers will be available on a first-come, first-seated basis. No specific arrangements or notification of desire to attend is necessary.

The Executive Secretary for the Task Force is Mr. Rudolph J. Sgro, OASD (I&L) WS, Room 2A318, Pentagon, Washington, D.C. 20301.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

NOVEMBER 3, 1975.

[FR Doc.75-29923 Filed 11-6-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. FOSTER BAM, CITIES SERVICE COMPANY, AND AMERICAN NATURAL GAS COMPANY

Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)–(h), that a proposed consent judgment and a competitive impact statement have been filed with the United States District Court for the District of Connecticut, New Haven, Connecticut. Civil Action No. N75–261, the *United States of America* v. *Foster Bam, Cities Service Company* and *American Natural Gas Company*. The complaint, filed concurrently with the proposed judgment and CIS, charges all three defendants with violating Section 8 of the Clayton Act, since defendant Foster Bam has been simultaneously a director of Cities Service and American Natural Gas and since both corporate defendants are competitors within the meaning of Section 8. The complaint states that Cities Service and American Natural Gas have bid against each other on at least twenty occasions in attempts to acquire interests in oil and gas producing properties leased by the Federal Government.

The proposed judgment prohibits defendant Foster Bam from serving as a director of both corporate defendants at the same time and further prohibits Cities Service and American Natural Gas from permitting any person to serve as a director on their Boards or on the Board of any of their subsidiaries engaged in commerce in oil and gas—defined as the production and sale of crude petroleum and natural gas or in efforts to acquire interests in oil and gas producing properties—while such person is serving on the Board of any other corporation engaged in the same line of commerce.

Public comments are invited on or before January 9, 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Joseph J. Saunders, Chief, Public Counsel and Legislative Section, Antitrust Division, Department of Justice, Washington, D.C., 20530.

Dated: November 4, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

UNITED STATES DISTRICT COURT, DISTRICT OF CONNECTICUT

[Civil Action No. N75-261]

United States of America, plaintiffs, v. Foster Bam; Cities Service Company; and American Natural Gas Company, defendants. Filed: October 31, 1975.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to the plaintiff and defendants in this and any other proceeding.

For the plaintiff: Thomas E. Kauper, Assistant Attorney General; Baddia J. Rashid, Charles F. B. McAleer, Joseph J. Saunders, Jill Nickerson, and Stephen H. Lachter, attorneys, Department of Justice.

For the defendants: Cleary, Gottlieb, Steen & Hamilton, James W. Lamberton, attorney, Cities Service Company; Sidley & Austin, Richard J. Flynn, attorney for American Natural Gas Company; and Cummings & Lockwood, Harold B. Finn III, attorney for Foster Bam.

UNITED STATES DISTRICT COURT, DISTRICT OF CONNECTICUT

[Civil Action No. N75-261]

United States of America, plaintiff, v. Foster Bam; Cities Service Company; and American Natural Gas Company, defendants. Filed: October 31, 1975.

FINAL JUDGMENT

Plaintiff United States of America, having filed its complaint herein on Oct. 31, 1975, and defendants having appeared by their attorneys, and plaintiff and the defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by any party with respect to any issue of fact or law herein;

Now, Therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is hereby, Ordered, Adjudged, and Decreed:

I. This Court has jurisdiction over the subject matter and the parties consenting hereto. The complaint states a claim upon which relief may be granted under Section 8 of the Act of Congress of October 15, 1914 (15 U.S.C. § 19), as amended, commonly known as the Clayton Act.

II. As used in this Final Judgment:

(A) "Corporate defendant" means Cities Service Company or American Natural Gas Company;

(B) "Commerce in oil and gas" means the production and sale of crude petroleum and natural gas in interstate commerce or the acquisition of or effort to acquire interests in oil or gas producing properties.

(C) "Subsidiary" means any corporation more than fifty percent of whose stock entitled to vote for directors is, directly or indirectly, owned or controlled by a corporate defendant.

III. The provisions of this Final Judgment shall apply to the corporate defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV. (A) Defendant, Foster Bam, is enjoined and restrained from serving as a director of American Natural Gas Company or any subsidiary thereof, while serving as a director of Cities Service Company or any of its subsidiaries.

(B) Each corporate defendant is enjoined and restrained from permitting any person to serve as a director on its board, or the board of any subsidiary of said corporate defendant which is engaged in commerce in oil and gas, while such person is serving on the board of directors of the other corporate defendant, or on the board of any subsidiary of said other corporate defendant which is engaged in commerce in oil and gas.

(C) Each corporate defendant is enjoined and restrained from permitting any person to serve as a director on its board, or the board of any subsidiary of said corporate defendant which is engaged in commerce in oil and gas, while such person is serving on the board of directors of any other corporation (other than a subsidiary of the corporate defendant) which is itself or has any subsidiary that is engaged in commerce in oil and gas where such other corporation by virtue of its business and location of operation is, or has been, a competitor of said corporate defendant or subsidiary thereof, so that the elimination of competition by agreement between said corporate defendant or a subsidiary thereof and such other corporation or its subsidiary would constitute a violation of any of the provisions of any of the antitrust laws. Nothing in this Final Judgment shall preclude a person serving as a director of a corporate defendant, or as a director of a subsidiary thereof, from also serving as a director of another corporation, engaged in commerce in oil and gas, in which said corporate defendant or a subsidiary thereof has an ownership interest, where such other corporation has been formed as a joint venture for the purpose of providing a supply of natural or synthetic gas for its owners or as a means of transporting natural or synthetic gas from the place of production to the facilities of its owners.

V. Within sixty (60) days of entry of this Final Judgment, each corporate defendant shall file with this Court and serve upon plaintiff an affidavit as to the fact and manner of its compliance with Section IV of this Final Judgment.

VI. (A) For a period of ten years from the date of entry of this Final Judgment, each corporate defendant shall take affirmative steps to comply with this Final Judgment, and shall, on the anniversary date of this Final Judgment, file with the Court and serve upon plaintiff, an affidavit as to the fact and manner of its compliance with Section IV of this Final Judgment. Such statement shall describe, in reasonable detail, all steps taken to discharge its obligations under said Section IV. Upon election to its board of directors, each corporate defendant shall give the new director a copy of this Final Judgment.

(B) Compliance with this Final Judgment may be accomplished by a corporate defendant by (1) requiring that each of its directors within sixty (60) days from the date of entry of this Final Judgment, and not less than annually thereafter, furnish it with a written statement of the name, business or businesses, and location of operations of each other corporation of which said director is also a director; (2) requiring a written statement in the form described in (1) above from each person being considered for election as a director who has not served as a director during the preceding year; and (3) refusing to permit by all lawful means any person to serve as a director when a reasonably diligent investigation of information publicly available reveals that the election or continued service of said person as a director of the corporate defendant, or any subsidiary thereof, would violate Section IV of this Final Judgment.

VII. (A) For the purpose of determining or securing compliance with this Final Judgment and for no other purpose each corporate defendant shall permit, subject to any legally recognized privilege, duly authorized representatives of the Department of Justice, on written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to such defendant's principal office: (1) Access during the regular office hours of such defendant, to inspect and copy any and all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession, custody or control of such defendant which relate to any matters contained in this Final Judgment; and (2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers or employees of such defendant, who may have counsel present, regarding such matters.

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, such defendant shall submit such reports in writing, with respect to the matters contained in this Final Judgment, as may from time to time be requested.

(C) No information obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VIII. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directives as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof. This Final Judgment shall be in full force and effect for a period of twenty (20) years from the date of entry of this Final Judgment and thereafter shall have no further force or effect.

IX. Entry of this Final Judgment is in the public interest.

(United States District Judge)

Dated:

UNITED STATES DISTRICT COURT, DISTRICT OF CONNECTICUT

[Civil Action No. N75–261]

United States of America, plaintiff, v. Foster Bam; Cities Service Company; and American Natural Gas Company, defendants. Filed: October 31, 1975.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)–(h), the United States of America hereby files this Competitive Impact Statement relating to the proposed Consent Judgment submitted for entry in this civil antitrust proceeding.

I. *Nature and Purpose of the Proceeding.* The complaint in this proceeding, which alleges that the defendants violated Section 8 of the Clayton Act, was filed on Oct. 31, 1975. The proposed Consent Judgment was filed concurrently, having been negotiated prior to the filing of the complaint.

Section 8 of the Clayton Act prohibits an individual from serving on the Boards of Directors of competing corporations. The complaint alleges that defendant Foster Bam served simultaneously as a director of defendants Cities Service and American Natural Gas, who are and have been competitors. The complaint also alleges that the corporate defendants violated the same section by permitting Foster Bam to be elected and to serve as a director of both corporations simultaneously.

Section 8 of the Clayton Act is prophylactic in nature. As such, no overt anticompetitive actions must be shown and none were alleged in the complaint. The purpose of this action is to eliminate the potential for anticompetitive activity that could result from a dual directorate—that is the prospect that a director could utilize his position in two

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competing corporations to eliminate competition between them in violation of the antitrust laws.

II. *Practice Giving Rise to the Alleged Violation.* The specific practice involved in this action against the defendants is, of course, the fact that defendant Foster Bam has been, at the same time, a director of both defendant corporations. The defendant Foster Bam has, since 1973, been a director of Cities Service. In addition, since 1960, he has been a director of American Natural Gas. This fact alone is sufficient to establish a violation of Section 8 of the Clayton Act as long as the statutory criteria are met by the corporations involved. Section 8 requires that one of the corporations must have capital, surplus, and undivided profits aggregating more than $1 million and must be engaged in commerce. In addition, both corporations must be competitors by virtue of their business and location of operation, so that elimination of competition by agreement between them would constitute a violation of the antitrust laws.

Both Cities Service and American Natural Gas have assets exceeding $1 million and both are engaged in commerce. Cities Service and American Natural Gas have actively engaged in efforts to acquire interests in oil and gas producing properties leased by the Federal Government in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343). Since June 19, 1973, Cities Service and American Natural Gas—through American Natural Gas Production Company—have bid against each other in at least twenty instances to obtain from the Federal Government interests in identical potential oil and gas producing properties.

III. *Proposed Consent Judgment.* The proposed Consent Judgment (Section IV(A)) enjoins defendant Foster Bam, for a period of twenty years from date of entry of the Consent Judgment, from serving as a director of one of the corporate defendants or any of its subsidiaries while serving as a director of the other corporate defendant or any of its subsidiaries.

The Consent Judgment prohibits each corporate defendant (Cities Service and American Natural Gas) for a similar twenty year period from permitting any person to serve as a director on its Board of Directors or the Board of any subsidiary engaged in commerce in oil and gas while such person is serving as a director of the other corporate defendant or any other corporation, which is engaged in commerce in oil and gas and which competes with the corporate defendant (Section IV (B) and (C)). Commerce in oil and gas is defined in the Consent Judgment (Section II(B)) as the production and sale of crude petroleum and natural gas in interstate commerce or the acquisition of or effort to acquire interests in oil or gas producing properties.

Finally, the Consent Judgment requires each corporate defendant to take affirmative steps to comply with the Consent Judgment. Section V requires each corporate defendant to file an affidavit with the Court and the United States as to the fact and manner of compliance within sixty days of entry of the Consent Judgment. Moreover, Section VI requires that, for a ten-year period, each corporate defendant take affirmative steps to comply with the terms of the Consent Judgment and file affidavits annually to that effect.

IV. *Anticipated Effects on Competition.* The evidence in this case did not encompass known restraints of trade but did encompass the probability that such restraints might result from the interlocking directorate involved. Thus, the impact on competition of the Consent Judgment cannot be measured in terms of specific effects which might release identifiable competitive forces. The sole anticipated effect upon competition is the removal of the danger that anticompetitive effects will result from the interlocking directorate.

V. *Remedies Available to Potential Private Plaintiffs.* This Consent Judgment may not be used in private litigation as *prima facie* evidence that the antitrust laws have been violated, pursuant to Section 5(a) of the Clayton Act (15 U.S.C. 16(a)). However, anyone damaged by the alleged violation retains the right to sue for money damages and all other legal and equitable remedies, just as if the proposed Consent Judgment had not been entered.

VI. *Procedures Available for Modification of Consent Judgment.* This proposed Consent Judgment is subject to a stipulation between the parties that the United States may withdraw its consent to the Consent Judgment at any time within 60 days or until the court finds that entry of the Consent Judgment is in the public interest. Any persons so desiring may submit written comments relating to the Proposed Judgment for consideration by plaintiff Joseph J. Saunders, Chief, Public Counsel and Legislative Section, Antitrust Division, Department of Justice, Washington, D.C. 20530. Such comments, together with responses thereto, will be filed with the Court and published in the FEDERAL REGISTER.

VII. *Description and Evaluation of Alternatives to this Proposed Consent Judgment.* The United States considered one alternative to the proposed Consent Judgment. That alternative would have enjoined the defendant corporations from having a director sit on the Board of Directors of any corporation engaged in a broader line of commerce, designed to include the production, refining, wholesale or retail marketing and distribution of petroleum, petroleum products, and gas. In addition, the provisions of that proposed judgment were permanent. Finally, that judgment ordered defendant Foster Bam to withdraw from participation in the direction, control, or conduct of the business of the corporate defendant from which he resigns.

The government believes that the narrower definition contained in the proposed consent judgment prohibits those interlocks where there would be any adverse competitive effect. It further believes that the broader definition of commerce might have inhibited interlocks between corporations which in fact might not be competitors within the meaning of Section 8 of the Clayton Act.

The defendants proposed that the decree be limited to five years. The government determined that, given the nature of the violation alleged, a twenty-year period would be sufficient time to assure the defendant's future compliance and would not be unreasonably oppressive.

Finally, upon notification of the government's intention to sue, defendant Foster Bam resigned from the Board of Directors of American Natural Gas.

Therefore, this decree includes all the relief the government would have sought had it proceeded to trial.

There are no materials or documents, which the government considered determinative in formulating this proposed Consent Judgment. Therefore, none is being filed along with this Competitive Impact Statement.

Respectively submitted, Joseph J. Saunders and Stephen H. Lachter, attorneys, Department of Justice.

[FR Doc.75-29895 Filed 11-6-75;8:45 am]

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD

Meeting

The National Crime Information Center (NCIC) Advisory Policy Board (Board) will meet December 10 and 11, 1975, at the Netherland Hilton Hotel, Cincinnati, Ohio. The meeting will begin at 9 a.m. and conclude at 5 p.m. each day.

The purpose of this meeting will be to discuss the impact of the Department of Justice Regulations on Criminal Justice Information Systems; to discuss matters relating to the new Missing Person File; and to discuss other subjects presented to the Board.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board members must file written statements or questions at least twenty-four hours prior to the inception of each meeting. These statements or questions shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Computer Systems Division of the FBI.

The NCIC Advisory Policy Board is constituted according to Pub. L. 92–463 and its membership is composed of criminal justice representatives from throughout the United States.

Further information may be obtained from Mr. Frank B. Buell, Chief, NCIC Section, Computer Systems Division, FBI Headquarters, Washington, D.C. 20535, at telephone number 202/324–2606.

Minutes of the meeting will be available upon request from the above-designated FBI official.

CLARENCE M. KELLEY,
Director.

[FR Doc.75-29920 Filed 11-6-75;8:45 am]

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD'S SECURITY AND CONFIDENTIALITY (S&C) COMMITTEE

Meeting

The National Crime Information Center (NCIC) Advisory Policy Board's Security and Confidentiality (S&C) Committee will meet December 8, 1975, at the Netherland Hilton Hotel, Cincinnati, Ohio. The meeting will begin at 9 a.m. and conclude at 5 p.m.

The purpose of the S&C meeting will be to review the proposed changes in the Department of Justice Regulations on Criminal Justice Information Systems and report to the NCIC Advisory Policy Board; to consider proposed amendments to the National Crime Information Center Computerized Criminal History Program Background, Concept and Policy as approved by NCIC Advisory Policy Board; and to discuss other questions relating to security and privacy matters that may be presented to this Committee.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Committee members must file written statements or questions at least twenty-four hours prior to the inception of each meeting. These statements or questions shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Computer Systems Division of the FBI.

The NCIC Advisory Policy Board's Security and Confidentiality (S&C) Committee is constituted according to Pub. L. 92–463 and its membership is composed of criminal justice representatives from throughout the United States.

Further information may be obtained from Mr. Frank B. Buell, Chief, NCIC Section, Computer Systems Division, FBI Headquarters, Washington, D.C. 20535, at telephone number 202/324–2606.

Minutes of the meeting will be available upon request from the above-designated FBI official.

CLARENCE M. KELLEY,
Director.

[FR Doc.75-29921 Filed 11-6-75;8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BAKERSFIELD DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Bakersfield, California Multiple Use Advisory Board will hold its first meeting December 11, and 12, 1975, at the Holiday Inn, 300 West Palmdale, Palmdale, California.

The agenda of the meeting will include organizing the board, consideration of operating procedures, formation of committees and orientation.

On December 12, 1975, the board will meet in joint session with the Riverside, California, District Multiple Use Advisory Board for a briefing on the California Desert Plan and the El Paso-Red Mountain Planning Units.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make oral statements should notify the District Manager, Bakersfield District, 800 Truxtun Avenue, Room 311, Bakersfield, CA 93301, Office hours: 7:30 a.m. to 4 p.m., prior to the meeting. Any interested person may file a written statement with the board for its consideration. Written statements may be submitted at the meeting or mailed to the Bakersfield District Manager at the above address.

Further information regarding this meeting may be obtained from Paul W. Savercool, Public Affairs Officer, Bureau of Land Management, Bakersfield District Office, at (805) 861–4191. Minutes of the meeting will be available for public inspection 30 days after the meeting at the Bakersfield District Office, Bureau of Land Management.

LOUIS A. BOLL,
District Manager.

[FR Doc.75-29942 Filed 11-6-75;8:45 am]

CHIEF, BRANCH OF LANDS AND MINERALS OPERATIONS, ET AL., DIVISION OF TECHNICAL SERVICES, ALASKA STATE OFFICE

Redelegation of Authority

1. Pursuant to the authority contained in Part I, Section 1.1(a) of Bureau Order No. 701 of July 23, 1964, as amended, I hereby redelegate authority to take action as listed below:

a. Chief, Branch of Lands and Minerals Operations, in the Division of Technical Services, authority to take action on the matters listed in Part II–A.

b. Chief, Selections and Leasable Minerals Section, in the Branch of Lands and Minerals Operations, Division of Technical Services, authority to take action on the following matters listed in Part II:

Sections:
2.2(b)
2.2(c)
2.2(d)
2.3(a)
2.3(c)
2.5(b)
2.5(c)
2.6 All
2.9 All

c. Chief, Lands and Locatable Minerals Section, in the Branch of Lands and Minerals Operations, Division of Technical Services, authority to take action on the following matters listed in Part II:

Sections:
2.2(b)
2.2(c)
2.2(d)
2.3(a)
2.3(c)
2.5(b)
2.5(c)
2.6 All
2.9 All

d. Chief, Technical Information Section, in the Branch of Lands and Minerals Operations, Division of Technical Services, authority to take action on the following matters listed in Part II:

Sections:
2.2(c)
2.4(a)(4)
2.9(e)

The authority in section 2.9(e) is limited to the receiving of final proof testimony and administering oaths pertaining to Alaska homesteads.

2. The Chiefs, Division of Technical Services, and Branch of Lands and Minerals Operations, may, in their discretion, personally exercise any authority hereby delegated.

3. The Chief, Branch of Lands and Minerals Operations, may, by written order, designate any qualified employee of the Branch to perform the functions of his position in his absence. Such order will be approved by the Chief, Division of Technical Services. Each employee who serves in such capacity shall prepare a memorandum showing the date and hour of the commencement and termination of each period of service in that capacity.

4. The Chiefs, Selections and Leasable Minerals Section, Lands and Locatable Minerals Section, and Technical Information Section, may, by written order, designate any qualified employee of the Section to perform the functions of their position in their absence. Such order will be approved by the Chief, Branch of Lands and Minerals Operations. Such employee who serves in such capacity shall prepare a memorandum showing the date and hour of the commencement and termination of each period of service in that capacity.

5. *Effective date.* This redelegation will become effective on November 7, 1975.

6. The following previously published redelegations of authority are hereby canceled:

a. Approved November 3, 1970 (35 F.R. 17274).

b. Approved February 18, 1971 (36 F.R. 3434).

c. Approved August 27, 1971 (36 F.R. 17078).

CURTIS V. MCVEE,
State Director.

Approved: October 31, 1975.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.75-29943 Filed 11-6-75;8:45 am]

FAIRBANKS DISTRICT MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Fairbanks District Multiple Use Advisory Board of the Bureau of Land Management will hold a business meeting in the Adult Career Development Center at the intersection of University Avenue and Geist Road, Room 130, November 24 and 25, 1975. Hours for the meeting will be 1 p.m. to 5 p.m. on November 24 and 8 a.m. to noon and 1 p.m. to 5 p.m. on November 25.

The board is authorized by the Federal Advisory Committee Act (Pub. L. 92–463), 43 CFR Part 1784, and the Acting Secretary of the Interior's determination of November 18, 1974.

The meeting will be devoted to the discussion of the newly approved advisory board charter, the election of officers and the discussion of current district programs. Discussion and recommendations will be sought on the following topics:

1. Reindeer Grazing.
2. Forest Fire Management.
3. Alaska Native Claims Settlement Act.
4. Minerals Management.

A meeting summary and question/answer period will terminate the meeting on November 25.

CURTIS V. MCVEE,
State Director, Alaska.

[FR Doc.75-29307 Filed 11-6-75;8:45 am]

[Serial No. I-0903]

IDAHO

Proposed Withdrawal and Reservation of Lands

Correction

In FR Doc. 75–25900 appearing at page 44590 in the issue of Monday, September

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29, 1975, in the second line of the legal description of lands involved on page 44591, the comma between NE¼ and SW¼ should be deleted and the text run in.

[Oil and Gas Lease Sale #35]

OUTER CONTINENTAL SHELF OFF SOUTHERN CALIFORNIA

Amendment of Sale Notice

1. The FEDERAL REGISTER publication of November 6, 1975 contained a notice of an Outer Continental Shelf oil and gas lease-sale for lands offshore Southern California pursuant to 43 U.S.C. 1331–1343 and the regulations issued thereunder (43 CFR Part 3300).

2. The notice required that bids for tracts 35–254, 35–261, and 35–262 must be on a cash bonus bid basis with a fixed royalty of 33⅓ percent.

3. The notice is hereby amended to state that leases issued as a result of the lease sale for the above numbered three tracts will contain the following stipulation:

All reservoirs underlying this lease which extend into one or more other leases, as indicated by drilling and other information, shall be operated and produced only under a unit agreement including the other lease(s) and approved by the Oil and Gas Supervisor. Such a unit agreement shall provide for the fair and equitable allocation of production and costs. The Oil and Gas Supervisor shall prescribe the method of allocating production and costs in the event operators are unable to agree on such a method.

4. The notice is also hereby amended to state that all other leases issued as a result of the lease sale will contain the following stipulation:

All reservoirs underlying this lease which extend into a lease covering tracts 35–254, 35–261, or 35–262 as indicated by drilling and other information, shall be operated and produced only under a unit agreement covering the lease for tracts 35–254, 35–261, or 35–262 and approved by the Oil and Gas Supervisor. Such a unit agreement shall provide for a fair and equitable allocation of production and costs. The Oil and Gas Supervisor shall prescribe the method of allocating production and costs in the event operators are unable to agree on such a method.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: November 5, 1975.

ROYSTON C. HUGHES,
Assistant Secretary
of the Interior.

[FR Doc.75–30222 Filed 11–6–75;9:07 am]

National Park Service

BLUE RIDGE PARKWAY, VIRGINIA

Proposed Museum Access Road; Negative Declaration

After making an environmental review of the proposal of the Science Museum of Virginia to construct and maintain a 20 feet wide, 1,300 feet long access road to connect the Blue Ridge Parkway's Mill Mountain Spur Road with the future site of the state natural history museum and parking area on state property within the city limits of Roanoke, Virginia, the National Park Service has decided not to prepare an environmental impact statement.

An environmental assessment and review are on file and available for inspection at the Southeast Regional Office of the National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30337, or the Office of the Superintendent, Blue Ridge Parkway, P.O. Box 7606, Asheville, North Carolina 28807, upon request.

The assessment considers the nature of the resource, available alternatives, their impacts, mitigating measures, adverse effects and additional considerations providing a basis for the conclusion that the project is not a major Federal action having a significant effect on the human environment, and that an environmental impact statement is not required.

The National Park Service intends to issue a special use permit for the project 30 days after the date of this notice.

Dated: October 7, 1975.

ROBERT STANTON,
Acting Regional Director,
Southeast Region.

[FR Doc.75–29948 Filed 11–6–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

CHILD CARE FOOD PROGRAM

National Average Payments and Commodity Provisions

Notice is hereby given that, for meals served to children in child-care institutions participating in the year-round operations of the Special Food Service Program for Children (7 CFR Part 225; hereafter called the Child Care Food Program), national average factors for payments to State agencies, established under the National School Lunch Act and the Child Nutrition Act of 1966 amendments of 1975 (Pub. L. 94–105, effective October 7, 1975), became effective as of October 7, 1975. In addition, foods available under Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or purchased under Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), or Section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) will be made available to participating institutions in accordance with the institutions' ability to utilize the food.

The national average factors for payment by the Food and Nutrition Service to State agencies for meals served are as follows:

(a) 12.25 cents for all lunches and suppers, 9.75 cents for all breakfasts, and 5 cents for all snacks served to children.

(b) An additional 44.50 cents for lunches and suppers, 18.25 cents for breakfasts, and 10 cents for snacks served to children from families whose incomes meet the family size-income standards established by the State for reduced-price school meals.

(c) An additional 54.50 cents for all lunches and suppers, 24.25 cents for breakfasts, and 15 cents for snacks served to children from families whose incomes meet the family size-income standards established by the State for free school meals.

Under the statutory amendments, these national average payment rates are to be adjusted semi-annually to the nearest one-fourth cent to reflect the changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. The initial such adjustment will become effective January 1, 1976.

State agencies, or FNSROs where applicable, should begin immediately to collect from participating institutions information on the total number of children to be served meals in the following three need categories:

(1) Number of children from families meeting the State's family size-income standards for free school meals.

(2) Number of children from families meeting the State's family size-income standards for reduced-price school meals.

(3) Number of children from families with income exceeding the State's family size-income standards for reduced-price school meals.

Participating institutions must submit the required information to the State agency, or FNSRO where applicable, in order to qualify for rates under this notice. In obtaining the required information, institutions may use current information on file on individual children or may use a simple affidavit to obtain the information from parents.

Reimbursement payment rates by meal type (breakfast, lunch, snack, supper) for individual participating child care institutions shall be determined by the State agency, or by the FNSRO where that Office administers the Program Payments, however, shall not exceed the cost of the food service, nor be dependent upon the collection of monies from participating children. It will, therefore, be necessary for State agencies or FNSRO to notify service institutions that all costs (food, labor, administrative, other) in regard to the food service must be fully documented in order to support the levels of reimbursement established by the State agency or FNSRO.

In regard to commodities, the amount donated to each State for each fiscal year for use in the Child Care Food Program shall be, at a minimum, the amount obtained by multiplying the number of lunches and suppers served in participating institutions during that fiscal year by the rate for commodities or cash-in-lieu thereof established for that fiscal year in accordance with the provisions of Section 6(e) of the National School Lunch Act. State educational agencies may apply for cash-in-lieu of commodities in such amounts as may be provided in appropriations acts, and should notify the Department of their intentions in this regard within 60 days of the date of this Notice.

RICHARD L. FELTNER,
Assistant Secretary.

Dated: *November 3, 1975.*

[FR Doc.75–29890 Filed 11–6–75;8:45 am]

Forest Service

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Meeting

The Deschutes National Forest Advisory Committee will meet in the Forest Supervisor's Conference Room at 8 p.m., December 4, 1975 to review the inventory of Deschutes National Forest Resources, as the inventory has been prepared for all four planning units.

Suggestions as to use, display, and analysis of data will be sought from the Committee.

The meeting will be open to the public.

Dated: October 31, 1975.

WILLIAM D. SHENK,
Acting Forest Supervisor.

[FR Doc.75–29940 Filed 11–6–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ADVISORY COMMITTEE ON EAST-WEST TRADE

Open Meeting

A meeting of the Advisory Committee on East-West Trade will be held at 9 a.m., Wednesday, December 10, 1975, in Room 4830, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Committee was established to advice the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to facilitate and coordinate the expansion of two-way trade with countries having centrally-planned economies so as to enhance the balance of trade and payments situation.

Agenda items are as follows:

1. Review of miscellaneous items outstanding from previous meetings.
2. Review of a Bureau-sponsored three-country Technical Sales Seminar.
3. Report on a Bureau staff trip to the People's Republic of China.
4. Commentary and Discussion on the pros and cons of officially supported export credits by a Congressional staff member.
5. Review of items submitted by the public.
6. Review of items submitted by Committee members.

The meeting will be open to public observation and, within the limits of time available, a period will be set aside for oral comments or questions by the public which do not exceed five minutes each.

More extensive questions or comments should be submitted in writing before November 28, 1975. Other public statements may be submitted at any time before or after the meeting.

Approximately 20 seats will be available to the public (including 5 seats reserved for media representatives) on a first-come first-served basis.

Copies of minutes will be available on request 30 days after the meeting.

Persons who wish to attend the meeting should contact Robert Frothingham, III, Liaison Officer, Office of East-West Policy and Planning, Bureau of East-West Trade, Domestic and International Business Administration, Washington, D.C. 20230, telephone 202/967–4728.

Dated: October 31, 1975.

ARTHUR T. DOWNEY,
Deputy Assistant Secretary
for East-West Trade.

[FR Doc.75–29924 Filed 11–6–75;8:45 am]

Domestic and International Business Administration

ARMY INST. OF DENTAL RESEARCH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00009–35–46040. Applicant: U.S. Army Institute of Dental Research, Walter Reed Army Medical Center, Washington, D.C. 20012. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for research projects on ceramic bone substitutes, implant materials, sealant attachment to dental surfaces, and endodontic sealing techniques. The materials to be investigated will include hard and soft tissue as well as synthetic oral surgical implant substances. Research goals with this material are to demonstrate acceptance of these materials by oral soft tissue and bone.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a eucentric side entry goniometer stage and a high resolution scanning attachment that provides images in the secondary and transmitted electron modes. The most closely comparable domestic instrument is the Model EMU–4C electron microscope supplied by the Adam David Company. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 17, 1975 that the characteristics of the article described above are pertinent to the applicant's intended purposes. HEW further advised that domestic instruments do not provide an equivalent eucentric goniometer or scanning capability. We, therefore, find that the EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75–29953 Filed 11–6–75;8:45 am]

UNIV. OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00008–33–46040. Applicant: University of Washington, Seattle, Washington 98195. Article: Electron Microscope, Model JEM 100S with plate camera, semi-automatic photometer and plate numbering system, and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of biological materials from human and non-human origin, e.g., lung tissue, cervical tissue, tissue-culture cells, bacteria and viruses as well as non-biological materials, e.g., asbestos fibers and air pollution particulates. Research will be conducted to (1) characterize and quantify the growth and development of residual lung tissue in animals following pneumonectomy; (2) to expose pneumonectomized animals to single or multiple concentrations of common air pollutants and to determine if, and to what extent, growth of the residual lung is impaired by exposure to the gas and the factors responsible for this impairment. In addition, the article will be used to train graduate students (e.g., sanitation and industrial hygiene) in the theory and practice of light and electron microscopy for the evaluation of research material and material from the urban environment.

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Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving power of 3 Angstroms (Å) point to point and is equipped with a eucentric side entry gonimeter stage equipped with ±60° tilt, quick change holder which has a guaranteed point to point resolution of 7 Å. The most closely comparable domestic instrument is the Model EMU-4C electron microscope supplied by the Adam David Company. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 16, 1975, that the characteristics of the foreign article described above are pertinent to the applicant's research studies. HEW further advises that the EMU–4C does not have a scientifically equivalent goniometer stage nor resolution. We, therefore, find that the EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-29955 Filed 11-6-75;8:45 am]

UNIV. OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00006–33–46040. Applicant: University of Washington, RR 104 University RG–20, Seattle, Washington 98195. Article: AEI Corinth 500 Electron Microscope. Manufacturer: AEI Scientific Apparatus Inc., United Kingdom. Intended use of article: The article is intended to be used in the study of the effect of fatty acid absorption on Chylomicron formation, election microscopic studies of intestinal smooth muscle and myenteric nerve plexes of patients with a variety of gastrointestinal disorders and electron microscopic studies on human xanthomas and on the skin lesions of patients suspected of having the lymphomatous malignancy, mycosis fungoides.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 11, 1975). Reasons: The foreign article provides a viewing image which is open and available for measurement or tracing by direct methods. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU–4C electron microscope supplied by the Adam David Company. The Model EMU–4C does not provide a viewing image which is open and available for measurement or tracing by direct methods. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated October 16, 1975 that the capability to provide a viewing image which is open and available for measurement or tracing by direct methods is pertinent to the applicant's intended purposes. HEW also advised that domestic instruments do not provide the capability found pertinent.

We find, therefore, that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special
Import Programs Division.

[FR Doc.75-29956 Filed 11-6-75;8:45 am]

UNIVERSITY OF WASHINGTON MEDICAL SCHOOL, ET AL.

Notice of Applications Duty-Free Entry of Scientific Articles: Correction

In the Notice of Applications for Duty-Free Entry of Scientific Articles appearing at page 50117 in the FEDERAL REGISTER of Tuesday, October 28, 1975 the following correction should be made:

Docket Number 75–00161–33–90000 should be corrected to read:

Docket Number: 76–00161–33–90000. Applicant: Providence Memorial Hospital, 2001 North Oregon Street, El Paso, Texas 79902. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used as a scientific tool to localize and pinpoint brain tumors prior to radiation therapy. Various research projects will be undertaken involving differentiation and localization of brain tumors. Comparison of findings with the scanner in relation to arteriography, pneumoencephalography and isotopic brain scanning will be carried out. In addition, the article will be used to teach local physicians interested in neurology and neurosurgery as well as in conjunction with a nursing program. Application received by Commissioner of Customs: October 9, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-29958 Filed 11-6-75;8:45 am]

WESLEY MEDICAL CENTER

Notice of Consolidated Decision on Applications for Duty Free Entry of EMI Scanner Systems

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to section 6(c) of the Educational (Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975.) (See especially § 301.11(c).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00004–33–90000. Applicant: Wesley Medical Center, 550 North Hillside, Wichita, Kansas 67214. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for research in brain tissue abnormalities either symptomatically or asymptomatically and for educational use in teaching radiology residents as well as entire house staff. The article will also be used in educating other students such as student nurses, students in x-ray technology and students in laboratory technology, etc. Application received by Commissioner of Customs: July 2, 1975. Advice submitted by the Department of Health, Education, and Welfare on: October 16, 1975. Article ordered: June 4, 1974.

Docket Number: 76–00005–33–90000. Applicant: University of Michigan, 1405 E. Ann Street, Ann Arbor, Michigan 48104. Article: EMI Scanner System with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of materials which include the clinical and patholigic manifestations of intracranial abnormalities, the results of their study by all methods and the evaluation of the improvement in detection of these abnormalities by newer methods, including the EMI Scanner. The article will also be used in educational programs to emphasize the normal anatomic relationships which the students are discovering in their dissection on cadavars in the course Gross Anatomy. In addition, the article will be used in the courses Neural and Behavioral Science and Neuroradiology. Application received by Commissioner of Customs: July 2, 1975. Advice submitted by the Department of Health, Education, and Welfare on: October 16, 1975. Article ordered: August 20, 1974.

Docket Number: 76–00007–33–90000. Applicant: Stormont-Vail Hospital, 1500 West 100th Street, Topeka, Kansas 66606. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to investigate the amount of atrophic changes present and identifiable by means of computerized axial tomography of the brain. The objective of this research is to further the knowledge and increase the expectancy level of demonstrable lesions in the brain not available by any other means. The article will also be used for training students and staff in the proper utilization of the computerized axial tomograph machine itself. Application received by Commissioner of Customs: July 9, 1975. Advice submitted by the Department of Health, Education, and Welfare on: October 16, 1975. Article ordered: April 11, 1975.

Docket Number: 76–00010–33–90000. Applicant: Rogue Valley Memorial Hospital, 2825 Barnett Road, Medford, Oregon 97501. Article: EMI Scanner System with Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to provide noninvasive computerized tomograms of elderly patients to determine the incidence of low pressure hydrocephalus as a cause of premature senility. Medical radiologic technicians will also be trained in the use of the instrument. Application received by Commissioner of Customs: July 10, 1975. Advice submitted by the Department of Health, Education, and Welfare on: October 16, 1975. Article ordered: February 5, 1975.

Docket Number: 76–00014–33–90000. Applicant: St. Luke's Hospital of Kansas City, Wornall Road at 44th, Kansas City, Missouri 64111. Article: EMI Scanner System with Magnetic Tape Storage System and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in a number of educational programs including the training of resident physicians in Radiology; the training of interns and residents in Medicine, Surgery and other related fields; and the training of Radiologic Technologists in Special Procedures. In addition, the article will be used in clinical evaluation and research including the correlation and evaluation of various diagnostic tests for abnormal brain conditions such as isotope studies, x-ray contrast studies, ultrasound and other modalities. Application received by Commissioner of Customs: July 10, 1975. Advice submitted by the Department of Health, Education, and Welfare on: October 17, 1975. Article ordered: March 31, 1975.

Docket Number: 76–00023–33–90000. Applicant: Saint Bernardine Hospital, 2101 North Waterman Avenue, San Bernardino, California 92404. Article: EMI-Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the hospital Radiology Department to study diseases of the central nervous system. A study will be undertaken of the comparative results of the scanner system and more dangerous techniques in hopes that patient care will be improved by diagnosing brain diseases earlier and with less discomfort. In addition, patients will have isotope brain scans and cerebral angiograms. Specifically, it is hoped that the scanner can identify and differentiate cerebral tumors, infarctions and abscesses as well as identify orbital diseases. The article will also be used in courses covering the indication, effectiveness and accuracy of the scanner system. Application received by Commissioner of Customs: July 10, 1975. Advice Submitted by the Department of Health, Education, and Welfare on: October 17, 1975. Article ordered: May 27, 1975.

Docket Number: 76–00024–33–90000. Applicant: Community Medical Center, 316 Colfax Ave., Scranton, Pa. 18510. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to evaluate intracranial mass lesions, including neoplasms, vascular abnormalities and alterations in ventricular size thus determining the value of the article in comparison with other standard approaches. Clinical investigations will be performed on a wide number of lesions as well as a large number of patients in order to determine the validity of surgery without invasive diagnostic studies. The article will also be used for educational purposes by medical students in neurology and neurological surgery as well as residents in the neurological program. The article will also be used to expand the knowledge of medical students, general practice residents and x-ray technologists in the utilization of such equipment. Application received by Commissioner of Customs: July 10, 1975. Advice submitted by the Department of Health, Education, and Welfare on: October 17, 1975. Article ordered: March 17, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the noninvasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used which was being manufactured in the United States at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75–29957 Filed 11–6–75;8:45 am]

WESLEYAN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00593–33–07500. Applicant: Wesleyan University, Hall Atwater & Shanklin Laboratories, Lawn Avenue, Middleton, Connecticut 06457. Article: Flow Microcalorimeter. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for research on the thermodynamics of binding of ligands to proteins and membranes, specifically the binding of substrate analogs and effectors to the enzyme aspartate transcarbamylase, and the binding of metal ions, lectins, prostaglandins, and extrinsic proteins to erythrocyte and platelet membranes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides (1) operation in the differ-

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ential mode (2) a sensitivity of 0.1 microcalorie per second, and (3) a wide operating temperature range (0 to 50 degrees centigrade). The most closely comparable domestic instrument, the isothermal Tronac Model 1250 does not provide operation in differential mode, an equivalent temperature range, or have an equal sensitivity. The Department of Health, Education, and Welfare advises in its memorandum dated October 16, 1975 that the capabilities of the article described above are pertinent to the applicant's intended purposes. For these reasons, we find that the Model 1250 is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-29954 Filed 11-6-75;8:45 am]

Maritime Administration

[Docket No. S-473]

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., has filed an application under the Merchant Marine Act, 1936, as amended (the Act), for domestic rights and approvals which are to be related to the services to be covered by a proposed new two-year operating-differential subsidy contract for the period January 1, 1977, through December 31, 1978, pursuant to section 805(a) of the Act.

American President Lines Ltd. (APL) is not requesting any change in its authority pursuant to section 805(a) from the authority now existing under Operating-Differential Subsidy Agreement, Contract No. FMB-50 between APL and the United States. The existing authority is as follows:

Atlantic/Straits Service: written permission to permit vessels operating on the service to carry refrigerated cargoes only in the intercoastal service westbound, and to call at Los Angeles only for the purpose of loading cargoes to be carried in the intercoastal service eastland.

Any person, firm, or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on November 20, 1975 file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs.

Date: November 4, 1975.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-30062 Filed 11-6-75;8:45 am]

CONNECTICUT BANK AND TRUST CO.

Notice of Approval of Applicant as Trustee

Notice is hereby given that The Connecticut Bank and Trust Company, with offices at One Constitution Plaza, Hartford, Connecticut, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

EDWARD S. KAULSON,
Acting Director,
Office of Domestic Shipping.

[FR Doc.75-30063 Filed 11-6-75;8:45 am]

PRIVACY ACT

Adoption of Additional Systems of Records

On October 2, 1975, the Department of Commerce gave notice (40 FR 45634-45635) that it proposed to adopt a new, additional notice of systems of records and to adopt expanded "routine uses" of systems previously noticed and adopted. Interested persons were invited to submit written data, views or arguments on or before October 27, 1975.

No comments were received in response to that notice.

Inasmuch as the text of the proposed sytem of records and routine uses were contained in the unified text published in the FEDERAL REGISTER on October 2, 1975 (40 FR 45635-45674), explained at 40 FR 45624, the first column, and corrected in the FEDERAL REGISTER on November 3, 1975 (40 FR 51168 and 51174), there is no need to republish the full text at this juncture.

Therefore, the Department hereby adopts the new, additional notice of systems of records and the expanded "routine uses" of systems previously adopted.

Dated: November 3, 1975.

GUY W. CHAMBERLAIN, JR.,
Acting Assistant Secretary,
for Administration.

[FR Doc.75-29915 Filed 11-6-75;8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Tuesday, December 9, 1975 at 9:30 a.m. in Room 6802, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Report on the work programs of the Subcommittees.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al., September 10, 1974 as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register (40 FR 2243, appearing in the issue of January 10, 1975).

Dated: November 5, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-30196 Filed 11-6-75;8:45 am]

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Meetings

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a series of meetings of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee, covering the period December 1975 through March 1976, will be held on:

December 9, 1975, at 1:30 p.m., in Room 6802
January 14, 1976, at 9:30 a.m., in Room 5230
February 10, 1976, at 1:30 p.m., in Room 5230
March 9, 1976, at 9:30 a.m., in Room 5230

Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (CO COM) controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) maintenance of the processor performance tables and further investigation of total system performance; and (b) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The agenda for each of the meetings is:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of

(a) Hardware system performance;

(b) Peripheral equipment performance; and

(c) Array processor performance.

The meetings will be open to public observation, and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meetings.

Copies of the minutes of the meetings will be made available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone A/C 202/967-4196.

Dated: November 5, 1975.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-30197 Filed 11-6-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75P-0277]

LABELING OF PRESCRIPTION DRUGS FOR PATIENTS

Availability of Petition To Require Written Warning Labels on Prescription Drugs

Notice is given that a petition was filed on March 31, 1975, under the Administrative Procedure Act (5 U.S.C. 553(e)), by the Center for Law and Social Policy on behalf of the Consumers Union of the United States, Inc.; Consumer Action for Improved Food and Drugs; National Organization for Women; Women's Equity Action League; and Women's Legal Defense Fund requesting the Food and Drug Administration to require written warning information on labels of certain classes of drugs. The Commissioner of Food and Drugs requests comments on this petition on or before February 5, 1976.

Unlike most other drug warnings, which are directed to physicians the written warnings requested by the petitioners would guide and benefit the patient and, therefore, would be on the container of a prescription drug when the prescription is dispensed to the patient.

Petitioners state that written warnings are needed because adequate warnings from practitioners are either not received or are misunderstood or forgotten. Petitioners also state that such a requirement can easily be accomplished without burdening manufacturers or pharmacists. In the case of drugs that the manufacturer delivers to the pharmacist in the same package that the patient receives, the manufacturer himself can affix the label. In those cases where the pharmacist prepares the individual container that goes to the patient, petitioners propose that the pharmacist affix the appropriate label that has been provided by the manufacturer. In addition to the use of the warning statements on labels, petitioners request that a separate supplementary sheet of detailed instructions and precautions directed to the patient, i.e., patient package inserts, be required to accompany all prescriptions dispensed with label warnings.

The petitioners do not request that all prescription drugs dispensed to the patient contain a complete description of all possible side effects, contraindications, and adverse reactions, but have limited their request to certain classes of drugs. The types of drugs covered in the petition include those that pose dangers to pregnant or breast-feeding women, drugs such as hypnotics and tranquilizers that are widely used and can pose serious dangers, and drugs such as amphetamines and chloramphenicol that have been overprescribed in the past and can have serious side effects.

The use of a patient package insert was first adopted by the Food and Drug Administration in 1970, and codified in § 310.501 (21 CFR 310.501) for use with oral contraceptives. Since that time, patient package inserts have been consid-

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ered and are being adopted for other drugs and devices. Therefore, the concept of patient package inserts is not an entirely new one to the agency. The Food and Drug Administration has initiated a Patient Prescription Drug Labeling Project, which has been evaluating the usefulness of patient package inserts and how the necessary information can best be presented to the patient. Many comments have come to the attention of the Food and Drug Administration through unsolicited opinions, published literature, and regular meetings of the National Advisory Drug Committee.

In addition, several professional, trade, and consumer groups that are interested in, or would be affected by, a patient labeling program were invited to meet with representatives of the Food and Drug Administration to present their views concerning patient labeling. As a result of the response to the invitations, the Food and Drug Administration held individual meetings with the following organizations: National Association of Retail Druggists; American Academy of Family Physicians; American Society of Hospital Pharmacists; Pharmaceutical Manufacturers Association; American Pharmaceutical Association; National Association of Pharmaceutical Manufacturers; American Medical Association; National Association of Chain Drug Stores; and American Society of Clinical Pharmacology and Therapeutics. Committee on Drug Regulations. Another meeting was held with representatives of several consumer groups. The minutes of all of the meetings are on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852. The Food and Drug Administration is also sponsoring original research to gain first-hand experience in this field and is conducting a survey of users of oral contraceptives to determine their experience with patient package insert.

The Food and Drug Administration will use all this information to determine the future course of prescription drug labeling for patients. Until the complete patient drug labeling proposal is ready for public comment, a notice of proposed rule making on this topic will not be published in the FEDERAL REGISTER. The Commissioner concludes, however, that it would be helpful in formulating the policy on patient drug labeling to receive comments on those aspects of patient drug labeling contained in the petition as well as other aspects, particularly those derived from actual experience and studies. Therefore, the Food and Drug Administration solicits such comments from all individuals having an interest in this subject.

Responses will be especially valuable if they provide reference to past experience or literature in this field as well as comments directed toward, but not necessarily limited to, the following aspects of the Patient Prescription Drug Labeling Project:

1. *General opinions.* Whether for or against the program.

2. *Identifying the advantages of patient labeling.* Whether such information will lead, e.g., to better patient understanding and compliance with the therapeutic regimen, to avoidance of preventable adverse reactions and interactions, to better comprehension of chronic diseases, or to better informed consent in situations where patient participation in drug-taking decisions is considered beneficial.

3. *Identifying the disadvantages of patient labeling.* Whether such information will cause, e.g., patients to be afraid to take medications necessary for their health, patient confusion, or interference with the physician-patient relationship.

4. *Scope and detail of patient labeling.* Whether such information should be detailed or summarized, and whether it should be as complete as that provided to the physician or selective in scope. If the latter, what type of information should be included.

5. *Format and style of patient labeling.* Whether such information should be in the form of traditional package inserts or take another form of communication.

6. *Method of distribution of patient labeling.* Whether such information should come to the patient via the package, the physician, the pharmacist, another person, or a combination of approaches.

7. *Selection of drugs and priorities for patient labeling.* Whether all prescription drugs should be included, or only some. Which drugs or classes should have the highest priority, and which should have the lowest.

8. *Method of drafting patient information.* Whether such information should be drafted through open advisory committee hearings, by notice and comment rule making, or through another procedure, and whether patient labeling should be codified in the Code of Federal Regulations as is oral contraceptive patient labeling.

Copies of the petition and the minutes of the meetings held with professional, trade, and consumer groups are available on request from the Hearing Clerk, Food and Drug Administration.

Interested persons may, on or before February 5, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the petition. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-29932 Filed 11-6-75;8:45 am]

[Docket No. 75F-0284]

REYNOLDS METALS CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3131) has been filed by Reynolds Metals Co., 6601 Broad St., Richmond, VA 23261; proposing that the food additive regulations be amended to provide for the safe use of components of a flexible, laminated pouch intended to contact food under retort conditions. The petitioner food contact surface is a polypropylene film which meets the requirements of § 121.2501 (21 CFR 121.2501), except that approval is sought for retort temperature use. The adhesive component of the system is a polyurethane adhesive manufactured from polyethylene phthalate polymers complying with § 121.2524 (21 CFR 121.2524), 4,4'-isopropylidene diphenol-epichlorohydrin resins and polyurethane resins produced by reacting toluene diisocyanate with trimethylolpropane or its chloroformate.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: October 31, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-29931 Filed 11-6-75;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on November 21, 1975, at the National Institute of Education, 1200 19th Street NW., Washington, D.C., in Room 823. The meeting will convene at 9:30 a.m. and adjourn at 3:30 p.m.

The National Council on Educational Research is established under section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute; and

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

This meeting will be open to the public except for the closed session. The tentative agenda includes:

9:30.—Convene Open Session.
9:30–9:35.—Approval of Minutes of September 18 Meeting.
9:35–10:00.—Director's Report.
10:00–10:30.—Presentation by National Education Task Force de la Raza.
10:30–11:30.—NIE Staff Presentation on Education Research Issues.
11:30–12:00.—Brief Discussion of Dissemination Strategies.
12:00–1:00.—Luncheon.
1:00–2:00.—Review of Actions Following Council Resolutions; End Open Session.
2:00–3:30. — Closed Session (FY 1977 Budget).
3:30.—Adjourn.

Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below.

Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary at least 5 days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074–8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately 4 to 6 weeks after the date of the meeting to which they refer.

In order to verify the tentative agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact Ms. Caroline Phillips, Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, National Institute of Education, Washington, D.C. 20208, 202–254–7900.

Dated: November 5, 1975.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

[FR Doc.75-30131 Filed 11-6-75;8:45 am]

Office of Education

LIBRARY RESEARCH AND DEMONSTRATION PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in sections 201, 221, and 223 of Title II, Part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1021, 1031, and 1034), applications are being accepted from institutions of higher education and other public or private agencies, institutions, and organizations for research and demonstration projects relating to the improvement of libraries or the improvement of the training in librarianship. Processing of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education, Application Control Center on or before January 9, 1976.

A. *Application sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202 Attention: 13.475. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than January 2, 1976 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Library Programs, Bureau of School Systems, Office of Education, Room 5909, 7th and D Streets, SW., Washington, D.C. 20202 Attention: Library Research and Demonstration Program.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the funding criteria governing library research and demonstration published in this issue of the FEDERAL REGISTER.

Dated: September 25, 1975.

(Catalog of Federal Domestic Assistance Number 13.475, Library Research and Demonstration)

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-29938 Filed 11-6-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Administration

[Docket No. N–75–449]

NATIONAL MOBILE HOME ADVISORY COUNCIL

Meeting

In accordance with section 605 of Title VI of the Housing and Community Development Act of 1974 (Pub. L. 93–383) and section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting of the National Mobile Home Advisory Council:

Name. National Mobile Home Advisory Council.

Place. Room 10233, Department of Housing and Urban Development 451 Seventh Street, SW., Washington, D.C. 20410.

Date. December 3, 1975.

Proposed subject matter. Proposed revisions to the Federal mobile home construction and safety standards, 24 CFR Part 280.

The meeting will begin at 9 a.m. It will consider proposed revisions to 24 CFR Part 280 in the order of the sections of that Part.

This meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Chairman of the Council may allow public presentation of oral statements during the meeting.

All communications regarding this Advisory Council should be addressed to:

Robert G. Hoag, Committee Management Officer, Room 227, Arlington Towers, Department of Housing and Urban Development, Washington, D.C. 20410.

Issued in Washington, D.C., on November 4, 1975.

DAVID M. DEWILDE,
Deputy Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.75-29950 Filed 11-6-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. 6337]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Intention To Make Findings; Guarantee of Certificates

Correction

In FR Doc. 75–29319 appearing at page 50557 in the issue of Thursday, October 30, 1975, the third line of the second paragraph should be changed to read "make findings not earlier than November 14,".

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CIVIL AERONAUTICS BOARD

[Docket 20421, et al.]

OKLAHOMA-DENVER-SOUTHEAST POINTS INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 10, 1975, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before Associate Chief Administrative Law Judge Ross I. Newmann.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before November 28, 1975, and the other parties on or before December 5, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., November 4, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Judge.

[FR Doc.75-30049 Filed 11-6-75;8:45 am]

[Docket 28036]

SOUTH PACIFIC SERVICE CASE

Hearing

Notice is hereby given, pursuant to provisions of the Federal Aviation Act of 1958, as amended, that a public hearing will be held in the above-entitled proceeding on December 2, 1975, at 10 a.m. (local time) in Room 1003C, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., November 4, 1975.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.75-30050 Filed 11-6-75;8:45 am]

[Order 75-11-8; Docket 26838]

WIEN AIR ALASKA, INC.

Priority Reserved Air Freight Rates Investigation; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of November 1975.

By tariff revisions[1] issued October 7 and marked to become effective November 6, 1975, Wien Air Alaska, Inc. (Wien) proposes that execption-rated commodities[2] in priority service be subject to the exception rating increased by the priority freight premium. Wien's present rule provides that all priority service shipments be subject to a 30 percent premium.

In support of its proposal, Wien contends that, as presently constructed, its priority freight provisions allow exception-rated commodities to be shipped more cheaply in priority service than in normal service, and that logic and consistency require that the Board permit Wien to adopt provisions currently in effect for other carriers, notably Western Air Lines, Inc. (Western).

The proposed provision comes within the scope of Docket 26838, the Priority Reserved Air Freight Rates Investigation (PRAFRI), and its lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The carrier's proposal provides, in effect, that certain commodities pay a premium on top of a premium. As a result, priority service rates for most exception-rated commodities would be between 260 and 325 percent of the general commodity rates for standard service; for live animals, the rates would be 143 percent of the general commodity rates. But Wien has not attempted to justify such premiums for priority service by costs or other transportation criteria.

The Board has typically suspended proposals by carriers to impose a priority premium on top of the rates for exception-rated commodities. For example, by Orders 75-3-116 and 75-1-80, the Board suspended such a proposal by United Air Lines, Inc. (United), criticizing "the application of premium ratings on top of a priority rate which is at least 30 percent above the applicable general commodity rate." The Board also stated, "Thus, the rating for live animals would, in effect, be determined by applying the exception rating of 10 percent to the priority premium of 30 percent, arriving at a rate of almost 140 percent of the current general commodity rate. But, to a certain extent, the current exception ratings reflect the cost of a priority handling."

Although it is true that, as Wien asserts, Western has in effect the same provision as the current proposal, this is no basis for permitting Wien's proposal to become effective. Subsequent to the initial priority service filings of Western and Continental Air Lines, Inc., which were permitted to become effective but ordered investigated, all premiums on premium-rate priority service proposals have been suspended.

It should be noted that for United and American Airlines, Inc. priority rates for exception-rated commodities are their exception rates in standard service or the priority premiums, whichever are greater.[3]

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal should be suspended.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. Pending hearing and decision by the Board, the provisions in Rule No. 71(c)(1)(b) insofar as such provisions are applicable for the carrier WC on 18th Revised Page 38-D of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169, are suspended and their use deferred to and including February 3, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff and served upon Wien Air Alaska, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-30051 Filed 11-6-75;8:45 am]

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[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[2] These include aircraft and parts, uncrated automobiles and boats, human remains, snow machines, etc. The rates for these commodities range between 200 and 250 percent of the general commodity rates, except for live animals, which are 110 percent of these rates.

[3] Where the exception rating in standard service is greater than the priority premium for these two carriers, 30 percent, the exception rating applies. Where exception rating is less than the priority premium, for example, 10 percent for live animals, the priority premium would be 30 percent of the general commodity rate. As a matter of fact, Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., and Southern Airways, Inc. have the same priority premium above rates in standard service (22.6 or 30 percent) for exception-rated commodities as for other commodities.

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (East Asia and Pacific Affairs), OASD (International Security Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-29917 Filed 11-6-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Additions to Procurement List

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 FR 39964) were published in the FEDERAL REGISTER on July 11, 1975 (40 FR 29332), September 8, 1975 (40 FR 41551), and September 12, 1975 (40 FR 42391).

Pursuant to the above notices the following commodities are added to the Procurement List:

CLASS 5510		*PRICE*
Stakes, Wood (SH) GSA Regions 1,2,3,5		
Location		
5510-00-171-7701	14" long	$2.72 BD of 50
5510-00-171-7700	16" long	2.82 BD of 50
5510-00-171-7734	18" long	3.12 BD of 50
Hub		
5510-00-171-7733	12" long	2.29 BD of 25
5510-00-171-7732	16" long	2.90 BD of 25
CLASS 6530		
Surgical Pack, Disposable Pre-Operative (IB)		
6530-00-103-6659		21.81 PG of 48
CLASS 8470		
Suspension Assembly for Helmet Liner (Ground Troops) (IB)		
8470-00-880-8814		1.11 EA

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.75-29951 Filed 11-6-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from October 27 through October 31, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 22, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental, Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

SOIL CONSERVATION SERVICE

Draft

Carpinteria Valley Watershed, Santa Barbara County, Calif., October 28: The statement concerns a project for watershed protection and flood prevention in the Carpinteria Valley. Construction is already partially completed. The project includes a debris dam and about 10.3 miles of concrete lined channel to connect with existing Santa Monica Creek channel, and concrete channels on Franklin Creek. The construction will require the displacement of 9 families. (ELR Order No. 51576.)

Norwalk River Watershed, Fairfield County, Conn., October 28: The Norwalk River Watershed Project was designed for watershed protection, flood prevention and wetland wildlife habitat improvement. Four impoundment structures and a total of 2.1 miles of flood prevention channel work remained to be constructed. The structural measures will disturb or alter wildlife habitat in the area. The project will also require the displacement of 28 persons. (ELR Order No. 51579.)

Final

Emergency Watershed Protection Program, October 28: The statement refers to the Emergency Watershed Protection Program, authorized by Section 216 of the Flood Control Act of 1950. The program authorizes measures to be installed to safeguard lives and property from floods and the products of erosion whenever fire or other natural element or force causes a sudden impairment of a watershed. Frequently used emergency measures include: establishment of vegetative cover, gully control structures, streambank protection, debris and sediment removal, and emergency repair of existing dams, dikes, and other water control structures (47 pages). Comments made by: HUD, FPC, DOC, EPA, HEW, DOI, USDA, and State and local agencies. (ELR Order No. 51572.)

Rogue River Watershed, several counties in Mich., October 28: This project consists of a combination of land treatment, channel work and a pumping station to reduce the problems of flooding and poor drainage in the Rice Lake problem area and land treatment to improve management and erosion problems throughout Rogue River Watershed in west-central Michigan. The following adverse impacts will result: shift of 94 acres of cropland to grassland; sediment and erosion along 11.6 miles of channel work during construction and until stabilized; and temporary construction noise and disruption of wildlife habitat, and benthos community. Comments made by: USA, HEW, DOT, EPA, AHP, and State agencies. (ELR Order No. 51565.)

Mantachie, Bogue-Fala, and Bogue Ecuba Watershed, Itawamba, Lee, and Monroe Counties, Miss., October 30: The statement concerns a project for watershed protection, flood prevention, and recreation for Mantachie, Bogue Fala, and Bogue Ecuba Creeks Watershed. The project will utilize conservation land treatment, 12 floodwater retarding structures, and two multiple purpose structures. Nine hundred eighty-three acres will be inundated and another 225 acres of wildlife habitat subject to seasonal flooding. Temporary construction disruption and lowered water quality will result. Comments made by: USA, HEW, DOI, DOT, EPA, and State agencies. (ELR Order No. 51588.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, (202) 693-6795.

Draft

Apalachicola, Chattahoochee and Flint Rivers, O & M, Alabama, Florida, and Georgia, October 30: Proposed is the continued operation and maintenance of the Apalachicola, Chattahoochee and Flint Rivers for navigation, flood control, hydropower and recreation. Navigation features consist of channel construction the length of the authorized project. Dredging activities for commercial sand and gravel production are discussed as they relate to the purpose of maintaining the Federal project. Adverse effects include temporary increase in turbidity and suspended solids concentrations near the dredge and disposal areas, loss of wildlife habitation and blocking of upstream migration of fish. (ELR Order No. 51594.)

Clark Maritime Centre, Clark County, Ind., October 28: Proposed is the construction and operation of a public port on the Ohio River near Jeffersonville, Indiana, and an associated Industrial Park by the Indiana Port Commission. The port facilities will require about 200 acres of land and will be built on the flood plain of the Ohio River behind Sixmile Island along 3500 feet of riverbank between Ohio R. miles 597 and 598. The Industrial Park will extend approximately 3 miles NW from the port to SR 62. Adverse effects include the alteration of 1020 acres of primarily agricultural and wooded land, displacement of 16 families, and loss of wildlife habitat. (ELR Order No. 51568.)

Brazos River Basin Lakes, O&M. Several counties in Tex., October 28: This statement reviews the environmental impacts of the operations, maintenance and management programs at 5 completed and operating reservoir projects: Whitney Lake, Waco Lake, Proctor Lake, Stillhouse Hollow Dam and Lake, and Somerville Lake, all in the Brazos River Basin, Texas. These programs include flood control, water conservation, power generation, and management of lands and waters for various forms of recreation. Adverse effects of the programs include the killing of terrestrial wildlife by the impoundment of floodwater, the damaging of grasses and trees by prolonged storage of floodwater, and the placement of pressure on projects lands by heavy recreational use. (ELR Order No. 51575.)

Appalachian Power Co. Power Plant, New Haven, Mason County, W. Va., October 29: Proposed is the construction and operation of a 1,300,000 kV coal-fired power plant in New Haven, West Virginia. The plant will use cooling water from the Ohio River and will discharge station waste to the river. Adverse impacts of the project include the discharge of waste from ash disposal and station drains,

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and passage of water through the station system, the use of chemical additives to water used in the station system, and the breakdown of the pollution control system. The project will also require the clearing of forest land and the relocation of Little Broad Run (Huntington District). (ELR Order No. 51584.)

Final

Mariner's Island Development, San Mateo County, Calif., October 31: The statement refers to the regulatory permit application of the Security Savings and Loan Association for the Mariner's Island Development Project. The plan includes the placing of approximately 1,380,000 cubic yards of imported fill on a 190 acre portion of a 207 acre site at Mariner's Island and construction of a 900,000 sq. ft. shopping center, office buildings, multi-family-dwellings, automotive sales center research and development center, and satelite commercial development. Adverse impacts include increase in localized noise and traffic and loss of 190 acres of wildlife habitat (San Francisco District) Comments made by: EPA, HEW, DOI, DOT, USDA, and State and local agencies and one individual. (ELR Order No. 51598.)

Delaware River, Adjacent Waterways, Maintenance, New Jersey, Pennsylvania, and Delaware, October 30: Proposed is the continued operation and maintenance in the navigable portions of the Delaware River and adjacent waterways including repair of training structures and dredged material disposal on existing and proposed upland and riparian sites. Dredging will reduce water quality and cause temporary turbidity and disposal of dredged materials will destroy vegetation on the disposal site (Philadelphia District). Comments made by: EPA, USDA, 2DOC, 2DOI, 2HUD, 2DOT, AHP, and State and local agencies. (ELR Order No. 51589.)

Hammond Small-Boat Basin, Clatsop County, Oreg., October 30: Proposed is the repair of the existing breakwater and construction of a rubblemound east breakwater and groin, and dredging and maintenance of an entrance access channel of Hammond Small-Boat Basin. The project will result in disturbance of the aquatic community, turbidity, and elimination of some habitat for small animals at the site of dredge disposal (Portland District). Comments made by: EPA, DOC, DOT, AHP, DOI, USDA, and State agencies. (ELR Order No. 51587.)

Freeport Harbor Maintenance Dredging, Brazoria County, Tex., October 30: Proposed is the widening and deepening of Freeport Harbor, Texas, by periodic removal of shoal deposits from the harbor. Dredge material will be deposited in leveed land areas and in the Gulf of Mexico. Adverse impacts include removal of bottom dwelling organisms, destruction of vegetation used for fishery resource habitat, high localized turbidity, and objectionable odors from land disposal operations (Galveston District). Comments made by: HEW, EPA, HUD, DOC, DOI, DOT, AHP, and State and local agencies and one individual. (ELR Order No. 51090.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, (202) 755-0940.

Draft

New Motorcycle Emissions Standards, October 28: Proposed are emissions standards for new motorcycles to reduce the levels of CO and HC in the air, 5 percent of which is caused by motorcycle exhaust in some areas. If left uncontrolled, the emissions could climb to over 10 percent of total emissions of HC and CO in such areas by 1990. Potential disadvantages will be slight increases in nitrogen oxides, possible sulfate emissions from post-1979 motorcycles, and the unknown compatability of emission controls with future regulations of motorcycle noise. (ELR Order No. 51564.)

Energy Co. of Alaska Topping Plant, North Pole, Alaska, October 28: The statement concerns the issuance of a new source NPDES permit for discharge of process waters from ECA's proposed topping plant into the Tanana River. The proposed plant will be capable of processing up to 25,000 barrels per day of crude oil from the Trans-Alaska Pipeline. The plant will employ 100 persons during construction and 60 persons during operation. Addition of the refinery employees will put a strain upon the already strained housing market of the Fairbanks-North Pole area. (ELR Order No. 51569.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street, NW., Washington, D.C. 20426, (202) 386-6084.

Draft

Transcontinental Gas Pipeline Corp., Curtailment, October 28: The action consists of FPC's analysis of two permanent curtailment plans for the Transcontinental Gas Pipe Line Corporation. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases and increased pollution in the form of sulfur dioxide and particulates. Reference is made to the fact that rate structure and deregulation are not included as alternatives to curtailment. (ELR Order No. 51568.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, (202) 343-4161.

Final

Federal Building and Parking Facility, Norfolk, Va., October 30: The proposed action consists of the construction of a Federal Building and parking facility for the consolidation of Federal agencies in Norfolk, Virginia. The cost of the project, including site acquisition, relocation, design, construction and inspection will be about 14.5 million. Long-term environmental impacts are primarily those related to the use of limited resources and City services necessary for the operation of the facility. Comments made by: COE, DOC, EPA, DOI, DLAB, and State and local agencies. (ELR Order No. 51596.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6308.

Draft

Residencial Interamericana, Trujillo Alto, Puerto Rico, October 29: The project consists of the development of 1,286 dwelling units on a 128 acre site in Las Cuevas Ward, Trujillo Alto, Puerto Rico. Construction of the units will augment the supply of moderate-income housing in the San Juan area. Temporary construction disruption will result. (ELR Order No. 51580.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Great Alamance Creek Project, North Carolina, October 29: Phase I of the Great Alamance Creek Water Supply Project consists of the construction of a temporary weir and intake on Alamance Creek, a raw water pumping station, and a trunk main connection to distribution system. The project would provide water supply for the City of Burlington, North Carolina. Approximately 5 acres of land will be required for the structural measures. (ELR Order No. 51581.)

Mahon School Area Rehabilitation, Lubbock, Texas, October 30: The statement concerns the proposed rehabilitation of a 116.73 acre area around the Mahon School in Lubbock, Texas. The projetc consists of providing an improved housing supply of 675 units. Of this, 419 units will come from rehabilitation, 155 from redevelopment of 10.32 acres which are currently occupied by 45 structures, and 101 units will be constructed on vacant land. Twenty-five households will be displaced, and construction disruption will result. (ELR Order No. 51591.)

Final

Nautaushaun Brook Improvement Project, Rockland County, N.Y., October 29: The statement describes a proposed flood alleviation project including channelization of portions of the brook, replacement of structures incapable of withstanding a 100-year retention period flood, the acquisition of land for flood-water retention and right-of-way and easements for purposes of construction. Land use management alternatives are discussed in contrast to engineering solutions. Defoliging of the area and construction disruption will result. Comments made by: EPA, COE, and State and county agencies. (ELR Order No. 51582.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7230, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

North Umpqua Canyon, Douglas County, Oreg., October 29: The statement concerns a multiple-use management plan for 16,000 acres of O&C lands. The plan includes road construction, timber management, and development of recreation facilities. Construction of a multi-purpose road on the south side of the North Umpqua River will adversely affect the fisheries resources, and sustained-yield timber management practices will cause impacts on vegetation and wildlife. (ELR Order No. 51583.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Draft

Co-60 Spark-Gap Irradiators, Licensing Exemption, October 28: The statement concerns a proposed amendment to NRC regulations to exempt from requirements for a license the receipt, possession, use, transfer, export, ownership, or acquisition of spark-gap irradiators that contain cobalt-60 for use in spark-ignited fuel-oil burners. About 6000 microcurie of Co-60 could be distributed into the environment in 6000 discrete sources, each containing no more than 1 microcurie. Estimated external radiation doses to maximally exposed individuals are included. (ELR Order No. 51573.)

William B. McGuire Station, Units 1 and 2, Operation, Mecklenburg County, N.C., October 29: The proposed action is the issuance of operating licenses to the Duke Power Company for the startup and operation of the

William B. McGuire Nuclear Station, Units 1 and 2, Both units will employ pressurized water reactors to produce up to 8322 thermal megawatts and 2360 MW net of electrical power capacity. Cooling condenser water could be heated to as high as 97 degrees F., and loss of fish due to impingement on the water intake screens will occur. Effluent will be discharged into the Catawba River. (ELR Order No. 51586.)

Final

Perkins Nuclear Station, Units 1-3, Construction, Davie County, N.C., October 28: Proposed is the issuance of a construction permit to the Duke Power Company for the construction of the Perkins Nuclear Station Units 1, 2 and 3. The units will produce 3817 MWt and 1280 MWe each. Make-up water for cooling will be drawn from and discharged to the Yadkin River, A total of 2402 acres will be used for the PNS site, displacing 26 families from the site proper and another 16 families from the Carter Creek area. Aquatic organisms entrained in the service water system will be killed due to thermal and mechanical shock, and there is potential for impingement of aquatic organisms at the intake structure as proposed. Comments made by: USDA, DOC, DOT, HEW, ERDA, EPA, FPC, DOI, and State and private agencies and one individual. (ELR Order No. 51563.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Birmingham Municipal Airport Improvements, Jefferson County, Ala., October 28: Proposed is the implementation of 3 improvement projects for the Birmingham Municipal Airport. These projects would involve the strengthening and widening of a connecting taxiway from the North-South Runway to the airplane run-up ramp, the strengthening of airplane parking aprons on each side of the existing Passenger Terminal Building, and site preparation for the extension of the taxiways for the N-S Runway. Adverse effects are limited to increase in noise levels for residents in the North and South approaches to the extended runway. (pages). Comments made by: DOT, HEW, EPA, HUD, and DOI. (ELR Order No. 51577.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Brookwood Station Area Improvements, I-85, I-75, Fulton and DeKalb Counties, Ga., October 28: Proposed are improvements of Brookwood Interchange (I-75, I-85 Interchange), I-75 extending 0.5 miles NW and I-85 extending 3.1 miles NE of the Brookwood Interchange. Project goals include the reduction of existing congestion at the Brookwood Interchange and improvement of the Facility's capacity such that it can accommodate anticipated traffic volume increases. The proposed action also includes the addition of driving lanes to I-85 and provision of an arterial connector facility connecting Pershing Point and Buford Hwy. Displacement of 8 families and 26 businesses will occur. (ELR order No. 51570.)

Brown Road, I-70 to I-270, St. Charles and St. Louis Counties, Mo., October 30: The proposed highway improvement consists of the construction of a section of Freeway between I-70 and I-270 in Hazelwood. It will provide a six-lane, fully access controlled facility for a length of about 11 miles. Approximately 400 acres, 70% of which is highly productive farmland, will be required for the construction of the project. As many as 34 families will be displaced. (ELR Order No. 51592.)

Wautoma-Waupaca Road (STH 22, FAP 38), Portage and Waupaca Counties, Wis., October 30: Proposed is the construction of a 2-lane, bituminous surfaced roadway beginning at Portage-Waushara County Line and extending northeasterly to the city of Waupaca. The project would necessitate the acquisition of 190 acres of land and 6 homes. Minor changes would be made to the Radley Creek Fishery. A 4(f) statement is included. Comments made by: (ELR Order No. 51595.)

U.S. 83, North Platte South, Lincoln County, Nebr., October 31: Proposed is the improvement of a 3.3 mile portion of U.S. 83 from two to four lanes. Acquisition of 95 acres of land will be required for the relocation which will be constructed on new alignment west of the existing roadway. Increased traffic will result in an increase in air and noise pollution. (ELR Order No. 51597.)

I-88, Hinmans Corner to Port Crane, Broome County, N.Y., October 28: The proposed project is a connection between the SW end of Interstate Route 88 and Interstate Route 81. The length of the main line of this connection is approximately 3 miles for each of the 6 alternates. Environmental effects of the project will fall mainly on residential and commercial properties, possibly as many as 466 in number. Plant and animal life in the area will be somewhat affected. Some increase in air and noise pollution is expected. (ELR Order No. 51567.)

Final

U.S. 67, Scott County, Iowa, October 28: The statement refers to the reconstruction of US 67 from Riverdale to I-80. The 5.4 mile project will require the acquisition of 21 acres of additional right-of-way. Comments made by: HEW, USDA, DOI, EPA, and State and local agencies. (ELR Order No. 51574.)

U.S. 56, Marion County, Kans., October 28: Proposed is the improvement of approximately 15 miles of U.S. 56, a 2-lane highway in Marion County, Kansas. The project includes right-of-way acquisition, extensive grading, bridge construction and surfacing. Adverse impacts include: the displacement of families and businesses, the destruction of some wildlife habitat, and the temporary noises, air and water pollution due to construction. Comments made by: USDA, EPA, HUD, DOI, DOT, COE, and State and local agencies. (ELR Order No. 51571.)

U.S. 30 Bypass, North Platte, Lincoln County, Nebr., October 28: Proposed is an improved, controlled access facility which would bypass the central business district of North Platte on the east side with a connection to U.S. 83 on the south at the country road south of I-80 and with a connection to U.S. 30 and U.S. 83 on the north at 12th Street extended. Included in the project will be the improvement to 12th St. from Silbur Avenue east to the intersection with Bypass 1. Approximately 130 acres of additional right-of-way will be required. Crossing of streams and rivers could cause adverse environmental effects. Comments made by: DOT, COE, USDA, HUD, EPA, and State agencies. (ELR Order No. 51578.)

Wellsville Arterial, Allegany County, N.Y., October 29: The statement refers to the construction of a segment of highway in the Village of Wellsville in Allegany County between the SE junction and the northwest junction of Rtes. 17 and 19. The project is about 1.6 miles in length, and is located along the Genesee River, by-passing the main business section and residential areas. The project would require the acquisition and utilization of land from 2 village parks, Island Park and Tullar Field (a 4(f) statement is included) and would tend to sever the community with the utilization of controlled access right-of-way between at-grade intersections. The project would have some effect on the Genessee River and the fish within the stream. Comments made by: USDA, HEW, DOI, FPC, EPA, AHP, DOT, and State agencies. (ELR Order No. 51585.)

North-South Arterial, Ulster County, N.Y., October 30: The statement refers to the construction of 2.48 miles of arterial highway through the City of Kingston and into the Towns of Esopus and Ulster. Adverse impacts include increased air and noise pollution and the displacement of 60 families and 4 businesses. Comments made by: USDA, HEW, DOI, FPC, EPA, AHP, DOT, and State and local agencies. (ELR Order No. 51593.)

URBAN MASS TRANSPORTATION ADMINISTRATION

South Quincy Area Transit Station, Mass., October 31: Proposed is the construction of the South Quincy area rapid transit station that owuld improve accessibility to South Shore residents into the city of Boston. Plans for the station include provisions for feeder bus and local bus access, "kiss and ride" dropoff, and pedestrian access. The project would require the use of 3.6 acres of wetlands out of a total 30.6 acres. The parking garage will cause a visual impact from the residential area. (ELR Order No. 51599.)

U.S. COAST GUARD

Draft

LORAN-C Chain, Moses Lake, Washington (Supplement), Grant County, Wash., October 31: The statement is a supplement concerning the Moses Lake project site of the LORAN-C at Moses Lake, Washington. Site activities may increase the sediment load in the Frenchman Hills Wasteway, and normal construction disruption will result. (ELR Order No. 51600.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-30023 Filed 11-6-75;8:45 am]

[FRL 449-3]

ADVISORY COMMITTEES

Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463), it is determined that establishment of the following advisory committees as entities of the Agency's Science Advisory Board is in the public interest in connection with the performance of duties imposed on the U.S. Environmental Protection Agency by law:

Committee Title. Environmental Measurements Advisory Committee.

Purpose. The Environmental Measurements Advisory Committee will provide to the Administrator, EPA, expert and independent advice on issues related to scientific and technical problems associated with environmental measurements and monitoring. Problems involved include the detection, identification, quantification, and continual monitoring of biological, chemical, and physical pollutants in air, water, soils, other environmental media, and human and plant tissues. Among the pollutants of concern are pathogenic bacteria and viruses, pesticides and other toxic or hazardous chemicals and radiation, noise, and solid wastes.

Committee Title. Environmental Pollutant Movement and Transformation Advisory Committee.

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Purpose. The Environmental Pollutant Movement and Transformation Advisory Committee will provide to the Administrator, EPA, expert and independent advice on pollutant movement and transformation within and among various environments. The issues to be addressed will concern air, land, water, and intermedia pollutants, and radiation.

Committee Title. Technology Assessment and Pollution Control Advisory Committee.

Purpose. The Technology Assessment and Pollution Control Advisory Committee will provide to the Administrator, EPA, expert and independent advise on technology and pollution control techniques. The issues to be addressed will concern air, land, water, and intermedia pollutants, noise, and radiation.

Copies of committee charters will be filed with appropriate standing committees of the Congress and the Library of Congress as required by the Federal Advisory Committee Act.

RUSSELL E. TRAIN,
Administrator.

NOVEMBER 3, 1975.

[FR Doc.75-30065 Filed 11-6-75;8:45 am]

[FRL 453-4]

CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Public Hearings

Section 231 of the Clean Air Act directs the Administrator of the Environmental Protection Agency to establish "standards applicable to emission of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare." Such standards were promulgated for new and certain in-use subsonic aircraft engines on July 7, 1973 (38 FR 19088) and appear in 40 CFR Part 87.

Standards limiting emissions from in-use subsonic aircraft turbine engines rated at greater than 29,000 pounds of thrust were proposed on July 17, 1973 (38 FR 19050). On September 10, 1974, EPA announced that the comment period for these proposed standards would remain open until the close of the public hearings required to be held on such proposed aircraft engine standards by Section 231 of the Act. (39 FR 32631).

Notice is hereby given of public hearings to be held at

Environmental Protection Agency—Room 2117, 401 M Street SW., Washington, D.C.

on December 16 and 17, 1975, starting at 9:30 a.m.

These hearings are intended to provide an opportunity for interested persons to state their views or arguments, or provide information relative to the proposed emission standards for in-use aircraft.

In addition, notice is given that testimony at the hearings is invited on the status of the development of technology necessary for compliance with certain emission standards applicable to new aircraft turbine engines promulgated in 1973. Since the promulgation of these standards, engineering studies have been in progress under both private and public sponsorship to develop technology capable of reducing engine emissions to the required levels. The progress of this work has demonstrated that confidence in the compliance with the 1979 standards is still generally justified. However, EPA has received information through its continuing program to assess aircraft emission control technology development that indicates the need for review of certain aspects of the established standards at this time, in particular the oxides of nitrogen standards applicable to turbojet/turbofan engines and to auxiliary power units. The hearings on the proposed in-use engine standards provide an appropriate occasion to make EPA's present assessment of technology available and to solicit for the record the information and views of interested persons on these issues.

In order to focus the hearings on the principal issues involved in the standards, this notice sets forth specific subjects on which comments are particularly requested.

A. *Proposed standards limiting emissions from certain in-use aircraft turbine engines (38 FR 19050).* The proposed standard would apply to in-use aircraft turbine engines of over 29,000 pounds rated thrust and would require that all such engines manufactured prior to January 1, 1979, be modified by January 1, 1983, to meet the same standards applicable to newly manufactured engines of that class. This proposal was published as part of an overall strategy which included relaxation of the originally proposed standards for newly manufactured engines to levels for which a program ot retrofit the new low emissions apparatus into existing engines would be possible. Early responses to this NPRM from interested parties indicated that little conclusive information relative to its technical feasibility could be provided at that time. This led to the announcement by EPA (39 FR 32631, September 10, 1974) extending the comment period on this NPRM through the close of the hearings announced herein. Accordingly, the EPA is interested in receiving informed responses on the following points, as they relate to the proposed standards applicable to in-use aircraft turbine engines of over 29,000 pounds rated thrust:

(a) What concepts for emissions control are reasonably retrofitable? What emissions levels are associated with each concept? What difficulties might arise during the retrofit of each?

(b) For each concept identified in (a), what is the incremental total cost per engine, broken down into the increase or decrease in:

(i) Production cost, including amortized development and recertification costs over the projected additional production of retrofit kits and new engines (give projections for each application)

(ii) Markup

(iii) Installation Costs

(iv) Operational cost, as measured by changes in the specific fuel consumption and maintenance requirements.

(c) For each concept identified in (a), how much additional time is necessary to make the retrofit kits available to the airlines for service evaluation, and what are the necessary steps remaining and the time requirements for each? How much time is necessary for service evaluation and for the airlines to perform the retrofit?

(d) What difficulties and penalties would be incurred by requiring one level of emissions control for those engines affected by this proposed regulation and a second, more stringent, standard for newly manufactured engines produced after January 1, 1979.

(e) Would the retirement rate of the affected engines change as a result of this retrofit? If the retirement rate is expected to change, what is the rationale to support this project and to what extent is the retirement rate expected to change?

B. *Status of technology for compliance with aircraft standards for new and certain in-use aircraft engines (40 CFR Part 87).* An interim report of findings regarding available technology derived from the EPA Aircraft Emissions Technology Assessment Program will be available for inspection and copying before the hearing at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. In addition, reports of findings relative to these hearings which have been published by the National Aeronautics and Space Administration and the Air Force will also be available at the above address.

Interested persons are invited to address the following issues regarding the technology for compliance by the following classes of aircraft engines subject to standards:

Small turbojet and turbofan engines (T1 Class). EPA recognizes the inherent difficulties in the discontinuous transition from the T1 class to the T2 class at 8,000 pounds of thrust. The engine classifications were initially established to group engines according to their principal applications (e.g., air carrier versus general aviation), and also to consider any design characteristics which affect their emissions. The T1 class was established to group the general aviation turbine engines (business jet engines) and those engines which by virtue of their small size would be expected to have a more difficult time complying with the T2 class standards because of the large surface to volume ratio of their combustors and the mechanical difficulty in achieving the higher pressure ratios so conducive to good combustion efficiency. Also, the air quality impact of the small engines used on general aviation jets, most often at secondary airports, was considerably different from the impact of the larger commercial jets. The more lenient standards as compared to the T2 class reflect these considerations.

In light of the concerns expressed to EPA in this regard and the fact that EPA originally proposed the transition point between general aviation and air carrier turbines at 6,000 pounds thrust (relaxing it to 8,000 pounds thrust in final promulgation only to give the manufacturers more flexibility), consideration may be given to a sliding scale of standards for engines which are rated at 8,000 pounds thrust and below. EPA requests informed comment as to the thrust level at which the special effects of small size noted above cease to be a predominant influence on emissions performance. EPA's preliminary view is that the T1 standard should begin to slide linearly at 4,000 pounds thrust to reach the T2 standard at 8,000 pounds thrust.

EPA has received information suggesting that the oxides of nitrogen standard for the T1 class can be met only with resort to more complex systems (e.g., staged fuel systems or water injection) both of which may have drawbacks for this class of engines. EPA invites comments with regard to the severity of the possible drawbacks of such more complex systems.

Large turbojet and turbofan engines (T2 Class). EPA is confident that the hydrocarbon (HC) and carbon monoxide (CO) standards are achievable for the T2 class. However, information gathered to date suggests that the oxide of nitrogen (NOx) standard can be met only by use of water injection. Information about the extent to which NOx can be controlled without resort to water and the penalties associated with water injection is solicited.

Turboprop engines (P2 Class). EPA notes with considerable interest the recent publicity given to the possibility of the return to turboprop propulsion to large commercial transports as a fuel conservation scheme. The present P2 standard is quite lenient when compared to other gas turbine propulsion systems, and most existing engines are expected to meet the standards with little effort. Although the use of turboprop propulsion should be encouraged because of its generally low emissions now and its low fuel consumption, nonetheless, the existing standards fail to assure utilization of the best available low emissions technology. If turboprops return in large number and in large sizes, their impact on the air pollution load will grow considerably, thereby warranting stronger standards of control. EPA is, therefore, requesting information and views on revising the P2 class standards downward to reflect utilization of the best available technology and in anticipation of a larger impact from these engines.

Auxiliary propulsion units (APU Class). EPA has been informed that there are substantial difficulties with many of the APU engines in complying with both the CO and the NOx standards despite the fact that the emissions constraint occurs only at a single power setting. Information is requested by the EPA explaining why it has been so difficult to reduce the CO and NOx emissions from APU class engines.

While consideration of the foregoing issues is the basic purpose for these hearings, EPA will accept comments on other aspects of the standards. However, any such comments which deal with a perceived need for a specific revision to a standard should be supported by complete technical justification establishing the need for and merits of the proposed revision. In particular, such justification for a comment that a specific standard cannot be met by a regulated party should be accompanied by documentation showing the efforts made to comply with the standard, and the results of such efforts. Such documentation should show the alternate emissions level(s) or compliance date(s) with which the party could reasonably comply. Cost of compliance may be a consideration in establishing reasonableness.

The information derived from these hearings will, together with that available through the EPA Aircraft Emission Control Technology Assessment Program, serve as a basis for consideration of new rulemaking action, if determined necessary to ensure that the best available technology is applied to the reduction of emissions from aircraft turbine engines manufactured on or after January 1, 1979, and to large in-use engines after 1983.

Mrs. Leslie Carothers is hereby designated as the Presiding Officer for the hearings. She will be responsible for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and to the extent possible, notifying participants of the time at which they may appear. The hearings will be conducted informally. Technical rules of evidence will not apply.

Any person desiring to make a statement at the hearings or submit material for inclusion in the record of the hearings should provide written notice of such intention not later than 15 days prior to the hearing date. Also, 10 copies of the proposed statement or material for inclusion in the record should be submitted, if possible, not later than five days before the hearing date to the Deputy Assistant Administrator, Office of Mobile Source Air Pollution Control (AW-455), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

This notice of Hearing is issued under the authority of Section 231 of the Clean Air Act, as amended, 42 U.S.C. 1857f-9.

Dated: November 4, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-30066 Filed 11-6-75;8:45 am]

[FRL 453-8; PP5G1649/T18]

THIABENDAZOLE

Establishment of a Temporary Tolerance

Merck, Sharp & Dohme Research Laboratories, Div. of Merck & Co., Inc., Rahway NJ 07065, submitted a pesticide petition (PP 5G1649) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the fungicide thiabendazole (2-(4-thiazolyl)-benzimidazole) in or on the raw agricultural commodity sugar beets at 6 parts per million.

This temporary tolerance will permit the marketing of sugar beets when treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported has shown that the tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that such tolerance will protect the public health. The temporary tolerance is, therefore, established for the fungicide with the following provisions:

1. The total amount of the active fungicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Merck & Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or Food and Drug Administration.

This temporary tolerance expires October 31, 1976. Residues not in excess of this temporary tolerance remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the fungicide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerance. The temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this fungicide indicate that such revocation is necessary to protect the public health.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: October 31, 1975.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.75-30087 Filed 11-6-75;8:45 am]

[OPP—33000/333 FRL 452-5]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East

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Tower, 401 M Street, SW, Washington DC 20460.

On or before January 6, 1976 any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 6, 1976.

Dated: October 31, 1975.

s/MARTIN H. ROGOFF,
Associate Director, Acting Director Registration Division.

APPLICATIONS RECEIVED [OPP.-33000/333]

EPA File Symbol 12523-E. Allied Service & Supply, McIntre Lane, Decatur AL 35601. MINT ODOR DISINFECTANT COEF. 7. Active ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 12523-R. Allied Service & Supply, McIntre Lane Decatur AL 35601. MINT ODOR DISINFECTANT COEF. 15. Active Ingredients: Alkyl (C14 58%; C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 30948-E. Bionomical Chemicals and Services, Inc., 1003 Pineville Rd., Chattanooga TN 37405. SCM-400 WEED KILLER AND GROUND SEMI STERILANT. Active Ingredients: Sodium Chloride 18.0%; Sodium Metaborate (Anhydrous) 6.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 8484-22. Cosan Chemical Corp., 481 River Rd., Clifton, NJ 07014. COSAN 265. Active Ingredients: 1,1'-(2-butenylene) bis(3,5,7 - triaga - 1 - azoniaadamantane chloride) 90%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA Reg. No. 6754-4. Dettelbach Pesticide Corp., 4111 Peachtree Rd. NE, Atlanta, GA 30319. PROFESSIONAL NO. 20 LINDANE EMULSION CONCENTRATE. Active Ingredients: Gamma Isomer of Benzene Hexachloride from Lindane 20.0%; Xylene 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 6009-U. Eastern Color & Chemical Co., 36 Livingston St., Providence, RI 02940. ECCOGENE GERMICIDE. Active Ingredients: di-isobutyl phenoxy-ethoxy ethyl di-methyl benzyl ammonium chloride 19.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 4816-353. FCM Corp., 100 Niagara St., Middleport NY 14105. DRIONE. Active Ingredients: Pyrethrins 1%; Piperonyl Butoxide, Technical 10%; Amorphous Silica Gel 40%; Petroleum Hydrocarbons 49%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM17

EPA Rep. No. 4816-367. FMC Corp., 100 Niagara St., Middleport NY 14105. DRIONE INSECTICIDE SPRAY. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 1.0%; Silica Gel 4.0%; Petroleum Distillate 4.9%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 1117-LE. Fort Dodge Laboratories, Inc., Div. of American Home Products, Box 518, Fort Dodge IA 50501. NOLVASAN AEROSOL. Active Ingredients: 1,1'-Hexamethylenebis [5-(p-chlorophenyl) biguanide] gluconate 0.4%; Ethyl alcohol 55.70%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 1471-94. Elanco Products Co., Div. of Eli Lilly & Co., PO Box 618, Indianapolis IN 46206. ELANCO A-REST SOLUTION. Active Ingredients: ancymidol (a-cyclopropyl-a-(p-methoxyphenyl) - 5 - pyrimidinemethanol] 0.0264%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA File Symbol 7796-U. Dr. MacDonald's Vitamized Feed Co., Inc., PO Box 1077, Fort Dodge IA 50501. #307 LARV-X PASTURE BLOCK. Active Ingredients: Phenothiazine 0.66%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA Reg. No. 3125-280. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Hawthorn Rd., Kansas City MO 64120. MONITOR 4 LIQUID INSECTICIDE. Active Ingredients: O,S-Dimethyl phosphoramidothioate 40%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 6020-RA. MOM Chemical Co., 7775 NW 66th St., Miami FL 33166. WHISP DISINFECTANT-DEODORIZER-MILDEW-CIDE. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl 3,4-dichlorobenzyl ammonium chloride 1.250%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.625%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 0.625%; Sodium carbonate 0.500%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.190%; Essential Oils 0.250%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 524-124. Monsanto Co., Agricultural Div., 800 N. Lindbergh Ave., St. Louis MO 63166. AVADEX BW. Active Ingredients: S-2,3,3-Trichloroallyl)-diisopropylthiocarbamate 46.3%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA Reg. No. 524-145. Monsanto Co., Agricultural Div., 800 N. Lindbergh Ave., St. Louis MO 63166. FAR-GO. Active Ingredients: S-2,3,3-Trichloroallyl) -diisopropylthiocarbamate 46.3%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 33710-R. Shamrock Chemical Co., Inc., PO Box 1132, Huntington WV 25714. SHILLELAGH 211 MICROBIOCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

[FR Doc.75-29782 Filed 11-6-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1090]

ASPEN INSTITUTE PROGRAM ON COMMUNICATIONS AND SOCIETY AND CBS, INC.

Declaratory Order; Memorandum Opinion and Order Clarifying Commission Rulings

By the Commission: Commissioners Lee and Hooks dissenting and issuing statements; Commissioner Quello issuing a statement in which Commissioner Robinson joins; Commissioners Washburn and Robinson issuing separate statements.

1. The Commission is in receipt of petitions filed by Mr. Douglass Cater, Director of the Aspen Institute Program on Communications and Society (Aspen), received April 22, 1975, and by CBS, Inc. (CBS), received July 16, 1975. Both petitions raise questions concerning the applications of the provisions of Section 315 of the Communications Act.

2. Aspen seeks revision or clarification of the Commission's policies concerning the applicability of the 1959 Amendments to Section 315 to certain joint appearances of political candidates. It is urged, that the two revisions will enable broadcasters to "more effectively and fully * * * inform the American people on important political races and issues" and to "make the Bicentennial a model political broadcast year."

3. The two revisions sought by the Institute are:

(1) The Commission should give the Section 315(a)(4) exemption for on-the-spot coverage of bona fide news events its proper broad remedial construction, and should thus overule the NBC (Wyckoff) and Goodwill Station decisions;[1] and

(2) The Commission should clarify its position on Section 315(a)(2)—the exemption for bona fide news interview programs—in light of the Chisholm case.[2]

These are crucial, in Aspen's view, because the Commission, in its interpretive rulings, has not given full scope to the Congressional purpose in enacting the 1959 Amendments to Section 315, and its rulings are founded upon mistaken assumptions and interpretations of law, which must be acknowledged and corrected as a matter of law and policy.

4. The Institute seeks these revisions in the context of Docket No. 19260, which addressed political broadcasting issues or, in the alternative, in a new policy statement or declaratory ruling.

5. Because the proposed revisions concern a broader set of issues than those discussed in the Fairness Report, 48 FCC 2d 1 (1974), and in the First Report-Handling of Political Broadcast, 36 FCC 2d 40 (1972), we believe that these broader issues should not be decided without further consideration in a more expansive proceeding.[3] However, the first issue raised by the petition as to the legal misinterpretation which underlies our 1962 decisions with respect to Section 315(a)(4), can be dealt with at this time in a declaratory ruling.[4]

6. CBS requests a declaratory ruling that Presidential press conferences are exempt from the "equal opportunities" provision of Section 315 of the Communications Act. CBS contends that the live broadcast of such news conferences constitutes (1) "on-the-spot coverage of bona fide news events," within the meaning of Section 315(a)(4) of the Act, and (2) "a bona fide news interview," within the meaning of Section 315(a)(2) of the Act. Petitioner urges that we reexamine our decision in Columbia Broadcasting System, Inc., 40 FCC 395 (1964) (hereinafter referred to as CBS).[5]

7. Section 315, as it was originally worded, established a principle of absolute equality for competing political candidates in the "use" of broadcast facilities. In the 1959 "Lar Daly" case, the Commission interpreted the statute to mean that the equal time rule applied even to the appearance of a candidate on a regularly scheduled newscast. Columbia Broadcasting System, 18 RR 238, reconsideration denied, 18 RR 701 (1959). Daly, a perennial candidate in both the Republican and Democratic mayoralty primaries in Chicago, had complained to the Commission that several stations presented newsclips showing the major candidates in the two primaries but refused to afford him equal time. The Commission ruled that the presentation of these film clips were "uses" within the meaning of the statute, and that consequently Daly was entitled to equal time. The Commission's position on this matter created a national furor, and it was feared that this strict application of the equal opportunities provision "would tend to dry up meaningful radio and television coverage of political campaigns." Sen. Rep. No. 562, 86th Cong. 1st Sess. 10 (1959).

8. This concern led Congress to a realization that the concept of absolute equality among competing political candidates would have to give way, to some extent, to two other "worthy and desirable" objectives:

First, the right of the public to be informed through broadcasts of political events; and Second, the discretion of the broadcaster to be selective with respect to the broadcasting of such events.

Hearings on Political Broadcasts-Equal Time Before the Subcommittee on Communications and Power of the House Committee on Inter-state and Foreign Commerce, 86th Cong., 1st Sess. 2 (1959) (comments of Chairman Harris).

9. In order to attain these worthy objectives, Congress adopted the 1959 amendments to the Communications Act. These amendments provided that an appearance by a candidate on any one of four types of news programs should not be deemed to be a "use" of the station by that candidate. The four categories of exempt programs are as follows:

(1) bona fide newscast,

(2) bona fide news interview,

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto).

The Congress also provided that the Commission should have broad discretion in interpreting and implementing the new policy. See 47 U.S.C. § 315(c). Indeed, in the words of the Senate Report:

It is difficult to define with precision what is a newscast, new interview, news documentary, or on-the-spot coverage of news event * * *. That is why the committee in adopting the language of the proposed legislation carefully gave the Federal Communications Commission full flexibility and complete discretion to examine the facts in each complaint which may be filed with the Commission * * *. In this way the Commission will be able to determine on the facts submitted in each case whether a newscast, new interview, news documentary, [or] on-the-spot coverage of news event * * * is bona fide or a "use" of the facilities requiring equal opportunity.

Sen. Rep. No. 562, 86th Cong., 1st Sess. 12 (1959).

10. In The Goodwill Station, Inc., radio station WJR broadcast a debate sponsored by the Economic Club of Detroit between two major candidates for Governor of Michigan, then-Gov. John B. Swainson and Republican challenger George Romney. The two participants were invited by the Club to debate issues following a dinner meeting. Neither had any part in establishing the format for the debate. The candidates appeared as invited, debated, and following the debate answered questions posed by Economic Club members. Each candidate had an opportunity to respond to an equal number of questions. Station WJR merely covered "live," the debate and question and answer period. It exercised no control whatsoever over the program content. The Commission ruled that this was not a "bona fide news event" under Section 315(a)(4), a ruling which had the effect of affording equal time to the candidate of the Socialist Labor Party, a party which in the previous election received only 1,479 votes out of a statewide total of 3,255,991. The Commission's construction of 315(a)(4) excluded debates from that exemption. Indeed, it concluded that only events "incidental to" the presentation of a bona fide news event (e.g., where a Congressman seeking re-election appeared in connection with a ribbon cutting ceremony for a new highway or bridge) or some, but not all, activities incidental to the presentation of a political convention might be exempt. The Commission based its conclusion on House Report No. 802, 86th Cong. 1st Sess., August 6, 1959. It took the position that the deletion of the term "debate" from the House version of the bill, as well as the evidence of Congressional action in 1960, which permitted the Great Debates, which it assumed to have been outside the 1959 Amendment's exemptions from Section 315, clearly indicated a legislative intent that debates were not exempt formats. Further, it said that the 315(a)(4) exemption for "on-the-spot coverage of bona fide news events", if applied to debates, would result in the rule.

11. National Broadcasting Co., *supra*, involved a debate between Governor Brown of California and Richard Nixon before the annual convention of the United Press International which NBC covered "live." The debate was arranged by UPI, and NBC had nothing to do with the arrangements.[6] Indeed, NBC was not invited to cover the debate until after the arrangements had been completed. However, it decided to cover the event, as did all the major newspapers in California, based upon its assessment that the event was singularly newsworthy. The Commission held that equal time must be afforded to the Prohibition Party's candidate for Governor, thereby virtually eliminating the possibility that such debates would receive further broadcast coverage. In elaborating on its Goodwill Station opinion, the Commission stated that merely because an event might be considered newsworthy by the broadcaster did not make the event "bona fide" for purposes of the exemption. The Commission said:

Where the appearance of a candidate is designed by him to serve his own political advantage and such appearance is ultimately the subject of a broadcast program encompassing only his entire appearance, such program cannot be considered to be on-the-spot coverage of a bona fide news event

[1] The Goodwill Station, Inc., 40 FCC 362 (1962); National Broadcasting Co., 40 FCC 370 (1962).

[2] Hon. Sam Yorty and Hon. Shirley Chisholm, 35 FCC 2d 572, remanded and order for interim relief granted, No. 72-1505, D.C. Circuit, June 2, 1972, on remand, 35 FCC 2d 579 (1972).

[3] We expect to reconsider the issues raised in or Chisholm ruling, supra, among other political broadcast questions, at that time.

[4] Parties who wish to challenge this Declaratory Ruling on appeal will have an opportunity to do so well in advance of the 1976 elections. Felix v. Westinghouse Radio, 186 F.2d 1 (3rd Cir. 1950), cert. denied, 341 U.S. 909 (1951).

[5] Informal comments have been filed in opposition to this request by the Democratic National Committee, which urges us to reaffirm the validity of the CBS decision. See paragraph 17, infra. An additional request for the same relief asked for by Aspen was filed by Henry Geller on September 19, 1975.

[6] Neither of these cases involved a debate or joint appearance in a studio.

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simply because the broadcaster deems that the candidate's appearance (or speech) will be of interest to the general public and, therefore newsworthy. For as Chairman Harris stated in discussing the conference report on the House floor, an "appearance of a candidate in the on-the-spot coverage of news events is not to be exempt from the equal time requirements unless the program covers bona fide events. And no assertion has been made by either CBS or NBC that this program encompassed any aspect of the UPI convention other than the joint appearance of Governor Brown of Mr. Nixon.

The Commission, in conclusion, repeated that it did not question the broadcaster's news judgment but only the contention that it should consider only the broadcaster's news judgment in the context of the legislative guidelines for the 315(a)(4) exemption.

12. In *CBS*, we held that press conferences of the President, or a non-incumbent candidate for election to the presidency, would be considered non-exempt "uses" within the meaning of Section 315. In that decision we relied on the language of the Conference Report accompanying the bill containing the 1959 Amendments to Section 315 which stated that in order to qualify for exemption as "bona fide news interview" within the meaning of Section 315(a)(2), a broadcast must meet each of the following criteria:

(1) The broadcast must be regularly scheduled.

(2) The selection of the content, format, and participants of the broadcast must be under the exclusive control of the licensee or network.

(3) Broadcaster decisions as to format, content, and participants must have been made in the exercise of bona fide news judgment and not for the political advantage of any candidate.

13. In addition, we held that the broadcast of such press conferences failed to qualify for exemption as "on-the-spot coverage of bona fide news events," within the meaning of Section 315(a)(4). This conclusion rested on our decisions in Goodwill Station and Wyckoff, supra. We also stated that the mere fact that an event might be considered newsworthy by the broadcaster did not, per se, bring the event within the Section 315(a)(4) exemption, and that we were not questioning the networks' news judgment but only the contention that the Commission should consider only such news judgment in determining whether a broadcast was exempt under Section 315(a)(4).

14. In support of its contention that live broadcast of Presidential press conferences constitutes "on-the-spot coverage of bona fide news events," within the meaning of Section 315(a)(4), CBS argues that a reasonable decision by a broadcaster that a Presidential press conference is sufficiently newsworthy to merit on-the-spot live broadcast coverage should be determinative of whether the broadcast is exempt under Section 315(a)(4).

15. CBS stresses the unique status of the Presidency and the inherent newsworthiness of Presidential communications with the public. Thus, it contends, a distinction must be drawn between those Presidential press conferences called by a President-candidate in furtherance of his duty as Chief Executive to keep the people informed on important national and international issues, and purely political press conferences.[1] The network claims that, under the CBS decision, no such distinction is drawn and, hence, any press conference now called by President Ford—political or non-political—will give rise to "equal opportunity" rights in opposing candidates and will, therefore, be effectively barred from live broadcast coverage by licensees.

16. To support its assertion that a Presidential press conference constitutes a "bona fide news interview," within the meaning of Section 315(a)(2), CBS submits that while the regularity of broadcast of a news interview program and its control by the licensee are relevant considerations in determining whether or not such an interview is exempt from the "equal opportunities" provision of Section 315, the Commission's perspective in evaluating these considerations has been too narrow. Thus, CBS submits that in our decision in CBS, supra, the Commission applied an overly strict and mechanistic definition of the term "regularly scheduled." In its view, this term is most reasonably construed as meaning "recurrent in the normal and usual course of events," rather than as "recurrent at fixed and uniform time intervals." See CBS, supra, 40 FCC at 404 (dissent of Commissioner Loevinger). Presidential press conferences are "regularly scheduled," since they have been held over the course of many years and are held on a periodic basis. With respect to the element of licensee control, it is claimed that Congress's primary concern with control of news interview programs was that such control be outside the hands of a candidate; it takes the view that Congress did not intend that such control remain exclusively with the broadcaster. Finally, CBS contends that the principle concern of Congress with respect to "bona fide news interview" programs was the prospect of rigging by some local broadcasters to promote the candidacies of local candidates, and that this concern is obviated in the case of nationwide broadcast of Presidential press conferences. Thus, although a President may make a statement before opening the session to questions, the crux of the press conference is in the questions and answers themselves, and such questions are out of the hands of the President.

17. The Democratic National Committee (DNC), in its informal comments, concedes that "past decisions should be re-examined in light of new facts, new laws, or new interpretations of past laws and facts." However, DNC contends that the reversal of the Commission's 1964 CBS decision would, in effect, "nullify the objectives of Section 315 and render it meaningless as it applies to Presidential elections." DNC further contends that the purpose of the 1959 Amendments was "to provide enough leeway to broadcasters to disseminate the news without incurring equal time obligations," and that "CBS is free to broadcast portions of the Presidential press conference on bona fide news shows or bona fide news documentaries." In its view, an exemption for Presidential press conferences from Sections 315 would "deprive opposing candidates of equal opportunities" and would cause "irreparable damage . . . to its 1975 Presidential nominee" and all future candidates opposing incumbent presidents. DNC urges the Commission to retain the "incidental to" test which it has applied since 1962 in interpreting Section 315(a)(4). It contends that if the Commission abandons this test, it is left to determine only whether a licensee's judgment that a program is newsworthy is reasonable, and that the FCC would be left with neither a rational test for determining either the bona fides of a broadcast news event, nor a test with the precision of the equal time rule.

18. DNC also opposes the CBS contention that "regularly scheduled news interviews" refers to "recurrent in the normal and usual course of events, rather than at fixed and uniform time intervals." In its view, that interpretation would be administratively unworkable, and could make a farce out of the well defined news interview exemption. It also contends that the legislative history does not support this CBS assertion. Furthermore, it believes that Presidential press conferences, called at the whim of the President, are subject to abuse. It also believes that many of the significant factors associated with Presidential press conferences are under the control of the President and, thus, the problem of abuse would be heightened by exemption of such programs in direct disregard of the "control" requirement as set forth in the legislative history.

19. DNC believes that the Commission should take into consideration: (1) that if Section 315 is to continue to work effectively, it must continue to work with the "automatic and mathematical" precision it has exhibited in the past; (2) the equal time requirement posits a particular right in candidates to ensure that they receive an equal opportunity of access to the airways in order to discuss campaign issues, and such rights should not be left to the whim of a station or network; (3) the impact of such a ruling would inhibit the chances of any candidate's bid to unseat an incumbent President running for re-election; (4) that the President's unique status as a newsworthy individual should not be determinative in this case; (5) such an interpretation would be inconsistent with the interpretations of the First Amendment in Red Lion Broadcasting Co. v. FCC, 395 U.S. 367 (1969).

20. The Media Access Project (MAP) has filed a lengthy informal pleading on behalf of the National Organization of Women (NOW) and Congresswoman Shirley Chisholm. MAP argues that the Commission cannot properly issue declaratory rulings in this matter, but may only proceed by way of a rulemaking proceeding. Aside from the procedural arguments, MAP essentially alleges that the potential for abuse of the exemptions in Section 315 requires the Commission to prohibit any use of the exemptions for on-the-spot coverage of bona fide news events. Additionally, it is argued that if a candidate intends to gain an advantage by his or her appearance, coverage of the appearance may not be exempt, and that debates may never be exempted because Congress did not create a specific exemption for them. Moreover, MAP argues that the Commission could, as a matter of administrative discretion, use a test which was rejected by Congress in its determination—the "incidental to" test applied in the 1962 decisions.

21. For the reasons discussed below, we hereby overrule our earlier decisions in The Goodwill Station, Inc., supra, and National Broadcasting Co., supra, and will in the future interpret § 315(a)(4), so as to exempt from the equal time requirements of Section 315 debates between candidates as "on-the-spot coverage of bona fide news events" in situations presenting the same factual contexts in Goodwill Station and Wyckoff. At the same time we overrule that part of the 1964 CBS decision which relies on Goodwill Station and Wyckoff, for reasons also discussed below. Thus the press conferences of the President and all other candidates for political office broadcast live and in their entirety, qualify for exemption under Section 315(a)(4).[2]

Discussion

DEBATES: THE ASPEN PETITION

22. As Aspen points out, and after thorough review we are compelled to agree, the Commission's decisions in Goodwill Station and Wyckoff, are based on what now appears to be an incorrect reading of the legislative history of the newscast exemptions and subsequent related Congressional action. Our conclusion that the debates were not exempt rested on language in the House Report of August 6, 1959, which indicated that in order for on-the-spot coverage to be exempt the appearance of the candidates would have to be "incidental to" the coverage of a separate news event. The Goodwill Station, Inc., 40 FCC at 364. It was obvious, of course, that in a debate between two candidates the appearance of neither could be deemed to be incidental to the news event. Indeed, the appearance of the candidates would naturally be the central focus of the event. The problem with this reasoning is that it was based on a report of a bill which was not enacted into law. The bill discussed in the August 6 House Report did indeed require that appearances by candidates must be "incidental to" another event—and this requirement was explicitly set forth in the bill. The bill as enacted, however, did not limit the exemption to appearances of candidates which were "incidental to" other news. During the floor debate in the House, Rep. Bennett of Michigan warned the House that the "incidental to" language must be deleted or the bill would not work, citing the text of the bill and the language of the House Committee report. 105 Cong. Rec. 16241. The language was stricken in conference, and in floor discussion of the conference report Bennett again took the floor to comment on the deletion of the provision: "I am glad to see that the conference substitute omits this language because the majority of conferees felt as I do, that this requirement would lead to even greater confusion than we have at present." 105 Cong. Rec. 17778. The conference bill was then adopted.[3] The rejection by a legislature of a specific provision contained in a reported bill militates against an interpretation of the resulting statute which, in effect, includes that provision. See Carey v. Donohue, 240 U.S. 430 (1916).

23. Thus, the Commission's conclusion, in The Goodwill Station Inc., that a program which might otherwise be exempt should lose its exemption because the appearance of a candidate is a central aspect of the presentation, is not supported by the legislative history.[4] Newscasts, news interviews, news documentaries and "on-the-spot coverage of news events" were exempted in order to foster public consideration of major candidates while assuring minor candidates access

[1] In this respect, CBS relies heavily on the 1964 dissenting opinions of Commissioners Ford and Loevinger and the separate opinion of Chairman Hyde (which was in substance a dissent).

[2] Because Aspen and CBS both requested declaratory rulings by the Commission, they are the only formal parties before the Commission. DNC and MAP have, therefore, filed informal comments in opposition to the views of Aspen and CBS. The Commission has fully considered the arguments advanced in all those comments in reaching its determination.

[3] Rep. Moss, who drafted the "incidental to" language, dissented from the conference report and during the floor debate circulated a letter detailing his reasons. Chairman Harris, the floor manager, responded as follows:

> The letter alleges that this change replaces "the objective requirement of the House's bill that the appearance be incidental to the reporting of news with the subjective test that the newscast or news interview be bona fide." It states that the conference substitute provides for "a purely subjective text (sic) almost impossible of proof without either the showing of the grossest kind of favoritism or of a long pattern of preferential treatment by the broadcaster" • • •.
>
> He replied to this allegation:
>
> The test to be applied under the conference substitute is by no means too subjective to permit this.
>
> Continuing, he stated the sentence quoted by the Commission in the NBC opinion:
>
> • • • and appearance of a candidate in on-the-spot coverage of news events is not to be exempt from the equal time requirement unless the program covers bona fide news events.
>
> He continued, in a passage not quoted by the Commission:
>
> This requirement regarding the bona fide nature of the newscast, news interview or news events, was not included without thoughtful consideration by the conference committee. It sets up a test which leaves reasonable latitude for the exercise of good faith news judgment on the part of broadcasters and networks. However, it is not intended that the exemption shall apply where such judgment is not exercised in good faith. For example, to state a rather extreme case, the exemption from section 315(a) would not apply where the program, although it may be contrived to have the appearance or give the impression of being a newscast, news interview, or on-the-spot coverage of news events, is not presented as such by the broadcaster, but in reality has for its purpose the promotion of the political fortunes of the candidate making an appearance thereon. 105 Cong. Rec. 17782.

Thus, Chairman Harris equated the test as to bona fide in 315(a)(4) to those for "newscasts and news interviews." This statement conflicts with the Commission's 1962 ruling which, as described herein, mistakenly interprets the exemption as if the "incidental to" language had been retained.

[4] The Commission appears to have been confused by the legislative history in its 1962 interpretation of the test as to what constituted a bona fide news event under Section 315(a)(4). This confusion resulted in part from the langage of the Conference Report, p. 4. The Report discussed the test for "bona fide" news interview, specifying that in addition to certain format requirements, "the determination must have been made by the station or network, as the case may be, in the exercise of its 'bona fide' news judgment and not for the political advantage of a candidate for public office." However, in specifying the "bona fide" test as applied to on-the-spot coverage of bona fide news events, the Report said:

> In the Conference substitute, in referring to the on-the-spot coverage of news events, the expression "bona fide news events" instead of "news events" is used to emphasize the intention to limit the exemptions from the equal time requirement to cases where the appearance of the candidate is not designed to serve the political advantage of that candidate.

The lack of parallel mention of the broadcaster's bona fide news judgment in that paragraph may well have led the Commission, in 1962, to conclude that when Chairman Harris stated that in order to be exempt the program must cover "bona fide events", he meant that the broadcaster's news judgment was not to be considered. However, Congress recognized that the appearance of a candidate at any event would, objectively, serve his political interest. Furthermore, the language of the exemption, "including but not limited to political conventions and activities incidental thereto" indicates that the exemption does not limit broadcasters only to the coverage of nonpartisan or non political events. Thus, it is hard to see how the appearance of a candidate at a political convention is not intended to serve the candidate's advantage. Therefore, we believe that the question of what is a "bona fide event" cannot be answered by looking only at the event itself, because if that interpretation were to be given effect, no political event could be covered except the most innocuous ribbon-cutting ceremony. Even then, the broadcaster would be forced to inquire whether the politician's subjective motive for attending was his political advancement. The real question is as to intent-and it is clear here that Congress was naturally focusing on the broadcaster's role.

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to reasonable opportunities for air time." The Commission's mandate was to devise standards to insure that these guidelines were enforced. There is no indication that Congress intended the Commission to take an unduly restrictive approach which would discourage news coverage of political activities of candidates. Rather, Congress intended that the Commission would determine whether the broadcaster had in such cases made reasonable news judgments as to the newsworthiness of certain events and of individual candidacies and had afforded major candidates broadcast coverage. Conference Report, H. Rep. No. 1069, 86th Cong. 1st Sess. In some circumstances this might logically entail exclusion of certain programs from within an exemption, such as programs designed for the specific advantage of a candidate, or those which were patently not bona fide news. It would not in our view extend to a restrictive application as to certain categories of events simply because the candidate's appearance is the central aspect of the event. Accordingly, a program which might otherwise be exempt does not lose its exempt status because the appearance of a candidate is a central aspect of the presentation, and not incidental to another news event.

24. In the Goodwill Station, Inc., the Commission concluded that, since there was no special exemption for debates, these events could not attain exempt status merely by being presented under one of the four exempt formats provided for in the 1959 amendments. This conclusion is unfounded. No appearance of a candidate (in a debate or otherwise) has a special exemption independent of the 1959 provisions, but such events may be properly covered, for example, under the exemption provided for bona fide newscasts. During the House of Representatives floor debate, Congressman Harris noted that a number of important program categories were not specifically exempted from Section 315, but then he made the following observation:

> On the other hand, and I want you to get this, * * * the elimination of these categories by the committee was not intended to exclude any of these programs if they can be properly considered to be newscasts or on-the-spot coverage of news events.

105 Cong. Rec. 16229 (August 18, 1959). This view is consistent with the legislative history as to the other news exemptions as well.

25. The Commission, in 1962, stated that its restrictive interpretation of the exemptions (at least as it affected debates) was strengthened by the fact that Congress enacted special legislation in 1960 to exempt the Great Debates. We do not believe that Congress meant that debates presented within an exempt format would somehow lose their exemption. Indeed, the 1960 legislation had no special relevance to the coverage of debates. The legislation was intended to apply to any appearance by the presidential candidates regardless of format; and the measure was adopted prior to the time when the candidates and the networks proposed the Great Debates. Senator Yarborough offered an amendment which would have limited the exemption to debates, but this amendment was withdrawn. See 106 Cong. Rec. 13423–13428 (June 27, 1960).

26. Why then was the 1960 legislation needed if debates could be carried as on-the-spot coverage of a bona fide news event? It was hoped that the exemptions would "lead to a fuller and more meaningful news coverage of the actions and appearances of legally qualified candidates"; but the Congress recognized that by 1960 not enough time had elapsed "for a full evaluation of this amendment." Sen. Rep. No. 1539, 86th Cong., 2d Sess., p. 2 (1960). As we have already noted, the Congress fully expected the Commission to act to explain fully the scope of the 1959 amendments. At the time of the adoption of the 1960 legislation, however, the Commission had done little to clarify the meaning of the exemptions. The urgent necessity for Congressional action, as stated by Senator Pastore in his remarks of June 27, 1960, was that:

> (1) Not enough time has elapsed to permit full evaluation [by the FCC] of [the 1959] amendment; and (2) "As the 1960 presidential and vice-presidential campaign approached, great concern had been expressed about the serious limitations that were involved in the full application of section 315 to such candidates. 106 Cong. Rec. 13424 (daily ed.).

Thus, it was suggested by broadcasters and agreed to by Congress that Section 315 would be suspended as to major Presidential and Vice Presidential candidates for the 1960 elections, to insure that "adequate free time would be offered voluntarily" by the networks. 105 Cong. Rec. 13424 (June 27, 1960). Thus, reliance by the Commission on the proposition that the 1960 Suspension assumed that a debate was not an exempt format was, and is, misplaced.

27. Furthermore, we are convinced that as a matter of policy the Commission's reversal of these prior decisions comports with the original legislative intent and serves the public interest by allowing broadcasters to make a fuller and more effective contribution to an informed electorate.[11] As Aspen points out in its petition, "[t]he consequence of these [1962] rulings has been to greatly diminish the efficacy of the on-the-spot news exemption, and thus the broadcaster's coverage of political news events," (Petition, p. 5)[12] rather than "to make it possible to cover the political news to the fullest degree * * *" and "to give full and meaningful coverage to the significant events of the day." [13] By departing from these prior opinions, we can aid the broadcaster in rendering a most unique public service—bringing a political debate "live into the homes of every interested voter."

28. However, we must advert to the legal arguments raised by the Commission in 1962 rulings as to the difficulties posed by loosening the exemptions to Section 315.

(a) It has been argued that giving Section 315(a)(4) a broader construction would render meaningless the other three exemptions to Section 315. By applying our Declaratory Order here to the circumstances covered by the two cases overruled,[14] We believe we have preserved the essential nature of the exemption. However, to the extent appearances in debates would fall within another exemption, e.g., newscast or news interview, quite obviously that argument is vitated.

(b) As to the argument that a broader construction would render meaningless the 1960 suspension, S.J. Res. 207, P.L. 86–677, that is of little relevance. As we have pointed out in some detail, Congress acted in 1960,[15] because it was uncertain how the Commission would interpret the 1959 Amendments and in order to facilitate the offer by the networks of free broadcast time to the major Presidential and Vice-Presidential candidates. Furthermore, the 1960 exemption did not specify a debate format at all; rather, it provided that free time could be offered by broadcasters for the candidate's use, without subjecting broadcasters to the equal time requirements.

(c) It is also suggested that the broader construction of the exemption would permit the broadcaster to ignore the equal time requirement. Thus, it is said, the opportunity to characterize as "newsworthy" any event covered live and on-the-spot would be irresistable to a broadcaster bent upon aiding a particular

[11] Although, our ruling is most directly necessitated by the canon which requires an administrative agency to heed guidelines established by Congress, and to correct clear legal errors which were material to decisional results, we also agree with petitioner's argument that post-1960 developments in the law which support First Amendment interests of the public to view political news and to receive "wide-open, uninhibited and robust debate," Red Lion Broadcasting Co. v. FCC, 395 U.S. 367, 390 (1969), New York Times v. Sullivan, 376 U.S. 254 (1964), Garrison v. Louisiana, 379 U.S. 64 (1964), are consistent with Congress's intent in enacting the 1959 Amendments.

[12] Sen. Rep. No. 562, 86th Cong. 1st Sess., at p. 10; 105 Cong. Rec. 14445 (1959) (remarks by Sen. Pastore); 106 Cong. Rec. 13424 (1960) (remarks of Senator Pastore). See Lawrence M. C. Smith, 40 FCC 549 (1963); Dr. Benjamin Spock, 38 FCC 2d 316 (1972).

[13] Sen. Rep. No. 562, supra, at 10: "An informed public is indispensable for the continuance of an alert and knowledgeable democratic society. The public should not be deprived of the benefits that flow from this dynamic form of communications during the critical times of a political campaign . . ."

[14] Remarks of Senator Pastore, 105 Cong. Rec. 14445 (1959) and 106 Cong. Rec. 13424 (1960).

[15] See paragraphs 10–11, supra.

[16] We are aware that Congressional legislation is proposed which would exempt major Presidential and Vice Presidential candidates from the provisions of Section 315 altogether. The Commission has previously proposed to limit the equal opportunities requirement to major party candidates or candidates with "significant public support." See First Report, supra at 51–52 (para. 35). We do not contemplate that this Declaratory Order will obviate the need for more sweeping action by Congress.

candidate in a partisan, discriminatory fashion. This argument is answered in part by the fact that we have limited our action on the 315(a)(4) exemption to the circumstances of Goodwill Station, NBC and CBS. This limited holding does not offer the opportunity for broadcaster abuse that already exists in the "newcast" or "new interview" exemptions. Nor does the narrow exemption reviewed here threaten to swallow the equal time rule. Realistically, the likelihood of broadcaster abuse is remote in coverage of more prominent political races (President, Senator, Governor, etc.). While the opportunity for abuse may exist at the less visible political office level (e.g., councilman, school board, district legislative races), we feel that the absence of abuse in the past 15 years of a broad newscast exemption fails to support the doomsayers' thesis—that this narrower exemption will be abused.

29. Most importantly, we believe that when Congress adopted the 1959 Amendments it squarely faced the risks of political favoritism by broadcasters which might be created by the exemptions—and, on balance, Congress preferred to make available to broadcasters the opportunity "to cover the political news to the fullest degree." [17] Today, these risks are substantially lessened.[18] Yet, the Commission's failure to accord the appearances in Goodwill and Wyckoff the exemption of Section 315(a)(4) did not give adequate scope to the Congressional action; rather, the Commission took a more cautious position which would insure that the threat of abuse would never materialize. To do so merely to preserve administrative convenience is not an appropriate course on which we will continue.

PRESS CONFERENCES: THE CBS PETITION

30. The preceding discussion of the Section 315(a)(4) exemption as it pertains to coverage of debates is also relevant to the question of live coverage of a press conference. As we stated in paragraph 23, *supra:*

> * * * [A] program which might otherwise be exempt does not lose its exempt status because the appearance of the candidate is a central aspect of the presentation, and not incidental to another news event.

Under this test, press conferences do not lose their exemption merely because the candidate's appearance is the central aspect of the news event. The Commission allows reasonable latitude for exercise of good faith news judgments by broadcasters and networks by leaving the initial determination as to eligibility for Section 315 exemption to their reasonable good faith judgment. See United Community Campaigns of America, 40 FCC 390, 391 (1964). Congress intended that the Commission would determine whether the broadcaster had made reasonable and good faith judgments as to the newsworthiness of certain events and of individual candidacies, and had afforded major candidates broadcast coverage. See *Conference Report*, H. Rep. No. 1069, 86th Cong. 1st Sess. CBS's premise is that its judgment as to the newsworthiness of such press conferences, and its consequent decision to afford such conferences live broadcast coverage, are necessarily wholly determinative of whether such broadcasts are exempt under Section 315(a)(4). However, newsworthiness is not the sole criterion to be used in determining whether Section 315(a)(4) has been properly invoked. A question whether the coverage of a press conference was intended by the broadcaster to be for the specific advantage of that candidate would be considered in terms of the licensee's good faith in deciding to cover the press conference. See 105 Cong. Rec. 17782 (remarks of Oren Harris).

31. With respect to CBS's contention that a Presidential press conference constitutes a "bona fide news interview," within the meaning of Section 315(a)(2), we cannot agree with the claim that our perspective in evaluating the criteria for exemption under that subsection has been too narrow. The Conference Report on the bill containing the exemptions to Section 315(a) set forth the criteria for exemption under subsection (a)(2) with clarity:

> The intention of the committee of conference is that in order to be considered "bona fide" a news interview must be a regularly scheduled program.
>
> It is intended that in order for a news interview to be considered "bona fide" the content and format thereof, and the participants, must be determined by the licensee in the case of a news interview originating with the licensee of a station and by the network in the case of a news interview originating with a network; and the determination must have been made by the station or network, as the case may be, in the exercise of its "bona fide" news judgment and not for the political advantage of the candidate for public office. H. Rept. No. 1069, 86th Cong., 1st Sess. 4 (1959).

Moreover, Senator Pastore, Senate Manager of the bill, stated:

> We have spelled out in the House Report itself precisely what we mean by bona fide news interview. It is provided, specifically, first of all, that it shall be a regularly scheduled program. Secondly, the content and format must be exclusively under the jurisdiction of the broadcaster or of the network. 105 Cong. Rec. 17829 (September 3, 1959).

32. The legislative history makes it clear that "regularly scheduled" meant to Congress a program which a licensee or network initiates and schedules for regular, recurrent broadcast, rather than a program which covers an event (such as a press conference) which, although possibly "recurrent in the normal and usual course of events," is initiated by a candidate and takes place and is broadcast only at such times and with such frequency as the candidate may specify. See 105 Cong. Rec. 16224–5 (August 18, 1959) (remarks of Representative Brown of Ohio). The legislative history refers to such programs as "Meet the Press", "Face the Nation" and "College Press Conference" as examples of the type of "regularly scheduled" news interview program contemplated for exemption. See, e.g., 105 Cong. Rec. 16224–5 (August 18, 1959) (remarks of Representative Brown of Ohio); 105 Cong. Rec. 17829 (September 3, 1959) (remarks of Senators Engle and Pastore); id. at 17831 (remarks of Senator Scott). "Regularly scheduled" programs were thus thought to be those scheduled by a licensee or network for broadcast * * * say every day at a certain time or every week at a certain time * * *" 105 Cong. Rec. 17780 (September 2, 1959) (remarks of Representative Harris). The legislative history does not support the view that the term "regularly scheduled" encompasses broadcasts of press conferences called by a candidate solely at his discretion and at such times and with such regularity as only he may specify. In light of the foregoing, we are unable to accept CBS's suggestion that we construe the term "regularly scheduled" as meaning "recurrent in the normal and usual course of events."

33. As to the "control over content and format" aspect of the test for exemption under Section 315(a)(2), the legislative history unequivocally mandates that such control "* * * must be exclusively under the jurisdiction of the broadcaster or of the network." 105 Cong. Rec. 17829 (September 3, 1959) (remarks of Senator Pastore). Specifically, "* * * the content and format . . . [of the news interview program] * * *, and the participants, must be determined by the licensee in the case of a news interview originating with the licensee of a station and by the network in the case of a news interview originating with a network * * *." H. Rept. No. 1069, 4. We are unwilling to impose on this plain language the strained interpretation that CBS suggests, *viz.*, that as long as the control over most of a news interview program is out of the hands of a candidate the "control" criterion for exemption is satisfied.

34. In view of the fact that the broadcasts of such conferences are not "regularly scheduled," within the Congressionally contemplated meaning of that term, we reaffirm our view that the broadcast coverage of Presidential press conferences is not exempt as a "bona fide news interview," within the meaning of Section 315(a)(2). We are not persuaded to alter this conclusion by the network's claim that Congressional concern with respect to news interview programs was primarily directed at the danger of such programs being "rigged" by some broadcaster at the local level to further the candidacy of a local candidate. The fact that there was concern with regard to locally originated broadcasts does not necessarily imply that Congress intended that a more permissive standard for exemption under Sec-

[17] 105 Cong. Rec. 14444 (remarks on Sen. Magnuson).

[18] Aspen correctly notes that when Congress faced those risks, the fairness doctrine was enforced through the renewal process. Thus, a misuse of an exemption could not be corrected during the critical days of the political campaign. See 105 Cong. Rec. 17782 (remarks of Chairman Harris) (September 2, 1959). Since then, however, additional protection has been afforded candidates through prompt consideration of fairness and Section 315 complaints.

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tion 315(a)(2) be used in connection with nationwide broadcasts, as CBS seems to suggest. Rather, the discussion of the danger of local broadcaster "rigging" of news interview programs appears in the legislative history merely as explanation for the need to include the words "bona fide" in the formulation of the subsection (a)(2) exemption. See 105 Cong. Rec. 17778 (September 2, 1959) (remarks of Representative Harris); 105 Cong. Rec. 17831 (September 3, 1959) (remarks of Senator Scott).

35. CBS errs when it states that "other Republican candidates may announce their candidacies within seven days of the press conference and demand "equal time." (Petition, p. 2 n. 1). Candidates seeking equal opportunities must have become legally qualified prior to the "use" in order to properly obtain the right provided by the statute. See, e.g., 47 CFR §§ 73.120(e), 73.657(e). Moreover, an early declaration of candidacy is irrelevant to whether or not news coverage of the candidate is exempt under Section 315. Although we recognize that the equal opportunity requirement offers a disincentive to live coverage of appearances by candidates, particularly in such a situation, we could not for that reason alone alter our prior rulings if the legislative history of Congressional intent indicated otherwise.

36. DNC argues that the continued effectiveness of Section 315 depends on its precise, indeed "mathematical" operation. Equal opportunity is required by law only after it is determined that a prior, non-exempt "use" has been made on a broadcast. Congress clearly intended that the Commission had ongoing authority to issue interpretive rulings and across-the-board rules to effectuate Section 315 exemptions. See H. Rep. No. 1069, 86th Cong., 1st Sess. 12, 13 (1959). Equal opportunity still is required when a "use" has been made. The rule will operate as precisely after this decision as before. Indeed, it will operate with greater clarity, and in accord with legislative intent. With respect to DNC's argument that Section 315 vested in candidates a right to broadcast after a Section 315 "use", we point out that Congress modified that right in 1959. At that time, it instructed the Commission to implement this modification. We have determined that the Commission, in 1962, misinterpreted Congressional intent, the result of which was an unsupported construction of the Section 315(a)(4) exemption. In this decision, we have sought to remedy that error of law. The "automatic and mathematical" precision described by DNC, *viz.*, an unwarranted narrow construction, was perhaps more convenient to administer. However, strict limits on the exemption cannot be justified if they undermine legislative intent.

37. DNC's assertion that "irreparable harm" will result to its 1976 candidate, or any candidate opposing an incumbent President, from live broadcast coverage of a Presidential press conference is speculative and conclusory. Free-wheeling, wide-open press conferences do not necessarily yield the kind of favorable publicity for the holder which DNC too easily assumes. Most of all, however, we believe that the intent of Congress was to pursue the "right of the public to be informed through broadcasts of political events." Supra, para 8. The fundamental concept which underscores this objective is that the continued vitality of a democratic society and its freedoms requires the "widest possible dissemination of information," Associated Press v. United States, 326 U.S. 1, 20 (1945), and that the broadcasters' role is to insure "that the American public must not be left uninformed." Green v. FCC, 447 F.2d 323, 329 (1973). We must always keep in mind that "speech concerning public affairs is more than self-expression; it is the essence of self-government." Garrison v. Louisiana, 379 U.S. 64, 74–75 (1964). We believe that the public's interest in "uninhibited, robust, wide-open" debate on public issues far outweighs the imagined advantages or disadvantages to a particular candidate. New York Times v. Sullivan, 376 U.S. 254, 270 (1964).

38. We reject the network's suggestion that we distinguish between press conferences called by an incumbent candidate in his official capacity and those called in furtherance of his candidacy. Such as approach would, necessarily place the Commission in the position of deciding, in each case, whether the appearance of the official is political or non-political. We have steadfastly eschewed making such determinations, because to draw such distinctions would require us to make subjective judgments concerning the content, context and potential political impact of a candidate's appearance. See Paulsen v. FCC, 491 F.2d 887, 890–91 (9th Cir. 1974).[19]

39. Finally, we reject the suggestion by CBS that, in determining whether press conferences are exempt, we consider the unique status of the Presidency and the inherent newsworthiness of Presidential communications with the public. It must be recognized that, although, it is reasonable to conclude that the President's unique status as Chief Executive makes his communications relative to major national and international events inherently newsworthy, it is equally as reasonable to conclude that, in any given state in the country, the Governor's unique status as chief executive of that state may well make similar communications concerning that state newsworthy for its citizens. In our view there is no rational distinction to be made between press conferences at one level or another, since no such distinction can be found within the legislative history of the 1959 Amendments, nor are there any persuasive indications that the Congress intended to distinguish between press conferences exempt at one level and those at another level of political offices which would not be exempt. Thus, routine presidential press conferences, as well as press conferences by governors, majors, and, indeed, any candidates whose press conferences are considered newsworthy and subject to on-the-spot coverage may be exempt from Section 315 under our interpretation.

40. Thus, for the reasons stated above, we today announce that in the future we will not follow our 1962 decisions in The Goodwill Station, Inc., and National Broadcasting Co. (Wyckoff), and we will thus permit on-the-spot coverage of appearances by candidates in the circumstances covered by those cases. See para. 10–11, *supra*. We also announce that we will no longer follow our 1964 CBS decision to the extent that it denies an exemption under Section 315(a)(4), for coverage of a press conference by a candidate for public office.[20]

[19] We believe that MAP's contention that we may not accomplish this end through declaratory relief, supra, para. 20, to be without merit. Although the Commission may not adopt an interpretation which is inconsistent with a statutory term, it has freedom within the guidelines established to interpret the statute in light of its greater expertise. Cf. American Broadcasting Co. v. United States, 110 F. Supp 374 (EDNY), aff'd 347 U.S. 284 (1953). Furthermore, a regulatory agency is not wedded to its past decisions. FFC v. WOKO, Inc., 329 U.S. 223 (1946). When faced with new developments, or on further consideration of a policy, an agency may alter its past rulings and policies. American Trucking Ass'n v. A.T. & S.F. RR. Co., 387 U.S. 397, 416 (1967). When it reverses course, however, the agency must provide "an opinion or analysis indicating that the standard is being changed and not ignored and assuring that it is faithful and not indifferent to the rule of law." Columbia Broadcasting System, Inc. v. FCC, 454 F.2d 1018, 1026 (D.C. Cir. 1971). We have squarely confronted both the legal and policy issues specifically involved, and have articulated our reasons for the change. The choice between rulemaking and adjudicated decisionmaking is largely one of agency discretion. NLRB v. Bell Aerospace Co., 416 U.S. 267, 290–295 (1974); S.E.C. v. Chenery Corp., 332 U.S. 194, 202 (1947). Declaratory relief, in the form of an advisory ruling, is appropriate where, as here, the controversy concerns the correctness of a Commission's interpretation of law. As we point out herein, the Commission's decisions in 1962 and 1964 as to the on-the-spot coverage of bona fide news event relied upon a mistaken interpretation of law. See para. 22–26 herein. This error of law cannot stand as the proper view in the future. Thus, a prompt prospective application of new policy, which is entailed by correction of legal error is properly within the context of a declaratory ruling. Cf. N.L.R.B. v. Majestic Weaving Co., 335 F.2d 854, 860 (2d Cir. 1966). Furthermore, this action is consistent with Congress's intent that the Commission had ongoing authority to make decisions on a case-by-case or by rules in interpreting the exemptions. See Sen. Rep. No. 562, 86th Cong., 1st Sess. 12, 13 (1959); Cf. N.L.R.B. v. Wyman-Gordon Co., 394 U.S. 750, 764 (1969). We believe our rulings will resolve these legal issues well in advance of the 1976 election year, are essential to promote the purposes of the 1959 Amendments to Secion 315, and will clarify their interpretation for candidates, licensees, and the Commission staff. Hence, we are not persuaded that our discretion to issue declaratory orders is so limited.

[20] The Commission reviews only whether or not the broadcaster intends to promote the interest of a particular candidate in presenting coverage of a news event. Supra, paras. 22–26 and footnote 9 therein.

As we said above, the undue stifling of broadcast coverage of news events involving candidates for public office has been unfortunate, and we believe this remedy will go a long way toward ameliorating the paucity of coverage accorded these news events during the past fifteen years.

41. Accordingly, *it is ordered*, That the petitions of the Aspen Institute Program on Communications and Society and of CBS, Inc., are granted in part and denied in part, to the extent indicated above.

Adopted: September 25, 1975.

Released: September 30, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[21]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-30028 Filed 11-6-75;8:45 am]

COMMON CARRIER SERVICES INFORMATION[1]

Re: Domestic Public Radio Services Applications Accepted for Filing[2]

NOVEMBER 3, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

[21] By the Commission: Commissioner Lee and Hooks dissenting and issuing statements; Commissioner Quello issuing a statement in which Commissioner Robinson joins; Commissioners Washburn and Robinson issuing separate statements which are filed as a part of the original document.

[1] All applications listed in the appendix below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20593–CD–MP–76, Richard F. Blyler dba Lebanon MobileFone (KSV940), Modification of CP to change antenna system operating on 454.025 & 454.075 MHz, located on Sand Hill Rd., 2.75 miles N. of Lebanon, Pennsylvania.

20709–CD–P–(2)–76, Southwest Communications Corporation (KUS269), C.P. to change antenna system operating on 454.150 & 454.250 MHz, located on Crego Hill, approximately 9 miles SW of Chehalis, Washington.

20710–CD–P–76, Tel-Illinois, Inc. (new), C.P. for a new 2-way station to operate on 152.03 MHz to be located at S edge of Indian Hills Country Club, Mt. Vernon, Illinois.

20711–CD–P–(3)–76, Tel-Illinois, Inc. (new), C.P. for a new 2-way station to operate on 152.09, 152.18 & 152.21 MHz to be located at 1611 15th Street Place, Moline, Illinois.

20712–CD–TC–76, Central Telephone Co., Inc. Consent to Transfer of Control from Stockholders of Mid-Texas Communications Systems, Inc., TRANSFERORS to Central Telephone and Utilities Corporation, TRANSFEREE. Station: KLB525, Decatur, Texas.

20713–CD–TC–76, Clifton Telephone Co. Consent to Transfer of Control from Stockholders of Mid-Texas Communications Systems, Inc., Transferors to Central Telephone and Utilities Corporation, Transferee. Station: KLB579, Clifton, Texas.

20714–CD–TC–(2)–76, Mid-Texas Telephone Co. Consent to Transfer of Control from Stockholders of Mid-Texas Communications Systems, Inc., Transferors to Central Telephone and Utilities Corporation, transferee. Stations: KUC998, Killeen, Texas, and KLB616, Harker Heights, Texas.

20715–CD–P–76, Mobilefone Northwest (KOF918), C.P. for additional facilities to operate on 152.18 MHz at Loc. #3: Badger Mountain, 7 miles N.W. of Wenatchee, Washington.

20716–CD–P–76, Fresno Mobile Radio, Inc. (KMA830), C.P. for developmental facilities to operate on 152.165 MHz at Loc. #1: Alder Springs, 30 miles NE of Fresno, California.

20717CD–AP–76, John D. Gould dba Sioux Communications Company. Consent to Assignment of CP from Sioux Communications Company, Transferor to John N. Farrington d.b.a. Spencer Mobilephone.

20718–CD–P–76, American Radio-Telephone Service, Inc. (KGA249), C.P. for additional facilities to operate on 152.18 MHz at a new site described as Loc. #2: Northside of Gillis Rd., 1500' West of Woodbind Road, Winfield, Maryland.

20719–CD–P–76, Mobilphone-Paging Radio Corporation (KR5653), C.P. for additional control facilities to operate on 72.64 MHz at Loc. #1: Falmouth Street, 300 yds. from Ashby Street, Johnston, Rhode Island.

20720–CD–P–76, Hawkins Communications, Inc. (new), C.P. for a new 1-way station to operate on 43.22 MHz to be located 1.6 miles SE of Westminster, Maryland.

RURAL RADIO SERVICE

60205–CR–P/L–76, Fresno Mobile Radio, Inc. (new), C.P. for developmental facilities to operate on 158.625 MHz to be located at any temporary-fixed location within the territory of the grantee.

946–CF–R–76, Michigan Bell Telephone and Telegraph Company (KKU73), Location: In any temporary fixed location within the territory of the Grantee. Application for Renewal of Radio Station License (Developmental) expiring November 12, 1975. Term: November 12, 1975 to November 12, 1976.

1184–CF–P–76, The Bell Telephone and Telegraph Company of Pennsylvania (KYJ36), 210 Pine Street, Harrisburg, Pennsylvania. Lat. 40°15'44" N. Long. 76°53'07" W. C.P. to add frequency 6197.2H MHz toward Peters Mountain, Pennsylvania on azimuth 342.8°.

1185–CF–P–76, (WJM40), 2.8 Miles NNW of Dauphin, Pennsylvania Lat. 40°24'28"N Long. 76°56'39" W. C.P. to add frequencies 5945.2V MHz toward Harrisburg, Pennsylvania on azimuth 162.8°, and 5945.2V MHz toward Trevorton, Pennsylvania on azimuth 25.9°.

1186–CF–P–76, Same (WLJ56), 2.1 Miles SW of Trevorton, Pennsylvania. Lat. 40°45'46" N. Long. 76°43'04'W. C.P. to add frequencies 6197.2H MHz toward Peters Mountain, Pennsylvania on azimuth 206°, and 6197.2V MHz toward Tladaghton, Pennsylvania on azimuth 342.1°.

1187–CF–P–76, Same (WLJ57), Tladaghton, 1.9 Miles South of Montoursville, Pennsylvania. Lat. 41°13'01"N. Long. 76°54'45" W. C.P. to add frequencies 5945.2H MHz toward Trevorton, Pennsylvania on azimuth 161.9°, and 10995.0V 11075.0V MHz toward Williamsport, Pennsylvania on azimuth 287.8°.

1188–CF–P–76, Same (WLJ58), 404 W. 4th Street, Williamsport, Pennsylvania. Lat. 41°14'25"N. Long. 77°00'32"W. C.P. to add frequencies 11525.0H and 11605.0H MHz toward Tladaghton, Pennsylvania on azimuth 107.7°.

2122–CF–TC–(7)–76, Telephone Utilities Services Corp. Consent to Transfer of Control from Telephone Utilities Services Corp., Transferor, to Central Telephone and Utilities Corp., Transferee, for stations KLV63–Jonesboro, TX; KLV64–Copperas Cove, TX; KLV65–Walnut Springs, TX; KRW84–Nix, TX; KRW85–Belton, TX; WIV72–Taylor, TX; WAS495–Oak Hill, TX.

1142–CF–MP–76, American Television & Communications. (WAT981), 1.0 Mile North of Reidsville, North Carolina. Lat. 36°23'17" N. Long. 79°39'11"W. C.P. to add 5074.8H MHz toward Burlington, North Carolina.

1171–CF–MP–76, Eastern Microwave, Inc. (KCK71), Beech Hill, 7.0 Miles E of Marlboro, New Hampshire. C.P. to add 6241.7H MHz & 6301.0H MHz toward Mt. Greylock, Massachusetts.

(Note: Waiver of 21.701(l) requested by Eastern Microwave, Inc.).

1147–CF–MP–76, RCA Global Communications, Inc. (WAH584), 60 Broad Street, New York City, New York. Lat 40°42'19"N. Long. 74°00'44"W. C.P. to add 6404.6V MHz toward Edison, New York.

1148–CF–MP–76, Same. (WAH586), Edison, New Jersey. Lat. 40°31'45"N. Long. 74°23' 34"W. C.P. to add 6004.5H MHz toward New York, New York; 6093.5H MHz toward Lawrence, New Jersey.

1149–CF–MP–76, Same. (WAS464), Lawrence, New Jersey. Lat. 40°17'00" N. Long. 74°41'20" W. C.P. to add 6197.2V MHz toward Edison, New Jersey; 6197.2V MHz toward Wyndmoor, Pennsylvania.

1150–CF–MP–76, Same. (WAH588), Wyndmoor, Pennsylvania. Lat. 40°04'58"N. Long. 75°10'54"W. C.P. to add 6093.5H MHz to-

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ward Lawrence, New Jersey; 10895.0H MHz toward Valley Forge, Pennsylvania.

1158–CF–MP–76, Microwave Transmission Corporation. (KNK60), Cuesta Ridge, 5.5 Miles North of San Luis Obispo, California. Lat. 35°21'37" N. Long. 120°39'18" W. C.P. to add 6152.8H MHz toward San Luis Obispo, Calif.; Paso Robles, Calif.; Arroyo Grande, Calif.; and Morro Bay, Calif.

1172–CF–MP–76, Eastern Microwave, Inc. KCL72), Mt. Greylock, 2.0 Miles NW of Adams, Massachusetts. Lat. 42°38'14" N. Long. 73°10'47" W. C.P. to add 5945.2V MHz and 6063.8V MHz toward Helderberg Mt., New York.

1173–CF–P–76, Lincoln Telephone and Telegraph Company. (KBH86), Lincoln, Nebraska. Lat. 40°48'42" N. Long. 96°41'58" W. C.P. to add 6108.3H MHz toward Mead ETV, Nebraska.

1178–CF–P–76, Mid-Kansas, Inc. (new), .5 Mile East of Larned, Kansas. Lat. 38°10'50" N. Long. 99°04'17" W. C.P. for a new station on 6212.0H MHz toward Kinsley, Kansas.

1179–CF–P–76, Same. (new), 2.0 Miles North of Kingsley, Kansas. Lat. 37°57'29" N. Long. 99 25 44 W. C.P. for a new station on 5945.2V MHz toward Greensburg, Kansas.

1180–CF–P–76, Same. (NEW) 1.25 Miles N. of Greensburg, Kansas. Lat. 37°38'00" N. Long. 99°17'42" W. C.P. for a new station on 6241.7H MHz toward Pratt, Kansas.

APPLICATIONS ACCEPTED FOR FILING:

POINT TO POINT MICROWAVE RADIO SERVICE:

1181–CF–P–76, American Telephone & Telegraph Company. (KGJ), Germantown, Maryland. Lat. 39°10'33" N. Long. 77°15' 27" W. C.P. to add 4060.0V MHz toward Garden City, Virginia.

1182–CF–P–72. Same. (KIB27), Garden City, Virginia. Lat. 38°53'45" N. Long. 77°08'07" W. C.P. to add 4090.0H MHz toward Washington, D.C.; and 4170.0V MHz toward Germantown, Maryland.

1183–CF–P–76, Same. (KGH27), Washington, D.C. Lat. 38°53'57" N. Long. 77°01'45" W. C.P. to add 4130.0H MHz toward Garden City, Virginia.

1189–CF–P–76, Western Tele-Communications, Inc. (KPT21), Nelson Peak, 18.0 Miles SW of Salt Lake City, Utah. Lat. 40°36'28" N. Long. 112°09'27" W. C.P. to add 6271.3V MHz, 6301.3H MHz, 6330.7V MHz, & 6360.3H, via power split, toward New Promontory, Utah.

1190–CF–P–76, Same. (KOC422, New Promontory, 20.0 Miles West of Tremonton, Utah. Lat. 41°45'10" N. Long. 112°33'00" W. C.P. to add 5945.2H MHz, 6004.5H MHz, 6063.8H MHz and 6123.1H MHz toward Pilot Range, Utah.

1193–CF–P–76, Sierra Microwave, Inc. (KOV62), Elko Mtn., 8.0 Miles NE NE of Elko, Nevada. Lat. 40°53'41" N. Long. 115° 37'42" W. C.P. to replace transmitters and add 6226.9H MHz, 6286.2H MHz, 6345.5H MHz & 6197.2V MHz toward Elko, Nevada.

1191–CF–P–76, Same. (WIV40), Pilot Range, 7.0 Miles SW of Lucin, Utah. Lat. 41°17' 35" N. Long. 114°00'34" W. C.P. to add 6197.2V MHz, 6256.5V MHz, 6315.9V MHz and 6375.2V MHz toward New Wells, Nevada.

1192–CF–P–76, Same. (WHB20), New Wells, 6.0 Miles N of Wells, Nevada. Lat. 41°11' 52" N. Long. 114°56'33" W. C.P. to replace transmitters and add 5974.8H MHz, 6004.5V MHz, 6034.2H MHz & 6093.5H MHz toward Elko Mtn., Nevada; and add 5974.8V MHz, 6004.5H MHz, 6034.2V MHz & 6093.5V MHz toward Wells, Nevada.

[FR Doc.75–30030 Filed 11–6–75;8:45 am]

[Docket No. 20402]

TELEVISION PROGRAM PRODUCT AND PROGRAMMING

Policies and Procedures; Order Extending Time

In the matter of inquiry into policies and practices concerning the exclusive purchase of television program product and the ability of conventional television stations, subscription television stations, cable television systems, and subscription cable television operations to obtain programming, Docket No. 20402.

1. On March 20, 1975, the Commission issued a "Notice of Inquiry" in the above-captioned proceeding.[1] The original deadlines for filing comments and reply comments were September 26, 1975, and October 30, 1975, respectively. At the request of the National Cable Television Association, Inc., these deadlines have been extended to November 10, 1975, and December 15, 1975, respectively.

2. On October 29, 1975, Paramount Pictures Corporation (Paramount) filed a "Motion for Extension of Time to File Comments and Reply Comments" pursuant to § 1.46 of the Commission's rules. The motion of Paramount requests that the Commission further extend the dates for filing comments and reply comments in Docket 20402 to December 1, 1975, and January 12, 1976, respectively.

3. Paramount states that the extension it requests will allow parties in this proceeding sufficient time to analyze and comment upon the record of the 1975 hearings before the Senate Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, which will be available in about one week. The record of these hearings, states Paramount, contains material relevant to the Commission's inquiry, and prior access to this document will be particularly helpful to all parties in preparing their comments in this proceeding.

4. The deadlines for filing comments in this proceeding were previously extended in order to afford parties an opportunity to comment upon the hearing record of the Senate Subcommittee on Antitrust and Monopoly. Because comment upon this material may be useful to the Commission, a grant of the extension requested by Paramount appears to be in the public interest. However, the public interest also favors expeditious handling of the Commission's inquiry in Docket 20402. Therefore, additional extensions of time based upon further delays in the printing of the subject hearing record are not anticipated.

Accordingly, it is ordered, That the dates for filing comments and reply comments in the captioned proceeding are extended to December 1, 1975, and January 12, 1976, respectively.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's rules.

Adopted and released: November 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75–30029 Filed 11–6–75;8:45 am]

[1] See issue of Friday, October 3, 1975 at page 45873.

FEDERAL DEPOSIT INSURANCE CORPORATION

PRIVACY ACT OF 1974

Notice of Additional Systems of Records

Correction

In FR Doc. 75–28498, appearing on page 49935 in the issue of Friday, October 24, 1975, the following changes should be made:

1. In the second line under System location the zip code "20409" should read "20429".

2. In the third line under System location the word "of" should read "or".

3. The fifth line under Routine uses of records reading "credit institutions for loan and credit purposes (solely to verify the" should read "credit institutions for loan and credit reference purposes (solely to verify the".

4. In the second line under System manager(s) and address the zip code "20409" should read "20429".

FEDERAL HOME LOAN BANK BOARD

[No. AC–2]

AMERICAN SAVINGS & LOAN ASSOCIATION OF FLORIDA

Approval of Conversion

Notice is hereby given that on November 3, 1975, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 75–992, approved the application of American Savings & Loan Association of Florida, Miami Beach, Florida, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, NW., Atlanta, Georgia 30303.

Dated: November 3, 1975.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75–30052 Filed 11–6–75;8:45 am]

FEDERAL MARITIME COMMISSION

ALABAMA STATE DOCKS DEPARTMENT AND JAFFE CORP., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 27, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. C. D. Haig, Jr., General Traffic Manager, Alabama State Docks Department, P.O. Box 1588, Mobile, Alabama 36601.

Agreement No. T–3181, between Alabama State Docks Department (ASD) and Jaffe Corporation, Inc. (Jaffe), provides for the ten-year lease (with options to renew) by ASD to Jaffe of certain premises located on the Tennessee River. In addition to the premises ASD shall grant the right to use the canal adjacent to the leased premises and to construct and maintain barge loading and mooring facilities subject to provisions set forth in the agreement. The premises shall be used as a ferrous and nonferrous scrap processing plant and storage facility and a coal handling facility. As compensation, ASD shall receive $42,500 as rental for the initial term of the agreement. Jaffe shall pay as wharfage: (1) 23 cents per ton for new and scrap ferrous and nonferrous metals moving over the premises; and (2) 15 cents per ton for coal moving over the premises during any calendar month up to 15,000 tons and 10 cents per ton in excess of 15,000 tons. In addition, Jaffe shall pay $4.50 for each loaded car of new and scrap ferrous and nonferrous metals and/or coal moved over ASD's railroad tracks. Jaffe guarantees a minimum total payment or $5,520 each year and to move a minimum 24,000 tons of metals and coal through the processing plant and facility during each year.

By Order of the Federal Maritime Commission.

Dated: November 3, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–30058 Filed 11–6–75;8:45 am]

BAILMENT AGREEMENT: OKINAWA

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 27, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

Acopy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Gary R. Edwards, Esq., Ragan & Mason, The Farragut Building, 900 Seventeenth Street NW., Washington, D.C. 20006.

Agreement No. 10189, entered into by the United States Government, American President Lines, Sea-Land Service, Inc. and States Steamship Co., provides for the establishment of a cooperative working arrangement whereby the United States Government, in conjunction with performing all drayage of the containers of the above ocean carriers within Okinawa, agrees to furnish space within the Military Port terminal for the use of said carriers. The agreement is for the purpose of:

(1) Defining the Government's liability for loss of or damage to the carrier's container or trailer while it is in the possession of the Government or its contractors or agents;

(2) Establishing the amount of free time allowed the government for retention of the carrier's container or trailer, without charge;

(3) Establishing a detention rate payable to the carrier when the government fails to return containers or trailers within the specified free time;

(4) Establishing the ratio of trailers to the number of containers to be positioned or made available at the terminal;

(5) Establishing the carrier's responsibilities for movement of vans from the ship yard to the Container Yard and for Container Yard maintenance; and

(6) Establishing procedures for handling commercial cargo.

By order of the Federal Maritime Commission.

Dated: November 4, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–30055 Filed 11–6–75;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Rebel Forwarding, Inc., 2945 Columbia Street, Torrance, California 90503. Officers: Billy D. Greek, President, Anna L. Cardwell, Vice President, Susan A. Raef, Secretary/Treasurer.

Angel Osvaldo Diez, 4471 N.W. 36th Street, Miami Springs, Florida 33166.

Air, Land & Sea, Inc., 9561 W. Berwyn Avenue, Rosemont, Illinois 60018. Officers: Walter Leonartowicz, President/Treasurer, F. E. Tomaszewski, Vice President/Secretary.

Khawaja Mahmoudali Razavi d/b/a, Quickways Travel & Tours, 412 West 6th Street, Suite No. 1019, Los Angeles, California 90014.

John W. Newton, Jr., 470 Orleans Street, Suite 601, Beaumont, Texas 77704. Officers: John W. Newton, Jr., Owner/President, Roger A. Chilton, Manager/Vice President.

Antonio S. Jimmy, 2505 Champlain Street NW., Apt. 2, Washington, D.C. 20009.

Silver Arrow Transport Systems, Inc. d/b/a The Caran Transport Group, 993 U.S. Highways 1 and 9, Iselin, New Jersey 08830. Officer: Frank E. Caran, President.

Sea Cargo Systems, 9815 W. Leland Avenue, Schiller Park, Illinois 60176. Partnership: Matilde P. Diamond, Rayond B. Countryman.

Associated Air Freight, Inc., 167–16 146 Avenue, Jamaica, New York 11434. Officers: Norman Freeman, President, Anne Free-

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man, Vice President, Harold Freeman, Secretary/Treasurer.

Albert J. Redlhammer, 2637 Casablanca Drive, Miramar, Florida 33023.

Ronald D. Stribling d/b/a Ronald D. Stribling Co., 10312 N.E. Marx Street, Portland, Oregon 97220.

J. M. Pietri Assoc., Inc. Chase Manhattan Building, Suite 701, P.O. Box 2928, Old San Juan, Puerto Rico 00903. Officers: Jose M. Pietri, President, Amparo S. de Pietri, Secretary, Ivette E. Pietri, Treasurer, Jose A. Roman, Vice President.

Frank Reyes (Customhouse Broker), Houston First Savings Building, 711 Fannin Suite 808, Houston, Texas 77002.

Jose G. Florez Alvarez, P.O. Box S–2695, Calle Comercio No. 400, San Juan, Puerto Rico 00903.

Societe Commerciale D'Affretements Et De Combustibles, Inc., 405 Lexington Avenue, Room 4321, New York, New York 10017. Officers: Robert Desneiges, President, Jean-Claude Mouton, Secretary/Treasurer, William Rand, Assistant Secretary.

Efrain A. Tubens d/b/a Albens International Forwarders, Box 59–3181, Airport Mail Facilities, AMF Miami, Florida 33159.

By the Federal Maritime Commission.

Dated: November 3, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–30037 Filed 11–6–75;8:45 am]

[Exemption No. 18]

PUGET SOUND TUG AND BARGE CO., ET AL.

Intent To Make an Environmental Assessment

In the matter of: Puget Sound Tug and Barge Co., Exemption No. 19; Alaska Barge & Transport, Inc., Exemption No. 20; Foss Launch and Tug Co., and Foss Alaska Line, Inc.

The above referenced applications are for a three year exemption from the provisions of the Shipping Act, 1916 and Intercoastal Shipping Act, 1933 for the transport of general cargo between ports in the contiguous continental United States and Prudhoe Bay, Alaska, by the direct all-water barge service of Puget Sound Tug and Barge Company, Foss Launch and Tug, Foss Alaska Line and Alaska Barge and Transport, Inc. The exemption period of three years would commence January 1, 1976.

The Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment. Consequently, the environmental factors involved warrant consideration and evaluation before decision making is undertaken.

Therefore, notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted within 30 days of the date of this Order to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–30058 Filed 11–6–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76–153]

ALABAMA POWER CO.

Tariff Filing

OCTOBER 31, 1975.

Take notice that on September 29, 1975, Alabama Power Company (Alabama) filed herein as a part of its FPC electric tariff, an executed service agreement dated August 5, 1975, with the City of Evergreen, Alabama.

In connection with the filing of the above service agreement, Alabama states as follows:

The Company will serve the electrical requirements of the #3 delivery point of The City of Evergreen, pursuant to such tariff as amended by the Company's filing with this Commission on June 17, 1974, submitting Revision No. 1—Rate Schedule MUN–1 to the Commission for approval. The City of Evergreen #3 delivery point was previously served under FPC Rate Schedule No. 124; however, pursuant to a provision in such rate schedule, the Company has been charging the rates contained in Revision No. 1—Rate Schedule MUN–1 since September 12, 1974, in accordance with an order of the Commission dated September 12, 1974, in FPC Docket E–8851. The #3 delivery point of The City of Evergreen will be served pursuant to FPC Electric Tariff, Original Volume No. 1, of Alabama Power Company and under Revision No. 1, Rate Schedule MUN–1 incorporated in such tariff as allowed to become effective by this Commission, subject to refund, in its order in FPC Docket No. E–8851, issued September 12, 1974.

Alabama further states that a copy of this filing was mailed to the City of Evergreen and to its attorneys of record in FPC Docket No. E–8851.

Any person desiring to be heard or to make protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29970 Filed 11–6–75;8:45 am]

[Docket No. RP76–10]

ARKANSAS LOUISIANA GAS CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Intervention and Establishing Procedures

OCTOBER 31, 1975.

On September 15, 1975, Arkansas Louisiana Gas Company (Arkla) tendered for filing proposed changes in its FPC Gas Tariff Original Volume No. 3[1] for service to Cities Service Gas Company (Cities) under Arkla's FPC Rate Schedule X–26. By these revised tariff sheets, Arkla seeks to increase its rates to Cities from 24.27¢ per Mcf to 55.64¢ per Mcf and to include a new purchased gas cost adjustment clause for this service to Cities. Arkla's cost of service is based on costs for the twelve months ended June 30, 1975, as adjusted for claimed known and measurable changes through March 31, 1976. Arkla requests that these tariff sheets be made effective November 1, 1975.

Notice of Arkla's filing was issued September 19, 1975, with protests or petitions to intervene due on or before October 6, 1975. Cities filed a timely petition to intervene.

Our review of Arkla's proposed rate increase indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. We shall accordingly accept Third Revised Sheet No. 185 and First Revised Sheet No. 186 (the tariff sheets providing for the increase to 55.64¢ per Mcf) for filing and suspend them for five months, or until April 1, 1976, when they will be permitted to become effective, subject to refund pending hearings and decision as to the justness and reasonableness of the proposed rates. We shall accept the tariff sheets containing the proposed PGA clause for filing and suspend them for one day, when they will be permitted to become effective, subject to refund, pending hearing and decision as to the justness and reasonableness of the rates contained therein.

Without limiting the rights of the parties in their presentations at the hearing hereinafter ordered, we direct the parties, including our Staff to give careful consideration to the claimed increases in operating expenses, including labor and materials and supplies, the claimed overall rate of return of 12.23 percent, reflecting a return on equity of 15.32 percent, and Arkla's classification and allocation of costs.

With regard to the proposed purchased gas cost adjustment clause, we note that Arkla claims herein an average cost of 26.03¢ per Mcf, while in supporting the PGA adjustment for its Rate Schedule G–2, it claims an average cost of 28.22¢ per Mcf in its filing of September 26, 1975 in RP74–61 PGA76–1. The PGA clause for G–2 service was approved by order issued February 22, 1974 in Docket No. RP74–61.

[1] Third Revised Sheet No. 185; First Revised Sheet Nos. 186, 187, 188; and Original Sheet Nos. 188–A, 188–B, and 188–C.

In the instant docket, Arkla excludes the cost of its own production from the operation of its PGA clause, seeking waiver of section 154.38 of the Commission's Regulations. Under these circumstances, we shall institute a separate investigation of these matters. Specifically, we shall investigate the PGA clause herein under section 4 of the Natural Gas Act and the prior approved PGA clause for Rate Schedule G–2 under section 5 of the Act together to determine the reasons for the discrepancy between the average cost of purchased gas in these different rate schedules, the propriety of excluding Arkla's own production from its clause under Rate Schedule X–26, and any appropriate modifications necessary to assure that both clauses are just and reasonable. For purposes of hearing and decision, this investigation shall be in a phase separate and apart (RP76–10 (PGA)) from the investigation of the increased rates proposed herein for service to Cities.

The Commission finds. (1) Good cause exists to accept Arkla's revised tariff sheets containing the proposed increased rates for service to Cities for filing and suspend them for five months, or until April 1, 1975, when they will be permitted to become effective, subject to refund.

(2) Good cause exists to accept Arkla's tariff sheets containing its proposed PGA clause for filing and suspend them for one day, when they will be permitted to become effective, subject to refund.

(3) Good cause exists to institute an investigation pursuant to Section 5 of the Natural Gas Act into the justness and reasonableness of the PGA provisions contained in Arkla's Rate Schedule G–2.

The Commission orders. (A) Pending hearing and decision as to the lawfulness of the increased rates proposed herein, the revised tariff sheets filed by Arkla containing the proposed increased rates for service to Cities are hereby accepted for filing and suspended for five months, until April 1, 1976, when they will be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

(B) Pending hearing and decision as to the lawfulness of the PGA clause contained herein the tariff sheets containing such clause are hereby accepted for filing and suspended for one day, when they will be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held on March 23, 1976, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rate increase to Cities service proposed herein.

(D) On or before February 13, 1976, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of the intervenor shall be served on or before February 27, 1976. Any rebuttal evidence by the Company shall be served on or before March 12, 1976.

(E) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I), we hereby institute an investigation separate and apart (RP76–10 (PGA)) from the hearing ordered in (C), supra, to determine the justness and reasonableness of the PGA clause herein proposed and the PGA clause contained in Arkla's Rate Schedule G–2, with a public hearing to commence in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on February 10, 1976.

(F) Arkla shall present its direct testimony and exhibits for Docket No. RP76–10 (PGA) on or before December 2, 1975. Prepared testimony and exhibits of the Commission Staff shall be served on or before January 6, 1976. Intervenor testimony and exhibits shall be filed on or before January 20, 1976. Arkla shall file its rebuttal on or before February 3, 1976.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearings in this proceeding, shall preserve relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(H) The above mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any other or orders issued by the Commission in this proceeding.

(I) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.8 of the Commission's rules of practice and procedure.

(J) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29971 Filed 11–6–75;8:45 am.]

[Docket No. RP76–18]

ARKANSAS LOUISIANA GAS CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Intervention and Establishing Procedures

OCTOBER 31, 1975.

On October 1, 1975, Arkansas Louisiana Gas Company (Arkla) tendered for filing a proposed change in rates for transportation service to Arkansas-Missouri Power Company.[1] The proposed change would increase the transportation rate from 3.56¢ per Mcf to 18.58¢ per Mcf, Arkla's claimed systemwide cost of service transportation rate based on the 12 months ended June 30, 1975, as adjusted for known and measurable changes through March 31, 1976. Arkla proposes to make this rate change effective November 1, 1975.

Notice of the proposed increase was issued October 6, 1975, with protests or petitions to intervene due on or before October 20, 1975. Arkansas-Missouri Power Company (Ark-Mo) filed a timely protest and petition to intervene, requesting a hearing and a five month suspension.

Our review of Arkla's proposed increased rates reveals that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept Arkla's tariff sheets for filing and suspend them for five months, when they will be permitted to become effective, subject to refund.

Without limiting the rights of the parties in their evidentiary presentations, we direct the parties, including our Staff, to give careful consideration in their evidentiary presentations to the propriety of charging Ark-Mo on the basis of system-wide transportation and storage costs, the claimed increases in wages and employee benefits, materials and supplies expenses, and the claimed overall return of 12.23 percent, including a return on equity of 15.32 percent.

The Commission finds. (1) Good cause exists to accept Arkla's revised tariff sheets for filing and suspend them for five months, or until April 1, 1975, when they will be permitted to become effective, subject to refund.

(2) Good cause exists to permit Ark-Mo to intervene.

The Commission orders. (A) Pending hearing and decision as to the lawfulness of the increased rates proposed herein, the revised tariff sheets filed by Arkla are hereby accepted for filing and suspended for five months, until April 1, 1976, when they will be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections

[1] Second Revised Sheet No. 44 and First Revised Sheet No. 47 to First Revised Volume No. 2 of its FPC Gas Tariff.

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4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held on March 30, 1976, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classification, and services contained in Arkla's FPC Gas Tariff, as proposed to be amended herein.

(C) On or before February 18, 1976, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of the intervenor shall be served on or before March 9, 1976. Any rebuttal evidence by the Company shall be served on or before March 23, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See delegation of authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall preserve relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) The above mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further*, That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-29972. Filed 11-6-75; 8:45 a.m.]

[Docket No. RI74-144]

AZTEC OIL AND GAS CO.

Extension of Procedural Dates

OCTOBER 30, 1975.

On October 20, 1975, Aztec Oil and Gas Company filed a motion to establish a settlement conference and to defer procedural dates set by order issued September 9, 1975, as most recently extended by notice issued October 3, 1975, pending review at the settlement conference.

Notice is hereby given that a settlement conference will convene on November 10, 1975 at 2 p.m. at the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426.

The procedural dates in the above proceeding are modified as follows:

Service of Company Testimony, November 28, 1975.
Service of Staff Testimony, December 18, 1975.
Service of Intervenor Testimony, January 5, 1976.
Service of Rebuttal Testimony, January 23, 1976.
Hearing, January 30, 1976 (10 a.m. e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29983 Filed 11-6-75;8:45 am]

[Docket No. ER76-157]

CAMBRIDGE ELECTRIC LIGHT CO.

Order Accepting for Filing, Denying Motion To Reject, Suspending Proposed Rate Change, Granting Intervention, Providing for Hearing and Establishing Procedures

OCTOBER 31, 1975.

Cambridge Electric Light Company (Cambridge) submitted for filing on October 1, 1975, a proposed change in its Rate Schedule FPC No. 26 as supplemented governing its sale for resale of electric energy to the Town of Belmont, Massachusetts (Belmont). Cambridge's filing consisted of a proposed Rate RS-2 with an accompanying unexecuted Service Agreement. Cambridge presently serves Belmont under Rate RS-1, which is being collected subject to refund in Docket Nos. E-8949, et al. Cambridge notes that proposed Rate RS-2 will supersede settlement rates in Docket Nos. E-8445 and E-8949, which were approved for settlement purposes by Commission Order issued September 22, 1975. The Order requires Cambridge to file its settlement rate schedule on or before October 22, 1975. In its filing, Cambridge states that the proposed rate will result in increased revenues from Belmont of approximately $200,397 (7.5 percent) annually, based on the 12-month test period ending June 30, 1975.

In support of its proposed rate increase, Cambridge points out that its revised Rate Schedule FPC No. 26, as approved by the Commission for settlement, was based on a 1973 test year. Based on the 12-month test period ending June 30, 1975, however, Cambridge avers that the settlement rate would produce an overall rate of return of 3.31 percent from service to Belmont, which Cambridge terms inadequate. Under the proposed Rate RS-2, Cambridge states that the realized rate of return would be 7.20 percent.

The settlement agreement in Docket Nos. E-8445 and E-8949 contains a moratorium provision[1] which prohibits Cambridge from petitioning for any increase in rates to Belmont which would become effective prior to April 1, 1976. Therefore, although the proposed effective date of the instant submittal is November 1, 1975, Cambridge requests a five-month suspension of the increase until April 1, 1976.

Notice of Cambridge's filing was issued on October 8, 1975, with comments due on or before October 24, 1975. A Protest, Petition to Intervene and Motion to Reject was filed October 24 by The Municipal Light Department of Belmont, Massachusetts (Belmont). In the event the Commission does not reject Cambridge's filing, Belmont requests that the Commission suspend the proposed revised rate schedule for five months, as proposed by Cambridge.

Belmont asserts that Cambridge: has incorrectly included in its rate base its equity investment in nuclear plants and those items relating solely to its steam operations; has failed to adjust other expenses associated with its steam operations; has attempted to charge Belmont for transmission facilities on the basis of specific segments rather than on a rolled-in, integral basis; and has included in its expenses assigned to Belmont $30,000 for expenses incurred in previous rate filings.

The assertions made in Belmont's motion do not constitute grounds for rejection of Cambridge's filing but are instead issues which should be addressed in an evidentiary proceeding as established herein.

We have reviewed the proposed Rate RS-2 filed by Cambridge and have concluded that the proposed rate has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept for filing Cambridge's proposed rate change and suspend it for five months until April 1, 1976, when it shall become effective subject to refund, and established hearing procedures.

Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct that the parties and Staff present evidence addressed to the appropriateness of Cambridge's treatment of the following cost-of-service items:

(1) Reclassification of per books distribution facilities and cost to transmission function.

(2) Functionalization of general plant, common plant, and administrative and general expenses on functional plant ratios and allocated operation and maintenance expenses.

(3) Inclusion of Account 123.1—Investment in Subsidiary Companies in the rate base.

(4) Inclusion of plant utilized for steam heating in the rate base.

(5) Fuel Adjustment Clause.

The Commission finds. (1) Good cause exists to accept for filing the proposed rate change tendered by Cambridge on October 1, 1975, to suspend it for five months until April 1, 1976, when it shall become effective, subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Cambridge's proposed Rate RS-2.

(3) Good cause does not exist to grant Belmont's motion to reject Cambridge's filing.

(4) Good cause does exist to grant the intervention of Belmont.

The Commission orders. (A) Cambridge's October 1, 1975, proposed rate change is accepted for filing and suspended for five months, until April 1, 1976, at which time said filing shall become effective, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly section 205 thereof, the Commission's rules of practice and procedure, and the Regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held on February 18, 1976, at 10 a.m., prevailing local time, in a hearing room at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the justness and reasonableness of the proposed rates, charges, terms, and conditions included in Cambridge's October 1, 1975, filing in this docket.

(C) Belmont's motion to reject Cambridge's filing is hereby denied.

(D) Belmont's petition to intervene is hereby granted.

(E) On or before January 7, 1976, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before January 21, 1976. Any rebuttal evidence by Cambridge shall be served on or before February 4, 1976.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30013 Filed 11-6-75;8:45 am]

[Docket Nos. RP74-14, RP74-34; PGA 76-1]

CASCADE NATURAL GAS CORP.

Tariff Sheet Filing

OCTOBER 30, 1975.

Take notice that on October 15, 1975 Cascade Natural Gas Corporation (Cascade), pursuant to § 154.62 of the regulations under the Natural Gas Act, filed Seventh Revised Sheet No. 2 to its FPC Gas Rate Schedule No. 1. Cascade states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision authorized by the Commission's order issued November 28, 1973 in Docket Nos. RP74-14 and RP74-34. More specifically, the tariff sheet reflects a net decrease over that currently being collected of 2.54 cents per Mcf to be effective December 1, 1975, as proposed by Cascade.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29989 Filed 11-6-75;8:45 am]

[Docket No. CP76-131]

CASCADE NATURAL GAS CORP.

Application

OCTOBER 31, 1975.

Take notice that on October 14, 1975, Cascade Natural Gas Corporation (Applicant), P.O. Box 24464, Seattle, Washington 98124, filed in Docket No. CP76-131 an application pursuant to section 7(b) of the Natural Gas Act for a certificate of public convenience and for permission and approval to abandon by sale to Mountain Fuel Resources, Inc. (Mountain Resources), a wholly-owned subsidiary of Mountain Fuel Supply Company (Mountain Fuel), its jurisdictional facilities known as the Colorado-Utah Division, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it entered into a sales agreement with Mountain Resources on September 8, 1975, for the sale of Applicant's Colorado-Utah Division properties for $9,000,000, which price is said to reflect the depreciated book cost of the facilities on December 31, 1974.

The facilities proposed to be sold by Applicant are said to consist of a pipeline extending from the Divide Creek field in Garfield and Mesa Counties, Colorado, to a terminus at Bonanza, Utah, including gathering pipelines, and appurtenant facilities, and other equipment, tools, materials, buildings, and supplies necessary for the operation of the pipeline. Applicant requests permission and approval to abandon approximately 92.2 miles of 14-inch O.D. pipeline and 29.1 miles of 10¾-inch pipeline, the Robbit Mountain compressor station, the Dragon Trail compressor station, and the Exchange compressor station, and the Piceance Creek compressor station. Applicant states that Mountain Resources would continue to operate the facilities proposed to be sold in a manner so that there would be no impact on existing customers of Applicant. Applicant states that it has been unable to acquire adequate supplemental reserves in the area because of the fixed-price, fixed-margin contract under which it has been rendering service to Mountain Fuel. It is further stated that Applicant has been obligated by contract to achieve a peak-day delivery capability of 66,667 Mcf of natural gas to Mountain Fuel, but that goal was never reached; deliveries in the 1974–1975 winter season measuring 20,266 Mcf of gas per day. Further, Applicant states that it has acquired no additional gas reserves since January, 1972, and that throughout has been declining since 1968.

Mountain Resources is alleged to be able to connect to substantial additional volumes of gas for interstate transportation and delivery through the Colorado-Utah Division.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30012 Filed 11-6-75;8:45 am]

[1] Article V of the settlement agreement.

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[Project No. 1268]

COLORADO

Order Vacating Land Withdrawals

OCTOBER 30, 1975.

The Forest Service, United States Department of Agriculture, has requested that the land withdrawals for transmission line Project No. 1268 be vacated insofar as they pertain to National Forest lands, thereby requiring Commission consideration under Section 24 of the Federal Power Act. This order also pertains to lands other than National Forest lands which are withdrawn for Project No. 1268.

Portions (totaling about 60.80 acres) of the following described sections were variously withdrawn pursuant to the filing on July 7, 1934, of a completed application for license, on February 29, 1936, of an amendment thereto, and on September 12, 1938, of an application for amendment of license, for Project No. 1268 for which the Commission gave notices of land withdrawal to the General Land Office (now Bureau of Land Management) by letters dated January 22, 1936, June 11, 1937, and August 3, 1939. Said notices were based on Exhibit K maps designated FPC Nos. 1268–2, 5, and 6.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 11 S., R. 82 W.,
Secs. 7, 8, 9, 10, 15, 16, 22.
T. 11 S., R. 83 W.,
Secs. 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 23, 24.
T. 10 S., R. 84 W., secs. 18, 29, 33, 34.
T. 11 S., R. 84 W., secs. 2, 3, 11, 12.

All of the subject lands except those in sec. 18, T. 10 S., R. 84 W., lie within the White River or San Isabel National Forests.

Project No. 1268 consisted of a 13.2 kv transmission line which extended from the Aspen hydroelectric plant (retired in 1965) of the Roaring Fork Water, Light and Power Company, to the portals of the Twin Lakes transmountain water diversion tunnel near Independence Pass, and provided power for use in the construction of the tunnel. The 5-year minor-part license for the project, held by the Roaring Fork Water, Light and Power Company, expired on June 1, 1942, and the project works were subsequently dismantled. The Forest Service has reported that the National Forest lands involved were restored to a satisfactory condition.

The Commission finds. The withdrawals for Project No. 1268 serve no useful purpose and should be vacated.

The Commission orders. The withdrawals pursuant to the applications for Project No. 1268 are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29960 Filed 11-6-75;8:45 am]

[Docket Nos. RP72-122 (PGA 76-1) and RP75-86]

COLORADO INTERSTATE CORP.

Proposed Change in Rates

OCTOBER 31, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on October 14, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to the Commission's Order issued on September 29, 1975, in the above dockets and in voluntary compliance with the FPC Staff's motion filed October 8, 1975, in Docket No. RP75-86, et al.

CIG states that Second Substitute Thirteenth Revised Sheet Nos. 5 and 6 reflect the exclusion from the filings in Docket Nos. RP75-86 and RP72-122 (PGA 76-1) of (1) that portion of small producer purchased gas cost resulting from prices in excess of the "130 percent formula" prescribed in Opinion No. 742, (2) that portion of the cost of gas purchased from producer-parties in Docket Nos. CP75-323 and CP75-300 which may have been priced in excess of the applicable area rates, (3) that cost of service related to facilities included in the filing in Docket No. RP75-86 which were neither certificated nor placed in service as of October 1, 1975, and (4) the cost-of-service effect of the increase in depreciation rates filed in Docket No. RP75-86. These Second Substitute Thirteenth Revised Sheet Nos. 5 and 6 are proposed to be made effective for one day, October 1, 1975.

CIG also states that Second Replacement Fourteenth Revised Sheet Nos. 5 and 6 reflect the exclusion from the filings in Docket Nos. RP75-86 and RP72-122 (PGA 76-1) of (1) that cost of service related to facilities included in the filing in Docket No. RP75-86 which neither certificated nor placed in service as of October 1, 1975, and (2) the cost-of-service effect of the increase in depreciation rates filed in Docket No. RP75-86. These Second Replacement Fourteenth Revised Sheet Nos. 5 and 6 are proposed to be made effective on October 2, 1975.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29773 Filed 11-6-75;8:45 am]

[Docket No. CP76-135]

COLUMBIA GAS TRANSMISSION CORP.

Application

OCTOBER 30, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia), a Delaware corporation, having its principal place of business at 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314, filed on October 16, 1975, an abbreviated application pursuant to section 7 of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the transportation of natural gas for Knit-Away, Inc. (Knit-Away), as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Specifically, Columbia requests authorization to transport up to 380 Mcf per day, which will be received from producers in Gilmer and Upshur Counties, West Virginia. Knit-Away will purchase the gas so transported from independent producers for a term expiring May 1, 1977. The transportation by Columbia will be subject to the limits of its pipeline capacity and to its service obligations to its CD, WS, SGES, G and SGS customers and will be further limited to the high priority end-use requirements of Knit-Away. Columbia's transportation charge for this service will be its average system-wide unit storage, gathering and transmission costs exclusive of company-use and unaccounted-for gas, as reflected in its FPC rate filings. Columbia will retain for company-use and unaccounted-for gas 3.6 percent of the volumes received for the account of Knit-Away.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act, as amended, (18 CFR 157.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission of its own motion believes that a formal hearing is required further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29985 Filed 11-6-75;8:45 am]

[Docket No. RP75-106; RP75-105]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Further Extension of Procedural Dates

OCTOBER 30, 1975.

On October 21, 1975, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company jointly filed a motion to extend the procedural dates fixed by order issued July 14, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor, Testimony, December 11, 1975.
Service of Company Rebuttal, December 24, 1975.
Hearing, January 13, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29986 Filed 11-6-75;8:45 am]

[Docket No. CP72-189]

COLUMBIA GULF TRANSMISSION CO.

Petition To Amend

OCTOBER 31, 1975.

Take notice that on October 8, 1975, Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP76-189 a petition to amend the order of the Commission of August 23, 1972 (48 FPC 380), issued in said docket pursuant to section 7(c) of the Natural Gas Act to include in the certificate of public convenience and necessity authorization to operate an additional point for the receipt of natural gas on the Blue Water Project from Consolidated Gas Supply Corporation (Consolidated Gas) all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner in the instant petition to amend requests authorization for an additional point of receipt from Consolidated Gas which would be located on Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), existing platform at the terminus of a pipeline designated Project 349 and said to be jointly owned by Texas Eastern Transmission Corporation, Tennessee and Texas Gas Transmisison Corporation. The location of the proposed point of receipt would be Ship Shoal Area, Block 198, offshore Louisiana. The contract demand volume that Petitioner would transport for Consolidated Gas is said to be unchanged at 50,000 Mcf per day.

It is stated that the additional receipt point would allow Consolidated Gas to transport gas reserves that are available to it from the Ship Shoal Area, South Addition, offshore Louisiana.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30002 Filed 11-6-75;8:45 am]

[Docket No. E-9538]

COMMUNITY PUBLIC SERVICE CO. AND PUBLIC SERVICE COMPANY OF NEW MEXICO

Application

OCTOBER 29, 1975.

Take notice that on October 14, 1975, the Community Public Service Company (Applicant), filed an Application, pursuant to section 203 of the Federal Power Act, seeking authorization to purchase from the Public Service Company of New Mexico approximately 20 miles of 115 kv electric transmission line and appurtenant substation and other facilities located in Grant County, New Mexico for a consideration of $184,440. The consideration was arrived at by arm's length bargaining between the parties.

Applicant is incorporated under the laws of the State of Texas, is domesticated in the States of New Mexico and Arizona, with its principal business office at Fort Worth, Texas and is engaged in the manufacture, purchase, distribution, and sale of electricity and the purchase, distribution and sale of natural gas.

Public Service Company of New Mexico is incorporated under the laws of the State of New Mexico, with its principal business office at Albuquerque, New Mexico and is engaged primarily in the manufacture, distribution, purchase, and sale of electricity.

After acquisition of the line by community, it will continue to be operated essentially as it is now. The line constitutes the only interconnection of community's electrical facilities in the Siver City-Lordsburg district over which community can receive electrical energy for its customers in the said district, or over which it can deliver energy for its Tularosa and Ruidoso customers in Otero and Lincoln Counties, and over which it may give other members of the Rio Grande Power Pool emergency assistance under appropriate circumstances. By acquiring the said facilities, community will own facilities in territory which it has served for many years. The right to tap the line in Grant County will be of benefit to Community in increased reliability to portions of its system.

Any person desiring to be heard or to make any protest with reference to the Application, should on or before November 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29976 Filed 11-6-75;8:45 am]

[Docket No. E-8952]

CONNECTICUT LIGHT AND POWER CO.

Further Extension of Procedural Dates

OCTOBER 30, 1975.

On October 24, 1975, Connecticut Municipal Intervenors filed a motion to extend the procedural dates fixed by order issued July 21, 1975, as most recently modified by notice issued September 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, October 29, 1975.
Service of Company Rebuttal, November 18, 1975.
Hearing, November 20, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29987 Filed 11-6-75;8:45 am]

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[Docket No. ER76-45]

CONSUMERS POWER CO.

Order Denying Application for Rehearing

OCTOBER 29, 1975.

On July 30, 1975, Consumers Power Company (CPC or Company) tendered for filing revised tariff sheets that would increase wholesale rates to certain partial and fuel requirement customers [1] by $5,065,720 based on sales for the twelve month period ending December 31, 1975. In response to public notice issued August 7, 1975, of CPC's filing, Twelve Publicly Owned Wholesale Customers (Systems) timely filed a petition to intervene, together with a motion to reject or, in the alternative, motion for summary judgment of that portion of the proposed rate increase attributable to comprehensive tax normalization and five month suspension of the remainder of the proposed increase. By order issued August 29, 1975 we, inter alia, suspended CPC's proposed rate increase for 30 days, denied Systems' motion to reject and provided for response to Systems' motion for summary disposition on the tax normalization issue.

On September 29, 1975, Systems filed an application for rehearing in part of our August 29, 1975, order. Systems contends that (1) a suspension period of five months, or at least longer than the 30 days imposed by our order, is justified in light of the "price squeeze" effect of the increase and alleged anticompetitive conduct of the Company, (2) the filing should have been rejected based on noncompliance with Commission regulations in CPC's alleged failure to file the most recent 12 months cost data and alleged failure to provide adequate work papers to support its cost of service and (3) that the "end result" of our order that "the Cities must pay the rates the Company asks" is unjustified.

Systems' first contention that a longer suspension period should have been granted renews two arguments presented in its earlier Motion to Reject in this docket. First, Systems states that "CPC has demonstrated a long-standing pattern of anticompetitive conduct" and this filing only furthers that pattern of behavior. Secondly, Systems argues that the Commission could avoid a wholesale-retail price squeeze by granting a five-month suspension period which would put Commission action on this wholesale rate increase more closely in line with the deadline for action on CPC's retail price increase now pending before the Michigan Public Service Commission. Our decision to suspend for 30 days was based on our review of CPC's filing and the testimony and exhibits in support thereof. Based on such review we exercised our independent judgment in light of our expertise in this area and concluded that a 30 day suspension was sufficient to protect the public interest and the parties to this proceeding. Upon further review, we reaffirm our prior order and conclude that the 30 day suspension was proper. The period of suspension is a matter of discretion and not subject to judicial review. "Municipal Light Boards v. F.P.C.", 450 F.2d 1341, 1352 (1971).

Systems second contention is that CPC has failed to file its most recent 12 months cost data and hence its filing must be rejected for non-compliance with Commission's regulations under the Federal Power Act.[2] In support of this, Systems cites Interstate Power Company, Docket No. ER76-70, in which by order issued September 10, 1975, its filing was rejected on the basis of data over 7 months old, and Boston Edison Company, Docket No. ER76-90, in which by letter order issued September 24, 1975, its rate increase filing was rejected based on similar data.

During the year 1975, we have accepted electric filing utilizing Period I data for the 12 months ended December 31, 1974, as meeting the filing requirement of § 35.13(b)(4)(iii) of the regulations that such data be ". . . for the most recent twelve consecutive months for which actual data available. . . ." However, we realized in so doing that at some point in time data for the twelve months ended December 31, 1974, would eventually become stale and thus outside any reasonable interpretation of § 35.13(b)(4)(iii) of the regulations which requires submission of the most recently available data. In the Interstate order, we were dealing with data that was 7½ months old and made the determination that such data was too stale to be "the most recently available" and therefore rejected Interstate's filing for failure to comply with § 35.13(b)(4)(iii) of the regulations. Since that action, we have consistently refused to accept rate filings containing Period I data which was more than seven months old. Accordingly, since Consumers has not reflected data for Period I which is more than seven months from the date of its tender for filing, we shall deny Systems' motion to reject. We find that the Period I data contained in Consumers' filing is sufficient to meet the requirements of § 35.13(b)(4)(iii) of our regulations.

Finally, Systems contends that the "end result" of our order is "unjustified and unjustifiable" in that "the end result is that the Cities must pay the rates the Company asks." We believe that the public interest is protected in this respect by that provision of our order which places the rate increase into effect subject to refund pending the outcome of the hearing thereon. The issues raised by intervenors, such as rate-of-return and substantiation of cost-of-service studies, among other, can be best pursued at open hearing where a complete evidentiary record can be established to determine the lawfulness of the proposed rate increase. At that time, should any of the proposed increase be found not to be just and reasonable, CPC will be required to refund that portion of the rate increase collected pursuant to the conditions of our August 29, 1975 order with interest at 9 percent annum.

For the reasons discussed above, we are of the opinion that Systems' application for rehearing of those parts of our August 29, 1975 order dealing with length of suspension period, acceptance of CPC's filing as submitted, and Systems' "end result" contentions contained therein should be denied.

The Commission finds. Systems' application for rehearing filed September 29, 1975, in the subject docket presents no new facts or principals of law which warrant modification of our order of August 29, 1975, in the subject docket.

The Commission orders. (A) Systems' September 29, 1975, application for rehearing of our order of August 29, 1975 is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29977 Filed 11-6-75;8:45 am]

[Docket No. RI76-35]

CONTINENTAL OIL CO.

Application for Certificate of Public Convenience and Necessity With Request for Temporary Authorization and Petition for Special Relief

OCTOBER 31, 1975.

Take notice that on September 29, 1975, Continental Oil Company (Applicant), Post Office Box 2197, Houston, Texas 77001, filed in Docket No. RI76-35 an application for a certificate of public convenience and necessity covering a sale of gas to Tennessee Gas Pipeline Company (Tennessee). Sales volumes are estimated by Applicant to be 275,000 Mcf per month attributable to one-half of Applicant's 33⅓ percent working interest in gas from the subsea surface down to and including the base of the RD Sand, or its correlative equivalent, from West Cameron Block 69 (North Half), Offshore Louisiana. The contract price is $1.60 per Mcf, at 15.025 psia, including all adjustments and tax reimbursement. However, Applicant has expressed its willingness to accept, subject to refund upon final order of the Commission, a rate of $1.33 per Mcf. Applicant seeks temporary authorization to commence this sale of gas.

Applicant states that a total of seven wells have been completed on the property committed to this proposed sale, five at depths greater than 15,000 feet and two at depths less. Applicant seeks special relief under 18 CFR 2.56a(g) for all the wells, and with regard to the two wells under 15,000 feet, seeks special relief in the alternative under 18 CFR 2.76.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30014 Filed 11-6-75;8:45 am]

[Docket No. ER76-151]

DELMARVA POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Increased Rates, and Establishing Hearing Procedures

OCTOBER 31, 1975.

On September 29, 1975, Delmarva Power and Light Company (Delmarva of Delaware), a utility operating and holding company, and its two wholly-owned subsidiaries, Delmarva Power and Light Company of Maryland (Delmarva of Maryland) and Delmarva Power and Light Company of Virginia (Delmarva of Virginia) (jointly, Delmarva) tendered for filing, pursuant to § 35.13(b)(4)(ii), proposed changes in the intercompany Power Supply Agreement.[3]

The proposed changes would increase the rate of return on fixed charges for the three companies from 8.625 percent to 9.9 percent, thereby increasing payments by Delmarva of Delaware to Delmarva of Maryland and Delmarva of Virginia by $1,267,868, based on billing for the 12 months ending October 31, 1976. Insofar as the proposed increase in rate of return is to affect only interconnection transfers of power among the three companies, there would be no net change in revenues for the combined operations of the companies. The proposed effective date for the increase is November 1, 1975.

Delmarva of Delaware and its two Maryland and Virginia subsidiaries form an integrated electric supply system serving energy in the State of Delaware, the nine counties comprising the so-called Eastern Shore of Maryland and the two counties comprising the so-called Eastern Shore of Virginia. Production and power supply transmission is designed and operated on a system approach and the system costs are divided among the three companies.

To develop an integrated system, Delmarva of Delaware and its two subsidiaries entered into a Power Supply Agreement,[3] an interchange arrangement in the nature of a power pool, on July 16, 1964. By terms of the Agreement, a cost of service is computed periodically and then applied to transactions in subsequent periods. The Agreement has been modified by Supplement No. 2, dated August 27, 1975 and Supplement No. 4, dated April 4, 1975.

Delmarva alleges that Supplement No. 4, providing for a rate of return of 8.625 percent, is inadequate. It states that its embedded cost of long-term debt has increased from 6.32 percent in August, 1973, when it tendered the filing which resulted in our approval of Supplement No. 4, to a current embedded cost of 7.16 percent. Delmarva also states that that there has been a decline in the market for its common stock in recent years which has materially increased the cost of raising money through the issuance of such stock. These as well as other financial considerations lead Delmarva to conclude that the 8.625 percent rate of return no longer provides revenue which are sufficient to meet the increased costs of capital. Consequently, Delmarva has now filed for a 9.9 percent rate of return, including a 15 percent return on equity.

We have previously recognized the need of the electric industry as a whole to attract the capital necessary to provide adequate service to the consuming public,[4] and we have stated that a utility's need to increase its revenues so as to be able to satisfy its capital requirements may be a sufficient justification for a rate increase.[5] However, without prejudging the outcome in Docket No. E-8947, serious questions raised therein regarding Delmarva's alleged financial requirements, coupled with our own evaluation of the filing now before us, bring us to conclude that the proposed change in rate of return has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

Accordingly, we shall accept the proposed rates for filing and suspend the use thereof for ninety (90) days until January 30, 1976 when it will be permitted to become effective, subject to refund, and we shall establish hearing procedures to determine the justness and reasonableness of Delmarva's filing.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties, including the Commission Staff. Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material to determining the justness and reasonableness of Delmarva's proposed rate of return, we hereby direct the parties and our Staff to present evidence which addresses itself not only to the issues raised by Delmarva's allegations as noted above and by our prior discussion, but also to (1) Delmarva's proposal for a 15.0 percent return on equity, (2) Delmarva's present and future needs for capital, (3) the adequacy and significance of Delmarva's present pre-tax debt interest coverage ratio, (4) the adequacy and significance of the past and present ratios of market value to book value of Delmarva's common stock, (5) Delmarva's contention that, in comparison to allegedly comparable utilities, it has a financial standing below that of the group of comparable utilities, (6) the standing of Delmarva in particular and the standing of comparable utilities generally in the market for capital, (7) how and to what degree, if any, an increase in interconnection charges will improve Delmarva's standing in markets for capital, and (8) the consequences of an increase in interconnection charges for Delmarva's customers.

Notice of Delmarva's filing was issued on October 2, 1975, with protests and petitions to intervene due on or before October 15, 1975. A notice of intervention has been filed by the Public Service Commission of Maryland.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates, charges, and conditions of service as proposed by Delmarva in Docket No. ER76-151 and that such increase be accepted for filing and suspended as hereinafter provided.

The Commission orders. (A) Pending a hearing and final decision thereon, Delmarva's proposed changes in its rates, charges, and conditions of service as filed on September 29, 1975, are accepted for filing and suspended for ninety (90) days and the use thereof deferred until January 30, 1976, when the proposed rate schedule supplements shall become effective, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, and the Commission's rules and regulations (18 CFR Ch. I) a public hearing shall be held on March 9, 1976, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, to determine the lawfulness and reasonableness of the proposed rates, charges, and conditions of service contained in Delmarva's rate increase filed on September 29, 1975.

(C) The Commission Staff shall serve its prepared testimony and exhibits on or before January 27, 1976. Any intervenor evidence shall be filed on or before February 10, 1976. Any rebuttal evidence by Delmarva shall be served on or before February 24, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of

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[1] See order issued August 29, 1975, in the subject docket for list of customers affected by the proposed rate increase.

[2] Regulations Under Federal Power Act, § 35.13(b)(4)(iii).

[1] Designations of the proposed rate schedules are shown in Appendix A.

[3] Designated "Rate Schedule FPC No. 38" for Delmarva of Delaware, "Rate Schedule FPC No. 10" for Delmarva of Maryland, and "Rate Schedule FPC No. 5" for Delmarva of Virginia.

[4] Ibid.

[5] "See e.g., Nevada Power Company," Docket No. ER76-40, issued October 15, 1975.

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settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

DESIGNATIONS

Filed: September 29, 1975
Effective: November 1, 1975

(1) *Delmarva Power and Light Company.* Supplement No. 5 to Rate Schedule FPC No. 33 (Certificate of Concurrence Supersedes Supp. No. 4).

(2) *Delmarva Power and Light Company of Maryland.* Supplement No. 5 to Rate Schedule FPC No. 10 (Fourth Supplemental Power Supply Agreement Supersedes Supp. No. 4).

(3) *Delmarva Power and Light Company of Virginia.* Supplement No. 5 to Rate Schedule FPC No. 5 (Certificate of Concurrence Supersedes Supp. 4).

[FR Doc.75-30003 Filed 11-6-75;8:45 am]

[Docket Nos. RP72-155, RP75-39, PGA76-1]

EL PASO NATURAL GAS CO.

Tariff Sheets Tender

OCTOBER 31, 1975.

Take notice that on October 15, 1975, El Paso Natural Gas Company (El Paso) filed, pursuant to Part 154 of the Commission's regulations under the Natural Gas Act, the following revised tariff sheets, to become effective October 1, 1975:

ORIGINAL VOLUME NO. 1

First Substitute Fifteenth Revised Sheet No. 3-B.

THIRD REVISED VOLUME NO. 2

First Substitute Fifth Revised Sheet No. 1-D.

ORIGINAL VOLUME NO. 2A

First Substitute Seventh Revised Sheet No. 1-C.

El Paso states that the Commission order issued September 30, 1975, permitted El Paso to file revised tariff sheets to become effective October 1, 1975, reflecting that part of the increase proposed in its PGAC tender of August 15, 1975, other than the increased costs associated with that portion of 60 and 180 day emergency purchases from other than small producers in excess of the rates prescribed by the Commission's Opinion No. 699-H and the increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the 130% formula prescribed by the Commission's Opinion No. 742 issued August 28, 1975, at Docket No. R-393. El Paso further states that the instant tender is designed to implement its PGAC increase on October 1, 1975, as permitted by said order of September 30, 1975.

El Paso states that the rates set forth on the tendered tariff sheets provide for a net decrease to its currently effective rates of 5.54¢ per Mcf, effective as of October 1, 1975, and is comprised of annualized purchased gas cost increases equating to 0.69¢ per Mcf, plus 4.03¢ per Mcf representing the balance in Account 191 as of June 30, 1975, less El Paso's currently effective surcharge adjustment of 8.87¢ per Mcf and the 1.39¢ per Mcf amortization charge for special overriding royalty costs permitted by Commission order issued March 31, 1975, at Docket Nos. RP72-155, et al. El Paso states that such decrease results from the deletion of emergency purchases at rates in excess of the Commission's Opinion No. 699-H and small producer purchases at rate levels above the 130% formula prescribed by Opinion No. 742 included in El Paso's Purchased Gas Cost Adjustment (PGAC) notice of change in rates filed with the Commission on August 15, 1975, and is 0.23¢ per Mcf below the PGAC adjustment of 4.95¢ per Mcf set forth in said August 15, 1975, filing. El Paso further states that such rates are consistent with the Commission's order issued September 30, 1975, in the captioned proceedings.

El Paso states that copies of the instant tender have been served upon all parties of record in Docket Nos. RP72-155 and RP75-39 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before November 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30004 Filed 11-6-75;8:45 am]

[Docket Nos. RP67-9, AR64-1, etc.]

EL PASO NATURAL GAS CO.

Payment of Refunds

OCTOBER 30, 1975.

Take notice that on October 20, 1975, El Paso Natural Gas Company (El Paso) tendered for filing a Report of Refunds Made on September 12, 1975, to its interstate pipeline system jurisdictional and nonjurisdictional keyed customers entitled thereto. El Paso states that such refunds were made in compliance with the Commission's letter order issued August 25, 1975, in the captioned dockets and in accordance with the Stipulation and Agreement dated as of January 1, 1967, approved by Commission order issued April 3, 1967, at Docket No. RP67-9, and the applicable provisions of Commission orders issued November 26, 1968, and March 17, 1975, in Docket Nos. AR61-1, et al., and AR64-1, et al., respectively.

El Paso further states that the refunds made in conformity with Article IV of the Stipulation and Agreement dated January 1, 1967, approved at Docket No. RP67-9 and encompass producer-supplier refunds, both principal and interest, aggregating $1,082,843.46.

El Paso states that copies of the filing were served on all parties of record in Docket No. RP67-9, and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before November 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29988. Filed 11-6-75;8:45 am]

[Docket No. CI76-214]

EXXON CORP.

Application

OCTOBER 31, 1975.

Take notice that on October 10, 1975, Exxon Corporation (Applicant), P.O. Box 2180, Houston, Texas 77001, filed in Docket No. CI76-214 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from acreage in Crane County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver at Warren Petroleum Company's Waddell Gasoline Plant in Crane County up to 108,450 Mcf of gas per month to El Paso at the national rate set forth in § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a). The total price is said to be 57.9032 cents per Mcf which is the sum of a 51.0-cent base price plus a 1.1730-cent Btu adjustment, a 1.5-cent gathering allowance, and a 4.2302-cent tax reimbursement allowance.

Applicant states that the natural gas which Applicant proposes to sell to El Paso is Applicant's mineral fee interest in the natural gas produced from the acreage in Crane County and sold pursuant to a letter agreement between Applicant and El Paso dated July 15, 1975. Applicant explains that such acreage was previously committed under a fifty-year oil and gas lease to Gulf Oil Corporation which made interstate sales of gas to El Paso prior to the expiration of said lease on July 14, 1975. In its Opinion Nos. 737 and 737-A, El Paso Natural Gas Company, et al., Docket No. CP75-209, et al., issued on July 11, 1975, and September 3, 1975, respectively, the Commission held that cessation of deliveries by Applicant, and others, from the Crane County acreage would require abandonment permission and approval under section 7(b) of the Natural Gas Act. However, the order accompanying Opinion No. 737-A: *Provided*, That deliveries of gas by Applicant, and others, are to be made to El Paso subject to a payback provision and other conditions pending final appellate determination of the validity of Opinion Nos. 737 and 737-A. Accordingly, Applicant states, the instant application is filed under protest with full reservation of Applicant's rights.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules and practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30005 Filed 11-6-75;8:45 am]

[Docket Nos. E-9091, E-9521 and E-9522]

GEORGIA POWER CO.

Order Granting Rehearing in Part and Denying Rehearing in Part, Clarifying Previous Order and Extending Procedural Dates

OCTOBER 29, 1975.

On September 29, 1975, Georgia Power Company (Georgia Power) filed an Application for Rehearing and Clarification of this Commission's order issued September 11, 1975, in the above-referenced docket.[1] The Order accepted for filing an initial tariff (PR-1) for partial requirements service and an initial tariff (TS-1) for transmission service, but subject to the condition that the inclusion of CWIP[2] in rate base not be reflected in those sheets; consolidated the PR-1 and TS-1 Dockets with Georgia Power's full requirements wholesale tariffs Docket (WR-8); granted the petitions to intervene filed by Oglethorpe Electric Membership Corporation (Oglethorpe), the City of Dalton, Georgia, and the Municipal Electric Authority of Georgia (MEAG); ordered an investigation under section 206 of the Federal Power Act; established procedural dates; directed Georgia Power to make timely annual filings with respect to transmission facilities and charges and to submit updated cost of service data; and ordered Georgia Power to file, within 30 days, substitute tariff sheets which reflect the exclusion from rate base of CWIP.

Georgia Power is applying for rehearing of that portion of the September 11, 1975, Order in this proceeding which requires it to exclude CWIP from its rate base and asks for clarification of certain other parts of the Order. In addition, Georgia Power requests that the Commission stay the effectiveness of the September 11, Order pending consideration of its Application and judicial review of any denial thereof or, in the alternative, that the Commission extend the deadline for filing substitute tariff sheets until November 12, 1975, providing thirty days for the Commission to consider this Application and an additional two weeks thereafter for Georgia Power to seek a judicial stay of the September 11, Order in the event the Commission denies the relief sought.

With regard to the latter request, the Secretary issued on October 9, 1975, in this proceeding, a Notice which extended until November 12, 1975, the deadline for Georgia Power's filing substitute tariff sheets reflecting the exclusion of CWIP from rate base, as required by the Commission's Order issued September 11, 1975.

Insofar as the Commission conditioned its acceptance of Georgia Power's PR-1 and TS-1 tariff sheets on Georgia Power's filing of substitute tariff sheets reflecting the exclusion of CWIP from rate base, Georgia Power contends the Commission acted without authority. Georgia Power characterizes the Commission's action as a rejection of a portion of a tariff filing and, as such, was governable by the standards established in "Mississippi River Fuel Corp v. F.P.C.[3] where the Court held that a tendered rate filing which fulfilled the filing requirements of the Commission's Regulations could not be rejected.

Georgia Power is incorrect, however, in its characterization of the Commission's conditioning its acceptance of the tariff sheets as a summary rejection of a portion of the filing. § 35.5 of the Commission's regulations authorizes the Secretary to reject any material tendered for filing ". . . which patently fails to substantially comply with the applicable requirements set forth in this part [Part 35], or the Commission's rules of practice and procedure". The aforementioned is not the authority relied upon by the Commission in requiring Georgia Power to submit substitute tariff sheets. Hence, the fact that the Commission did not find Georgia Power's filing deficient with regard to the Commission's Regulations governing filing requirements, nor violative of the Commission's rules of practice and procedure, nor "so patently a nullity as a matter of substantive law"[4] that acceptance would be futile, all of which are reasons for which the Commission may summarily reject a tendered filing, is not relevant to a discussion of the Commission's action on Georgia Power's filing in this proceeding.

In the September 11, 1975, Order, the Commission noted that a portion of the rate being sought in Georgia Power's proposed filing in Docket No. E-9521 was the result of its including the item construction work in progress in the rate base for the partial requirements service for the test year on which its rate is based. The Commission cited Green Mountain Power, Docket No. E-9446, where, by order issued June 13, 1975, the Commission had rejected that portion of tendered tariff charges reflecting the inclusion of CWIP in rate base and stated:

> Commission regulations and practice do not at this time allow any utility to earn a return on CWIP. While this policy is under review in Docket No. RM75-13 (footnote omitted) it would be premature to allow the company to make a filing which contains rate based on CWIP being included in rate base. (Slip Op. at 1)

[1] "Order Accepting for Filing and Instituting Investigation Under section 206 of the Federal Power Act, Granting Request for Waiver, Granting Interventions, and Establishing Procedures."

[2] CWIP as used herein refers to costs associated with facilities which will not be constructed and in operation before the end of the test period.

[3] 202 F. 2d 899 (3rd Cir., 1953). In that proceeding, the Commission had rejected and returned rate schedules and supporting materials constituting proposed tariff changes by the Mississippi River Fuel Corporation (Mississippi) because the stated justification for about one-third of the proposed increase was increased costs for gas to be purchased by Mississippi from its principal supplier, a jurisdictional rate increase itself for which the supplier had not yet filed and thus, would not be charging to Mississippi at the time the latter proposed its own rate increase be made effective.

[4] See Municipal Light Boards, etc., *Mass.* v. *FPC*, 450 F. 2d 1341 (1971).

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We thereafter summarily disposed of the CWIP issue in Georgia Power's filing on the basis that it would be inappropriate to permit Georgia Power to include CWIP in its filing in Docket No. E–9521 and ordered Georgia Power to file substitute sheets reflecting the exclusion of such CWIP from rate base.

Georgia Power asserts that the Commission was not acting pursuant to any valid regulation prohibiting the inclusion of CWIP. The holding in Green Mountain, however, is firmly based upon our consistent policy of refusing to grant final authorization for the inclusion of CWIP in any company's rate base.[5] Under this policy and as a matter of law, Georgia Power cannot possibly justify its treatment of CWIP at a formal hearing. In disposing summarily of one issue prior to the commencement of a formal hearing which would be unproductive and unnecessary as to that single issue, we recognize that there is no dispute as to evidence, in that the Commission has excluded CWIP from Georgia Power's rate base as a matter of policy; and, accordingly, there is no information which Georgia Power could provide which would affect the Commission's ultimate decision. As observed by the Court in Municipal Light Boards, supra,[6]:

> [t]here are occasions when an agency may dispose of a controversy on the pleadings without an evidentiary hearing when the opposing presentations reveal that no dispute of fact is involved, but only a question of law or administrative policy of such a nature that there is neither a dispute as to the material facts nor a need to ventilate the underlying facts to aid in policy determination.

In addition, Georgia Power contends in its Application for Rehearing with regard to the Commission's treatment of the CWIP issue that even if the Commission can so condition some rate filings, that it cannot summarily order a change in an initial rate filing under section 206 of the Act. Rather, a hearing must be held and a finding made that the rates are "unjust, unreasonable, unduly discriminatory or preferential" before the Commission can order any change in an initial filing. Having determined to enter upon a section 206 proceeding, Georgia Power asserts that without first having held a hearing, the Commission could not have reached the abovementioned finding as a basis for ordering substitute tariff sheets to be filed. However, the effect of applying our policy prohibiting the inclusion of CWIP in rate base is that a finding has been made that the portion of the rates which reflect CWIP in rate base is unjust and unreasonable. Thus, as discussed above, on the basis of the material filed, the CWIP issue has been disposed of prior to commencement of a formal hearing. Accordingly, we shall deny Georgia Power's Application for Rehearing of so much of the September 11, 1975, Order in this proceeding as requires Georgia Power to exclude CWIP from its rate base in Docket No. E–9521 and which conditions the Commission's acceptance of Georgia Power's PR–1 filing in that docket on the submission of substitute tariff sheets indicating the same.

In its September 29 Application, Georgia Power also requests clarification of certain provisions of our September 11, Order in this proceeding. Ordering Paragraph (A) accepts PR–1 and TS–1 for filing and orders them to become effective July 1, 1975, "subject to refund as agreed by the parties . . .". As we noted at page 3 our Order and Georgia Power reiterates, the parties reached agreement regarding refunds only with regard to PR–1. Accordingly, Georgia Power is correct in interpreting the "subject to refund as agreed by the parties" proviso in Ordering Paragraph (A) to apply only to PR–1, the Partial Requirements Tariff filed in Docket No. E–9521.

Ordering Paragraph (B) of the September 11, Order requires the filing, within 30 days of the issuance of the Commission's Order, of substitute tariff sheets which reflect the exclusion of CWIP from rate base; as noted by the Commission at page 6 of the Order, Docket No. E–9521 reflected the inclusion of CWIP in rate base. Accordingly, no substitute filing is required in Docket No. E–9522, since TS–1 was not found to provide for any return on a rate base including CWIP.

Ordering Paragraph (G) requires Georgia Power to make "timely annual filings of transmission carrying charges as applicable to the proceeding [sic] contract year". Rather, Georgia Power should make that filing for the preceding contract year.

Ordering Paragraphs (C), (E) and (F) consolidate three dockets "for the purpose of hearing and decision" (Docket Nos. E–9091, E–9521, E–9522) and establish procedural dates. Georgia Power notes in its Application that the three dockets contain "extremely dissimilar tariffs" and further, "that the consolidation will result in an extremely complex proceeding".

On October 14, 1975, Oglethorpe Electric Membership Corporation (Oglethorpe) filed its Application for Rehearing of our September 11, 1975, Order in these proceedings. Oglethorpe seeks rehearing regarding the consolidation of Docket No. E–9091 with Docket Nos. E–9521 and E–9522 for hearing and the requirement that Georgia Power include updated cost of service data, as specified in Ordering Paragraph (H). Oglethorpe also requested that the Commission stay the effectiveness of the September 11, Order pending consideration of this Application and judicial review of any denial thereof. The latter was disposed of insofar as the October 9, 1975, Notice by the Secretary extended the deadline for Georgia Power's filing substitute tariff sheets until November 12, 1975, pending the Commission's consideration of these Applications for Rehearing.

With regard to the consolidation of Docket No. E–9091 with Docket Nos. E–9521 and E–9522, the Commission, on its own motion, ordered the joinder. However, Georgia Power and Oglethorpe have expressed their beliefs that the result of consolidation would be to increase the complexity of the proceeding and to make more burdensome the participation of the diverse customers whose respective interests are limited to certain aspects of these proceedings as affect them. Additionally. Oglethorpe asserts that the evidence necessary to justify all or part of PR–1 and TS–1 will be vastly different from the evidence required to support WR–8. In view of these expressions of the parties, we shall sever Docket No. E–9091 from Docket Nos. E–9521 and E–9522 and reestablish separate procedural dates for Docket No. E–9091. Docket Nos. E–9521 and E–9522 shall remain consolidated for hearing.

Oglethorpe also requests that the Commission rescind that portion of the September 11, Order requiring Georgia Power to file updated cost of service data to reflect the most recent available data for the calendar year 1975 and to include actual data for not less than the first six months of 1975, as set forth in Ordering Paragraph (H). With respect to the affected data filed in support of Georgia Power's, rates in Docket No. E–9091, Oglethorpe contends it would be burdensome for the wholesale-for-resale customers to analyze updated data in a case which was originally filed by the Company on October 31, 1974, and for which updated data was already once filed on July 11, 1975. Oglethorpe believes Georgia Power would unduly benefit from the opportunity to again file more current information which would in effect, afford them a retroactive rate increase. The Commission may require submittal of whatever information to which it is lawfully entitled to aid it in the enforcement of its statutory duties. Therefore, the requirement that Georgia Power file updated cost of service data as specified in Ordering Paragraph (H) of our September 11, Order will not be rescinded. Separate procedural dates for Docket No. E–9091 will be reestablished, including one for the filing of Georgia Power's updated cost of service data, as well as other service dates remaining for the testimony.

[5] Since Green Mountain, the Commission has reiterated its policy of excluding CWIP from rate base. See, e.g., Tennessee Gas Pipe Line Company, Docket Nos. RP75–113 and RP75–13, Order issued October 10, 1975, in which we stated.

Accordingly, we believe our duty to insure the protection of the consumer requires that we continue to require Tennessee to file tariff sheets excluding the costs resulting from the inclusion of CWIP in rate base (mimeo at 4).

A fortiori, when presented with rates based on a ratemaking theory contrary to our established principals, we believe that eliminating the effect of the inclusion of CWIP in rate base before the rates go into effect is necessary to protect the consumer and foreclose the possibility that refunds may never reach the consumer who would otherwise be required to pay this illegal rate (mimeo at 7).

[6] 450 F. 2d at 1345.

Finally, Georgia Power requests an extension of the procedural dates from those designated in the September 11, Order in the consolidated dockets. In addition to establishing separate procedural dates in Docket No. E–9091, we shall grant Georgia Power's request for an extension of the procedural dates in the remaining consolidated proceedings in Docket Nos. E–9521 and E–9522.

The Commission finds. (1) Georgia Power's Application for Rehearing, filed September 29, 1975, requesting rehearing of so much of the September 11, 1975, Order in this proceeding as requires Georgia Power to exclude CWIP from its rate base and to file substitute tariff sheets in Docket No. E–9521 reflecting the same should be denied.

(2) Oglethorpe's Application for Rehearing, filed October 14, 1975, requesting rehearing of so much of the September 11, 1975, Order in this proceeding as consolidated Docket No. E–9091 with Docket Nos. E–9521 and E–9522 for hearing and for so much of the Order as requires Georgia Power to include updated cost of service data should be granted as to the former request and denied as to the latter request.

(3) Georgia Power's request for clarification of certain portions of the September 11, Order should be granted.

(4) Georgia Power's request for an extension of the procedural dates in these proceedings should be granted, both in the consolidated proceedings in Docket Nos. E–9521 and E–9522 and with respect to the severed proceeding in Docket No. E–9091.

The Commission orders. (A) Georgia Power's Application for Rehearing, filed September 29, 1975, requesting rehearing of so much of the September 11, 1975, Order in this proceeding as requires Georgia Power to exclude CWIP from its rate base and to file substitute tariff sheets in Docket No. E–9521 reflecting the exclusion of CWIP from rate base is denied.

(B) Oglethorpe's Application for Rehearing, filed October 14, 1975, requesting rehearing of so much of the September 11, 1975, Order in this proceeding as consolidated Docket No. E–9091 with Docket Nos. E–9521 and E–9522 for hearing is granted, and Docket No. E–9091 is hereby severed from these proceedings for hearing and decision.

(C) Oglethorpe's request for rehearing of so much of the September 11, Order as requires Georgia Power to include updated cost of service data is denied. Georgia Power shall file the updated cost of service data specified in Ordering Paragraph (H) of the September 11, Order in this proceeding, together with all supporting workpapers, on the service dates designated hereinbelow.

(D) Georgia Power's request for clarification of certain portions of the September 11, Order is granted, as hereinafter specified:

(1) In Ordering Paragraph (A) of our September 11, 1975, Order in this proceeding, the provision that acceptance of the filing is "subject to refund as agreed by the parties" applies only to PR–1, the Partial Requirements tariff in Docket No. E–9521.

(2) Ordering Paragraph (B) of the September 11, Order in this proceeding requiring the filing of substitute tariff sheets reflecting the exclusion of CWIP from rate base applies to the filing in Docket No. E–9521, which reflected the inclusion of CWIP in PR–1 and not to the filing in Docket No. E–9522, which excluded CWIP from rate base.

(3) In Ordering Paragraph (G) of the September 11, Order in this proceeding, on line 7, change "proceeding contract year" to "preceding contract year".

(E) Georgia Power's request for an extension of the procedural dates in these proceedings is granted, both in the consolidated proceedings in Docket Nos. E–9521 and E–9522 and with respect to the severed proceeding in Docket No. E–9091. Therefore, the procedural dates in these proceedings are modified as follows:

Docket No. E–9091

Service of Company's Updated Cost of Service Data, November 26, 1975.
Service of Staff Testimony, February 3, 1976.
Service of Intervenor Testimony, February 17, 1976.
Service of Company Rebuttal, March 2, 1976.
Hearing, March 16, 1976.

Docket Nos. E–9521 and E–9522

Service of Company's Direct Testimony, January 15, 1976.
Service of Staff's Testimony, March 11, 1976.
Service of Intervenor Testimony, April 1, 1976.
Hearing, May 6, 1976.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29978 Filed 11–6–75;8:45 am]

[Docket No. ES76–21]

IDAHO POWER CO.

Application

OCTOBER 31, 1975.

Take notice that on October 17, 1975, Idaho Power Company (Applicant) filed an Application pursuant to section 204 of the Federal Power Act, seeking Authorization to issue and sell at Competitive bidding up to 1,000,000 shares of Common Stock, $5 par value.

Applicant is incorporated under the laws of the States of Maine, with its principal business office at Boise, Idaho and is qualified to do business in the States of Idaho, Oregon, Nevada, and Wyoming. Applicant is engaged in the generation, transmission, distribution and sale of electrical energy in the above mentioned states.

The proceeds from the Common Stock will be use for payment in full of the principal amount of short-term notes outstanding, and the balance, if any, will be used for Construction purposes.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before November 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–30015 Filed 11–6–75;8:45 am]

[Docket No. E–9520]

ILLINOIS POWER CO.

Order Accepting and Suspending Proposed Rate Increase, Allowing Intervention and Setting Procedures

OCTOBER 29, 1975.

On June 27, 1975 the Illinois Power Company (IP) tendered for filing a proposed increase in the rate schedule identified as "Service Classification 40, Wholesale Electric Service for Resale." Three customers are served under this rate schedule: Village of Ladd (Ladd)—IP Rate Schedule FPC No. 26; City of Oglesby (Oglesby)—IP Rate Schedule FPC No. 28; Cedar Point Light and Water Company (CPL & W)—IP Rate Schedule FPC No. 30. Notice of the filing was issued July 8, 1975 with protests and petition to intervene due on or before July 21, 1975 later extended to July 28, 1975 by Notice issued July 28, 1975. IP proposes a September 1, 1975 effective date.

The three customers named above (Intervenors) filed a joint petition to intervene and motion to reject. Good cause exists to grant the petition to intervene. The motion to reject is based on a claim that the contracts between IP and the Intervenors are fixed-rate contracts within the protection of the rule of Mobile-Sierra,[1] and that certain provisions of the proposed filing violate the anti-trust laws. Due to the complexity of the issues raised by the Intervenors' motion to reject and subsequent IP answers we shall defer action on Intervenors' motion to reject and deal with these issues by separate order.

By letter dated September 2, 1975 the Secretary of the Commission informed IP that a filing date had not been assigned to its submittal because IP had not filed the individual contracts between IP and its customers. On September 30, 1975 IP tendered for filing the individual contracts. We shall assign an

[1] United Gas Pipe Line Company v. Mobile Service Company, 350 U.S. 332 (1956); F.P.C. v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

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October 30, 1975 proposed effective date to IP's filing (30 days after filing).

Review of the filing reveals that part of the increase is based upon the inclusion of construction work in progress (CWIP) [2] in the rate base. In recent orders we have rejected that portion of the filing which is based upon the inclusion of CWIP in rate base and required amended filings.[3] However, in this case, the CWIP amounts to a very small part of the allocated rate base ($4711 out of an allocated rate base of $1,433,868). Therefore we shall accept for filing the proposed rates, but summarily dispose of the issue of CWIP in rate base. We shall order IP to refund amounts collected as a result of the inclusion of CWIP in rate base at the time of final Commission disposition of the remaining issues in this proceeding. Such an action is consistent with our action in Green Mountain Power Corporation, Docket No. E-9446, Order Granting Reconsideration and Amending Prior Order, issued August 4, 1975, and will avoid the unnecessary expense of billing adjustments for such a small amount of money.

Further review of the filing reveals that IP has adjusted its rate base by amounts in FPC Account Nos. 281 and 238, directly assigned some transmission facilities and related costs, reclassified per books distribution facilities to the transmission and production functions, and allocated demand costs on the basis of the single annual peak. Parties filing testimony in this case should address themselves to, inter alia, the propriety of these actions. Further, IP states that it faces a $1 billion construction program which will force it to go to outside sources for $750 million. IP alleges that refunding its long term debt will increase its overall long term debt and that recent sales of common stock have diluted the book value of its shares. IP refers to the increasing cost of new plant as a cause of decreased earnings.

Further, IP alleges that a 14.5% rate of return on common equity is needed to maintain current dividend levels. Parties submitting testimony on rate of return should address, inter alia, the specific allegations made by IP concerning adequate dividend levels and the relationship between them and the alleged need for outside financing. Witnesses should demonstrate that their proposed rate of return will allow IP to meet its present and future capital requirements.

The proposed rate levels and provisions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Neither has the proposed fuel adjustment clause been shown to be in conformance with Order No. 517. Accordingly, we shall suspend the proposed changes for three months to become effective January 1, 1976.

The Commission finds. (1) The above-named customers should be allowed to intervene.

(2) Good cause exists to accept for filing and suspend IP's proposed changes in rates until January 1, 1976.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly Sections 205, 206, 307, 308 and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of IP's rates and terms and conditions of service, as proposed to be modified.

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 307, 308, and 309 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on January 27, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, and conditions of service contained in IP's wholesale rate schedule and contracts as proposed to be amended.

(B) Pending a hearing and final decision thereon, IP's proposed changes are hereby accepted for filing and suspended until January 1, 1976.

(C) On or before December 19, 1975 the Commission Staff shall serve its prepared testimony and exhibits. On or before January 2, 1976. Intervenors shall serve their testimony and exhibits. On or before January 16, 1975 IP shall serve any rebuttal testimony and exhibits.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See delegation of authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(E) The above-mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29979 Filed 11-6-75;8:45 am]

[2] CWIP refers to plant not completed and in service during the test period.

[3] See, e.g., Central Vermont Public Service Corporation, Docket No. E-9040, issued August 5, 1975; New England Power Company, Docket Nos. E-9316 and E-9140, issued August 5, 1975; and Georgia Power Company, Docket No. E-9001, issued August 5, 1975.

[Docket No. ES76-22]

IOWA PUBLIC SERVICE CO.

Application

OCTOBER 31, 1975.

Take notice that on October 20, 1975, Iowa Public Service Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $25,000,000 principal amount of First Mortgage Bonds. Applicant proposes to sell the New Bonds at competitive bidding in accordance with the applicable requirements of § 34.1a of the Commission's regulations. The interest rate and the price to be paid for the New Bonds will be determined by the successful bidder.

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in northwestern, north central and east central Iowa and a few small communities in South Dakota.

Applicant proposes to use the proceeds from the issuance of the securities (1) to reduce short-term loans incurred and to be incurred prior to the sale of the New Bonds to secure funds for construction purposes and to pay at maturity on December 1, 1975 $7,920,000 principal amount of First Mortgage Bonds and (2) to meet expenditures for the construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30016 Filed 11-6-75;8:45 am]

[Docket No. ES76-20]

IOWA SOUTHERN UTILITIES CO.

Application for Authority To Issue Securities

OCTOBER 31, 1975.

Take notice that on October 16, 1975, the Iowa Southern Utilities Company (Applicant), filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of $20,000,000 aggregate principal amount of unsecured short term promissory notes and commercial paper notes.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

Applicant proposes to issue Notes to both commercial banks and to commercial paper dealers. The Notes issued to commercial banks will not exceed $20,000,000 and the Notes to be issued to commercial paper dealers will not exceed 25 percent of the Applicant's most recent twelve months revenue from the sale of electricity and gas, which would presently permit the issuance of $12,100,000.

Applicant maintains that the interest rate on the Notes issued to commercial banks will not exceed 110 percent of the prime interest rate. Applicant further anticipates that the interest rate on commercial paper at the time of issuance will, in general, average from ¼% to 1% below the prime bank rate; but that on occasions it is possible the interest rate could exceed the prime rate.

Notes issued to commercial banks will mature no later than 92 days from date of issue. Commercial paper notes will mature no later than 270 days from date of issue. Notes will be issued from time to time prior to January 1, 1977.

According to the terms of the application, the proceeds from the issuance of the securities will be added to the general funds of the Company, which general funds will be used, among other things, to provide in part, interim funds for construction expenditures to be made in 1976 and 1977.

Any person desiring to be heard or to make any protest with reference to said Application should on or before November 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in acordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29989 Filed 11-6-75;8:45 am]

[Project No. 1413]

ISLAND PARK RESORTS, INC.

Issuance of Annual License

OCTOBER 30, 1975.

On June 10, 1974, Island Park Resorts, Inc., Licensee for Project No. 1413, located on the Buffalo River in Fremont County, Idaho, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 1413 was issued effective November 1, 1964, for a period ending October 31, 1974. Since the original date of expiration, the project has been under annual license. In order to authorize continued operation of the project pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Island Park Resorts, Inc. for continued operation and maintenance of Project No. 1413.

Take notice that an annual license is issued to Island Park Resorts, Inc. (Licensee) for the period November 1, 1975, to October 31, 1976, or until the issuance of a new license for the project, for the continued operation and maintenance of the Project No. 1413, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29959 Filed 11-6-75;8:45 am]

[Docket No. E-9539]

LAKE SUPERIOR DISTRICT POWER CO.

Application

OCTOBER 28, 1975.

Take notice that on October 8, 1975, the Lake Superior District Power Company (Applicant), filed an application, pursuant to section 203 of the Federal Power Act, for Authority to sell approximately $2.4 million of electric transmission and substation facilities to Dairyland Power Cooperative, Bayfield Electric Cooperative and Price Electric Cooperative. The proposed sale of facilities is designed to benefit all parties involved by providing additional capital for Applicant and substantially reducing the cost of wheeling power to the purchasers.

Applicant is incorporated under the laws of the State of Wisconsin, with its principal business office at Ashland, Wisconsin, and is engaged in the generation, transmission distribution and sale of electrical energy in the States of Wisconsin and Michigan.

Any person desiring to be heard or to make any protest with reference to the Application, should on or before November 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in acordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29974 Filed 11-6-75;8:45 am]

[Docket No. ER76-187]

LONG ISLAND LIGHTING CO.

Tariff Filing

OCTOBER 30, 1975.

Take notice that on October 20, 1975, Long Island Lighting Company (LILCO) tendered for filing an electric power agreement entitled "Contract No. 96, Superseding Contract Nos. 22, 22-A, 22-B, and 22-C, Long Island Lighting Company with Incorporated Village of Rockville Centre" and two amendments to that agreement numbered "Contract 96A" and "Contract 96B" between LILCO and the Incorporated Village of Rockville Centre (Rockville Centre).

Service under this agreement began on April 13, 1960 and has continued thereafter. The company states that since the original purpose of this agreement was to provide only limited emergency service it did not deem it necessary to file this agreement with the Federal Power Commission. The Company also states that the same agreement also provides that Rockville Centre will purchase all power needed pursuant to the terms of Long Island's Service Classification No. 6, Power-High Voltage, which the company states is subject to the New York State Public Service Commission's, and not the Federal Power Commission's, jurisdiction, thereby justifying its failure to file said agreement earlier. The company states that the rates under Service Classification No. 6 are designed to provide a reasonable return on the investment necessary to provide service under that rate schedule. The company requests an effective date of April 13, 1960 and also requests a waiver of the notice requirements.

The Company states that the agreement and a copy of this filing were mailed to a Mr. Charles P. Ketler.

Any person desiring to be heard or to make any protest with reference to this submittal should on or before November 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Any person wishing to become a party to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. All protests filed with the Commission will be considered by it in determining the appropriate action to

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be taken, but will not serve to make the protestants parties to any proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29961 Filed 11–6–75; 8:45 am]

[Docket Nos. RP74–26; AP76–1]

LOUISIANA-NEVADA TRANSIT CO.

Motion To Terminate Proceedings

OCTOBER 29, 1975.

Take notice that on September 16, 1975, Staff filed a motion to terminate proceedings in the above captioned dockets.

Any person desiring to be heard or to protest said motion should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 10, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this motion are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29980 Filed 11–6–75;8:45 am]

[Docket No. RP75–96]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Rejecting Revised Tariff Sheets

OCTOBER 31, 1975.

On April 30, 1975, Michigan Wisconsin Pipe Line Company (Mich-Wis) tendered for filing in this docket proposed changes in its FPC Gas Tariff designed to effect a $66 million jurisdictional rate increase. The proposed increase was based on a test period of 12 months ended January 31, 1975, as adjusted for known and measurable changes through October 31, 1975. Mich-Wis requested an effective date of June 1, 1975, for the proposed rate increase.

By order issued May 19, 1975, we accepted the proposed changes for filing, subject to certain conditions, and suspended the use thereof for five months until November 1, 1975. One of the aforementioned conditions was that Mich-Wis file revised tarifff sheets reflecting the elimination from its proposed rates of $11,265,490 in interest reimbursement payments to producers.[1]

On September 15, 1975, Mich-Wis filed tariff sheets intended to further revise its FPC Gas Tariff.[2] The proposed effective date for these revised sheets is November 1, 1975. According to Mich-Wis, these revised tariff sheets reflect: (1) The increased cost of imported Canadian gas; (2) an increase in the cost of gas purchased from Texas Gas Transmission Corporation; (3) an increase in the balance of advance payments outstanding; and (4) the elimination of the $11,265,490 in interest reimbursement payments to producers. Mich-Wis states that the net effect of these revisions is an increase of $65,997,915 in the jurisdictional rate level reflected in the April 30, 1975, filing in this docket.

Our review of Mich-Wis' September 15, 1975, filing indicates that it fails to comply with certain provisions of Mich-Wis' FPC Gas Tariff and with the terms of the settlement agreement which we approved in Mich-Wis' previous general rate increase proceeding.[3] Section 15 of the General Terms and Conditions of Mich-Wis' tariff requires that purchased gas adjustment (PGA) increases be based on cost changes for a "Determination Period" of 12 calendar months ending three months prior to the effective date of the PGA increase. Thus, the proper "Determination Period" for the instant filing is 12 calendar months ending July 31, 1975. Mich-Wis, however, has based the instant filing on a "Determination Period" of 12 months ending October 31, 1975. Accordingly, because that portion of the instant filing reflecting purchased gas cost increases is based on an improper "Determination Period", such portion must be rejected. This rejection is, of course, without prejudice to Mich-Wis' right to file for increased purchased gas costs in accordance with the applicable provisions of its FPC Gas Tariff and our regulations under the Natural Gas Act.

As noted above, the instant filing also includes advance payments in an amount greater than the advance payments balance reflected in Mich-Wis' April 30, 1975, filing in this docket. In our order issued June 26, 1974, in Docket No. PR73–102, we approved a settlement agreement which, among other things, gave Mich-Wis authority to track advance payment increases. However, such tracking authority, by the express terms of the agreement, extends only until the settlement rates are superseded by a general rate increase filed pursuant to section 4 or 5 of the Act. Because the rate increase filed in this docket has been permitted to become effective after suspension on November 1, 1975, Mich-Wis' tracking authority terminates on October 31, 1975. Accordingly, the instant advance payments tracking filing, proposed to be effective November 1, 1975, is untimely and must be rejected.

In light of the foregoing, we shall require that Mich-Wis file revised tariff sheets to be effective November 1, 1975, reflecting only the elimination of the interest reimbursement payments discussed above, as previously ordered herein.[4]

The Commission finds. (1) Good cause exists to reject the September 15, 1975, filing in this docket because of Mich-Wis' failure to comply with the provisions of its purchased gas cost adjustment clause and because of its failure to timely file for advance payment increase pursuant to the tracking authority granted by our order issued June 26, 1974, in Docket No. RP73–102.

(2) Good cause does not exist to grant Mich-Wis' request for waiver of §§ 154.66 (b) and 154.63 of our regulations.

(3) Good cause exists to require Mich-Wis to file revised tariff sheets, to be effective November 1, 1975, reflecting the elimination of $11,265,490 in interest payments to producers.

The Commission orders. (A) Mich-Wis' September 15, 1975, filing in this docket is hereby rejected for the reasons set forth hereinabove.

(B) Mich-Wis' request for waiver of §§ 154.66(b) and 154.63 of our Regulations is hereby denied.

(C) Mich-Wis' shall, within 15 days of issuance of this order, file revised tariff sheets to be effective November 1, 1975, reflecting the elimination of $11,265,490 in interest reimbursement payments to producers.

(D) Rejection of that portion of Mich-Wis' September 15, 1975, filing reflecting increased purchased gas costs is without prejudice to Mich-Wis' right to file for increases in such costs in accordance with the applicable provisions of its FPC Gas Tariff and our regulations under the Natural Gas Act, together with a request for necessary waiver to permit such increases to become effective as of November 1, 1975.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–30006 Filed 11–6–75;8:45 am]

[Docket No. CP75–125]

MICHIGAN WISCONSIN PIPE LINE CO.

Amendment to Application

OCTOBER 28, 1975.

Take notice that on October 7, 1975, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75–125 an amendment to its application of October 29, 1974, in said docket[1] pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of

[1] By order issued July 11, 1975, Mich-Wis' application for reconsideration of our May 19, 1975, order was denied.

[2] The tariff sheets filed on September 15, 1975, are designated: Substitute Tenth Revised Sheet No. 27F to Second Revised Volume No. 1; and Substitute Fifth Revised Sheet Nos. 141 and 142, Substitute Third Revised Sheet Nos. 214 and 215, and Substitute Second Revised Sheet Nos. 231 and 232 to First Revised Volume No. 2.

[3] "Order Approving Settlement, Rejecting Provision and Remanding Issues for Hearing", issued June 26, 1974, in Michigan Wisconsin Pipe Line Company, Docket No. RP73–102.

[4] See Ordering Paragraph "E" of our May 19, 1975, order in this docket.

[1] Notice published November 20, 1974 (39 FR 40817).

an offshore pipeline facility interconnecting the pipeline system proposed by High Island Offshore System (HIOS)[2] with Applicant's existing offshore system in addition to the offshore and onshore transportation service originally proposed in the said application for Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the amendment to application on file with the Commission and open to public inspection.

It is stated that HIOS requested in its amendment to application filed September 8, 1975, authorization to construct and operate a pipeline and appurtenant facilities to transport natural gas for Applicant, Texas Gas, Transcontinental Gas Pipe Line Corporation (Transco) and United Gas Pipe Line Company (United) from the High Island Area, offshore Texas, to Block 167, West Cameron Area, offshore Louisiana. Applicant proposes in the instant amendment to application to construct and operate approximately 12 miles of 30-inch diameter pipeline from the northern terminus of the facilities proposed by HIOS in West Cameron Block 167, to Applicant's existing facilities in Block 171, West Cameron Area, offshore Louisiana. Applicant also requests authorization to construct and operate a measuring station for the onshore redelivery of natural gas to Texas Gas at North Tepetate, Louisiana. Applicant estimates that the cost of the proposed facilities would be approximately $11,738,000 which costs would be financed initially with treasury funds, retained earnings and other funds generated internally, together with borrowings from banks under short-term lines of credit as required.

Applicant states that both it and Texas Gas have acquired the right to purchase gas reserves in the High Island Area which they propose to have transported through the HIOS facilities to Block 167, West Cameron Area. Applicant also proposes herein to transport the gas of Texas Gas through the proposed and existing facilities from Block 167 to North Tepetate, Louisiana, for redelivery to Texas Gas. Applicant states that the transportation service would be provided pursuant to the terms of a gas transportation agreement between it and Texas Gas dated August 15, 1975, which specifies a contract demand of 245,815 Mcf of gas per day and a rate of $1.38 per Mcf per month of contract demand, which rate is said to enable Applicant to recover its related cost of service.

Applicant further states that Transco and United have caused their respective affiliates to form U–T Offshore System (U–T), a general partnership, which is alleged to be filing an application for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline and appurtenant facilities to transport gas for Transco and United from the northerly terminus of the HIOS pipeline in Block 167, West Cameron Area, to a point onshore in Cameron Parish, Louisiana.[3] Applicant states that it has agreed that, in the event U–T does not receive timely certificate authorization to construct the facilities and render the transportation service for Transco and United proposed in U–T's application, Applicant will transport gas for Transco and United from Block 167 to North Tepetate, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of the procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75–29975 Filed 11–6–75;8:45 am]

[Docket No. E–9534; E–9535]

MINNESOTA POWER & LIGHT COMPANY AND MINNKOTA POWER COOPERATIVE, INC.

Applications

OCTOBER 29, 1975.

Take notice that Minnesota Power & Light Company (MP&L) and Minnkota Power Cooperative, Inc. (Minnkota) filed with the Federal Power Commission on September 22, 1975 the following applications: (1) A joint application by MP&L and Minnkota (Applicants) in Docket No. E–9534 for an order, pursuant to section 202(e) of the Federal Power Act, authorizing the transmission of electric energy from the United States to Canada, and (2) an application by Minnkota in Docket No. E–9535 for a permit, pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the construction, operation, maintenance and connection at the international border between the United States and Canada of certain facilities for the transmission of electric energy between the United States and Canada.

MP&L is incorporated under the laws of the State of Minnesota, with its principal place of business at Duluth, Minnesota. Minnkota, incorporated under the laws of the State of Minnesota and qualified to do business as a foreign corporation in the State of North Dakota, operates in Minnesota and North Dakota and has its principal place of business at Grand Forks, North Dakota.

The proposed facilities for which Minnkota seeks a permit in Docket No. E–9535 will consist principally of a 230 kv overhead transmission line to be located at the United States–Canadian border near Warroad, Roseau County, Minnesota, where connection will be made with a similar line to be constructed and operated by The Manitoba Hydro-Electric Board (Manitoba Hydro), a principal place of business at Winnipeg, Canadian crown corporation, with its Province of Manitoba, Canada. The electric transmission facilities which Minnkota and Manitoba Hydro propose to construct, operate and connect at the Minnesota-Manitoba border will be part of the proposed international interconnection known as the Ridgeway-Shannon 230 kv Interconnection (Interconnection) which will connect the electric systems of Applicants and Manitoba Hydro. The Interconnection will extend from Manitoba Hydro's proposed Ridgeway Substation near Winnipeg in the north to MP&L's proposed Shannon Substation near Hibbing, St. Louis County, Minnesota, in the south and will include Minnkota's proposed substation near Littlefork, Koochiching County, Minnesota. The Interconnection, which is provided for in certain contracts between Applicants and Manitoba Hydro submitted as part of the applications, will be utilized by Applicants and Manitoba Hydro for the transmission, sale and exchange of electric energy in accordance with the terms and conditions and at the rates and charges set forth in such contracts.

The electric energy which Applicants seek authorization to export in Docket No. E–9534 will be delivered to Manitoba Hydro at the Minnesota-Manitoba border by means of Minnkota's proposed 230 kv transmission line referred to above. The amount of energy to be exported will depend upon various factors, including the needs of the electric systems of Applicants and Manitoba Hydro, the price per kwh of energy, and the capability of those systems to accommodate energy flows. The source of the exported energy will be MP&L's system resources. Manitoba Hydro will utilize

[2] Proposed in the amendment to application of September 8, 1975, in Docket Nos. CP75–81 and CP75–104, notice published October 7, 1975 (40 FR 46363).

[3] Said application was filed October 6, 1975, in Docket No. CP76–118.

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the energy received from Applicants to supply the load requirements of Manitoba Hydro's system.

Applicants represent that "the proposed transmission of electric energy to Canada in exchange for a power supply from Manitoba Hydro would improve the sufficiency of the electric supply within the United States, primarily by means of non-fossil fuel generation."

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The applications are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29981 Filed 11-6-75;8:45 am]

[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Order Granting in Part and Denying in Part Applications for Rehearing and Amending Prior Order

NOVEMBER 3, 1975.

By order issued August 29, 1975, we accepted for filing and suspended for one month proposed increased rates filed herein by Montaup Electric Company (Montaup). The Municipal Gas and Electric Department of the Town of Middleboro, Massachusetts (Middleboro) and the Rhode Island Consumers' Council and Division of Public Utilities and Carriers of the State of Rhode Island (Rhode Island), both intervenors herein, have filed timely applications for rehearing of our order of August 29, 1975. Montaup also filed a Motion for Reconsideration of our August 29 order. Middleboro requests alternatively that we reject Montaup's filing or lengthen the suspension period from one month to the statutory maximum of five months. Rhode Island also seeks the maximum five month suspension. Montaup seeks an extension of the suspension period for an additional two month period, or until December 1, 1975.

Middleboro relies on our order issued September 10, 1975, in Interstate Power Company, Docket No. ER76-70, rejecting that company's filing for a rate increase on the basis of calendar year 1974 data, which we concluded was too stale to use as the basis for establishing rates for the present or future.

During the year 1975, we have accepted electric rate filings utilizing Period I data for the twelve months ended December 31, 1974, as meeting the filing requirement of § 35.13(b)(4)(iii) of the regulations that such data be ". . . for the most recent twelve consecutive months for which actual data are available . . .". However, we realized in so doing that at some point in time data for the twelve months ended December 31, 1974, would eventually become stale and thus outside any reasonable interpretation of § 35.13(b)(4)(iii) of the regulations which requires submission of the most recently available data. In the Interstate order, we were dealing with data that was 7½ months old and made the determination that such data was too stale to be "the most recently available" and therefore rejected Interstate's filing for failure to comply with § 35.13(b)(4)(iii) of the regulations. Since that action, we have consistently refused to accept rate filings containing Period I data which was more than seven months old. Accordingly, since Montaup has not reflected data for Period I which is more than seven months from the date of its tender for filing, we shall deny Middleboro's motion to reject. We find that the Period I data contained in Montaup's filing is sufficient to meet the requirements of § 35.13(b)(4)(iii) of our regulations.

Middleboro also argues that the proposed method for computing the demand charge and the results thereunder require rejection. In Middleboro's Petition to Intervene it raised similar arguments. Middleboro's Application for Rehearing raises no new issues to persuade us that our statement that this issue of the demand charge computation should be developed at the evidentiary hearing instead of following Middleboro's request for rejection was in error.

Middleboro and Rhode Island both argue that we erred by not suspending the proposed rate increase for five months. While we believe that the one month suspension was clearly legally permissible,[2] we do not address the merits of their arguments since we believe, on the facts before us, that we should grant the relief sought. Montaup's Motion for Reconsideration states that the proposed rate increase is based in major part on the inclusion of a generating unit, Canal No. 2, in its Period II rate base. Montaup states further that the commercial operation of this unit has been delayed until December 1, 1975. Montaup further advises that it will move for further extension of the suspension period in the event of additional delay in the date Canal No. 2 will be placed in service. There is no assurance, however, that the unit will indeed be placed in service on or before December 1, 1975. We note that Montaup originally expected to place the unit in service on September 1, 1975, the proposed effective date of the rates filed herein. Montaup then advised, in response to the petitions to intervene filed herein, of a delay until October 1, 1975. We believe that these facts require that we grant rehearing of our order of August 25, 1975, and amend such order to provide for a five month suspension of Montaup's proposed rate increase.

The Commission finds. Except as hereinafter ordered, the applications for rehearing filed herein by Middleboro and Rhode Island and the motion filed by Montaup raise no issues of fact or law to justify rehearing or reconsideration of our order of August 25, 1975, in the instant proceeding.

The Commission orders. (A) Ordering Paragraph (B) of our order herein of August 25, 1975, is hereby amended to read as follows:

(B) Pending hearing and decision as to the justness and reasonableness of the increased rates proposed by Montaup, the revised tariff sheets, amendments and exhibits filed herein are accepted for filing and suspended for five months or until February 1, 1976, when they will be permitted to become effective subject to refund.

(B) Except as hereinabove ordered, the Applications for rehearing and motion for reconsideration are hereby denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30000 Filed 11-6-75;8:45 am]

[Docket No. RP76-27]

MOUNTAIN FUEL SUPPLY CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 31, 1975.

Take notice that Mountain Fuel Supply Company (Mountain Fuel), on October 22, 1975, tendered for filing proposed changes in its FPC Gas Tariff Original Volume No. 1. Mountain Fuel states that the purpose of the proposed changes is to permit it to reflect the effect of the provisions of Opinion No. 742 and accompanying order issued August 28, 1975, permitting a small producer rate equal to 130 percent of the Commission-determined base ceiling rate. Mountain Fuel requests that the Commission waive its regulations so as to permit the proposed changes to become effective as of August 28, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29990 File 11-6-75;8:45 am]

[2] Municipal Light Boards of Reading and Wakefield, Massachusetts v. F.P.C., 460 F.2d 1341 at 1351 (1971).

[Docket No. CP76-129]

MOUNTAIN FUEL SUPPLY CO.

Application

OCTOBER 31, 1975.

Take notice that on October 14, 1975, Mountain Fuel Supply Company (Applicant), P.O. Box 11363, Salt Lake City, Utah 84139, filed in Docket No. CP76-129 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of facilities in interstate commerce for the transportation of natural gas and the sale of natural gas therefrom, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that during the past year a review of Applicant's operations has been undertaken, and that this review revealed the possible existence of inadequate intra-company procedures to insure that appropriate filings were made with the Commission. Applicant alleges that in failing to request for authorization of the Commission to operate the facilities requested herein, that Applicant had no intent to violate the Natural Gas Act or any rule or regulation thereunder.

Applicant requests in the instant application that it be authorized to operate transmission pipeline taps, related regulating and metering facilities, and certain designated lateral facilities used for the transportation and subsequent resale of natural gas to Applicant's customers along the routes of its transmission pipelines.

Applicant requests authorization to continue operation of 74 transmission pipeline taps which serve 8 interruptible industrial customers and 4,253 residential and commercial customers. The total amount of natural gas delivered through said taps is alleged to be 16,799,297 Mcf in 1974, 15,739,769 Mcf to the industrial customers, and 1,059, 528 Mcf to the commercial and residential customers. The sales to the residential and commercial customers are said fairly to represent future sales for the next 3 years, but it is stated that if gas supplies continue to be restricted, the interruptible customers' gas supply would decrease about 3 percent per year to provide gas to the residential and commercial customers. All of the sales are being made pursuant to regulation of either the Wyoming or Utah State Commissions, it is stated. The laterals for which Applicant requests authorization for continued operation are stated to serve the Stauffer Chemical Plant, the Allied Chemical Corporation and Church and Dwight Plants, and 2 F.M.C. Corporation Plants.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29991 Filed 11-6-75;8:45 am]

[Docket No. CP75-202]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

OCTOBER 31, 1975.

Take notice that on October 15, 1975, Natural Gas Pipe Line Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-202 a petition to amend the order of the Commission of July 3, 1975 (54 FPC ——), issued in said docket pursuant to Section 7(c) of the Natural Gas Act to include in the certificate of public convenience and necessity authorization to exchange natural gas with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), at an additional point of delivery, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that pursuant to an amendment dated March 17, 1975, to their gas exchange agreement, Petitioner and Michigan Wisconsin agreed to provide an additional delivery point for Michigan Wisconsin to deliver natural gas to Petitioner. The proposed delivery point on Petitioner's pipeline in Beaver County, Oklahoma would allow Petitioner to receive gas from Michigan Wisconsin from the Trimmell Well No. B.P.-14 in Beaver County, Oklahoma. Petitioner would redeliver equivalent volumes of natural gas to Michigan Wisconsin at an existing point of delivery in Hansford County, Texas, less 3.0 percent of the volumes of gas delivered for fuel used in transportation. Michigan Wisconsin would pay Petitioner 1.5 cents per Mcf of gas delivered for compressing and gathering the gas at the wellhead.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29992 Filed 11-6-75;8:45 am]

[Docket No. RP75-108]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Filing of Motion To Make Tariff Sheets Effective

OCTOBER 29, 1975.

Take notice that on October 16, 1975, Natural Gas Pipeline Company of America (Natural), filed with the Federal Power Commission a Motion To Make Suspended Tariff Sheets Effective. Natural moves to make effective December 1, 1975 the tariff sheets filed on May 30, 1975 in this proceeding with certain revisions all as more fully set forth in said Motion.

Natural states that it has made the following revisions to its May 30, 1975 tariff filing: (1) adjusted its transmission cost of service to reflect a credit in the amount of revenues received by Natural attributable to the sale of liquid hydrocarbons to Phillips Petroleum Company; (2) changed its Winter Service Rates (Rate Schedules WS-1 and WS-2) from a demand to a commodity basis; and (3) redesigned its rates from an unmodified Seaboard basis to the so-called "United formula". Natural has also filed alternate tariff sheets to reflect the exclusion of all costs associated with the facilities in Docket No. CP75-256 as well as the other aforestated revisions. Natural requests that the alternate tariff sheets be made effective in the event the CP75-256 facilities are not certificated, either on a temporary or permanent basis on or before December 1, 1975.

Natural further states that a copy of the present filing has been mailed to each of its jurisdictional customers, each interested state commission, and each party to this proceeding.

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Any person wishing to do so may submit comments in writing concerning Natural's present filing. All such comments should be addressed to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should be submitted on or before November 17, 1975. Copies of Natural's filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29982 Filed 11-6-75;8:45 am]

NATURAL GAS PIPELINE COMPANY OF AMERICA

[Docket No. CP76-126]

Notice of Application

OCTOBER 30, 1975.

Take notice that on October 10, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-126 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon its 98th Street delivery point, through which it delivers gas to Northern Indiana Public Service Company (NIPSCO) all as more fully set forth in the application on file with the Commission and open to public inspeciton.

Applicant states that it was authorized to lease the 98th Street delivery point in the City of Chicago, Cook County, Illinois, from The Peoples Gas Light and Coke Company (Peoples) by orders of the Commission of February 14, 1950, in Docket No. G-980 (9 FPC 478), August 18, 1959, in Docket No. G-10214, and November 25, 1970, in Docket No. CP71-32 (44 FPC 1485). Applicant states that it made deliveries through the delivery point to NIPSCO, and that NIPSCO delivered such gas to Commonwealth Edison Company (Commonwealth). It is alleged that Commonwealth primarily uses coal in its generating plant so served, and uses natural gas on an interruptible basis only. NIPSCO has therefore not renewed its contract for sales of gas with Commonwealth, it is stated. Applicant proposes to abandon the delivery point to Peoples, which is said to intend to abandon the facilities either by removal or in place.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29962 Filed 11-6-75;8:45 am]

[Docket No. CP75-256]

NATURAL GAS PIPE LINE COMPANY OF AMERICA

Order Denying Temporary Certificate, Granting Interventions and Setting Date for the Filing of Evidence and Hearing Date

NOVEMBER 3, 1975.

On March 13, 1975, Natural Gas Pipeline Company of America (Natural) filed an application for a certificate of public convenience and necessity authorizing an increase in the storage capacity and peaking delivery capacity of six extant certificated storage reservoirs attached to its main transmission system in Iowa and Illinois. Natural estimates that the facilities needed to implement the proposed increase in storage and deliverability capacity will cost a total of $18,855,000 which will be financed as a part of a total construction program for current projects and advance payments of $135,000,000. The total program is to be financed on an interim basis with a combination of funds obtained under lines of credit entered into with several banks, short term borrowings from Peoples Gas Company, the parent of Natural, and through issuance of commercial paper. Under this composite financing package, it is difficult to discern what type of borrowing will be attributable to this proposal or its cost. We expect that this matter will be explained in greater detail in the formal record we shall order developed.

In its application, Natural indicates that an additional delivery capacity of 114 million cubic feet per day will result from approval of this proposal. In utilizing the increase, Natural plans to reserve 64 million cubic feet of daily capacity for its own use. The remaining 50 million cubic feet of daily capacity has been offered to Natural's customers under tariff schedule LS-1. This storage service is estimated to cost 39.4¢ per Mcf under schedule LS-1 and is to be available for 100 days in a period each year beginning December 1 of one year and continuing through March 31 of the following year. Natural estimates that the LS-1 service will yield an income of $1,968,000 the first year predicated upon a 15.25% return on equity.

On August 19, 1975, Natural moved for a temporary certificate pursuant to Section 7(c) of the Natural Gas Act and Section 157.17 of the Commission's Regulations thereunder authorizing construction and operation of the facilities in this docket in time for the 1975-76 winter heating season. Natural's request for a temporary certificate indicates that approximately 60 days will be required for the construction of gathering facilities and the drilling of injection-withdrawal wells—by Natural's admission an expedited work schedule without allowance for unexpected down time. Thereafter 29.5 Bcf of gas would be injected prior to November 1, 1975. Without passing on whether Natural had an emergency sufficient for issuance of a temporary certificate under Section 157.17 of the regulations, it appears that the request is clearly moot now if it was not also moot when filed[1] and should be denied.

It is our opinion that the public interest requires a formal record in support of this application. We note in passing that we have recently by order issued September 26, 1975, in Docket No. CP74-286 —— FPC —— granted a temporary certificate to Natural authorizing the injection of gas into Natural's proposed North Lansing storage field. Under the circumstances we expect that, in addition to the usual showings made in applications of this nature, Natural will explain any interrelationship of its various storage proposals and will clarify to what extent, if any, North Lansing or existing storage facilities can be utilized to provide the same service described in the present application.

Ten petitions to intervene have been filed in Docket No. CP75-256. Nine petitioners support Natural's proposal and a tenth, Mississippi River Transmission Corporation does not oppose Natural's proposal. These interveners are as follows:

Illinois Power Company.
Iowa Electric Light and Power Company.
Iowa Illinois Gas and Electric Company.
Iowa Power and Light Company.
Iowa Southern Utilities Company.
Northern Illinois Gas Company.
North Shore Gas Company.
Peoples Gas Light and Coke Company.
Mississippi River Transmission Corporation.
Peoples Natural Gas—a Divisions of Northern Natural Gas Company.

[1] Had we issued a temporary certificate on the same day the motion was received, sixty days of construction would have carried Natural until October 12, 1975. This would have left only 13 days for injection of 29.5 Bcf prior to the start of the withdrawal season on November 1, 1975.

The Commission finds: (1) Participation by each of the above-named interveners may be in the public interest.

(2) The temporary certificate requested in this docket by motion of Natural Gas Pipeline Company of America on August 19, 1975, should be denied.

(3) It is necessary and appropriate that a formal record be developed in this matter as hereinafter ordered.

The Commission orders: (A) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene, and *Provided, further,* that the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrived because of any order or orders of the Commission entered in this proceeding.

(B) Natural Gas Pipeline Company of America and all supporting interveners shall file and serve testimony and exhibits comprising their cases in chief on or before November 20, 1975.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act (particularly Sections 4, 5, 7, and 15 thereof), and the Commission's Rules of Practice and Procedure, a hearing will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on December 10, 1975, at 10 a.m. (e.s.t.).

(D) The motion of Natural for an order issuing a temporary certificate is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30001 Filed 11-6-75;8:45 am]

[Docket No. ER76-198]

NEPOOL EXECUTIVE COMMITTEE

Notice of Filing of Amendment to the New England Power Pool Agreement

OCTOBER 31, 1975.

Take notice that on October 26, 1975, the NEPOOL Executive Committee filed an Agreement Amending NEPOOL Power Agreement (Amendment), dated September 1, 1975 which modifies the provisions of the New England Power Pool Agreement, dated as of September 1, 1971.

The Amendment provides for a revision of § 3.3 of the NEPOOL Agreement to extend to November 1, 1977 the continued option for certain smaller Participant systems and their wholesale suppliers to elect "composite treatment" for the purposes specified in § 3.3. Prior to the change provided in the Amendment, such "composite treatment" would terminate on November 1, 1975. The NEPOOL Participants state that substantial expenses may be avoided for the Pool by giving Participants meeting the requirements of § 3.3 of the NEPOOL Agreement and their wholesale suppliers the option to continue use of the composite treatment authorized by § 3.3 pending the installation of automated billing system for the Pool dispatch center.

The NEPOOL Executive Committee requests that the Commission waive the customary notice period and permit the Amendment to become effective as of November 1, 1975. The NEPOOL Executive Committee states that no system, whether or not a NEPOOL Participant at the present time, will be adversely affected by granting such a waiver.

Any person desiring to be heard or to make any protest with reference to the Amendment should on or before November 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29993 Filed 11-6-75;8:45 am]

[Docket No. E-9306]

NEVADA POWER CO.

Notice of Stipulation and Agreement for Continuation of Service

OCTOBER 31, 1975.

Take notice that on October 24, 1975, Nevada Power Company tendered for filing a Stipulation and Agreement for Continuation of Service by Nevada Power Company to California-Pacific Utilities Company at Henderson, Nevada beyond November 1, 1975, the date when the Federal Power Commission's suspension of the cancellation of service expires. The Stipulation And Agreement entered into by Nevada Power Company and California-Pacific Utilities Company includes, inter alia, a commitment by Nevada Power Company to continue to serve California-Pacific Utilities Company until May 31, 1977.

Any person desiring to be heard or to protest said Stipulation And Agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 18, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this Stipulation And Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29994 Filed 11-6-75;8:45 am]

[Docket No. ER76-158]

NEW ENGLAND POWER CO.

Order Accepting for Filing and Suspending Proposed Contract Demand Service Agreement, Setting Formal Hearing and Establishing Procedures

OCTOBER 30, 1975.

By letter dated October 1, 1975, New England Power Company (NEPCO) submitted for filing an amendment to its electric tariff providing for the inclusion of contract demand service for certain customers. During the negotiations that preceded the formalization of NEPOOL, it was recognized that a transitional period would be necessary to allow smaller systems to adapt their operations to a pool-type plan. Accordingly, the NEPOOL Agreement provides for wholesale customers of larger participants to participate in NEPOOL on a composite basis with their suppliers. NEPCO therefore included in its tariff the manner in which the tariff rate would be applied to such customers. NEPCO advises that certain of those customers have now stated their intention of becoming self-standing participants in NEPOOL as of November 1, 1975. Accordingly, the instant amendment to the electric tariff was filed.

Contract demand service is available to a customer who proposes to purchase a specified amount of electricity from NEPCO and obtain the balance of its requirements through the ownership or purchase of entitlements under the NEPOOL Agreements. The instant submittal also provides for the customer's demand to be that specified in the service agreement for the first seven years. However, the first year of the service agreement may not represent a change in the customer's greatest demand for the current year under any preceding agreement with NEPCO. The demand for any subsequent year may not increase or decrease by an amount greater than 20% of the previous year's demand. Demand for any period after the first seven years shall be determined by the customer no later than July 1, of the seventh year. NEPCO states that the seven year notice provision and constrictions on the level of use allow the company to properly plan its system and provide for an orderly change by its customers to NEPOOL membership.

In requesting an effective date of November 1, 1975, NEPCO states that any effective date subsequent thereto will create severe administrative problems and may make it impossible for certain of NEPCO's customers to take advantage of contract demand service and to attain full NEPCO membership.

Our review indicates that the proposed rates and charges for the contract demand service have not been shown to be

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just and reasonable and may be in excess of the costs plus fair rate of return associated with rendition of such service. Accordingly, we shall accept the proposed contract demand service agreement for filing and suspend it for one day to November 1, 1975, when it shall be permitted to become effective as requested subject to refund. In this connection we shall construe NEPCO's proposal as a request for waiver of the applicable notice requirements to permit a proposed effective date of October 31, 1975, in order for us to exercise our suspension authority to provide for a one day suspension to November 1, 1975.

Public notice of NEPCO's filing was issued October 9, 1975, with protests, comments or petitions to intervene due on or before October 24, 1975.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, that the Commission institute a Section 205 investigation to determine the reasonableness of the proposed rates tendered by NEPCO in Docket No. ER76–158 and that such rate schedule and the contract demand service agreement be accepted for filing.

The Commision orders: (A) NEPCO's amendment to its electric tariff tendered for filing on October 1, 1975, is hereby accepted for filing and suspended for one day until November 1, 1975, when the proposed rate shall become effective subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations, a public hearing shall be held on March 23, 1976, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the reasonableness of the proposed rates.

(C) On or before December 10, 1975, NEPCO shall serve its prepared direct testimony and exhibits. On or before February 10, 1976, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before February 24, 1976. Any rebuttal evidence by the Company shall be served on or before March 9, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29963 Filed 11-6-75;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Order on Motion To Place Suspended Tariff Sheets Into Effect Conditionally Accepting Proposed Tariff Sheets for Filing, Amending Prior Order and Granting Waiver

OCTOBER 31, 1975.

By order issued May 16, 1975, we, inter alia, accepted for filing and suspended for five months proposed increased rates filed by Northern Natural Gas Company (Northern) in the instant docket. By Ordering Paragraph (E) of that order, we required Northern to file revised tariff sheets reflecting the elimination of the rate effect of certain interest payment agreements between Northern and Exxon, U.S.A. By Ordering Paragraph (G) of that order, we provided that Northern shall file revised tariff sheets to become effective October 27, 1975, the end of the suspension period, eliminating from rate base facilities which were not certificated and in service by October 27, 1975.

On October 3, 1975, Northern filed proposed revised tariff sheets[1] and a motion to place its suspended tariff sheets into effect.

Northern states that, pursuant to Ordering Paragraph (G) of our order of May 16, 1975, it has eliminated from rate base the facilities which had been included in rate base but which were not certificated and in service by October 27, 1975, the date Northern seeks to place its rates into effect. Northern states further that, pursuant to Ordering Paragraph (E) of our order of May 16, 1975, it has eliminated the rate effect of the interest payment agreements with Exxon. However, as a claimed offset against this reduction, Northern states that it has executed advance payment agreements in purported compliance with Order No. 499 and seeks to include the rate effect of these advances in the revised tariff sheets filed herein.

We believe that this claimed offset must be rejected. The rates herein are based on Northern's case-in-chief as filed on April 11, 1975, and based on the 12 months ended December 31, 1974, as adjusted for known and measurable changes for the 9 months ended September 30, 1975. By this claimed offset, Northern seeks to change one element of its case in chief and effectively increase its suspended rates. Such a change in suspended rates requires special permission after a showing of good cause under § 154.66 of our regulations.[2] No such showing has been made. Accordingly, we shall accept Northern's revised tariff sheets for filing, subject to the condition that within 15 days after the issuance of this order, Northern file revised tariff sheets excluding the proposed offset based on the advance payment agreements newly executed with Exxon. In this regard, we note that by notice issued September 16, 1975, in Docket Nos. R–411 and RM74–4[3], we directed that "the issues raised by the competing Alaskan gas proposals as well as all issues related to Alaskan advance payments should be discussed at the oral argument * * *" (mimeo at 7). We believe that forum provides the appropriate place to consider the appropriateness of our advance payment policies as they relate to advance payments to producers for gas to be produced in Alaska.[4]

Northern's First Revised Sheet No. 4b relates to Rate Schedule No. E–1 for proposed emergency service. By our order of May 16, 1975, Ordering Paragraph (F), we rejected this and other proposed tariff sheets.[5] By order issued July 11, 1975, we deleted Ordering Paragraph (F) of our May 16 order. Northern states that these tariff sheets thereby became effective as an Initial Rate Schedule on July 11, 1975. On further consideration, we believe that these tariff sheets were properly rejected in the first instance.[6] In this regard, Northern stated in its Petition for Rehearing of our May 16 order that these tariff sheets provide the rate schedule designed to set forth rates for emergency service pursuant to § 2.78 of our regulations and Paragraph 9.17 of Northern's Tariff. After additional consideration, we believe that the public interest requires that these initial rate schedules be subject to the Commission's certification procedures upon application under section 7 of the Natural Gas Act. Pending such certification procedure any service rendered pursuant to Paragraph 9.17 of the Tariff shall be at the applicable effective tariff rate. Accordingly, we shall amend our order of July 11, 1975, by deleting Ordering Paragraph (B) thereof, thereby reinstating Ordering Paragraph (F) of our May 16 order and our rejection of the tariff sheets containing Rate Schedule E–1. Such rejection is without prejudice to Northern's filing for certificate authority for such emergency service.

Northern also request waiver of the 30 day notice provision to permit the revised tariff sheets to become effective October 27, 1975. We shall grant the requested waiver.

The Commission finds. Good cause exists to permit the revised tariff sheets to go into effect on October 27, 1975, subject to the condition hereinafter ordered.

The Commission orders. (A) The Revised Tariff Sheets filed by Northern on October 3, 1975, are accepted for filing and permitted to become effective October 27, 1975, subject to the condition that, within 15 days of the issuance of this order, Northern shall file revised tariff sheets elimnating the rate effect of the advance payments agreement with Exxon.

(B) Waiver of § 154.22 of the Commission's regulations is hereby granted.

(C) Our order of July 11, 1975 is hereby amended by deleting Ordering Paragraph (B) thereof.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30007 Filed 11-6-75;8:45 a.m.]

[Docket No. RP73-48 (PGA No. 76-1a)]

NORTHERN NATURAL GAS CO.

Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

OCTOBER 30, 1975.

Take notice that Northern Natural Gas Company on October 20, 1975, tendered for filing Substitute Tenth Revised Sheet No. 3a of its F.P.C. Gas Tariff, Original Volume No. 4. Northern states that the proposed change to become effective October 1, 1975, would decrease the rate per Mcf to jurisdictional customers by 1.83¢ per Mcf. Northern states that this change results from revised rates filed by Colorado Interstate on September 26 to become effective October 1, 1975. Northern states that the revised rates of Colorado Interstate reflect the net effect of a general increase at Docket RP75–86 and a Purchased Gas Adjustment. Northern states that Colorado Interstate is the pipeline supplier to Northern for sales made under Volume No. 4.

Northern states that copies of the filing were served upon the Gas Utility Customers and Interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29964 Filed 11-6-75;8:45 am]

[Docket No. ER76-189]

OTTER TAIL POWER CO.

Notice of Request for One Year Delay for Filing Fuel Adjustment Clause Conforming With Order No. 517

OCTOBER 31, 1975.

Take notice that on October 10, 1975, Otter Tail Power Company (Otter Tail) tendered for filing a request for a one-year delay until January 1, 1977, for filing a fuel adjustment clause applicable to certain Special Municipal Electric Service Agreements that conforms to Order No. 517. Otter Tail states that it provides certain Transmission Services to municipalities under Special Municipal Electric Service Agreements. Otter Tail states that under the rate for Firm Electric Service in the Special Municipal Electric Service Agreements, it has made no sales in the past, and expects no sales for the next several years. Otter Tail states that the Bureau of Reclamation is the power supplier for these Municipalities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29995 Filed 11-6-75;8:45 am]

[Docket No. ES76-28]

PACIFIC POWER & LIGHT

Notice of Application

OCTOBER 31, 1975.

Take notice that on October 21, 1975, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of not exceeding 1,600,000 shares of its $_____ No Par Serial Preferred Stock, with a stated value of $25 per share, (New Preferred Stock) and exempting the sale and issuance thereof from the competitive bidding requirements of Section 34.1a of the Commission's Regulations.

The New Preferred Stock will consist of a new series of Applicant's presently authorized No Par Serial Preferred Stock, will be entitled to annual dividends, will be redeemable at such redemption prices, will be entitled to such preferences on voluntary liquidation and will have such voting rights as shall be fixed and determined by resolution of Applicant's Board of Directors at the time of establishing such series after Applicant has received from underwriters, through either competitive bids or negotiation, their proposed terms for the purchase of the New Preferred Stock.

Proceeds from the issuance and sale of the New Preferred Stock will be used to repay short-term notes prior to or as they mature.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-29996 Filed 11-6-75; 8:45 am]

[Docket No. RP71-119, etc.]

PANHANDLE EASTERN PIPE LINE CO.

Interim Curtailment Plan

OCTOBER 31, 1975.

Now before the Commission are an initial decision issued on August 29, 1975, by Presiding Administrative Law Judge Raymond Zimmet regarding a curtailment plan of the Panhandle Eastern Pipe Line Company (Panhandle); 36 briefs on exceptions and 13 briefs opposing exceptions, which were due October 2, and October 16, 1975, respectively.

We note that this matter has been in progress since May, 1971; Presiding Law Judge Zimmet is fifth in a succession of Presiding Law Judges; and that the record below numbers some 14,000 pages.

[1] Substitute Seventh Revised Sheet No. 4a and First Revised Sheet No. 4b to Third Revised Volume No. 1 and Substitute Seventh Revised Sheet No. 1c to Original Volume No. 2 of Northern's FPC Gas Tariff.

[2] The two decreases relating to facilities not certificated and in service and the interest payment agreements were similarly changes in suspended rates. However, these were ordered by the Commission since, in one instance, the regulations do not permit rates to be based on such uncertificated facilities and in the other, we determined as a matter of law and policy that the interest payment agreements do not conform to the policies of our advance payment orders. See: Tennessee Gas Pipeline Company, Docket No. RP75–13, order issued March 14, 1975, rejecting alternate tariff sheets based on revised sales volumes; Columbia Gas Transmission Company, et al., Docket Nos. RP74–82, et al., order issued February 11, 1976.

[3] Accounting and Rate Treatment of Advances Included in Account No. 166, Advances for Gas Exploration, Development and Production, Notice of Oral Argument, etc.

[4] Northern's proposed offset relates in part to advance payments with respect to certain Exxon interests in the offshore Gulf of Mexico.

[5] Original Sheets No. 45, 46, 47, and 48.

[6] Section 154.22 provides that no natural gas company shall file any new rate schedule for the performance of any service for which a certificate of public convenience and necessity must be obtained. Northern has no certificate authority to provide this new service.

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The Commission, consistent with the recent policy of seeking to hasten the conclusion of protracted curtailment proceedings, ordered expedition of the initial decision and submission of briefs on exceptions.[1] Presiding Judge Zimmet's initial decision and the extensive briefs of many parties indicate a diligent and cooperative response. However, after an examination of the initial decision, reviewed in conjunction with the voluminous record and pleadings, and in light of the imminence of the winter heating season, the Commission concludes, the procedural history in this docket notwithstanding, that good judgment dictates that Panhandle should continue to operate under its currently effective curtailment tariff for the 1975–1976 winter season, through March 31, 1976.

Time does not allow the issuance of an immediate decision which fully considers the merits of the Presiding Law Judge's opinion and the positions and arguments of the parties. Panhandle Eastern and its customers should have notice now of what their respective positions will be for the immediate winter season.

The Commission will continue its expedited review of this record in order that a full decision may be rendered and any appropriate interim modifications may be ordered at times opportune for implementation on the Panhandle system, subsequent to March 31, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–30008 Filed 11–6–75;8:45 am]

[Docket No. CI68–815]

PHILLIPS PETROLEUM CO.

Notice of Petition To Release Escrow Funds and To Terminate Proceeding

OCTOBER 30, 1975.

Take notice that on September 19, 1975, Phillips Petroleum Company (Petitioner), 5 C4 Phillips Building, Bartlesville, Oklahoma 74004, filed a petition for the release of escrow funds being held by United Gas Pipe Line Company (United) and for termination of the proceeding in Docket No. CI68–815.

Petitioner states that by letter order dated March 13, 1968, a temporary certificate was issued in Docket No. CI68–815 authorizing its sale of natural gas to United from the South Timballer Area, Lafourche Parish, Offshore Louisiana. Said temporary certificate provided that the total initial rate for such sale would be 20.0¢ per Mcf at 15.025 psia, with the further provision that 1.5 cents of such price would be held in escrow by United, subject to adjustment should the differential between the rates determined for the Southern Louisiana taxing jurisdiction and Offshore Louisiana Federal Domain be found to be less than 1.5¢ per Mcf.

[1] Order issued June 3, 1975, Notices issued September 3, 1975, and September 19, 1975, in this docket.

Opinion No. 598 was subsequently issued reducing this differential to 1.0¢ per Mcf and by letter order issued March 24, 1974, United was directed to release from escrow and pay to Petitioner an amount of money determined by multiplying the volumes of gas delivered prior to August 1, 1971, by the 0.5¢ per Mcf reduction in differential.

Petitioner states that while the gas involved is produced from properties in the Federal zone, it is delivered to United, at Petitioner's expense, at an onshore point. Since Ordering Paragraph (A) (h) of Opinion No. 598 provides that the applicable area rate for offshore gas will be increased by one cent where it is delivered onshore at the sole cost of the producer, Petitioner states that no differential is applicable with respect to gas delivered under Phillips' Rate Schedule No. 442 and asks that the 1.0¢ per Mcf remaining in the escrow account be released to Phillips and that the proceeding in Docket No. CI68–815 be terminated.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but with not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29965 Filed 11–6–75;8:45 am]

[Docket No. ER76–166]

PUBLIC SERVICE COMPANY OF COLORADO

Notice of Tariff Change

OCTOBER 30, 1975.

Take notice that Public Service Company of Colorado (PSCO) on October 20, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff. PSCO states the proposed change is the addition of a rate schedule reflecting a power pool agreement among PSCO, Colorado-Ute Electric Association, Inc., Platte River Power Authority, Salt River Project Agricultural Improvement and Power District, Tri-State Generation and Transmission Association, Inc., and the United States of America Department of the Interior—Bureau of Reclamation, Missouri River Basin Project—Western Division and the Colorado River Storage Project.

The Agreement, known as the Inland Power Pool Agreement, provides for the interchange of Operating Reserve Capacity, Emergency Assistance, Scheduled Outage Assistance and other similar operating matters. Pursuant to Section 18.1 of the Agreement, it will become effective when all requisite approvals of the Commission have been obtained. PSCO states that because the other parties to the Agreement do not appear to be subject to the Commission's jurisdiction, this filing is made by the Company alone.

PSCO states that copies of the filing were served upon all parties to the Agreement and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests or petitions should be filed on or before November 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29966 Filed 11–6–75;8:45 am]

[Docket No. ER76–149]

PUBLIC SERVICE CO. OF INDIANA, INC.

Notice of Extension of Time

OCTOBER 30, 1975.

On October 23, 1975, Public Service Company of Indiana, Inc. (PSI) filed a motion to extend the time for responding to petitioners'[1] October 3 and 14, 1975, filings that protest, seek intervention, request rejection, etc., in the above-designated proceeding.

Notice is hereby given that the time for responding to the above filings is extended to and including November 13, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29967 Filed 11–6–75;8:45 am]

[Docket Nos. RP72–91 (Phase II), etc. (AP 5/16/74)]

SOUTHERN NATURAL GAS CO.

Notice of Consolidation; Correction

OCTOBER 31, 1975.

Please add the following line to the last paragraph of the above-indicated notice:

[1] Petitioners are: Indiana Municipal Electric Association, *et al.* ("IMEA"); Hoosier Cooperative Energy Division, Indiana Statewide Rural Electric Cooperative, Inc. ("Hoosier"), Wabash Valley Power Associations, Inc., *et al.* ("Wabash"); Crawfordsville Electric Light and Power, *et al.* ("Crawfordsville"); and Henry County Rural Electric Membership Corporation, *et al.* ("REMCs").

The hearing scheduled for November 4, 1975, in Docket No. RP72–91 (Phase II), *et al.*, (AP 5/16/74) is cancelled. The procedural dates set by order issued May 15, 1975, as most recently amended by notice issued August 29, 1975 in Docket No. RP 75–84 will apply to the consolidated case. These are:

Service of Staff Testimony, November 24, 1975.
Service of Intervenor Testimony, December 8, 1975.
Service of Company Rebuttal, December 22, 1975.
Hearing, January 13, 1976 (10 a.m. e.s.t.).

MARY KIDD PEAK,
Secretary.

[FR Doc.75–29997 Filed 11–6–75;8:45 am]

[Docket No. RP76–17]

TEXAS GAS TRANSMISSION CORP.

Order Accepting for Filing and Suspending Revised Tariff Sheets, Granting Interventions and Establishing Procedures

OCTOBER 31, 1975.

On September 30, 1975, Texas Gas Transmission Corporation (Texas Gas) tendered for filing revised tariff sheets to its FPC Gas Tariff [1] which would result in an increase in jurisdictional revenues of approximately $64,080,927 per year, based upon sales volumes for the twelve months ended June 30, 1975 as adjusted through March 31, 1976. Texas Gas states that the increase is mainly attributable to (1) increase in operating expenses; (2) increased costs associated with increased curtailment and further husbanding of gas; (3) increased income taxes related to liberalized depreciation; and (4) increase in rate of return.

In addition to a rate change the proposed tariff sheets would change the company's pressure base for the measurement of gas from 15.025 psia to 14.73 psia. Texas Gas requests that the proposed changes be permitted to become effective on November 1, 1975.

Notice of Texas Gas' filing was issued on October 8, 1975, with all protests, comments or petitions to intervene due on or before October 24, 1975. Several timely petitions to intervene have been filed (See Appendix A below).

Our review of Texas Gas' filing indicates that certain issues have been raised which require development in an evidentiary hearing. Those tariff sheets which reflect changes in rates, charges and conditions of service have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. We shall therefore accept those tariff sheets [2] for filing, suspend their effectiveness for five months and establish hearing procedures to determine their justness and reasonableness. With respect to those tariff sheets which change the company's pressure base for the measurement of gas [3] we shall suspend their effectiveness for five months to permit them to become effective at the same time as Texas Gas' proposed rate charge at which time they shall be made effective without condition.

With respect to the portion of the requested rate increase attributable to a higher rate of return we note that Texas Gas states that its claimed overall rate of return of 10.69 percent is occasioned by the increased costs of long-term capital resulting from continued rising inflation and the consequent increases in the embedded cost of service capital since the last general rate increase on April 1, 1975, and the increased risk associated with the continuing deteriation in the natural gas supply. Texas Gas has additionally requested a return on common equity of 14.46 percent. These requested returns are significantly higher than the return on equity of 12.10 percent and overall return of 9.53 percent that we recently approved in Docket No. RP75–19, Texas Gas' most recent rate case. Texas Gas' request for a higher rate of return is based in part upon the fact that its deliverability of gas is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issue of rate of return so as to enable this Commission to formulate sound regulatory policies in this area.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties, including the Commission Staff. Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct the parties and our Staff to present evidence which addresses itself to the rate of return allegations of Texas Gas as well as to the following issues: (1) Texas Gas' inclusion in its cost of service of $9,457,857 representing book investment in coal rights in a gasification demonstration plant venture with the Commonwealth of Kentucky; [4] (2) Texas Gas, projected curtailment of sales volumes which it estimates to be 64 percent higher than the present curtailment level and which would reduce customers' entitlements by 233 million Mcf annually; (3) Texas Gas' adjustments to operating and maintenance expenses totalling $10,355,000, exclusive of purchased gas, to reflect increases in salaries, wages, pensions, materials and supplies; (4) Texas Gas' claim that tax depreciation for vintage properties will decline in 1976 to the point where it will have to pay higher taxes and require higher rates.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provision of the Natural Gas Act that the Commission accept for filing and suspend for five months the revised tariff sheets tendered by Texas Gas and enter upon a hearing with respect to those tariff sheets reflecting changes in rates, change in conditions of service, as hereinafter provided.

(2) Good cause exists to grant intervention to those petitioners listed in Appendix A below.

The Commission orders. (A) Pending a hearing and a decision thereon, Texas Gas' proposed changes in its rates changes, or conditions of service, reflected in the tariff sheets listed in footnote 2 of this order, are accepted for filing and suspended for five months subject to refund and their use deferred until April 1, 1976.

(B) The tendered tariff sheets which propose to change Texas Gas' pressure base for the measurement of gas are hereby accepted for filing and suspended for five months to become effective April 1, 1976 without further conditions.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, and the Commission's rules and regulations (18 CFR Ch. I) a hearing for the purposes of determining the justness and reasonableness of Texas Gas' proposed changes in its rates, charges and conditions of service shall be

[1] First Revised Sheet Nos. 77, 81, 92–AA and 144 of Third Revised Volume No. 1; Second Revised Sheet Nos. 143, 145, 146 and 147 of Third Revised Volume No. 1; Third Revised Sheet Nos. 151 and 152 of Third Revised Volume No. 1; Fourth Revised Sheet Nos. 92–A, 102, 148, 149 and 150 of Third Revised Volume No. 1; Thirteenth Revised Sheet No. 7 of Third Revised Volume No. 1; First Revised Sheet Nos. 331, 337, 359, 360, 361, and 369 of Original Volume No. 2; Second Revised Sheet No. 328 of Original Volume No. 2; Fourth Revised Sheet No. 332 of Original Volume No. 2; Seventh Revised Sheet Nos. 362 and 365 of Original Volume No. 2; Eighth Revised Sheet Nos. 333 and 363 of Original Volume No. 2.

[2] *Third Revised Volume No. 1*—First Revised Sheet No. 92–AA, Fourth Revised Sheet Nos. 92–A, and 102 and Thirteenth Revised Sheet No. 7. *Original Volume No. 2*—Seventh Revised Sheet Nos. 362 and 365, Eighth Revised Sheet Nos. 333 and 363.

[3] *Third Revised Volume No. 1*—First Revised Sheet Nos. 77, 81 and 144; Second Revised Sheet Nos. 143, 145, 146 and 147; Third Revised Sheet Nos. 151 and 152; Fourth Revised Sheet Nos. 148, 149 and 150. *Original Volume No. 2*—First Revised Sheet Nos. 331, 337, 359, 360, 361 and 369; Second Revised Sheet No. 328; Fourth Revised Sheet No. 332.

[4] See in this regard Michigan Wisconsin Pipe Line Company, Docket No. RP73–102, order issued June 26, 1974; Southern Natural Gas Company, Docket No. RP74–93, order issued September 4, 1974 and October 30, 1974; and Colorado Interstate Gas Company, Docket No. RP73–93, order issued October 30, 1974.

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held commencing on March 30, 1976, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(D) On or before February 17, 1976, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before March 9, 1976. Any rebuttal evidence by Texas Gas shall be served on or before March 23, 1976.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The petitioners mentioned in Appendix A below are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Hoosier Gas Corporation
Mississippi Valley Gas Company
Public Service Electric and Gas Company
Western Kentucky Gas Company
Consolidated Gas Supply Corporation
Arkansas Louisiana Gas Company
Louisville Gas and Electric Company
Ohio Valley Gas Corporation, Ohio Valley Gas Inc., and Dome Gas Co., Inc.
Columbia Gas of Kentucky, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of New York, Inc., Columbia Gas of Ohio, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of West Virginia, Inc.
Indiana Gas Co., Inc. and Ohio River Pipeline Corp.
Michigan Wisconsin Pipe Line Company
Arkansas-Missouri Power Company
Columbia Gas Transmission Corporation
United Cities Gas Company
City of Hamilton, Ohio
Public Service Commission of the State of New York

[FR Doc.75-30009 Filed 11-6-75;8:45 am]

[Docket Nos. RP73-3, RP74-48, RP75-3 (PGA No. 76-1) (AP No. 76-3)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting for Filing, Subject to Condition, and Suspending in Part Proposed Rate Adjustment; Establishing Hearing Procedures; Instituting Investigation; Consolidating Proceedings; and Granting Intervention

OCTOBER 31, 1975.

On September 16, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2,[1] proposed to become effective November 1, 1975. The revised sheets provide for (1) a 7.2¢ per Mcf PGA increase reflecting an increase of 3.8¢ per Mcf, or $27,122,616 per year, in purchased gas costs and a 3.4¢ per Mcf increase (from 5.3¢ to 8.7¢) in the surcharge to recoup the balance in the deferred account, (2) a 0.1¢ per Mcf increase tracking net additional advance payments of $4,005,613 and (3) a decrease (.02 in demand and .001 in commodity) under Rate Schedule GSS (storage service) tracking a decrease from Consolidated Gas Supply Corporation (Con Gas) under its Rate Schedule GSS proposed to be effective November 1, 1975, at RP75-91. The proposed increase reflects adjustment for the cumulative impact of a number of advance payment tracking filings previously made by Transco pursuant to tracking authority in Transco's pending settlement agreement in Docket Nos. RP 74-48 and RP75-3.[2] Those previous advance payment tracking filings [3] were rejected as being premature.[4] The advance payment adjustment contained in this filing reflects the net effect in additional advance payments above those previous advance payment filings and is filed pursuant to the tracking authority in the proposed settlement agreement, which is still pending Commission approval. However, because we have not yet taken any action on said settlement agreement, Transco, as of this date, has no authority to track the increases here in question. Accordingly, we shall require Transco to file substitute tariff sheets reflecting the elimination of any increase attributable to additional advance payments.

In addition, Transco's request to track a decreased rate under Rate Schedule GSS, tracking decreased storage service costs from Consolidated Gas Supply Corporation (Con Gas) under the latter's Rate Schedule GSS, proposed to be effective November 1, 1975, in Docket No. RP75-91, is also tendered pursuant to a tracking provision in the pending settlement agreement in Docket Nos. RP74-48 and RP75-3. If the tracking provisions in that settlement agreement were the only available authority to permit the request, we would be compelled to reject the proposal to track revised storage costs for the same reasons cited with regard to the requested advance payment tracking adjustment. However, Transco has been permitted to track revised storage costs in the past on a case by case basis.[5] Most recently, Transco was permitted by Order issued October 16, 1975, in Docket No. RP75-75, to track increased storage costs from Texas Eastern Transmission Corporation. Accordingly, that portion of the instant filing consisting of a proposed storage service decrease under Rate Schedule GSS will be approved to become effective subject to refund.

Our review of the proposed PGA rate adjustment indicates that it is based, in part, on small producer purchases in excess of the rate levels prescribed in Opinion No. 742 and 60 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion No. 699-H; therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept the tariff sheets for filing and suspend them for one day until November 2, 1975, when they shall become effective, subject to refund, as hereinafter conditioned.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Transco's filing in excess of the rate levels

[1] *First Revised Volume No. 1.* Fifteenth Revised Sheet No. 5, Eleventh Revised Sheet No. 6.
Original Volume No. 2. Sixteenth Revised Sheet No. 52, Third Revised Sheet No. 121, Twelfth Revised Sheet No. 321, Eighth Revised Sheet No. 416, Seventh Revised Sheet No. 495.

[2] "Agreement as to Rates" in Docket Nos. RP74-48 and RP75-3 was certified to the Commission on May 16, 1975.

[3] Filed in Docket Nos. RP74-48 and RP75-3 by Transco on May 16, 1975 (AP75-1), June 16, 1975, (AP75-2) July 16, 1975 (AP76-1), August 15, 1975 (AP76-2), and in Docket No. RP75-75 on September 16, 1975.

[4] By orders issued June 30, 1975, July 25, 1975, August 29, 1975, September 29, 1975, and October 16, 1975, respectively, Transco's advance payments tracking filings were rejected because we had not yet acted on the aforementioned Agreement, pursuant to which the tracking filings were made. However, those rejections were without prejudice to Transco's right to make advance payment tracking filings in the event the tracking provision is approved at a later date.

[5] See e.g. Order issued October 26, 1970, in Docket No. RP71-10 (Transco's Rate Schedule S-2); Order issued June 30, 1971, in Docket No. RP71-124 (Transco's Rate Schedule GSS); Order issued July 2, 1971, in Docket No. RP71-123 (Transco's Rate Schedule S-2); Order issued July 13, 1972, in Docket No. RP72-131 (Transco's Rate Schedule S-2); Order issued May 30, 1974, in Docket No. RP73-69 (Transco's Rate Schedule S-2); Order issued August 1, 1974, in Docket Nos. RP73-69 and RP74-48 (Transco's Rate Schedule S-2); and Order issued August 30, 1974, in Docket Nos. RP74-48 and RP75-3 (Transco's Rate Schedule GSS).

resulting from use of the "130% formula" prescribed in Opinion No. 742.[6] In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to Transco are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a section 5 investigation against the small producer involved so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively.

Within 15 days of the date of this order, Transco shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco, Inc.", 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit inter alia, cost evidence in order, that we may determine the justness and reasonableness of Transco's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under section 5 of the Natural Gas Act.

In addition, Transco must show that the rate paid by Transco to the small producer is appropriate by presenting evidence considering all relevant factors including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.[7]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producers sales are just and reasonable.

With regard to the 60-day emergency purchases from other than small producers, the Commission noted in Opinion 699-B [8] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." Accordingly, we believe it appropriate to establish hearing procedures to determine the appropriate rate level of those 60-day emergency purchases included in the filing which are in excess of the rate levels prescribed in Opinion 699-H.

Our review of those claimed increased purchased gas costs contained in Transco's filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" prescribed in Opinion 742 and with that portion of the 60 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699-H indicates that they should be approved as being in compliance with the standards set forth in Docket No. R-406. Accordingly, we shall permit Transco to file revised tariff sheets to become effective November 1, 1975, which reflect the costs in Transco's filing which are in conformance with Docket No. R-406, as indicated above.

Public notice of the subject filing was issued on September 26, 1975, with comments, protests and petition to intervene due on or before October 9, 1975. A timely petition for leave to intervene was filed by Sun Oil Company. Good cause appearing, said petition shall be granted as hereinafter ordered and conditioned. On October 8, 1975, the Georgia Public Service Commission filed its notice of intervention in this proceeding. In addition, on October 9, the Commission Staff filed its comments and request for hearing to determine the reasonableness and appropriateness of the advances in question, in the event the Commission should accept the advance payments tracking portion of the filing.

The Commission finds. (1) Good cause exists to grant Sun Oil Company's petition for leave to intervene in this proceeding, as hereinafter ordered and conditioned.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that Transco's tariff sheets listed in footnote 1 of this order be accepted for filing, as hereinafter conditioned, and suspended for one day until November 2, 1975 when they shall become effective, subject to refund.

The Commission orders. (A) Sun Oil Company and the Georgia Public Service Commission are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, a pubic hearing shall be held on February 10, 1976, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the lawfuness of Transco's proposed rates filed on September 16, 1975, insofar as those proposed rates reflect (1) small producer purchases in excess of the "130% formula" prescribed in Opinion 742 and (2) 60 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699-H.

(C) Within 15 days of the date of this order, Transco shall file with the Commission a list, including addresses, of the parties from whom Transco is purchasing or has purchased gas involved in the small producer and 60 day emergency sales set for hearing above. Following receipt of this list, we shall make the small producer sellers parties respondents to this investigation for the purposes discussed in the body of this order.

(D) Pursuant to section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by the small producers making sales to Transco in excess of the rates resulting from the "130% formula" prescribed in Opinion 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (B) above for purposes of hearing and decision. These consolidated proceedings shall be docketed as Docket No. RP73-3 (PGA 76-1).

(E) Transco shall file its direct testimony and evidence on or before December 2, 1975. The parties from whom Transco makes the subject small producer purchases, shall file their direct testimony on or before December 2, 1975. Any evidence by the Commission Staff or any intervenor shall be filed on or before January 6, 1976. Any rebuttal evidence shall be filed on or before January 20, 1976.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(G) Transco's tariff sheets listed in footnote 1 of this order are hereby accepted for filing and suspended for one day, until November 2, 1975, when they shall become effective, subject to refund and also subject to the elimination of all costs related to advance payments tracking filings made pursuant to the pending settlement in Docket No. RP74-48 and RP75-3.

(H) Within 15 days of the date of issuance of this order, Transco may file revised tariff sheets to become effective November 1, 1975, which reflect those claimed increased purchased gas costs contained in Transco's PGA adjustment other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate of levels resulting from the "130% formula" prescribed by Opinion 742 and that portion of the 60-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699-H and which also reflect the elimination of all costs related to advance payments tracking filings made pursuant to the pending settlement in Docket Nos. RP74-48 and RP75-3.

[6] —— FPC —— issued August 28, 1975, in Docket No. R-398.

[7] Opinion No. 742 (mimeo, p. 13, paragraph (1)).

[8] —— FPC —— issued September 9, 1974, in Docket No. R-389-B.

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(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-30010 Filed 11-6-75;8:45 am]

[Docket No. CP76-127]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

OCTOBER 31, 1975.

Take notice that on October 10, 1975, Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-127 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon facilities used to take gas supplies into Applicant's system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The facilities Applicant proposes to abandon are as follows:

(1) The Chevron-E. M. Henry No. 2 purchase facilities consisting of approximately 5,441 feet of 4-inch transmission purchase line, 554 feet of 3-inch field gathering line, and one metering and regulator station and related facilities, McMullen County, Texas.

(2) The Mobil Block 64, E-1 purchase facilities consisting of approximately 12,869 feet of 8-inch transmission purchase line and one metering and regulator station and related facilities, Ship Shoal Area, offshore Louisiana.

(3) The Coastal States-South Delcambre purchase facilities consisting of approximately 11,397 feet of 8-inch transmission purchase line and one metering and regulator station and related facilities, Vermilion Parish, Louisiana.

(4) The Gibson Field gathering and transmission purchase facilities consisting of approximately 4,135 feet of 12-inch Gibson transmission purchase line, 10,011 feet of 12-inch and 6,651 feet of 4-inch Shell-Kuntz No. 13 gathering line, 1,854 feet of 8-inch Shell-Kuntz No. 3 gathering line, 3,009 feet of 6-inch Shell-Gilbert Gibson gathering line, 3,882 feet of 6-inch Shell-Hebert Gibson gathering line, 511 feet of 6-inch Quintana Southdown No. 3 gathering line, 799 feet of 6-inch Gibson No. 2 gathering line, 4,225 feet of 6-inch Quintana-Kleinschmidt No. 1 gathering line, 2,227 feet of 6-inch Shell-Kuntz No. 1 gathering line, 2,724 feet of 6-inch C. L. & F. No. 1 gathering line, 3,199 feet of 6-inch C. L. & F. B1 gathering line, and four metering and regulator stations, the Quintana Gibson Field Metering and Regulator Station, the Shell-Gilbert Gibson Field Metering and Regulator Station, the Shell-Hebert-Humphries Field Metering and Regulator Station, the Shell-Gibson-Antill Field Metering and Regulator Station and related facilities, Terrebonne Parish, Louisiana.

(5) The Owens-Southeast Rayne purchase facilities consisting of approximately 4,772 feet of 4-inch transmission purchase line and one metering and regulator station and related facilities, Lafayette Parish, Louisiana.

(6) The South Bourg purchase facilities consisting of approximately 17,424 feet of 4-inch transmission purchase line and one metering and regulator station and related facilities, Terrebonne Parish, Louisiana.

(7) The Tennessee Gas No. 1, Block 77 purchase facilities consisting of approximately 2,060 feet of 10-inch transmission purchase line and one metering and regulator station and related facilities, Vermilion Area, offshore Louisiana.

(8) The Buttes-Andrus Cove purchase facilities consisting of approximately 9,200 feet of 6-inch transmission purchase line and one metering and regulator station and related facilities, Jefferson Davis and Acadia Parishes, Louisiana.

(9) The Humble-Fire Island purchase facilities consisting of approximately 4,368 feet of 10-inch transmission purchase line and one metering and regulator station and related facilities, Vermilion Parish, Louisiana.

(10) The Mobil-Block 54 purchase facilities consisting of approximately 37,758 feet of 8-inch transmission purchase line and one metering and regulator station and related facilities, Vermilion Area, offshore Louisiana.

The facilities proposed to be abandoned are said to have served to take into Applican't system natural gas purchased from various producers, but that deliveries are no longer being made through the forementioned facilities. The reason for the cessation of deliveries is stated by Applicant to be the exhaustion of reserves from which gas was produced for Applicant pursuant to various contracts. All of the lines would be abandoned in place by Applicant, and all of the metering and regulator stations and appurtenant facilities would be abandoned by reclaim, with the exceptions of the Chevron-E. M. Henry No. 2 and the Buttes-Andrus Cove facilities. Applicant would at the two stated facilities abandon by salvage the pipeline in addition to the other listed facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29999 Filed 11-6-75;8:45 am]

[Docket Nos. RP74-48 and RP75-3; AP76-4]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Tariff Filing

OCTOBER 30, 1975.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on October 16, 1975, tendered for filing seven revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.

Transco states that such filing is made in accordance with the provisions of Section 6 of Article III of its Agreement as to Rates in the above dockets to track a net increase in advance payment amounts not previously reflected in rates of $6,454,241. The proposed effective date of the filing is December 1, 1975, subject to Commission approval of the Agreement.

Transco states further that the revised tariff sheets included in the filing reflect an increase of 0.1¢ per Mcf in the commodity rate or delivery charge of the Company's CD, G, OG, E, PS, ACQ, S-2, X-11, X-20, X-42, X-52 and X-56 rate schedules.

The Company states that copies of the filing have been mailed to each of the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29969 Filed 11-6-75;8:45 am]

[Docket No. CI76-212]

W. B. McCARTER, JR., INC.

Application

OCTOBER 31, 1975.

Take notice that on October 9, 1975, W. B. McCarter, Jr., Inc. (Applicant), 708 Southwest Tower Building, Houston, Texas 77002, filed in Docket No. CI76-212 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas for resale in interstate commerce to Michigan Wisconsin Pipeline Company (Michigan Wisconsin) from the W. Chenier Purdue Field, Cameron Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that Applicant proposes to sell gas to Michigan Wisconsin until July 1, 1976, pursuant to a gas sales contract dated August 25, 1975, subject to the authorization requested in the instant application within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to approximately 30,000 Mcf of natural gas per month at $1.25 per Mcf at 15.025 psia, subject to Btu and other adjustments.

Applicant states that the gas proposed to be sold pursuant to the requested authorization is only available for a limited-term because it has contracted for the sale of such gas to a nonjurisdictional purchaser at an initial rate of $1.40; however, the facilities of such purchaser will not be operational until July 1, 1976. The sales proposed are said to be at a rate less than the intrastate price.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-30011 Filed 11-6-75;8:45 am]

[Docket No. ER76-193]

THE WASHINGTON WATER POWER CO.

Notice of Rate Schedule

OCTOBER 31, 1975.

Take notice that on October 28, 1975, The Washington Water Power Company (Washington) tendered for filing copies of a "Letter Agreement" between Washington and San Diego Gas & Electric Company (San Diego), which applies to the sale of energy to San Diego which they will use to replace energy deliveries to Washington.

Washington states that the performance under this agreement depends on the operation of the Hanford NPR Project and agreement by the Bonneville Power Administration to predeliver such energy. The time period for these deliveries is from September 15, 1975, through January 31, 1976. Washington further states that these energy deliveries shall not require San Diego to make substitutions pursuant to Article III-C and will provide energy under Article IV-E of the Power Sales and Exchange Agreement (FPC No. 64).

Washington requests that the requirements of prior notice be waived and that the Rate Schedule be given a retroactive effective date of September 15, 1975. Washington indicates this does not affect purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29998 Filed 11-6-75;8:45 am]

[Docket No. ER76-181]

VERMONT ELECTRIC POWER COMPANY, INC.

Notice of Filing of Notice of Cancellation

OCTOBER 30, 1975.

Take notice that on October 16, 1975, Vermont Electric Power Company, Inc. (VELCO) tendered for filing Notices of Cancellation of its F.P.C. Rate Schedules Nos. 106, 107, 109, 110, 113 and 115. VELCO requests that the Notices of Cancellation be permitted to become effective on October 1, 1975.

The filings state that notice of the proposed cancellations has been served upon the customers affected thereby.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 (18 CFR 1.8, 1.10) of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before November 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-29968 Filed 11-6-75;8:45 am]

[Docket No. E-8224]

SIERRA PACIFIC POWER CO.

Filing of Revised Tariff Sheets

NOVEMBER 5, 1975.

Take notice that on October 16, 1975 the Sierra Pacific Power Company tendered for filing revised tariff sheets intended to conform with Opinion No. 730-B and the Commission's letter of July 11, 1975 in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-30023 Filed 11-6-75;9:24 am]

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[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Rate Design Conference; Change in Date

NOVEMBER 5, 1975.

At the preliminary settlement conference held on November 4, 1975, in the above-referenced proceeding, all parties agreed to convene a further conference on Thursday, November 13, 1975, to discuss the issue of rate design. Due to the unavailability of a conference room on that date, however, the conference must be rescheduled. Accordingly, take notice that such rate design conference will be held at 10 a.m., e.s.t., on Friday, November 14, 1975, in Room 5200 at the Federal Power Commission, 825 North Capitol Street, NE. Washington, D.C. 20426.

All parties, customers of Transco, interested State Commissions and other parties in interest are invited to attend. However, attendance at this conference of persons not previously permitted to intervene by order of the Commission will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed in accordance with § 1.8 of the Commission's rules of practice and procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30224 Filed 11-6-75;9:24 am]

FEDERAL TRADE COMMISSION

STATEMENT OF ORGANIZATION

Regional Office Reorganization

Correction

In FR Doc. 75-26829, appearing on page 46361 in the issue of Tuesday, October 7, 1975, the FR page number in the last line of the second paragraph reading "23355" should read "2355".

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LONG BRANCH COAL CO.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4079-000, Long Branch Coal Company, Mine No. 2, Mine ID No. 15 02805 0, Partridge, Kentucky, ICP Permit No. 4079-001—R-2 (Davis Drag Cable Shuttle Car, I.D. No. 1), ICP Permit No. 4079-002—R-2 (Davis Drag Cable Shuttle Car, I.D. No. 2).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before November 24, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

NOVEMBER 3, 1975.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

[FR Doc.75-29919 Filed 11-6-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-89]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL (RTAC) PANEL ON AERONAUTICAL OPERATING SYSTEMS

Establishment of Subcommittee; Notice of Determination

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, the NASA Administrator has determined that the establishment of a Subcommittee on Aviation Safety Reporting System, as a subcommittee of the RTAC Panel on Aeronautical Operating Systems, is in the public interest in connection with the performance of duties imposed upon NASA by law.

The functions of this subcommittee will include the review of the overall objectives, approach, content and structure of the Aviation Safety Reporting System (ASRS) relative to aviation safety needs. The subcommittee will review and evaluate critical elements of the ASRS before initial operation and the progress of the operational system after implementation, recommending changes to the system as necessary. The subcommittee will also be responsible for providing advice with respect to the maintenance of the anonymity of persons submitting safety reports or persons named therein.

WILLIAM W. SNAVELY,
Assistant Administrator for DoD and Interagency Affairs National Aeronautics and Space Administration.

NOVEMBER 4, 1975.

[FR Doc.75-30053 Filed 11-6-75;8:45 am]

[Notice (75-90)]

NASA SPACE PROGRAM ADVISORY COUNCIL

Meeting

The NASA Space Program Advisory Council will meet on December 4 and 5, 1975, in Room 7002, Federal Office Building 6, 400 Maryland Avenue, SW., Washington, D.C. The meeting, to be held from 9 a.m. to 4:30 p.m. on December 4, 1975 and from 9 a.m. to noon on December 5, 1975, is open to the public. The seating capacity of the room is about 40 persons, including Council members and other participants. Visitors will be requested to sign a visitor's register.

The NASA Space Program Advisory Council was established as an interdisciplinary group to advise NASA senior management with respect to the plans for, the work in progress on, and the accomplishments of NASA's space programs. The Council is concerned with the disciplines appropriate to Physical Sciences, Life Sciences, Space Applications, and Space Systems, as they bear on space programs. The Chairman of the Council is Dr. Frederick Seitz. There are currently sixteen members on the Council and additional members on four standing committees which report to the Council. The following list sets forth the approved agenda and schedule for the meeting. For further information contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202, 755-8433.

Item and Time	*Topic*
DECEMBER 4, 1975	
1. 9 a.m.	*Opening Remarks.*—This time is provided for the Chairman's introductory remarks and for the Executive Secretary to cover administrative matters.
2. 9:15 a.m.	*FY 1977 Budget Issues.*—The Council will take up the draft recommendations on the FY 1977 budget issues discussed at the previous meeting. These recommendations will be presented for final approval. Approaches to the consideration by SPAC of upcoming program and budget issues will be discussed.
3. 10:30 a.m.	*Early Space Shuttle Experiments.*—Experimental payloads being considered for the first six developmental flights and for early operational missions of the Space Shuttle will be described for the Council. SPAC will be asked to comment on these prospective payloads and to suggest additional possibilities.
Noon	*Lunch.*
4. 1:30 p.m.	*The Assess Program.*—The Airborne Science/Shuttle Experiment System Simulation (ASSESS) Program will be described for the Council, and possible lessons for Space Shuttle experimental operations will be discussed.
5. 2:30 pm.	*Multimission Spacecraft.*—The Council will be briefed on the Multimission Spacecraft concept and its utilization to provide lower cost space systems.
6. 3:30 p.m.	*Program Update.*—The status and progress of important ongoing programs will be described for the Council.

DECEMBER 5, 1975		
7. 9 a.m.	*Data and Information Flow in Applications Programs.*—The Landsat and Nimbus G programs will be discussed as case studies in the acquisition, processing, dissemination, and utilization of data in Space Applications Programs.	
8. 10 a.m.	*Comittee Reports* This time is provided for reports of the four standing committees on matters they have considered in the period since the last SPAC meeting.	
Noon	*Adjourn*	

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

NOVEMBER 4, 1975.

[FR Doc.75-30054 Filed 11-6-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-496 and 50-497]

NORTHEAST NUCLEAR ENERGY CO.

Availability of Draft Environmental Statement for Montague Nuclear Power Station, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of Montague Nuclear Power Station, Units 1 and 2, by Northeast Nuclear Energy Company, located in Franklin County, Massachusetts, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Carnegie Library, Avenue A, Turners Falls, Massachusetts. The Draft Statement (NUREG-75/109) is also being made available at the Office of State Planning and Management, Leverett Saltonstall Building, 100 Cambridge Street, Room 909, Boston, Massachusetts, and at the Franklin County Planning Department, 425 Main Street, Greenfield, Massachusetts. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Reactor Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Northeast Nuclear Energy Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on August 27, 1974 (39 FR 30963).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by December 29, 1975. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Carnegie Library, Avenue A, Turners Falls, Massachusetts. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 3rd day of November 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-30092 Filed 11-6-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Public Meeting

Pursuant to Pub.L. 92-463, notice is hereby given of a meeting of the Business Advisory Council on Federal Reports to be held in Room 2010, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., on December 4, 1975, at 9:30 a.m.

The purpose of the meeting is to conduct Council business such as the Treasurer's Report, Council budget, and reports of various Committees; to hear remarks from the Deputy Associate Director for Statistical Policy; and to receive reports of recent actions by the Office of Management and Budget which affect the reporting of business firms to Federal agencies. The meeting will be open to public observation and participation.

Anyone wishing to participate should contact the Deputy Associate Director for Statistical Policy, Room 10202, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395-3730.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75-30021 Filed 11-6-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1724]

SHAMROCK FUND

Notice of Proposal To Terminate Registration Pursuant to Section 8(f) of the Act

NOVEMBER 3, 1975.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Shamrock Fund ("Shamrock") 3812 Sepulveda Boulevard Suite 310 Torrance, California 90503, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Shamrock was organized as a California corporation on January 24, 1968, and filed a Notification of Registration under the Act on Form N-8A on August 26, 1968. On March 20, 1972, as a result of an action filed by the Commission against Shamrock, the United States District Court for the Central District of California appointed Harry L. Nelson, Jr., receiver for all assets of Shamrock.

Material in the Commission's files indicates that Shamrock's tangible assets consist of approximately $385,000 in U.S. Treasury Bills, a promissory note in the sum of $20,000, and miscellaneous securities; that it is the intention of Shamrock's receiver that upon maturity of such Treasury Bills and the collection of such note, the proceeds of each will not be reinvested but will be placed in bank savings or checking accounts; that Shamrock neither is primarily engaged in the business of investing, reinvesting, or trading in securities, nor does it hold itself out as being so engaged; and that Shamrock's receiver has negotiated a proposal to merge National Technical Services, Inc. ("N.T.S."), a California corporation, with and into Shamrock, which will be the surviving company and which will carry on the businesses presently engaged in by N.T.S.

Material in the Commission's files indicates that N.T.S. is not an investment company as defined in the Act, but rather is primarily engaged, through wholly-owned subsidiaries, in the business of testing, certifying and inspecting unfabricated materials, manufactured products and components thereof.

The receiver for Shamrock has advised the Commission's staff that the United States District Court for the Central District of California will, on November 10, 1975, consider whether to order that the proposed merger be consummated; that, if such an order does issue, the merger is scheduled to be consummated not later than December 1, 1975; and that it is anticipated, upon the effectiveness of the merger, that the receivership of Shamrock will be terminated.

Section 8(f) of the Act provides, in part, that when the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare

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by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

An order disposing of this matter might be issued upon advice that the merger has been consummated, unless a hearing should be requested or ordered as described below.

Notice is further given that any interested person may, not later than November 26, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Shamrock at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–30047 Filed 11–6–75;8:45 am]

[Release No. 34–11788; File No. SR–NYSE–75–7]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on October 22, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule changes would (1) redefine a block, for purposes of Exchange Rule 127, to include any block of 10,000 shares or more even though its total value may be less than the $200,000 standard presently specified; (2) eliminate the current reequirement under Rule 127 that a transaction take place at the current bid (offer) price before the trade or trades to clean-up the block; (3) provide for the appropriate printing of block transactions in those instances where a block trades at a clean-up price with no previous trade at the current bid (offer) price; and (4) remove certain supplementary material regarding block positions from Rule 127 and add it, more appropriately, to Exchange Rule 97. The new supplementary material to Rule 97 would include a separate block definition which conforms to the current definition under Rule 127. The text of the proposed rule change is attached as Exhibit 1.

STATEMENT OF BASIS AND PURPOSE

The New York Stock Exchange states that the basis and purpose of the foregoing proposed rule change is as follows:

Purpose of Proposed Rule Change.—In light of the general decline in stock prices since Rule 127 was adopted, proposed changes to Rule 127 would have the effect of redefining a block, for purposes of the Rule, to include any block of 10,000 shares or more even though its total value may be less than $200,000. With this change, more public orders will be eligible to receive discounts or premiums when blocks of stock are crossed outside the current quotation.

Rules 127 currently provides that a transaction must take place at the current bid (offer) price in a stock before the trade or trades to clean-up a block are effected. The Rule also provides that if the current bid (offer) is on behalf of a public order (that is, not for the account of a member or member organization) the specialist must substitute his bid (offer) as a dealer for one unit of trading and allow the public order to participate at a more advantageous price. However, comments by institutional clients of member organizations indicate that institutional customers placing block size orders would most often prefer to receive only one execution price on their orders.

Accordingly, under the proposed changes to Rule 127, no transaction will take place at the current bid (offer) price before the trade or trades to clean-up a block except where the clean-up price is one-eighth of point outside the current quotation and the member is holding only agency orders on both sides of the market. In such a case the member may elect to trade with the exposed bid (offer). This exception is not now stated in Rule 127, but it is and has been the policy of the Exchange. Consequently it is incorporated in the proposed revised form of Rule 127.

All other proposed changes to Rule 127 and all proposed changes to Rule 97 are housekeeping in nature. The Supplementary Material presently contained in Rule 127 which defines a block positioner and imposes registration, capital and reporting requirements would be deleted from Rule 127 and added, more appropriately, to Rule 97 since Rule 97 relates solely to block positioning activities. The new Supplementary Material to Rule 97 would include a separate block definition which conforms to the current definition under Rule 127. In addition, the provisions of Rule 127 which relate to the printing of block transactions would be amended so that the trade to clean-up a block would be printed on the tape accompanied by the last sale price in the Exchange's regular way market prior to the clean-up. The public and the block customers will thus have an indication of what has transpired in the market.

Basis under the Act for Proposed Rule Change.—The proposed changes in Rules 97 and 127 are based on Section 6(b)(5) of the Securities Exchange Act of 1934 which section becomes effective 180 days subsequent to June 4, 1975. The proposed rule changes are in the public interest in that they will allow an increased number of public orders to obtain the advantage of price discounts or premiums when large blocks of stock are traded away from the current market price. Therefore, the proposed changes are in keeping with the letter and spirit of that part of Section 6(b)(5) which requires an exchange to have rules designed to protect the public interest."

Comments Received From Members, Participants or Others on Proposed Rule Change.—The Exchange has not formally solicited comments regarding the proposed rule changes, nor has the Exchange received any unsolicited written comments from members or other interested persons. Comments will not be solicited by the Exchange since Section 19(b)(1) of the Act requires the Commission to publish notice of the proposed rule changes and to give interested persons an opportunity to submit written data, views, and arguments concerning the proposed changes.

Burden on Competition.—The proposed rule changes will not impose any burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer notice in the Federal Register, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions

should refer to the file number referenced in the caption above and should be submitted on or before December 8, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 3, 1975.

[FR Doc.75–30048 Filed 11–6–75;8:45 am]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Proposed Amendment of Notice of Systems of Records

Notice is hereby given that the Veterans Administration is considering adding certain new statements and amending others in the descriptions of certain systems of records set forth on pages 38095–38127 of the FEDERAL REGISTER of August 26, 1975 and adopted by notice published on page 47980 of the FEDERAL REGISTER of October 10, 1975. The proposed statements, which follow, all of which involve the routine uses of records in systems maintained by the Veterans Administration, including categories of users and the purposes of such uses, will avoid the need for the written consent of the individual in every case which would involve a disclosure of information pertaining to that individual.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relant material received before December 8, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the comments are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description effective September 27, 1975, the effective date of section 3, Pub. L. 93–579. Approved: November 3, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

NOTICE OF SYSTEMS OF RECORDS

1. In the system, "Patient Medical Records—VA", appearing at 40 FR 38105, the following routine uses are added to read as follows:

System Name: Patient Medical Records—VA

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * * *

Disclosure of conditions of named patients by appropriate professional staff members of Health Care Facilities to families and friends of those named patients.

Disclosure by Health Care Facilities Information Desks of "on the rolls" status of named individuals in response to inquiries and/or for visitation purposes.

Relevant information from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, in matters of inquests, commitments, or release to probation officers.

* * * * * *

2. In the system, "Patient Treatment File—VA", appearing at 40 FR 38106, the following routine use is added to read as follows:

System Name: Patient Treatment File—VA

* * * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * * *

Relevant information from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, in matters of inquests, commitments, or release to probation officers.

* * * * * *

3. In the system, "Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA", appearing at 40 FR 38111, the following routine uses are added to read as follows:

System Name: Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA.

* * * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * * *

To provide miscellaneous data to the Office of Servicemen's Group Life Insurance, 212 Washington Street, Newark N.J. 07102, in order to issue and maintain insurance policies to veterans and retired reservists participating in the Veterans Group Life Insurance Program, and to pay death claims on these policies.

To provide miscellaneous data to Department of Defense elements for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

To provide miscellaneous data to the Department of Transportation (Coast Guard) for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

To provide miscellaneous data to the Department of Commerce, NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps, for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

To provide miscellaneous data to the Department of Health, Education, and Welfare, PHS (Public Health Service), Commissioner Corps, for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

* * * * * *

4. In the system, "Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA", appearing at 40 FR 38118, the eighth and ninth routine uses are amended and five additional uses are added to that the amended and added routine uses read as follows:

System Name: Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA

* * * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * * *

Delete the present routine use, "Transfer of information regarding the dismissal * * * for any further training", and insert" "Tranfer of information regarding the induction, reentrance and dismissal of a disabled veteran from the vocational rehabilitation program to inform the training establishment of the actions taken."

Delete the present routine use, "Oral disclosure to * * * disclosure is practiced", and insert: "Written and oral disclosure to VA approved Vocational Rehabilitation Training Establishments regarding the extent and nature of a claimant's disabilities with respect to any limitations to be imposed on the vocational program to insure that the trainee receives the maximum benefit from training. A vast amount of discretion with respect to each disclosure is practiced."

* * * * * *

The transfer of payment information to officials of schools and training establishments having VA beneficiaries when it can be determined that such a request is part of a legitimate attempt to assist the veteran or other eligible person to ascertain that correct amounts were paid. However, such information will not be provided as a routine use to school officials when the request is clearly an attempt to seek assistance in collection attempts against the veteran or eligible person.

Transfer to schools and other training establishments of VA education forms for completion by school and subsequent submission to the VA for processing of education and vocational rehabilitation training claims.

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Transfer of VA education letters and form letters to schools and other training establishments which may, by necessity, contain identifying data about a veteran or eligible person in order to obtain further information from the school necessary to discharge VA responsibilities toward the veteran or eligible person.

Transfer of identifying information, such as name, file number, and address to a school or training establishment official in order to obtain information necessary to pay the veteran or eligible person correct amounts in an expedited manner. (An example of the above is a telephone call to an OJT establishment to find out the number of hours worked.)

Transfer of necessary information concerning veterans and other eligible persons to State and local agencies and prospective employers for employment and/or training.

• • • • •

5. In the system, "Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA", appearing at 40 FR 38117, the following routine uses are added to read as follows:

System Name: Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA

• • • • •

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

• • • • •

A record from this system of records may be disclosed to any department or other agency of the Federal Government, in response to its request, to the extent that the information is relevant and necessary to the requesting agency's specified official purpose.

A record containing medical history, diagnoses, findings, or treatment may be released from this system of records in response to a request from the superintendent of a State hospital for psychotic patients, a commissioner or head of State department of mental hygiene, or head of a State, county or city health department, or any fee basis physician or institution in connection with authorized treatment as a VA beneficiary, provided that the information will be treated as confidential, as is customary in civilian professional medical practice.

A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent required to determine eligibility for their benefit.

A record from this system of records may be disclosed to the following agencies relative to military or naval service and as to both current and historical benefit payments made by the VA: Departments of the Army, Navy and Air Force; Marine Corps; Department of Transportation (Coast Guard); Department of Health, Education and Welfare, PHS (Public Health Service), Commissioned Corps; Department of Commerce, NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps.

A record form this system of records may be disclosed to a 3rd party to the extent necessary in the development of a potential beneficiaries' claim for VA benefits (i.e., individual identifiers and other similar identifying information).

A record containing the names and addresses of present or former personnel of the Armed Forces and/or dependents may be released from this system of records, upon request to a non-profit organization but only if the purposes are directly connected with the utilization of benefits and the conduct of programs under Title 38, United States Code, provided further that the list will not be used for any other purpose as stated in the application and that the organization is aware of the penalty provision of 38 U.S.C. 3301(9).

The amount of pension, compensation, or dependency and indemnity compensation of any beneficiary may be released from this system of records to any person who applies for such information.

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[FR Doc.75-29889 Filed 11-6-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 909]

ASSIGNMENT OF HEARINGS

NOVEMBER 4, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 61592 Sub 336, Jenkins Truck Line, Inc., now assigned November 6, 1975 at Chicago, Illinois, is cancelled and application dismissed.

MC 48501 Sub 18, Indiana Motor Bus Company, now assigned November 11, 1975 at South Bend, Indiana; will be held in the Royal Inn, 316 South St. Joseph St., Riverbend Plaza.

MC 116763 Sub 313, Carl Subler Trucking, Inc., now assigned November 14, 1975 at Chicago, Illinois; will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-F-12416, Kain's Motor Service Corp.—Purchase—Apache Air Freight, Inc. and MC 67111 Sub 23, Kain's Motor Service Corp.; now assigned November 17, 1975 at Chicago, Illinois; will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street.

No. 36106, Dixie-: and Iron and Metal Co., Inc. vs. The Southern Railway Company, now assigned November 12, 1975, at Atlanta, Georgia, is postponed indefinitely.

MC 113855 Sub 303, International Transport, Inc., now assigned November 6, 1975 at Atlanta, Georgia, is canceled and the application is dismissed.

No. 36234, Erco Industries Limited vs. Seaboard Coast Line Railroad Company, Et Al, now being assigned February 9, 1976, at Tampa, Florida, in a hearing room to be later designated.

No. 36247, Petroleum Tank Barge Towage Rates, Waterways Freight Bureau, now being assigned December 16, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12371, Witte Transportation Company—Purchase—North St. Paul Transfer; MC-C-8408, Witte Transportation Company—Investigation and Revocation of Certificates and MC 8964 Sub 28, Witte Transportation Company, now assigned November 17, 1975 at *St. Paul, Minnesota*, is canceled and reassigned November 17, 1975 (1 week), at *Minneapolis, Minnesota*; in the Sheraton-Ritz Hotel, Room 423-24, 315 Nicollet Avenue.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30076 Filed 11-6-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 4, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43069—*Returned Shipments of Lime from and to Points in Southern and Southwestern Territories.* Filed by Southwestern Freight Bureau, Agent, (No. B-567), for interested rail carriers. Rates on returned shipments of lime, in carloads, as described in the application, from points in southern territory, to points in Arkansas, Louisiana, Missouri, Oklahoma and Texas.

Grounds for relief—Carrier competition.

Tariff—Supplement 29 to Southwestern Freight Bureau, Agent, tariff SW/S 231-F, I.C.C. No. 4997. Rates are published to become effective on December 4, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30077 Filed 11-6-75;8:45 am]

[Notice No. 111]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 7, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 28, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76021. By order of November 3, 1975, the Motor Carrier Board on reconsideration approved the transfer to Rutgers Express, Inc., New Brunswick, N.J., of the operating rights in Certificate No. MC-2301 issued July 7, 1966, to M & G Transportation, a corporation, Hopelawn, N.J., authorizing the transportation of general commodities, with usual exceptions, between New York, N.Y., and Toms River, N.J., serving all intermediate points, and between Perth Amboy, N.J., and Hightstown, N.J., serving all intermediate points, and meats, packing-house products, and commodities used by packing-houses, except in bulk, in tank vehicles, from Perth Amboy, N.J., to Berkeley Heights, Fanwood, Bound Brook, East Millstone, Finderne, Manville, Raritan, Somerville, Califon, Clinton, High Bridge, Whitehouse, Dunellen, Middlesex, Princeton, and Stirling, N.J. Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048 Registered Practitioner for applicants.

No. MC-FC-76078. By order of November 4, 1975, the Motor Carrier Board approved the transfer to Electronics Transport, Inc., Birmingham, Alabama, of the operating rights in certificate No. MC-136269 Sub-No. 2 issued June 6, 1973, to Electronic Moving And Storage Company, Inc., Atlanta, Georgia, authorizing the transportation of duplicating and reproducing machines and parts and supplies used in the installation of such commodities, between the plant site and storage facilities of Xerox Corporation, at Charlotte, N.C., on the one hand, and, on the other, points in South Carolina. Vaughan S. Winborne, 1108 Capital Club Bldg., Raleigh, N.C. 27601 Attorney for applicants.

No. MC-FC-76083. By order of November 3, 1975, the Motor Carrier Board approved the transfer to Berks Moving, Hauling and Storage Company, Inc., Norristown, Pa., of the operating rights in Certificate No. MC-31094 issued March 26, 1963, to Maurice Berkowitz, doing business as Berk's, Philadelphia, Pa., authorizing the transportation of household goods between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey within 50 miles of the City Hall, Philadelphia, Pa. Kingsley A. Jarvis, One Montgomery Plaza, Suite 707, Swede & Airy Streets, Norristown, Pa. 19401 Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30078 Filed 11-6-75;8:45 am]

[Exemption No. 56; Amdt. No. 10]

PENN CENTRAL TRANSPORTATION CO.

Exemption Under Provision of the Mandatory Car Service Rules

Upon further consideration of Exemption No. 56 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 56 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire December 31, 1975.

This amendment shall become effective October 31, 1975.

Issued at Washington, D.C., October 23, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-30073 Filed 11-6-75;8:45 am]

[Amdt. No. 8; I.C.C. Order No. 88; Revised SO No. 994]

PENN CENTRAL TRANSPORTATION CO.

Rerouting and Diversion Traffic

It is ordered, That:

I.C.C. Order No. 88 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 29, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., October 31, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 24, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-30075 Filed 11-6-75;8:45 am]

[Exemption No. 103-A]

UNION PACIFIC RAILROAD CO.

Exemption Under Provision of the Mandatory Car Service Rules

Upon further consideration of Exemption No. 103, issued September 23, 1975, and good cause appearing therefor:

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 103 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, vacated and set aside.

Effective 11:59 p.m., October 24, 1975.

Issued at Washington, D.C., October 24, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-30069 Filed 11-6-75;8:45 am]

[I.C.C. Modification No. 2-A TO; Revised SO No. 1171]

UNION PACIFIC RAILROAD CO.

Upon further consideration of I.C.C. Modification No. 2, issued September 23, 1975, and good cause appearing therefor:

It is ordered, That, pursuant to the authority vested in me by Section (b) of Revised Service Order No. 1171, I.C.C. Modification No. 2 to Revised Service Order No. 1171, be, and it is hereby, vacated and set aside.

Effective 11:59 p.m., October 24, 1975.

Issued at Washington, D.C., October 24, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-30074 Filed 11-6-75;8:45 am]

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federal register

FRIDAY, NOVEMBER 7, 1975



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

DRAINED WEIGHTS FOR PROCESSED FRUITS AND VEGETABLES

Standards of Fill of Container and Label Statement

VOL. 40 NO. 216 NOV 7 75

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 10, 27, 51, and 53]

[Docket No. 75P-0166]

DRAINED WEIGHTS FOR PROCESSED FRUITS AND VEGETABLES

Standards of Fill of Container and Label Statement

The Food and Drug Administration (FDA) is proposing to require label declarations of the drained weight of canned fruit and vegetable products. In addition, minimum average drained weight requirements are being proposed for most canned fruit and vegetable products. The intended effect is to minimize consumer confusion and to help the consumer make value comparisons among various brands and thus save money when shopping. Interested persons have until February 5, 1976 to submit comments.

SUMMARY OF PROPOSAL

A notice published in the FEDERAL REGISTER of December 5, 1973 (38 FR 33512), disclosed that Consumers Union of United States, Inc., Washington Office, 1714 Massachusetts Ave., NW., Washington, DC 20036, had filed a petition proposing establishment of regulations, or the amendment of existing regulations, in 21 CFR Part 1, to require that all processed fruits and vegetables packed with sugar or other sirup, water, brine, or their own juice, bear on their labels a statement of the drained weight of the solid food content of the container. In that notice, the Commissioner of Food and Drugs invited all interested persons, including Federal, State and local agencies, manufacturers and their associations, universities, and private citizens, to submit relevant information, requesting that all such information submitted be supported by factual data including, where appropriate, statistical and cost-benefit analyses.

In support of its proposal, Consumers Union stated that whether or not the consumer intends to use the packing medium he should be able to determine how much of the net contents of his purchase is fruit or vegetable, and how much is liquid. The petitioner noted that data produced during the Packaging and Labeling Hearings (Hearing before a Subcommittee on the Committee on Government Operations House of Representatives, 91st Congress, June 3, 4, and 5, 1969), and by Consumers Union's own 1972 study of the problem, support the need for drained weight labeling. Containers of the same product, marked with the same net weight, were found to vary considerably in drained weight from packer to packer. Furthermore, many private label as well as brand name products are obtained from contract canners who may vary the fill of fruit or vegetable as commodity prices rise. Hence, petitioner contended, the lack of drained weight labeling totally frustrates the consumer's attempt to obtain the most fruit or vegetable for his money.

Consumers Union was of the opinion that the value of providing drained weight labeling would far exceed the costs such a regulation would entail. In addition, the technical and economic capability that exists to comply with a drained weight regulation was said to be evidenced by packer compliance with minimum drained weight requirements in existing fill-of-container standards (e.g., 21 CFR 27.42 for canned fruit cocktail and 21 CFR 51.503 for canned mushrooms), and by packer ability to meet Federal purchasing program specifications for drained weight. Consumers Union added that it is noteworthy that the Defense Supply Agency pays no more for its purchases under drained weight specification than do commercial buyers of the same size containers. In sum, petitioner contends that drained weight labeling is essential to avoid confusion to consumers and to enable value comparison at the consumer level.

The Commissioner notes that under current good manufacturing practice the relationship between the fill-in weight of the fresh fruit or vegetable (solid food components less the liquid packing medium before processing) and the drained weight of the food (solid food components less the liquid packing medium after processing) may vary depending on the type of food, the type of packing medium, and the processing conditions used. (NOTE: The net weight which includes both solid food and packing liquid is constant for an individual container before and after processing.) Many consumers want to know the drained weight of particular products, but this information is not currently available in most labeling, which states only the net weight. Some fill-of-container standards do specify minimums for drained weight but have not required label declaration of that fact.

As pointed out in the petition published in the FEDERAL REGISTER of December 5, 1973 (38 FR 33512), it has been the policy of the FDA to regard the packing medium as properly part of the declared net weight, if the packing medium is generally consumed as part of the food. Where solid foods are packed in a salt brine or other medium which is considered inedible and almost always discarded before serving, declaration of drained weight of the food, instead of the net weight, has been recommended. Examples of foods that are traditionally labeled with the drained weight are green olives, canned mushrooms, canned artichokes, canned clams, and canned wet pack shrimp.

It is clear that the Commissioner has authority under the Federal Food, Drug, and Cosmetic Act to require a declaration of drained weight for all foods in a packing medium. Section 403(e) of the act provides that the label shall bear "an accurate statement of the quantity of the contents in terms of weight * * *." Where a food is sold in a packing medium, whether or not commonly consumed with the food, the "quantity of the contents" may be defined as the quantity of the fruit or vegetable as well as the quantity of the fruit or vegetable plus packing medium. In addition, sections 403(a) and 201(n) of the act permit the Commissioner to require the disclosure of material facts in labeling. The portion of net weight that the more valuable fruit or vegetable comprises is obviously a material fact, which may be required to be disclosed.

The Commissioner is therefore proposing to require a declaration of drained weight on the labels of certain foods. The proposal would implement, insofar as is considered economically sound and practicable, the Consumers Union petition.

An important modification of the petition is the limitation of this proposal to canned fruit and vegetable products. Whereas the Consumers Union petition seeks a requirement for drained weights on all processed fruits and vegetables; including frozen fruits and vegetables, the Commissioner is of the opinion that this proposal should be limited to those foods for which sufficient information and data on drained weights are available to permit establishment of effective compliance criteria. Such data are not available for frozen fruits and vegetables, to the knowledge of the Commissioner.

In addition, this proposal would also amend existing standards of fill of container and establish new standards of fill of container for most canned fruits and vegetables for which the declaration of drained weight is applicable. Section 401 of the Federal Food, Drug, and Cosmetic Act authorizes the establishment of reasonable standards of fill of container. Such regulations designate the quantity of food that should be packed in the container in terms of the solid or liquid food components or both. The existing fill-of-container standards for canned fruits and vegetables may be grouped as follows: (1) those that simply state that the fill of container is the maximum quantity of the solid food component that can be sealed in the container and processed by heat without crushing or breaking such component (limited to certain canned fruits); (2) those that specify a minimum quantity of the solid food component which shall be present in the container after processing. This quantity is commonly expressed either as a minimum drained weight for a given container size or as a percentage of the water capacity of the container; (3) those that specify that the food present in the container, including both the solid food component and any liquid packing medium, shall occupy not less than 90 percent of the total capacity of the container; (4) those that specify both a minimum drained weight requirement and the 90 percent minimum fill requirement; and (5) those that are based on a minimum volume of the solid component irrespective of the quantity of the liquid (canned peas).

The proposal set forth below provides fill of container standards requiring that the solid food component and liquid packing medium fill at least 90 percent of the container or in some cases, that the container be as full as practicable, as well as specifying the minimum average drained weight of the solid food component (in terms of ounces for specific can

sizes). The proposed minimum average drained weight requirements are based primarily on the U.S. Department of Agriculture (USDA) standards for grades for canned fruits and vegetables. These USDA standards are recognized by packers, have been used by the food industry for some years, and have been issued as USDA regulations in 7 CFR Part 52 through public rule making procedures. In the case of canned tomatoes, green beans, grapefruit and pineapple, the minimum average drained weight requirements proposed below are not completely consistent with those of USDA but are based on other information and data available to the Commissioner as discussed elsewhere in this preamble.

In addition to recommending drained weights (determined after processing), the USDA standards also provide a recommended fill-in weight of the unprocessed food for a number of canned fruits and vegetables. Neither the existing nor the proposed FDA fill-of-container standards set forth below include requirements for fill-in weight for the reasons discussed elsewhere in this preamble.

The international standards of the Codex Alimentarius Commission also include recommendations for minimum average drained weight. It is the Commissioner's opinion that these international minimums should be adopted, whenever practicable, pursuant to section 401 of the act. The minimum drained weight requirements in the Codex standards and the USDA recommended minimum drained weight requirements are the same in most cases. However, the minimum drained weight requirements proposed below for canned green beans and canned pineapple are not completely consistent with the Codex requirements but rather are based on other information and data available to the Commissioner as discussed elsewhere in this preamble.

This proposal would require that the label declare the minimum average drained weight established in the fill-of-container standard for a food where such a standard exists. Alternatively, under the proposal a manufacturer could declare a higher drained weight if the average drained weight of the product in fact exceeded the minimum. This provision in the proposal, permitting a manufacturer to declare the minimum allowable average drained weight even though his product exceeds that minimum, eliminates the need to predict or ascertain the precise average drained weight that he is packing. In the case of a food for which no minimum average drained weight requirement is established in a fill-of-container standard, it is proposed that such foods be labeled with a drained weight declaration that does not exceed the average drained weight of the lot.

The declarations of drained weight are based on the average drained weight of a lot, since the drained weight of individual containers varies unavoidably under good manufacturing practice. The Commissioner believes, however, that large variations should not be permitted. The drained weight declaration would not be sufficiently informative to consumers if individual containers are far below the labeled drained weight, even though the labeled weight might accurately state the average. Consequently, this proposal establishes a lower limit for permitted variation from the declared drained weight. For a number of products, sufficient data are available from studies of packing operations to determine what variation is likely to occur under good manufacturing practice. Where such data are available, the USDA recommended standards in 7 CFR Part 52 have adopted them, and this proposal adopts them as mandatory requirements. Where such data are not available, and in those cases where no standard of fill of container is being established, drained weight variations of individual containers must be within good manufacturing practice.

The proposal also specifies methods for determining compliance with the fill-of-container standards. A plan for sampling a lot of canned fruit or vegetables is set forth. In addition, compliance criteria are established, based on the USDA criteria in 7 CFR Part 52. Where no standard of fill of container is established, the criteria for determining compliance are the same as those criteria established by USDA where data on the range of variability are insufficient to establish a permissible lower limit of drained weight for individual containers. In such cases, a lot will be considered in compliance when (1) the average drained weight of the units in a sample is greater than, or equal to, the labeled drained weight, and, (2) the drained weights of at least 50 percent of the units sampled are greater than, or equal to, the labeled drained weight, and, (3) the drained weights of units less than the labeled drained weight are within limits of good manufacturing practice.

This proposal is structured, for the most part, as one for standards of fill of container. The Commissioner notes, however, that all the provisions of this proposal could be issued as final regulations without establishing standards, except for the minimum permissible average drained weights. The Commissioner specifically invites comment as to whether minimum average drained weights should be established. Should the Commissioner conclude not to establish minimums, a requirement for declaration of drained weight and the compliance criteria applicable to foods for which no minimum drained weight requirements have been established may be issued under authority of sections 201(n) and 403 of the act.

Accordingly, the Commissioner intends to implement the intent of the Consumers Union petition by proposing:

a. To amend 21 CFR 1.8b to require that the statement of drained weight be declared on the label in conjunction with the net quantity of contents declaration and to require that foods packed in a medium that is ordinarily discarded bear a declaration of drained weight only.

b. To establish a new § 1.8e to require that a statement of the drained weight of the solid food contents of canned fruits and vegetables appear on the label of the container.

c. To amend § 10.7(b) to provide a general statement of substandard fill for use when the food in the container is substandard for fill because the drained weight requirement of the fill-of-container standard has not been met.

d. To establish a new § 10.9 to set out methods for determining drained weight, sampling plans and compliance procedures.

e. To delete the drained weight procedure in § 27.1(n) and the sampling and acceptance procedures in § 27.1(p), as these procedures are being incorporated in § 10.9 (c) and (d), respectively; § 10.9 in turn, is cross-referenced by § 27.1. Also, to delete the compliance definition in § 27.1(o) and incorporate it in new § 27.1(n).

f. To establish or amend fill-of-container standards in selected sections of 21 CFR Parts 27, 51 and 53 to incorporate therein fill-of-container and drained weight requirements, as appropriate.

The following table lists the foods for which minimum average drained weights are involved and, in each case, whether an amendment is being proposed to an existing standard of fill of container, or if the establishment of a new standard of fill of container is being proposed:

Section	Food	New	Amended
27.4	Peaches		×
27.12	Apricots		×
27.17	Prunes	×	
27.22	Pears		×
27.27	Grapes	×	
27.32	Cherries		×
27.37	Berries	×	
27.42	Fruit Cocktail		×
27.47	Plums		×
27.52	Pineapple		×
27.74	Figs	×	
27.92	Grapefruit		×
51.12	Green Beans	×	
51.22	Corn		×
51.502	Mushrooms		×
51.513	Asparagus	×	
51.523	Lima Beans	×	
51.533	Beets	×	
51.543	Carrots	×	
51.553	Leafy Greens	×	
51.563	Okra	×	
51.573	Field Peas and Black-Eye Peas	×	
51.583	Pimientos	×	
51.593	Onions	×	
51.603	Sweet Potatoes	×	
51.613	White Potatoes	×	
53.42	Tomatoes	×	

NOTE: Existing drained weight requirement found in § 53.41 is being transferred to fill-of-container standard § 53.42.

The proposed requirement for minimum average drained weights for canned pineapple set out in this proposal is not consistent with that of the Codex Alimentarius Commission. Neither is it completely in accordance with the USDA Standards for Grades. It was arrived at through consideration of data gathered by industry and government, and by consultation with members of the industry. The Commissioner requests comments, with data and information in support thereof, on the applicability of these drained weight requirements to current commercial practice.

The compliance criteria established for canned tomatoes are different from those

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established for the other canned fruits and vegetables. The compliance criteria for canned tomatoes are based on a study conducted by the FDA, whereas the criteria for the other foods are based on USDA data. Since compliance criteria are properly based on empirical data, use of different methods where the data bases were compiled differently is appropriate.

The Commissioner recognizes that the International (metric) System is used throughout the world and in the United States for technical analyses and may eventually be adopted by this country as the common usage for measurements. He therefore encourages use of a parenthetical declaration of metric equivalents immediately following the declaration in the U.S. customary terms now required for quantity of contents statements and the proposed drained weight declaration if it is adopted.

SUMMARY OF COMMENTS ON PETITION

In response to the notice of the filing of the petition, 1,650 letters, each containing one or more comments, were received. Some letters bore more than one signature, resulting in a total of 1,971 responses. One letter from a municipal government agency contained a petition signed by 86 city employees. Since only one person signed the letter of transmittal, the communication is being treated as one response. A letter from a consumer association referred to a poll in which more than 200 people had been surveyed. Since the letter was signed by only one person, it was counted as only one response. This account of the number of responses is provided for information only. As is the case in all rule making, comments are evaluated for their substantive merit, and no weight is given simply to the number received. All letters and supporting documents received are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Of the 1,971 responses, 1,942 (of which 1,906 were from individual consumers and 36 were from organizations, local governments, dieticians, teachers, home economists, etc.) favored label declaration of drained weight. Some of these acknowledged that problems could be involved with such a requirement. Some of those who favored declaration of drained weight offered suggestions for additional requirements, such as declaration of number of pieces, number and size of servings, minimum standards for drained weights, etc. Two comments called for such requirements to be alternatives to drained weight instead of supplements to it.

Twenty-seven responses opposed the proposal. Six of these were from individual consumers. Of the six, three felt that there should be less government interference in food marketing; two felt that declaring drained weight would be a waste of time; one, who felt drained weight declaration was unnecessary, stated that information on the food's processing conditions and its safety would better serve the consumer.

Another comment referred to the previously mentioned poll of more than 200 consumers conducted in a two-county survey. One of the questions asked of the consumers was "Would you be willing to pay additional cost on a product for this information to be added to the label?" (It should be noted that the question neither defined, nor attempted to quantify, "additional cost.") The commenter reported that 128 responders, a majority of those polled, would not be willing to pay such costs. In addition 42 answered "yes" and 32 answered "maybe."

Other comments in opposition to the Consumers Union proposal were received from five trade associations, eight processors of fruits and vegetables, one food distributor, one state government, and five foreign governments.

Most of the opposing comments centered around the 12 factors on which the Commissioner had invited further information. Most of these offered alternatives to the proposal. The data and other information received concerning each of these 12 factors are summarized below, together with the petitioner's subsequent comments on each of the factors. Where appropriate, the summary includes the general conclusion of the Commissioner.

The information submitted and arguments made are summarized here so as to permit comments on this proposal to address their validity and relevance. Data and information submitted in response to the notice of the filing of the petition need not be submitted again, but comments should state whether the proposal should be modified, based on the contentions and information summarized here, and if so, in what manner. Additional information may also be submitted.

1. Information on how variations in unit size, shape and form, maturity, character (whether firm or soft), variety, packing medium density, climatic conditions (rainfall, temperature), irrigation practices, cultural practices, and geographic regions affect the drained weight of processed fruits and vegetables.

Thirteen comments opposed drained weight labeling of processed fruits and vegetables because of the inability to determine accurately a figure for the drained weight of the processed food prior to processing and storage. This inability to predetermine a value for the drained weight of the food was reported to result from differences in maturity of the food, differences in variety, variations within a particular variety resulting from growth conditions, differences due to seasonal changes, grade, and shape and size of the individual pieces. Five of these comments provided exhibits intended to support their statements.

One comment stated that drained weight labeling might confuse the consumer since the product with the higher drained weight may not always be the best buy on the basis of quality. For example, the comment stated that when equal fill-in weights (weight of the food prior to canning and processing) of "mature" and "immature" vegetables such as peas, lima beans, or corn are processed, the more mature products have the higher drained weights, while the immature products, which have the lower drained weights, usually have better quality and are preferred by most consumers. The comment added that the converse is often true for processed fruits and that, frequently, fill-in weights of fruit of optimum ripeness will have lower drained weights than their less ripe counterparts.

For purposes of elaboration, the same comment stated that drained weights of canned fruits vary with grade; for example, fancy grade fruits have lower drained weights than do choice grades, and choice grades have lower drained weights than do standard grades. The comment was accompanied by exhibits illustrating the effect of grade for royal anne cherries, midsummer peaches, phillips peaches, and bartlett pears. Similar statements were made in two other comments concerning cherries on the grounds that consumers usually prefer the larger (more decorative) maraschino cherries, although the smaller cherries yield the higher drained weight.

Some comments stated that the methods used to size units may affect drained weights. They indicated that large units, e.g., potatoes and cucumbers, usually sorted by diameter, may yield wide variations in drained weights due to differences in length, and that packers of such large units may have to do more size sorting than they presently do in order to conform to drained weight declaration, resulting in poorer quality of product because of bruising during mechanical sorting. They stated that, although hand sorting causes less damage, it is very costly.

Three comments stated that climatic conditions affect the rate of maturation of the food, which in turn affects the texture, quality, and density of tissue, resulting in variations in drained weights. Examples such as spinach, cucumber, and tomatoes were cited.

Five comments reported that the packing medium affects drained weights because some foods absorb water and additional substances from the medium while others lose water and nutrients to the medium. The comments stated that the extent and rate at which the exchange takes place are dependent on the properties of the solid food and the packing medium. They said that some foods, e.g., peach halves in heavy sirup, may require as long as 6 months to reach equilibrium while certain others, e.g., pears in heavy sirup, require only 1 month, and that vegetables in brine require shorter equilibration periods and exhibit less variance in drained weights than do fruits in sirups.

The petitioner commented that "Petitioner recognizes that there exist many variations among fruits and vegetables, variations based on unit size, shape, form, maturity, climatic conditions, and so forth. However, packers are currently meeting the minimum drained weights specified in the USDA grade standards for many products notwithstanding these many variables. The technological capacity to pack to minimum drained weights in compliance with USDA grading requirements should be taken into account when product variations are relied upon as an excuse for avoiding a drained weight labeling requirement. It should also be recognized that these product variations are equally relevant to net weight labeling, because the processor, notwithstanding variables, must meet the net weight declaration."

The Commissioner agrees that unavoidable variations in drained weight may exist in canned fruit and vegetable products due to differences in the foods' physical properties and processing conditions; he is of the opinion, however, that these variations should not be unreasonably large. This proposal is consistent with the assumption that such variations exist and provides for variations that may occur under good manufacturing practice.

2. Data to illustrate drained weight variations from container to container and lot to lot.

One association submitted drained weight data for clingstone peaches and tomatoes from cutting reports for a 10-year period (1963–1972). The comment stated that the data showed substantial variability within a season's pack for these products (14 percent variability in drained weights for tomatoes, 9 percent for large and medium peaches, and 8 percent for peach slices in 1972) and that the variability for these products in 1965 was somewhat lower (8 percent for tomatoes, 5 percent for large and medium peaches, and 6 percent for peach slices).

Additional information supplied by the association for the 6-year period (1968–1973) for seven other commodities (sliced peaches, sliced pears, pear halves, sliced pineapple, green beans, sauerkraut, and spinach) showed variations within each year and from year to year, but the data showed 31 of the 35 yearly averages exceeding the USDA minimum average drained weights for these foods. It was reported that the data for each commodity came from a single company. Data were available for only 2 years for sliced pineapple, 4 years for sauerkraut, 5 years for spinach, and 6 years for the others.

According to the data submitted, the range in yearly variation in drained weights, after storage of 1 month, for sliced peaches in No. 2½ cans, adjusted to a 19 ounce fill-in weight (F.W.), was from 5.1 to 5.8 ounces; for sliced pears (No. 2½ cans, adjusted to 19 ounce F.W.), from 4.3 to 5.3 ounces; and for sliced green beans (No. 303 cans adjusted to 19 ounce F.W.), from 1.9 to 2.5 ounces.

Another comment stated that different lots within a planting season may yield significantly different drained weights due to changes in water content because of climatic conditions. Such variations, assuming 90 percent fill of container, were reported to be as large as 1.5 ounces per 10 ounces drained weight for spinach.

Pickle packers reported that they have little control over their raw material. They said that pickles are sorted, processed, machine filled, and inspected, and that when possible, additional pickles are added by hand to prevent slack-filled jars. They contended that data submitted show substantial variations in drained weights from container to container and lot to lot. They said that whole cucumber pickles show the greatest variation in drained weights (up to 40 percent) and that relish shows the least. Similar variations were shown to occur in other types of pickled products, such as finger peppers and cherry peppers.

The petitioner commented that "Currently available data on variations from can to can should be considered in light of the fact that processors currently lack the incentive to pack to a uniform drained weight—as long as required minima are met. Perhaps such data should be obtained from cans packed for government purchasers whose specifications required drained weight minima. Contract packers have a financial incentive to meet the minimum but to exceed it by as little as possible, and successful packers are likely to be those who have found the technology to accomplish that objective."

The Commissioner notes that the proposal takes into account the possibility of variation from container to container and lot to lot by establishing a required minimum average drained weight as a standard of fill of container for most products and permitting the declaration of that minimum average drained weight, even though the actual average drained weight may be higher. However, the proposal offers an incentive to pack to a uniform drained weight above the minimum required since that higher drained weight could be declared on the label.

3. Information on the best way for drained weight to be declared; including whether it should be the actual drained weight found in each can or an average for all cans in a lot and, if an average, what deviations should be permitted therefrom. Data resulting from any relevant studies should be supplied.

Two comments expressed the opinion that it would be impossible to declare drained weight in terms of actual drained weight on each can, since such a figure could only be determined after the food is packed. They said that labels and lithographed containers are ordered well in advance of the canning season and that any practice that would require testing of cans after processing and prior to labeling would lead to chaos in the established procedures for shipping and marketing canned goods.

Various comments pointed out that, although a statement of average drained weight would present fewer problems for manufacturers, it would be, at best, only an estimate of what is likely to be found on examining a large number of containers of product of similar grade, maturity, and other factors that affect the relationship between fill-in and drained weight. They indicated that it would not be expected to represent precisely the drained weight; hence, to be practical for compliance, any regulation would have to provide for proper and reasonable allowance for normal and unavoidable variations. A comment suggested that with the use of average levels and maximum individual can variations of the USDA grade standards, any number of schemes of label declaration could be postulated. It was further stated that any figure so derived that would be low enough to bear rigid application would be too low to be useful to the consumer.

The petitioner commented that "The petition filed suggests a compliance method based upon lot average plus acceptance number of individual units falling below the minimum."

The Commissioner notes that the proposal adopts compliance criteria based on average drained weights and specifying an acceptable number of individual units falling outside the ordinarily permissible variation.

4. Information on whether a minimum drained weight should be established and required for label declaration for each form of each food for each size of container. Data should be presented to show how this would assist the consumer in making value comparisons.

With reference to the establishment of a minimum drained weight for each food for each size container, one comment, which opposed such a requirement, said that it might lead to slack filling. The comment cited a Fill-Drained Weight Collaborative Study, conducted in 1936 by the FDA and the National Canners Association. This study led to a reversal of the policy reflected in a regulation issued under authority of the 1930 McNary-Mapes Amendment to the 1906 Food and Drug Act in which the fill of container for peaches had been standardized to 60 percent of the water capacity of the container. Instead of the 60 percent fill-of-container standard, the regulation was changed to require that the container be filled with "the maximum quantity of optional ingredients (solid peach pieces) that can be sealed in the container and processed by heat to prevent spoilage without crushing or breaking such ingredient."

Two other comments expressed the opinion that a minimum drained weight figure would be of little value since the actual drained weight figure would always be higher.

Another comment from a food distributor stated that a minimum drained weight should be established by package size. In his opinion, such an approach would hopefully discourage the trend to process lower quality products, e.g., more mature vegetables, simply to show higher drained weights.

Two manufacturers expressed the opinion that drained weights should be based on the USDA's recommended minimum standards since these were established on a sound statistical basis. However, one of them said that the compliance standards are too high (86 percent must meet or exceed the recommended minimum drained weight) and that this criterion should be deleted.

Another comment stated that since the processor has no control over the size of his raw fruit, a minimum drained weight, if set too high, might lead to

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crushing, and if set too low, might lead to slack filling.

Two comments, one from a packer and one from a person who works for a food company, but commenting as a consumer knowledgeable in the canning of food, advocated separate drained weight regulations for individual foods where there is evidence that excess packing media are being used by canners.

Two alternatives to minimum drained weights were suggested by comments opposed to the petition. One trade association recommended the declaration of fill-in weight of the solid food since the fill of container for most foods sold by net weight is an established quantity and filling equipment has been routinely adjusted to achieve target amounts. Comments from two foreign governments recommended the use of fill-in weights.

Another industry representative stated that, in his opinion, the consumer would best be served by a statement of net weight plus the number and size of servings.

The petitioner commented that "Petitioner believes it is unnecessary, if drained weight labeling is required, for the government to interject itself any further into the determination of minimum drained weights. The marketplace would function to provide competition among packers for higher drained weights (although all containers should be filled only to safe packing levels, leaving sufficient headspace).

"The value comparison in the marketplace will result from price/weight comparison, accomplished primarily through the unit pricing of processed fruits and vegetables on a drained weight basis. The many consumer comments received by FDA on this proposal demonstrate that consumers will utilize this information."

The Commissioner notes that the proposal contains requirements for minimum drained weight. As discussed above, this aspect of the proposal is consistent with the current recommendations of the Codex Alimentarius Commission.

The Commissioner has considered the possibility of requiring the declaration of fill-in weight, i.e., the weight of the fruit or vegetable prior to the time it is packed and cooked, but has concluded that this proposal be issued as one requiring the declaration of drained weight. While the Commissioner remains open to the presentation of data that would indicate the superiority of a declaration of fill-in weight as compared to a declaration of drained weight, he does recognize at least two problems with a requirement for the declaration of fill-in weight. The first is the potential confusion to consumers who might weigh the contents of a can of food and compare the weighing to the labeled declaration. Since fill-in weight ordinarily exceeds drained weight, a consumer weighing the product at home would determine a weight less than any weight appearing on the label. It is the Commissioner's preliminary belief that this result would be confusing to consumers and that knowledgeable consumers would thus regard fill-in weight as insufficiently informative. The second problem is the availability of an enforcement mechanism. Since the relationship between drained weight and fill-in weight is dependent on many variables, the FDA would not be able to determine compliance with declared fill-in weights except by examination of company records. Under current statutory authority, such examination of records cannot be compelled.

In anticipation that comments favoring a declaration of fill-in weight rather than a declaration of drained weight will be submitted, the Commissioner requests that such comments show in what manner a fill-in weight declaration would be more meaningful and more in the interest of the consumer than a declaration of the drained weight. All such comments should be accompanied by supporting data.

5. Data to illustrate the effect on packing speed when a manufacturer attempts to pack to higher drained weight.

Four comments, two from trade associations, one from a packing company, and one from a food distributor, were not in agreement regarding the effect on packing speed when a manufacturer attempts to pack to higher drained weights. One comment from a trade association stated that there is some speculation that somewhat faster filling line speeds might be realized with newer equipment at current drained weight levels and that there should be no detrimental effect on packing speed. It said that most manufacturers optimize fill weights for quality factors and proper thermal processing, as well as for adequate fill. It added that the potential, if any, for increasing drained weights will depend on the characteristics of the individual foods.

The comment from the other trade association stated that unless automated weighing and sorting equipment is used, packing to precise fill-in weights would require increased hand labor and individual weighing of cans resulting in about a 25 percent decrease in present production line speeds.

The comment from the packing company stated that packing to higher drained weights would result in slower line speeds because the time required at each filler station would be increased by 10 to 20 percent.

The comment from the food distributor said that packing speeds would be substantially lowered because of the increased controls that must be applied and the label changes needed to cover changes in drained weight.

The petitioner commented that "Packing speed is not relevant to the determination before the Commissioner. Petitioner seeks neither changes in processing methods nor packing to higher drained weights. There should be no effects on packing speed unless a packer decided to change the amount of fill, which is done by processors from time to time regardless of the proposed regulations."

6. A number of processed foods have fill-of-container standards. These require the maximum quantity of solid food ingredient that can be sealed in the container and processed by heat to prevent spoilage without crushing such ingredient. In addition, some set out a minimum drained weight for the solid food ingredient but do not require such weight to be declared on the label. The Commissioner seeks comments, and data in support thereof, as to what would be the consequences, from a thermal processing standpoint, if the container is filled as full as possible with the solid food ingredient.

Five comments pertained to the effect on thermal processing when the container is filled as full as possible with solid food ingredients. The comments agreed that for a given thermal process the sterlizing value is decreased with increased solid-to-liquid ratios. Several examples were given, illustrating the need for adequate amounts of liquid medium, e.g., more mature starchy foods absorb more liquid and consequently a processor is required to use less of the more mature product to obtain the same sterilizing effect as would be obtained from a less mature product of the same variety. It was also mentioned that cans with increased fill-in weights could be processed at higher temperatures with longer holding times, but that this would result in overcooking the product nearest the can's surface.

One comment included a research paper by R. J. Monroe, et al., published in "Food Technology" (1969) on the influence of various acidities and pasteurizing temperatures on the keeping quality of fresh pack dill pickles. This study concluded that the tightness of pack significantly affects the heating rate and the resultant texture and chemical composition of the pickles. It said that tight packs (such as 75 percent pickles by volume) result in underheating with respect to internal product temperatures, causing subsequent spoilage of the product.

The petitioner commented that "This question also is entirely without relevance to the adoption of the petition. Petitioner recognizes that standards of fill have been adopted which take into account the need for proper thermal processing and the desire to prevent crushing of the packed solid food ingredient, as well as the elimination of nonfunctional slack fill. All that this petition seeks is the labeling of the product alone which is contained in the package; adoption of the regulation should not result in filling containers as 'full as possible'; processors which desire to increase their fill of container in order to label a higher drained weight would be expected to do so without jeopardizing compliance with good manufacturing practices concerning maximum fill amounts for proper processing."

7. Data relating to the need for "headspace" in canned foods.

Four comments discussed the need for headspace in cans. One supplied data as requested by the Commissioner. The data represented headspace as serving two purposes, as follows: (1) It provides an "area" in which a vacuum can be created, and (2) it allows the product movement, which is essential for "rotary" retorting. The vacuum provides for expansion of the product during retort processing and for the development of sufficient vacuum after cooling to prevent can end distortion should the can be subjected to changes in atmospheric pressure or temperature. The headspace also provides a bubble when the cans are agitated during processing. This bubble promotes rapid heat penetration throughout the container by means of "mechanically induced" convection currents, permitting the use of higher temperatures and shorter cooking times that produce superior products. The advantage of this high-temperature short-time (HTST) process over the still-retort process was demonstrated in cream style corn in 303 x 406 cans with a minimum headspace of ¼ inch. The HTST process required 19 minutes at 270° F while the equivalent process by still retort would require 42 minutes at 270° F. In addition, the latter product would be completely unacceptable due to scorching.

The petitioner commented that "This question also is irrelevant to the petition. Petitioner of course recognizes the need for 'headspace' in canned foods for proper heat treatment. What headspace has to do with the mere labeling of the contained drained weight is a mystery."

8. Survey evidence indicating whether consumers do or do not consume the packing media of certain processed foods.

Survey evidence indicating whether consumers use the packing medium was not submitted by representatives of the food industry. However, two trade associations indicated that packing media from their products were used as ingredients in preparation of other foods. One of these submitted 37 published recipes for the use of pickle liquids in foods.

A survey of consumers, conducted by a consumer protection association, showed that 38 persons use the packing liquid of processed fruits and vegetables, 53 do not, and 116 use such liquids sometimes.

The petitioner commented that "Petitioner has no survey data concerning the consumer's use of packing media of processed foods. However, the large number of consumer comments sent the FDA on this basically mundane, and hardly well-publicized, issue suggests strongly that consumers either do not utilize the majority of the packing media and/or do not want to pay fruit and vegetable prices for those liquids. Consumers, according to their comments, wish to know which of several competing brands contains more solid product, and they will decide for themselves whether the greater quantity is the variable (rather than, for instance, tenderness is a less mature product, a factor that can be determined by gustatory testing) which will govern their repeat purchases."

9. Data illustrating the purpose and function of a packing medium in processed fruits and vegetables.

Although no data were submitted, four comments briefly described, as follows, the function of the packing medium: Brine is added to vegetables and sirup to fruits to accomplish three purposes: (1) to improve flavor; (2) to fill the spaces between the pieces, thus preventing oxidation and browning, and serving as a cushion against tearing and breaking of the pieces of food; and (3) to aid in convection and heat transfer during thermal processing, as previously discussed.

The petitioner commented that "Again, the data sought are irrelevant. No one is challenging the purposes or functions of packing media. Fluid is recognized as necessary in many canned foods, not just for heat treatment, but also to cushion the product against damage. This question, and others noted above, seems to be based upon a misinterpretation of Consumers Union's petition, seemingly assuming that petitioner seeks to have all packages squeezed full of fruit or vegetable without any packing medium. Nothing could be further from the content of the petition, which seeks the revelation to the public of the amount of fruit or vegetable actually contained in the package—and nothing more."

10. Information on whether there is a clear relationship between the "put-in" weight of a canned fruit or vegetable and the resulting drained weight.

Regarding the relationship of put-in (fill-in) weights to drained weights, eight comments referred to the complex of variables that affect drained weights of processed fruits and vegetables (maturity, grade, climatic conditions during growth of the raw materials, processing variables, etc.), suggesting that any workable formula for a mandatory drained weight declaration would have to consider all factors. They further stated that this formula should be based on a very large body of representative data obtained under good manufacturing practices and that presently such data are unavailable.

One comment simply stated that there is no clear-cut relationship between the put-in weight of a can of fruit or vegetable and the equilibrium drained weight some weeks or months later.

The petitioner commented that "USDA grade standards for some fruits and vegetables specify both recommended minimum fill weights and recommended minimum drained weights (see, e.g., 7 CFR 52.2568–69, canned clingstone peaches). USDA probably has data to corroborate that there is a relationship between 'put-in' and drained weights."

"Insofar as a particular processor is unsure of its own ability to maintain a certain drained weight from a certain fill weight that processor would simply be required, under the drained weight labeling proposal to choose a lower value as the labeled drained weight to assure compliance. There would of course be economic incentive to gauge the drained weights of one's products as accurately as possible. The marketplace similarly rewards processors with greater ability to fill to a standard net weight. The more efficient producer, in the marketplace, is the one who can meet the requirements of the law with the need for the least overpacking. A drained weight rule will thus pose the same choice to all processors—to label as drained weight an amount which each package is certain to meet or to choose a higher value and risk noncompliance. The processor will naturally weigh the costs of choosing one or the other course of compliance against the expected marketplace performance of his products. No processor will be at any disadvantage just because of the rule; the processor best able to control its processing equipment will be able to turn the rule into an advantage."

11. Information on what procedure should be employed to declare an accurate statement of drained weight on lithographed containers that are labeled before they are filled.

Four commenters said that they know of no such procedure other than to maintain a vast inventory of cans which are prelabeled with various drained weights so that the proper ones may be selected for use based on existing conditions.

The petitioner commented that "It is noted that net weight labels are prepared in advance of fill yet variations among lots of produce undoubtedly affect those determinations just as they would affect drained weight. A processor could choose to print labels in advance with the expected average drained weight just as net weight labels are printed. A processor which decides that it is worth overprinting and labeling a more accurate, and higher, drained weight, based upon post-canning weighing, will be able to make that choice."

12. A cost benefit analysis of the different factors involved in drained weight declaration, e.g., data illustrating costs involved in holding unlabeled containers until the drained weight can be determined. Views on whether the information thus provided will be worth the added cost of providing the drained weight label declaration.

Comments were received from manufacturers and two trade associations regarding the added costs of drained weight declaration. All indicated that there would be cost increases and that, in most cases, the increases would be passed on to the consumer.

One processor provided a list of estimated minimum costs for affixing labels after a 30-day storage period, from which he concluded that cost increases would approach 2 cents per unit currently costing 15 to 20 cents.

One trade association reported that one member company estimated cost increases of 3 percent to 10 percent, while another estimated an increase of ¼ cent per can, which would be passed on to the consumer. However, this association said that in the latter estimate, many aspects relating to costs incurred by drained weight labeling had not been considered and that the total costs could be considerably more, resulting in increases of at least 1 cent per can. The association said that the cost-benefit ratio is difficult to assess because a minimum drained weight figure practicable for compliance could have only limited value for com-

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parative buying purposes, since most actual drained weights would substantially exceed the declaration. The association also expressed the opinion that an average drained weight declaration might provide a more representative basis for comparison if workable compliance formulas could be developed.

The petitioner commented that "As noted in 11. above there is nothing in the proposed rule which would require the holding of cans for drained weight determination and labeling."

The Commissioner recognizes that the determination and labeling of drained weight may increase costs to the manufacturer and that all or part of any such increased costs may well be passed on to the consumer. He also notes that the limited consumer poll, referred to earlier in this preamble, suggests understandable reservations of consumers about paying increased prices for label declaration of drained weight on processed foods, even though they seemed to want the information (at no increased food cost). The Commissioner concludes, however, that the contentions regarding the additional costs of drained weight declaration have not been sufficiently documented and that there is no evidence that consumers generally believe that the information provided by label declaration of drained weight is not of sufficient worth to justify some additional costs.

The following additional comments, which do not speak specifically to any of the 12 factors in the notice, were received:

One comment speaking for processors of fruits who package in bulk and institutional size cans only, requested exemption from any regulation requiring a declaration of drained weight since their products are not sold directly to consumers. It said that manufacturers and institutional users buy on the basis of their own specifications, which assures them that they are receiving the quality and quantity ordered.

The Commissioner agrees with the comment and is proposing that the fill-of-container regulations be limited to No. 10 cans or equivalent or smaller.

Four comments, two from the pickle industry and two from the maraschino cherry industry, opposed drained weight labeling because their products are packed in glass containers. They maintained that the consumer can visually judge the quality and quantity of food in the container and, accordingly, there is no need for the drained weight declaration. Further, they stated that these products are not usually served on a weight basis but rather by count. A pickle packer association said that it would be "unfair" for the FDA to change its 1970 regulation (21 CFR 1.8b(r)) requiring the declaration of the net quantity of contents of pickles in terms of the U.S. gallon or subdivision thereof.

The Commissioner believes that the regulation requiring the declaration of quantity of contents of pickles in terms of volume should be retained because of difficulties of controlling drained weight that appear to be unique to pickles. However, he proposes that maraschino cherries, as well as all other fruits and vegetables packed in readily drained liquids, shall be subject to drained weight labeling.

Three comments that generally opposed the petition did remark, however, that the idea of labeled drained weights has merit. One of these comments stated that the compliance procedures in the petition are too stringent and should be deleted. Another, while opposing the petition as submitted, said that it might be possible to amend it so as to provide for average levels and maximum can variations, thus making compliance more practicable. Another said that packers will not be able to meet the strict compliance criteria proposed and suggested that if the drained weight must be declared, a 70–70 tolerance could be used, i.e., "70 percent of the samples give a certain minimum drained weight 70 percent of the time." The comment further said that the drained weight, if declared, should be in terms of minimum drained weight established for each form of food in each size of container.

Comments from five foreign governments said they have no regulation requiring label declaration of drained weights of all fruits and vegetables. Comments from two of these governments, the Netherlands and Australia, said that they have standards for minimum drained weights for fruits and vegetables but that the drained weights need not be declared on the labels. The comments added that it is impossible to disclose in advance without tolerances a correct weight to be found some months later for the solid portion. The comments from these countries further cited the Codex Alimentarius Commission policy of establishing standards for minimum drained weights but not requiring label declaration of such drained weights for processed fruits and vegetables. The comment from the Netherlands stated that for the United States to adopt such a policy would be inconsistent with the draft proposals the United States has submitted to the committee.

Comments from two other countries, Germany and Yugoslavia, suggested the use of a fill-in weight declaration as required by the European Common Market. A letter from the Federal Ministry for Youth, Family Affairs, and Health in Germany, submitted through the petitioner, stated that that country had advocated declaration of drained weight in developing the Codex International Standards. However, a comment sent directly to the Hearing Clerk from the German Embassy stated that the request filed by Consumers Union is neither useful nor practical since an individual declaration of drained weight, taking into account varying conditions of the raw materials, would be extremely difficult as to technical practicability and would involve considerable expense without providing valuable information to the consumer.

A comment from the fifth country, Poland, said that Poland requires drained weight declaration for canned fruits and vegetables intended for domestic consumption when packed in brine, acid solution, etc., which are not commonly consumed with the food, but it requires only net weight declaration when such foods are intended for export.

Comments from three additional foreign governments reported that they have promulgated, or are in the process of promulgating, regulations requiring drained weight declaration for all goods packed in liquids or jellies. A comment from Sweden said that country requires label declaration of average drained weight of solid content. One from Argentina said that country requires declaration of minimum drained weights for peas, corn, peaches and strawberries. One from Norway said Norway was establishing regulations to require label declaration of drained weights for all packaged processed fruits and vegetables, the regulations to become effective on January 1, 1975.

A trade association that had previously submitted extensive comments filed an additional comment emphasizing opposition to label declaration of drained weight as proposed in the Consumers Union petition. The comment stated that although some canners do pack under USDA inspection, such canners use the drained weight values in the USDA grade standards only as guidelines and not as absolute working bases.

This comment also stated that the fill of fruits and vegetables is by volume and that canners merely use fill or put-in weight with extensive nondestructive sampling as the control for the quantity of food in the container and do not try to relate this weight to the drained weight of the finished product because of the variability of the fill weight to drained weight relationship due to variety, maturity, unit size, etc. It stated that, in view of these variations, the canners feel they cannot routinely comply with the USDA drained weight requirements but they do feel confident that containers are adequately filled because of their nondestructive fill-weight testing and they are complying with existing FDA fill-of-container standards.

The comment further stated that, to the individual not trained in food manufacturing, the logical answer would be to increase the fill-in weight so all containers would comply with the drained weight requirements. The comment stated that the answer is not so simple because product safety must be considered. Cited as examples were instances where serious underprocessing in certain types of vegetable products resulted from containers being filled to the point where adequate heat penetration could not occur. The comment said that the potential for overfilling with the associated health hazard would be a far greater disservice to the consumers than not to have drained weight on the labels.

The comment stated "If drained weight declaration were to become a requirement, the only possible protection against the serious potential health hazards from overfilling that comes to mind

immediately would be to establish an absolute maximum drained weight with the suggestion that all packers use a uniform declaration for each commodity low enough to cover all possible inherent variations in weight. If this were done, we can't see that the practice of declaring drained weight, with its added cost, would provide any helpful information to the consumer because all cans of each product or variety of product would carry the same declaration and, in most containers, the declaration would be considerably less than the actual drained weight in order to allow for the variability which occurs."

Additional comments from the petitioner stressed that consumers, as well as large volume buyers, have a right to know the weight of the solid portion of the food in the container. The petitioner stated that food processors must pack to drained weight specifications for contract purchasers and must also meet drained weight requirements for exported products when required by the respective receiving country. The comment further stated that the FDA minimum drained weight requirement in its whole kernel corn standard indicates the belief of the agency that processors are able to pack to minimum drained weights. The comment stated that, by the same token, processors should be able to declare a drained weight on the label of the product. The petitioner added that whatever is done to maintain compliance with the percentage of fill can also be done to meet the label declaration.

Other Regulations Affected by Proposal

This proposal affects a number of existing standards of fill of container and a number of standards which have been proposed but not yet made final. In the following portion of this preamble, the changes in existing standards are explained. In addition, a summary of the comments received to the proposed standards for fill of container, and the Commissioner's comments in response, are included. The statement here of the Commissioner's response to these comments will eliminate the need to submit the same comments again.

Canned Grapefruit. Regulations published in the Federal Register of May 29, 1974 (39 FR 18643), amended the canned grapefruit standards of identity (§ 27.90), quality (§ 27.91), and fill of container (§ 27.92) in consideration of the "Recommended International Standard for Canned Grapefruit." The Commissioner is herein proposing further amendment of the drained weight requirements of § 27.92 to require label declaration of the drained weight for processed fruits and vegetables. Also, whereas § 27.92 establishes requirements for drained weight in terms of percentage of container capacity, the instant proposal specifies the drained weights in ounces. The value designated as "$\bar{X}_s$" is the average drained weight of all sample units in the sample and is consistent with the drained weight requirement in § 27.92 in its present form. The Commissioner proposes a lower drained weight limit for individual containers, designated as "*LL*". Compliance with the lower limit is based on the sampling and acceptance procedure set forth in the proposed new § 10.9.

Canned sweet corn. Regulations published in the Federal Register of February 15, 1974 (39 FR 5760), amended the standards of identity (§ 51.20), quality (§ 51.21), and fill of container (§ 51.22) for canned sweet corn in consideration of the "Recommended International Standard for Canned Sweet Corn." The Commissioner is now proposing further amendment of the drained weight requirement of § 51.22 to require label declaration of the drained weight. Also, whereas § 51.22 establishes requirements for drained weight in terms of percentage of container capacity, the instant proposal specifies the drained weight in ounces. The Commissioner is proposing that, in addition to the requirement that the average drained weight of the samples meet the drained weight requirements: (1) One-half or more of the individual containers meet the drained weight requirement, and (2) the drained weight of the containers that do not meet the established drained weight requirements be within the variability of good manufacturing practice.

Canned plums. Regulations published in the Federal Register of February 7, 1975 (40 FR 5712), amended the standard of identity (§ 27.45) and established standards of quality (§ 27.46) and fill of container (§ 27.47) for canned plums, in consideration of the "Recommended International Standard for Canned Plums." The Commissioner is now proposing amendment of the drained weight requirements of § 27.47 to require label declaration of the drained weight. Also, whereas § 27.47 establishes requirements for drained weight in terms of percentage of container capacity, the instant proposal specifies the drained weight in ounces. The value designated as "$\bar{X}_s$" is the average drained weight of all sample units in the sample and is consistent with the drained weight requirement in § 27.47 in its present form. The Commissioner proposes a drained weight lower limit for individual containers, designated as "LL". The Commissioner proposes that compliance with the lower limit be based on the sampling and acceptance procedure set forth in the proposed new § 10.9.

Canned green beans and wax beans. A proposal was published in the Federal Register of January 28, 1974 (39 FR 3560) to amend the standards of identity (§§ 51.10, 51.15) and quality (§§ 51.11, 51.16) and to establish a standard of fill of container (§ 51.12) for canned green beans and canned wax beans in consideration of the "Recommended International Standard for Canned Green Beans and Canned Wax Beans." The Commissioner, in consideration of the comments received on this proposed fill-of-container standard, and to be consistent with the other proposed standards contained in this notice, is proposing a revised fill-of-container standard. Standards of identity and quality for canned green beans and canned wax beans will be issued at a later date.

Seven responses were received to the proposal published on January 28, 1974. They were from a consumer, three processors of green beans and wax beans, an ingredient manufacturer, a trade association and the USDA. The consumer was opposed in general to any standards for these foods. The comments received regarding only the proposed fill-of-container standard and the Commissioner's responses are as follows:

1. A comment from the USDA suggested that the word "approximately" precede the 17–20° angle of inclination for the sieve in the procedure for determining drained weight that was included as part of the fill-of-container standard for canned green beans and wax beans.

The Commissioner does not agree with this comment. Within the range proposed there is sufficient flexibility to provide for some variation without significantly affecting the determination of drained weight values.

2. One comment from a processor expressed opposition to the use of the proposed sampling plan for determining compliance with the standard. It was suggested that the "old average concept" be continued for its ease of interpretation and that "it would not mean another insidious tightening or raising of the standard without changing the actual value or limits of that standard." The comment stated that it would be more difficult for processors to meet the minimum drained weight requirement based on an accept-reject basis.

The Commissioner advises that the proposed sampling and acceptance procedure for determining compliance with the drained weight requirement for canned green beans and canned wax beans is based on the average drained weight of all units in the sample examined. The Commissioner notes that the accept-reject based compliance criteria in the proposed standard for canned green beans and wax beans is applicable only to the quality factors and the 90 percent fill-of-container requirement and not to the drained weight requirement.

3. One comment from the trade association suggested that the requirement in the fill-of-container standard that the bean ingredient and packing medium be not less than 90 percent of the total capacity of the container should be based on the average of a lot, as is proposed for the drain weight requirement.

The Commissioner does not agree. He is of the opinion that packers using good manufacturing practices can meet the proposed 90 percent fill requirement. No suggestion was made in the comment that the 90 percent level could not be attained. Further, the comment provided no data in support of the suggested change. Accordingly, the procedure previously proposed is included in this proposal.

4. Three comments, from a processor, a trade association, and the USDA, expressed concern that the proposed drained weight, based on the water capacity of the containers, be not less than

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55 percent of the water capacity of the container, will be extremely difficult, if not impossible, to meet for cuts 1½ inch and longer, for small sieve size beans, and for certain size cans. It was suggested that weather conditions, growing areas, and varietal factors seem to cause drained weights to vary considerably. It was also stated that in order to attain the proposed fill weight, one or more or all of the following will happen: (1) There will be considerable waste of raw stock during the filling and closing operation, (2) the beans will have to be blanched so severely that they become "slimy" and deteriorate in quality, (3) there will be damage to the product from the physical crushing of the product when the head space plunger goes down and the can lid is applied, (4) beans will be left on the flanges of the can, adversely affecting the integrity of the top double seam.

The trade association suggested that the drained weight should be established at not less than 52 percent of the water capacity of the container, except for beans in whole or sliced-lengthwise style, for which it should not be less than 50 percent. For those containers of one-fourth kilogram (8.82 ounces) or less, the percentage should be 47 percent of the water capacity of the container. The processor suggested that cut beans 1½ inch and longer should be placed in the same category as whole and French style beans with a minimum drained weight requirement of 50 percent of the water capacity of the container.

A processor and the USDA submitted data to demonstrate that it is not feasible to meet the 50 percent drained weight requirement for whole green beans packed in No. 303 glass jars. The data indicated that the 50 percent drained weight requirement can be met if the water capacity of the container is calculated on the basis of the sealed container rather than the overflow capacity.

The Commissioner has considered these comments and believes they have merit for certain containers and styles of pack. The previously proposed drained weight requirements have been revised accordingly in this new proposal.

Canned tomatoes. A proposal was published in the FEDERAL REGISTER of April 29, 1974 (39 FR 14971), to amend the standards of identity (§ 53.40), quality (§ 53.41), and fill of container (§ 53.42) for canned tomatoes in consideration of the "Recommended International Standard for Canned Tomatoes." The Commissioner, in consideration of the comments received to the proposed fill-of-container standard and to be consistent with the other proposed standards contained in this notice, is proposing a revised fill-of-container standard as part of this document. Standards of identity and quality for canned tomatoes will be issued at a later date.

Seven responses were received to the proposal published April 29, 1974. They were from a consumer organization, four trade associations, a processor of tomatoes and the USDA. The comments received regarding only the proposed fill-of-container standard for canned tomatoes and the Commissioner's responses are as follows:

1. The consumer organization commented that as long as there is a requirement for minimum drained weights for canned tomatoes, drained weight labeling should also be required.

The Commissioner is of the opinion that the comment has merit. Accordingly, this proposal provides for the label declaration of drained weight.

2. The USDA suggested that the drained weight of stewed tomatoes be determined on a "4-mesh sieve." It further suggested that for all canned tomatoes the drained weight average of 50 percent of the water capacity of the container is too low.

The Commissioner is of the opinion that the requirements for a No. 4 rather than a No. 2 mesh sieve and for a drained weight higher than 50 percent of the water capacity of the container should be based on supporting data. In the absence of such data, the Commissioner is making no change in the proposed drained weight requirement for canned tomatoes.

3. The consumer organization commented that incorporation of the sampling plans in the standard poses a rather complex problem that should not be resolved solely upon the comments of those relatively few persons interested in canned tomatoes. It suggested that the publication of a separate notice headed "Sampling Plans" in the FEDERAL REGISTER would likely elicit significantly more comments than a proposal on canned tomatoes.

The Commissioner agrees that the problem of sampling plans is complex and that it should not be resolved solely upon the comments of a few persons interested in only canned tomatoes. However, the sampling plans set out in the proposed new § 10.9 for canned fruit and vegetables are the result of years of study by many individuals and groups and the plans' applicability is well established and accepted. Nevertheless, sampling plans are now considered essential to a proper determination of compliance with the requirements of a fill-of-container standard and are therefore again being proposed.

4. The consumer organization expressed the opinion that each container must contain the amount required in the regulation. It also stated that the sampling plans should be eliminated in favor of 100 percent compliance with the drained weight requirement. It recognized that this requirement would mean higher retail prices but stated the obvious advantage is enforcement. The comment stated that "spot checks" could be made where every container must be in compliance, whereas the proposal involves sampling the entire lot.

The Commissioner does not agree with this comment. The sample average represents the most reasonable means for determining compliance considering the inherent container-to-container variation in drained weights as discussed elsewhere in this notice.

5. A processor and a trade association expressed the opinion that the sample sizes are extremely large and in excess of the sample sizes taken under the USDA grading program.

The lot sample size proposed in § 10.9 is consistent with the sampling plans established by the Codex Alimentarius Commission for inspection level II. The plan for inspection level II was designed for use in the case of controversy or disputes and provides for a higher sample-size-to-lot-size ratio than does the Codex plan for inspection level I or the USDA sampling plan. In addition, it should be noted that USDA samples larger lots at the producing establishment while the FDA normally will be sampling smaller lots in the distribution channels. The Commissioner is of the opinion that the higher sampling ratio should be used for compliance with the drained weight labeling since it will reduce the consumers' risk of accepting defective lots. It will also provide a greater level of confidence for undertaking legal action.

A number of the tables contained in the proposed fill-of-container standards have been incorporated as previously published in other documents and, as a result, are not always consistent in the manner of presentation of the data. For instance, in the description of the overall dimensions of the container, some tables include a description of the diameter and height in terms of inches and fractional parts thereof, e.g., a No. 303 can is 3⅜ inches wide by 4⅛ inches high. Other tables may describe a No. 303 can as 303 x 406 or 303 inches by 406 inches (where the first figure of the 3 digit number is inches and the remaining figures are sixteenths of an inch). This latter designation is the one more commonly used in the canning industry.

PROPOSAL

Assuming that final regulations will require label declarations of drained weight on canned fruits and vegetables, the Commissioner invites comments on a reasonable effective date for the final regulations. Such comments should be supported by data or other pertinent information. It is the Commissioner's opinion that the effective date should be established as 1 year after the date of publication of the final regulations.

The Commissioner believes the wisdom of a proposal to require drained weight labeling ultimately depends on the dollar value to the consumer of any benefit of knowing drained weight, when buying food, in relation to any increase in the product cost resulting from manufacturers' costs being passed on to the consumer. In publishing the Consumers Union petition for comment, the Commissioner asked particularly for information about 12 specific subject areas important to any decision as to what, if any, regulation should be proposed. The information submitted, particularly economic data, was less definitive than desired. Nonetheless, the information was sufficient to permit the Commissioner to propose a method of drained weight labeling that would achieve most of the objectives of the Consumers Union petition in a less costly manner, as explained in the "Inflation Impact Assessment of the Proposed Drained Weight Regulation" on file with the Hearing Clerk. However, the economic information was inadequate to allow the Commissioner to decide whether or not the economic benefits to consumers of his proposal would outweigh any increases in product cost. Any final decision about a drained weight labeling regulation will depend primarily on an analysis of the economic information ultimately available to the Commissioner.

The Commissioner's proposal has been analyzed for inflation impact as required by Executive Order 11821, OMB Circular A-107, and guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. The Commissioner has concluded that the proposal would not cause a major inflation impact as described in those documents. As noted above, a copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

However, because of the role economic analysis will play in determining the Agency's final actions regarding any drained weight labeling requirement, the inflation impact assessment and the discussion which follows have been expanded to include a consideration of the costs of implementing two alternatives. The first of these is the Consumers Union petition which asked for drained weight labeling for all processed fruits and vegetables based on lot sampling. The second, called "label disclosure," would have the effect of limiting the major provisions in the Consumers Union petition to canned fruits and vegetables. The Commissioner's proposal represents a third approach which would permit a processor to label cans based on fill of container standards where they exist. The following discussion only considers the cost, and not the benefits, of implementing the Commissioner's proposal and the alternatives to it. It is hoped that additional information pertaining to costs and benefits will be forthcoming during the comment period.

The cost impact of three approaches to a drained weight requirement have been assessed. These are: (1) The Commissioner's proposal which, it is estimated, would cost about $16 million annually to implement; (2) the Consumers Union petition, estimated at $92 million to effect; and (3) the "label disclosure" option, which would cost an estimated $74 million to put into practice. All sources of cost of information are documented and further explained in the inflation impact assessment.

The Consumers Union Petition. The Consumers Union petition called for drained weight labeling of all processed, i.e., frozen and canned, fruits and vegetables. Ascertaining drained weight levels was to be done through lot testing.

Using the National Canners Association (NCA) estimate of 1 cent per unit to comply with the drained weight requirement proposed by Consumers Union results in an estimated cost impact of $92 million. This figure should be viewed only as an approximation. The NCA response may not be representative for the canning industry as a whole, and was limited to canned, not frozen, products. The estimate was computed as follows:

	Million units
Volume canned products covered by a drained weight requirement	7,368
Plus: Volume frozen products covered by a drained weight requirement	1,833
Total	9,201
Times 1 c per unit (0.01)	92.01
Estimated cost impact	$92,000,000

The "Label Disclosure" Approach. One option for instituting a drained weight requirement would be to apply the provisions of the Consumers Union petition only to canned fruits and vegetables. This would avoid the problem of ascertaining drained weight for frozen foods, where appropriate testing techniques would have to be developed.

The cost estimate for industry compliance under this second option is $74 million, calculated by multiplying the annual volume of canned products covered by a drained weight requirement by $0.01 per unit.

The Commissioner's proposal. The key difference between the Commissioner's proposal and the other two is that it would permit a processor to label cans based on fill-of-container standards, where they exist. Where such a standard does not exist, a processor would have to undertake lot testing and label drained weight based on lot average. Where fill-of-container standards exist, a processor would have the option of labeling cans based on the standard, or undertaking lot testing and labeling with the lot average.

In the aggregate, the reduction in anticipated cost impact from permitting the use of a fill-of-container standard should be substantial. Fill-of-container standards specifying minimum average drained weights are being proposed for 78 percent of the total production of all products for which drained weight labeling would be required. Consequently, the cost impact from complying with the Commissioner's proposal should only be applied to the 22 percent of canned fruits and vegetables amenable to a drained weight requirement but for which there would be no fill-of-container standard. This cost would amount to about $16 million, derived by multiplying 7.4 billion (annual production of canned goods with drained weight required) by $0.01 (cost per unit) by .22 (percent with no fill-of-container standard). The estimated annual cost would be reduced further if more fill-of-container standards were developed and used.

The Commissioner seeks concrete and specific information concerning the following:

a. What would be the per unit cost of declaring drained weight on a lot-by-lot basis as proposed in the Consumers Union petition? Responses should analyze the additional costs, if any, of (1) quality control and testing for the determination of the drained weight, (2) storage of unlabeled cans prior to such determination, and (3) the development and maintenance of an inventory of labels carrying different drained weight declarations.

b. What would be the benefits, including the dollar value, to consumers of declaring drained weight on a lot-by-lot basis as proposed in the Consumers Union petition? Consideration should be given both to the incidence of use by the public at large, as well as the value of the information to those who would use it in making purchasing decisions.

c. What would be the per unit cost of declaring the drained weight in the fill-of-container standards set out below as proposed by the Commissioner? Again, consideration should be given to the additional costs, if any, associated with the factors enumerated in paragraph a. above.

d. What would be the benefits, including the dollar value, to consumers of declaring the drained weights as proposed by the Commissioner? Consideration should be given both to the incidence of use by the public at large, as well as the value of the information to those who would use it in making purchasing decisions.

Further, the Commissioner welcomes the submission of comments and information not only on the proposed rules below but also on the following:

a. Survey data, representative of the population at large, which quantify the additional costs consumers would be willing to pay for label declaration of drained weights in the manner proposed by Consumers Union, or the Commissioner, or both.

b. Support or rebuttal of the comments already received concerning the Consumers Union petition, published in the FEDERAL REGISTER of December 5, 1973 (38 FR 33512).

c. Drained weight data available for frozen fruits and vegetables.

d. Whether the regulations should require label declaration of whatever drained weight the packer is packing without establishing a fill-of-container standard that contains drained weight requirements.

e. Whether the drained weights set out for canned pineapple are reflective of current good commercial practice.

f. Whether a label declaration of fill-in weight rather than drained weight would be more or less meaningful and in the interest of the consumer.

g. Any other information relevant to the question of declaration of drained weights on the labels of canned fruits and vegetables.

h. What effective date would be appropriate for each of the proposed regulations.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in 21 CFR 6.1(d) (4) that food standards are not major agency actions significantly affecting the quality of the

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human environment. Because some of the proposed provisions affect regulations in addition to food standards, however, he has also considered the environmental effects of the proposed regulations and has determined that the proposed action would not significantly affect the quality of the human environment. Therefore, the Commissioner concludes that an environmental impact statement is not required by this proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 401, 403, 701, 52 Stat. 1041, 1046–1048, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(n), 341, 343, 371)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that 21 CFR Parts 1, 10, 27, 51, and 53 be amended to read as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. In § 1.8b by revising paragraph (f) and adding new paragraph (t) as follows:

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

* * * * *

(f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration except that when the label of a container also bears a statement of drained weight pursuant to § 1.8e of this part, such statement shall appear directly to the right of or below the declaration required by this section, without intervening written, printed or graphic matter. The declaration shall not include any term qualifying a unit of weight, measure, or count (such as "jumbo quart" and "full gallon") that tends to exaggerate the amount of the food in the container. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: *Provided*, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part.

* * * * *

(t) For the purposes of this section, the term "net quantity of contents" of foods, such as ripe olives, green olives, canned artichokes, and canned mushrooms that are packed in liquid that is ordinarily discarded, means the drained weight of the solid food that is determined in accordance with § 10.9(c) of this chapter and that complies with § 10.9(f)(2) of this chapter. This paragraph does not apply to pickles, the net quantity of contents of which shall be declared in accordance with paragraph (r) of this section.

2. By adding new § 1.8e as follows:

§ 1.8e Food labeling; label statement of the drained weight of the solid food contents of canned fruits and vegetables.

(a) The canned fruits and vegetables listed in paragraph (c) of this section, when packed in containers whose capacity is equal to or less than a No. 10 can (109 oz), shall bear on their labels a statement of the drained weight of the solid food contents of the container in the manner prescribed in paragraph (d) of this section. The statement of drained weight shall consist of the words "drained weight ———", the blank to be filled in with the minimum average drained weight specified in the appropriate fill-of-container standard established in Subchapter B of this chapter. Alternatively, the blank in the statement may be filled in with a weight that is greater than the minimum average drained weight specified in the appropriate fill-of-container standard if such greater weight accurately states the drained weight of the solid food contents of the container as determined by the procedure established in § 10.9(c) of this chapter and complies with § 10.9(f) of this chapter.

(b) The label of a canned fruit or vegetable not listed in pargraph (c) of this section that is packed in a container whose capacity is equal to or less than that of a No. 10 can (109 oz) in a readily drained liquid that is not ordinarily discarded, shall bear a statement of the drained weight of the solid food contents of the container in the manner prescribed in paragraph (d) of this section. The statement of drained weight shall consist of the words "drained weight———", the blank to be filled in with the drained weight of the solid food contents of the container, as determined by the procedure established in § 10.9(c) of this chapter, and which shall comply with § 10.9(f)(2) of this chapter.

(c) The canned fruits and vegetables referred to in paragraph (a) of this section are those for which minimum average drained weight requirements have been established in fill-of-container standards in Parts 27, 51 and 53 of this chapter and are as follows:

Apricots (§ 27.12).
Asparagus (§ 51.513).
Beans, green and waxed (§ 51.12).
Beans, lima (§ 51.523).
Beets (§ 51.533).
Blackberries (§ 27.37).
Blueberries (§ 27.37).
Carrots (§ 51.543).
Cherries, red tart pitted (§ 27.32).
Cherries, sweet (§ 27.32).
Collards (§ 51.553).
Corn, whole kernel (§ 51.22).
Figs (§ 27.74).
Fruit cocktail (§ 27.42).
Grapes (§ 27.27).
Grapefruit (§ 27.92).
Kale (§ 51.553).
Mushrooms (§ 51.503).
Okra (§ 51.563).
Onions (§ 51.593).
Peaches, clingstone (§ 27.4).
Peaches, freestone (§ 27.4).
Pears (§ 27.22).
Peas, field and black-eye (§ 51.573).
Pimientos (§ 51.583).
Pineapple (§ 27.52).
Plums (§ 27.47).
Potatoes, white (§ 51.613).
Prunes, canned dried (§ 27.17).
Raspberries (§ 27.37).
Spinach (§ 51.553).
Sweetpotatoes (§ 51.603).
Tomatoes (§ 53.42).
Turnips greens (§51.553).

(d) The statement of drained weight shall be a part of the declaration of net quantity of contents required by § 1.8b of this part and shall meet the same requirements prescribed in § 1.8b (b)(1), (e), (f), (h), (i), (j), (k), (m), and (n) for the declaration of net quantity of contents. The statement may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, or eighths. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places nor to less than one tenth of an ounce.

(e) No provision of this section shall be construed as in any way affecting the concurrent applicability of other labeling regulations set out in this chapter.

(f) The list of foods in paragraph (c) of this section represents those foods for which sufficient data are available to support incorporation of a minimum average drained weight requirement in fill-of-container standards for these foods. The Commissioner of Food and Drugs, on his own initiative, or on behalf of any interested person who has submitted a petition, may publish a proposal to add other foods to this list and, concurrently, to establish fill-of-container standards that specify drained weight requirements for these foods. Any such petition shall include an adequate factual basis to support the petition in the form set forth in Part 2 of this chapter and will be published for comment if it contains reasonable grounds for the proposal.

PART 10—DEFINITIONS AND STANDARDS FOR FOOD

3. In § 10.7 by revising paragraph (b) as follows:

§ 10.7 General statements of substandard quality and substandard fill of container.

* * * * *

(b) The term "general statement of substandard fill" means the statement "Below Standard in Fill", or "Below Standard in Drained Weight", or "Below Standards in Fill and Drained Weight", as appropriate, printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement is in 12-point type; if such quantity is 1 pound or more, the statement is in 14-point type. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified in paragraph (a) of this section is used, the statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, are on a strongly contrasting, uniform background, and are so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

4. By adding new § 10.9 as follows:

§ 10.9 Compliance with the fill-of-container standards for canned fruits or vegetables.

(a) ***Minimum fill.*** In the case of those fill-of-container standards in this Subchapter B that specify a 90 percent fill, a container that falls below the minimum fill prescribed in the fill-of-container standard is considered a "defective" unit. A lot of canned fruit or vegetable is in compliance with the requirement that the fruit or vegetable occupy not less than 90 percent of the total capacity of the container when the number of "defective" units in a sample analyzed according to the sampling plans in paragraph (d) of this section does not exceed the applicable "acceptance number" designated as "c" in the sampling plans in paragraph (d) of this section.

(b) ***Minimum drained weight.*** In the case of those fill-of-container standards in this Subchapter B that specify a minimum drained weight requirement, a lot of canned fruit or vegetable is in compliance with such drained weight requirement if it meets the provisions of the compliance procedure specified in the standard and described below:

(1) Compliance procedure No. 1. (i) The average drained weight of all sample units in the sample, analyzed according to the sampling plans provided in paragraph (d) of this section is equal to or greater than the average drained weight (designated as "average" or $\bar{X}_d$ in the table in the standard) requirement of the fill-of-container standard; and

(ii) The number of "defective" units, i.e., sample units that are less than the lower limit drained weight requirement for individual containers (designated as "individuals" or "LL" in the table), does not exceed the applicable "acceptance number" designated as "c" in the sampling plan in paragraph (d) of this section. The lower limit ("minimum") drained weight requirement for individual containers set forth in the table in § 53.42(a)(2) of this chapter shall apply to canned tomatoes regardless of sample size. In the case of all other foods, the lower limits for individual containers in the tables shall apply when the sample consists of 13 sample units. When the sample consists of more than 13 sample units, the lower limit is calculated using the equation given in paragraph (f) of this section, where LL_n is the lower limit for the larger sample size, X_n equals $\bar{X}_d$ given in the table in the fill-of-container standard, and M is the value selected (from the table in paragraph (d) of this section) according to the sample size (n) used.

(2) Compliance procedure No. 2. (i) The average drained weight of all sample units in the sample analyzed according to the sampling plans provided in paragraph (d) of this section is equal to or greater than the drained weight requirements in the applicable fill-of-container standard; and

(ii) The drained weight of one-half or more of the individual containers is equal to or greater than the minimum average drained weight required by the standard; and

(iii) The drained weights from the containers which are less than the minimum average drained weight required by the standard are within the variability of good manufacturing practice.

(c) ***Determination of drained weight.*** (1) Except as otherwise provided in the applicable fill-of-container standard, the procedure for determining drained weight in canned fruits or vegetables is as follows: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve that has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth that complies with the specifications for the No. 8 sieve set forth in the "Definitions of Terms and Explanatory Notes" p. xvi, of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975.[1] Carefully invert by hand all fruits having cups or cavities if they fall on the sieve with cups or cavities up. Cups or cavities in soft products may be drained by tilting sieve. Without further shifting the material on the sieve, incline the sieve at an angle of 17° to 20° to facilitate drainage. Two minutes after the drainage begins, weigh the sieve and drained food. The weight so found, less the weight of the sieve, shall be considered to be the weight of the drained food.

(2) Testing for compliance with drained weight requirements shall be performed no sooner than 30 days after the food has been canned.

(d) *Sampling and acceptance procedure.* A lot is to be considered acceptable when the number of "defectives" does not exceed the "acceptance number" in the sampling plans given in paragraph (d)(2) of this section.

(1) Definitions of terms to be used in the sampling plans in paragraph (d)(2) of this section are as follows:

(i) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(v) *Defective.* Any sample unit shall be regarded as defective when any of the defects or conditions specified in the quality and fill of container standards are present in excess of the stated tolerances.

(vi) *Acceptance number (c).* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(vii) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) Sampling plans and acceptance procedure:

Acceptable Quality Level 6.5

Lot size (primary containers)	Size of container	
	n	c
	Net weight equal to or less than 1 kg (2.2 lb)	
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19
	Net weight greater than 1 kg (2.2 lb) but not more than 4.5 kg (10 lb)	
2,400 or less	13	2
2,401 to 15,000	21	3
15,001 to 24,000	29	4
24,001 to 42,000	48	6
42,001 to 72,000	84	9
72,001 to 120,000	126	13
Over 120,000	200	19
	Net weight greater than 4.5 kg (10 lb)	
600 or less	13	2
601 to 2,000	21	3
2,001 to 7,200	29	4
7,201 to 15,000	48	6
15,001 to 24,000	84	9
24,001 to 42,000	126	13
Over 42,000	200	19

n=number of primary containers in sample.
c=acceptance number.

(e) *Interpolation.* When a fill-of-container standard requires a minimum average drained weight but does not specify the requirement for the particular container size and style of pack used, the following procedure shall be used to determine the required drained weight: Select as a reference container from the table of drained weights specified in the standard, the container for the particular food in the same packing medium that is nearest in size, first on the basis of diameter and next on the basis of height. Convert the number of drained ounces for the reference container to an equivalent percentage of the weight of water

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

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capacity of the container in accordance with the method prescribed in § 10.6 of this part. Determine the water capacity of the unknown container in accordance with § 10.6. Multiply the percentage obtained for the reference container by the water capacity of the unknown container, for which the standard-of-fill is being calculated. The result will be the required drained weight.

(f) Compliance with drained weight declarations for containers that declare on the label a drained weight that exceeds the drained weight requirement in the fill-of-container standard and for containers for which no drained weight requirement has been established but that are required to bear a statement of drained weight in accordance with paragraph (c) of this section is determined as follows:

(1) In the case of foods for which the fill-of-container standard specifies, in addition to a minimum average drained weight, a lower limit of drained weight variation for individual containers, a lot is considered as meeting the drained weight requirement if it meets the following criteria:

(i) The average of the drained weights from all the sample units in a sample analyzed according to the sampling plans in paragraph (d) of this section is equal to or greater than the drained weight declared on the label; and

(ii) The number of sample units for which the drained weights are less than the lower limit of drained weight variation for individual containers calculated for the higher declared drained weight does not exceed the applicable acceptance number designated as "c" in the sampling plan in paragraph (d) of this section. The lower limit of drained weight variation for individual containers is determined as follows:

(*a*) In the case of canned tomatoes, by multiplying the higher declared drained weight by the factor 0.9.

(*b*) In the case of all other foods for which the fill-of-container standard includes a lower limit of drained weight variation, the lower limit of drained weight variation for the higher declared drained weight is calculated as follows:

$$LL_h = X_h - M\left[\frac{(\bar{X}_{d(s)} - LL_{(s)})}{1.1}\right]$$

where LL_h is the lower limit of drained weight variation for the higher declared drained weight X_h and $\bar{X}_{d(s)}$ is the minimum average drained weight of the food in the appropriate style of pack and container size designated in the standard. $LL_{(s)}$ is the corresponding lower limit of drained weight variation in the standard, and M is a constant for a given sample size. M is derived from the normal distribution theory and allows 6.5 percent of the individual sample units in the lot to fall below the lower limit of drained weight variation. Values of M for sample sizes (n) given in the sampling plan are as follows:

n=	13	21	29	46	84	126	200
M=	1.1	1.2	1.2	1.3	1.3	1.4	1.4

(2) In cases where no lower limit values for drained weight have been established in fill-of-container standards and in the case of foods for which no drained weight requirement has been established in a fill-of-container standard, a lot is considered in compliance with the label declaration of drained weight if it meets the following criteria:

(i) The average drained weight of all the sample units in a sample analyzed according to the sampling plans in paragraph (d) of this section is equal to or greater than the drained weight declared on the label; and

(ii) The drained weight of one-half or more of the individual containers is equal to or greater than the drained weight declared on the label; and

(iii) The drained weights of the containers which are less than the drained weight declared on the label are within the variability of good manufacturing practice.

PART 27—CANNED FRUITS AND FRUIT JUICES

5. In § 27.1 by revoking paragraphs (o) and (p) and revising paragraph (n) to read as follows:

§ 27.1 Definitions.

* * * * *

(n) *Compliance means the following:* Unless otherwise provided in a standard, a lot of canned fruits shall be deemed in compliance for the following factors, to be determined by the sampling and acceptance procedure as provided in § 10.9 of this chapter, namely: (1) *Packing medium density.* A lot shall be deemed to be in compliance for packing medium density based on the average sucrose value for all samples analyzed according to the sampling plans, but no container may have a sucrose value lower than that of the next lower category or 2 percent by weight sucrose (degrees Brix) lower if no lower category exists.

(2) *Quality.* The quality of a lot shall be considered acceptable when the number of defectives does not exceed the acceptance number in the sampling plans as set forth in § 10.9 of this chapter.

6. By revising § 27.4 to read as follows:

§ 27.4 Canned peaches; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned peaches is:

(1) For peaches in liquid packing medium, the maximum practicable quantity of peaches that can be sealed in the container without impairment of quality.

(2) For solid pack peaches, as defined in § 27.1(l), the maximum practicable quantity of peaches that can be sealed in the container without impairment of quality and that occupies not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(3) A drained weight of peaches not less than the average drained weight (designated as $\bar{X}_d$) prescribed in Tables 1 and 2 of this paragraph (a) (3) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the tables are determined by interpolation as specified in § 10.9(e) of this chapter.

TABLE 1A.—*Drained weights for canned Freestone peaches*

Container designation	Container size (overall dimensions)		Overflow capacity (fluid ounces)	Halves			
				In extra heavy sirup (ounces)		In any other liquid medium (ounces)	
	Diameter (inches)	Height (inches)		LL[1]	$\bar{X}_d$[2]	LL	$\bar{X}_d$
8 Z tall	211	304		4.1	4.8	4.3	5.0
No. 300	300	407		7.8	8.6	8.0	8.8
No. 303	303	406		8.6	9.5	8.9	9.8
No. 303 glass			17.0	8.6	9.5	8.9	9.8
No. 2	307	409		10.4	11.5	10.8	11.9
No. 2½ glass			28.35	14.7	16.1	15.2	16.6
No. 2½, 7 count or more	401	411		15.2	16.8	15.7	17.1
No. 2½, 6 count or less	401	411		14.8	16.2	15.3	16.7
No. 10, 24 count or more	603	700		58.5	61.0	60.0	62.5
No. 10, 23 count or less	603	700		57.5	60.0	59.0	61.5

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 1B.—*Drained weights for canned Freestone peaches*

Container size	Quarters, mixed pieces of irregular sizes and shapes				Sliced			
	In extra heavy sirup (ounces)		In any other liquid medium (ounces)		In extra heavy sirup (ounces)		In any other liquid medium (ounces)	
	LL[1]	$\bar{X}_d$[2]	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$
8 Z tall	4.2	4.9	4.4	5.1	4.1	4.7	4.3	4.9
No. 300	8.0	8.8	8.2	9.0	7.8	8.6	8.0	8.7
No. 303 glass	8.8	9.7	9.1	10.0	8.6	9.4	8.9	9.7
No. 303	8.8	9.7	9.1	10.0	8.6	9.4	8.9	9.7
No. 2	10.6	11.7	11.0	12.1	10.4	11.3	10.8	11.7
No. 2½ glass	15.0	16.4	15.5	16.9	14.7	15.8	15.2	16.3
No. 2½	15.5	16.9	16.0	17.4	15.2	16.3	15.7	16.8
No. 10	60.5	63.0	62.0	64.5	58.0	60.0	59.0	61.0

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 1C.—*Drained weights for canned Freestone peaches*

Container size	Heavy pack (all styles) (ounces)		Solid-pack unsweetened (all styles) (ounces)	
	LL[1]	$\bar{X}_d$[2]	LL	$\bar{X}_d$
No. 2½			22.0	24.0
No. 10	67.5	70.0	87.5	90.0

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 2A.—*Drained weights for canned Clingstone peaches*

Container designation	Container size (overall dimensions)		Overflow capacity (fluid ounces)	Sliced							
				In extra heavy sirup (ounces)		In heavy sirup (ounces)		In any other liquid medium (ounces)		Diced in any liquid medium (ounces)	
	Diameter (inches)	Height (inches)		LL[1]	$\bar{X}_d$[2]	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$
5 Z	211	200		2.2	2.8	2.4	3.0	2.5	3.1	2.6	2.9
6 Z	211	202		2.4	3.0	2.6	3.2	2.7	3.3	2.9	3.2
6 Z	300	200		2.8	3.4	3.0	3.6	3.1	3.7	3.4	3.7
7 Z	211	212		3.4	4.0	3.6	4.2	3.7	4.3	4.0	4.3
8 Z tall	211	304		4.3	4.9	4.5	5.1	4.6	5.2	4.7	5.2
No. 300	300	407		8.2	8.9	8.4	9.1	8.6	9.3	8.9	9.5
No. 303	303	406		9.1	9.9	9.3	10.1	9.5	10.3	9.8	10.5
No. 303 glass			17.0	9.1	9.9	9.3	10.1	9.5	10.3	9.8	10.5
No. 2	307	409		11.1	12.0	11.4	12.3	11.7	12.6	11.9	12.7
No. 2½	401	411		16.3	17.4	16.7	17.8	17.1	18.2	17.5	18.5
No. 2½ glass			28.35	15.8	16.9	16.2	17.3	16.6	17.7	17.0	18.0
No. 10	603	700		62.5	64.5	64.5	66.5	66.5	68.5	68.2	70.0

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 2B.—*Drained weights for canned Clingstone peaches*

Container designation	Heavy pack—any style in any liquid medium (ounces)		Solid pack—all applicable styles (unsweetened only) (ounces)	
	LL[1]	$\bar{X}_d$[2]	LL	$\bar{X}_d$
No. 2½	18.6	20.0	24.1	25.5
No. 10	73.5	76.0	89.5	92.0

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 2C.—*Drained weights for canned Clingstone peaches*

Container designation	Halves						Quarters; and mixed pieces of irregular sizes and shapes					
	In extra heavy sirup (ounces)		In heavy sirup (ounces)		In any other liquid medium (ounces)		In extra heavy sirup (ounces)		In heavy sirup (ounces)		In any other liquid medium (ounces)	
	LL	$\bar{X}_d$[2]	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$
8 Z tall	4.3	5.0	4.5	5.2	4.6	5.3	4.3	5.0	4.5	5.2	4.6	5.3
No. 300	8.2	9.0	8.4	9.2	8.6	9.4	8.2	9.0	8.4	9.2	8.6	9.4
No. 303	9.1	10.0	9.3	10.2	9.5	10.4	9.1	10.0	9.3	10.2	9.5	10.4
No. 303 glass	9.1	10.0	9.3	10.2	9.5	10.4	9.1	10.0	9.3	10.2	9.5	10.4
No. 2	11.0	12.1	11.3	12.4	11.6	12.7	11.0	12.1	11.3	12.4	11.6	12.7
No. 2½ glass	15.7	17.1	16.1	17.6	16.5	17.9	15.7	17.1	16.1	17.6	16.5	17.9
No. 2½							16.2	17.6	16.6	18.0	17.0	18.4
No. 2½, 7 count or more	16.2	17.6	16.6	18.0	17.0	18.4						
No. 2½, 6 count or less	15.6	17.0	16.0	17.4	16.4	17.8						
No. 10							62.0	64.5	64.0	66.5	66.0	68.5
No. 10, 24 count or more	62.0	64.5	64.0	66.5	66.0	68.5						
No. 10, 23 count or less	60.5	63.0	62.5	65.0	64.5	67.0						

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

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(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (3) of this section shall be determined as set forth in § 10.9(b) (1) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

7. By revising § 27.12 to read as follows:

§ 27.12 Canned apricots; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned apricots is:

(1) For apricots in liquid packing medium the maximum practicable quantity of apricots that can be sealed in the container without impairment of quality.

(2) For solid pack apricots, as defined in § 27.1(l), the maximum practicable quantity of apricots that can be sealed in the container without impairment of quality and that occupies not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(3) A drained weight of apricots not less than the average drained weight (designated as $\bar{X}_d$) prescribed in the table in this paragraph (a)(3) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights for canned apricots

Container size: Designation	Container size: Dimensions (inches)	Unpeeled or peeled halves; slices; mixed pieces of irregular sizes and shapes (ounces): LL[1]	Unpeeled or peeled halves; slices; mixed pieces of irregular sizes and shapes (ounces): $\bar{X}_d$[2]	Whole unpeeled (ounces): LL	Whole unpeeled (ounces): $\bar{X}_d$	Whole peeled (ounces): LL	Whole peeled (ounces): $\bar{X}_d$
In extra heavy and heavy slurps							
5Z	211 by 200	2.1	2.7				
5Z	211 by 202	2.4	3.0				
7Z	211 by 212	3.4	4.0				
8Z tall	211 by 304	4.2	4.8	3.7	4.3	3.8	4.5
No. 300	300 by 407	7.9	8.6	6.8	7.6	7.2	8.0
No. 303 glass		8.7	9.5	7.6	8.5	8.0	8.9
No. 303	303 by 406	8.7	9.5	7.6	8.5	8.0	8.9
No. 2	307 by 409	10.6	11.5	9.6	10.5	9.8	10.8
No. 2½ glass		15.2	16.3	13.6	14.9	13.9	15.2
No. 2½	401 by 411	15.5	16.7	13.8	15.9	14.4	15.7
No. 10	603 by 700	59.7	62.0	57.5	60.0	57.9	60.4
In any other liquid medium							
5 Z	211 by 200	2.2	2.8				
5 Z	211 by 202	2.5	3.1				
7 Z	211 by 212	3.5	4.1				
8 Z tall	211 by 304	4.3	4.9	3.8	4.4	3.9	4.6
No. 300	300 by 407	8.1	8.8	7.0	7.8	7.4	8.2
No. 303 glass		8.9	9.7	7.8	8.7	8.2	9.1
No. 303	303 by 406	8.9	9.7	7.8	8.7	8.2	9.1
No. 2	307 by 409	10.9	11.8	9.7	10.7	10.1	11.1
No. 2½ glass		15.7	16.8	14.0	15.3	14.3	15.6
No. 2½	401 by 411	16.0	17.2	14.2	15.5	14.8	16.1
No. 10	603 by 700	61.7	64.0	59.0	61.5	59.5	62.0
Solid pack (without liquid medium)							
No. 10	603 by 700	89.5	92.0				

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (3) of this section shall be determined as set forth in § 10.9(b) (1) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

8. By adding new § 27.17 to provide for fill-of-container standards for canned prunes as follows:

§ 27.17 Canned prunes; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned prunes is:

(1) The maximum practicable quantity of prunes that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of prunes not less than the average drained weight prescribed in the table in this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights for canned prunes

Container size or name	Metal containers: Regular pack (ounces)	Metal containers: Heavy pack (ounces)	Glass containers: Regular pack (ounces)
8 oz	5½		
No. 1 tall	10½		
No. 2	13		
No. 2½	19	29	18
No. 10	70	110	

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

9. By revising § 27.22 to read as follows:

§ 27.22 Canned pears; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned pears is:

(1) The maximum practicable quantity of pears that can be sealed in the container without impairment of quality.

(2) A drained weight of pears not less than the average drained weight (designated as $\bar{X}_d$) prescribed in Tables 1, 2 and 3 of this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the tables are determined by interpolation as specified in § 10.9(e) of this chapter.

TABLE 1.—*Drained weights for canned pears*

[Styles of quarters; slices; mixed pieces of irregular sizes and shapes]

Container designation	Container size (overall dimensions): Diameter (inches)	Container size (overall dimensions): Height (inches)	Overflow capacity (fluid ounces)	In any syrup or other liquid medium (ounces): LL[1]	In any syrup or other liquid medium (ounces): $\bar{X}_d$[2]
5 Z	211	200		2.6	3.0
5 Z	211	202		2.9	3.3
6 Z	300	200		3.3	3.7
7 Z	211	212		3.8	4.2
8 Z glass			8.2	4.4	4.8
8 Z tall	211	304		4.5	4.9
No. 300	300	407		8.3	8.9
No. 303 glass			17.0	8.8	9.4
No. 303	303	406		9.0	9.6
No. 2	307	409		10.1	11.8
No. 2½ glass			28.35	16.1	16.9
No. 2½	401	411		16.4	17.2
No. 10	603	700		64.9	65.5

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 2.—*Drained weights for canned pears*

Halves style

Container designation	In any syrup or other liquid medium (ounces): LL[1]	In any syrup or other liquid medium (ounces): $\bar{X}_d$[2]
8 Z glass	4.1	4.7
8 Z tall	4.2	4.8
No. 300:		
7 count or less	7.7	8.4
8 count or more	8.0	8.7
No. 303 glass:		
7 count or less	8.2	9.0
8 count or more	8.5	9.3
No. 303:		
7 count or less	8.5	9.3
8 count or more	8.8	9.6
No. 2:		
7 count or less	10.5	11.4
8 count or more	10.8	11.7
No. 2½ glass:		
8 count or less	14.9	16.0
9 count or more	15.4	16.5
No. 2½:		
8 count or less	15.3	16.4
9 count or more	15.3	16.9
No. 10:		
25 count or less	60.8	62.7
26 count or more	62.2	64.1

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 3.—*Drained weights for canned pears*

Diced style

Container designation	In any syrup or other liquid medium (ounces): LL[1]	In any syrup or other liquid medium (ounces): $\bar{X}_d$[2]
5 Z	2.8	3.1
5 Z	3.0	3.3
6 Z	3.5	3.8
7 Z	4.3	4.6
8 Z glass	5.3	5.6
8 Z tall	5.3	5.6
No. 300	9.3	9.7
No. 303 glass	10.1	10.6
No. 303	10.2	10.7
No. 2	12.4	13.0
No. 2½ glass	18.2	18.8
No. 2½	18.4	19.0
No. 10	65.7	67.0

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

(b) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (1) of this chapter.

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(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

10. By adding new § 27.27 to provide for fill-of-container standards for canned grapes as follows:

§ 27.27 Canned grapes; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned grapes is:

(1) The maximum practicable quantity of grapes that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of grapes not less than the average drained weight (designated as $\bar{X}_d$) prescribed in the table in this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights for canned grapes

Container designation	Container size—overall dimensions		Overflow capacity (fluid ounces)	In any liquid medium (ounces)	
	Diameter (inches)	Height (inches)		LL[1]	$\bar{X}_d$[2]
8 Z tall	211	304		4.7	5
8 oz glass			8.2	4.7	5
No. 300	300	407		8.6	9
No. 1 tall	301	411		9.4	10
No. 303	303	406		9.4	10
No. 303 glass			17.0	9.4	10
No. 2	307	409		11.4	12
No. 2½	401	411		16.1	17
No. 2½ glass			28.35	16.1	17
No. 10	603	700		60.3	62

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a)(1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a)(2) of this section shall be determined as set forth in § 10.9(b)(1) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

11. By revising § 27.32 to read as follows:

§ 27.32 Canned cherries; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned cherries is:

(1) The maximum practicable quantity of cherries that can be sealed in the container without impairment of quality.

(2) A drained weight of cherries not less than the average drained weight (designated as $\bar{X}_d$) prescribed in Tables 1 and 2 of this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the tables are determined by interpolation as specified in § 10.9(e) of this chapter.

TABLE 1.—*Drained weights for canned red tart pitted cherries*

Container designations	Container size—overall dimensions		Packed in water or cherry juice (ounces)		Packed in any syrup or slightly sweetened water (ounces)	
	Diameter (inches)	Height (inches)	LL[1]	$\bar{X}_d$[2]	LL	$\bar{X}_d$
No. 303	303	406	10.7	11.0	9.9	10.2
No. 303 cylinder	303	509	14.0	14.4	12.7	13.1
No. 2	307	409	13.1	13.5	12.3	12.7
No. 10	603	700	71.2	72.0	69.4	70.2

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 2.—*Drained weights for pitted and unpitted canned sweet cherries*

Container designations	Container size—overall dimensions		Overflow capacity (fluid ounces)	In extra heavy syrups and in declared "dietetic packs" whether or not packed in water (ounces)		In heavy syrups (ounces)		In light syrup and in slightly sweetened water or juice (ounces)		In water (ounces)	
	Diameter (inches)	Height (inches)		LL[1]	$\bar{X}_d$[2]	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$
8 Z tall	211	304		4.3	4.7	4.6	5.0	4.8	5.2	4.8	5.2
No. 300	300	407		8.4	8.9	8.7	9.2	8.2	8.7	8.2	8.7
No. 1 tall	301	411		9.0	9.7	9.3	10.0	9.5	10.2	9.5	10.2
No. 303	303	406		9.0	9.7	9.3	10.0	9.5	10.2	9.5	10.2
No. 303 glass			17.0	9.0	9.7	9.3	10.0	9.5	10.2	9.5	10.2
No. 2	307	409		11.3	12.0	11.8	12.5	12.0	12.7	12.0	12.7
No. 2½	401	411		16.6	17.5	17.1	18.0	17.6	18.5	17.6	18.5
No. 2½ glass			28.35	16.3	17.2	16.8	17.7	17.3	18.2	17.3	18.2
No. 10	603	700		61.7	64.5	63.7	66.5	68.2	70.0	68.2	70.0

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight for all sample units in the sample.

(b) Compliance with the requirements of paragraph (a)(2) of this section shall be determined as set forth in § 10.9(b)(1) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

12. By adding new § 27.37 to provide fill-of-container standards for canned berries as follows:

§ 27.37 Canned berries; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned berries, either raspberries, blueberries, blackberries or other similar berries is:

(1) The maximum practicable quantity of berries that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of berries not less than the average drained weight prescribed in Tables 1, 2, and 3 in this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the tables are determined by interpolation as specified in § 10.9(e) of this chapter.

TABLE 1.—*Drained weights for canned raspberries*

Container designation	Container size, overall dimensions		Drained weights in syrup; artificially sweetened packing media; water	
	Width (inches)	Height (inches)	Red and purple (ounces)	Black (ounces)
8 oz tall	2 1/16	3 5/16	4	5
No. 300	3	4 5/16	7	7
No 1 tall	3 1/16	4 13/16	8	8
No. 303	3 5/16	4 5/16	8	8
No. 2	3 5/16	4 5/16	10	10
No. 2½	4 1/16	4 13/16	14¼	14¼
No. 10	6 9/16	7	53	55

TABLE 2.—*Drained weights for canned blueberries*

Container designation	Container size, overall dimensions		Drained weights in syrup; artificially sweetened packing media; water; (ounces)
	Width (inches)	Height (inches)	
300 by 407	3	4 5/16	7.5
No. 2	3 7/16	4 5/16	10.0
No. 10	6 9/16	7	55.0

TABLE 3.—*Drained weights for canned blackberries and other similar berries*

Container designation	Container size—overall dimensions		Maximum capacity in water at 68° F (ounces)	Drained weights blackberries		Drained weights other berries	
	Diameter (inches)	Height (inches)		Extra heavy and heavy syrup (ounces)	Light syrup and water (ounces)	Extra heavy and heavy syrup (ounces)	Light syrup and water (ounces)
8 oz	2 1/16	3 5/16	8.65	4½	4¾	4½	4½
No. 303	3 1/16	4 5/16	16.85	8½	9¼	7¾	8¼
No. 2	3 5/16	4 5/16	20.50	11	12	9½	10
No. 10	6 9/16	7	109.45	62	66	55	60
No. 10 (heavy pack)[1]	6 9/16	7	109.45	----	74	----	70

[1] Canned berries in No. 10 containers (in water) may be certified with the additional statement "heavy pack", provided they meet the drained weight requirement specified.

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(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a)(1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a)(2) of this section shall be determined as set forth in § 10.9(b)(2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

13. By revising § 27.42 to read as follows:

§ 27.42 Canned fruit cocktail, canned cocktail fruits, canned fruit for cocktail; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned fruit cocktail is:

(1) The maximum practicable quantity of fruit cocktail that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of fruit cocktail not less than the average drained weight (designated as $\bar{X}_d$) prescribed in the table in this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights for canned fruit cocktail

Container designation	Container size		Capacity weight H_2O at 68° F (avoirdupois ounces)	Drained weight (65 percent capacity) (ounces)	
	Overall dimensions (inches)	Overflow capacity (fluid ounces)		LL[1]	$\bar{X}_d$[2]
5 oz	211 by 200		4.90	2.8	3.18
5 oz	211 by 202		5.25	3.0	3.41
6 oz	300 by 200		6.15	3.6	3.97
7 oz	211 by 212		7.15	4.2	4.64
8 Z tall	211 by 304		8.65	5.1	5.63
8 oz glass		8.2	8.50	5.0	5.53
No. 300	300 by 407		15.30	9.3	9.88
No. 1 tall	301 by 411		16.60	10.1	10.79
No. 303	303 by 406		16.85	10.3	10.96
303 glass		17.0	17.70	10.8	11.51
No. 2	307 by 409		20.50	12.5	13.33
No. 2½	401 by 411		29.75	18.3	19.34
No. 2½ glass		28.35	29.50	18.2	19.18
No. 3 cylinder	404 by 700			32.3	33.57
No. 10	603 by 700		109.45	69.4	71.15

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a)(1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a)(2) of this section shall be determined as set forth in § 10.9(b)(1) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

14. By revising § 27.47 to read as follows:

§ 27.47 Canned plums; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned plums is:

(1) The maximum practicable quantity of plums that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of plums not less than the average drained weight (designated as $\bar{X}_d$) prescribed in the table in this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights for canned plums

Container designation	Water capacity of container (ounces)	In any liquid medium			
		Whole plums drained weight (ounces)		Halves drained weight (ounces)	
		LL[1]	$\bar{X}_d$[2]	LL[1]	$\bar{X}_d$[2]
8 Z tall	8.65	3.7	4.3	4.2	4.8
8 oz glass	8.2	3.5	4.1	3.9	4.5
No. 1 tall	16.60	7.5	8.3	8.3	9.1
No. 303	16.85	7.6	8.4	8.5	9.3
No. 303 glass	17.0	7.7	8.5	8.5	9.3
No. 2	20.5	9.4	10.3	10.4	11.3
No. 2½	29.75	13.7	14.9	15.2	16.4
No. 2½ glass	29.50	13.6	14.8	15.0	16.2
No. 10	109.45	52.5	54.7	58.0	60.2

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight for all sample units in the sample.

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a)(1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a)(2) of this section shall be determined as set forth in § 10.9(b)(1) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and forms specified therein.

15. By revising § 27.52 to read as follows:

§ 27.52 Canned pineapple; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned pineapple is:

(1) The maximum practicable quantity of pineapple that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of pineapple not less than the average drained weight prescribed in Tables 1 and 2 of this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the tables are determined by interpolation as specified in § 10.9(e) of this chapter.

TABLE 1.—*Drained weights for canned pineapple in styles other than crushed and chip styles*

Container designation	Dimensions (inches)	Water capacity (ounces)	Other styles			
			Juice and sirup packs (ounces)		Water packs (ounces)	
			$\bar{X}_d$[1]	LL[2]	$\bar{X}_d$	LL
	300 by 207	7.00	4.06	3.86	3.85	3.65
1 flat	307 by 201.25	8.49	4.92	4.70	4.67	4.44
1 flat	307 by 203	8.94	5.19	4.96	4.92	4.69
8 Z	211 by 304	8.65	5.02	4.79	4.76	4.53
211 cyl	211 by 414	13.55	7.86	7.54	7.45	7.13
1¼	401 by 207	14.47	8.68	8.34	8.25	7.91
1½	307 by 309	15.64	9.38	9.02	8.91	8.54
2	307 by 409	20.50	12.30	11.90	11.68	11.28
2½	401 by 411	29.50	17.70	17.14	16.81	16.25
10	603 by 700	109.45	68.95	67.26	65.67	63.98
10 (slices)	603 by 700	109.45	65.67	63.98	62.30	60.70

[1] $\bar{X}_d$ is the average drained weight of all sample units in the sample.
[2] LL is the lower limit drained weight for individual containers.

TABLE 2.—*Drained weights for canned crushed pineapple*

Container designation	Dimensions (inches)	Water capacity (ounces)	Crushed and chips styles		
			Regular pack (ounces) $\bar{X}_d$[1]	"Heavy pack" (ounces) $\bar{X}_d$	"Solid pack" (ounces) $\bar{X}_d$
	300 by 207	7.00	4.41	5.11	5.46
1 flat	307 by 201.25	8.49	5.35	6.20	6.62
1 flat	307 by 203	8.94	5.63	6.52	6.97
8 Z	211 by 304	8.65	5.45	6.31	6.75
211 cylinder	211 by 414	13.55	8.54	9.89	10.57
1¼	401 by 207	14.47	9.11	10.56	11.29
1½	307 by 309	15.64	9.85	11.42	12.20
2	307 by 409	20.50	12.91	14.97	15.99
2½	401 by 411	29.50	18.59	21.54	23.01
10	603 by 700	109.45	68.96	79.90	85.37

[1] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

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(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of Tables 1 and 2 in paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (1) and (2), respectively, of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

16. By adding new § 27.74 to provide fill-of-container standards for canned figs as follows:

§ 27.74 Canned figs; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned figs is:

(1) The maximum practicable quantity of figs that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of figs not less than the average drained weight (designated as $\bar{X}_d$) prescribed in the table in this paragraph (a) (2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights for canned figs

Container designation	Container size, overall dimensions		Overflow capacity (fluid ounce)	All styles (including canned dietetic figs) (ounces)	
	Width (inches)	Height (inches)		LL[1]	$\bar{X}_d$[2]
8 Z tall	211	304		4.2	5.0
8 oz glass			8.2	4.2	5.0
No. 300	300	407		8.1	9.0
No. 1 tall	301	411		9.0	10.0
No. 303	303	406		9.0	10.0
No. 303 glass			17.0	8.7	9.7
No. 2	307	409		11.5	12.5
No. 2½	401	411		16.6	18.0
No. 2½ glass			28.35	15.8	17.2
No. 10 (70 whole figs, or portions equivalent thereto, and less)	603	700		60.5	63.0
No. 10 (71 whole figs, or portions equivalent thereto, and more)				63.5	66.0

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (1) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

17. By revising § 27.92 to read as follows:

§ 27.92 Canned grapefruit; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned grapefruit is:

(1) The maximum practicable quantity of grapefruit that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of grapefruit not less than the average drained weight (designated as $\bar{X}_d$) prescribed in the table in this paragraph (a) (2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights for canned grapefruit

Container size or designation	Dimensions (inches)	Water capacity (ounces)	LL[1] (ounces)	$\bar{X}_d$[2] (ounces)
8 Z tall	211 by 304	8.65	3.95	4.30
No. 303	303 by 406	16.85	7.95	8.40
No. 3 cylinder	404 by 700	51.70	24.75	25.85

[1] LL is the lower drained weight limit for individual cans.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (1) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

PART 51—CANNED VEGETABLES

18. By adding new § 51.12 to provide fill-of-container standards for green beans and wax beans as follows:

§ 51.12 Canned green beans and canned wax beans; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned green beans and canned wax beans is:

(1) The maximum practicable quantity of green beans or wax beans that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of green beans or wax beans not less than the average drained weight prescribed in the table in this paragraph (a) (2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights for canned green beans and wax beans

Container size or designation	Water capacity (ounces)	Whole and sliced lengthwise or French style (ounces)	Cuts 1⅜ in and longer (ounces)	Mixed cuts and short cuts, less than 1⅜ in (ounces)
8 Z tall	8.65	4.3	4.5	4.7
8 oz glass	8.2	3.9	4.1	4.3
No. 1 (picnic)	10.90	5.4	5.6	6.0
No. 300	15.20	7.6	7.9	8.4
No. 1 tall	16.60	8.3	8.6	9.1
No. 303	16.85	8.4	8.8	9.3
No. 303 glass	17.0	8.2	8.5	9.0
No. 2	20.50	10.3	10.7	11.3
No. 2½	29.75	14.9	15.5	16.4
No. 2½ glass	29.50	14.25	14.8	15.6
No. 10	109.45	54.5	57.0	60.2

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

19. By revising § 51.22 to read as follows:

§ 51.22 Canned corn, canned sweet corn, canned sugar corn; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned corn is:

(1) Except in the case of vacuum pack corn, the maximum practicable quantity of corn that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) Except in the case of vacuum pack corn, a drained weight of corn not less than the average drained weight prescribed in the table in this paragraph (a) (2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights for whole kernel corn

Container size or designation	Water capacity (ounces)	Drained weight (ounces)
8 Z tall	8.65	5.3
No. 1 (picnic)	10.90	6.6
No. 300	15.20	9.3
No. 303	16.85	10.3
No. 2	20.50	12.5
No. 10	109.45	66.8

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

20. By revising § 51.503 to read as follows:

§ 51.503 Canned mushrooms; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned mushrooms is:

(1) The maximum practicable quantity of mushrooms than can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of mushrooms not less than the average drained weight prescribed in the table in this paragraph (a) (2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter.

Drained weight of mushrooms

Trade designation	Overall dimensions, sealed can		Average weight of drained mushrooms (avoirdupois ounces)
	Diameter (inches)	Height (inches)	
202 by 204	2 1/16	2 1/16	2
211 by 212	2 13/16	2 7/8	4
300 by 400	3	4	8
307 by 510	3 7/16	5 5/16	16
603 by 700	6 5/16	7	68

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

21. By adding new § 51.513 to provide for fill-of-container standards for asparagus as follows:

§ 51.513 Canned asparagus; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned asparagus is:

(1) The maximum practicable quantity of asparagus that can be sealed in the

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container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of asparagus not less than the average drained weight (designated as $\bar{X}_d$) prescribed in the table in this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weight for canned asparagus

Container designation	Container dimensions (inches; or water capacity in ounces avoirdupois as applicable)		Small, medium, or large sizes: and blends of these sizes				Extra large, colossal, giant sizes; or blends including these sizes				Cuts spears, bottom cuts-tips removed			
	Diameter	Height	Green tipped and white; white (ounces)		Green and green tipped (ounces)		Green tipped and white; white (ounces)		Green and green tipped (ounces)		Green tipped and white (ounces)		Green (ounces)	
			LL[1]	$\bar{X}_d$[2]	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$
3 oz glass	(3)	(3)	4.8	5.1	4.6	4.9	4.6	5.1	4.6	4.9	4.7	5.0	4.4	4.7
8 Z short	$2\frac{13}{16}$	3	4.4	4.7	4.2	4.5	4.4	4.7	4.2	4.5	4.2	4.5	4.1	4.3
8 Z tall	$2\frac{13}{16}$	$3\frac{1}{16}$	4.9	5.2	4.7	5.0	4.9	5.2	4.7	5.0	4.7	5.0	4.5	4.8
No. 1 picnic	$2\frac{13}{16}$	4	6.6	7.0	5.8	6.2	6.1	6.5	5.6	6.0	6.2	6.5	5.7	6.0
12 Z	$2\frac{13}{16}$	$4\frac{9}{16}$	7.6	8.0	7.1	7.5	7.3	7.7	6.8	7.2	7.3	7.7	6.8	7.2
$13\frac{1}{2}$ Z glass	(4)	(4)	8.8	9.1	7.8	8.3	8.1	8.6	7.5	8.0				
No. 300	3	$4\frac{7}{16}$	9.0	9.5	8.2	8.7	8.5	9.0	7.9	8.4	8.6	9.0	8.2	8.6
300 by 400	3	$4\frac{9}{16}$	9.2	9.7	8.5	9.0	8.7	9.2	8.1	8.6	8.8	9.2	8.4	8.8
No. 1 tall	$3\frac{1}{16}$	$4\frac{13}{16}$	9.9	10.5	8.8	9.4	9.3	9.9	8.5	9.1	9.1	9.6	8.6	9.1
No. 303 glass	(5)	(5)	10.3	10.9	9.1	9.7	9.7	10.3	8.8	9.4	9.4	9.9	8.9	9.4
No. 303	$3\frac{1}{16}$	$4\frac{5}{16}$	10.1	10.7	8.9	9.5	9.5	10.1	8.6	9.2	9.2	9.7	8.7	9.2
No. 303 cylinder	3	$5\frac{9}{16}$			10.3	11.0			9.8	10.5				
No. 2	$3\frac{7}{16}$	$4\frac{3}{16}$	12.3	13.0	11.1	11.8	11.6	12.3	10.6	11.3	12.1	12.7	11.1	11.7
No. $2\frac{1}{2}$ glass	(6)	(6)	17.7	18.7	16.0	17.0	16.7	17.7	15.5	16.5	17.6	18.3	16.0	16.7
No. $2\frac{1}{2}$	$4\frac{1}{16}$	$4\frac{13}{16}$	18.0	19.0	16.2	17.2	17.0	18.0	15.7	16.7	17.8	18.5	16.2	16.9
No. 5 squat	$6\frac{3}{16}$	$4\frac{3}{16}$	41.5	43.0	37.5	39.0	39.5	41.0	36.5	38.0	41.0	42.0	37.0	38.0
No. 10	$6\frac{3}{16}$	7									63.1	64.5	58.8	60.2

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.
[3] 8.5 oz avdp.
[4] 14.0 oz avdp.
[5] 17.7 oz. avdp.
[6] 29.5 oz avdp.

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a)(1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a)(2) of this section shall be determined as set forth in § 10.9(b)(1) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

22. By adding new § 51.523 to provide fill-of-container standards for lima beans as follows:

§ 51.523 Canned lima beans; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned lima beans is:

(1) The maximum practicable quantity of lima beans that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of lima beans not less than the average drained weight prescribed in the table in this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights of lima beans

Container designation	Container size			Drained weight (ounces)
	Overall diameter (inches)	Overall height (inches)	Overflow capacity (fluid ounces)	
8 Z tall	$2\frac{13}{16}$	$3\frac{1}{16}$		$5\frac{1}{16}$
8 Z jar			8.2	$5\frac{1}{16}$
No. 1 (picnic)	$2\frac{13}{16}$	4		7
No. 1 tall	$3\frac{1}{16}$	$4\frac{13}{16}$		$10\frac{5}{16}$
No. 300	3	$4\frac{7}{16}$		$9\frac{3}{4}$
No. 303	$3\frac{1}{16}$	$4\frac{5}{16}$		11
No. 303 jar			17.0	11
No. 2	$3\frac{7}{16}$	$4\frac{3}{16}$		$13\frac{1}{16}$
No. 10	$6\frac{3}{16}$	7		72

Drained weights (in ounces) of beets

Container size or designation	Whole[1]		Sliced[1]		Diced	Quartered cut	Julienne
	Size Nos. 1 to 3, inclusive	Size Nos. 4 to 6, inclusive	Small	Medium and large			
8 Z tall	$5\frac{1}{16}$	5	$5\frac{1}{16}$	5	$5\frac{1}{16}$	$5\frac{1}{16}$	$5\frac{1}{16}$
8 Z jar	$5\frac{1}{16}$	5	$5\frac{1}{16}$	5	$5\frac{1}{16}$	$5\frac{1}{16}$	$5\frac{1}{16}$
No. 1 picnic	$6\frac{5}{16}$	$6\frac{1}{16}$	$6\frac{5}{16}$	$6\frac{1}{16}$	7	7	$6\frac{5}{16}$
No. 300	$9\frac{3}{4}$	$9\frac{1}{4}$	$9\frac{3}{4}$	$9\frac{1}{4}$	10	10	$8\frac{3}{4}$
No. 303	$9\frac{3}{4}$	$9\frac{1}{4}$	$10\frac{1}{16}$	$9\frac{3}{4}$	$10\frac{1}{16}$	$10\frac{1}{16}$	9
No. 303 jar	10	$9\frac{1}{2}$	$10\frac{1}{16}$	$9\frac{3}{4}$	$10\frac{1}{16}$	$10\frac{1}{16}$	9
No. 2	$12\frac{1}{16}$	$12\frac{1}{4}$	$12\frac{1}{16}$	12	$12\frac{1}{4}$	$12\frac{1}{16}$	$11\frac{1}{16}$
No. $2\frac{1}{2}$	$19\frac{1}{2}$	19	19	$18\frac{1}{16}$	19	$18\frac{1}{16}$	$18\frac{1}{4}$
No. $2\frac{1}{2}$ jar	$19\frac{1}{4}$	$18\frac{3}{4}$	$18\frac{3}{4}$	$18\frac{1}{4}$	$18\frac{3}{4}$	$18\frac{1}{4}$	18
No. 10	69	68	69	68	72	70	68

[1] Mixed sizes to be based on drained weight for predominant size of individual units.

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a)(1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a)(2) of this section shall be determined as set forth in § 10.9(b)(2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

24. By adding new § 51.543 to provide fill-of-container standards for carrots as follows:

§ 51.543 Canned carrots; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned carrots is:

(1) The maximum practicable quantity of carrots that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of carrots not less than the average drained weight prescribed in the table in this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights (in ounces) of carrots

Container size or designation	Whole[1]		Sliced[1]		Diced	Quartered cut	Julienne
	Less than 1½ in in diameter	1½ in in diameter and over	Less than 1½ in in diameter	1½ in in diameter and over			
8 Z tall	$5\frac{1}{16}$	5	$5\frac{1}{16}$	5	$5\frac{1}{16}$	$5\frac{1}{16}$	$5\frac{1}{16}$
8 Z jar	$5\frac{1}{16}$	5	$5\frac{1}{16}$	5	$5\frac{1}{16}$	$5\frac{1}{16}$	$5\frac{1}{16}$
No. 1 picnic	$6\frac{5}{16}$	$6\frac{1}{16}$	$6\frac{5}{16}$	$6\frac{1}{16}$	7	7	$6\frac{5}{16}$
No. 300	$9\frac{3}{4}$	9	$9\frac{3}{4}$	$9\frac{3}{4}$	10	10	$8\frac{3}{4}$
No. 303	$9\frac{3}{4}$	$9\frac{3}{4}$	10	$9\frac{3}{4}$	$10\frac{1}{16}$	$10\frac{1}{16}$	9
No. 303 jar	$9\frac{3}{4}$	$9\frac{3}{4}$	10	$9\frac{3}{4}$	$10\frac{1}{16}$	$10\frac{1}{16}$	9
No. 2	$12\frac{1}{16}$	$12\frac{1}{4}$	$12\frac{1}{16}$	12	$12\frac{1}{4}$	$12\frac{1}{16}$	$11\frac{1}{16}$
No. $2\frac{1}{2}$	$19\frac{1}{2}$	19	19	$18\frac{1}{16}$	19	$18\frac{1}{16}$	$18\frac{1}{4}$
No. $2\frac{1}{2}$ jar	$19\frac{1}{4}$	$18\frac{3}{4}$	$18\frac{3}{4}$	$18\frac{1}{4}$	$18\frac{3}{4}$	$18\frac{1}{4}$	18
No. 10	69	68	69	68	72	70	68

[1] Mixed sizes to be based on drained weight for predominant size of individual units.

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a)(1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a)(2) of this section shall be determined as set forth in § 10.9(b)(2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

25. By adding new § 51.553 to provide fill-of-container standards for leafy greens as follows:

§ 51.553 Canned leafy greens; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned leafy greens, either canned collards, kale, mustard greens, turnip greens, spinach, or mixed greens (a mixture of two or more of these greens) is:

(1) The maximum practicable quantity of leafy greens that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of leafy greens not less than the average drained weight (designated as $\bar{X}_d$) prescribed in the table in this paragraph (a)(2) for the container, as determined by the method for drained weight prescribed in paragraph (b) of this section. Drained weight requirements for can sizes not specified in the table are determined by interpolation according to the general method in § 10.9(c) of this chapter.

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Drained weights for canned leafy greens

Container designation	Container size overall dimensions		Capacity weight H_2O at 68° F (avoirdupois ounces)	Drained weight (avoirdupois ounces) LL [1]	$\bar{X}_d$ [2]
	Diameter (inches)	Height (inches)			
8 Z tall	2 1/16	3 1/16	8.65	4.8	5.2
No. 1 picnic	2 1/16	4	10.90	6.2	6.8
No. 300	3	4 7/16	15.20	8.6	9.1
No. 1 tall	3 1/16	4 11/16	15.60	9.4	10.0
No. 303	3 1/16	4 5/16	16.85	9.6	10.2
No. 303 glass			17.70	9.4	10.0
No. 2	3 7/16	4 3/16	20.50	11.9	12.6
No. 2½	4 1/16	4 1/16	29.75	17.6	18.6
No. 2½ glass			29.50	15.8	16.6
No. 10	6 1/16	7	100.45	54.7	58.4

[1] LL is the lower limit drained weight for individuals.

[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

(b) The drained weight of leafy greens is determined by the following method: The drained weight of canned leafy greens is determined when the product is at approximately room temperature (68° F) and at least 30 days after the product is canned. The contents of the containers are emptied onto a dry, previously weighed U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937, ± 3 percent, square openings). With the sieve flat on the tray, the container of product is placed open end down in the sieve in an upright position. The container is lifted off the product without spreading the product out on the sieve. The product is allowed to drain for exactly 2 minutes. The weight of the product and sieve minus the weight of the dry sieve is the drained weight of the product. A sieve 8 inches in diameter is used for the equivalent of a No. 3 size can (404 x 700) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of a No. 3 size can.

(c) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (1) of this chapter.

(d) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

26. By adding new § 51.563 to provide fill-of-container standards for okra as follows:

§ 51.563 Canned okra; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned okra is:

(1) The maximum practicable quantity of okra that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of okra not less than the average drained weight prescribed in the table in this paragraph (a) (2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weight of okra

Container size or designation	Container dimensions (inches)		Styles of canned okra (ounces)	
	Width	Height	Whole or salad	Cut
8 oz tall	2 1/16	3 1/16	4.5	5
No. 1 picnic	2 1/16	4	6.2	6.5
No. 1 tall	3 1/16	4 11/16	9.8	10.2
No. 303	3 3/16	4 5/16	10	10.5
No. 2	3 7/16	4 3/16	12	12.8
No. 2½	4 1/16	4 11/16	17.8	18.8
No. 10	6 1/16	7	60	60

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

27. By adding new § 51.573 to provide fill-of-container standards for field peas and black-eye peas as follows:

§ 51.573 Canned field peas and black-eye peas; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned field peas or canned black-eye peas is:

(1) The maximum practicable quantity of field peas or black-eye peas that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of field peas or black-eye peas not less than the average drained weight prescribed in the table in this paragraph (a) (2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights for canned field peas and black-eye peas

Container size or designation	Ounces
No. 1 (picnic)	7
No. 1 tall	10½
No. 300	9¾
No. 303	11
No. 2	13¼
No. 10	72

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

28. By adding new § 51.583 to provide fill-of-container standards for pimientos as follows:

§ 51.583 Canned pimientos; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned pimientos is:

(1) The maximum practicable quantity of pimientos that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of pimientos not less than the average drained weight prescribed in the table in this paragraph (a) (2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights of pimientos

Metal or glass container designation	Metal container dimension (inches)	Capacity		Style of pimientos			
		Avoirdupois ounces of water at 68° F (weight)	Whole halves (ounces)	Whole and piece (ounces)	Pieces (ounces)	Diced; chopped (ounces)	Sliced (ounces)
Regular pack:							
2 Z jar		2.28	1.5	1.5	1.5	1.5	1.5
4 Z pimiento	211 by 200	4.00	3.2	3.2	3.2	3.2	3.2
4 Z jar		4.88	3.2	3.2	3.2	3.2	3.2
7 Z pimiento	300 by 206	7.50	5.2	5.2	5.2	5.2	5.2
7 Z jar		8.10	5.3	5.3	5.3	5.3	5.3
No. 300	300 by 407	15.20	10.0	10.2	10.2	10.2	10.0
No. 303	308 by 406	16.55	11.0	11.2	11.2	11.2	11.0
No. 303 jar		17.65	11.2	11.5	11.5	11.5	11.2
No. 2	307 by 409	20.50	13.2	13.5	14.0	14.0	13.2
No. 2½	401 by 411	29.75	20.2	20.5	20.5	20.5	20.2
No. 2½ jar		29.38	20.0	20.2	20.2	20.2	20.0
No. 10	603 by 700	109.45	70.7	72.2	74.0	74.0	71.7

Containers of different capacities than above—not less than 65 pct of the water capacity (avoirdupois weight at 68° F) of the container.

Heavy pack—little free liquid and drained weight is not less than 90 pct of the water capacity (avoirdupois weight at 68° F) of the container.

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

29. By adding new § 51.593 to provide fill-of-container standards for onions as follows:

§ 51.593 Canned onions; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned onions is:

(1) The maximum practicable quantity of onions that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of onions not less than the average drained weight prescribed in the table in this paragraph (a) (2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weights for canned onions

Container size or designation	Maximum headspace allowable (measured from top double seam)	Sizes of canned onions		
		Tiny (ounces)	Small (ounces)	Medium (ounces)
	One-sixteenth of an inch			
8 Z tall	7.6	4.5	4.5	4.5
No. 303	9.4	9.5	9	9
No. 303 glass	9.4	9	9	9
No. 10	12.8	64	63	60

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

30. By adding new § 51.603 to provide fill-of-container standards for sweet potatoes as follows:

§ 51.603 Canned sweet potatoes; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned sweet potatoes is:

(1) Except in the case of "vacuum pack" sweet potatoes (closed under high vacuum with little or no packing medium), the maximum practicable quantity of sweet potatoes that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) Except in the case of vacuum pack or solid pack (dry pack, without added packing medium), a drained weight of sweet potatoes not less than the average drained weight prescribed in the table in this paragraph (a) (2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Sweet potatoes in a liquid packing medium

Container size or designation:	Drained weight (ounces)
No. 2	14
No. 2½	19
No. 3 vacuum or squat (404 x 307)	15
No. 10	72

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a) (1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a) (2) of this section shall be determined as set forth in § 10.9(b) (2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

31. By adding new § 51.613 to provide fill-of-container standards for white potatoes as follows:

§ 51.613 Canned white potatoes; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned white potatoes is:

(1) The maximum practicable quantity of white potatoes that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 90 and 128b of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of con-

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tainer prescribed in § 10.6(b) of this chapter.

(2) A drained weight of white potatoes not less than the average drained weight prescribed in the table in this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 10.9(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 10.9(e) of this chapter.

Drained weight for white potatoes

Container size or designation	All styles (ounces)
No. 2	13
No. 2½	19
No. 10	74

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a)(1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a)(2) of this section shall be determined as set forth in § 10.9(b)(2) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

PART 53—TOMATO PRODUCTS

32. By revising § 53.42 to read as follows:

§ 53.42 Canned tomatoes; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned tomatoes is:

(1) The maximum practicable quantity of tomatoes that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(2) A drained weight of tomatoes not less than the average drained weight prescribed in the table in this paragraph (a)(2) for the container, as determined by the method prescribed in § 10.9(c) of this chapter except that sieves with square mesh openings of 11.2 mm (0.438 inch) or 11.33 mm (0.446 inch) are used. Drained weight requirements for can sizes not specified in the table are determined by interpolation according to the general method in § 10.9(e) of this chapter.

Drained weights for canned tomatoes

Container designation	Container dimensions: Width (inches)	Container dimensions: Height (inches)	Overflow capacity (fluid ounces)	Average drained weight (ounces)	Minimum drained weight (ounces)
8 Z Tall	211	304		4.3	3.9
8 oz. glass			8.2	4.1	3.7
No. 300	300	407		7.6	6.8
No. 1 Tall	301	411		8.4	7.5
No. 303	303	406		8.4	7.6
No. 303 glass			17.0	8.5	7.7
No. 2	307	409		10.3	9.2
No. 2½	401	411		14.9	13.4
No. 2½ glass			28.35	14.8	13.3
No. 10	603	700		54.7	45.3

(b) Determination of compliance:

(1) Compliance with the requirements of paragraph (a)(1) of this section shall be determined as set forth in § 10.9(a) of this chapter.

(2) Compliance with the requirements of paragraph (a)(2) of this section shall be determined as set forth in § 10.9(b)(1) of this chapter.

(c) If the fill of container falls below that prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form specified therein.

Interested persons may, on or before February 5, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 20, 1975.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.75-28786 Filed 10-23-75;12:00 noon]

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PART III:

INTERSTATE COMMERCE COMMISSION

CONTINUATION SUBSIDY DECISIONS

Criteria for Rail Service

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INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 293 (Sub. No. 6)]

CONTINUATION SUBSIDY DECISIONS

Criteria for Rail Service

On June 9, 1975 (40 FR 24686), the Director of the Rail Services Planning Office ("Office") of the Interstate Commerce Commission issued a notice of Intent To Establish Criteria, pursuant to Section 205(d)(4) of the Regional Rail Reorganization Act of 1973 (the "Act") which directs the Office to:

• • • Assist States and local and regional transportation agencies in making determinations whether to provide rail service continuation subsidies to maintain in operation particular rail properties by establishing criteria for determining whether particular rail properties are suitable for rail service continuation subsidies. • • •

This particular duty of the Office is related to other provisions of the Act, which provide for the preservation of certain rail services in the Northeast and Midwest Regions if States, local or regional transportation authorities, users of rail services or other responsible persons offer to make "rail service continuation subsidy" payments (Section 304); and which provide for a two-year Federally supported assistance program of $90 million for each of two fiscal years (Sections 402 and 403). The Federal share of rail service subsidy costs under Section 402 will be 70 percent, with the remaining 30 percent share to be provided by each State, subject to entitlement as spelled out in Section 402(b) (1) and (2). Eligibility, for a subsidy is covered under Section 402(c). Under Section 403 of the Act. Federal loans or loan guarantees for the acquisition or modernization of rail properties will not exceed 70 percent of the purchase price or the cost of rehabilitation.

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In addition to the requirement that it publish criteria to assist in the making of rail service continuation subsidy decisions, the Office was directed under Section 205(d)(3) of the Act, to publish standards for determining the level of rail service continuation subsidy payments. Such standards were the subject of a proceeding, Ex Parte No. 293, (Sub. No. 2), Standards for Determining Rail Service Continuation Subsidies ("Subsidy Standards"), and were published on July 1, 1974, at 39 FR 24294, with amendments on January 8, 1975, at 40 FR 1624 and with additional amendments on March 28, 1975, at 40 FR 14186. In order to avoid possible confusion, it should be noted that this proceeding pertains to subsidy criteria, required to be issued by the Office under Section 205(d)(4) of the Act, and not to subsidy standards, issued previously by the Office pursuant to Section 205(d)(3).

The Act specifies under Section 205(d)(4) that the subsidy criteria include the following considerations:

• • • Rail properties are suitable if the cost of the required subsidy for such properties per year to the taxpayers is less than the cost of termination of rail service over such properties measured by increased fuel consumption and operational costs for alternative modes of transportation; the cost to the gross national product in terms of reduced output of goods and services; the cost of relocating or assisting through unemployment, retraining and welfare benefits to individuals and firms adversely affected thereby; and the cost to the environment measured by damage caused by increased pollution. • • •

It is clear from the Act that the subsidy criteria are to be advisory in nature, and in no respect should they be construed as compulsory guidelines which must be followed by any party in connection with any provisions of the Act. However, Federal Railroad Administration regulations promulgated under § 255.9-(b)(1)(ii), Requirements for State Rail Plan for Rail Transportation and Local Rail Services, Continuation of Local Rail Services, procedures and Requirements Regarding Applications for and Disbursement of Rail Service Continuation Assistance, 49 CFR Part 255, FRA Economic Docket No. 3, Notice No. 2, issued with amendments on January 22, 1975 ("FRA Regulations") require that State Rail Plans submitted to the Federal Railroad Administrator must indicate consideration by the States of the Office's advisory subsidy criteria.

It is also clear that there is no legal requirement that the criteria be adopted pursuant to formal rulemaking procedures. However, the Office believed that public comment, suggestions, and criticism would prove valuable in developing the criteria. Therefore, the Office provided for, and invited, public comments to be filed with the Office on or before July 24, 1975. Although there was a noticeable lack of participation, the comments received provided a number of valuable suggestions which have been incorporated in these final rail service continuation subsidy criteria.

A. Background and Overview

The Act provides for a general reorganization and restructuring of the properties and services of the bankrupt railroads operating in the Northeast and Midwest which were found by their respective reorganization courts not capable of being reorganized under the normal bankruptcy laws. When the statutory planning process is completed and the Final System Plan ("Plan") for restructuring these railroads is effective, services over lines designated as not included in the Plan may be discontinued unless a rail service continuation subsidy is offered or some other appropriate action is taken.

On July 26, 1975, the United States Railway Assocation (the "Association"), the principal planning agency in the rail reorganization process, issued the Plan for restructuring the railroads. In the Plan, the Association identified some 5,760 miles of rail trackage that it recommends not be included in the new system (Consolidated Rail Corporation of "ConRail").

Prior to this time, in accordance with the FRA Regulations cited above, States were required to submit Phase I of their State Rail Plans to the Federal Railroad Administrator for approval by May 15, 1975. Phase II of the State Rail Plan is to be submitted for review within 30 days after the date of approval of the Plan by the Congress.

In Phase I, a State had to explain in detail how it intends to conduct its assistance program, including identification of the data to be acquired on the rail system in the State; the methodology to be used in determining which essential rail services should be continued; the criteria to be employed in ranking these services according to their service priority; and an explanation of the goals to be used in the development of the State Rail Plan. Under Phase II, a State must identify the specific services which should be continued as determined by the application of the Phase I methodology, criteria and goals in response to and consistent with the Plan; the order of funding priority of those services; and the amount and form of the assistance required.

Under the present statutory timetable, the plan could become effective—unless rejected by the Congress—as early as November 9, 1975. Beginning 30 days thereafter, or as early as December 8, 1975, the trustees of railroads in reorganization may give notice of their intention to terminate service on the lines not designated to be included in the Plan. Service discontinuance may become effective on a certain date which is not less than 60 days after date of each such notice. Thus, service on affected branch lines may actually be discontinued as early as February 7, 1976 unless a rail service continuation subsidy is offered.

B. Propose and Conceptual Approach

The purpose of the proposed criteria is to assist a potential subsidizer to decide whether a rail service continuation subsidy should be offered, or whether the rail service should be allowed to be terminated as requested in the notice of intention to terminate service.

While the Act permits potential subsidizers to be a rail user (shipper/reciver); a State Government (or agency thereof); a local or regional transportation authority (or agency); a community; or any responsible person, the Office is directed only to assist "States and local and regional transportation agencies". However, it is assumed that the criteria will be of interest to other concerned organizations and individuals who would not qualify technically as "transportation agencies", but who are intersted in determining whether to retain rail service and the framework in which such decisions should be made. Furthermore, the Office does not believe that it is within its mandate to provide specific criteria to guide individual business firms in determining whether to subsidize rail service for their own benefit, regardless of any benefits that might accrue to the

States, regions or communities in which the firms are located. In all probability, such firms will have available their own cost, revenue and other business information upon which to base such a decision.

The Office's conceptual approach in designing the criteria is to establish the planning framework in which rail service continuation subsidy decisions should be made; to identify relevant factors to be considered in the decision-making process; to present an analytical approach to the subsidy decision; and to identify alternative means of retaining rail service in addition to the subsidy program as provided in the Act.

The criteria are designed to serve as guidelines only. No claim is made that they are all-inclusive and comprehensive. However, their use by a potential subsidizer should provide a reasonable assurance that important issues and factors are not overlooked in the rail subsidy decision-making process.

The relevant factors which should be considered are numerous and complex. Some factors will be convertible to monetary terms, although ascertaining their specific values may be difficult. Other factors will be such that it may be impractical, if not impossible, to represent them in monetary terms. However, a measure of their value, even though it is subjective, may be an important determinant in the rail subsidy determination process. It is also important to recognize that the values assigned to particular factors can vary considerably depending on the perspective of the subsidy provider. These variations depend upon whether the factors are being evaluated at the local, regional, State or Federal level. Finally, it should be noted that in offering these criteria, the Office recognizes that each and every factor cannot be considered in every potential rail subsidy decision situation. Consequently, a potential subsidizer should be guided in the application of the criteria by conditions peculiar to the affected area and to the particular rail properties and services to question.

The Office recognizes that the identification of general subsidy criteria will not be helpful unless they can be applied to the individual situation of potential discontinuance of service. Moreover, those who would be affected by the discontinuance of rail service will have a short time frame in which to decide whether to offer a rail service continuation subsidy, take some other action to retain service, switch to alternative forms of transportation, or accept whatever remaining consequences exist. In short, this means making the decision whether the particular rail service is worth keeping from a public policy and planning perspective. In this regard, decision-makers have a total responsibility to insure that public funds are used to fulfill rail service and other transportation needs so as to minimize the cost to the public.

II. The Subsidy Decision Within a Transportation Planning Framework

Virtually all public subsidy decisions involve the choice of whether or not to use public funds to support the provision of a good or service which the private sector is unable to provide profitably. Since public funds must be viewed as scarce, like all resources, subsidy decisions must be carefully weighed so as to accomplish a rational use of public resources and to minimize the cost to the taxpayer. Achieving this goal depends critically on the perspective of decision-makers and the structure of the decision making process itself. A view that subsidies have little impact outside the immediate area of concern is a very myopic understanding of the consequence. Rather, the decision-maker must be keenly aware that subsidy decisions in one sector of the economy may have profound effects in other sectors, particularly those which are closely related. Consequently, a deecision to subsidize should be made only when it is determined that such a decision makes the best use of public funds.

Section 205(d)(4) of the Act requires that consideration be given to assessing comparative costs of alternative modes of transportation, along with other factors, in determining whether rail properties are suitable for rail service continuation subsidies. The specific language of this section makes it clear that the decision to subsidize is appropriate, if it is less costly to the public when compared to the alternative economic, social and environmental costs including transportation costs of not subsidizing. If this is not the case, a decision to subsidize is inappropriate, for it is less costly to provide some alternative transport service.

Section 255.9(a) of the FRA Regulations states:

(a) State planning process. Consistent with the purposes of the Act, the State Rail Plan required under § 255.5(a) shall be based upon a comprehensive and coordinated planning process for the provision of rail transportation services in the State, which are essential to meet the economic, environmental and energy needs of the citizens of that State, and to provide for the development of a coordinated and balanced transportation system within the State or the affected portion thereof.

The language of the regulations essentially requires that state rail planning decisions be made within the context of an overall transportation framework. Obviously, decisions with regard to rail continuation subsidies are an integral part of state rail planning.

Both the language of the Act and the FRA Regulations make it apparent that rail continuation subsidy decisions involving the use of public funds should be made within a framework designed to achieve a balance in transportation planning and, concomitantly, a subsidy decision consistent with minimizing the cost to the taxpayer. Accordingly, the purpose of this discussion is to place the subsidy decision within the proper context of overall transportation planning.

A. Transportation Planning Perspective

With the passage of the Act, public officials and elected representatives have become directly involved in the making of decisions which affect the allocation of resources—capital, labor, and materials—both to and within the railroad industry. Historically, these decisions although constrained by public regulation, were a private and decentralized responsibility of individual railroads based on their respective perceptions of market opportunities, in sharp contrast to most other modes of transportation. The trend toward greater involvement in what have been traditionally private investment decisions apparently reflects the belief that rail services objectives are no longer capable of being met completely by the private sector.

Transportation is a vital economic function. With the possible exception perhaps of luxury passenger service, where "getting there is half the fun", transportation is not an end, but a means by which goods and services available in the economy are distributed. Essentially, transportation services to link markets by which goods and services available in this regard, the cost of moving freight in the form of raw materials, intermediate goods, or final products adds to commodity prices just as any input cost. The cost of moving passengers can be viewed identically, although consumers often bear the cost directly. In formulating transportation policy, it is important that transportation be viewed as a cost of production. In this light, rail service should not be preserved for its own sake, but for its value as a means of minimizing the cost of producing goods and services in the economy.

In most private market situations, market forces are activated by decision makers working for the most part, on a decentralized basis to make resource allocation choices in the economy. Through the interaction of these decentralized decisions, resources are allocated within the economy so as to minimize the costs of production. This allocation or market distribution of resources is the natural functioning of the economic system. When markets function in this manner, the result is an efficient combining of resources in the productive process with favorable prices to the consumer. In such cases, public planning is of limited value and may actually be a hinderance to the normal functioning of the market.

There are times when private markets do not operate freely and effectively so that an exclusive reliance on the private sector does not serve to allocate resources efficiently. The most obvious need for public intervention occurs when there is an effective absence of competition in a particular industry. For example, where a firm does not have a choice of service for transporting its products, it is a captive customer of the transport company

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which serves the area. Historically, this was a major reason for regulating the transportation industry (although regulation was also espoused because there was in other instances too much competition). In the former situation, carriers are able to impose prices on the market rather than having to meet prices established by competitive mechanisms. Such manipulation of market power tends to reduce production and increase prices to consumers. In these instances, the challenge to the public transportation planner is to determine whether it is possible to maintain or restore competitive forces or to supplant the market mechanism through subsidy, acquisition or some other means.

There are times when the private market fails to capture the costs associated with certain resources used and therefore, fails to distribute these costs directly ot those responsible for their creation. For example, homeowners, rather than shippers, may have to bear the cost of noise and air pollution from trucks or railroads operating in their neighborhoods. Concomitantly, shippers may have to pay higher freight bills because of highway congestion caused by commuters. These externalities can be incorporated by public bodies into the price mechanism through user taxes, tolls and subsidies.

There may also be certain "public goods" or necessities, such as maintaining access to fossil fuel sources or maintaining an enlarged transportation system for use in national emergencies, which can be provided only by public authorities, since private business may have no incentives to produce them. Such goods are deemed to be a public responsibility because it may be impossible (or undesirable) to restrict their use and difficult to collect payments from users.

In the three cases of what might be construed as failings of the private market cited above, transportation planning at the state and regional level can contribute to the development of well functioning transportation systems. The role of planning should include the coordination, promotion, and where necessary, the regulation of transportation activity. In addition, public planning activity should be aimed at producing or restoring the orderly functioning of private markets, as well as achieving public policy objectives that otherwise could not be met through private market mechanisms.

B. The Meaning of Balanced Transportation

Transportation planning, including the rail service continuation subsidy decision, should be responsive to achieving an appropriate balance among the functioning of alternative modes within the transportation system. By the term "balance", it is meant that public resources should be devoted to alternative transportation modes in a manner which maximizes the total benefits to the public.

All too often in the past, transportation planning has meant a proliferation of disjointed transportation programs whereby subsidies are often overly dedicated to one mode. The result has been an imbalance within and a fragmentation of the total transport sector. Effectively, transportation has been compartmentarized as if it consisted of discrete and disjointed parts with little recognition to competitive effects and intermodal interdependency.

Excessive investment (more than is required to produce optimal benefits) in one mode will put other modes at a competitive disadvantage, thereby leading to reduced or discontinued service and financial losses to the competing modes. For example, some observers believe that over-investment in highways has provided trucking with an unwarranted competitive advantage over railroads. The argument is based on the view that trucking has not paid its share of the investment required for the highway system and, therefore, has gained a competitive advantage over railroads which are relegated to paying the total costs of developing and maintaining their rights of way. With the ever increasing fuel prices, the more energy efficient rail transport may continue to narrow that competitive edge. Therefore, unless transportation planning is viewed comprehensively trucking may be placed at a competitive disadvantage in the future.

Fragmentation, over-investment in particular modes, cross-subsidization and other problems have resulted largely from a segmented planning process which often has compelled decision makers to consider transportation issues on a mode-by-mode basis. Such an approach is the antithesis of achieving a rational use of transportation resources and is in vivid contrast to comprehensive and balanced planning which considers all modes simultaneously.

The development of a balanced transportation system is directed toward individual communities or markets, and their particular need for transportation service. For most locations, balanced transportation means planning for trucking, rail and other transport services jointly. For these planning circumstances the geographic size of the location or the extent of the market is of prime importance. There is no point encouraging resource allocation, either through direct cash subsidies or indirect subsidies (which may be in the form of regulatory policy), among competing transportation modes for a community which does not need or cannot support them. For some small markets, balanced transportation may mean only one mode or two modes serving distinct functions. Situations of this type should be recognized and planning undertaken accordingly. Besides the size of the market, the efficiency of the transportation mode at various levels of use is important and must be evaluated. An extremely important consideration in this task is that the unit cost of transportation changes with the scale of operation and market size. Whereas one mode might provide the lowest-cost service in a small market, another mode or a combination of modes may prove to be the least expensive in providing service for the commodity in a larger market.

The essential starting point for balanced transportation planning is to recognize that the primary objective of a transportation system is to provide the most economically efficient movement of freight and passengers. This objective requires that the full costs of all modal alternatives be explored.

Full costs means the costs to society, not simply the costs to the transport company. These include not only the cost of building capital facilities, the cost of maintaining and operating transportation services, but also social costs such as those associated with pollution and congestion. The private market has no direct way of establishing value or assessing the persons responsible for such social costs. Only when the capital and operating costs of each mode are determined on the same basis can a realistic comparison be made among them.

It is the proper and legitimate function of planners to assess these transportation costs, in conjunction with policy considerations, and to present them so that elected representatives and public authorities can make rational and intelligent choices among alternatives. Transportation investment decisions involving public monies can then be made in terms of what the cost would be if one decision rather than another were made. This is the principal contribution which balanced transportation planning can provide to public decision-makers. Concomitantly, rail service continuation subsidy decisions made within such a planning framework will achieve a more rational use of public funds.

III. Structure of the Subsidy Decision Making Process

As discussed previously, the decision whether to subsidize rail service should be reached within a comprehensive planning framework and be part of the development of a balanced transportation system. The central issues which must be addressed are the transportation needs of the public in both the short and long-run, and the means by which these needs can be met with a minimum use of resources. The undertaking of the actual subsidy decision, within a comprehensive planning framework, necessitates a structured approach of analysis. The approach offered herein follows a structured format in outlining the sequence of planning events and decision requirements, yet allows for analytical flexibility as individual situations dictate.

The approach to the decision-making process can be represented by a flowchart depicting analysis and planning activities. Figure 1 schematically shows the sequence of activities partioned into three major phases:

(1) Initiating Procedure.

(2) Analysis: Data and Decision Mechanism.

(3) Decision Options.

In phase (1), preliminary steps are undertaken to establish whether rail service should be preserved. Phase (2) consists of the suggested analytical procedure to be followed when a more thorough assessment of whether to subsidize rail service is needed. Phase (3) involves a consideration of the array of potential options available to the subsidy provider to retain rail service, once that decision has been made.

A. Initiating Procedure

As indicated by the flowchart (Figure 1), the decision process is triggered by the notification from an operating railroad of the intention to discontinue certain rail service ("Notice") and the probable intention to abandon certain rail properties. Rail service cannot be discontinued, however, if a rail service continuation subsidy, as defined in Section 304(c)(2)(A) of the Act, is offered by a responsible party. As required by Section 205(d)(3) of the Act, the amount of the subsidy necessary to maintain rail service will be determined pursuant to the Subsidy Standards promulgated by the Office.

Upon receipt of the Notice, an effort should be made to understand precisely the nature of the rail service to be discontinued and the potential properties to be abandoned. This is to prevent rail service discontinuance from occurring simply because of confusion and/or misunderstandings. The Subsidy Standards require that the Notice contain specific operating and other detailed information. Moreover, § 1125.8(d) states:

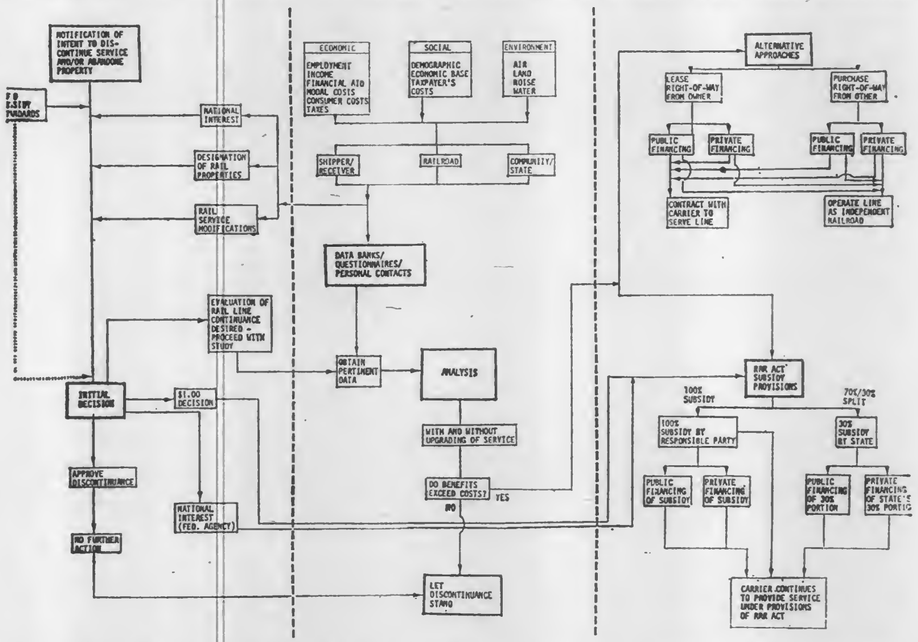
> • • • A notice of intent to discontinue (B) of the Act, is not considered to be completed or given until the railroad has taken the actions required by paragraphs (a) through (c) of this section. • • •

After verification that the Notice is complete, there are three avenues of inquiry that should be undertaken:

(1) The extent to which the rail service is in the national interest;

(2) A review of the designated rail properties to insure that the properties are those used and useful for the rail services in question; and

(3) The possibility of modifications to the service level, stipulated in the Notice.



An investigation should be made to determine whether a Federal agency considers the continuation of rail service necessary to the national interest and, consequently, a potential subsidy provider. Such a situation, for example, could arise where there is a military installation that requires rail service on a line designated for rail service discontinuance. Similarly, there may be situations where maintaining access to coal or other natural resources may be desirable from a national standpoint.

A second avenue of inquiry is to review the designation of used and useful properties in the Notice. The Act requires in Section 102(10) that the

> • • • rail properties (be) assets or rights owned, leased, or otherwise controlled by a railroad which are used or useful in rail transportation service. • • •

The Subsidy Standards require that the value of the properties over which rail service is to be discontinued be estimated by the railroad in its Notice. The basis of the valuation must be the net liquidation value of use and useful rail properties determined in accordance with § 1125.6(b) of the Subsidy Standards:

> • • • The value of the properties shall be their net liquidation value for their highest and best use, consistent with applicable zoning and land use regulations, determined by computing their current market value for other than rail transportation purposes, less all costs of dismantling and disposition of improvement necessary to make the remaining property available for its highest and best use. • • •

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Obviously, either a change in designation or a change in the assigned value of rail properties can alter the determination of the required subsidy payment. The value of rail properties is used as the base to calculate the return to the trustees of the owning railroad. Therefore, it is important that a potential subsidy provider make certain that the rail properties are those necessary to provide the rail services required, i.e., those properties which are used and useful for the desired rail service.

Concurrently with the above inquiries, a detailed review of the service level identified in the Notice should be made so as to determine the adequacy or necessity of the stated service. The service level identified is used to determine portions of the on-branch avoidable costs of the rail line operations. There are possibilities for adjusting the subsidy amount by changing the service level as dictated by the needs of the rail users. The Subsidy Standards indicate that:

• • • The number of trips per year will be based upon the frequency of service performed at the time the notice is filed unless the parties agree to a different level. • • •

For instance, if the level of service can be modified through mutual consent of the potential subsidy provider and the operating railroad so as to lower the number of trips or on-branch service hours, the lower will be on-branch operating costs, and consequently, the lower will be the required subsidy. This can be an important consideration, for in many situations the reliability of service is more important to shippers than the frequency of service.

After these three areas of inquiry have been pursued, a recalculation of the subsidy payment may be necessary, depending on whether any changes in service, rail property, and property value have been made.

At this point in the decision-making process an initial decision, comprising four alternative courses of action, can be contemplated:

(1) accepting and allowing the discontinuance to stand;

(2) continuing rail service which is in the national interest through a subsidy offer by a federal agency;

(3) continuing rail service through a subsidy offer of $1.00; or

(4) proceeding with further study of the subsidy decision.

Whether due to a lack of rail user concern, the fact that the rail line has been out of service with no interest to have it revitalized or for other reasons, there may be no opposition to discontinuance. When this is the case, the Notice may be acceptable and there is no need for further action. The intention of the railroad to discontinue service should be allowed to proceed in accordance with the provisions of Section 304 of the Act.

If the continuance of rail service is determined to be in the national interest, the service should be preserved by a subsidy offer from a federal agency, which would assume the role of a 100% subsidy provider pursuant to Section 304(c)(2) of the Act.

There is a potential situation where a subsidy offer of $1.00 is all that is necessary to preserve rail service. As indicated in the Subsidy Standards, some of the costing methodology and components used by the Office are different from those used by the Association:

• • • Since the U.S. Railway Association is not required to utilize these standards as criteria for inclusion of branch lines in the Final System Plan, there is a distinct possibility that a branch could be excluded from the plan yet be profitable under the standards. • • •

When this situation arises, the subsidy offer necessary to continue rail service, as required by the Subsidy Standards, is $1.00.

The $1.00 subsidy situation undoubtedly offers an opportunity to maintain rail service while determining future transportation needs and the prospects for a viable transport system. It should be understood that the ultimate obligation of the subsidy provider could be for more than $1.00. The $1.00 amount is a bona fide offer of an initial subsidy payment in accordance with determinations made under the interim formula provisions of the Subsidy Standards. However, subsequent calculations of subsidy payments are determined by using actual operating experience (costs and revenues) within the period of the subsidy agreement, as required by the Subsidy Standards.

When none of these prior situations apply, further study is required to determine whether a rail service continuation subsidy should be offered. At this point, the planning process enters the second partition in Figure 1.

B. Analysis: Data and Decision Mechanism

The analysis phase, first, requires the identification and collection of data. There are essentially three categories of data considered to be pertinent:

(1) Rail Shippers/Receivers.
(2) Railroad.
(3) Community/State.

The identification and collection of specific data within these three categories will provide the relevant factors, as listed in Appendix A, which should be analyzed by planners to determine the effects of rail service discontinuance. Many rail users, communities and States have already undertaken tasks to investigate various factors considered to be pertinent to rail service operations. In general, the Rail Shipper/Receiver data identify the existing and potential commodity shipments by various modes, the economic considerations with regard to alternatives to rail service (costs of converting facilities, losses in retirement of plant and equipment, costs of equipment for alternative modes, etc.), the changes in employment, than the problems with regard to rail service requirements and to restrictions on movements of products by alternative modes. Rail Shipper/Receiver data should be gathered for each industry and/or business in the area which is directly or indirectly affected by the rail service. However, the predominate industries and/or businesses of concern are those that ship and/or receive goods by rail over the rail line in question. Because of the importance of this information to the decision-making process, considerable effort should be undertaken to acquire as extensive and as complete a date set as possible.

The identification and collection of certain Railroad data provides information on the existing rail system, the nature of existing and future freight and passenger rail service capabilities and operating policies, the employment and expenditures of railroads, the costs of maintenance and rehabilitation of plant and equipment, and the costs of operations. A significant portion of the railroad data, in most cases, will be obtained from the railroad petitioning to abandon rail service. Much of this data may be supplied by railroad employees or representatives in the immediate area concerned with potential rail service discontinuance (study area). However, some information may have to be supplied from other sources, such as corporate or divisional headquarters and/or State departments of transportation. The Office suggests that the potential subsidizer (and/or planning representative) work closely with railroad personnel to develop the necessary information.

The third category, Community/State data, should be used to develop a detained description (or profile) of the community (and/or State) that will be affected by the discontinuance of rail service and represents the purview of the potential subsidy provider. This description should be developed to specifically address financial, labor, planning and development, physical characteristics, and demographic characteristics as they effect employment, growth and development, civic institutions, public funding, etc. within the study area. Information may be acquired from local, State and Federal sources. Many times community profiles of this type are developed by civic, financial, political or planning organizations. Therefore, the assistance of such organizations should be solicited to determine areas where sufficient data exists to avoid duplicating efforts.

The data briefly outlined above can be accumulated through data banks, questionnaires and personal contacts. It should be recognized that a significant portion of the required data already exists in various data banks of Federal, State, regional, and local agencies, particularly Community/State data. However, there undoubtedly will be a need to update and make modifications to data sets, aside from collecting necessary additional information. An important source of information, particularly with regard to the shippers/receivers and the railroad, is the questionnaire. In many localities and States, such questionnaires have already been utilized. The information requested should be sufficiently detailed to be directly useable in establishing baseline and development characteristics, and to minimize ambiguity in their interpretation. Very often questionnaires are the first-line sources

of information for direct use in analyses and for establishing data banks. Furthermore, data bank and questionnaire sources of information can be supplemented by personal contacts or interviews. This approach can be used to clarify and amplify information gathered through other sources.

Factors to be considered in the analysis and methods of data collection, as well as actual forms and questionnaires which may be helpful, are presented in detail in "Guide For Evaluating The Community Impact Of Rail Service Discontinuance", prepared for the Office of Public Counsel, Rail Service Planning Office ("Guide") and in "Analysis of Community Impacts Resulting from the Loss of Rail Service", prepared for the U.S. Railway Association ("Analysis"). In addition, Appendix B lists other sources of information which may be of assistance to the analyst.

Generally, the data collected should be sufficient to identify the existing and future transportation needs within the study area, the structure and operation of the transportation system in meeting these needs, and the economic, social and environmental factors which are affected by a change in the transportation system—specifically the impacts resulting from the discontinuance of rail service. The collection and assimilation of such a data base is necessary for subsidy decisions which are consistent with the concept of balanced transportation.

From data collection and assimilation, the decision process moves directly into the analysis phase. The analytical procedure recommended by the Office is benefit-cost analysis. The benefit-cost approach is one of the traditional project evaluation tools used by public planners, particularly when projects involve the use of public funds. Benefit-cost analysis is a procedure whereby the social benefits of a proposed project are compared with its social costs. Generally, when social benefits are equal to or in excess of social costs, the undertaking of a project is deemed to be in the public interest. In the instant case, the objective of the benefit-cost procedure is to determine whether the benefits which will accrue from rail service continuance out-weigh the costs of discontinuing the rail service.

No attempt is made to provide a detailed description of the method of benefit-cost analysis. The Office believes that the circumstances of each rail line are unique; that the particular sources of data are better known to individual State and local planners; and that the capabilities of the various potential subsidy providers to perform benefit-cost analyses vary so widely that to attempt to prescribe a standardized methodology would not be meaningful. Moreover, the publications referred to as Guide and Analysis set forth in considerable detail procedures and methodologies for conducting benefit-cost analyses, specifically addressing rail service discontinuance. For these reasons, the Office believes that it is only necessary to provide a conceptual discussion of benefit-cost analysis, pointing out some of its critical aspects when applied to the problem of rail service discontinuance.

The nature of the benefits and costs, or the universe from which the benefits and costs are determined is dependent on the geographic area (study area or "impact community") affected by rail service discontinuance. The concept of impact community is discussed in the documents previously designated as Guide and Analysis. Defining the "impact community" is a critical task in the analysis. The scope of the data required, the extent and magnitude of evaluations, and the entire nature of the decision process depends on the designation of what constitutes the area affected by rail service discontinuance from the perspective of the potential subsidy provider. If the State is the potential subsidy provider, then the benefits and costs of maintaining rail service should be evaluated as they relate to the entire State. Similarly, if a county is the potential subsidizer then the relevant impact community is the county.

As just described, the nature of the benefit-cost analysis is governed by the geographic area of concern to the potential subsidy provider. In this regard, planning bodies are confronted with an array of questions to be answered in the benefit-cost procedure. What are the relevant economic, social and environmental factors to be considered to insure that a decision to allocate resources to maintain rail service is made to the total benefit of the constituent public? What are the benefits of retaining rail service compared to the cost of the subsidy? What are the feasible alternatives to the subsidization program for continuing rail service?

The benefit-cost concept, by its very nature, requires that factors be quantified and expressed in dollars to as great an extent as possible. Methods of quantification are discussed and presented in Guide and Analysis. However, there are certainly those factors which are affected by rail service discontinuance that cannot be adequately expressed in dollars with any satisfactory degree of reliance. These factors should be explicitly considered in qualitative terms.

As was the case in the determination of benefits, costs are dependent of the identity of the potential subsidy provider. The Act provides that subsidization can be undertaken within a 100% or 70%/30% funding program. States are eligible for the 70%/30% program, whereas the 100% subsidy program is applicable to any other responsible party undertaking the role of a potential subsidy provider. Therefore, any responsible party other than a State, such as a shipper or local or county transportation agency, must consider the entire subsidy amount as a cost of continuing rail service. Whereas, the subsidy cost of continuing rail service is only 30% to a State or a responsible party who chooses to use the State as a conduit for gaining access to the 70%/30% subsidy program.

Irrespective of those instances where the State is requested to undertake subsidization on behalf of other parties, it should be recognized that the State is conducting its own analyses in order to rank rail lines for subsidization as required by the FRA Regulations. Essentially, the State is making benefit-cost evaluations using the State as the "impact community" to determine the order in which rail lines ought to be subsidized. The State must also make a decision on the total amount of subsidy funds that will be requested from FRA for lines designated as non-viable by the Association in its Plan.

The State should establish a systematic approach for ranking the order in which rail service should be subsidized. A suggested approach is to identify all rail lines where the benefits of retaining rail service exceed or are equal to the costs of subsidizing such service. Then, from the set of rail lines which are suitable for a rail service continuation subsidy, the State should select those rail lines whose aggregate subsidization maximizes total net benefits and whose aggregate subsidy amount is less than or equal to the total amount of funds which are available for subsidy purposes.

The completion of the benefit-cost analysis, whether at the State or local level, effectively determines the rail services which are suitable for rail service continuation subsidies. The Office recommends the benefit-cost approach as the analytical vehicle because its proper use involves due consideration of all factors which influence the functioning of a transportation system. The Office believes that only with the application of such an approach will subsidy decisions be made with a total transportation perspective.

C. Decision Options

With determinations made as to the suitability of maintaining rail service, the final decision is whether to subsidize rail service under the provisions of the Act or to preserve rail service by an alternative course of action. Although it may appear that the subsidy program is the least costly and most effective way of preserving rail service, this will not always be true depending on the circumstances and the goals of the potential subsidy provider as indicated below:

(a) There is no assurance that the federal subsidy funds will be provided for rail service longer than for a two-year period. There are obvious significant risks to letting time pass without considering alternative courses of action;

(b) The conditions and requirements established in the subsidy provisions of the Act, or in other proposed Federal or State legislation, may be too demanding, may be unattainable, or may be of a character which would more appropriately warrant independent self-help alternative approaches to continuing desired rail service. Such self-help approaches may provide the rail service at a lower cost (possibly even paying a net dollar operating profit), of a superior quality, or perhaps in a more efficient manner;

(c) Some situations might call for accepting Federal/State subsidies in concert with independently devised branch line approaches. These solutions could

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assure less costly, more efficient rail service operations, rather than depending solely on Federal/State subsidies;

(d) Even if Federal/State subsidies are provided, a State may find that the available federal funds are inadequate to subsidize all rail lines considered essential. In these cases, alternative self-help efforts may offer the most reasonable opportunity for continued, reinstituted, or future rail service; and

(e) In cases where a branch line meets the suitability criteria for Federal/State subsidization, subsequent operations, occurrences, etc., could result in a withdrawal of such assistance. It would be advantageous to anticipate such possibilities and consider alternative self-help approaches before the subsidy is actually withdrawn.

It should be recognized that time, effort and expenses utilized in challenging rail service discontinuance in certain circumstances might be more beneficially applied to developing local self-help efforts to preserve service. Such efforts may have both short and long-term advantages superior to the subsidy program provided for under the Act.

IV. Alternatives to Subsidization Under the Act

The purpose of this section is to present a list and corresponding discussion of alternative methods of preserving rail service other than through subsidization under the provisions of the Act. The nature of each alternative and procedures for its implementation are described. Advantages and disadvantages are considered. No claim is made that the list or discussion is exhaustive. The section is designed to provide a familiarity with various alternatives to subsidization under the Act. In the event that one or more of these alternatives is viewed as helpful in preserving rail service, the Office recommends that further research be conducted before attempts at implementation.

A. Capital and Maintenance Assistance Projects

One of the major reasons for discontinuing service on light density lines is the deteriorated condition of the infrastructure. The Plan has assigned significant cost figures to the rehabilitation of rail plant. For many lines, rehabilitation costs have been large enough to cause the line to be non-viable and, therefore, excluded from ConRail. If a community or user makes a one-time investment in rehabilitation of a line, the line may be more economical to operate and therefore acceptable for operation by ConRail or a solvent railroad. Alternatively, this investment might provide the incentive needed to attract a short-line operator. Such investments can be the impetus to continued or improved rail service.

A line may become viable from an operator's standpoint simply by shifting the responsibility for maintenance or construction of various rail facilities from the railroad to another entity. Some of the capital assistance projects which could be sponsored by communities and users are: (1) repairs and rehabilitation of ties, rail, structures, bridges, stations, and gate crossings; (2) purchase of equipment; and (3) facilities construction, such as a team track or an interchange. Such a community-sponsored project may not only serve to make the line viable for ConRail or a short line operator, but also may stimulate demand for service along the line.

Another way in which assistance can be provided by a community or user is to assume all or part of the maintenance responsibilities of the line. They could provide ties, ballast and other track materials necessary for regular maintenance. Communities and users might also pay the labor costs associated with maintenance activities. Assumption of maintenance responsibilities might result in making the line profitable in terms of the Association's viability criteria since some, if not all, of the maintenance costs would not be incurred by the operating railroad.

B. Direct Participation of Users

The users of the line can also make a direct contribution designed to enhance viability without substantial capital outlays. Essentially, the users might ask the question, "What can I as an individual do to improve the viability of the operation?"

The community and users can alter profitability of a light density line by adjusting operating revenues and expenses. The methods include carload surcharges or revenue supplements, increased or guaranteed levels of traffic, and guarantees of annual revenues. Another method that is not widely used presently is a direct payment from the user to the railroad for maintenance of a siding.

A revenue supplement arises through an agreement by which shippers pay a surcharge on each carload transported. In effect, the line's shippers accept a rate increase. Therefore, the railroad receives an especially high incremental revenue for extending service to the light density line. Revenue supplements do not immediately convert a light density line from an uneconomic operation to a highly attractive service, but the railroad at least perceives the prospect of long-term profitability through shipper interest.

One of the principal problems in establishing a revenue supplement arrangement is securing the agreement of a large railroad company. Many railroads are not staffed to respond to innovative requests. Therefore, the community and shippers must be prepared to spend substantial time in seeking out representative of the railroad who have the authority to enter into a revenue supplement contract.

Another revenue enhancement approach is an agreement where the shipper will increase traffic or at least guarantee a specified level of traffic over a given period. A guaranteed level of traffic will be attractive to a railroad since it provides a dependable level of operating revenues. The problem facing interested shippers is to find a railroad representative with the commensurate authority to respond to their offer.

Guaranteed revenues can work for sidings also. One of the commonplace problems of railroading is that an inordinately large amount of maintenance is conducted on sidings. However, a very small portion of revenues earned by railroads are derived from sidings. The problem is that the railroad does not receive sufficient compensation from the infrequent user. The railroad maintains a switch and siding, yet it only collects revenues on the basis of tendered traffic. Too often the railroad is required to maintain numerous switching facilities and sidings of which only a few are useful in obtaining traffic. An approach to this problem is to internalize these costs. In other words, to pay for the maintenance of a siding, a tariff could be published to collect compensation from each plant located on the facility.

A local government can promote the use of a siding maintenance tariff. If the local government needs to raise revenues to finance its share of a light density line program, then it could tax all rail sidings. Therefore, all direct and indirect users of the rail facilities will contribute to the project. Furthermore, tax exemptions and credits could be extended to those who use the facilities.

C. Rail Banking

There will be situations where a rail line is no longer needed for rail transportation purposes, at least for the present. When such a case arises, the decision must be made whether to preserve the line for future needs or to use the line for non-rail purposes. This is popularly called "rail banking".

Section 206(c)(1)(E) o fthe Act requires the Association to designate in the Plan those rail lines which will not be operated by ConRail or a government entity or a responsible person, and are "suitable for use for other purposes, including highways, other forms of transportation, conservation, energy transmission, education or health care facilities, or recreation". Furthermore, Section 304(b)(2) of the Act requires that in cases where rail property is suitable for other public purposes and is to be abandoned, then a 180 day option must be given for the acquisition, upon reasonable terms, of such property for public purposes. Therefore, the Plan designates those properties which are suitable for public purposes. Such property, if designated for abandonment, cannot be sold unless first offered for public purposes. In addition, there are some state statutes which provide State governments with the right of first refusal to purchase rail properties.

Before any option to purchase rail properties is exercised, the decision must be made as to their potential value for rail purposes. There are at least two situations where a rail line is not worth operating currently, but could be a candidate for rail banking. First, there are coal deposits which are not being mined

at the present time, but are rail dependent. These deposits may become increasingly valuable in the future as advancements in technology ultimately enable high sulfur coal to be utilized. In addition, fluctuating coal prices may reach a point where certain sources currently too costly to mine can be mined profitably. Finally, as the energy problem facing the nation increases, the need to use coal will inevitably rise. If rail transportation is not available, then these reserves may not be obtainable. Furthermore, preservation of rail lines in areas with growth potential may be justified. Such lines could be used to attract industry to promote future development.

D. TOFC/COFC Service

An alternative or supplement to rail service is the establishment of trailer-on-flatcar (TOFC) or container-on-flatcar (COFC) services. TOFC/COFC is a method of transportation in which the consignment is containerized at the point of origin of shipment. The container is transported (usually by truck drayage) to a railroad terminal where it is transferred to a flatcar and then moved by the railroad to the terminating railroad yard and then transferred directly to the consignee's siding or drayed (via another mode) to the consignee. The key characteristics of this service are that the consignment remains in the same container throughout the entire haul and that the complete movement (origin to destination) requires at least one mode in addition to rail. Containerized rail service requires a special terminal equipped to handle the interface between the rail mode and other modes. Varying degrees of sophisticated and specialized equipment may be utilized in such a terminal. The simplest terminal useable for containerized rail freight is a system for TOFC only utilizing circus unloading and a ramp.[1] More complex than the portable ramp technique are terminals which use heavy machines to remove the box (container or trailer) from the car.

TOFC/COFC is attractive to railroads because it often provides a desirable substitute for inefficient switching and operations over rail lines. Also equipment devoted to TOFC/COFC services is usually far superior to conventional rail equipment. The railroad is attracted by the opportunity to develop the types of service which most efficiently capitalizes upon the railroad's operating characteristics, i.e., the long-haul unimpeded high density movement. Therefore, the railroad is attracted by the opportunity to supplant short-haul with TOFC/COFC service to its customers.

Some shippers will benefit substantially from substitution of intermodal services for low quality rail service. However, this will not be true for all shippers because the rates which apply to intermodal services are often higher than the rates which apply to commodity-rated general freight service. Due to the higher capacity of railroad rolling stock, rail rates for bulk commodities are often lower than truck rates; therefore, shippers of bulk materials such as grain, gravel, fertilizer, and particularly liquids are often disadvantaged in changing to intermodal service. Furthermore, shippers may have to invest in a revised layout of their plant in order to accommodate shipments arriving at a truck loading dock instead of at a rail siding.

TOFC/COFC can serve to improve transportation service because it may provide increased flexibility in tendering consignments. Various "plans" for TOFC/COFC service can be implemented:

Plan (1) Ramp-to-ramp service for motor carrier-owned trailers.

Plan (2) Door-to-door service in rail-owner trailers; railroad provides pickup and delivery.

Plan (3) Ramp-to-ramp service in rail-owned trailers with customer pickup and delivery.

Plan (4) Ramp-to-ramp service for customer-owned trailers.

Plan (5) Door-to-door service with short-haul motor carriers under joint rate/route tariffs.

Other Mail & express move in separate plans. Other variations of the above plans are used sparingly. Containers generally are treated as trailers insofar as plan of movement is concerned.

The principal concern in determining the feasibility of TOFC/COFC is that a railroad typically requires a minimum threshold level of TOFC/COFC service in order to earn an acceptable rate of return to justify an investment in the intermodal facilities. Therefore, the shippers must provide enough traffic to keep the terminal profitable. A problem which will be encountered in many instances is the inadequacy of existing-traffic levels to justify the investment.

It should be clear from the preceding discussion that the provision of TOFC/COFC service is an alternative which will cause rail service on some lines to be discontinued while increasing the volume of traffic on other lines. Essentially, particular rail services are supplanted by a combination of other rail service and truck service with an interconnection at a central terminal facility. Transportation services are preserved, but with an alteration in the mix of modes. Without additional new traffic, the volume of shipments on such lines is often not sufficiently high to warrant the investment in an intermodal terminal. Furthermore, most railroads prefer to serve high density TOFC/COFC terminals. Remotely located terminals at the junction of light density rail lines may not be well suited for an efficient operating pattern. The substitution of the higher quality and higher cost intermodal services may be detrimental to the typical light density line shipper. Certainly, this is true for shippers of bulk commodities.

E. Short Line Railroad

Probably the most complex alternative to subsidization is the establishment and operation of a short line railroad. A short line railroad is normally considered to be a railroad operating as a common carrier under the definition of the Interstate Commerce Act and regulated by the Interstate Commerce Commission (ICC). It is assumed that a short line will not meet the definition of a Class I railroad as prescribed by the ICC (revenues in excess of $5,000,000 annually).

There are essentially three types of short line railroads: full-service common carrier, switching carrier and a private railroad. The distinguishing features of each are related to rate-making activities.

Most short lines are "full service common carrier" transportation companies. A common carrier is a transportation company which is obligated to accept shipments properly tendered by any user. Full service means that it performs all the services of a Class I railroad. It publishes tariffs or it participates in the publishing of tariffs. A tariff is a document published by a common carrier or its agency prescribing conditions under which shipments will be accepted for transportation and the rates and charges to be assessed for the service(s). Tariffs are established in a three step process: (1) Negotiation and concurrence with shipper(s) and other railroad(s), (2) negotiation and concurrence with a rate bureau, and (3) filing and publishing of tariffs with the ICC. The third step is subject to an appeal to the ICC by nonconcurring railroads and shippers. Therefore, this type of short line principally derives its revenues through its division of the through-rates paid by the shippers. Except where noted below, all regulatory and other railroad practices which normally apply to Class I railroads also apply to those short lines which are full service common carriers.

A short line which hauls cars on its lines and obtains revenue by collecting a charge, instead of a rate, for each car moved is a "switching carrier." A switching carrier essentially operates to switch traffic off of a main line. It is not responsible for charging demurrage, billing, preparing waybills, filing reports with weighing inspection bureaus, or putting cars in service. The main line railroad, for which the short line switches cars, administers these activities. It files and publishes "charges" with the ICC. A switching carrier does not participate in rate-making activities of rate bureaus and receives no division from through-rates. The switching carrier delivers cars, and bills the main line railroad for each car delivered at the established charge.

A short line which is owned and operated by a company for its individual transportation needs is a "private railroad". Situations will arise when the appropriate structure for the operating company will not be as a common carrier. In these cases, a private railroad should be established; it will not publish rates and will not be authorized to move goods on behalf of any other shipper tendering traffic to the railroad. In fact, a private railroad is prohibited from accepting

[1] Circus unloading is the process of driving a trailer off its flatcar to the next car continuing from car to car until a ramp leading from the ground is reached. All TOFC cars are properly equipped for circus unloading.

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such shipments. This kind of a short line is the probable solution when one or a few shippers are sufficiently concerned with the future of rail service to acquire properties and operate over them to the junction with a Class I carrier.

The success of a short line operation is fundamentally dependent upon its relationship with its connecting Class I carrier. Even before commencing operations, the short line must negotiate divisions or charges with the connecting railroad(s). Division arrangements are critical to the success of the operation because they are the percentage of the total revenue of the haul which the short line will receive. Therefore, favorable divisional agreements can be the difference between business success and failure. For this reason, it is recommended that a division agreement be established along with the other arrangements before even contemplating a short line operation.

The dependence of a short line upon the connecting railroad is particularly important in the areas of quality and frequency of service. Should connecting service deteriorate, a short line will have little recourse but to suffer a concomitant downgrading in the service it provides unless operating agreements with connecting carriers are prudently negotiated. The short line should seek to capitalize on situations where several carriers interchange. Service agreements, car supply and divisions can be favorably negotiated, when several connecting carriers are vying for the short line's traffic. In the event that service deficiencies actually occur, the short line may bring the service problem to the attention of the ICC.

E.1. Operations

Short line railroad operations are broken down into four categories: transportation, equipment, maintenance, and administration.

The transportation function concerns the actual operation of the rail line itself, the movement of motive power and cars from the interchange point(s) to on-line shippers. Short lines will have at least one interchange with a connecting carrier, typically a Class I carrier, which will provide car delivery and pick-up services. Negotiations for interchange point(s) may often result in the short line having to operate over properties of other carriers for short stretches or crossing lines controlled by other carriers. In these situations, the rules and regulations of the carriers must be followed.

The second category is equipment, primarily the rolling stock required for the operation of the short line. The locomotive is probably the most expensive single piece of equipment. Most are diesel operated and range in horsepower and wheel arrangement according to the use to be made of the unit. A short line may need only consider a basic switching engine which might be a Whiting Trackmobile, a device operable both on the highway and on rail with a limited capacity of from one to three cars. In cases of high density traffic or unusual grade and terrain conditions, larger locomotives of sufficient tractive effort and horsepower may be necessary.

There is fairly active market in used locomotives. A used switching engine may be purchased for $25,000 to $75,000 depending upon the amount of rebuilding that has been performed. However, increased demand for these units due to the creation of short line operations could substantially increase prices of both new and used units. Railroads which operate equipment of this type usually incur $100 to $125 in total operating costs of a locomotive per day, including fuel. Without more specific information on the nature of the railroad, length of haul, number of cars, etc. it is virtually impossible to come up with an accurate estimate of locomotive costs.

The next equipment consideration is railroad cars. It is not essential for the line to own cars but there may be advantages in car fleet ownership. If the short line does maintain its own fleet of cars, its on-line shippers will have a more dependable supply of cars, enabling the line to meet service demands more quickly. Such service will help to insure user satisfaction and continued business. The types of cars composing the fleet would of course depend upon shipper needs. Generally, it will not be economical for the short line to supply highly specialized cars as their use may be limited.

Railroads frequently interchange cars freely in lieu of car rental payments which are commonly known as per diem charges. These charges are based on the age and original value of the car and are assessed either on a per day or time-mileage basis. Consequently, a short-line which can load and move its own cars efficiently, can often benefit from per diem charges, particularly when a short line has obtained a quantity of used cars at an attractive price. However, a disadvantage could be the costs resulting from necessary car maintenance.

There are a great number of special cars used for various maintenance functions. These cars are expensive to acquire and maintain and therefore beyond the scope of most short lines. Such equipment includes wreck cranes, Jordan spreaders, tie machines and "Hi-Rail" vehicles. This equipment may possibly be rented from connecting carriers.

A short line may own no equipment and, therefore, have no road crews of its own. It may, by contractual agreement, have its property switched or operated by the connecting carrier. The decision to operate in such a fashion will depend on the financial and traffic characteristics of the short line.

Maintenance is divided into two subcategories: maintenance of way and structures and maintenance of equipment. Maintenance of way involves the functions necessary to keep the track in adequate condition for service requirements and to meet Federal track standards. Functions include track alignment, tie replacement, rail and frog replacement, ditching, ballasting, ballast cleaning and tamping. Manpower requirements will depend upon the condition of the existing track and length of the line. Sophisticated automatic equipment is probably not necessary for a short line and need not be considered. It may be most practical to enter into a contractual agreement with a connecting carrier or local railroad construction firm to perform track maintenance. This might be the least costly approach where the required work is not sufficient to warrant equipment and track crews.

Structural maintenance includes work necessary to keep appurtenant structures and works including bridges, drainage culverts, embankments, tunnels and buildings, in good repair. As with track maintenance, circumstances may dictate that these functions be handled by contract to another carrier or private contractor.

Car and locomotive maintenance require specialize skills.

Locomotive Maintenance.—There are many mechanical devices in the typical diesel unit and these will require servicing at various times. The major components requiring attention include, wheels and trucks, traction motors, generators, engine block and auxiliary devices, air compressor, and cooling systems. The short line should have certain periodic maintenance performed as preventive measures. Maintenance activities may be performed by a major carrier, probably a connecting one at their shop facilities. The same carrier might also provide standby equipment in the event of equipment failures. It is probably best for most short lines to pursue off-line repairing services rather than to invest heavily in shop machinery.

Locomotives use diesel fuel which can be stored in a stand-tank at track side or delivered and pumped by a local fuel oil dealer. Diesel lubricating oil is also required for the operation. Sand may be an important requirement, especially where heavy loads and grades are involved. The sand is of a special grade and must be stored in a dry area.

Car Maintenance.—Most freight cars require some running repairs although they do not generally require the constant attention required of motive power. Major components to be considered include the car body structure itself, and its doors, grab irons, ladders, painting and stenciling. The elements requiring the most attention are usually located below the car body. These include the couplers, brake rigging and the trucks. The trucks consist of wheels, axles, truck frames and springs and the actual braking components. If the line is receiving special equipment such as mechanically refrigerated cars, the capability to check whether refrigeration equipment is functioning properly may be desirable. Therefore, if the short line wishes to maintain some repair capability a covered work area would be desirable in addition to a block and tackle and some basic welding equipment. If the short line owns its own cars, and one of these cars breaks down while on another road ("bad ordered") it will be returned to the home line for repair. Again, these maintenance duties could be performed by contractual arrangement with the connecting carrier or private contractor.

The last category is administration. This may be divided into financial management, clerical, and marketing activities.

The financial activities include billing, collecting and paying accounts with customers and carriers. Interline settlements may include the collection and payment of rate divisions. Per diem charges are paid by the user railroad to the owner of the car. Another charge, demurrage, is a rental assessed against a shipper or receiver for detaining a car longer than 24 hours for loading or unloading purposes. Other charges such as switching charges, route divisions and interline settlements require clerical work and bookkeeping entries. Payroll functions contain one noteable difference—railroad employees are covered by the Railroad Retirement Act instead of the Social Security Act. Many of the bookkeeping and billing functions may be performed by the connecting carrier for a fee. Such arrangements are recommended when the short line is not in a position to perform these functions efficiently.

Whether marketing efforts are actively pursued depends upon the size of the line, management attitudes and development opportunities in areas adjacent to the line. When the line is jointly owned or operated for the benefit of a few shippers and there are no development prospects, marketing efforts are probably unwarranted. If there are potential shippers on the line or development sites are available for plant locations, consideration should be given to marketing activities. Contact should be maintained with shippers to provide information on the railroad's services and to receive valuable feedback. Contact should be initiated with additional on-line industries that can potentially generate rail traffic. Information with regard to short line operations is available by contacting the American Short Line Railroad Association, 2000 Massachusetts Avenue, NW., Washington, D.C. 20036.

F. Regulations

There are a variety of Federal, State and local regulations with which all parties interested in continuing rail service should be familiar. This section discusses regulatory constraints, especially as they might apply to short line railroad operations.

F.1. Federal Regulation

All railroads engaged in interstate commerce are subject to the Interstate Commerce Act 49 US Code 1 ("ICA"). A Certificate of Public Convenience and Necessity as required by Section 1(18) of the ICA must be obtained prior to the commencement of rail operation. The regulations which relate to Section 1(18) are found in the Code of Federal Regulations (CFR) Title 49 Sections 1120.1 to 1120.8, inclusive. These regulations give the details necessary to file an application with the ICC to construct, extend, acquire, or operate railroad lines. Section 20(a) of the ICA outlines the ICC's jurisdiction to regulate the issuance of transportation company securities. For further information one should contact the Finance Section, Interstate Commerce Commission, Washington, D.C. 20423, or the Office.

ICC regulations provide for maximum hours of services of train and engine personnel, quarterly and annual reports to the ICC, monthly locomotive inspections, car service orders and the realignment of debt and equity structure. There are two important exceptions to ICC regulations which are applicable to short line operations. First, if a short line employs fewer than 15 train and engine service employees, it may apply to extend hours of service (per day) of their workers from 12 to 14 or 16 hours. This exception should promote operating flexibility. Second, accounting and reporting requirements for short lines (with regard to operating statistics, traffic data, balance sheets, income and expense information) are not as extensive as required of Class I railroads.

Full service and switching carriers are subject to FRA track and safety standards. Track and operating equipment found to be sub-standard by FRA can be ordered out of service which could severely effect operations of the short line. Concomittantly, enforcement of FRA standards could result in severe start-up problems and costs on those lines not transferred to ConRail or other railroads pursuant to the Plan.

All railroads will be subject to Operating Safety and Health Act ("OSHA") work safety rules, and local or State emission standards. OSHA general industry rules can be found in Vol. 39, No. 125 of the Federal Register (June 27, 1974). There are no Environmental Protection Agency ("EPA") emission standards for railroad locomotives. In order to ascertain local or State standards, contact the appropriate Bureau of Air Quality, or the Air Pollution Control Association, 4400 Fifth Avenue, Pittsburgh, Pa., 15213. New carriers should investigate whether any local or State grandfather classes will be vested in the new owners. Additionally, during fuel shortages, the Federal Energy Administration allocates railroad fuel on the basis of the previous year's usage. Therefore, accurate records of fuel usage should be kept.

Any regulations applying to transportation in particular or business in general may apply to short lines. New operators should become familiar with Internal Revenue Service regulations, the Railway Labor Act and the Railroad Retirement Act.

F.2. State and Local Regulation

These regulations may relate to the operation of a transportation business, but more importantly there are laws which govern the establishment and operation of a business entity, such as a corporation or partnership. For example, if the short line company is to be a corporation then State corporate law must be followed. The business entity must be established prior to applying for ICC authority.

State public utility commissions have varying authority over rail lines, primarily in the area of safety. To what extent this function will be displaced by OSHA and the FRA, if any, is not yet determinable.

There are also local and county laws which may govern the establishment of businesses. Legal counsel should be retained to ensure that all laws and regulations are being accurately followed.

G. Business Structure

One of the first steps in establishing a short line or any other business structure, is the selection of the form of ownership. Forms of ownership are governed primarily by the laws of the state of incorporation. Forms of ownership include the corporation and its variations, cooperatives, partnerships, joint ventures, proprietorships and government ownership.

Probably the most logical and preferred form of ownership is the corporation, as it provides several very important benefits. Foremost among these benefits is the concept of limited liability. Owners of the line are insulated from personal liability in the event of suit. Regulatory treatment of proprietorships and partnerships is noticeably more cumbersome which may be considered to be an additional benefit of the corporate form. Furthermore, the corporation has an infinite whereas partnerships and proprietorships are limited to the lifetimes of the owners. Governments may be reluctant to grant easements or seek easements from railroads whose "lives" will expire with the owners. Another attractive feature of a corporation is its convenient methods for distributing ownership—capital stock—plus other financing instruments such as bonds and debentures.

A cooperative association can be an appealing form of ownership when there is a small group of very concerned users of rail service. For example, when perhaps a dozen shippers are sufficiently concerned with future rail service that they are willing to acquire the right of way, then some sort of nonprofit association could be formed to acquire the line and lease it to a short line operator. Cooperatives may also be attractive when it is anticipated that the short line operation will lose money. In such situations, a funding technique must be developed which provides needed cash to the short line while allowing the contributors to treat the contribution as a tax deductible expense. In contrast, the corporation may be a less desirable form of ownership for tax purposes since such contributions will be treated as investments.

It should be noted, however, that under the Internal Revenue Code, some short line corporate structures might be eligible for treatment as a Subchapter "S" corporation. Under Subchapter "S", eligible, closely-held corporations are taxed as partnerships. Thus, the losses of the short line railroad can be passed through to investors for tax purposes. Before any decision is reached as to the tax advantage of alternative structures,

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tax questions should be researched carefully.

The potential operating viability of the short line will have a fundamental influence on its ownership structure and operating nature. The railroad probably will be operated as a full service common carrier when the motivation is to provide socially desirable rail service. If it is anticipated that the line will be profitable, operation as a full service common carrier is even more desirable in order to maximize total traffic.

Full service common carriers or switching carriers can be operated by a private enterprise or by a public institution. If ownership and operation of the line are to be separate, often a public or quasi-public authority will own the right of way and infrastructure while leasing these facilities to a private profit-oriented company which will operate the line. Some situations will require public ownership because private investors will apprehensively view the large initial investment necessary for purchasing rail properties.

When short line operations are established to meet a public need and deficits are unavoidable, then a public authority is logical. Thus, separate ownership and operation of the line is probably a moot issue because the public owner will also have to operate the line.

H. Acquisition

Control of the light density line requires several key decisions, including questions of public versus private ownership, purchase versus lease of properties and joint versus separate ownership and operation. These decisions, as they relate to acquisition of properties, will be influenced by the financing, corporate structure and the potential viability of the operating entity.

Acquisition of rail properties is best achieved through a negotiated sale agreement. An arm's length agreement between buyer and seller is preferable because it minimizes the substantial time and resources required to litigate a transfer of properties. In addition, a negotiated sale enables both parties to structure a transaction in a manner which reflects the preferences of each party.

In those cases where the selling railroad and the buyer are unable to reach an agreement, powers of eminent domain may be used. While a condemnation proceeding will typically insure property acquisition, the proceedings are often lengthy and expensive. Under the Act, the Association has the authority to order bankrupt railroads to transfer rail property to a solvent railroad or ConRail. Accordingly, if a community does not wish to acquire rail properties, but is willing to provide incentives which would make an acquisition attractive, it may be able to convince the Association to order a transfer of rail properties.

When determining whether to acquire rail properties, it should be understood that several sellers may be involved. Some of the properties may be owned outright by the railroad and others may be leased to the railroad. It is even conceivable that although a railroad may own a desirable piece of property, the railroad may not have any operating rights to it. For example, terminal and operating facilities, which were not needed as part of a Class I operation, may be necessary as part of a short line operation.

In some instances, a leasing arrangement will be superior to outright acquisition. One arrangement is a sale-leaseback plan whereby a Class I carrier sells the facilities to the community and agrees to lease and operate them. This arrangement serves to maintain rail service by the existing carrier. An important consideration in the sale-leaseback arrangement is for communities and users to make certain that the carrier (lessee-operator) intends to provide an acceptable quality of service. In this regard, a lease arrangement directly with a Class I railroad is preferable to a lease with a subsidiary of that railroad. Moreover, the time period covered by the lease should reflect a decision as to the future of rail service on the particular properties. In this regard, a long-term lease should not be negotiated when it's clear that shippers, in time, will no longer need or want rail service. Conversely, long-term leases are appropriate when there is a clear indication of substantial development on the line.

Another leasing arrangement is for a short line operator—or a government authority—to lease properties from the abandoning railroad. The rental fees can provide a fair rate of return and save the railroad salvage efforts. For the community, it obviates the need to raise the money to purchase the properties.

Properties can also be acquired by negotiating a direct settlement with mortgagees and other senior lienholders. Assumption of an existing mortgage is plausible with certain preconditions. First, the mortgage should be secured by properties sought by the acquirer. Second, the value of the property should be less than the values of the mortgage claim plus other more senior claims, otherwise the estate's trustee holds a valuable interest in the property, which the trustee would not want to relinquish without compensation.

Direct settlements are possible when the mortgage is willing to reduce his claim in exchange for a mortgage assumption by another party. When this is the case, title and secured claims can be transferred. The trustee is benefited because the estate is relieved of the claims which exceed the value of the property. The new mortgagor is benefited because this arrangement provides for acquisition of the desired properties with a minimum expenditure.

One of the most difficult problems of acquisition is the valuation of rail properties. Valuation is a prominent issue of conflict between the Association and the railroads in reorganization. The Association and the bankrupts differ over the principles and appraisals of the properties which will be conveyed to ConRail and other purchasers. One approach is to value property on the basis of its salvage or net liquidation value. The salvage value concept rests on the premise that a bankrupt railroad has no alternative use for the rail properties other than to liquidate them. To appraise the properties, the salvage market value of the land and other removable properties would be calculated; the expenses required to remove and dismantle these properties would be subtracted from this value.

A second theory of valuation is that property should be valued on the basis of its ability to generate income for rail purposes. Another way is to value property on the basis of its net book value as carried by the railroad.

Once the buyer and seller agree on a valuation principle that is acceptable to both parties, an agreement must also be reached on the application of the principle—the appraisal. The appraisal is fundamentally influenced by the methodology used to calculate the values. For example, the methodology will provide estimates of the time required to remove the materials from the property and the expenses needed to restore the facilities to an acceptable condition. Furthermore, the methodology includes a realistic period of time required to carry out the liquidation program. Accordingly, the buyer and seller must also agree on timing, scrap prices, land values, and dismantling costs.

Where right-of-way ownership is restricted by a reversionary right, the railroad has little bargaining power to demand compensation for the land comprising the right of way. If a reversionary right applies, then when a line is abandoned, the land reverts back to the previous owner. Thus, concerned public bodies should determine whether reversionary rights exist on any of the properties proposed for abandonment.

A problem which is becoming increasingly prevalent is how to transfer the property designated for conveyance in the Plan. Section 303(b)(2) of the Act requires that all property be conveyed free and clear of all liens and encumbrances. This mandate has far reaching ramifications since railroad property for the most part is heavily encumbered as a result of the elaborate financing schemes used by railroads in the past. In addition, almost all properties are encumbered with local tax liens. Thus, purchase of properties directly from the bankrupt estates requires that the transaction include a solution to the problem of liens.

The city, county and State legal departments should be contacted to determine the extent of encumberances existing against specific rail properties. Once these encumberances are identified it will probably be necessary to co-operate with government entities at the local, county and State levels to decide on a strategy for resolving the claims. As an example, a State may compile listings of rail lines within that State which are encumbered by reversionary clauses or tax liens and scheduled to be abandoned. The trustees of the railroads involved could then be approached to negotiate a solution with the option of the State becoming the owner of these lines. The State could then either operate the lines or lease them to operating companies, thereby preserving rail service.

I. Sources of Funds: Developing a Financial Plan

The financing approach to continuing rail service should be coordinated with whatever operating approach is selected by the community and rail users. However, sufficient latitude exists to permit innovative financial solutions. Communities and rail users have many opportunities to minimize their financial involvement by utilizing various investment techniques. This section will discuss private financing, public financing and non-cash inducements for continued rail service.

I.1. Private Financing

Many programs of continued rail service will rely, at least in part, upon private sources of funds. Private financing may be available because of specific private interests or because of incentives in the private capital markets. A program which establishes a business enterprise will require financing of working capital, fixed infrastructure and an ownership interest. For example, a short line railroad may need to establish a line of credit with a commercial bank in order to secure working capital for its day-to-day operations. The right of way and fixed plant may be financed by bonds or mortgages. Equity capital can be sold to distribute ownership shares.

Local and State government entities may undertake programs to attract private funds with inducements such as:

Leases, tax shelters, guaranteed financing, indirect subsidies, associations of users.

A financing technique which almost certainly can improve the financial plan for most short line railroads is leasing. Locomotives, rolling stock and other equipment are properties which private investors will lease to a railroad. This type of asset is attractive for leasing because the lessor can readily repossess and resell the property if the lessee violates the lease. The lessee (operating railroad) benefits from leasing because it is not necessary to raise capital to purchase the asset. The lessor may be able to offer an attractive rental price depending on tax benefits which may be available.

Another type of incentive is where the Government guarantees the payment of interest, principal, and/or dividends on an obligation. Such guarantees greatly reduce investor risk, thereby providing substantial inducement to private investors to supply funds. Guarantees are particularly useful when a government entity does not wish to be directly involved in financing the continuation of rail service but is willing to bear some of the risks.

Similarly, inducements may be provided by interest rate subsidies. For example, the non-taxable bond is a form of interest rate subsidy. Allowing interest on a short line's debt to be exempt from income taxation may also aid in attracting funds.

Interest rate subsidies can take other forms. If a concerned group is willing to provide low cost capital for the continuation of rail service, then it may be possible to issue securities at interest rates below normal market levels to "friends of the railroad." An alternative method is that a group of concerned citizens and industries acquire the rail properties and then lease these properties back to the railroad at rentals which are less than the cost of debt service.

The tax shelter is a potential financing technique if the light density line operation establishes a business structure which can pass losses through to investors. Tax shelters often receive unfavorable publicity, but their purpose is to encourage investment in activities which are normally unable to compete in capital markets without special provisions to increase after-tax profits. Attractive depreciation rules can serve as tax shelters. Another technique is the depletion allowance, which would allow railroads to expense depreciation on the basis of traffic or revenue and would serve as an offset to revenue to minimize income tax liability.

I.2 State and Local Financing

Eight forms of public financing for retaining rail service can be considered:

(1) General obligation bonds;
(2) Revenue bonds;
(3) General tax revenues;
(4) Development districts or zone;
(5) Special tax assessments or surcharges;
(6) Regional authorities;
(7) Development corporations;
(8) Grants.

General obligation bonds are debt instruments used to supply the debt capital requirements of many State, local and county governments. They are supported by the full faith and credit of the government institution. Revenue bonds are used to finance public works projects such as airports, bridges, and sewer systems. The fees derived from operating these projects are used to service the bonds. Revenue bonds are typically issued at interest rates somewhat higher than general obligation bonds; because they are often not restricted by many of the statutory requirements covering general obligation bonds. Moreover, since revenue bonds are secured by a revenue producing operation, it is easier for governing bodies to authorize their issuance.

Analogous to general obligation bonds, general tax revenues are a source of financing of rail projects unless there are prohibitions against using tax monies for such purposes. Financing by general obligation bonds and general tax revenues distribute the investment burden over the total tax base. However, financing through revenue bonds distributes the burden to users of the project.

In some situations the financial burdens of continuing rail service can be more directly placed on those benefiting from the continuation through the establishment of development districts or zones. An example of a development district is a downtown area of a city where merchants agree to pay a special tax to finance the debt service required for the construction of a downtown municipal parking garage. In order to finance the continuation of rail service, a local government could establish tax districts along the areas served by the rail line. The rationale is that the values of land adjacent to a railroad is enhanced because of the improved opportunities for development due to the availability of rail service. Zones could be designated wherein all land owners in the proximity of the right of way would be assessed a special tax or surcharge depending on their location.

The concept of a special tax zone is directly analogous to the idea that special tax assessments should be used to distribute the burden of the program to those who are the beneficiaries. Therefore, in addition to specific geographic districts, special taxes should be considered. For example, the government could institute a special tax upon industries which are the direct beneficiaries of continued rail services. Alternatively, sales taxes may be used if the project has identifiable benefits for the entire local or regional economy.

Sometimes the difficulty in raising public funds is the political impediment of gaining authorization for additional taxes or bond issues. When this barrier exists, it is useful to seek out alternative public institutions—such as a regional authority—which can extend its activities into the ownership and operation of railroads. For example, several years ago the Port Authority of New York and New Jersey stepped in and acquired the Hudson Tubes for the purpose of providing vital public passenger rail services when the common carrier could no longer serve the market. Similarly, regional authorities could acquire and operate lines of the bankrupts to provide services to existing shippers and to facilitate industrial development.

If no such institution exists or it is considered too elaborate to establish, then "development corporations" might be a convenient alternative. Some localities and regions have already established development corporations which function to acquire land and then to promote and finance commercial and industrial development. The success of development corporations is largely dependent on the assistance they can provide to industrial tenants in their efforts to raise capital. Many industrial development corporations purchase land and erect industrial parks financed with tax exempt bonds. The space is then leased to a business at rentals which reflect the low service costs on the tax exempt bonds. A development corporation is ideally suited for the financing of continued rail service because it can raise capital at relatively low interest rates and can issue bonds without the impediments of municipal financing.

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I.3. FEDERAL FINANCING

In addition to private funding at the State and local levels, federal funds are available to help finance the continuation of rail service.

Title IV of the Act provides $180 million of Federal funds designed primarily to continue rail service on light density lines not recommended for service in the Final System Plan. These sums must be matched to a minimum of 30% by other parties.

The Act envisions that operating subsidies will not be the only method utilized to continue the operation of rail lines which are not included in ConRail. Sections 402 and 403 of the Act provide that Federal dollars be made available on a matching basis to local, regional and State transportation authorities for acquisition and modernization of rail lines.

Section 402 provides that the $90 million discretionary fund, over which the Secretary of Transportation has control, may be used for Section 403 purposes, i.e., these funds can be allocated for acquisition and modernization of rail lines. Any grants made under the discretionary funding portion of Section 402(b)(2) for modernization and acquisition must be pursuant to the State Rail Plan required under Section 402(c). The local, regional, or State authority must match the federal funds with at least 30 percent.

Section 403 provides for acquisition and modernization loans to local, regional and State transportation authorities of states eligible for subsidy funds under 402(c). The funds for Section 403 are provided for in Section 211 of the Act. The amount of money which will be available for this program has not yet been determined. The Federal share must be matched by the recipient of Federal funds on at least a 70–30 basis. (Any project for which a Section 403 loan is made can no longer receive a rail service continuation subsidy under Section 402).

It should also be noted that there are numerous sources of funds available under Federal grant programs that may be used for any of the alternatives to subsidization. Many agencies, such as the Department of Commerce, the Department of Housing and Urban Development, and the Department of Transportation, offer assistance in the form of project and research grants, direct loans, and guaranteed/insured loans to public and private organizations and private citizens. Both profit and non-profit institutions are eligible.

I.4. THE USE OF TAX CLAIMS

Railroads pya txes to State and local governments. The taxes paid are mostly on real estate, but other types of taxes such as ad valorum taxes, State franchise taxes, unemployment tax, and school taxes, may also be paid by the railroads. Unpaid State and local taxes are one of the largest claims against the estates of the bankrupts. Past and future taxes can function as a source of funds for communities interested in continued rail service.

An intriguing concept for raising funds to be used for preserving rail service is to treat forgiveness of tax claims as a method of financing. In railroad reorganizations, tax claims are senior debts of the estate. Tax claims which accrued after the petition for bankruptcy are considered administrative expenses of the estate and are accorded the high priority which is given to such claims. However, tax claims which result from nonpayment before bankruptcy (pre-petition) are not given as high priority, but they are still relatively senior. Those tax claims which statutorily constitute liens on the property are known as secured tax claims. This class of claim is accorded the highest priority of all pre-bankruptcy claims (save one small class). However, some localities do not place liens upon property when the taxes are in default. For these claims, the priority is lowered to "unsecured" tax claims. Nevertheless, most localities have a substantial claim against bankrupt estates because of post-petition deferrals. It is these senior claims which can be used as an attractive source of capital.

Forgiveness of tax claims is, strictly speaking, an inappropriate term for describing the use of tax claims as a source of funds. Forgiveness implies the relinquishment of claim without a corresponding exchange of consideration from the debtor. In contrast, the theme of this discussion is that consideration will be received in exchange for relinquishment of a claim; thus, forgiveness is essentially part of a contractual agreement between the debtor and the claimant.

For what purposes can such tax forgiveness be used? These claims will probably be useful for acquisitions and/or inducements for other financing arrangements. An obvious use for tax claims is as the consideration in an acquisition of rail properties. For example, assume there are tax claims against a bankrupt carrier held by county and local governments. If the agreed purchase price of the line were $50,000 and the tax claims were $10,000, then this amount could be applied towards the purchase price. The governments would have to raise $40,000 additional dollars to acquire the rail line. An important issue which must be considered is possible sources for the needed $40,000. To carry the example further, assume the county has properties of the bankrupt carrier within its jurisdiction; undoubtedly, tax liens and claims exist against these properties as well. Therefore, can the claims against the non-acquired properties be used to offset the purchase of the desired rail line? Can the State allow some of its own claims against the estate to be allocated for the purpose of satisfying the purchase price of the rail line? These issues are not altogether clear in every case; however, as long as the State and local governments hold senior claims against the estates, the trustee(s) should be willing to listen to reasonable offers aiding the settlement of the estate. Thus, if the tax claim offset against the purchase price appears to be an attractive way to dispose of claims, then the trustee will likely be amendable to offers from the government agencies.

Forgiveness of tax claims may also emerge as a useful technique in financing inducements for continued rail services. A typical inducement will be the standardized rail service continuation subsidy under the Act. Since the subsidy provider is responsible for providing a rate of return on investments to the estate of the owner of the line under subsidy, then tax claims forgiveness might offset this expense in total or in part.

Somewhat more complex is an arrangement whereby the operating carrier which does not own the infrastructure contracts with the subsidizer to provide continued rail services. This sort of arrangement might be possible if a solvent carrier acquires portions of an estate which is conveying substantially all of its assets. In this case, the acquirer could satisfy its purchase obligation by assuming a State/local tax claim which in turn would be forgiven in exchange for an operating subsidy. A hypothetical application of this rather complex arrangement would be an agreement in which the Chessie operated an undesignated light density line of the Reading Company. The agreement for operations would be between Chessie System and the subsidizer. However, if the Chessie purchases portions of the Reading Company, part of its purchase price could be "forgiven" in exchange for operating contracts over the undesignated line. It would be contracturally agreed that the Chessie arrangement would be "consideration" conveyed to the Reading Company for some properties. This consideration would be directly applicable to satisfy Reading's claims to the governments involved in the subsidy contract. Thus, a three-way arrangement is formed from the subsidizer to the Chessie in which the subsidizer's liens against the Reading Company are used as partial payment to the Chessie.

In contrast, the Boston and Maine is a special case because it is a railroad which has substantial liens against it, and it intends to remain in business. These tax liens could be contracturally eliminated in a court-approved operating agreement in which the claim is forgiven in exchange for some sort of operating agreement. (An operating agreement between a subsidizer and the Boston and Maine is not restricted by the Act).

There are several issues which will have to be recognized and resolved before the forgiveness of tax claims becomes a functional alternative method of retaining rail service. Usage of tax liens for such purposes is unprecedented and has no statutory guides. Pitfalls exist within the estates of the bankrupts, as well as within the political structure and laws which constrict the subsidizer.

The subsidizer should be prepared to negotiate and compromise with the trustee of the bankrupt estates. However, these negotiations will not be easy because the trustees may not necessarily interpret themselves as having the authority to make the agreements envisioned by the subsidizer. In fact, some trustees do not have the staff needed to react to matters as complex as offsetting liens against subsidy costs. The most important factor to bear in mind is that most railroad reorganization plans are the result of compromised negotiated agreements among classes of claimants in which full compensation is not received, but the settlement is superior to continued litigation. The State and local claimants, despite the seniority of their claims, are in the same predicament. It will take many years to distribute the proceeds of the reorganization plan. Therefore, if a State and local government is interested in utilizing its claims in the near future, it must be prepared to offer an attractive deal to the trustees which the trustees can submit to the reorganization court for approval. If the proposal is clearly unfavorable, the trustee or some other class of creditor will undoubtedly successfully block the contract.

As can be seen, one of the extremely important issues is the different classes into which the state and local governments' claims can be allocated.

Tax claims are separated according to the following categories:

(1) Secured—unsecured;
(2) Interest;
(3) Pre-petition—post-petition;
(4) Federal tax claims.

A secured tax claim is that in which local statute provides the tax claimant with a lien on the property to which the taxes are in default. An unsecured tax claim is not secured by such a lien. The bankruptcy statutes treat the secured claim with a higher priority than unsecured claims. If the proceeds from the disposition of a particular property do not fully satisfy the claims of the tax lienholder (claimant), then the claimant may have an unsecured claim against the remainder of the estate. The courts treat interest on such claims in a wholly subjective manner. Very often they will not accept interest on post-petition tax accruals. However, some courts have given some weight to interest on pre-petition tax claims. At this stage, it is impossible to conjecture what a probable interest rate will be even if the courts decide to recognize interest claims.

Tax claims, like all other claims, are ranked according to the time of incurrance of the claim. Claims which accrue after the petition for bankruptcy are known as post-petition claims. These are related to the cost of administration of the estate in order to keep the estate operating until it is reorganized. These claims are afforded the highest priority. Vendor-type claims which occur just before the petition for bankruptcy receive the next highest priority. Then pre-petition claims are addressed. The most senior class among these is secured tax liens. Unsecured tax liens are subordinate to these and other secured liens. (An example of another lienholder is the mortgagee on properties.) Secured claims are probably of high enough priority to be useful levers in negotiations.

State and local claims are subordinate to Federal claims. However, unresolved at this time is whether unsecured Federal claims are senior to secured state and local claims. Another issue facing the State and local creditors are the residual claims that they hold beyond their lien. That is, can the State/local claimant holding a lien against a particular property bring an unsecured claim against the entire estate if the proceeds from the sale of the secured property are not sufficient to satisfy the lien?

Even though the State/local claims are rather senior claims, in many cases they will not be satisfied in cash at 100 cents on the dollar. In fact, some sort of paper is likely to be issued and the market value may be at somewhat of a discount to the recognized claim. Furthermore, it is very possible that disposition of a claim could take many years from the time of conveyance to ConRail. Thus, the proceeds to be distributed to the State and local governments are likely to have a present worth at a very substantial discount of their base claim. Once again, there is cogent reason for the state and locals to negotiate an agreement with the estate.

An interesting wrinkle which will emerge in some of these negotiations is the inset of reversionay rights. When many of the railroads were built in the region, the State provided the railroad franchise with the right to construct the railroad with the provision that if the railroad ceased to exist, then the land would revert back to the original owner or the State. Thus, if the railroad abandons a line, it does not actually hold the salvage right to the land, but merely the removeable structures. In such cases, it may be more advantageous for the State/local governments to permit the railroad to abandon the line; then, the government can take over the right of way when the reversionary rights become effective. In effect, a costless acquisition of the land has occurred. Of course, statutory constraints at the State and local level will have to be researched before properties can be taken over by this method.

J. NON-CASH FINANCIAL INCENTIVES

Tax credits are a way to enhance the prospects of a project; they can be used as incentives to users or suppliers of rail service. A special investment tax credit could be applicable to investors in light density line projects. For example, rehabilitation expenditures could be accorded a specialized accounting treatment by State and local taxing authorities. In States with income taxes, rehabilitation expenditures could be treated in a manner similar to the Federal investment tax credit. Where income taxes do not exist, then special provisions for rehabilitation could be used to offset assessed real estate tax rates.

Communities may not need to provide direct economic impetus to attract investor support for a light density line project. Often the powers of the community government can be brought to bear to make the operations of the light density line more attractive. Typically the community controls zoning, development and public works. Each of these authorities could provide incentives with very real implications to the owners and operators of rail lines.

Class I railroads and potential investors in a short line enterprise will often consider the overall package much more attractive if it is accompanied by the prospect for development of railroad owned land adjacent to the line. Changes in zoning classifications on these lands could facilitate railroad-lead development. An agreement could be made wherein the railroad would agree to upgrade its rail facilities in exchange for certain land and/or zoning changes. Another incentive is to use the capability of the community's office of public works. The community could assume the responsibility for maintenance of some structures on the right of way in exchange for continued or improved rail service on the line.

In summary, local, county, regional, and State governments have potentially numerous ways of enhancing the prospect for continued rail service on a line without simply establishing massive subsidy and acquisition programs. However, the applicability of these techniques has to be considered with regard to each individual light density rail line.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A—RELEVANT FACTORS IN THE BENEFIT-COST ANALYSIS

In determining whether a particular rail property is suitable for a service continuation subsidy, the potential subsidizer should focus on the economic, social, and environmental factors involved in the loss of rail service, and possible shift to alternative modes, assessing them in quantitative and/or qualitative terms.

The major economic factors which should be considered in assessing the impact of rail discontinuance are: (a) Employment. Layoff or transfer of railroad employees; curtailment, relocation or cessation of operations by rail users; reduction in work force by firms providing goods and services to the affected area; and additional jobs created in the affected area. (b) Income. Loss or gain of compensation, to all employees identified in (a) above, in the form of wages, salaries, dividends and fringe benefits; proprietors' income generated by small business firms providing retail and wholesale goods and services, including farms; rental income resulting from rental of property and equipment by individuals; and corporate profits produced by generally large manufacturers. (c) Financial Aid. Increase or decrease in employment benefits paid to laid-off employees; welfare benefits paid to affected employees and their dependents; relocation allowances made to employees wishing to relocate in their jobs; retraining expenses to retrain employees who lose their jobs; and government aids to private industry in the form of special grants, waivers, etc. to adversely affected business firms. (d) Taxes. Loss or gain of revenue accruing to local, State and Federal governments generated from personal income taxes; sales taxes; property taxes; and corporate taxes. (e) Modal Costs. Increased or decreased operating costs, including fuel consumption, incurred by businesses in the use of an alternative transportation mode, with due consideration of such elements as packaging, loading, transloading, switching and line-haul costs. (f) Consumer Costs. Increased or decreased costs of goods and services to

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consumer brought about by changes in costs (i.e. transport costs) incurred by affected manufacturers, wholesalers and retailers. (g) Other. Loss of future benefits due to decreased potential for new industrial development and plant expansion where rail service is essential; unavailable or impractical alternative transportation modes because of local road and bridge conditions or because of the nature of the product being shipped, such as coal, fertilizer, grain or lumber; and lowering of commercial and residential property values dependent upon rail service, affecting the worth of those who own such properties.

The major social factors which should be considered are: (a) Demographic Changes affecting population; urban/rural composition; housing patterns; and life style peculiarities. (b) Economic. Effects on the diversity of economic base of the affected area; and the diversity of skills among the affected area's labor force. (c) Taxpayer Costs. Budgetary uncertainties and changes in funding priorities, irretrievable commitments of funds for projects and public services no longer needed; disruption of land use plans and zoning regulations, including possible re-use of rail rights-of-way for agricultural, commercial, industrial or residential purposes, transportation-related purposes or recreational, tourist, wildlife, hobby, or historic preservation purposes; and overall government economic, social, energy and environmental objectives, policies and programs.

The major environmental factors which should be considered are: (a) Air Pollution. Pollutants (i.e. carbon monoxide, hydrocarbons, and nitrogen oxides) produced by combustion in diesel locomotives; and pollutants produced by alternative transportation modes, especially trucks. (b) Land Pollution. Esthetic conditions, such as accumulation of litter and weeds along rail lines; traffic congestion on highways and streets resulting from a switch to an alternative transportation mode, such as trucking; and public safety hazards, such as brush fires produced by locomotive sparks, motor-vehicle accidents at railroad grade-crossings and motor-vehicle accidents on highways and streets if the alternative transportation mode is trucking. (c) Noise Pollution. Noise levels, for both the railroad and the alternative transportation mode (usually trucks), depending on such factors as locations of the rail line and major highways and streets in relation to locations of schools, hospitals and residential neighborhoods; types of equipment used by the railroad and the alternative mode; the number of railroad grade-crossings and State Laws concerning audible warnings; number and age of motor vehicles required to replace rail; types of motor vehicle engines to be used—diesel vs. gasoline; and overall level of background noise. (d) Water Pollution. Interference with normal water flow by railroad causeways; the threat to water quality by the application of pesticides to railroad rights-of-way for weed and brush control; and fuel spillage, especially at railroad fueling stations, shops and terminals.

INFORMATION SOURCES APPENDIX B

The following, which are referred to in the preceding text, are suggested as useful sources of information to those who are interested in the rail service continuance subsidy program provided for under the Regional Rail Reorganization Act of 1973. They are listed in chronological order according to their date of issuance. A limited number of copies of these sources are available from the Rail Services Planning Office, Government and Industry Liaison, 1900 L Street NW., 5th Floor, Washington, D.C. 20036, (202)/254-3294).

*Regional Rail Reorganization Act of 1973, Public Law 93-236, 87 Stat. 985 (January 2, 1974).

*Rail Service in the Midwest and Northeast Region, A Report by the Secretary of Transportation, Volumes I and II, 39 FR 5392 (February 1, 1974).

*Evaluation of the Secretary of Transportation's Rail Services Report. A Report of the Rail Services Planning Office, 39 FR 17147, (May 2, 1974).

*Rail Service Continuation Subsidies, Standards for Determination, Rail Services Planning Office, 39 HR 24294, (July 1, 1974), with Amendments, 40 FR 1624, (January 8, 1975), and with additional Amendments, 40 FR 14186, (March 28, 1975).

*United States Railway Association Annual Report June 30, 1974 with a Supplemental Report Through October, 1974. (November 13, 1974).

*Preliminary Views on Rail Restructuring, Comments of the Rail Services Planning Office (January 10, 1975).

*Guide for Evaluating the Community Impact of Rail Service Discontinuance, Office of Public Counsel, Rail Services Planning Office (January 10, 1975).

**Continuation of Local Rail Service, Procedures and Requirements Regarding Applications and Disbursement*, Federal Railroad Administration, U.S. Department of Transportation, 40 FR 4232 (January 28, 1975).

**Analysis of Community Impacts Resulting from the Loss of Rail Service*, CONSAD Research Corporation, Prepared for United States Railway Association, Volumes I, II, III and IV (February 14, 1975).

**Preliminary System Plan*, United States Railway Association, Volumes I and II, 40 FR 9323 (March 4, 1975).

**Evaluation of the U.S. Railway Association's Preliminary System Plan*, A Report of the Rail Services Planning Office, 40 FR 21802 (May 19, 1975).

**Community Self-Help Methods to Preserve or Reinstitute Rail Light-Density Line Service*, Ernest Weiss. Prepared for Rail Services Planning Office (June 6, 1975).

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FRIDAY, NOVEMBER 7, 1975



PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MORTGAGE INSURANCE AND ASSISTANCE FOR HOMEOWNERS

Revised Section 235 Program for Lower Income Families

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 235]

[Docket No. R-75-358]

MORTGAGE INSURANCE AND ASSISTANCE FOR HOMEOWNERS

Revised Section 235 Program for Lower Income Families

On October 17, 1975, the Secretary of Housing and Urban Development announced a revised homeownership program which would assist lower income families to acquire new or rehabilitated single-family homes. It is expected that this program will stimulate home construction and rehabilitation and assist the housing recovery.

The revised program is authorized under section 235 of the National Housing Act. This section was enacted in 1968. The initial homeownership assistance program carried out under section 235 was suspended in January 1973 and, with very limited exceptions, has not been used for new approvals since that time. Among other things, this prior program provided assistance payments which could reduce a family's monthly mortgage payments to as low as those which would be required on a mortgage bearing an interest rate of 1 percent. It also authorized mortgage insurance and assistance payments with respect to existing housing as well as new and rehabilitated housing and permitted minimum downpayments that could be as low as $200.

The revised program will apply with respect to mortgages approved for insurance after January 1, 1976, but properties otherwise eligible may qualify if construction or rehabilitation is started after October 17, 1975. As indicated above, the revised program will be limited to new and rehabilitated single-family homes and condominium units. It provides for assistance payments that will reduce monthly homeowner payments to as low as those that would be required on a mortgage bearing a 5 percent interest rate. It also includes a number of other modifications, such as increased downpayment requirements and limitations on the concentration of subsidized units, which are designed to avoid or minimize problems which developed under the prior program. Consistent with amendments contained in the Housing and Community Development Act of 1974, assistance under the new program will generally be limited to mortgagors whose adjusted annual incomes do not exceed 80 percent of area median incomes, although the Secretary is authorized to set higher or lower limits based on certain findings.

It is the purpose of this notice to provide interested members of the public with an opportunity to comment on the regulations the Department is proposing to use in implementing the revised program. Readers should note that these new regulations involve changes in only a limited number of sections in the existing section 235 regulations. However, for ease of comment, the Department is publishing Part 235 in its entirety (except for Subparts D, E and F relating to rehabilitation sales projects which will not be covered in the revised program) so that significantly revised sections can be seen in context and members of the public can more easily propose additional changes in existing regulations that they believe may be desirable. It should also be noted that, in addition to revisions designed to provide for the new program, there are several changes which affect provisions governing the prior program. These are largely technical or correcting in nature and are noted below.

Following is a brief summary of proposed significant changes in the section 235 regulations, as set forth in Part 235, accompanied in each case by a parenthetical reference to the relevant section or sections of the proposed and current Part 235.

1. Definition: Substantial rehabilitation. The proposed regulations define "substantial rehabilitation" to mean improvement of a unit in deteriorating or substandard condition to a decent, safe and sanitary level meeting FHA's standards and require that the cost of such rehabilitation be at least 25 percent of the value of the property after rehabilitation. Some features of this definition are taken from practice under the prior program but there is no comparable specific definition included in current regulations. (Proposed § 235.5(f).)

2. Eligible mortgagors: Income limit. The proposed regulations specify that the mortgagor shall have an adjusted annual income not in excess of 80 percent of median income for the area, with adjustments for smaller or larger families in a manner specified, except that the Secretary may establish higher or lower limits in certain cases. This change specifically reflects provisions of the Housing and Community Development Act of 1974, which amended provisions of prior law providing for section 235 income limits based on public housing limits and limits for below market rate section 221(d)(3) projects. Current regulations provide only that limits will not exceed those established by the FHA Commissioner. (Proposed and current § 235.10(a).)

3. Eligible mortgagors: Asset limit. For the new program, no requirement would be set forth in the regulations for limiting assets of eligible mortgagors. Regulations governing the prior program provide that mortgagors must have assets within limitations prescribed by the Secretary. (proposed and current § 235.10(a))

4. Eligible mortgagors: Adequacy of income. Under the new program, the regulations would not specify a particular ratio of housing expense to income, or recurring charges to income, which would be considered to establish that the mortgagor's income was adequate to meet his mortgage payments. Such ratios are included in current regulations governing the prior program. (proposed and current § 235.10(b))

5. Counseling. The proposed regulations contain a general provision, not in current regulations, which would require the Secretary to provide counseling. (proposed § 235.11) The Department is still developing specific features of a counseling program which may include use of buyer education material, counseling through local organizations and other measures to assist home purchasers to better understand and deal with the responsibilities of homeownership. The Department may incorporate additional counseling provisions in final regulations.

6. Seller's reimbursement agreement. The proposed regulations eliminate the requirement in current regulations that sellers of dwellings more than one-year old execute an agreement to reimburse FHA for certain expenses it may incur because of defects in the property. This modification does not relate to the revised program and is simply a technical change to conform existing regulations to administrative practice. (current § 235.12)

7. Eligible dwellings. Under the proposed regulations for the revised program, only new or substantially rehabilitated single-family dwellings, the construction or rehabilitation of which began after October 17, 1975, are eligible. The regulations governing the prior program provided assistance also for purchase of existing, cooperative and two-family units. (proposed § 235.15(b); current § 235.15)

8. Maximum mortgage term. The maximum mortgage term under the proposed regulations would be limited to 30 years. The current regulations governing the prior program provide that mortgages can extend for as long as 40 years in certain circumstances. (proposed and current § 235.22 (c) and (d))

9. Downpayments. For the revised program, the homeowner must make a downpayment in an amount (which may include prepaid expenses) equal to the greater of 6 percent of the Secretary's estimate of the cost of acquisition, or 3 percent of the first $25,000 and 10 percent of any excess above $25,000 of the cost of acquisition. For a $25,000 mortgage, the Secretary estimates that downpayments will approximate $1,500. Under the prior program the minimum investment could be as low as $200 (subsequently raised to 3 percent of acquisition costs pursuant to the Housing and Community Development Act of 1974). (proposed and current § 235.35)

10. Subdivision limitation. No more than 30 percent of the homes, or 40 homes, whichever is lesser, in any subdivision will be eligible for section 235 mortgage assistance. Current regulations contain no provision to restrict the concentration of subsidized units in a single area. (proposed § 235.37)

11. Commitments and reservations of contract authority. The proposed regulations describe procedures for obtaining commitments which are consistent with prior practice but not specifically provided for in prior regulations. They also contain specific provisions, not in current regulations, under which the Secretary may issue reservations of contract authority. Reservations will extend for 6 months and may be extended for an additional 6 months. (proposed § 235.38)

12. Rehabilitation Projects. Under the proposed regulations, after October 17, 1975, no applications will be accepted for mortgage insurance under section 221(h)(1) or 235(j) to assist financing of rehabilitation sales projects. There is no comparable restriction in current regulations. (proposed and current § 235.45(a))

13. Required assignments of mortgages. The proposed regulations would delete a provision in current regulations (§ 235.210) under which the Secretary may require mortgagees to assign mortgages on which assistance payments are being made. This is a technical modification not specifically related to the revised program.

14. Relation of sales price to mortgage limits. The proposed regulations provide that the purchase price shall not exceed either the Secretary's estimate of the value of the property or 120 percent of the maximum mortgage amount. Current regulations provide only that the sales price may not exceed the estimate of value but specify no percentage limitation between sales price and mortgage amount. (proposed and current § 235.320)

15. Level of assistance payments. Mortgage assistance payments may reduce the purchaser's mortgage payments to the equivalent of interest costs as low as 5 percent, but the homeowner must contribute at least 20 percent of his adjusted annual income for monthly mortgage, insurance and taxes. The regulations governing the prior program permit subsidies which reduce mortgage payments by the homeowner to as low as the equivalent of payments on a mortgage bearing interest at 1 percent. (proposed and current § 235.335(a))

16. Mortgagors required recertification of income. For the revised program, the proposed regulations would provide that recertification of a mortgagor's income shall be made on a calendar year basis and shall be accompanied by a copy of the mortgagor's Federal income tax return. Mortgagor recertification requests are also to be accompanied by tax returns. Current regulations provide for recertifications on anniversary dates of the mortgage and contain no requirements with respect to submission of income tax returns. (proposed and current §§ 235.350 and 235.355)

17. Termination of payments. Under the revised program, assistance payments would terminate in all cases when the homeowner sold the property. Regulations governing the prior program provide that payments may continue if a home is sold to a purchaser who meets the income requirements and is otherwise eligible for assistance under the program. (proposed and current § 235.375(a)(2))

Section 235.335(c) of the proposed regulations relating to the handling charge payable to mortgagees does not specify the amount of that charge and remains the same as current regulations in this regard. However, the Department has reviewed the handling charge, which has been $3.50 per month, and is now considering reducing the charge to $3.00 per month per mortgage, effective January 1, 1976.

The Department is currently developing specific procedures for allocation of subsidy funds for the revised program through HUD regional and area offices. These procedures are not set forth in the proposed regulations but, when completed, will be applied so that specific allocations may be made to particular communities in accordance with section 213(d) of the Housing and Community Development Act of 1974. Builders, local governments and other interested persons will be able to determine the amount of these allocations by contacting their appropriate HUD area office.

Readers of this notice should also be aware that a variety of general HUD requirements not contained in Part 235 will nevertheless apply to that Part according to their terms. Those include, for example, the site selection criteria contained in 24 CFR Part 200, Subpart N.

Interested persons are invited to participate in the making of this rule for furnishing such written comments, data and suggestions as they may desire. All such materials should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. All comments receive on or before December 10, 1975, will be considered before adoption of a final rule in this matter. Copies of all comments will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

The Department has determined that these proposed regulations will not have an environmental impact, as defined in HUD Handbook 1390.1. The finding of inapplicability may be inspected at the above address.

Accordingly, it is proposed to amend Title 24, Part 235, by revising Subparts A, B and C to read as follows:

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart A—Eligibility Requirements—Homes for Lower Income Families

Sec.
235.1 Incorporation by reference.
235.5 Definitions used in this subpart.
235.7 Application and commitment extension fees.
235.10 Eligible mortgagors.
235.11 Counseling.
235.15 Eligible types of dwellings.
235.20 Requirements for family unit in condominium.
235.22 Mortgage provisions.
235.25 Maximum mortgage amount.
235.30 Increased mortgage amount—high cost areas.
235.35 Mortgagor's investment.
235.37 Limitation on number of mortgages in subdivision.
235.38 Reservations of contract authority.
235.40 Late charge.
235.45 Eligibility requirements for purchaser from rehabilitation sales project.

Subpart B—Contract Rights and Obligations—Homes for Lower Income Families

Sec.
235.201 Incorporation by reference.
235.205 Deed in lieu of foreclosure.
235.215 Method of paying insurance benefits.
235.220 Condition of property.

SPECIAL PROVISIONS APPLICABLE ONLY TO MORTGAGES INVOLVING CONDOMINIUM UNITS

235.221 Waived title objections.
235.225 Changes in plan of apartment ownership.
235.230 Condition of multifamily structure.
235.235 Certificate or statement of condition.
235.240 Assessment of taxes.
235.245 Certificate of tax assessment.
235.250 Cancellation of property insurance.

Subpart C—Assistance Payments—Homes for Lower Income Families

235.301 Definitions.
235.305 Contract for assistance payments.
235.310 Execution of assistance payment contract.
235.315 Qualified homeowners.
235.320 Limitation of sales price.
235.325 Qualified cooperative members.
235.330 Cooperative units eligible for assistance payments.
235.335 Assistance payment and handling charges.
235.340 Time of payment.
235.345 Term of assistance payment contract.
235.350 Mortgagor's required recertification.
235.355 Mortgagor's optional recertification.
235.360 Adjustment in assistance payments.
235.365 Mortgagee records.
235.370 Effect of assignment of mortgage with an assistance payment contract.
235.375 Termination, suspension or reinstatement of the assistance payment contract.
235.499 Effect of amendments.

AUTHORITY: The provisions of this Part 235 issued under sec. 211, 52 Stat. 23, as amended, sec. 235, 82 Stat. 477, as amended; 12 U.S.C. 1715b, 1715z.

Subpart A—Eligibility Requirements—Homes for Lower Income Families

§ 235.1 Incorporation by reference.

(a) All of the provisions of Subpart A, Part 203 of this chapter concerning eligibility requirements of mortgages covering one- to four-family dwellings under section 203 of the National Housing Act apply to mortgages insured under section 235(i) of the National Housing Act, except the following provisions:

Sec.
203.12 Application and commitment extension fees.
203.16 Certificate and contract regarding use of dwelling for transient or hotel purposes.
203.17 Mortgage provisions.
203.18 Maximum mortgage amounts.
203.19 Mortgagor's minimum investment.
203.25 Late charge.
203.28 Economic soundness of project.
203.29 Eligible mortgages in Alaska, Guam, or Hawaii.
203.33 Relationship of income to mortgage payments.
203.36 Certificate and contract regarding use of dwelling for transient or hotel purposes.
203.38 Location of dwelling.
203.42 Rental properties.
203.43 Eligibility of miscellaneous type mortgages.

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Sec.
203.44 Eligibility of open-end advances.
203.50 through 203.102 Insured home improvement loans.

(b) For the purposes of this subpart, all references in Part 203 of this chapter to section 203 of the Act shall be construed to refer to section 235 of the Act.

§ 235.5 Definitions used in this subpart.

As used in this subpart, the following terms shall have the meaning indicated:

(a) "Adjusted annual income" means the annual family income remaining after making certain exclusions from gross annual income. The following items shall be excluded, in the order listed, from family gross annual income:

(1) 5 percent of such gross annual income, in lieu of amounts to be withheld (social security, retirement, health insurance, etc.).

(2) Any unusual income or temporary income, as defined by the Secretary.

(3) The earnings of each minor in the family who is living with such family, plus the sum of $300 for each such minor.

(b) "Displaced family" means a family displaced from an urban renewal area, or as a result of a governmental action, or as a result of a major disaster as determined by the President.

(c) "Family" means (1) two or more persons related by blood, marriage, or operation of law, who occupy the same dwelling or unit; (2) a handicapped person who has a physical impairment which is expected to be of long-continued and indefinite duration, substantially impedes his ability to live independently, and is of such a nature that his ability to live independently could be improved by more suitable housing conditions; or (3) a single person, 62 years of age or older.

(d) "Gross annual income" means the total income, before taxes and other deductions, received by all members of the mortgagor's household. There shall be included in this total income all wages, social security payments, retirement benefits, military and veteran's disability payments, unemployment benefits, welfare benefits, interest and dividend payments, and such other income items as the Secretary considers appropriate.

(e) "Minor" means a person under the age of 21. As used in this subpart, minor shall not include a mortgagor or his spouse.

(f) "Substantial rehabilitation" means the improvement of a unit in deteriorating or substandard condition to a decent, safe and sanitary level, meeting FHA's standards for mortgage insurance. A unit is in deteriorating or substandard condition when it does not provide safe and adequate shelter and endangers the health, safety or well-being of the occupants, although it may be structurally sound; or when it has one or more critical defects or combination of potential defects in sufficient number or extent to require considerable repair or rebuilding. In order for rehabilitation to be considered substantial, the cost of that rehabilitation shall not be less than 25 percent of the value of the property after completion of rehabilitation.

§ 235.7 Application and commitment extension fees.

All of the provisions of § 203.12 of this chapter, concerning application and commitment extension fees, apply to mortgages insured under this part, except that the mortgagee shall not be required to pay an application or a commitment extension fee where the dwelling or family unit involved is being released from a project mortgage which is insured at the time of the release under one of the parts of this chapter.

§ 235.10 Eligible mortgagors.

(a) To be eligible under this subpart, the mortgagor shall have an adjusted annual income which shall not exceed at the time of initial occupancy 80 percent of the median income for the area, with adjustments for smaller and larger families, as determined by the Secretary, except that the Secretary may establish income ceilings which are higher based upon his determination that such higher ceilings are necessary because of prevailing levels of construction costs, unusually high or low median family incomes or such other factors as the Secretary may deem to be necessary to carry out the purposes of this part. The percentage of median income for smaller and larger families shall be as follows:

Persons per family:	*Percent of median family income*
1 person	50
2 persons	64
3 persons	72
4 persons	80
5 persons	85
6 persons	90
7 persons	95
8 or more persons	100

(b) In addition to the income limitations set forth in paragraph (a) of this section, a mortgagor must establish that his income is and will be adequate to meet his portion of the periodic payments required in the mortgage submitted for insurance. Only that part of the mortgagor's income which can be expected to continue for approximately the first 5 years of the mortgage term will be considered effective income for the purpose of determining the adequacy of the mortgagor's income.

§ 235.11 Counseling.

The Secretary shall provide counseling under such terms as the Secretary shall determine.

§ 235.15 Eligible types of dwellings.

(a) With respect to mortgages approved for insurance prior to January 1, 1976, the mortgage shall involve one of the following types of dwellings:

(1) A single family dwelling, concerning which the application for insurance is approved by the Secretary prior to the beginning of construction or prior to the beginning of rehabilitation.

(2) A two-family dwelling, one of the units of which is to be occupied by the owner, which is approved by the Secretary prior to the beginning of substantial rehabilitation.

(3) A one-family unit in a condominium project (together with an undivided interest in the common areas and facilities serving the project) which is released from a multifamily project, the construction or substantial rehabilitation of which shall have been completed not more than 2 years prior to the filing of the application for assistance payments under Subpart C of this Part. The family unit shall have had no previous occupant other than the mortgagor.

(4) An existing single family dwelling or a family unit in an existing condominium project which meets such standards as the Secretary may prescribe and which is to be occupied by a mortgagor of one of the following types:

(i) A displaced family.

(ii) A family that has been occupying low rent public housing.

(iii) A family with five or more minor persons.

(5) A family unit in an existing project which is released from a multifamily project covered by a mortgage insured pursuant to § 236.1 et seq. or which is released from a multifamily project in which the housing owner has been receiving rent supplement payments pursuant to § 5.1 et seq. of this title.

(6) An existing single family dwelling or a family unit in an existing condominium project concerning which assistance payments have been made on behalf of the previous owner of the dwelling or family unit, if the previous owner was the mortgagor under a mortgage insured pursuant to § 235.45.

(7) An existing single family dwelling or a family unit in an existing condominium project which meets such standards as the Secretary prescribes and concerning which an application for assistance payments is filed pursuant to § 235.-301 et seq. and approved prior to July 1, 1971.

(b) With respect to mortgages approved for insurance under this Part on and after January 1, 1976, the mortgage shall involve only the types of dwellings identified in paragraphs (a)(1) or (a)(3) of this section, the construction or rehabilitation of which shall have begun after October 17, 1975.

§ 235.20 Requirements for family unit in condominium.

Where the dwelling involved is a one-family unit in a condominium project, the following additional requirements shall be met:

(a) Family unit eligibility. The family unit must be located in a project which has been financed with a mortgage which is or has been insured under any of the FHA-multifamily housing programs other than sections 213(a)(1) and (2) of the National Housing Act: Provided That, this FHA mortgage financing rule does not apply to projects involving 11 or less units nor to existing public housing units concerning which there has been established a condominium which meets such standards as the Secretary may prescribe and for which the mortgagor qualifies as a family occupying low-rent public housing.

(b) Plan of apartment ownership. The project in which the family unit is located shall have been committed to a plan of apartment ownership by enabling deed, deed of constitution, public deed, or other recorded instrument which has been approved by the Secretary and which is certified by the mortgagee as acceptable and binding within the jurisdiction where the project is located.

(c) Certificate by mortgagee. The mortgagee shall certify as to each of the following:

(1) That the individual deed for the family unit to be covered by an FHA-insured mortgage complies with all legal requirements of the jurisdiction and that ownership thereunder is subject to the plan of apartment ownership.

(2) That the mortgagor has good and marketable title to the family unit subject only to the mortgage which is a valid first lien on the property.

(3) That the family unit is assessed and subject to assessment for taxes pertaining to the unit.

(d) FHA controls for consumer and public interest. The Secretary may require the execution of a regulatory agreement which shall be made applicable to any association of owners and to any subsequent owner of a family unit. The Secretary may impose such additional conditions and provisions as he deems necessary for the protection of the consumer and public interest.

(e) Mortgage covenant concerning common expenses and assessments. The mortgage shall contain a covenant by the mortgagor to pay the allocated share of the common expenses or assessments and charges by the Association of Owners as provided in the Plan of Apartment Ownership and a provision approved by the Secretary by which the regulatory agreement is incorporated in and made a part of the mortgage.

(f) Definition of term "assessment". As used in the mortgage, the term "assessment", except where it refers to assessments and charges by the Association of Owners, shall mean special assessments by State or local governmental agencies, districts or other public taxing or assessing bodies.

§ 235.22 Mortgage provisions.

(a) *Mortgage form.* The mortgage shall be excuted upon a form approved by the Secretary for use in the jurisdiction in which the property covered by the mortgage is situated and shall be a first lien upon property that conforms with property standards prescribed by the Secretary. The entire principal amount of the mortgage must have been disbursed to the mortgagor or to his creditors for his account and with his consent.

(b) *Mortgage multiples.* The mortgage shall involve a principal obligation in multiples of $50.

(c) *Payments.* The mortgage shall:

(1) Come due on the first of the month.

(2) Have an amoritization period of either 10, 15, 20, 25, or 30 years, by providing for either 120, 180, 240, 300 or 360 monthly amortization payments.

(d) *Maturity.* (1) The mortgage shall provide for complete amortization not to exceed 30 years from the date of the beginning of amortization of the mortgage.

(2) No mortgage shall have a maturity exceeding three-quarters of the Secretary's estimate of the remaining economic life of the building improvements. If this limitation results in a term of less than 15, 20, 25, or 30 years the term shall be adjusted to the next lower multiple of 5 years.

§ 235.25 Maximum mortgage amount.

A mortgage shall not exceed the following:

(a) $21,600 for a single-family dwelling or a one-family unit in a condominium project, except that such amount may be increased to $25,200 in the case of a family with five or more persons.

(b) $28,000 for a two-family dwelling, except that no commitments to insure a mortgage on a two-family dwelling shall be issued under this part after January 1, 1976.

§ 235.30 Increased maximum mortgage amount—high cost areas.

In any geographical area where the Secretary finds cost levels so require, the Secretary may increase the dollar amount limitations set forth in § 235.25 to an amount not to exceed the following:

(a) $25,200 for a single-family dwelling or a one-family unit in a condominium project, except that such an amount may be increased to $28,800 in the case of a family with five or more persons.

(b) $36,000 for a two-family dwelling, except that no commitments to insure a mortgage on a two-family dwelling shall be issued under this part after January 1, 1976.

§ 235.35 Mortgagor's investment.

(a) With respect to the mortgages approved for insurance under this Part prior to January 1, 1976, the mortgagor shall have paid, at the time the mortgage is insured, on account of the property, in cash or its equivalent, at least an amount equal to 3 percent of the Secretary's estimate of the cost of acquisition.

(b) With respect to mortgages approved for insurance under this Part on and after January 1, 1976, the mortgagor shall have paid, at the time the mortgage is insured, on account of the property, in cash or its equivalent, the higher of (1) an amount equal to 3 percent of the first $25,000 of the Secretary's estimate of the cost of acquisition and 10 percent of such estimate in excess of $25,000, or (2) an amount equal to 6 percent of the Secretary's estimate of the cost of acquisition which amount may include the cost of such prepaid expenses as taxes, hazard and mortgage insurance premiums and such other expenses paid at closing as may be approved by the Secretary.

§ 235.37 Limitation on number of mortgages in subdivision.

(a) No more than thirty percent of the homes, or 40 homes, whichever is lesser, in any subdivision shall be eligible for mortgage insurance under this part, except that when subsidy payments pursuant to Subpart C have been terminated pursuant to § 235.375 such insurance contracts shall not be considered in determining whether the thirty percent limit has been reached.

(b) For purposes of this section, "subdivision" means a group of 10 or more homes offered for sale under a common promotional scheme, or a group of 10 or more lots to be used for the construction of houses under a common promotional scheme, or a combination of 10 or more such lots and homes being sold and used under a common promotional scheme. Where homes or lots located in different tracts of land are being offered for sale or used for building by a single builder or group of builders acting in concert, and where the tracts are contiguous or are known, designated or advertised as a common unit, or by a common name, they shall be presumed to be subject to a common promotional scheme without regard to the number of homes or lots within each tract. Homes already sold shall be considered as part of a subdivision for purposes of this section if they were sold under a common promotional scheme with homes not yet built or sold.

(c) For purposes of this section a "subdivision" shall include a condominium regime of 10 or more units.

§ 235.38 Reservations of contract authority.

(a) The Secretary will not issue conditional commitments to insure mortgages and to make interest reduction payments pursuant to this Part. However, conditional commitments to insure mortgages issued under Part 203, Part 221, Subpart A, and Part 234, Subpart A of this chapter will be considered to be conditional commitments to insure under this Part upon request by the mortgagee accompanied by submission of an application for firm commitment to insure under this Part for an eligible mortgagor subject to the availability of contract authority for interest reduction payments under Subpart C of this Part and subject to any limitations on eligibility set forth in this Subpart.

(b) Advance reservations of contract authority may be issued by the Secretary to a builder specifically identified for use in connection with commitments or a group of commitments for insurance of mortgages in a particular subdivision, subject to the limitation in § 235.37, or for a specific home not in a subdivision as defined therein.

(c) Reservations of contract authority shall be considered void (1) upon the expiration without mortgage insurance of the commitments for mortgage insurance in connection with which they were issued, or (2) 6 months after issuance unless extended for an additional period not to exceed 6 months.

§ 235.40 Late charge.

A late charge may be collected by the mortgagee for each payment more than 15 days in arrears, but such charge shall not exceed 2 cents for each dollar for the

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mortgagor's share of the monthly payment. Such charge shall be separately billed to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment. Such charge shall not be included in the assistance payment.

§ 235.45 Eligibility requirements for purchaser from rehabilitation sales project.

(a) Except as provided in this section, all of the provisions of this subpart shall apply to the insurance under section 235 (j)(4) of the National Housing Act of a mortgage financing the purchase by a lower income person from a rehabilitation sales project of a single or two-family dwelling or a family unit in a condominium project. The rehabilitation sales project shall be financed with a mortgage insured under either section 221(h)(1) of the National Housing Act or section 235(j)(2) of such Act, but no applications for project mortgage insurance under such sections will be accepted after October 17, 1975.

(b) The mortgagee shall not be required to pay an application or commitment extension fee.

(c) The mortgage shall comply with each of the following requirements:

(1) It shall involve a principal obligation in an amount not exceeding that portion of the unpaid balance of the project mortgage which is allocable to the dwelling or family unit being purchased.

(2) It shall bear interest at the maximum rate permitted under § 203.20 at the time the commitment for insurance was issued for the project mortgage.

(3) It shall be limited to the term of the project mortgage remaining at the time of the purchase.

(d) The purchase price of the dwelling or family unit shall equal that portion of the unpaid balance of the project mortgage which is allocable to the dwelling or family unit plus such additional amount, not less than $200, as the Secretary may determine to be reasonable. This additional amount may be paid in cash or its equivalent, and may be applied in whole or in part toward closing costs. It shall be paid by the mortgagor in lieu of the minimum investment prescribed in § 235.35.

(e) The mortgagor shall be required to have an adjusted annual income within the limits prescribed by the Secretary.

Subpart B—Contract Rights and Obligations—Homes for Lower Income Families

§ 235.201 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 203 of this chapter covering mortgages insured under Section 203 of the National Housing Act apply to mortgages insured under Section 235 of the National Housing Act, except the following provisions:

Sec.
203.305 Open-end advance subject to open-end charge.
203.306 Method of payment of open-end charge.
203.307 Calculation, amount, and due date of open-end charge.
203.308 Duration of open-end charge.
203.309 Pro rata payment of open-end charge.
203.357 Deed in lieu of foreclosure.
203.379 Adjustment for fire, flood, earthquake, or tornado damage.
203.380 Certificate of property condition.
203.389 Waived title objections.
203.400 Method of payment.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
203.422 Rights and liability under Mutual Mortgage Insurance Fund.
203.423 Distribution of distributive shares.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.
203.426 Inapplicability to housing in older, declining urban areas.
203.440 through 203.495 Insured home improvement loans.

(b) The term "property" or "each family dwelling unit" as used in §§ 203.251 through 203.435 of this chapter (Part 203, Subpart B) shall, when used in connection with a family unit in a condominium, be construed to include a "one-family unit and the undivided interest in the common areas and facilities."

§ 235.205 Deed in lieu of foreclosure.

All of the provisions of § 203.357 of this chapter relating to the acceptance of a deed in lieu of foreclosure shall apply to mortgages insured under this part, except that where a family unit in a condominium is involved, the deed in lieu of foreclosure may be accepted only if the mortgagee establishes to the satisfaction of the Secretary that there are no unpaid assessments owed to the association or cooperative of owners.

§ 235.215 Method of paying insurance benefits.

If the application for insurance benefits is acceptable to the Secretary, the insurance claim shall be paid in cash, unless the mortgagee files a written request with the application for payment in debentures. If such a request is made, the claim shall be paid in debentures issued in multiples of $50, with any balance less than $50 to be paid in cash.

§ 235.220 Condition of property.

All of the provisions of § 203.379 relating to the adjustment of the insurance claim for fire, flood, earthquake or tornado damage and all of the provisions of § 203.380 requiring the mortgagee to certify as to the condition of the property shall apply to mortgages insured under this subpart with the exception of mortgages involving condominium units. §§ 235.230 and 235.235 contain the comparable provisions applicable to mortgages involving condominium units.

SPECIAL PROVISIONS APPLICABLE ONLY TO MORTGAGES INVOLVING CONDOMINIUM UNITS

§ 235.221 Waived title objections.

(a) General provisions. All of the provisions of § 203.389 of this chapter (relating to the waiver by the Secretary of objections to title) shall apply to mortgages insured under this subpart, with the exception of mortgages involving condominium units.

(b) Provisions applicable to condominiums. Where the mortgage involves a condominium unit, the Secretary shall not object to title by reason of the following matters:

(1) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage.

(2) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property.

(3) Encroachments on the subject property by improvements on adjoining property, provided such encroachments do not interfere with the use of any improvements on the subject property.

(4) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property.

(5) Customary buildings or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

§ 235.225 Changes in plan of apartment ownership.

The mortgagee shall notify the Secretary of any change in the plan of apartment ownership and in the administration of the property. Such notification shall be given either at the time of the conveyance of the property or at the time of the assignment of the mortgage. Any change in such plan shall require approval by the Secretary.

§ 235.230 Condition of multifamily structure.

(a) When a family unit is conveyed or a mortgage is assigned to the Secretary, the family unit and the common areas and facilities (including restricted common areas and facilities) designated for the particular unit shall be undamaged by fire, earthquake, tornado, or boiler explosion. If the property has been damaged, either of the following actions shall be taken:

(1) The property may be repaired prior to its conveyance or prior to the assignment of the mortgage to the Secretary.

(2) With the prior approval of the Secretary, the property may be conveyed or the mortgage assigned to the Secretary without repairing the damage. In such instances, the Secretary shall deduct from the insurance benefits either his estimate of the decrease in value of the family unit or the amount of any insurance recovery received by the mortgagee, whichever amount is the greater.

(b) If the property has been damaged by fire and such property was not covered by fire insurance at the time of the damage, the mortgagee may convey the property or assign the mortgage to the Secretary without deduction from the insurance benefits for any loss occasioned by such fire if the following conditions were met:

(1) The property shall have been covered by fire insurance at the time the mortgage was insured.

(2) The fire insurance company shall have later canceled or refused to renew the policy.

(3) The mortgagee shall have notified the Secretary within 30 days (or within such further time as the Secretary may approve) of the cancellation of the fire insurance or of the refusal of the insuring company to renew the fire insurance. This notification shall have been accompanied by a certification of the mortgagee that diligent efforts were made, but it was unable to obtain fire insurance coverage at reasonably competitive rates and that it will continue its efforts to obtain adequate fire insurance coverage at competitive rates.

§ 235.235 Certificate or statement of condition.

(a) At the time of conveyance of the property or assignment of the mortgage to the Secretary, the mortgagee shall, as of the date of the filing for record of the deed or assignment, either:

(1) Certify that the conditions of § 235.230(a) have been met; or

(2) Submit a statement describing any such damage that may still exist.

(b) In the absence of evidence to the contrary, the mortgagee's certificate or its statement as to damage shall be accepted by the Secretary as establishing the condition of the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit.

§ 235.240 Assessment of taxes.

When a family unit is conveyed to the Secretary or a mortgage is assigned to the Secretary, the unit shall be assessed and subject to assessment for taxes pertaining only to that unit.

§ 235.245 Certificate of tax assessment.

The mortgagee shall certify, as of the date of filing for record of the deed or assignment of the mortgage to the Secretary, that the family unit is assessed and subject to assessment for taxes pertaining to that unit.

§ 235.250 Cancellation of property insurance.

The provisions of § 203.382, relating to the cancellation of hazard insurance upon filing for record of the deed to the Secretary, are incorporated by reference and shall apply to hazard insurance policies carried solely for the family unit.

Subpart C—Assistance Payments—Homes for Lower Income Families

§ 235.301 Definitions.

The definitions contained in § 235.5 shall apply to this subpart. In addition the term "assistance payment" means that portion of a homeowner's or cooperative member's monthly mortgage payment which the Secretary becomes obligated to pay under an assistance payment contract.

§ 235.305 Contract for assistance payments.

This subpart shall constitute the contract between the mortgagee and the Secretary for assistance payments pursuant to section 235(b) of the National Housing Act.

§ 235.310 Execution of assistance payment contract.

(a) Homeowners. The issuance of a mortgage insurance certificate pursuant to § 235.1 et seq. shall also constitute the execution of the assistance payment contract with respect to the mortgage being insured.

(b) Cooperative members. The issuance of a certificate approving an application filed on behalf of a cooperative member shall constitute the execution of the assistance payment contract with respect to member named in the certificate.

§ 235.315 Qualified homeowners.

To qualify for assistance payments, the homeowner's adjusted annual income, at the time of application for assistance, shall be within the limitations provided in § 235.10, and the homeowner shall be a mortgagor under a mortgage insured or to be issued pursuant to Subparts A and B of this part.

§ 235.320 Limitation of sales price.

To qualify for assistance payments, the homeowner shall not have paid in connection with the purchase of the property with respect to which assistance payments are to be made more than the Secretary's estimate of value of such property, nor shall the purchase price exceed 120 percent of the mortgage amount established pursuant to § 235.25 or § 235.30 of this Part, whichever is applicable.

§ 235.325 Qualified cooperative members.

To qualify for assistance payments, the cooperative member's adjusted annual income, at the time of application for assistance, shall be within the limitations provided in § 235.10 and the cooperative member shall be one of the following:

(a) A member of a cooperative association which operates a housing project which has been constructed or substantially rehabilitated not more than two years prior to the filing of the application for assistance payments and which is financed with a mortgage insured under §§ 213.1 through 213.280 of this chapter. The dwelling unit occupied by the cooperative member shall have had no previous occupant.

(b) A member of a cooperative association which operates an existing housing project financed with a mortgage insured under §§ 213.1 through 213.280 of this chapter, if such member has acquired membership and occupancy rights from one who was receiving assistance payment.

(c) A member of a cooperative association which operates an existing housing project financed with a mortgage insured under §§ 213.1 through 213.280 of this chapter, if such member meets one of the following qualifications:

(1) The member shall qualify as a displaced family.

(2) The member's family shall include five or more minor persons.

(3) The member's family shall have been occupying low-rent public housing at the time the application for assistance payments is filed.

(d) A member of a cooperative association which operates a housing project which is financed under a State or local program providing assistance through loans, loan insurance or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section.

§ 235.330 Cooperative units eligible for assistance payments.

The maximum amount of the mortgage attributed to the dwelling unit of the cooperative member shall not exceed $21,600 except that such amount may be increased to $25,200 in the case of a family of five or more persons. These amounts may be increased to $25,200 and $28,800 respectively, in any geographical area where the Secretary finds cost levels so require.

§ 235.335 Assistance payments and handling charges.

(a) The assistance payment on behalf of a mortgagor shall be the lesser of the following:

(1) The difference between 20 percent of the homeowner's or cooperative member's adjusted monthly income and the required monthly payment under the mortgage for principal, interest, taxes, insurance, and mortgage insurance premium.

(2)(i) With respect to mortgages approved for insurance under this Part by the Secretary before January 1, 1976, the difference between the required monthly payment under the mortgage for principal, interest, and mortgage insurance premium and the monthly payment which would be required for principal and interest if the mortgage bore an interest rate of 1 percent.

(ii) With respect to mortgages approved for insurance under this Part by the Secretary on or after January 1, 1976, the difference between the required monthly payment under the mortgage for principal, interest, and mortgage insurance premium and the monthly payment which would be required for principal and interest if the mortgage bore an interest rate of 5 percent.

(b) The assistance payment on behalf of a cooperative member shall be in an amount computed by using the formula prescribed in paragraph (a) of this section and applying the cooperative member's proportionate share of the obligation under the project mortgage to the items set forth in the formula.

(c) In addition to the assistance payment referred to in paragraphs (a) and (b) of this section, the mortgagee shall be entitled to the monthly payment of an amount the Secretary deems sufficient to reimburse the mortgagee for its expense in handling the mortgage.

§ 235.340 Time of payments.

The assistance payment shall be due on the first day of each month and shall

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be paid upon the receipt of a billing, on a form prescribed by the Secretary, from the mortgagee or its authorized agent.

§ 235.345 Term of assistance contract.

(a) Homeowners. The term of the assistance payment contract shall begin on the date of disbursement of mortgage proceeds as shown on the commitment for insurance and shall continue until the contract is terminated pursuant to § 235.375.

(b) Cooperative members. The term of the assistance payment contract shall begin on the date of issuance of a certificate approving an application filed on behalf of a cooperative member and shall continue until the contract is terminated pursuant to § 235.375.

§ 235.350 Mortgagor's required recertification.

(a) With respect to mortgages insured under this Part prior to January 1, 1976, the mortgagee shall obtain from the homeowner (or from the cooperative association on behalf of the cooperative member), on a form prescribed by the Secretary a recertification as to occupancy, employment, family composition and income whenever one of the following events takes place;

(1) Annually, no earlier than 60 days before and no later than 30 days after the anniversary date of the mortgage or at such other anniversary date as set by the Secretary;

(2) No more than 30 days after the mortgagee is notified by the mortgagor or learns from any source, that the mortgagor or any adult (21 years or older) member of the family residing in the household changes or begins employment which results in an increase in the family income reported in the original application for assistance or the most recent recertification;

(3) At such other times as the Secretary may require.

(b) With respect to mortgages insured under this part after January 1, 1976, the mortgagee shall obtain from the homeowner, on a form prescribed by the Secretary, a recertification as to occupancy, employment, family composition and income for the prior calendar year, and a certified copy of the federal income tax returned for the year preceding recertification filed by each person who is required to file such a return and whose income is reported in the recertification, whenever one of the following events takes place:

(1) Annually, within 30 days after the filing of the federal income tax return or returns, but in no event later than May 15; provided, that the first annual recertification shall be submitted for the calendar year ending before the first anniversary date of the mortgage.

(2) No more than 30 days after the mortgagee is notified by the mortgagor or learns from any source, that the mortgagor or any adult (21 years or older) member of the family residing in the household changes or begins employment which results in an increase in the family income reported in the original application for assistance or the most recent recertification;

(3) At such other times as the Secretary may require. Income tax returns submitted pursuant to the provisions of this subsection and § 235.355 shall be used solely for the purpose of verifying recertifications.

§ 235.355 Mortgagor's optional recertification.

Upon request of the mortgagor or cooperative member the mortgagee shall accept recertification and a certified copy of the most recent federal income tax return filed by each person whose income is reported in the recertification whenever the mortgagor, his or her spouse or an adult (21 years or older) member of the family changes or loses employment which results in a decrease in the family income reported in the most recent certification or recertification. This recertification shall be on a form prescribed by the Secretary.

§ 235.360 Adjustment in assistance payments.

The mortgagee shall make appropriate adjustments in the amount of the requested assistance payments to reflect changes in family income reported in any required or optional recertification of the homeowner or cooperative member. The adjustment shall not be retroactive except at the discretion of the Secretary. The adjustment shall apply only to assistance payments beginning with the payment due no earlier than the first day of the month following and no later than the first day of the second month following the date the mortgagor's recertification is received by the mortgagee.

§ 235.365 Mortgagee records.

The mortgagee shall maintain such records as the Secretary may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Secretary, and the annual recertifications of financial status from the homeowner or mortgagor. Such records shall be kept on file for a period of time and in a manner prescribed by the Secretary and shall be available, when requested, for review and inspection by the Secretary or the Comptroller General of the United States.

§ 235.370 Effect of assignment of mortgage with an assistance payment contract.

Where a mortgage covered by an assistance payment contract is sold to another approved mortgagee, the buyer shall succeed to all the rights and become bound by all the obligations of the seller under such contract.

§ 235.375 Termination, suspension, or reinstatement of the assistance payments contract.

(a) Termination. The assistance payments contract shall be terminated when any of the following events occurs:

(1) The contract of mortgage insurance is terminated, except when the mortgage has been assigned to the Secretary.

(2) The homeowner or cooperative member ceases to occupy the property, except in the following instances:

(i) Where the property is purchased by a homeowner who assumes the mortgage obligation under a mortgage insured prior to January 1, 1976, and who meets the income and asset requirements prescribed by the Secretary.

(ii) Where the cooperative member transfers his membership and occupancy rights to a new member who meets the income and asset requirements prescribed by the Secretary.

(3) When the assistance payments contract has been suspended for a period of 3 years without reinstatement.

(b) Suspension. The assistance payments contract shall be suspended when any one of the following events occurs:

(1) The mortgagee determines that the mortgagor or cooperative member ceases to qualify for the benefits of assistance payments by reason of his income increasing to an amount enabling him to pay the full monthly mortgage payment by using 20 percent of the family income.

(2) Foreclosure is instituted.

(3) The mortgagee is unable to obtain from the homeowner (or from the cooperative association on behalf of the cooperative member) a required recertification of occupancy, employment, income, and family composition.

(4) At such other times as the Secretary may require.

(c) Effect of termination or suspension. Upon termination or suspension of the assistance payments contract, the payment due on the first day of the month in which the termination or suspension occurs shall be the last payment to which the mortgagee shall be entitled; except that, in the case of a suspended contract, payment may be resumed after the contract is reinstated pursuant to paragraph (e) of this section.

(d) Noneffect on mortgage insurance contract. The termination or suspension of the assistance payments contract, where the mortgage insurance contract is not simultaneously terminated, shall have no effect on the mortgage insurance contract.

(e) Reinstatement. Where the assistance payments contracts is suspended, it may be reinstated by the Secretary at his discretion and on such conditions as he may prescribe.

§ 235.499 Effect of amendments.

The regulations in this subpart may be amended by the Secretary at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interest of a mortgagee under an existing contract for assistance payments.

It is hereby certified that the economic and inflation impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Issued at Washington, D.C. on November 3, 1975.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner.

[FR Doc.75-29949 Filed 11-6-75;8:45 am]

federal register

FRIDAY, NOVEMBER 7, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART V:

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC AND GENERAL OPERATING RULES

IFR Altitudes; Miscellaneous Changes

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Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 15134; Amdt. No. 95-262]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations (14 CFR Ch. I) is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or any portion of a route. These altitudes, when used in conjunction with the current changeover points for the routes or portions of routes, also assure navigational coverage that is adequate and free of frequency interference.

Since situations exist which demand immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); sec. 6(c) Department of Transportation Act (49 U.S.C. § 1655(c)))

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Subpart C of Part 95 of the Federal Aviation Regulations is amended as follows, effective December 4, 1975.

Issued in Washington, D.C., on October 31, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

§95.47 GREEN FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Ft. Davis, Ala. NDB	Norton Bay, Ala. NDB	5000
Bishop, Ala. NDB	Birch INT, Ala.	5800
Birch INT, Ala.	Nenes INT, Ala.	4100
Nenes INT, Ala.	Chena, Ala. NDB	4100

§95.102 AMBER FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
U.S. Canadian Border	Nabesna, Ala. NDB	9600
Evansville, Ala. LF/RBN **9400—MOCA	Chips INT, Ala.	*10000
Chips INT, Ala.	Brownsville, Ala. LF/RBN	2000

§95.103 AMBER FEDERAL AIRWAY 3
is amended to read in part:

FROM	TO	MEA
Evansville, Ala. NDB	Put River, Ala. NDB	10000

§95.612 BLUE FEDERAL AIRWAY 12
is amended to read:

FROM	TO	MEA
Takotna River, Ala. NDB	Bishop, Ala. NDB	6000
Bishop, Ala. NDB	Hotham, Ala. NDB	6000

§95.619 BLUE FEDERAL AIRWAY 19
is deleted.

§95.626 BLUE FEDERAL AIRWAY 26
is amended to read in part:

FROM	TO	MEA
Campbell Lake, Ala. NDB	Wilia INT, Ala.	4100
Wilia INT, Ala.	Peters Creek, Ala. NDB	4800
Summit, Ala. NDB *4700—MCA Wolfe INT, S-bound	Wolfe INT, Ala.	9500
Wolfe INT, Ala.	Chena, Ala. NDB	3200
Yukon River, Ala. NDB *4100—MCA Barter Island NDB, S-bound	*Barter Island, Ala. NDB	12000

§95.638 BLUE FEDERAL AIRWAY 38
is amended to read in part:

FROM	TO	MEA
Elephant, Ala. NDB	Chill INT, Ala.	7300
Chill INT, Ala.	Haines, Ala. NDB	9000

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

FROM	TO	MEA
Bimini, Bh. RBN *1200—MOCA	Caroline Beach, N. C. RBN (Via Control 1150)	*2500
Halibut INT, Fla. *6500—MRA **1200—MOCA	*Mullet INT, Bahamas (Via Control 1150)	**6500
*Mullet INT, Bahamas *6500—MRA **15000—MRA ***1200—MOCA	**Porpoise INT, Fla.	***15000
Porpoise LF INT, Fla.	Sturgeon LF INT, Fla. (Via Control 1150)	2000
Sturgeon LF INT, Fla.	Barracuda LF INT, Fla. (Via Control 1150)	2000
Baron INT, Fla. *1200—MOCA	Guage INT, Fla. (Via Control 1150)	*2000
Gauge INT, Fla. *1200—MOCA	Caroline Beach, N.C. LF/RBN (Via Control 1150)	*2000
Nassau, Bh. RBN *1200—MOCA	Caroline Beach, N. C. RBN (Via Control 1151)	*2500
Carps INT, Fla. *1300—MOCA	Abaco INT, Bh. (Via Control 1151)	*2000
Carps INT, Fla. *1200—MOCA	Trout INT, Fla. (Via Control 1153)	*2000
Carps INT, Fla. *1200—MOCA	Yellow Tail INT, S.C.	*2000
Yellowtail INT, S.C. *1200—MOCA	Caroline Beach, S.C. RBN (Via Control 1151)	*2500
Ashley, S.C. LF/RBN *2000—MOCA	Azana INT, S.C.	*2500 MAA—45000
Azana INT, S.C. *1200—MOCA	Yellow Tail INT, S.C.	*2500 MAA—45000
Yellow Tail INT, S.C.	Smelt INT, S.C. Via Control 1152	2500 MAA—45000
Dinsmore, Fla. LF/RBN	Carps INT, Fla. (Via Control 1153)	2500
Maytown INT, Fla. *4000—MRA **1500—MOCA	*Apollo INT, Fla. (Control 1386)	**2500
*Apollo INT, Fla. *4000—MRA **15000—MRA ***1200—MOCA	**Barracuda INT, Fla.	***15000
Newark, N.J. LF/RBN *1700—MOCA	Ramsey INT, N.J.	*2000 MAA—3000
Paterson INT, N.J.	Ramsey INT, N.J.	2000
Ramsey INT, N.J.	Spring Valley INT, N.Y.	3000
Ramsey INT, N.J. *1800—MOCA	Westchester Co., N.Y. ILS/LOM	*2000
Toccoa, Ga. VORTAC	Charleston, W. Va. VORTAC COP 45 TOC	29000 MAA—43000
Tazewell INT, Ga.	Durand INT, Ga.	3400

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

Bahama Routes

FROM	TO	MEA
65V		
Freeport, Bh. VOR *6500—MRA **1400—MOCA	*Mullet INT, Bh.	**2000

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§95.1001 DIRECT ROUTES—U.S.
is added to read:

Bahama Routes

FROM	TO	MEA
69V		
INT 112 M rad Biscayne Bay, Fla. VOR & 230 M rad Bimini, Bh. VOR	Bimini, Bh. VOR	*2000
*1300—MOCA		
Bimini, Bh. VOR	Bream INT, Bh.	2000
Bream INT, Bh.	Freeport, Bh. VOR	1400

§95.1001 DIRECT ROUTES—U.S.
is amended by adding:

FROM	TO	MEA
Allendale, S.C. VOR	Sinclair INT, Ga.	11000 MAA—23000
Stockton, Calif. VOR	Bush INT, Calif.	6000
St. Petersburg, Fla. VORTAC	Atlanta, Ga. VORTAC	30000 MAA—41000

§95.1001 DIRECT ROUTES—U.S.
is added to read:

Atlantic Routes

FROM	TO	MEA
AR 1		
Biscayne Bay, Fla. VORTAC	Carbine INT, Fla.	6000 MAA—45000
Carbine INT, Fla.	Tarpo INT, Fla.	18000 MAA—45000
Tarpo INT, Fla.	Guago INT, Fla.	25000 MAA—45000
Guago INT, Fla.	Azana INT, S.C.	25000 MAA—45000
Azana INT, S.C.	Carolina Beach, S.C. NDB	25000 MAA—45000
Carolina Beach, S.C. NDB	Wilmington, N.C. VORTAC	25000 MAA—45000
AR 2		
Bimini Island, Bh. NDB	Palme INT, Fla.	2500 MAA—45000
*Palme INT, Fla. *22000—MRA	Squid INT, Fla.	2500 MAA—45000
Squid INT, Fla. *25000—MRA	*Paver INT, S.C.	2500 MAA—45000
*Paver INT, S.C. *25000—MRA	Panal INT, S.C.	2500 MAA—45000
*Panal INT, S.C. *12000—MRA **1300—MOCA	Haw, S.C. VORTAC	**6000 MAA—45000
AR 3		
Nassau, Bh. NDB *1400 – MOCA	Abaco LF INT, Bh.	*2000 MAA—45000
Abaco LF INT, Bh.	Carps INT, Fla.	2500 MAA—45000
Carps INT, Fla.	Oldey INT, S.C.	2500 MAA—45000
Oldey INT, S.C.	Carolina Beach, S.C. NDB	2500 MAA—45000
AR 4		
Ashley, S.C. NDB	Snell INT, S.C.	2500 MAA—45000
AR 5		
Dinsmore, Fla. NDB	Trout INT, Fla.	2500 MAA—45000
AR 6		
Orlando, Fla. VORTAC	Apollo INT, Fla.	4000 MAA—45000
Apollo INT, Fla. *25000—MRA	*Hobee INT, Fla.	15000 MAA—45000

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J801R is amended to read in part:						
Mesic, Calif. W/P	36				18000	45000
Boulder City, Nev. VORTAC				050/230 to Boulder City		

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J904R is amended to read in part:						
Mesic, Calif. W/P	36				18000	45000
Boulder City, Nev. VORTAC				050/230 to Boulder City		
J906R is amended to read:						
Los Angeles, Calif. W/P	111				18000	45000
Hector, Calif. W/P				047/227 to Hector		
Hector, Calif. W/P	73			023/203 to COP	18000	45000
Mesic, Calif. W/P				025/205 to Mesic		
Mesic, Calif. W/P	151	101	Mesic	025/205 to COP	18000	45000
Adapt, Nev. W/P				024/204 to Adapt		
Adapt, Nev. W/P	131	50	Adapt	009/189 to COP	18000	45000
Fools, Utah W/P				010/190 to Fools		
Fools, Utah W/P	96			350/170 to COP	18000	45000
Ogden, Utah W/P				349/169 to Ogden		
J920R is amended to add:						
Krums, Mont. W/P	118				21000	45000
Mille, Mont. W/P				199/019 to Mille		

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§95.6004 VOR FEDERAL AIRWAY 4
is amended to delete:

FROM	TO	MEA
Hallsville, Mo. VOR	St. Louis, Mo. VOR	
Via N alter.	Via N alter.	*2700
*2300—MOCA		
Topeka, Kans. VOR	Wood INT, Kans.	
Via N alter.	Via N alter.	*2700
*2400—MOCA		
Wood INT, Kans.	Kansas City, Mo. VOR	
Via N alter.	Via N alter.	2700
Salina, Kans. VOR	*Admire INT, Kans.	
Via S alter.	Via S alter.	**4500
*4500—MRA		
**3000—MOCA		
Admire INT, Kans.	Dover INT, Kans.	
Via S alter.	Via S alter.	*3100
*2800—MOCA		
Dover INT, Kans.	Topeka, Kans. VOR	
Via S alter.	Via S alter.	*3100
*3000—MOCA		
Laramie, Wyo. VOR	Loveland INT, Colo.	10500
Loveland INT, Colo.	Longmont INT, Colo.	7900

§95.6004 VOR FEDERAL AIRWAY 4
is amended by adding:

FROM	TO	MEA
Topeka, Kans. VOR	Manhattan, Kans. VOR	3000
Via N alter.	Via N alter.	
Manhattan, Kans. VOR	INT 204 M rad Manhattan VOR & 071 M rad Salina VOR	3000
Via N alter.	Via N alter.	
*Laramie, Wyo. VOR	Libel INT, Colo.	10500
*10600—MCA Laramie VOR, W-bound		
Libel INT, Colo.	Longmont INT, Colo.	9700

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Salina, Kans. VOR	*Vasco INT, Kans.	3000
*5000—MRA		
*Vasco INT, Kans.	Custer INT, Kans.	2900
*5000—MRA		
Kansas City, Mo. VOR	Fleming INT, Mo.	2600

§95.6005 VOR FEDERAL AIRWAY 5
is amended to read in part:

FROM	TO	MEA
Athens, Ga. VOR	Commerce INT, Ga.	3800

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
*Niles INT, Ill.	Beach INT, Ill.	3400
*3100—MCA Niles INT, N-bound		
Beach INT, Ill.	Papi INT, Ill.	*2500
*1900—MOCA		

§95.6009 VOR FEDERAL AIRWAY 9
is amended to delete:

FROM	TO	MEA
Farmington, Mo. VOR	St. Louis, Mo. VOR	
Via W alter.	Via W alter.	*3000
*2400—MOCA		

§95.6010 VOR FEDERAL AIRWAY 10
is amended to delete:

FROM	TO	MEA
Emporia, Kans. VOR	Pomona INT, Kans.	*2900
*2400—MOCA		
Pomona INT, Kans.	Eudora INT, Kans.	*2800
*2600—MOCA		
Eudora INT, Kans.	De Soto INT, Kans.	*2500
*2200—MOCA		
De Soto INT, Kans.	Parkville INT, Mo.	*2500
*2400—MOCA		
Parkville INT, Mo.	Kansas City, Mo. VOR	2300
Kansas City, Mo. VOR	Lawson INT, Mo.	*2600
*2400—MOCA		
Lawson INT, Mo.	Utica INT, Mo.	*3000
*2200—MOCA		
Utica INT, Mo.	Kirksville, Mo. VOR	2700
Emporia, Kans. VOR	Topeka, Kans. VOR	*3000
Via N alter.	Via N alter.	
*2400—MOCA		
Topeka, Kans. VOR	Springdale INT, Kans.	
Via N alter.	Via N alter.	2700
Springdale INT, Kans.	Lansing INT, Kans.	
Via N alter.	Via N alter.	2700
Lansing INT, Kans.	Kansas City, Mo. VOR	
Via N alter.	Via N alter.	*2600
*2300—MOCA		

§95.6010 VOR FEDERAL AIRWAY 10
is amended by adding:

FROM	TO	MEA
Emporia, Kans. VOR	De Soto INT, Kans.	3000
Via N alter.	Via N alter.	
De Soto INT, Kans.	Blue Springs, Mo. VOR	3000
Via N alter.	Via N alter.	
Blue Springs, Mo. VOR	Lawson INT, Mo.	2500
Via N alter.	Via N alter.	
Lawson INT, Mo.	Kirksville, Mo. VOR	*3000
Via N alter.	Via N alter.	
*2400—MOCA		
Emporia, Kans. VOR	Blue Springs, Mo. VOR	3000
Blue Springs, Mo. VOR	Kirksville, Mo. VOR	*3000
*2400—MOCA		

§95.6012 VOR FEDERAL AIRWAY 12
is amended to delete:

FROM	TO	MEA
Anthony, Kans. VOR	Milan INT, Kans.	
Via S alter.	Via S alter.	*3000
*2500—MOCA		
Milan INT, Kans.	Wichita, Kans. VOR	
Via S alter.	Via S alter.	*2900
*2700—MOCA		
Wichita, Kans. VOR	Whitewater INT, Kans.	
Via N alter.	Via N alter.	3400
Whitewater INT, Kans.	*Florence INT, Kans.	
Via N alter.	Via N alter.	**3000
*5000—MRA		
**2600—MOCA		
Florence INT, Kans.	Emporia, Kans. VOR	
Via N alter.	Via N alter.	*3300
*2700—MOCA		
Gage, Okla. VOR	Clark INT, Kans.	
Via N alter.	Via N alter.	*4000
*3900—MOCA		
Clark INT, Kans.	*Safer INT, Kans.	
Via N alter.	Via N alter.	**10500
*4000—MRA		
**3400—MOCA		

VOR FEDERAL AIRWAY 12—Cont'd.
is amended to delete:

FROM	TO	MEA
Safer INT, Kans.	Rego INT, Kans.	
Via N alter.	Via N alter.	*5000
*2900—MOCA		
Rego INT, Kans.	Wichita, Kans. VOR	
Via N alter.	Via N alter.	3400
Emporia, Kans. VOR	Pomona INT, Kans.	*2900
*2400—MOCA		
Pomona INT, Kans.	Eudora INT, Kans.	*2800
*2600—MOCA		
Eudora INT, Kans.	De Soto INT, Kans.	*2500
*2200—MOCA		
De Soto INT, Kans.	Shawnee INT, Kans.	*2600
*2400—MOCA		
Shawnee INT, Kans.	Leeds INT, Mo.	3000
Leeds INT, Mo.	Blue Springs, Mo. VOR	*3000
*2100—MOCA		

§95.6012 VOR FEDERAL AIRWAY 12
is amended by adding:

FROM	TO	MEA
Emporia, Kans. VOR	Blue Springs, Mo. VOR	3000

§95.6013 VOR FEDERAL AIRWAY 13
is amended to delete:

FROM	TO	MEA
Butler, Mo. VOR	*Pleasant Hill INT, Mo.	
Via E alter.	Via E alter.	**2600
*4000—MRA		
**2100—MOCA		
Pleasant Hill INT, Mo.	Leeds INT, Mo.	
Via E alter.	Via E alter.	*3000
*2400—MOCA		
Leeds INT, Mo.	Kansas City, Mo. VOR	
Via E alter.	Via E alter.	3000
Butler, Mo. VOR	Kansas City, Mo. VOR	3000

§95.6013 VOR FEDERAL AIRWAY 13
is amended by adding:

FROM	TO	MEA
Butler, Mo. VOR	Blue Springs, Mo. VOR	2600
Blue Springs, Mo. VOR	Plattsburg INT, Mo.	3000

§95.6014 VOR FEDERAL AIRWAY 14
is amended to delete:

FROM	TO	MEA
Vichy, Mo. VOR	St. Louis, Mo. VOR	
Via S alter.	Via S alter.	2800
St. Louis, Mo. VOR	Godfrey INT, Ill.	
Via N alter.	Via N alter.	*2200
*2000—MOCA		
Godfrey INT, Ill.	INT 057 M rad St. Louis VOR & 269 M rad Vandalia VOR	
Via N alter.	Via N alter.	*2500
*2000—MOCA		
INT 057 M rad St. Louis VOR & 269 M rad Vandalia VOR	Vandalia, Ill. VOR	
Via N alter.	Via N alter.	*2500
*2100—MOCA		

§95.6014 VOR FEDERAL AIRWAY 14
is amended to read in part:

FROM	TO	MEA
Neosho, Mo. VOR	Springfield, Mo. VOR	3000

§95.6015 VOR FEDERAL AIRWAY 15
is amended to delete:

FROM	TO	MEA
Kansas City, Mo. VOR	Dearborn INT, Mo.	*2600
*2300—MOCA		
Dearborn INT, Mo.	St. Joseph, Mo. VOR	2800

§95.6015 VOR FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
Bismarck, N.D. VOR	Hancock INT, N.D.	3700
Hancock INT, N.D.	Minot, N.D. VOR	3900

§95.6017 VOR FEDERAL AIRWAY 17
is amended to read in part:

FROM	TO	MEA
Gage, Okla. VOR	Flack INT, Kans.	*4400
*3800—MOCA		
Flack INT, Kans.	Garden City, Kans. VOR	4700

§95.6018 VOR FEDERAL AIRWAY 18
is amended to delete:

FROM	TO	MEA
Hefin INT, Ala.	Rex, Ga. VOR	*4000
*3700—MOCA		
Rex, Ga. VOR	Moddi INT, Ga.	*3000
*2400—MOCA		

§95.6018 VOR FEDERAL AIRWAY 18
is amended to read in part:

FROM	TO	MEA
Hokes Bluff INT, Ala.	Rome, Ga. VOR	
Via N alter.	Via N alter.	*5000
*4000—MOCA		
Talladega, Ala. VOR	Hefin INT, Ala.	4000
Hefin INT, Ala.	Atlanta, Ga. VOR	4000
Atlanta, Ga. VOR	Moddi INT, Ga.	*3000
*2200—MOCA		
Moddi INT, Ga.	Raytown INT, Ga.	*4000
*2200—MOCA		
Raytown INT, Ga.	Augusta, Ga. VOR	*2500
*1800—MOCA		
Commerce INT, Ga.	Athens, Ga. VOR	
Via N alter.	Via N alter.	3800

§95.6020 VOR FEDERAL AIRWAY 20
is amended to read in part:

FROM	TO	MEA
Columbus, Ga. VOR	Grant INT, Ga.	*2700
*2100—MOCA		
Grant INT, Ga.	Milner INT, Ga.	*3000
*2100—MOCA		
Milner INT, Ga.	Sinclair INT, Ga.	*4000
*2000—MOCA		
Sinclair INT, Ga.	Moddi INT, Ga.	*3000
*2000—MOCA		
Moddi INT, Ga.	Athens, Ga. VOR	*3000
*2100—MOCA		
Saman INT, Ala.	Gibson INT, Ala.	*4000
Via N alter.	Via N alter.	
*3300—MOCA		
Gore INT, Ala.	Rome, Ga. VOR	*5000
Via N alter.	Via N alter.	
*4000—MOCA		

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§95.6022 VOR FEDERAL AIRWAY 22
is deleted:

§95.6026 VOR FEDERAL AIRWAY 26
is amended by adding:

FROM	TO	MEA
Hayden, Colo. VOR	Celia INT, Colo.	10000
Celia INT, Colo.	Cherokee, Wyo. VOR	10000

§95.6035 VOR FEDERAL AIRWAY 35
is amended by adding:

FROM	TO	MEA
Albany, Ga. VOR	Rass INT, Ga.	2000
Via W alter.	Via W alter.	
Rass INT, Ga.	Potter INT, Ga.	2300
Via W alter.	Via W alter.	
Potter INT, Ga.	Byron INT, Ga.	*3000
Via W alter.	Via W alter.	
*2000—MOCA		
Byron INT, Ga.	Macon, Ga. VOR	2000
Via W alter.	Via W alter.	

§95.6035 VOR FEDERAL AIRWAY 35
is amended to read in part:

FROM	TO	MEA
Sinclair INT, Ga.	Maddi INT, Ga.	*3000
*2000—MOCA		
Maddi INT, Ga.	Athens, Ga. VOR	*3000
*2100—MOCA		
Macon, Ga. VOR	Sinclair INT, Ga.	2500

§95.6050 VOR FEDERAL AIRWAY 50
is amended to read:

FROM	TO	MEA
Pawnee City, Nebr. VOR	INT 113 M rad Pawnee City VOR & 302 M rad Kansas City VOR	3000
Via S alter.	Via S alter.	
INT 113 M rad Pawnee City VOR & 302 M rad Kansas City VOR	New Market INT, Mo.	3000
Via S alter.	Via S alter.	
New Market INT, Mo.	St. Joseph, Mo. VOR	2700
Via S alter.	Via S alter.	

§95.6051 VOR FEDERAL AIRWAY 51
is amended to read in part:

FROM	TO	MEA
Athens, Ga. VOR	Commerce INT, Ga.	3800

§95.6052 VOR FEDERAL AIRWAY 52
is amended to read in part:

FROM	TO	MEA
Hardin INT, Ill.	Winfield INT, Mo.	2500
Winfield INT, Mo.	St. Louis, Mo. VOR	2500

§95.6056 VOR FEDERAL AIRWAY 56
is amended to read in part:

FROM	TO	MEA
Roberta INT, Ga.	Macon, Ga. VOR	2000

§95.6065 VOR FEDERAL AIRWAY 65
is amended to read in part:

FROM	TO	MEA
New Market INT, Mo.	St. Joseph, Mo. VOR	2700

§95.6065 VOR FEDERAL AIRWAY 65
is amended to delete:

FROM	TO	MEA
INT 170 M rad St. Joseph VOR & 223 M rad Kansas City VOR	Lansing INT, Kans.	*2600
*2300—MOCA		
Lansing INT, Kans.	New Market INT, Mo.	2700

§95.6066 VOR FEDERAL AIRWAY 66
is amended to delete:

FROM	TO	MEA
LaGrange, Ga. VOR	Grant INT, Ga.	*3500
*3400—MOCA		

§95.6066 VOR FEDERAL AIRWAY 66
is amended by adding:

FROM	TO	MEA
LaGrange, Ga. VOR	INT 119 M rad LaGrange VOR & 067 M rad Columbus VOR	3500
INT 119 M rad LaGrange VOR & 067 M rad Columbus VOR	Grant INT, Ga.	*2700
*2100—MOCA		

§95.6066 VOR FEDERAL AIRWAY 66
is amended to read in part:

FROM	TO	MEA
Grant INT, Ga.	Milner INT, Ga.	*3000
*2100—MOCA		
Milner INT, Ga.	Sinclair INT, Ga.	*4000
*2000—MOCA		
Sinclair INT, Ga.	Maddi INT, Ga.	*3000
*2000—MOCA		
Maddi INT, Ga.	Athens, Ga. VOR	*3000
*2100—MOCA		

§95.6069 VOR FEDERAL AIRWAY 69
is amended to read in part:

FROM	TO	MEA
Farmington, Mo. VOR	Troy, Ill. VOR	3000

§95.6071 VOR FEDERAL AIRWAY 71
is amended to delete:

FROM	TO	MEA
Butler, Mo.	Kansas City, Mo. VOR	3000
Kansas City, Mo. VOR	New Market INT, Mo.	*2500
*2300—MOCA		
New Market INT, Mo.	Rushville INT, Mo.	*2700
*2200—MOCA		
Rushville INT, Mo.	Huron INT, Kans.	*2600
*2100—MOCA		
Huron INT, Kans.	Pawnee City, Nebr. VOR	*3000
*2600—MOCA		

§95.6071 VOR FEDERAL AIRWAY 71
is amended by adding:

FROM	TO	MEA
Butler, Mo. VOR	Topeka, Kans. VOR	2900
Topeka, Kans. VOR	Pawnee City, Nebr. VOR	3000

§95.6072 VOR FEDERAL AIRWAY 72
is amended by adding:

FROM	TO	MEA
Montrose INT, Ill.	Mattoon, Ill. VOR	*2500
*1900—MOCA		
Mattoon, Ill. VOR	Monticello INT, Ill.	*2700
*2200—MOCA		
Monticello INT, Ill.	Bloomington, Ill. VOR	2700

§95.6074 VOR FEDERAL AIRWAY 74
is amended to read in part:

FROM	TO	MEA
Anthony, Kans. VOR	Pioneer, Okla. VOR	3000
Via N alter.	Via N alter.	
Anthony, Kans. VOR	Pioneer, Okla. VOR	3000
Anthony, Kans. VOR	INT 087 M rad Anthony, Kans. VOR & 325 M rad Pioneer, Okla. VOR	
Via N alter.	Via N alter.	3000
INT 087 M rad Anthony, Kans. VOR & 325 M rad Pioneer, Okla. VOR	Pioneer, Okla. VOR	
Via N alter.	Via N alter.	2800

§95.6077 VOR FEDERAL AIRWAY 77
is amended to read in part:

FROM	TO	MEA
Pioneer, Okla. VOR	Wichita, Kans. VOR	3400

§95.6088 VOR FEDERAL AIRWAY 88
is amended to read in part:

FROM	TO	MEA
Forney, Mo. VOR	Vichy, Mo. VOR	3000
Via S alter.	Via S alter.	

§95.6097 VOR FEDERAL AIRWAY 97
is amended to delete:

FROM	TO	MEA
Americus INT, Ga.	Tazewell INT, Ga.	*3000
*2100—MOCA		
Tazewell INT, Ga.	Grant INT, Ga.	*4000
*2200—MOCA		

§95.6097 VOR FEDERAL AIRWAY 97
is amended by adding:

FROM	TO	MEA
Americus INT, Ga.	*Pratt INT, Ga.	**3000
*3000—MRA		
**2100—MOCA		
*Pratt INT, Ga.	Grant INT, Ga.	**4000
*3000—MRA		
**1900—MOCA		

§95.6097 VOR FEDERAL AIRWAY 97
is amended to read in part:

FROM	TO	MEA
Albany, Ga. VOR	Americus INT, Ga.	2000
Grant INT, Ga.	Atlanta, Ga. VOR	*3000
*2300—MOCA		
Atlanta, Ga. VOR	Crabapple INT, Ga.	4000

§95.6101 VOR FEDERAL AIRWAY 101
is amended by adding:

FROM	TO	MEA
Gill, Colo. VOR	*Libel INT, Colo.	10000
*11500—MCA Libel INT, W-bound		
Libel INT, Colo.	Kater INT, Colo.	16000
Kater INT, Colo.	Hayden, Colo. VOR	13000
Hayden, Colo. VOR	Strim INT, Colo.	10000
Strim INT, Colo.	Renae INT, Colo.	11000
Renae INT, Colo.	Vernal, Utah VOR	11000

§95.6107 VOR FEDERAL AIRWAY 107
is amended to delete:

FROM	TO	MEA
*Los Angeles, Calif. VOR	Ventura, Calif. VOR	
Via W alter.	Via W alter.	5000
*3200—MCA Los Angeles VOR, W-bound		
Ventura, Calif. VOR	Fillmore, Calif. VOR	
Via W alter.	Via W alter.	5000

§95.6113 VOR FEDERAL AIRWAY 113
is amended by adding:

FROM	TO	MEA
*Boise, Ida. VOR	Clasi INT, Ida.	
	SW-bound	9700
	NE-bound	**12500
*8200—MCA Boise VOR, NE-bound		
**9700—MOCA		
Clasi INT, Ida.	Salmon, Ida. VOR	12500
Salmon, Ida. VOR	Slipp DME Fix, Mont.	13000
Slipp DME Fix, Mont.	*Butte, Mont. VOR	
	SW-bound	**13000
	NE-bound	11000
*10200—MCA Butte VOR, SW-bound		
**11000—MOCA		

§95.6116 VOR FEDERAL AIRWAY 116
is amended to delete:

FROM	TO	MEA
Kansas City, Mo. VOR	Excelsior INT, Mo.	*2600
*2400—MOCA		

§95.6121 VOR FEDERAL AIRWAY 121
is amended by adding:

FROM	TO	MEA
McCall, Ida. VOR	Salmon, Ida. VOR	12000
Salmon, Ida. VOR	Nosey DME Fix, Mont.	12000
Nosey DME Fix, Mont.	Dillon, Mont. VOR	
	E-bound	*10000
	W-bound	*12000
*9100—MOCA		

§95.6121 VOR FEDERAL AIRWAY 121
is amended to read in part:

FROM	TO	MEA
*Parson INT, Ore.	**Vida INT, Ore.	
	SW-bound	6000
	NE-bound	8000
*6300—MCA Parson INT, NE-bound		
**8200—MCA Vida INT, NE-bound		

§95.6125 VOR FEDERAL AIRWAY 125
is deleted.

§95.6129 VOR FEDERAL AIRWAY 129
is amended by adding:

FROM	TO	MEA
Dubuque, Iowa VOR	Quest INT, Wis.	*3100
*2500—MOCA		
Quest INT, Wis.	Nodine, Minn. VOR	3000

§95.6129 VOR FEDERAL AIRWAY 129
is amended to read in part:

FROM	TO	MEA
Dubuque, Iowa VOR	Waukon, Iowa VOR	2900
Via W alter.	Via W alter.	
Waukon, Iowa VOR	Nodine, Minn. VOR	3000
Via W alter.	Via W alter.	

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§95.6139 VOR FEDERAL AIRWAY 139
is amended by adding:

FROM	TO	MEA
Florence, S.C. VOR	Wilmington, N.C. VOR	2000

§95.6142 VOR FEDERAL AIRWAY 142
is amended to read in part:

FROM	TO	MEA
Hampton INT, Ga. *3500—MRA **2000—MOCA	*Godfrey INT, Ga.	**7500

§95.6155 VOR FEDERAL AIRWAY 155
is amended by adding:

FROM	TO	MEA
Columbus, Ga. VOR *2100—MOCA	Grant INT, Ga.	*2700
Grant INT, Ga. *2100—MOCA	Milner INT, Ga.	*3000
Milner INT, Ga. *2000—MOCA	Sinclair INT, Ga.	*4000
Sinclair INT, Ga. *2400—MOCA	Baylo INT, Ga.	*5000
Baylo INT, Ga. *1900—MOCA	Augusta, Ga. VOR	*2500

§95.6156 VOR FEDERAL AIRWAY 156
is amended by adding:

FROM	TO	MEA
South Bend, Ind. VOR *2300—MOCA	Kalamazoo, Mich. VOR	*3000
Cedar Rapids, Iowa VOR	Moscow INT, Iowa	3200
Moscow INT, Iowa *2100—MOCA	Moline, Ill. VOR	*2600

§95.6159 VOR FEDERAL AIRWAY 159
is amended to read in part:

FROM	TO	MEA
Blue Springs, Mo. VOR	St. Joseph, Mo. VOR	3000
Blue Springs, Mo. VOR	Lawson INT, Mo.	2500

§95.6161 VOR FEDERAL AIRWAY 161
is amended to read in part:

FROM	TO	MEA
Blue Springs, Mo. VOR	Lawson INT, Mo.	2500

§95.6162 VOR FEDERAL AIRWAY 162
is amended to delete:

FROM	TO	MEA
Harrisburg, Pa. VOR	Hershey INT, Pa.	3000
Hershey INT, Pa. *1800—MOCA	Aetna INT, Pa.	*3000

§95.6162 VOR FEDERAL AIRWAY 162
is amended by adding:

FROM	TO	MEA
Harrisburg, Pa. VOR	Hersh INT, Pa.	3000
Hersh INT, Pa. *1900—MOCA	Aetna INT, Pa.	3000

§95.6179 VOR FEDERAL AIRWAY 179
is amended to delete:

FROM	TO	MEA
Dublin, Ga. VOR *2000—MOCA	Sinclair INT, Ga.	*2500
Sinclair INT, Ga.	Hampton INT, Ga.	2500

§95.6179 VOR FEDERAL AIRWAY 179
is amended to read:

FROM	TO	MEA
Dublin, Ga. VOR *2000—MOCA	Hampton INT, Ga.	*3000

§95.6187 VOR FEDERAL AIRWAY 187
is amended to delete:

FROM	TO	MEA
Rangely INT, Colo. *11700—MOCA	Rock Springs, Wyo. VOR	*13000

§95.6187 VOR FEDERAL AIRWAY 187
is amended by adding:

FROM	TO	MEA
Rangely INT, Colo. *10600—MOCA	Renoe INT, Colo.	*13000
Renoe INT, Colo. *11700—MOCA	Rock Springs, Wyo. VOR	*13000

§95.6200 VOR FEDERAL AIRWAY 200
is amended by adding:

FROM	TO	MEA
Meeker, Colo. VOR Via N alter.	Axial INT, Colo. Via N alter.	11000
Axial INT, Colo. Via N alter.	Hayden, Colo. VOR Via N alter. SW-bound	11000
	NE-bound	10000
Hayden, Colo. VOR Via N alter.	Habro INT, Colo. Via N alter.	10000
Habro INT, Colo. Via N alter.	Kremmling, Colo. VOR Via N alter.	13000

§95.6206 VOR FEDERAL AIRWAY 206
is amended to read in part:

FROM	TO	MEA
Blue Springs, Mo. VOR *2400—MOCA	Kirksville, Mo. VOR	*3000

§95.6216 VOR FEDERAL AIRWAY 216
is amended to read in part:

FROM	TO	MEA
Iowa City, Iowa VOR *2500—MOCA	Charlotte INT, Iowa	*3500

§95.6222 VOR FEDERAL AIRWAY 222
is amended to delete:

FROM	TO	MEA
Norcross, Ga. VOR *3400—MOCA	Toccoa, Ga. VOR	*4000

§95.6222 VOR FEDERAL AIRWAY 222
is amended by adding:

FROM	TO	MEA
Logen INT, Ga.	Commerce INT, Ga.	4000
Commerce INT, Ga.	Toccoa, Ga. VOR	4000

§95.6222 VOR FEDERAL AIRWAY 222
is amended to read in part:

FROM	TO	MEA
LaGrange, Ga. VOR	Tyrone INT, Ga.	3000

§95.6229 VOR FEDERAL AIRWAY 229
is amended to delete:

FROM	TO	MEA
Eagle INT, Conn. *4500—MRA **2300—MOCA	*Leroy INT, Mass.	**3000
*Leroy INT, Mass. *4500—MRA **2200—MOCA	Millbury INT, Mass.	**3000
Millbury INT, Mass. *2700—MOCA	Gardner, Mass. VOR	3000

§95.6229 VOR FEDERAL AIRWAY 229
is amended by adding:

FROM	TO	MEA
Eagle INT, Conn.	Gardner, Mass. VOR	3000

§95.6230 VOR FEDERAL AIRWAY 230
is amended by adding:

FROM	TO	MEA
*Friant, Calif. VOR *9000—MCA Friant VOR, NE-bound **13000—MCA Coins INT, NE-bound	**Coins INT, Calif.	11000
Coins INT, Calif.	Nicol INT, Calif.	14300
Nicol INT, Calif. *10000—MCA Bishop VOR, NW-bound	*Bishop, Calif. VOR	13000

§95.6231 VOR FEDERAL AIRWAY 231
is amended by adding:

FROM	TO	MEA
Burley, Ida. VOR	Menin INT, Ida. S-bound	7000
	N-bound	*9500
*7000—MOCA *Menin INT, Ida. *10600—MCA Menin INT, N-bound	Salmon, Ida. VOR	14000
Salmon, Ida. VOR *10000—MCA Missoula VOR, S-bound	*Missoula, Mont. VOR	12000

§95.6234 VOR FEDERAL AIRWAY 234
is amended to read in part:

FROM	TO	MEA
Liberal, Kans. VOR Flock INT, Kans. *3800—MOCA	Flock INT, Kans. Krier INT, Kans.	4500 *5000

§95.6241 VOR FEDERAL AIRWAY 241
is amended to read in part:

FROM	TO	MEA
LaGrange, Ga. VOR Via W alter.	Tyrone INT, Ga. Via W alter.	3000

§95.6243 VOR FEDERAL AIRWAY 243
is amended to delete:

FROM	TO	MEA
Vienna, Ga. VOR *2700—MOCA Grant INT, Ga. *3400—MOCA	Grant INT, Ga. LaGrange, Ga. VOR	*3000 *3500

§95.6243 VOR FEDERAL AIRWAY 243
is amended by adding:

FROM	TO	MEA
Vienna, Ga. VOR *1900—MOCA Pratt INT, Ga.	Pratt INT, Ga. LaGrange, Ga. VOR	*3000 *3500

§95.6243 VOR FEDERAL AIRWAY 243
is amended to read in part:

FROM	TO	MEA
LaGrange, Ga. VOR *3200—MOCA	Hefin INT, Ala.	*4000

§95.6256 VOR FEDERAL AIRWAY 256
is added to read:

FROM	TO	MEA
Hutchinson, Kans. VOR	Pioneer, Okla. VOR	2800

§95.6261 VOR FEDERAL AIRWAY 261
is added to read:

FROM	TO	MEA
INT 204 M rad Manhattan VOR & 013 M rad Wichita VOR	Wichita, Kans. VOR	3400

§95.6267 VOR FEDERAL AIRWAY 267
is amended to read in part:

FROM	TO	MEA
Athens, Ga. VOR	Commerce INT, Ga.	3800

§95.6269 VOR FEDERAL AIRWAY 269
is amended by adding:

FROM	TO	MEA
Pocatello, Ida. VOR	Jetts INT, Ida. NW-bound	*8000
	SE-bound	7700
*7700—MOCA *Jetts INT, Ida. *10100—MCA Jetts INT, NW-bound	Salmon, Ida. VOR	14000

§95.6280 VOR FEDERAL AIRWAY 280
is amended to delete:

FROM	TO	MEA
Topeka, Kans. VOR *2400—MOCA	Wood INT, Kans.	*2700
Wood INT, Kans.	Kansas City, Mo. VOR	2700

§95.6281 VOR FEDERAL AIRWAY 281
Is deleted.

§95.6285 VOR FEDERAL AIRWAY 285
is amended to delete:

FROM	TO	MEA
Goshen, Ind. VOR	South Bend, Ind. VOR	2900
South Bend, Ind. VOR *2300—MOCA	Kalamazoo, Mich. VOR	*3000

§95.6285 VOR FEDERAL AIRWAY 285
is amended by adding:

FROM	TO	MEA
Goshen, Ind. VOR	Kalamazoo, Mich. VOR	2600

§95.6289 VOR FEDERAL AIRWAY 289
is amended to delete:

FROM	TO	MEA
Dogwood, Mo. VOR *2900—MOCA	Stout INT, Mo.	*5500
Stout INT, Mo. *2400—MOCA	Richlood INT, Mo.	*3000
Richland INT, Mo. *2500—MOCA	Vichy, Mo. VOR	*3000

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§95.6289 VOR FEDERAL AIRWAY 289
is amended by adding:

FROM	TO	MEA
Dogwood, Mo. VOR	Forney, Mo. VOR	3400
Forney, Mo. VOR	Vichy, Mo. VOR	3000

§95.6298 VOR FEDERAL AIRWAY 298
is amended to read in part:

FROM	TO	MEA
Dubois, Ida. VOR	St. Anthony INT, Ida.	
	W-bound	*9000
	E-bound	*13000
*8500—MOCA		
*St. Anthony INT, Ida.	Lamont INT, Ida.	
	W-bound	**9000
	E-bound	**13000
*11100—MCA St. Anthony INT, E-bound		
**8500—MOCA		

§95.6299 VOR FEDERAL AIRWAY 299
is amended to read in part:

FROM	TO	MEA
*Los Angeles, Calif. VOR	Ventura, Calif. VOR	5000
*3200—MCA Los Angeles VOR, W-bound		
Ventura, Calif. VOR	Fillmore, Calif. VOR	5000

§95.6300 VOR FEDERAL AIRWAY 300
is amended to read in part:

FROM	TO	MEA
Millinocket, Me. VOR	Prentiss INT, Me.	3000
Prentiss INT, Me.	U.S. Canadian Border	3000

§95.6307 VOR FEDERAL AIRWAY 307
is amended by adding:

FROM	TO	MEA
Chanute, Kans. VOR	Oswego, Kans. VOR	*3000
*2400—MOCA		
Oswego, Kans. VOR	Neosho, Kans. VOR	3000

§95.6311 VOR FEDERAL AIRWAY 311
is amended to delete:

FROM	TO	MEA
Norcross, Ga. VOR	Commerce INT, Ga.	*4000
*3400—MOCA		

§95.6311 VOR FEDERAL AIRWAY 311
is amended by adding:

FROM	TO	MEA
Logen INT, Ga.	Commerce INT, Ga.	4000

§95.6321 VOR FEDERAL AIRWAY 321
is amended to read in part:

FROM	TO	MEA
LaGrange, Ga. VOR	Hofin INT, Ala.	*4000
*3200—MOCA		

§95.6323 VOR FEDERAL AIRWAY 323
is amended to read:

FROM	TO	MEA
Macon, Ga. VOR	Hampton INT, Ga.	*3000
*2000—MOCA		

§95.6325 VOR FEDERAL AIRWAY 325
is amended to delete:

FROM	TO	MEA
Norcross, Ga. VOR	Athens, Ga. VOR	*3000
*2600—MOCA		

§95.6325 VOR FEDERAL AIRWAY 325
is amended by adding:

FROM	TO	MEA
Logen INT, Ga.	Moles INT, Ga.	4000
Moles INT, Ga.	Athens, Ga. VOR	*3000
*2400—MOCA		

§95.6325 VOR FEDERAL AIRWAY 325
is amended to read in part:

FROM	TO	MEA
Dallas INT, Ga.	Gadsden, Ala. VOR	*5000
*4000—MOCA		

§95.6328 VOR FEDERAL AIRWAY 328
is amended to delete:

FROM	TO	MEA
*Jackson, Wyo. VOR	**Dubois, Ida. VOR	15000
*14300—MCA Jackson VOR, W-bound		
**8900—MCA Dubois VOR, E-bound		

§95.6328 VOR FEDERAL AIRWAY 328
is amended by adding:

FROM	TO	MEA
Kremmling, Colo. VOR	Hebro INT, Colo.	13000
Hebro INT, Colo.	Hayden, Colo. VOR	10000
Hayden, Colo. VOR	Celia INT, Colo.	10000
Celia INT, Colo.	Sneky INT, Wyo.	10000
Sneky INT, Wyo.	Rock Springs, Wyo. VOR	11000

§95.6333 VOR FEDERAL AIRWAY 333
is amended to read in part:

FROM	TO	MEA
Dallas INT, Ga.	Rome, Ga. VOR	*4000
*3200—MOCA		

§95.6340 VOR FEDERAL AIRWAY 340
is added to read:

FROM	TO	MEA
Fort Wayne, Ind. VOR	Richmond, Ind. VOR	3000

§95.6401 HAWAII VOR FEDERAL AIRWAY 1
is amended to delete:

FROM	TO	MEA
Adise INT, Hawaii	*Hibiscus INT, Hawaii	**3000
*3000—MRA		
**1000—MOCA		

§95.6401 HAWAII VOR FEDERAL AIRWAY 1
is amended by adding:

FROM	TO	MEA
Paris INT, Hawaii	*Hibiscus INT, Hawaii	**3000
*3000—MRA		
**1000—MOCA		

§95.6402 HAWAII VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Waipio INT, Hawaii	Paris INT, Hawaii	
	E-bound	4000
	W-bound	6000
Paris INT, Hawaii	*Arbor INT, Hawaii	**4000
*8000—MRA		
**2800—MOCA		

§95.6403 HAWAII VOR FEDERAL AIRWAY 3
is amended by adding:

FROM	TO	MEA
Homakua INT, Hawaii	Paris INT, Hawaii	5000

§95.6424 VOR FEDERAL AIRWAY 424
is amended to read in part:

FROM	TO	MEA
Blue Springs, Mo. VOR	Macon, Mo. VOR	2700

§95.6429 VOR FEDERAL AIRWAY 429
is amended to read in part:

FROM	TO	MEA
Montrose INT, Ill.	Mattoon, Ill. VOR	*2500
*1900—MOCA		

§95.6438 VOR FEDERAL AIRWAY 438
is amended by adding:

FROM	TO	MEA
Deadhorse, Alas. VOR/DME	Oosik DME Fix, Alas.	*2000
*1300—MOCA		
Oosik DME Fix, Alas.	Tunda DME Fix, Alas.	*5000
*1300—MOCA		
Tunda DME Fix, Alas.	Barrow, Alas. VOR	*3000
*1200—MOCA		

§95.6440 VOR FEDERAL AIRWAY 440
is amended to delete:

FROM	TO	MEA
Harbor Point INT, Alas.	Crescent DME Fix, Alas.	#*9000
*2000—MOCA		

#MEA is established with a gap in navigation signal coverage.

§95.6440 VOR FEDERAL AIRWAY 440
is amended by adding:

FROM	TO	MEA
Hapit INT, Alas.	Canta DME Fix, Alas.	*9000
*2000—MOCA		

§95.6444 VOR FEDERAL AIRWAY 444
is amended to delete:

FROM	TO	MEA
Bettles, Alas. VOR	Circle DME Fix, Alas.	3500

§95.6444 VOR FEDERAL AIRWAY 444
is amended by adding:

FROM	TO	MEA
Barrow, Alas. VOR	Chips DME Fix, Alas.	*2000
*1200—MOCA		
Chips DME Fix, Alas.	Bronx DME Fix, Alas.	*5000
*1200—MOCA		
Bronx DME Fix, Alas.	Evansville, Alas. NDB	*10000
*9000—MOCA		
Evansville, Alas. NDB	Circle DME Fix, Alas.	3500

§95.6444 VOR FEDERAL AIRWAY 444
is amended to read in part:

FROM	TO	MEA
*Kanuti DME Fix, Alas.	Rampo INT, Alas.	
Via S alter.	Via S alter.	7000
*4400—MCA Kanuti DME Fix, SE-bound		

§95.6454 VOR FEDERAL AIRWAY 454
is amended to read in part:

FROM	TO	MEA
Columbus, Ga. VOR	Grant INT, Ga.	*2700
*2100—MOCA		
Grant INT, Ga.	Milner INT, Ga.	*3000
*2000—MOCA		
Milner INT, Ga.	Sinclair INT, Ga.	*4000
*2100—MOCA		
Sinclair INT, Ga.	Maddi INT, Ga.	*3000
*2000—MOCA		

§95.6463 VOR FEDERAL AIRWAY 463
is amended to delete:

FROM	TO	MEA
Norcross, Ga. VOR	College INT, Ga.	*5000
*4100—MOCA		
College INT, Ga.	Harris, Ga. VOR	7000

§95.6463 VOR FEDERAL AIRWAY 463
is amended by adding:

FROM	TO	MEA
Logen INT, Ga.	Dawsonville INT, Ga.	*7000
*3800—MOCA		
Dawsonville INT, Ga.	Harris, Ga. VOR	7000

§95.6475 VOR FEDERAL AIRWAY 475
is amended to read in part:

FROM	TO	MEA
Norwich, Conn. VOR	Providence, R.I. VOR	2400

§95.6490 VOR FEDERAL AIRWAY 490
is amended to read in part:

FROM	TO	MEA
Dublin INT, N.H.	Mt. Vernon INT, N.H.	4000

§95.6496 VOR FEDERAL AIRWAY 496
is amended to read in part:

FROM	TO	MEA
Glens Falls, N.Y. VOR	*Sandi INT, Vt.	4500
*5000—MCA Sandi INT, E-bound		
Sandi INT, Vt.	Lebanon, N.H. VOR/DME	5900

§95.6506 VOR FEDERAL AIRWAY 506
is amended to delete:

FROM	TO	MEA
Sound DME Fix, Alas.	Katzebue, Alas. VOR	2000
Espenberg DME Fix, Alas.	Katzebue, Alas. VOR	2000
Via W alter.	Via W alter.	

§95.6506 VOR FEDERAL AIRWAY 506
is amended by adding:

FROM	TO	MEA
Sound DME Fix, Alas.	Hotham, Alas. NDB	2000
Hotham, Alas. NDB	Shokk DME Fix, Alas.	*6000
*5000—MOCA		
Shokk DME Fix, Alas.	Meade DME Fix, Alas.	*10000
*7000—MOCA		
Meade DME Fix, Alas.	Barrow, Alas. VOR	*2000
*1100—MOCA		
Espenberg DME Fix, Alas.	Hotham, Alas. VOR	2000
Via W alter.	Via W alter.	

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§95.6516 VOR FEDERAL AIRWAY 516
is amended to read in part:

FROM	TO	MEA
Anthony, Kans. VOR	Pioneer, Okla. VOR	2800

§95.6520 VOR FEDERAL AIRWAY 520
is amended by adding:

FROM	TO	MEA
Lewiston, Ida. VOR	Ferdi INT, Ida.	
	W-bound	6700
	E-bound	*12000
*6700—MOCA		
Ferdi INT, Ida.	Salmon, Ida. VOR	12000
Salmon, Ida. VOR	*Dubois, Ida. VOR	13500
*10500—MCA Dubois VOR, W-bound		
*Dubois, Ida. VOR	**Jackson, Wyo. VOR	15000
*8900—MCA Dubois VOR, E-bound		
**14300—MCA Jackson VOR, W-bound		

§95.7040 JET ROUTE NO. 40 is amended to delete:

FROM	TO	MEA	MAA
Richmond, Va. VORTAC	Marbury INT, Md.	18000	45000

§95.7040 JET ROUTE NO. 40 is amended by adding:

FROM	TO	MEA	MAA
Richmond, Va. VORTAC	INT 231 M rad New Castle VORTAC & 065 M rad Gordonsville VORTAC	18000	45000
INT 231 M rad New Castle VORTAC & 065 M rad Gordonsville VORTAC	New Castle, Del. VORTAC	18000	35000

§95.7081 JET ROUTE NO. 81 is amended to delete:

FROM	TO	MEA	MAA
Orlando, Fla. VORTAC	Barracuda INT, Fla.	18000	45000

§95.7123 JET ROUTE NO. 123 is amended to delete:

FROM	TO	MEA	MAA
Marble INT, Alas.	Kodiak, Alas. VORTAC	18000	45000
King Salmon, Alas. VORTAC	Bethel, Alas. VORTAC	18000	45000
Kotzebue, Alas. VORTAC	Browerville, Alas. LF/RBN	18000	45000

§95.7123 JET ROUTE NO. 123 is amended by adding:

FROM	TO	MEA	MAA
Marlo INT, Alas.	Kodiak, Alas. VORTAC	18000	45000
King Salmon, Alas. VORTAC	Kokwok INT, Alas.	18000	45000
Kokwok INT, Alas.	Bethel, Alas. VORTAC	18000	45000
Kotzebue, Alas. VORTAC	Barrow, Alas. VORTAC	18000	45000

§95.7141 JET ROUTE NO. 141 is deleted.

§95.7145 JET ROUTE NO. 145 is amended by adding:

FROM	TO	MEA	MAA
Toccoa, Ga. VORTAC	Charleston, W. Va. VORTAC	18000	45000

§95.7149 JET ROUTE NO. 149 is amended to read in part:

FROM	TO	MEA	MAA
Big Isaac INT, W. Va.	Int. 051 M rad Charleston VOR & 117 M rad Rosewood VOR	26000	45000
Int. 051 M rad Charleston VOR & 117 M rad Rosewood VOR	Happs INT, W. Va.	27000	45000

§95.7150 JET ROUTE NO. 150 is amended by adding:

FROM	TO	MEA	MAA
Gordonsville VORTAC	INT 240 M rad Woodstown VORTAC & 065 M rad Gordonsville VORTAC	18000	45000
INT 240 M rad Woodstown VORTAC & 065 M rad Gordonsville VORTAC	Woodstown, N. J. VORTAC	18000	41000
Woodstown, N. J. VORTAC	Robbinsville, N. J. VORTAC	18000	45000

§95.7183 JET ROUTE NO. 183 is deleted.

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§95.6186 JET ROUTE NO. 186 is added to read:

FROM	TO	MEA	MAA
Toccoa, Ga. VORTAC	Corry INT, Ky.	33000	45000

§95.7190 JET ROUTE NO. 190 is deleted.

§95.7507 JET ROUTE NO. 507 is amended to delete:

FROM	TO	MEA	MAA
Browerville, Alas. LF/RBN	Oliktok, Alas. LF/RBN	18000	45000
Oliktok, Alas. LF/RBN	Deadhorse, Alas. VOR/DME	18000	45000
Northway, Alas. VORTAC	Yakutat, Alas. VORTAC	#22000	#45000

#For that airspace over U.S. Territory

§95.7507 JET ROUTE NO. 507 is amended by adding:

FROM	TO	MEA	MAA
Barrow, Alas. VORTAC	Deadhorse, Alas. VOR/DME	18000	45000
Northway, Alas. VORTAC	Border INT, Alas.	18000	45000
Border INT, Alas.	Yakutat, Alas. VORTAC	#22000	#45000

#For that airspace overlying U.S. Territory

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
V-101 is amended by adding:			
Gill, Colo. VORTAC	Hayden, Colo. VOR	72	Gill
Hayden, Colo. VOR	Vernal, Utah VORTAC	56	Hayden
V-200 is amended by adding:			
Meeker, Colo. VORTAC Via N alter.	Hayden, Colo. VOR Via N alter.	25	Meeker
V-230 is amended by adding:			
Friant, Calif. VORTAC	Mina, Calif. VOR	40	Friant
V-506 is amended by adding:			
Barrow, Alas. VORTAC	Hotham, Alas. NDB	105	Barrow
V-328 is amended to delete:			
Jackson, Wyo. VOR	Dubois, Ida. VOR	10	Jackson

[FR Doc.75-29794 Filed 11-6-75;8:45 am]

federal register

FRIDAY, NOVEMBER 7, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART VI:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions and Index

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Pre-determination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications to general wage determination decisions. The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:
- AL75-1063 — June 20, 1975.
- AL75-1073 — Aug. 8, 1975.
- AL75-1086 — Sept. 26, 1975.

Connecticut:
- NY75-3108 — Oct. 24, 1975.

Delaware:
- NY75-3108 — Do.

Illinois:
- IL75-2051 — Mar. 21, 1975.
- NY75-3108 — Oct. 24, 1975.

Indiana:
- IL75-5079 — July 11, 1975.
- IN75-2088 — June 27, 1975.
- IN75-2089 — July 3, 1975.

Iowa:
- AM-6712 — Apr. 14, 1972.

Maine:
- NY75-3108 — Oct. 24, 1975.

Maryland:
- NY75-3108 — Do.

Massachusetts:
- NY75-3108 — Do.

Michigan:
- IL75-5079 — July 11, 1975.

Minnesota:
- IL75-5079 — Do.

Nevada:
- NV75-5095; NV75-5096; NV75-5097 — Aug. 1, 1975.

New Hampshire:
- NY75-3108 — Oct. 24, 1975.

New Jersey:
- NJ75-3108 — Do.

New York:
- IL75-5079 — July 11, 1975.
- NY75-3108 — Oct. 24, 1975.

Ohio:
- AR-3042 — Aug. 23, 1975.
- IL75-5079 — July 11, 1975.

Oregon:
- OR75-5122 — Oct. 3, 1975.
- OR75-5042 — Apr. 11, 1975.

Pennsylvania:
- IL75-5079 — July 11, 1975.
- NY75-3108 — Oct. 24, 1975.

Rhode Island:
- NY75-3108 — Do.

Tennessee:
- TN75-1072 — July 11, 1975.

Texas:
- TX75-4088 — May 15, 1975.
- TX75-4098; TX75-4103 — May 23, 1975.
- TX75-4117 — July 11, 1975.
- TX75-4154 — Aug. 22, 1975.
- TX75-4163; TX75-4166 — Oct. 24, 1975.

Virginia:
- MD75-3100 — Sept. 26, 1975.

Washington, D.C.:
- DC75-3099 — Do.

Wisconsin:
- IL75-5079 — July 11, 1975.

Supersedeas decisions to general wage determination decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Alaska:
- AK75-5099 (AK75-4134) — Aug. 8, 1975.

Massachusetts:
- MA75-2008 (MA75-2123) — Jan. 17, 1975.
- MA75-2053 (MA75-2120) — Mar. 14, 1975.
- MA75-2071 (MA75-2119) — May 2, 1975.
- MA75-2072 (MA75-2121) — Apr. 25, 1975.

Texas:
- TX75-4087 (TX75-4189); TX75-4094 (TX75-4186); TX75-4095 (TX75-4184). — May 16, 1975.
- TX75-4099 (TX75-4185); TX75-4101 (TX75-4187). — May 23, 1975.
- TX75-4147 (TX75-4188) — Aug. 8, 1975.
- TX75-4160 (TX75-4183) — Oct. 17, 1975.

Signed at Washington, D.C., this 31st day of October 1975.

RAY J. DOLAN,
Assistant Administrator
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
REGION #NY75-3108 - Mod. #2 (40 FR 45938 - October 24, 1975) Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island					
Change: Drill Boats: Others	$9.04	.35	.35	b	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
Footnote: b. 8 paid holidays, A Through F plus Washington's Birthday and Veterans' Day; 04 days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation, as set forth above, will receive one day's vacation with pay for each full 20 days of service in one calendar year.					

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL75-1063 - Mod. #3 (40 FR 26568 - June 20, 1975) Madison County, Alabama					
CHANGE: Plumbers, Pipefitters	$ 8.90	.45	.45		.10
Sheet metal workers	9.25	.50	.50		.05
DECISION #AL75-1073 - Mod. #2 (40 FR 33580 - August 8, 1975) Montgomery County, Alabama					
CHANGE: Glaziers	$6.45	.25	.30		.08
DECISION #AL75-1086 - Mod. #1 (40 FR 44407-September 26, 1975) Jefferson and Shelby Counties, Alabama					
CHANGE: Sprinkler fitters	$ 9.35	.50	.80		.08

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MODIFICATIONS P. 3

DECISION #IL75-2051 - Mod. #2
(40 FR 12976 - March 21, 1975)
Henry, Knox, Mercer & Rock Island Counties, Illinois

Change:
Laborers: Rock Island & Mercer Counties, Illinois

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Unskilled	$7.82	.30	.50		.035
Semi-Skilled	8.07	.30	.50		.035
Skilled	8.32	.30	.50		.035

MODIFICATIONS P. 4

DECISION #IL75-5079 - Mod. #4
(40 FR 29490 - July 11, 1975)
Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin.

Change:
Drill Boats:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Oilers	$9.04	.35	.35	c	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
c. 8 paid holidays, A through F plus Washington's Birthday and Veterans' Day; 6½ days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation, as set forth above, will receive one day's vacation with pay for each full 20 days of service in one calendar year.

MODIFICATIONS P. 5

DECISION NO. IN75-2088 - Mod. #3
(40 FR 27422 - June 27, 1975)
Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers:					
Allen & Grant Counties	$10.55	.35	.55		
Boilermakers:					
Remainder of Counties	10.85	.80	1.00		.03
Electricians:					
Vigo County	9.75	.30	1%+.40		.02
Ironworkers:					
Allen, Delaware (Northeastern 1/3 of Co.), & Grant Counties	10.20	.65	.80		.01
Plumbers; Steamfitters:					
Allen County	9.90	.30	.65		.07

DECISION NO. IN75-2089 - Mod. #3
(40 FR 28346 - July 3, 1975)
Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

Change:

Boilermakers	10.85	.80	1.00		.03
Bricklayers:					
Lake & Porter Counties:					
Bricklayers; Marble setters; Stonemasons; & Terrazzo workers	10.55	.45	.55		.02
LaPorte County:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers; & Tile setters	9.57	.35	.65		.02
Plasterers:					
Lake County (Hammond Area)	9.44	.60	.55		.01

DECISION #AM-6712 - Mod. #2
(37 FR 7429 - April 14, 1972)
Carroll, Cass, Clay, Crawford, Howard, Monona, O'Brien, Osceola, Ringgold, Taylor Counties, Iowa.

OMIT FROM LOCATION:
Howard and Monona Counties

MODIFICATIONS P. 6

DECISION #NV75-5095 - Mod. #3
(40 FR 32635 - August 1, 1975)
Statewide (excluding the Nevada Test Site and Tonopah Test Range)

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers:					
Clark, Esmeralda and Nye Counties	$12.51	.78	.87		
Bricklayers; Stonemasons; Terrazzo Workers and Tile Setters:					
Clark, Esmeralda, Lincoln; and Nye County South of Highway #6	10.87	.45	.50		.06
Plumbers; Steamfitters:					
Remaining Counties and N½ of Nye County	10.64	.73	.80	1.95	.10
Sheet Metal Workers:					
Clark, Esmeralda, Lincoln; and S½ of Nye County	10.23	.83	1.60	1.00	.05
Add:					
Marble, Terrazzo and Tile Helpers:					
Clark, Esmeralda, Lincoln; and S½ of Nye County	9.10	.45			

DECISION #NV75-5096 - Mod. #2
(40 FR 32646 - August 1, 1975)
Clark (excluding the Nevada Test Site), Nevada

Change:

Asbestos Workers	$12.51	.78	.87		
Bricklayers; Stonemasons; Marble Masons; Terrazzo Workers; Tile Setters	10.87	.45	.50		.06
Sheet Metal Workers	10.23	.83	1.60	1.00	.05
Terrazzo, Tile and Marble Helpers	9.10	.45			

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MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NV75-5097 - Mod. #2 (40 FR 32650 - August 1, 1975) Washoe County, Nevada					
Change: Plumbers; Steamfitters	$10.64	.73	.80	1.95	.10
DECISION #ND75-5130 - Mod. #1 (40 FR 48866-October 17, 1975) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota					
Change: Carpenters:					
Burleigh and Morton Counties					
Carpenters	$7.80				.02
Piledrivermen	7.925				.02
Ward County					
Carpenters	7.28				.02
Millwrights	7.76				.02
Piledrivermen	7.51				.02
DECISION #AR-3042 - Mod. #3 (39 FR 30790 - August 23, 1974) Mahoning County, Ohio					
Change: Electricians: Remainder of County	$10.98	.40	5%		3/10%
DECISION #OR75-5122 - Mod. #1 (40 FR 45989 - October 3, 1975) Lane, Linn and Marion Counties, Oregon					
Change: Carpenters	$7.29	.55	.65	.35	.03
DECISION #OR75-5042 - Mod. #2 (40 FR 15312 - April 4, 1975) Clackamas, Multnomah, and Washington Counties, Oregon					
Change: Carpenters: Carpenters	7.29	.55	.65	.35	.03

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN75-1072 - Mod. #3 (40 FR 31567 - July 25, 1975) Hamilton County, Tennessee					
CHANGE:					
Sheet metal workers	$ 8.91	.35	.50		.04
Sprinkler fitters	9.35	.50	.80		.08
Truck Drivers:					
Up to 3 tons	5.67	g	e		
3 to 5 tons	5.82	g	e		
5 to 7 tons	5 97	g	e		
Helpers and warehousemen	5.62	g	e		
Special equipment	6.17	g	e		
Footnote: e. $7.00 per week for each employee.					
ADD: Footnote: g. $14.00 per week for each employee.					

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4088 - Mod. #2 (40 FR 21677 - May 15, 1975) Tom Green County, Texas					
Change: Electricians:					
Zone 1	$7.40		1%		1/4%
Zone 2	7.75		1%		1/4%
Ironworkers:					
Ironworkers	7.38	.55	.60		.10
On jobs 30 miles or more from the city of San Angelo	7.505	.55	.60		.10
DECISION #TX75-4098 - Mod. #2 (40 FR 22786 - May 23, 1975) Taylor County, Texas					
Change: Asbestos workers	8.78	.30	.51		.025
DECISION #TX75-4103 - Mod. #3 (40 FR 22795 - May 23, 1975) Harrison County, Texas					
Change: Asbestos workers	8.78	.30	.51		.025

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4117 - Mod. #3 (40 FR 29527 - July 11, 1975) Jefferson & Orange Cos., Texas					
Change:					
Asbestos workers:					
Jefferson County	$8.95	.70	.70		.06
Bricklayers & stonemasons	9.86	.275	.30		.04
Carpenters:					
Carpenters:					
Commercial	8.785		.30		.05
Laborers:					
Group 1	5.69	.28	.30		.02
Group 2	5.74	.28	.30		.02
Group 3	5.79	.28	.30		.02
Group 4	5.94	.28	.30		.02
Group 5	6.065	.28	.30		.02
Lathers	8.785	.30			.01
Pipefitters	9.04	.35	.62		.08
Plasterers	8.72	.42	.30		.02
Sheet metal workers	9.01	.40	.15		.10
Tile setters	8.20	.275	.30		.04
DECISION #TX75-4154 - Mod. #2 (40 FR 36996 - August 22, 1975) Galveston & Harris Cos., Texas					
Change:					
Asbestos workers	8.95	.70	.70		.06
Bricklayers & stonemasons	9.21	.38	.40		.05
Lathers (Harris Co. only)	8.87	.50	.35		.02
Line Construction:					
Lineman & cable splicer	9.72	.40	1%		1/2%
Groundmen	5.94	.40	1%		1/2%
Groundmen (1st year)	4.30	.40	1%		1/2%

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DECISION NO. TX75-4154 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Marble masons:					
Harris County	$8.41			.25	
Painters:					
Remainder of Harris County:					
Group 1	8.345	.365	.35	.40	.04
Group 2	8.72	.365	.35	.40	.04
Group 3	8.47	.365	.35	.40	.04
Group 4	8.97	.365	.35	.40	.04
Pipefitters:					
Harris Co. & that part of Galveston Co. west of the Trinity River	9.35	.40	.60		.045
That part of Galveston Co. east of the Trinity River:					
Commercial work up to $50,000	9.38	.375	.40		.03
Commercial work $50,000 & over	9.81	.375	.40		.03
Plasterers:					
Harris County	8.72	.42	.30		.02
Plumbers:					
Galveston County:					
Commercial work up to $50,000	9.38	.375	.40		.03
Commercial work $50,000 & over	9.81	.375	.40		.03
Soft floor layers	8.42	.35	.20		.09
Terrazzo workers:					
Harris County	8.41			.25	
Tile setters:					
Harris County	8.41			.25	
Power Equipment Operators:					
Group 1	8.88	.35	.65		.06
Group 2	7.52	.35	.65		.06
Group 3	7.03	.35	.65		.06
Group 4	6.87	.35	.65		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4163 - Mod. #1 (40 FR 49956 - October 24, 1975) Bexar County, Texas					
Change:					
Carpenters:					
Carpenters	$7.12	.38	.30	.40	.04
Millwrights	7.42	.38	.30	.40	.04
DECISION #TX75-4166 - Mod. #1 (40 FR 49967 - October 24, 1975) Brazos County, Texas					
Change:					
Plasterers	$8.72	.42	.30		.02
Power Equipment Operators:					
Group 1	8.88	.35	.65		.06
Group 2	7.52	.35	.65		.06
Group 3	7.03	.35	.65		.06
Group 4	6.87	.35	.65		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #MD-75-3100 - Mod. # 1 (40 FR 44447 - September 26, 1975) Montgomery and Prince Georges Counties, Maryland, Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia					
Change					
Asbestos workers	$10.21	.49	.60		.03
Roofers:					
Composition	8.21	.42	.20		
Slate, tile, mopmen, waterproofers, sprayers, spandrel and ironite	8.77	.42	.20		
Helpers	5.93	.42	.20		
Decision #DC-75-3099 - Mod. # 1 (40 FR 44449 - September 26, 1975 (Washington, D. C.					
Change:					
Asbestos Workers	$10.21	.49	.60		.03
Roofers:					
Composition	8.21	.42	.20		
Slate, tile, mopmen, waterproofers, sprayers, spandrel and ironite	8.77	.42	.20		
Helpers	5.93	.42	.20		

SUPERSEDEAS DECISION

STATE: Alaska
DECISION NUMBER: AK75-5134
Supersedes Decision No. AK75-5099 dated August 8, 1975, in 40 FR 33581
DESCRIPTION OF WORK: Building (Including residential construction consisting of single family Homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction and Dredging.

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I (North of the 63rd Parallel)					
AREA II (South of the 63rd Parallel and West of the 141st Meridian)					
AREA III (East of the 141st Meridian)					
ASBESTOS WORKERS	$14.26	.51	.75		.02
BOILERMAKERS	13.01	.65	1.00	.50	
BRICKLAYERS; Blocklayers; Stonemasons	14.03	.55	1.75		.09
CARPENTERS:					
Area I					
Carpenters	13.53	.60	1.50		.15
Loader actuated tool operator	13.75	.60	1.50		.15
Dabenator; Similar type saw operator; Marlite and Acoustical; Fire or Floor Repair work Applicators; Nailing Machine Operator; Saw Filer	13.81	.60	1.50		.15
Millwrights	13.92	.60	1.50		.15
Piledrivermen	13.17	.60	1.50		.15
Areas II and III					
Journeyman Carpenters	12.96	.60	1.50		.15
Acoustical and Marlite Applicators; Floor Workers; Radial arm saw operators; Fire and Floor Workers	13.34	.60	1.50		.15
Millwrights	13.49	.60	1.50		.15
Piledrivermen	13.17	.60	1.50		.15
CEMENT MASONS:					
Cement Masons, paving (concrete) curb, cutter and sidewalks	12.38	.60	1.85		.15
Operating, Screeding and Rodding Machines	12.73	.60	1.85		.15
Application of all Composition, Mastic; Plastic Material; Hand powered Grinder	12.91	.60	1.85		.15
Form Setters	12.53	.60	1.85		.15

DECISION NO. AK75-5134

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CULINARY WORKERS:					
Baker of Combination Cook-baker; Head Cook; Working Camp Manager	$10.63	.50	1.50		.04
Cook	10.27	.50	1.50		.04
Butcher	10.21	.50	1.50		.04
Head Waiter or Head Waitress	9.72	.50	1.50		.04
Head Bullcook	9.62	.50	1.50		.04
Camp Worker (waiter, waitress, bullcook, general helper, miscellaneous worker); Barmaid	9.46	.50	1.50		.04
ELECTRICIANS:					
Electricians; Equipment Operator	14.70	.70	12%+2.00		.15
Cable Splicers	16.20	.70	12%+2.00		.15
ELEVATOR CONSTRUCTORS:	13.835	.445	.29	2%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	2%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Area I	13.00	.50	.50		
Areas II and III	12.00	.50	1.00		.10
IRONWORKERS:					
Bender Operator; Bridge; Fence Erector; Machinery Mover; Ornamental; Reinforcing; Shackler; Structural	13.80	.80	1.75	1.08	.18
LATHERS	14.16	.60			.04
LINE CONSTRUCTION:					
Groundmen	12.70	.70	12%+2.00		.15
Equipment Operators; Linemen; Technicians	14.70	.70	12%+2.00		.15
Cable Splicers	16.20	.70	12%+2.00		.15
MARBLE SETTERS; Terrazzo Workers	14.03	.55	1.75		.09
PAINTERS:					
Area I					
Zone 1 (Within a 10 mile radius of the Fairbanks P. O. including Ft. Wainwright)					
Zone 2 (Beyond 10 miles and up to 40 miles radius of the Fairbanks P. O. including Eielson Air Force Base and all the Sites within this territory)					

DECISION NO. AK75-5134

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Zone 3 (Beyond 40 miles radius of the Fairbanks P. O.)					
Zone 1 and 3:					
Brush; Paperhangers	$12.75	.75	1.00		.05
Carpet and Tile Swing Stage, Sign Painters; Utilidors	12.77	.75	1.00		.05
	13.00	.75	1.00		.05
Hand Tapers	12.02	.75	1.00		.05
Structural Steel; Sand Blasters; Spray Painters	13.25	.75	1.00		.05
Buffer Operator	13.28	.75	1.00		.05
Machine Sander	13.52	.75	1.00		.05
Hardwood Floor Finishers	13.50	.75	1.00		.05
Epoxy Applicators and Spray Steel	13.75	.75	1.00		.05
Swing and Boom Spray	14.00	.75	1.00		.05
Zone 2:					
Brush; Paperhangers	13.60	.75	1.00		.05
Swing Stage; Sign Painters; Utilidors	13.85	.75	1.00		.05
Tapers, hand	13.87	.75	1.00		.05
Structural Steel, Sand Blasters; Spray Painters	14.10	.75	1.00		.05
Hardwood Floor Finishers	14.35	.75	1.00		.05
Tapers, machine	14.37	.75	1.00		.05
Spray Steel; Epoxy Applicator	14.00	.75	1.00		.05
Swing and Boom Spray	14.85	.75	1.00		.05
Buffer Operator	14.13	.75	1.00		.05
Areas II and III					
Hardwood Floor Sander or Finisher; Paperhangers; Sign, Brush and Roller Painters	12.55	.50	1.00		.10
Swing Stage	12.95	.50	1.00		.10
Structural Steel; Tapers and Pot Tenders; Sandblasters; Spray	12.95	.50	1.00		.10
Epoxy and Tar Applicator	13.15	.50	1.00		.10
Steeplejack; Towers Painters	13.35	.50	1.00		.10
PLASTERERS	13.75	.60	1.60		.15
PLUMBERS; Steamfitters:	15.32	.85	1.30		.45
Area I	14.80	.73	1.40		.15
Area II	14.32	.73	.20		.10
Area III					

DECISION NO. AK75-5134

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Area I	$14.10	.65	1.25		.10
Areas II and III	13.80	.65	1.25		.10
SHEET METAL WORKERS:					
Area I	14.76	.52	.50		.15
Areas II and III	15.62	.56	.75		.15
SOFT FLOOR LAYERS:					
Area I	12.77	.75	1.00		.05
Areas II and III	11.50	.45	1.00	4%	.10
SPRINKLER FITTERS	13.72	.60	.90		.08
TERRAZZO WORKERS' & TILE SETTERS					
HELPERS	11.18	.55	1.75		.09
TILE SETTERS	11.36	.55	1.75		.09
RIGGERS; Welder: Receive rates for craft performing operation to which rigging or welding is incidental.					

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 yrs.' service and 2% basic hourly rate for 6 months to 5 yrs.' service as Vacation Pay Credit.
Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS

Group 1	11.10	.60	2.00	.09
Group 2	11.27	.60	2.00	.09
Group 3	11.31	.60	2.00	.09
Group 4	11.34	.60	2.00	.09
Group 5	11.38	.60	2.00	.09
Group 6	11.39	.60	2.00	.09
Group 7	11.44	.60	2.00	.09
Group 8	11.52	.60	2.00	.09
Group 9	11.77	.60	2.00	.09
Group 10	11.80	.60	2.00	.09
Group 11	11.88	.60	2.00	.09
Group 12	11.90	.60	2.00	.09
Group 13	11.91	.60	2.00	.09
Group 14	12.02	.60	2.00	.09
Group 15	12.14	.60	2.00	.09
Group 16	12.27	.60	2.00	.09
Group 17:				
Class A	11.10	.60	2.00	.09

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Cont'd)					
Group 17: (Cont'd)					
Class B	$11.29	.60	2.00		.09
Class C	11.60	.60	2.00		.09
Class D	12.16	.60	2.00		.09
Class E	12.31	.60	2.00		.09
Class F	12.55	.60	2.00		.09
POWER EQUIPMENT OPERATORS					
Group 1	12.48	.75	2.00		.15
Group 2	13.37	.75	2.00		.15
Group 3	12.41	.75	2.00		.15
Group 4	12.54	.75	2.00		.15
Group 5	13.43	.75	2.00		.15
Group 6	14.21	.75	2.00		.15
Group 7	12.80	.75	2.00		.15
Group 8	11.97	.75	2.00		.15
Group 9	12.86	.75	2.00		.15
Group 10	13.13	.75	2.00		.15
Group 11	12.62	.75	2.00		.15
Group 12	14.96	.75	2.00		.15
Group 13	12.49	.75	2.00		.15
Group 14	12.89	.75	2.00		.15
Group 15	12.39	.75	2.00		.15
Group 16	12.92	.75	2.00		.15
Group 17	13.22	.75	2.00		.15
Group 18	11.31	.75	2.00		.15
Group 19	11.86	.75	2.00		.15
Group 20	12.81	.75	2.00		.15
Group 21	12.13	.75	2.00		.15
Group 22	11.46	.75	2.00		.15
Group 23	11.90	.75	2.00		.15
Group 24	12.07	.75	2.00		.15
Group 25	15.73	.75	2.00		.15
Group 26	16.40	.75	2.00		.15
Group 27	13.06	.75	2.00		.15

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS DREDGING					
Group 1	$11.78	.75	2.00		
Group 2	11.91	.75	2.00		
Group 3	12.84	.75	2.00		
Group 4	12.90	.75	2.00		
Group 5	12.96	.75	2.00		
Group 6	13.47	.75	2.00		
Group 7					
(a)	14.25	.75	2.00		
(b)	15.00	.75	2.00		
TRUCK DRIVERS					
Group 1	11.82	.93	2.00		.10
Group 2	11.88	.93	2.00		.10
Group 3	11.35	.93	2.00		.10
Group 4	12.20	.93	2.00		.10
Group 5	12.60	.93	2.00		.10
Group 6	12.91	.93	2.00		.10
Group 7	13.20	.93	2.00		.10
Group 8	13.51	.93	2.00		.10
Group 9	13.82	.93	2.00		.10
Group 10	14.13	.93	2.00		.10
Group 11	14.44	.93	2.00		.10
Group 12	14.75	.93	2.00		.10
Group 13	16.05	.93	2.00		.10
Group 14	12.34	.93	2.00		.10
Group 15	11.07	.93	2.00		.10
Group 16	11.50	.93	2.00		.10
Group 17	12.18	.93	2.00		.10
Group 18	12.44	.93	2.00		.10
Group 19	12.71	.93	2.00		.10
Group 20	12.98	.93	2.00		.10
Group 21	13.15	.93	2.00		.10
Group 22	12.12	.93	2.00		.10
Group 23	11.24	.93	2.00		.10

LABORERS

Group 1: Building Laborers, Carpenters Tenders, Materiel Handlers and Hook Tenders; Form Strippers; Signalmen; Riggers; Sandblast Pot Tender; Saw Tenders; General Labor Dump Man; Pitman; Brush Cutters; Ditch Diggers; Monolithic Workers; Dryerman

Group 2: Base and Floor Machine Man

Group 3: Choke Setters

Group 4: Concrete Labor including Vibrationman, Power Buggy end Concrete Power Saw; Curb and Gutterman; General Crew (including Plant Crew); Asphalt

Group 5: Pneumatic or Power Tools

Group 6: Stake Hopper; Grademan; Steampoint or Water Jet Operator

Group 7: Tank Cleaner

Group 8: Jackhammer Operator and Pavement Breaker; Chuck Tender (Wagon and air Track Drills)

Group 9: Mason Tender and Mud Mixers

Group 10: Gunnite Operator; Pipelayers; Culvert and Multiplate; High Scaler; Sloper (over 20 feet); Chain end Power Saws; Sack or Bulk; Sewer Pipelayer; Sewer Caulkers; Timberman; All Monolithic Crews; Pipe Builders; Sandblasters

Group 11: Asphalt Rakers

Group 12: Tenders; Plasterers; Bricklayers; Cement Finisher; Burning and Cutting Torch (except intermittent torch work)

Group 13: Wagon Driller

Group 14: Timber Feller; Air Track Wagon Driller

Group 15: Chain Saw Filer

Group 16: High Riggers and Tree Topper, Powderman

Group 17: Tunnel or Shaft
Class A: Topman and Bull Gang; Brakeman
Class B: Muckers, Laborers; Nippers
Class C: Chuck Tender
Class D: Retimberman
Class E: Miners, Shafts and Raises
Class F: Powderman

POWER EQUIPMENT OPERATORS

Group 1: Batch Plant Operator: Batch and Mixer, 200 yards per hour and under; Loader; Elevating - Athey, Barber Greene and similar types; Overhead and Front-end under 2 yards; Mixers: Concrete Mixers end Batch, 200 yards per hour and under; Pumps: Fuller Kenyon, Pumpcrete and Concrete, Rollers, Tampers and Vibrators: On Plant or Road Mix materials; Tractors, Farmall type, 50 h.p. and over; Trenching Machines, under 16 inches

Group 2: Batch Plant Operator: Batch and Mixer, over 200 yards; Derrick all, Drilling Machines, Core, Cable Rotary and Exploration; Mixers: Mobile type with hoist combination; Mucking Machines, Mole, Tunnel Drill and/or Shield

Group 3: Brooms, Power Wayne, Saginaw and similar types; Bulldozers, under D6 or similar; Post Hole Diggers, mechanical; Saws, concrete; Scrapers; Carryall type, single

Group 4: Bulldozers: D6 through D9 or similar; Bump Cutter (Concut Christenson or similar types); Conveyors

Group 5: Bulldozers: TC 12, Quad 9, Pay Dozers, Linked Pusher, H.D. 41 end/or similar; Bulldozers engaged in Yo Yo Operation; Cableways and Highlines, 3 yards and under; Cranes: "A" Frame Trucks, Deck Winches, single power drum; "A" Frame Trucks Helicopter (Deck Winches, double power drum); Crawler, Truck type, Floating Locomotive, Whirley, either 3 yards and under or 150 boom including jibs and under 45 tons and under; Hydralifts or Transporter, Hyster Cat Carnes and attachments, Sidebooms 45 tons and under; Loaders: Overhead and Front End 2½ yards and under 4 yards; Motor Patrol Graders: Over Model 14 or similar types; Piledrivers Engineers, L. B. Foster Puller or similar Paving Breaker; Power Plant Turbine Operators; 300 K. W. on highway or airfield construction projects or Quarry Operations); Sauerman-Bagley; Shovels: Crawler and truck type, all attachments, 3 yards and under; Sub Grader (Gurries, C.M.I. and similar types); Tractors Farmall type, used as Backhoes, Rubber-tired (Ford, Ferguson, Case and similar types); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 25 yards through 40 yards; Hover Craft, Flex Craft, Loadmaster, Air Cushion, Terrain Vehicle, Helicopter Transporter, Cableways, Rollagon, Dredge Barge Cable, Highline or Cable Car, Camp Maintenance Engineer, Boat Coxswein

Group 6: Cableways and Highlines, over 3 yards; Cranes: Crawler, Truck type, Floating, Locomotive, Whirley, either over 3 yards and under 5 yards, or over 150' boom, including jibs or over 45 tons; Tower Cranes, Pecos, Lorraine, Bucyrus and similar types; Hyster Cat Cranes and attachments, Sidebooms over 45 tons thru 100 tons; Loaders: Overhead and Front-end 4 yards up to and including 10 yards; Shovels: Crawler and truck type, all attachments, 3 yards and under 6 yards; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 40 yards through 55 yards; Slip Form Paver, C.M.I. and similar types

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Cement Hogs; Locomotives: Rod and Geared Engines

Group 8: Compressors: Excavating; Locomotives: Dinkey (air, steam, gas, and electric) Speeders

Group 9: Compressors: Steel Erection including Sand Blasting, Painting of same, Pile Driving, Hoists on Steel Erection; Loaders: Fork Lifts with Tower; Scrapers: Carryall type, Tandem

Group 10: Conveyors, Beltcrete with power pack and similar types; Loaders: Elevating Belt type, Euclid and similar types

Group 11: Cranes: "A" Frame Trucks, Deck Winches, single power drum; Crushers, rock, washing and screening plants; Hoist Air Tuggers, Elevators; Motor Patrol Graders: Model 14 or similar types and under; Power Plant Turbine Operators: under 300 K. W.; Shovels; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment 25 yards and under

Group 12: Cranes: Crawler, truck type, Flosting, Locomotive, Whirley, either 6 yards or over 200' of boom including jibs or over 150 tons; Hyster Cat Cranes and attachments, Sidebooms over 100 tons; Loaders: Overhead and Front-end over 10 yards; Shovels: Crawler and truck type, all attachments, 6 yards and over; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment over 55 yards through 70 yards

Group 13: Finishing Machine Operator, Concrete Paving, Sidewalk Curb and Gutter Machine; Screen Man or Slurry Operator; Spreaders - Blaw Knox, Cedarspids, Barber Greene, Railroad Wing Spreader or similar types

Group 14: Loaders: Elevating Grader type, Dumor and similar types

Group 15: Loaders: Fork Lifts or Lumber Carrier (on construction job site)

Group 16: Mechanics, Welders, Machinists, heavy duty

Group 17: Mechanic; Leadman

Group 18: Mechanics' Helpers, heavy duty-shop; Stake Hopper; Grademan

Group 19: Mechanic, light duty; Rollers, Tampers and Vibrators: Others than plants or road mix (where towed, to pay rate of equipment used to pull); Tractors, Farmall type less than 50 h.p.

Group 20: Mixers: Asphalt Mixer

Group 21: Oil, Blower Distributors

Group 22: Safety Observer or Oiler Rigger

POWER EQUIPMENT OPERATORS (Cont'd)

Group 23: Journeyman Equipment Service Oilers and Firemen; Oiler, either over 3 yards or over 150' boom or over 45 tons

Group 24: Pumps: Water

Group 25: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 70 yards through 85 yards

Group 26: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 85 yards through 100 yards

Group 27: Trenching Machines: 16 inches and over or Remote Controlled Underwater Trenching

POWER EQUIPMENT OPERATORS - DREDGING

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (electric, diesel, steam or booster pumps); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (elactric generator operator for primary pump, power barge, or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper
(a) 5 yards and under
(b) Over 5 yards

TRUCK DRIVERS

Group 1: Buggymobile; Hyster Operators (handling bulk aggregate), Lumber Carrier

Group 2: Semi or truck and trailer; Dumpsters; Batch Trucks over 5 yards, Batch Trucks 5 yards up to and including 10 yards; Fuel Truck; Greasers or Grease Trucks; Flat Beds, dusl rear axle, Ready Mix: Over 3 yards up to and including 5 yards; Water Wagon, Semi; Water Wagon, Dusl Axle; Winch Trucks, Flat Bed including "A" Frame manufactured rating over 5 tons; Bull Lifts and Fork Lifts over 5 tons; Front End Loader with Forks; Partsman and Outside Expeditor; Bus Operator, over 30 passengers, Truck Equipment; All Terrain Vehicles, Foam Distributor Truck Double Axle; Hydro Seeder Double Axle; Vacuum Trucks and Truck Sweeper-double axle; Loadmaster (air and water operations); Air Cushion or similar type vehicle; Free Trucks - double axle

TRUCK DRIVERS (Cont'd)

Group 3: Batch Trucks up to and including 5 yards; Dump Trucks (including Rockbuggy and Trucks with pups) up to and including 5 yards; Flat Beds, single rear axle; Water Wagon, single axle; Winch Truck, Flat Bed including "A" Frame manufactured rating 5 tons and under; Bull Lifts and Fork Lifts up to and including 5 tons, Bus Operator, up to 30 passengers, single axle; Team Drivers (Horses, Mules and similar equipment); Fire Trucks, single axle

Group 4: Dump Trucks over 10 yards up to and including 20 yards; Tireman; Lowbed Heavy-duty Trailer; Oil Distributor Drivers; Ready Mix: Compactor (when pulled by rubber-tired equipment)

Group 5: Dump Trucks over 20 yards up to and including 30 yards

Group 6: Dump Trucks over 30 yards up to and including 40 yards

Group 7: Dump Trucks over 40 yards up to and including 50 yards

Group 8: Dump Trucks over 50 yards up to and including 60 yards

Group 9: Dump Trucks over 60 yards up to and including 70 yards

Group 10: Dump Trucks over 70 yards up to and including 80 yards

Group 11: Dump Trucks over 80 yards up to and including 90 yards

Group 12: Dump Trucks over 90 yards up to and including 100 yards

Group 13: Dump Trucks over 100 yards (above scales to be paid on actual water level measurements)

Group 14: Turn-O-Wagoner Dw-10 when not self-loading

Group 15: Gravel Spreader Box Operator on Truck; Pickup (pilot cars and all light-duty vehicles); Warehouseman Class 2; Farm type rubber-tired tractor (material hauling)

Group 16: Ready Mix: Up to and including 3 yards

Group 17: Ready Mix: Over 5 yards up to and including 7 yards

Group 18: Ready Mix: Over 7 yards up to and including 9 yards

Group 19: Ready Mix: Over 9 yards up to and including 12 yards

Group 20: Ready Mix: 13 yards and over

Group 21: Ready Mix, semi with double bowl mixer

Group 22: Water Wagon, when pulled by Euclid or similar type equipment

Group 23: Warehouseman - Class 1

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SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Bristol
DECISION NO.: MA75-2119 DATE: Date of Publication
Supersedes Decision No. MA75-2071 dated May 2, 1975 in 40 FR 19335
DESCRIPTION OF WORK: Building Construction (Including Residential), Heavy and Highway Construction and Marine Construction.

3-MASS-1-2-3-Z (1-4)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Easton	$ 9.66	.65	.80		.01
Remainder of County	9.32	.71	.83		
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: Cement Masons Plasterers & Stonemasons;					
Easton, N. Easton & S. Easton	9.55	.75	1.05		.05
Acushnet, Dartmouth, Fairhaven, Fall R iver, Freetown, New Bedford, N. Dartmouth, Somerset, Swansea, S. Dartmouth, & Westport	9.75	.80	.80		.05
Remainder of County	9.20	.80	.65		.05
CARPENTERS: Soft Floor Layers					
Easton, N. Easton & S. Easton	8.95	.50	.65		.02
Attleboro, N. Attleboro & S.					
Attleboro	10.00	.60	.65		.07
Remainder of County:					
All work over $1½ million including residential	9.30	.50	.65		.02
Work from $1 million - 1½ million	8.83	.50	.65		.02
Work from $5,000 - 1 million	8.37	.50	.65		.02
Work from $2,000 - 500,000	7.44	.50	.65		.02
Residential up to 4 stories & commercial up to $200,000	6.97	.50	.65		.03
ELECTRICIANS:					
Attleboro, N. Attleboro, & Seekonk	9.40	.48	1%+.90		.02
Residential	6.00	.38	1%		.02
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth, & S. Dartmouth (electrical contracts $12,000 & over)	9.75	.40	1%+.50		a
Electrical contracts less than $12,000	7.80	.40	1%+.50		a
Residential	5.70	.40	1%+.50		a
Easton:					
Electrical contracts less than $20,000.00	8.30	4%	5%		.5%
Electrical contracts $20,000.00 or more	10.05	4%	5%		.5%
Residential	6.00	.35	5%		.5%
Fall River, Freetown, Somerset Swansea, & Westport	9.70	4%	1%+.25	4%	½%

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fall River, Freetown, Somerset Swansea, & Westport (Cont)					
Residential	5.25	.31	1%+.25	.21	½%
Remainder of County	10.20	.55	1%		.1%
Residential	6.50	.30	1%		.1%
ELEVATOR CONSTRUCTORS	10.665	.495	.32	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.495	.32	4%+b+c	.02
GLAZIERS: Easton	9.20	.45	.56		.03
Remainder of County	8.68	.47	.40+.25		.01
IRONWORKERS: Easton, Mansfield, N. Easton	9.29	.55	1.40		.06
Remainder of County	9.43	.55	1.40		.05
LABORERS (BUILDING):					
Laborers; Carpenter tenders; Cement finisher tenders; wrecking laborers	7.50	.50	.45		.10
Jackshmmer Op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.75	.50	.45		.10
Air Track; Block pavers; Rammers; curb setters	8.00	.50	.45		.10
Blasters; Powderman	8.37	.50	.45		.10
Open air caisson; Cylindrical work & boring crew;					
Laborer; Top man	7.50	.50	.45		.10
Helper	8.63	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
LATHERS	9.25	.45	.55		
LEADBURNERS	9.25	.35		d	.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$11.54	.45	1%	e	3/80f1%
Equipment Operators	10.85	.45	1%	e	3/80f1%
Driver groundman	8.68	.45	1%	e	3/80f1%
Groundman	7.38	.45	1%	e	3/80f1%
MARBLE SETTERS; Terrazzo Workers	9.05	.70	.80		
MARBLE SETTERS' HELPERS	8.65	.60	.45		
MILLWRIGHTS	9.30	.60	.65		.07
PAINTERS					
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth & S. Dartmouth:					
Brush; Roller	8.30	.60	.20		
Steel (1' to 50') & Spray	9.30	.60	.20		
Remainder of County:					
Brush; Taper	8.48	.72	.45		.04
Steel	11.38	.72	.45		.04
Spray; Sandblasting	9.48	.72	.45		.04
PILEDRIVERMEN	9.50	.50	.50		
PLASTERERS' TENDERS	7.25	.50	.45		.10
PLUMBERS; Steamfitters:					
Easton	9.50	.45	.70		.05
Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Somerset, S. Dartmouth, Swansea, & Westport	9.13	.76	1.16		.15
Remainder of County	8.97	.60	.73		
ROOFERS:					
Attleboro, Taunton, Mansfield, Easton, Norton, Raynham, & N. Attleboro	9.20	.55	.80		.05
Remainder of County: Roofers & Kettlemen	8.80	.50	.05		
Helpers, Class "A"	8.10	.50	.05		
SHEET METAL WORKERS:					
Acushnet, Assonet, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Rehoboth, Seekonk, Somerset, Swansea, & Westport	9.48	.45	.45		
Remainder of County	9.63	.71	.75		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	$10.53	.50	.80		.08
TERRAZZO WORKERS' HELPERS	8.65	.60	.25		.05
TILE SETTERS	9.05	.70	.50		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contribution of 1.00 per journeyman Electrician per week

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked at least 4/5 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee is employed 10 days prior to the listed holidays.

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HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I	$7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
Power Equipment Operators:					
CLASS I	$10.46	.75	.80	a	.02
CLASS II	10.34	.75	.80	a	.02
CLASS III	8.71	.75	.80	a	.02
CLASS IV	9.52	.75	.80	a	.02
CLASS V	7.69	.75	.80	a	.02
CLASS VI	8.17	.75	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumporete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom over 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragm pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

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MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$10.46	.75	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .35					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.34	.75	.80	a	.02
Group 3	8.71	.75	.80	a	.02
Group 4	9.52	.75	.80	a	.02
Group 5	7.65	.75	.80	a	.02
Group 6	8.17	.75	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumporete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines, Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 group), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.46	.75	.80	a	.02
GROUP II	11.46	.75	.80	a	.02
GROUP III	10.41	.75		a	.02
GROUP IV	10.34	.75		a	.02
GROUP V	8.71	.75	.80	a	.02
GROUP VI	9.52	.75	.80	a	.02
GROUP VII	7.69	.75	.80	a	.02
GROUP VIII	8.17	.75	.80	a	.02
GROUP IX	8.605	.75	.80	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable-ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), conotete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.35 per hour; Booms over 185' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 250' including jib - additional $1.50 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics maintenance, cal tracks, ballast regulator, switch tampers, rail anchor machines tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day E- Thnaksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and firemen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.89	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Essex
DECISION NO.: MA75-2121 DATE: Date of publication
Supersedes Decision No. MA75-2072, dated April 25, 1975 in 40 FR 18305.
DESCRIPTION OF WORK: Building construction,(excluding single family homes and garden type apartments up to and including 4 stories), heavy, highway, and marine construction.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.66	.65	.80		.01
Boilermakers	10.00	.60	10%		.01
Bricklayers; Stonemasons:					
Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, N.Andover, Peabody, Salem, Saugus, Swampscott, & Topsfield	9.60	.70	1.05		.05
Remainder of County	10.10	.60	.65		.05
Carpenters; Soft floor layers:					
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Newbury, Newburyport, Rowley, Salisbury, W.Newbury, Lynn, Lynnfield, Nahant, Saugus, and Swampscott	10.00	.60	.65		.07
Andover, Lawrence, Methuen, N. Andover, and W. Andover:					
On contracts over $1,500,000	9.90	.60	.65		.02
Contracts from $1,000,000 to $1,500,000	9.40	.60	.65		.02
From $500,000-$1,000,000	8.80	.60	.65		.02
From $200,000-$500,000	7.91	.60	.65		.02
Up to $200,000	7.39	.60	.65		.02
Remainder of County	9.60	.35	.65		
Cement masons; plasterers:					
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, N.Andover, Salisbury, & West Salisbury	8.05	.385	.30		
Danvers, Lynn, Lynnfield, Marblehead, Middleton, Nahant, Peabody, Salem, Saugus, Swampscott, and Topsfield	9.30	.50	.85		.05
Remainder of County	9.45	.60	.60		.05
Electricians:					
Andover, Lawrence, Methuen, and North Andover	9.72	.25	1%+.20		.02
Lynn, Lynnfield, Nahant, Saugus, and Swampscott	10.10	.50	1%+1.35		.05
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & W.Newbury	9.93	.45	1%+.20		.02
Remainder of County	9.80	.60	1%+.20		.02

DECISION NO. MA75-2121

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Elevator constructors	10.665	.495	.32	6%+a+b	.02
Elevator constructors' helpers	70%JR	.495	.32	6%+a+b	.02
Elevator constructors' helpers(pro%)	50%JR	.495	.32	6%+a+b	.02
Glaziers	9.20	.45	.36		.03
Ironworkers	9.99	.55	1.40		.06
Laborers (building):					
Laborers; carpenter tenders; cement finisher tenders; wrecking laborers	7.50	.50	.45		.10
Jackhammer ops; pavement breakers; wagon drills, asphalt rakers; carbide core drilling machines; chain saw ops; pipelayers; barco type jumping tampers; laser beam ops; concrete pump ops; mason tenders; mortar mixers; ride-on motorized buggy ops	7.75	.50	.45		.10
Air track; block pavers; rammers; curb setters	8.00	.50	.45		.10
Blaster; powdermen	8.25	.50	.45		.10
Open air caisson; cylindrical work and boring crew:					
Laborers; top man	7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
Lathers	9.25	.45	.55		.05
Leadburners	9.25	.35		c	.01
Line Construction:					
Linemen	11.54	.45	1%	d	3/8of1%
Equipment operators	10.85	.45	1%	d	3/8of1%
Driver groundman	8.68	.45	1%	d	3/8of1%
Groundman	7.38	.45	1%	d	3/8of1%
Marble setter; terrazzo workers	9.05	.70	.80		
Marble setters' helpers	8.65	.60	.25		
Millwrights	9.93	.60	.65		.07
Painters:					
Essex, Gloucester, Manchester, & Rockport:					
Brush	6.20	.30			
Spray	6.65	.30			
Roller	6.50	.30			
Amesbury, Andover, Beverly, Boxford, Danvers, Georgetown, Groveland, Hamilton, Haverhill, Ipswich, Lawrence, Lynn, Lynnfield, Marblehead, Merrimac, Methuen, -continued-					

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DECISION NO. MA75-2121

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Middleton, Newbury, Newburyport, N.Andover, Peabody, Rowley, Salem, Salisbury, Saugus, Swampscott, Topsfield, Wenham, W.Newbury:					
New construction:					
Brush; tpaers	$9.46	.72	.85		.04
Sandblasters; Spray	10.46	.72	.85		.04
Steel	11.58	.72	.85		.04
Repaint	8.61	.72	.85		
Filedrivermen	9.50	.50	.50		
Plasterers' Tenders:					
Lynn, Lynnfield, Nahant, Saugus, and Swampscott	7.25	.50	.45		.10
Plumbers; Steamfitters:					
Andover, Georgetown, Groveland, Lawrence, Methuen, & N.Andover	9.54	.53	.50		.05
Lynn, Lynnfield, Nahant, Saugus, and Swampscott:					
Plumbers	10.25	.70	.60		.03
Steamfitters	10.36	.66	.85		.05
Remainder of County	9.50	1.05	.47		.05
Roofers:					
Haverhill and Lawrence	6.70			e	
Remainder of County	9.20	.55	.80		.05
Sheet metal workers	9.63	.71	.75		.06
Sprinkler fitters	10.53	.50	.80		.08
Terrazzo workers' helpers	8.65	.60	.25		.05
Tile setters	9.05	.70	.80		
Tile setters' helpers	7.94	.40	.25		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 Paid Holidays: A through F

c. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheudled work days immediately preceding and following the holiday.

d. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to any 1 of the listed holidays.

e. 9 Paid Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
CLASS I	$10.46	.75	.80	a	.02
CLASS II	10.34	.75	.80	a	.02
CLASS III	8.71	.75	.80	a	.02
CLASS IV	9.52	.75	.80	a	.02
CLASS V	7.69	.75	.80	a	.02
CLASS VI	8.17	.75	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumprete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tamppers (self propelled or tractor drawn), asphalt pavers, mechanice maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power drivon 1-5), well-point systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

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HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$10.46	.75	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.34	.75	.80	a	.02
Group 3	8.71	.75	.80	a	.02
Group 4	9.52	.75	.80	a	.02
Group 5	7.69	.75	.80	a	.02
Group 6	8.17	.75	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumprete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

XUM

MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and firemen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, wachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.89	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.46	.75	.80	a	.02
GROUP II	11.46	.75	.80	a	.02
GROUP III	10.41	.75		a	.02
GROUP IV	10.34	.75		a	.02
GROUP V	8.71	.75	.80	a	.02
GROUP VI	9.52	.75	.80	a	.02
GROUP VII	7.69	.75	.80	a	.02
GROUP VIII	8.17	.75	.80	a	.02
GROUP IX	8.605	.75	.80	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumprete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.35 per hour; Booms over 185' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 250' including jib - additional $1.50 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapors, tandem scrapers, concrete pumps, bulldozers, tractor york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast regulator, switch tampere, rail anchor machines, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day
E- Thnakogiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.

XUM

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Hampden
DECISION NO.: MA75-2122 DATE: Date of Publication
Supersedes Decision No. MA75-2053 dated March 14, 1975 in 40 FR 12051
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-MASS

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.00	.54	.75		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: Cement masons; Marble masons; Plasterers; Stone masons; Terrazzo workers; & Tile setters	9.55	.55	.80		.03
CARPENTERS: Soft floor layers	9.15	.45	.65		.02
ELECTRICIANS: Chester, Holyoke, & that portion of Chicopee Township north of the following line: McKinstry Avenue from the Connecticut River to Gratten Street; South on Gratten to Lafayette Street; east on Lafayette to York Street; north on York to McKinstry; east on McKinstry to Grady Road & projected to the Westover Air Force fence & that area north of Westover field	9.76	.45	1%+.20		.01
Remainder of County	8.29	.48	1%+.15	.43	s
ELEVATOR CONSTRUCTORS	9.505	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.445	.29	3%+a+b	.02
GLAZIERS	8.05		.45		.005
IRONWORKERS: Ornamental; Reinforcing; Structural	9.11	.55	1.40		.09
LABORERS (BUILDING) Laborers; Wrecking, carpenter & cement finisher tenders	7.50	.50	.45		
Asphalt rakers, Carbide Core Driller Ops, Saw Ops, Pipelayers, Jackhammer & Paving Breaker Ops, Barco-type jumping tampers, Laser Beams ops, concrete pump ops, & wagon drill ops, mason tenders, mortar mixers & ride-on motorized buggy ops.	7.75	.50	.45		
Air track ops, Block pavers, Rammers & curb setters	8.00	.50	.45		

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Blasters & powdermen	$ 8.25	.50	.45		
Open air caisson; Cylindrical work & boring crew:					
Bottom man	8.25	.50	.45		
Top man	7.50	.50	.45		
Test Boring:					
Driller	8.37	.50	.45		
Helper	7.62	.50	.45		
LATHERS	8.45	.45	.25		.01
LEAD BURNERS	9.25	.35		d	.01
LINE CONSTRUCTION:					
Lineman	10.16	.40	1%	e	3/8of1%
Groundmen, Driver	7.32	.40	1%	e	3/8of1%
Equipment Operator	9.48	.40	1%	e	3/8of1%
MARBLE, MOSAIC, & TERRAZZO WORKERS' HELPERS	8.00				
MILLWRIGHTS	9.85	.60	.65		.07
PAINTERS:					
Brush	8.82	.50	.35		.03
Spray	11.76	.6667	.4667		.04
Swing stage under 40' steel	9.007	.50	.35		.03
Swing stage over 40' & steel	9.32	.50	.35		.03
PILEDRIVERMEN	9.50	.50	.50		.05
PLUMBERS	9.68	.68	.85	g	.05
ROOFERS:					
Composition, damp & waterproofing	8.945	.64	.66		
Slate, tile, precast & concrete	9.60	.64	.66		
SHEET METAL WORKERS	9.11	.75	.97		.02
SPRINKLER FITTERS	10.5	.50	.80		.08
STEAMFITTERS	9.98	.57	.70	.08	.02

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $.30 per man per week

b. Employer contributes 1% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Brithday, Good Friday, & Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. 9 paid holidays: A through F, provided the employee has been employed for at least 5 days prior to the holiday and is available for work the day before and after the holiday, plus one floating holiday, Washington's Birthday, and Patiots Day.

f. 1 paid holiday: Fourth of July

g. 1 paid holiday: Independence dsy & Labor Day provided the employee has been employed 7 days prior to the holiday for the same employer

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mountcd compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakors, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts ip to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indcpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day.

XUM

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.05	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Crader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over,, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumprete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Creut Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:

a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
[illegible] tender, cement finishor tenders, laborers, wrecking laborers

CLASS II
[illegible] takers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
All [illegible] op., block pavers, rammers, curb setters

CLASS IV
[illegible], powdermen

MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and tiremen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Hampshire
DECISION NO: MA75-2123 DATE: Date of Publication
Supersedes Decision No. MA75-2003, dated January 17, 1975 in 40 FR 3121
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.60	.54	.75		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS, Plasterers, Cement masons, stone masons, marble, tile & terrazzo workers, caulker cleaner, pointers	9.55	.55	.80		.03
	9.15	.45	.65		.02
CARPENTERS					
ELECTRICIANS:					
Belchertown, Ware	8.29	.48	1%+.15	.43	b
Middlefield, Cummington & Fleid-field	9.14	.45	1%+.49		.02
Remainder of County	9.76	.45	1%+.49		.01
ELEVATOR CONSTRUCTORS	9.505	.445	.29	2%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	2%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.445	.29	2%+b+c	.02
GLAZIERS	9.45	.47	.45		
IRONWORKERS, STRUCTURAL, ORNAMENTAL AND REINFORCING	9.11	.45	1.40		.09
LABORERS (BUILDING):					
Laborers, wrecking laborers, carpenter & cement finisher tenders	7.50	.50	.45		.10
Asphalt rakers, Carbide core driller ops, chain saw opers., pipelayers, jackhammer & paving breaker ops., barco-type jumping tampers, laser beams ops., concrete pumps ops., & wagon drill ops., mason tenders, mortar mixers & ridge on motorized buggy ops.	7.75	.50	.45		.10
Air track ops., block pavers, rammers & curb setters	8.00	.50	.45		.10
Powdermen and blasterers	8.25	.50	.45		.10
Open air caisson, underpinning work and boring crew: (entire county)					
Bottom man	8.25	.50	.45		.10
Top man	7.50	.50	.45		.10
Test boring:					
Driller	8.37	.50	.45		.10
Helper	7.62	.50	.45		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 8.45	.45	.55		.01
LINE CONSTRUCTION					
Lineman	10.16	.40	1%	d	3/8of1%
Equipment Operator	9.48	.40	1%	d	3/8of1%
Driver Groundman	7.32	.40	1%	d	3/8of1%
MARBLE & TILE SETTERS HELPERS & TERRAZZO FINISHERS' HELPERS	8.00				
MILLWRIGHTS	9.85	.60	.65		.07
PAINTERS:					
Brush & Roller	8.82	.50	.35		.03
Spray	11.76	.666f	.466f		.04
Swing stage under 40' and steel	9.07	.50	.35		.03
Swing stage over 40' and steel	9.32	.50	.35		.03
PILEDRIVERMEN	9.50	.50	.50		
PLUMBERS & STEAMFITTERS:					
Belchertown, Granby, Huntington, Middlefield, South Hadley, Ware					
Plumbers	9.68	.68	.85	e	.05
Steamfitters	9.88	.57	.70	f	.02
Remainder of County:					
Plumbers and Steamfitters	9.95	.60	.60		.02
ROOFERS:					
Composition, damp, waterproof	8.945	.64	.66		
Slate, tile, precast concrete	9.60	.64	.66		
SHEET METAL WORKERS	9.11	.75	.97		.02
SPRINKLER FITTERS	10.53	.50	.80		.08
Welders - rate for craft.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. $.30 per man per week.
b. Employer contributes 4% of basic hourly rate for 5 months or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay credit.
c. Holidays: A through F.
d. Paid Holidays: A through F, Washington's Birthday and Patriots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled working dys preceding and following the holiday.
e. July 4th and Labor Day provided worker employed 7 days before holiday
f. July 4th and Labor Day - $.08 per hour employer contribution to make two paid holidays.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreadors, A Frame Trucks, Fork Lifts ip to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Power Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grador, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over,, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumporete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Hoaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day,

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HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I	$7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and tandem	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.89	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX75-4183

DATE: Date of Publication

Supersedes Decision No. TX75-4160, dated October 17, 1975, in 40 FR 48882

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.00	.35	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.65		.20		
CARPENTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Carpenters	8.45				
Millwrights	8.80				
ZONE 2 - Childress County:					
Carpenters	7.90	.30	.40		.07
Millwrights	8.39	.30	.40		.07
CEMENT MASONS:					
Cement masons	7.80				
Machine operators	8.05				
ELECTRICIANS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Electricians	8.53	.40	1%		1/2%
Cable splicers	9.38	.40	1%		1/2%
ZONE 2 - Childress County:					
Electricians	9.25	.20	1%		1/4%
Cable splicers	9.50	.20	1%		1/4%
ELEVATOR CONSTRUCTORS	4.06	.175	.20	2%+a+b	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

DECISION NO TX75-4183

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GLAZIERS	$5.75				
IRONWORKERS	8.75	.55	.60		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all unskilled laborers	4.51	.30	.10		
GROUP 2 - Air tool operator (jackhammer, tamper, brush hammer, chipping hammer, air or electric), sand blasterer, power buggy man, pipelayer (concrete & clay & all non-metallic pipe), & pipe wrappers; mortar mixers, mason tenders, plasterer tenders, cement finishar tenders, lathar tenders, asphalt rakers, tampers, well drillers, ball hole men, dumpers, spotters	4.66	.30	.10		
LATHERS	8.00				.01
LINE CONSTRUCTION:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Lineman	8.53	.40	1%		1/2%
Cable splicers	9.38	.40	1%		1/2%
Groundman, more than 1 year experience	5.61	.40	1%		1/2%
Groundman, less than 1 year experience	4.90	.40	1%		1/2%
Operator-hole digger, line truck	6.50	.40	1%		1/2%
Flat bed truck driver	4.90	.40	1%		1/2%

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DECISION NO TX75-4183

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
LINE CONSTRUCTION (CONT'D):					
ZONE 2 - Childress County:					
Lineman; Operator	$9.86		1%		1/2%
Cable splicer	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.61		1%		1/2%
Groundman, 1 year & over	6.90		1%		1/2%
MARBLE MASONS (EXTERIOR)	8.65		.20		
MARBLE MASONS (INTERIOR)	4.60				
PAINTERS:					
GROUP 1 - Brush & roller; paper-hangers; perfa-tapers	6.60		.20		
GROUP 2 - Structural steel painters; swinging stage or chair below 50 ft.	6.725		.20		
GROUP 3 - Spray painters & sand-blasters	7.35		.20		
GROUP 4 - Perfa-tape machine operator	6.85		.20		
PLASTERERS	8.00				.01
PLUMBERS & PIPEFITTERS	8.18	.25	.55	.30	
ROOFERS	4.50				
SHEET METAL WORKERS	8.75	.35	.20		.10
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	4.60				
TILE SETTERS	4.60				
TRUCK DRIVERS:					
1/2 ton to 3 tons	2.88				
3 to 5 tons	3.13				
5 tons and over	3.38				
Ready mix concrete to 3 yds.	2.88				
Ready mix concrete over 3 yds.	3.13				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO TX75-4183

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$7.75	.30	.50		.10
GROUP 2	7.25	.30	.50		.10
GROUP 3	6.40	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Blade Grader, self-propelled; Clam Shells; Cable Ways; Cranes, power operated (all types); Air Compressors, Pumps, Welding Machines & Light Plants (7 to 12 Machines); Derricks, power operated (all types); Draglines; Elevating Graders, self-propelled; Hoist, 2 drum or more; Locomotive; Mixermobiles; Paving Mixers, all types; Pile Drivers; Scrapers; Bulldozers; Side Boom; Cherry Pickers-12½ ton & over; Shovels; Heavy Duty Mechanics; All Welders; All Tractors with power attachments; Ditching Machines-crawler type; Farm type Tractor (Loader, 1 yd. & over) with Backhoe; All other equipment of similar nature coming within the Heavy Equipment Classification, when power operated

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 Machines); Cherry Pickers-under 12½ tons; Ditch Witch-330 and under; Farm type Tractor (Loader under 1 yd.) with Backhoe; Go-Devil; Mixers, 14 cu. ft. or over; Rollers over 10 tons; Air Compressor and one Tugger; Boilers, 2 or more; Winch Trucks; Front End Scoopmobile, Loader and Payloader; Blade Grader, towed; Elevators, Building; Fork Lifts; Hoists, single drum on 1 line hoisting (1 tugger) Mixers, less than 15 cu. ft.; Rollers; Screening Plants; Crushing Plants; Tractors-Wheel type except when hauling material; All other equipment of similar nature coming within the Light Equipment Classification, when power operated

GROUP 3 - Oiler; Fireman; Greasers

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Howard

DECISION NO.: TX75-4184 DATE: Date of Publication

Supersedes Decision No. TX75-4095, dated May 16, 1975, in 40 FR 21687.

DESCRIPTION OF WORK: Building (including Residential) Construction. (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	6.10				
CEMENT MASONS	5.00				
ELECTRICIANS	7.60	.30	1%		1/10%
IRONWORKERS, STRUCTURAL & ORNAMENTAL	7.38	.55	.60		.10
LABORERS:					
Laborers	3.05				
Mason tenders	3.50				
PAINTERS	4.50				
PLUMBERS	4.26				
ROOFERS	4.00				
SHEET METAL WORKERS	5.25				
TILE SETTERS	4.00				
TRUCK DRIVERS	2.50				

DECISION NO TX75-4184

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.90				
Asphalt Heaterman	3.00				
Asphalt Raker	3.25				
Asphalt Shoveler	2.50				
Batcher Plant Scaleman	3.55				
Batterboard Setter	3.65				
Carpenter	3.50				
Carpenter Helper	2.75				
Concrete Finisher (Paving)	3.50				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	3.75				
Concrete Finisher Helper(Structures)	3.00				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.00				
Form Setter (Paving and Curb)	3.75				
Form Setter Helper (Paving & Curb)	2.75				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.50				
Laborer, Utility Man	2.75				
Manhole Builder, Brick	3.00				
Mechanic	3.95				
Mechanic Helper	3.10				
Oiler	3.25				
Serviceman	3.30				
Pipelayer	3.50				
Pipelayer Helper	2.90				
Powderman	4.00				
Powderman Helper	3.10				
Reinforcing Steel Setter(Structures)	4.00				
Reinforcing Steel Setter Helper	2.75				
Spreader Box Man	3.00				
Power Equipment Operators:					
Asphalt Distributor	3.35				
Asphalt Paving Machine	3.50				
Broom or Sweeper Operator	3.25				
Bulldozer, 150 HP and Less	3.50				
Bulldozer, over 150 HP	3.95				

DECISION NO TX75-4184

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.90				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.25				
Crusher or Screening Plant Op.	3.50				
Elevating Grader	4.10				
Foundation Drill Operator (Truck Mounted)	4.60				
Front End Loader (2½ CY and Less)	3.50				
Front End Loader (Over 2½ CY)	3.75				
Motor Grader Operator, Fine Grade	4.40				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steal Wheel (Other-Plat Wheel or Tamping)	2.90				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (17 CY and Less)	3.45				
Scrapers (Over 17 CY)	3.50				
Side Boom	3.70				
Tractor (Crawler Type) over 150 HP	3.25				
Tractor (Pneumatic) 80 HP & Less	2.50				
Tractor (Pneumatic) over 80 HP	3.25				
Trenching Machine, Light	3.70				
Trenching Machine, Heavy	3.80				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	2.95				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.35				
Transit-Mix	2.60				
Winch	3.40				
Weighman (Truck Scales)	2.75				
Welder	4.00				

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX75-4185
Supersedes Decision No. TX75-4099, dated May 23, 1975, in 40 FR 22787
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

COUNTIES: Kleberg & Nueces
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.37	.35	.40		
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS	7.28	.18	.15		.02
CARPENTERS:					
Carpenters	6.74	.27	.30		.03
Millwrights	7.55				1%
CEMENT MASONS	7.30				
ELECTRICIANS:					
Electricians	7.85	.35	1%		1/2%
Cable splicers	7.975	.35	1%		1/2%
GLAZIERS (excluding Kleberg Co.)	5.34		.20		
IRONWORKERS	6.44	.55	.40		.04
LABORERS:					
GROUP 1 - General laborer (any work not specifically defined herein)	4.15	.28	.10		
GROUP 2 - Craft tenders: Bricklayers, plasterers, tile setters, concrete & mortar mixers, pipelayers, lathers, finish carpenters, slip form operators, scaffolding water proofers, cement finishers; Power tool operators-includes paving buster, jackhammer, chipping gun, air tamper, baric tamper, electric vibrator, air or gasoline driven vibrator or drills, sump pumps and any and all power driven equipment operated by laborers	4.35	.28	.10		
GROUP 3 - Pipe wrappers & dopers	4.50	.28	.10		
GROUP 4 - Gunnite nozzlemen; Powderman or blaster	4.60	.28	.10		
LATHERS	7.30	.30	.20	1.00	.01
LINE CONSTRUCTION:					
Lineman	8.40	.40	1%		1/2%
Cable splicer	8.525	.40	1%		1/2%
Groundman (1st year)	4.20	.40	1%		1/2%
Groundman	5.23	.40	1%		1/2%

DECISION NO TX75-4185

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS	$6.73				.02
MARBLE SETTERS' HELPERS	4.87				
PAINTERS:					
Brush	6.48	.25	.25		2/10%
Spray	6.88	.25	.25		2/10%
Sign	6.73	.25	.25		2/10%
PLASTERERS	8.20				.01
PLUMBERS & STEAMFITTERS	7.75	.25	.25		.035
ROOFERS:					
Roofers	5.925		.20		
Kettlemen	5.925		.20		
Waterproofers	5.925		.20		
Deckmen	5.925		.20		
SHEET METAL WORKERS	6.72	.15	.25		.01
SOFT FLOOR LAYERS	6.74	.27	.30		.03
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	6.73				.02
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
TILE SETTERS	6.73				.02
TILE SETTERS' HELPERS	4.87				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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DECISION NO TX75-4185

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$6.65	.13	.45		
Group 2	5.825	.18	.45		
Group 3	5.225	.18	.45		
Group 4	5.375	.18	.45		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Asphalt Plant Mixer; Back Filler; Back Hoe; Batch Plant (concrete); Blade Grader; Boring Machine (foundation, horizontal or waterwell); Bull Clam; Bull Dozer; Cableway; Clamshell; Crane, power operated, all types; Crusher; Derrick, power operated, all types; Dragline; Elevating Grader; Elevator, outside the building; Euclids and similar type machines; Forklift (on construction except in warehouses); Grade-All; Hi-Lift; Hoist (2 drums or more); Locomotive and Switch Engines; Mixer (paving); Mixer (concrete); Pile Driver; Pumps (2) over 3 inches; Pumpcrete Machine; Push Cat or Pull Cat; Roller (pneumatic, flatwheel); Scraper (all types); Shovel (power); Scoopmobile; Trench Machine; Tugboat (on Construction); Turn-a-pulls and similar machines; Welding Machines (7 to 13) other than electric; Wellpoint; Winch Truck; All other equipment of similar nature coming within Heavy Equipment Class when power operated; Mechanic; Lubrication Engineer (required on grease racks and service trucks)

GROUP 2 - Air Compressor (1 or 2) 125 CFM or less, gasoline or diesel powered; Blade Grader (towed); Conveyor; Elevator, inside the building, permanent type; Fireman (required on any boiler, steam locomotive, steam crane, etc.); Plasplane; Form Grader; Generator (gas, diesel over 1500 watts); Hoist (1 drum); Mixer (less than 14 cu. ft.); Pulsometer; Pumps (1) over 3 inches; Pumps (1 or 2) 3 inches or under; Roller (towed); Tractor (wheel type); Driver-oiler (required on tractor or truck cranes on which controls of crane and those of tractor or truck are operated from different seats or stations, mobile type grade all, etc.); Wagon drill; Welding Machines (3 to 6) other than electric All other equipment of similar nature coming within Light Equipment Class when power operated

GROUP 3 - Oiler, 1st year

GROUP 4 - Oiler, 2nd year

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Lubbock

DECISION NO.: TX75-4186 DATE: Date of Publication

Supersedes Decision No. TX75-4094, dated May 16, 1975, in 40 FR 21685.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.00	.35	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.20		.20		
CARPENTERS	7.10	.30	.40		.01
CEMENT MASONS	6.50				
ELECTRICIANS:					
Electricians	8.10	.40	1%		1/10%
Cable splicers	8.35	.40	1%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	7.38	.55	.60		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	7.505	.55	.60		.10
LABORERS:					
GROUP 1	4.275	.275	.10		
GROUP 2	4.55	.275	.10		
GROUP 3	4.475	.275	.10		
GROUP 4	4.625	.275	.10		
GROUP 5	4.875	.275	.10		

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading and unloading materials, wrecking buildings and all structures and all construction laborers except those named below

GROUP 2 - Air tool operator (jackhamer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumpcrete pipe

GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders

GROUP 4 - Wagon drill

GROUP 5 - Blasters and powder make-up men

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$6.75	.20			.01

DECISION NO TX75-4186

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman	$8.10	.40	1%		
Operators	80%JR	.40	1%		
Groundmen (more than 1 year experience)	55%JR	.40	1%		
Groundmen (less than 1 year experience)	50%JR	.40	1%		
Flat bed truck operator	70%JR	.40	1%		
PAINTERS:					
Brush	5.85	.30	.20		.04
Spray	6.50	.30	.20		.04
PLASTERERS	7.00				
PLUMBERS & STEAMFITTERS	7.90		.40		.04
ROOFERS	3.50				
SHEET METAL WORKERS	8.75	.35	.20		.10
SOFT FLOOR LAYERS	5.85	.30	.20		.04
SPRINKLER FITTERS	10.10	.50	.80		.08
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO TX75-4186

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
POWER EQUIPMENT OPERATORS					
GROUP 1	$5.95	.30	.50		.10
GROUP 2	6.85	.30	.50		.10
GROUP 3	7.25	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis

DECISION NO.: TX75-4187 DATE: Date of Publication

Supersedes Decision No. TX75-4101, dated May 23, 1975, in 40 FR 22789.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.43	.35	.45		.08
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.58	.40	.30		.04
CARPENTERS:					
Carpenters	8.41	.38	.40		.04
Millwrights	8.66	.38	.40		.04
CEMENT MASONS	7.59	.30	.20		
ELECTRICIANS & CABLE SPLICERS	9.30		1%		.8%
ELEVATOR CONSTRUCTORS	7.775	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROM.)	50%JR				
GLAZIERS	6.80		.20		.01
IRONWORKERS	8.44	.55	.60		.12
LABORERS:					
GROUP 1 - General laborer and pier hole men	4.905	.275	.20		.02
GROUP 2 - Mason tender; Pipelayer (concrete & clay); Cement finisher tender; scaffold builder; gunnite & cement work mixer & power tool operator	5.055	.275	.20		.02
GROUP 3 - Plaster tender; Hod carrier; Mortar mixers; Lather tender; Water or damp proofers	5.23	.275	.20		.02
GROUP 4 - Gunnite over 1½" thick; Nozzlemen; Machine operator; Powderman & blaster	5.305	.275	.20		.02
LATHERS	9.325				.01
LINE CONSTRUCTION:					
Lineman	8.90	.40	1%		1/2%
Groundmen	4.90	.40	1%		1/2%
Groundmen (1st year)	4.45	.40	1%		1/2%
MARBLE SETTERS	7.15				
MARBLE SETTERS' HELPERS	4.87				

DECISION NO TX75-4187

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr.
PAINTERS:					
Brush; Taping & floating of sheetrock	$6.90				
Paperhangers; Chipper, burner, torch; Skeleton steelwork erected	7.15				
Spray; Steam cleaning, sand blast & other powered equipment	7.40				
Swinging stage, bosun chair, window jack or scaffold (above 2nd floor) - 25¢ per hour above all base rates					
PLASTERERS	9.00	.25	.10		.01
PLUMBERS & STEAMFITTERS	8.90	.30	.30		.05
ROOFERS:					
Roofers	5.23				.01
Kettlemen	5.08				.01
SHEET METAL WORKERS	8.30	3%+.30	.35		.07
SOFT FLOOR LAYERS	8.42	.35	.20		.09
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	7.15				
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
TILE SETTERS	7.15				
TILE SETTERS' HELPERS	4.87				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate

b - Following Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

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DECISION NO TX75-4187

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$7.38		.40		
GROUP 2	6.46		.40		
GROUP 3	5.43		.40		
GROUP 4	5.33		.40		

POWER EQUIPMENT OPERATOR CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor Driven, two drums or more; Mix Mobile; High-Lifts & loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, Power Operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12, Two 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader: Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machine or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Wichita
DECISION NO.: TX75-4188 DATE: Date of Publication
Supersedes Decision No. TX75-4147, dated August 8, 1975, in 40 FR 33646.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.78	.30	.51		.025
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.74		.30		.05
CARPENTERS:					
Carpenters	7.90	.30	.40		.07
Millwrights	8.20	.30	.40		.07
CEMENT MASONS	7.15				
ELECTRICIANS:					
ZONE 1 - Worked performed within a road mile radius from the Local Union 681 business office up to 30 miles:					
Electricians	8.90	.20	1%		1/4%
Cable splicers	9.15	.20	1%		1/4%
ZONE 2 - All worked performed beyond Zone 1:					
Electricians	9.25	.20	1%		1/4%
Cable splicers	9.50	.20	1%		1/4%
ELEVATOR CONSTRUCTORS	8.21	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	4.97				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	7.38	.55	.60		.10
Ironworkers on jobs 30 miles or more from the city of Wichita Falls	7.505	.55	.60		.10
LABORERS:					
GROUP 1 - General laborers	4.275	.275	.20		
GROUP 2 - Pipelayer (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	4.40	.275	.20		
GROUP 3 - Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer	4.525	.275	.20		
GROUP 4 - Gunite over 1½" thick; Nozzleman & machine operator	4.525	.275	.20		
GROUP 5 - Powderman, blaster	4.775	.275	.20		

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DECISION NO. TX75-4188

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$7.65				.01
LINE CONSTRUCTION:					
Lineman; Lineman operator	9.86		1%		1/2%
Cable splicer	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year & over	6.90		1%		1/2%
MARBLE SETTERS	8.61				
PAINTERS:					
Brush	5.00				
Spray	6.50				
PLASTERERS	8.67				.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Within 25 miles of Wichita Falls City limits	7.05	.25	.35		.02
ZONE 2 - Between 25 and 40 miles of Wichita Falls City limits	7.30	.25	.35		.02
ZONE 3 - Between 40 and 70 miles of Wichita Falls City limits	7.45	.25	.35		.02
ZONE 4 - Between 70 and 100 miles of Wichita Falls City limits	7.60	.25	.35		.02
ZONE 5 - Over 100 miles of Wichita Falls City limits	7.75	.25	.35		.02
ROOFERS	5.42				
SHEET METAL WORKERS	8.57				.03
SOFT FLOOR LAYERS	5.50				
TERRAZZO WORKERS	7.50				
TILE SETTERS	6.50				
TRUCK DRIVERS	2.25				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Following Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

XUM

DECISION NO. TX75-4188

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
POWER EQUIPMENT OPERATORS					
GROUP 1	$5.95	.30	.50		.10
GROUP 2	6.85	.30	.50		.10
GROUP 3	7.25	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Wichita

DECISION NO.: TX75-4189 -- DATE: Date of Publication

Supersedes Decision No. TX75-4067, dated May 16, 1975, in 40 FR 21675.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	5.65				
CEMENT MASONS	4.50				
ELECTRICIANS	5.85				
LABORERS:					
Laborers	3.00				
Mason tenders	3.55				
PAINTERS, BRUSH	4.32				
PLUMBERS & PIPEFITTERS	5.53				
ROOFERS	4.00				
SHEET METAL WORKERS	5.30				
SOFT FLOOR LAYERS	5.00				

DECISION NO. TX75-4189

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$3.50				
Asphalt Raker	3.90				
Batching Plant Scaleman	4.30				
Carpenter	4.70				
Carpenter Helper	3.25				
Concrete Finisher (Paving)	4.15				
Concrete Finisher Helper (Paving)	3.40				
Concrete Finisher (Structures)	4.65				
Concrete Finisher Helper(Structures)	3.25				
Form Liner (Paving and Curb)	5.00				
Form Setter (Paving and Curb)	4.90				
Form Setter Helper (Paving & Curb)	3.50				
Form Setter (Structures)	4.80				
Form Setter Helper (Structures)	4.20				
Laborer, Common	2.75				
Laborer, Utility Man	3.00				
Mechanic	4.50				
Mechanic Helper	3.55				
Oiler	3.55				
Serviceman	3.80				
Painter,(Structures)	5.00				
Pipelayer	3.25				
Powderman	4.20				
Reinforcing Steel Setter(Structures)	4.50				
Sign Erector	3.25				
Spreader Box Man	3.75				
Swamper	3.10				
Power Equipment Operators:					
Asphalt Distributor	4.65				
Asphalt Paving Machine	4.65				
Broom or Sweeper Operator	3.00				
Bulldozer, 150 HP and Less	3.95				
Bulldozer, over 150 HP	4.20				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.60				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.80				

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DECISION NO. TX75-4189

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crusher or Screening Plant Op.	$4.15				
Foundation Drill Operator (Truck Mounted)	3.90				
Front End Loader (2½ CY & Less)	3.75				
Front End Loader (Over 2½ CY)	4.30				
Motor Grader Operator, Fine Grade	4.80				
Motor Grader Operator	4.45				
Roller, Steel Wheel (Plant-Mix Pavements)	3.40				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.45				
Roller, Pneumatic (Self-Propelled)	3.25				
Scrapers (17 CY and Less)	3.50				
Scrapers (Over 17 CY)	4.20				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.70				
Tractor (Pneumatic) over 80 HP	3.30				
Traveling Mixer	3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.55				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.40				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.50				
Weighman (Truck Scales)	2.75				
Welder	4.80				

[FR Doc.75-29686 Filed 11-6-75;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF OCTOBER 3, 1975

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(W&S)—Water and Sewer

Signed at Washington, D.C. this 31st day of October 1975.

RAY J. DOLAN,
Assistant Administrator
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AQ-4088 (Hw)(Excluding Airport Construction)
39 FR 10085 - 3/15/74
Mod. #1 - 40 FR 2373 - 1/10/75
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL75-1043 (R)
40 FR 15286 - 4/4/75
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.)

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL75-1061 (B)
40 FR 24462 - 6/6/75
Mod. #1 - 40 FR 29439 - 7/11/75
(D,Hw) - See Statewide

CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL75-1086 (B)
40 FR 44447 - 9/26/75
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL75-1027 (B)
40 FR 8701 - 2/28/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 29439 - 7/11/75
Mod. #3 - 40 FR 40003 - 8/29/75
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL75-1063 (B)
40 FR 26188 - 6/20/75
Mod. #1 - 40 FR 29440 - 7/11/75
Mod. #2 - 40 FR 40003 - 8/29/75
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL75-1069 (B)
40 FR 30389 - 7/18/75
Mod. #1 - 40 FR 36893 - 8/22/75
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
Decision #AL75-1071 (R)
40 FR 30392 - 7/18/75

Decision #AL75-1073 (D)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
(D,Hw) - See Statewide
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ARIZONA

STATEWIDE
Decision #AZ75-5076 (B,H,Hw)
40 FR 28313 - 7/3/75
Mod. #1 - 40 FR 33571 - 8/8/75
Mod. #2 - 40 FR 43417 - 9/19/75
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
((R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ75-5077 (R)
40 FR 28322 - 7/3/75
Mod. #1 - 40 FR 33572 - 8/8/75
Mod. #2 - 40 FR 43417 - 9/19/75
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ75-5078 (R)
40 FR 28328 - 7/3/75
Mod. #1 - 40 FR 33572 - 8/8/75
Mod. #2 - 40 FR 43417 - 9/19/75
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL75-1048 (B)
40 FR 17475 - 4/18/75
Mod. #1 - 40 FR 27403 - 6/27/75
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK75-5099 (B,H,Hw,R)
40 FR 33581 - 8/8/75

ARKANSAS

STATEWIDE
Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
39 FR 40409 - 11/15/74
Decision #AR-4013 (D)
39 FR 27397- 7/26/74
ARKANSAS COUNTY
(D,H,Hw) - See Statewide
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.

CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR75-4084 (B)
40 FR 19321 - 5/2/75
Mod. #1 - 40 FR 25319 - 6/13/75
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR75-4082 (B)
40 FR 17452 - 4/18/75
Mod. #1 - 40 FR 25319 - 6/13/75
Mod. #2 - 40 FR 45951 - 10/3/75
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR75-4083 (B)
40 FR 18271 - 4/25/75
Mod. #1 - 40 FR 25319 - 6/13/75
Mod. #2 - 40 FR 45951 - 10/3/75
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F(- See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR75-4134 (B)
40 FR 31455 - 7/25/75
Mod. #1 - 40 FR 43418 - 9/19/75
Mod. #2 - 40 FR 45951 - 10/3/75
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(D) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR75-4073 (B)
40 FR 15287 - 4/4/75
Mod. #1 - 40 FR 19323 - 5/2/75
Mod. #2 - 40 FR 25319 - 6/13/75
Mod. #3 - 40 FR 45951 - 10/3/75
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA75-5085 (B,H,Hw,D)
40 FR 31457 - 7/25/75
Mod. #1 - 40 FR 40003 - 8/29/75
Mod. #2 - 40 FR 44439 - 9/26/75
Decision #CA75-5086 (R)
40 FR 31474 - 7/25/75
Mod. #1 - 40 FR 40005 - 8/29/75
Mod. #2 - 40 FR 44440 - 9/26/75
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA75-5087 (B,D,H,Hw)
40 FR 31487 - 7/25/75
Mod. #1 - 40 FR 41349 - 9/5/75
Mod. #2 - 40 FR 45952 - 10/3/75
Decision #CA75-5088 (R)
40 FR 31498 - 7/25/75
Mod. #1 - 40 FR 41350 - 9/5/75
Mod. #2 - 40 FR 45952 - 10/3/75
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(D,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA75-5071 (B,H,Hw,D)
40 FR 25337 - 6/13/75
Mod. #1 - 40 FR 29442 - 7/11/75
Mod. #2 - 40 FR 30383 - 7/18/75
Mod. #3 - 40 FR 41349 - 9/5/75

CALIFORNIA (CONT'D)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA75-5072 (R)
40 FR 25343 - 6/13/75
Mod. #1 - 40 FR 29442 - 7/11/75
Mod. #2 - 40 FR 30383 - 7/18/75
Mod. #3 - 40 FR 41349 - 9/5/75
SAN FRANCISCO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,H,Hw,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd.)

YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE
Decision #CO75-5116 (Hw)
40 FR 43449 - 9/19/75
ADAMS COUNTY
Decision #CO75-5115 (B,H)
40 FR 43426 - 9/19/75
(Hw) - See Statewide
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO75-5116 (B,H)
40 FR 43435 - 9/19/75
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO75-5101 (B,H)
40 FR 33595 - 8/8/75
Mod. #1 - 40 FR 43418 - 9/19/75
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO75-5117 (B,H)
40 FR 43442 - 9/19/75
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(H,Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT75-2113 (B,H,Hw,R)
40 FR 45962 - 10/3/75
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
HARTFORD COUNTY
Decision #CT75-2114 (B,H,Hw)
40 FR 45970 - 10/3/75
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
Decision #DE75-3092 (B,H,Hw)
40 FR 36903 - 8/2/75
Mod. #1 - 40 FR 34539 - 8/15/75
Mod. #2 - 40 FR 42483 - 9/12/75
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
(Hw) - See Bay County
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL75-1012 (B)
40 FR 4805 - 1/31/75
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy
Kennedy Space Flight Center &
Patrick AFB only)
Decision #FL75-1087 (B,H,Hw)
40 FR 41364 - 9/5/75
Decision #AR-4068 (D)
39 FR 44915 - 12/27/74
(Remainder of County)
Decision #FL75-1082 (Hw)
40 FR 41360 - 9/5/75
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Decision #FL75-1011 (B,H)
40 FR 3886 - 1/24/75
Mod. #1 - 40 FR 8694 - 2/28/75
Mod. #2 - 40 FR 12952 - 3/21/75
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
(Hw) - See DeSoto County
(D) - See Brevard County
CITRUS COUNTY
Decision #AR-4000 (R)
39 FR 24775 - 7/5/74
Mod. #1 - 40 FR 12003 - 3/14/75
(Hw) - See Bay County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(B) - See Alachua County
DADE COUNTY
Decision #FL75-1090 (B)
40 FR 42491 - 9/12/75
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

DESOTO COUNTY
Decision #AR-4065 (R)
40 FR 43468 - 12/13/74
Decision #FL75-1093 (Hw)
40 FR 41361 - 9/5/75
DIXIE COUNTY
(D) - See Brevard County
(B) - See Alachua County
DUVAL COUNTY
Decision #FL75-1091 (B)
40 FR 42493 - 9/12/75
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL75-1024 (B)
40 FR 7801 - 2/21/75
Mod. #1 - 40 FR 12953 - 3/21/75
Mod. #2 - 40 FR 18275 - 4/25/75
Mod. #3 - 40 FR 25324 - 6/13/75
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
Mod. #1 - 39 FR 12002 - 3/14/75
Decision #FL75-1030 (Hw)
40 FR 10891 - 3/7/75
Mod. #1 - 40 FR 14196 - 3/28/75
(D) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
Mod. #2 - 40 FR 12003 - 3/14/75
(Hw) - See Bay County
GILCHRIST COUNTY
(B) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Alachua County
HAMILTON COUNTY
(B) - See Alachua County
HARDEE COUNTY
(Hw, R) - See DeSoto County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(Hw, R) - See Citrus County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See Citrus County
(Hw) - See De Soto County
HILLSBOROUGH COUNTY
Decision #FL75-1075 (B)
40 FR 34556 - 8/15/75
(Hw) - See Brevard County
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D,Hw) - See Bay County
(R) - See Gadsden County
LAFAYETTE COUNTY
(B,H) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 20332 - 7/3/75
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(B) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25342 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
Mod. #2 - 40 FR 12002 - 3/14/75
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #FL75-1009 (B)
40 FR 3002 - 1/24/75
Mod. #1 - 40 FR 12952 - 3/21/75
Mod. #2 - 40 FR 25324 - 6/13/75
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL75-1034 (B)
40 FR 12970 - 3/21/75
Mod. #1 - 40 FR 16477 - 4/11/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Hillsborough County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw, R) - See Citrus County
SUWANNEE COUNTY
(B) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(B) - See Alachua County
UNION COUNTY
(B) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #FL75-1040 (B)
40 FR 14223 - 3/28/75
Mod. #1 - 40 FR 25324 - 6/13/75
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide

GEORGIA

BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4085 (R)
39 FR 9333 - 3/8/74
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/75
Mod. #1 - 40 FR 3088 - 1/17/75
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHATHAM COUNTY
Decision #AR-4064 (B)
39 FR 42817 - 12/6/74
Mod. #1 - 40 FR 16478 - 4/11/75
Mod. #2 - 40 FR 25325 - 6/13/75
Mod. #3 - 40 FR 32552 - 8/1/75
Mod. #4 - 40 FR 34539 - 8/15/75
(R) - See Bryan County
(D,R) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24655 - 6/6/75
Decision #AQ-4086 (R)
39 FR 9334 - 3/8/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA75-1092 (B)
40 FR 42495 - 9/12/75
Decision #AQ-4052 (R)
39 FR 2328 - 1/18/74
Mod. #1 - 40 FR 3061 - 1/24/75
Decision #AR-4051 (H)
39 FR 38797 - 11/1/74
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,H,R) - See Fulton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
(Hw) - See Statewide
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barron County
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County
LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide

GEORGIA (Cont'd.)

LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
MCINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide
PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(R) - See Charlton County
(Hw) - See Statewide

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GEORGIA (Cont'd.)

PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA75-1005 (B)
40 FR 3091 - 1/17/75
Mod. #1 - 40 FR 6300 - 2/14/75
Mod. #2 - 40 FR 19328 - 5/2/75
Mod. #3 - 40 FR 28305 - 7/3/75
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(R) - See Burke County
(Hw) - See Statewide
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide
TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1008 (B)
40 FR 3093 - 1/17/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI75-5098 (B,H,Hw,D,R)
40 FR 32555 - 8/1/75
Mod. #1 - 40 FR 44440 - 9/26/75

IDAHO

STATEWIDE
Decision #ID75-5120 (B,H,Hw)
40 FR 45978 - 10/3/75
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CANAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL75-2055 (B)
40 FR 15265 - 4/4/75
Mod. #1 - 40 FR 29444 - 7/11/75
Decision #IL75-2082 (H,Hw)
40 FR 26190 - 6/20/75
ALEXANDER COUNTY
Decision #IL75-2084 (H,Hw)
40 FR 27419 - 6/27/75
Mod. #1 - 40 FR 29445 - 7/11/75
Decision #IL75-2036 (D)
40 FR 5023 - 2/7/75
BOND COUNTY
Decision #IL75-2100 (H,Hw)
40 FR 32562 - 8/1/75
Mod. #1 - 40 FR 34539 - 8/15/75
Mod. #2 - 40 FR 36894 - 8/22/75

ILLINOIS (Cont'd.)

BOONE COUNTY
Decision #IL75-2044 (B)
40 FR 10893 - 3/7/75
Mod. #1 - 40 FR 31436 - 7/25/75
Decision #IL75-2078 (H,Hw)
40 FR 23637 - 5/30/75
Mod. #1 - 40 FR 26182 - 6/20/75
Mod. #2 - 40 FR 29444 - 7/11/75
Mod. #3 - 40 FR 31437 - 7/25/75
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL75-2035 (B)
40 FR 5961 - 2/7/75
Mod. #1 - 40 FR 8694 - 2/21/75
Mod. #2 - 40 FR 12004 - 3/14/75
Mod. #3 - 40 FR 19325 - 5/2/75
Mod. #4 - 40 FR 29443 - 7/11/75
Mod. #5 - 40 FR 30384 - 7/18/75
Mod. #6 - 40 FR 31435 - 7/25/75
Decision #IL75-2079 (H,Hw)
40 FR 25382 - 6/13/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 29445 - 7/11/75
Mod. #3 - 40 FR 31437 - 7/25/75
Mod. #4 - 40 FR 43419 - 9/19/75
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL75-2105 (B)
40 FR 36907 - 8/22/75
Decision #IL75-2081 (H,Hw)
40 FR 25395 - 6/13/75
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL75-2041 (B)
40 FR 7769 - 2/21/75
Mod. #1 -29444 - 7/11/75
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL75-2083 (H,Hw)
40 FR 26194 - 6/20/75
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL75-2092 (B,H,Hw,R)
40 FR 28343 - 7/3/75
Mod. #1 - 40 FR 31438 - 7/25/75
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75
Decision #IL75-2015 (H,Hw)
40 FR 6927 - 2/14/75

ILLINOIS

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL75-2050 (B,R)
40 FR 12029 - 3/7/75
Mod. #1 - 40 FR 18276 - 4/25/75
Mod. #2 - 40 FR 19325 - 5/2/75
Mod. #3 - 40 FR 29444 - 7/11/75
Mod. #4 - 40 FR 31436 - 7/25/75
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL75-2052 (D)
40 FR 15261 - 4/4/75
Mod. #1 - 40 FR 19325 - 5/2/75
Mod. #2 - 40 FR 29443 - 7/11/75
Mod. #3 - 40 FR 30385 - 7/18/75
Mod. #4 - 40 FR 31436 - 7/25/75
Decision #IL75-2086 (H,Hw)
40 FR 20333 - 7/3/75
Mod. #1 - 40 FR 30385 - 7/18/75
Mod. #2 - 40 FR 31437 - 7/25/75
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL75-2060 (H,Hw)
40 FR 25389 - 6/13/75
Mod. #1 - 40 FR 27404 - 6/27/75
Mod. #2 - 40 FR 29445 - 7/11/75
Mod. #3 - 40 FR 30385 - 7/18/75
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County

ILLINOIS (Cont'd)

HENRY COUNTY
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(B,H,Hw) - See Ford County
JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
Mc LEAN COUNTY
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL75-2099 (B,R)
40 FR 32559 - 8/1/75
(H,Hw) - See Bond County

ILLINOIS (Cont'd.)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(D) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(D) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL75-2106 (B,R,D)
40 FR 40010 - 8/29/75
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL75-2051 (B)
40 FR 12976 - 3/21/75
Mod. #1 - 40 FR 29443 - 7/11/75
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL75-2107 (B,R)
40 FR 40014 - 8/29/75
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(D) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(D,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(D) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL75-2043 (B)
40 FR 8736 - 2/28/75
Mod. #1 - 40 FR 10276 - 4/25/75
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

ADAMS COUNTY
Decision #IN75-2093 (H,Hw)
40 FR 29491 - 7/11/75
Mod. #1 - 40 FR 33575 - 8/8/75
Mod. #2 - 40 FR 45953 - 10/3/75
ALLEN COUNTY
Decision #IN75-2088 (B)
40 FR 27422 - 6/27/75
Mod. #1 - 40 FR 33573 - 8/8/75
Mod. #2 - 40 FR 44441 - 9/26/75
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Adams County
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Adams County
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Adams County
BLACKFORD COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
Decision #AP-668 (R)
38 FR 13247 - 5/18/73
(H,Hw) - See Adams County
BROWN COUNTY
(H,Hw) - See Adams County
CARROLL COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(H,Hw) - See Adams County
CLARK COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
CLINTON COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
(H,Hw) - See Adams County
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Adams County
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Adams County

INDIANA

ADAMS COUNTY
Decision #IN75-2093 (H,Hw)
40 FR 29491 - 7/11/75
Mod. #1 - 40 FR 33575 - 8/8/75
ALLEN COUNTY
Decision #IN75-2088 (B)
40 FR 27422 - 6/27/75
Mod. #1 - 40 FR 33573 - 8/8/75
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Adams County
BARTHOLOMEW COUNTY
(H,Hw) - See Adams County
(B) - See Allen County
BENTON COUNTY
(D) - See Allen County
(H,Hw) - See Adams County
BLACKFORD COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
Decision #AP-668 (R)
38 FR 13247 - 5/18/73
(H,Hw) - See Adams County
BROWN COUNTY
(H,Hw) - See Adams County
CARROLL COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(H,Hw) - See Adams County
CLARK COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
CLINTON COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
(H,Hw) - See Adams County
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Adams County
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Adams County

INDIANA (cont'd)

DECATUR COUNTY
(H,Hw) - See Adams County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Adams County
DUBOIS COUNTY
(H,Hw) - See Adams County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Adams County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Adams County
FOUNTAIN COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FULTON COUNTY
(H,Hw) - See Adams County
GIBSON COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(D) - See Allen County
(H,Hw) - See Adams County
GREENE COUNTY
(H,Hw) - See Adams County
HAMILTON COUNTY
(H,Hw) - See Adams County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Adams County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Adams County
HENDRICKS COUNTY
(H,Hw) - See Adams County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(H,Hw) - See Adams County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Adams County
JASPER COUNTY
(H,Hw) - See Adams County
JAY COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd)

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Adams County
JENNINGS COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Adams County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County
LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #IN75-2089 (B,H,Hw)
40 FR 20346 - 7/3/75
Mod. #1 - 40 FR 33574 - 8/8/75
Mod. #2 - 40 FR 44442 - 9/26/75
Decision #AQ-3095 (U)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MARION COUNTY
(B) - See Allen County
(R) - See Boone County
(H,Hw) - See Adams County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Adams County
MIAMI COUNTY
(H,Hw) - See Adams County
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Adams County
MONTGOMERY COUNTY
(H,Hw) - See Adams County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Adams County
NEWTON COUNTY
(H,Hw) - See Adams County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Adams County
ORANGE COUNTY
(H,Hw) - See Adams County
OWEN COUNTY
(H,Hw) - See Adams County
PARKE COUNTY
(H,Hw) - See Adams County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Adams County
PIKE COUNTY
(H,Hw) - See Adams County
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Adams County
PULASKI COUNTY
(H,Hw) - See Adams County
PUTNAM COUNTY
(H,Hw) - See Adams County
RANDOLPH COUNTY
(H,Hw) - See Adams County
RIPLEY COUNTY
(H,Hw) - See Adams County
RUSH COUNTY
(H,Hw) - See Adams County
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Adams County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Adams County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Adams County
STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Adams County
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Adams County

INDIANA (Cont'd)

TIPPECANOE COUNTY
(H,Hw) - See Adams County
(D) - See Allen County
TIPTON COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VANDERBURGH COUNTY
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Adams County
VERMILLION COUNTY
(H,Hw) - See Adams County
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Adams County
WABASH COUNTY
(H,Hw) - See Adams County
WARREN COUNTY
(H,Hw) - See Adams County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Adams County
WAYNE COUNTY
(H,Hw) - See Adams County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Adams County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #AR-73 (Hw)
39 FR 38797 - 11/1/74
Mod. #1 - 40 FR 4786 - 1/31/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
BLACK HAWK COUNTY
Decision #IA75-4120 (B,H,Hw)(City of Waterloo & abutting Municipalities
40 FR 32567 - 8/1/75
Mod. #1 - 40 FR 34540 - 8/15/75
Mod. #2 - 40 FR 36895 - 8/22/75
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #NH-6712 (H,Hw)
37 FR 7429 - 4/14/72
Mod. #1 - 39 FR 40404 - 11/15/74
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #IA75-4121 (B,H,Hw)
40 FR 32570 - 8/1/75
Mod. #1 - 40 FR 34540 - 8/15/75
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA75-4122 (B,H,Hw)
40 FR 32573 - 8/1/75
Mod. #1 - 40 FR 34540 - 8/15/75
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #IA75-4123 (B,H,Hw)
40 FR 32576 - 8/1/75
Mod. #1 - 40 FR 34540 - 8/15/75
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA75-4124 (B,H,Hw)
40 FR 32579 - 8/1/75
Mod. #1 - 40 FR 34541 - 8/15/75
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
(H,Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA75-4152 (B,H,Hw)
40 FR 36913 - 8/22/75
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA75-4126 (B,H,Hw)
40 FR 33625 - 8/8/75

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IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Fremont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(H,Hw) - See Carroll County
(Channel Stab.) - See Fremont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA75-4153 (B,H,Hw)
40 FR 36916 - 8/22/75
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Fremont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA75-4129 (B,H,Hw)
40 FR 36910 - 8/22/75
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA75-4130 (B,H,Hw)
40 FR 33631 - 8/8/75
Mod. #1 - 40 FR 36895 - 8/22/75
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(Hw) - See Appanoose County
WAPELLO COUNTY
(Hw) - See Appanoose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA75-4131 (B,H,Hw)
40 FR 33634 - 8/8/75
Mod. #1 - 40 FR 36895 - 8/22/75
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA75-4132 (D)
40 FR 33637 - 8/8/75
Mod. #1 - 40 FR 36895 - 8/22/75
(Chann. Stab.) - See Fremont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #KS75-4051 (Hw,W&S)
40 FR 6056 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4053 (Hw, W&S)
40 FR 6058 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS75-4063 (Hw)
40 FR 12041 - 3/14/75
Mod. #1 - 40 FR 19326 - 5/2/75
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

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XUM

KANSAS (Cont'd.)

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #MO75-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Decision #MO75-4145 (R)
40 FR 32617 - 8/1/75
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS75-4061 (B)
40 FR 12034 - 3/14/75
Mod. #1 - 40 FR 15271 - 4/4/75
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Statewide
REPUBLIC COUNTY
)C. (Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS75-4149 (B)
40 FR 36919 - 8/22/75
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS75-4150 (B)
40 FR 36922 - 8/22/75
Decision #KS75-4151 (R)
40 FR 36925 - 8/22/75
(Hw) - See Douglas County

KANSAS (Cont'd.

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADIAR COUNTY
Decision #AR-4054 (H,Hw)
39 FR 39697 - 11/8/74
Mod. #1 - 39 FR 44907 - 12/27/74
Mod. #2 - 40 FR 3085 - 1/17/75
Mod. #3 - 40 FR 22734 - 5/3/75
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43459 - 9/19/75
BALLARD COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AQ-4066 (R)
39 FR 4305 - 2/1/74
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY75-1096 (H,Hw)
40 FR 44457 - 9/26/75
Decision #AR-4034 (B)
39 FR 33158 - 9/13/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 25325 - 6/13/75
Decision #IL75-2036 (D)
40 FR 6923 - 2/7/75
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY75-1100 (B)
40 FR 44454 - 9/26/75
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #AR-4018 (B)
39 FR 28836 - 8/9/74
Mod. #1 - 39 FR 32442 - 9/6/74
Mod. #2 - 39 FR 40406 - 11/15/74
Mod. #3 - 40 FR 10875 - 3/7/75
Mod. #4 - 40 FR 31438 - 7/25/75
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 38803 - 11/1/74
Mod. #3 - 40 FR 10879 - 3/7/75
Mod. #4 - 40 FR 34541 - 8/15/75
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 31439 - 7/25/75
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY75-1064 (B)
40 FR 26198 - 6/20/75
Mod. #1 - 40 FR 31439 - 7/25/75
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

XUM

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY75-1065 (B)
40 FR 26201 - 6/20/75
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
Mod. #2 - 40 FR 31438 - 7/25/75
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #LA75-4141 (B,Hw,R)
40 FR 32585 - 8/1/75
Mod. #1 - 40 FR 34541 - 8/15/75
Mod. #2 - 40 FR 36895 - 8/22/75
Mod. #3 - 40 FR 43419 - 9/19/75
ACADIA PARISH
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON COUNTY
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AO-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

MAX

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(D,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,D,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #AR-2091 (B)
39 FR 41651 - 11/29/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AR-2084 (H,Hw)
39 FR 41125 - 11/22/74
ANNE ARUNDEL COUNTY
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
Decision #AR-2086 (B,H)
39 FR 41127 - 11/22/74
Mod. #1 - 40 FR 928 - 1/3/75
Mod. #2 - 40 FR 14204 - 3/28/75
Mod. #3 - 40 FR 17460 - 4/18/75
Decision #AR-2085 (Hw)
39 FR 41100 - 11/22/74
Mod. #1 - 40 FR 42483 - 9/12/75
BALTIMORE CITY
Decision #MD75-3065 (Hw)
40 FR 30413 - 7/18/75
Decision #MD75-3064 (B,H)
40 FR 27431 - 6/27/75
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
BALTIMORE COUNTY
Decision #AR-2052 (Hw)
39 FR 34904 - 9/27/74
Mod. #1 - 40 FR 27405 - 6/27/75
(B,H,R) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD75-3052 (Hw)
40 FR 20555 - 5/9/75
(Hw) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
(R) - See Baltimore County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H,R) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore County
(Hw) - See Anne Arundel City
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD75-3100 (B)
40 FR 44477 - 9/26/75
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(D) - See Montgomery County
(U,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore County
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA75-2069 (B,H,Hw, & Marine)
40 FR 20557 - 5/9/75
Mod. #1 - 40 FR 27407 - 6/27/75
Mod. #2 - 40 FR 34542 - 8/15/75
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
BERKSHIRE COUNTY
Decision #MA75-2070 (B,H,Hw)
40 FR 20581 - 5/9/75
Mod. #1 - 40 FR 27408 - 6/27/75
Mod. #2 - 40 FR 34542 - 8/15/75
BRISTOL COUNTY
Decision #MA75-2071 (B,H,Hw,R, & Marine)
40 FR 19335 - 5/2/75
Mod. #1 - 40 FR 27409 - 6/27/75
Mod. #2 - 40 FR 34542 - 8/15/75
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2072 (B,H,Hw, & Marine)
40 FR 18305 - 4/25/75
Mod. #1 - 40 FR 27410 - 6/27/75
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2110 (B,H,Hw)
40 FR 42499 - 9/12/75
HAMPDEN COUNTY
Decision #MA75-2053 (B,H,Hw)
40 FR 12051 - 3/14/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 28307 - 7/3/75
Mod. #3 - 40 FR 34543 - 8/15/75
Decision #MA75-2054 (R)
40 FR 15297 - 4/4/75
HAMPSHIRE COUNTY
Decision #MA75-2008 (B,H,Hw)
40 FR 3121 - 1/17/75
Mod. #1 - 40 FR 7778 - 2/21/75
Mod. #2 - 40 FR 19327 - 5/2/75
Mod. #3 - 40 FR 28305 - 7/3/75
Mod. #4 - 40 FR 36896 - 8/22/75
MIDDLESEX COUNTY
Decision #MA75-2073 (B,H,Hw,R, & Marine)
40 FR 19340 - 5/2/75
Mod. #1 - 40 FR 27412 - 6/27/75
Mod. #2 - 40 FR 36896 - 8/22/75
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS

NORFOLK COUNTY
Decision #MA75-2074 (B,H,Hw,R)
40 FR 20586 - 5/9/75
Mod. #1 - 40 FR 27413 - 6/27/75
Mod. #2 - 40 FR 36896 - 8/22/75
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA75-2075 (B,H,Hw,R)
40 FR 20590 - 5/9/75
Mod. #1 - 40 FR 27413 - 6/27/75
Mod. #2 - 40 FR 36896 - 8/22/75
SUFFOLK COUNTY
Decision #MA75-2076 (B,H,Hw,D,R)
& Marine)
40 FR 20595 - 5/9/75
Mod. #1 - 40 FR 23630 - 5/30/75
Mod. #2 - 40 FR 27414 - 6/27/75
Mod. #3 - 40 FR 36897 - 8/22/75
WORCESTER COUNTY
Decision #MA75-2077 (B,H,Hw,R)
40 FR 21660 - 5/16/75
Mod. #1 - 40 FR 27415 - 6/27/75
Mod. #2 - 40 FR 36897 - 8/22/75

MICHIGAN

STATEWIDE
Decision #MI75-2098 (Hw, W&S)
40 FR 30415 - 7/18/75
ALCONA COUNTY
Decision #MI75-2103 (B,H)
40 FR 36928 - 8/22/75
Decision #IL75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI75-2104 (B,H)
40 FR 36932 - 8/22/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI75-2108 (B,H)
40 FR 40016 - 8/29/75
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI75-2061 (B,H)
40 FR 17511 - 4/18/75
Mod. #1 - 40 FR 19328 - 5/2/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(Hw, W&S) - See Statewide
(B,H) - See Allegan County
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

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MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-0041 (R)
36 FR 24027 - 12/17/71
(Hw, W&S) - See Statewide
(B,H) - See Allegan County
EMMET COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI75-2062 (R)
40 FR 17515 - 4/18/75
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
INGHAM COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Eaton County

MICHIGAN (Cont'd.

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25858 - 7/12/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 34920 - 9/27/74
Mod. #3 - 40 FR 3862 - 1/24/75
Decision #AM-402 (R)
36 FR 15895 - 8/10/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(Hw, W&S) - See Statewide

LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI75-2102 (B,H,R)
40 FR 33639 - 8/8/75

(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY

(B,H) - See Alcona County
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN75-2068 (H,Hw)
40 FR 19349 - 5/2/75
Mod. #1 - 40 FR 34547 - 8/15/75
ANOKA COUNTY
Decision #AR-3166 (B,R)
39 FR 39705 - 11/8/74
Mod. #1 - 40 FR 12007 - 3/14/75
Mod. #2 - 40 FR 17461 - 4/18/75
Mod. #3 - 40 FR 22734 - 5/23/75
Mod. #4 - 40 FR 34543 - 8/15/75
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(H,Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3134 (H,Hw)
39 FR 935 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big STone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltrami County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County

MINNESOTA (Cont'd.)

LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County
MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN75-2058 (B,R)
40 FR 17454 - 4/18/75
Mod. #1 - 40 FR 34546 - 8/15/75
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltramf County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN75-2042 (B,R)
40 FR 7837 - 2/21/75
Mod. #1 - 40 FR 12007 - 3/14/75
Mod. #2 - 40 FR 18278 - 4/25/75
Mod. #3 - 40 FR 34544 - 8/15/75
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN75-2059 (B,R)
40 FR 16472 - 4/11/75
Mod. #1 - 40 FR 18279 - 4/25/75
Mod. #2 - 40 FR 34551 - 8/15/75
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Decision #MS75-1067 (Hw, W&S)
40 FR 28354 - 7/3/75
Mod. #1 - 40 FR 31439 - 7/25/75
Mod. #2 - 40 FR 33577 - 8/8/75
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,F,Hw, W&S) - See Statewide
AMITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw,W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(D,F,Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,F,Hw, W&S) - See Statewide
CLARKE COUNTY
(D,F,Hw, W&S) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #AR-4024 (R)
39 FR 31771 - 8/30/74
Mod. #1 - 40 FR 3086 - 1/17/75
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision AO-4120 (R)
39 FR 20302 - 6/7/74
(D,F,Hw, W&S) - See Statewide

MISSISSIPPI (Cont'd.)

COVINGTON COUNTY
(D,Hw, F, W&S) - See Statewide
DE SOTO COUNTY
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #MS75-1099 (B,H,Hw, W&S)
40 FR 44459 - 9/26/75

(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
(D,F) - See Statewide

MISSISSIPPI (Cont'd.)

HINDS COUNTY
Decision #AR-4030 (B)
39 FR 32454 - 9/6/74
Mod. #1 - 39 FR 38806 - 11/1/74
Mod. #2 - 39 FR 41658 - 11/29/74
Mod. #3 - 40 FR 16479 - 4/11/75
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
JASPER COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide

MISSISSIPPI (cont'd)

LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S)- See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide

MISSISSIPPI (Cont'd)

NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSISSIPPI (Cont'd)

SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide

MISSISSIPPI (Cont'd.)

WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1044 (B)
40 FR 16530 - 4/11/75
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #AQ-4072 (B)
39 FR 5933 - 2/15/74
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WAYNE COUNTY
(D,F,Hw, W&S) - See Statewide
WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D,F,Hw, W&S) - See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #MO75-4146 (H,Hw)
40 FR 32662 - 8/1/75
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd.)

CASS COUNTY
Decision #MO75-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Decision #MO75-4145 (R)
40 FR 32617 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #MO75-4143 (B)
40 FR 32608 - 8/1/75
Decision #MO75-4142 (R)
40 FR 32605 - 8/1/75
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT75-5094 (B)
40 FR 31533 - 7/25/75
Decision #MT75-5093 (H,Hw)
40 FR 31522 - 7/25/75
Mod. #1 - 40 FR 34554 - 8/15/75
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT75-5091 (R)
40 FR 31503 - 7/25/75
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
Decision #MT75-5092 (R)
40 FR 31514 - 7/25/75
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County

MONTANA (Cont'd.)

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deer Lodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Deer Lodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(D,H,Hw) - See Statewide

XUM

NEBRASKA

ADAMS COUNTY
Decision #AR-92 (H,Hw)
39 FR 44917 - 12/27/74
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 26218 - 6/20/75
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE75-4112 (H,Hw)
40 FR 25400 - 6/13/75
Mod. #1 - 40 FR 27416 - 6/27/75
Mod. #2 - 40 FR 32553 - 8/1/75
CEDAR COUNTY
Decision #AQ-93 (B)
39 FR 15653 - 5/3/74
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE75-4111 (B,R)
40 FR 25399 - 6/13/75
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

HALL COUNTY
Decision #NE75-4155 (B)
40 FR 41366 - 9/5/75
(H,Hw) - See Adams County
HAMILTON COUNTY
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE75-4085 (B)
40 FR 20599 - 5/9/75
Decision #NE75-4157 (R)
40 FR 42502 - 9/12/75
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See AdamsCCounty
NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Neemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
((H,Hw)-SSeeAAdamsoCounty

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV75-5095 (B,H,Hw)
40 FR 32635 - 8/1/75
Mod. #1 - 40 FR 43419 - 9/19/75
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV75-5096 (R)(Excluding the Nevada Test Site)
40 FR 32646 - 8/1/75
Mod. #1 - 40 FR 43420 - 9/19/75
(B,H,Hw) - See Statewide
Decision #NV75-5057 (B,H,Hw) (Nevada Test Site including the Tonopah Test Range
40 FR 20602 - 5/9/75
Mod. #1 - 40 FR 25326 - 6/13/75
Mod. #2 - 40 FR 43419 - 9/19/75
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV75-5097 (K)
40 FR 32650 - 8/1/75
Mod. #1 - 40 FR 43420 - 9/19/75
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH75-2096 (B,H,Hw,R)
40 FR 30419 - 7/18/75
Mod. #1 - 40 FR 36897 - 8/22/75
MERRIMACK COUNTY
Decision #NH75-2097 (B,H,Hw, & Marine)
40 FR 30422 - 7/18/75
MMod.##1-44OFFRf36898 - 8/22/75
ROCKINGHAM COUNTY
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
Decision #NH75-209B (B,H,Hw,R, & Marine)
40 FR 30426 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
STRAFFORD COUNTY
Decision #NH75-2099 (B,H,Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36899 - 8/22/75
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ75-3049 (B,H,Hw)
40 FR 26219 - 6/20/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 40 FR 44443 - 9/26/75
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
BERGEN COUNTY
Decision #NJ75-3098 (R)
40 FR 44433 - 9/26/75
Decision #NJ75-3050 (B,H,Hw)
40 FR 29501 - 7/11/75
Mod. #1 - 40 FR 40007 - 8/29/75
Mod. #2 - 40 FR 44444 - 9/26/75
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw,R) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,H,Hw) -See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43415 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County

NEW MEXICO

STATEWIDE
Decision #NM75-4137 (Streets, Highways, Utilities and Light Engineering Construction)
40 FR 32656 - 8/1/75
Decision #NM75-4136 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction.
40 FR 32656 - 8/1/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 40 FR 45955 - 10/3/75
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide
MORA COUNTY
(B,H,Hw) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(D,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY75-3031 (B,H,Hw)
40 FR 16545 - 4/11/75
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AR-2101 (B,H,Hw)
39 FR 44925 - 12/27/74
Mod. #1 - 40 FR 5984 - 2/7/75
Mod. #2 - 40 FR 7799 - 2/21/75
Mod. #3 - 40 FR 33570 - 8/8/75
Decision #NY75-3016 (R)
40 FR 7852 - 2/21/75
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
BROOME COUNTY
Decision #NY75-3032 (B,H,Hw)
40 FR 16549 - 4/11/75
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #NY75-3033 (D)
40 FR 16554 - 4/11/75
CHAUTAUGUA COUNTY
Decision #AR-2014 (B,H,Hw)
39 FR 28735 - 8/9/74
Mod. #1 - 40 FR 3863 - 1/24/75
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY75-3034 (B,H,Hw)
40 FR 16559 - 4/11/75
(D) - See Bronx County
ERIE COUNTY
Decision #NY75-3035 (B,H,Hw)
40 FR 16565 - 4/11/75
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY75-3036 (B,H,Hw)
40 FR 16571 - 4/11/75
Mod. #1-40 FR 24455 - 6/6/75
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY75-3063 (B, H,Hw)
40 FR 26233 - 6/20/75
Mod. #1 - 40 FR 27416 - 6/27/75
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY75-3038 (B,H,Hw)
40 FR 16581 - 4/11/75
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY75-3039 (B,H,Hw)
40 FR 16586 - 4/11/75
(D) - See Cayuga County
ONIEDA COUNTY
Decision #NY75-3040 (B,H,Hw)
40 FR 16589 - 4/11/75
Mod. #1 - 40 FR 24456 - 6/6/75
ONONDAGA COUNTY
Decision #NY75-3041 (B,H,Hw)
40 FR 16595 - 4/11/75
Mod. #1 - 40 FR 24457 - 6/6/75
Mod. #2 - 40 FR 45955 - 10/3/75
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY75-3042 (B,H,Hw)
40 FR 16599 - 4/11/75
Mod. #1 - 40 FR 25327 - 6/13/75
Mod. #2 - 40 FR 45955 - 10/3/75
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
Decision #NY75-3043 (B,H,Hw)
40 FR 16606 - 4/11/75
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #AR-2097 (B,H,Hw)
39 FR 44919 - 12/27/74
SCHENECTADY COUNTY
Decision #NY75-3044 (B,H,Hw)
40 FR 16610 - 4/11/75
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY75-3046 (B,H,Hw)
40 FR 16619 - 4/11/75
SUFFOLK COUNTY
Decision #NY75-3045 (B,H,Hw)
40 FR 16614 - 4/11/75
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

XUM

NEW YORK (cont'd)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY75-3047 (B,H,Hw)
40 FR 16624 - 4/11/75
Mod. #1 - 40 FR 45955 - 10/3/75
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY75-3048 (B,H,Hw)
40 FR 16631 - 4/11/75
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (H,Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #MU75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #AQ-4079 (R)
39 FR 7010 - 2/22/74
Mod. #1 - 40 FR 3087 - 1/17/75
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
Mod. #1 - 39 FR 43465 - 12/13/74
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Decision #AR-4044 (R)
39 FR 36882 - 10/11/74
Mod. #1 - 40 FR 3087 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd.)

HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

MITCHELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Avery County
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
(R) - See Brunswick County
(D) - See BeaufortCounty
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
Decision #AR-4048 (B)
39 FR 38078 - 10/25/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County-
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC75-1097 (B)
40 FR 43462 - 9/19/75
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (B)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #AR-4063 (B)
39 FR 42803 - 12/6/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5984 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
Decision #ND75-5110 (B)
40 FR 40025 - 8/29/75
40 FR 22776 - 5/23/75
Mod. #1 - 40 FR 26184 - 6/20/75
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

XUM

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH75-2056 (H,Hw)
40 FR 1530 - 4/4/75
Mod. #1 - 40 FR 18282 - 4/25/75
Mod. #2 - 40 FR 25328 - 6/13/75
ADAMS COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH75-2034 (B)
40 FR 5967 - 2/7/75
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide
ASHTABULA COUNTY
Decision #AR-3169 (B,R)
39 FR 40401 - 11/15/74
Mod. #1 - 40 FR 14214 - 3/28/75
Decision #IL75-5075 (D)
40 FR 27418 - 6/27/75
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AR-3033 (B)
39 FR 30774 - 8/23/74
Mod. #1 - 40 FR 16492 - 4/11/75
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-3034 (B)
39 FR 30776 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd)

CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #AR-3172 (B)
39 FR 41102 - 11/22/74
Mod. #1-40 FR 15276 - 4/4/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #AR-3036 (B)
39 FR 30780 - 8/23/74
Mod. #1 - 40 FR 37330 - 10/18/74
Mod. # 2- 40 FR 15274 - 4/4/75
Mod. #3 - 40 FR 33578 - 8/8/75
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75
Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #AR-3173 (B)
39 FR 41105 - 11/22/74
Mod. #1 - 40 FR 15276 - 4/4/75
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
Mod. #1-40 FR 16492 - 4/11/75
Mod. #2 - 40 FR 27416 - 6/27/75
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #AR-3040 (B,R)
39 FR 30663 - 8/23/74
Mod. #1 - 40 FR 16493 - 4/11/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH75-2060 (B)
40 FR 17529 - 4/18/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide

OHIO (Cont'd.)

MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74
Mod. #1 - 40 FR 7799 - 2/21/75
Mod. #2 - 40 FR 16493 - 4/11/75
Mod. #3 - 40 FR 27416 - 6/27/75
Mod. #4 - 40 FR 29448 - 7/11/75
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
Mod. #1 - 40 FR 17462 - 4/18/75
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #AR-3176 (B)
39 FR 43451 - 12/13/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5985 - 2/7/75
Mod. #3 - 40 FR 17464 - 4/18/75
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 33578 - 8/8/75
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
Mod. #2 - 40 FR 17463 - 4/18/75
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 44445 - 9/26/75
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #AQ-124 (Constr., alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
39 FR 24194 - 6/28/74
ADAIR COUNTY
(B) - See Muscogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK75-4016 (R)
40 FR 3151 - 1/17/75
CADDO COUNTY
(B) - See CAnadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK75-4080 (B)
40 FR 17531 - 4/18/75
Mod. #1 - 40 FR 22736 - 5/23/75
Mod. #2 - 40 FR 26185 - 6/20/75
Mod. #3 - 40 FR 30387 - 7/18/75
Mod. #4 - 40 FR 31440 - 7/25/75
Mod. #5 - 40 FR 41352 - 9/5/75
Mod. #6 - 40 FR 45956 - 10/3/75
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Adair County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK75-4017 (R)
40 FR 3152 - 1/17/75
Decision #OK75-4116 (B)
40 FR 27434 - 6/27/75
Mod. #1 - 40 FR 34554 - 8/15/75
Mod. #2 - 40 FR 42484 - 9/12/75
Mod. #3 - 40 FR 45956 - 10/3/75
COTTON COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK75-4133 (B)
40 FR 31558 - 7/25/75
Mod. #1 - 40 FR 41353 - 9/5/75
Mod. #2 - 40 FR 45956 - 10/3/75
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide

XUM

OKLAHOMA (cont'd)

McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK75-4148 (B)
40 FR 34567 - 8/15/75
Mod. #1 - 40 FR 42486 - 9/12/75
Mod. #2 - 40 FR 45957 - 10/3/75
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK75-4156 (B,H,Hw)
40 FR 41369 - 9/5/75
Mod. #1 - 40 FR 45957 - 10/3/75
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKEUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK75-4138 (B)
40 FR 32668 - 8/1/75
Mod. #1 - 40 FR 34585 - 8/15/75
Mod. #2 - 40 FR 42485 - 9/12/75
Mod. #3 - 40 FR 45956 - 10/3/75
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd)

ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK75-4140 (B)
40 FR 32672 - 8/1/75
Mod. #1 - 40 FR 41354 - 9/5/75
Mod. #2 - 40 FR 45956 - 10/3/75
(H,Hw) - See Statewide
Decision #OK75-4015 (R)
40 FR 3150 - 1/17/75
WAGONER COUNTY
Decision #OK75-4158 (B)
40 FR 42503 - 9/12/75
Mod. #1 - 40 FR 45957 - 10/3/75
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR75-5111 (B,H,Hw,D)
40 FR 41371 - 9/5/75
Mod. #1 - 40 FR 44446 - 9/26/75
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA75-3067 (H,Hw)
40 FR 29519 - 7/11/75
Decision #AR-2099 (B)
39 FR 44931 - 12/27/74
Mod. #1 - 40 FR 4790 - 1/31/75
Mod. #2 - 40 FR 5986 - 2/7/75
Mod. #3 - 40 FR 15282 - 4/4/75
Mod. #4 - 40 FR 22740 - 5/23/75
Mod. #5 - 40 FR 25332 - 6/13/75
Mod. #6 - 40 FR 29449 - 7/11/75
Mod. #7 - 40 FR 45957 - 10/3/75
ALLEGHENY COUNTY
Decision #PA75-3071 (B)
40 FR 36936 - 8/22/75
Decision #PA75-3070 (R)
40 FR 30433 - 7/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
ARMSTRONG COUNTY
Decision #PA75-3029 (H,Hw)
40 FR 15318 - 4/4/75
Mod. #1 - 40 FR 17471 - 4/18/75
Mod. #2 - 40 FR 19332 - 5/2/75
Mod. #3 - 40 FR 31447 - 7/25/75
Mod. #4 - 40 FR 45960 - 10/3/75
Decision #PA75-3073 (B)
40 FR 36943 - 8/22/75
BEAVER COUNTY
Decision #PA75-3026 (H,Hw)
40 FR 14266 - 3/28/75
Mod. #1 - 40 FR 17467 - 4/18/75
Mod. #2 - 40 FR 31444 - 7/25/75
Mod. #3 - 40 FR 36900 - 8/22/75
Mod. #4 - 40 FR 45960 - 10/3/75
Decision #PA75-3074 (B)
40 FR 36946 - 8/22/75
Mod. #1 - 40 FR 43421 - 9/19/75
Mod. #2 - 40 FR 45961 - 10/3/75
BEDFORD COUNTY
Decision #PA75-3028 (H,Hw)
40 FR 15313 - 4/4/75
Mod. #1 - 40 FR 17468 - 4/18/75
Mod. #2 - 40 FR 31445 - 7/25/75
Mod. #3 - 40 FR 45960 - 10/3/75
Decision #PA75-3072 (B)
40 FR 36940 - 8/22/75
Mod. #1 - 40 FR 45959 - 10/3/75
BERKS COUNTY
Decision #PA75-3055 (B)
40 FR 27436 - 6/27/75
Mod. #1 - 40 FR 29452 - 7/11/75
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

BLAIR COUNTY
Decision #PA75-3057 (B)
40 FR 23686 - 5/30/75
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45958 - 10/3/75
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA75-3082 (B)
40 FR 36976 - 8/22/76
Decision #PA75-3087 (R)
40 FR 40031 - 8/29/75
Decision #PA75-3088 (H,Hw)
40 FR 36992 - 8/22/75
BUTLER COUNTY
Decision #PA75-3080 (B)
40 FR 36968 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Decision #PA75-3051 (H,Hw)
40 FR 17583 - 4/18/75
Mod. #1 - 40 FR 31449 - 7/25/75
Mod. #2 - 40 FR 45951 - 10/3/75
CAMBRIA COUNTY
Decision #PA75-5059 (B)
40 FR 28361 - 7/3/75
Mod. #1 - 40 FR 31451 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
(H,Hw) - See Butler County
CAMERON COUNTY
Decision #PA75-3121 (B)
40 FR 12947 - 3/21/75
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 16495 - 4/11/75
Mod. #3 - 40 FR 22741 - 5/23/75
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2061 (H,Hw)
39 FR 6008 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
Mod. #3 - 39 FR 22373 - 6/21/74
Mod. #4 - 39 FR 33918 - 9/20/74
CHESTER COUNTY
(H,Hw,R) - See Bucks County

PENNSYLVANIA (Cont'd.

CHESTER COUNTY (Cont'd.)
Decision #PA75-3083 (B)
40 FR 36980 - 8/22/75
CLARION COUNTY
(B) - See Cameron County
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
Decision #PA75-3093 (B)
40 FR 44462 - 9/26/75
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AR-2098 (B)
39 FR 44928 - 12/27/74
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 22740 - 5/23/75
Mod. #3 - 40 FR 31443 - 7/25/75
Mod. #4 - 40 FR 43421 - 9/19/75
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA75-3027 (B)
40 FR 14268 - 3/28/75
NMod. #1 - 40 FR 22741 - 5/23/75
Mod. #2 - 40 FR 29451 - 7/11/75
Mod. #3 - 40 FR 45959 - 10/3/75
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #PA75-3084 (B)
40 FR 36983 - 8/22/75
(H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA75-3058 (B)
40 FR 28358 - 7/3/75
Mod. #1 - 40 FR 31449 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45959 - 10/3/75
(H,Hw) - See BedfordCounty
ERIE COUNTY
Decision #PA75-3054 (B)
40 FR 28355 - 7/3/75
Mod. #1 - 40 FR 31450 -7/25/75
Mod. #2 - 40 FR 45960 - 10/3/75
(H,Hw) - See Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
Decision #PA75-3078 (B)
40 FR 36961 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45961 - 10/3/75

PENNSYLVANIA (Cont'd.

FRANKLIN COUNTY
Decision #AR-2001 (B)
39 FR 24803 - 7/5/74
Mod. #1 - 39 FR 26562 - 7/19/74
Mod. #2 - 39 FR 28010 - 8/2/74
Mod. #3 - 39 FR 40406 - 11/15/74
Mod. #4 - 39 FR 44157 - 12/20/74
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See BedfordCounty
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #PA75-3075 (B)
40 FR 36949 - 8/22/75
Mod. #1 - 40 FR 43421 - 9/19/75
Mod. #2 - 40 FR 45961 - 10/3/75
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Centre County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA75-3102 (B)
40 FR 45993 - 10/3/75
LANCASTER COUNTY
Decision #AR-2030 (B)
39 FR 31857 - 8/30/74
Mod. #1 - 39 FR 40406 - 11/15/74
Mod. #2 - 39 FR 44912 - 12/27/74
Mod. #3 - 40 FR 4789 - 1/31/75
Mod. #4 - 40 FR 5986 - 2/7/75
Mod. #5 - 40 FR 14215 - 3/28/75
Mod. #6 - 40 FR 22739 - 5/23/75
Mod. #7 - 40 FR 29448 - 7/11/75
Mod. #8 - 40 FR 45957 - 10/3/75
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #AR-2045 (B)
39 FR 37345 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15280 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31441 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.)

LEBANON COUNTY
Decision #PA75-3053 (B)
40 FR 22782 - 5/23/75
Mod. #1 - 40 FR 29451 - 7/11/75
Mod. #2 - 40 FR 45959 - 10/3/75
LEHIGH COUNTY
Decision #PA75-3104 (B)
40 FR 45998 - 10/3/75
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA75-3025 (B)
40 FR 12982 - 3/21/75
Mod. #1 - 40 FR 25333 - 6 /13/75
Mod. #2 - 40 FR 29450 - 7/11/75
Mod. #3 - 40 FR 45960 - 10/3/75
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA75-3065 (B)
40 FR 29517 - 7/11/75
Mod. #1 - 40 FR 45958 - 10/3/75
(H,Hw) - See Adams County
MC KEAN COUNTY
(H,Hw) - See Adams County
(B) - See Forest County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31442 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See BedforddCounty
MONROE COUNTY
(H,Hw) - See Adams County
MONTGOMERY COUNTY
Decision #AR-2004 (B)
40 FR 36986 - 8/22/75
Mod. #1 - 40 FR 45958 - 10/3/75
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

NORTHAMPTON COUNTY
Decision #PA75-3101 (B)
40 FR 45990 - 10/3/75
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #AR-2095 (B)
39 FR 43494 - 12/13/74
Mod. #1 - 40 FR 12016 - 3/14/75
Mod. #2 - 40 FR 22739 - 5/23/75
Mod. #3 - 40 FR 29449 - 7/11/75
Mod. #4 - 40 FR 45958 - 10/3/75
(H,Hw) - See Adams County
PERRY COUNTY
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #PA75-3086 (B)
40 FR 36989 - 8/22/75
Mod. #1 - 40 FR 41355 - 9/5/75
Decision #CT75-5045 (D)
40 FR 15291 - 4/4/75
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #PA75-3103 (B)
40 FR 45996 - 10/3/75
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #AQ-2070 (B)
39 FR 10070 - 3/15/74
Mod. #1 - 39 FR 26562 - 7 19/74
Mod. #2 - 39 FR 44911 - 12/27/74
Mod. #3 - 40 FR 4789 - 2/31/75
Mod. #4 - 40 FR 15278 - 4/4/75
Mod. #5 - 40 FR 24459 - 6/6/75
Mod. #6 - 40 FR 29448 - 7/11/75
Mod. #7 - 40 FR 45957 - 10/3/75
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #PA75-3079 (B)
40 FR 36965 - 8/22/75
(H,Hw) - See Armstrong County
WARREN COUNTY
Decision #PA75-3077 (B)
40 FR 36957 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Mod. #2 - 40 FR 45960 - 10/3/75
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #PA75-3081 (B)
40 FR 36972 - 8/22/75
Mod. #1 - 40 FR 41355 - 9/5/75
(H,Hw) - See Butler County
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #PA75-3076 (B)
40 FR 36953 - 8/22/75
(H,Hw) - See Butler County
WYCOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(C) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(B) - See Lackawanna County

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Decision #AQ-2052 (B)
39 FR 5161 - 2/8/74
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
BRISTOL COUNTY
Decision #RI75-2031 (B,H,Hw,R, & Marine)
40 FR 6128 - 2/7/75
Mod. #1 - 40 FR 12017 - 3/14/75
Mod. #2 - 40 FR 28311 - 7/3/75
Mod. #3 - 40 FR 32553 - 8/1/75
Mod. #4 - 40 FR 36900 - 8/22/75
(D) - See Statewide
KENT COUNTY
(B,H,Hw, & Marine) - See Bristol County
(D) - See Statewide
NEWPORT COUNTY
Decision #RI75-2111 (B,H,Hw,R, & Marine)
40 FR 44467 - 9/26/75
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI75-2112 (B,H,Hw, R, & Marine)
40 FR 44471 - 9/26/75
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (H,Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Decision #SC75-1079 (Sewer & Water, H)
40 FR 41380 - 9/5/75
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
Decision #AR-4003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewid
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC75-1021 (R)
40 FR 7859 - 2/21/75
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4705 - 1/31/75
Mod. #1 - 40 FR 12017 - 3/14/75
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25770 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #AR-4052 (R)
39 FR 39671 - 11/8/74
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AR-4052 (R)
39 FR 39671 - 11/8/74
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

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SOUTH CAROLINA (Cont'd.

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
((R)-SSee Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #AR-4004 (R)
39 FR 24779 - 7/7/74
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Allendale County
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #AQ-4097 (B)
39 FR 12581 - 4/5/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R)- See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD75-5013 (H,Hw)
40 FR 4858 - 1/31/75
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide
HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD75-5119 (B)
40 FR 44475 - 9/26/75
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD75-5121 (B)
40 FR 46000 - 10/3/75
(H,Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
(H,Hw) - See Statewide
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Decision #AR-4046 (Hw)
40 FR 940 - 1/3/75
ANDERSON COUNTY
Decision #TN75-1053 (B)(Oak Ridge, Energy Research Development Administration Only)
40 FR 24464 - 6/6/75
Mod. #1 - 40 FR 31452 - 7/25/75
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(F,Hw) - See Statewide
CARTER COUNTY
Decision #TN75-1068 (B)
40 FR 30434 - 7/18/75
Decision #TN75-1098 (R)
40 FR 44476 - 9/26/75
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #AQ-4061 (R)
39 FR 3426 - 1/25/74
Mod. #1 - 40 FR 7800 - 2/21/75
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See Statewide
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33646 - 8/8/75
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/75
Mod. #1 - 40 FR 9357 - 3/8/75
(F,Hw) - See Statewide
(D) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(F,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #TN75-1072 (B,H)
40 FR 31567 - 7/25/75
Mod. #1 - 40 FR 36900 - 0/22/75
Mod. #2 - 40 FR 42488 - 9/12/75
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F,Hw) - See Statewide
JOHNSON COUNTY
(F,Hw)- See Statewide
KNOX COUNTY
Decision #TN75-1052 (B)
40 FR 23688 - 5/30/75
Mod. #1 - 40 FR 31452 - 7/25/75
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F,Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
MC MINN COUNTY
(F,Hw) - See Statewide
MC NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
(D) - See Carroll County
(F,Hw) - See Statewide
MARION COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(D) - See Carroll County
(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge,Energy Research Development Administration Only)
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #AQ-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 0/2/74
Mod. #2 - 39 FR 29726 - 8/16/74
Mod. #3 - 39 FR 31782 - 8/30/74
Mod. #4 - 40 FR 3088 - 1/17/75
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN75-1070 (B,H,W&S, & Utilit
40 FR 30435 - 7/18/75
Mod. #1 - 40 FR 44446 - 9/26/75
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
(B) - See Carter County
(F,Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
(B) - See Carter County
(R) - See Carter County
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY
(R) - See Dyer County
(D) - See Carroll County
(F,Hw) - See Statewide
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX75-4086 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
40 FR 21667 - 5/16/75
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AR-4013 (O)
39 FR 27397 - 7/26/74
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX75-4135 (B)
40 FR 31569 - 7/25/75
Decision #TX75-4118 (R)
40 FR 29529 - 7/11/75
Mod. #1 - 40 FR 31454 - 7/25/75
Mod. #2 - 40 FR 43423 - 9/19/75
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX75-4003 (R)
40 FR 3158 - 1/17/75
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX75-4004 (R)
40 FR 3160 - 1/17/75
(H,Hw) - See Statewide
BELL COUNTY.
(H,Hw) - See Statewide
Decision #TX75-4110 (B)
40 FR 23692 - 5/30/75
Mod. #1 - 40 FR 26187 - 6/20/75
Mod. #2 - 40 FR 29453 - 7/11/75
Mod. #3 - 40 FR 30388 - 7/18/75
Mod. #4 - 40 FR 31453 - 7/25/75

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX75-4109 (R)
40 FR 23690 - 5/30/75
(H,Hw) - See Statewide
Decision #AR-45 (B)
39 FR 34015 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
Mod. #2 - 39 FR 39675 - 11/8/74
Mod. #3 - 39 FR 44158 - 12/20/74
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX75-4104 (B)
40 FR 22796 - 5 /23/75
Mod. #1 - 40 FR 30388 - 7/18/75
Mod. #2 - 40 FR 31453 - 7/25/75
Mod. #3 - 40 FR 33578 - 8/8/75
Mod. #4 - 40 FR 36902 - 8/22/75
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX75-4106 (B)
40 FR 22799 - 5/23/75
Mod. #1 - 40 FR 24461 - 6/6/75
Mod. #2 - 40 FR 29453 - 7/11/75
Mod. #3 - 40 FR 31453 - 7/25/75
Mod. #4 - 40 FR 36902 - 8/22/75
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

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TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX75-4091 (B)
40 FR 21681 - 5/16/75
Mod. #1 - 40 FR 30387 - 7/18/75
(H,Hw) - See Statewide
Decision #TX75-4093 (R)
40 FR 21683 - 5/16/75
CAMP COUNTY
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
Decision #TX75-4102 (B-excluding Dallas-Fort Worth Regional Airport)
40 FR 22791 - 5/23/75
Mod. #1 - 40 FR 36901 - 8/22/75
Mod. #2 - 40 FR 36901 - 8/22/75
Mod. #3 - 40 FR 43423 - 9/19/75
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX75-4006 (R)
40 FR 3163 - 1/17/75
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX75-4010 (B,R)
40 FR 3172 - 1/17/75
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX75-4114 (B)
40 FR 26240 - 6/20/75
Mod. #1 - 40 FR 29453 - 7/11/75
Mod. #2 - 40 FR 30388 - 7/18/75
Mod. #3 - 40 FR 31453 - 7/25/75
Mod. #4 - 40 FR 43423 - 9/19/75
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

FALLS COUNTY
(D) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX75-4150 (B)
40 FR 36996 - 8/22/75
Mod. #1 - 40 FR 43424 - 9/19/75
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX75-4092 (B)
40 FR 21682 - 5/16/75
(H,Hw) See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX75-4103 (B)
40 FR 22795 - 5/23/75
Mod. #1 - 40 FR 30388 - 7/18/75
Mod. #2 - 40 FR 31452 - 7/25/75
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX75-4011 (R)
40 FR 3173 - 1/17/75
(H,Hw) - See Statewide

NOTICES

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
40 FR 3936 - 1/24/75
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX75-4117 (B,R)
40 FR 29527 - 7/11/75
Mod. #1 - 40 FR 31453 - 7/25/75
Mod. #2 - 40 FR 43423 - 9/19/75
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #TX75-4099 (B)
40 FR 22787 - 5/23/75
Mod. #1 - 40 FR 27417 - 6/27/75
Mod. #2 - 40 FR 30387 - 7/18/75
Mod. #3 - 40 FR 31452 - 7/25/75
Mod. #4 - 40 FR 36901 - 8/22/75
Mod. #5 - 40 FR 43423 - 9/19/75
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX75-4094 (B)
40 FR 21605 - 5/16/75
Mod. #1 - 40 FR 26186 - 6/20/75
Mod. #2 - 40 FR 29452 - 7/11/75
Mod. #3 - 40 FR 30387 - 7/18/75
Mod. #4 - 40 FR 36901 - 8/22/75
Mod. #5 - 40 FR 43422 - 9/19/75
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

NOTICES

MICROFILMED BY UNIVERSITY MICROFILMS, INC. ANN ARBOR, MICHIGAN

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(D)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX75-4098 (D)
40 FR 22786 - 5/23/75
Mod. #1 - 40 FR 36901 - 8/22/75
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX75-4088 (D)
40 FR 21677 - 5/16/75
Mod. #1 - 40 FR 33578 - 8/8/75
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX75-4101 (B)
40 FR 22789 - 5/23/75
Mod. #1 -40 FR 25334 - 6/13/75
Mod. #2 - 40 FR 29452 - 7/11/75
Mod. #3 - 40 FR 30388 - 7/18/75
Mod. #4 - 40 FR 36901 - 8/22/75
Mod. #5 - 40 FR 43423 - 9/19/75
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County

TEXAS (Cont'd.)

WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX75-4087 (R)
40 FR 21675 - 5/16/75
Decision #TX75-4147 (B)
40 FR 33646 - 8/8/75
Mod. #1 - 40 FR 43424 - 9/19/75
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT75-5107 (B,H,Hw)
40 FR 36990 - 8/22/75
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3184 (Hw)
39 FR 24203 - 6/28/74
Mod. #1 - 39 FR 27397 - 7/26/74
Mod. #2 - 40 FR 16497 - 4/11/75
Mod. #3 - 40 FR 21657 - 5/16/75
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
ALBERMARLE COUNTY
Decision #VA75-3094 (B)
40 FR 43415 - 9/19/75
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #MD75-3100 (B)
40 FR 44477 - 9/26/75
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5189 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75
BOTETOURT COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA75-3005 (B)
40 FR 944 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 17473 - 4/18/75
Mod. #3 - 40 FR 22742 - 5/23/75
Mod. #4 - 40 FR 29455 - 7/11/75
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

XUM

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11278 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/20/75
ALBERMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #MD75-3062 (B)
40 FR 26203 - 6/20/75
Mod. #1 - 40 FR 28312 - 7/3/75
Mod. #2 - 40 FR 29453 - 7/11/75
Mod. #3 - 40 FR 33579 - 8/8/75
Mod. #4 - 40 FR 40009 - 8/29/75
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75
BOTETOURT COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Alleghany County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA75-3005 (B)
40 FR 944 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 17473 - 4/18/75
Mod. #3 - 40 FR 22742 - 5/23/75
Mod. #4 - 40 FR 29455 - 7/11/75
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #VA75-3006 (B)
40 FR 946 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 17473 - 4/18/75
Mod. #3 - 40 FR 22743 - 5/23/75
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA75-3069 (B)
40 FR 29438 - 7/11/75
Mod. #1 - 40 FR 36902 - 8/22/75
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA75-3004 (B,H,S&W)
40 FR 941 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 21657 - 5/16/75
Mod. #3 - 40 FR 22742 - 5/23/75
Mod. #4 - 40 FR 29454 - 7/11/75
(R) - See James City
(D,Hw) - See Accomack County

XUM

WASHINGTON

STATEWIDE
Decision #WA75-5113 (B,H,Hw,D)
40 FR 42507 - 9/12/75
Mod. #1 - 40 FR 44446 - 9/26/75
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA75-5064 (R)
40 FR 23695 - 5/30/75
Mod. #1 - 40 FR 29455 - 7/11/75
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY.
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC75-3099 (B,Hw, W&S)
40 FR 44449 - 9/26/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75

WEST VIRGINIA

STATEWIDE
Decision #WV75-3009 (H,Hw)
40 FR 4883 - 1/31/75
Mod. #1 - 40 FR 10883 - 3/7/75
Mod. #2 - 40 FR 14217 - 3/28/75
BARBOUR COUNTY
Decision #WV75-3007 (B)
40 FR 6136 - 2/7/75
Mod. #1 - 40 FR 8700 - 2/28/75
Mod. #2 - 40 FR 10883 - 3/7/75
Mod. #3 - 40 FR 14217 - 3/28/75
Mod. #4 - 40 FR 16497 - 4/11/75
Mod. #5 - 40 FR 21659 - 5/16/75
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREENBRIER COUNTY
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show that one position of Special Assistant to the Secretary and one position of Secretary to the Special Assistant to the Secretary of the Army are excepted under Schedule C.

Effective on November 10, 1975, §§ 213.3307(a) (3) and (4) are added as set out below:

§ 213.3307 Department of the Army.

(a) • • •

(3) One Special Assistant to the Secretary.

(4) One Secretary to the Special Assistant to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30103 Filed 11-7-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant to the Defense Representative, Iran, and one position of Private Secretary to the Defense Representative, Iran, have been excepted under Schedule C.

Effective on November 10, 1975, § 213.3306(a) (70) and (71) are added as set out below:

§ 213.3306 Department of Defense.

(a) • • •

(70) One Confidential Assistant to the Defense Representative, Iran.

(71) One Private Secretary to the Defense Representative, Iran.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30104 Filed 11-7-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Special Assistant to the Assistant Secretary for Policy Development and Research is expected under Schedule C.

Effective on November 10, 1975, § 213.3384(1) (5) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

• • • • •

(1) *Office of the Assistant Secretary for Policy Development and Research.*

• • •

(5) One Special Assistant.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30106 Filed 11-7-75;8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Regional and Intergovernmental Liaison Specialist is excepted under Schedule C.

Effective on November 10, 1975, § 213.3318(e) is added as set out below:

§ 213.3318 Environmental Protection Agency.

• • • • •

(e) *Office of Regional and Intergovernmental Relations.*

(1) One Regional and Intergovernmental Liaison Specialist.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30105 Filed 11-7-75;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 71]

PART 401—FEDERAL CROP INSURANCE

Corn Endorsement (Grain and Silage)

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1976 crop year in the following respect:

1. The following section is added:

§ 401.151 The Corn Endorsement (grain and silage) with production guarantees in bushels of grain and tons of silage.

The provisions of this endorsement, which shall be applicable for the 1976 and Succeeding Crop Years in those counties where the actuarial table so provides, are as follows:

1. *Insured crop.* The crop insured shall be field corn or silage corn planted for harvest as grain or silage. Insurance shall not attach on any acreage on which it is determined by the Corporation that the corn was planted for the development or production of hybrid seed.

2. *Production guarantees.* The production guarantees per acre shown on the county actuarial table (hereinafter called "actuarial table") shall be increased by 3 bushels for any acreage harvested for grain and 1 ton for any acreage harvested for silage from which the applicable amount harvested per acre equals or exceeds 3 bushels or 1 ton, respectively. The silage guarantee shall apply to (1) any acreage of silage corn or to (2) any acreage of field corn harvested for silage. The bushel guarantee shall apply to all other acreage.

(3) *Insurance period.* Insurance on any insured acreage shall attach at the time the corn is planted and shall cease on final adjustment of a loss or upon harvest, whichever occurs first, but in no event shall insurance remain in effect later than October 31 in North Dakota, or December 10 in all other states, of the calendar year in which the corn is normally harvested: *Provided,* That for any acreage of silage corn or any acreage of field corn harvested for silage, insurance shall remain in effect no later than September 30: *Provided, further,* That if the insured harvests any acreage of field corn for silage after September 30, any damage to such corn that occurred after said date shall not be considered to have been insured.

4. *Additional notice of loss requirement.* In addition to the requirements of Section 8 of the Policy, the insured shall give written notice to the Corporation by September 30 if any acreage of (1) unharvested silage corn or (2) field corn to be harvested as silage, has been damaged to the extent that a loss on the unit is probable. The Corporation reserves the right to reject any claim for loss if such notice is not given and the Corporation determines that the amount of loss cannot be satisfactorily determined.

5. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information

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regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of corn on the unit by the applicable production guarantee per acre, and multiplying such result by the applicable price for computing indemnities which product shall be the dollar amount of insurance for the unit, (2) subtracting therefrom the dollar amount obtained by multiplying the total production to be counted for the unit by the applicable price for computing indemnities, and (3) multiplying the result obtained in (2) by the insured interest. Where a unit contains both acreage to which the grain guarantee applies and acreage to which the silage guarantee applies, the dollar amount of insurance and the dollar amount of the production to be counted shall be determined separately for each portion, and such dollar amounts shall be added together to determine the total of such amounts for the unit: *Provided*, That, if for the unit the insured fails to report all of his insurable acreage or interest, the amount of loss shall be determined with respect to all of his insurable acreage and interest, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under Section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That, the total production to be counted on any acreage of corn shall be as follows for the conditions described: (1) 50 percent of the applicable production guarantee or the appraised production, whichever is greater, for any acreage which, with the consent of the Corporation, is planted in the current crop year, before harvest of corn becomes general, to any other crop (excluding small grains normally maturing for harvest in the following crop year) insurable in the county for the current crop year under the regulations of the Corporation; (2) the appraised production in excess of three bushels of grain or one ton of silage per acre for any unharvested acreage; (3) the harvested production and appraised production (if any) in excess of three bushels of grain or one ton of silage per acre for any acreage from which less than three bushels of grain or one ton of silage per acre are harvested; (4) not less than the applicable harvested production guarantee for any acreage which is abandoned, put to another use without prior written consent of the Corporation, or damaged solely by an uninsured cause. *Provided, further*, That, if the insured gives a notice pursuant to Section 4 of this endorsement, or indicates an intent to harvest any corn for silage and the harvested production would not be able to be determined for the insurance unit, the Corporation will appraise the production in tons of silage, and in the case of field corn such appraisals are to be used in computing the amount of loss only if such corn is actually harvested for silage. The Corporation reserves the right to determine the amount of production of unharvested corn standing in the field on the basis of a field appraisal immediately after the end of the insurance period.

(d) Notwithstanding the provisions of subsection (c) of this section, in determining the production of corn to be counted, from acreage to which the bushel guarantee applies, with a moisture content of 17 percent or more, the Corporation shall, where appropriate when due to insurable causes occurring within the insurance period, reduce such production 1 percent for each full 1 percent of moisture in excess of 16 percent up to and including 40 percent. If the Corporation determines that the moisture content is over 40 percent or if the test weight of shelled corn is below 40 pounds per bushel, the percent of the production to be counted shall be that as agreed upon by the Corporation and the insured, or in the absence of agreement as appraised by the Corporation: *Provided, however*, That the percent of the gross production of corn harvested for grain to be counted shall not be less than 35 percent.

(e) In determining the production of stored corn, 2.50 cubic feet of ear corn and 1.25 cubic feet of shelled corn shall be treated as 1 bushel, except that in the case of ear corn the quantity so determined may be adjusted by a shelling percentage, and/or on the basis of test weight, and in the case of shelled corn the quantity may be adjusted on the basis of test weight. The production of corn will not be adjusted for the presence of husks unless the Corporation determines that in harvesting ear corn, none of the husks were removed.

(f) In determining the production of corn harvested for silage after September 30, the Corporation will adjust such production to what it would have been on September 30 taking into consideration any reduction in the moisture content.

6. *Meaning of terms.* For the purpose of the corn insurance program the terms:

(a) "Harvest" means picking the corn from the stalk either by hand or machine or cutting the corn for any purpose.

(b) "Silage" means corn harvested by severing the stalk from the land and chopping the stalk and the ear for the purpose of livestock feed.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date and the termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective:

State	Cancellation date	Termination date for indebtedness
Delaware, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, Ohio, Pennsylvania, and Wisconsin	Dec. 31	May 10
North Dakota	do	Apr. 15
All other States	do	Apr. 30

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

This endorsement provides coverage in terms of bushels of grain and tons of silage, instead of, as at present, in terms of bushels of grain with a conversion factor to be used in converting silage to an equivalent in grain. It is believed that this will simplify administration. In some counties, it will result in a higher level of coverage on silage as compared to grain. It is contemplated that insurance under this endorsement will be offered in 1976 only in certain selected counties where so provided in the county actuarial table. If the experience proves successful in the selected counties, the endorsement may be offered in all or part of the remaining corn insurance counties in the future. The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circulars A-107.

As indicated, it is desirable that this amendment become effective in 1976. Notice of changes must be given present insureds by December 15, 1975, and applications for insurance will be taken in the near future. It would, therefore, be impossible to follow both the procedures for notice and public participation prescribed by 5 U.S.C. 553(b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective for the 1976 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on October 29, 1975.

[SEAL] PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

EARL L. BUTZ,
Secretary.

[FR Doc.75-30201 Filed 11-7-75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

PART 701—NATIONAL RURAL ENVIRONMENTAL PROGRAMS FOR 1975 AND SUBSEQUENT YEARS

The title of Part 701 is revised to read as set forth above and the part is revised effective with the 1975 programs, to set forth the regulations governing the following Rural Environmental Programs:

(a) Agricultural Conservation Program.

(b) Forestry Incentives Program.

(c) Emergency Conservation Measures Program.

The provisions peculiar to each of the programs will be included in a separate subpart for that program and those provisions which are common to the three programs will be included in another subpart.

The material previously appearing in these sections remains in full force and effect with respect to the National Rural Environmental Assistance Programs for 1971 thru 1973 and to the National Rural Environmental Conservation Program for 1974, as applicable.

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701.75 Time and manner of filing application and required information.
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701.77 Performance based on advice or action of county or State committee.
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701.81 Depriving others of cost-shares.
701.82 Filing of false claims.
701.83 Cost-shares not subject to claims.
701.84 Assignments.

AUTHORITY: Sec. 4, 49 Stat. 164, Secs. 7–15, 16(a), 16(f), 16A, 17, 49 Stat. 1148, as amended, 71 Stat. 176, 71 Stat. 426, 72 Stat. 864, 75 Stat. 233, 86 Stat. 676; (16 U.S.C. 590d, 590g–590o, 590p(a), 590pA, 590q); Secs. 1001–1009, 87 Stat. 241 (16 U.S.C. 1501–1510).

§ 701.1 Introduction.

(a) Through the rural environmental programs for 1975 and subsequent years administered by the Department of Agriculture, the Federal Government will share with farmers, ranchers, and other eligible private landowners in the United States, Guam, Puerto Rico, and the Virgin Islands the cost of carrying out: (1) Approved soil and water conservation practices, including related wildlife conservation practices, (2) approved forestry practices, and (3) emergency conservation measures, in accordance with the provisions of this part and such modifications thereof as may hereafter be made.

(b) Cost-sharing may be available (1) for soil and water conservation practices under the agricultural conservation program; (2) for forestry practices under the agricultural conservation program or forestry incentives program; and (3) for practices to correct damage to land or conservation practices caused by natural disasters under the emergency conservation measures program.

(c) Information with respect to the several practices for which costs will be shared, the exact specifications and rates of cost-sharing for such practices, and the eligibility requirements for participating in the programs, may be obtained from the agricultural stabilization and conservation county committee (called county committee in this part) for the county in which the farm, ranch or other eligible land is located or from the agricultural stabilization and conservation State committee (called State committee in this part), for the State in which such county is located.

§ 701.2 Definitions.

(a) "County program development group" consists of the county committee; the county extension agent; a representative of the Soil Conservation Service; a representative of the U.S. Forest Service; a representative of the State forestry agency or its equivalent, when he accepts an invitation to be a member of the group; and a representative of the conservation district in the county, where the governing board of the district accepts an invitation to designate a representative (if there is more than one district in the county, the governing boards of the districts may jointly designate only one person to represent all of the districts); and shall have the responsibility stated in § 701.10 and 701.35.

(b) "Farm" or "ranch" means that area of land considered as a farm under the regulations governing reconstitution of farms, allotments, and bases, Part 719 of this chapter, as amended, except that, for Hawaii, Puerto Rico, and the Virgin Islands, "farm" or "ranch" means that area of land considered as a farm under the regulations governing determination of farms, Part 826, 827, and 828 of this title, respectively, and that, for the forestry incentives program, "farm" or "ranch" means eligible ownership tracts of forest land as provided in § 701.30.

(c) "National program development group" consists of representatives of the Agricultural Stabilization and Conservation Service; Soil Conservation Service; Forest Service; Extension Service; Economic Research Service; Farmers Home Administration; Agricultural Research Service; Office of the General Counsel; Office of Planning and Evaluation; and Office of Management and Finance; with responsibility for developing program recommendations, including changes in administrative procedures and policy guidelines, and evaluations of program effectiveness and operating arrangements.

(d) "Program year" means the period designated nationally during which practices or components thereof must be carried out to be eligible for cost-sharing.

(e) "State" means any one of the United States, Puerto Rico, the Virgin Islands, and in the case of Forestry Incentives Program includes Guam.

(f) "State program development group" consists of the State committee, the State Director of Extension; the State Conservationist of the Soil Conservation Service; a representative of the U.S. Forest Service; a representative of the State forestry department, or its equivalent, when he accepts an invitation to be a member of the group; and a representative of the State Soil Conservation Committee, or its equivalent, when he accepts an invitation to be member of the group; and has the responsibility stated in §§ 701.11 and 701.34.

(g) In the regulations in this part and in all instructions, forms, and documents in connection therewith, all other words and phrases shall, unless the context or subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms, allotments, and bases, Part 719 of this chapter, as amended.

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Subpart—Agricultural Conservation Program

§ 701.3 Program objective.

The objective of the Agricultural Conservation Program (referred to in this subpart as the "program") is to assure the continued supply of food and fiber necessary for the maintenance of a strong and healthy people and economy, and to provide for environmental conservation or enhancement. This will be accomplished by encouraging enduring conservation practices on farms and ranches to reduce the loss of agricultural soil, water, woodland, or wildlife resources and to prevent agricultural-related pollution of water, land, and air.

§ 701.4 State funds.

(a) Funds available for practices to be performed under the program for a program year will be distributed among States on the basis of conservation needs.

(b) National limitations on the amount of funds which may be obligated under long-term agreements will be apportioned to States.

(c) The distribution of funds under this section will not include the amount required for increases in small Federal cost-shares in § 701.22.

§ 701.5 County funds.

The State committee will allocate the funds available for practices and apportion the long-term agreement limitations among the counties within the State consistent with the program objective and will give particular consideration to the furtherance of special projects, watershed conservation projects, resource conservation development projects, and other conservation projects sponsored by local people and organizations.

§ 701.6 Availability of funds.

(a) The provisions of the program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the cost-shares provided herein is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for a particular program year will not be available for paying cost-shares for which applications are filed in the county office after December 31 of the year following that program year.

§ 701.7 Eligible person.

An eligible person is a farmer or rancher who as an individual, partnership, association, corporation, estate, trust, or other business enterprise, or other legal entity (excluding districts which have taxing authority, Federal agencies, States and State agencies, but not excluding political subdivisions of a State) and, as an owner, landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

§ 701.8 Eligible land.

(a) The program is applicable to: (1) Privately owned lands; (2) land owned by a State or political subdivision of a State; (3) lands owned by corporations which are partly owned by the United States; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by Farmers Home Administration, The U.S. Department of Defense, or by any other Government agency designated by the Deputy Administrator, Programs; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations; and (7) noncropland owned by the United States for performance by private persons of practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

(b) The program is not applicable to: (1) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the U.S. Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act), or the Fish and Wildlife Service of the U.S. Department of the Interior, except as indicated in paragraph (a) (7) of this section; and (2) nonprivate persons for performance of practices on any land owned by the United States or a corporation wholly owned by it.

§ 701.9 Conservation practices.

Practices are developed by the county committee, in consultation with the county program development group, for inclusion in the county program subject to review by the State program development group and approval by the State committee. The practices included in county programs must be consistent with the agricultural conservation policy stated in section 7 of the Soil Conservation and Domestic Allotment Act, as amended, and national program policy and are developed primarily to meet a definite need to accomplish one or more of the following:

(a) Establish long-lasting protective cover.

(b) Improve or sustain protective cover.

(c) Conserve or safely dispose of water.

(d) Benefit wildlife.

(e) Establish or improve stands of forest trees.

(f) Give protection against soil erosion and flood damage.

(g) Prevent agricultural-related pollution of water, land, and air.

(h) Meet special county conservation needs.

§ 701.10 Development of county programs.

(a) A program shall be developed in each county by the county committee, in consultation with the county program development group, in accordance with the National and State development guidelines and policies provided.

(b) The county program shall be approved by the State committee in consultation with the State program development group.

§ 701.11 Selection of practices.

The practices to be included in the county program shall be only those practices for which cost-sharing is essential to permit accomplishment of the program objective.

§ 701.12 State programs.

(a) The chairman of the State committee shall invite the following persons, or their designees, to participate in the deliberations on guidelines for development of county programs: The Governor of the State, the president of the land-grant college, the State director of the Farmers Home Administration, and the heads of the State soil conservation committee (board or commission), the State Agricultural Extension Service, the State and Federal agencies having responsibility for wildlife conservation, the State agency having responsibility for pollution control or general quality of the environment and other State and Federal agricultural and environmental agencies. The chairman of the State committee may also invite others with conservation interests to participate in such deliberations.

(b) The State program shall consist of a composite of all county programs as approved by the State committee in consultation with the State program development group.

§ 701.13 Rates of cost-sharing.

(a) The maximum cost-share for each practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but which will be such that the participant will make a significant contribution to the cost of performing the practice.

(b) Levels of cost-sharing shall not be in excess of 75 percent nor less than 50 percent of the average cost for all practices as recommended by the county committee and approved by the State committee. (See § 701.19 for special provisions for low-income farmers.)

(c) For the purpose of establishing rates of cost-sharing, the average cost of performing a practice may be the average cost for a State, a county, or a part of a county, as determined by the State committee.

§ 701.14 Starting of practices.

Cost will not be shared for practices, or components of practices, which are started before a formal or informal request is filed. For practices for which approval was given under the preceding year's program, performance was started but not completed during that program year, and the county committee believes the extension of the approval to the current year's program is justified under the provisions of the current year's program, the filing of the request for cost-sharing under the preceding year's program shall be regarded as meeting the requirement of the current year's program that a request for cost-sharing be filed before performance of the practice is started.

§ 701.15 Method of approval.

The county committee will determine the extent to which Federal funds will be made available to share the cost of each approved practice, taking into consideration the county allocation, the conservation and environmental problems in the county and of the land involved, and the practices for which requested cost-sharing is considered by the county committee as most needed. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the cost-share for the performance of that number of units of the practice. To the extent practicable, notices of approved practices shall be issued before performance of the practice is started. No practice may be approved for cost-sharing except as authorized by the county program, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a pro-rata basis, but shall be directed to the accomplishment of the most enduring benefits attainable.

(a) Cost-sharing may be approved under annual agreements or long-term agreements.

(b) Annual agreements may be approved in all counties. Long-term agreements are limited to farms or ranches which are within Soil Conservation Districts (or comparable districts) through which the Soil Conservation Service provides planning and technical services, except:

(1) Farms and ranches located within a county designated for the Great Plains Conservation Program are ineligible for long-term agreements under this program.

(2) Farms and ranches not located within a Soil Conservation District (or comparable district) may be eligible, provided conservation plans of operations are developed by the farmer or rancher in cooperation with the Soil Conservation Service and approved by an appropriate State official or, in cases where an appropriate State official is not available, approved by the Soil Conservation Service.

§ 701.16 Long-term agreements.

(a) The period of a long-term agreement will be for not less than three (3) program years nor more than ten (10) program years. The county committee and the signatories to the agreement in consultation with the Soil Conservation Service representative, will mutually determine the period of the agreement.

(b) The long-term agreement will be based on a conservation plan of operations for the farm or ranch which has been approved by the Soil Conservation District (or comparable district) or, for farms or ranches not located in a Soil Conservation District (or comparable district), by an appropriate State official or the Soil Conservation Service, as applicable.

(c) The long-term agreement will provide that the farmer or rancher will carry out those measures in the conservation plan of operations which are determined to be essential to meeting the basic conservation needs of the farm or ranch, whether or not cost-sharing is approved for such measures.

(d) The owner of the farm or ranch will be required to be a signatory to a long-term agreement, whether or not he contributes to the cost of approved practices thereon.

(e) Any signatory to a long-term agreement who is not an owner of the farm or ranch must provide assurance that he will have control of the land for the duration of the period of the agreement.

(f) The level of cost-sharing in effect for practices in all years of a long-term agreement shall be the level in effect for the beginning year of the agreement. The rate of cost-sharing for payment purposes for such practice will be based on the average cost of performing the practice at the time the practice is performed.

(g) A long-term agreement may be canceled for failure to comply with the terms of the agreement if, after consulting with the Soil Conservation District (or comparable district) board or, if none exists, with a representative of the Soil Conservation Service, the county committee and State committee find that the seriousness of the irregularities warrant such action. If the agreement is canceled, the signatories to the agreement are jointly and severally responsible for refunding all cost-shares paid and will forfeit all rights to further payments under the agreement. In such a case, no other refund or forefeiture provisions of these regulations apply.

(h) A long-term agreement may be revised in accordance with instructions issued by the Deputy Administrator, Programs where there is a change in status of the participants, the land under agreement, or farming operations.

(i) An eligible person who acquires control of land under an approved agreement may elect to become a successor in interest under such agreement.

(j) An agreement will be terminated with respect to land for which loss of control has occurred and where the person acquiring control of such land elects not to become a successor in interest under the agreement. If the loss of control is for reasons beyond the control of the signatories to the agreement, the county committee will determine whether or not any cost-shares previously paid shall be refunded, but in no event shall the refund be greater than would be required in cases where loss of control is voluntary. If the loss of control is voluntary on the part of the signatories to the agreement, the signatories will be jointly and severally responsible for refunding all cost-shares paid and will forfeit all rights to further payments, with respect to the land for which control is lost: *Provided*, That, a refund will not be required for cost-shares where, after consulting with the Soil Conservation District (or comparable district) board or, if none exists, with a representative of the Soil Conservation Service, the county committee and the State committee determined that failure to perform the remaining practices in the agreement will not impair the effectiveness of the practices which have been performed and that the completed practices will provide conservation benefits consistent with the cost-shares which have been paid.

(k) An agreement may be terminated by Deputy Administrator, Programs, if, after considering the recommendation of the Soil Conservation District (or comparable district) board or, if none exists, with a representative of the Soil Conservation Service, the county committee recommends and the State committee concurs that such action is in the public interest. In such case, the Deputy Administrator, Programs, will determine the amount of cost-shares previously paid that shall be refunded.

§ 701.17 Replacement, enlargement, or restoration.

The establishment or installation of a practice, for the purposes of the program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed if the practices has served for its normal lifespan, or if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to solve the problem;

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator; and

(c) The county committee believes that the replacement, enlargement, restoration of the practice merits consideration under the program to an equal extent with other practices.

§ 701.18 Pooling agreements.

Farmers, ranchers, or eligible landowners in any local area may agree in writing, with the approval of the county committee, to perform designated amounts of practices which, by conserving or improving resources of the com-

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munity, will solve a mutual conservation, pollution, or other environmental problem on the land of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement shall be regarded as having been carried out on the land of the persons who performed the practices.

§ 701.19 Special provisions for low-income farmers and ranchers.

(a) Notwithstanding any other provision of this subpart, the county committee may approve, in the case of low-income farmers and ranchers as defined in this section, levels of cost-sharing of up to 80 percent of the average cost of performing practices.

(b) A low-income farmer or rancher is one who, as determined by the county committee, is a small producer who is largely dependent on the farm or ranch for his livelihood, and whose prospective income and financial resources for the current year are such that he could not reasonably be expected to perform needed conservation practices at the level of cost-sharing applicable to other persons in the county.

(c) In approving requests for cost-sharing the county committee shall give special consideration to requests filed by low-income farmers and ranchers.

§ 701.20 Practices substantially completed during program year.

Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during a program year, if the county committee determines that they are substantially completed by the end of that program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 701.67.

§ 701.21 Conservation materials and services.

(a) *Availability.* Part or all of the cost-share for an approved practice may be in the form of conservation materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the debt record maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to set-off in order to permit the furnishing of materials and services.

(b) *Cost to farmer or rancher.* The farmer or rancher shall be responsible for paying that part of the cost of the material or service which is in excess of the amount to be advanced toward the purchase of the material or service. The maximum amount which may be advanced toward the purchase of the material or service in the cost-share attributable to the use of the material or service, or, upon request by the farmer or rancher and approval by the county committee, the cost-share for all components of the practice which likely will be completed during the program year, plus any applicable small cost-share increase, but not in excess of the cost of the material or service.

(c) *Responsibility for materials and services.* (1) If the materials or services are improperly used in carrying out the practices with respect to which they were furnished, recovery of the amount advanced toward the purchase of the materials or services will be made from the persons who share in the cost-share payment for the practice, in the proportion in which they share in the cost-share payment. If the materials or services are not used for the purpose for which they were furnished, the person to whom they were furnished shall be indebted to the Federal Government for the amount advanced toward the cost of the materials or services.

(2) Any person to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, in accordance with instructions issued by the Deputy Administrator, Programs, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material; or be retained by the person for use in a subsequent program.

(d) *Eligibility to furnish conservation materials and services.* (1) To be eligible to furnish conservation materials or services on the basis of purchase orders issued by the county committee, a vendor must agree that he will fill purchase orders without regard to the race, religion, color, or national origin of the person to whom the purchase order is issued. A vendor shall not be eligible to furnish conservation materials and services if he has performed any of the actions which would warrant suspension as stated in paragraph (d)(3) of this section.

(2) A vendor who is found by the State committee or county committee to have knowingly misused a purchase order will be subject to payment of liquidated damages for such misuse, in addition to being jointly and severally responsible with the farmer to refund any overpayment made to the vendor by the Government. The liquidated damages will be determined in accordance with instructions issued by the Deputy Administrator, Programs. The assessment of liquidated damages is not in lieu of other remedies and will in no way bar, mitigate, or be a substitute for any other remedies the Government may have against a vendor for knowingly misusing a purchase order. If the facts warrant it, the vendor will be suspended from furnishing conservation materials and services.

(3) A vendor shall be suspended by the State committee or county committee from furnishing conservation materials and services if:

(i) His name is currently on the Department's list of debarred, ineligible, and suspended bidders or contractors or is currently suspended or debarred under CCC Suspension and Debarment Regulations;

(ii) He knowingly misused a purchase order contrary to his vendor's agreement and such misuse has a material and significant adverse effect on the administration of the program;

(iii) He is currently suspended or debarred under any other Department program; or

(iv) He has committed acts of misconduct, including but not limited to fraudulent activities, showing such serious lack of business integrity as to warrant suspension.

(4) A vendor's employee who has performed any of the actions which would warrant suspension of a vendor as stated in paragraph (d)(3) of this section shall be prohibited from handling purchase orders for an otherwise eligible vendor.

(5) The State committee or county committee will determine the period during which a vendor shall be declared ineligible to furnish conservation materials and services in accordance with paragraph (d)(1) of this section; a vendor shall be suspended in accordance with paragraph (d)(3) of this section; or an employee of a vendor shall be prohibited from handling purchase orders in accordance with paragraph (d)(4) of this section. The length of the period will be based on the nature, gravity, and extent of the irregularities involved, but in no case will the ineligibility be permanent.

§ 701.22 Small cost-share increases.

If the sum of the cost-shares computed (dropping all fractions of a dollar except where the payment is less than $1) for any person with respect to any farm, ranch or other eligible ownership would be:

(a) Not more than $20, the payment shall be increased by 40 percent;

(b) More than $20 but not more than $40, the payment shall be increased by $8, plus 20 percent of the excess over $20;

(c) More than $40 but not more than $60, the payment shall be increased by $12, plus 10 percent of the excess over $40;

(d) More than $60 but not more than $186, the payment shall be increased by $14; or

(e) More than $186 but less than $200, the payment shall be increased to $200.

§ 701.23 Maximum cost-share limitation.

For each program year the total of all cost-shares to any person with respect to farms and ranches (§ 701.2(b)) in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and those carried out under pooling agreements shall not exceed the sum of $10,000. (Also see § 701.73.)

§ 701.24 Completion of practices.

Cost-sharing for the practices contained in this part is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 701.20 and 701.67, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 701.25 Time of filing payment application.

Payment of cost-shares will be made only upon application submitted on the prescribed form to the county office by December 31 of the year following the current program year or such earlier date as is prescribed by the Deputy Administrator, Programs. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 701.26 Other program provisions.

Other provisions as contained in §§ 701.1 and 701.2 and in the Subpart, General Provisions, apply to the Agricultural Conservation Program.

Subpart—Forestry Incentives Program

§ 701.27 Program objective.

The objective of the forestry incentives program (referred to in this subpart as the "program") is to ensure a future supply of timber. This will be accomplished by encouraging land owners to apply forestry practices for production of timber and related benefits to increase afforestation of suitable open lands, reforestation of cutover and understocked forest lands, intensive multipurpose management, and protection of forest resources.

§ 701.28 Program year for accounting purposes.

The fiscal year will be the program year for accounting purposes.

§ 701.29 Designated counties.

The State committee in consultation with the State forester, will designate the counties in which the program will be operated. The following will be considered in making the selections:

(a) The total acreage in the county devoted to desirable types of softwood and hardwood timber.

(b) The estimated area in the county that is under eligible ownership.

(c) The estimated acreage suitable for the production of forest products.

(d) The availability of funds.

§ 701.30 Eligible persons, land, and ownerships.

(a) An eligible person is a private individual, group, association, corporation, or other legal entity which owns eligible land. Eligible land is "nonindustrial" private forest lands capable of producing industrial wood crops, excluding land owned by private entities which regularly engage in the business of manufacturing forest products or providing public utilities services of any type, or the subsidiaries of such entities.

(b) Eligible ownerships are tracts of land of not more than 500 acres. The Director, Environmental Quality and Land Use Division, ASCS, after consultation with appropriate representative of the Forest Service, may approve tracts of more than 500 where it is deemed to be to the public's significant benefit.

§ 701.31 Program funds.

(a) *States and counties.* Each designated State and county will receive a share of the funds provided nationally for the program. The State committee will consult with the State forester when determining the allocation of such funds to the designated counties. Funds will be distributed on the basis of the forest production opportunities in each State, considering the acreage of private commercial forest lands, the number of eligible owners, the potential productivity of such lands and the need for reforestation, timber stand improvement, or other forestry management needs.

(b) A limitation on the amount of funds which may be obligated under long-term agreements shall be established by the State committee in accordance with guidelines provided by the Deputy Administrator, Programs.

§ 701.32 Eligible practices and cost-share requirements.

(a) The following National practices and practice authority are those eligible for cost-sharing:

(1) Practice FP–1. Planting Trees.

(2) Practice FP–2. Improving a Stand of Forest Trees.

(3) Practice authority—SF Practice. Special Forestry Practices. The Director, Environmental Quality and Land Use Division, ASCS, after consultation with the Forest Service, may approve special forestry practices needed to take care of a significant and unique local condition for which the National practices are not adequate. Such practices may be approved for inclusion in county programs only upon the recommendation of the county program development group with the concurrence of the State program development group.

(b) A forest mangement plan is required as a condition of cost-sharing. The plan will be developed in consultation with the land owner, approved by the service forester, and will contain information for accurate evaluation of practice effectiveness. The participant will be required to perform those measures in the plan which are essential to the effectiveness of the practice for which costs are shared.

§ 701.33 National program.

The National program is based on recommendations developed by the National program development group.

§ 701.34 Development of State programs.

(a) A State program shall be developed in each State in accordance with the provisions contained in this part and in the National program and such modifications thereof as may thereafter be made. The program shall be developed by the State program development group.

(b) The program for the State shall be that recommended by the State program development group and approved by the Director, Environmental Quality and Land Use Division, ASCS after consulting the Forest Service.

§ 701.35 Development of county programs.

(a) A county program shall be developed in each designated county in accordance with the provisions of the State program and such modifications thereof as may be made. The county program shall be developed by the county program development group. The county program development group, working with the governing body of the conservation district, the forestry agency representatives of the State, the county supervisor of the Farmers Home Administration, and others with conservation and environmental interest, shall develop recommendations for the county program.

(b) The program for the county shall be that recommended by the county program development group and approved by the State program development group.

§ 701.36 Adaptation of practices.

(a) The practices included in the State program must meet the conditions and requirements of the National program. National program provisions may be modified or deleted to make practices more restrictive where such changes will still result in the practices effectively meeting the objective of the program.

(b) The practices included in the county program must meet the conditions and requirements of the State program. State program provisions may be modified or deleted to make practices more restrictive where such changes will still result in the practices effectively meeting the objectives of the program.

§ 701.37 Rates of cost-sharing.

(a) The maximum cost-share for each practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but which will be such that the participant will make a significant contribution to the cost of performing the practice.

(b) Levels of cost-sharing shall not be in excess of 75 percent nor less than 50 percent of the average cost as approved by the State committee.

(c) For the purpose of establishing rates of cost-sharing, the average cost of perfoming a practice may be the average cost for a State, a county, or a part of a county, as determined by the State committee.

(d) The rates of cost-sharing for practices included in the county program may be lower than the rates approved for general use in the State.

§ 701.38 Prior approval for cost-sharing.

Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested and approval issued before performance thereof is started.

§ 701.39 Method of approval.

The county committee will determine the extent to which Federal funds will

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be made available to share the cost of each approved practice, taking into consideration the county allocation, the forestry needs in the county and of the land involved, and the practices for which requested cost-sharing is considered by the county committee as most needed. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the cost-share for the performance of that number of units of the practice. Notices of approved practices shall be issued before performance of the practice may be started. No practice may be approved for cost-sharing except as authorized by the national, State or county program, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a pro-rata basis, but shall be directed to the accomplishment of the most production attainable.

(a) Cost-sharing may be approved under annual agreements or long-term agreements.

(b) Land covered by a Great Plains Conservation Program contract is not excluded from an annual or long-term agreement if otherwise eligible and is approved by both the Forest Service and the Soil Conservation Service.

(c) The same practices, cost-share levels and general program provisions apply to both annual agreements and long-term agreements.

§ 701.40 Long-term agreements.

(a) The period of a long-term agreement will be for not less than three (3) years nor more than ten (10) years. The county committee and the signatories to the agreement in consultation with the Forest Service representative, will mutually determine the scheduling of essential practices and practice cost-sharing over the period of the agreement.

(b) The long-term agreement will be based on a forest management plan for the ownership tract which has been developed by the Forest Service.

(c) The long-term agreement will provide that the owner will carry out those measures in the forest management plan which are determined to be essential whether or not cost-sharing is approved for such measures.

(d) The level of cost-sharing in effect for practices in all years of a long-term agreement shall be the level in effect for the beginning year of the agreement. The rate of cost-sharing for payment purposes for such practice will be based on the average cost of performing the practice at the time the practice is performed.

(e) A long-term agreement may be canceled for failure to comply with the terms of the agreement if, after consulting with the Forest Service, the county committee and State committee find that the seriousness of the irregularities warrant such action. If the agreement is canceled, the signatories to the agreement are jointly and severally responsible for refunding all cost-shares paid and will forfeit all rights to further payments under the agreement. In such a case, no other refund or forfeiture provisions of these regulations apply.

(f) A long-term agreement may be revised in accordance with instructions issued by the Deputy Administrator, Programs where there is a change in status of the participants or the land under agreement.

(g) An eligible person who acquires control of land under an approved agreement may elect to become a successor in interest under such agreement.

(h) An agreement will be terminated with respect to land for which loss of control has occurred and where the person acquiring control of such land elects not to become a successor in interest under the agreement. If the loss of control is for reasons beyond the control of the signatories to the agreement, the county committee will determine whether or not any cost-shares previously paid shall be refunded, but in no event shall the refund be greater than would be required in cases where loss of control is voluntary. If the loss of control is voluntary on the part of the signatories to the agreement, the signatories will be jointly and severally responsible for refunding all cost-shares paid and will forfeit all rights to further payments, with respect to the land for which control is lost: *Provided*, That a refund will not be required for cost-shares where, after consulting with the Forest Service, the county committee and the State committee determine that failure to perform the remaining practices in the agreement will not impair the effectiveness of the practices which have been performed and that the completed practices will provide forestry benefits consistent with the cost-shares which have been paid.

(i) An agreement may be terminated if, after considering the recommendation of the Forest Service, the county committee recommends and the State committee concurs that such action is in the public interest.

§ 701.41 Restoration of practices.

(a) Cost-sharing may be authorized under the program only for the establishment or installation of the practices contained in this part. Cost-sharing may not be authorized for repeating any of the practices in this part with the same owner on the same acreage, except as provided in paragraph (b) of this section.

(b) Cost-sharing may be authorized for the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed under the program only if all of the following conditions exist:

(1) Replacement or restoration of the practice is needed to solve the problem;

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator; and

(3) The county committee believes that the replacement or restoration of the practice merits consideration under the program to an equal extent with other practices.

§ 701.42 Maximum cost-share limitation.

For each fiscal year the total of all cost-shares to any owner with respect to eligible ownerships (§ 701.30 (b)) in the United States, Puerto Rico, Guam, and the Virgin Islands for approved practices carried out under annual and/or long-term agreements shall not exceed the sum of $10,000.

§ 701.43 Completion of practices.

Cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance all applicable specifications and program provisions.

§ 701.44 Time of filing payment application.

Payment of cost-shares will be made only upon application submitted on the prescribed form to the county office by the prescribed time limit or any authorized extension thereof. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 701.45 Other program provisions.

Other provisions as contained in §§ 701.1 and 701.2 and in the subpart, General Provisions, apply to the Forestry Incentives Program.

Subpart—Emergency Conservation Measures Program

§ 701.46 Program objective.

The objective of the emergency conservation measures program is to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, or other natural disasters by sharing with eligible farmers the cost of restoring damaged farmlands.

§ 701.47 Program availability.

Subject to the availability of funds, the county committee may implement the program where new conservation problems have been created on farmland by a natural disaster which, if not treated: (a) Will impair or endanger the land; (b) materially affect the productive capacity of the land; (c) represent damage which is unusual in character and, except for wind erosion, is not the type which would recur frequently in the same area; and (d) will be so costly to rehabilitate that Federal assistance is required to return the land to productive agricultural use.

§ 701.48 Eligible land and person.

Eligibility of land and person is the same as for the Agricultural Conservation Program as provided in § 701.7 and § 701.8.

§ 701.49 Emergency conservation measures.

(a) Cost-sharing may be offered for emergency conservation measures only to replace or restore a practice or to restore the land to a condition similar to that existing prior to the natural disaster; and may not be offered for the solution of conservation problems existing prior to the disaster involved.

(b) Emergency conservation measures or practices for which cost-sharing may be authorized are:

(1) *Practice EC1.* Removing debris from farmland, including farmsteads and roadways.

(2) *Practice EC2.* Grading, shaping, releveling or similar measures to restore farmland.

(3) *Practice EC3.* Restoring permanent fences.

(4) *Practice EC4.* Restoring structures and other installations.

(5) *Practice EC5.* Emergency wind erosion control measures.

(6) *Practice EC6.* Drought emergency measures.

(7) *Practice EC7.* Other emergency conservation measures.

Other needed emergency conservation practices not included in practices EC1 through EC6 may be included in county programs only upon the recommendation of the county committee in consultation with the county program development group and the approval of the State committee.

§ 701.50 Practice approval.

Practices developed within the framework of practice EC1 thru EC6 (§ 701.49) may be approved by the county committee for use in the county. Practices developed according to the guidelines for practice EC7 require prior approval of the State committee.

§ 701.51 Extent of cost-sharing.

The extent of cost-sharing is the smaller of: (a) the actual cost less the amount the county committee determines the farmer can bear in restoring the damaged farmland, or (b) 80 percent of the actual cost.

§ 701.52 Eligible costs.

Upon determination that a producer is eligible for assistance, cost-sharing shall be granted for all reasonable costs incurred. This extends to personal labor, equipment, or materials. County committees shall limit costs for the use of personal equipment to an amount that reflects actual expenses considering operating costs and depreciation. Expenses for personal labor and personal equipment should be less than rates charged by contractors who expect to make a profit for their efforts.

§ 701.53 Filing requests.

Cost-sharing must be requested by a date established by the county committee.

§ 701.54 Approving requests.

County committees will determine eligibility for assistance on an individual basis considering the: (a) Type and extent of damage and (b) farmer's capability (financial and otherwise) to rehabilitate the damaged farmland. Assistance will not be offered where the farmland can be restored in a relatively short period of time using normal farm labor and equipment at minimum cost.

§ 701.55 Pooling agreements.

Pooling agreements may be used on the same basis as provided for the Agricultural Conservation Program in § 701.18.

§ 701.56 Payment limitation.

There is no maximum payment limitation under the program. Requests or cumulative requests for cost-sharing in excess of $10,000 per person per disaster require prior approval of the State committee.

§ 701.57 Other program provisions.

Other provisions as contained in §§ 701.1 and 701.2 and in the subpart, General Provisions, apply to the emergency conservation measures program.

Subpart—General Provisions

§ 701.58 Restriction on program eligibility.

The regulations in Part 796 of this chapter prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use, marijuana or other such prohibited drug-producing plants on any part of the land owned or controlled by them are applicable to these programs.

§ 701.59 Delegation of authority.

No delegation contained in these programs to a State or county committee shall preclude the Deputy Administrator, Programs or his designee, from determining any question arising under these programs or from reversing or modifying any determination made by a State or county committee.

§ 701.60 Practice specifications.

(a) Minimum specifications which practices must meet to be eligible for cost-sharing shall be set forth in the county program, or incorporated therein by specific reference to a standard publication or other written document containing such specifications.

(b) Practice specifications shall represent those levels of performance which are needed in order for the practice to be effective in meeting the program objective and which are not in excess of levels for which cost-sharing can be justified.

§ 701.61 Responsibility for technical phases of practices.

The Soil Conservation Service and Forest Service are responsible for the technical phases of the practice as assigned and such assignment will be specified in State and county programs.

(a) The State conservationist of the Soil Conservation Service may utilize assistance from private, State or Federal, agencies in carrying out the assigned responsibilities. Responsibilities will not be assigned for counties with respect to which the Deputy Administrator, Programs and the Administrator, SCS, agree that it would not be administratively practicable for the Soil Conservation Service to discharge these responsibilities. In such counties, these responsibilities shall be assumed by the county committees. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agencies in carrying out assigned responsibilities for practices involving the establishment of windbreaks or shelterbelts on farmland to prevent wind erosion.

(b) The Forest Service is responsible for the technical phases of practices or components of practices involving the planting of trees for forestry purposes and those involving the improving or protecting of a stand of forest trees, as specified in State and county programs. The Forest Service may utilize the assistance of private, State or Federal agencies in carrying out these assigned responsibilities, but services of State forestry agencies will be utilized to the full extent that such services are available.

(c) The technical assistance to be furnished in servicing assigned practices will include, where appropriate, the following technical phases: (1) Determining whether the practice is needed and practicable; (2) selecting the site (if necessary), determining the specific measures needed, and performing any required layout work for the practice; (3) supervising the installation of the practice if needed to assure conformity with specifications; and (4) certifying the extent performed and whether the specifications for the practice have been met. The technical agency shall perform all four phases for all assigned practices in State and county programs, except as may be provided in instructions issued by the Deputy Administrator, Programs.

§ 701.62 Items of cost on which rates of cost-sharing may be based.

Except as otherwise provided by the wording contained in procedural handbooks, notices, and regulations the cost of any direct and significant factor in the performance of a practice may be considered in establishing the rate of cost-sharing for the practice.

§ 701.63 Handbooks, bulletins, instructions, and forms.

The Deputy Administrator, Programs is authorized to prepare and issue handbooks, bulletins, instructions, and forms required in administering these programs. Copies of handbooks, bulletins, instructions and forms containing detailed information with respect to these programs as they apply to specific States, counties, areas, farms, ranches, and other eligible ownerships will be available in the office of the State committee at the office of the county committee.

§ 701.64 Opportunity for requesting cost-shares.

Each farmer, rancher, or eligible landowner, regardless of his race, creed, color, or national origin, shall be given an opportunity to request that the Federal Government share in the cost of those practices which he considers he needs

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on his farm, ranch, or other eligible land. The county committee, taking into consideration the request and any conservation or forest management plan developed for the land involved with the assistance of any State or Federal agency, and without regard to the race, creed, color, or national origin of the person, shall direct the available funds for cost-sharing to those practices where cost-sharing is considered most essential to the accomplishment of the program objective.

§ 701.65 Repair, upkeep and maintenance of practices.

Cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

§ 701.66 Public benefits when installing practices.

Persons responsible for any aspect of performing practices are to be encouraged to install the practices in such a way to promote public benefits by improving or preserving environmental quality and ecological balance by preventing or abating pollution and other environmental degradation; benefiting the community by means such as preserving open space, or enhancing the appearance of the area; benefiting wildlife and other desirable life forms; preserving historic, archeological, or scenic sites of interest; and avoiding the creation of hazards to persons or animals.

§ 701.67 Practices requiring more than one program year for completion.

Cost-shares approved under these programs will not be considered as earned until all components of the approved practice are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components may be paid only on the condition that the farmer, rancher, or eligible landowner will complete the remaining components of the practice within the time prescribed by the county committee and regardless of whether cost-sharing therefor is offered unless he is prevented from doing so because of reasons beyond his control.

§ 701.68 Practice involving the establishment or improvement of vegetative cover.

Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or replanted or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

§ 701.69 Failure to meet minimum requirements.

Notwithstanding other provisions of these programs, costs may be shared for performance actually rendered even though the minimum requirements for a practice are not met, if the farmer, rancher, or eligible landowner establishes to the satisfaction of the county committee and the county representative of any other agency having responsibility for technical phases of the practice that he made a reasonable effort to meet the minimum requirements, and that the practice as performed adequately solves the problem.

§ 701.70 Practices carried out with aid from ineligible persons.

The entire cost-share for a practice carried out with aid from an ineligible person, including a State or Federal agency, shall be credited to the eligible persons who contributed to the cost of carrying out the practice: *Provided*, That the cost-share credited to an eligible person shall not exceed his contribution to the cost of carrying out the practice.

§ 701.71 Division of cost-shares.

(a) The cost-share for a practice shall be credited to the person who carried out the practice. If more than one person contributed to the carrying out of the practice, the cost-share for the practice shall be divided among such persons in the proportion that the county committee determines they contributed to the carrying out of the practice. In making his determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of the practice, and shall assume that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. Any advances toward the cost of materials or services under § 701.21, the furnishing of land, and the furnishing of the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) The allowance by an eligible person of a credit to another eligible person in the form of an adjustment in rental or an exchange of cash or other consideration will not be considered as a contribution to the carrying out of any practice unless it is established to the satisfaction of the county committee that such credit is directly related to the cost or cost-share of the practice. A person will not be considered as having contributed to the carrying out of a practice if the county committee determines that he has been or is to be fully reimbursed for contributions he made to the performance of the practice, through an adjustment in rental or an exchange of cash or other consideration between eligible persons directly related to the cost or cost-share for the practice.

§ 701.72 Death, incompetency, or disappearance.

In case of death, incompetency, or disappearance of any person, any cost-shares due him shall be paid to his successor, determined in accordance with the provisions of the regulations in Part 707 of this chapter, as amended.

§ 701.73 Applying cost-share limitations.

(a) All or any part of any cost-share which otherwise would be due any person for a program year may be withheld, or required to be refunded, if, with respect to that program year, he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation or use of any corporation, partnership, estate, trust or any other means, designed to evade a maximum cost-share limitation.

(b) For the purpose of applying the maximum cost-share limitations, the rules of paragraphs (b)(1) through (9) of this section shall apply in determining whether certain individuals who may have an interest in the ownership or operation of a farm or ranch (§ 701.2 (b)) are to be considered as one or as separate persons. In cases where more than one rule would appear to be applicable, the rule which is most restrictive as to number of persons shall apply.

(1) *Husband and wife.* Husband and wife shall be considered as one person for all farms in which either has an interest except that a husband or wife shall be considered as a separate person with respect to any farm as to which all the conditions set forth in paragraph (b)(9) of this section are met.

(2) *Family groups.* Members of the same family shall be considered as one person for all farms in which any member has an interest except that any member shall be considered as a separate person with regard to any farm as to which all the conditions set forth in paragraph (b)(9) of this section are met.

(3) *Partnerships.* A partnership and its members shall be considered as one person for all farms in which the partnership or any member thereof has an interest except that the partnership or any member thereof shall be considered a separate person with respect to any farm as to which all the conditions set forth in paragraph (b)(9) of this section are met: *Provided*, That in no event shall cost-sharing be approved for both the partnership and the individual members thereof on the same farm.

(4) *Corporation.* A corporation (including a grazing association) and its shareholders or members shall be considered as one person for all farms in which the corporation or any shareholder or member has an interest except that the corporation or any shareholder or member thereof shall be considered a separate person with respect to any farm

as to which all the conditions set forth in paragraph (b)(9) of this section are met: *Provided*, That in no event shall cost-sharing be approved for both the corporation and the individual shareholders or members thereof on the same farm.

(5) *Trust.* The trustees of a trust and the beneficiaries of the trust shall be considered as one person on all farms in which the trustee or any beneficiary of the trust has an interest except that the trustee or any beneficiary of the trust shall be considered a separate person with respect to any farm as to which all the conditions of paragraph (b)(9) of this section are met: *Provided*, That in no event shall cost-sharing be approved for both the trustee and the beneficiaries of the trust on the same farm.

(6) *Estates.* The administrator or executor of an estate and the heirs thereof shall be considered as one person on all farms in which the administrator or executor or any heir thereof has an interest except that the administrator or executor or any heir of the estate shall be considered as a separate person with respect to any farm as to which all the conditions of paragraph (b)(9) of this section are met: *Provided*, That in no event shall cost-sharing be approved for both the administrator or executor and the heirs of the estate on the same farm.

(7) *Tenants in common and joint tenants.* All persons owning a farm as tenants in common or as joint tenants shall be considered as one person with respect to such farm except that the owners shall be considered separate persons if all the conditions set forth in paragraph (b)(9) of this section are met.

(8) *Joint undertakings.* Two or more individuals acting as a group under an arrangement which, although lacking in the legal elements of a corporation or partnership, is in the nature of a joint undertaking shall be considered as one person with respect to any farm to which the joint undertaking applies except that the joint undertaking or any member thereof shall be considered a separate person with respect to any farm as to which all the conditions set forth in paragraph (b)(9) of this section are met: *Provided*, That in no event shall cost-sharing be approved for both the joint undertaking and the individual members thereof on the same farm.

(9) *Exception.* The conditions which must be met in order for an individual or other entity referred to in paragraph (b)(1), (2), (3), (4), (5), (6), (7), or (8) of this section to be considered a separate person are as follows:

(i) The interest of such individual or other entity in the farm and income therefrom must be separate and distinct from the interest therein of the other individuals or entity referred to in the applicable subparagraph;

(ii) Such individual or other entity must exercise, separate from the other individuals or entity referred to in the applicable subparagraph, responsibility for management of such separate interests; and

(iii) The contribution of such individual or entity to the cost of performing practices must be made from a fund or account separate from that of any other individual or entity referred to in the applicable subparagraph.

(c) For the purpose of applying the cost-share limitation, a corporation or partnership shall be considered as a separate person from any other corporation or partnership which may participate in the program, even though there are common stockholders or members, with respect to any farm as to which all of the following conditions are met: (1) The interests of such corporation or partnership in the farm and the income therefrom must be separate and distinct from the interest therein of the other corporation or partnership; (2) such corporation or partnership must exercise, separate from the other corporation or partnership, responsibility for management of such separate interest; (3) the contribution of such corporation or partnership to the cost of performing practices must be made from a fund or account separate from that of the other corporation or partnership: *Provided*, That, in no event shall cost-sharing be approved on the same farm for more than one corporation or partnership having common stockholders or membership.

§ 701.74 Persons eligible to file application for payment of cost-shares.

Any person who bore a part of the cost of an approved practice is eligible to file an application for payment of cost-share due him.

§ 701.75 Time and manner of filing application and required information.

It shall be the responsibility of persons participating in these programs to submit to the county office forms and information needed to establish the extent of the performance of approved practices and compliance with applicable program provisions. The time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the programs. Such time limits shall afford a full and fair opportunity to those eligible to file the forms and information within the period prescribed. At least 2 weeks notice to the public shall be given of any general time limits prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press. Other means of notification; including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of such time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to the time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

§ 701.76 Appeals.

Any person may obtain reconsideration and review of determinations affecting his participation in these programs, in accordance with Part 780 of this chapter, as amended.

§ 701.77 Performance based on advice or action of county or State committee.

Cases involving performance rendered in good faith in reliance upon action or advice of an authorized representative of a county committee or State committee shall be handled in accordance with Part 790 of this chapter.

§ 701.78 Compliance with regulatory measures.

Persons who carry out practices under these programs shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 701.79 Maintenance and use of practices.

The sharing of costs for the performance of approved practices on any farm or ranch under these programs shall be subject to the condition that the person with whom the costs are shared will maintain and use such practices for the purpose for which cost-sharing was authorized throughout their normal lifespans as determined by the county committee, as long as the land on which they are carried out is under his control, unless the State or county committee determines that good farming or forest management practice does not require such maintenance and use or that the failure to so maintain and use the practices was due to conditions beyond his control. If the State or county committee finds that there has not been compliance with this provision, with respect to any practice, the person with whom costs for the practice were shared shall be required to refund all of the cost-share for the practice, or such part thereof as the State or county committee may determine.

§ 701.80 Practices defeating purposes of program.

If the county committee finds with the concurrence of the State committee, or if the State committee finds, that any person has adopted or participated in any practice which tends to defeat the purposes of these programs, including, but not limited to, failure to maintain, in accordance with good farming or forest management practices, practices carried out during a previous program year, it may withhold, or require to be refunded, all or any part of the cost-share which otherwise would be due him for the pro-

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gram year in which he adopted or participated in the practice which tends to defeat the purposes of these programs.

§ 701.81 Depriving others of cost-shares.

If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the cost-shares due that person, under these programs, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the cost-share which otherwise would be due him for the program year in which the scheme or device was employed.

§ 701.82 Filing of false claims.

If the State committee finds that any person has knowingly supplied false information, or has knowingly filed a false claim, including a claim for payment of the cost-share under these programs for practices not carried out or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any cost-share under the program year with respect to which the false information or false claim was filed, and shall refund all amounts that may have been paid to him under that program year. The withholding or refunding of cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed by law.

§ 701.83 Cost-shares not subject to claims.

Any cost-share or portion thereof, due any person shall be determined and allowed, without regard to questions of title under State law; without deductions of claims for advances except as provided in § 701.84, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor. The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this title, as amended, shall be applicable to the program.

§ 701.84 Assignments.

Any person who may be entitled to any cost-share under these programs may assign his right thereto, in whole or in part, in accordance with the regulations governing the assignment of payments.

Effective date. Since farmers are now completing their plans for the 1975 program year it is essential that the foregoing regulations governing the Rural Environmental Programs for 1975 and subsequent years be made effective as soon as possible. It is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, the regulations shall become effective November 10, 1975.

Signed at Washington, D.C., on November 3, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-30198 Filed 11-7-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[CCC Grain Price Support Regulations, 1970 and Subsequent Crops Rye Supplement, Amendment 5]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Adjustment in Support Rates for Shipment

The regulations issued by the Commodity Credit Corporation (CCC), published in the Federal Register at 35 F.R. 10355, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of rye are further amended as follows:

1. Section 1421.340(d) is revised, to delete the words "at not to exceed the UGSA rates", to read as follows:

§ 1421.340 Warehouse receipts.

* * * * *

(d) *Liens.* Warehouse receipts and rye represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (UGSA) may be subject to liens only for warehouse handling charges. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the rye when CCC is the holder of the warehouse receipt.

* * * * *

2. Since storage is no longer on a uniform-rate basis, it is desirable to delete all references to computed rates applicable under the Uniform Grain Storage Agreement (UGSA) and to insert "truck receiving and rail loading-out charges in effect for the shipping warehouse". Accordingly § 1421.344(b) is revised to read as follows, and § 1421.344(c) (2) (i) is revised to increase the add-on rate for grain stored within the switching limits of designated terminal markets to read as follows:

§ 1421.344 Support rates.

* * * * *

(b) *Basic support rates for warehouse-stored rye received by rail or utilizing combination barge-rail rates—(1) When shipped by rail and stored intransit at interior locations.* The applicable basic support rate for warehouse-storage loans on rye which was received by rail and stored in an approved warehouse at other than a port terminal market shall be determined by adding to the basic support rate established for the county from which the rye was shipped, the amount of freight charges per bushel actually paid in, and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse. The freight rate paid into the storage point shall not exceed the lowest rate which will permit the storage intransit privilege and protect the lowest single car rate applying from origin through point of storage to a terminal market designated in paragraph (c) (2) of this section that would be used in commercial channels of trade. If the rye is stored in approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to a designated terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(2) *When shipped by rail and stored as designated port terminal market locations.* The applicable basic support rate for warehouse storage loans on rye which was received by rail and stored in an approved warehouse at a port terminal market designated in paragraph (c) (2) (iii) of this section shall be determined by adding to the basic support rate established for the county from which the rye was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse. The freight rate paid into the storage point shall not exceed the lowest applicable freight rate to the port terminal market that would be used in commercial channels of trade.

(3) *When shipped utilizing combination barge-rail rates.* The applicable basic support rate for warehouse-storage loans on rye which was shipped utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission and stored in an approved warehouse shall be determined by adding to the basic support rate established for the county from which the rye was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse. The freight rate paid into the storage point shall not exceed a rate which will permit the storage intransit privilege and protect the lowest single car or barge freight rate applying from origin through point of storage to one of the interior or port terminal markets designated in paragraph (c) (2) of this section that would be used in commercial channels of trade. If the rye is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to the designated interior or port terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(4) *When shipped by rail through an unapproved warehouse.* The applicable basic support rate for warehouse storage loans on rye which was received by rail shipped through an unapproved warehouse and stored in an approved warehouse at a terminal market designated in paragraph (c) (2) (iii) of this section shall be determined by adding to the basic support rate established for the county from which the rye was shipped the amount of freight charges per bushel actually paid in and an amount equal to the loading-out charges. The county office shall determine receiving and loading-out charges from approved warehouses in the local area. An average of these charges shall become the truck receiving and rail loading-out charge to be added on. The freight paid into the storage point shall be the lowest applicable freight rate to the port terminal market that would be used in commercial channels of trade.

(c) * * *

(2) *Stored within the switching limits of designated terminal markets.* (i) The applicable basic support rate for warehouse-storage loans on rye which was received by truck, or by barge not utilizing combination barge-rail freight rates, and stored in an approved warehouse located within the switching limits of a terminal market designated in paragraph (c) (2) (ii) or (iii) of this section shall be determined by adding eight cents per bushel to the basic county support rate established for the county (or city) in which the terminal market is located.

* * * * *

Since rye is currently being harvested in many parts of the rye-producing area and the provisions of this amendment are needed to carry out the loan program more effectively compliance with the notice of proposed rulemaking would be impracticable and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note and 1421)).

Effective date: November 10, 1975.

Signed at Washington, D.C., on November 3, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-30199 Filed 11-7-75;8:45 am]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed

The only substantive change under this revision is the elimination of the restrictive requirement for performance bonds or other security covering the obligations of warehousemen storing and handling grain, rice, dry edible beans, and seed under Commodity Credit Corporation programs. Accordingly, it is determined that compliance with the notice of proposed rulemaking procedures is unnecessary and contrary to the public interest.

The regulations appearing in this subpart which were published on February 15, 1969 (34 F.R. 2243), and amended on February 11, 1974 (39 F.R. 5184), are revised to read as follows:

Sec.
1421.5551 General statement and administration.
1421.5552 Basic standards.
1421.5553 Bonding requirements for net worth.
1421.5554 Examination of warehouses.
1421.5555 Exceptions.
1421.5556 Approval of warehouse; requests for reconsideration.
1421.5557 Exemption from requirements.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b).

§ 1421.5551 General statement and administration.

(a) This subpart prescribes the requirements which must be met by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval of his warehouse(s) by Commodity Credit Corporation (hereinafter called "CCC") for the storage and handling of (1) wheat, oats, corn, rye, barley, grain sorghums, flaxseed, and soybeans under a Uniform Grain Storage Agreement (which commodities hereinafter are referred to collectively as "grain"), (2) rough rice under a Uniform Rice Storage Agreement, (3) milled rice under a Milled Rice Storage Agreement, (4) dry edible beans under a Bean Storage Agreement, and (5) seed under a Seed Storage Agreement, which are owned by CCC or held by CCC as security for price support loans. This subpart also prescribes the procedure to be followed by a warehouseman in obtaining such approval. This subpart is not applicable to grain, rough and milled rice, dry edible beans, and seed purchased in store for prompt shipment or to handling operations of a temporary nature.

(b) Copies of the CCC storage agreement and other forms required to obtain approval under this subpart may be obtained from the Prairie Village Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, Post Office Box 8377, Shawnee Mission, Kansas 66208 (hereinafter referred to as the "Prairie Village Office").

(c) A warehouse must be approved by the Prairie Village Office and a storage agreement must be entered into by CCC and the warehouseman before such warehouse will be used by CCC. The approval of a warehouse or the entering into of a storage agreement does not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, in applying for approval under this subpart, shall submit to CCC at the Prairie Village Office:

(1) A completed Form CCC-24, "Application for Approval of Warehouse for Grain, Rice, Dry Edible Beans, and Seed", and a completed Form CCC-24-1, "Supplemental to Application for Approval of Warehouse for Grain, Rice, Dry Edible Beans, and Seed".

(2) A current financial statement on Form TW-51, "Financial Statement", supported by such supplemental schedules as may be requested. Such statement shall show the financial condition of the warehouseman as of a date not earlier than ninety (90) days prior to the date of the warhouseman's application or such other date as may be established by CCC. Subsequent financial statements shall be furnished annually and at such other times as may be required by CCC. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity.

(3) Evidence that he is licensed by the appropriate licensing authority as required under § 1421.5552(b) (2) and such other documents or information as CCC may require.

§ 1421.5552 Basic standards.

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by him which is to be approved, or has been approved, for the storage or handling of grain, rough and milled rice, dry edible beans, and seed under CCC programs shall meet the following standards:

(a) Neither the warehouseman nor any of his officials or supervisory employees is suspended or debarred under CCC's regulations governing suspension and debarment, 7 CFR, Part 1407, for any of the causes set forth in § 1407.5 thereof.

(b) The warehouseman shall: (1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing or handling for hire the commodity involved. The warehouseman, if a corporation, shall be authorized by its charter to engage in such business.

(2) Have a current and valid license for the kind of storage operation for which he seeks approval if such a license is required by State or local laws or regulations.

(3) Have a net worth equal at least to the product obtained by multiplying the maximum storage capacity of the warehouse (the total quantity of the commodity involved which the warehouse can accommodate when stored in the customary manner) times five (5) cents per bushel in the case of grain, twenty (20) cents per hundredweight in the case of rough rice, thirty-five (35) cents per hundredweight in the case of milled rice, and twenty-five (25) cents per hundredweight in the case of dry edible beans, and, in the case of seed, the net worth shall be equal at least to the product obtained by multiplying the estimated total number of pounds of seed to be stored times three (3) cents

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per pound, but in no case shall the net worth be less than $10,000. If the required minimum net worth exceeds the $10,000, the warehouseman may satisfy any deficiency in net worth between the $10,000 and such required minimum net worth by furnishing an acceptable bond or other security acceptable to CCC meeting requirements of § 1421.5553.

(4) Have available sufficient funds to meet ordinary operating expenses.

(5) Have satisfactorily corrected, upon request by CCC, any deficiencies in the performance of any storage agreement with CCC.

(6) Maintain complete inventory and operating records.

(7) Use only prenumbered warehouse receipts and scale tickets.

(c) (1) The warehouseman, his officials or his supervisory employees in charge of the warehouse operation shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business as related to the commodities involved to enable them to provide proper storage and handling services, and

(2) The warehouseman, his officials, and each of his supervisory employees in charge of the warehouse operations shall have a satisfactory record of integrity, judgment, and performance.

(d) The warehouse shall: (1) Be of sound construction, in good state of repair, and adequate to handle, store, and preserve the commodity involved.

(2) Be under the control of the contracting warehouseman at all times.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have adequate firefighting equipment for the type of warehouse and commodity involved.

(5) Be located on a railroad or waterway or have a suitable method of delivering the commodity involved.

(6) Have a work force and equipment available to complete the load out within approximately thirty (30) working days of that quantity of grain for which the warehouse is or may be approved under a Uniform Grain Storage Agreement and within approximately ninety (90) working days of that quantity of the commodity for which the warehouse is or may be approved under a Uniform Rice Storage Agreement, a Milled Rice Storage Agreement, a Bean Storage Agreement, or a Seed Storage Agreement. The load out capacity of any of these warehouses need not exceed the equivalent of 200 railroad cars per day

§ 1421.5553 Bonding requirements for net worth.

A bond furnished by a warehouseman under this subpart must meet the following requirements:

(a) Such bond shall be executed by a surety company which: (1) Has been approved by the U.S. Treasury Department, and (2) maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) A bond furnished by a warehouseman shall be on Form CCC–33, "Warehouseman's Bond—Storage Agreement", except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if: (1) CCC determines that it provides adequate protection to CCC, (2) it has been executed by a surety specified in paragraph (a) of this section or has a blanket rider and endorsement executed by such a surety with the liability of the surety under such rider or endorsement being the same as that of the surety under the original bond, and (3) is noncancellable for not less than ninety (90) days or includes a rider providing for not less than ninety (90) days' notice to CCC before cancellation. Excess coverage on a substitute bond for one warehouse will not be accepted or applied by CCC against insufficient bond coverage on other warehouses operated by a warehouseman.

(c) Cash and negotiable securities offered by a warehouseman may be accepted by CCC in lieu of the equivalent amount of required bond coverage. Any such cash or negotiable securities accepted by CCC will be returned to the warehouseman when the period for which coverage was required has ended and there appears to CCC to be no liability under the storage agreement.

(d) A legal liability insurance policy may be accepted by CCC in lieu of the required amount of bond coverage provided such policy contains a clause or rider making the policy payable to CCC. CCC determines that it affords protection equivalent to a bond, and the Office of the General Counsel, U.S. Department of Agriculture, approves it for legal sufficiency.

§ 1421.5554 Examination of warehouses.

Except as otherwise provided in this subpart, a warehouse will be examined by a person designated by CCC before it is approved by CCC for the storage or handling of the commodity involved and periodically thereafter to determine its compliance with CCC's standards and requirements.

§ 1421.5555 Exceptions.

Notwithstanding any other provisions of this subpart: (a) The financial, bond, and original and periodic warehouse examination provisions of this subpart are not applicable to any warehouseman approved or applying for approval for the storage or handling of grain, rough or milled rice, dry edible beans, or seed under CCC programs if his warehouse is licensed under the U.S. Warehouse Act for the same commodity but a special examination shall be made of such warehouse whenever such action is determined necessary.

(b) A Certificate of Competency issued by the Small Business Administration with respect to warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1421.5552(b), (1), (3), and (4), (c)(1), and (d), and the warehouseman will not be required to furnish bond coverage for a deficiency in net worth.

(c) A warehouseman who has a net worth of at least $10,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if: (1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for the commodity involved, and

(2) The warehouseman furnishes such bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as may be prescribed by CCC.

§ 1421.5556 Approval of warehouses: requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set out in this subpart. CCC will forward a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of responsibility for performing his obligations under any contract with CCC or any other agency of the United States. An approval will remain in effect until the storage agreement expires or is otherwise terminated unless CCC sooner withdraws its approval.

(b) Except as otherwise provided in this subpart: (1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set out in this subpart.

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform his obligations under the CCC storage agreement.

(3) CCC will forward a notice of disapproval or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any of his officials or supervisory employees is suspended or debarred as provided in § 1421.5552(a), CCC will approve, or reinstate approval of, the warehouse upon the warehouseman establishing that he has remedied the cause(s) for CCC's action. If there appears to be a justifiable basis for suspension or debarment of the warehouseman or any of his officials or supervisory employees, CCC may defer action on an application for approval or reinstatement of approval or may withdraw approval pending a decision with respect to suspension or debarment proceedings.

(c) (1) If disapproval or withdrawal of approval by CCC is due to failure to meet the standards set forth in § 1421.5552, other than the standard in paragraph (a) thereof, the warehouseman may at any time after receiving notice of such action request reconsideration of the action and present to the Director of the Prairie Village Office, orally or in writing, information in support of his request. The Director, upon consideration of such information, shall notify the warehouseman in writing of his determination. The warehouseman may, if the Director's determination is adverse to the warehouseman, obtain a review of the determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator, Commodity Operations, ASCS. The time for filing appeals, forms of request for appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed by §§ 780.6, 780.7, 780.8, 780.9, and 780.10, respectively, of the ASCS regulations governing appeals, 7 CFR Part 780. In connection with such regulations, the warehouseman shall be considered to be a "participant".

(2) If disapproval or withdrawal of approval by CCC is due to failure to meet the standard set forth in § 1421.5552(a), the warehouseman's rights of appeal and hearing shall be as provided in regulations governing suspension and debarment by CCC, 7 CFR Part 1407. After expiration of his suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

§ 1421.5557 Exemption from requirements.

If warehousing services in any area cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available for securing such services for commodities under CCC programs, the President or Executive Vice President, CCC, may exempt, in writing applicants in such area from one or more of the standards of this subpart and may establish such other standards as are considered necessary to safeguard satisfactorily the interests of CCC.

Effective date: This revision shall be effective on November 10, 1975. Warehousemen approved under prior regulations are not required to submit new applications for approval under this revision but are subject to the provisions of this subpart for continued approval to handle and store the commodities involved.

Signed at Washington, D.C., on November 3, 1975.

E. J. PERSON,
Acting Executive Vice President Commodity Credit Corporation.

[FR Doc.75–30200 Filed 11–7–75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 213—OIL IMPORT REGULATIONS

Elimination of Reporting Requirements

On October 15, 1975, the Federal Energy Administration (FEA) issued a proposal to amend § 213.23 of the Oil Import Regulations by eliminating the reporting requirements contained in paragraph (c). Six comments were received, all of which were in favor of this proposal. Accordingly, FEA hereby amends § 213.23 as proposed.

As indicated in the proposal, this amendment will result in no reduction in the amount of data available to FEA with regard to the quantity, country of origin, and further processing requirements of imported crude petroleum and petroleum products. Its purpose is, rather, to eliminate a reporting procedure that has proved burdensome to importers, and that yields data already received by FEA from other sources.

(Federal Energy Administration Act of 1974, Pub. L. 93275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, P.L. 87794, as amended; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 38 FR 9645, Proclamation No. 4227, 38 FR 16195, Proclamation No. 4317, 38 FR 35103, Proclamation No. 4341, 40 FR 3956, Proclamation No. 4355, 40 FR 10437, Proclamation No. 4370, 40 FR 19421, and Proclamation No. 4377, 40 FR 23429)

In consideration of the foregoing, Part 213 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effectively immediately.

Issued in Washington, D.C., November 4, 1975.

DAVID G. WILSON,
Acting General Counsel, Federal Energy Administration.

§ 213.23 [Amended]

Section 213.23 is amended by deleting paragraph (c), and by redesignating paragraphs (d) and (e) as paragraphs (c) and (d) respectively.

[FR Doc.75–30091 Filed 11–5–75;9:09 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[75–1003]

PART 555—BOARD RULINGS

Amendments to Ruling Relating to the Effect of Participations on Borrowing Members

NOVEMBER 5, 1975.

SUMMARY

The following summary of the Ruling amended by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the amended Ruling.

I. SITUATION PRIOR TO THIS AMENDMENT

Borrowers from a Federal mutual association were deemed to be members of the association which singly or jointly originated the loan, and they also were deemed to be members of any Federal association or associations purchasing the loan, or a participation therein, from the Federal association which originated the loan.

II. PROPOSED AMENDMENT

A. Borrowers from a Federal mutual association would be members only of the association singly or jointly originating the loan, provided that such loan has not been fully repaid, and such association has not sold its entire ownership interest in the loan.

B. A third party assuming the loan in full would be deemed the borrowing member of the originating association in lieu of the original borrower.

III. FINAL AMENDMENT

The same as the Proposed Amendment.

IV. REASON FOR THIS AMENDMENT

To simplify the question of determining borrowing membership in a Federal mutual association, and to conform the Board's interpretative Ruling more closely to the relevant provisions of Section 4 of the charters of Federal mutual associations.

The Federal Home Loan Bank Board, by Resolution No. 75–895, dated October 1, 1975, proposed to amend § 555.9 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 555.9) to simplify the question of determining membership rights of borrowers of Federal mutual associations. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on October 8, 1975 (40 FR 47151) with an invitation for interested persons to submit written comments by October 23, 1975.

For the reasons stated in the proposal and summarized above, and on the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby approves the proposal without change and hereby amends § 555.9 to read as set forth below, effective November 10, 1975.

Since this is an amendment of an interpretative ruling, the Board hereby finds that publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment is unnecessary, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

Section 555.9 is revised to read as follows:

§ 555.9 Members; borrowing; loan participation, effect on.

Solely for the purpose of determining borrower membership in a Federal mutual association pursuant to Parts 544 and 563b of this Chapter, a person will be deemed to be a borrowing member of a Federal mutual association pursuant to its charter if and only if such association has singly or jointly originated a loan to that person, such loan has not been fully repaid, and the entire ownership interest of the originating association in such loan has not been sold to a third party or parties. In the event such loan has been assumed in full, the person assuming the loan shall be deemed to be a borrowing member of the originating association in lieu of the original borrower whether or not the original borrower has been released from his obligation on the loan.

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(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., P. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-30174 Filed 11-7-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation SPR-95, Amdt. 5]

PART 372—OVERSEAS MILITARY PERSONNEL CHARTERS

Amendment Regarding Escrowed Charter Deposits

In SPDR-41,[1] the Board issued a Notice of Proposed Rulemaking to amend Parts 372, 373, and 378 of the Board's Special Regulations (14 CFR Parts 372, 373, and 378) so as to: (1) permit escrowed charter deposits to be invested in bank certificates of deposit (CD), and (2) revise the method of determining the maximum extent to which escrowed funds may be so invested.

Our special regulations which govern the operation of various types of charters require their organizers, authorized to act as indirect air carriers, to provide security for safeguarding charter customers' advance payments by either posting a bond, or by an arrangement which involves posting a bond in combination with a bank depository agreement. When the latter type of security arrangement is used, certain of these regulations, *i.e.*, those governing Overseas Military Personnel Charters (Part 372), Study Group Charters (Part 373), Inclusive Tour Charters (Part 378), and One-stop-inclusive Tour Charters (Part 378a)[2] permit such escrowed funds to be invested in "federal, state, or municipal bonds, or other negotiable securities which are publicly traded on a securities exchange," provided that such "other" securities may be substituted for cash in an amount not greater than 80% of their market value at the time of deposit.

Pursuant to the notice, comments have been filed by Davis Agency, Inc., Union Bank of California, and Western Ski Vacations, Inc.[3]

At the time this rulemaking proceeding was instituted, the rules of the Federal Reserve Board (FRB), reflecting a long-standing policy, did not permit its regulated banks to accept interest-bearing savings deposits from business corporations and other profit-making organizations, while savings and loan institutions, regulated by the Federal Home Loan Bank Board (FHLBB) were not subject to such inhibition. As a result of this difference in the regulatory framework of these financial institutions, savings and loan institutions were more attractive than FRB-regulated banks as depositories of escrowed funds under our rules, since the former could pay interest to the depositor, while the latter could not.[4] The Board was therefore persuaded that, to the extent compatible with our regulatory objectives, we should consider amending our own rules to enable FRB-regulated banks to offer interest to depositors of escrow funds. Since we were obviously without power to authorize FRB-regulated banks to pay interest on "savings deposits" made by charter operators, so long as FRB rules precluded such arrangements,[5] we decided—first by issuing *ad hoc* waivers and then by institution of this rulemaking proceeding—to try to ameliorate the competitive disadvantage of FRB-regulated banks by authorizing them to offer depositors an opportunity to invest escrowed funds in CD's.

The purpose of the proposed rule was thus to permit investment of escrowed funds in bank certificates of deposit in the same manner and to the same extent as such funds may be invested in "other" securities.[6] The proposed rule would permit escrowed funds to be invested in an aggregate amount not exceeding 80% of the funds in the escrow account, thereby giving that 20% of the funds of the escrow account be retained in cash and would provide that, should the value of these securities fall, from time to time, additional cash or securities must be deposited in the escrow account.

Upon consideration, the Board has determined to adopt the rule as proposed, with a technical modification. The tentative findings and conclusions set forth in SPDR-41 are incorporated and made final, and, except to the extent granted herein, all requests contained in the comments are denied.

The primary area of comment centered around the proper characterization of CD's and the extent of their liquidity. Both Davis and Western Ski urged that since CD's are virtually "demand instruments" and are "as stable, secure and liquid as cash in demand deposits," the 80% limitation on investments in "other" securities should not apply to CD's.

The comments thus challenged our subsumed view of the restricted liquidity of CD's, *i.e.*, that they are not cash equivalents, in that the issuing bank is legally precluded from binding itself to redeem a CD before its maturity date. Since our rulemaking proceeding had therefore been proven to require resolution of a clear legal issue as to the restrictions governing CD's, we turned to the Federal Reserve Board for their opinion on this issue. In response to our request, the legal staff of the Federal Reserve Board rendered its opinion.[7] The opinion explained that a bank may not obligate itself to redeem its certificate of deposit, since that would run counter to the Federal Reserve Act's general prohibition against payment of a time deposit before maturity; but if, in fact, a particular bank's policy is to redeem time deposits before maturity, upon request—even though it cannot be legally bound to do so—then the bank is permitted to state that policy to prospective depositors.

In light of the foregoing summary of the Federal Reserve Board's staff opinion, we adhere to the view which underlay our proposal that, since CD's are not cash equivalents, investments of escrowed funds in CD's should not be permitted except to the limit applicable to "other securities."[8] Indeed, it appearing from the FRB staff opinion that premature redemption of CD's, upon request of the holder, is a practice *not* universally followed by issuing banks, we are modifying the proposed rule so as to permit escrowed funds to be invested only in CD's issued by banks which are willing to state expressly that they do follow this practice.[9]

Finally, we have made one editorial change in the rule,[10] to make clear that investment in CD's is not limited to those which are negotiable. The rule, as proposed, read ". . . bonds or other negotiable securities, consisting of bank certificates of deposit or securities which are publicly traded on a securities exchange . . ." The modified language makes clear that "negotiable" refers only to "securities publicly traded on a securities exchange" and that investment is permitted in either governmental bonds or "other securities," consisting of bank certificates of deposit or negotiable securities which are publicly traded on a securities exchange.

No comments were received with respect to the proposed revision of the method for determining the maximum extent to which escrowed funds may be invested, and, upon consideration, we have determined to adopt that proposal also.

In consideration of the foregoing, the Board hereby amends Part 372 of its Special Regulations (14 CFR Part 372) effective December 10, 1975, as follows:

Section 372.24(a)(2)(ii)(*f*) is revised to read as follows:

§ 372.24 Surety bond, depository agreement, escrow agreement.

(a) • • •
(2) • • •
(ii) • • •

(*f*) Notwithstanding any provisions above, the amount of total cash deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: The amount of surety bond in the form prescribed herein in excess of the minimum bond required by subdivision (i) of this subparagraph; an escrow with the designated bank of Federal, State, or municipal bonds or other securities, consisting of certificates of deposit issued by banks having a stated policy of redeeming such certificates before maturity at the request of the holder (subject only to such interest penalties or other conditions as may be required by law, or negotiable securities which are publicly traded on a securities exchange, all such securities to be made payable to the escrow account: *Provided*, That such other securities shall be substituted in an amount no greater than 80 percent of the total market value of the escrow account at the time of such substitution: *And provided, further*, That should the market value of such other securities subsequently decrease, from time to time, then additional cash or securities qualified for investment hereunder shall promptly be added to the escrow account, in an amount equal to the amount of such decreased value; or

• • • • • •

(Sections 101(3), 204(a), 401, and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, and 757, as amended, 49 U.S.C. 1301, 1324, 1371 and 1372.)

By the Civil Aeronautics Board:

Adopted: November 5, 1975.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-30183 Filed 11-7-75;8:45 am]

[Regulation SPR-96, Amdt. 8]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Amendment Regarding Escrowed Charter Deposits

For the reasons stated in SPR-95, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 373 of its Special Regulations (14 CFR Part 373) effective December 10, 1975, as follows:

Section 373.15(b)(2)(viii) is revised to read as follows:

§ 373.15 Surety bonds.

• • • • • •

(b) • • •
(2) • • •

(viii) Notwithstanding any provisions above, the amount of total cash deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: The amount of surety bond in the form prescribed herein in excess of the minimum bond required by subparagraph (1) of this paragraph; an escrow with the designated bank of Federal, State, or municipal bonds or other securities, consisting of certificates of deposit issued by banks having a stated policy of redeeming such certificates before maturity at the request of the holder (subject only to such interest penalties or other conditions as may be required by law), or negotiable securities which are publicly traded on a securities exchange, all such securities to be made payable to the escrow account: *Provided*, That such other securities shall be substituted in an amount no greater than 80 percent of the total market value of the escrow account at the time of such substitution: *And provided, further*, That should the market value of such other securities subsequently decrease, from time to time, then additional cash or securities qualified for investment hereunder shall promptly be added to the escrow account, in an amount equal to the amount of such decreased value;

• • • • • •

(Sections 101(3), 204(a), 401, and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, and 757, as amended, 49 U.S.C. 1301, 1324, 1371 and 1372.)

By the Civil Aeronautics Board.

Adopted: November 5, 1975.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-30184 Filed 11-7-75;8:45 am]

[Regulation SPR-97, Amdt. 12]

PART 378—INCLUSIVE TOUR CHARTERS

Amendment Regarding Escrowed Charter Deposits

For the reasons stated in SPR-95, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 378 of its Special Regulations (14 CFR Part 378) effective December 10, 1975, as follows:

Section 378.16(b)(2)(viii) is revised to read as follows:

§ 378.16 Surety bond.

• • • • • •

(b) • • •
(2) • • •

(viii) Notwithstanding any provisions above, the amount of total cash deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: The amount of surety bond in the form prescribed herein in excess of the minimum bond required by subparagraph (1) of this paragraph; an escrow with the designated bank of Federal, State, or municipal bonds or other securities, consisting of certificates of deposit issued by banks having a stated policy of redeeming such certificates before maturity at the request of the holder (subject only to such interest penalties or other con-

[1] Docket 27480, dated February 7, 1975, 40 F.R. 6512, February 12, 1975.

[2] Part 378a, which contains such provisions, was adopted subsequent to the issuance of SPDR-41, but in that Notice the Board had stated that if it ultimately determined to adopt the amendments proposed therein, the same amendment would be made to such other charter rules, with comparable security provisions, as might by that time have become adopted.

[3] Western Ski's separate petition for rulemaking, Docket 27688, requesting that the Board also amend Part 372a (Travel Group Charters) so as to permit investment in CD's, is discussed *infra*.

[4] In its comment Union Bank repeats the charge—which it first made in connection with the waiver application to which its comment refers (pp. 6–7)—that this competitive disadvantage results from the Board's rules, rather than from FRB regulations. Thus, it states that the Board's "existing regulations create an unjustified discrimination between these two types of banking institutions" (p. 6) or, in any event, enable "the Board's staff to accord one type of federally-regulated banking institution an inherent competitive advantage over that of another," (*ibid.*) and therefore urges the Board to amend its regulations on escrows so that depositors will be able "to select the bank of their choice without regard to artificial and unnecessary Board restrictions superimposed on the existing regulatory regimes of the FRB and the FHLBB." (*ibid.*)

This charge is of course without merit; it is largely attributable to the mistaken belief—urged on the Board's staff by Union Bank's counsel in connection with said waiver application—that Regulation Q of the FRB rules permits a bank to agree in advance that it will redeem a CD, prior to maturity, upon request of the depositor. The Board's staff had taken the position—supported by FRB's Office of General Counsel, as set forth in the letter filed in this proceeding, which is discussed *infra*—that Union Bank could not lawfully include such an undertaking in its depository agreements. By the same token, insofar as its instant comment suggests (p. 6, footnote 4) that the Board's staff was responsible for inordinately delaying consideration of Union Bank's waiver application, it appears that, in fact, the delay was primarily due to the difficulties encountered by our staff in obtaining from Union Bank an acceptable form of undertaking with respect to redemption of CD's, which might meet the requirements of our charter rules and conform with the rules of FRB.

[5] Subsequent to the issuance of SPDR-41, the FRB issued proposed rules to revise its long-standing policy, by authorizing banks to accept "savings deposits" up to $100,000 from business corporations and other profit-making organizations. 40 F.R. 25031, June 12, 1975. The proposed rules were recently made final, with the maximum amount of deposit increased to $150,000. 40 F.R. 46301, October 7, 1975.

[6] On the same day that the Board issued SPDR-41, American Leadership Study Groups filed a petition for rulemaking (Docket 27482), requesting that Part 378 be amended for inclusive tour charters. That petition has been rendered moot by our institution of this proceeding, and it is accordingly dismissed.

[7] The request and the response have been placed in the docket of this proceeding.

[8] As we noted in SPDR-41, we declined to include Travel Group Charter (TGC) escrows in this proceeding, because the rules governing TGC's have never permitted escrowed funds to be invested in any type of security, for it has been the Board's policy to require that cash be fully available at all times to meet the needs of participants in charters operated under that rule. In view of the Federal Reserve Board's staff opinion as to the stability and liquidity of CD's, we have no reason to change our position. The petition for rulemaking filed by Western Ski in D.27688 is therefore denied, along with the requests for such rulemaking which were included in the comments filed herein.

[9] In its comment, Union Bank suggested that the proposed rule be revised so as to provide that the depository bank must specifically agree that all funds invested in CD's "shall be available at all times for timely disbursement. . . ." We believe that the suggested language might imply an undertaking which the bank could not lawfully make, and therefore we prefer language which simply declares the bank's redemption policy, consistent with the FRB staff opinion.

[10] In its comment, Union Bank suggested that the term "bank certificate of deposit" be defined so as to refer only to certificates of deposit issued by federally insured institutions. This revision seems unnecessary, since the word "bank," as used in the relevant sections of Parts 372, 373, 378, and 378a, is already defined as "a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation." Sections 372.24(b), 373.15(b)(2)(vi), 378.16(b)(2)(vi), and 378a.31(b)(2)(vi), respectively.

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ditions as may be required by law), or negotiable securities which are publicly traded on a securities exchange, all such securities to be made payable to the escrow account: *Provided*, That such other securities shall be substituted in an amount no greater than 80 percent of the total market value of the escrow account at the time of such substitution: *And provided, further*, That should the market value of such other securities subsequently decrease, from time to time, then additional cash or securities qualified for investment hereunder shall promptly be added to the escrow account, in an amount equal to the amount of such decreased value;

* * * * *

(Sections 101(3), 204(a), 401, and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, and 757, as amended, 49 U.S.C. 1301, 1324, 1371 and 1372.)

By the Civil Aeronautics Board.

Adopted: November 5, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-30185 Filed 11-7-75;8:45 am]

[Regulation SPR-98, Amdt. 4]

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

Amendment Regarding Escrowed Charter Deposits

For the reasons stated in SPR-95, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 378a of its Special Regulations (14 CFR Part 378a) effective December 10, 1975, as follows:

Section 378a.31(b)(2)(viii) is revised to read as follows:

§ 378a.31 Surety bond, depository agreement.

* * * * * *

(b) * * *

(2) * * *

(viii) Notwithstanding any provisions above, the amount of total cash deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: The amount of surety bond in the form prescribed herein in execss of the minimum bond required by subparagraph (1) of this paragraph; an escrow with the designated bank of Federal, State, or municipal bonds or other securities, consisting of certificates of deposit issued by banks having a stated policy of redeeming such certificates before maturity at the request of the holder (subject only to such interest penalties or other conditions as may be required by law), or negotiable securities which are publicly traded on a securities exchange, all such securities to be made payable to the escrow account: *Provided*, That such other securities shall be substituted in an amount no greater than 80 percent of the total market value of the escrow account at the time of such substitution: *And provided, further*, That should the market value of such other securities subsequently decrease, from time to time, then additional cash or securities qualified for investment hereunder shall promptly be added to the escrow account, in an amount equal to the amount of such decreased value;

* * * * * *

(Sections 101(3), 204(a), 401, and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, and 757, as amended, 49 U.S.C. 1301, 1324, 1371 and 1372.)

By the Civil Aeronautics Board.

Adopted: November 5, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-30186 Filed 11-7-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11787; File No. S7-600]

PART 240—GENERAL RULES AND REGULATIONS SECURITIES EXCHANGE ACT OF 1934

PART 249b—FURTHER FORMS, SECURITIES EXCHANGE ACT OF 1934

Registration of Clearing Agencies

The Securities and Exchange Commission (the "Commission") announced today the adoption of Rule 17Ab2-1 (17 CFR 240.17Ab2-1) and related Form CA-1 (17 CFR 249b.200) under the Securities Exchange Act of 1934 (the "Act"), effective immediately. The Rule and Form set forth the procedure for the registration and exemption from registration of clearing agencies, as defined in Section 3(a)(23) [1] of the Act.

Background. As amended by the Securities Acts Amendments of 1975 (the "1975 Amendments"),[2] the Act provides for federal regulation of the securities handling process, including the registration and regulation of clearing agencies, with a view to facilitating the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions. The grant of authority to the Commission in the 1975 Amendments is exclusive in some areas; in other areas, including the regulation of clearing agencies, the Commission's authority is shared with the "appropriate regulatory agency," as defined in Section 3(a)(34) of the Act.[3]

The registration requirements. Pursuant to Section 17A(b)(1) of the Act, a clearing agency must register with the Commission if the clearing agency performs any of the functions of a clearing agency with respect to any security, other than an exempted security, as defined in Section 3(a)(12) of the Act. On and after December 1, 1975, it will be unlawful for any clearing agency, unless registered in accordance with the Act or exempted from the requirement to register, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a clearing agency with respect to any security, other than an exempted security.

Under Section 17A(b)(2) of the Act, a clearing agency subject to the registration requirement registers by filing an application for registration in such form as the Commission, by rule, may prescribe, containing the rules of the clearing agency and such other information and documents as the Commission, by rule, may prescribe.

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[1] Section 3(a)(23) of the Act provides:

(A) The term "clearing agency" means any person who acts as intermediary in making payments or deliveries or both in connection with transactions in securities or who provides facilities for comparison of data respecting the terms of settlement of securities transactions, to reduce the number of settlements of securities transactions, or for the allocation of securities settlement responsibilities. Such term also means any person, such as a securities depository, who (i) acts as a custodian of securities in connection with a system for the central handling of securities whereby all securities of a particular class or series of any issuer deposited within the system are treated as fungible and may be transferred, loaned, or pledged by bookkeeping entry without physical delivery of securities certificates, or (ii) otherwise permits or facilitates the settlement of securities transactions or the hypothecation or lending of securities without physical delivery of securities certificates.

(B) The term "clearing agency" does not include (i) any Federal Reserve bank, Federal home loan bank, or Federal land bank; (ii) any national securities exchange or registered securities association solely by reason of its providing facilities for comparison of data respecting the terms of settlement of securities transactions effected on such exchange or by means of any electronic system operated or controlled by such association; (iii) any bank, broker, dealer, building and loan, savings and loan, or homestead association, or cooperative bank if such bank, broker, dealer, association, or cooperative bank would be deemed to be a clearing agency solely by reason of functions performed by such institution as part of customary banking, brokerage, dealing, association, or cooperative banking activities, or solely by reason of acting on behalf of a clearing agency or a participant therein in connection with the furnishing by the clearing agency of services to its participants or the use of services of the clearing agency by its participants, unless the Commission, by rule, otherwise provides as necessary or appropriate to assure the prompt and accurate clearance and settlement of securities transactions or to prevent evasion of this title; (iv) any life insurance company, its registered separate accounts, or a subsidiary of such insurance company solely by reason of functions commonly performed by such entities in connection with variable annuity contracts or variable life policies issued by such insurance company or its separate accounts; (v) any registered open-end investment company or unit investment trust solely by reason of functions commonly performed by it in connection with shares in such registered open-end investment company or unit investment trust, or (vi) any person solely by reason of its performing functions described in paragraph 25(E) of this subsection.

[2] Pub. L. 94-29 (June 4, 1975).

[3] For clearing agencies, the appropriate regulatory agency may be the Commission, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency or the Federal Deposit Insurance Corporation.

In accordance with Section 19(a)(1) of the Act, the Commission is required, upon filing of an application for registration as a registered clearing agency, to publish notice of the filing and afford interested persons an opportunity to submit written data, views and arguments concerning the application. Within 90 days of the date of publication of the notice, or any longer period to which the applicant consents, the Commission must either grant the registration, by order, or institute proceedings to determine whether registration should be denied. Proceedings to determine whether registration should be denied must be concluded within 180 days of the date of publication of the filing of the application for registration, unless the Commission, for good cause, extends the time for the conclusion of such proceedings; the proceedings may be extended for up to 90 days if the Commission publishes its reasons for the extension. At the conclusion of the proceedings, the Commission must grant registration if the Commission finds that the requirements of the Act and the rules and regulations thereunder are satisfied and must deny registration if the Commission does not make such a finding.

The Commission may not grant registration prior to the sixtieth day after the date of publication of notice of filing of an application for registration by a clearing agency for which the Commission is not the appropriate regulatory agency unless the appropriate regulatory agency for such clearing agency has notified the Commission of the appropriate regulatory agency's determination that the clearing agency is "so organized and has the capacity to be able to safeguard securities and funds in its custody or control or for which it is responsible and that the rules of such clearing agency are designed to assure the safeguarding of such securities and funds." [4]

Determination to be made by the Commission in connection with registration of clearing agencies. Section 17A(b)(3) of the Act provides that a clearing agency shall not be registered unless the Commission makes nine determinations (the "Determinations")[5]. The first Determination is that the registrant's organization and capacity enable the registrant to facilitate the clearance and settlement of securities transactions, safeguard securities and funds, comply with the provisions of the Act and carry out the purposes of Section 17A of the Act. The remaining eight Determinations concern the registrant's rules and require findings that the rules provide reasonable access, fair representation of participants in the administration of the registrant's affairs, and an equitable allocation of dues and fees; do not impose a schedule of prices for services rendered by participants; provide for appropriate disciplining of participants; are in accordance with paragraph (5) of Section 17A(b) of the Act (relating to the fairness of procedures utilized in connection with disciplinary actions and denials of access); carry out the purposes of Section 17A of the Act; and do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

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[4] Section 19(a)(2)(A) of the Act.

[5] Section 17A(b)(3) of the Act provides:

(3) A clearing agency shall not be registered unless the Commission determines that:

(A) Such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of this title and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of this section.

(B) Subject to the provisions of paragraph (4) of this subsection, the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system for the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.

(C) The rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs. (The Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.)

(D) The rules of the clearing agency provide for the equitable allocation of reasonable dues, fees and other charges among its participants.

(E) The rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.

(F) The rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this section or the administration of the clearing agency.

(G) The rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction.

(H) The rules of the clearing agency are in accordance with the provisions of paragraph (5) of this subsection, and, in general, provide a fair procedure with respect to the disciplining of participants, the denial of participation to any person seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to access to services offered by the clearing agency.

(I) The rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

The Commission's exemptive authority. Section 17A(b)(1) of the Act provides, among other things, that the Commission may exempt any clearing agency or any class of clearing agencies from any provisions of Section 17A or the rules and regulations thereunder if the Commission finds that an exemption is ". . . consistent with the public interest, the protection of investors, and the purposes of [Section 17A], including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds." The Commission's exemptive authority may be exercised, conditionally or unconditionally, upon the Commission's own motion or upon application.

Registration and exemption from registration. The Commission has concluded that it will not be able, by December 1, 1975, either to make all the Determinations required by Section 17A(b)(3) of the Act in connection with the grant of registration or to determine whether exemptions from registration should be granted. Since, on and after December 1, 1975, it will be unlawful for clearing agencies to engage in clearing agency functions unless registered or exempt from registration, the Commission has provided, by rule, that, during the period from December 1, 1975 until the Commission grants or denies registration or grants an exemption from registration, applicants whose applications are filed on or before November 24, 1975 will be exempt from the registration requirements of the Act and the rules and regulations thereunder which would be applicable to clearing agencies as a result of registration under the Act.

In addition to applying for registration or for exemption from registration, an applicant may comply with the registration requirements of the Act by applying for registration and requesting the Commission to exempt the applicant from one or more of the Determinations. The Commission anticipates that, in appropriate cases, the registrations of applicants which request registration based on fewer than all the Determinations and which file applications on or before November 24, 1975 will be granted on or before December 1, 1975, to be effective on December 1, 1975. Registration granted in response to a request for exemption from one or more of the De-

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terminations will not be effective for more than eighteen months from the date on which it is made effective and will not be granted to an applicant for which the Commission is not the appropriate regulatory agency unless the appropriate regulatory agency for the applicant first notifies the Commission that the agency has made the determination required by Section 19(a)(2)(A) of the Act.

Rule 17Ab2–1. Rule 17Ab2–1 requires a clearing agency to apply for registration or exemption from registration on, and in accordance with the instructions to, Form CA–1.

During the period from December 1, 1975 until the Commission grants or denies registration or grants an exemption from registration, applicants whose applications are filed on or before November 24, 1975 will be exempt from the registration requirements of the Act and the rules and regulations thereunder and, except as the Commission may otherwise provide by rule or by order, from the other requirements of the Act which would be applicable to clearing agencies as a result of registration.

The Rule provides that, if requested by an applicant, in granting registration of a clearing agency, the Commission may exempt the clearing agency from one or more of the requirements as to which the Commission is directed to make the Determinations but provides also that any such registration shall not be effective for more than eighteen months from the date on which the registration is made effective. Under the Rule, within nine months of the date on which an eighteen month registration is made effective, the Commission either must make all the Determinations with respect to the registered clearing agency or must institute proceedings to determine whether registration should be denied at the expiration of the eighteen month registration.

Under the Rule, the filing of an amendment to, or additional information in connection with, an application for registration or for exemption from registration as a clearing agency which registration or exemption has not been granted, extends to 90 days from the date of any such filing, the period within which the Commission is required to grant registration, institute proceedings to determine whether registration should be denied or grant an exemption. The Rule provides, also, for the updating of certain items on Form CA–1.

Form CA–1. Form CA–1 requires the clearing agency applying for registration or for exemption from registration under Section 17A of the Act to file with the Commission certain information in order to aid the Commission in determining that the requirements contained in Section 17A(b)(3) of the Act are satisfied or that an exemption is appropriate.

The information required by Form CA–1 includes the name and principal business address of the registrant, the registrant's form of organization and the date on which it was organized. Form CA–1 also requires the registrant to disclose any arrangements with others under which another person processes, keeps, transmits or maintains any securities, funds or records of the registrant with respect to the registrant's clearing agency activities. In addition, the Form requires information as to the types of insurance carried or provided by the registrant, the exposure of the registrant to loss if a participant fails to meet its obligations to the registrant, and the existence and amount of any securities differences.

Form CA–1 requires the registrant to file a series of exhibits including, among other things, a list of persons who directly or indirectly may control or direct the management or policies of the registrant; a list of the registrant's corporate officers who supervise or are directly responsible for the conduct of registrant's clearing agency activities; a narrative and graphic description of the registrant's organizational structure; a copy of the registrant's currently effective constitution, articles of incorporation or association, by-laws, rules, procedures and instruments corresponding thereto and a complete list of all dues, fees and other charges imposed by registrant for its clearing agency activities. The Form also requires information as to any material pending legal proceedings and copies of all contracts with any national securities exchange, national securities association, clearing agency or securities market for which the registrant performs clearing agency functions.

The Form further requires the inclusion, as an exhibit, of the most recent financial statements of the clearing agency.

In addition, the Form requires the inclusion of exhibits which demonstrate the operational capabilities of the registrant including: descriptions of each service or function performed by the registrant; descriptions of the measures or procedures employed by the registrant to provide for the security of any system which performs the functions of a clearing agency; a description of the measures or procedures employed by registrant to provide for the safeguarding of securities and funds in its custody or control; and a description of all back-up systems or subsystems which are designed to prevent interruption in the functions of the registrant as a result of technical or other malfunctions by the registrant's automated facilities.

With respect to access of participants to clearing agency services, the Form requires the inclusion of exhibits setting forth a list of current participants or persons who have applied for participation in the registrant's clearing agency's activities; a description of any specifications, qualifications, or other criteria which limit, are interpreted to limit, or have the effect of limiting access to, or use of, any clearing agency services furnished by the registrant; copies of any form of contract governing the terms by which persons may subscribe to clearing agency services; and a schedule of any prices, rates or fees fixed by registrant for services rendered by its participants.

Finally, if filed as an application for exemption from registration as a clearing agency, the Form requires the registrant to submit a statement demonstrating why grant of an exemption from registration would be consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Act, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.

Receipt of Form CA–1 by the Commission. The Commission will acknowledge receipt of applications for registration or for exemption from registration on Form CA–1 filed with the Commission pursuant to Rule 17Ab2–1.

Statutory basis and competitive considerations. Rule 17Ab2–1 and Form CA–1 are adopted pursuant to Sections 2, 17, 17A, 19 and 23(a) of the Securities Exchange Act of 1934.[*] In accordance with Section 23(a) of the Act, the Commission has considered the impact which the adoption of Rule 17Ab2–1 and related Form CA–1 would have on competition and finds that the adoption of Rule 17Ab2–1 and Form CA–1 will not impose any burden on competition. The Commission has adopted Rule 17Ab2–1 and related Form CA–1, effective immediately, without general notice of rulemaking and without opportunity for public procedure, upon the Commission's findings, in accordance with the Administrative Procedure Act, 5 U.S.C. 553 (d)(3) and (b)(3)(B), that such action is necessary in order to provide an orderly and timely procedure for the registration or exemption from registration of clearing agencies and that the need to implement a registration procedure for clearing agencies makes notice and public procedure impracticable, unnecessary and contrary to the public interest.

Requests for comments. While the Commission has been unable to provide notice and public procedure with regard to the adoption of Rule 17Ab2–1 and Form CA–1, the Commission invites public comment on the Rule and Form as adopted and intends to review the Rule and Form in light of comments received. Comments should be submitted in triplicate, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, not later than February 1, 1976. All communications should refer to File No. S7–600 and will be available for inspection in the Commission's Public Reference Room located at 1100 L Street, N.W., Washington, D.C.

1. Section 240.17Ab2–1, the text of Rule 17Ab2–1 is added as follows:

§ 240.17Ab2–1 Registration of clearing agencies.

(a) An application for registration or for exemption from registration as a clearing agency, as defined in section 3(a)(23) of the Act, or an amendment to any such application shall be filed with the Commission on Form CA–1, in accordance with the instructions thereto.

(b) Any applicant for registration or for exemption from registration as a clearing agency whose application is filed with the Commission on or before November 24, 1975, on and in accordance with the instructions to Form CA–1, with respect to the clearing agency activities described in the application shall, during the period from December 1, 1975 until the Commission grants registration, denies registration or grants an exemption from registration, be exempt from the registration provisions of Section 17A(b) of the Act and the rules and regulations thereunder and, unless the Commission shall otherwise provide by rule or by order, the provisions of the Act and the rules and regulations thereunder which would be applicable to clearing agencies as a result of registration under the Act.

(c)(1) The Commission, upon the request of a clearing agency, may grant registration of the clearing agency in accordance with Sections 17A(b) and 19(a)(1) of the Act but exempt the registrant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)–(I) of Section 17A(b)(3) of the Act, provided that any such registration shall be effective only for eighteen months from the date the registration is made effective (or such longer period as the Commission may provide by order).

(2) In the case of any clearing agency registered in accordance with paragraph (c)(1) of this section, not later than nine months from the date such registration is made effective the Commission either will grant registration in accordance with Sections 17A(b) and 19(a)(1) of the Act, without exempting the registrant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)–(I) of Section 17A(b)(3) of the Act, or will institute proceedings in accordance with Section 19(a)(1)(B) of the Act to determine whether registration should be denied at the expiration of the registration granted in accordance with paragraph (c)(1) of this section.

(d) The filing of an amendment to an application for registration or for exemption from registration as a clearing agency, which registration or exemption has not been granted, or the filing of additional information or documents prior to the granting of registration or an exemption from registration shall extend to ninety days from the date such filing is made (or to such longer period as to which the applicant consents) the period within which the Commission shall grant registration, institute proceedings to determine whether such registration shall be denied, or conditionally or unconditionally exempt registrant from the registration and other provisions of Section 17A of the Act or the rules or regulations thereunder.

(e) If any information reported at items 1–3 of Form CA–1 is or becomes inaccurate, misleading or incomplete for any reason, whether before or after registration or an exemption from registration has been granted, the registrant shall file promptly an amendment on Form CA–1 correcting the inaccurate, misleading or incomplete information.

(f) Every application for registration or for exemption from registration as a clearing agency or amendment to, or additional information or document filed in connection with, any such application shall constitute a "report" or "application" within the meaning of Sections 17, 17A, 19 and 32(a) of the Act.

2. Section 249b.200 (Form CA–1) is added as follows:

§ 249b.200 Form CA–1, form for registration or for exemption from registration as a clearing agency and for amendment to registration as a clearing agency pursuant to Section 17A of the Securities Exchange Act of 1934.

This form shall be used for application for registration or for exemption from registration as a clearing agency and for amendment to registration as a clearing agency pursuant to Section 17A of the Securities Exchange Act of 1934.

Copies of Form CA–1. Copies of Form CA–1 may be obtained from the Publications Section, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 and at each of the Commission's regional offices.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 3, 1975.

The text of Form CA–1 reads as follows:

INSTRUCTION FOR USE OF FORM CA–1

APPLICATION FOR REGISTRATION OR FOR EXEMPTION FROM REGISTRATION AS A CLEARING AGENCY AND FOR AMENDMENT TO REGISTRATION PURSUANT TO THE SECURITIES EXCHANGE ACT OF 1934 ("THE ACT")

I. General Instructions for Preparing and Filing Form CA–1

1. Form CA–1 is to be used by clearing agencies, as defined in Section 3(a)(23) of the Act, which perform the functions of a clearing agency with respect to any security other than an exempted security, as defined in Section 3(a)(12) of the Act, to apply for registration or for exemption from registration or to amend registration with the Securities and Exchange Commission (the "Commission"). As used hereinafter, the term "Form CA–1" includes the form and any required schedules, exhibits or attachments thereto.

2. Clearing agencies are required to file four completed copies of Form CA–1 with the Commission, 500 North Capitol Street, Washington, D.C. 20549. In addition, with respect to a clearing agency for which the Commission is not the appropriate regulatory agency, as defined in Section 3(a)(34)(B) of the Act, Section 17(c)(1) of the Act requires such clearing agency to file with the appropriate regulatory agency for such clearing agency a signed copy of any application, document or report filed with the Commission. Each clearing agency should retain an exact copy of Form CA–1 for the clearing agency's records.

3. The date on which a Form CA–1 is received by the Commission shall be the date of filing thereof if all the requirements with respect to filing have been complied with. A Form CA–1 which is not prepared and executed in compliance with applicable requirements may be returned as not acceptable for filing. However, acceptance of Form CA–1 shall not constitute a finding that it has been filed as required or that the information submitted is true, current or complete.

4. Copies of Form CA–1 and the schedules, exhibits and attachments thereto may be duplicated and are acceptable for filing provided an *original, manual signature* is affixed to the execution section of each copy. Form CA–1 and the schedules, exhibits and attachments thereto may be duplicated by any method producing legible copies, of type size identical to that in the Form, on good quality, unglazed, white paper.

5. If Form CA–1 is filed by a corporation, it shall be signed in the name of the corporation by a principal officer duly authorized; if it is filed other than by a corporation it shall be signed by a duly authorized principal of the organization filing the Form. As used in this Form, principal officer means the president, vice president, treasurer, secretary, comptroller or any other person performing a similar function.

6. If the space provided for the answers to items 1–9 of Form CA–1 is insufficient, the complete answer shall be prepared on Schedule A, which shall be attached to the Form.

7. Individuals' names, except for executing signatures, shall be given in full wherever required (last name, first name, middle name). The full middle name is required. Initials are not acceptable unless the individual legally has only an initial.

8. Unless the context otherwise requires, "registrant" means the entity on whose behalf Form CA–1 is filed, whether filed as a registration, as an application for exemption from registration or as an amendment to a previously filed Form CA–1.

9. Unless the context clearly indicates otherwise, the terms used in Form CA–1 have the meanings given in the Act.

II. Instructions Relating to Filing Form CA–1 as a Registration Form or an Application for Exemption From Registration

10. If Form CA–1 is being filed as a registration form or an application for exemption from registration, all applicable items are required to be answered in full. If any item is not applicable, respond with "none" or "N/A" (not applicable), as appropriate.

11. If Form CA–1 is being filed as an application for exemption from registration, it must be accompanied by a statement demonstrating why the granting of an exemption from registration as a clearing agency would be consistent with the public interest, the protection of investors and the purposes of Section 17A of the Act.

III. Instructions Relating to Filing Form CA–1 as an Amendment to a Registration Form

12. Promptly following the date on which information reported at items 1–3 of Form CA–1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form CA–1 correcting the inaccurate, incomplete or misleading information.

13. If an item is amended, the registrant must repeat all unamended items as they last appeared on the page on which the amended item appears and must file four copies of the new page, each with updated

[*] 15 U.S.C. 78b, 78q, 78q–1, 78s and 78(w)(a).

V 40 217 NOV 10 75 XUM

and properly completed cover and execution pages.

IV. *Instructions as to SPECIFIC ITEMS on Form CA–1*

14. *Cover page*—Indicate whether Form CA–1 is filed as a registration, an application for exemption from registration or an amendment. If the Form is filed as a registration, indicate whether the applicant requests the Commission to consider granting registration in accordance with paragraph (c)(1) of Rule 17Ab2–1.

15. *Item 1*—Include a street address; a post office box alone is not acceptable.

16. In responding to, and furnishing the schedules required by, the items on Form CA–1, particularly items 5(c)(ii) and 5(d)(ii) and the exhibits required by items 20 and 21, the registrant may request that confidential treatment be accorded with respect to the information disclosed, by binding the responses, schedules and exhibits for which confidential treatment is sought separately from the balance of Form CA–1 and furnishing a statement requesting confidential treatment, specifying both the exemptive provision under the Freedom of Information Act (5 U.S.C. 552 (b)) on which the request is based and the considerations which make the exemptive provision applicable to the information for which confidential treatment is requested.

V. *Notice*

17. Under Sections 17, 17A(b) and 23(a) of the Securities Exchange Act of 1934 and the rules and regulations thereunder, the Securities and Exchange Commission is authorized to solicit the information required to be supplied by this Form from applicants for registration or for exemption from registration as a clearing agency. Disclosure to the Commission of the information requested in Form CA–1 (except for the disclosure by an individual registrant of his Social Security number as an IRS Employee Identification Number, which is voluntary) is a prerequisite to the processing of applications for registration or for exemption from registration as a clearing agency. The information will be used for the principal purpose of determining whether the Commission should grant registration or an exemption from registration or institute proceedings to deny registration. Social Security members, if furnished, will be used only to assist the Commission in identifying applicants and, therefore, in promptly processing applications. Information supplied on this Form will be included routinely in the public files of the Commission.

FORM CA–1

FORM CA–1 FOR REGISTRATION OR FOR EXEMPTION FROM REGISTRATION AS A CLEARING AGENCY AND FOR AMENDMENT TO REGISTRATION AS A CLEARING AGENCY PURSUANT TO THE SECURITIES EXCHANGE ACT OF 1934

GENERAL FORM CA–1 is to be used to apply for registration or for exemption from registration as a clearing agency and to amend registration as a clearing agency with the Securities and Exchange Commission pursuant to Section 17A of the Securities Exchange Act of 1934. Read all instructions before preparing the Form. Please type or print all responses.

(Exact name of registrant as specified in charter)

(Address of registrant's principal place of business)

This Form is filed as:
A registration ____
A request for exemption from registration ____
An amendment ____

If filed as a registration, does registrant request the Commission to consider granting registration in accordance with paragraph (c)(1) of Rule 17Ab2–1 under the Act? ____ Yes ____ No

EXECUTION

The Registrant submitting this Form, its schedules, its exhibits and its attachments and the person by whom it is executed represent hereby that all information contained herein is true, current and complete. Submission of any amendment after registration has become effective represents that items 1–3 and any schedules, exhibits and attachments related to items 1–3 remain true, current and complete as previously submitted.

Registrant agrees and consents that the notice of any proceeding under Sections 17A or 19 of the Act involving registrant may be given by sending such notice by registered or certified mail or confirmed telegram to the person named, and at the address given, in response to Item 2.

Dated the ____ day of _____ 19__

Name of clearing agency

(Manual signature of Principal Officer or duly authorized Principal)

(Title)

ATTENTION: Intentional misstatements or omissions of facts constitute Federal Criminal Violations (See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)).

GENERAL INFORMATION

1. Exact name, principal business address, mailing address (if different) and telephone number of registrant:

Name of registrant:

IRS Empl. Ident. No.:

Name under which clearing agency activities are conducted, if different:

If name of registrant is hereby amended, state name under which registered previously:

If name under which clearing agency activities are conducted is hereby amended, state name given previously:

Address of principal place of business:

Number and Street City State Zip Code

Mailing Address, if different:

Number and Street City State Zip Code

Telephone Number:

Area Code Telephone Number

2. Name, title, mailing address and telephone number of person in charge of registrant's clearing agency activities:

Name Title

Number and Street

City State Zip Code

Telephone Number:

Area Code Telephone Number

3. (a) If registrant is a corporation or a national association: state date on which registrant was incorporated or organized and jurisdiction in which incorporated or under which organized:

Date:_____Jurisdiction:_____

(b) If registrant is not a corporation or a national association, describe on Schedule A the form of organization under which registrant conducts its business and identify the jurisdiction in which registrant is organized.

4. Does registrant have any arrangement with any other person under which, with respect to registrant's clearing agency activities, such other person processes, keeps, transmits or maintains any securities, funds, records or accounts of registrant or registrant's participants relating to clearing agency activities? ____ Yes ____ No

If the answer is "yes", furnish on Schedule A, as to each such arrangement, the full name and principal business address of the other person and a brief summary of each such arrangement.

5. (a) With respect to clearing agency activities, please provide the following information regarding the type of insurance carried or provided:

Type of insurance	Yes	No	Amount of coverage	Amount of deductible
1 Blanket bond				
2 Fidelity				
3 Errors and omissions				
4 Mail policy				
5 Air courier				
6 Lost instrument				
7 Other (please specify on schedule A)				

(b) If any of registrant's clearing agency activities are not covered by insurance, has provision been made for self-insurance? ____ Yes ____ No. If yes, indicate on Schedule A the provisions made for self-insurance (e.g., accounting reserve or funded reserve) and the amount thereof.

(c)(i) As a result of registrant's clearing agency activities, is registrant exposed to loss if a participant fails to perform its obligations to the clearing agency, any other participant or any other person? ____ Yes ____ No

(ii) If "yes", describe on Schedule A the operational, organizational or other rules, procedures or practices (citing rules if applicable) which result in registrant's exposure to loss.

(d)(i) Does the registrant maintain a clearing or participants' fund, mark to the market open obligations involving the purchase or sale of securities or otherwise require participants to protect registrant against losses to which it may be exposed as a result of a participant's failure to perform its obligations to the clearing agency, any other participant or any other person? ____ Yes ____ No

(ii) If "yes", describe on Schedule A the operational, organizational or other rules, procedures or practices (citing rules if applicable) which are designed to protect registrant against any such losses.

6. (a) Is registrant audited by an independent accountant? ____ Yes ____ No

(b) If registrant is audited by an independent accountant, does the audit include a review of internal controls related to clearing agency activities? ____ Yes ____ No

(c) Fiscal year end of registrant

_____/_____
Month Day

7. (a) What are registrant's internal policies and procedures for reconciling differences (including long and short stock record differences and dividend differences) in its clearing agency activities? (Describe on Schedule A.)

(b) State, as of September 30, 1975, the dollar amount of the potential exposure of registrant, if any, as a result of differences (without offsetting long differences against short differences and without offsetting any suspense account items) in its clearing agency activities not resolved after 20 business days. $_____

8. (a) How many employees does registrant have engaged in clearing agency activities?

(b) How many years has registrant performed clearing agency activities?

9. (a) Are registrant's clearing agency activities subject to regulation by any federal agency other than the Commission or by any state or political subdivision? ____ Yes ____ No. If yes, specify the name of the agency, state or political subdivision:
Name of Agency, State or Political Subdivision:

(b) Have the registrant's clearing agency activities been the subject of periodic examinations by any federal agency other than the Commission or by any state or political subdivision? ____ Yes ____ No. If yes, specify the name of the agency, state or political subdivision.
Name of Agency, State or Political Subdivision:

SCHEDULE A OF FORM CA–1

1. Full name of Registrant as stated in Item 1 of Form CA–1.

2. Item of Form (Identify) Response

EXHIBITS—BUSINESS ORGANIZATION

10. List in Exhibit A any person who either directly or indirectly, through agreement or otherwise, may control or direct the management or policies of registrant. For each person listed, provide the full name and address and attach a copy of each written agreement or, if the agreements are unwritten, describe the agreement or arrangement through which such person exercises or may exercise such control or direction.

11. List in Exhibit B the registrant's corporate officers, trust officers, managers or other persons occupying a similar status or performing similar functions who supervise, or are directly responsible for the conduct of, registrant's clearing agency activities, indicating for each:

(a) Name, (b) Title, (c) Area of responsibility, and (d) A brief account of the business experience during the last five (5) years.

12. Attach as Exhibit C narrative and graphic descriptions of registrant's organizational structure. If clearing agency activities are conducted primarily by a division, subdivision, or other segregable entity within the registrant corporation or organization, identify the relationship of such entity to the registrant's overall organizational structure and limit the descriptions to the division, subdivision or other segregable entity which performs clearing agency activities.

13. Attach as Exhibit D a list of persons who directly or indirectly, through one or more intermediaries, are controlled by, or are under common control with, the clearing agency and indicate the nature of the control relationship.

14. Attach as Exhibit E a copy of the currently effective constitution, articles of incorporation or association, by-laws, rules, procedures and instruments corresponding thereto, of the registrant and a complete list of all dues, fees and other charges imposed by registrant for its clearing agency activities.

15. Attach as Exhibit F a brief description of any material pending legal proceeding, other than ordinary and routine litigation incidental to the business, to which the registrant or any of its subsidiaries is a party or to which any of its or their property is the subject. Include the name of the court or agency in which the proceeding is pending, the date instituted, and the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceeding known to be contemplated by governmental agencies.

16. Attach as Exhibit G copies of all contracts with any national securities exchange, national securities association or clearing agency or securities market for which the registrant acts as a clearing agency or performs clearing agency functions.

EXHIBITS—FINANCIAL INFORMATION

17. Attach as Exhibit H a balance sheet and statement of income and expenses, and all notes or schedules thereto of registrant, as of registrant's most recent fiscal year for which such information is available, certified by an independent accountant. (If certified financial information is not available, uncertified financial information should be submitted).

18. Attach as Exhibit I the addresses of all offices in which clearing agency activities are performed by registrant, or for registrant by any person listed in response to item 4, and identify the nature of the clearing activities performed in each office listed.

EXHIBITS—OPERATIONAL CAPABILITY

19. Attach as Exhibit J narrative descriptions of each service or function performed by the registrant.

20. Attach as Exhibit K a description of the measures or procedures employed by registrant to provide for the security of any system which performs the functions of a clearing agency. Include a general description of any operational safeguards designed to prevent unauthorized access to the system (including unauthorized input or retrieval of information for which the primary record source is not hard copy). Identify any instances within the past year in which the described security measures or safeguards failed to prevent unauthorized access to the system and describe any measures taken to prevent a recurrence of any such incident. Describe also any measures used to verify the accuracy of information received or disseminated by the system.

21. Attach as Exhibit L a description of the measures or procedures employed by registrant to provide for the safeguarding of securities and funds in its custody or control. Identify any instances within the past year in which the described security measures or safeguards failed to prevent any unauthorized access to securities or funds in possession of registrant and any measures taken to prevent a recurrence of any such incident.

22. If clearing agency functions are performed by automated facilities or systems, attach as Exhibit M a description of all backup systems or subsystems which are designed to prevent interruptions in the performance of any function as a result of technical or other malfunction. Include backups for input or output links to the system and precautions with respect to malfunctions in any areas external to the system.

EXHIBITS—ACCESS TO SERVICES

23. Attach as Exhibit N a list of the persons who currently participate, or who have applied for participation, in registrant's clearing agency activities (if registrant performs more than one activity, a columnar presentation may be utilized).

24. Attach as Exhibit O a description of any specifications, qualifications, or other criteria which limit, are interpreted to limit, or have the effect of limiting access to, or use of, any clearing agency service furnished by the registrant and state the reasons for imposing such specifications, qualifications, or other criteria.

25. Attach as Exhibit P copies of any form of contracts governing the terms on which persons may subscribe to clearing agency services provided by the registrant.

26. Attach as Exhibit Q a schedule of any prices, rates or fees fixed by registrant for services rendered by its participants.

27. Attach as Exhibit R a schedule of any prohibitions or limitations imposed by the clearing agency on access by any person to services offered by any participant.

EXHIBIT—APPLICATION FOR EXEMPTION

28. If this is an application for an exemption from registration as a clearing agency, attach as Exhibit S a statement demonstrating why the granting of an exemption from registration as a clearing agency would be consistent with the public interest, the protection of investors and the purposes of Section 17A of the Act, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.

[FR Doc.75–30190 Filed 11–7–75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75N–0068]

RADIOACTIVE BIOLOGICAL PRODUCTS

Reassignment of Responsibility

Correction

On page 43488, in the issue for Monday, September 22, 1975, a correction was published for FR Doc. 75–19315, which appeared originally at page 31311, in the issue for Friday, July 25, 1975. There were several errors in the correction, therefore the following changes should be made:

1. The docket number, which now reads "Docket No. 75N–0067", should be changed to read: "Docket No. 75N–0068".

2. The heading reading "RADIOACTIVE NEW DRUGS AND RADIOACTIVE BIOLOGICS", should read "RADIOACTIVE BIOLOGICAL PRODUCTS".

3. The heading reading "Termination of Exemptions" should read "Reassignment of Responsibility".

4. The page number which reads 31298 should read "31311".

V 40 I 217 NOV 10 75 XUM

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

[Docket No. FI-746]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Fort Smith, Arkansas

On August 28, 1971, in 36 FR 17335, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Fort Smith, Arkansas, as an eligible community and included Map No. H 055013 13 which indicates that Lot 121, Village Harbor Phase II, Fort Smith, Arkansas, as recorded in Plat Record 347 in the office of the Circuit Clerk and Ex-officio Recorder of Sebastian County, Arkansas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective December 29, 1970, Map No. H 055013 13 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: October 21, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-30204 Filed 11-7-75;8:45 am]

[Docket No. FI-321]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Fullerton, California

On August 6, 1974, in 39 F.R. 28249, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Fullerton, California, as an eligible community and included Map No. H 060219 07, which indicates that Lot Nos. 1 through 27, 30 through 36, and 39 through 71, in Tract No. 8526, Fullerton, California, as recorded in Book 355, Pages 1 through 4, of Miscellaneous Maps, Records of Orange County, California, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 060219 07 is hereby corrected to reflect that the above lots are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: October 22, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30205 Filed 11-7-75;8:45 am]

[Docket No. FI-747]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Wheat Ridge, Colorado

On May 26, 1972, in 37 FR 10668, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Wheat Ridge, Colorado, as an eligible community and included Map No. H 085079 03, which indicates that Lot 14, Daniels Subdivision, Wheat Ridge, Colorado, as recorded in Book 21, Page 49, in the office of the Clerk and Recorder of Jefferson County, Colorado, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective May 26, 1972, Map No. H 085079 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: October 21, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-30206 Filed 11-7-75;8:45 am]

[Docket No. FI-326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Old Saybrook, Connecticut

On August 7, 1974, in 39 FR 28424, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Old Saybrook, Connecticut, as an eligible community and included Map No. H 090069 01, which indicates that the existing structure on Lot No. 7 in the subdivision of land of Betsy Hatch Hill, Old Saybrook, Connecticut, as recorded in Volume 167, Page 536, in the office of the Town Clerk, Old Saybrook, Connecticut, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned structure is not within the Special Flood Hazard Area. Accordingly, effective July 26, 1974, Map No. H 090069 01 is hereby corrected to reflect that the above structure is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 22, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30207 Filed 11-7-75;8:45 am]

[Docket No. FI-772]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for New Castle County, Delaware

On December 7, 1971, in 36 FR 23215, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included New Castle County, Delaware, as an eligible community and included Map No. H 105085 07, which indicates that Lot 406, Section 4, Fairfield, City of Newark, New Castle County, Delaware, as recorded on Microfilm No. 1409, in the office of the Recorder of Deeds of New Castle County, Delaware, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the

placement of fill on the above named property after the effective date of the rate map. Accordingly, effective June 6, 1970, Map No. H 105085 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30208 Filed 11-7-75;8:45 am]

[Docket No. FI-773]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of New Castle, Delaware

On December 7, 1971, in 36 F.R. 23215, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the County of New Castle, Delaware, as an eligible community and included Map No. H 105085 07, which indicates that Lot 306, Fairfield Section 2, New Castle County, Delaware, as recorded on Microfilm No. 843, in the office of the Recorder of Deeds of New Castle County, Delaware, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the rate map. Accordingly, effective June 6, 1970, Map No. H 105085 08 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30209 Filed 11-7-75;8:45 am]

[Docket No. FI-774]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of New Castle, Delaware

On December 7, 1971, in 36 F.R. 23215, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the County of New Castle, Delaware, as an eligible community and included Map No. H 105085 08, which indicates that the subdivision called Stones Throw, New Castle County, Delaware, as recorded on Microfilm No. 2270, Sheets 1–3, in the Office of the Recorder of Deeds of New Castle County, Delaware, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the rate map. Accordingly, effective June 6, 1970, Map No. H 105085 08 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: October 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30210 Filed 11-7-75;8:45 am]

[Docket No. FI-270]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Indianapolis, Indiana

On May 17, 1974, in 39 F.R. 17518, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Indianapolis, Indiana, as an eligible community and included Map Nos. H 180159 61 and 69 which indicate that Timbers III Subdivision, Indianapolis, Indiana, recorded as Instrument No. 75 43967 in the office of the Recorder of Marion County, Indiana, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective May 17, 1974, Map Nos. H 180159 61 and 69 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: October 20, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-30211 Filed 11-7-75;8:45 am]

[Docket No. FI-762]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of New Braunfels, Texas

On December 2, 1972, in 37 FR 25711, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of New Braunfels, Texas, as an eligible community and included Map No. H 485493 07 which indicates that 645 Rock Street, New Braunfels, Texas, as recorded in Volume 152, Pages 205 through 207 in the office of the Clerk of Comal County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurace Rate Map of the community. Accordingly, effective December 4, 1972, Map No. H 485493 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Adminis-

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trator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30141 Filed 11-7-75;8:45 am]

[Docket No. FI-769]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lakewood, Colorado

On July 20, 1972, in 37 FR 14387 and 14388, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Lakewood, Colorado, as an eligible community and included Map No. H 085075 06, which indicates that Lot 37, Block 11, Meadowlark Hills, Lakewood, Colorado, as recorded in Book 12, Page 2, in the office of the Clerk and Recorder of Jefferson County, Colorado, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone B, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective July 21, 1972, Map No. H 085075 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30138 Filed 11-7-75;8:45 am]

[Docket No. FI-764]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of Mobile, Alabama

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the County of Mobile, Alabama, as an eligible community and included Map No. H 015008 25, which indicates that the subdivision known as Adobe Ridge Estates Unit Two, Mobile County, Alabama, as recorded in Map Book 25, Page 103, in the office of the Judge of the Probate Court of Mobile County, Alabama, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective December 15, 1970, Map No. H 015008 25 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30135 Filed 11-7-75;8:45 am]

[Docket No. FI-763]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of New Castle, Delaware

On December 7, 1971, in 36 FR 23215, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the County of New Castle, Delaware, as an eligible community and included Map No. H 105085 07, which indicates that property in New Castle County, Delaware, known as Fairfield Section 3, Lot 351, as recorded on Microfilm No. 884; and Section 4, Lots 433, 486, and 488, as recorded on Microfilm No. 1409, in the office of the Recorder of Deeds of New Castle County, Delaware, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the rate map. Accordingly, effective June 6, 1970, Map No. H 105085 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR, 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30137 Filed 11-7-75;8:45 am]

Letter of Map Amendment for the County of New Castle, Delaware

[Docket No. FI-771]

On December 7, 1971, in 36 F.R. 23215, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included New Castle County, Delaware, as an eligible community and included Map No. H 105085 08, which indicates that parts of the subdivision called Glasgow Pines, as recorded on Microfilm No. 2384, Sheets 1–4 and 6–8, in the Office of the Recorder of Deeds of New Castle County, Delaware, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the property recorded on Microfilm No. 2384, Sheets 1, 3, 4, and 6; buildings B–7 and B–11 on property recorded on Sheet 2; the existing structure on the property northeast of Scotland Drive, and lots 1–13, 25, 26, and 61–67, recorded on Sheet 7; and lots 14, 15, 18, 21–24, 27–31, 34–40, and 46–60, recorded on Sheet 8, are within Zone C, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the rate map. Accordingly, effective June 6, 1970 Map No. H 105085 08 is hereby corrected to reflect that the above property and structures are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30138 Filed 11-7-75;8:45 am]

[Docket No. FI-757]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 21 which indicates that Lot 9, Section 2, Country Club Manor, being 14932 Greymont Drive, Centreville, Fairfax County, Virginia, as recorded in Deed Book 2901, Page 286 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 21 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30142 Filed 11-7-75;8:45 am]

[Docket No. FI-758]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 21 which indicates that Lot 115, Section 2, London Towne, being 14844 Haymarket Lane, Centreville, Fairfax County, Virginia, as recorded in Deed Book 2711, Page 691 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 21 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30143 Filed 11-7-75;8:45 am]

[Docket No. FI-759]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 13 which indicates that Lot 52, Pomponio's Addition to Valley Brook, Section Two, Fairfax County, Virginia, as recorded in Deed Book 1478, Page 4 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 13 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30144 Filed 11-7-75;8:45 am]

[Docket No. FI-760]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 08 which indicates that Lot 226, Section 2, Bel Air Subdivision, being 3105 Dashiell Road, Falls Church, Virginia, as recorded in Deed Book 851, Page 3 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. The structure on this property is located within Zone C. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 08 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30145 Filed 11-7-75;8:45 am]

[Docket No. FI-761]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator pub-

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lished a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 13 which indicates that the structure on Lot 122, section 3, Camelot Subdivision, Fairfax County, Virginia, as recorded in Deed Book 2472, Page 230 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above structure is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 13 is hereby corrected to reflect that the above structure is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30146 Filed 11-7-75;8:45 am]

[Docket No. FI-765]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 19 which indicates that Lot 603, Section 7, Rolling Valley Subdivision, being 7112 Hadlow Court, Springfield, Virginia, as recorded in Deed Book 3186, Pages 137 through 140 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 19 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30147 Filed 11-7-75;8:45 am]

[Docket No. FI-766]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 16 which indicates that Lots 1 through 47, Section 2, Brookleigh Subdivision, Centreville, Virginia, as recorded in Deed Book 4012, Page 405 in the office of the Clerk of the Court of Fairfax County, Virginia, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 16 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30148 Filed 11-7-75;8:45 am]

[Docket No. FI-767]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map Nos. H 515525 18 and 19 which indicate that Lot 180, Keene Mill Station, Section Four, Fairfax County, Virginia, being 8616 Etta Drive, Springfield, Virginia, as recorded in Deed Book 3349, Page 325 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community.

Accordingly, effective June 17, 1970, Map Nos. H 515525 18 and 19 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 8, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-30149 Filed 11-7-75;8:45 am]

[Docket No. FI-768]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 18 which indicates that Lot 49, Section 1, Orange Hunt Subdivision, being 6605 Reynard Drive, Fairfax County, Virginia, as recorded in Deed Book 2690, Page 244 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30150 Filed 11-7-75;8:45 am]

[Docket No. FI-756]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Virginia Beach, Virginia

On October 3, 1970, in 35 FR 15442, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Virginia Beach, Virginia, as an eligible community and included Map No. H 515531A 13 which indicates that the lot located at 3932 Richardson Road, Virginia Beach, Virginia, as recorded in Plat Map Book 17, Page 71 in the office of the Clerk of Virginia Beach, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective September 8, 1970, May No. H 515531A 13 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30151 Filed 11-7-75;8:45 am]

[Docket No. FI-199]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Bedford, Massachusetts

On September 7, 1973, in 38 FR 24358, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the Town of Bedford, Massachusetts, as an eligible community and included Map No. H 255209 02, which indicates that Lot 8–A, Bedford, Massachusetts, as recorded in Book 10222, Page End, in the office of the Register of Deeds of Middlesex County, Massachusetts, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective September 7, 1973, Map No. H 255209 02 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30140 Filed 11-7-75;8:45 am]

[Docket No. FI-770]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Largo, Florida

On May 27, 1971, in 36 FR 9632, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the Town of Largo, Florida, as an eligible community and included Map No. H 125122 02, which indicates that Lot B of the subdivision known as Pine Crest Estates, Pinellas County, Florida, as recorded in Plat 54, Page 69, in the Court House of Pinellas County, Florida, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the rate map. Accordingly, effective August 7, 1970, Map No. H 125122 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30139 Filed 11-7-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Oregon State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On December 28, 1972, a notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881). On June 5, 1974, the State of Oregon submitted a supplement to the plan involving a developmental change (see Subpart B of 29 CFR Part 1953). Final approval of this supplement was delayed pending the adoption of appropriate regulations on requirements for approval of State posters (see Subpart A of 29 CFR Part 1952 as amended November 5, 1974, (39 FR 39036)).

2. *Description of the supplement.* The supplement contains the Oregon State Poster which is to be posted at all covered workplaces in the State. Among other things, the poster contains provisions notifying employees of their obligations and protections under the Oregon Safe Employment Act (hereinafter called OSEA), their right to request workplace inspections and their right to remain anonymous as a result, their right to participate in inspections, their protection against discharge or discrimination under State law for the exercise of their rights under State law and their right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program. The Oregon State Poster meets all the criteria of Subpart A of 29 CFR Part 1952 with the exception of 29 CFR 1952.10(a) (5) (vi)—protection against discharge or discrimination under Federal law. According to Field Information

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Memorandum #75-5, dated January 14, 1975, States with posters printed prior to the issuance of final regulations were provided a period of one year to correct deficiencies in State posters and, in the interim, provide an alternative method of complying with Subpart A of 29 CFR 1952.10. The State of Oregon has provided the following assurances: (a) the State will reprint posters including the employee discrimination provision by June 22, 1976, and (b) the State will, in the interim, notify each complainant at the time of complaint, that they also have a right to file a discrimination complaint with the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under section 1(c) of the Act.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the poster, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Technical Data Center, Room N-3620, 200 Constitution Avenue NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Oregon Poster and assurances from the State as stated above incorporate all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39306, November 5, 1974). Accordingly, it is believed that further opportunity for public comment and notice is unnecessary.

5. *Decision.* After careful consideration, the Oregon plan supplement outlined above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart D of 29 CFR Part 1952 is amended to reflect the completion of a developmental step upon the approval of the State Poster. Accordingly, § 1952.109 of Subpart D of Part 1952, for the reason stated in 4 above, is hereby amended as follows:

§ 1952.109 Completed developmental step.

* * * * *

(b) In accordance with the requirements of § 1952.10, the Oregon State Poster with assurances submitted on September 2, 1975, was approved by the Assistant Secretary on November 5, 1975.

Signed at Washington, D.C. this 5th day of November 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-30192 Filed 11-7-75;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 5—PUBLIC LANDS; MILITARY RESERVATIONS

Revision of Boundaries of Certain Military Reservations

This document amends the regulations describing the boundaries of two military reservations in the Canal Zone. The amendment transfers certain lands from the Coco Solo Naval Reservation to the Fort Gulick Army Reservation because the subject lands have been declared surplus to the needs of the Department of the Navy.

§ 5.28 [Amended]

In 35 CFR Part 5, § 5.28(a) is amended as follows:

(a) In the portion of § 5.28(a) that is designated "Parcel No. 3," the last three unnumbered paragraphs (which begin: "The directions of the lines . . .") are deleted.

(b) Add, immediately under the above description of Parcel No. 3, the following description of new Parcel No. 4 of Fort Gulick Army Reservation.

PARCEL NO. 4

Beginning at monument B–12, which is a monel plug, located in the back of a curb on the southwesterly side of Johnston Avenue, at its intersection with the southwesterly prolongation of the southeasterly curb of Fulton Road, near the Southeasterly corner of Building No. 5, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°22′ N. plus 2,291.2 feet and longitude 79°53′ W., plus 525.2 feet from Greenwich;

Thence from said initial point by metes and bounds:

S. 34°20′00″ E., 179.6 feet, along the back of the curb on the southwesterly side of Johnston Avenue to monument B–12–1, which is a monel plug;

S. 11°30′30″ E., 58.6 feet, to monument B–12–2, which is a monel plug in the pavement at the intersection of Johnston Avenue, Maile Street, and Molten Avenue;

S. 11°18′45″ W., 899.0 feet, through monument B–12–3, which is a monel plug, located in the back of the curb on the northwesterly side of Molten Avenue, to monument B–12–4, which is a monel plug located in the back of the curb on the northwesterly side of Molten Avenue, the distances being 106.9 feet and 792.1 feet, successively, from beginning of the course;

S. 13°57′15″ W., 158.9 feet, to monument B–12–5, which is a monel plug, located on the southeasterly side of an island at the intersection of Molten Avenue and Maile Street;

S. 14°43′30″ W., 252.3 feet to monument B–12–6, which is a monel plug, located at the back of the curb on the northwesterly side of Molten Avenue between quarters "E" and "F";

Southwesterly, following the back of the curb on the northwesterly side of Molten Avenue, to monument B–12–7, which is a monel plug, located between quarters "D" and "E" (the direct bearing and distance from monument B–12–6 to B–12–7 is S. 24°56′45″ W., 223.4 feet);

S. 20°08′30″ E., 778.8 feet, through monument B–12–8, which is a monel plug located in the back of the curb on the southwesterly side of Molten Avenue to monument B–12–9, which is a monel plug located in the back of the curb on the southwesterly side of Molten Avenue, the distance being 474.1 feet and 304.7 feet, successively, from beginning of the course;

S. 20°51′30″ E., 425.7 feet, to monument B–12–10, which is a monel plug, located in the back of the curb on the southwesterly side of Molten Avenue opposite the southwesterly prolongation of the southeasterly curb of Conley Street;

N. 89°31′45″ E., 117.5 feet, to monument B–12–11, which is a monel plug, located in the back of the curb on the southeasterly side of Conley Street at its intersection with Bernhard Street;

On a curve to the right, following the back of the curb at the above-named intersection to monument B–12–12, which is a monel plug, located in the back of the curb on the southwesterly side of Bernhard Street (the direct bearing and distance from monument B–12–11 to B–12–12 is S. 65°32′40″ E., 21.1 feet);

S. 20°13′15″ E., 332.2 feet, following the back of the curb, on the southwesterly side of Bernhard Street to monument B–12–13, which is a monel plug located in the northwesterly side of the concrete taxiway to landing strip;

N. 67°25′45″ E., 252.3 feet, along the northwesterly side of the above-mentioned taxiway to monument B–12–14, which is a monel plug, located near the southwesterly intersection of Maile Street;

N. 74°21′15″ E., 588.6 feet, along the northwesterly side of the above-mentioned taxiway to monument B–12–15, which is a monel plug, located near the northeasterly intersection with McEwen Street;

N. 03°37′30″ W., 413.6 feet, along the prolongation of and the back of the curb on the easterly side of McEwen Street, to monument B–12–16, which is a monel plug, located in the back of the curb;

N. 86°27′30″ E., 131.1 feet, to monument B–12–17, which is a 1½ inch iron pipe, located 1.5 feet, more or less, easterly from a cyclone fence and 60.6 feet westerly from the centerline of Randolph Road;

Southerly 1,883.8 feet, along a line parallel to and 60.6 feet westerly from the centerline of Randolph Road and along the easterly side of the above-mentioned cyclone fence, to monument B–12–23, which is a 1½ inch iron pipe, located near the northwesterly corner of Building No. 1119. The geodetic position of monument B–12–23 is in latitude 9°21′ N. plus 4,038.3 feet and longitude 79°52′ W. plus 5,103.5 feet;

N. 86°08′00″ E., 28.0 feet, to monument B–12–24, which is a monel plug in a concrete pavement;

S. 03°41′30″ E., 114.1 feet, to monument B–12–25, which is a monel plug in a concrete pavement;

S. 86°18′30″ W., 30.3 feet, to an unmarked point called B–12–26, located 1.5 feet, more or less, easterly from a cyclone fence, the geodetic position of which is in latitude 9°21′ N. plus 3,924.3 feet and 79°52′ W. plus 5,098.4 feet;

S. 03°36′00″ E., 379.0 feet, to unmarked point called A–1, located on the northern boundary of Fort Gulick Army Reservation, Parcel No. 2 (at Coco Solo) and N. 89°59′35″ W., 12.2 feet, from old monument "A" (Precise Bench Mark "A"). The geodetic position of unmarked point called A–1 is in latitude 9°21′ N. plus 3,546.0 feet and longitude 79°52′ W. plus 5,074.6 feet;

N. 89°59′35″ W., 823.4 feet, more or less, along the northern boundary of the above-mentioned Parcel No. 2 (at Coco Solo), on the northerly side of a cyclone fence and the southerly side of a drainage ditch, through monument "B", which is an 8-inch square concrete monument, to an unmarked point called B–1, located on the mean low water line of Manzanillo Bay, the distances being 508.4 feet and 315 feet, more or less, successively, from beginning of the course;

Due north, 23 feet, more or less, to an unmarked point called B–1a, located on the face of a concrete seawall at the mean low water line of Manzanillo Bay;

In a general northerly direction, following the mean low water line of Manzanillo Bay (except where drainage ditches extend inland from the shore line) to an unmarked point called B–7–2b, located on the northwesterly side of Pier No. 2 beneath the eave line on the southwesterly side of Building No. 7 and N. 34°16′15″ W., 2.0 feet, from monument B–7–3 (not on boundary), which is a monel plug in the concrete pavement of the above-mentioned Pier No. 2. The geodetic position of unmarked point called B–7–2b is in latitude 9°22′ N., plus 2,714.1 feet and longitude 79°52′ W. plus 1,064.7 feet;

N. 34°16′15″ W., 320.3 feet, following the eave line on the southwesterly side of Building No. 7, to monument B–7–2, which is a monel plug, located in the pavement of Pier No. 1 and 7.3 feet northwesterly from its southeasterly face;

N. 55°37′00″ E., 207.3 feet, along the northwesterly sides of Buildings No. 7 and No. 4, to monument B–7–1, which is a monel plug located in the pavement near the northeasterly corner of Building No. 4;

S. 34°17′15″ E., 541.2 feet, along the prolongation of and the back of the curb on the southwesterly side of Johnson Avenue to monument B–8, which is a monel plug located in the concrete pavement on the southwesterly side of Johnston Avenue;

S. 55°40′45″ W., 102.6 feet, along the northwesterly side of Building No. 3 to monument B–9, which is an iron rod set in concrete, located near the northwesterly corner of the above-mentioned Building No. 3;

S. 34°33′00″ E., 185.4 feet, along the southwesterly side of the above-mentioned Building No. 3, to monument B–10 which is a 1¼-inch pipe, located near the southwesterly corner of the above-mentioned Building No. 3;

N. 55°34′15″ E., 101.8 feet, along the southeasterly side of the above-mentioned Building No. 3, to monument B–11, which is a monel plug, located in the back of the curb on the southwesterly side of Johnston Avenue;

S. 34°17′15″ E., 247.8 feet, along the back of the curb on the southwesterly side of Johnston Avenue, to monument B–12, the point of beginning.

There shall also be included in the above-described reservation all land and water within a zone extending 100 yards out from the mean low water line on all shores of the reservation bordering on Manzanillo Bay.

In addition, the Department of the Army will have jurisdiction over that water area extending 100 yards southeasterly and southwesterly from the southeasterly side and southwesterly end of Pier No. 1 (bounded on the northeast by a line extending N. 79°00′ W. from the extreme northwesterly corner of Pier No. 1).

The directions of the lines refer to the true meridian.

All geographic positions are referred to the Panama-Colon datum of the Canal Zone Triangulation System.

The reservation contains a total area of 3,423.7 acres, more or less (Parcel No. 1 at Gulick—mainland 1,755.8 acres and islands 85.3 acres, more or less; Parcel No. 2 at Coco Solo—area above mean low water 45.55 acres, more or less; Parcel No. 3—1,400.4 acres, more or less and Parcel No. 4 at Coco Solo 136.7 acres more or less) and is as shown on Canal Zone Government Drawings No. M6118-44, entitled "Map Showing United States Army and Navy Reservations, Fort Gulick, Fort Randolph and Coco Solo, Canal Zone" dated January 20, 1958 (Revision No. 2 dated February 20, 1959) scale 1:10,000, and No. 6121-72 entitled "Map Showing United States Army and Navy Reservations, Fort Gulick, Fort Randolph and Coco Solo, Canal Zone" dated September 15, 1969 (Revision No. 2 dated December 14, 1973) scale 1:10,000. Both maps are on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

§ 5.42 [Amended]

In 35 CFR 5, § 5.42(a) is amended as follows:

(a) The first unnumbered paragraph of § 5.42(a) is revised to read as follows:

The following-described area of land, situated in the Canal Zone and designated as the Coco Solo Naval Reservation is reserved and set apart as, and assigned to the usea and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82.

(b) The portion of §§ 5.42(a) that is designated "Parcel No. 1" is deleted in its entirety.

(c) The last paragraph of § 5.42(a) (Which begins: The total area of Coco Solo Navy Reservation. * * *") is revised to read as follows:

The total area of Coco Solo Navy Reservation, Parcel No. 2, above the mean low water line or above the extreme low water line, is 2,566 acres more or less and is as shown on Canal Zone Government Drawing No. 6121-72 entitled "Map Showing United States Army and Navy Reservations, Fort Gulick, Fort Randolph, and Coco Solo, Canal Zone, scale 1: 10,000, dated September 15, 1969 (Revision No. 2 dated December 14, 1973) on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

Effective date: This amendment is effective October 1, 1975.

(2 C.Z.C. 31, 33, 76A Stat. 7, 35 CFR 3.3(c))

Dated: September 23, 1975.

H. R. PARFITT,
Governor of the Canal Zone.

MARTIN R. HOFFMANN,
Secretary of the Army.

[FR Doc.75-30160 Filed 11-7-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER X—COMMISSION OF FINE ARTS

PART 1002—RULES FOR COMPLIANCE WITH 5 U.S.C. 552a, THE PRIVACY ACT OF 1974

On October 1, 1975, the Commission of Fine Arts published in the FEDERAL REGISTER (40 FR 45306) its proposed regulations for implementation of the Privacy Act of 1974. Interested persons were invited to submit written comments, suggestions, or objections before October 30, 1975. No written comments, suggestions, or objections have been received.

The regulations set forth below, incorporating necessary editorial and typographic changes, are hereby adopted with the following additions:

1. Section 1002.2(b), Requests for access, is revised.

2. Section 1002.2, Requests for access, subparagraph (c)(v)(B), is revised.

There are no other amendments and the proposed regulations for the implementation of the Privacy Act of 1974 are hereby affective as set forth below.

Signed in Washington, D.C., on November 5, 1975 by:

CHARLES A. ATHERTON,
Secretary,
Commission of Fine Arts.

Sec.
1002.1 Rules for determining if an individual is the subject of a record.
1002.2 Requests for access.
1002.3 Access to the accounting of disclosure from records.
1002.4 Requests for copies of records.
1002.5 Requests to amend records.
1002.6 Requests for review.
1002.7 Schedule of fees.

AUTHORITY: Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a(f)).

§ 1002.1 Rules for determining if an individual is the subject of a record.

(a) Individuals desiring to know if a specific system of records maintained by the Commission of Fine Arts contains a record pertaining to them should address their inquiries to the Secretary, Commission of Fine Arts, 708 Jackson Place, N.W., Washington, D.C. 20006. The written inquiry should contain a specific reference to the system of records maintained by CFA listed in the CFA Notices of Systems of Records or it should describe the type of record in sufficient detail to reasonably identify the system of records. Notice of CFA Systems of Records will bc made in the Federal Register and copies of the notices will be available upon request to the Secretary when so published. A compilation of such notices will also be made and published by the Office of the Federal Register in accordance with section 5 U.S.C. 552a(f).

(b) At a minimum, the request should contain sufficient identifying information to allow CFA to determine if there is a record pertaining to the individual making the request in a particular system of records. In instances where identification is insufficient to insure disclosure to the individual to whom the information pertains in view of the sensitivity of the information, CFA reserves the right to solicit from the requester additional identifying information.

(c) Ordinarily the requester will be informed whether the named system of records contains a record pertaining to the requester within 10 days of the receipt of such a request (excluding Saturdays, Sundays, and legal Federal holidays). Such a response will also contain or reference the procedures which must be followed by the individual making the request in order to gain access to the record.

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(d) Whenever a response cannot be made within 10 days, the Secretary will inform the requester of the reasons for the delay and the date by which a response may be anticipated.

§ 1002.2 Requests for access.

(a) *Requirement for written requests.* Individuals desiring to gain access to a record pertaining to them in a system of records maintained by CFA must submit their request in writing in accordance with the procedures set forth in subsection (b), below.

(b) *Procedures.* (1) Content of the request. The request for access to a record in a system of records shall be addressed to the Secretary, at the address cited above; and shall name the system of records or contain a description (as concise as possible) of such system of records. The request should state that the request is pursuant to the Privacy Act of 1974. In the absence of such a statement, if the request is for a record pertaining to the requester maintained by CFA in a system of records, the request will be presumed to be made under the Privacy Act of 1974. The requester should include any other information which may assist in the rapid identification of the record for which access is being requested (e.g., maiden name, dates of employment, etc.).

(2) Requirements for identification will normally be limited to the presentation of any standard picture and signature or signature identification card, such as driver's license, so that a comparison of the signature and the signature on the original request may be made. The appearing individual will be read paragraph (3), subsection (i) to Title 5 CFR 552a which specifies the penalty for knowingly or willfully requesting or obtaining a record concerning an individual from an agency under false pretenses and asked to sign a statement attesting to the fact that he or she understands the paragraph and that he or she is, in fact, the individual who made the request (or the individual authorized to receive the disclosure by the requesting individual). This signature will be compared with the other two. If the appearing individual is other than the requesting individual, then he or she must also present a letter of introduction signed by the requesting individual so that the comparison of signature may be made.

(c) *CFA action on request* (1) A request for access will ordinarily be answered within 10 days (excluding Saturdays, Sundays, and legal Federal holidays), except when the Secretary determines otherwise, in which case the requester will be informed of the reason for the delay and an anticipated date by which the request will be answered. When the request can be answered within 10 days, it shall include the following:

(i) A statement that there is a record as requested or a statement that there is not a record in the system of records maintained by CFA;

(ii) A statement as to whether access will be granted only by providing a copy of the record through the mail; or the address of the location and the date and time at which the record may be examined. In the event the requester is unable to meet the specified date and time, alternate arrangements may be made with the official specified in paragraph (b)(1) of this section;

(iii) A statement, when appropriate, that examination in person will be the sole means of granting access only when the Secretary has determined that it would not unduly impede the requester's right of access;

(iv) The amount of fees charged, if any (see §§ 1002.4 and 1002.7); and

(v) The name, title, and telephone number of the CFR official having operational control over the record.

(A) *Access by the parent of a minor,* or legal guardian. A parent or a minor, upon presenting suitable personal identification, may access on behalf of the minor any record pertaining to the minor maintained by CFA in a system of records. A legal guardian may similarly act on behalf of an individual declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, upon the presentation of documents authorizing the legal guardian to so act; and upon suitable personal identification of the guardian.

(B) *Granting access when accompanied or represented by another individual.* When an individual requesting access to his or her record in a system of records maintained by CFA wishes to be accompanied or represented by another individual during the course of the examination of the record, the individual making the request shall submit to the official having operational control of the record a signed statement authorizing that person access to the record.

(vi) *Medical records.* The records in a system of records which are medical records shall be disclosed to the individual in such a manner and following such procedures as the Secretary shall direct. When CFA, in consultation with a physician, determines that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, CFA may transmit such information to a physician named by the individual.

(vii) *Exceptions.* Nothing in this section shall be construed to entitle an individual the right to access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 1002.3 Access to the accounting of disclosures from records.

Rules governing the granting of access to the accounting of disclosures are the same as those for granting access to the records outlined in § 1002.2, above.

§ 1002.4 Requests for copies of records.

Rules governing requests for copies of records are the same as those for the granting of access to the records outlined in § 1002.2, above (see also § 1002.7 for rules regarding fees).

§ 1002.5 Requests to amend records.

(a) *Requirement for written requests.* Individuals desiring to amend a record that pertains to them in a system of records maintained by CFA must submit their request in writing in accordance with the procedures set forth herein unless the requirement is waived by the official having responsibility for the system of records. Records not subject to the Privacy Act of 1974 will not be amended in accordance with these provisions; however, individuals who believe that such records are inaccurate may bring this to the attention of the CFA.

(b) *Procedures.* (1)(i) The request to amend a record in a system of records shall be addressed to the Secretary. Included in the request shall be the name of the system and a brief description of the record proposed for amendment. In the event the request to amend the record is the result of the individual's having gained access to the record as set forth above, copies of previous correspondence between the requester and CFA will serve in lieu of a separate description of the record.

(ii) Individuals desiring assistance in the preparation of a request to amend a record should contact the Secretary at the address cited above.

(iii) The exact portion of the record the individual seeks to have amended should be clearly indicated. If possible, the proposed alternative language should also be set forth, or, at a minimum, the facts which the individual believes are not accurate, relevant, timely, or complete, should be set forth with such particularity as to permit CFA not only to understand the individual's basis for the request, but also to make an appropriate amendment to the record.

(iv) The request must also set forth the reasons why the individual believes his record is not accurate, relevant, timely, or complete. In order to avoid the retention by CFA of personal information merely to permit the verification of records, the burden of persuading CFA to amend a record will be upon the individual. The individual must furnish sufficient facts to persuade the official in charge of the system of the inaccuracy, irrelevancy, timeliness, or incompleteness of the record.

(2) *CFA action on the request.* To the extent possible, a decision upon a request to amend a record will be made within 10 days (excluding Saturdays, Sundays, and legal Federal holidays). In the event that a decision cannot be made within this time frame, the individual making the request will be informed within the 10 days of the expected date for a decision. The decision upon a request for amendment will include the following:

(i) The decision of the Commission of Fine Arts whether to grant in full, or deny any part of the request to amend the record;

(ii) The reasons for the determination for any part of the request which is denied;

(iii) The name and address of the official with whom an appeal of the denial may be lodged;

(iv) The name and address of the official designated to assist, as necessary, and upon the request of, the individual making the request in preparation of the appeal;

(v) A description of the review of the appeal within CFA (see § 1002.6); and

(vi) A description of any other procedures which may be required of the individual in order to process an appeal.

§ 1002.6 Request for review.

(a) Individuals wishing to request a review of the decision by CFA with regard to an initial request to amend a record in accordance with the provisions of § 1002.5 above, should submit the request for review in writing and, to the extent possible, include the information specified in paragraph (a) of this section. Individuals desiring assistance in the preparation of their request for review should contact the Secretary at the address provided herein.

(b) The request for review should contain a brief description of the record involved or in lieu thereof, copies of the correspondence from CFA in which the request to amend was denied and also the reasons why the requester believes that the disputed information should be amended. The request for review should make reference to the information furnished by the individual in support of his claim and the reasons as required by § 1002.5 above set forth by CFA in its decision denying the amendment. Appeals filed without a complete statement by the requester setting forth the reasons for the review will, of course, be processed. However, in order to make the appellate process as meaningful as possible, the requester's disagreement should be understandably set forth. In order to avoid the unnecessary retention of personal information, CFA reserves the right to dispose of the material concerning the request to amend a record if no request for review in accordance with this section is received by CFA within 180 days of the mailing by CFA of its decision upon an initial request. A request for review received after the 180-day period may, at the discretion of the Secretary, be treated as an initial request to amend a record.

(c) The request for review should be addressed to the Secretary.

(d) Upon receipt of a request for review, the Secretary will convene a review group composed of the Secretary and the Chairman. This group will review the basis for the requested review and will develop a recommended course of action to the office's Committee on Freedom of Information and Privacy (hereinafter referred to as the Committee). If at any time additional information is required from the requestee, the Secretary is authorized to acquire it or authorize its acquisition from the requester.

(e) The Committee is composed of:

(1) The Chairman;

(2) The Secretary;

(3) The Assistant Secretary;

(4) The Administrative Assistant.

(f) The Committee will review the request for review and the recommended course of action and will recommend a decision on the request for review to the Chairman, who has the final authority regarding appeals.

(g) The Chairman will inform the requester in writing of the decision on the request for review within 30 days (excluding Saturdays, Sundays, and legal Federal holidays) from the date of receipt by CFA of the individual's request for review unless the Chairman extends the 30-day period for good cause. The extension of and the reasons therefor will be sent by CFA to the requester within the initial 30-day period. Included in the notice of a decision being reviewed, if the decision does not grant in full the request for review, will be a description of the steps the individual may take to obtain judicial review of such a decision, and a statement that the individual may file a concise statement with CFA setting forth the individual's reasons for his disagreement with the decision upon the request for review. The Secretary has the authority to determine the "conciseness" of the statement, taking into account the scope of the disagreement and the complexity of the issues. Upon the filing of a proper concise statement by the individual, any subsequent disclosure of the information in dispute will have the information in dispute clearly noted and a copy of the concise statement furnished, as well as a concise statement by CFA setting forth its reasons for not making the requested changes, if CFA chooses to file such a statement. A copy of the individual's statement, and, if it chooses, CFA's statement will be sent to any prior transferee of the disputed information who is listed on the accounting required by 5 U.S.C. 552a(c).

§ 1002.7 Schedule of fees.

No fees will be charged for search, review, or copies of the record.

[FR Doc.75-30233 Filed 11-7-75;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 762—DISBURSEMENT POSTAL MONEY ORDERS

Authorization of New Series of Postal Money Orders

On August 19, 1975, there was published in the FEDERAL REGISTER (40 FR 36146) a notice of proposed rulemaking which would add new Parts 762, 763, and 764 to Subchapter J of title 39, CFR, which would be renamed. These new parts would authorize a new series of postal money orders, designated Disbursement Postal Money Orders, which would be used by the Postal Service exclusively for payment of certain postal obligations and would not be made available for purchase from the Postal Service by the public.

The Postal Service has decided to adopt this proposal, with certain changes, and minor and technical corrections as appear below. For example, the Postal Service has renumbered proposed parts 763 and 764 as subdivisions of Part 762. In addition, and as a result of comments received, the following changes are made:

1. The definition of "Presenting Bank" in § 762.2(e) of the proposal (renumbered § 762.12(e) is amended to clarify the term "depositor".

2. Section 762.5 of the proposal (renumbered § 762.15) describes the methods of Postal Service payments not made by disbursement postal money orders. This section is amended to refer to an additional method that may come into use in the future, electronic funds transfer.

3. The first part of § 763.7 of the proposal (renumbered § 762.27), which deals with the processing of disbursement postal money orders by Federal Reserve Banks, is amended to refer to the agreement between the Postal Service and the Federal Reserve Banks as depositaries and fiscal agents of the United States.

4. Sections 763.7(b)(1) and (2) of the proposal (renumbered § 762.27(b)(1) and (2)) are amended to clarify the term "depositors", as was done to § 762.2(e) (renumbered § 762.12(e)). Amendments are also made to delete the reference to money orders being "cashed" and to indicate that the account to be charged is the general account of the United States Treasury.

Accordingly, the Postal Service adopts this proposal, with the above mentioned changes, effective immediately.

ROGER P. CRAIG,
Deputy General Counsel.

1. In 39 CFR, Subchapter J is renamed "Postal Service Debt Obligations; Disbursement Postal Money Orders."

2. New Part 762 is added and reads as follows:

Subpart A—General, Definitions, Issuance

Sec.
762.11 General
762.12 Definitions
762.13 Issuance
762.14 Amounts for which disbursement postal money orders may be issued
762.15 Postal Service payments not made by disbursement postal money order

Subpart B—Endorsements, Payment, Guaranties, Warranties and Processing of Disbursement Postal Money Orders

762.21 Scope
762.22 Definitions
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AUTHORITY: 39 U.S.C. 401(2), 401(3), 401(4), 401(10), and 404(6).

Subpart A—General, Definitions, Issuance

§ 762.11 General.

The Postal Service, at its discretion, issues a specialized postal money order, designated a Disbursement Postal Money Order in payment of Postal Service obligations. Disbursement Postal Money Orders are distinguishable on their face from other postal money orders in the following ways:

(a) Disbursement Postal Money Orders have words of negotiability—"Pay to the order of"—printed on their face, while other postal money orders simply bear the words "Pay to" on their face;

(b) Disbursement Postal Money Orders, unlike other postal money orders, bear on their face the phrase, "This special money order is drawn by the Postal Service to pay one of its own obligations."; and

(c) The amounts of Disbursement Postal Money Orders are printed in words as well as numbers, while the amounts of postal money orders available at post offices are printed in numbers only.

§ 762.12 Definitions.

As used in Part 762 of this chapter, the term:

(a) "Disbursement Postal Money Order" means a money order (described in Part 762) issued by the Postal Service to pay one of its own obligations.

(b) "Federal Reserve Bank" means a Federal Reserve Bank or branch thereof.

(c) "Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

(d) "Person" or "persons" means an individual or individuals, or an organization or organizations, whether incorporated or not, including all forms of banking institutions.

(e) "Presenting Bank" means a bank or other depositor of a Federal Reserve Bank which presents Disbursement Postal Money Orders to and receives credit therefor from a Federal Reserve Bank.

(f) "Reclamation" means the action taken by the Postal Service to obtain refund of the amounts of paid Disbursement Postal Money Orders.

(g) "Postal Service" means the United States Postal Service.

§ 762.13 Issuance.

Disbursement Postal Money Orders are issued solely by Postal Data Centers and solely for the purpose of paying Postal Service obligations. Accordingly, Disbursement Postal Money Orders may be issued in lieu of U.S. Treasury checks.

§ 762.14 Amounts for which disbursement postal money orders may be issued.

Disbursement Postal Money Orders may be issued for any amount appropriate to pay Postal Service Obligations. There is no maximum amount above which a Disbursement Postal Money Order may not be issued.

§ 762.15 Postal Service payments not made by disbursement postal money order.

Postal Service payments not made by Disbursement Postal Money Order are made by cash, U.S. Treasury Check, or by regular postal money order, and may be made by electronic funds transfer.

Subpart B—Endorsements, Payment, Guaranties, Warranties and Processing of Disursement Postal Money Orders

§ 762.21 Scope.

The regulations in this subpart prescribe the requirements for endorsement and the conditions for payment of Disbursement Postal Money Orders drawn by the Postal Service.

§ 762.22 Definitions.

For definitions applicable to this subpart see § 762.12 of this chapter.

§ 762.23 General rules.

All Disbursement Postal Money Orders drawn by the Postal Service are payable without limitation of time. The Postal Service shall have the usual right of a drawee to examine Disbursement Postal Money Orders presented for payment and refuse payment of any Disbursement Postal Money Orders, and shall have a reasonable time to make such examination. Disbursement Postal Money Orders shall be deemed to be paid by the Postal Service only after first examination has been fully completed. If the Postal Service is on notice of a doubtful question of law or fact when a Disbursement Postal Money Order is presented for payment, payment will be deferred pending settlement by the Postal Service.

§ 762.24 Guaranty of endorsements.

The presenting bank and the endorsers of a Disbursement Postal Money Order presented to the Postal Service for payment shall be deemed to guarantee to the Postal Service that all prior endorsements are genuine, whether or not an express guaranty is placed on the Disbursement Postal Money Order. When the first endorsement has been made by one other than the payee personally, the presenting bank and the endorsers shall be deemed to guarantee to the Postal Service, in addition to other warranties, that the person who so endorsed had unqualified capacity and authority to endorse the Disbursement Postal Money Order on behalf of the payee.

§ 762.25 Reclamation of amounts of paid disbursement postal money orders.

The Postal Service shall have the right to demand refund from the presenting bank of the amount of a paid Disbursement Postal Money Order if after payment the Disbursement Postal Money Order is found to bear a forged or unauthorized endorsement, or an endorsement by another for a deceased payee where the right to the proceeds of such Disbursement Postal Money Orders terminated upon the death of the payee, or to contain any other material defect or alteration which was not discovered upon first examination. If refund is not made, the Postal Service shall take such action against the proper parties as may be necessary to protect its interests.

§ 762.26 Postal facilities not to cash disbursement postal money orders.

Post offices and other postal facilities shall not be expected to cash Disbursement Postal Money Orders or to return cash for endorsed Disbursement Postal Money Orders offered in payment for postal service in amounts less than the value of a Disbursement Postal Money Order. However, properly endorsed Disbursement Postal Money Orders may be accepted as total or partial payment for postal services.

§ 762.27 Processing of disbursement postal money orders by federal reserve banks.

In accordance with an agreement between the Postal Service and the Federal Reserve Banks as depositaries and fiscal agents of the United States, Federal Reserve Banks will handle Disbursement Postal Money Orders as follows:

(a) Federal Reserve Banks shall not be expected to cash Disbursement Postal Money Orders presented directly to them for payment; and

(b) Each Federal Reserve Bank shall:

(1) Receive Disbursement Postal Money Orders from its member banks, and its other depositors which guarantee all prior endorsements thereon;

(2) Give immediate credit therefor in accordance with its current Time Schedules and charge the amount thereof to the general account of the United States Treasury, subject to examination and payment by the Postal Service; and

(3) Forward the Disbursement Postal Money Orders to the Postal Service.

§ 762.28 Release of original disbursement postal money orders.

An original Disbursement Postal Money Order may be released to a responsible endorser only upon receipt of a properly authorized request showing the reason it is required.

§ 762.29 Endorsement of disbursement postal money orders by payees.

(a) *General requirements.* Disbursement Postal Money Orders shall be endorsed by the payee or the payees named, or by another on behalf of such payee or payees as set forth in this Subpart B. The forms of endorsement shall conform to those recognized by general principles of law and commercial usage for the negotiation, transfer, or collection of negotiable instruments.

(b) *Endorsement of disbursement postal money orders by a financial organization under the payee's authorization.* When a Disbursement Postal Money Order is credited by a financial organization to the payee's account under his authorization, the financial organization may use an endorsement substantially as follows:

Credit to the account of the within-named payee in accordance with payee's or payees' instructions. Absence of endorsement guaranteed.

A financial organization using this form of endorsement shall be deemed to guarantee to all subsequent endorsers and to the Postal Service that it is acting as an attorney in fact for the payee or payees, under his or their authorization.

(c) *Endorsement of disbursement postal money orders drawn in favor of financial organizations.* All Disbursement Postal Money Orders drawn in favor of financial organizations, for credit to the accounts of persons designating payment so to be made, shall be endorsed in the name of the financial organization as payee in the usual manner.

§ 762.30 Disbursement postal money orders issued to incompetent payees.

(a) If the Disbursement Postal Money Order is endorsed by a legal guardian or other fiduciary and presented for payment by a bank it will be paid by the Postal Service without submission to the Postal Service of documentary proof of authority of the guardian or other fiduciary.

(b) If a guardian has not been or will not be appointed, the Disbursement Postal Money Order shall be forwarded to the Money Order Division, Postal Data Center, P.O. Box 14963, St. Louis, MO 63182, with a full explanation of the circumstances.

§ 762.31 Disbursement postal money orders issued to deceased payees.

(a) If the Disbursement Postal Money Order is endorsed by an Executor or Administrator and presented for payment by a bank it will be paid by the Postal Service without submission to the Postal Service of documentary proof of the authority of the Executor or Administrator.

(b) If an Executor or Administrator has not been appointed or if there is doubt as to whether the proceeds of the Disbursement Postal Money Order pass to the estate of the deceased payee, the instrument should be returned to the Money Order Division, Postal Data Center, P.O. Box 14963, St. Louis, MO 63182, for determination whether, under applicable laws, payment is due, and for reissuance to the appropriate payee.

Subpart C—Issuance of Substitutes for Lost, Destroyed, Mutilated, and Defaced Disbursement Postal Money Orders.

§ 762.41 Advice of non-receipt or loss, destruction, or mutilation.

(a) In the event of the non-receipt, loss, or destruction of a Disbursement Postal Money Order, or the mutilation or defacement of a Disbursement Postal Money Order to an extent which renders it non-negotiable, the owner should immediately contact the Money Order Division, Postal Data Center, P.O. Box 14963, St. Louis, MO 63182, describing the Disbursement Postal Money Order, stating the purpose for which it was issued, giving, if possible, its date, number, and amount, and requesting that payment be stopped. In cases involving mutilated or defaced Disbursement Postal Money Orders the owner should enclose the mutilated or defaced item with his communication.

(b) If the Disbursement Postal Money Order, which is the basis of the owner's claim, is determined to be outstanding, the Money Order Division shall furnish the claimant an appropriate application form for obtaining a substitute Disbursement Postal Money Order. However, the execution of an application shall not be required in the event the original written statement submitted by the claimant substantially meets the requirements of the prescribed application form.

§ 762.42 Request for substitute disbursement postal money orders; requirements for undertaking of indemnity.

In the case of a request for a substitute Disbursement Postal Money Order:

(a) An undertaking of indemnity in penal sum equal to the amount of the Disbursement Postal Money Order shall, unless otherwise provided in this section, be executed by the claimant, as may be required by the Postal Service, and submitted to the Money Order Division.

(b) Unless the Postal Service determines that an undertaking of indemnity is essential in the public interest, no undertaking of indemnity shall be required in the following classes of cases:

(1) If the Postal Service is satisfied that the loss, theft, destruction, mutilation or defacement occurred wihout fault of the owner or holder, and while the Disbursement Postal Money Order was in the custody or control of the Postal Service;

(2) If substantially the entire Disbursement Postal Money Order is presented and surrendered by the owner or holder and the Postal Service is satisfied as to the identity of the Disbursement Postal Money Order presented and that any missing portions are not sufficient to form the basis of a valid claim against the Postal Service;

(3) If the Postal Service is satisfied that the original Disbursement Postal Money Order is not negotiable and cannot be made the basis of a valid claim against the Postal Service; or

(4) If the amount of the Disbursement Postal Money Order is not more than $200.

§ 762.43 Issuance of substitute disbursement postal money order.

Upon approval of the undertaking of indemnity, application, or statement of claim, the Money Order Division shall issue to the claimant a substitute Disbursement Postal Money Order showing such information as may be necessary to identify the original instrument.

§ 762.44 Receipt or recovery of original disbursement postal money order.

(a) If the original Disbursement Postal Money Order is received or recovered by the owner after he has requested the Postal Service to stop payment on the original but before a substitute has been received, he should immediately advise the Money Order Division and hold such original Disbursement Postal Money Order until receipt of instructions with respect to its negotiability.

(b) If the original Disbursement Postal Money Order is received by the owner after a substitute has been received by him, the original shall not be cashed, but shall be immediately forwarded to the Money Order Division. Under no circumstances shall both the original and substitute be cashed.

§ 762.45 Removal of stoppage of payment.

Requests for removal of stoppage of payment shall be addressed to the Money Order Division. No request for removal of stoppage of payment shall be accepted after issuance of a substitute Disbursement Postal Money Order has been approved.

[FR Doc.75-30112 Filed 11-7-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 453-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

West Virginia

On November 8, 1974, the State of West Virginia submitted to the Administrator of the Environmental Protection Agency amendments to the West Virginia State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards, to be processed as SIP revisions. The amendments included:

1. An amendment to Regulation II, "To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers," Section 3.03. The amendment allows sulfur oxides to be added to a combustion unit exit gas stream for the purpose of improving control equipment efficiency on existing fuel burning units. This amendment applies only to units in existence as of September 1, 1974.

2. An amendment of Regulation VII, "To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations." The essential change allows the primary aluminum reduction potlines which are equipped with fluidized bed reactors or other similar gas cleaning devices to be exempt from the provisions presently governing process weight operations, provided that at least 99% of the gaseous fluoride if removed from the exit gas stream, and the particulate loading is not greater than 0.01 grains per standard cubic foot (gr/scf).

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3. Amendments to the West Virginia State Implementation Plan's general control strategies for particulate matter. The essential change allows compliance schedules for sources of particulate matter to extend beyond June 30, 1975, but no later than June 30, 1977, provided that the primary ambient air quality standard in the AQCR and localized area where such sources are located will be attained and maintained by June 30, 1975.

On December 6, 1974, the State of West Virginia submitted proof that hearings regarding these amendments, having given adequate notice to the public, took place at the following times:

1. Proposed changes to Regulation II—June 5, 1974.
2. Proposed changes to Regulation VII—July 23, 1974.
3. Proposed changes to the general control strategies outlined in the SIP—July 23, 1974.

On December 24, 1974 (39 FR 39584), the Regional Administrator of EPA Region III announced receipt of the amendments to West Virginia Regulations II and VII, as well as the amendments to the State Implementation Plan, and provided for a 30-day public comment period, ending January 23, 1975. During this period, no comments were received.

In light of the lack of comments received, and the Administrator's own evaluation, the Administrator hereby approves the revisions to Regulations II, VII, and the change in the State Implementation Plan relating to the State's authority to issue orders extending beyond the attainment date, effective December 10, 1975. The revisions meet the requirements of section 110 of the Clean Air Act. The change to Regulation VII presents no legal problems, and is realistic state-of-the-art control technology. The change in the SIP is considered to be more restrictive than the original state provision, because now, in order for the Administrator to approve an extension of a compliance schedule, the State of West Virginia must demonstrate that each extension granted will not interfere with attainment and maintenance of primary ambient air quality standards. The change does not address attainment or maintenance of secondary standards, which are not required to be met until June 30, 1977.

Copies of these amendments are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.
West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311.
Freedom of Information Center, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

(42 U.S.C. 1857c-5)

Dated: October 31, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

1. In § 52.2520, paragraph (c) is revised to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) Supplemental information was submitted on

(1) March 30, April 20 and May 15, 1972, November 14, 1973, and November 8, 1974, by the West Virginia Air Pollution Control Commission.

(2) June 13, 1974.

[FR Doc.75-30088 Filed 11-7-75;8:45 am]

[FRL 452-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revision to West Virginia State Implementation Plan

On June 17, 1974, the State of West Virginia submitted to the Regional Administrator, EPA Region III, an amended Regulation XIII of the West Virginia Administrative Regulations—"Permits for Construction, Modification, or Relocation of Stationary Sources of Air Pollution, and Procedures for Registration and Evaluation". The State has requested that this amendment be considered as a revision to the West Virginia State Implementation Plan for the attainment and maintenance of national ambient air quality standards. The major provisions of the amendment are as follows:

(1) Defining the meaning of "indirect source" and other associated terms.

(2) Outlining timetables for submittal of permit applications and approval or disapproval action by the State.

(3) Outlining the time frame for public participation.

(4) Outlining procedures for the monitoring of an indirect source after the owner of said source has been granted a permit, and commences construction of the facility.

On October 24, 1974, the State of West Virginia submitted adequate proof in accordance with 40 CFR 51.4 that a public hearing was held on January 11, 1974, in Charleston, West Virginia.

On November 8, 1974 (39 FR 39581), the Regional Administrator acknowledged receipt of this amendment, proposed the amendment as a revision to the federally enforceable SIP, and provided for a 30 day public comment period, ending December 9, 1974. During this period, comments were received, from the National Realty Committee, recommending disapproval of Regulation XIII for the following reasons:

(1) The provisions for transferring permits in Section 9.01 could create financial problems for the developer.

(2) The provision in Section 9.02 that obligates the State Agency Director to suspend a permit after six months if construction has not commenced is too restrictive and should provide for a longer time period.

EPA contends that the provisions in Sections 9.01 and 9.02 may present an administrative burden for the developer, but do not contain any deficiencies that would warrant EPA disapproval pursuant to the provisions in 40 CFR 51.18.

In addition, comments were received from Sears, Roebuck and Company, recommending disapproval for the following reasons:

(1) EPA has no authority to promulgate regulations to control indirect sources in the State of West Virginia, since the State has shown no violations of the carbon monoxide standard.

(2) The provision in Section 4.04, which stipulates that the State can grant a permit based on air quality criteria or factors necessary to carry out the intent and purpose of the regulation, is too vague.

(3) Section 9.03, which allows the State to cancel or suspend a permit when the stipulated conditions are not adhered to, does not entitle the permit holder to a public hearing prior to such action.

EPA contends that these arguments for recommending disapproval are invalid for the following reasons:

(1) The Clean Air Act provides that a state has the authority to adopt, and EPA has authority to approve regulations governing control of indirect sources, when necessary to insure attainment or maintenance of the carbon monoxide and photochemical oxidant standards.

(2) It is reasonable to issue permits based on air quality criteria or factors necessary to carry out the intent and purpose of this regulation, especially when the regulation is explicit as to its intent and purpose. Therefore, Section 4.04 is not vague and is approvable.

(3) The West Virginia Administrative Procedure Act, W. Va. Code Ann. § 29A-5-4 (1971 Replacement Volume) authorizes "any party adversely affected by a final order or decision in a contested case" to appeal that decision to the circuit court. Thus, due process rights can be asserted on appeal from such action, and therefore, Section 9.03 is approvable.

Upon further evaluation by the Administrator, Regulation XIII meets the requirements of the Clean Air Act, and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans. In light of EPA's evaluation, the Administrator hereby approves the amendments to Regulation XIII of the West Virginia administrative regulations as a revision to the West Virginia SIP. At the same time, the Administrator hereby rescinds 40 CFR Section 52.2525, which corresponds to West Virginia's Regulation XIII.

Effective date—In view of the fact that the State of West Virginia is already conducting review under its amended regulation and that it will serve no useful purpose to defer the effective date of this revision for 30 days, the Administrator hereby finds good cause for making this rulemaking effective immediately.

Copies of West Virginia's Regulation XIII are available during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311.
Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

(42 U.S.C. 1857 c-5)

JOHN QUARLES,
Acting Administrator.

OCTOBER 31, 1975.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 52.2520, paragraph (c)(2) is revised to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) * * *

(2) June 17 and November 8, 1974.

§ 52.2525 [Revoked]

2. Section 52.2525 is revoked.

[FR Doc.75-30090 Filed 11-7-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FINANCIAL ASSISTANCE

Safeguarding Information; Protective and Vendor Payments

Chapter II of Title 45 of the Code of Federal Regulations is amended to implement certain provisions of Public Law 94-88, approved August 9, 1975, which amend title IV of the Social Security Act, with respect to safeguarding information about applicants and recipients, the effective date for the requirement to assign support rights to the agency, and the limitations on Federal financial participation in vendor or protective payments. The purpose of the amendments is to bring the Department's regulations into conformity with the statutory changes which are already in effect. The basis for the amendments are the statutory changes which are discussed below:

A. *Safeguarding Information.*

1. Public Law 92-603, the Social Security Amendments of 1972 provided, under titles I, X, XIV, and XVI (AABD), for disclosure of information to public officials who need it in connection with their official duties.

2. Public Law 93-647, the Social Services Amendments of 1974, extended that provision to title IV-A.

3. Public Law 94-88 (untitled) deleted that provision from title IV-A, and limited release of information to purposes directly connected with the administration of certain Federal or Federally-aided programs.

The end result is that the provision for release to public officials in the broader sense is now applicable only to titles I, X, XIV and XVI (AABD). Since these titles have (for the 50 States and the District of Columbia) been superseded by a new title XVI (SSI), the further result is that the provision is effective only for Puerto Rico, the Virgin Islands, and Guam.

These changes are reflected in § 205.50. Title IV-D has been deleted from the opening sentence of § 205.50(a) because regulations pertaining to that title are published today under 45 CFR 302.18 at

B. *Effective Date*—Pub. L. 94-88 is effective August 1, 1975. This change is reflected in §§ 232.10(b) and 232.11(a)(4).

C. *Limitations on matching for protective or vendor payments.* Section 204 of Pub. L. 94-88 exempts such payments from the 10 percent limitation when they are required to be made because of the failure of caretaker relatives to assign support rights or cooperate in securing support.

This provision is implemented by changes in §§ 234.60(b)(2)(i)-(B), and 237.50(b)(1)(iv). Because of the urgent need to bring the Department's regulations into conformity with the statutory changes and because the provisions are of benefit both to State agencies and to applicants for and recipients of AFDC, the Department finds that there is good cause to dispense with Notice of proposed rulemaking. However, any written comments, suggestions or objections addressed to the Acting Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before December 10, 1975, will be considered with a view to possible revision.

Such comments will be available for public inspection in room 5225 of the Department's offices at 330 C Street SW., Washington, D.C., beginning approximately two weeks after publication of this regulation in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-245-0950).

Chapter II, Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 205.50 is amended by revising paragraphs (a) (b) and (c), adding a new paragraph (d), and redesignating paragraph (d) as (e). As revised, § 205.50 reads as set forth below:

§ 205.50 Safeguarding information for the financial assistance and social services programs.

(a) *State plan requirements.* A State plan under title IV-A of the Social Security Act, except as provided in paragraph (e) of this section, must provide that:

(1) Pursuant to State statute which imposes legal sanctions:

(i) The use or disclosure of information concerning applicants and recipients will be limited to purposes directly connected with: Such purposes include establishing eligibility, determining amount of assistance, and providing services for applicants and recipients.

(A) The administration of the plan of the State approved under title IV-A, the plan or program of the State under title IV-B, IV-C, or IV-D, or under title I, X, XIV, XVI (AABD), XIX, or XX or the supplemental security income program established by title XVI (SSI);

(B) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plans or programs; and

(C) The administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need. Under the requirements of this paragraph (a)(1)(i), disclosure to any committee or legislative body (Federal, State, or local) of any information that identifies by name and address any such applicant or recipient shall be prohibited; and certification of receipt of AFDC to an employer for purposes of claiming tax credit under Pub. L. 94-12, the Tax Reduction Act of 1975, (see § 235.40 of this chapter) shall be considered to be for a purpose directly connected with the administration of the plan.

(ii) The State agency has authority to implement and enforce the provisions for safeguarding information about applicants and recipients;

(iii) Publication of lists or names of applicants and recipients will be prohibited.

(2) The agency will have clearly defined criteria which govern the types of information that are safeguarded and the conditions under which such information may be released or used. Under this requirement:

(i) Types of information to be safeguarded include but are not limited to:

(A) The names and addresses of applicants and recipients and amounts of assistance provided (unless excepted under paragraph (e) of this section);

(B) Information related to the social and economic conditions or circumstances of a particular individual;

(C) Agency evaluation of information about a particular individual;

(D) Medical data, including diagnosis and past history of disease or disability, concerning a particular individual.

(ii) The release or use of information concerning individuals applying for or receiving financial assistance or services is restricted to persons or agency representatives who are subject to standards of confidentiality which are comparable to those of the agency administering the financial assistance or services programs.

* * * * * *

(b) *State plan requirements for the medical assistance programs.* A State plan under title XIX of the Social Security Act must meet all the requirements of paragraph (a) of this section, except that disclosure shall be limited to purposes directly connected with the administration of the medical assistance program under title XIX.

(c) State plan requirements for the social services programs in the 50 States and the District of Columbia. A State plan under title XX of the Social Security Act must meet all the requirements of paragraph (a) of this section, except that disclosure shall be limited to purposes directly connected with the admin-

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istration of that program, the plan of the State approved under Part A of title IV, the plan of the State developed under Part B of that title, the Supplemental Security Income program established by title XVI, or the plan of the State approved under title XIX;

(d) *State plan requirements for programs of financial assistance and services in Puerto Rico, the Virgin Islands, and Guam.* A State plan under title I, X, XIV, or XVI (AABD) of the Social Security Act must meet all the requirements of paragraph (a) of this section and also provide for disclosure of information concerning applicants and recipients for use by public officials who require such information in connection with their official duties. Under this requirement, such information shall be available only to public officials who certify in writing that:

(A) They are public officials as defined by State or Federal law of general applicability; and

(B) The information to be disclosed and used is required in connection with their official duties.

(e) *Exception.* In respect to a State plan under title I, IV–A, X, XIV, or XVI of the Social Security Act, exception to the requirements of paragraph (a)(1)(iii) of this section may be made by reason of the enactment or enforcement of State legislation, prescribing any conditions under which public access may be had to records of the disbursement of funds or payments under such titles within the State, if such legislation prohibits the use of any list or names obtained through such access to such records for commercial or political purposes.

2. Section 232.10 is amended by revising paragraph (b) to read as follows:

§ 232.10 Furnishing of social security numbers.

The State plan must provide that:

* * * * *

(b) For new applicants, the requirements of paragraph (a) of this section shall be effective August 1, 1975; and, for current recipients, it shall be effective as determined by the State agency but not later than the time of the next redetermination of eligibility required by § 206.10(a)(9) of this chapter.

* * * * *

3. Section 232.11(a)(4) is revised to read as set forth below:

§ 232.11 Assignment of rights to support.

(a) * * *

(4) For new applicants, the requirements of paragraph (a) of this section shall be effective August 1, 1975; and for current recipients, it shall be effective as determined by the State agency but not later than the time of the next redetermination of eligiblity required by § 206.10(a)(9) of this chapter and in any event not later than February 1, 1976.

* * * * *

4. Section 234.60 is amended by revising paragraph (b)(2)(i) to read as follows:

§ 234.60 Protective and vendor payments for dependent children.

* * * * *

(b) * * *

(2)(i) In computing such 10 percent, the following individuals are not to be counted:

(A) Those with respect to whom protective payments or payments to persons furnishing goods or services are made for any month because of their refusal without good cause to participate in a work incentive program or because of their refusal without good cause to accept a bona fide offer of employment in which they are able to engage; or

(B) Those with respect to whom protective payments or payments to persons furnishing goods or services are made for any month because of the refusal of caretaker relatives to comply with the eligibility requirements of §§ 232.11 or 232.12 of this chapter.

* * * * *

5. Section 237.50 is amended by revising paragraph (b)(1)(iv) to read as set forth below:

§ 237.50 Recipient count, Federal financial participation.

* * * * *

(b) AFDC category. For the AFDC category under title IV, Part A, of the Act

(1) The recipient count for any month may include:

* * * * *

(iv) Eligible recipients in families not otherwise counted in whose behalf protective or nonmedical vendor assistance payments are made for such month, not to exceed 10 percent of the total recipients counted under subdivisions (i), (ii), and (iii) of this subparagraph. The 10 percent limitation does not apply with respect to individuals for whom protective or nonmedical vendor payments are made pursuant to section 402(a)(19)(F) of the Act because there has been a refusal without good cause to accept employment, work or training, or with respect to individuals for whom protective or vendor payments are made pursuant to section 402(a)(26) of the Act because of the failure of the caretaker relative to assign rights to support or to cooperate in determining paternity and securing support.

* * * * *

(Sec. 110249 Stat. 647 (42 U.S.C. 1302))

Effective date: Except as otherwise specified, these regulations shall be effective February 3, 1976, or earlier at State option.

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance-Maintenance Assistance (State Aid))

Dated: October 1, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: November 3, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-30122 Filed 11-7-75;8:45 am]

CHAPTER III—OFFICE OF CHILD SUPPORT ENFORCEMENT (CHILD SUPPORT ENFORCEMENT PROGRAM) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 302—STATE PLAN REQUIREMENTS

PART 304—FEDERAL FINANCIAL PARTICIPATION

Rates of Federal Sharing; Safeguarding of Information

Chapter III of Title 45 of the Code of Federal Regulations is amended to implement certain provisions of Pub. L. 94–88, approved August 9, 1975, which amends part D of title IV of the Social Security Act. Those provisions relate to the operation of the State's Child Support Enforcement Program in the absence of an assignment of child support rights by the caretaker, and also Federal financial participation at the 50 percent rate for States which are operating Child Support Enforcement Programs under a waiver granted by the Secretary. The purpose of the amendments is to bring the Department's regulations into conformity with the statutory changes which are already in effect. The basis for the amendments are the statutory changes which are discussed below:

A. *Operation of the Child Support Enforcement Program in the absence of an assignment.* Section 203 of Pub. L. 94–88 provides that the States have until the next redetermination, but in no case later than February 1, 1976, to obtain assignments of support rights under section 402(a)(26)(A) of the Act for recipients of AID to Families with Dependent Children. This provision applies to States with laws which complied with section 402(a-(26)(A) as of August 1, 1975, and to those individuals who were recipients of aid as of that date. During this period the statutory requirements of establishing paternity, collecting child support, distributing child support collections and making incentive payments to States and political subdivisions opreate as if there were an assignment in effect. This provision is implemented by adding a new § 302.40.

In addition, if the State has an approved IV–D plan in effect the costs in relation to such activities are subject to Federal financial participation (FFP), until December 31, 1975, at the 75 percent rate as if there were an assignment in effect. New § 302.27 implements this provision.

B. *Federal financial participation at the 50 percent rate.* Section 201 of Pub. L. 94–88 provides for FFP at the rate of 50% for a State that is operating a Child Support Enforcement Program plan which meets all of the State plan requirements of Section 454 of the Act except those for which it has received a waiver granted by the Secretary in accordance with Section 201 of Pub. L. 94–88. This provision is implemented by a new § 304.28.

Chapter III is also amended by adding a new section to incorporate requirements for safeguarding information

identical to those currently applicable to title IV–A as specified in 45 CFR 205.50.

When final regulations implementing the Child Support Enforcement Program were published on June 26, 1975 (40 FR 27154), the State plan requirements for safeguarding information about applicants and recipients for the financial assistance and social services programs (45 CFR 205.50) were made applicable to title IV–D State plans. This was not a statutory requirement. The administrative purpose was to extend to information obtained under the title IV–D program the same protection afforded information obtained under the title IV–A program. The bases for the Secretary's decision to extend the same safeguards to the title IV–D program were the fact that the two programs serve essentially the same applicants and recipients and the statutory provisions require continuous exchange of information between the two programs, and the desire to fully comply with the spirit as well as the letter of the Privacy Act of 1974.

Good cause exists to dispense with the normal proposed rulemaking procedures because of the urgent need to bring the Department's regulations into conformity with the statutory changes accomplished by the additions of §§ 302.40, 304.27 and 304.28. Those procedures have been waived for § 302.18 because this amendment does not alter existing policy, but merely incorporates it as a separate State plan requirement in these regulations.

However, any written comments, suggestions or objections addressed to the Acting Director, Office of Child Support Enforcement, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before December 10, 1975, will be considered with a view to possible revision of these regulations.

Such comments will be available for public inspection in room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

Parts 302 and 304, Chapter III, Title 45 of the Code of Federal Regulations are amended as follows:

1. Part 302 is amended by adding new §§ 302.18 and 302.40, as set forth below:

§ 302.18 Safeguarding information.

The State plan shall provide that: (a) Pursuant to State statute which imposes legal sanctions, the use or disclosure of information concerning applicants or recipients of child support enforcement services is limited to purposes directly connected with:

(1) The administration of the plan or program approved under parts A, B, C or D of title IV or under titles I, X, XIV, XVI, XIX or XX or the supplemental security income program established under title XVI.

(2) Any investigations, prosecution or criminal or civil proceeding conducted in connection with the administration of any such plan or program; and

(3) The administration of any other Federal or Federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need;

(b) These safeguards shall also prohibit disclosure to any committee or legislative body (Federal, State, or local) of any information that identifies by name or address any such applicant or recipient.

§ 302.40 Operation of the Child Support Enforcement Program in the absence of an assignment.

(a) In the case of any State the law of which on August 1, 1975 met the requirements of 45 CFR 232.11(a)(1), with respect to those recipients of assistance who continue to be eligible for assistance in the absence of an assignment pursuant to 45 CFR 232.11(a)(4), the provisions of §§ 302.31, 302.32, 302.51, and 302.52 shall apply as if there were an assignment in effect pursuant to 45 CFR 232.11.

(b) Section (a) remains in effect until December 31, 1975, and as of the close of business on that date it is repealed.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

2. Part 304 is amended by adding new §§ 304.27 and 304.28 to read as set forth below:

§ 304.27 Federal financial participation in the operation of the Child Support Enforcement Program in the absence of an assignment.

(a) Federal financial participation is available at the 75 percent rate for expenditures made under an approved State plan pursuant to 45 CFR 302.40 until December 31, 1975, irrespective of the requirement of an assignment in § 302.20(a)(1).

(b) This section remains in effect until December 31, 1975 and as of the close of business on that date it is repealed.

§ 304.28 Federal financial participation at the 50 percent rate.

For States to which a waiver has been granted by the Secretary pursuant to Section 201 of Pub. L. 94–88, Federal financial participation is available at the rate of 50 percent for the amounts expended by a State pursuant to a plan which meets the conditions, except as provided by such waiver, of Section 454 of the Act.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date: These regulations were effective August 1, 1975.

Dated: October 1, 1975.

JOHN A. SVAHN,
Acting Director, Office of Child Support Enforcement.

Approved: November 3, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-30123 Filed 11-7-75;8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

CSA Policy Re Grants Funded Under Title X of the Public Works and Economic Development Act of 1965

In August 1975 the Department of Commerce announced the availability of a $375 million appropriation which had been made available for financing eligible projects under the Job Opportunities Program. All Federal departments, agencies and Regional Commissions were invited to recommend projects which have the potential to stimulate the creation of jobs for unemployed persons in eligible areas.

The Community Services Administration canvassed all of its grantees and other organizations eligible under the Community Services Act. Of the proposals submitted to the Department of Commerce, 231 were approved by that Department for funding. The Department will transfer $64.6 million to the Community Services Administration for the funding of the selected projects.

The purpose of this subpart is twofold: (1) to announce to all grantees listed in Appendix A the *reservation of funds* for their proposed projects for financial aid under the Job Opportunities Program; and (2) to set forth CSA's rules and regulations governing award of funds and implementation of the program.

Due to the emergency nature of the program and the legislative requirement that funds be obligated by December 31, 1975 these regulations are being filed as interim regulations effective November 10, 1975. However, CSA will consider comments and revise its regulations accordingly if warranted. Please address all comments to: Mr. Angel F. Rivera, Associate Director for Operations, Community Services Administration, 1200–19th Street, NW., Washington, D.C. 20506.

Sec.

1061.40–1 Applicability.
1061.40–2 Definition.
1061.40–3 Policy.
1061.40–4 Funding.
1061.40–5 Organizations/agencies eligible for Title X Funds.
1061.40–6 Program conditions.
1061.40–7 Application process.
1061.40–8 Reporting requirements.
1061.40–9 Additional requirements.

AUTHORITY: Sec. 602, 76 Stat. 530; 42 U.S.C. 2942.

Effective: November 10, 1975.

BERT A. GALLEGOS,
Director.

§ 1061.40–1 Applicability.

This subpart is applicable to grantees funded under Section 222(a) of the Community Services Act of 1974 for projects/activities under the terms of the Job Opportunities Program, Title X of the Public Works and Economic Development Act of 1965 when the financial assistance

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is administered by the Community Services Administration.

§ 1061.40–2 Definition.

An *eligible area* is: (a) Any area which the Secretary of Labor designates as an area which has a rate of unemployment equal to or in excess of 6.5 percent for three consecutive months;

(b) Any area which is designated by the Secretary of Labor pursuant to Section 204(c) of CETA; and

(c) Any area which is designated by the Secretary of Commerce pursuant to Section 401 of the Public Works and Economic Development Act of 1965 as a redevelopment area.

§ 1061.40–3 Policy.

The policy of the Department of Commerce is that the funds are to be administered under the rules and regulations of the agency to which the funds have been transferred. Therefore, grantees listed in Appendix A to this subpart will be funded for Title X activities under Section 222 (a) of the Community Services Act of 1974 and all rules and regulations applicable to that section of the Act will apply to projects under the Job Opportunities Program when financial assistance is administered by CSA. (See CSA Instruction 6000–2a, Applicability of Directives.) Exception: See § 1061.40–4, Funding.

§ 1061.40–4 Funding.

(a) Because Title X does not require a non-Federal share contribution and due to the emergency nature of the program, CSA Instruction 6802–3 (§§ 1068.20–1 thru 1068.20–7) implementing Section 225(c) of the Community Services Act will not apply to grants under the Job Opportunities Program. Therefore, in cases where no non-Federal contributions have been mobilized, the Federal contribution will be equivalent to 100 percent of the approved costs of the assisted program. Of course, grantees are always encouraged to seek non-Federal contributions toward total program costs.

(b) Each proposed project submitted to Commerce via CSA was a prospectus rather than a formal application. Therefore, each grantee whose project has been selected by Commerce must now file a formal application, consistent with the project outlined in its submission to Commerce and within the constraints of the funds approved, in order to fulfill certain legal and administrative requirements.

§ 1061.40–5 Organizations/agencies eligible for Title X Funds.

(a) Those agencies/organizations for whom funds have been transferred to CSA and reserved for projects to be undertaken under the Job Opportunities Program, Title X of the Public Works and Economic Development Act of 1965 are eligible to submit applications for funding of those projects.

(b) Any of the above grantees may enter into contracts or subgrants under the provisions set forth in OEO Form 280, *Agreement for Delegation of Activities.*

§ 1061.40–6 Program conditions.

(a) *Eligible Participants.* All projects must hire unemployed persons who reside in the eligible area. Preferred consideration, to the maximum extent feasible, will be given to persons who have exhausted unemployment benefits, to unemployed persons who are not eligible for unemployment benefits (except for persons lacking work experience) and to unemployed persons who have been unemployed for fifteen or more weeks. All grantees must insure that, in addition, all participants employed under this program meet CSA income eligibility criteria. (See CSA Instruction 6004–1h (§§ 1060.2–1–1060.2–4).) However, when a grantee is unable to recruit unemployed persons who reside within the area in which the project is located:

(1) The grantee may seek an unemployed person to fill the job from outside of the eligible area;

(2) If the grantee is still unable to recruit such unemployed person from outside of the area, a person who is not unemployed and resides within the area may be hired;

(3) In either of the above two situations, memoranda must be maintained in the grantee's project records of efforts to hire the unemployed.

(b) *Method of Recruitment.* Grantees shall utilize the services of the State Employment Service, Comprehensive Employment and Training Act (CETA) prime sponsors, or other appropriate local job-referral agencies or methods.

(c) *Start-up Deadline.* All positions resulting from financial aid received under this program must be filled no later than March 1, 1976 unless delayed by climatic conditions, in which case employment will begin as soon as practical. (If employment does not commence at that time the Department of Commerce rules require that funds be deobligated and returned to the Department.)

(d) *Non-Personnel Costs.* No funds will be provided to projects which have more than 25 percent necessary non-labor costs unless it meets one of the following conditions:

(1) The funds are to be used to fund jointly a program authorized under Title II or VI of the Comprehensive Employment and Training Act of 1963, as amended, for necessary non-labor costs such as materials, supplies and equipment, if the overall project will provide a substantial number of jobs in an area of high unemployment; or

(2) The funds are to be used to supplement funds of other Federal agencies or from non-Federal sources in order to permit the prompt initiation of projects which will stimulate the creation of jobs for unemployed persons in eligible areas, and where these supplemental funds provide not more than 20 percent (20%) of the total project costs. Grantees shall certify on CAP Form 25 that other funding sources are not otherwise available and they shall estimate and document the number of jobs which are projected to result from this financial assistance; or

(3) The program, project, or activity funded will directly result in the creation of a significant number of permanent jobs in the private sector of the economy. Grantees shall certify on CAP Form 25 that other funding sources are not otherwise available and estimate and document the number of jobs which are projected to result in the private sector from this financial assistance.

(4) (Note: All projects funded must be consistent with the proposals originally submitted on the Department of Commerce Form SEC–887, Summary of Evaluation and Findings—Title X. No waiver of the 25 percent non-labor costs limitation shall be approved if doing so would result in changing the labor intensity figure contained in the initial Title X proposal which was one of the key determining factors in the selection of projects.)

(e) *Duration of Projects.* (1) At least 75 percent of each project must be completed within 12 months from the effective date of the grant. The Director may suspend or terminate the grant in whole or in part for non-compliance.

(2) In no event will grants be made for a period to exceed 15 months.

§ 1061.40–7 Application process.

(a) *Required Forms.* (1) The forms and other documents to be used in applying for funding under the Job Opportunities Program are being made available as an enclosure to CSA Instruction 6102–1 which will be forwarded to all eligible grantees.

(2) The forms are to be submitted to the appropriate CSA Regional Office.

(3) The forms to be used are as follows:

(i) CSA Form 419, Summary of Work Programs and Budget (See OEO Instruction 6710–1, CH6.) (Note: Goals and activities must also be consistent with the standards of effectiveness for Title II projects as outlined in CSA Instruction 7850–1a and the Form 419 must reflect these standards.)

(ii) CAP Form 25, Program Account Budget (See OEO Instruction 6710–1.)

(iii) CAP Form 25a, Program Account Budget Support Sheet (See OEO Instruction 6710–1.)

(iv) Statement of Accounting System Certification (Appendix B to this subpart) (New grantees only)

(v) CAP Form 11, Assurance of Compliance with OEO's Regulations Under Title VI of the Civil Rights Act of 1964 (New grantees only)

(vi) Narrative Proposal (See Appendix C)

(vii) OEO Form 394, Checkpoint Procedures for coordination (See OEO Instruction 6710–1, CH5)

(b) *Deadline for submission.*—All applications must be submitted to the appropriate Regional Office no later than November 21, 1975.

§ 1061.40–8 Reporting requirements.

(a) *Weekly Payroll Reporting Form—Title X (ED–110X).* The Department of Commerce will be conducting a comprehensive evaluation to determine the effectiveness of the Title X program as an anti-recessional tool. *Selected* grantees shall be required to provide data by completing ED–110X on a weekly or payroll period basis. Grantees required to submit this form will be notified by CSA at a future date and a supply of forms will be provided by CSA.

(b) *Program Progres Report (PPR) (OEO form 440).* Grantees will submit a Program Progress Report, OEO Form 440, summarizing accomplishments during the first 5 months of the funding period and a second PPR report summarizing the entire year funding period. (See OEO Instruction 7031–1.) These will be due in the appropriate CSA Regional Office not later than 180 days after the beginning of the funding period and 60 days after the end of the funding period respectively. The 5th month PPR will include the required Transition Employment Plan referenced in the Narrative Proposal.

(c) *Financial Reporting.* Grantee Quarterly Financial Reports, CSA Form 315 and Form 315a, are to be submitted to the appropriate CSA Regional Office in accordance with the requirements and procedures found in OEO Instructions 6807–2 and 6807–2, CH1.

(d) *Department of Commerce Additional Reporting Requirements.* Grantees will be informed at a later date of additionally reporting requirements imposed by Commerce with which they must comply.

§ 1061.40–9 Additional Requirements.

(a) *Bonding (NEW GRANTEES ONLY).* CSA must receive written assurance, prior to release of funds, from grantees who are not currently funded by CSA that arrangements have been made for appropriate bonding of grantee officials. (See Appendix D.)

(b) *Auditing.* Audits will be conducted consistent with policy promulgated in OEO Instructions 6801–1 and 6801–1, CH1.

(c) *Evaluations.* All grantees are required to undertake self-evaluations. In addition, CSA may undertake on-site evaluations of selected projects. Grantees may be requested to participate in and be required to provide necessary data for these evaluations.

APPENDIX A

CSA REGION I

Grantee:	*Title X funds reserved*
Action for Boston Community Development, Inc., 150 Tremont St., Boston, Mass. 02111:	
(a) Lead paint elimination project	$500,000
Boston Legal Assistance Project, 27 School St., Boston, Mass. 02108:	
(a) Expansion of civil legal services	156,774
Legal Services for Cape Cod and Islands, Inc., 138 Winter St., Hyannis, Mass. 02601:	
(a) Para legal	73,664

Grantee:	*Title X funds reserved*
Montachusett Opportunity Council, Inc., 305 Whitney St., Leominster, Mass. 01453:	
(a) Multiple social services	320,000
Self-Help, Inc., 198 Main St., Brockton, Mass. 02401:	
(a) Food—Co-ops	40,414
Cranston Community Action Program Committee, Inc., 30 Rolfe St., Cranston, R.I. 02910:	
(a) Winterization	98,077
Providence Community Action Program, Inc., 1082 Chalkstone Ave., Providence, R.I. 02908:	
(a) Energy	98,000
Passamaquoddy Indian Tribal Council, Pleasant Point, Perry, Maine 04667:	
(a) Pleasant Point landscaping and shore reclamation	283,992
Mashpee Wampamoog Indian Museum, Route 130, R.F.D. 1, Mashpee, Mass. 02649:	
(a) Training and demonstration	68,400
Berkshire Community Action Council, Inc., 54 Wendell Ave., Pittsfield, Mass. 01201:	
(a) Social services	112,000
Citizens for Citizens, Inc., 264 Griffin St., Fall River, Mass. 02724:	
(a) Multiproject	162,725
Greater Lawrence Community Action Council, Inc., 11 Lawrence St., Lawrence, Mass. 01840:	
(a) Lead prevention	70,000
(b) Food stamp	67,800
Community and Regional Opportunity Programs, Inc., 161 School St., Chicopea, Mass. 01013:	
(a) Social services careers program	272,580
South Shore Community Action Council, Inc., 17 Court St., Plymouth, Mass. 02360:	
(a) Community transit demonstration project	122,475
Community Action Programs Inter-City, Inc., 279 Broadway, Chelsea, Mass. 02150:	
(a) Multiple social services	448,500
Blaskstone Valley Community Action Program, Inc., 150 Main St., Pawtucket, R.I. 02860:	
(a) Housing crew	17,927
Orleans County Council of Social Agencies, Inc., 10 Main St., Newport, Vt. 15855:	
(a) Mobilization, Inc	252,000
Legacy, Inc., New London County Bar Association, 87 Main St., P.O. Box 1156, Norwich, Conn. 06360:	
(a) Legacy Inc	89,700
Action for Bridgeport Community Development, Inc., 815 Pembroke St., Bridgeport, Conn. 06608:	
(a) Housing improvement	983,450
Community Services Administration, Region I, John F. Kennedy Bldg., E–432, Boston, Mass. 02203:	
(a) Fuel oil conservation program	692,000
CSA REGION II	
Ocean Community Economic Action Now, Inc., 40 Washington St., Toms River, N.J. 08753:	
(a) Transportation for handicapped program	$7,267
Opportunities for Broome, Inc., 320 Chenango St., Box 1492, Binghamton, N.Y. 13901:	
(a) Home winterization and basic home	76,160
Cayuga County Action Program, 60 Clark St., Auburn, N.Y. 13021:	
(a) Housing rehabilitation and manpower training program	97,919
Cortland County Community Action Program, Inc., 11 Groton Ave., Cortland, N.Y. 13045:	
(a) Project job opportunity	92,275
Community Action Planning Council of Jefferson County, 17–19 The Arcade, Watertown, N.Y. 13601:	
(a) Children's clinic	140,000
Mid Hudson Legal Services Project, 34 South St., Middletown, N.Y. 10940:	
(a) Outreach support staff	105,638
New York State Department of State Division of Economic Opportunity, 162 Washington Ave., Albany, N.Y. 12231:	
(a) Job opportunity—energy	3,000,000
Schenectady Community Action Program, 75 Lafayette St., Schenectady, N.Y. 12305:	
(a) Winterization and nutrition outreach program	248,400
Puerto Rico Community Action Agency, Barbosa Ave., Corner of Mayaguez St., Hato Ray, P.R. 00919:	
(a) Home health aides (for elderly)	214,476
(b) Consumers as community organizers and advocates for the mentally retarded	252,267
	252,267
Puerto Rico Office of Economic Opportunity; Office of the Governor—La Fortaleza, San Juan, P.R. 00901:	
(a) Energy research, planning, and economic analysis	120,199

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REGION III

Grantee:	Title X funds reserved
United Planning Organization, 1021 14th St., NW., Washington, D.C. 20005:	
(a) Transportation support	$81,531
(b) Staffing	287,881
(c) Job placement	181,356
(d) American Federation of Community Credit Union supplemental staffing	51,315
(e) Alcoholism—Supplemental staffing	30,098
Alleghany County Human Resources Development Community, 206 Paca St., Cumberland, Md. 21502:	
(a) Outreach	39,341
(b) Bicentennial boutique	55,952
(c) Information/referral center	10,000
Kent-Queen Anne's Talbot Area Council, 202 West Water St., P.O. Box A, Centerville, Md. 21617:	
(a) Job opportunities program	199,404
Mayor and City Council of Baltimore—Urban Services Agency, 11 East Mount Royal Ave., Baltimore, Md. 21202:	
(a) Services accelerated	1,607,400
Commission on Economic Opportunity of Luzerne County, 211–213 South Main St., Wilkes-Barre, Pa. 18701:	
(a) Housing improvement/nutrition education	448,607
Community Progress Council, Inc., Schmidt Bldg., Continental Square, York, Pa. 17401:	
(a) Neighborhood supportive service for elderly, youth and low-income	139,020
Forest County Commissioners, Courthouse, Forest, Pa. 16353:	
(a) Forest County low-income winterization program	12,881
Northern Tier Community Action Corp., 137 West 4th St., Emporium, Pa. 15834:	
(a) Public employment	357,694
Pennsylvania Department of Community Affairs, P.O. Box 155, Harrisburg, Pa. 17120:	
(a) Home winterization program	500,000
Philadelphia Antipoverty Action Commission, 1316 Arch St., Philadelphia, Pa. 19107:	
(a) Combined services for senior citizens	624,837
(b) Resident participation	325,965
Community Action Pittsburgh, Inc., 107 6th St., Pittsburgh, Pa. 15222:	
(a) Fix it shop	44,350
(b) Hill district food service	32,318
(c) Manchester Federal credit union services	27,590
(d) Hill district housing	32,318
(e) Minority enterprise assistance	79,750
Westmoreland County Board of Commissioners, 102 West Otterman St., Greensburg, Pa. 15601:	
(a) Homemaker services program	15,912
(b) Rural outreach transportation	60,160
(c) Home winterization	29,520
Mountain Community Action Program, Inc., P.O. Box 548, Marion, Va. 24354:	
(a) Mountain employment project	550,000
Upshur County Community Action Council, Inc., Box 436, Buckhannon, W. Va. 26201:	
(a) Community action expansion	39,472

CSA REGION IV

Grantee:	Title X funds reserved
Eleventh Area of Alabama Opportunity Action Committee, Inc., 732 2d Ave. North, Clanton, Ala. 35045:	
(a) Home and health services training for target area	116,632
(b) Home repair energy—manpower training	71,308
Dekalb - Jackson - Marshall Counties Community Action Committee, Inc., 305 Grand Ave., South Box 379, Fort Payne, Ala. 35867:	
(a) Winterization of homes	61,300
Marion-Winston Counties Community Action Committee, P St., Office Drawer G, Hamilton, Ala. 35570:	
(a) Marion - Winston Counties job opportunities program	52,750
(b) Marion - Winston Counties job opportunities program	52,136
Alabama Migrant and Seasonal Farmworkers Council, Inc., 404 East South Blvd., Montgomery, Ala. 36104:	
(a) Community credit union development in Alabama	179,479
Selma and Dallas Counties Economic Opportunity Board, P.O. Box 980, Selma, Ala. 36701:	
(a) Mini transit seasonal project	36,609
Talladega - Clay - Randolph Area Community Action Committee, P.O. Box 278, Talladega, Ala. 35160:	
(a) Job training for the unemployed	165,836
Legal Aid Society of Madison County, 125 Earl St. SW., Huntsville, Ala. 35805:	
(a) Expansion of civil legal services to the poor	25,000
Economic Opportunity Atlanta, Inc., 75 Marietta St. NW., Atlanta, Ga. 30308:	
(a) Housing winterization project	400,000
(b) Expanded community gardening program	522,973
(c) Drug outreach project	106,715
(d) Rodent and lead control	349,321
(e) Expanded economic development project	295,770
(f) Extended day care	460,657
Coastal Georgia Area Community Action Authority, P.O. Box 1814, 529 Norwich St. Brunswich, Ga. 31520:	
(a) Coastal area economic employment program	196,811
CSRA Economic Opportunity Authority, Inc., 360 Bay St., Suite 101, Atlanta, Ga. 30901:	
(a) Burke county child development center and wonder W	27,968
(b) Farmworker economic development program	94,524
Coastal Plain Area Economic Opportunity Authority, Inc., P.O. Box 1645, Valdosta, Ga. 31601:	
(a) COMWOP	264,028
(b) Reentry	113,315
Atlanta Legal Aid Society, 153 Pryer St., SW., Atlanta, Ga. 30303:	
(a) Expansion of civil legal services to the indigent	55,000
Seminole Employment Economic Development Corp., P.O. Box 2076, Sanford, Fla. 32771:	
(a) SEEDCO title X project	828,639
Department of Community Affairs, Division of Community Services, 2571 Executive Center Circle East, Tallahassee, Fla. 32301:	
(a) Food stamp outreach program	390,796
Legal Service of Greater Miami, 395 Northwest 1st St., Miami, Fla. 33128:	
(a) Expansion of civil legal services to the poor	50,000
Duval County Legal Aid Association, 205 East Church St., Jacksonville, Fla. 32202:	
(a) Expansion of civil legal services to the indigent	35,000
Greater Jacksonville Economic Opportunity, Inc., P.O. Box 52025, Jacksonville, Fla. 32201:	
(a) Energy conservation services	44,865
(b) Nutrition services	20,427
(c) Senior services	40,738
(d) Social services	21,706
(e) Transport elderly and handicapped	53,196
Metropolitan Dade County Community Action Agency, 395 Northwest 1st St., Miami, Fla. 33128:	
(a) Community action agency energy conservation program	100,000

Grantee:	Title X funds reserved
Suwannee River Economic Council, Inc., P.O. Box 219, Live Oak, Fla. 32060:	
(a) Suwannee Valley transit	68,484
Southern Kentucky Economic Opportunity Council, Inc., 417 3rd St., Bowling Green, Ky. 42101:	
(a) Project survival	220,000
Leslie, Knott, Letcher, Perry, P.O. Box 766, Hazard, Ky. 41701:	
(a) Energy	357,113
Pennyrile Allied Community Services, 901 South Main St., Hopkinsville, Ky. 42240:	
(a) Pennyrile older workers project pennyrile aging	227,892
Daniel Boone Development Council, P.O. Box 431, Manchester, Ky. 40962:	
(a) Project jobs	371,184
Big Sandy Area Community Action, Program, Inc., Johnson County Court House, Paintsville, Ky. 41240:	
(a) Emergency job opportunities project	1,113,000
United Community Action Committee, Inc., P.O. Box 338, Asbland, Miss. 38603:	
(a) UCAC public works	275,000
Prairie Opportunity, Inc., P.O. Box 1526, Starkville, Miss. 39759:	
(a) Public service employment program	849,473
Central Mississippi, Inc., P.O. Box 749, Winona, Miss. 38967:	
(a) Job opportunities program	937,912
Community Legal Services, 413 South President St., Jackson, Miss. 38614:	
(a) Expansion of civil legal services to the poor	30,000
W.A.M.Y. Community Action, Inc., 815 East King St., P.O. Box 552, Boone, N.C. 38607:	
(a) Housing rehabilitation and winterization project	185,000
Yadkin Valley Economic Development District, River Rd., P.O. Box 328, Boonesville, N.C. 27011:	
(a) Job opportunities and community councils	36,000
(b) Job opportunities in home weatherization	58,000
(c) Yadkin Valley job opportunities in human services	102,000
Economic Improvement Council, P.O. Box 549, Edenton, N.C. 27932:	
(a) EIC Inc., community foods and nutrition project	83,875
Davidson County Community Action, Inc., P.O. Box 389, Lexington, N.C. 27292:	
(a) Job development and placement	238,163
Union County Community Action, Inc., P.O. Box 854, Monroe, N.C. 28110:	
(a) Housing rehabilitation	7,197
Johnston-Lee Community Action, Inc., 1102 Massey St., P.O. Box 711, Smithfield, N.C. 27577:	
(a) Repair and renovation	117,232
Experiment in Self-Reliance, Inc., 601 North Main St., Winston-Salem, N.C. 27101:	
(a) Winterization and fuel conservation for the disadvantaged	85,012
Durham Legal Aid Society, P.O. Box 2101, Durham, N.C. 27702:	
(a) Expansion of civil legal services to the indigent	25,000
Migrant and Seasonal Farmworkers, Inc., 3929 Western Blvd., Raleigh, N.C.:	
(a) Bel industry development	775,000
North Carolina Economic Opportunity Office, 407 North Blount, Raleigh, N.C. 27602:	
(a) Emergency energy conservation program	499,955
South Carolina Office of Economic Opportunity, P.O. Box 1520, Columbia, S.C. 29202:	
(a) Operation anti freeze and II winterization energy	282,000
Greenville County Council for Community Action, Inc., 30 Beattie Pl., P.O. Box 10204, Federal Station, Greenville, S.C. 29603:	
(a) Community and family development teams	63,277
(b) Emergency homeowner maintenance for the elderly	89,980
Orangeburg Area Committee for Economic Progress, Inc., P.O. Drawer 710, Orangeburg, S.C. 29115:	
(a) Public works	305,880
Piedmont Community Actions, Inc., 189 North Forest St., P.O. Box 5374, Spartanburg, S.C. 29304:	
(a) Winterization	64,835
Elk and Duck Rivers Community Association, 701 South Lincoln St., Fayetteville, Tenn. 37334:	
(a) Home winterization	16,987
Chickasaw Area Development Commission Community Action Agency, 225 West Main St., Henderson, Tenn. 38340:	
(a) Bolivar roads and streets maintenance program	119,068
(b) Brownsville drainage and flood control	276,224
(c) Bolivar recreation program	9,568
(d) Bolivar sanitation, sewer, and water program	52,092
Knoxville-Knox County Community Action Committee, 2661 Magnolia Ave., Knoxville, Tenn. 37914:	
(a) Energy conservation and winterization project	48,699
Mountain Valley Economic Opportunity Authority, P.O. Box 149, LaFollette, Tenn. 37766:	
(a) Farmers market and flea market	632,610
Cordell Hull Economic Opportunity Corp., P.O. Box 66, Lafayette, Tenn. 37083:	
(a) Free hills water project	120,100
Tennessee Community Services Administration, 444 James Robertson Parkway, Nashville, Tenn. 37219:	
(a) Energy assistance program	1,800,000
Northwest Tennessee Economic Development Council, Route 1 Everett-Stewart Airport, Union City, Tenn. 38261:	
(a) Energy conservation and nutrition	99,500
Legal Services of Nashville, Inc., 607 Sudekum Bldg., Nashville, Tenn. 37219:	
(a) Expansion of civil legal services to the poor	25,000
Community Action Agency of Memphis and Shelby County, 97 North 3d St., Memphis, Tenn. 38103:	
(a) CAP winterization program	389,110

CSA REGION V

Grantee:	Title X funds reserved
Bureau of Community Services, Michigan Department of Labor (SEOO), 7150 Harris Dr., Lansing, Mich. 48926:	
(a) Project winterize	1,920,603
The Community Action Program Corporation of Washington-Morgan Counties, 243 Front St., P.O. Box 144, Marietta, Ohio 45750:	
(a) Energy, fuel conservation and services program	156,172
Calhoun Community Action Agency, Box 1026, Battle Creek, Mich. 49016:	
(a) Telephone reassurance	90,035
CAO of Scioto County, 817 2d St., Portsmouth, Ohio 45662:	
(a) Appalachian energy conservation	123,500
CEDA of Cook County, Inc., 600 South Michigan Ave., Chicago, Cook County, Ill. 60605:	
(a) Social service outreach and referral	55,968
Central Wisconsin EOC, 2417 Main St., Stevens Point, Wis. 54481:	
(a) Winterization fuel conservation childrens health	61,130
City of Chicago, Model Cities/CCUO, 640 North LaSalle, Chicago, Ill. 60610:	
(a) Training and service delivery	500,000
(b) Energy conservation—Winterization	50,000

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Grantee:	Title X funds reserved
(c) Prevention and control of juvenile delinquency	150,000
(d) Senior opportunities and services	185,000
(e) Minority businessmen and contractors loan fund	200,000
Council for Economic Opportunities in Greater Cleveland, 1350 West 3d St., Cleveland, Ohio 44113:	
(a) Project for training and utilizing health aides	157,075
(b) Home investment project	40,000
(c) Spanish American committee training employment day	133,500
(d) Isolated seniors assistance projects	48,670
Erie-Huron Counties Community Action Commission, 708 Hancock St., Sandusky, Ohio 44870:	
(a) Housing rehabilitation job opportunities	63,060
Community Action Program of Evansville/Vanderburgh Co., Inc., 906 Main St., Evansville, Ind. 47708:	
(a) Project help	267,330
GMN Tri-County CAC, Inc., Court House, Caldwell, Ohio 43724:	
(a) Senior services	65,711
Human Services, Inc., 1703 Home Ave., Columbus, Ind. 47201:	
(a) BBJ Federal Credit Union	14,640
Jefferson County CAC, 420 Washington St., Box 130, Steubenville, Ohio 43952:	
(a) Energy crisis intervention	28,700
Columbus Metropolitan Area CAO, 315 East Long St., Columbus, Ohio 43215:	
(a) Project outreach	50,820
(b) CMACAO food co-op	159,660
(c) Human resources bank	327,902
Community Action Commission of Cincinnati, 801 Linn St., Cincinnati, Ohio 45203:	
(a) Fuel and Energy Relief - Community Food and Nutrition	100,000
Community Relations-Social Dev. Commission in Milwaukee County, 161 West Wisconsin Ave., Milwaukee, Wis. 53203:	
(a) Acceleration of social services delivery plans	251,423
(b) Elderly home support services project	108,192
(c) Housing service	94,816
Detroit Neighborhood Services Department, 5031 Grandy Ave., Detroit, Mich. 48211:	
(a) Home services for senior citizens	1,200,000
Kent CAP, Inc., 550 Cherry St., SE., Grand Rapids, Mich. 49502:	
(a) Inner-city environmental task force	128,113
(b) Home assistance training and employment program	460,720
La Raza Unida De Ohio, Inc., 1616 East Wooster St., Bowling Green, Ohio 43402:	
(a) Job opportunities for unemployed Spanish speaking	321,561
Northeast Wisconsin CAA, 126 Mott St., Oconoto, Wis., 54153:	
(a) Northeast Wisconsin community services job training	293,904
Pike County CAA, 107½ East 2d St., Waverly, Ohio 45690:	
(a) Project help—energy and housing	65,475
Ramsey Action Program, 509 Sibley St., St. Paul, Minn. 55101:	
(a) Energy conservation/winterization project	200,000
Southwestern Wisconsin CAP, Inc., 302 North Iowa St., Dodgeville, Wis. 53533:	
(a) Adult work experience program	419,392
Toledo Economic Planning Association, 1810 Madison Ave., Toledo, Ohio:	
(a) Energy conservation through winterization	440,000
West Central Wisconsin CAA, Inc., P.O. Box 308, Glenwood City, Wis. 54013:	
(a) West CAP housing/energy	284,683
Five-CAP, Inc., 2366 U.S. 10, Custer, Mich. 49405:	
(a) Energy conservation	27,531
Youngstown Area Community Action Council, 755 Wick Ave., Youngstown, Ohio 44505:	
(a) Northeast Ohio job opportunities bank (NEOJOB)	467,363
CSA REGION VI	
Home Education Livelihood Program, 933 San Pedro, SE., Alburquerque, N. Mex. 87108:	
(a) Senior opportunities and services	$79,488
Pueblo of Acoma, P.O. Box 64, San Fedel, N. Mex. 87049:	
(a) Pueblo of Acoma job opportunities program	156,524
Macon Economic Opportunity, Inc., P.O. Box 443, Oak Grove, La. 71263:	
(a) Title X employment program	106,513
Webster Parish Community Action, P.O. Box 876, Minden, La. 71055:	
(a) Homemaker service	170,065
(b) Home winterization	62,385
Total Community Action, Inc., 1770 Tchoupitonlas St., Box 30428, New Orleans, La. 70190:	
(a) T.C.A. labor intensive program	3,637,781
Delta Community Action Association, 200 South Walnut St., Tallahuh, La.:	
(a) DCAA title X employment program	208,382
St. Mary Community Action Association, Inc., 317 Wilson St., Franklin, La. 70538:	
(a) Project day care	143,845
St. James Community Action Agency, P.O. Box 87, Convent, La.:	
(a) Energy conservation, economic development training	554,043
Community Action Council of South Texas, 420 East Main, Drawer S, Rio Grande City, Tex. 78582:	
(a) Tri-county job opportunities program	170,580
(b) County parks development project	187,000
(c) Roma public improvement project	277,200
Rusk—Cherokee CAP, Inc., P.O. Box 1107, Henderson, Tex. 75652:	
(a) Employment centers	146,000
Community Action Resource Services, 1510 Plum St., Texarkana, Tex. 75501:	
(a) Child care	34,942
Mexican American Unity Council, 535 South Main St., San Antonio, Tex. 78204:	
(a) Crockett community resource center	810,800
Community Services, Inc., 200 South 7th St., Corsicana, Tex. 75110:	
(a) Home weatherization—energy conservation project	204,200
Galveston County Action Council, 5801 Broadway, P.O. Box 3206, Galveston, Tex. 77550:	
(a) Outreach plus	52,000
Palo Pinto Community Services Corp., 314 Northwest 4th St., Mineral Wells, Tex. 76067:	
(a) Day care center	52,500
Nueces County Community Action Agency, 3105 Leopard Suite No. 1, Corpus Christi, Tex. 78404:	
(a) Title X—weatherization and home services	318,000
Texas Department of Community Affairs, 611 South Congress Ave., P.O. Box 13166 Capitol Station, Austin, Tex. 78711:	
(a) Bexar County—alternate care for aged, blind, disabled	4,130,491
(b) Laredo-Webb County—alternate care for aged, blind, disabled	646,416
(c) Potter County—alternate care for aged, blind, disabled	386,945
(d) Public assistance and food stamp outreach	1,733,940

Grantee:	Title X funds reserved
Tri-County Community Action, Inc., 322 Shelbyville, Center, Tex.:	
(a) Jobs for unemployed and underemployed	40,000
Economic Opportunity Agency of Pulaski County, Inc., 2501 State St., Little Rock, Ark. 72206:	
(a) Community food and nutrition	62,100
(b) Security services	135,626
(c) Emergency energy conservation program	180,126
Central Arkansas Development Council, Inc., P.O. Box 646, Benton, Ark. 72015:	
(a) Project renew	205,850
Mississippi-Arkansas Economic Opportunity Commission, Inc., 106 South 5th St., Blytheville, Ark. 72315:	
(a) Sanitation parks and recreational assistants	567,279
INCA Community Services, Inc., 411 West Main, Tishomingo, Okla. 73105:	
(a) Community services project	250,000
Kibois Community Action Foundation, Inc., P.O. Box 488, Stiger, Okla. 74462:	
(a) Nutrition center	356,000
Cookson Hills Community Action Foundation, Inc., 307 South Muskagee Ave., Tallequah, Okla. 74464:	
(a) Energy conservation and winterization projects	247,056
Commanche County Improvement Foundation, 612 C St., Lawton, Okla. 73501:	
(a) Winterization job opportunities	80,344
Muskogee County CAF, Inc., 519 South 3d St., Muskogee, Okla. 74401:	
(a) Winterization of low-income and elderly residents	240,000
Oklahoma Housing Development Corp., 404 Northeast 48th St., Oklahoma City, Okla. 73105:	
(a) Work saves energy	400,000
Big Five Development Foundation, 1114 North Stockton, Box 1698, Ada, Pontotoc County, Okla.:	
(a) Low-income and elderly housing rehabilitation and winterization	230,000
CSA REGION VII	
Economic Security Corporation of the Southwest Area, 513 Kentucky, Joplin, Mo. 64801:	
(a) Job opportunities for unemployed through senior citizens	$26,565
Technical Assistance Agency, State Capitol Bldg., Box 94724, Lincoln, Nebr. 68509:	
(a) Community training and job development project	590,904
CSA REGION VIII	
Grantee:	Title X funds reserved
Colorado Office of Human Resources, 1531 Stout St., Room 570, Denver, Colo. 80202:	
(a) Emergency energy conservation	$756,400
Fort Belknap Community Council, Fort Belknap Agency, Harlem, Mont. 59526:	
(a) Public work of Belknap to improve Buffalo Range, D	163,615
Shoshone and Arapahoe Joint Business Council, Box 217, Fort Washakie, Wyo. 82514:	
(a) Energy conservation program	28,000
(b) Renovation	12,000
CSA REGION IX	
The Papago Council, P.O. Box 278, Sells, Ariz. 85634:	
(a) Papago housing improvement	$254,986
Orange County Community Development Council, Inc., 1140 South Bristol St., Santa Ana, Calif. 92704:	
(a) Social services for seniors	270,000
East Oakland Credit Union, 9440 East 14th St., Oakland, Calif. 94603:	
(a) Community credit union development	22,770
Community Services Department, County of Monterey, 15 West Gabilan St., Box 1087, Salinas, Calif. 93901:	
(a) Professional services and emergency food services	83,649
Economic Opportunity Commission, 621 Middlefield Rd., San Mateo County, Redwood City, Calif. 94063:	
(a) Winterization for the poor and elderly	49,088
(b) Community self-help farm project	29,452
County of Tulare Community Action Program, 1821 West Meadow Lane, Visalia, Calif. 93277:	
(a) Self-help manpower employment public service	131,000
(b) Low-income consumers organization	78,141
Honolulu Community Action Program, 838 South Beretania St., Honolulu, Hawaii 96813:	
(a) Handicapped transportation drivers	24,266
CSA REGION X	
Division of Community Services (SEOO), Department of Community and Regional Affairs, Pouch B, Juneau, Alaska 99311:	
(a) Kawerak employment program for regional cooperatives	$99,898
(b) Rural Alaska energy conservation and winterization E	200,642
(c) Village electric conservation and maintenance project	200,880
(d) Rural CAP community development employment project	83,243
(e) Headstart human resource development project	243,345
Community Action Team, Inc., of Columbia County, Federal Bldg.—P.O. Box 548, Scappoose, Oreg. 97056:	
(a) Community revitalization	485,543
Portland Metropolitan Steering Committee (EOA), Inc., 220 North East Russell, Portland, Oreg. 97212:	
(a) Community rehab and employment program	1,502,036
The Tulalip Tribes, 6700 Totem Beach Rd., Marysville, Wash. 98370:	
(a) Home repair and homeowner training	115,000
Lummi Indian Business Council, P.O. Box 309, Marietta, Wash. 98268:	
(a) Food production improvement	411,000
Quinault Tribal Council, P.O. Box 1118, Taholah, Wash. 98587:	
(a) Human services program	150,634

APPENDIX B

Statement To Be Submitted by Appropriate Public Financial Officer when the Applicant Is a Public Agency or when the Accounting System of a Private-Nonprofit Agency Will Be Maintained by a Public Agency.

(*Address of Regional or Program Office of CSA, as appropriate*)

Dear Sirs: I am the chief financial officer of (*name of public body*) and, in this capacity, I will be responsible for providing financial services adequate to insure the establishment and maintenance of an accounting system for the (*name of applicant*), which is a public (*or non-profit*) agency charged with carrying out a CSA program in (*name of community*). The accounting system will have internal controls adequate to safeguard the assets of such agency(*ies*), check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency(*ies*).

_____
Signature of financial officer

_____
Name of financial officer

_____
Title

_____
Name of public body

Statement to be submitted when Applicant is a private-nonprofit agency (or a public agency) whose accounting system will not be maintained by a public agency.

(*Address of Regional or Program Office of CSA, as appropriate*)

Dear Sirs: I am a certified or duly licensed public accountant and have been engaged to examine and report on the financial accounts

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of the (*name of applicant*), which is a private-nonprofit organization (or public agency) carrying out a CSA program in (*name of community*).

I have reviewed the accounting system that this agency has established and, in my opinion, it includes internal controls adequate to safeguard the assets of the agency, check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency.

Signature of accountant

Name of accountant

Name of firm

APPENDIX C

CONTENTS OF NARRATIVE PROPOSAL

The narrative proposal should include:

1. A profile of economic conditions for area served.
2. Economic problem addressed and specific categories of unemployment.
3. The expected impact of this program on the unemployment of the area.
4. Non-CSA resource opportunities mobilized and/or planned.
5. Describe how this program will be integrated with grantees' on-going projects to expand results.
6. Method and criteria for participant recruitment and selection.
7. Project schedule of participant hiring.
8. Description of basic approach for transitioning participants into permanent unsubsidized jobs (Transition Employment Plan).
9. Availability of skills among the unemployed persons in the project area to meet the skill needs and be hired on the proposed project.
10. Plans for subcontracting including justification for choice of delegates.

APPENDIX D

G.5 e. Bond coverage of officials. Prior to the release of funds to any grantee, public or private, for the first initial grant, OEO must receive written assurance that arrangements have been made for appropriate bonding of grantee officials. This assurance may either take the form of a statement that no bond is needed (in line with the conditions noted below) or it may consist of a letter from a bonding company or agent stating the type of bond, amount and period of coverage, positions covered, and the annual cost of the bond that has been obtained.

A bond does not need to be provided by a grantee, public or private, if funds are to be deposited in a public treasury and disbursed and audited by local or State public officials who normally perform these duties. In this case, the financial role of the officials of the grantee agency must be limited to making withdrawals from the Federal Reserve System for deposit in the public treasury and certifying appropriate expenditures for disbursement. Nor does a grantee which is a public agency need to provide a new bond if all employees who are authorized to sign or countersign checks on the grantee's commercial bank account or to disburse cash are already bonded, in an amount consistent with local requirements and practices.

In all other situations, grantees—whether public or private agencies—must take steps to secure fidelity bond coverage in line with the following guides:

(1) Coverage should be secured in the aggregate amount of $25,000 for persons authorized to sign or countersign checks or to disburse sizeable amounts of cash (such as for payrolls). Persons who handle only petty cash need not be bonded. Nor is it necessary to bond officials who are authorized to sign Payment Vouchers, but who are not authorized to sign or countersign checks or to disburse cash.

(2) Grantees normally should obtain a 3 year bond, payable annually, with an option to cancel in the event the program terminates before three years. Such terms are available from most surety companies.

(3) Grantees are responsible for assuring that appropriate officials of delegate agencies are bonded. Existing bond coverage on officials of delegate agencies which are public agencies shall be considered acceptable. Coverage for officials of delegate agencies which are private organizations shall be equal to the average of funds to be expended each month (up to an aggregate amount of $25,000.) If a delegate agency will expend less than $1,000 per month in program funds, on the average, bond coverage is not required.

(4) Copies of bonds secured by the grantee and by delegates agencies should be filed by the grantee and need not be submitted to OEO.

[FR Doc.75-30108 Filed 11-7-75;8:45 am]

CHAPTER XII—ACTION

PART 1221—RETIRED SENIOR VOLUNTEER PROGRAM COST SHARING

On April 24, 1975, there was published in the FEDERAL REGISTER (40 FR 18002), a notice of proposed rule making to add a new Part 1221 to Title 45. This provides regulations to implement section 201(b) of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 402, as amended by section 4 of an Act to amend Title VII of the Older Americans Act, Pub. L. 93–351, 87 Stat. 358. These regulations prescribe the annual percentage limitations for required local contributions for grants under the Retired Senior Volunteer Program (RSVP). They also provide for exceptions to the published limitations in case of demonstrated need.

Some clerical errors were noted and corrections were made in the proposed regulations. All comments submitted with respect to the proposed new Retired Senior Volunteer Program Cost Sharing regulations were given due consideration.

As a result of comments received, the following clarifying changes are made:

1. Section 1221.1 is amended as follows:

a. On lines 6–8 delete "annual percentage limitations of required local contribution" and substitute "maximum local share contribution required"; b. Insert "share" after "local" on line 11; c. On line 18 delete "these limitations" and substitute "the required local cost sharing." The adopted changes help clarify the cost sharing activity related to the community.

2. Section 1221.4 has its title changed to "Failure to meet local cost sharing commitment." The modification is more indicative of the section content.

In addition to the foregoing changes, a number of suggestions were made but are not adopted. The comments below are to relevant sections, subjects covered, and reasons why suggestions are not incorporated in the final regulations.

1. Several comments to amend § 1221.2(a) were offered. The suggested changes would require less local cost-sharing. A number of socio-economic reasons were provided to justify RSVP project reliance on the Federal Government for most of its support. Some of the reasons included economic depression in local areas; keen competition for local service dollars; communities are not oriented toward service programs for the elderly; the RSVP does not have a tangible impact on older people in comparison to other program.

Consideration was also given to the fact that the present RSVP cost-sharing schedule has been in effect one year. During the past year, only five requests for exceptions have been received by ACTION. The mechanism for exception exists; its use is being carefully analyzed. Section 1221.3 of this Part identifies the procedure for reviewing exceptions.

2a. A comment with respect to the composition of the proposed National Exceptions Review Board in § 1221.3, suggested that representation of project sponsors be included. It is felt that project sponsors have an apportunity to present at length, every supportive fact and kind of reasoning they can.

b. A recommendation was also made that exceptions to the cost-sharing schedule be made by an appropriate ACTION Regional Director rather than by the National Exceptions Review Board. The reason given was that a Regional Director is closer to the community. The Retired Senior Volunteer Program is national in scope, operating with limited federal funds. Equitable distribution of such limited funds can best be coordinated at the national, not regional levels of ACTION. Further, national programs management requires consistency in project operations.

3. The comment was made to have language in § 1221.4(a) delete reference to the cost-sharing commitment and substitute "required contribution amount." The existing phrase: "cost-sharing commitment" is preferred because it reflects the sponsor's percentile commitment to the total project budget in return for federal dollars. The commitment may not be precisely the required amount. It is felt that this new section is a fair and equitable addendum to the existing cost-sharing procedures.

4. A change was suggested in section 1221.5 to prohibit ACTION from administratively altering budget periods. The response held that RSVP sponsors should request the extension or reduction in a budget year to allow project conformity with a sponsor's funding dates, budget year, or accounting practices. ACTION alters budget periods only when necessary to meet its fiscal management responsibilities. The alterations will, however, be kept to a minimum.

Accordingly, with these changes, additions, and clarifications, the proposed new Part 1221 is adopted as set forth below.

JOHN L. GANLEY,
Deputy Director.

Sec.
1221.1 Introduction.
1221.2 RSVP cost sharing schedule.
1221.3 Procedure for exception to the RSVP cost sharing schedule.
1221.4 Failure to meet local cost sharing commitment.
1221.5 Administratively altered budget periods.

AUTHORITY: Sec. 211(b) of Pub. L. 93–113, 87 Stat. 402 as amended by section 4 of Pub. L. 93–351, 87 Stat. 358.

§ 1221.1 Introduction.

Section 201(b) of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 402 (the Act), as amended by section 4 of An Act to Amend Title VII of the Older Americans Act, Pub. L. 93–351, 87 Stat. 358, prescribes the maximum local share contribution required for grants under the Retired Senior Volunteer Program (RSVP). The required local share contribution may not exceed the following annual percentages of approved project budgets: 10 percent in the first year; 20 percent, the second; 30 percent, the third; 40 percent, the fourth and 50 percent in any subsequent years. Section 201, of the Act also provides that the Director of ACTION may make exceptions to the required local cost sharing in cases of demonstrated need.

§ 1221.2 RSVP Cost-Sharing Schedule.

(a) The following RSVP cost-sharing schedule identifies for each budget period, normally one year, the required percentage of the local cost-sharing to approved project budgets of RSVP project sponsors as well as the Federal contribution:

Budget period	Federal	Local (nonfederal)
1	90%	10%
2	80%	20%
3	70%	30%
4	60%	40%
5 and beyond	50%	50%

Local contributions may voluntarily exceed the annual required local contribution in any year. However, such voluntary contributions shall not be a consideration for receiving, nor determining the size of, any RSVP initial or continuation grant.

(b) Exceptions may be made by the Director to these nonfederal cost-sharing requirements in unusual situations, with consideration given to the financial capabilities of the grant applicant, the availability of community support for RSVP and availability of other qualified applicants. Applicants will be required to substantiate the need for an exception. The need for continuation of an exception will be evaluated annually based on the merits and progress of a project and the best interests of RSVP volunteers, the community in which they serve, and ACTION.

(c) An RSVP continuation grant shall not be awarded to a sponsor unable to meet the agreed to cost-sharing commitment for the preceding budget period. Time for meeting the commitment, however, may be extended or waived by ACTION under exceptional circumstances.

§ 1221.3 Procedure for exception to RSVP Cost-Sharing Schedule.

A written request to the appropriate ACTION Regional Office for an exception to the RSVP Cost-Sharing Schedule will be transmitted by the Regional Director to the Director for Older Americans Volunteer Programs together with a recommendation on the request and all supporting data. The request will be evaluated and a recommendation made by a National Exceptions Review Board, comprised of the Associate Director of ACTION for Domestic and Anti-Poverty Operations, the Director of the Budget Division of ACTION, and the General Counsel for ACTION or their designated representatives. All requests will be acted on within two weeks after receipt of the request for an exception. The grant applicant will be advised in writing of the decision by the Director or the Director's designee and reasons for the decision.

§ 1221.4 Failure to meet local cost-sharing commitment.

(a) If by the end of the third quarter of a budget period a sponsor is unable to meet the current cost-sharing commitment, a continuation grant award may be considered only when:

(1) A full effort has been made by the sponsor to carry out the cost-sharing plan approved by the current grant award, and the circumstances causing the deficiency are found by the ACTION Regional Director to be the result of unusual or unforeseen circumstances, and

(2) There is reason to believe the deficiency, in addition to the required local share for the new budget period, can be fully made up before the end of the third quarter of a new budget period, and

(3) The project achievements and the project potential clearly merit special consideration.

(b) If at the end of a budget period, it first appears there has been a failure of the RSVP sponsor to provide or obligate the nonfederal share of the RSVP budget, it constitutes a breach of the conditions of the grant. As a consequence, the ACTION Regional Director will:

(1) Request the RSVP sponsor to identify:

(i) Why the commitment was not met, and identify specific efforts made to obtain the required nonfederal contribution.

(ii) The anticipated sources and amounts of local support for continuation of the project in the new budget period.

(iii) The kind of technical assistance requested from ACTION to improve the sponsor's capacity to develop local resources in support of RSVP.

(2) After review of this information:

(i) Choose to waive all or part of the unmet cost-sharing commitment,

(ii) Disallow the Federal support for which there was insufficient cost-sharing funds and require the sponsor to reimburse ACTION for the amount disallowed,

(iii) Accept sponsor's offer to add the nonfederal deficiency to the budget of a continuation grant, specifying which budget categories will be increased and by what amounts, or

(iv) Initiate suspension and/or termination proceedings under Part 1206.

§ 1221.5 Administratively altered budget periods.

(a) The budget period for RSVP grants may be shortened or lengthened by ACTION for administrative purposes. If the current budget period is shortened, the sponsor is obligated to honor his cost-sharing commitment, but only as a percentage of the total grant funds expended. The sponsor's cost-sharing commitment for a subsequent continuation grant shall be in accordance with the RSVP Cost-Sharing Schedule, except that the percentage may be reduced for a budget period by one percentage point for each month the sponsor's previous budget period was shortened.

(b) If during the first four years of a project, the budget period is lengthened to more than twelve months, the percentage of the sponsor's cost sharing obligation will remain the same.

Issued in Washington, D.C. on November 10, 1975.

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Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 72-41; General Order 35]

PART 526—FREE TIME AND DEMURRAGE CHARGES ON IMPORT PROPERTY APPLICABLE TO ALL COMMON CARRIERS BY WATER

PART 551—TRUCK DETENTION AT THE PORT OF NEW YORK

By notice of proposed rulemaking published in the FEDERAL REGISTER on August 23, 1972, the Commission served notice that it intended to promulgate certain rules and regulations to implement an equitable solution to the delays in the handling and interchange of freight between ocean and motor carriers experienced at the Port of New York. Comments from interested parties were solicited. These proposed rules are intended to supersede the truck detention rules promulgated by the Commission in Docket No. 1153, *Truck and Lighter Loading and Unloading Practices*, 12 F.M.C. 166 (1969). Following publication, and in response to a petition filed by Middle Atlantic Conference, the Commission issued an Amended Notice of Proposed Rulemaking providing for filing of responses to comments. Eighteen comments were submitted in this proceeding by, or on behalf of, a wide range of interested parties. Replies to these comments have been filed by Hearing

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Counsel and 11 answers to Hearing Counsel's replies have also been submitted. Subsequent to the submission of these answers, Hearing Counsel petitioned the Commission to take testimony limited to the factual issues surrounding § 551.2(a)(i) [section B(1)(a)][1] which precludes prelodging of delivery orders and dock receipts at marine terminal facilities at the Port of New York on the grounds that there appeared to be disputes of fact concerning the present practice of prelodging documents, operational and procedural problems caused by such prelodging, and acceptable alternatives to the prelodging rule. The Commission, noting that with the exception of those comments filed pertaining to the prelodging rule it had sufficient information to promulgate a final rule, granted Hearing Counsel's request and directed that the Administrative Law Judge issue a recommended decision thereon.

Administrative Law Judge Charles E. Morgan issued his Initial Decision on the prelodging issue to which exceptions and replies thereto were filed. The positions of the various parties on the prelodging of delivery orders and dock receipt are discussed herein. Also, because of the many and varied revisions incorporated into our final rule, we have discussed below certain other portions of the rule and the comments submitted with respect thereto. Our final rules promulgated herein have been drafted with careful consideration given the parties. Comments and arguments not specifically discussed or reflected herein have been nevertheless considered and found not relevant nor material.

Section 551.1(b) [section A2] defines a terminal operator. One commentator urges us not to exclude from that definition "marine terminal facilities operated or controlled by the Department of Defense." We find such a request to be inconsistent both with the provisions of 46 CFR 533.3 and with the policy of avoiding conflict between agencies of the U.S. government which might result from an attempt by one such agency to regulate the activities of another. However, in order to make clear the scope of these regulations, we have limited the applicability of the "terminal operator" definition to the "purposes of this Part."

While no specific comments were directed to § 551.1(c) [section A3], which identifies the type of entities which will be subject to the tariffs of terminal operators, we have, for the sake of clarity and consistent with the suggestion of Hearing Counsel, amended § 551.1(c) by inserting the word "including" between the terms "terminal operators" and "steamship companies acting as terminal operator."

Section 551.1(d) [section A4], which identifies the types of persons who "shall be entitled to receive remuneration in accordance with the provisions of this Rule," has been amended to clarify who is to ultimately benefit from charges collected pursuant to these rules.

Several parties commented on § 551.1(g) [section A7], which sets forth the conditions under which "a terminal" operator would not be assessed a penalty under these rules "if receipt or delivery of cargo . . . is prevented or delayed." In addition to strikes, work stoppage, and several unusual weather conditions, we are asked to include "acts of God," "fires," "serious accidents," "work slowdowns," and "congestion in anticipation of a strike of longshoremen or following the termination of such a strike." One party who opposes this suggestion sees no reason why the terminal operator should be excused from compliance with the rules, and therefore, rather than expanding the proposed exceptions would limit the existing exception to those instances where the "strike" or "work stoppage" is not the result of a violation of the collective bargaining agreement between the terminal operator and its employees.

While we sympathize with those parties who want to add "congestion" and "work slowdown" to the list of exceptions, we are nevertheless in full agreement with the position of Hearing Counsel that terminal operators cannot absolve themselves of all of their responsibilities under this rule. The objective behind this provision is to incorporate the distinction previously drawn by the Commission between work slowdowns and insufficient equipment which tends to delay operations, *and* strikes, work stoppages, or unusual weather conditions or other such causes which terminate operations. The former is the responsibility of the terminal operator; the latter is beyond his control, relieving him of detention payments. See *Truck and Lighter Loading and Unloading Practices, supra*, at 170, notes 179. Thus, since it is our intention that terminal operators be free from liability for situations over which they have no control, we have expanded § 551.1(g) to include acts of God, fires, and serious accidents as causes absolving the terminal operator. The question of whether or not a particular condition is so severe as to exonerate the person against whom a claim is made is the subject of § 551.1(j) [section A10].

Section 551.1(h) [section A8] sets out other conditions under which a terminal operator will not be liable for delay. One commentator suggests that this section be amended to make it clear that the existing trade practice whereby the terminal operator is required to sort/separate shipments on a single bill of lading by marks will continue to be permitted. In response thereto, another party points out that this section does not prohibit receipt or delivery of cargo by marks and numbers or any other service requiring the sorting of cargo, other than by bill of lading, at the request of the shipper, consignee or motor carrier, but merely excludes such shipments from the coverage of the proposed rule. The purpose of § 551.1(h) is to provide that the shipper-importer will be responsible for delays where the terminal operator is required to sort or separate shipments by marks. Additionally, and since, as was pointed out by one of the parties, terminal operators are required as part of their operations to segregate incoming/outgoing shipments by bills of lading, § 551.1(h) contemplates that as to a single motor carrier loading/unloading multiple LTL shipments, time, for purposes of this rule, shall not be computed separately for the loading/unloading of each shipment, as urged by one of the parties, but rather shall accrue during the entire time the vehicle is being loaded/unloaded. This, however, should not be confused with § 551.2(a)(2) [section B.1(b)], dealing with several vehicles picking up/delivering multiple shipments on a single delivery order/dock receipt, where time shall be computed separately for each vehicle loaded/unloaded on an open delivery order or dock receipt. Finally, §551.1(h) has been amended to reflect Hearing Counsel's suggestion that terminal operators not be held liable for delays caused by U.S. government regulations.

We find merit in one party's observation that if procedures on the docks are to be sped up, it must be realized that delay is incurred by motor carriers with regard to empty as well as stuffed containers. Consequently, we have modified § 551.1(i) [section A9] by the addition of the following sentence: "For purposes of this Part, 'containers' shall include empty as well as stuffed containers."

Section 551.1(k) [section A11] establishes procedures to be followed by terminal operators who elect to deliver breakbulk cargo to motor carriers prior to full discharge and is not concerned, as one of the commentators believes, with situations involving the stripping of containerized cargo. Moreover, this section does not require but merely permits the terminal operator to effect delivery before the vessel is discharged. Because § 551.4(i) [section D9] makes it the responsibility of the consignee or his agent (motor carrier) to determine when a cargo is available (at nonappointment piers) and § 551.3(b) [section C2] will not allow appointments unless the cargo is properly available, the terminal operator has to advise the motor carrier only when the cargo is so available. For example, until breakbulk shipments have been stripped from the container, there is nothing which obligates the terminal operator to make delivery as soon as the vessel discharged its unstripped containers.

Another party suggests that because the documents in the possession of the terminal operator do not always show the identity of the motor carrier that will pick up the cargo; language should be added to § 551.1(k) requiring the terminal operator to make a reasonable effort to ascertain the party to receive such notice and effect the same. We question the practical necessity of such a revision since it is only reasonable to presume that the terminal operator would, in the interest of sound business practice, make all reasonable efforts to contact the appropriate person in order to have cargo removed from the pier prior to full discharge. Common sense would likewise dictate that if this person cannot be ascertained, no notification would be issued. Nevertheless, in our final rule we have substituted "the consignee or its designated agent" for "motor carrier" as the person to be notified by the terminal operator. Lastly, we agree with the suggestion of one commentator that in order to avoid any question as to whether, in fact, authority was or was not given, section 551.1(k) should be modified to require that the terminal operator employee authorizing the delivery of cargo prior to the vessel being fully discharged be identified.

Section 551.1(l) [section A 12], in effect, allows the terminal operator the option of selecting the system under which it will operate. One party is of the opinion that the terminal operator will opt more often for the nonappointment system where detention time begins to run from the time validated on the gate pass as provided in § 551.6(b). In this regard, it is argued that this section should be amended to operate in harmony with ICC tariffs by deleting the nonappointment and combination procedures and keeping only the appointment system wherein truck detention time begins when the motor carrier arrives at the gate. We cannot agree. To implement such a suggestion would, in our opinion, deprive the terminal operator of the prerogative to institute a procedure that would best implement the objectives of the proposed rules. The proposed rules are geared toward the expeditious loading/unloading of cargo which of necessity entails a smooth procedure between the terminal operator and motor carriers and are not concerned with the relationship between motor carrier and shipper. Our final rule, however, reflects the suggestion of two of the parties that § 551.1(l) be modified to require that any change in the procedures at a given pier should only be made on thirty (30) days' notice and upon the filing of an appropriate tariff amendment effecting such change.

Section 551.2(a)(1) [section B1(a)], as originally proposed, prohibited the prelodging of delivery orders and dock receipts. Upon review of the record in this proceeding we remain convinced that prelodging of delivery orders causes not only delay and congestion but also sets the stage for what could become serious security problems at the Port. As concerns the former, we find merit in one party's observation that an incomplete prelodged delivery order causes not only delay to the motor carrier concerned while the receiving clerk perfects the delivery order or prepares a new one, but also hinders the progress of the other trucks who have the proper documentation but cannot proceed until the initial problem has been resolved.

Some commentators argue that not only will prelodging not unnecessarily impede the free movement of import cargo, but a prohibition of prelodging will result in additional expenses for shippers and consignees using the Port. In support thereof, it is contended that the prelodging of delivery orders is necessary because of the five-day limit on free time on imports. With fast container service and slow mails, it is submitted that the customhouse broker is occasionally delayed in processing the import, especially if the goods arrive in several containers, to the point where free time is about to expire and therefore must telephone the pickup order to the motor carrier and lodge the delivery order at the pier if the trucker is to get his goods before his free time expires. Also, it is argued that by prelodging the delivery order the clerk can verify, in advance of the arrival of the motor carrier, that the freight has been paid and the original bill of lading has been delivered to the ocean carrier, a procedure that allegedly can cut down on delays. Whatever the merits of these arguments, the fact remains, as the Administrative Law Judge found, that when a trucker does not have in his possession a full and complete delivery order upon arrival at the pier, delay, *in fact*, occurs. The movement of cargo from the piers is appreciably slowed down while the terminal personnel are straightening out the problems created by an incomplete or lost prelodged delivery order. One of the purposes of this proposed rule is to better define the responsibilities of all parties involved at the Port for the expeditious interchange of cargo. We believe a prohibition on prelodging delivery orders is consistent with such purpose.

Except to the extent the Administrative Law Judge recommended that a $15 fee be levied for the handling of each prelodged dock receipt discussed in detail *infra*, we agree with his findings as they relate to the practice of prelodging such documents. Exceptions taken to the Administrative Law Judge's conclusion that the prelodging of dock receipts does not cause any significant truck detention at the Port reiterate the arguments supporting the prohibition of the prelodging of delivery orders, the essence of which is based on allegations of port congestion and delay in service. It is their position that it would be just as easy to hire a special messenger to deliver the dock receipt to the truck terminals within the Port area, as it is to deliver them to piers. We disagree. Such a procedure would be expensive for the shipper since the messenger would more often than not just "wait around" truck terminals to meet motor carriers. Moreover, and considering the traffic problem in and around the city, it would be most impractical to meet the motor carrier and/or -"gypsy truckers", who has no truck terminal, at a predetermined place. In any event, there has been presented ample evidence that delay at the Port is not due primarily from the prelodging of dock receipts, which, as a matter of record, occurs only with a small percentage of export cargo, but instead is due to the prelodging of delivery orders.

Finally, there are those situations where prelodging of the dock receipt is the only practical solution if there is to be a prompt receipt of the export cargo in order that the motor carrier can unload as soon as it arrives at the piers. For instance, and as observed by the Administrative Law Judge, when the exporter wished to take advantage of infrequent sailings by utilizing overnight shipments (i.e., shipments which leave the point of origin the night before and arrive at the docks the following morning), the forwarder, of necessity, must prelodge the dock receipt at the marine terminal in lieu of delivering it to a truck terminal. Similarly, the prelodging of dock receipts at the pier is more desirable than to have to decide as to which of at least two carriers involved with long-haul shipments will be the recipient of the dock receipt; particularly, since truckers "swap" tractors and trailers, and may go directly to the pier or to a local delivery agent for pier delivery.

Additional support for the prelodging of dock receipts derives from the Administrative Law Judge's finding that "exporters frequently are unaware of exactly when goods will be ready for transportation to the Port of New York." This means that the forwarder is unable to obtain the "pro and con" numbers of the motor carrier transporting the goods until the last minute and it is only at this time that the forwarder is able to begin to estimate the transit time from the inland point to the docks. Moreover, and because terminal facilities are subject to the handling of the excessive amounts of import/export shipments and labor problems, there are times when the forwarder will not know until just before arrival of the vessel the specific pier for delivery.

We also find considerable merit in the Administrative Law Judge's observations that prohibiting prelodging of dock receipts would: (1) Disrupt pre-reserved shipping space since, in many instances, the ocean carrier transporting the goods will insist on knowing, in advance, the size and amount of the shipment it has "booked"; and (2) be unwise because it could lead to the misuse of blank dock receipts which would have to be left at inland points if no prelodging is permitted. As long as the prelodging practice is not abused, we believe it will be to the advantage of the users of the Port to continue its use. In conclusion, therefore, while we do not deny that it would be more beneficial for the trucker to have the dock receipt in his hand when he arrives at the pier, the practicalities involved in the export of goods require, under certain situations, prelodging of dock receipts.

The Administrative Law Judge also recommended a $15 service charge for prelodging, noting that since the time and expense involved in handling prelodged dock receipts was for the convenience of the forwarder or exporter, the cost of such service should be borne by them and not by all who use the marine terminal operators' service (in the form

[1] The provisions promulgated herein have been renumbered to conform to established Commission numbering system and FEDERAL REGISTER procedures. We have made reference, as exhibited in brackets, to the corresponding section as originally proposed.

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of higher stevedoring rates). We do not agree. We agree with the position taken by those parties who oppose this $15 assessment fee on the ground that it will work only as a penalty by unreasonably burdening the shipper who is trying to export his product as quickly and cheaply as possible. Further, such a fee could well drive the small inland shipper out of business since he would not be able to absorb a $15 charge in his selling price of exported goods without running the risk of pricing his product out of the competitive market. As a result, a service charge might, under the circumstances, give rise to an unreasonable preference in favor of large volume exporters who obviously could absorb such a charge. Such a charge could also cause prospective exporters to avoid the Port as well as present exporters to divert their shipments to other less expensive ports, all to the financial disadvantage of the Port.

For the aforementioned reasons, we have modified the final version of § 551.2 (a)(1) to reflect a prohibition of the prelodging of delivery orders but to allow the continuance of the practice of prelodging dock receipts without any service fee.

We have further modified § 551.2(a)(1) to permit time stamps and notations on gate passes and other arrival documents to be duplicated on the trucker's copy of the delivery order or dock receipt, instead of on a blank paper as originally proposed. The existence of a blank piece of paper is just another document that would be susceptible to being lost or stolen. We see no reason to further complicate the paperwork involved. Moreover, and as one party points out, the time stamp on a copy of the dock receipt or delivery order retained by the trucker would be helpful in the processing of future claims.

Section 551.2(a)(2) [section B1(b)] pertains to a motor carrier's use of the open delivery order/dock receipt. One party suggests that to allow a motor carrier to continue the established and accepted practice of presenting open documents on less than truckload (LTL) shipments will compound the problem of cargo security at breakbulk terminals. We disagree. Quite the contrary, by permitting a terminal operator to establish his own safeguards for the handling of LTL shipments, which he would do by filing the appropriate procedures in his tariff, security would, we feel, be improved. This conclusion is based on the fact that each procedure for physically handling cargo across the platform will, necessarily, take into account security considerations peculiar to that breakbulk terminal facility. In our final rules, we have adopted Hearing Counsel's suggestion that the terminal operator be required to establish procedures by which the motor carrier, subsequent to the receipt or delivery of the initial load, would have to exhibit satisfactory authorization before picking up or delivering the "remaining truckloads or shipments." The substitution of this language for the word "cargo", as originally proposed, will alleviate any confusion as to what the motor carrier has authority to pickup or deliver.

Several parties commented on § 551.2 (b) [section B2] which sets forth the information to be included within a dock receipt. Comments addressed to this provision range from suggesting that the dock receipts requirements be "in exact conformity" with the U.S. Standard Master, to urging that the terminal operator be allowed complete discretion to determine the form or content of the dock receipt. We cannot accede to either suggestion.

While we are not opposed to a dock receipt in the form of the U.S. Standard Master, the party making such suggestion is not clear as to whether its contents will only include that as required by § 551.2(b) of our rules, or would supplement the existing information already present on the U.S. Master Standard. Further, any suggested change in this section that would dilute our requirements, such as one party's proposal that terminal operators be allowed to impose their own documentation requirements, would destroy the effectiveness of the rules by undermining our objective of standardizing documentation throughout the Port. As another commentator aptly pointed out the laxity and arbitrariness of documentation procedures have been among the major causes of truck delays and disputes between motor carriers and terminal operators. Consequently, in the interest of standardization and giving due regard to allowing terminal operators some flexibility, § 551.2(b) has been revised to provide a terminal operator the discretion to vary the format of a document while requiring him to embody information therein to be applicable portwide. In order that the dock receipt will reflect all pertinent information necessary to expedite the movement of cargo, we have revised the final § 551.2(b) to include certain substantive changes as suggested by the parties, which we believe would help further to eliminate haphazard documentation.

Section 551.2(c) [section B3], as originally proposed, required the use of a particular delivery order form containing certain specific information. At the outset, we would point out that all concerned would benefit from a standardized delivery order form since it would reduce paperwork and simplify the processing of such documents. However, with the introduction of Customs' new form 11–RC–450, both our proposed standardized form and another party's proposed replacement which would be aligned to the U.S. Standard Master have become incompatible with the purpose of the truck detention rules; i.e., requiring the motor carrier to have in his possession documents encompassing the information necessary to quickly gain access to the piers for the delivery or pickup of cargo. Without substantial modification, or at worst, separate preparation, of the aforementioned forms, it would become impossible for either of the forms to conform to the changes affected by this new Customs' form.

Nevertheless, the consensus of the parties hereto is that all that is needed for the proper delivery of cargo is a document containing information sufficient to properly identify the shipment to all parties concerned and to authorize its delivery. We agree. The use of such a document will not compromise the needs of the motor carriers, terminal operators, ocean carriers and others engaged in the interchange of cargo at the Port of New York. Therefore, for reasons of security, simplicity, and expedition, delivery orders to be used need only contain the information outlined in § 551.2(c) herein.

We have incorporated into our final rule suggestions regarding information required to be in the delivery order which would not have an adverse effect on cargo security and the control of cargo. The remaining comments have been found to be of minimal value towards the adoption of a practical and useful delivery order. Lastly, we would explain that the term "address of the terminal" as used in § 551.2(c)(2) [section B3(b)], refers to the terminal designation (i.e., Berth No., Port Elizabeth) and not the street address.

Because of the similarity of originally proposed sections B5 and B6 they will be discussed together. The combined effect of these two sections is to allow the terminal operator to refuse to complete or correct the documents necessary to effect the pickup or delivery of cargo. Three parties object to granting the terminal operator this ontion, arguing that the terminal operator would abuse his discretion to the extent of arbitrarily turning away the motor carrier. Therefore, we are asked that both provisions be modified to require the terminal operator to complete incomplete, or correct deficient documents with the charge for such service shifted to the shipper in lieu of the motor carrier as presently required by § 551.7(c) [section F3] of our rules.

In reply, Hearing Counsel point out that: (1) The efficacy of our truck detention rules is predicated upon the working relationship between motor carriers and terminal operators, not the shipper and terminal operator; and (2) any economic hardship that may befall the major carrier accomplished by the terminal operator is a direct result of its own action. Obviously, if the motor carrier does not request such services from the terminal operator, he will have to return to the pier after the documents are corrected or completed. More important, we consider the procedure as outlined in sections B5 and B6 as the fastest method of correcting inaccurate and/or incomplete documents which, as all parties agree, have been a continual source of delay, congestion and confusion at the Port.

In response to a suggestion advanced by Hearing Counsel, we have consolidated the language of sections B5 and B6 into one section, designated § 551.2

(e) and redesignated proposed sections B7 and B8 as § 551.2 (f) and (g), respectively.

Section 551.2(f) [section B7] requires that a terminal operator provide a written statement to the motor carrier explaining the former's reason for rejecting documents. The purpose of this requirement is not to create additional paperwork, as suggested by one party, but rather to eliminate disputes and/or misunderstandings and allow the parties concerned to document delay and thereby attribute fault.

Section 551.2(g) [section B8], as originally proposed, required that any authorization for the delivery of cargo from one location to another in certain specific enumerated circumstances must have the written approval of the ocean carrier involved. This section further required that any delay occasioned thereby be excluded from computation of penalty time. Upon review of certain of the comments we agree with Hearing Counsel that since this section affects only the relationship between steamship companies and terminal operators, the final determination as to whether authorization should be oral or written should be left to the discretion of the parties concerned. We are not persuaded by the argument of one of the parties that this will put the terminal operator at a decided disadvantage where the steamship company claims the delivery of cargo was not authorized.

We do, however, find merit with one commentator's argument that because any delays caused by the changes described in this section are matters both within the control of and for the benefit of the steamship company or terminal operator, depending on the circumstances, neither should be absolved from liability. The shipping public should not be penalized because either of the persons in issue elect to make a change in their operations without adequate opportunity to correct documents to reflect the change.

In view of the above, § 551.2(g) has been revised to delete the "in writing" requirement and to provide that delay occasioned in certain circumstances shall be chargeable to the party responsible for such change.

Sections 551.3, 551.4 and 551.5 [sections C, D, and E], generally set forth the various procedures to be employed at a terminal under the appointment system, nonappointment system, and a combination of both. Here it should be pointed out as a general matter that while the Port Adjudicator is authorized to settle disputes concerning specific claims submitted pursuant to this Part, this will in no way oust the Commission of jurisdiction under section 17 of the Act.

We have modified § 551.3(a)(2) [section C1(b)] to require the terminal operator to identify the terminal operator employee granting the appointment, in addition to listing the information already required by this section. In case of disputes, such additional information will make it easier for a person requesting an appointment to substantiate that an appointment was granted.

Section 551.3(b) [section C2] relates under what circumstances the terminal operator shall grant an appointment. In response to the comments of two of the parties, we have modified this section to make it clear that the term "freight release" means the notification by the steamship company to the terminal operator that conditions precedent to the release of the cargo have been satisfied.

As originally proposed, § 551.3(c)(1) [section C3(a)] required motor carriers to arrive 15 minutes prior to his scheduled appointment. Certain commentators argued that such a time requirement does nothing to enhance efficiency, particularly when service is provided at a predetermined time. We agree. Since under our rules the motor carrier will be required to have in his possession the necessary documentation to gain access to the piers prior to receiving a gate pass, the deletion of such a time requirement would be consistent with the purpose of avoiding delay. Consequently, we have amended our final rules to provide that a motor carrier need only arrive on time to proceed directly for pickup or delivery of cargo.

Section 551.3(d) [section C4], as proposed, establishes when the computation of time begins at an appointment terminal but excludes therefrom delays caused by the action/inaction of the Bureau of Customs or other governmental agency. Because of Customs' refusal to time-stamp or otherwise document the length of time consumed by Customs' clearance of documents, we concur with certain parties that the original § 551.3(d) should be revised as suggested by Hearing Counsel. By separately setting out when the gate pass for either a dock receipt or delivery order will be time stamped, we are able to avoid the problems incurred by the procedures of Customs. Thus, while a gate pass for a dock receipt will be stamped immediately by terminal personnel, the stamping of the gate pass for a delivery order will not be effected until the motor carrier has proceeded through Customs.

We have also incorporated into our final rules a new section 551.6 [section F] "Computation of Time". In effect, this new section will accomplish the same objectives as proposed section C4, that is, to establish a fixed point for the computation of time which takes into consideration delays as to which the terminal operator can demonstrate that he was not responsible.

Section 551.4(a) [section D1] requires that service periods be established for each business day at a terminal operating on a non-appointment system. One party proposed that this section should also include the requirement that the terminal operator publish in its tariff the daily capacity of each terminal facility and the number of vehicles to be scheduled in each service period. We do not agree. The purpose behind this section is to grant the terminal operator flexibility in determining capacity which can change from day to day, depending on numerous factors. To adopt the revision suggested would, we feel, stifle any effect that this section would have in alleviating congestion at the Port. Accordingly, we have adopted section D1 as proposed and redesignated it § 551.4 (a).

Sections 551.4(c) and (d) establish the procedure for the issuance of a time-stamped gate pass which will institute free time for the motor carrier in delivering or picking up cargo. Before discussing specific objections hereto, we would point out that the dock receipt/delivery order, itself, constitutes the basis for the issuance of the gate pass which is merely being used as an internal control measure. Therefore, to clarify any misunderstanding, it should be pointed out that the dock receipt/delivery order is checked for form and authenticity prior to, and not after, the issuance of the gate pass. However, admission to the pier will not be conditioned upon the examination of the substantive contents of the document. Possession of the document is sufficient.

In commenting, one party suggests that the validation time, controlling entry to the pier for motor truckers with dock receipts/delivery orders, include not only the time stamp on the gate pass, but also the time entered in the terminal operator's security log as is presently being done at this party's terminal. In effect, we are asked to require motor carriers, upon receiving their time stamped gate pass, to proceed to the delivery/receiving clerks' office for the purpose of being time recorded in the terminal operator's security log. The benefit of such a procedure, we are told, is that it will discourage the motor carrier from taking a "break" en route from one point to another. We see little merit in this proposed additional requirement. To permit a terminal operator to record a different time in its own records for the commencement of free time is contrary to the very purpose of our validation and entry procedures under which the validation time on the gate pass constitutes the official time for the commencement of free time.

Comments were also directed to certain procedures of § 551.4(d) [section D4]. This section, in pertinent part, provides that Customs' processing would be initiated immediately upon admission to the terminal facility and that a Customs' time stamp would be issued at the completion of such processing. Thus, the time between the validation time on the gate pass and the time stamp of Customs would be excluded from the time allowances provided for loading without penalty. For various reasons, the substance of which need not be discussed, Customs has informed us that it will not issue time stamps. Because Customs' clearance is an integral and necessary step in the delivery of imports, any detention rule must be compatible with the procedures of Customs. Therefore, we have adopted in our final rules Hearing Counsel's re-

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vision of § 551.4(c) and (d). These new provisions not only eliminate the requirement that Customs time stamp documents but also simplify the procedure by allowing the motor carrier, upon the validation of his gate pass on arrival at the pier, to proceed directly to Customs for the processing of his papers. Thereafter, the motor carrier's papers are presented to the delivery clerk of the terminal operator for the stamping of the gate pass, at which point, time for purposes of detention commences. Under the procedure for validation and computation of time in § 551.6 [section F], the time consumed (1) in obtaining Customs' clearance for delivery orders, and (2) between the issuance of the time stamped gate pass and the subsequent time stamping thereon by the receiving clerk for dock receipts, is excluded from the time for detention purposes.

Further, Hearing Counsel's substitutions are consistent with the purpose of the original § 551.4 (c) and (d); i.e., placing the responsibility on the shipper and motor carrier for preparation and presentation of correct documentation. As presently worded, § 551.4 (c) and (d) will stop the current practice of motor carriers being denied entry to the piers because of improper documentation.

Section 551.4(e) [section D5] allows the Motor carrier to elect to receive a preference slip entitling the motor carrier to service on the next business day within 30 minutes after issuance of a gate pass. One party alleges that this procedure would be susceptible to abuse by the motor carriers. We do not agree. This section is intended to prevent favoritism toward certain motor carriers by terminal operators by assuring that all motor carriers will be treated equally. As pointed out by another commentator, preference slips are: (1) An integral part of the time slot or service period procedures which recognizes that every pier has a maximum capacity; and (2) they encourage orderly scheduling of nonappointment vehicles.

In adopting § 551.4(e) we point out that security problems will not be aggravated since the vehicle arriving for service under a preference slip must still possess a delivery order/dock receipt.

Section 551.4(f) [section D6] permits the terminal operator to turn away carriers when the capacity of a terminal facility has been reached but not before issuing these carriers preference slips for service on the next business day. This section will alleviate the problem of motor carriers being turned away without service after having waited in line for several hours.

One party asks that we delete § 551.4 (f) in its entirety, urging that since all motor carriers have received notice that the cargo is ready, every vehicle which arrives at the pier should be served. We disagree. While the fear of abuse of discretion by the terminal operator may have some theoretical merit, the practicalities of the situation dictate that terminal operators will want cargo removed from their facilities as rapidly as possible. Therefore, it is doubtful that vehicles will be turned away capriciously if service of those vehicles is feasible. Moreover, a rule which would require a facility to exceed its capacity would not be workable.

Once the terminal has decided to turn away the motor carrier with a preference slip, there is nothing in the rules that requires the terminal operator to reconsider his decision. Therefore, a motor carrier cannot insist on being admitted and serviced to completion. This situation should allay the fears of one party who was concerned as to who would pay for the overtime incurred if a motor carrier could successfully insist on completed service.

Additionally, to complement the requirements of sections 551.2(a)(1) and 551.6, we have adopted, as part of our final rules, Hearing Counsel's proposed modification to the last sentence of § 551.4(f), to wit:

> • • • The preference slip shall be attached to the gate pass when said gate pass is issued and all notations recorded on the preference slip shall be duplicated on the motor carrier's copy of the delivery order or dock receipt.

Section 551.7(a) [section G1], as originally proposed, assessed a $15 penalty against a terminal operator for refusing service to a motor carrier possessing complete documentation. An unjustified refusal to serve a motor carrier results in confusion at the pier, loss of valuable time to the motor carrier, and a loss of revenue for everyone concerned. Consequently, the terminal operator must be given the incentive to minimize or avoid such confusion. Having reviewed the comments, we conclude that the avoidance of this confusion can best be achieved by increasing the penalty from $15 to $30 rather than by introducing a sliding scale of penalties up to $60 as suggested by one party. This rule does not contemplate that "penalties" be compensatory but rather that the charge will encourage accuracy and efficiency. Accordingly, our final rules provide a $30 penalty for denial of service due to the fault of the terminal operator.

Section 551.7(b) [section G2] assesses a $15 penalty against the motor carrier for failing to meet an appointment. We have rejected one party's suggestion that this section be amended to provide that a motor carrier be excused from any penalty for such failure if it is due to the reasons as provided in § 551.1(g). To do as this party urges would only cause endless dispute over the cause of the missed appointment. If the purpose of these rules is to be achieved, the motor carrier must act responsibly in its dealings on the pier.

However, we do find merit in another party's observation that § 551.7(b) should take into consideration the situation in which the motor carrier fails to meet an appointment and the terminal operator has furnished special equipment at the pier. Accordingly, we have added a second sentence to § 551.7(b), which reads: "• • • If, pursuant to § 551.3(b), a motor carrier is advised that special equipment will be required and the motor carrier fails to meet said appointment, the motor carrier shall be subject to a charge of $30." We conclude that the $30 penalty is sufficient incentive for the motor carrier to keep its appointment.

Section 551.7(c) [section G3] requires the terminal operator to charge the motor carrier a $15 penalty for completing or correcting deficient documents. Eight parties commented on this section. Three parties argue this penalty is unreasonably high and unwarranted unless every steamship company, terminal operator and exporter/importer is obligated to pay penalties for every mistake or clerical error made. It is further suggested that the $15 penalty will create an extremely unhealthy climate between the affected parties because the motor carrier does not prepare the documentation and disputes over minor corrections will be encouraged. An additional argument urges that, since this fee will be passed on, the result will be to discourage use of the Port.

Hearing Counsel defend the $15 as an appropriate charge encouraging more care in the preparation of the pertinent documents. We agree.

Notwithstanding fears expressed by certain parties regarding possible abuse of these penalty provisions, sound business practices would dictate wise use of discretion before assessing the $15 penalty.

Section 551.7(d) [section G4], as proposed, stated that if a motor carrier seeks and gets a schedule appointment prior to issuance of a freight release of the subject cargo, the motor carrier will be penalized $15. Upon review of the comments, we concur that the proper party to be assessed the penalty is the terminal operator. As certain parties pointed out, the freight release involves communication only between the steamship company and the terminal operator. Thereafter, the terminal operator then notifies the broker that the goods are ready for pickup, and the broker in turn calls the motor carrier to come and collect the cargo. Hence, the motor carrier does not know whether a freight release has been issued or not unless he is so informed by the terminal operator. Consequently, we do not believe that the motor carrier should be penalized for seeking a schedule appointment since it is unlikely that he would make a request for a schedule appointment unless the terminal operator had advised him (through the broker) that the freight release had been issued and the cargo was available.

We agree with Hearing Counsel that a $30 penalty, in lieu of $15 as proposed, is justified in view of time lost by the motor carrier when an error is made in notification.

Therefore, we have revised § 551.7(d) to provide for a $30 penalty assessed against the terminal operator.

Section 551.7(e) [section G5], as proposed, provides for the assessment of a $15 penalty against the terminal operator for wrongfully advising the motor carrier that cargo is ready and available. While four parties argue that a $15 penalty is inadequate, with one suggesting that it be increased to $65, a fifth party contends that any increase in penalty would tend to slow down the movement of cargo by encouraging over-zealous verification and reverification of simple facts. We cannot agree with the fifth party. Considering that the purpose of this section is to deter erroneous notification of available cargo and that, generally, considerable reliance is placed upon the terminal operator's word, we agree that an increase in penalty is appropriate. Consequently, the penalty provided in § 551.7(e) has been increased to $30.

It has also been suggested that this section require written verification that notification was made to facilitate motor carriers' proof that notification was given. Such a requirement, in our opinion, is an unnecessary burden on the terminal operator. It would not expedite movement of cargo but would merely reenforce any claims by motor carriers. Additionally, the fact that it is a costly operation for a motor carrier to make a second trip to the piers, creates a reasonable presumption that a motor carrier would not arrive at the piers without a prior notification to do so.

Section 551.7(f) [section G6] outlines the time allowances applicable to containers handled as a single unit and to noncontainerized cargo under an appointment/nonappointment system. Two parties argue that the allowances prescribed in this section should conform to those established by the ICC. Not to do so, they urge, will only serve to confuse shippers and to create unnecessary complications in billing for, and collection of, detention charges. Hearing Counsel argue that the ICC detention time provisions serve different objectives than those of this proposed rule. We agree.

The ICC rules permit reimbursement to the motor carrier for all delays at marine terminal facilities for which the motor carrier is not responsible. However, this reimbursement comes to the motor carrier from his principal who pays the charges. Our rules, which establish penalties for unreasonable delays for which the terminal operator is responsible, are designed to have the responsible terminal operator pay for the detention of the motor carrier. The key to our rule is the relationship of the trucker to the terminal operator and not of the trucker to its principal.

Further, we are persuaded that certain benefits will override any confusion that may occur from having two divergent detention charges. With the time-stamped gate pass, the trucker will be able accurately to compute the amount owed him by his principal. Further, that amount is subject to be offset in an amount equal to the detention charges collected from the terminal operator. This arrangement may also have the effect of encouraging importers/exporters to use the Port. Accordingly, we have incorporated § 551.7(f) as proposed, into our final rule.

Section 551.7(h)(1) [section G8(a)], as proposed, assesses a $65 penalty against the terminal operator who refuses service to a motor carrier holding an appointment when the refusal is due to a lack of manpower. Under this section it is no excuse, as noted by one party, that the terminal operator did not anticipate the needs of a particular cargo. We consider such a predicament to be preventable by foresight on the part of the terminal operator, and not a situation beyond his control. Implicit in this section is the obligation of the terminal operator to complete loading/unloading the motor carrier admitted to the terminal facility. A part of that obligation is the responsibility of the terminal operator to foresee labor problems which would tend to delay operations.

Additionally, because this section is designed to act as an inducement for orderly and efficient scheduling of motor carriers, we agree with Hearing Counsel that the penalty should be reduced to $30. A $30 penalty is consistent with other penalty sections of this Part. Therefore, we have adopted § 551.7(h)(1) as modified by the reduced penalty.

Comments on § 551.7(h)(2) were directed only to that portion which relieves the terminal operator of the $65 penalty if he refuses to service a nonappointment vehicle as a result of labor's refusal to work overtime. It is argued that because the terminal operator is responsible for its labor it should not be absolved from liability. Hearing Counsel reply that a refusal under the aforementioned circumstances is equivalent to a work stoppage, and under the theory of § 551.1(g) [section A7], the terminal operator should be relieved of any liability for the actions of labor under the circumstances. We agree.

Distinguishing this section from § 551.7(h)(1) wherein the terminal operator is liable for labor's refusal to work overtime, we would point out that a terminal operator has the time to anticipate the services that can be rendered with reference to motor carriers holding appointments while not so with nonappointments. Accordingly, we have adopted, as part of our final rule, § 551.7(h)(2) as proposed, except that for the same reasoning as employed in § 551.7(h)(1), *supra*, we have reduced the penalty to $30.

Section 551.8 [section H], in general, sets out the procedure for the submission of claims for penalties. Upon review of the comments, we find that many of the suggestions and rationale have considerable merit. Consequently in the final rule, § 551.8 has been revised to be more responsive to these constructive comments. This generally conforms to Hearing Counsel's proposal with certain minor modifications of our own.

We are in total agreement with those parties who submit that claim forms, as originally proposed, are unnecessary. For purposes of this rule, all that is necessary is a copy of the dock receipt/delivery order with its accompanying documentation supported by a brief explanation of the facts giving rise to the claim and the dollar amount of such claim. In accordance with § 551.2(a)(1), the necessary information will be duplicated on a copy of the appropriate document which the motor carrier will always have in his possession.

While we agree with the basis of Hearing Counsel's proposed extension of filing claims from 15 days to 60 days, we believe that a 45-day period would be more reasonable. A 45-day period is quite enough time to discourage any possible laxity in preparation for filing a claim and at the same time will not prejudice the parties concerned. Further, we agree with the suggestion of one party that all periods of 15 days, as proposed by Hearing Counsel, should be expanded to 20 days so as to be more realistic and to increase the likelihood of compliance.

One party noted that the original proposed section H did not cover the situations where steamship companies are responsible for delays of trucks. The example cited is the premature issuance of a freight release resulting in the motor carrier being notified that the shipments are available when, in fact, they are not. We are told that the terminal operator might under the circumstances reject a claim on the ground that the delay was caused by the steamship company. In order to cure this deficiency, we have amended § 551.8(e)(1) [section H5(a)] to include the following language: "• • • or otherwise denies a claim on the ground that the delay was caused by the steamship company."

Therefore, pursuant to section 4 of the Administrative Procedure (5 U.S.C. 553), and the Commission's authority under sections 17 and 43 of the Shipping Act, 1916 (46 U.S.C. 816, 841a), Title 46 CFR is hereby amended as follows:

1. A new part 551 is added reading as follows:

Sec.

551.1 General provisions.
551.2 Documentation.
551.3 Terminals operating on appointment system.
551.4 Terminals operating a non-appointment system.
551.5 Combination non-appointment/appointment system.
551.6 Computation of time.
551.7 Penalties.
551.8 Submission of claims for penalties.

AUTHORITY: Section 4, Administrative Procedure Act (5 U.S.C. 553); sections 17 and 43, Shipping Act, 1916; 39 Stat. 734, 75 Stat. 766; 46 U.S.C. 816, 841a. The reporting requirements contained in § 551.1(1) have been approved by the U.S. General Accounting Office under number B-180233 (R0248).

§ 551.1 General provisions.

(a) The "Port of New York" is that area designated as "The Port District" on the map (Attachment A)

(b) For purposes of this Part, a terminal operator is any person who receives cargo from motor carriers and/or delivers cargo to motor carriers in connection with transportation by common carrier by water, excluding persons who operate marine terminal facilities con-

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trolled by the Department of Defense including the military department and all agencies of the Department of Defense.

(c) Motor carriers (common, contract, or private), terminal operators including steamship companies acting as terminal operators, and steamship companies whose action or inaction otherwise impede expeditious pickup and delivery of cargo by motor carriers at marine terminal facilities within the Port of New York shall be subject to the provisions established by terminal operators in accordance with this Part which provisions shall be reflected in the tariff of each such terminal operator.

(d) Importers and exporters, or motor carriers or other agents of importers or exporters, and terminal operators at marine terminal facilities in the Port of New York shall be entitled to receive remuneration in accordance with the provisions of this Part.

(e) The person responsible for operating each marine terminal facility within the Port of New York shall identify himself to the Federal Maritime Commission not more than 10 days after the effective date of this Part and shall thereafter promptly notify the Commission of any change in responsibility. Based thereon, the Federal Maritime Commission (Commission) will publish and maintain a current list identifying, as to each such marine terminal facility, the party responsible for receipt and settlement of claims arising under this Part.

(f) All communication to the Federal Maritime Commission required by this Part shall be to the Federal Maritime Commission, Office of the Secretary, 1100 L Street NW., Washington, D.C. 20573.

(g) No penalty shall be imposed upon a terminal operator under this Part if receipt or delivery of cargo at a marine terminal facility is prevented or delayed by strike or work stoppage, act of God, fire, serious accident, or severe or unusual weather condition. The Commission shall be notified in writing by the party claiming the existence of the condition who shall specify the date and time of commencement and termination of any such strike, work stoppage, or severe or unusual weather or other condition. However, no terminal operator shall be absolved from liability under this Part for delays resulting from inadequate or insufficient labor, and/or equipment, other than reasonable delays necessary to obtain special equipment required for handling unusual cargo on a non-appointment basis.

(h) Terminal operators shall not be liable for delays due to United States Government regulations; nor shall terminal operators be liable for time consumed by receipt or delivery of cargo by marks other than by bill of lading, provided at the request of the shipper, consignee or motor carrier.

(i) Steamship companies responsible for house-to-house movement of containers, i.e., containers moving as a unit from origin to destination, are responsible under this Part for delay occasioned by lack of sufficient chassis, or unavailability, action or inaction of their container inspection personnel. For purposes of this Part "containers" shall include empty as well as stuffed containers.

(j) Disputes concerning liability under any provisions of this Part shall be settled by an impartial Adjudicator selected by the Commission.

(k) Terminal operators are not required to deliver cargo to motor carriers prior to the time that the ocean vessel which transported said cargo is fully discharged. If a terminal operator exercises the option of delivering cargo to motor carriers prior to the time that the ocean carrier which transported said cargo is fully discharged, the terminal operator shall notify the consignee or its designated agent that the cargo is on the pier, at its place of rest, and segregated by bill of lading, and shall identify the terminal operator employee giving such notification.

(l) Marine terminal facilities in the Port of New York shall be operated in accordance with the appointment, non-appointment, or combination appointment/non-appointment procedures established by the terminal operator in accordance with this Part. Each terminal operator shall identify in its respective tariff whether its marine terminal facility will be operated on an appointment, non-appointment, or combination appointment/non-appointment basis. Said tariff shall incorporate the specific procedures applicable at each such marine terminal facility which procedures shall comply with the provisions of this Part, be prominently displayed at the marine facility, and shall be modified on not less than 30 days' notice.

§ 551.2 Documentation.

(a) (1) Delivery orders shall not be mailed or delivered to terminal operators, nor mailed or delivered to steamship companies for receipt on behalf of terminal operators, prior to arrival of motor carrier vehicles at marine terminal facilities. Dock receipts may be lodged with terminal operators or steamship companies for receipt on behalf of terminal operators prior to arrival of motor carrier vehicles at marine terminal facilities. Upon arrival at marine terminal facilities, motor carrier vehicle operators shall have physical possession of delivery orders required by this Part, and shall either have physical possession of dock receipts required by this Part or shall have had said dock receipts lodged with the terminal operator or steamship company in accordance with the above-described procedure. Motor carrier vehicles having physical possession of delivery orders or dock receipts immediately shall be issued a sequentially numbered and time-stamped gate pass by order of arrival. When dock receipts are lodged with the terminal operator or steamship company, the sequentially numbered and time-stamped gate pass immediately shall be issued upon tender of the dock receipt to the gateman by the motor carrier vehicle driver. The sequential number and all time stamps and notations recorded on the gate pass and any other arrival document shall be recorded on the copy of the delivery order or dock receipt retained by the motor carrier. Motor carrier vehicles not complying with the requirements of this paragraph shall be denied entry to the marine terminal facility.

(2) Motor carriers shall be permitted to receive cargo on Open Delivery Orders, i.e., single delivery orders covering multiple truckloads or shipments, and deliver cargo on Open Dock Receipts, i.e., single dock receipts covering multiple truckloads or shipments, upon presenting to the terminal operator, subsequent to receipt or delivery of the initial load, satisfactory evidence of authorization to effect receipt or delivery of the remaining truckloads or shipments, as established by the terminal operator and published in its tariff.

(b) Dock receipts required as full and complete documentation for receipt of export cargo shall include the following information:

(1) Name of the motor carrier.
(2) Name of forwarding agent. (If none, insert "none").
(3) Shipper.
(4) Name of vessel.
(5) Pier, berth, or area designated for receipt of cargo.
(6) Port of discharge.
(7) Container identification and seal number. (On full container loads.)
(8) Booking number.
(9) Cargo to be held on dock should be so indicated in space provided for vessel name.
(10) Marks, number of packages, commodity, cube and weight.
(11) An original and three copies of the dock receipt authorized by the steamship line that is to receive the cargo must be tendered to the terminal operator, one of which shall be returned to and retained by the motor carrier in accordance with § 551.2(a)(1).

(c) Delivery order required as full and complete documentation for the delivery of import cargo shall provide the following information:

(1) Name and address of party issuing delivery order.
(2) Address of terminal.
(3) Name and address of motor carrier making pickup.
(4) Vessel name.
(5) Voyage number or estimate date of arrival.
(6) Bill of Lading number.
(7) Port of Lading.
(8) City of destination. (On full container load.)
(9) Container identification number. (On full container loads.)
(10) Booking number. (On receipt of empty containers.)
(11) Marks, number of packages, commodity, cube and weight. When partial lots are to be delivered, they should be identified by marks.
(12) Date free time expires.
(13) Date through which demurrage is paid/guaranteed after free time has expired.

(14) An original and two copies of the delivery order, the original legibly signed in ink, with the name of the signer typed below the signature, shall be tendered to the terminal operator, one of which shall be returned to and retained by the motor carrier in accordance with § 551.2(a)(1).

(d) (1) Terminal operators shall not honor delivery orders with strikeouts or other changes to the original.

(2) If a motor carrier named in an original delivery order substitutes another motor carrier in its place, the motor carrier named in the original delivery order shall provide a turnover order to the second carrier containing all information required by the original delivery order. Both the original delivery order and the turnover order must be presented to the terminal operator by the motor carrier requesting delivery of cargo. Upon written request, in accordance with procedures established by the terminal operator and published in its tariff, special arrangements may be made to accommodate general agency situations.

(e) If a motor carrier presents documents to the terminal operator which do not contain all information required by this Part, or which are complete but contain inaccurate information, said motor carrier shall be required to surrender its gate pass and shall be denied service; or, at the request of said motor carrier, the terminal operator may correct or complete the deficient document and serve said motor carrier in accordance with this Part.

(f) If documents are rejected by the terminal operator, or service is refused for any other reason, the terminal operator shall provide the motor carrier written explanation, time-stamped, of the deficiencies in documentation or other reason(s) for refusal of service, and shall attach thereto a copy of the deficient document, if any.

(g) Section 551.2(e) shall not be applicable if documents are incorrect because of substitution of one vessel for another, redocking of a vessel from a scheduled pier to another, or change in consignment of an export shipment from a scheduled vessel to another due to an early closeout of the scheduled vessel or other such rescheduling for the convenience of the steamship company or terminal operator. Delay occasioned in such circumstances shall be included in the computation of time for purposes of this rule and chargeable to the party responsible for such change.

§ 551.3 Terminals operating on appointment system.

Subject to the following provisions of this section terminal operators shall establish the basis upon which appointments will be available and shall publish in their tariffs reasonable methods and procedures for booking appointments.

(a) (1) Except for good cause, all requests for appointments shall be granted. If a request for an appointment is not granted, the terminal operator shall record the request and reason for refusal.

(2) Appointments, when granted, shall be identified by sequentially assigned numbers. The terminal operator shall record the date and time of requests for appointments, the name of the person making the requests; the date, time and identification number of scheduled appointments; and shall identify the terminal operator employee granting the appointment.

(b) Appointments to receive delivery of cargo shall not be granted by terminal operators unless and until a freight release covering subject cargo has been provided by the steamship company. Appointments shall be granted only if the terminal operator is advised of the nature, type and quantity of cargo to be delivered or received. If, because of the size, weight or shape of the cargo, special equipment is required, the terminal operator shall so advise the motor carrier at the time the appointment is granted, and the motor carrier shall advise the terminal operator of the type of "rolling stock" which it will employ to effectuate the interchange of cargo.

(c) (1) Gate passes shall be issued to motor carriers by order of arrival at the marine terminal facility. Motor carriers arriving after the time of a scheduled appointment shall be deemed to have missed the appointment and may be denied service.

(2) Except where a terminal operator has arranged for delivery of cargo on the last day of free time, or on the first or second day of demurrage, in accordance with § 551.3(e)(2) of this Part motor carriers may cancel appointments (without penalty) provided the terminal operator is given three (3) working hours' notice of said cancellation.

(d) (1) Upon receipt of a gate pass issued pursuant to § 551.3(c)(1), motor carrier personnel holding dock receipts or other satisfactory evidence of authorization to effect delivery or cargo shall proceed immediately to the receiving clerk of the terminal operator who shall immediately time-stamp the gate pass upon presentation of documents. After said documents are determined to be in proper order, the motor carrier shall be routed for unloading.

(2) Upon receipt of a gate pass issued pursuant to § 551.3(c)(1), motor carrier personnel holding delivery orders or other satisfactory evidence of authorization to receive delivery of cargo shall proceed to Bureau of Customs for completion of required procedures, and thereafter, shall immediately proceed to the delivery clerk of the terminal operator who shall immediately time-stamp the gate pass upon presentation of documents. After said documents are determined to be in proper order, the motor carrier shall be routed for loading.

(e) (1) See General Order 8, § 526.1(c) of this chapter for provisions regarding extension of free time.

(2) At full-appointed terminals, if an appointment is not available as requested, an appointment shall be granted within 72 hours (three business days) of said request, except as provided by paragraphs (e)(2)(i) and (ii) of this section.

(i) *Cargo permitted 5 days' free time—Extension of free time:*

(A) If an appointment is requested at least 48 hours prior to the expiration of free time, the terminal operator shall arrange to deliver cargo prior to expiration of free time, or extend free time until an appointment is granted.

(B) If an appointment is requested less than 48 hours—but more than 24 hours—prior to expiration of free time, the terminal operator shall arrange for delivery of cargo prior to the close of business on the first working day of demurrage for which first demurrage day the cargo shall be liable, or, after said first demurrage day, cargo shall assume non-demurrage status until an appointment is granted.

(C) If an appointment is requested less than 24 hours prior to expiration of free time, the terminal operator shall arrange for delivery of cargo prior to the close of business on the second working day of demurrage for which two (2) demurrage days the cargo shall be liable, or, after said two (2) demurrage days, cargo shall assume non-demurrage status until an appointment is granted.

(ii) *Cargo permitted 2 or 3 days' free time—Extension of free time:*

(A) If an appointment is requested at least 24 hours prior to expiration of free time, the terminal operator shall arrange to deliver cargo prior to expiration of free time or extend free time until an appointment is granted

(B) If an appointment is requested less than 24 hours prior to expiration of free time, the terminal operator shall arrange for delivery of cargo prior to the close of business on the first working day of demurrage for which first demurrage day the cargo shall be liable, or, after said first demurrage day, cargo shall assume non-demurrage status until an appointment is granted.

§ 551.4 Terminals operating a non-appointment system.

(a) Each business day shall be divided into a number of "service periods" (for example, periods commencing at 8 a.m., 10 a.m., 1 p.m., 3 p.m.) as scheduled by the terminal operator according to the nature and capabilities of the particular facility.

(b) Motor carriers arriving at marine terminal facilities shall be issued sequentially numbered time-stamped gate passes by order of arrival, valid for entry to the terminal facility at the time of commencement of the service period indicated thereon.

(c) Upon receipt of a gate pass issued pursuant to § 551.4(b), motor carrier personnel holding dock receipts or other satisfactory evidence of authorization to effect delivery of cargo shall proceed immediately to the receiving clerk of the terminal operator who shall immediately time-stamp the gate pass upon presentation of documents. After said documents are determined to be in proper order the motor carrier shall be routed for unloading.

(d) Upon receipt of a gate pass issued pursuant to § 551.4(b), motor carrier

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personnel holding delivery orders or other satisfactory evidence of authorization to receive delivery of cargo shall proceed to Bureau of Customs for completion of required procedures and thereafter immediately proceed to the delivery clerk of the terminal operator, who shall immediately time-stamp the gate pass upon presentation of documents. After said documents are determined to be in proper order the motor carrier shall be routed for loading.

(e) A motor carrier entitled to a gate pass scheduling service for a later service period, but unwilling to wait for that service, may elect, not more than 30 minutes after issuance of said gate pass, to receive a preference slip (Attachment B) entitling said motor carrier to service on the next business day as specified thereon. However, free time will not be extended if cargo is on the last day of free time, nor will collection of demurrage charges be suspended if cargo is on demurrage.

(f) Motor carriers arriving at a marine terminal facility after the capacity of said facility has been reached may be turned away, but shall be given preference for service on the next business day according to the order in which they arrived and were turned away. Motor carriers turned away under these circumstances shall be issued a preference slip (Attachment B), sequentially numbered, which shall assure preference for service on the next business day and, where cargo is on the last day of free time, create a one-day extension of free time, or suspend collection of demurrage charges for one day as to cargo already on demurrage. The preference slip shall be attached to the gate pass when said gate pass is issued and all notations recorded on the preference slip shall be duplicated on the motor carrier's copy of the delivery order or dock receipt.

(g) If, at the commencement of its scheduled service period, a motor carrier is not available to receive cargo which is on the last day of free time, and because of the unavailability of said motor carrier, the terminal operator is unable to provide service on that day, there shall be no extension of free time.

(h) If all vehicles scheduled for a service period are discharged prior to the end of that period, the motor carrier available and holding the next sequenced gate pass shall be served.

(i) It shall be the responsibility of the motor carrier to determine from the terminal operator whether cargo to be delivered to said motor carrier is on the pier, at its place of rest, and segregated by bill of lading.

§ 551.5 Combination non-appointment/appointment system.

(a) An express line or non-appointment line may be established in conjunction with an appointment system in such a manner as the terminal operator determines best suits the needs of the particular facility.

(b) All rules applicable to non-appointment facilities (§ 551.4) shall be applicable to the non-appointment portion of a combination non-appointment/appointment terminal operation.

(c) If a motor carrier attempts to make an appointment at a facility operating a combination system, and no appointment is available, and then said motor carrier seeks service as a non-appointment vehicle, said motor carrier shall be treated as a non-appointment vehicle for purposes of extension of free time.

§ 551.6 Computation of time.

(a) Validation time is (1) time of issuance of a gate pass upon a motor carrier's arrival at a marine terminal facility or (2) if, upon arrival, a motor carrier is scheduled for a later service period, the time of commencement of that scheduled service period, or (3) if a motor carrier is issued a preference slip pursuant to § 551.4(e) or § 551.4(f), the time scheduled thereon.

(b) Time for purposes of this Part shall accrue from validation or appointment time. Delay demonstrated by the terminal operator to be due to United States Government regulations, action or inaction of motor carrier personnel, or other such cause shall be excluded from computation of time. Time elapsed, if any, between appointment or validation time and presentation of documents to the delivery or receiving clerk shall be presumed to be due to such cause.

§ 551.7 Penalties.

(a) A terminal operator who refuses to serve a motor carrier after rejecting, for lack of full and complete documentation, a delivery order or dock receipt which does contain the information required by this Part, shall be subject to a penalty of $30.

(b) If a motor carrier fails to meet a scheduled appointment at a marine terminal facility, said motor carrier shall be subject to a charge of $15. If, pursuant to § 551.3(b) a motor carrier is advised that special equipment will be required and the motor carrier fails to meet said appointment, the motor carrier shall be subject to a charge of $30.

(c) If, pursuant to § 551.2(e) of this Part, a terminal operator completes or corrects deficient documents presented by a motor carrier, a charge of $15 shall be assessed against said motor carrier.

(d) If, contrary to § 551.3(b) of this Part, a freight release covering subject cargo has not been authorized prior to a scheduled appointment, the terminal operator that granted said appointment shall be assessed a penalty of $30.

(e) If, pursuant to § 551.1(k) or a request under § 551.4(l) of this Part, a terminal operator notifies a motor carrier that cargo is on the pier, at its place of rest, and segregated by bill of lading, and cargo is not on the pier, at its place of rest, and segregated by bill of lading, and cargo is not on the pier, at its place of rest, and segregated by bill of lading when the motor carrier attempts to obtain said cargo, the terminal operator shall be subject to a penalty of $30.

(f) *Time allowances.*—(1) *Containers handled as a single unit.* If service is not completed within the following times, penalty charges will accrue against the terminal operator at a rate of $4.00 per 15 minutes, or any fraction thereof, in excess of these times.

Appointment	75 minutes
Non-appointment	120 minutes

(2) *Non-containerized cargo.* When vehicles are loaded by the terminal operator, or unloaded by the terminal operator at the request of the motor carrier, within the time periods set forth below, there will be no penalty. If a vehicle is not loaded or unloaded within the following time periods, penalty charges will accrue against the terminal operator at a rate of $4.00 per 15 minutes, or any fraction thereof, in excess of these times.

(i) Non-Appointment Vehicles:

0 to 5,000 pounds	210 minutes
5,001 to 10,000 pounds	240 minutes
10,001 to 15,000 pounds	270 minutes
15,001 to 30,000 pounds	285 minutes
over 30,000 pounds	300 minutes

(ii) Appointment Vehicles:

2,000 pounds or less	90 minutes
2,001 to 5,000 pounds	120 minutes
5,001 to 10,000 pounds	150 minutes
10,001 to 15,000 pounds	180 minutes
15,001 to 20,000 pounds	210 minutes
20,001 to 25,000 pounds	240 minutes
over 25,000 pounds	270 minutes

(g) When freight is unloaded by the driver or other personnel of the motor carrier and unloading is not completed within the times prescribed by § 551.7(f) of this Part, as computed from the time that the vehicle is spotted at a place convenient for unloading, the terminal operator shall be entitled to a penalty payment of $4.00 for each 15 minute period or any fraction thereof in excess of the specified time, unless the delay is demonstrated by the motor carrier to have been occasioned by the action or inaction of the terminal operator.

(h) A motor carrier admitted to a marine terminal facility for loading or unloading—or holding an appointment for loading or unloading—shall be completely loaded or unloaded prior to the close of that business day. If the motor carrier is not completely loaded or unloaded when the terminal closes on that business day, time for purposes of this Part shall accrue only while the terminal is conducting operations. In addition:

(1) Motor carriers holding appointments shall be entitled to a penalty payment of $30 from the terminal operator whether the shutout of the vehicle was due to refusal of management to authorize overtime, or labor's refusal to work overtime.

(2) Non-appointment vehicles shall be entitled to a penalty payment of $30 from the terminal operator if the shutout of the vehicle was due to refusal of management to authorize overtime. If the shutout results from labor's refusal to work overtime, the terminal operator shall not be subject to a penalty.

(3) Management shall be presumed to have refused to authorize overtime, unless the terminal operator establishes otherwise.

§ 551.8 Submission of claims for penalties.

(a) All communication required by this section shall be via certified mail; return receipt requested.

(b) Any person claiming payments under this section shall file a written claim with the terminal operator or motor carrier against whom said claim is made.

(c) (1) Claims shall be filed within forty-five (45) calendar days from the date on which the claim arose or said claim shall be barred. The party against whom claim is made shall within twenty (20) calendar days from receipt of said claim make payment thereon or reject. In rejecting a claim, the terminal operator or motor carrier shall set forth the reason or reasons for said rejection and shall provide available documentation substantiating said rejection. Claims rejected because they do not contain sufficient information may be resubmitted no later than twenty (20) days from receipt of rejection.

(2) Rejected claims may be submitted for review within twenty (20) days of receipt of rejection to the Adjudicator who will affirm or reverse the rejection of claims within 30 days of receipt of the request for review. All decisions of said Adjudicator shall be final and binding.

(d) (1) Claims submitted by motor carriers, or importers or exporters on whose behalf motor carriers act, shall include the motor carrier's copy of the applicable delivery order or dock receipt, any other relevant document, a brief, but complete description of the facts giving rise to the claim, and a statement of the amount claimed.

(2) Claims filed by terminal operators shall include the terminal operator's copy of the applicable delivery order or dock receipt, a copy of the gate pass and any other arrival documents issued, copies of all other relevant documents, a brief explanation of the facts giving rise to the claim, and a statement of the amount claimed.

(e) (1) If the party identified as the terminal operator at a marine terminal facility under § 551.1(e) rejects a claim pursuant to §§ 551.1(i), 551.2(g), or otherwise denies a claim on the ground that the delay was caused by the steamship company, the original claim and a statement of the reasons for rejection shall be forwarded within seven days to the steamship company alleged by the terminal operator to be liable for the claim, copy to the claimant.

(2) The steamship company shall pay or reject the claim within twenty (20) calendar days from receipt thereof.

(3) If the claim is rejected by the steamship company, the claimant may submit both rejections to the Adjudicator who shall review the rejection of the claim by both parties and determine liability as between the two.

2. The first sentence of § 526.1(c) is revised to read as follows:

§ 526.1 Free time and demurrage charges at the Port of New York.

* * * * * *

(c) *Except as provided in* sections 551.3 (e)(2), 551.4(e), and 551.4(g) of Part 551, where a carrier is for any reason, unable, or refuses, to tender cargo for delivery during free time, free time must be extended for a period equal to the duration of the carrier's disability or refusal. * * *

* * * * * *

Effective date: These rules and regulations shall become effective December 10, 1975.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

ATTACHMENT A—THE PORT OF NEW YORK AUTHORITY; MUNICIPALITIES WITHIN THE PORT DISTRICT

NOTE: Filed as part of the original document.

ATTACHMENT B

No. ----------

TIME STAMP

STEVEDORING CO. INC.

Location (Pier/Berth/Shed) ---
Motor Carrier----------

The above indicated vehicle could not be serviced today. Preference for service will be given the next business day at ----- AM/PM.

D/R's---------- Pks./Pieces----------
Weight ----------
D/O's---------- Pks./Pieces----------
Weight ----------
Container # ---------- Gateman----------

[FR Doc.75-30193 Filed 11-7-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-32; Notice 2]

PART 520—PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

The purpose of this amendment to Title 49 of the Code of Federal Regulations is to add a new Part 520 establishing procedures for considering environmental impacts.

A notice of proposed procedures on this subject was published on December 21, 1973 (38 FR 35018). Two comments were received on the proposed procedures: one, from the United States Environmental Protection Agency, supported the proposal and considered it to be responsive to the National Environmental Policy Act of 1969 (NEPA) and the NEPA guidelines prepared by the Council on Environmental Quality; the second, from General Motors Corporation, had some objections which have been carefully considered in this issuance of final procedures. In view of some of GM's comments, the issuance of the Department of Transportation (DOT) Order 5610.1B, "Procedures for Considering Environmental Impacts," (39 FR 35234), and further consideration within the NHTSA, the final procedures have been slightly modified.

Definitions. In order to differentiate a written environmental analysis submitted to the agency by its grantees or contractors from that undertaken by the agency itself, the meaning of the term "environmental assessment" has been changed from an internal agency evaluation process to an evaluation process external to the agency, and the term "environmental review" has been added to denote the written environmental analysis undertaken by the agency.

Applicability. "Consolidation of statements," § 520.4(f), allowing actions which have substantially similar environmental impacts to be covered by a single impact statement or environmental review culminating in a negative declaration is included in this final issuance.

GM commented that the increase in costs illustration used as an example for the project amendments exception in § 520.4(d)(5) (herein renumbered as § 520.4(e)(5)) is ambiguous and could also permit a circumvention of the initial environmental evaluation process. In response to this, the section has been revised to make it clear that only project amendments with no environmental consequences are excepted from the review process. The criteria for determining which project amendments are excepted is intended to match that for excepting minor agency actions (§ 520.4(e)(6)).

Section 520.4(d)(6) of the proposed procedures was erroneously included and is accordingly deleted.

Guidelines. The general guidelines have been reworded, upon GM's request, to clarify that an environmental impact statement or negative declaration is to be prepared for any of the three situations enumerated under this general category.

Section 520.5(b), *Specific guidelines,* has been modified to reflect GM's comments, revised DOT Order 5640.1, and further determinations within the NHTSA. Subparagraphs (7)–(12) have been added and the original subparagraph (7) has been renumbered as (13). The agency has determined that these additional classes of actions should be enumerated in order to better identify those typical areas of environmental concern the NHTSA's activities may impact.

Research activities. In accordance with section 4 of final DOT Order 5610.1B, proposed implementing instructions for assessing the environmental consequences of research activities will be prepared by the Assistant Secretary for Systems Development and Technology, with the concurrence of the NHTSA. Until these final procedures are promulgated, however, the guidelines set forth on this subject in the proposed procedures will be followed.

Procedures. The procedures subpart includes a number of additions and modifications. With respect to certain ac-

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tions enumerated in Subpart A which may have an environmental significance, the official responsible for the action will prepare reviews that are much more comprehensive than the assessments proposed by the previous notice. He will conclude his review with a brief written report, to be included in the proposed or ongoing action, in which he will either recommend that a draft environmental impact statement (DEIS) be prepared to determine the environmental impact involved, or declare that the action would not have a significant effect on the quality of the environment. A review report that concludes with a "negative declaration" is not required to go through the extensive comment and review process provided for the DEIS, but it will be retained by the agency and made available to the public upon request.

Once an Associate Administrator, the Chief Counsel, or a Regional Administrator (in consultation with his Governor's Representative) determines, that an agency action under his jurisdiction requires the preparation of a DEIS, he will transmit a "notice of intent" to prepare the DEIS to the appropriate Federal, State, and local agencies and publish the notice in the FEDERAL REGISTER. In addition, a schedule of procedures and review will be developed in each case to assure completion of the DEIS before the first significant point of decision in the program or project development process. Once the DEIS is circulated for review and comment, not less than 45 days in any case will be allowed for comment. A public hearing on a DEIS will be held when appropriate, and notice of the hearing will be issued in the FEDERAL REGISTER at least 30 days before the hearing. Final environmental impact statements (FEIS) will be prepared and distributed as soon as practicable after the expiration of the comment and hearing process.

In accordance with the final DOT order 5610.1B, a new § 520.34 has been added, establishing procedures for the review of environmental statements prepared by other agencies.

Four attachments having a direct bearing on the preparation of impact statements have been added to this issuance of the final rule and will be followed by this agency.

Effective date: November 4, 1975.

In consideration of the foregoing, a new Part 520, "Procedures for Considering Environmental Impacts," is added to Title 49, Code of Federal Regulations, as set forth below.

(Secs. 102(2)(A), 102(2)(C), Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); secs. 2(b), 4(f), Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1651(b), 1653(f)); Executive Order 11514, 35 FR 4247; 40 CFR Part 1500; DOT Order 5610.1B, 39 FR 35234; delegations of authority at 49 CFR 1.45, 1.51).

Issued on November 4, 1975.

JAMES B. GREGORY,
Administrator.

A new Part 520 is added as follows:

Subpart A—General

Sec.
520.1 Purpose and scope.
520.2 Policy.
520.3 Definitions.
520.4 Applicability.
520.5 Guidelines for identifying major actions significantly affecting the environment.

Subpart B—Procedures

520.21 Preparation of environmental reviews, negative declarations, and notices of intent.
520.22 Maintenance of list of actions.
520.23 Preparation of draft environmental impact statements.
520.24 Internal processing of draft environmental impact statements.
520.25 External review of draft environmental impact statements.
520.26 Public hearings.
520.27 Legislative actions.
520.28 Preparation of final environmental impact statements.
520.29 Internal review of final environmental impact statements.
520.30 Availability of final environmental impact statements.
520.31 Amendments or supplements.
520.32 Emergency action procedures.
520.33 Timing of proposed NHTSA actions.
520.34 Comments on environmental statements prepared by other agencies.
Attachment 1—Form and content of statement.
Attachment 2—Areas of environmental impact and Federal agencies and Federal-State agencies with jurisdiction by law or special expertise to comment thereon.
Attachment 3—Offices within Federal agencies and Federal-State agencies for information regarding the agencies' NEPA activities and for receiving other agencies' impact statements for which comments are requested.
Attachment 4—State and local agency review of impact statements.

Subpart A—General

§ 520.1 Purpose and scope.

(a) Section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 853; 42 U.S.C. 4332(2)(C)), as implemented by Executive Order 11514 (3 CFR, 1966–1970 Comp., p. 902) and the Council on Environmental Quality's Guidelines of April 23, 1971 (36 FR 7724), requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The purpose of the Act is to build into the agency decision-making process careful consideration of all environmental aspects of proposed actions.

(b) This part specifies National Highway Traffic Safety Administration (NHTSA) procedures for conducting environmental assessments and reviews, and for the preparation of environmental impact statements on proposals for legislation and other major agency actions significantly affecting the quality of the human environment.

§ 520.2 Policy.

The agency will strive to carry out the full intent and purpose of the National Environmental Policy Act of 1969 and related orders and statutes, and take positive steps to avoid any action which could adversely affect the quality of the human environment.

§ 520.3 Definitions.

(a) "Environmental assessment" is a written analysis describing the environmental impact of a proposed or ongoing agency action, submitted to the agency either by its grantees or contractors, or by any person outside the agency as part of any program or project proposal within the scope of activities listed in § 520.4(b).

(b) "Environmental review" is a formal evaluation undertaken by the agency, culminating in a brief document (the environmental review report), to determine whether a proposed or ongoing NHTSA action may have a significant impact on the environment. The review document will be included in the proposed or ongoing agency action, and either support a negative declaration or recommend the preparation of a draft environmental impact statement.

(c) "Draft environmental impact statement" (DEIS) means a preliminary statement on the environmental impact of a proposed or ongoing NHTSA action which is circulated for comment and review within and outside NHTSA.

(d) "Final environmental impact statement" (FEIS) means a detailed statement which, pursuant to section 102(2)(C) of the National Environmental Policy Act, identifies and analyzes the anticipated environmental impact of a proposed or ongoing NHTSA action.

(e) "Negative declaration" means a statement prepared subsequent to an environmental review, which states that a proposed or ongoing NHTSA action will have no significant environmental impact and therefore does not require a draft or final environmental impact statement.

§ 520.4 Applicability.

(a) *Scope.* This part applies to all elements of NHTSA, including the Regional Offices.

(b) *Actions covered.* Except as provided in paragraph (e) of this section, this part applies to the following agency actions and such actions and proposals as may be sponsored jointly with another agency:

(1) New and continuing programs and projects; budget proposals; legislative proposals by the agency; requests for appropriations; reports on legislation initiated elsewhere where the agency has primary responsibility for the subject matter involved; and any renewals or reapprovals of the foregoing;

(2) Research, development, and demonstration projects; formal approvals of work plans; and associated contracts;

(3) Rulemaking and regulatory actions, including Notices of Proposed Rulemaking (NPRM); requests for procurement (RFP); requests for grants (Annual Work Programs); and contracts;

(4) All grants, loans or other financial assistance for use in State and Community projects;

(5) Annual State Highway Safety Work Programs;

(6) Construction; leases; purchases; operation of Federal facilities; and

(7) Any other activity, project, or action likely to have a significant effect on the environment.

(c) *Continuing actions.* This part applies to any action enumerated in paragraph (b) of this section, even though such action arise from a project or program initiated prior to enactment of the National Environmental Policy Act on January 1, 1970.

(d) *Environmental assessments.* Within the scope of activities listed in § 520.4(b), any person outside the agency submitting a program or project proposal may be requested to prepare an environmental assessment of such proposed action to be included in his submission to the agency.

(e) *Exceptions.* (1) Assistance in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221, with no control by the NHTSA over the subsequent use of such funds;

(2) Personnel actions;

(3) Administrative procurements (e.g., general supplies) and contracts for personal services;

(4) Legislative proposals originating in another agency and relating to matters not within NHTSA's primary areas of responsibility;

(5) Project amendments (e.g., increases in costs) which have no environmental significance; and

(6) Minor agency actions that are determined by the official responsible for the actions to be of such limited scope that they clearly will not have a significant effect on the quality of the human environment.

(f) *Consolidation of statements.* Proposed actions (and alternatives thereto) having substantially similar environmental impacts may be covered by a single environmental review and environmental impact statement or negative declaration.

§ 520.5 Guidelines for identifying major actions significantly affecting the environment.

(a) *General guidelines.* The phrase, "major Federal actions significantly affecting the quality of the human environment," as used in this part, shall be construed with a view to the overall, cumulative impact of the actions, other Federal projects or actions in the area, and any further contemplated or anticipated actions. Therefore, an environmental impact statement should be prepared in any of the following situations:

(1) Proposed actions which are localized in their impact but which have a potential for significantly affecting the environment;

(2) Any proposed action which is likely to be controversial on environmental grounds;

(3) Any proposed action which has unclear but potentially significant environmental consequences.

(b) *Specific guidelines.* While a precise definition of environmental significance that is valid in all contexts is not possible, any of the following actions should ordinarily be considered as significantly affecting the quality of the human environment:

(1) Any matter falling under section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)) and section 138 of Federal-aid highway legislation (23 U.S.C. 138), requiring the use of any publicly owned land from a park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance;

(2) Any matter falling under section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470(f)), requiring consideration of the effect of the proposed action on any building included in the National Register of Historic Preservation and reasonable opportunity for the Advisory Council on Historic Preservation to comment on such action;

(3) Any action that is likely to affect the preservation and enhancement of sites of historical, architectural, or archaeological significance;

(4) Any action that is likely to be highly controversial regarding relocation housing;

(5) Any action that (i) divides or disrupts an established community, disrupts orderly, planned development, or is inconsistent with plans or goals that have been adopted by the community in which the project is located; or (ii) causes significantly increased congestion;

(6) Any action that (i) involves inconsistency with any Federeal, State, or local law or administrative determination relating to the environment; (ii) has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; (iii) involves a possibility of contamination of a public water supply system; or (iv) affects ground water, flooding, erosion, or sedimentation;

(7) Any action that may directly or indirectly result in a significant increase in noise levels, either within a motor vehicle's closed environment or upon nearby areas;

(8) Any action that may directly or indirectly result in a significant increase in the energy or fuel necessary to operate a motor vehicle, including but not limited to the following: (i) Actions which may directly or indirectly result in a significant increase in the weight of a motor vehicle; and (ii) actions which may directly or indirectly result in a significant adverse affect upon the aerodynamic drag of a motor vehicle;

(9) Any action that may directly or indirectly result in a significant increase in the amount of harmful emissions resulting from the operation of a motor vehicle;

(10) Any action that may directly or indirectly result in a significant increase in either the use of or the exposure to toxic or hazardous materials in the manufacture, operation, or disposal of motor vehicles or motor vehicle equipment.

(11) Any action that may directly or indirectly result in a significant increase in the problem of solid waste, as in the disposal of motor vehicles or motor vehicle equipment;

(12) Any action that may directly or indirectly result in a significant depletion of scarce natural resources associated with the manufacture or operation of motor vehicles or motor vehicle equipment; and

(13) Any other action that causes significant environment impact by directly or indirectly affecting human beings through adverse impacts on the environment.

(c) *Research activities.* (1) In accordance with DOT Order 5610.1B, the Assistance Secretary for Systems Development and Technology (TST) will prepare, with the concurrence of the NHTSA, proposed procedures for assessing the environmental consequences of research activities. Until final procedures are promulgated, the following factors are to be considered for periodic evaluation to determine when an environmental statement is required for such programs:

(i) The magnitude of Federal investment in the program;

(ii) The likelihood of widespread application of the technology;

(iii) The degree of environmental impact which would occur if the technology were widely applied; and

(iv) The extent to which continued investment in the new technology is likely to restrict future alternatives.

(2) The statement or environmental review culminating in a negative declaration must be written late enough in the development process to contain meaningful information, but early enough so that this information can practically serve as an input in the decision-making process. Where it is anticipated that an environmental impact statement may ultimately be required but its preparation is still premature, the office shall prepare a publicly available record briefly setting forth the reasons for its determination that a statement is not yet necessary. This record shall be updated at least quarterly, or as may be necessary when significant new information becomes available concerning the potential environmental impact of the program. In any case, a statement or environmental review culminating in a negative declaration must be prepared before research activities have reached a state of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives. Statements on technology research and development programs shall include an analysis not only of alternative forms of the same technology that might reduce any adverse environmental impacts but also of alternative technologies that would serve the same func-

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tion as the technology under consideration. Efforts shall be made to involve other Federal agencies and interested groups with relevant expertise in the preparation of such statements because the impacts and alternatives to be considered are likely to be less well defined than in other types of statements.

Subpart B—Procedures

§ 520.21 Preparation of environmental reviews, negative declarations, and notices of intent.

(a) *General responsibilities.*—(1) *Associate Administrators and Chief Counsel.* Each Associate Administrator and the Chief Counsel is responsible for determining, in accordance with Subpart A, whether the projects and activities under his jurisdiction require an environmental review, and for preparing all such reviews, negative declarations, and notices of intent.

(2) *Regional Administrators.* Each Regional Administrator, in consultation with the Governor's Representative, is responsible for determining, in accordance with Subpart A, whether proposed State activities in his Region, as stated in Annual Work Programs, require an environmental review, and for the preparing all such reviews, negative declarations, and notices of intent.

(3) *Associate Administrator for Planning and Evaluation.* The Associate Administrator for Planning and Evaluation may request in accordance with the requirements of this order, that the appropriate Associate Administrator or Regional Administrator prepare an Environmental review or Environmental Impact Statement for any proposed or continuing NHTSA action, or comment on any environmental statement prepared by other agencies.

(b) *Coordination.* Coordination with appropriate local, State and Federal agencies should be accomplished during the early stages by the responsible official to assist in identifying areas of significance and concern. Existing procedures, including those established under the Office of Management and Budget (OMB) Revised Circular A–95, should be used to the greatest extent practicable to accomplish this early coordination.

(c) *Applicants.* (1) Each applicant for a grant, loan, or other financial assistance for use in State and community projects may be requested to submit, with the original application, an environmental assessment of the proposed project.

(2) Under OMB Revised Circular A–95, "Evaluation, Review, and Coordination of Federal Assistance Programs and Projects," and DOT 4600.4B, "Evaluation, Review and Coordination of DOT Assistance Programs and Projects," dated February 27, 1974, a grant applicant must notify the clearinghouse of its intention to apply for Federal program assistance. The notification must solicit comments on the project and its impacts from appropriate State and local agencies. Since it is the NHTSA's policy to assure that (i) interested parties and Federal, State, and local agencies receive early notification of the decision to prepare an environmental impact statement, and (ii) their comments on the environmental effects of the proposed Federal action are solicited at an early stage in the preparation of the draft impact statement, this early notification requirement may be met by a grant applicant by sending the notification to interested parties and agencies at the same time it is sent to the clearinghouse.

(d) *Consultants.* Consultants may prepare background or preliminary material and assist in preparing a draft or final environmental statement for which the NHTSA takes responsibility. Care should be exercised in selecting consultants, and in reviewing their work, to insure complete and objective consideration of all relevant project impacts and alternatives, particularly if the consultant may expect further contracts based on the outcome of the environmental decision.

(e) *Environmental review report.* The environmental review shall culminate in a brife written report of the same title, which shall be included in the proposed or ongoing agency action, and which:

(1) Describes the proposed or ongoing NHTSA action, the environment affected, and the anticipated benefits;

(2) Evaluates the potential environmental impact, including those adverse impacts which cannot be avoided, should the proposal be implemented or the action continued;

(3) Assesses the alternatives to the proposed or ongoing action and their potential environmental impact.

(4) Evaluates the cumulative and long-term environmental effects of the proposed or ongoing action;

(5) Describes the irreversible and irretrievable commitments of resources involved in the proposal's implementation or the action's continuance;

(6) Identifies any known or potential conflicts with State, regional, or local plans and programs;

(7) Weighs and analyzes the anticipated benefits against the environmental and other costs of the proposed or ongoing action in a manner which reflects similar comparisons of reasonably available alternatives; and

(8) Concludes with a negative declaration or recommends the preparation of a DEIS.

(f) *Negative declarations.* (1) If the responsible official judges that the environmental impact of a proposed or ongoing action under his jurisdiction will not significantly affect the quality of the human environment, the following declaration will be included in the environmental review report:

It is the judgment of this agency, based on available information, that no significant environmental impact will result from execution of this action.

(2) A DEIS may be changed to a negative declaration if the public review process indicates that the proposal or ongoing action will not have a significant effect upon the environment.

(3) An index of all negative declarations and a copy of each environmental review report shall be retained by the responsible official under whose jurisdiction it was prepared and shall be made available for public inspection upon request.

(g) *Notice of intent to prepare a draft environmental impact statement.* If the responsible official under whose jurisdiction an environmental review is prepared determines that the proposed or ongoing action could have a potentially significant effect on the quality of the environment, he shall: coordinate with the Associate Administrator for Planning and Evaluation and the Chief Counsel, transmit to appropriate Federal, State and local agencies and have published in the FEDERAL REGISTER a notice of intent to prepare an environmental statement as soon as is practicable after the determination to prepare such a statement.

§ 520.22 Maintenance of a list of actions.

(a) The Associate Administrator for Planning and Evaluation shall be responsible for the preparation and maintenance of a list of actions for which draft or final environmental impact statements have been or are to be prepared. This list shall be on file with the Associate Administrator for Planning and Evaluation and shall be available for public inspection in the Docket Section upon request. A copy of the initial list and its updatings at the end of each calendar quarter shall be transmitted by the Associate Administrator for Planning and Evaluation to TES and CEQ.

(b) If a determination is made that an environmental statement is not necessary for a proposed action (1) which has been identified as normally requiring preparation of a statement, (2) which is similar to actions for which a significant number of statements have been prepared, (3) which the agency has previously announced would be the subject of a statement, or (4) for which the official responsible for such proposal has made a negative determination in response to a request from the CEQ, a record briefly setting forth the decision and the reasons for that determination shall be prepared by the responsible official. Such a record of negative determinations and any evaluations made pursuant to § 520.21 which conclude that preparation of a statement is not yet timely shall be prepared by the responsible official, submitted to the Associate Administrator for Planning and Evaluation, and made available by the Associate Administrator for Planning and Evaluation in the same manner as provided in paragraph (a) of this section for lists of statements under preparation.

§ 520.23 Preparation of draft environmental impact statements.

(a) *Planning stage.* (1) When a DEIS is to be prepared, the responsible official shall promptly initiate its preparation and develop a schedule in consultation

with the Associate Administrator for Planning and Evaluation, to assure completion prior to the first significant point of decision in the program or project development process.

(2) The environmental impacts of proposed activities should be initially assessed concurrently with the initial technical and economic studies.

(3) Section 102(2)(A) of NEPA requires each Federal agency to utilize a "systematic, interdisciplinary approach" to plans and programs affecting the environment. To assure that all environmental impacts are identified and assessed, all relevant disciplines should be represented. If the necessary disciplines are not represented on the staff of the applicant or NHTSA, it is appropriate to use professional services available in other Federal, State or local agencies, universities, or consulting firms. The use of the interdisciplinary approach should not be limited to the environmental statement. This approach should also be used in the early planning stages to help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.

(b) *Form and content requirements.* Attachment 1 of this order prescribes the form and content requirements to be followed for each draft and final environmental impact statement. The DEIS must fulfill and satisfy, to the fullest extent possible at the time it is prepared, the requirements established for final statements.

(c) *"Lead agency".* CEQ guidelines provide that when more than one Federal agency (1) directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or (2) is involved in a group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to preparing one statement for all the Federal actions involved. Agencies in such cases should consider the designation of a single "lead agency" to assume supervisory responsibility for preparation of a joint statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. The statement should contain an evaluation of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Some relevant factors in determining an appropriate lead agency are: The time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects.

Questions concerning "lead agency" decisions should be raised with CEQ through TES. For projects serving and primarily involving land owned by or under the jurisdiction of another Federal agency, that agency may be the appropriate lead agency.

(d) *Applicants.* Where the agency requests an applicant for financial assistance or other agency approval to submit an environmental assessment, the responsible official will (1) assist the applicant by outlining the information required, and (2) in all cases make his own evaluation of the environmental issues involved and take responsibility for the scope and content of draft and final environmental statements.

§ 520.24 Internal processing of draft environmental impact statements.

Before circulating a DEIS for external review, the official responsible for the DEIS shall (1) receive the concurrence of the Associate Administrator for Planning and Evaluation and the Chief Council; and (2) prepare a memorandum for approval by the Administrator which shall:

(a) Set forth the basis on which it was determined that a potentially significant environmental effect exists;

(b) Attach the DEIS;

(c) Identify the Federal, State, and local agencies and private sources from which comments on the DEIS are proposed to be solicited (see Attachment 2[1]); and

(d) Include a recommendation on whether a public hearing on the proposed action should be held.

§ 520.25 External review of draft environmental impact statements.

(a) *Requirements.* The official responsible for the DEIS shall:

(1) Transmit 5 copies of the DEIS to the CEQ and 2 copies to TES;

(2) Solicit comments from all Federal, State, and local agencies which have jurisdiction by law or special expertise with respect to the possible environmental impact involved, and from the public (see Attachment 2); and

(3) Inform the public and interested parties of the availability of the DEIS and provide copies as appropriate; and

(4) Allow a comment period of not less than 45 days from the Friday of the week following receipt of the draft impact statement by CEQ. Requests for extensions shall be granted whenever possible, and particularly when warranted by the magnitude and complexity of the statement or the extent of citizen interest.

(b) *Procedures.*—(1) *Federal and Federal-State agency review.* (i) The DEIS shall be circulated for review to the Federal and Federal-State agencies with special expertise or jurisdiction by law with regard to the potential environmental impact involved. These agencies and their relevant areas of expertise are identified in Attachment 2.

(ii) For actions within the jurisdiction of the Environmental Protection Agency (air or water quality, solid wastes, pesticides, radiation standards, noise), the DEIS shall be sent to EPA.

(iii) For actions which would affect any property that is included in the National Register of Historic Preservation, the DEIS should be sent to the Advisory Council on *Historic* Preservation and the State Liaison Office for Historic Preservation.

(2) *State and local review.* Where a review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, comments are to be solicited directly from such agencies with known responsibilities in environmental matters, and shall be obtained as follows:

(i) Where review of direct Federal development projects, and of projects assisted under programs listed in Attachment D to revised OMB Circular A–95 (as implemented by DOT 4600.4B "Evaluation, Review and Coordination of DOT Assistance Programs and Projects", dated February 27, 1974), takes place prior to preparation of an environmental statement, comments of the reviewing agencies on the environmental effects of the proposed project are inputs to the environmental statement. These comments shall be attached to the draft statement when it is circulated for review and copies of the draft shall be sent to those who commented. A–95 clearinghouses or other agencies designated by the Governor may also secure comments on environmental statements. In all cases, copies of the draft environmental statements shall be sent to clearinghouses and to the applicant whose project is the subject of the statement.

(ii) Comments shall be directly obtained from appropriate State and local agencies, except where review is secured by agreement through A–95 clearinghouses, unless the Governor of the appropriate State has designated some other point for obtaining his review. Instructions for obtaining the views of such agencies are contained in the joint OMB–CEQ memorandum (see Attachment 4). Comments shall be solicited from municipalities and counties on all projects located therein.

(iii) State and local review of NHTSA procedures, regulations, and policies for administering Federal programs of assistance to State and local governments shall be obtained pursuant to procedures established by OMB Circular No. A–85.

(iv) Generally, environmental statements on legislative and budget proposals may be excluded from State and local review.

(3) *General public review.* (i) At the time the DEIS is circulated to Federal, State, and local agencies, public availability of the DEIS for comment and review will be announced by the CEQ in the FEDERAL REGISTER. Copies of the DEIS should be sent to known interested parties, and press releases should be sent to local news media advising where the DEIS is available and now copies may be obtained. The Office of Public Affairs and Consumer Services shall maintain a list of groups, including conservation organizations and motor vehicle manufacturers, known to be interested in the agency's activities, and directly notify

[1] Filed as part of the original document.

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such groups of the availability of the DEIS or send them a copy as soon as it has been prepared.

(ii) A DEIS should be available to the public at least 30 days prior to the time of a public hearing on the DEIS.

(iii) Copies of the DEIS will be made available at the NHTSA Docket Section, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590, and, where appropriate, NHTSA Regional Offices, at the offices of any applicants or grantees, at appropriate State, regional, and metropolitan clearing houses, and local public libraries, and furnished to public and private organizations and individuals with special expertise with respect to the potential environmental impact involved, and to those with an interest in the action who request an opportunity to comment. Copies to be made available to the public shall be provided without charge to the extent practicable, or at a fee which is not more than the actual cost of reproducing copies required to be sent to other Federal agencies, including the CEQ.

(iv) A copy of the DEIS should in all cases be sent to any applicant whose project is the subject of the statement.

(v) If a DEIS is changed to a negative declaration as a result of the public review process, all agencies and individuals that received copies and/or commented on the DEIS must be informed that a negative declaration was substituted for the DEIS and given a brief explanation of the reason for such substitution.

(c) *Utilization of comments.* Comments received on the draft statement, and inputs (in summary form, if appropriate) from the processes for citizen participation, shall accompany the environmental statement through the normal internal project or program review process.

§ 520.26 Public hearings.

(a) A public hearing on a proposed or ongoing action covered by a DEIS shall be held upon the determination by the official responsible for such action, in consultation with the Associate Administrator for Planning and Evaluation, that a public hearing would be appropriate and in the public interest. In deciding whether a public hearing is appropriate, the responsible official should consider:

(1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of the commitment of the resources involved;

(2) The degree of interest in the proposal, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held;

(3) The likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under the NEPA;

(4) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action; and

(5) The extent of potential environmental impact.

(b) If it is determined that a public hearing is to be held in accordance with paragraph (a) of this section, the official responsible for the action shall both announce the hearing through newspaper articles, direct notification to interested parties, and clearinghouses, and cause a notice to be issued in the FEDERAL REGISTER at least 30 days prior to the time of such hearing:

(1) Identifying the subject matter of the hearing;

(2) Announcing the date, time, and place of the hearing and the procedures to be followed; and

(3) Announcing the availability of the DEIS and any other information, as appropriate, for public inspection at one or more locations in the area affected by the action.

§ 520.27 Legislative actions.

(a) A DEIS on both legislative proposals and reports for which NHTSA either develops the Departmental position or originates the legislation will be cleared with TES, filed with CEQ, and submitted to the Office of Management and Budget through the normal DOT and NHTSA legislative process.

(b) The preparation, circulation, and filing of the environmental statement shall be in accordance with OMB Bulletin 72–6, "Proposed Federal Actions Affecting the Environment."

(c) A DEIS and any comments that have been received should be available to the Congress and to the public for consideration in connection with the proposed legislation or report on proposed legislation. In cases where the scheduling of Congressional hearings on recommendations or reports on proposals for legislation which the Department has forwarded to the Congress does not allow adequate time for the completion of a FEIS, a DEIS may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

§ 520.28 Preparation of final environmental impact statements.

(a) If the action is to go forward and the DEIS has not been changed to a negative declaration, as soon as practicable after the expiration of the comment period and hearing process, if any, the official responsible for the action shall prepare a final environmental impact statement (FEIS), taking into account all comments received and issues raised during such period and process.

(b) The FEIS shall conform to the guidelines for form and content in Attachment 1.

(c) The FEIS shall then be submitted to the Chief Counsel by the official responsible for the action, for determination of legal sufficiency.

§ 520.29 Internal review of final environmental impact statements.

(a) Upon completion of the review for legal sufficiency of the FEIS, the Chief Counsel shall transmit 2 copies of the FEIS to TES for concurrence. Unless other notification is provided within 2 weeks after receipt in TES, the statement will be considered concurred in by TES.

(b) After concurrence by TES, the FEIS will be transmitted by the Chief Counsel to the Administrator for approval.

(c) If an action requires the personal approval of the Secretary or Deputy Secretary pursuant to a request by them or by TES, TGC, or the NHTSA office originating the action, the final environmental statement shall be accompanied by a brief cover memorandum requesting the Secretary's or Deputy Secretary's approval of the action.

(1) The memorandum shall have signature lines for the concurrence of the Assistant Secretary for Environment, Safety, and Consumer Affairs, the General Counsel, and the Deputy Secretary, and for the approval of the Secretary or Deputy Secretary.

(2) TES, in conjunction with the Executive Secretary, is responsible for informing the Assistant Secretary for Congressional and Intergovernmental Affairs and the Office of Public Affairs of the Secretary's decisions so that they, in coordination with the operating administrations or other Secretarial Offices involved, may take the appropriate actions.

§ 520.30 Availability of final environmental impact statements.

(a) Pending final approval and filing with CEQ, a proposed FEIS may be made available to the public and Federal, State, or local agencies if it carries a notation that it is not approved and filed.

(b) After approval by the Administrator, the Associate Administrator for Planning and Evaluation will send 5 copies of the FEIS (together with comments) to the CEQ; individual copies with comments attached to the EPA and all Federal, State, and local agencies and members of the public who submitted comments on the DEIS or requested copies of the FEIS. If the length of the statement or the number of comments make this distribution requirement highly impractical, TES should be consulted to consider an alternative arrangement.

(c) Copies of the FEIS will be made available in the NHTSA Docket Section, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590, and, where appropriate, NHTSA Regional Offices, at the offices of any applicants or grantees, and at appropriate State, regional, and metropolitan clearinghouses and, where the impact is localized, public libraries.

(d) The official responsible for the action shall, upon request, make available copies of the FEIS and substantive comments received on the DEIS without charge to the extent practicable, or at a fee which is not more than the actual cost of reproducing copies.

§ 520.31 Amendments or supplements.

A draft or final environmental impact statement may be amended or supplemented. Supplements or amendments should be considered when substantial changes are made in the proposed or ongoing action that will introduce a new or changed environmental effect of significance to the quality of the environment, or significant new information becomes available concerning its environmental aspects. In such cases, the supplement or amendment shall be processed in consultation with TES with respect to the need for, or desirability of, recirculating the statement for the appropriate period. TES concurrence must be secured before issuance.

§ 520.32 Emergency action procedures.

The CEQ Guidelines allow modification of requirements in case of a national emergency, a disaster or similar great urgency. The processing times may be reduced, or if the emergency situation warrants, preparation and processing of a DEIS, FEIS, or negative declaration may be abbreviated. Such procedural changes, however, should be requested only for those projects where the need for immediate action requires processing in other than the normal manner.

§ 520.33 Timing of proposed NHTSA actions.

To the maximum extent practicable, no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress, budget proposals, or agency reports on legislation) subject to this part and covered by an environmental impact statement shall be taken sooner than 90 days after a DEIS has been circulated for comment, furnished to the CEQ, and made public. Neither shall such administrative action be taken sooner than 30 days after the FEIS (together with comments) has been filed with CEQ, and made available to commenting agencies and the public. If the FEIS is filed within 90 days after a DEIS has been circulated for comment, furnished to the CEQ and made public, the 30-day period and 90-day period may run concurrently to the extent that they overlap. The 90-day time period is measured from the date of publication in the FEDERAL REGISTER of the list of weekly filings of environmental impact statements with the CEQ, but the 30-day period is computed from the date of receipt by the CEQ.

§ 520.34 Comments on environmental statements prepared by other agencies.

(a) All requests for NHTSA's views on a DEIS or a proposed action undergoing environmental review by another agency will be transmitted to the Associate Administrator for Planning and Evaluation for action or referral to TES where appropriate. Offices within NHTSA may be requested by the Associate Administrator for Planning and Evaluation to supply any pertinent information and comments for a coordinated agency response.

(b) NHTSA's comments and the comments of any offices responding to a request by the Associate Administrator for Planning and Evaluation should be organized in a manner consistent with the structure of an environmental review set out in § 520.21(e). NHTSA programs that are environmentally related to the proposed action under review should be identified so interrelationships may receive due consideration.

(c) Copies of NHTSA's comments on environmental statements prepared by other agencies shall be distributed as follows:

(1) The original and 1 copy to the requesting agency;

(3) 5 copies to CEQ.

(d) Requests by the public for copies should be referred to the agency originating the statement.

ATTACHMENT 1—FORM AND CONTENT OF STATEMENT

1. Form. a. Each statement will be headed as follows:

DEPARTMENT OF TRANSPORATION NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(Draft) Environmental Impact Statement Pursuant to section 102(2)(C), Pub. L. 91–190; 83 Stat. 853; 42 U.S.C. 4332(2)(C).

b. The heading specified above shall be modified to indicate that the statement also covers sections 4(f) of the DOT Act or 106 of the National Historic Preservation Act, when appropriate.

c. Each statement will, as a minimum, contain sections corresponding to paragraph 3 herein, supplemented as necessary to cover other matters provided in this Attachment.

d. The format for the summary to accompany draft and final environmental statements is as follows:

SUMMARY

(Check one) ( ) Draft ( ) Final; Department of Transportation, National Highway Traffic Safety Administration. Name, address, and telephone number of individual who can be contacted for additional information about the proposed action or the statement. (Note: DOT Order 2100.2 prescribes procedures for reporting public contacts in rulemaking.)

(1) Name of Action. (Check one) ( ) Administrative Action. ( ) Legislative Action.

(2) Brief description of action indicating what States (and counties) are particularly affected.

(3) Summary of environmental impact and adverse environmental effects.

(4) List alternatives considered.

(5) (a) (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

(b) (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

(6) Dates the draft statement and the final statement if issued were made available to the Council on Environmental Quality and the public.

2. Guidance as to content of statement. The following paragraphs of this Attachment are intended to be considered, where relevant, as guidance regarding the content of environmental statements. This guidance is expected to be supplemented by research reports, guidance on methodology, and other material from the literature as may be pertinent to evaluation of relevant environmental factors.

3. General content. The following points are to be covered:

a. A description of the proposed Federal action (e.g., "The proposed Federal action is approval of a grant application to construct • • •"), a statement of its purpose, and a description of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting offices and the public.

(1) Highly technical and specialized analyses and data should generally be avoided in the body of the draft impact statement. Such materials should be appropriately summarized in the body of the environmental statement and attached as appendices or footnoted with adequate bibliographic references.

(2) The statement should succinctly describe the environment of the area affected as it exists prior to a proposed action, including other related Federal activities in the area, their interrelationships, and cumulative environmental impact. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decision making (planning, feasibility, design, etc.). In order to insure accurate descriptions and environmental considerations, site visits should be made where appropriate.

(3) The statement should identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph 3c(2)). In discussing these population aspects, the statement should give consideration to using the rates of growth in the region of the project contained in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the OBERS projection).

(4) The sources of data used to identify, quantify, or evaluate any or all environmental consequences must be expressly noted.

b. The relationship of the proposed action and how it may conform to or conflict with adopted or proposed land use plans, policies, controls, and goals and objectives as have been promulgated by affected communities. Where a conflict or inconsistency exists, the statement should describe the extent of reconciliation and the reasons for proceeding notwithstanding the absence of full reconciliation.

c. The probable impact of the proposed action on the environment. (1) This requires assessment of the positive and negative effects of the proposed action is it affects both national and international human environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to be considered should be the potential effect of the action on such aspects of the environment as those listed in Attachment 2, and in section 520.5(b), supra. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(2) Secondary and other foreseeable effects, as well as primary consequences for the environment, should be included in the

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analyses. Secondary effects, such as the impact on fuel consumption, emissions, or noise levels of automobiles or in the use of toxic or scarce materials, may be more substantial than the primary effects of the original action.

d. Alternatives to the proposed action, including, where relevant, those not within the existing authority of the responsible preparing office. Section 102(2)(D) of NEPA requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and an objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, are essential. Sufficient analysis of such alternatives and their environmental benefits, costs, and risks should accompany the proposed action through the review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. Examples of such alternatives include: the alternatives of not taking any action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts, e.g., low capital intensive improvements, mass transit alternatives to highway construction; alternatives related to different locations or designs or details of the proposed action which would present different environmental impacts. In each case, the analysis should be sufficiently detailed to reveal comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative. Where an existing impact statement already contains such an analysis its treatment of alternatives may be incorporated, provided such treatment is current and relevant to the precise purpose of the proposed action.

e. Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, noise, undesirable land use patterns, or impacts on public parks and recreation areas, wildlife and waterfowl refuges, or on historic sites, damage to life systems, traffic congestion, threats to health, or other consequences adverse to the environmental goals set out in section 101(b) of NEPA). This should be a brief section summarizing in one place those effects discussed in paragraph 3c that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how all adverse effects will be mitigated. Where mitigating steps are included in the statement, the responsible official shall see that they are carried out.

f. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options.

g. Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. This requires identification of unavoidable impacts and the extent to which the action irreversibly curtails the range of potential uses of the environment. "Resources" means not only the labor and materials devoted to an action but also the natural and cultural resources lost or destroyed.

h. An indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects of the proposed action identified pursuant to subparagraphs (c) and (e) of this paragraph. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action (as identified in subparagraph (d) of this paragraph) that would avoid some or all of the adverse environmental effects. In this connection if a cost-benefit analysis of the proposed action has been prepared, it, or a summary, should be attached to the environmental impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analysis.

i. A discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process, and the disposition of the issues involved and the reasons therefor. (This section shall be added to the final environmental statement at the end of the review process.)

(1) The draft and final statements should document issues raised through consultations with Federal, State, and local agencies with jurisdiction or special expertise and with citizens, of actions taken in response to comments, public hearings, and other citizens involvement proceedings.

(2) Any unresolved environmental issues and efforts to resolve them, through further consultations or otherwise, should be identified in the final statement. For instance, where an agency comments that the statement has inadequate analysis or that the agency has reservations concerning the impacts, or believes that the impacts are too adverse for approval, either the issue should be resolved or the final statement should reflect efforts to resolve the issue and set forth any action that will result.

(3) The statement should reflect that every effort was made to discover and discuss all major points of view on the environmental effects of the proposed action and alternatives in the draft statement. However, where opposing professional views and responsible opinion have been overlooked in the draft statement and are raised through the commenting process, the environmental effects of the action should be reviewed in light of those views. A meaningful reference should be made in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement indicating responses to the issues raised.

(4) All substantive comments received on the draft (or summaries of responses from the public which have been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement.

j. Draft statement should indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered in preparing the statement, including any cost-benefit analyses prepared. In the case of documents not likely to be easily accessible (such as internal studies or reports), the statement should indicate how such information may be obtained. If such information is attached to the statement, care should be taken to insure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference.

4. Publicly owned parklands, recreational areas, wildlife and waterfowl refuges and historic sites. The following points are to be covered:

a. Description of "any publicly owned land from a public park, recreational area or wildlife and waterfowl refuge" or "any land from an historic site" affected or taken by the project. This includes its size, available activities, use, patronage, unique or irreplaceable qualities, relationship to other similarly used lands in the vicinity of the project, maps, plans, slides, photographs, and drawings showing a sufficient scale and detail the project. This also includes its impact on park, recreation, wildlife, or historic areas, and changes in vehicular or pedestrian access.

b. Statement of the "national, State or local significance" of the entire park, recreational area, refuge, or historic site "as determined by the Federal, State or local officials having jurisdiction thereof."

(1) In the absence of such a statement lands will be presumed to be significant. Any statement of "insignificance" by the official having jurisdiction is subject to review by the Department as to whether such statement is capricious.

(2) Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes.

c. Similar data, as appropriate, for alternative designs and locations, including detailed cost estimates (with figures showing percentage differences in total project costs) and technical feasibility, and appropriate analysis of the alternatives, including any unique problems present and evidence that the cost or community disruptions resulting from alternative routes reach extraordinary magnitudes. This portion of the statement should demonstrate compliance with the Supreme Court's statement in the Overton Park case, as follows:

[The] very existence of the statute indicates that protection of parkland was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that alternative routes present unique problems. 401 U.S. 402, 412 (1971).

d. If there is no feasible and prudent alternative, description of all planning undertaken to minimize harm to the protected area and statement of actions taken or to be taken to implement this planning, including measures to maintain or enhance the natural beauty of the lands traversed.

(1) Measures to minimize harm may include replacement of land and facilities, providing land or facilities, provision for functional replacement of the facility (see 49 CFR 25.267).

(2) Design measures to minimize harm; e.g., tunneling, cut and cover, cut and fill, treatment of embankments, planting, screening, maintenance of pedestrian or bicycle paths and noise mitigation measures all reflecting utilization of appropriate interdisciplinary design personnel.

e. Evidence of concurrence or description of efforts to obtain concurrence of Federal, State or local officials having jurisdiction over the section 4(f) property regarding the action proposed and the measures planned to minimize harm.

f. If Federally-owned properties are involved in highway projects, the final statement shall include the action taken or an indication of the expected action after filing a map of the proposed use of the land or other appropriate documentation with the Secretary of the Department supervising the land (23 U.S.C. 317).

g. If land acquired with Federal grant money (Department of Housing and Urban Development open space or Bureau of Outdoor Recreation land and water conservation funds) is involved, the final statement shall include appropriate communications with the grantor agency.

h. TGC will determine application of section 4(f) to public interests in lands, such as easements, reversions, etc.

i. A specific finding by the Administrator that there is no feasible and prudent alternative and that the proposal includes all possible planning to minimize harm to the "4(f) area" involved.

5. Properties and sites of historic and cultural significance. The statement should document actions taken to preserve and enhance districts, sites, buildings, structures, and objects of historical, architectural, archeological, or cultural significance affected by the action.

a. Draft environmental statements should include identification, through consulting the National Register and applying the National Register Criteria (36 CFR Part 800), of properties that are included in or eligible for inclusion in the National Register of Historic Places that may be affected by the project. The National Register is published in its entirety each February in the Federal Register. Monthly additions and listings of eligible properties are published in the Federal Register the first Tuesday of each month. The Secretary of the Interior will advise, upon request, whether properties are eligible for the National Register.

b. If application of the Advisory Council on Historic Preservation's (ACHP) Criteria of Effect (36 CFR Part 800) indicates that the project will have an effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the draft environmental statement should document the effect. Evaluation of the effect should be made in consultation with the State Historic Preservation Officer (SHPO) and in accordance with the ACHP's criteria of Adverse Effect (36 CFR Part 800).

c. Determinations of no adverse effect should be documented in the draft statement with evidence of the application of the ACHP's Criteria of Adverse Effect, the views of the appropriate State Historic Preservation Officer, and submission of the determination to the ACHP for review.

d. If the project will have an adverse effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the final environmental statement should include either an executed Memorandum of Agreement or comments from the Council after consideration of the project at a meeting of the ACHP and an account of actions to be taken in response to the comments of the ACHP. Procedures for obtaining a Memorandum of Agreement and the comments of the Council are found in 36 CFR Part 800.

e. To determine whether the project will have an effect on properties of State or local historical, architectural, archaeological, or cultural significance not included in or eligible for inclusion in the National Register, the responsible official should consult with the State Historic Preservation Officer, with the local official having jurisdiction of the property, and where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property. Use of land from historic properties of Federal, State and local significance as determined by the official having jurisdiction thereof involves section 4(f) of the DOT Act and documentation should include information necessary to consider a 4(f) determination (see paragraph 4).

6. Impacts of the proposed action on the human environment involving community disruption and relocation. a. The statement should include a description of probable impact sufficient to enable an understanding of the extent of the environmental and social impact of the project alternatives and to consider whether relocation problems can be properly handled. This would include the following information obtainable by visual inspection of the proposed affected area and from secondary sources and community sources when available.

(1) An estimate of the households to be displaced including the family characteristics (e.g., minorities, and income levels, tenure, the elderly, large families).

(2) Impact on the human environment of an action which divides or disrupts an established community, including where pertinent, the effect of displacement on types of families and individuals affected, effect of streets cut off, separation of residences from community facilities, separation of residential areas.

(3) Impact on the neighborhood and housing to which relocation is likely to take place (e.g., lack of sufficient housing for large families, doublings up).

(4) An estimate of the businesses to be displaced, and the general effect of business dislocation on the economy of the community.

(5) A discussion of relocation housing in the area and the ability to provide adequate relocation housing for the types of families to be displaced. If the resources are insufficient to meet the estimated displacement needs, a description of the actions proposed to remedy this situation including, if necessary, use of housing of last resort.

(6) Results of consultation with local officials and community groups regarding the impacts to the community affected. Relocation agencies and staff and other social agencies can help to describe probable social impacts of this proposed action.

(7) Where necessary, special relocation advisory services to be provided the elderly, handicapped and illiterate regarding interpretations of benefits, assistance in selecting replacement housing and consultation with respect to acquiring, leasing, and occupying replacement housing.

b. This data should provide the preliminary basis for assurance of the availability of relocation housing as required by DOT 5620.1, Replacement Housing Policy, dated June 24, 1970, and 49 CFR 25.53.

7. Considerations relating to pedestrians and bicyclists. Where appropriate, the statement should discuss impacts on and consideration to be given in the development of the project to pedestrian and bicycle access, movement and safety within the affected area, particularly in medium and high density commercial and residential areas.

8. Other social impacts. The general social groups specially benefitted or harmed by the proposed action should be identified in the statement including the following:

a. Particular effects of a proposal on the elderly, handicapped, non-drivers, transit dependent, or minorities should be described to the extent reasonably predictable.

b. How the proposal will facilitate or inhibit their access to jobs, educational facilities, religious institutions, health and welfare services, recreational facilities, social and cultural facilities, pedestrian movement facilities, and public transit services.

9. Standards as to noise, air, and water pollution. The statement shall reflect sufficient analysis of the effects of the proposed action on attainment and maintenance of any environmental standards established by law, or administrative determination (e.g., noise, ambient air quality, water quality) including the following documentation:

a. With respect to water quality, there should be consultation with the agency responsible for the State water pollution control program as to conformity with standards and regulations regarding storm sewer discharge sedimentation control, and other non-point source discharges.

b. The comments or determinations of the offices charged with administration of the State's implementation plan for air quality as to the consistency of the project with State plans for the implementation of ambient air quality standards.

c. Conformity to adopted noise standards, compatible, if appropriate, with different land uses.

10. Energy supply and natural resources development. Where applicable, the statement should reflect consideration of whether the project or program will have any effect on either the production or consumption of energy and other natural resources, and discuss such effects if they are significant.

11. Flood hazard evaluation. When an alternative under consideration encroaches on a flood plain, the statement should include evidence that studies have been made and evidence of consultations with agencies with expertise have been carried out. Necessary measures to handle flood hazard problems should be described. In compliance with Executive Order 11296, and Flood Hazard Guidelines for Federal Executive Agencies, promulgated by the Water Resources Council, or how such requirements can be met during project development.

12. Considerations relating to wetlands or coastal zones. Where wetlands or coastal zones are involved, the statement should include:

a. Information on location, types, and extent of wetlands areas which might be affected by the proposed action.

b. An assessment of the impacts resulting from both construction and operation of the project on the wetlands and associated wildlife, and measures to minimize adverse impacts.

c. A statement by the local representative of the Department of the Interior, and any other responsible officials with special expertise, setting forth his views on the impacts of the project on the wetlands, the worth of the particular wetlands areas involved to the community and to the Nation, and recommendations as to whether the proposed action should proceed, and, if applicable, along what alternative route.

d. Where applicable, a discussion of how the proposed project relates to the State coastal zone management program for the particular State in which the project is to take place.

13. Construction impacts. In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, statements should appropriately address such matters as the following identifying any special problem areas:

a. Noise impacts from construction and any specifications setting maximum noise levels.

b. Disposal of spoil and effect on borrow areas and disposal sites (include specifications where special problems are involved).

c. Measures to minimize effects on traffic and pedestrians.

14. Land use and urban growth. The statement should include, to the extent relevant and predictable:

a. The effect of the project on land use, development patterns, and urban growth.

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b. Where significant land use and development impacts are anticipated, identify public facilities needed to serve the new development and any problems or issues which would arise in connection with these facilities, and the comments of agencies that would provide these facilities.

ATTACHMENT 2—AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON

NOTE: Filed as part of the original document. For text see 39 FR 32546, September 30, 1975.

ATTACHMENT 3—OFFICES WITHIN FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES FOR INFORMATION REGARDING THE AGENCIES' IMPACT STATEMENTS FOR WHICH COMMENTS ARE REQUESTED

NOTE: Filed as part of the original document. For text see 39 FR 35248, September 30, 1975.

ATTACHMENT 4—STATE AND LOCAL AGENCY REVIEW OF IMPACT STATEMENTS

1. OBM Revised Circular No. A-95 through its system of clearinghouses provides a means for securing the views of State and local environmental agencies, which can assist in the preparation of impact statements. Under A-95, review of the proposed project in the case of federally assisted projects (Part I of A-95) generally takes place prior to the preparation of the impact statement. Therefore, comments on the environmental effects of the proposed project that are secured during this stage of the A-95 process represent inputs to the environmental impact statement.

2. In the case of direct Federal development (Part II of A-95), Federal agencies are required to consult with clearinghouses at the earliest practicable time in the planning of the project or activity. Where such consultation occurs prior to completion of the draft impact statement, comments relating to the environmental effects of the proposed action would also represent inputs to the environmental impact statement.

3. In either case, whatever comments are made on environmental effects of proposed Federal or federally assisted projects by clearinghouses, or by State and local environmental agencies through clearinghouses, in the course of the A-95 review should be attached to the draft impact statement when it is circulated for review. Copies of the statement should be sent to the agencies making such comments. Whether those agencies then elect to comment again on the basis of the draft impact statement is a matter to be left to the discretion of the commenting agency depending on its resources, the significance of the project and the extent to which its earlier comments were considered in preparing the draft statement.

4. The clearinghouses may also be used, by mutual agreement, for securing reviews of the draft environmental impact statement. However, the Federal agency may wish to deal directly with appropriate State or local agencies in the review of impact statements because the clearinghouses may be unwilling or unable to handle this phase of the process. In some cases, the Governor may have designated a specific agency, other than the clearinghouse, for securing reviews of impact statements. In any case, the clearinghouses should be sent copies of the impact statement.

5. To aid clearinghouses in coordinating State and local comments, draft statements should include copies of State and local agency comments made earlier under the A-95 process and should indicate on the summary sheet those other agencies from which comments have been requested, as specified in Attachment 1.

[FR Doc.75-30129 Filed 11-7-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF COMMERCE

[15 CFR Part 923]

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT PROGRAM APPROVAL REGULATIONS

Proposed Amendment

The National Oceanic and Atmospheric Administration on January 9, 1975, published final guidelines pursuant to the Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat. 1280), hereafter referred to as the "Act," for the purpose of defining the procedures by which States can qualify to receive administrative grants under the Act. The National Oceanic and Atmospheric Administration is publishing herewith a proposed amendment to the approval regulations issued January 9, 1975 (15 CFR 923). The purpose of proposing this amendment is to further clarify the procedure to be utilized by the Office of Coastal Zone Management (OCZM) in its evaluation of applications submitted for segmented approval pursuant to 15 CFR 923.43. Comment on this proposed amended is invited through November 30, 1975.

Comment should be addressed to the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Following the close of the comment period, and after review of the comments submitted, the Administrator may modify this amendment to the regulations so as to reflect such comments. The Administrator shall then publish the proposed amendment in final form in the FEDERAL REGISTER.

Subpart E—Miscellaneous. Section 923.43 Segmentation, published January 9, 1975 (15 CFR 923.43), is hereby amended by adding the following new paragraph (c).

§ 923.43 Segmentation.

* * * * *

(c) OCZM may, upon the finding of extenuating circumstances relating to segmented approval, waive certain considerations contained under this section. The considerations that the State must (i) provide an adequate consideration of the national interest in the siting of facilities necessary to meet requirements which are other than local in nature for the State's entire coastal zone and (ii) define the boundaries of the coastal zone for the entire State may be waived if OCZM determines that their completion would serve no useful purpose in evaluating the merits of the application for segmented approval. For example, if a State submits and application for the approval of a relatively small island segment, the OCZM may determine that the considerations contained above (i and ii) would serve no useful purpose, and thus may be waived by OCZM.

R. J. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.75-30102 Filed 11-9-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 103]

RESEARCH PROJECTS IN VOCATIONAL EDUCATION

Additional Criteria for Selection of Applicants for Fiscal Year 1976

Pursuant to the authority contained in section 131(a) of Part C of the Vocational Education Act of 1963, as amended (20 U.S.C. 1281(a)), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 103 of Title 45 of the Code of Federal Regulations, revising Appendix B to read as set forth below. The proposed Appendix B contains additional criteria for selection of applications under the program of support for Research Projects in Vocational Education for fiscal year 1976.

(a) *Program purpose.* Section 131(a) of Part C of the Vocational Education Act of 1963, as amended (20 U.S.C. 1281(a)), provides for federally administered grants or contracts for Research Projects in Vocational Education. The purpose of these research projects is to produce information and products that are designed to improve vocational education. These projects are conducted under grants or contracts awarded by the Commissioner of Education, in accordance with the provisions of Part C of the Act and the applicable Federal regulations (45 CFR Part 103). Eligible applicants are local educational agencies, State boards for vocational education, public and private agencies, institutions, and organizations.

(b) *Regulations and criteria.* Regulations relating to the administration of the Research Program under Part C of the Vocational Education Act of 1963 are found in 45 CFR Part 103. (See particularly 45 CFR 103.11-15). Regulations were published in the FEDERAL REGISTER on November 6, 1973, relating to general fiscal and administrative provisions for all Office of Education programs and are found in 45 CFR Parts 100 and 100a. These general regulations are applicable to the program under section 131(a) of Part C of the Act.

(c) *Additional criteria.* In addition to the criteria for review of applications already published in the FEDERAL REGISTER, as described above, it is proposed that the additional criteria set forth in the proposed revision to Appendix B of the regulations in 45 CFR Part 103 will be applicable in connection with the review of applications for new projects to be awarded in fiscal year 1976.

(d) *Written comments.* Interested persons are invited to submit written comments, suggestions, or objections regarding such proposed additional criteria to the Division of Research and Demonstration, Office of Education, 7th and D Streets, SW., Room 5042, ROB-3, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4 p.m. All relevant material must be received on or before December 10, 1975 unless the 30th day is a Saturday, Sunday, or Federal holiday in which case comments must be received by the next following business day.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been evaluated in accordance with OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program Number 13.498; Vocational Education—Research)

Dated: September 8, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

APPENDIX B

RESEARCH PROJECTS IN VOCATIONAL EDUCATION

ADDITIONAL CRITERIA FOR THE FISCAL YEAR 1976

In awarding grants from fiscal year 1976 funds available under section 131(a) of Part C of the Vocational Education Act, the Commissioner of Education will fund applications which rank high on the basis of the criteria set forth below. In addition, the Commissioner of Education may give consideration to projects of national, regional, or interstate significance in the priorities described below.

(a) *Adult vocational education.* Adults who are underemployed, about to become unemployed, or unemployed, should be a prime target population for vocational education. Vocational education programs, both public and private, need to be improved and

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expanded to adequately serve the needs of this adult population.

Applications within this priority must effectively demonstrate plans to eliminate sex bias in all aspects of the proposed work. The Commissioner of Education is authorized to support applied studies and development projects that address one or more of the following three specific areas.

(1) *Access to vocational education by employees.* Vocational education should assist in the vocational development of employees in cooperation with business, industry and labor. Such efforts should result in improved access to vocational education by employees from goods-producing industries, service industries, and public agencies. Applications may include such items as:

(i) Assessment of previous research endeavors and administrative practices that have sought to identify, analyze, and implement cooperative efforts between vocational education, business, labor, and industry;

(ii) Assessment and or development of guidance and counseling programs that incorporate career development plans for employees;

(iii) Assessment and or development of programs that include strategies such as educational leave and tuition aid; and

(iv) Development of exemplary coordination activities between vocational education programs and public employment training programs funded under the Comprehensive Employment Training Act.

(2) *Competency based adult vocational education.* The movement towards competency-based education is an important concern for the future. Applications are encouraged that would expand competency-based adult vocation education. These applications may include the following activities:

(i) Assessment of research results concerning competency-based education for adults; and

(ii) Develop adult vocational education competency-based programs that assess learner-competencies, identify learner needs, and prescribe learner activities.

(3) *Vocational education in entrepreneurship.* There is a need to expand vocational education programs to provide adults with entreprenurial competencies which facilitate self-employment. Applications should propose the development of instructional or curriculum materials for use in open-entry and open-exit programs.

(b) *Postsecondary vocational education.* During the past decade vocational education has expanded tremendously at the postsecondary level in programs that do not offer baccalaureate degrees at public, private, and proprietary institutions.

The Commissioner is authorized to support applied studies and development projects which focus on one or more of the areas described below. Applications which address the areas listed below must effectively demonstrate plans to eliminate sex bias in all aspects of the proposed work. Applications may address one or more of the following areas.

(1) Modularization or individualization of vocational education programs in new and emerging areas such as energy and environment where labor shortages exist for technically trained persons;

(2) Develop and evaluate programs that serve the needs of students in inner city and/or rural areas;

(3) Identify and evaluate exemplary programs that reduce the drop-out rate from vocational education at the postsecondary level;

(4) Develop and/or evaluate cooperative agreements between public, private, and proprietary postsecondary institutions and business, industry, and labor; and

(5) Develop and field test criteria, instruments, and procedures to assess productivity and impact of postsecondary vocational education programs.

(c) *Individualization and modularization of instructional materials.* The pressure for enrolling more students and a greater variety of students in vocational education is increasing. In order to meet this enrollment demand and to provide more effective instruction in a greater variety of educational settings, it is necessary to use technology oriented delivery systems.

The Commissioner is authorized to support applied studies and development projects of the type described below. Applications within this priority must effectively demonstrate plans to eliminate sex bias in all aspects of the proposed work. The proposed work should address each of the following points:

(1) Individualize or modularize instructional materials for use with a specific technology oriented delivery system; and

(2) Field test and evaluate the instructional materials.

(d) *Special needs populations.* There are special populations which have unique needs with respect to vocational education. This priority is concerned with:

(1) Populations which require bilingual vocational education;

(2) Populations in correctional institutions;

(3) Migrant populations; and

(4) Handicapped populations.

The Commissioner is authorized to support applied studies and development projects that focus on one or more of the areas described below. Applications which address the areas listed below must effectively demonstrate plans to eliminate sex bias in all aspects of the proposed work.

(1) *Bilingual vocational education*—The proposed work may address one or more of the following points:

(i) Develop improved methods of teaching students with limited English-speaking ability;

(ii) Develop instructional material for use by teacher educators who teach either preservice or inservice vocational education. These instructional materials should be designed to aid the teacher educators to effectively teach vocational education to teachers and prospective teachers who will be teaching students who have limited English-speaking ability; and

(iii) Develop vocational education curriculum materials for use by students who have limited English-speaking ability.

(2) *Correctional vocational education*—The proposed work may assess the need for vocational education correctional programs, evaluate existing vocational education correctional programs or develop new vocational education programs for persons in correctional settings.

(3) *Vocational education for migrants*—The proposed work may assess the need for vocational education programs for migrants, evaluate existing education programs that serve migrants, or develop and evaluate new programs for delivering vocational education to migrants.

(4) *Vocational education for the handicapped*—The proposed work may assess the needs and barriers to mainstreaming or integrating of appropriate handicapped students into regular vocational education programs, develop criteria for the identification of such handicapped students, or evaluate existing vocational education programs that mainstreams handicapped students.

(e) *Application review criteria.* The following criteria will be utilized in reviewing formally transmitted applications. These criteria are consistent with section 100a.26, Review of Applications, in the Office of Education General Provisions for Programs, published in the FEDERAL REGISTER on November 6, 1973. A segment or segments of an application should address each criterion. Each criterion is weighted and includes the maximum score that can be given to an application in relation to the criterion. The maximum score for the criteria total 100 points and the maximum weight for each criterion is listed below. Applications that receive less than 30 points will not be funded.

Criteria

(1) *Priority area.*—The application is adequately focused on an announced priority area ---------- 10

(2) *Need, problem, and literature review.*—The application clearly: (a) describes the need for the project and provides specific evidence of the need; (b) analyzes and describes the problem rather than symptoms of the problem; and (c) describes a strong conceptual framework for the proposed work with an adequate review of current literature and other related efforts which support the need, problem, objectives, and plans---------- 10

(3) *Objectives.*—The objectives are educationally significant, sharply defined, clearly stated, capable of being attained, and are measurable--------- 10

(4) *Plan.*—The application clearly describes how the objectives will be accomplished by: (a) the overall design for the proposed project; (b) the specific procedures of each segment of the design in terms of how each objective will be undertaken and accomplished; (c) the project management plan shows how and when personnel and resources will be utilized to accomplish each objective; (d) the design and procedures for the dissemination of the results and end products, and (e) specific plans for eliminating sex bias in all aspects of the proposed work.

When appropriate, the plan includes: (a) precise definition of terms; (b) description of the characteristics and number of subjects; (c) valid evaluation procedures that include control groups; (d) sampling plan; (e) statistical and analytical procedures; and (f) plans for evaluating project outcomes---------- 35

(5) *Results and end products.*—The application clearly describes: (a) the educational significance of the proposed results and/or products; (b) what will be delivered to the government; (c) the format in which the results or product will be delivered to the government; and (d) the form in which results and products will be developed for transportability purposes to user populations---------- 15

(6) *Applicant's staff qualifications and experience.*—The application clearly describes: (a) the qualifications of the project director, key professional staff and consultants; (b) specification of the work to be performed by the project director, key staff, and consultants; (c) time commitments planned for the project by the project director, key staff, and consultants; and (d) evidence of past experience on the part of the proposed applicant in similar or related projects, including a narrative of that relationship ---------- 15

(7) *Budget and institutional commitment.*—The application provides: (a) a clear statement of costsharing which is substantiated by line items in the proposed budget; (b) evidence of the provision of adequate facilities and equipment; (c) reasonable cost-effectiveness in respect to the expected results; and (d) documented assurances of support from cooperating agencies and institutions---------- 5

Total ---------- 100

[FR Doc.75-30120 Filed 11-7-75;8:45 am]

Office of the Secretary

[45 CFR Part 50]

U.S. EXCHANGE VISITOR PROGRAM—REQUEST FOR WAIVER OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT

Proposed Rule Making

Notice is hereby given that the Department of Health, Education, and Welfare proposes a revision of its regulation governing requests for waiver of the foreign residence requirement in connection with the Exchange Visitor Program authorized under the Mutual Educational and Cultural Exchange Act (75 Stat. 527, 22 U.S.C. 2451, et seq.). The revised regulation would change the membership of the Exchange Visitor Waiver Review Board; would clarify the definitions of the criteria which the Board applies and the types of information which the applicant institution should provide; and would include provision for requests for waivers for members of the exchange visitor's family in addition to the exchange visitor.

Prior to the final adoption of the proposed revision, consideration will be given to comments which are received on or before December 26, 1975. Comments should be addressed to: Executive Secretary, Exchange Visitor Waiver Review Board, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 4028, at the above address.

PART 50—U.S. EXCHANGE VISITOR PROGRAM—REQUESTS FOR WAIVER OF FOREIGN RESIDENCE REQUIREMENT

Sec.
50.1 Authority.
50.2 Exchange Visitor Waiver Review Board.
50.3 Policy.
50.4 Procedure.
50.5 Personal Hardship, Persecution and Visa Consideration.
50.6 Release from Foreign Government.

AUTHORITY: 75 Stat. 527, 22 U.S.C. 2451 et seq.; 84 Stat. 116, 8 U.S.C. 1182(e).

CROSS REFERENCE: Department of State Regulations governing the Exchange-Visitor Program are published at 22 CFR Part 63.

§ 50.1 Authority.

Under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527) and the Immigration and Nationality Act as amended (84 Stat. 116), the Department of Health, Education, and Welfare is an "interested United States Government agency" with the authority to submit requests through the Department of State to the Attorney General for the waiver of the two-year foreign residence requirement for exchange visitors under the Mutual Educational and Cultural Exchange Program.

§ 50.2 Exchange Visitor Waiver Review Board.

(a) *Establishment.* The Exchange Visitor Waiver Review Board is established for the purpose of carrying out the Department's responsibilities under the Exchange Visitor Program.

(b) *Functions.* The Exchange Visitor Waiver Review Board is responsible for making thorough and equitable evaluations of applications for waiver submitted to the Department and for rendering recommendations to the Department of State on such applications on behalf of the Secretary.

(c) *Membership.* The Exchange Visitor Waiver Review Board consists of not less than five members, of whom no less than three shall consider any particular application. The Special Assistant to the Secretary for International Affairs is an ex officio member of the Board and serves as Chairman of the Board. He may designate a staff member of the Office of the Secretary to serve as member and Chairman in his absence. Two regularly assigned members are appointed by the Assistant Secretary for Health to consider applications concerning health and related fields and two regularly assigned members are appointed by the Assistant Secretary for Education to consider applications concerning education or training and related fields. The Board may be expanded to include members from other appropriate operating components of the Department when necessary in order to consider an application in other fields of interest to the Department (e.g. welfare, social security or rehabilitation). When, in the Board's judgment, it is required, the Board may obtain expert advisory opinion from other sources.

§ 50.3 Policy.

(a) *Criteria and information pertaining to waivers.* The Department of Health, Education, and Welfare has a stringent and restrictive policy with respect to requesting waivers for foreign visitors under the exchange visitor program. Each case is evaluated individually on the basis of the facts available. The general criteria which are applied are:

(1) The program or activity of the applicant institution or organization in which the exchange visitor is employed must be of high priority and significance in an area of interest to the Department. The Waiver Review Board will not request a waiver when the documentation clearly demonstrates that the problem is primarily one of recruitment in order to overcome a local community or institutional manpower shortage, however serious.

(2) The exchange visitor must be needed as an integral part of the program or activity, or of an essential component thereof. The Board will not request a waiver when the principal problem appears to be one of administrative or program inconvenience to the institution or other employer.

(3) The exchange visitor must possess outstanding qualifications, training, and experience. The Board will not request a waiver simply because an individual has specialized training or experience or is occupying a senior staff position in a university, hospital, or other institution.

(b) *Waivers for members of exchange visitor's family.* (1) Where a decision is made to request a waiver for an exchange visitor, a waiver will also be requested for the spouse and children, if any, if they are also subject to the foreign residence requirement..

(2) In cases of married couples where one spouse is an exchange visitor, the subject of a waiver application, and the other is a citizen of the United States or resident alien, a waiver will be requested for the exchange visitor if either spouse is found to meet the strict criteria given above.

§ 50.4 Procedure for submission of application to DHEW.

(a) The applicant institution (educational institution, hospital, laboratory, corporation, etc.) should send a completed application (HEW Form 426) to the Executive Secretary, Exchange Visitor Waiver Review Board, Department of Health, Education, and Welfare, Washington, D.C. 20201. Application forms and information may be obtained from the Executive Secretary. The application must be signed by an authorized official of the applicant institution. The information should describe in detail the circumstances of the case involved. This should include but not be limited to:

(1) A complete description of the program or activity in which the exchange visitor is engaged; including factual evidence of the way in which the program or activity serves the national or international public interest.

(2) His or her relationship to the program, particular contribution, and other responsibilities, if any.

(3) The probable future of the program if the waiver is not granted; including specific evidence showing how the loss of the exchange visitor's services would seriously restrain the initiation, continuation, completion, or success of the program or activity, or a major part thereof.

(4) The applicant institution's long-range plans for the exchange visitor, and ways in which the visitor will contribute in the future to the activities in which he or she is employed.

(5) Specific evidence of a demonstrated unique capability of the exchange visitor to make essential contributions to the program or activity over a long period of time.

(6) The exchange visitor's curriculum vitae, bibliography, data and place of

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birth, present citizenship, date and port of entry and current address.

(7) Any other facts considered germane.

(b) Since the formal filing of an application for waiver with the Immigration and Naturalization Service automatically terminates the applicant's exchange visitor status, it is permissible to obtain the decision of the Exchange Visitor Waiver Review Board before filing with the Immigration and Naturalization Service.

§ 50.5 Personal hardship, persecution and visa extension considerations.

(a) The Department is not responsible for considering applications for waivers based on:

(1) Exceptional hardship to the exchange visitor's American or legally resident alien spouse or child; or

(2) The alien's unwillingness to return to the country of his/her nationality or last residence on the grounds that he/she or family members would be subject to persecution on account of race, religion or political opinion.

(b) Likewise, this Department is not responsible for considering requests for extension of visa.

(c) Inquiries concerning the above should be directed to the District Office of the Immigration and Naturalization Service which has jurisdiction over the exchange visitor's place of residence in the U.S.

§ 50.6 Release from foreign government.

The Department of State has the responsibility to consider applications for waivers which are based on a notification from the exchange visitor's country that it has no objection to a waiver (22 CFR 63.31).

Dated: October 31, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-30125 Filed 11-7-75;8:45 am]

Social Security Administration

[20 CFR Parts 404, 410, and 416]

[Reg. No. 4, 10, and 16]

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Investment of Payments by Representative Payee

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The present regulations permit investment of payments made to a representative payee on behalf of a beneficiary or recipient in a bank or trust company or in a savings and loan association if the account is either federally insured or is otherwise insured in accordance with State law requirements. The proposed amendments reflect the policy of the Social Security Administration that payments made to a representative payee may also be conserved in a share-insured credit union to the extent that the rule and regulations governing such organization allow the establishment of fiduciary accounts along specified lines.

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before December 10, 1975. The regulations will be effective on final publication in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare North Building, Room 4146, 330 Independence Avenue, SW, Washington, D.C. 20201.

The proposed amendments to the regulations are to be issued under the authority contained in sections 205, 1102, 1611(e), and 1631(a) of the Social Security Act; section 412(a) of the Federal Coal Mine Health and Safety Act of 1969; 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 86 Stat. 1467, 1475; 83 Stat. 793, 30 U.S.C. 922(a), 42 U.S.C. 405, 1302, 1382(e), and 1383(a).

(Catalog of Federal Domestic Assistance Program Nos. 13.802-13.807, Disability Insurance, Retirement Insurance, Survivors Insurance, Coal Miners' Benefits, and Supplemental Security Income)

Dated: October 14, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 3, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Parts 404, 410, and 416 of Chapter III of Title 20 of the Code of Federal Regulations are amended as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

1. Section 404.1605 is revised to read as follows:

§ 404.1605 Conservation and investment of payments.

Payments certified to a relative or other person on behalf of a beneficiary which are not needed for the current maintenance of the beneficiary except as they may be used pursuant to § 404.1607, shall be conserved or invested on the beneficiary's behalf. Preferred investments are U.S. Savings Bonds, but such funds may also be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, surplus funds may be deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, if the account is either federally insured or is otherwise insured in accordance with State law requirements. Surplus funds deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a personal, interest in the funds. The preferred forms of such accounts are as follows:

(Name of beneficiary)
by ---
(Name of representative payee)
representative payee; or

(Name of beneficiary)
by ---
(Name of representative payee)
trustee.

U.S. Savings Bonds purchased with surplus funds by a representative payee for a minor should be registered as follows:

(Name of beneficiary)
---, a minor, for whom
(Social Security No.)

(Name of payee)
is representative payee for social security benefits.

U.S. Savings Bonds purchased with surplus funds by a representative payee for an incapacitated adult beneficiary should be registered as follows:

(Name of beneficiary)
---, for whom
(Social Security No.)

(Name of payee)
is representative payee for social security benefits.

A representative payee who is the legally appointed guardian or fiduciary of the beneficiary may also register U.S. Savings Bonds purchased with funds from title II payments in accordance with applicable regulations of the U.S. Treasury Department (31 CFR 315.5 through 315.8). Any other approved investment of the beneficiary's funds made by the representative payee must clearly show that the payee holds the property in trust for the beneficiary.

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969–)

2. Section 410.585 is revised to read as follows:

§ 410.585 Conservation and investment of payments.

Payments certified to a relative or other person on behalf of a beneficiary which are not needed for the current maintenance of the beneficiary except as they may be used pursuant to § 410.587, shall be conserved or invested on the beneficiary's behalf. Preferred investments are U.S. Savings Bonds, but such funds may also be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, surplus funds may be deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, if the account is either federally insured or is otherwise insured in accordance with State law requirements. Surplus funds deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a personal, interest in the funds. The preferred forms of such accounts are as follows:

(Name of beneficiary)
by ---
(Name of representative payee)
representative payee; or

(Name of beneficiary)
by ---
(Name of representative payee)
trustee.

U.S. Savings Bonds purchased with surplus funds by a representative payee for a minor should be registered as follows:

(Name of beneficiary)
---, a minor, for whom
(Social Security No.)

(Name of payee)
is representative payee for black lung benefits.

U.S. Savings Bonds purchased with surplus funds by a representative payee for an incapacitated adult beneficiary should be registered as follows:

(Name of beneficiary)
---, for whom
(Social Security No.)

(Name of payee)
is representative payee for black lung benefits.

A representative payee who is the legally appointed guardian or fiduciary of the beneficiary may also register U.S. Savings Bonds purchased with funds from the payment of benefits under Part B of title IV in accordance with applicable regulations of the U.S. Treasury Department (31 CFR 315.5 through 315.8). Any other approved investment of the beneficiary's funds made by the representative payee must clearly show that the payee holds the property in trust for the beneficiary.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

3. Section 416.650 is revised to read as follows:

§ 416.650 Conservation and investment of payments.

A part of the monthly payment certified to a relative or other person on behalf of a recipient may be conserved for foreseeable needs, e.g., payment of annual taxes on a home, provided the current needs of the recipient are being reasonably met. (See Subpart L of this part for the effect of conserved payments on the amount of countable resources.) Conserved funds may be invested in accordance with the rules applicable to investment or trust estates by trustees. For example, these funds may be deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, if the account is either federally insured or is otherwise insured in accordance with State law requirements. Funds deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a personal, interest in the funds. The preferred form of such account is as follows:

(Name of recipient)
by ---
(Name of representative payee)
representative payee; or

(Name of recipient)
by ---
(Name of representative payee)
trustee.

Any other conservation of the recipient's funds must clearly show that the payee holds the property in trust for the recipient.

[FR Doc.75-30032 Filed 11-7-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-138]

EXTENSION OF FEDERAL AIRWAYS

Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-5 by adding a west alternate from Dublin, Ga., to the NELLO INT and extend V-154 from Macon, Ga., to Rome, Ga., by-passing Atlanta, Ga., on the east (V-5W) and on the west (V-154).

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before November 25, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would:

A. Extend V-5 by establishing a west alternate from Dublin to NELLO INT via Macon, Ga.; INT MACON 349° (348°M) and Norcross, Ga. 150° (149°M) radials; Norcross; INT Norcross 336° (335°M) and Chattanooga, Tenn., 127° (126°M) radials.

B. Extend V-154 from Macon, Ga., to Rome, Ga., via the INT of Macon 301° (300°M) and Rome 167° (166°M) radials.

If designated, the proposed airways are expected to be used at 7,000 feet and below, to permit flights to operate below a portion of the Atlanta Terminal Control Area on the east by northbound traffic and on the west by southbound traffic. Designation of these by-pass routes would help to expedite the north/south traffic in this area.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 3, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-30194 Filed 11-7-75;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 75-WA-20]

ALTERATION OF AREA HIGH ROUTE

Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J-920R north of waypoint MILLE by relocating waypoint KRUMS to the INT of J-7/J-530 and the United States/Canadian boundary.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before December 10, 1945, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would relocate waypoint KRUMS to Lat. 49°00'00" N., Long. 109°27'6" W., and J-920R between waypoints MILLE and KRUMS. A direct route from the present location of KRUMS to Swift Current, Canada, con-

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flicts with the Moose Jaw Military Flying Area. For this reason, the Ministry of Transport, Canada, has requested that KRUMS be relocated to resolve that conflict.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 3, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-30195 Filed 11-7-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 453-5]

OHIO

Approval and Promulgation of State Implementation Plans, Sulfur Dioxide

On January 30, 1972, the Governor of Ohio submitted the "Implementation Plan for the Control of Suspended Particulate, Sufur Dioxide, Carbon Monoxide, Hydrocarbons, Nitrogen Dioxide, and Photochemical Oxidants in the State of Ohio" to the Administrator of the Environmental Protection Agency. The plan was adopted by the Ohio Air Pollution Control Board following public hearings held on January 18, 1972, in Columbus, Ohio. This plan was submitted pursuant to Section 110 of the Clean Air Act, as amended, which requires States to adopt implementation plans to achieve and maintain the national ambient air quality standards (40 CFR Part 50). On May 31, 1972 (37 FR 10842), the Administrator approved the Ohio plan with specific exceptions. Subsequently, amendments were submitted which permitted full approval of the plan on September 22, 1972 (37 FR 19806).

On June 28, 1973, the United States Court of Appeals for the Sixth Circuit decided the case of *Buckeye Power Company, et al.* v. *EPA*, 481 F.2d 162. The court vacated the Administrator's approval of the Ohio plan and remanded the case to the Agency for compliance with section 553 of the Administrative Procedure Act, as articulated in the court's opinion, *viz.*, to take comments, data or other evidence from interested parties, and to express the basis for ensuing administrative actions.

On August 27, 1973, the Governor of Ohio withdrew from the proposed Ohio plan the control strategy and regulations for control of sulfur dioxide. The remainder of the plan was proposed on November 15, 1973 (38 FR 31543) and was approved on April 15, 1974 (39 FR 13539), with specific exceptions. Because the Governor of Ohio withdrew the originally submitted control strategy and regulations for control of sulfur dioxide, the plan was disapproved in that respect.

On May 30, 1974, the Governor of Ohio submitted a proposed sulfur dioxide strategy and regulations to the Administrator to cure the defects in the Ohio Implementation Plan noted in the April 15, 1974 FEDERAL REGISTER, cited above. However, on September 13, 1974, the Ohio Environmental Board of Review overturned a portion of these regulations, thereby rendering same unenforceable. Since the plan for control of sulfur oxides could no longer be effectuated as designed by the State, the Administrator deemed it an ineffective submission and no further rulemaking action was taken. The Governor of Ohio formally withdrew the proposed regulations on July 16, 1975.

Where the Administrator determines that a State plan or portion thereof does not meet the requirements of the Clean Air Act, as amended, and 40 CFR Part 51, he is directed by section 110(c) of the Act to propose and subsequently promulgate regulations setting forth a substitute implementation plan or portion thereof. Set forth below are proposed substitute sulfur dioxide control regulations designed to attain and maintain ambient standards for SO_2 in Ohio thereby correcting the deficiency in the Ohio Implementation Plan noted above. The maintenance portion of the plan is based on projected growth over the next five years and the degree of control required of existing sources reflects the projected emission increase.

Because of the exceptional circumstances that surround this rulemaking, *i.e.*, the vacation of the Administrator's original plan approval and the inability of the State to thereafter submit an approvable SO_2 strategy, the rulemaking contemplated herein effectively constitutes the first federally operative plan for controlling SO_2 within the State. Consistent, therefore, with the Clean Air Act's injunction that primary ambient standards be attained within three years of plan approval (or such earlier time as may be practicable), the attainment date proposed herein is three years from the date of promulgation. Not all sources will require three years to attain compliance; in given cases "expeditious as practicable" compliance may require compliance far in advance of the attainment date.

The proposed regulations include categorical compliance schedules to be utilized by sources requiring the identified time period to attain compliance. Provision is made for alternate schedules to be submitted to the Administrator for approval in case a given source should desire to adjust the increments of progress within the proposed schedules. The Agency further reserves the right to specify shorter schedules for those sources which can comply more expeditiously than the three-year time frame.

Consistent with the recent Sixth Circuit decision (*Big Rivers Electric Corp. et al.* and *TVA* v. *EPA*, Nos. 74-2015, 74-2020, September 4, 1975), the proposed plan prohibits the operation of a source of pollutant emissions beyond three years from promulgation "without the application of one or more systems which control the 'kind and amounts' of its contaminant emissions." The Sixth Circuit Court of Appeals reasoned that, absent a showing that measures which qualify as emission limitations (see *Train* v. *NRDC*, 43 L. Ed. 2d 731, 745, 1975, defining emission limitations as "regulation of the composition of substances emitted into the ambient air") are unavailable, the Administrator cannot approve (or, therefore, promulgate) measures other than emission limitations. (Slip opinion, p. 11). Consistent with the Court's opinion, this proposed rulemaking contains only emission limitations since, in the Administrator's judgment, such limitations are not only capable of attaining national standards but are also achievable through application of available technology.

The control strategy proposed today to attain and maintain sulfur oxide ambient standards in Ohio was developed through a county by county analysis of air quality to determine the existence and severity of any sulfur dioxide problems. Where air quality problems were identified, county-specific control regulations were developed. Of the eighty-eight counties within the state, thirty-two counties were identified as possessing no existing or potential sulfur dioxide air quality problems due to existing sources inasmuch as existing sources do not adversely affect air quality standards. No control requirements are being proposed for sources located in these counties. However, it should be noted that, where applicable, sources in these counties will still be subject to state new source review requirements and federal new source performance standards and nondegradation requirements. For the remaining counties, the proposed control strategy establishes specific industrial process limitations as well as a general industrial process requirement. Fuel combustion sources are required to meet specified emission limitations depending on rated capacity and location.

INDUSTRIAL PROCESS REGULATIONS

In developing the industrial process regulations, the Administrator applied, whenever possible, the control requirements established by the State of Ohio in the originally approved Ohio Implementation Plan. The industrial process regulation contained in the original state plan (AP-3-13) included specific emission limitations for sulfuric acid manufacturing plants, sulfur recovery plants, non-ferrous smelters (copper, zinc and lead), and sulfite pulp mills; and a general process emission limitation expressed in terms of an allowable stack-gas sulfur dioxide concentration in parts per million.

The industrial process regulations in this proposed rulemaking include a sulfuric acid manufacturing plant emission limitation equivalent to the original state limitation (i.e. 6.5 pounds of sulfuric acid per ton of acid produced). Similarly, the emission limitation for sulfur recovery plants is equivalent to the original state limitation (i.e. 0.01 pounds of sulfur dioxide per pound of sulfur processed).

With regard to smelters, because there are no copper or lead smelters operating within the state at the present time, and any new facilities would be subject to Federal New Source Performance Standards (38 FR 37040, October 16, 1974), new source review and non-significant deterioration requirements (39 FR 42510, December 5, 1974), the proposed plan contains no existing source control requirements. However, an emission limitation for zinc smelters, identical to the original state control requirement, is being proposed.

For the first time, specific emission limitations for coke ovens prohibit the combustion of coke oven gas containing in excess of 50 grains of sulfurous gases per dry standard 100 cubic feet of coke oven gas. A similar emission limitation was developed for petroleum refineries.

The general industrial process emission limitation varies from the original state regulation in that it is based on process weight rather than stack gas concentration. After a careful study of similar regulations in various implementation plans across the country, it was determined that the process-weight rate limitations provided a more feasible basis from a technology and economics standpoint for establishing compliance.

FUEL COMBUSTION REGULATIONS

In developing the fuel combustion emission limitations, the Administrator examined the major fuel burning installations within each county in the state to assess the degree of control required, if any, to assure the attainment and maintenance of the sulfur dioxide ambient air quality standards.

Seven geographic areas were identified as possessing a significant population level, a significant overall sulfur dioxide emission level, or some combination of both, thus constituting "population-at-risk" areas. The seven areas identified were the metropolitan areas of Cleveland (Cuyahoga, Lake, and Lorain Counties); Toledo (Lucas County); Youngstown (Mahoning and Trumbull Counties); Steubenville (Jefferson County); Akron (Summit County); Dayton (Montgomery County); and Cincinnati (Hamilton and Butler Counties).

With the exception of the Tidd, Sammis and Painesville power plants (for which specific emission limitations are being proposed), sources in the Cleveland, Toledo, Akron, Youngstown and Steubenville areas will be required to comply with a sliding scale emission limitation of 1.2 to 6.0 pounds of sulfur dioxide per million BTU of heat input per hour. In Dayton, it is 1.6 to 3.0 pounds of sulfur dioxide per million BTU of heat input per hour. The Cincinnati area has a "sliding scale" ranging from 1.2 to 2.4 pounds of sulfur dioxide per million BTU of heat input per hour. Under the sliding scale approach, larger sources will be required to institute controls that are proportionally greater than smaller sources. This is because of the greater impact, in terms of continuous concentrated emissions, of large sources *vis a vis* their smaller counterparts. It is also in recognition of the fact that larger sources, especially those that are part of multi-source consortiums, benefit from economies of scale and technological know-how, frequently not available to smaller sources.

For each of the remaining counties other than the 32 counties identified as not having air quality problems, the Administrator developed a flat emission rate designed to meet the national ambient air quality standard for a single source or group of sources identified within each county. The emission rates selected by the Administrator for inclusion in this proposed rulemaking vary from a flat rate of 0.6 pounds of sulfur dioxide per million BTU of actual heat input per hour up to no required control (i.e. greater than approximately 8.0 pounds of sulfur dioxide per million BTU of heat input per hour).

The compliance schedule regulations provide for use of low sulfur content coal and/or scrubber technology. Where low sulfur coal is unavailable, the Administrator believes that scrubber technology has been developed to the point that work on the installation of such technology can begin immediately. For the Administrator's views on the disposal of sludge produced by non-regenerable scrubber systems, see discussion in the Notice published at 40 FR 42046 September 10, 1975).

MALFUNCTIONS

The Administrator recognizes that some of the sources subject to the proposed regulations may have to install highly sophisticated control equipment which, due to the advanced degree of technology and unique operating conditions (even when properly operated and maintained), may from time to time unavoidably cease to operate as designed, especially during the initial period of startup.

In the event that such conditions cause the equipment to become temporarily unavailable, the Administrator believes that any resultant violations of applicable emission limits can be resolved through enforcement discretion. Nevertheless, the Administrator is interested in receiving comments on how this problem may be otherwise addressed. Specifically, the Administrator is interested in information from sources covered by the proposal regarding the kind of control equipment they plan to install, why such equipment may become unavoidably inoperative, the circumstances that would necessitate continued source operation during the period when the control equipment ceases to operate, and alternative methods of controlling emissions to comply with the emissions regulations during such periods. The Administrator is also interested in suggestions as to the method of documenting control equipment downtime, documenting that the downtime was unavoidable, and documenting the use of appropriate interim controls.

TECHNICAL SUPPORT DOCUMENT

A technical support document has been prepared that discusses in depth the basis for the proposed limitations and the methodology used in developing same. Copies of the technical support document and detailed background material are available for public inspection during normal working hours at the Air Policy Branch, Air and Hazardous Materials Division, EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604 and at the U.S. EPA, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460. Copies of the technical support document are also available for public inspection in the State of Ohio at the following locations: (1) Cincinnati Division of Air Pollution Control, 2400 Beekman Street, Cincinnati, Ohio 45214; (2) Cleveland Division of Air Pollution Control, 2735 Broadway Avenue, Cleveland, Ohio 44115; (3) Akron Air Pollution Control Agency, 177 South Broadway, Akron, Ohio 44308; (4) Canton Air Pollution Control Division, City Hall, Canton, Ohio 44702; (5) Northeast District Office, Ohio Environmental Protection Agency, 2110 East Aurora Road, Twinsburg, Ohio 44087; (6) Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216; (7) Montgomery County Health Department Regional Air Pollution Control Agency, 451 West Third Street, Dayton, Ohio 45402; (8) Southwest District Office, Ohio Environmental Protection Agency, 7 East Fourth Street, Dayton, Ohio 45402; (9) Mansfield-Richland County Health Department, 600 West Third Street, Mansfield, Ohio 44906; (10) Marietta City Health Department, 304 Putnam Street, Marietta, Ohio 45750; (11) Southeast District Office, Ohio Environmental Protection Agency, RR #3 Box 603, Logan, Ohio 43138; (12) Allen County Health Department, 405 East Market Street, Lima, Ohio 45802; (13) Portsmouth City Health Department, 740 Second Street, Portsmouth, Ohio 45662; (14) Sandusky-Erie County Health Department, Municipal Building, East Meigs Street, Sandusky, Ohio 44870; (15) North Ohio Valley Air Authority, 814 Adams Street, Steubenville, Ohio 43952; (16) Toledo Pollution Control Agency, 26 Main Street, Toledo, Ohio 43605; (17) Northwest District Office, Ohio Environmental Protection Agency, 1035 Devlac Grove Drive, Bowling Green, Ohio 43402; (18) Ross County Health Department, Health Center-University East, 50 Pohlman Road, P.O. Box 465, Chillicothe, Ohio 45601; (19) Mahoning-Trumbull Air Pollution Agency, Central Tower Building, 11 Central Square, Room 404, Youngstown, Ohio 44503; and (20) Muskingum County Health Department, 736 Laurel Avenue, Zanesville, Ohio 43701.

The proposal of these regulations does not affect the ability of the State of Ohio to develop a control strategy and regulations for sulfur dioxide. In fact, the State is encouraged to do so. If Ohio submits an approvable control strategy and regulations before the final promulgation of the Federal regulations, the State control strategy and regulations will be approved and the Federal proposal with-

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drawn. After promulgation of the Federal substitute regulations, if Ohio submits a control strategy and regulations and they are approved by the Administrator, these regulations will supersede the EPA substitute regulations.

UNION CARBIDE FACILITY, MARIETTA

On March 19, 1970, as amended on April 20, 1970, the Secretary of the Department of Health, Education and Welfare issued specific recommendations, pursuant to Section 108(d)(1)(C) of the Clean Air Act, as amended (1967) (the predecessor amendments to the Clean Air Act Amendments of 1970), regarding sulfur dioxide emissions as they pertain to the Union Carbide Corporation's Marietta, Ohio facility. The savings provision (Section 16(a)(2)) of the Clean Air Act, as amended (1967), continued in force and effect various pre-existing abatement conference recommendations (discussed below) as they pertain to the Union Carbide Corporation facility.

The Parkersburg, West Virginia-Marietta, Ohio abatement conference recommendations were issued to abate air pollutants endangering the health or welfare of persons in a State other than that in which the discharge(s) orignated. Similarly, Section 110 of the Clean Air Act, as amended (1970), requires States to submit or, in the alternative, the Administrator to promulgate implementation plans that contain emission limitations necessary to ensure attainment and maintenance of the primary (health related) and secondary (welfare related) national ambient air quality standards, within their respective boundaries as well as within portions of interstate air quality control regions that are located in adjoining States. Accordingly, absent some remedial action, the Union Carbide Corporation would still be subject to both the abatement conference recommendations and the sulfur oxide regulations the Administrator promulgates to attain and maintain the ambient standards.

To avoid such inequity, the Administrator will consider the abatement conference recommendations superseded by the final version of the regulations proposed herein but only to the extent that Union Carbide Corporation's Marietta, Ohio facility complies with the applicable sulfur dioxide regulations. To ensure that all participants in the Parkersburg, West Virginia-Marietta, Ohio air pollution abatement conference and all other interested parties have an opportunity to express their views on this proposed course of action, by this notice, comments are requested from the Ohio Air Pollution Control Board, State of Ohio; the West Virginia Air Pollution Control Commission, State of West Virginia; and to the air pollution control agencies of the following municipalities (as defined in section 302(f) of the Clean Air Act, as amended):

In the State of Ohio: Washington County; Belpre, Dunham, Fearing, Marietta, Muskingum, and Warren Townships, Washington County; and municipalities located within such townships.

In the State of West Virginia: Wood County, Clay, Lubeck, Parkersburg, Slate, Tygart, Union and Williams Magisterial Districts, Wood County; and municipalities located within such magisterial districts.

The Administrator requests that such participants and other interested parties express their comments at the public hearings, see below, or that within 60 days of publication of this Federal Register submit any comments to Region V's Air Policy Branch, Air and Hazardous Materials Division at the address listed below.

PUBLIC HEARINGS

Public hearings will be held on the proposed sulfur dioxides regulations for the State of Ohio in order to provide the general public the fullest opportunity to comment. Hearings will be held in Columbus, Cleveland, Steubenville and Cincinnati approximately 45 days after publication of this notice of proposed rulemaking. At least 30 days prior to the hearings, specific times and locations will be published in newspapers of general circulation throughout Ohio as well as in a forthcoming issue of the Federal Register.

A presiding officer will be designated for each hearing. He will have the responsibility for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and, to the extent possible, notifying the participants of time at which they may appear. The hearings will be conducted informally. Technical rules of evidence will not apply.

Interested persons wishing to make a statement at the hearing will be afforded the opportunity to do so. The time for making a statement will be limited. Such persons are requested to file a notice of their intent to make a statement no later than 10 days prior to the hearing, and, no later than 5 days prior to the hearing, if practicable, to submit five copies of the proposed statement to Ms. Loretta Barsamian, Compliance Section, Air Enforcement Branch, Enforcement Division, EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604. All other inquiries and comments prior to and after the hearing should be addressed to the same.

Interested persons may also participate in this rulemaking by submitting written comments, preferably in triplicate, to Air Policy Branch, Air and Hazardous Materials Division, EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604. All relevant comments received on or before January 9, 1975 will be considered. Receipt of comments will be acknowledged. Comments received will be available for inspection during normal working hours at Region V's Air Policy Branch, Air and Hazardous Materials Division. In addition, all relevant matters presented to EPA will be evaluated and the Agency will, as part of its final rulemaking process, prepare an evaluation report.

AUTHORITY: Section 110 of the Clean Air Act, as amended, 42 U.S.C. 1857c-5.

FRANCIS T. MAYO,
Regional Administrator.

NOVEMBER 4, 1975.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. In § 52.1875 the attainment dates for sulfur oxides in the table are revised and additional NOTES are added as follows:

§ 52.1875 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant: Particulate Matter, Primary	Particulate Matter, Secondary	Sulfur Oxides [c], Primary	Sulfur Oxides [c], Secondary	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
* * * *							
Greater Metropolitan Cleveland Intrastate.			(1)	(1)			
Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate.			(1)	(1)			
Mansfield-Marion Intrastate			(1)	(1)			
Metropolitan Cincinnati Interstate.			(1)	(1)			
Metropolitan Columbus Interstate.			(1)	(1)			
Metropolitan Dayton Interstate.			(1)	(1)			
Metropolitan Toledo Interstate			(1)	(1)			
Northwest Ohio Intrastate			(1)	(1)			
Northwest Pennsylvania-Youngstown Interstate.			(1)	(1)			
Parkersburg (West Virginia)-Marietta (Ohio) Interstate.			(1)	(1)			
Sandusky Intrastate			(1)	(1)			
Steubenville-Weirton-Wheeling Interstate.			(1)	(1)			
Wilmington-Chillicothe-Zanesville-Cambridge Intrastate.			(1)	(1)			
* * * *							

[1] 3 years from the date of promulgation.
[c] Notwithstanding the above, the following Ohio counties have already met the primary and secondary standards: Ashland, Brown, Carroll, Champaign, Clinton, Darke, Defiance, Fayette, Fulton, Geauga, Guernsey, Hardin, Harrison, Highland, Holmes, Logan, Madison, Medina, Monroe, Morrow, Noble, Paulding, Perry, Preble, Putnam, Shelby, Union, Van Wert, Warren, Williams, Wyandot, Jackson.

2. Section 52.1881(b) is amended as follows:

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur oxides (SO^2) in the State of Ohio.

(1) *Definitions.* All terms used in this section but not specifically defined below shall have the meaning given them in the Clean Air Act or Parts 51, 52, or 60 of this Chapter.

(i) "By-product coke oven gas" means the fuel gas produced during the production of metallurgical coke in slot-type, byproduct coke batteries.

(ii) "Flue gas desulfurization" means any pollution control installation which treats stationary source combustion flue gas to remove sulfur oxides.

(iii) "Fossil fuel" means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials.

(iv) "Fossil fuel-fired steam generating unit" means a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer.

(v) "Heat input" means the total gross calorific value (where gross calorific value is measured by ASTM Method D2015–66, D240–64, or D1826–64) of all fuels burned.

(vi) [Reserved]

(vii) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly results or may result in emissions of any air pollutant for which a national standard is in effect.

(viii) "Primary zinc smelter" means any installation engaged in the production, or any intermediate process in the production, of zinc or zinc oxide from the zinc sulfide ore concentrates through the use of pyrometallurgical techniques.

(ix) "Process" means any source operation including any equipment, devices, or contrivances and all appurtenances thereto, for changing any material whatever or for storage or handling of any materials, the use of which may cause the discharge of an air contaminant into the open air, but not including that equipment defined as fossil fuel fired steam generating units in these regulations. Duplicate or similar parallel operations within a structure, building, or shop shall be considered as a single process for purposes of this regulation.

(x) "Process weight" means the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight unless they became part of the product. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for the number of hours in a given period of time by the number of hours in that period.

(xi) "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

(xii) "Source operation" means the last operation preceding the emission of an air contaminant, which operation (A) results in the separation of the air contaminant from process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and (B) is not primarily an air pollution abatement operation.

(xiii) "Stack" means any chimney, flue, conduit or duct arranged to conduct emissions to the ambient air.

(xiv) "Sulfur recovery plant" means any plant that recovers elemental sulfur from any gas stream, but not include facilities where sulfur recovery is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(xv) "Sulfuric acid production unit" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(xvi) "Total rated capacity" means the sum of the rated capacities of all fuel-burning equipment connected to a common stack. The rated capacity shall be the maximum guaranteed by the equipment manufacturer or the maximum normally achieved during use, whichever is greater.

(2) No owner or operator of any fossil fuel-fired steam generating unit(s) shall cause or permit, sulfur dioxide emissions, from any stack to exceed the rates specified below for sources in the following counties:

Pounds SO_2/10^6 Btu, actual heat input	*Counties*
0.6	Muskingum, Clermont.
1.2	Ashtabula, Greene, Richland.
1.6	Allen, Wood, Ottawa, Stark.
2.0	Adams.
2.4	Franklin, Washington, Morgan.
2.6	Miami, Wayne.
3.2	Athens, Hancock, Seneca, Tuscarawas, Licking.
3.6	Henry, Vinton.
4.0	Erie, Knox, Scioto, Marion, Coshocton.
4.4	Lawrence, Columbiana, Gallia.
4.8	Auglaize, Huron.
5.2	Clark, Pike, Ross.
5.6	Fairfield, Hocking, Portage, Mercer.
6.0	Delaware, Pickaway.
6.8	Crawford.

(3) In Trumbull, Mahoning, Jefferson, Belmont, Lorain, Cuyahoga Lake, Summit, and Lucas Counties, no owner or operator of the following types of facilities shall cause or permit emissions from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating unit(s) less than 22.5×10^6 BTU/hour total rated capacity of heat input, 6.0 lbs. $SO_2/10^6$ BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) greater than 3000×10^6 BTU/hour total rated capacity of heat input, 1.2 lbs. $SO_2/10^6$ BTU actual heat input.

(iii) For fossil fuel-fired steam generating units between 22.5 and 3000×10^6 BTU/hour total rated capacity of heat input, the emission rate in lbs. $SO_2/10^6$ BTU actual heat input shall be calculated by the following equation:

$$E=16.71Q_m^{-0.339}$$

where Q_m is the total rated capacity of heat input in 10^6 BTU/hour and E is the allowable emission rate in lbs. $SO_2/10^6$ BTU actual heat input.

(iv) Notwithstanding the above, the Ohio Power Company or any subsequent owner or operator of the Tidd Plant at Brilliant, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Tidd Power Plant in excess of 0.8 lbs. $SO_2/10^6$ BTU of actual heat input.

(v) Notwithstanding the above, the Ohio Edison Company or any subsequent owner or operator of the W. H. Sammis Power Plant at Stratton, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the W. H. Sammis Power Plant in excess of 0.9 lbs. $SO_2/10^6$ BTU of actual heat input.

(vi) Notwithstanding the above, the City of Painesville or any subsequent owner or operator of the Painesville Municipal Power Plant shall not cause or permit the emission of sulfur dioxide at the Painesville Municipal Power Plant located at Painesville, Ohio, in excess of 1.6 lbs. $SO_2/10^6$ BTU of actual heat input.

(4) [Reserved]

(5) In Montgomery County no owner or operator of the following types of facilities shall cause or permit emissions in excess of the rates specified below:

(i) For fossil fuel-fired steam generating unit(s) less than 50×10^6 BTU/hour total rated capacity of heat input, 3.0 lbs. $SO_2/10^6$ BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) greater than 1500×10^6 BTU/hour total rated capacity of heat input, 1.6 lbs. $SO_2/10^6$ BTU actual heat input.

(iii) For fossil fuel-fired steam generating unit(s) between 50 and 1500×10^6 BTU/hour total rated capacity of heat input, the emission rate in lbs. $SO_2/10^6$ BTU heat input shall be calculated by the following equation:

$$E=6.18Q_m^{-0.188}$$

where Q_m is the total rated capacity of heat input in 10^6 BTU/hour and E is the allowable emission rate in lbs. $SO_2/10^6$ BTU actual heat input.

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(6) In Hamilton and Butler Counties, no owner or operator of the following types of facilities shall cause or permit emissions in excess of the rates specified below:

(i) For fossil fuel-fired steam generating unit(s) less than 50×10^6 BTU/hour total rated capacity of heat input, 2.4 lbs. $SO_2/10^6$ BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) greater than 1500×10^6 BTU/hour total rated capacity of heat input, 1.2 lbs. $SO_2/10^6$ BTU actual heat input.

(iii) For fossil fuel-fired steam generating unit(s) between 50 and 1500×10^6 BTU/hour total rated capacity of heat input, the emission rate in lbs. $SO_2/10^6$ BTU actual heat input shall be calculated by the following equation:

$$E=5.33Q_m^{-.204}$$

where Q_m is the total rated capacity of heat input in 10^6 BTU/hour and E is the allowable emission rate in lbs. $SO_2/10^6$ BTU actual heat input.

(7) This paragraph contains no sulfur dioxide emission or hydrogen sulfide combustion limitations which apply to facilities in the following counties: Ashland, Brown, Carroll, Champaign, Clinton, Darke, Defiance, Fayette, Fulton, Geauga, Guernsey, Hardin, Harrison, Highland, Holmes, Jackson, Logan, Madison, Medina, Monroe, Morrow, Noble, Paulding, Perry, Preble, Putnam, Shelby, Union, Van Wert, Warren, Williams, Wyandot.

(8) Except as provided in paragraphs (b) (7), (9), (10), (11), (12), and (13) of this section, no owner or operator of any process equipment shall cause or permit the emission into the atmosphere of any process gas stream containing sulfur dioxide in excess of the amount prescribed by the following equation:

$$E=19.5p^{0.67}$$

where E is the allowable emission rate in lbs. SO_2/hour and p is the tons of process weight per hour.

(9) Except as provided in paragraph (b) (7) of this section no owner or operator of a petroleum refinery shall cause or permit the combustion of fossil fuel containing a total sulfur content expressed as hydrogen sulfide (H_2S) in excess of 50 grains per dry standard 100 cubic feet of fossil fuel combusted.

(10) No owner or operator of a primary zinc smelter shall cause or permit the emission of sulfur dioxide from the plant in excess of the amount prescribed by the following equation:

$$Y=0.564X^{0.85}$$

where X is the total sulfur feed expressed as elemental sulfur in the smelter input stream in lbs./hour and Y is the allowable sulfur dioxide emission rate in lbs./hour.

(11) No owner or operator of a sulfuric acid production unit shall cause or permit the emissions of sulfur dioxide from the unit in excess of 6.5 lbs. SO_2/ton of H_2SO_4 produced (expressed as 100% H_2SO_4). The provisions of this subparagraph shall not be applicable to processes operated in conjunction with the desulfurization of by-product coke oven gas, provided that the emission limitation set forth in paragraph (b) (12) of this paragraph has been complied with.

(12) No owner or operator of a by-product coke oven shall cause or permit the combustion of by-product coke oven gas containing a total sulfur content expressed as hydrogen sulfide (H_2S) in excess of 50 grains H_2S per dry standard 100 cubic feet of coke oven gas. Included in the permitted concentration of H_2S are emissions of sulfur dioxide emitted as off gas from the sulfur recovery system operated in conjunction with the sulfur removal equipment, and sulfur dioxide emitted due to the mixing, flaring, or distribution of by-product coke oven gas.

(13) No owner or operator of a sulfur recovery plant shall cause or permit the emission of sulfur dioxide from the plant in excess of .01 lbs. SO_2/lbs. of sulfur processed. The provisions of this subparagraph shall not be applicable to processes operated in conjunction with the desulfurization of by-product coke oven gas provided the emission limitation set forth in paragraph (b) (12) of this section has been complied with.

(14) Unless specified below, the test methods and procedures used for determining compliance with this paragraph shall be those prescribed in Part 60 of this chapter. Compliance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. Notification and recordkeeping procedures shall be those prescribed in § 60.7 of this chapter. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. A compliance test shall consist of at least three runs.

(i) The test methods and procedures used for determining compliance for any sulfur recovery plant subject to paragraph (b) (13) of this section shall be those prescribed in § 60.46 of this chapter with the exception that the maximum amount of sulfur dioxide sampled by Method 6 shall not exceed 50 percent of the stoichiometric amount of hydrogen peroxide absorbent.

(ii) The test methods and procedures used for determining compliance for any sulfuric acid production unit subject to subparagraph (11) of this paragraph or any primary zinc smelter subject to subparagraph (10) of this paragraph shall be those prescribed in § 60.85 of this chapter.

(iii) The test methods and procedures used to determine compliance of fossil fuel-fired steam generating units subject to paragraphs (b) (2), (3), (5), or (6) of this section shall be those prescribed in § 60.46 of this chapter. The test methods for determining the sulfur content of fuels shall be those specified in § 60.45 of this chapter.

(iv) The test methods and procedures used for determining compliance of any process subject to paragraph (b) (8) of this section shall be those prescribed in § 60.106 of this chapter.

(15) Compliance with this paragraph shall be in accordance with the schedules set forth in § 52.1882 of this chapter.

(16) [Reserved]

(17) *Severability.* If any provision of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

3. A new § 52.1882 is added as follows:

§ 52.1882 Compliance schedules.

(a) Federal compliance schedules.

(1) Except as provided in paragraph (a) (5) of this section, the owner or operator of any process equipment subject to § 52.1881(b) (8), (9), (10), (11), (12), or (13) of this chapter, shall comply with the compliance schedule in paragraph (a) (2) of this section.

(2) Any owner or operator of any process equipment subject to § 52.1881(b) (8), (9), (10), (11), (12), or (13) of this chapter shall take the following actions with respect to that source no later than the date specified:

(i) (25 weeks from the date of promulgation)—Submit final control plan to the Administrator.

(ii) (34 weeks from the date of promulgation)—Award contracts for emissions control systems or process modification, or issue orders for purchase of component parts to accomplish emission control or process modification.

(iii) (52 weeks from the date of promulgation)—Initiate on-site construction or installation of emission control equipment or process change.

(iv) (139 weeks from the date of promulgation)—Complete construction or installation of emission control equipment or process change.

(v) (154 weeks from the date of promulgation)—Complete shakedown operations and performance test on source, submit performance test results to the Administrator; achieve final compliance with § 52.1881(b) (8), (9), (10), (11), (12), or (13) of this chapter, as applicable.

(3) Except as provided in subparagraph (5) of this paragraph, the owner or operator of any fossil fuel-fired steam generating unit subject to § 52.1881(b) (2), (3), (5), or (6) of this chapter shall comply with the applicable compliance schedule in paragraph (a) (4) of this section.

(4) (i) The owner or operator of any fossil fuel-fired steam generating unit subject to § 52.1881(b) (2), (3), (5), or (6) of this chapter shall notify the Administrator no later than (four weeks after the date of promulgation) of his intent to utilize either low-sulfur fuel (including blended or washed coal) or flue gas desulfurization to comply with the requirements of said regulation.

(ii) Any owner or operator of a fossil fuel-fired steam generating unit subject to § 52.1881(b) (2), (3), (5), or (6) of this chapter who elects to utilize low sulfur fuel (including blended or washed coal) shall take the following actions with respect to that source no later than the date specified:

(A) (3 weeks from the date of promulgation)—Submit to the Administrator a projection for 10 years of the amount of fuel by types that will be substantially adequate to enable compliance with § 52.1881(b) (2), (3), (4), (5), or (6) of this chapter, as applicable.

(B) (32 weeks from the date of promulgation)—Sign contracts with fuel suppliers for fuel requirements as projected above.

(C) (36 weeks from the date of promulgation)—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(D) (50 weeks from the date of promulgation)—Let contracts for necessary boiler modifications, if applicable.

(E) (60 weeks from the date of promulgation)—Initiate on-site modifications, if applicable.

(F) (118 weeks from the date of promulgation)—Complete on-site modifications, if applicable.

(G) (122 weeks from the date of promulgation)—Achieve final compliance with the emission limitation of § 52.1881 (b) (2), (3), (5), or (6) of this chapter, as applicable.

(iii) Any owner or operator of a fossil fuel-fired steam generating unit subject to paragraph (a) (4) (i) of this section who elects to utilize flue gas desulfurization shall take the following actions with respect to the source no later than the date specified.

(A) (17 weeks from the date of promulgation)—Let necessary contracts for construction.

(B) (61 weeks from the date of promulgation)—Initiate on-site construction.

(C) (145 weeks from the date of promulgation)—Complete on-site construction.

(D) (156 weeks from the date of promulgation)—Complete shakedown operations and performance test on source, submit performance test results to the Administrator; achieve final compliance with § 52.1881(b) (2), (3), (5), or (6) of this chapter, as applicable.

(5) (i) None of the preceding subparagraphs of this paragraph shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by (4 weeks from the date of promulgation). The Administrator may request whatever information he considers necessary to support such a certification.

(ii) Any owner or operator subject to a compliance schedule in this paragraph or who elects to achieve compliance by means not covered by this paragraph may submit to the Administrator no later than (6 weeks from the date of promulgation) a proposed alternative compliance schedule. For process equipment subject to § 52.1881(b) (8), (9), (10), (11), (12), or (13) of this chapter no such compliance schedule may provide for final compliance after the final compliance date in paragraph (a) (2) of this section. For fossil fuel-fired steam generating units subject to § 52.1881(b) (2), (3), (5), or (6) of this chapter, which will utilize low-sulfur fuel (including blended or washed coal) to comply with requirements of said regulations, no such compliance schedule may provide for final compliance after the final compliance date in paragraph (a) (2) of this section. For fossil fuel-fired steam generating units subject to § 52.1881(b) (2), (3), (5), or (6) of this chapter, which will utilize stack gas desulfurization to comply with requirements of said regulations, no such compliance schedule may provide for final compliance after the final compliance date in paragraph (a) (4) (iii) of this section.

(iii) Any owner or operator of any process equipment subject to § 52.1881 (b) (8), (9), (10), (11), (12), or (13) of this chapter who submits an alternative compliance schedule pursuant to § 52.1882(a) (5) (ii) of this chapter shall remain subject to the provisions of § 52.1882(a) (2) of this chapter until the alternative schedule is approved by the Administrator.

(iv) Any owner or operator of any fossil fuel-fired steam generating unit subject to § 52.1881(b) (2), (3), (5), or (6) of this chapter who submits an alternative compliance schedule pursuant to § 52.1882(a) (5) (ii) of this chapter shall remain subject to the provisions of § 52.1882(a) (4) of this chapter until the alternative schedule is approved by the Administrator.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in paragraphs (a) (2) or (4) of this section fail to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

[FR Doc.75-30089 Filed 11-7-75;8:45 am]

[40 CFR Part 85]

[FRL 437-7]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Emission Regulations for New Motorcycles

Correction

In FR Doc. 75-28178, appearing at page 49496, in the issue for Wednesday, October 22, 1975, make the following changes:

1. On page 49497, in the second column, the first paragraph:

a. In the third line, the figure now reading "ANPBM" should read "ANPRM".

b. In the tenth line, the figure now reading "NPBM" should read "NPRM".

2. On page 49498, in the third column, the first sentence of the 6th paragraph, should be changed to read "All comments received on or before the close of business on January 20, 1976, will be considered."

3. On page 49503, in § 85.478-5(a) (3) (i) (C) the word "and" should be inserted between the words "timing" and "method".

4. On page 49506, in the second column, the penultimate line of § 85.478-15(a) should read "tion air is similarly analyzed for hydrocarbons.".

5. On page 49507, in the second column, in § 85.478-16(d) (1) the figure in the second line of the table now reading "34 k.p.h." should read "45 k.p.h.".

6. On page 49509, in the third column, the equations should read as follows:

a. In § 85.478-23(a) (6) (vii):

$$\text{Percent efficiency}=[1+(v-vi)/(iii-iv)]\times100 \text{ percent} \qquad (A)$$

b. In § 85.478-23(a) (6) (viii):

$$\text{Percent efficiency}=[(v)-(iv)]/[(vi)-(iv)]\times100 \text{ percent} \qquad (A)$$

7. On page 49511, in the first column in § 85.478-26:

a. The formula in paragraph (a) should read:

$$Ym=0.43[(Yct+Ys)/(Dct+Ds)]+0.57[(Yht+Ys)/(Dht+Ds)]$$

b. Paragraph (b) (3) should read:

Carbon monoxide mass:

$$COmass=Vmix\times Density CO\times(COconc/1{,}000{,}000)$$

8. On page 49512:

a. In the first column in the sixth line of § 85.478-28(c) (1), the figure now reading "BC" should read "HC".

b. In the second column, in § 85.478-28(c) (1) (iii), a slash mark (/) should be inserted in each of the two combinations so that they each now read

factor = (exhaust emissions interpolated to 12,000 km)/(exhaust emissions extrapolated to 3500 km)

factor = (exhaust emissions interpolated to 12,000 km)/(exhaust emissions extrapolated to 2500 km)

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[40 CFR Part 85]

[FRL 437-8]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Appendices to Motor Vehicle Emission Regulations

Correction

In FR Doc. 75-28177, appearing at page 49517 in the issue for Wednesday, October 22, 1975, make the following changes:

1. On page 49518, in the second column, the entry now reading "215____76.5" should read "215____76.3".
2. On page 49523, in the second column, the entry now reading "1,356____32.0" should read "1,356____33.2".
3. On page 49524, in the second column, under paragraph 11, in the fourth and fifth equations, the figures now reading "70 k.p.k." and "60 k.p.k." respectively, should be changed to read "70 k.p.h." and "60 k.p.h." respectively
4. In the table at the top of page 49525, the figure in the fifth line under the heading "Tolerance" now reading "±0.01 kPa" should read "±0.001 kPa".
5. On page 49527, in the second column, second line of the third paragraph, the figure now reading "k.$.h." should read "k.p.h.".

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

[1 CFR Part 425]

PRIVACY ACT OF 1974

Proposed Implementation

Notice is hereby given that Part 425 of Title I of the Code of Federal Regulations is proposed to be added as set forth below.

The proposed addition implements 5 U.S.C. 552a(f) by setting forth rules and procedures for notification of the existence of records, obtaining copies of records, and correction of records under the Privacy Act of 1974.

Public comment is invited on these proposed regulations and will be considered by the Commission if received no later than December 12, 1975. Comment should be submitted in writing to the Director, President's Commission on White House Fellowships, 1900 E Street, NW., Washington, D.C. 20415. Notwithstanding the foregoing, these regulations are effective on November 10, 1975, and shall remain in effect until and unless revised by the Commission.

PART 425—PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Sec.

425.1 Purpose and scope.
425.2 Procedures for notification of existence of records pertaining to individuals.
425.3 Procedure for requests for access to or disclosure of records pertaining to individuals.
425.4 Correction of records.
425.5 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

AUTHORITY: 5 U.S.C. 522a(f).

§ 425.1 Purpose and scope.

This part sets forth the President's Commission on White House Fellowships procedures under the Privacy Act of 1974 as required by USC 522a(f). Information to applicants regarding the implementation of this Act is contained in the White House Fellowships Application Instructions.

§ 425.2 Procedures for notification of existence of records pertaining to individuals.

(a) The system of records, as defined in the Privacy Act of 1974, maintained by the President's Commission on White House Fellowships is listed annually in the FEDERAL REGISTER as required by that Act. Any person who wishes to know whether a system of records contains a record pertaining to him or her may either appear in person at Room 1308, 1900 E Street, NW., on work days between the hours of 8:30 a.m. and 5 p.m. or may write to the President's Commission on White House Fellowships Administrative Officer, Washington, D.C. 20415 (Phone 202-382-4661). It is recommended that requests be made in writing.

(b) Requests for notification of the existence of a record should state, if the requester is other than the individual to whom the record pertains, the relationship of the requester to that individual. (Note that requests will not be honored by the Commission pursuant to the Privacy Act unless made (1) by the individual to whom the record pertains or (2) by such individual's legal guardian if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction.)

(c) The Commission will attempt to respond to a request as to whether a record exists within 10 working days from the time it receives the request or from the time any required identification is established, whichever is later.

§ 425.3 Procedure for requests for access to or disclosure of records pertaining to individuals.

(a) Any person may request review of records pertaining to him by appearing at Room 1308, 1900 E Street, NW., Washington, D.C. on work days between the hours of 8:30 a.m. and 5 p.m. or by writing to the Commission on White House Fellowships Administrative Officer, Washington, D.C. 20415. (See paragraph (b) of this section for identification requirements.) The Commission will strive either to make the record available within 15 working days of the request or to inform the requester of the need for additional identification.

(b) In the case of persons making requests by appearing at the Commission, reasonable identification such as employment identification cards, drivers licenses, or credit cards will normally be accepted as sufficient evidence of identity in the absence of any indications to the contrary.

(c) Charges for copies of records will be at the rate of $0.10 per photocopy of each page. No charge will be made unless the charge as computed above would exceed $3 for each request or related series of requests. If a fee in excess of $25 would be required, the requester shall be notified and the fee must be tendered before the records will be copied. Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed or delivered to the Administrative Officer, President's Commission on White House Fellowships, 1900 E Street, NW., Washington, D.C. 20415.

§ 425.4 Correction of records.

(a) Any individual is entitled to request amendments of records pertaining to him pursuant to 5 U.S.C. 552a (d)(2). Within 10 working days of the receipt of the request, the Administrative Officer will acknowledge receipt of the request.

(1) If the amendment is approved by the Administrative Officer, President's Commission on White House Fellowships, the requester will be notified in writing to what extent the record is amended.

(2) If the amendment or correction is denied in whole or in part by the Administrative Officer, President's Commission on White House Fellowships, the requester will be notified in writing of the determination and the reason for denial. He may appeal in writing to the Director, President's Commission on White House Fellowships. The Director will review the case, make final determination, and advise the requester in writing of the determination with the reasons therefor.

§ 425.5 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

Records subject to the Privacy Act that are requested by any person other than the individual to whom they pertain will not be made available except under the following circumstances:

(a) Records may be circulated to appropriate officials incident to placing Fellows in work assignments for the Fellowship year.

For President's Commission on White House Fellowships.

BRUCE H. HASENKAMP,
Director.

[FR Doc.75-30114 Filed 11-7-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1100]

[Ex Parte No. 55 (Sub-No. 19)]

PETITIONS FOR RECONSIDERATION

Revised Content Requirements and Page Limitations

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 24th day of October 1975.

It is ordered, That based upon the reasons set forth in the attached notice, a proceeding be, and it is hereby, instituted pursuant to Section 17 of the Interstate Commerce Act, 49 U.S.C. 17, and Sections 553 and 559 of the Administrative Procedure Act, 5 U.S.C. 553 and 559, for the purpose of amending Rule 101(d) of the General Rules of Practice [49 CFR 1100.101(d)].

It is further ordered, That the attached notice be, and it is hereby, adopted and incorporated by reference into this order.

It is further ordered, That notice of the institution of this proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register as notice to interested persons.

By the Commission.

● Purpose: The purpose of this document is to give notice of a rule making proceeding instituted to amend Rule 101 (d) of the General Rules of Practice-Reconsideration. ●

Under the existing Rules of Practice, any party seeking rehearing, reargument, or reconsideration of a final decision by an employee board or a division must specify the matters claimed to have been erroneously decided and the alleged errors or relief sought with the particularly respecting exceptions as outlined in Rule 96(a). The present rule therefore requires that exceptions to statements of fact or matters of law and points relied upon to support exceptions to conclusions made in the prior decision must be stated and numbered separately. Further, when exception is taken to a statement of fact, reference must also be made to the page or part of the record relied upon to support the exception and a corrected statement must be incorporated. While generally petitions filed pursuant to this section of the rules have followed the noted requirements, such compliance has not been uniform, and it has become necessary to emphasize our intent strictly to enforce adherence and to preescribe revised requirements which will provide a simple and readily definable method of giving full effect to the present rule. Accordingly, it is proposed that petitioners now be required to set forth the necessary specifications of alleged error, relief sought, and argument in support thereof, in summary form, in a preface to the petition. Such preface shall be a succinct, but accurate and clear, condensation of the matters raised on petition. The preface shall not exceed 3 pages, except in extraordinary circumstances, and upon leave granted. It is anticipated that such waiver of the page limitation shall be granted only in those proceedings which involve novel or complex issues of fact or law. Replies to petitions shall, in no greater number of preface pages, address, point by point, the specifications set forth in the preface to the petition to which they are directed.

The proposed rule amendment is designed to encourage parties to organize their presentation better and to enable the Commission to identify the key issues in the case. A page limitation is necessary to give full effect to the requirement and to prevent the summary from becoming an extended discussion of the arguments which appear later.

In addition to the above amendment, the Commission proposes to impose a 10-page limitation upon petitions for reconsideration in those cases wherein a Division has already considered either exceptions or a prior petition for appellate review.

A Division should not be burdened in a successive petition for reconsideration with arguments already of record upon which it has already ruled on exceptions or a previous petition for reconsideration. Rather, the Division's consideration should be directed principally to new issues raised by its prior action taken in the case and major allegations of error in its prior rulings. By limiting the length of these essentially successive petitions for reconsideration, it is anticipated that most repetitive arguments will be eliminated. Moreover, the arguments which are received should be concise and to the point without inhibiting the members from reviewing more detailed presentations made earlier in those circumstances where sufficient doubt is raised.

On October 17, 1975, we transmitted to Congress proposed legislation that would, among other things, render the decision of the Commission or a division administratively final, and thus eliminate petitions of the type discussed in the preceding two paragraphs. The 10 page limitation on such successive petitions for reconsideration is being proposed on the possibility that the above Section 17 proposal may not be passed in this Congress.

Anyone wishing to present views and evidence, either in support of, or in opposition to, the action proposed in the said notice may do so by the submission of written data, views, or arguments. An original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with this Commission on or before December 23, 1975.

This Notice of Proposed Rulemaking is issued under the authority of Section 17 of the Interstate Commerce Act (49 U.S.C. 17), and Sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559).

Issued in Washington, D.C., this 24th day of October, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, it is proposed that the present rule 1100.101(d) [49 CFR 1100.101(d)] be amended by adding the following:

§ 1100.101 Petitions for rehearing, reargument, or reconsideration. (Rule 101.)

(d) • • • "Such specifications of alleged error, relief sought, and argument in support thereof must be summarized, in a preface to the petition, suitably paragraphed, which shall be a succinct, but accurate and clear, condensation of the matters raised on petition. Except in extraordinary circumstances, and upon leave granted, the preface shall not exceed 3 pages. Replies to petitions shall also contain a preface of no more pages than permitted in the petition's preface, and shall address, point by point, the specifications of alleged error, relief sought, and argument in the preface to the petition. In proceedings in which a division reverses, changes, or modifies a prior decision by a hearing officer or an employee board, petitions for reconsideration addressed to the division in an appellate capacity, and replies thereto, shall not exceed 10 pages, in addition to the preface required by this paragraph."

[FR Doc.75-30218 Filed 11-7-75;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

RETROACTIVE AMENDMENTS OF EMPLOYEE PLANS

Extension of Time for Comments

The proposed amendment to the regulations under section 401(b) of the Internal Revenue Code of 1954, as amended by the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 829), relating to certain retroactive amendments of employee plans, appears in the FEDERAL REGISTER for October 7, 1975 (40 FR 46314).

Written comments or suggestions pertaining to the proposed amendment and requests for a public hearing by persons submitting written comments or suggestions were required to be submitted by November 6, 1975. The time for submission of written comments or suggestions pertaining to the proposed amendment and for requesting a public hearing is hereby extended to December 8, 1975.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-30436 Filed 11-7-75;11:04 am]

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[26 CFR Part 1]

REGULATIONS RELATING TO MINIMUM PARTICIPATION STANDARDS

Notice of Extension of Time for Comments

The proposed amendment to the regulations under section 410 of the Internal Revenue Code of 1954, relating to the minimum participation standards, appears in the FEDERAL REGISTER for October 3, 1975 (40 FR 45838).

Written comments or suggestions pertaining to the proposed amendment and requests for a public hearing by persons submitting written comments or suggestions were required to be submitted by November 3, 1975. The time for submission of written comments or suggestions pertaining to the proposed amendment and for requesting a public hearing is hereby extended to December 2, 1975.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-30437 Filed 11-7-75;11:04 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[PUBLIC NOTICE CM-5E/3]

Office of the Secretary

ADVISORY PANEL ON INTERNATIONAL LAW

Reestablishment of an Advisory Committee

In accordance with P.L. 92-463 the Department of State requested and has received approval from the Office of Management and Budget to reestablish the Advisory Panel on International Law. This Panel was originally established in October 1967 for the purpose of providing the Department with access to the divergent views and expertise of the legal profession. Then in 1974 the Department, in evaluating the essentiality of its advisory committees, decided to terminate this Panel inter alia in an effort to keep advisory panels at a minimum.

However, the Department has determined that it is in the public interest to reestablish the Advisory Panel on International Law in order to obtain the views and advice of members from this country's outstanding legal profession. The Panel will advise on various international legal matters having long-range significance including international pollution, the responsibility of states under international law, the effect of United States law upon the conduct of international relations, and treaties which would contribute to the development of international law.

The Panel will have twenty to twenty-five public members and will be chaired by the Legal Adviser of the Department of State. The members are drawn from the legal profession at large, including the private bar, the academic community, professional legal societies, and practitioners of public interest law. The membership is balanced in terms of points of view represented by different types of employment and the Advisory Panel's function.

A copy of the Charter of the Advisory Panel on International Law has been deposited with the Library of Congress (Chief, Exchange and Gift Division, Federal Advisory Committee Desk) Washington, D.C., for use by the public.

SUE M. MORELAND,
Advisory Committee, Management Officer.

October 24, 1975.

[FR Doc.75-30161 Filed 11-7-75;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Agbay, Donald Lee, 23309 Vance Street, Hazel Park, Michigan, convicted on or about January 12, 1960, in the Recorder's Court of Detroit, Michigan.

Allen, Andy A., 5311 South 6th Avenue, Los Angeles, California, convicted on February 21, 1945, in the Los Angeles Superior Court, California.

Barbee, Loren M., P.O. Box 63, Concord, Nebraska, convicted on November 27, 1972, in the United States District Court, Northern District of Iowa.

Beaman, Donald R., 646 W. 2nd Street, Winston-Salem, North Carolina, convicted on or about January 31, 1950, Forsyth County Superior Court, Winston-Salem, North Carolina; and on or about May 26, 1950, in the United States District Court for the Middle District of North Carolina, Greensboro, North Carolina.

Berry, Gilbert I., Jr., 6747 Gunnery Road, Indianapolis, Indiana, convicted on April 4, 1957, in the Circuit Court, Monroe County, Indiana.

Birdsell, Kenneth G., 4861 North Blackwelder, Oklahoma City, Oklahoma, convicted on March 2, 1972, in the District Court, Dallas County, Texas.

Boone, David L., 4553 Virginia Avenue, Covington, Kentucky, convicted on or about September 20, 1961, in the Kenton County Circuit Court, Kentucky.

Boring, William T., 4741 Ridgeway Drive, Del City, Oklahoma, convicted on January 22, 1961, in the General Sessions Court, Richland County, South Carolina.

Brann, Oliver W., Route 215, Coopers Mills, Maine, convicted on or about November 16, 1951, in the Lincoln County Municipal Court, Wiscasset, Maine; on or about November 29, 1956, and on or about May 12 1960, in the Lincoln County Superior Court, Wiscasset, Maine; on June 29, 1960, and April 30, 1965, in the Kennebec County Superior Court, Augusta, Maine.

Bridgeford, Walter Lawrence, N-7418 Crestline, Box 5156, Spokane, Washington, convicted on October 7, 1949, in the Cascade County District Court, Montana.

Brown, Richard A., 544 S. 18th Street, Philomath, Oregon, convicted on June 18, 1970, and on October 2, 1972, in the Circuit Court, Benton County, Oregon.

Canadate, Bollin, 3245 Agate Street, Montgomery, Alabama, convicted on May 25, 1961, in the Circuit Court, Montgomery, Alabama.

Chaffain, George R., 13205 9th Avenue, SW, Seattle, Washington, convicted on September 14, 1971, in the King County Superior Court, Seattle, Washington.

Clevenger, Richard L., Box 115-B, RD #1, Mercersburg, Pennsylvania, convicted on January 24, 1962, and on February 7, 1967, in the Franklin County Court of Quarter Sessions, Chambersburg, Pennsylvania.

Dawson, John Frederick, 14205 77th Avenue, NE, Bothell, Washington, convicted on June 9, 1971, in the Riverside County Superior Court, California.

DeNapoli, Alexander A., 408 Calle DeFelipe, Torrance, California, convicted on January 30, 1950, in the United States District Court for the Central Judicial District of California, Los Angeles, California.

Dungey, Charles H., 948 35th Avenue North, Nashville, Tennessee, convicted on March 13, 1963, in Division II of the Criminal Court, Davidson County, Tennessee.

Ellis, Johnny, 3618 Rosewood, Houston, Texas, convicted on December 14, 1972, in the 182d District Court, Harris County, Texas.

Elliston, John C., 804 East Main Street, Richmond, Kentucky, convicted on October 26, 1971, in the Madison County Circuit Court, Richmond, Kentucky.

Etzelmiller, Roger D., Box 143, Clarks, Nebraska, convicted on November 20, 1969, in the Kearney County District Court, Nebraska.

Evans, Bruce A., Homes Apartment House, Smart Road, East Belfast, Maine, convicted on or about October 30, 1972, in the Superior Court, Waldo County, Maine.

Fairley, Willie L., 15046 Ardmore, Detroit, Michigan, convicted on or about July 18, 1968, in the Recorder's Court of Detroit, Michigan.

Furman, Benny Lee, 902 Hockaday, Council Groves, Kansas, convicted on July 19, 1972, in the Riley County District Court, Kansas.

Gass, James Donald, 2215 Hadden, Wichita, Kansas, convicted on April 2, 1956, in the Superior Court of Greenlee County, Arizona.

Gilmore, Francis Jay, Jr., 3154 Fulton East, Ada, Michigan, convicted on or about February 11, 1964, in the Circuit Court, Ottawa County, Michigan.

Gregerson, Donald L., 630 SW 55th, Coravallis, Oregon, convicted on May 10, 1972, in the Circuit Court, Benton County, Oregon.

Hagler, Harland A., RR 1, North Prairie Road, Warrentown, Missouri, convicted on February 9, 1961, in Division 10, Circuit Court, Saint Louis, Missouri.

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Haley, Curtis Ray, 425 South 10th East, Salt Lake City, Utah, convicted on August 31, 1962, in the Superior Court, Los Angeles County, California.

Hall, James W., P.O. Box 102, Morristown, Indiana, convicted on April 1, 1967, in the Brown County Circuit Court, Indiana.

Hallmark, William G., 1036 Linthicum Street, Birmingham, Alabama, convicted on May 23, 1972, in the Circuit Court, 10th Judicial Circuit of Alabama.

Hamlin, Mark S., 2956 NE 59th Avenue, Portland, Oregon, convicted on February 14, 1973, in the United States District Court, District of Oregon.

Hayes, Gregory Dee, 8106 SE 63rd Avenue, Portland, Oregon, convicted on December 1, 1970, and on March 15, 1971, in the Circuit Court, Wasco County, Oregon; and on April 26, 1971, in the Circuit Court, Sherman County, Oregon.

Hazen, Floyd O., Route 1, Twin Falls, Idaho, convicted on April 5, 1972, in the District Court of the Fourth Judicial District of Elmore County, Idaho.

Henley, William O., 2006 Misner Road, Williamsport, Pennsylvania, convicted on October 21, 1974, in Lycoming County Court of Common Pleas, Pennsylvania.

Ho, Franklin Wah Leong, 95-123 Ikaweiani Place, Mililani, Hawaii, convicted on June 1, 1962, in the First Circuit Court, Honolulu, Hawaii.

Holland, Robert W., RR #2, Box 12, Mooresville, Indiana, convicted on December 7, 1954, in the Marion County Court, Indiana.

Holmes, James H., G-1167-E. Carpenter Road, Flint, Michigan, convicted on October 23, 1957, in the Circuit Court of Wayne County, Michigan.

Hugot, Paul Henry, 1314 N. Madison, Hutchinson, Kansas, convicted on January 22, 1963, in the District Court of Ford County, Kansas; and on January 31, 1963, in the District Court of Edwards County, Kansas.

James, Walter B., 2158 Winston Avenue, Louisville, Kentucky, convicted on April 18, 1974, in the United States District Court, Western District, Kentucky.

Jeffries, Donald M., Jr., 426 South Enola Drive, Enola, Pennsylvania, convicted on April 21, 1970, in the Court of Common Pleas, Cumberland County, Pennsylvania.

Kelly, Sally C., RR #3, Box 232, Shoals, Indiana, convicted on November 17, 1972, in the United States District Court, Northern District, Illinois.

Kohls, Stanley A., 3482 Iowa Street, Riverside, California, convicted on July 8, 1969, in the United States District Court, Central District, California.

Lackey, John S., 950 NW 180th Terrace, Miami, Florida, convicted on July 20, 1971, in the United States District Court, Southern District, Florida.

Langlinais, Henry G., PO Box 649, Palestine, Texas, convicted on September 3, 1970, in the 187th Judicial District Court, Bexar County, Texas.

Lofton, James B., 5721 Lawton, Detroit, Michigan, convicted on or about May 3, 1940, and on or about November 30, 1950, in the United States District Court, Northern District of Alabama; on or about February 29, 1956, in the Recorder's Court of Detroit, Michigan; and on or about March 3, 1960, in the United States District Court, Eastern District of Michigan.

McGrew, Clifford E., 316 N. 9th, Cottage Grove, Oregon, convicted on October 30, 1969, Circuit Court, Multnomah County, Oregon.

McMunn, David A., RD #1, c/o Sail Inn, Conneaut Lake, Pennsylvania, convicted on January 15, 1965, on March 23, 1965, and on April 26, 1971, in the Court of Common Pleas, Crawford County, Pennsylvania.

McVey, Charles Leo, 9633 Ashworth Avenue, N., Seattle, Washington, convicted on January 26, 1962, in the Superior Court of the State of Washington in and for Grant County.

Marcil, Raymond G., 1979 Harris Avenue, San Jose, California, convicted on October 25, 1972, in the Superior Court of the State of California, County of Santa Clara.

Megale, Russell E., Trailer #12721, Sandy Beach Road, Manitou Beach, Michigan, convicted on September 29, 1970, in the Circuit Court of Lenawee County, Michigan.

Menton, LeRoy E., 2830 Courtland Drive, Concord, California, convicted on February 26, 1973, in the United States District Court, Southern District, California.

Payne, Francis, P.O. Drawer 419, Jellico, Tennessee, convicted on December 3, 1956, in the United States District Court, Knoxville, Tennessee.

Payne, John A., III, Route 1, Box 77, Earlysville, Virginia, convicted on October 18, 1970, in the Albemarle County Circuit Court, Virginia.

Redd, Albert Amos, 515 Philadelphia Avenue, Takoma Park, Maryland, convicted on August 14, 1972, in the United States District Court, District of Maryland.

Roberts, Jacob W., 1403 Ferguson Avenue, North Las Vegas, Nevada, convicted on March 17, 1966, in the Court of General Sessions, County of Charleston, South Carolina.

Russell, Walter James, Jr., 357 Roxbury Drive, Riverdale, Georgia, convicted on December 15, 1971, in the Fulton County Court, Georgia.

Russo, Joseph J., 11204 Olive Street, Warren, Michigan, convicted on January 24, 1972, in the United States District Court, Eastern District of Michigan.

Santos, Eugene S., Route 1, Box 17, Hubbard, Oregon, convicted on June 6, 1958, in the First Judicial Circuit Court, Hawaii.

Scott, Elmer K., 1205 Summit Avenue, Louisville, Kentucky, convicted on October 17, 1952, in the United States District Court, Western District, Kentucky.

Sherrer, James H., 7728-F East Ridge Drive, Birmingham, Alabama, convicted on January 18, 1971, in the Circuit Court, Tuscaloosa County, Alabama.

Smith, Susan V., Glouster Glen Apartments, D-6, Glouster, Ohio, convicted on or about November 3, 1970, in the Court of Common Pleas, Cuyahoga County, Ohio; and on September 5, 1972, Court of Common Pleas, Lorain County, Ohio.

Southard, Allen J., 401 Whiteoak Drive, Appleton, Wisconsin, convicted on September 11, 1970, in the Circuit Court, Outagamie County, Wisconsin.

Spears, Wesson Ray, 1217 Brower Cove, Memphis, Tennessee, convicted on October 21, 1971, in the Shelby County Court, Tennessee.

Stevens, Keith L., Route 2, Box 12, Canyon, Texas, convicted on December 14, 1971, in the 181st District Court, Randall County, Texas.

Stonerock, Gerald E., 438 Grafton Avenue, Dayton, Ohio, convicted on August 21, 1964, in the Montgomery County Common Pleas Court, Ohio.

Summers, William Albert, 3014 Godfrey Road, Godfrey, Illinois, convicted on November 8, 1963, in the Macoupin County District Court, Illinois.

Sumner, Donald J., 1510 W. Lynn, Springfield, Missouri, convicted on December 18, 1959, in the Circuit Court, Polk County, Missouri; and on November 18, 1966, in the Circuit Court, Benton County, Arkansas.

Swartout, Patrick Stuart, 1030 West Glass, Spokane, Washington, convicted on August 27, 1969, in the Superior Court, Washington; and on December 4, 1972, in the United States District Court, Eastern District, Washington.

Syre, Ronald J., 7801 88th Avenue, Kenosha, Wisconsin, convicted on December 10, 1969, in the County Court, Branch II, Kenosha County, Wisconsin; and on August 18, 1972, in the County Court, Oneida County, Wisconsin.

Taylor, Glenn M., 5850 Cameron Run Terrace, Alexandria, Virginia, convicted on June 9, 1966, in the Circuit Court of Fairfax County, Virginia.

Thompson, Leveron Elbert, 1016 Dailey Street, East Brewton, Alabama, convicted on April 19, 1971, in the Conecuh County, Circuit Court, Alabama.

Vanek, Gerald Thomas, 818 East Fifth Street, Royal Oak, Michigan, convicted on July 12, 1945, in the Oakland County Circuit Court, Michigan.

Westling, Scott E., 5506 Williams Highway, Grants Pass, Oregon, convicted on or about May 6, 1969, in the Superior Court of the State of California for the county of Los Angeles.

Whetstone, Carroll O., Route 1, Box 212, Queen City, Texas, convicted on or about June 6, 1961, in the Superior Court, Alameda County, California.

Wurzburger, Leslie, 6279 Dairy Avenue, Newark, California, convicted on or about February 10, 1956, in the Superior Court of the State of Connecticut, in and for the County of Fairfield.

Signed at Washington, D.C. this 30th Day of October 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-30163 Filed 11-7-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG)

Closed Meetings

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group will be held on Tuesday and Wednesday, and Thursday, December 2 and 3, and 4, 1975, in New Orleans, Louisiana.

The subject matter of the meetings is classified in accordance with subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

NOVEMBER 5, 1975.

[FR Doc.75-30079 Filed 11-7-75;8:45 am]

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG), PROPAGATION SUBPANEL

Closed Meetings

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group Propagation Subpanel will be held on Monday and Tuesday, November 17 and 18, 1975, in Bedford, Massachusetts.

The subject matter of the meetings is classified in accordance with subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code.

Due to an administrative oversight, less than 15 days notice is provided for this meeting. It has been decided to proceed with the meeting in view of the administrative costs to the government that would be incurred by rescheduling to a later date.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

NOVEMBER 5, 1975.

[FR Doc.75-30117 Filed 11-7-75;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Public Law 52-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, December 2, 1975; Tuesday, December 9, 1975; Tuesday, December 16, 1975; Tuesday, December 23, 1975; and Tuesday, December 30, 1975 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 19(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552(b) of Title 5, United States Code. Two of the maters so listed are those related solely to the internal personnel rules and practices of an agency. (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 USC 552 (b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD(C).

NOVEMBER 5, 1975.

[FR Doc.75-30118 Filed 11-7-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the National Advisory Committee on Criminal Justice Standards and Goals.

The National Advisory Committee will meet on December 14, 15, and 16, 1975. The meeting will be held at the International Hotel, 300 Canal Street, New Orleans, Louisiana. The meeting will convene at 4 p.m., December 14, and will be open to the public.

Discussion will focus on the progress and review of the individual task forces, which are:

1. Disorders and Terrorism.
2. Juvenile Delinquency.
3. Organized Crime.
4. Private Security.
5. Research and Development.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75-30159 Filed 11-7-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF SOUTHERN CALIFORNIA

Oil and Gas Lease Sale No. 35

Correction

DECEMBER 11, 1975.

In F.R. Doc. 2988, appearing at page 51672, in the issue for Thursday, November 6, 1975, the following corrections should be made.

1. On page 51672, in the second column, the sixteenth line of paragraph 3 should read "in paragraph 13 will be considered. Bid-".

2. On page 51672, in the second column, the fifth line of paragraph 5 should read "September 24, 1965, as amended by Ex-".

3. On page 51673, in the third column, in the third paragraph of Stipulation No. 4, the fifteenth line should read "tractors doing business with the lessee in connection with the programs and activities of the".

4. On page 51674, in the second column, in the first paragraph of Stipulation No. 8, the fourth line should read "and 35-25 thru 35-38 in the Santa Rosa-".

5. On page 51674, in the second column, in the first paragraph of Stipulation No. 9, the fifth and sixth lines should read "188, 35-189, 35-196, 35-197, 35-203, and 35-204 in the Santa Barbara-Santa Catalina Area.)".

6. On page 51674, in the third column, in the first table, entitled "OCS Official Leasing Map, Channel Islands, Area Map 6A," the entry under "Description" for Tract No. 35-32 should read "NE¼, E½NW¼, SW¼NW¼, S½.".

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: National Park Service, Channel Islands National Monument, 1699 Anchors Way Drive, Ventura, California 93003, William H. Ehorn, Superintendent.

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DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Annual census and banding of California brown pelicans (Pelecanus occidentalis Californicus on West Anacapa Island in order to continue research activities to quantitatively measure perpetuation of the species since the ban on use of DDT on nearby coastal lands and closing of Island to human intrusion during nesting season.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
National Park Service
Channel Islands National Monument
1699 Anchors Way Drive
Ventura, California 93003

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: Federal managing agency and custodian of natural resources of Channel Islands National Monument, California.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: William H. Ehorn, Supt. (805) 644-8157
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
West Anacapa Island
Channel Islands National Monument

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ N/A

10. DESIRED EFFECTIVE DATE

11. DURATION NEEDED: 5 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION ACQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

DECLARATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): William H. Ehorn — DATE: 7/11/75

FWS Form 3-200-1 (7-74) — William H. Ehorn

PERMIT APPLICATION

The following information is provided in compliance with 50 CFR 13.12 (b):

(1–3) Applicant—Name: National Park Service, Chaneni Islands National Monument. Address: 1699 Anchors Way Drive, Ventura, California 93003 Telephone: (805) 644V8157.

Applicant is a field office of the National Park Service, United States Department of the Interior, charged with the management and protection of Federally owned lands, waters and resources within Channel Islands National Monument, California.

(4) Location: West Anacapa Island 34°01' North Latitude 119°25' West Longitude. Area consists of approximately 340 acres of land. Elevation 930' at highest point, sea level at lowest. Topography consists of sheer cliffs, steep marine terraces and ravines. Here upon is one of only two known places of the Western Coast of the United States that the California brown pelican nests. It is the sole nesting site which has displayed uninterrupted nesting in recent. years.

(5) Type of Permit: Application is being made for an Endangered Species Permit for habitat management and research purposes. The requirement for such a permit is stated in section 9(a) and is required to implement action necessary for the conservation of endangered species as stated in Section 7 of Public Law 93–205, the Endangered Species Act of 1973. The law prohibits the "taking" of an endangered species within the United States, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. (P.L. 93–205, Section 3(14). Application is made to lawfully permit habitat management and research activities by members of State and Federal Agencies for projects as follows:

a. Research of pelican populations at least annually including the gathering of specimens such as injured and crippled young, pelican carcasses, eggshell fragments, addled eggs, nesting materials and food substances. This continuing surveillance is to be performed by the United States Fish and Wildlife Service and California Department of Fish and Game, or under their supervision and in cooperation with personnel of the National Park Service. Collection of specimens will not include pelicans determined to be healthy, but may involve those debilitated or exhibiting abnormal behavior or are sick or injured.

b. Disturbance of pelicans on West Anacapa Island by authorized observers participating in continuing annual population censuses and bird banding as described in (a) above. Personnel involved are employees or contractees of the National Park Service, U.S. Fish and Wildlife Service and California Department of Fish and Game.

c. Unavoidable harassment of bird populations for purposes of monitoring populations, inspections and bird banding by personnel of the National Park Service, U.S. Fish and Wildlife Service and California Department of Fish and Game, or their contractees.

d. Entry to loafing areas at any time of the year, and entry into breeding area during the non-breeding season by Ventura County Public Health Department and representatives of the National Park Service doing research on removal of black rats may or may not cause unavoidable harassment of some birds.

e. Entry to habitat area and unavoidable harassment by any experts or consultants invited or contracted by State and Federal Agencies named above will be minimized by subjecting this population to as little disturbance as possible. No entry into colonys will occur during nest-site establishment, incubation, and brooding of small young; unless an emergency is determined to exist. Any work done on this population will be coordinated among all agencies involved (National Park Service, U.S. Fish and Wildlife Service and California Department of Fish and Game).

(6) Not Applicable.

(7) Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Desired effective Date of Permit: July 25, 1975

(9) Date: July 11, 1975

(10) William H. Ehorn, Superintendent, Channel Islands National Monument

(11) Additional information as requested in Form 50 CFR 17, Sections 17.23, "Zoological, educational, scientific, or propagations permits." (1) Description of wildlife to be covered in the permit. Scientific name: *Pelecanus occidentalis californicus*. Common names: California brown pelican, brown pelican.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHANNEL ISLANDS NATIONAL MONUMENT
1699 ANCHOR WAY DRIVE
VENTURA, CALIFORNIA 93003

SEPTEMBER 8, 1975.

Your Reference: FWS/LE PRT 8-313-B-C.

Mr. LYNN A. GREENWALT, *Director, Fish and Wildlife Service, Washington, D.C. 20240.*

DEAR MR. GREENWALT: Here is the additional information and answers needed to complete the Endangered Species Permit that you requested in your recent letter.

17.22(a) (5) and (a) (6) (i) and (ii) Facilities and Technical Expertise: We do not propose to collect injured and crippled pelicans. If the need should come in the future, we would contact the Fish and Wildlife Service in Davis, California, for their assistance and expertise. The birds would then be transferred in Fish and Wildlife containers and cared for by the Fish and Wildlife Service at the Davis Field Station.

17.22(a) (8): We fully understand the requirements of the application being published in the FEDERAL REGISTER and open for public comment for 30 days.

Conceivably the habitat management will involve the eradication of the Black Rats (*Rattus rattus*) and other plants and animals that are exotic species. This has to be done in conformance with the laws and policies of the National Park Service. There are no outstanding contracts at this time for conducting research. Before any contracts are approved in final, they will be reviewed and approved by the Fish and Wildlife Service and the California State Department of Fish and Game. We have always done this in the past under the terms of our cooperative agreements with them.

In summary, the National Park Service does not engage in any activities involving the California brown pelican without the consent, approval and assistance of Dr. Dan Anderson of the Fish and Wildlife Service in Davis, California, and Mr. Howard Leach of the California Department of Fish and Game in Sacramento, California.

As you are aware, the National Park Service has recently designated West Anacapa Island as a Research Natural Area which will prevent any development or activities that would adversely affect the brown pelican.

If you are in need of further information, please let me know.

Sincerely,

WILLIAM H. EHORN,
Superintendent.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 10, 1975, will be considered.

Dated: October 31, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-30084 Filed 11-7-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

UPLAND COTTON

Determination of 1976–Crop Loan Level

On July 18, 1975, the Commodity Credit Corporation published in the FEDERAL REGISTER (40 FR 30283) a notice that the Secretary of Agriculture was proposing to make a determination of the loan level with respect to the 1976 crop of upland lint cotton. Such determination would reflect for Middling 1-inch cotton (micronaire 3.5 through 4.9) at average location in the United States 90 percent of the average price of American cotton in world markets for the 3-year period August 1, 1972, through July 31, 1975. The determination is made pursuant to a regulation published in the Federal Register of August 22, 1973 (38 FR 22543) specifying the procedures and factors to be used in making the world price determination. Data involved in the determination of the preliminary 1976-crop loan level for upland cotton are contained in Tables 1 through 5 which follow:

TABLE 1.—*Upland Cotton: average prices quoted for U.S. Strict middling 1 1/16" in world markets, by months*

[1972–73 marketing year]

Marketing year and month	Average price quoted in— Northern Europe [1]	Osaka [2]
	Cents per pound	*Cents per pound*
1972:		
August	32.49	31.85
September	31.28	30.72
October	32.23	31.92
November	36.69	34.26
December	39.00	35.57
1973:		
January	42.38	37.62
February	43.50	38.41
March	45.91	41.16
April	46.22	43.88
May	51.75	[3] 47.54
June	56.00	51.20
July	65.00	59.38
Weighted average price [4]	43.95	42.74
Two market average		43.05

[1] Includes Europe, Africa, and Middle East.
[2] Includes Asia and Oceania.
[3] Derived.
[4] Weighted by exports each month.

TABLE 2.—*Upland cotton: average prices quoted for U.S. strict middling 1 1/16" in world markets, by months*

[1973–74 marketing year]

Marketing year and month	Average price quoted in— Northern Europe [1]	Osaka [2]
	cents per pound	*cents per pound*
1973:		
August	79.80	63.65
Semptember	90.19	68.50
October	88.75	[3] 72.69
November	80.95	76.88
December	88.42	77.23
1974:		
January	93.50	84.33
February	82.12	67.00
March	74.38	[3] 65.00
April	69.94	[3] 63.00
May	63.65	61.00
June	62.69	56.00
July	65.38	(4)
Weighted Average price [5]	78.06	71.15
Two market average		72.98

[1] Includes Europe, Africa, and Middle East.
[2] Includes Asia and Oceania.
[3] Derived.
[4] Not quoted.
[5] Weighted by exports first 2 months: export sales thereafter.

TABLE 3.—*Upland cotton: average prices quoted for U.S. strict middling 1 1/16" in world markets, by months*

[*1974–75 marketing year*]

Marketing year and month	Average price quoted in— Northern Europe [1]	Osaka [2]
	Cents per pound	*Cents per pound*
1974:		
August	64.26	(3)
September	60.46	(3)
October	57.97	49.00
November	53.65	47.75
December	52.27	46.00
1975:		
January	51.24	44.00
February	52.58	45.00
March	53.76	50.00
April	56.25	51.94
May	56.10	55.00
June	61.00	54.12
July	60.78	[4] 55.94
Weighted average price [5]	55.18	51.32
Two market average		52.34

[1] Includes Europe, Africa, and Middle East.
[2] Includes Asia and Oceania.
[3] Not quoted.
[4] Derived.
[5] Weighted by export sales each month.

TABLE 4.—*American cotton: estimated shipping costs from Texas markets (average U.S. location) to all foreign markets*

Marketing year	Estimated Costs [1] Per bale (net weight)	Per pound (net weight)
	Dollars	*Cents*
1972–73	34.76	7.24
1973–74	45.74	9.53
1974–75	58.29	12.14
3-year average	46.26	9.64

[1] These estimates reflect the weighted average of costs to ship cotton from Texas markets (Lubbock, Dallas, Houston) to all foreign outlets combined. Cost items included are those normally experienced in merchandising American cotton to foreign markets.

TABLE 5.—*Upland cotton: Determination of 1976 loan level, basis middling 1-inch, micronaire 3.5 through 4.9, at average location in the U.S., 1976 program*

		Cents per pound net weight
1	Weighted average price for U.S. SM 1 1/16": [1]	
	A. August 1972 to July 1973	43.05
	B. August 1973 to July 1974	72.98
	C. August 1974 to July 1975	52.34
2	Average price, 3 marketing years	56.12
3	Weighted quality adjustment to convert to U.S. middling 1-inch [2]	5.24
4	Less item 3	50.88
5	Adjustment for handling, transportation, and associated marketing charges from U.S. average location [3]	9.64
6	Less item 5	41.24
7	90 percent of average world market price, basis U.S. middling 1-inch, micronaire 3.5 through 4.9, at average U.S. location (90 percent of item 6)	37.12

[1] Weighted by exports by months in 1972–73; by export sales in 1973–74 and 1974–75.
[2] Weighted average number of points foreign market quotations for SM 1 1/16" are estimated to be higher than middling 1-inch cotton according to U.S. quality standards.
[3] Based upon a study by the Economic Research Service, USDA, covering weighted average charges from U.S. average location to foreign markets, August 1972–July 1975.

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Signed at Washington, D.C. on November 3, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-30127 Filed 11-7-75;8:45 am]

Office of the Secretary

FEDERAL CROP INSURANCE CORPORATION

Organization, Functions, and Delegations of Authority

The notice of Organization, Functions, and Delegations of Authority of the Federal Crop Insurance Corporation appearing in 36 FR 23325 is superseded and the following is substituted therefor:

SUBPART A—ORGANIZATION

Sec.
1. Creation.
2. Stock.
3. Management.
4. Board of Directors.
5. Offices of the Corporation.
6. Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

7. Crops insured.

SUBPART C—DELEGATIONS OF AUTHORITY

8. Delegations of authority affecting crop insurance contracts.

SUBPART A—ORGANIZATION

SECTION 1. *Creation.* The Federal Crop Insurance Corporation was created February 16, 1938, by the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and is an agency within the U.S. Department of Agriculture.

SECTION 2. *Stock.* All capital stock of the Federal Crop Insurance Corporation is owned by the United States.

SECTION 3. *Management.* The Management of the Federal Crop Insurance Corporation is vested in the Board of Directors, subject to the general supervision of the Secretary of Agriculture. The Manager of the Corporation is its chief executive officer, and he is appointed by and holds office at the pleasure of the Secretary of Agriculture. Under the general supervision of the Board, the Manager is responsible for the general direction and supervision of all activities of the Corporation.

SEC. 4. *Board of Directors.* The Federal Crop Insurance Act provides that the Board of Directors shall consist of the Manager of the Corporation, two other persons employed in the Department of Agriculture, and two persons experienced in the insurance business who are not otherwise employed by the Government. The Board is appointed by and holds office at the pleasure of the Secretary of Agriculture.

SEC. 5. *Offices of the Corporation.* The principal office of the Federal Crop Insurance Corporation is composed of the Office of the Manager and seven division and staff offices. The Office of the Manager and other components of the principal office are located at Washington, D.C. 20250, in the South Agriculture Building, except that the National Service Office and the Actuarial Division are located at 8930 Ward Parkway, Kansas City, Missouri 64114.

(1) *Office of the Manager.* The Office of the Manager is composed of the Manager and his immediate staff, including a Deputy Manager. Within established policies and regulations, the Manager is responsible for the executive direction, coordination, and control of the Corporation's programs and activities, the determination of goals and objectives, and the approval of plans, methods and procedures proposed or used.

(2) *Research and Development Staff.* The Research and Development Staff collaborates with the Office of the Manager in devising and developing research studies on insured and uninsured crops and counties, the effects of changing climatological conditions and technological developments, and new insurance concepts and territories. It researches and develops proposed insurance programs, forms and related procedures. It collaborates with other agencies, commodity groups, handlers, and processors on proposed projects and research related to new crop insurance programs. It prepares and issues specific and periodic reports and coordinates material for the Board of Directors. It is also responsible for contract development and revision and preparation of insurance regulations and Federal Register notices. It participates in the preparation of legislative proposals and reports. It prepares the Annual Report to Congress.

(3) *Actuarial Division.* The Actuarial Division, which is located at 8930 Ward Parkway, Kansas City, Missouri 64114, formulates and advises management on actuarial/underwriting policies of the Corporation; establishes and revises insurance coverages and rates for crops insured by county; develops actuarial/underwriting formulas and techniques for measuring insurance risks; devises methods for accumulating statistical data for actuarial analyses; develops and issues actuarial/underwriting procedures, instructions and forms; develops production cost by crops and counties and restricts coverage to the cost of production; and directs four regional underwriting offices and areas comprising the regions are:

(i) *North Central Regional Underwriting Office,* Room 106, U.S. Post Office and Courthouse, Springfield, Illinois 62701—Serving Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri (all counties except Barton, Bates, Butler, Cape Girardeau, Dade, Dunklin, Jasper, Lawrence, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Vernon), Ohio, Erie County, Pennsylvania, and New York.

(ii) *Southeast Regional Underwriting Office,* Room M-116, U.S. Post Office and Federal Building, 401 North Patterson, Street, Valdosta, Georgia 31601—Serving Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri (Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, and Stoddard Counties only), North Carolina, Pennsylvania (all counties except Erie), South Carolina, Tennessee, and Virginia.

(iii) *Southwest Regional Underwriting Office,* 50th and North Pennsylvania, Suite 1210, 50 Penn Place, Oklahoma City, Oklahoma 73118—Serving Arizona, California (all counties except Modoc), Colorado, Kansas, Missouri (Barton, Bates, Dade, Jasper, Lawrence, and Vernon Counties only), New Mexico, Oklahoma, and Texas.

(iv) *Northwest Regional Underwriting Office,* Plaza West Building, 1537 Avenue D, Billings, Montana 59102—Serving California (Modoc County only), Idaho, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wyoming, and Utah.

(4) *National Service Office.* The National Service Office is located at 8930 Ward Parkway, Kansas City, Missouri 64114. This office performs the accounting functions of the Corporation, including administrative and program cost accounts through use of automatic data processing, performs contract servicing and audit functions, develops statistical information and prepares statistical and financial reports; processes claims and computes and schedules indemnities for payment; and serves as the central supply and distribution center for forms and procedures.

(5) *Operations Division.* This office formulates and recommends policy and advises management on the development of operations programs, directs a coordinated Marketing and Contract Service program, including all phases of FCIC's sales, claims, loss adjustment, public relations, and field servicing activities. The two staffs and functions which they perform within established policies and regulations and subject to the direction of the Director, Operations Division, are as follows:

(i) *Contract Service Staff.* This staff plans and coordinates all Crop Insurance Contract Service activities, including developing programs, issuing procedures and instructions, and training personnel. It recommends policies, devises and installs systems, methods, procedures, instructions, forms, and techniques assuring consistent and equitable adjustment of losses and processing of claims for insured crops and inspection and/or review of applications or acreage reports involving high liability, transfers of interests, unit agreements or unusual or controversial claims. It develops and implements recruiting, training, supervision, career development and incentive programs, standards, and performance appraisal methods and techniques for loss adjusters. It advises and assists Regional Directors and Contract Service Branch Chiefs with plans, problems, training and recruiting. It serves as a support group in assisting the Director, Operations Division, in carrying out his supervisory functions. It also reviews and recommends proposed contract changes.

(ii) *Marketing Staff.* This staff develops overall marketing promotion and business retention plans, commodity sales plans, product lines, product mix, product quotas, and collection procedure. It reviews and recommends proposed contract changes. It develops overall sales training programs, methods, and techniques. It develops sales aids and promotional materials. It develops uniform reporting systems and sales performance evaluation techniques. It prepares procedures, instructions, and forms required. It develops sales incentive systems, qualification standards, and performance appraisal methods and techniques for sales personnel. It works with private insurance groups, communications media, other governmental and nongovernmental agencies, farm organizations, and business groups to promote better understanding and acceptance of the purpose and value of crop insurance. It advises and assists Regional Directors and Marketing Branch Chiefs with plans, problems, training, and recruiting. It also serves as Washington representative to close large and complex sales and to stimulate sales campaigns. It maintains continuous review of sales, programs, and activities procedures. It serves as a support group in assisting the Director, Operations Division, in carrying out his supervisory functions.

(iii) *Regional Offices.* There are 14 Regional Offices serving the states in which crop insurance is being offered. Each Regional Office is under the supervision of a Regional Director who is responsible for the general administration of the loss adjustment, claims, servicing programs, sales and collections in his assigned territory, recruiting and training personnel, advising management and recommending contract and other changes. The Regional Director conducts his activities through a Contract Service Branch, a Marketing Branch, and a Support Operations Branch. Claims specialists and assistants supervise and coordinate the loss adjustment and service work of fieldmen under the Contract Service Branch. District and area sales supervisors coordinate the sales and collection work of fieldmen in a specified group of counties under the Marketing Branch. Offices for the county are under the Support Operations Branch. Regional Offices with the territories which they serve are as follows:

North Dakota: Room 234, Federal Building, 220 East Rosser Avenue, Bismarck, North Dakota 58501.

Texas, Oklahoma, New Mexico: USDA Building, College Station, Texas 77840.

Georgia, Florida, South Carolina, and the following Alabama counties: Baldwin, Barbour, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Pike: Room 303, 240 Stoneridge Drive, one Greystone West Building, Columbia, South Carolina 29210.

Iowa and the following Missouri counties: Adair, Andrew, Atchison, Audrain, Boone, Buchanan, Caldwell, Callaway, Carroll, Cass, Chariton, Clark, Clinton, Cooper, Daviess, DeKalb, Franklin, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Knox, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Monroe, Montgomery, Nodaway, Pettis, Pike, Platte, Ralls, Randolph, Ray, St. Charles, Saline, Scotland, Shelby, Sullivan, Worth: Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

Arizona and the following California counties: Fresno, Imperial, Kern, Kings, Madera, Merced, Riverside, San Joaquin, Stanislaus, Tulare: Room 4110, Federal Building, U.S. Courthouse, 1130 "O" Street, Fresno, California 93721.

Mississippi, Arkansas, Louisiana, and the following Alabama counties: Blount, Cherokee, Chilton, Colbert, Cullman, Dallas, DeKalb, Etowah, Hale, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Morgan, Pickens, Shelby, Talladega, Tuscaloosa: Room 610 Milner Building, 200 South Lamar Street, Jackson, Mississippi 39201.

Montana and the following Wyoming counties: Big Horn, Park, Washakie: 613 N.E. Main Street, Lewistown, Montana 59457.

Nebraska, South Dakota, and the following Wyoming counties: Goshen, Laramie, Platte: Room 303, Federal Building, Lincoln, Nebraska 68508.

Kansas, Colorado, and the following Missouri counties: Barton, Bates, Dade, Jasper, Lawrence, Vernon: 2601 Anderson Avenue, Manhattan, Kansas 66502.

Tennessee, Kentucky, the following Missouri counties: Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, Stoddard; and the following Virginia counties: Lee, Russell, Scott, Smyth, Washington: U.S. Courthouse, Room 508, Nashville, Tennessee 37203.

North Carolina, Delaware, Maryland, the following Pennsylvania counties: Adams, Chester, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York; and the following Virginia counties: Amelia, Appomattox, Brunswick, Campbell, Charlotte, Cumberland, Dinwiddie, Franklin, Greensville, Halifax, Isle of Wight, Lunenburg, Mecklenburg, Nansemond, Nottoway, Pittsylvania, Prince Edward, Prince George, Southampton, Surry, Sussex: Room 612 Federal Office Building, 310 New Bern Avenue, Raleigh, North Carolina 27601.

Illinois, Michigan, Ohio, Indiana, New York, and Erie County in Pennsylvania: Atkinson Square West, Suite 1501, 5610 Crawfordsville Road, Indianapolis, Indiana 46224.

Washington, Oregon, Idaho, Utah, and Modoc County in California: Room 369, U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201.

Minnesota and Wisconsin: Room 222, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minnesota 55101.

(A) *Office for the County.* Field offices serving one or more counties are established to administer the crop insurance program at the local level. Most of these offices are staffed by regular employees of the Corporation. These offices are charged with the responsibility of servicing crop insurance contracts. They receive, process and transmit applications for insurance, contract changes, acreage reports, premiums, notices of loss and notices of cancellation, and related forms to Regional and National Service Offices as required. Some counties are handled by agents under contract with the Corporation to only sell the insurance and in others to both sell and service the insurance. The county actuarial table, which shows the premium rates and coverages available and the insurable acreage in the county, is on file in the office for the county and available for public inspection. Changes in insurance contracts to be effective for a coming crop year are also filed in the office for the county and are available for public inspection. Forms which are required to be used in connection with crop insurance contracts may be obtained at the office for the county upon request. The location of the office serving any county may be obtained from the Regional Office.

(6) *Administrative Management Division.* This division formulates and recommends policy and advises management on the development of administrative programs. It directs a coordinated Budget, Finance, Administrative Services, and Personnel program. It plans, directs, and coordinates the fiscal, budget and accounting activities of the Corporation with respect to both capital and administrative funds. It plans, directs, performs and coordinates procurement, space, communications, records, and paperwork management functions. It plans, directs, performs, and coordinates personnel functions, including organization and manpower planning, recruiting, staffing, placement and utilization, position classification, employee development, Equal Employment Opportunity, employee and labor relations, safety, health, and disciplinary actions.

SEC. 6 *Availability of information and records.* Any person desiring information with respect to crop insurance may request such information from the office for his county, from the Regional Director for his State, or from the Manager, Federal Crop Insurance Corporation-United States Department of Agriculture, Washington, D.C. 20250. Records of the Corporation, including those maintained in the field offices, are currently available for examination in accordance with the rules issued by the Secretary of Agriculture (7 CFR 1.1 *et seq.*) and the Corporation (7 CFR 412.1 *et seq.*).

SUBPART B—FUNCTIONS AND PROCEDURES

SEC. 7. *Crops insured.*

(a) The Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*) authorizes the Corporation to insure crops against unavoidable losses for the purpose of determining the most practical plan, terms and conditions of insurance for agricultural commodities. Crop insurance may be offered in each year in not to exceed 150 counties in addition to the number of counties in which such insurance was offered in the preceding year. Insurance may be offered each year on not more than three agricultural commodities in addition to those previously insured, except that other agricultural commodities may be included in combined crop insurance (insurance on two or more agricultural commodities under one contract with a producer). Insurance within the limitation set forth above is now offered on wheat, cotton, flax, corn, tobacco, dry beans, citrus, soybeans, barley, peaches, grain sorghum, oats, rice, raisins, peanuts, peas, apples, tomatoes, sugar beets, sugarcane, grapes, and combined crops.

(b) Regulations governing current insurance programs may be found in the FEDERAL REGISTER and in Title 7, Code of Federal Regulations, Parts 401 through 404, 406, and 408 through 413.

SUBPART C—DELEGATIONS OF AUTHORITY

SEC. 8. *Delegations of authority affecting crop insurance contracts.* The authority delegated by this section to act on behalf of the Corporation in matters affecting crop insurance contracts shall be exercised in accordance with established policies and procedures and subject to the supervision and direction of the Manager. This delegation of authority shall not preclude the Manager from exercising the same authority whenever he deems it necessary under the circumstances.

(a) *Delegations to Regional Directors.* Each Regional Director, in the state or states served by his office, is authorized to: Reject applications for crop insurance; cancel crop insurance contracts in accordance with their terms (but the voidance of a contract for the misrepresentation or fraud of an insured is reserved to the Manager of the Corporation); accept or reject proposed agreements with insureds for the division of insured acreage in a county into two or more insurance units, where a crop insurance contract so provides; approve or reject a transfer of interest under an insurance contract; recommend approval or rejection of claims in accordance with administrative procedure; determine the insured acreage and interest or declare the insured acreage to the zero where the insured fails to timely file an acreage report or files an acreage report which is found to be erroneous; and determine when replanting of an insured crop is practical.

(b) *Delegations to Fieldman.* The fieldman (known as "adjuster") assigned to make an inspection of insured acreage, after notice of loss and a request by the insured for consent to put such acreage to another use, is authorized to give such consent in writing on behalf of the Corporation in accordance with the policy and the applicable endorsement and loss adjustment procedure.

(c) *Delegation to Director, National Service Office.* The Director of the National Service Office is authorized to accept applications for insurance, changes in elections, and contract reinstatements; to process, suspend, approve or reject claims for indemnity, and to adjust, cancel, or terminate or suspend collection action with respect to claims for premiums under Public Law 518 (12 U.S.C. 1150 and 1151 and the Federal Claims Collection Act of 1966 (31 U.S.C. 951-953).

Approved by the Board of Directors on September 18, 1975.

Issued this 4th day of November, 1975.

[SEAL] EARL L. BUTZ,
Secretary.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

[FR Doc.75-30128 Filed 11-7-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

EL PASO ZOOLOGICAL PARK

Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Paisano, El Paso, Texas 79905, to take El Paso Zoological Park, Evergreen and

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three (3) California sea lions (*Zalophus californianus*) for public display.

The sea lions will be taken from the California Channel Islands by a professional collector during the period of November to April.

The animals will be maintained in a sloping kidney shaped pool measuring 32 feet at maximum width and depths varying from a minimum of 3 feet 8 inches to a maximum of 4 feet 5 inches. A four step riser leads to a covered grotto haul-out facility and a three step riser is located at a shallow end of the pool. A circular island, measuring six feet in diameter is centrally located at the deep end of the pool.

Health care of the animals will be performed by a staff member, a general curator and a resident veterinarian, all of whom have had prior experience with California sea lions.

The El Paso Zoological Park is a nonprofit institution which records approximately 200,000 visitors annually. Exhibited sea lions have been maintained for approximately 15 years prior to July 1973.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before December 10, 1975. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this Notice in support of this application are summaries based upon information supplied by the Applicant, and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

NOVEMBER 4, 1975.

[FR Doc.75-30164 Filed 11-7-75;8:45 am]

Office of the Secretary

NATIONAL INDUSTRIAL ENERGY COUNCIL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 USC App. I and Office of Management and Budget Circular A-63 of March, 1974, as amended, and after consultation with OMB, the Secretary of Commerce has determined that the renewal of the National Industrial Energy Council is in the public interest in connection with the performance of duties imposed on the Department by law.

First established on November 28, 1973, the National Industrial Energy Council (NIEC) was formed for the purpose of advising the Secretary of Commerce on achieving more efficient utilization of energy in the business sector and encouraging energy conservation practices, processes and products. While significant achievements have been made, the Secretary has determined that additional effort is required.

The NIEC has made important contributions to the development of more efficient manufacturing processes and the dissemination of information about this effort throughout the business community. It has given advice which has helped in the development and marketing of energy efficient products, has examined and proposed means of overcoming barriers to more efficient utilization of energy, and has made significant contributions to fostering greater awareness of energy problems and solutions in the business sector.

In renewing the NIEC, the Secretary has established for it a continuing role in the vital field of business use of energy. The advice and counsel of the NIEC members is not available on any organized basis through other advisory committees or from outside sources or from other sources within the Department of Commerce The NIEC will continue in its role with a balanced membership of approximately 25 members, will be chaired by the Secretary of Commerce and will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Council's revised and renewed charter will be filed with appropriate committees of the Congress and with the Library of Congress 15 days after the date this notice appears.

The revised Charter of the Council, set forth below, differs from the present Charter in the following respects:

a. The statement of the membership level of the Council is changed from "approximately 20" to "approximately 25." Our experience in developing an appropriate roster of members indicates that "approximately 25" more accurately reflects the number of members needed to achieve a fairly representative sampling of industry viewpoints.

b. Provision for a regular Vice-Chairman for the Council is eliminated. Council activities have proven to be of such a nature that it is generally appropriate for the Secretary of Commerce personally to chair meetings of the Council.

c. The description of Council functions is revised to make clear that the energy conservation matters which are considered by the Council include general questions of energy utilization within the industrial and commercial segments of the economy.

d. Provision for administrative support of Council activities is changed from the Assistant Secretary for Domestic and International Business to the Office of Energy Programs.

e. Reflecting actual expenses, the estimate of annual Council operating costs and staff support is increased to $63,976.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

NOVEMBER 3, 1975.

[FR Doc.75-30111 Filed 11-7-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0324]

LUTREXIN TABLETS AND TREXINEST TABLETS

Hynson, Westcott & Dunning, Inc.; Oral Argument on Exceptions to Tentative Findings of Fact and Conclusions of Law

The Commissioner of Food and Drugs will hear oral argument concerning new drug applications for Lutrexin (NDA 8-986) and Trexinest (NDA 10-144) tablets on January 16, 1976.

An evidentiary hearing concerning these drugs was held from June 17 to July 12, 1974, before Administrative Law Judge Irving Sommer, notice of which was published in the FEDERAL REGISTER of May 2, 1974 (39 FR 15341), (Docket FDC-D-123). On November 27, 1974, Judge Sommer issued tentative findings of fact and a tentative order withdrawing the new drug applications for Lutexin and Trexinest. Subsequently, the respondent Hynson, Westcott & Dunning, Inc., filed exceptions to Judge Sommer's findings and order, together with a supporting brief and a request for an opportunity for oral argument.

Oral argument will be held before the Commissioner at 2 p.m. Friday, January 16,1976, in Conference Rm. I, 5600 Fishers Lane, Rockville, MD. Argument will be heard on behalf of Hynson, Westcott & Dunning, Inc., and the Bureau of Drugs. Each party will be allowed a maximum of 1 hour to present its argument. Argument will be limited to the legal issues and to the factual evidence of record at the hearing, and no new factual material will be received. No additional briefs or memoranda will be permitted.

Dated: November 3, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30110 Filed 11-7-75;8:45 am]

[Docket No. 75F-0303]

MONSANTO CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3128) has been filed by Monsanto Co., 800 North Lindbergh Blvd., St. Louis, MO, proposing that § 121.2629 *Acrylonitrile/styrene copolymer* (21 CFR 121.2629) be amended to expand the permitted use of the copolymer, which is currently restricted to use with nonalcoholic beverages, to use as an article or a component of articles intended to contact all foods except those containing more than 8 percent alcohol.

It has been determined that the proposed uses, other than as bottles intended to hold beer and carbonated beverages, will not have a significant environmental impact. The use of plastic bottles for beer and carbonated beverages has been conviewed for a final environmental impact statement issued by the Food and Drug Administration on April 14, 1975. The notice of availability of the statement appeared in the FEDERAL REGISTER of April 14, 1975 (40 FR 16708). Comments on that statement are currently being reviewed for a final environmental impact statement, which is being prepared. The proposed use of this copolymer to include beer bottles is considered covered by the draft statement, and the final impact statement under preparation. The environmental impact analysis report and other material relevant to the use of the copolymer for purposes other than bottles for beer and carbonated beverages have been reviewed. It has been determined that these proposed uses of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours Monday through Friday.

Dated: October 30, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-30109 Filed 11-7-75;8:45 am]

Office of Education

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Advisory Council on Women's Educational Programs will be held from 8:30 a.m. to 5:00 p.m. on December 1 and 2, 1975, in the Turquoise Room of the Sheraton Old Town Inn at 800 Rio Grande Boulevard NW., Albuquerque, New Mexico, and that the full Council meeting will be preceded by a meeting of the Council's Executive Committee from 6:00 p.m. to 11:00 p.m. on November 30, 1975, at the Kachina Room in the Sheraton Old Town Inn at 800 Rio Grande Boulevard NW., Albuquerque, New Mexico.

The Advisory Council on Women's Educational Programs is esetablished pursuant to Public Law 93-380 Section 408 (f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meetings of the full Council and of the Executive Committee shall be open to the public. The agenda for the full Council meeting will include: (1) discussion of Council operating procedures; (2) committee reports; (3) budget report; (4) staff report; (5) report from HEW regional office; (6) presentation by Indian education personnel; (7) statements from local community organizations.

The agenda for the Executive Committee meeting will include development of a committee statement of purpose and a tentative plan of action.

Records will be kept of all Council proceedings and will be available at the Council offices at Suite 710, 1325 G Street NW., Washington, D.C.

Signed at Washington, D.C. on November 5, 1975.

KATHLEEN MAURER,
Administrative Officer.

[FR Doc.75-30173 Filed 11-7-75;8:45 am]

RESEARCH PROJECTS IN VOCATIONAL EDUCATION

Notice of Closing Date for Receipt of Applications for FY 76

Notice is hereby given, pursuant to the authority contained in section 131(a) of Part C of the Vocational Education Act of 1963, as amended (20 U.S.C. 1281(a)), that applications are being accepted for vocational education research project grants and contracts.

Applications must be received by the U.S. Office of Education Application Control Center on or before January 9, 1976.

A. *Application sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Washington, D.C. 20202, Attention: 13.489. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than January 5, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4:00 p.m. Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program application information.* (1) Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the Division of Research and Demonstration, Bureau of Occupational and Adult Education, Office of Education, Room 5018, 7th and D Streets, SW., Washington, D.C.

(2) To be eligible for review by the Office of Education, an application from a local educational agency must be approved by the State board. In order to permit the consideration of an application for funding from a local educational agency by the Office of Education, the approval of the State board with respect to that application should be received by the Office of Education with the application by the deadline established above. In those instances where State Boards do not convene prior to the deadline date for receipt of applications, the applications must contain a statement indicating when the Board will convene to consider the application, and a statement indicating the date when the recommendation by the State Board may not be received by the Vocational Education Research program more than 50 calendar days after the closing date for receipt of applications. All applications from other than local educational agencies must be submitted in accordance with 45 CFR 103.13(a) of the program regulations (20 U.S.C. 1281(a)).

(3) *Duplication*—In order to assure that applications do not duplicate projects already undertaken in the State, the applicant shall (1) send a copy of the application to the State Director of Vocational Education, and (2) notify the Commissioner of Education of this action by attaching a copy of the letter that transmitted the application to the State Director of Vocational Education to each copy of the application transmitted to the Office of Education.

The State Director may advise the Commissioner of Education of applications considered to be a duplication of other projects in the State, within 30 days of receipt of the application. An application may only be considered to be a duplication of effort, if the objec-

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tives, and procedures of the application are closely related to the objectives, and procedures of completed or on-going projects. A letter that indicates a dupli-cation of effort should document how the objectives, and procedures are so simi-lar that funding would not be warranted.

D. *Awards in States.* (1) Direct grants or contracts are awarded in each State up to the limit of funding available for the Commissioner of Education to use in that State as allotted under section 131 (a) of Part C of the Act. Subject to § 103.15 of the program regulations (45 CFR 103.15), the approximate allocations anticipated for initiating new grants during fiscal year 1976 are: Alabama $152,512; Alaska $10,980; Arizona $78,-402; Arkansas $82,978; California $639,-462; Colorado $92,797; Connecticut $83,-168; Delaware $17,559; Florida $261,020; Georgia $197,749; Hawaii $27,545; Idaho $32,985; Illinois $329,245; Indiana $195,-008; Iowa $104,779; Kansas $83,018; Kentucky $141,801; Louisiana $165,194; Maine $42,778; Maryland $132,450; Mas-sachusetts $183,292; Michigan $306,445; Minnesota $144,142; Mississippi $102,226; Missouri $171,348; Montana $29,874; Ne-braska $56,139; Nevada $16,079; New Hampshire $28,578; New Jersey $200,331; New Mexico $49,720; New York $492,477; North Carolina $227,868; North Dakota $28,092; Ohio $377,359; Oklahoma $107,-360; Oregon $82,079; Pennsylvania $405,-233; Rhode Island $34,132; South Caro-lina $124,163; South Dakota $30,142; Tennessee $172,182; Texas $470,504; Utah $52,288; Vermont $19,359; Virginia $188,492; Washington $122,030; West Virginia $74,215; Wisconsin $169,402; Wyoming $13,498; District of Columbia $20,673; American Samoa $1,169; Guam $3,738; Puerto Rico $117,652; Virgin Is-lands $2,462; Trust Territory $3,827.

(2) These projects should not exceed 18 months in duration.

E. *Authority.* The regulations appli-cable to this program include the U.S. Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations on Research and Training, Exemplary, and Curriculum Develop-ment Programs in Vocational Education (45 CFR Part 103), published in the FED-ERAL REGISTER on August 15, 1974 at 39 FR 29361 and the Additional Criteria for Selection of Applicants for Fiscal Year 1976 published in this issue of the FED-ERAL REGISTER.

(Catalog of Federal Domestic Assistance No. 13.498 Vocational Education—Research)

Dated: September 6, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-30121 Filed 11-7-75;8:45 am]

Health Resources Administration

NATIONAL ADVISORY PUBLIC HEALTH TRAINING COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1975:

Name: National Advisory Public Health Training Council.

Date and Time: November 24-25, 1975, 9:00 a.m.

Place: Conference Room 9, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Open for entire session.

Purpose: Advises the Secretary and the Administrator, Health Resources Ad-ministration on matters relating to De-partment programs and interests in sup-port training for professional public health personnel and related activities.

Agenda: Agenda items for the meet-ing will cover announcements, status of legislation, overview of programs, and consideration of program priorities.

The meeting is open to the public for observation and participation. Anyone wishing to obtain a roster, minutes of meeting, or other relevant information should contact Mr. Thomas D. Hatch, Building 31, Room 3C-02, 9000 Rockville Pike, Bethesda, Maryland 20014, Tele-phone (301) 496-6975.

Agenda items are subject to change as priorities dictate.

Dated: November 7, 1975.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.75-30401 Filed 11-7-75;10:16 am]

Office of Education

STAFF MEMBERS OF ADVISORY COUNCILS

Compensation

Section 445(d)(3) of the General Edu-cation Provisions Act (GEPA) as amended, (20 U.S.C. 1233d(d)(3)), pre-scribes that the compensation of staff of the Presidential advisory councils (as de-fined in section 441 of GEPA; 20 U.S.C. 1233) subject to Part D of the GEPA shall be set in accordance with regulations promulgated by the Assistant Secretary for Education. The requirement of pub-lishing a proposed notice of rulemaking does not apply to personnel matters (5 U.S.C. 553(a)(2)), but a draft of this regulation was discussed with a repre-sentative of each of the affected groups and all participants were invited to sub-mit written comments within thirty (30) days. Two comments were received; one concurred with the draft and the other suggested that the regulations include provisions relating to termination of staff of these Presidential advisory councils. Staff termination was not included be-cause the requirement that the Assistant Secretary issue regulations concerns only compensation for the affected employees. (Sec. 445(d)(3) of the General Education Provisions Act as amended; (20 U.S.C. 1233d (d)(3)))

Dated: October 16, 1975.

VIRGINIA Y. TROTTER,
Assistant Secretary for Health, Education, and Welfare.

Approved: November 4, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

COMPENSATION FOR STAFF MEMBERS OF ADVISORY COUNCILS

The compensation for employees of advisory councils, other than Executive Directors, who are appointed under 20 U.S.C. 1233d(a) and compensated pur-suant to 20 U.S.C. 1233d(d)(3), shall be determined on the same basis and under the same regulations and policies, in-cluding those relating to within-grade increases, as such compensation would be determined if the employees were being paid under the General Schedule; except that:

(a) A rate above the minimum rate of the appropriate level may be author-ized by the Chairperson or designee of the advisory council, for new appoint-ments, or for reappointments following a break in service of at least 90 days, from any prior Federal employment, other than under 5 U.S.C. 3109, upon written justification of the necessity for such higher rate to enable the advisory council to accomplish its purpose;

(b) In addition to the within-grade in-creases authorized for employees whose work is of an acceptable level of compe-tence, the Chairperson or designee of an advisory council may, within the limit of available appropriations, grant ad-ditional step increases in recognition of sustained high qualty performance (nor-mally of a six month period) above that ordinarily found among employees in the same or similar type of position, pro-vided that only one such additional step-increase may be granted to an employee within any 52-week period; and

(c) In order to avoid undue hardship or inequity in individual cases of meri-torious nature, the Chairperson or des-ignee of the advisory council may authorize in writing a waiver of the time-in-grade restrictions contained in Civil Service Regulations 300.601 and made applicable to staff members of advisory councils by these regulations.

(20 U.S.C. 1233d(d)(3))

[FR Doc.75-30124 Filed 11-7-75;8:45 am]

Office of the Assistant Secretary for Health

PHARMACEUTICAL REIMBURSEMENT ADVISORY COMMITTEE

Request for Nomination of Members

In the FEDERAL REGISTER of July 31, 1975 (40 FR 32284 et seq.), the Depart-ment of Health, Education, and Welfare published regulations entitled "Limita-tions on Payment or Reimbursement for Drugs" which were effective on that date.

Section 19.4 of the regulations calls for the establishment of a Pharmaceutical Reimbursement Advisory Committee in the Office of the Assistant Secretary for Health to advise the Pharmaceutical Reimbursement Board (to be composed of Department employees) on the appro-priateness of proposed Maximum Allow-able Cost determinations submitted by the Board and, upon request, to advise the Secretary and the Board on gen-eral policies and procedures of the De-partment in reimbursing or paying the cost of drugs used in Departmentally funded programs.

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Department of Health, Educa-tion, and Welfare, announces the estab-lishment by the Secretary, Department of Health, Education, and Welfare of the Pharmaceutical Reimbursement Advi-sory Committee on October 9, 1975.

The Assistant Secretary for Health requests nominations for membership on the Pharmaceutical Reimbursement Ad-visory Committee. The Committee will consist of 15 members not in the full time employ of the United States. Members shall be selected for terms of two years except that seven of the initial members shall serve for one year. Members will be selected to provide as full a range as pos-sible of knowledge, experience, and judg-ment in the areas of pharmacy, pharma-cology, medicine, pharmaceutical mar-keting, public health, and consumer af-fairs.

Any interested person may nominate one or more qualified persons for mem-bership. A complete curriculum vitae on the nominee shall be included. Nomina-tions shall state that the nominee is aware of the nomination and is willing to serve as a member of the Advisory Committee.

Nominations should be submitted to Dr. Mark Novitch, Office of Medical Af-fairs (HFM-1), Food and Drug Admin-istration, 5600 Fishers Lane, Rockville, Md., 20852 no later than December 10, 1975.

Date: November 5, 1975.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

[FR Doc.75-30396 Filed 11-7-75;10:01 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-472-DR; NFD-310]

MONTANA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Montana, dated June 28, 1975, and amended July 8, 1975, and July 25, 1975, is hereby further amended to include the following counties among those coun-ties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 28, 1975:

The Counties of:

Fergus, Judith Basin

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 24, 1975.

THOMAS P. DUNNE,
Federal Disaster Assistance Administration.

[FR Doc.75-30132 Filed 11-7-75;8:45 am]

[FDAA-487-DR, NFD-311]

NEW YORK

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated October 2, 1975, and amended October 14, 1975, and October 20, 1975, is hereby further amended to include the following county among those counties determined to have been ad-versely affected by the catastrophe de-clared a major disaster by the President in his declaration of October 2, 1975:

The County of:

Yates

Dated: October 30, 1975.

(Catalog of Federal Domestic Asistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-30133 Filed 11-7-75;8:45 am]

Office of Interstate Land Sales Registration

[OILSR No. 0-1636-49-63, Doc. No. ED-75-13; Docket No. N-75-451]

NOCONA HILLS

Notice of Hearing

(Pursuant to 15 U.S.C. 1706(b) and 24 CFR 1720.155(b)).

Notice is hereby given that:

1. Lake Nocona Acres, Inc., Developer of Nocona Hills, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the In-terstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Suspension dated October 2, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706 (b) and 24 CFR 1710.45(a) informing the developer that its amendment to the Statement of Record and Property Re-port submitted for Lake Nocona Acres, Inc., located in Montague County, Texas, was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710 et seq.

2. The Respondent filed an answer dated October 17, 1975, in answer to the allegations of the Notice of Suspension dated October 2, 1975.

3. In said Answer the Respondent re-quested a hearing on the allegations contained in the Notice of Suspension.

4. Therefore, pursuant to the provi-sions of 15 U.S.C. 1706(b) and 24 CFR 1720.155(b), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Suspension will be held before James W. Mast, Adminis-trative Law Judge, in Room 7146, De-partment of HUD Building, 451 7th Street, S.W., Washington, D.C., on No-vember 7, 1975, at 10 a.m.

5. The Respondent is HEREBY NOTI-FIED that failure to appear at the above scheduled hearing shall be deemed a de-fault and the suspension of the State-ment of Record, herein identified, shall continue until vacated by order of the Secrtary, pursuant to 24 CFR 1720.155.

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

OCTOBER 30, 1975.

[FR Doc.75-30203 Filed 11-7-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-441]

STATUTORY AND REGULATORY EXEMP-TION FROM FULL DISCLOSURE

Guidelines; Correction

On October 8, 1975 (40 F.R. 47166), the Department published Guidelines for Statutory and Regulatory Exemptions from Full Disclosure. The following changes should be made to that docu-ment:

1. On page 47167, the second subpara-graph under paragraph II is corrected by changing the second sentence to read as follows:

The entire offering made pursuant to the common promotional plan must qualify for the exemption; otherwise, the exemption is not available for any of the lots; i.e., if a single lot in the subdivision is less than exactly five acres in size, none of the lots would qualify for this exemp-tion.

2. On page 47169, the third subpara-graph under REGULATORY EXEMP-TIONS paragraph I is corrected in the seventeenth line by changing the word "expressed" to "express".

3. On page 47170, the sixteenth line of the second column is corrected by changing the word "anyone" to "any one".

(Sec. 7(d), Department of Housing and Ur-ban Development Act, 79 Stat. 670 (42 U.S.C. 3535 (d), 1419, 82 Stat. 593), (15 U.S.C. 1718); Secretary's delegation of authority published at 37 FR 5071, March 9, 1972)

Issued at Washington, D.C. November 4, 1975.

JOHN R. MCDOWELL,
Acting Interstate Land Sales Administrator.

[F RDoc.75-20202 Filed 11-7-75;8:45 am]

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[Docket No. N–75–450]

Office of Interstate Land Sales Registration

RANCHOS DE PLACITAS

Hearing

In the matter of Ranchos de Placitas, OILSR No. 0–1827–36–87, Docket No. 75–211–IS. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that:

1. Equity Management Company, V. Karl Kortemeier, President and Director, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued September 23, 1975, which was sent to the developer pursuant to 15 U.S.C. 1701(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Ranchos de Placitas, located in Sandoval County, New Mexico, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 16, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 5 U.S.C. 1706(d) and 24 CFR 1720.160(d), It Is Hereby Ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on December 15, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before December 1, 1975.

6. The Respondent is Hereby Notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: October 24, 1975.

JAMES W. MAST,
Administartive Law Judge.

[FR Doc.75–30134 Filed 11–7–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75–142]

ENVIRONMENTAL IMPACT STATEMENTS

Procedures for Consideration

Correction

In FR Doc. 75–28430 appearing at page 49383 in the issue for Wednesday, October 22, 1975, make the following changes:

1. On page 49386, the first column, the paragraph designated "(4)", the second line which currently reads "statement has expirted, prepare the final" should read: "statement is prepared, circulate it to Federal".

2. On page 49390, the middle column, the paragraph designated "5.", the fourth line which presently reads "environmental issues and take responsibility" should read "environmental statement for which the Coast".

Materials Transportation Bureau

Office of Hazardous Materials Operations

CALIFORNIA SEAL CONTROL CORP., ET AL.

Application for Exemptions or Renewals

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations has received applications for exemptions and renewals of exemptions, that are described below. The modes of transportation requested are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor Vehicle, 2—Rail Freight, 3—Cargo Vessel, 4—Cargo-only Aircraft, 5—Passenger-carrying Aircraft.

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6213, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Interested persons are invited to submit views or comments with respect to any one or more of the applications. Comments should refer to the application number and be submitted in duplicate to the Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on the specified comment closing date will be considered and will be available in the docket for inspection and copying, both before and after the closing date.

New exemptions

Application No.	Applicant	Regulation(s) affected—sections	Nature of application
75–1	California Seal Control Corp., San Pedro, Calif.	173.51 and 173.91.	To allow the classification of Seal Control products as class C explosives and to be transported in cell-type packages using DOT specification 12–B fiberboard boxes. (mode 1)
75–2	Brunswick Corp., Lincoln, Nebr.	173.302.	To allow transportation of compressed air in non-DOT specification fiberglass reinforced plastic containers. (modes 1, 2, 3)
75–3	Monsanto Co., St. Louis, Mo.	173.300.	To allow transportation of flammable compressed gas, n.o.s., in 16-oz glass bottles cushioned in packing foam and further overpacked in schedule 40 pipe and a strong wood box. (mode 1)
75–4	Unitek Corp., Monrovia, Calif.	173.286.	To allow the transportation of orthodontic direct bonding kits containing flammable liquids, and a corrosive, in plastic kits further overpacked in a plastic box, a sealed plastic bag, cushioned with absorbent material packed 8 to a corrugated box (modes 1, 2, 3, 4, 5)
75–5	Owens-Illinois, Toledo, Ohio.	173.136.	To allow the transportation of methyltriethoxilane, a flammable liquid, in DOT specification 57 portable tanks. (mode 1)
75–6	Waters Instruments, Inc., Rochester, Minn.	14 CFR, 103.31.	To allow the transportation of the MOX–107TM kidney transport module, containing a cylinder charged to 1800 psi with 85 percent oxygen and 15 percent carbon dioxide, in the passenger compartment of passenger-carrying aircraft. (mode 5)
75–7	Waste Research and Reclamation Co., Inc., Eau Claire, Wis.	173.28.	To allow the reuse of DOT specification 17E drums for the transportation of spent flammable liquids without reconditioning. (mode 1)
75–8	Matheson Gas Products, Lyndburst, N.J.	173.315.	To allow the use of a cargo tank, previously in liquid oxygen service, modified to transport liquid ethylene. (mode 1)
75–9	Carborundum Plastics, Inc., Avondale, Pa.	173.252 and 173.253.	To allow the transportation of elemental bromine, a corrosive liquid, in "Kynar" lined, 150-gallon steel tote tanks. (mode 1)

The comment period closing date for the above applications for new exemptions is December 10, 1975.

Renewals

Application No.	Applicant	Regulation(s) affected—sections	Nature of application
75–10	Stauffer Chemical Co., Westport, Conn.	173.154 and 178.118–10.	To reinstate SP 3766 and to allow the shipment of titanium trichloride in foreign drums, patterned after DOT specification 17H. (mode 1)
75–11	Varian, Palo Alto, Calif.	173.398.	To reinstate SP 6655 and to allow the shipment of an electron linear accelerator containing not more than a type A quantity of radioactive material. (mode 1)
75–12	Atlas Powder Co., Dallas, Tex.	173.239.	To reinstate SP 6917 and to allow the shipment of barium azide in DOT specification 21C fiber drum and inside glass bottles not over 1 lb capacity. (modes 1, 2)
75–13	FMC Corp., Philadelphia, Pa.	173.223 and 178.35a-2.	To renew SP 2650 and to allow transportation of peracetic acid in DOT specification 6D or 37M cylinder overpack with inside DOT 28L polyethylene containers. (modes 1, 2)
75–14	Do.	171.6 and 173.365 and 46 CFR 146.25–200.	To reinstate SP 5876 and to allow transportation of a class B poison solid in DOT specification 44D multiwall paper bags not over 50 pounds net weight. (modes 1, 2, 3)
75–15	E. F. Houghton and Co., Philadelphia, Pa.	173.224 and 46 CFR 146.22–200.	To reinstate SP 5954 and to allow the transportation of sodium nitrite mixtures in valeron cross-plastic polyethylene bags. (mode 1, 2, 3)
75–16	Foote Mineral Co., Exton, Pa.	173.206.	To renew SP 6682 and to allow the transportation of lithium metal foil in tin-coated steel cans, overpacked 4 to a DOT specification 21C fiber drum. (modes 1, 2)
75–17	Pennwalt Corp., Luciddol Div., Buffalo, N.Y.	173.154 and 173.158 and 178.205–16.	To renew SP 6122 and to allow the transportation of certain peroxides in specially designed DOT specification 12B fiberboard boxes. (modes 1, 2)

The comment period closing date for the above renewal applications is November 28, 1975.

J. R. GROTHE,
Chief, Exemptions Branch,
Office of Hazardous Materials Operations.

[FR Doc.75–29933 Filed 11–7–75;8:45 am]

Office of the Secretary

[Docket No. 40]

INTERAGENCY TASK FORCE ON MOTOR VEHICLE GOALS BEYOND 1980

Request for Information and Public Comment

On March 21, 1975, Secretary Rogers Morton, Chairman of the Energy Resources Council, requested that the Secretary of Transportation lead a Federal Interagency Task Force to examine long-range energy goals of the motor vehicle fleet, compatible with environmental, safety and economic objectives. The members of the Task Force include representatives from Department of Transportation (DOT), Federal Energy Administration (FEA), Environmental Protection Agency (EPA), Energy Research and Development Administration (ERDA), National Science Foundation (NSF), and other agencies of the Federal Government.

As a means of accomplishing this study, panels have been convened to review data around specific areas relating to motor vehicles. The output of the panels will contribute to a comparative analysis of a number of competing considerations for reduced vehicle emissions and noise and enhanced safety and fuel economy. For each design, there will be a definition of strategies for implementing rational policies with respect to motor vehicles. The report will describe the merits and demerits of the design alternatives. The period of time being considered is model year 1981 through the following decade. The panels have considered the subjects of:

1. Automotive Design.
2. Automotive Manufacturing and Maintenance.
3. Marketing and Mobility.
4. Safety.
5. Fuels and Materials Resources.
6. Air Quality, Noise and Health.
7. National/Industry/Consumer Economics.
8. Alternative Implementation Strategies.

The purpose of this notice is to solicit advice contributing to the improvement of the panel reports which comprise the data base for the Interagency Task Force Study. The information and advice received by this solicitation will contribute to the final data for panel reports and the Task Force Report to be submitted to the Energy Resources Council on December 31, 1975. All comments received before December 1, 1975, will be given full consideration. Comments received after that date will be considered to the extent practicable.

This notice announces the availability for public review and criticism of limited numbers of draft copies of panel reports. Copies are available for inspection during normal working hours (9:00 a.m.–5:30 p.m.), except legal holidays, in the Department of Transportation, Office of the Assistant General Counsel for Regulation, Room 10424E, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 426–4723. Requests for copies will be honored in accordance with provisions of the Freedom of Information Act and the regulations and fee schedules, thereunder.

HAMILTON HERMAN,
Assistant Secretary for Systems Development and Technology.

[FR Doc.75–30107 Filed 11–7–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 25280; Agreement C.A.B. 25476 R–1 and R–2; Order 75–10–100]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Correction

In FR Doc. 75–29329 appearing on page 50742 in the issue for Friday, October 31, 1975, make the following changes:

1. The second paragraph, the sixth line should be deleted and replaced with "foreign air carriers, and other carriers".

2. In the Table, the left column, the entry which reads "254/6" should read "25476".

[Order 75–11–13; Docket 28402]

AIR JAMAICA (1968) LTD.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of November, 1975.

By a tariff filing dated October 1, 1975, Air Jamaica (1968) Limited (Air Jamaica) proposes round-trip Group Inclusive Tour (GIT) fares at discounts ranging from approximately 40 to 58 percent off applicable round-trip economy fares, effective November 5, 1975, between points in the U.S. and Kingston/Montego Bay, Jamaica and Nassau, Bahamas. The fares, set at levels higher for peak-season and week-end travel than for off-peak-season and midweek travel, would be subject to a 3/14-day minimum/maximum stay period; permit no stopovers; and involve varying minimum group sizes.[1] The fares are subject to purchase of a minimum of $39 in ground arrangements; require that the group travel together on each portion of the journey; and specify that application, accompanied with a 10 percent nonrefundable deposit,[2] and full payment be made no later than 15 days prior to departure.[3]

Eastern Air Lines, Inc. (Eastern) has filed a complaint requesting that the fares be suspended pending investigation, on grounds that they are unreasonably low since in a number of cases they undercut the normal one-way economy fare to Jamaica, and that Air Jamaica has not justified the reasonableness of the discount.

In answer, Air Jamaica maintains that the purpose of its GIT filing is to enable it to compete with One-stop inclusive Tour Charters (OTC) filed from U.S. points to Jamaica. Air Jamaica contends that Eastern has likewise filed low-fare tariffs with the Board in an effort to compete with OTC filings in Eastern's

[1] Groups of 75 or more to/from New York, 50 to/from Chicago and Philadelphia and 40 to/from Detroit.

[2] However, full refund will be made if cancellation results from death or illness, supported by a medical certificate, of a passenger or a member of his immediate family.

[3] John M. Sampson, Agent, Tariff C.A.B. No. 15, 48th Revised Page 274D and Rule No. 96-B, 1st Revised Page 80–B.

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U.S.-Puerto Rican/Virgin Island market; that Eastern presently offers low-priced "no frills" fares in other markets; that these fares offer substantial reductions from the normal fares; and that the markets in which Eastern's fares are offered compete with Air Jamaica's markets as vacation destinations. Finally, Air Jamaica alleges that its GIT fares are not unduly low since their use is tied to large groups, ranging from 40 to 75 persons, and are subject to other conditions which will limit diversion.

Upon consideration of the complaint, Air Jamaica's response and all relevant factors, the Board has concluded to dismiss Eastern's complaint.

Contrary to Eastern's contentions, the proposed GIT fares would not, in our opinion, cause significant diversion from normal one-way fare travel. While the GIT fare itself is proposed at a level below the one-way normal economy fare in certain instances,[4] the required purchase of ground accommodations ($39) brings the total cost to the passenger above the one-way normal economy fare in every market. Therefore, there is no incentive to the one-way traveler to use the GIT fare in lieu of the normal economy fare and throw away the unused portion. Further, the large minimum group sizes and the stipulation that the group travel together throughout the trip should also significantly minimize any diversionary impact.

Finally, the yield to the carrier from the proposed GIT fares compares favorably with that derived from comparable as well as less restrictive fares available in Caribbean/Mexican-United States markets. For example, the average 5.65 cents per seat-mile yield of the proposed New York-Kingston GIT fare is 1.26 cents above that of the presently effective New York-Curacao GIT fare for minimum groups of 40, and is slightly higher than the average yield from the less restrictive New York-Curacao GIT fare for minimum groups of 10. It is also higher than that derived from the IATA-agreed New York-Mexico affinity fare for groups of 40.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof.

It is ordered, That: The complaint of Eastern Air Lines, Inc. in Docket 28402 be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-30180 Filed 11-7-75;8:45 am]

[4] This is primarily limited to the midweek off-peak season. However, at Detroit the fares are proposed at levels below the one-way normal economy fare in the midweek peak and weekend off-peak seasons, as well as in the midweek off-peak season.

[Order 75-9-30; *Docket 28297]

AERONAVES DE MEXICO, S.A.

Order of Investigation and Suspension; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of August, 1975. U.S.-Mexico passenger fares proposed by: AERONAVES DE MEXICO, S.A.

On Page 3 correct paragraph 6 to read as follows:

6. Except to the extent granted herein, the complaints of Pan American World Airways, Inc., Eastern Air Lines, Inc., American Airlines, Inc., and Braniff Airways, Inc., in Dockets 28142, 28189, 28190, and 28197, respectively, be and hereby are dismissed.

By the Civil Aeronautics Board:

Dated: November 3, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-30182 Filed 11-7-75;8:45 am]

[Order 75-11-15; Docket 28378]

KODIAK-WESTERN ALASKA AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of November, 1975.

On October 7, 1975, Kodiak-Western Alaska Airlines, Inc. (KWAA) filed a motion for leave to file an otherwise unauthorized document, accompanied by a petition requesting the Board to establish, pursuant to Section 406 of the Federal Aviation Act of 1958, as amended, a fuel surcharge applicable to mail transported by KWAA in its intra-Alaska service. KWAA does not desire to institute proceedings leading to a general reexamination of its service mail rates but only requests that a fuel surcharge be added to its present service mail rates.[1] The carrier's petition describes the substantial increases in fuel prices which have occurred since final service mail rates were established, based on fiscal year 1969 cost data, and seeks the establishment of a fuel surcharge based on fiscal year 1975 fuel costs. By answer filed October 17, 1975, the U.S. Postal Service indicates its support for the relief requested by KWAA and this action serves to open the carrier's rate.

In support of its petition, KWAA states that in the intervening six years since fiscal year 1969, the base year used in determining its current rate, fuel costs per revenue ton-mile have increased more than 34 percent and no relief from this increased fuel cost burden has been granted. Its wholly intra-Alaska system rates were not affected by the temporary fuel surcharge instituted for domestic service mail rates.[2] Based on the carrier's computations, this results in an increase of 18 cents per great-circle mail ton-mile.

Our review with the data submitted with KWAA's petition indicates that, consistent with the relief granted to Alaska Airlines, Inc.,[3] and Reeve Aleutian Airways, Inc.,[4] it is appropriate to base a fuel surcharge for KWAA on the percentage increase in fuel costs per great-circle mail ton-mile for fiscal year 1975 over those for the fiscal year 1969 base period. In our opinion, the fuel surcharge resulting from this computation is fair and reasonable and will not result in an overpayment to the carrier for the carriage of mail.

On the basis of the foregoing, the Board tentatively finds and concludes that:

1. The fair and reasonable final rate of compensation to be paid by the Postmaster General to Kodiak-Western Alaska Airlines, Inc., for the transportation of mail by aircraft over its entire system, the facilities used and useful therefor, and the services connected therewith, on and after October 17, 1975,[5] is a service mail rate consisting of the following:

(a) *Terminal charges* of 7.5 cents per pound for the first 400,000 originating mail pounds per year, of 5 cents per pound for the second 400,000 originating mail pounds per year, and of 2.5 cents per pound for any mail pounds in excess of 800,000 pounds originating during the year.

(b) *Line-haul charges* of $4.18 per ton-mile for the first 20,000 mail ton-miles per year, and of $2.18 per ton-mile for the additional mail ton-miles in excess of 20,000 ton-miles per year.

(c) The foregoing charges would be made payable to Kodiak-Western Alaska by 28-day postal accounting periods in accordance with the following formula:

PAYMENT FORMULA PER 28-D POSTAL ACCOUNTING PERIOD

	Unit rate
Terminal charges:	
1st 30,800 lb originated...cents...	7.5
2d 30,800 lb originated... do ...	5.0
All other lbs originated... do ...	2.5
Line-haul charges:	
1st 1,540 ton-miles...	$4.18
All other ton-miles...	2.18

2. The mail ton-miles used in computing the service mail payments at the

[1] Published at 40FR(42770) September 16, 1975.

[1] These rates were established by Order 73-2-6, February 1, 1973.

[2] Priority and Nonpriority Domestic Service Mail Rates—Phase 2, Order 74-10-94, October 18, 1974.

[3] Orders 75-5-63, May 16, 1975, and 75-6-7, June 3, 1975.

[4] Orders 75-4-34, April 8, 1975, and 75-4-115, April 24, 1975.

[5] The date the U.S. Postal Service filed its Answer in support of KWAA's petition. See Order 75-4-34, April 8, 1975.

foregoing rates shall be based upon the great-circle airport-to-airport mileage between points served for the carriage of mail.

3. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof and the Board's procedural Regulations, 14 CFR, Part 302,

It is ordered, That: 1. All interested persons, and particularly Kodiak-Western Alaska Airlines, Inc. and the Postmaster General, are directed to show cause why the Board should not amend Order 73-2-6, February 1, 1973, so as to adopt the foregoing proposed findings and conclusions effective on and after October 17, 1975, subject to the terms and conditions as set forth in Order 73-2-6;

2. Further procedures shall be in accordance with the Rules of Practice, 14 CFR, Part 302, and if there is any objection to the rates and charges or to the related findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing final service mail rates and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the rates herein specified;

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR, Section 302.307; and

5. This order shall be served upon Kodiak-Western Alaska Airlines, Inc. and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Appendix

Service mail rates for Kodiak-Western Alaska Airlines, Inc.

Line-haul charges	Current rate	Fuel surcharge	Proposed rate including fuel surcharge
First 1,540 ton-miles	$4.00	$0.18	$4.18
All other ton-miles	2.00	.18	2.18

[FR Doc.75-30181 Filed 11-7-75;8:45 am]

[DOCKET 28379]

LAKER AIR TRAVEL LTD.

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 22, 1975, at 10:00 a.m. (local time) in Room 1003, Hearing Room C, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before November 28, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., November 5, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-30177 Filed 11-7-75;8:45 am]

[Docket No. 28443]

SERVICE TO HAZLETON CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 12, 1975, at 10:00 a.m. (local time), in Room 1003-B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Greer M. Murphy.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before December 1, 1975, and the other parties on or before December 8, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., November 4, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-30178 Filed 11-7-75;8:45 am]

TRANSPORTES AEREOS NACIONALES, S.A. (TAN), ET AL.

Reassignment of Proceeding

In the matter of Transportes Aereos Nacionales, S.A. (TAN), Foreign Carrier Permit Renewal; Servicio Aereo De Honduras, S.A. (SAHSA), Foreign Carrier Permit Renewal; Servicio Aereo De Honduras, S.A. (SAHSA), Foreign Carrier Permit Amendment.

This proceeding has been reassigned from Administrative Law Judge Dee C. Blythe to Administrative Law Judge Janet D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., November 4, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-30179 Filed 11-7-75;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC MEETINGS

Pursuant to Public Law No. 92-463, notice is hereby given of the following field meetings of the Commission on Federal Paperwork.

Congressman Frank Horton will conduct the first national public meeting in Boston, Massachusetts on November 21, 1975 at the John F. Kennedy Federal Building, Suite E-226 (Executive Dining Room). The meeting will commence at 9:00 a.m. and continue until 12:30 p.m. An afternoon session will reconvene at 2:00 p.m.

Participating in the Boston meeting will be representatives from labor, small manufacturers, insurance, and higher education. These individuals will be addressing the areas in which they have or are experiencing a paperwork burden, as well as their recommendations for minimizing the amount of paperwork demanded by Federal, State, and local reporting requirements.

The second national meeting has been scheduled in San Francisco, California on November 25, 1975. It will be held in the GSA Federal Building, 525 Market Street, in the Arizona Room on the 28th Floor. The meeting will commence at 9:00 a.m. and continue until 12:30 p.m. The afternoon session will reconvene at 2:00 p.m.

Representatives from small business, public works, financial institutions, labor, and the medical profession will be addressing the various areas in which they are burdened by Federal, State, and local reporting requirements.

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Testimony presented at these meetings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of the paperwork load.

The Commission on Federal Paperwork is located at 111 20th Street, N.W., Suite 200, Washington, D.C. 20036. The telephone number is (202) 254–6920.

HASSELL B. BELL,
Director.

[FR Doc. 75–30101 Filed 11–7–75;8:45 am]

COMMISSION OF FINE ARTS

PRIVACY ACT OF 1974

Notice of Systems of Records

On October 2, 1975, in accordance with section 3 of the Privacy Act of 1974 (5 U.S.C. 552a(e)), a proposed notice of records maintained by the Commission of Fine Arts was published in the FEDERAL REGISTER (40 FR 45740). Interested persons were invited to comment on the notice before October 30, 1975. No comments were received.

The proposed system of records is hereby adopted with the following additions:

System CFA–2: Categories of records in the system is amended to read: "These records may contain employee time and attendance records; annual and sick leave records; personnel grievances; EEO discrimination complaints; Privacy Act implementation records; and other personnel administrative records which are not part of the personnel data maintained by the Civil Service Commisson."

Retrievability is amended to read: "Records are arranged alphabetically by last name under the subheadings Time and Attendance Records; Annual and Sick Leave Records; Personnel Grievances; EEO Discrimination Complaint Records; Privacy Act Implementation Records; and, in all other cases, on the left side of the employee's Official Personnel Folder, also maintained alphebetically by last name in the office safe."

There are no other amendments and the proposed systems of records maintained by the Commission of Fine Arts under the Privacy Act of 1974 are hereby effective as set forth below.

Signed in Washington, D.C. on October 31. 1975 by:

CHARLES H. ATHERTON,
Secretary,
Commission of Fine Arts.

[FR Doc.75–30232 Filed 11–7–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 454–5; (OPP–180056)]

COLORADO DEPARTMENT OF AGRICULTURE

Crisis Exemption Using Carbaryl To Control Fleas Transmitting Bubonic Plague

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the Colorado Department of Agriculture (hereafter referred to as "Colorado") has availed itself of a crisis exemption. Colorado used the pesticide carbaryl to control fleas on rodents, specifically ground squirrels (*Spermophilus* spp.), wood ("pack") rats (*Neotoma* spp.), gophers (*Geomys; Thomomys* spp.), and deerfooted mice (*Peromyscus* spp.). It was determined that the fleas were the cause of a human death from bubonic plague; the flea genera constituting the major plague vectors are: *Diamanus, Foxella, Hoplopsyllus, Monopsyllus, Opisocrostis,* and *Orchopeas.* The location of the rodent-flea population was near the town of Wetmore in Custer County. This exemption is in accordance with, and is subject to, the provisions of § 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning the exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, Colorado has submitted in writing the following certified information.

During the latter part of September, 1975, the State of Colorado recorded one human death due to bubonic plague in a small community in Custer County. Plague would appear to be endemic in certain small areas of Colorado; therefore, the situation is carefully watched by the State health department. However, as a result of the human death, it was felt that an immediate rodent dusting program for flea control should be initiated.

Although there is a product registered for this particular use, the product appeared to be unavailable in the time frame required; the registered product also contained carbaryl as the active ingredient. Due to the human death and the high population of fleas on the rodents, there was no time to request either a specific or quarantine-public health exemption.

The rodent-flea population was located near the town of Wetmore in Custer County. Rodent burrows in and near the town were treated, as well as a 6 to 7 mile area up a small valley by Hardes Crabbie Creek. Approximately 250 pounds of 5% carbaryl dust was applied by hand and power dusters. The program was started on October 3, and concluded on October 5, 1975. Personnel were under the direct supervision of the State Sanitarian with the Vector Control Unit; a representative of the Communicable Disease Center from Fort Collins, Colorado, also assisted in the program.

Efforts were made to inform all personnel on the site of the potential adverse effects that could result from misuse of the pesticide. Only confined areas, for example, under houses, and burrows were treated; no broadcast treatments were made. Special efforts were made to keep the material as far away from any water source as possible, while still treating the burrows close to the creek. No problems were encountered during the program and none are anticipated.

The official file concerning this exemption is available for inspection in the Registration Division (WH–567), Office of Pesticide Programs, EPA, Room E–315, 401 M St., S.W., Washington, D.C. 20460.

Dated: November 4, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75–30219 Filed 11–7–75;8:45 am]

[FRL 454–7; OPP–33000/334]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in its interim policy with respect to the administration of Section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW., Washington, DC 20460.

On or before January 9, 1976, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 9, 1976.

Dated: November 3, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED

EPA File. Symbol 25689–E. Ace Chemical Products, 4233 2nd St. N.E., Minneapolis MN 55421. ALGAETROL N. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 1677–TO. Economics Laboratory, Inc., Osborn Bldg., St. Paul MN 55102. MIKRO–QUAT–50. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chlorides 4.5%; Trisodium ethylenediaminetetraacetate 0.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11014–R. Fast Products, 455 10th St., San Francisco CA 94103. POWER SUPREME CLEANER & DISINFECTANT. Active Ingredients: Didecyl dimethyl ammonium chloride 4.25%; Testrasodium ethylenediamine tetraacetate 1.60%; Sodium carbonate 2.00%; Sodium metasilicate, anhydrous 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37785–T. Ray W. Hawksley Co., Inc., 220 Cutting Blvd., Richmond CA 94804. BIOCIDE SERIES 324. Active Ingredients: Disodium cyanodithioimidocarbonate 14.7%; Potassium N-methyldithiocarbamate 20.3%. Method of Support: Application proceeds under 2(b) of interim policy. P33

EPA File Symbol 37785–R. Ray W. Hawksley Co., Inc. BIOCIDE SERIES 322. Active Ingredients: Disodium cyanodithioimidocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37785–A. Ray W. Hawksley Co., Inc. BIOCIDE SERIES 323. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 891–23. Hercules Inc., 910 Market St., Wilmington DE 19899. HERCULES TOXAPHENE. Active Ingredients: Toxaphene (technical chlorinated camphene containing 67–69% chlorine) 72.0%; Xylene 23.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM12

EPA Reg. No. 891–20. Hercules Inc., 910 Market St., Wilmington DE 19899. HERCULES TOXAPHENE. Active Ingredients: Toxaphene (technical chlorinated camphene containing 67–69% chlorine) 60%; Xylene 35%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM12.

EPA File Symbol 37649–E. KG Eurotherm GmbH & Co., 2000 Hamburg 76, Humboldstr. 51–55, West-Germany. KILLVIT 60. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37754–A. Lubchem, Inc., PO Box 38449, Houston TX 77088. LUBCIDE II C. Active Ingredients: Disodium cyanodithioimidocarbonate 4.00%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37754–I. Lubchem, Inc. LUBCIDE III A. Active Ingredients: 2-(Thiocyanomethylthio) benzothiazole 32.0%; 2-Hydroxypropyl methanethiosulfonate 28.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37754–O. Lubchem, Inc. LUBCIDE III B. Active Ingredients: 2-(Thiocyanomethylthio) benzothiazole 16.0%; 2-Hydroxypropyl methanethiosulfonate 14.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM 33

EPA File Symbol 37754–RN. Lubchem, Inc. LUBCIDE III C. Active Ingredients: 2-(Thiocyanomethylthio) benzothiazole 10.68%; 2-Hydroxypropyl methanethiosulfonate 9.32%. Method of Support: Application proceeds under 2(b) of interim policy. PM 33

EPA File Symbol 37754–RR. Lubchem, Inc. LUBCIDE III D. Active Ingredients: 2-(Thiocyanomethylthio) benzothiazole 5.34%; 2-Hydroxypropyl methanethiosulfonate 4.66%. Method of Support: Application proceeds under 2(b) of interim policy. PM 33

EPA File Symbol 37754–T. Lubchem, Inc. LUBCIDE III E. Active Ingredients: 2-(Thiocyanomethylthio) benzothiazole 2.67%; 2-Hydroxypropyl methanethiosulfonate 2.33%. Method of Support: Application proceeds under 2(b) of interim policy. PM 33

EPA File Symbol 37648–R. Southern Testing Water Guard, Div. of Southern Industrial Sales Corp., 607 Park Ave., Wilson NC 27893. WATER GUARD 162. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 17217–L. Spectrowax Corp., 77 Dorchester Ave., South Boston MA 02127. GRIME–ASIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate Anhydrous 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 10485–EE. United Chemical Co., 601 N. Leech St., Hobbs NM 88240. ALPHA 512. Active Ingredients: 2-(Thiocyanomethylthio) benzothiazole 3.2%; 2-Hydroxypropyl methanethiosulfonate 2.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 10485–ER. United Chemical Co., 601 N. Leech St., Hobbs NM 88240. ALPHA 513. Active Ingredients: 2-(Thiocynamethylthio) benzothiazole 5.0%; 2-Hydroxypropyl methanethiosulfonate 7.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37752–R. Williard, Inc., 375 Highland Ave., Jenkintown PA 19046. WILCHEM BIOCIDE–N. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyl dithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc.75–30221 Filed 11–7–75;8:45 am]

[FRL 456–6; OPP–42005]

STATE OF WYOMING

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171, the Honorable Ed Herschler, Governor of the State of Wyoming, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis. Contingency approval is being requested pending promulgation of the content of regulations implementing existing legislation. Copies of the proposed implementing regulations are attached to the plan.

Notice is hereby given of the intention of the Regional Administrator, EPA Region VIII, to approve this plan on a contingency basis.

A summary of this plan follows. The entire plan, together with all attached appendices (except for examinations withheld at the State's request for reasons of confidentiality), may be examined during normal business hours at the following locations:

2219 Carey Avenue, Cheyenne, WY 82002 (Pesticides Section, Division of Plant Industry, Wyoming Department of Agriculture, tel. (307) 777–7321).

Room 6049, 1860 Lincoln Street, Denver, CO 80203 (Pesticides Branch, Air & Hazardous Materials Division, EPA Region VIII, tel. (303) 837–3926).

Room 401, East Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, EPA, tel. (202) 755–4854).

SUMMARY OF STATE PLAN

The Wyoming Department of Agriculture has been designated as the State lead agency for the administration of the pesticide applicator certification program, with the Division of Plant Industry responsible for the program's implementation and coordination.

Cooperating agencies include the Wyoming Agricultural Extension Service and the University of Wyoming. The Extension Service is responsible for conducting the applicator certification training courses, preparation of examinations, and development and distribution of the pesticide training manuals. The University of Wyoming staff is available for technical assistance. The Wyoming Chemical and Bacteriology Laboratory at the University of Wyoming will make analyses and examinations of pesticides.

The Wyoming Board of Certification prepared the proposed rules and regulations for the State certification of applicators of restricted use pesticides.

Legal authority for the program is contained in the Wyoming Environmental Pesticide Control Act of 1973 (WEPCA) §§ 35–262.1 through 35–262.23, inclusive, Wyoming Statutes 1957, as inclusive), and the proposed Applicator Certification Rules and Regulations (Chapter XXVIII).

The plan indicates that the State lead agency and cooperating agencies have sufficient qualified personnel and funds necessary to carry out the proposed program. The funding in support of this program for the fiscal year 1976 is $122,327. In addition, EPA has granted $7,812 to the Wyoming Cooperative Extension Service and $10,000 to the Wyoming

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Vocation-Education Program for pesticide training.

Wyoming estimates that 466 commercial and 4,169 private applicators will need to be certified. The licenses to be issued to the applicators will indicate the type of certification and other limitations, name and address of the applicator, license number, and date of expiration. Applicators will be required to present their certification credentials to the dealer when they purchase a restricted use pesticide.

The Wyoming Department of Agriculture will submit an annual report to EPA on January 31 of each year, and special reports as required.

The commercial applicator categories proposed in the plan are those which are listed in 40 CFR 171.3. No new categories are proposed. New subcategories proposed are as follows:

(1) Agricultural Pest Control.
(a) Plant.
(i) Weed.
(ii) Insect.
(iii) Disease.
(b) Animal.
(3) Ornamental and Turf Pest Control.
(a) Weed.
(b) Insect.
(c) Disease.
(9) Regulatory.
(a) Predator Control.

The Agricultural Extension Service conducted a pesticides short course at six different locations in the State in January and February 1975. This course, based upon the general standards and anticipated needs by specific categories, as described in 40 CFR 171.4 and 171.6, was directed at commercial applicators, although several private applicators attended. An examination was held at the conclusion of the course. This course will be repeated in the fall or winter of 1975 at a central location. The State of Wyoming requests that persons passing the tests be accepted as certified by EPA without further examination.

The Extension Service will provide a series of short pesticides courses for private applicators, based upon the standards in 40 CFR 171.5 and 171.6. The course will be followed by a written examination based upon the standards, which will be given to any private applicator, regardless of whether he has or has not participated in the training. Two types of certification will be offered: general certification and crop specific/commodity/site certification.

The Single Purchase/Single Use Certification will be offered as an interim measure (and on an emergency basis, only after October 1978) to private applicators. The Agricultural Field Representative or his official designee (a public employee knowledgeable in the field of pesticides) will give a written or oral questionnaire to the applicant. In the future, if enabling legislation is enacted for the regulation of dealers, the questionnaire will be offered by registered, regulated pesticide dealers.

In the case where a person, at the time of testing for certification is unable to read a label, the issuing authority will administer the private applicator examination orally.

The State of Wyoming has presented its State plan to the Governing Body of the Wind River Indian Reservation for study; any cooperative agreements which may be made will be forwarded to EPA.

A statement concerning the Government Agency Plan (GAP) will be forwarded within 60 days after the approval of GAP by EPA.

Other Wyoming regulatory activities and authorities are registration, experimental use permits, cancellation, suspension, refusal to register, equipment inspection, disposal, storage, and enforcement.

Enforcement of the Wyoming certification program will be carried out by the Agricultural Field Representatives, and 2.9 man years will be devoted to monitoring and enforcement. A regular program of inspection and sampling products, and spot checking of operating applicators, will be conducted.

Commercial applicators will be required to attend at least one refresher training course every three years or else be reexamined. Private applicators will be required to attend at least one refresher training course every five years or be reexamined.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State plan for the State of Wyoming to the Chief, Pesticides Branch, Region VIII, Environmental Protection Agency, Room 6049, 1860 Lincoln Street, Denver, Colorado 80203. The comments must be received on or before December 10, 1975 and should bear the identifying notation OPP-42005. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3.30 p.m. Monday through Friday.

Dated: October 5, 1975.

JOHN A. GREEN,
Regional Administrator,
Region VIII.

[FR Doc.75-30220 Filed 11-7-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. #205]

FIRST SECURITY CORP.

Receipt of Application for Permission To Retain Control of First Security Savings and Loan Association

NOVEMBER 3, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from First Security Corporation, Salt Lake City, Utah, a bank holding company, for permission to retain control of First Security Savings and Loan Association, Pocatello, Idaho, an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies. Comments on the proposed retention should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before December 10, 1975.

[SEAL] J. J. FINN,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-30175 Filed 11-7-75;8:45 am]

[H. C. #206]

SECURITY ENTERPRISE CORP.

Receipt of Application for Permission To Acquire Control of Sullivan Savings and Loan Association

NOVEMBER 5, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Security Enterprise Corporation, Decatur, Illinois, an Illinois Corporation, for approval of acquisition of control of the Sullivan Savings and Loan Association, Sullivan, Illinois, an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by a purchase of assets of Sullivan Savings and Loan Association by Security Savings and Loan Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before December 10, 1975.

[SEAL] J. J. FINN,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-30176 Filed 11-7-75;8:45 am]

FEDERAL MARITIME COMMISSION

TRANS-PACIFIC PASSENGER CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 20, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Thomas E. Kimball, Esq., Lillick McHose & Charles, 2 Embarcadero Center, San Francisco, California 94111.

Agreement No. 131-264 is an amendment of the Trans-Pacific Passenger Conference Agreement to change its name to "Pacific Cruise Conference". All references to the name of the organization in Agreement No. 131, and the rules and regulations thereunder, shall be changed as appropriate.

By Order of the Federal Maritime Commission

Dated: November 5, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30162 Filed 11-7-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CS76-144, et al.]

HAROLD C. LIDDELL, ET AL.

Notice of Applications for "Small Producer" Certificates[1]

OCTOBER 28, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS76-144	Oct. 6, 1975	Harold C. Liddell, 504 Jean Marie Dr., Norman, Okla. 73069.
CS76-171	Sept. 29, 1975	Lanny G. Ice, P.O. Box 505, Monahans, Tex. 79756.
CS76-172	do	Ice Estate, P.O. Box 505, Monahans, Tex. 79756.
CS76-173	do	Kathryn B. Richardson, 2236 Candelaria NE., Albuquerque, N. Mex. 87110.
CS76-174	do	Lawrence J. McCarthy, Box 69, Plains, Mont. 59859.
CS76-175	do	Mays Gas & Coal Co., Rural Delivery No. 1, Clarion, Pa. 16214.
CS76-176	do	Georgia Ann Thompson, 5928 East University, Apartment 212, Dallas, Tex. 75206.
CS76-177	do	John A. Pace, 3400 Republic National Bank Bldg., Dallas, Tex. 75201.
CS76-178	Oct. 1, 1975	Charles O. Ice, Jr., 103 East 3d, P.O. Box 505, Monahans, Tex. 79756.
CS76-179	Oct. 2, 1975	Energy Minerals Corp., 5 Denver Technological Center, Englewood, Colo. 80110.
CS76-181	Oct. 1, 1975	Vaquero Independent Producers, Inc., 222 Cotton Exchange Bldg., Dallas, Tex. 75201.
CS76-182	Oct. 6, 1975	Thomas D. Harrison, 6734 Crest Rd., Palos Verdes, Calif. 90274.
CS76-183	do	Kennedy & Mitchell, Inc., 750 West Hampden Ave., Englewood, Colo. 80110.
CS76-184	Oct. 8, 1975	ConPetro, Inc., 4140 Linden Ave., Suite 200, Dayton, Ohio 45432.
CS76-185	Sept. 29, 1975	Estate of Roy Furr, deceased, P.O. Box 1650, Lubbock, Tex. 79408.
CS76-186	Oct. 6, 1975	Jicarilla Apache Tribe, Box 147, Dulce, N. Mex. 87528.
CS76-187	Oct. 10, 1975	H. L. Willett, 1030 Denver Club Bldg., Denver, Colo. 80202.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[FR Doc.75-30017 Filed 11-7-75;8:45 am]

[Docket Nos. RI76-48 and RI76-49]

MARATHON OIL CO. AND UNION OIL COMPANY OF CALIFORNIA

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund[1]

OCTOBER 29, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* [2] Rate in effect	Cents per Mcf* [2] Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI76-48...	Marathon Oil Co.	44	16	El Paso Natural Gas Co. (Colorado) (Rocky Mountain).	$61	9-29-75	.....	4-19-76	30.6008	31.8248	RI75-57
				El Paso Natural Gas Co. (Utah) (Rocky Mountain).	140	9-29-75	.....	4-19-76	30.6314	31.8513	RI75-57
RI76-49...	Union Oil Co. of California.	117	11	.....do.....	405	10- 1-75	.....	4-19-76	[1] 28.0952	[1] 29.2190	RI75-34

* Unless otherwise stated, the pressure base is 15.025 lb/in².
[1] The pressure base is 14.73 lb/in².
[2] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed rate increases exceed the applicable area ceiling rate established in Opinion No. 658 and therefore they are suspended for five months.

[FR Doc.75-30018 Filed 11-7-75;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Further Extension of Procedural Dates

NOVEMBER 3, 1975.

On October 29, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 27, 1975, as most recently modified by notice issued October 3, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, November 10, 1975.
Service of Intervenor Testimony, November 24, 1975.
Service of Company Rebuttal, December 9, 1975.
Hearing, January 6, 1976 (10 a.m. e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30225 Filed 11-7-75;8:45 am]

FEDERAL RESERVE SYSTEM

ALLEN BANCSHARES, INC.

Formation of Bank Holding Company

Allen Bancshares, Inc., Allen, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 percent or more of the voting shares of Farmers State Bank, Allen, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C.1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than December 3, 1975.

Board of Governors of the Federal Reserve System, November 3, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-30153 Filed 11-7-75;8:45 am]

BANKAMERICA CORP.

Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)), by BankAmerica Corporation, San Francisco, California ("BankAmerica"), for a determination that, following the proposed transfer of the receivables, all books and records in respect thereof, and all customer lists of GAC Finance West to ITT Financial Corporation, St. Louis, Missouri, a wholly-owned subsidiary of Consumer Services Corporation, a subsidiary of International Telephone and Telegraph, BankAmerica will not in fact be capable of controlling FAC Finance West or ITT Financial Corporation, notwithstanding the fact that a portion of the purchase price will be represented by two promissory notes, pursuant to which ITT Financial Corporation would become indebted to BankAmerica in the amount of $20 million.

Section 2(g)(3) of the Act provides in pertinent part: "shares transferred by any bank holding company directly or indirectly to any transferee that is indebted to the transferor shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee."

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than November 28, 1975. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, like reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony at such oral hearing. The Board subsequently will designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, October 31, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-30153 Filed 11-7-75;8:45 am]

CENTRAL BANKING SYSTEM, INC.

Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)), by Central Banking Systems, Inc., Oakland, California ("Central"), for a determination that, with respect to a sale by Central of shares of Peninsula National Bank, Burlingame, California, First National Bank of Fresno, Fresno, California, and Tahoe National Bank, South Lake Tahoe, California (herein collectively referred to as "the Banks") to Mr. Amos W. Dawe under an installment payment contract, Central is not in fact capable of controlling the Banks or Amos W. Dawe.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than December 5, 1975. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, like reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony at such oral hearing. The Board subsequently will designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, October 31, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-30154 Filed 11-7-75;8:45 am]

FIRST BUFFALO HOLDING CO.

Order Approving Formation of Bank Holding Company

First Buffalo Holding Company, Buffalo, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formulation of a bank holding company through acquisition of 90 percent of the voting shares of First State Bank of Buffalo, Buffalo, North Dakota ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was recetly organized for the purpose of becoming a bank holding company through acquisition of Bank ($2.6 million in deposits).[1] Bank is the 136th largest banking organization in North Dakota and holds less than one-tenth of one percent of the total commercial bank deposits in the State. In the Casselton banking market,[2] Bank is the sixth largest of seven banking organizations with approximately 7.3 percent of the total deposits in commercial banks in the market.

Principals of Applicant are also principals in another registered one-bank holding company[3] with its banking subsidiary in Mayville, North Dakota, approximately 60 miles north of Buffalo. In addition, principals of Applicant are closely associated with six other banks in North Dakota, located from 17 to 130 miles from bank. Two of these banks, First State Bank of Arthur, Arthur ($4.8 million in deposits) and Page State Bank, Page $2.8 million in deposits) are located in the relevant banking market and hold in the aggregate approximately 21 percent of total market deposits. However, in view of the longstanding close relationships that have existed between the aforementioned banks, and the fact that the proposed transaction is essentially a reorganization of Bank's ownership from individuals to a corporation owned by the same individuals, it does not appear that consummation of the proposal would eliminate significant existing or potential competition, nor have an adverse effect on any other bank. Therefore, from the facts of record, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those same factors in Bank, are considered to be satisfactory. Bank's projected income should provide sufficient revenue to service the debt incurred by Applicant incident to this transaction without impairing the financial condition of either Applicant or Bank. Therefore, considerations relating to banking factors are consistent with approval of the application. Although consummation of the proposal would have no immediate effect on the banking services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It has been determined that the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective November 3, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-30155 Filed 11-7-75;8:45 am]

[1] All banking data are as of June 30, 1974.
[2] The Casselton banking market is approximated by the western two-thirds of Cass County.
[3] By Order dated April 7, 1975, the Board approved the application of Goose River Holding Company, Mayville, North Dakota, to become a bank holding company through the acquisition of The Goose River Bank, Mayville, North Dakota (40 FR 16884).

HARLAN NATIONAL CO.

Order Denying Formation of Bank Holding Company

Harlan National Company, Harlan, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 98.2 percent of the voting shares of The Harlan National Bank, Harlan, Iowa ("Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Bank Insurance Agency, Harlan, Iowa ("Agency"). Applicant would engage thereafter in the activities of acting as agent or broker in the sale of insurance, including credit life, credit accident and health insurance, and casualty insurance which is directly related to an extension of credit or other financial services by Bank and Applicant or is otherwise sold as a matter of convenience to the purchaser pursuant to § 225.4(a)(9)(ii) of Regulation Y. Such activities have been determined by the Board in § 225.4(a)(9)(ii) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 23934). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in sections 3(c) and 4(c)(8).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through acquisition of Bank and of acquiring the insurance agency business of the principal shareholders of Bank. Bank, with deposits of approximately $22 million, representing .2 of 1 percent of the total commercial bank deposits in Iowa, is the largest of seven commercial banks operating in the Shelby County banking market.[1] Banks hold approximately 30

[1] All banking data are as of December 31, 1974.

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percent of the total commercial bank deposits in this market. Inasmuch as the proposal represents merely a restructuring of Bank's ownership, the acquisition of Bank by Applicant would have no adverse effects on competition within the banking market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Bank appear generally satisfactory and consistent with approval of the application. In regard to such considerations as they relate to Applicant, the Board is of the opinion that other commitments by present ownership of Applicant would adversely affect the servicing of the proposed acquisition debt. The owner of Applicant and Bank, Mr. Fred R. Horne, Jr., is also the sole owner of another one-bank holding company, the formation of which was approved by the Board in 1973.[3] Both the proposed formation and the 1973 formation involve a considerable amount of acquisition debt, and it does appear that Mr. Horne would be financially able, either personally or through the bank holding companies, to service both debts associated with both bank holding company formations without adversely affecting the resources of the subsidiary banks. Furthermore, even if Applicant's projections for the proposed acquisition are realized, the projected earnings of Bank and Agency would not, in the Board's view, provide Applicant with the necessary financial flexibility to meet its annual debt service requirements as well as any unforeseen financial problems that might arise at Bank. Accordingly, on the basis of the facts of record, the Board concludes that considerations relating to the financial aspects of Applicant's proposal lend weight toward denial of the application.

With respect to convenience and needs considerations, Applicant proposes to increase business and installment loans and to host local seminars for area farmers. These considerations relating to convenience and needs of the community to be served may be attained irrespective of Board approval of the application and, in any event, they do not, in the Board's view, outweigh the adverse findings with respect to the financial factors involved in Applicant's proposal.

On the basis of all of the circumstances of this case and the facts of record, the Board concludes that the acquisition debt involved in this proposal presents adverse circumstances bearing on the financial condition and prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits to the convenience and needs of the communities to be served. Accordingly, it is the Board's judgment that approval of the application to become a bank holding company would not be in the public interest and the application should be denied.[3]

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[4] effective October 31, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-30156 Filed 11-7-75;8:45 am]

[3] First National Company of Missouri Valley, Missouri Valley, Iowa (38 FR 6512, March 1, 1973).

[3] In view of the Board's action with respect to the application to become a bank holding company, consideration of the application to acquire the insurance agency becomes moot.

[4] Voting for this action: Vice Chairman Mitchell and Governors Holland, Wallich, Coldwell, and Jackson. Absent and not voting: Chairman Burns and Governor Bucher.

HUMBOLDT BANCSHARES, INC.

Formation of Bank Holding Company

Humboldt Bancshares, Inc., Humboldt, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 percent or more of the voting shares of Humboldt National Bank, Humboldt, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than December 5, 1975.

Board of Governors of the Federal Reserve System, October 31, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-30157 Filed 11-7-75;8:45 am]

REDWOOD BANCORP

Notice of Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)), by Redwood Bancorp, San Francisco, California ("Redwood"), for a determination that following the transfer of all its stockholdings in three insurance companies ("Agencies") to Bowest, Inc., Los Angeles, California, ("Bowest"), Redwood will not in fact be capable of controlling Bowest, notwithstanding a sale agreement whereby the purchase price of Agencies will be paid to Redwood on an installment basis over the next five years.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or by any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 5, 1975. If a request for hearing is filed, such request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testimony at such hearing. The Board subsequently will designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferee, and all persons who have requested a hearing. In the absence of a request for a hearing, the Board will proceed with a consideration of the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, October 31, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-30158 Filed 11-7-75;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 135 varieties of domestic cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 F.R. 11178). The varieties are arranged in alphabetical order with tar values rounded to the nearest whole milligram and nicotine values rounded to the nearest tenth of a milligram.

Tar[1] *and nicotine*[2] *content of 135 varieties of domestic cigarettes—September 1975*

Brand	Type	Milligrams per cigarette	
		TPM dry (tar)[1]	Nicotine[2]
Alpine	King, size, filter, menthol	14	0.9
Belair	do	15	1.1
Do	100 mm, filter, menthol	17	1.2
Benson & Hedges	Regular size, filter (hard pack)	9	.5
Do	King size, filter (hard pack)	16	1.1
Benson & Hedges 100's	100 mm, filter	18	1.1
Do	100 mm, filter, menthol	18	1.1
Bull Durham	King size, filter	29	1.9
Camel	Regular size, nonfilter	23	1.6
Camel Filters	King size, filter	19	1.3
Carlton 70's [3]	Regular size, filter	2	.2
Carlton	King size, filter	4	.3
Do	King size, filter, menthol	4	.3
Chesterfield	Regular size, nonfilter	24	1.4
Do	King size, nonfilter	28	1.6
Do	King size, filter	19	1.2
Do	King size, filter, menthol	19	1.3
Do	101 mm, filter	19	1.3
Domino	King size, nonfilter	29	1.4
Do	King size, filter	24	1.3
Doral	do	14	1.0
Do	King size, filter, menthol	13	1.0
DuMaurier	King size, filter (hard pack)	16	1.0
English Ovals	Regular size, nonfilter (hard pack)	22	1.6
Do	King size, nonfilter (hard pack)	29	2.3
Eve	100 mm, filter	19	1.2
Do	100 mm, filter, menthol	18	1.2
Fatima	King size, nonfilter	28	1.6
Galaxy	King size, filter	15	1.0
Half & Half	do	25	1.9
Herbert Tareyton	King size, nonfilter	29	1.8
Home Run	Regular size, nonfilter	20	1.5
Iceberg 100's	100 mm, filter, menthol	9	1.6
Kent	King size, filter (hard pack)	15	.9
Do	King size, filter	16	1.0
Do	100 mm, filter	18	1.1
Do	100 mm, filter, menthol	17	1.1
King Bano	King size, filter	7	.3
Do	King size, filter, menthol	7	.3
Kool	Regular size, nonfilter, menthol	20	1.2
Do	King size, filter, menthol (hard pack)	17	1.3
Do	King size, filter, menthol	17	1.3
Kool Milds	do	13	.7
Kool	100 mm, filter menthol	17	1.2
L & M	King size, filter (hard pack)	17	1.1
Do	King size, filter	18	1.2
Do	100 mm, filter	19	1.3
Do	100 mm, filter, menthol	20	1.3
Lark	King size, filter	18	1.2
Do	100 mm, filter	19	1.3
Lucky Strike	Regular size, nonfilter	27	1.6
Lucky Ten	King size, filter	10	.7
Lucky 100's	100 mm, filter	10	.7
Mapleton	Regular size, nonfilter	29	1.3
Do	King size, filter	23	.9
Marlboro	King size, filter (hard pack)	18	1.1
Do	King size, filter, menthol (hard pack)	15	.9
Do	King size, filter	18	1.1
Do	King size, filter, menthol	15	.9
Do	100 mm, filter (hard pack)	17	1.1
Do	100 mm, filter	17	1.1
Marlboro Lights	King size, filter	13	.8
Do	King size, filter, menthol	13	.7
Milyako	King size, filter	14	.9
Montclair	King size, filter, menthol	18	1.3
More	120 mm, filter	21	1.5
Do	120 mm, filter, menthol	21	1.6
Multifilter	King size, filter	12	.8
Do	King size, filter, menthol	10	.7
Newport	King size, filter, menthol (hard pack)	17	1.1
Do	King size, filter, menthol	18	1.2
Do	100 mm, filter, menthol	19	1.3
Oasis	King size, filter, menthol	18	1.2
Old Gold Straights	Regular size, nonfilter	20	1.2
Do	King size, nonfilter	24	1.5
Old Gold Filters	King size, filter (hard pack)	17	1.2
Do	King size, filter	17	1.1
Old Gold 100's	100 mm, filter	21	1.4
Pall Mall	King size, nonfilter	28	1.7
Pall Mall Extra Mild	King size, filter (hard pack)	10	.7
Do	King size, filter	10	.7
Pall Mall	100 mm, filter	20	1.4
Do	100 mm, filter, menthol	16	1.2
Parliament	King size, filter (hard pack)	14	.8
Do	King size, filter	16	.9
Parliament 100's	100 mm, filter	17	1.1
Philip Morris	Regular size, nonfilter	20	1.2
Philip Morris Commander	King size, nonfilter	25	1.4
Philip Morris International	100 mm, filter (hard pack)	18	1.1
Do	100 mm, filter, menthol (hard pack)	16	1.0
Pleasure	Regular size, nonfilter	20	1.6
Piedmont	do	25	1.4
Players	Regular size, nonfilter (hard pack)	31	2.0
Raleigh	King size, nonfilter	22	1.3

Footnotes at end of table.

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Tar [1] and nicotine [2] content of 135 varieties of domestic cigarettes—September 1975

Brand	Type	Milligrams per cigarette	
		TPM dry (tar)[1]	Nicotine[2]
Do	King size, filter	18	1.0
Do	100 mm, filter	17	1.1
Raleigh Extra Mild	King size, filter	13	.8
St. Moritz	100 mm, filter	18	1.2
Do	100 mm, filter, menthol	18	1.2
Safari	100 mm, filter	19	1.3
Salem	King size, filter, menthol (hard pack)	19	1.3
Do	King size, filter, menthol	19	1.3
Do	100 mm, filter, menthol	19	1.3
Salem Extra	King size, filter, menthol	17	1.3
Sano	Regular size, nonfilter	18	.7
Saratoga	120 mm, filter (hard pack)	17	1.0
Do	120 mm, filter, menthol (hard pack)	15	1.0
Silva Thins	100 mm, filter	17	1.2
Do	100 mm, filter, menthol	18	1.1
Spring 100's	do	20	1.1
Super M	do	17	1.1
Tareyton	King size, filter	21	1.4
Do	100 mm, filter	20	1.4
Tempo	King size, filter	11	.7
Tramps	do	17	1.1
Do	King size, filter, menthol	16	1.1
True	King size, filter	11	.6
Do	King size, filter menthol	11	.6
True 100's	100 mm, filter	13	.7
Do	100 mm, filter, menthol	13	.7
Twist	100 mm, filter, lemon/menthol	18	1.3
Vantage	King size, filter	11	.7
Do	King size, filter, menthol	11	.8
Viceroy	King size, filter	16	1.0
Do	100 mm, filter	17	1.1
Viceroy Extra Mild	King size, filter	14	.9
Virginia Slims	100 mm, filter	17	1.0
Do	100 mm, filter, menthol	17	1.0
Winston	King size, filter (hard pack)	20	1.3
Do	King size, filter	20	1.3
Do	100 mm, filter	18	1.2
Do	100 mm, filter, menthol	19	1.3
Winston Lights	King size, filter	14	1.0
Zack	King size, filter (hard pack)	15	1.2
Do	King size, filter	18	1.3

[1] TPM (tar)—milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] Limited availability based on reduced sampling from Washington, D.C., and Baltimore, Md.

By direction of the Commission dated October 10, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-29925 Filed 11-7-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

COMMITTEE ON EARLY CHILDHOOD EDUCATION

Meeting of Committee on Early Childhood Education

Notice is hereby given, pursuant to PL 92-463, that the previously scheduled meeting of the Committee on Early Childhood Education of the National Advisory Council on the Education of Disadvantaged Children to meet in Clark County, Nevada on Thursday, November 13, and Friday, November 14, 1976, has been rescheduled for November 10–11, 1975, in West Chester, Pennsylvania.

The National Advisory Council on the Education of Disadvantaged Children is established under Section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

This visit will include observing a Pre-School Program and reviewing and discussing the Draft Early Childhood Education Report to be included in the 1976 Annual Report.

Signed at Washington, D.C., on October 16, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-30368 Filed 11-7-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

Addendum to Previous Notice

NOVEMBER 4, 1975.

The agenda for the meeting previously announced for November 17 and 18, 1975, in the FEDERAL REGISTER of October 16, 1975, will consist of the following:

Monday—Room 2318, Rayburn House Office Building

0900 Welcoming Remarks by Members of Congress.
0105 Plans of the Subcommittee on Oceanography of the House Merchant Marine and Fisheries Committee and the Ad Hoc Select Committee on Outer Continental Shelf.
1015 Issues of Coastal Zone Management.
1115 Issues of OCS Resource Development.
1330 Plans and objectives of the Subcommittee on the Environment and the Atmosphere of the House Science and Technology Committee.
1415 Issues of Atmospheric Research and Development.
1630 Other NACOA Business.
1630 Recess.

Tuesday—Room 6802, Department of Commerce Building

0900 Technical and Economic Feasibility of an Ocean Thermal Energy Conversion Plan.
0945 Industry view of Ocean Thermal Energy Conversion.
1045 The Ocean Food and Energy Farm.
1115 NACOA Energy Panel Work Plan.
1145 Other NACOA Business and Panel Reports.
1530 Adjournment.

Informal participation by interested Members of Congress in discussion of Monday's agenda items is expected. Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C., 20230. The telephone is: (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-30083 Filed 11-7-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket 50-358-OL]

CINCINNATI GAS AND ELECTRIC CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the *Federal Register* (37 F.R. 28710) and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

CINCINNATI GAS AND ELECTRIC COMPANY (WILLIAM H. ZIMMER NUCLEAR POWER STATION) DOCKET NO. 50-358-OL

This action is in reference to the "Notice of Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating License and Opportunity for Hearing", published by the Commission in the above matter (40 F.R. 43959—September 24, 1975).

The members of the Board are:

Samuel W. Jensch, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.
Dr. John R. Lyman, Member, 404 Clayton Road, Chapel Hill, North Carolina 27514.
Mr. Glenn O. Bright, Member, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 3rd day of November 1975.

For Atomic Safety and Licensing Board Panel.

JAMES R. YORE,
Acting Chairman.

[FR Doc.75-30095 Filed 11-7-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Provisional Operating License No. DPR-22, issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment revises the provisions in the Technical Specifications for the facility to authorize operation (1) with additional 8 x 8 fuel assemblies, (2) using modified operating limits based upon an evaluation of emergency core cooling system performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of Section 50.46 of 10 CFR Part 50 of the Commission's regulations, and (3) using operating limits based on the General Electric Thermal Analysis Basis (GETAB).

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with items (1) and (2) above was published in the FEDERAL REGISTER on September 3, 1975 (40 F.R. 40592) and Notice of Proposed Issuance of Amendment to Facility Operating License in connection with item (3) above was published in the FEDERAL REGISTER on April 27, 1975 (40 F.R. 10849). No request for a hearing or petition for leave to intervene was filed following notices of the proposed actions.

For further details with respect to this action, see (1) the applications for amendment dated March 12, 1975 and August 4, 1975 and supportive filings related thereto dated August 20, 1974, July 9, 1975, July 10 and 24, 1975, and September 16, 1975, (2) Amendment No. 14 to License No. DPR-22, with Change No. 22, (3) the Commission's concurrently issued related Safety Evaluation, and (4) the Commission's Negative Declaration dated October 23, 1975 (which is also being published in the FEDERAL REGISTER), and the associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

A single copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 30th day of October, 1975.

For the Nuclear Regulatory Commission,

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-30096 Filed 11-7-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO., MONTICELLO UNIT 1

Negative Declaration Regarding Proposed Changes to the Technical Specifications of License DPR-22

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Provisional Operating License No. DPR-22. These changes would authorize the Northern States Power Company (the licensee) to operate Monticello Nuclear Generating Plant, Unit 1 (located in Wright County, Minnesota) with changes to the limiting conditions for operation resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This change is being made in conjunction with core changeout Number 5 and refueling with 8 x 8 fuel.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR-22, Monticello, Unit 1, referred to above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for the particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Monticello, Unit 1, issued in November 1972. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library of Minnesota, 300 Nicollet Mall, Minneapolis, Minnesota.

Dated at Rockville, Maryland, this 23rd day of October, 1975.

For the Nuclear Regulatory Commission.

JAN A. NORRIS,
Acting Chief, Environmental Projects Branch, Division of Reactor Licensing.

[FR Doc.75-30097 Filed 11-7-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.103, "Post-Tensioned Prestressing Systems for Concrete Reactor Vessels and Containments," identifies the post-tensioned prestressing systems that have been reviewed and approved by the NRC staff for use in concrete reactor vessels and containments and also describes qualifications acceptable to the NRC staff for new post-tensioned prestressing systems.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.103 will, however, be particularly useful in evaluating the need for an early revision if received by January 8, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Fracture Toughness Class I Vessels Under Overstress Conditions.
Protection Against Postulated Events and Accidents Outside of Containment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Criteria for Heatup and Cooldown Procedures.
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
Design Load Combinations for Component Supports.
Interim Guide on Tornado Missiles.
Criteria for Plugging Steam Generator Tubes.
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
Overhead Crane Handling Systems for Nuclear Power Plants.
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.

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Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure.
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement.
Loose Parts Monitoring Program for the Primary System.
Guidance for Content of Licensing Applications for Reload Fuel.
Nuclear Safety-Related Concrete Structures.
ASME Code Case Fiberglass Reinforced Plastic Piping.
Protection Against Low Trajectory Turbine Missiles.
Tornado Design Classification.
Overpressure Protection of Low-Pressure systems Connected to Reactor Coolant Pressure Boundary.
Protective Coatings for Light-Water Reactor Containment Facilities.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Fire Protection Criteria for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fuel Oil Systems for Standby Diesel Generators.
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Containment Isolation Provisions.
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
Testing of Nuclear Air Cleaning Systems.
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
Design Criteria for Overload Protection of Motor-Operated Valves.
Identification of Materials, Parts, and Components for Nuclear Power Plants.
Emergency Planning for Nuclear Power Plants.
Control Room Manning.
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
Spill Analysis—Dispersion and Dilution in Surface and Ground Water.
Design Objectives for LWR Spent Fuel Facilities.
Design Objectives for LWR Fuel Handling Systems.
Preoperational Testing of Diesel Generator Units Used as Onsite Emergency Power Sources at Nuclear Power Plants .
Periodic Testing of Class 1E Power and Protection Systems.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 3rd day of November 1975.

For the Nuclear Regulatory Commission,

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 75-30100 Filed 11-1-75;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Provisional Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation which revised Technical Specifications for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York. The amendment becomes effective 30 days after the date of issuance.

This amendment modifies the Administrative Controls, Reporting Requirements, and Respiratory Protection Program of the Technical Specifications for the R. E. Ginna Nuclear Power Plant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 2, 1974, (2) Amendment No. 8 to License No. DPR-18, with Change No. 17, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Lyons Public Library, 67 Canal Street, Lyons, New York and the Rochester Public Library, 115 South Avenue, Rochester, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Data at Bethesda, Maryland, this 3rd day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-30098 Filed 11-7-75;8:45 am]

[Docket Nos. 50-460, 50-513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Reconstitution of Board

In the matter of Washington Public Power Supply System (WPPSS Nuclear Project Nos. 1 and 4).

Margaret M. Laurence, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Because of illness, Ms. Laurence is unable to continue her service on this Board.

Accordingly, Robert M. Lazo, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with the Rules of Practice of the Commission.

Dated at Bethesda, Maryland this 3rd day of November 1975.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 75-30099 Filed 11-7-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 4, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Farmers Home Administration: Annual Report on Uses of Rural Electrification Assets, FMHA 409-1, annually, rural rehabilitation corporations, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census: Noninterview Followup Record—Survey of Sheltered Workshops, S-364, single time, nonrespondent sheltered workshops from 1973 survey, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Effects of Compensatory Education, OE-454-1, single time, elementary school principals and district superintendents, Human Resources Division, Joan Turek, 395-3532.
An Assessment of the State Agency Component of the Right To Read Program Questionnaires, OE-455-1, single time, SEA and LEA personnel, Human Resources Division, Joan Turek, 395-3532.
National Institutes of Health: Inventory of Clinical Trials Form, NIH-2242, annually, scientists conducting clinical trials, Human Resources Division, Dick Eisinger, 395-3532.
Review of Relevant Explorations in Active Learning: Adult and Student Version, NIE 137, single time, students, elementary and secondary school staff, Joan Turek, 395-3532.

DEPARTMENT OF LABOR

Departmental and Other Questionnaire for Growers of Asparagus, ILAB-37, single time, asparagus growers, Evinger, S. K., 395-3710.
Departmental and Other Report on Work Stoppages, ES228, monthly, State employment offices, Strasser, A., and Lowry, R. L., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Certificate as to Securities, 27-4709, on occasion, fiduciaries, legal custodians, corporate, Caywood, D. P., 395-3443.

DEPARTMENT OF DEFENSE

Precandidate
Departmental and Other Service Academies Precandidate Questionnaire, 1908, on occasion, prospective candidates to service academies, Lowry, R. L., 395-3772.
Department of the Air Force: Candidate Activities Record, DD 1868, on occasion, Academy candidates, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Information for the Wholesale Price Index, BLS-473, monthly, companies which manufacture or process goods, Strasser, A., 395-5867.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census:
Womens, Misses, and Junior Apparel—Cuttings and Shipments by Month, M23H, monthly, apparel manufacturers, Peterson, M. O., 395-5631.
Margarine Manufacturers Monthly Report, M20R, annually, Margarine manufacturers, Peterson, M. O., 395-5631.
Finishing Plant Report, Production, Stocks, and Unfilled Orders for Broad Woven Fabrics, M22B, monthly, finishing plants, Peterson, M. O., 395-5631.
Net Shipments and Inventories of Steel Mill Shapes and Forms (Producers Report, M33J, monthly, steel mill producers, Peterson, M. O., 395-5631.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration: General Operating and Flight Rules (for General Aviation), FAR 91, on occasion, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-30340 Filed 11-7-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 5, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census: Office Furniture, Manufacturers, Shipments—Annual Report, MA-25H, annually, office furniture manufacturers, Peterson, M. O., 395-5631.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Fluorspar Producers and Processors, 6-LO6-QA, quarterly, producers and processors of fluorspar, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census: Consumer, Scientific, Technical, Industrial Glassware Survey, MA-32E, annually, manufacturers of glassware, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-30341 Filed 11-7-75;8:45 am]

POSTAL RATE COMMISSION

[Docket No. MC73-1]

MAIL CLASSIFICATION SCHEDULE, 1973

Notice of Conference

NOVEMBER 4, 1975.

Notice is hereby given that the Administrative Law Judge has scheduled a formal conference on *Wednesday, November 12, 1975*, at 2:00 p.m., in the hearing room of the Postal Rate Commission, 2000 L Street NW., Suite 500, Washington, D.C., for the following purposes:

(1) To determine the status of the settlement agreement; and

(2) To discuss procedural matters with respect to the possible resumption of hearings on November 17, 1975.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.75-30130 Filed 11-7-75;8:45 am]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

PRIVACY ACT OF 1974

System of Records

In the August 27, 1975, issue of the FEDERAL REGISTER, 40 FR 39225, the President's Commission on White House Fellowships (hereinafter, the Commission) published Notice of the system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a, which is maintained by the Commission. During the period for public comment, no changes were received.

The period for public comment having expired, the Commission hereby adopts the Notice published in the August 27, 1975, issue of the FEDERAL REGISTER, 40 FR 39225, as its final Notice under the Act.

Signed this 4th day of November, 1975.

BURCE H. HASENKAMP,
Director.

[FR Doc.75-30113 Filed 11-7-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9020 (812-3868)]

E. I. DU PONT DE NEMOURS AND CO.

Filing of Application for Order Exempting Proposed Transaction

NOVEMBER 5, 1975.

Notice is hereby given that E. I. du Pont de Nemours and Company, Wilmington, Delaware, 19898 ("Applicant"), a Delaware corporation, has filed an application pursuant to Section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of Section 17(a) of the Act Applicant's proposed grant to Imperial Chemical Industries Limited ("ICI"), a United Kingdom ("U.K.") corporation, of (1) exclusive rights to use in the U.K. certain technical information and an exclusive license to related U.K. patents, and (2) nonexclusive rights to import, use and sell under Applicant's corresponding patents in the European Economic Community ("EEC"), with both grants including the right to sublicense. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Christiana Securities Company ("Christiana"), a registered closed-end investment company, owns approximately 27.8% of the outstanding common stock of Applicant. Applicant owns 63.75% of the outstanding common stock of Remington Arms Company, Inc. ("Remington"), which in turn owns 50.0% of the outstanding common stock of Companhia Brasileira de Cartuchos ("CBC"), a Brazilian company, with the remaining common stock outstanding of CBC owned by ICI. Under Section 2(a)(9) of the Act, Applicant, Remington and CBC are presumed to be controlled by

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Christiana and under Section 2(a)(3) of the Act, Applicant, Remington and CBC are affiliated persons of Christiana, and ICI is an affiliated person of CBC.

Applicant states that ICI, a manufacturer of a diversified line of chemicals including agricultural products, general chemicals, industrial explosives, organic chemicals and dyes, pharmaceuticals, and synthetic fibers, seeks to acquire from Applicant (1) exclusive rights to technical information and an exclusive license to U.K. patents relating to the manufacture of hexamethylene diamine ("HMD") using an iron catalyst, and (2) non-exclusive rights to corresponding patents in the ECC to import, use and sell HMD made using such technology and patents, with both grants including the right to sublicense. Applicant and ICI have executed an agreement (the "Agreement") granting ICI such technical information and patent rights.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, knowingly to sell to or purchase from such registered company or any company controlled by such company any security or other property.

Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Under the Agreement, as consideration for such patent and technical information rights, ICI has agreed to pay Applicant a royalty of $0.0007 per pound of HMD produced by ICI and any ICI subsidiary, with minimum royalties of $4,960,000 consisting of $1,365,000 payable within thirty days of the effective date of grant of rights, $1,365,000 on each of the first and second anniversaries of such effective date, and $865,000 on the third anniversary. The minimum royalties are due regardless of the quantity of HMD produced by ICI and any ICI subsidiary and will be credited against the royalty payable per pound. ICI has further agreed to pay Applicant thirty-five percent of the consideration (if any) ICI receives from each sublicensee other than a subsidiary of ICI.

Applicant submits that the royalty rate grant of rights between Applicant and ICI were negotiated at arm's length and are fair to both parties. Applicant asserts that the royalties payable on HMD reasonably reflect the value of the patent rights and technical information conveyed by the Agreement.

Applicant states that the proposed transaction is consistent with the policies of Christiana and with the general purposes of the Act.

Notice is further given that any interested person may, not later than December 1, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30187 Filed 11-7-75;8:45 a.m.]

[Rel. No. 9018; (811-1020)]

OHIO CAPITAL FUND, INC.

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 5, 1975.

Notice is hereby given that The Cardinal Fund, Inc., 51 North High Street, Columbus, Ohio, 43215 ("Cardinal"), registered under the Investment Company Act of 1940 ("Act") as an open-end management investment company, filed on behalf of Ohio Capital Fund, Inc. ("OCF"), also registered under the Act as an open-end management investment company, an application on July 23, 1975, pursuant to Section 8(f) of the Act for an order declaring that OCF has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Cardinal was formed on September 16, 1966 as Knowledge Communication Fund, Inc., and that OCF, an open-end diversified, management investment company, was formed on January 24, 1961. OCF registered under the Act on February 3, 1961.

The application represents that OCF was merged with and into Cardinal on May 30, 1975, and that thereupon the corporate existence of OCF ceased and all of its assets and liabilities were transferred by operation of law to Cardinal.

Section 8(f) of the Act provides, in pertinent part, that when ever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 1, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon OCF at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30188 Filed 11-1-75;8:45 am]

[Rd. No. 9019; (811-574)]

PRUDENTIAL FUND OF BOSTON, INC.

Application for an Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 5, 1975.

Notice is hereby given that on October 20, 1975, Boston Mutual Equity Growth Fund, Inc. c/o Boston Mutual Equity Growth Fund, Inc., 120 Royal Street, Canton, Massachusetts, 02021 (formerly called Boston Mutual Fund Inc.), registered under the Investment Company Act of 1940 ("Act") as an open-end investment company, filed an application on behalf of The Prudential Fund of Boston, Inc. ("Prudential"), also registered under the Act as an open-end investment company for an order pursuant to Section 8(f) of the Act declaring that the registration of Prudential under the Act shall cease to be in effect. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Prudential was incorporated on December 21, 1949, under the laws of Massachusetts and registered under the Act on January 10, 1950, as an open-end diversified management investment company.

On December 31, 1974, Prudential merged into Boston Mutual Equity Growth Fund, Inc., and ceased its separate existence on that date. An order is, therefore, being sought providing that the registration of Prudential under the Act shall cease to be in effect.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than December 1, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Prudential at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

Secretary.

[SEAL] GEORGE A. FITZSIMMONS,
[FR Doc. 75-30189 Filed 11-7-75; 8:45 am]

[File No. 500-1]

BENEFICIAL LABS, INC.

Notice of Suspension of Trading

OCTOBER 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Beneficial Labs, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is (suspended, for the period from midnight (EST) on October 31, 1975 through midnight (EST) on November 10, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30165 Filed 11-7-75;8:45 am]

[Rel. No. 19234; 70-5715]

CENTRAL POWER AND LIGHT CO.

Notice of Proposed Amendment to Articles of Incorporation Relating to Calculation of Earnings for Purposes of Issuing Preferred Stock; Request for Order To Pay Common Stock Dividends Out of Certain Restricted Earned Surplus; Order Authorizing Solicitation of Proxies

NOVEMBER 4, 1975.

Notice is hereby given, that Central Power and Light Company ("CPL"), P.O. Box 1221, Corpus Christi, Texas 78408, an electric utility subsidiary company of Central and South West Corporation ("CSW"), a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below for a complete statement of the proposed transactions.

CPL proposes to amend its Restated Articles of Incorporation, as amended ("Articles") to change the computation of earnings for purposes of satisfying the earnings test for issuance of preferred stock without prior stockholder approval ("earnings test"). The earnings test requires, in general, that for CPL to issue additional preferred stock, its gross income for a period of 12 consecutive months prior to the issuance of the stock must be at least 1½ times the sum of CPL's interest charges on all its debt securities plus the annual dividend requirement on all shares of its preferred stock to be outstanding immediately after the issuance of the additional preferred stock. The computation is referred to as the "coverage ratio" for preferred stock.

In computing gross income for purposes of the earnings test, it is presently required that CPL deduct from the gross income as a provision for depreciation, retirements, renewals and replacements and/or amortization ("renewal fund") an amount equal to the greater of (i) 15% of its gross operating revenues, less costs of purchased power, or (ii) 2¼% of the average amount of its depreciable bondable property during the period for which gross income is being determined. CPL proposes to change this provision to eliminate the 15% of operating revenues deduction and changed the 2¼% figure to 3.2%.

The reason for the proposed amendment to the Articles is related to the impact of fuel adjustment clauses on CPL's revenues. It is stated that substantially all of CPL's rate schedules provide for adjustments in charges to customers to reflect changes in the cost of fuel. CPL's fuel costs have risen sharply in the last several years, and these costs have been passed through to customers by means of the fuel adjustment charges. CPL states that as a result, its gross operating revenues have been greatly inflated. CFL further states that fuel costs and related earnings test deductions may, under terms of the present Articles, increase to the point that CPL might be unable to meet the earnings test to issue additional preferred stock in late 1975 or 1976. Calculation of the earnings test under the proposed amendment to the Articles would result in a higher coverage ratio, thereby increasing the possibility that CPL could satisfy the earnings test.

CPL proposes to call a special meeting of the common and preferred stockholders to be held on or about December 24, 1975, to consider and vote upon the adoption of the proposed amendment. The affirmative vote of the holders of two-thirds of the shares of outstanding preferred stock, voting separately as a class, and, in addition, the affirmative vote of the holders of two-thirds of the total outstanding shares of preferred and common stock is required for the adoption of the proposed amendment. CSW, holder of all CPL's common stock, has stated its intention of voting in favor of the proposed amendment. It is stated that the outstanding shares of common stock represent more than two-thirds of the total outstanding shares of CPL. CPL proposes to solicit proxies from its preferred shareholders through the use of proposed soliciting material to obtain the requisite aproval of the proposed Articles amendment.

CPL has also requested an order from this Commission authorizing it to pay common stock dividends out of earned surplus earned after December 31, 1975, said earned surplus to be determined as provided in supplemental indentures to CPL's Indenture dated November 1, 1943, but with the following described change. CPL's supplemental indentures dated on and after February 1, 1958, prohibit the payment of common stock dividends (with stated exceptions) in excess of the sum of (a) earned surplus determined as provided in the supplemental indentures earned after a specified date, (b) a stated dollar amount of earned surplus at such specified date (equivalent to estimated dividends on common and preferred stocks for the 12 months beginning with the date of the supplemental indenture) and (c) "such additional amount as may be authorized or approved * * * by the Securities and Exchange Commission * * *"

In determining earned surplus, the respective supplemental indentures re-

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quire a deduction from gross income for the renewal fund amounts equal to 15% of the gross operating revenues of CPL or 2¼% of bondable property. This deduction is for the same purposes described in connection with the proposed amendment to the Articles. For the reasons described above relating to the proposed Articles amendment, the 15% of gross operating revenues calculation has had the effect of imposing an increasingly high limitation on the payment of common stock dividends by CPL (to its parent, CSW).

Accordingly, CPL hasapplied for authority, pursuant to the indenture provision quoted above, to pay common stock dividends out of additional amounts of earned surplus earned after December 31, 1975. This additional earned surplus will be determined as provided in the supplemental indentures but after deducting as a minimum for the renewal fund 3.2% of bondable property rather than 15% of gross operating revenues or 2¼% of bondable property, as presently provided in the supplemental indentures. CPL states that it will accept a limitation upon such authorization to the effect that no common stock dividend payment can be made out of such additional earned surplus except to the extent that such dividend was made from surplus earned during the 12 calendar months immediately preceding the payment of such dividend.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $10,000, including legal fees of $4,500. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given, that any interested person may, not later than November 28, 1975 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, as amended, insofar as it proposes to solicitation of proxies from CPL's stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration, as amended, regarding the proposed solicitation of proxies of CPL's stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30166 Filed 11-7-75;8:45 am]

[Rel. No. 9015; 812-3858]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application Pursuant to Section 17(b) of the Act for an Order Exempting Proposed Transaction From Section 17(a)

NOVEMBER 4, 1975.

Notice is hereby given, that E. I. du Pont de Nemours and Company ("Applicant"), Wilmington, Delaware 19898, a Delaware corporation, filed an application on September 8, 1975, pursuant to Section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of Section 17(a) of the Act Applicant's proposed sale of its 26% equity interest in Pigment-Chemie, GmbH ("PC") to Metallgesellschaft A. G. ("MG"), owner of the remaining 74% of the equity interest in PC, for 8,000,000 German marks ("DM"), equivalent to U.S. $3,200,000. All interested persons are referred to the application on file with the Commission for a complete statement of the representations therein, which are summarized below.

Christiana Securities Company ("Christiana"), a registered closed-end investment company, owns approximately 27.8% of the outstanding common stock of Applicant. Under Section 2(a)(9) of the Act, both Applicant and PC are presumed to be controlled by Christiana; under Section 2(a)(3) of the Act, both Applicant and PC are also affiliated persons of Christiana and MG is an affiliated person of PC. Therefore, it may be said that the proposed transaction would be in violation of Section 17(a) of the Act unless an order of exemption is issued under Section 17(b) of the Act.

In December 1959, Applicant and Sachtleben A. G. ("Sachtleben"), a 60%-owned German subsidiary of MG, organized PC to manufacture, distribute and sell commercial titanium dioxide pigments to the paint and lacquer industry. PC uses the sulfate process while Applicant in its domestic pigment operations uses the chloride process which Applicant believes is less costly. Applicant acquired a 26% equity interest in PC, representing a DM capital investment then equivalent to U.S. $2,723,000. In March 1972, the remaining 74%-equity interest in PC held by Sachtleben was transferred to MG through a merger of Sachtleben into MG. Since then no other changes in the ownership of PC have occurred.

Applicant states that it no longer considers continued investment in PC attractive and is investigating construction of a chloride process pigments plant which would supply European markets. Therefore, Applicant believes it desirable to withdraw from PC. As the owner of the remaining 74%, MG elected to acquire Applicant's interest. Accordingly, Applicant and MG have entered into an agreement ("Agreement") which provides for the sale of Applicant's interest in PC to MG.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, knowingly to sell to or purchase from such registered company or any company controlled by such company any security or other property.

Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicant believes that the agreed payment for Applicant's 26% interest in PC is fair and reasonable to all parties based on the past earnings record and future earnings outlook for PC. $3.2 million represents 7.9 times average annual earnings of PC over the past 5 years. According to the application, equity interests in the principal industrial companies in the Federal Republic of Germany (a group of more than 100 companies, traded on the stock exchanges in that country) typically have traded at prices in the range of 5 to 18 times earnings and prices for equity interests of such companies recently averaged 10.5 times earnings. The price earnings ratio for the proposed transaction with respect to Applicant's interest in PC is about 75% of such average for German industrial companies. Applicant believes this lower price-earnings ratio is appropriate in view of the unattractive competitive status of PC's costly and inefficient sulfate process and the probable need for additional non-productive investment to meet tighter pollution control requirements.

Applicant contends that the terms of the proposed transaction, are reasonable and fair and do not involve overreaching on the part of any person and it submits that the provisions of the Agreement between Applicant and MG were negotiated at arm's length and are fair to both parties. Applicant states that the proposed transaction is consistent with the investment policies of Christiana and with the general purposes of the Act.

Notice is further given that any interested person may, not later than November 28, 1975, at 5:30 a.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30167 Filed 11-7-75;8:45 am]

[File No. 500-1]

FALSTAFF BREWING CORP.

Suspension of Trading

OCTOBER 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Falstaff Brewing Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 4:15 p.m. (EST) on October 31, 1975 through midnight (EST) on November 9, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30168 Filed 11-7-75;8:45 am]

[Rel. No. 9014; 811-839, 811-857, 811-858]

LENNON CO. AETNA LIFE STOCK INVESTMENT PROGRAMS, ET AL.

Proposal To Terminate Registration Pursuant to Section 8(f) of the Act

NOVEMBER 4, 1975.

In the matter of Lennon Company Aetna Life Stock Investment Programs; Lennon Company Connecticut General Stock Investment Programs; Lennon Company Travelers Stock Investment Programs; c/o Fred W. Kawam, Trust Department, The Connecticut Bank and Trust Company, One Constitution Plaza, Hartford, Connecticut 06115.

Notice is hereby given, that the Commission proposes pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Lennon Company Aetna Life Stock Investment Programs ("Lennon Aetna"), Lennon Company Connecticut General Stock Investment Programs ("Lennon Connecticut") and Lennon Company Travelers Stock Investment Programs ("Lennon Travelers") (collectively referred to as "Trusts"), registered under the Act as unit investment trusts, have ceased to be investment companies as defined in the Act.

Lennon Aetna registered under the Act on October 21, 1958; Lennon Connecticut and Lennon Travelers registered on December 15, 1958. Information in the Commission's files indicates that Trusts offered and sold Investment Programs ("Plans") pursuant to an effective registration statement under the Securities Act of 1933 from 1959 until the latter part of 1965. On October 13, 1965, in an action brought by the Commission in the United States District Court, District of Connecticut, the Court issued an order enjoining the Trusts from the further sale of Plans except that they were permitted to fulfill existing contractual commitments on previously sold Plans.

The Trusts' sponsor, Jay Lennon Company, became inactive following the issuance of such Court Order and was subsequently dissolved. The Connecticut Bank and Trust Company ("Bank"), Custodian for the Trusts, assumed certain duties and obligations theretofore performed by the sponsor. The Bank continued to service the outstanding accounts for the terms of each Plan. It received monthly payments; purchased the stock of the respective insurance company for each Plan; maintained balances for each participant; provided statements and reinvested dividends until each Plan terminated. The last Plans terminated in 1969 or early 1970. Upon termination the Bank had stock certificates representing the accumulated full share balances issued in the names of the participants. The stock certificates were mailed together with a check in lieu of the fractional interests to each participant upon the surrender of the Plan Certificates.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is hereby given, that any interested person may, not later than November 28, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the persons being served are located more than 500 miles from the point of mailing) upon the Trusts at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30169 Filed 11-7-75;8:45 am]

[Rel. No. 19233; 70-5759]

MIDDLE SOUTH UTILITIES, INC. AND ARKANSAS POWER AND LIGHT CO.

Notice of Proposed Issuance and Sale of Common Stock by Subsidiary Company to Holding Company

NOVEMBER 3, 1975.

Notice is hereby given, that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, and Arkansas Power & Light Company ("Arkansas"), First National Building, Little Rock, Arkansas 72203, a public utility subsidiary company of Middle South, have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b), 9(a), 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a

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complete statement of the proposed transactions.

Arkansas proposes to issue and sell to Middle South (the holder of all of the issued and outstanding shares of Arkansas' common stock $12.50 par value per share), and Middle South proposes to acquire, 1,200,000 additional shares of Arkansas' common stock for an aggregate purchase price of $15,000,000 in cash. Upon completion of the foregoing transactions, Arkansas will have issued an outstanding 26,990,000 shares of common stock, which will be stated in its capital common stock account at an aggregate of $337,375,000. Arkansas proposes to use the net proceeds from the sale of the additional common stock for its construction program, estimated at $180,000,000 for 1975 and for indebtedness incurred to finance construction.

It is stated that the Arkansas Public Service Commission and the Tennessee Public Service Commission have jurisdiction over the issuance and sale of the common stock by Arkansas and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that expenses anticipated in connection with the proposed transactions are estimated at $6,000, including legal fees of $4,000.

Notice is further given, that any interested person may, not later than December 3, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30170 Filed 11-7-75;8:45 am]

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on November 17 and 18, 1975 at 500 North Capitol Street, Washington, D.C. 20549, Room 776 beginning at 9:30 a.m. on November 17 and 9 a.m. on November 18. Initial notice of this meeting was published in the FEDERAL REGISTER on October 7, 1975.

The Board has also announced it plans to hold open meetings on December 15 and 16, 1975 in Washington, D.C. and on January 19 and 20, 1976 in Los Angeles, California.

The summarized agenda for the November meeting is as follows

1. Identification and discussion of major question areas with regard to the implementation of a national market system.
2. Discussion of prior proposals for implementation of such a system.
3. Discussion of such other matters as may be properly brought before the Board.

Further information may be obtained by writing Andrew P. Steffan, Director of Economic and Policy Research, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30172 Filed 11-7-75;8:45 am]

[File No. 24D-3062]

TIMBERLINE MINERALS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

OCTOBER 31, 1975.

I. Timberline Minerals, Inc. (Issuer) a Wyoming corporation, located at DuBois, Wyoming 82513, filed a notification and offering circular on Form 1-A on March 17, 1971, covering a proposed public offering of 3,170,000 shares of its $0.10 par value common stock at 15 cents per share for an aggregate offering price of $475,500.00 on a "best efforts," minimum-maximum basis, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3(b) thereof and Regulation A promulgated thereunder. The offering originally commenced on or about November 15, 1971, was unsuccessful and the funds returned to investors. The filing thereafter was amended and the offering resumed on June 12, 1972 under the same terms. According to the Form 2-A filed by the issuer on May 15, 1973, the offering terminated March 12, 1973 with the sale of 3,121,974 shares for an aggregate dollar amount to $468,296.10.

II. Based upon information reported by the staff, the Commission has reason to believe that:

A. The notification and offering circular filed by the issuer contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The plan of distribution in that there was a failure to disclose that if the public failed to purchase enough shares to reach the minimum dollar amount required of the fund escrow agreement within the allotted time, insiders and underwriters would supply the necessary funds and resell shares so obtained during the offering.

2. The failure to disclose that arrangements would be made to amend the terms of the fund escrow agreement to provide for additional periods of time within which the minimum fund escrow amount had to be reached without the consent of persons whose funds were in the escrow.

3. The use of funds other than customers' funds to close the escrow prior to the required number of shares being sold.

4. The withholding of customers' funds from deposit into the escrow account.

5. The failure to disclose all underwriters of the offering.

6. The failure to disclose that proceeds from the offering would be used to repurchase shares of Timberline stock.

B. The terms and conditions of Regulation A were not complied with in that:

1. The offering circular failed to state adequately and accurately the method by which the securities were to be offered and failed to state the names and addresses of all underwriters, the amount of the participation of each such underwriter and the nature of any material relationship between the issuer and each underwriter, all as is required by Item 5 of Schedule I.

2. The offering circular failed to state adequately and correctly the arrangements for the return of funds to subscribers if all of the securities being offered were not sold, as is required by Item 6(b) of Schedule I.

3. The Form 2-A report failed to indicate that the distribution was continuing subsequent to the reported completion date of the Regulation A offering.

4. The Form 2-A reports inaccurately state the total number of shares sold and the total amount of money received from the public from commencement of the offering to the date of the report.

5. Offers and sales of the aforementioned securities of the issuer were made to individuals who were not furnished with an offering circular as required by Rule 256(a).

C. The offering was made in violation of Section 17(a) of the Securities Act of 1933, as amended, by reason of the activities described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, that the exemption of Timberline Minerals, Inc. under Regulation A be and it hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in this order within thirty (30) days of entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty (30) days after the entry of this order; that within twenty (20) days after the receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30171 Filed 11-7-75;8:45 am]

SELECTIVE SERVICE SYSTEM

SELECTIVE SERVICE SYSTEM ADVISORY COMMITTEE ON THE SELECTION OF PHYSICIANS, DENTISTS AND ALLIED SPECIALISTS

Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the Selective Service System Advisory Committee on the Selection of Physicians, Dentists and Allied Specialists, to be held at 9:00 a.m., December 5, 1975, in Room 2010 at the New Executive Office Building, 17th and H Streets, Northwest, Washington, D.C.

The committee will meet to discuss Standby Doctors Draft legislation that could be implemented in event an emergency should arise requiring a Doctors Draft.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the committee before, during or after the meeting.

For further information concerning this committee meeting, contact Mr. Glenn R. Bowles, Selective Service Operations Manager, Selective Service System, Telephone: 202-343-7154.

Minutes of the meeting will be available upon request.

BYRON V. PEPITONE,
Director.

NOVEMBER 5, 1975.

[FR Doc.75-30191 Filed 11-7-75;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON STRUCTURAL SAFETY OF VETERANS ADMINISTRATION FACILITIES

Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442 at the Veterans Administration Central Office, 811 Vermont Avenue, NW, Washington, DC on November 24, 1975 at 10 a.m. The Committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake, and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. James Lefter, Director, Civil Engineering Service, Office of Construction, Veterans Administration Central Office (phone 202-389-2868), prior to November 20, 1975.

Dated: November 4, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-30085 Filed 11-7-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 910]

ASSIGNMENT OF HEARINGS

NOVEMBER 5, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 130209, B. J. Marsh, d.b.a. B. J. Marsh Sports—Application for Passenger Brokerage License, now being assigned December 4, 1975 (2 days), at St. Louis, Mo.; in a hearing room to be later designated.

No. 35479, Southern Railway Company, Et Al vs Seaboard Coast Line Railroad Company, Et Al, now being assigned January 12, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 120788 Sub 2, Fulsang's Motor Service, Inc., now assigned December 4, 1975, at Chicago, Ill., is postponed indefinitely.

MC 134599 (Sub No. 122), Interstate Contract Carrier Corporation, now being assigned December 10, 1975 (1 day), at Boston, Massachusetts, in a hearing room to be later designated.

MC 931 Sub 11, Falls Cities Transfer Inc., application is dimissed.

MC 64932 Sub 548, Rogers Cartage Co., now assigned December 8, 1975 at Chicago, Ill., is canceled and application dismissed.

MC 113678 Sub 573, Curtis, Inc., now assigned December 4, 1975 at St. Louis, Missouri, is canceled and the application is dismissed.

MC 59557 Sub 15, Auclair Transportation, Inc., now being assigned December 11, 1975 (2 days), at Boston, Massachusetts, in a hearing room to be later designated.

MC 119777 Sub 317, Ligon Specialized Hauler, Inc., now assigned December 9, 1975 at Chicago, Illinois, is canceled and application dismissed.

MC 125628 Sub 4, S. S. Baird & Sons, Limited, now assigned December 10, 1975 at Boston, Massachusetts, is canceled and the application is dismissed.

MC 126273 Sub 164, Midwestern Distribution, Inc., continued to January 7, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30212 Filed 11-7-75;8:45 am]

[Notice No. 112]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 7, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76169. By application filed October 29, 1975, WM. H. P., INC., 1342 North Howard St., Philadelphia, Pa. 19122, seeks temporary authority to lease the operating rights of NEEDHAM'S MOTOR SERVICE, INC., DONALD E. CLARICK, RECEIVER, 303 George St., New Brunswick, N.J. 08903, under section 210a(b). The transfer to WM. H. P., INC., of the operating rights of NEEDHAM'S MOTOR SERVICE, INC., DONALD E. CLARICK, RECEIVER, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30213 Filed 11-7-75;8:45 am]

[Notice No. 113]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 7, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

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No. MC–FC–76180. By application filed October 31, 1975, ENGELMANN TRUCKING CO., INC., 240 Broadway, Huntington Station, NY 11746, seeks temporary authority to lease the operating rights of HARRY HOLCK, 489 Riverside Avenue, Rutherford, NJ, under section 210a (b). The transfer to ENGELMANN TRUCKING CO., INC., of the operating rights of HARRY HOLCK, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–30214 Filed 11–7–75;8:45 am.]

[Notice No. 114]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 10, 1975.

Synopses of orders entered by Division 3 of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 10, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75844. By order of November 3, 1975 Division 3, acting as an Appellate Division, approved the transfer to Bojef Bulk Transportation, Inc., Temple, Pa., of Certificate No. MC 112541, issued by the Commission September 25, 1961, to Harvey F. Hoppes, Andreas, Pa., authorizing the transportation of coal from points in Schuylkill County, Pa., to Trenton, Freehold, and Palisades Park, N.J., and points in four named counties in New Jersey; from points in Mahonoy Township, Schuylkill County, Pa., to points in Somerset County, N.J.; from Hazelton, Pa., points in Luzerne County, Pa., within five miles of Hazelton, and points in Schuylkill County, Pa., to five named points in New Jersey; and from Hazleton, Pa., and points within five miles thereof, to points in four named counties in New Jersey, and four named points in New Jersey. Mr. Bert Collins, Practitioner, Suite 6193, 5 World Trade Center, New York, N.Y. 10048.

[SEAL] ROBERT L. OSWALD. *Secretary.*

[FR Doc. 75–30215 Filed 11–7–75;8:45 am]

[Notice No. 115]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 10, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132) appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 1, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76093. By order of November 5, 1975 the Motor Carrier Board approved the transfer to Norman L. Cook, doing business as Cook's Transportation, RD 5, Box 700, Dover, Del. 19901, that portion of Certificate No. MC 110789 and the entire Certificate No. MC 110789 Sub-No. 2 issued by the Commission to John Marshall Phillips, doing business as J. Marshall Phillips, Laurel, Del., April 9, 1953, and February 4, 1963, respectively, authorizing the transportation of fertilizer from Baltimore, Md. to points in Delaware, and to those in Maryland east of the Susquehanna River and the Chesapeake Bay, and insecticides, herbicides, pesticides, and fertilizer spreaders, restricted to movement in mixed shipments with fertilizer, from the site of the Armour & Co., plant at Baltimore, Md., to points in Delaware, respectively.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–30216 Filed 11–7–75;8:45 am]

[Notice No. 125]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 4, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 360TA), filed October 22, 1975. Applicant: DEATON, INC., 317 Ave., W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: G. E. Tickle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from the plantsite and facilities of Bird & Son, Inc., Charleston, S.C., to points in Alabama and Florida (points west of the Apalachicola River), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bird & Son, Inc., Washington St., East Walpole, Mass. 02032. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 30887 Sub-No. 224TA), filed October 28, 1975. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Ave., Baltimore, Md. 21225. Applicant's representative: William B. Eckels (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in bulk, in rear unloading tank vehicles, capable of maintaining temperatures above 360°F during transit, from Severn, N.C., to Linden, N.J., and Newport, Del., for 180 days. Supporting shipper: Robert B. Huey, President, Texapol Corporation, 602 N. Tacoma St., Allentown, Pa. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 43248 (Sub-No. 22TA), filed October 23, 1975. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, Ill. 62056. Applicant's representative: Harold Buske (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, from Neosho, Mo., to Litchfield, Ill., under a continuing contract with Milnot Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert E. Horneker, Manager, Milnot Company, 124 W. St. John St., Litchfield, Ill. 62056. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 44605 (Sub-No. 44TA), filed October 23, 1975. Applicant: MILNE TRUCK LINES, INC., 2200 South 400 West, Salt Lake City, Utah 84115. Applicant's representative: Henry A. Dahn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Las Vegas, Nev., and Glendale, Nev., with right to tack with existing authority, from Las Vegas, Nev., via Interstate Highway 15 to Glendale, Nev., and return over the same routes, serving all intermediate points. Applicant intends to tack with present authority at Las Vegas and Glendale, Nev., and interline with other carriers at Las Vegas, Nev., for 180 days. Supporting shipper: Talley Industires of Arizona, Inc., 4551 E. McKellips Road, Mesa, Ariz. 85201. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 61396 (Sub-No. 293TA), filed October 20, 1975. Applicant: HERMAN BROS., INC., 2656 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid argon*, in bulk, in tank vehicles, from Arroyo (Chester), W. Va., to points in Kentucky, Indiana, Illinois, Missouri, Kansas and Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. K. Subala, Distribution Superintendent, Airco Industrial Gases, Box 300, Chessen Lane, East Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 51146 (Sub–No. 448TA), filed October 24, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pelletized agricultural lime and gypsum*, in bags, from Irvington, Ky., to points in Nebraska, Kansas, Minnesota, Iowa, Missouri, Arkansas, Mississippi, Wisconsin, Michigan, Illinois, Indiana, Ohio, Tennessee, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Maryland, Delaware, West Virginia, Pennsylvania, New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Pelletizing Corp., P.O. Box 446, Dayton, Ohio 45459. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 95540 (Sub-No. 934TA), (Correction), filed October 15, 1975, published in the FEDERAL REGISTER issued of October 30, 1975, and republished as corrected this issue. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by products, and articles* distributed by meat packinghouses as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from points in Fulton County, Ga., to points in Denver County, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cudahy Foods Co., a division of General Hosts, Inc., 6540 Powers Ferry Road, Suite 350, Atlanta, Ga. 30339. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrece, Miami, Fla. 33166. The purpose of this republication is to change Docket No. MC 95540 Sub-No. 934, in lieu of MC 9554 Sub-No. 934TA, which was previously published in error.

No. MC 103051 (Sub-No. 355TA), filed October 23, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, animal fats and blends of vegetable oils and animal fats, in bulk, in tank vehicles, from Chattanooga, Tenn., to points Louisiana, for 180 days. Supporting shipper: Swift Edible Oil Company, a Division of Swift & Company, Distribution Manager-Service, 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 107002 (Sub-No. 476TA), filed October 20, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils*, in bulk, in tank vehicles, from Little Rock, Ark.; Owensboro, Ky.; and Grenada, Miss., to Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mid-South Milling Company, Inc., 1229 Kansas St., Memphis, Tenn. 38101. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 107010 (Sub-No. 60TA), filed October 20, 1975. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, Nebr. 68305. Applicant's representative: John T. Clark (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed*, in bulk, and *liquid feed*, in bulk, in tank vehicles, from Atchinson, Kans., to points in Nebraska, Iowa and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Warren W. Graves, Traffic Manager, Midwest Solvent Co., Inc., Atchinson, Kans. Send protests to: Max Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Bldg., and U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 107993 (Sub-No. 41TA), filed October 20, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dail, Jr., 1111 E. St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated building panels and foam board insulation*, from the plantsite of Panel-Era, Inc., at or near Dallas, Tex., to points in Arkansas, Arizona, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Utah and Wyoming, for 180 days. Supporting shipper: Panel Era Corporation, 8001 Carpenter Freeway, Dallas, Tex. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 112822 (Sub-No. 392TA), filed October 21, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from the plantsite and warehouse facilities of Jeno's, Inc., at or near Sodus, Mich., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming, restricted to traffic originating at the plantsite and warehouse facilities of Jeno's, Inc., at or near

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Sodus, Mich., for 180 days. Supporting shipper: Robert E. Ryan, GTM, Jeno's, Inc., P.O. Box 6509, Duluth, Minn. 55806. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 113828 (Sub-No. 232TA), filed October 28, 1975. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 3006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Bldg., West, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, between points in York County, S.C., on the one hand, and, on the other, points in Tennessee and Georgia, for 180 days. Supporting shipper: Carolina Pipeline Company, P.O. Box 6317, Columbia, S.C. 29260. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Ave. NW., Room B–317, Washington, D.C. 20423.

No. MC 114608 (Sub-No. 29TA), filed October 22, 1975. Applicant: CAPITAL EXPRESS, INC., 5635 Clay Ave., SW., Grand Rapids, Mich. 49508. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dishwashers and cooling boxes and parts thereof* when transported at the same and in the same vehicle with such dishwashers or cooling boxes, from Columbus, Ohio to points in Wyoming and Michigan, under a continuing contract with Kelvinator, Inc., Grand Rapids, Mich., for 180 days. Supporting shipper: Kelvinator, Inc., 1545 Clyde Park, SW., Grand Rapids, Mich. 49509. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 117119 (Sub-No. 555TA), filed October 22, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the plantsites and warehouse facilities of Jeno's Inc., at or near Sodus, Mich., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming, restricted to traffic originating at the named origins and destined to points in the states named, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Ave., South, Duluth, Minn. 55802. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118142 (Sub-No. 105TA), filed October 21, 1975. Applicant: M. BRUENGER & CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Partially cured rubber* (except in bulk), moving in specialized temer controlled equipment, from the plantsite of Bandag, Inc., located at or near Oxford, N.C., to Chino, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bandag, Inc., 1056 Hershey Ave., Muscatine, Iowa 52761. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 119880 (Sub-No. 73TA), filed October 23, 1975. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, in straight or mixed shipments, from Bardstown and Owensboro, Ky.; Atchison, Kans.; and Muscatine, Iowa, to Long Prairie, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Minnesota Distillers, Inc., Terry J. Cavin, President, 609 6th St., NE., Long Prairie, Minn. 56347. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 121306 (Sub-No. 11TA), filed October 28, 1975. Applicant: SUPERIOR MOTOR EXPRESS, INC., P.O. Box 98, Gold Hill, N.C. 28071. Applicant's representative: Francis J. Ortman, 1100 17th St., NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, tubing and conduit*, from the plantsite of Wheatland Tube Company, Wheatland, Pa., to points in South Carolina, Georgia and Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wheatland Tube Company, Independence Square, Public Ledger Bldg., Philadelphia, Pa. 19106. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 123392 (Sub-No. 65TA), filed October 24, 1975. Applicant: JACK B. KELLEY, INC., Rt. 1, Box 400, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid argon, and liquid nitrogen*, between points in Illinois, Michigan, Minnesota, North Dakota and Wisconsin. Applicant intends to tack its existing authority with MC 123392 Sub-31, for 180 days. Supporting shippers: Airco Industrial Gases, 575 Mountain Ave., Murray Hill, N.J. 07974. Liquid Air, Inc., P.O. Box 26230, San Francisco, Calif. 94126. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 124692 (Sub-No. 154TA), filed October 22, 1975. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from St. Paul, Minn., to the construction site of The Co-op Power Association and United Power Association, located approximately four miles south of Underwood, N. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Pakulski, Traffic Manager, Maxon Corporation, 500 Como Ave., St. Paul, Minn. 55165. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 126118 (Sub-No. 17TA), filed October 24, 1975. Applicant: GEORGE M. HILL, doing business as, HILL TRUCKING COMPANY, 928 W. Main St., Johnson City, Tenn. 37601. Applicant's representative: George M. Hill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., and its commercial zone to Appalachia and Bristol, Va., and Johnson City, Tenn., and their commercial zones, for 180 days. Supporting shippers: Boggs Distributing Company, 2210 Buffalo Road, Johnson City, Tenn. Good Luck Beverage, Inc., P.O. Box 85, Bristol, Va. 24201. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[SEAL]

[FR Doc.75–30217 Filed 11–1–75;8:45 am]

federal register

MONDAY, NOVEMBER 10, 1975

PART II:

DEPARTMENT OF THE ARMY

Corps of Engineers

■

WATER AND RELATED LAND RESOURCES; FEASIBILITY STUDIES

Policies and Procedures

V 40 217 NOV 10 75 XUM

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

WATER AND RELATED LAND RESOURCES; FEASIBILITY STUDIES

Policies and Procedures

The Secretary of the Army, acting through the Chief of Engineers, hereby gives notice of the adoption of a series of regulations establishing guidance for conducting Corps of Engineers feasibility studies for water and related land resources, consistent with the planning requirements of the U.S. Water Resources Council Principles and Standards and related policies.

The Water Resources Council promulgated and published in the FEDERAL REGISTER, 10 September 1973, interagency guidelines for the planning of water and related land resources. These guidelines became effective 25 October 1973. Since that time, the Chief of Engineers has been developing a comprehensive series of regulations to implement those guidelines and other legislative authorities enacted by Congress during the last several years. These other authorities include, but are not limited to, the National Environmental Policy Act of 1969 (Pub. L. 91–190), the River and Harbor Act of 1970 (Pub. L. 91–611), the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500), and the Water Resources Development Act of 1974 (Pub. L. 93–251).

Under procedures established by the Water Resources Council, the regulations adopted below were reviewed by the Council. In a letter dated 8 August 1975 to the Honorable Victor V. Veysey, Assistant Secretary of the Army (Civil Works), Mr. Warren D. Fairchild, Director, Water Resources Council, stated that the Council found the regulations to be generally consistent with the "Principles and Standards." Specific suggestions on various aspects of the regulations were also provided by the Council; these were incorporated into the final regulations as determined appropriate.

The Council also noted that the "Net Benefit Rule" (§ 290.11(c)(1), adopted by the Secretary of the Army as a decision criterion for the Corps of Engineers to recommend Federal (Corps) participation in proposed water and related land resources plans, is under consideration by the Council of Members (Alternates) as part of the study of the "Principles and Standards" authorized by Section 80(c), Pub. L. 93–251. The outcome of this study may affect this criterion.

The Water Resources Council provided member agencies a transition period during which reports substantially completed prior to 25 October 1973 could be forwarded to Congress with an addendum addressing the primary requirements of the "Principles and Standards." Studies initiated or completed by the Corps of Engineers since 25 October 1973, with funds appropriated by Congress, must comply fully with the Water Resources Council "Principles and Standards." Many of these studies are now nearing important decision points which require firm guidance from the Secretary of the Army on the implementation of the "Principles and Standards" and related legislative authorities. In view of these factors, and the favorable consistency review conducted by the Water Resources Council, the Secretary of the Army has decided to adopt the regulations in final form but to provide a one-year period for public comment and Corps of Engineers planning experience. After the one year period, the Chief of Engineers will review comments from the public and experience gained by Corps planners and recommend such adjustments as deemed necessary.

Comments and suggestions on the seven regulations adopted below are invited from interested parties and organizations and should be sent to the following address no later than 10 November 1976:

Chief of Engineers, ATTN: DAEN–CWP–A, Department of the Army, Washington, D.C. 20314

Single copies of a reprint of the seven regulations may be obtained from the above address. Meetings will be scheduled on these regulations as necessary, based on public response to this notice.

Effective Date: These regulations are effective 10 November 1975.

Dated: October 20, 1975.

RUSSELL J. LAMP,
Colonel,
Corps of Engineers Executive.

PART 290—PLANNING PROCESS: MULTIOBJECTIVE PLANNING FRAMEWORK [ER 1105–2–200]

Sec.

290.1 Purpose.
290.2 Applicability.
290.3 References.
290.4 Definitions.
290.5 Objective of the planning process.
290.6 Basic policies.
290.7 Planning process.
290.8 Essential planning considerations.
290.9 Functional planning tasks.
290.10 Plan development stages.
290.11 Plan selection and recommendation.
290.12 Effective date and applicability to planning programs.

AUTHORITY: Water Resources Council, *Principles and Standards for Planning Water and Related Land Resources*, 38 FR 24778–24869, 10 September 1973.

§ 290.1 Purpose.

This regulation establishes guidance for conducting feasibility studies for water and related land resources, consistent with the planning requirements of the WRC Principles and Standards (P&S) and related policies. It establishes a process under which alternative plans are formulated and evaluated.

§ 290.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 290.3 References.

(a) Title I, Public Law 91–190, (83 Stat. 852), *National Environmental Policy Act*, 1 January 1970.

(b) Section 122, Public Law 91–611 (84 Stat. 1818), *River and Harbor and Flood Control Act of 1970*, 31 December 1970.

(c) Sections 201, 208, 209, and 303, Public Law 92–500 (86 Stat. 81), *Federal Water Pollution Control Act Amendments of 1972*, 18 November 1972.

(d) Section 73, Public Law 93–251 (88 Stat. 12), *Water Resources Development Act of 1974*, 7 March 1974.

(e) Water Resources Council *Principles and Standards for Planning Water and Related Land Resources*, 38 FR 24778–24869, 10 September 1973.

(f) ER 1105–2–14, Framework and River Basin Study Programs (33 CFR 252).

(g) ER 1105–2–50, Continuing Authorities Program (33 CFR 263).

(h) ER 1105–2–210, Plan Development Stages (33 CFR 291).

(i) ER 1105–2–220, Problem Identification (33 CFR 292).

(j) ER 1105–2–230, Formulation of Alternatives (33 CFR 293).

(k) ER 1105–2–240, Impact Assessment (33 CFR 294).

(l) ER 1105–2–250, Evaluation (33 CFR 295).

(m) ER 1105–2–800, Public Involvement: General Policies (33 CFR 380).

(n) ER 1105–2–921, System of Accounts (33 CFR 393).

§ 290.4 Definitions.

(a) "Alternative Plans" are different ways for managing water and related land resources employing structural and/or non-structural measures.

(b) "Base Condition" is the existing economic, social, and environmental characteristics of the area under study.

(c) "Detailed Plans" are highly developed approaches for addressing different mixes of planning objectives, recognizing that additional efforts will be necessary to provide more detailed engineering design once a plan is selected for implementation.

(d) "Evaluation" is the process of analyzing plans against the "without condition" and against each other to determine and compare their beneficial and adverse contributions.

(e) "Impacts" (effects) are the economic, social, and environmental consequences expected to result from alternative plans.

(f) "Implementable Plans" are plans which can be transformed from concept to reality. This requires consideration of institutional and technological feasibility.

(g) "Most Probable Future" is the projection of basic demographic, economic, and social parameters, which is used as the basis for defining the "without condition" and the planning objectives for a particular study.

(h) "Measure" is any structural or non-structural means of resource management, and may be part of a plan or the entire plan.

(i) "Planning Objectives" are the national, state, and local water and related land resource management needs (opportunities and problems) specific to a given study area that can be addressed to enhance National Economic Development or Environmental Quality.

(j) "Planning Process" is a systematic approach to analyzing needs and problems, establishing planning objectives, and developing and evaluating alternative resource management plans.

(k) "Plan of Study" is a document prepared during the initial stage of planning containing a preliminary description of what the study will address and how it will be conducted.

(l) "Resource Management" involves the development, conservation, enhancement, preservation, or maintenance of water and related land resources to achieve the goals of society expressed nationally and locally.

(m) "Without Condition" is the detailed specification of the conditions which will prevail over the planning period in the absence of implementation of a plan to alter the management of water and related land resources. The description of the without condition covers all categories of impacts which are significant to the evaluation of alternative plans.

§ 290.5 Objective of the planning process.

The objective of the multiobjective planning framework is to guide planning for the conservation, development, and management of water and related land resources. The framework requires the systematic preparation and evaluation of alternative ways of addressing problems, needs, concerns, and opportunities under the P&S objectives of National Economic Development (NED) and Environmental Quality (EQ). This results in information necessary to make effective choices regarding resource management under existing and projected conditions. Alternative plans are to be formulated without bias to structural or non-structural measures. The appendices and references, particularly reference § 290.3(e), must be utilized for a full understanding of the multiobjective planning framework.

§ 290.6 Basic policies.

Corps policy on multiobjective planning is largely derived from several legislative and executive authorities, referenced in § 290.3. In major part, these authorities establish and define the national objectives for water resource planning, specify the range of impacts that must be assessed, and set forth the conditions and criteria which must be applied when evaluating plans.

(a) The P&S require that Federal and Federally-assisted water and related land planning be directed to achieve National Economic Development (NED) and Environmental Quality (EQ) as equal national objectives. NED is to be achieved by increasing the value of the nation's output of goods and services and improving national economic efficiency; EQ is to be achieved by the management, conservation, preservation, creation, restoration, or improvement of the quality of certain natural and cultural resources and ecological systems.

(b) The term "planning objectives" refers to water and related land resource management needs that are specific to each study. They are derived from analysis of the needs (opportunities and problems) of the study area that can be addressed to enhance the national objectives of P&S.

(c) The EQ objective in P&S should be interpreted as being the same as the definition of environmental quality contained in the National Environmental Policy Act of 1969 (NEPA). Thus, planning to achieve the EQ objective should address the broadest scope of concerns pertaining to the natural and cultural environment. EQ plans shall include only those measures which are concerned with management of water and related land resources. EQ plans shall address traditional water resources needs. Satisfaction of these needs to the degree accomplished by the NED plan is not necessary but the decision to forego satisfaction of these needs must be deliberate. For example a decision to continue to incur flood damages may be warranted in order to serve some conflicting planning objectives. If it becomes apparent in the course of a study that an economically justified plan to satisfy traditional water resource needs cannot be formulated, continued formulation of an EQ plan or other alternative plans is not warranted.

(d) P&S also requires that the impacts of a proposed action be measured and the results displayed or accounted for in terms of contributions to four accounts: National Economic Development (NED), Environmental Quality (EQ), Regional Development (RD), and Social Well-Being (SWB).

(1) Contributions to the NED and EQ accounts are the overall beneficial and adverse impacts of the proposed action on the components of the national objectives of P&S.

(2) Contributions to the RD account are determined by establishing a proposal's effects on a region's income, employment, population, economic base, environment, and social development.

(3) Contributions to the SWB account are determined by establishing a proposal's effects on real income, security of life, health and safety, education, cultural and recreational opportunities, emergency preparedness, and other factors.

(e) In addition to P&S, the River and Harbor and Flood Control Act of 1970 and the National Environmental Policy Act of 1969 require assessment of plan impacts. Section 122 of the 1970 Act specifies those impacts that, as a minimum, must be assessed for any proposed action, while Section 102(2)(c), of NEPA requires that the environmental impacts of any proposed action be fully assessed.

(f) The Federal Water Pollution Control Act Amendments of 1972 links water quality concerns to the more traditional aspects of resource management planning. Among other things, the Act, in Sections 201, 208, 209, and 303, places substantial emphasis on planning problems and complementarities falling within the broad scope of P&S.

§ 290.7 Planning process.

A representation of the planning process is provided as Figure 1.

a. Achievement of the planning process objective defined in § 290.5 requires the application of several essential planning considerations which are discussed more fully in § 290.8.

b. The four functional planning tasks of problem identification, formulation of alternatives, impact assessment, and evaluation, will be performed throughout a study. These planning tasks are explained in § 290.9 and other regulations in the 1105–2–200 series.

c. Plans will be developed in three separate stages: development of a Plan of Study (POS); development of intermediate plans; and development of detailed plans. These stages are explained in § 290.10 and Part 291 of this chapter.

§ 290.8 Essential planning considerations.

A number of essential considerations are requisite to successful planning: the interdisciplinary character of the planning team, planning flexibility, implementability of the final alternative plans, institutional analysis, and public involvement. Public involvement is discussed in Part 380 of this chapter; the others are discussed below:

(a) *Interdisciplinary Planning.* The requirements of the P&S, NEPA, and Section 122, among others, necessitate an interdisciplinary planning approach to identify and define planning objectives, develop creative alternative plans, and analyze a broad range of complex issues, including the likely economic, social, and environmental consequences of plan implementation. This is best accomplished by a planning team which employs a diversity of professional skills.

(1) The interdisciplinary team approach will be utilized throughout a study with all participants having equal opportunity to be involved. This requirement does not mean that all participants must be involved in each activity, task, or stage, only that they must be involved when their skills could have a material effect on study progress and output.

(2) The role of the study managers is pivotal to the successful accomplishment of interdisciplinary planning since they are responsible for coordinating and synthesizing the efforts of all involved.

(3) To the extent appropriate, consultants, members of citizen groups, representatives of other government agencies, and other segments of the public should also be included as a part of the planning team to draw from a wider variety of sources and provide different perspectives on the study and its direction.

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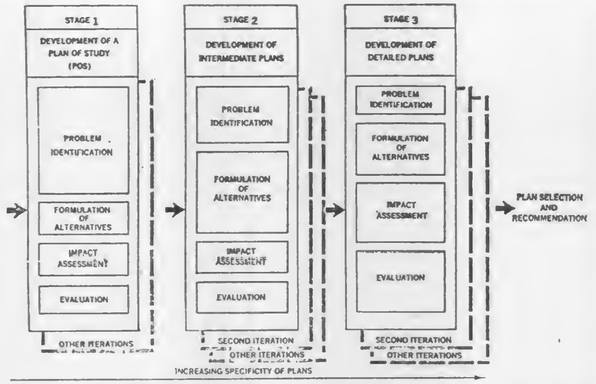


Figure 1: General Relationship of Plan Development Stages and Functional Planning Tasks

(b) *Flexibility.* Flexibility is obtained when each stage of the planning process, embracing problem identification, formulation of alternatives, impact assessment, and evaluation is repeated one or more times as necessary. In this manner, additional or increasingly precise information is introduced to guide the formulation and evaluation of alternative plans. Where conditions change significantly during the course of a study, subsequent iterations of the planning tasks can be altered to reflect and accommodate such change. Thus, the planner is provided a systematic, highly flexible means for taking the preliminary assumptions and data identified in Stage 1 and translating them into the more precise and detailed plans displayed at the completion of Stage 3. Figure 1 outlines the general relationships among the three plan development stages and the four functional planning tasks and suggests how the emphasis on the various tasks is likely to change as a study progresses.

(c) *Implementability.* The detailed plans presented at the conclusion of the planning process are to be management actions capable of being implemented based on their institutional and technological feasibility. Public involvement and institutional analysis shall be conducted throughout the study to aid in developing implementable plans. The alternatives presented at the end of Stage 3 must be fully developed with their appropriate management measures specified. Resource requirements, size and location, and resultant outputs of each detailed plan should be specified. Public and private sector expenditures or actions necessary to carry out each plan should also be identified.

(d) *Institutional Analysis.* An institution is an organization or political/social process that is generally structured, systematized, and stable. It may be a formal or informal body, group, or agency as well as one or a set of formalized practices, procedures, customs, or traditions. Political and social institutions play an essential role in the planning process, in that they can be critical determinants regarding implementability. Institutions are diverse and wideranging. State governments, bi-state agencies, local planning agencies, established tax structures, and general attitudes toward financial obligation are examples.

(1) *Analysis.* Analysis of institutions is one means of assuring the feasibility of alternative plans. As plans increasingly responsive to the planning objectives are developed, a parallel, yet critically related effort must be carried out to assure plan implementability. Analysis is made to determine the institutional requirements imposed by alternative plans and the capability of existing institutions to meet those requirements. This analysis starts with a preliminary survey of existing institutions relevant to the problems addressed by the study. This requires becoming acquainted with the political character of the area and identifying any widespread attitudes or local customs regarding the management or use of resources. As the study progresses, institutional base information is refined and expanded. Financing capabilities, legal authorities, programs, and policies are described with increasing precision. Simultaneously, the views and desires of potential project sponsors must be fully considered and integrated into the planning process. The result should be a clear picture of how various alternatives could be implemented and by whom, indicating both the capabilities of different institutions with respect to a total plan or components thereof, as well as possible constraints or impediments, existing or potential, to implementation.

(2) *Relation to Public Involvement.* An early and active program of public involvement and interagency coordination is essential to successful institutional analysis and, ultimately, to plan implementation. Appropriate organizations and agencies and other publics should be active participants in the planning process early in Stage 1 rather than viewed as outsiders who must subsequently be convinced of the worth of a plan and its implementation. Early participation and coordination may preclude or minimize later conflict or confrontation that could negate the validity of a plan that is otherwise economically, socially, and environmentally acceptable.

(3) *Implementation Arrangements.* The analysis will specify how, when, and by whom each plan may be implemented. The most socially and politically acceptable means available for the implementation of each final plan, incuding proposals for new organizations or financing methods or new roles for existing institutions of limited capability, will be specified. This could include broadening the Corps' responsibility. The Corps or a number of other Federal, state, regional, or local entities may implement a plan. However, lack of an existing capability for carrying out a plan, or component thereof, will not preclude the development of that plan or component provided that a realistic recommendation for a new implementing mechanism can be made. Finally, the rationale used to achieve the recommended implementation arrangements should be clearly and concisely incorporated in the report.

§ 290.9 Functional planning tasks.

Four functional planning tasks, each composed of specific activities, are to be carried out during each stage of the planning process. While emphasis may be on a particular activity at a given point in the process, successful accomplishment of each task, as well as the planning process in general, requires continuous integration of all activities. Each activity should reflect the result of previous activities and should complement the other activities required to carry out the study. The four planning tasks and their associated activities are described below and are discussed more fully in other regulations (reference Parts 292, 293, 294 and 295 of this chapter)

(a) *Problem Identification—Task 1.* Problem identification is the determination of the range of water and related land resource problems a study will address. It provides for establishing planning objectives which give direction to subsequent planning tasks. It is carried out by identifying resource management problems and public concerns, analyzing them to determine the physical area to be studied, surveying existing and projected resource conditions in the area, and synthesizing this information into specific planning objectives. Activities to be carried out in problem identification are as follows:

(1) *Identify public concerns.* This activity identifies the range of economic, social and environmental concerns that form the basis for detailing specific water and related land resource management problems to be addressed in the study. The general public, interest groups, and government agencies will be consulted to obtain their views regarding what the study should address.

(2) *Analyze resource management problems.* Based on requirements contained in national policies and the study authority, public concerns should be analyzed to more specifically determine the

range of water and related land resource management problems to be addressed. The full complement of issues, concerns, needs, constraints, opportunities, and desires expressed by the public in relation to the resources of the study are to be reflected. One element of this activity involves analyzing previously established water "needs" and priorities to confirm their relevance to the study situation. Conduct of this activity requires extensive professional analysis of available information, including that generated during previous and on-going studies, to validate current and likely future resource management problems.

(3) *Define the study area.* The range of identified resource management problems should be examined as a basis for defining the geographic area to be studied. Depending upon the character and range of resource management problems to be studied, the study area may or may not have the same boundaries as the area described in the study authority. Properly defining the study area is extremely important since it significantly influences the types of problems, needs, and opportunities to be considered in greater detail.

(4) *Describe the base condition.* The study area should be described in terms of its existing water and land uses, as well as its economic, social, and environmental characteristics. The description should summarize existing conditions in the study area and verify actual and potential resource management problems.

(5) *Project future conditions.* Drawing on the public concerns regarding existing and future problems and opportunities in the study area, including a thorough analysis of the base condition, a number of reasonable alternative future conditions should be projected. A range of these conditions which reflect alternative assumptions about the future will be presented to the public. From this range of alternative futures, the one that best reflects the public's desires and aspirations, consistent with the constraints imposed by the economic, environmental, social, and political systems, will serve as the basis for projecting future conditions and will represent the "most probable future".

(6) *Establish planning objectives.* Initially, establishing planning objectives involves analyzing the range of public and professional concerns expressed about the use of water and related land resources in the study area to translate them into specific objectives for the study. These needs must be net of outputs which will be obtained without any change in existing resource management plans or programs; i.e., the "without condition". These differences will be analyzed as a basis for translating needs, opportunities, concerns, and constraints into the planning objectives of the study. These objectives will be set forth and described as specifically as possible so as to provide a meaningful guide and focus for subsequent formulation activities.

(b) *Formulation of Alternatives—Task 2.* Formulation of alternatives is the development of different resource management plans to address planning objectives. The plans which are initially formulated will be assessed and evaluated. Plans which best address NED, EQ and a mix of the two will be identified. Candidates for NED plans are those which are likely to maximize net economic benefits and candidates for EQ plans are those likely to make significant contributions to preserving, maintaining, restoring, or enhancing cultural and natural resources. During subsequent iterations, candidate plans will be reformulated to insure that the best NED, EQ, and mixed plans are included in the final array of alternatives. Designation and reformulation of candidate plans requires substantial professional analysis and judgement and should reflect public preferences and desires. The NED and EQ plans are not intended to establish a polar condition, since plans which optimize NED and those which emphasize EQ must still meet a range of specific evaluation criteria and, therefore, could be similar or even the same plan. Where NED and EQ plans are significantly different, other alternatives reflecting significant trade-offs between them will be formulated so as not to overlook the best overall plan. If possible, an essentially "non-structural plan" should be carried through the planning process. Where relevant to addressing public concerns, "no development" plans may also be formulated. Activities to be carried out in formulation of alternatives are as follows:

(1) *Identify measures.* A broad range of technical and institutional measures, structural and non-structural, for potentially satisfying the planning objectives will be set forth. The identification and consideration of measures proposed or suggested by different interest groups is essential. The result is a preliminary identification and description of all the different management measures that might be applicable to a given study.

(2) *Categorize applicable management measures.* The range of measures should be analyzed in relation to the planning objectives to identify those which could address a number of the objectives and those which could address only one. Each applicable measure should then be compared to every other related measure to determine whether it is competitive or complementary thereto.

(3) *Develop plans.* Linking or combining the different applicable measures into alternative plans initially involves choosing a measure which addresses a number of objectives. To this, complementary measures which more fully address the objectives are added incrementally. This process will be repeated, adding complementary measures, until a number of management systems are developed. Plans will be developed by analyzing the complementary and competitive interactions among measures, to identify and minimize conflicts, to obtain consistency, and to insure completeness to the extent possible. Subsequent impact assessment and evaluation will narrow the range of alternatives and establish a basis for effective choice among plans.

(4) *Consider plans of others.* Other plans, proposed by governmental or non-governmental interests, will be identified and included in the planning process. These will include appropriate "non-Federal" plans that would likely be undertaken in the absence of the Corps plan. Such plans will be assessed and evaluated along with the alternative plans developed by the Corps.

(c) *Impact Assessment—Task 3.* Impact assessment is the identification, description, and, if possible, measurement of the effects of the different alternative plans on the base year condition. Consistent with the requirements of the P&S, Section 102(2)(c) of NEPA, and Section 122 of the River and Harbor and Flood Control of 1970, impact assessment provides for analyzing the significant effects of each alternative. These are the economic, social, or environmental consequences of an alternative which would be likely to have a material bearing on the decision-making process. Impact assessment requires forecasting where and when significant primary, and higher order effects could result from implementing a given alternative. This determination requires analyzing and displaying monetary and non-monetary changes in an objective manner based on professional and technical assessment of the resources. The absence of change or no net change from the base condition could also be a significant impact in certain instances and care must be taken to surface such information during this task. Describing impacts does not reflect societal preferences; these preferences are determined through subsequent evaluation. Activities to be carried out in impact assessment are as follows:

(1) *Determine sources of impacts.* The aspects of each alternative that could cause significant impacts will be identified and specified. This requires analyzing the inputs, measures, and outputs associated with the alternatives to determine causative factors that could impact on elements of the base condition.

(2) *Identify and trace impacts.* The causative factors related to each alternative should be compared to the elements of the base condition for the purpose of identifying impacts. Identifying impacts requires forecasting whether these factors could cause significant changes from the base. Accomplishing this requires cause and effect analysis to identify and trace through those impacts which are significant.

(3) *Specify incidence of impacts.* The geographical location of each impact should be identified. In addition, it will be necessary to establish when impacts are expected and their duration.

(4) *Measure impacts.* As precisely as possible, the magnitude of each impact should be determined. The impacts should be quantified using appropriate monetary or non-monetary units or concisely characterized in a written description.

(d) *Evaluation—Task 4.* Evaluation is the analysis of each plan's impacts against the "without condition" and against the other plans. Whereas impacts are identified through an objec-

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tive undertaking largely on professional analysis, evaluation determines the subjective value of these changes. This is accomplished by conducting "with and without" analysis of the alternative plans and ascribing values to the impacts based on the public's perceptions of them. The process begins by establishing the contributions of each alternative in relation to the planning objectives and the NED, EQ, RD, and SWB accounts of the P&S. Then the response of the alternatives to specified evaluation criteria will be determined. From this information, judgments will be made concerning the beneficial and adverse nature of the contributions of an alternative to establish its overall desirability. After this has been done for each alternative, plans that do not result in an improvement over the without condition will be eliminated from further consideration. The first three activities listed below provide more explicit information on performing this aspect of evaluation. The relative merits of each remaining alternative in comparison with the other remaining alternatives will then be established. By so doing, evaluation will surface information which will be incorporated in succeeding iterations so as to more fully achieve beneficial contributions while reducing adverse contributions. Activities to be carried out in evaluation are as follows:

(1) *Appraise planning objective fulfillment.* The degree to which the alternative plans contribute to the planning objectives will be determined. This involves relating the significant impacts of each alternative to the planning objectives and determining if and how well the different alternatives contribute to the objectives.

(2) *Appraise System of Accounts contributions.* Each plan is valued in terms of its beneficial and adverse consequences on the four accounts. This involves analysis of each significant impact to determine the positive or negative contributions a plan will make in regard to NED, EQ, RD, and SWB. A fuller explanation regarding the content and use of the System of Accounts is contained in Part 393 of this chapter.

(3) *Apply specified evaluation criteria.* Other criteria which will be applied to provide a basis for choosing among alternative plans are acceptability, completeness, effectiveness, and efficiency, which are explicitly stated in the P&S, and certainty, geographical scope, NED benefit-cost ratio, reversibility, and stability which are derived from the first four. These criteria and their application are discussed more fully in Part 295 of this chapter. Determining certainty, stability, and reversibility requires the use of sensitivity analysis, alternative futures, and risk and uncertainty analysis as specified in the P&S.

(4) *Perform trade-off analysis.* Trade-off analysis is the actual comparison of plans, based upon perceptions of affected groups and the results of applying all the appropriate evaluation criteria. Its purpose is to identify plans which serve a wide range of interest, including the Federal Interest. Alternative plans must be compared in such a manner that impacts measured in dissimilar units may be traded-off in such a way that the public and decision-makers are provided a basis for effective choice.

(5) *Designate NED and EQ plans.* Based on the criteria specified in the P&S and discussed above, designate the alternative or alternatives which are the most likely NED and EQ plans.

(e) *Determine if Repeating the Planning Tasks is Necessary.* At the completion of evaluation, the results of carrying out the four planning tasks will be analyzed to establish the necessity for, or direction of, the next iteration. If reiteration is necessary, the planning tasks will be repeated to develop more precise and detailed plans that more fully address the planning objectives while minimizing adverse economic, social and environmental impacts. To aid in this, specific criteria listed in Part 295 of this chapter, will be applied for reformulating the plans designated as candidate NED plans, for those designated as candidate EQ plans, and for those candidates which provide a mix of NED and EQ contributions. When a satisfactory set of detailed, implementable plans result from an iteration, the plan selection and recommendation criteria described in para 11 will be applied.

§ 290.10 Plan development stages.

Developing plans in three stages provides for improving and increasing the level of detail and reliability of data and analyses, and for incrementally developing more precise alternative plans throughout a study. The three plan development stages are described below and are discussed more fully in Part 291 of this chapter.

(a) *Stage 1—Development of Plan of Study (POS).* During the initial stage, the four planning tasks are performed at a preliminary level of detail to define the scope and character of the study as a guide to subsequent planning. During this stage, principal emphasis will be on identification of the range of issues related to resource management in the study area. Because of the introductory nature of the planning tasks at this stage, the effort will generally involve analyzing a wide range of available data, which may be more qualitative than quantitative. The general purpose of this stage is to make an initial analysis of water and related land resource management problems and how they could be solved. The product will be a Plan of Study (POS) document describing the scope of the study and the broad management actions necessary to carry it out.

(b) *Stage 2—Development of Intermediate Plans.* The intermediate stage emphasizes identifying and analyzing the range of alternative ways for addressing the planning objectives. Considerable emphasis must be placed on more specifically defining these objectives. Based on a more definitive analysis of the objectives, alternatives will be outlined and refined without concentrating on detailed engineering or design considerations. Data should be sufficient to set forth and analyze alternative concepts of resource management. The potential impacts of these alternative plans are to be assessed, concentrating on their significant consequences. Preliminary evaluation will be then conducted. A high level of detail is not appropriate at this stage. The alternatives developed should provide initial choices as to the different viable resource management options available in the study area.

(c) *Stage 3—Development of Detailed Plans.* During the final stage, emphasis is on modifying and reducing in number the intermediate alternatives to produce detailed, implementable plans. Design, assessment, and evaluation at this stage require data that is specific and well defined. The alternative plans produced at its completion must be at a comparable level of detail so that an effective choice can be made among them and, if appropriate, a recommendation can be implemented. This stage should produce an array of alternative plans which specify the type and location of the measures involved, their significant impacts, and the beneficial and adverse contributions of each plan.

§ 290.11 Plan selection and recommendation.

The planning process described in §§ 290.07–290.10 forms the basis for selecting one of the detailed plans and, if appropriate, recommending it for authorization. Generally, only one plan should be selected for implementation regardless of whether or not it is within the existing general authority of the Corps. If the selected plan falls under the Corps authority, then it can be recommended by the District Engineer. If the selected plan is not within existing Corps authority, the reporting document should describe how it could be implemented.

(a) *General.* Plan selection is the designation of that alternative considered to be the most desirable, based on the results of the study. Plan recommendation is the act of proposing Corps participation in implementing the selected plan. Plan selection and recommendation occur after the last iteration of the planning process, at which point a range of detailed plans, any of which could be selected, will be displayed in the System of Accounts (Part 393 of this Chapter).

(b) *Plan Selection.* This District Engineer will select the plan in the best public interest. This selection will be based upon the public response to the detailed plans carried through the final stage. This response will include the views of those who participated in the study and will be obtained by formal and/or informal means. The product of evaluation will be clearly presented as a basis for public inputs to plan selection. The crucial considerations in the District Engineer's choice will be presented in the Statement of Findings.

(c) *Plan Recommendation.* There are two basic criteria for plan recommendation: the net benefits rule and Corps authority to implement. When both criteria are met, the District Engineer will follow established procedures for recommending Federal (Corps) participation in implementation.

(1) *Net Benefits Rule.* A recommended plan when considered individually on the basis of "with" vs. "without" comparison must be justified in the sense that total beneficial contributions (monetary and non-monetary) exceed total adverse contributions (monetary and non-monetary). Further, the recommended plan must have net NED benefits unless the deficiency is the result of NED benefits foregone or costs incurred to obtain positive EQ (non-monetary) contributions. This means that a recommended plan which has no net economic benefits must make positive contributions to the environment when evaluated against the without condition. Exceptions to the net benefit rule will be extremely rare and will be based upon prior approval by the Secretary of the Army; coordination will be through DAEN–CWP. Exceptions might include unique and overriding social considerations, such as extreme loss of life.

(2) *Corps Authority.* The Corps Civil Works authority has been established by various Acts of Congress since 1824. In the event a plan selected for implementation is not clearly within Corps authority, the following provisions apply:

(a) If the selected plan or a portion thereof is not within existing Corps implementation authority, but is responsive to the planning objectives established for the study, the reporting officer may recommend Federal (Corps) participation. The basis for and extent of such participation will be specified, including the precedent setting aspects of the recommendation. Such recommendations shall be fully coordinated through DAEN–CWP before any commitments are made to States or local interests.

(b) If the selected plan falls entirely within the authority of another Federal agency, no recommendation for Federal (non-Corps) implementation will be made. The other agency will be informed of the Corps' finding by the Chief of Engineers.

§ 290.12 Effective date and applicability to planning programs.

This regulation is effective November 10, 1975 as published in the FEDERAL REGISTER on that date and codified as 33 CFR 290.

(a) Applicability of this regulation to Water Resources Council Level A and B studies is determined on a case by case basis, in accordance with guidance provided by the Water Resources Council and dependent on the Corps role in the study (see Part 252 of this Chapter)

(b) This regulation is fully applicable to all level C preauthorization studies conducted after the effective date, including those initiated prior to the effective date.

(c) Applicability of this regulation to Phase I GDM studies is dependent on the date the project was authorized by Congress and the extent of changes recommended to the authorized project. The emphasis of the tasks and stages during a Phase I study will be different depending upon whether the survey scope study was conducted employing this regulation.

(d) This regulation is applicable to continuing authority studies, as discussed in Part 263 of this chapter.

(e) This regulation is generally applicable to other special or comprehensive planning studies funded under the Corps General Investigations appropriations title. Exceptions may be granted on a case-by-case basis by the Chief of Engineers.

PART 291—PLAN DEVELOPMENT STAGES [ER 1105–2–210]

Sec.
291.1 Purpose.
291.2 Applicability.
291.3 Reference.
291.4 General.
291.5 Stage 1—Development of plan of study.
291.6 Stage 2—Development of intermediate plans.
291.7 Stage 3—Development of detailed plans.
291.8 Effective date.

AUTHORITY: Water Resources Council, *Principles and Standards for Planning Water and Related Land Resources*, 38 FR 24778–24869, 10 September 1973.

§ 291.1 Purpose.

This regulation describes the nature and scope of the three plan development stages to be used in multiobjective planning, consistent with the WRC Principles and Standards (P&S) and related policies.

§ 291.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 291.3 Reference.

ER 1105–2–200, Multiobjective Planning Framework (33 CFR 290).

§ 291.4 General.

Conducting a study in three stages facilitates overall management of the effort. The distinct, but related, stages allow for progressively narrowing assumptions and more precisely developing concepts of resource management into definitive plans presented for public choice at the conclusion of a study.

§ 291.5 Stage 1—Development of plan of study.

This stage has a twofold purpose. First, it provides for initial iterations of the four functional planning tasks to obtain a preliminary view of what the overall study will involve. Second, it is to determine how the study will be managed. It culminates in the preparation of a Plan of Study document (POS).

(a) This stage emphasizes problem identification. Every effort will be made to obtain a clear, initial definition of the planning objectives, realizing that they will be refined and modified during subsequent stages. The remaining tasks in this stage should be performed to indicate the kinds of alternative resource management programs that could potentially be undertaken in the study area. Dependence on detail data is not appropriate. However, information should be sufficient to develop a general statement of the broad range of planning objectives relevant to the study.

(b) Existing information specific to the study area will serve as the foundation for subsequent planning. However, this stage should also provide for appraising the adequacy of existing information and data and specify subsequent steps necessary to overcome any deficiencies.

(c) During this stage, a systematic program for conducting the study will be established. The management of the overall study effort will be specified, study participants identified, necessary coordination determined, and professional skills to carry out the study identified. Major work items will be outlined on a preliminary basis, and study costs estimated.

(d) Finally, a Plan of Study document will be prepared. The POS will set forth the justification for the study, document findings of the tasks undertaken to date, and establish a program for managing the study. As the study progresses, the POS is the basis for review and approval of completed and future study efforts by higher authority.

§ 291.6 Stage 2—Development of intermediate plans.

This stage explores the broad range of potential courses of action for managing resources in the study area. This will be accomplished by performing a minimum of one additional iteration of the planning tasks. Initially, planning during this stage involves analysis of highly conceptual information. As the tasks are repeated, alternatives not appropriate to the study will be screened out and a number of likely, feasible plans will be designated for further consideration.

(a) The emphasis in this stage is to formulate alternatives for searching out an array of realistic ways of managing the resources of the study area. To accomplish this, more detailed problem identification must be conducted to more precisely specify the planning objectives. In addition, steps should be taken to correct deficiencies in the data base. As these are accomplished, more specific technical and institutional measures for addressing the objectives can be more precisely set forth. This should not unduly constrain the breadth of the measures considered. Overdependence on design detail is not appropriate. Developing alternative plans which incorporate nonstructural measures should receive considerable attention during this stage.

(b) Impact assessment should be sufficient to identify major changes from the base condition. This is accomplished by developing a detailed information base and comparing it with the alternative plans. The level of detail will increase as this stage progresses and the ongoing assessment and evaluation screen out inappropriate alternatives, identifying those which appear to be feasible. This allows more precise focus in succeeding iterations.

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(c) The alternatives to be carried into the final stage should be developed to a comparable level of detail, consistent with the character, scope, and progress of the study to date. The level of detail should be sufficient for the public and higher authority to review and understand the rationale used in developing and screening the alternatives.

(d) If the study has established that it would be desirable to pursue positive Regional Development (RD) and/or Social Well-Being (SWB) contributions, an exception from existing policy should be sought at the conclusion of this stage. The Secretary of the Army must approve any exceptions prior to the initiation of the final stage.

§ 291.7 Stage 3—Development of detailed plans.

During the final stage, alternatives are further refined and reduced in number to obtain a reasonable array of fully implementable plants. At least one iteration of the planning tasks will be carried out emphasizing detailed design of the remaining alternatives.

(a) Principal attention will be given to the formulation, assessment, and evaluation tasks to derive implementable plans. The conceptual alternatives considered earlier will be developed into precise management programs composed of complete technical systems and institutional arrangements. These programs will be defined and detailed. The resources necessary to carry out each management action and the results produced will also be detailed. Assessment will identify all significant economic, social, and environmental impacts, including the location and expected time of occurrence; evaluation will provide for further screening of alternatives. The resultant plans must be complete in every respect, which means that while all planning objectives do not have to be fully satisfied, every aspect of the plans needed to make them work will be specified.

(b) As a general guide, the alternatives carried through this stage should possess the following characteristics:

(1) Each detailed plan should be the most efficient and effective means for addressing its planning objectives.

(2) Detailed plans should be significantly different from each other; that is, each alternative plan should make unique contributions to the planning objectives not made by any of the other alternatives.

(3) Each detailed plan must be "justified" in the sense that its total beneficial contributions (monetary and non-monetary) are equal to or exceed its total adverse contributions (monetary and non-monetary).

(c) Final alternative plans presented to the public at the late stage public meeting will be at a comparable level of detail. Reactions of the public and other agencies throughout the planning process provide the means for determining which alternative will be selected for implementation. Recommendation for implementation by the Corps will be based upon the Corps authority to carry out the plan.

§ 291.8 Effective date.

This regulation is effective 10 November 1975, as published in the FEDERAL REGISTER on that date and codified as 33 CFR 291. The provisions of § 290.12 of this chapter are applicable to this regulation.

PART 292—PROBLEM IDENTIFICATION [ER 1105–2–220]

Sec.

292.1 Purpose.
292.2 Applicability.
292.3 References.
292.4 General.
292.5 Identify public concerns.
292.6 Analyze resource management problems.
292.7 Define the study area.
292.8 Describe the base condition.
292.9 Project future conditions.
292.10 Establish planning objectives.
292.11 Effective date.

AUTHORITY: Water Resources Council, *Principles and Standards for Planning Water and Related Land Resources*, 38 FR 24778–24869, 10 September 1973.

§ 292.1 Purpose.

This regulation provides guidance for carrying out the problem identification task of multiobjective planning, consistent with the WRC Principles and Standards and related policies.

§ 292.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 292.3 References.

(a) ER 1105–2–200, Multiobjective Planning Frame work (33 CFR 290).

(b) ER 1105–2–291, System of Accounts (33 CFR 393).

§ 292.4 General.

This task is undertaken to define the physical area and the nature of water and related land resource management problems that the study will address. As outlined in Figure 1, the task of problem identification culminates in delineation of the planning objectives which guide the formulation of alternative plans. The following paragraphs discuss the activities included in problem identification.

§ 292.5 Identify public concerns.

Initially, problem identification involves eliciting information from the public about the range of needs (opportunities and problems) which the study could address. Properly accomplished, this directs subsequent activities to respond to public, rather than agency, perceptions. As such, from the start of a study, there should be a general attempt to distinguish between professional analysis and views about water and land resource management and publicly held goals and desires.

(a) The types of problems, concerns, and opportunities to be addressed are limited to issues related to water and related land resource management. Issues regarding regional population growth, economic development, and transportation policies; attitudes about ownership and use of land, community aesthetics, and significant environmental phenomena; and other similar concerns are also to be considered where relevant to the management of water and related land resources.

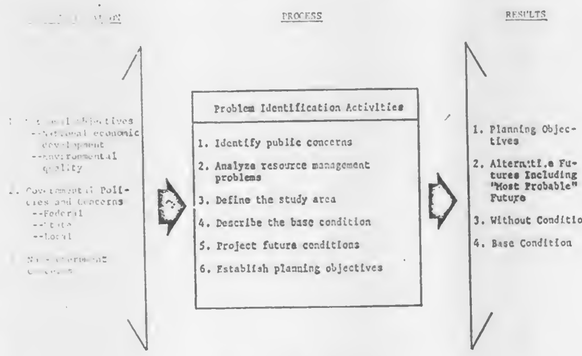


Figure 1: Problem Identification

(b) Concerns should be elicited through a public involvement program in which public officials, interest groups, governmental bodies and other segments of the public participate in a meaningful way. Figure 2 displays a representative list of information sources which should be consulted to identify public concerns. Planners knowledge unique to local and regional situations will result in the identification of additional sources. Meetings, news media presentations, brochures, citizen assistance committees, and the like are all useful tools that should be employed in obtaining this information. Public involvement, while necessary, is not sufficient to a successful outcome from the planning process. The planner is responsible for exercising the necessary professional judgment and analysis to insure that all issues, concerns, needs, opportunities, desires, and constraints related to the study effort are identified.

§ 292.6 Analyze resource management problems.

While many of the publics' concerns will be directly related to problems or issues that can be achieved through water and related land resources management, others will not. Careful professional analysis will be necessary to determine whether a link exists in the latter case. Considerable attention must be given to examining the relationship of the traditional water resources "needs" categories to the overall study effort. This is mandatory to update or confirm the authenticity of the needs in light of differing public perceptions and interim actions that may have been undertaken. For this reason, preestablished levels of resource development output should not constrain the analysis of the range of problems that could be addressed during the study. Public feedback should be sought when a tentative listing of problems have been identified to ascertain the relevance and completeness of the problems. Further refinement and clarification of perceived problems should be accomplished through extensive analysis and interaction with the public. This activity is critical to the planning process because it establishes the range of problems to be addressed and their validity from both public and professional viewpoints.

§ 292.7 Define the study area.

Determination and specification of the study area aids in establishing the scope and character of planning. To specify the area of the study, the previously identified resource management problems will be analyzed to identify their geographic distribution. This requires tracing out the problems and concerns to their ultimate physical location. Careful attention must be given to this activity to insure that the study area is appropriately defined based on the range of problems the study will address. In most instances, the concerns and problems will correspond geographically to the area specified in the study authority. However, in some cases, the study area that is defined may be different than that contained in the study authority.

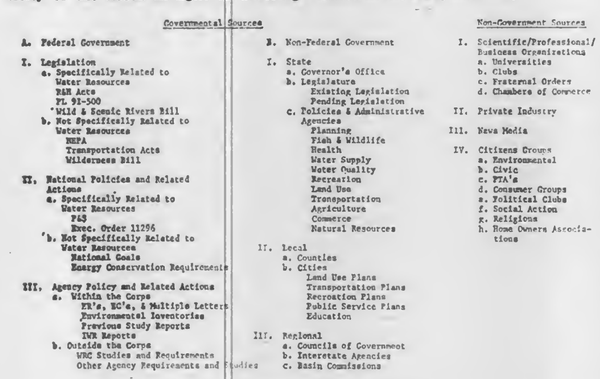


FIGURE 2 - Representative Information Sources

(a) For instance, the publicly expressed needs might not be capable of being addressed by resource management activities that could be undertaken in the study area. In addition, it might be determined that resource management activities in the study area could have a significant effect on areas outside that specified in the study authority and that they should also be included in the study. If analysis shows that the study area should be different than the area specified in the study authority, the desirability of seeking a new authority should be referred to HQDA (ATTN: DAEN–CWP) Washington, D.C. 20314.

(b) Another possibility that could occur is when a study will address only a small portion of the area designated in the authority or will consider a limited range of resource management problems. In the former case, it is the responsibility of the reporting officer to insure that the solution for the smaller area is consistent with broader concerns and that no solution has been overlooked due to the limited geographic scope of the study. In the latter case, the single purpose solutions should not overlook synergistic possibilities nor possible conflicts that could arise.

§ 292.8 Describe the base condition.

The base condition is a composite of existing economic, social, and environmental characteristics of the area under study. Describing the base condition of the study area should begin with an analysis of available local regional, and state-wide planning data. These planning data may be in a variety of forms, including land use plans, urbanization or industrialization data or projections, and completed transportation or public utility studies. Active involvement by non-Corps elements should be sought to assist in identification of the base condition of the study area. The type of base data gathered initially will be rather general. As the study progresses and alternatives are better detailed and locations more defined, more specific information on all aspects of the base condition will be required. The base condition should be described in terms of the existing land, air, and water use as well as economic, social, and environmental characteristics of the study area perceived to be important. The base condition of the study area related to water and related land resource management should include the following information identified and described according to geographical location, quantity, and quality as appropriate.

(a) A description of its resource base, including a brief and relevant summary of the climate, geology, and topography; human and natural resources, both physical and biological; demographic, cultural, and aesthetic characteristics; land use, particularly emphasizing uses within the flood plain as contrasted to uses outside the flood plain; transportation network; financial resources; and economic activity including manufacturing, trade, and agriculture.

(b) The description of significant environmental elements in the study area will locate and identify those characteristics deemed to be aesthetically, ecologically or culturally important. To identify significant environmental elements, factors should be analyzed such as soils, water, air, cities, plants and animals (including people and their culture); forces such as wind, tides, gravity, and human activities; conditions such as light, temperature, pollution, and humidity; and processes such as photosynthesis, mineral cycling, and decomposition. This involves inputs from the scientific/professional community as well as the public at large. The description must reflect that environmental elements are important to society in a present as well as future context. As part of this description, elements should

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be explicitly identified which are critical in terms of their scarcity, fragility, or lack of resiliency, or which would otherwise be sensitive to change.

(c) The description of existing public and private programs for planning and managing resources in the study area will include a delineation of management systems and facilities in operation as well as those under construction, funded for construction, or approved for construction.

(d) The institutions dealing both directly and indirectly with resource management in the study area will also be identified. This should provide necessary information on existing jurisdictional, functional, and financial arrangements in the study region.

(e) Careful analysis must be made of information collected about the base condition to establish its adequacy for use throughout the study. If adequate information is not available for the purpose of the study, early efforts must be undertaken to correct the deficiencies. A sound, reasoned determination of needed data must be made early in the process to assure timely acquisition at reasonable cost.

§ 292.9 Project future conditions.

There are major uncertainties associated with projections of future conditions. The P&S require that alternative plans be examined to determine their sensitivity to data availability and to alternative assumptions as to future economic, demographic, environmental, and technological trends. In addition, the P&S requires that selected projections and assumptions of alternative futures that are reasonably probable and that, if realized, would appreciably affect plan design or scheduling be analyzed. To accommodate this requirement, it is necessary to examine expressed opinions and assumptions about the future of the study area and to designate what is considered to be the "most probable future". Derivation of planning objectives will reflect this "most probable future." Sensitivity analysis will be conducted during the evaluation task to establish the relationship of the alternative plans to all the different significant assumptions about the future conditions of the study area.

(a) The views of various segments of the public concerning their desires for the future of the study area as well as the views of the professional planner should form the basis for projecting future conditions. The process of seeking public expressions concerning the future and developing composites that reflect their views should continue until a workable projection for establishing planning objectives can be developed.

(b) Specification of future conditions should reflect projections currently used by Federal, state, and local planning agencies. OBERS Series E projections will be used as a basis for most studies. In certain instances, because of conditions unique to the study area or the limited size of the study area, OBERS may not be totally satisfactory. Deviation from OBERS is acceptable if adequately justified and explained. When the study area is very small in size, other projections will be needed to provide sufficiently detailed projections of those conditions which affect the definitions of planning objectives over time. Such projections may be prepared by a State or other non-Federal entity, other Federal entity, or independently by the Corps. The projections used must be adequate under the criteria of EM 1120–2–118, Economic Base Studies.

(c) The planner must exercise considerable judgment and guard against simply projecting current trends. Careful empirical work can define reasonable relationships between demands for the outputs of water resource plans and key economic parameters such as population, income, and production. Where appropriate, demand should be related to those variables contained in the OBERS projections. This analysis permits the planner to focus on the relationship between price and quantity demanded.

(d) One necessary component of projecting alternative futures is to describe what would most likely happen without changing existing programs for resource management. This "without condition" should be based upon sound professional analysis reflective of public expressions and historical trends. The without condition will be employed as one element in determining the planning objectives for the study and will also play a significant role in subsequent evaluation.

§ 292.10 Establish planning objectives.

Planning objectives are the national, state, and local water and related land resource management needs (opportunities and problems) specific to a given study area that can be addressed to enhance NED or EQ. However, planning objectives are not to be characterized as being specific to either national objective or related to any of the four P&S accounts (NED, EQ, RD, and SWB). Planning objectives should be stated in terms of resource management needs (problems and opportunities) and not as specific levels of resource management outputs that could be provided to satisfy the needs. Subsequent formulation will be carried out to establish if and how well the outputs of the plans address the objectives. Therefore, "increase open space in X county", "reduce urban flood damages along Y creek", and "maintain white-water boating on Z river" are appropriate statements of planning objectives. However, "provide 200 acres of open space in X county", "provide SPF protection on Y creek", and "provide 3,000 visitors days of white-water boating on Z river" are not appropriate planning objective statements because they predetermine the levels of outputs to be produced. Output levels are variable due to the nature and sizing of management measures and, as such, are a product of formulation and not a factor to be considered when establishing planning objectives.

(a) The components of the NED objective include:

(1) The value of increased outputs of goods and services resulting from a plan.

(2) The value of output resulting from external economies associated with a plan.

(b) The components of the EQ objective include:

(1) Management, protection, enhancement, or creation of areas of natural beauty and human enjoyment.

(2) Management, preservation, or enhancement of especially valuable or outstanding archeological, historical, biological, and geological resources and ecological systems.

(3) Enhancement of quality aspects of water, land, and air by control of pollution or prevention of erosion and restoration of eroded areas.

(4) Avoiding irreversible commitment of resources to future uses.

(5) Others not listed in paragraphs (b)(1)–(b)(4) of this section.

(c) Initially, establishing planning objectives involves analyzing the range of public and professional concerns expressed about the use of water and related land resources in the study area to translate them into specific objectives for the study. In addition, establishing the planning objectives involves determining those water resource needs (opportunities and problems) which must be addressed in relation to the "most probable" alternative future.

(d) Establishing planning objectives may reflect that given concerns, not necessarily directly related to either NED or EQ, could be so important as to impose absolute constraints on the planning process. These constraints may be of a legal, public policy nature or social, economic, or environmental factors of such importance that to violate them would compromise the validity of the entire planning effort. Where such constraints exist, they should be incorporated in the planning objectives. However, in specific cases, an existing legal constraint may be consciously overlooked if the study firmly proposes to recommend a change to modify it. Unless prior approval is obtained from HQDA (ATTN: DAEN-CWP) Wash., D.C. 20314, planning cannot be undertaken to provide positive distributional effects. This means that transfers to a region or social class will not be planned for; however, such effects may be displayed in the System of Accounts, Part 393 of this chapter.

(e) Early in the planning process, planning objectives are likely to be relatively large in number and general in nature. While the study authority may direct attention to specific concerns, the authority should not be interpreted as limiting consideration of any appropriate planning objective. In addition, planning objectives should not be eliminated from consideration early in the process merely because they do not relate directly to traditional outputs of water and related land resources management.

(f) As planning progresses, the planning objectives must be continuously reanalyzed in order that a manageable and well defined set is specified prior to developing the detailed plans. The final array of planning objectives must be defined narrowly enough to insure that all alternative means of meeting them have been examined in the study.

(g) The planning objectives should be specified to that level of detail sufficient to provide a precise description of each, including where and when it is to be achieved. Specific objectives may be in conflict, but the full range should be set forth as a basis for formulation. Subsequent planning tasks will establish whether the conflicts can be fully or partially accommodated by a resource management program or, if not, what tradeoffs must be made.

§ 292.11 Effective date.

The regulation is effective November 10, 1975, as published in the FEDERAL REGISTER on that date and codified as 33 CFR 292. The provisions of § 290.12 of this chapter are applicable to this regulation.

PART 293—FORMULATION OF ALTERNATIVES [ER 1105–2–230]

Sec.

293.1 Purpose.
293.2 Applicability.
293.3 Reference.
293.4 General.
293.5 Identify management measures.
293.6 Categorize applicable management measures.
293.7 Develop plans.
293.8 Consider plans of others.
293.9 Effective date.

AUTHORITY: Water Resources Council, *Principles and Standards for Planning Water and Related Land Resources*, 38 FR 24778–24869, September 10, 1973.

§ 293.1 Purpose.

This regulation provides guidance on the formulation of alternative plans in multiobjective planning, consistent with the WRC Principles and Standards (P&S) and related policies.

§ 293.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 293.3 Reference.

ER 1105–2–200, Multiobjective Planning Framework (33 CFR 290).

§ 293.4 General.

This task provides for developing alternative resource management systems that address planning objectives. To help insure that the best overall plan is developed, a range of alternative plans will be developed based on different sets of formulation and reformulation criteria. A plan to optimize national economic development and at least one plan which emphasizes environmental quality will be developed along with other plans which address mixes of NED and EQ. In practical terms, these will represent the "best" NED and EQ plans. It is required that all the plans presented at the conclusion of the study will be fully implementable and could be selected. The types of plans which are either required or should be considered are described in paragraph 7 below. Figure 1 outlines activities necessary in the formulation of alternatives. The following paragraphs discuss the activities included in formulation of alternatives.

§ 293.5 Identify management measures.

A wide variety of technical and institutional means exists for managing resources. As the basis for formulating alternative plans, a broad range of these means should be examined to identify those which can address one or more of the planning objectives. All appropriate measures should be identified without bias, including those proposed or suggested by different interest groups. Both structural and non-structural means will be given equal consideration. In addition, the range of management measures should not be constrained by considering only those traditionally used by the Corps. This activity should receive considerable attention during the initial iterations of the planning process. During the final iterations, this activity will be less critical because the range of measures applicable to the study will be reduced and more precise.

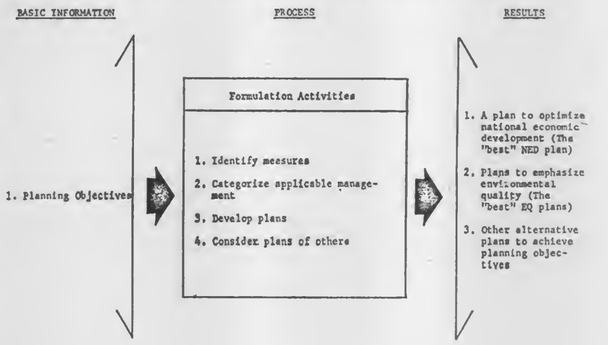


Figure 1: Formulation of Alternatives

§ 293.6 Categorize applicable management measures.

The range of measures will be analyzed to establish those which specifically could address the planning objectives. The term addressing is used in this context to connote that, while it may not be possible to completely satisfy one or all objectives, it may be possible that a measure would make a partial contribution to objective fulfillment. For this reason, different plans will make different contributions to each of the planning objectives. This is also due to the fact that the NED and EQ plans and the plans which address a mix of NED and EQ will be formulated according to different criteria which are discussed below. To accomplish the categorization, each measure should be examined to determine the objective or objectives to which it contributes. One aspect of this activity is to identify conflicts or complementarities that exist between the different measures.

§ 293.7 Develop plans.

This activity is crucial to each iteration since it is through combining different measures into resource management systems that alternatives are formulated to address the planning objectives. The "most probable future" employed to form the basis for establishing the planning objectives should be kept in mind during this process to aid in developing plans to complement it as well as serving as one basis for subsequently evaluating the alternative plans developed. During the initial iteration of planning, combining different measures will result in a preliminary range of alternatives for managing resources. During all subsequent iterations, more definitive systems made up by linking or combining a number of measures will be developed by applying the reformulation criteria discussed in this section:

(a) Combining the appropriate measures into alternative management systems should generally be sequenced as follows:

(1) Initially, measures that address more than one planning objective should be specified. This requires selecting a particular measure and determining the objectives it does and does not address. Care must be taken to identify conflicts between these measures and to enhance their compatibility to the extent possible. If irreconcilable conflicts between measures are apparent, the more desirable measure based on subsequent impact assessment and evaluation should be retained. After combining compatible measures that address a number of planning objectives, analysis should be conducted to establish those objectives that have not been fully or partially addressed and those for which additional measures should be considered.

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(2) The second level of developing plans involves adding compatible measures which address only one planning objective. As a check, planning objectives which have not yet been fully or partially addressed will be identified.

(3) If appropriate, the third step involves reanalyzing the applicable measures to select and add ones that would be appropriate for more fully addressing the planning objectives.

(4) The purpose of this activity is to set forth a number of different resource management systems. The systems are to be composed of structural and nonstructural measures that, if implemented, would fully or partially satisfy the planning objectives.

(5) A major element in this development process is the necessity to modify, add, or delete measures in relation to addressing the planning objectives. The interactions among measures must be analyzed in relation to the criteria discussed in the evaluation task. As stated previously, the activity of developing plans must reflect the other activities involved in formulation of alternatives, as well as the inputs and outputs associated with problem identification, impact assessment, and evaluation. In addition, the formulation task must reflect the specific criteria established below for reformulating alternatives to develop the required NED and EQ plans as well as other plans which address a mix of NED and EQ. This means that while developing plans can be expressed as a single activity, it must be integrated with the other activities that together comprise the planning tasks.

(b) All of the alternative plans developed should attempt to address a broad range of planning objectives without bias as to the economic or environmental nature of the output. Traditional project outputs such as flood control, fish and wildlife, water supply, and recreation should be included in all alternatives if related to addressing the planning objectives.

(c) As a practical guide, the range of alternative plans should reflect a broad spectrum of publicly held concerns. Therefore, formulation should involve developing a broad mix of plans reflecting the full range of planning objectives rather than focusing on justifying a single alternative for recommendation. These alternative plans are to be guided by the criteria outlined in paragraphs d., e., and f., below, which describe the NED plan, the EQ plan, and plans which address a mix of objectives. It should be recognized that all alternative plans are to be subjected to the evaluation criteria specified in § 295.7 of this chapter, which may result in further modification of plans in the interest of meeting the criteria. For example, mitigation of the adverse effects of either an NED or EQ plan to meet the evaluation criteria may be greater than that which would be provided if incremental NED or EQ benefits alone are required to exceed incremental costs.

(d) The P&S require that a plan to optimize NED and at least one plan emphasizing EQ will emerge during the evaluation task as prescribed in Part 295 of this chapter. Since the outputs of alternative plans may have varying economic consequences, it may be necessary to consider a number of alternatives as possible candidates for the detailed plan to be called the NED plan. Because environmental consequences are not measured in a single standardized unit, it will be necessary to carry a number of plans emphasizing different environmental consequences through the planning process.

(1) An NED plan addresses the planning objectives in the way which maximizes net economic benefits. Net economic benefits are maximized when plan scale is optimized and the plan is efficient. Scale is optimized when the benefits of the last increment of output for each measure in the plan equals the economic costs of that increment. A plan is efficient when the outputs of the plan are achieved in a least cost manner. The P&S require that an NED plan have net economic benefits. Alternative measures considered in the formulation of an NED plan are to be evaluated according to economic criteria. However, the design of physical structures is to be done according to engineering criteria. As is true for all alternatives, sound design based upon the interdisciplinary inputs of the planning team is required for an NED plan. Because an NED plan includes all measures to address planning objectives whose incremental dollar benefits exceed dollar costs, mitigation, preservation, or enhancement measures should be included when they are economically justified. Examples of this would be buying additional land to mitigate for wildlife habitat inundated by a reservoir or replacement of a highway when the dollar benefits from the purchase or replacement exceed its dollar costs.

(2) Recognizing that environmental quality has both natural and human manifestations, an EQ plan addresses the planning objectives in the way which emphasizes aesthetic, ecological, and cultural contributions. Beneficial EQ contributions are made by preserving, maintaining, restoring or enhancing the significant cultural and natural environmental attributes of the study area. Determination of EQ benefits involves subjective analysis, underscoring the need for interdisciplinary planning with extensive public input, to place values on the environmental contributions of plans. Designating EQ plans involves measuring the environmental changes related to different plans and selecting those which, based on public input, contributes to or are most harmonious with environmental objectives. This means that EQ plans are those which make the "best" contributions to one or more of the components of the EQ account.

(3) Because the general criteria used in formulating NED and EQ plans are different, the measures contained in the plans will generally differ. There are cases, however, when the two plans will be similar if not identical. This may occur when the measures contained in an NED plan have little or no adverse environmental impact or, alternatively, they make important contributions to components of the EQ objective. Like an NED plan, an EQ plan may contain environmental preservation or enhancement measures which utilize the potential created by other measures to serve other component needs. Unlike an NED plan, however, such measures may be justified in terms of environmental benefits not measurable in dollar terms compared to their costs. The acquisition of an area for habitat mitigation, cited under the NED plan discussion, is also an appropriate example here. The justification for inclusion of such a measure in an EQ plan may be based upon benefits not measurable in dollars. An EQ plan is often thought of as being synonymous with a non-structural plan but, based on the discussion in paragraph (2) of this section, this need not be the case. Paragraph (g) below describes the role of plans developed primarily of non-structural measures. Also an EQ plan is not necessarily a "do nothing" plan or a plan to maintain existing conditions. Such a plan may be an EQ plan when all applicable measures have serious net detrimental effects on environmental quality and contributions to components of the EQ objective cannot be made at reasonable cost. Specific provisions are made for deriving "no development" plan below.

(e) In addition to the NED and EQ plans described above, additional plans which serve significantly different mixes of NED and EQ should be formulated so as to not overlook the best plan. When considering alternative plans which reflect major trade-offs between NED and EQ, the addition of complementary measures to serve other planning objectives may considerably enhance the plan. An example is adding measures which contribute to EQ without reducing the economic effectiveness of the plan, such as beautification of channel works through design modification and landscaping. These measures have often been found essential to make a structural solution to a problem acceptable to local interests. A basic question in formulating plans which address mixes of NED and EQ is the extent to which the planner should trade off economic benefits and incur additional economic costs to avoid adverse impacts on environmental quality or to provide environmental quality benefits. This is a difficult problem because environmental quality values are subjective and cannot be valued in explicit monetary terms. Yet when dollar costs or benefits are traded off for environmental considerations, an implicit evaluation is made that the net benefits are worth the dollar cost to obtain them. There will be uncertainty as to what the public consensus may be regarding trade-offs and, indeed, decisions cannot be reached until the range of trade-offs is shown to the public. Therefore, a variety of alternative plans should be initially developed which appear to represent the preferences of the various publics. During subsequent iterations, the alternatives can be refined and those which lack significant public support can be eliminated. The number of alternatives which address a mix of NED and EQ to be carried through to the end of the planning process is a function of both the diversity of public and professional expressions and the characteristics of the outputs possible for the measures available to address the planning objectives.

(f) It should be noted that the P&S also permit formulation of alternative plans "reflecting significant physical, technological, legal, or public policy constraints." This permits developing an alternative plan which provides a level of flood control protection greater than that which maximizes net benefits.

(g) Plans employing non-structural measures may be formulated, if they are economically and/or environmentally sound. While purely non-structural alternatives may not provide workable solutions, alternatives which place heavy emphasis on non-structural measures may be highly effective in meeting the planning objectives. As indicated elsewhere, non-structural measures should be considered without bias throughout the process and if a detailed plan is developed which primarily employs non-structural measures it may be labeled a "non-structural plan". Even if a "non-structural plan" is not developed, the report of the District Engineer will fully describe how non-structural measures were considered throughout the planning process and the role they played in the development and selection of the recommended plan.

(h) In formulating plans to increase beneficial contributions to the EQ account, consideration may be given to an alternative which explicitly precludes any significant forms of physical construction or development. Where such a "no development" alternative is considered, positive action normally will be required to assure that the no development concept can be realized. Environmental characteristics that the plan is designed to maintain or enhance through the "no development" alternative may change through time as a result of changing conditions within a planning setting. Positive actions, such as zoning or public land acquisition, may be necessary to accomplish the "no development" alternative.

§ 293.8 Consider plans of others.

Federal, State, regional, and local governmental agencies may have plans, or parts thereof, for addressing the planning objectives of the study area. Public and private organizations may also have proposals or fully developed alternatives that should be considered during the planning process. Such plans should be subjected to the same requirements as other alternative plans. Judgement must be exercised to determine which of these proposals are viable and if they should be carried forward in the planning process.

§ 293.9 Effective date.

This regulation is effective November 10, 1975, as published in the FEDERAL REGISTER on that date and codified as 33 CFR 293. The provisions of § 290.12 of this chapter are applicable to this regulation.

PART 294—IMPACT ASSESSMENT [ER 1105–2–240]

Subpart A—General

Sec.
294.1 Purpose.
294.2 Applicability.
294.3 References.
294.4 Relationship to guidelines for effect assessment pursuant to section 122, Pub. L. 91–611.
294.5 Relationship to preparation of an environmental impact statement (EIS).
294.6 General.
294.7 Determine sources of impacts.
294.8 Identify and trace impacts.
294.9 Specify incidence of impacts.
294.10 Measure impacts.
294.11 Effective date.

Subpart B—Guidelines for Assessment of Economic, Social and Environmental Effects of Civil Works Projects

294.21 Purposes.
294.22 References.
294.23 General.
294.24 Assemble a profile.
294.25 Make projects of "without project" conditions.
294.26 Make "with project" projections, identifying causative factors and tracing their effects for each alternative.
294.27 Identify significant effects.
294.28 Describe and display all significant effects.
294.29 Evaluate effects.
294.30 Consider project modifications where adverse effects are significant.
294.31 Seek assessment feedback from other sources.
294.32 Use effect assessment in making recommendations.
294.33 Prepare a Statement of Findings.
294.34 Use effect assessment in the Environmental Impact Statement.
Appendix A—Sample causative factors.
Appendix B—Sample project effects.

AUTHORITY: Water Resources Council, *Principles and Standards for Planning Water and Related Land Resources*, 38 FR 24778–24869, September 10, 1973.

Subpart A—General

§ 294.1 Purpose.

This regulation provides guidance on the assessment of impacts of alternative plans in multiobjective planning, consistent with the WRC Principles and Standards (P&S) and related policies.[1]

§ 294.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 294.3 References.

(a) Title I, Pub. L. 91–190, *National Environmental Policy Act*, 1 January 1970 (83 Stat. 852).

(b) Section 122, Pub. L. 91–611, River and Harbor and Flood Control Act of 1970, 31 December 1970 (84 Stat. 1818).

(c) ER 1105–2–200, Multiobjective Planning Framework (33 CFR 290).

(d) ER 1105–2–507, Environmental Impact Statements (33 CFR 209.410).

§ 294.4 Relationship to guidelines for effect assessment pursuant to section 122, Public Law 91–611.

Guidelines developed to meet the requirements of Section 122, Pub. L. 91–611, as approved by the Secretary of the Army, were originally issued on 28 September 1972. These guidelines have been retained as Subpart B of this part and Appendixes A and B, and are applicable to all preauthorized feasibility reports, Phase I General Design Memoranda and Detailed Project Reports transmitted to the Chief of Engineers after 31 December 1972.

§ 294.5 Relationship to preparation of an environmental impact statement (EIS).

This regulation provides general guidelines which are to be utilized in conjunction with Part 209.410 of this chapter in the conduct of environmental assessments and preparation of EISs.

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[1] This regulation supersedes ER 1105–2–105, 15 December 1972, and supersedes 33 CFR 209.400.

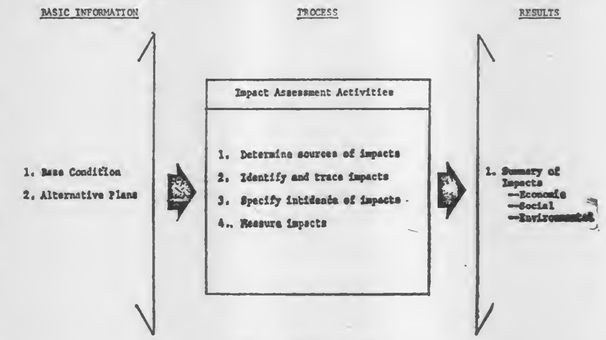


Figure 1: Impact Assessment

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§ 294.6 General.

Impact assessment is an objective analysis conducted to identify and measure the likely economic, social, and environmental effects of each alternative plan. These effects, when analyzed, form the basis for evaluating the beneficial and adverse contributions of the plans. Each of the alternative plans resulting from the previous tasks as well as the impacts of the "without condition" will be analyzed in relation to the base year condition to determine expected changes. In the latter case, the assessment involved a further refinement of information gained during the Problem Identification task. For example, the "without condition" may have been described only in terms of population, economic, and employment conditions. During assessment, the land use, pollution, water supply and other economic, social, and environmental implications of the "without condition" will be analyzed. In this manner, a consistent concept of the "without condition" will be described for use during the subsequent evaluation. The assessment will be commensurate with the level of detail of the alternatives. Assessment reflects increasing precision as it is conducted during the later iterations of the planning tasks in Stage 2 and throughout Stage 3. The following paragraphs discuss the activities included in impact assessment, as depicted in Figure 1.

§ 294.7 Determine sources of impacts.

Each alternative and its component measures should be analyzed to determine potential sources of impacts. Impacts can be caused by the inputs required to carry out a measure, by the measure itself, or by the outputs resulting from it. Inputs generally include the natural resources, energy, labor, and capital that are necessary to implement a proposed management system. Outputs are the services or products such as water supply, recreation, flood control, open space, historic preservation, and the like, delivered by the plan, specified in terms of quantity and, if appropriate, quality. During this activity, particular attention must be given to identifying and categorizing all relevant sources of impact, especially in terms of the inputs and outputs associated with the measures. The information surfaced during this activity, specified by type, location, and size, forms the basis for assessment. Appendix A provides a suggestive source list of causative factors.

§ 294.8 Identify and trace impacts.

For each alternative plan, compare its inputs, measures, and outputs to the base condition established during the problem identification task to determine whether a change in any of the base condition elements can be forecasted as a consequence of the plan. This requires tracing each cause to determine all of its significant effects. Appendix B provides an illustrative listing of effects which could occur. In most instances the analysis will require a practicable tracing out of an intricate network of causes and effects. Tracing out causes and effects should be tempered so that only significant effects are ultimately considered. Cause-effect analysis should surface all significant impacts of the first, second, or subsequent order.

(a) Significance is established by determining if an effect could have a material bearing on decision-making. Care must be taken to include necessary information on the one hand but to avoid overloading the process on the other. The scarcity, fragility, or resiliency of the elements of the study area must also be reflected in establishing the significance of impacts. Even though impact assessment is essentially an objective undertaking, determining whether an impact is significant or not must also reflect publicly held values.

(b) Identifying impacts should also reflect that an alternative or component measure thereof may not result in changing the base condition. If no change from the base condition is projected, its significance should also be analyzed and the lack of change should be reflected in the subsequent assessment activities. It is particularly important for the analysis to specify instances when no net change occurs, especially in cases where the combined use of two measures, such as a dam and a fish ladder, produces a different impact than that which would otherwise be expected if only one of the measures were involved.

§ 294.9 Specify incidence of impacts.

The location, timing, and duration of each significant impact should be determined. These requirements are described below and defined in Part 393 of this chapter.

(a) Impacts should be described to establish their effect on the immediate planning area, within the rest of the study area, within a larger area affected by the plan, and on the nation as a whole, consistent with the System of Accounts tables prepared for the study.

(b) The timing of impacts should be identified to establish whether they are likely to occur prior to or during implementation of the plan, shortly after implementation, or in a longer time frame.

(c) The duration of impacts should be identified to establish whether they are reversible or irreversible and whether they are short-term or long-term.

§ 294.10 Measure impacts.

This activity involves describing the magnitude of each change that has been identified. This is a difficult task, since many of the changes can be described only in a highly qualitative manner. This is particularly the case for environmental and social impacts. An attempt to measure all impacts, even those of a less tangible nature, will be made by appropriately trained individuals. Change should be measured from the base condition, and should be described in an appropriate unit of measure or concisely characterized in a written statement. An overdependence on numerical measurement of impacts may result in misleading information which may be more appropriately and accurately related using other methods.

§ 294.11 Effective date.

This regulation is effective November 10, 1975, as published in the FEDERAL REGISTER on that date and codified as 33 CFR 294. The provisions of § 290.12 of this chapter are applicable to this regulation.

Subpart B—Guidelines for Assessment of Economic, Social and Environmental Effects of Civil Works Projects

§ 294.21 Purpose.

These guidelines are designed to ensure that all significant adverse and beneficial effects of proposed projects are fully considered.

§ 294.22 References.

Section 122, Public Law 91-611 (84 Stat. 1818).

§ 294.23 General.

Effect (impact) assessment is an integral part of the planning process. It serves as one test of the adequacy of that process and of any positive or negative recommendations resulting therefrom. It is fully compatible with multiobjective planning.

(a) Any alternatives developed in the planning process may produce unintended effects which are not responsive to the planning objectives and which are not included in benefit-cost analysis. Such effects are the subject of these guidelines.

(b) Effect assessment is an iterative process which consists of the following steps: identification of anticipated project-caused economic, social, and environmental effects; quantitative and qualitative description and display of the effects; evaluation of the effects, whether adverse or beneficial; and consideration of measures to be taken if a proposed project would cause adverse effects.

(c) The sequence of steps in effect assessment is described in § 294.24.

§ 294.24 Assemble a profile.

(a) Portray existing conditions in a profile describing the relevant economic, social, and environmental characteristics of the affected area. Judgment is of critical importance in determining what information will be needed.

(b) A tentative profile should be prepared early in the planning process. Subsequently, as alternatives are considered in greater detail, the profile should be made more precise and focused on identified significant effects.

(c) The boundary areas of the profile will vary depending upon whether the focus of an effect is local or regional; whether the area is defined by political jurisdiction or by hydrologic unit; and by the nature of the project effects.

(d) When completed, the profile should provide a clear understanding of the significant existing conditions, problems,

and needs of the affected area and of the rationale for any action, if proposed.

§ 294.25 Make projections of "without project" conditions.

(a) Extend the profile of existing conditions to portray future conditions without any project action. Projections should cover the expected life of each alternative considered over a reasonable range of probable future conditions.

(b) Utilize a range of values to compensate in part for the uncertainties of projecting the future.

(c) Projection of existing economic, social and environmental conditions should yield pertinent information about the conditions, problems, and needs of the affected area in the future and provide a basis or baseline for a comparison of the effects of alternative plans. The projection may suggest issues to be addressed in designing alternative "with project" plans.

§ 294.26 Make "with project" projections, identifying causative factors and tracing their effects for each alternative.

(a) Make projections of the "with project" conditions for each alternative being considered, including pre-construction, construction and operation periods through its expected life.

(b) Identify and list project-related causative factors (see Appendix A) and their likely economic, social, and environmental effects (see Appendix B) concurrently with the formulation of alternative plans.

(c) The causative factors and effect elements for each alternative should be set forth in sufficient detail to ensure that all significant interactive relationships are considered. The inter-relatedness of economic, social, and environmental aspects cannot be overlooked and must be considered regardless of the category in which any given effect is placed.

(d) Assessments initially should emphasize breadth rather than depth. Refinements should await later stages of plan formulation.

(e) Effect assessment at any stage should be carried to a degree of detail commensurate with the alternative it addresses.

§ 294.27 Identify significant effects.

(a) Examine causative factors and the effects they produce for each alternative. Select those effects which appear significant in view of the conditions, problems and needs of the affected area as projected for the "with" and "without" project conditions.

(b) A "significant" effect is one which would be likely to have a material bearing on the decision-making process.

(c) A determination regarding significance should be made at the earliest stage possible in the assessment process. The determination should be reconsidered at each stage, particularly in the light of public input and reaction.

(d) In the process of formulation, adjustments may be made in the alternative plans that avoid or reduce identified adverse effects. In such cases, only residual adverse effects should be identified for further analysis in the concurrent assessment process.

§ 294.28 Describe and display all significant effects.

(a) Describe the effects of the various alternative plans in quantitative terms to the extent possible. Where this cannot be done, effects should at a minimum be set forth in qualitative-descriptive terms.

(b) The effects should be described objectively, and tentatively designated as adverse or beneficial.

(c) Beneficial effects that are identified should be included, to the extent possible, in the benefit evaluation section of the survey report.

(d) Beneficial effects of one kind cannot be considered to cancel out an adverse effect of another kind.

(e) Display the effects of the alternative plans in a form that is easily understood, interpreted, and evaluated, and that clearly shows the differences among them. The display is to be used in consulting with State and Federal agencies and public groups with particular expertise. The display also provides one of the bases for assessing alternative plans, selecting a recommended plan, and assisting in public participation.

§ 294.29 Evaluate effects.

(a) Place values on the significant adverse and beneficial effects in monetary terms where applicable, quantitatively where possible, and qualitatively in any event.

(b) The assumptions or criteria on which a judgment is based should be made explicit, since segments of the public may perceive any single effect quite differently.

(c) Significant adverse effects must be sufficiently well displayed to facilitate the weighing of need and type of project modification, if any. No single method for determining relative value is generally accepted. Public policy, community preferences, and the magnitude and degree of severity of effect are factors to be considered.

(d) The aggregate or systems interaction of combined economic, social, and environmental effects should be considered along with evaluation of individual effects. In addition, the possibility of individual effects being part of a larger cumulative process should be investigated.

(e) Effects not significant, not relevant, or that can be adequately incorporated in benefit-cost evaluation should not be accommodated in the effect evaluation.

(f) An evaluation cannot be validated without obtaining the review and reaction of other agencies and the public.

§ 294.30 Consider project modifications where adverse effects are significant.

(a) For each significant adverse effect, investigate the possibility of:

(1) Eliminating the effect;

(2) Mitigating the effect by minimizing or reducing it to an acceptable level of intensity; or by compensating for it by including a counter-balancing positive effect.

(b) The costs of such measures, as well as any costs of reduced project performance, provide further bases for comparing alternatives and for deciding how or whether to modify them or to accept the adverse effects.

(c) If effect assessment has not proceeded in step with the formulation of alternatives, the possibility always exists that an identified adverse effect may be of such magnitude or character that it cannot be accepted in the best overall public interest, or be corrected by project modifications. In such a case, one or more new alternatives must be formulated to avoid an unacceptable adverse consequence. "No action" is always one of the alternatives to be considered.

(d) For each beneficial effect investigate the possibility of:

(1) Reflecting it in the benefit-cost analysis of the project formulation process; or

(2) Describing and displaying the effect for consideration by the public and in plan selection; or

(3) Considering it as an offset for a corresponding adverse effect.

§ 294.31 Seek assessment feedback from other sources.

(a) Effect assessment procedures require a variety of information sources and continuous feedback.

(b) Informal exchanges with Federal, State, and private groups and with individuals should be sought at the beginning of any investigation and maintained throughout planning. More formal discussion occurs in the course of initial, formulation and late-stage public meetings.

(c) Consultation with a wide range of interests tests the adequacy of identification of effects, validates their designation as beneficial or adverse, and provides commentary on measures considered for project modification.

(d) Response should be solicited to ensure that effects have not been overlooked or that the significance of effects has not been misjudged.

(e) Fully utilize all the public participation procedures of the planning process. For survey report investigations, effects and possible modifications will be introduced at the initial, formulation and late-stage public meetings at a level of detail commensurate with that with which the alternatives are presented.

(f) For continuing authority reports and Phase I General Design Memoranda, effect assessment will be tailored to the public participation requirements of existing regulations.

(g) Sections 294.24–294.30 should be taken before each public meeting to complete a formal iteration of the effect assessment process.

§ 294.32 Use effect assessment in making recommendations.

(a) More detailed assessment will be applied to the alternatives, including the tentatively selected proposal, by the time they are presented in the late-stage

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public meeting. At this meeting, formal presentation of the alternatives and measures to overcome adverse effects will be made and the degree of public acceptance gaged.

(b) The reporting officer should recommend the alternative that is in the best overall public interest considering the planning objectives, the benefits and costs, and the significant economic, social, and environmental effects, including costs of treating those that are adverse.

(c) While assessment and appraisal from all sources influence the alternative recommended by the reporting officer, the burden of judgment and defense ultimately rests with him.

§ 294.33 Prepare a Statement of Findings.

(a) Include a summary of the completed effect assessment in the report immediately before the Statement of Findings.

(b) The Statement of Findings presents the rationale of the reporting officer for his conclusions and recommendations in accordance with the "best overall public interest."

§ 294.34 Use effect assessment in the Environmental Impact Statement.

The requirements of Section 122 supplement the requirements of PL 91-190 (NEPA). Consequently, the completed effect assessment for environmental effects should be used as input for the Environmental Impact Statement.

APPENDIX A

SAMPLE CAUSATIVE FACTORS

In order to identify and evaluate the effects of a project, describe aspects of the project in terms of factors likely to produce significant effects. Evaluation of effects should not be carried out in greater detail than the project alternative being considered. The list below is illustrative. It is not to be considered complete or limiting.

INPUT FACTORS

Natural Resources: Water; Land; Resources Products—Gravel, Sand, Coal, Timber, Crushed Rock; Wildlife and Fish; Aesthetics; Flora (Plant life).
Energy Resources.
Capital.
Labor.

SYSTEMIC FACTORS

Physical Alterations; Channelization; Excavation; Dredging; Draining.
Structures: Dam/Lake; Levee; Jetty; Channel; Barrier; Road and Utility Relocation.
Institutional: Acquisition; Easements; Relocation.

OPERATION AND MAINTENANCE FACTORS

Equipment Service.
Resource Management: Harvesting; Planting; Buffer Zone Maintenance; Grazing; Fencing.
Maintenance: Recreational areas; Water Quality Protection; Dredging Operations; Navigation Controls; Reservoir Controls and Procedures.

OUTPUT FACTORS

Hydro-power.
Flood Control.
Navigation.
Water Supply.
Recreation.
Irrigation.
Fish and Wildlife.
Water Quality.
Shoreline Protection.

APPENDIX B

SAMPLE PROJECT EFFECTS

All significant effects of projects should be identified and assessed. In some cases, a causative factor may result in only one significant effect. In other cases, the significant effects of a causative factor will be numerous and may require consideration in all three effect categories. (Example: a causative factor such as dredging may result in turbidity in the water for a brief period. This should be considered a predominantly environmental effect. Yet, because of the turbid water, a textile factory downstream may have to close down for a few days. This is an economic effect, and should be considered as a result of dredging even though it is a lesser effect than the environmental one. The increased turbidity may also have the effect of reducing water-recreation temporarily. This is a social effect of the dredging). Judgment must be used as to the limits of tracing out effects. Generally, the degree of detail involved in assessment should be no greater than that of the plan it addresses.

An asterisk denotes items specifically mentioned in Section 122. These must be identified and evaluated. If they are considered to be not significant, that should also be noted. Other effects should be identified and evaluated only if they are considered to be significant. The list below is an illustrative one. It is not to be considered complete or limiting.

SOCIAL EFFECTS

*Noise; Population, e.g.—Mobility, Density, *Displacement of people; *Esthetic values; Housing; Archeologic remains; Historic Structures; Transportation; Education opportunities; Leisure opportunities (recreation, active and passive); Cultural opportunities; *Community cohesion; *(Desirable) community growth; Institutional relationships; Health.

ECONOMIC EFFECTS

National Economic Development; Local government finance, e.g.—*Tax revenues, *Property values; Land use; *Public facilities; *Public services; Local/regional activity, e.g.—*(Desirable) regional growth, Relocation; Real income distribution; *Employment/labor force; *Business and industrial activity; Agricultural activity—*Displacement of farms, Food supply; National defense

ENVIRONMENTAL EFFECTS

*Man-made resources; *Natural resources; Pollution aspects: *Air—CO, Sulphur oxides, Hydrocarbons, Particulates, Photochemicals; *Water—Pathogenic agents, Nutrients N and P, Pesticides, herbicides, rodenticides, Organic materials, Solids, dissolved and suspended; Land—Soils; Animal and plant: Birds, Mammals, Amphibians, Fish, sport and commercial, Shellfish, Insects, Microfauna, Trees, shrubs and plants, Microflora; Ecosystems: Habitats, Food chains, Productivity, Diversity, Stability; Physical and Hydrologic aspects: Erosion, Erosion and sedimentation effects, Compaction and subsidence, Slope stability, Groundwater regime alteration, Surface flow effects, Micrometeorological effects, Physiologic changes (e.g., wetlands destruction).

PART 295—EVALUATION [ER 1105-2-250]

Sec.
295.1 Purpose.
295.2 Applicability.
295.3 References.
295.4 General.
295.5 Period of analysis and interest rate for evaluation.
295.6 Appraise planning objective fulfillment.
295.7 Appraise system of accounts contributions.
295.8 Apply specified evaluation criteria.
295.9 Perform trade-off analysis.
295.10 Designate NED and EQ plans.
295.11 Procedures to be followed when reiterating planning tasks.
295.12 Effective date.

AUTHORITY: Water Resources Council, *Principles and Standards for Planning Water and Related Land Resources*, 38 FR 24778-24869, September 10, 1973.

§ 295.1 Purpose.

This regulation provides guidance on the evaluation of alternative plans in multiobjective planning, consistent with the Principles and Standards (P&S) and related policies.

§ 295.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 295.3 References.

(a) ER 1105-2-200, Multiobjective Planning Framework (33 CFR 290).
(b) ER 1105-2-210, Plan Development Stages (33 CFR 291).
(c) ER 1105-2-240, Impact Assessment (33 CFR 294).
(d) ER 1105-2-921, System of Accounts (33 CFR 393).

§ 295.4 General.

Evaluation involves determining the contributions, both beneficial and adverse, of each alternative plan. In evaluation, the impacts of each alternative and the impacts of the "without condition" are compared to determine the contributions each plan would make when compared with what would happen in the absence of carrying out any of the plans. Then the relative contributions of the alternative plans are ranked and traded-off based on professional analysis and the perceptions of the public. At the conclusion of the planning process, the results of the evaluation provide the basis for choosing the most desirable plan and, if appropriate, recommending its implementation. A system of Accounts which will be used for displaying the results of this activity throughout a study, is discussed in Part 393 of this chapter. The evaluation task is depicted in Figure 1.

The following paragraphs discuss the activities included in evaluation.

§ 295.5 Period of analysis and interest rate for evaluation.

(a) A 100-year period will be used for evaluation for plans associated with major reservoirs, main line agricultural levees, local flood control in urban areas, and hurricane protection. A 20-year period will be used for cost-effective analysis of wastewater collection and treatment facilities (see Part 275 of this chapter). A 50-year period of analysis will be used in all other cases. The period of analysis used for evaluation, however, will in no case exceed the estimated useful life of the plans being evaluated.

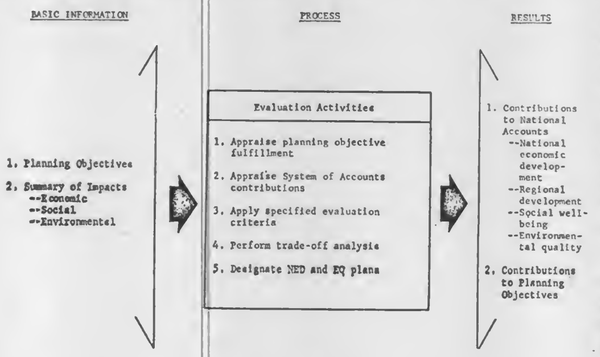


Figure 1: Evaluation

(b) Interest rates for evaluation are established annually by the Water Resources Council. Guidance on interest rates is published annually by DAEN-CWP in an Engineer Circular, following publication of the new rate in the FEDERAL REGISTER.

§ 295.6 Appraise planning objective fulfillment.

The first evaluation activity is to determine the relationship of the impacts of alternative plans to the planning objectives. Establishing the extent of which alternatives satisfy the objectives involves comparing the impacts of the plans and making a subjective judgment of the degree of satisfaction. Subjective judgments must reflect both professional analysis and public perceptions about how well the planning objectives are addressed. The purpose of this activity is to provide information about objective fulfillment as a basis for redirecting subsequent iterations to recast the objectives or to provide different measures to more adequately address the objectives.

(a) The appraisal of objective fulfillment initially involves comparing the significant impacts, both intended and unintended, of each alternative plan to the planning objectives. If an impact is related to an objective, then the degree of objective fulfillment should be determined. Possible methods for accomplishing this are by establishing a scale and measuring objective fulfillment in relation to it, by describing the degree of fulfillment or by making a subjective ranking of fulfillment. Then the net effect of the alternative in relation to the objective will be established by aggregating the separate impacts and subjectively determining the extent to which a net beneficial or adverse contribution will be made by the alternative. This process will be repeated for all objectives on which the alternative plan impacts and subsequently for each plan until the net effect of each plan on all the planning objectives is established.

(b) One aspect of the appraisal is to distinguish between what could be actual or potential contributions of the alternatives. An actual contribution is one that will occur as a result of a plan either under the auspices of a governmental agency or through the normal working of the economic system. A potential contribution is one that requires additional positive action by another agency or entity.

(c) Establishing the degree of net beneficial or adverse contributions does not necessarily involve a numerical measure. When appropriate, numbers may be used in measuring contributions. However, many contributions may be expressed only in terms of ordinal differences such as "high, medium, or low" or in terms of net effects such as "beneficial or adverse". An overdependence on numerical relationships is not necessary, although discretion must be exercised when using other forms of depicting objectives fulfillment.

§ 295.7 Appraise system of accounts contributions.

The significant impacts of each plan will also be evaluated to establish the plan's contributions to the NED, EQ, RD, and SWB accounts of the P&S. In general, the process followed in appraising planning objective fulfillment will be repeated to accomplish this activity. Identifying contributions to the four accounts involves a wide range of uncertainties which should be specified quantitatively or qualitatively, including who gains or loses, locational incidence, and time of occurrence. Because they are especially critical to the efficacy of the overall planning process, unintended contributions should also be identified. If the unintended contribution is significantly beneficial, it suggests the existence of previously unidentified concerns that reformulation could potentially address more fully. However, if the unintended contribution is sigificantly adverse, further reformulation is indicated.

§ 295.8 Apply specified evaluation criteria.

The third evaluation activity involves applying specified criteria to the alternative plans to test their responsiveness. These criteria are: acceptability, completeness, effectiveness, and efficiency, as explicitly stated in the P&S; and certainty, geographic scope, NED benefit-cost ratio, reversibility, and stability, which are derived from the first four.

(a) Acceptability of a plan is determined by analyzing its acceptance by concerned publics. A plan is acceptable if it is, or will likely be, supported by some significant segment of the public. However, during reiterations of the planning tasks, every attempt should be made to eliminate, to the extent possible, unacceptability to any significant segment of the public.

(b) The completeness of a plan is determined by analyzing whether all necessary investments or other actions necessary to assure full attainment of the plan have been incorporated.

(c) The effectiveness of a plan is determined by analyzing the technical performance of a plan and its contributions to the planning objectives and to the System of Accounts.

(d) The efficiency of a plan is determined by analyzing its ability to achieve the planning objectives and NED and EQ outputs in the least-cost way.

(e) The certainty of a plan is determined by analyzing in general terms the likelihood that if the plan is implemented the planning objectives and the contributions to the NED and EQ accounts will be attained.

(f) The geographic scope is determined by analyzing the relevancy of the geographic area encompassed by the plan; it must be large enough to encompass a full understanding of the problems and focused enough to make the proposed solutions effective.

(g) The NED benefit-cost ratio of a plan is determined by analyzing the eco-

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nomic benefits in relationship to the economic costs.

(h) The reversibility of a plan is determined by analyzing the capability, as public needs and values change or should unusual future circumstances so warrant, of restoring the partially or fully implemented plan to approximate the without condition; "non-structural plans" may rate higher in this regard.

(i) The stability of a plan is determined by analyzing the range of alternative futures, data and/or assumptions which can be meaningfully accommodated within the recommended plan or minor modifications thereof. Greater stability generally indicates a more desirable plan.

§ 295.9 Perform trade-off analysis.

Subsequent to identifying the contributions of the alternative plans to the planning objectives and the System of Accounts and establishing their response to the specific evaluation criteria, trade-off analysis will be conducted to analyze the comparative contributions of the alternative plans. When this has been accomplished for each alternative, the resulting information should be compiled so that what is gained or foregone by choosing a given alternative over other alternatives is clearly set forth.

(a) To carry out this activity monetary units, numerical data, and qualitative information will be compared. Monetary relationships are only one part of the trade-off analysis; major aspects of the analysis will involve the consideration of qualitative information regarding the social and environmental values of each plan. Although more difficult to analyze, this information must be considered equally with the more tangible economic and engineering data.

(b) Trade-offs will involve subjective judgments and must therefore reflect public preferences. Through incorporation of public inputs, the trade-off analysis should surface the alternative or alternatives which appear to be the most acceptable to major segments of the public.

§ 295.10 Designate NED and EQ plans.

The alternatives which appear to best meet the criteria for the NED and EQ plans (as stated in Part 293 of this chapter) should be designated as a basis for subsequent iterations. This requires analyzing the overall economic and environmental contributions of each alternative when compared to the without condition. The plans that result in the greatest net economic return will be candidates for the NED plans. The plans that result in the most desirable environmental contributions will be candidates for EQ plans. The designation of NED plans can be made largely by drawing upon analysis of the economic returns to each alternative. The designation of EQ plans is highly subjective and must reflect societal preferences for the environmental contributions of the alternative plans. Particular note should be taken that the NED plan and an EQ plan could be similar in certain instances where both sets of criteria are met optimally by the same measures.

§ 295.11 Procedures to be followed when reiterating planning tasks.

The results of each iteration of the planning tasks will be analyzed to establish the necessity for, or direction of, the next iteration. If reiteration is to be undertaken, it will be necessary to establish which plans will be carried forward and the criteria that will be applied to their reformulation. This determination will be based on the results of the evaluation activities and the public's perceptions of the acceptability of the alternatives. Generally, reiteration will be undertaken for three reasons. Principally, reiteration will be undertaken to develop more precise and detailed plans that more fully address the planning objectives within the constraints of the study. Secondly, reiterations will be undertaken to attempt to reduce the significant adverse economic, social, and environmental impacts of the alternative plans. And thirdly, reiterations may be undertaken to increase the RD and SWB benefits of alternative plans, only in those specific cases when prior approval from the Secretary of the Army has been obtained.

(a) For all alternatives to be carried through to the next iteration, the specificity of the plans should be increased. This is accomplished by more precisely defining the planning objectives and by more fully exploring the range of means for addressing them. In addition, reiterating the planning tasks should be directed toward changing "potential" benefits into "actual" benefits, as well as reducing the uncertainties associated with the different alternatives. The following criteria will be applied to the reformulation of alternatives designated as NED and EQ plans, including those plans which address a mix of the two national objectives:

(1) For the alternatives designated as NED plans, add new measures or modify or delete those already employed to develop plans which are fully implementable and represent the best plans that can be formulated on the basis of economic criteria alone. To accomplish this, the following should be carried out in sequence during the subsequent formulation activity:

(i) Attempt to increase net NED benefits by analyzing the incremental benefits and costs of each measure and by making appropriate adjustments.

(ii) Without reducing the level of net NED benefits, attempt to increase net EQ benefits taking into consideration the full range of EQ costs.

(iii) Without reducing the level of either net NED or EQ benefits, seek the best combination of SWB and RD benefits possible.

(iv) Reduce adverse effects on RD and SWB to extent possible without incurring unreasonable losses in net NED or EQ benefits.

(2) For the alternatives designated EQ plans, add new measures, or modify or delete those already employed, to develop plans which are fully implementable and represent the best plans that can be formulated on the basis of environmental criteria alone. To accomplish this, the following should be carried out in sequence during the subsequent formulation activity:

(i) Attempt to increase net EQ benefits, taking into consideration the full range of EQ costs.

(ii) Without reducing net EQ benefits or incurring additional EQ costs, attempt to increase the net NED benefits.

(iii) Without reducing either the net EQ or the level of net NED benefits, seek the best combination of SWB and RD benefits possible.

(iv) Reduce adverse effects on RD and SWB to extent possible, without incurring unreasonable losses in net NED or EQ benefits.

(3) For the remaining alternatives that address a mix of the two national objectives, add new measures, or modify or delete those already employed, to develop plans which can be fully implemented and represent a viable mix of NED and EQ. To accomplish this, the following should be carried out in sequence during the subsequent formulation activity:

(i) Attempt to increase net EQ and/or net NED benefits.

(ii) Without reducing the level of either net EQ or net NED benefits, achieve the best combination of SWB and RD benefits possible.

(iii) Reduce adverse effects on RD and SWB to extent possible without incurring unreasonable losses in net NED and EQ benefits. This means that net EQ or NED benefits may be reduced to offset adverse RD or SWB effects only when the NED or EQ cost incurred, or benefits foregone, are less than the RD or SWB adverse effects reduced.

(b) As stated above, and discussed more fully in Part 291 of this chapter, positive RD and SWB effects can only be pursued when specifically approved by higher authority.

(c) When significant adverse impacts cannot be avoided, reiteration should surface viable mitigation measures. When mitigation is necessary, planners must take the following actions.

(1) For significant water-related adverse impacts which cannot be eliminated by further planning iterations, planners are directed to consider mitigation actions based on the Corps' initiative rather than waiting to respond to technical questions or concerns raised by another public entity. This action is required by § 294.8 of this chapter.

(2) For significant non-water related adverse impacts outside the normal range of Corps planning, assistance from other Federal, State and local agencies is to be sought regarding pertinent means to address or consider the adversity in question.

§ 295.12 Effective date.

This regulation is effective November 10, 1975, as published in the FEDERAL REGISTER on that date and codified as 33 CFR 295. The provisions of § 290.12 of this chapter are applicable to this regulation.

PART 393—FEASIBILITY REPORTS: SYSTEM OF ACCOUNTS [ER 1105–2–921]

Sec.

393.1 Purpose.
393.2 Applicability.
393.3 References.
393.4 Objective of the system of accounts.
393.5 General.
393.6 Suggested tables.
393.7 Final planning objectives displayed.
393.8 Potential planning objectives not displayed.
393.9 Alternatives to be displayed.
393.10 Reporting of alternatives not displayed.
393.11 Display of significant impacts.
393.12 Regions for display.
393.13 Regionalization of NED and EQ accounts.
393.14 Components of accounts.
393.15 Content of national economic development (NED) account.
393.16 Content of environmental quality (EQ) account.
393.17 Content of social well being account.
393.18 Content of regional development account.
393.19 Alternative futures.
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393.24 Section 122 requirements.
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393.28 Effective date.

AUTHORITY: Water Resources Council, *Principles and Standards for Planning Water and Related Land Resources*, 38 FR 24778–24869, 10 September 1973.

§ 393.1 Purpose.

This regulation provides guidelines for reporting the results of evaluating alternative plans, consistent with the requirements of the WRC Principles and Standards and related policies.

§ 393.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 393.3 References.

(a) ER 1105–2–200, Multiobjective Planning Framework (33 CFR 290).

(b) ER 1105–2–220, Problem Identification (33 CFR 292).

(c) ER 1105–2–240, Impact Assessment (33 CFR 294).

(d) ER 1105–2–250, Evaluation (33 CFR 295).

§ 393.4 Objective of the system of accounts.

The System of Accounts (SA) is a display requirement of the P&S and is integral to the iterative planning process established by reference § 393.3. The SA is filled out with increasing refinement and detail as the study progresses. The planning process generates information, some of which is displayed as the content of an interim SA at the end of each iteration. The interim SA will be used to help determine what must be done on the next iteration to improve planning. §§ 393.5–393.26 detail the content requirements of the final SA displays; § 393.27 indicates the uses of the interim SA during ongoing planning.

§ 393.5 General.

The SA can display only a limited amount of the information derived during the planning process. Therefore, the interdisciplinary planning team will be allowed considerable latitude in the format and level of detail of the SA. Most of its content results from the evaluation of significant impacts. Thus, only significant beneficial and adverse contributions will be displayed. In addition, the SA must describe each alternative carried through the final planning stage; display the planning objectives; present each plan's performance against the specified evaluation criteria; and indicate the timing, geographical incidence, uncertainty, exclusivity, and actuality associated with the evaluation of significant impacts, as discussed in Part 295 of this chapter. Because the SA does not include all information, this ER does not affect display requirements established in other regulations. However, the SA satisfies the display requirements of Section 122 guidance (Part 294 of this chapter).

Planning Objective	*Contribution*
Reduce flood hazard in area X	Provides 100-yr. level of protection.
Address long-term irrigation needs	Provides 100,000 AF.
Increase riverbank preservation	Preserves 2 mi. of riverbanks.
Improve water quality of river X	Increases water quality to a level suitable for swimming.

§ 393.6 Suggested tables.

No rigid format is required. However, two suggested tables are presented. Table 1 will be very general and brief. It will present the crucial planning considerations underlying each alternative. This table will be attached to the Statement of Findings. Table 2 will be used to display the breadth and detail of the assessment and evaluation of alternative plans. It will normally be presented in the body of the main report in that section pertaining to assessment and evaluation.

§ 393.7 Final planning objectives displayed.

The SA will display each planning objective carried through the final iteration and the beneficial and adverse contributions thereto made by each alternative. Contributions will be indicated in essentially physical terms with considerable flexibility allowed the interdisciplinary planning team to choose an appropriate descriptive unit; e.g.

§ 393.8 Potential planning objectives — not displayed.

The feasibility report will identify resource management issues surfaced during the study but not carried through as final planning objectives. Explanations for not carrying through such issues include:

(a) Lack of public support.

(b) Lack of net positive contributions to the national objectives.

(c) Lack of technologically sound measures to obtain the desired outcome.

TABLE 1.—*Summary comparison of alternative plans*

	Plan A	Plan B	Plan N
			(To be typed as required)
A. Plan description			
B. Significant impacts.[1] (The significant economic, social, and environmental effects of each plan are to be listed.)			
C. Plan evaluation:			
1. Contributions to planning objectives. (The beneficial and adverse contributions of each plan to the planning objectives are to be listed.)			
2. Relationship to 4 national accounts. (The beneficial and adverse contributions to each of the 4 P. & S. accounts are to be listed.):			
NED			
EQ			
SWB			
RD			
3. Plan response to associated evaluation criteria[2].			
D. Implementation responsibility. (Federal, including both Corps and non-Corps requirements, State, local, and private actions necessary to implement each plan are to be listed.)			

[1] Significant impacts specified in sec. 122 of Public Law 91-611 will be noted with an *, pt. 294 of this chapter.

[2] Each plan's acceptability, completeness, effectiveness, efficiency, certainty, geographic scope, NED benefit/cost ratio, reversibility, and stability should be noted if crucial to plan selection.

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TABLE 2.—*System of accounts*

Accounts	Plan description—location of impacts					
	Plan A				Plan B	Plan N
	Within the immediate planning area	Within the rest of the study area	Within a larger area affected by the plan	Within the rest of the Nation		
	(To be typed as required)					
1. National Economic Development.						
a. Beneficial impacts (specify separate benefits and source, if possible.)						
(1) Value of increased outputs of goods and services.						
(2) Value of output resulting from external economies.						
(3) Value of output from use of unemployed or underemployed resources in construction or installation.						
(4) Total NED benefits.						
b. Adverse impacts (specify separate costs and source, if possible.)						
(1) Project costs.						
(2) Loses resulting from external diseconomies.						
(3) Total NED costs.						
c. Net NED benefits						
2. Environmental quality						
a. Environmental quality enhanced (specify resources impacted and quantify as possible.)						
b. Environmental quality degraded (specify resources impacted and quantify as possible.)						
c. Environmental quality destroyed (specify resources impacted and quantify as possible.)						
3. Social well-being						
a. Beneficial impacts (specify and quantify as possible.)						
(1) Enhancement of health, safety, and community well being.						
(2) Educational, cultural, and recreation opportunities.						
b. Adverse impacts (specify and quantify as possible.)						
(1) Deterioration in quality of life, health, & safety.						
(2) Degraded educational, cultural, & recreational opportunities.						
(3) Injurious displacement of people & community disruption.						
4. Regional development						
a. Beneficial impacts (specify separate benefits & source if possible.)						
(1) Value of increased income						
(2) Quantity of increased employment.						
(3) Desirable population distribution.						
(4) Increased stability of regional economic growth.						
b. Adverse impacts (specify separate costs & source.)						
(1) Value of income lost						
(2) Quantity of jobs lost						
(3) Undesirable growth						

INDEX OF FOOTNOTES

TIMING

1. Impact is expected to occur prior to or during implementation of the plan.
2. Impact is expected within 15 years following plan implementation.
3. Impact is expected in a longer time frame (15 or more years following implementation.)

UNCERTAINTY

4. The uncertainty associated with the impact is 50% or more.
5. The uncertainty is between 10% and 50%.
6. The uncertainty is less than 10%.

EXCLUSIVITY

7. Overlapping entry; fully monetized in NED account.
8. Overlapping entry; not fully monetized in NED account.

ACTUALITY

9. Impact will occur with implementation.
10. Impact will occur only when specific additional actions are carried out during implementation.
11. Impact will not occur because necessary additional actions are lacking.

SECTION 122

*Items specifically required in Section 122 and Part 294 of this Chapter.

§ 393.9 Alternatives to be displayed.

While no specific number of alternatives is required for the SA, all alternatives carried through the final planning stage will be displayed in the final SA. This means that the NED plan and the EQ plan(s), as well as other plans which meet significantly different mixes of NED and EQ, will be displayed. Resource management measures associated with each alternative should be presented in the Plan Description portion of Tables 1 and 2.

§ 393.10 Reporting of alternatives not displayed.

All major alternative plans considered will be briefly described in the report. The basis for exclusion of certain alternatives from the final SA display will be stated; for instance, the alternative is similar to another alternative displayed but was found to be less acceptable or efficient. Any plan or element thereof, proposed by a significantly affected group and not carried through the final planning stage, will be appropriately noted in the presentation. However, plans will not be excluded from the final SA because of incidence of cost sharing or lack of Corps authority to implement.

§ 393.11 Display of significant impacts.

A summary of significant impacts will be presented; see, for example, Table 1 and Part 294 of this Chapter. Emphasis will be placed on describing environmental and social impacts in an appropriate manner since this task is highly qualitative. Economic changes should be quantified in dollar terms.

§ 393.12 Regions for display.

The SA will display information concerning the geographic regions in which a significant portion of any beneficial or adverse impact will occur. The P&S require, as a minimum, that at least one region and the rest of the nation be shown. The one region need not necessarily be an OBERS area. The regions suggested in Table 2 are examples of the likely geographical areas where impacts may occur. These regions are:

(a) *Within the immediate planning area.* This is the area where physical structures or land purchase are to be undertaken. This area will be specified, as appropriate, usually in terms of a county, city, or other local jurisdiction.

(b) *Within the rest of the study area.* This is the area where most of the significant physical impacts occur. This area will be specified as appropriate, usually in terms of a river basin, subbasin, metropolitan area, coastal area, harbor area, or other water and related land system. The planning area will normally be included within the study area.

(c) *Within a Larger Area Affected by the Plan.* In some instances significant impacts may occur beyond the study area. This is apt to be the case for studies involving interbasin transfers of power, water, or water pollutants, and for many navigation plans. Significant impacts on such areas are likely to occur primarily as a result of large scale plans either individually or as part of a system.

(d) *Within the Rest of the Nation.* This area should be used as an account balancing area. By definition, all impacts not included in previously designated regions accrue to the rest of the nation.

§ 393.13 Regionalization of NED and EQ accounts.

To aid in the display of beneficial and adverse impacts by regions, the following criteria should be followed:

(a) For the NED account, flood control benefits will be shown for the flood plain. Water supply, irrigation, and power benefits will be shown for the area receiving the water or power. In instances where the water or power goes into a common pool, the receiving area is that served by the common pool. Water quality benefits will be shown for the area where quality is improved. Fish and wildlife dollar benefits will be shown for the area where the improvement in habitat occurs. For recreation benefits, including lake recreation, beach erosion, and small boat harbors, the benefits will be shown for the area(s) where the recreationists reside. Navigation benefits will be shown for the origins and destinations of the commodities in transit.

(b) For the EQ account, the effect will generally be shown where the physical impact occurs.

(c) The fact that effects are assigned to a region can be misleading. Often the direct NED benefit is passed on to consumers throughout the nation. Similarly, preservation of the environment may benefit people throughout the nation. In those cases where the impact is traced to such consumers, it is acceptable to show it for the region where the ultimate beneficiary resides, rather than for the areas specified above.

§ 393.14 Components of accounts.

The P&S specify components of accounts which will be considered in filling out the SA. Only components to which a significant contribution occurs will be displayed; other components need not be shown. Sub-categorization of the components displayed will be used to further specify the source and nature of the contribution (see Table 2). For the EQ account it is recommended that § 393.12 form the basis for the SA display. The other two accounts need not be displayed by components if more appropriate means are established.

§ 393.15 Content of national economic development (NED) account.

Since this account is filled out in dollar terms, it should emphasize brevity. However, it should be complete in the sense that total dollar quantifiable benefits and costs will be displayed. Benefits and costs should be specified as average annual equivalents using the appropriate period of analysis and discount rate (Part 295 of this chapter). Price levels will be those current at the time of the study, updated periodically according to existing practice. WRC Guideline #2, *Agricultural Price Standards*, October 1974, as updated, will be used for agricultural price levels. The components of benefits and costs in the NED account are discussed below:

(a) *Value of Increased Outputs of Goods and Services.* These are the benefits calculated under established Corps procedures for benefit/cost analysis. No change in existing guidelines are made in this regulation. However, recreation unit day values are increased by the P&S. It is important that the source of NED benefits be specified; e.g., "flood control"; "open space"; "fish and wildlife"; "water quality", and so forth. Note that many of the benefit sources are oriented toward environmental outputs. This is because such benefit sources are often partially quantifiable in the NED account. Undue detail as to the source of benefits is not necessary. For example, "flood control" is a sufficient designation of source; sub-designations such as "existing flood damages reduced", "reduction of fill costs", and the like are not needed for the SA.

(b) *Value of Output Resulting From External Economies.* The NED benefits resulting from external economies, sometimes referred to as "indirect" or "secondary", are to be included in the NED account only in those cases where it can be positively shown that a net gain will accrue to the nation. These benefits have not been widely used in evaluating Corps projects becaues of the empirical difficulty of separating national aspects of external economies from regional or local transfers. However, their validity is clear and any language to the contrary in EM 1120–2–112, *Secondary Benefits in Flood Control Evaluation*, is unintended. Even where net national secondary benefits will accrue due to the outputs of a Corps plan, such benefits are not attributable to the plan if the outputs would be obtained by an alternative means. Examples of such benefits are water supply and power.

(c) *Value of Output From Use of Unemployed or Underemployed Resources in Construction or Installation.* This is a special category of benefits which relaxes the basic assumption of a "full employment" economy. As explained in the P&S, this component is conceptually an adjustment to the cost of a project because there is no economic cost associated with the use of an otherwise unemployed resource. Due to measurement difficulties, only unemployed labor resources will be considered as a project benefit in this category. ER 1165–2–6, *Evaluation of Area Redevelopment Effects*, is applicable with the following adjustments:

(1) *Direct payments.* The NED benefit is limited to payments to unemployed and underemployed labor resources directly employed in the construction and installation of the plan. Labor earnings without the Corps plan will be deducted for underemployed resources. The number of unemployed and underemployed laborers directly employed on similar water and land resources projects in comparable areas is an acceptable empirical method of establishing such benefits. Also acceptable is experience on plans similar to the Corps plan such as using urban mass transit system construction as a proxy for large reservoirs in urban areas. The SA will specify the range of uncertainty associated with the calculation of these benefits.

(2) *Maintenance.* The NED benefit is limited to the construction and installation phase of the plan. Maintenance related benefits and induced employment benefits may be shown in the regional account only.

(3) *Status of benefit.* The P&S elevates benefits to unemployed and underemployed labor resources to the same level as other NED benefits. This means that there will be only one NED benefit/cost ratio.

(d) *Project Costs.* These are all inputs, measured at market value, required for plan implementation. The measurement of such costs is well established. Losses in land productivity, mitigation costs, and loss of recreation opportunities at the new unit day values will be included.

(e) *Losses From External Diseconomies.* Such losses are measured in the same manner as computing the value of output resulting from external economies.

§ 393.16 Content of environmental quality (EQ) account.

Emphasis will be given to this account because, unlike the NED account, there is no common denominator readily available for comparing items within the EQ account. On the other hand, extensive listing of all perceived impacts may confuse rather than enlighten reviewers and the public. Hence, the challenge is one of providing an adequate, comprehensible display. One possible method is shown in Table 2, where the components of the EQ account are not the focus of the display; rather the focus is on the values of the impacts. The interdisciplinary planning team, reflecting public inputs and expert judgment, will indicate whether EQ is enhanced, degraded, or destroyed. Where there is no impact or where evaluation indicates that the impact is neutral or otherwise insignificant, no entry is made in Table 2 for the sake of brevity. However, in certain situations where there is no impact, the report will note the lack thereof (see Part 294 of this chapter). The judgment of the interdisciplinary planning team is based upon with and without analysis and the following definitions:

(1) *EQ Enhanced.* The environment is enhanced if a greater quantity or improved quality of environmental outputs is obtained with a plan than without it. Often, so called "preservation" measures are actually an enhancement because without the plan the environment would be degraded or destroyed over time. Frequently, the same plan may cause both beneficial and adverse outputs. Beneficial outputs will be displayed under EQ enhanced; adverse impacts will be displayed under EQ degraded or destroyed. However, EQ enhanced should be limited, where appropriate, by some notion of an optimum quantity of the EQ output. For example, the amount of

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open space needed by a certain population size is the limit on the extent of EQ achieved by additional open space.

(2) *EQ Degraded.* The environment is degraded if a lesser quantity or reduced quality of environmental output is obtained with a plan than without it. Nevertheless, the environmental loss could be made up by actions outside the plan or by natural processes over a period of time.

(3) *EQ Destroyed.* In this case, environmental quality is reduced to the extent that it cannot be regenerated. Loss of a species of wildlife in a given area is an example. Pollution to the point where a river becomes anaerobic is another. While the line between degradation and destruction is rarely clear and precise, the distinction is important. "Irreversible commitments of resource to future uses" as specified by the P&S, will be a subcategory of the "EQ destroyed" category.

§ 393.17 Content of social well being account.

This account includes most of the benefits traditionally termed intangible under existing practice, especially for flood plain management plans.

(a) *General.* The following are the general requirements and considerations in filling out the SWB account in the SA.

(1) *Flood Control.* Based on paragraph 6, page 15 of the WRC Principles, intangible flood control benefits will be considered in plan formulation, selection and recommendation. Such effects will be presented briefly in the SA under "Enhancement of health, safety, and community well being", or comparable designation (see Table 2).

(2) *Adverse SWB.* Avoidance of adverse social contributions is a consideration of plan formulation. Beneficial contributions are treated in a much more constrained manner (see Part 295 of this Chapter). Therefore, Table 2 divides social impacts into those which are beneficial and those which are adverse. Although social benefits are not taken into account fully at the project planning level, planners should recognize that beneficial contributions may be important at the national program planning and budgeting level. Therefore, to the extent practicable, planners are encouraged to provide estimates of social contributions, both beneficial and adverse.

(3) *Monetary SWB.* Where a social contribution can be quantified (partially or totally) in dollar terms as a national benefit, it should be included as an NED benefit or cost.

(4) *Preferable Entry.* In general, as with all intangible factors, the preferable entry is a meaningful, quantified notation of the beneficial or adverse contribution. However, lack of either study funds or data may necessitate a verbal, descriptive entry.

(b) *Specifics.* The following expands on that already specified in the P&S.

(1) *Effects on Distribution of Real Income.* The beneficiaries of plans will be specified by family incomes into upper, middle, and lower third, based on the national average. At the planner's discretion, other classes of beneficiaries may be displayed for a given study, such as "farm", "urban", and so forth.

(2) *Effects on Health, Safety, and Community Well Being.* Generalized statements are to be avoided. If an impact is significant enough to be displayed, then it is important enough to be documented. This is particularly so where the contribution is used to formulate, select, or recommend a plan.

(3) *Effects on Educational, Cultural, and Recreation Opportunities.* These impacts generally can be shown as a function of mileage/time, distance, and numbers and kinds of population affected.

(4) *Injurious Displacement of People and Community Disruption.* This category is recognized as a recurrent problem in many plans. The display should indicate the effect of measures taken to avoid such problems; for example, betterments, early sale and leaseback, town relocation, and the like.

(5) *Other.* The social category is a broad one and unique aspects may be involved in any given plan or element thereof. The "other" category is intended to insure that all social contributions of significance are included.

§ 393.18 Content of regional development account.

General comments above, concerning the social account, are applicable to this account as well. Impacts should be quantified if possible. Avoidance of unreasonable adverse impacts is a consideration of plan formulation; thus adverse and beneficial impacts should be separately displayed. Certain "regional" contributions other than transfers may be dollar quantifiable on a national basis, particularly for external economies and diseconomies. If quantified, such contributions belong in the NED account. The following expands on that already discussed in the P&S:

(a) *Regional EQ and SWB.* These components are redundant for the type of format used in Table 2, which calls for display of EQ and SWB components by regions. Hence, there is no need for a regional EQ or SWB component.

(b) *Regional Income and Employment.* This discussion applies to location effects on regional income in the RD account. It also applies to employment associated with such income. This information will be displayed whenever the public has indicated a strong concern regarding regional income and employment effects. However, display is inappropriate where a competent, professional job cannot be done due to lack of time and funds. The following considerations should be reflected in Table 2. First, only when a complete accounting of all direct and indirect effects of a plan on regional income can be accomplished will the RD account be summed. Second, a qualitative description should be used whenever the assessment is limited, thereby avoiding misleading quantification. Third, when the accounting is incomplete, an entry similar to the following will be included in the display: "All other regional income and employment-not evaluated." Fourth, the uncertainty associated with the effect will be noted. And fifth, nothing in the above limits the need for a full assessment and display of adverse impacts on employment, business, and industrial activity pursuant to Section 122 requirements (Part 294 of this chapter). The following categorization defines a complete accounting for a given region and explains items 4a(1) and (2) of Table 2:

(1) *NED net benefits.* These are directly derived from the NED account.

(2) *Direct expenditures.* These are the net increases in expenditures made within the region. For example, where these are recreation expenditures, they include purchases for motel accommodations, bait, repairs, and so forth which would not be made in the region in the absence of the alternative. Where these are construction force expenditures, they include the amount of wages spent in the region over and above those which would be made in the absence of the alternative. Such construction expenditures exclude wages to residents of the region.

(3) *Subsequent impacts.* This category includes expenditures made after the NED and direct expenditures. For example, a reduction in agricultural flood losses may mean that farmers have more income which can be expended on additional farm equipment or house furnishings; obviously farm equipment and furniture retailers will, in turn, have increased income to spend; and so forth. Such second and third round economic impacts are generally referred to as "multiplier" effects. Their measurement is especially difficult, particularly for small regions. These subsequent impacts will be separately shown. The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, has developed some preliminary tools for the estimation of multiplier effects. Whenever a planner decides to display multiplier effects for an area in which BEA is capable of making an estimate at reasonable cost, the BEA data will be obtained; deviations will be explained. In addition, WRC, in conjunction with BEA, is developing a set of regional multipliers. When these become available, they will be used.

(4) *Induced economic activity.* Exclusive of NED benefits, benefits to induced activities are properly included in the regional account. Care must be taken to exclude those benefits already implicitly or explicitly included above.

§ 393.19 Alternative futures.

The alternative future which reflects the without condition will be the basis for the SA display. There is no other SA display requirement associated with alternative futures. For further details on alternative futures and sensitivity analysis, see para 24 of this regulation, § 292.9 of this chapter, and § 295.8 of this chapter.

§ 393.20 Timing.

The timing of an effect is a critical variable in plan formulation. Therefore, the SA provides for the following notations:

(a) A "1" will be used to designate impacts expected to occur prior to or during plan implementation.

(b) A "2" will be used to designate impacts expected in a short time frame. These will generally be impacts estimated to occur in 15 years or less after implementation of a plan.

(c) A "3" will be used to designate impacts expected in a long time frame. These will generally be impacts estimated to occur later than 15 years after implementation of a plan.

§ 393.21 Uncertainty.

The concept of uncertainty is a broad one. It encompasses two of the specified evaluation criteria, certainty and stability, discussed in § 295.8 of this chapter. A rigorous statistical analysis to establish certainty or stability is not required. As used in this guidance, the concept represents a judgmental balancing of the following factors: the sensitivity of the impact on plan recommendation; the data limitations inherent in either the assessment or evaluation of the impact; and limitations inherent in the theoretical framework or methodology. Based upon these factors, the following notations will be made recognizing that the percent designations are suggestive and are not intended to imply statistical rigor.

(a) A "4" will be used to designate that the level of uncertainty associated with an impact in the judgment of the analyst is greater than 50%. Many components of the regional account, second, and third order effects, and external economies and diseconomies will often fall into this notation.

(b) A "5" will be used to designate an uncertainty range of 10%–50%.

(c) A "6" will be used to designate an uncertainty range of 0–10%, thus suggesting that the impact is virtually certain.

§ 393.22 Exclusivity.

The components of accounts are not mutually exclusive. There are two major areas where such non-exclusivity may distort the display of accounts.

(a) *Regional Development.* Regional components of the NED, EQ, and SWB accounts must sum to the national totals. This will avoid double counting of effects geographically.

(b) *Double Classification of Monetary and Non-Monetary Effects.* Some contributions are dollar quantifiable but deserve special handling as non-monetary contributions as well. For example, while elimination of land scour due to flood flows can be quantified in dollars and counted as an NED benefit, it should also be included as a positive contribution to the environmental account since it improves the quality of land resources. Therefore, the SA provides for the following notations:

(1) The designation "7" will be used when the SWB, EQ, or RD contribution has been fully monetized and counted as an NED beneficial or adverse contribution.

(2) The designation "8" will be used when the SWB, EQ, or RD contribution has been partially monetized.

§ 393.23 Actuality.

Many of the contributions of plans depends upon the actions of others. The SA will include notations indicating the proximity of cause between a plan and an impact. The following notation will be used in Table 2.

(a) A "9" will be used to designate that the contribution will likely occur without any action by any entity other than the proposed implementing agency, normally the Corps, or the required action is extremely likely to occur through the economic or natural physical systems.

(b) A "10" will be used to designate that the achievement of the beneficial contribution requires positive governmental action, other than cost sharing, by another agency. The adverse contribution associated with this action can and likely will be prevented by government action. This situation can be specified only when coordination indicates that the necessary action will be taken.

(c) An "11" will be used when coordination indicates that the action required by other agencies will not be forthcoming.

§ 393.24 Section 122 requirements.

Section 122 specifies kinds of effects which must be assessed. These are discussed in Part 294 of this chapter. These effects will be identified, assessed, and evaluated. If significant, they will be displayed in the SA. When displayed, they will be asterisked.

§ 393.25 Display of specified evaluation criteria.

Each plan's acceptability, completeness, effectiveness, efficiency, certainty, geographical scope, NED benefit/cost ratio, reversibility, and stability will be noted on Table 1, if critical to plan selection. Except for the NED benefit/cost ratio, most of these criteria will be useful primarily in the process of filling out the interim SA as part of the functional planning tasks. Therefore, for the final display, emphasis should be on brevity; the accompanying write-up may be used to expand on the display.

(a) *Acceptability.* For purposes of display, the planner should indicate whether or not the plan is supported by any significant segment of the local, state, or regional publics. In addition, strong opposition by a significant segment of the public should be noted.

(b) *Completeness.* A brief statement will be made as to which investments or actions necessary to obtain the outputs are not part of the plan. Notations "9", "10" and "11" will already have addressed the major aspects of completeness and further information will be supplied in relation to the "implementation responsibility" section of Table 1.

(c) *Effectiveness and Efficiency.* These two related criteria center on the concept of achieving maximum net outputs, where outputs and inputs are conceived broadly to include intangible factors. Effectiveness includes, in addition, the concept of technological feasibility. All plans described in the SA should be the least costly way of achieving the outputs. It will be sufficient for display purposes to indicate that the plan is the least costly means of obtaining the outputs of that plan, where cost includes intangible costs, and that the plan is technologically feasible.

(d) *Certainty.* A brief statement will be made as to the likelihood of the contributions in the SA being obtained. Notations "4", "5", and "6" will already have addressed the major aspects of uncertainty.

(e) *Geographical Scope.* This criteria is closely related to the choice of study area. For final display purposes, indicate those areas beyond the study area whose problems are solved by the plan, such as, by interbasin transfers of water. In addition, where a report concerns only a portion of study authority area, this fact will be noted.

(f) *NED Benefit/Cost Ratio.* This ratio will always be shown.

(g) *Reversibility.* A brief statement of the degree of reversibility will be made.

(h) *Stability.* A simple notation of high, low, or medium stability is sufficient. Since detailed analysis of each plan under each alternative future is not required, this criteria will usually involve considerable judgment. The concept of stability is also inherent in notations "4", "5", and "6". As a guide, plans which are highly sensitive to data or assumptions about which knowledgeable people might differ have low stability.

§ 393.26 Implementation responsibility.

Federal, including both Corps and non-Corps, state, regional, local, and private actions required to implement each plan are to be listed.

§ 393.27 Uses of SA.

The SA is to be used as an aid to the planning process established in Part 290 of this chapter. It is used at the end of each iteration as a check upon the thoroughness of carrying out the planning tasks. Also, the SA will assist in defining the additional work necessary for the subsequent iteration. The following paragraphs indicate suggested specific uses of the SA in conjunction with the planning process.

(a) *Problem identification.* There are four suggested uses of the SA to facilitate planning for subsequent iterations:

(1) *Planning Objectives.* The SA will assist the interdisciplinary planning team in observing when planning objectives have been overlooked, or are too numerous, general, or specific. When combined with the specified reformulation criteria, the SA provides a tool for honing or refining plans to insure that they are the best ones from an overall societal point of view.

(2) *Study Area.* Using the SA to observe the location of significant impacts, the interdisciplinary planning team can determine whether the study area has been appropriately identified. This activity is directly related to the geographical scope evaluation criteria. As with most of the specified evaluation criteria, the greatest utility is to the ongoing planning process rather than to the final SA display.

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(3) *Data Gaps in Base Condition, Projections.* When the information in the SA is soft or uncertain, and the impact is crucial to reaching a decision, a data gap has been surfaced which may be remedied on subsequent iterations. Where remedying the data gap is not feasible, sensitivity analysis of alternative futures is helpful. The SA notations "4", "5", and "6" and the certainty and stability evaluation criteria are directly related to this activity. In addition, a high degree of uncertainty may imply that a plan with greater reversibility is desirable.

(4) *Alternative Futures, Sensitivity Analysis.* Analysis leading to the SA often involves assumptions, steps, techniques, or data about which knowledgeable people could differ. Hence, the SA will be used as a basis for checking the sensitivity of the analysis and data to the results. This activity is directly related to the certainty and stability evaluation criteria.

(b) *Formulation of Alternatives.* The relationship between plan outputs and plan measures lies at the heart of reformulation criteria. In filling out the SA, opportunities for increasing net outputs should become apparent. Hence, the interdisciplinary planning team should try to increase the quantity and quality of outputs, decrease costs, or both. This is done by adding, deleting, or modifying measures and assessing and evaluating outputs to see if greater net outputs can be obtained.

(c) *Assessment and Evaluation.* The display of the results of these two tasks are the main content of the SA. There are three major areas where the SA will assist in improving assessment and evaluation on the next iteration. These are:

(1) *Public Input to Evaluation.* Many of the impacts of a plan are viewed differently by various segments of the public and Corps planners. The SA provides a focus for periodic interaction with the public as to the values placed on outputs. In many cases this may change the evaluation during subsequent iterations.

(2) *Data Gap in Assessment.* The SA will surface data gaps in the assessment task. Thus, improved assessment should be sought on the next iteration. A similar statement can be made for evaluation techniques.

(3) *Unintended Effects.* One of the most productive uses of the SA lies in surfacing unintended impacts. For example, suppose plans are designed primarily for wastewater management. However, one plan uses small detention reservoirs, which also reduce flood problems. This impact will be noted in the SA. On reiteration, the potential of a system for joint outputs should be explored. Alternatively, significant unintended impacts may be adverse. In such cases, mitigation measures or revision of planning objectives is called for. For example, one solution to a flood problem may have adverse impacts on ground water recharge, not mentioned previously as a concern in problem identification. The interdisciplinary planning team should determine whether the lost recharge is serious, by professional analysis and public inputs. If it is serious, recharge ought to be incorporated into the planning objectives, thus directing attention toward solutions, including mitigation, which avoid loss of recharge.

§ 393.28 Effective date.

This regulation is effective November 10, 1975, as published in the FEDERAL REGISTER on that date and codified as 33 CFR 393. The provisions of § 290.12 of this chapter are applicable to this regulation.

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MONDAY, NOVEMBER 10, 1975



PART III:

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

DEEPWATER PORTS

Regulations on Licensing Procedures and Design Construction, Equipment and Operations Requirements; and Proposal on Site Evaluation

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Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER NN—DEEPWATER PORTS

[CGD 75-002]

LICENSING PROCEDURES AND DESIGN CONSTRUCTION, EQUIPMENT AND OPERATIONS

Requirements

● **Purpose. These regulations establish rules for the licensing, design, construction, equipment, and operation of deepwater ports beyond the territorial sea of the United States. They are promulgated under the Deepwater Port Act of 1974 (88 Stat. 2126, 33 USC 1501) whose purpose is to regulate commerce, promote efficiency of transportation, and protect the environment by establishing procedures for the location, construction and operation of deepwater ports off the coasts of the United States.** ●

Interested persons were given an opportunity to participate in this rulemaking by a notice that appeared in the May 7, 1975, issue of the FEDERAL REGISTER (40 FR 19956). The Coast Guard also mailed the proposed rules to all persons who indicated an interest in the rulemaking. In addition to receiving written comments, the Coast Guard held a public hearing on June 6, 1975, to receive oral and written comments on the proposed rules. Comments made at the public hearing and all written comments submitted were considered by the Coast Guard in promulgating these final rules. The public docket on this rulemaking contains correspondence from approximately 94 commenters, including those commenters who submitted after the closing date of June 23, 1975. From the data, views, or arguments submitted, the Coast Guard found over 1200 relevant matters to consider.

A substantial number of comments were adopted, in whole or in part, to the extent possible, and many were rejected. The issues raised run into the hundreds and a discussion of all of them is impracticable. Salient points are discussed below.

PART 148

§ 148.107. Section 148.107 (a)-(e) has been revised to require one copy of each license application to be submitted to the U.S. Army Corps of Engineers office having jurisdiction over the proposed port area. The Coast Guard considers this necessary to facilitate the District Engineer's review within the short period allowed.

§ 148.109. Several comments were received requesting that proposed § 148.109 contain a listing of all application requirements under the Act, so that an applicant could avoid submitting an incomplete application. The Coast Guard agrees with these comments, and accordingly § 148.109 now contains a complete listing of all application requirements.

Comments on § 148.109 (a), (b), and (c) are discussed below under "Antitrust Review."

Comments on proposed § 148.109(f) stated that in many cases consultants and employees of an applicant, rather than the applicant himself, would have offshore operations experience. Since the term "applicant" can generally apply to a group of owners, affiliates, consultants, or similar persons, § 148.109(f)(1) has been rewritten to include descriptions of the experience of the applicant, consultants, and, if the applicant desires, affiliates.

Many comments were received concerning proposed § 148.109(g) which requires submission of a State water quality certification that meets the requirements of § 401(a)(1) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1341(a)(1)). Some commenters stated that § 401(a)(1) provides certification by a State, or in some circumstances, by the Administrator of the EPA. The Coast Guard agrees that in some instances a water quality certification may have to be obtained from the Administrator of the Environmental Protection Agency and has revised § 148.109(g) to allow for the submission of a request for the water quality certification with a deepwater port license application. Some commenters expressed the concern that there would be a delay in the license application process because certification may not be received before submission of a license application. The concern is unfounded because the Federal Water Pollution Control Act Amendments of 1972 and the deepwater port regulations require the certification not at the time of application but before a deepwater port license is granted.

Proposed § 148.109(g-1) requires submission of a certification only if the state involved is an adjacent coastal State. This proposal was not consistent with the Coastal Zone Management Act of 1972. Section 148.109(g-1) has been rewritten to require submission of each certification required by section 307 of the Coastal Zone Management Act of 1972.

Section 148.109(h) has been changed to require use of Department of Interior official forms for submitting information concerning the identification of each lease block established under the authority of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) or the Submerged Lands Act (43 U.S.C. 1334). The requirement for the applicant to furnish copies of agreements with lease holders has been eliminated, but the lessee of each pipeline or other right-of-way must be identified, and detailed information concerning any interest that the applicant and others have in each block and the present and planned use of each block must be supplied to the Coast Guard.

Two commenters recommended that the qualifications for the person providing the soil analysis required in § 148.109(k) be stated. The section has been changed to require the opinion by a registered professional engineer specializing in soil mechanics.

One commenter recommended that proposed § 148.109(o) require an applicant to submit both a geophysical survey of the sea and subsea bottom and a description of the methods of pipeline corrosion protection and monitoring. This comment has been referred to the Materials Transportation Bureau, Office of Pipeline Safety Operations.

Proposed § 148.109(p) has been changed by adding petrochemical facilities and transshipment facilities to the onshore components data required in a license application because several commenters pointed out that the impacts from deepwater port development on these facilities are an important environmental consideration in the licensing process.

One comment stated that service craft in offshore operations can have considerable impact on onshore port and harbor areas. The commenter recommended that an applicant for a deepwater port license be required to describe his plans for shore based facilities to be provided for port service craft used at a deepwater port. This recommendation has been adopted in § 148.109(q)(5).

Comments were received stating that some of the information required for the draft Operations Manual may not be available at the time of its submission with the application. Proposed § 148.109(s) has been changed to allow submission of the information as it becomes available.

In response to numerous comments, proposed § 148.109(u) has been changed to require that only a general description of the proposed aids to navigation system be contained in the deepwater port application. It is recognized that detailed data may not be available at an early stage. This general information will be used for concept approval and § 149.707 has been added to allow later submission (180 days before commencement of transfer operations) of detailed descriptions of aids to navigation.

Two commenters stated that at the time of application, complete information required to obtain a Federal Communication Commission (FCC) license for the telecommunications equipment to be used in the construction and operation of the proposed port may not be available. Section 148.109(v) has therefore been changed to require submission in an application of a description of the radio station or other communications facilities and the proposed concept of operation during construction or operation of the port. An application for an FCC license may be submitted to the FCC when adequate technical information becomes available. A deepwater port license, if granted, will be conditional upon the receipt by the licensee of any necessary FCC licenses.

Section 148.109(z) is discussed below under "Antitrust Review."

§ 148.207. Several commenters suggested that all documents in the record of a proceeding should, as an administrative practice, be provided to adjacent coastal States. The Coast Guard changed proposed § 148.207(a) by including a procedural requirement based on this suggestion.

One commenter suggested that the rules should contain a clear statement

regarding the protection of confidential information. Section 148.207(c) has been added to require the identification of any material submitted that contains either trade secrets or commercial or financial information that is claimed to be privileged or confidential. Section 148.207(d) has been added to protect trade secrets and confidential material from public availability.

§ 148.211. Commenters on proposed § 148.211 requested that the FEDERAL REGISTER notices to announce filing of an application for a deepwater port license be mailed to adjacent coastal States and other States which might be affected by a proposed port. In addition, it was suggested that if a person submits comments on an application, he should receive from the Commandant notice of any amendments to that application. This suggestion was adopted by the Coast Guard and the procedural requirements are now contained in § 148.211.

§ 148.216. Commenters suggested that procedures for submitting a request under section 4(d) of the Act should be added to the proposed rules. Section 4(d) requires the Secretary to determine which project best serves the national interest or if both projects are warranted. The Coast Guard has adopted the suggestion and has added a procedural rule in a new § 148.216.

§ 148.217. Section 148.217 has been expanded to more fully describe the processes by which States become adjacent coastal States either by being so designated at the time a notice of application is published in the FEDERAL REGISTER or requesting to be so designated within 14 days thereafter. Only States that would be connected by pipeline or are within 15 miles of a proposed deepwater port would be declared adjacent coastal States in the notice. The list of required contents of a written request for designation of any other State has been modified to: (1) Reflect the statutory requirement that it be filed within 14 days after the notice of application is published; (2) require it to be signed by the Governor since it is he who personally exercises approval authority for the State under section 9(b)(1) of the Act; (3) provide supporting documentation describing the risk of damage to the coastal environment, of the requesting State, that could occur as the result of the establishment of a deepwater port; (4) require the requesting State to give its reasons why it believes the risk to its coastal environment is at least as great as to the adjacent coastal State to be connected by pipeline to the proposed deepwater port. In addition, a description of the statutory role performed by the National Oceanic and Atmospheric Administration in the processing of a request has been added.

§ 148.231/§ 148.251. Commenters questioned whether or not the notices of hearings under proposed §§ 148.231 and 148.251 would be published in the FEDERAL REGISTER. These commenters suggested that each notice be published in local newspapers in addition to any other notice given. Notices of hearings will not be published in the FEDERAL REGISTER but are sent to anyone who asks for them. In addition the Coast Guard will publicize each hearing in the locality where the hearing is to be held.

§ 148.211 / § 148.231 / § 148.251. Comments were received stating that notices of hearings issued under §§ 148.231 and 148.251 should be sent to adjacent coastal States and to other coastal States that are potentially affected by the proposed deepwater port. One commenter suggested that notice of application under § 148.211 be given to each adjacent coastal State. In response to these comments, §§ 148.231 and 148.251 have been changed to provide that the notice of public hearing is sent to each adjacent coastal State. Also, § 148.211 has been changed to provide that each notice of application is sent to each coastal State and to any other coastal State bordering on the body of water in which the proposed port would be located. Each potentially affected coastal State, once it has received notice of application and determined its interest in the proceeding, can obtain each notice sent to an adjacent coastal State by requesting to be put on the mailing list.

§ 148.263. Several commenters suggested that proposed § 148.263(a) be changed by allowing an answer to a petition to be filed within 10 days instead of 5 days. In addition, it was suggested that proposed § 148.263(b) be changed by allowing a petitioner to intervene within 20 days instead of 10 days. The Coast Guard does not agree that these time limits should be increased because the suggested changes are inconsistent with the statutory time frame for hearings.

§ 148.321/§ 148.323/§ 148.325/§ 148.327. Several commenters expressed the view that proposed § 148.321 concerning the Secretary's formal issuance or denial of an application did not adequately describe the criteria to be employed in making the decision. In response to those comments, a description of the procedures following the last public hearing has been added. As revised, § 148.321 reflects the 45 day period for formulation of recommendations by concerned Federal agencies and adjacent coastal States followed by the 45 days allowed for preliminary determinations and final action on the applications.

A new § 148.323 contains the criteria considered by the Secretary before approving an application. New § 148.325 contains the criteria to be applied when there is more than one application for a deepwater port license in a designated application area. Proposed § 148.323 has been renumbered § 148.327.

§ 148.405. A number of commenters suggested that the period of validity of a deepwater port license should be prescribed for a term of 20 years and that procedures should be established for suspension, termination, and revocation of a deepwater port license. Section 148.405 has been changed to provide that a license terminates 20 years after the date of issuance unless a shorter period is requested by the applicant. Rules for suspension, termination, revocation, and renewal of a license will be the subject of future rulemaking.

§ 148.407. In response to comments, a new § 148.407 has been added to allow an adjacent coastal State to consult with the application staff concerning license conditions that the application staff may have under consideration. The section also describes information that an adjacent coastal State should submit to the application staff if the State determines that an application is inconsistent with State programs relating to environmental protection, land and water use, or coastal zone management.

Subpart E. Proposed Subpart E has been omitted because of a number of comments received stating that the rules proposed for site evaluation and preconstruction testing were inadequate in scope and content. The Coast Guard agrees with these comments. All the comments received on site evaluation and preconstruction testing have been studied and the Department of the Interior, National Oceanic and Atmospheric Administration, and the Environmental Protection Agency have been consulted. A notice of proposed rulemaking on this subject is being issued for public comment on page 52581 of this issue of the FEDERAL REGISTER.

Subpart F. Commenters suggested that the procedures for granting exemptions should be changed to provide for extensive participation by the public and by Federal, State, and local agencies in the proceedings. Section 148.607 has been added. Each petition appearing to involve the interest of an adjacent coastal State will be referred to the Governor of the State for consideration and recommenadtion. Additional rulemaking is being studied.

General Comments. The Center for Law and Social Policy recommended that there should be specific procedures for the exercise of the Commandant's authority to grant exemptions to the regulations in Part 148. The new § 148.607 partially accommodates the comment. Additional rules are under study for future rulemaking.

PART 149

§ 149.203. Comments were received stating that the requirement in proposed § 149.203 for the submission of detailed plans 90 days prior to construction was too rigid. Setcion 149.203 has been rewritten for clarification and to allow more flexibility to the licensee in his contracting procedures by omitting the 90 day requirement. The licensee determines when he will submit drawings but he cannot begin construction until the plans and specifications are approved by the Coast Guard. Revisions to approved drawings are reviewed by the Coast Guard under the same standards as the original drawings, but the Coast Guard does not require construction to be halted while the revised plans are being reviewed.

§ 149.303. Louisiana Offshore Terminal Authority recommended that proposed § 149.303 be rewritten to require a pressure relief system that would prevent components of an OTS from exceeding

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recommended working pressures. This recommendation was adopted with the exception that the lowest maximum pressure rating of any component of the OTS, rather than recommended working pressure, determines the pressure relief system activation. Section 149.303 now requires that each OTS have a pressure relief valve, that when activated, prevents any component of the OTS from exceeding its maximum rated pressure.

§ 149.305/§ 149.309. Several commenters suggested that the requirement in proposed § 149.309 for a manual shutoff valve on each SPM buoy should not apply to those not having OTS lines passing through the buoy. Section 149.309 now allows use of the Single Anchor Leg Mooring (SALM) buoy, which does not have any portion of the SPM–OTS directly attached to the buoy itself.

Section 149.305 has also been rewritten to require that each PLEM at an SPM buoy have a shutoff valve. This provides additional safety and environmental protection for SPM buoys exempt under § 149.309.

§ 149.311. The requirement in proposed § 149.311 for a malfunction detection system between the PLEM and the shore has been changed to require a detection system between the PPC and the shore. Automatic monitoring of the OTS between the PLEM and PPC is beyond the state of current technology. When the requisite technology has been developed, § 149.311 will be revised to require a detection system between the PLEM and the PPC.

§ 149.313. Several industry commenters recommended that the OTS alarm required in proposed § 149.313 not be audible in sleeping areas because the Cargo Transfer Supervisor could summon additional personnel as needed. This recommendation was not accepted because a prompt and effective response to a spill overrides concerns of comfort and relaxation. Furthermore, in most cases, the Cargo Transfer Supervisors's normal place of duty will be at the onshore terminal, many miles away from the PPC where personnel and equipment must be deployed. A general call-up by an alarm is the fastest and most effective means to get a prompt response.

§ 149.317. Several commenters requested clarification of the term "atmospheric conditions" in proposed § 149.317(b)(2). In order to eliminate any confusion, § 149.317(b)(2) has been reworded to require that portable means of communication must be certified and marked under 46 CFR 111.80–5.

§ 149.319/§ 149.321/§ 150.419. Two commenters stated that the proposal did not contain tanker onloading procedures pursuant to the Act. Coast Guard discussions with a potential applicant revealed that tanker onloading for transshipment is being considered for his proposed deepwater port. In consideration of the criticism and this discussion, certain rules in the proposal were changed to provide for onloading oil at a deepwater port, as follows:

1. A provision has been added to § 149.319(a) requiring a capability to contain and remove a discharge of 40,000 U.S. gallons where onloading operations are permitted pursuant to section 4(a)(3) of the Act. A greater capability than offload ports is required because there is a higher risk of discharge during onloading operations based on statistical records of actual spill histories at existing onloading SPM facilities.

2. Section 149.321 has been added to require that each deepwater port, where onloading is permitted, provide a means for reception of oily residues from vessels.

3. Section 150.419(b) has been added to require that the vessels' officer in charge of oil transfer advise the Cargo Transfer Supervisor of his intent to stop the flow of oil in an onloading operation before he stops the flow of oil. The purpose of this requirement is to prevent premature securing of cargo transfer pumps or valves on the receiving vessel while the OTS is still pumping oil.

§ 149.451. One commenter objected to proposed § 149.451, stating that water fire fighting systems may not be effective with oil fires. This comment was rejected because oil fires are not the only type that may occur on a PPC.

§ 149.483. One commenter recommended that regulations governing fire fighting systmes for helicopter pads be made consistent with the Federal Aviation Administration regulations. Proposed § 149.483 has been changed in view of this recommendation.

§ 149.723/§ 149.724/§ 150.607. One commenter stated that proposed § 149.723 does not provide a means of checking the focus of the lights, which is essential in meeting the requirements of paragraph (a) and (b) of that section. The Coast Guard agrees and added a new § 149.724 to require that each light using a lens must have a means to verify that the light source is at the focal point of the lens. Section 150.607 has been changed by adding a requirement that each light using a lens must be operated with the light source at the focal point of the lens by the means required in § 149.724.

§ 149.753. Several commenters suggested that the 70 foot spacing requirement for floating hose string obstruction lights in proposed § 149.753(a) would not improve visibility of the string for the mariner and would add to maintenance problems for the licensee. It was suggested that 210' spacing, instead of 70', would provide adequate illumination. The Coast Guard did not adopt this suggestion because a reduction in the number of lights on the string would increase the hazard for the various types of vessels that may navigate the safety zone. One extinguished light would create an unacceptably long interval of 420 feet between operating lights.

§ 149.759. Proposed § 149.759 was found confusing by a commenter who felt that it was unclear whether the requirement concerned the mounting hardware for the lantern or the device which shows the level. This commenter also proposed horizontal leveling standards. The Coast Guard agreed with this comment and changed § 149.759 to require that each obstruction light installed on a platform must have mounting hardware with devices for leveling the light, and with a leveling indicator accurate within ±0.25°.

General comments. One comment recommended that new regulations be developed to insure separation of helicopter landing areas and offloading tankers. This recommendation was rejected. Normal maneuvering room for VLCCs to approach an SPM provide adequate safety distances between helicopters operating near the PPC and the offloading tankers.

The Louisiana Offshore Terminal Authority submitted proposed rules for Subpart C covering SPM design and construction requirements, pipeline requirements, and vessel operating requirements for loading at deepwater ports. Some of the submitted rules were adopted and others will be considered for future rulemaking.

The Center for Law and Social Policy recommended the inclusion, in Subpart C, of detailed requirements for an automatic monitoring system in the OTS for automatic shutdown upon detection of a leak, measures for securing operations during spills and extreme wind or wave conditions, a pressure relief device for each OTS, quick disconnect hose couplings, hose standards, and SPM mooring standards. The automatic OTS monitoring system is required in § 149.311. The adequacy of each proposed system will be determined by the Coast Guard during the application review process. Automatic shutdown of the OTS upon detection of a leak is not always the proper response to minimize the quantity of oil spilled and the suggestion is not adopted. The measures for securing OTS operations during spills and extreme wind or wave conditions will be contained in each deepwater port operations manual. A pressure relief device for each OTS is now required in § 149.303. An approved quick disconnect hose coupling is allowed by § 150.415(b)(1)(ii). Hose standards and SPM mooring standards are contained in the ABS rules incorporated in § 149.209.

A comment on Subpart E stated that the proposed aids to navigation rules were too stringent and that aids to navigation for deepwater ports should be identical to those required for artificial islands and offshore fixed structures. This comment was rejected because deepwater ports, by the nature of their operation, will have more shipping traffic, larger vessels, and more hazardous cargoes than artificial islands or fixed structures.

The California State Lands Division recommended that the requirement for hoses specified in 33 CFR 154.500 be incorporated in Part 149. This recommendation was rejected because § 150.121(b) requires that the licensee have and maintain in class an ABS classification certificate for the SPM and attached hoses. Section 7/3 of the ABS "Rules for Building and Classing Single Point Moorings" requires that all SPM hoses comply with the "Buoy Mooring Forum Hose Standards", subject to survey and inspection by ABS. These hose standards provide technical specifications for hose design and construction, and testing standards for prototype hose approval.

One comment stated that no overall limit is placed on platform size. The Coast Guard believes that it would be acting arbitrarily if it established a size limitation. This comment also stated that no compartmentalization is required. Section 149.206 contains the construction requirements for the platform, which includes requirements for walls and decks.

Comments were received questioning whether the design, construction, and equipment requirements in Part 149 are consistent with section 4(c) of the Act which provides in part that the Secretary may issue a license if "he determines • • • that the applicant has demonstrated that the deepwater port will be constructed and operated using the best available technology so as to prevent or minimize adverse impact on the marine environment. . . ." One comment questioned whether Part 149, because it imposes specific requirements, will "deter the development of innovative approaches for the attainment of maximum safety and environmental protection benefits in the most cost effective manner." The comment specifically recommended that the requirements in Subparts B and C of Part 149 be deleted and replaced by flexible performance standards. Another comment received recommended that a rule be added to Part 149 to require the licensee of a deepwater port to use the best available technology in design, construction, and equipment.

The rules in Subparts B and C of Part 149 represent best technology available or require use of pollution prevention equipment that, if a license is to be issued, must represent best available technology. Design, construction, and pollution prevention equipment proposed in an application but not required by Part 149 must likewise represent best available technology if a license is to be issued. Section 148.323(a)(5) describes the procedure for considering the "best available technology" aspects of an application. As improved technology becomes available after Part 149 becomes effective, the Commandant, under the authority of section 10(a) of the Act will impose requirements concerning its use if the requirements are reasonable and if compliance with them will prevent or minimize adverse environmental impact from construction and operation of deepwater ports. (Section 10(a) of the Act requires the Secretary to adopt and enforce procedures for deepwater ports that include, but that are not limited to, "rules governing • • • the equipment, training, and maintenance required (A) to prevent pollution of the marine environment, (B) to clean up any pollutants which may be discharged, and (C) to otherwise prevent or minimize any adverse impact from the construction and operation of such deepwater port[s].")

Requirements to use improved technology will necessitate future revisions and additions to the regulations in Subpart B and C and will necessitate updating Operations Manuals of licensed ports. The Coast Guard anticipates, for example, that technology advancements will occur in the near future with respect to discharge containment and removal equipment that will necessitate additions or revisions to § 149.319 or to Operations Manuals for specific ports. The Coast Guard will review on an ongoing basis technology advancements that occur to determine whether rule changes or updating of Operations Manuals are necessary.

PART 150

§ 150.105. Several commenters were concerned about the status of an Operations Manual after its submission to the Coast Guard. Proposed § 150.105 has been rewritten to require that each port have an approved Operations Manual before it operates. Criteria for approval by the Coast Guard are included. One commenter felt that a public hearing should be held exclusively on the Operations Manual, and any amendments to it, before the Coast Guard determines whether or not to approve the Manual. The draft manual is subject to public comment during the application hearings.

§ 150.106. A new section, § 150.106 was added to require the licensee to provide 25 copies of the Operations Manual and subsequent amendments to the Coast Guard for distribution.

§ 150.107. A suggestion was made that States affected by the operation of a deepwater port should be permitted to petition for amendment to an Operations Manual. This suggestion was accepted by the Coast Guard and a new paragraph (d) has been added to § 150.107 that allows any licensee of a deepwater port and any adjacent coastal State connected directly by pipeline to a deepwater port to petition the Captain of the Port to amend the Operations Manual. In addition, the requirements contained in proposed §§ 150.111 and 150.113 are now in § 150.107.

One commenter suggested that the amendment process for the Operations Manual include approval by an adjacent coastal State before approval by the Captain of the Port. This suggestion was not adopted. The closest adjacent coastal State will be given opportunity to comment on the proposed amendment, but final approval remains in the Coast Guard.

One commenter recommended a requirement for controlling the use of service vessels at a deepwater port. Information concerning the use of service vessels must be in the Operations Manual for each port. If the number and type of service vessels in use are not adequate to ensure compliance with these regulations, requirements can be imposed, in accordance with the procedures in § 150.107, for amending the Operations Manual. Accordingly, the comment was not adopted.

§ 150.121. Several commenters felt that the SPM and SPM–OTS should be the subject of comprehensive testing and inspection rules in addition to those under § 150.121. Detailed requirements for testing and inspection of SPM and SPM–OTS components are contained in the "Rules for Building and Classing Single Point Moorings" published by the American Bureau of Shipping (ABS). Section 150.121(c) requires that the licensee maintain each SPM in class, which would include meeting the requirements in those ABS rules. The Coast Guard determined that no additional rules are necessary and the suggestion was not adopted.

§ 150.125. Because storms and hurricanes can alter depths, sediment movement can build around components and anchors, and propeller wash can cause depth variations in traffic lanes, a commenter suggested that the accuracy of chartered depths be checked periodically and after each major storm. The Coast Guard adopted this suggestion and added § 150.125 to require the licensee to monitor water depths in anchorage areas, mooring areas, maneuvering areas, and traffic lanes after the Captain of the Port has determined the following:

1. A severe storm has significantly altered water depths.

2. A gradual natural or man-induced process has significanlty altered water depths.

3. Users have reasons to believe that the chartered depths are no longer accurate.

§ 150.127. Several commenters recommended omitting the requirements for an environmental monitoring program from the Operations Manual. This recommendation, if accepted, would violate the purpose of the Act. A new § 150.127 was added to require the monitoring of the environment in accordance with the monitoring program in the Operations Manual.

Subpart B. It was recommended that on-the-job experience be allowed as qualification criteria for deepwater port personnel. The recommendation was accepted in part and certain requirements in Subpart B were changed to include experience criteria and training programs that allow the licensee flexibility in personnel selection and promotion.

A commenter recommended that a licensing system for deepwater port personnel, similar to the vessel personnel licensing system, be promulgated for deepwater ports. This recommendation was not adopted. The requirements as proposed are considered sufficient for the limited number of anticipated deepwater ports. If, in the future, there are a sufficient number of personnel involved to require a separate deepwater port licensing program, a licensing program will be proposed.

§ 150.205. Another commenter suggested that position title "Terminal Supervisor" be changed to "Port Supervisor" because the use of the word "terminal" might create confusion between the port and the onshore facility. Further, the oil industry generally uses the term "superintendent" to describe a person who performs the type of duties proposed for the "Terminal Supervisor". The title "Port Superintendent" has been adopted for these regulations.

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§ 150.207. Proposed § 150.207 requires a Cargo Transfer Supervisor to hold a license as chief mate of ocean steam or motor vessels, or as master of a vessel, and have at least one year of experience in those capacities on board a tank vessel. A number of commenters questioned this requirement since performance of the duties of a Cargo Transfer Supervisor does not require a detailed knowledge of an officer's duties. Because the Coast Guard agrees that the proposed requirement is overly restrictive, the final rule does not require the Cargo Transfer Supervisor to hold a license as chief mate or master and experience criteria has been substituted.

§ 150.209. A requirement for experience with radar by a Vessel Traffic Supervisor has been substituted for the proposed requirement for a radar certificate because performance as a Vessel Traffic Supervisor does not involve service in a seaman's capacity aboard a vessel.

§§ 150.211/150.215. Recommendations were received to reduce the requirements for Mooring Master. These recommendations were rejected. Reduction in the qualifications of the Mooring Master is not possible without reducing the safe handling of the large tankers that will use deepwater ports. The experience requirements for the Assistant Mooring Master have been changed. A recommendation to require the Mooring Master to know the procedures involving rigging the transfer hose was rejected. Knowledge of these procedures is part of the qualification of the Cargo Transfer Assistant.

§ 150.213. Numerous comments were received recommending that the requirements for Cargo Transfer Observer be omitted because his functions are not clear. The title "Cargo Transfer Observer" was changed to "Cargo Transfer Assistant" and the appropriate requirements in Subpart D were rewritten for clarification of the Cargo Transfer Assistant's duties. A recommendation to remove the requirement for the Cargo Transfer Assistant to be certificated as a tankerman was accepted and experience criteria were added.

§ 150.217. A comment suggested that proposed § 150.217 specify the maximum continuous and the minimum off-duty time for each position listed. This suggestion was rejected. Section 10(b) of the Act follows the language of section 1333(e) of the Outer Continental Shelf Lands Act. The Coast Guard has not regulated hours of labor on the Outer Continental Shelf and, at the present, does not intend to regulate the hours of labor on deepwater ports.

Further comments on proposed § 150.217 suggested that each person employed at a deepwater port be a United States citizen. This recommendation was rejected. Merchant marine documents and port security cards can be obtained by resident aliens. At the present time, it appears to be unnecessary to require all employees of a deepwater port to be U.S. citizens.

Some commenters thought § 150.217 prohibited personnel from being employed in more than one position at any time. The intent of this requirement was to prohibit a person from performing in two capacities at the same time. Section 150.217 was rewritten for clarification.

Subparts C, D, and E. Shell Oil recommended that the "International Oil Tanker and Terminal Safety Guide" (I.O.T.T.S.G.) be used as a reference in the drafting of Subparts C, D, and E. Certain requirements in these Subparts are based on I.O.T.T.S.G., including § 150.405(b) and § 150.413(s).

A number of commenters recommended that proposed Subpart C apply to all vessels that navigate at a deepwater port. This recommendation has been adopted. Subpart C now applies to any vessel having business at a deepwater port, including service craft and line handling boats that assist in tanker operations and moorings, and vessels that bring supplies to the PPC.

Regulations concerning recreational boating and commercial fishing vessel activity at a deepwater port are expected to be included in the future proposal concerning safety zones of a port. It is the Coast Guard's intention, at this time, not to allow recreational boating in a deepwater port. Safety zones at a deepwater port will be charted when established and, as appropriate, cautionary notes will be placed on charts concerning any restrictions in a safety zone.

§ 150.309. Seven comments were received on proposed § 150.309 concerning the nature of the advisories to vessels and the amount of control over vessels permitted to be exercised by the Vessel Traffic Supervisor. Some commenters wanted positive controls exercised while other commenters criticized the proposed controls as excessive. No change was made since the advisory concept with the master of the vessel in ultimate command is universally accepted. One commenter suggested omitting the requirement that the Vessel Traffic Supervisor furnish the tanker with specified data on a vessel that may potentially interfere with the tanker's movement. This suggestion was partially adopted. The data that can be computed more accurately and timely on board the tanker than by the Vessel Traffic Supervisor is no longer required. Three commenters recommended omitting the requirements in proposed paragraph (a) for passing certain information at 10 minute intervals. This recommendation was rejected because the rule ensures the continuity of communications and the continuous presence of the Vessel Traffic Supervisor at his position.

§ 150.313/§ 150.339. Several commenters suggested that the requirement in proposed § 150.313 for the 2 mile minimum visibility for tanker operation and the requirement in proposed § 150.339 (redesignated § 150.337) for the 5-mile separation between tankers in a traffic lane be relaxed. This suggestion was rejected because of the stopping distance needed for VLCCs, even at slow speeds, and their poor maneuverability. The requirements in these two sections are considered reasonable since they provide an effective means of minimizing potential for collision.

§ 148.3/§ 150.339. A number of comments questioned the prohibition in proposed § 150.339(f) (redesignated § 150.337(f)) for a tanker to operate in the TSS or safety zones if the net under keel clearance of the tanker is less than 5 feet. It was the intent of this section to require a minimum of 5 feet between the keel and the seabed during the worst conditions of wind, wave, tide, and current. Most of the commenters felt that the proposed regulations did not clearly state this intention. Pursuant to these comments, "net under keel clearance" is defined in § 148.3 as "the distance between the ocean bottom and the portion of the tanker's hull closest to the ocean bottom when the tanker is underway, moored, or anchored, considering ship motion in responding to the combination of actual wind, wave, tide, and current conditions".

In response to comments, a new § 150.339 has been added that prohibits other vessels (defined in § 150.303) from mooring at or doing business at a deepwater port unless clearance has been obtained from a Vessel Traffic Supervisor. A new § 150.317 has been added containing procedures for clearances of other vessels. The regulations do not prohibit operations of these vessels around the port. However, operations of these vessels in the deepwater port safety zone may be prohibited or otherwise regulated in future rulemaking.

§ 150.313/§ 150.341. Sections 150.313(a)(2) and 150.341 were changed to require that the Mooring Master be aboard in the traffic lane within 5 miles of the entrance to the safety zone.

§ 150.342. Regulations for requiring the Assistant Mooring Master to be aboard the tanker were omitted in the proposal. Section 150.342 has been added requiring the Assistant Mooring Master to be aboard the tanker during mooring operations. The services of the Assistant Mooring Master are not considered necessary for unmooring or anchoring. His expertise is primarily needed to make the VLCC fast to a mooring device.

§ 150.415/§ 150.419. The Masters, Mates, and Pilots Association recommended that proposed § 150.415 apply to all blank flanges used in the OTS. In reviewing this recommendation, the Coast Guard concluded that requirements for the proper use of the blank flange and shutoff valve required under § 149.307 should be included to protect the marine environment. Accordingly, § 150.419 (c) and (d) add operating procedures concerning blank flanges and shutoff valves.

§ 150.415. The Coast Guard determined that proposed § 150.415 did not include requirements for adaptors to allow hose connections to the manifolds of any tanker calling at a port. This drafting oversight was corrected to allay any misconception that vessels not having manifolds compatible with ANSI standard flange couplings are excluded from calling at the port.

§ 150.423. Several commenters recommended that proposed § 150.423(a)(3) (redesignated § 150.423(c)) allow continuation of oil transfer operations during a fire because, under some circumstances, this would reduce the amount of fuel available to the fire. Adopting this rationale in principle, § 150.423(c) allows resumption of oil transfer operations during a fire if the Port Superintendent determines that to do so will enhance safety.

§ 150.425. One commenter requested amplification and clarification of the Coast Guard's role in regulating oil transfer operations during and immediately after an oil spill. In reviewing this comment, it was determined that a general rule governing Coast Guard authority with respect to oil transfer operations was necessary. Section 150.425 has been added to authorize the Captain of the Port to suspend oil transfer operations when necessary for safety or protection of the marine environment. Section 150.425 includes procedures for the licensee to petition the District Commander to reconsider the issuance of the suspension order.

Subpart E. One commenter recommended that Subpart E require that any material at a deepwater port be used in compliance with 46 CFR Part 147, which governs the use of dangerous articles as ships stores and supplies on board vessels. The applicability of 46 CFR Part 147 does not extend to platforms. The Coast Guard intends to propose regulations regarding the use of hazardous materials at a deepwater port in a future rulemaking actions.

§ 150.516. A new section, § 150.516, has been added to require that certain members of the crew be trained and present for fire fighting during aircraft operations on the PPC.

§ 150.607. Proposed § 150.607(a) was criticized because it appears to preclude the operation of the lights by automatic activation. Since this interpretation of the requirement was possible, the words indicating that the lights had to be operated thirty minutes before sunset and thirty minutes after sunrise have been omitted.

§ 150.709. Several commenters were concerned with the procedures for the notice of the discharge of oil in proposed § 150.709. North Carolina and Texas stated that the adjacent coastal State should be included among those to be notified of an oil spill. Section 150.709 has been changed to require that the Governor of the State directly connected to a deepwater port by pipeline be notified of a discharge of oil in order that he may quickly react to protect the State's marine environment.

General Comments. The State of Hawaii questioned the lack of procedures governing the monitoring and maintenance of deepwater port pipelines. Rules for design, construction, inspection, testing, operation, and maintenance of pipelines at a deepwater port will be promulgated in a separate rulemaking action of the Department of Transportation, Materials Transportation Bureau, Office of Pipeline Safety Operations.

Several commenters felt that proposed Part 150 was too detailed and was too close to being an Operations Manual in itself. In particular, the personnel requirements of Subpart B were apparently misunderstood. The Coast Guard believes that the regulations are not too detailed because certain operations, procedures, and standards are applicable to all potential deepwater ports and are important enough to be in the regulations rather than in the specific operations manual for each port.

One commenter questioned the lack of regulations governing the establishment of a safety zone. Information in an application for a deepwater port such as marine site component data, tanker operational information, and proposed aids to navigation data, will be studied by the deepwater ports staff. Based on the findings of this study, the safety zone will be established. Notification of the establishment of the safety zone will be made in the FEDERAL REGISTER.

A deepwater port, by definition, is located beyond the territorial sea; however, it is expected that part of the facility of a port will be located within the territorial seas as well as onshore. Transportation related onshore and offshore oil handling facilities located within the United States or on the navigable waters of the United States are regulated under 33 CFR Part 154. A review of Part 154 is being undertaken by the Coast Guard to determine whether or not the part is consistent with the requirements in this document. Any amendment to Part 154 would be subject to rulemaking procedures.

ANTITRUST REVIEW

In a comment dated June 24, 1975, by the Federal Trade Commission, it noted that draft regulations submitted by it "were incorporated substantially verbatim in the Notice of Proposed Rulemaking as § 148.109(y) (Antitrust Review Information)." Approximately 20 comments directed to those provisions were filed during the comment period, several from Government officials and the remainder from firms associated with proposals for construction of deepwater ports in the Gulf of Mexico. Subsequently, under cover of a letter dated August 8, 1975 from the Secretary of the Commission, recommended final regulations, a Report of the Federal Trade Commission, were filed in the record. That Report, together with the public comments on the antitrust review section were forwarded to the Assistant Attorney General, Antitrust Division, with a request for the views of the Department of Justice. He responded by letter dated August 21, 1975. The principal comments, as well as the views of the agencies, are summarized in the following discussion.

SCOPE OF ANTITRUST REVIEW

Many industry commentators argued that the scope of antitrust review under the Act should be circumscribed in some manner. Those arguments were based on one or more of several theories. First, it was argued by some that since under section 8 of the Act any licensee will be a common carrier by pipeline under Part I of the Interstate Commerce Act, no further consideration of anticompetitive effects is required. That argument is without merit. As discussed below, the licensing of a particular applicant could have anticompetitive effects even if the applicant subsequently operates in full compliance with its common carrier obligations. Secondly, some commentators observed that section 5(c)(2) of the Act sets forth extensive and fairly detailed requirements of inclusion in the application. From that they argued Congress intended that listing to be exclusive. The language of the Act itself plainly refutes that contention. Section 5(c)(2) states that the application "shall include such * * * information as the Secretary deems necessary or appropriate. Such information shall include, but not be limited to * * *" the information thereafter specified. Finally, some commentators argued that since section 7(b)(1) of the Act specifies that the Secretary "shall proceed as if he had" the views of the Attorney General and of the Federal Trade Commission even if those views are not received within the time period specified in section 7(a), the antitrust review was intended to be cursory. That argument also is without merit. In detailing in section 5(c)(2) the extensive (but not exclusive) list of information useful for antitrust review purposes, Congress intended that the antitrust reviews be based upon a full and adequate record. Moreover, it is an obligation of the Secretary to ensure that any grant of a license under the Act will be in full compliance with all requirements of law, national and international. Accordingly, in the absence of a report from either or both of the antitrust reviewing agencies, the Secretary remains charged with an obligation of ensuring against violation of the antitrust laws in the licensing process.

From the record and legislative history, applications may be anticipated from LOOP, Inc. and SEADOCK, Inc. Each appears to be, in essence, an incorporated joint venture of, principally, major integrated oil companies.[1] Of the eight largest companies named as respondents in *In the Matter of Exxon Corp.*, FTC Docket No. 8934, at least five were, and two are a member of both groups. Both the Department of Justice letter and the Federal Trade Commission submissions referred to above addressed themselves to the joint venture aspect of these prospective applicants.

[1] Dow Chemical Company is represented in Seadock. Dow's Brazos Oil & Gas Co. Division is operated for obtaining natural gas and currently supplies a substantial portion of the company's requirements. 1974 Moody's Industrial Manual, p. 545. Its listing in 1974 U.S.A. Oil Industry Directory (Pet. Pub. Co. 13th ed.) suggests broader petroleum interests. The Toronto Pipeline Company is a subsidiary of Gulf Oil Company.

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The Commission relies heavily upon *United States* v. *Penn-Olin Chemical Co.*, 378 U.S. 158 (1964). It quotes language from that case (Commission comment pp. 5–6) which it says sets forth the factors the Commission "must apply in assessing the anticompetitive impact of a joint venture. * * *" In that case, two large industrial corporations proposed to form a joint venture to enter into a geographic and product market in which neither had been a significant factor. Conceivably either or both of the proposed venturers could have entered that market on its own. The District Court below found that it was unreasonable to believe that both firms on their own would have entered that market. Further, it held it unnecessary to determine whether one of the two firms might have entered the market by itself and the possible competitive effects of that event. In reversing, the Supreme Court discussed the considerable financial and technological capabilities of each of the two firms. Then, in a passage from which the Commission's Comment quotes, the Court said:

> * * * we have concluded that a finding should have been made as to the reasonable probability that either one of the corporations would have entered the market by building a plant, while the other would have remained a significant potential competitor. * * * [W]e reiterate that it is impossible to demonstrate the *precise* competitive effects of the elimination of either Pennsalt or Olin as a potential competitor. [Emphasis in text]. * * * We note generally the following criteria which the trial court *might* take into account in assessing the probability of a substantial lessening of competition: the number and power of the competitors in the relevant market; the background of their growth; the power of the joint venturers; the relationship of their lines of commerce; the competition existing between them and the power of each in dealing with the competitors of the other; the setting in which the joint venture was created; the reasons and necessities for its existence; the joint venture's line of commerce and the relationship thereof to that of its parents; the adaptability of its line of commerce to non-competitive practices; the potential power of the joint venture in the relevant market; an appraisal of what the competition in the relevant market would have been if one of the joint venturers had entered it alone instead of through Penn-Olin; the effect, in the event of this occurrence, of the other joint venturer's potential competition; and such other factors as might indicate potential risk to competition in the relevant market. (Emphasis supplied) 378 U.S. at 175–77.

Here there is not any suggestion that foreclosure from entry into the Deepwater Port market by one or more of the prospective co-venturers individually should be a matter of principal or even significant concern. As the Commission notes at pages 4–5 of its comment, the Congress, while concerned about oil company ownership and about the joint venture proposals, prohibited neither, because of the financial as well as technological requirements of deepwater port development. Instead, the Congress established priorities for an applicant who is a state agency, or a person who is neither engaged in production, refining or marketing of oil nor an affiliate of any such person. The application will set forth projected financial and other information from which the possibility of single firm entry may be evaluated. See § 148.109(e). Unless an application or other new information suggests a conclusion different from that of the Congress, foreclosure of single firm entry by the co-venturers is not a principal concern.

Rather, the principal concerns are: foreclosure of potential users from entry into the venture;[2] foreclosure from use by nonmembers (shippers and consignees) by selection of points to be served (site location) and facility design and operation; and discrimination against users and potential users by rates and other operational considerations, such as minimum tender and throughput requirements. Operation of the port might also have the effect of foreclosure or discrimination. However, the Commandant has adequate resources to determine whether vessels are being served in accordance with such common carrier obligations as the duty to receive vessels in the order of arrival and the obligation to serve all vessels without hindrance or delay (absent overriding health, safety or environmental considerations). The design review process (§ 149.205) will include examination of configuration, equipment and other features that could affect accessibility by the world's tanker fleet, which in pertinent respects is fairly well standardized. Section 150.415 requires port availability of standard flanges and adapters. Thus, there is not at the outset reason to engage in the extensive market power analysis suggested by the Supreme Court in the Penn-Olin case. Rather, the situation that must be anticipated here is more analogous to those in the cases cited in the Department of Justice letter, *United States* v. *Terminal Railroad Ass'n of St. Louis*, 224 U.S. 383 (1912); *Associated Press* v., *United States*, 326 U.S. 1 (1945). There, as here, the starting point is the market power of the co-venturers in those markets where non-owner users might be discriminated against, or potential users foreclosed.[3] The information requirements for this analysis are discussed below.

Much of the original and revised proposals of the Commission seem designed to permit and facilitate inquiry into motive and intent. To any such inquiry, most if not all comments filed by potential applicants and affiliates object. In its commentary letter, the Department of Justice observes:

> [I]t is simply not possible for the Attorney General to render the necessary advice without access at minimum to the working papers of the applicant and its owner companies. We must be able to judge motive and likely competitive impact on the basis of candid statements made in the regular course of business. * * * (p. 2)

Later, referring to the specific proposals of the Commission, the Department observes:

> We can conceive of circumstances in which the information and documents covered by such regulation might be required for adequate antitrust review. On the other hand we can also foresee situations where *less or different* information may be needed. (Emphasis supplied) (p. 4)

Both the Department of Justice and the Commission propose a two-step information gathering process. That is sound administrative procedure not only for antitrust review but for all aspects of application processing, and is adopted as set forth in § 148.109(z). Since, as the Department of Justice observes, not all of the information required in the Commission proposal would be required in every case, the application requirements should be designed to reach all information that will or probably will be required in every case. The procedure for gathering additional information can then be used if appropriate.

Regardless of procedures, there appears to be a considerable difference between the range of inquiry suggested by the Commission proposals and the more limited inquiry (or non-inquiry) suggested by the public commentators. Much of this apparent difference is resolved by a careful analysis of the mandatory requirements prescribed in section 5(c)(2) of the Act.

DEFINITION OF "AFFILIATE"

Before examining the statutory requirements of section 5(c)(2), the meaning of the statutory term "affiliate" must be understood. It is defined in section 3 as follows:

> "affiliate" means any entity owned or controlled by, any person who owns or controls, or any entity which is under common ownership or control with an applicant, licensee, or any person required to be disclosed pursuant to section 5(c)(2) (A) or (B).

That language is analyzed at length in a comment by Marathon Oil Company, dated June 20, 1975. It says, in part:

> The definition is confusing and unwieldy, and as demonstrated, results in situations irreconcilable with the intent of the Act. If the definition is viewed diagrammatically, it sets forth three classes of "affiliates":
>
> 1. any entity owned or controlled by an applicant, licensee or persons required to be disclosed pursuant to 5(c)(2) (A) or (B);
>
> 2. any person who owns or controls an applicant, licensee or person required to be disclosed pursuant to 5(c)(2) (A) or (B); and,
>
> 3. any entity which is under common ownership or control with an applicant, licensee or person required to be disclosed pursuant to 5(c)(2) (A) or (B);
>
> For purposes of simplification "a person required to be disclosed pursuant to 5(c)(2) (A) or (B)" shall hereinafter be referred to as an "excess 3% owner".
>
> Some persons view the definition as encompassing a fourth class of "affiliate"; that being, a "person required to be disclosed pursuant to § 5(c)(2) (A) or (B)" which would encompass an excess 3% owner and therefore, most shareholders of applicants or licensees. They view the last portion of the definition, "or any person required to be disclosed pursuant to § 5(c)(2) (A) or (B)" as disjunctive and a separate classification. From a grammatical standpoint this is not tenable.

That is a correct but not complete analysis. Similarly, the analysis of other commentators overlooks the significance of relationships with persons required to be disclosed under section 5(c)(2) (A) or (B). Mobil Oil Corporation, for example, states at page 1 of Comments filed by letter dated June 12, 1975:

> Under this definition, Mobil can be an affiliate of Seadock only if it is owned or controlled by Seadock or owns or controls Seadock.

Suppose O Corp. forms a wholly owned (directly or indirectly) subsidiary, ODWP Corp., to acquire an interest in DWP, an incorporated or unincorporated joint venture applicant. ODWP Corp. has an interest in DWP greater than three per cent, and is a person required to be disclosed under subparagraph (A) (an "A Person"). O Corp. is what Marathon calls a Class 2 affiliate. Every subsidiary of O Corp. will be a Class 1, 2 or 3 affiliate, depending on relative positions within the lines of ownership of subsidiaries. If ODWP Corp.'s interest is not greater than three per cent (after applying commonly used attribution principles), it, O Corp., or another subsidiary may nevertheless be required to be disclosed under section 5(c)(2)(B) (a "B Person").

While Congress may have been primarily interested in contracts for physical construction and operation, the language of subparagraph (B) is not so limited. It is interpreted to include significant contracts for financing construction, by equity or loan funding, by throughput agreements or other arrangements intended to secure obligations, by guarantees of loans or other agreements or arrangements, or otherwise. Similarly, agreements and arrangements intended to assure that operations will be financially self-sustaining are within the ambit of subparagraph (B).

Under the statutory definition the A Person or B Person is not an affiliate, but its parent, subsidiary and sister corporations are. If there are two A's and two B's or one of each within the corporate group, the A's and B's become affiliates.

The functions of subparagraph (C) are also important. Subparagraphs (G) and (H) require inclusion of information known to "C Persons" as to storage facilities, pipelines and refineries, both existing and proposed. Thus, if O Corp. is not an affiliate or an A or B Person after the analysis indicated above, its knowledge is reached by subparagraphs (G) and (H) if any of its affiliates is an A or B Person.

Finally, the Secretary's authority to require inclusion of information in addition to that specified in section 5(c)(2) includes authority to require information from persons other than applicants, statutory affiliates, and A, B or C Persons. Subparagraphs (G) and (H) specifically require inclusion of information known to persons required to be disclosed under subparagraphs (A), (B) or (C), but as noted above that specification is not exclusive. Moreover, the first sentence of section 5(c)(2) mandates the inclusion of information deemed necessary or appropriate, without any reference to sources.

The term affiliate does not have significance except in the context of information required in an application. Accordingly, in view of the foregoing, § 148.3(1) defines affiliate to include a statutory affiliate, an A, B or C Person, and any other person determined by the Secretary to have information required for processing or review of an application.

CONSOLIDATED STATEMENTS

Many comments objected to the proposed requirement of information as to each corporate entity within a corporate family; others suggested exclusion of foreign subsidiaries or assets. As indicated above and more fully discussed below, principal concerns are centered in PAD (Petroleum Administration for Defense) Districts I, II and III, but information as to other Districts or foreign subsidiaries and assets may be required. Any arbitrary exclusion is therefore inappropriate. Section 148.111(a) permits an applicant or affiliate to include required information consolidated in accordance with generally accepted accounting principles (a) if and to the extent consolidated reports are filed with the Interstate Commerce Commission, the Securities and Exchange Commission or the Federal Energy Administrator, but (b) if those filings are made or required to be made by line of business or other classifications, the application shall be prepared on the same basis and (c) the Secretary may require additional information, by single corporate entity or otherwise, determined to be required for processing or review of an application. Consolidating entities are treated as a single affiliate.

STATUTORY REQUIREMENTS IN SECTION 5(c)(2) (G) AND (H)

Among the public comments the one urged most insistently is basically an objection to inclusion of a requirement of information on proved reserves, followed closely by objection to inclusion of data on capacity and production. In response, the Federal Trade Commission revised its proposed regulations somewhat, but asserted its need for essentially the information on reserves, capacity, and production called for by the original proposals. LOOP, Inc. replied by repeating the substance of its comments on the original proposals. Since there is a common theme throughout the public comments on these proposals, all of the public comments on the original proposal are treated as having been made on the revised Commission proposal as well.

Many of the public comments argued that the proposed requirements would be unduly burdensome. None of the comments suggested what lesser or different information requirements might not be burdensome. Many of the commentators would appear to have expertise on compliance with investigative subpoenas as well as disclosure under the Federal Rules of Civil Procedure. None has ventured an estimate of the time or expense that would be required to furnish the information required by the proposed rule. Only a conclusory assertion is made that compliance would be burdensome. Also, most of the public comments suggested as the only alternative elimination of information, including information mandated by subparagraphs (G) and (H) of section 5(c)(2), necessary for any meaningful antitrust review. The comments consequently are of limited usefulness in fashioning the final rule.

Many of the public comments stress the fact that the proposed rule relates to a licensing process. From that the comments go on to imply or suggest that the probable effects of operations after a license is granted should be ignored. That would be impermissible under the Act. The Congress was well aware that the operation of a deepwater port after it is licensed might have the effect of foreclosing or discriminating against nonowner shippers. As the Department of Justice letter observes, certain consequences may be expected to flow from the grant of a license, and then "the competitive status quo is changed and perhaps irrevocably so." Moreover, the requirements of section 5(c)(2) (G) and (H) among others make clear the Congressional intent that probable effects of post-licensing operations must be considered in the application process.

The wisdom of those requirements, and the nature of additional information required for meaningful antitrust review, are evident from a review of some prominent features of petroleum transportation to and within the United States, in light of anticipated deepwater port development as reflected in the record and the legislative history.

Nearly all of the public comments came from firms associated with either a proposal to develop a deepwater port off the Louisiana Gulf Coast or a proposal to develop a deepwater port off the Texas Gulf Coast. (Two commentators, Exxon and Shell, are identified as being a member of both proposals; there appear to have been at least five major oil companies who were at one time associated with both proposals.)

[All data in the following portion of this text are taken from 1972 Minerals Yearbook, vol. I, Crude Petroleum and Petroleum Products (principally tables 7, 15, 16, 18, 21 and 36) (Bureau of Mines, Department of Interior, 1972). With the notable exception of crude inputs through Gulf ports, 1972 data is a reasonably reliable indicator of the main distribution patterns. Shipments in subsequent periods have been affected not only by the 1971 price freeze and subsequent price controls.]

Both the Louisiana Gulf Coast (see NOTE 1) refining district and the Texas

[2] If a joint venture of shippers is licensed, increasing the number of co-venturers tends to increase competition. See, *e.g. United States* v. *Terminal Railroad Ass'n. of St. Louis*, 224 U.S. 383 (1912); Joint Hearings, Special Joint Subcommittee on Deepwater Ports Legislation, Committees on Commerce, Interior and Insular Affairs, and Public Works, United States Senate, 93d Congress, 1st Sess., Pt. 1, (Hereinafter "Joint Hearings"), p. 685 (answers of James T. Halverson).

[3] It should be noted that it seems unlikely any applicant in either of the preferred categories would come forward without throughput agreements or other arrangements amounting to dependence on a number of substantial shippers. While the motives and incentives of a state agency or independently owned pipeline may vary from those of a joint venture owned by users, the same potential exists for foreclosure of and discrimination against non-backers.

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Gulf Coast refining districts, together with their contiguous inland districts, are substantial crude producers. Figures are for 1972, in millions of barrels.

	Louisiana districts [1]	Texas districts
Crude petroleum:		
Gulf coast district	848	260
Inland district	44	1,042
	892	1,302
Refinery receipts of crude:		
Intrastate	427	861
Interstate	82	228
Foreign	4	24
	512	1,113

	Louisiana districts [1]	Texas districts
Crude available for shipment to other States	465	441

[1] The Louisiana gulf coast refining district extends eastward through Baldwin County, Ala. The contiguous inland zone is the North Louisiana-Arkansas refining district which includes Arkansas and those parts of Louisiana, Mississippi, and Alabama not included in the Louisiana gulf refining district.

The two states of Louisiana and Texas accounted for over 60% of total domestic production. Some of that crude moves between Louisiana and Texas, and some to other District III states; most of it goes to other Districts:

To—	Crude oil from— Louisiana	Texas	Other district III States	Total
Texas	159		[2] 64	223
Louisiana		65	[2] 16	81
Other district III States	[2] 53	3	5	80
Total	240	69	85	394
PAD district I	41	46	7	94
PAD district II	203	320	43	567
Total	484	435	136	

[1] Mostly New Mexico.
[2] Mostly Mississippi.

In addition, PAD District II refineries received 169 million barrels of foreign crude by pipeline, nearly all of it landed through the Gulf. Total foreign crude movements also included 28 million barrels of foreign oil refined in District III. Various estimates indicate that Gulf imports of crude may have tripled since 1972, and are still increasing.

Comments from LOOP, Inc. and its members indicate that some of them will jointly construct a pipeline from the shore landing facility of LOOP to St. Charles, La., the southern terminus of CAPLINE. It is a 40-inch crude oil pipeline running north to Patoka, Illinois. Its design capacity is in excess of one million barrels per day. Its northern terminus connections include CAPWOOD running west to the St. Louis area, CHICAP running northward into the Chicago metropolitan area, and a Marathon line running eastward which in turn connects with Buckeye Pipe Line at Lima, Ohio.

Several members of Seadock have joined with others in two new pipeline ventures. Texoma Pipe Line Company began construction in 1973, and Seaway Pipe Line in 1974, of a 30-inch line from the Texas Gulf District (Beaumont and Freeport). Both terminate at Cushing, Oklahoma. It and nearby Tulsa are refinery centers. Cushing is also the hub of crude lines serving Kansas and other Mid-continent refineries. Shell has a 22-inch and a 10-inch line to the St. Louis area, and Arco, Amoco, and a Texaco-Cities Service joint venture have lines to Chicago.

Mid-Valley Pipeline Company also serves this area. Its pipeline runs from Longview, Texas to Lima, Ohio, where it connects with a Buckeye Pipe Line serving refineries in northern Ohio. Mid-Valley's capacity is approximately 240 thousand barrels per day. Platte Pipe Line Company has a crude pipeline from the Bighorn Basin, in northwestern Wyoming, to Wood River, Illinois, just north of St. Louis. Its capacity is approximately 190 thousand barrels per day.

Canadian crude is brought east from Alberta and south into District II, by Interprovincial Pipe Line Ltd. and its U.S. subsidiary Lakehead Pipeline Co., Inc. to Toronto through Superior, Wisconsin and Sarnia, Ontario. Between those two points, one line goes via the Straits of Mackinac and one via Chicago. Major lateral lines serve St. Paul, Buffalo and Western Pennsylvania, and include a 16-inch Buckeye Pipe Line from Sarnia south into its service area. Total Interprovincial/Lakehead capacity exceeds one million barrels a day.

This network evidently supplies a major portion of the crude oil transportation on which District II relies. Interstate shipments of crude oil to or within District II were 774 million barrels by pipeline, 18 million barrels by tanker and barge, and a negligible amount by rail and truck. These shipments account for approximately two-thirds of all the oil refined within District II.

The largest concentrations of refineries are as follows (1972 crude runs to stills, in millions of barrels):

Illinois	300 [4]
Indiana	190
Western Ohio	163
Kansas	133

Of that list, only Kansas has intrastate crude production exceeding one-half of its refinery run.

Approximately three-fourths of the total refining in District I is found in eastern Pennsylvania and New Jersey.

Eastern Pennsylvania	192
New Jersey	173
Other	117
Total	482

The dependence on crude moving in by water is shown by the following 1972 figures:

	Domestic	Foreign
Tanker/Barge into:		
Pennsylvania	66	125
New Jersey	36	136
Other	6	53
Total district I	108	314

Pipeline crude movements to District I are much smaller. New York and western Pennsylvania received 40 million barrels of foreign oil by pipeline. A small amount of domestic crude (less than 15 million barrels per year) moved by pipeline to refineries in Western Pennsylvania and in West Virginia.

Both District I and II are refinery deficient. They are dependent upon importation of petroleum products from District III by pipeline and by tanker and barge as follows:

	By pipeline	By tanker/barge
District III to I:		
Gasoline	286	225
Jet fuel	41	45
Distillate fuel oil	156	131
District III to II:		
Gasoline	50	40
Jet fuel	3	5
Distillate fuel oil	12	11

Transportation patterns are not static. Changes must be anticipated both because of short- and long-term changes in supply and demand and as a result of investment decisions. Apart from Alaskan oil, domestic oil production is declining and declines are anticipated in importation of crude from Canada and Venezuela. Alaskan crude is expected to be landed on the west coast and proceed to refineries in District V. The extent to which Alaskan crude or derived products will move east of District V is a matter of some uncertainty. The flow of oil into the United States has been supported by the foreign exploration and production activities of United States firms in virtually every major producing area throughout the world. The petroleum exporting nations, however, have become increasingly active in the scheduling of production and exports and in setting prices of crude oil, and this can be expected to continue to impact domestic markets. Also, the possibility of deepwater ports on the other coasts cannot be overlooked. In a report from the Office of the Assistant Secretary for Policy, Plans and International Affairs, Special Projects Division, entitled Economic Aspects of Refinery and Deep-Water Port Location in the United States (NTIS 1974), it was concluded that the optimal refinery/deepwater port configuration would be one deepwater port on each coast—off Bayou Lafourche, Louisiana; Longbranch, New Jersey, and Monterey, California—with a greater increase in refining capacity in the East, and less in the Gulf, than is suggested by the comments.[5] The siting of deepwater ports themselves will be a change-producing force.

[4] About 40% of this is at Wood River, Illinois, just north of St. Louis, Missouri.

Subparagraphs (G) and (H) of section 5(c)(2) are well designed to determine many of the expected responses from applicants and affiliates to these changing forces. They require that each application shall include the following information:

(G) the location and capacity of existing and proposed storage facilities and pipelines which will store or transport oil transported through the deepwater port, to the extent known by the applicant or any person required to be disclosed pursuant to subparagraphs (A), (B) or (C) of this paragraph; and

(H) with respect to any existing and proposed refineries which will receive oil transported through the deepwater port, the location and capacity of each such refinery and the anticipated volume of such oil to be refined by each such refinery, to the extent known by the applicant or any person required to be disclosed pursuant to subparagraphs (A), (B) or (C) of this paragraph.

From the discussion above, it is clear that an application for a Gulf Coast port would directly and substantially affect persons in four categories:

1. District III crude producers who sell to others. Because of the vertical integration in the industry and the District III crude surplus, a license could deprive access to District III refineries. The siting of trunk pipelines and entry points, and the location and capacity of storage facilities affect the producers' access to District II refineries, as may tariffs and operating practices.

2. District II refiners who are not owners of accessible crude trunk lines. Some will need to replace domestic supplies that now move by other means. All should have an opportunity to compete on a nondiscriminatory basis for participation in market growth.

3. District I refiners, for the same reasons as in 2 above. Also, because of the more severe refinery deficiency the integrated refiner needs access to products from the Gulf districts.

4. Transportation and terminal companies, distributors, bulk users and others dependent upon nondiscriminatory access, in all three Districts.

[5] In the reported study, a computer model was constructed to test various scenarios. The difference between the computer selections and the investment decisions indicated by the public comments may be attributable to a number of factors. The computer model did not take into consideration factors such as differences in attitudes toward environmental risks and protection. Also, in costing out new refinery capacity, the model used historic refinery costs in the various refining districts without adjustment for any changes in costs attributable to increasing volumes of high sulphur content foreign oil and decreasing amounts of available domestic "sweet" crude.

This is not to suggest that other persons may not be substantially affected, nor that other anticompetitive effects may not be felt by persons in the above categories. Rather it is to demonstrate the need, contemplated in subparagraphs (G) and (H), for an application to show the total flow of crude and products of which deepwater port oil will be a part. It also demonstrates the need for including information on reserves in the impacted Districts so that changing patterns can be anticipated.

Accordingly, it is determined that the information specified in section 5(c)(2)(G) and (H) is required for the PAD District in which deepwater port oil is to be landed and, if it is a crude- or refinery-surplus District, for the crude- or refinery-deficient Districts to which the surplus moves. If a deficient District receives only minimal shipments, the applicant or an affiliate may instead supply industry total shipments, unless the Secretary determines under § 148.109 that further particular information is required for the District or any portion of it.

Subparagraphs (G) and (H) of section 5(c)(2) require that the information specified therein be included in the application "to the extent known by the applicant or any person required to be disclosed. * * *" The phrase "to the extent known" is both a limitation and a mandate. For example, if a pipeline is expected to be built in the future, but the exact location of entry points or pumping stations has not yet been determined, the Act does not require those determinations to be made before an application may be filed. On the other hand, if feasibility, cost or other considerations indicate ultimate selection from among identifiable alternatives, they are known and therefore must be included.

The term "known" is related to the word "proposed". See § 148.109(e)(6) through (10). The planning and development of facilities within the ambit of these requirements proceeds in several stages. Generally, there are long-term projections of demand and supply and of their various components. See *e.g.*, Joint Hearings, Special Joint Subcommittee on Deepwater Ports Legislation, Committees on Commerce, Interior and Insular Affairs, and Public Works, United States Senate, 93d Cong. 1st Sess., Pt. 1 (Serial No. 93–59) p. 343 (projections to the year 2000). Industry-wide projections are used by individual firms in making their own long-term analyses and projections. Long-term plans are formulated in a number of areas, such as marketing, design, and production engineering, and financing. A variety of techniques may be used for the coordination of these planning functions. At some point, a coordinated proposal for implementation of long-term plans or for meeting identified long-term objectives is reviewed by an interdisciplinary group, typically at a middle management level within a large firm, but sometimes at a senior level in smaller firms. Development of new capacity is considered to be "proposed" when it is reviewed for the first time by an interdisciplinary group who has, or whose presiding executive has, responsibility for making recommendations to senior management with respect to expansion or new construction. This is true regardless of whether at the first review the proposal is approved, rejected, modified in whole or in part, or returned for further study for analysis. See *United States* v. *Penn-Olin Chemical Co.*, 246 F. Supp. 917, 921–25 (D. Del 1965). The statutory specification of information on a proposed expansion or new facility requires inclusion in the application of all written studies, analyses and reports which have been communicated to any prospective co-venturer or any prospective lender or invester. Any discussion of possible joint facility development or expansion between officers or agents acting with actual or apparent authority for two or more unaffiliated firms constitutes a proposal known to each firm, regardless of its internal status within a firm.

Similarly, the requirement in subparagraph (H) of inclusion of information on "the anticipated volume" is more readily understandable than definable. In the development of projections, assumptions must always be made. The information required by § 148.109(b)(4) and (7) through (10) on "anticipated volume" must show the values derived from the assumptions considered most probable and the range of values used for planning and development purposes, together with a description or explanation of the assumptions that drive those values. The same is true for anticipated dollar amounts.

For each facility for which information on volume (capacity, production, shipments)[6] is required by § 148.109(b)(4) and (7) through (10), facility totals shall be included, separately for crude, for gasoline, for jet fuel, for distillate fuel oils, and for other products. While there are differences among the crudes in various domestic and foreign production areas, many characteristics of the crude market in a particular surplus or deficiency area are significantly affected by the totals. Different grades may sell at different prices, but the market tendency is toward prices moving together with fairly stable differentials. Entry is a function of the total supply-demand relationship as well as that within any particular grade. Similarly, refinery products vary—gasoline in octane and lead content, for example; but capacity and production totals significantly affect market characteristics. Possible diversions from existing supply routings require analysis of totals and change-over capabilities. Facilities that are capable of use interchangeably as between crude and products shall be reported on the basis of expected uses.

The foregoing discussion relates, as noted at the outset, to the analysis of probable effects in the markets that will be directly and substantially affected.

[6] Volumes should generally be shown by barrels of 42-gallons at atmospheric pressure and 60 degree farenheit.

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(PAD Districts and Refining Districts are used only for convenience. Provision is made in § 148.109(z) for obtaining information on whatever is determined to be a relevant market). The Commission argues persuasively that total market power is relevant in the highly integrated oil industry. It is, to judge probable market actions in the markets primarily affected by a proposed deepwater port. Secondary effects might be important in some cases, but the Commission does not attempt to demonstrate that use of total market power in more remote markets should in every case be considered in a licensing proceeding. Analysis of market power in remote markets might add to analysis of total market power, in predicting effects in the immediate markets; but unless there is an identifiable nexus it is more an exercise in redundancy.[7] Accordingly, § 148.109(e) requires firm totals, domestic and worldwide.

Past anticompetitive actions might also be disclosed by some of the proposed requirements, but there is not any suggestion that denial of a license is the best or even an appropriate remedy. A propensity toward anti-competitive conduct might be material to consideration of a license request; but the forming of a joint venture does not itself justify a search for wrongful motive or intent because, as the Department of Justice observed, it is not a significant event in terms of opportunity for collusion among oil companies.[8]

Data is required by § 148.109(e) (7) through (10) for each of the applicable PAD Districts. In general, reporting areas defined by the Bureau of Mines are used, as follows: crude oil production and reserves shall be given for each State; in addition, separate crude reserves and production data shall be given for the portion of the Louisiana-Gulf refining district within the State of Louisiana, for each of the Texas producing districts, and for each of the two New Mexico producing districts. Refinery capacity and production shall be given by refining districts, as defined by the Bureau of Mines, but, in the East Coast refining district, data shall be given for designated New England, Middle Atlantic, and South Atlantic regions. Any further information required for review or processing of an application, such as data for a producing field or a particular market area, will be specified under the procedures provided in § 148.109(z).

With respect to pipelines on which information is required to be disclosed under subparagraph (G) and § 148.109 (p), analysis will require in every case information on crude trunk lines, on entry points, storage facilities, and major lateral lines and loops and other connections. Information on collector lines and intra-facility lines will not be required in every case, but may be required as additional information. Product lines from refineries to trunk lines are required to be included, showing in general the same information as for crude trunk lines. Product lines from refineries to trunk lines, tanks, and terminals, including intermodal terminals, are required to be included, regardless of ownership. Information on lines within a refinery or terminal area will not be required in every case, but may be required as additional information. Crude gathering charges are required under § 148.109 (e) (6).

In addition, the application is required to include information sufficient to permit analysis of the probable effect of operation of the pipeline facility, including financial and economic aspects of operation. Actual and proposed tariffs, joint rates, minimum tenders, and minimum or maximum throughput requirements must be included. If any element of information called for by the application requirement has not been fixed or determined, the application shall include a statement of the basis or bases on which it will be determined in sufficient detail to permit an analysis of reasonableness. It shall include an explanation of the manner in which tariffs, and of the manner in which minimum and maximum volumes will be determined, showing each significant element of cost or expense, with an explanation of how each element will be determined or estimated and capital costs amortized. For existing pipelines, historic information must be included with respect to post-construction connections and with respect to shipments by non-owners in their own name and in the name of an owner.

Provision is made in § 148.105(b) for incorporation by reference to any document filed with and available for public inspection at any of the Interstate Commerce Commission, the Securities and Exchange Commission, or the Federal Energy Administration.

Protection of proprietary information, and procedures for resolution of any issues regarding such matters, are discussed below.

PROCEDURAL CONSIDERATIONS

Many public comments objecting to the requirements of proposed § 148.109 (y) cited constitutional grounds, statutory language, Congressional intent, or basic considerations of fairness. One comment suggests that the proposal is an attempt to accomplish the purpose of the motion of counsel supporting the complaint in *In the Matter of Exxon Corp.*, Docket No. 8934, which the Commission denied in its Order dated March 4, 1975. The pendency and status of that proceeding are irrelevant. If any information is required to review or process an application, it must be included in the application. Section 14(b) of the Act recognizes that information included in an application may be useful to other Federal agencies and to state governments, and in judicial proceedings. The Congress did not prohibit such use but instead provided for preservation of confidentiality. It is also suggested that the Secretary does not have authority to require supplementary information from an applicant or its affiliates after an application is filed. The Commission comment answers that objection. If information may properly be required in the application itself, it is both a matter of convenience to the parties and a matter of administrative convenience to limit the initial application to only that information which will or probably will be required in all cases, reserving to a supplementary procedure those matters which will be required to review or process a particular application.

Many comments objected that the proposed procedure for obtaining additional information was fraught with possibilities of abuse, some of those comments relying particularly on the argument that the persons proposed to be authorized to conduct examinations, inspections and interviews would not be responsive to the source of their authority. That argument has merit. In response, the Federal Trade Commission in its comment suggests only that interviews might be conducted in the format of a deposition. That procedure would tend to curb abuse, but is of itself not an adequate safeguard. Moreover, a host of questions would be raised. Who would resolve differences as to time and place of deposition, order of witnesses, and the like? What would be the consequences if a witness, on instruction of counsel, declined to answer a question or to furnish a requested document? How would the Secretary determine the effect, if any, of such a refusal on the ultimate decision on an application? Those questions, and other issues raised by the public comments, could possibly be provided for in advance in a rule promulgated under the Act. Even then, however, when any dispute arose as to the application of any particular rule, there would remain debatable issues as to the authority and proper roles of the Attorney General, the Commission and the Secretary. Which of them would be responsible for the initiation of civil proceedings in the event of a failure to comply with an administrative determination? What would be the proper source of a request to the Attorney General for a grant of immunity under 18 U.S.C. §§ 6002, 6004.

Some of these problems might be dealt with by reference in the regulations to the Antitrust Civil Process Act and to the Federal Trade Commission's Procedures and Rules of Practice, 16 CFR Pt. 2, Subpart A. There would still remain the problems as to responsiveness to the Secretary, whom the Congress designated to exercise the authorities granted by it in the Act. It would be unwarranted and unwise to attempt to make an officer or employee of an independent agency, such as the Commission, responsible to the Secretary or any other officer of the Executive Branch. While there is precedent for an interagency agreement between this Department and the Department of Justice under which a law enforcement officer of one acts at the direction of the other, the better administrative practice is to limit such arrangements to the particular matters where they are deemed necessary or appropriate.

Accordingly, it is determined that the authority delegated by the Congress to the Secretary under the Act will be exercised by the Secretary or his designate.

One of the prominent features of the Act is the wide variety of interests to whom the application is distributed, and from whom reports or recommendations are either specifically required or implicitly invited. This process may be expected to produce requests or recommendations for further information from a variety of sources, including the adjacent state, industry members and analysts, and consumers, as well as the Department of Justice and the Federal Trade Commission. Accordingly, provision is made in § 148.109(z) for the receipt of requests and recommendations for supplementary information, for consideration by the Secretary.

As noted above, procedural safeguards for persons under investigation, and their officers, employees and agents are set out both in the Commission's Rules and in the Antitrust Civil Process Act.[9] The latter represents a comprehensive attempt by the Congress to deal with the competing and sometimes conflicting interests of the need for thorough investigation on the one hand, and on the other the need to afford the persons under investigation and others, the protections afforded by the Constitution and required by basic considerations of fairness. In general, its provisions are to the extent applicable or appropriate included in the rule, § 148.211.

In view of the foregoing, it is not necessary to summarize or discuss in detail the comments referred to in the first paragraph of this part.

ISSUES OF PRIVILEGE, CONFIDENTIALITY AND MATERIALITY

Much of the public comment seems to be founded essentially on concern about proprietary and other confidential information. Most if not all of the financial data and information on production and facilities is public information, except for proved reserves. The perceived concern is therefore understood to center about maintenance of confidentiality on proved reserves[10] and about requirements for identification of relevant documents and individual names.

Disclosure of proved reserves has been required by the Federal Energy Administration and its predecessors and provision made for protection of confidentiality, 10 CFR § 205.9(f). There is not any basis in the record for concluding that use of a similar procedure would work any hardship. Moreover, it is clear under the Act that the obligation of the Secretary is not to overlook confidential information that is required for meaningful review, but rather to implement section 14(b) of the Act and other provisions in a manner that will permit both meaningful review within the established time limits and fair and expeditious resolution of issues that arise in the process.

It is useful to note some differences in the three types of issues listed in the caption. Claims of attorney-client privilege must be anticipated, as well as claims from individuals of immunity from possible self-incrimination. In the first, the privilege attaches to the communication. In the latter, the immunity is from compulsion to disclose information. In neither does that privilege attach to the information itself. Accordingly, the sound practice is to seek the information itself, as opposed to communications of information, and to seek past or anticipated acts as opposed to identity of individual actors. This is particularly so because disclosure is a waiver of the privilege, and it must therefore be anticipated that receipt of required information would be at least delayed by any claim of privilege.

In the case of trade secrets and other proprietary information, disclosure of required information under any rule, procedure, or agreement prohibiting unauthorized disclosure is not a waiver of the claim. Thus, the most important considerations are that the authority requiring the information, and interested parties, be adequately advised of the claim and the basis or bases therefor, and that there be a fair and expeditious procedure for resolving any issues raised by the claim.

Issues of materiality may be raised by a person who believes that a requirement for information is harassing or oppressive.

It is expected that when any issues of the foregoing types are raised, as well as when there is any disagreement with respect to times and places for inspections and examinations, or for the interviews and testimony, that all parties in interest will in good faith attempt to narrow their differences.

Under the proposal in the Federal Trade Commission comment, any issues remaining would be heard by an administrative law judge designated by the Commandant. While that might be appropriate in some cases, in other cases reference to other sources of expertise might be more appropriate; and in many cases a less formal procedure may be fair and adequate and more expeditious. Accordingly, § 148.219 provides that the General Counsel of the Department of Transportation shall determine, or designate a person to determine, issues raised by any claim of the type discussed above. A designation by the General Counsel may specify procedures to be used in resolving the issue or may lease some or all of the procedural matters to the discretion of the designated person. The General Counsel may at any time receive and consider any request or recommendation as to procedure, including any request for evidentiary or argumentative hearing, or for *in camera* inspection. The General Counsel may act upon any such recommendation or request, or refer it to a person designated by him to determine the issue involved. Proceedings pursuant to a designation shall be reported to and subject to the approval of the General Counsel. Any determination by the General Counsel is subject to appeal to the Secretary for good cause.

The Commission proposal would require that all documents within the specified categories be assembled by the applicant in one central place. Many public comments observed that many of the required documents and much of the required information are proprietary not to the applicant but to an affiliate. Assemblage into a single depository would require some custodial system, with staffing. That would create an unreasonable risk that proprietary data of one affiliate might become known to another, with possible anticompetitive effects. Accordingly, § 148.109(z) modifies the proposal by requiring assemblage by each applicant and each affiliate. While it may generally seem desirable to have each applicant and affiliate assemble all documents and records in one place, in practice it may not work any administrative inconvenience for some documents to be assembled at the headquarters of a limited number of subsidiaries or divisions. Accordingly, § 148.109(z) permits that and other details of document and record inspection and copying to be left to informal agreement if possible, and to resolution by the General Counsel or his designate if necessary.

Because the Act specifies a rather rigid timetable for the processing of an application, paragraph (z)(6) of § 148.109 authorizes the setting of deadlines for meeting any supplemental information requirements that may arise under § 148.109(z) and for delivery of any deferred information not included in the application. In addition to recognizing the Secretary's authority to disapprove an application if information material to its processing is not provided in a timely manner, § 148.109(z)(6) provides for suspending the processing of the application as a more flexible administrative alternative.

OTHER MATTERS

Dow Chemical Co. suggested that, in place of the Commission's proposed procedures for the antitrust review process, each applicant be required to certify that it has applied for a business review by the Department of Justice and an advisory opinion from the Federal Trade Commission. In response, the Commission suggests that would be unsatisfactory because there would not be any assurance that the required information

[7] *Cf.*, H.R. Rep. No. 92-1617, 92d Cong. 2d Sess. p. 11 (quoting Robert Wright, former First Assistant, Antitrust Division).

[8] Joint Hearings, p. 695.

[9] These provisions, respectively, would be applicable if the Commission or the Assistant Attorney General were to issue an investigative subpena, even if triggered by information obtained in the application review process.

[10] While that concern may be heightened by a number of recent civil rulings on confidentiality of marketing and financial data, see, *e.g., United States* v. *International Business Machines Corp.*, BNA *Antitrust Trade and Regulation Report*, No. 713 at p. A-7 (May 13, 1975), No. 714 at p. A-24 (May 20, 1975), they are not necessarily controlling under § 14(b) of the Act, since it is tied to 18 U.S.C. § 1905.

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would be forthcoming in a timely manner. That deficiency could possibly be provided for in the rule. The suggestion is rejected, however, as inappropriate. The procedures referred to would leave unanswered a great many of the questions discussed above, particularly with respect to proprietary information. See also Commission Rules, 16 CFR § 1.1.

It is noted in public comments that there is some duplication between proposed § 148.109 (e) and (y). In promulgating the proposed regulation, it was deemed useful to incorporate the proposal of the Federal Trade Commission as an integral part of the proposed rule. The purpose in doing so having now been served, the requirements of information for antitrust review purposes are incorporated in various provisions pertaining to the same or similar information. Also, as noted elsewhere, the rule now sets forth provisions of the Act which were not included in the proposed rule. These changes make a substantial change in appearance but not in substance.

Finally, note must be made of the complaint and final judgment in *United States v. Atlantic Refining Co.*, Civil Action No. 14060, United States District Court, District of Columbia, 1941, and subsequent proceedings reported at 360 U.S. 19 (1959). *Reduced Pipe Line Rates and Gathering Charges*, 243 I.C.C. 115 (1940), 272 I.C.C. 375 (1948); *Petroleum Rail Shippers' Ass'n v. Alton & S.R.R.*, 243 I.C.C. 589 (1941), which on any particular application proceeding might be pertinent to the Secretary's grant or conditioning of a license.

ENVIRONMENTAL REVIEW CRITERIA

Appendix A to Part 148 contains the environmental review criteria for deepwater ports. Authority for this action is derived from section 6(a) of the Deepwater Port Act of 1974 (Pub. L. 93-627; 33 USC 1505(a)), and 49 CFR 1.46(s). The criteria were developed in accordance with the recommendations of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration. Although the criteria are not regulation, they are discussed here to inform the general public on their purpose and development and to respond to commenters on the earlier proposed version.

The development and availability of proposed environmental review criteria were announced in the FEDERAL REGISTER of June 11, 1975 (40 FR 24957) and an initial mailing of over 600 copies was made. Ultimately, over 800 copies of the proposed criteria were distributed to government agencies, States, and the general public. 27 Comments were eventually received. These comments may be examined in Room 6125 of the Department of Transportation, Nassif Building at 400 Seventh St., SW., Washington, D.C. Copies of comments will be furnished to interested persons upon request to the Commandant (G-WDWP/61) and payment of fees as prescribed in 49 CFR 7.95.

These criteria will serve two basic purposes in the review of an application for a deepwater port license:

1. *Environmental Review.* Section 6(a) of the Act specifies that criteria, consistent with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), shall be used to evaluate each application. The criteria have been developed and will be revised as necessary to address matters which will be examined in detail in the environmental impact statements required by NEPA and by section 5(f) of the Act. The criteria cannot constitute an exhaustive outline of environmental concerns but are intended to provide guidance as to areas of essential environmental analysis by making those areas explicit to the extent feasible.

Information for environmental evaluation of a proposed deepwater port will be derived from the application, from the Federal environmental impact statement, and from comments of the public, Federal Agencies, and States. Documentation will be available for public review in accordance with provisions of the Act. While this Appendix A establishes the environmental review criteria required by section 6(a) of the Act, the Coast Guard intends to review and revise the criteria periodically, to the degree required by information that becomes available, working closely with EPA and NOAA according to the letter and spirit of section 5(b). Revisions will be subject to public review.

2. *Demonstration of Best Available Technology.* In addition, section 4(c)(5) of the Act requires a determination in accordance with these criteria that the applicant has demonstrated that a proposed deepwater port will be constructed and operated using best available technology so as to prevent or minimize adverse impact on the marine environment. Criteria will also be used in selecting among competing applications in the same application area (section 5(f)(3)(A)) and will be considered by the Secretary in conjunction with preparation of Federal environmental impact statements for deepwater ports (section 5(f)).

These criteria have accordingly been written in two parts. The first part is intended to provide a basis for examining the possible environmental impacts of proposed and alternate plans, procedures and technologies for deepwater port development. The second part is intended to provide guidance for decision makers on environmental considerations applicable to siting, design, construction, operation, and uses of land and of the coastal zone. The criteria broadly address known effects that may be associated with deepwater port development, in the form of performance measurements that are directed toward prevention or minimization of impacts.

COMMENTS ON PROPOSED CRITERIA

The first part of the proposed criteria contained a list of several applicable Federal environmental and conservation laws. The listing was intended to alert the public and potential applicants to those laws considered particularly relevant to proposed deepwater ports. Several commenters recommended expanding the list to include various other laws, such as State and local laws. Other commenters recommended deletion of the list since sections 4(c)(2) and 4(c)(6) of the Act specifically require a determination of compliance with applicable laws and regulations. The Coast Guard agrees with the latter reasoning, and this part has not been included in the final criteria.

Some respondents question whether the authority or need exists to evaluate certain aspects of deepwater port development, such as alternative uses of the territorial sea and the high seas or secondary impacts, especially with respect to human health and welfare, or land use and coastal zone management. The Coast Guard believes that compliance with the mandate of section 6 of the Act, particularly with regard to consistency with NEPA, requires that the environmental evaluation of a deepwater port encompass such considerations. Even in light of the Act's preference for State determination of the proposed port's consistency with land use, Section 9(b)(1) for example, the authority for an independent assessment by the Secretary is clearly contained in NEPA. Moreover, the fact that the Act provides for license conditioning as the Secretary "* * * deems necessary * * *" for the purposes of the Act (Section 4(e)(1)), reinforces the need to ensure that all facets of the proposal are in line with national environmental policy and goals.

Several commenters submitted lengthy arguments presenting their views on the purpose of the criteria and the form and content needed to fulfill that purpose. One suggested that the criteria's sole function was defined by section 4(c)(5) of the Act, namely, to determine if best available technology has been applied. Presumably the Federal environmental impact statement would suffice for the purposes of the environmental evaluation if this interpretation were to be accepted. Another commenter expressed the opposite view that the criteria must set forth comprehensive performance standards similar to effluent limitation guidelines and performance standards under the Federal Water Pollution Control Act. Such standards would, in part, offer detailed and specific engineering requirements and peremptory siting constraints. These views are addressed in the following three paragraphs.

The Coast Guard's interpretation of the purpose of the criteria was expressed earlier. That purpose is essentially twofold: (1) to evaluate the environmental soundness of a proposed deepwater port and (2) to determine if best available technology has been applied so as to prevent or minimize adverse impact on the marine environment. The evaluation extends to the development of conclusions and recommendations to assist in making the final decision on the application. The decision will reflect the balancing of

competing considerations to determine the national interest. The suggested interpretation of the basic function of the criteria as solely to assess an applicant's demonstration of use of best available technology would be unduly restrictive and would conflict with the Act and the mandate of NEPA. The Coast Guard will not arbitrarily limit the balancing process to arrive at a decision.

The requirement to develop environmental review criteria is unique compared to other environmental enactments by the Congress. Thus there are few similarities with other laws. The criteria are intended to be "basic guidelines" for determination of probable environmental impacts and the procedures and technology which can be used to prevent or minimize adverse impacts (Joint Report of the Senate Committees on Commerce, Interior and Insular Affairs; and Public Works, to accompany S. 4706 at 39 (1974). There is no basis for comparison of this provision of the Deepwater Port Act to the provisions of sections 304, 306 or 307 of the Federal Water Pollution Control Act. Comprehensive performance standards based on precisely defined water quality criteria, as specified by the Federal Water Pollution Control Act, are extrinsic to the environmental evaluation of a proposed port.

The guidelines presented in these criteria establish performance requirements for critical environmental aspects of deepwater ports (III, B of the criteria). Potential applicants must consider these guidelines in their planning, and the Secretary will consider them in his evaluation. A degree of performance is ascertained by a measurement of the proposal's critical factors against the guidelines, and in light of the project's probable net environmental impact. In this way, the use of best available technology is keyed to performance in preventing or minimizing adverse impact, not to mere compliance with detailed and peremptory equipment standards or constrictive siting requirements. The use of best available technology to augment environmental protection is not enhanced by preselection and rigidity. Best available technology must be defined for a specific project in its entirety and in consideration of the effects of that technology.

Most of those responding to the proposed criteria, made recommendations on its specific contents. Several of these suggestions were incorporated in the final criteria.

A few persons opined that the requirement of section 6(c) for "development of environmental review criteria in accordance with the provisions of section 5(a)" meant that proposed criteria should be published verbatim in the FEDERAL REGISTER rather than simply publishing notice of the availability of the criteria. Thus, they recommended that the proposed criteria be resubmitted for public review in that manner, and that perhaps a public hearing need be held. This procedure would indeed be effective. However, in light of the extensive distribution of the proposal (over 800 copies) to all parties who had ever indicated an interest in deepwater port matters in any context, including most major national environmental groups and particularly the Center for Law and Social Policy (which represents, in the case of deepwater ports, nine environmental organizations, with a total membership of over 659,000 persons), the reissuance of the proposed criteria verbatim in the FEDERAL REGISTER and the subsequent holding of a public hearing would serve little useful purpose. Nevertheless, Interested parties are invited to tender their comments and suggestions for consideration by the Coast Guard pursuant to the policy on revision of the criteria as stated above.

ENVIRONMENTAL AND INFLATIONARY IMPACT STATEMENTS

A final environmental impact statement, "Final Environmental Impact Statement for Deepwater Port Regulations", has been prepared on the regulations in this document, and was made available to the President's Council on Environmental Quality and the public on October 17, 1975. The statement contains additional and more detailed information than the preamble and was distributed to approximately 800 interested persons. Copies are available upon request to the Executive Secretary (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590.

The inflationary impact of the requirements in this document was evaluated in accordance with the criteria contained in the Department's Interim Guidance for the Preparation of Inflationary Impact Statements. Under the evaluation, these requirements are found not to be a major proposal and a Negative Declaration has been prepared. Copies are available upon request to the Executive Secretary, Marine Safety Council, (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590.

EXCEPTION TO THIRTY-DAY EFFECTIVE DATE RULE

I find that there is good cause for making these regulations effective in less than 30 days to enable the earliest possible implementation of these procedural rules, which furthers the purposes of the Act in the national interest. Since there are no deepwater ports in operation or under construction, no one is immediately affected by the construction or operating requirements in these rules.

Issuance. In consideration of the foregoing, Chapter I of Title 33, Code of Federal Regulations, is amended by adding Subchapter NN to read as follows:

PART 148—GENERAL

Subpart A—General

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148.1 Purpose.
148.3 Definitions.

Subpart B—Applications

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148.103 Application staff address.
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148.107 Copies: fees.
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148.111 Optional procedures.

Subpart C—Application Proceeding

GENERAL

148.201 Purpose.
148.203 Applicability.
148.205 Clerk: docket; record.
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148.211 Processing an application.
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148.217 Designation of adjacent coastal States.
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INFORMAL PUBLIC HEARING

148.231 Notice of public hearing.
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FORMAL HEARING

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148.275 Service of document: other transmittal.
148.277 Conferences.
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148.281 Subpoenas.
148.283 Hearing date.
148.285 Reporter: transcript; corrections.
148.287 Order of procedure.
148.289 Evidence.
148.291 Rulings referred or appealed to the Commandant.

APPLICATION APPROVAL OR DENIAL

148.321 Decision process generally.
148.323 Criteria and considerations.
148.325 Multiple applications.
148.327 Termination of proceeding before approval or denial of an application.

Subpart D—Issuance of a License

148.400 Applicability.
148.403 Issuance of a license.
148.405 Term of license.
148.407 Consultation with adjacent coastal States.

Subpart E—Site Evaluation [Reserved]

Subpart F—Procedure for Exemption From Any Requirement in Deepwater Port Regulations

148.601 Applicability.
148.603 Petition for exemption.
148.605 Coordination with states.
148.607 Exemption criteria.

Appendix A—Environmental Review Criteria for Deepwater Ports.

AUTHORITY: Secs. 5(a), 5(b), Pub. L. 93-627, 88 Stat. 2131 (33 U.S.C. 1504(a), (b)); 49 CFR 1.46(s).

Subpart A—General

§ 148.1 Purpose.

This subchapter prescribes regulations for the licensing, construction, design and equipment, and operation of deepwater ports.

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§ 148.3 Definitions.

The terms listed in sections 3 and 18 of the Act, whenever used in Parts 148, 149 and 150, have the same meaning they have in the Act, except as provided in this section for "Affiliate."

"Act" means the Deepwater Port Act of 1974.

"Affiliate" means each person—

(a) Having any direct or indirect ownership interest in the applicant of greater than three percent;

(b) With whom the applicant has made, or proposes to make, a significant contract for financing, managing or otherwise participating in the construction or operation of the deepwater port proposed to be licensed;

(c) Who owns or controls any person who is an affiliate by operation of paragraphs (a) or (b) of this definition, or who owns or controls the applicant;

(d) Owned or controlled by or under common ownership or control with an applicant or any person who is an affiliate by operation of paragraphs (a), (b) or (c) of this definition; or

(e) Who is determined by the Secretary to have information required to review or process the application.

"Barrel" means 42 U.S. gallons at atmospheric pressure and 60° Fahrenheit.

"Captain of the Port" means a Coast Guard Officer commanding a Captain of the Port Area described in Part 3 of this chapter.

"Crude oil" means a mixture of hydrocarbons that exist in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities and includes—

(1) Liquids technically defined as crude oil;

(2) Small amounts of hydrocarbons that exist in the gaseous phase in natural underground reservoirs but are liquid at atmospheric pressure after being recovered from oil well (casing head) gas in lease separators; and

(3) Small amounts of non-hydrocarbons produced with the oil.

"Deepwater port" means any fixed or floating manmade structures other than a vessel, or any group of such structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the loading or unloading and further handling of oil for transportation to any State, except as otherwise provided in section 23 of the Act. The term includes all associated components and equipment, including pipelines, pumping stations, service platforms, mooring buoys, and similar appurtenances to the extent they are located seaward of the high water mark.

"Gross under keel clearance" means the distance between the keel of a tanker and the ocean bottom when the tanker is moored or anchored in calm water free of wind, wave, current, or tide conditions that would induce ship motion.

"Marine site" means the area in which the deepwater port is located, which includes the safety zone, the TSS, each anchorage area, and all areas seaward of the high water mark in which associated components and equipment of the deepwater port are located.

"Miles" means nautical miles.

"Net under keel clearance" means that distance between the ocean bottom and the portion of a tanker's hull closest to the ocean bottom when the tanker is underway, moored or anchored, considering ship motion in responding to the combination of actual wind, wave, tide, and current conditions.

"PAD District" means one of the five Petroleum Administration for Defense Districts defined by the Bureau of Mines, Department of the Interior.

"Platform" means a fixed structure which rests on or is embedded in the sea-bed that has floors or decks in which an activity or specific function may be carried out.

"Production District" means a State and each district within the State of Louisiana, New Mexico or Texas for which production of crude petroleum is separately reported by the Bureau of Mines, Department of the Interior.

"Pumping platform complex" (PPC) means a single platform or a series of interconnected platforms that have one or more of the following capabilities:

(a) Pumping oil between a vessel and the shore.

(b) Berthing and messing facilities for assigned personnel.

(c) Landing area for helicopters.

(d) Mooring and loading for small vessels.

"Refining District" means a refining district as defined by the Bureau of Mines, Department of the Interior, for reporting refining operations.

"SPM" means single point mooring buoy.

"Traffic separation scheme (TTS)" means the network of traffic lanes and separation zones or lines at a deepwater port.

"Year-end proved reserves of crude oil" means the estimated quantities of all liquids statistically defined as crude oil, which geological and engineering data demonstrate with reasonable certainty as of December 31 of the year concerned to be recoverable in future years from known reservoirs under existing economic and operating conditions. Reservoirs are considered proved if economic producibility is supported by either actual production or conclusive formation tests. The area of an oil reservoir considered proved includes—

(1) That portion delineated by drilling and defined by gas-oil or oil-water contacts, if any; and

(2) The immediately adjoining portions not yet drilled, but which can be reasonably judged as economically productive on the basis of available geological and engineering data.

In the absence of information on fluid contacts, the lowest known structural occurrence of hydrocarbons controls the lower proved limit of reservoir. Reserves of crude oil which can be produced economically through application of improved recovery techniques (such as fluid injection) are included in the "proved" classification when successful testing by a pilot project, or the operation of an installed program in the reservoir, provides support for the engineering analysis on which the project or program was based.

Subpart B—Applications

General

§ 148.101 Applicability.

This subpart prescribes rules that apply to each application, including competing applications described in § 5(d)(3) of the Act, for the issuance of a license for the ownership, construction, and operation of a deepwater port.

§ 148.103 Application staff address.

The address of the application staff is: Commandant (G-WDWP/61), U.S. Coast Guard, 400 Seventh Street, SW., Washington, D.C. 20590.

§ 148.105 Preparation.

(a) Any person may confer with the application staff concerning the preparation of an application.

(b) An applicant may incorporate by clear and specific reference in his application any:

(1) Standard reference material upon which he relies and which he knows to be readily available to Federal and State Agencies;

(2) Current information contained in previous applications or reports that he has submitted to the application staff; and

(3) Current information contained in a tariff, report or other document previously filed for public record with the Interstate Commerce Commission, the Securities and Exchange Commission, or the Federal Energy Administration, provided—

(i) A certified true and complete copy of the document is attached to each of 10 of the 60 copies of the application required by § 148.107(a);

(ii) Each copy filed with the application bears on its cover notation of the date of filing and the document number or other locator; and

(iii) Any verification or certification required for the original filing (other than from auditors or other independent persons) is brought current to a date not earlier than 30 days prior to the date of the application.

(c) If any required information is furnished pursuant to § 148.111(b), the application need only state with respect thereto, in the appropriate place or places: "Required information is being furnished by [named affiliate] [all affiliates] pursuant to § 148.111(b)."

§ 148.107 Copies: fees.

(a) Sixty copies of each license application must be submitted to the application staff.

(b) One copy of each license application must be submitted to the U.S. Army Corps of Engineers District office having jurisdiction over the proposed port.

(c) A nonrefundable application fee of $100,000 must be submitted with each application for issuance of a license. If additional information is necessary to make an application complete, no additional application fee is required.

(d) The costs incurred by the United States in processing an application will be charged to the application fee until it is exhausted. Reimbursement for additional processing costs, above the application fee, must be submitted to the application staff when assessed.

(e) Fees and costs assessed under this section must be made payable to the United States Treasury.

§ 148.109 Contents of application for issuance of license.

Each application must include the following:

(a) *Identity of application and affiliates.* (1) The name, address and principal business activity of the applicant and of each affiliate.

(2) A list of all domestic subsidiaries and a list of all foreign subsidiaries of each applicant and of each affiliate that elects under § 148.111(a) to furnish required information on a consolidated basis.

(3) The name, address and principal business activity of each subsidiary or division of an applicant or an affiliate which participated directly and substantially in the planning, evaluating or approving of participation in the construction, financing, or operation of a deepwater port.

(b) *Proof of citizenship and authority.* (1) If the applicant is an individual, group of individuals, a partnership or an association, an affidavit from each individual stating that he is a citizen of the United States of America.

(2) If the applicant is a corporation, one copy of its charter or instrument by which the corporation is formed and organized under general corporation laws, certified by the Secretary of State or other appropriate authority of the State in which incorporated, and a copy of its by-laws certified by its Secretary or an Assistant Secretary.

(3) If the applicant is a State, or combination of States, or any political subdivision, agency, or instrumentality of a State, including a wholly owned corporation, a copy of the laws authorizing the operations detailed in the application.

(c) *Address for service of documents.* The name and address of a person upon whom service may be made if a formal hearing is held on the application and the name and address of a person to whom documents not required to be served under § 148.275 of this part may be sent.

(d) *Verification.* A statement at the end of the application subscribed and sworn to before a notary public that the individual who signed the application has read it and that its contents are true to his best knowledge and belief.

(e) *Financial information.* (1) For each applicant and affiliate:

(i) Its most recent annual financial statement, including an income statement and a balance sheet, accompanied by an opinion of a certified public accountant; and

(ii) An interim income statement and balance sheet for each subsequent fiscal quarter-year ended prior to 30 days before submission of the application.

(2) The proposed location and capacity of the deepwater port, including all components thereof, together with a general description of the anticipated use of the deepwater port during the expected life of the project.

(3) An estimate of construction costs, by phases together with estimated dates or periods for completion of each phase, or annually, and a detailed estimate of the cost of removal of all marine components of the deepwater port, other than pipelines lying below the seabed.

(4) Annualized projections or estimates of each of the following, at reasonable intervals throughout the expected useful life of the deepwater port:

(i) Total oil throughput together with subtotals of throughput of oil owned by the applicant and affiliates and of throughput of oil owned by others.

(ii) Annual revenue.

(iii) Annual operating expenses, showing separately any anticipated management fee, payment, allowance, or credit to any affiliate for management or operation of the port or any component.

(5) A copy of every agreement or proposal relating to the ownership or management of a deepwater port or any of its components or to the financing of the construction or operation of the deepwater port or component, including those relating to throughputs, capital contributions, loans, guarantees, and commitment therefor.

(6) To the extent known to the applicant or any affiliate, every existing or proposed:

(i) Tariff or portion thereof to be filed with the Interstate Commerce Commission;

(ii) Rate or joint rate; and

(iii) Agreement, arrangement or understanding with respect to terms or conditions on which other persons may become an affiliate or with respect to minimum or maximum tenders or other economic restrictions on shipments by nonaffiliated persons.

If any item required by this subparagraph has not been determined, an explanation of the basis on which it will be determined must be included.

(7) To the extent known to the applicant or any affiliate, the anticipated:

(i) Total annual demand for crude oil; and

(ii) Total year-end proved reserves of crude oil for each Production District within the PAD District in which oil from the proposed deepwater port is to be landed, at reasonable intervals throughout the expected useful life of the deepwater port.

(8) To the extent known to the applicant or any affiliate, the anticipated:

(i) Total refinery capacity;

(ii) Total runs to stills; and

(iii) Total demand for gasoline, for jet aviation fuels, for distillate fuel oils, and for other refinery products, for each Refining District within the PAD District in which oil from the deepwater port is to be landed, at reasonable intervals throughout the expected useful life of the deepwater port.

(9) If the PAD District in which oil from deepwater port is to be landed has a surplus:

(i) Of crude oil production and imports over refinery capacity, the information required in paragraph (e)(7) of this section must also be set forth for each Production District within the PAD Districts to which surplus crude oil from the District in which oil from deepwater port is landed is expected to be transported; and

(ii) Of refinery capacity over demand for refinery products, the information required in paragraph (e)(8) of this section must also be set forth for each Refining District within the PAD Districts to which surplus refinery products from the PAD District in which oil from the deepwater port is landed is expected to be transported. If this includes the East Coast Refining District, the information for that district must be separately stated for the following three components:

(i) New England: The States of Massachusetts, Rhode Island, and Connecticut.

(ii) South-Atlantic: The States of Virginia, North Carolina, South Carolina, Georgia, and Florida.

(iii) Mid-Atlantic: The remaining area of the East Coast Refining District (Maine, Vermont, New Hampshire, New Jersey, Maryland, Delaware, District of Columbia, and the eastern parts of New York and Pennsylvania).

(10) From each applicant or affiliate which is engaged in producing, refining, or marketing oil, its estimate of its components of the totals required to be included under the provisions of paragraphs (e)(7), (8) and (9) of this section.

(11) From each applicant or affiliate engaged in producing, refining, or marketing oil, for each item it is required to supply under paragraph (e)(10) of this section, its actual data for each of the three calendar years immediately prior to the date of application.

(12) From each applicant or affiliate which has a significant interest in any refinery within any refinery district on which information is required to be disclosed under paragraphs (e)(8) or (9)(ii) of this section, for each refinery, its:

(i) Location;

(ii) Runs to still for each of the three calendar years prior to date of application; and

(iii) Production for each of the three calendar years prior to date of application of gasoline, jet aviation fuel, distillate fuel oils, and other products.

(13) From each applicant or affiliate engaged in producing, refining or marketing oil, for each of the three calendar years immediately prior to the date of application, its total domestic and total

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worldwide: yearend proved reserves; annual production imports into the United States; and annual refinery runs to still and production of gasoline, jet aviation fuel, distillate fuel oils and other refinery products.

(f) *General technical information.* (1) A description of the experience of the applicant, each affiliate of the applicant that the applicant may want to provide, and each consultant of the applicant in offshore operations, with particular emphasis on involvement in offshore transfer and storage of liquid cargo and vessel loading and unloading operations.

(2) A listing and abstract of each study relied upon by the applicant and a listing and abstract of each ongoing or completed study pertaining to deepwater ports conducted by or for the applicant, later supplemented by data of particular environmental or operational concern from specific studies identified by the Coast Guard.

(3) The name, address, citizenship and telephone number of each affiliate of the applicant together with a description of the manner in which the affiliate is associated with the applicant.

(4) The name, address, citizenship, telephone number and qualifications of each engineering firm, if known, that will design the deepwater port, or any portion of the port.

(5) The ownership interest in the applicant of each affiliate having any ownership interest in the applicant of greater than 3 percent.

(6) For each affiliate with whom the applicant has made, or proposes to make a significant contract for the construction of any part of the deepwater port, a description of that affiliate's experience in construction of marine terminal facilities, offshore structures, underwater pipelines, seabed foundations or any other experience that would bear on his qualification to participate in the construction of a deepwater port.

(7) A copy of each contract made by the applicant for the construction of any component of the deepwater port or for the operation of the port.

(g) *Water.* (1) Evidence that the requirements of section 401(a)(1) of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1341(a)(1), will be satisfied, except that, in those cases where certification under section 401(a)(1) must be obtained from the Administrator of the United States Environmental Protection Agency, the request for such certification must accompany each application for a license under the Act.

(2) *Coastal zone management.* The certification, or certifications, required by section 307 of the Coastal Zone Management Act of 1972, as amended.

(h) *Lease block identification.* (1) Identification of each lease block established either by the Secretary of the Interior under section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334), or by a State under the authority of § 3 of the Submerged Lands Act (43 U.S.C. 1311), within which any part of the proposed deepwater port or its approaches are located. This identification should be made using Official Outer Continental Shelf Leasing Maps or Protraction diagrams where they are available. For each identified lease block, the following must be provided:

(i) A description of each pipeline, or other right-of-way crossing, in enough detail to allow plotting of rights-of-way and facilities to the nearest one-tenth of a second in latitude and longitude.

(ii) The identity of the lessee of each pipeline or other right-of-way.

(2) Detailed information concerning any interest that the applicant and others have in each block and concerning the present and planned use of each block.

(i) *Overall site plan.* Single-line drawings showing the location and type of each component of the proposed deepwater port and its necessary facilities, including floating structures, fixed structures, aids to navigation, manifold systems and onshore storage areas, pipelines, and refineries.

(j) *Site plan for marine components.* A site plan consisting of:

(1) The proposed size and location of:

(i) All fixed and floating structures;

(ii) SPM swing circles;

(iii) Maneuvering areas;

(iv) Recommended vessel traffic separation scheme for approaching the port and the proposed vessel traffic pattern in the port area;

(v) Recommended anchorage areas;

(vi) Recommended mooring area for support vessels;

(vii) Required and recommended aids to navigation; and

(viii) Pipelines and cables within the marine site;

(2) The charted water depth throughout the proposed marine site as verified by the reconnaissance hydrographic survey required by this subpart:

(3) A reconnaissance hydrographic survey of the proposed marine site.

NOTE: A requirement to submit an engineering hydrographic survey of the final marine site will be imposed as a license condition.

(k) *Soil data.* An analysis of the general character and condition of the ocean bottom and sub-bottom throughout the marine site and along the path of the pipeline to the shore, including an opinion by a registered professional engineer specializing in soil mechanics concerning:

(1) The suitability of the soil to accommodate the anticipated design load of each marine component that will be fixed to or supported on the ocean floor; and

(2) The stability of the seabed when exposed to the environmental forces resulting from severe storms, or to lesser forces that continue for an extended period, including any history of accretion or erosion of the coast line in proximity to the marine site.

(l) *Operational information.* (1) The maximum lengths, maximum drafts, and maximum deadweight tonnages of the tankers to be accommodated at each SPM.

(2) Calculations with supporting data and other documentation to show that the charted water depth at each proposed SPM location is sufficient to provide at least a 5 foot net under keel clearance for each tanker that the applicant expects to be accommodated at the SPM.

(3) A detailed description of the manner of forecasting the wind, wave, and current conditions described in the draft Operations Manual during which the following would occur:

(i) Shutdown of oil transfer operations.

(ii) Departure of the tanker from the mooring.

(iii) Prohibition on mooring to an SPM.

(iv) Shutdown of all operations and evacuation of the port.

(4) The speed limits proposed for tankers transiting the traffic lanes and safety zone.

(m) *Floating components data.* (1) A description and preliminary design drawing of each floating component, including the hoses and the anchoring or securing structure and navigation lights if the component is a mooring buoy.

(2) The design criteria, developed pursuant to Part 149 of this chapter, to which each floating component is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description and the results of any design and evaluation studies performed by or for the applicant on a floating component.

(6) A description of safety, fire fighting, and pollution prevention equipment to be used on each floating component.

(7) A description of lighting to be used on floating hoses for night detection.

(n) *Fixed marine components data.* (1) A description and preliminary design drawing of each fixed marine component.

(2) The design criteria, developed pursuant to Part 149 of this chapter, to which each fixed marine component is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description and the results of any design and evaluation studies performed by or for the applicant for any fixed marine component and utilized in the development of the application.

(6) A description of navigational lighting, safety, lifesaving, fire fighting, pollution prevention and removal, and waste treatment equipment to be installed.

(7) A description and preliminary design drawing of the oil pumping equipment, piping system, control and instrumentation system, and any associated equipment, including the oil throughput measuring equipment, leak detection equipment, alarm system, and emergency shutdown equipment.

(8) The personnel capacity of each PPC.

(o) *Offshore pipeline data.* (1) A description and preliminary design drawing of the marine pipeline, including size, throughput capacity, length, depth and protective devices.

(2) The design criteria to which the marine pipeline is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description of the metering system to be used to measure flow rate.

(6) Information concerning all submerged or buried pipelines that will be crossed by the offshore pipeline and the manner in which the crossing will be made.

(p) *Onshore components data.* (1) A description of the location, capacity, and ownership of, and a preliminary design drawing for construction of new or expansion of existing onshore pipelines, storage facilities, refineries, petrochemical facilities, and transshipment facilities to be served by the deepwater port.

(2) Location, capacity, and ownership of existing onshore pipelines, storage facilities, refineries, petrochemical facilities, and transshipment facilities to be served by the deepwater port.

(3) A chart showing the location of all planned and existing onshore pipelines, storage facilities, refineries, and petrochemical facilities and transshipment facilities to be served by the deepwater port.

(4) From each applicant or affiliate which is engaged in producing, refining or marketing oil, throughput of crude oil, of gasoline, of jet aviation fuel, of distillate fuel oils and of other refinery products, for the calendar year preceding the date of application, and a copy of each existing or proposed throughput agreement.

(5) A facility is served by the deepwater port if it is within a PAD District for which information is required under paragraph (e)(7), (8) or (9) of this section and is either served by connection with a common carrier pipeline or a component of or appurtenant to a common carrier pipeline.

(6) Crude oil gathering lines and lines wholly within a facility must be included only if specifically required under paragraph (z) of this section. Entry points and major connections between lines and with bulk purchasers must be included.

(q) *Miscellaneous components data.* (1) A description of the communications systems to be used in operation of the deepwater port.

(2) A description of the radar navigation system to be used in operation of the deepwater port to include the type and characteristics of the radar and the antenna location.

(3) A description of plans and method of bunkering vessels using the deepwater port.

(4) Type, size and number of vessels to be used in bunkering, mooring, and servicing the vessels using the deepwater port.

(5) A description and exact location of any shore based support facilities to be provided for vessels described in paragraph (q)(4) of this section.

(r) *Construction procedures.* A description of the method and procedures to be used in constructing each component of the deepwater port and a description of each phase, including anticipated dates of completion for each of the specific components.

(s) *Draft Operations Manual.* A draft Operations Manual for the proposed port prepared in accordance with the "Guidelines for Preparation of a Deepwater Port Operations Manual". If required information is not available, an applicant should so state, show why, and state when the information can be expected to be provided.

(t) *Environmental analysis.* An environmental analysis prepared in accordance with "Guide to Preparation of Environmental Analyses for Deepwater Ports."

(u) *Aids to Navigation.* (1) For each proposed aid to navigation, the proposed position of the aid described by latitude and longitude coordinates to the nearest second or tenth of a second as determined from the largest scale chart of the area in which the aid is to be located. (Latitude and longitude should be specified to a level obtained by visual interpolation between the finest graduation of the latitude and longitude scales on the chart.)

(2) For each proposed obstruction light and the proposed rotating lighted beacon, the color, characteristic, effective intensity, height above water, and general description of illumination apparatus.

(3) For each proposed fog signal on a structure, a general description of the apparatus.

(4) For each proposed buoy, the shape, color, number or letter, and depth of water in which located, and a general description of any light or fog apparatus installed.

(5) For the proposed radar beacon (RACON), height above water and a general description of the apparatus.

(v) *Telecommunications equipment.* A description of the radio stations or other communications facilities and the proposed concept of operation to serve the deepwater port during construction or operation.

NOTE: Federal Communications Commission application for these facilities may be submitted directly to the Federal Communications Commission when sufficient technical information is available to meet the rules of that agency. The holding of appropriate Federal Communications Commission licenses will be made a condition on a deepwater port license.

(w) *National Pollutant Discharge Elimination System Information.* To the extent available, the information prescribed by, and submitted on, the "National Pollutant Discharge Elimination System (NPDES) Application for Permit to Discharge, Short Form "D" for applying for issuance of a discharge permit to the Administrator of the Environmental Protection Agency (EPA). If complete information is not available by the time the Secretary must either approve or deny the application for a designated application area, under section 5(i)(1) of the Act, the license is conditioned upon the applicant receiving the required discharge permit from the EPA prior to the commencement of any discharge requiring the same.

(x) *Discharge of dredged or fill material.* The information prescribed by, and submitted on, Form EP 1145–2–1 contained as Appendix B of "Application for Department of Army Permits for Activities in Waterways, EP 1145–2–1 of 1 October 1974" for each permit issued by the Secretary of the Army in compliance with:

(1) Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403);

(2) Section 404(b) of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816; 33 U.S.C. 1251); or

(3) Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (86 Stat. 1052; 33 U.S.C. 1401).

(y) *Additional Federal authorizations required.* All other applications for Federal authorizations required for ownership, construction, and operation of a deepwater port not listed elsewhere in this subpart.

(z) *Supplemental information.* (1) A designation of locations where the applicant and each affiliate has segregated and filed documents in its possession relating to deepwater ports which were prepared within four years of the date of application and which fall under one or more of the following categories:

(i) Prepared by or for, or submitted to, a Board of Directors or an executive, management or planning committee.

(ii) Concern the financing of construction or operation of a deepwater port, including throughout nominations and membership in and financing of any existing or proposed joint venture.

(iii) Concern existing or proposed or anticipated rates or joint rates.

(iv) Determined by the Secretary to be required to review and process the application.

(2) Documents referred to in paragraph (z)(1) of this section must be available during normal business hours to the Secretary or the General Counsel of the Department of Transportation or the designate of either of them, for inspection and copying, at the locations designated in the application unless the General Counsel requires consolidation of documents from two or more locations. If any claim of privilege or immunity is asserted with respect to any document or record designated for inspection or copying, the person making the claim shall furnish to the Secretary or the General Counsel or his designate as the case may be, in accordance with § 148.219(c), an identification of the document and statement of the claim.

(3) The Secretary may require an applicant or affiliate to make available for examination under oath or for interview

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persons having, or believed to have, designated information. Interviews and examinations are conducted by or at the direction of the General Counsel.

(4) The Secretary may require an applicant or affiliate to file as a supplement to the application any analysis, explanation or detailing of information in the application or any other information determined by the Secretary to be required to review or process the application.

(5) Any Federal or State department or agency or other interested person may file with the clerk a request or recommendation for further information. Requests and recommendations received within 30 days after notice of the initial application has been published will be fully considered before any final determination is made under this paragraph (z). Requests and recommendations must include a brief statement of the purpose of any proposed requirement, including, if it relates to conduct, the nature of the conduct and the probable consequences, or if the proposed requirement relates to physical characteristics, the nature of any safety, health, environmental or economic concerns.

(6) In exercising the authority to require supplemental information under paragraph (z) (2), (3) or (4) of this section, the Secretary, the General Counsel, or the designate, as the case may be, may fix a time by which an applicant or affiliate must meet the requirement. If an application states that required information is not yet available but will be furnished at a later date, the Commandant may specify a time by which the information must be provided. If any requirement is not met by a time fixed in accordance with this subparagraph, the Secretary shall determine whether compliance with the requirement is material to processing of the application within the time prescribed in the Act. If the Secretary determines that it is material, he may disapprove the application, or may suspend the application pending a determination that processing can be resumed. The period of any suspension shall not be counted in determining the date prescribed by the time limit set forth in §§ 4(c)(6), 5(d)(3), 5(e)(2), 5(g), 7(b)(1) or 9(b)(1) of the Act.

§ 148.111 Optional procedures.

(a) *Consolidated statements.* Applicants and affiliates may elect to supply required information consolidated in accordance with generally accepted accounting principles, if and to the extent that consolidated statements or reports are filed with the Interstate Commerce Commission, the Securities and Exchange Commission, or the Federal Energy Administration, but if those filings are also made or required to be made by line of business or other classifications, the application shall be prepared on the same basis. An election under this paragraph is subject to the authority of the Secretary to require supplemental information, pursuant to § 148.109(z).

(b) *Direct submissions by affiliates.* If any affiliate has reason to believe that it or its business or property would be prejudiced by furnishing information required from it to the applicant, the affiliate may file the required information directly with the clerk. The information must be enclosed in a sealed envelope bearing on the outside the names of the applicant and affiliate and the date or anticipated date of the application. If any claim of privilege or confidentiality is asserted with respect to the contents, the procedure specified in § 148.219(c) or (d) must be followed.

Subpart C—Application Proceeding

General

§ 148.201 Purpose.

This subpart prescribes rules of procedure and practice for application proceedings.

§ 148.203 Applicability.

(a) Except as provided in paragraph (b) of this section, the rules in this subpart apply to each application proceeding.

(b) The rules for formal hearings in §§ 148.251–148.291 apply only to application proceedings in which the Commandant issues a notice of formal hearing under § 148.251. The rules for informal hearings in §§ 148.231–148.235 apply only to proceedings to consider applications for issuance, transfer, and renewal of a license.

§ 148.205 Clerk: docket; record.

(a) The mailing address for the clerk in each proceeding is Commandant (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590. The office of the clerk is located in the Nassif Building, 400 Seventh Street, SW., Room 8234, Washington, D.C.

(b) The clerk maintains a docket and the record for each proceeding. The docket lists each document in the record. The record contains all documents filed or issued in the proceeding that the clerk has received and any other documents in the proceeding that are docketed in accordance with this subpart.

§ 148.207 Availability of documents in the record.

(a) The procedure for inspecting and copying documents in the record of a proceeding is contained in 49 CFR Part 7 and section 14 of the Act. Copies of documents in the record of a proceeding are mailed to each adjacent coastal State unless their release is prohibited by 49 CFR 7 and section 14 of the Act.

(b) Comments submitted by Federal agencies and departments for each proceeding in accordance with sections 5(e)(2) and 7(b) of the Act are docketed when they are received. Copies of the draft and final environmental impact statements prepared in accordance with section 5(f) of the Act are docketed when they are transmitted to the Council on Environmental Quality.

(c) The applicant must designate any portions of the material submitted in an application that contain either trade secrets or commercial or financial information that is claimed to be privileged or confidential. Section 148.219 prescribes procedures for objecting to claims and resolving of disputed issues.

(d) A copy of the application, except trade secrets and confidential information, is available for inspection and copying at the document inspection facility of the Coast Guard District Office nearest the proposed deepwater port and at Commandant (G-WDWP/61), U.S. Coast Guard, Room 6125, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(e) The application staff will designate a custodian of all documents filed in a proceeding for which protection is claimed under section 14(b) of the Act. The custodian shall not make public for inspection documents for which protection is claimed nor otherwise disclose such information, unless the General Counsel is of the opinion that the disclosure is not inconsistent with the requirements of section 14(b) of the Act. The custodian shall keep a record of all officers and employees of the Department having custody of any copy or copies of undisclosed documents.

§ 148.211 Processing an application.

The Chief, Office of Marine Environment and Systems takes the action described in section 5(c)(1) of the Act for processing each application received in a proceeding and for issuing in the FEDERAL REGISTER the notices described in section 5(c)(1). If he issues notice of application pursuant to section 5(c)(1) of the Act, the application staff thereafter delivers the application described in the notice to the clerk for docketing and mails a copy of the notice to each:

(a) Party;

(b) Adjacent coastal State; and

(c) Other coastal State bordering on the body of water in which the proposed port would be located.

§ 148.213 Changes to an application.

If information in an application becomes materially inaccurate or incomplete after it is docketed in a proceeding but before the proceeding is terminated, the applicant must promptly file an amendment furnishing the corrected or additional information. Sixty copies of the amendment must be submitted to the application staff when the revisions are filed.

§ 148.215 Withdrawal of application.

An applicant may withdraw his application in a proceeding at any time before the proceeding is terminated by delivering or mailing notice of withdrawal to the clerk for docketing.

§ 148.216 Request by port for determination.

A port which applies for a determination under section 4(d) of the Act must submit a request in writing to the application staff within 30 days of the date that notice of application is published in the FEDERAL REGISTER. The request must:

(a) Be signed by the highest official of the port submitting the request;

(b) Contain a copy of existing plans for the construction of a deep draft channel and harbor;

(c) Certify that the port has an active study by the Secretary of the Army for the construction of a deep draft channel and harbor, or that the port has pending an application for a permit under § 10 of the Act of March 3, 1899 (30 Stat. 1121) for the construction;

(d) Provide any available documentation on—

(1) Initial costs, by phases if staged development, for the proposed onshore project, including dredging, ship terminal and attendant facilities;

(2) Estimated annual operating expenses by phases, if staged development, including labor, for thirty years for all elements of the project;

(3) Estimated time of completion of all elements of the proposed project;

(4) An estimate of the volume of ship traffic, the volume and variety of the tonnage, an assessment of the potential traffic congestion conditions in the port and an assessment of the capability of the port for controlling vessel traffic as a result of the proposed dredging project;

(5) An assessment of the economic benefits estimated to be derived from the project, including:

(i) Economic contribution to the local, and regional area;

(ii) Induced industrial development;

(iii) Increased employment;

(iv) Increases in tax revenues; and

(v) Any other factors; and

(6) An assessment of the environmental and social impact of the project on elements of the local and regional community; and

(e) Provide a statement of its views on whether it seeks a determination that the State port best serves the national interest or that both developments are warranted.

§ 148.217 Designation of adjacent coastal States.

(a) The Chief, Office of Marine Environment and Systems, in issuing a notice of application pursuant to section 5(c)(1) of the Act, designates as an adjacent coastal State each State which would be directly connected by pipeline to the deepwater port proposed in the application or which is within 15 miles of the proposed deepwater port. A State not designated as an adjacent coastal State in the notice of application may request to be so designated on the basis that the risk of damage to its coastal environment is equal to or greater than the risk posed to a State directly connected by pipeline to the proposed deepwater port.

(b) Each request submitted under paragraph (a) of this section must:

(1) Be submitted in writing to the application staff within 14 days after the date of publication of the notice of application in the FEDERAL REGISTER;

(2) Be signed by the Governor of the State;

(3) Set forth the facts and any available analyses in support of the request together with any available documentation concerning the risk of damage to the coastal environment of the requesting State that could occur as a result of the establishment of a deepwater port; and

(4) State why the requesting State believes the risk of damage to its coastal environment is equal to or greater than the risk posed to a State connected by a pipeline to the proposed deepwater port.

(c) The application staff transmits a copy of each request submitted in accordance with paragraph (b) of this section to the Administrator of the National Oceanic and Atmospheric Administration and requests his recommendations within a period of time that will allow the Secretary to determine the matter within 45 days after the date the request was received.

(d) If, after having received the recommendation of the Administrator of the National Oceanic and Atmospheric Administration, the Secretary determines that there is a risk of damage to the coastal environment of the requesting State equal to or greater than the risk posed to a State directly connected to the proposed deepwater port, he grants the request and designates the requesting State as an adjacent coastal State. If he determines that there is not such a risk, he denies the request and so notifies the Governor of the requesting State.

§ 148.219 Claims and objections.

(a) Any person required to furnish information may assert, as ground for relief from the requirement, any failure to comply with this part or any other constitutional or legal right or privilege.

(b) In general, claims relating to documents must be made on filing an application or on receiving a determination by the Secretary pursuant to § 148.109(z).

(c) If a person claims attorney-client privilege, he must identify the communication by date, type of communication, persons making and receiving the communication, and general subject matter. If the required information is in a separable part of a communication, such as an attachment to a letter, the separate part must be similarly identified. The identification must be filed with the clerk or as a document pursuant to § 148.269.

(d) Any document claimed to be protected by section 14(b) of the Act must be placed in a sealed envelope, containing the name of the person claiming the protection and of the applicant, and the date or anticipated date of the application. A brief statement of the basis of the claim must be included, either on the envelope or separately. If a number of documents are involved, they must be grouped according to nature of claim, and a self-explanatory numbering system used for envelopes and documents.

(e) Written objection to any claim may be made by any Federal or State department or agency, or any applicant, affiliate, party or other interested person. The objection shall include a brief statement of its basis and identify the documents to which it applies.

(f) Except as provided in paragraph (g) of this section, the General Counsel shall determine, or designate a person to determine, issues raised by any claim filed under this section. A designation by the General Counsel may specify procedures to be used in resolving the issue or may leave some or all of the procedural matters to the discretion of the designated person. The proceedings pursuant to a designation shall be reported to the General Counsel, who shall approve, modify or disapprove the reported findings and conclusions.

(g) Any person making or objecting to a claim, or other interested person, may at any time file with the General Counsel a request or recommendation as to procedures. The General Counsel may act upon it or refer it to a person designated to resolve the issue.

(h) At any formal or informal hearing the presiding officer may permit any person to assert any claim that could be filed under this section and may determine any issue raised by the claim or, in his discretion, refer it to the General Counsel for resolution pursuant to paragraph (f) of this section.

(i) The filing of any claim under this section, other than a claim of document protection under paragraph (d) of this section, shall stay the time for meeting any information required to which the claim relates, but shall not stay the periods for processing and review of an application unless the Secretary determines that compliance with the requirement is material to processing of the application within the time prescribed in the Act. If the Secretary determines that it is material, he may suspend the application pending a determination that processing can be resumed. The period of any suspension shall not be counted in determining the date prescribed by the time limit set forth in §§ 4(c)(6), 5(d)(3), 5(e)(2), 5(g), 7(b)(11) or 9(b)(1) of the Act.

(j) Any determination by the General Counsel under paragraph (f) of this section may be appealed to the Secretary for good cause shown.

Informal Public Hearing

§ 148.231 Notice of public hearing.

After all applications in a proceeding are docketed, the Commandant issues a notice of public hearing and mails or delivers it to any person who requests it and to each applicant and adjacent coastal state. The clerk dockets the notice when it is published. Each notice shows the time and place for the hearings, formulates the factual issues in the proceeding, procedural matters to govern the hearings, and designates the presiding officer assigned by the Commandant for the hearing.

§ 148.233 Testimony and argument.

Interested persons may attend any public hearing, present relevant material at the hearing, and submit briefs and oral argument at a time determined by the presiding officer during the hearing.

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§ 148.235 Report of public hearing.

As soon as practicable after a public hearing is completed, the presiding officer forwards a report of the hearing to the clerk for docketing. The report at a minimum contains a summary of the materials presented and factual issues raised at the hearing and has attached to it a transcript of the hearing and all relevant materials and briefs submitted to the presiding officer. The presiding officer determines and announces to the participants during the course of the hearing what material will be attached to the report.

FORMAL HEARING

§ 148.251 Determination to hold formal hearing; notice of formal hearing.

(a) After the reports of public hearings are docketed in a proceeding, the Commandant determines whether there are specific and material factual issues concerning the applications that may be resolved by a formal hearing. If he determines that a formal hearing is necessary, he issues notice of formal hearing to the applicants, the application staff, and the administrative law judge.

(b) A notice of formal hearing lists the factual issues for resolution at the hearing, the applicants, and the administrative law judge assigned to conduct the hearing.

(c) The clerk mails or delivers a copy of the notice of formal hearing in a proceeding to each adjacent coastal state and to each person who requests notice of formal hearing.

§ 148.253 Assignment of administrative law judge; disqualification.

(a) The Commandant assigns the administrative law judge for a formal hearing.

(b) The administrative law judge may disqualify himself at any time after assignment by filing notice of withdrawal from the proceeding. If on motion of a party the administrative law judge does not disqualify himself, the party may appeal the ruling to the Commandant by filing notice of appeal within seven days after the ruling on the motion. A brief may be filed with the notice of appeal.

(c) If the assigned administrative law judge becomes unavailable during the proceeding, another administrative law judge is assigned.

§ 148.255 Jurisdiction of the administrative law judge.

(a) The jurisdiction of the administrative law judge over a proceeding begins when he is assigned. His jurisdiction ends 20 days after the transcript of the formal hearing is docketed or when he issues notice of withdrawal from the proceeding.

(b) The Commandant exercises the authority of an administrative law judge in a proceeding when no administrative law judge has jurisdiction.

§ 148.257 Authority of the administrative law judge.

The administrative law judge assigned to a formal hearing may:

(a) Administer oaths and affirmations;

(b) Issue subpoenas;

(c) Adopt procedures for the submission of evidence in written form;

(d) Rule on offers of proof and receive relevant evidence;

(e) Examine witnesses at the formal hearing;

(f) Dispose of procedural requests or similar matters;

(g) Convene, recess, reconvene, adjourn, and otherwise regulate the course of the formal hearing;

(h) Certify questions to the Commandant;

(i) If a party to a formal hearing fails to appear at a session of the hearing, proceed with the session without further notice to the party;

(j) Extend or shorten a time prescribed by this subpart to the extent consistent with the 240 days time limit prescribed in section 5(g) of the Act for completing public hearings in a proceeding;

(k) Prescribe a time for doing an act if the time is not prescribed in this subpart; and

(l) Take any other action authorized by or consistent with this subpart, the Act, or 5 U.S.C. 551–559.

§ 148.259 Ex parte communications.

If two or more applications have been filed in a proceeding, or if a person opposing an application has intervened in the proceeding, the administrative law judge may not consult any party on a fact in issue except on notice and opportunity for all parties to participate. The administrative law judge must prepare a summary of and have docketed each ex parte communication in the proceeding.

§ 148.261 Parties.

The parties to a formal hearing are the application staff, the applicants, and intervenors in the proceeding.

§ 148.263 Intervention.

(a) Any person may file a petition to intervene in a formal hearing, and any adjacent coastal state may intervene by filing a notice of intervention. The petition must be addressed to the administrative law judge, must identify the specific matters in the hearing on which he seeks to intervene and his interest in those matters, and must designate the name and address of a person upon whom service may be made if the petition is granted. A party to the formal hearing may file an answer to a petition within five days after the petition is filed.

(b) A petition to intervene must be filed within ten days after notice of formal hearing is issued.

(c) Intervention may be limited to particular matters or to particular times in the hearing if necessary to prevent repetitious evidence and argument or to control the course of the formal hearing.

(d) If the administrative law judge denies a petition in whole or part, the petitioner may appeal to the Commandant by filing notice of appeal within seven days after the denial is issued. A brief may be filed with the notice of appeal. A party may file a brief in support of or in opposition to the appeal within seven days after the notice of appeal is filed.

§ 148.265 A person not a party.

(a) At any time before a formal hearing, any person who is not a party may submit to the administrative law judge a petition to present evidence at the formal hearing. The petition must be sent to the administrative law judge or to the clerk who will forward it to the administrative law judge. The petition must contain a statement describing in detail the evidence to be presented and must show its relevancy to factual issues listed in the notice of formal hearing.

(b) If a petition is granted, the ruling delineates the evidence that may be presented at the formal hearing.

§ 148.267 Appearance and practice.

(a) Each party to a formal hearing, except an individual, must appear by his attorney. Each attorney must file a notice of appearance that states his name, address, telephone number, and the name of the person he represents. With his notice of appearance, each attorney must file a written authorization from his client.

(b) Each attorney representing a person in a proceeding must be admitted, and be in good standing, to practice before a court of the United States or the highest court of any State, territory or possession of the United States.

(c) The administrative law judge assigned to the formal hearing may suspend or bar an attorney from representing a person in the proceeding if he finds that the attorney has failed to conform to the standards of conduct required for attorneys in the Courts of the United States.

(d) The administrative law judge may exclude any person from a formal hearing or a conference if the person is contumacious at the hearing or conference.

§ 148.269 Requirements for documents.

(a) Each document, except an application, filed in a proceeding or submitted to the administrative law judge must:

(1) List the docket number of the proceeding; and

(2) Be signed in ink by the person filing or submitting the document and show the capacity of the person signing, his address, and the date of signing.

(b) Each document filed in a proceeding, except an application, must:

(1) Be accompanied by ten copies of the document;

(2) Show the name and address of each person upon whom a copy of the document has been served;

(3) Be accompanied by an affidavit showing proof of service if the person serving the process is not an attorney; and

(4) Contain the following certificate of service if the person serving the process is an attorney:

I hereby certify that I have this day served the foregoing document upon _____ in accordance with 33 CFR 148.275.

Dated at _____ this _____ day of _____, 19____.

_____
Signature

For _____
Name of Party or Petitioner

§ 148.271 Subscription.

The signature on a document filed, served, or submitted to the administrative law judge in a proceeding is certification by the person signing that he has full authority to sign the document, that he has read it and knows its contents, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay.

§ 148.273 Filing.

(a) A document is filed in a proceeding when it meets the requirements in § 148.269 and is deposited in the mail or, if not mailed, is received by the clerk.

(b) If the clerk receives a document that does not comply with § 148.269 he returns it to the person who submitted it with a statement of reasons for the return.

(c) Filing by mail must be by certified mail.

§ 148.275 Service of document; other transmittal.

(a) The clerk serves each order, ruling, decision, and notice upon all parties to a formal hearing when issued, except a document issued at the formal hearing or a prehearing conference.

(b) Each document before it is filed in a proceeding must be served upon:

(1) All parties, except the person filing the document; and

(2) The administrative law judge or if no administrative law judge has jurisdiction, the Commandant.

(c) Service of a document upon a party must be made upon the attorney representing the party or, for a party not represented by an attorney, upon the party.

(d) Service must be made by handing a copy of the document to the person to be served or depositing a copy of the document in the mail.

(e) This section does not apply to service of subpoenas. Rules for serving subpoenas are in § 148.281.

(f) The clerk mails to a person who is not a party, and who has submitted a petition or motion in the proceeding, a copy of the ruling on the petition or motion when issued and a copy of the action taken on any appeal of the petition. He mails a copy of the notice of the formal hearing, when the notice is issued, to each person whose petition to present evidence has been granted under § 148.265.

(g) The clerk provides the applicants and the administrative law judge with a copy of each application and report of public hearing docketed in the proceeding.

§ 148.277 Conferences.

(a) The administrative law judge may hold one or more prehearing conferences to give the parties an opportunity to present and consider facts and arguments, to exchange exhibits proposed to be offered in evidence, and to obtain stipulations, admissions, and agreements to produce documents and other tangible things. The administrative law judge may consider at a conference the procedure to be followed at the formal hearing, limitations on the number of witnesses at the hearing, and any other matters that may expedite the disposition of the proceeding.

(b) The administrative law judge may hold conferences during a formal hearing to expedite the disposition of the proceeding.

(c) If a prehearing conference is held, the administrative law judge issues a notice reciting the action taken at the conference and any agreements made between the parties.

§ 148.279 Motions.

(a) Any request for a ruling or relief in a proceeding, except a request for a subpoena or a petition to intervene or present evidence at a formal hearing, must be submitted by motion. Each motion must be addressed to the administrative law judge, state the ruling or relief sought and the grounds therefor, and be accompanied, if appropriate, by a proposed order. Each written motion must be filed. An oral motion may be made only at the formal hearing or a conference.

(b) Within seven days after service of a written motion, a party may file an answer supporting or oppposing the motion.

(c) Unless otherwise authorized by the administrative law judge, no oral argument is heard on a written motion. A brief may be filed with a written motion or an answer to a written motion.

(d) The administrative law judge issues a ruling and any appropriate order for each motion made.

(e) Except as otherwise provided in §§ 148.253 and 148.263, a ruling of the administrative law judge on a motion may not be appealed to the Commandant. The administrative law judge may refer any ruling to the Commandant for review if he determines that the ruling involves an important question of law or policy.

§ 148.281 Subpoenas.

(a) At any time before a formal hearing is completed, a party may submit a request to the administrative law judge for issuance of a subpoena. A request for issuance of a subpoena must show the general relevance and scope of the evidence sought.

(b) A proposed subpoena and fifteen copies, and witness fees for one day and mileage, must be submitted with each request. A proposed subpoena must contain:

(1) The docket number of the proceeding;

(2) The captions "Department of Transportation," "Coast Guard," and "Licensing of Deepwater Port for coastal waters off (*insert name of the coastal state closest to the proposed deepwater port and the docket number of the proceeding*)";

(3) The name and office of the administrative law judge;

(4) A statement commanding the person to whom the subpoena is directed to attend the formal hearing and give testimony or, for a subpoena to produce documentary evidence, a statement commanding the person to produce designated documents, books, papers, or other tangible things at a designated time or place; and

(5) Explanation of the procedure in § 148.279 and paragraph (e) of this section for quashing a subpoena.

(c) Unless otherwise authorized by the administrative law judge, a subpoena must be served in accordance with Rule 45 of the Federal Rules of Civil Procedure.

(d) A subpoenaed witness is paid the same fees and mileage paid to witnesses subpoenaed in District Courts of the United States. The person requesting a subpoena must pay the fees and mileage.

(e) Any motion to quash a subpoena must be submitted within seven days after service of the subpoena.

(f) If a person does not comply with a subpoena and the administrative law judge on motion rules that good cause has been shown for seeking judicial enforcement of a subpoena, he refers his ruling to the Commandant.

§ 148.283 Hearing date.

(a) The administrative law judge schedules the formal hearing by issuing a notice to the parties.

(b) The clerk mails or delivers a copy of the notice to any person who requests it.

§ 148.285 Reporter; transcript; corrections.

(a) The reporter for a formal hearing is arranged for by the clerk. The reporter prepares a verbatim transcript of the hearing under the supervision of the administrative law judge. Nothing may be deleted from the transcript unless ordered by the administrative law judge and noted in the transcript.

(b) After a formal hearing is completed, the administrative law judge certifies and forwards the transcript to the clerk for docketing.

(c) At any time within 20 days after the transcript is docketed, the administrative law judge may make corrections to the certified transcript. Corrections when filed are attached to the transcript

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as appendices. Any motion to correct the transcript must be submitted within ten days after the transcript is docketed.

§ 148.287 Order of procedure.

The administrative law judge determines the order of procedure for each formal hearing.

§ 148.289 Evidence.

A party may present evidence and conduct cross-examination of witnesses at a formal hearing. Other persons may present evidence that they have been authorized to present under § 148.265.

§ 148.291 Rulings referred or appealed to the Commandant.

(a) The Commandant reviews each ruling referred or appealed to him under this subpart and issues a ruling and any appropriate order. Unless otherwise ordered by the Commandant or the administrative law judge, review of a ruling does not stay a formal hearing or extend a time period prescribed by this subpart.

(b) If the administrative law judge refers a ruling to the Commandant, he gives notice to the parties of the referral.

APPLICATION APPROVAL OR DENIAL

§ 148.321 Decision process generally.

(a) During the 45-day period immediately following the completion of the final public hearing on a proposed deepwater port license for a designated application area, opportunity is provided for the various Federal departments and agencies having expertise concerning, or jurisdiction over, any aspect of ownership, construction, or operation of deepwater ports or having a duty under the Act with respect thereto and the Governor of each adjacent coastal State to formulate and transmit to the Secretary their determinations, recommendations, opinions and approvals or disapprovals, as the case may be.

(b) Within 45 days after the expiration of the 45-day period described in paragraph (a) of this section, the Secretary approves or denies each application for a deepwater port license in the designated application area.

§ 148.323 Criteria and considerations.

(a) The Secretary approves an application only after he determines that:

(1) The applicant is financially responsible and will carry insurance or give evidence of other financial responsibility in the amount of $50,000,000 to cover the clean-up costs and damages that could result from a discharge of oil from the deepwater port concerned or from a vessel moored at the deepwater port;

(2) The applicant can and will comply with applicable laws, regulations, and license conditions;

(3) The construction and operation of the deepwater port will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality;

(4) The deepwater port will not unreasonably interfere with international navigation or other reasonable uses of the high seas, as defined by treaty, convention, or customary international law;

(5) In accordance with the environmental review criteria set forth in Appendix A to this part, that the applicant has demonstrated that the deepwater port will be constructed and operated using the best available technology, so as to prevent or minimize adverse impact on the marine environment; and

(6) The adjacent coastal State to which the deepwater port concerned is to be connected by pipeline, has developed, or is making, at the time the application was submitted, reasonable progress toward developing an approved coastal zone management program pursuant to the Coastal Zone Management Act of 1972 in the area to be directly and primarily impacted by land and water development in the coastal zone resulting from the deepwater port or is receiving a planning grant under section 305 of the Coastal Zone Management Act.

(b) In deciding whether to approve or deny an application and in making the related preliminary determinations specified in paragraph (a) of this section, the Secretary considers:

(1) The information set forth in the application concerned and any other applications for licenses for the same application area submitted in accordance with section 5(d)(3) of the Act;

(2) The information developed during hearings held pursuant to §§ 148.231 through 148.291;

(3) the final environmental impact statement for the application area concerned;

(4) The views of the Secretary of the Army, the Secretary of State, and the Secretary of Defense on the adequacy of the application and its effects on programs within their respective jurisdictions;

(5) The views and recommendations of the heads of any other Federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the ownership, construction or operation of deepwater ports; and

(6) The opinions of the Federal Trade Commission and the Attorney General as to whether issuance of the license would adversely affect competition, restrain trade, promote monopolization or otherwise create a situation in contravention of the antitrust laws.

(c) The Secretary does not approve an application if, within the 45-day period immediately following the completion of the final public hearing:

(1) The Administrator of the Environmental Protection Agency determines that the proposed deepwater port will not conform with all applicable provisions of the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, or the Marine Protection, Research and Sanctuaries Act, as amended; or

(2) The Governor of an adjacent coastal State disapproves the issuance of the license.

§ 148.325 Multiple applications.

(a) Except as provided in paragraph (b) of this section, in the case of more than one application for a deepwater port license in a designated application area, only one application may be approved according to the following order of priorities:

(1) An applicant that is an adjacent coastal State (or combination of States), any political subdivision thereof or agency or instrumentality, including a wholly owned corporation thereof.

(2) An applicant who is not:

(i) Engaged in producing, refining, or marketing oil;

(ii) An affiliate of any person who is engaged in producing, refining or marketing oil; or

(iii) An affiliate of such an affiliate.

(3) Any other applicant.

(b) Notwithstanding the order of priorities listed in paragraph (a) of this section, if the Secretary determines that one of the proposed deepwater ports will clearly best serve the national interest, he may approve the application for that port. In making this determination, the Secretary considers:

(1) The degree to which the proposed deepwater ports affect the environment as determined under the review criteria set forth in Appendix A to this Part;

(2) Any significant differences between anticipated completion dates for the proposed deepwater ports; and

(3) Any differences in costs of construction and operation of the proposed deepwater ports to the extent that such differential may significantly affect the ultimate cost of oil to the consumer.

§ 148.327 Termination of proceeding before approval or denial of an application.

The Commandant terminates a proceeding if:

(a) All applications are withdrawn before the decision approving or denying them is issued; or

(b) In a proceeding with one application that does not have all of the information required by Subpart B of this Part, the applicant after inquiry by the application staff does not provide adequate assurance that further information to make the application is forthcoming.

Subpart D—Issuance of a License

§ 148.400 Applicability.

This subpart prescribes rules that apply to the issuance of a license under the Act.

§ 148.403 Issuance of a license.

If an application under the Act is approved, a license is issued containing the following:

(a) The name and number or identification of the port.

(b) The name of the owner and operator of the port.

(c) Conditions to the ownership, construction, and operation of the deepwater port issued under section 4(e) of the Act.

§ 148.405 Term of license.

Each license is issued for a term of 20 years, unless a shorter period is requested in the application.

§ 148.407 Consultation with adjacent coastal States.

(a) The Governor of an adjacent coastal State may consult with the application staff concerning license conditions that the application staff may have under consideration.

(b) If the Governor of an adjacent coastal State notifies the Secretary that an application, which would otherwise be approved in a proceeding, is inconsistent with State programs relating to environmental protection, land and water use, or coastal zone management, the notification should include a description of:

(1) The State's environmental protection, land or water use, or coastal zone management program with which the application is inconsistent and how the application is inconsistent; and

(2) Conditions that if imposed on the license would make it consistent with the State program.

Subpart E—Site Evaluation [Reserved]

Subpart F—Procedure for Exemption From Any Requirement in Deepwater Port Regulations

§ 148.601 Applicability.

This subpart sets forth the procedures governing exemptions from any requirement in Parts 148, 149 and 150.

§ 148.603 Petition for exemption.

(a) Any person required to comply with any specific requirements in Parts 148, 149 and 150 may submit a petition to the Commandant for an exemption.

(b) A petition for exemption must be submitted in writing. It may be in any form, but it must be specific and it must contain all data necessary to evaluate its merits.

§ 148.605 Coordination with states.

A petition for exemption under this subchapter that appears to involve the interests of an adjacent coastal State will be referred to the Governor of that State for consideration and recommendation.

§ 148.607 Exemption criteria.

The Commandant grants an exemption if he determines that:

(a) Compliance with the regulations would be contrary to the public interest;

(b) Compliance would not enhance safety or the environment;

(c) Compliance is not practical because of local conditions or because the materials or personnel needed for compliance are unavailable;

(d) National defense or national economy justify a departure from the rules; or

(e) The alternative proposed in the petition would:

(1) Ensure comparable or greater safety; environmental protection; and quality of construction, maintenance and operation of a deepwater port; and

(2) Would be consistent with recognized principles of international law.

APPENDIX A: ENVIRONMENTAL REVIEW

CRITERIA FOR DEEPWATER PORTS

I *Authority.* The Deepwater Port Act of 1974, Pub. L. 93-627 (33 USC 1501 et seq.), authorizes the Secretary of Transportation to issue, transfer, amend, or renew a license for the ownership, construction, and operation of a deepwater port. Section 6 of the Act requires the Secretary to establish environmental review criteria which shall be used to evaluate a deepwater port as proposed in an application for a license. By amendment of Part 1 of Title 49, Code of Federal Regulations (49 CFR 1.46(t)), dated April 25, 1975, the Secretary delegated to the Commandant of the Coast Guard the responsibility to establish such criteria (40 FR 20088-20089).

Section 6 of the Act reads as follows:

Sec. 6. (a) The Secretary, in accordance with the recommendations of the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration and after consultation with any other Federal departments and agencies having jurisdiction over any aspect of the construction or operation of a deepwater port, shall establish, as soon as practicable after the date of enactment of this Act, environmental review criteria consistent with the National Environmental Policy Act. Such criteria shall be used to evaluate a deepwater port as proposed in an application, including—

(1) the effect on the marine environment;

(2) the effect on oceanographic currents and wave patterns;

(3) the effect on alternate uses of the oceans and navigable waters, such as scientific study, fishing, and exploitation of other living and nonliving resources;

(4) the potential dangers to a deepwater port from waves, winds, weather, and geological conditions, and the steps which can be taken to protect against or minimize such dangers;

(5) effects of land-based developments related to deepwater port development;

(6) the effect on human health and welfare; and

(7) such other considerations as the Secretary deems necessary or appropriate.

(b) The Secretary shall periodically review and, whenever necessary, revise in the same manner as originally developed, criteria established pursuant to subsection (a) of this section.

(c) Criteria established pursuant to this section shall be developed concurrently with the regulations in section 5(a) of this Act and in accordance with the provisions of that subsection.

II *Purpose.* A. Environmental review criteria shall be used to evaluate a deepwater port as proposed in an application for a license to own, construct and operate a deepwater port. The criteria shall be consistent with the National Environmental Policy Act, Pub. L. 91-190 (42 USC 4321 et seq.), which declares a national environmental policy. The Secretary of Transportation may issue a license in accordance with the provisions of the Act if, among other things, he determines:

—that the construction and operation of the deepwater port will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality; and

—in accordance with the environmental review criteria established pursuant to section 6 of the Act, that the applicant has demonstrated that the deepwater port will be constructed and operated using the best available technology to prevent or minimize adverse impact on the environment. (§§ 4(c)(3) & (5) of the Act.)

These criteria are therefore intended to be used to evaluate the environmental soundness of a proposed deepwater port and to serve as basic guidelines for determining what environmental impacts could result from deepwater port development and the procedures and technology which can be used to prevent or minimize adverse impacts.

B. In accordance with section 5(f) of the Act, these criteria shall also be considered in the preparation of a single, detailed environmental impact statement for all timely applications covering a single application area. Additionally, section 5(i)(3) of the Act specifies that, in the event more than one application is submitted for an application area, the criteria shall be used, among other factors, in determining whether any one proposed deepwater port clearly best serves the national interest.

III. *Environmental review criteria.* The environmental review of a proposed deepwater port consists of two parts. The *first* part involves assessment of the probable negative and positive environmental impacts which will result from construction and operation of the port. The *second* part appraises the effort made by the applicant to prevent or minimize adverse environmental effects. Guidelines for such an effort are set forth and will be closely considered in the review.

The overall intent of this review is to arrive at a comprehensive evaluation of the significance of the discrete and cumulative environmental impacts, adverse and beneficial, of the project as proposed and to determine whether or not the applicant has demonstrated that the deepwater port will be constructed and operated using the best available technology, so as to prevent or minimize adverse impact on the marine environment.

A. The proposed deepwater port will be evaluated to assess the magnitude and importance of its probable negative and positive environmental impacts. This review will include comparison with reasonable alternative actions, such as: the no-action case (alternative transportation schemes for imported oil); alternative sites, designs, and systems; and other deepwater ports. The information necessary for such an evaluation will be provided by the Federal Environmental Impact Statement and other sources as necessary. A picture of the relative net environmental impact of the proposed project should be obtained. Also, identification of actions which might be taken with respect to procedures and technology to prevent or minimize probable adverse effects will be made. The following are the primary areas of concern:

1. *The Effect on the Marine Environment:* (NOTE: The term "marine environment" includes the navigable waters (including the lands therein and thereunder) and the adjacent shorelines (including the waters therein and thereunder); transitional and intertidal areas, bays, lagoons, salt marshes, estuaries, beaches, waters of the contiguous zone, waters of the high seas; the fish, wildlife and other living resources thereof; and the recreational and scenic values of such lands, waters and resources.)

a. The potential effects of surface and bottom disturbances and increased turbidity both directly on ecological habitats and on the life stages of biological populations and indirectly on such habitats and populations through modifications of the physical, geological, and/or chemical environment.

b. The potential effects of pollutants, especially oil, on ecological habitats and the life stages of biota.

c. The potential effects on threatened or endangered species and on ecosystems.

2. *The Effect on Oceanographic Currents and Wave Patterns:*

a. The potential primary effects of construction and operation on,

i. surface, midwater and bottom currents,

ii. waves,

iii. tides and tidal currents, especially in constricted coastal areas and estuaries,

iv. ice;

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b. The potential secondary impacts of changes to current and wave patterns on sand and sediment transport, turbidity, beach processes, salinity and sedimentation rates resulting from changes to current, wave and tide patterns; and, the resulting impacts on biological systems, on shorelines and beaches, and on their alternate uses.

3. *The Effects on Alternate Uses of the Oceans and Navigable Waters:*

a. Scientific study;
b. Fishing (commercial and recreational);
c. Exploitation of other living and nonliving resources;
d. Sanctuary maintenance;
e. Recreation;
f. Approved costal zone management plans;
g. Power generation;
h. Transportation;
i. Other commercial, industrial or public uses and the national defense.

4. *The Potential Environmental Dangers to a Deepwater Port;*

a. From waves, winds, weather, and geological conditions;

b. The steps which can be taken to minimize such dangers with respect to,

i. siting,
ii. design,
iii. construction,
iv. operations and procedures.

5. *The Effects of Land-Based Developments Related to Deepwater Port Development on:*

a. Stream and river flow, ground and surface water quality and supplies;
b. Marine water quality;
c. Air quality;
d. Alternate land and water uses,
i. wetlands,
ii. habitats,
iii. nurseries,
iv. recreation,
v. wilderness, preserves, and wild and scenic rivers,
vi. existing and proposed sanctuaries,
vii. historical and cultural areas,
viii. open and green space,
ix. agricultural and grazing,
x. residential and commercial,
xi. industrial,
xii. transportation,
xiii. power generation and transmission,
xiv. others.

6. *The Effect on Human Health and Welfare:*

a. Health—

i. the physiological effects of reduced or altered air and water quality or supply, of altered or increased noise levels or quality, of altered community density, etc., and the psychological effects of the above;

ii. the risk of human safety and life posed by a proposed project.

b. Welfare—the ultimate effects of dynamic economic and social change inflicted directly or induced upon the relevant communities, including but not limited to the projected changes in employment, population density, housing and public services, and tax base.

B. In this second part, the proposed project will be appraised for the effort made to prevent or minimize the probable adverse impacts on the environment. This appraisal is primarily concerned with the project as proposed and alternatives are relevant only insofar as they may represent a spectrum of possible actions against which the proposal will be judged. Areas of concern are: siting, design, construction, and operation; and, land use and coastal zone management. Specifically, the review will consider the degree of adherence to the following guidelines.

1. *Siting*—A proposed deepwater port should be sited in an optimum location in order to prevent or minimize possibly detrimental environmental effects. For example:

a. The deepwater port and all its components, including receiving terminals, inline transportation facilities and stations, ancillary and service facilities, and pipeline, should occupy the minimum space necessary for safe and efficient operation and should be located, as much as possible, in areas in which permanent alteration of wetlands is not necessary. Buffer zones should be provided to separate onshore facilities from incompatible adjacent land uses.

b. The deepwater port facility and its offshore components should be located in areas which have stable sea-bottom characteristics and, its onshore components should be located in areas in which a stable foundation can be developed and flood protection levees, if appropriate, can be constructed.

c. The deepwater port facility should be located in an area where existing offshore structures and activities will not interfere with its safe operation, and where the facility or navigation to and from that facility, will not interfere with the safe operation of existing offshore structures. Water depths and currents in and around the deepwater port and its approaches should pose no undue hazard to safe navigation. Extensive dredging or removal of natural obstacles such as reefs, should be avoided. The siting procedure should select an area where projected weather, wave conditions, and seismic activity minimize the probability that damage will occur to the deepwater port, tankers, pipeline, and component shoreside facilities from storms, earthquakes, or other natural hazards.

d. Selection of sites should maximize the permitted use of existing work areas, facilities and access routes for construction and operations activities. Where temporary work areas, facilities, or access routes must be used, they should be to the fullest extent possible, designed and constructed in such a manner to permit restoration to the preconstruction environmental conditions or better.

e. The deepwater port facility, navigational fairway(s) and pipelines should be sited where the interactions of facilities' requirements and natural environment are optimized to prevent adverse impacts or to produce minimal, acceptably low adverse effects. Key factors in assessments should include (but not necessarily be limited to) projected winds, waves, current, spill size and frequency, cleanup capability, shoreline/estuarine/bay sensitivity; biological resources, damage potential and recovery rate; facility design; and project economics.

f. The deepwater port, pipeline, and attendant facilities should be located as far as practicable from the vicinity of critical habitats for biota, including but not limited to commercial and sports fisheries and threatened and endangered species.

g. Sites should reflect negligible displacement of existing or potentially important uses such as the following:

i. fisheries,
ii. recreation,
iii. mining,
iv. oil and gas production,
v. transportation.

h. Siting should favor areas already allocated for similar use and the implications of density of such uses.

i. port facilities—existing tanker and barge traffic—existing ports which can be used for service vessels.

ii. pipelines—use of existing corridors.

iii. secondary facilities—use of (or expansion of) existing storage, refinery, and other support facilities.

iv. construction facilities—use of existing equipment and personnel staging yards.

i. The deepwater port, pipelines and other offshore facilities should be sited so as to not permanently interfere with the natural littoral process or to alter significantly any tidal pass or other part of the physical environment important to natural currents and wave patterns.

j. Pipelines, or other deepwater port components or facilities requiring dredging, should not be located where sediments with high levels of heavy metals, biocides, oil, or other pollutants or hazardous materials exist.

2. *Design, Construction and Operation*—Selection of design and procedures for construction and operation of a deepwater port must reflect use of best available technology. For example:

a. All oil transfer, transportation, and storage facilities, systems and equipment should include appropriate safeguards and backup systems and/or be operated under procedures to minimize both the possibility of pollution incidents resulting from personnel and equipment failures, natural calamities and casualties, such as tanker collisions or groundings, and the adverse effects of those pollution incidents which occur. These facilities, systems, and equipment, should be designed to permit safe operation, including appropriate safety margins, under maximum operating loads and the most adverse operating conditions to which each may be subjected.

b. All facilities should be provided with a safe, environmentally sound method for the collection, storage, and disposal of solid and liquid wastes generated by such facilities. When prescribed by law or regulation, the deepwater port may be required to be fitted with additional facilities for the collection and treatment of ship-generated liquid and solid wastes, such as oily bilge and oily ballast water, tank cleaning residues, sludge wastes, and sewage and garbage.

c. The proposed project should be designed, constructed and operated so as not to interfere permanently with natural littoral processes or other significant aspects of currents and wave patterns. Additionally, harmful erosion or accretion, both onshore and offshore, should be prevented. Groundwater drawdown or saltwater intrusion should not be permitted. Moreover, mixing of salt, brackish, and fresh waters should be minimized. Designs should not include factors which will disrupt natural sheetflow, water flow, and drainage patterns or systems.

d. The proposed project should not interfere with biotic populations. Potential effects on breeding habitats or migration routes should receive particular attention.

e. The proposed project should be designed, constructed and operated so as to make maximum feasible use of already existing local facilities such as roads, pipelines, docking facilities and communications facilities.

f. Disposal of spoil and refuse material should be effected only at disposal sites specifically selected and approved by competent authorities. Whenever and wherever possible, the proposal should provide for resource recovery, reclamation of affected areas, or enhancing uses of spoil and waste.

g. Personnel trained in oil spill prevention should be present at critical points at the deepwater port (as identified in the accident analysis). Personnel should also be trained in oil spill control to mitigate the effects of any spill which may occur.

3. *Land Use and Coastal Zone Management*—A deepwater port should not conflict with existing or planned land use including management of the coastal region. A measure of whether or not conflict exists will be made by the following means:

a. The proposed project should adhere closely to approved master plans or other plans of competent local or State authorities in designated adjacent coastal States or in other States where significant effects are likely to occur. A minimum of special exceptions or zoning variances should be required. Non-conforming uses should not be prolonged where reasonable alternatives are available.

b. The proposed project should conform with approved or planned coastal zone management programs of the relevant adjacent coastal States.

c. The proposed use of floodplains should not entail loss of wetlands nor should such use pose an undue risk of exposure of that use to flood damage, increase the potential need for Federal expenditures for flood protection or flood disaster relief, decrease the unique public value of the floodplain as an environmental resource, or provide an incentive for other uses of the floodplains having similar ultimate results.

(d) The use of or effect on wetlands should be considered in the following manner,

i. uses permanently altering or adversely affecting wetlands are to be avoided, or

ii. positive action must be taken to minimize adverse effects on wetlands.

ANNEX A

1. The following environmental criteria are expressly referred to in the Deepwater Port Act of 1974:

a. Compliance with the Clean Air Act (4(c)(6)).

b. Compliance with the Federal Water Pollution Control Act (4(c)(6)).

c. Compliance with the Marine Protection, Research and Sanctuaries Act (4(c)(6)).

d. Effect on the marine environment (6(a)(1)).

e. Effect on oceanographic currents and wave patterns (6(a)(2)).

f. Effect on alternate uses of the oceans and navigable water, such as scientific study, fishing, and exploitation of other living and nonliving resources (6(a)(3)).

g. The potential dangers to a deepwater port from waves, wind, weather and geological conditions, and the steps which can be taken to protect against or minimize such dangers (6(a)(4)).

h. Effects of land-based developments related to deepwater port development (6(a)(5)).

i. Effect on human health and welfare (6(a)(6)).

j. Consistency with adjacent coastal States' programs relating to environmental protection, land and water use, and coastal zone management (9(b)).

k. Development of an approved coastal zone management program pursuant to the Coastal Zone Management Act of 1972 in the area to be directly and primarily impacted by deepwater port land and water development in the coastal zone of that State directly connected by pipeline to the proposed deepwater port (9(c)).

l. Pursuant to section 102(c)(2) of the National Environmental Policy Act, prepare a single, detailed environmental impact statement for each application area (5(f)).

PART 149—DESIGN, CONSTRUCTION, AND EQUIPMENT

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AUTHORITY: Secs. 10(a), 10(b), Pub. L. 93-627, 88 Stat. 2137-8 (33 U.S.C. 1509(a), (b)); 49 CFR 1.46(a).

Subpart A—General

§ 149.101 Purpose.

This part describes design, construction, and equipment requirements for each deepwater port.

§ 149.105 Licensee.

The licensee of a deepwater port shall ensure that the port meets the design and construction requirements in this part.

Subpart B—Design and Equipment; General

§ 149.201 Applicability.

This subpart prescribes requirements for design and equipment that apply to each deepwater port.

§ 149.203 Engineering drawings and specifications.

(a) The licensee of a deepwater port must submit to the Commandant (G-W) three copies of each construction drawing and specification necessary to show compliance with the requirements of the

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Act and the regulations in this subchapter, a list of all drawings, and each revision to a construction drawing and specification of each:

(1) Fixed marine component; and

(2) Floating marine component.

(b) Each construction drawing and specification, and each revision required to be submitted by paragraph (a) of this section must bear the seal, or a facsimile imprint of the seal of the registered professional engineer responsible for the accuracy and adequacy thereof.

(c) The Coast Guard reviews and evaluates construction drawings and specifications to ensure compliance with the Act and Subchapter NN. The licensee of a deepwater port may not begin construction, or installation of prefabricated components, until the applicable drawings and specifications are approved by the Commandant (G–W). The Coast Guard makes periodic inspections at the construction site and at component construction sites to ensure compliance with approved drawings and specifications. As used in this paragraph, the term "approved" means that each drawing or specification meets the requirements of the Act and the regulations in this subchapter.

(d) When construction or installation of each component is complete, the licensee of a deepwater port must submit two complete sets of record drawings and specifications on 105 mm negatives to the Commandant (G–W). Each negative must be:

(1) Placed in a separate envelope, and

(2) Identified and indexed.

§ 149.205 Design standards.

(a) Each fixed marine and floating component of a deepwater port, except hoses, mooring lines, and aids to navigation buoys, must be designed to withstand at least the combined wind, wave, and current forces of the most severe storm that can be expected to occur in any period of 100 years at the port.

NOTE: "Recommended Procedure for Developing Deepwater Ports Design Criteria" describes a method to prepare the wind, wave, and current criteria for use in determining the forces of the storm described by this paragraph. This guide may be obtained from the Commandant (G–W).

(b) Each platform must be designed in accordance with the American Petroleum Institute "Recommended Practice for Planning, Designing, and Constructing Fixed Offshore Platforms" (API RP 2A) sixth edition, January 1975, and the codes and standards in API RP 2A, to the extent that the recommended practice, codes, and standards are consistent with this subchapter.

(c) Each electrical installation on a platform must be designed, to the extent practicable, in accordance with 46 CFR 110–113.

(d) Each boiler and pressure vessel on a platform must be designed in accordance with Sections I, IV, and VIII of the American Society of Mechanical Engineers "ASME Boiler and Pressure Vessel Code", 1974 edition, to the extent that the code is consistent with this subchapter.

(e) Main oil transfer piping on a platform must be designed in accordance with the American National Standards Institute (ANSI B 31.4) Liquid Petroleum Transportation Piping Systems.

§ 149.206 Construction.

(a) The following walls or decks on a platform must meet the requirements in 46 CFR 92.07–5(b) for "A" class bulkheads, except that each wall or deck must be made of steel:

(1) Each wall or deck that separates a galley, a paint and lamp locker, a space housing emergency power generating equipment, or a machinery space from any other space.

(2) Each wall or deck of an interior stairway connecting enclosed spaces on three or more decks.

(3) Each wall or deck of an elevator shaft, of a dumbwaiter shaft, and of any other shaft connecting two or more enclosed spaces.

(b) The following walls or decks on a platform must meet the requirements in 46 CFR 92.07–5 (b) or (c) for "A" or "B" class bulkheads:

(1) Each corridor wall or deck of a personal accommodation space.

(2) Each wall or deck of a stairway that connects two decks or each wall or deck of a structure enclosing an opening to the stairway.

(c) A platform wall or deck that is not described in paragraph (a) or (b) of this section must meet the requirements in 46 CFR 92.07–5(b), (c), or (d) for "A", "B", or "C" class bulkheads.

(d) Each deck and stairway on a platform must be made of steel and may have a deck covering.

(e) A space that is described in paragraphs (a)(2) or (a)(3) of this section must be enclosed by walls and decks.

(f) Each interior stairway that connects two enclosed spaces on a platform must be enclosed by walls and decks or an opening to the stairway must be enclosed by a structure.

(g) Each interior stairway that connects three or more decks on a platform must have access to each deck.

(h) Each opening in a wall or deck on a platform must have a closure that meets the requirements in this section for the wall or deck. Each door must:

(1) Be a self-closing type;

(2) Not have holdback hooks or other means of permanently holding the door open, except for magnetic holdbacks operated from a suitable remote control position; and

(3) Not have a louver or other opening, except that a door to a sleeping space may have a louver in the lower half of the door.

(i) Internal deck coverings, except those in washrooms and toilet spaces, must be of a type approved under 46 CFR Subpart 164.006. Overlays for leveling or finishing purposes which do not meet the requirements in 46 CFR Subpart 164.006 may be used in thicknesses not exceeding 3/8 of an inch.

(j) Each ceiling, sheathing, furring, and insulation on a platform, must be a noncombustible material of a type that is approved under 46 CFR 164.009.

(k) The interior finish on each wall and ceiling in a corridor or hidden space on a platform must be a type that is approved under 46 CFR 164.012. Walls within a room may have a combustible veneer not to exceed 1/28 inches in thickness.

(l) Nitrocellulose or other highly flammable or noxious fume-producing paints or lacquers may not be used.

§ 149.209 SPM's.

Each SPM must meet the "Rules for Building and Classing Single Point Moorings 1975" of the American Bureau of Shipping, to the extent that these Rules are consistent with this subchapter.

§ 149.211 Emergency equipment.

Each platform must have installed mountings for each item of:

(a) Lifesaving equipment; and

(b) Portable and semiportable fire fighting equipment.

§ 149.213 Helicopter fueling facilities.

Helicopter fueling facilities must comply with the requirements of the National Fire Protection Association, National Fire Code No. 407–1974, Part VI "Fueling on Elevated Heliports". For the purpose of this section, "ground level" as used in the National Fire Code means "below the lowest platform working level".

§ 149.215 Interference with helicopter operations.

Aids to navigation, communication, or radar equipment must be installed so as not to interfere with helicopter operations.

§ 149.217 First aid station.

Each PPC must have a first aid station that has an adjoining space for two beds.

Subpart C—Pollution Prevention Equipment

§ 149.301 Applicability.

This subpart prescribes requirements for pollution equipment that apply to each deepwater port.

§ 149.303 Overflow and relief valve.

(a) Each oil transfer system must include a relief valve, that, when activated, prevents pressure on any components of the OTS from exceeding maximum rated pressure.

(b) No oil transfer system overflow or relief valve may be installed so as to allow an oil discharge into the sea.

§ 149.305 Pipeline end manifold (PLEM) shutoff valve.

(a) Each pipeline end manifold (PLEM) at a single point mooring must have a shutoff valve.

(b) Each shutoff valve required by this section must be capable of operation from the Cargo Transfer Supervisor's normal place of duty.

(c) Each shutoff valve required by this section must be capable of manual operation.

§ 149.307 Blank flange and shutoff valve.

Each floating hose string must have a blank flange and a shutoff valve at the vessel manifold end.

§ 149.309 Manually operated shutoff valve.

Each oil transfer line passing through the SPM buoy must have a manual shutoff valve on the buoy.

§ 149.311 Malfunction detection system.

Each oil transfer system must have a system that can—

(a) Detect and locate all leaks and other malfunctions, between the PPC and the shore; and

(b) Be monitored at the Cargo Transfer Supervisor's normal place of duty.

§ 149.313 Oil transfer system alarm.

Each oil transfer system must have an alarm system to signal a malfunction or failure of the system that is—

(a) Capable of being activated at the Cargo Transfer Supervisor's normal place of duty;

(b) Audible in all parts of the PPC except in areas of high ambient noise levels where hearing protection is required under § 150.509(d) of this subchapter;

(c) Visible in areas of the PPC where hearing protection is required under § 150.509(d) of this subchapter by use of a high intensity flashing light; and

(d) Distinguishable from the general alarm.

§ 149.315 Marking of oil transfer system alarm.

(a) Each oil transfer alarm switch must be identified by the words "OIL TRANSFER ALARM" in red letters at least one inch high on a yellow background.

(b) Each audio and each visual oil transfer alarm signalling device under § 149.313 must have a sign with the words "OIL TRANSFER ALARM" in red letters at least one inch high on a yellow background.

§ 149.317 Communications equipment.

(a) Each deepwater port must have:

(1) A means that enables two-way voice communication among:

(i) The Cargo Transfer Supervisor;

(ii) The vessel's officer in charge of cargo transfer;

(iii) The Cargo Transfer Assistant;

(iv) The Port Superintendent;

(v) The master or person in charge of service craft operating at the deepwater port; and

(vi) The person in charge on the PPC;

(2) A means, which may be the communications system itself, that enables each of the persons listed in paragraph (a)(1) of this section to indicate his desire to communicate with another of those persons; and

(3) Communications equipment and facilities that must meet the requirements of 47 CFR 81 and 83.

(b) Each portable means of communication used to meet the requirements of this section must be:

(1) Certified under 46 CFR 111.80–5 to be operated in a Group D, Class 1, Division 1, Atmosphere; and

(2) Permanently marked with the certification required in paragraph (b)(1) of this section.

§ 149.319 Discharge containment and removal material, and equipment.

(a) Each deepwater port must have stored, on the pumping platform or a service craft operating at the deepwater port, oil discharge containment and removal material and equipment that, to the extent best available technology allows, can contain and remove an oil discharge of at least 10,000 U.S. gallons for offload-only ports, or 40,000 U.S. gallons for ports where onloading operations are permitted pursuant to section 4(a)(3) of the Act.

(b) Each deepwater port must have readily accessible additional containment and removal material and equipment for containing and removing oil discharges larger than those specified in paragraph (a) of this section. For the purpose of this paragraph, access may be by direct ownership, joint ownership, cooperative venture, or contractual agreement.

(c) The type of discharge containment and removal material and equipment that best meets the requirements of paragraphs (a) and (b) of this section must be determined on the basis of:

(1) Oil handling rates of the deepwater port;

(2) Volume of oil susceptible to being spilled;

(3) Frequency of oil transfer operations at the deepwater port;

(4) Prevailing wind and sea state condition at the deepwater port;

(5) Age, capability, arrangement of, and the licensee's experience with the oil transfer system equipment at the deepwater port; and

(6) Whether the discharge containment and removal material and equipment is shared, and the expected frequency of use and proability of availability.

§ 149.321 Special requirement for onloading ports.

Each deepwater port at which onloading operations are permitted, under section 4(a)(3) of the Act, must have a means for receiving oily residues from vessels.

Subpart D—Safety Equipment

§ 149.401 Applicability.

This subpart prescribes requirements for safety equipment that apply to each deepwater port.

§ 149.402 Equipment not required on a PPC.

Each item of lifesaving and fire fighting equipment on a PPC that is not required by this subpart must be approved under 46 CFR, Part 160 or Part 162.

CURBS, GUTTERS, DRAINS, AND RESERVOIRS

§ 149.403 Curbs, gutters, drains, and reservoirs.

Each platform must have enough curbs, gutters, drains, and reservoirs to collect all of the following discharges and wastes in the reservoirs:

(a) All discharges from equipment, maintenance shops, and refueling facilities.

(b) All laboratory, sanitary, galley, and deck cleansing wastes, and similar wastes. Sanitary waste includes the waste from baths, showers, sinks, wash bowls, laundry, toilets and urinals.

EMERGENCY POWER

§ 149.411 Emergency power.

(a) Each PPC must have emergency power equipment to provide power to operate all of the following simultaneously for a continuous period of eight hours:

(1) Emergency lighting circuits.

(2) Aids to navigation equipment.

(3) Communications equipment.

(4) Radar equipment.

(5) Alarm systems.

(6) Electrically operated fire pumps.

(7) Other electrical equipment designated in the Operations Manual by the licensee.

(b) No emergency power generating equipment may be located in any enclosed space on a platform that contains oil transfer pumping equipment or other power generating equipment.

MEANS OF ESCAPE

§ 149.421 Means of escape from platform.

(a) Each platform must have at least one fixed and one unfixed means of escape from the highest working level to the water level with an entry at each working level.

(b) Each platform with living spaces must have at least two fixed means of escape from the highest level with living spaces to the water with an entry at each level below. If the highest level of the PPC contains living spaces, the two fixed means of escape required by this paragraph satisfy the requirements in paragraph (a) of this section.

(c) Each platform must have at least one fixed or unfixed means of escape for every ten persons on board the platform, including the means of escape required under paragraphs (a) and (b) of this section.

(d) When two or more fixed means of escape are installed, at least two must be as far from each other as practicable.

(e) Each fixed means of escape required under this section must be a steel ladder or steel stairway.

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(f) Each unfixed means of escape required under this section must be:
(1) A portable ladder;
(2) A flexible ladder; or
(3) A knotted man rope.
(g) Two exits must be provided from each space having over 300 square feet of floor area. Where practicable, the exits must give egress to different corridors, rooms, or spaces.
(h) Exits must provide egress to the external means of escape required in this section. Dead end corridors may not be longer than 40 feet.

§ 149.423 Means of escape from helicopter landing pad.

Each helicopter landing pad on the PPC must have at least two fixed means of escape that are independent of those required by § 149.421:
(a) From the pad to the first working level below the pad or the water; and
(b) As far from each other as practicable.

PERSONNEL LANDINGS

§ 149.431 Personnel landings.

Each PPC must have at least two personnel landings for access to the platform from the water unless:
(a) Personnel landings are not possible because of the PPC design; and
(b) The PPC has a personnel basket transfer system.

§ 149.433 Personnel landing illumination.

Each personnel landing must have at least 1 foot-candle of artificial illumination on its guard rails or fence and on its deck.

GUARD RAILS, FENCES, NETS, AND TOEBOARDS

§ 149.441 Open sided deck, deck opening, catwalk, and helicopter pad protection.

(a) Each open sided deck, deck opening, and catwalk on each PPC must have protection that meets the "Safety Requirements for Floor and Wall Openings, Railings, and Toeboards" of the American National Standards Institute (ANSI A12.1–1973), except each must have toeboards.
(b) Each open side of each helicopter landing pad on the PPC must have:
(1) Safety net; or
(2) A lowered walkway that is 48 inches wide, is not more than 42 inches below the level of the pad, and has guard rails that meet the requirements of ANSI A12.1–1973, except each must have toeboards.

FIXED FIRE MAIN SYSTEM FOR WATER

§ 149.451 Fixed fire main system for water.

Each PPC must have a fixed fire main system for water.

§ 149.453 Fire pumps.

(a) Each PPC must have at least two independently driven fire pumps that can deliver two streams of water at a continuous pitot tube pressure of at least 75 p.s.i. at each fire hose nozzle.
(b) Each fire pump must have:
(1) A relief valve on its discharge side that is set to relieve at 25 p.s.i. in excess of the pressure necessary to meet the requirement in paragraph (a) of this section;
(2) A pressure gauge on its discharge side; and
(3) Its own water source.
(c) Fire pumps may only be connected to the fire main system.

§ 149.455 Fire pump location.

The fire pumps required by § 149.453(a) may not be located in the same space.

§ 149.457 Fire hydrants.

(a) Each part of the PPC that is accessible to any person, except machinery spaces, must have enough fire hydrants so that it can be sprayed with at least two spray patterns of water. At least one spray pattern of water must be from one length of hose.
(b) Each PPC must have enough fire hydrants so that each machinery space can be sprayed with at least two spray patterns of water from separate hydrants. Each spray pattern of water must be from one length of hose.
(c) A single length of fire hose, with nozzle attached, must be connected to each fire hydrant at all times.

§ 149.459 Fire hydrant outlet.

The outlet on each fire hydrant must not point above the horizontal.

§ 149.461 Fire hydrant and control valve shutoff valve.

Each fire hydrant and control valve must have a shutoff valve.

§ 149.463 Fire hydrant access.

Any equipment that is in the same space as a fire hydrant must not interfere with access to that hydrant.

§ 149.465 Spanner.

Each fire hydrant must have at least one spanner at the fire hydrant.

§ 149.467 Fire hose rack.

(a) Each PPC must have a hose rack at each hydrant.
(b) Each fire hose rack must be visible.
(c) Each fire hose rack in an exposed location must be protected from weather.

§ 149.469 Fire hose size.

Each length of fire hose must be:
(a) 1½ or 2½ inch nominal hose size diameter;
(b) 50 foot nominal hose size length; and
(c) lined commercial fire hose that conforms to Underwriters Laboratories, Inc. Standard 19 or Federal specification ZZ–H–451D.

§ 149.471 Fire hose coupling.

Each fire hose coupling must:
(a) Be made of brass, bronze, or material that has strength and corrosion resistant properties at least equal to those of brass or bronze; and
(b) Have 9 threads per inch for 1½ inch hose or 7½ threads per inch for 2½ inch hose.

§ 149.473 Fire hose nozzle.

Each fire hose nozzle must be a combination solid stream and water spray fire hose nozzle that is approved under 46 CFR 162.027.

§ 149.477 Spray applicator.

Each PPC must have a low velocity spray applicator that is approved under 46 CFR 162.027 at each fire hydrant.

§ 149.479 International shore connection.

(a) The fixed fire main system of a PPC must have:
(1) At least two risers;
(2) A cutoff valve and check valve for each riser; and
(3) At least two international shore connections that meet the requirements in 46 CFR 162.034.
(b) Each riser must be in an accessible location to vessels alongside the PPC, and two of the risers must be on opposite sides of the PPC.

OTHER FIRE EXTINGUISHING SYSTEMS

§ 149.481 Other fire extinguishing systems.

(a) Each PPC must have a manually or automatically operated fire extinguishing system in addition to the fire main system required under § 149.451 that is approved by the Commandant and meets the National Fire Protection Association standards listed in paragraph (e) of this section in the following locations:
(1) Storerooms.
(2) Workrooms containing flammable liquids.
(3) Pump rooms.
(4) Machinery spaces.
(b) Each halogenated agent or CO_2 system in a compartment smaller than 6000 cubic feet, and each sprinkler system, must be automatic.
(c) Each halogenated agent or CO_2 system in a compartment larger than 6000 cubic feet, and each foam system, must be manual.
(d) The systems selected must match the hazard to be protected as follows:
(1) Storerooms must use water sprinklers or CO_2.
(2) Workrooms containing flammable liquids, pumprooms, and machinery spaces must use CO_2, halogenated agents, or high expansion foam.
(e) Each system required under paragraph (a) of this section must meet one of the following performance standards:
(1) Water sprinkler system—NFPA No. 13–1974.
(2) Carbon dioxide system—NFPA No. 12–1973.
(3) Halogenated agent system—NFPA No. 12A–1973.
(4) Foam system—NFPA No. 11A–1970.
(f) Arrangement requirements contained in 46 CFR 95.15–10, 15 and 20 must be complied with.
(g) Each system required under paragraph (a) of this section must activate the general alarm system when it operates.

(h) Spaces that are protected by a carbon dioxide system or halogenated agent system and are normally accessible to persons on board must be fitted with an approved audible alarm that sounds automatically 20 seconds before the extinguishing agent is admitted to the space. The alarm must be conspicuously and centrally located.
(i) To the extent practicable, materials in each item of equipment required by paragraph (a) of this section must have resistance to the adverse effects of the marine environment.

§ 149.483 Fire fighting system for helicopter pads.

(a) Each PPC helicopter landing pad must have the following:
(1) A fire extinguishing system designed to:
(i) Deliver a minimum of 200 g.p.m. of water at the pressure required to overcome friction in the piping and hose lines, and produce the nozzle discharge requirements in paragraph (a)(2)(ii) of this section for 15 minutes; and
(ii) Not interfere with the simultaneous operation of the fire main.
(2) Shutoff type nozzles designed:
(i) For use with a foam concentrate listed or approved by a recognized testing agency for fire extinguishing agents;
(ii) To discharge water-foam concentrate solution or water fog at a rate of 100 g.p.m. at a pressure that will provide a foam discharge pattern at a 20 foot range with 15 foot width variable to a solid stream of foam with a minimum 50 foot range; and
(iii) To produce foam having a minimum expansion of eight, with a 25 percent drainage time of at least 5 minutes when protein base foam is used.
(3) Nozzles located so as to provide complete coverage of the helicopter landing area.
(4) A means of activating the general alarm system required by § 149.541.
(b) Aqueous film forming foam (AFFF) may be substituted for protein base foam. Generally, the quantity of water may be reduced by 30 percent from that specified for use with protein base foam. This reduction will be authorized by the Commandant on a case by case basis.
(c) Other extinguishing agents that would provide an equivalent fire fighting capability may be substituted with the approval of the Commandant.

FIRE DETECTION AND ALARM SYSTEMS

§ 149.491 Fire detection and alarm systems.

(a) Each PPC must have the following fire detection systems that activate the general alarm system:
(1) An ionization type automatic smoke detection system in each sleeping space.
(2) A combination fixed-temperature and rate-of-rise heat detector system in each non-sleeping space that does not have an automatic fire extinguishing system unless the space is subject to a 15°F or greater per minute rate of rise.
(3) A fixed-temperature detector system in each nonsleeping space that does not have an automatic fire extinguishing system and that is subject to a 15°F or greater per minute rate of rise.
(b) To the extent practicable, materials in each item of equipment required by this section must have resistance to the adverse effects of the marine environment.

PORTABLE AND SEMIPORTABLE FIRE FIGHTING EQUIPMENT

§ 149.501 Portable and semiportable fire extinguishers.

(a) Each PPC must have portable or semiportable fire extinguishers that are approved by the Coast Guard under 46 CFR 162.028 or 162.039.
(b) Each semiportable fire extinguisher must be fitted with hose and nozzle or other apparatus so that the entire space in which the extinguisher is located may be protected.

§ 149.503 Location of extinguishers.

(a) Fire extinguishers must be installed in accordance with Table 145.10(a) in § 145.10 of this chapter.
(b) Each fire extinguisher must be located so it can easily be seen.

§ 149.505 Spare charges.

(a) Spare charges must be carried for at least 50 percent of each size and variety of hand portable fire extinguisher required in § 149.503. If an extinguisher is of such variety that it cannot be readily recharged by PPC personnel, one spare extinguisher of the same classification must be carried in lieu of a spare charge.
(b) Spare charges must be packed to minimize the hazards to personnel while recharging extinguishers. Acid must be contained in a crown stopper type of bottle.

§ 149.507 Marking.

Each hand portable extinguisher and its station must be numbered in accordance with 46 CFR 97.37–23.

§ 149.511 Landing area with no fueling facility.

In addition to the requirements in § 149.483 of this subchapter each helicopter landing area on a PPC with no fueling facility must have at least two USCG type B:C, size IV dry chemical extinguishers.

§ 149.513 Landing area with a fueling facility.

In addition to the requirements in § 149.483 of this subchapter each helicopter landing area on the PPC with a fueling facility must have:
(a) At least two USCG Type B:C, size II dry chemical extinguishers and at least one USCG Type B:C, size V dry chemical extinguisher; and
(b) A USCG Type B:C, size II dry chemical extinguisher at the emergency control station.

§ 149.515 Fire axes.

(a) Each PPC must have at least 8 fire axes.
(b) Fire axes must be distributed so as to be readily available in an emergency.
(c) Each fire axe must be located:
(1) In the open;
(2) Behind glass; or
(3) In an enclosure with a fire hose.

§ 149.517 Fireman's outfits.

(a) Each platform must have at least 2 fireman's outfits.
(b) Each fireman's outfit must consist of:
(1) A self contained breathing apparatus approved under 49 CFR 160.011 with a complete recharge.
(2) A three-cell, intrinsically safe flashlight with the Underwriters' Laboratories, Inc., label and a set of spare batteries for the flashlight.
(3) An oxygen and combustible gas indicator with the Underwriters' Laboratories, Inc., label, or Factory Mutual Testing Laboratories, Inc., label.
(4) Boots and gloves that are made of rubber or other electrically nonconductive material.
(5) A helmet that meets the requirements in Section 5 of the United States of America Standard Safety Code (Z2.1–1959).
(6) Clothing that protects the skin from scalding steam and the heat of fire and that has a water resistant outer surface.
(c) Equipment must be stowed in a convenient, readily accessible location.

LIFESAVING EQUIPMENT

§ 149.521 Lifeboats and inflatable life rafts: general.

(a) Each PPC must have enough lifeboats or inflatable life rafts, or a combination of both, for 200% of the maximum number of personnel to be quartered or employed on the PPC, except that each PPC must have at least two lifeboats. The Commandant may reduce this requirement to a minimum of 150% under § 148.607 when it can be shown that the specific arrangements and separation of equipment provides sufficient redundancy.
(b) Each lifeboat and launching equipment for an inflatable life raft on a platform must be mounted on the outboard side of the platform in a location that is easily accessible to persons on board and that is as far apart as practicable from each other lifeboat.
(c) No lifeboat and no launching equipment for an inflatable life raft may be mounted next to a discharge opening on a platform unless the opening has a baffle or a remotely controlled device to close the opening.
(d) Each lifeboat and life raft launching station must be provided with emergency lighting to illuminate the entire launching process from the stowed position until the craft is waterborne.

§ 149.522 Lifeboats.

(a) Each lifeboat on a platform must be approved under 46 CFR 160.035 and have the equipment required by 46 CFR 94.20–10 for a lifeboat on lakes, bays, sounds, and rivers. Except for boathooks, the equipment must be securely attached to the lifeboat.
(b) Each lifeboat on a platform must be motor propelled and have an installed

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cover that provides protection from exposure and from fire during operation of the lifeboat.

§ 149.523 Inflatable life rafts.

Each inflatable life raft on a platform must be approved under 46 CFR 160.051 as an inflatable life raft intended for an ocean service vessel.

§ 149.524 Launching equipment for lifeboats.

(a) Each PPC must have the following launching equipment for each lifeboat required by § 149.521 of this subpart:

(1) A winch that is approved under 46 CFR 160.015 and that has a grooved drum with only one layer of wire.

(2) Mechanical disengaging apparatus that is approved under 46 CFR 160.033.

(3) Davits that are approved under 46 CFR 160.032.

(4) Load bearing components that meet the requirements in 46 CFR 94.33–5 (a), (c), (d), and (e) and 46 CFR 94.-33–10.

(b) If a lifeboat is mounted more than 30 feet above mean low water, the launching equipment for the lifeboat must be capable of operation from the lifeboat and from the PPC.

§ 149.525 Launching equipment for inflatable life rafts.

(a) Each PPC must have enough of the following inflatable life raft launching equipment to launch all of the life rafts required by § 149.521 within 20 minutes:

(1) Winches that are approved by the Commandant.

(2) Mechanical disengaging apparatus that is approved by the Commandant.

(3) Davits that are approved by the Commandant.

(4) Load bearing components that meet the requirements in 46 CFR 94.33–5 (a), (c), (d), and (e) and 46 CFR 94.-33–10.

(b) Launching equipment for an inflatable life raft must be capable of being operated from the life raft and from the PPC.

(c) No more than two rafts may be launched from each launching station.

§ 149.526 Type IV personal flotation devices (PFD's).

(a) Each PPC must have at least 8 Type IV PFD's and mounting racks.

(b) The PFD's and mounting racks required in paragraph (a) of this section must be distributed about the perimeter of the platform.

(c) Each Type IV PFD required by this section must be the 30-inch size approved under 46 CFR 160.009 or 160.-050 and must be international orange in color.

(d) Fifty percent of the Type IV PFD's required by this section must have an electric water light approved under 46 CFR 161.010.

(e) At least one Type IV PFD on each side of each platform must have a buoyant line attached to the buoy that is 1½ times the distance from the buoy to the mean low water line of the platform or 15 fathoms in length, whichever is greater.

(f) Each Type IV PFD required by this section must be easily accessible to persons on board.

§ 149.527 Portable radio apparatus.

Each PPC must have portable radio apparatus that meets the requirements in 46 CFR 94.55–1.

§ 149.529 Type I personal flotation devices (PFD's).

(a) Each PPC must have enough adult Type I PFD's for 100 percent of the port personnel. Each PFD must be stowed in the living spaces.

(b) Enough additional Type I PFD's for 50 percent of the port personnel must be stowed near working spaces in well ventilated and accessible lockers marked "life preservers."

§ 149.533 Litters.

Each platform must be equipped with at least one Stokes litter that is placed in a location that is accessible to persons on board.

§ 149.535 Markings on lifeboats, life rafts, paddles, and oars.

(a) Each lifeboat, and life raft must be marked in letters and numbers at least 1½ inch high with:

(1) The identification of the deepwater port; and

(2) The personnel capacity.

(b) Each inflatable life raft must be marked as required under 46 CFR 160.051.

(c) Each paddle and each oar must be marked with the identification of the deepwater port.

§ 149.537 Markings for personal flotation devices (PFD's).

Each PFD must be marked with the identification of the deepwater port.

MISCELLANEOUS

§ 149.539 Portable lights.

(a) Each portable light on a PPC must be listed by Underwriters' Laboratories, Inc., as suitable for Class I, Group D hazardous locations.

(b) Each supply cord of the portable lighting units must have receptacles with plugs, or receptacles with plugs interlocked with snap switches, that are listed by Underwriters' Laboratories, Inc., as suitable for Class I, Group D hazardous locations.

§ 149.541 General alarm system.

(a) Each PPC must have a general alarm system.

(b) Each general alarm system must be:

(1) Capable of being activated by the automatic fire detection systems required under § 149.491 and manually by use of alarm boxes located in accordance with the National Fire Protection Association Standard No. 72A–1974;

(2) Audible in all parts of the PPC except in areas of high ambient noise levels where hearing protection is required under § 150.509(d) of this subchapter; and

(3) Visible in areas of the PPC where hearing protection is required under § 150.509(d) of this subchapter by use of a high intensity flashing light.

§ 149.543 Marking of general alarm system.

(a) Each general alarm box must be marked with the words "GENERAL ALARM" in red letters at least one inch high on a yellow background.

(b) Each audio and each visual general alarm signalling device under § 149.541 must have a sign with the words "GENERAL ALARM" in red letters at least one inch high on a yellow background.

§ 149.545 Public address system.

Each PPC must have a public address system operable from two locations on the PPC to allow an announcement of fires, oil transfer system failure or malfunction, and other emergencies.

Subpart E—Aids to Navigation at Deepwater Ports

GENERAL

§ 149.701 Applicability.

This subpart prescribes the minimum requirements for aids to navigation at the marine site.

§ 149.703 Effective intensity: definition.

For the purpose of this subpart, "effective intensity" is the intensity of a flashing light calculated by using equation [3–27] for effective intensity in the Illumination Engineering Society Lighting Handbook, Fifth Edition, 1972, p. 3–36.

§ 149.705 Applicability of other regulations.

Sections 66.01–5, 66.01–25 (a) and (c), 66.01–50, and 66.01–55 of this chapter also apply to aids to navigation at a deepwater port. For the purpose of § 66.01–25 (a) and (c) of this chapter, aids to navigation at a deepwater port are Class I aids to navigation.

§ 149.707 Applications for aids to navigation.

(a) 180 days before the installation of any structure at the deepwater port site the licensee must submit applications for obstruction lights and such other private aids to navigation appropriate for the particular construction site.

(b) 180 days before the commencement of oil transfer operations or changing the mooring facilities at the deepwater port the licensee must submit applications for private aids to navigation.

(c) Applications for private aids to navigation for deepwater ports must be submitted in accordance with § 66.01–5 of this chapter except that the applications must be submitted to the Commandant (G–W).

SPECIFICATIONS FOR LIGHTS

§ 149.721 Light source.

Each light must have a tungsten-incandescent light source.

§ 149.723 Intensity.

(a) Each light on a buoy, hose string, and SPM must:

(1) Have at least the effective intensity required by this subpart for the light at all angles, the origin of which is the focal point of the light, that are included within ±1° from the focal plane of the light; and

(2) Have at least 50% of the effective intensity required by this subpart for the light at all angles, the origin of which is the focal point of the light, that are included within ±2° from the focal plane of the light.

(b) Each light on a platform, including the rotating lighted beacon, must:

(1) Have at least the effective intensity required by this subpart at all angles within ±0.5° of the horizontal plane that includes the focal point of the lens; and

(2) Have at least 50% of the effective intensity required by this subpart for the light at angles within ±1° of the horizontal plane that includes the focal point of the lens.

§ 149.724 Focus.

Each light using a lens must have a means to verify that the light source is at the focal point of the lens.

§ 149.725 Color.

The transparent cover of each light, including, where applicable, the top of the cover, must be uniform in color.

§ 149.727 Chromaticity.

The color emitted by a light at all angles, within the 50% effective intensity angle under § 149.723 must have chromaticity coordinates lying within the boundary defined by the corner coordinates in Table 149.727 when plotted on the International Commission on Illumination (CIE) 1931 Standard Observer Diagram.

TABLE 149.727.—*Chromaticity coordinates*

Color	Chromaticity coordinates	
	x axis	*y* axis
White	0.285	0.332
	.453	.440
	.500	.440
	.500	.382
	.440	.382
Green	.285	.264
	.009	.720
	.284	.520
	.207	.397
	.013	.494
Red	.665	.335
	.645	.335
	.680	.300
	.700	.300
Yellow	.560	.440
	.555	.435
	.612	.382
	.618	.382

§ 149.729 Display of information.

(a) The following information must be displayed on each light:

(1) The manufacturer's name and date of manufacture.

(2) The model designation.

(3) The name of the manufacturer of the lamp to be used, and the manufacturer's ordering code for the lamp.

(4) The minimum voltage, measured at the input terminals of the lighting apparatus with the lamp burning, needed to operate the light in compliance with the intensity requirements of this subpart.

(b) The following information must be displayed on each rotating lighted beacon:

(1) The information prescribed in paragraph (a) of this section.

(2) The operating speed of the rotating apparatus.

(3) The type and level of electrical input required to maintain the operating speed.

OBSTRUCTION LIGHTS

§ 149.751 Number and location on a platform and SPM.

(a) A platform that is 30 feet or less on any side, or in diameter, must have at least one obstruction light.

(b) An SPM must have at least one obstruction light.

(c) A platform that is more than 30 feet but less than 50 feet on any side, or in diameter, must have at least two obstruction lights that are installed as far apart from each other on the platform as possible.

(d) A platform that is more than 50 feet on any one side must have one obstruction light installed on each corner.

(e) A circular platform that has a diameter of more than 50 feet must have at least 4 obstruction lights that are installed as far apart from each other on the platform as possible.

(f) At least one of the obstruction lights on each platform and SPM must be visible from the water regardless of the angle of approach to the structure.

(g) If a platform or SPM has more than one obstruction light, the lights must all be installed in the same horizontal plane.

(h) Each obstruction light on a platform must be installed at least 20 feet above mean high water.

(i) Each obstruction light on an SPM must be installed at least 10 feet above the water.

§ 149.753 Number and location on a floating hose string.

A floating hose string must have omnidirectional obstruction lights that are:

(a) Installed at equally spaced intervals of not more than 70 feet along the length of the hose string, except that the two sections of hose furthest from the SPM need not have lights; and

(b) Installed all at the same height and at no less than 2 nor more than 5 feet above the surface of the water.

§ 149.755 Characteristics.

(a) Each obstruction light on a platform or SPM must:

(1) Be white; and

(2) Flash 50 to 70 times per minute.

(b) If a platform or SPM has more than one obstruction light, the lights must flash simultaneously.

(c) Each obstruction light on a hose string must:

(1) Be yellow; and

(2) Flash 50 to 70 times per minute.

§ 149.757 Intensity.

(a) Each obstruction light on a platform must have an effective intensity of at least 75 candela.

(b) Each obstruction light on an SPM must have an effective intensity of at least 15 candela.

(c) Each obstruction light on a hose string must have an effective intensity of at least 1 candela.

§ 149.759 Leveling.

Each obstruction light installed on a platform must have:

(a) Mounting hardware incorporating devices that facilitate horizontal leveling of the light; and

(b) A leveling indicator, or indicators, each with an accuracy of ±0.25 degrees, permanently attached to the light.

BUOYS

§ 149.771 Number and location.

Each lateral boundary of a traffic lane at a deepwater port must be marked with buoys that are no more than 5 miles apart.

§ 149.773 Characteristics.

(a) Each buoy at a deepwater port must:

(1) Meet the requirements in § 62.25 of this chapter for buoys in United States waters; and

(2) Have:

(i) A radar reflector; and

(ii) A light installed at least 8 feet above the water.

(b) For each traffic lane, the buoy that is furthest from the safety zone must have a fog signal of a type described in Subpart 62.45 of Part 62 of this chapter.

§ 149.775 Intensity of lights.

(a) Each fixed light on a buoy must have an intensity of at least 75 candela.

(b) Each flashing light on a buoy must have an effective intensity of at least 75 candela.

MISCELLANEOUS

§ 149.791 Identification of a platform and SPM.

(a) Each platform and SPM must display the name of the port, and the name or number or both identifying the structure, so that the information is visible:

(1) From the water at all angles of approach to the structure; and

(2) If the structure is equipped with a helicopter pad, from aircraft on approach to the structure.

(b) The information required in paragraph (a) of this section must be displayed in numbers and letters that are:

(1) At least 12 inches high;

(2) In vertical block style; and

(3) Displayed against a contrasting background.

§ 149.793 Markings for piles and pile clusters.

(a) Each pile and pile cluster that is within 100 yards of a platform or SPM must be marked with white reflective tape.

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(b) Each pile and pile cluster that is more than 100 yards from a platform or SPM must meet the obstruction lighting requirements in this subpart for a platform.

§ 149.795 Radar beacon.

The tallest platform must have an FCC accepted radar beacon (RACON) that:

(a) When triggered, periodically sweeps the frequency band from 9320 to 9500 MHz, using a continuous saw-tooth sweep, and a sweep rate not greater than 3 MHz per second;

(b) Transmits a signal of at least 250 milliwatts radiated power that is omnidirectional in the horizontal plane, is polarized at an angle of 45° to the horizontal plane, and is delayed from the incident radar signal by no more than 250 nanoseconds;

(c) Transmits a 2-element or 3-element Morse coded pulse signal, with the overall signal length adjustable to about 20 microseconds; and

(d) Is installed at a minimum height of 15 feet above the highest deck of the platform and where the structure of the platform, or equipment mounted thereon, does not obstruct the signal propagation in any direction.

§ 149.797 Rotating lighted beacon.

The tallest platform must have a rotating lighted beacon that:

(a) Has an effective intensity of at least 15,000 candela;

(b) Flashes at least once every 20 seconds;

(c) Has a white light;

(d) Is installed:

(1) At least 60 feet above mean high water;

(2) Where the structure of the platform, or equipment mounted thereon, does not obstruct the propagation of the light in any direction; and

(3) So as to be visible all around the horizon;

(e) Operates in wind up to 100 knots at a speed that is within 6% of the operating speed displayed on the beacon.

(g) Has a leveling indicator, or indicators, each with an accuracy of ±0.25 degrees, permanently attached to the light.

§ 149.799 Fog signal.

(a) Each PPC must have a Coast Guard approved fog signal that has a 2 mile range.

NOTE: A list of Coast Guard approved fog signals may be obtained from the Commandant (G–W).

(b) Each fog signal on a PPC must:

(1) Be installed at least 10 feet but not more than 150 feet above mean high water; and

(2) Be installed where the structure of the platform, or equipment mounted thereon, does not obstruct the propagation of sound in any direction.

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AUTHORITY: Secs. 10(a), 10(b), Pub. L. 93–627, 88 Stat. 2137–8 (33 U.S.C. 1509 (a), (b)); 49 CFR 1.46(a).

Subpart A—General

§ 150.101 Applicability.

The rules in this part apply to the operation of each deepwater port.

§ 150.103 Licensee.

(a) No licensee of a deepwater port may cause or authorize operations contrary to the rules in this part.

(b) The licensee shall ensure that the port meets the equipment requirements in Part 149 of this chapter.

§ 150.105 Operations Manual: general.

(a) The licensee of a deepwater port may not operate the port unless the port has an Operations Manual that:

(1) Is prepared in accordance with the "Guidelines for Preparation of a Deepwater Port Operations Manual"; and

(2) Has been approved by the Commandant.

(b) For the purpose of this section, "approved" means only that the Operations Manual meets the requirements of the Act and the regulations in this subchapter.

NOTE: The "Guidelines for Preparation of a Deepwater Port Operations Manual" may be obtained from the Commandant (G–W).

§ 150.106 Operations Manual: copies.

The licensee shall furnish 25 copies of the approved Operations Manual and each subsequent amendment to Commandant (G–W).

NOTE: The Commandant will distribute copies of the approved Operations Manual and subsequent amendments within the Coast Guard and to the Governor of the adjacent coastal State connected directly by pipeline to the deepwater port.

§ 150.107 Operations Manual: amendment.

(a) The Captain of the Port may require the licensee to amend the Operations Manual if he finds that the Operations Manual does not comply with § 150.105 of this part.

(b) When the Captain of the Port determines that an amendment to an operations manual is necessary, he notifies the licensee in writing of a date not less than 14 days from the date of the notice, on or before which the licensee may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Captain of the Port notifies the licensee of any amendment required or he rescinds the notice. The amendment becomes effective not less than 30 days after the licensee receives the notice unless the licensee petitions the Commandant to reconsider the amendment, in which case its effective date is stayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing to the Captain of the Port.

(c) If the Captain of the Port finds a situation that requires immediate action to prevent the discharge or risk of discharge of oil or to protect the safety of life and property that makes the procedure in paragraphs (a) and (b) of this section impracticable or contrary to the public interest, he may issue an amendment effective, without stay, on the date the licensee receives notice of it. In such a case, the Captain of the Port includes a brief statement of the reasons for his finding in the notice, and the licensee may petition the District Commander, in any manner, to reconsider the amendment.

(d) Adjacent coastal States connected by pipeline to the deepwater port and licensees may petition the Captain of the Port to amend the Operations Manual. The Captain of the Port, when in receipt of a proposed amendment, will solicit comments on the proposed amendment. The petition and comment should include sufficient relevant information to enable the Captain of the Port to reach a decision to adopt or reject the proposed amendment. The Captain of the Port may approve amendments to the Operations Manual if he finds that the proposed alternative procedure, method, or equipment will ensure equivalent or improved protection, safety, or quality level and is in compliance with this subchapter.

§ 150.109 Compliance with Operations Manual.

Each licensee shall use and require his personnel to use the procedures in the Operations Manual.

§ 150.113 Deviations.

The Captain of the Port may authorize a deviation in writing upon request, if he finds that the proposed alternative procedure, method or equipment would ensure equivalent protection, safety, or quality level.

§ 150.115 Emergency deviations.

In an emergency, for the protection of life or property, or to avoid danger to the environment, any person may deviate from the Operations Manual or any requirement of deepwater port regulations. As soon as practicable, the person shall report the nature, extent, and duration of each deviation orally or in writing to the Captain of the Port.

§ 150.117 Notification to the District Commander.

(a) At least 30 days before construction of a pipeline, platform, or SPM at a deepwater port begins, the licensee shall give notice of construction in writing to the District Commander.

(b) On the date construction of a pipeline, platform or SPM at a deepwater port begins, the licensee shall give written notice to the District Commander within 24 hours of the lights and fog signals in use at the construction site.

(c) Whenever lights or fog signals are changed during construction of a pipeline, platform, or SPM at a deepwater port, the licensee shall give written notice of such change to the District Commander within 24 hours.

(d) When lights or fog signals used during construction of a platform, buoy, or SPM at a deepwater port are replaced with lights or fog signals required by Part 149 of this subchapter, the licensee shall give written notice of replacement to the District Commander within 24 hours.

(e) At least 60 days before the first oil transfer operation begins at a deepwater port, the licensee shall give written notice of the operation to the District Commander.

(f) At least 60 days before the first oil transfer operation begins at a deepwater port, the licensee shall give notice of the operation to the District Commander.

§ 150.119 Notification to the Commandant.

The licensee shall give notice, in writing, to the Commandant upon receipt of the American Bureau of Shipping:

(a) "Interim Class Certificate"; and

(b) "Classification Certificate" for an SPM at a deepwater port.

§ 150.121 ABS Classification.

(a) No licensee may operate an SPM unless he has an American Bureau of Shipping (ABS) "Interim Class Certificate" or a "Classification Certificate" for the SPM.

(b) A certificate must classify the SPM and attached hoses.

(c) The licensee shall maintain in class each SPM having a Classification Certificate.

§ 150.123 Weather monitoring.

The terminal supervisor shall continuously monitor the wind, wave, current, and visibility conditions at the port.

§ 150.125 Water depth measurements.

(a) The licensee shall measure water depth in the marine site if the Captain of the Port notifies the licensee that:

(1) A severe storm may have significantly altered water depths;

(2) Gradual natural or man-induced processes may have significantly altered water depths; or

(3) User experience indicates that charted water depths may no longer be accurate.

(b) The accuracy and adequacy of water depth measurements must be sufficient for nautical chart maintenance purposes.

§ 150.127 Environmental monitoring.

The licensee shall monitor the environment in accordance with the environmental monitoring program set forth in the approved Operations Manual for the port.

Subpart B—Personnel

§ 150.201 Applicability.

This subpart prescribes personnel qualifications that apply to each deepwater port.

§ 150.203 General.

No person may serve and the licensee may not use the services of a person in the following capacites unless that person reads, writes and speaks English.

(a) Port Superintendent.
(b) Cargo Transfer Supervisor.
(c) Cargo Transfer Assistant.
(d) Vessel Traffic Supervisor.
(e) Mooring Master.
(f) Assistant Mooring Master.

§ 150.204 Definitions.

As used in this subpart:

(a) "license" means a Coast Guard license issued under 46 CFR 10; and

(b) "licensee" means the licensee of a deepwater port.

§ 150.205 Port Superintendent.

No person may serve, and the licensee may not use the services of a person, as a Port Superintendent at a deepwater port unless—

(a) That person has enough experience at an oil transfer facility to enable the licensee to determine that that person is capable of managing the deepwater port;

(b) The licensee determines that that person knows:

(1) The hazards of each product to be transferred; and

(2) The port operating procedures described in the Operations Manual; and

(c) The licensee designates that person as Port Superintendent and advises the Captain of the Port in writing of that designation.

§ 150.207 Cargo Transfer Supervisor.

No person may serve, and the licensee may not use the services of a person, as a Cargo Transfer Supervisor at a deepwater port unless:

(a) That person has enough experience in operating oil transfer equipment to enable the licensee to determine that that person is capable of operating the oil transfer equipment of the deepwater port;

(b) That person has:

(1) Had continuous employment for at least one year as supervisor at an oil transfer facility in charge of offloading tank vessels of 70,000 deadweight tons or larger;

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(2) Supervised at least 25 cargo transfer evolutions from tankers of 70,000 deadweight tons or larger; or

(3) Served in a trailing capacity for Cargo Transfer Supervisor at a United States deepwater port for at least one year;

(c) The licensee determines that that person knows—

(1) The rules in Subpart D of this part;

(2) The oil transfer procedures and transfer control systems, in general, of tankers serviced at the facility;

(3) The special handling characteristics of each product to be transferred; and

(4) The procedures described in the Operations Manual for:

(i) Oil transfer;

(ii) Spill prevention, containment, and cleanup;

(iii) Accidents and emergencies;

(iv) Voice communications; and

(d) The licensee designates that person as Cargo Transfer Supervisor and advises the Captain of the Port in writing of that designation.

§ 150.209 Vessel Traffic Supervisor.

No person may serve, and the licensee may not use the services of a person, as a Vessel Traffic Supervisor at a deepwater port unless—

(a) That person presents evidence of:

(1) Having performed for one year within the last five years in a capacity requiring radar plotting and analysis of vessel movement; or

(2) Satisfactory completion of a marine radar operators school acceptable to the Commandant;

(b) The licensee determines that that person knows:

(1) The procedures for utilizing the port's radar equipment; and

(2) The procedures described in the Operations Manual for:

(i) Vessel control; and

(ii) Voice radiotelecommunications; and

(c) The licensee designates that person as Vessel Traffic Supervisor and advises the Captain of the Port in writing of that designation.

§ 150.211 Mooring Master.

No person may serve, and the licensee may not use the services of a person, as a Morning Master at a deepwater port unless:

(a) That person holds a current United States Coast Guard issued license as:

(1) Master of ocean steam or motor vessels of any gross tons, endorsed as radar observer, and has one year experience as:

(i) Master on tankers of 70,000 DWT or larger and satisfactory completion of a very large crude carrier (VLCC) shiphandling course acceptable to the Commandant; or

(ii) A mooring master at any deepwater port servicing tankers of 70,000 DWT or larger; or

(2) Master of ocean steam or motor vessels of limited tonnage, endorsed as radar observer, and endorsed as first-class pilot of vessels of any gross tons for at least one port in the area of the deepwater port, and has one year experience:

(i) Piloting ocean going vessels, including tankers of 70,000 DWT or larger; or

(ii) As assistant mooring master at the facility and satisfactory completion of a very large crude carrier (VLCC) shiphandling course acceptable to the Commandant;

(b) The licensee determines that the person knows the procedures described in the Operations Manual for:

(1) Vessel control;

(2) Vessel responsibilities;

(3) Spill prevention, containment, and cleanup;

(4) Accidents and emergencies; and

(5) Voice radiotelecommunications;

(c) The licensee designates that person as Mooring Master and advises the Captain of the Port, in writing, of the designation; and

(d) In addition to the foregoing requirements, after two years of operation of the facility, the licensee shall require new applicants for Mooring Master to have observed 20 mooring evolutions at that facility.

§ 150.213 Cargo Transfer Assistant.

No person may serve, and the licensee may not use the services of a person, as a Cargo Transfer Assistant at a deepwater port unless:

(a) That person presents evidence that he has one year experience, or performed 15 cargo transfer evolutions at an oil transfer facility servicing tankers of 70,000 deadweight tons or larger in a capacity involving connection and disconnection of the tankers to a single point mooring floating hose string;

(b) The licensee determines that that person knows—

(1) The rules in Subpart D of this part;

(2) The oil transfer procedures and transfer control systems, in general, of tankers serviced at the port;

(3) The special handling characteristics of each product to be transferred;

(4) The procedures described in the Operations Manual for:

(i) Oil transfer;

(ii) Spill prevention, containment, and cleanup;

(iii) Accidents and emergencies; and

(iv) Voice radiotelecommunications; and

(c) The licensee designates that person as Cargo Transfer Assistant and retains written evidence of that designation at the deepwater port.

§ 150.215 Assistant Mooring Master.

No person may serve, and the licensee may not use the services of a person, as an Assistant Mooring Master at a deepwater port unless:

(a) That person holds a current United States Coast Guard issued license as:

(1) Master of ocean steam or motor vessels of any gross tons, endorsed as radar observer, and has six months experience as master or chief mate on tankers of 70,000 DWT or larger; or

(2) Master of ocean steam or motor vessels of limited tons, endorsed as radar observer, and endorsed as first-class pilot of vessels of any gross tons for at least one port in the area of the deepwater port;

(b) The licensee determines that that person knows the procedures described in the Operations Manual for:

(1) Vessel control;

(2) Vessel responsibilities;

(3) Spill prevention, containment, and cleanup;

(4) Accidents and emergencies; and

(5) Voice radiotelecommunications; and

(c) The licensee designates that person as Assistant Mooring Master and advises the Captain of the Port, in writing, of the designation.

§ 150.217 Limitation on service.

No person may perform in more than one of the following capacities at any one time:

(a) Port Superintendent.

(b) Cargo Transfer Supervisor.

(c) Cargo Transfer Assistant.

(d) Vessel Traffic Supervisor.

(e) Mooring Master.

(f) Assistant Mooring Master.

Subpart C—Vessel Navigation

§ 150.301 Applicability.

This subpart prescribes rules that apply to the navigation of all vessels in the safety zone, anchorage area, or traffic separation scheme at a deepwater port.

§ 150.303 Definitions.[11]

As used in this subpart—

"Other vessel" means a vessel other than tankers or support vessels as defined in this subpart.

"Separation zone or line" means a zone or line in the TSS located between two traffic lanes to keep tankers proceeding in opposite directions a safe distance apart.

"Support vessel" means a tug, line-handling boat, crewboat, workboat, supply vessel, bunkering vessel, barge, or other similar vessel working for the licensee in connection with the operation of the deepwater port or cleared by the licensee to service a tanker calling at the deepwater port.

"Tanker" means a vessel that enters a deepwater port to onload or offload oil at an SPM.

"Traffic lane" means an area of the TSS in which all tankers ordinarily proceed in the same direction.

§ 150.305 Traffic separation scheme (TSS).

No licensee may operate a deepwater port unless the port has a TSS that conforms to Part 1 of the recommendations of the Intergovernmental Maritime Consultative Organization contained in Annex I to IMCO Assembly Resolution A. 284 (VIII) of November 20, 1973.

NOTE: A copy of Annex I may be obtained from the Commandant.

§ 150.307 Radar surveillance.

The Vessel Traffic Supervisor shall maintain radar surveillance of the TSS, safety zone and anchorage area:

(a) Whenever a tanker is proceeding to a traffic lane after submitting the report required in § 150.335; and

(b) Whenever a tanker is in the TSS, safety zone, or anchorage area.

§ 150.309 Advisories to tankers.

(a) The Vessel Traffic Supervisor shall advise the master of each tanker underway in the TSS, safety zone, or anchorage area of its position and track at 10 minute intervals.

(b) Whenever the Vessel Traffic Supervisor determines that a vessel may potentially interfere with the movement of a tanker in the TSS, safety zone, or anchorage area, he shall keep the master of the tanker informed of position and estimated track and speed of the vessel and shall update the information at times he considers necessary to assist the tanker in navigation of the TSS and safety zone.

(c) Whenever a tanker enters a traffic lane inbound to the safety zone or anchorage area, the Vessel Traffic Supervisor shall advise the tanker of the position of each other vessel moored, anchored, or underway in the TSS, safety zone, or anchorage area.

§ 150.311 Radio listening watch.

Whenever a tanker is in the TSS, safety zone, or anchorage area, the Vessel Traffic Supervisor and the master of the tanker shall each continuously monitor the radio frequency designated in the Operations Manual for use by tankers and support vessels underway at the port, except when transmitting on that frequency.

§ 150.313 Clearances for tankers.

(a) The Vessel Traffic Supervisor may not clear a tanker to enter a traffic lane unless:

(1) Each other tanker in the traffic lane is at least 5 miles from the entrance to the traffic lane; and

(2) A Mooring Master is on board or ready to board at a position in the traffic lane no closer than 5 miles to the entrance to the safety zone.

(b) The Vessel Traffic Supervisor may not clear a tanker to moor at an SPM unless:

(1) There is an SPM berth available and he has assigned that berth to the tanker;

(2) The visibility in the safety zone is at least two miles;

(3) All operating conditions prescribed in the Operations Manual for mooring to an SPM have been met; and

(4) A Mooring Master and an Assistant Mooring Master are on board.

(c) The Vessel Traffic Supervisor may not clear a tanker to depart an SPM unless the visibility is at least two miles and a Mooring Master is on board.

(d) No tanker may enter a traffic lane or moor at or depart from an SPM, unless the master of the tanker has obtained clearance from the Vessel Traffic Supervisor, except as permitted by paragraph (e) of this section.

(e) The master of a tanker may, in an emergency, for the protection of life or property, depart from an SPM without clearance from the Vessel Traffic Supervisor if the master advises the Vessel Traffic Supervisor of the circumstances, by radio, at the earliest possible moment.

§ 150.315 Clearances for support vessels.

(a) The Vessel Traffic Supervisor shall direct support vessel movements within the TSS and safety zone.

(b) The Vessel Traffic Supervisor may direct movements of support vessels rendezvousing with tankers contrary to the traffic separation scheme to facilitate operations with a tanker in a traffic lane.

(c) The Vessel Traffic Supervisor may clear support vessels to enter the safety zone or TSS at any point.

§ 150.317 Clearances for other vessels.

(a) When requested by the master of an other vessel, the Vessel Traffic Supervisor shall furnish information concerning tankers, support vessels, and all other vessels underway or moored in the safety zone, TSS, or anchorage area.

(b) If the Vessel Traffic Supervisor determines that an other vessel may be standing into danger with respect to any vessel or part of the deepwater port installation in the safety zone or TSS, he shall attempt to inform the master of that vessel by radio or other means.

(c) Except in situations involving force majeure, the Vessel Traffic Supervisor shall not clear other vessels to call at the deepwater port for any purpose that would interfere with the purpose of the deepwater port; endanger the safety of life, property, or the environment; or be otherwise prohibited by regulation.

§ 150.333 Advance notice of arrival.

(a) The master of a tanker bound for a deepwater port shall report the following information to the Captain of the Port and the Vessel Traffic Supervisor of the port at least 24 hours before entering the TSS, safety zone, or anchorage area at the port:

(1) The name, gross tonnage, and draft of the tanker.

(2) The type and amount of cargo on board.

(3) Any condition on the vessel that may impair its navigation, such as fire, defectively propulsion machinery, defective steering equipment, or limitations on navigational or radio telephone capabilities because of equipment or material defects.

(4) Any leaks, structural damage, or machinery defects that may impair cargo transfer operations or cause a discharge of oil.

(b) If the information reported in paragraph (a) (3) or (a) (4) of this section changes at any time before entering the TSS, safety zone, or anchorage area, or while the tanker is in the TSS, safety zone, or anchorage area, the master of the tanker shall report the changes to the Captain of the Port and Vessel Traffic Supervisor as soon as possible.

§ 150.335 Report before entering inbound traffic lane.

The master of a tanker bound for a deepwater port shall notify the Vessel Traffic Supervisor of the port when the tanker is 20 miles from the entrance of an inbound traffic lane.

§ 150.337 Navigation of tankers in the TSS, safety zone and anchorage area.

(a) No tanker may enter a traffic lane except at the entrance to the lane.

(b) A tanker proceeding in a traffic lane shall keep the separation zone or line to port.

(c) No tanker may enter or depart a safety zone except via a traffic lane.

(d) No tanker may anchor in the TSS of safety zone, except in a designated anchorage area.

(e) A tanker in a traffic lane shall keep at least 5 miles behind any other tanker ahead of him in the traffic lane.

(f) No tanker may operate, anchor, or be moored in any area of the TSS, safety zone, or anchorage area in which the net under keel clearance of the tanker would be less than 5 feet.

§ 150.338 Navigation of support vessels in the TSS, safety zone and anchorage area.

(a) No support vessel may enter or move within the TSS safety zone, or anchorage area unless the movement is cleared by the Vessel Traffic Supervisor.

(b) No support vessel may anchor in the TSS or safety zone, except in an anchorage area or for maintenance operations cleared by the Vessel Traffic Supervisor.

§ 150.339 Navigation of other vessels in the TSS, safety zone and anchorage area.

Other vessels may not call at a deepwater port unless clearance has been obtained from the Vessel Traffic Supervisor.

§ 150.341 Mooring Master.

No tanker may be underway in the safety zone, or in that part of the TSS that is within five miles of the safety zone, unless a Mooring Master is on board.

NOTE: The Mooring Master advises the vessel's master on operational and ship control matters that are peculiar to the specific deepwater port, such as navigational aids, depth and current characteristics of the maneuvering area, mooring equipment and procedures, and the port's vessel traffic control procedures.

[11] Section 3(16) of the Act provides that "safety zone" means the "safety zone established around a deepwater port as determined . . . in accordance with § 10(d) of the Act". Section 10(d) further provides that a safety zone is to be established within 30 days after notice of an application is published in the FEDERAL REGISTER for the purpose of navigational safety and is to be of an appropriate size that accomplishes this purpose. The Commandant designates the safety zone at each deepwater port.

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§ 150.342 Assistant Mooring Master.

No tanker may moor at an SPM unless an Assistant Mooring Master is on board.

NOTE: The Assistant Mooring Master is stationed on the forecastle of the tanker during mooring operations to assist the Mooring Master by reporting position approach data relative to the SPM and to advise the tanker personnel in the handling of mooring equipment peculiar to the deepwater port.

Subpart D—Oil Transfer Operations

§ 150.400 Applicability.

This subpart prescribes rules that apply to the transfer of oil at a deepwater port.

§ 150.403 Definitions.

As used in this subpart:

"Hose string", both floating and float/sink type, means that portion of an SPM–OTS consisting of flexible hose which connects the vessel's manifold to the SPM.

"OTS" means an oil transfer system of a deepwater port and includes the SPM–OTS and the undersea pipeline running from the PLEM to the onshore terminal.

"PLEM" means pipeline and manifold at the SPM.

"Single Point Mooring" (SPM) means an offshore berth which provides a link between the undersea pipeline and a moored vessel for the transfer of oil and to which the vessel can be secured and can weathervane during the oil transfer.

"SPM–OTS" means that portion of an OTS from the PLEM to the end of the hose string that connects to the manifold on the vessel.

§ 150.405 Periodic tests and inspections: OTS components.

No person may transfer oil through an OTS at a deepwater port unless:

(a) The SPM–OTS of the OTS has been tested and inspected as required for maintenance of class in accordance with the Rules for Building and Classing Single Point Moorings published by the American Bureau of Shipping;

(b) Each oil transfer hose in the SPM–OTS of the OTS in which the maximum pressure rating of the manufacturer has been exceeded, except when exceeded for testing required by this section, has, since the pressure was exceeded, been:

(1) Removed;

(2) Hydrostatically tested to 1.5 times its maximum working pressure; and

(3) Visually examined externally and internally for evidence of leakage, loose covers, kinks, bulges, soft spots, and gouges, cuts, or slashes that penetrate the hose reinforcement;

(c) Within the 23 months immediately preceding the month during which oil transfer operations are to be conducted, each submarine hose in the SPM–OTS of the OTS has been removed from the ends of each submarine coupling, surfaced, and visually examined externally and internally for evidence of flaws as described in paragraph (b)(3) of this section and hydrostatically tested to 1.5 times its maximum working pressure; and

(d) Each submarine hose in the SPM–OTS of that OTS has been visually examined in place for evidence of external flaws as described in paragraph (b)(3) of this section since the last time sea conditions at the deepwater port required shutdown of oil transfer operations.

§ 150.407 Periodic tests and inspections: discharge containment equipment.

No person may transfer oil at a deepwater port unless the discharge containment equipment required by Part 149 of this chapter is tested and inspected as follows:

(a) Within the five months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, a visual examination must have been performed to determine whether there existed any conditions that might impair the effectiveness of the equipment in performing its intended function. This visual examination must include the condition of such items as fabric and fabric coatings, seams and boding points, metal hardware parts, shackles, fittings, towing and other lines, cables, flotation devices, inflation mechanisms, and any other components integral to the equipment.

(b) Within the 11 months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, representative pieces or sections of the containment equipment must:

(1) Have been deployed under simulated discharge conditions and the integrity of equipment strength members, containment skirt, flotation devices, and any other design performance factors of the equipment tested; or

(2) Have been deployed under actual discharge conditions.

§ 150.409 Periodic tests and inspections: removal material and equipment.

No person may transfer oil at a deepwater port unless the removal material and equipment required by Part 149 of this chapter is tested and inspected as follows:

(a) Within the two months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, any machinery, pumps, hydraulic parts, and other operating features of removal equipment must have been visually examined and operated in accordance with the instructions of the manufacturer.

(b) Within the 11 months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, the removal equipment must have been tested in conjunction with the containment equipment deployment required by § 150.407(b).

§ 150.411 Repair or replacement of equipment.

(a) Whenever any component of a deepwater port that affects the safety or integrity of the oil transfer operation is found to be inoperative or otherwise defective, the licensee shall replace or repair the component before further oil transfer operations are undertaken using the affected OTS. The repaired or replaced component must meet or exceed the original specifications.

(b) Whenever an item of discharge containment and removal material or equipment required by § 149.319 of this chapter is found to be inoperative or otherwise defective, the licensee shall replace or repair the item before further oil transfer operations are undertaken. The repaired or replaced item must meet or exceed the original specifications.

§ 150.413 Requirements for oil transfer.

No person may transfer oil through an OTS unless:

(a) Before connecting the hose string to the vessel manifold at the start of each oil transfer operation, it is determined by in-place visual examination that the hose string in use for that transfer operation has no leakage, loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the hose reinforcement;

(b) During each oil transfer operation, it is determined by visual examination that the hose string in use for that transfer operation has no leakage;

(c) The vessel's mooring attachment to the SPM is strong enough to hold in all expected conditions of surge, current, and weather;

(d) Oil transfer hoses are long enough to allow the vessel to move to the limits of its mooring attachment to the SPM without placing strain on the hoses;

(e) Each oil transfer hose is supported in a manner that prevents strain on its coupling;

(f) Each part of the OTS necessary to allow the flow of oil is lined up for the transfer;

(g) Each part of the OTS not necessary for the transfer operation is securely blanked or shut off;

(h) Except when used to receive or discharge ballast, each overboard discharge or sea suction valve that is connected to the vessel's oil transfer, ballast, or cargo tank systems is sealed, lashed, or locked in the closed position;

(i) Each connection in the OTS meets the requirements of § 150.415;

(j) The discharge containment and removal material and equipment required by § 149.319 of this chapter is in place;

(k) Each scupper and overboard drain on the vessel is closed;

(l) Any continuing loss of oil from the coupling at the vessel manifold does not overflow the drip pan under the manifold;

(m) The communications equipment required by § 149.317 of this chapter is operative for the transfer operation;

(n) The emergency means of shutdown required by Part 149 of this chapter is in position and operative;

(o) The Cargo Transfer Supervisor, Cargo Transfer Assistant, and any other designated personnel are on duty and present to conduct the transfer operations in accordance with the Operations Manual and with the oil transfer procedures that apply to the vessel during the transfer operation;

(p) The vessel's officer in charge of cargo transfer and the Cargo Transfer Assistant have held a conference and each understands the following details of the transfer operations:

(1) The identity of the product to be transferred.

(2) The sequence of transfer operations.

(3) The transfer rate.

(4) The name or title and location of each person participating in the transfer operation.

(5) Particulars of the transferring and receiving systems.

(6) Critical stages of the transfer operation.

(7) Federal regulations that apply to the transfer of oil.

(8) Emergency procedures.

(9) Discharge containment procedures.

(10) Discharge reporting procedures.

(11) Watch or shift arrangement.

(12) Transfer shutdown procedures;

(q) The vessel's officer in charge of cargo transfer and the Cargo Transfer Assistant agree to begin the transfer operation;

(r) Flame screens are structurally sound and securely fastened in place in all cargo tank vents and ullage holes on the vessel; and

(s) The declaration of inspection required by § 150.417 is executed.

§ 150.415 Requirements for connections.

(a) The licensee shall provide suitable adaptors, to allow connection of the hose string to a vessel manifold, that meet any one of the following flange standards:

(1) American National Standards Institute (ANSI).

(2) British Standard (BS).

(3) German Standard (DIN).

(4) Japanese Industrial Standard (JIS).

(5) Universal Metric Standard.

(b) Each temporary connection between the hose string and a vessel manifold must:

(1) Be made using either:

(i) A bolted coupling; or

(ii) A quick-connect coupling approved under § 156.130(c)(2) of this chapter;

(2) Have suitable materials in joints and couplings to make a tight seal;

(3) If using an American National Standards Institute (ANSI) standard bolted flange coupling, have a bolt in at least every other hole of the coupling and in no case less than four bolts;

(4) If using a bolted coupling other than an ANSI standard bolted flange coupling, have a bolt in each hole of the coupling;

(5) Have bolts in each bolted coupling that are all:

(i) The same size;

(ii) Tightened so as to uniformly distribute the load around the coupling; and

(iii) Free of any signs of strain, elongation or deterioration; and

(6) Be made and broken in the presence of and under the direct supervision of the Cargo Transfer Assistant.

§ 150.417 Declaration of inspection.

(a) No person may transfer oil at a deepwater port unless a declaration of inspection has been executed before the start of each oil transfer operation by the Cargo Transfer Assistant and the vessel's officer in charge of cargo transfer.

(b) The declaration of inspection required by paragraph (a) of this section may be in any form but must contain:

(1) The name of the tanker and berth to which moored;

(2) The date the oil transfer operation will start;

(3) Certification by the Cargo Transfer Assistant and the vessel's officer in charge of cargo transfer that the requirements for oil transfer specified in § 150.413, and the pre-transfer procedures described in the Operations Manual, have been followed; and

(4) The signatures of the Cargo Transfer Assistant and the vessel's officer in charge of cargo transfer.

§ 150.419 Stopping transfer operations.

(a) Before stopping the flow of oil during an offloading operation at a deepwater port, the Cargo Transfer Supervisor shall advise the vessel's officer in charge of oil transfer of the intent to do so.

(b) Before stopping the flow of oil during an onloading operation at a deepwater port, the vessel's officer in charge of oil transfer shall advise the Cargo Transfer Supervisor of the intent to do so.

(c) Before disconnecting the hose string from the vessel manifold, the Cargo Transfer Assistant shall ensure that the shut-off valve described in § 149.307 of this chapter is secured in the closed position.

(d) Before returning the hose string to the water after disconnection, the Cargo Transfer Assistant shall ensure that the blank flange described in § 149.307 of this chapter is secured in place and has:

(1) Suitable material in the coupling to make a tight seal;

(2) A bolt in each hole of the coupling; and

(3) Bolts in the coupling that are all:

(i) The same size;

(ii) Tightened so as to uniformly distribute the load around the coupling; and

(iii) Free of any signs of strain, elongation, or deterioration.

§ 150.421 Displacement of oil in an SPM–OTS with water.

The Port Superintendent shall ensure that the oil in an SPM–OTS is displaced with water, and the valve at the PLEM closed, whenever:

(a) A storm warning has been received forecasting weather conditions that will exceed the design operating criteria listed in the Operations Manual for the SPM–OTS;

(b) A vessel is about to depart the SPM because of storm conditions; or

(c) The SPM is not scheduled for use in an oil transfer operation within the next 7 days.

§ 150.423 Limitations.

No person may transfer oil at a deepwater port:

(a) Unless a Port Superintendent is on duty at the port;

(b) During a severe electrical storm in the vicinity of the deepwater port;

(c) During a fire at the deepwater port, receiving terminal on shore, or aboard a vessel berthed at the deepwater port, unless it is determined by the Port Superintendent that an oil transfer should be resumed as a safety measure;

(d) Unless there are personnel and equipment at the port, not presently engaged in discharge containment and removal operations, sufficient to contain and remove the discharges specified in § 149.319(a);

(e) By lighterage, except in bunkering operations, unless otherwise authorized by the Captain of the Port; or

(f) Unless the weather conditions at the port meet the minimum operating conditions prescribed in the Operations Manual for transferring oil at the port.

§ 150.425 Suspension of oil transfer operations.

(a) The Captain of the Port may order the licensee to suspend oil transfer operations if the Captain of the Port finds that there is a condition requiring immediate action to prevent the discharge or threat of discharge of oil or to protect the safety and life and property.

(b) An order of suspension may be made effective immediately.

(c) The order of suspension states each condition requiring immediate action.

(d) The licensee may petition the District Commander, in writing or in any manner if the order of suspension is effective immediately, to reconsider the order of suspension. The decision of the District Commander is final agency action.

Subpart E—Operations

§ 150.500 Applicability.

The rules in this subpart apply to operations at a deepwater port.

§ 150.503 Maintenance of equipment.

(a) The licensee shall maintain each item of equipment required under this subchapter in operative condition or shall replace it with an item in good condition.

(b) The licensee shall maintain each excess item of equipment required under this subchapter in operative condition or shall remove it from service.

§ 150.504 Fire main system.

The licensee may use the fire main system only for firefighting and deckwashing.

V 40 217 NOV 10 75 XUM

§ 150.505 Fire pump.

The licensee shall keep at least one of the fire pumps required by this subchapter ready for use on the fire main system at all times.

§ 150.507 Firehose: connection and stowage.

(a) Except as otherwise provided in paragraph (c) of this section, the licensee shall keep at least one length of firehose with a combination nozzle connected to each fire hydrant at all times.

(b) The licensee shall stow each firehose connected to a fire hydrant on a hose rack when not in use.

(c) A firehose in an exposed location may temporarily be removed from an exposed location to protect the firehose from damage during heavy weather.

(d) If the edge of a platform deck is in an exposed location, the licensee shall keep enough lengths of fire hose connected to the hydrant nearest the edge to allow 10 feet of hose, when pressurized, to curveover the edge.

§ 150.508 Lifesaving equipment.

(a) The licensee shall stow each inflatable life raft required by § 149.521 of this subchapter as near as practicable to launching equipment for the life raft.

(b) The licensee shall test lifeboat launching equipment required by § 149.524 of this subchapter immediately after installation in accordance with 46 CFR 94.35–5.

§ 150.509 Use of personal protection equipment.

(a) When any person is in a work area, the licensee shall ensure that such person wears:

(1) Safety shoes that meet the specifications prescribed by the American National Standard Institute (ANSI) Requirements for Men's Safety-toe Footware, Z41.1(1967); and

(2) Protective hats that meet the specifications prescribed by the ANSI Safety Requirements for Industrial Head Protection, Z89.1(1969).

(b) When an eye hazard from flying particles or heavy dust exists, the licensee shall ensure that each person in the area of the hazard is wearing eye protection equipment that meets the specifications prescribed by the ANSI Practice for Occupational and Educational Eye and Face Protection, Z87.1(1968).

(c) When hazardous work is being performed, the licensee shall ensure that any person who wears corrective eye glasses wear eye protection equipment that can be worn over eye glasses, or prescription ground safety lenses that meet the specifications prescribed by the ANSI Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968), if these lenses provide protection against the hazard involved.

(d) When handling hazardous materials the licensee shall ensure that all personnel in the area are wearing suitable protective clothing and equipment.

(e) When any person is exposed to combinations of sound levels and durations exceeding those listed in Table 150.509(e) the licensee shall ensure that the person is wearing ear protection equipment that reduces sound levels to or below the listed levels.

(f) When any person is working over or near the water, the licensee shall ensure that the person wears either a unicellular plastic foam work vest that meets the requirements of 46 CFR 160.053 or a life preserver that meets the requirements of 46 CFR 160.002, 160.005, or 160.055.

TABLE 150.509 MAXIMUM PERMISSIBLE NOISE EXPOSURES [1]

Duration per day/hours:	Sound level [2] decibel Angstrom slow response
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼	115

[1] When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect must be considered rather than the individual effect of each. If the sum of the fractions

$$\frac{(C_1+C_2+\ldots C_n)}{T_1\ T_2\ \ T_n}$$

is more than one, then, the mixed exposure exceeds the limit value. (C_n) is the total time of exposure at a specified noise level. (T_n) is the total time of exposure permitted at that level.

Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

[2] Measured on the A scale of a standard sound level meter at slow response.

§ 150.511 Maintenance of personal protection equipment.

(a) The licensee shall clean and disinfect eye protection equipment that has been used before it is reissued.

(b) The licensee shall clean and disinfect protective hats that have been worn before they are reissued.

§ 150.513 Sanitation.

The licensee shall ensure that garbage is covered and that no person is working in the vicinity of uncovered garbage or of overboard discharges from sanitary lines that are not protected by a baffle or splash boards.

§ 150.515 Refueling for aircraft.

If the PPC is not equipped with a permanent fueling facility for aircraft, no person may fuel or cause or authorize the fueling of aircraft unless he has received the permission of the Captain of the Port.

§ 150.516 Aircraft operations.

The licensee shall ensure that appropriately clothed and sufficiently qualified fire fighting and rescue personnel to man equipment and effect a rescue are present during aircraft operations.

§ 150.517 Station bill.

(a) The licensee shall post copies of a station bill on each PPC.

(b) The licensee shall designate in writing on the station bill, by title and in order of succession, each person on the PPC who is a person in charge of the PPC for purposes of supervision in an emergency.

(c) The station bill must set forth:

(1) The special duties and duty stations of each person, by name, on the PPC for each emergency listed in the Operations Manual that involves the use or application of equipment required by Part 149 of this chapter; and

(2) The signals for calling persons to their emergency stations and for abandoning the PPC.

§ 150.519 Emergency drills.

The licensee shall conduct each emergency drill specified in the Operations Manual at least once every 30 days.

§ 150.521 Housekeeping.

(a) The licensee shall keep walking and working areas clear of all loose hazards that could cause tripping or stumbling.

(b) The licensee shall store portable equipment when it is not in use.

(c) The licensee shall eliminate slippery conditions on the platform as soon as practicable.

(d) No person may suspend a portable light by its cord unless the means of attachment of the cord to the light prevents the light from being suspended by the electrical connections.

(e) The licensee shall keep each area near a lifeboat, inflatable life raft, or means of escape described in §§ 149.421 and 149.423 of this chapter clear of obstructions that would interfere with immediate use of the lifeboat, life raft, or means of escape.

§ 150.523 Illumination.

(a) The licensee shall illuminate each walking and working area.

(b) No person may enter any dark place that does not have installed illumination unless he has a flashlight or other suitable portable light.

(c) No person may use matches or open flame lights as illumination.

§ 150.525 Emergency Medical Technician.

The licensee shall ensure that at least one person who holds a certificate of completion of the Department of Transportation, National Highway Traffic Safety Administration Basic Training Course (81 hours), from a state or from the National Registry of Emergency Medical Technicians, is on the PPC at all times.

§ 150.527 First aid station.

(a) The licensee shall ensure each first aid station on a PPC has enough medical supplies and equipment for the Emergency Medical Technician to provide emergency medical care.

(b) The first aid station may not be used for any purpose that prevents its immediate use as a first aid station.

Subpart F—Aids to Navigation at Deepwater Ports

§ 150.601 Applicability.

The rules in this subpart apply to the operation of aids to navigation at a deepwater port.

§ 150.603 Applicability of other regulations.

Section 66.01–20 of this chapter also applies to aids to navigation at a deepwater port.

§ 150.605 Aids to navigation: power supply.

The licensee shall maintain:

(a) Voltage at every operating lamp of each light at or above the operating voltage listed on the light; and

(b) The input power to the fog signal at or above the minimum input power listed on the fog signal.

§ 150.607 Lights.

(a) The licensee shall display each light required in Part 149 of this subpart between sunset and sunrise local time.

(b) During construction of a platform or SPM, the licensee shall mark the structure with at least one of the following:

(1) The obstruction lights required in Part 149 of this chapter for the structure.

(2) The fixed lights of a vessel attending the structure.

(3) General illumination lights on the structure that meet or exceed the intensity requirements for the obstruction lights required in Part 149 of this chapter for the structure.

(c) The licensee shall ensure that each light using a lens is operated with the light source at the focal point of the lens as determined by the means required in § 149.724.

(d) The licensee shall ensure that the focal plane of each platform obstruction light when operated, and of the rotating lighted beacon when operated, is always coincident with the horizontal plane passing through the light source.

§ 150.611 Fog signals.

(a) The licensee shall operate the fog signal on each PPC whenever the visibility in any horizontal direction from the structure is less than 5 miles.

(b) During construction of a platform, compliance with paragraph (a) of this section is not required if the PPC is attended by a vessel moored alongside the platform and the vessel sounds a 2 second whistle blast every 20 seconds whenever the visibility in any horizontal direction from the vessel is less than 5 miles.

Subpart G—Reports and Records

§ 150.701 Applicability.

This subpart prescribes reports to be submitted by the licensee and records and other information to be maintained by the licensee.

REPORTS

§ 150.703 Maintenance of ABS classification.

Whenever the licensee submits a report to the American Bureau of Shipping (ABS) that is required for maintenance of SPM class in accordance with ABS Rules for Building and Classing Single Point Moorings, 1975, he shall submit a copy of the report to the Commandant, U.S. Coast Guard.

§ 150.705 Aid to navigation discrepancy.

The licensee shall report promptly to the District Commander, by the fastest means of communications available, any discrepancy affecting the proper operation or characteristics of any aid to navigation at the deepwater port, whenever a discrepancy exists. Correction of the discrepancy shall also be reported promptly. The initial discrepancy report must include:

(a) Name or designation of aid;

(b) Location of aid;

(c) Nature of discrepancy; and

(d) Estimated time of correction.

§ 150.707 Oil throughput; payment to Deepwater Port Liability Fund.

(a) The licensee shall report to the District Commander, on a quarterly basis, beginning the first day of the calendar quarter immediately following the commencement of oil transfer operations, the oil cargo throughput of the deepwater port. The report must contain the following information:

(1) The oil cargo throughout during the previous calendar quarter measured in barrels.

(2) Calculated payment to the Deepwater Port Liability Fund as required by section 18(f)(3) of the Act.

(b) The payment must be enclosed unless the District Commander advises the licensee that collections have been suspended.

§ 150.709 Discharge of oil.

(a) The licensee, for purposes of notification of a discharge of oil required by section 18(b) of the Act, shall immediately report a discharge by telephone, radio telecommunications, or similar rapid means of communication to one of the following listed in order of priority:

(1) Duty officer, National Response Center, U.S. Coast Guard, 400 Seventh Street, SW., Washington, D.C. 20590, toll free telephone number 800–424–8802.

(2) The government official predesignated in the applicable Regional Contingency Plan as the On-Scene Coordinator for the geographic area in which the discharge occurs.

NOTE: Regional Contingency Plans are available at Coast Guard District Offices and Environmental Protection Agency (EPA) Regional Offices, as listed in 33 CFR 153.

(3) Commanding Officer or Officer-in-Charge of any Coast Guard unit in the vicinity of the discharge.

(4) Commander of the Coast Guard District in which the discharge occurs.

(b) In addition to the notice required by paragraph (a) of this section, the licensee shall immediately notify the Governor of the adjacent coastal State directly connected by pipeline to the deepwater port.

§ 150.711 Casualty or accident.

(a) The licensee shall submit to the Officer-in-Charge, Marine Inspection a report of casualty or accident whenever any of the following occur:

(1) Any component of the deepwater port is hit by a vessel and damage to property is in excess of $1,500.

(2) Damage to the deepwater port in excess of $25,000.

(3) Material damage affecting the usefulness of lifesaving or fire fighting equipment.

(4) Loss of life.

(5) Injury causing any person to remain incapacitated for more than 72 hours, arising from or directly connected with the use or employment of any emergency equipment described in Part 149 of this chapter.

(b) The deepwater port casualty or accident report, written in narrative form, must contain the following information:

(1) Name, number, or other designation of the deepwater port.

(2) Names and addresses of the owner, his agent, operator and the person in charge.

(3) Nature and probable cause of the casualty or accident.

(4) Date and time the casualty or accident occurred, if known, otherwise approximately when it occurred.

(5) Details of damage, especially with respect to lifesaving and fire fighting equipment.

(6) Nature and extent of injury to any person.

(7) Names and addresses of persons involved.

(8) Other comments, especially with respect to use or need for emergency equipment.

(c) In the investigations of casualties and accidents occurring at deepwater ports, the procedures in 46 CFR 4 for marine casualties apply.

§ 150.713 Sabotage or subversive activity.

The licensee shall report to the Captain of the Port any evidence of sabotage or subversive activity involving or endangering any vessel at the deepwater port or the deepwater port, immediately, by the fastest possible means of communication upon discovery. Written confirmation must follow.

RECORDS

§ 150.751 General.

(a) The licensee shall maintain copies of all reports, records, test and inspection results, and operating data required by these rules in a manner siutable for Coast Guard inspection at the deepwater port or an adjacent onshore facility.

(b) Except as specified in §§ 150.753–150.759 of this subpart, these copies must be maintained for three years.

§ 150.753 Key personnel: designations and qualifications.

The licensee shall retain documentation of the designation and qualifications of key port personnel for the duration of each individual's employment at the port. The documentation must include:

(a) Designations required by §§ 150.205–150.215; and

(b) Qualifications of personnel required by §§ 150.205–150.215.

§ 150.755 Port inspection records.

(a) The licensee shall maintain a record of all machinery, both fixed and portable,

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such as generators, cargo pumps, fire pumps, and discharge containment and removal systems. This record must contain, for each piece of machinery:

(1) Nameplate and general descriptive data;

(2) Serial number;

(3) Location and purpose; and

(4) Record of tests and inspections.

(b) The licensee shall maintain a record of all fire fighting, lifesaving, and other emergency equipment, such as fire hoses, nozzles, applicators, fire extinguishers, life rafts, life preservers, and alarm systems. This record must contain, for each piece of emergency equipment:

(1) Nameplate and general descriptive data;

(2) Serial number;

(3) Location and purpose; and

(4) Record of tests and inspections.

(c) The licensee shall retain for one year a record of each monthly emergency drill required by § 150.519. The record must contain the date, time, and signature of the person in charge at the time of the drill.

(d) The licensee shall retain for three years a record of each test and inspection performed by port personnel. The record must contain the date and results of the test or inspection and the signature of the person conducting the test or inspection. These tests and inspections include, but are not limited to, those required in §§ 150.405–150.409 for oil transfer systems, discharge containment equipment, and discharge removal material and equipment, and those required for maintenance of ABS Classification, as specified in the "Rules for Building and Classing of Single Point Moorings, 1975" published by the American Bureau of Shipping.

§ 150.757 Oil throughput log.

The licensee shall maintain an oil throughput log, from which the report of oil throughput required by § 150.707 is prepared. Records in this log must be retained for three years, and must specify for each oil transfer operation:

(a) Vessel name, nationality, owner, and date of arrival;

(b) Country of origin of crude oil; and

(c) Total quantity in barrels of oil transferred.

§ 150.759 Declaration of inspection.

The licensee shall retain signed copies of the declaration of inspection forms required by § 150.417 for one month from date of signature.

(Secs. 5 and 10, 88 Stat. 2131, 2137 (33 U.S.C. 1501); 49 CFR 1.46(z)).

Effective date: These regulations shall become effective on November 17, 1975.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: October 31, 1975.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.75-29866 Filed 11-7-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 148]

[CGD 75–194]

DEEPWATER PORT SITE EVALUATION

Proposed Requirements

● Purpose. The Coast Guard is considering an amendment to the deepwater port regulations which would add requirements relating to those activities involved in site evaluation and preconstruction testing at potential deepwater port locations. ●

Written comments. Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, arguments, objections, and comments to the Executive Secretary, Marine Safety Council (G–CMC/82), Room 8234, U.S. Coast Guard, 400 Seventh Street, S.W., Washington, D.C. 20590. Each person submitting written comments should include the docket number of this notice (CGD 75–194), the name and address of the person submitting the comments, the specific section of the proposal to which each comment is addressed, and the reason for any recommendation.

Closing date for comments. All relevant communications received on or before December 26, 1975 will be fully considered before final action is taken on this proposal. This proposal may be changed in light of the comments received; however, acknowledgement of individual comments will not be made.

Availability of comments. Copies of all written comments received will be available for examination in Room 8234. Copies of comments will be furnished interested person upon request to the Executive Secretary (G–CMC/82) and payment of the fees prescribed in 49 CFR 7.95.

On page 52540 of this issue of the FEDERAL REGISTER, the Coast Guard promulgates an amendment to Chapter 1 of Title 33, Code of Federal Regulations which aids requirements governing the construction, design, equipment, and operation of deepwater ports off the coasts of the United States, under the provisions of the Deepwater Port Act of 1974 (the Act). This amendment was proposed in the May 7, 1975 issue of the FEDERAL REGISTER (40 FR 19956). That proposal included requirements governing site evaluation and preconstruction testing, proposed as Subpart E in Part 148.

Commenters on proposed Subpart E generally found the requirements inadequate in scope and content. The Coast Guard has carefully studied all the comments received and concluded that there is a valid need for site evaluation regulations more comprehensive than those originally proposed. After consulting with the Department of the Interior and the National Oceanic and Atmospheric Administration, as required by the Act, and the U.S. Environmental Protection Agency, comprehensive regulations are being proposed.

Section 5(b) of the Act prescribes the issuance of regulations relating to those activities involved in site evaluation and preconstruction testing at potential deepwater port locations that may—(1) adversely affect the environment; (2) interfere with authorized uses of the Outer Continental Shelf; or (3) pose a threat to human health and welfare. Under section 5(b), the Coast Guard proposes to amend 33 CFR Part 148 by adding a new Subpart E. This subpart would provide procedures for receiving, reviewing, and, if merited, authorizing plans for field activities to be performed in the area of potential deepwater port sites. The proposal includes the following key provisions:

1. Specifications for the contents of an application for authorization.

2. The general conditions which are to be imposed on all authorizations.

3. The delineation of types of activities which will normally be authorized.

4. Descriptions of reports which are to be submitted pursuant to an authorization.

5. Rules governing the suspension, revocation, or cancellation of authorization or activities.

Persons subject to this amendment would be affected as follows: They will have to prepare an application containing all the required information; and, if authorization is received, they will have to comply with the conditions imposed and submit required reports.

Within sixty days of receipt of an application, the Coast Guard would review the application, consult with appropriate Federal agencies, prepare an environmental assessment, and render a decision. Due to the limited nature of the activities involved in site evaluation and preconstruction testing activities, the Coast Guard anticipates no general need for public hearings or environmental impact statements on each application; however, the Coast Guard environmental assessment for each application received will serve to identify the appropriate action to be taken in the way of a public hearing and an environmental impact statement.

Violation of any provision in this amendment would subject the violator to the penalties in Section 15 of the Act. Any person who willfully violates a provision is subject to fines of not more than $25,000 for each day of violation or be imprisoned for not more than 1 year, or both. The Secretary may issue orders requiring compliance by persons in violation of the regulations, or he may bring a civil action for appropriate relief, including a permanent or temporary injunction or a civil penalty not to exceed $25,000 for each day of the violation.

The environmental impacts of this proposal have been assessed and are discussed in Chapter 3, § 3.4 of the "Final Environmental Impact Statement for the Deepwater Ports Regulations." This environmental impact statement was made available to the President's Council on Environmental Quality and the public on October 17, 1975. Copies are available upon request to the Executive Secretary (G–CMC/82), U.S. Coast Guard, Washington, D.C. 20590.

In consideration of the foregoing, it is proposed to amend Part 148 of Title 33, Code of Federal Regulations, by adding a new Subpart E, to follow Subpart D, to read as follows:

Subpart E—Site Evaluation

Sec.
148.501 Purpose.
148.503 Applying for site evaluation.
148.505 General conditions of authorization.
148.507 Reports.
148.509 Supervision, revocation, or cancellation of authorization.

AUTHORITY: Sec. 5(b), 88 Stat. 2131 (33 U.S.C. 1504(b)); 49 CFR 1.46(s).

Subpart E—Site Evaluation

§ 148.501 Purpose.

(a) This subpart prescribes requirements for site evaluation and preconstruction testing at potential deepwater port locations.

(b) For the purpose of this subpart, "site evaluation and preconstruction testing" means all field studies performed at potential deepwater port locations, including:

(1) Preliminary studies to determine site feasibility;

(2) Detailed studies of the topographic and geologic structure of the ocean bottom to determine its ability to support offshore structures and appurtenances; and

(3) Studies involved with the preparation of the environmental analysis required under § 148.109(t).

§ 148.503 Applying for site evaluation.

(a) Any person desiring to apply for an authorization to conduct site evaluation and preconstruction testing at potential deepwater port sites must submit an application and four copies of the application to the Commandant (G–W), U.S. Coast Guard, Washington, D.C. 20590, at least 60 days prior to the commencement of any activities contemplated under the application.

(b) Applications for authorization to conduct site evaluations and preconstruction testing at potential deepwater port locations must include the following:

(1) the identification of persons or agencies participating in the proposed activities.

(2) The type of activities and the manner in which they will be conducted.

(3) Chartlets showing the location where the proposed activities are to be conducted and locations of all offshore structures, including pipelines and cables, in or proximate to the area of proposed activity.

(4) The specific purpose of the activities.

(5) The dates on which the activities will be commenced and completed.

(6) The environmental data on and an assessment of, the environmental consequences of the activities.

(7) A preliminary report of the historic and archeological significance of the area where the proposed activities are to take place, including a report of each

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contact made with any appropriate State liaison officer for historic preservation.

(8) Any additional information that the Coast Guard requires.

(c) The Coast Guard will advise and coordinate with appropriate Federal agencies and States concerning authorization under this subpart.

§ 148.505 General conditions of authorization.

(a) No person may conduct activities to which this subpart applies except in compliance with the terms and conditions of the authorization, the regulations in this part, and all other applicable laws and regulations.

(b) Separate authorization is required for each site.

(c) Each authorization is subject to terms and conditions including, but not limited to, requirements necessary to prevent or minimize the effect of those activities that may:

(1) Adversely affect the environment;

(2) Interfere with authorized uses of the Outer Continental Shelf or navigable waters; or

(3) Pose a threat to human health and welfare.

(d) The applicant must notify the Coast Guard before commencing activities under the authorization.

(e) The Coast Guard usually authorizes the following activities:

(1) Gravity and magnetometric measurements.

(2) Bottom and sub-bottom acoustic profiling without the use of explosives.

(3) Sediment sampling of a limited nature using either core or grab samplers if geological profiles indicate no discontinuities that may have archeological significance.

(4) Water and biotic sampling, if the sampling does not adversely affect shellfish beds, marine mammals, or an endangered species, or if permitted by another Federal agency.

(5) Meteorological measurements, including the setting of instruments.

(6) Hydrographic and oceanographic measurements, including the setting of instruments.

(7) Small diameter core sampling to determine foundation conditions.

§ 148.507 Reports.

Each person authorized to conduct site evaluation and preconstruction testing at potential deepwater port locations shall:

(a) Notify the Coast Guard of any evidence of objects of cultural, historical, or archeological significance immediately upon their discovery;

(b) Notify the Coast Guard immediately of any:

(1) Adverse affects on the environment;

(2) Interference with authorized uses of the Outer Continental Shelf;

(3) Threat to human health and welfare; and

(4) Adverse affects to any site, structure, or object or historical or archeological significance; and

(c) Submit a final written report to the Coast Guard within 30 days after the completion of activity that contains:

(1) A narrative description of the activities performed;

(2) Charts, maps, or plats for the area where the activities were conducted and referencing the narrative description required in paragraph (c)(1) of this section;

(3) The dates on which the activities were performed;

(4) Information on any adverse effects on the environment, other uses of the area where the activities were conducted, human health or welfare, or any site, structure, or object of historical or archeological significance;

(5) Data on the historical or archeological significance of the area studies, including the report of an underwater archeologist, if physical data indicate the need for such expertise as related to the activities undertaken; and

(6) Any additional information that may be required by the Coast Guard.

§ 148.509 Suspension, revocation, or cancellation of authorization.

(a) The Commandant may order, either in writing or orally with written confirmation, the immediate suspension, for a period not to exceed 30 days, of any activity conducted pursuant to an authorization issued in accordance with the regulations in this subpart, when, in his judgment, such activity threatens immediate, serious, and irreparable harm to human life, biota, property, cultural resources, any valuable mineral deposits, or the environment.

(b) The Commandant may suspend or revoke an authorization under which the activities are being conducted, or are proposed to be conducted, because the activity:

(1) Threatens immediate, serious, and irreparable harm to life, including biota, property, cultural resources, any valuable mineral deposits, or the environment; or

(2) Violates applicable laws, regulations, or the terms and conditions of the authorization, including the timely submission of reports and analyses.

(Sec. 5(b), 86 Stat. 2131 (33 U.S.C. 1504(b)); 49 CFR 1.46(s))

Dated: October 31, 1975.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-29867 Filed 11-7-75;8:45 am]

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Title 3—The President

PROCLAMATION 4409

American Education Week, 1975

By the President of the United States of America

A Proclamation

Our schools are no better than we make them. They can provide a solid educational foundation for our children. They can provide a training ground for leadership development. They can offer an opportunity for expanded technical knowledge and cultural enrichment through continued education. They can become a center for community involvement. But the future our schools provide is in large measure dependent upon our involvement.

We must be concerned for our sake, for our children's sake and for the future of our Republic. This Nation's greatness depends upon the enlightenment of each generation.

Although we can be justly proud of our system of American education, we must not become complacent. What we teach our children in school and what adults continue to learn through advanced courses and community educational opportunities will affect our own future—and our Nation's future.

It is particularly appropriate, therefore, as we celebrate our 200 years of history, to emphasize the importance of American education in the lives of every American.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning November 16, 1975, as American Education Week.

I urge parents to visit their children's schools, to learn what their children are learning and to join with teachers and administrators in providing an enriching environment for their children's educational experience.

I urge all students to recognize the unique opportunity they have in this great Republic to reach out for greater knowledge and deeper understanding of man and his environment.

I urge students, teachers and administrators to plan appropriate activities which encourage participation in student government.

I urge everyone, either informally or in the classroom setting, to take advantage of the growing opportunities for adult education in technical skills, employment skills and cultural and intellectual pursuits.

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During American Education Week, I urge every American to recommit himself to the process of continuing education for every man, woman and child.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-30587 Filed 11-10-75;12:07 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1976 crop year. The crops on which insurance is offered are shown opposite the name of the county.

State and County	*Crop(s)*
North Dakota:	
Barnes	Barley, flax, oats, rye, wheat.
Ransom	Barley, flax, oats, wheat.
Richland	Barley, flax, oats, rye, wheat.
Sargent	Barley, flax, oats, wheat.
Steele	Barley, flax, oats, rye, soybeans, wheat.
Grand Forks	Barley, flax, oats, wheat.
Pierce	Do.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30304 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1976 crop year.

ALABAMA

De Kalb
Jackson
Marshall

COLORADO

Adams
Boulder
Cheyenne
Kit Carson
Larimer
Logan
Morgan
Phillips
Sedgwick
Washington
Weld
Yuma

DELAWARE

Kent
New Castle
Sussex

FLORIDA

Suwannee
Colquitt

GEORGIA

ILLINOIS

Adams
Bond
Boone
Brown
Bureau
Carroll
Cass
Champaign
Christian
Clay
Clark
Clinton
Coles
Crawford
Cumberland
De Kalb
De Witt
Douglas
Edgar
Effingham
Fayette
Ford
Fulton
Greene
Grundy
Hancock
Henderson
Henry
Iroquois
Jasper
Jefferson
Jersey
Jo Daviess
Kankakee
Kendall
Knox
LaSalle
Lawrence
Lee
Livingston
Logan
McDonough
McHenry
McLean
Macon
Macoupin
Madison
Marion
Marshall
Mason
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Putnam
Randolph
Richland
Rock Island
St. Clair
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Washington
Wayne
Whiteside
Will
Winnebago
Woodford

INDIANA

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clay
Clinton
Daviess
Decatur
De Kalb
Delaware
Elkhart
Fayette
Fountain
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Johnson
Knox
Kosciusko
Lagrange
Madison
Marion
Marshall
Miami
Montgomery
Morgan
Newton
Noble
Parke
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
Shelby
Sullivan
Tippecanoe
Tipton
Union
Vermillion
Vigo
Wabash
Warren
Wayne
Wells
White
Whitley

IOWA

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Ringgold
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Wapello
Warren
Washington
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

KANSAS

Atchison
Bourbon
Brown
Cheyenne
Crawford
Doniphan
Douglas
Finney
Ford
Franklin
Grant
Gray
Haskell
Jackson
Jefferson
Jewell
Johnson
Kearny
Linn
Marshall
Meade
Miami
Morton
Nemaha
Osage
Pottawatomie
Republic
Scott
Seward
Shawnee
Sheridan
Sherman
Stanton
Stevens
Thomas
Wallace
Washington
Wichita

KENTUCKY

Christian
Daviess
Henderson
Hopkins
McLean
Todd
Union

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LOUISIANA	
Pointe Coupee	
MARYLAND	
Caroline	Queen Annes
Kent	Talbot
MICHIGAN	
Branch	Kalamazoo
Calhoun	Lenawee
Cass	Livingston
Clinton	Monroe
Eaton	Saginaw
Gratiot	St. Clair
Hillsdale	St. Joseph
Ingham	Shiawassee
Ionia	Tuscola
Jackson	Washtenaw
MINNESOTA	
Big Stone	Nicollet
Blue Earth	Nobles
Brown	Olmsted
Carver	Otter Tail
Chippewa	Pipestone
Cottonwood	Pope
Dakota	Redwood
Dodge	Renville
Douglas	Rice
Faribault	Rock
Fillmore	Scott
Freeborn	Sibley
Goodhue	Stearns
Grant	Steele
Houston	Stevens
Jackson	Swift
Kandiyohi	Todd
Lac qui Parle	Traverse
Le Sueur	Wabasha
Lincoln	Waseca
Lyon	Washington
McLeod	Watonwan
Martin	Winona
Meeker	Wright
Mower	Yellow Medicine
Murray	
MISSISSIPPI	
Tippah	
MISSOURI	
Adair	Knox
Andrew	Lafayette
Atchison	Lawrence
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Boone	Livingston
Buchanan	Macon
Butler	Marion
Caldwell	Mercer
Callaway	Mississippi
Cape Girardeau	Monroe
Carroll	Montgomery
Cass	New Madrid
Chariton	Nodaway
Clark	Pemiscot
Clinton	Pettis
Cooper	Pike
Daviess	Platte
De Kalb	Ralls
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Dodge	Pierce
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Gage	Polk
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Holt	Saunders
Howard	Scotts Bluff
Johnson	Seward
Kearney	Sherman
Knox	Stanton
Lancaster	Thayer
Lincoln	Washington
Madison	Wayne
Merrick	York
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Beaufort	Robeson
Hyde	Rowan
Nash	Union
Pamlico	Washington
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Cass	Richland
Ransom	Sargent
OHIO	
Allen	Logan
Ashland	Lucas
Auglaize	Madison
Butler	Marion
Champaign	Medina
Clark	Mercer
Clinton	Miami
Crawford	Montgomery
Darke	Morrow
Definance	Ottawa
Delaware	Paulding
Erie	Pickaway
Fairfield	Preble
Fayette	Putnam
Franklin	Richland
Fulton	Sandusky
Greene	Seneca
Hancock	Shelby
Hardin	Union
Henry	Van Wert
Highland	Wayne
Huron	Williams
Knox	Wood
Licking	Wyandot
OKLAHOMA	
Texas	
PENNSYLVANIA	
Adams	Lancaster
Chester	Lebanon
Cumberland	Perry
Dauphin	York
Franklin	
SOUTH DAKOTA	
Aurora	Hanson
Beadle	Hutchinson
Bon Homme	Kingsbury
Brookings	Lake
Charles Mix	Lincoln
Clark	McCook
Clay	Miner
Codington	Minnehaha
Davison	Moody
Day	Roberts
Deuel	Sanborn
Douglas	Turner
Grant	Union
Hamlin	Yankton
TENNESSEE	
Franklin	Obion
TEXAS	
Castro	Moore

VIRGINIA	
Nansemond	Southampton
WISCONSIN	
Barron	La Crosse
Buffalo	Lafayette
Calumet	Manitowoc
Chippewa	Pepin
Clark	Pierce
Columbia	Polk
Crawford	Racine
Dane	Richland
Dodge	Rock
Dunn	St. Croix
Eau Claire	Sauk
Fond du Lac	Sheboygan
Grant	Trempealeau
Green	Vernon
Iowa	Walworth
Jackson	Waukesha
Jefferson	Winnebago
Kenosha	
WYOMING	
Goshen	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30303 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for dry bean crop insurance for the 1976 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

State and County	*Class(es) of dry beans insured*
Colorado:	
Boulder	Pinto.
Larimer	Do.
Logan	Do.
Morgan	Do.
Phillips	Do.
Sedgwick	Do.
Washington	Do.
Weld	Do.
Yuma	Do.
Idaho:	
Ada	Do.
Canyon	Great northern, pink, pinto, red kidney, small Red.[1]
Cassia	Do.[1]
Gooding	Do.[1]
Jerome	Do.[1]
Lincoln	Do.
Minidoka	Do.[1]
Owyhee	Do.
Twin Falls	Do.[1]
Michigan:	
Bay	Pea and medium white, light and dark, kidney, cranberry, turtle and pintos.
Gratiot	Do.
Huron	Do.
Saginaw	Do.
Sanilac	Do.
Shiawassee	Do.
Tuscola	Do.

State and county	*Class(es) of dry beans insured*
Nebraska:	
Box Butte	Great northern, pink, pinto.
Morrill	Do.
Scotts Bluff	Do.
Sheridan	Do.
Washington:	
Adams	Great northern, pink, pinto, small flat whites, small red.
Franklin	Do.
Grant	Do.
Wyoming:	
Big Horn	Great northern, pinto.
Goshen	Do.
Park	Do.
Platte	Do.

[1] Insurance is also provided on bush varieties of garden seed beans.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30308 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR FLAX CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1976 crop year.

MINNESOTA	
Becker	Norman
Big Stone	Otter Tail
Chippewa	Pennington
Clay	Pipestone
Grant	Polk
Kittson	Pope
Lac qui Parle	Red Lake
Lincoln	Redwood
Lyon	Roseau
Mahnomen	Stevens
Marshall	Swift
Murray	Traverse
Nobles	Wilkin
Yellow Medicine	
NORTH DAKOTA	
Barnes	Mountrail
Benson	Nelson
Bottineau	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Renville
Eddy	Richland
Emmons	Rolette
Foster	Sargent
Grand Forks	Sheridan
Griggs	Steele
Kidder	Stutsman
La Moure	Towner
Logan	Traill
McHenry	Walsh
McIntosh	Ward
McLean	Wells
SOUTH DAKOTA	
Brookings	Hamlin
Brown	Kingsbury
Campbell	Lake
Clark	McPherson
Codington	Marshall
Corson	Miner
Day	Moody
Deuel	Roberts
Edmunds	Walworth
Grant	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30302 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR OAT CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for oat crop insurance for the 1976 crop year.

CALIFORNIA	
Modoc	
ILLINOIS	
Bureau	Jo Daviess
Carroll	Ogle
Henry	Stephenson
IOWA	
Adair	Jasper
Adams	Jefferson
Allamakee	Johnson
Appanoose	Jones
Audubon	Keokuk
Benton	Kossuth
Black Hawk	Lee
Boone	Linn
Bremer	Louisa
Buchanan	Lucas
Buena Vista	Lyon
Butler	Madison
Calhoun	Mahaska
Carroll	Marion
Cass	Marshall
Cedar	Mills
Cerro Gordo	Mitchell
Cherokee	Monona
Chickasaw	Monroe
Clarke	Montgomery
Clay	Muscatine
Clayton	O'Brien
Clinton	Osceola
Crawford	Page
Dallas	Palo Alto
Decatur	Plymouth
Delaware	Pottawattamie
Des Moines	Pocahontas
Dickinson	Polk
Dubuque	Poweshiek
Emmet	Sac
Fayette	Scott
Floyd	Shelby
Franklin	Sioux
Fremont	Story
Greene	Tama
Grundy	Taylor
Guthrie	Union
Hamilton	Wapello
Hancock	Warren
Hardin	Washington
Harrison	Webster
Henry	Winnebago
Howard	Winneshiek
Humboldt	Woodbury
Ida	Worth
Iowa	Wright
Jackson	
MINNESOTA	
Becker	Dakota
Big Stone	Dodge
Blue Earth	Douglas
Brown	Faribault
Carver	Fillmore
Chippewa	Freeborn
Clay	Goodhue
Cottonwood	Grant

MINNESOTA—Continued	
Houston	Pope
Jackson	Red Lake
Kandiyohi	Redwood
Kittson	Renville
Lac qui Parle	Rice
Le Sueur	Rock
Lincoln	Roseau
Lyon	Scott
McLeod	Sibley
Mahnomen	Stearns
Marshall	Steele
Martin	Stevens
Meeker	Swift
Mower	Todd
Murray	Traverse
Nicollet	Wabasha
Nobles	Waseca
Norman	Washington
Olmsted	Watonwan
Otter Tail	Wilkin
Pennington	Winona
Pipestone	Wright
Polk	Yellow Medicine
NORTH DAKOTA	
Barnes	Nelson
Benson	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Richland
Eddy	Sargent
Foster	Stark
Grand Forks	Steele
Griggs	Stutsman
Kidder	Towner
La Moure	Traill
Logan	Walsh
Morton	
OREGON	
Klamath	
PENNSYLVANIA	
Chester	Dauphin
Cumberland	Perry
SOUTH DAKOTA	
Aurora	Hutchinson
Beadle	Kingsbury
Bon Homme	Lake
Brookings	Lincoln
Brown	McCook
Charles Mix	Marshall
Clark	Miner
Clay	Minnehaha
Codington	Moody
Davison	Roberts
Day	Sanborn
Deuel	Spink
Douglas	Turner
Grant	Union
Hamlin	Yankton
Hanson	
WISCONSIN	
Barron	La Crosse
Buffalo	Lafayette
Calumet	Manitowoc
Chippewa	Pepin
Clark	Pierce
Columbia	Polk
Crawford	Racine
Dane	Richland
Dodge	Rock
Dunn	St. Croix
Eau Claire	Sauk
Fond du Lac	Sheboygan
Grant	Trempealeau
Green	Vernon
Iowa	Walworth
Jackson	Waukesha
Jefferson	Winnebago
Kenosha	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30301 Filed 11-10-75;8:45 am]

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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX COUNTIES DESIGNATED FOR PEA (CANNING AND FREEZING) CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (canning and freezing) crop insurance for the 1976 crop year.

IDAHO

Franklin — Nez Perce

MINNESOTA

Blue Earth — Nicollet
Brown — Olmsted
Dakota — Redwood
Dodge — Renville
Faribault — Rice
Freeborn — Scott
Goodhue — Sibley
Kandiyohi — Steele
Le Sueur — Wabasha
McLeod — Waseca
Martin — Watonwan
Meeker — Winona
Mower

OREGON

Union — Umatilla

UTAH

Box Elder — Salt Lake
Cache — Weber
Davis

WASHINGTON

Columbia — Whitman
Walla Walla

WISCONSIN

Calumet — Rock
Columbia — Sauk
Dane — Sheboygan
Dodge — Trempealeau
Fond du Lac — Walworth
Manitowoc — Winnebago

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30299 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for peanut crop insurance for the 1976 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite the county name.

ALABAMA

Barbour—Runner, Southeast Spanish, Virginia
Coffee—Runner, Southeast Spanish, Virginia
Conecuh—Runner, Southeast Spanish, Virginia
Covington—Runner, Southeast Spanish, Virginia
Crenshaw—Runner, Southeast Spanish, Virginia
Dale—Runner, Southeast Spanish, Virginia
Geneva—Runner, Southeast Spanish, Virginia
Henry—Runner, Southeast Spanish, Virginia
Houston—Runner, Southeast Spanish, Virginia
Pike—Runner, Southeast Spanish, Virginia

FLORIDA

Jackson—Runner, Southeast Spanish, Virginia

GEORGIA

Baker—Runner, Southeast Spanish, Virginia
Ben Hill—Runner, Southeast Spanish, Virginia
Bulloch—Runner, Southeast Spanish, Virginia
Calhoun—Runner, Southeast Spanish, Virginia
Clay—Runner, Southeast Spanish, Virginia
Coffee—Runner, Southeast Spanish, Virginia
Colquitt—Runner, Southeast Spanish, Virginia
Cook—Runner, Southeast Spanish, Virginia
Crisp—Runner, Southeast Spanish, Virginia
Decatur—Runner, Southeast Spanish, Virginia
Dodge—Runner, Southeast Spanish, Virginia
Dooly—Runner, Southeast Spanish, Virginia
Early—Runner, Southeast Spanish, Virginia
Houston—Runner, Southeast Spanish, Virginia
Irwin—Runner, Southeast Spanish, Virginia
Lee—Runner, Southeast Spanish, Virginia
Miller—Runner, Southeast Spanish, Virginia
Mitchell—Runner, Southeast Spanish, Virginia
Randolph—Runner, Southeast Spanish, Virginia
Seminole—Runner, Southeast Spanish, Virginia
Sumter—Runner, Southeast Spanish, Virginia
Terrell—Runner, Southeast Spanish, Virginia
Thomas—Runner, Southeast Spanish, Virginia
Tift—Runner, Southeast Spanish, Virginia
Toombs—Runner, Southeast Spanish, Virginia
Turner—Runner, Southeast Spanish, Virginia
Worth—Runner, Southeast Spanish, Virginia
Wilcox—Runner, Southeast Spanish, Virginia

NORTH CAROLINA

Bertie—Virginia
Bladen—Virginia
Chowan—Virginia
Edgecombe—Virginia
Gates—Virginia
Halifax—Virginia
Hertford—Virginia
Martin—Virginia
Nash—Virginia
Northampton—Virginia
Pitt—Virginia
Washington—Virginia

OKLAHOMA

Bryan—Southwest Spanish
Caddo—Southwest Spanish
Grady—Southwest Spanish

SOUTH CAROLINA

Lee—Virginia
Sumter—Virginia

TEXAS

Atascosa—Southwest Spanish, Runner
Brown—Southwest Spanish, Runner
Comanche—Southwest Spanish, Runner
Eastland—Southwest Spanish, Runner
Erath—Southwest Spanish, Runner
Fannin—Southwest Spanish, Runner
Frio—Southwest Spanish, Runner
Grayson—Southwest Spanish, Runner
Hood—Southwest Spanish, Runner
Lee—Southwest Spanish, Runner
Wilson—Southwest Spanish, Runner

VIRGINIA

Dinwiddie—Virginia
Greensville—Virginia
Isle of Wight—Virginia
Nansemond—Virginia
Prince George—Virginia
Southampton—Virginia
Surry—Virginia
Sussex—Virginia

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30296 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEA (DRY) CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (dry) crop insurance for the 1976 crop year.

IDAHO

Benewah — Lewis
Kootenai — Nez Perce
Latah

OREGON

Umatilla — Union

WASHINGTON

Adams — Spokane
Columbia — Walla Walla
Franklin — Whitman
Grant

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30298 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RICE CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for rice crop insurance for the 1976 crop year.

ARKANSAS

Arkansas — Crittenden
Ashley — Cross
Chicot — Desha
Clay — Greene
Craighead — Jackson

ARKANSAS—Continued

Jefferson — Prairie
Lonoke — St. Francis
Monroe — Woodruff
Poinsett

LOUISIANA

Acadia — Jefferson Davis
Calcasieu — Lafayette
Evangeline — St. Landry

MISSISSIPPI

Bolivar — Washington

TEXAS

Brazoria — Matagorda
Fort Bend — Wharton

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30294 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for soybean crop insurance for the 1976 crop year.

ALABAMA

Baldwin — Lawrence
Dallas — Limestone
Escambia — Madison
Hale — Morgan
Jackson — Shelby
Lauderdale

ARKANSAS

Arkansas — Lee
Ashley — Lincoln
Chicot — Lonoke
Clay — Mississippi
Craighead — Monroe
Crittenden — Phillips
Cross — Poinsett
Desha — Prairie
Greene — Randolph
Jackson — St. Francis
Jefferson — Woodruff
Lawrence

DELAWARE

Kent — Sussex
New Castle

GEORGIA

Bullock — Houston

ILLINOIS

Adams — De Witt
Bond — Douglas
Boone — Edgar
Brown — Effingham
Bureau — Fayette
Carroll — Ford
Cass — Fulton
Champaign — Greene
Christian — Grundy
Clark — Hancock
Clay — Henderson
Clinton — Henry
Coles — Iroquois
Crawford — Jasper
Cumberland — Jefferson
De Kalb — Jersey

ILLINOIS—Continued

Jo Daviess — Ogle
Kankakee — Peoria
Kendall — Piatt
Knox — Pike
La Salle — Putnam
Lawrence — Randolph
Lee — Richland
Livingston — Rock Island
Logan — St. Clair
McDonough — Sangamon
McHenry — Schuyler
McLean — Scott
Macon — Shelby
Macoupin — Stark
Madison — Stephenson
Marion — Tazewell
Marshall — Vermilion
Mason — Warren
Menard — Washington
Mercer — Wayne
Monroe — Whiteside
Montgomery — Will
Morgan — Winnebago
Moultrie — Woodford

INDIANA

Adams — Knox
Allen — Kosciusko
Bartholomew — Lagrange
Benton — Madison
Blackford — Marion
Boone — Marshall
Carroll — Miami
Cass — Montgomery
Clay — Morgan
Clinton — Newton
Daviess — Noble
Decatur — Parke
De Kalb — Posey
Delaware — Pulaski
Elkhart — Putnam
Fayette — Randolph
Fountain — Ripley
Fulton — Rush
Gibson — Shelby
Grant — Sullivan
Greene — Tippecanoe
Hamilton — Tipton
Hancock — Union
Hendricks — Vermillion
Henry — Vigo
Howard — Wabash
Huntington — Warren
Jackson — Wayne
Jasper — Wells
Jay — White
Johnson — Whitley

IOWA

Adair — Dickinson
Adams — Dubuque
Appanoose — Emmet
Allamakee — Fayette
Audubon — Floyd
Benton — Franklin
Black Hawk — Fremont
Boone — Greene
Bremer — Grundy
Buchanan — Guthrie
Buena Vista — Hamilton
Butler — Hancock
Calhoun — Hardin
Carroll — Harrison
Cass — Henry
Cedar — Howard
Cerro Gordo — Humboldt
Cherokee — Ida
Chickasaw — Iowa
Clarke — Jackson
Clay — Jasper
Clayton — Jefferson
Clinton — Johnson
Crawford — Jones
Dallas — Keokuk
Decatur — Kossuth
Delaware — Lee
Des Moines — Linn

IOWA—Continued

Louisa — Pottawattamie
Lucas — Poweshiek
Lyon — Ringgold
Madison — Sac
Mahaska — Scott
Marion — Shelby
Marshall — Sioux
Mills — Story
Mitchell — Tama
Monona — Taylor
Monroe — Union
Montgomery — Wapello
Muscatine — Warren
O'Brien — Washington
Osceola — Webster
Page — Winnebago
Palo Alto — Winneshiek
Plymouth — Woodbury
Pocahontas — Worth
Polk — Wright

KANSAS

Allen — Jefferson
Anderson — Johnson
Atchison — Labette
Bourbon — Linn
Brown — Lyon
Cherokee — Marshall
Coffey — Miami
Crawford — Neosho
Doniphan — Osage
Douglas — Wilson
Franklin — Woodson
Jackson

KENTUCKY

Calloway — Hopkins
Daviess — McLean
Fulton — Ohio
Graves — Union
Henderson

LOUISIANA

Acadia — Lafayette
Avoyelles — Madison
Bossier — Morehouse
Caddo — Natchitoches
Calcasieu — Pointe Coupee
Caldwell — Rapides
Catahoula — Red River
Concordia — Richland
East Carroll — St. Landry
Evangeline — Tensas
Franklin — West Carroll
Jefferson Davis

MARYLAND

Caroline — Queen Annes
Kent — Talbot

MICHIGAN

Branch — Monroe
Cass — Saginaw
Clinton — St. Joseph
Gratiot — Shiawassee
Hillsdale — Washtenaw
Lenawee

MINNESOTA

Becker — Kandiyohi
Big Stone — Lac qui Parle
Blue Earth — Le Sueur
Brown — Lincoln
Carver — Lyon
Chippewa — McLeod
Clay — Martin
Cottonwood — Meeker
Dakota — Mower
Dodge — Murray
Douglas — Nicollet
Faribault — Nobles
Fillmore — Norman
Freeborn — Olmsted
Goodhue — Otter Tail
Grant — Pipestone
Houston — Pope
Jackson — Redwood

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MINNESOTA—Continued

Renville	Traverse
Rice	Wabasha
Rock	Waseca
Scott	Washington
Sibley	Watonwan
Stearns	Wilkin
Steele	Winona
Stevens	Wright
Swift	Yellow Medicine
Todd	

MISSISSIPPI

Benton	Monroe
Bolivar	Panola
Calhoun	Pontotoc
Carroll	Prentiss
Chickasaw	Quitman
Coahoma	Sharkey
De Soto	Sunflower
Hinds	Tallahatchie
Holmes	Tippah
Humphreys	Tunica
Issaquena	Union
Lee	Washington
Leflore	Yazoo
Madison	

MISSOURI

Adair	Knox
Andrew	Lafayette
Atchison	Lewis
Audrain	Lincoln
Barton	Linn
Bates	Livingston
Boone	Macon
Buchanan	Marion
Butler	Mercer
Caldwell	Mississippi
Callaway	Monroe
Cape Girardeau	Montgomery
Carroll	New Madrid
Cass	Nodaway
Chariton	Pemiscot
Clark	Pettis
Clinton	Pike
Cooper	Platte
Daviess	Ralls
De Kalb	Randolph
Dunklin	Ray
Gentry	St. Charles
Grundy	Saline
Harrison	Scotland
Henry	Scott
Holt	Shelby
Howard	Stoddard
Jackson	Sullivan
Jasper	Vernon
Johnson	Worth

NEBRASKA

Burt	Nemaha
Cass	Otoe
Cedar	Platte
Colfax	Richardson
Cuming	Saunders
Dodge	Washington
Lancaster	Wayne
Madison	

NORTH CAROLINA

Anson	Pamlico
Beaufort	Pitt
Craven	Robeson
Hyde	Union
Johnston	Washington
Jones	

NORTH DAKOTA

Cass	Traill
Richland	

OHIO

Allen	Clark
Ashland	Clinton
Auglaize	Crawford
Butler	Darke
Champaign	Defiance
Delaware	Mercer
Erie	Miami
Fairfield	Montgomery
Fayette	Morrow
Franklin	Ottawa
Fulton	Paulding
Greene	Pickaway
Hancock	Preble
Hardin	Putnam
Henry	Richland
Highland	Sandusky
Huron	Seneca
Knox	Shelby
Licking	Union
Logan	Van Wert
Lucas	Wayne
Madison	Williams
Marion	Wood
Medina	Wyandot

OKLAHOMA

Ottawa	

SOUTH CAROLINA

Craig	Hampton
Aiken	Horry
Allendale	Kershaw
Bamberg	Lee
Barnwell	Lexington
Calhoun	Marion
Clarendon	Marlboro
Darlington	Orangeburg
Dillon	Sumter
Dorchester	Williamsburg
Florence	

SOUTH DAKOTA

Bon Homme	Lake
Brookings	Lincoln
Charles Mix	McCook
Clay	Minnehaha
Deuel	Moody
Grant	Roberts
Hamlin	Turner
Hutchinson	Union
Kingsbury	Yankton

TENNESSEE

Carroll	Lake
Chester	Lauderdale
Crockett	Madison
Dyer	Obion
Fayette	Shelby
Gibson	Tipton
Hardeman	Weakley
Haywood	

VIRGINIA

Nansemond	Southampton

WISCONSIN

Buffalo	Pierce
Dane	Polk
Dunn	Racine
Jackson	Rock
Jefferson	St. Croix
Kenosha	Trempealeau
Pepin	Walworth

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30293 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SUGAR BEET CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for sugar beet crop insurance for the 1976 crop year.

CALIFORNIA

Fresno	Merced
Imperial	San Joaquin
Kern	Stanislaus
Kings	Tulare
Madera	

COLORADO

Adams	Morgan
Boulder	Phillips
Kit Carson	Sedgwick
Larimer	Weld
Logan	Yuma

IDAHO

Ada	Franklin
Bannock	Jerome
Bingham	Minidoka
Bonneville	Owyhee
Canyon	Power
Cassia	Twin Falls

KANSAS

Finney	Sherman
Grant	Stanton
Kearny	Wallace

MICHIGAN

Bay	Saginaw
Huron	Tuscola

MINNESOTA

Chippewa	Norman
Clay	Polk
Faribault	Redwood
Grant	Renville
Kandiyohi	Swift
Kittson	Traverse
Lac qui Parle	Wilkin
Marshall	Yellow Medicine

MONTANA

Carbon	Rosebud
Custer	Stillwater
Dawson	Treasure
Prairie	Yellowstone
Richland	

NEBRASKA

Box Butte	Scotts Bluff
Morrill	

NORTH DAKOTA

Cass	Richland
Grand Forks	Traill
McKenzie	Walsh
Pembina	Williams

OHIO

Hancock	Putnam
Henry	Sandusky
Lucas	Wood
Ottawa	

OREGON

Malheur	

UTAH

Box Elder	Salt Lake
Cache	Utah
Davis	Weber

WASHINGTON

Adams	Grant
Benton	Yakima
Franklin	

WYOMING

Big Horn	Park
Goshen	Washakie

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30292 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOBACCO INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for tobacco crop insurance for the 1976 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

Florida:	
Alachua	14
Columbia	14
Hamilton	14
Madison	14
Suwannee	14
Georgia:	
Appling	14
Atkinson	14
Bacon	14
Ben Hill	14
Berrien	14
Brantley	14
Brooks	14
Bulloch	14
Candler	14
Coffee	14
Colquitt	14
Cook	14
Decatur	14
Irwin	14
Jeff Davis	14
Lanier	14
Lowndes	14
Mitchell	14
Pierce	14
Tattnall	14
Thomas	14
Tift	14
Toombs	14
Turner	14
Ware	14
Wayne	14
Worth	14
Kentucky:	
Adair	31
Allen	31, 35
Anderson	31
Barren	31
Bath	31
Boone	31
Bourbon	31
Boyle	31
Bracken	31
Breckinridge	31
Caldwell	22, 31, 35
Calloway	23, 35
Carroll	31
Casey	31
Christian	22, 31, 35
Clark	31
Daviess	31, 36
Fayette	31
Fleming	31
Franklin	31
Garrard	31
Grant	31
Graves	23, 31, 35
Green	31
Harrison	31
Hart	31
Henderson	31, 36
Henry	31
Hopkins	31, 36
Jessamine	31
Larue	31
Lewis	31
Lincoln	31
Logan	22, 31, 35
McLean	31, 36
Madison	31
Marion	31
Marshall	23, 31, 35
Mason	31
Meade	31
Mercer	31
Metcalfe	31
Montgomery	31
Muhlenberg	22, 31, 35
Nelson	31
Nicholas	31
Ohio	31, 36
Owen	31
Pendleton	31
Pulaski	31
Robertson	31
Russell	31
Scott	31
Shelby	31
Simpson	22, 31, 35
Spencer	31
Taylor	31
Todd	22, 31, 35
Trigg	22, 31, 35
Warren	31, 35
Washington	31
Wayne	31
Woodford	31
Missouri:	
Buchanan	31
Platte	31
North Carolina:	
Alamance	11a
Alexander	11a
Beaufort	12
Bertie	12
Bladen	13
Brunswick	13
Buncombe	31
Carteret	12
Caswell	11a
Chatham	11b
Chowan	12
Columbus	13
Craven	12
Cumberland	13
Davidson	11a
Davie	11a
Duplin	12
Durham	11b
Edgecombe	12
Forsyth	11a
Franklin	11b
Gates	12
Granville	11b
Greene	12
Guilford	11a
Halifax	12
Harnett	11b
Haywood	31
Hertford	12
Hoke	13
Iredell	11a
Johnston	12
Jones	12
Lee	11b
Lenoir	12
Madison	31
Martin	12
Mitchell	31
Montgomery	11b
Moore	11b
Nash	12
Northampton	12
Onslow	12
Orange	11b
Pamlico	12
Pender	12
Person	11a
Pitt	12
Randolph	11a
Richmond	11b
Robeson	13
Rockingham	11a
Sampson	12
Scotland	13
Stokes	11a
Surry	11a
Vance	11b
Wake	11b
Warren	11b
Washington	12
Wayne	12
Wilkes	11a
Wilson	12
Yadkin	11a
Yancey	31
Ohio:	
Adams	31
Brown	31
Highland	31
Pennsylvania:	
Lancaster	41
South Carolina:	
Chesterfield	13
Clarendon	13
Darlington	13
Dillon	13
Dorchester	13
Florence	13
Georgetown	13
Horry	13
Kershaw	13
Lee	13
Marion	13
Marlboro	13
Orangeburg	13
Sumter	13
Williamsburg	13
Tennessee:	
Anderson	31
Blount	31
Carter	31
Claiborne	31
Cocke	31
De Kalb	31
Dickson	22
Franklin	31
Giles	31
Grainger	31
Greene	31
Hamblen	31
Hancock	31
Hawkins	31
Jackson	31
Jefferson	31
Johnson	31
Knox	31
Lawrence	31
Lincoln	31
Loudon	31
McMinn	31
Macon	31, 35
Marshall	31
Maury	31
Monroe	31
Montgomery	22, 31
Putnam	31
Robertson	22, 31, 35
Sevier	31
Smith	31
Stewart	22, 31
Sullivan	31
Sumner	22, 31, 35
Trousdale	31
Unicoi	31
Washington	31
Weakley	23, 35
White	31
Williamson	31
Wilson	31
Virginia:	
Amelia	11a, 21
Appomattox	11a, 21
Brunswick	11a, 21
Campbell	11a, 21
Charlotte	11a, 21
Cumberland	11a, 21
Dinwiddie	11a, 21
Franklin	11a
Greensville	11a
Halifax	11a
Lee	31

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VIRGINIA—Continued

Lunenberg	11a, 21
Mecklenburg	11a
Nansemond	11a
Nottoway	11a, 21
Patrick	11a
Pittsylvania	11a
Prince Edward	11a, 21
Prince George	11a
Russell	31
Scott	31
Smyth	31
Southampton	11a
Sussex	11a
Washington	31
Wisconsin:	
Crawford	55
Dane	54
LaCrosse	55
Richland	55
Trempealeau	55
Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30291 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOMATO CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for tomato crop insurance for the 1976 crop year.

OHIO

Darke	Ottawa
Fulton	Putnam
Henry	Sandusky
Lucas	Wood

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30290 Filed 11-10-75;8:45 am]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1966 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RAISIN CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 402.1 of the above-identified regulations, as amended, the following counties have been designated for raisin crop insurance for the 1976 crop year.

CALIFORNIA

Fresno	Merced
Kern	Stanislaus
Kings	Tulare
Madera	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30295 Filed 11-10-75;8:45 am]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1976 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEACH CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 403.40 of the above-identified regulations, as amended, the following counties have been designated for peach crop insurance for the 1976 crop year.

ALABAMA

Chilton

ARKANSAS

Cross	Lee
Johnson	St. Francis

GEORGIA

Houston	Upson
Peach	

SOUTH CAROLINA

Aiken	Greenville
Allendale	Lexington
Barnwell	Spartanburg
Chesterfield	York
Edgefield	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30297 Filed 11-10-75;8:45 am]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE; 1976 CROP

Pursuant to the authority contained in § 404.20 of the above-identified regulations, the following counties have been designated for apple crop insurance for the 1976 crop year.

OREGON

Umatilla

WASHINGTON

Chelan	Douglas
Columbia	Okanogan

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30310 Filed 11-10-75;8:45 am]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR ORANGE CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 406.1 of the above-identified regulations, as amended, the following counties have been designated for orange crop insurance for the 1976 crop year.

CALIFORNIA

Fresno	Tulare
Kern	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30300 Filed 11-10-75;8:45 am]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 408.1 of the above-identified regulations, as amended, the following counties have been designated for apple crop insurance for the 1976 crop year.

NORTH CAROLINA

Alexander	Wilkes
Henderson	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30309 Filed 11-10-75;8:45 am]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1974 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 409.30 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1976 crop year.

ARIZONA

Maricopa	Yuma

CALIFORNIA

Imperial	Riverside

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30306 Filed 11-10-75;8:45 am]

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1970 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 410.1 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1976 crop year.

FLORIDA

Brevard	Indian River
De Soto	Lake
Hardee	Manatee
Hernando	Marion
Highlands	Martin
Hillsborough	Orange

FLORIDA—Continued

Osceola	Polk
Palm Beach	St. Lucie
Pasco	Seminole

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30307 Filed 11-10-75;8:45 am]

PART 413—TEXAS CITRUS CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 413.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1976 crop year.

TEXAS

Cameron	Willacy
Hidalgo	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30305 Filed 11-10-75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Wheat Program for Crop Years 1975–1977

On May 20, 1974, a notice of proposed rulemaking regarding determinations with respect to the 1975 crop of wheat was published in the FEDERAL REGISTER (39 FR 17767). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days. The comments and recommendations received have been duly considered.

This subpart, which is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91-524, 84 Stat. 1358, and by the Agriculture and Consumer Protection Act of 1973, Public Law 93-86, 87 Stat. 224, and Public Law 93-226, 87 Stat. 944, supersedes for the crop years 1975–1977 the regulations governing the Wheat Program for crop years 1974–1977, 39 FR 26707, as amended. This subpart, which incorporates the provisions of the existing regulations with the following principal changes, sets forth the conditions under which wheat producers may qualify for program benefits:

(1) No intention to participate in the program is filed. Producers report disasters when they occur, report crop acreages as necessary for program administration, and apply for any applicable payments.

(2) All acreage planted to wheat is defined as wheat acreage and considered to be nonconserving. There is provision for excluding part of the acreage for low yield disaster payment purposes, in such instances as when the acreage is planted solely for pasture, or nonfeed use, or is in excess of the allotment and is timely destroyed without feed benefit.

(3) Allotments are adjusted for low yield payment purposes to reflect underplanting and the substitution of wheat for feed grains.

(4) Wheat payments are computed separately from feed grain and upland cotton payments.

(5) Disaster payments are made for wheat only when wheat has suffered a production loss and are computed on the bushels lost.

Subpart—Wheat Program for Crop Years 1975–1977

Sec.

728.1	General.
728.2	Definitions.
728.3	Administration.
728.4	1975 national wheat allotment.
728.4a	1976 national wheat allotment.
728.4b	1977 national wheat allotment [Reserved]
728.5	Apportionment of the 1975–1977 national wheat allotments among several states.
728.6	Apportionment of the 1975–1977 State allotments of wheat among their respective counties.
728.7	Farm wheat allotment.
728.8	County yields.
728.9	Farm yields.
728.10	Payment rates.
728.11	Notice of allotments and yields.
728.12	Reconstitution of farms.
728.13	Requirements for program participation.
728.14	Determination of compliance.
728.15	General payment provisions.
728.16	Deficiency payments.
728.17	Disaster payments.
728.18	Division of payments and additional provisions relating to tenants and sharecroppers.
728.19	Successors-in-interest.
728.20	Misrepresentation and scheme or device.
728.21	Setoffs and assignments.
728.22	Appeals.
728.23	Performance based upon advice or action of county or State committee.
728.24	Supervisory authority of State committee.
728.25	Delegation of authority.

AUTHORITY: Sec. 107, 87 Stat. 224 (7 U.S.C. 1445a); sec. 379c, 87 Stat. 227 (7 U.S.C. 1379c); sec. 375(b), 52 Stat. 66 (7 U.S.C. 1375 (b)).

Subpart—Wheat Program for Crop Years 1975–1977

§ 728.1 General.

(a) The regulations in this subpart provide terms and conditions for the wheat program for the 1975 through 1977 crops of wheat, respectively, under which producers on farms for which an allotment is established may qualify for payments authorized under the program.

(b) Producers who meet the eligibility requirements in § 728.13(c) may qualify for payments.

(c) In accordance with section 101 of the Agricultural Act of 1970, as amended, and the regulations in Part 795 of this chapter, as amended, the total amount of payments which a person shall be entitled to receive annually under the wheat program, the feed grain program, and the upland cotton program shall not exceed $20,000.

(d) In accordance with the regulations in Part 796 of this chapter, payments are prohibited to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them.

(e) The program is applicable throughout the United States except Alaska and Hawaii.

§ 728.2 Definitions.

In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the content or subject matter otherwise requires.

(a) "Annual nonconserving crop" means any annual crop intended for harvest or utilized in any feed form, except for the following:

(1) Grasses regardless of use, including sweet sorghum, millet, and sudan grass.

(2) Legumes, other than peas or beans produced for seed, grain, or processing.

(3) Immature small grains (other than wheat or barley) destroyed by any means or used for other than grain.

(b) "Cropland Adjustment Program" (herein called CAP) means the program authorized under Title VI of the Food and Agriculture Act of 1965, as amended, Part 751 of this chapter, as amended.

(c) "Cropland Conversion Program" (herein called CCP) means the program authorized under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, Part 751 of this chapter, as amended.

(d) "Current year" means the calendar year in which the wheat crop with respect to which payment may be made under this subpart would normally be harvested.

(e) "Feed Grain Program" means the program authorized under Title V of the Agricultural Act of 1970, Part 775 of this chapter, as amended.

(f) "Upland Cotton Program" means the program authorized under Title VI of the Agricultural Act of 1970, Part 722 of this chapter, as amended.

(g) "Wheat acreage" means:

(1) Any acreage planted to wheat, and any acreage of volunteer wheat which is harvested as grain.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is wheat and such acreage meets the requirements of paragraph (g)(1) of this section as being wheat acreage.

(h) "Wheat planted and considered planted acreage" means the wheat acreage as defined in paragraph (g) of this section and:

(1) Any acreage which the county committee determines was not planted to wheat because of drought, flood, or

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other natural disaster or condition beyond the control of the operator;

(2) Any acreage credited as wheat (except for new farms) under the provisions of Part 719 of this chapter, as amended;

(3) Any acreage which is planted and considered planted to feed grains under Part 775 of this chapter, as amended, in excess of the allotment and which is not credited to cotton: *Provided*, That feed grains in excess of the allotment shall not be considered as planted to wheat for purposes of § 728.7(b)(4)(iii);

(4) Any acreage which is planted and considered planted to cotton under Part 722 of this chapter, as amended, in excess of the allotment and which is not credited to feed grains: *Provided*, That cotton in excess of the allotment shall not be considered as planted to wheat for purposes of § 728.7(b)(4)(iii);

(5) Any other acreage which is planted to annual nonconserving crops or which the county committee determines was not planted because of drought, flood, or other natural disaster or condition beyond the control of the operator, excluding acreage of allotment crops within the applicable allotment and which is not credited to cotton or feed grains: *Provided*, That such nonconserving crops shall not be considered as planted to wheat for purposes of § 728.7(b)(4)(iii); and

(6) An acreage (except for new farms) equal to the amount that the wheat allotment is reduced for the current year as provided in § 728.7(c)(2).

(i) In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, all other words and phrases shall have the meanings assigned to them in the regulations governing reconstitution of farms and allotments, Part 719 of this chapter, as amended.

§ 728.3 Administration.

(a) The program will be administered under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service (ASCS), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called "State and county committees") and the ASCS Data Systems Field Office.

(b) State and county committees, the ASCS Data Systems Field Office, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 728.4 1975 national wheat allotment.

NOTE: The 1975 wheat allotment is set out in 39 FR 13869.

§ 728.4a 1976 national wheat allotment.

NOTE: The 1976 wheat allotment is set out in 40 FR 16831.

§ 728.4b 1977 national wheat allotment [Reserved]

[To be issued as an amendment to this subpart.]

§ 728.5 Apportionment of the 1975–1977 national wheat allotments among the several States.

The national allotment of wheat is distributed each year on a pro rata basis to the States on the basis of each State's allotment for the preceding year, adjusted for (a) the administrative transfer of farms between States, (b) decreases resulting from farms no longer engaged in agricultural production, farms dropped from the eminent domain pool, farms losing allotment for failure to plant, and farms voluntarily relinquishing their allotment, and (c) established crop-rotation practices in the States of Colorado, Oregon, Utah, and Washington. State allotments are available for inspection in State and county ASCS offices.

§ 728.6 Apportionment of the 1975–1977 State allotments of wheat among their respective counties.

The State allotment for wheat, less reserves for new farms, appeals and corrections, is apportioned each year among the counties in the State on the basis of each county's allotment for the preceding year, adjusted for:

(a) The administrative transfer of farms between counties,

(b) Acreage allocated to new farms from the State reserve,

(c) Acreage removed from farms no longer engaged in agricultural production, farms dropped from eminent domain pool, farms losing allotment for failure to plant, and farms voluntarily relinquishing their allotment, and

(d) Such other relevant factors as determined necessary by the State committee to establish a fair and equitable apportionment base for the county. County allotments are available for inspection in the county ASCS office.

§ 728.7 Farm wheat allotment.

(a) *How obtained.* Except as otherwise provided in this section, the farm wheat allotments for each crop of wheat shall be determined by the county committee by apportioning the county wheat allotment among farms in the county on the basis of the farm wheat allotment for the preceding crop, adjusted to reflect established crop-rotation practices and such other factors as the Deputy Administrator determines should be considered for the purpose of establishing a fair and equitable allotment. Allotments determined as set forth in this paragraph shall be approved by a representative of the State committee.

(b) *New farm allotment*—(1) *Written application.* Each year, the county committee, with the approval of the State committee, shall establish a wheat allotment (herein called "new farm allotment") for each eligible farm for which an allotment is requested in writing by July 1 of the year immediately preceding the current year in the winter wheat area, and by February 15 of the current year in the spring wheat area. The spring wheat area shall include any area where spring wheat is normally grown, even though winter wheat is also grown in such area. Each request shall be made by the farm owner or operator on Form MQ–25, Application for New Farm or Producer Allotment or Quota, which shall contain statements as to location and identification of the farm, name and address of the farm operator, and other data necessary to enable the county committee to determine whether the conditions of eligibility prescribed in paragraph (b)(2) of this section have been met.

(2) *Eligibility requirements for owner or operator.* Eligibility for a new farm allotment shall be conditioned upon the following:

(i) *Allotment for farm.* The farm does not otherwise qualify for a wheat allotment.

(ii) *Interest in another farm.* Neither the farm owner nor the farm operator owns, has an ownership interest in, or operates any other farm in the United States for which a wheat allotment is established for the current year.

(iii) *Previous experience.* The applicant has produced wheat in any year prior to the year for which the request is made for a new farm allotment.

(iv) *Availability of equipment and facilities.* The operator has adequate equipment and other facilities readily available for the successful production of the crop on the farm.

(v) *Income requirement.* The operator expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming.

(a) *Computing operator's income.* The following shall be considered in computing operator's income:

(1) *Income from farming.* Income from farming shall include the estimated return from the production of the requested allotment and from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm(s), but shall exclude payments authorized under the wheat program.

(2) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions, pensions, social security payments and unemployment compensation.

(3) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(b) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(c) *Operator a corporation.* If the operator is a corporation, it must have no major corporate purpose other than ownership or operation of the farm. Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(d) *Special provision for low-income farmers.* The county committee may

waive the income provisions in this section provided the county committee determines that the farm operator's income, from both farm and nonfarm sources, will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that such determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(3) *Eligibility requirements for the farm.* The eligibility requirements for a new farm allotment for the farm are as follows:

(i) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for wheat production, and continuous production must not result in an undue erosion hazard.

(ii) *Allotment reduced to zero at the farm owner's request.* At least 3 years must have elapsed from the date the farm wheat allotment is reduced to zero at the farm owner's request, as authorized in paragraph (c) of this section, to the date the request for a new farm allotment is considered.

(iii) *Eminent domain.* A farm which includes land acquired by an agency having the right of eminent domain for which the entire wheat allotment was pooled pursuant to Part 719 of this chapter, as amended, which is subsequently returned to agricultural production, shall not be eligible for a new farm allotment for a period of 3 years from the date the former owner was displaced.

(iv) *Entire allotment designated by owner for a reconstitution.* A farm which includes land which has no allotment because the owner did not designate an allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, as amended, shall not be eligible for a new farm allotment for a period of 3 years beginning with the year in which the reconstitution became effective.

(4) *Limitations.* (i) *Wheat acreage planned.* The county committee shall limit the wheat allotment to the smaller of the allotment requested or the wheat acreage planned for the farm for the first year to which the allotment would be applicable.

(ii) *Reserve.* The total new farm wheat allotments approved in a State in the current year shall not exceed a reserve established by the State committee of not more than 1 percent of the total wheat allotments for all farms in the State. No part of that 1 percent shall be allocated to a farm to reflect new cropland brought into production after November 30, 1970.

(iii) *Current year wheat acreage.* Notwithstanding any other provision of this subpart, if the wheat planted and considered planted acreage for the year a new farm allotment is established is less than 90 percent of the allotment, the allotment for such year shall be reduced to the acreage planted and considered planted to wheat and payments computed on the basis of such reduced allotment.

(5) *Cancellation of new farm allotment for misrepresentation.* If a new farm allotment is established and it is later determined by the county committee that the applicant unknowingly furnished incomplete or inaccurate information the allotment shall be cancelled effective for the next crop year. If it is determined that the applicant knowingly furnished incomplete or inaccurate information and the State committee concurs in the county committee determination, the allotment shall be cancelled as of the date issued.

(c) *Reduced allotments.* Notwithstanding any other provisions of this subpart, wheat allotments shall be reduced as follows:

(1) *Permanent reductions.*

(i) The allotment shall be reduced:

(a) To the extent requested in writing by the farm owner not later than the date established by the State committee, and

(b) To the extent acreage of cropland on the farm is permanently removed from agricultural production, as determined by the county committee.

(ii) If the current year's wheat planted and considered planted acreage is less than 90 percent of the allotment, the allotment for the succeeding year shall be reduced by the percentage by which the planted and considered planted acreage is less than the allotment for the current year, but such reduction shall not exceed 20 percent of the allotment. If the wheat planted and considered planted acreage is zero for three consecutive years, the allotment shall be reduced to zero. However, no allotment shall be reduced or lost through failure to plant if all producers elect by September 1 of the current year to limit the acres for deficiency payment to the wheat planted and considered planted acreage as provided in § 728.15(f).

(2) *Reductions for current year.* The following reductions shall be made by reducing the smallest allotment first and continuing in order of the size of the allotment, unless the operator requests in writing that the reduction be in a different order.

(i) Reduce feed grain, wheat, and upland cotton allotments each year to the extent the sum of allotments for all commodities exceeds the cropland for the farm.

(ii) Reduce feed grain and wheat allotments each year to the extent the sum of feed grain and wheat allotments exceeds the cropland which, under normal conditions, could reasonably be expected to produce an allotment crop.

(iii) In the case of a farm participating in the CAP or CCP, reduce feed grain, wheat, and upland cotton allotments that are not partially or completely diverted under the CAP or CCP, to the extent they total more than the number of acres of nonconserving crops permitted under the CAP or CCP.

§ 728.8 County yields.

County yields for the current year are determined for each wheat-producing county in the United States except for counties in Alaska and Hawaii, and New Hampshire, for which no apparent need for such yields exists. The county yield for the current year was determined on the basis of the average yields per harvested acre of wheat for the county for the five-year period immediately preceding the year in which such county yield was determined. Such yield is determined by the Statistical Reporting Service and adjusted as applicable for abnormal weather conditions affecting such yields, for trends in yields, and for any significant changes in production practices. The county yields for the current year are available for inspection in the county ASCS office.

§ 728.9 Farm yields.

(a) *Determining yields.* The per acre farm yield shall be the county yield, adjusted to reflect the farm productivity for the commodity and established in accordance with instructions issued by the Deputy Administrator.

(b) *Provable yields.* Notwithstanding the provisions of paragraph (a) of this section, if reliable records of the actual yield in bushels per acre on the farm for each of the five years immediately preceding the year in which the yield is determined are available to the county committee, the yield established for the farm shall not be less than the average of such yields, with such adjustment as determined necessary to provide a fair and equitable yield. If the actual yield in any one of the five years immediately preceding the year in which the yield is determined is less than two-thirds of the average of the actual yields for the other four years, the operator or other affected producer furnishes a signed and dated statement that the low yield is the result of a natural disaster, and the county committee makes no determination that something other than a natural disaster caused the yield to be low, 93 percent of the average for the other four years shall be used in lieu of the average for the five years in establishing a yield. The operator or other affected producer shall report current year wheat acreage by filing a Report of Acreage (herein called "Form 580") if the foregoing provisions are to apply to any program year for which the five year period includes the current year.

(c) *Yield reduction.* For the purpose determining eligibility for and amount of low yield payment as provided in § 728.17(b), the established yield for the farm shall be reduced in accordance with instructions issued by the Deputy Administrator to reflect any reduction in the current year yield which is due to causes other than a natural disaster or condition beyond the control of the producer, such as a change in farming practices.

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§ 728.10 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of wheat shall be the amount by which the higher of

(1) The national weighted average market price received by farmers for wheat during the first five months of the marketing year for such crop beginning July 1 or

(2) The national average loan rate established for such crop is less than the established price of $2.05 per bushel in the case of the 1975 crop, $2.05 per bushel adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1976 crop, and the established price for the 1976 crop adjusted to reflect any change during the calendar year 1976 in such index in the case of the 1977 crop: *Provided,* That any increase that would otherwise be made in the established price to reflect a change in the index of prices paid by farmers shall be adjusted to reflect any change in:

(i) The national average yield per acre of wheat for the three calendar years preceding the year for which the determination is made, over

(ii) The national average yield per acre of wheat for the three calendar years preceding the year previous to the one for which the determination is made.

(b) *Disaster payment rates.* The per bushel disaster payment rate shall be equal to the larger of the deficiency payment rate or one-third of the established price. The disaster payment rate for the 1975 program year is $.68 per bushel.

§ 728.11 Notice of allotments and yields.

Each operator interested in the wheat crop on a farm for which a wheat allotment is established shall be notified in writing of the allotment and established yield per acre: *Provided,* That the notice shall not be mailed to any producer who has filed a written request that he not be furnished the notice but it shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the contents of this notice. Such notices will be on Form ASCS–476, Notice of Allotments and Yields (herein called "Form 476").

§ 728.12 Reconstitution of farms.

Farms shall be reconstituted and wheat allotments established therefor in accordance with Part 719 of this chapter as amended. Yields for farms which are reconstituted after yields are originally established shall be determined as follows:

(a) *Combination.* Multiply the allotment by the yield for each parent farm, and divide the sum of the results for all parent farms by the sum of allotments on the parent farms.

(b) *Division.* Determine a yield in accordance with § 728.9. The weighted average yields for all the farms resulting from the division are limited to the yield for the parent farm, except for rounding.

§ 728.13 Requirements for program participation.

(a) *General.* A person is eligible for the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) For disaster payments, a Form 580 and an Application for Disaster Credit (herein called "Form 574") shall be filed by the operator of an eligible farm with the office of the county committee having jurisdiction over the county where the farm is located. He shall also file a Record of Acreages, Production, and Disposition (herein called "Form 658") when the information thereon is needed for program determinations. These forms shall be filed within the period authorized by the Deputy Administrator.

(2) In the case of any farm participating in the CAP or CCP, the acreage of wheat and other nonconserving crops shall not exceed the number of acres of nonconserving crops permitted under the CAP or CCP.

(3) Land owned by the Federal Government shall be ineligible for participation in the program if it is occupied without a lease, permit, or other right of possession.

(4) Producers on a farm acquired for future development for purposes other than agricultural production shall not be eligible for participation in the program, unless the county committee determines that the farm is actively engaged in the production of crops for harvest other than hay, sod, ornamentals, or timber.

(c) *Producer eligibility requirements.* (1) The producer must be a person who as landowner, landlord, tenant, or sharecropper, shares in the wheat produced in the current year (or the proceeds therefrom) on a farm meeting the requirements of paragraph (b) of this section or would have shared if wheat had been produced on such farm in the current year.

(2) A minor will be eligible to participate in the program only if:

(i) The right of majority has been conferred on him by court proceedings;

(ii) A guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or

(iii) A bond is furnished under which a surety guarantees to protect the Commodity Credit Corporation from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 728.14 Determination of compliance.

(a) Determination of the acreage devoted to wheat and other annual nonconserving crops shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county committee or the State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to wheat and other annual nonconserving crops, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representation and the performance of his obligations under the program.

§ 728.15 General payment provisions.

(a) *Issuance.* Payments of any amounts due the producers on a farm shall be made only after they sign an Application for Payment (herein called "Form 516"), and the payments are approved by the county committee or by an authorized representative thereof. A Form 516 signed after May 1 of the year following the current year shall not be accepted by the county committee unless prior approval of the State committee is obtained.

(b) *Failure to fully comply.* Except as otherwise provided herein and in Part 791 of this chapter, as amended, payment shall not be made for a farm or to a producer when there is failure to comply fully with the regulations contained in this subpart, and in Part 718 of this chapter.

(c) *Payment due producer.* Subject to the provisions of the payment limitation regulations in Part 795 of this chapter, as amended, the total earned payment due each eligible producer under the program shall be determined by multiplying the total earned payment for the farm by the producer's share of such payment.

(d) *Payment declined.* If a producer declines to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portions thereof shall not become available for any other producer on the farm.

(e) *Idle farms.* Producers on a farm not used for the commercial production of crops or livestock on cropland, or from which only sod, ornamentals, or timber are harvested, shall not be eligible for program payments when the wheat allotment is preserved with vegetative cover as authorized by the regulations in Part 719 of this chapter, as amended.

(f) *Allotment protection.* Producers otherwise eligible for payment may elect by September 1 of the current year to limit the acres for deficiency payment to the wheat planted and considered planted acreage in order to protect the wheat allotment from reduction due to failure to plant.

(g) *Unearned payments.* Payments to any producer which exceed the total payment he earns under the program with respect to any farm shall be refunded to the Commodity Credit Corporation and, if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the date the payments are refunded. The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any feed grain or upland cotton payments for the farm or receives an unearned payment through no fault of his.

§ 728.16 Deficiency payments.

(a) Deficiency payments shall be terminated by multiplying the allotment by the farm yield established as provided in § 728.9 and by the per bushel rate determined in accordance with § 728.10 (a): *Provided,* That no deficiency payment shall be made for any part of the allotment times the yield for which a disaster payment is made.

(b) Deficiency payments will be made to producers as soon as practicable after December 1 of the current year.

§ 728.17 Disaster payments.

Producers may qualify for disaster payments only when the county committee determines that prevented planting or a low yield as hereinafter described in this section occurs because of drought, flood, or other natural disaster or condition beyond the control of the producer. Disaster payments shall be made as soon as practicable after the disaster is reported, the extent of crop loss is determined, and payment is approved.

(a) *Prevented planting.* (1) The acreage for prevented planting payments shall be determined by grouping the farm's wheat and feed grain allotments together and shall equal the smaller of:

(i) The acreage of annual nonconserving crops the producer is prevented from planting, or

(ii) The amount that the sum of feed grain and wheat allotments exceeds the total acreage of annual nonconserving crops, excluding acreage within the applicable allotment of commodities other than feed grains and wheat, acreage disregarded for low yield purposes according to paragraph (b) (1) (i) thru (iii) of this section, and failed upland cotton acreage which could have been replanted but was not.

(2) Prevented planting payments shall be determined by:

(i) Crediting the acreage for payment first to the underplanting of the allotment for the crop with the highest per acre payment rate and continuing in order of the size of the payment rate, but limiting the acreage credited to feed grains to the total feed grain underplanting.

(ii) Reducing the acreage otherwise credited to each crop by the acreage of that crop disregarded for low yield purposes according to paragraph (b) (1) (i) thru (iii) of this section.

(iii) Multiplying the acreage credited to each feed grain by the applicable yield established as provided in § 775.9 and by the applicable per bushel rate determined in accordance with § 775.10(b).

(b) *Low yields.* (1) For the purpose of determining eligibility for low yield payments and the total acreage on which such payments will be made, the "disaster allotment" for wheat means the effective allotment for wheat adjusted downward to the extent it is underplanted or adjusted upward to the extent it is overplanted as a substitute for underplanted feed grain allotment established for the farm: *Provided,* That such adjustment shall disregard

(i) Barley or wheat acreage designated solely for grazing or non-feed use in accordance with instructions issued by the Deputy Administrator, (ii) failed feed grain or wheat acreage which could have been replanted but was not, (iii) barley or wheat acreage planted to a variety bred to produce no grain, and (iv) feed grain or wheat acreage designated solely for wildlife use in accordance with instructions issued by the Deputy Administrator.

(2) For low yield payment purposes, the county committee shall disregard the production from the disregarded acreage as well as production from acreage in excess of the disaster allotment which is mechanically destroyed without feed benefit prior to the time most of the wheat in the area has headed.

(3) A farm shall not be deemed to have suffered a loss which qualifies it for a low yield payment unless the current year production of wheat is less than the disaster allotment multiplied by the yield established as provided in § 728.9 and by a factor determined by dividing the 10-year average county yield by the county yield referred to in § 728.8 and multiplying the result by two-thirds: *Provided,* That if county yields are available for less than 10 years the factor shall be based on the number of years available. No county factor shall exceed 0.6667. A farm may qualify for a low yield payment even though it does not qualify under the foregoing provision if (i) the provisions of § 728.9(c) do not result in a reduction in the established yield and (ii) the current year production is less than two-thirds of what the production would be if computed by multiplying the disaster allotment by one of the following:

(i) The smaller of the yield established as provided in § 728.9 or the actual unadjusted average yield for the preceding five years.

(ii) The yield established as provided in § 728.9 and:

(a) There is convincing proof that the loss was due to a sudden and identifiable destruction of the crop.

(b) Part of the acreage is substantially unaffected by the disaster, all of which averages at least two-thirds of the established yield, and the county committee determines that but for the disaster the per acre yield for the farm would have been at least two-thirds of the established yield, and

(c) Payment is approved in writing by a representative of the State committee.

(4) The wheat production from acreage not harvested shall be appraised and added to the actual production for the purpose of determining eligibility for and amount of low yield payments, in accordance with instructions issued by the Deputy Administrator.

(5) Any wheat acreage destroyed without opportunity for appraisal for which the production was not excluded in paragraph (b)(2) of this section shall be charged with the larger of the established yield or the per acre yield from the harvested acres.

(6) Low yield payments shall be determined by multiplying the disaster allotment by the yield established as provided in § 728.9, subtracting the determined production therefrom, and multiplying the result by the applicable per bushel rate determined in accordance with § 728.10(b).

§ 728.18 Division of payments and additional provisions relating to tenants and sharecroppers.

The regulations relating to the division of payments and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

§ 728.19 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any producer whose name appears on Form 516, the payment due him shall be made to his successor as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who had an interest as a producer of wheat or would have had an interest as a producer if wheat had been produced (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after Form 516 has been filed, the payment to the predecessor and successor shall be divided between them on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the payment, a fair and equitable division shall be determined by the county committee.

(c) In any case where any payment due any successor producer has previously been paid to the producer who filed Form 516, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

§ 728.20 Misrepresentation and scheme or device.

(a) A producer who is determined by the county committee or the State committee to have erroneously represented any fact affecting a program determination shall not be entitled to payments under the program for the farm with respect to which the representation was made and shall refund to the Commodity Credit Corporation the payments received by him with respect to such farm.

(b) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) adopted any scheme or device which tends to defeat the purpose of the program, (2) made any fraudulent representation, or (3) misrepresented any fact affecting a program determination shall not be entitled to payments for any farm under the program and shall refund to the

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Commodity Credit Corporation all payments received by him with respect to the program.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 728.21 Setoffs and assignments.

(a) *Producer indebtedness.* The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this chapter, as amended, shall be applicable to this program.

(b) *Assignments.* Payments may be assigned only to the Farmers Home Administration in accordance with instructions issued by the Deputy Administrator.

§ 728.22 Appeals.

A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this chapter, as amended.

§ 728.23 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter, as amended, relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this subpart.

§ 728.24 Supervisory authority of State committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 728.25 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Effective date. It is essential that the foregoing regulations governing the Wheat Program for Crop Years 1975–1977 be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, these regulations shall become effective November 11, 1975.

Signed at Washington, D.C., on November 3, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-30378 Filed 11-10-75;8:45 am]

SUBCHAPTER C—SPECIAL PROGRAMS

PART 775—FEED GRAINS

Feed Grain Program for Crop Years 1975–1977

On July 17, 1974, a notice of proposed rulemaking regarding determinations with respect to the 1975 crop of feed grains was published in the FEDERAL REGISTER (39 FR 26159). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days. The comments and recommendations received have been duly considered.

This subpart, which is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91-524, 84 Stat. 1358, and by the Agriculture and Consumer Protection Act of 1973 Public Law 93-86, 87 Stat. 230, and Public Law 93-228, 87 Stat. 944, supersedes for the crop years 1975–1977 the regulations governing the Feed Grain Program for Crop Years 1974–1977, FR 25633, as amended. This subpart, which incorporates the provisions of the existing regulations with the following principal changes, sets forth the conditions under which feed grain producers may qualify for program benefits:

(1) No intention to participate in the program is filed. Producers report disasters when they occur, report crop acreages as necessary for program administration, and apply for any applicable payments.

(2) All acreage planted to feed grains is defined as feed grain acreage and considered to be nonconserving. There is provision for excluding part of the acreage for low yield disaster payment purposes in such instances as when the acreage is planted solely for pasture or nonfeed use or is in excess of the allotment and is timely destroyed without feed benefit.

(3) Allotments are adjusted for low yield payment purposes to reflect underplanting and the substitution of feed grains for wheat.

(4) Feed grain payments are computed separately from wheat and upland cotton payments.

(5) Disaster payments are made for feed grains only when feed grains in total have suffered a production loss and are computed on the bushels lost.

Subpart—Feed Grain Program for Crop Years 1975–1977

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AUTHORITY: The provisions of this subpart issued under sec. 105, 87 Stat. 230, 7 U.S.C. 1441 note.

§ 775.1 General.

(a) The regulations in this subpart provide terms and conditions for the feed grain programs for the 1975 through 1977 crops of feed grains, respectively, under which producers on farms for which an allotment is established for corn, grain sorghum, or barley (herein called "feed grains") may qualify for payments authorized under the program.

(b) Producers who meet the eligibility requirements in § 775.13(c) may qualify for payments.

(c) In accordance with section 101 of the Agricultural Act of 1970, as amended, and the regulations in Part 795 of this chapter, as amended, the total amount of payments which a person shall be entitled to receive annually under the feed grain program, the wheat program, and the upland cotton program shall not exceed $20,000.

(d) In accordance with the regulations in Part 796 of this chapter, payments are prohibited to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them.

(e) The program is applicable throughout the United States except Alaska and Hawaii.

§ 775.2 Definitions.

In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the content or subject matter otherwise requires.

(a) "Annual nonconserving crop" means any annual crop intended for harvest or utilized in any feed form except for the following:

(1) Grasses, regardless of use, including sweet sorghum, millet, and sudan grass.

(2) Legumes, other than peas or beans produced for seed, grain, or processing.

(3) Immature small grains (other than barley or wheat) destroyed by any means or used for other than grain.

(b) "Barley acreage" means:

(1) Any acreage planted to barley, and any acreage of volunteer barley which is harvested as grain.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is barley and such acreage meets the requirements of subparagraph (1) of this paragraph as being barley acreage.

(c) "Corn acreage" means:

(1) Any acreage planted to field corn or sterile high-sugar corn.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is corn and such acreage meets the requirements of subparagraph (1) of this paragraph as being corn acreage.

(d) "Conservation Reserve Program" (herein called CRP) means the program authorized under the Soil Bank Act, as amended, Part 750 of this chapter, as amended.

(e) "Cropland Adjustment Program" (herein called CAP) means the program authorized under Title VI of the Food and Agriculture Act of 1965, as amended, Part 751 of this chapter, as amended.

(f) "Cropland Conversion Program" (herein called CCP) means the program authorized under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, Part 751 of this chapter, as amended.

(g) "Current year" means the calendar year in which the feed grain crop with respect to which payment may be made under this subpart would normally be harvested.

(h) "Feed grain acreage" means the sum of the corn, grain sorghum, and barley acreages on the farm.

(i) "Feed grain planted and considered planted acreage" means the sum of the corn, grain sorghum, and barley acreages as defined in paragraphs (b), (c), and (j) of this section, and:

(1) Any acreage which the county committee determines was not planted to feed grains because of drought, flood, or other natural disaster or condition beyond the control of the operator;

(2) Any acreage credited as feed grain acreage (except for new farms) under the provisions of Part 719 of this chapter, as amended;

(3) Any acreage which is planted and considered planted to wheat under Part 728 of this chapter, as amended, in excess of the allotment and which is not credited to cotton: *Provided*, That wheat in excess of the allotment shall not be considered as planted to feed grains for purposes of § 775.7(d)(4)(iii);

(4) Any acreage which is planted and considered planted to cotton under Part 722 of this chapter as amended, in excess of the allotment and which is not credited to wheat: *Provided*, That cotton in excess of the allotment shall not be considered as planted to feed grains for purposes of § 775.7(d)(4)(iii);

(5) Any other acreage which is planted to annual nonconserving crops or which the county committee determines was not planted because of drought, flood, or other natural disaster or condition beyond the control of the operator, excluding acreage of allotment crops within the applicable allotment, and which is not credited to cotton or wheat: *Provided*, That such nonconserving crops shall not be considered as planted to feed grains for purposes of § 775.7(d)(iii); and

(6) An acreage (except for new farms) equal to the amount that a feed grain allotment is reduced for the current year as provided in § 775.7(e)(2).

(j) "Grain sorghum acreage" means:

(1) Any acreage planted to grain sorghums of a feed grain or dual purpose variety (including any cross which, at all stages of growth, has most of the characteristics of a feed grain or dual purpose variety).

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is grain sorghums and such acreage meets the requirements of subparagraph (1) of this paragraph as being grain sorghum acreage.

(k) "Great Plains Conservation Program" means the program authorized under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, Part 601 of this title, as amended.

(l) "Total feed grain allotment" means the sum of the feed grain allotments established for corn, grain sorghums, and barley for the farm, except that each allotment shall be excluded that is partially or completely diverted under the CAP or CCP.

(m) "Upland Cotton Program" means the program authorized under Title VI of the Agricultural Act of 1970, Part 722 of this chapter, as amended.

(n) "Wheat Program" means the program authorized under Title IV of the Agricultural Act of 1970, Part 728 of this chapter, as amended.

(o) In the regulations in this subpart and in all instructions, forms and documents in connection therewith, all other words and phrases shall have the meanings assigned to them in the regulations governing reconstitution of farms and allotments, Part 719 of this chapter, as amended.

§ 775.3 Administration.

(a) The program will be administered under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service (ASCS), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called "State and county committees") and the ASCS Data Systems Field Office.

(b) State and county committees, the ASCS Data Systems Field Office, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 775.4 1975 national feed grain allotment.

The 1975 national feed grain allotments are set out in 39 FR 44403.

§ 775.4a 1976 national feed grain allotment [Reserved]

[To be issued as an amendment to this subpart.]

§ 775.4b 1977 national feed grain allotment [Reserved]

[To be issued as an amendment to this subpart.]

§ 775.5 Establishment of the 1975–1977 State feed grain allotments.

The 1975–1977 State feed grain allotments are established each year by apportioning the national feed grain allotment to the States on the basis of each State's feed grain allotment established for the preceding year, adjusted for (a) the administrative transfer of farms between States, (b) decreases resulting from farms no longer engaged in agricultural production, farms dropped from the eminent domain pool, farms losing allotment for failure to plant, and farms voluntarily relinquishing their allotment, and (c) increases resulting from acreage allocated to old feed grain farms from the national feed grain pool. State feed grain allotments are available for inspection in State and county ASCS offices.

§ 775.6 Establishment of the 1975–1977 county feed grain allotments.

The 1975–1977 county feed grain allotments are established each year by apportioning each State's feed grain allotment (less reserves of not to exceed 1 per centum of the State feed grain allotment for new farms and reserves for appeals and corrections) among the counties in the State on the basis of each county's feed grain allotment established for the preceding year, adjusted for (a) the administrative transfer of farms between counties, (b) acreage allocated to new farms from the State reserve, (c) acreage removed from farms no longer engaged in agricultural production, farms dropped from the eminent domain pool, farms losing allotment for failure to plant, and farms voluntarily relinquishing their allotment, and (d) such other relevant factors as determined necessary by the State committee to establish a fair and equitable apportionment base for the county. County feed grain allotments are available for inspection in the county ASCS offices.

§ 775.7 Farm feed grain allotment.

(a) *How obtained.* Except as otherwise provided in this section, the farm allotment for each crop of the commodities—corn, grain sorghums, and barley—shall be the average of the 1959 and 1960 acreages of the commodity produced on the farm, based upon information available to the county committee, as adjusted by the county committee to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. On farms with recognized history or irrigated and nonirrigated feed grain acreage in the base period for establishing yields, the allotment

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for each applicable commodity shall be established separately for the irrigated acreage and for the nonirrigated acreage. Separate allotments for irrigated acreage and for nonirrigated acreage shall not be established for farms where irrigation is used only in drier years. Allotments determined as set forth in this paragraph shall be approved by a representative of the State committee.

(b) *Adjustment authorized by Administrator.* The Administrator, ASCS, may, upon request of the State committee, authorize the State committee to adjust any feed grain allotment for farms within the State to the extent necessary to establish fair and equitable feed grain allotments within such State.

(c) *Farms with no 1959 and 1960 history.* A farm shall not qualify for payments under the program if there was no feed grain acreage on the farm in 1959 and 1960 unless (1) cropland on the farm was in the conservation reserve program or the great plains conservation program during one or both of the years 1959 and 1960 and either the conservation reserve program contract or the great plains conservation program contract is no longer in effect for all or part of such land, (2) one or more feed grains were grown in 1957 or 1958 and a feed grain allotment was established in accordance with § 775.212(c)(2) of the 1963 feed grain program regulations, or (3) a new farm allotment is established for the current year in accordance with paragraph (d) of this section or in a previous year under a comparable provision of the feed grain program regulations.

(d) *New farm allotment.*—(1) *Written application.* Each year, the county committee, with the approval of the State committee, shall establish a feed grain allotment (herein called "new farm allotment") for each eligible farm for which an allotment is requested in writing by February 15 of the current year. Each request shall be made by the farm owner or operator on Form MQ–25, Application for New Farm or Producer Allotment or Quota, which shall contain statements as to location and identification of the farm, name and address of the farm operator, and other data necessary to enable the county committee to determine whether the conditions of eligibility prescribed in paragraph (d) (2) of this section have been met.

(2) *Eligibility requirements for owner or operator.* Eligibility for a new farm allotment shall be conditioned upon the following:

(i) *Allotment for farm.* The farm does not otherwise qualify for a feed grain allotment.

(ii) *Interest in another farm.* Neither the farm owner nor the farm operator owns, has an ownership interest in, or operates any other farm in the United States for which a feed grain allotment is established for the current year.

(iii) *Availability of equipment and facilities.* The operator has adequate equipment and other facilities readily available for the successful production of the crop on the farm.

(iv) *Income requirement.* The operator expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming.

(a) *Computing operator's income.* The following shall be considered in computing operator's income:

(1) *Income from farming.* Income from farming shall include the estimated return from the production of the requested allotment and from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm(s), but shall exclude payments authorized under the feed grain program.

(2) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions, pensions, social security payments and unemployment compensation.

(3) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(b) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(c) *Operator a corporation.* If the operator is a corporation, it must have no major corporate purpose other than ownership or operation of the farm. Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(d) *Special provision for low-income farmers.* The county committee may waive the income provisions in this section provided the county committee determines that the farm operator's income, from both farm and nonfarm sources, will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that such determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(3) *Eligibility requirements for the farm.* The eligibility requirements for a new farm allotment for the farm are as follows:

(i) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for the production of the commodity, and continuous production must not result in an undue erosion hazard.

(ii) *Allotment reduced to zero at the farm owner's request.* At least 3 years must have elapsed from the date the farm feed grain allotment is reduced to zero at the farm owner's request, as authorized in paragraph (e) of this section, to the date the request for a new farm allotment is considered.

(iii) *Eminent domain.* A farm which includes land acquired by an agency having the right of eminent domain for which the total feed grain allotment was pooled pursuant to Part 719 of this chapter, as amended, which is subsequently returned to agricultural production, shall not be eligible for a new farm allotment for a period of 3 years from the date the former owner was displaced.

(iv) *Entire allotment designated by owner for a reconstitution.* A farm which includes land which has no allotment because the owner did not designate an allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, as amended, shall not be eligible for a new farm allotment for a period of 3 years beginning with the year in which the reconstitution became effective.

(4) *Limitations*—(i) *Feed grain acreage planned.* The county committee shall limit the new feed grain allotment to the smaller of the allotment requested or the feed grain acreage planned for the farm for the first year to which the allotment would be applicable.

(ii) *Reserve.* The total new farm feed grain allotments approved in a State in the current year shall not exceed a reserve established by the State committee of not more than 1 percent of the total feed grain allotments for all farms in the State. No part of that 1 percent shall be allocated to a farm to reflect new cropland brought into production after November 30, 1970.

(iii) *Current year feed grain acreage.* Notwithstanding any other provision of this subpart, if the feed grain planted and considered planted acreage for the year a new farm allotment is established is less than 90 percent of the allotment, the allotment for such year shall be reduced to the acreage planted and considered planted to feed grains and payments computed on the basis of such reduced allotment. Allotments by commodities for the succeeding year shall be established in proportion to the acreage devoted to each feed grain in the prior year.

(5) *Cancellation of new farm allotment for misrepresentation.* If a new farm allotment is established and it is later determined by the county committee that the applicant unknowingly furnished incomplete or inaccurate information the allotment shall be canceled effective for the next crop year. If it is determined that the applicant knowingly furnished incomplete or inaccurate information and the State committee concurs in the county committee determination, the allotment shall be canceled as of the date issued.

(e) *Reduced allotments.* Notwithstanding any other provisions of this subpart, feed grain allotments shall be reduced as follows:

(1) *Permanent reductions.* (i) The allotment shall be reduced:

(A) To the extent requested in writing by the farm owner not later than the date established by the State committee, and

(B) To the extent acreage of cropland on the farm is permanently removed from agricultural production, as determined by the county committee.

(ii) If the current year's feed grain planted and considered planted acreage is less than 90 percent of the total feed grain allotment, the feed grain allotment for the succeeding year shall be reduced by the percentage by which the planted and considered planted acreage is less than the total feed grain allotment for the current year, but such reduction shall not exceed 20 percent of the total feed grain allotment. In making any such reduction, commodity allotments shall be reduced proportionately. If the feed grain planted and considered planted acreage is zero for three consecutive years, the total feed grain allotment shall be reduced to zero. However, no feed grain allotment shall be reduced or lost through failure to plant if all producers elect by September 1 of the current year to limit the acres for deficiency payment to the feed grain planted and considered planted acreage as provided in § 775.15 (f).

(2) *Reductions for current year.* The following reductions shall be made by reducing the smallest allotment first and continuing in order of the size of the allotment, unless the operator requests in writing that the reduction be in a different order.

(i) Reduce feed grain, wheat, and upland cotton allotments each year to the extent the sum of allotments for all commodities exceeds the cropland for the farm.

(ii) Reduce feed grain and wheat allotments each year to the extent the sum of feed grain and wheat allotments exceeds the cropland which, under normal conditions, could reasonably be expected to produce an allotment crop.

(iii) In the case of a farm participating in the CAP or CCP, reduce feed grain, wheat, and upland cotton allotments that are not partially or completely diverted under the CAP or CCP to the extent they total more than the number of acres of nonconserving crops permitted under the CAP or CCP.

(f) *National pool.* Allotments eliminated from farms under the provisions of paragraph (e) of this section and acreage removed from the eminent domain pool pursuant to Part 719 of this chapter, as amended, shall be placed in a national pool for distribution and adjustments in accordance with instructions issued by the Deputy Administrator.

§ 775.8 County yields.

County yields for the current year are determined for each feed grain producing county in the United States, except for counties in Alaska and Hawaii. They are determined on the basis of the yields established for the county for the preceding crop with such adjustments as are determined necessary to provide fair and equitable yields. The county yields for the current year are available for inspection in the county ASCS office.

§ 775.9 Farm yields.

(a) *Determining yields.* The per acre farm yield for corn, grain sorghums, and barley shall be the county yield for the commodity, adjusted to reflect the farm productivity for the commodity and established in accordance with instructions issued by the Deputy Administrator.

(b) *Yield reduction.* For the purpose of determining eligibility for and amount of low yield payment as provided in § 775.17(b), the established yield for the farm shall be reduced in accordance with instructions issued by the Deputy Administrator to reflect any reduction in the current year yield which is due to causes other than a natural disaster or condition beyond the control of the producer, such as a change in farming practices.

§ 775.10 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of corn shall be the amount by which the higher of (1) the national weighted average market price received by farmers for corn during the first five months of the marketing year for such crop beginning October 1 or (2) the national average loan rate established for such crop is less than the established price of $1.38 per bushel in the case of the 1975 crop, $1.38 per bushel adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1976 crop, and the established price for the 1976 crop adjusted to reflect any change during the calendar year 1976 in such index in the case of the 1977 crop: *Provided,* That any increase that would otherwise be made in the established price to reflect a change in the index of prices paid by farmers shall be adjusted to reflect any change in (i) the national average yield per acre of feed grains for the three calendar years preceding the year for which the determination is made, over (ii) the national average yield per acre of feed grains for the three calendar years preceding the year previous to the one for which the determination is made. Per bushel rates shall be established in like manner for grain sorghum and barley based on marketing years beginning October 1 for grain sorghum and July 1 for barley, and on prices established each program year. The established prices for the 1975 program year are $1.31 per bushel for grain sorghum and $1.13 per bushel for barley.

(b) *Disaster payment rates.* The per bushel disaster payment rate for each feed grain shall be equal to the larger of the deficiency payment rate or one-third of the established price. Disaster payment rates for the 1975 program year are $.46 per bushel for corn, $.44 per bushel for grain sorghums, and $.38 per bushel for barley.

§ 775.11 Notice of allotments and yields.

Each operator interested in the feed grain crop on a farm for which a feed grain allotment is established shall be notified in writing of the allotment and established yield per acre for corn, grain sorghums, and barley, as applicable: *Provided,* That the notice shall not be mailed to any producer who has filed a written request that he not be furnished the notice but it shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the contents of this notice. Such notices will be on Form ASCS–476, Notice of Allotments and Yields, (herein called "Form 476").

§ 775.12 Reconstitution of farms.

Farms shall be reconstituted and feed grain allotments established therefor in accordance with Part 719 of this chapter, as amended. Yields for farms which are reconstituted after yields are originally established shall be determined as follows:

(a) *Combination.* Multiply the commodity allotment by the yield for each parent farm, and divide the sum of the results for all parent farms by the sum of allotments for the commodity on the parent farms.

(b) *Division.* Determine a yield in accordance with § 775.9. The weighted average yields for all the farms resulting from the division are limited to the yield for the parent farm, except for rounding.

§ 775.13 Requirements for program participation.

(a) *General.* A person is eligible for the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) For disaster payments, a Report of Acreage (herein called "Form 580") and an Application for Disaster Credit (herein called "Form 574") shall be filed by the operator of an eligible farm with the office of the county committee having jurisdiction over the county where the farm is located. He shall also file a Record of Acreages, Production and Disposition (herein called "Form 658") when the information thereon is needed for program determinations. These forms shall be filed within the period authorized by the Deputy Administrator.

(2) In the case of any farm participating in the CAP or CCP, the acreage of feed grains and other nonconserving crops shall not exceed the number of acres of nonconserving crops permitted under the CAP or CCP.

(3) Land owned by the Federal Government shall be ineligible for participation in the program if it is occupied without a lease, permit, or other right of possession.

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(4) Producers on a farm acquired for future development for purposes other than agricultural production shall not be eligible for participation in the program, unless the county committee determines that the farm is actively engaged in the production of crops for harvest other than hay, sod, ornamentals, or timber.

(c) *Producer eligibility requirements.* (1) The producer must be a person who as landowner, landlord, tenant, or sharecropper shares in the corn, grain sorghums, or barley produced in the current year (or the proceeds therefrom) on a farm meeting the requirements of paragraph (b) of this section or would have shared in one or more of these commodities if feed grains had been produced on such farm in the current year.

(2) A minor will be eligible to participate in the program only if (i) the right of majority has been conferred on him by court proceedings; (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect the Commodity Credit Corporation from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 775.14 Determination of compliance.

(a) Determination of the acreage devoted to feed grains and other annual nonconserving crops shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county committee or the State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to feed grains and other annual nonconserving crops, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representation and the performance of his obligations under the program.

§ 775.15 General payment provisions.

(a) *Issuance.* Payments of any amounts due the producers on a farm shall be made only after they sign an Application for Payment (herein called "Form 516"), and the payments are approved by the county committee or by an authorized representative thereof. A Form 516 signed after May 1 of the year following the current year shall not be accepted by the county committee unless prior approval of the State committee is obtained.

(b) *Failure to fully comply.* Except as otherwise provided herein and in Part 791 of this chapter, as amended, payment shall not be made for a farm or to a producer when there is failure to comply fully with the regulations contained in this subpart, and in Part 718 of this chapter.

(c) *Payment due producer.* Subject to the provisions of the payment limitation regulations in Part 795 of this chapter, as amended, the total earned payment due each eligible producer under the program shall be determined by multiplying the total earned payment for the farm by the producer's share of such payment.

(d) *Payment declined.* If a producer declines to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portions thereof shall not become available for any other producer on the farm.

(e) *Idle farms.* Producers on a farm not used for the commercial production of crops or livestock on cropland, or from which only sod, ornamentals, or timber are harvested, shall not be eligible for program payments when the feed grain allotment is preserved with vegetative cover as authorized by the regulations in Part 719 of this chapter, as amended.

(f) *Allotment protection.* Producers otherwise eligible for payment may elect by September 1 of the current year to limit the acres for deficiency payment to the feed grain planted and considered planted acreage in order to protect the feed grain allotment from reduction due to failure to plant. The acres of each feed grain on which payment will be made shall be proportionate to the allotment for each such feed grain.

(g) *Unearned payments.* Payments to any producer which exceed the total payment he earns under the program with respect to any farm shall be refunded to the Commodity Credit Corporation, and, if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the date the payments are refunded. The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any wheat or upland cotton payments for the farm or receives an unearned payment through no fault of his own.

§ 775.16 Deficiency payments.

(a) Deficiency payments shall be determined by multiplying the allotment for each commodity by the applicable farm yield established as provided in § 775.9 and by the applicable per bushel rate determined in accordance with § 775.10(a): *Provided*, That no deficiency payment shall be made for any part of the allotment times the yield for which a disaster payment is made.

(b) Deficiency payments will be made to producers as soon as practicable after March 1 following the current year.

§ 775.17 Disaster payments.

Producers may qualify for disaster payments only when the county committee determines that prevented planting or a low yield as hereinafter described in this section occurs because of drought, flood, or other natural disaster or condition beyond the control of the producer. Disaster payments shall be made as soon as practicable after the disaster is reported, the extent of the crop loss is determined, and payment is approved.

(a) *Prevented planting.* (1) The acreage for prevented planting payments shall be determined by grouping the farm's feed grain and wheat allotments together and shall equal the smaller of:

(i) the acreage of annual nonconserving crops the producer is prevented from planting; or

(ii) the amount that the sum of feed grain and wheat allotments exceeds the total acreage of annual nonconserving crops, excluding acreage within the applicable allotment of commodities other than feed grains and wheat, acreage disregarded for low yield purposes according to paragraph (b)(1)(i) thru (iii) of this section, and failed upland cotton acreage which could have been replanted but was not.

(2) Prevented planting payments shall be determined by:

(i) Crediting the acreage for payment first to the underplanting of the allotment for the crop with the highest per acre payment rate and continuing in order of the size of the payment rate, but limiting the acreage credited to feed grains to the total feed grain underplanting.

(ii) Reducing the acreage otherwise credited to each crop by the acreage of that crop disregarded for low yield purposes according to paragraph (b)(1)(i) thru (iii) of this section.

(iii) Multiplying the acreage credited to each feed grain by the applicable yield established as provided in § 775.9 and by the applicable per bushel rate determined in accordance with § 775.10(b).

(b) *Low Yields.* (1) For the purpose of determining eligibility for low yield payments and the total acreage on which such payments will be made, the "disaster allotment" for each feed grain means the effective allotment for such feed grain adjusted downward to the extent it is underplanted or adjusted upward to the extent it is overplanted as a substitute for an underplanted feed grain or wheat allotment established for the farm: *Provided*, That such adjustment shall disregard:

(i) Barley or wheat acreage designated solely for grazing or nonfeed used in accordance with instructions issued by the Deputy Administrator,

(ii) Failed feed grain or wheat acreage which could have been replanted but was not,

(iii) Barley or wheat acreage planted to a variety bred to produce no grain, and

(iv) Feed grain or wheat acreage designated solely for wildlife use in accordance with instructions issued by the Deputy Administrator.

(2) For low yield payment purposes, the county committee shall disregard the production from the disregarded acreage as well as production from acreage in excess of the disaster allotment which is mechanically destroyed without feed benefit prior to the time most of the crop in the area has reached the following stage of growth:

(i) *Barley.* Headed.

(ii) *Corn.* Ear shoots begin to emerge.

(iii) *Grain Sorghum.* Early boot stage.

(3) A farm shall not be deemed to have suffered a loss which qualifies it for a low yield payment unless the current year production of feed grains totals less than the disaster allotments multiplied by the applicable yields established as provided in § 775.9 and by a factor determined by dividing the 10-year average county yield by the county yield referred to in § 775.8 and multiplying the result by two-thirds: *Provided*, That if county yields are available for less than 10 years the factor shall be based on the number of years available. No county factor shall exceed 0.6667. A farm may qualify for a low yield payment even though it does not qualify under the foregoing provision if (i) the provisions of § 775.9(b) do not result in a reduction in the established yield and (ii) the current year production is less than two-thirds of what the production would be if computed by multiplying the disaster allotment by one of the following:

(*a*) The smaller of the applicable yield established as provided in § 775.9 or the actual unadjusted average yield for the preceding five years.

(*b*) The applicable yield established as provided in § 775.9 and:

(*1*) There is convincing proof that the loss was due to a sudden and identifiable destruction of the crop,

(2) Part of the acreage is substantially unaffected by the disaster, all of which averages at least two-thirds of the established yield, and the county committee determines that but for the disaster the per acre yield for the farm would have been at least two-thirds of the established yield, and

(3) Payment is approved in writing by a representative of the State committee.

(4) The feed grain production from acreage not harvested shall be appraised and added to the actual production for the purpose of determining eligibility for and amount of low yield payments, in accordance with instructions issued by the Deputy Administrator.

(5) Any feed grain acreage destroyed without opportunity for appraisal for which the production was not excluded in paragraph (b)(2) of this section shall be charged with the larger of the established yield or the per acre yield from the harvested acres.

(6) Low yield payments shall be determined for each feed grain by multiplying the disaster allotment by the applicable yield established as provided in § 775.9, subtracting the determined production therefrom, and multiplying the result by the applicable per bushel rate determined in accordance with § 775.10(b): *Provided*, That any production of a feed grain in excess of its disaster allotment times established yield shall reduce the bushels for payment by the same amount for another feed grain, beginning first with the feed grain with underproduction that has the highest per bushel payment rate.

§ 775.18 Division of payments and additional provisions relating to tenants and sharecroppers.

The regulations relating to the division of payments and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

§ 775.19 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any producer whose name appears on Form 516, the payment due him shall be made to his successor as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who had an interest as a producer of feed grains or would have had an interest as a producer if feed grains had been planted (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after Form 516 has been filed, the payment to the predecessor and successor shall be divided between them on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the payment, a fair and equitable division shall be determined by the county committee.

(c) In any case where any payment due any successor producer has previously been paid to the producer who filed Form 516, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

§ 775.20 Misrepresentation and scheme or device.

(a) A producer who is determined by the county committee or the State committee to have erroneously represented any fact affecting a program determination shall not be entitled to payments under the program for the farm with respect to which the representation was made and shall refund to the Commodity Credit Corporation the payments received by him with respect to such farm.

(b) A producer who is determined by the State committee or the county committee with the approval of the State committee, to have knowingly (1) adopted any scheme or device which tends to defeat the purpose of the program, (2) made any fraudulent representation, or (3) misrepresented any fact affecting a program determination shall not be entitled to payments for any farm under the program and shall refund to the Commodity Credit Corporation all payments received by him with respect to the program.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 775.21 Setoffs and assignments.

(a) *Producer indebtedness.* The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this chapter, as amended, shall be applicable to this program.

(b) *Assignments.* Payments may be assigned only to the Farmers Home Administration in accordance with instructions issued by the Deputy Administrator.

§ 775.22 Appeals.

A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this chapter, as amended.

§ 775.23 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter, as amended, relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this subpart.

§ 775.24 Supervisory authority of State committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this subpart, or (b) Require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 775.25 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Effective date. It is essential that the foregoing regulations governing the Feed Grain Program for Crop Years 1975–77 be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, these regulations shall become effective November 11, 1975.

Signed at Washington, D.C. on November 3, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-30377 Filed 11-10-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Docket No. AO-267-A8]

PART 911—HANDLING OF LIMES GROWN IN FLORIDA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and

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in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida.

Upon the basis of the record it is found that:

(1) The marketing agreement and order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement and order, as amended, regulate the handling of limes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement and order, as amended, and as hereby further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of limes grown in the production area as defined in the marketing agreement and order, as amended, and as hereby further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Limes Grown in Florida" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping limes covered by the said order, as amended, and as hereby further amended) who, during the period April 1, 1974, through March 31, 1975, handled not less than 50 percent of the volume of such limes covered by the said order, as amended, and as hereby further amended, and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period April 1, 1974, through March 31, 1975 (which has been deemed to be a representative period), have been engaged within the production area, in the production of limes for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of limes grown in Florida, shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. Revise paragraphs (b) (1), (2), and (3) of § 911.22 *Nomination* to read as follows:

§ 911.22 Nomination.

* * * * *

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee, or the committee may conduct nominations by mail in District 2 in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than February 15 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nominations.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces limes. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles limes, which vote shall be weighted by the volume of limes shipped by such handler during the immediately preceding twelve month period January through December. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

2. Revise § 911.41(b) *Assessments* to read as follows:

§ 911.41 Assessments.

* * * * *

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person. At any time during or after a fiscal year, the Secretary may, subject to the limitations in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Revise § 911.45 *Marketing research and development* to read as follows:

§ 911.45 Production research, marketing research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of limes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of § 911.41.

4. Amend § 911.48 *Issuance of regulation* as follows:

Renumber paragraphs (a) (3), (a) (4), and (a) (5), as paragraphs (a) (4), (a) (5), and (a) (6), and insert a new paragraph (a) (3) to read as follows:

§ 911.48 Issuance of regulation.

* * * * *

(a) * * *

(3) Limit the shipment of the total quantity of limes by prohibiting the shipment thereof: *Provided*, That no such prohibition shall be effective during any fiscal period other than for four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day.

* * * * *

5. Revise § 911.57 *Overshipments* to read as follows:

§ 911.57 Overshipments.

During any week for which the Secretary has fixed the total quantity of limes which may be handled, any person who has received an allotment including any handler who received zero allotment computed pursuant to §§ 911.55 and 911.56 may handle, in addition to the total allotment available to him, an amount of limes equal to 50 bushels or two percent of such total allotment, whichever is the greater, except that during two weeks of each regulatory period any handler may overship his total allotment by more than such amount: *Provided*, That such overshipment shall not exceed an amount equal to 10 percent of such total allotment: *And provided, further*, That each handler who intends to so overship notifies the committee of his intended overshipment no later than the close of business on Thursday during the week of such intended overshipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: December 22, 1975.

Signed at Washington, D.C., on November 5, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-30311 Filed 11-10-75;8:45 am]

[Docket No. AO–254–A7]

PART 915—HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida.

Upon the basis of the record it is found that:

(1) The marketing agreement and order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement and order, as amended, and as hereby further amended, regulate the handling of avocados grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement and order, as amended, and as hereby further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of avocados grown in the production area; and

(5) All handling of avocados grown in the production area as defined in the marketing agreement and order, as amended, and as hereby further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Avocados Grown in South Florida" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping avocados covered by the said order, as amended, and as hereby further amended) who, during the period April 1, 1974, through March 31, 1975, handled not less than 50 percent of the volume of such avocados covered by the said order, as amended, and as hereby further amended, and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period April 1, 1974, through March 31, 1975 (which has been deemed to be a representative period), have been engaged within the production area, in the production of avocados for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of avocados grown in South Florida, shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. Revise paragraphs (b) (1), (2) and (3) of § 915.22 *Nomination* to read as follows:

§ 915.22 Nomination.

* * * * *

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee; or the committee not later than February 15 mail in District 2 in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than February 15 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nomination.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produced avocados. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles avocados, which vote shall be weighted by the volume of avocados shipped by such handler during the immediately preceding twelve month period January through December. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

2. Amend § 915.41(b) *Assessments* to read as follows:

§ 915.41 Assessments.

* * * * *

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person. At any time during or after a fiscal year, the Secretary may, subject to the limitation in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Revise § 915.45 *Marketing research and development* to read as follows:

§ 915.45 Production research, marketing research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of avocados. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of § 915.41.

4. The following new section is added immediately following § 911.45:

§ 915.49 Marketing policy.

Each season prior to making any recommendations pursuant to § 915.50, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to (a) the estimated total production of avocados within the

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production area; (b) the expected general quality and maturity of avocados in the production area and in competing areas; (c) the expected demand conditions for avocados in different market outlets; (d) the expected shipments of avocados produced in the production area and competing areas; (e) supplies of competing commodities; (f) trend and level of consumer income; (g) other factors having a bearing on the marketing of avocados; and (h) the type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for avocados, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report and copies thereof shall be maintained in the offices of the committee where they shall be available for examination by growers and handlers.

5. Amend § 915.51 *Issuance of regulations* as follows:

Renumber paragraphs (a)(3), (a)(4), and (a)(5) as paragraphs (a)(4), (a)(5), and (a)(6), and insert a new paragraph (a)(3) to read as follows:

§ 915.51 Issuance of regulations.

* * * * *

(a) * * *

(3) Limit the shipment of the total quantity of avocados by prohibiting the shipment thereof: *Provided*, That no such prohibition shall be effective during any fiscal period, other than for four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: December 22, 1975.

Signed at Washington, D.C., on November 5, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-30312 Filed 11-10-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[CCC Grain Price Support Regulations, 1970 and Subsequent Crops Grain Sorghum Supplement, Amendment 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Grain Sorghum Loan and Purchase Program

ADJUSTMENT IN SUPPORT RATES FOR SHIPMENT

The regulations issued by the Commodity Credit Corporation (CCC), published in the FEDERAL REGISTER at 35 FR 10745, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops grain sorghum are further amended as follows:

1. Section 1421.214(d) is revised to delete "at not to exceed the USGA rates", to read as follows:

§ 1421.214 Warehouse receipts.

* * * * *

(d) LIENS. Warehouse receipts and sorghum represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (UGSA) may be subject to liens only for warehouse handling charges. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the sorghum when CCC is holder of the warehouse receipt.

* * * * *

2. Since storage is no longer on a uniform-rate basis, it is desirable to delete all references to UGSA rates and insert "truck receiving and rail loading-out charges in effect for the shipping warehouse". Accordingly § 1421.218(b) is revised to read as follows, and § 1421.218 (c)(2) is revised to increase the add-on rate for grain stored within the switching limits of designated terminal markets, to read as follows:

§ 1421.218 Support rates.

* * * * *

(b) *Basic support rates for warehouse-stored grain sorghum received by rail or utilizing combination barge-rail rates—*(1) *When shipped by rail and stored in-transit at interior locations.* The applicable basic support rate for warehouse-storage loans on grain sorghum which was received by rail and stored in an approved warehouse at other than a port terminal market shall be determined by adding to the basic support rate established for the county from which the grain sorghum was shipped, the amount of freight charges per hundred weight actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse, computed on a hundredweight basis to the nearest one-half cent. The freight rate paid into the storage point shall not exceed the lowest rate which will permit the storage intransit privilege and protect the lowest single car rate applying from origin through point of storage to a terminal market designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the grain sorghum is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to a designated terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(2) *When shipped by rail and stored at designated port terminal market locations.* The applicable basic support rate for warehouse-storage loans on grain sorghum which was received by rail and stored in an approved warehouse at a port terminal market designated in paragraph (c)(2)(iii) of this section shall be determined by adding to the basic support rate established for the county from which the grain sorghum was shipped, the amount of freight charges per hundredweight actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse computed on a hundredweight basis to the nearest one-half cent. The freight rate paid into the storage point shall not exceed the lowest applicable freight rate to the port terminal market that would be used in commercial channels of trade.

(3) *When shipped utilizing combination barge-rail rates.* The applicable basic support rate for warehouse-storage loans on grain sorghum which was shipped utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission and stored in an approved warehouse shall be determined by adding to the basic support rate established for the county from which the grain sorghum was shipped, the amount of freight charges per hundredweight actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse, computed on a hundredweight basis to the nearest one-half cent. The freight rate paid into the storage point shall be a rate which will permit the storage intransit privilege and protect the lowest single car or barge freight rate applying from origin point through point of storage to one of the interior or port terminal markets designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the grain sorghum is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to the designated interior or port terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(4) *When shipped by rail through an unapproved warehouse.* The applicable basic support rate for warehouse storage loans on sorghum which was received by rail, shipped through an unapproved warehouse and stored in an approved warehouse at a terminal market designated in paragraph (c)(2)(iii) of this section shall be determined by adding to the basic support rate established for the county from which the sorghum was shipped, the amount of freight charges per hundredweight actually paid in and truck receiving and rail loading-out charges. The county office shall determine receiving and loading-out charges by obtaining the truck receiving and rail loading-out charges from approved warehouses in the local area from which the sorghum was shipped. An average of these charges shall become the truck receiving and rail loading-out charge to be added on. The freight paid into the storage point shall be the lowest applicable freight rate to the port terminal market that would be used in commercial channels of trade.

(c) *Basic support rates for warehouse-stored grain sorghum received by truck or nontariff barge.* * * *

(2) *Stored within the switching limits of designated terminal markets.* (i) The applicable basic county support rate for warehouse-storage loans on grain sorghum which was received by truck or by barge not utilizing combination barge-rail freight rates, and stored in an approved warehouse located within the switching limits of a terminal market designated in subdivision (ii) or (iii) of this subparagraph shall be determined by adding 14.25 cents per hundredweight to the basic county support rate established for the county (or city) in which the terminal market is located.

* * * * *

Since grain sorghum is currently being harvested in many parts of the sorghum-producing area and the provisions of this amendment are needed to carry out the loan program more effectively, compliance with the notice of proposed rulemaking would be impractical and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1411 Note and 1421))

Effective date: November 11, 1975.

Signed at Washington, D.C., on November 3, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-30379 Filed 11-10-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.1]

PART 1831—OPERATING LOANS

Subpart A—Operating Loan Policies and Authorizations

YOUTH LOAN PROGRAM

On June 5, 1975, there was published in the FEDERAL REGISTER (40 FR 24204) a notice of proposed rulemaking to revise §§ 1831.4(e), 1831.5(h), and 1831.12 (g) of Subpart A of Part 1831, Title 7, Code of Federal Regulations. Interested persons were invited to submit written comments, suggestions or objections regarding the proposed amendment. All comments submitted with respect to the proposed revisions were given due consideration.

As a result of the comments received, certain proposed changes published in the FEDERAL REGISTER notice of proposed rulemaking of June 5, 1975 (40 FR 24204) are being adopted without change, except § 1831.5 was changed to grant an exception to recipients of youth loans from the general eligibility requirement for operating loans that the recipient must be operating not larger than the equivalent of a family farm as an owner or tenant and § 1831.12 was changed to require a cosigner for all youth loans greater than $2,500.

Accordingly, with this change the proposed revisions are adopted as set forth below:

Effective date. This revision is effective November 11, 1975.

Dated: November 4, 1975.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order 11821.

FRANK W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

1. Sections 1831.4(e), 1831.5(h), and 1831.12(g), are revised to read as follows:

§ 1831.4 Definition of a family farm.

* * * * *

(e) *Rural youths.* Applicants who have reached the age of 10 years but have not reached the age of 21 and who do not reside in any area in any city or town which has a population in excess of ten thousand inhabitants.

* * * * *

§ 1831.5 Eligibility requirements.

* * * * *

(h) Loans may be made to rural youths without regard to the requirements of paragraphs (c) and (f) of this section. All youth projects must be recommended by their project advisor. In addition, youths who have not reached their majority, as set forth by State regulations will obtain their parent's or guardian's favorable recommendation for the loan. All recommendations will be in writing and filed with the application in the County Office case file.

* * * * *

§ 1831.12 Security policies.

* * * * *

(g) The security requirements for loans to rural youths will be the same as required for other Operating loans. In addition, all youth loans greater than $2,500 will be cosigned. In exceptional cases the loan approval official may require a cosigner for loans of $2,500 and less if he determines such action is necessary to assure repayment of the loan.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

[FR Doc.75-30380 Filed 11-10-75;8:45 am.]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-36-AD; Amdt. 39-2421]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707-300, -300B, -300C, and -400 Series Airplanes

Amendment 39-2074 (40 FR 3287) AD 75-03-01 requires inspections of the upper wing skin splice plate at W.S. 360 on Boeing 707-300, -300B, -300C, and -400 series airplanes, with more than a specified number of landings since new, or since fastener holes were oversized. After issuing Amendment 39-2074, two six foot cracks and a 13 inch crack were found after the required inspections failed to detect these cracks. A telegraphic AD was issued on October 17, 1975, to require a one time inspection in accordance with improved inspection techniques on airplanes with more than the specific hours since new. This telegraphic AD included airplanes previously exempted from Amendment 39-2074 because of fastener hole oversizing. Accordingly, Amendment 39-2074 which requires repetitive inspections of the upper wing skin splice plate is being amended to require the improved inspection techniques on 707-300/400 with 13,000 or more landings since new, on 707-300B with 11,000 or more landings since new and on 707-300C with 8,000 or more landings since new. Airplanes which had fastener holes oversized per Boeing Service Bulletin No. 2510, Part IV will no longer be exempted.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of the Federal Aviation Regulations, Amendment 39-2074, AD 75-03-01 is amended by superseding the applicability block, paragraph A and B with the following. Paragraphs C, D, and E of Amendment 39-2074 remain unchanged.

BOEING: Applies to all Boeing Model 707-300, -300B, -300C, and -400 series airplanes listed in Boeing Service Bulletin No. 3157, Revision 4, or later FAA approved revisions upon the accumulation of the following number of landings since new:

Models: 707-300, -400, 13,000 or more landings; 707-300B, 11,000 or more landings; 707-300C, 8,000 or more landings.

Compliance required as indicated.

To detect cracks in the upper wing skin splice plate at W.S. 360, accomplish the following:

A. Within the next 50 landings, unless accomplished with the last 350 landings, and at intervals thereafter not to exceed 400 landings, inspect the upper wing splice plate at station 360 in accordance with (1), (2), or (3) below. Special attention should be focused in the area of stringer 11 as it is in the high stressed area of the splice plate. If cracks are found, repair prior to further flight in accordance with paragraph B below.

(1) X-ray inspect per Boeing Service Bulletin No. 3157, Revision 3 and visually inspect the splice plate by removing the aerodynamic sealant between the wing skins from front to rear spar. This inspection method is acceptable for only two successive inspections after the effective date of this amendment.

(2) Low frequency eddy current inspect as specified in Boeing Service Bulletin No. 3157, Revision 4, or later FAA approved revisions.

(3) Inspect in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. If cracks are found, repair prior to further flight in accordance with Boeing Serv-

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ice Bulletin No. 2510, Revision 3, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. The repetitive inspections of paragraph A must be accomplished in areas not covered by repairs per Part VII of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective December 4, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

J. H. TANNER,
Acting Director,
Northwest Region.

(The incorporation by reference provisions in the document were approved by the Director of the FEDERAL REGISTER on June 19, 1967.)

Issued in Seattle, Washington, November 3, 1975.

[FR Doc.75-30249 Filed 11-10-75;8:45 am]

[Docket No. 75-NW-35-AD; Amendment 39-2420]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 747-200C and 747-200F Series Airplanes

Pursuant to the authority delegated to me by the Administrator a telegraphic airworthiness directive was adopted on October 23, 1975, and made effective 24 hours after receipt of the AD. The directive requires a visual inspection of the latch condition on the nose cargo door after each door operation.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately. These conditions still exist, and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to Section 39.13 of the Federal Aviation Regulations. This amendment contains the provisions for terminating action which was not available at time of the telegraphic AD.

BOEING: Applies to all Boeing 747-200C and 747-200F series airplanes certificated in all categories. Compliance required as indicated.

In addition to the door warning light procedures in Boeing B-747 Operations Manual Bulletin 74-13, the following procedures are required to provide assurance of latch system integrity. Before further flight, and thereafter following each nose cargo door operation, accomplish the following:

A. Close door electrically or manually until each latch pin is extended and the green, latches closed, light is illuminated on the nose door control panel at the loadmaster's station.

B. Pull and collar circuit breakers C1407/28V DC "control nose cargo door." Circuit breakers are located on the P15 panel on the right hand side of the electronics bay. Access to this area is either from the ground through the electronics bay hatch or through the main deck floor. Optional to pulling and collaring C1407 and C1572 circuit breakers, pull and collar C1629, C1630, C1631, C1632, C1633, and C1634 circuit breakers on the H122 cargo door power panel.

C. Placard the nose door control panel H121 and the nose wheel well control panel P37, "POWER REMOVED PER AD—CIRCUIT BREAKERS C1407 AND C1572 PULLED:" If optional circuit breakers procedure is used, placard the H122 cargo door power panel, "POWER REMOVED—CIRCUIT BREAKERS PULLED."

D. Verify that all 16 latches are closed for dispatch by noting that each latch pin is fully extended into the latch fitting, per Boeing B-747 Dispatch Deviation Procedures Guide, Document D6-33391, page 2.52.6B, View B.

Boeing Service Bulletin 747-52-2117 will be released in the near future which will give instructions for the modification of the nose cargo door latch and lock system. Incorporation of this FAA approved modification will constitute terminating action under the inspection provisions of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated October 23, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1424, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington, November 3, 1975.

J. H. TANNER,
Acting Director,
Northwest Region.

(The incorporation by reference provisions in the document were approved by the Director of the FEDERAL REGISTER on June 19, 1967.)

[FR Doc.75-30250 Filed 11-10-75;8:45 am]

[Airspace Docket No. 75-GL-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 23765 of the FEDERAL REGISTER dated June 2, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cambridge, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 11, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on October 24, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 F.R. 441), the following transition area is added:

CAMBRIDGE, MINNESOTA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cambridge Municipal Airport (latitude 45°33'35" N., longitude 93°15'49" W.); and within 3 miles each side of the 173° bearing from the airport, extending from the 5 mile radius area to 8 miles south of the airport.

[FR Doc.75-30252 Filed 11-10-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0189]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS FOR POLYOLEFIN FILMS

The Commissioner of Food and Drugs is amending the food additive regulations in § 121.2569 *Resinous and polymeric coatings for polyolefin films* (21 CFR 121.2569) to provide for an increase in the permitted level of petroleum alicyclic hydrocarbon resins for use as a component of coatings on polyolefin fabrics intended for bulk packaging of fruits and vegetables; effective November 11, 1975; objections by December 11, 1975. The amendment increases the permitted use level of the additive from 25 percent to 30 percent by weight of coating solids.

Notice was given by publication in the FEDERAL REGISTER of August 18, 1975 (40 FR 34623) that a petition (FAP 6B3123) had been filed by Exxon Corp., P.O. Box 45, Linden, N.J. 07036, proposing that § 121.2569 (21 CFR 121.2569) be amended to provide for an increased use level of petroleum alicyclic hydrocarbon resins as a component of coatings on polyolefin fabrics intended for the bulk packaging of fruits and vegetables.

The Commissioner, having evaluated the data in the petition, and other relevant material, concludes that § 121.2569 should be amended, as set forth below, to provide for the safe use of up to 30 percent by weight of coating solids of petroleum alicyclic hydrocarbon resins blended with butyl rubber. The additive is to be used as a component of coatings on polyolefin fabrics intended for bulk packaging of fruits and vegetables.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2569 is amended in paragraph (b)(3)(i) by revising the listing for petroleum alicyclic hydrocarbon resins as follows:

§ 121.2569 Resinous and polymeric coatings for polyolefin films.

* * * * *

(b) * * *

(3) * * *

List of substances	*Limitations*
(i) Resins and polymers: Petroleum alicyclic hydrocarbon resins.	As defined in § 121.2526. Blended with butyl rubber for use as a component of coatings on polyolefin fabric for bulk packaging of raw fruits and vegetables and used at a level not to exceed 30 percent by weight of the total coating solids.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before December 11, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 11, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30268 Filed 11-10-75;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0288]

PART 514—NEW ANIMAL DRUG APPLICATIONS

Submission of Applications

The Commissioner of Food and Drugs is amending the regulations (21 CFR Part 514) concerning submission of new animal drug applications (NADA's) to delete the provision for the distribution, by the Food and Drug Administration, of folders intended for the binding and submission of NADA's and to add a new provision prescribing certain procedures for numbering the pages of NADA's, effective December 11, 1975.

In a notice published in the FEDERAL REGISTER of November 4, 1974 (39 FR 39009), the Commissioner proposed these amendments to the new animal drug regulations concerning NADA's submitted to the Food and Drug Administration pursuant to section 512(b) of the Federal Food, Drug, and Cosmetic Act. The proposal allowed for filing of comments by January 3, 1975.

The two comments received in response to the proposal and the Commissioner's conclusions are as follows:

1. One comment, while agreeing with the proposal in principle, stated that the amendment was unnecessarily restrictive and suggested that it be revised "To eliminate the problem of illegible page numbers without restricting the flexibility that is desirable and sometimes necessary * * *."

The Commissioner agrees and has amended the final regulation to permit the numbering of pages in locations other than in the upper right hand corner if such numbering is clearly legible following binding of the NADA.

2. One comment stated that the provision for sequential numbering of the pages of an NADA should be broadened to permit, in the case of multivolume NADA's, sequential numbering of the pages in each volume.

The Commissioner agrees and has amended the final regulation to permit sequential numbering of pages either on the basis of the entire NADA or on a volume-by-volume basis.

For clarity, the Commissioner has also made some editorial changes in the final regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343 et seq. (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 514 is amended by revising § 514.1(b)(15) to read as follows:

§ 514.1 Applications.

* * * * *

(b) * * *

(15) *Assembling and binding the application.* Assemble and bind an original and two copies of the application as follows:

(i) Bind the original or ribbon copy of the application as copy No. 1.

(ii) Bind two identical copies as copy No. 2 and copy No. 3.

(iii) Identify each front cover with the name of the applicant, new animal drug, and the copy number.

(iv) Number each page of the application sequentially in the upper right hand corner or in another location so that the page numbers remain legible after the application has been bound, and organize the application consistent with paragraph (b)(1) through (14) of this section. Each copy should bear the same page numbering, whether sequential in each volume or continuous and sequential throughout the application.

(v) Include complete labeling in each of the copies. It is suggested that labeling be identified by date of printing or date of preparation.

(vi) Submit separate applications for each different dosage form of the drug proposed. Repeating basic information pertinent to all dosage forms in each application is unnecessary if reference is made to the application containing such information. Include in each application information applicable to the specific dosage form, such as labeling, composition, stability data, and method of manufacture.

(vii) Submit in folders amendments, supplements, and other correspondence sent after submission of an original application. The front cover of these submissions should be identified with the name of the applicant, new animal drug, copy number, and the new animal drug application number, if known.

* * * * *

Effective date. This regulation is effective December 11, 1975.

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343 et seq. (21 U.S.C. 360b, 371(a)).)

Dated: November 4, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30267 Filed 11-10-75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Librax and Menrium; Excepted From Schedule IV

On May 29, 1975, the Administrator of the Drug Enforcement Administration issued an order placing chlordiazepoxide (Librium) into Schedule IV of the Comprehensive Drug Abuse Prevention and Control Act of 1970. (40 FR 23998, June 4,

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1975). Application of this order was reserved in part as to the prescription products Librax and Menrium, which contain chlordiazepoxide. (40 FR 26675–76, June 25, 1975).

In addition to the May 29, 1975 order controlling chlordiazepoxide, the Administrator also issued on that date a notice of proposed rulemaking to amend section 1308.32(b) of Title 21 of the Code of Federal Regulations (CFR) by adding Librax and Menrium to the list of excepted prescription drugs. (40 FR 24216–17, June 5, 1975). In that notice, the Administrator set forth his determinations and findings justifying the proposed rulemaking, and invited all interested persons to submit comments or objections in response thereto, no later than July 15, 1975. One comment was received. It was submitted by the Pharmacy Examining Board, Department of Regulation & Licensing, State of Wisconsin, which stated that it supports the proposed rulemaking regarding Librax and Menrium. No other comments, and no objections, were received in response to the notice.

Therefore, having determined and found that Librax and Menrium are preparations which contain chlordiazepoxide, a depressant listed in 21 CFR 1308.14(b) as amended, and other ingredients in such combinations, quantity, preparation or concentration so as to vitiate the potential for abuse of chlordiazepoxide, by virtue thereof, and in accordance with and pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821, 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (See 38 FR 18380, July 2, 1973), and redelegated to the Deputy Administrator of the Drug Enforcement Administration by 28 CFR § 0.104 [Appendix to Subpart R] Sec. 6(g), the Deputy Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

Section 1308.32(b) is amended by adding, in appropriate alphabetical order, the following excepted prescription drugs:

§ 1308.32 Excepted compounds.

. . . . . .

(b) . . .

Excepted prescription drugs

Trade name or other designation	Composition	Manufacturer or suppliers
. . . . .	. . . . .	. . . . .
Librax	Capsule: Chlordiazepoxide hydrochloride 5 mg and clidinium bromide 2.5 mg	Roche Laboratories.
. . . . .	. . . . .	. . . . .
Menrium 5-2	Tablet: Chlordiazepoxide 5 mg and water-soluble esterified estrogens 0.2 mg	Do.
Menrium 5-4	Tablet: Chlordiazepoxide 5 mg and water-soluble esterified estrogens 0.4 mg	Do.
Menrium 10-4	Tablet: Chlordiazepoxide 10 mg and water-soluble esterified estrogens 0.4 mg	Do.
. . . . .	. . . . .	. . . . .

This order is effective on November 28, 1975.

Dated: October 24, 1975.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.75-30314 Filed 11-10-75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 221—OPERATION AND MAINTENANCE CHARGES

San Xavier Indian Irrigation Project, Arizona

On page 43513 of the FEDERAL REGISTER of September 22, 1975, there was published a notice of proposal to modify §§ 221.170 and 221.171 of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments and excess water charges on the San Xavier Indian Irrigation Project, Arizona.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions, nor objections were received, and the proposed revisions are hereby adopted without changes, as set forth below.

The revised sections will read as follows:

§ 221.170 Charges.

The annual basic operation and maintenance assessment rate for land to which water can be delivered under the San Xavier Indian Irrigation Project, Arizona, is hereby fixed at $60.00 per acre whether the water is used or not. Non-Indian owned land and Indian owned land leased to non-Indians shall pay the full assessment rate. Indian owned and operated land and Indian land leased and operated by Indians shall pay a minimum rate determined by the Superintendent based on the Indian owner's financial ability to pay but not to exceed the established basic assessment rate and shall be fixed prior to the beginning of the calendar year for which it is effective. The payment of the assessment rate shall entitle the water user to his pro-rated share of the water as determined by the production capacity of the wells and/or the availability of funds available to pay the pumping operation and maintenance costs. The foregoing assessment rates shall become effective for the calendar year 1976 and continue in effect thereafter until further notice.

§ 221.171 Payments.

The annual basic water charge fixed in § 221.170 shall become due and payable on or before March 1 of each year, and any unpaid charges shall stand as a first lien against the land without penalty until paid.

CHARLES D. WORTHMAN,
Assistant Area Director.

[FR Doc.75-30337 Filed 11-10-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 870—RESTRICTION ON GARNISHMENT

Disposable Earnings Subject to Garnishment

By the Fair Labor Standards Amendments of 1974 (P.L. 93–259) section 6(a)(1) of the Fair Labor Standards Act was amended to provide a minimum rate of $2.30 per hour, commencing January 1, 1976. By the Consumer Credit Protection Act (§ 303, P.L. 90–321, 80 Stat. 837; 15 U.S.C. 1673) the minimum amount of disposable earnings which is exempt from garnishment is increased with each increase in the minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act. Accordingly, it is necessary to revise § 870.10 to include in our regulations the revised dollar amounts of disposable earnings exempted from garnishment.

Inasmuch as these changes are made to conform our regulations to the Fair Labor Standards Act as amended by the Fair Labor Standards Amendments of 1974, no notice of proposed rule making nor delay in the effective date is required. Accordingly, these regulations shall be effective on January 1, 1976.

In § 870.10, paragraphs (b) through (d) are revised to read as follows and paragraphs (e)–(f) are deleted.

§ 870.10 Maximum part of aggregate disposable earnings subject to garnishment.

. . . . . .

(b) *Weekly pay period.* The statutory exemption formula applies directly to the aggregate disposable earnings paid or payable for a pay period of 1 workweek, or a lesser period. Its intent is to protect from garnishment, and save to an individual earner, the specified amount of compensation for his personal services rendered in the workweek, or a lesser period. Thus, so long as the Federal minimum wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 is $2.30 an hour—

(1) If an individual's disposable earnings for a workweek or lesser period are $69 (30×$2.30) or less his earnings may not be garnished in any amount.

(2) If an individual's disposable earnings for a workweek or lesser period are more than $69, but less than $92 only the amount above $69 is subject to garnishment.

(3) If an individual's disposable earnings for a workweek or lesser period are $92 or more, 25 percent of his disposable earnings is subject to garnishment.

(c) *Pay for a period longer than 1 week.* In the case of disposable earnings which compensate for personal services rendered in a pay period longer than 1 workweek, the weekly statutory exemption formula must be transformed to a formula applicable to such earnings providing equivalent restrictions on wage garnishment.

(1) The 25 percent part of the formula would apply to the aggregate disposable earnings for all the workweeks or fractions thereof compensated by the pay for such pay period.

(2) The "multiple" of the Federal minimum hourly wage equivalent to that applicable to the disposable earnings for 1 week is represented by the following formula: The number of workweeks, or fractions thereof (x) ×30× the applicable Federal minimum wage ($2.30). For the purpose of this formula, a calendar month is considered to consist of 4⅓ workweeks. Thus, so long as the Federal minimum hourly wage is $2.30 an hour, the "multiple" applicable to the disposable earnings for a 2-week period is $138 (2×30×$2.30); for a monthly period, $299 (4⅓×30×$2.30); and for a semimonthly period, $149.50 (2⅙×30×$2.30). The "multiple" for any other pay period longer than 1 week shall be computed in a manner consistent with section 303(a) of the Act and with this paragraph.

(d) *Date wages paid or payable controlling.* The date that disposable earnings are paid or payable, and not the date the Court issues the garnishment order, is controlling in determining the amount of disposable earnings that may be garnished. Thus, a garnishment order issued in September, 1975, providing for withholding from wages over a period of time, based on exemptions computed at the minimum rate then in effect, would be modified by operation of the change in the law so that wages paid after January 1, 1976, would be subject to garnishment only to the extent described in paragraphs (b) and (c) of this section which are based on a $2.30 minimum wage.

(Sec. 303, 82 Stat. 163 (15 U.S.C. 1673); Sec. 2, Pub. L 93–259, 84 Stat 55)

Signed at Washington, D.C., on this 5th day of November, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-30367 Filed 11-10-75;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT

Transportation System

INGRESS AND EGRESS

This is an amendment to Part 212 making minor changes in § 212.8 to clarify the meaning.

The last sentence of paragraph (a) has been deleted and a new sentence substituted which states more clearly the requirement for written authorization in order to construct, reconstruct or maintain a road or highway on lands and easements administered by the Forest Service.

The words "forest development" have been inserted between the words "existing" and "roads" in the first sentence of paragraphs (b) and (c). The revision makes clear that permission to use roads applies to existing forest development roads and not to all existing roads.

The revision does not constitute a substantive change in the regulations. In accordance with exceptions to rulemaking procedures in 5 U.S.C. 553 and USDA policy (36 FR 13804) it has been found and determined that advance notice and request for comments would be unnecessary.

Part 212 is amended by revising § 212.8 to read as follows:

§ 212.8 Ingress and egress.

(a) *Policy in acquiring and granting access.* To assure effective protection, management, and utilization of lands administered by the Forest Service and intermingled and adjacent private and public lands, and for the use and development of the resources upon which communities within or adjacent to the National Forests are dependent, the Chief shall as promptly as is feasible obtain needed access thereto and shall grant appropriate access across National Forest and other lands and easements administered by the Forest Service to intermingled or adjacent landowners. Construction, reconstruction or maintenance of a road or highway without written authorization is prohibited.

(b) *Actual settlers and other persons residing within the National Forests and other areas administered by the Forest Service.* Actual settlers and other persons residing within the National Forests and other areas administered by the Forest Service shall be permitted ingress and egress over the same and use of existing forest development roads and trails in order to reach their homes and to utilize their property: Provided, such ingress and egress or use shall conform to rules and regulations governing the protection and administration of the lands and the roads or trails to be used.

(c) *Others.* Entering upon the National Forests and other lands administered by the Forest Service and use of existing forest development roads and trails shall be permitted for all proper and lawful purposes, subject to compliance with rules and regulations governing the lands and the roads or trails to be used.

(25 Stat. 357, 26 Stat. 1103, 30 Stat. 35–36, 1233 38 Stat. 430, 46 Stat. 1421, 64 Stat. 82, 72 Stat. 885, as amended, 74 Stat. 215, 78 Stat. 1089; 16 U.S.C. 471, 478, 498, 525, 528–531, 532, 538, 551, 572, 23 U.S.C. 101, 205, 40 U.S.C. 257, 258a et seq.; 42 Atty. Gen. Op. No. 7; Comp. Gen. B–65972, May 19, 1947; 40 Comp. Gen. 372; 41 Comp. Gen. 1; 41 Comp. Gen. 576, and 42 Comp. Gen. 590)

Effective date. This revision takes effect November 11, 1975.

ROBERT W. LONG,
Assistant Secretary.

NOVEMBER 5, 1975.

[FR Doc.75-30289 Filed 11-10-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5544; AA-5671]

ALASKA

Withdrawal of Lands for Classification and Protection of the Public Interest; Partial Revocation of Public Land Order No. 960

Correction

In FR Doc. 75–29883, appearing at page 51038 in the issue for Monday, November 3, 1975, the headings should read as set forth above.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1224]

PART 1033—CAR SERVICE

Distribution of Grain Cars

NOVEMBER 6, 1975.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 5th day of November, 1975.

It appearing, That there is an acute shortage of cars for transporting shipments of grain, grain products, and soybeans; that certain tariff provisions require minimum shipments of 180,000 lbs. or more; that many carriers are unable to furnish sufficient cars to transport shipments of such weights; that cars of lesser capacity are available; that such cars cannot be used because of certain tariff provisions; that there is immediate need to use every available car for transportation of grain; that the inability of the carriers to furnish sufficient grain cars results in great economic loss; and that present regulations and practices with respect to the use, supply, control, movement, and distribution of grain cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1224 Service Order 1224.

(a) *Distribution of grain cars.* Each common carrier by railroad subject to the Interstate Commerce Act may furnish not more than two cars of smaller capacity for each car of 180,000 lbs. or

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greater capacity ordered by any shipper for loading with grain, grain products, soy beans or soy bean products subject to the conditions and exceptions provided in paragraphs (e) and (f) of this section.

(b) *Rates and minimum weights applicable.* The rates to be applied and the minimum weights applicable to shipments of two smaller cars furnished and loaded as authorized by paragraph (a) of this section shall be the rate and minimum weight applicable to the larger single car ordered.

(c) *Billing to be endorsed.* The carrier substituting two smaller cars for one larger car as authorized by paragraph (a) of this section shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

"Car of 180,000 lbs, or greater capacity ordered. Two smaller cars furnished authority ICC Service Order No. 1224."

(d) *Concurrence of shipper required.* Two smaller cars shall not be furnished in lieu of a single car of 180,000 lbs. or greater capacity without the consent of the shipper.

(e) *Cars subject to Service Order No. 1223 excluded.* This order shall not apply to cars used in unit-grain-train services subject to the provisions of Service Order No. 1223.

(f) *Exceptions.* Exceptions to this order, including extension of its application to elevators located in other states, may be authorized to railroads by the Railroad Service Board, Washington, D.C. 20423. Requests for such extension must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(g) *Rules and regulations suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(h) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(i) *Effective date.* This order shall become effective at 11:59 p.m., November 6, 1975.

(j) *Expiration date.* This order shall expire at 11:59 p.m., February 29, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30384 Filed 11-10-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on November 11, 1975.

§ 33.5 Special regulation; sport fishing, for individual wildlife refuge areas.

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Winter Sport Fishing on the Lake Ilo National Wildlife Refuge, Dunn Center, North Dakota is permitted in accordance with all applicable State regulations through March 28, 1976. The area open to fishing comprises 1050 acres, and is delineated on maps available at refuge headquarters, 1 mile west of Dunn Center, North Dakota and from the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations, subject to the following conditions.

(1) Fishing at all times shall be limited to daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 28, 1976.

ROLLAND J. KRIEGER,
Asst. Refuge Manager,
Lake Ilo National Wildlife Refuge.

NOVEMBER 3, 1975.

[FR Doc.75-30245 Filed 11-10-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[27 CFR Parts 4, 5, 7]

[Notice No. 285]

INGREDIENT LABELING OF MALT BEVERAGES, DISTILLED SPIRITS AND WINE

Withdrawal of Notices of Proposed Rulemaking

The purpose of this document is to announce that FEDERAL REGISTER notices 74–17720, 75–3719 and 75–3720 (39 FR 27812, 40 FR 6354 and 40 FR 6349 respectively) in which the Bureau of Alcohol, Tobacco and Firearms (ATF) published proposed amendments to 27 CFR Parts 7, 5 and 4, respectively, regarding ingredient labeling of malt beverages, distilled spirits and wine are hereby withdrawn. All of the oral representations received during the three public hearings held on the ingredient labeling proposals and all of the written comments, numbering in excess of 1,000, received by the Bureau of Alcohol, Tobacco, and Firearms regarding the proposals have been considered.

From these representations it was determined, first, that it appears the cost of ingredient labeling to the industry, and ultimately to the consumer, would be excessive in relation to the benefit received. While the evidence presented at these hearings did not conclusively establish the ultimate cost that would have been borne by the industry, there would without doubt have been substantial costs involved had the proposals been implemented. We do not feel that the benefits to be derived from ingredient labeling are significant enough to warrant imposition of the added costs upon the general consumer.

Second, the content of alcoholic beverages is extensively regulated at the present time. Currently the Bureau will approve no additive to an alcoholic beverage unless the Food and Drug Administration first authorizes its use.

Third, the uniqueness of manufacturing processes of alcoholic beverages is such that it makes labeling of their ingredients of little value and, in certain cases, even misleading. For example, the ingredient listing for malt beverages would have contained yeast, even though that substance is not present in the finished product. As brewers yeast is commonly sold as a health product, some consumers might have erroneouly been led to think that malt beverages were healthy for that reason. Similarly, the term "cereal grains" in a distilled spirits ingredient list might have led some consumers to believe that they were getting more nourishment than is actually available in this product.

Fourth, representations were made that ingredient labeling requirements would hinder the on-going multilateral trade negotiations in expanding international trade. In fact, the Deputy Special Representative for Trade Negotiations (of the U.S.) formally stated his objection to the proposal on this basis. Testimony at the hearings indicated that if the proposals were implemented, the United States would be the only country in the world to require ingredient labeling of alcoholic beverages, even though a few (e.g., Canada) have formally considered and rejected such a requirement.

Finally, ingredient labeling is supported by only a small segment of the public. Although numerous comments were received from consumers and consumer advocate groups, we have not found any strong indication that the average consumer of alcoholic beverages is in favor of ingredient labeling.

In view of the foregoing, we have concluded that the public interest would not be served by the adoption of the proposed amendments at this time.

Signed: November 3, 1975.

REX D. DAVIS,
Director.

Approved: November 4, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-30260 Filed 11-10-75;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Proposed Proclamation of 1976 National Marketing Quota

The Secretary of Agriculture is required by § 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the act (7 U.S.C. 1358(c)(1) provides that the national acreage allotment for any year shall be apportioned among the States on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the Act, the national acreage allotment for the 1976 crop of peanuts will be apportioned to States on the basis of their shares of the 1975 national acreage allotment.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota.

2. The amount of the national acreage allotment.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. All written submissions made pursuant to this notice will be made available for public inspection in Room 6753–South Building, U.S. Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C., Monday through Friday from 8:15 a.m. to 4:45 p.m. (7 CFR 1.27(b)). All submissions must, in order to be sure of consideration, be postmarked not later than November 26, 1975.

Signed at Washington, D.C. on: November 7, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-30395 Filed 11-10-75;8:45 am]

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Animal and Plant Health Inspection Service

[9 CFR Parts 318, 381]

Nitrates, Nitrites, and Salt

NOTICE OF PROPOSED RULEMAKING

● **Purpose: The purpose of this document is to propose modifications in the use of nitrates, nitrites, and salt in meat and poultry products. It will also advise that work must continue on the removal of preformed nitrosamines from bacon and that the extent of progress will be reviewed during and after the end of 1 year.** ●

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service is considering amending the Federal meat inspection regulations, pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), and the poultry products inspection regulations, pursuant to the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), for the purposes set forth above.

Statement of considerations. As used in the opening paragraph of this document, and in this statement of considerations, unless otherwise noted, the term "nitrate" shall mean sodium nitrate, the term "nitrite" shall mean sodium nitrite, and the term "salt" shall mean sodium chloride (common table salt).

The curing of meat and poultry products today is based partly on the art as practiced over thousands of years and partly on sound scientific principles developed within the last 80 years. Meat was first preserved with salt as the curing agent in the saline deserts of Hither Asia and coastal areas. These desert salts contained nitrates as impurities. Even in Homer's time (900 B.C.), curing meat with salt, followed by smoking, was an established practice. Cato (234–149 B.C.) wrote careful instructions for dry-curing hams. It included rubbing with salt, overhauling with salt, rubbing with oil, smoking, and rubbing the ham again with a mixture of oil and vinegar. However, it was not until Roman times that the reddening effect now attributed to nitrite was mentioned. The Romans had learned from the Greeks the technique of curing pork and fish with salt, and they were probably the first to establish a trade market for cured meats. Meat cured with salt containing nitrate, and even nitrite impurities, developed a characteristic cured flavor and color, as well as the properties of a preserved product. In time, the cured flavor and color became highly desirable to many people.

Reference to the use of nitrate itself can be traced back several hundred years. Its use continued after passage of the Federal Meat Inspection Act of 1906.

Chemists and meat scientists in the early 1900's determined that the active agent responsible for the color and flavor changes was nitric oxide, which was formed from nitrate during the curing process. Nitrite, in turn, is formed from nitrate, but the formation process is difficult to control. Therefore, once this mechanism was understood, the Department in 1925, formally authorized the direct addition of nitrite, permitting no more than 200 parts per million (ppm) of residual nitrite in finished product. This limit has been in force unchanged since then.

In the late 1960's, questions were raised as to the use of nitrites in food and their combination with other compounds in the food or in the body to form nitrosamines. The Federal Food and Drug Administration (FDA), Department of Health, Education, and Welfare, and the Department of Agriculture organized a scientific study group to carefully review information and data concerning the matter. This group has met regularly since its organization in 1970. In 1971, the House Intergovernmental Relations Subcommittee conducted hearings on the issue of nitrosamine formation and the possible involvement of nitrite in cured foods. The matter was widely discussed by the public and the media, and further studies were carried out by the scientific community. Numerous conferences were held during 1972, to discuss available information on the role of nitrite in curing and preserving, and to determine what new information was needed. Again, further research was scheduled cooperatively among industry, FDA, and the Department.

Early in 1972, the Department was petitioned to ban, or greatly reduce the amount of nitrite used in the curing process. The Department denied the petition, indicating additional information was needed on the chemistry associated with nitrosamine formation. Another factor associated with the problem, and one which could not be ignored, was the recognized role of nitrite in inhibiting the growth of *Clostridium botulinum*. These bacteria, under favorable conditions, can produce the deadly toxin responsible for the food poisoning known as botulism. Information in literature indicates that in the 1920's, scientists were demonstrating the antimicrobial effect of nitrite, and further investigation continued through the years. In the early 1970's, concentrated research studies were begun to learn more precisely the antimicrobial role of nitrite in modern forms of meat products. In a short time, sufficient data were gathered to satisfactorily confirm the inhibitory action of nitrite to the growth of *Clostridium botulinum*, as well as the levels required to accomplish the desired effect. The studies clearly showed that the amount of nitrite needed to inhibit botulinal toxin formation was dependent upon the quantity of nitrite introduced into the product, rather than the residual level of nitrite in the finished product. It has been necessary for the Department to act carefully and deliberately in this matter, since it recognizes that, in the desire to reduce levels to eliminate the possibility of nitrosamine formation, the very real public health hazard of botulism cannot be ignored.

Late in 1973, the Secretary of Agriculture appointed an Expert Panel on Nitrites and Nitrosamines to advise him on this difficult and controversial subject. The Panel consisted of six well-qualified scientists who represent various disciplines considered most important to the evaluation of the problem. The first three meetings were devoted to presentations by scientists to help the Panel build the proper foundation for its deliberations. Papers were presented on the occurrence of nitrite and nitrate in various foods, and a detailed report given on the meat curing process and its chemistry. The Panel also heard discussions on the toxicology, chemistry, and microbiology of nitrite, and on the toxicology and chemistry of nitrosamines. In addition, the role of ascorbates (salts of Vitamin C) in curing was discussed. Notice of time and place of each meeting was published in the Federal Register at least 15 days prior to the meeting. The meetings were open to the public and were attended by a large number of participants from industry, the research community, and the media. All persons in attendance were given an opportunity to ask questions and participate in the deliberations. Copies of all papers presented and the minutes of the meetings were distributed, upon request, and are now on file with the Hearing Clerk of the Department and available for inspection during regular hours of business.

At its fourth meeting, the Panel formulated three recommendations. After review and approval of these recommendations at the fifth Panel meeting, a report was made to the Secretary. The recommendations of the Panel were:

"1. That use of nitrite salts in the curing process be discontinued in all meat and poultry products with two exceptions, dry-cured products and fermented sausage products. These two product categories will be addressed at a later date when additional data are available.

"2. That the level of nitrite salt permitted to be added for curing of meat and poultry be limited to 156 parts per million (ppm) in all processed products, with the exception of bacon and dry-cured products. Recommendation for these latter products will be deferred, pending availability of further research data.

"3. That the current permitted 200 ppm residual nitrite salt level be reduced in various product categories to reflect what is achievable with current technology. The Panel believes that 100 ppm in cooked sausage products, 125 ppm in canned cured and pickle cured products, and 50 ppm in canned cured sterile product would be sufficient to maintain product safety. Action on bacon, fermented sausage products, and dry-cured products is deferred until additional research data being developed become available.

"It is the consensus of the Panel members that these recommendations are consistent with all safety considerations. Levels of nitrate and nitrite are decreased, thus reducing the consumers' exposure to the potential hazards of nitrosamines, nitrosamides, and related chemicals; at the same time, sufficient levels of nitrite are maintained to protect the consumer against the very real hazard of botulinal poisoning."

To date, no substitute for nitrite has been discovered. No compound or treatment has been found that will produce the characteristic product and that possesses nitrite's antibotulinal properties. Researchers are still trying to find a replacement.

The work of the Expert Panel is not concluded at this point. The Panel will continue to review pertinent research findings, such as will be developed in current studies on dry-cured products and fermented sausages, and they will determine whether to recommend further changes in permitted levels of nitrate or nitrite. The Expert Panel will meet again during the comment period on this proposal. The Panel's comments on those portions of this proposal which go beyond their present recommendations will become part of the record and will receive consideration.

As recognized by the Panel, a special problem exists with bacon. The fact that a nitrosamine is formed during its frying is apparently unique to this product. The levels found have been decreasing steadily and are now in the range of 10 to 20 parts per billion. The meat industry has furthered this reduction through its research efforts and through voluntary adjustments in curing procedures.

The Department, however, recognizes that greater efforts need to be directed toward the removal of nitrosamines from bacon. The problem has been discussed with the meat industry and the Food and Drug Administration. The meat processing industry has already begun studies designed to develop a possible solution to the problem and has indicated its intent to commit additional resources to the work. New processing procedures are, and will be, explored which are directed toward preventing the formation of nitrosamines in bacon during frying. An assessment of the need for further action will be carried out both during and at the termination of a 1-year period. Also, the Department is considering the establishment of maximum levels of nitrite and minimum levels of ascorbate or erythorbate in the curing of bacon. Data available to the Department indicates that the proposed levels lead to reduced amounts of preformed nitrosamines in bacon.

As a result of the Panel's recommendations, the Department proposes that other related matters warrant discussion. Thus far, most of the attention with respect to nitrates and nitrites has been directed toward red meat products. However, for several years, a considerable number of products have been developed, using poultry in lieu of red meat. Such products have the same basic characteristics as the red meat items, and have comparable need for protection from botulinal toxin formation. Therefore, the Department believes it is necessary to make the same proposal with respect to poultry products as that set forth for meat products.

The Department is aware that some consumers have expressed a desire to purchase products cured solely with salt. This should be considered, and every person should be given an opportunity to comment. Accordingly, the Department is proposing that salt (sodium chloride) be included in the list of approved curing agents. Such use would be for salt-cured products, with sufficient brine concentration, or a water activity level such that *Clostridium botulinum* will not grow. Based upon current information, the Department believes the finished product should have a minimum brine concentration of 10 percent, or a maximum water activity of 0.92. This brine concentration can usually be attained by using 7 pounds of salt per 100 pounds of meat. It is determined in the finished product by analyzing for salt and moisture, and dividing the salt content by the moisture content. Water activity (usually abbreviated A_w) refers to the available water in a product which microorganisms depend on for growth, since their nutrients must be in solution. The A_w for fresh meat is 0.99 or above, as compared to an A_w of 1.0 for pure water. This A_w for meat is near the optimum for many varieties of microorganisms, although many can grow with a lower A_w. As the A_w decreases, the conditions favoring microbial growth also decrease. An A_w of 0.92 or lower will provide ample assurance that *Clostridium botulinum* will not grow.

An additional consideration of this proposed rulemaking relates to the use of curing agents in foods for babies. The greater toxicity of nitrite to infants in relation to adults has been recognized for several years. For that reason, the addition of nitrite to baby foods has not been practiced for some time, although some products generally marketed as toddler foods do contain some cured product as ingredients. Therefore, to clarify this matter, the Department is proposing to deny the use of nitrates or nitrites, or meat ingredients containing nitrates or nitrites, in meat and poultry food products intended for very small children. These are usually marketed as infant (strained) and junior (chopped) foods.

To this point, this document has discussed sodium nitrate or nitrite. However, potassium nitrate and nitrite are used on a limited basis. These agents produce the same results as their sodium counterparts. Because the potassium nitrate and potassium nitrite salts are heavier than their sodium counterparts, it is necessary to permit greater amounts of the potassium salts in order to obtain the same amount of nitrate and nitrite. This proposal makes a distinction in quantities permitted on that basis.

In establishing the required levels of nitrite to be introduced into product, the wording of the Panel's recommendations imply a concern that the maximum quantities not be exceeded. While this is true, it is not the only point of interest. The Secretary cannot ignore the bacteriostatic properties of nitrite and the amount necessary to inhibit the growth of *Clostridium botulinum*, since, in the absence of nitrites, it appears that certain meat and poultry products could become adulterated. What those exact levels are will vary, depending on the product and its microflora, method of preparation, packaging and other handling practices. Processors need to exercise special care in keeping with good manufacturing practices to assure adequate introduction of nitrite into product. This means that careful control will be necessary in cases where pickle is recirculated, cleaned, and reused, so that it will not be diluted. Pickle solutions held for several hours will also require special attention by the processor to determine the extent of nitrite dissipation. Further considerations by the Panel or Department, or both, may be necessary in this connection.

Another consideration with respect to this proposal concerns the level of nitrite introduced into pickle cured products. For the purpose of determining compliance with the requirements, the quantity of curing agent introduced into product would be determined on the quantity of curing pickle injected into the product, regardless of the quantity which may subsequently drain out.

Because of the necessity to maintain strict control over the quantity of curing agents introduced into product, it would no longer be permissible to submerge injected product in curing pickle (cover pickle), or to totally pickle cure product by submerging it in curing pickle. However, processors could use brine solutions provided the finished product is in compliance with other requirements. A prohibition on curing by submerging in pickle could affect some small processors of cured products who live in cold regions of the country. The temperature of their facilities is influenced considerably by external temperatures. Because product may freeze and not cure, it has been necessary to employ the use of pickle in the curing process to successfully cure product. This processing procedure would have to be changed.

This proposal, for purposes of defining permissible levels of residual nitrite, makes a distinction between shelf stable canned cured product and commercially sterile canned cured product. The shelf stable product depends upon a mixture of nitrite, salt, and heat pasteurization to prevent the germination of *Clostridium botulinum* spores. Commercially sterile product receives heat treatments sufficient to destroy *Clostridium botulinum* spores.

Based on the data and information available to the Department at this time, it is proposed to implement the Expert Panel's recommendations by limiting the use of sodium and potassium nitrite and nitrates as follows:

A limit would be established of 2183 part per million (ppm) of sodium nitrate or 2597 ppm of potassium nitrate (3.5 oz. sodium nitrate or 4.2 oz. of potassium nitrate per 100 lbs. of meat) to be added

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in dry cured products; and 1716 ppm of sodium nitrate or 2042 ppm of potassium nitrate (2.75 oz. sodium nitrate or 3.3 oz. potassium nitrate per 100 lbs. of meat) to be added in fermented sausages;

A limit would be established of 624 ppm of sodium nitrite or 768 ppm of potassium nitrite (1 oz. sodium nitrite or 1.23 oz. potassium nitrite per 100 lbs. of meat) to be added in dry cured products and 156 ppm of sodium nitrite of 192 ppm of potassium nitrite (0.25 oz. of sodium nitrite or 0.31 potassium nitrite in 100 lbs. of meat) to be added in fermented sausages;

Whether nitrate, nitrite, or a combination of both are used in dry cured and fermented sausage products, the residual nitrite calculated as sodium nitrite would be limited to 200 ppm; and

In canned cured product, whether perishable, shelf stable, or sterile; in cooked sausages; and other cured perishable products (other than bacon), a limit would be established of 156 ppm of sodium nitrite or 192 ppm of potassium nitrite introduced by pumping of solid pices of meat or otherwise incorporated into comminuted products. Canned cured sterile products would be limited to a residual nitrite of 50 ppm calculated as sodium nitrite; all other canned cured products, and products prepared with curing solutions, to 125 ppm; and cooked sausage products to 100 ppm.

In addition to the above which are in connection with the Expert Panel's recommendations, the following also are being proposed by the Department:

Use of sodium or potassium nitrites and nitrates would not be permitted in meats used in the commercial preparation of infant (strained) or junior (chopped) foods;

The maximum amount of nitrite permitted to be added to bacon would be limited to 125 ppm and a requirement would be established that ascorbate or erythorbate be used at the maximum rate currently permitted by regulation:

Salt would be permitted as a preservative when added to products in an amount sufficient so that the finished product has a minimum brine concentration of 10 percent or a water activity (A_w) no greater than 0.92;

The foregoing requirements with respect to nitrates, nitrites, and salt would also apply to poultry and poultry products which are prepared in a manner similar to those prescribed for red meats.

As stated previously, it is recognized that a special problem exists with bacon. In this regard, the Department has been assured by the meat industry that it is accelerating studies underway concerning processing procedures which are directed toward preventing nitrosamine formation in fried bacon. At the same time, the hazard of botulism will have to remain an important consideration throughout. The Department will continue to cooperate with the industry and FDA in developing this needed information. This work should be substantially completed within 1 year's time from the date of publication of this document (on or before November 11, 1976). Both during and at the end of this period progress on achieving a nitrosamine-free product will be evaluated and a determination as to need for further action will be made. The Department recognizes that 1 year may not be adequate to resolve this matter entirely, but believes that sufficient information can be developed to better define what further steps might be necessary.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by January 12, 1976.

Any person desiring opportunity for oral presentation of views should address such request to the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: October 30, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 102]

[Docket No. 75P-0250]

FRUIT FLAVORED SWEETENED SPREADS

Proposed Common or Usual Name

The Food and Drug Administration is proposing a common or usual name for fruit flavored sweetened spreads not conforming to the definitions and standards of identity established for fruit jams and jellies because of the absence of fruit or the use of less fruit than is required by a standard. The common or usual name proposed is "sweetened spread," accompanied by a declaration of the characterizing flavor. A statement of the percentage of fruit content would also be required. Interested persons have until January 12, 1976, to submit comments.

The Commissioner of Food and Drugs has received a petition on behalf of the National Preservers Association (NPA), Atlanta, GA, as well as a subsequent clarifying letter, proposing that a new regulation be issued under the provisions of 21 CFR Part 102 establishing a common or usual name for such fruit flavored spreads not conforming to the standards of identity for fruit jams and jellies. The petitioner's proposed regulation is as follows:

§ 102. ____ *Fruit flavored spreads.*

The common or usual name for a fruit flavored spread not conforming to the standards of identity for jams and jellies shall be:

(a) When the spread contains no fruit, '_____ Spread: Contains No Fruit.'—the blank being filled in with the name of the flavor of the spread in accordance with section 1.12 of this chapter.

(b) When the spread contains fruit, '_____ Spread: Contains _____ percent ('%') less fruit than _____.'—The initial blank shall be filled in with the name of the flavor of the spread in accordance with section 1.12 of this chapter; the second blank shall be filled in with the appropriate numerical percent, in 5 percent increments, that is not less than the percentage determined in accordance with the formula in paragraph (c) of this section; and the last blank shall be filled in with the word 'jam' or 'jelly' as applicable.

(c) For purposes of this section, the percent reducton in fruit content shall be determined by the formula:

PR=[.50−(FI−Y)]×200 where—

(1) PR=percent reduction in fruit content;

(2) FI=fruit input in part by weight;

(3) Y=finished batch yield in parts by weight;

(4) 0.50 is deemd the percent fruit content of standardized jams and jellies on a finished basis at 65% soluble solids, expressed as a decimal."

As grounds in support of the proposal, NPA set forth the following:

Both NPA and FDA recognize that nonstandard fruit flavored spreads are marketed, although standards do exist for jams, jellies and preserves. FDA has, however, with the adoption of 21 CFR 1.8(e) changed its regulatory position on the conditions under which non-standard products can be marketed. Recently, by letters to Orleans, Ltd., FDA has confirmed that non-standard spreads may be sold if properly labeled as "spread" with a declaration of fruit content, but that imitation labeling is not required.

NPA does not urge that these spreads be barred from the marketplace., We believe, however, that it is crucial, in order to protect the existing standards for preserves, jams and jellies, that non-conforming products be clearly labeled to indicate their nonconformity. The promulgation of a common or usual name regulation governing these products will assure their differentiation from the standardized products which they purport to resemble.

Although 21 CFR 102.1(b) envisages a declaration of the total percentage content of the characterizing ingredient, conformity with the procedure would, in this instance, be uninformative rather than beneficial to the consumer. A total percentage declaration can only convey the needed information if the optimal percentage involved is 100 percent; in such a case, the declaration of, for example, 61 percent of the characterizing ingredients tells the consumer that the product contains 39 percent less than optimal. In the case of jams and jellies, of course, the input fruit content percentage is fixed at 45 or 47 parts by weight of fruit per 55 parts by weight of sweetner solids. The consumer, however, is unlikely to know this. Thus, to tell the customer, for example, that a spread product contains 39 percent fruit does not convey the information desired and needed. Of key importance to the consumer is knowledge of how much less of an ingredient than optimal the product contains.

Section 102.1(b) foresees that a different approach may well be needed under certain circumstances and, therefore, provides for modification by a specific regulation in Subpart B. NPA believes that the proposal which we make here will convey the maximum information to the consumer and will also afford needed protection to the existing standards for jams and jellies. Any other approach would denigrate the existing standards, and indeed suggest the lack of need for any standard or benchmark of excellence.

The Commissioner has also received correspondence from two manufacturers (members of NPA) who did not agree with the suggestion in the petition that such spreads be labeled, "_____ Spread: Contains _____% less fruit than _____." These manufacturers stated that this requirement "would have a negative effect on the shelf-appeal of the product . . . when such a product could contain more whole fruit and more fresh flavor than the standardized product." Both of the manufacturers contended that the statement "_____% fruit," based on the actual weight of input fruit, would be a more meaningful qualifying statement.

The petition from NPA, the subsequent clarifying letter, and the correspondence from the two manufacturers are available for inspection in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner does not agree that the name proposed by the petitioner describes the nonstandardized product adequately to differentiate it from the standardized product. The Commissioner proposes that the common or usual name for the nonstandardized product be "sweetened spread" followed by a qualifying statement concerning the amount of fruit present or the absence thereof. In addition, the product would be required to be labeled in accordance with the provisions in 21 CFR 1.12(i), which concerns the labeling of products for which direct or indirect representations are made about flavor. In applying the provisions of § 1.12(i)(1)(i), the proposed regulation provides that the nonstandardized spread will be considered as having an amount of characterizing ingredient insufficient independently to characterize the food. This determination is appropriate to distinguish the nonstandardized food from the standardized food because the nonstandardized spread has less characterizing fruit ingredient than is currently expected to be present in a standardized jam or jelly. The effect of this determination is to require the word "flavored" to be part of the flavor declaration, e.g., "grape flavored sweetened spread," when additional flavor is added to the product.

Furthermore, inclusion of the term "sweetened" in the proposed common or usual name is appropriate because the reduction of the fruit ingredient necessarily results in the sweetener ingredient becoming a characterizing component of the food. Since the fruit ingredient constitutes about 50 percent of the product in the standardized food, reduction of the fruit ingredient results in the sweetener becoming predominant compared to the fruit, which would otherwise be the characterizing ingredient.

The Commissioner does not agree with the petition than the method prescribed in § 102.1(b) for declaration of the percentage of a characterizing ingredient would be inappropriate for this product. The Commissioner is of the opinion that the percentage declaration of a characterizing ingredient should be the same for all nonstandardized foods made to resembled standardized foods; the use of different methods of declaration in similar situations would lead to consumer confusion. For several reasons, the preferable method is that prescribed in § 102.1(b), rather than the method recommended by the petition.

First, a consumer who wishes to compare fruit flavored swetened products containing varying amounts of fruit would receive little guidance from a declaration such as "contains 20 percent less fruit than jam" in determining which product was the better value. The value of a product labeled "contains 20 percent less fruit than jam" cannot be easily compared to a product that is labeled "contains 10 percent less fruit than jam" because the amount of fruit actually present cannot be ascertained. Although the approach suggested by the petitioner does adequately distinguish the nonstandardized product from the standardized food, its lack of usefulness in comparing one nonstandardized product with another, an equally important factor, makes the approach unacceptable. When the ingredient proportions required by standards no longer apply, information about the content of the product must be easily understandable.

Second, the comparative statement requested by the petition erroneously implies that the standardized product enjoys a higher legal status than a nonstandardized spread because a similar comparative statement would not be required to appear on the standardized food.

Third, a statement comparing a nonstandardized product to a standardized food would often be inaccurate because standards ordinarily establish minimum required proportions of characterizing ingredients and marketed products often exceed the established minimum. A manufacturer of a standardized product containing more characterizing ingredient than is required by the standard of identity may wish voluntarily to declare the percentage of characterizing ingredient present in his product; in which case, the percentage of fruit actually present in the nonstandardized product should be stated to permit accurate comparison.

The manufacturer of a standardized food who believes that consumers are not adequately informed about the fruit content of his product compared to nonstandardized products may declare the fruit content. A proposal to establish a uniform method for such declarations was published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20885).

The Commissioner therefore proposes that the method established in § 102.1(b) of the regulations be used without modification for the declaration of the percentage of fruit ingredient in the final product.

The Commissioner is also of the opinion that the qualifying statement, "_____% fruit," as suggested by the two manufacturers discussed above, would be misleading if the percentage were based solely on the actual weight of input fruit, ignoring any processing necessary to achieve the finished product, e.g., concentration or dilution. In such cases, the actual weight of input fruit would have to be adjusted for the percentage declaration accurately to reflect the percentage of fruit in the finished product.

The Commissioner proposes that the percentage of fruit in the final product be determined by using the following formula which is based on the weight of the fruit ingredient used (weight of input fruit or weight of fruit based on the juice used) divided by the weight of the finished batch (yield weight). Thus, the formula proposed is as follows:

$$\frac{\text{Weight of fruit ingredient (or equivalent)} \times \text{Percent soluble solids in the finished product}}{\text{Total weight of soluble solids before concentration or dilution} \times 100\text{—Percentage of fruit ingredient in finished product}}$$

Products that meet the requirements of the standards of identity for jams and jellies, 45 parts fruit plus 55 parts sweetener ingredient, will contain about 50 percent fruit when the percentage of fruit in the finished product is calculated by the proposed formula, based on the soluble solids content of the fruit and finished product.

The Commissioner advises that this proposed formula is useful only for determining the percentage of fruit in the finished product and cannot be applied to both fruit and nonfruit ingredients.

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Since the calculation of the percentage of fruit is based on the ratio of the weight of input fruit (based on a constant soluble solids content for the fruit) to yield weight (based on the adjustment of the total soluble solids of the mix to a specific soluble solids content in the final product), the application of the formula to the calculation of the percentage of each ingredient in the finished product would result in an apparent total of more than 100 percent when the mix is concentrated and less than 100 percent when the mix is diluted to achieve the final product.

The Commissioner also proposes that the percentage declaration of the fruit content should be stated in 10-percent increments, i.e., "less than 10 percent", "10 percent", "20 percent", etc., expressed as a multiple of 10 not greater than the percentage of fruit in the product.

Utilization of 10-percent increments based on an average soluble solids content of the fruit ingredient allows for natural variations in the actual soluble solids content of the fruit ingredients and for analytical limitations. The Commissioner is of the opinion that manufacturers, using reasonable controls and operating in accordance with good manufacturing practices, will be able to label their products accurately using the 10-percent increments.

The Commissioner is aware that the percentage declaration for those products for which a common or usual name is prescribed presents a problem of enforcement, in that analytical means alone may not be sufficient to determine the accuracy of such a percentage declaration. However, such analytical problems have existed for years, and experience suggests that through the use of a combination of establishment inspections and product analyses, it will be possible to enforce this regulation in the same manner as are the requirements for a particular fruit content of standardized jams and jellies.

A food that substitutes for and resembles another food is required to be labeled as an imitation of that food, in accordance with section 403(e) of the act (21 U.S.C. 343(e)) and § 1.8(e) of the regulations (21 CFR 1.8(e)), unless it is nutritionally equivalent to the food for which it substitutes and which it resembles. However, in accordance with § 1.8 (e)(4) a nonstandardized fruit flavored sweetened spread would not be nutritionally inferior to a standardized jam, jelly, or preserve because the standardized foods do not contain measurable amounts of any essential nutrient, i.e., at least 2 percent of the U.S. Recommended Daily Allowance. Therefore, no requirements are established in this proposed regulation to define nutritional equivalence to standardized jams, jellies, or preserves.

The Commissioner proposes to make the regulation effective for products shipped in interstate commerce after December 31, 1977.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB circular A–107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 102 be amended in Subpart B by adding a new section to read as follows:

§ 102.24 Fruit flavored sweetened spreads.

(a) The common or usual name of a fruit flavored sweetened spreadable food that fails to conform to a definition and standard of identity established in Part 29 of this chapter and that contains no fruit or less fruit than is required by the standard of identity shall be "sweetened spread."

(b) The characterizing flavor of the food shall be declared in accordance with § 1.12(i) of this chapter. For purposes of § 1.12(i)(1)(i) of this chapter, such a food is considered to have an amount of characterizing ingredient insufficient to characterize the food independently. If a generic term is used pursuant to § 1.12 (i)(3)(iii) of this chapter in lieu of naming each flavor, the term used shall be "mixed fruit."

(c) The common or usual name of a food described in paragraph (a) of this section that contains fruit shall include a statement of the percentage of the fruit ingredient(s) in the manner set forth in § 102.1(b). The percentage of each fruit ingredient, which shall be identified by its common or usual name, shall be declared in 10-percent increments, expressed as a multiple of 10 not greater than the actual percentage of the fruit ingredient in the product, except that the percentage of a fruit ingredient constituting less than 10 percent of the product shall be declared in the statement as "less than 10" percent.

(1) Products containing more than one fruit ingredient and declaring the characterizing flavor as "mixed fruit" pursuant to paragraph (b) of this section shall declare the percentage of the total fruit content.

(2) Products containing more than one fruit ingredient and declaring each characterizing flavor separately shall declare the percentage of the total fruit content, which shall be followed in parentheses by a statement of the percentage of each fruit ingredient, identified by its common or usual name.

(d) The common or usual name of a food described in paragraph (a) of this section that contains no fruit shall include the statement required by § 102.1 (c)(1) if the color of the food creates the impression that fruit is present or if the labeling of the food represents, suggests, or implies that fruit may be present, e.g., the product label bears the name or a variation of the name or any pictorial representation of any fruit. The blank in the statement required by § 102.1(c)(1) shall be filed in with the common or usual name of the appropriate fruit, or with the word "fruit" where the presence of more than one fruit is represented, suggested, or implied.

(e) For purposes of paragraph (c) of this section, the percentage of the fruit ingredient in the finished product is calculated by multiplying the weight of the fruit ingredient or equivalent used (if fruit juice is used, the equivalent weight of the fruit ingredient is determined by the method prescribed in paragraph (e)(3) of this section) by the percentage of soluble solids in the finished product (as determined by the method prescribed in paragraph (e)(1) of this section), dividing the product by the total weight of soluble solids before concentration or dilution (as determined by the method prescribed in paragraph (e)(2) of this section) and multiplying the quotient by 100, as follows:

$$\frac{\text{Weight of fruit ingredient (or equivalent)} \times \text{Percent soluble solids in the finished product}}{\text{Total weight of soluble solids before concentration or dilution}} \times 100 = \text{Percentage of fruit ingredient in finished product.}$$

(1) The soluble solids content of the finished product shall be determined by the method prescribed in the "Official Methods of Analysis of the Association of the Official Analytical Chemist" 12th Ed., 1975, section 22.019, "Insoluble Matter Absent."

(2) The total weight of the soluble solids in the product before concentration or dilution shall be the sum of the weight of the soluble solids contributed by the saccharine ingredient, the weight of the soluble solid contributed by the fruit ingredient, and the weight of soluble solids contributed by any other ingredients. The weight of soluble solids contributed by the fruit ingredient shall be the soluble solids content of the specified fruit calculated as the reciprocal of the factor given for that fruit in § 29.2 (c) of this chapter. For example, the average solids content of strawberries is 0.08, or 8 percent (the reciprocal of 12.5 as given in § 29.2(c) of this chapter); thus, 5 pounds of strawberries are equivalent to 0.40 pound of soluble solids.

(3) The equivalent weight of fruit ingredient when such ingredient is a fruit juice, whether concentrated, unconcentrated, or diluted, shall be determined by the following method: Determine the percentage of soluble solids in the fruit juice ingredient by the method for soluble solids referred to in paragraph (e)(2) of this section; multiply the percentage of soluble solids so found by the weight of the fruit juice ingredient; from the product, subtract the weight of any added sugar or other added solids; and multiply the remainder by the factor for such fruit ingredient as given in § 29.2 (c) of this chapter. The result is the weight of fruit ingredient equivalent to the amount of fruit juice used. For example: [(percent soluble solids in fruit juice × weight of fruit juice used) − (weight of nonfruit soluble solids)] × [factor from § 29.2(c) of this chapter] = equivalent weight of the fruit ingredient.

Interested persons may, on or before January 12, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–30269 Filed 11–10–75;8:45 am]

[21 CFR Parts 600, 610, 640]

[Docket No. 75N–0312]

BIOLOGICAL PRODUCTS

Additional Standards for Single Donor Plasma (Human) Products

The Commissioner of Food and Drugs is proposing to amend Part 640—Additional Standards For Human Blood and Blood Products (21 CFR Part 640) by adding a new Subpart D, which prescribes standards for single donor plasma products. Interested persons have until January 12, 1975, to submit comments.

Pursuant to section 351 of the Public Health Service Act, each manufacturer of single donor plasma products used for the prevention, treatment, and cure of diseases or injuries of man must be licensed before marketing the products in interstate commerce. Licenses for establishments manufacturing the plasma may be issued only upon a showing that the particular establishment will produce plasma that is safe, pure, potent and effective. Currently, licensing for the production and distribution of single donor plasma products is guided primarily by uncodified standards originally developed in 1954, and published by the Department of Health, Education, and Welfare as "Minimum Requirements: Single Donor Plasma (Human)."

The Bureau of Biologics, Food and Drug Administration, has been reviewing licenses for plasma products for the purpose of revising older standards of production and testing. The proposed additional standards, set forth below, include many of the provisions of the uncodified standards together with changes and additions that reflect more recent experience and scientific knowledge in the field.

Single Donor Plasma (Human) is the fluid portion of one unit of human blood intended for intravenous use which, in a closed system, has been collected, stabilized against clotting and separated from the cells. The manner in which Single Donor Plasma (Human) is processed determines the uses and names by which it is known. Single Donor Plasma (Human) may be used for the treatment of hypovolemia. When plasma is fresh frozen to preserve coagulation factors V, VIII (antihemophilic factor) and IX, it is known as Single Donor Plasma (Human) Fresh Frozen and may be used for treatment of specific clotting factor deficiencies. Plasma that is platelet rich is known as Single Donor Plasma (Human) Platelet Rich and is used in the treatment of thrombocytopenia, a condition in which the number of platelets may be inadequate to prevent bleeding. In addition, plasma that is processed to remove the antihemophilic factor, the platelets, or both is known as Single Donor Plasma (Human) AHF Removed, Single Donor Plasma (Human) Platelets Removed, and Single Donor Plasma (Human) Platelets and AHF Removed, respectively, which also may be used in the treatment of hypovolemia. Proposed § 640.34 prescribes nomenclature and requirements for these single donor plasma products.

Presently, Single Donor Plasma (Human) may be collected in an open system in which the blood and plasma containers are entered during processing, provided that a continuing check on sterile technique is conducted to reduce the risk of contamination. However, due to technological advances and increased availability of equipment, most blood-banking establishments have voluntarily converted to a closed system in which the blood and plasma containers are not entered during processing except for performance of the phlebotomy. The closed system all but eliminates the possibility of environmental contamination, thereby negating the need for a continuing check on sterile technique, and yields a product less likely to be contaminated than that collected and prepared in an open system.

To promote the manufacture of a consistently safe and effective product, proposed § 640.30, concerning the proper name and definition of the product, requires that blood collection, stabilization against clotting, and separation of plasma be conducted in a closed system.

Occasionally, Single Donor Plasma (Human) may be collected in excess of thereapeutic needs or may become outdated as a result of the need for blood banks to maintain sufficient inventory to cover emergency needs. Such outdated plasma must be disposed of, or it may be used for the manufacture of blood derivatives and reagents. Accordingly, proposed § 640.36 prescribes labeling requirements for such plasma known as Recovered Plasma (Human) from single donor plasma, i.e., plasma diverted for further manufacture into blood derivaties and reagents. The proposed standards for Single Donor Plasma (Human) do not otherwise apply to Recovered Plasma (Human) for which standards will be proposed at another time.

The Commissioner also proposes to amend § 600.15 *Temperatures during shipment* (21 CFR 600.15) and § 610.53 *Dating periods for specific products* (21 CFR 610.53) to prescribe shipping temperatures and dating periods for single donor plasma products, including Recovered Plasma (Human) from single donor plasma. The Commissioner has concluded that single donor plasma products will retain their safety, purity, potency and effectiveness for the entire length of their respective dating periods when the products are maintained at the temperatures proposed in §§ 600.15 and 610.53.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A–107, and interim guidelines issued April 1, 1975, by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments and other pertinent background data on which the Commissioner relies in proposing this regulation are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

PART 600—BIOLOGICAL PRODUCTS: GENERAL

1. In § 600.15(a) by deleting the item "Single Donor Plasma (Human), Frozen" and adding alphabetically seven new items to read as follows:

§ 600.15 Temperatures during shipment.

* * * * * *

(a) *Products.*

Product	*Temperature*
* * *	* * *
Single Donor Plasma (Human).	−18° C or colder.
Single Donor Plasma (Human) AHF Removed.	Do.
Single Donor Plasma (Human) Fresh Frozen.	Do.

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Product	*Temperature*
Single Donor Plasma (Human) Platelets Removed.	Do.
Single Donor Plasma (Human) Platelets and AHF Removed.	Do.
Single Donor Plasma (Human) Platelet Rich.	1° to 10° C or 20° to 24° C.
Recovered Plasma (Human) from single donor plasma.	—5° or colder.

• • • • • • • • • • •

Single donor plasma (human)	5 years (—18° C or colder). § 610.51 does not apply.
Single donor plasma (human) AHF removed.	Do.
Single donor plasma (human) fresh frozen.	1 year (—18° C or colder). § 610.51 does not apply.
Single donor plasma (human) platelets removed.	5 years (—18° C or colder). § 610.51 does not apply.
Single donor plasma (human) platelets and AHF removed.	Do.
Single donor plasma (human) platelet rich.	72 hours (20° to 24° C or within a 2° range between 1° and 6° C). § 610.51 does not apply.
Recovered plasma (human) from single donor plasma.	In lieu of an expiration date, the collection date shall appear on the label. The product shall be stored at —18° C.

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

3. In Part 640 by adding a new Subpart D, consisting of seven new sections, to read as follows:

Subpart D—Single Donor Plasma (Human)

Sec.
640.30 Single Donor Plasma (Human).
640.31 Suitability of donors.
640.32 Collection of source material.
640.33 Testing the blood.
640.34 Processing.
640.35 Labeling.
640.36 Plasma diverted for further manufacture.

Subpart D—Single Donor Plasma (Human)

§ 640.30 Single Donor Plasma (Human).

(a) *Proper name and definition.* The proper name of this product shall be Single Donor Plasma (Human). The product is defined as the fluid portion of one unit of human blood intended for intravenous use, which, in a closed system, has been collected, stabilized against clotting, and separated from the cells.

(b) *Source.* (1) Single Donor Plasma (Human) shall be obtained by plasmapheresis or by separating plasma from blood collected from whole blood donors.

(2) Single Donor Plasma (Human) may be obtained from a unit of Whole Blood (Human) collected by another licensed establishment.

§ 640.31 Suitability of donors.

(a) Whole blood donors shall meet the criteria for donor suitability prescribed in § 640.3.

(b) Plasmapheresis donors shall meet the criteria for donor suitability prescribed in § 640.63, excluding the phrase "other than malaria" in paragraph (c) (9) of that section. Informed consent shall be required as prescribed in § 640.61.

(c) Donors shall not be suitable if they are known to have been immunized by injection with human red blood cells or blood group substances.

§ 640.32 Collection of source material.

(a) Whole blood shall be collected as prescribed in § 640.4, except that paragraphs (d) (2) and (h) of that section shall not apply. Whole blood intended for Single Donor Plasma (Human), Single Donor Plasma (Human) Fresh Frozen, and Single Donor Plasma (Human) AHF Removed shall be maintained within a 2-degree range between 1° and 6° C until the plasma is removed. Whole blood intended for Single Donor Plasma (Human) Platelet Rich, Single Donor Plasma (Human) Platelets Removed and Single Donor Plasma (Human) Platelets and AHF Removed shall be maintained as prescribed in § 640.24 until the platelets are removed. The red blood cells shall be placed in storage at a 2-degree range between 1° and 6° C immediately after the platelets are separated.

(b) Plasma obtained by plasmapheresis shall be collected as prescribed in §§ 640.62, 640.64 (except that paragraph (c) (3) of that section shall not apply), and 640.65.

§ 640.33 Testing the blood.

(a) Blood from which plasma is separated shall be tested as prescribed in § 610.40 of this chapter and § 640.5(a), (b), (c), and (e).

(b) Pilot samples shall be collected as prescribed in § 640.69(d) and shall accompany the final product.

(c) Manufacturers of Single Donor Plasma (Human) collected by plasmapheresis shall have testing and recordkeeping responsibilities equivalent to those prescribed in § 640.69(f) and (g).

§ 640.34 Processing.

(a) *Single Donor Plasma (Human).* Single Donor Plasma (Human) shall be separated from the red blood cells within 26 days after phlebotomy, and shall be stored at —18° C or colder within 4 hours after transfer to the final container.

(b) *Single Donor Plasma (Human) Fresh Frozen.* Single Donor Plasma (Human) Fresh Frozen shall be prepared from blood collected by a single uninterrupted venipuncture with minimal damage to and minimal manipulation of the donor's tissue. The plasma shall be separated from the red blood cells, frozen within 6 hours after phlebotomy, and stored at —18° C or colder.

(c) *Single Donor Plasma (Human) Platelet Rich.* Single Donor Plasma (Human) Platelet Rich shall be prepared from blood collected by a single uninterrupted venipuncture with minimal damage to and minimal manipuation of the donor's tissue. The plasma shall be separated from the red blood cells by centrifugation within 4 hours after phlebotomy. The time and speed of centrifugation shall have been shown to produce a product with at least 250,000 platelets and no more than 20,000 red blood cells per cubic milliliter. The plasma shall be stored between 20° and 24° C, or within a 2-degree range between 1° and 6° C, immediately after filling the final container.

(d) *Single Donor Plasma (Human) Platelets Removed.* Single Donor Plasma (Human) Platelets Removed shall be the plasma product remaining after Platelet Concentrate (Human) has been removed as prescribed in Subpart C of this Part 640. Immediately after removal of the Platelet Concentrate (Human), the plasma shall be stored at —18° C or colder.

(e) *Single Donor Plasma (Human) AHF Removed.* Single Donor Plasma (Human) AHF Removed shall be the plasma product remaining after Cryoprecipitated Antihemophilic Factor (Human) has been removed as prescribed in Subpart F of this Part 640. Immediately after removal of the Cryoprecipitated Antihemophilic Factor (Human), the plasma shall be stored at —18° C or colder.

(f) *Single Donor Plasma (Human) Platelets and AHF Removed.* Single Donor Plasma (Human) Platelets and AHF Removed shall be the plasma product remaining after Platelet Concentrate (Human) and Cryoprecipitated Antihemophilic Factor (Human) have been removed as prescribed in Subparts C and F, respectively, of this Part 640. Immediately after removal of the Platelet Concentrate (Human) and the Cryoprecipitated Antihemophilic Factor (Human), the plasma shall be stored at —18° C or colder.

(g) *The final container.* (1) The final container shall be colorless and transparent to permit visual inspection of the contents; any closure shall maintain a hermetic seal and prevent contamination of the contents.

(2) The final container material shall not interact with the contents, under the customary conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity, potency and effectiveness of the product.

(3) Prior to filling, the final container shall be identified by number so as to relate it to the donor.

(h) *The final product.* (1) The final product shall be inspected immediately after separation of the plasma and shall not be issued for transfusion if there is (i) any abnormality in color or physical appearance, (ii) any indication of contamination, or (iii) more than 25 milligrams hemoglobin per 100 milliliters of plasma as determined by gross inspection.

(2) With the exception of Single Donor Plasma (Human) Platelet Rich, the final product shall be stored in a manner that will show evidence of thawing and shall not be issued if at the time of issue there is any evidence of thawing of the product or breakage of the container during storage.

(3) The final product shall not contain a preservative.

§ 640.35 Labeling.

In addition to the applicable labeling requirements of § 610.62 of this chapter and in lieu of the requirements of §§ 610.60 and 610.61 of this chapter, the container labels for Single Donor Plasma (Human) products shall bear the following information:

(a) The proper name of the product, using the nomenclature as set forth in § 640.34.

(b) The volume of source blood and plasma and the volume and type of anticoagulant present in the source blood from which the product was prepared.

(c) Blood group designations of the source blood.

(d) Donor number.

(e) Expiration date.

(f) Type of serologic test for syphilis used and the results.

(g) Type of test for hepatitis B surface antigen used and the results.

(h) Type of test for unexpected antibodies, if performed, and the results.

(i) Instructions to store the product as prescribed in § 610.53 of this chapter.

(j) A warning against further processing of frozen product if there is evidence of breakage or thawing.

(k) Instructions to thaw frozen product at a temperature between 30° and 37° C.

(l) Instructions to use the product within 2 hours after thawing.

(m) Instructions to use a filter in the administration equipment.

(n) Recommendation for administration to group compatible recipients.

(o) When applicable, a statement that the product should not be used in the treatment of coagulation defects requiring labile plasma factors.

(p) A statement to see the instruction circular for directions for use.

(q) The statement, "Caution: Federal Law prohibits dispensing without prescription."

(r) Name, address, and license number of the manufacturer.

(s) Where plasma has been prepared from whole blood processed by another licensed establishment, such fact, and the name, address, and license number of the establishment.

§ 640.36 Plasma diverted for further manufacture.

Single Donor plasma (Human) products conforming to the requirements of this subpart and outdated Single Donor Plasma (Human) products may be used for further manufacture into blood derivatives or reagents: *Provided*, That

(a) The final container has not been entered since the product was prepared.

(b) The product has been stored continuously at the temperature prescribed in § 610.53 of this chapter, except that within 72 hours from the time of phlebotomy, Single Donor Plasma (Human) Platelet Rich shall be stored at —18° C or colder.

(c) The original label is covered with a permanent paste-on label containing:

(1) The proper name of the product, Recovered Plasma (Human) from single donor plasma.

(2) The volume of the source blood and plasma and the volume and type of anticoagulant present in the source blood from which the product was prepared.

(3) Donor number.

(4) Collection date of source blood.

(5) Type of test for hepatitis B surface antigen used and the results.

(6) The statement, "Do not Administer—For Manufacturing Use Only," prominently displayed.

(7) When applicable, a statement indicating that Cryoprecipitated Antihemophilic Factor has been removed.

(8) Name, address, and license number of the manufacturer.

Interested persons may, on or before January 12, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the day through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 75-30271 Filed 11-10-75; 8:45 am]

[21 CFR Parts 610, 660]

[Docket No. 75N-0306]

BIOLOGICAL PRODUCTS

Additional Standards for Reagent Red Blood Cells

The Commissioner of Food and Drugs is proposing to amend Parts 610 and 660 (21 CFR Parts 610 and 660), by amending § 610.53 *Dating periods for specified products* (21 CFR 610.53) and by adding a new Subpart D, which prescribes standards for Reagent Red Blood Cells, to Part 660. Interested persons have until January 12, 1976, to submit comments.

Reagent Red Blood Cells (Human) is a preparation of human red blood cells used to detect or identify human blood group antibodies. Section 351 of the Public Health Service Act (58 Stat. 702 (42 U.S.C. 262)) requires that each manufacturer of Reagent Red Blood Cells (Human) be licensed before marketing it in interstate commerce. Licenses for establishments manufacturing the reagents are issued only after the particular establishment has demonstrated that it is capable of manufacturing a product that is safe, pure, potent, and efficacious. Currently, licensing for the production and distribution of Reagent Red Blood Cells (Human) is guided by uncodified standards published in 1961 by the Department of Health, Education, and Welfare, as "Tentative Control Procedures: Reagent Red Blood Cells (Human)."

The Bureau of Biologics of the Food and Drug Administration has been reviewing many licensed products, including Reagent Red Blood Cells (Human), to revise and update older standards of production and testing for publication as formal codified additional standards in the Code of Federal Regulations. The proposed additional standards below for red blood cells prepared as diagnostic reagents include many of the provisions of the published uncodified standards; they also contain changes and additions that reflect more recent scientific experience and developments.

Before a transfusion is given, precautions must be taken to ensure that the blood of the donor and that of the recipient are compatible, i.e., there are no antibodies in the plasma of the recipient that are reactive with the equivalent antigens on the donor's red blood cells. The effect of an incompatible transfusion upon the recipient varies, but a severe or even fatal reaction may result. Transfusion of an ABO incompatible unit of blood is particularly dangerous to the recipient, since the antibodies in the recipient's plasma are usually capable of causing the rapid destruction of transfused red blood cells containing the corresponding antigens. A person having Rh negative blood, on the other hand, may be sensitized, i.e., stimulated to produce antibodies, by an initial transfusion with Rh positive blood; or in the case of a pregnant Rh negative woman, by bearing an Rh positive fetus, but she would suffer no apparent ill effects at the time of transfusion or during the first pregnancy. However, any subsequent transfusion with Rh positive blood could cause a severe or even fatal reaction. Serious reactions due to incompatibility of other blood group systems are less common.

For these reasons, the blood of a donor and recipient must be tested to ensure the proper selection of compatible blood for transfusion. The tests include ABO

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and Rh grouping tests and screening tests for unexpected antibodies. Unexpected antibodies may occur in persons who, through pregnancy or previous transfusion, have been exposed to immunogens that their own red blood cells do not possess, or such antibodies may appear in individuals whose antibody-producing process has been affected so that antibodies are produced that react with the body's own tissue.

Reagent Red Blood Cells (Human) is a preparation of red blood cells prepared from human peripheral blood or human umbilical cord blood, which has been obtained from one or more donors known either to possess or lack certain blood group antigens. The product is used as an in vitro diagnostic reagent to detect and identify antibodies in human serum or plasma as determined by the agglutination or hemolysis resulting when unknown serum antibodies react with the corresponding known antigens on the red blood cells contained in the reagent. The reagent product may be prepared and packaged in the form of a cell panel, which is a group of vials of red blood cell suspensions, each vial containing distinctive cell types. The cell panel is used to identify one or more presently known antibodies, depending upon the diversity of the different cell types represented in the cell panel.

Licensed Reagent Red Blood Cells (Human) is usually marketed in small containers with labels containing information prescribed under Chapter I of Title 21 of the Code of Federal Regulations, in addition to the information prescribed in proposed § 660.35 *Labeling* (21 CFR 660.35). Therefore, to provide additional space on the container label for the information required, the Commissioner proposes to delete reference to the source "(Human)" from the proper name of the product. The Commissioner concludes that such change of the proper name will not affect the safe use of the product, since it is consistent with a clear understanding of the identity of the reagent that the source of the reagent is human red blood cells.

The labeling of Reagent Red Blood Cells must accurately identify the presence or absence of antigens for which identity tests have been performed, so that laboratory personnel are able to determine the presence and identity of unknown antibodies in the serum being tested. In the past, manufacturers of the reagents have been permitted to identify on the labeling certain antigens based on inferential evidence, such as concluding on the basis of experience that "e" antigen is present when a related antigen, "E" antigen, is absent. This practice has, for the most part, been voluntarily abandoned by the industry and replaced with more definitive serological testing, since conclusions from inferential evidence have been shown to be unreliable. Accordingly, the proposed standards require in § 660.33 *Testing of source material* (21 CFR 660.33) that a test for all antigens specified in the labeling be conducted by the manufacturer to confirm identification of all blood group antigens.

Different lots of reagents intended for determining the presence and identification of antibodies of the same blood group systems may contain different combinations of cell types. To facilitate identification of antibodies during a testing procedure, it is necessary that the cell types in each lot of product be identified by an antigenic constitution matrix corresponding to the cell types in the reagent. Accordingly, in addition to a package insert, which relates to the product in general, § 660.35 *Labeling* (21 CFR 660.35) also requires in paragraph (f) that manufacturers include an antigenic constitution matrix, which is intended to identify the specific lot of product and the blood group antigens specified present or absent.

The determining factor for detecting and identifying the presence of antibodies in blood serum by the use of Reagent Red Blood Cells is the agglutination or hemolysis, which results when the unknown antibodies in the serum react with the corresponding known antigens on the red blood cells of the reagent. This reaction becomes less distinct as the product becomes older and loses potency. As a matter of good blood-banking practice, quality control tests should be periodically conducted to asses the ability of the reagent cells to distinctly react with weak antibodies. In light of the short dating period for Reagent Red Blood Cells, the Commissioner has determined that it would be impractical to require the submission of a representative sample of each lot of Reagent Red Blood Cells to the Director of the Bureau of Biologics for approval before marketing each lot. Instead, proposed § 660.36(a) *Samples and protocols* (21 CFR 660.36 (a)) requires that samples and protocols be submitted to the Bureau after each annual inspection, as required by § 600.21 (21 CFR 600.21). Such samples will be tested by the Bureau to confirm the accuracy of testing by the manufacturer, as well as to confirm the continued ability of the product to consistently and effectively perform in accordance with its label claims. Additionally, proposed § 660.36(b) requires that a copy of the antigenic constitution matrix be submitted for each lot of product to the Director, Bureau of Biologics, to inform him of the composition and availability of the subject products on the market at any given time.

It is also proposed that § 610.53 be amended to (1) change the item "Reagent Red Blood Cells (Human)" to "Reagent Red Blood Cells," to be consistent with the proper name in the proposed additional standards, and (2) to extend the prescribed dating period of 21 days to 35 days, since licenses have been issued for such products in response to data, which has been confirmed by the Bureau of Biologics, reflecting that the reagents maintain their safety, purity, potency, and efficacy when stored at 2° to 8° C for 35 days.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB circular A–107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments and other pertinent background data on which the Commissioner relies in proposing this regulation are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Subchapter F of Chapter I of Title 21 of the Code of Federal Regulation in Parts 610 and 660 as follows:

1. Part 610 is amended in § 610.53 by revising the listing "Reagent Red Blood Cells (Human)" to read as follows:

§ 610.53 Dating periods for specified products.

* * * * *

Reagent Red Blood Cells, 35 days. § 610.51 does not apply.

* * * * *

2. Part 660 is amended as follows:

a. By adding to the table of contents the following entries:

Subpart D—Reagent Red Blood Cells

Sec.
660.30 Reagent Red Blood Cells.
660.31 Suitability of the donor.
660.32 Collection of the source material.
660.33 Testing of source material.
660.34 Processing.
660.35 Labeling.
660.36 Samples and protocols.

b. By adding a new Subpart D to read as follows:

Subpart D—Reagent Red Blood Cells

§ 660.30 Reagent Red Blood Cells.

(a) *Proper name and definition.* The proper name of the product shall be Reagent Red Blood Cells, which shall consist of a preparation of human red blood cells used to detect or identify human blood group antibodies.

(b) *Source.* Reagent Red Blood Cells shall be prepared from human umbilical cord blood or human peripheral blood meeting the criteria of §§ 660.31 and 660.32.

§ 660.31 Suitability of the donor.

Reagent Red Blood Cell donors shall meet the criteria for donor suitability prescribed under § 640.3 of this chapter, except that paragraphs (b) (5) and (6), (d), and (e) of § 640.3 shall not apply.

§ 660.32 Collection of source material.

Blood for Reagent Red Blood Cells shall be collected as prescribed under § 640.4 of this chapter, except that paragraphs (d), (g), and (h) of § 640.4 shall not apply.

§ 660.33 Testing of source material.

A sample of each blood incorporated in the Reagent Red Blood Cell product shall be individually tested to confirm identification of all blood group antigens specified as present or absent in the labeling.

§ 660.34 Processing.

(a) *Processing method.* The processing method shall be one that has been shown consistently to yield a product that is capable of detecting antibodies corresponding to all blood group antigens specified as present in the labeling throughout the dating period.

(b) *Red blood cell concentration.* Each lot of final product shall have a red blood cell concentration of not less than 2 percent.

(c) *Products prepared from pooled red blood cells.* At least 50 percent of the red blood cells in a final product prepared from pooled red blood cells shall be positive for the antigens claimed on the labeling.

(d) *Absence of antibodies.* Each lot of final product shall be free of demonstrable antibodies.

(e) *Final containers.* The final containers used for each lot of product shall be sterile, colorless, and transparent. Color coding of the product, labels, and container caps or droppers supplied with the product shall not be used.

(f) *Date of manufacture.* The date of manufacture of the product shall be the date that the blood with withdrawn from the donor. If the product consists of red blood cells from two or more donors, the date of manufacture of the final product shall be the date of withdrawal of blood from the donor of the oldest constituent blood. When a product consists of more than one vial, e.g., cell panel, the date of manufacture of each vial of the product shall be the earliest date that blood was withdrawn from the donor for any vial in the product.

(g) *Retention samples.* Retention samples shall be maintained as required by § 600.13 of this chapter, except that samples may be retained only throughout the dating period of the product.

§ 660.35 Labeling.

In addition to the items required by § 328.10 of this chapter and other applicable labeling provisions of this chapter, the following information shall be included in the labeling:

(a) The container and package labels shall indicate the percentages of red blood cells in the suspension either as a discrete figure or as a range, the extremes of which differ by no more than 2 percent.

(b) The words "pooled cells" shall appear on the container and package labels of products prepared from pooled cells. The number of donors contributing to the pool shall be specified in the package insert.

(c) The package label shall state the blood group antigens specified present or absent, or refer to such information in an accompanying antigenic constitution matrix.

(d) The package label and package insert shall bear the cautionary statement, "The reactivity of the product may decrease during the dating period."

(e) The package insert shall provide adequate instructions for use.

(f) An antigenic constitution matrix for each lot of product shall specify all blood group antigens present or absent in each vial of the package.

(g) When a package contains more than one vial, e.g., a cell panel, the package label and the label of each vial contained in the package shall be assigned the same identifying lot number, and shall also bear a number or symbol to distinguish one vial from another. Such number or symbol shall also appear on the antigenic constitution matrix.

§ 660.36 Samples and protocols.

(a) The following shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, 800 Rockville Pike, Bethesda, MD 20014, within 30 days after each annual inspection by the Bureau of Biologics personnel.

(1) A sample of each size vial of each product manufactured and packaged as for distribution. The sample shall have at least 14 days remaining on the dating period when shipped.

(2) A protocol consisting of the date of manufacture of the samples and the results of all tests performed before distribution of the lot from which the samples were taken.

(b) A copy of the antigenic constitution matrix specifying the antigens present or absent shall be submitted to the Director, Bureau of Biologics, at the time of initial distribution of each lot of panel cells. Products designed exclusively to identify anti-A, anti-A$_1$ and anti-B, as well as products composed entrely of umbilical cord cells, are excluded from this requirement.

Interested persons may, on or before January 12, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30270 Filed 11-10-75;8:45 am]

[21 CFR Part 660]

[Docket No. 75N—0313]

BIOLOGICAL PRODUCTS

Additional Standards for Blood Grouping Serum

The Commissioner of Food and Drugs is proposing to amend the biologics regulations to provide additional standards governing the manufacture of Blood Grouping Serum. The proposed effective date of the amendment is 30 days after publication of the final regulations in the FEDERAL REGISTER, except that the proposed effective date for the labeling requirements is 10 months after publication of the final regulations. Interested persons have until January 12, 1976, to comment.

The Commissioner proposed regulations, published in the FEDERAL REGISTER of November 13, 1973 (38 FR 31312), governing the manufacture of Blood Grouping Serum. Blood Grouping Serum, which consists of a sterile preparation of serum containing one or more blood grouping antibodies, is used to detect ABO, Rh-Hr, and other red blood cell antigens in blood. Interested persons were given 60 days to file written comments on the proposal.

Fifteen letters of comment were received from manufacturers and other interested persons, were carefully evaluated, and most were accepted in part or in their entirety, resulting in substantive revision of the 1973 proposed regulations. In addition, the revised regulations include requirements reflecting advances in technology and knowledge, which were not included in the 1973 proposal. Since the revised regulations are substantively different from the proposed regulations, the Commissioner has determined that the regulations should be published again as a proposal so that the final regulation will reflect the best current knowledge of all persons in the field. Accordingly, there would be little value in discussing in this preamble the comments on the 1973 proposal in great detail. The Commissioner will discuss only very briefly those substantive comments addressed to the 1973 proposal, and the new requirements concerning advances in technology and knowledge will also be highlighted.

Shortly after publication of the proposed regulations under Part 273 (21 CFR Part 273), the biologics regulations were recodified under Subchapter F, Parts 600 to 680 (21 CFR Parts 600 to 680) and the proposed regulations below reflect the recodification.

1. The Commissioner has prescribed new potency titer values in proposed § 660.25(a)(5) (21 CFR 660.25(a)(5) formerly proposed as § 273.5032(d)) concerning products for which Reference Blood Grouping Sera are not available. The new values are derived from an analysis of potency titer values of sera submitted by manufacturers to the Bureau of Biologics after publication of the 1973 proposal. These potency titer values reflect the existing capability of manufacturers to produce each specific

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antiserum at a potency equal to or exceeding the proposed required potencies.

2. The 1973 proposal simplified the labeling of all blood grouping sera final containers by (i) eliminating the requirement that the proper name of the product appear on the final container label, and (ii) providing that the source of the antiserum need not appear on the final container label, unless the source is other than human. Simplification reduces the amount of printing required on the final container label so that the antibody designations can be printed in large type, thereby reducing the chance that a technologist may select the wrong container of antiserum because of difficulty in reading the small print.

Many comments lauded the Commissioner's proposal to reduce the amount of printing on the final container label. However, three comments suggested that labels be further simplified by requiring that only the Fisher-Race nomenclature for Rh antisera appear on the label, rather than both the Wiener and Fisher-Race nomenclatures, as presently required. Another six comments suggested that the antibody designations of various antisera, such as "Anti-Fy^a Serum (Anti-Duffy)," be simplified by either removing the redundant "anti" notation from the parenthetical expression or by removing the parenthetical expression entirely.

The Commissioner agrees that simplification of the antibody designation of Blood Grouping Serum will reduce the amount of printing required on the final container label without confusing the user in distinguishing one product from another. Since the Fisher-Race nomenclature for Rh antisera generally requires less space than the Wiener nomenclature, the Commissioner is of the opinion that only the Fisher-Race nomenclature for Rh antisera should be used on final container labels of Blood Grouping Sera. The Commissioner also agrees that the redundant parenthetical phrase of a blood grouping designation should be entirely deleted on such final container labels. Accordingly, proposed § 660.28 *Labeling* (21 CFR 660.28) prescribes in paragraph (d) simplified antibody designations for final container labels of Blood Grouping Sera.

3. Four comments objected to prohibiting color coding of labels since it has been safely used for over 20 years for anti-C, anti-E, anti-CD, anti-DE, and anti-c̄ sera.

The Commissioner agrees that color coding of labels for the products suggested by the comments should be permitted. The primary purpose of the proposal to prohibit color coding of labels was to discourage the identification of a product solely by the color of its label rather than by the information on the label. However, except for blood grouping sera used in automated equipment, all blood grouping sera are packaged in volumes of 10 milliliters or less—small containers providing little space for all the necessary labeling. As indicated in item 2 of this preamble, the Commissioner proposed that certain information be removed from the container label so that the antibody designations may be printed in large type. The Commissioner is of the opinion that the type for antibody designations on blood grouping sera containers as proposed under § 660.28(a)(3) eliminates the likelihood that the product will be identified solely by the container label color. Moreover, color coding of Blood Grouping Sera container labels will serve as a practical aid to the technologist to identify expeditiously the container contents. Accordingly, proposed § 660.28(a)(1) permits color coding of certain Blood Grouping Sera final container labels.

4. The Commissioner is proposing a new provision under § 660.24(a)(2) and (c) (21 CFR 660.24(a)(2) and (c) formerly proposed as §.273.5032(a)(2) and (c)) to require the use of AB serum or bovine albumin in the prepaartion of ABO antisera and anti-D intended for potency testing by the saline tube test. The AB serum or bovine albumin is needed to retard adherence of red blood cells to the test tube during performance of the potency test, especially at higher serum dilutions.

5. In the performance of the test for nonspecific qualities, prescribed in § 660.26(b) (21 CFR 660.26(b) formerly proposed as § 273.5033(b)) the undiluted Blood Grouping Serum and the cell suspension are usually added to the test tubes with a Pasteur pipette. Since it is not critical to use exactly 0.25 milliliter, proposed § 660.26(b)(1)(i) and (ii) identify the required volumes as drops rather than as the precisely measured volume of 0.25 milliliter. Additionally, in § 660.26(b)(1)(ii), the percent concentration of cell suspension in saline is changed from 2 percent to the percentage recommended in the product package insert. The change is made to approximate testing conditions with actual conditions of use.

6. The avidity test in proposed § 660.27(a) and (b) (21 CFR 660.27(a) and (b) formerly proposed as § 273.5034(a) and (b)) has been revised to require the use of a 40-percent suspension of red blood cells for ABO and Rh test procedures, respectively. The concentration is changed from 10 percent for ABO and 50 percent for Rh-Hr prescribed in the 1973 proposal, to approximate testing conditions with actual conditions of use.

7. Since the concentration of red blood cells has been increased from 10 percent to 40 percent for the ABO test procedure, the test may be conducted in 2 minutes, rather than in 3 minutes as proposed under § 273.5034(a)(4). Accordingly, § 660.27(a)(4) requires that at the end of 2 minutes the size of the clumps shall be recorded. To simplify the measurement of the size of the clumps, § 660.27(c)(2) requires the clump size to be no less than 1 millimeter in diameter, rather than 1 square millimeter as required in § 273.5034(c)(2).

8. The Commissioner has added a new paragraph (b)(2) to § 660.26 to require that all antisera recommended for use by the antiglobulin technique be negative for the presence of anti-Bg^a, Bg^b and Bg^c antibodies. The provision is added because serum intended for antiserum production obtained from an individual sensitized by blood transfusion may contain some leukocyte antibodies, anti-HL-A7, anti-W17 or anti-W28 which are interreactive wih red blood cell antigens Bg^a, Bg^b and Bg^c, respectively. Consequently, antiserum containing anti-HL-A7, anti-W17 or anti-W28 antibodies may yield a false positive result if the blood being tested contains the Bg^a, Bg^b and Bg^c antigens.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments and other pertinent background data on which the Commissioner relies in proposing this regulation are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, pursuant to the provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 660 as follows:

1. By amending the table of contents by adding the following:

Subpart C—Blood Grouping Serum

Sec.
660.20 Blood Grouping Serum.
660.21 Processing.
660.22 Reference preparations.
660.23 Red blood cell preparations.
660.24 Potency test with reference preparations.
660.25 Potency test without reference preparations.
660.26 Specificity test.
660.27 Avidity test.
660.28 Labeling.
660.29 Samples; protocols; official release.

2. By adding a new Subpart C as follows:

Subpart C—Blood Grouping Serum

§ 660.20 Blood Grouping Serum.

(a) *Proper name and definition.* The proper name of this product shall be Blood Grouping Serum which shall consist of a sterile preparation of serum containing one or more blood grouping antibodies as set forth in § 660.28(d).

(b) *Source.* The source of this product shall be blood, plasma or serum.

§ 660.21 Processing.

(a) *Processing method.* (1) The processing method shall be one that has been shown to consistently yield a specific, potent, final product, free of properties

that would affect the product for its intended use throughout the dating period.

(2) Only that material which has been fully processed, sterile-filtered into a single vessel and thoroughly mixed in that vessel shall constitute a lot.

(3) A lot may be subdivided into clean, sterile vessels. Each subdivision shall constitute a sublot. If lots are to be subdivided, the manufacturer shall include this information in the license application. The manufacturer shall describe the test specifications to verify that each sublot is identical to other sublots of the lot and that each sublot is sterile as specified in § 610.12 of this chapter.

(4) Each lot of Blood Grouping Serum shall be identified by a lot number. Each sublot shall be identified by that lot number to which a distinctive prefix or suffix shall be added. Final container and package labels shall bear the lot number and all distinctive prefixes and suffixes that have been applied to identify the sublot from which filling was accomplished.

(b) *Color coding of antisera.* Blood Grouping Sera shall not be colored, except that anti-A may be colored blue, and anti-B may be colored yellow.

(c) *Color coding of dropper bulbs.* Dropper bulbs may be color coded to match the color of the label of each antiserum. If the dropper bulb is not color coded, it shall be black.

(d) *Final containers and dropper assemblies.* Final containers and dropper assemblies shall be sterile. For antisera for manual use, final containers and dropper pipettes shall be colorless and transparent. For antisera for automated use, final containers shall be colorless and transparent or translucent.

(e) *Volume of final product.* A final container of Blood Grouping Serum for manual use shall not contain more than 10 milliliters of the product. A final container of product for use in automated equipment shall not contain more than:

(1) 150 milliliters of product for those sera that are to be used undiluted, or

(2) 10 milliliters of product for those sera that are to be diluted for use.

(f) *Date of manufacture.* The date of manufacture shall be the date of initiation by the manufacturer of the last valid potency test reported on a protocol and submitted to the Director, Bureau of Biologics, Food and Drug Administration.

§ 660.22 Reference preparations.

The following reference Blood Grouping Sera shall be obtained from the Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014, and shall be used as described in the accompanying package insert for determining the potency of Blood Grouping Sera.

Anti-A
Anti-B
Anti-D for rapid tube test
Anti-CD for saline tube test for Anti-D only
Anti-C for rapid tube test
Anti-E for rapid tube test
Anti-c̄ for rapid tube test

§ 660.23 Red blood cell preparations.

Fresh or frozen red blood cells may be used for preparing cell suspensions for the testing of all Blood Grouping Sera under the following conditions:

(a) Fresh red blood cells shall be used within 7 days of withdrawal from the donor.

(b) Frozen red blood cells not exceeding 3 years old may be used in the preparation of cell suspensions for testing antisera for which Reference Blood Grouping Sera are available. The period of time in which frozen red blood cells may be used in the preparation of cell suspensions for testing of antisera for which no reference Blood Grouping Sera are available shall be determined on the basis of stability data submitted to the Director, Bureau of Biologics, Food and Drug Administration, demonstrating retention of antigenic reactivity and red blood cell integrity for those antigens to be used in control testing. The method of freezing, storing and thawing red blood cells, including a description of the cryoprotective medium, shall be described in detail. Frozen red blood cells shall be used on the day of thawing.

(c) Each time frozen blood cells are thawed for use in testing antisera with Anti-Human Globulin Serum, the thawed cells shall first be tested by the direct antiglobulin technique. Only those cells found negative by thhe direct antiglobulin technique shall be used in testing antisera with Anti-Human Globulin Serum.

§ 660.24 Potency test with reference preparations.

Products for which Reference Blood Grouping Sera are available shall be tested as follows:

(a) *Test procedures for ABO Blood Grouping Serum.*—(1) *Cell suspension.* (i) A 2-percent suspension of red blood cells in isotonic saline shall be prepared on the day of use. The red blood cells used shall have been washed with isotonic saline at least twice and shall result in a clear supernate.

(ii) As a minimum, the following cells shall be used:

Blood grouping serum	*Cells*
Anti-A	A_1, A_1B (A_1B cells from 3 different donors shall be used).
Anti-A, B	A_1, A_2, B.
Anti-B	B.

(2) *Serum dilutions.* (i) Beginning with undiluted serum, separate two-fold dilutions (1:2, 1:4, etc.) of the test serum and the reference serum shall be prepared using isotonic saline containing 1 to 2 percent AB serum or bovine albumin.

(ii) A separate clean pipette shall be used for each dilution to avoid carryover of higher serum concentrations.

(iii) For anti-A, B serum, unpooled Reference Blood Grouping Sera anti-A and anti-B shall be used.

(3) *The test.* Using cells listed in paragraph (a)(1)(ii) of this section, Reference Blood Grouping Sera anti-A and anti-B shall be tested in parallel with the test serum.

(i) Place 0.1 milliliter of each serum dilution in a separate clean test tube approximately 10x75 millimeters. Add 0.1 milliliter of the appropriate 2 percent cell suspension to each test tube.

(ii) Mix contents of each test tube thoroughly and centrifuge immediately for 1 minute at approximately 150 relative centrifugal force (rcf) or 20 seconds at approximately 1,000 rcf.

(4) *Interpretation of the test.* (i) The cell buttons of each test tube shall be gently dislodged and observed macroscopically. The reactions shall be graded as follows:

4+ Cell button remains in one clump.
3+ Cell button dislodges into several clumps.
2+ Cell button dislodges into many small clumps of equal size.
1+ Cell button dislodges into finely granular, but definite, small clumps.

(ii) Any doubtful reaction shall be recorded as negative. The potency titer value is the reciprocal of the greatest serum dilution for which the reaction is graded as 1+. The dilution caused by the addition of the cells shall not be considered as contributing to the dilution of the antiserum.

(b) *Test procedures for anti-D, anti-CD, anti-DE, anti-CDE, anti-C, anti-E and anti-c̄ for slide test or rapid tube test.*—(1) *Cell suspensions.* (i) A 2 percent suspension of red blood cells in 11 to 15 percent bovine albumin shall be prepared on the day of use. The red blood cells used shall have been washed with isotonic saline at least twice and shall result in a clear supernate.

(ii) As a minimum, the following cells shall be used:

Blood grouping serum	*Cells (A, B, AB, or O)*
Anti-D	ccDee.
Anti-C	Ccdee and CcDEE or CCDEE or CCdEE.
Anti-E	ccddEe.
Anti-c̄	CcDEe.
Anti-CD	ccDee, Ccddee.
Anti-DE	ccDee, ccddEe.
Anti-CDE	ccddEe, ccDee, Ccddee.

(2) *Serum dilutions.* (i) beginning with undiluted serum, separate two-fold dilutions (1:2, 1:4, etc.) of the test serum and the reference serum shall be prepared using 20 to 22 percent bovine albumin.

(ii) A separate clean pipette shall be used for each dilution to avoid carryover of higher serum concentrations.

(iii) for test sera containing multiple antibodies, e.g., anti-CDE, the corresponding unpooled Reference Blood Grouping Sera shall be used.

(3) *The test.* Using cells listed in paragraph (b)(1)(ii) of this section, Reference Blood Grouping Sera shall be tested in parallel with the test sera.

(i) Place 0.1 milliliter of each serum dilution in a separate clean test tube approximately 10 x 75 millimeters. Add 0.1 milliliter of the appropriate 2 percent cell suspension to each test tube.

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(ii) Mix contents of each test tube thoroughly and incubate test tubes at 37° C for 1 hour.

(iii) Centrifuge test tubes for 2 minutes at approximately 150 relative centrifugal force (rcf) or for 45 seconds at approximately 1,000 rcf.

(4) *Interpretation of the test.* The interpretation of the test shall be the same as described in paragraph (a) (4) of this section.

(c) *Test procedure for anti-D for saline tube test.* The test procedure shall be the same as that described in paragraph (b) (1) through (4) of this section except that the 2 percent suspensions of red blood cells and the two-fold serum dilutions shall be made in isotonic saline containing 1 to 2 percent AB serum or bovine albumin.

(d) *Potency requirements.* Products for which Blood Grouping Sera are available shall have a potency titer value at least equal to that of the reference sera.

§ 660.25 Potency test without reference preparations.

Products for which Reference Blood Grouping Sera are not available shall be tested as follows:

(a) *Products recommended for tube tests*—(1) *Cell suspensions.* (i) A 2 percent suspension of red blood cells in isotonic saline or in AB serum shall be prepared on the day of use. The red blood cells used shall have been washed with isotonic saline at least twice and shall result in a clear supernate.

(ii) As a minimum, two group O red blood cells that are heterozygous for the antigen corresponding to the test antibody shall be used. If heterozygous phenotypes are not available, other cells may be used as described in the manufacturer's license application.

(2) *Serum dilutions.* (i) Beginning with undiluted serum, separate two-fold dilutions (1:2, 1:4, etc.) of the test serum and the reference serum shall be prepared using isotonic saline or AB serum.

(ii) A separate clean pipette shall be used for each dilution to avoid carryover of higher serum concentrations.

(3) *The test.* (i) Place 0.1 milliliter of each serum dilution in a separate clean test tube approximately 10x75 millimeters. Add 0.1 milliliter of the appropriate cell suspension to each test tube.

(ii) Mix contents of each test tube thoroughly and incubate test tubes at the temperature and for the length of time recommended in the manufacturer's package insert for the product.

(iii) Perform antiglobulin test, if required in the manufacturer's package insert for the product.

(iv) Centrifuge test tubes according to the instructions in the manufacturer's package insert.

(4) *Interpretation of the test.* The interpretation of the test shall be the same as described in § 660.24(a)(4).

(5) *Potency requirements.* Blood Grouping Sera recommended for the test tube methods, including the indirect antiglobulin test, shall have the following potency titer value when tested by all methods recommended in the manufacturer's package insert using red blood cells which are heterozygous for the corresponding antigen.

(i) For anti-K, anti-$\bar{k}$, anti-Jk^a, anti-Fy^a, anti-$\bar{c}$ (rapid tube and slide and saline) and anti-C^w, at least a 1+ reaction with a 1:8 dilution of the antiserum.

(ii) For anti-S, anti-$\bar{s}$, anti-P_1, anti-M, anti-Kp^a, anti-Kp^b, anti-I, anti-C (saline), anti-E (saline), anti-$\bar{e}$ (saline), anti-U, anti-Js^a, anti-A, and anti-Fy^b, at least a 1+ reaction with a 1:4 dilution of the antiserum.

(iii) For anti-N, anti-Le^a, anti-Le^b, anti-Di^a, anti-M^g, anti-Jk^b and anti-Xg^a, at least a 2+ reaction with undiluted serum.

(b) *Products recommended for slide tests.* Blood Grouping Serums recommended for slide test methods shall produce clumps of agglutinated cells at least 1 millimeter in diameter when both undiluted serum and a 1:2 dilution of serum are tested by all methods recommended in the manufacturer's package insert using red blood cells heterozygous for the corresponding antigen. The dilution shall be made with an equal volume of group compatible serum or AB serum.

(c) *Products recommended for use in automated system.* Blood Grouping Serum recommended for use in an automated system shall be sufficiently potent that a two-fold dilution will produce the same qualitative test result as the undiluted product tested in accordance with the manufacturer's package insert. This shall be demonstrated by preparing the two-fold dilution of the antiserum with an appropriate diluent and testing it against red blood cells which are heterozygous (except for A or B or D) for the corresponding antigen by the method described in the manufacturer's package insert.

§ 660.26 Specificity test.

The product shall be specific for the antibody or antibodies indicated on the label and shall be free of nonspecific qualities.

(a) *Test procedures.* Specificity shall be demonstrated by testing the product according to all test methods described in the manufacturer's package insert. Cells selected for the test shall include both positive and negative cells for the corresponding antigen.

(1) As a minimum, the following cells shall be used when testing the specificity of Blood Grouping Sera:

Blood grouping serum	*Cells*
Anti-A	A_1, A_2B, B, O.
Anti-B	A_1, B, O.
Anti-A,B	A_1, A_2, B, O.
Anti-A_1	A_1, A_2, A_2B, A_2B, O.
Anti-D	ccDee, Ccddee, ccddEe, A_1 ccddee, B ccddee, O ccddee.
Anti-C	ccDee, Ccddee, ccddEe, A_1 ccddee, B ccddee, O ccddee.
Anti-E	ccDee, Ccddee, ccddEe, A_1 ccddee, B ccddee, O ccddee.
Anti-CD	ccDee, Ccddee, ccddEe, A_1 ccddee, B ccddee, O ccddee.
Anti-DE	ccDee, Ccddee, ccddEe, A_1 ccddee, B ccddee, O ccddee.
Anti-CDE	ccDee, Ccddee, ccddEe, A_1 ccddee, B ccddee, O ccddee.
Anti-$\bar{c}$	Ccddee, A_1, CCDee, B CCDee, O CCDee.
Anti-$\bar{e}$	ccddEe, A_1 ccDEE, B ccDEE, O ccDEE.

(2) For all other Blood Grouping Sera, cells of any ABO group which are heterozygous for the corresponding antigen, and group A_1, B, and O cells which are negative for the corresponding antigen shall be used. A,B cells may be substituted for A or B cells when either or both are unavailable.

(b) *Additional tests for nonspecific qualities.* (1) Group O cells which are negative for the antigen corresponding to the antibody in the serum under test shall be used for testing all Blood Grouping Sera in the following test procedure:

(i) Place two drops of undiluted Blood Grouping Serum into each of three clean test tubes approximately 10x75 millimeters.

(ii) To each tube add one drop of at least once-washed cell suspension in saline in the percentage recommended for use with the antiserum in the package insert.

(iii) Incubate the tubes as follows:

Tube No. 1—37° C for 1 hour.
Tube No. 2—20° o 25° C for 1 hour.
Tube No. 3—2° to 8° C for 1 hour.

(iv) Centrifuge tubes at 150 relative centrifugal force (rcf) for 2 minutes or 1,000 rcf for 45 seconds and examine each tube for agglutination, rouleaux and hemolysis.

(v) The product is satisfactory when there is no agglutination, hemolysis or rouleaux in any of the tubes.

(2) All antisera recommended for use by the antiglobulin technique shall be tested and found negative for the presence of anti-Bg^a, anti-Bg^b and anti-Bg^c using strongly reactive Bg(a+), Bg(b+), and Bg(c+) red blood cells. If strongly reactive Bg(a+), Bg(b+) or Bg(c+) cells lacking the antigen corresponding to the antibody in the serum under test are not available, the antibody may be removed from the serum under test by absorption prior to testing for anti-Bg^a, anti-Bg^b and anti-Bg^c.

§ 660.27 Avidity test.

Blood Grouping Sera recommended use by a slide method shall be tested for avidity by the appropriate test established in this section. Such sera shall be sufficiently avid that beginning agglutination occurs within 60 seconds. Agglutinated cells shall remain visible for the period of time required in this section for each serum, and at that time the aggregates shall be no less than 1 millimeter in diameter.

(a) *Test procedure for ABO Blood Grouping Serum.* (1) A 40 percent suspension of red blood cells in either AB serum or group compatible serum or plasma shall be used.

(2) One drop of undiluted test serum shall be mixed with one drop of the 40 percent cell suspension over an oval area of approximately 20x40 millimeters on an unheated glass side.

(3) The time required for agglutination to begin shall be recorded.

(4) At the end of 2 minutes the size of the clumps shall be recorded.

(5) As a minimum, the following cells shall be used:

Blood grouping serum	*Cells*
Anti-A	A_1, A_2B.
Anti-B	B.
Anti-A,B	A_1, A_2 B.

(b) *Test procedure for anti-D, anti-CD, anti-DE, anti-CDE, anti-C, anti-E, anti-$\bar{c}$ and anti-$\bar{e}$.* (1) A 40 percent suspension of red blood cells in either AB serum or group compatible serum or plasma shall be used.

(2) One drop of undiluted test serum shall be mixed with 2 drops of the 40 percent cell suspension over an oval area of approximately 20 millimeters × 40 millimeters on a glass slide continuously heated at 40° C to 50° C.

(3) The time required for agglutination to begin shall be recorded.

(4) At the end of 2 minutes, the size of the clumps shall be recorded.

(5) As a minimum, the following cells shall be used:

Blood grouping serum	*Cells (A, B, AB or O)*
Anti-D	ccDee.
Anti-C	Ccddee.
Anti-E	ccddEe.
Anti-$\bar{c}$	Ccddee.
Anti-$\bar{e}$	ccddEe.
Anti-CDE	ccDee, Ccddee, ccddEe.
Anti-CD	ccDee, Ccddee.
Anti-DE	ccDee, ccddEe.

(c) *Test procedure for other Blood Grouping Sera.* All Blood Grouping Sera recommended for the slide test, except those listed in paragraphs (a) and (b) of this section, shall be tested for avidity following instructions in the manufacturer's package insert for performing the slide test with the following provisions:

(1) Cells of any ABO group which are heterozygous for the corresponding antigen shall be used.

(2) At the end of the maximum observation period recommended in the manufacturer's package insert, the clump size shall be no less than 1 millimeter in diameter.

§ 660.28 Labeling.

In addition to the applicable labeling requirements of §§ 610.62 and 328.10 of this chapter, and in lieu of the requirements in §§ 610.60 and 610.61 of this chapter, the following requirements shall be met:

(a) *Final container label*—(1) *Color coding.* The paper of the final container label of all Blood Grouping Sera shall be completely white, except that the paper of the final container label of the following antisera may be color coded with a visual match of the specific color samples identified below and in the Standard Ink Book, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Printing on all final container labels shall be in solid black.

Blood grouping serum	*Color of label paper*
Anti-A	Blue, GP 251–B—70.
Anti-B	Yellow, GP 201–Y—100.
Slide and rapid tube test tera sera only:	
Anti-C	Pink, GP 218–R—70.
Anti-D	Grey, GP 296–GR—70.
Anti-E	Brown, GP 283–BR—70.
Anti-CDE	Orange, GP 204–Y—100.
Anti-$\bar{c}$	Green, GP 270–G—70.
Anti-$\bar{e}$	Lavender, GP 234–P—40.

(2) *Required information.* The proper name "Blood Grouping Serum" need not appear on the final container label if the final container is packaged in such a manner that all of the information required in paragraph (b) of this section is included on a package label or is otherwise visible. The final container label shall bear the following information:

(i) Name of the antibody or antibodies present as set forth in paragraph (d) of this section.

(ii) Name and license number of the manufacturer.

(iii) Lot number, including sublot designations.

(iv) Expiration date.

(v) Source of product if other than human.

(vi) Test method(s) recommended.

(vii) Recommended storage temperature.

(viii) Volume of product if a liquid, or equivalent volume for a dried product if it is to be reconstituted.

(ix) If a dried product, the statement "Reconstitution date ————. Expires 1 year after reconstitution date."

(3) *Lettering size.* The type size for the antibody designation on the labels of a final container with a capacity of less than 5 milliliters shall be not less than 12 point. The type size for the antibody designations on the label of a container with a capacity of 5 milliliters or more shall be not less than 18 point.

(4) *Visual inspection.* When the label has been affixed to the final container, a sufficient area of the container shall remain uncovered for its full length or no less than 5 millimeters of the lower circumference to permit inspection of the contents.

(b) *Package label.* The package label shall bear the following information:

(1) Proper name of the product.

(2) Name of the antibody or antibodies present as set forth in paragraph (d) of this section.

(3) Name, address (including ZIP code) and license number of the manufacturer.

(4) Lot number, including sublot designations.

(5) Expiration date.

(6) Preservative used and its concentration.

(7) Number of containers, if more than one.

(8) Volume or equivalent volume for dried products when reconstituted, and precautions for adequate mixing when reconstituting.

(9) Recommended storage temperature.

(10) Source of the product if other than human.

(11) Reference to enclosed package insert.

(12) If a dried product, a statement indicating the period within which the product may be used after reconstitution.

(13) The statement: "In Vitro Diagnostic Reagent. For professional use only."

(14) The statement "Meets FDA potency requirements."

(15) The statement "Source material from which this product was derived was found (nonreactive) (reactive) for HB_sAg when tested with licensed reagents. No known test method can offer assurance that products derived from human blood will not transmit hepatitis."

(16) A statement of an observable indication of an alteration of the product, e.g., turbidity, color change, precipitate.

(c) *Package insert.* Each final container of Blood Grouping Serum shall be accompanied by a package insert meeting the requirements of § 328.10 of this chapter.

(d) *Names of antibodies.*

Blood group designation for container label	*Optional synonym for package label and package insert*
Anti-A	None.
Anti-A_1	None.
Anti-B	None.
Anti-A,B	None.
Anti-Di^a	(Anti-Diego^a).
Anti-Fy^a	(Anti-Duffy^a).
Anti-Fy^b	(Anti-Duffy^b).
Anti-I	None.
Anti-Jk^a	(Anti-Kidd^a).
Anti-Jk^b	Anti-Kidd^b).
Anti-K	(Anti-Kell).
Anti-k	(Anti-Cellano).
Anti-Kp^a	(Anti-Penney).
Anti-Kp^b	(Anti-Rautenberg).
Anti-Le^a	(Anti-Lewis^a).
Anti-Le^b	(Anti-Lewis^b).
Anti-M	None.
Anti-N	None.
Anti-M^g	(Anti-Gilfeather).
Anti-P_1	None.
Anti-D	(Anti-Rh_o).
Anti-CD	(Anti-Rh_o').
Anti-DE	(Anti-Rh_o'').
Anti-CDE	(Anti-Rh_o''').
Anti-C	(Anti-rh').
Anti-E	(Anti-rh'').
Anti-$\bar{c}$	(Anti-hr').
Anti-$\bar{e}$	(Anti-hr'').
Anti-C^w	(Anti-rh^w).
Anti-S	None.
Anti-$\bar{s}$	None.
Anti-U	None.
Anti-Xg^a	None.

§ 660.29 Samples; protocols; official release.

(a) *Samples and protocols.* For each lot of product, the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Admin-

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istration, Building 29A, 8800 Rockville Pike, Bethesda, MD 20014.

(1) *Liquid products.* (i) Randomly selected final container samples of the product which have been filled in one continuous operation and packaged and labeled as for distribution, or

(ii) If a lot of fully processed product is divided into sublots, randomly selected final container samples filled in one continuous operation and packaged and labeled for distribution shall be considered representative of the entire lot.

(iii) Not less than the following quantities shall be submitted:

Liquid products

Final container size (in milliliters)	Number of final containers to be submitted for serum recommended for—	
	Manual use	Automated use
1	5	.....
2	3	.....
5	2	.....
10	2	3
>10	.....	2

(2) *Dried products.* (i) Randomly selected final container samples of the dried product from each oven of each drying operation.

(ii) Not less than the following quantities shall be submitted:

Dried products

Final container size (in milliliters)	Number of final containers to be submitted for serum recommended for—	
	Manual use	Automated use
0.5	12	.....
1.0	6	.....
2.0	4	.....
5.0	3	.....
10.0	3	3
>10.0	.....	3

(iii) At least 200 milligrams of dried product shall be submitted for a test to determine moisture content. Samples for moisture testing may be either (*a*) final container material of the product, or (*b*) dummy samples of material with the same protein concentration as the product, filled in the same size vials, with the same volume as the product. Such samples shall be appropriately labeled before drying and placed in random locations throughout the drying equipment.

(3) *Protocol.* A protocol which shall consist of a summary of the history of manufacture of the lot. The history shall include: (i) Results of all tests which are required by these regulations; and (ii) a listing of each lot of reprocessed material incorporated into the lot including the lot number, date of manufacture, and the proportion of each reprocessed lot in the final product.

(b) *Official release.* A lot of Blood Grouping Serum shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Bureau of Biologics, Food and Drug Administration.

Interested persons may, on or before January 12, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852 written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours Monday through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30272 Filed 11-10-75;8:45 am.]

Office of Education

[45 CFR Part 121k]

REGIONAL EDUCATION PROGRAMS

Notice of Proposed Rulemaking

Pursuant to the authority contained in Section 625 of the Education of the Handicapped Act (20 U.S.C. 1421a), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 121k to read as set forth below.

The proposed regulation would set forth rules and criteria governing the award of grants and contracts to institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies for the development and operation of specially designed or modified programs of voactional, technical, postsecondary, or adult education for deaf or other handicapped persons.

The proposed regulation would apply to all grant and contract awards made with funds appropriated pursuant to Section 625.

(a) *Summary of proposed regulation.* 1. *Organization.* The proposed regulation is divided into two subparts: Subpart A contains general provisions and Subpart B contains provisions covering application requirements, criteria, priorities, and the types of activities which will be supported.

2. *Subpart A—General.* (i) The purpose of assistance under Part 121k as set forth in § 121k.3 is for the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons.

(ii) Section 121k.4 covers the parties eligible for assistance, which are institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies.

3. *Subpart B—Applications; activities.* (i) Section 121k.5 sets forth application requirements. All applications must, among other things, contain a plan for the provision of an integrated comprehensive range of services and resources which will assist in integrating handicapped persons into the school's regular educational program and in enabling them to compete academically with nonhandicapped students.

(ii) Section 625 of the Act (repeated in § 121k.17) provides that priority consideration for funds under this program must be given to:

(A) Programs serving multistate regions or large population centers;

(B) Programs adapting existing programs of vocational, technical, postsecondary or adult education to the special needs of handicapped persons; and

(C) Programs to serve areas where a need for these services is clearly demonstrated.

(iii) Section 121k.19 sets forth a list of activities, services, and resources which are illustrative of the types of activities which will be supported. These are all aimed at helping the handicapped student integrate successfully into a nonhandicapped school environment. Services such as auditory training, interpreters, notetakers, and readers, and preparatory and orientation services may be supported. Funds cannot be used for tuition payments.

(b) *Citation of legal authority.* As required by section 431(a) of the General Education Provisions Act, a citation of statutory or other legal authority for each section of the regulation has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the immediately preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

(c) *Other applicable regulations.* The proposed legislation does not contain provisions relating to general fiscal and administrative matters. Requirements of this nature with respect to assistance under this part are covered by the Office of Education General Provisions Regulations (45 CFR Part 100a), which include rules on direct and indirect costs. Federal procurement contracts are covered by 41 CFR chapters 1 and 3.

(d) *Notice to prospective applicants.* This first publication is not the final regulation. It is followed by a thirty-day period which allows interested members of the public to submit comments and recommendations. Each comment will be given careful consideration and will be responded to in substance in the preamble to the final regulation.

Following this review, the regulation will be published in final form, with any appropriate changes, in the FEDERAL REGISTER.

In the meantime, in addition to providing comments on the proposed regulation, prospective applicants may wish at this early stage to reflect upon the scope and nature of the projects they may later propose for awards in the light of the criteria set forth in this notice.

(e) *Submission of comments.* All interested parties are invited to submit written comments and recommendations concerning the proposed rule to Mr. Melvin R. Ladson, Jr., Program Development Branch, Room 2018, ROB–3, Bureau of Education for the Handicapped, USOE, 400 Maryland Ave., SW., Washington, D.C. 20202. Comments and recommendations will be available for public inspection at the above address on Mondays through Fridays between 8:30 a.m. and 4 p.m. All relevant material must be received not later than December 11, 1975.

Dated: September 24, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance No. 13.560, Regional Education Program for Deaf and other Handicapped Persons)

PART 121k—REGIONAL EDUCATION PROGRAMS

Subpart A—General

Sec.
121k.1 Scope.
121k.2 Definition of handicapped persons.
121k.3 Purpose.
121k.4 Eligible parties.

Subpart B—Applications; Activities

121k.15 Application requirements.
121k.16 Initial year application.
121k.17 Priorities.
121k.18 Criteria for evaluation of applications.
121k.19 Services, activities, and resources to be supported.
121k.20 Auxiliary activities.

AUTHORITY: Section 625 of Pub. L. 91-230, as amended, 88 Stat. 584 (20 U.S.C. 1424a), unless otherwise noted.

Subpart A—General

§ 121k.1 Scope.

(a) This part applies to programs funded under section 625 of the Act.

(b) Programs funded under this part are subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1421a)

§ 121k.2 Definition of handicapped persons.

For the purposes of this part, the term "handicapped persons" means persons who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, emotionally disturbed, crippled, or in other ways health impaired and by reason thereof require special education programming and related services.

(20 U.S.C. 1424a(c))

§ 121k.3 Purpose.

Payment of Federal funds under this part may be made to eligible parties for the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons.

(20 U.S.C. 1424a(a))

§ 121k.4 Eligible parties.

Parties eligible to receive Federal funds under this part are institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies.

(20 U.S.C. 1424a(a))

Subpart B—Applications; Activities

§ 121k.15 Application requirements.

Applications for funds under this part shall be submitted to the Commissioner in accordance with Subparts B and C of Part 100a of this chapter and shall contain the following additional information:

(a) A description of the handicapping conditions of the persons to be served;

(b) Specification of the resources and services needed by the handicapped persons to be served which will assist in the successful integration of those handicapped persons into a nonhandicapped school population and regular educational program;

(c) A plan for provision of an integrated comprehensive range of services and resources specified in paragraph (b) of this section to assist handicapped participants in competing academically with nonhandicapped students;

(d) Provision for a survey covering the geographical area from which potential participants in the program will be drawn, and assessment of the needs of such participants;

(e) A description of the procedures and resources which will be used to determine and provide the services necessary to meet the special individual needs of each handicapped person who will participate in the program;

(f) A description of the objectives of the program in relation to the specific services which will be provided for the handicapped persons to be served; and

(g) A description of the procedures which will be used for evaluation of the programs as required under § 100a.276 of this chapter, including the evaluation of:

(1) The services to be provided;

(2) The resources to be used;

(3) The progress of the handicapped persons to be served;

(4) The strategies for followup of the handicapped persons participating; and

(5) The needs assessment carried out under paragraph (d) of this section.

(20 U.S.C. 1424a)

§ 121k.16 Initial year application.

An initial year application for funds under this part shall contain, in addition to the information required under § 121k.15, the following:

(a) A description of the geographical region or regions or population centers to be served, including the demographic characteristics;

(b) The anticipated number of handicapped participants to be served in the program who currently are not being provided with an appropriate and/or adequate education program;

(c) The estimated number of handicapped persons to be served annually under the program;

(d) The criteria which will be used to determine whether a person is handicapped for purposes of participating in the program;

(e) A description of sources of support and supplementary services such as housing, health care, and recreation, which will be available for use in the program;

(f) A description of how the requirement under § 100a.275 of this chapter for coordination with other agencies will be met; and

(g) A plan for long range funding which includes strategies for increasing the amount of funds for the program from sources other than under this part.

(20 U.S.C. 1424a)

§ 121k.17 Priorities.

Priority consideration for Federal funds under this part will be given to:

(a) Programs serving multistate regions or large population centers;

(b) Programs adapting existing programs of vocational, technical, postsecondary, or adult education to the special needs of handicapped persons; and

(c) Programs designed to serve areas where a need for these services is clearly demonstrated.

(20 U.S.C. 1424a(b))

§ 121k.18 Criteria for evaluation of applications.

In addition to the criteria set forth in § 100a.26(b) of this chapter, applications will be evaluated on the basis of the following factors:

(a) Whether the program under this part will be carried out in facilities easily accessible to physically handicapped persons;

(b) Whether the program will be located in an area in which public transportation is readily available, or transportation will be provided at reasonable cost to handicapped persons participating in the program;

(c) Whether the program will serve handicapped persons for whom other appropriate education programs are not readily available; and

(d) The likelihood that the services provided under the proposed program will be continued by the applicant following the expiration of Federal funding under this part as measured by evidence of financial and other commitment of the applicant to the program and other funds available to the program.

(20 U.S.C. 1424a)

§ 121k.19 Services, activities, and resources to be supported.

(a) *Illustrative services.* The following is an illustrative list of the types of resources, services, and activities which

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may be supported (in whole or in part) under this part:

(1) Interpreters;
(2) Tutors;
(3) Notetakers and readers;
(4) Wheelchair attendants;
(5) Guidance counselors;
(6) Auditory training;
(7) Job placement and followup;
(8) Preparatory and orientation services;
(9) Supplementary learning experiences;
(10) Instructional media;
(11) Inservice training relating to the handicapped participants in the program, for teachers and other educational staff;
(12) Administrative expenses such as employment of a director, administrator, or coordinator for the program; and
(13) Planning and evaluation activities.

(20 U.S.C. 1424a)

(b) *Tuition.* Federal funds provided under this part shall not be used for the payment of tuition or subsistence allowances.

(c) *Construction and remodeling.* Federal funds provided under this part shall not be used for costs of construction (as defined in § 121.2 of this chapter), except for the costs of minor remodeling (as defined in § 100.1 of this chapter) which, for the purposes of this part, may include the acquisition, installation, modernization, or replacement of equipment.

(20 U.S.C. 1404, 1424a)

§ 121k.20 Auxiliary activities.

(a) Applications for Federal funds under this part shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act.

(b) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121e of this chapter.

(20 U.S.C. 1424, 1424a)

[FR Doc.75-30119 Filed 11-10-75;8:45 am]

Office of the Secretary

[45 CFR Part 1501]

SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

Notice of Proposed Rule Making

Pursuant to the authority contained in Section 404 of the General Education Provisions Act (20 U.S.C. 1221d), "Support for improvement of postsecondary education," notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend the existing regulations for this program as set forth below. The proposed amendments to the regulations, reflected in sections 1501.7-10, would: (a) redefine the Comprehensive Program objectives to incorporate concerns addressed by special focus and national projects competitions in the past years; (b) revise the Comprehensive Program objectives into more specific problem statements; and (c) eliminate one of the previous four general criteria utilized in reviewing proposals, due to its lack of specificity. These amendments are proposed to improve the implementation of Section 404 as the result of program operating experience. The amendments would revise the regulations published in 40 FR 12266-9 (March 18, 1975).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the office administering this program, the Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare, 400 Maryland Avenue, S.W., Room 3141, Washington, D.C. 20202. All relevant material must be received not later than December 11, 1975. Comments received will be available for public inspection at the above office Monday through Friday between 9:00 a.m. and 5:30 p.m.

(Catalog of Federal Domestic Assistance No. 13.538; Fund for the Improvement of Postsecondary Education)

Dated: NOVEMBER 3, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

It is proposed that 45 CFR Part 1501 be amended as follows:

1. Section 1501.7, paragraphs (b) (1) and (6) are revised as follows:

§ 1501.7 Criteria for evaluating applications.

* * * * * *

(b) * * *

(1) Has the potential for advancing one or more of the following general goals of the Fund:

(i) To increase the cost-effectiveness of educational services;

(ii) To achieve far-reaching improvements in postsecondary education;

(iii) To promote learner-centered improvements in postsecondary education;

* * * * *

(6) Meets one or more of the objectives of the Comprehensive Program set forthin section 1501.8.

(20 U.S.C. 1221d)

2. Section 1501.8 is revised to read as follows:

§ 1501.8 Comprehensive program objectives.

The Fund will accept preapplications and applications (from those applicants whose preapplications are approved) directed toward one or more of the following objectives, in the context of postsecondary education:

(a) Reducing costs and stretching the educational dollar;

(b) Extending effective educational opportunity to those still not adequately served by the educational system;

(c) Meeting individual needs in a mass educational system;

(d) Improving programs, personnel, and instruction for more effective education;

(e) Creating and applying more meaningful standards of excellence for education beyond high school;

(f) Making better use of educational resources beyond colleges and universities;

(g) Helping people make better choices about whether, when, and where to enroll for education beyond high school;

(h) Increasing flexibility throughout postsecondary education to permit greater responsiveness to changing social and economic needs.

(20 U.S.C. 1221d)

§ 1501.9 [Removed]

3. Section 1501.9 is deleted and reserved.

§ 1501.10 [Amended]

4. In section 1501.10, paragraph (1) is amended by deleting the phrase "or § 1501.9(a)".

[FR Doc.75-30263 Filed 11-10-75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

[36 CFR Part 606]

TERMINATION OF AREA LICENSES FOR OFFICIAL COMMEMORATIVES IN CERTAIN PRODUCT CATEGORIES

Notice of Proposed Rulemaking

Notice is hereby given that the American Revolution Bicentennial Administration (ARBA) proposes to amend Part 606 of Title 36 of the Code of Federal Regulations to terminate the issuance of licenses for officially recognized commemoratives of the American Revolution Bicentennial Administration in product categories licensed on or before January 31, 1976. The proposed change would authorize the Administrator to continue to issue licenses subsequent to January 31, 1976, in product categories not previously licensed. Both the regulations establishing the initial licensing program and these revisions are pursuant to the provisions of Public Law 93-179, as amended.

Purpose. At its meeting of August 22, 1974, the American Revolution Bicentennial Board established policies for an ARBA official commemorative licensing program. In implementation of these policies, the ARBA established regulations set forth in 36 CFR 606. To date ARBA has issued 96 licenses in 30 product categories.

At its meeting of October 30, 1975, and upon recommendation of the Administrator, the Board authorized the Administrator to publish a notice of a proposed revision in the ARBA licensing program establishing a date beyond which additional licenses in product categories already licensed would not be further licensed but authorizing the Administrator subsequent to such date to issue licenses in product categories not theretofore licensed.

These revisions are proposed to assure an appropriate selection of official commemoratives and to encourage licensees to provide maximum distribution of all licensed products to the American public.

Interested persons are invited to submit written comments to the General Counsel, American Revolution Bicentennial Administration, 2401 E Street NW., Washington, D.C. 20276. Comments received on or before December 11, 1975, will be considered before final action is taken on the proposal. Copies of all written comments will be available for examination by interested parties in Room 7240, Columbia Plaze Office Building, 2401 E Street NW., Washington, D.C. .

It is proposed to amend 36 CFR Part 606 by the deletion of § 606.105 "Initial product areas and categories" and by the revision of § 606.101 "Non-exclusive licenses" as follows:

§ 606.101 ARBA Licenses.

ARBA licenses may be issued for product categories not already licensed which are determined to be commemorative, historical, educational, and informational in nature, as relating to our Nation's heritage, the present commemoration of the Bicentennial, and our future. ARBA licenses may also be issued for educational or commemorative premium campaigns where the end result is the free or low-cost dissemination of Bicentennial information or keepsake materials to the general public, including premiums in connection with fresh or processed food products.

JOHN W. WARNER,
Administrator.

NOVEMBER 5, 1975.

[FR Doc.75-30261 Filed 11-10-75;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[General Order 13; Docket No. 75-28]

COMMON CARRIERS, CONFERENCES, AND MEMBER CARRIERS OF RATE AGREEMENTS

Submission of Revenue and Cost Data, Concerning General Rate Increases and Certain Subcharges; Further Enlargement of Time To Comment

Noticed of proposed rulemaking in this proceeding was published August 11, 1975, (40 FR 33688). Time for filing comments was set for September 5, 1975, and subsequently enlarged by 60 days to November 5, 1975. With this seemingly ample amount of time having been afforded for preparation of comments we are now presented, on the very eve of the due date, with a request for additional time on behalf of six different counsel representing numerous conferences and carriers.

While we have determined to grant the request for additional time, it should be pointed out that it is done with reluctance because of the disservice that grant of a last minute request does to the more diligent counsel who meets a deadline before notice of extension can be published.

Time within which comments may be filed in response to the notice of proposed rulemaking in this proceeding is enlarged to and including November 18, 1975. Reply of Hearing Counsel shall be filed on or before December 18, 1975. Answers to Hearing Counsel shall be filed on or before January 5, 1976.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30875 Filed 11-10-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 450]

ADVERTISING FOR OVER-THE-COUNTER DRUGS

Notice of Proposed Rulemaking; Public Hearings

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part I, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5, U.S. Code (Administrative Procedure), has initiated a proceeding for the promulgation of a trade regulation rule concerning advertising for over-the-counter drugs.

In accordance with the above notice, the Commission proposes to amend Subchapter D, Trade Regulation Rules, of 16 CFR Chapter I by adding a new Part 450 to read as follows:

PART 450—ADVERTISING FOR OVER-THE-COUNTER DRUGS

Sec.
450.1 The rule.
450.2 Definitions.

AUTHORITY: The provisions of this Part 450 issued under 38 Stat. 717, as amended, 15 U.S.C. 41, et seq.

§ 450.1 The rule.

It is

(a) An unfair or deceptive act or practice in violation of Section 5 of the Federal Trade Commission Act, and

(b) The dissemination or causing to be disseminated of a false advertisement in violation of section 12 of the Federal Trade Commission Act, to disseminate or cause to be disseminated (by United States mails, or in or affecting commerce by any means, for the purpose of inducing, or which is likely to induce, the purchase of the advertised product) an advertisement for any over-the-counter drug in any drug category for which an applicable final monograph has been established by the Food and Drug Administration, pursuant to 21 CFR Part 330, which advertisement makes any claim, directly or by implication, which the Commissioner of Food and Drugs has determined, in a final order accompanying such monograph, may not appear in the labeling of such drug.

§ 450.2 Definitions.

For the purpose of this part, the following definitions shall apply:

(a) **"Advertisement"** shall mean any written or verbal statement, illustration or depiction, other than a label or in the labeling, which is designed to promote the sale of a product, whether the same appears in a television or radio broadcast, newspaper, magazine, leaflet, circular, mailer, book insert, catalog, sales promotional material, other periodical literature, billboard, public transit card, or in any display intended for use at the point of purchase of the product.

(b) "Commerce" shall mean commerce as it is defined in the Federal Trade Commission Act.

(c) "Over-the-counter drug" shall mean any drug as defined in Section 15 (c) of the Federal Trade Commission Act, excluding all prescription drugs as described in Section 503(b)(1) of the Federal Food, Drug and Cosmetic Act.

(d) "Drug category" shall mean any of those categories designated by the Commissioner of Food and Drugs at 21 CFR 330.5.

STATEMENT OF REASONS FOR THE PROPOSED RULE

The Food and Drug Administration is presently engaged in a comprehensive evaluation of the safety and efficacy of all over-the-counter (non-prescription) (OTC) drugs. Under procedures set forth at 21 CFR 330.10, the Commissioner of Food and Drugs is establishing conditions under which all over-the-counter drugs will be classified in one of three ways:

(a) Category I: Generally recognized as safe and effective and not misbranded;

(b) Category II: Not generally recognized as safe and effective; or,

(c) Category III: Data are insufficient for classification and further testing is therefore required. Marketing of products with ingredients placed in Category II is prohibited. Marketing of products with a Category III ingredient is allowed for a specified period, if the manufacturer or distributor undertakes adequate testing to prove that the ingredient is in fact safe and effective. Product claims placed in Category II are forbidden to appear in labeling, while Category III claims may continue for a designated period if testing is begun.

The Commission has reason to believe that:

(a) The determination by the Commissioner of Food and Drugs that a drug product is not safe or effective for a condition for which it is being advertised is a material fact that would have a most serious effect upon a consumer's determination of whether or not to purchase the drug;

(b) A substantial portion of the consuming public assumes that drugs could not be marketed unless the Food and Drug Administration has found them safe or effective for their intended use;

(c) The practice of advertising a drug for conditions for which the Commissioner of Food and Drugs has determined the drug is not safe or is not effective is deceptive within the meaning of Section 5 of the Federal Trade Commission Act (15 U.S.C. 45, as amended) and such advertisements are "false" within the

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meaning of Sections 12 and 15 of the Federal Trade Commission Act (15 U.S.C. 52, 55 as amended);

(d) Section 450.1 is necessary to prevent the use of such deceptive practices and the dissemination of such false advertisements.[1]

The Commission's authority, however, is not limited to preventing deceptive acts or practices or false advertisements. The Commission can proceed on the theory that a practice is unfair where it offends public policy. The Commission has reason to believe that:

(e) The making of claims in advertising for drugs which the Food and Drug Administration has determined may not lawfully be made would nullify important public policies basic to the regulatory scheme which Congress has enacted for the protection of the public health. A critical element of the regulatory scheme adopted by Congress in the 1962 Drug Amendments to the Federal Food, Drug and Cosmetic Act, 70 Stat. 780, amending 21 U.S.C. 301, *et seq.*, is that a "new drug" as therein defined may not be lawfully marketed until FDA has affirmatively concluded that the drug is effective for its intended use. Whether such claims are ultimately shown to be valid is not controlling. A determination by the FDA Commissioner, under the monograph program, that a drug is not "generally recognized as safe and effective" for a particular use (i.e. category II) for a particular condition is a finding that such a drug, when marketed for that use is a "new drug" that may not lawfully be marketed without formal FDA approval, in the form of an effective new drug application. Moreover, Congress has established criminal penalties for any such unlawful marketing of unapproved "new drugs" 21 U.S.C. 301(d), 303. The Supreme Court has recognized that the Commissioner is uniquely qualified to make such a determination, subject only to judicial review.[2] To permit drug advertising claims to be made for a use for which the drug may not lawfully be marketed would nullify the strict scheme of premarketing control which Congress has determined is necessary for public protection.

(f) There is in addition a public policy, embodied in the Federal Food, Drug and Cosmetic Act, that the labeling of a drug be a comprehensive source of information about that drug and provide adequate directions for use for all uses of the drug intended by the manufacturer. For a manufacturer to promote the product through media advertising for a use not mentioned in the labeling and for which no labeling directions are given would conflict with an express statutory command that the label contain adequate directions for use, and clearly would violate public policy.[3]

Therefore, the Commission proposes to adopt a trade regulation rule prohibiting the making of any product claim in advertising which FDA has prohibited, in an applicable final order, in labeling.

The Commission has concluded that the proposed rule is not a "major Federal action significantly affecting the quality of the human environment", within the meaning of Section 102(c) of the National Environmental Policy Act of 1969, and consequently, the Commission need not make a detailed environmental impact assessment. The proposed rule would not require or prohibit the sale of any over-the-counter drug, but is designed simply to eliminate the dissemination of false, deceptive or unfair product claims. Any effect that the promulgation of this regulation might have upon over-all consumption of over-the-counter drugs or demand for specific OTC drugs or upon the use of materials in manufacturing such drugs, and the consequent effect upon the environment, is entirely speculative and would be extremely remote. At this time, the Commission envisions no significant environmental impact from this rule.

INVITATION TO PROPOSE ISSUES OF FACT FOR CONSIDERATION IN PUBLIC HEARINGS

All interested persons are hereby given notice of opportunity to propose any disputed issues of fact. The Commission or its duly authorized presiding official shall, after reviewing submissions hereunder, identify any such issues in a notice which will be published in the FEDERAL REGISTER. Such issues shall be considered in accordance with Section 18(c) of the Federal Trade Commission Act as amended by Public Law 93-637, and rules promulgated thereunder. Proposals shall be accepted until January 12, 1976, by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as a "Proposal Identifying Issues of Fact—OTC Drug Advertising Rule" and furnished, when feasible and not burdensome, in five copies. The times and places of public hearings will be set forth in a later Notice which will be published in the FEDERAL REGISTER.

INVITATION TO COMMENT ON THE PROPOSED RULE

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law or policy which may have some bearing upon the proposed rule. Written comments, other than proposed disputed issues of fact, will be accepted until forty-five days before commencement of public hearings, but at least until Jan. 12, 1976. To assure prompt consideration of a comment, it should be identified as an "OTC Drug Advertising Rule Comment" and furnished, when feasible and not burdensome, in five copies.

Issued: November 11, 1975.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-30256 Filed 11-10-75;8:45 am]

[1] The Commission believes that the mere disclosure of the fact that the FDA had concluded that the product is not efficacious for the claimed use will not sufficiently remedy the deceptions heretofore described. Such a disclosure could well be susceptible to conflicting interpretations by consumers, including the false interpretation that the FDA's findings were merely preliminary, or were just one opinion to be balanced against other contrary opinions. In fact, however, a finding by FDA as a result of the OTC review that a product is ineffective for a claimed use means that the product is not generally recognized as effective for such use. Accordingly, absent formal FDA approval such product may not, under Section 505 of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 355, lawfully be sold for that use at all. To permit the advertising of a drug for such a use as long as it is accompanied by a disclosure that the drug may not be lawfully sold for such use would be to permit two basically contradictory messages to remain in the advertisement. It is well established that in fashioning a remedy for deceptive advertising the Commission need not permit ambiguity and confusion. See *Continental Wax Corp.* v. *FTC*, 330 F. 2d 475 (2d Cir. 1964); Cf. *United States* v. *An Article of Food . . . Labeled . . . Nuclomin*, 482 F. 2d 581 (8th Cir. 1973).

[2] *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973).

[3] See *United States* v. *An Article of Drug. . . .*, 362 F. 2d 923 (3d Cir. 1966.)

VETERANS ADMINISTRATION

[41 CFR Parts 8–1, 8–4, 8–16]

ARCHITECT-ENGINEER SERVICES

Proposed Regulatory Development

The Veterans Administration proposes regulatory revision of Part 8–4, Title 41, Code of Federal Regulations, to revise and relocate material on the procurement of architect-engineer services to conform with the arrangement of Federal Procurement Regulations, and to add material formerly contained in internal agency regulations.

Interested persons are invited to submit written comments, suggestions, or objections regarding these proposals to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before December 11, 1975 will be considered. All comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

It is proposed to amend Chapter 8, Title 41, Code of Federal Regulations as follows:

1. A new Subpart 8–1.10 is added to read as follows:

Subpart 8–1.10—Publicizing Procurement Actions

Sec.
8–1.1003 Synopses of proposed procurement.
8–1.1003–3 Special areas of negotiation.

Subpart 8–1.10—Publicizing Procurement Actions

§ 8–1.1003 Synopses of proposed procurements.

§ 8–1.1003–3 Special areas of negotiation.

To facilitate the use of alternative procedure in FPR 1–1.1003–3 for publicizing a proposed procurement of architect-engineer services in a daily newspaper circulated in the local area, contracting officers are hereby delegated authority to procure such paid advertising (see § 8–16.301–50).

2. A new Subpart 8–4.10 is added to read as follows:

Subpart 8–4.10—Architect-Engineer Services

Sec.
8–4.1001 General policy.
8–4.1004 Selection.
8–4.1004–1 Establishment of architect-engineer evaluation boards.
8–4.1004–2 Functions of the evaluation boards.
8–4.1004–3 Evaluation criteria.
8–4.1004–4 Action by agency head or his authorized representative.
8–4.1004–5 Procedure for procurements estimated not to exceed $10,000.
8–4.1005 Negotiation Procedures.
8–4.1005–1 General.
8–4.1005–4 Architect-engineer's proposal.
8–4.1005–5 Contract price.
8–4.1050 Application of 6-percent architect-engineer fee limitation.

Subpart 8–4.10—Architect-Engineer Services

§ 8–4.1001 General policy.

The provisions of this subpart pertain to the general policies and procedures for the procurement of professional architect-engineer services as set forth in FPR 1–4.10, and are not applicableto contracts entered into pursuant to the authority of 38 U.S.C. 1820.

§ 8–4.1004 Selection.

§ 8–4.1004–1 Establishment of architect-engineer evaluation boards.

In the case of Central Office contracts, selection will be made by the board appointed by the Assistant Administrator for Construction. Selections made by field stations will be by a board appointed by the station head.

(a) The evaluation board appointed by the Assistant Administrator for Construction will be composed of four or more qualified professional architects or engineers including the Director of Architecture and Engineering of the Office of Construction who will act as Chairman. Membership of the board will also include the appropriate project director and technical service directors most involved in the project for which the selection is being made. Additional members from other departments and staff offices will be designated for special type projects when appropriate.

(b) The evaluation board for a Veterans Administration field station will consist of no less than two members, one of whom will be the senior contracting officer, and the other the Engineer Officer. Where a station has two or more engineers on its staff, an additional engineer will be appointed to the board. The chairman of the board will be the senior engineer.

§ 8–4.1004–2 Functions of the evaluation boards.

(a) The evaluation board will review the data submitted by the firms and from that file will preselect the firms which have the basic qualifications for performing the services needed. The factors stated in the announcement publicizing the proposed procurement (see FPR 1–1.1003–7) will be used in determining whether a firm is qualified for inclusion on the preselection list.

(b) In the evaluation of the qualifications of the firms on the preselection list, the board will perform the functions as outlined in FPR 1–4.1004–2, applying the evaluation criteria set forth in FPR 1–4.1004–3 and that established in § 8–4.1004–3, and will recommend no less than three firms (to the Assistant Administrator for Construction in the case of Central Office contracts, and to the head of the field station in the case of station contracts) for interviews.

(c) After approval (by the Assistant Administrator for Construction or by the station head) of the list of selected firms recommended for interviews, the board will arrange discussions with each firm for the purpose of obtaining information, supplementing that already available, from which to develop, in order of preference, not less than three firms considered the most highly qualified. This recommended listing will be submitted (to the Assistant Administrator for Construction or to the station head, as appropriate) for consideration and approval before the contracting officer enters into negotiations with the top-rated firm.

§ 8–4.1004–3 Evaluation criteria.

In addition to the evaluation criteria set forth in FPR 1–4.1004–3, the board will consider the factors set forth in this section as they apply to the project or purpose of the selection. Values will be assigned to each factor in determining the relative qualifications of the firms identified as qualified through the preselection process. The values may be confirmed or adjustments may be made as a result of the discussions.

(a) Reputation and standing of the firm and its principal officials with respect to professional performance, general management, and cooperativeness.

(b) Record of significant claims against the client because of improper or incomplete architectural and engineering services.

(c) Geographic location and facilities of the working office which would provide the professional services.

(d) Specific experience and qualifications of personnel proposed for assignment to the project, and record of working together as a team.

§ 8–4.1004–4 Action by agency head or his authorized representative.

The Assistant Administrator for Construction (for Central Office contracts) and the station head (for field station contracts), or persons acting in that capacity, are designated as the approving officials for the recommendation of the evaluation boards.

§ 8–4.1004–5 Procedure for procurements estimated not to exceed $10,000.

Either of the procedures provided in FPR 1–4.1004–5 may be used on authorization of the Assistant Administrator for Construction or the station head.

§ 8–4.1005 Negotiation procedures.

§ 8–4.1005–1 General.

Application of the 6-percent fee limitation cited in FPR 1–4.1005–1 is set forth in § 8–4.1050. The policy set forth in that section provides all the available latitude in the negotiation of the contract price. The policy does not, however, relieve the contracting officer of the responsibility to determine that the fee negotiated is consistent with the services to be performed and the nature of the project. The contract ordinarily will cover all services to be rendered by the firm. To assure that the fee limitation is not violated, the contracting officer will maintain suitable records to be able to isolate the amount in the total fee to which the 6-percent limitation applies.

§ 8–4.1005–4 Architect-engineer's proposal.

VA Form 08–6298, Architect-Engineer Fee Proposal, prescribed in § 8–16.701, is mandatory for obtaining the proposal and supporting cost or pricing data in the negotiation of all architect-engineer contracts for design services when the contract price is $50,000 or over. The use of VA Form 08–6298 for design contracts less than $50,000 is at the discretion of the contracting officer. In obtaining architect-engineer services for research study, seismic study, master planning study, construction management and other related services contracts, VA Form 08–6298 shall also be used but supplemented or modified as needed for the particular project type.

§ 8–4.1005–5 Contract price.

Where negotiations with the top-rated firm are unsuccessful, the contracting officer will terminate the negotiations and undertake negotiations with the firm next in order of preference after authorization by the Assistant Administrator for Construction or by the station head to do so. Recommendation for award of the contract at the negotiated fee will be submitted with a copy of the negotiation report (see FPR 1–4.1005–6) to the Assistant Administrator for Construction or to the station head, as appropriate.

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§ 8–4.1050 Application of 6-percent architect-engineer fee limitation.

(a) The 6-percent fee limitation on architect or engineer services set forth in section 304(b) of the Federal Property and Administrative Services Act of 1949, as amended, applies to those services generally required in preparing working drawings and specifications which form the basis for bidding and for the award of construction contract. The fixed fee limitation does not apply to the following architect or engineer services:

(1) Investigative services including but not limited to:

(i) Determination of program requirements including schematic or preliminary plans and estimates.

(ii) Determination of feasibility of proposed project.

(iii) Preparation of measured drawings of existing facility.

(iv) Subsurface investigation.

(v) Structural, electrical, and mechanical investigation of existing facility.

(vi) Surveys: Topographic, boundary, utilities, etc.

(2) Special consultant services not normally available in organizations of architects or engineers not specifically applied to the actual preparation of working drawings or specifications of the project for which the services are required.

(3) Other:

(i) Reproduction of approved designs through models, color rendering, photographs, or other presentation media.

(ii) Travel and per diem allowances other than those required for the development and review of working drawings and specifications.

(iii) Supervision or inspection of construction, review of shop drawings or samples and other services performed during the construction phase.

(iv) All other services that are not integrally a part of the production and delivery of plans, designs, and specifications.

(4) The cost of reproducing drawings and specifications for bidding and their distribution to prospective bidders and plan file rooms.

(b) The total cost of the architect or engineer services contracted for may not exceed 6 percent of the estimated cost of the construction project plus the estimated cost of related services and activities such as those shown in paragraph (a) of this section. To support project submissions, VA Form 10–6031, Application for Construction Project and Initial Equipment, or VA Form 10–1193, Minor Improvement, Building Service Equipment Replacement, and Nonrecurring Maintenance and Repair Proposal, and VA Form 08–6238, Construction Cost Estimate, will be used and the applicable proposed technical services shown in detail.

Subpart 8–4.50 [Revoked]

3. Subpart 8–4.50 §§ 4.5001 through 8–4.5003–4) is revoked.

4. In Subpart 8–16.7, § 8–16.701 is added to read as follows:

§ 8–16.701 Forms prescribed.

VA Form 08–6208, Architect-Engineer Fee Proposal, will be used in obtaining the proposal and supporting cost or pricing data in negotiated architect-engineer contracts as required by § 8–4.1005–4.

Approved: November 5, 1975.

By direction of the Administrator:

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75–30342 Filed 11–10–75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM–5/123]

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Rescheduling of Meeting

The Advisory Committee on Transnational Enterprises meeting which was announced for Monday, November 17, 1975 and published in the Federal Register on October 30, 1975 (40 FR 50547) has been rescheduled for Monday, December 1, 1975 at 9:30 a.m. in Room B of the Pan American Health Organization, 525 23rd Street NW., Washington, D.C. 20520.

The agenda remains unchanged and the meeting is open to the public. Persons wishing to attend the meeting must contact Stephen Bond, Department of State, Office of the Legal Adviser, 2201 C Street NW., Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–0349.

Dated: November 6, 1975.

STEPHEN R. BOND,
Executive Secretary, Committee on Transnational Enterprises.

[FR Doc.75–30530 Filed 11–10–75;10:20 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

NOVEMBER 3, 1975.

The USAF Scientific Advisory Board Guidance and Control Panel will hold meetings on December 3 and 4, 1975, from 9 a.m. to 5 p.m. both days, at the Charles Stark Draper Laboratory, Cambridge, Massachusetts.

The Panel will receive classified briefings and hold classified discussions on current and future technology, programs, equipment and activities related to the guidance and control area.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–8845.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.75–30335 Filed 11–10–75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

2-5 DIMETHOXYAMPHETAMINE

Controlled Substances in Schedules I and II; Final 1975 Aggregate Production Quota

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On August 27, 1975, a notice of the proposed aggregate production quota for 1975 for 2-5 Dimethoxyamphetamine was published in the FEDERAL REGISTER (40 FR 38173). All interested parties were invited to comment or object to the proposed aggregate production quota on or before October 3, 1975. No comments or objections were received.

Therefore, under the auhority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations and further, having been duly designated as Acting Administrator by Order No. 607–75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration hereby orders that the aggregate production quota for the controlled substance listed below, expressed in grams in terms of anhydrous base, be established as follows:

Basic class:	*Issued 1975*
2-5 Dimethoxyamphetamine	11,000,000

This order is effective November 11, 1975.

Dated: October 20, 1975.

HENRY S. DOGIN,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.75–30913 Filed 11–10–75;8:45 am]

[Docket No. 75–16]

JAMES B. ANDERSON

Notice of Hearing

Notice is hereby given that on June 24, 1975, the Drug Enforcement Administration, Department of Justice, issued to James B. Anderson, M.D., Russellville, Alabama, an Order to Show Cause as to why the Drug Enforcement Administration Registration No. AA3136238 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed by the Respondent with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on November 12, 1975, in Courtroom No. 603, 136 Pryor Street SW., Atlanta, Georgia.

Dated: November 5, 1975.

HENRY S. DOGIN,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.75–30521 Filed 11–10–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 15368; Survey Group 160]

FLORIDA

Notice of Filing of Plat of Survey

NOVEMBER 4, 1975.

The plat of survey of the following described lands, which was accepted on July 3, 1975, will be officially filed in the Eastern States Office, Silver Spring, Maryland as of 10:00 A.M. on December 15, 1975:

TALLAHASSEE MERIDIAN, FLORIDA

T. 41 S., R. 22 E., Tract No. 37 (0.15 of an acre); Tract No. 38 (0.16 of an acre); Tract No. 39 (0.11 of an acre); Tract No. 40 (0.87 of an acre).

The area aggregates 1.29 acres.

The plat represents the survey of islands omitted from the original surveys of T. 41 S., R. 22 E., as shown on the plats approved May 6, 1850, and July 20, 1872.

Tracts 37, 38 and 39 are islands of sandy formation, ranging 2 to 3 feet in height, with outer fringes of tidal man-

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grove. The upland portions of these islands support moderate growths of such vegetation as sea grape, cabbage palm and buttonwood; the undergrowth consists of cacti, vines and small shrubs. Tract 40 is an island of sandy shell formation, ranging 4 to 5 feet in height, with an outer fringer of tidal mangrove. The upland portion supports a moderate growth of sea grape, buttonwood and palm trees, with undergrowth consisting of cacti, vines and small shrubs. The inner tidal areas of all islands are covered with a black and red mangrove mixture. Each island is surrounded by a fringe of red and black mangrove, with no apparent connecting bars, shell or sand ridges to any other islands, and is stable in position with no erosive action.

Tracts 37, 38 and 39 have features and characteristics similar to the mainland of this area, and all characteristics of the mainland would indicate that these islands were in existence in 1845 when Florida was admitted to the Union and at all subsequent dates. Tract 40 contains a high percentage of shells and appears to be an Indian mound. The size and amount of the over-story timber on this island would prove its existence at the time Florida was admitted to the Union in 1845 and at all subsequent dates.

The islands are well over 50% upland in character within the interpretation of the Swampland Act of September 28, 1850.

Except for valid existing rights, these lands will not be subject to application, petition, location, selection or to any other type of appropriation under any public land law, including the mining and mineral leasing laws, until a further order is issued.

All inquiries relating to these islands should be sent to Director, Eastern States, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director,
Eastern States.

[FR Doc.75-30338 Filed 11-10-75;8:45 am]

LOUISIANA-PACIFIC CORPORATION

Availability of Negative Declaration and Environmental Analysis Record on Proposed Right-of-Way

Pursuant to Section 102(c) of the National Environmental Policy Act of 1969, and Part 1500.6(e) of the Council of Environmental Quality Guidelines (38FR20550) August 1, 1973, the Bureau of Land Management, U.S. Department of the Interior, gives notice that an environmental impact statement is not being prepared for the issuance of the Big Butte right-of-way to the Louisiana-Pacific Corporation in Mendocino and Trinity Counties, California.

The proposed right-of-way was included among the actions assessed in the draft environmental impact statement for the Big Butte Timber Sale, which was released for public review on March 8, 1974 (39FR9228). As a result of decisions made through the planning process subsequent to release of the draft statement, the timber sale has been cancelled and a Final Environmental Statement will not be prepared.

The environmental analysis record of this Federal action indicates that the issuance of a short-term right-of-way will not create significant adverse local, regional or national impacts on the environment. As a result of these findings, Mr. Melvin D. Clausen, District Manager, Bureau of Land Management, U.S.D.I., 555 Leslie Street, Ukiah, California 85482, has determined that the preparation and review of an environmental impact statement is not needed for this right-of-way. The right-of-way involves construction of a minimum standard log-haul road across approximately 5 miles of national resource lands.

The environmental analysis record is available for inspection during regular working hours at the following location: Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482.

Requests for single copies of the environmental analysis record should be sent to the above address.

No administrative action on implementation of this proposal will be taken until December 3, 1975.

CURT BERKLUND,
Director.

[FR Doc.75-30343 Filed 11-10-75;8:45 am]

[NM 26719]

NEW MEXICO

Notice of Application

OCTOBER 31, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc., has applied for a 12 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO

T. 24 S., R. 26 E.
Sec. 11, N½SW¼, SE¼SW¼ and S½SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, NW¼NE¼ and NE¼NW¼.
T. 24 S., R. 27 E.
Sec. 17, N½SW¼, SE¼SW¼ and S½SE¼;
Sec. 18, lot 2;
Sec. 21, N½NW¼;
Sec. 25, NW¼NE¼ and S½NE¼.
T. 24 S., R. 28 E.
Sec. 29, S½SW¼, and SW¼SE¼;
Sec. 30, lot 2, SE¼NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼.
T. 25 S., R. 26 E.
Sec. 1, lot 4, SW¼NE¼ and S½NW¼;
Sec. 2, lots 1 and 2.
T. 25 S., R. 29 E.
Sec. 5, S½SW¼;
Sec. 8, N½NE¼, SE¼NE¼ and NE¼NW¼;
Sec. 9, SW¼NE¼, S½NW¼ and N½SE¼;
Sec. 10, N½SW¼, SE¼SW¼ and S½SE¼.
T. 25 S., R. 30 E.
Sec. 9, S½S½;
Sec. 10, S½S½;
Sec.11, S½S½;
Sec. 12, S½S½.
T. 25 S., R. 31 E.
Sec. 7, lot 4, SE¼SW¼ and S½SE¼;
Sec. 8, S½S½;
Sec. 9, S½S½;
Sec. 10, S½S½;
Sec. 11, S½S½;
Sec. 12, S½S½.
T. 25 S., R. 32 E.
Sec. 7, lot 4 and SE¼SW¼;
Sec. 18, lot 1 and NE¼NW¼.

This pipeline will convey natural gas across 20.925 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1387, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-30339 Filed 11-10-75;8:45 am]

[Serial No. I-7435]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 3, 1975.

Notice of an application, Serial No. I-7435, for withdrawal and reservation of lands was published as Federal Register Document No. 74-2518 on page 3977 of the issue for January 31, 1974. The Energy Research and Development Administration, formerly the Atomic Energy Commission, has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2300, such lands will be at 10:00 a.m. on December 16, 1975 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 14 S., R. 26 E.,
Secs. 22, 27, 33 and 34.
T. 15 S., R. 26 E.,
Secs. 3, 4, 5, 8, 9, 10, 16, 17 and 20.
T. 16 S., R. 25 E.,
Secs. 13, 14, 23 and 24.
T. 16 S., R. 26 E.,
Secs. 1, 2 and 7 through 18 inclusive.
T. 16 S., R. 27 E.,
Secs. 6 and 7.

The area described aggregates 16,408.24 acres.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75-30248 Filed 11-10-75;8:45 am]

NEVADA STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Nevada State Multiple Use Advisory Board will be held December 10 and 11, 1975 at 8 a.m. at the Pioneer Inn, 221 S. Virginia Street, Reno, Nevada.

The Nevada State Multiple Use Advisory Board was established to advise and counsel the Bureau of Land Management and the Secretary of the Interior on national resource land management.

This will be the first meeting of the newly appointed board under its charter approved by the Secretary of the Interior on August 5, 1975. The purpose of the meeting is to orient the board members to BLM's programs, to elect officers and to discuss necessary committees. The following topics will be discussed during the meeting: Role and organization of the board including committees, current issues nationally and in Nevada, BLM Nevada district organization study, current legislation affecting the BLM and the board's perceptions of the BLM.

The meeting is open to the public. Interested persons may make oral presentations to the board or file written statements. Such requests should be made to the official listed below at least 15 days prior to the meeting.

Further information concerning this meeting may be obtained from Carl A. Gidlund, Chief, Public Affairs Staff, Bureau of Land Management, Nevada State Office, Room 3008 Federal Building, 300 Booth Street, Reno, Nevada 89502, telephone 702-784-5459.

Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at the Bureau of Land Management, Nevada State Office, Room 3041, Federal Building, 300 Booth Street, Reno, Nevada 89502.

E. I. ROWLAND,
State Director, Nevada.

NOVEMBER 3, 1975.

[FR Doc.75-30242 Filed 11-10-75;8:45 am]

[OR 13853 (Wash.)]

WASHINGTON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 30, 1975.

Notice of an application Serial No. OR 13863 (Wash.), for withdrawal and reservation of lands was published as Federal Register Document No. FR 75-6093 on page 12131 of the issue for March 17, 1975. The applicant agency has cancelled its application which involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b), such lands will be at 10 a.m. on December 5, 1975, relieved of the segregative effort of the above-mentioned application.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN
WENATCHEE NATIONAL FOREST
Liberty Historical District

T. 20 N., R. 17 E.,
Sec. 1, portions of SW¼NW¼, SE¼NW¼, and NW¼SW¼;
Sec. 2, portions of NE¼SE¼.
Further described as follows:
Beginning at Corner No. 1, the ¼ Section Corner common to secs. 1 and 2, T. 20 N., R. 17 E.
From Corner No. 1 by metes and bounds:
N. 73° 57' E., 1065.80 feet to Corner No. 2;
N. 90° 00' E., 346.54 feet to Corner No. 3;
S. 0° 00' E. 129.49 feet to Corner No. 4;
S. 67° 38' W., 256.95 feet to Corner No. 5;
S. 24° 13' W., 126.98 feet to Corner No. 6;
S. 60° 35' W., 1372.50 feet to Corner No. 7;
N. 38° 53' W., 291.90 feet to Corner No. 8;
S. 61° 48' W., 238.00 feet to Corner No. 9;
S. 85° 04' W., 307.28 feet to Corner No. 10;
N. 0° 00' E., 542.10 feet to Corner No. 11;
N. 73° 57' E., 708.97 feet to Corner No. 1; the place of beginning.

The area described contains approximately 23.76 acres in Kittitas County, Washington.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-30244 Filed 11-10-75;8:45 am]

Geological Survey

[NTL-6]

FEDERAL AND INDIAN OIL AND GAS LEASES

Approval of Operations

Notice is hereby given that the Geological Survey proposes to formalize its procedures for approval of all applications for permits to conduct operational or construction activities on onshore Federal and Indian oil and gas leases. The proposed Notice also prescribes the information which a lessee or operator must submit in support of applications to conduct operations.

Interested parties may submit written comments, objections, and suggestions to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before December 14, 1975.

It is hereby certified that the economic and inflationary impacts of proposed Notice to Lessees and Operators, NTL-6, have been carefully evaluated in accordance with OMB Circular A-107.

V. E. MCKELVEY,
Director.

NOTICE TO LESSEES AND OPERATORS OF FEDERAL AND INDIAN ONSHORE OIL AND GAS LEASES (NTL-6)

Pursuant to the National Environmental Policy Act of 1969 (83 Stat. 852), the Department of the Interior is charged with the responsibility of assuring that oil and gas operations on leased lands under its jurisdiction are conducted with due regard for the protection of the environment. Therefore, all operations which are conducted on onshore Federal and Indian oil and gas lease must conform to the requirements of this Notice as well as those contained in the lease and in the Oil and Gas Operating Regulations, Title 30 CFR Part 221.

I. GENERAL

In order that the environmental impact of proposed operations may be properly evaluated, all applications to conduct leasehold operations or construction activities must be accompanied by an appropriate surface use plan. As a minimum, such applications and surface use plans must provide a detailed description of the technical aspects of the proposed operation or activity, the magnitude of surface disturbance involved, and the procedures to be followed in rehabilitating the surface once the operation or construction activity has been completed. Specific requirements in this regard are set forth in Sections II(B), III, and V hereof. One copy of the surface use plan must be attached to each copy of the application to conduct operations or construction activities.

Applications to conduct operations or construction activities with attached surface use plans should be filed at least 30 days in advance of the contemplated starting date of any operation or construction activity in order to allow sufficient time in which to schedule and conduct, if necessary, a joint field inspection by appropriate personnel of the Geological Survey, the Federal surface management agency, the lessee or operator, and, if practical, the lessee's or operator's contractors and subcontractors who will perform the work. However, the early filing of an application is no guarantee that approval thereof will be granted within the 30-day period, as environmental considerations or current workload in the affected Federal agencies may result in further delay.

Lessees and operators have the responsibility to see that their exploration, development, production, and construction operations are conducted in a manner which (1) affords maximum safeguards for the environment; (2) results in the proper rehabilitation of disturbed lands; and, (3) assures the protection of the public health and safety. In that regard, lessees and operators will be held fully accountable for their contractors' and subcontractors' compliance with the applicable laws, regulations, and the requirements of the approved permit and surface use plan.

All approvals of proposed operations as well as subsequent instructions and regulation thereof will come from the District Engineer or Area Oil and Gas Supervisor of the Geological Survey. However, the Federal surface management agency will establish the rehabilitation requirements and will be available for consultation during rehabilitation

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operations. Names, addresses, and phone numbers of appropriate personnel of the Geological Survey and the Federal surface management agency, as well as approved surface use areas, will be furnished the lessee or operator on its approved copy of the permit and surface use plan.

Lessees and operators, as well as their contractors and subcontractors, must not commence any operation or construction activity on a lease without the prior approval of the appropriate official of the Geological Survey. Likewise, the terms and conditions of an approved permit and surface use plan may not be altered unless the Geological Survey has approved an amended or supplemental permit and/or plan covering any such modifications. Approval of subsequent operations is addressed in Section V of this notice.

II. Drilling Operations

A. Preliminary environmental review

A preliminary environmental review will be required on all future drilling operations prior to entry on the ground for the purpose of staking the location, access roads, and other surface use areas. The lessee or operator, upon finalizing plans to drill but prior to the actual surveying, must file with the Geological Survey's District Engineer or Area Oil and Gas Supervisor and the appropriate office of the involved Federal surface management agency, a topographic map (or equivalent) of a scale not less than 1 inch=1 mile which shows the preferred location and the general topographic features in the area. This will permit the Federal surface management agency, prior to the lessee's or operator's expenditure of time and money for surveys, to review its records for any potential conflicts with other resource values. If conflicts are noted, a joint conference or field inspection, as appropriate, by the Geological Survey, the Federal surface management agency, and the operator may be scheduled to resolve problem areas.

B. Application for permit to drill

All drilling operations must be conducted in accordance with a permit or development plan which has the prior approval of the District Engineer or Area Oil and Gas Supervisor.

The permit or development plan filed for approval will consist of the application for permit to drill on Form 9–331C, and a multi-point surface use and operations plan. Where private surface is involved, it should also include a copy of the written agreement between the lessee or operator and the surface owner or a letter setting forth the rehabilitation requirements of the surface owner. The requirements for surface use and operations plans and the rehabilitation of private surface are contained in Sections III and VI, respectively, of this notice.

The application for permit to drill must provide information concerning (1) the location in feet and direction from the nearest lines of an established survey, as determined by a registered surveyor or engineer; (2) the elevation above sea level of the ground and derrick floor or rotary kelly bushing; (3) the geologic name of the surface formation; (4) the type of tools and other equipment to be utilized; (5) the proposed drilling depth; (6) the estimated tops of important geologic markers; (7) the estimated depths at which water, oil, gas, or other mineral deposits are expected to be encountered; (8) the proposed casing program including the size, grade, weight, and safety factors for collapse, tension, and burst of each string; (9) the proposed setting depth of each casing string and the amount and type of cement (including additives) and mud to be used; (10) the proposed pressure control equipment which is to be used and a schematic diagram thereof; (11) the type and characteristics of the proposed drilling medium or mediums to be employed; (12) the testing, logging, and coring programs to be followed; (13) any abnormal pressures or temperatures expected to be encountered or potential hazards such as hydrogen sulfide gas and plans for mitigating such hazards; (14) the anticipated starting date and duration of the operation; and, (15) any other facets of the proposed operation which are pertinent to the Geological Survey's consideration of the application. The District Engineer or Area Oil and Gas Supervisor may require additional information as warranted.

A copy of approved application for permit to drill and the accompanying surface use and operations plan shall be posted at the drillsite.

III. Multi-Point Surface Use and Operations Plan

A surface use and operations plan in sufficient detail to permit a complete appraisal of the environmental effects associated with the proposed project must be submitted, in triplicate, to the District Engineer or Area Oil and Gas Supervisor with the application for permit to drill.

The Geological Survey will send a copy of such plan to the Federal surface management agency. When possible, a preliminary field development plan or drilling schedule should also be submitted to allow lead time for evaluating environmental considerations, resource conflicts, and land use planning alternatives.

The plan shall in its context provide for and assure adequate protection of surface resources, other environmental components, and include adequate measures for reclamation of disturbed lands. The plan shall be developed in conformity with the provisions of the lease, attached stipulations, and the guidelines provided by this Notice. In developing the plan, the lessee or operator will make use of such information as is available from the Federal surface management agency concerning the surface resources, environmental considerations, and local reclamation procedures. The plan will be reviewed for adequatecy by the Geological Survey and the Federal surface management agency. Approval of proposed activities that would result in irreparable or extensive damage to the environment will be withheld until the plan is modified, additional mitigating measures are provided, or alternatives to the proposed action are agreed upon.

A. Guidelines for the preparation of surface use and operations plans

In the preparation of surface use and operations plans, lessees and operators should adhere closely to the following:

1. *Existing roads.* A legible map (USGS topographic or county road map of a scale not less than 1 inch=1 mile) shall be used for locating the proposed well site in relation to a town or other locatable reference point. The proposed route to the location including appropriate distances from the reference point to the point where the access route exits the highway or county road shall be shown. All proposed access roads shall be appropriately labeled or color coded. Additionally, all existing roads within a radius of three miles from the location of a proposed exploratory well should be shown. An exploratory well is a well which is located two miles or more from the boundary of a known geologic structure or a producible well. For all other drillsites (development wells) existing roads within a one-mile radius of the location should be shown.

Any plans for the improvement and/or maintenance of existing roads should also be stated.

Information required by item Nos. 3 and 4 of this subsection may also be shown on this map if appropriately labeled.

2. *Planned access roads.* Information in this regard is to be submitted on a large scale map (not less than 4 inches = 1 mile) and shall appropriately identify all permanent and temporary access roads that are to be constructed, or reconstructed in connection with the drilling and production of the proposed well. Width, maximum grade, turnouts, drainage design, location and size of culverts, and surfacing material, if any, shall be stated. At the time of submission, the location of all proposed new or reconstructed roads shall be staked. However, modification of proposed road design may be required after the location is accepted.

Information should also be furnished to indicate where existing fences will be cut and whether gates or cattleguards will be used. Additionally, the discussion should make reference to any existing gates which are to be replaced by cattleguards.

3. *Location of existing wells.* This information should be submitted on a map of suitable scale and include all wells (producing, abandoned, temporary abandoned, shut-in, injection, disposal, and drilling) within a two-mile radius of the proposed location of an exploratory well or within a one-mile radius of the proposed location of a development well.

4. *Lateral roads to well locations.* The information submitted in this regard should be shown on a map of suitable scale and include all existing and proposed lateral roads to all well locations within a one-mile radius of the proposed location.

5. *Location of tank batteries, production facilities, and production, gathering, and service lines.* Existing tank batteries, production facilities, and production, gathering, or service lines within a one-mile radius of the proposed location which are owned or controlled by the lessee or operator should be shown on a map or plat of suitable scale. The type of each present facility and the exact nature of each existing line (oil flowline, gas gathering line, injection line, or water disposal line) should be identified and it should be noted which, if any, of said lines are buried. If new facilities (tank battery, other production equipment, and lines) are contemplated in the event production is established and those facilities are to be located at other than on the well site itself, the map or plot furnished in this regard must also indicate the location all proposed new facilities. Future prospects for additional development of the leasehold should be considered in the siting of new facilities. However, final approval to construct such new facilities will not be granted until after detailed plans have been submitted and evaluated pursuant to Section V hereof.

6. *Location and type of water supply (rivers, creeks, lakes, ponds, and wells).* This information may be shown by quarter-quarter section on a plat or map of suitable scale or may be a written description. The source of all water to be used in drilling the proposed well should be noted. The method of transporting the water shall be stated and any access roads neded to haul the water will be described in items Nos. 1 or 2, as appropriate. However, the Survey's approval of the surface use and operations plan does not relieve the lessee or operator from obtaining any other authorization which may be required for the use of such water. Moreover, if a water supply well is to be drilled on the lease, it must be so stated under this item and the District Engineer or Area Oil and Gas Supervisor may require the filing of a separate application for permit to drill.

7. *Source of construction materials.* This information may be shown by quarter-quarter section on a plat or map of suitable scale or may be a written description. The proposed source, character, and use of all construction materials such as sand, gravel, stone, and soil material should be stated. Any access roads needed to haul such materials should be described in item Nos. 1 or 2, as appropriate.

8. *Methods for handling waste disposal.* A brief, written description should be given of the methods and location for safe containment and disposal of each type of waste material (cuttings, garbage, salts, chemicals, and sewage) which results from the drilling of the proposed well. Likewise, the narrative should include plans for the eventual disposal of drilling fluids and any produced oil or water recovered during testing operations.

9. *Ancillary facilities.* The plan or subsequent amendments to such plans shall identify all ancillary facilities such as camps and airstrips as to their location, land area required, and the methods and standards to be employed in their construction. Such facilities shall be shown on a map of suitable scale and shall be staked on the ground.

10. *Well site layout.* A plat of suitable scale (not less than 1 inch=50 feet) including cross section diagrams of the drill pad and the relation to topography are required. The plat should also include the proposed location of the mud tanks, pits (reserve, burn, and trash), pipe racks, access road, turnaround areas, parking areas, living facilities, soil material stockpile, and the orientation of the rig with respect to the pad and other facilities. Plans to line the reserve pit should be indicated.

The exterior dimensions of the pad and reserve pit shall be specified and will be staked on the ground.

11. *Plans for restoration of the surface.* State the proposed program for surface restoration upon completion of the operation such as stockpiling topsoil, leveling, reseeding, and seed mixture. Such plans will be reviewed for adequacy by the appropriate Federal surface management agency. A proposed timetable for the commencement and completion of rehabilitation operations must be provided.

12. *Other information.* Include a general description of the topography, soil characteristics, formation lithologies, geologic features, flora, fauna, and other aspects of the area such as other surface use activities.

The surface ownership (Federal, Indian, State, or private) at the well location and for all lands which are to be crossed by newly constructed roads should be indicated.

Any available information which would be useful in evaluating the environmental impact of the proposed operation, including proximity to steep hillsides and gullies, water wells, ponds, lakes, or streams, occupied dwellings, or other facilities, and archeological, historical, or cultural sites should be included. Information concerning required cuts and fills during the construction of roads and the location should also be furnished.

All construction practices necessary to accommodate potential geologic hazards should be discussed under the appropriate items of the plan.

13. *Lessee's or operator's representative.* Include the name, address, and phone number of the lessee's or operator's field representative who is responsible for assuring compliance with the approved surface use and operations plan.

14. *Certification.* The following statement is to be incorporated in the plan and must be signed by the lessee's or operator's field representative who is identified in item No. 13 of the plan:

I hereby certify that I, or persons under my direct supervision, have inspected the proposed drillsite and access route; that I am familiar with the conditions which presently exist; that the statements made in this plan are, to the best of my knowledge, true and correct; and, that the work associated with the operations proposed herein will be performed by _____ and its contractors subcontractors in conformity with this plan and the terms and conditions under which it is approved.

_____
Date

_____
Name and Title

IV. Environmental Analysis Requirements

When an application for permit to drill is received, an onsite inspection normally will be required. If made, it will include the District Engineer or Area Oil and Gas Supervisor, the lessee or operator, the Federal surface management agency, and others including the dirt contractor, as appropriate. The purpose of tihs inspection will be to select the most feasible and environmentally acceptable areas for well sites (considering geologic factors and Federal and State regulations), access roads and other proposed surface use areas. Accordingly, lessees and operators are encouraged to designate future development or drilling sites so that several locations may be inspected at one time.

When such an inspection is made, an environmental analysis will usually be prepared by the District Engineer or Area Oil and Gas Supervisor. Said analysis will identify methods for mitigating the potential adverse environmental effects associated with the proposed operation and will be the basis of the approving official's determination as to whether approval of the proposed activity would constitute a major Federal action significantly affecting the quality of the human environment as defined by Section 102(2)(C) of the National Environmental Policy Act of 1969. Any surface protection and rehabilitation requirements specified by the Federal surface management agency will normally be made a part of any subsequently approved permit or and/or the surface use and operations plan.

Due to the probability of a required onsite inspection, the required input from other Federal agencies, and the variations in the level of drilling activity, lessees and operators are encouraged to file applications well in advance of the time when it is desired to commence operations.

V. Approval of Subsequent Operations

Before repairing, deepening, or conditioning a well, a detailed written statement of the plan of work must be filed on Form 9–331 or 9–331C with the District Engineer or Area Oil and Gas Supervisor and approval obtained before the work is started. Any proposed change in any such plan of work must also receive the prior approval of the District Engineer or Area Oil and Gas Supervisor.

Lessees and operators are also required to submit for the approval of the District Engineer or Area Oil and Gas Supervisor

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a suitable plan prior to undertaking any subsequent new construction, reconstruction, or alteration of existing facilities, including roads, dams, lines or other production facilities on any lease when additional surface disturbance will result. Sufficient information must be submitted to permit a proper evaluation of the proposed surface disturbing activities as well as any planned accommodations necessary to mitigate potential adverse environmental effects.

The environmental analysis procedures discussed in Section IV of this Notice will also apply to such subsequent operations which have the potential for significant surface disturbance although these requirements may be somewhat less in established producing areas.

VI. AGREEMENT FOR REHABILITATION OF PRIVATELY-OWNED SURFACE

Where the surface is privately owned or is owned by an Indian allottee, each application for permit to drill or to conduct other surface disturbance activities, shall contain information concerning the surface owner's rehabilitation requirements. A written agreement between the lessee or operator and the surface owner is not necessary if a letter from the lessee or the operator setting forth the surface owner's rehabilitation requirements is furnished. Payment of damages in lieu of full restoration will not be an acceptable substitute for a normal cleanup and rehabilitation program.

If no arrangements have been made, or if information concerning such arrangements is not furnished, the District Engineer or Area Oil and Gas Supervisor will request the Federal surface management agency to recommend the necessary surface restoration requirements. In such cases, the lessee or operator will be expected to comply with these rehabilitation requirements, if any, regardless of the arrangement made with the surface owner. Provided, however, that subsequent reasonable requests by the surface owner that pits, roads, and other facilities be left intact may be honored. If written proof of prior arrangements has been provided, the Federal surface management agency will be asked to recommend surface rehabilitation requirements to the District Engineer or Area Oil and Gas Supervisor giving full consideration to the preferences of the landowner.

VI. WELL ABANDONMENT

No well abandonment operations may be commenced in the absence of the prior approval of the District Engineer or Area Oil and Gas Supervisor. However, the Federal surface management agency may request additional surface rehabilitation measures at abandonment and these requirements are normally made a part of the Geological Survey's approval of abandonment. Upon completion of the abandonment and rehabilitation operations, the lessee or operator should notify the District Engineer or Area Oil and Gas Supervisor that the location is ready for inspection. However, final abandonment will not be approved until the surface rehabilitation work required by the drilling permit or abandonment notice has been completed and the required vegetation is established to the satisfaction of the appropriate Federal surface management agency.

VII. WATER WELL CONVERSION

The complete abandonment of a well which has encountered usable fresh water will not be approved if the Federal surface management agency determines it wants to acquire the well. If, at abandonment, the Federal surface management agency elects to assume further responsibility for the well, it will reimburse the lessee or operator for the cost of any recoverable casing left in the hole solely because it is to be completed as a water well. The lessee or operator will abandon the well to the base of the deepest fresh water zone of interest as required by the District Engineer or Area Oil and Gas Supervisor and will complete the surface cleanup and rehabilitation as required by the drilling permit or abandonment notice immediately upon completion of the conversion operations.

[FR Doc.75-29641 Filed 11-10-75;8:45 am]

National Park Service

BOSTON NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Public Law 92-463, that a meeting of the Boston National Historical Park Advisory Commission will be held at 10:00 a.m. on December 8, 1975, at the North Atlantic Regional Office, Room 715, 150 Causeway Street, Boston, Massachusetts.

The Commission was established by Public Law 93-431 to advise the Secretary of the Interior on matters relating to the development of the Boston National Historical Park.

The members of the Advisory Commission are as follows:

Mr. Richard A. Berenson, Chairman, Brookline, Massachusetts.
Dr. Evelyn Murphy, Lexington, Massachusetts.
Mr. Byron D. Rushing, Boston, Massachusetts.
Mrs. Katherine D. Kane, Boston, Massachusetts.
Mr. Maurice F. O'Shea, Charlestown, Massachusetts.
Mr. Guy A. Beninati, Boston, Massachusetts.

The matters to be discussed at this meeting include:

1. The role of National Parke Service advisory commissions.
2. The organization of the Commission.
3. Status of funding.
4. Status of park administration and operations.
5. Status of cooperative agreement.
6. A review of alternative plans for the management, development and use of the resources included within the Boston National Historical Park.

The meeting will be open to the public. However, facilities and space are limited, and it is expected that not more than 25 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Hugh D. Gurney, Project Manager, Boston National Historical Park at 617-223-3777. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the North Atlantic Region, 150 Causeway Street, Boston, Massachusetts.

Dated: October 23, 1975.

JERRY D. WAGERS,
Regional Director.

[FR Doc. 75-30370 Filed 11-10-75; 8:45 am]

NORTH ATLANTIC REGION ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, that a meeting of the North Atlantic Region Advisory Commission will be held at 9 a.m., e.d.t. on December 4, 1975 through 4:30 p.m. on December 5, 1975, at Minute Man National Historical Park, Lexington, Massachusetts.

The purpose of the Commission is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other council from members of the public on problems and programs pertinent to the North Atlantic Region.

The members of the Commission are as follows:

Mr. John N. Cole,
Brunswick, Maine.
Ms. Antoinette F. Downing,
Providence, Rhode Island.
Mrs. Arthur Fenske,
Green Village, New Jersey.
Mr. Charles H. W. Foster,
Needham, Massachusetts.
Mr. George T. Hamilton, Dover, New Hampshire.
M. John P. Keith, Hartsdale, New York.
Mr. Frederick R. Micha, Ontario, New York.
Mr. William A. Niering, Gales Ferry, Connecticut.
Mr. William B. Pinney, Charlotte, Vermont.

The purpose of this meeting is as follows:

1. Briefing by the North Atlantic Regional Director on current events in the Region.
2. Discuss and prepare final report of Springfield Armory visit.
3. Receive and discuss report of Acadia National Park visit.
4. The final discussion of Urban Park and Recreation.
5. Discussion of National Park Service Planning Procedure.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first come, first served basis. There will be a tour of Minute Man National Historical Park beginning at the Sheraton Lexington, Concord at 9 AM, December 4, 1975 and ending at 12 noon at the Buttrick Mansion. There will be limited room on the chartered bus, so places cannot be guaranteed for the general public, but they are welcome to accompany the tour in their own transportation.

The formal meeting will begin at 1:30 p.m., December 4, 1975, at the Sheraton Lexington Inn in Concord, Massachusetts in the Colonial Room.

Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the North Atlantic Regional Office, National Park Service, 150 Causeway Street, Boston, Massachusetts, 02114 at area code (617) 223-3763.

Dated: October 23, 1975.

JERRY D. WAGERS,
Regional Director,
North Atlantic Region.

[FR Doc.75-30369 Filed 11-10-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

OZARK-ST. FRANCIS NFS, ARK.

Vegetation Management With Herbicides; Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Vegetation Management with Herbicides on the Ozark-St. Francis Naitonal Forests in Arkansas, USDA-FS-R8-FES-ADM-75-18.

The environmental statement concerns the use of herbicides (primarily 2, 4-D; 2, 4, 5-T; Silvex, and Picloram) for temporary reduction and control of target plant species on approximately 18-22,000 acres per year. The proposed action will increase the productivity yield and quality of the forests' timber, range, wildilfe and resources.

The final environmental statement was transmitted to CEQ on October 31, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave., SW., Washington, DC 20250.
USDA, Forest Service, 1720 Peachtree Rd., NW, Rm. 804, Atlanta, GA 30309.
USDA, Forest Service, Forest Supervisor, Ozark-St. Francis NFs, P.O. Box 1008, Russellville, Arkansas 72801.

A limited number of single copies are available upon request to Larry Hanson, Forest Supervisor, Ozark-St. Francis NFs, Box 1008, Russellville, Arkansas 72801.

Dated: October 31, 1975.

THOMAS W. SEARS,
Acting Regional,
Environmental Coordinator.

[FR Doc.75-30333 Filed 11-10-75;8:45 am]

WALLOWA VALLEY PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Wallowa Valley Planning Unit, Wallowa-Whitman National Forest, Oregon. USDA-FS-R6-FES-(Adm)-75-17.

This environmental statement concerns a proposed resource allocation.

This final environmental statement was transmitted to CEQ on November 3, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW Pine Street, Portland, Oregon 97204.
Wallowa-Whitman National-Forest, Federal Building, Baker, Oregon 97814.

A limited number of single copies are available upon request to Forest Supervisor A. G. Oard, Wallowa-Whitman National Forest, Federal Building, Baker, Oregon 97814.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

NOVEMBER 3, 1975.

[FR Doc.75-30334 Filed 11-10-75;8:45 am]

BLACK PINE PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Black Pine Planning Unit, Sawtooth National Forest, Idaho. The Forest Service report number is USDA-FS—FES (Adm) R4-75-20.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Black Pine Planning Unit on the Sawtooth National Forest. Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects. Significant areas will remain undeveloped with options for future management remaining open.

This final environmental statement was transmitted to CEQ on November 3, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324-25th Street, Ogden, Utah 84401.
Forest Supervisor, Sawtooth National Forest. 1525 Addison Avenue East, Twin Falls, Idaho 83301.
District Forest Ranger, Burley Ranger District, P.O. Box 430, Burley, Idaho 83318.

A limited number of single copies are available upon request to Forest Supervisor E. A. Fournier, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: November 3, 1975.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.75-30234 Filed 11-10-75;8:45 am]

WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The White Mountain National Forest Advisory Committee will meet December 3 and 4, 1975, at the Country Fare Inn, Moultonboro, New Hampshire.

The purpose of this meeting is to discuss planning and management proposals for the White Mountain National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ned Therrien, U.S. Forest Service, Laconia, New Hampshire 03246. Telephone number 603-524-6450.

PAUL D. WEINGART,
Forest Supervisor.

NOVEMBER 3, 1975.

[FR Doc.75-30332 Filed 11-10-75;8:45 am]

Soil Conservation Service

NORWALK RIVER WATERSHED PROJECT, CONN.

Notice of Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department

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of Agriculture, has prepared a draft environmental impact statement for the Norwalk River Watershed Project, Fairfield County, Connecticut, USDA–SCS–EIS–WS–(ADM)–76–2–D–CT.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and wildlife. The planned works of improvement include conservation land treatment, supplemented by channel work and four water control structures with two pool areas improved for wildlife (one area is within the pool of a structure already constructed). The channel work will involve the enlargement of 11,125 feet of existing channel.

A limited supply of copies is available at the following location to fill single copy requests: Soil Conservation Service, USDA, Mansfield Professional Park, Storrs, Connecticut 06268.

Norwalk River Watershed Project, Connecticut, Notice of Availability of Draft Environmental Impact Statement

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge or of special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Robert G. Halstead, State Conservationist, Soil Conservation Service, Mansfield Professional Park, Storrs, Connecticut 06268.

Comments must be received on or before December 26, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: October 31, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75–30235 Filed 11–10–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL CANCER INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00015–33–46040. Applicant: National Cancer Institute, Baltimore Cancer Research Ctr., 3100 Wyman Park Drive, Baltimore, Maryland 21211. Article: Electron Microscope, JEM 100C. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used in a research capacity in studies of subcellular aspects of differentiation, neoplastic transformation of hematopoietic cells and the response of malignant and normal cells to chemotherapeutic agents. Etiologic factors of human hematopoietic dyscrasias and animal model systems of such diseases are also under investigation. Of particular importance is the search for and identification of virus like structures in human material. The article will also be used to study structural alterations in cellular components such as nucleic acid malformations, subcellular particle alterations and changes in tissue organization by pharmacologic agents or appearing in the natural course of a disease.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 8, 1975). Reasons: The foreign article has a specified resolving capability of 3 Angstroms (Å). The most closely comparable domestic instrument is the Model EMU–4C supplied by the Adam David Company. The Model EMU–4C has a specified resolving capability of 5Å. Resolving capability bears an inverse relationship to its numerical rating in A, i.e., the lower the rating, the better the resolving capability. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 17, 1975 that the best resolution available is pertinent to the purposes for which the article is intended to be used. HEW further advises that domestic instruments did not provide resolution equivalent to that of the foreign article at the time the foreign article was ordered. We, therefore, find that the EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75–30327 Filed 11–10–75;8:45 am]

PURDUE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00017–33–90000. Applicant: Purdue University, ADMS Building, West Lafayette, IN 47907. Article: Rotating X-ray generator, Model GX20 3.5". Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of Article: The article is intended to be used as a high intensity fine focus X-ray source for the investigation of the crystal and molecular structure of small spherical RNA viruses.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size (0.1 x 0.1 mm) and rotating target for maximum x-ray beam intensity. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 17, 1975 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75–30328 Filed 11–10–75;8:45 am]

UNIVERSITY OF WASHINGTON, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before December 1, 1975.

Amended regulations issued under cited Act (40 FR 12253 et seq, 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00159–56–17500. Applicant: University of Washington, Department of Oceanography WB–10, Seattle, Washington 98195. Article: Recording Current Meter, Model 4. Manufacturer: Iva Aanderaa, Norway. Intended use of article: The article is intended to be used for studies of time dependent velocity, temperature, conductivity fields in the Pacific Northwest coastal and estuarine waters. Application received by Commissioner of Customs: October 9, 1975.

Docket Number: 76–00168–85–40600. Applicant: University of Georgia, Department of Geology, Athens, Georgia 30601. Article: Isotope Radio Mass Spectrometer, Model 602C and accessories. Manufacturer: V. G. Micromass, United Kingdom. Intended use of article: The article is intended to be used for the following projects:

(1) Examination of the influence of surface meteoric waters upon subsurface volcanic processes. This feature will be studied through analyses of the $^{18}O/^{16}O$ in rocks and minerals from samples obtained from various localities in Antarctica.

(2) Measurement of $^{18}O/^{16}O$ variations of rocks and minerals for the purpose of ascertaining temperatures attained within major thrust sheets of the northern and central Rocky Mountains.

(3) Examination of $^{18}O/^{16}O$ variations of foraminifera from deep sea cores obtained from the Caribbean Sea. These analyses will be utilized for the purposes of obtaining stratigraphic correlation with already analyzed cores at different localities, and

(4) Examinations of $^{18}O/^{16}O$ $^{13}C/^{12}C$ variations from rocks and minerals related to the iron ore deposits of S. E. Missouri. This study will be conducted for the purpose of obtaining information about the source of waters and the temperatures involved in deposit of these ore bodies.

The article will also be used as an educational tool for students in geology and in other scientific fields such as archeology, chemistry and biology. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76–00169–33–46500. Applicant: The University of Texas Health Science Center at San Antonio, Dept. of Anatomy, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Ultramicrotome, Model Om U3 with AO Stereoscopic Microscope. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for studies of biological specimens of placental tissue from several primate species including human. Studies will be performed to characterize the normal morphology of various primate species comparing one with the other and particularly with the human, and to attempt to correlate differences in structure with abnormal conditions. The article will also be used in the course, "Techniques for Electron Microscopy" to give students an understanding of the principles of histologic technique for electron microscopy and practical experience in actually accomplishing the procedures necessary to produce material for study with the electron microscope. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76–00170–33–46500. Applicant: Mount Desert Island Biological Laboratory, Salsbury Cove, Maine 04672. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of tissue from local marine, fresh water and terrestrial organisms (bony and cartilagenous fish, birds invertebrates, shell fish and hemichordates) and hamsters. Experiments will be conducted to determine ultrastructural and cytochemical properties of epithelial and endothelial tissues that transport ions, water and macromolecules. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76–00171–33–46500. Applicant: University of Massachusetts, Mass. Agricultural Experiment Station, 217 Stockbridge Hall, Amherst, Mass. 01002. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, including plant and animal tissue, viruses and bacteria which exhibit both normal and pathologic structure. A variety of experiments will be conducted involving the structure and behavior of cells and tissues under normal and pathological conditions. The article will also be used for educational purposes in the courses:

(1) Plant Pathology-Plant Virology—concerned with the structure and properties of plant viruses; virus infection and synthesis; virus transmission; symptomatology and physiology of virus-infected plants; assay and purification of plant viruses; as well as identification and control of plant viruses, and

(2) Entomology—Insect Microbiology and Pathology—involving the diseases of insects including classification and biology of the pathogens involved. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76–00172–33–19095. Applicant: The Wistar Institute, 36th Street at Spruce, Philadelphia, Pennsylvania 19104. Article: M–86 Combined Scanning Interferometer and Densitometer with accessories. Manufacturer: Vickers, Ltd., United Kingdom. Intended use of article: The article is intended to be used for investigating the involvement of cycling-noncycling cell transitions in a variety of disease processes, especially aging. Cytochemical and autoradiographic preparations of cultured cells as well as biopsy and autopsy material from humans are used in these studies. The article is also intended to be used for the training of predoctoral, postdoctoral, and resident medical students involved in a number of research projects to provide a basic understanding of the cytophotometer and its application to biomedical research. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76–00173–00–75000. Applicant: Massachusetts Institute of Technology, Cambridge, Ma. 02139. Article: Cutter Drive Unit for Camkometer. Manufacturer: Cambridge Insitu, United Kingdom. Intended use of article: The article is an accessory to a Camkometer which will be used to measure in situ stresses in a soil mass by providing a means of inserting load cells into the soil with a minimum of disturbance. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76–00174–33–90000. Applicant: Loma Linda University, P.O. Box 728, Loma Linda, CA 92354. Article: EMI Scanner System with Magnetic Tape System and Diagnostic Display Console, Data Transfer Module. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for research in the following areas:

(1) Cerebro-vascular occlusive disease and cerebral blood flow.

(2) Acute head injuries.

(3) Early detection and treatment of head injuries.

(4) Application of the scanner to ENT Radiology, specifically the orbit and the ear.

The article will also be used in training programs for medical students, medical school faculty, radiology residents, neuroradiology fellows, and radiologic technologists. Application received by Commissioner of Customs: October 20, 1975.

Docket Number: 76–00175–75–40450. Applicant: University of Rochester, AEP, 400 Elmwood Avenue, Rochester, N.Y. 14642. Article: Doserate Meter-Integrator. Manufacturer: Electron Diamonds Ltd., United Kingdom. Intended use of article: The article is intended to be used for the determination of precise location of a struck irradiation source which is essential to avoid inadvertent damage to source encapsulation with consequent environmental contamination when attempting to achieve safe storage of the source. Application received by Commissioner of Customs: October 20, 1975.

Docket Number: 76–00176–35–46040. Applicant: University of Maryland—

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School of Medicine, 660 W. Redwood Street, Baltimore, Maryland 21201. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used to study histochemical changes in the lens epithelium after experimental production of cataracts. These include lysomes and enzymes identified by chemical reactions. The exact area in the cell where the enzyme occurs is particularly important to identify. The article will also be used for teaching medical students and Ophthalmology residents the technique of electron microscopy with applied histochemistry. Application received by Commissioner of Customs: October 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-30329 Filed 11-10-75;8:45 am]

UNIVERSITY OF WASHINGTON, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975.)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 301.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 301.8 further provides:

"* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant."

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 75-00321-56-17500. Applicant: University of Washington, Department of Oceanography, WB-10, Seattle, Washington 98195. Article: Recording Current Meter, Model 4. Date of denial without prejudice to resubmission: July 10, 1975.

Docket Number: 75-00301-33-77030. Applicant: Bowman Gray School of Medicine, 300 S. Hawthorne Road, Winston-Salem, N.C. 27103. Article: CPS Coherent NMR Spectrometer. Date of denial without prejudice to resubmission: July 18, 1975.

Docket Number: 75-00406-44-01100. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, Louisiana 70112. Article: Morgan Transfertest Model B with Associated Gas Analyzers. Date of denial without prejudice to resubmission: July 10, 1975.

Docket Number: 75-00426-33-90000. Applicant: The Johns Hopkins Hospital, 601 North Broadway, Baltimore, Maryland 21205. Article: EMI Scanner System with Magnetic Tape System and High Definition Display Units. Date of denial without prejudice to resubmission: July 18, 1975.

Docket Number: 75-00427-33-46040. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, Calif. 94121. Article: Electron Microscope, Model EM 201S and accessories. Date of denial without prejudice to resubmission: July 18, 1975.

Docket Number: 75-00431-33-46040. Applicant: University of Nebraska—Lincoln, Dept. of Veterinary Science, College of Agriculture, Lincoln, Nebraska 68503. Article: Electron Microscope, Model EM 201C and accessories. Date of denial without prejudice to resubmission: July 18, 1975.

Docket Number: 75-00483-25-20700. Applicant: University of Rochester, Rochester, New York 14627. Article: Ultra-fast Photodiode with infrared (S-1) Photocathode Mounted with 50 OHM Output and high voltage connectors. Date of denial without prejudice to resubmission: July 10, 1975.

Docket Number: 75-00549-01-63550. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, S.C. 29401. Article: Polarimeter with Micro-observation Tube. Date of denial without prejudice to resubmission: July 10, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-30330 Filed 11-10-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0184]

CERTAIN DRUG PRODUCTS CONTAINING AN ANTICHOLINERGIC/ANTISPASMODIC IN COMBINATION WITH A SEDATIVE/TRANQUILIZER; ANTISPASMODIC DRUGS ALONE

Drugs for Human Use; Drug Efficacy Study Implementation; Permission for Drugs to Remain on the Market

A notice was published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), informing manufacturers of prescription drugs for human use of the future schedule for implementation of the drug efficacy study. That notice listed certain drugs, together with the justification for their medical need, which may remain on the market pending completion of scientific studies to determine effectiveness, and provided for future additions to or deletions from that list. Other drug products are now being added to that list. The products being added have been widely used in medical practice in the treatment of gastrointestinal disorders. Although none of them have been conclusively proven effective, they are of sufficient medical importance to justify additional study. This notice states the conditions for their continued marketing.

In notices published in the FEDERAL REGISTER of October 21, 1970 (35 FR 16422; DESI 4681), June 18, 1971 (36 FR 11754; DESI 3265), June 22, 1971 (36 FR 11875; DESI 10837), July 27, 1972 (27 FR 15028; DESI 597), and September 18, 1973 (38 FR 26138; DESI 9489), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning the following drug products. Other products included in those announcements, but not named herein, are not affected by this notice:

DESI 4681

1. Trasentine Phenobarbital Tablets containing adiphenine hydrochloride 50 mg and phenobarbital 20 mg; Ciba Pharmaceutical Co., 556 Morris Ave., Summit, NJ 07901 (NDA 4-681).

2. Prantal with Phenobarbital Tablets containing diphemanil methylsulfate 100 mg and phenobarbital 16 mg; Schering Corp., 1011 Morris Ave., Union, NJ 07083 (NDA 8-829).

DESI 3265

1. Bentyl Capsules containing dicyclomine hydrochloride 10 mg; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 E. Amity Rd., Cincinnati, OH 45215 (NDA 7-409).

2. Bentyl Injection containing dicyclomine hydrochloride 10 mg/cc; Merrell-National Laboratories (NDA 8-370).

3. Bentyl Syrup containing dicyclomine hydrochloride 10 mg; Merrell-National Laboratories (NDA 7-961).

4. Dactil Tablets containing piperidolate hydrochloride 50 mg; Lakeside Laboratories, Division of Colgate-Palmolive Co., 1707 E. North Ave., Milwaukee, WI 53201 (NDA 8-907).

5. Profenil Tablets containing alverine citrate 120 mg; Smith, Miller and Patch, Inc., 401 Joyce Kilmer Ave., New Brunswick, NJ 08902 (NDA 5-695).

6. Octin Tablets containing isometheptene mucate 2 grains and Octin Solution containing isometheptene hydrochloride 100 mg/cc; Knoll Pharmaceutical Co., 30 N. Jefferson Rd., Whippany, NJ 07981 (NDA 6-420).

7. Trocinate Tablets containing thiphenamil hydrochloride 100 mg; Wm. P. Poythress & Co., Inc., 16 N. 22d St., Richmond, VA 23261 (NDA 6-098).

DESI 10837

1. Daritran Tablets, containing oxyphencyclimine hydrochloride 5 mg and meprobamate 250 mg; Pfizer Laboratories, Division of Pfizer, Inc., 235 E 42d St., New York, NY 10017 (NDA 12-070).

2. Enarax 5 Tablets containing oxyphencyclimine hydrochloride 5 mg and hydroxyzine hydrochloride 25 mg; and Enarax 10 Tablets containing oxyphencyclimine hydrochloride 10 mg and hydroxyzine hydrochloride 25 mg; J. B. Roerig & Co., Division of Pfizer, Inc., (NDA 11-784).

3. Milpath-200 Tablets containing meprobamate 200 mg and tridihexethyl chloride 25 mg; and Milpath-400 Tablets, containing meprobamate 400 mg and tridihexethyl chloride 25 mg; Wallace Laboratories, Division of Carter-Wallace, Inc., Half Acre Rd., Cranbury, NJ 08512 (NDA 11-043).

4. Pathibamate-200 Tablets containing tridihexethyl chloride 25 mg and meprobamate 200 mg; and Pathibamate-400 Tablets, containing tridihexethyl chloride 25 mg and meprobamate 400 mg; Lederle Laboratories Division, American Cyanamid Co., Pearl River, NY 10965 (NDA 10-837).

DESI 597

1. Bentyl Syrup with Phenobarbital containing dicyclomine hydrochloride 10 mg/5 cc and phenobarbital 15 mg/5 cc; Merrell-National Laboratories (NDA 7-961).

2. Bentyl with Phenobarbital Capsules containing dicyclomine hydrochloride 10 mg and phenobarbital 15 mg; Merrell-National Laboratories (NDA 7-409).

3. Dactil with Phenobarbital Tablets containing piperidolate hydrochloride 50 mg and phenobarbital 16 mg; Lakeside Laboratories, Inc. (NDA 8-907).

4. Antrenyl-Phenobarbital Tablets containing oxyphenomium bromide 5 mg and phenobarbital 15 mg; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901 (NDA 8-492).

5. Robinul-PH Tablets containing glycopyrrolate 1 mg and phenobarbital 16 mg; and Robinul-PH Forte Tablets containing glycopyrrolate 2 mg and phenobarbital 16 mg; A. H. Robins Co., 1407 Cummings Dr., Richmond, VA 23220 (NDA 12-950).

6. Piptal-PHB Tablets containing pipenzolate bromide 5 mg and phenobarbital 16 mg; and Piptal-PHB Elixir containing pipenzolate bromide 5 mg/5 cc and phenobarbital 16 mg/5 cc; Lakeside Laboratories, Inc. (NDA 9-427).

7. Tricolold and Phenobarbital Tablets containing tricyclamol chloride 50 mg and phenobarbital 16 mg; Burroughs Wellcome & Co., Inc., 3030 Cornwallis Rd., Research Triangle Park, NC 27709 (NDA 8-910).

8. That part of NDA 8-919 pertaining to Co-Elorine 100 Pulvules containing tricyclamol chloride 100 mg and amobarbital 16 mg; Eli Lilly and Co., P.O. Box 618, Indianapolis, IN 46206.

9. Nactisol Tablets containing poldine methylsulfate 4 mg and sodium butabarbital 15 mg; McNeil Laboratories, Inc., Camp Hill Rd., Fort Washington, PA 19034 (NDA 12-741).

10. Centrine Tablets with Phenobarbital containing aminopentamide sulfate 0.5 mg and phenobarbital 15 mg; Bristol Laboratories, Division of Bristol-Myers Co., Thompson Rd., P.O. Box 657, Syracuse, NY 13201 (NDA 9-288).

11. Centrine Elixir with Phenobarbital containing aminopentamide sulfate 0.5 mg/5 cc and phenobarbital 20 mg/5 cc; Bristol Laboratories, (NDA 8-885).

12. Profenil Phenobarbital Tablets containing alverine citrate 120 mg and phenobarbital 15 mg; Smith, Miller and Patch, Inc., (NDA 6-471).

13. Cantil with Phenobarbital Tablets containing mepenzolate bromide 25 mg and phenobarbital 16 mg, Lakeside Laboratories, Inc., (NDA 10-679).

14. Banthine with Phenobarbital Tablets containing methantheline bromide 50 mg and phenobarbital 15 mg; G. D. Searle & Co., P.O. Box 5110, Chicago, IL 60680 (NDA 7-390).

15. That part of NDA 8-942 pertaining to Pamine PB Tablets containing methscopolamine bromide 2.5 mg and phenobarbital 15 mg; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002.

16. Daricon PB Tablets containing oxyphencyclimine hydrochloride 5 mg and phenobarbital 15 mg; Pfizer Laboratories (NDA 13-515).

17. Tral with Phenobarbital Tablets containing hexocyclium methylsulfate 25 mg and phenobarbital 15 mg; Abbott Laboratories, 14th and Sheridan Rd., N. Chicago, IL 60064 (NDA 10-599).

18. Pro-Banthine with Phenobarbital Tablets containing propantheline bromide 15 mg and phenobarbital 15 mg; G. D. Searle & Co. (NDA 9-014).

19. Probital Tablets, containing propantheline bromide 7.5 mg and phenobarbital 15 mg (G. D. Searle) was also referred to in the notice of July 27, 1972. That product was not included in the approved NDA but is affected by the conclusions in this notice as a related drug.

20. Monomeb Tablets containing penthienate bromide 5 mg and mephobarbital 32 mg; Winthrop Laboratories, 90 Park Ave., New York, NY 10016 (NDA 9-032).

21. Trocinate with Phenobarbital Tablets containing thiphenamil hydrochloride 100 mg and phenobarbital 16 mg; Wm. P. Poythress & Co., Inc., (NDA 6-098).

22. Metropine with Phenobarbital Tablets containing methylatropine nitrate 1 mg and phenobarbital 15 mg; Pennwalt Prescription Products Division, 755 Jefferson Rd., Rochester, NY 14623 (NDA 4-298).

23. Phenobarbital and Atropine Tablets containing atropine sulfate 1/6504 grain and phenobarbital ¼ grain; The Vale Chemical Co., Inc., 1201 Liberty St., Allentown, PA 18102 (NDA 0-597).

DESI 9489

Pathilon with Phenobarbital Tablets, containing tridihexethyl chloride 25 mg and phenobarbital 15 mg; Lederle Laboratories (NDA 9-489). This product was not reviewed by the Academy.

The following drug products are subjects of NDA's but were not reviewed by the Academy and have not been the subject of a previous DESI notice. Some are subjects of abbreviated NDA's submitted pursuant to a DESI notice. All are affected by this notice.

1. Librax Capsule, containing clidinium bromide 2.5 mg and chlordiazepoxide 5 mg; Roche Laboratories, Division of Hoffmann-LaRoche, Inc., Nutley, NJ 07110 (NDA 12-750). The new drug application was approved prior to 1962. However, approval of the NDA was withdrawn January 26, 1966 (31 FR 1015), following the occurrence of accentuated anticholinergic effects and the discovery that certain lots of the drug contained greater than usual amounts of impurities which were analogues of clidinium. On September 1, 1966, the new drug application was reinstated after the firm submitted new data including new test procedures to detect the amount of impurities. However, since this reinstatement approval was not based upon a complete review of the entire application and did

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not constitute a determination that all claimed indications are supported by substantial evidence of effectiveness, exclusion of Librax from NAS–NRC review was in appropriate. The clinical data included in the new drug application have now been reviewed by the Food and Drug Administration and it has been concluded that the data do not provide substantial evidence of effectiveness of the fixed combination. In addition to deficiencies with respect to the elements of adequate and well-controlled clinical investigations set forth in 21 CFR 314.111 (a) (5), the studies were not designed to show compliance with the requirements of 21 CFR 300.50 *Fixed-Combination prescription drugs for humans.* There is therefore no substantial evidence that the addition of chlordiazepoxide to clidinium bromide contributes to the effectiveness of the latter in the adjunctive therapy of peptic ulcer disease.

2. Spacolin Tablets containing alverine citrate 120 mg; Philips Roxane Laboratories, Inc., 330 Oak St., Columbus, OH 43216 (ANDA 80–634).

3. Dicyclomine Hydrochloride Capsules 10 mg; Bolar Pharmaceutical Co., Inc., 130 Lincoln St., Copiaque, NY 11726 (ANDA 83–179).

4. Dicyclomine Hydrochloride Capsules 10 mg; J. Davis Laboratories Inc., 433 Commercial Ave., Palisades Park, NJ 07650 (ANDA 83–860).

5. Dicyclomine Hydrochloride Tablets 20 mg; J. Davis Laboratories Inc. (ANDA 83–924).

6. Dicyclomine Hydrochloride Capsules 10 mg; The Lannett Co., Inc., 9000 State Rd., Philadelphia, PA 19136 (ANDA 84–285).

7. Dicyclomine Hydrochloride Capsules 10 mg; Danbury Pharmacal Inc., 131 West St., Danbury, CN 06810 (ANDA 84–347).

8. Dicyclomine Hydrochloride Tablets 20 mg; Bolar Pharmaceutical Co., Inc. (ANDA 84–361)..

9. Dicyclomine Hydrochloride Tablets 20 mg; Barr Laboratories Inc., Northvale, NJ 07647 (ANDA 84–600).

10. That part of NDA 5–695 pertaining to Profenil Injection, containing alverine hydrochloride 45 mg/cc; Smith, Miller & Patch. Profenil Tablets containing alverine *citrate,* same NDA, was reviewed by the Academy and is listed above under DESI 3265.

All identical, related, and similar drug products, not the subject of an approved new drug application, are covered by the applications reviewed and are subject to this notice. (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

Numerous products containing one or more belladonna alkaloids plus a barbiturate are known to be marketed without an approved new drug application. They are also affected by this notice. Following are some examples of such products, although this is not intended to be an exhaustive list:

1. Barbidonna Tablets and Elixir; Mallinckrodt Chemical Works, Pharmaceutical Division, 2d & Mallinckrodt Sts., St. Louis, MO 63160.

2. Belbarb Tablets; Arnar-Stone Laboratories, Inc., 601 E. Kensington Rd., Mount Prospect, IL 60056.

3. Belladenal Tablets and Elixir; Sandoz Pharmaceuticals, Inc., Rte. 10, E. Hanover, NJ 07936.

4. Butibel Tablets and Elixir; McNeil Laboratories, Inc., Camp Hill Rd., Fort Washington, PA 19034.

5. Chardonna Tablets, William H. Rorer, Inc., 500 Virginia Dr., Fort Washington, PA 19034.

6. Donnatal Tablets, Capsules, and Elixir; A. H. Robins Co., Inc.

7. Donphen Tablets; Lemmon Pharmacal Co., Sellersville, PA 18960.

8. Hybephen Tablets and Elixir; Beecham-Massengill Pharmaceuticals, Division of Beecham, Inc., 501–551 Fifth St., Bristol, TN 37620.

9. Kinesed Tablets; Stuart Pharmaceuticals, Division of I.C.I. America, Inc., 3411 Silverside Rd., Wilmington, DL 19899.

10. Levsin Tablets, Elixir, and Injection; Kremers-Urban Co., 5600 W. County Line Rd., P.O. Box 2038, Milwaukee, WI 53201.

11. Phenobarbital and Belladonna Tablets; The Upjohn Co.

12. Sidonna Tablets; Reed & Carnrick, 30 Boright Ave., Kenilworth, NH 07033.

The DESI notices cited above classified the combination products which they covered as possibly effective for certain indications and lacking substantial evidence of effectiveness for all other indications, and the single-entity drug products as effective with less-than-effective indications.

I. The Combination Drug Products

The anticholinergic/antispasmodic-sedative/tranquilizer combinations reviewed by the NAS–NRC, Drug Efficacy Study Group Panels and by the Food and Drug Administration were in all cases rated as less than effective (none were higher than "possibly effective") as fixed combinations. The anticholinergic components of the combinations were considered effective as "adjunctive therapy in the treatment of peptic ulcer" and the sedative components effective for sedation. Since publication of the initial notices, the FDA has not received information that would alter the conclusion that the combinations have not been demonstrated to be effective. The Commissioner of Food and Drugs has now considered these products further in light of the following.

A. Evidence of effectiveness

The nature of the evidence needed to demonstrate effectiveness is determined by the condition(s) for which a drug is indicated. Two kinds of indications can be considered for anticholinergic-sedative combinations. First, they could be indicated for treatment of specific gastrointestinal diseases, e.g., for treatment of peptic ulcer disease or functional bowel syndrome. Alternatively, they could be indicated for treatment of two independent diseases; that is, for a gastrointestinal disease when there is also anxiety.

If the combinations are indicated for treatment of the gastrointestinal disease alone, then evidence of their effectiveness must be derived from studies which demonstrate, as required by 21 CFR 300.50 *Fixed-combination prescription drugs for humans,* that the anticholinergic drug and the sedative each contribute to the treatment of the gastrointestinal disease. This is accomplished by showing that the combination improves some gastrointestinal clinical parameter (rate of healing, pain, nausea, rate of recurrence) better than either single ingredient. It should be stressed that evaluation of the effectiveness of the drugs in treating anxiety in these patients is irrelevant to proof of effectiveness for the gastrointestinal indication, since it is the gastrointestinal disease that is being treated. (It might be of interest, however, to evaluate anxiety in order to determine whether there is a particular subclass of patients with gastrointestinal disease who respond best to combinations.)

Although alternative indications could be proposed, it is fairly clear that the anticholinergic-sedative combinations are intended by most physicians to treat gastrointestinal diseases, rather than two independent diseases, because it is thought that anxiety or tension, even if not at a level needing treatment if there were no gastrointestinal disease, contributes to the development of the gastrointestinal diseases or causes exacerbation of their symptoms and that sedation or relief of anxiety may therefore be helpful. This is a reasonable hypothesis and is supported by the known increase in acid secretion in humans with stress, by the well-described ability of stress to produce ulcer disease in animals, and by anecdotal evidence of symtomatic exacerbation of human gastrointestinal disease in periods of stress or anxiety. Although the hypothesis that sedation may be of benefit in treatment of gastrointestinal diseases is a plausible one, there are no adequate and well-controlled studies of any of the anticholinergic / antispasmodic - sedative/tranquilizer combinations which provide substantial evidence, as required by 21 CFR 300.50, that each component in fact contributes to the healing or other improvement of peptic ulcer disease or functional bowel disease. At a meeting of the FDA Gastrointestinal Drugs Advisory Committee on December 16, 1974, Dr. Stanley Lorber, a gastroenterologist who has strongly advocated continued availability of the combinations (see below), agreed with the committee that he knew of no adequate and well-controlled studies which demonstrated the contribution of each component of the combinations.

In addition to such evidence, the FDA combination policy requires that the components be present in a "dosage * * * (amount, frequency, duration) such that the combination is safe and effective for a significant population requiring such concurrent therapy as defined in the labeling for the drug." This requirement raises the question of whether the effectiveness of the combination would depend on the ability to titrate each component independently. This question, however, obviously cannot be addressed at all until the contribution of each component is demonstrated.

It could be contended that the drugs are indicated, not for treatment of a gastrointestinal disease alone, but for treatment of two independent conditions, a gastrointestinal disease and anxiety, when the two conditions coexist. The implication of such an indication is that the two independent conditions coexist in a significant population, perhaps because they are not truly independent but tend to be associated, and that this population is definable in drug labeling and *requires* both drugs concurrently at the precise dosage (amount, duration of therapy, frequency of therapy) that is available in the fixed combination. The treatment population would thus have to have both the gastrointestinal disease and an anxiety episode needing treatment (i.e., a physician seeing such a patient without any gastrointestinal disease at all but with the same degree of anxiety would prescribe a sedative/tranquilizer in the amount present in the combination). Moreover, there would need to be evidence that the gastrointestinal disease and the anxiety arose and disappeared more or less simultaneously, so that neither drug was given for a condition that was no longer present.

There has been no evidence submitted to the FDA demonstrating that the population needing such concurrent therapy for the two coexisting conditions exists. The requirements of 21 CFR 300.50 are thus not fulfilled for this indication.

B. Evidence of medical need

In the court order of October 11, 1972, by Judge William B. Bryant of the U.S. District Court for the District of Columbia, which set time requirements for implementation of the Drug Efficacy Study, provision was made in Paragraph XIV for a limited number of drugs to "remain on the market pending completion of scientific studies to determine effectiveness where there is a compelling justification of the medical need for the drug."

Anticholinergic-sedative combinations are widely prescribed for the treatment of gastrointestinal diseases and are perceived as important in such treatment by many specialists in gastroenterology. Dr. Stanley Lorber, Professor of Medicine and Chairman of the Deparement of Gastroenterology of Temple University asked 105 physicians, most of them directors of gastroenterology training programs, to sign a letter to the Director of the Bureau of Drugs, supporting continued availability of the combinations. Of the 58 who responded, 45 supported the letter, which described the combinations as "useful in the treatment of a variety of gastrointestinal diseases and disorders * * *, constructed in such a way as to insure optimum safety with effectiveness . . . , well accepted by gastroenterologists as well as by general practitioners." The letter also stated that "65 percent to 75 percent of prescriptions written for anticholinergics/antispasmodics are prescribed in association with sedative drugs" and that "The potential disadvantages to patients, practicing physicians, and clinical investigators which would result from the removal of these combinations from the formulary and the subsequent need to re-prove their efficacy, when such efficacy has been been recognized for decades, would be a therapeutic injustice as well as an investigative burden of immense proportions. The latter would divert funds and investigative resources away from useful channels." Copies of Dr. Lorber's letter and pertinent portions of the minutes of the meeting of the FDA Gastrointestinal Drugs Advisory Committee have been placed on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852 and may be seen in that office Monday through Friday between 9:00 a.m. and 4:00 p.m. except on Federal legal holidays.

Standard texts also indicate that there are recognized experts in gastroenterology who perceive sedation as an important element in treating gastrointestinal diseases, although this view is far from unanimous and many experts indicate that the usefulness of sedation is not established.

Thus, while "Harrison's Principles of Internal Medicine" (Ref. 1) cautions against the routine use of sedation (p. 1437) and notes that sedatives have not been shown to alter the course of duodenal ulcer materially, "Cecil-Loeb Textbook of Medicine" (Ref. 2) states that while sedatives and tranquilizers do not affect gastric secretion, they promote relaxation and sleep and "rest and relief of tension are important" in treatment of ulcer disease (p. 1274). Small doses of sedative/tranquilizers are mentioned, the same doses generally present in the anticholinergic-sedative combinations. This view is more strongly advocated in "Drugs of Choice 1974–1975" (Ref. 3) (p. 297), which states that "Emotional tension plays an important role in the pathogenesis of peptic ulcer * * *. The relief of anxiety, tension, and other emotional stresses, therefore, is an important therapeutic consideration. Mild sedatives such as phenobarbital, 15 to 30 mg 4 times daily, facilitate rest and relaxation. Chlorlazepoxide (Librium), in doses of 5 to 25 mg 3 or 4 times daily, is useful in decreasing anxiety." There is no specific reference to combinations, but the description plainly includes the dosages of sedatives most commonly included in the combinations.

References

1. Silen, W., "Peptic Ulcer," *Harrison's Principles of Internal Medicine,* 7th ed. Edited by Wintrobe, M. W. et al., McGraw-Hill, New York, 1974.

2. Kirsner, J. B., "Acid-Peptic Disease," *Cecil-Loeb Textbook of Medicine,* 13th ed. Edited by Beeson, P. B. and W. McDermott, W. B. Saunders Co., Philadelphia, 1971.

3. Rakatansky, H. and J. B. Kirsner, "Drugs for Gastrointestinal Diseases," *Drugs of Choice 1974–1975.* Edited by Modell, W., C. V. Mosby Co., St. Louis, 1974.

Similar assertion of the usefulness of sedation is made in reference to functional bowel disorders ("Drugs of Choice," p. 310), emotional tension being cited as "the most important and most common cause of functional gastrointestinal distress." Combinations of antispasmodics and sedatives are specifically recommended.

It must be emphasized that neither Dr. Lorber's letter nor the opinions offered in standard textbooks constitute in any way evidence that the anticholinergic-sedative combinations are effective. The Commissioner does not accept the view that demonstration of the effectiveness of the anticholinergic-sedative combinations would be a useless diversion of investigative resources, or the conclusion, supported by no reports of adequate and well-controlled studies, that the effectiveness of the combinations has been recognized for decades. The very fact that use of these products is extensive is strong argument for the importance of carrying out studies to determine whether that use is effective.

At the same time, the important role of sedation and anticholinergic-sedative combinations perceived by numerous experts in gastroenterology and the claimed importance of the drugs to patient convenience and selection of proper dosage represent a compelling justification of their medical need and a basis for permitting the combinations to remain available while adequate and well-controlled studies are carried out to determine their effectiveness.

In addition to the medical need for these products represented by their present importance to many gastroenterologists and general practitioners, there are two additional considerations in placing these products under the Paragraph XIV exemption.

First, it is recognized by the Gastrointestinal Drugs Advisory Committee and the Food and Drug Administration that studies of drugs, including combination drugs, for treatment of the common gastrointestinal diseases are difficult to design and conduct because definition of the disease and rating of the severity of illness is difficult end points of success are difficult to define and measure, and the diseases are placebo-responsive and spontaneously fluctuating in their severity. In part for these reasons, adequate studies of the combinations have not been carried out. The conclusion that there is no substantial evidence of effectiveness of the combinations thus represents predominantly a conclusion that there are no good data, rather than strong evidence that the combinations are not effective. For several years, manufacturers have been attempting to design, and agree with the Food and Drug Administration on, protocols for studies that would be well-controlled; but only recently has FDA, with the help of the new Gastrointestinal Drugs Advisory Committee, been able to provide guide-

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lines for such studies. The lack of adequate studies of the anticholinergic-sedative combinations thus is, at least in part, a result of undeveloped investigational methodologies in this area.

Second, the question of the effectiveness of the fixed-dose anticholinergic-sedative combinations cannot be separated from the larger issue of whether sedatives, in variable combination or alone, are effective therapy for gastrointestinal diseases. Although no sedative is at present approved as effective for treating peptic ulcer disease or its symptoms or for treating functional bowel syndrome, sedative-tranquilizers are well-known to be used for these conditions, often with anticholinergics. These uses are not being extensively studied, and there appears to be little incentive to do so when the drugs are generally available and when many potential investigators, such as the signers of the letter to the Director, believe sedatives are already known to be effective. Studies of the fixed-dose combinations will thus provide information that is of great importance to the rational practice of gastroenterology: evidence of whether or not sedation, an important element in current treatment of peptic ulcer disease and functional bowel syndrome, is in fact an effective part of such treatment.

For the above reasons, the Commissioner of Food and Drugs has concluded that combinations of an anticholinergic/antispasmodic drug and a sedative/anti-anxiety drug, should be added to the list of drugs which may remain on the market beyond the applicable time limits for implementation (37 FR 26623). However, continued marketing will depend upon fulfillment of specific requirements, namely, the carrying out, according to protocols that are satisfactory to the Food and Drug Administration, of studies intended to resolve in a timely manner the question of whether or not such drugs are in fact effective (21 CFR 300.50 and 21 CFR 314.111(a)(5)).

Some of the anticholinergic-sedative combinations considered by the NAS/NRC contain only 8 mg of barbiturate. This is well below the therapeutic dose and does not appear to represent a likely unit of titration. These products have not been exempted and are the subject of a separate notice appearing elsewhere in this issue of the FEDERAL REGISTER.

Certain products reviewed by the NAS/NRC contain an anticholinergic in combination with a major tranquilizer. Since these major tranquilizers have not been shown to be effective as sedatives or as antianxiety agents in non-psychotic patients, the combinations containing them lack the rationale of the anticholinergic-sedative combinations and they have not been exempted. They are the subject of a separate notice appearing elsewhere in this issue of the FEDERAL REGISTER.

II. CERTAIN SINGLE-ENTITY ANTICHOLINERGIC DRUGS

In the announcement published in the Federal Register of June 18, 1971 (36 FR 11754; DESI 3265), the Commissioner of Food and Drugs announced his conclusions concerning the single-entity anticholinergic drugs. These were considered to be effective for use as adjunctive therapy in the treatment of peptic ulcer and probably effective in the irritable bowel syndrome. The pediatric preparations were probably effective for use in the treatment of infant colic. A number of drug products which lack anti-secretory properties entirely, are not anticholinergic drugs, and had not claimed effectiveness in ulcer disease except to relieve "spasm" were included erroneously in this list: products containing dicyclomine hydrochloride, piperidolate hydrochloride, alverine citrate, thiphenamil hydrochloride, isometheptene mucate, and isometheptene hydrochloride. In a separate notice appearing elsewhere in this issue of the FEDERAL REGISTER the Director, Bureau of Drugs, announces his conclusion that these drugs, in view of their lack of anti-secretory activity, lack substantial evidence of effectiveness as adjunctive therapy in the treatment of peptic ulcer and are less than effective (probably effective) for the irritable bowel syndrome. These drugs, however, may have advantages in the latter condition, in that they lack the anti-secretory effects of most anticholinergics and may produce fewer side effects as a result. In addition, the difficulties in designing protocols for study of functional bowel syndrome has delayed good study of these products, as well as the combinations. For these reasons, these single-entity antispasmodics have been placed on the exempt list.

III. CONTROLLED RELEASE DOSAGE FORMS

The exemption does not apply to controlled-release forms of such products. A notice concerning controlled-release products appears elsewhere in this issue of the FEDERAL REGISTER.

Accordingly, a new section is added to the list of drugs which may remain on the market (paragraph 3 of the notice of December 14, 1972) to read as follows:

XVIII. ANTICHOLINERGIC/ANTISPASMODIC-SEDATIVE/TRANQUILIZER COMBINATION DRUGS AND ANTISPASMODIC DRUGS ALONE

Class A. Anticholinergic drugs in combination with a sedative/tranquilizer

Any of the following anticholinergic drugs: aminopentamide sulfate, anisotropine methylbromide, atropine sulfate, clidinium bromide, glycopyrrolate, hexocyclium methyl sulfate, hyoscine hydrobromide, hyscyamine sulfate, mepenzolate bromide, methantheline bromide, methscopolamine bromide, methylatropine, nitrate, oxyphencyclimine hydrochloride, oxyphenonium bromide, penthienate bromide, pipenzolate bromide, poldine methylsulfate, propantheline bromide, tricyclamol chloride, or tridihexethyl chloride, in combination with an effective dose of one of the following sedatives or minor tranquilizers:

Sedatives: amobrabital, butabarbital, mephobarbital, phenobarbital, or other intermediate-duration barbiturates;

Minor tranquilizers: chlordiazepoxide, hydroxyzine, meprobamate.

Class B. *Antispasmodic drug alone or in combination with a sedative/tranquilizer.*

Any of the following antispasmodic drugs alone or in combination with an effective dose of a sedative or minor tranquilizer listed under Class A: adiphenine hydrochloride, alverine citrate, alverine hydrochloride, dicyclomine hydrochloride, isometheptene hydrochloride, isometheptene mucate, piperidolate hydrochloride, or thiphenamil hydrochloride.

A number of FEDERAL REGISTER notices were published classifying many of these drugs in combination as less than effective (possibly effective) for their labeled indications. At the present time there is no substantial evidence that any of these products are effective combinations meeting the requirements of 21 CFR 300.50, or that the single-entity antispasmodic drug products are effective for any indication. It is recognized, however, that well-controlled studies of drugs for peptic ulcer disease and functional bowel syndrome are difficult to design and conduct because definition of the diseases and rating of the severity of illness are difficult, end-points of success are difficult to define and measure, and the diseases are placebo-responsive and spontaneously fluctuating in their severity. Only in recent months has the Food and Drug Administration been able to develop guidelines for study of these conditions.

Antispasmodic - sedative / tranquilizer combinations and single-entity antispasmodic drugs are widely used in the treatment of peptic ulcer disease and functional bowel syndrome and are perceived as important and useful tools of therapy by many gastroenterologists and general practitioners, the loss of which would result in poorer and less convenient therapy for their patients. While this perception cannot in any way substitute for well-controlled studies, it does provide a compelling justification for permitting the continued marketing of these drugs while studies are underway to determine whether or not they are in fact effective. Furthermore, in addition to providing information about the fixed-dose combinations under consideration, such studies will provide important data about the use in general (i.e., alone and as variable combinations as well as fixed combinations) of anti-anxiety agents in the treatment of gastrointestinal diseases. Such use is common but is not an approved use for any sedative/tranquilizer because there is a lack of substantial evidence that this use is effective in relieving any gastrointestinal symptom or affecting the course of any gastrointestinal disease. Well-controlled studies of these drugs are thus of great importance to the rational practice of gastroenterology.

Because of the importance in day-to-day practice of these drugs, the need to develop information on this widely used class of drugs, and the difficulty of planning and conducting studies of the common gastrointestinal diseases, these products are being permitted to remain on the market pending completion of scientific studies to determine effectiveness. The specific conditions under which these drugs may be marketed are as follows:

1. *Labeling.* Class A drugs shall be labeled as possibly effective as adjunctive therapy in the treatment of peptic ulcer and as possibly effective in the treatment of the irritable bowel syndrome (irritable colon, spastic colon, mucous colitis) and acute enterocolitis.

Class B drugs, if combinations, shall be labeled as possibly effective in the treatment of the irritable bowel syndrome (irritable colon, spastic colon, mucous colitis) and acute enterocolitis or, if single entities, shall be labeled as probably effective for the same indications. Single-entity pediatric antispasmodic drugs shall be labeled as probably effective for use in the treatment of infant colic.

The exemption does not apply to controlled-release forms of such products.

2. *Studies.* a. On or before February 9, 1976, the manufacturer or distributior of any such product shall submit a protocol to the Division of Cardio-Renal Drug Products, Gastrointestinal Drug Products Group (HFD–110), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852 for at least two adequate and well-controlled studies by independent investigators or for a multi-clinic study in which the data of at least three investigators can be evaluated independently, to determine whether or not the product is effective for at least one of the indications.

These protocols shall be compatible with Bureau of Drugs guidelines for such studies, available from the Division of Cardio-Renal Drug Products.

The Bureau of Drugs will review submitted protocols within a 90-day period and will provide to the manufacturer or distributor notice of approval or comments.

b. Within 6 months after receipt of the Bureau's approval or comments on the protocol, studies shall be in progress and the manufacturer or distributor shall so notify the Division of Cardio-Renal Drug Products in writing.

c. At 6-month intervals after studies have begun, the manufacturer or distributor shall submit a progress report to include the number of patients and investigators in the studies, the number of studies completed, and the number continuing.

d. Within 18 months after receipt of the Bureau's approval or comments on the protocol, the manufacturer or distributor shall submit data to the Division of Cardio-Renal Drug Products.

3. It will be acceptable to the Food and Drug Administration for manufacturers of products containing the same ingredients at the same dosages or dosage ratios to conduct studies in cooperation with one another and to submit a joint protocol. For this purpse, all barbiturates may be considered as identical.

Failure of any manufacturer or distributor of such drug products, whether or not his drug is the subject of a new drug application, to comply with the requirements of this notice, or to show adequate progress, will result in regulatory action to remove the drug product from the market.

All submissions (e.g., protocol, progress report) pursuant to this notice shall be identified by including the following in a box in the upper portion of the cover letter:

PARAGRAPH XIV DRUG—CATEGORY XVIII (identify as appropriate, e.g. ANTICHOLINERGIC-SEDATIVE COMBINATION, ANTISPASMODIC)

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052–1053, as amended, 1055–1056, as amended, (21 U.S.C. 355, 371)), the Administrative Procedure Act (5 U.S.C. 553, 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30273 Filed 11-10-75;8:45 am]

MICROBIOLOGICAL GUIDELINES AND CRITERIA FOR TESTING CONTACT LENSES MADE WITH NEW POLYMERS

Notice of Availability

The Commissioner of Food and Drugs has developed microbiological guidelines and criteria for testing contact lenses made with new polymers (other than polymethylmethacrylate (PMMA)). These guidelines were developed by the Food and Drug Administration with the assistance of consultants and the Food and Drug Administration's Ophthalmic Drugs Advisory Committee. The guideline's purpose is to (1) provide the microbiological criteria by which contact lenses made with new polymers (other than PMMA) can be approved for marketing, and (2) provide an outline of tests to be performed by manufacturers to ascertain if such criteria have been met. The criteria are intended to minimize the risk of introducing pathogenic organisms into the eye as a consequence of using contact lenses made with new polymers. These guidelines are not designed to be specific in all details. On request of the sponsor, protocols for studies will be reviewed by the Food and Drug Administration prior to initiation of the studies.

A copy of the draft guidelines has been placed on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and will be available for public inspection Monday through Friday, from 9 a.m. to 4 p.m. Copies of the draft are also available upon request from the Hearing Clerk. Such requests shall be in writing.

Interested persons may, on or before December 11, 1975, submit to the Hearing Clerk written comments, preferably in quintuplicate, on these draft guidelines. Received comments may be seen in the Hearing Clerk's office during working hours, Monday through Friday.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30278 Filed 11-10-75;8:45 am]

[Docket No. 75N–0185; DESI 3265]

CERTAIN SINGLE-ENTITY ANTISPASMODIC DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation; Amendment and Notice of Opportunity for Hearing

In an announcement (DESI 3265; Docket No. FDC–D–303 (Now Docket No. 75N–0185; NDA 3–265 etc.)) published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11754), the Food and Drug Administration announced its conclusion that the drugs described below are effective as adjuncts in the treatment of peptic ulcer and less than effective for other indications. The Director of the Bureau of Drugs has now concluded that these particular products are not effective adjuncts to peptic ulcer treatment and proposes to withdraw approval of that indication and also certain other indications which were not supported by substantial evidence of effectiveness. Persons wishing to request a hearing must do so on or before December 11, 1975. Other drugs were also included in the announcement of November 18, 1971, but are not affected by this notice.

1. Bentyl Capsules containing dicyclomine hydrochloride 10 mg; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 E. Amity Rd., Cincinnati, OH 45215 (NDA 7–409).

2. Bentyl Injection containing dicyclomine hydrochloride 10 mg/cc; Merrell-National Laboratories (NDA 8–370).

3. Bentyl Syrup containing dicyclomine hydrochloride 5mg/5cc; Merrell-National Laboratories (NDA 7–961).

4. Dactil Tablets containing piperidolate hydrochloride 50 mg; Lakeside Laboratories, Division of Colgate-Palmolive Co., 1707 E. North Ave., Milwaukee, WI 53201 (NDA 8–907).

5. Profenil Tablets containing alverine citrate 120 mg (and Profenil Injection containing alverine hydrochloride 45 mg/cc); Smith, Miller & Patch, Inc., 401 Joyce Kilmer Ave., New Brunswick, NJ 08902 (NDA 5–695). Profenil Injection was not reviewed by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group and was not included in the June 18, 1971 notice, but is regarded as similarly affected.

6. Octin Tablets containing isometheptenemucate 2 grains and Octin Solution containing isomethepteneheptene hydrochloride 110 mg/cc; Knoll Pharmaceutical Co., 30 N. Jefferson Rd., Whippany, NJ 07051 (NDA 6–420).

7. Trocinate Tablets containing thiphenamil hydrochloride 100 mg; Wm. P. Poythress & Co., Inc., 16 N. 22d St., Richmond, VA 23217 (NDA 6–098).

The following abbreviated new drug applications, although approved pursuant to the June 18, 1971 notice, are affected by the conclusions below.

1. Spacolin Tablets containing alverine citrate 120 mg; Philips Roxane Laboratories, Inc., 330 Oak St., Columbus, OH 43216 (ANDA 80–634).

2. Dicyclomine Hydrochloride 10 mg Capsules; Bolar Pharmaceutical Co., Inc., 130 Lincoln St., Copiaque, NY 11726 (ANDA 83–179).

3. Dicyclomine Hydrochloride 10 mg Capsules; J. Davis Laboratories, Inc., 433

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Commercial Ave., Palisades Park, NJ 07650 (ANDA 82–860).

4. Dicyclomine Hydrochloride 20 mg Tablets; J. Davis Laboratories Inc., (ANDA 83–924).

5. Dicyclomine Hydrochloride 10 mg Capsules; The Lannett Co., Inc., 9000 State Rd., Philadelphia, PA 19136 (ANDA 84–365).

6. Dicyclomine Hydrochloride 10 mg Capsules; Danbury Pharmacal Inc., 131 West St., Danbury, CN 06810 (ANDA 84–347).

7. Dicyclomine Hydrochloride 10 mg Tablets; Bolar Pharmaceutical Co., Inc., (ANDA 84–361).

8. Dicyclomine Hydrochloride 20 mg Tablets; Barr Laboratories Inc., Northvale, NJ 07647 (ANDA 84–600).

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fisheries Lane, Rockville, MD 20852.

The announcement of June 18, 1971, stated that the above products, among other single-active-entity products, were regarded as effective for use as adjunctive therapy in the treatment of peptic ulcer, probably effective in the irritable bowel syndrome and adjunctive therapy in neurogenic bowel disturbances (including the splenic flexure syndrome and neurogenic colon), and possibly effective and lacking substantial evidence of effectiveness for other indications. Preparations labeled for pediatric use were regarded probably effective for infant colic.

The evaluations of dicyclomine, piperidolate, alverine, isometheptene, and thiphenamil products in the aforesaid notice as effective adjuncts in the treatment of peptic ulcer was inappropriate. That notice dealt with anticholinergics. These drug entities have not been shown to be effective as anti-secretory agents and in fact possess little or no anticholinergic activity. Further, the sponsors of the products had not previously claimed that they are effective in peptic ulcer disease, except to relieve "spasm". These drug entities are correctly classified as antispasmodics. They continue to be regarded as less than effective (probably effective) for the irritable bowel syndrome and the preparations labeled for pediatric use are regarded as less than effective (probably effective) for infant colic. In that no data were submitted in support of the other less than effective (probably and possibly effective) indications described in the June 18, 1971 notice, those indications are now regarded as lacking substantial evidence of effectiveness.

Accordingly, insofar as the drugs described above are concerned, the revised conclusions are as follows:

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. The drugs are less than effective (probably effective) as described in paragraph B below.

2. The drugs lack substantial evidence of effectiveness for adjunctive therapy in the treatment of peptic ulcer and for all the other labeled indications for which they were stated in the notice of June 18, 1971, to be either probably effective or possibly effective.

B. *Labeling conditions.* Labeling revised pursuant to this notice should furnish adequate information for the safe use of the drug for the following less-than-effective (probably effective) indications: the treatment of the irritable bowel syndrome (irritable colon, spastic colon, mucous colitis) and acute enterocolitis and, for pediatric products, infant colic.

C. *Market status.* Because these drug products may have advantages in the irritable bowel syndrome in that they lack the antisecretory effects of most anticholinergics and may produce fewer side effects as a result, and in that difficulties in designing protocols for study of functional bowel syndrome have delayed good study of these products, these single-entity antispasmodics, as well as certain of their combinations, are being placed on the list of drugs which may remain on the market pending completion of scientific studies to determine effectiveness. The specific conditions under which these drugs may be marketed are described in a separate notice published elsewhere in this issue of the FEDERAL REGISTER.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a) (5), demonstrating the effectiveness of the drugs for indications referred to in paragraph A.2 of this notice.

Therefore, notice is given to the holders of the new drug applications, and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug applications and all amendments and supplements thereto on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the applications, shows there is a lack of substantial evidence, for the indications referred to in paragraph A.2 of this notice, that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application supplemented, in accord with the notice, to (1) delete the claim(s) lacking substantial evidence of effectiveness; and (2) revise the labeling to be in accord with the labeling conditions set forth in paragraph B of this notice.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons who manufacture or distribute a drug which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If the applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing he shall file (1) on or before December 11, 1975, a written notice of appearance and request for hearing, and (2) on or before January 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for an indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions and denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Communications forwarded in response to this notice should be identified with the reference number DESI 3265, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Division of Cardio-Renal Drug Products (HFD–110), Rm. 16B–30, Bureau of Drugs.

Request for Hearing (identify with docket number): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65, Parklawn Building.

All other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 29, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75–30274 Filed 11–10–75;8:45 am]

[Docket No. 75N–0223; DESI Nos. 597, 3265, 4681]

CERTAIN ANTICHOLINERGIC DRUGS IN CONTROLLED-RELEASE DOSAGE FORM

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In notices published in the FEDERAL REGISTER of October 21, 1970 (35 FR 16422; DESI 4681), June 18, 1971 (36 FR 11754; DESI 3265), and July 27, 1972 (37 FR 15028; DESI 597), the Food and Drug Administration announced its conclusions that certain anticholinergic drugs in controlled-release dosage form, described below, were probably effective, possibly effective, or lacking substantial evidence of effectiveness for use in the treatment of various gastrointestinal disorders (for example, ulcers) for which they were labeled. Since no data demonstrating the claimed prolonged effect have been received, substantial evidence of effectiveness is lacking and withdrawal of approval of these products is now being proposed. Persons wishing to request a hearing on the proposal must do so on or before December 11, 1975. Other products included in the above-listed announcements, but not named herein, are not affected by this notice.

DESI 597

1. Bentyl Repeat Action Tablets with Phenobarbital containing dicyclomine hydrochloride and phenobarbital; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 E. Amity Rd., Cincinnati, OH 45215 (NDA 9–311).

2. Tral with Phenobarbital Gradumets, (controlled-release tablets) containing hexocyclium methylsulfate and phenobarbital; Abbott Laboratories, Abbott Park, 14th & Sheridan Rd., N. Chicago, IL 60064 (NDA 11–200).

3. Pathilon with Phenobarbital Sequels (controlled-release capsules) containing tridihexethyl chloride and phenobarbital; Lederle Laboratories, Division American Cyanamid Co., P.O. Box 500, Pearl River, NY 10965 (NDA 11–940).

DESI 3265

1. Tral Gradumets (controlled-release tablets) containing hexocyclium methylsulfate; Abbott Laboratories (NDA 11–200).

2. Pathilon Sustained Release Capsules containing tridihexethyl chloride; Lederle Laboratories (NDA 11–889).

DESI 4681

1. Prantal Repetabs (controlled-release tablets) containing diphemanil methylsulfate; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033 (NDA 8–638).

2. Scopolamine Methyl Bromide Prolongsules (controlled-release capsules) containing methscopolamine bromide; Richlyn Laboratories Inc., 3725 Castor Ave., Philadelphia, PA 19124 (NDA 10–404).

Scopolamine Methyl Bromide Prolongsules (NDA 10–404) was a subject of an order published in the FEDERAL REGISTER of October 27, 1971 (36 FR 20619), withdrawing approval of the new drug application on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). At that time no final conclusions concerning effectiveness of this drug had been reached. Conclusions have now been reached and the drug is included here to inform all interested persons of such conclusions and offer them the opportunity to request a hearing.

All of the above drug products have been reclassified as lacking substantial evidence of effectiveness. This reclassification is based upon the lack of any data demonstrating a prolonged duration of effect as compared with the products in standard dosage form.

With respect to the single-entity anticholinergic products (i.e., hexocyclium methylsulfate, tridihexethyl chloride, diphemanil methylsulfate, socpolamine methylbromide): since the standard dosage forms of single-entity anticholinergic products were classified as effective, bioavailability data demonstrating the prolonged effect claimed would permit reclassifying the products to effective.

With respect to the combination products: since, in a notice appearing elsewhere in this issue of the FEDERAL REGISTER, the standard dosage forms of the combination products are being included on the list of drugs which may remain on the market pending completion of scientific studies to determine effectiveness, bioavailability data demonstrating the prolonged effect claimed would permit these products to be added to that list. The required scientific studies could be conducted with either the standard or controlled-release forms of the combinations: the conclusions reached will be considered applicable to both forms.

Data from bioavailability studies may be submitted as part of a request for hearing, subject to the conditions described in 21 CFR 314.200(c)(4). If such data demonstrate the prolonged effect claimed, appropriate action, as discussed above, will be initiated.

On the basis of all of the data and information available to him the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), and, for those products which are combinations, 21 CFR 300.50, demonstrating the effectiveness of any of the drug products listed above.

Therefore, notice is given to the Holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (except for NDA 10–404) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the the conditions of use prescribed, recommended, or suggested in the labeling.

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In addition to the holder(s) of the new drug application(s) specifically named above this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to any of the drug products named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for produdcts marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) (except for NDA 10–404) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of any of the drug products named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before December 11, 1975, a written notice of appearance and request for hearing, and (2) on or before January 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.-200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to all such drug products (except Scopolamine Methyl Bromide Prolongsules (NDA 10–404)) and a waiver of any contentions concerning the legal status of any of the drug products named above. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. Unless the request for hearing includes data which demonstrate the prolonged effect claimed for the product, if it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the applications (except for NDA 10–404), or which requires a hearing with respect to a determination of the legal status of any of the drug products named above and of all identical, related, or similar drug products or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing. If the data submitted demonstrate that the product has the prolonged effect claimed, this notice will be rescinded with respect to such product and appropriate action will be initiated as discussed above in this notice.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 29, 1975.

J. RICHARD CROUT,
Director,
Bureau of Drugs.

[FR Doc.75-30275 Filed 11-10-75;8:45 am]

[Docket No. 75N–0187; DESI 10837]

ANTICHOLINERGIC DRUGS; PROCHLORPERAZINE MALEATE WITH ISOPROPAMIDE IODIDE, AND PROPANTHELINE BROMIDE WITH THIOPROPAZATE HYDROCHLORIDE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 10837) published in the FEDERAL REGISTER of June 22, 1971 (36 FR 11875), the Food and Drug Administration announced its conclusions that the drug products described below are less than effective (possibly effective as adjunctive therapy in peptic ulcer and in the irritable bowel syndrome, functional diarrhea, drug-induced diarrhea, ulcerative colitis, urinary bladder spasm and urethral spasm), and lacking substantial evidence of effectiveness for their other labeled indications, and that additional evidence is required to establish their effectiveness. No data concerning effectiveness having been submitted, the products are now regarded as lacking substantial evidence of effectiveness. This notice announces that conclusion and proposes to withdraw approval of the products. Persons wishing to request a hearing must do so on or before December 11, 1975. Other products included in the notice of June 22, 1971, are not affected by this notice of opportunity for hearing.

NDA 11–162: Combid Spansule Capsules, containing prochlorperazine maleate and isopropamide iodide; Smith, Kline, and French Laboratories, Division of Smith Kline Corp., 1500 Spring Garden St., Philadelphia, PA 19101.

NDA 11–368; Pro-Banthine with Dartal Tablets, containing propantheline bromide and thiopropazate hydrochloride; Searle Laboratories, Division of G. D. Searle & Co., Box 5100, Chicago, IL 60680.

The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted to support the efficacy of these combination drugs. Further, the major tranquilizer components of these combinations, as single-entities, have not been shown to be effective as sedatives or as antianxiety agents in nonpsychotic patients.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 300.50, demonstrating the effectiveness of these combination drugs.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before December 11, 1975, a written notice of appearance and request for hearing, and (2) on or before January 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions and denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 29, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-30276 Filed 11-10-75;8:45 am]

[Docket No. 75N–0186; DESI 597]

CERTAIN COMBINATION DRUGS CONTAINING AN ANTICHOLINERGIC WITH A BARBITURATE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 597) published in the FEDERAL REGISTER of July 27, 1972 (37 FR 15028), the Food and Drug Administration announced its conclusion that certain combination drug products described below were either only possibly effective or lacking substantial evidence of effectiveness for use in the treatment of the various gastrointestinal disorders (for example, ulcers) for which they are labeled. Because no data providing substantial evidence of effectiveness were received pursuant to that notice, the Director of the Bureau of Drugs proposes to withdraw approval of certain of such products. Persons wishing to request a hearing on the proposal must do so on or before December 11, 1975. Other products named in the notice of July 27, 1972, are not affected by this notice of opportunity for hearing.

1. That part of NDA 8–919 pertaining to Co-Elorine 25 Pulvules containing tricyclamol hydrochloride 25 mg and amobarbital 8 mg; Eli Lilly and Co., P.O. Box 618, Indianapolis, IN 46206.

2. Valpin-PB Tablets containing anisotropine methylbromide 10 mg and phenobarbital 8 mg; Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, Long Island, NY 11533 (NDA 13–430).

3. Valpin-PB Elixir containing anisotropine methylbromide 10 mg per 5 cc and phenobarbital 8 mg per 5 cc; Endo Laboratories (NDA 13–431).

4. That part of NDA 8–942 pertaining to Pamine-PB Half-Strength Tablets containing methscopolamine bromide 1.25 mg, and phenobarbital 8 mg; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002.

5. Pamine-PB Drops (Pediatric) containing methscopolamine bromide 0.5 mg per cc and phenobarbital 20 mg per cc; The Upjohn Co. (NDA 9–260).

6. Pamine-PB Elixir and Paminal Elixir containing methscopolamine bromide 1.25 mg per 5 cc and phenobarbital 8 mg per 5 cc; The Upjohn Co. (NDA 9–261).

Other anticholinergic-barbiturate combinations were included in the July 27, 1972 notice. All of them contain, in each dosage unit, an amount of the barbiturate which is regarded as adequate for its purpose. It has been concluded that those products should be permitted to remain on the market provided that additional clinical studies are undertaken to determine effectiveness of the products as fixed combinations. A notice appearing elsewhere in this issue of the FEDERAL REGISTER describes the conditions for their continued marketing. As presently formulated, each dosage unit of those particular products named in this notice, except as noted with respect to Pamine-BP Drops (Pediatric) (NDA 9–260), contains what is regarded as an inadequate amount of the barbiturate.

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For that reason, it has been concluded that, unless they are reformulated to increase the amount of barbiturate to an adequate amount, they should not be included among the combinations which may continue to be marketed pending additional study. Pamine-PB Drops (Pediatric), although its barbiturate content is not regarded as inadequate, is included in this notice since the holder of the new drug application has informed the Administration that additional studies will not be undertaken.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a) (5) and 21 CFR 300.50, demonstrating the effectiveness of the combination drugs.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before December 11, 1975, a written notice of appearance and request for hearing, and (2) on or before January 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of aproval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions and denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 29, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75–30277 Filed 11–10–75;8:45 am]

COMMITTEE ON HIGH INTENSITY MERCURY VAPOR LAMPS

Meeting Regarding Standards Development Activities

To carry out a succesful radiation control program in those areas covered under its broad authorities, the Bureau of Radiological Health of the Food and Drug Administration follows a policy of cooperation with standards-setting and related organizations. The policy of the Food and Drug Administration recognizes that liaison representation permits cooperation between government representatives and members of an association in the exchange of information and opinions on matters of common interest. To further support the efforts of the American National Standards Institute (ANSI) in resolving a radiation safety problem associated with mercury vapor lamps, the Food and Drug Administration has agreed to provide facilities for a meeting of an ANSI working group from the Committee on High Intensity Mercury Vapor Lamps. Only members of the working group and selected experts have been invited to participate. The meeting, however, will be open to the public to the extent that available space permits.

The meeting will be held at 9 a.m. on November 25, 1975, in Rm. 400 of the Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852. Minutes will be prepared following the meeting and will be filed with the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852.

Anyone wishing to submit recommendations, comments, or technical data that may be useful to the working group should submit such information in quintuplicate, preferably in advance of the meeting.

For additional information, contact Mr. Marshall Little, Division of Compliance, Bureau of Radiological Health (HFX–440), Rockville, MD 20852, telephone (301) 443–3429.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–30279 Filed 11–10–75;8:45 am]

Office for Civil Rights

SEX DISCRIMINATION IN ATHLETIC PROGRAMS

Memorandum

In the matter of memorandum to chief State school officers, superintendents of local educational agencies, and college and university presidents on elimination of sex discrimination in athletic programs.

The following memorandum, intended for the guidance of educational institutions receiving Federal financial assistance from HEW as to their major first year responsibilities under the Department's Title IX regulation in the area of athletics and athletic scholarships, was issued to the Chief State School Officers, Superintendents of Local Educational Agencies, and College and University Presidents.

Public comment is welcomed on these guidelines.

Dated: November 5, 1975.

PETER E. HOLMES,
Director.

ELIMINATION OF SEX DISCRIMINATION IN ATHLETIC PROGRAMS

TO: Chief State School Officers, Superintendents of local Educational Agencies and College and University Presidents.

FROM: Director, Office for Civil Rights.

SEPTEMBER 1975.

Title I of the Education Amendments of 1972 and the Departmental Regulation (45 CFR Part 86) promulgated thereunder prohibit discrimination on the basis of sex in the operation of most federally-assisted education programs. The regulation became effective on July 21, 1975.

During the forty-five day period immediately following approval by the President and publication of the regulation on June 4, 1975, concerns were raised about the immediate obligations of educational institutions to comply with certain sections of the Departmental Regulation as they relate to athletic programs. These concerns, in part, focus on the application of the adjustment period provision (§ 86.41 (d)) to the various non-discrimination requirements, and additionally, on how educational institutions can carry out the self-evaluation requirement (§ 86.3(c)).

This memorandum provides guidance with respect to the major first year responsibilities of an educational institution to ensure equal opportunity in the operation of both its athletic activities and its athletic scholarship programs. Practical experience derived from actual on-site compliance reviews and the concomitant development of greater governmental expertise on the application of the Regulation to athletic activities may, of course, result in further or revised guidance being issued in the future. Thus, as affected institutions proceed to conform their programs with the Department's regulation, they and other interested persons are encouraged to review carefully the operation of these guidelines and to provide the Department with the benefit of their views.

BASIC REQUIREMENTS

There are two major substantive provisions of the regulation which define the basic responsibility of educational institutions to provide equal opportunity to members of both sexes interested in participating in the athletics programs institutions offer.

Section 86.41 prohibits discrimination on the basis of sex in the operation of any interscholastic, intercollegiate, club or intramural athletic program offered by an educational institution. Section 86.37(c) sets forth requirements for ensuring equal opportunity in the provision of athletic scholarships.

These sections apply to each segment of the athletic program of a federally assisted educational institution whether or not that segment is the subject of direct financial support through the Department. Thus, the fact that a particular segment of an athletic program is supported by funds received from various other sources (such as student fees, general revenues, gate receipts, alumni donations, booster clubs, and non-profit foundations) does not remove it from the reach of the statute and hence of the regulatory requirements. However, drill teams, cheerleaders and the like, which are covered more generally as extracurricular activities under § 86.31, and instructional offerings such as physical education and health classes, which are covered under § 86.34, are not a part of the institution's "athletic program" within the meaning of the regulation.

Section 86.41 does not address the administrative structure(s) which are used by educational institutions for athletic programs. Accordingly, institutions are not precluded from employing separate administrative structures for men's and women's sports (if separate teams exist) or a unitary structure. However, when educational institutions evaluate whether they are in compliance with the provisions of the regulation relating to non-discrimination in employment, they must carefully assess the effects on employees of both sexes of current and any proposed administrative structure and related coaching assignments. Changes in current administrative structure(s) or coaching assignments which have a disproportionately adverse effect on the employment opportunities of employees of one sex are prohibited by the regulation.

SELF-EVALUATION AND ADJUSTMENT PERIODS

Section 86.3(c) generally requires that by July 21, 1976, educational institutions (1) carefully evaluate current policies and practices (including those related to the operation of athletic programs) in terms of compliance with those provisions and (2) where such policies or practices are inconsistent with the regulation, conform current policies and practices to the requirements of the regulation.

An institution's evaluation of its athletic program must include every area of the program covered by the regulation. All sports are to be included in this overall assessment, whether they are contact or non-contact sports.

With respect to athletic programs, § 86.41(d) sets specific time limitations on the attainment of total conformity of institutional policies and practices with the requirements of the regulation—up to one year for elementary schools and up to three years for all other educational institutions.

Because of the integral relationship of the provision relating to athletic scholarships and the provision relating to the operation of athletic programs, the adjustment periods for both are the same.

The adjustment period is *not* a waiting period. Institutions must begin now to take whatever steps are necessary to ensure full compliance as quickly as possible. Schools may design an approach for achieving full compliance tailored to their own circumstances; however, self-evaluation, as required by § 86.3(c) is a very important step for every institution to assure compliance with the entire Title IX regulation, as well as with the athletics provisions.

REQUIRED FIRST YEAR ACTIONS

School districts, as well as colleges and universities, are obligated to perform a self-evaluation of their entire education program, including the athletics program, prior to July 21, 1976. School districts which offer interscholastic or intramural athletics at the elementary school level must immediately take significant steps to accommodate the interests and abilities of elementary school pupils of both sexes, including steps to eliminate obstacles to compliance such as inequities in the provision of equipment, scheduling and the assignment of coaches and other supervisory personnel. As indicated earlier, school districts must conform their total athletic program at the elementary level to the requirements of § 86.41 no later than July 21, 1976.

In order to comply with the various requirements of the regulation addressed to nondiscrimination in athletic programs, educational institutions operating athletic programs above the elementary level should:

(1) Compare the requirements of the regulation addressed to nondiscrimination in athletic programs and equal opportunity in the provision of athletic

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scholarships with current policies and practices;

(2) Determine the interests of both sexes in the sports to be offered by the institution and, where the sport is a contact sport or where participants are selected on the basis of competition, also determine the relative abilites of members of each sex for each such sport offered, in order to decide whether to have single sex teams or teams composed of both sexes. (Abilities might be determined through try-outs or by relying upon the knowledge of athletic teaching staff, administrators and athletic conference and league representatives.)

(3) Develop a plan to accommodate effectively the interests and abilities of both sexes, which plan must be fully implemented as expeditiously as possible and in no event later than July 21, 1978. Although the plan need not be submitted to the Office for Civil Rights, institutions should consider publicizing such plans so as to gain the assistance of students, faculty, etc. in complying with them.

ASSESSMENT OF INTERESTS AND ABILITIES

In determining student interests and abilities as described in (2) above, educational institutions as part of the self-evaluation process should draw the broadest possible base of information. An effort should be made to obtain the participation of all segments of the educational community affected by the athletics program, and any reasonable method adopted by an institution to obtain such participation will be acceptable.

SEPARATE TEAMS

The second type of determination discussed in (2) above relates to the manner in which a given sports activity is to be offered. Contact sports and sports for which teams are chosen by competition may be offered either separately or on a unitary basis.

Contact sports are defined as football, basketball, boxing, wrestling, rugby, ice hockey and any other sport the purpose or major activity of which involves bodily contact. Such sports may be offered separately.

If by opening a team to both sexes in a contact sport an educational institution does not effectively accommodate the abilities of members of both sexes (see § 86.41(c)(i)), separate teams in that sport will be required if both men and women express interest in the sport and the interests of both sexes are not otherwise accommodated. For example, an institution woud not be effectively accommodating the interests and abilities of women if it abolished all its women's teams and opened up its men's teams to women, but only a few women were able to qualify for the men's team.

EQUAL OPPORTUNITY

In the development of the total athletic program referred to in (3) above, educational institutions, in order to accommodate effectively the interests and abilities of both sexes, must ensure that equal opportunity exists in both the conduct of athletic programs and the provision of athletic scholarships.

Section 86.41(c) requires equal opportunity in athletic programs for men and women. Specific factors which should be used by an educational institution during its self-evaluative planning to determine whether equal opportunity exists in its plan for its total athletic program are:

The nature and extent of the sports programs to be offered (including the levels of competition, such as varsity, club, etc.);
The provision of equipment and supplies;
The scheduling of games and practice time;
The provision of travel and per diem allowances;
The nature and extent of the opportunity to receive coaching and academic tutoring;
The assignment and compensation of coaches and tutors;
The provision of locker rooms, practice and competitive facilities;
The provision of medical and training facilities and services;
The provision of housing and dining facilities and services;
The nature and extent of publicity.

OVERALL OBJECTIVE

The point of the regulation is not to be so inflexible as to require identical treatment in each of the matters listed under § 86.41(c). During the process of self-evaluation, institutions should examine *all* of the athletic opportunities for men and women and make a determination as to whether each has an equal opportunity to compete in athletics in a meaningful way. The equal opportunity emphasis in the regulation addresses the totality of the athletic program of the institution rather than each sport offered.

Educational institutions are not required to duplicate their men's program for women. The thrust of the effort should be on the contribution of each of the categories to the overall goal of equal opportunity in athletics rather than on the details related to each of the categories.

While the *impact* of expenditures for sex identifiable sports programs should be carefully considered in determining whether equal opportunity in athletics exists for both sexes, equal aggregate expenditures for male and female teams are not required. Rather, the pattern of expenditures should not result in a disparate effect on opportunity. Recipients must not discriminate on the basis of sex in the provision of necessary equipment, supplies, facilities, and publicity for sports programs. The fact that differences in expenditures may occur because of varying costs attributable to differences in equipment requirements and levels of spectator interest does not obviate in any way the responsibility of educational institutions to provide equal opportunity.

ATHLETIC SCHOLARSHIPS

As part of the self-evaluation and planning process discussed above, educational institutions must also ensure that equal opportunity exists in the provision of athletic scholarships. Section 86.37(c) provides that "reasonable opportunities" for athletic scholarships should be "in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics."

Following the approach of permitting separate teams, § 86.37(c) of the regulation permits the overall allocation of athletic scholarships on the basis of sex. No such separate treatment is permitted for non-athletic scholarships.

The thrust of the athletic scholarship section is the concept of reasonableness, not strict proportionality in the allocation of scholarships. The degree of interest and participation of male and female students in athletics is the critical factor in determining whether the allocation of athletic scholarships conforms to the requirements of the regulation.

Neither quotas nor fixed percentages of any type are required under the regulation. Rather, the institution is required to take a reasonable approach in its award of athletic scholarships, considering the participation and relative interests and athletic proficiency of its students of both sexes.

Institutions should assess whether male and female athletes in sports at comparable levels of competition are afforded approximately the same opportunities to obtain scholarships. Where the sports offered or the levels of competition differ for male and female students, the institution should assess its athletic scholarship program to determine whether overall opportunities to receive athletic scholarships are roughly proportionate to the number of students of each sex participating in intercollegiate athletics.

If an educational institution decides not to make an overall proportionate allocation of athletic scholarships on the basis of sex, and thus, decides to award such scholarships by other means such as applying general standards to applicants of both sexes, institutions should determine whether the standards used to award scholarships are neutral, *i.e.* based on criteria which do not inherently disadvantage members of either sex. There are a number of "neutral" standards which might be used including financial need, athletic proficiency or a combination of both. For example, an institution may wish to award its athletic scholarships to all applicants on the basis of need after a determination of a certain level of athletic proficiency. This would be permissible even if its results in a pattern of award which differs from the relative levels of interests or participation of men and women students so long as the initial determination of athletic proficiency is based on neutral standards. However, if such standards are not neutral in substance or in application then different standards would have to be developed and the use of the discriminatory standard discontinued. For example, when "ability" is used as a basis for scholarship award and the

range of ability in a particular sport, at the time, differs widely between the sexes, separate norms must be developed for each sex.

AVAILABILITY OF ASSISTANCE

We in the Office for Civil Rights will be pleased to do everything possible to assist school officials to meet their Title IX responsibilities. The names, addresses and telephone numbers of Regional Offices for Civil Rights are attached.

PETER E. HOLMES.

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont): JFKO General Building, Bulfinch Place, Boston, Massachusetts 02114 (617) 223-6397.
Region II (New Jersey, New York, Puerto Rico, Virgin Islands): 26 Federal Plaza, New York, New York 10007 (212) 264-4633.
Region III (Delaware, D.C., Maryland, Pennsylvania, Virginia, West Virginia): Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104 (215) 596-6772.
Region IV Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee): 50 Seventh Street, N.E., Atlanta, Georgia 30323 (404) 526-3312.
Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin): 300 S. Wacker Drive, Chicago, Illinois 60606 (312) 353-7742.
Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas): 1114 Commerce Street, Dallas, Texas 75202 (214) 749-3301.
Region VII (Iowa, Kansas, Missouri, Nebraska): Twelve Grand Building, 1150 Grand Avenue, Kansas City, Missouri 64106 (816) 374-2474.
Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming): Federal Building, 1961 Stout Street, Denver, Colorado 80202 (303) 837-2025.
Region IX (Arizona, California, Hawaii, Nevada): Phelan Building, 760 Market Street, San Francisco, California 94102 (415) 566-8586.
Region X (Alaska, Idaho, Oregon, Washington): Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101 (206) 442-0473.

U.S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Office for Civil Rights
Washington, D.C. 20201–(202) 245–6700

[FR Doc.75–30346 Filed 11–10–75;8:45 am]

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Meeting

Notice is hereby given, pursuant to Section 10(a)(2), Public Law 92–463, that the next meeting of the National Advisory Council on Education Professions Development will be held on Wednesday, December 3, 1975, 9 a.m. to 5 p.m., Thursday, December 4, 1975, 9 a.m. to 5 p.m., and Friday, December 5, 1975, 9 a.m. to 12 noon, local time, at the Huntington-Sheraton Hotel, Pasadena, California.

The National Advisory Council on Education Professions Development is established under Section 502 of the Education Professions Development Act (Public Law 90–35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council is open to the public. The proposed agenda includes discussion of the Federal role and legislative proposals concerning education professions development, progress reports on Competency-Based Teacher Education, Mainstreaming, and Educational Technology, as well as a tour of alternative schools in the Pasadena area.

Since the meeting on Thursday, December 4, 1975 involves site visits to alternative schools, members of the public planning to attend must provide their own transportation and should give advance notice of their intention to attend the meeting by calling the Council (202–382–8712) or by mail no later than Monday, December 1, 1975.

Records are kept of all Council proceedings and are available for public inspection at the Council offices, located at 1111 20th Street, NW., Suite 306, Washington, D.C. 20036.

Signed at Washington, D.C. on November 4, 1975.

GEORGE E. ARNSTEIN,
Executive Director.

[FR Doc.75–30336 Filed 11–10–75;8:45 am.]

Office of Education

OFFICE OF PLANNING, BUDGETING, AND EVALUATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education), Section 2–B, Organization and Functions, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended as follows:

The statement published in the FEDERAL REGISTER on November 21, 1973, at 38 FR 32154 under the heading "Office of Planning, Office of Planning, Budgeting, and Evaluation" is deleted in its entirety, and a new statement is added to read as follows:

OFFICE OF PLANNING, BUDGETING, AND EVALUATION

The Office of Planning, Budgeting, and Evaluation plans and evaluates overall Office programs and provides guidance and coordination for bureau and staff office program planning, budgeting and evaluation. Prepares special studies necessary for the planning of educational policies, and provides advice on formulation of office policies, legislative proposals, and types of information to be collected to evaluate effect of Federal Educational programs.

Division of Elementary and Secondary Programs. Is responsible for evaluating the effectiveness of Office of Education programs in the area of elementary and secondary education. Designs and directs major national evaluation studies and develops program policy recommendations on the basis of the studies. Develops evaluation standards and models for use by the States and local educational agencies in evaluating programs supported by Title I of the Elementary and Secondary Education Act. Identifies and packages exemplary educational practices and products, tests them, and recommends them for dissemination. Analyzes proposed Office of Education operational planning system objectives and monitors their implementation. Reviews materials submitted for five-year program and financial plan to assure incorporation of the latest evaluation information. Prepares analysis papers supporting the planning-programming-budgeting system.

Division of Postsecondary Programs. Is responsible for evaluating the effectiveness of Office of Education programs in the area of postsecondary and international education. Designs and directs major national evaluation studies and develops program policy recommendations on the basis of the studies. Analyzes proposed Office of Education operational planning system objectives and monitors their implementation. Reviews materials submitted for five-year program and financial plan to assure incorporation of the latest evaluation information. Prepares analysis papers supporting the planning-programming-budgeting system.

Division of Occupational, Handicapped, and Development Programs. Is responsible for evaluating the effectiveness of Office of Education programs in the areas of occupational and adult education, education for the handicapped, Indian education, libraries, educational technology, dissemination, statistics, education professions development, and other developmental fields. Designs and directs major national evaluation studies and develops program policy recommendations on the basis of the studies. Develops and maintains a system of reports from the States on their receipt and use of Federal funds under assistance programs. Analyzes proposed Office of Education operational planning system objectives and monitors their implementation. Reviews materials submitted for five-year program and financial plan to assure incorporation of the latest evaluation information. Prepares analysis papers supporting the planning-programming-budgeting system.

Division of Planning and Budgeting. Is responsible for preparing and defending the Forward Plan and annual budget estimates of the Office of Education, including necessary liaison with the Office of the Secretary, DHEW, the Office of Management and Budgeting, and the Appropriations and Budget Committees of the Congress. Implements major planning and budgetary decisions including the assurance that program budgets are congruent with overall agency goals, objectives, and priorities. Develops analysis of program issues and integrates policy analyses with budget proposals. Receives all funds appropriated or transferred to the Office of Education and issues allotments and limitations to the subdivisions of the Office. Administers the anti-deficiency regulations.

Dated: November 3, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–30345 Filed 11–10–75;8:45 am]

Office of the Secretary

SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

Closing Date for Receipt of Preapplications

Notice is hereby given that pursuant to the authority contained in section 104

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of the General Education Provisions Act (20 U.S.C. 1221d), "Support for improvement of postsecondary education," preapplications are being accepted from institutions of postsecondary education and other public and private educational institutions and agencies for grants and contracts directed toward the improvement of postsecondary education.

Preapplications must be received by the U.S. Office of Education Application Control Center on or before January 5, 1976.

A. *Preapplications sent by mail.* A preapplication sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grant and Procurement Management Division, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention. 13:538. A preapplication sent by mail will be considered to be received on time by the Application Control Center if:

(1) The preapplication was sent by registered or certified mail not later than December 31, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The preapplication is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Director of the Fund for the Improvement of Postsecondary Education will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered preapplications.* A preapplication to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered preapplications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Preapplications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and preapplication forms may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue SW., Room 3141, FOB–6, Washington, D.C. 20202.

D. *Applicable regulations.* Awards under this program will be subject to the regulations published as 45 CFR Part 1501 at 40 FR 12266–9 (March 18, 1975), except to the extent that those regulations are revised by the notice of proposed rulemaking published in today's issue at 40 FR ____. That notice, subject to its being published in final form, will also govern the providing of assistance under the program.

(Federal Domestic Assistance Catalogue No. 13.538: Fund for the Improvement of Postsecondary Education)

VIRGINIA B. SMITH,
Director of the Fund for the Improvement of Postsecondary Education.

[FR Doc.75–30264 Filed 11–10–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

TERMINAL INSTRUMENT PROCEDURES (TERPS) ADVISORY COMMITTEE, WORKING GROUP FOR NAVIGATION SYSTEM ACCURACY

Notice of Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act of 1972 (86 Stat. 770), that the Navigation System Accuracy Working Group of the U.S. Terminal Instrument Procedure (TERPs) Advisory Committee will hold a meeting on December 8, 1975, convening at 9 a.m., c.s.t., in Star Manor Rooms I, II, and III of the Sheraton Inn—Oklahoma City Airport, Oklahoma City, Oklahoma. This meeting of the Navigation System Accuracy Working Group is conducted with the approval and under the auspices of the TERPs Advisory Committee.

The agenda item for this meeting is a discussion and review of navigation system accuracies as related to fix accuracies and obstacle clearance requirements presently specified in the TERPs Handbook.

All those interested in attending the meeting should contact Earnest E. Callaway, Chairman, Working Group for Navigation System Accuracy, Federal Aviation Administration, Flight Inspection National Field Office, P.O. Box 25082, Oklahoma City, Oklahoma 73125, telephone: (405) 668–4164. The meeting will be open to the public.

Issued in Washington, D.C. on October 30, 1975.

JAMES A. FORGAS,
Chairman, U.S. Terminal Instrument Procedures (TERPs) Advisory Committee.

[FR Doc.5–30255 Filed 11–10–5;8:45 am]

UNITED STATES TERMINAL INSTRUMENT PROCEDURES (TERPs) ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given that the United States Terminal Instrument Procedures (TERPs) Advisory Committee will hold a meeting beginning at 9 a.m., c.s.t., December 9–12, 1975, in Star Manor Rooms I, II, and III of the Sheraton Inn—Oklahoma City Airport, Oklahoma City, Oklahoma. The following agenda item is scheduled for this meeting.

Discussion. Preparation of final draft for publication in the United States Standards for Terminal Instrument Procedures (TERPs) Handbook 8260.3A.

a. New Chapter 12, Departure Procedures.

b. Recommendations for changes to the TERPs handbook.

All those interested in attending the meeting should contact James A. Forgas, Chief, Flight Procedures Standards Branch, AFS–260, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: (202) 426–8144. The meeting will be open to the public.

Issued in Washington, D.C. on October 30, 1975.

JAMES A. FORGAS,
Chairman, U.S. Terminal Instrument Procedures (TERPs) Advisory Committee.

[FR Doc.75–30253 Filed 11–10–75;8:45 am]

U.S. ADVISORY COMMITTEE ON OBSTACLE CLEARANCE REQUIREMENTS

Notice of Meeting

Notice is hereby given that the United States Advisory Committee on Obstacle Clearance Requirements will hold a meeting beginning at 9 a.m., December 16, 1975, in Room 9A, Federal Aviation Administration Building, 800 Independence Avenue, SW., Washington, D.C.

The agenda item for this meeting is a discussion leading to the U.S. position on the obstacle clearance requirements for CAT I/II ILS for incorporation in ICAO document, Procedures for Air Navigation Services, Doc. 8168–OPS/611/3.

This meeting is open to the public. Persons interested in attending the meeting should contact Gerald E. Gibson, Chairman, U.S. Advisory Committee on Obstacle Clearance Requirements, Federal Aviation Administration, AFS–260, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: (202) 426–8144.

Issued in Washington, D.C. on October 30, 1975.

GERALD E. GIBSON,
Chairman, U.S. Advisory Committee on Obstacle Clearance Requirements.

[FR Doc.75–30254 Filed 11–10–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28332; Order 75–10–113]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC., ET AL.

Order Relating to North Atlantic Cargo Rates

Correction

In FR Doc. 75–29493, appearing at page 51078, in the issue for Monday, November 3, 1975, on page 51079, in the first column, in the second full paragraph, the seventh line reading "language of the resolution. The present", should read "language was originally drafted at a time when".

COMMISSION ON CIVIL RIGHTS

CONNECTICUT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on December 9, 1975, Holiday Inn 900 E Main, Meridia, Connecticut 06450.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to consider new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–30349 Filed 11–10–75;8:45 am]

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee will convene at 12 noon and end at 1 p.m., on December 16, 1975, at the Civil Rights Commission, 1121 Vermont Avenue, NW., Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to plan for upcoming activity of the Committee. Identify major civil rights issues affecting the District of Columbia.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–30350 Filed 11–10–75;8:45 am]

ILLINOIS ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee to this Commission originally scheduled for November 19, 1975, has been cancelled.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–30348 Filed 11–10–75;8:45 am]

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) to this Commission will convene at 1:30 p.m. and end at 4 p.m. on December 4, 1975, at 230 South Dearborn Street, Conference Room 3251, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to draft position paper on desegregation to be presented to the Illinois State Board of Education; and to develop plans for programs for the period from January through October 1976.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–30352 Filed 11–10–75;8:45 am]

INDIANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana Advisory Committee (SAC) to this Commission will convene at 9 a.m. and end at 3 p.m. on December 6, 1975, Holiday Inn, 800 E 81st Street, Merriville, Indiana.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss Migrant Follow-up; Status of Bilingual Legislation and Lake County Bilingual Study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–30351 Filed 11–10–75;8:45 am]

NEW JERSEY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on December 11, 1975, at the Labor Education Center Rutgers University, New Brunswick Campus, New Brunswick, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York 10007.

The purpose of this meeting is a report by subcommittees on abortion for migrants and affirmative action.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer,

[FR Doc.75–30353 Filed 11–10–75;8:45 am]

NORTH DAKOTA AND SOUTH DAKOTA ADVISORY COMMITTEES

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the North Dakota and South Dakota Advisory Committees (SAC) to this Commission will convene at 10 a.m. and end at 4 p.m. on December 1, 1975, at Building #61, United Sioux Tribal Offices, 3315 So. Airport Road, Bismarck 58501.

Persons wishing to attend this meeting should contact the Committees Chairpersons, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this joint meeting of the North and South Dakota Advisory Committees, steering subcommittee is to plan for a joint project to be undertaken in 1976.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–30354 Filed 11–10–75;8:45 am]

OKLAHOMA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Oklahoma Advisory Committee (SAC) to this Commission will convene at 7 p.m. and end at 10 p.m. on December 4, 1975, at Lincoln Plaza Inn, Plaza Suite 3, 4345 N. Lincoln, Oklahoma City, Oklahoma.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to discuss the SAC proposal on State and Municipal Employment in Oklahoma and

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to discuss additional planning relating to the project.

This meeting should be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-30356 Filed 11-10-75;8:45 am]

PENNSYLVANIA, DELAWARE ADVISORY COMMITTEES

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a hearing of the Pennsylvania, Delaware Advisory Committees (SAC) to this Commission will convene at 9 p.m. and will end 6 p.m., each day on December 4–5, 1975, Court House, High Street, West Chester, Pennsylvania 19380.

Persons wishing to attend this meeting should contact the Committees Chairpersons, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this hearing is to gather information concerning the denial of equal protection for mushroom workers under Pennsylvania, Delaware and Federal laws.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-30355 Filed 11-10-75;8:45 am]

RHODE ISLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) to this Commission will convene at 4 p.m. and end at 6 p.m. on December 2, 1975, at Central Congregational Church, 296 Angell Street, Providence, Rhode Island 02906.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to consider project proposals and election of officers.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-30357 Filed 11-10-75;8:45 am]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on December 8, 1975, at the Tavern Motor Inn.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York 10007.

The purpose of this meeting is to consider project proposals and election of officers.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-30358 Filed 11-10-75;8:45 am]

VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the United States Commission on Civil Rights, that a planning meeting of the Virginia Advisory Committee (SAC) to this Commission will convene at 7 p.m. and will end at 10 p.m. on December 3, 1975, at City Hall, 5th Floor Conference Room, Richmond, Virginia 23219.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting is to plan future activities and program strategies.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-30359 Filed 11-10-75;8:45 am]

WYOMING ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wyoming Advisory Committee (SAC) to this Commission will convene at 2 p.m. and end at 4 p.m. on December 1, 1975, 300 W. F Street, Casper, Wyoming 82601.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to identify civil rights issues for next SAC project; review commission's rules and regulations and review of planning steps for SAC project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-30360 Filed 11-10-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, November 26, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems, defined in section 5301 of title 5, United States Code, of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-30529 Filed 11-10-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 6, 1975.

On June 19, 1975, there was published in the FEDERAL REGISTER (40 FR 25848) a letter dated June 13, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China which establish specific export limitations on certain cotton and man-made fiber textile products produced or manufactured in the Republic of China and exported to the United States (1) during the twelve-month period beginning on January 1, 1975 for cotton textiles and cotton textile products; and (2) during the fifteen month period beginning on October 1, 1974 and extending through December 31, 1975 for man-made fiber textile products. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 8(a)(ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, which provides that specific levels of restraint may exceed current-year limits by up to 6 percent with that same amount being deducted from the applicable levels of the succeeding agreement year.

Accordingly, at the request of the Government of the Republic of China and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of November 6, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to man-made fiber textile products in Category 221 for the fifteenmonth period which began on October 1, 1974.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

NOVEMBER 6, 1975.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On June 13, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of China and exported to the United States during the agreement periods, beginning, respectively, on January 1, 1975 and October 1, 1974, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 8(a)(II) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on November 10, 1975, the level of restraint established in the aforesaid directive of June 13, 1975, for man-made fiber textile products in Category 221 to the following amount:

Category:	*Amended level of restraint*[2] *(dozen)*
221	4,923,395

[2] The level of restraint has not been adjusted to reflect any entries made after September 30, 1974.

The actions taken with respect to the Government of the Republic of China and with respect to imports of man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foregn affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-30326 Filed 11-10-75;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1–38, 64, 200–213, and 241–243 may be exceeded by 10 percent, and within Categories 39–63 and 214–240, by 7 percent; 2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00018; FRL 454-8]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE; WORKING GROUP ON ENFORCEMENT

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Enforcement will be held on December 10 and 11, 1975, in San Francisco, California.

This is the second meeting of the Working Group on Enforcement under SFFIAC auspices. The meeting will be concerned with the following issues: recycling and reconditioning of pesticide containers, storage and disposal of pesticides and pesticide containers; use of registered pesticides for the control of agricultural pests not named on the label; aerial application of registered pesticides in the absence of label instructions; the use of service containers in structural pest control; assessment of civil penalties against various classes of applicators; and other enforcement matters which may arise.

This meeting is open to the public. For details as to the time and place, please contact P. H. Gray, Jr., Acting Chief, Program Support and Special Projects Branch, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-8053.

Dated November 3, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-30385 Filed 11-10-75;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311 (p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01011---	Aktieselskabet det Ostasiatiske Kompagni: *Ponderosa.*
01103---	Poseidon Schiffahrt GmbH: *Columbus Coromandel, Adriano.*
01169---	Oriens Societa Di Navigazione P.A.: *Mare Antartico, Mare Ligure.*
01210---	A.S. Brovigtank: *Andrea Brovig.*
01341---	John I. Jacobs & Co., Ltd.: *Teakwood.*
01383---	Rederiaktiebolaget Gustaf Erikson: *Evocrystal.*
01423---	Charente Steamship Co., Ltd.: *Strategist.*
01562---	G. W. Gladders Towing Co. Inc.: *GWG–210.*
01755---	Hugo Stinnes Zweigniederlassung Hamburg: *Nopal Ravenna.*
01854---	Southern Towing Co.: *Sandy Southern.*
01935---	Partnership Between Steamship Co. Svendborg Ltd. and Steam-Ship Co. of 1912: *Kirsten Maersk.*
02038---	Polskie Linie Oceaniczne: *Roman Paziński.*
02182---	Flanigan, Loveland Shipping Co. S.A. & Intercontinent Tankers, Inc.: *Penuelas.*
02198---	Peninsular & Oriental Steam Navigation Co.: *Garbeta.*
02492---	Interstate Oil Transport Co.: *Russel 105.*
02500---	Collier Carbon & Chemical Corp.: *Sister Katingo.*
02915---	Alamo Barge Lines: *Sun Chem 2000, Sun Chem 2100.*
02917---	Scherkate Sahami Keschtirani Melli Arya: *Arya Akhtar, Arya Zar, Arya Rooz, Arya Navid, Arya Sepand.*
02945---	American Trading Transportation Co., Inc.: *Washington Trader.*
02949---	Valley Towing Service, Inc.: *R–101.*
03093---	United Overseas Marine Corp.: *Hongkong Beauty I.*
03475---	Nissho Eisen K.K.: *Nissho Maru.*
03737---	Interocean Shipping Co.: *Mary Ann.*
03883---	Ohio Barge Line, Inc.: *OBL 1009, OBL 1010, OBL 1011, OBL 1012, OBL 1013, OBL 1014, OBL 1015, OBL 1016, Steel Patriot.*
03971---	Korea Shipping Corp.: *Korean Leader.*

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Certificate No.	Owner/operator and vessels
04183---	Vita Food Products Inc.: *Dipper.*
04228---	National Marine Service Inc.: *NMS 3104, NMS 3105, NMS D.D. 2, NMS D.D. 3, NMS D.D. 4.*
04606---	Marquette Co.: *Barge No. RL 1401, Barge No. 2601, Barge No. 2602.*
04770---	Texaco Panama Inc.: *Texaco Brazil.*
05004---	Flowers Transportation Inc.: *Tchefuncte.*
05091---	Dansk Esso A.S.: *Esso Dania, Esso Elsinore.*
05098---	Esso Tankers, Inc.: *Esso Toronto.*
05239---	Zapata Off-Shore Co.: *Zapata Concord.*
05271---	Compania Chilena de Navegacion Interoceanica: *Arica.*
05278---	Twin City Barge & Towing Co.: *Colonel George Lambert.*
05367---	Eiko Kisen Kabushiki Kaisha: *Nanko Maru.*
05577---	Far Eastern Shipping Co.: *Tolya Shumov, Pionerskaya Pravda, Pioner, Marat Kazey, Komsomolets Kazakhstana.*
05579---	Black Sea Shipping Co.: *Petr Emtsov, Ivan Moskalenko, Vasily Klochkov, Parfentiy Grechanyy.*
05581---	Latvian Shipping Co.: *Aristarkh Belopolskiy.*
05886---	Hughes Bros. Inc.: *Hughes No. 520, Hughes No. 521, Hughes No. 522, Hughes No. 523, Hughes No. 526, Hughes No. 33.*
06038---	Suomen Hoyrylaiva Osakeyhtio Finska Angfartygs Aktiebolaget: *Rheinfels.*
06248---	Commercial Corp. "Sovrybflot": *Darnitsa.*
06254---	Andromeda Shipping Co. S.A. of Panama: *Pyrros V.*
06260---	Empress Shipping Co. Ltd.: *Olympic Destiny.*
06378---	Shoei Kisen Kaisha, Ltd.: *Eurasia, Ocean Brave.*
06501---	Seven Seas Navigation Corp. Ltd.: *Lucina.*
07073---	Seereederei Howaldt K.G.: *Cambridge.*
07131---	R. W. Denny Corp. & Buckley & Co.: *Scow 135.*
07318---	Shipping Co. Sliedrecht N.V.: *Sliedrecht.*
07382---	Marushin Senpaku Kabushiki Kaisha: *Atlantic.*
07993---	Cosmopolitan Tankers Inc.: *Julia Conway.*
08045---	Nagan (Panama) S.A.: *Nagan Mercury.*
08196---	Interessentskabet AF 15. April 1972: *Nordkap.*
08206---	Naviera Iberica S.A.: *Juan de Cardona.*
08414---	I.F.R. Services Ltd.: *Bristol Clipper, Liverpool Clipper, Glasgow Clipper.*
08586---	Tabard Shipping Co.: *Olympic Defender.*
08587---	Dryad Shipping Co.: *Olympic Dignity.*
08777---	Jebsens (U.K.) Ltd.: *Ringnes.*
08787---	Smit Internationale Zeesleep-en Bergings-Bedrijf B.V.: *Smit London.*
08818---	Venus Carriers Corp. S.A.: *Rose Mallow.*
08948---	Veb Deutfracht / Seereederei: *Leuna I.*
09003---	VTG Vereinigte Tanklager Und Transportation G.m.b.H.: *Herdentor.*
09016---	Apex Barge Co.: *Apex 3405, Apex 3508.*
09149---	Rhederi M Jebsen A S: *Emma Jebsen.*
09206---	Societe Navale Chargeurs Delmas-Vielljeux: *La Rochelle.*
09662---	Maritima Del Caribe S.A.: *Moctezuma II.*
09748---	Spetses Shipping Corp.: *Dafra Trader.*
09897---	Usui Kaiun K.K.: *Taga Maru.*
09991---	Laurel Ltd.: *Pegasus No. 1.*
09997---	Robinia Shipping Co., S.A.: *Atlantic Pioneer.*
10088---	Linea Manaure C.A.: *Manaure II.*
10258---	Societa Rimorchiatori Riuniti: *Ciclone, Vortice.*
10260---	Hollywood Marine, Inc.: *GDM 20, GDM 60.*
10341---	Winterport Shipping Co., Inc.: *Proof Trader.*
10433---	Estonian Shipping Co.: Iosif Dubrovinskiy.
10435---	Ostria Maritime Corp.: *Ostria II.*
10456---	Synassos Maritime Corp., Panama: *Synassos.*
10481---	Tracey Navigation Co., Ltd.: *Jennifer.*
10544---	Tower Shipping Co., Ltd.: *Mariperla.*
10549---	Briscoe/Arace/Conduit, a Joint Venture: *Denny-Buckley* 200, 118, 120, 119, 121.
10596---	Hydrographer Ltd.: *Yankee Trader.*
10600---	Bay Shipping Corp.: *Frank R. Denton.*
10606---	Grand Champion Tankers Ltd.: *Marion.*
10608---	Trans Olympus, S.A.: *Triumph.*
10611---	Idan Shipping Corp.: *Idan.*
10614---	Riwal Shipping Inc.: *Sankoking.*
10619---	Rogina Compania Naviera S.A.: *Paulina C.*
10620---	Pafos Shipping Co. BA.: *Nicolas.*
10621---	Alimar Maritima SA.: *Euterpe.*
10624---	Pentland Shipping Inc.: *Anangel Luck.*
10630---	Asterix Shipping Corp.: *Obelix.*
10631---	Marpacific Shipping Corp.: *Efploia.*
10632---	Aragona Armadora S.A.: *Frixos D.*
10634---	Stassinos Shipping Co., Ltd.: *Evangelos Lemos.*
10639---	Indus Shipping Ltd.: *Sibreghel.*
10645---	Beeline (Shipping) Ltd.: *Lis of Galway.*
10646---	Manchester Liners (Intermodal) Ltd.: *Asian Renown, Asian Seaward.*
10647---	New Far East Shipping S.A.: *Sunny Sydney, Bright Melbourne.*
10650---	Mardigno Cia Nav. S.A.: *Marvella.*
10653---	Transworld No. 2 Tanker Services Inc.: *CYS Excellence.*
10656---	Iapetos Shipping Co., S.A. of Panama: *Anemos.*
10663---	G.D.M. Barge Company, Inc.: *GDM-20, GDM-60.*
01011---	Aktieselskabet det Ostasiatiske Kompagni: *Sibonga.*
01092---	Thor Dahls Hvalfangerselskap A.S.: *Thorsile.*
01229---	Belships Co., Ltd. Skibs A.S.: *Belblue.*
01306---	Shaw Savill & Albion Co. Ltd.: *Captain Paddon, Londis.*
01330---	Shell Tankers (U.K.) Ltd.: *Harpula, Vertagus.*
01361---	Transportation Maritima Mexicana, S.A.: *Primera de Junio.*
01428---	Ocean Transport & Trading Ltd.: *Autolycus.*
01439---	Cory Maritime Ltd.: *Dukesgarth, Knightsgarth.*
01486---	Fury Shipping Co. Ltd.: *Atlantic Fury.*
01556---	Folichri Shipping Co. S.A.: *Nefos.*
01557---	Knut Knutsen O.A.S.: *Bakke Reefer.*
01591---	Nemeo Shipping Corp.: *Nemeo.*
01641---	The Bank Line Ltd.: *Teakbank.*
01755---	Hugo Stinnes Zweigniederlassung Hamburg: *Star Ravenna.*
01854---	Southern Towing Co.: *NBC-801.*
01908---	The Union Castle Mail Steamship Co., Ltd.: *Rothesay Castle.*
01935---	Partnership Between Steamship Co. Svendborg Ltd. and Steam Ship Co. of 1912 Ltd.: *Richard Maersk.*
01973---	Transmundo Navegacion S.A. Panama: *Heroic Colocotronis.*
01984---	Aktiebolaget Svenska American Linen: *Knugsholm.*
02022---	C. T. Gogstad & Co.: *Lyra.*
02025---	Rye Marine Corp.: *Thetis.*
02199---	Atlantic Richfield Co.: *Atlantic Competitor.*
02333---	Diamond Shamrock Corp.: *Star JD II.*
02396---	Orchid Maritime Corp.: *Kismet II.*
02443---	Panama Transoceanic Co., S.A.: *Phyllis Conway.*
02573---	Cardiff Shipping Co. Ltd.: *Cardiff.*
02644---	Alma Shipping Corp.: *Calliopi Carras.*
02882---	Akme Steamship Co. S.A.: *Panayia Moutsaina.*
02884---	West Africa Steamship Co. Ltd.: *Prophet Elias.*
02949---	Valley Towing Service, Inc.: *F. P. Thomas.*
02950---	Kokuyo Kaiun Kabushiki Kaisha: *Hisashima Maru.*
02975---	Venture Shipping (Managers) Ltd.: *Showa Venture.*
03137---	Cunard Steam-Ship Co. Ltd.: *Lucigen.*
03245---	Rederiaktieselskabet Danneborg: *Weco Supplier III.*
03246---	Borgships, Inc.: *Viborg.*
03312---	Adonis Navigation Co., Ltd.: *Zaneta III.*
03329---	Hudson Waterways Corp.: *Seatrain Florida.*
03329---	Chiyoda Kisen K.K.: *Tamba Maru.*
03436---	Inui Kisen Kabushiki Kaisha: *Kinnaird Castle, Yashiosan Maru.*
03458---	Matsuoka Kisen Kabushiki Kaisha: *Shutoh Maru.*
03459---	Meiji Kaiun K. K.: *Meijyusan Maru.*
03477---	Nissui Kaiun K.K.: *Nanko Maru.*
03494---	Sanko Kisen K.K.: *Jinko Maru.*
03516---	Toko Kaiun K. K.: *Tokai Maru.*
03580---	Bay Cities Transportation Co.: *Barge 221.*
03636---	Smith Rice Co.: *Barge 3.*
03650---	Global Bulk Carriers Inc., Liberia: *Mary Ann.*
03708---	Pudget Sound Tug & Barge Co.: *Barge Mount Hood.*
03918---	Mobil Shipping & Transportation Co.: *Mobil Explorer.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30373 Filed 11-10-75;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of Title 46 CFR and Section 311 (p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
04004---	Koninklijke Java-China-Paketvaart Lijnen N.V.: *Strael Lombok.*
04136---	Thomas Marine Co.: *TT 7004, TT 7005, TT 7006, TT 7007.*
04195---	Transamerican Trailer Transport, Inc.: *Ponce de Leon.*
04451---	Venus International Corp.: *Venus Dignity.*
04567---	Ken Kleng Navigation (Panama) Corp., S.A.: *Ken Sheng.*
04643---	Allamanda Ltd.: *Burland.*
04645---	Kulan Corp. Ltd.: *Kuland.*
04789---	Texaco Norway: *Texaco Britannia, tannia.*
05049---	Union Petroleum & Shipping Corp. Monrovia: *Maurice.*
05090---	Esso Petroleum Co. Ltd.: *Esso Hampshire.*
05355---	Global Shipping Corp.: *Sankograin, Sankoking, Sankoqueen, Sankosteel.*
06266---	Engineering Consultants Ltd.: *H 1060, Irving Ours Polaire.*
06478---	Korea Marine Industry Development Corp.: *Tae Yang No. 12, Tae Yang No. 15.*
06646---	Liberian Garnet Transport, Inc.: *World Fuji.*
06725---	Geest Industries Ltd.: *Geesthaven.*
06787---	Onda Shipping Corp.: *Onda.*
06775---	Whitco (Marine Services) Ltd.: *Glasgow Clipper.*
07096---	Carib Reefers N.V.: *Southern Trader.*
07160---	Zenith OBO Shipping Corp.: *Delaware.*
07262---	Pacific Union Lines Ltd.: *Hongkong Beauty.*
07374---	Ocean Tramping Co. Ltd.: *Mingwei, Mingyao.*
07408---	Intermaritime Carriers S.A.: *Elaki.*
07540---	Aenias Shipping Co. Ltd.: *Anna Maria.*
07593---	Oleandrus Shipping Co. Ltd.: *Hyacinth.*
07709---	Elamar S.A.—Panama: *San Francesco.*
07811---	Campbell Industries & San Diego Marine Construction Corp.: *Renown.*
07934---	Ship Operators of Florida, Inc.: *Clelia.*
07942---	Solstad Rederi A.S.: *Sol Tulla.*
07985---	Buenaventura Marine Inc.: *Sequoia.*
08009---	Celestial Navigation Corp.: *Adelina.*
08304---	Botany Bay Shipping Co., Inc.: *Botany Bay.*
08362---	Mastnavco Ltd.: *Seaford.*
08451---	Calmi S.A. Panama M./V. "Annroee": *Annroee.*
08529---	Partrederiet Nopal Sand: *Nopal Sea.*
08942---	N.V. Motorscheepvaartmaatschappij "Candide": *Candide.*
09184---	Kyriakou Shipping Co., Ltd.: *Athenian Star.*
09192---	Orion Steamship Co., S.A.: *Diamond Eagle.*
09272---	Ole Schroder Holding Co., A.S.: *Saga Stream.*
09277---	Kapela Steamship Co. S.A.: *Santa Fe.*
09312---	Vall Transport Co. Ltd. of Monrovia, Liberia: *Vall Jupiter.*
09484---	Baltic Ltd.: *Baltic.*
09525---	Partederiet "Ice Pearl": *Ice Pearl.*
09921---	Interessentskapet Sira: *Sira.*
10041---	Toa Shipping Agencies, Ltd.: *Hatsufuji, Sun Deneb.*
10170---	Seachief Shipping Co., Ltd.: *Atlantic Fury.*
10260---	Hollywood Marine, Inc.: *Debbie, GDM 10, GDM 20, GDM 30, GDM 60, T 280.*
10328---	Anglo Pacific Shipping Co. Ltd.: *Nordic Rambler.*
10418---	Crescent Towing & Salvage Co., Inc.: *Humrick.*
10447---	Taconic Transport Inc.: *Rio San Juan.*

By The Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30374 Filed 11-10-75;8:45 am]

LATIN AMERICA/PACIFIC COAST STEAMSHIP CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 1, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. H. P. Blok, Chairman.
Latin American/Pacific Coast Steamship Conference,
417 Montgomery Street,
San Francisco, California 94104

Agreement No. 8660-7, between the member lines to the Latin American/Pacific Coast Steamship Conference, modifies the Conference Agreement by raising the membership admission fee from $1,000.00 to $5,000.00.

By order of the Federal Maritime Commission.

Dated: November 6, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30371 Filed 11-10-75;8:45 am]

PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 1, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

H. P. Blok, Executive Administrator,
Section "A",
417 Montgomery Street,
San Francisco, California 94104

Agreement No. 6400-18, between the member lines to the Pacific Coast River Plate Brazil Conference modifies the Conference Agreement by raising the membership admission fee from $1,000.00 to $5,000.00.

By Order of the Federal Maritime Commission.

Dated: November 6, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30372 Filed 11-10-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP76-139]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 4, 1975.

Take notice that on October 23, 1975, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP76-139 an abbreviated application pursuant to Section 7 of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the

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transportation of natural gas for Wheeling-Pittsburgh Steel Corporation (WPSC), as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Columbia requests authorization to transport up to 9,000 Mcf per day for WPSC, which volumes will be received from Panhandle Eastern Pipe Line Company (Panhandle) at an existing point of delivery in Cecil, Ohio and redelivered to existing points of delivery to Columbia Gas of Ohio, Inc. and Columbia Gas of West Virginia, Inc., both of which are wholesale customers of Columbia. WPSC will purchase the gas so transported from Lear Petroleum Corporation for the period November 1, 1975 through March 31, 1976. The transportation by Columbia will be subject to the limits of its pipeline capacity and to its service obligations to its CD, WS, SGES, G and SGS customers and will be further limited to only those amounts required to offset curtailments of the high priority requirements of WPSC. Columbia's transportation charge for this service will be its average system-wide unit storage and transmission costs exclusive of company-use and unaccounted-for gas, as reflected in its FPC rate filings. Columbia will retain for company-use and unaccounted-for gas 3.6% of the volumes received from Panhandle for the account of WPSC.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act, as amended, (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30227 Filed 11-10-75;8:45 am]

[Docket No. ER76-196]

COMMONWEALTH EDISON CO.

Notice of Cancellation

NOVEMBER 4, 1975.

Take notice that on October 28, 1975, Commonwealth Edison Company (The Company) tendered for filing a notice of cancellation of Riders 5 and 12 to Rate 78 of The Company's FPC Electric Tariff.

The Company states that Rider 5 (Sheet No. 5 of the FPC Electric Tariff) was intended to apply to customers who use the Company's service on a standby basis, but now, however, the Company has special provisions in Rate 78 (see Sheets Nos. 1A and 1B of the FPC Electric Tariff) for customers which generate part of their own electricity requirements and rely on the Company for the balance. Furthermore, according to the company, no customer served under the Company's FPC Electric Tariff has ever used standby service under Rider 5.

The Company states that Rider 12 (Sheet No. 11 of the FPC Electric Tariff), specifying conditions of resale or redistribution of electricity to third parties, amounts to a general prohibition of resale and redistribution, except with respect to Rate 78 for which provides that it is a rate applicable for service to municipalities for resale. Thus, The Company concludes Rider 12 serves no purpose in the FPC Electric Tariff.

The Company alleges that the proposed changes will not affect the billings of the customers served on Rate 78 or the revenue of the Company.

The Company requests Commission acceptance of this filing to become effective on November 27, 1975. Notice of the proposed cancellation has been served upon the Mayor, City of Batavia; Mayor, City of Geneva; Mayor, City of Naperville; Mayor, City of Rochelle; Mayor, City of Rock Falls; Mayor, City of St. Charles; and the President, Village of Winnetka.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-30231 Filed 11-10-75; 8:45 am]

[Docket No. ER76-83]

OHIO POWER CO.

Notice of Supplemental Filing

NOVEMBER 3, 1975.

Take notice that Ohio Power Company (Ohio) on October 17, 1975, tendered for filing pursuant to a deficiency letter from the Commission's Secretary of September 16, 1975, a revised Period I cost of service study for the period ended June 30, 1975. Ohio states that this submittal should complete its filing and requests that a filing date be assigned to this case.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30226 Filed 11-10-75;8:45 am]

[Docket No. CP76-140]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

NOVEMBER 4, 1975.

Take notice that on October 23, 1975, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-140, an application pursuant to Section 7(c) of the Natural Gas Act and the regulations thereunder for a Certificate of Public Convenience and Necessity authorizing the transportation of natural gas on behalf of Wheeling-Pittsburg Steel Corporation (Wheeling), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Wheeling, which is a customer of Columbia Gas Transmission Corporation (Columbia) has been notified of prospective curtailments by Columbia for the coming winter heating season. Wheeling has made arrangements to purchase gas unavailable to the interstate market and have it delivered via Panhandle to Columbia for redelivery to Wheeling during the anticipated curtailment period as contemplated by Section 2.79 of the Commission's Rules of Practice and Procedure promulgated by Order No. 533.

Panhandle states that this application is for authority to transport up to 4,300 Mcf of gas per day on a firm basis and up to 3,225 Mcf of gas per day on a best efforts basis from two points of delivery in Ellis and Dewey Counties, Oklahoma and deliver such volumes, less compressor fuel to Columbia at an existing point of delivery from Panhandle in Paulding County, Ohio. Columbia will transport such gas and redeliver it to Wheeling as detailed in a separate application of Columbia filed and noticed concurrently. No facilities are proposed to be constructed by Panhandle to effectuate the transportation service.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Panhandle to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30228 Filed 11-10-75;8:45 am]

[Docket Nos. CP70-185; CP75-376]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

NOVEMBER 4, 1975.

Take notice that on October 14, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP70-185 and CP75-376 a petition to amend the orders of the Commission of June 22, 1970 (43 FPC 937), and July 24, 1975 (54 FPC ——), respectively, pursuant to Section 7(c) of the Natural Gas Act to include in the certificates of public convenience and necessity authorization to increase the daily volume limits of natural gas that it can deliver to the individual delivery points to Haverhill Gas Company (Haverhill), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it is presently authorized to serve Haverhill pursuant to temporary authorization in the following amounts pursuant to Petitioner's Rate Schedule CD-6:

Delivery point:	*Daily volume limit (1,000 ft³)*
Haverhill	11,561
Wenham	2,040
Essex	918

In response to a letter from Haverhill dated October 3, 1975, Petitioner requests authorization to increase the maximum daily volumes that it is authorized to deliver to the following quantities:

Delivery point:	*Requested daily volume limit (1,000 ft³)*
Haverhill	12,669
Wenham	2,500
Essex	1,200

Petitioner states that the total of the requested daily volume limits exceeds Haverhill's contract demand of 14,519 Mcf of gas per day, but that Haverhill would not be entitled to take more than presently effective maximum daily contract quantity.

The proposed service is said by Petitioner to provide Haverhill with the necessary flexibility during periods of curtailment to serve more adequately its residential and small commercial customers, and to permit more efficient use of its peak shaving facilities. It is further stated that the revised distribution would reduce Haverhill's need to transport liquefied natural gas during the forthcoming winter season.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30229 Filed 11-10-75;8:45 am]

[Docket No. CP76-132]

TRANSCONTINENTAL GAS PIPE LINE CORPORATION

Notice of Application

NOVEMBER 3, 1975.

Take notice that on October 15, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-132 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has agreed to transport gas for Columbia pursuant to a gas transportation agreement between Columbia and itself dated September 5, 1975. Applicant requests authorization to transport volumes of gas delivered to it by Columbia from Block 247 Field, Ship Shoal Area, offshore Louisiana, at a point of interconnection on Applicant's 16-inch pipeline in Block 246, Ship Shoal Area, for redelivery at the Egan, Louisiana terminus of the Blue Water Project of Columbia Gulf Transmission Company and Tennessee Gas Pipeline Company, a Division of Tenneco Inc., in the Humphreys-Orange Grove Area, Terrebonne Parish, Louisiana, and at the Acadia Plant of Continental Oil Company, Arcadia Parish, Louisiana.

Applicant states that it would not be obligated to transport more than 10,000 Mcf of natural gas per day for Columbia at 14.73 psia. Columbia would pay Applicant 6.262755 cents per Mcf of gas transported.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with

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the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30230 Filed 11-10-75;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Acquisition of Bank

American Bancorporation, Columbus, Ohio, has applied for the Board's approval under § 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 50 percent and more (to a total of 77 percent) of the voting shares of The American Bank of Central Ohio, Harrisburg, Ohio. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Notice of the subject application was published in the FEDERAL REGISTER on September 27, 1973 (38 FR 27550). Additionally, in accordance with section 3(b) of the Act (12 U.S.C. 1842(b)), notice of receipt of subject application was duly given to the Superintendent of Banks of the State of Ohio. Within the time prescribed by law, the Superintendent submitted to the Board in writing his statement expressing disapproval of the application. Accordingly the Board, on October 25, 1973, ordered that a hearing be held on subject application pursuant to section 3(b) of the Act (38 FR 29650). The hearing thus ordered by the Board was commenced, but later terminated by consent of the parties—the Superintendent having preserved his right to submit written comments for the record. The application was previously amended; and notice of receipt of those amendments affording opportunity for interested persons to submit comments and views, was duly given (39 FR 6562).

Notice is hereby given that Applicant has amended subject application once again. These new amendments have been received by the Board and the application, as amended, may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the amended application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 3, 1975.

Board of Governors of the Federal Reserve System, October 29, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-30236 Filed 11-10-75;8:45 am]

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS AND HELPERS

Order Approving Acquisition of Bank Stock

The International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Kansas City, Kansas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) for flexible authority to acquire, from time to time, additional voting shares of The Brotherhood State Bank, Kansas City, Kansas ("Bank"), so long as Applicant's interest does not exceed 40 percent of Bank's outstanding voting shares.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in § 3 (c) of the Act (12 U.S.C. 1842(c)).

Applicant, a fraternal labor organization, is a one-bank holding company that became subject to the Act by virtue of the 1970 Amendments thereto. Applicant presently owns or controls 32.3 percent of the shares of Bank. With total deposits of $48 million, Bank controls approximately 1.03 percent of the total deposits in commercial banks in the Kansas City market[1] and is the sixteenth largest bank in that market.[2]

Applicant requests Board approval to acquire, from time to time, up to an additional 7.7 per cent of the voting shares of Bank. Although Applicant does not propose to acquire any additional shares of Bank immediately, the purpose of filing the instant application is to facilitate Applicant's future acquisitions, on an intermittent basis, of additional shares of Bank from shareholders holding nominal amounts of Bank stock. In many cases the shareholders from whom Applicant would purchase shares would be individuals associated with the fraternal organization. Specific examples of such stockholders cited by Applicant in the application include retired persons desiring to transfer their assets to a more income-producing type of asset; widows of deceased stockholders who wish to secure immediate funds; and persons in financial distress. In view of Applicant's status under the Bank Holding Company Act,[3] and the relationship which exists between many of Bank's stockholders and Applicant, a union of which they are members, the Board believes that the unique facts present in this proposal are such that approving Applicant's request would be consistent with the public interest. In this connection, it is noted that no meaningful change in the control of Bank would result from granting Applicant the authority to vary its proportionate interest in Bank within the limits and under the circumstances described herein. Moreover, consummation of the proposal would not have any adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the area. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as favorable and consistent with approval of the application. Similarly, considerations relating to convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that approval of the application would be consistent with the public interest and that the application should be approved.

Accordingly, on the basis of the unique facts in the present record, the application is approved for the reasons summarized above. No such acquisition shall be made before the thirtieth calendar day following the effective date of this Order. Furthermore, the authority to purchase additional shares of Bank so long as Applicant's aggregate holdings in Bank do not exceed 40 per cent of the outstanding shares of Bank shall expire on December 31, 1976. Upon request by the Applicant, the Federal Reserve Bank of Kansas City is hereby authorized, pursuant to delegated authority from the Board, to extend the authority granted herein for not more than one year at a time, if in its judgment, the financial and managerial resources of Applicant and Bank are satisfactory and such extensions would not be detrimental to the public interest, but no such extensions granted by the Reserve Bank shall in the aggregate exceed five years. Any request by Applicant for a one-year extension of the authority granted herein shall be submitted in writing to the Reserve Bank no later than October 1 of the year preceding the expiration of such authority and shall include the number of shares of Bank that Applicant has sold or acquired since the date of this Order, the number of voting shares of Bank then outstanding, the number of shares of Bank then held by Applicant, and any other information that the Reserve Bank may deem relevant in acting on such request.

By order of the Board of Governors,[4] effective October 29, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-30237 Filed 11-10-75;8:45 am]

[1] The Kansas City banking market is approximated by Johnson and Wyandotte Counties in Kansas and northern Cass County and Clay, Jackson and Platte Counties in Missouri.

[2] All banking data are as of December 31, 1974.

[3] As a labor organization, Applicant is exempt from the prohibitions in section 4 of the Act, relating to the nonbanking interests of a bank holding company, by virtue of section 4(c)(1) thereof.

NORTHSTREAM INVESTMENTS, INC.

Formation of Bank Holding Company

Northstream Investments, Inc., Geddes, South Dakota, has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 88.3 percent of the voting shares of Security State Bank, Geddes, South Dakota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 21, 1975.

Board of Governors of the Federal Reserve System, October 29, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-30238 Filed 11-10-75;8:45 am]

POWELL LUMBER CO.

Acquisition of Additional Shares of Bank

Powell Lumber Company, Lake Charles, Louisiana, has applied for the Board's approval under § 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), through a pro rata rights offering, to directly acquire 6,474 additional voting shares of American Bank of Commerce, Lake Charles, Louisiana, and also to indirectly acquire 6,474 additional voting shares of American Bank of Commerce as a result of the direct ownership of those shares by its subsidiary, Farmers Land and Canal Company, Lake Charles, Louisiana. Upon consummation herein, Applicant's existing direct and indirect percentage ownership of the voting shares of American Bank of Commerce will remain the same. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 21, 1975.

Board of Governors of the Federal Reserve System, October 29, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-30239 Filed 11-10-75;8:45 am]

STOCKTON BANCORP, INC.

Order Approving Formation of Bank Holding Company

Stockton Bancorp, Inc., Stockton, Illinois, has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 80 per cent or more of the voting shares of The First National Bank of Stockton, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation recently organized for the purpose of becoming a bank holding company through the acquisition of Bank. The purpose of the transaction is to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals with no change in Bank's management or operations. Bank (deposits of $9.0 million)[1] is the fourth largest of 8 banks in the relevant banking market[2] and controls approximately 12.3 per cent of the total deposits in commercial banks in the market. Upon acquisition of Bank, Applicant would control less than 0.1 per cent of total commercial bank deposits in Illinois.

Among the principals of Applicant are several individuals who are also principals of another one-bank holding company and principals of two other banks. Two of the banks in which principals of Applicant are involved are not located in the relevant banking market. There appears to be no meaningful existing competition between these two banks and Bank, and it appears unlikely that such competition would develop in the future. As regards the third bank, Citizens Bank and Trust Company, Warren, Illinois ("Citizens Bank"), it is located in the relevant market approximately 10 miles from Bank. It appears that no significant competition exists between Citizens Bank and Bank. Furthermore, inasmuch as the present proposal represents a reorganization to effect a transfer of Bank's ownership from individuals to a corporation owned by the same individuals, and in view of the relatively small size of the banks in question and the presence of alternative banking facilities in the market, it appears that the acquisition of Bank by Applicant would not have any significantly adverse effect upon either existing or potential competition in any relevant area. Accordingly, on the basis of the record, it is concluded that competitive considerations are consistent with approval of the application.

The financial considerations relating to the present proposal are consistent with approval of the application. Although Applicant will incur acquisition debt in connection with this proposal, it appears that Applicant will be able to service this debt over a twelve-year period without impairing the financial condition of Bank during that period. Furthermore, it appears that the overall financial condition of Applicant and the one-bank holding company in which principals of Applicant are presently involved is satisfactory and consistent with approval of the application. Managerial considerations are satisfactory and consistent with approval of the application.

Applicant plans no major changes in Bank's operations but does intend to restructure Bank's loan portfolio to include more agricultural, mortgage, consumer and commercial loans. In addition, Applicant plans to renovate and expand Bank's physical facilities and is contemplating extending Bank's current banking hours to more conveniently serve the community needs. Accordingly, considerations related to the convenience and needs of the community to be served are consistent with, and lend some weight toward, approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Secretary of the Board acting pursuant to delegated authority from the Board of Governors, effective October 29, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-30240 Filed 11-10-75;8:45 am]

[4] Voting for this action: Vice Chairman Mitchell and Governors Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governor Bucher.

[1] All banking data are as of December 31, 1974.

[2] The relevant banking market is approximated by Jo Daviess County excluding the northwestern portion of the County.

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UNITED BANCSHARES OF NEBRASKA, INC.

Formation of Bank Holding Company

United Bancshares of Nebraska, Inc., Lincoln, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 99.2 percent of the voting shares of First Westroads Bank, Omaha, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 3, 1975.

Board of Governors of the Federal Reserve System, October 29, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-30241 Filed 11-10-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO on November 3, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FMC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before December 1, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL MARITIME COMMISSION

Request for extension without change to General Order 20, 46 CFR 540, and form FMC 131 which is a part of the rules. The rules provide procedures whereby persons in the United States who arrange, offer, advertise or provide passage on a vessel having berth or stateroom accommodations for 50 or more passengers and embarking passengers at U.S. ports shall establish their financial responsibility or, in lieu thereof, file a bond or other security to meet liabilities for nonperformance of voyage, or for injury or death to passengers or other persons on voyages to or from U.S. ports. Potential respondents are steamship lines. The application for a Certificate of Financial Responsibility is a one time filing and it is estimated that 50 applications are received per year. Respondent burden is estimated at 6 hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-30387 Filed 11-10-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

WRAPPER TOBACCO

Finding That Imports Not To Be Substantial Cause of Injury to Growers

The United States International Trade Commission today turned down the request of American wrapper tobacco growers for relief from imports. In their second decision under the new import relief provision of the Trade Act of 1974, all six Commissioners—Will E. Leonard, Daniel Minchew, George M. Moore, Catherine Bedell, Joseph O. Parker, and Italo H. Ablondi—did not find increased imports of wrapper tobacco a substantial cause of serious injury to U.S. growers of tobacco used as the outer wrapping of cigars.

The Commission decision was based on a finding that the decline in U.S. production of large cigars was a more important cause of any injury to the growers than imports of wrapper tobacco. The negative determination of the Commission denies to the tobacco farmers eligibility for relief from imports through higher tariffs, quotas, or financial assistance under the import relief provisions of the Trade Act of 1974.

The investigation was made in response to a petition filed with the Commission by the Cigar Leaf Tobacco Foundation, Inc., of Quincy, Florida. Wrapper tobacco is grown in the United States in southwestern Georgia and north-central Florida and in the Connecticut River valley of Connecticut and Massachusetts.

Commission hearings in the investigation were conducted in Florida, Connecticut, and Washington. Extensive staff investigation supplemented the hearings.

U.S. production of wrapper tobacco decreased from 15.9 million pounds in the 1969/70 crop year to only 11 million pounds in the 1974/75 crop year. In spite of the decrease in the amount of tobacco grown, the dollar value increased from $54.2 million to $59.1 million over the same period. Imports (farm-sales-weight basis) increased in that period from 536,000 pounds to 1.1 million pounds, coming chiefly from Nicaragua and Honduras in Central America and Cameroon in Africa. However, production of large cigars in the United States dropped sharply from 8.4 billion cigars in 1970 to 6.5 billion in 1974.

Copies of the Commission's report, *Wrapper Tobacco* (USITC Publication 746) containing the decision, views of the Commissioners, and information developed during the 6-month investigation may be obtained from the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436 (202-523-0161).

By order of the Commission:

Issued: November 6, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-30388 Filed 11-10-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-91]

SPACE PROCESSING PAYLOAD ADVISORY SUBCOMMITTEE

Notice of Establishment

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, the National Aeronautics and Space Administration has determined that the establishment of the Applications Steering Committee, Space Processing Payload Advisory Subcommittee is in the public interest and is required for the performance of duties imposed upon NASA by law. The Applications Steering Committee, under which the Subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of government employees. The Subcommittee will comprise membership from both the public and private sectors.

The intent of this Subcommittee is to obtain the advice of the space processing user community during the development of the Space Transportation System payloads.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

NOVEMBER 5, 1975.

[FR Doc.75-30262 Filed 11-10-75;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Notice of Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on December 2-3, 1975, at the offices of the National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456. The meetings will commence at 9:00 a.m. daily in Room 4210.

The agenda for this meeting will consist of an undate briefing regarding the activities of the several offices of the National Credit Union Administration, a briefing on share insurance activities, and other aspects of the Administration.

Matters for discussion will include legislative activities.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

HERMAN NICKERSON, Jr.,
Administrator.

NOVEMBER 4, 1975.

[FR Doc.75-30344 Filed 11-10-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF N.Y., INC. (INDIAN POINT NUCLEAR GENERATING UNIT NO. 2)

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

THE CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

(Indian Point Nuclear Generating Unit No. 2)

Docket No. 50-247

This action is in reference to the "Notice of Availability of Licensee's Environmental Report; Notice of Proposed Issuance of Amendment to Facility Operating License and Notice of Opportunity for Hearing for Indian Point Nuclear Generating Unit No. 2", published by the Commission in the above matter (40 FR 45874—Oct. 3, 1975).

The members of the Board are:

Samuel W. Jensch, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Mr. R. Beecher Briggs, (Member), 110 Evans Lane, Oak Ridge, Tennessee 37830.

Dr. Franklin C. Daiber, (Member), College of Marine Studies, University of Delaware, Newark, Delaware 19711.

Dated at Bethesda, Maryland this 5th day of November 1975.

For Atomic Safety and Licensing Board Panel.

JAMES R. YORE,
Acting Chairman.

[FR Doc.75-30317 Filed 11-10-75;8:45 am]

[Docket Nos. 50-260, 50-270, 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 13, 13, and 10 to Facility Operating Licenses No. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments (1) modify the axial power imbalance limits for the Core Protection Safety Limits and the Reactor Protection System Maximum Allowable Setpoints, (2) reduce the flux/flow ratio from 1.07 to 0.961 for single-loop operation, and (3) change the maximum thermal power for three-loop operation from 86.0% to 86.4%.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and The Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated August 26, 1975, (2) Amendments No. 13, 13, and 10 to Licenses No. DPR-38, DPR-47, and DPR-55, with Changes No. 23, 18, and 10, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 31st day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-30318 Filed 11-10-75;8:45 am]

[Docket Nos. 50-424, 50-425 (CP Amendment)]

GEORGIA POWER CO. (ALVIN W. VOGTLE NUCLEAR PLANT, UNITS 1 AND 2)

Notice of Prehearing Conference

Please take notice that pursuant to § 2.751a of the Commission's Rules of Practice (10 CFR Part 2) and the Atomic Energy Act of 1954, as amended, and consistent with the guidelines prescribed by the Atomic Safety and Licensing Appeal Board (Appeal Board) in its Order dated September 24, 1975 (ALAB-291), the Atomic Safety and Licensing Board (the Board) will conduct a special prehearing conference for this limited, remanded proceeding on November 20, 1975, starting at 9:30 a.m., e.d.t., at the following location:

City County Building, Richmond County Board of Commissioners' Hearing Room, Room 603, 530 Green Street, Augusta, Georgia 30902.

This prehearing conference is preliminary to a public, evidentiary hearing[1] that will be held later in the vicinity of the proposed plant site on a date that will be announced in a future Board notice. The matters to be considered at the prehearing conference are as follows:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider the remaining contentions in the Intervenor's petition to allow the Board to make a final determination on the admissibility of the specific contentions; and

(4) Establish a schedule for further actions in the proceeding, including a time table for discovery.

More specifically, the Board expects counsel for the parties to be prepared to orally argue the points raised in Applicant's September 30 "Motion to Schedule Prehearing Conference" regarding the required and permissible scope of the remanded supplemental hearing in light of ALAB-285 (August 12, 1975) and ALAB-291 (September 24, 1975), as well as the scope of discovery necessary to properly inquire into only those limited areas. For the guidance of the parties, the Board does not envision any necessity for an "open-ended reexploration of environmental issues" and will not sanction any unnecessary demands for information on environmental matters which need not be addressed in the remanded hearing, and which would only delay meaningful and prompt preparation for the hearing. The scope of requested discovery should be limited accordingly.

The parties are free to submit written memoranda at the prehearing conference in lieu of all or part of their oral argument.

Counsel for the parties are directed to confer in advance of the public confer-

[1] See this Board's "Notice of Supplemental Hearing on Proposed Amendment to Construction Permits" dated September 8, 1975, which was published in the FEDERAL REGISTER on September 8, 1975 (40 FR 41569).

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It is so ordered.

ence to work out an agreed schedule for discovery, which will be placed on the record at the prehearing conference.

Issued at Bethesda, Maryland, this 5th day of November, 1975.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY, ESQ.,
Chairman.

[FR Doc.75-30319 Filed 11-10-75;8:45 am]

[Doc. No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Order Confirming Evidentiary Sessions

On October 30, 1975, the Regulatory Staff of the Commission filed a motion to reschedule hearings in this proceeding and requested modification of the Order issued October 24, 1975 by the Atomic Safety and Licensing Board. The Staff request is primarily directed to the date for the commencement of the presentation of evidence and seeks a change from the November 17th designation. The Board has been in consultation with the attorneys for the parties by a telephonic conference call since time does not permit awaiting answers by mail to the Staff motion. After a consideration of the Staff motion and the oral answers thereto, the Board hereinafter sets January 26, 1976 for the commencement of the sessions for presentation of evidence.

The Board adheres to its schedule of November 12 and 13, 1975 for the presentation of statements by way of limited appearance from members of the public in the District Courtroom of the Coffey County Courthouse in Burlington, Kansas. The November 12th session will commence at 9:00 a.m. and the Board will extend the opportunity for the presentation of such statements for a few evening hours in order to accommodate those members of the public who cannot attend during that daytime. The November 13th session will commence at 10:00 a.m. in the same location.

As provided in the Board's October 24, 1975 Order, further evidentiary sessions shall resume in a courtroom to be designated by later order in Kansas City, Missouri. The Board accepts the agreement by the attorneys for the parties to convene the Kansas City sessions on January 26, 1976 commencing at 2:30 p.m. at the suggestion of one of the attorneys. A session for a few hours will convene in the evening of January 26, 1976 to permit those members of the public from the Kansas City area who desire to present limited appearance statements and who are unable to be present for the Burlington, Kansas sessions, to present such statements.

The Board also accepts suggestions from the attorneys for the parties and hereby directs that all proposed direct evidence shall be prepared in written form and shall be served upon the parties and the Board in accordance with the schedule for the items identified by the contentions designated as follows:

I. Service on or before December 19, 1975 on contentions:

I-1 through I-7, I-9 through I-13, I-14 (a), (h), (k) and (l), I-16, I-17, I-21(b), I-22, I-25, and I-26.

II. Service on or before January 6, 1976 on contentions: I-14 (b), (c), (d), (e), (f), (g), (i) and (j), I-18, I-19, I-20, I-21 (a) ,(c), (d), (e).

III. Service on or before January 15, 1976 of all written statements to be offered as direct evidence related to all remaining radiological safety issues, otherwise designated by the parties as Category II safety issues.

Wherefore, *it is ordered*, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that limited appearance statements from members of the public may be presented at evidentiary sessions of this proceeding commencing at 9:00 a.m. on Wednesday, November 12, 1975 in the District Courtroom, Coffey County Courthouse, 6th and Neosho Streets, Burlington, Kansas, and at further sessions to be provided, including November 13, 1975, at times to be reflected by oral orders issued during hearings and reflected in the transcripts which are available for public review.

A further session of evidentiary hearings shall convene in a courtroom in Kansas City, Missouri on January 26, 1976, at a time and location to be designated by later Order. An evening session will be held in Kansas City to permit additional members of the public to present limited appearance statements. The proposed direct evidence from all parties shall be prepared in advance in written form and shall be served on or before the dates hereinbefore provided in this Order.

Issued: November 5, 1975, Bethesda, Maryland.

For the Atomic Safety and Licensing Board,

SAMUEL W. JENSCH,
Chairman.

[FR Doc.75-30320 Filed 11-10-75;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-36 issued to the Maine Yankee Atomic Power Company for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment modifies the provisions in the Technical Specifications relating to the design of the spent fuel storage racks. As amended, the Technical Specifications will allow the licensee to replace the existing spent fuel storage racks which have a capacity of 318 assemblies with anodized aluminum fixed-poison (Boral) curtain racks which have a capacity of 953 assemblies.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on April 14, 1975 (40 FR 16732). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 27, 1975, as supplemented June 26 and July 25, 1975, (2) Amendment No. 11 to License No. DPR-36 with Change No. 19, (3) the Commission's related Safety Evaluation, and (4) the Commission's Negative Declaration dated October 24, 1975, which is being published concurrently with this notice, and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 31st day of October, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactors Licensing.

[FR Doc.75-30321 Filed 11-10-75;8:45 am]

[Docket No. 50-309; License No. DPR-36]

MAINE YANKEE ATOMIC POWER STATION

Negative Declaration Regarding Proposed Changes to the Technical Specifications of

The Nuclear Regulatory Commission (the Commission) has considered the issuance of a change to the Technical Specifications of Facility Operating License No. DPR-36 for Maine Yankee Atomic Power Station located in Lincoln County, Maine. The changes would authorize the licensee, Maine Yankee Atomic Power Company, to replace existing spent fuel storage racks having a capacity of 318 assemblies with fixed poison (Boral) curtain racks having a maximum capacity of 953 assemblies.

The Commission's Division of Reactor Licensing has appraised the environmental impact of the proposed change. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action other than those impacts described in the Commission's Final Environmental Statement of July 1972 concerning the operation of Maine Yankee Atomic Power Station.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Wiscasset Public Library Association, High Street, Wiscasset, Me.

Dated at Rockville, Md., this 24th day of October 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Division of Reactor Licensing.

[FR Doc.75-30322 Filed 11-10-75;8:45 am]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO. (PEACH BOTTOM ATOMIC POWER STATION, UNIT 2)

Order for Modification of License

I. Philadelphia Electric Company (PECO or Licensee) is the holder of Facility Operating License No. DPR-44 which authorizes operation of Peach Bottom Atomic Power Station Unit 2 (Unit 2 or the Facility) at steady-state reactor core power levels not in excess of 3295 megawatts thermal (rated power). The Facility is a boiling water reactor (BWR) located at the Licensee's site in Peach Bottom, York County, Pennsylvania.

II. 1. On July 23, 1975, the Nuclear Regulatory Commission (the Commission) issued an "Order for Modification ofe License" (40 F.R. 32179 of July 31, 1975) which confirmed a plan for limited additional operation of the facility. As explained in the Order of July 23, 1975, the Facility's channel box wear, as indicated by the noise-to-signal ratio recorded by the traversing incore probe (TIP), had exceeded the threshold for remedial action. The remedial action, confirmed by the Order, limited operation of the facility at not more than 40 percent of rated core flow and with a maximum fuel bundle power of 3.35 MWt. In addition, the Order permitted operation up to full flow and power for a brief period of time needed to collect flow vibration data and to conduct fuel preconditioning. The Order further stipulated that the Licensee was to shutdown the facility following approximately 45 equivalent full flow days from June 21, 1975 unless within that period certain specified tests have been completed which demonstrated the efficacy of the 40% flow limit.

2. By letter dated October 24, 1975,[1] the Licensee proposed a plan, previously discussed with the NRC staff, setting forth a course of remedial action, which would allow operation with flow rates above 40 percent of rated flow and maximum bundle power above 3.35 MWt. The plan would involve shutdown of the reactor and appropriate replacement of worn channel boxes and plugging of the core support plate bypass holes.

3. By its letter dated September 29, 1975,[2] the Licensee provided details relating to the fuel channel inspection program and the installation of core bypass flow plugs in the lower core plate and supplied analyses to demonstrate the adequacy of the procedures for plug installation. Additionally, by its letter dated October 24, 1975, the Licensee referenced modifications previously approved and implemented at the Duane Arnold and Vermont Yankee reactors.

4. The installation of the core bypass flow plugs in the lower core plate is designed to reduce the instrument tube—channel box interaction that produced unacceptable wear. The Commission's Safety Evaluations for the plant modifications referenced in the Licensee's letter of October 24, 1975, list a total of 75 channels that were inspected for wear during normal refueling outages in seven plants that have instrument thimbles similar to those in Peach Bottom Unit 2, but that do not have flow bypass holes. The bypass flow for these plants enters through clearances in the fuel assembly and fittings which are similar to the proposed Peach Bottom Unit 2 configuration with plugged bypass flow holes. For this configuration, no significant wear was observed at the corners of the channel boxes adjacent to the instrument thimbles.

5. Plugs identical to those proposed for Peach Bottom Unit 2 had previously been installed in the Vermont Yankee and Pilgrim reactors in 1973 and 1974, respectively, to eliminate the vibration of temporary control curtains that caused channel box wear in those reactors. They have also been installed in the Duane Arnold and Vermont Yankee reactors to mitigate channel box wear. The plugs in the Vermont Yankee reactor were installed in 1973 and, were removed after ten months of successful service, at the time that the temporary control curtains were removed. In addition, the General Electric Company has conducted tests to demonstrate the adequacy of the plug design. These tests included full flow mockup tests which demonstrated negligible leakage flow through the plugged holes. The NRC staff has reviewed the design, the testing, and the previous experience with the proposed plugs in the Vermont Yankee, and Pilgrim reactors, and in its concurrently issued Safety Evaluation of Mechanical Plugs to be Inserted in Peach Bottom Unit 2, the staff concluded that the mechanical design of the proposed bypass flow plugs is acceptable and that the plugs will reduce the vibration of the instrument thimbles caused by flow through the bypass holes and that installation of the plugs should be authorized. Subsequent operation of the facility with the plugs installed is under review.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *it is ordered*, that Facility Operating License No. DPR-44 is hereby amended by substituting the following provisions for the provisions set out in Appendix A to the Commission's Order for Modification of License dated July 23, 1975:

1. The Licensee is authorized to install bypass hole plugs in the Facility's lower core plate. The Licensee shall not, without prior written approval of the Director, Office of Nuclear Reactor Regulation, return the facility to operation following the installation of the bypass hole plugs.

Dated at Bethesda, Maryland this 4th day of November, 1975.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE, *Director,*
Office of Nuclear Reactor Regulation.

[FR Doc.75-30323 Filed 10-11-75;8:45 am]

[Docket No. 50-533]

WESTINGHOUSE ELECTRIC CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on May 27, 1975 (40 FR 23124) and the Nuclear Regulatory Commission having found that:

(a) The application filed by Westinghouse Electric Corporation, Docket No. 50-533, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations, the Commission has issued License No. XR-103 to Westinghouse Electric Corporation, au-

[1] Copies of (1) the October 24, 1975 filing by the Licensee, and (2) the NRC staff Safety Evaluation of Mechanical Plugs to be Inserted in Peach Bottom Unit 2 and the documents referenced therein, are availalbe for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and are being placed in the Martin Memorial Library, 189 E. Market Street, York, Pennsylvania.

[2] The September 29, 1975 filing by the Licensee entitled "Peach Bottom Atomic Power Station Units 2 and 3 Safety Analysis Report for Plant Modifications to Eliminate Significant In-Core Vibrations" is being withheld from public disclosure as a proprietary document of the General Electric Company pursuant to 10 CFR Part 2, § 2.790.

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thorizing the export of a pressurized water reactor with a thermal power level of 2783 megawatts to the Statens Vattenfallsverk, Stockholm, Sweden.

The export of this reactor to Sweden is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 30th day of October 1975.

For the Nuclear Regulatory Commission.

G. WAYNE KERR,
Chief, Agreements and Exports Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-30324 Filed 11-10-75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.105, "Instrument Spans and Setpoints," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to ensuring that the instrument setpoints initially are within and remain within the specified safety system setting.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.105 will, however, be particularly useful in evaluating the need for an early revision if received by January 9, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Fracture Toughness Class I Vessels Under Overstress Conditions.
Protection Against Postulated Events and Accidents Outside of Containment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Criteria for Heatup and Cooldown Procedures.
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
Design Load Combinations for Component Supports.
Interim Guide on Tornado Missiles.
Criteria for Plugging Steam Generator Tubes.
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
Overhead Crane Handling Systems for Nuclear Power Plants.
Recommended Procedure for Reintering Test to Monitor Densification Stability of Production Fuel.
Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure.
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement.
Loose Parts Monitoring Program for the Primary System.
Guidance for Content of Licensing Applications for Reload Fuel.
Nuclear Safety-Related Concrete Structures.
ASME Code Case Fiberglass Reinforced Plastic Piping.
Protection Against Low Trajectory Turbine Missiles.
Tornado Design Classification.
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
Protective Coatings for Light-Water Reactor Containment Facilities.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Fire Protection Criteria for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fuel Oil Systems for Standby Diesel Generators.
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Containment Isolation Provisions.
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
Testing of Nuclear Air Cleaning Systems.
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
Design Criteria for Overload Protection of Motor-Operated Valves.
Identification of Materials, Parts, and Components for Nuclear Power Plants.
Emergency Planning for Nuclear Power Plants.
Control Room Manning.
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
Spill Analysis—Dispersion and Dilution in Surface and Ground Water.
Design Objectives for LWR Spent Fuel Facilities.
Design Objectives for LWR Fuel Handling Systems.
Preoperational Testing of Diesel Generator Units Used as Onsite Emergency Power Sources at Nuclear Power Plants.
Periodic Testing of Class 1E Power and Protection Systems.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioatcive Offgas System Failure.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 4th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-30325 Filed 11-10-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE TYRONE ENERGY PARK, UNIT 1

Agenda Change

The agenda for the November 21, 1975 meeting of the ACRS Subcommittee on the Tyrone Energy Park, Unit 1, which was published at 40 Federal Register 51506, November 5, 1975, is changed as follows:

Thursday, November 20, 1975, 7 p.m. until conclusion of business.

The Subcommittee will meet in closed Executive Session with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered during the open session in order to formulate a Subcommittee report and recommendations to the full Committee.

Friday, November 21, 1975, 8:30 a.m. The Subcommittee will meet in closed session with the NRC Staff and representatives of the Northern States Power Company for the purpose of exploring proprietary matters with regard to plant security.

There is no change to the agenda for the open session.

All other matters pertaining to the meeting remain unchanged.

Dated: November 6, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-30316 Filed 11-10-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11794; File No. SR-Amex-75-6]

AMERICAN STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 31, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") has adopted amendments to certain of the guidelines adopted by the Amex pursuant to Rule 915(b) of the Amex Rules which relate to standards for issuers of securities underlying options (the "Amendments to the Rule 915 Guidelines"). The Amendments to the Rule 915 Guidelines are set forth below. Brackets indicate words to be deleted, and italics are used to indicate words to be added.

The issuer and its subsidiaries have not during the past [ten] *three* years defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long term leases.

The issuer and its consolidated subsidiaries had a net income, after taxes but before extraordinary items net of tax effect, of at least [$500,000] *$250,000* for each of the last [five] *three* fiscal years.

[The issuer earned in each of the last five fiscal years any dividends, including the fair market value of any stock dividends, paid in each such year on all classes of securities.]

The purpose of the Amendments to the Rule 915 Guidelines is to conform such guidelines with the recent proposed amendments to the Form S-7 requirements of the Securities and Exchange Commission (the "Commission").

The Amendments to the Rule 915 Guidelines are authorized by Section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act"). Although Section 6 of the 1934 Act, as recently amended by the Securities Acts Amendments of 1975, does not become effective until December 1, 1975, the Amendments to the Rule 915 Guidelines, will be consistent with that Section when such amendments to the 1934 Act become effective.

The Amendments to the Rule 915 Guidelines relate to standards to be considered by the Amex in evaluating potential underlying stocks for Amex option transactions. These guidelines were based upon the Form S-7 requirements in effect at the time such guidelines were adopted.

In adopting the Form S-7 requirements the Commission decided that for certain issuers eligible to use such Form adequate disclosure could be assumed to have been made in reports and proxy statements filed over the years under the 1934 Act. The Commission recently determined that the S-7 qualification standards relating to net income, default and dividends could be reduced without compromising the protection of investors, and that the public interest would be served thereby.

The Amex believes that the Amendments to the Rule 915 Guidelines, in line with the amendments to the Form S-7 requirements, are consonant with the protection of investors and the public interest.

The Amendments to the Rule 915 Guidelines were considered and unanimously approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations. No additional comments were solicited and received.

The Amex had determined that the Amendments to the Rule 915 Guidelines would not impose any burden on competition.

On or before December 16, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 11, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 4, 1975.

[FR Doc.75-30283 Filed 11-10-75;8:45 am]

[Release No. 34-11791; File No. SR-BSE-75-4]

BOSTON STOCK EXCHANGE

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 29, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change Chapter XII-B (next to last paragraph) of the Rules:

For the purposes of this paragraph (5) the next transaction in the primary market shall mean the next transaction in the primary market as reported on the Consolidated Tape at the Boston Stock Exchange after the order is placed with the Dealer for execution. Adjustments for lateness of the tape and any similar adjustments shall be made in the same manner as for odd-lot transactions.

STATEMENT OF BASIS AND PURPOSES

Purpose of the proposed rule change. The purpose of the rule change is to eliminate the two minute time requirement on the execution of round-lot orders and to clarify the definition of next transaction occurring in the primary market.

Basis of the proposed rule change:
a (i) Not applicable.
(ii) Not applicable.
(iii) Not applicable.
(iv) Not applicable.
(v) Not applicable.
(vi) Not applicable.
(vii) Not applicable.

Comments received from members, participants or others on proposed rule change. No comments were solicited or received.

Burden on competition. No burden on competition is perceived by adoption of the proposed amendment. Indeed, it was proposed to conform this Exchange's trading rule to those of other Exchanges.

On or before December 16, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, DC 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced

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in the caption above and should be submitted on or before December 11, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 4, 1975.

[FR Doc.75-30284 Filed 11-10-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

NOVEMBER 4, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 5, 1975 through November 14, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30280 Filed 11-10-75;8:45 am]

[Release No. 34-11789; SR File No. SR-CBOE-75-3]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

On September 12, 1975, the Chicago Board Options Exchange, Inc. ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s) (b) (1), as amended by the Securities Acts Amendments of 1975 (Pub. L. No. 94-29, Section 16 (June 4, 1975)) (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change.

The proposed rule change would: (1) revise the provisions concerning resignation, disqualification and removal of directors to reflect the proposed changes in Board composition (Rule 6.3(b)); (2) alter the composition of its Board of Directors as between public directors and exchange directors and provide for special qualifications for certain exchange directors (Rule 6.1); (3) revise the balloting procedures to ensure that the representation required by virtue of the foregoing change in Board composition is effected (Rule 5.3); (4) facilitate the process through which a member can petition to become a candidate for the Board of Directors or the Nominating Committee by reducing the number of signatures required and by lengthening the time within which petitions can be filed (Rule 4.5); and (5) place a specific obligation on the Nominating Committee to choose candidates for the Board of Directors and for the Nominating Committee which reflect the various membership interests (Rule 4.3).

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11675 (Sept. 24, 1975)) and by publication in the FEDERAL REGISTER (40 FR 14903 (Sept. 30, 1975)).

Notice of the Commission determination to extend the time period within which the Commission will approve the above referenced proposed rule changes of CBOE or institute proceedings to determine whether it should be disapproved was given by publication of a Commission Release (Securities Exchange Act Release No. 11755 (Oct. 21, 1975)) and by publication in the FEDERAL REGISTER (40 FR 50330 (Oct. 29, 1975)).

CBOE has requested that the Commission consider separately CBOE's proposed rule change insofar as CBOE Rule 4.5 is concerned. The Commission finds the proposed rule change, insofar as CBOE Rule 4.5 is concerned, is consistent with the requirements of the Act and rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change insofar as CBOE Rule 4.5 is concerned, filed with the Commission on September 12, 1975 be, and it hereby is, approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMON,
Secretary.

NOVEMBER 4, 1975.

[FR Doc.75-30285 Filed 11-10-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

NOVEMBER 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 6, 1975 through November 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30281 Filed 11-10-75;8:45 am]

[70-5763; Rel. No. 19236]

INDIANA & MICHIGAN POWER CO. AMERICAN ELECTRIC POWER COMPANY, INC.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding and Guaranty Agreement Between Parent and Subsidiary

NOVEMBER 4, 1975.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, and Indiana & Michigan Power Company ("I&MP"), 2 American Electric Power Service Corporation, 2 Broadway, New York, New York, 10004, an electric generating subsidiary company of Indiana & Michigan Electric Company ("I&M"), an electric utility subsidiary company of AEP, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, & 12 and Rules 42(a), 42(b) and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

I&MP was organized under the laws of the State of Michigan on April 20, 1971 for the purpose of acquiring, completing the construction of, and operating, the Donald C. Cook Nuclear Plant ("Cook Plant"), a nuclear fueled steam electric generating station situated in Michigan along the shore of Lake Michigan near Bridgman, Michigan. The Cook Plant is to consist of two nominally rated 1,100,000 kilowatt generating units, the first of which was placed in commercial operation on August 23, 1975 and the second of which is scheduled to be placed in commercial operation in 1978 or later. It is estimated that the total construction costs of the Cook Plant will equal at least $980,000,000. Construction costs aggregating $758,799,000 have been incurred through June 30, 1975 and it is estimated that additional construction costs aggregating $70,100,000 will be incurred in 1975 and $83,000,000 in 1976.

By order issued May 20, 1971 (HCAR No. 17135), the Commission authorized I&MP to acquire the Cook Plant from I&M in consideration of the issuance by I&MP to I&M of 1,500,000 shares of its common stock, par value $1.00 per share, and $130,000 aggregate principal amount of ten year unsecured promissory notes. By orders issued August 23, 1971 and September 12, 1972 (HCAR Nos. 17247 and 17694), the Commission also authorized I&MP to issue its unsecured promissory notes from time to time to seventeen banks under a Bank Loan Agreement in an aggregate principal amount up to $300,000,000 and, in connection therewith, authorized I&MP and I&M to enter into and to perform a Capital Funds Agreement and a Power Agreement. On September 23, 1971, I&M transferred the Cook Plant to I&MP in consideration of the issuance and delivery by I&MP to I&M of the securities which the Commission authorized I&MP to issue, and thereafter I&MP effected borrowings under the Bank Loan Agreement until it completed in 1974 the borrowing of the $300,000,000 thereunder. The notes issued under the Bank Loan Agreement mature by their terms on September 30, 1977 and bear interest at a rate equal to one-half of one percent plus the prime commercial loan rate of Manufacturers Hanover Trust Company from time to time in effect.

I&M is entitled under the Power Agreement to receive all power (and the energy associated therewith) available at the Cook Plant and I&M agrees to pay I&MP in consideration for the right to receive all such power and energy, such amounts from time to time as, when added to amounts received by I&MP from any other source, will be at least sufficient for I&MP to pay when due all of its operating and other expenses, including (i) any amount which I&MP may be required to pay on account of any interest and/or any substitute interest on all indebtedness for borrowed money issued or assumer by I&MP and on account of the stated maturities of, and/or all required sinking fund payments and other regular amortization requirements applicable to, such indebtedness and (ii) such additional amount as is necessary after any required provision of taxes on, or measured by, income to enable I&MP to pay required dividends on any preferred stock which it may issue and such amount as will represent a fair return on the common stock equity of I&MP as may be permitted by governmental regulatory authorities having jurisdiction. I&MP filed the Power Agreement with the Federal Power Commission ("FPC") on October 8, 1975 as an initial rate schedule, effective as of August 23, 1975 and an investigation was instituted, which is currently continuing, under Section 206 of the Federal Power Act as to the reasonability of the rates and charges specified in the Power Agreement.

I&MP proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $75,000,000 principal amount of First Mortgage Bonds, in one initial series, to mature in not less than 5 and not more than 10 years from the date of issuance of such Bonds. The interest rate (which shall be a multiple of ⅛ of 1%) and the price to be paid to I&MP for the Bonds (which shall not be less than 100% unless I&MP shall authorize a lower percentage not less than 99%, and shall not exceed 102.75%) will be determined by competitive bidding. The Bonds will be issued under and secured by a Mortgage and Deed of Trust, to be dated as of December 1, 1975 to Manufacturers Hanover Trust Company ("Trustee"). The terms of the Bonds preclude I&MP from redeeming any such Bonds prior to December 1, 1980, if such redemption is for the purpose of refunding such Bonds with proceeds of funds borrowed at a lower effective interest cost. I&MP shall notify prospective bidders no later than 72 hours prior to the time designated for the submission of the bids of the maturity date of the Bonds.

The Motgage Indenture is designed to finance 60% of the construction costs of the 2 unit Cook Plant plus additions thereto as defined in the Mortgage Indenture. I&MP will not assign its interest or rights to any funds due or to become due under the Capital Funds Agreement or Power Agreement to any person other than the Indenture Trustee. I&MP will not declare or pay any dividend on any class of its capital stock, nor directly or indirectly make any payment on account of the purchase, redemption, acquisition or other retirement of any shares of its capital stock, of any class, unless, after giving effect to such transaction, the aggregate amount of the proprietary capital of I&MP, including all of its capital stock and paid-in and retained earnings, is at least 53.85% of the principal amount of all then outstanding indebtedness of I&MP for borrowed money. The Mortgage provides for a eash sinking fund pursuant to which I&MP will be required annually to retire a specified principal amount of the Bonds. The amount of the sinking fund payments will be filed by amendment. It is contemplated that the amount of the annual sinking fund payment for the Bonds of this series and the respective amounts of sinking fund payments in the future for additonal series will be sufficient to provide for the retirement of all outstanding Bonds at the expiration of the useful life of the depreciable facilities of the Cook Plant.

The proceeds realized from the sale of the Bonds will be deposited in the construction fund under the Mortgage and will be withdrawn by I&MP on application to the Trustee to pay construction costs of the 2 unit Cook Plant.

AEP proposes to execute and deliver a Guaranty Agreement guaranteeing the payment of the principal, interest, and premium on any Bond, upon notice of default by I&MP. AEP also proposes, prior to the sale by I&MP of the Bonds, to deposit with the Trustee under its Debenture Indenture, an amount (approximately $2,272,000) sufficient to pay, when due, the principal and interest on all of its remaining 3⅜% Sinking Fund Debentures, due June 1, 1977.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. The proposed issuance and sale of the Bonds is subject to the jurisdiction of the Michigan Public Service Commission and no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 28, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30282 Filed 11-10-75;8:45 am]

[Release No. 34-11792; File Nos. SR-MSTC-75-1(a) and SR-MCC-75-1(a)]

MIDWEST SECURITIES TRUST CO. AND MIDWEST CLEARING CORP.

Amendment to the Schedule of Charges

Notice is hereby given that the Midwest Stock Exchange ("MSE") has amended the schedule of charges for services rendered by its wholly-owned subsidiaries, the Midwest Securities Trust Company ("MSTC") and the Midwest Clearing Corporation ("MCC") by deleting the $.50 per item charge for directing clearing trades to other clearing systems through MCC's interface arrangements with other systems. Charges for directing trades through the MCC interfaces, which currently are operating on a pilot basis, will be assessed individually against MCC participants involved in the pilot until a standard charge for movements through MCC's interfaces is incorporated in the schedule of charges.

The schedule of charges, which included the interface charge, became effective on September 2, 1975 upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 [15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975)].[1] The amendment deleting the in-

[1] Securities Exchange Act Release No. 11669, 40 F.R. 44902.

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terface charge became effective on October 28, 1975 upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934.

Publication of this notice is expected to be made in the FEDERAL REGISTER during the week of November 10, 1975. Interested persons may submit comments concerning the amendment deleting the interface charge on or before December 2, 1975. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. Reference should be made to File Nos. SR–MSTC–75–1(a) and SR–MCC–75–1(a).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 4, 1975.

[FR Doc.75–30286 Filed 11–10–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09/09–0188]

CARDON CAPITAL CORP.

Issuance of a License To Operate as a Small Business Investment Company

On September 25, 1975, a notice was published in the FEDERAL REGISTER (40 FR 44206) stating that an application had been filed with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (SBICs) for a license to operate as an SBIC by Cardon Capital Corporation, 134 W. Broadway, Mesa, Arizona 85202.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts in regard thereto, SBA has issued License No. 09/09–0188 on October 30, 1975, to Cardon Capital Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: November 3, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75–30247 Filed 11–10–75;8:45 am]

[License No. 01/01–0277]

MARCON CAPITAL CORP.

Issuance of a License To Operate as a Small Business Investment Company

On June 11, 1975, a notice was published in the FEDERAL REGISTER (40 FR 25257) stating that Marcon Capital Corporation, 1188 Post Road, Fairfield, Connecticut 06430 had filed an application with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1975) for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business on June 30, 1975, to submit written comments on the application to SBA.

Notice is hereby given that no written comments were received and having considered the application and all other pertinent information, SBA approved the issuance of License No. 01/01–0277 on October 23, 1975, to Marcon Capital Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: November 3, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75–30248 Filed 11–10–75;8:45 am]

[Delegation of Authority No. 30, Rev. 15, Amdt. 5]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities

Delegation of Authority No. 30, Revision 15 (40 FR 11657, as corrected 14134), as amended (40 FR 20691; 26317; 40217 as corrected 41862; and 49159), is hereby amended to clarify that the administration of all management assistance resources available under Section 7(j) of the Small Business Act is part of the Management Assistance Program.

As amended, Delegation of Authority No. 30, Revision 15, reads as follows:

PART VII—MANAGEMENT ASSISTANCE PROGRAM

Section A—Call Contracts Authority. 1. *Administration and Management of Call Contracts.* To take all necessary actions in connection with the administration and management of contracts awarded under the authority granted in Section 7(j) of the Small Business Act, as amended, (formerly under Section 406 of the Economic Opportunity Act of 1964) except changes, amendments, or termination of the contract:

a. Regional Director.
b. Assistant Regional Director for Management Assistance.
c. District Director.
d. Assistant District Director for Management Assistance.

Effective date: November 11, 1975.

Dated: November 4, 1975.

DANIEL T. KINGSLEY,
Associate Administrator for Operations.

[Delegation of Authority No. 30, Rev. 15,

DEPARTMENT OF LABOR

Office of the Secretary

[TA–W–270]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Sullivan, Illinois, plant of Brown Shoe Company, St. Louis, Missouri (TA–W–270).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75–30361 Filed 11–10–75;8:45 am]

[TA–W–272]

GENERAL ELECTRIC CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Allied Industrial Workers of America on behalf of the workers and former workers of Owensboro, Kentucky plants of General Electric Company, Fairfield, Connecticut (TA–W–272). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electronic receiving tubes for radios & televisions produced by General Electric Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75–30362 Filed 11–10–75;8:45 am]

[TA–W–271]

LEVERENZ SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Leverenz Shoe Company, Sheboygan, Wisconsin (TA–W–271). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress and casual footwear produced by Leverenz Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75–30363 Filed 11–10–75;8:45 am]

[TA–W–273]

UNITED STATES SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Columbus, Ohio plant of The United States Shoe Corporation, Cincinnati, Ohio (TA–W–273). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by The United States Shoe Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[TA–W–274]

UNITED STATES SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Crothersville, Indiana plant of The United States Shoe Corporation (TA–W–274). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by The United States Shoe Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

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Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30365 Filed 11-10-75;8:45 am]

[TA-W-275]

UNITED STATES SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Jumping-Jacks Division, Marionville, Missouri plant of The United States Shoe Corporation, Cincinnati, Ohio (TA-W-275). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with children's, youths', and teens' shoes produced by The United States Shoe Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30366 Filed 11-10-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 911]

ASSIGNMENT OF HEARINGS

NOVEMBER 6, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 102567 Sub-176, McNair Transport, Inc. and MC 111401 Sub-443, Groendyke Transport, Inc., continued to November 24, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30381 Filed 11-10-75;8:45 am]

[Notice No. 116]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 11, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 1, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 27992. By order entered November 5, 1975, the Motor Carrier Board approved the transfer to Flowers Transportation, Inc., Greenville, Mississippi, of Cetificate No. W-1227, issued September 25, 1969, to Waxler Towing Company, Incorporated, Memphis, Tennessee, evidencing a right to engage in transportation as a common carrier by water, by non-self-propelled vessels with the use of separate towing vessels in the transportation of general commodities, and by towing vessels in the performance of general towage, between ports and points along the Arkansas-Verdigris Waterway, on the one hand, and, on the other, ports and points along the Ohio River below Pittsburgh, Pa., the Illinois Waterway, and the Mississippi River from St. Paul, Minn., to New Orleans, La. Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701, and R. Dale Woodall, Evans, Petree, Cobb & Edwards, 900 Memphis Bank Building, Memphis, Tenn. 38103, attorneys for applicants.

No. MC-FC-75868. By order of November 5, 1975, the Motor Carrier Board approved the transfer to Homer L. Williamson, Doing business as Williamson Transfer & Storage, Man, West Virginia, of Certificate No. MC 4197, issued October 8, 1975, to Logan Transfer Company, Huntington, West Virginia, authorizing the transportation malt beverages and oil and grease, from points in Kentucky to Logan, W. Va., carbide, from Ivanhoe, Va., to Logan, W. Va., and household goods, between Huntington, W. Va.; and points in Logan and Lincoln Counties, W. Va., on the one hand, and, on the other, points in fifteen states and the District of Columbia. John M. Friedman, 2930 Putnam Avenue, Hurricane, West Virginia 25526, representative of applicants.

No. MC-FC-76058. By order of November 5, 1975, the Motor Carrier Board approved the transfer to R. Lavoie Trucking, Inc., Coaticook, Quebec, Canada, of a portion of Certificate No. MC 108381, issued October 3, 1949, to J. M. Blassberg, Inc., Shelburne Falls, Massachusetts, authorizing the transportation of building materials and electrical supplies between points in Massachusetts, New Hampshire, Vermont, and New York, with a restriction. David M. Marshall, Marshall, and Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103, attorney for Applicants.

No. MC-FC-76072. By order entered November 5, 1975, the Motor Carrier Board approved the transfer to Robert Moreno, Yreka, Calif., of Certificate of Registration No. MC 106086 (Sub-No. 14), issued May 1, 1964, to Winans Bros. Trucking Co., a corporation, Redding, Calif., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 53025, dated May 8, 1956, issued by the Public Service Commission of California. John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-76148. By order of November 6, 1975, the Motor Carrier Board approved the transfer to Van Nata Trucking, Inc., Vesper, Wis., of the operating rights in Permit No. MC 124912, issued January 2, 1975, to Donald F. Dengel and A. William Lind, a partnership, doing business as D & L Trucking Company, Sheboygan, Wis., authorizing the transportation of malt beverages and incidental supplies, premiums and advertising materials when shipped with malt beverages, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission to Fond du Lac and Sheboygan, Wis., under contract with Donald F. Dengel, doing business as Don Dengel Distributing Company, of Fond du Lac, and Lind Distributing Co., Inc., of Sheboygan. Edward Solie, 4513 Vernon Boulevard, Madison, Wis. 53705, attorney for applicants.

No. MC-FC-76159. By order entered November 5, 1975, the Motor Carrier Board approved the transfer to AGS Enterprises, Inc., Litchfield, Ill., of the operating rights set forth in Certificate No. MC 87566 (Sub-No. 6), issued November 2, 1973, to Schmidt Truck Service, Inc., Litchfield, Ill., authorizing the transportation of plastic products, from the facilities of International Paper Company, at Litchfield, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin. David Axelrod, 39 South LaSalle St., Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-76160. By order entered November 6, 1975, the Motor Carrier Board approved the transfer to The Minuteman Lines, Inc., Winchendon, Mass., of that portion of the operating rights set forth in Certificate of Registration No. MC 99912 (Sub-No. 1), issued May 21, 1964, to Barry & Foley Motor Transportation, Inc., Worcester, Mass., evidence a right to engage in transportation in interstate or foreign commerce, of general commodities, between specified points in Massachusetts. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-76172. By order entered November 5, 1975, the Motor Carrier Board approved the transfer to Joseph Struzzieri, Massepequa, N.Y., of the operating rights set forth in Certificates Nos. MC 29796 and MC 29796 (Sub-No. 2), issued by the Commission, July 22, 1969, and September 26, 1972, respectively, to Esbit Transportation & Storage Co., Inc., Glendale, N.Y., authorizing the transportation of new furniture, from New York, N.Y., to points in that part of New York and New Jersey within 50 miles of the New York, N.Y. Commercial Zone, as defined by the Commission in 1 M.C.C. 665, and from New York, N.Y., to points in Fairfield County, Conn., and refused, rejected, or damaged shipments of new furniture in the reverse direction. Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30382 Filed 11-10-75;8:45 am]

[Notice No. 126]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 5, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 127TA) (Correction), filed October 17, 1975, published in the FR issue of October 30, 1975, and republished as corrected this issue. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jeanne Charlesworth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Missoula, Mont., to points in Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George A. Washington, Plant Sales Manager, Evans Products Co., Drawer L, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101. The purpose of this republican is to add the supporting shipper, which was omitted in the previous publication.

No. MC 99427 (Sub-No. 25TA), filed October 25, 1975. Applicant: ARIZONA TANK LINES, INC., 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from Hayden, Ariz., to Glendale, Nev., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Asarco, Inc., 405 Montgomery St., San Francisco, Calif. 94104. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 107295 (Sub-No. 784TA), filed October 22, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems, hardwood flooring, lumber, lumber products, and accessories* used in the installation thereof, from the plantsite of A.G.A., Inc., at Amasa, Mich., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: W. W. Gamble III, Vice President, A.G.A., Inc. (Abendroth-Gamble-Ahonen, Inc.), Box 42, Amasa, Mich. 49903. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107295 (Sub-No. 785TA), filed October 23, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, piling, crossties, and lumber*, between Monroe County, Ind., and points in Michigan, Wisconsin, Minnesota, Iowa, Missouri, Tennessee, Kentucky, Illinois, Ohio, Pennsylvania (that part of Pennsylvania on and west of U.S. Highway 219), New York (that part of New York on and west of New York Highway 19), West Virginia (that part of West Virignia on and west of U.S. Highway 19), and Virginia (that part of Virginia on and west of U.S. Highway 19), for 180 days. Supporting shipper: Kenneth O. Dunn, President, Danek Industries, Inc., 240 Country Club Drive, Bloomington, Ind. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107223 (Sub-No. 47TA), filed October 22, 1975. Applicant: GILLILAND TRANSFER COMPANY, a corporation, 7180 West 48th St., Fremont, Mich. 49412. Applicant's representative: Gerald W. Rykse (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Fremont, Mich., to points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin state line and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 45, thence along

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U.S. Highway 45 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Michigan at Milwaukee, Wis. (but excluding Milwaukee, Wis.), and that part of Minnesota on, east, and south of a line beginning at the Iowa-Minnesota state line and extending along U.S. Highway 59 to Worthington, Minn., thence along Minnesota Highway 60 to Windom, Minn., thence along U.S. Highway 71 to Willmar, Minn., thence along Minnesota Highway 23 to St. Cloud, Minn., thence along U.S. Highway 10 to St. Paul, Minn., and along U.S. Highway 12 to the Minnesota-Wisconsin state line, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gerber Products Company, 445 State St., Fremont, Mich. 49411. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 107403 (Sub-No. 954TA), filed October 22, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Avondale, Goodhope, and Westwego, La., to Louisville, Ky., for 180 days. Supporting shipper: Glidden-Durkee Division of SCM Corp., P.O. Box 958, 1303 S. Shelby St., Louisville, Ky. 40201. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 1008TA), filed October 21, 1975. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint increasing compounds*, in bulk, in tank vehicles, from the DuPont Plantsite at Fort Madison, Iowa, to the Dupont Plantsite at Tucker, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 80 days of operating authority. Supporting shipper: E. I. Dupont de Nemours & Company, 10th & Market Streets, Wilmington, Del. 19898. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 109689 (Sub-No. 293TA) (Correction), filed October 16, 1975, published in the FEDERAL REGISTER issue of October 30, 1975, and republished as corrected this issue. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphite, water base*, in bulk, from Phoenix, Ariz., to Cucamonga, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wagner-Insul Company, 11899 8th St., Cacamonga, Calif. 91730. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138. The purpose of this republication is to change docket number MC 109689 (Sub-No. 293TA) in lieu of MC 141415TA, which was previously published in error.

No. MC 111729 (Sub-No. 581TA), filed October 23, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Hanoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed color and black and white film and prints, complimentary replacement film and incidental dealer handling supplies;* and *business documents; prescription drugs, and business documents*, (a) between Chicago, Ill., on the one hand, and, on the other, Fort Wayne, Lafayette, and Michigan City, Ind.; and Battle Creek, Jackson, Kalamazoo, Lansing, and Muskegon, Mich.; (b) between Minneapolis, Minn., on the one hand, and, on the other, Blaine, Bloomington, Brooklyn Park, Cottage Grove, Duluth, Edina, Golden Valley, Mankato, New Hope, Richfield, St. Cloud, St. Louis Park, and St. Paul, Minn.; (c) between Moline, Ill., on the one hand, and, on the other, Bettendorf, Clinton, Davenport, Dubuque, and Muscatine, Iowa; (d) between Des Moines, Iowa, on the one hand, and, on the other, Cedar Falls, Fort Dodge, Iowa City, Marshalltown, and Sioux City, Iowa; (e) between Cincinnati, Ohio, on the one hand, and, on the other, Covington, Fort Wright, Louisville, and Newport, Ky.; (f) between Louisville, Ky., on the one hand, and, on the other, Clarksville, and New Albany, Ind.; and Lexington, Paducah, Pleasure Ridge Park, and St. Matthews, Ky.; (g) between St. Louis, Mo., on the one hand, and, on the other, Florissant, Hazelwood, Jennings, Joplin, Richmond Heights, and St. Anns, Mo. The authority requested in parts (b) through (g) above is restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (2) *Laboratory specimens, containers used for laboratory specimens, and diagnostic report;* (a) between Milwaukee, Green Bay, Oconto, Wis.; Chicago, Ill.; Indianapolis, Ind.; and Columbus, Ohio; (b) between Atlanta, Ga., and Columbus, Ga., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Walgreen Company, 200 Wilmot Road, Deerfield, Ill. 60015. Diamond Shamrock Health Sciences, Home Road, Powell, Ohio. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 124117 (Sub-No. 16TA) (Correction), filed October 1, 1975, published in the FEDERAL REGISTER issue of October 16, 1975, and republished as corrected this issue. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Roland M. Lowell, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap batteries, scrap parts thereof, scrap lead and recycled lead*, between College Grove, Tenn.; Bristol, Tennessee-Virginia; Louisville, Ky.; Paducah, Ky.; Evansville, Ind.; Chattanooga, Tenn.; Atlanta, Ga., and Birmingham, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Richelson's, Box 6187, 400 E. 20th St., Chattanooga, Tenn. 37401. (2) General Smelting & Refining, Inc., P.O. Box 37, College Grove, Tenn. 37046. (3) United Battery Sales, 5515 Ringgold Road, Chattanooga, Tenn. 37412. (4) Hart Battery Exchange, 1307 Division, Evansville, Ind. (5) Appalachian Smelting & Refining, P.O. Box 957, Bristol, Tenn. 37620. (6) Fulton-Johnson, 3400 Park Ave., Paducah, Ky. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203. The purpose of this republication is to add (5) more supporting shippers, which was omitted in the previous publication.

No. MC 125780 (Sub-No. 2TA), filed October 24, 1975. Applicant: DON TRIPP TRUCKING, P.O. Box 38, Lolo, Mont. 59847. Applicant's representative: Sam E. Haddon, First National Bank Bldg., Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All types of articles* as are dealt in and sold through retail hardware, plumbing and electrical supply stores, from Minneapolis, Minn., to Fargo, N. Dak. (intermediate destination point), and Billings, Mont., under a continuing contract with Midway-Platt Company, for 180 days. Supporting shipper: Donald W. DeCoster, Vice President, Midway-Platt Company, 2233 University Ave., St. Paul, Minn. 55114. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 127853 (Sub-No. 5TA), filed October 24, 1975. Applicant: COMMERCE CONSULTANTS CORPORATION, 850 Charles St., Gloucester City, N.J. 08030. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the warehouse site or sites of John-Jeffrey Corp., at Bellmawr, N.J., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, under a continuing contract or contracts with John-Jeffrey Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John-Jeffrey Corporation, 850 Charles St., Gloucester City, N.J. 08030. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 128007 (Sub-No. 82TA), filed October 21, 1975. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean products*, in bulk and in bags, from points in Lyon County, Kans., to points in Arizona, Arkansas, Colorado, Iowa, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Cook Industries, Inc., Proc. & Refining Div., P.O. Box 518, Emporia, Kan. 66801. Cereal By-Products Co., 242 K. C. Board of Trade, 4800 Main St., Kansas City, Mo. 64112. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kan. 67202.

No. MC 128940 (Sub-No. 24TA), filed October 20, 1975. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 722, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and packing house products*, as described in Section A, Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Minnesota, Wisconsin, Iowa, Kentucky, Illinois, to Washington, D.C., including its commercial zone, under a continuing contract with Standard Meat Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Meat Co., 1234 W. St. NE., Washington, D.C. 20018. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave. NW., Room 317, Washington, D.C. 20423.

No. MC 129361 (Sub-No. 5TA), filed October 23, 1975. Applicant: CARPENTER TRANSFER, INC., P.O. Box 161, Mankato, Minn. 56001. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, sherberts, popsicles, ice cream bars, ice milk, ice milk bars, ice cream cups, sundae cups, malt cups, and fudge bars*, from Pipestone, Minn., to points in South Dakota and Norfolk, Nebr., and Sioux City, Iowa, for 180 days. Supporting shipper: Marigold Foods, Inc., 420 8th Ave. SE., Pipestone, Minn. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134534 (Sub-No. 9TA), filed October 24, 1975. Applicant: LUIS BASTERRECHEA, doing business as BASTERRECHEA DISTRIBUTING, 341 Colorado, Gooding, Idaho 83330. Applicant's representative: Jay L. Depew, Chartered, P.O. Box 961, Twin Falls, Idaho 83301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packing house products*, from points in Gooding County, Idaho to points in Cascade County and Silver Bow County, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Blincoe Magic Valley Packing Co., Route 1, Gooding, Idaho 83301. Send protests to: Barney L. Hardin, Interstate Commerce Commission, 500 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 135535 (Sub-No. 8TA), filed October 23, 1975. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, Minn. 67467. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor homes, campers, fifth-wheel travel trailers and travel trailers;* (2) *Motor homes*, in drive-away service; (3) *Fifth-wheel travel trailers and travel trailers*, in tow-away service; (4) *Fifth-wheel travel trailers and pickup trucks*, when moving in combination with fifth-wheel travel trailers in drive-away service, between the plantsite and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the other, points in Alaska, Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington, also between the plantsite and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the other, all Ports of Entry along the United States-Canadian Boundary in the states of Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, New York, Ohio, Vermont, Washington, and Wisconsin, under a continuing contract with El Dorado Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: El Dorado Industries, Inc., P.O. Box 266, Minneapolis, Kans. 67467. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 136166 (Sub-No. 19TA) (Correction), filed October 15, 1975, published in the FEDERAL REGISTER issue of October 30, 1975, and republished as corrected this issue. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palm oil*, in bulk, in tank vehicles, from Portland, Oreg., to Phoenix, Ariz., for 150 days. Supporting shipper: Palmco, Inc., P.O. Box 03380, Portland, Oreg. 97203. Send protests to: Calud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102. The purpose of this republication is to include "in bulk, in tank vehicles" in the commodity description.

No. MC 138328 (Sub-No. 23TA), filed October 20, 1975. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Ave., P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Jane L. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires*, from the warehouse facility of Lee Tire & Rubber Co., at Kansas City, Mo., to points in Idaho and Oregon, for 180 days. Supporting shipper: Big-O Tires of Idaho, Inc., John T. Cowden, Vice President, 4500 Enterprise Road, Boise, Idaho 83705. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 139468 (Sub-No. 9TA), filed October 24, 1975. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Tex. 77040. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Kooskia and Princeton, Idaho and Clarkston, Wash., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Guy Bennett Lumber Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Guy Bennett Lumber Company, Clarkston, Wash. Send protests to: District Supervisor, Mensing, Interstate Com-

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merce Commission, Room 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 139600 (Sub-No. 7TA), filed October 8, 1975. Applicant: LA CRESTA, INC., doing business as CALIFORNIA BULK EXPRESS, 414 North Hale Ave., Escondido, Calif. 92025. Applicant's representative: Fred E. Caldwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cottonseed meals; cottonseed flakes; cottonseed cakes; and feed supplements*, between points in Arizona, on the one hand, and, on the other, points in San Diego, Riverside, San Bernardino, and Los Angeles Counties, Calif.; (2) *Decorative Rock; stone, natural, marble* or granite; volcanic rock; in bulk, bags or containers, between points in Arizona, California, and Nevada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Snow Commodities Company, Inc., 505 Mission St., South Pasadena, Calif. 91030. La Cresta, Inc., 414 N. Hale Ave., Escondido, Calif. 92025. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 140733 (Sub-No. 2TA), filed October 20, 1975. Applicant: DWANE L. FORD, doing business as D & G TRUCKING, 424 Canyon, Nampa, Idaho 83651. Applicant's representative: Dwane L. Ford (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Baum, Oreg., to the plantsite of Ultra Value Corp., at Longview, Wash., under a continuing contract or contracts with Pickering Industries, Inc., for 180 days. Supporting shipper: Pickering Industries, Inc., 1930 "F" St., Tacoma, Wash. 98409. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 141339 (Sub-No. 1TA), filed October 20, 1975. Applicant: DAVIS TRUCKING, Route 3, Box 108, Starke, Fla. 32091. Applicant's representative: J. J. Wolbert, P.O. Box 1086, Starke, Fla. 32091. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Offal*, in bulk, from points in Georgia, Florida and Alabama, to the facilities of National Protein, Inc., in Bradford County, Fla.; (2) *Tankage and Inedible grease*, in bulk, from the facilities of National Protein, Inc., in Bradford County, Fla., to points in Florida, Georgia, Alabama, North Carolina, South Carolina, Tennessee, Virginia, Maryland, Pennsylvania, and Mississippi; and (3) *Soybean mill and concentrated poultry feed ingredients*, in bulk, from Gainesville and Valdosta, Ga., and Fayetteville, N.C., to the facilities of Painters Poultry Inc., in Jacksonville, Fla., for 180 days. Supporting shippers: National Protein, Inc., P.O. Drawer J, Hampton, Fla. 32044. Painter's Poultry/Cargill, Inc., 5421 W. Beaver St., Jacksonville, Fla. 32205. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141372 (Sub-No. 1TA), filed October 24, 1975. Applicant: HAROLD WOOD, Ewing, Mo. 63440. Applicant's representative: Robert L. Hawkins, Jr., 312 East Capitol Ave., Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, fish and poultry feed and feed ingredients*, dry, in bags and in bulk (except in tank vehicles), from Muncie, Kans., and Cedar Rapids, Iowa, to Knox, Lewis, Marion, Monroe, and Ralls Counties, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Northeast Missouri Cooperative Services, Inc., P.O. Box 269, Edina, Mo. 63537. Farmers Cooperative Services, Inc., P.O. Box 312, Palmyra, Mo. 63416. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141390 (Sub-No. 1TA), filed October 24, 1975. Applicant: KELLY STOKES, doing business as KELLY STOKES TRUCKING CO., P.O. Box 481, Hampton, Ark. 71744. Applicant's representative: Floyd M. Thomas, Jr., 423 North Washington, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, dirt, sand, gravel, clay*, in bulk, in dump-bed trailers, from Ouachita, Calhoun, and Bradley Counties, Ark., to Caddo, Bossier, Webster, Bienville, Claiborne, Lincoln, Jackson, Union, Ouachita, Morehouse, and Richland Parishes, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Louisiana Industries, A subsidiary of Texas Industries, Inc., P.O. Box 400, Arlington, Tex. 76010. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 141393 (Sub-No. 1TA), filed October 21, 1975. Applicant: HENRY YAROSH AND LEONARD MARCHINES, doing business as, Y & M TRUCKING, 233 Oak St., Dickson City, Pa. 18519. Applicant's representative: Charles F. Wilson, 800 Scranton Life Bldg., Scranton, Pa. 18503. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Forty Fort, Pa., to Closter, N.J., under a continuing contract with Chassen Bakery, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chassen Bakery, Inc., 905 Wyoming Ave., Forty Fort, Pa. 18704. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 141405 (Sub-No. 1TA), filed October 23, 1975. Applicant: BOB L. CORLEE, doing business as CORLEE TRUCKING, P.O. Box 545, Weatherford, Okla. 73096. Applicant's representative: T. M. Brown, Suite 223, Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed*, in bulk and in bags, in self-unloading equipment with auger discharge, from the plantsite of Cargill, Inc., McPherson, Kans., to points in Alfalfa, Blaine, Caddo, Canadian, Cleveland, Comanche, Dewey, Garfield, Grady, Grant, Kay, Kingfisher, Major, Oklahoma, Osage, Payne, Pontotoc, Roger Mills, Washita, Woods, and Woodward Counties, Okla., under a continuing contract with Cargill, Incorporated, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Incorporated, Cargill Bldg., Minneapolis, Minn. 55402. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-3295, Herring Plaza, Amarillo, Tex. 79101.

No. MC 141432 (Sub-No. 1TA), filed October 24, 1975. Applicant: MICHAEL ANTHONY BEVILACQUA, doing business as ABLE AUTO DRIVE "A" WAY, 13084 Kerry St., Garden Grove, Calif. 92644. Applicant's representative: Michael Anthony Bevilacqua, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passenger carrying motor vehicles*, in secondary movements, in drive-away or truckaway service, between San Diego, Calif., on the one hand, and, on the other, Long Beach, Calif., under a continuing contract or contracts with the United States Navy, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Navy, Contracting Officer, Naval Supply Center, 937 North Harbor Drive, San Diego, Calif. 92132. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

PASSENGER APPLICATIONS

No. MC 138254 (Sub-No. 4TA), filed October 24, 1975. Applicant: MT. SNOW SHUTTLE SERVICE, INC., P.O. Box 656, Wilmington, Vt. 05363. Applicant's representative: Edward L. Nehez, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, limited to not more than 11 passengers in any one vehicle, not including the driver or children who do not occupy seats, between Dover, East Dover, West Dover, Wilmington, Jacksonville, Wardsboro, West Wardsboro, South Newfane, Marlboro, Williamsville, and Searsburg, Vt., on the one hand, and, on the other, Springfield, Amherst and Worcester, Mass.; New Haven, Greenwich, Hartford, Windsor, Locks, Conn.; Albany, Albany County Airport, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: S. Arnold Smith, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operation, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

SPECIAL APPLICATION FOR BOTH PASSENGER AND FREIGHT AUTHORITY

No. MC 141413TA, filed October 14, 1975. Applicant: SUMMERHILL, LTD., 10 Summerhill Lane, St. Louis, Mo. 63011. Applicant's representative: Lea W. Clayton, Suite 706, 230 S. Bemiston, St. Louis, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Automobiles, station wagons, pickup trucks, and vans* of the classification of one (1) ton or less, (2) the *passengers* of said motor vehicles, and (3) the *baggage and similar property of said passengers*, on modified auto transport trailers, (a) special and Charter operations over irregular routes, between all points in the United States (except Alaska and Hawaii), (b) scheduled operations over regular routes, (1) between Milwaukee, Wis., and New Orleans, La., from Milwaukee over Interstate Highway 94 to junction Interstate Highway 294, thence over Interstate Highway 57, thence over Interstate Highway 57 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, and return over the same route; (2) between Louisville, Ky., and Minneapolis, Minn., from Louisville over Interstate Highway 65 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 294, thence over Interstate Highway 294 to junction Interstate Highway 94 to Minneapolis, and return over the same route.

(3) Between Minneapolis, Minn., and Wichita, Kans., from Minneapolis, over Interstate Highway 35 to Wichita, and return over the same route; (4) between Houston, Tex., and junction Interstate Highway 35W and Interstate Highway 70 (near Salina, Kans.), from Houston over Interstate Highway 45 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate 35W, thence over Interstate Highway 35W to junction Interstate Highway 70, and return over the same route; (5) between Chicago, Ill., and Denver, Colo., from Chicago, over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to Denver, and return over the same route, serving Des Moines, Iowa and Omaha, Nebraska as intermediate points; (6) between Chicago, Ill., and junction Interstate Highway 55 and Interstate Highway 57 (near Sikeston, Mo.), from Chicago over Interstate Highway 55 to junction Interstate Highway 57 (near Sikeston, Mo.), and return over the same route; (7) between Indianapolis, Ind., and Denver, Colo., from Indianapolis over Interstate Highway 70 to Denver, and return over the same route, serving St. Louis, Mo., and Kansas City, Mo., as intermediate points; (8) between Louisville, Ky., and Oklahoma City, Okla., from Louisville over Interstate Highway 64 to junction Interstate Highway 44, thence over Interstate Highway 44 to Oklahoma City, and return over the same route, serving Tulsa, Okla., as intermediate point; (9) between Nashville, Tenn., and Albuquerque, N. Mex., from Nashville over Interstate Highway 40 to Albuquerque, and return over the same route, serving Memphis, Tenn., and Amarillo, Tex., as intermediate points; (10) between Little Rock, Ark., and Dallas, Tex., from Little Rock over Interstate Highway 30 to Dallas, and return over the same route; (11) between Jackson, Miss., and junction Interstate Highway 20 and Interstate Highway 10 (near Kent, Tex.), from Jackson over Interstate Highway 20 to junction Interstate Highway 10, and return over the same route.

(12) Between New Orleans, La., and El Paso, Tex., from New Orleans over Interstate Highway 10 to El Paso, and return over the same route, serving San Antonio, Tex., as an intermediate point. Applicant intends to tack its existing authority at Louisville, Ky., for 180 days. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, 210 N. 12th St., Room 1465, St. Louis, Mo. 63101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-30383 Filed 11-10-75;8:45 am]

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federal register

TUESDAY, NOVEMBER 11, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Production and Mortgage Credit

■

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Corrections and Proposed Amendments

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Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-340]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Correction

In FR Doc. 75-22727 appearing at page 40261 in the issue for Tuesday, September 2, 1975, the following corrections should be made.

1. On page 40267, in the third column, in the last line of the fifth full paragraph, the effective date which reads "March 15, 1976" should read "June 15, 1976."

2. On page 40284, in the table following § 280.604, under the column headed "Materials":

a. The following items should appear as italicized headings rather than individual items: "Ferrous pipe and fittings", "Nonferrous pipe and fittings", "Plumbing fixtures".

b. The item beginning "Plastic pipe and fittings * * *" should be divided into an italicized heading and an item below the heading, as shown below.

c. The item reading "Miscellaneous pipe nipples, threaded" should be divided into an italicized heading and an item below the heading, as shown below.

d. The item beginning "Anti-siphon trap vent device * * *" should be divided into two items as shown below.

3. In the same table, the corresponding entries under all columns for the following items are corrected to read as shown below: "Vitreous china plumbing fixtures", "Plastic bathtub units", "Gel-coated glass-fiber reinforced polyester resin shower receptor and shower stall units", and "Cultured marble lavatory".

4. Also in the same table, the item "Prefabricated shower receptors, shower enclosures and non-metallic bathtubs" and the corresponding entry under the column headed "Other standards" should be deleted.

5. The corrected items in the table following § 280.604 should appear as shown below.

Materials	ANSI	ASTM	FS	Other standards
Ferrous Pipe and Fittings				
• • •	•	•	•	•
Nonferrous Pipe and Fittings				
• • •	•	•	•	•
Plastic Pipe and Fittings				
ABS plastic drain, waste, and vent pipe and fittings.		D2661-1973	L-P 322B-1973	IAPMO PS 17-71; NSF 14 1970
• • •	•	•	•	•
Miscellaneous				
Pipe nipples, threaded.			WW-N-351B (1)-1970	
• • •	•	•	•	•
Anti-siphon trap vent device				NSF-24
Diversion tees and twin waste elbow				IAPMO PS 9-66
• • •	•	•	•	•
Plumbing Fixtures				
• • •	•	•	•	•
Vitreous china plumbing fixtures	A112.19.2-1973			
• • •	•	•	•	•
Plastic bathtub units	Z124.1-1974			
Gel-coated glass-fiber reinforced polyester resin shower receptor and shower stall units.	Z124.2-1974			
• • •	•	•	•	•
Cultured marble lavatory				IAPMO PS 18-73; CMI-LS 175
• • •	•	•	•	•
Performance specifications and methods of test for safety glazing material used in buildings.	Z97.1-1972			

6. In the table following § 280.703 on pages 40289 and 40290:

a. Under the heading "Appliances:" in the listings for "Electric Air Heater" and "Electric Baseboard Heating Equipment", the entries under the column headed "ANSI" should appear under the column headed "UL".

b. Under the heading "Nonferrous pipe, tubing, and fittings:" in the listing for "Trailer standard for coated flexible metal gas connectors for exterior use", the entry under the column headed "UL" should appear under the column headed "Other Standards".

c. Under the heading "Miscellaneous:" in the listing for "Gas appliance thermostats", the entry under the column headed "ANSI" should read "A21.23—1971".

7. NOTE: Additional corrections to 24 CFR Part 280 appear in FR Doc. 75-30257 which follows this correction.

[Docket No. R-75-340]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Correction

The following are typographical corrections or omissions to the FEDERAL REGISTER, FR Doc. 75-22727, Docket No. R-75-340 as published on September 2, 1975 (40 FR 40261):

I. The preamble is corrected as follows:

1. On page 40262 under "Standard", second paragraph, line 6 is changed from: "1420–1427" to: "Part 280, Subparts A thru J."

2. On page 40262, under "B. Planning Considerations" Item 3, line 22 is changed from: "(§ 280.105(6))" to: "(§ 280.105(b))."

3. On page 40262 under B. Planning Considerations, Item 8, line 14, immediately after the word "areas" change "(280.114(6))" to "(280.114(b))."

4. On page 40262, under C. Fire Safety, Item 4, second sentence is changed from "The FTC considers that plastic foam insulating materials will, under some circumstances, burn with a rapid flame spread, quick flashover, emission of toxic or flammable gases, dense smoke, and intense heat." to: "The FTC considers that plastic foam insulating materials will, under some circumstances; burn with a rapid flame spread, flashover quickly, emit toxic or flammable gases, dense smoke, and intense heat."

5. On page 40265 under G. Plumbing, Item 1, line 3, immediately after the word "and" is changed from: "280.611(a))." to: "280.611(d))."

6. On page 40266 under H. Heating, Cooling, and Fuel Burning Systems. First sentence is changed from: "This Part was renumbered as Part 2525." to: "This Section was renumbered as "subpart H."

7. On page 40266 under H. Heating, Cooling and Fuel Burning Systems, item 5, line 1, immediately after the word "Section" is changed from: "2527.5" to: "280.705."

8. On page 40266 under I. Electrical Systems, Item 3, line 6, immediately after the word "standard." is changed from: "(§ 280.206(d)(9)" to: "(§ 280.-806(d)(9)."

9. On page 40267, under Electrical Systems, Item 6, second paragraph, line 5, immediately after word "the" is changed from: "CPSA" to: "CPSC."

10. On page 40267, under J. Transportation, line 4, paragraph heading is changed from: "K" to: "1." immediately before the word "Compliance."

11. On page 40267, under "Applicability of the Standards" First paragraph, first sentence, is changed from: "The initial Federal mobile home construction and safety standards shall be applicable to all mobile homes meeting the definitions contained in §§ 280.1(a)(16) as modified by 280.2(a)(13) on or after June 15, 1976." to: "The initial Federal mobile home construction and safety standards shall be applicable to all mobile homes, as defined in § 280.2(16), manufactured on or after the effective date of the standard (June 15, 1976).

II. The table of contents is corrected as follows:

1. On page 40268, under Subpart D, delete the "Condensation Control" entry.

2. On page 40268, Subpart K, delete, in its entirety, "Subpart K."

III. Subpart B. Planning Considerations is corrected as follows:

1. On page 40270 under § 280.103(b) Light and Ventilation, line 2, is changed from: "§ 280.103.3(a)" to: "§ 280.103(a)."

2. On page 40270, the heading "§ 288.-113 *Hallways*," is changed to: "§ 280.113 *Hallways*."

IV. Subpart C. Fire Safety is corrected as follows:

1. On page 40271 under § 280.201 *Scope*—second sentence, line 5, immediately after the word "this" is changed from: "Part" to: "Subpart."

V. Subpart D. Body and Frame Construction Requirements is corrected as follows:

1. On page 40271, heading "§ 208.301 Scope" is changed to: "§ 280.301 Scope."

2. On page 40271, heading "§ 208.302 *Definitions*" is changed to: "§ 280.302 *Definitions*."

3. On page 40272, under § 280.302(a)(8) Hurricane Resistive Mobile Home, line 4, immediately after the word "in" is changed from: "§ 2523.5(c)(2)." to: "§ 280.305(c)(2)."

4. On page 40272, under § 280.303(d) Hurricane Resistive Design, line 3, immediately after "of" is changed from: "§ 280.305(c)" to: "§ 280.305(c)(2)."

5. On page 40272 under the Table in § 280.304(b) Steel:

a. Line 1, reference is changed from: "AISC–1969" to: "AISC–1973."

b. Line 4, is changed from: "standard." to: "standard)."

VI. Subpart E. Testing is corrected as follows:

1. On page 42076, the Title under the diagram is changed from: "Figure A–1" to: "Figure A."

2. On page 40277 under § 280.403(c)(2) Performance Requirements, line 9, is changed from: "Zone II and Zone III," to: "Zone II."

3. On page 40277 under § 280.403(d) Test sequence, lines 11 and 13 are changed from: "Zone II and Zone III," to: "Zone II."

4. On page 40280 under § 280.405(2)(iii) Air infiltration test:

a. Line 8 is changed from: "1.2CFM per sq. ft. of door ------ Do." to: "1.2 CFM per sq. ft. of door ------ January 1, 1976."

b. Line 9 in changed from: "1.0 CFM per sq. ft. of door ------ Do." to: "1.0 CFM per sq. ft. of door ------ January 1, 1977."

VII. Subpart F. Thermal Protection is corrected as follows:

1. On page 40280 "§ 200.506 *Heat loss*" heading is changed to: "§ 280.506 *Heat loss*."

2. On page 40280 under § 280.506(a) Transmission heat losses, The Table is changed from:

Zone	*Design temperature*
I	0° F–11 Btu/ft² of envelope area.
II	20° F–11.3 Btu/ft² of envelope area.
III	50° F–12.5 Btu/ft² of envelope area.

to:

Zone	Design temperature (degrees Fahrenheit)	British thermal unit per square foot of envelope area
I	0	11.0
II	−20	11.3
III	−50	12.5

3. On page 40281 under § 280.509(f), line 2, immediately after the word "See" is changed from: "2525.11" to "§ 280.511."

4. On page 40281 under § 280.511(a) Comfort cooling certificate and information, line 7, immediately after the word "in" is changed from "§ 2525.10" to: "§ 280.511."

VIII. Subpart G. Plumbing Systems is corrected as follows:

1. On page 40283, under § 280.603(b)(5) Components. Line 5, immediately after the word "in" is changed from: "§ 208.604" to: "§ 280.604."

2. On page 40285, under § 280.607(a)(3) Fixture connections. Line 6, immediately after the word "materials." is changed from: "In accessible" to: "Inaccessible."

3. On page 40286, under § 280.608(b) Piping supports:

a. Line 5, immediately after the word "in" delete the words "the appendix" and continue the sentence.

b. Line 7, immediately after the word "in" is changed from: "§ 208.604(a)." to: "§ 280.604(a)."

4. On page 40286, under § 280.609(a) Water distribution system. Lines 7 and 8 are changed from: "(See Table in 1424.090(f).)" to: "(See Table in § 280.609(f)(1))."

5. On page 40287, the table under § 280.609(f)(1) Minimum size tubing and pipe for water distribution is changed in line 1, column 2, from:

Tubing (nominal)

Number of fixtures	Diameter (inches)	Outer diameter (inches)	Pipe iron pipe size (inches)
1		1¼	

to:

Tubing (nominal)

Number of fixtures	Diameter (inches)	Outer diameter (inches)	Pipe iron pipe size (inches)
1		¼[1]	

(Place the footnote number "1" on the other side of "¼" to clarify pipe size as "¼" rather than "1-¼" inches in diameter.)

6. On page 40287 under § 280.610(a)(1) General, Line 4, is changed from: "(§ 208.606(a))" to: "(§ 280.606(a))."

7. On page 40287 under § 280.610(e)(1) Fixture load. Line 3, immediately after the word "by" is changed from: "§ 208.611(d)(2)," to: "§ 280.611(d)-(2)."

8. On page 40287 under § 280.610(f)(3) Length of trap arm, immediately after the word "in" is changed from: "§ 208.611(c)(5)" to: "§ 280.611(c)(5)."

9. On page 40288 under § 280.611(c)(1) Main vent. Line 4, is changed from: "§ 208.611(c)(5)" to: "§ 280.611(c)(5)."

10. On page 40288 under § 280.611(c)(1)(iii) Line 8, immediately after the word "in" is changed from: "§ 208.611(c)(5)" to: "§ 280.611(c)(5)."

11. The following items were omitted from page 40288, § 280.611(c) Size of vent piping and are to be inserted at the end of § 280.611(c)(1) immediately after the word "arms." in line 27 as follows:

"(2) *Individual Vents.* Each individually vented fixture with a 1½ inch or smaller trap shall be provided with a vent pipe equivalent in area to a 1¼ inch nominal pipe size. The main vent, toilet vent and relief vent, and the continuous vent of wet-vented systems shall have an area equivalent to 1½ inch nominal pipe size.

"(3) *Common Vent.* When two fixture traps located within the distance allowed from their vent have their trap arms connected separately at the same level into an approved double fitting, an individual vent pipe may serve as a common vent without any increase in size.

"(4) Intersecting Vents. Where two or more vent pipes are joined together, no increase in size shall be required; however, the largest vent pipe shall extend full size through the roof.

"(5) Distance of fixture trap from vent shall not exceed the values given in the following Table:

Maximum Distance of Fixtures From Vent Trap

Size of fixture drain (inches)	*Distance trap to vent*
1¼	4 ft 6 in.
1½	4 ft 6 in.
2	5 ft.
3	6 ft."

IX. Subpart H. Heating, Cooling and Fuel Burning Systems is corrected as follows:

1. On page 40289, in the table Heading—"Commercial cooking and warming equipment * * *" change entry 'NSF–4 1967' from: column headed 'UL' to: column headed 'other standards'."

Type	ANSI	UL	Other standards
Commercial cooking and warming equipment			NSF-4 1967.

2. On page 40293, under § 280.705(e)(2) Appliance connections. Line 4 immediately after the word "in" is changed from: "§ 1425.051(b)" to; "§ 280.705(b)."

3. On page 40294 under § 280.706(b) Materials:

a. Line 2, column 1, is changed from: "§ 280.506(d)" to: "§ 280.706(d)(e)."

b. Line 4, column 1, immediately before "Steel," is changed from "(1)" to: "(1)."

4. On page 40294 under § 280.707(a)(2) Heat producing appliances. Line 7 is

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changed from: "(See 2527.3)" to: "(See 280.703)."

5. On page 40296 under § 280.715(a) (1) The Table is changed from:

Minimum metal thickness for ducts [1]

Duct type	Diameter (14 in or less)	or Width (over 14 in)
Round	0.013	0.016
Enclosed rectangular	.013	.016
Exposed rectangular	.016	.019

[1] When "nominal" thicknesses are specified, 0.003 in shall be added to these "minimum" metal thicknesses

To:

Minimum metal thickness for ducts [1]

Duct type	Diameter (14 in or less)	or Width (over 14 in)
Round	0.013	0.016
Enclosed rectangular	.013	.016
Exposed rectangular	.016	.019

[1] When "nominal" thickness are specified, 0.003 in shall be added to these "minimum" metal thicknesses.

6. On page 40297 under § 280.715(a) (7), line 12, is changed from: "(a)(4)(ii)" to: "(a)(5)(ii)."

X. Subpart I. Electrical Systems is corrected as follows:

1. On page 40300, § 280.805(a)(3)(v), line 5, immediately after "appliance" is changed from: "See 2529.4(j)," to: "See 280.804(j)."

2. On page 40300 under § 280.805(a)(1) Lighting. Item (1), line 4, immediately after the word "volts" insert "times amperage" before the word "to."

3. On page 40301, under § 280.809(d)(3), line 5, is changed from: "(See 2528.9)" to: "(See § 280.809)."

XI. Subpart J. Transportation is corrected as follows:

1. On page 40303 under § 280.903(a), line 9, is changed from "systems." to: "systems,"

2. On page 40303 under § 280.904(a) General. Column 2, line 5, is changed from: "Note:" to: "(NOTE:"

3. On page 40303 under § 280.904(b)(3) Chassis. Line 7 is changed by inserting a comma immediately after "load" to: "load,"

4. On page 40303, under § 280.904(b)(9) Brake assemblies. Line 8 is changed from: "2529.3(c)" to: "280.903(c)."

5. On page 40303, § 280.904(b)(10) Lights and associated wiring. Line 13 immediately after the parenthesis is changed from: "USC5401)" to: "USC-5401)." (period added after the parenthesis).

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[FR Doc.75-30257 Filed 11-10-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[Docket No. R-75-340]

[24 CFR Part 280]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Notice of Proposed Rulemaking

On June 25, 1975, the Department of Housing and Urban Development proposed Federal mobile home construction and safety standards (40 FR 26930); and on September 2, 1975, (40 FR 40261) published the final rule in the FEDERAL REGISTER pursuant to the requirements of the National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of Public Law 93-383, 42 U.S.C. 5401 et seq.). On September 10, 1975, corrections to § 280.305 were published at 40 FR 42007. Additional corrections of typographical errors or omissions in the final rule as published on September 2, 1975, are being published concurrently with this document.

Several comments were received in response to the final rule as published in the FEDERAL REGISTER on September 2, 1975. The comments received were from a cross-section of manufacturers, suppliers, trade associations, and government agencies. As a result of these comments, discussions with other Federal and state agencies, and re-evaluations within HUD, the Department is proposing amendments to the final rule.

The following is a discussion, by subpart, of the specific amendments proposed to be made to the final rule.

Subpart A. General. 1. Section 280.1 would be revised to add a new subsection (b). The purpose of this subsection is to make clear that, to the extent possible, the Federal Mobile Home Construction and Safety Standards are written as performance requirements in preference to specification requirements. The subsection also makes it clear that: (1) whenever specific requirements are used in the Standard they are used because, at this time, it is the best available means of identifying the desired performance and; (2) the use of specifications is not intended to prohibit the utilization of any material, piece of equipment or system which cannot meet the precise specifications but which upon evaluation provides equivalent or superior performance.

This section allows the Secretary to waive precise specifications where a material, piece of equipment, or system provides equivalent or superior performance. In these cases, the Secretary will issue interpretative bulletins announcing and explaining the waiver.

2. § 280.1 would be revised to add a new subsection (c) which would establish a mechanism for the issuance of interpretative bulletins. The purpose of the bulletins would be to clarify the meaning of the various sections of the Standard.

3. To conform to industry practice, Section 280.6 would be amended by changing the minimum size of the letters and numbers used in the serial numbering of mobile homes from ½ inch to ⅜ inch in height.

Subpart B. Planning Considerations. 1. Section 280.102(a) would be amended to permit a maximum of 5 square feet of a recessed entry to be included when determining the gross floor area. Section 280.111 would be amended to exclude the recessed entry way from the 5 feet minimum clear horizontal room dimension requirement. These changes would permit the area encompassed by a standard door swing in a typical recessed entry to be included when determining the gross floor area.

2. The preamble to the final rule indicated that a lower exterior door height limitation of 72 inches would be permitted for exterior sliding glass doors than would be required for exterior swinging passage doors. However, this exception was not incorporated in the appropriate section of the final rule. Therefore, § 280.105(b)(2) would be amended to permit this exception from the 74 inch height requirement.

3. In order to make the language of § 280.404(a) consistent with § 280.106(a), the words "or approved device" would be added to permit an alternate means of egress from bedrooms.

Subpart C. Fire Safety. 1. The definition of "interior finish" would be moved from § 280.302(a)(9) to § 280.202(a)(2) and all appropriate subheadings renumbered. This change in the placement of the definition is necessary because the term "interior finish" first appears in Subpart C. Fire Safety.

2. The requirement for "firestopping" in § 280.206(a) would be amended to establish a minimum firestop of 1 inch nominal lumber, or its equivalent, for mobile homes. No minimum was stated in the final rule. The purpose of this amendment, therefore, is to establish a minimum firestopping requirement.

Subpart D. Body and Frame Requirements. 1. The definition of "diagonal tie" in § 280.302(a)(4) would be amended to indicate that while its primary purpose is to resist horizontal forces, the tie may also be used to resist vertical forces. This amendment permits the secondary vertical load carrying capability of the diagonal tie member to be used in determining the structural integrity of the unit.

2. Section 280.304 would be modified to make it clear that each individual wood member need not be marked as having a moisture content of 19% or less. Instead, the moisture content may be measured at the time of installation. (At the time of installation each individual member shall not have a moisture content exceeding 19%.)

3. Section 280.305(a) would permit finished flooring of up to ⅛ inch thickness under load bearing walls. This change is being made because it has been determined that finished flooring of this thickness is not detrimental to the load bearing characteristics of the structure.

Subpart E. Testing. 1. Since roof truss spacing varies in mobile homes, § 280.402(b)(1) would be amended by deleting the 24 inch minimum length requirement for sheathing used in truss testing. The amended section would require that the plywood strip sheathing be at least of sufficient length to cover the top chords of the trusses being tested at the designated design spacing.

2. Section 280.402(b)(1) is being revised to permit an alternate method of bracing the bottom chord of trusses being tested. The purpose of the revision is to provide the manufacturer a choice of test methods.

3. Section 280.402(d)(3) would limit the equivalent load in lieu of failure to a factor of safety (2.50) times the design live load plus the dead load. The load test required by the final rule posed a possible safety hazard to personnel conducting the tests.

4. Section 280.403(c) would be amended to require production line testing of prime windows and sliding glass doors, in addition to the prototype testing required by the Standards. Production testing and the criteria for the tests to be used were recommended by the industry. The industry suggested that the production units tested meet the prototype requirements, except with respect to the test level for water resistance, where a lower level of testing was recommended. HUD has some concern about the proposed level of testing suggested by the industry for water resistance. HUD believes that production testing—even to the level proposed by the industry—will result in better quality windows by reducing leakage and energy losses. Since definitive data is not currently available which demonstrates that the industry proposed level of testing is inadequate, HUD is proposing to accept the industry recommendation. HUD will, however, monitor the results of the production unit testing and, based on the experience gained and future research, may establish more stringent tests to demonstrate the performance of prime windows and sliding glass doors.

5. Section 280.403(i) incorporates into the window certification program the specific production line test requirements for prime windows and sliding glass doors. The testing frequency will be initially established by the agency certifying that the windows comply with the Standard. As previously stated in the preamble to the final rule published on September 2, 1975, HUD will closely monitor the window certification program. Based on the results of its monitoring of the window certification program and planned research, HUD may establish production unit testing frequencies.

Subpart F. Thermal Protection. 1. Section 280.504(b) would be modified to conform to the language of § 1423.080(b) as published in the FEDERAL REGISTER on June 25, 1975, (40 FR 26944). This modification is necessary because the required language was inadvertently omitted from the final rule as published.

Subpart G. Plumbing Systems. 1. In § 280.603(b)(4) the words "complete gravity" would be deleted. As a result of this change drainage of all supply piping would still be required, but such

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drainage would not have to be achieved by the use of an absolute gravity system.

2. Section 280.607(b)(3) would be amended by adding the word "bathroom" before the words "floor level" to establish the level from which the height of the shower compartment is measured.

3. In § 280.610(c)(1) the requirement for a "permanent marker" for the drain outlet would be deleted. Since only one drain outlet is permitted, marking of the drain outlet is not required.

Subpart H. Heating and Cooling Systems. 1. Since the manufacturer has no control over the exact pressure of the gas delivered to the mobile home, § 280.705(a) would be amended to clarify the responsibility of the manufacturer with respect to the gas supply system. The proposed revision would require the manufacturer to design the gas piping system in accordance with the pressures listed in § 280.705(a). In addition, the amended section would now require the manufacturer to provide, in his written installation instructions, the pressure range for safe operation of the piping system.

2. Section 280.705(c) would be amended to delete the requirement for the "Quick-Disconnect Device" for expandable or dual mobile homes. Section 280.705(1)(3) requires that a shut-off valve be installed ahead of each appliance. Since these valves provide a greater level of safety, requiring such a device is redundant.

3. Section 280.705(j) would be amended to permit the location for all gas supply connections to be within 24 inches of the left (road) sidewall. Presently, the required location for the connection varies from 18 inches from the left (road) sidewall for total L–P gas system to 24 inches from the left (road) sidewall for combination L–P/natural gas systems. The purpose of this revision is to enable a manufacturer to standarize the location of the gas supply connection for all gas systems.

4. Section 280.705(l)(3) would be amended to indicate that shut-off valves are to be accessible in order to allow servicing of the appliance and removal of its components. Also, requiring that valves be accessible will enable the user to readily turn off the gas supply in the event of an emergency. The purpose of the revision is to clarify that the shut-off valve is to be located and accessible to allow for servicing which may require removal of the components of the appliance, and to stress the life-safety aspects of the valve.

5. Section 280.708(a)(1) has been amended to require listing of termination fittings and moisture lint exhaust duct systems for gas clothes dryers only. This revision is proposed since these devices are ordinarily not listed as required components for electric clothes dryers, but are ordinarily listed as components for gas clothes dryers.

6. § 280.709(e)(5) would require that when a furnace can only be used with a specific coil and the coil has a limited listing, the installation must be in accordance with that listing. The purpose of the revision would be to ensure proper installation of heating and cooling equipment. This requirement would not prevent heating and cooling equipment manufacturers from having their product listed for use in equipment manufactured by others.

Subpart I. Electrical Systems. 1. Section 280.803(1)(2) would delete the requirement that the manufacturer install conductors in the electric service raceway which goes to the underside of the mobile home. Instead, it would require the manufacturer to provide in his written installation instructions the proper service conductor sizes and the proper size of the junction box to be installed at the underside of the mobile home. The purpose of the change is to ensure, to the extent possible, proper installation.

2. Section 280.806(d)(9) would be amended to make clear that the use of receptacle outlet(s) which are integral with the light fixture over the bathroom basin comply with the requirement for a receptacle outlet adjacent to the bathroom basin.

3. Section 280.811 would be amended for clarity. The methods of calculating the supply and/or distribution panel electric loads, however, would not be changed.

Subpart J. Transportation. 1. Section 280.904(b)(5) would be revised to delete the reference to the SAE Handbook and to permit the mobile home manufacturer to use in his design evaluation the allowable stresses recommended by the spring assembly manufacturer. This revision is necessary because the SAE Handbook does not include allowable stresses for spring assemblies.

All of the proposed revisions which in the Department's judgment will have a significant impact on the final rule, as published, have been described above. The Department has under consideration comments submitted by interested parties on specific equipment and installations which may be the subject of interpretative bulletins as described in this proposal. The Department also has under consideration revising the smoke detector location indicated in § 280.208(b) to accommodate specific equipment installations and bedroom door locations in the hallways.

The proposed amendments to the final rule do not affect the Environmental Impact Statement for the Federal Mobile Home Construction and Safety Standards which was prepared and submitted to the Council on Environmental Quality. It is available for inspection and copying according to Department rules and regulations during regular business hours at the address below.

The proposed amendments to the final rule do not affect the Economic Impact Statement assessing the impact of the Federal Mobile Home Construction and Safety Standards on the economy, the labor force, competition, and material and energy supplies which was prepared and submitted to the Council on Wage and Price Stability. This Statement is available for inspection and copying according to the rules and regulations of the Department during regular business hours in Room 10245, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C.

Comments on this proposal are solicited from interested persons. Communications should identify the subject matter by the above title and area affected and should be submitted to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 10245, Washington, D.C. 20410. All communications received on or before Dec. 11, 1975, will be considered before action is taken on the proposal. Comments received after that date shall be considered only as time permits.

All written comments shall be available for examination by the public at the above address, except those determined to be exempt from public disclosure in accordance with the requirements of 42 U.S.C. 5408(b) Section 607(b) of the Act) by the Secretary, at the written request of the person submitting the comment.

(Section 7(d), Department of Housing and Urban Development Act, 42, U.S.C. 3535(d), Title VI, Housing and Community Development Act of 1974, 42 U.S.C. 5401.)

Issued at Washington, D.C. on Nov. 4, 1975.

DAVID M. DEWILDE,
Deputy Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

The following are amendments to FR Doc. 75–22727, Docket R75–340 as published September 2, 1975 (40 FR 40261):

I. Subpart A—General is amended as follows:

1. On page 40268 under 280.1, add new paragraphs (b) and (c) as follows:

§ 280.1 Scope.

* * * * *

(b) These Federal Mobile Home Construction and Safety Standards seek, to the maximum extent possible, to establish performance requirements. In certain instances, however, the use of specific requirements in the Standard is necessary because, at this time, that is the best available means of identifying the desired performance. The use of specific requirements is not intended to prohibit the utilization of any material, piece of equipment, or system which cannot meet the precise specifications, but which upon evaluation provides equivalent or superior performance. Where any material, piece of equipment, or system which does not meet precise specifications set out in the standard is shown, to the satisfaction of the Secretary, to meet the level of performance of a material, piece of equipment or system which meets the precise specifications, the Secretary may waive the specifications set out in the standard for that material, piece of equipment, or system. Whenever a waiver is issued, the Secretary shall issue an interpretative bulletin which announces the waiver, states that the material, piece of equipment or system meets the required standard of performance, and sets out any limitations or other requirements with respect to how the material, piece of equipment, or system must be used, including any tests of the material, piece of equipment, or system which the Secretary determines must be carried out before it can be used. Where a waiver has been issued, the requirements of the section of the Federal standard to which the waiver relates may be met either by meeting the specifications set out in the standard or by meeting any requirements set out in the interpretative bulletin which announces the waiver.

(c) Interpretative bulletins may also be issued for the following purposes:

(1) to clarify the meaning of the standard; and

(2) to assist in the enforcement of the standard.

§ 280.6 [Amended]

2. On page 40269 under § 280.6(a) Serial Number, line 6, immediately after the word "be" is changed from "½ inch" to "⅜ inch."

II. Subpart B—Planning Considerations is amended as follows:

§ 280.102 [Amended]

1. On page 40269 under § 280.102(a) Definitions, line 3, delete "(see § 280.111)" and replace with "not to exceed 5 sq. ft."

§ 280.105 [Amended]

2. On page 40270 under § 280.105(b)(2) Door Design and Construction, line 3 immediately after "opening.", add new sentence: "All exterior sliding glass doors shall provide a minimum 28 inch wide by 72 inch high clear opening."

§ 280.106 [Amended]

3. On page 40270 under § 280.106(a) Exit Facilities; Egress Windows, line 4, immediately after the word "window" and before the word "which" insert "or approved device."

4. On page 40270 revise § 280.111 *Minimum room dimension*, to read as follows:

§ 280.111 Minimum room dimension.

The gross floor area required by § 280.110(a) and (b) shall have no clear horizontal dimension less than 5 feet except as permitted by § 280.102(a).

III. Subpart C—Fire Safety is amended as follows:

1. On page 40271 under § 280.202 *Definitions*, paragraph (a)(2) "Smoke Detector" is renumbered as paragraph (a)(4) and a new paragraph (a)(2) is added to read as follows:

§ 280.202 Definitions.

(a) * * *

(2) "Interior finish" means the surface material of walls, fixed or movable partitions, ceilings and other exposed interior surfaces affixed to the mobile home structure including any material such as paint or wallpaper and the substrate to which they are applied. Interior finish does not include windows and doors or their frames, skylight, trim, moldings, decorations or furnishing which are not affixed to the mobile home structure.

* * * * *

§ 280.206 [Amended]

2. On page 40271 under § 280.206(a) Firestopping, line 1, immediately after the word "Firestopping" and before the word "shall" insert: "of 1 inch minimum nominal lumber or the equivalent,".

IV. Subpart D—Body and Frame Construction Requirements is amended as follows:

§ 280.302 [Amended]

1. On page 40271, § 280.302(a)(4) Definitions is changed to read:

"(4) "Diagonal Tie" means a tie intended to primarily resist horizontal forces, but which may also be used to resist vertical forces."

2. On page 40272 under § 280.302 *Definitions*, delete: paragraph (a)(9), "Interior Finish" and renumber paragraphs (a)(10) thru (15) as paragraphs (a)(9) thru (14) respectively.

3. On page 40272 under § 280.302(e)(2) New Materials and Methods, line 7, delete the last sentence which reads "All testing shall be done by a recognized independent testing agency."

§ 280.304 [Amended]

4. On page 40272 under § 280.304(a) Materials, relocate last sentence to become new paragraph (c) as follows:

"(c) Wood products shall be identified as complying with the appropriate standards."

5. On page 40272 under § 380.304(b) in the Table of Standards, delete the following: "Ponderosa pine panel doors . . . NWMA I.S. 5–73."

§ 280.305 [Amended]

6. On page 40273 under § 280.305(a) Structural Design Requirements, line 15, immediately after the word "Part." delete "Floor finish" and insert before the word "shall" the following. "Finished flooring greater than ⅛ inch in thickness,".

7. On page 40273 § 280.305(c)(3)(iii) Roof Loads, line 3, after "2.5 times the design" and before "wind" insert "uplift".

V. Subpart E—Testing is amended as follows:

§ 280.402 [Amended]

1. On page 40276 under § 280.402(b)(1) Test Procedures for Roof Trusses, General, line 3:

(a) After "with ¼ inch" delete "by 24 inch" and continue the sentence.

(b) Immediately after the word "strips." and before the word "Adjacent" insert a new sentence to read as follows: "The plywood strips shall be at least long enough to cover the top chords of the trusses at the designated design truss spacing."

2. On page 40276 under § 280.402(b)(1) Test Procedure for Roof Trusses. Line 8, immediately after the word "only" delete the remainder of paragraph (b)(1) and replace with the following: "The bottom chords of the adjacent trusses may be either: (i) unbraced, (ii) laterally braced together (not cross braced) with 1" x 2" stripping not closer than 24 inches on center nailed with only one 6d nail at each truss, or (iii) covered with the material, with connections or methods of attachment, as specified for the completed mobile home.

3. On page 40276 under § 280.402(d)(3) Destructive Test Procedure, line 3, after "failure occurs or" delete "1.50 times" and continue the sentence.

§ 280.403 [Amended]

4. On page 40277 under § 280.403(c) Performance Requirements, delete the introductory text of paragraph (c) (lines 1 through 7) and insert the following:

"(c) *Performance Requirements.* Test procedures as outlined in pargaraphs (c)(1) thru (4) of this section are applicable to preproduction prototype units of prime windows and sliding glass doors. Production line units shall be equivalent in design and materials to the tested and passed prototype units and shall also meet the requirements of 280.403(c)(5)."

5. On page 40277 under § 280.403(c) Performance Requirements. After paragraph (c)(4), Water resistance test, add new § 280.403(c)(5) as follows:

"(5) *Production Line Units.* Production line units of prime windows and sliding glass doors shall comply with: (i) The structural performance test to the zone limit certified in paragraph (c)(2) of this section and; (ii) the air infiltration test in paragraph (c)(3) of this section and; (iii) the water resistance test in paragraph (c)(4) of this section except that the test pressure shall be 1.56 psf (0.40" water column) and the water application rate shall be 2.5 GPH, per square foot of window surface area, all other parameters being the same as set forth in paragraph (c)(4) of this section.

6. On page 40278 under § 280.403(1) Certification, line 12 of paragraph (1) immediately after the word "inspection" and before "system" insert "and production unit testing".

§ 280.405 [Amended]

7. On page 40279 under § 280.405(d)(1)(i) Wood:

(a) Line 1, immediately after the word "door" and before the word "parts" delete the word "frame" and continue the sentence.

(b) Line 10, immediately after the words "Type I requirements of" delete "NWMA I.S. 1–73, NWMA I.S. 5–73 or FHDA 4–72." and insert "NWMA I.S. 1–74."

VI. Subpart F—Thermal Protection is amended as follows:

§ 280.502 . [Amended]

1. On page 40280 under § 280.502(a)(2) Definitions, line 8, immediately after "horizontal surfaces using" and before "width" insert "exterior" and continue sentence.

2. On page 40280 under § 280.504(a) Ceilings, line 4, immediately after "living space" and before "of" insert "side".

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3. On page 40280, § 280.504(b) Exterior Walls is revised as follows:

§ 280.504 Condensation control (vapor barriers).

. . . . . .

(b) Exterior walls. (1) Exterior walls shall have a vapor barrier not greater than 1 perm (dry cup method) installed on the living space side of the wall, or (2) Unventilated wall cavities shall have an external covering and/or sheathing which forms the pressure envelope. The covering and/or sheathing shall have a combined permeance of not less than 5.0 perms. In the absence of test data, combined permeance may be computed using the formula:

$$P_{Total} = \frac{1}{\frac{1}{P_1} + \frac{1}{P_2}}$$

where P_1 and P_2 are the permeance values of th exterior covering and sheathing in perms.

Formed exterior siding applied in sections with joints not caulked or sealed shall not be considered to restrict water vapor transmission, or (3) Wall cavities shall be constructed so that ventilation is provided to dissipate any condensation occurring in these cavities.

VII. Subpart G—Plumbing Systems is amended as follows:

§ 280.602 [Amended]

1. On page 40283 under § 280.602(a) (50) "Vertical Pipe", line 3, immediately after "45 degrees" delete "or less" and continue the sentence.

§ 280.603 [Amended]

2. On page 40283 under § 280.603(b) (4) Freezing, line 6, immediately after "designed to allow" delete "complete gravity" and continue the sentence.

§ 280.607 [Amended]

3. On page 40285 under § 280.607(b) (3), line 14, change "floor level." to "bathroom floor level."

§ 280.610 [Amended]

4. On page 40287 under § 280.610(c) (1) Drain Outlets, lines 4–6, immediately after "section.", delete entire sentence "A permanent market, stating "Drain Outlet", shall be visibly located near the drain outlet."

§ 280.611 [Amended]

5. On page 40288 under § 280.611(c) (1) (i) Size of Vent Piping, line 5 of paragraph (c) (1) (i) after "3-inch trap arms" change "diminished" to "undiminished."

VIII. Subpart H—Heating, Cooling and Fuel Burning Systems is amended as follows:

§ 280.705 [Amended]

1. On page 40291 under § 280.705(a) General:

(a) Line 4, after the word "home." delete "Gas delivered into the gas supply system shall be at" and insert "The gas piping supply system shall be designed for" and continue the sentence.

(b) Line 7, after "(¼ psi)." insert the following: "The manufacturer shall indicate in his written installation instructions the design pressure limitations for safe operation of the gas piping system."

2. On page 40291 under § 280.705(c) (1) Piping Design, lines 11–38. Delete the following: § 280.705(c) (1) (iii), (iv), (v), and (vi).

3. On page 40292 under § 280.705(j) (1) Location of Gas Supply Connection, line 5, immediately after the word "within" and before the word "inches" delete "18" and insert "24" and continue the sentence.

4. On page 40292 under §280.705(j) (1) Location of Gas Supply Connection, line 7 immediately after "as close as" change "possible" to "practicable".

5. On page 40292 under § 280.705(j) (2) Location of Gas Supply Connection, line 7 immediately after "as close as" change "possible" to "practicable".

6. On page 40293 under § 280.705(l) (3) Valves, line 6 immediately after "arranged" delete "and located to permit removal and servicing of the appliance." and insert "to be accessible to permit servicing of the appliance and removal of its components, and for shutoff in case of emergency."

§ 280.708 [Amended]

7. On page 40294 under § 280.708(a) (1) Clothes Dryer, line 4. End sentence after "fitting." Add new sentence as follows: "Such termination fittings for gas dryers shall be listed or certified as components of the dryer."

§ 280.709 [Amended]

8. On page 40295 under § 280.709(a) Installation of Appliances, line 3 after the word "displacement." add the following sentence: "For the purpose of servicing and replacement, each appliance shall be both accessible and removable."

9. On page 40295 under § 280.709(e) (5) Installation of Appliances, line 2:

(a) Immediately after "shall be" and before "in" insert "installed".

(b) Immediately after the end of the sentence ending with "listing." add new sentence reading. "When a furnace-coil unit has a limited listing, the installation must be in accordance with that listing."

§ 280.714 [Amended]

10. On page 40296 under § 280.714(a) (1) Appliances, Cooling, line 14 of (1) after "values" and before "less" insert "not".

IX. Subpart I—Electrical Systems is amended as follows:

§ 280.803 [Amended]

1. On page 40299 under § 280.803(1) (2) Power Supply, line 6 of (2). End sentence after "of the mobile home." Delete lines 7 and 8, add new sentence to read: "The manufacturer shall provide in his written installation instructions, the proper service conductor sizes for the raceway and the size of the junction box to be used."

§ 280.804 [Amended]

2. On page 40299 under § 280.804(e) Disconnecting Means and Branch-circuit Protective Equipment, line 1 of (e). Immediately after "panelboard" and before "main" insert "employing a."

§ 280.806 [Amended]

3. On page 40300 under § 280.806(c) Receptacle Outlets, line 1 immediately after 'an" delete the word "individual" and continue the sentence.

4. On page 40300 under 280.806(d) (9) Receptacle Outlets, delete period after "basins" and continue sentence with "or integral with the light fixture over the bathroom basin."

5. On page 40301 revise § 280.811 *Calculations*, to read as follows:

§ 280.811 Calculations.

(a) The following method shall be employed in computing the supply-cord and distribution-panelboard load for each feeder assembly for each mobile home and shall be based on a 3-wire, 115/230-volt supply with 115-volt loads balanced between the two legs of the 3-wire system. The total load for determining power supply by this method is the summation of:

(1) Lighting and small appliance load as calculated below:

(i) Lighting Watts: Length times width of mobile home (outside dimensions exclusive of coupler) times 3 watts per square foot; e.g. Length × width × 3=lighting watts.

(ii) Small Appliance Watts: Number of circuits times 1,500 watts for each 20-ampere appliance receptacle circuit (See definition of "Appliance Portable" with note); e.g. Number of circuits × 1,500= small appliance watts.

(iii) Total Watts: Lighting watts plus small appliance=total watts.

(iv) First 3,000 total watts at 100 percent plus remainder at 35 percent=watts to be divided by 230 volts to obtain current (amperes) per leg.

(2) Nameplate amperes for motors and heater loads (exhaust fans, air conditioners, electric, gas, or oil heating). Omit smaller of air conditioning and heating except include blower motor if used as air conditioner evaporator motor. When an air conditioner is not installed and a 40-ampere power supply cord is provided, allow 15 amperes per leg for air conditioning.

(3) 25 percent of current of largest motor in (2).

(4) Total of nameplate amperes for: Disposal, dishwasher, water heater, clothes dryer, wall-mounted oven, cooking units. Where number of these appliances exceeds three, use 75 percent of total.

(5) Derive amperes for free-standing range (as distinguished from separate ovens and cooking units) by dividing values below by 230 volts.

Name plate rating (in watts)	*Use (in watts)*
10,000 or less	80 percent of rating.
10,001 to 12,500	8,000.
12,501 to 13,500	8,400.
13,501 to 14,500	8,800
14,501 to 15,500	9,200.
15,501 to 16,500	9,600.
16,501 to 17,500	10,000.

(6) If outlets or circuits are provided for other than factory-installed appliances include the anticipated load. The following example is given to illustrate the application of this Method of Calculation:

Example. A mobile home is 70×10 feet and has two portable appliance circuits, a 1000 watt 230 volt heater, a 200 watt 115 volt exhaust fan, a 400 watt 115 volt dishwasher and a 7000 watt electric range.

Lighting and small appliance load:	*Watts*
Lighting 70×10×3	2,100
Small appliance 1,500×2	3,000
Total	5,100
1st 3,000 W at 100 pct	3,000
Remainder (5,100−3,000=2,100) at 35 pct	735
Total	3,735

$\frac{3,735}{230}$=16 A per leg

1,000 W (heater) ÷230=4.4 A.
200 W (fan) ÷115=1.7 A.
400 W (dishwaster) ÷115=3.5 A.
7,000 W (range) ×0.8÷230=24.0 A.

	Amperes per leg	
	A	B
Lighting and appliances	16	16
Heater (230 V)	4	4
Fan (115 V)	2	
Dishwasher (115 V)		4
Range	24	24
Totals	46	48

NOTE.—Based on the higher current calculated for either leg, use one 60-A supply cord.

(b) The following is an optional method of calculation for lighting and appliance loads for mobile homes served by a single 3-wire 115/230 volt set of feeder conductors with an ampacity of 100 or greater. The total load for determining the feeder ampacity may be computed in accordance with the following Table instead of the method previously specified. Feeder conductors whose demand load is determined by this optional calculation shall be permitted to have the neutral load determined by Section 220–22 of the National Electrical Code. The loads identified in the Table as "other load" and as "Remainder of other load" shall include the following:

(1) 1500 watts for each 2-wire, 20-ampere small appliance branch circuit and each laundry branch circuit specified.

(2) 3 watts per square foot for general lighting and general-use receptacles.

(3) The nameplate rating of all fixed appliances, ranges, wall-mounted ovens, counter-mounted cooking units, and including 4 or more separately controlled space heating loads.

(4) The nameplate ampere or kVA rating of all motors and of all low-power-factor loads.

(5) The largest of the following: (i) air conditioning load; (ii) the 65 percent diversified demand of the central electric space heating load; (iii) the 65 percent diversified demand of the load of less than four separately-controlled electric space heating units; (iv) the connected load of four or more separately-controlled electric space heating units.

OPTIONAL CALCULATION FOR MOBILE HOMES WITH 110-AMPERE OR LARGER SERVICE

Load (in kilowatt or kilovoltampere:	*Demand factor (percent)*
Air-conditioning and cooling including heat pump compressors	100
Central electric space heating	65
Less than 4 separately controlled electric space heating units	65
1st 10 kW of all other load	100
Remainder of other load	40

X. Subpart J—Transportation is amended as follows:

§ 280.904 [Amended]

1. On page 40303 under § 280.904 (b) (5) Spring Assemblies, delete lines 7 and 8 and replace with "for design spring assembly life as recommended by the spring assembly manufacturer."

[FR Doc.75–30258 Filed 11–7–75;9:50 am]

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NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

- -

I. For the following reasons I found it difficult to understand the document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER:

☐ only technical language was used; ☐ document contained long and difficult sentences;
☐ preamble did not contain a clear and concise explanation of the document's purpose;
☐ other (explain) _____

_____

_____

II. I believe that the requirement(s) contained in:

A. The document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER, or

B. Section(s) _____ of Title _____ of the CODE OF FEDERAL REGULATIONS

impose(s) an: ☐ unnecessary; ☐ unreasonable; ☐ impractical; or ☐ obsolete requirement on those persons subject to that regulation.

My reasons are: _____

_____

_____

III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows:

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

International Trade Commission

Section 213.3339 is amended to show that one position of Staff Assistant to a Commissioner is excepted under Schedule C.

Effective on November 12, 1975, § 213.3339(l) is amended as set out below:

§ 213.3339 United States International Trade Commission.

• • • • •

(l) Two positions of Staff Assistant to a Commissioner.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–30450 Filed 11–11–75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

SUBPART K—DELEGATIONS OF AUTHORITY BY THE DIRECTOR OF AGRICULTURAL ECONOMICS

COLLECTION OF CERTAIN DATA; CORRECTION

In FR Doc. 75–25655 appearing at page 44111 in the FEDERAL REGISTER of September 25, 1975, paragraph (a)(10) of § 2.86 is corrected to read (a)(12), and paragraph (a)(7) of § 2.87 appearing at pages 44111 and 44112 is corrected to read (a)(8).

Dated: November 7, 1975.

J. DAWSON AHALT,
Acting Director of Agricultural Economics.

[FR Doc.75–20520 Filed 11–11–75;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR COMBINED CROP INSURANCE

The county listed below is hereby deleted from the list of counties published in the FEDERAL REGISTER on April 8, 1975 (40 FR 15905), which were designated for combined crop insurance for the 1975 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations. The crops on which insurance will no longer be offered are shown opposite the name of the county.

INDIANA

Posey.....Corn, Soybeans

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75–30517 Filed 11–11–75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR COMBINED CROP INSURANCE

The county listed below is hereby deleted from the list of counties published in the FEDERAL REGISTER on April 8, 1975 (40 FR 15923), which were designated for combined crop insurance for the 1975 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations. The crops on which insurance will no longer be offered are shown opposite the name of the county.

INDIANA

Greene.....Corn, Soybeans

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc. 75–30518 Filed 11–11–75; 8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNED FOR TOBACCO CROP INSURANCE

The county listed below is hereby deleted from the list of counties published in the FEDERAL REGISTER on December 2, 1974 (39 FR 41725–41726), which were designated for tobacco crop insurance for the 1975 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

TENNESSEE
OBION

(Sec. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75–30519 Filed 11–11–75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 722—COTTON

Marketing Quotas for 1972 and Succeeding Crops of Extra-Long Staple Cotton and Recordkeeping Requirements for Extra-Long Staple and Upland Cotton

The purposes of this amendment are to incorporate the rate of penalty applicable to excess extra-long staple cotton produced in the 1975 crop year and to clarify § 722.90 regarding records to be kept and reports to be made by producers for extra-long staple and upland cotton. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended and the Agricultural Act of 1949, as amended.

Under the Agricultural Adjustment Act of 1938, the extra-long staple cotton penalty rate per pound on the farm marketing excess is equal to the higher of 50 percent of the parity price as of June 15 of the calendar year in which the crop is produced or 50 percent of the 1975 support price of extra-long staple cotton.

Since the rate of penalty is simply a mathematical determination and States, counties, and producers need to know the clarification of § 722.90 as soon as possible, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this document shall become effective on November 12, 1975.

The regulations for Marketing Quotas for the 1972 and Succeeding Crops of Extra-Long Staple Cotton and Recordkeeping Requirements for Extra Long Staple and Upland Cotton (37 FR 25029, 38 FR 20840, 39 FR 30340), are amended as follows:

1. Section 722.73 is amended by adding a new paragraph (c)(4) to read as follows:

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§ 722.73 Rate of penalty.

• • • • •

(c) • • •

(4) 1975 ELS cotton penalty rate is 56.0 cents per pound.

2. Section 722.90 is amended by changing paragraphs (a) and (c) to read as follows:

§ 722.90 Records to be kept and reports to be made by producers.

(a) Necessity for records and reports. Each person who produces or who has produced in any crop year, cotton which is subject to the provisions of §§ 722.61 to 722.95 shall, in conformity with the Agricultural Adjustment Act of 1938, as amended and the Agricultural Act of 1949, as amended, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the acts. The records required to be kept pursuant to this section shall be kept until December 31 of the second year following the year in which cotton is planted, or for such longer period of time as may be requested in writing by the State executive director or by the county executive director.

• • • • •

(c) *Farm operator's report.* The farm operator shall file with the county ASCS office for the county in which the farm is located a report of production on Forms ASCS–503 or ASCS–504. Such production report shall be filed within the time period and in the manner prescribed by the Deputy Administrator.

• • • • •

3. Section 722.92 is amended by revising paragraph (b) to read as follows:

§ 722.92 Revision of county committee determinations and erroneous notices.

• • • • •

(b) *Erroneous notices of cotton allotment and planted acreage.* In any case where an erroneous notice of cotton allotment or an erroneous notice of planted acreage is issued, the county committee shall follow the applicable upland or ELS cotton acreage allotment regulations.

(Secs. 346, 347, 373, 375, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 52 Stat. 65, 66, as amended (7 U.S.C. 1346, 1347, 1373, 1375))

Effective date. This amendment becomes effective on November 12, 1975.

Signed at Washington, D.C., on November 5, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-30447 Filed 11-11-75;8:45 am]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 775—FEED GRAINS

Subpart—Feed Grain Program for Crop Years 1975–1977

1976 NATIONAL FEED GRAIN ALLOTMENT

On July 3, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 28093) stating that the Secretary of Agriculture proposed to make determinations and issue regulations relative to the 1976 national feed grain allotment. Interested persons were invited to submit written data, views, and recommendations regarding the determinations. The comments and recommendations received have been duly considered.

The regulations governing the Feed Grain Program for Crop Years 1975–1977 are amended by adding a new § 775.4a. The purpose of this section is to determine and proclaim the 1976 national feed grain allotment.

Pursuant to section 105(b)(2) of the Agricultural Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, Pub. L. 93–86, 87 Stat. 221, 231 (1973), the Secretary is required, prior to January 1 of each calendar year, to determine and proclaim for the crop produced in such calendar year a national acreage allotment for feed grains which shall be the number of acres he determines, on the basis of the estimated national average yield of the feed grains included in the program for the crop for which the determination is being made, will produce the quantity (less imports) of such feed grains that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of any of the feed grains are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the feed grain allotment by the amount he determines will be accomplish the desired decrease or increase in carryover stocks.

The determination in § 775.4a of the 1976 national feed grain allotment is based on the acreages, yields, and usage set out therein. The determination has been made on the basis of the latest available statistics of the Federal Government. Compliance with the feed grain allotment is not a condition of eligibility for participation in the program, and feed grain acreage on the farm may vary widely from the farm feed grain allotment. Hence, in determining the national allotment, an adjustment for the purpose of increasing carryover stocks to a more desirable level was not considered necessary, and no such adjustment was made.

Part 775 is amended by adding a new § 775.4a to read as follows:

§ 775.4a 1976 national feed grain allotment.

Based on estimated utilization (less imports) for the 1976–77 marketing year of 5,899 million bushels of corn, 860 million bushels of sorghum, and 420 million bushels of barley and estimated national yields of 93.0 bushels per acre for corn, 55.0 bushels per acre for sorghum, and 44.0 bushels per acre for barley, the combined acreage of corn, sorghum and barley needed to produce a quantity of feed grains equal to estimated utilization is determined to be 89.0 million acres and a 1976 national feed grain allotment of 89.0 million acres is hereby proclaimed.

(Sec. 105, 63 Stat. 1054, as amended; 87 Stat. 231 (7 U.S.C. 1441 note))

Effective date. This amendment becomes effective on November 12, 1975.

Signed at Washington, D.C., on November 7, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-30448 Filed 11-11-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCES AND SHIPPING CONTAINERS THEREON

Importation of Birds

● **The purpose of this amendment to the regulations in Part 92 is to provide for maximum utilization of the United States Department of Agriculture quarantine facilities for the importation of birds.** ●

Statement of considerations. Presently, the use of available USDA quarantine facilities for the importation of birds is limited to small shipments of zoological birds which require special care and handling while in quarantine. To provide greater flexibility in the use of USDA quarantine facilities and to insure maximum utilization of all such facilities, permits and reservations for the importation of all classes of birds through such facilities will be issued as space is available and the use of such facilities will no longer be limited as heretofore.

Accordingly, Part 92, Title 9, Code of Federal Regulations is amended in the following respects: in § 92.11, in paragraph (e) the first sentence is amended to read:

§ 92.11 Quarantine requirements.

• • • • •

(e) *Birds.* Each lot of commercial birds, zoological birds or research birds imported from any part of the world shall be quarantined for a minimum of 30 days, and for such longer period as may be required by the Deputy Administrator, Veterinary Services, in any specific case, on an "all-in, all-out" basis, at one of the ports of entry specified in § 92.8(b), at a USDA quarantine facility when arrangements have been made in advance by the importer and approval is granted in the permit described in § 92.4, or in facilities which are provided by the importer and which have been approved by the Deputy Administrator as provided in paragraph (f) of this section, prior to the issuance of the permit.

• • • • •

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; (21 U.S.C. 111, 134a, 134b, 134c, and 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective December 1, 1975.

The amendment relieves certain restrictions no longer deemed necessary to prevent the introduction and spread of poultry disease, and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of November, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-30516. Filed 11-11-75;8:45 am]

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Importation of Birds; Correction

In F.R. Doc. 73-21884 appearing on page 28554 in the FEDERAL REGISTER of Monday, October 15, 1973, the proviso in paragraph (a) of § 92.2 appearing on page 28554 is corrected by changing the term "or birds," to read ", or birds".

Done at Washington, D.C., this 6th day of November 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-30515 Filed 11-11-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 569a—RECEIVERS FOR INSURED INSTITUTIONS OTHER THAN FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Checking Accounts; Correction

In FR Doc. 75–26847 appearing at page 46094 in the FEDERAL REGISTER of October 6, 1975, the following changes should be made:

1. On page 46094, the reference in the first paragraph of the preamble to "Parts • • • 569 • • •." is corrected to read "Parts • • • 569a • • •".

2. On page 46094, the reference in the last paragraph of the preamble to "§ 571.1(c)(3)" is corrected to read "§ 571.1(c)(3) and (e)(1)".

3. On page 46095, § 569a.4 is corrected by adding the words "and of all offices of such institution" to the end of the fourth sentence of that section and by changing the word "power" in the last sentence of that section to read "powers".

4. On page 46096, § 569a.7 is corrected by adding asterisks after paragraph (a)(5) of that section.

Dated: October 30, 1975.

[SEAL] CHARLES E. ALLEN,
General Counsel.

[FR Doc.75-30488 Filed 11-11-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 1, Amdt. 2]

PART 114—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Action on Approved Claims

In FEDERAL REGISTER published on December 31, 1974, (39 FR 45211) § 114.111, *Action on approved claims*, a procedure is delineated for action on approved administrative claims submitted under the Federal Tort Claims Act. The procedure to be followed under this section is not clear.

This section is amended to read as set forth below and, being procedural, notice and public participation is not required.

Effective date: November 12, 1975.

Dated: November 4, 1975.

LOUIS F. LAUN,
Acting Administrator.

§ 114.111 Action on approved claim.

(a) Payment of a claim approved under this part is contingent upon the claimant's or his duly authorized agent's or legal representative's executing the requisite copies of Standard Form 95, Standard Form 1145, and Standard Form 1145A. When a claimant is represented by an attorney, the voucher shall designate both the claimant and his attorney as payees. The check shall be delivered to the attorney, whose address shall appear on Standard Form 1145, voucher for payment of a claim under the Federal Tort Claims Act.

(b) Acceptance by the claimant, his agent, or legal representative, of any award, compromise, or settlement made pursuant to the Federal Tort Claims Act shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

[FR Doc.75-30423 Filed 11-11-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–CE–26–AD, Amdt. 39–2419]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Series Airplanes

AD 75–04–01, Amendment 39–2083 (40 F.R. 5348) as amended by Amendments 39–2130 (40 F.R. 11861, 11862) and 39–2338 (40 F.R. 33432), is an Airworthiness Directive (AD) superseding AD 72–10–5, Amendments 39–1442 (37 F.R. 9385, 9386) and 39–1562 (37 F.R. 25021), which is applicable to Cessna T310, 320, 340, 401, 402, 411, 414 and 421 series airplanes. AD 75–04–01 requires parts replacement, repetitive inspections of the exhaust system and the "V" band clamps on the discharge side of the turbosupercharger for cracks or fractures, and the replacement thereof where necessary.

AD 75–17–38, Amendment 39–2341 (40 F.R. 36107, 36108) is an AD applicable to Cessna 421B series airplanes in which exhaust system slipjoint assembly P/N 5155158–1, –8 or –9 are installed. AD 75–17–38 requires inspection of these assemblies for swelling, buckling, distortion or cracks in the aft area just forward of the ball joint under the radiation heat shield assembly and the replacement thereof where necessary.

Service experience subsequent to the issuance of these ADs establishes a need for a one-time inspection and modification of the overboard exhaust stack and installation of a redundant tailpipe support on Cessna T310, 320, 340, 401, 402, 411, 414 & 421 series airplanes. The agency believes this inspection and modification should be the subject of an AD and that this action, as well as ADs 75–04–01 and 75–17–38 should be consolidated into one AD to reduce the possibility of confusion or error in compliance. Also, the manufacturer has advised that AD 75–04–01 presently applies to some serial numbered airplanes in which the one-piece "V" band clamp installation required by the AD has already been accomplished at the factory. In addition, the agency believes that the incorpora-

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tion of a simplified one-piece "V" band clamp inspection and the slip joint inspection required by AD 75–17–38 in the exhaust system repetitive inspection will provide an equivalent level of safety to the similar inspections presently required by AD 75–04–01 and AD 75–17–38 respectively.

Accordingly, in the interest of safety a new AD is being issued applicable to the aforementioned airplanes superseding ADs 75–04–01 and 75–17–38 which will correct AD applicability and require repetitive inspections, special inspections and modifications of the exhaust system.

Since a situation exists which requires expeditious adoption of the amendment and is partially relieving in nature, a notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD:

CESSNA. Applies to T310, 320, 340, 401, 402, 411, 414 and 421 series airplanes.

This AD is issued to combine in one document inspections and parts replacements required by previous ADs and require modifications now available which will increase the reliability of the exhaust systems on the affected airplanes.

Compliance: Required as indicated, unless previously accomplished.

To detect incipient failure and improve reliability of the engine exhaust systems installed on the above-noted airplanes, accomplish the following:

I. Repetitive general exhaust system inspection.

A. On all new and in service airplanes listed above, within 50 hours time in service after the effective date of this AD (new airplanes) or 50 hours time in service after the last AD 75–04–01 inspection (in-service aircraft) visually inspect the exhaust system in accordance with the following procedure.

1. *Cleaning.* In order to properly inspect the exhaust system, components must be clean and free of oil, grease, etc. If required, clean as follows:

a. Spray engine exhaust components with a suitable solvent (such as Stoddard Solvent), allow to drain, and then wipe dry with a clean cloth.

WARNING

NEVER USE HIGHLY FLAMMABLE SOLVENTS ON ENGINE EXHAUST SYSTEMS. NEVER USE A WIRE BRUSH OR ABRASIVES TO CLEAN EXHAUST SYSTEMS OR MARK ON THE SYSTEM WITH LEAD PENCILS.

b. Remove the heat shields from the turbocharger in accordance with heat shield removal procedures in the Service Manual.

c. Remove shields around the exhaust bellows or slip joints, multisegment "V" band clamps at joints, and other items which might hinder inspection of the system.

NOTE: Do not remove clamps.

2. *Visual inspection of complete system.*

NOTE: Conduct this inspection when the engine is cool.

a. Visually inspect exhaust stacks for burned areas, cracks and looseness. Insure that attach bolts are properly torqued in accordance with the aircraft Service Manual.

NOTE: During this inspection give special attention to condition of bellows and welded areas along seams and around bellows, and weld seams around exhaust system components.

b. Visually inspect the flexible connection between the waste-gate and overboard duct (when applicable) for cracks and security.

c. Correct any major leaks in all areas of the exhaust system except waste-gate to tailpipe flexible coupling (when applicable) by replacement of defective parts or by repair in accordance with Part 43 of the FARs.

d. Visually inspect exhaust joint springs for correct compression. If the joint is disturbed or if springs are obviously loose, procede with the following inspection. (See Figure 1).

i. Before removal of exhaust joint springs, measure installed length of each spring. Those compressed to less than 0.45 inch must be replaced.

ii. Remove all springs and measure free length. Springs having a free length of less than 0.57 inch must be replaced.

NOTE: Add AN960–10 washers under head of joint bolts as required to obtain correct dimension.

During installation, joint bolts should be tightened gradually and spring length checked frequently to prevent over compression of springs.

iii. Reinstall springs and measure installed length. Length must be 0.51 +.00, −.03 inch.

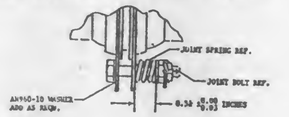


Figure 1. Typical Exhaust Joint Spring Installation

e. If installed, visually inspect the slip joint(s) for bulges beyond normal manufacturing irregularities of .03 inches and/or cracks. If any bulges and/or cracks are present, replace bulged or cracked slipjoint(s) (refer to Service Manual). See Figure 2.

NOTE: This inspection was previously required on Model 421B airplanes, S/N 421B0001 through 421B0935 by AD 75–17–38 effective August 22, 1975.

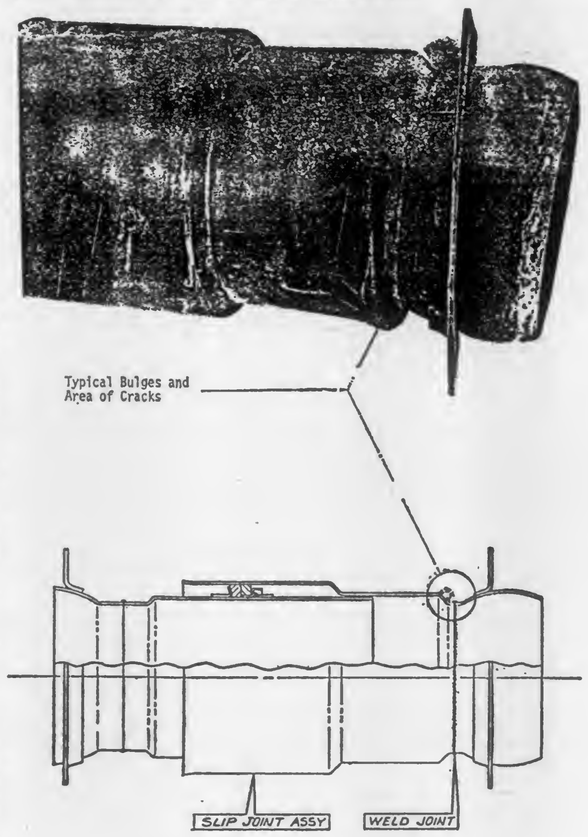


FIGURE 2

f. Inspection of multi-segment "V" band clamp(s) (Between engine and turbocharger).

1. Using crocus cloth, clean the outer band of the multi-segment "V" band clamp(s) Pay particular attention to the spot weld area on the clamp(s).

ii. With clamp(s) properly torqued:

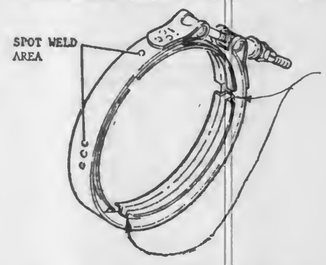


Figure 3. Multi-Segment "V" Band Clamp

NOTE: When replacement is required, install the new multi-segment "V" band clamp over the exhaust flanges and torque to the correct value (see Torque Value Chart, Table 1 to this AD). As the clamp is tightened, lightly tap it circumferentially in a radial direction with a rawhide or soft plastic mallet.

(3) Visually inspect flatness of the outer band, especially within two inches of the spot welded tabs which retain the T-bolt fastener. This can be done by placing a straight edge across the flat part of the outer band as shown in Figure 4, then checking the gap between the straight edge and the outer band. This gap should be less than 0.062 inch. If deformation exceeds 0.062 inch limit, replace clamp(s) with new multi-segment clamp(s). (See Note preceding this step).

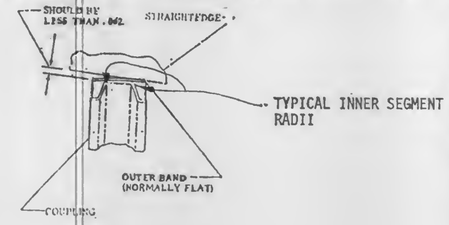


Figure 4. Multi-Segment "V" Band Clamp Outer Band Flatness Check

g. One-piece "V" band clamp inspection (Overboard exhaust to turbocharger).

Visually inspect with a light and mirror, the clamp surfaces adjacent to the intersection of the "V" apex and bolt clips, and the entire length of the "V" apex of the clamp for signs of cracks or fractures. If cracks or fractures are visible, replace the clamp. (See Figure 5).

NOTE: The above inspections, except for Paragraph e. and f., were previously required by AD 75–04–01 effective February 11, 1975. Inspections per Paragraph e. were previously required by AD 75–17–38 effective August 22, 1975. Inspections per Paragraph f. were previously required by AD 75–04–01 as amended by Amendment 39–2338 effective August 15, 1975.

II. Parts replacement.

A. Replacement of multi-segment "V" band clamps between aft engine cylinders and turbocharge inlet.

On all airplanes listed above within 50 hours time in service after February 11, 1975, for those clamps having more than 350 hours time in service as of that date or prior to 400 hours time in service for those clamps having less than 350 hours time in service as of that date, and at or prior to each additional 400 hours time in service thereafter, replace existing multi-segment "V" band exhaust system clamps located between aft engine cylinders and the turbocharger inlet (except for waste-gate to exhaust overboard pipe clamp on 421 airplanes) with new parts having Cessna part numbers in accordance with Attachment 4 to Cessna Service Letter ME–75–17 dated July 14, 1975, or later revisions. Use aircraft total time for clamp time in service unless aircraft maintenance records establish location and time in service on previously replaced clamps. See Figure 3 for multi-segment type clamp configuration.

NOTE: The above clamp replacement was previously required by AD 75–04–01 effective February 11, 1975.

B. Replacement of multisegment turbocharger to overboard tail pipe clamps.

Within 200 hours time in service after August 15, 1975, replace presently installed multisegment type turbocharger to overboard tailpipe clamps on Model T310, 320, 401, 402, 340, 414 and 421 airplanes with the clamps specified below:

(1) Visually inspect the outer band in the area of the spot weld for cracks (see Figure 3). If cracks are found, replace the clamp(s) with new multi-segment "V" band clamp(s).

(2) Visually inspect the corner radii of clamp inner segments for cracks (See Figure 3). This inspection requires careful use of artificial light and inspection mirrors.

On T310 (all aircraft through S/N 310Q-0600,) 320D (all aircraft), 320E (all aircraft), 320F (all aircraft), 401 (all aircraft), and 402 (all aircraft through S/N 402B0300 series airplanes, replace the existing multisegment "V" band turbocharger to overboard tailpipe clamp with a new Part Number V57A4234 or 41195AA423 clamp. These new clamps are not "life limited".

On 340 (all aircraft through S/N 3400150, 414 (all aircraft through S/N 4140350), and 421 (all aircraft through 421B0398) series airplanes, replace the existing multi-segment "V" band turbocharger to overboard tailpipe clamp with a Part Number V57A5019 or 41195AA502 clamp. These new clamps are not "life limited".

NOTE: The above clamp replacement was previously required by AD 75–04–01 as amended by Amendment 39–2338 effective August 15, 1975.

III. Special inspections.

A. Unless previously accomplished, within 25 hours time in service after August 15, 1975, the inspection described below is to be conducted on the following aircraft on which the one-piece "V" band tail pipe clamps have been installed. (Clamps bearing a Cessna inspection stamp on the back side (a large C with a number) and installed on airplanes exempted from this inspection on Attachment No. 2 of Cessna Service Letter ME–75–17 have been inspected by the manufacturer and comply with this requirement). T310 (All aircraft S/N 310P0001 through 310R0275), 320D, 320E, 320F (All aircraft), 340 (All aircraft through S/N 3400550), 401 (All aircraft), 402 (All aircraft S/N 4020001 through 402E0912), 414 (All aircraft through S/N 4140648), 421 (All aircraft S/N 4210001 through 421B0827).

1. Remove upper cowling from LH and RH engine.

a. (Aircraft Turbo 310, 320, 401, 402, and 421 series equipped with metal heat shield). Detach heat shield from turbocharger turbine housing by cutting safety wire and removing hinge pin located at top of shield assembly securing shield halves together.

b. The heat shield does not need to be removed on 320, 340 or 414 and any aircraft equipped with insulation blanket shield.

2. Clean and visually inspect with a light and mirror, the clamp surfaces adjacent to the intersection of the "V" apex and bolt clips (see Figure 5) for signs of cracks or fractures. If cracks or fractures are visible, replace clamp. (This step allows inspection of the clamp under tension).

3. Remove nut, washer, and bolt from clamp, unseat coupling, and slide clamp down exhaust stack to gain adequate visibility. CAUTION: DO NOT REMOVE EXPANSION LIMITER.

4. Visually inspect for cracks and fractures the entire length of the "V" apex of the clamp (see Figure 5), and pay particular attention to the surfaces adjacent to the intersection of the "V" apex and bolt clips.

NOTE: The use of artificial light and at least a 10-power magnifying glass is necessary to detect minute cracks or signs of incipient failure. Do not use dye penetrant inspection procedures since noncritical metal forming folds yield misleading failure indications.

5. If clamp is found to be defective, replace clamp.

6. If clamp has no defects, steel stamp or using a vibrating pencil, mark an "X" on the back side of metal torque tag.

7. Reinstall clamp on turbocharger turbine housing and overboard exhaust stack and install bolt, washer and nut. Torque nut to 40 inch-pounds.

CAUTION: DO NOT EXCEED NUT TORQUE BY MORE THAN 5 INCH-POUNDS.

8. Resecure heat shield on turbocharger turbine housing when detached, by aligning

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shield hinge halves and reinstalling pin previously removed. Secure lower halves of shield using two pieces of .032 monel safety wire twisted together, through opposing eyelets of shield halves, draw shield snug on turbine housing, and safety by twisting end of wire together. Insure heat shield is snug on housing.

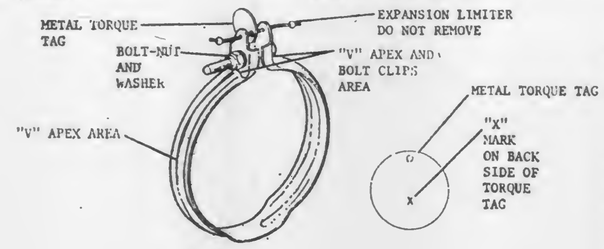


Figure 5. One-Piece "V" Band Type Clamp

IV. Modifications.

A. On the following aircraft within 50 hours time in service after the effective date of this AD inspect/modify the overboard exhaust stack flange (turbocharger and exhaust stack interface) in accordance with the instructions below. T310P0001 through T310R0230, T310R0232 through T310R0254, T310R0256, T310R0257, T310R0259 through T310R0263, T310R0265, T310R0266, T310R 0268 through T310R0272, T310R0274, T310R 0275, 3400001 through 3400550, 4010001 through 401B0221, 4020001 through 402B 0630, 402B0632 through 402B0909, 402B0911, 4020912, 4140001 through 4140643, 4140645 through 4140648, 4210001 through 421B0889, 421B0891 through 421B0918, 421B0921, 421B 0922, 421B0924, 421B0926 and 421B0927.

1. Remove any existing overboard support clamps, and remove overboard exhaust stack.

NOTE: Take precautions to prevent collection of any dirt or foreign particles in opening of turbocharger turbine housing during modification.

2. Visually inspect the mating surfaces of flanges of overboard exhaust stack and turbochargers for uniform contact over their entire perimeter.

3. If such contact is not evident, remove excess material (shaded area) of overboard exhaust stack as required, and as shown typical in Figure 6, by grinding, to allow mating surfaces of flanges of overboard exhaust stack and turbine housing to have uniform contact over their entire perimeter. Exercise care to prevent damage to flange surface of overboard exhaust stack when grinding off excess material.

4. Reinstall overboard stack and secure clamps in accordance with turbine outlet exhaust stack one-piece "V" band clamp inspection.

NOTE: This one-time inspection/modification may be performed in conjunction with the one-piece "V" band clamp 25-hour inspection and redundant tail pipe support installation required by IV. B, below.

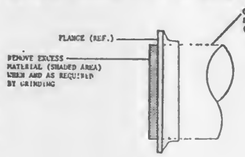


Figure 6.

B. On the following aircraft, prior to but not later than December 31, 1975, install redundant tail pipe support clamps and brackets in accordance with Cessna Service kits specified below. T310 (All aircraft through S/N 310Q0600), 320D0001 through 320F0045, 3400001 through 3400150, 4010001 through 401B0300, 4020001 through 402B0300, 4140001 through 4140350, 4210001 through 421B0300.

1. Kit number and applicability.

a. SK402-31—Turbo 310P0001 through Turbo 310Q0600, 320D0001 through 320F0045, 4010001 through 401B0300, 4020001 through 402B0300.

b. SK414-9—3400001 through 3400150, 4140001 through 4140350.

c. SK421-67—4210001 through 421B0300.

V. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This AD supersedes AD 75-04-01, Amendments 39-2083, 39-2130, and 39-2338, and AD 75-17-38, Amendment 39-2341.

Cessna Service Letter ME 75-17, dated July 14, 1975, or later approved revision pertains to this subject.

This amendment becomes effective November 17, 1975.

Issued in Kansas City, Mo., on November 3, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.75-30251 Filed 11-11-75;8:45 am]

[Docket No. 75-NW-32-AD, Amdt. 39-2424]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 707-300, -300B, -300C, and -400 Series Airplanes

Pursuant to the authority delegated to me by the Administrator a telegraphic airworthiness directive was adopted on October 17, 1975, which superseded a previous telegraphic AD issued on October 15, 1975, and made effective immediately as to all known United States operators of Boeing Model 707-300, -300B, -300C, and -400 series airplanes. The directive requires a one-time low frequency eddy current inspection or a visual inspection of the W.S. 360 splice plate within 50 landings.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately. These conditions still exist, and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of the Federal Aviation Regulations.

BOEING: Applies to all Boeing 707-300, and -400 series airplanes with 13,000 or more landings; all 707-300B airplanes with 11,000 or more landings; and all 707-300C series airplanes with 8,000 or more landings, listed in Boeing Service Bulletin No. 3157 Revision 3, certificated in all categories. Compliance required as indirected.

To detect cracks in the upper wing skin splice plate at W.S. 360, within the next 50 landings:

(1) Conduct the low frequency eddy current inspection in accordance with Boeing Field Service Message M-7010-1256, dated October 9, 1975, unless already accomplished, or

(2) Remove the aerodynamic sealant between the upper wing skins at W.S. 360 from the front spar to the rear spar and visually inspect for a crack in the splice plate, unless accomplished since October 3, 1975. If cracks are found, repair in accordance with Boeing Service Bulletin No. 2510, Revision 3, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

This is a one-time inspection. AD 75-03-01 (Amendment 39-2074) will be amended to provide for inspections similar to those provided herein. Telegraphic AD on this subject on October 15, 1975, is hereby superseded.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective on November 12, 1975, for all persons except those to whom it was made effective immediately by telegram dated October 17, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., November 4, 1975.

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

C. B. WALK, Jr.,
Director,
Northwest Region.

[FR Doc.75-30427 Filed 11-11-75;8:45 am]

[Docket No. 75-RM-2-AD,, Amdt. 39-2423]

PART 39—AIRWORTHINESS DIRECTIVES

Learjet Model 24A Airplane

There are Gates Learjet Model 24A airplanes in cargo service which, when modified in accordance with Supplemental Type Certificate No. ST7RM held by Alpine Aircraft Charters, Inc., do not have adequate emergency exit provisions for the flight crew. STC ST7RM permits cargo operation without benefit of an alternate emergency exit in addition to the main cabin door. With modifications per STCs SA9RM (cargo net) and SA10RM (cargo liner) held by Alpine Aircraft Charters, Inc., the existing emergency exit on the right side of the fuselage is blocked leaving only the main cabin door for emergency exit use. Since this condition exists on all airplanes modified in accordance with the STC No. ST7RM, an airworthiness directive is being issued to require installation of cockpit emergency egress provisions on such airplanes.

The 150 hour compliance time for the modifications has been established by the Federal Aviation Administration on the basis of safety considerations. This compliance time provides the lead time necessary for operators to schedule and plan compliance with the AD without undue delay. To prescribe the modifications required by this AD under the usual notice and public procedures would necessarily result in a reduction of the compliance time for the modification required by this AD and possibly leave the operator insufficient time to schedule aircraft for compliance with the AD. Therefore, accomplishment of the modification required by this AD within the time the FAA has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective on or before December 12, 1975. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted to the Federal Aviation Administration, Office of the Regional Counsel, P.O. Box 7213, Park Hill Station, Denver, Colorado 80207. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in the light of comments received. All comments will be available both before and after the effective date in the Airworthiness Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible, since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

The substance of this AD has been informally coordinated with Alpine Aircraft Charters, Inc. Their pertinent objections concerned the compliance time being insufficient to allow orderly modifications of their aircraft currently under contract cargo operation without unreasonable financial burden. The time frame as set forth in this AD reflects consideration of these objections.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

LEAR JET MODEL 24A. Applies only to airplanes modified per STC ST7RM when used in cargo operation.

Compliance required within the next 150 hours time in service after the effective date of this AD, unless already accomplished.

To provide an adequate emergency exit for flight crew members, install Alpine Aircraft Charters, Inc., STC SA14RM or equivalent approved by Chief, Engineering and Manufacturing Branch, Rocky Mountain Region, or provide access to the existing emergency exit on the right side of the fuselage in a manner approved by Chief, Engineering and Manufacturing Branch, Rocky Mountain Region.

This amendment becomes effective on December 18, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Aurora, Colo., on November 3, 1975.

M. M. MARTIN,
Director,
FAA Rocky Mountain Region.

[FR Doc.75-30429 Filed 11-11-75;8:45 am]

[Docket No. 75-SO-147, Amdt. 39-2422]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Models PA-28, PA-32, PA-34

There has been one accident involving a Piper PA-34 airplane in which the four aft seats came loose during the accident and were projected forward. Since this condition may exist in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the seat retention mechanisms on the quick-disconnect type seats on Piper PA-28, PA-32 and PA-34 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to: PA-28-180 serial numbers 28-7105001 through 28-7505046 inclusive, PA-28R-180 serial numbers 28R-7130001 through 28R-7130013 inclusive, PA-28R-200 serial numbers 28R-7135001 through 28R-7535041 inclusive, PA-28-235 serial numbers 28-7110001 through 28-7510016 inclusive, PA-32-260 serial numbers 32-1 through 32-7500002 inclusive, PA-32-300 serial numbers 32-40001 through 32-7540028 inclusive, PA-34-200 serial numbers 34-7250001 through 34-7450220 inclusive, and PA-34-200T serial numbers 34-7570001 through 34-7570054 inclusive, certificated in all categories.

Compliance required within the next 100 hours time in service or at the next annual inspection, whichever comes first.

To prevent the seats from coming loose during an accident, accomplish the following:

1. Within the next 100 hours time in service after the effective date of this airworthiness directive or at the next annual inspection (whichever comes first) and thereafter at each annual inspection, inspect the rear legs on the quick-disconnect seats in accordance with Piper Service Letter No. 763.

2. If the retention is satisfactory, make appropriate log book entry.

3. If the retention is unsatisfactory, adjust or replace in accordance with Piper Service Letter No. 763, and make appropriate log book entry.

This amendment becomes effective November 21, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 3, 1975.

P. M. SWATEK,
Director,
Southern Region.

[FR Doc.75-30428 Filed 11-11-75;8:45 am]

V 40 N 219 NOV 12 75 XUM

[Airspace Docket No. 75-NE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 26686 of the FEDERAL REGISTER dated June 25, 1975 (40 FR 26686), the Federal Aviation Administration published a notice of proposed rulemaking which would designate a 700-foot transition area at Wiscasset, Maine.

Interested parties were given twenty (20) days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., December 12, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))).

Issued in Burlington, Mass., on July 18, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add the following transition area:

WISCASSET, MAINE

That airspace extending upward from 700-feet above the surface within a 5-mile radius of the Center, 43°57'40" N. 69°42'50" W. of the Wiscasset, Maine, Airport; within 6-miles on the north side and 4-miles on the south side of the 252° and 072° bearings from the Wiscasset, Maine, NDB, 43°58'57" N. 69°38'27" W. extending to 5.5 miles southwest, and 11.5 miles northeast of the NDB; excluding that portion which coincides with the Brunswick, Maine, 700-foot transition area.

[FR Doc.75-30453 Filed 11-11-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-11759]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Registration of Transfer Agents

Correction

In FR Doc. 75-29495, appearing at page 51181 in the issue for Tuesday, November 4, 1975, make the following changes:

1. On page 51181, in the preamble, the information that appears just after the second paragraph, which is in small type and labeled "(i) through (iv) * * *" should appear just below footnote 2 at the bottom of the page.

2. On page 51184, second column, the paragraph beginning with *"Delegation of authority,"* should be transposed so that it appears just below "Part 200—Organization; Conduct and Ethics; and Information and Requests on page 51183.

3. On page 51184, second column, the paragraph beginning with *"Effective immediately"*, should be transposed so that it appears just after the last line of five stars in § 200.30-11 on page 51183.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0025]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Crufomate Liquid

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (13-514V) filed by The Dow Chemical Co., Midland, MI 48640, which propose revised labeling regarding the safe and effective use of crufomate drench as a wormer for sheep and goats and regarding a new use in cattle. The supplemental applications are approved.

Safe tolerances, covering uses of this drug, for residues of crufomate and its metabolite in edible tissues of cattle, sheep, and goats have been established previously in 40 CFR 180.295. This tolerance also covers residues expected from use of crufomate established by this section.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 520 (formerly Part 135c prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) is amended by adding the following new section:

§ 520.512 Crufomate liquid.

(a) *Chemical name.* 4-tert-Butyl-2-chlorophenyl methyl methylphosphoramidate.

(b) *Specifications.* The drug contains 21 percent crufomate (223 mg/ml).

(c) *Related tolerances.* See § 180.295 of Title 40 of the Code of Federal Regulations.

(d) *Sponsor.* See No. 025700 in § 510.600(c) of this chapter.

(e) *Conditions of use.* It is used as a drench as follows: (1) *Cattle.* (i) For the control of large stomach worms (*Haemonchus spp.*), medium stomach worms (*Ostertagia spp.*) and Cooper's worms (*Cooperia spp.*). As an aid in the control of stomach and intestinal hairworms (*Trichostrongylus spp.*), thread-necked strongyles (*Nematodirus spp.*) and nodular worms (*Oesophagostomum spp.*).

(ii) It is administered at the rate of ¼ fluid ounce per 100 pounds of body weight, or as follows:

Animal weight (pounds):	*Amount of crufomate drench (fluid ounces)*
100 to 150	¼
151 to 250	½
251 to 350	¾
351 to 450	1
451 to 550	1¼
551 to 650	1½
651 to 750	1¾
751 to 850	2
851 to 950	2¼
951 to 1050	2½
1051 to 1150	2¾
1151 or more	3

NOTE: Do not treat cattle under 1 month of age.

(2) *Sheep and goats.* (i) For the control of large stomach worms, wire worms, barber pole worms (*Haemonchus spp.*); medium stomach worms, brown stomach worms (*Ostertagia spp.*); stomach hair worms, bankrupt (black scours) worms, intestinal hairworms (*Trichostrongylus spp.*); Cooper's worms (Cooperids) (*Cooperia spp.*), intestinal threadworms (*Strongyloides spp.*), whipworms (*Trichuris spp.*), and head grubs (nose bots), (*Oestrus ovis*).

(ii) It is administered at the rate of 2 milliliters per 10 pounds of body weight, or as follows:

Animal weight (pounds):	*Amount of crufomate drench (fluid ounces)*
30 to 39	¼
40 to 69	½
70 to 99	¾
100 and over	1

NOTE: Do not treat lambs under 30 pounds of body weight.

(f) The label includes the following information: (1) Crufomate is a cholinesterase inhibitor. Do not treat animals with this drug simultaneously or within a few days before or after treatment with, or exposure to, cholinesterase-inhibiting drugs, pesticides or chemicals. Atropine is an antidote.

(2) To prevent residues in milk, do not treat dairy goats or cattle of breeding age or older.

(3) Do not treat animals within 7 days of slaughter.

(4) Do not treat sick, weak, or overheated animals, or animals under stress; do not treat within 10 days after shipping, weaning or exposure to diseases.

(5) Avoid starving animal prior to and following treatment.

(6) For most effective results, the following should be treated every 21-28 days: Severely parasitized animals; animals grazing in contaminated, heavily stocked, or irrigated pastures; and/or animals located in areas where stomach hairworms, intestinal hairworms, or whipworms are a severe problem.

(7) Consult a veterinarian before treating animals that are severely weakened or underweight from lice or internal parasites. If animals react abnormally, encourage exercise. If abnormal condition persists, consult a veterinarian.

(8) Do not treat sheep and goats in confinement. Cattle fed in confinement should be treated at least 24 hours before confinement.

Effective date. This order shall be effective on November 12, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: November 5, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-30432 Filed 11-11-75;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Clopidol-Bacitracin Methylene Disalicylate

The Commissioner of Food and Drugs has evaluated a new animal drug application (99-150V) filed by The Dow Chemical Co., P.O. Box 1706, Midland, MI 48640, proposing safe and effective use of clopidol-bacitracin methylene disalicylate in the feed of broiler chickens as an aid in the control of coccidiosis and for increased rate of weight gain. The application is approved, effective November 12, 1975.

The Commissioner is amending § 558.175 (21 CFR 558.175) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.175 by adding new paragraph (e)(1)(v), to read as follows:

§ 558.175 Clopidol.

* * * * * *

(e) * * *

(1) * * *

(v) *Amount per ton.* Clopidol, 113.5 grams (0.0125 percent) plus bacitracin methylene disalicylate, 4 to 50 grams per ton.

(a) *Indications for use.* For increased rate of weight gain; to aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. maxima, E. mivati,* and *E. brunetti.*

(b) *Limitations.* Feed continuously as the sole ration from the time chicks are placed in floor pens until slaughter. Do not feed to chickens over 16 weeks of age. Bacitracin methylene disalicylate as provided by No. 000794 in § 510.600(c) of this chapter.

* * * * * *

Effective date. This amendment shall be effective November 12, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: November 5, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-30435 Filed 11-11-75;8:45 am]

[Docket No. 75N-0182]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Clopidol and Chlortetracycline

The Commissioner of Food and Drugs has evaluated a new animal drug application (46-209V) filed by The Dow Chemical Company, P.O. Box 1706, Midland, MI 48640, proposing safe and effective use of clopidol and chlortetracycline in feed for treatment of broiler chickens and replacement chickens. The application is approved, effective November 12, 1975.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), in accordance with 21 CFR 510.6, and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.175 by revising paragraph (e)(2) to read as follows:

§ 558.175 Clopidol.

* * * * * *

(e) * * *

(2) *Broiler chickens and replacement chickens*—(i) *Amount per ton.* Clopidol, 113.5 or 227 grams (0.125 or 0.025 percent).

(a) *Indications for use.* Aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati.*

(b) *Limitations.* Feed up to 16 weeks of age if intended for use as caged layers; feed continuously as the sole ration; withdraw 5 days before slaughter if given at the level of 0.025 percent in feed or reduce level to 0.0125 percent 5 days before slaughter.

(ii) *Amount per ton.* 113.5 grams (0.0125 percent) clopidol with 200 grams chlortetracycline.

(a) *Indications for use.* Aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. maxima, E. mivati,* and *E. brunetti,* and infectious synovitis caused by *Mycoplasma synoviae.*

(b) *Limitations.* Feed continuously as sole ration from the time chicks are placed in floor pens, up to 21 days of age.

* * * * * *

Effective date. This regulation shall be effective on November 12, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: November 5, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-30434 Filed 11-11-75;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Virginiamycin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (91-513V), filed by Smith Kline Animal Health Products, Division of Smith Kline Corp., 1500 Spring Garden St., Philadelphia, PA 19101, proposing safe and effective use of a virginiamycin premix containing 11 percent (50 grams per pound) virginiamycin for the manufacture of swine feed. The supplemental application is approved, effective November 12, 1975.

The Commissioner is amending § 558.635 to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 558.635 is amended by revising paragraph (b), to read as follows:

§ 558.635 Virginiamycin.

* * * * * *

(b) Premix levels of 2.2 percent virginiamycin activity (10 grams per pound), 11 percent virginiamycin activity (50 grams per pound), and 50 percent virginiamycin activity (227 grams per pound) granted to No. 000007 in § 510.600(c) of this chapter.

* * * * * *

Effective date. This regulation shall be effective November 12, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: November 5, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-30433 Filed 11-11-75;8:45 am]

V 40 I 219 NOV 12 75 XUM

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY

PART 2530—RULES AND REGULATIONS FOR MINIMUM STANDARDS FOR EMPLOYEE PENSION BENEFIT PLANS

Extension of Time for Filing Comments

The time for filing comments relating to the proposed, temporarily effective regulations prescribing minimum participation, vesting and benefit accrual standards for covered employee pension benefit plans, published at pages 41654 thru 41667 of the FEDERAL REGISTER on September 8, 1975, is extended until January 9, 1976.

The extension is granted to provide interested persons adequate time to consider these regulations in conjunction with related Internal Revenue Service regulations, including those concerning minimum participation and vesting standards. The Department of Labor has determined that the complexity of the proposed regulations in this area and the interrelationship between the Department and the Internal Revenue Service regulations makes it appropriate to grant an extension so that the comment period for the Department's regulations coincides with the comment period for the proposed regulations relating to minimum vesting standards published by the Internal Revenue Service.

Interested persons are invited to submit written data, views, or arguments concerning the proposed Department of Labor regulations cited above on or before January 9, 1976. Such data, views and arguments should be submitted to the Office of Employee Benefits Security (DEVD–PV Comments), Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216. Comments should be clearly referenced to the numbers of the sections to which the comments are directed.

Signed at Washington, D.C. this 4th day of November, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.75–30525 Filed 11–11–75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 455–4; PP5F1599/R65]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-[[4-Chloro-6-(Ethylamino)-S-Triazin-2-yl]Amino]-2-Methylpropionitrile

On March 28, 1975, notice was given (40 FR 14117) that Shell Chemical Co., Suite 200, 1025 Connecticut Ave. NW., Washington DC 20036, had filed a pesticide petition (PP5F1599) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.307 be amended by establishing a tolerance for negligible residues of the herbicide 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl] amino]-2-methylpropionitrile in or on the raw agricultural commodity cottonseed at 0.05 part per million.

The data submitted in the petition and other relevant material have been evaluated, and the herbicide is considered to be useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies. The tolerance established by amending § 180.307 of the regulations will protect the public health, and it has been concluded, therefore, that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before December 12, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective November 12, 1975, Part 180, Subpart C, § 180.307, is amended as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: November 6, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.307, is amended by revising the paragraph "0.05 part per million • • •" as follows:

§ 180.307 2-[[4-Chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile; tolerances for residues.

• • • • •

0.05 part per million (negligible residues) in or on fresh corn including sweet corn (kernels plus cob with husk removed), corn grain, cottonseed, and sorghum fodder, forage, and grain.

• • • • •

[FR Doc.75–30389 Filed 11–11–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Miscellaneous Amendments

In the matter of editorial amendments of §§ 0.121(a) and 1.83(a) of the Commission's rules and regulations.

1. The following editorial changes will be made to the Rules and Regulations:

(a) Section 0.121(a) will be amended to reflect the new address of the Federal Communications Commission field office located in Philadelphia, Pennsylvania:

Field office	From—	To—
3	1005 New U.S. Customhouse, Philadelphia, Pa. 19106.	11425 James A. Byrne Federal Courthouse, 601 Market St., Philadelphia, Pa. 19106.

(b) Section 1.83(a)(1)(i) will be amended by eliminating the "A" after the identification of FCC Form 753.

2. Since the amendments are editorial in nature the prior notice and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of this amendment is contained in section 4(i) and 5(d) of the Communications Act of 1934, as amended, and section 0.231(d) of the rules.

3. Accordingly, it is ordered, effective November 17, 1975 §§ 0.121(a) and 1.83(a) of the rules and regulations are amended as set forth below.

In Chapter I of Title 47 of the Code of Federal Regulations, Part 0 is amended as follows:

1. In § 0.121, paragraph (a) is amended to read as follows:

§ 0.121 Location of Field Installations.

(a) Field offices and sub-offices are located at the following address:

Field office	Address of the engineer in charge	Territory within district	
		States	Counties
•	•	•	•
3	11425 James A. Byrne Federal Courthouse, 601 Market St., Philadelphia, Pa. 19106.	Delaware, New Jersey	
•	•	•	•

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

Adopted: October 31, 1975.

Released: October 31, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] RICHARD D. LICHTWARDT,
Executive Director.

2. In § 1.83, paragraph (a) is amended to read as follows:

§ 1.83 Application for radio operator license.

(a) • • •

(1) Restricted radiotelephone operator permit. (i) Applications for a Restricted Radiotelephone Operator Permit filed by U.S. Citizens or Nationals shall be on FCC Form 753 entitled "Application for Restricted Radiotelephone Operator Permit by Declaration." (ii) Applications for Restricted Radiotelephone Operator Permits filed by aliens shall be on FCC Form 755 entitled "Application for Restricted Radiotelephone Operator Permit (By an Alien)".

• • • • •

[FR Doc.75–30456 Filed 11–11–75;8:45 am]

[Docket No. 20489; FCC 75–1217]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

Deferral Accounting for Income Tax Differentials

In the matter of amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, and Part 33, Uniform System of Accounts for Class C Telephone Companies, of the Commission's rules to provide for deferral accounting for income tax differentials occasioned by the use of depreciation based on class lives and asset depreciation ranges for income tax purposes and to provide for below-the-line accounting in certain instances for investment credits made available by the Revenue Act of 1971; Docket No. 20489.

1. The Commission adopted a Notice of Proposed Rule Making in the above entitled matter on May 21, 1975, which was published in the FEDERAL REGISTER on June 10, 1975 (40 FR 24743) in accordance with section 4(a) of the Administrative Procedure Act. The Notice presented for comments on or before July 8, 1975 and for reply comments on or before July 21, 1975 a proposal to amend the Commission's accounting rules to permit normalization accounting for income tax differentials occasioned by the use of depreciation based on Class Lives and Asset Depreciation Ranges for income tax purposes. Further the Notice set forth a proposal to amend the accounting rules to permit below-the-line accounting in certain instances for investment credits.

2. Timely comments were filed by the American Telephone and Telegraph Company and the associated Bell System operating companies (AT&T), GTE Service Corporation on behalf of its affiliated telephone companies, Arthur Andersen & Company (Arthur Andersen) and the American Institute of Certified Public Accountants. Also, comments were received from Coopers & Lybrand dated July 31, 1975. No reply comments were received. All of the comments favorably supported the changes proposed in the Notice.

3. Arthur Andersen recommends, in addition, that the Commission adopt comprehensive interperiod income tax allocation at this time. We are not adopting this recommendation since, in effect, it goes beyond the matters covered in the Notice of Proposed Rule Making. We are adopting, however, as proposed in the Notice, appropriate changes in the language of certain accounts to accommodate any additional tax timing differences the Commission may authorize normalization accounting for in the future. In this regard, AT&T urges the Commission to reflect its intent at this time to follow a policy of normalization for rate making purposes where such normalization accounting may be approved in the future. Until such time as normalization accounting may be authorized for additional items we do not believe it appropriate to go beyond the policy statement set forth in paragraph 6 of the Notice and reiterated in paragraph 4 of this Order pertaining to the specific items covered in this rule making proceeding for which normalization accounting is herein being adopted in our accounting rules for telephone companies.

4. Arthur Andersen also suggests clarification of certain aspects of the proposed rule making particularly with regard to the Commission's intent concerning the use of normalization for ratemaking purposes. We believe the Commission's intent, as indicated in paragraph 6 of the Notice, is quite clear. Therein it was stated that consistent with our decision in Docket No. 18828, we propose to follow, for rate-making purposes, a policy of normalization in determining a telephone company's cost of service. This policy would meet the requirements of § 1.167(a)–11(b)(6) and § 1.167(a)–12(a)(4)(iii) of the Treasury Department's regulations concerning the use of class lives and asset depreciation ranges for income tax purposes. Further, also consistent with our decision in Docket No. 18828, and as indicated in paragraph 6 of the Notice, we would not permit a company to earn a return on the amount of the cost free capital represented by the increased reserve for deferred taxes subject to the requirement that we consider any evidentiary showing to the contrary in a particular rate case.

5. AT&T also recommends that the Commission revise the language in § 31.3–32 of Part 31 to make it consistent with the proposed definition of "accelerated depreciation." We believe that the reference to straight-line depreciation in § 31.3–32(b) is appropriate since this language conforms to the language used to describe the computation of depreciation rates in § 31.02–80 of Part 31.

6. AT&T further recommends that the Commission adopt the requirement that the entries to and the balance in proposed account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," be maintained by vintage year separately for each tax account, rather than by class or subclass of eligible depreciable telephone plant for which an accelerated method of depreciation has been used for income tax purposes, in order to reduce the volume of work and attendant worksheets required. AT&T urges the Commission to consider carefully the costs involved but furnishes no cost data for the Bell System. The question of keeping items in account 176.1 by vintage year separately for each tax account was raised and discussed in Docket 18828. We stated therein that it is desirable to establish and maintain the deferred tax reserve on a basis consistent with the plant classifications used for book depreciation accounting purposes rather than on the basis of those used for Federal Income Tax purposes. This procedure will enable a regulatory body to determine whether the deferred tax amounts are appropriately spread over the life of the related plant. We still hold to this view. To the extent, however, that tax deferrals arise from the use of Treasury Department Regulations 167(a)–11 and 167(a)–12 which cannot be specifically attributed to each class or subclass of eligible depreciable telephone plant, which AT&T indicates could happen, then, of course, such attribution would not be expected.

7. In a related comment AT&T recommends that the Commission revise the language in the Notice which describes the manner in which the underlying records are to be designed for maintaining the tax differentials to make it clear that only separate subaccounts for the direct and indirect effects should be maintained rather than separate subaccounts for the direct and indirect effects for each method of accelerated depreciation in use. We indicated in the Notice that the carrier's underlying records should be designed to readily determine the separate direct and indirect effects of using class lives, asset depreciation ranges, sum-of-the-year digits or double-declining balance depreciation methods, etc. We are of the view that the detailed records being maintained by the larger telephone companies to support their tax deductions will serve as the basis for this information. It was not our intention to require the establishment of subaccounts but merely to assure that such information could be readily determined from the carrier's records. We are further of the view that having this information readily available would provide the carriers and the Commission with a clearer picture of the effects of using an accelerated method of depreciation.

8. Further, AT&T suggests that the proposed requirement that any debit balance in any subaccount of account 176.2 should be treated for financial statement purposes as a special subaccount of account 139 should not be adopted. AT&T believes that this proposal is inconsistent with accounting prescribed by the Commission in the past. We have deleted this requirement from the Appendix; however, appropriate revisions will be proposed to the Annual Report Forum M in order that subdivisions of account 176.2 can be reported separately.

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9. Lastly, AT&T is concerned that adoption at this time by this Commission of Case 27 covering the accounting for tax effects arising from the use of accelerated depreciation for excise tax purposes in the State of Tennessee may be prejudicial to litigation on this matter currently in process in Tennessee. Beyond this generalized statement, AT&T furnished no details on the litigation referred to or any specifics as to how such litigation could be affected by this Commission's action in this proceeding. Further, AT&T furnished nothing in opposition to the accounting position set forth in Case 27. Accordingly, AT&T's request for deletion of Case 27 is denied.

10. As proposed in the Notice of Proposed Rule Making, Annual Report Form M and Monthly Report Form 901 will be amended in a separate rule making in order to reflect the changes made in this procedure. These changes cannot be made in time for inclusion in the 1975 annual report. Therefore, telephone companies are requested to interline new accounts 176.2 and 308.2, together with amounts included in Schedules 10 and 11, respectively, in their 1975 Annual Report Form M.

11. Since all the comments favorably supported the changes proposed in the Notice, the Commission has considered and commented herein on the suggestions received in this proceeding and has reviewed and hereby adopts the staff's study and recommendations in this matter, Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, and Part 33, Uniform System of Accounts for Class C Telephone Companies, are to be amended as set forth in the Appendix. Further, as discussed in paragraph 9 of this Notice, the rule amendments being made herein are to be effective January 1, 1976 with a provision for retroactive application to January 1, 1971, in order that the use of class lives and asset depreciation ranges may be made available to telephone companies as soon as possible and made effective at the beginning of a year, and since the rule amendments pertaining to investment tax credits are not "alterations . . . in the required manner or form of keeping accounts" for which advance notice of the effective date is required to be given by section 220(g) of the Communications Act.

12. *Accordingly, It is ordered,* That, under authority contained in sections 4(i) and 220 of the Communications Act of 1934, as amended, Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, and Part 33, Uniform System of Accounts for Class C Telephone Companies, of the Commission's Rules are amended as set forth below effective January 1, 1976, provided, however, that any company may make such amendments retroactive to January 1, 1971;

13. *It is further ordered,* That this proceeding is hereby terminated.

(Secs. 4, 220, 48 Stat., as amended, 1066, 1078; 47 U.S.C. 154, 220.)

Adopted: October 29, 1975.

Released: November 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

I. Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. Section 31.01–3 is amended by adding a new paragraph (a) and redesignating the present paragraphs (a) through (jj) as (b) through (kk). New paragraph (a) reads as follows:

§ 31.01–3 Definitions.

(a) "Accelerated depreciation" means a depreciation method or period of time, including the treatment given cost of removal and gross salvage, used in calculating depreciation deductions on income tax returns which is different from the depreciation method or period of time prescribed by this Commission for use in calculating depreciation expense recorded in a company's books of account.

. . . . . .

2. Section 31.176 is amended by redesignating it § 31.176:1 and paragraphs (b) and (c) are revised to read as follows:

§ 31.176:1 Accumulated deferred income taxes-accelerated tax depreciation.

. . . . . .

(b) This account shall be credited with the amounts charged to accounts 307, "Other operating taxes," 308.1, "Operating Federal income taxes deferred-accelerated tax depreciation," 326, "Federal income taxes-Nonoperating," and 327, "Other nonoperating taxes," in accordance with the provisions of § 31.3–32.

(c) This account shall be charged with the amounts credited to accounts 307, 309 "Income credits and charges resulting from prior deferrals of Federal income taxes," 326 and 327 in accordance with the provisions of § 31.3–32.

. . . . . .

3. New § 31.176:2 is added to read as follows:

§ 31.176:2 Accumulated deferred income taxes—other.

(a) This account shall include the balance of income tax expense that has been deferred to later periods as a result of the use of the normalized method of accounting for tax differentials arising from the use of the asset guideline class repair allowance feature of the Revenue Act of 1971. It shall also include, when authorized by the Commission, any balances that have been deferred to later periods as a result of the use of the normalized method of accounting for any other tax differentials not provided for elsewhere. A separate subaccount shall be maintained for each item included in this account.

(b) This account shall be credited with amounts charged to accounts 307, "Other operating taxes," 308.2, "Operating Federal income taxes deferred—other," 326, "Federal income taxes—Nonoperating," and 327, "Other nonoperating taxes," in accordance with the provisions of those accounts.

(c) This account shall be charged with the amounts credited to accounts 307, 309, "Income credits and charges resulting from prior deferrals of Federal income taxes," 326 and 327 in accordance with the provisions of those accounts.

(d) This account shall be maintained so as to show separately (1) deferred operating income taxes, further subdivided as between Federal income taxes and State and local income taxes, and (2) deferred non-operating income taxes.

(e) Adjustments shall be made between this account and account 307, account 309, account 326, or account 327, as appropriate, upon the sale of any property with respect to which amounts are included herein.

4. In § 31.3–32 paragraphs (b), (c), and (d) are revised and a new paragraph (f) is added to read as follows:

§ 31.3–32 Normalization accounting for tax differentials resulting from the use of accelerated depreciation for income tax purposes.

. . . . . .

(b) With respect to each vintage class or subclass of eligible depreciable telephone plant (except as provided in paragraph (d) of this section) that is recognized for depreciation accounting purposes, or the amount in account 103, "Miscellaneous physical property," for which the use of accelerated depreciation for income tax purposes results in a greater amount of tax depreciation in the current year than under straight line depreciation, the tax differential occasioned by such use shall be accounted for in the manner indicated hereinafter. A tax differential with respect to State and local income taxes relating to eligible depreciable telephone plant shall be charged to account 307, "Other operating taxes"; a tax differential with respect to Federal income taxes relating to eligible depreciable telephone plant shall be charged to account 308.1, Operating Federal income taxes deferred—accelerated tax depreciation"; a tax differential with respect to Federal income taxes on eligible nonoperating depreciable property shall be charged to account 326, "Federal income taxes—Nonoperating"; and a tax differential with respect to State and local income taxes relating to eligible nonoperating depreciable property shall be charged to account 327, "Other nonoperating taxes." The appropriate subaccount of account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," shall be credited with the amounts charged to each of the foregoing accounts in accordance with the provisions of paragraph (d) of the section.

(c) With respect to each vintage class or subclass of eligible depreciable plant or the amount in account 103 for which the use of accelerated depreciation for income tax purposes results in a lesser amount of tax depreciation in the current year than under straight line depreciation, the tax differential resulting from such use that is determined on an equitable basis as being applicable to the current year, shall be charged to the appropriate subdivision of account 176.1, "Accumulated deferred income taxes——accelerated tax depreciation," and credited to account 307, "Other operating taxes," account 309, "Income credits and charges resulting from prior deferrals of Federal income taxes," account 326, "Federal income taxes—Nonoperating," or account 327, "Other nonoperating taxes," as appropriate: *Provided, however,* That, in lieu of continuing to amortize the balance in account 176.1 in the manner indicated above until the retirement of all plant of a vintage class or subclass, any company may submit for the consideration and approval of the Commission a plan of straight-line amortization for relatively small balances remaining in account 176.1.

(d) Account 176.1 shall be maintained so as to show separately (1) deferred operating income taxes, further subdivided as between Federal income taxes and State and local income taxes, and (2) deferred nonoperating income taxes. The records underlying entries to and the balances in account 176.1 shall be kept so as to show the deferred tax amounts by vintage year separately for each class or subclass of eligible depreciable telephone plant for which an accelerated method of depreciation has been used for income tax purposes, except that any company that had a balance of $40 million or less in account 100:1, "Telephone plant in service," as at the end of the previous year may use as its vintage class all or any portion of the eligible depreciable telephone plant added in a single year.

. . . . . .

(f) The tax differentials to be normalized as indicated herein shall encompass both the direct effect of using accelerated depreciation (depreciation differences) and the additional effect of State and local income tax changes on Federal income taxes (income tax effect) produced by (1) the use of accelerated depreciation for determining State and local income taxes, and (2) the changes in Federal income tax realized from the use of accelerated depreciation when Federal income tax is a deduction in State or local tax computations. The provisions of this paragraph shall also apply to the tax differentials produced by the use of an asset guideline class repair allowance when a company uses normalization accounting therefor. (Note also Appendix A, Case 27.)

5. Section 31.304 is amended by adding new paragraph (c) to read as follows:

§ 31.304 Investment credits-net.

. . . . . .

(c) In lieu of crediting account 174 under paragraph (a) of this section or this account under paragraph (b) of this section, account 316, "Miscellaneous income," may be credited.

6. In § 31.306, Note A is amended to read as follows:

§ 31.306 Federal income taxes—Operating.

. . . . . .

NOTE A: No entries shall be made in this account to reflect interperiod allocation of taxes except as provided in Case 26. (See, however, § 31.3–32 with respect to interperiod allocation of income taxes in connection with the use of an accelerated method of depreciation for Federal income tax purposes and § 31.308:2 with respect to interperiod allocation of income taxes in connection with the use of an asset guideline class repair allowance for Federal income tax purposes.)

. . . . . .

7. In § 31.307, paragraphs (c) and (d) are revised to read as follows:

§ 31.307 Other operating taxes.

. . . . . .

(c) This account shall be charged also and account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," shall be credited, in accordance with the provisions of § 31.3–32, with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of accelerated depreciation for State and local income tax purposes with respect to eligible depreciable telephone plant. In addition, this account shall be charged and account 176.2, "Accumulated deferred income taxes—other," shall be credited with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of an asset guideline class repair allowance for State and local income tax purposes with respect to eligible depreciable telephone plant. This account shall also be charged or credited, as appropriate, with contra entries to account 176.2, with the amounts of income tax differentials relating to telephone operations, and not provided for elsewhere, applicable to the current period resulting from the deferral of income taxes for State and local income tax purposes when authorization therefor has been obtained from the Commission.

(d) This account shall be credited and account 176.1 shall be charged, in accordance with the provisions of § 31.3–32, with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of accelerated depreciation for State and local income tax purposes with respect to eligible depreciable telephone plant. In addition, this account shall be credited and account 176.2 shall be charged with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of an asset guideline class repair allowance for State and local income tax purposes with respect to eligible depreciable telephone plant. This account shall also be credited or charged, as appropriate, with contra entries to account 176.2 with the amounts of income tax differentials relating to telephone operations, and not provided for elsewhere, applicable to the current period resulting from the deferral in prior years of income taxes for State and local income tax purposes when authorization therefor has been obtained from the Commission.

. . . . . .

8. Section 31.308 is amended by redesignating it § 31.308:1 to read as follows:

§ 31.308:1 Operating Federal income taxes deferred—accelerated tax depreciation.

This account shall be charged and account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," shall be credited, in accordance with the provisions of § 31.3–32, with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of accelerated depreciation for Federal income tax purposes with respect to eligible depreciable telephone plant.

9. New § 31.308:2 is added to read as follows:

§ 31.308:2 Operating Federal income taxes deferred—other.

(a) This account shall be charged and account 176.2, "Accumulated deferred income taxes—other," shall be credited, with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of the asset guideline class repair allowance feature of the Revenue Act of 1971 for Federal income tax purposes with respect to eligible depreciable telephone plant.

(b) This account shall also be charged or credited, as appropriate, with contra entries to account 176.2 with the amounts of income tax differentials not provided for elsewhere applicable to the current period resulting from the deferral of income taxes for Federal income tax purposes when authorization therefor has been obtained from the Commission. A separate subaccount shall be maintained for each item included in this account.

10. Section 31.309 is revised to read as follows:

§ 31.309 Income credits and charges resulting from prior deferrals of Federal income taxes.

(a) This account shall be credited and account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," shall be charged, in accordance with the provisions of § 31.3–32, with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of accelerated depreciation for Federal income tax purposes with respect to eligible depreciable telephone plant.

[1] Commissioner Reid absent.

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(b) This account shall be credited and account 176.2, "Accumulated deferred income taxes—other," shall be charged with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of the asset guideline class repair allowance feature of the Revenue Act of 1971 for Federal income tax purposes with respect to eligible depreciable telephone plant.

(c) This account shall also be credited or charged, as appropriate, with contra entries to account 176.2 with the amounts of income tax differentials not provided for elsewhere applicable to the current period resulting from the deferral in prior years of income taxes for Federal income tax purposes when authorization therefor has been obtained from the Commission. A separate subaccount shall be maintained for each item included in this account.

§ 31.326 Federal income taxes—Nonoperating.

* * * * *

(b) This account shall be charged also and account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," shall be credited, in accordance with the provisions of § 31.3–32, with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of accelerated depreciation for Federal income tax purposes with respect to eligible nonoperating depreciable property. In addition, this account shall be charged and account 176.2, "Accumulated deferred income taxes—other," shall be credited with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of an asset guideline class repair allowance for Federal income tax purposes with respect to eligible nonoperating depreciable property. This account shall also be charged or credited, as appropriate, with contra entries to account 176.2 with the amounts of income tax differentials applicable to items included in the accounts referenced in paragraph (a) of this section, and not provided for elsewhere, applicable to the current period resulting from the deferral of income taxes for Federal income tax purposes when authorization therefor has been obtained from the Commission.

(c) This account shall be credited and account 176.1 shall be charged, in accordance with the provisions of § 31.3–32, with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of accelerated depreciation for Federal income tax purposes with respect to eligible nonoperating depreciable property. In addition, this account shall be charged and account 176.2 shall be charged with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of an asset guideline class repair allowance for State and local income tax purposes with respect to eligible nonoperating depreciable property. This account shall also be charged or credited, as appropriate, with contra entries to account 176.2, with the amounts of income tax differentials applicable to items included in the accounts referenced in paragraph (a) of this section, and not provided for elsewhere, applicable to the current period resulting from the deferral of income taxes for State and local income tax purposes when authorization therefor has been obtained from the Commission.

(d) This account shall be credited and account 176.1 shall be charged, in accordance with the provisions of § 31.3–32, with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of accelerated depreciation for State and local income tax purposes with respect to eligible nonoperating depreciable property. In addition, this account shall be credited and account 176.2 shall be charged with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of an asset guideline class repair allowance for State and local income tax purposes with respect to eligible nonoperating depreciable property. This account shall also be credited or charged, as appropriate, with contra entries to account 176.2 with the amounts of income tax differentials applicable to items included in the accounts referenced in paragraph (a) of this section and not provided for elsewhere, applicable to the current period resulting from the deferral in prior years of income taxes for State and local income tax purposes when authorization therefor has been obtained from the Commission.

* * * * *

13. Appendix A to Part 31 is amended by adding a new Case 27 as follows:

APPENDIX A

INTERPRETATIONS OF THE ACCOUNTING REQUIREMENTS CONTAINED IN THIS SYSTEM OF ACCOUNTS.

* * * * *

Case 27

STATEMENT OF FACTS

In the State of Tennessee an excise tax based on taxable income earned in the State of Tennessee is levied on telephone companies, among others. In addition, a separate Tennessee statute imposes a gross receipts privilege tax which is based on gross receipts from Tennessee intrastate business. Thereunder, the intrastate portion of excise taxes actually paid applicable to the preceding year is permitted to be used as a credit against the gross receipts privilege tax currently due. As a result of a company's use of accelerated depreciation in computing its excise tax, a lesser amount is paid currently resulting in a lower credit available to reduce the current gross receipts privilege tax. Accordingly, a higher gross receipts privilege tax is currently paid. In the future, as the amount of excise tax currently deferred reverses, a larger excise tax payment will be due and paid, and hence a larger credit against and a lower payment of the gross receipts privilege tax will occur.

Question: What is the proper accounting to be followed for the tax effects arising from the use of accelerated depreciation for excise tax purposes in the State of Tennessee and straight-line depreciation for book purposes and for the effect such use has on the Tennessee gross receipts privilege tax?

Answer: The provisions of Section 31.3–32 shall apply. Thereunder, if a company normalizes the tax effects arising from the use of accelerated depreciation, paragraph (f) provides, in effect, that the additional or secondary effects thereof shall also be normalized. Accordingly, if a company normalizes the tax effects arising from the use of accelerated depreciation for excise tax purposes, the company shall also normalize the effect such use has on the gross receipts privilege tax.

II. Part 33, Uniform System of Accounts for Class C Telephone Companies is amended as follows:

1. Section 33.5 is amended by adding a definition for "accelerated depreciation" immediately before "Accounts," reading as follows:

§ 33.5 Restrictive use of certain terms.

* * * * *

"Accelerated depreciation" means a depreciation method or period of time, including the treatment given cost of removal and gross salvage, used in calculating depreciation deductions on income tax returns which is different from the depreciation method or period of time prescribed by this Commission for use in calculating depreciation expense recorded in a company's books of account.

* * * * *

2. In § 33.2590, paragraph (a) is revised to read as follows:

§ 33.2590 Other deferred credits.

(a) This account shall include the amounts of all deferred credits, not provided for elsewhere, that cannot be entirely cleared or disposed of until additional information has been received or amounts that are being held for credit to other accounts in the future, including investment credits and deferred income taxes occasioned by the use of accelerated depreciation and an asset guideline class repair allowance for income tax purposes.

* * * * *

3. In § 33.5500, paragraphs (b) and (c) are revised and a new paragraph (d) is added to read as follows:

§ 33.5500 Income taxes.

* * * * *

(b) This account shall be charged and account 2590, "Other deferred credits," shall be credited with the amounts of income tax differentials applicable to the current period that are occasioned by the use of accelerated depreciation and an asset guideline class repair allowance for Federal, State, and local income tax purposes with respect to eligible depreciable telephone plant.

(c) This account shall be credited and account 2590 shall be charged with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of accelerated depreciation and an asset guideline class repair allowance for Federal, State, and local income tax purposes with respect to eligible depreciable telephone plant.

(d) The tax differentials referred to herein shall encompass both the direct effect of using accelerated depreciation (depreciation differences) and an asset guideline class repair allowance and the additional effect of State and local income tax changes on Federal income taxes (income tax effect) produced by (1) the use of accelerated depreciation and an asset guideline class repair allowance for determining State and local income taxes, and (2) the changes in Federal income taxes realized from the use of accelerated depreciation and an asset guideline class repair allowance when Federal income tax is a deduction in State or local tax computations.

* * * * *

4. Section 33.5490 is amended by adding new paragraph (c) to read as follows:

§ 33.5490 Investment credits—net.

* * * * *

(c) In lieu of crediting account 2590 under paragraph (a) of this section or this account under paragraph (b) hereof, account 6900, "Other income, miscellaneous," may be credited.

5. In Appendix A to Part 33, the answer in Case 13–R–1 is amended and a new Case 27 is added to read as follows:

APPENDIX A

INTERPRETATION OF THE ACCOUNTING REQUIREMENTS CONTAINED IN THIS SYSTEM OF ACCOUNTS

* * * * *

Case 13–R–1 (Cancels Case 13)

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Answer: No. Account 5500, "Income taxes," should include provision for actual taxes only, except for taxes deferred with respect to the use of accelerated depreciation and an asset guideline class repair allowance for income tax purposes with respect to eligible telephone plant. Account 5500 should not be increased by the amount which would have been paid had the refunding transaction not occurred. In other words, there was an actual saving in taxes and this saving should be reflected in the income statement because it is a fact.

* * * * *

Case 26

(Applicable only to class A and class B companies)

Case 27

STATEMENT OF FACTS

In the State of Tennessee, an excise tax based on taxable income earned in the State of Tennessee is levied on telephone companies, among others. In addition, a separate Tennessee statute imposes a gross receipts privilege tax which is based on gross receipts from Tennessee intrastate business. Thereunder, the intrastate portion of excise taxes actually paid applicable to the preceding year is permitted to be used as a credit against the gross receipts privilege tax currently due. As a result of a company's use of accelerated depreciation in computing its excise tax, a lesser amount is paid currently resulting in a lower credit available to reduce the current gross receipts privilege tax. Accordingly, a higher gross receipts privilege tax is currently paid. In the future, as the amount of excise tax currently deferred reverses, a larger excise tax payment will be due and paid, and hence a larger credit against and a lower payment of the gross receipts privilege tax will occur.

Question: What is the proper accounting to be followed for the tax effects arising from the use of accelerated depreciation for excise tax purposes in the State of Tennessee and straight line depreciation for book purposes and for the effect such use has on the Tennessee gross receipts privilege tax?

Answer: The provisions of Section 33.5500 shall apply. Thereunder, if a company normalizes the tax effects arising from the use of accelerated depreciation, paragraph (d) provides, in effect, that the additional or secondary effects thereof shall also be normalized. Accordingly, if a company normalizes the tax effects arising from the use of accelerated depreciation for excise tax purposes, the company shall also normalize the effect such use has on the gross receipts privilege tax.

[FR Doc.75-30457 Filed 11-11-75;8:45 am]

[Docket No. 20395; RM-2384]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Table of Assignments, Minn.

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations (Brainerd, Minnesota), Docket No. 20395; RM-2384.

1. The Commission has under consideration the notice of proposed rulemaking, adopted March 17, 1975 (40 Fed. Reg. 13319), inviting comments on a proposal to assign Channel 294 to Brainerd, Minnesota, as its second FM channel assignment. Comments have been received from the petitioner, Greater Minnesota Broadcasting Corporation, licensee of AM Station KVBR, Brainerd, Minnesota, and from Brainerd Broadcasting Company (BBC), licensee of Station KLIZ(AM) and KLIZ–FM (Channel 239), Brainerd, Minnesota.

2. Brainerd, Minnesota (pop. 11,667),[1] is located in central Minnesota in Crow Wing County (pop. 34,826), 108 miles north-northwest of Minneapolis, 55 miles north of St. Cloud and 125 miles west of Duluth. Brainerd is presently served by two AM stations, KVBR (Class IV, unlimited-time) licensed to petitioner, and KLIZ (Class III, unlimited-time); and by one FM station, KLIZ–FM (Channel 239).[2] The assignment of Channel 294 to Brainerd will not affect any existing FM assignments. The transmitting antenna for a station must be located two miles northwest of the community to avoid short spacing.

3. Petitioner states that Brainerd is a center for industrial and commercial concerns for a large rural area in central Minnesota. Its AM station presently broadcasts local sports events, weather reports and warnings, etc., to residents. It is alleged that due to low soil conductivity in the area, petitioner's AM station is unable to give aural coverage to the entire city during the early morning hours and at night. In addition, petitioner asserts that an FM station operating with proposed facilities of 45 kW power at an antenna height of 320 feet above average terrain would offer a second FM service to nearly all of Crow Wing County except the northernmost area and to an area south, southeast of Brainerd.

4. In its comments, BBC states that it has no objection to the assignment of a second Class C channel to Brainerd. However, it refers to a pending proceeding in Docket No. 20316 which proposes, among other things, the substitution of Channel 298 for Channel 239 and modification of BBC's license to specify the new channel. BBC requests that if a substitution is made at Brainerd as a result of the above pending proceeding then its present license should be modified to specify Channel 294 instead of Channel 298. It states that, in its opinion, Channel 294 is a preferable channel and that we should consider the past history of the

[1] All population data are taken from the 1970 U.S. Census.

[2] In Forest Lake, Brainerd and Morris, Minnesota, Docket No. 20316, 40 Fed. Reg. 2712, 40 Fed. Reg. 34391 (1975), the Commission has under consideration a proposal to substitute Channel 298 for Channel 239 at Brainerd.

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operation of BBC's existing station in this regard.

5. In its reply comments, petitioner argues that the effort by BBC to obtain a modification by intervening in this proceeding is an attempt to consolidate two unrelated rule makings. It notes that an issue in Docket No. 20316 regarding the proper amount or reimbursement to be paid for a shift in channels may cause significant delay in the disposition of that proceeding. This delay, it states, would in turn suspend the grant of a station license to petitioner should the two proceedings be consolidated. Petitioner asserts that there is no conflict between the two proceedings and that BBC has not shown that Channel 294 is a preferable assignment to Channel 298.

6. We believe that the public interest would be best served by adopting the proposal to assign Channel 294 to Brainerd. We agree with the petitioner that BBC has offered no adequate reasons for delaying action on this proposed assignment. We do not view the proposals in Docket No. 20316 and this docket as mutually exclusive. The public interest in obtaining a second FM service for a significant population and area without further delay outweighs BBC's own private preference in a choice of channels, and we are unaware of any technical advantage in the use of Channel 294 over Channel 298.[3]

7. As stated in the Notice, significant preclusion occurs on Channels 294 and 296A. The affected area on Channel 294 includes a large region west and north of Brainerd with no cities of sufficient size for a Class C assignment. In the Channel 296A preclusion area, Channel 257A would be available for assignment to most of that region. We also note that if Channel 298 is substituted at Brainerd in Docket No. 20316, the same Channel 296A preclusion area will be affected.

8. The Canadian Government has given its concurrence to the assignment of Channel 294 herein.

9. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules.

10. *Accordingly, it is ordered*, That effective December 18, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended, for the city listed below as follows:

City:	*Channel No.*
Brainerd, Minnesota	239, 294

11. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

Adopted: October 31, 1975.

Released: November 5, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-30458 Filed 11-11-75;8:45 am]

[3] See Ladysmith, Wisc., 34 F.C.C. 2d 942, 944 (1972).

[FCC 75-1226]

PART 73—RADIO BROADCAST SERVICES

Temporary Suspensions of Certain Regulations

In the matter of temporary suspension of certain portions of §§ 73.313, 73.333, 73.684 and 73.699 of the Commission's rules and regulations, FCC 75-1226.

1. On August 1, 1975, pursuant to a Report and Order in Dockets 16004/18052, adopted May 29, 1975, amendments to Part 73 of the Commission's rules and regulations became effective which:

(a) Provided revised charts for the prediction of field strengths of FM and TV broadcast stations.

(b) Prescribed the employment of a procedure for refining the results obtained by application of the field strength charts to reflect the effects of abnormally rough terrain.

(c) Amended the procedure set forth in the rules for conducting field strength measurements of TV stations, and, for the first time, adopted a parallel procedure for measuring field strengths of FM stations.

2. The aforementioned Report and Order required TV station licensees to submit showings of service contours revised with the use of the new charts, and as modified by the application of roughness corrections, with renewal applications filed after the effective date of the rule amendments.

3. Existing FM stations were not required to submit revised contours, except when applications contemplating modification of authorized operating conditions were submitted. However, applications for new stations were fully subject to the new rules.

4. Because those TV stations whose renewal applications were due for submission on August 1 and October 1 were afforded insufficient time to include revised contour information with timely filed applications, the Commission, by a Public Notice adopted August 28, 1975 (FCC 75-980) extended the time for filing such information by these applicants until December 1, 1975. In the same Notice, because substantial questions had arisen as to the application of terrain roughness corrections to field strength predictions in developing contour information in FM applications, the Commission suspended the requirement that such corrections be employed until further notice.

5. While the Commission believes that, in the great majority of cases, the application of terrain roughness corrections to field strengths predicted with the use of the revised field strength charts produces results which are closer to reality than if such corrections are not made, there appear to be other instances involving atypical terrain configurations in which the use of the roughness correction procedures produces clearly erroneous results.

6. Recognition that such results not infrequently occur, in part prompted the Commission's decision to suspend the employment of roughness corrections in FM cases. However, the problem also is encountered when contours for TV stations are predicted in areas where the terrain is atypical.

7. Alternative methods of contour prediction are possible when the prescribed method produces specious results. However, appropriate alternatives are not set forth in the rules, and, if they are to be employed, some consistent procedure must be established for their use.

8. In view of the immediacy of the problem, as it affects the filing of renewal applications, the Association of Federal Communications Consulting Engineers (AFCCE), a body which represents many of the engineers involved in the preparation of the engineering showings for TV and FM stations, filed a petition on October 21, 1975, requesting that the application of terrain roughness corrections to field strength predictions for TV stations be suspended for six months, to afford a period of time in which to study the problem and develop procedures for resolving it.

9. We are in agreement with AFCCE that the problem presented is of sufficient magnitude that the relief requested should be granted. We also believe it appropriate at this time to formalize the provision of similar relief for FM broadcast stations, previously afforded by the August 28 Public Notice.

10. Accordingly, *it is ordered*, That showings of service contours for FM and TV broadcast stations, which are tendered for filing prior to May 1, 1976, either in applications for new or modified facilities, or as required with respect to TV renewal applications, shall be prepared without reference to the following rules, which shall be without force and effect until said date:

Section 73.313, paragraphs (f), (g), (h), (i), and (j).
Section 73.333, Figures 4 and 5.
Section 73.684, paragraphs (h), (i), (j), (k), and (l).
Section 73.699, Figures 10d and 10e.

11. The question remains as to what showings the Commission will accept at this time in those cases placed before us where the location of a predicted signal strength contour is contested. Until the Commission is able to resolve its current terrain roughness difficulties, the Commission will recognize and give prima facie weight, in the application of its rules in contested cases, to predicted contours calculated from the new curves without regard to terrain roughness. In those cases where the accuracy of such contours appears in doubt, parties will be free to file supplemental showings in accordance with § 73.684(f) of the Commission's rules. The use of predicted contours calculated with the new propagation curves is limited, naturally, only to those regulatory areas not subject to earlier Commission proclamations as to use of predicted contours.[1]

[1] See *e.g.*, Notice of Proposed Rule Making in Docket 20496, FCC 75-635, 53 F.C.C. 2d 1009 (1975), where the Commission adopted special procedures for the use of signal strength contours in cases concerning, inter alia, cable television broadcast station carriage.

12. The above action is taken pursuant to authority contained in sections 4(i), 403 and 408 of the Communications Act of 1934, as amended.

(Secs. 4, 403, 408, 48 Stat., as amended, 1066, 1094, 1096; 47 U.S.C. 154, 403, 408.)

Adopted: October 30, 1975.

Released: November 5, 1975.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-30459 Filed 11-11-75;8:45 am]

[Docket No. 19554; FCC 75-1218]

PART 73—RADIO BROADCAST SERVICES
PART 76—CABLE TELEVISION SERVICE

Cablecasting Charges

In the matter of amendment of Part 76 Subpart G, of the Commission's rules and regulations pertaining to the cablecasting of programs for which a per-program or per-channel charge is made,[1] Docket No. 19554, FCC 75-1218.

1. On March 20, 1975, the Commission adopted its First Report and Order in Docket 19554, FCC 75-369, 52 FCC 2d 1 (1975), recon. denied, FCC 75-925, 54 FCC 2d 794 (1975) (Hereafter First Report and Order). That action revised Sections 73.643 and 76.225 of the Commission's Rules which govern the use of feature films, sports events, and series type programs by subscription over-the-air television (STV) and cable television operations for which a per-program or per-channel charge is made.[1a] A Second Further Notive of roposed Rule Making in Docket 19554, FCC 75-370, 52 FCC 2d 83 (1975) (Hereafter Second Further Notice) was issued concurrently with the First Report and Order. In the Second Further Notice we requested comments on whether rules restricting the subscription use of series programs should be retained, and if so, whether the rules adopted in the First Report and Order should be further revised to more appropriately reflect the Commission's regulatory goals.

2. The "anti-siphoning" restrictions adopted in the First Report and Order reflect the Commission's long-standing policy of seeking to assure that subscription television will not seriously impair the capacity of the present system to continue to provide advertiser-financed programming of the present or foreseeable quantity and quality, free of direct charge to the public.[2] In our March action, we concluded that the previously existing rules governing feature films and sports programming were in need of revision and we made some significant changes in the rules. We also questioned whether it was necessary to continue to restrict the subscription use of series programs. Because the record was not sufficient for us to conclude that all series program restrictions should be abandoned, we retained the series rules in a modified form and issued the Second Further Notice in order to collect information that would provide a basis for a decision as to whether the public interest requires the maintenance of series program restrictions, and if so, whether the present rules should be modified from their present form.

3. The previous subscription rules included an outright ban on the subscription use of series type programs. In the First Report and Order, this broad proscription was relaxed to allow the subscription use of entirely new series programs no episode of which has been exhibited on conventional television. We emphasized, however, that these new rules were merely an interim measure, pending a final resolution of the issue subsequent to our study of the comments invited in the Second Further Notice.

4. In addition to posing the threshold question of whether any series restrictions were necessary, the Second Further Notice set out for comment a specific alternative to the present rules. The alternative proposal, modeled after the rules relating to feature films which were adopted in the First Report and Order, reads as follows concerning subscription cablecasting:

(e) Series type programs shall not be cablecast by a cable television system except as provided in this paragraph.

(1) The series has never been purchased for broadcast over conventional television;

(2) A conventional television broadcast station licensed in the market holds a present contractual right to exhibit the series. For purposes of this subparagraph, a television station affiliated with a television network will be deemed to hold a present contractual right to exhibit a series if the network with which it is affiliated holds such a right;

(3) The series has not been exhibited in the market over conventional television for three (3) years prior to its proposed cablecast;

(4) The series consists of fifty (50) or fewer episodes.

NOTE: For purposes of this paragraph, the exhibition of any episode of a series shall constitute the exhibition of the series.

A similar rule would apply to STV operations. We also invited comment on whether, if the present series restrictions are retained or some modified rules are adopted, the definition of series programs should be revised.

5. Regrettably, the comments inspired by our Second Further Notice are sparse in new information despite the burgeoning growth now taking place in the subscription cablevision industry. The fourteen parties who responded to our request for information merely restate the same arguments which were presented in the earlier stages of this proceeding. Having had several years to observe the trends in the subscription television industry, we must now determine whether the arguments which gave rise to our original series program rule warrant retention of some form of series program restriction, or whether experience has shifted the weight of evidence against maintenance of series program restrictions.

6. All of the parties generally agree that new and innovative series programs of the type not now exhibited over conventional television should be permitted over subscription television. However, conventional television interests contend that the arguments advanced in favor of the 1968 series program prohibition continue to justify restrictions designed to prevent the siphoning of series programs from conventional to subscription television. These arguments are summarized by National Broadcasting Company, Inc. (NBC) as follows. First, series type programs remain a staple of conventional television, just as they were in 1968. Second, series type programs continue to attract wide audiences, just as they did in 1968. Third, receipt of a relatively small sum from a relatively small group of subscribers could make it worthwhile for subscription enterpreneurs to siphon attractive series programs from the general public. According to NBC only 1,250,000 subscribers paying eighteen cents each could generate $200,000, which was the estimated cost of an hour of prime time entertainment programming in 1974. To prevent realization of this siphoning potential, while allowing for the subscription exhibition of original and innovative series programs, American Broadcasting Companies, Inc. (ABC) and a group of television station licensees (Television Licensees) suggest the following regulatory approach:

(1) Pay cablecasting of off network series programming should be banned; there is no public interest in permitting pay cable to carry such programming for pay (thereby risking its availability to free television) and there is no diversity in such offerings.

(2) Pay cable exhibition of any nonnetwork series program which has appeared on free television during any one of the five years preceding pay cablecast should also be banned; this is necessary to prevent the siphoning of series presentations (for example, Wild Kingdom) which are produced for syndication and are now widely available through free television.

(3) There should be no ban on the presentation by pay cable of any original productions which are innovative and diverse.

Additionally, ABC and Television Licensees propose that the definition of a series program be modified to include any program presentation characterized by episodes with interconnected plot or

* Commissioner Reid absent.

[1] This proceeding also deals with amending the over-the-air subscription television rules as well as the pay cablecasting rules.

[1a] Subsequent use of the term "subscription television" is meant to include both STV and subscription cable television unless the contrary is specifically indicated.

[2] A thorough discussion of the history and rationale of the anti-siphoning rules is included in the First Report and Order in Docket 19554, FCC 75-369, 52 FCC 2d 1 (1975).

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substantially the same cast of principal characters or where the episodes have been marketed utilizing the same title and the episodes are related by general theme or content. In order to prevent the siphoning of "spin-offs" or other derivatives of series created for conventional television, CBS Inc. (CBS) suggests that the Commission's series restriction should include series with casts or characters substantially similar to, or derived from, those of a series, any episode of which has been broadcast by conventional television.

7. Cable television interests, program producers and certain non-industry groups contend that subscription television poses no substantial threat to the present level of conventional television programming, and urge the Commission to delete all restrictions on the subscription exhibition of series programs. It is argued that the vast pool of unused talent and production capacity that exists in the United States indicates that series programs can be created for subscription television without affecting the availability of such programming to conventional television. The siphoning of popular network series will not occur, it is claimed, because the potential reward from subscription television, either now or in the foreseeable future, could not begin to match the losses that would be sustained by cancelling the network run. Further, program producers state that almost all network series contracts give a purchase option not only from development stage to initial network production, but from one television season to another. It is claimed that these options extend for a period of five television seasons or more and prevent the transfer of series programs to other media. With regard to series programs available for syndication, program producers argue that they would be unwilling to sacrifice revenues returned by syndication sales for speculative subscription revenues. Subscription television entrepreneurs would not pay substantial sums for these programs it is claimed, because most series in syndication have already been exposed one or more times on network television.

8. Although the arguments and assertions of those opposed to and those in favor of series subscription program restrictions have remained essentially the same since our initial consideration of the program siphoning issue, our observation of the developing subscription television industry and our present analysis of the likely interrelationships between the subscription and conventional television markets has convinced us that the program siphoning that we have sought to prevent is unlikely to occur in the absence of regulations restricting the subscription exhibition of series programs. For the reasons set forth below, it would appear that the market forces now in effect will operate to assure that the present level of series programs now available over conventional television will be maintained. This being the case, regulations which artificially restrict the distribution of series programs can no longer be justified.

9. When the original series rule was adopted in 1968, the Commission placed no restrictions on the subscription exhibition of "specials," variety shows and talk shows. With regard to "specials," we stated "that some competition between STV and free TV in the programming area may be beneficial to free TV and to STV as well, and we leave this type of program to competing factors in the marketplace and the performer's desire for exposure."[3] In the absence of restrictions on these types of programs, we have not found instances of program siphoning despite the fact that such programs continue to attract large conventional television audiences. In fact, because these programs are not now exhibited in significant quantity by subscription operations, it would appear that there is little demand for such programs by subscribers.

10. It cannot be disputed that feature films and to a lesser degree sports events now constitute almost the entire quantity of subscription programming. The supply of this programming is relatively fixed vis-a-vis both the conventional and the subscription television markets. The primary markets for feature films and sports events are theaters and sports stadia, respectively. Television markets, although important revenue sources, constitute secondary markets for these programs and their supply is relatively inelastic with regard to television market demand. We have determined that the inherent capacity of the subscription television market to generate large revenues places it in a position to outbid conventional television for the fixed supply of feature films and sports events in existence. Hence, we have adopted rules to assure that this competitive imbalance does not result in the siphoning of feature films and sports events from conventional television to subscription television.

11. While television constitutes a secondary market for feature films and sports events, television is the primary market for series programs. Series programs are produced for and sold exclusively to the television market. Substantial evidence exists to support the claim of program producers that their industry contains a great amount of unused capacity.[4] Therefore, it would appear that increased demand in the television market for series programs will be met by increased supply.

12. We possess no evidence which indicates that the advertising revenues generated by conventional television will be diminished as a result of subscription operations. If the funds available to conventional television for the purchase of series programs remains the same, and the supply of series programs is elastic, the series programs available to conventional television are not likely to be affected in either quantity or quality by increased demand resulting from growth in the subscription television market. The only effect which might be expected from this increased demand is a corresponding increase in the number of series programs available for all forms of television.[5]

13. It is argued that once a series program has become popular on conventional television, its producer will withdraw future episodes from conventional television and they will be sold to subscription television where a higher price can be obtained. It does not appear, however, that this would be likely. We have been advised that almost all network series contracts include a purchase option from one season to another for a period of five year or more television seasons. Such contracts bind the producer to the network and the producer has no freedom to transfer his programs. In view of the number of new series program offerings each year which must compete for a limited number of network positions available, it is likely that the networks will continue to have sufficient leverage to demand and receive similar contract provisions. In any case, there is no evidence that subscription operators would seek to compete for such programming, that subscriber demand for such programming would provide sufficient financial resources necessary to engage in any such competition, or that subscribers would accept the switch of such programming from a free to a pay basis. Therefore, series program siphoning from network television to subscription television does not appear to be a substantial possibility.

14. It can be argued that the foregoing analysis applies to the network television market, but not to the syndication market. The syndication market is primarily a secondary market for series programs, most syndicated series programs being originally produced for network exhibition. Because the supply of off-network series programs to the syndication market is inelastic, at least in the short run, it may be argued that subscription television entrepreneurs will outbid syndication purchasers for series programs which have completed their network run, thereby reducing the supply of programs available for syndicated exhibition. However, this argument ignores the fact that, if there is an increase of demand for series programs as a result of developing subscription operations, this is likely to result in a net increase of series programs available to all forms of television. Although subscription television may purchase some off-network series programs which otherwise would have been purchased by the syndication market, the new demand created by subscription television may also cause new series programs to be produced, and these new programs would be available to the syndication market after their subscription run. Thus, any reduction of off-network series available to the syndication market may be offset by new series which will at some time be available to the syndication market. Additionally, because there is no evidence of strong subscriber demand for syndicated series programs, it is not at all certain that the subscription industry will purchase a significant number of these programs.

15. The foregoing discussion demonstrates that subscription television operations do not pose, at least at this point in time, the siphoning threat to series programs that we once thought they might. We have seen no indication that the demand of the subscription market for series programs is greater, and even if greater demand comes about, it would appear that unregulated market forces will maintain the supply of series programs now available to conventional television. Therefore, we have determined that our series program restrictions are no longer necessary. This conclusion should not be interpreted as a lessening of our concern with regard to program siphoning, however. Although we have deleted regulations which do not appear to be necessary, our policy remains the same. We will monitor future events closely, and stand ready to reimpose series program restrictions should subscription operations threaten to reduce the quantity and quality of series programs now available to the public over conventional television. We are leaving this proceeding open to facilitate our taking prompt further action should that become necessary.

16. Authority for adoption of the rules herein is contained in sections 2, 4(i) and (j), 303, 307, 307, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective December 15, 1975, Parts 73 and 76 of the Commission's rules and regulations are amended as set forth below.

It is further ordered, That the proceeding in Docket 19554 is retained open.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: October 31, 1975.

Released: November 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[6] Commissioner Hooks and Quello concurring in the result.

[3] *Fourth Report and Order in Docket 11279,* FCC 68-1174, 15 FCC 2d 466, 572 (1968).

[4] The existence of such excess production capacity was noted in a number of comments filed in this and earlier phases of this proceeding and does not appear to have been seriously disputed. See for example the written comments and oral testimony presented on behalf of the Motion Picture Association of America, Inc.

[5] We have previously recognized the desirability of such an effect. In our prime time access proceeding we have sought to encourage the production of a body of new syndicated programming which would be available to all television broadcast stations. See, First Report and Order in Docket 19622, FCC 75-67, 50 FCC 2d 829, 836 (1975).

Parts 73 and 76 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 73.643 paragraph (g) is deleted and paragraphs (c), (d), (e) and (f) are revised to read as follows:

§ 73.643 General operating requirements.

* * * * *

(c) No commercial advertising announcements shall be carried during subscription television operations except for promotion of subscription television broadcast programs before and after such programs.

(d) Not more than 90 percent of the total subscription programming hours shall consist of feature films and sports events combined. The percentage calculations may be made on a yearly basis, but, absent a showing of good cause, the percentage of such programming hours may not exceed 95 percent of the total subscription programming hours in any calendar month.

(e) Any television broadcast station licensee or permittee authorized to broadcast subscription programs shall broadcast in addition to its subscription broadcasts, at least the minimum hours of nonsubscription programming required by § 73.651.

(f) Except as they may be otherwise waived by the Commission in authorizations issued hereunder, the rules and policies applicable to regular television broadcast stations are applicable to subscription television operations.

NOTE: As referred to in this section, "the market" of a subscription broadcast station includes all commercial broadcast stations which place a Grade A contour over the entire community to which the subscription station is licensed.

2. In § 76.225 paragraph (e) is deleted and paragraphs (c) and (d) are revised to read as follows:

§ 76.225 Subscription cablecasting.

* * * * *

(c) Not more than ninety (90) percent of the total cablecast programming hours shall consist of feature films and sports events combined. The percentage calculations may be made on a yearly basis, but absent a showing of good cause, the percentage of such programming hours may not exceed ninety-five (95) percent of the total cablecast programming hours in any calendar month.

(d) No commercial advertising announcements shall be carried on subscription channels during such operations except before and after such programs for promotion of other programs for which a per-program or per-channel charge is made.

NOTE: As referred to in this section, "the market" of a cable television system includes all commercial broadcast stations which must be carried by the cable television system upon request pursuant to Subpart D of Part 76.

[FR Doc.75-30460 Filed 11-11-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on November 12, 1975.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wisconsin, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 15 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota, 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1976 through February 29, 1976, inclusive.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through February 29, 1976.

THOMAS S. SANFORD,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wisconsin.

NOVEMBER 4, 1975.

[FR Doc.75-30478 Filed 11-11-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 216]

IDENTIFICATION OF INSTITUTIONS OF HIGHER LEARNING THAT BAR RECRUITING PERSONNEL FROM THEIR PREMISES

Proposed Rulemaking

Pursuant to the authority vested in the Secretary of Defense by section 606 of the Department of Defense Appropriations Authorization Act, 1973, Pub. L. 92–436, 86 Stat. 734 (September 26, 1973), notice is hereby given that the Secretary of Defense proposes to add Part 216 to this subchapter.

Part 216 prescribes interim regulations to implement section 606 of Pub. L. 92–436, which provides that no funds appropriated for the Department of Defense may be used at an institution of higher learning if the Secretary of Defense or his designee determines that recruiting personnel of any of the Armed Forces are banned by policy from the institution's premises. This part constitutes a more precise statement of previously uncodified procedures for determining what institutions fall within that category in order to implement section 606 of Pub. L. 92–436.

Persons wishing to comment on the interim regulations may address their comments in writing to the Deputy Assistant Secretary of Defense (Military Personnel Policy), Pentagon, Washington, D.C. 20301. All such submissions received on or before December 12, 1975, will be considered prior to the promulgation of final regulations on this subject.

The proposed Part 216 is to read as set forth below:

Sec.
216.1 Purpose.
216.2 Applicability.
216.3 Policy.
216.4 Responsibilities.
216.5 Guidelines and procedures for identifying institutions of higher learning that bar military recruiters from their premises.
216.6 Reports.
216.7 Effective date and implementation.

AUTHORITY: Sec. 606, Pub. L. 92–436, 86 Stat. 734 (Sept. 26, 1973)

§ 216.1 Purpose.

This part incorporates procedures for the identification of institutions of higher learning which bar recruiting personnel from their premises.

§ 216.2 Applicability.

The provisions of this part apply to the Military Departments.

§ 216.3 Policy.

(a) Subsection (a), section 606 of Pub. L. 92–436 provides that no funds appropriated for the Department of Defense may be used at any institution of higher learning if the Secretary of Defense or his designee determines that recruiting personnel of any of the Armed Forces are barred by policy from the institution's premises. Exceptions may be made for: (1) Cases where the Secretary of the Service concerned certifies to the Congress in writing that a specific course of instruction is not available at any other institution of higher learning and furnishes to the Congress the reasons why such course of instruction is of vital importance to the security of the United States (subsection (a), section 606, Pub. L. 92–436; and (2) research and development funds if the Secretary of Defense, or his designee, determines that the expenditure is a continuation or a renewal of a previous program with such institution which is likely to make a significant contribution to the Defense effort (subsection (b), section 606, Pub. L. 92–436.)

(b) Subsection (c), section 606, Pub. L. 92–436, requires the Secretaries of the Military Departments to furnish to the Secretary of Defense, or his designee, the names of any institutions which they have found to be affected by the prohibitions stated in Pub. L. 92–436.

§ 216.4 Responsibilities.

(a) The Assistant Secretary of Defense (Manpower and Reserve Affairs) is hereby designated as the official responsible for determining that recruiting personnel are being barred from the premises of institutions of higher learning as prescribed in Pub. L. 92–436. This determination will be based upon the official evaluation of the reports prepared by the Secretaries of the Military Departments.

(b) The Director of Defense Research and Engineering is hereby designated as the official responsible for determining whether the expenditure of research and development funds for research and development in an institution which has been found to bar recruiters is likely to make a significant contribution to the Defense effort as provided in Pub. L. 92–436, section 606(b).

(c) The Secretaries of the Military Departments will be responsible for the preparation of the reports required by section 606(c) of Pub. L. 92–436 and § 216.5, in accordance with the guidelines set forth in this section of this part; and for making the exceptions to policy where the specific course of instruction is not available elsewhere, as prescribed in § 216.3(a).

§ 216.5 Guidelines and procedures for identifying institutions of higher learning that bar military recruiters from their premises.

(a) *Criteria.* An institution will be reported as "barring recruiting personnel" when it has been determined that military recruiters are not permitted to conduct recruiting activities any place on campus at the time of the report, as a matter of the stated or effective policy of the institution. In making this determination:

(1) The stated policy barring on-campus recruiting should be in writing by an appropriate official. If written confirmation is not obtainable, verbal policy statements will suffice when attributed to an appropriate official.

(2) It will be considered that the institution is in effect barring military recruitment if:

(i) Repeated requests to schedule and accomplish recruiting visits have been unsuccessful, or

(ii) The institution has indefinitely suspended recruiting visits.

(3) A rule of reason will be followed in applying paragraph (a)(2)(ii) of this section. The following are examples of institutions which will not be considered as barring on-campus recruiting:

(i) An institution, unable to schedule recruiting visits in the past academic period because of student disturbances, or whose student body is on vacation at the time of the report, which states its intention to permit recruiting in the coming academic period.

(ii) An institution which follows a policy of permitting visits to its campus by any potential employer, public or private, only in response to an expression of student or faculty interest and which carries out such policy in good faith without discrimination against military recruitment.

(iii) An institution which has a policy of not permitting job recruiting by an employer on its campus, but which does permit recruiting by all employers (including military recruiters) at some other location.

(b) *Coverage.* The report is to be limited to institutions of higher learning normally visited by recruiters. It should be based on:

(1) Experience with these institutions in the past academic semester or period and on any subsequent information received from the institution as to its policies and intentions in the event these are in doubt.

(2) Experience with institutions visited by recruiters since the close of the past academic period in connection with normal recruiting activities.

It is not intended that a survey be made of all institutions of higher learning for purposes of this report, but rather that the report be limited to experience obtained as a result of normal recruiting visits and on any further information furnished by the institution in connection therewith.

(c) *Procedures.* (1) Recruiters will continue to observe the long standing policy of accommodating to the institution's preferences as to times and places for scheduling on-campus recruiting.

(2) Where an appropriate official of the institution has previously informed recruiting officials, verbally or in writing, that the policy of the institution is not to permit military recruiting on campus, or in the event of repeated inability to schedule recruiting visits, or when there is reason to believe that the institution has indefinitely suspended recruiting visits, written clarification as to the present policy will be sought by a letter of inquiry addressed to the head of the institution from the headquarters level of the Recruiting Service. The prototype letter of inquiry, enclosure—1, should be followed to the maximum extent possible.

(3) Based on responses to the letters of inquiry and on such other evidence as is appropriate and consistent with the criteria in paragraph (c)(1) of this section, the Secretary of each Military Department will furnish the Assistant Secretary of Defense (Manpower and Reserve Affairs) the names of any institutions of higher learning which bar military recruiting personnel from their premises or property at the time of the report. Full documentation should be furnished for each institution named, including the institution's formal response to the letter of inquiry.

§ 216.6 Reports.

The Secretaries of the Military Departments will submit a separate report for each of the Military Services to the Assistant Secretary of Defense (Manpower and Reserve Affairs) each January 31st and June 30th listing the names of any institution of higher learning which the Secretaries have determined on such dates are affected by the prohibitions of section 606 of Pub. L. 92–436. The basis for each listing must be included in the report. The reporting requirement has been assigned Report Control Symbol DD–M(SA) 1386.

§ 216.7 Effective date and implementation.

This part is effective immediately. Two copies of implementing regulations shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 60 days.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

NOVEMBER 7, 1975.

PROTOTYPE LETTER OF INQUIRY

Dr. JOHN DOE
President
---------- *University*
Washington, D.C.

Dear Mr. Doe: Section 606 Public Law 92–436, the Department of Defense Authorization Act, 1973, prohibits use of DoD appropriations at any institution of higher learning which by policy bars military recruiting personnel from the premises of the institution. It further provides that the Secretaries of the Military Departments shall furnish the Secretary of Defense sixty days after date of enactment and each January 31 and June 30 thereafter the names of any institutions of higher learning which the Secretaries determine on such dates are affected by the prohibitions contained in this section on barring recruiting personnel from the premises or property of any such institution.

Funds for tuition assistance, research, development, test and evaluation for the Armed Forces are included in this Act. The applicable section of Public Law 92–436 is attached for your information.

In order to enable the (Service) Recruiting Command to provide authoritative information for use in complying with the requirements of this law, I would appreciate clarification of the current policy of your institution in regard to on-campus military recruiting. (Recite information previously received concerning the institution's policy or intentions in regard to on-campus recruiting, recite record of unsuccessful efforts to schedule recruiting visits, recite other facts or points of departure, as appropriate.)

Specifically, I would appreciate answers to the following questions:

Is it the present policy of ---------- University to bar military recruiting personnel from its premises or property?

Does ---------- University intend to permit military recruiting on campus in the near future and is it now able to schedule a date for a recruiting visit?

What is the policy of ---------- University with respect to the visits of civilian employers (public or private) to the campus for the purpose of recruiting college students?

In order to comply with the reporting requirements of the laws, it will be necessary to receive the answers to these questions, together with any clarifying information which will be helpful, no later than ---- days from the date of this letter.

I earnestly solicit your cooperation in this matter and trust it will be possible for the (Service) to schedule a recruiting visit in the near future at a mutually agreed upon time and place.

Sincerely,

PUBLIC LAW 92–436

September 26, 1972

Sec. 606. (a) No part of the funds appropriated pursuant to this or any other Act for the Department of Defense or any of the Armed Forces may be used at any institution of higher learning if the Secretary of Defense or his designee determines that recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution; except in a case where the Secretary of the service concerned certifies to the Congress in writing that a specific course of instruction is not available at any other institution of higher learning and furnishes to the Congress the reasons why such course of instruction is of vital importance to the security of the United States.

(b) The prohibition made by subsection (a) of this section as it applies to research and development funds shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous program with such institution which is likely to make a significant contribution to the defense effort.

(c) The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31 and June 30 thereafter the names of any institution of higher learning which the Secretaries determine on such dates are affected by the prohibitions contained in this section.

[FR Doc.75–30439 Filed 11–11–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 42]

FOOD CONTAINERS

Proposed Standards for Condition

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the U.S. Standards For Condition Of Food Containers (7 CFR Part 42) under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.).

Statement of Considerations. In 1966 the United States Standards For Condition of Food Containers were promulgated. They were amended in 1971 to clarify certain provisions and to broaden the scope of their application. The Department is now proposing amendments to provide procedures for skip lot sampling and inspection. Skip lot sampling and inspection are special procedures for inspecting stationary lots in which only one-half or one-fourth of the lots offered for inspection are formally inspected. Such procedures would apply only when approved by the Administrator and when previous lots from the user of the procedures have been consistently acceptable. Skip lot sampling and inspection rewards good processors by reducing inspection costs and by reducing destructive sampling. It also requires less sampling and achieves essentially the same results as sampling and inspecting every lot.

Another amendment being proposed would provide an additional defect in the table of defects for "Label, Numbering or Code" (§ 42.113). The defect would be: "Torn or scratched, obliterating any markings on the label (military purchases)." It would be in the "Major" category. Addition of this defect was requested by the Department of Defense.

For clarification, additional numbers would be added to Table III–B "Limit Numbers For Reduced Inspection" in § 42.111.

Use of the skip lot sampling and inspection procedures is optional. However, the Department encourages the use of such procedures to determine their effectiveness pending formal adoption. Therefore, at least six months are being permitted for application of the procedures and for comment on them.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than June 1, 1976.

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All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. In § 42.102, the following new definitions would be added in alphabetical order to read:

§ 42.102 Definitions, general.

* * * * *

"Probability of Acceptance." The chance that a lot with a given level of quality will be accepted. Probability of acceptance is synonymous with "Percent of Lots Expected to be Accepted." The probability of acceptance is normally designated as "Pa" but is designated as "Pas" when referring to skip lot sampling and inspection.

* * * * *

"Stationary Lot Sampling." The process of randomly selecting sample units from a lot whose production has been completed. This type of lot is usually stored in a warehouse or in some other storage area and is offered "in toto" for inspection.

* * * * *

"User." The person or agency at whose request inspection is conducted.

2. In Subpart B the title would be amended to read:

Subpart B—Procedures for Stationary Lot Sampling and Inspection

3. In § 42.103, the first sentence in paragraph (a) would be amended and a new paragraph (c) would then be added to read as follows:

§ 42.103 Purpose and scope.

(a) This subpart outlines the procedures to be used to establish the condition of containers in stationary lots of packaged foods. * * *

* * * * *

(c) Under certain conditions, special procedures (Skip Lot Sampling and Inspection) may be used to determine the condition of containers in stationary lots of packaged foods. Subpart C sets forth the requirements and procedures for Skip Lot Sampling and Inspection.

§ 42.111 [Amended]

4. In § 42.111, the following underlined numbers would be added to Table III–B "Limit Numbers for Reduced Inspection" in the existing blank spaces:

TABLE III–B.—*Limit numbers for reduced inspection*

[Acceptable quality level]

2.5	4.0	6.5	10.0
4	8	14	24
7	14	25	40
14	24	42	68
24	40	69	110
40	68	115	181
67	111	186	293
110	181	307	472
181	297	491	765
290	471	777	1207

5. In § 42.112 the title would be amended to read:

§ 42.112 Defects of Containers: Tables IV, V, VI, AND VII.

* * * * *

6. In § 42.113, Table VIII would be revised to read:

§ 42.113 Defects of label, marking or code: Table VIII.

TABLE VIII.—*Label, marking, or code*

Defects	Categories	
	Major	Minor
Not specified method	101	
Missing (when required)	102	
Loose or improperly applied		201
Torn or mutilated		202
Torn or scratched, obliterating any markings on the label (military purchases)	103	
Text illegible or incomplete		203
Incorrect		204
In wrong location		205

7. Subpart C would be revised to read:

Subpart C—Skip Lot Sampling and Inspection Procedures

Sec.
42.120 Description and qualification.
42.121 Sampling and inspection procedures.
42.122 Applicability of other procedures.
42.123 Flow diagram for skip lot sampling and inspection.

AUTHORITY: Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.)

Subpart C—Skip Lot Sampling and Inspection Procedures

§ 42.120 Description and qualification.

Skip lot sampling and inspection are special procedures for inspecting stationary lots in which only one-half or one-fourth of the lots offered for inspection are formally inspected. Skip lot sampling and inspection procedures may be instituted only when all of the following conditions are met:

(a) When authorized by the Administrator and acceptable to the user and producer, if different from the user.

(b) When inspection is origin inspection (see § 42.102).

(c) When all lots can be expected to be of essentially the same quality.

(d) When lots from the producer are currently on, or eligible to be on, either normal or reduced inspection.

§ 42.121 Sampling and inspection procedures.

(a) Following skip lot procedure authorization, inspect every lot consecutively offered for inspection using normal inspection procedures as set forth in Subpart B of this part. When 10 consecutive lots are acceptable, inspect only one-half of the lots offered for inspection using normal inspection procedures. While on the one-half inspection rate, when 10 consecutively inspected lots are acceptable, inspect only one-fourth of the lots offered for inspection using normal inspection procedures. While on the one-half or one-fourth inspection rate, if any formally inspected lot is unacceptable, revert immediately to the inspection of every lot using normal inspection procedures and recommence the above procedure. See § 42.123 for a flow diagram of the skip lot sampling plan.

(b) Two exceptions to the procedures in paragraph (a) of this section are as follows:

(1) The skip lot sampling and inspection rate of one-half can be instituted immediately if the lots from the producer are currently on, or eligible to be on, reduced inspection and all other conditions in § 42.120 are met. After skip lot sampling and inspection begins, however, only normal inspection is permitted.

(2) While inspecting every lot consecutively as offered for inspection, i.e., while not on the one-half or one-fourth sampling and inspection rate, if requirements for switching from normal to tightened inspection are met as specified in § 42.108 then skip lot procedures terminate, tightened inspection is initiated, and stationary lot sampling and inspection procedures in Subpart B are instituted. Skip lot procedures may be instituted again only when all conditions of § 42.120 are met.

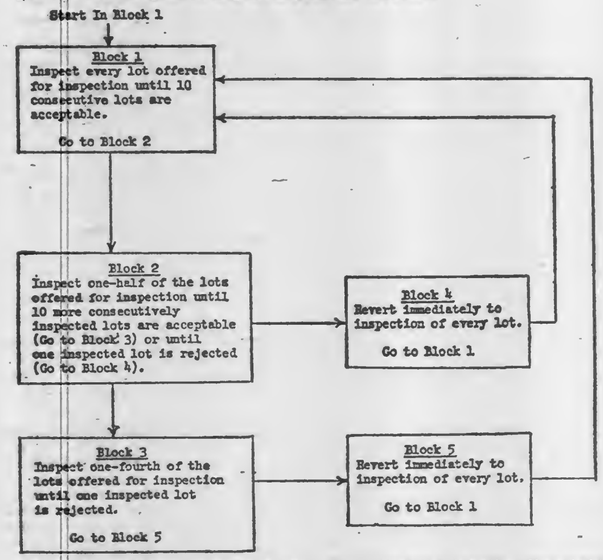
(c) All lot selections for the one-half and one-fourth inspection rates must be strictly random (for example, not every other lot or every fourth lot). Use of random number tables, coin flipping, or numbered cards is encouraged.

(d) Preliminary scanning procedures (see § 42.105) shall be used on all lots scheduled for formal inspection and also shall be used on lots not scheduled for inspection ("skipped" lots) whenever the inspector feels such action is prudent to further insure the acceptability of such lots.

§ 42.122 Applicability of other procedures.

Whenever appropriate, the procedures for classifying and recording defects in § 42.106 and for appeal inspections in § 42.108 also apply to skip lot sampling and inspection.

§ 42.123 Flow diagram for skip lot sampling and inspection.



NOTES: 1. Only normal inspection is permitted.

2. All lot selections for the one-half and one-fourth sampling rates must be strictly random (for example, not every other lot or every fourth lot).

3. Two exceptions to the procedures shown above are as follows:

(a) The skip lot sampling and inspection rate of one-half can be instituted immediately if the lots from the producer are currently on, or eligible to be on, reduced inspection and all other conditions in § 42.120 are met. When skip lot inspection begins, however, only normal inspection is permitted.

(b) While inspection every lot consecutively as offered for inspection, i.e., while not on the one-half or one-fourth rate, if requirements for switching from normal to tightened inspection are met as specified in § 42.108 then skip lot procedures terminate, tightened inspection is initiated, and stationary lot sampling and inspection procedures in Subpart B are instituted. Skip lot procedures may be instituted again only when all conditions of § 42.120 are met.

8. All of the material presently appearing in Subpart C "Miscellaneous" would be incorporated in a new Subpart D "Miscellaneous," except that § 42.115 would be redesignated as § 42.140, the title would be amended to read "Operating Characteristic Curves (OC) For Stationary Lot Sampling and Inspection," and new §§ 42.141 and 42.142 would be added to read:

Subpart D—Miscellaneous

Sec.
42.140 Operating Characteristic curves (OC) for stationary lot sampling and inspection.
42.141 Obtaining Operating Characteristic (OC) curve information for skip lot sampling and inspection.
42.142 Curve for obtaining operating Characteristic (OC) curve information for skip lot sampling and inspection.

AUTHORITY: Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.).

Subpart D—Miscellaneous

§ 42.140 Operating Characteristic curves (OC) for stationary lot sampling and inspection.

§ 42.141 Obtaining Operating Characteristic (OC) curve information for skip lot sampling and inspection.

The Operating Characteristic (OC) curve information (probability of acceptance) for skip lot sampling and inspection procedures described in § 42.121 is easily obtained from the single curve in § 42.142 is as follows:

(a) Select any sampling plan for normal condition of container inspection from Table I or Table I–A of § 42.109.

(b) For a given Quality of Submitted Lots, $100p$, find the Percent of Lots Expected to be Accepted, Pa from the respective OC curve in § 42.140.

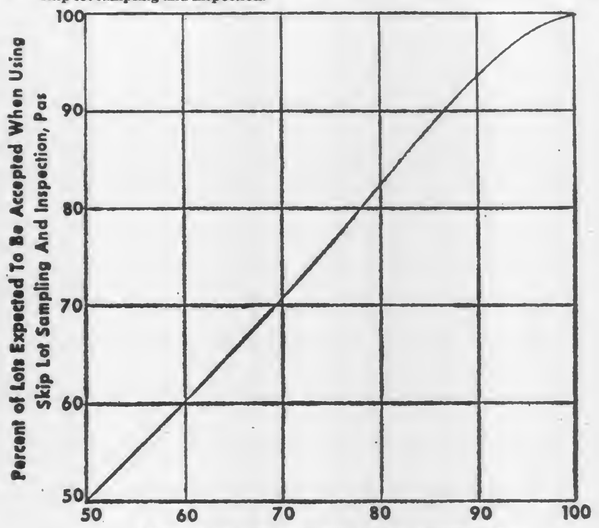
(c) Refer to § 42.142 with this Percent of Lots Expected to be Accepted, Pa, and read the new Percent of Lots Expected to be Accepted, Pas, which results when using these skip lot procedures.

For example, let's assume the lot size is 6,001 to 12,000 containers, and we use the single sampling plan of size 168 for

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normal inspection (Table I of § 42.109) along with an AQL for total defects of 6.5. The OC curve for this sampling plan is curve N and R3. Also, assume that the quality of the lot is 6.5 defects per hundred units. From curve N and R3, then, the Pa is determined to be 95 percent. Then refer to the graph is § 42.142 and locate Pa of 95 percent along the horizontal axis. From this point, proceed vertically to the curve and then horizontally to the left to the vertical axis. From this point on the vertical axis, Pas is determined to be approximately 98[1] percent for skip lot sampling and inspection.

§ 42.142 Curve for obtaining Operating Characteristic (OC) curve information for skip lot sampling and inspection.



(Obtained from § 42.140)

NOTES: 1. This curve applies only to the specific skip lot sampling and inspection plan described in § 42.121 and § 42.123.

2. Pa and Pas are essentially equal for values under 50 percent.

Issued at Washington, D.C., on November 6, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-30876 Filed 11-11-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

[Docket No. 75N-0180]

ANIMAL FOOD OR FEED

Prohibited Substances; Extension of Time for Comments

The Commissioner of Food and Drugs proposed, in the FEDERAL REGISTER of September 9, 1975 (40 FR 41797), to establish a regulation on substances that are prohibited from use in food or feed for animals other than man. Certain industrial grade vegetable oil byproducts are affected by the proposal. Comments were to be filed on or before November 10, 1975.

The Commissioner has received a request for extension of the comment period from the Institute of Shortening and Edible Oils, Inc., to permit completion of gathering and organizing materials for presentation.

The Commissioner has considered the request for extension of the period for comments and concludes that an additional period of time should be provided. Therefore, the period for filing comments on the subject is hereby extended to December 10, 1975.

Written comments, preferably in quintuplicate and identified with the Hearing Clerk document number found in brackets in the heading of this document, regarding the proposal shall be submitted to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046-1047, 1055, 72 Stat. 1784-1788, as amended (21 U.S.C. 321(s), 342, 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 6, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30431 Filed 11-11-75;8:45 am]

Social Security Administration

[20 CFR Part 404]

[Reg. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Father's Insurance Benefits and Changes in Wife's, Child's, Widow's, Widower's, Mother's, and Parent's Benefits

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments are necessitated by the decision of the United States Supreme Court in the case of "Weinberger v. Wisenfeld,"——U.S.——, 95 S.Ct. 1225 (1975). Specifically, the Court decided on March 19, 1975, that the gender-based distinction mandated by section 202(g) of the Social Security Act (42 U.S.C. 402(g)) granting survivor's benefits to widows of deceased workers when they had minor children of such workers in their care, but not providing such benefits to the widowers of deceased workers with minor children of such workers in their care, violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution. This decision has, in effect, created a new category of benefits, which is designated for ease of reference, as "father's insurance benefits" and which are payable on the same basis and under the same conditions as those currently payable to mothers having minor children of the deceased worker in their care. Benefits may be paid to such new category of beneficiaries beginning March 1975, the month of the Supreme Court decision. The proposed amendments also implement the provisions of section 108 of Pub. L. 92-603 which permit an entitled child disabled before age 22 to qualify as a child in the care of a mother or father claimant. Marriage to such a disabled child will not be a terminating event for certain beneficiaries. The following specific revisions are included:

(1) Proposed sections (§§ 404.335a and 404.336a) have been added concerning father's insurance benefits, conditions and duration of entitlement. These sections parallel the structure and wording, with appropriate changes, of § 404.335 and § 404.336 respectively, specifying the conditions and duration of entitlement to mother's insurance benefits.

(2) The rate of benefits for mothers and fathers will be identical (§ 404.337).

(3) Sections 404.342-404.349 of the regulations have been revised to make the child-in-care (formerly "in-her-care") rules applicable to mother's and father's insurance benefits.

(4) The child-in-care requirement for wife's and mother's benefits has been revised to restrict the qualification—that such child, if over age 18, has been disriods prior to January 1973. A comparable prior to attainment of age 18—peble parenthetical revision has been made with respect to terminating events.

(5) As in (4), the statutory change eliminating the "disabled before attainment of age 18" provision has required revisions in the effect of remarriage provisions for divorced wives (§ 404.314), widows (§ 404.329, widowers (§ 404.332), mothers (§ 404.336), and parents' (§ 404.-339).

In order to implement the Supreme Court's decision granting benefits to fathers, the rules set forth in the proposed regulations will be applied on an interim basis by the Social Security Administration for the period March 1975 until final regulations are adopted.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, PO Box 1585, Baltimore, Maryland 21203, on or before December 12, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 202, 205, 216, 1102 of the Social Security Act as amended; 49 Stat. 623, as amended, 53 Stat. 1368 as amended, 68 Stat. 1080, as amended, 49 Stat. 647, as amended, 42 U.S.C. 402, 405, 416, and 1302.

(Catalog of Federal Domestic Assistance Program No. 13.802, Social Security-Disability Insurance; No. 13.803, Social Security-Retirement Insurance; No. 13.805, Social Security-Survivors Insurance)

Dated: September 25, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.313 is amended by revising paragraph (c) to read as follows:

§ 404.313 Wife's insurance benefits; conditions of entitlement.

• • • • • •

(c) *Child over 18 not disabled.* For the purposes of paragraph (a)(2) of this section and § 404.314(a)(5), a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before he attained age 18) is deemed not entitled to child's insurance benefits for such month, unless he was under such a disability in the third month before such month.

• • • • • •

2. Section 404.314 is amended by revising paragraph (b) to read as follows:

§ 404.314 Wife's insurance benefits; duration of entitlement.

• • • • • •

(b) *Remarriage of a divorced wife.* If a divorced wife entitled to a wife's insurance benefit marries an individual entitled to widower's, father's (for months after February 1975) or parent's insurance benefits, such divorced wife's entitlement to wife's insurance benefits is not terminated by reason of such marriage. If a divorced wife who is entitled to wife's insurance benefits marries an individual who has attained the age of 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973 began before such child attained the age of 18) or had been under such a disability in the third month before the month in which such marriage occurred, such divorced wife's entitlement to wife's insurance benefits is not terminated by reason of such marriage; except that her entitlement to such benefits will end with the last month for which such individual is entitled to child's insurance benefits, provided his entitlement ends for a reason other than death.

• • • • • •

3. Section 404.321 is amended by revising paragraph (d) to read as follows:

§ 404.321 Child's insurance benefits; duration of entitlement.

• • • • • •

(d) The marriage of a child, age 18 or over and entitled to child's insurance benefits based on a disability, will not terminate such entitlement (however, see paragraph (c) of this section for terminated because of a subsequent event) if the marriage is to:

(1) A person age 18 or older entitled to child's insurance benefits based on a disability; or

(2) A person entitled to old-age, widow's, widower's, mother's, father's (for months after February 1975), parent's or disability insurance benefits, or, effective after August 1965, wife's insurance benefits.

• • • • • •

4. Section 404.329 is amended by revising paragraph (b)(1) to read as follows:

§ 404.329 Widow's insurance benefits; duration of entitlement.

• • • • • •

(b) *Effect of remarriage on entitlement after August 1965.* (1) A widow or surviving divorced wife's entitlement to widow's insurance benefits is not terminated by reason of her remarriage to a man who is entitled to widower's, father's (for months after February 1975), or parent's insurance benefits or to a man who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before he attained age 18) or had been under such a disability in the third month before the month in which such marriage occurred.

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5. Section 404.332 is amended by revising paragraph (b)(1) to read as follows:

§ 404.332 Widower's insurance benefits; duration of entitlement.

• • • • • •

(b) *Effect of remarriage on entitlement to benefits.* (1) A widower's entitlement to widower's insurance benefits is not terminated by reason of his subsequent marriage to a woman entitled to wife's (after August 1965), widow's, mother's, or parent's insurance benefits, or who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before such child attained the age of 18) or had been under such a disability in the third month before the month in which such marriage occurred.

• • • • • •

6. Section 404.335 is amended by revising paragraph (b) to read as follows:

§ 404.335 Mother's insurance benefits: conditions of entitlement.

• • • • • •

(b) *Child over 18 not disabled.* For the purposes of paragraph (a)(2) of this section a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before he attained age 18) shall be deemed not entitled to child's insurance benefits, unless he was under such a disability in the third month before such month.

• • • • • •

7. A new § 404.335a is added to read as follows:

[1] This slight increase of Pas over Pa results because all the lots offered for inspection are no longer being inspected. Some lots are being "skipped", and thereby accepted, which would have been rejected if inspected. The largest increase in Pa which will occur using skip lot sampling is approximately 4 percent. It is for this reason that skip lot sampling procedures are applied only in instances where past production quality has been consistently high—as evidenced by the requirement to have 10 consecutively acceptable lots prior to a reduction in sampling rate—and where all requirements in § 42.120 also have been met.

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§ 404.335a Father's insurance benefits; conditions of entitlement.

(a) *General.* The widower (as defined in § 404.1107) of an individual who died fully or currently insured is entitled to father's insurance benefits for the first month after February 1975 in which he:

(1) Has filed application for father's insurance benefits; and

(2) At the time of filing such application had in his care (see §§ 404.342–404.349) a child of such individual entitled to child's insurance benefits (see paragraph (b) of this section); and

(3) Is not married; and

(4) Is not entitled to a widower's insurance benefit; and

(5) Is not entitled to old-age insurance benefits, or is entitled to an old-age insurance benefit which is less than three-fourths of the primary insurance amount of such individual.

(b) *Child over 18 not disabled.* For the purposes of paragraph (a)(2) of this section a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act) shall be deemed not entitled to child's insurance benefits, unless he was under such a disability in the third month before such month.

8. Section 404.336 is amended by revising paragraph (b)(1) and paragraph (c) to read as follows:

§ 404.336 Mother's insurance benefits; duration of entitlement.

* * * * *

(b) *Effect of remarriage after August 1965.* For purposes of paragraph (a)(2) of this section:

(1) A widow's or surviving divorced mother's entitlement to mother's insurance benefits is not terminated by reason of her remarriage to a man entitled to old-age, widower's, father's (for months after February 1975), parent's, or disability insurance benefits, or to a man who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before such child attained the age of 18) or had been under such a disability in the third month in which such marriage occured.

* * * * *

(c) *Child over 18 not disabled.* For purposes of paragraph (a)(5) of this section, a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before he attained age 18) shall be deemed not entitled to child's insurance benefits, unless he was under such a disability in the third month before such month.

* * * * *

9. A new § 404.336a is added to read as follows:

§ 404.336a Father's insurance benefits; duration of entitlement.

(a) *General.* The widower of a deceased individual is entitled to a father's insurance benefit for each month beginning with the first month after February 1975 in which all the conditions of entitlements described in § 404.335a(a) are satisfied. The last month for which he is entitled to such benefits is the month before the first month in which any one of the following events occurs:

(1) He dies; or

(2) He remarries (except as provided in paragraph (b) of this section); or

(3) He becomes entitled to an old-age insurance benefit which is equal to or exceeds the amount of the father's insurance benefit as determined in accordance with § 404.337; or

(4) He becomes entitled to a widower's insurance benefit; or

(5) No child of the deceased individual is entitled to a child's insurance benefit (see paragraph (c) of this section); or

(6) If he is married to a person age 18 or older who is under a disability (as defined in section 223(d) of the Act) and who is entitled to child's insurance benefits (see paragraphs (b) and (c) of this section), his wife's entitlement to such benefits terminates for a reason other than her death; or

(7) If he is married to a person entitled to disability insurance benefits (see paragraph (b) of this section), his wife's entitlement to such benefits terminates for a reason other than her death or her entitlement to old-age insurance benefits; or

(8) In the case of a man entitled to father's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another man is certified for entitlement to widower's or father's insurance benefits based on such deceased individual's earnings record and such other man is the widower (or is deemed to be the widower) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act.

(b) *Effect of remarriage.* For purposes of paragraph (a)(2) of this section:

(1) A widower's entitlement to father's insurance benefits is not terminated by reason of his remarriage to a woman entitled to old age, wife's, widow's, mother's, parent's, or disability insurance benefits, or to a woman who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 22 or had been under such a disability in the third month before the month in which such marriage occurred.

(2) If a widower marries a woman not entitled to any of the benefits enumerated in paragraph (b)(1) of this section, and consequently his entitlement to father's insurance benefits is terminated, he may become reentitled to such benefits upon termination of the later marriage for any reason, provided all other conditions of entitlement are satisfied.

(c) *Child over 18 not disabled.* For purposes of paragraph (a)(5) of this section, a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act) shall be deemed not entitled to child's insurance benefits, unless he was under a disability in the third month before such month.

10. Section 404.337 is revised to read as follows:

§ 404.337 Mother's or father's insurance benefits; rate of benefit.

The amount of the mother's or father's insurance benefit for any month is equal to 75 percent of the primary insurance amount for such month of the deceased individual upon whose earnings the mother's or father's insurance benefit is based. (See § 404.352 for minimum sole survivor's insurance benefit rate.)

11. Section 404.339 is amended by revising paragraph (b) to read as follows:

§ 404.339 Parent's insurance benefits; duration of entitlement.

* * * * *

(b) *Effect of remarriage on entitlement to benefits.* A parent's entitlement to parent's insurance benefits is not terminated by marriage to an individual entitled to wife's, widow's, widower's, mother's, father's (for months after February 1975), or parent's insurance benefits, or to an individual who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before such child attained age 18) or had been under such a disability in the third month before the month in which such marriage occurred.

12. Section 404.342 is revised to read as follows:

§ 404.342 Child in care of claimant.

(a) *Child in care after February 1975.* For purposes of §§ 404.313, 404.335, 404.335a, and Subpart E of this part, a child is in the care of a mother (whether a wife, widow, or surviving divorced mother) or father (widower only) claimant if such claimant exercises parental control and responsibility for the welfare and care of a child under age 18, or of a child age 18 or older who is mentally incompetent. If the child is age 18 or older and mentally competent, "child in care" means that the mother or father is performing personal services (as defined in § 404.344) for the child.

(b) *Child in care before March 1976.* The provisions of paragraph (a) of this section are applicable in determining if a child is in the care of a mother (whether a wife, widow, or surviving divorced mother).

13. Section 404.343 is revised to read as follows:

§ 404.343 Child in care; exercising parental control and responsibility.

(a) *Child in care after February 1975.* For purposes of § 404.342:

(1) Parental control and responsibility may be exercised solely by the claimant (mother or father) or jointly with the claimant's spouse. However, the exercise of parental control and responsibility exclusively by one parent and then by the other over successive periods of time does not constitute the joint exercise of parental control and responsibility.

(2) Parental control and responsibility may be exercised directly or, where the claimant (mother or father) and child are apart, it may be exercised indirectly. The fact that the parent claimant has not lost the legal right to the child's care and custody, and retains the right to exercise parental control and responsibility, does not constitute the exercise of such parental control and responsibility even if such claimant furnishes the child's food, clothing, and shelter or makes provisions therefor.

(b) *Child in care before March 1975.* The provisions of paragraph (a) of this section are aplicable in determining if a child is in the care of a mother (whether a wife, widow, or surviving divorced mother).

14. Section 404.344 is revised to read as follows:

§ 404.344 Child in care; performing personal services.

(a) *Child in care after February 1975.* For purposes of § 404.342, personal services mean services performed for a child other than any routine household services which ordinarily are performed for any adult member of a household. For example, nursing care, or feeding or dressing a child who is unable because of his disability to perform these functions satisfactorily for himself, would constitute personal services, as would the direction or supervision of the activities of a child who is unable to manage his own funds, or who is able to do so only with considerable help and guidance. Also, if the parent claimant's presence and attention is required because of the nature of the child's impairment, such claimant would be considered to be performing personal services for the child. Such services may be performed by the claimant (mother or father) alone, or jointly with the claimant's spouse or another person.

(b) *Child in care before March 1975.* The provisions of paragraph (a) of this section are applicable in determining if a child is in the care of a mother (whether a wife, widow, or surviving divorced mother).

15. Section 404.345 is revised to read as follows:

§ 404.345 Child in care; mother or father claimant and child living together.

Where the mother claimant (or mother or father claimant for months after February 1975) and child regularly live together, the child is considered to be in the claimant's care if such claimant either is exercising parental control and responsibility by supervising the child's activities and participating in the important decisions about the child's physical and mental needs, or performing personal services, as the case may be. However, if the mother or father claimant and child are living together only temporarily, the child is not considered to be in the claimant's care during the period they are together, even if the claimant exercises parental control and responsibility, or performs personal services, as the case may be, during such period unless:

(a) The child is in such claimant's care while they are apart; or

(b) Such claimant and child live together for a period of at least 30 consecutive days, and the child is not on furlough while in the armed forces.

16. Section 404.346 is revised to read as follows:

§ 404.346 Child in care; mother or father claimant and child not living together; general.

Where the claimant and child are not living together, a child is not considered to be in such claimant's care except under the conditions described in §§ 404.347 and 404.348.

17. Section 404.347 is revised to read as follows:

§ 404.347 Child in care; claimant (mother or father) and child not living together; separation not in excess of 6 months.

Except as provided in § 404.349, where the separation is expected to end within 6 months from the date it began, a child is considered to be in the care of a claimant only if the child customarily lives with such claimant and is in the claimant's care when they so live together (see § 404.345). If the separation continues beyond the 6-month period, the provisions of § 404.348 are applicable in determining whether the child is in the care of a mother or father claimant.

18. Section 404.348 is revised to read as follows:

§ 404.348 Child in care; claimant (mother or father) and child not living together; separation expected to be indefinite or to exceed 6 months.

Where the claimant and child are not living together and the separation will be for an indefinite period, or is not expected to end within 6 months, such claimant is exercising parental control and responsibility for the welfare of the child only under the conditions described in paragraphs (a), (b), (c), and (d) of this section. If the child resumes living with the claimant before the end of 6 months, the provisions of § 404.347 are applicable in determining whether the child is in the care of such claimant. Special situations include:

(a) *Child away at school.* Where the claimant and a mentally competent child are separated because the child is away at school, such claimant is exercising parental care and responsibility during such separation if:

(1) The child is under 18 years of age and spends an annual vacation of at least 30 consecutive days with the claimant, unless it is not feasible for the child to return to the claimant, or to remain with the claimant for that length of time, during vacations; and

(2) The claimant supervises the child's activities and participates in the important decisions about the child's physical and mental needs; and

(3) Where the child's mother and father are separated, the school authorities look to the claimant when they have a question concerning the child's welfare and care, and the child normally returns to such claimant during vacations.

(b) *Claimant and child not living together because of the claimant's employment.* Where the claimant and a mentally competent child under 18 years of age are separated because of such claimant's employment, the claimant is exercising parental control and responsibility if such claimant supervises the child's activities, participates in the important decisions about the child's physical and mental needs, and makes regular and substantial contributions towards the child's support.

(c) *Claimant and child not living together because of physical illness or disability.* Where the claimant and a mentally competent child under 18 years of age are separated because of the physical disability of either claimant or child, such claimant is exercising parental control and responsibility if the claimant supervises the child's activities and participates in the important decisions about the child's physical and mental needs.

(d) *Claimant and child not living together; child mentally incompetent.* Where a claimant and child are not living together (regardless of reason) and the child is mentally incompetent, such claimant is exercising parental control and responsibility if the claimant supervises the activities of the child, participates in the important decisions about the child's physical and mental needs, and measurably controls the child's upbringing, and development.

19. Section 404.349 is revised to read as follows:

§ 404.349 Child in care; when a child is not in the care of a mother or father claimant.

Notwithstanding the provisions in §§ 404.342–404.348, a child is not in the care of a claimant, for purposes of this subpart or Subpart E of this part, if:

(a) The child is in the armed forces; or

(b) The claimant and the child are not living together and either:

(1) The child is living with the father or mother other than the mother or father claimant; or

(2) The mother or father claimant is mentally incompetent; or

(3) The child was removed from the mother or father claimant's custody and control by a court order; or

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(4) The mother or father claimant has relinquished such claimant's right to custody and control of the child to some other person or agency; or

(5) The separation is for a period of more than 6 months, and the child is age 18 or older and is mentally competent.

[FR Doc.75-30266 Filed 11-11-75;8:45 am]

[20 CFR Part 416]

[Reg. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Reimbursement to States for Interim Assistance Payments; Cost-of-Living Adjustments in Benefits

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to Part 416 reflect and implement the provisions of Pub. L. 93-368, enacted August 7, 1974, relating to cost-of-living adjustments in supplemental security income benefits and reimbursement to States for interim assistance payments made to or on behalf of an individual during the period such individual's claim for supplemental security income is pending. Section 5 of Pub. L. 93-368 amends Section 1631 of the Social Security Act to permit the Social Security Administration to enter into an agreement with a State whereby such State would be reimbursed for interim assistance payments furnished an applicant for supplemental security income benefits. The proposed amendments dealing with this interim assistance provision are contained in a new Subpart S. Reimbursement would be made from the initial payment which would otherwise be payable to the individual who is found eligible, but only upon his written authorization to withhold benefits due him for the purpose of reimbursing the State for the interim assistance furnished him.

Any authorization will be in effect until the Social Security Administration has made a final determination on the applicant's claim. If the individual's supplemental security income application is denied, the denial is the final determination unless the individual files a timely appeal. If the individual applies again at a later time, a new authorization must be obtained.

Section 6 of Pub. L. 93-368 provides for cost-of-living adjustments in the supplemental security income payment standards in conjunction with and by the same percentage as benefits under title II of the Act in accordance with section 215(i) of the Act.

Since approximately one-half of the States have interim assistance agreements with the Secretary which are already effective and since the cost-of-living adjustments have already gone into effect, the proposed amendments to the regulations will be applied by the Social Security Administration on an interim basis until a final regulation is adopted.

Prior to the final adoption of the proposed revisions and amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before December 12, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1611(b), 1617, 1631(d), and 1631(g) of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, as amended, 88 Stat. 422, 86 Stat. 1475, 88 Stat. 420; 42 U.S.C. 1302, 1382(b), 1382f, 1383(d), and 1383(g).

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: August 14, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. A new § 416.405 is added to read as follows:

§ 416.405 Cost-of-living adjustments in benefits.

Whenever benefit amounts under title II of the Act (Part 404 of this Chapter) are increased by any percentage effective with any month as a result of a determination made under section 215(i) of the Act, each of the dollar amounts in effect for such month under §§ 416.410, 416.412, 416.413, 416.432(c) and 416.531, as specified in such sections or as previously increased under this section, shall be increased by the same percentage (and rounded on an annual basis, when not a multiple of $1.20 to the next higher multiple of $1.20), effective with respect to benefits for months after such month.

2. Section 416.410 is revised to read as follows:

§ 416.410 Amount of benefits; eligible individual.

The benefit under this part for an eligible individual who does not have an eligible spouse, who is not in an institution (see § 416.231), who is not living in the household of another under the conditions set forth in § 416.1125, and who is not a qualified individual (as defined in § 416.242), shall be payable at the rate of $1,680 per year ($420 per quarter, $140 per month) for the period ending June 30, 1974, at the rate of $1,752 per year ($438 per quarter, $146 per month) for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of $1892.40 per year ($473.10 per quarter, $157.70 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases) reduced by the amount of such individual's income not excluded pursuant to Subpart K of this part.

3. Section 416.412 is revised to read as follows:

§ 416.412 Amount of benefits; eligible couple.

The benefit under this part for an eligible couple neither of whom is in an institution (see § 416.231) nor is living in the household of another under the conditions set forth in § 416.1125, nor is a qualified individual (as defined in § 416.242), shall be payable at the rate of $2,520 per year ($630 per quarter, $210 per month) for the period ending June 30, 1974, at the rate of $2,628 per year ($657 per quarter, $219 per month) for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of $2,839.20 per year ($709.80 per quarter, $236.60 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases) reduced by the amount of income not excluded pursuant to Subpart K of this part, of such individual and spouse. (See § 416.502.)

4. Section 416.413 is revised to read as follows:

§ 416.413 Amount of benefits; qualified individual.

A qualified individual (as defined in § 416.242) will receive in addition to the amount specified in § 416.410 or § 416.412, as applicable, $70 per month for the period ending June 30, 1974, $73 per month for the period beginning July 1, 1974, and ending June 30, 1975, and $78.90 per month for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases) for each essential person (as defined in § 416.243) living in his household. (See §§ 416.531 and 416.532.)

5. In § 416.432 paragraph (c) is revised to read as follows:

§ 416.432 Change in eligibility status within a quarter involving a couple; eligibility exists in all months of the quarter.

* * * * *

(c) When one member of a couple is in an institution and subject to payment reduction for Medicaid (§ 416.231), and the other member of the couple is living in the household of another and receiving support and maintenance from that person, the rate of payment for such couple shall be $1,420 per year ($355 per quarter, $118.34 per month) for the period ending June 30, 1974, at the rate of $1,468 per year ($367 per quarter, $122.34 per month) for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of $1561.80 per year ($390.40 per quarter, $130.14 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases). These amounts are based on the sum of $25 and the reduction of the rate of payment for an individual by one-third (⅓). This rate of payment shall then be reduced by the amount of income not excluded pursuant to Subpart K of this part, of such individual and spouse and paid in accordance with § 416.502. As in paragraph (b) of this section, no more than $25 shall be paid to the institutionalized member of the couple.

* * * * *

6. A new § 416.525 is added to read as follows:

§ 416.525 Reimbursement to States for interim assistance payments.

Notwithstanding § 416.542, the Social Security Administration may, in accordance with the provisions of Subpart S of this part, withhold supplemental security income benefits due with respect to an individual and may pay to a State (or political subdivision thereof, if agreed to by the Social Security Administration and the State) from the benefits withheld, an amount sufficient to reimburse the State (or political subdivision) for interim assistance furnished on behalf of the individual.

7. Section 416.531 is revised to read as follows:

§ 416.531 Standard of payment based on existence of an essential person.

In determining the amount of the supplemental security income standard of payment to any qualified individual (see § 416.242), for months after December 1973, such standard shall be increased to take into account the needs of an essential person (see § 416.243). The amount of such increase shall be at the rate of $840 per year, in the case of any period prior to July 1974, at the rate of $876 per year for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of $946.80 per year ($236.70 per quarter, $78.90 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases). The total amount due the qualified individual will be computed in accordance with section 1611 of the Act. The resulting monthly payment will be made to the qualified individual. If State records appropriately identify two or more essential persons for a qualified individual, an increment of $70 per month for the period ending June 30, 1974, ($73 for the period beginning July 1, 1974, and ending June 30, 1975, and $78.90 for the remainder of 1975 and any calendar year thereafter) shall be added to the qualified individual's standard of payment for each such essential person (however, see § 416.405 with respect to cost-of-living increases).

8. Section 416.533 is revised to read as follows:

§ 416.533 Transfer or assignment of benefits.

Except as provided in § 416.525 and Subpart S of this part, the Social Security Administration shall not certify payment of supplemental security income benefits to a transferee or assignee of a person eligible for such benefits under the Act. The Social Security Administration shall not certify payment of supplemental security income benefits to any person claiming such payment by virtue of an execution, levy, attachment, garnishment, or other legal process or by virtue of any bankruptcy or insolvency proceeding against or affecting the person eligible for benefits under the Act.

9. A new Subpart S is added to read as follows:

Subpart S—Interim Assistance Provisions; Agreements; Payments

Sec.
416.1901 Purpose and scope.
416.1906 General provisions and definitions.
416.1911 Interim assistance agreements.
416.1916 Effective period for reimbursement to States for interim assistance.
416.1921 Hearings and review.
416.1926 Term of the agreement.

AUTHORITY: Secs. 1102, 1611(b), 1617, 1631(d), 1631(g) of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, as amended, 88 Stat. 422, 86 Stat. 1475, 88 Stat. 420; 42 U.S.C. 1302, 1382(b), 1382f, 1383(d), 1383(g).

Subpart S—Interim Assistance Provisions; Agreements; Payments

§ 416.1901 Purpose and scope.

This subpart implements section 1631(g) of the Act (added by section 5 of Pub. L. 93-368) which permits the Social Security Administration to enter into an agreement with a State whereby such State (or a political subdivision of the State) would be reimbursed for interim assistance payments furnished an applicant for supplemental security income benefits upon the written authorization of such applicant to withhold benefits due for the purpose of reimbursing the State (or political subdivision) for the interim assistance furnished.

§ 416.1906 General provisions and definitions.

(a) *General provisions.* Notwithstanding § 416.542, the Social Security Administration may, upon receipt of written authorization by an individual or a proper party executing an application on his behalf (see § 416.310), withhold supplemental security income benefits due with respect to that individual and may pay to a State (or political subdivision thereof if agreed to by the Social Security Administration and the State) from the benefits withheld, an amount sufficient to reimburse the State (or political subdivision) for interim assistance furnished on behalf of the individual.

(b) *Definitions.* For purposes of this subpart:

(1) "Authorization" means an authorization which is written and is in a form which is acceptable to the Social Security Administration and legally acceptable in the State from which the individual received interim assistance;

(2) "Benefits" with respect to any individual means supplemental security income benefits under title XVI of the Act, and any State supplementary payments under section 1616 of the Act or section 212 of Pub. L. 93-66 which the Social Security Administration makes on behalf of a State (or political subdivision thereof), that the Social Security Administration has determined to be due with respect to the individual at the time the Social Security Administration makes the first payment of benefits. A cash advance made pursuant to § 416.520 shall not be considered as the first payment of benefits for purposes of the preceding sentence;

(3) "Interim assistance" with respect to any individual means assistance, including vendor payments, financed from State or local funds and furnished for meeting basic needs during the period beginning with the month in which the individual filed an application for benefits and for which such individual was eligible. Assistance payments financed in whole or in part from Federal funds (e.g., aid to families with dependent children) do not come within the meaning of interim assistance.

(c) *Effective life of authorization.* An authorization is in effect until the Social Security Administration has made a final determination on the applicant's claim. If the individual's supplemental security income application is denied, the denial is the final determination unless the individual files a timely appeal. If the individual applies again at a later time, a new authorization must be obtained.

§ 416.1911 Interim assistance agreements.

In order for a State to receive reimbursement under the provisions of this subpart, the State shall have in effect an interim assistance agreement with the Social Security Administration which shall provide that:

(a) The Social Security Administration will make payments to the State (or political subdivision) pursuant to the provisions of this subpart and § 416.525; and

(b) If the Social Security Administration makes payment to the State (or political subdivision) in reimbursement for interim assistance for an individual in an amount greater than the amount of interim assistance reimbursable under this subpart,

(1) The State (or political subdivision) shall pay to the individual the excess amount as soon as feasible but not later than 10 working days (or a shorter period specified in the agreement) from the date the State (or political subdivision) receives the payment; or

(2) If the State is unable to pay the excess to the individual, the State shall

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refund the excess to the Social Security Administration; and

(c) The State will comply with such other rules as the Social Security Administration finds necessary to achieve efficient and effective administration of this subpart, and to carry out the provisions of this part, including the furnishing of a notice to the individual of action taken pursuant to paragraph (b)(1) of this section, and the protection of hearing rights (see § 416.1921) for any individual aggrieved by action taken by the State (or political subdivision) pursuant to this subpart.

§ 416.1916 Effective period for reimbursement to States for interim assistance.

The provisions for reimbursement to States for interim assistance as set out in § 416.1911 shall be effective with respect to authorizations received by the Social Security Administration on or before June 30, 1976.

§ 416.1921 Hearings and review.

The provisions of Subpart N of this part shall not be applicable to any disagreement concerning payment by the Social Security Administration to a State (or political subdivision) pursuant to the provisions of this subpart nor the amount retained by the State (or political subdivision). The State shall provide an opportunity for a hearing to any individual aggrieved by action taken by the State (or political subdivision) pursuant to this subpart. However, provisions of Subpart N shall be applicable to any disagreement concerning the total amount of the payment made by the Social Security Administration.

§ 416.1926 Term of the agreement.

The Social Security Administration and the State shall mutually agree upon the term of agreement. In no event, however, shall it extend beyond June 30, 1976.

[FR Doc.75-30265 Filed 11-11-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-WE-52-AD]

LOCKHEED-CALIFORNIA COMPANY MODEL L-1011-385 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Lockheed Model L-1011-385 series airplanes. The FAA has received reports of failures of the L-1011 emergency evacuation system hard container release cable assemblies. The emergency evacuation system hard container release cable assembly failures resulted in arresting the passenger door motion, thereby preventing deployment of the passenger evacuation system. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection, replacement and rework, if necessary, of the emergency evacuation system hard container release cable assemblies and container latching parts on Lockheed L-1011-385 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, FAA Western Region: Attention: Airworthiness Rules Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before December 16, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L-1011-385 series airplanes certificated in all categories.

Compliance required within 300 hours flight time after effective date of this AD, unless already accomplished:

To prevent possible emergency evacuation system hard container release cable assembly failures, accomplish the following:

(a) Inspect each slide, slide/raft evacuation system to determine if a modified cable assembly has been installed in accordance with Lockheed Alert Service Bulletin No. 093-25-A239, dated October 23, 1975, and Air Cruisers Company Service Bulletin 25-29, dated October 23, 1975, or later FAA-approved revisions or an FAA-approved equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region. Modified cable assemblies are identified by either blue or green paint on the parachute pin in the swaged area.

(b) Replace all unmodified cable assemblies located during the inspections required by paragraph (a) with a modified cable assembly in accordance with Air Cruisers Company Service Bulletin 25-29, dated October 23, 1975, and Lockheed Alert Service Bulletin No. 093-25-A239, dated October 23, 1975, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Inspect each slide, slide/raft evacuation system hard container latching parts which interrelate with the hard container release cable parachute pins for burrs and/or sharp edges and replace or rework as necessary in accordance with Lockheed Alert Service Bulletin No. 093-25-A239, dated October 23, 1975, and Air Cruisers Company Service Bulletin No. 25-29, dated October 23, 1975, or later FAA-approved revisions or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Reidentify slide, slide/raft evacuation assemblies having modified cable assemblies which have been installed as required by paragraph (b), in accordance with Lockheed Alert Service Bulletin No. 093-25-A239, dated October 23, 1975, or later FAA approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region. This paragraph supersedes the re-identification requirement of paragraph (e), AD 75-03-07.

Issued in Los Angeles, Calif., on November 4, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.75-30430 Filed 11-11-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 455-5; PP4F1464/P6]

PESTICIDE CHEMICAL N-(MERCAPTOMETHYL) PHTHALIMIDE S-(O,O-DIMETHYL PHOSPHORODITHIOATE)

Proposed Tolerance

On March 6, 1974, notice was given (39 FR 8656) that Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804, had submitted a pesticide petition (PP 4F1464) to the Environmental Protection Agency (EPA). This petition proposed to amend 40 CFR 180.261 by establishing tolerances for combined residues of the insecticide N-(mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) and its oxygen analog N-(mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorothioate) in or on the following raw agricultural commodities: almond hulls, blueberries, corn fodder and forage (including sweet corn, field corn, and popcorn), cranberries, and peavine forage and hay at 10 parts per million (ppm); the raw agricultural commodity group citrus fruits (40 CFR 180.34) at 5 ppm; fresh corn, including sweet corn (kernels plus cob with husk removed), corn grain (including popcorn), and peas (including succulent peas with pods and dry peas) at 0.5 ppm; and nuts at 0.1 ppm (negligible residue). Stauffer Chemical Co. subsequently amended the petition to include a request for a tolerance for residues in the meat, fat, and meat byproducts of horses at 0.2 ppm.

Based upon an evaluation of the data submitted in the petition and other relevant material, on March 11, 1975, tolerances were established for combined residues of the insecticide and its oxygen analog in the raw agricultural commodities and commodity groups listed above, with the exception of citrus fruits, for which it was found that additional residue data were needed (40 FR 11352). This action represented a departure from normal practice in that the Agency did act at one time on all of the commodities or commodity groups for which, tolerances were requested in the petition, but rather, acted on the request for tolerances on some commodities and deferred action on the request for tolerances on other commodities and commodity groups until a later time.

There were speical circumstances with regard to this petition which justified a different procedure. As discussed above, the commodities for which tolerances were requested in the petition included peas and peavine forage and hay. Data which had been gathered by the U.S. Department of Agriculture laboratory in Yakima, Washington, in 1974 suggested that N-(mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) and its oxygen analog were promising for control of the pea leaf weevil as an alternative to DDT, the only chemical that had been widely used by pea growers (39 FR 10323). Because the necessary data were available to support the requested tolerances on all commodities covered in the request except citrus fruits, and the Stauffer Chemical Co. did not wish to amend the petition by withdrawing the request for a tolerance on citrus fruits and, subsequently, refiling at a later date, the Agency determined that it was in the public interest to establish the requested tolerances on peas and other commodities, rather than to delay action on the entire petition pending the submission of additional data to support the tolerance for citrus.

Accordingly, on March 11, 1975, the EPA granted the petition in part by establishing tolerances for those commodities (including peas) for which adequate supporting data were available, while at the same time deferring action on that part of the petition which requested a tolerance on citrus fruits. Since promulgation of the regulation on March 11, 1975, Stauffer Chemical Co. has revised the directions for use for citrus, and it is now concluded that residues of the insecticide and its oxygen analog of citrus fruits treated according to these revised use directions will not exceed the 5 ppm tolerance requested for citrus fruits in that part of the petition which remained to be acted upon. The pesticide is considered to be useful for the purpose for which the tolerance is sought, there is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies. The tolerance established by amending § 180.261 will protect the public health.

Under the procedures established in section 408 of the Federal Food, Drug, and Cosmetic Act and the implementing regulations, the Agency would normally at this juncture promulgate a regulation establishing the tolerance in question, effective on the date of publication in the FEDERAL REGISTER. It is possible, however, that the March 11, 1975 FR Document may not have adequately communicated to some readers that the Agency was deferring action on that part of the petition requesting a tolerance on citrus. Accordingly, action on the remaining portion of the petition at this time might unfairly surprise some persons and thereby defeat the policies underlying the requirements in the statute that the Agency inform the public (by way of a FEDERAL REGISTER notice) of petitions for tolerances that have been filed. For this reason, the Agency has decided to treat the remaining portion of this petition as if it were a petition under section 408(e) of the statute by proposing that a tolerance be established as described below rather than by promulgating a regulation establishing such a tolerance at this time. This procedure will provide adequate notice to any persons who might have been misled by the March 11, 1975, FR Document.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before December 12, 1975, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposal to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in reviewing them. The comments must be received on or before December 12, 1975, and should bear a notation indicating the subject (PP 4F1464/P6). All written comments filed pursuant to this notice will be available for public inspections in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346(a)(d)(2)))

Dated: November 5, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

It is proposed that Part 180, Subpart C, § 180.261 be amended by revising the paragraph "5 parts per million • • •" to include the raw agricultural commodity group citrus fruits to read as follows:

§ 180.261 N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorothioate) and its oxygen analog; tolerances for residues.

• • • • •

5 parts per million in or on apricots, citrus fruits, nectarines, and plums (fresh prunes).

• • • • •

[FR Doc.75-30390 Filed 11-11-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 87]

[Docket No. 20664; FCC 75-1212]

AIR TRAFFIC CONTROL FREQUENCIES

Availability to Aeronautical Utility Mobile Stations

In the matter of amendment of Parts 2 and 87 of the Commission's rules to make available to aeronautical utility mobile stations, under certain conditions, all the ATC frequencies listed in § 87.401, Docket No. 20664, FCC 75-1212.

1. Notice of Proposed Rule Making in the above-entitled matter is hereby given.

2. In this Notice the Commission is proposing to amend Parts 2 and 87, of our rules to make available for assignment to aeronautical utility mobile stations, under certain conditions, any of the frequencies listed in § 87.401 of our rules and generally referred to as air traffic control (ATC) frequencies. Under the present rules the frequencies available to this class of station are the fourteen frequencies shown in § 87.431 which are also listed in §§ 87.183 and 87.401 as available for use as ATC frequencies on a secondary basis.

3. The ATC frequencies are allocated for civil aviation use. These frequencies are assigned to both Government and non-Government radio stations and are used in the ATC system which is administered by the Federal Aviation Administration (FAA). Aeronautical utility mobile stations are licensed for use aboard non-Government maintenance, police, fire, emergency and other vehicles which operate on runways at airports having airdrome control towers or FAA flight service stations and are limited to communications involving the management of ground traffic by the airdrome control station located at the control tower or the FAA flight service station. This proposal makes available all of the ATC frequencies for communication between airdrome control stations or FAA flight service stations and aeronautical utility mobile stations. It is in response to action taken by the FAA which authorized its FAA flight service stations to communicate with aeronautical utility mobile stations on ATC frequencies as well as the fourteen frequencies shown in § 87.431.

4. Under this proposal the aeronautical utility stations at an airport would be authorized that ATC frequency which is used by the airdrome control station or FAA flight service station at the airport to communicate with ground vehicles. These assignments would be coordinated with the FAA. The use of the fourteen frequencies now available to aeronautical utility mobile stations would still be primarily for ground traffic control including aircraft on the ground. Footnote "A" in the tables of frequencies in §§ 87.183(i) and 87.401(a) would be amended to clarify this use.

5. Presently no reference is made to FAA flight service stations in Subpart J, Aeronautical Utility Mobile Stations, of Part 87 of the rules. These stations provide advisory information to aircraft and, also, ground advisory service to vehicles on airports which do not have airdrome control towers and on airports which have part-time towers during the off duty hours of the tower. This proposal would insert in appropriate rule sections of Subpart J reference to FAA flight service stations.

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6. The proposal also would delete the definition, "Aeronautical utility land station," from § 87.5 of the rules. This definition is unnecessary since aeronautical utility land stations are either airdrome control stations or FAA flight service stations and are referred to as such in the rules.

7. The proposed amendments to the rules as set forth below are issued pursuant to the authority contained in sections 4(i), 303(c) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before December 15, 1975, and reply comments on or before December 26, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular busines hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: October 29, 1975.

Released: November 5, 1975.

FEDERAL COMMUNICATIONS COMMISSION [1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[1] Commision Reid absent.

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 2.1 [Amended].

1. Section 2.1 is amended by deleting the definition "Aeronautical utility land station."

§ 2.106 [Amended].

2. In § 2.106 the frequency table is amended by deleting from column 11 the term, "Aeronautical utility land," which is next to the frequency band 121.600–121.925 MHz listed in column 10.

3. In § 87.5 the definition "Aeronautical utility land station" is deleted and the definition, "Aeronautical utility mobile station," is revised to read as follows:

§ 87.5 Definition of terms.

* * * * *

Aeronautical utility mobile station. A mobile station used for communications at airdromes with and under control of airdrome control stations or FAA flight service stations.

* * * * *

4. In § 87.183 paragraph (i) is amended by revising footnote "A" at the end of the table to read as follows:

§ 87.183 Frequencies available.

* * * * *

(i) * * *

A—Primarily used for control of ground traffic.

* * * * *

5. In § 87.401 paragraph (a) is amended by revising footnote "A" at the end of the table to read as follows:

§ 87.401 Frequencies available.

* * * * *

(a) * * *

A—Primarily used for control of ground traffic.

* * * * *

6. Section 87.431 is revised to read as follows:

§ 87.431 Frequencies available.

The frequencies listed in § 87.401(a) are available for assignment to aeronautical utility mobile stations. The aeronautical utility mobile stations at each airport will be authorized only that frequency which is used by the airdrome control station or the FAA flight service station at the airport to communicate with ground vehicles.

7. A new § 87.432 is added to read as follows:

§ 87.432 Eligibility.

Authorization to operate an aeronautical utility mobile station will be issued only for operation at landing areas having an airdrome control tower or an FAA flight service station.

8. Section 87.433 is revised to read as follows:

§ 87.433 Scope of service.

Communications by an aeronautical utility mobile station shall be limited to the management of ground traffic at an airdrome.

9. Section 87.437 is revised to read as follows:

§ 87.437 Supervision by airdrome control operator or FAA flight service station operator.

Transmissions by the aeronautical utility mobile station shall be under control of the airdrome control station or the FAA flight service station and shall be discontinued immediately when so requested by either the airdrome control station or FAA flight service station. The aeronautical utility mobile station shall guard its assigned frequency during periods of operation.

[FR Doc.75-30461 Filed 11-11-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

TUNERS (OF THE TYPE USED IN CONSUMER ELECTRONIC PRODUCTS) FROM JAPAN

Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to tuners (of the type used in consumer electronic products) from Japan was published as Treasury Decision 70–257 in the FEDERAL REGISTER of December 12, 1970 (35 FR 18914).

After due investigation, it has been determined tentatively that tuners (of the type used in consumer electronic products) exported by Tokyo Shibaura Electric Co., Ltd., are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Statement of reasons on which this tentative determination is based. The investigation indicated that with the exception of three sales for which dumping duties in a de minimis amount were assessed, all sales by Tokyo Shibaura Electric Co., Ltd., for a period of over two years from the date of withholding of appraisement (Notice published in FEDERAL REGISTER of April 16, 1970, 35 FR 6192) have been made at not less than fair value. Written assurances have been given that future sales of such tuners to the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to tuners (of the type used in consumer electronic products) from Japan to exclude the tuners sold by Tokyo Shibaura Electric Co., Ltd. from the finding.

In accordance with § 153.37, Customs regulations (19 CFR 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by this office on or before Noevmber 24, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before December 12, 1975.

This notice is published pursuant to § 153.41(c) of the Customs regulations (19 CFR 153.41(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

NOVEMBER 6, 1975.

[FR Doc.75-30394 Filed 11-11-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

NOVEMBER 6, 1975.

The USAF Scientific Advisory Board ad hoc Committee on the Location, Identification, and Destruction of Surface Targets by Tactical Air Forces Under Adverse Weather Conditions will hold a meeting on December 10, 1975, from 9 a.m. to 5 p.m. in Room 1E–801 #6 at the Pentagon.

The Committee will meet in working session to discuss and complete a classified final report.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meeting will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–8845.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-30470 Filed 11-11-75;8:45 am]

Army Department

ACQUISITION OF LAND FOR TRAINING PURPOSES; FORT HOOD, TEXAS

Notice of Filing of Draft Environmental Impact Statement with Council on Environmental Quality

In compliance with the National Environmental Policy Act of 1969, the Army on 7 November 1975 filed with the Council on Environmental Quality a Draft Environmental Impact Statement concerning the acquisition of land for training purposes at Fort Hood, Texas.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested individuals may obtain copies from the Office of the Commanding General III Corps and Fort Hood, Fort Hood, Texas 76544, ATTN: Director of Facilities and Engineering. In the Washington area, inspection copies can be seen in the Environmental Office, Assistant Chief of Engineers, Room 1E–676, Pentagon, Building, Washington, D.C. (Phone (202) 694–1163).

CHARLES R. FORD,
Deputy Assistant Secretary
of the Army (Civil Works).

[FR Doc.75-30455 Filed 11-11-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75–23]

HENRY M. COLLIER, M.D.

Hearing

Notice is hereby given that on July 14, 1975, the Drug Enforcement Administration, Department of Justice, issued to Henry M. Collier, Savannah, Georgia, an Order to Show Cause as to why the Drug Enforcement Administration should not deny the application for Registration under the Controlled Substances Act of 1970, of the Respondent executed on March 9, 1975, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 1:00 p.m., November 17, 1975, in Municipal Courtroom #4, Third Floor, 128 Bull Street, Savannah, Georgia.

Dated: November 5, 1975.

HENRY S. DOGIN,
Acting Administrator
Drug Enforcement Administration.

[FR Doc.75-30522 Filed 11-11-75;8:45 a.m.]

[Docket No. 75–7]

SHELDON WAGNER, D.P.M.

Hearing

Notice is hereby given that on March 21, 1975, the Drug Enforcement Administration, Department of Justice, issued to Sheldon Wagner, D.P.M., Lake Worth, Florida, an Order to Show Cause as to why the Drug Enforcement Administration should not deny the application for registration under the Controlled Substances Act of 1970, of the respondent executed on August 29, 1974, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by the respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held

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commencing at 10:00 a.m., on November 14, 1975, in the Bankruptcy Courtroom #431, Federal Building, 701 Clematis Street, West Palm Beach, Florida.

Dated: November 5, 1975.

HENRY S. DOGIN,
Acting Administrator
Drug Enforcement Administration.

[FR Doc.75-30523 Filed 11-11-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 15338; Survey Group 158]

FLORIDA

Filing of Plat of Survey

NOVEMBER 4, 1975.

The plat of survey of the following described lands, which was accepted on June 26, 1975, will be officially filed in the Eastern States Office, Silver Spring, Maryland as of 10 a.m. on December 15, 1975:

TALLAHASSEE MERIDIAN, FLORIDA

T. 46 S., R. 24 E.,
Tract 37 (0.57 of an acre);
Tract 38 (1.75 acres);
Tract 39 (0.69 of an acre);
Tract 40 (0.96 of an acre);
Tract 41 (0.09 of an acre).

The area aggregates 4.06 acres.

The plat represents the survey of islands omitted from the original survey of T. 46 S., R. 24 E., as shown on the plat approved September 30, 1873.

Tracts 37, 38, 39, 40 and 41 are islands of sandy, shell formation, ranging in height from fifteen inches to fifteen feet. Each island is stable in position with no erosive action and has an outer fringe of tidal mangrove. The upland portions support moderate growths of such vegetation as gumbo limbo, sea grape, palm and buttonwood; undergrowth consists of cacti, vines and small shrubs. The inner tidal areas are covered with red and black mangrove. Each island is surrounded by a fringe of red mangrove, with no apparent connecting bars, shell or sand ridges to any other islands.

The formation of the islands is similar in all respects to that of the adjacent surveyed lands. All characteristics of the mainland indicate that the islands were in existence in 1845 when Florida was admitted to the Union and at all subsequent dates.

The islands are well over 50 percent upland in character within the interpretation of the Swampland Act of September 28, 1850.

Except for valid existing rights, these lands will not be subject to application, petition, location, selection or to any other type of appropriation under any public land law, including the mining and mineral leasing laws, until a further order is issued.

All inquiries relating to these lands should be sent to Director, Eastern States, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director,
Eastern States.

[FR Doc.75-30476 Filed 11-11-75;8:45 am]

[NM 26722]

NEW MEXICO

Application

NOVEMBER 4, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for a 4 inch natural gas pipeline and .01 acre meter site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 28 E.,
Sec. 26, W½SE¼;
Sec. 35, W½NE¼ and NW¼SE¼.

This pipeline will convey natural gas across .954 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.75-30477 Filed 11-11-75;8:45 am]

[NM 26900, 26901, 26902, 26904, 26911]

NEW MEXICO

Applications

NOVEMBER 3, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 12 W.,
Sec. 21, NW¼NW¼.
T. 29 N., R. 9 W.,
Sec. 28, E½NW¼.
T. 30 N., R. 8 W.,
Sec. 29, Lots 11 and 12.
T. 30 N., R. 9 W.,
Sec. 33, NW¼NE¼.
T. 32 N., R. 10 W.,
Sec. 29, SW¼SW¼.

These pipelines will convey natural gas across .197 mile of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-30399 Filed 11-11-75;8:45 am]

[OR 14444]

OREGON

Designation of Jordan Crater Research Natural Area

NOVEMBER 3, 1975.

Pursuant to the authority in 43 CFR Subpart 2070, and the authorization from the Director dated June 2, 1975, I hereby designate the public lands in the following described area as the Jordan Crater Research Natural Area:

WILLAMETTE MERIDIAN

T. 27 S., R. 43 E.,
Secs. 33, 34, 35, and 36.
T. 28 S., R. 43 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1, 2, and 4, S½N½, and S½;
Secs. 5, 8, 9, 10, and 11;
Sec. 12, W½ and SW¼SE¼;
Secs. 13, 14, 15, and 17;
Sec. 20, N½, W½SW¼, SE¼SW¼, SW¼SE¼, and E½SE¼;
Secs. 21 to 29, inclusive;
Secs. 32 to 35, inclusive.
T. 28 S., R. 44 E.,
Sec. 18, lots 3 and 4, SE¼SW¼, and SW¼SE¼;
Sec. 19;
Sec. 20, S½SW¼;
Sec. 28, W½W½;
Secs. 29 to 32, inclusive.
T. 29 S., R. 43 E.,
Secs. 1 to 5, inclusive.
T. 29 S., R. 44 E.,
Sec. 4, W½;
Sec. 5, lots 1, 2, 3, and 4, S½N½, N½SW¼, and E½SE¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7;
Sec. 8, S½NE¼, W½, and SE¼;
Sec. 9, W½ and W½SE¼;
Sec. 16, W½NE¼ and E½NW¼.

The area described aggregates about 30,114.70 acres.

The Jordan Crater Research Natural Area lands are a "Class IV—Outstanding Natural Area" under the Bureau of Outdoor Recreation system of classification.

MURL W. STORMS,
State Director.

[FR Doc.75-30400 Filed 11-11-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Louisiana Grain Inspection Point

Notice is hereby given that the designation of the Delta Weighing and Inspection Bureau, Inc., to operate as an official inspection agency at Myrtle Grove, Louisiana, has been canceled at the agency's request effective 12 p.m. November 17, 1975, pursuant to § 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act.

In order to provide an orderly continuation of needed official grain inspection services at Myrtle Grove, Louisiana, the assignment of the New Orleans Board of Trade is hereby amended to add Myrtle Grove, Louisiana, as a designated inspection point on an interim basis to be effective on November 17, 1975, and continuing until a replacement agency is formally designated, in accordance with § 26.101(c)(2) of the regulations (7 CFR 26.101(c)(2)) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.).

Interested persons are hereby afforded the opportunity to submit written views and comments with respect to the interim designation of the New Orleans Board of Trade to operate as an official inspection agency at Myrtle Grove, Louisiana, in accordance with § 26.101(c)(2) of the regulations.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk not later than December 12, 1975. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done in Washington, D.C., on: November 10, 1975.

DONALD E. WILKINSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-30656 Filed 11-11-75;8:45 am]

Forest Service

ALASKA LUMBER AND PULP COMPANY TIMBER SALE 1976–1981 OPERATING PERIOD

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental for the Alaska Lumber and Pulp Company Timber Sale 1976–1981 Operating Period, USDA–FS–FES(Adm) 76–03.

The environmental statement deals with the timber harvest plan for the 1976–1981 operating period of the Alaska Lumber and Pulp Company long-term timber sale. Approximately 668 million board feet of mature Sitka spruce, western hemlock, and yellow cedar is proposed for harvest from Chichagof Island, Baranof Island, Kuiu Island on the Tongass National Forest in southeast Alaska.

This draft environmental statement was filed with SCQ on November 6, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW., Washington, D.C. 20250

USDA, Forest Service, Alaska Region, Federal Bldg., Juneau, Alaska 99802

Forest Supervisor, Chatham Area, Tongass National Forest, Lloyd Center Bldg., Sitka, Alaska 99835

Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Bldg., Room 213, Ketchikan, Alaska 99901

Forest Supervisor, Stikine Area, Tongass National Forest, Federal Bldg., Petersburg, Alaska 99833

Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Suite 205, Anchorage, Alaska 99503

A limited number of single copies are available upon request to Forest Supervisor, Chatham Area, Tongass National Forest, P.O Box 757, Sitka, Alaska 99835.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Chatham Area, Tongass National Forest, P.O. Box 757, Sitka, Alaska 99835. Comments must be received within 60 days from the date of transmittal of this environmental statement to the Council on Environmental Quality in order to be considered in the preparation of the final environmental statement.

R. MAX PETERSON,
Deputy Chief, Forest Service.

NOVEMBER 6, 1975.

[FR Doc.75-30449 Filed 11-11-75;8:45 am]

APACHE-SITGREAVES NATIONAL FORESTS GRAZING ADVISORY BOARDS

Meeting

The Apache-Sitgreaves Grazing Advisory Boards will meet at 1:30 p.m. on November 24, 1975, at the Ramada Inn, Springerville, Arizona.

The purpose of the meeting is to elect officers for the newly formed Apache and Sitgreaves National Forests Grazing Advisory Boards. The charter and by-laws will be reviewed at this time. Others business concerning permittee and Forest Service relationships will be discussed.

The meeting will be open to the public. Persons who wish to attend may contact:

Forest Supervisor, Apache-Sitgreaves National Forests, P.O. Box 640, Springerville, Arizona, Phone No. 333–4301.

1. Those wishing to make a verbal statement are to submit written documentation and state the amount of time required to present the topic.

2. The Forest Supervisor will review all requests and inform each participant of the time alloted for their presentation.

Time permitting, other questions or statements will be received following the meeting. If not, written statements will be received.

Dated: November 4, 1975.

MILES P. HANRAHAN,
Acting Forest Supervisor.

[FR Doc.75-30398 Filed 11-11-75;8:45 am]

BIG SWEDE-PIPE PLANNING UNITS MULTIPLE USE PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement for Big Swede-Pipe Planning Units, Forest Service Report Number R1–76–8 USDA–FS–DES (Adm).

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Big Swede-Pipe Planning Units, Libby and Fisher River Ranger Districts, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 142,135 acres of National Forest lands which have been stratified into twelve management situations or units with similar resource implications.

This draft environmental statement was filed with CEQ November 4, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., SW., Washington, D.C. 20250

USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801

Supervisor's Office, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923

USDA, Forest Service, Libby Ranger District, Libby Ranger Station, Libby, MT 59923

USDA, Forest Service, Fisher River Ranger District, Canoe Gulch Ranger Station, Libby, MT 59923

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923. Comments must be received by January 6, 1976, in order to be

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considered in the preparation of the final environmental statement.

Dated: November 4, 1975.

FLOYD J. MARITA,
Forest Supervisor, Kootenai National Forest, Northern Region.

[FR Doc.75-30397 Filed 11-11-75;8:45 am]

ROGUE RIVER NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

DECEMB: . 12, 1975.

The Rogue River National Forest Grazing Advisory Board will meet December 12, 1975, 10 a.m., U.S. Post Office and Federal Building, Eighth and Holly, Room 204, Medford, Oregon.

The purpose of this meeting is to discuss the following:

1. The Forest's non-point pollution program.
2. Timber Management Plan review as it relates to grazing.
3. Report on Governors Executive Resource Tour on Big Butte Coordinated Resource Management Plan area.
4. Wildlife Representative Report on Big Game Harvest and Predator Control.
5. Discussion of Application of Quality Range Management and Resource Criteria.
6. Discussion of renewal of 10-year Term Permits.
7. Miscellaneous group problems.

The meeting is open to the public. Comments are invited following committee discussion of regular topics.

WILLIAM N. STANALAND,
Acting Forest Supervisor.

NOVEMBER 4, 1975.

[FR Doc.75-30466 Filed 11-11-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

GLAMORISE FOUNDATIONS, INC.

Petition for a Determination

A petition by Glamorise Foundations, Inc., of New York City, was accepted for filing on November 6, 1975, under section 251 of the Trade Act of 1974 and in conformity with Adjustment Assistance Certification Regulations for Firms, 15 CFR Part 350, 40 FR 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in items 376.24 and 376.28 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with women's body-supporting garments produced by the firm.

Any party having a substantial interest in the subject matter of the proceedings (as described in § 350.40(b) of the regulations) may request a public hearing on the matter. A request for a hearing conforming to § 350.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, on or before November 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance)

JACK W. OSBURN, JR.,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30467 Filed 11-11-75;8:45 am]

Maritime Administration

U.S. MERCHANT MARINE ACADEMY ADVISORY BOARD

Public Meeting

Notice is hereby given of a meeting of the U.S. Merchant Marine Academy Advisory Board (the Board) on December 10, 1975, at 2:30 p.m. in the Board Room at the U.S. Merchant Marine Academy, Kings Point, New York.

The Advisory Board to the United States Merchant Marine Academy was established by the Secretary of Commerce under the authority of 46 U.S.C. 1126d to examine the course of instruction and the overall management of the U.S. Merchant Marine Academy (the Academy) and advise the Assistant Secretary of Commerce for Maritime Affairs with respect thereto.

The Board consists of not more than seven members appointed by the Secretary of Commerce, selected from segments of the Maritime industry, labor, educational institutions, and other fields relating to the objectives of the Academy.

The agenda for the meeting is:

1. Call meeting to order.
2. Approval of the minutes of the September 19, 1975 meeting.
3. Reports of Advisory Board members on project assignments.
4. Discussion of legislative matters related to the U.S. Merchant Marine Academy.
5. Setting of next Board meeting.

This meeting is open to public observation, and a period will be set aside for oral comments or questions. Public statements may be submitted at any time before or after the scheduled meeting. Approximately 15 seats will be available for the public on a first-come, first-served basis.

Copies of the minutes will be available upon request.

Inquiries may be addressed to the Committee Control Officer, Kathleen A. Shetler, Office of Assistant Secretary for Maritime Affairs, Room 3731, Main Commerce Building, telephone A/C 202-967-2851.

Dated: November 10, 1975.

So ordered by Assistant Secretary of Commerce for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-30605 Filed 11-11-75;8:42 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notification is hereby made of the final agenda for the meeting of the National Council on Educational Research to be held on November 21, 1975, in Room 823, at 1200—19th Street, NW., Washington, D.C. The meeting will convene at 9:30 a.m. and adjourn at 3:30 p.m. The tentative agenda appeared on page 52076 of the FEDERAL REGISTER on November 7, 1975. The National Council on Educational Research is established under section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

This meeting will be open to the public except for the closed session. The following is the revised agenda:

9:30 -------	Convene open session.
9:30–9:35 --	Approval of minutes of September 18 meeting.
9:35–10 ----	Director's report.
10–11 ------	Review of actions following council resolutions, end open session.
11–12:30 ---	Closed session (FY 1977 Budget).
12:30–1:30 -	Luncheon.
1:30–2 -----	Resume open session, presentation by National Education Task Force de la Haza.
2–3 --------	NIE Staff presentation on education, research issues.
3–3:30 ----	Brief discussion of dissemination strategies.
3:30 -------	Adjourn.

Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below.

Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary.

The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact the Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, National Institute of Education, Washington, D.C. 20208, 202–254–7900.

Dated November 7, 1975.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

[FR Doc.75-30585 Filed 11-11-75;8:45 am]

Office of Education

FOREIGN LANGUAGE AND AREA STUDIES RESEARCH PROGRAM

Closing Date for Receipt of Proposals

Notice is hereby given that pursuant to the authority contained in section 602 of Title VI of the National Defense Education Act of 1958, as amended (20 U.S.C. 512), proposals will be accepted for contracts under the Foreign Language and Area Studies Research Program. Under this program the Commissioner is authorized to contract for studies and surveys to determine the need for increased or improved instruction in modern foreign languages and related fields, to conduct research on training methods for use in such languages and fields, and to develop specialized materials for use in training students and language teachers.

Proposals for such contracts will be treated as unsolicited proposals in accordance with Subpart 3–4.52 of the HEW Procurement Regulations (41 CFR 3–4.52). In order to be assured of consideration for funding with fiscal year 1976 funds, however, proposals must be received by the Office of Education Application Control Center on or before February 2, 1976.

A. *Proposals sent by mail.* A proposal sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.436. A proposal sent by mail will be considered to be received on time by the Application Control Center if:

(1) The proposal was sent by registered or certified mail not later than January 28, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The proposal is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered proposals.* A proposal to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered proposals will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays or Federal holidays. Proposals will not be accepted after 4 p.m. on the closing date.

C. *Program information.* Information may be obtained from the Foreign Language and Area Research Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 3928, 7th and D Streets, S.W., Washington, D.C. 20202.

D. *Applicable regulations.* The priorities and funding criteria applicable to this program were published in the FEDERAL REGISTER, 40 FR, October 29, 1975.

(20 U.S.C. 512)

(Catalog of Federal Domestic Assistance Number 13.436. Higher Education—Foreign Language and Area Research Program)

Dated: November 6, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc. 75-30483 Filed 11-11-75; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-452]

COUNTRY SQUIRE LAKES SUBDIVISION

Hearing

In the matter of Country Squire Lakes Subdivision, OILSR Nos. 0–2884–15–26, 0–02884–15–26(A–C); Docket No. 75–201–IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that:

1. Hidden Valley Lake, Inc., James J. Rupel, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued September 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Country Squire Lakes, located in Jackson County, Indiana, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 14, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on December 4, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before November 20, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: November 3, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-30451 Filed 11-11-75;8:45 am]

Office of the Secretary

[Docket N-75-453]

NEW COMMUNITY DEVELOPMENT CORP.

Appointment of Members of Board of Directors

Pursuant to section 729(b)(3) of the Housing and Urban Development Act of 1970. (Pub. L. 91–609), James N. Smith, Charles M. Haar and David O. Meeker, Jr. have been appointed members of the Board of Directors of the New Community Development Corporation.

Raymond L. Watson is also currently serving as a member of the Board of Directors of the New Community Development Corporation, and section 729(b)(1) of the aforementioned Act provides that the Secretary of Housing and Urban Development shall be the Chairman of the Board.

Dated: November 5, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-30489 Filed 11-11-75;8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-23; Notice 2]

SBARRO REPLICA BMW 328

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by the manufacturer of the Sbarro Replica BMW 328, Ateliers d'Etudes de Construction Automobiles S.a.r.l. of Yverdon, Switzerland, for temporary exemption from several Federal motor vehicle safety standards on the basis that compliance would cause it substantial economic hardship. Notice of the petition was published on August 25, 1975 (40 FR 37076) and an opportunity afforded for comment.

Petitioner manufactured 24 Sbarro Replica BMW 328 passenger cars in 1974 and has manufactured only 42 automobiles in all since commencing manufacturing in 1965. The vehicle for which it sought exemption is an open-bodied two-seater replica of the German BMW 328 sports car manufactured in the 1930's. The company requested a 1-year exemption from portions of Motor Vehicle Safety Standard No. 101, *Control Location, Identification and Illumination*, (requirements for illumination of head lamps, hazard warning, and windshield wiper controls) and Standard No. 114 (audible warning requirements). It wished a 2-year exemption from portions of Standard No. 108 (photometric requirements for front side marker lamps, backup lamps) and Standard No. 208 (audible and visible warnings). It asked for a 3-year exemption from eight additional standards: No. 201, *Occupant Protection in Interior Impact*, No. 202, *Head Restraints*, No. 203, *Impact Protection for the Driver from Steering Control System*, No. 204, *Steering Control Rearward Displacement*, No. 206, *Door Locks and Door Retention Components*, No. 212, *Windshield Mounting*, No. 214, *Side Door Strength*, and No. 215, *Exterior Protection*.

In support of its petition, it stated that it will comply with Standards Nos. 101, 108, 114 and 208 at the end of the exemption period. It needs the time to develop complying parts and to exhaust its inventory. To require immediate compliance would cause a loss of $55,000. With respect to the standards for which a 3-year exemption is requested, it states that "we must face the conclusion that our replica cannot be engineered or tested to comply with these standards due to its appearance and our finances and construction capacities. A 1930's automobile does not lend itself to these crash tests." The company has, however, incorporated the following safety items in an attempt at least partially to meet the standards indicated: full interior padding (No. 201); double joint steering shaft tube and Volkswagen collapsible steering column assembly (No. 203, No. 204); lock striker plates mounted within door jamb, encased in steel (No. 206); and construction of front and rear sections of vehicle from laminated polyester (No. 215). The car utilizes an upper-torso restraint, not required by Standard No. 208 for open-bodied cars. The company had a net income of $5,884 in 1974. Denial would cost it an opportunity to enter the American market.

It argued that an exemption is in the public interest as the vehicle will be powered by propane, qualifying it for exemption also as a low-emission motor vehicle.

No comments were received on the petition.

In granting hardship exemptions pursuant to 15 U.S.C. 1410, the Administrator must determine that compliance would cause the petitioner substantial economic hardship and that the petitioner has in good faith attempted to comply with each standard from which it requests to be exempted. He must also find that the exemption is consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act. There appears to be little question that immediate compliance with all standards is not feasible for this company, whose latest annual net income was less than $6,000, and that to require compliance as a pre-condition to entry in the American market would cause substantial economic hardship. Sbarro appears to be making a good faith effort to achieve compliance within 1 and 2 years with four standards. Its attempt to comply with the eight remaining standards, in its view, would destroy the sales appeal of the vehicle. With the exception of Standard No. 215, *Exterior Protection*, the Administrator finds it difficult to understand how such items as interior padding, improved door locks, an side door beams significantly affect the character of the replica. It is clear, however, that Sbarro lacks the financial resources to presently effect compliance, and a 3-year exemption is being granted with the expectation that Sbarro will work to achieve conformance by the end of that period. An exemption is in the public interest and consistent with the objectives of the Act since it will allow importation of a low-emission motor vehicle and afford the American consumer a choice of product not otherwise available. Because of the small number of vehicles likely to be produced under the exemption, the effect upon traffic safety should be minimal.

In consideration of the foregoing, Ateliers d'Etudes de Construction Automobiles S.a.r.l. is hereby granted NHTSA Exemption No. 75-23 from the following Federal motor vehicle safety standards (sections of Title 49, Code of Federal Regulations), expiring on the dates indicated:

October 1, 1976

Standard No. 101 (§ 571.101), *Control Location, Identification, and Illumination* (illumination of controls for headlamps, hazard warning, and windshield wiper system).

Standard No. 114 (§ 571.114), *Theft Protection* (audible warning).

October 1, 1977

Standard No. 108 (§ 571.108), *Lamps, Refective Devices and Associated Equipment* (photometric requirements for front side marker lamps and backup lamps).

Standard No. 208 (§ 571.208), *Occupant Crash Protection* (audible and visible warnings).

October 1, 1978

Standard No. 201 (§ 571.201), *Occupant Protection in Interior Impact.*

Standard No. 202 (§ 571.202), *Head Restraints.*

Standard No. 202 (§ 571.203), *Impact Protection for the Driver from Steering Control System.*

Standard No. 204 (§ 571.204), *Steering Control Rearward Displacement.*

Standard No. 206 (§ 571.206), *Door Locks and Door Retention Components.*

Standard No. 212 (§ 571.212), *Windshield Retention.*

Standard No. 214 (§ 571.214), *Side Door Strength.*

Standard No. 215 (§ 571.215), *Exterior Protection.*

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51.)

Issued on November 6, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-30527 Filed 11-11-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23287]

AIR FREIGHT FORWARDERS' CHARTERS INVESTIGATION

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on December 3, 1975, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., November 7, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-30499 Filed 11-11-75;8:45 am]

[Docket No. 22859]

DOMESTIC AIR FREIGHT RATE INVESTIGATION

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on December 17, 1975, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., November 7, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-30498 Filed 11-11-75;8:45 am]

[Docket No. 23138]

LOOMIS CORP. ET AL.

Proposed Approval Regarding Control and Interlocking Relationships

Application of Loomis Corporation, Loomis Courier Service, Inc., F. E. Baker, G. A. DeBon, O. H. Johnson, C. W. Loomis, W. F. Loomis, J. O. Wilson, and Q. M. Rochefort for exemption, approval and/or disclaimer under sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act) Docket 23138.

Notice is hereby given, pursuant to the statutory requirements of section 408 (b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until November 17, 1975 within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 7, 1975.

[SEAL] WILLIAM B. CALDWELL, Jr.,
Director, Bureau of Operating Rights.

Issued under delegated authority. Application of Loomis Corporation, Loomis Courier Service, Inc., F. E. Baker, G. A. Debon, O. H. Johnson, C. W. Loomis, W. F. Loomis, J. O. Wilson, and Q. M. Rochefort for exemption, approval, and/or disclaimer under sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act).

ORDER GRANTING APPROVAL

Loomis Corporation and Loomis Courier Service, Inc. (Loomis Courier), request exemption or approval without hearing under section 408 of the Federal Aviation Act of 1958, as amended (the Act), with respect to the control relationship described herein involving the proposed acquisition of Stanley Smith Security, Inc. (Smith), by Loomis Corporation. In addition, the aforementioned corporate applicants and F. E. Baker, G. A. DeBon, O. H. Johnson, C. W. Loomis, W. F. Loomis, J. O. Wilson, and Q. M. Rochefort, individually, seek approval or disclaimer of jurisdiction with respect to the interlocking relationships described herein.

Loomis Corporation controls all the shares of Loomis Armored Car Services, Inc. (Loomis Armored Car), which in turn controls all the shares of Loomis courier,[1] an indirect air carrier by virtue of its operating authorizations as a domestic and international air freight forwarder. Smith is primarily engaged in the private security field, and, among other things, performs passenger-screening services mandated by U.S. Department of Transportation directive at various airports. Such activity has been interpreted by the Board to constitute a "phase of aeronautics."[2] The applicants assert, however, that less than 10 percent of Smith's gross revenues of about $8 million per year have been generated by these activities.

The seven individual applicants, enumerated *supra*, presently constitute a majority of the board of directors of Loomis Corporation. Three of such seven individual applicants, F. E. Baker, C. W. Loomis, and W. F. Loomis, are also directors of two Loomis subsidiaries, Loomis Armored Car and Loomis Courier, and constitute the entire board of each of those two companies. In addition, C. W. Loomis and W. F. Loomis serve as officers of the three Loomis companies, as does G. A. DeBon, another of the seven individual applicants. W. F. Loomis and C. W. Loomis each own more than 5 percent of the outstanding stock of Loomis Corporation. Should the Board consent to the instant relationships, the seven individual applicants would concurrently serve on the board of Smith. The application states that no officer or director of Loomis Corporation or Smith will hold any office or position with any air carrier or any corporation or individual engaged in a phase of aeronautics except Courier and Smith.

No comments respecting this application have been received.

Upon consideration of the facts as presented by the applicants, it is concluded that Loomis Corporation is a person controlling an air carrier, that Loomis Courier is an air carrier, and that Smith is a person engaged in a phase of aeronautics, and that, when consummated, the above-described control relationship will constitute the acquisition of control of a person in a phase of aeronautics by a person controlling an air carrier. Accordingly, the instant acquisition of control is subject to 408(a)(6) of the Act, and can only be authorized by the Board by way of approval, pursuant to section 408(b) of the Act.[3] However, it is found that the consummation of this control relationship will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, result in creating a monopoly, or tend to restrain competition.[4] Furthermore, no person disclosing a substantial interest in this proceeding is presently requesting a hearing, and it is therefore determined that the public interest does not require a hearing. Thus, it is found that the above-described control relationship will not be inconsistent with the public interest or fail to fulfill the conditions of section 408 of the Act. In the past, the Board has approved similar control relationships pursuant to the third proviso of section 408(b) of the Act.[5]

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following such date of publication, both in accordance with the requirements of section 408(b) of the Act.

The above-described acquisition of control also gives rise to certain interlocking relationships within the meaning of section 409 of the Act. To the extent these interlocking relationships are subject to the jurisdiction of the Board under the terms of that section and Part 251 of the Board's Economic Regulations, however, it is found that they are covered by the approval and exemption conferred by Part 287 of the Board's Economic Regulations. Accordingly, to the extent the instant application requests approval or disclaimer of jurisdiction with respect to interlocking relationships, it shall be dismissed.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.3 and 385.13, it is found that the above-described control relationship should be approved without a hearing pursuant to the third proviso of section 408(b) of the Act. All other requests in docket 23138 should be dismissed.

Accordingly, it is ordered, That:

1. The instant control relationship involving the acquisition of Smith by Loomis Corporation be and it hereby is approved pursuant to the third proviso of section 408(b) of the Act.

[1] This relationship was the subject of application of Loomis Corporation *et al.*, order 69-5-50, May 13, 1969.

[2] Cf. Braniff Airways, Inc., and Braniff International Corporation, order 75-1-23, Jan. 7, 1975.

[3] Cf. Anthony Cosimano *et al.*, order 75-2-89, Feb. 21, 1975; and Berwind Corporation *et al.*, order 69-11-12, Nov. 4, 1969.

[4] Our assessment of the likely competitive impact of the proposed acquisition of control is based on our review of the application and related financial statements submitted by the applicants. We note that the acquiring firm, Loomis Corporation, controls a firm whose principal line of commerce is air freight forwarding. We note further that the relevant line of commerce of the acquired firm, Smith, is airport security screening. It is not our belief that any cross-elasticity of demand or reasonable interchangeability of use exists between these two particular lines of commerce. Accordingly, we find no significant horizontal competitive overlap should result from this acquisition. Also, we have found no evidence indicating a subjective intent on the part of Loomis Corporation to make a *de novo* entry into the airport security screening business, or that Loomis Corporation should otherwise be viewed as a likely potential entrant into that market on a *de novo* basis. It would not appear then that the instant acquisition of control will eliminate a significant potential entrant (and new competitor) into the airport security screening business. Further, we do not consider the airport security screening business to be an unduly concentrated industry, nor have we been able to discern a significant trend towards concentration in this industry. Accordingly, we have determined that the proposed acquisition of control will not violate traditional merger guidelines.

[5] Cf. Pan American World Airways, order 75-5-117, May 29, 1975.

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2. Except to the extent noted above, all other requests in docket 28138 be and they hereby are dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days from the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

[FR Doc. 75-30502 Filed 11-11-75; 8:45 am]

[Docket No. 28417]

PAN AMERICAN WORLD AIRWAYS, INC.

Proposed Approval

Application of Pan American World Airways, Inc., for approval under section 408 of the Federal Aviation Act of 1958, as amended, or an exemption pursuant to section 416 thereof, Docket 28417.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until November 17, 1975 within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 6, 1975.

[SEAL] WILLIAM B. CALDWELL, JR.,
Director, Bureau of Operating Rights.

Issued under delegated authority. Application of Pan American World Airways, Inc., for approval under section 408 of the Federal Aviation Act of 1958, as amended, or an exemption pursuant to section 416 thereof.

ORDER OF APPROVAL

Pan American World Airways, Inc. (Pan American), seeks approval without a hearing pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), or in the alternative, seeks an exemption pursuant to section 416(b) thereof, of the sales transaction described herein.

Pan American and Alaska Airlines, Inc. (Alaska), have entered into agreements pursuant to which Pan American will sell to Alaska five B-727 aircraft at a price of $2.825 million per airplane and spare engines at a total price of $674,000, and Alaska will transfer to Pan American four B-720 aicraft for a total of $1.6 million.

Pan American is a certificated air carrier holding domestic trunkline and international authorizations.

Alaska is a certificated air carrier holding domestic and international authorizations.

Pan American has filed for Board action the agreement involving Alaska's sale of four B-720's, contending that the sale by Pan American is not subject to section 408 of the Act because the aircraft involved do not constitute a sufficient portion of Pan American's fleets.[1]

The four B-720's to be sold by Alaska pursuant to the agreement which has been submitted for Board action will constitute 25 percent of the number of aircraft in Alaska's fleet, 27 percent of the seating capacity of its fleet, and 4 percent of the fleet's book value.

In support of the application, the applicant contends that the five B-727's to be acquired by Alaska are better suited to its operations than the B-720's it will be selling; that the sales of aircraft are arm's-length transactions; that the net effect of the transactions will be to increase Alaska's seating capacity; that Part 299 of the Board's Regulations would have permitted exemption had not the aircraft exceeded permissible percentages of Alaska's capacity; that the Board has authorized similar transactions in the past;[2] that the Board has granted rapid approval of transactions involving aircraft when it found unusual circumstances affecting the party acquiring aircraft;[3] that Pan American is affected by unusual circumstances in international air transportation; and that the transfer of the four aircraft from Alaska to Pan American would not affect the control of an air carrier directly engaged in operation of aircraft, does not result in creating a monopoly, and does not restrain competition.

No objections to this application or requests for a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the five B-727's to be sold by Pan American as part of this transaction do not constitute a substantial part of the property of an air carrier and that, as a result, the transaction is not subject to section 408 of the Act. It is further concluded that the four B-720's to be sold by Alaska do constitute a substantial part of the property of an air carrier and that the transaction involving them is subject to section 408 of the Act. However, it is further concluded that the transaction will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, or tend to unreasonably restrain trade, substantially lessen competition, or create a monopoly. This sale agreement was entered into after arm's-length bargaining and there appear to be no interlocking or control relationships between Pan American, Alaska Airlines, or any of their affiliates. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It does not appear that the transaction will impair Alaska's ability to perform its certificate obligations inasmuch as the purchase by Alaska of five B-727's to which the sale of its four aircraft is tied will have the net effect of increasing Alaska's capacity.

The transaction for which approval is sought is similar to others which have been authorized by the Board and does not raise any new substantive issues.[4] Accordingly, on the basis of these facts, we find that the above-described sales agreement is not adverse to the public interest or otherwise in violation of the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing transaction should be approved, under section 408(b) of the Act, without a hearing pursuant to the third proviso thereof, and that, to the extent not granted herein, the application should be dismissed.

Accordingly, it is ordered, That: 1. The subject sales agreement involving the sale of four B-720's by Alaska Airlines, Inc., to Pan American World Airways, Inc., be and it hereby is approved; and

2. Except to the extent specifically granted herein, the application in docket 28417 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon the expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

[FR Doc.75-30501 Filed 11-11-75;8:45 am]

[1] As of June 30, 1975, the five B-727's constituted 4.5 percent of the number of aircraft in Pan American's fleet, 1.5 percent of the book value of aircraft in its fleet, and 2.3 percent of the aircraft load capacity of its fleet. Based on these figures and an analysis of the agreement involving the sale of the B-727's which was filed with the Board for information purposes, the aircraft do not appear to constitute a substantial part of the properties of Pan American. (Cf. PAA-Panagra aircraft lease, order E-23631, May 3, 1966.) The Board has in the past disclaimed jurisdiction in aircraft sales transactions involving similar circumstances. (See orders 70-11-13 and 70-11-14, Nov. 4, 1970.)

[2] See Continental Sale of Equipment, order E-23063, Dec. 30, 1965. In this order, the Board approved the sale by Continental Airlines of 42 percent of the number of its aircraft and 27 percent of its seating capacity for the purpose of acquiring more suitable aircraft and raising capacity.

[3] See AAXICO-Saturn Lease Exemption, order E-22087, Apr. 27, 1965.

[4] See n. 2, *supra*.

[Docket No. 28440; Order 75-11-23]

VARIOUS CARRIERS

Order Dismissing Complaint Regarding Domestic Passenger-Fare Increase

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of November 1975.

By tariff revisions[1] marked to become effective November 15, 1975, all ten domestic trunkline and eight regional carriers[2] operating within the 48 contiguous states and the District of Columbia, propose a three percent general increase in the level of their passenger fares. In their justifications, the carriers argue essentially that such an increase is warranted under the analysis contained in Order 75-9-115, September 30, 1975, even without consideration of any additional factors which have taken place since that time.

A complaint has been filde by the Honorable John E. Moss, et al., Members of Congress (MOC), requesting the Board to investigate the issue of price elasticity, contending that "the public cannot sustain another temporary period of depressed revenues."[3] The complainant also contends that the Board has approved several fare increases over the past few years through automatic application of its DPFI regulatory standards. In summary, the complainant believes that the proper course of action for the Board would be to suspend the proposed increase and to institute an investigation to determine the effect of the proposed fares upon the movement of traffic.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposals, and consequently the request for suspension will be denied and the complaint dismissed.

The carriers have correctly concluded that application of the Board's ratemaking approach, explained fully in Orders 75-6-72 and 75-8-99, with the inclusion of a three percent fare increase, results in a ratemaking return on investment of 11.98 percent (See Attachment A below). Accordingly the proposed three percent fare increase is justified. No argument has been advanced that an increase in revenue is not needed to offset experienced increases in airline costs.

The Board has extensively and repeatedly discussed the question of price elasticity raised by the complaint in disposing of similar complaints previously filed by MOC.[4] The thrust of the complaint, once again, is that the Board should suspend the proposed fare increase because it may have a sufficiently adverse impact on traffic to temporarily reduce revenues. However, the Board answered this argument in detail in Order 74-3-43, March 8, 1974, wherein it stated:

Moreover, even assuming the correctness of MOC's assertion that the demand for air transportation has become relatively more price-elastic, it would not follow that the proposed fare increases are unwarranted. As the Board determined in the DPFI, the level of passenger fares must be based on the long-term unit costs of providing air transportation. The fact that a fare increase might temporarily depress revenues would not warrant disapproval if the increase were necessary to cover the unit costs of operation. Failure to permit such increases would in the long run result either in an insufficient level of earnings for the carriers or an inadequate level of service to the public. (p. 4)

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404 and 1002 thereof:

It is ordered, That: (1) The complaint in Docket 28440 is dismissed, and

2. Copies of this order be served on all certificated scheduled carriers operating between points within the 48 contiguous states and the District of Columbia, and the Honorable John E. Moss, et al., Members of Congress.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A.—*Domestic trunk industry rate of return on investment 48-State scheduled passenger service for the 12 mo ended June 30, 1975*

[Dollar amounts in thousands]

	Actual	DPFI adjustments [1]	Other adjustments [2]	Col. 3 including a 3-pct fare increase
	(1)	(2)	(3)	(4)
RPM's (millions)	104,641	99,041	98,010	96,003
ASM's (millions)	199,053	179,942	178,200	174,551
Percent load factor	52.6	55.0	55.0	55.0
Yield (cents)	7.7500	8.0039	8.2162	8.4626
Passenger revenue	$8,109,740	$8,016,250	$8,052,651	$8,124,376
Operating revenue	8,313,066	8,219,570	8,255,977	8,327,702
Operating expense	8,014,578	7,165,790	7,629,129	7,472,579
Operating profit	298,487	1,053,790	626,847	855,123
Interest	221,025	194,490	181,992	178,153
Income before tax	77,462	859,297	444,855	676,965
Income tax at 48 pct	37,182	417,262	213,530	324,943
Net income	40,280	452,034	231,325	352,022
Return element	261,305	636,524	413,317	530,180
Investment	5,459,787	4,574,800	4,518,553	4,425,471
Percent rate of return on investment	4.79	13.91	9.15	11.98

[1] Removal of all discount fares, standard seating, and 55 pct standard load factor.
[2] Includes col. 2 adjustments plus cost factor, annualization of fare increases, plus adjustments for utilization and belly cargo.

NOTE.—The details of the Board's analysis are available for public inspection in the public reference room.

[FR Doc.75-30503 Filed 11-11-75;8:45 am]

[Docket No. 28213]

YUSEN AIR & SEA SERVICE COMPANY, LTD., (JAPAN) AND YUSEN AIR & SEA SERVICE (U.S.A.), INC.

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 11, 1975, at 10:00 a.m. (local time) in Room 1003B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before November 28, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., November 5, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-30500 Filed 11-11-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON REGULATION OF COMMODITY FUTURES TRADING PROFESSIONALS

Change in Meeting Place

Notice is hereby given of a change in the location of the meeting for the Commodity Futures Trading Commission Advisory Committee on Regulation of Commodity Futures Trading Professionals.

The Committee will meet on November 18, 1975 at 10 a.m. at the Madison Hotel, 15th and M Streets, NW., Washington, D.C. in Executive Chambers 2 and 3, rather than at 1120 Connecticut Avenue NW., Washington, D.C., in Room 925, as previously stated in the FEDERAL REGISTER of October 30, 1975 (40 FR 50558).

Dated: November 7, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-30469 Filed 11-11-75;8:45 am]

[1] Revisions to Airline Tariff Publishers Company, Agent C.A.B. No. 249.
[2] Air New England, Inc. has not so far filed for the increase.
[3] The National Passenger Traffic Association, Inc. filed a statement of its position in opposition to the proposed increase.
[4] Order 73-11-93, November 20, 1973; Order 74-3-43, March 8, 1974; Order 74-3-96, March 22, 1974; and Order 74-11-62, November 14, 1974.

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ADVISORY COMMITTEE ON REGULATION OF CONTRACT MARKETS AND SELF-REGULATORY ASSOCIATIONS

Change in Meeting Place

Notice is hereby given of a change in the location of the meeting for the Commodity Futures Trading Commission Advisory Committee on Regulation of Contract Markets and Self-Regulatory Associations.

The Committee will meet on November 24, 1975 at 10:00 a.m. at the Statler Hilton Hotel, 16th and K Streets, NW., Washington, D.C., in the Gallery Room, rather than at 1120 Connecticut Avenue, NW., Washington, D.C., in Room 925, as previously stated in the FEDERAL REGISTER of October 30, 1975 (40 FR 50558–9).

Dated: November 7, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75–30468 Filed 11–11–75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GENERAL TECHNICAL ADVISORY COMMITTEE

Meeting

NOVEMBER 7, 1975.

The General Technical Advisory Committee will hold a meeting on December 8, 1975, at the Argonne National Laboratory, Argonne, Illinois, Building 362, Auditorium. The meeting will be open to the public and will begin at 9 a.m.

The following agenda items will be discussed:

9–9:30 -----	Opening remarks by Dr. Philip C. White, Assistant Administrator for Fossil Energy.
9:30–10:30 -	Demonstration Plant Program chaired by George R. Risi, Director, Division of Fossil Demonstration Plants; GTAC members to discuss and comment upon.
10:30–11:30-	Synthetic Fuels Commercialization Program chaired by Mr. Harry R. Johnson, Director, Office of Program Planning and Analysis; GTAC members to discuss and comment upon.
11:30–12:30-	Fossil Energy MHD Program chaired by Dr. William D. Jackson, Director, Division of MHD; GTAC members to discuss and comment upon.
12:30–1:30 -	Recess for Lunch.
1:45–2:45 --	ERDA role of National Laboratories and Energy Research Centers by Dr. Michael I. Yarymovych, Assistant Administrator for Laboratory and Field Coordination.
2:45–3:15 --	Discussion on roles of Laboratories and Energy Research Centers.
3:15–4:15 --	ERDA and Fossil Energy University Program by Mr. Colonel C. Armstrong, Assistant Director for Operations, Division of University Manpower and Development Programs and Dr. Paul C. Scott, Acting Assistant Director, University Relations, Division of Fossil Energy Research.
4:15–5 -----	General Discussion.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than December 26, 1975, to Mr. George Fumich, Jr., Secretary, General Technical Advisory Committee, U.S. Energy Research and Development Administration, Fossil Energy, Washington, D.C. 20545. Comments shall be based on the above agenda items.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on December 5, 1975, to the Office of the Secretary of the Committee on (202) 376–4644 between 8:30 a.m. and 5 p.m., eastern time.

(c) Questions at the meeting may be propounded only by members of the General Technical Advisory Committee.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) Copies of the minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.75–30347 Filed 11–11–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 455–2; PF22]

ATLANTIC AND PACIFIC RESEARCH, INC.

Filing of Pesticide Petition

Atlantic and Pacific Research, Inc., PO Box 14366, N. Palm Beach FL 33408, has submitted a petition (PP 6F1691) to the Environmental Protection Agency which proposed the establishment of a regulation (40 CFR Part 180) exempting the plant growth regulator aqueous extract of seaweed meal from the requirement of a tolerance for residues. The proposed analytical method for determining residues is a radish leaf bioassay procedure.

Notice of this submission is given pursuant to the provisions of 408(d)(1) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St., SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "PP 6F1691". Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: November 4, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75–30392 Filed 11–11–75;8:45 am]

[FRL 455–1; OPP–180046]

DEPARTMENT OF AGRICULTURE

Crisis Exemption To Control West Indian Sugarcane Root Borer on Citrus in Florida

Pursuant to the provisions of Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the U.S. Department of Agriculture (USDA) has availed itself of a crisis exemption for use of the pesticide heptachlor to control the West Indian sugarcane root borer on citrus crops outside an established quarantine area near Apopka, Florida. This exemption is subject to the provisions of §§ 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the USDA has submitted in writting the following certified information.

According to the USDA, the West Indian sugarcane root borer (*Diaprepes abbreviatus*) poses a serious threat to U.S. citrus production. This exotic beetle became established in the United States in 1968 in Apopka, Orange County, Florida. The adult beetles feed on foliage of a variety of plants; the host range is wide, including many commercial crops, especially sugarcane and citrus. At present, there are no pesticides registered to control this pest on citrus.

Treatment and eradication efforts began on July 7, and were completed on July 15, 1975. Initially, the USDA indicated that approximately 250 acres outside an established quarantine area would be treated; however, only 144 acres of infested grove outside that area were treated with approximately 720 pounds of heptachlor. A soil application of 10 percent granular heptachlor was applied at 5 pounds actual per acre, using ground equipment. The heptachlor was disked into the top 3 inches of the soil. This 144 acre infested grove is located near Forest City, Seminole County, Florida. The program was directed by the Plant Protection and Quarantine Programs' personnel in Florida. A monitoring program is in operation to detect trends in the change of heptachlor residues in environmental components through time.

The official file concerning this exemption is available for inspection in the Office of the Director, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., SW., Room E–347, Washington, D.C. 20460.

Dated: November 5, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75–30391 Filed 11–11–75;8:45 am]

[FRL 455–3; OPP–33000/335]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW., Washington, DC 20460.

On or before January 12, 1976, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60-day period has expired. If no claims are received within the 60-day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 12, 1976.

Dated: November 5, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED

EPA Reg. No. 3125–277. Chemagro Agricultural Div., Mobay Chem. Corp., Box 4913, Kansas City MO 64120. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4 - Amino-6-(1,1-dimethylethyl) - 3 - (methylthio) -1,2,4-triazin-5 (4*H*)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 3125–210. Chemagro Agricultural Div. DYLOX 4 INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1 hydroxyethyl) phosphonate 39%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use PM16

EPA Reg. No. 3125–184. Chemagro Agricultural Div. DYLOX 80% SOLUBLE POWDER CROP INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1 hydroxyethyl) phosphonate 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM16

EPA Reg. No. 3125–143. Chemagro Agricultural Div. DYLOX LIQUID SOLUTION INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1 hydroxyethyl) phosphonate 40.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM16

EPA Reg. No. 3125–49. Chemagro Agricultural Div. DYLOX 50% SOLUBLE POWDER CROP INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1 hydroxyethyl) phosphonate 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM16

EPA Reg. No. 464–372. The Dow Chem. Co., 2030 Dow Center, PO Box 1706, Midland MI 48640. DOW HOSPITAL TOILET CLEANER. Active Ingredients: o-phenyl phenol 0.38%; Tetrasodium ethylenediamine tetraacetate 1.85%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA Reg. No. 1471–96. Elanco Products Co., Div. of Eli Lilly & Co., PO Box 1750, Indianapolis IN 46206. SURFLAN. Active Ingredients: oryzalon (3,5-dinitro-N4,N4-dipropylsulfanilamide) 75%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM25

EPA Reg. No. 1471–65. Elanco Products Co. TREFLAN EMULSIFIABLE CONCENTRATE. Active Ingredients: trifluralin (α,α,α-trifluoro-2,6-dinitro-N,N-dipropyl-*p*-toluidine) 44.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised precautionary labeling. PM23

EPA Reg. 1471–35. Elanco Products Co. TREFLAN. Active Ingredients: trifluralin (α,α,α-trifluoro-2,6-dinitro-N,N-dipropyl-*p*-toluidine) 44.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised precautionary labeling. PM23

EPA File Symbol 402–RRI. Hill Mfg. Co., Inc., 1500 Jonesboro Rd. SE, Atlanta GA 30315. SCORCH. Active Ingredients: 2,4-bis (isopropylamino) 6-methoxy-s-triazine 3.12%; Pentachlorophenol 1.12%; Other Chlorinated Phenols 0.13%; Xylene 82.59%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 11540–8. Micro-Gen Equipment Corp., 8127 Vidor Dr., San Antonio TX 78216. ULD V–500 5% VAPONA INSECTICIDE. Active Ingredients: Dichlorvos, 2,2-dichlorovinyl dimethyl phosphate 4.56%; Related Compounds 0.35%; Petroleum distillates 15.10%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM13

EPA File Symbol 3635–ERN. Oxford Chem., PO Box 80202, Atlanta, GA 30341. OXFORD 1220. Active Ingredients: Isopropanol, 10.50%; Tetrasodium ethylenediame tetraacetate 4.24%; Sodium xylene sulfonate 2.10%; Sodium ortho-benzyl-parachlorophenate 4.67%; Sodium para-tertiarybutylphenate 2.15%; Sodium ortho-phenyl phenate 2.21%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 3635–ERR. Oxford Chem., PO Box 80202, Atlanta GA 30341. OXFORD 1217. Active Ingredients: Isopropanol 11.30%; Sodium Xylene Sulfonate 4.40%; Sodium ortho - benzyl-parachlorophenate 4.54%; Sodium para-tertiary butylphenate 8.98%; Tetrasodium ethylenediamine tetraacetate 3.80%; Sodium ortho-phenylphenate 4.20%; Sodium mono and dimethyl naphtalene sulfonate 1.94%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 36139–R. Petrochemicals Co., Inc., 2001 N. Grove St., Fort Worth TX 76106. FORMULA 114–74–3. Active Ingredients: o-Benzyl-p-chlorophenate 7.2%; o-Phenylphenate 4.3%; p-tert-Amylphenate 2.8%; 4 and 6-Chloro-2-phenylphenate 0.5%; Isopropanol 15.0%; Tetra Sodium ethylenediamine tetraacetate 4.6%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 476–ERTI. Stauffer Chem. Co., 1200 S. 47th St., Richmond CA 94804. INDIAN TECHNICAL. Active Ingredients: N-(mercaptomethyl phthalimide, S-(O,O-Dimethyl Phosphorodithioate) 90.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 476–ERTT. Stauffer Chem. Co., 1200 S. 47th St., Richmond CA 94804. PROLATE TECHNICAL ORGANOPHOSPHORUS INSECTICIDE. Active Ingredients: N-(mercaptomethyl) phthalimide, S-(O,O-dimethyl phosphorodithioate) 94.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 1043–TE. Vestal Lab. Div., Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. VESTAL 8–L. Active Ingredients: Sodium o-phenylphenate 6.8%; Sodium o-benzyl-p-chlorophenate 4.6%; Tetrasodium ethylenediamine tetraacetate 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

FEDERAL REGISTER, VOL. 40, NO. 219—WEDNESDAY, NOVEMBER 12, 1975

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EPA File Symbol 1043–TN. Vestal Lab. Div., Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. VES–PHENE–L. Active Ingredients: Sodium o-phenylphenate 13.6%; Sodium o-benzyl-p-chlorophenate 9.3%; Tetrasodium ethylenediamine tetraacetate 1.0%; Fragrances 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

[FR Doc.75–30353 Filed 11–11–75;8:45 am]

[OPP–180055A; FRL 455–7]

DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Control the Oriental Fruit Fly in California

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the U.S. Department of Agriculture (hereafter referred to as the "Applicant") to use a toxicant, viscid bait consisting of 88 percent methyl eugenol, 5 percent Naled and 7 percent Thixcin E; a toxicant bait consisting of 4 parts Staley's No. 7 protein bait and 1 part Malathion; and a Diazinon (50 percent wettable powder) spray for the control of recently established infestations of the Oriental fruit fly located in San Diego County and the municipality of National City, California. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E–315, Washington, D.C. 20460.

According to the Applicant, the Oriental fruit fly (*Dacus dorsalis* Hendel) is one of the most destructive pests of fruits and vegetables. It attacks over 150 crop species, including apricots, avocados, citrus, figs, mangoes, papayas, peaches, pears, peppers, and tomatoes, as well as ornamental plants. This insect thus poses a serious economic threat to the fruit and vegetable industries in the United States. The Oriental fruit fly has been detected in California numerous times in the past 13 years, but eradication has nearly always been possible by male annihilation techniques. Previous to the present situation, the most recent eradication effort occurred on September 24, 1974, when the Applicant availed itself of a crisis exemption to control this pest in San Diego County and the municipalities of San Diego, La Jolla, and Los Angeles. In January of 1975, the EPA authorized a specific exemption to the Applicant for calendar year 1975 to control the Oriental fruit fly in the specified areas of California. On June 6, 1975, the Applicant withdrew its request for a specific exemption because the pest was declared to be eradicated from California.

However, on September 5, 1975, the Applicant again exercised its prerogative in availing itself of another crisis exemption regarding this pest, and so notified the Administrator. In addition, in accordance with § 166.8(c) of the controlling regulations, the Applicant requested a specific exemption for use of Diazinon, Naled, and Malathion, since it was obvious that treatment pursuant to the crisis exemption would continue for more than a total of fifteen (15) days. The treatment area is approximately 90 square miles in San Diego County and National City, California. At present, there are no pesticides registered specifically to control the Oriental fruit fly because the pest is not endemic to the Continental United States.

In terms of the pesticides to be used, pesticide products containing Malathion as the active ingredient are currently registered to control fruit flies in Hawaii. Residue tolerances for Diazinon have been established (except on grains), and application of Diazinon WP foliage sprays is a recognized use pattern. Naled is registered for use on citrus crops as a foliage application. Methyl eugenol is an attractant and Thixcin E is a thickening agent, both of which pose no known threat to man or the environment. The Applicant will use a lure bait, consisting of 7 percent Thixcin E, 88 percent methyl eugenol, and 5 percent Naled, applied at the rate of 3 to 5 milliliters per station in and around the treatment area. The Applicant will also use a Diazinon soil drench (50 percent wettable powder at the rate of 0.25 pounds actual Diazinon per 100 gallons of water) under all host plants where Oriental fruit fly larvae are detected in fruits. Spot applications of a Malathion bait spray will also be made when such larvae are discovered. The amounts of pesticides to be used in the control program will be 10, 200, and 1,000 pounds of actual Diazinon, Naled, and Malathion, respectively. Thus, the amounts of pesticides to be used are small. Economic benefits in eradication of this pest are high since economic losses can also be high if the pest becomes established. The controls proposed will be adequate to prevent misuse of the pesticides and prevent any serious short-term or long-term adverse environmental effects.

After reviewing the application and other available information, EPA has determined that: (a) a pest outbreak of the Oriental fruit fly has occurred; (b) there is no pesticide presently registered and available for use to control the Oriental fruit fly in California; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the Oriental fruit fly is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticides noted above for control of the Oriental fruit fly in California. The specific exemption is also subject to the following additional provisions:

1. The pesticide treatments shall be limited to the California infestations delineated above;

2. The amounts of pesticides to be used in the eradication program will be 10, 200, and 1,000 pounds of actual Diazinon, Naled, and Malathion, respectively;

3. Precautions will be taken to preclude Diazinon spray drift from contaminating small grains; and

4. The specific exemption expires October 21, 1976.

The Applicant has agreed to provide the additional data required for registration of Diazinon, Malathion bait, and a bait consisting of 88 percent methyl eugenol, 5 percent Naled and 7 percent Thixcin E for control of the Oriental fruit fly. The Applicant has further agreed to carry out one of the following three courses of action with regard to these three pesticides:

1. Submit an application for registration;

2. Ensure that an application for registration is submitted by another party; or

3. Withdraw the use of these pesticides no later than October 21, 1976, provided, however, that there are no external conditions which disrupt the planned research or methods development program, making it impossible to obtain the data necessary for registration.

Dated November 6, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75–30526 Filed 11–11–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO ASTRONOMY SERVICE WORKING GROUP FOR 1979 ITU WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

NOVEMBER 7, 1975.

An organizational meeting of the Radio Astronomy Service Working Group for the 1979 General World Administrative Radio Conference is scheduled to be held on Wednesday, November 26, 1975, at 9:30 a.m. in Room 752 of the Commission's offices located at 1919 M Street NW., Washington, D.C. Additionally, there will be a preliminary discussion on the interface of problems between the FCC and the issues raised in the Committee on Radio Frequencies working papers.

Membership is restricted to members of the Sub-Committee on Radio Astronomy, Committee on Radio Frequencies, National Academy of Science and to interested Federal Government representatives; however, attendance at this meeting will be open to the general public and any written comments will be accepted.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–30627 Filed 11–11–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ALLOCATION OF FEEDSTOCK TO SYNTHETIC NATURAL GAS FACILITY

Petition for Assignment of Base Period Volume and Supplier

On July 31, 1974, the Federal Energy Administration issued a Statement of Policy and Special Rule governing the allocation of petroleum feedstocks to synthetic natural gas (SNG) plants (39 FR 27910, August 2, 1974). The special rule sets forth the criteria which are to be considered by the FEA in granting or denying the petition of an SNG manufacturer for ssignment or adjustments of its base period volume under § 211.29 of FEA's Mandatory Petroleum Allocation Regulations (10 CFR 211.29). In the introduction to its statement of policy, the FEA indicated that such petitions would generally be considered on a case-by-case basis. The case-by-case approach was adopted to develop fully the information necessary to ascertain the effects on competing energy users of an allocation decision respecting a given SNG facility.

The Statement of Policy further provided that "in specific cases, opportunity will be afforded interested parties to challenge or support the implementation of this policy through factual or legal presentation." FEA has determined that personal service of notice on all persons who might be aggrieved by the issuance of a decision and order on an SNG petition is impracticable since such persons are not, at this point, readily identifiable. Therefore, in accordance with the July 31, 1974 statement and pursuant to the provisions of 10 CFR 205.23 and 205.33 the FEA hereby provides notice of a petition requesting a base period volume of 2,550,100 barrels per year of butane for the Commonwealth Natural Gas Corporations' SNG plant located at Chesapeake, Virginia. The output of SNG is 30 million cubic feet per day. Tropigas International Corporation, Coral Gables, Florida and Hideca Petroleum Corporation, Houston, Texas would be the designated suppliers of the feedstock.

A file containing all information and data filed in conjunction with this petition, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 U.S.C. 552, will be made available for public inspection and copying at the Freedom of Information Office Public Reading Room, Room 3120, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Written comments regarding this petition will be accepted and considered if filed on or before November 24, 1975. Any person submitting written comments with respect to the petition of Commonwealth Natural Gas Corporation should comply with the requirements of 10 CFR 205.23 or 205.33 of the FEA procedural regulations, as appropriate. Comments should be submitted to the Office of Specialty Fuels and Products, Federal Energy Administration, Room 6318, 2000 M Street NW., Washington, D.C. 20461. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation "Allocation of Petroleum Products to Commonwealth Natural Gas Corporation's SNG Plant." Five copies should be submitted.

Dated: November 7, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75–30524; Filed 11–7–75;4:25 pm]

CONFERENCE TO DISCUSS POWER PLANT PRODUCTIVITY

Meeting

Notice is hereby given that a "Conference to Discuss Power Plant Productivity," will be held from 8:30 a.m., to 6 p.m., December 2, 1975, in Room 250 of the Federal Energy Administration at 2626 West Mockingbird Lane, Dallas, Texas.

The purpose of the conference is to provide for an exchange of information and ideas among owner/operators of nuclear and large fossil-fired electric power generating units aimed at improving the productivity of these units.

Invitees to the conference will be from electric utilities located in FEA Region VI, i.e., New Mexico, Oklahoma, Arkansas, Louisiana and Texas that own/operate or have under construction or in planning nuclear and 390 megawatts and larger oil or coal-fired generating units.

The agenda for the meeting is as follows:

8:30–8:45 --	FEA Introductory Remarks.
8:45–9:15 --	FEA Status Report on Actions to Implement Recommendations Contained in Report on Improving the Productivity of Electric Power Plants.
9:15–12 ----	Utility Statements.
12–1:30 ----	Lunch Break.
1:30–4:30 --	Utility Statements.
4:30–5:30 --	Statements by Others.
5:30–6 -----	Summary by FEA & Questions/Answers.
6 ----------	Adjourn.

The meeting is open to the public. The meeting chairman is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the conference chairman will be permitted to so do either before or after the meeting. Members of the public who wish to make oral statements should inform Bob Nelson (202) 961–6193, at least five days before the meeting and reasonable provisions will be made for their appearance on the agenda. Further information concerning this meeting may be obtained from Mr. Nelson.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C., and Dallas, Texas.

FEA intends to hold similar meetings in the near future in Boston, Massachusetts and Atlanta, Georgia. These will be announced in the FEDERAL REGISTER.

Issued at Washington, D.C. on November 9, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75–30580 Filed 11–10–75;11:50 am]

FEDERAL MARITIME COMMISSION

BARBER LINES, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 24, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

In the matter of Barber lines, A/S; Black Star Line; Compagnie Maritime Belge, S.A.; Compagnie Maritime Des Chargeurs Reunis, S.A.; Compagnie Maritime Zairoise, S.A.R.L.; Dafra Lines; Delta Steamship Line, Inc.; Elder Dempster Lines, Ltd.; Farrell Lines Inc.; Nopal West Africa Line.

Notice of agreement filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

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Agreement No. 10159–1, among Barber Lines, A/S; Black Star Lines; Compagnie Maritime Belge, S.A.; Compagnie Maritime Des Chargeurs Reunis, S.A.; Compagnie Maritime Zairoise, S.A.R.L.; Dafra Lines; Delta Steamship Line, Inc.; Elder Dempster Lines, Ltd.; Farrell Lines Inc. and the Nopal West Africa Line, all of whom are members of the American West African Freight Conference, will amend Agreement No. 10159, a rationalization agreement, to include as a party thereto Westwind Africa Line Ltd.

Dated: November 7, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30492 Filed 11-11-75;8:45 am]

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 2, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esquire, Billing, Sher & Jones, P. C., Suite 300, 1126 16th Street, NW., Washington, D.C. 20036.

Agreement No. 9615–18, among the member lines of the above-named conference, modifies the basic agreement to provide for a scale of increased maximum fines for succeeding violations of the agreement.

Dated: November 7, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30491 Filed 11-11-75;8:45 am]

LYKES BROS. STEAMSHIP CO. INC. AND CAROLINA SHIPPING CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 2, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Esquire, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10190, between Lykes Bros. Steamship Co., Inc. and Carolina Shipping Company of Charleston, South Carolina, is an agency agreement whereby Lykes appoints Carolina to act as its sub-agent at the ports of Charleston, Port Royal and Georgetown, South Carolina to handle its interests in connection with calls on vessels owned and chartered by Compagnie Nationale Algerienne de Navigation (CNAN).

Dated: November 7, 1975.

By order of the Federal Maritime Commission.

FRANCES C. HURNEY,
Secretary.

[FR Doc. 75-30493 Filed 11-11-75; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-188]

ALABAMA POWER CO.

Filing of Initial Rate Schedule

NOVEMBER 4, 1975.

Take notice that Alabama Power Company on October 20, 1975, tendered for filing an Agreement with Tallapoosa River Electric Cooperative, Inc., intended as an initial rate schedule. The filing is for the proposed Newsite delivery point of the Tallapoosa River Electric Cooperative, Inc., and increase of capacity at the Browns-Uchee (Uchee) delivery point. The delivery points will be served under the Company's Revision No. 1—Rate Schedule REA–1 incorporated in FPC Electric Tariff, Original Volume No. 1, of Alabama Power Company as allowed to become effective, subject to refund, by Commission Order dated September 12, 1974, in FPC Docket No. E–8851.

Copies of the filing were served upon Tallapoosa River Electric Cooperative, Inc., and its attorneys of record, in FPC Docket No. E–8851.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 25, 1975. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30406 Filed 11-11-75;8:45 am]

[Docket No. ER76-195]

ARKANSAS-MISSOURI POWER CO.

Cancellation

NOVEMBER 4, 1975.

Take notice that on October 28, 1975, Middle South Services, Inc., as agent for Arkansas-Missouri Power Company, tendered for filing a notice of cancellation of Supplement No. 2 to Rate Schedule FPC No. 36, filed with the Commission by Middle South Services, Inc., as agent for Arkansas-Missouri Power Company. This rate schedule between the power company and the Union Electric Company became effective on September 1, 1974.

The company requests an effective date of December 1, 1975 for this cancellation. Notice of the proposed cancellation has been served on the Union Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30407 Filed 11-11-75;8:45 am]

[Docket Nos. RP72-122 (PGA 76-1), RP75-86]

COLORADO INTERSTATE GAS CO.

Extension of Procedural Dates

NOVEMBER 4, 1975.

On October 23, 1975, Colorado Interstate Gas Company (CIG) filed a motion to extend the procedural dates fixed by order issued September 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of CIG and Small Producer Testimony, January 6, 1976.
Service of Intervenor and Staff Testimony, February 3, 1976.
Service of CIG and Small Producer Rebuttal, February 17, 1976.
Hearing, March 16, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30408 Filed 11-11-75;8:45 am]

[Docket No. RP75-86]

COLORADO INTERSTATE GAS CO. AND COLORADO INTERSTATE CORP.

Extension of Procedural Dates and Prehearing Conference

NOVEMBER 4, 1975.

On October 23, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), filed a motion to extend the procedural dates set by order issued April 30, 1975, as most recently extended by notice issued July 29, 1975, and to establish a prehearing conference in the above-designated proceeding.

Notice is hereby given that a prehearing conference will be held at 10:00 e.s.t. on December 2, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. (20426). The procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, January 9, 1976.
Service of Company Rebuttal, January 23, 1976.
Hearing, March 2, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30409 Filed 11-11-75;8:45 am]

[Project Nos. 892, 1100]

FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Order Vacating Land Withdrawals

NOVEMBER 4, 1975.

The Forest Service, United States Department of Agriculture, has requested that the land withdrawals for transmission line Project Nos. 892 and 1100 be vacated in their entirety, thereby requiring Commission consideration under section 24 of the Federal Power Act.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

1. Portions (totaling about 6 acres) of the following described subdivisions were withdrawn pursuant to the filing on May 5, 1928, of an application for license for Project No. 892 for which the Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated May 10, 1928:

T. 47 N., R. 7 E.,
Sec. 13, SE¼NE¼, N½SE¼.

T. 47 N., R. 8 E.,
Sec. 18, S½NW¼.

2. Portions (totaling about 6 acres) of the following described subdivisions were withdrawn pursuant to the filing on June 6, 1930, of an application for license for Project No. 1100 for which the Commission gave notice of land withdrawal to the General Land Office by letter dated June 16, 1930:

T. 47 N., R. 7 E.,
Sec. 23, NE¼NE¼;
Sec. 24, N½NW¼, SE¼NW¼.

All of the subject lands lie within the Rio Grande National Forest.

Project No. 892 consistent of a 16 kv distribution line, 1.11 miles long, which supplied power to the Antoro Mine near the town of Bonanza in northern Saguache County, Colorado. Project No. 1100 consisted of a 16 kv distribution line, 0.68 of a mile long, which supplied power to a saw mill near Bonanza.

The lines that constituted Project Nos. 892 and 1100 were not primary lines or parts of a "project" as defined in section 3(11) of the Federal Power Act, and the licenses for both projects have been surrendered. The Forest Service has reported that the distribution lines on the withdrawn lands are now covered by special use permit.

The Commission finds. The withdrawals for Project Nos. 892 and 1100 serve no useful purpose and should be vacated.

The Commission orders. The withdrawals pursuant to the applications for Project Nos. 892 and 1100 are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30411 Filed 11-11-75;8:45 am]

[Docket No. RP75-97]

HAMPSHIRE GAS CO.

Further Extension of Procedural Dates

NOVEMBER 3, 1975.

On October 29, 1975, The Maryland Public Service Commission filed a motion to extend the procedural dates fixed by order issued May 30, 1975, as most recently modified by notice issued August 18, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor and additional Staff Testimony, December 12, 1975.
Service of Company Rebuttal, December 24, 1975.
Hearing, January 13, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30402 Filed 11-11-75;8:45 am]

[Docket No. ER76-70]

INTERSTATE POWER CO.

Order on Rehearing

NOVEMBER 5, 1975.

By order issued September 10, 1975, we rejected a proposed increase in rates filed herein by Interstate Power Company (Interstate) on August 13, 1975, since that filing was based on what we considered to be stale data. On September 8, 1975, the Cooperative Power Association (CPA) filed a petition to intervene which we did not consider in our September 10 order. On October 6, 1975, Interstate filed an Application for Rehearing of our order of September 10, 1975.

CPA states in its petition to intervene that the rate increase sought by Interstate contravenes the existing contract rights and responsibilities between CPA and Interstate. Our review of Interstate's Rate Schedule FPC No. 88, the agreement governing transmission service between Interstate and CPA as accepted for filing effective May 1, 1968, indicates that the agreement provides for a fixed rate for such transmission service, and does not permit unilateral rate increase filings to increase such rates. Accordingly, Interstate's proposed increase in rates is barred by the rule of Mobile-Sierra.[1]

The pertinent parts of the contract between CPA and Interstate contain the following provisions. Section 1.10(c) provides a specific charge for each Kwh delivered. The term of the agreement, pursuant to § 3.15 thereof, is of indefinite duration, subject to termination by either party upon four years written notice. The agreement also provides, in § 3.17, that "This Agreement, as well as any amendment thereof, is subject to the approval of any regulatory body or bodies having jurisdiction thereof." Amendments are specifically governed by § 3.18 "This Agreement contemplates amendment from time to time of the various original exhibits attached hereto."

The meaning of these provisions when read together is clear. Amendments, if any, are subject to the approval of the regulatory body having jurisdiction. However, any amendment contemplated is restricted to the original exhibits at-

[1] United Gas Pipe Line Co. v. Mobil Gas Service Corp., 350 U.S. 332 (1956); F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

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tached to the agreement, and not to the term (including rates) of the agreement itself. It is thus clear that Interstate is prohibited from unilaterally increasing its rates to CPA. As the United States Court of Appeals for the District of Columbia Circuit so clearly stated in Richmond Power and Light, et al. v. F.P.C., 481 F.2d 490 (1974), "[t]he rule of Mobile-Sierra and Memphis is refreshingly simple. The contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid." 481 F.2d at 493 (footnotes omitted). Therefore, Interstate's filing for a rate increase pursuant to section 205 must be rejected on Mobile-Sierra grounds. Accordingly, we need not take any action on Interstate's application for rehearing since the arguments therein go only to our rejection of the filing on the basis of the staleness of the data supporting that increase. We shall, however, grant CPA's petition to intervene.

The Commission finds. Good cause exists to permit CPA to intervene in the instant proceeding.

The Commission orders. (A) The above named petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission. *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene; *And provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30419 Filed 11-11-75;8:45 am]

[Docket No. ER76-191]

INTERSTATE POWER CO.

Revised Exhibits to Rate Schedule

NOVEMBER 4, 1975.

Take notice that on October 24, 1975, Interstate Power Company (IPCo) tendered for filing: Seventh Revised Exhibit C; Seventh Revised Exhibit E; and, Seventh Revised Exhibit F to its Rate Schedule FPC No. 88.

IPCo states that revisions which have been made in these exhibits are: (1) Elimination of existing CPA 24KV Amboy Substation; (2) add new CPA 69KV Sterling Center Substation; (3) add new CPA 69KV Willow Creek Substation; (4) revise CPA Winnebago point of delivery; (5) add CPA 69KV Midway Substation. IPCo further states these changes either have been recently completed or are expected to be completed this year.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30410 Filed 11-11-75;8:45 am]

[Docket No. RP75-96]

MICHIGAN-WISCONSIN PIPELINE CO.

Further Extension of Time

NOVEMBER 4, 1975.

On October 15, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 19, 1975, as most recently modified by notice issued October 2, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 20, 1976.
Service of Intervenor Testimony, February 17, 1976.
Service of Company Rebuttal, March 2, 1976.
Hearing, March 16, 1976, (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30412 Filed 11-11-75;8:45 am]

[Docket No. F-9046]

MONTAUP ELECTRIC CO.

Postponement of Hearing Date

NOVEMBER 3, 1975.

On October 15, 1975, Montaup Electric Company filed a motion to extend the hearing date fixed by order issued December 18, 1974, as most recently modified by notice issued September 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above proceeding is postponed from November 11, 1975 to November 24, 1975.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30403 Filed 11-11-75;8:45 am]

[Docket No. RP73-48, (PGA No. 76-1b)]

NORTHERN NATURAL GAS CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

NOVEMBER 4, 1975.

Take notice that Northern Natural Gas Company on October 28, 1975, tendered for filing First Substitute Tenth Revised Sheet No. 3a of its F.P.C. Gas Tariff, Original Volume No. 4. Northern states that the proposed changes, for which it requests an effective date of October 2, 1975, would decrease the rate per Mcf to jurisdictional customers by 1.52¢ per Mcf. Northern states that this change results from revised rates filed by Colorado Interstate on October 14 to become effective October 1, 1975. Northern states that the revised rates of Colorado Interstate reflect the net effect of a general increase at Docket No. RP75-86 and a Purchased Gas Adjustment. Northern states that Colorado Interstate is the pipeline supplier to Northern for sales made under Volume 4.

Northern states that copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30413 Filed 11-11-75;8:45 am]

[Project No. 108]

NORTHERN STATES POWER CO.

Issuance of Annual License

NOVEMBER 4, 1975.

On February 24, 1970 Northern States Power Company, Licensee for Chippewa Reservoir Project No. 108, located in Sawyer County, Wisconsin, filed an application for a new license under the Federal Power Act (Act) and Commission regulations thereunder.

The Chippewa Reservoir (Flowage) Project consists of: (1) A dam about 1,290 feet long and about 50 feet high, comprising a concrete gravity control section 78 feet long with three tainter gates 20 feet wide and 26 feet high and three steel vertical sliding sluice gates 7 feet wide and 10 feet high, and two earth-fill concrete core wall sections extending 234 feet on the west side and 978 feet on the east side; (2) Chippewa Reservoir which impounds 223,000 acre-feet of useable storage capacity with a water surface area of about 15,800 acres at normal full pool elevation 1318.0 (m.s.l.); and (3) all other facilities and interests appurtenant to operation of the project.

The Chippewa Reservoir is a storage reservoir, impounded primarily for regulation of the flow of the Chippewa River for downstream hydroelectric power production. There are no generating facilities at the project. During the winter months, the reservoir is drawn down to accommodate snow melt and spring rains, thereby contributing to flood control. The regulated flow of the Chippewa River provides for low-flow augmentation downstream. During the summer months, as nearly as is practicable, reservoir fluctuations are held to three feet in the interest of recreational activities.

The license for Project No. 108 was issued effective August 8, 1921 for a period ending August 7, 1971. Since the date of expiration of the original license, the project has been operated under annual licenses.

Evidentiary hearings on the issues related to the relicensing application and the recommendations for Federal takeover were completed and the record closed. However, on February 14, 1975, the Commission issued an order reopening the record in this proceeding in order that a Land Use and Resource Management Plan, relating to Federal takeover of the project, could be introduced into evidence and opportunity afforded for cross-examination thereupon. According to the joint petition of the Secretaries of Agriculture and the Interior, this plan was "to be prepared through a cooperative effort by the United States Forest Service and the Lac Courte Oreilles Band." The Commission ordered this plan to be filed within eight months of the February 14, 1975 date of issuance of the order. A hearing will be held before an Administrative Law Judge on issues presented by the filing of the management plan.

On March 21, 1975, the Commission's authority to issue annual licenses for Project No. 108, notwithstanding the refusal of the Lac Courte Oreilles Band to consent to such further use of tribal lands by the licensee, was affirmed by the United States Court of Appeals for the District of Columbia Circuit (510 F. 2d 198 (D.C. Cir. 1975)). In order that all rights be preserved and that the status quo be maintained pending determination of the questions presented, notice is given in accordance with § 16.5 of the regulations under the Federal Power Act of the issuance of annnual license for Project No. 108 for the period of August 8, 1975, through August 7, 1976, or until Federal takeover, or the issuance of a new license, whichever comes first, for the continued operation and maintenance of the project, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30414 Filed 11-11-75;8:45 am]

[Project No. 137]

PACIFIC GAS & ELECTRIC CO.

Issuance of Annual License

NOVEMBER 5, 1975.

On December 26, 1972, Pacific Gas & Electric Company, Licensee for the Mokelumne River Project No. 137, located in Alpine, Amador, and Calaveras Counties, California, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 137 was issued effective November 24, 1925, for a period ending November 23, 1975. In order to authorize continued operation and maintenance of the project pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Pacific Gas & Electric Company for the continued operation and maintenance of Project No. 137.

Take notice that an annual license is issued to Pacific Gas & Electric Company (Licensee) for the period November 24, 1975, to November 23, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 137, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30420 Filed 11-11-75;8:45 am]

[Dockets Nos. RP73-114, RP74-24 (PGA75-3)]

TENNESSEE GAS PIPELINE CO.

Order Granting Motion To Terminate Investigation

NOVEMBER 3, 1975.

On October 1, 1975, Tennessee Gas Pipeline Company (Tennessee) filed herein a motion to terminate the investigation initiated by the Commission in its order issued in these dockets on June 30, 1975. The said investigation related to two small producer purchases by Tennessee at rates in excess of the level established by Opinion 699-H.

In its motion, Tennessee refers to the fact that subsequent to the order of June 30, 1975, the Commission issued Opinion No. 742, establishing the just and reasonable rate level for small producer purchases at a level not exceeding 130 percent of the rate for comparable purchases from large producers. Tennessee states that the two small producer purchases at issue, Dow Chemical and Estate of Coates, are at rate levels below those established in Opinion No. 742, and are therefore just and reasonable.

A review of the two purchases demonstrates that they are, in fact, at rates below those established in Opinion No. 742. Since the subject rates are just and reasonable under the standards of Opinion No. 742, the investigation thereof is no longer necessary, and should be terminated. Accordingly, Tennessee's motion will be granted.

The Commission orders. (A) The investigation initiated by the Commission's order issued in these dockets on June 30, 1975, is hereby terminated.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30404 Filed 11-11-75;8:45 am]

[Docket No. RP76-30]

TEXAS GAS PIPE LINE CORP.

Proposed Changes in Gas Tariff

NOVEMBER 4, 1975.

Take notice that Texas Gas Pipe Line Corporation (TGPLC), on October 24, 1975, tendered for filing proposed changes in its FPC Gas Tariff First Revised Volume No. 1. The proposed changes would provide for the inclusion of a purchase gas adjustment (PGA) clause in the current tariff of TGPLC. TGPLC states that the principal reason for the proposed PGA clause is to enable it to better reflect the cost of purchased gas in the rates it charges its resale customers under existing rate schedules CD-1 and G-1. TGPLC also states that the instant filing does not propose any change in its currently effective rates. TGPLC has requested Commission approval to make the tariff changes effective on October 24, 1975.

TGPLC states that copies of its filing were served upon the company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.0 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30415 Filed 11-11-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Filing Pursuant to Commission Order

NOVEMBER 5, 1975.

Take notice that on October 28, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revisions to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, as required by Commission order issued October 16, 1975, in the referenced docket. Transco states that this filing has the effect of: (1) Reflecting an increase in its rates for storage service under Rate Schedule S-2 to track increased storage costs from Texas Eastern; (2) eliminating certain costs for carrying charges under an advnce payment agreement with Louisiana Land and Exploration Company (LL&E); and (3) eliminating all advance payments not reflected in the original filing (March 14, 1975) in this docket. Transco states further that this filing should not be deemed to prejudice its rights of rehearing and appeal with re-

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spect to the elimination of costs for carrying charges under the LL&E agreement and those advance payments not reflected in the original filing.

Transco requests that the instant filing be made effective as of October 1, 1975, subject to refund, in accordance with the aforementioned October 16, 1975, order herein.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30421 Filed 11-11-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPELINE CORP.

Further Extension of Procedural Dates

NOVEMBER 4, 1975.

On October 28, 1975, Consolidated Gas Supply Corporation filed a motion to extend the procedural dates fixed by order issued April 30, 1975, as most recently modified by notice issued October 22, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, November 21, 1975.
Service of Company Rebuttal, December 5, 1975.
Hearing, December 30, 1975 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30416 Filed 11-11-75;8:45 am]

[Docket No. RP74-52 (PGA 76-1)]

TRANSWESTERN PIPELINE CO.

Extension of Procedural Dates

NOVEMBER 3, 1975.

On October 28, 1975, Transwestern Pipeline Company, David Fasken and Richard S. Brooks filed motions to extend the procedural dates fixed by order issued September 30, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Transwestern and Small Producer Testimony, December 4, 1975.
Service of Intervenor and Staff Testimony, January 5, 1976.
Service of Company Rebuttal, January 19, 1976.
Hearing, February 13, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30405 Filed 11-11-75;8:45 am]

[Docket No. RP75-109]

UNITED GAS PIPE LINE CO.

Extension of Procedural Dates

NOVEMBER 4, 1975.

On October 7, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 7, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 6, 1976.
Service of Intervenor Testimony, January 20, 1976.
Service of Company Rebuttal, February 3, 1976.
Hearing, February 17, 1976 (10:00 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30418 Filed 11-11-75;8:45 am]

[Docket No. CP76-133]

UNITED GAS PIPE LINE CO. AND FLORIDA GAS TRANSMISSION CO.

Application

NOVEMBER 4, 1975.

Take notice that on October 16, 1975, United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 77002, and Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32789, jointly Applicants, filed in Docket No. CP76-133 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they agreed pursuant to the terms of a letter agreement dated July 29, 1975, for Florida Gas to deliver or cause to be delivered to United up to 1,000 Mcf of natural gas per day at a point in the Ichibon (Hockley) Field, on United's pipeline in the Jose Maris Uranaga Grant, Bee County, Texas. United would redeliver equal volumes to Florida Gas at mutually agreeable existing points of interconnection. Applicants state that no facilities are proposed in the instant application, and that the proposed exchange would be straight gas-for-gas, with no price involved.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30417 Filed 11-11-75;8:45 am]

FEDERAL RESERVE SYSTEM

BROWARD BANCSHARES, INC.

Acquisition of Bank

Broward Bancshares, Inc., Fort Lauderdale, Florida, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Charter Bankshares Corporation, Jacksonville, Florida, under the charter and name of Broward Bancshares, Inc. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of either the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 4, 1975.

Board of Governors of the Federal Reserve System, November 4, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-30471 Filed 11-11-75;8:45 am]

FIRST BANC GROUP OF OHIO, INC., COLUMBUS, OHIO

Order Approving Acquisition of Citizens Bank & Trust Company Wadsworth, Ohio

First Banc Group of Ohio, Inc., Columbus, Ohio (Applicant), a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval of the Board of Governors of the Federal Reserve System, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire up to 100 percent, less directors' qualifying shares, of The Citizens Bank & Trust Company, Wadsworth, Ohio (Bank).

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act (12 U.S.C. 1842(b)). The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act.

Applicant, the sixth largest banking organization in Ohio, controls sixteen banks with consolidated deposits of $1.26 billion, representing 4.26 percent of the total deposits in commercial banks in the State.[1] Consummation of the proposal would increase Applicant's share of total state deposits to 4.32 percent, and it would not change its relative position in the State.

Bank (deposits of $19 million), headquartered in the Medina County portion of the Akron banking market[2] is the tenth largest of fifteen banking organizations with 1.1 percent of market deposits Applicant, with one subsidiary bank located in the Portage County portion of the market, ranks eighth in the Akron market with 2.6 percent of market deposits. Applicant's closest banking office to Bank, however, is a branch of its subsidiary located in a separate but adjacent banking market, approximately 20 miles southwest of Wadsworth. There is no significant existing competition between Applicant's subsidiary banks and Bank, and there is little likelihood for any competition to develop under the county-wide branching restrictions of Ohio law. Upon consummation of the proposed acquisition, Applicant would become the seventh largest banking organization in the Akron market with 3.7 percent of market deposits. It is unlikely, therefore, that Applicant could acquire a dominant position in the Akron market in which the five largest organizations control 81.7 percent of total market deposits. Furthermore, de novo entry by Applicant into Medina County does not appear to be an attractive alternative in light of the relatively low population and deposits per banking office in the county compared to State averages. Accordingly, consummation of the proposed transaction would appear to have no adverse effects on existing or future competition.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and nonbanking companies, are generally satisfactory and consistent with approval of the application. There is no evidence to indicate that the banking needs of the Akron banking market are not being adequately met. However, Applicant plans to assist Bank in establishing several branch offices. In addition, Bank would increase its lending activities and improve trust services. Therefore, factors relating to convenience and needs of the communities to be served are consistent with approval of the application. It has been determined that consummation of the proposal would be in the public interest.

On the basis of record, the application is approved for the reasons summarized above. The transaction, however, shall not be consummated (a) before the thirtieth calendar day following the date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board or by this bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Cleveland, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective October 28, 1975.

[SEAL] WILLIS J. WINN,
President.

[FR Doc.75-30472 Filed 11-11-75;8:45 am]

[1] Banking data are as of December 31, 1974.
[2] The Akron banking market is approximated by the southern two-thirds of Summit and Portage Counties, and portions of Medina, Wayne, and Stark Counties. Data for individual market shares are as of June 30, 1974.

PEOPLES BANKSHARES, INC.

Formation of Bank Holding Company

Peoples Bankshares, Inc., Mora, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Peoples National Bank of Mora, Mora, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Peoples Bankshares, Inc., Mora, Minnesota has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Peoples Credit Company of Mora, Mora, Minnesota. Notice of the application was published on October 16, 1975 in Kanabec County Times, a newspaper circulated in the Village of Mora, County of Kanabec, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities extending credit for persons, firms or corporations engaged in the production and/or marketing of staple agricultural products, including livestock and poultry. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 28, 1975.

Board of Governors of the Federal Reserve System, November 4, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-30473 Filed 11-11-75;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of September 16, 1975

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on September 16, 1975.[1]

The information reviewed at this meeting suggests that output of goods and services—which had turned up in the second quarter—is increasing appreciably further in the current quarter. In August industrial production and nonfarm payroll employment expanded at a faster pace than in July, and the average workweek in manufacturing continued to lengthen. The unemployment rate remained at 8.4 per cent, as the civilian labor force increased about as much as total employment. Retail sales apparently declined slightly, following 4 months of large gains. The index of wholesale prices of industrial commodities rose somewhat more in August than in July, chiefly because of increases in prices of energy products; prices of farm and food products declined slightly. The advance in average wage rates over recent months has been somewhat less rapid than in 1974 and early 1975.

In recent weeks the exchange value of the dollar against leading foreign currencies has risen somewhat further. In July the U.S. foreign trade surplus declined from the very

[1] The Record of Policy Actions of the Committee for the meeting of September 16, 1975, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

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high second-quarter level, as imports rose sharply. Bank-reported capital movements showed a net inflow, in contrast to the net outflows of earlier months, while U.S. liabilities to foreign official agencies, which earlier had been rising, declined.

Expansion in M_1 picked up somewhat in August from the low July rate. Growth in M_1 and M_2 slowed further, however, as inflows of consumer-type time and savings deposits to banks and to nonbank thrift institutions continued to moderate, reflecting in part the increased attractiveness of alternative investments. Interest rates on short-term securities and on longer-term Treasury and corporate securities have shown little net change in recent weeks, except that longer-term yields adjusted upward following the Treasury's September 10 announcement of its sizable borrowing requirements over the rest of this year. Yields on State and local government securities rose to new highs in early September, as a result of widespread concern about possible repercussions of New York City's financial crisis; on September 9 a State program to assist the City was enacted.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to stimulating economic recovery, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, November 3, 1975.

[SEAL] ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-30474 Filed 11-11-75;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 3-75]

CUSTOMS PORT OF ENTRY, BUFFALO, NEW YORK

Application for a Foreign-Trade Zone Public Hearing Scheduled

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Erie, State of New York, requesting a grant of authority for the establishment of a foreign-trade zone in Buffalo, a Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81) and the regulations of the Board (15 CFR Part 400). It was formally filed on November 4, 1975. Under Chapter 201 of the Laws of the State of New York (Act of April 16, 1974), the County of Erie has authority to apply for the right to establish, operate and maintain foreign-trade zones within the County.

The proposal calls for a general purpose foreign-trade zone within the Buffalo Port Terminal complex of the Niagara Frontier Transportation Authority (NFTA), a public benefit corporation under New York law. Requested as zone area within the 200-acre terminal situated on Lake Erie are some 175,000 square feet of space within Warehouses "A" and "B" and some 15 acres of adjacent open space. There is ample expansion space if needed.

Operation of the zone will be assigned to NFTA which in turn will subcontract the actual operation to a subsidiary of Marine Intercontinental Terminals of Buffalo, Inc., the firm which operates NFTA's port facilities.

The application includes information and economic data concerning the basis for a zone facility to serve the special Customs needs of the area's business community. The proposed zone is intended to augment the County's overall efforts to restore Buffalo as a transportation and transshipment center and assist its industrial development program. Among the expected initial zone users are: A meat processing company; a firm which processes electric components; a hospital and laboratory supply company; a jewelry box manufacturer; an industrial bearing distributor; a sugar manufacturer; a sporting goods manufacturer; and, a firm which assembles medical equipment.

In accordance with the Board's regulations an examiners committee has been appointed to investigate the application and report thereon to the Board. The Committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; Donald F. Kelly, Assistant Regional Commissioner (Operations), U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel Bernard C. Hughes, District Engineer, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

In connection with its investigation of the proposal the examiners committee will hold a public hearing on December 4, 1975 at the Federal Building, Room 914, 111 West Huron Street, Buffalo, New York, beginning at 9:00 a.m., local time. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners committee.

Interested persons are invited to present their views at the hearing. They should notify the Board's Executive Secretary in writing by November 26 at the address below of their desire to be heard. In lieu of an oral presentation, written statements may be submitted to the examiners committee through the Executive Secretary at any time from the date of this notice through December 19, 1975. Any material submitted during the post-hearing period cannot be made part of the record unless it is new evidence. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Director, Inspection and Control Division, U.S. Customs Service, Buffalo District, Room 603, Federal Building, 111 West Huron Street, Buffalo, New York 14202.

Office of the Director, U.S. Department of Commerce District Office, Room 1312, Federal Building, 111 West Huron Street, Buffalo, New York 14202.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886B, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: November 7, 1975.

JOHN J. DA PONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.75-30490 Filed 11-11-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL ADVISORY PANELS ON ARCHITECTURAL AND ENGINEERING SERVICES

Annual Report on Closed Meetings

Notice is hereby given that the annual report on the closed meetings held in 1974 by each of the 10 General Services Administration Regional Advisory Panels on Architectural and Engineering Services is now available to the public.

The contents of the report are as follows:

1. The regions concerned.
2. The purpose of each meeting.
3. The date of each meeting.
4. The cost of each meeting.
5. The results of each meeting.

Any person wishing information concerning this report should contact the following person:

Mr. Lewis V. Hall, Committee Management Officer, Public Buildings Service, Room G-316, 18th & F Streets, NW., Washington, D.C. 20405, Telephone: (202) 343-5114.

Dated: October 31, 1975.

LOY M. SHIPP, Jr.,
Acting Commissioner,
Public Buildings Service.

[FR Doc.75-30475 Filed 11-11-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL (PLANNING/OPERA)

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Music Advisory Panel (Planning/Opera) to the National Council on the Arts will be on December 2-3, 1975 in the first floor conference room of the Shoreham Building, 806 15th Street, NW. Washington, D.C. The meeting will be held from 9:30 a.m.-6:00 p.m. on both days.

A portion of this meeting will be open to the public on December 2 from 9:30 a.m. until noon and on December 3 from 9:30 a.m.-1:00 p.m. on a space available basis. Accommodations are limited. During the open sessions, policy matters and Program Guidelines will be discussed.

The remaining sessions of this meeting on December 2 from noon to 6:00 p.m. and on December 3 from 1:00 p.m.-6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-30487 Filed 11-11-75;8:45 am]

PUBLIC MEDIA ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Public Media Advisory Panel to the National Council on the Arts will be held on December 1-4, 1975 at the Columbia Plaza Office building, 2401 E Street, NW., Washington, D.C. The December 1-3 meeting will be held in the 14th floor conference room from 9:00 a.m.-5:30 p.m. and the December 4 meeting will be held in the 13th floor conference room from 9:00 a.m.-5:30 p.m.

A portion of this meeting will be open to the public on December 4, 1975 from 1:00 p.m.-5:30 p.m. on a space available basis. Accommodations are limited. Discussion will include Guidelines: Filmmakers-in-Residence, Post Graduate Fellowship, Media Studies, and Regional Development.

The remaining sessions of this meeting on December 1-3 from 9:00 a.m.-5:30 p.m. and December 4 from 9:00 a.m.-12:00 noon are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-30486 Filed 11-11-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ANTICIPATED ADVANCES IN SCIENCE AND TECHNOLOGY ADVISORY GROUP

Committee Management; Determination and Establishment

The National Science Foundation is establishing an Advisory Group on Anticipated Advances in Science and Technology. It is determined that this action is consistent with the public interest and is necessary in performance of duties imposed upon the National Science Foundation Act of 1950, as amended, Reorganization Plan No. 1 of 1973, and other applicable laws. The establishment procedures have been executed in accordance with the Federal Advisory Committee Act (P.L. 92-463) and the Office of Management and Budget (OMB) Circular No. A-63, Revised.

1. *Name of Advisory Group.* Advisory Group on Anticipated Advances in Science and Technology.

2. *Purpose.* To advise the President through the Vice President and the President's Science Adviser (Director, NSF) on developments that may take place in science and engineering and examine the national policy implications of these developments.

3. *Effective date of establishment and duration.* The Advisory Group's establishment is effective after the charter is filed with the Director, NSF and with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The Group will continue for two years from the effective date.

4. *Membership.* Membership of the Group will be fairly balanced in terms of the points of view represented and the Group's function. Membership of the Advisory Group on Anticipated Advances in Science and Technology will be composed of approximately 15 eminent persons from universities, industry, the Government and other organizations which can provide expertise and advice contributing to the wise use of science and technology in achieving national goals.

5. *Advisory Group Operations.* The Group will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

The Committee Management Secretariat, OMB, has waived the 15-day requirement for publication of the notice of establishment in the FEDERAL REGISTER. A meeting of the Advisory Group is planned for early December, and a notice of meeting will be published in the FEDERAL REGISTER.

H. GUYFORD STEVER,
Director.

NOVEMBER 7, 1975.

[FR Doc.75-30484 Filed 11-11-75;8:45 am]

CONTRIBUTIONS OF TECHNOLOGY TO ECONOMIC STRENGTH ADVISORY GROUP

Committee Management; Determination and Establishment

The National Science Foundation (NSF) is establishing an Advisory Group on Contributions of Technology to Economic Strength. It is determined that this action is consistent with the public interest and is necessary in performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, Reorganization Plan No. 1 of 1973, and other applicable laws. The establishment procedures have been executed in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) and the Office of Management and Budget (OMB) Circular No. A-63, Revised.

1. *Name of Advisory Group.* Advisory Group on Contributions of Technology to Economic Strength.

2. *Purpose.* To advise the President through the Vice President and the President's Science Adviser (Director, NSF) on issues that may lead to policy supporting an approved utilization of technology and fostering economic strength.

3. *Effective date of establishment and duration.* The Advisory Group's establishment is effective after the charter is filed with the Director, NSF and with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The Group will continue for two years from the effective date.

4. *Membership.* Membership of the Group will be fairly balanced in terms of the points of view represented and the Group's function. Membership of the Advisory Group on Contributions of Technology to Economic Strength will be composed of approximately 15 eminent persons from universities, industry, the Government, and other organizations which can provide expertise and advice contributing to the wise use of science and technology in achieving national goals.

5. *Advisory Group Operation.* The Group will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

The Committee Management Secretariat, OMB has waived the 15-day requirement for publication of the Notice of Establishment in the FEDERAL REGISTER. A meeting of the Advisory Group is

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planned for early December and a notice of meeting will be published in the FEDERAL REGISTER.

H. GUYFORD STEVER,
Director.

NOVEMBER 7, 1975.

[FR Doc.75-30485 Filed 11-11-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-510, 50-511]

GULF STATES UTILITIES CO. (BLUE HILLS STATION, UNITS 1 AND 2)

Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection", and Part 2, rules of practice, notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Gulf States Utilities Company (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Blue Hills Station, Units 1 and 2 (the facilities), each of which will be designed for operation at 2814 thermal megawatts with a net electrical output of approximately 930 megawatts. The proposed facilities are to be located in the northeast corner of Newton County, Texas.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Thomas W. Reilly, Esq., Chairman, Mr. Lester Kornblith, Jr., and Dr. Linda W. Little.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission staff of a favorable safety evaluation of the application and environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Reactor Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant. In the event that a separate hearing is held with respect to a limited work authorization, Item 6 below describes the matters for consideration.

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public.

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety feautres or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features of components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

ISSUES PURSUANT TO 10 CFR 2.761(a) (LIMITED WORK AUTHORIZATION)

6. Pursuant to 10 CFR 2.761(a), a separate hearing and partial decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR 50.10(e), authorize the applicant to conduct certain onsite work entirely at its own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine, without conducting a *de novo* evaluation of the application: (1) Whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51: (1) Determine whether the requirements of section 102(2) (A), (C) and (D) of NEPA and Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Item 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by January 12, 1976. The presiding Atomic Safety and Licensing Board may make further provision with respect to limited appearances subsequently during the course of this proceeding.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding, must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set for the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as Report has not been accepted for docketing due to lack of complete environmental information required by the Commission staff. Under 10 CFR 2.101, the applicant is expected to tender a revised Environmental Report in January 1976. The staff must find that the revised Environmental Report is complete before it is accepted for the detailed licensing review. The availability of an acceptable Environmental Report will be noticed in the FEDERAL REGISTER. Accordingly, any person who wishes to participate as a party pursuant to 10 CFR 2.714 need not set forth in any petition to intervene, required to be filed by December 12, 1975, any contentions related to matters covered in Issue 5. A deadline for the filing of any such contentions will be established by the Board and noticed in the FEDERAL REGISTER, subsequent to the filing by the applicant of an acceptable Environment Report. In all other aspects said petition must meet the requirements of 10 CFR 2.714, namely, setting forth the interest of the petitioner in the proceeding, facts and reasons why intervention should be permitted, and a general statement as to the subject matter in the proceeding as to which intervention is sought.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by December 2, 1975.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Stanley Plettman, Esq., Orgain, Bell & Tucker, Beaumont Saving Building, Beaumont, Texas 77701, and Troy B. Conner, Jr., Esq., Conner & Knotts, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006, attorneys for the applicant.

For further details, see the application for construction permits dated August 23, 1974, including site suitability information, and the applicant's Environmental Report. The Environmental Report is to be submitted approximately January 30, 1976, which, along with any amendments or supplements thereto, are or will be available as noted above for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be available at the Newton County Library, Newton, Texas, for inspection by members of the public between the hours of 9:00 a.m. and 5:00 p.m. Monday through Saturday. As they become available, a copy of the safety evaluation report by the Commission's Office of Nuclear Reactor Regulation, the draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the proposed construction permits and the ACRS report may be obtained, when available, by request to the Director, Division of Reactor Licensing, United States Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Division of Reactor Licensing's safety evaluation and final environmental statement may be obtained, when available, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Washington, D.C., this 29th day of October 1975.

For the United States Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-30094 Filed 11-11-75;8:45 am]

ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES

Meeting

In accordance with the Atomic Energy Act of 1954, as amended, primarily section 161a, and with Pub. L. 92-463 (Federal Advisory Committee Act) and with Executive Order 11686, the Advisory Committee on the Medical Uses of Isotopes will hold a meeting at 9:00 a.m. on December 12, 1975, in Room P-118, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland.

The following agenda is scheduled:

I. Opening Comments.
II. Regulation of Nuclear Medicine.
A. Status of NRC–FDA Interrelationships
B. Amendment to 10 CFR Part 35–Implementation.
C. Amendment to 10 CFR 32—Implementation.
D. Licensing of Nuclear Pharmacies.
III. Status of Proposed Amendments to 10 CFR Part 35.
A. Reports of Misadministration of Radiopharmaceuticals.
B. Technician Training.
IV. Physician Training.
A. Current Criteria for Physician Training.
B. Alternatives to NRC Regulating Physician Training.
V. New Medical Licensing Guide.
VI. Future Role of the Advisory Committee.

Practical consideration may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than December 10, 1975, to Mr. R. E. Cunningham, Acting Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of not more than 60 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time

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allotted, can be obtained by a prepaid telephone call on December 10, 1975, to Mr. R. E. Cunningham (301) 492–7553 between 9 a.m. and 5 p.m. Eastern time.

(e) Questions may be asked only by members of the Committee and NRC consultants.

(f) Seating for the public will be available on a first-come-first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after January 12, 1975, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., upon payment of all charges required by law.

Dated: November 6, 1975,

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-30494 Filed 11-11-75;8:45 am]

[Docket No. 50-298]

COOPER NUCLEAR STATION

Negative Declaration Regarding Proposed Changes Technical Specifications of License DPR–46

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating Licensing No. DPR–46. These changes would authorize the Nebraska Public Power District (the licensee) to operate the Cooper Nuclear Station (located in Nemaha County Nebraska) with changes to limiting conditions for operation resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This action is associated with a planned shutdown to effect needed alterations associated with the reactor coolant system.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR–46, Cooper Nuclear Station, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for the particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Cooper Nuclear Station issued in February 1973. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118—15th Street, Auburn, Nebraska.

Dated at Rockville, Md., this 29th day of October 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-30497 Filed 11-11-75;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License and Order Modifying License

Notice is hereby that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR–46, issued to the Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications for the facility to authorize operation: (1) Using operating limits based on the General Electric Thermal Analysis Basis (GETAB), and (2) with modified operating limits based upon an evaluation of emergency core cooling system performance calculated in accordance with an acceptable evaluation model that conforms with the requirements of § 50.46 of 10 CFR Part 50 of the Commission's regulations.

The Commission also has issued an Order for License Modification which authorizes operation of the facility with the bypass holes of the lower core support plate plugged, subject to the conditions set forth in the Technical Specifications, as revised by the issuance of Amendment No. 16. The Order is effective as of the date of its issuance.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with items (1) and (2) above was published in the FEDERAL REGISTER on September 18, 1975, (40 FR 43099). The Order for Modification of License (dated October 8, 1975) which authorized plugging of the bypass holes was published in the FEDERAL REGISTER on October 16, 1975 (40 FR 48554). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action on items (1) and (2) above.

For further details with respect to this action, see (1) the applications for amendment dated July 10, 1975, July 14, 1975 and September 11, 1975 and supplements thereto dated September 12, 1975 and October 7, 17 and 24, 1975, (2) Amendment No. 16 to License No. DPR–46, with Change No. 19, (3) the concurrently issued Order for Modification of License, (4) the Commission's concurrently issued related Safety Evaluation, (5) the Commission's Negative Declaration dated October 29, 1975 (which is also being published in the FEDERAL REGISTER) and associated Environmental Impact Appraisal, and (6) the Order for Modification of License dated October 8, 1975 and the documents referenced therein. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Auburn Public Library, 1118—15th Street, Auburn, Nebraska 68305. A single copy of item (2) through (5) and the October 8, 1975 Order may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-30496 Filed 11-11-75;8:45 am]

[Docket No. 50-346A etc.]

TOLEDO EDISON CO. ET AL.

Order Amending Schedule for Prehearing Conference

In the matter of The Toledo Edison Company and The Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station, Units 1, 2, and 3), Docket Nos. 50–346A, 50–500A, 50–501A; The Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2), Docket Nos. 50–440A, 50–441A.

The Eighth Prehearing Conference scheduled for November 17, 1975 is hereby rescheduled for November 24, 1975 commencing at 9:30 a.m. at the Nuclear Regulatory Commission Hearing Room, East/West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated at Bethesda, Md., this 6th day of November 1975.

It is so ordered.

For the Atomic Safety and Licensing Board.

DOUGLAS RIGLER,
Chairman.

[FR Doc.75-30495 Filed 11-11-75;8:45 am]

PRESIDENT'S ADVISORY COMMITTEE ON REFUGEES

RESETTLEMENT ACTIVITIES

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the President's Advisory Committee on Refugees will be held on December 17, 1975, beginning at 10:00 a.m., in Room 4203, New Executive Office Building, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503.

The President's Advisory Committee on Refugees is established under Executive Order 11860 and is governed by the provisions of 5 U.S.C. Appendix I. The Committee shall advise the President and the heads of appropriate Federal agencies concerning the expeditious and coordinated resettlement of refugees, including: Health and environmental matters related to resettlement; interrelationship of the governmental and volunteer roles in resettlement; educational and cultural adjustments required by these efforts; the general well-being of resettled refugees and their families and such other related concerns as the President may, from time to time, specify.

The meeting of the Committee shall be open to the public.

The proposed agenda includes reports from Committee members and staff, discussion of the final Report to the President, a progress report on resettlement activities and problems provided by the Interagency Task Force, and other appropriate items as may later be included.

Records shall be kept of all Committee proceedings (and shall be available for public inspection at the library of the Department of Health, Education and Welfare located in Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201).

Signed at Washington, D.C., on November 7, 1975.

ROGER D. SEMERAD,
Executive Director, President's Advisory Committee on Refugees.

[FR Doc.75-30422 Flyled 11-11-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11803; File No. SR-Amex-75-8]

AMERICAN STOCK EXCHANGE, INC.

Proposed Rule Change; Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94–29, 16 (June 4, 1975), notice is hereby given that on October 31, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to amend Rule 610 to expand the scope of the simplified arbitration procedure presently offered as a service to members and non-members and to revise its schedule of arbitration fees for users of the Amex's arbitration facility.

AMEX STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purposes of the proposed rule change and the revised schedule of arbitration fees are to (i) expedite the resolution of controversies through the expansion of the simplified arbitration procedure for both members and non-members and (ii) distribute on a more equitable basis among users of the Amex's arbitration facility the costs incurred by the Amex in providing this service.

The proposed amendments to Rule 610 and the proposed revised arbitration fee schedule are based upon sections 6(b)(1) and (4), as amended, of the Act, which become effective on December 1, 1975. The proposed amendments, and fee schedule, if approved prior to that date, will be consistent with such sections when so amended.

The proposed amendments to Rule 610 relate to the capacity of the Amex to carry out the purposes of the Act and to comply and enforce compliance with the Act by its members and persons associated with its members.

Subparagraph (d) of Rule 610 would be amended to raise the jurisdictional amount for member controversies required to be determined by a single arbitrator from $2,000 to $5,000. Such a change would expedite the resolution of minor claims by avoiding the necessity to assemble multiple-arbitrator panels, which are difficult to schedule at a date convenient to all. In 1974, only 4 of the 53 controversies settled through the Amex's arbitration facilities involved claims between members amounting to $5,000 or less. The impact of this change therefore is expected to be minimal.

Under the proposed amendment to subpaargraph (e) of Rule 610, non-members would be able to elect to have controversies with members involving claims not exceeding $2,500 determined by a single arbitrator by agreeing with the respondent in writing to the simplified arbitration procedure. The arbitrator would be selected from one of the three arbitrator groups as mutually agreed upon by the parties. In 1974, 4 controveries between non-members and members settled through arbitration involved claims under $2,500. It is felt that the availability of the optional simplified procedure in cases of this nature will enable non-members to obtain swift, equitable, and economical relief.

The proposed revision to the schedule of arbitration fees is designed to establish an equitable allocation of reasonable fees among users of the Amex's arbitration facility.

The present arbitration fee schedule was established in the 1930's. Since that time, the costs incurred by the Amex in providing this service to non-members and members have increased substantially. For example, in 1974 the Amex paid arbitrators approximately $9,100 for their services in conducting arbitration hearings based on a fee schedule of $50 per session for panel members and $100 per session for the chairman. By contrast, the Amex received about $5,000 in fees from the parties to the 53 proceedings based on users' fees of $25 to $120 per session. The unreimbursed cost to the Amex for each session last year therefore ran between $80 and $175 depending upon the type of hearing and the amount in controversy without including additional disbursements for transportation, meals, lodging, postage, reproduction, staff salaries and other administrative services. The Amex expends about $40,000 to $50,000 per year to provide the arbitration facility at a nominal cost to its users.

The revised arbitration fee schedule will have the folowing effect:

First, there would be imposed a $25 non-refundable handling fee for each claim submitted for arbitration. This charge would partially cover the Amex's expenses in reviewing the claim, reproducing the documents and notifying the respondent. If the claim is subsequently settled without arbitration, no additional fee would be assessed and no payment would be made to panel members.

Second, for members utilizing the simplified procedure (a single arbitrator) the fee would be raised from $60 to $100 per session. The fee would then equal the amount paid by the Amex to the arbitrator for her or his services.

Third, the fee for multiple-arbitrator panels hearing member controveries would rise from the present range of $90 to $120 per session to between $300 and $500 depending upon the amount of the claim as reflected in the fee schdule.

Lastly, with respect to non-member claims, the present fee schedule would remain unchanged if the controversy were presented to a single arbitrator under the proposed optional simplified procedure for non-members (claims of $2,500 or less). For those claims referred to multiple-arbitrator panels, the fees would increase from the present range of $25 to $120 to between $50 and $350 depending upon the amount in controversy.

While the proposed revised fee schedule will not completely offset the Amex's direct costs, it would significantly reduce the net cost to the Amex without making its arbitration facilities unduly expensive.

Before the proposed rule changes and arbitration fee schedule changes were approved by the Board of Governors, the Amex administration solicited the views of members and arbitration panel members. These parties indicated that an expansion of the simplified arbitration procedure would be an excellent solution

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to the problem of increasing arbitration costs and that the users of the Amex's arbitration facility should be expected to share a greater portion of the Amex's out-of-pocket costs through a reasonable increase in fees. In addition, the Amex announced the Board's decision to increase the arbitration fee schedule in an information circular sent to the membership on July 16, 1975. As of the date of this submission, no comments have been received in response to that announcement.

The Amex has determined that the proposed amendments to Rule 610 and the proposed revised arbitration fee schedule will not impose a burden on competition.

On or before December 17, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 12, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc.75-30443 Filed 11-11-75;8:45 am]

[SR-BSE-75-2]

BOSTON STOCK EXCHANGE

Order Approving Proposed Rule Change

The Boston Stock Exchange ("BSE"), 53 State Street, Boston Massachusetts 02109, submitted on September 17, 1975 a proposed rule change under Rule 19b-4 to conform the anti-manipulative rules of the BSE with those of other participants in the consolidated transaction reporting system.

Publication of the submission was made in the FEDERAL REGISTER on October 3, 1975 (40 FR 45880) [1] and interested persons were invited to submit written data, views and arguments concerning the submission by November 3, 1975. No comments have been received concerning the BSE's rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to national securities exchanges, and in particular the requirements of section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30440 Filed 11-11-75;8:45 am]

[SR-CSE-75-2]

CINCINNATI STOCK EXCHANGE

Order Approving Proposed Rule Change

The Cincinnati Stock Exchange ("CSE"), 205 Dixie Terminal Building, Cincinnati, Ohio 45202, submitted on September 22, 1975, a proposed rule change under Rule 19b-4 to conform the anti-manipulative rules of the CSE with those of other participants in the consolidated transaction reporting system.[1]

Publication of the submission was made in the FEDERAL REGISTER on October 3, 1975 (40 FR 45881) [2] and interested persons were invited to submit written data, views and arguments concerning the submission by November 3, 1975. No comments have been received concerning the CSE's rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to national securities exchanges, and in particular the requirements of section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30441 Filed 11-11-75;8:45 am]

[1] See also Securities Exchange Act Release No. 11683 (September 25, 1975).

[2] An amendment to the CSE's filing, stating that the proposed rule changes were approved by the CSE's Board of Trustees on September 30, 1975, was submitted on October 3, 1975.

[3] *See also* Securities Exchange Act Release No. 11682 (September 25, 1975).

[Release No. 34-11800; File No. SR-MSTC-75-2]

MIDWEST SECURITIES TRUST CO.

Proposed Rule Change; Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 30, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

A Custodian agreement is signed between the Midwest Securities Trust Company (MSTC) and the Transfer Agent Custodian. To transfer stock into a TAC position, MSTC prepares an Offsite Inventory Box Update form. This computer input is keypunched, verified and computer edited for accuracy. The Offsite Inventory Box Update generates a computer stock pull instruction. The MSTC book inventory is reduced, and the TAC offsite inventory position is increased by the same amount. The new balances and locations are printed each day on our security inventory control sheets, and the stock is counted to insure that the stock was pulled.

The stock certificates are checked for good deliverable form and made nonnegotiable by stamping them "for transfer only per the instructions of the Midwest Securities Trust Company" before sending them to the TAC. The stock is sent to the agent with a three ply log sheet. All certificates are microfilmed. The log sheet is used as a receipt and as a confirmation of the opening balance of shares at the TAC and a confirmation of the new balance. The log sheet contains the stock description, cusip number, transfer number and date, the transaction amount requested or delivered, and an authorizing signature on file with the TAC. One copy of the log stays in an open file at the Midwest Securities Trust Company. The stock and two plys of the TAC log are received by the transfer agent. The log is signed by the TAC, returned to MSTC, and matched with MSTC's open copy. Any discrepancies are reported to the Controls Department for immediate reconciliation with the TAC.

Stock for transfer is sent insured in non-negotiable form by local messenger, Brink's Air Courier, or mail. Under no circumstances will the dollar amounts of shipments of securities to transfer agent custodians exceed MSTC's insurance coverage. The transfer agent cancels the certificates from MSTC and changes our balance by cancelling a balance order certificate in the name of Kray & Co., MSTC's nominee. This certificate is held for us by the agent as custodian.

In addition to the balance confirmation with each transaction, our audit department confirms the TAC balance with the agent once a month. The stock balance held by the TAC can be withdrawn to fill customer transfers or withdrawn in MSTC's nominee name of Kray & Co. for MSTC change-making needs after written instruction by an authorized signer for MSTC.

The withdrawing of TAC stock has the same safeguards as the deposit. The Midwest Securities Trust Company initiates the request by creating an Offsite Inventory Box Update, a TAC log sheet, and a transfer instruction. The log is signed by an authorized MSTC signer and sent in two play with the transfer instruction to the agent. The box update form and a copy of the log are held in an open file by MSTC. When the agent completes the transfer, he returns the stock with the copy of the log and instructions. This log is signed by the transfer agent and confirms the opening balance, the transaction, and the new balance. MSTC matches this with our log copy and box update. Any discrepancies are turned over to our controls group for immediate reconciliation with the Transfer Agent Custodian. All paperwork and certificates are microfilmed.

The box update is batch controlled and entered into MSTC's computer which deducts from the offsite location and adds to MSTC's inventory. The stock is put into MSTC's box, and the updated computer inventory and the physical certificates are counted against each other that same afternoon as a double check that the system is in balance. Any customer stock returned is taken off our open transfer file with an entry to the computer sent out. A weekly listing to the broker, the daily activity notation, and a monthly audit assure the corrections of these entries.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The Transfer Agent Custodian Program aids the transfer process by serving to further immobilize certificate movement between the depository and the Transfer Agent. The Transfer Agent Custodian Program permits the depository to retain only a working supply of certificates while depositing the remainder with the Transfer Agent bank to be held in a depository balance certificate in the name of the depository nominee. The Transfer Agent bank is a custodian of the depository balance certificate. When issuances are required, the depository sends only a properly signed authorization and stock power to the Transfer Agent who immediately issues the stock required by reducing the certificate in his possession. The transaction is handled quickly by both the depository and the Transfer Agent because no stock is withdrawn from the depository's vault and accordingly none must be processed by the Transfer Agent. This timeliness is of great benefit to the depository, especially as record dates approach. Since the registration of the certificate with the Transfer Agent is the same as the stock held in the depository, dividends and proxies are not affected by the process.

As mentioned above, stock transfers are handled quickly by both the depository and the Transfer Agent because no stock is withdrawn from the depository's vault and according none must be processed by the Transfer Agent. Depository certificate inventories are reduced to a working supply only, while moving excess certificates back to the Transfer Agent. The depository receives guaranteed speedy issuance of valid certificates when requested. Shares in depository balance certificates are valid because stop checks and screening is completed before shares from cancelled stock are credited to the certificate. Therefore, new issues debited from balance certificates can be issued without delay or unexpected stops. The depository also has the benefit of reduced vault space requirements and reduced clerical processing involvement. With only periodic deliveries of securities for custody from the depository, additional stability in stock transfer workload volume is achieved. The surge of debit postings just prior to record dates is reduced and in some cases eliminated. Reduced certificate handling by the Transfer Agent lowers his costs without substituting other costs since the system parallels existing stock transfer work flow and balance certificate procedures using only one simple form in the process. The customer benefits financially from the reduced transactions volume.

No comments have been received from members concerning the proposed rule change.

The TAC Program will enhance competition. Reduced certificate handling by the Transfer Agent lowers his costs without substituting other costs since the system parallels existing stock transfer work flow and balance certificate procedures, using only one simple form in the process. Also, the depository reduces the amount of clerical processing costs.

On or before December 17, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approved such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 3, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc.75-30444 Filed 11-11-75;8:45 am]

[Release No. 34-11798; File No. SR-PSE-75-5]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change; Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 3, 1975 the above-mentioned self-regulatory organization filed under the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pursuant to the proposed change in section 2(h-a) of Rule XX of the rules of the Pacific Stock Exchange dealing with the timely delivery of listed and O.T.C. securities:

1. Any participant of the Pacific Clearing Corporation ("PCC") which has not received securities by settlement date may, on the first full business day following settlement date, demand immediate delivery of those securities by filing with PCC a notice of intention to buy-in. When PCC receives a notice to buy-in from a participant, it shall transmit the notice to all participants who, on the day of the notice, are short or failing to deliver the security called for in the notice. Such participants must thereupon close their positions by delivery of the security or bear their proportionate share of any resulting loss.

2. If delivery is not received within the time specified in the notice of intention to buy-in, which shall be no later than two full business days after delivery of the notice, the participant may then execute a buy-in in the best available market of those securities remaining undelivered on the date designated for execution. Prior to executing the buy-in the participant must accept and pay for any portion of the securities called for in the notice that is delivered to it.

3. There are designated procedures for guaranteeing deliveries of securities delayed in transfer or deliveries due from another clearing corporation. There are also procedures whereby the participant requesting the securities may obtain an extension of the execution of the buy-in under specified conditions.

4. PCC may of its own accord institute buy-in or sell-out procedures against participants due to reorganizations(tenders and exchanges), or due to the suspension, financial impairment, resigna-

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tion or reorganization of a participant, and for other similar reasons.

5. When a notice of buy-in is presented and sufficient securities are not delivered by the execution date and subsequently the buy-in is not executed, PCC shall levy a charge against the participant who failed to execute the buy-in unless an extension is obtained. If a buy-in that has been extended has not been executed after an extension of seven (7) calendar days no further extension will be granted, the buy-in will expire, and the participant must present a new buy-in notice if it wishes to effect a buy-in of the securities covered in the original buy-in notice.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change establishes procedures whereby PCC participants which have not received listed or O.T.C. securities from PCC by the scheduled delivery date may demand delivery of those securities from PCC and then, if delivery does not occur within a specified time period, may execute a so-called "buy-in" in the best available market of those securities that remain undelivered on the date designated for execution. These procedures are intended to protect participants from losses arising out of transactions between them, PCC and other participants and to permit participants owed securities to take prompt and appropriate steps to eliminate or minimize any losses that might otherwise occur as a result of late delivery.

The proposed rule change, by establishing a method whereby participants which do not receive securities owed them by settlement date may demand delivery and then execute a buy-in for those securities noti delivered, provides fair procedures whereby participants owed securities may take steps to minimize any losses arising out of late delivery; serves to remove impediments to, and to facilitate, the prompt and accurate clearance and settlement of securities transactions; fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions; and contributes to the protection of investors and the public interest.

The proposed change, by establishing procedures whereby PCC may institute buy-in or sell-out procedures against participants due to reorganizations, or due to the suspension, financial impairment, resignation or reorganization of a participant, provides protection to PCC and to other participants from losses that might otherwise occur, and thereby contributes to the protection of investors and the public interest. The proposed change also provides appropriate disciplinary action for violation of its provisions by imposing charges against participants who, having filed a notice of buy-in, subsequently fail to execute it.

The foregoing constitute the principal bases under the Act for the rule change. The other bases set forth in the "Information to be Included" section of the Instructions to the Rule are not applicable.

Comments on the proposed rule change have not been solicited from Exchange members or from PCC participants.

The proposed rule change would not impose any burden on competition.

On or before December 3, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 3, 1975.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc.75-30445 Filed 11-11-75;8:45 am]

[Release No. 34-11799; File No. SR-PSE-75-6]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change; Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 3, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pursuant to the proposed rule change in section 5 of Rule XX of the rules of the Pacific Stock Exchange dealing with certain operations of the Pacific Securities Depository Trust Company ("PSD") and the Pacific Clearing Corporation ("PCC"):

1. The operation of PSD shall be governed by rules adopted by it. The rules of PCC shall govern the responsibilities of PCC participants in connection with certain services which PCC will furnish to PSD as part of the interface between PCC and PSD. Instructions relating to PSD and issued to PCC or PSD by PCC participants for whom an account is maintained with PSD shall constitute a certification by said participant that it has and will maintain sufficient balances of securities in its PSD account to support all entries requested by any such instructions.

2. If a participant instructs PSD to withdraw or transfer shares from its PSD account, and such instructions are executed although the participant does not have sufficient share of the security involved to cover such withdrawal or transfer, PCC shall, upon PSD's request, attempt to collect said shares by debiting the participant's net settlement statement with PCC in the appropriate amount. The participant shall then be required to make payment to PCC for any amounts so debited and PCC shall be liable to PSD for all shares thereby collected. The participant in question shall, in any event, remain liable to PSD for the total number of shares in question until such time as settlement is made with PCC.

3. PSD will provide services to PCC to facilitate the stock loan activity of PCC and of PSD participants. When PCC requests that stock be loaned to it, PSD will attempt to identify a PSD participant from whose account such a loan can be made. When PSD has received authorization for the loan from a participant, PSD will effect the loan to PCC, either by physical delivery or by bookkeeping entry to PCC's account with PSD. PCC may at any time return any loaned securities to the participant who loaned them by notifying PSD. Likewise, any PSD participant which has loaned securities to PCC through PSD may request the return of such securities at any time. In either case PSD will effect the transfer of the securities to the participant in question, subject to the payment by the participant of any amounts owing PCC with respect to the return of the securities. When loans are terminated by PCC or by participants, notice of such termination shall be given and settlement of securities and cash obligations shall be made no later than the second business day following the day of the notice. If settlement is not made by such date, the party failing to effect settlement may be "bought-in" or "sold-out," as the case may be, by the other party, with any loss resulting from such "buy-in" or "sell-out" being charged to the party that fails to effect timely settlement.

4. PCC will furnish certain services to PSD in connection with distributions of cash and securities. When PSD charges back such a distribution against one of its participants, PSD may notify PCC that the distribution is being charged back against a particular participant. PCC will then effect such a charge by debiting the participant's net settlement statement in the appropriate amount and the participant will be required to make payment to PCC of any amounts so debited. PCC will make payment to PSD of any amounts received in accordance with the normal settlement procedures between the two parties.

5. If a PSD participant, owing securities and/or cash to both PSD and PCC, makes only a partial settlement of the total amount owed and defaults on the remaining obligation, PCC will make a prorata distribution of the securities and/or cash received in partial settlement from the participant between itself and PSD.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is intended to affirm that the operation of PSD shall be governed by rules adopted by it. The proposed change also establishes that PCC's rules shall govern the responsibilities of PCC participants arising out of those services which PCC will furnish PSD as part of the interface between the two entities.

The proposed rule change is also intended to set forth some of the basic rights, duties and responsibilities of PCC and PSD in connection with certain services which each will furnish the other. These services include: procedures whereby PCC shall attempt to collect shares overdrawn by participants from their PSD accounts; procedures whereby PSD will facilitate the stock loan activity of PCC and PSD participants; and procedures whereby PCC will furnish certain services to PSD in connection with distributions of cash and securities.

There are several independent bases under the Act for the proposed rule change. These bases are set forth below. The other bases set forth in the "Information to be Included" section of the Instructions to the Rule are inapplicable.

The proposed rule change, by establishing a method whereby PCC will attempt to collect shares overdrawn by participants from their PSD accounts and by establishing for the prorata distribution of securities and/or cash between PSD and PCC when participants default upon obligations owing to both, provides protection against possible losses by PSD and PCC which might disrupt the operation of those entities and cause losses to other participants. In so doing, the rule change contributes to the safeguarding of securities and funds which are in the custody and control of the clearing agencies or for which they are responsible, and also contributes to the protection of investors and the public interest. The rule change, by facilitating stock loan activity by PCC and by participants, aids in the prompt and accurate clearance and settlement of securities transactions, and fosters cooperation and coordination among persons engaged in the clearance and settlement of securities transactions.

Comments on the proposed rule change have not been solicited from Exchange members or from PCC or PSD participants.

The proposed rule change would not impose any burden on competition.

On or before December 3, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By-order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 3, 1975.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc.75-30446 Filed 11-11-75;8:45 am]

[SR-PBWSE-75-1]

PBW STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change Relative to Fidelity Bonding Requirements for Members

On September 22, 1975, the PBW Stock Exchange, Inc. ("PBW"), 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, submitted proposed changes to Rule 705 of the Rules of its Board of Governors, under Rule 19b-4 pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s), as amended, Pub. L. No. 74-29 (June 4, 1975) (the "Act"). The rule changes were designed to impose higher fidelity bonding requirements in certain respects on member firms and organizations. In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (40 FR 45881, October 3, 1975), and the public was invited to submit comments until November 3, 1975. Notice of the filing and an invitation for comments also appeared in the SEC Docket on October 7, 1975 (Securities Exchange Act Release No. 11681).

As described in the item published in the FEDERAL REGISTER, the purpose of the proposed rule change is to impose higher fidelity bonding requirements on members in order to provide increased safeguards with respect to the financial responsibility and related practices of its members consistent with the standards set forth in new Rule 15b10-11 under the Act (the "SECO Bonding Rule" or "Rule 15b10-11") which establishes fidelity bonding requirements for registered brokers and dealers which are not members of a registered national securities association (SECO brokers and dealers). Members in good standing of the PBW, among other exchanges, by the terms of paragraph (b) of the SECO Bonding Rule, are exempt from the latter rule inasmuch as they are already subject to fidelity bonding requirements of the PBW which are comparable to those promulgated by the Commission.

The Commission believes that the subject revisions to the PBW Bonding Rule are necessary and appropriate in the public interest and for the protection of investors. Accordingly, it finds that the proposed rule change is consistent with the provisions of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the rule changes referenced above be, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30442 Filed 11-11-75;8:45 am]

[Release No. 34-11806; File No. SR-NYSE-75-6]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securies Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 24, 1975, the above-menioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

A. *SCC Rule 4, Section 1, Paragraph 2.*

The Corporation may permit part of a Member's contribution to the Clearing Fund to be evidenced by an open account indebtedness secured by unmatured debt obligations in bearer or registered form, [bonds] which are direct obligations of, or obligations guaranteed as to principal and interest by, the United States or, if deemed acceptable by the Corporation in its sole discretion, which are issued by agencies of the United States, or unmatured bearer bonds which are general obligations of, or obligations guaranteed as to principal and interest by, a State or political subdivision there-

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of which are in the first or second ratings of any nationally known statistical service or unmatured registered debt securities (other than securities which are convertible into other securities) issued by a corporation which are in the first rating of any nationally known statistical service ("qualifying bonds"), having and maintaining a maket value not less than the amount of such open account indebtedness. Such qualifying bonds shall be pledged to the Corporation on such terms and conditions as it shall require; *Provided, however*, That registered securities shall not be pledged to the Corporation otherwise than by book-entry through the facilities of a securities depository with which the Corporation maintains an appropriate account for such purpose. The Board of Directors may 10 business days after giving written notice thereof to all Members increase or decrease the amount of the Member's contributions required to be maintained in cash; provided that such requirement shall apply to all Members. The qualifying bonds pledged by a Member to secure its open account indebtedness shall be held by the Corporation or for its account by a bank or trust company (other than the Member) designated by the Member and acceptable to the Corporation.

B. *SCC Rule 9, Section 1, Paragraph 9.*

In case of any irregularity in an item, the receiving Member or Non-Member Bank may return such item to the delivering Member or Non-Member bank by putting such item in an envelope and delivering the envelope in the same manner as provided by this Section 1 for the delivery by Members and Non-Member Banks, except that the tickets in the envelope and the credit list accompanying the envelope, which are used in connection therewith, shall bear the legend "Reclamation". If such delivery of returned items is to be made through the Corporation it shall be made at Central Delivery Department on the day received or on [a subsequent] the next business day in accordance with the schedule specified by the Corporation; provided, however, that reclamations subject to the Rules of the Board of Directors of the Exchange shall be made within the time periods specified in said Rules. If the delivering Member or Non-Member Bank shall not have agreed with the receiving Member or Non-Member Bank to make the delivery otherwise than under this Rule, the receiving Member or Non-Member Bank shall not be entitled to reclaim the item due to the delivering Member's or Non-Member Bank's delivery of the item under this Rule.

C. *SCC Rule 19. Death, Expulsion or Suspension (other than for insolvency) of Sole Exchange Member.*

Section 1. If the sole reason a Clearing Member qualifies as such under Rule 2 is because the Clearing Member is a member organization of the Exchange, then. (a) If the sole Exchange member of a member firm which is a Clearing Member or the sole Exchange member who is an officer of a member corporation which is a Clearing Member, dies, or is expelled or suspended by the Exchange, other than for insolvency, the Corporation shall, upon receipt of notice thereof, cease to act for such Clearing Member, firm or corporation with respect to transactions generally, as provided in Rule 18, subject, however, to the provisions of the [next] paragraph (b) of this [Rule] *Section 1.*

(b) In the case of the death of the sole Exchange member of a member firm which is a Clearing Member or the sole Exchange member who is an officer of a member corporation which is a Clearing Member, the Corporation shall not cease to act for such firm or corporation if and for so long as such member firm or member corporation is permitted by the Board of Directors of the Exchange, pursuant to the provisions of Section 13 of Article IX of the Constitution of the Exchange, to have the status of a member firm or member corporation; subject, however, to the right of the Corporation to cease to act at any time as provided in Rule 18. The corporation shall so cease to act upon any termination of such status in the same manner and to the same extent as though the death of such sole Exchange member had occurred at the time when such termination becomes effective.

Section 2. If the sole reason a Clearing Member qualifies as such under Rule 2 is because the Clearing Member is a member organization of the American Stock Exchange, Inc. then. (a) If the sole American Stock Exchange, Inc. member of a[n Associate] Clearing Member firm or corporation dies or is expelled or suspended by the American Stock Exchange, Inc. other than for insolvency, the Corporation shall, upon receipt of notice thereof, cease to act for such [Associate] Clearing Member firm or corporation with respect to transactions generally, as provided in Rule 18 subject, however, to the provisions of the [next] paragraph (b) of this [Rule] *Section 2.*

(b) In the case of the death of the sole American Stock Exchange, Inc. member or a[n Associate] Clearing Member firm or corporation, the Corporation shall not cease to act for such firm or corporation if and for so long as such firm or corporation is permitted by the Board of Directors of the American Stock Exchange, Inc., pursuant to the provisions of Section 6 of Article IV of the Constitution of the American Stock Exchange, Inc. to have the status of a temporary member firm or member corporation; subject to the right of the Corporation to cease to act for such [Associate] Clearing Member at any time as provided in Rule 18. The Corporation shall so cease to act upon any termination of such status in the same manner and to the same extent as though the death of such sole [Regular Member] member had occurred at the time when such termination becomes effective.

Section 3. If the event specified in Section 1(a) and Section 2(a) shall occur simultaneously as to a Clearing Member, the Corporation may act for such Clearing Member under either Section 1(b) *or Section 2*(b)*:*

D. *SCC Procedure Manual (page 70).*

Other Distribution: 8:00 a.m.—day of payment.
Miscellaneous Activity Report: 8:00 a.m.—day of activity.
Record Date Report: 8:00 a.m.—day after record date.
Deliver and Receive Instructions: 8:00 a.m.—day removed from CNS.
Submission of Exemption Summary: 8:00 p.m. T+4.
Priority Request: 5:00 p.m. daily.
Notice of Intention to Buy-In: 5:00 p.m. daily.
Order to Execute Buy-In: 10:00 a.m. N+2.

Classification of deliveries	Final delivery time	Final reclamation time
Nonmember bank to clearing member, associate member or affiliate member.	11:30 a.m.....	2 p.m.[1]
Clearing member, associate member, or affiliate member, to clearing member, associate member, or affiliate member.	.....do.....	Do.[1]
Clearing member, associate member, or affiliate member, to nonmember bank.	.....do.....	Do.[1]
Nonmember bank to nonmember bank.	.....do.....	Do.[1]

[1] On day the item is received; the final reclamation time for a reclamation on the next business day after the item is received is 10 a.m.

(b) Not Applicable.
(c) Not Applicable.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. *Purpose of Proposed Rule Change.* The purposes of the proposed rule changes are as follows:

A. Rule 4, Section 1, Paragraph 2 is amended in order to expand the types of securities which Members may use in order to secure their open account indebtedness to the Clearing Fund. This amendment would authorize Members to secure their open account indebtedness with U.S. Government debt obligations and debt obligations of agencies of the U.S. Government or with unmatured registered debt securities (other than securities which are convertible into other securities) issued by a corporation, provided that registered debt securities (other than securities which are convertible into other securities) issued by a corporation, provided that registered securities shall not be pledged to the Corporation otherwise than by book-entry through the facilities of a securities depository with which the Corporation maintains an appropriate account for such purpose (Item 1(A) above).

B. Rule 9, Section 1, Paragraph 9 and Page 70 of the Procedure Manual are amended in order to reflect in the Rules and Procedures SCC's long-standing policy that reclamations must be made no later than 10 a.m. on the next business day after the delivery (Items 1 (B) and (D) above).

C. Rule 19 is amended to deal with the fact that Members of the American Stock Exchange, Inc. who are Members of SCC are Clearing Members rather than Associate Members, and to deal with the existence of dual memberships on the New York Stock Exchange, Inc. and the American Stock Exchange, Inc. (Item 1(C) above).

4. *Basis under the Act for adopting the proposed rule change.*

(a) Not applicable.

(b) The proposed rule changes relate to the Exchange's wholly-owned subsidiary, SCC. The amendment to Rule 4, Section 1, Paragraph 2 relates to assurances as to safeguarding of securities and funds which are in the custody or control of SCC and the protection of investors and the public interest in that it redefines the means by which the Clearing Fund, which provides safeguards for securities and protection to investors, may be funded. The amendment to Rule 9, Section 1, Paragraph 9 and Page 70 of the Procedure Manual relates to the prompt and accurate clearance and settlement of securities transactions in that it limits the time within which reclamations may be made. The amendment to Rule 19 relates to the fostering and cooperation and coordination with persons engaged with the clearance and settlement of securities transactions, in that it relates to the scheme of participation in SCC by members of the American Stock Exchange, Inc.

(c) Not applicable.

5. *Comments Received From Members, Participants or Others on Proposed Rule Changes.*

Comments were solicited by notice dated June 17, 1975. No comments have been received.

6. *Burden on Competition.*

None.

Within 15 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved. Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within three weeks after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc.75-30463 Filed 11-11-75;8:45 am]

[Release No. 34-11805; File No. SR-PBWSE-75-5]

PBW STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed By-Law Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 20, 1975, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed By-Law change as follows:

Statement by PBW Stock Exchange, Inc. of the term of substance of the proposed By-Law change. The PBW Stock Exchange, Inc. ("PBW") proposes to amend Exchange By-Law 19-3(b) as stated below. (Brackets indicate words to be deleted and underscoring is used to indicate words to be added.)

Sec. 19-3. The minimum floor brokerage rates to options members on option contracts dealt in on the exchange shall be as follows:

* * * * *

(b) A registered options specialist shall charge as Floor rates for the execution of members' orders in options given him on the Floor of the Exchange personally by an options member, by an options member representative or by an employee of the Exchange, in writing and signed [the following commission based on the number of contracts and the price of the shares involved in each contract order] *sixty (60) per cent of the Floor rates described in Sec. 19-3(a) above.* These commissions shall apply only to transactions when the principal's name is given up at the time of such transactions.

Price per share	Rate per contract: 1st and 2d contract	3d through 10th contract	11th contract and over
[1/16ths of $1 and above, but under 3/16ths of $1	$0.04	$0.03	$0.02
3/16ths of $1 and above, but under 1/4 of $1	.25	.20	.15
1/4 of $1 and above, but under 1/2 of $1	.50	.40	.35
1/2 of $1 and above, but under $1	.80	.75	.65
$1 and above, but under $4	1.10	.90	.80
$4 and above, but under $8	1.95	1.55	1.40
$8 and above, but under $12	2.35	1.90	1.55
$12 and above, but under $16	2.55	2.10	1.90
$16 and above, but under $20	2.90	2.30	2.05
$20 and above, but under $30	3.05	2.50	2.20
$30 and above, but under $40	3.25	2.65	2.35
$40 and above, but under $50	3.50	2.80	2.50
$50 and above	3.70	2.95	2.65]

Notwithstanding the above [rates], when the amount involved in an order is less than $100, the commission shall be as mutually agreed.

When the amount involved in an order exceeds $300,000, the prescribed commission to be charged pursuant to this subsection 19-3(b) shall apply to the maximum number of contract transactions involving an aggregate amount not in excess of $300,000.

The minimum commission rates prescribed in this By-Law Section 19-3 shall expire on April 30, 1976.

Statement by PBW of basis and purpose. This By-Law has been proposed to reduce the commission received by an options specialist on limited orders which are left with the specialist by a floor broker.

The Exchange has determined that the proposed amendment to By-Law 19-3(b) described above does not improve any burden on competition.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all of written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 8, 1975.

For the Commission, by the Division of Marketing Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc.75-30464 Filed 11-11-75;8:45 am]

[Release No. 34-11804; File No. SR-PBWSE-75-6]

PBW STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 20, 1975, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement by PBW Stock Exchange, Inc. of the terms of substance of the proposed rule change. Pursuant to Rule 19b-4, the PBW Stock Exchange, Inc. ("PBW") proposes to increase the number of underlying securities from fifteen (15) to forty (40) for competitive reasons and to fulfill the business requirements of firms who have committed capital and expended money in the specialist and retail areas.

Statement by PBW of basis and purpose. On May 15, 1975, the SEC declared effective the PBW Plan regulating transactions in options on the PBW. Currently,

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the PBW has permission to trade options in fifteen (15) underlying securities. The addition of options trading in twenty-five (25) underlying securities does not materially alter the original plan as approved by the SEC. The PBW proposal does not hinder in any way the PBW's capacity to carry out the purposes of the Act and to comply and to enforce compliance by members and persons associated with our members. The PBW certifies that action will be taken to accommodate this expansion.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 8, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 6, 1975.

[FR Doc.75-30465 Filed 11-11-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

DES MOINES DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Des Moines District Advisory Council will hold a public meeting at 10:00 a.m., Friday, November 28, 1975, at the Des Moines Golf and Country Club, I-80 Ashworth Road, West Des Moines, Iowa, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, call or write J. Harold Sear, 210 Walnut Street, Des Moines, Iowa 50309, (515) 284-4567.

Dated: November 4, 1975.

NANCY R. LOWE, *Acting Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-30424 Filed 11-11-75;8:45 am]

LAS VEGAS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Las Vegas District Advisory Council will hold a public meeting at 10:00 a.m., Friday, December 5, 1975, at 310 E. Stewart Street, Room 213, Las Vegas, Nevada, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, call or write Robert S. Garrett, 301 E. Stewart, Box 7527, Downtown Station, Las Vegas, Nevada 89101 (702) 385-6529.

Dated: November 5, 1975.

NANCY R. LOWE, *Acting Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-30425 Filed 11-11-75;8:45 am]

SPOKANE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Spokane District Advisory Council will hold a public meeting at 9:00 a.m., Monday, December 1, 1975, at the U.S. Courthouse Building, Room 695, West 920 Riverside Avenue, Spokane, Washington, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, call or write William S. Schumacher, 651 U.S. Courthouse, P.O. Box 2167, Spokane, Washington 99210, (509) 456-3781.

Dated: November 5, 1975.

NANCY R. LOWE, *Acting Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-30426 Filed 11-11-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 912]

ASSIGNMENT OF HEARINGS

NOVEMBER 7, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 121739 Sub 1, Burk Motor Freight, Inc., continued to December 16, 1975 (2 days) at Oklahoma City, Oklahoma; at the Oklahoma Corporation Commission, Room 211, Jim Thorpe Office Building, 2101 North Lincoln Boulevard.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30505 Filed 11-11-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 7, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43070—*Soybeans from Illinois Central Gulf Railroad Company Stations in Illinois to Chicago, Illinois for Export.* Filed by Illinois Central Gulf Railroad Company, (No. 75-1), for interested rail carriers. Rates on soybeans, in carloads, as described in the application, for export, from Illinois Central Gulf Railroad Company stations in Illinois, to Chicago, Illinois, for export.

Grounds for relief—Market competition.

Tariff—Supplement 26 to Illinois Central Gulf Railroad Company tariff 602, I.C.C. No. 36. Rates are published to become effective on Decmeber 1, 1975.

FSA No. 43071—*Joint Rail-Water Container Rates—United States Lines, Inc.* Filed by United States Lines, Inc. (No. 11), for itself and interested rail carriers. Rates on general commodities, between rail terminals at U.S. Gulf seaports, and ports in the United Kingdom, Republic of Ireland, Baltic and Continental Europe.

Grounds for relief—Water competition.

Tariffs—United States Lines, Inc., tariffs F.T. Nos. 15 and 19, I.C.C. Nos. 15 and 19, F.M.C. Nos. 73 and 78, respectively. Rates are published to become effective on December 5, 1975.

FSA No. 43072—*Beet or Cane Sugar from Points in California on The Atchison, Topeka and Santa Fe Ry. Co., to Points in Ill., Iowa, Minn., Mo., Tex., and Wis.* Filed by Trans-Continental Freight Bureau, Agent (No. 496), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in California on the AT&SF Ry. Co., to points in Illinois, Iowa, Minnesota, Missouri, Texas and Wisconsin; also returned shipments in the reverse direction.

Grounds for relief—Rate relationship; returned shipments.

Tariff—Supplement 11 to Trans-Continental Freight Bureau, Agent, tariff 2-M, I.C.C. No. 1914. Rates are published to become effective on December 6, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30506 Filed 11-11-75;8:45 am]

[Notice No. 41]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 7, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 647 (Deviation No. 4), EXHIBITORS SERVICE COMPANY, 85 Helen Street, McKees Rocks, Pa. 15136, filed October 29, 1975. Carrier's representative: Samuel P. Delisi, 604 Law & Finance Bldg., Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certian exceptions, over a deviation route as follows: From Harrisville, Pa., over Pennsylvania Highway 8 to Franklin, Pa., thence over U.S. Highway 322 to Meadville, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Harrisville, Pa., over Pennsylvania Highway 58 to Mercer, Pa., thence over U.S. Highway 19 to Meadville, Pa., and return over the same route.

No. MC 22229 (Deviation No. 21), TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave., S.E., Atlanta, Ga. 30316, filed October 29, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Nashville, Tenn., over U.S. Highway 41 to junction Interstate Highway 74, thence over Interstate Highway 74 to Rock Island, Ill., and (2) From Nashville, Tenn., over U.S. Highway 41 to junction Interstate Highway 74, thence over Interstate Highway 74 to junction U.S. Highway 51 near Bloomington, Ill., thence over U.S. Highway 51 to junction Interstate Highway 80 near LaSalle, Ill., thence over Interstate Highway 80 to junction Illinois Highway 88, thence over Illinois Highway 88 to Rock Falls, Ill., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 31E to junction Kentucky Highway 70, thence over Kentucky Highway 70 to Cave City, Ky., thence over U.S. Highway 31W to Sellersburg, Ind., thence over U.S. Highway 31 to Indianapolis, Ind., thence over U.S. Highway 52 to Montmorenci, Ind., thence over Indiana Highway 53 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hammond, Ind., thence over U.S. Highway 41 to Chicago, Ill., thence over Alternate U.S. Highway 30 to Dixon, Ill., thence over unnumbered highway via Prairieville, Ill., to junction Illinois Highway 2, thence over Illinois Highway 2 to Rock Island, Ill., and return over the same route.

No. MC 33641 (Deviation No. 104), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 29, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Salt Lake City, Utah, over Interstate Highway 80 (using portions of U.S. Highway 40 where Interstate Highway 80 is not completed) to Wells, Nev., thence over U.S. Highway 93 to junction U.S. Highway 30 near Filer, Idaho, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Salt Lake City, Utah, over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 93 near Filer, Idaho, and return over the same route.

No. MC 33641 (Deviation No. 105), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 29, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction unnumbered highway (formerly U.S. Highway 25) and U.S. Highway 33, over U.S. Highway 33 to Ft. Wayne, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 33 and unnumbered highway (formerly U.S. Highway 25) over unnumbered highway to Lima, Ohio, thence over U.S. Highway 30S to junction U.S. Highway 30 near Delphos, Ohio, thence over U.S. Highway 30 to Ft. Wayne, Ind., and return over the same route. Restriction: Service at points on the routes described above is restricted to traffic which originates at or is destined to points east of Ohio or west of Illinois.

No. MC 55778 (Deviation No. 4), MOTOR DISPATCH, INC., 1020 Eighteenth Street, Detroit, Mich. 48216, filed October 29, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Gary, Ind., over Interstate Highway 65 to Indianapolis, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Gary, Ind., over U.S. Highway 20 to South Bend, Ind., thence over U.S. Highway 31 to Indianapolis, Ind., and return over the same route.

No. MC 76266 (Deviation No. 23), ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 S. 11th St. Minneapolis, Minn. 55403, filed October 16, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Beloit, Wis., over U.S. Highway 51 to junction Illinois Highway 38 at Rochelle, Ill., thence over Illinois Highway 38 to junction Illinois Highway 2 near Dixon, Ill., thence over Illinois Highway 2 to junction Interstate Highway 80 near E. Moline, Ill., thence over Interstate Highway 80 to junction Iowa Highway 149 near Williamsburg, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Beloit, Wis., over Wisconsin Highway 81 to junction Wisconsin Highway 11, thence over Wisconsin Highway 11 to junction U.S. Highway 151, thence over U.S. Highway 151 to Cedar Rapids, Iowa, thence over Iowa Highway 149 to junction Interstate Highway 80 and return over the same route.

No. MC 111651 (Deviation No. 4), MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Ave., St. Louis, Mo. 63147, filed October 31, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 64 (using portions of Indiana Highway 64 and necessary connecting highways, until Interstate Highway 64 is complete) to St. Louis, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Louisville, Ky., over U.S. Highway 150 to junction U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30508 Filed 11-11-75;8:45 am]

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[Notice No. 89]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 7, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating rights's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 56679 (Sub-No. 76) (Republication), filed May 29, 1973, and published in the FEDERAL REGISTER issue of August 16, 1973, and republished this issue. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). An Order of the Commission, Division 1, Acting as an Appellate Division, dated October 22, 1975, and served October 30, 1975, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *rugs, carpets, carpeting and tufted textile products*, from points in Georgia, except those south and east of a line beginning at the South Carolina-Georgia State Line and extending west along U.S. Highway 278 to junction Georgia Highway 20 at Conyers, Ga., and thence south along U.S. Highway 23 to junction Interstate Highway 75 at or near Bolingbroke, Ga., thence along Interstate Highway 75 to the Georgia-Florida State Line, to Omaha, Nebr.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

The purpose of this republication is to indicate the extended grant of authority above to include transportation from that portion of Georgia which applicant presently utilizes as an origin territory in its existing authority. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111625 (Sub-No. 19), (Republication), filed February 11, 1974, and published in the FEDERAL REGISTER issues of March 28, 1974 and October 22, 1975, and republished as corrected in part this issue. Applicant: BERMAN'S MOTOR EXPRESS, INC., Binghamton, N.Y. 13902. Applicant's representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. An Order of the Commission, Review Board Number 3, dated October 1, 1975, and served October 8, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (6)(a) of *furniture* from Berkshire, N.Y. to points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Green, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Counties, Pa. The purpose of this corrected republication is to indicate the correct grant of authority in (6)(a). The rest of the notice remains as previously published in the FEDERAL REGISTER issue of October 22, 1975.

Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117644 (Sub-No. 34) (Republication), filed September 13, 1973, and published in the FEDERAL REGISTER issue of November 23, 1973, and republished this issue. Applicant: D & T TRUCKING CO., INC., P.O. Box 2611, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. An Order of the Commission, Division 1, Acting as an Appellate Division, dated October 9, 1975, and served October 22, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *meats, meat products, meat by-products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site of Madison Foods, Inc., located at Madison, Nebr., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with Armour & Company, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements in the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a grant of authority to the destination states of Ohio, Pennsylvania, and Rhode Island, which were inadvertently omitted from the November 23, 1973 FEDERAL REGISTER notice. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding

setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 139777 (Sub-No. 2) (Republication), filed May 6, 1974, and published in the FEDERAL REGISTER issue of June 13, 1974, and republished this issue. Applicant: SIX STAR TRANSPORTATION, INC., 969A Conklin Street, Farmingdale, N.Y. 11735. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. An Order of the Commission, Review Board Number 2, dated October 8, 1975, and served October 15, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *fertilizer and fertilizer ingredients*, (2) of *pesticides* in mixed loads with fertilized and fertilizer ingredients from the facilities of The Andersons, at or near Maumee, Ohio, to points in Connecticut, Delaware, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; and (3) of *fertilizer, fertilizer materials, and fertilizer ingredients* from the facilities of Plant Products, Inc., at or near Blue Point, N.Y., to points in Pennsylvania, Ohio, Indiana, Michigan, Illinois, Connecticut, Delaware, Kentucky, Maryland, New Jersey, New York, Virginia, and West Virginia, restricted in (1), (2), and (3) above against the transportation of commodities in bulk, in tank vehicles; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the substantially broadened destination territory granted with respect to part (3) above, and pleadings should be limited with respect thereto. Because it is possible that other parties who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 1783 (Sub-No. 17), filed August 1, 1975. Applicant: BLUE LINE EXPRESS, INC., 260 D. W. Highway, Nashua, N.H. 03060. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Connecticut.

NOTE.—The purpose of this application is to convert a Certificate of Registration applicant is seeking to acquire to a Certificate of Public Convenience and Necessity. Applicant states that it intends to tack the requested authority with its existing authority on (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment).

(a) At points in Connecticut east of Connecticut Highway 32, to provide service between Boston, Mass. and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Connecticut; (b) at points within 25 miles of Boston tacked with (a) above to provide service between points in Massachusetts and Connecticut; (c) at Springfield or points within 15 miles of Springfield tacked with (b) above between points in Massachusetts and again at points within 25 miles of Boston area, service could be provided between points in Connecticut and Bennington, Vt., Albany, N.Y. and points within 10 miles of Albany; and (d) at points in Massachusetts within 50 miles of Brattleboro, Vt. tacked with (b) authority between points in Massachusetts and tacked with (a) at points within 25 miles of Boston area, service could be provided between points in Connecticut and points in New Hampshire and Vermont within 50 miles of Brattleboro, Vt.

(2) *Textile mill products, textile mill supplies, and equipment* used or useful in the manufacture of such products, (a) at Boston and 10 miles of Boston or specifically named points within 25 miles of Boston, in providing service between Connecticut points and authorized points or areas in Vermont and New Hampshire; and (b) at points in Connecticut on and east of Connecticut Highway 8, to provide service between Augusta and Auburn, Maine, Westerly, Woonsocket, Providence, and North Smithfield, R.I. Wauregan, Conn.; Nashua, N.H. and points in that part of Massachusetts on and east of U.S. Highway 5, on the one hand, and, on the other, points in Connecticut. Applicant has filed concurrently with this application a gateway elimination application in MC 1783 (Sub-No. 18) published below. This is a matter directly related to a Section 5(2) proceeding in MC-F-12566 published in the FEDERAL REGISTER issue of August 13, 1975. If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass. or Hartford, Conn.

No. MC 1783 (Sub-No. 18), filed August 1, 1975. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway, Nashua, N.H. 03060. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (a) between Boston, Mass. and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate a gateway at points in Connecticut east of Connecticut Highway 32.

(b) Between points in Massachusetts and Connecticut. The purpose of this filing is to eliminate a gateway at points within 25 miles of Boston, Mass.

(c) Between points in Connecticut; Bennington, Vt.; and Albany, N.Y. and points within 10 miles thereof. The purpose of this filing is to eliminate gateways at Springfield, Mass., points within 25 miles of Boston, Mass. and points in Massachusetts.

(d) Between points in Connecticut, and points in New Hampshire and Vermont within 50 miles of Brattleboro, Vt. The purpose of this filing is to eliminate gateways at points in Massachusetts within 50 miles of Brattleboro, Vt., those in Massachusetts within 25 miles of Boston, Mass. and points in Massachusetts.

(2) *Textile mill products, textile mill supplies, and equipment* used or useful in the manufacture of such products, (a) between points in Connecticut and Pittsfield, N.H., Hartford and Wilder, Vt., and points in that part of New Hampshire on and west of a line beginning at the Massachusetts-New Hampshire State Boundary line and extending north along New Hampshire Highway 28 to Manchester, N.H., thence along U.S. Highway 3 via Franklin, N.H., to intersection New Hampshire Highway 11, thence along New Hampshire Highway 11 to intersection U.S. Highway 4, and thence along U.S. Highway 4 to the New Hampshire-Vermont State Boundary line, and that part of Vermont on and east of a line beginning at the Vermont-New Hampshire State Boundary line at a point near Bellows Falls, Vt., including Bellows Falls, Vt., and extending north along U.S. Highway 5 to intersection Vermont Highway 103, thence along Vermont Highway 103 to Ludlow, Vt., thence along Vermont Highway 100 to Plymouth Union, Vt., thence along Vermont Highway 100 to intersection U.S. Highway 4 and thence along U.S. Highway 4 to the Vermont-New Hampshire State Boun-

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lary line, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate a gateway at points in Boston, Mass. and 10 miles thereof, or specifically named points within 25 miles of Boston, Mass.

(b) Between Augusta and Auburn, Maine, Westerly Woonsocket, Providence, and North Smithfield, R.I., Wauregan, Conn., Nashua, N.H., and points in that part of Massachusetts on and east of U.S. Highway 5, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate a gateway of points in Connecticut on and east of Connecticut Highway 8.

NOTE.—This is a gateway elimination request for authority sought in MC 1783 (Sub-No. 17) published above, and is a matter directly related to a Section 5(2) proceeding in MC–F–12566 published in the FEDERAL REGISTER issue of August 13, 1975. If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass. or Hartford, Conn.

No. MC 53321 (Sub-No. 11), filed October 20, 1975. Applicant: RAU CARTAGE, INC., 1107 East Noble Ave., Monroe, Mich. 48161. Applicant's representative: William B. Elmer, 21635 East Nine Mile, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Monroe, Mich., to points in that part of Pennsylvania on and west of U.S. Highway 19 and (2) *raw materials* used for the manufacture of paper and paper products, from points in that part of Pennsylvania on and west of U.S. Highway 19, to Monroe, Mich., restricted to traffic moving to or from the plant sites of Consolidated Packaging Corporation at Monroe, Mich., Union Camp Corporation at Monroe, Mich., Time Container Corporation at Monroe, Mich., and Cleveland Partition Company at Donora, Pa. and (3) *paper and paper products*, between Donora, Pa., on the one hand, and, on the other, points in Michigan, Ohio, and Indiana, restricted to traffic to or from the plant sites of Union Camp Corporation and Cleveland Partition Corporation. This is a matter directly related to a Section 5(2) proceeding in MC–F–12661 published in the FEDERAL REGISTER issue of November 5, 1975. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Lansing, Mich. or Chicago, Ill.

No. MC 95876 (Sub-No. 179) (Partial Correction) filed August 25, 1975 published in the FEDERAL REGISTER issue of October 22, 1975, and republished, as corrected in part, this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. (14) *Lumber*, when moving as equipment, materials and supplies used in the quarrying, fabricating, and installation of granite, marble, slate, and stone, (a) from points in Bonner and Kootenai Counties, Idaho, and Pend Oreille, Spokane, and Stevens Counties, Wash., to points in Nebraska on and east of U.S. Highway 281, points in Kansas on and east of U.S. Highway 281 points in Oklahoma on and east of U.S. Highway 281 from the Kansas-Oklahoma State Boundary line, southerly along U.S. Highway 281 to its intersection with U.S. Highway 64, thence westerly along U.S. Highway 64 to its intersection with Oklahoma Highway 34, thence south on Oklahoma Highway 34 to its intersection with U.S. Highway 283 near Willow, thence southerly along U.S. Highway 283 to the Oklahoma-Texas State Boundary line, points in Texas on, east, and south of U.S. Highway 283 from the Oklahoma-Texas State Boundary line, southerly to intersection with U.S. Highway 87, thence southerly along U.S. Highway 87 to intersection with U.S. Highway 377, thence southerly along U.S. Highway 377 to the International Boundary line between Texas and the Republic of Mexico, and points in States east of North Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (b) from points in Bonner and Kootenai Counties, Idaho, and Pend Oreille, Spokane, and Stevens Counties, Wash., to points in Nebraska, Kansas, Oklahoma, and Texas west of the above described area, points in North Dakota and all points in the states west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of points in Minnesota.

(22) *Lumber*, when moving as contractors' and construction equipment and materials and as wood fencing, wood posts, wood rails and *accessories* used in the installation of the abovementioned commodities; (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Iowa on and east of Interstate Highway 35 from the Minnesota State Boundary line to Des Moines, Iowa, thence along U.S. Highway 65 to the Missouri State Boundary line, points in Missouri on and east of Missouri Highway 5, points in Arkansas on, south, and east of Arkansas Highway 5 from the Missouri State Boundary line to intersection with U.S. Highway 62, thence west along U.S. Highway 62 to intersection with U.S. Highway 65 near Bellefonte, thence along U.S. Highway 65 to Little Rock, thence U.S. Highway 167 to the Louisiana State Boundary Line, points in Louisiana on and east of U.S. Highway 167 from the Arkansas State Boundary line to intersection with Louisiana Highway 333, thence along Louisiana Highway 333 to the Gulf of Mexico, points in Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, District of Columbia, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Iowa, Missouri, Arkansas, and Louisiana that are west of the above described areas, and points in North Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, and Montana. The purpose of this filing is to eliminate the gateways of points in South Dakota and Beltrami County, Minn.

(26) *Lumber, poles and pilings* when moving as contractors' and construction equipment and materials, (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Michigan, New York, points in Iowa on and east of U.S. Highway 218 from the Minnesota State Boundary line to Waterloo, thence along Iowa Highway 21 to intersection with Iowa Highway 92, thence along Iowa Highway 92 to its intersection with Iowa Highway 149, thence along Iowa Highway 149 southerly to its intersection with U.S. Highway 63, thence along U.S. Highway 63 to its intersection with Iowa Highway 2, thence along Iowa Highway 2 to its intersection with Iowa Highway 15, thence along Iowa Highway 15 to the Missouri State Boundary line, points in Minnesota on and east of Minnesota Highway 15 from the Iowa State Boundary line southerly to its intersection with U.S. Highway 54, thence along U.S. Highway 54 to its intersection with U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas State Boundary line, and points in Minnesota on and east of U.S. Highway 53 from International Falls southerly to its intersection with Minnesota Highway 73, thence along Minnesota Highway 73 to its intersection with U.S. Highway 61, thence along U.S. Highway 61 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23 to its intersection with Minnesota Highway 65, thence along Minnesota Highway 65 to intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with U.S. Highway 218, thence along U.S. Highway 218 to the Iowa State Boundary line; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Minnesota, Missouri, and Iowa west of the above described area and points in Kansas, Nebraska, and North Dakota. The purpose of this filing is to eliminate the gateways of points in South Dakota, Minnesota, and Superior, Wis.

(28) *Lumber*, when moving as contractors' and construction equipment and materials and as wallboard, pulpboard, and hardboard, (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia and points in Arkansas on and east of U.S. Highway 63 from the Missouri State Boundary line to its intersection with U.S. Highway 167 near Hardy, thence along U.S. 167 to the Louisiana State Boundary line; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Arkansas west of the above described area and points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of points in South Dakota and Cloquet, Minn.

(30) *Lumber*, when moving as equipment, materials and supplies used in the quarrying, fabricating, manufacturing, and installation of granite, marble, slate, and stone (except commodities which because of size or weight require the special equipment and commodities in bulk), (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Michigan, Illinois, Louisiana, Arkansas, Missouri, Iowa, Nebraska points on and east of U.S. Highway 281, points in Oklahoma on and east of U.S. Highway 281 from the Kansas State Boundary line to its intersection with U.S. Highway 183, thence along U.S. Highway 183 to its intersection with Interstate Highway 40, thence westerly along Interstate Highway 40 to intersection with Oklahoma Highway 44, thence southerly along Oklahoma Highway 44 to intersection with U.S. Highway 283, thence along U.S. Highway 283 to the Texas State Boundary line, points in Texas on and east of U.S. Highway 283 from the Oklahoma State Boundary line to its intersection with U.S. Highway 87, thence along Texas Highway 87 to intersection with U.S. Highway 377, thence along Highway 377 to the intersection with Texas Highway 27, and Interstate Highway 10, thence along Texas Highway 27 and Interstate Highway 10 to intersection with Texas Highway 16, thence along Texas Highway 16 to the International Boundary line between Texas and the Republic of Mexico and; (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Texas, Oklahoma, Kansas, Nebraska west of the above described areas and points in North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, California, Oregon, and Washington. The purpose of this filing is to eliminate gateway of points in Codington County, S. Dak.

NOTE.—The purpose of this partial republication is to correct the authority stated above previously published in error. Common control may be involved. This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC–F–2623 published in the FEDERAL REGISTER issue of September 10, 1975. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC–F–12648. Authority sought for control by FOUR WINDS ENTERPRISES, INC., 7035 Convoy Court, P.O. Box No. 80771, San Diego, CA 92138, of MOVERS PORT SERVICE INCORPORATED, also of the San Diego, CA 92138 address, and for acquisition by RICHARD W. ARENDSEE, also of the San Diego, CA 92138 address, of control of MOVERS PORT SERVICE INCORPORATED, through the acquisition by FOUR WINDS ENTERPRISES, INC. Applicants' attorney: Robert J. Gallagher, 1776 Broadway, N.Y., NY 10019. Operating rights sought to be controlled: *Household goods* as a *common carrier* over irregular routes between points in Los Angeles, Orange, Riverside, Imperial, Kern, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties, Calif., Cochise, Maricopa, Pima, Pinal, and Yuma Counties, Ariz., and Hidalgo County, N. Mex. FOUR WINDS ENTERPRISES, INC., holds no authority from this Commission. However, it is affiliated with FOUR WINDS VAN LINES, INCORPORATED which holds authority under No. MC 15643 to operate as a *common carrier* in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12663. Authority sought for merger by EASTERN EXPRESS, INC., 1450 Wabash Ave., Terre Haute, IN 47808, of the operating rights and properties of R. C. MOTOR LINES, INC., also of Terre Haute, IN 47808, and for acquisition by AMERICAN EXPORT INDUSTRIES, INC., 26 Broadway, New York, NY 10004, and ISBRANDTSEN COMPANY, INC., P.O. Box 123, Bowling Green Station, New York, NY 10004, of control of such rights and properties through the transaction. Applicants' attorney: William Q. Keenan, 277 Park Ave., New York, NY 10017. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Georgia, South Carolina, North Carolina, Florida, Maryland, Pennsylvania, Massachusetts, Connecticut, Virginia, Alabama, Delaware, and New Jersey, serving various intermediate and offroute points, as more specifically described in Docket No. MC 75651 and Subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. EASTERN EXPRESS, INC., is authorized to operate as a *common carrier* in Pennsylvania, Missouri, New Jersey, Indiana, New York, Ohio, Illinois, West Virginia, Michigan, Kentucky, Massachusetts, Connecticut, Rhode Island, Iowa, Wisconsin, Kansas, Colorado, and Delaware. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to Report and Order dated December 26, 1974, and served January 22, 1975, in No. MC–F–10813, transferee acquired control of transferor.

No. MC–F–12664. Authority sought for control by UNITED TRANSPORTS, INC., P.O. Box 717 Downtown Station, Omaha, NE 68101, of SIMANEK, INC., 150 W. 7th St., Wahoo, NE 68066, and for acquisition by DONALD F. SWERCZEK, also of Omaha, NE 68101, and DONALD W. WYNNE, 2222 North 11th St., Omaha, NE 68110, of control of SIMANEK, INC., through the acquisition by UNITED TRANSPORTS, INC. Applicants' attorney: Patrick E. Quinn, P.O. Box 82028, Lincoln, NE 68501. Operating rights sought to be controlled: *Certain specified commodities*, as a *common carrier* over irregular routes, from, to, and between specified points in the States of Kansas, Nebraska, Iowa, Wisconsin, Minnesota, Missouri, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Oklahoma, with certain restrictions, as more specifically described in Docket No. MC 119400 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. UNITED TRANSPORTS, INC., holds no authority from this Commission. However, it is affiliated with WYNNE TRANSPORT SERVICE, INC., 2222 N. 11th St., Omaha, NE 68110, No. MC 114725, which is authorized to operate as a *common carrier* in Nebraska, Iowa, Kansas, Missouri, Illinois, Minnesota Montana, North Dakota, South Dakota, Colorado, Wyoming, Wisconsin, Kentucky, Michigan, Oklahoma, California, and Arizona. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12665. Authority sought for control by GROSS & HECHT TRUCKING CORP., P.O. Box 514, Edison, NJ 08817, of KEYSTONE TRUCKING CORP., 811 S. Washington Ave., Scranton, PA 18505, and for acquisition by TRANSCO GROUP, INC., 130 Davidson Ave., Somerset, NJ, and in turn, by ARTHUR M. BOLDBERG, also of Edison, NJ 08317, of control of KEYSTONE TRUCKING CORP., through the acquisition by GROSS & HECHT TRUCKING CORP. Applicants' attorney: A. David Millner, 744 Broad St., Newark, NJ 07102. Operating rights sought to be controlled: Such merchandise as is dealt in by retail chain grocery and food business houses (except commodities in bulk, and, in connection therewith, equipment, material and supplies

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(except commodities in bulk, used in the conduct of such business, as a contract carrier over irregular routes, between New York, N.Y., points in New Jersey, Broome, Chemung, Delaware, Nassau, Orange, Rockland, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, and Westchester Counties, N.Y., and Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montuor, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Wayne, Wyoming, Tioga, and Union Counties, Pa. Certificate not yet issued. GROSS & HECHT TRUCKING CORP., is authorized to operate as a *contract carrier* in New York, New Jersey, Pennsylvania, Connecticut, and Maryland. Application has not been filed for temporary authority under section 210a(b).

NOTICE

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, 906 Olive Street, St. Louis, Missouri 63101, represented by Mr. J. S. Bowie, Assistant General Counsel, St. Louis-San Francisco Railway Company, Suite 1023 Frisco Building, 906 Olive Street, St. Louis, Missouri 63101, hereby gives notice that, on the 30th day of October, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over The Kansas City Southern Railway Company between Mile Post 119.3 near Mulberry, Crawford County, Kansas, and Mile Post 129.7 near Pittsburg, Crawford County, Kansas, a distance of approximately 10.4 miles, which application was assigned Finance Docket No. 28032.

In the opinion of the applicant, the authority sought will have no significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than December 12, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30509 Filed 11-11-75;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

Filing

NOVEMBER 7, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Texas Docket No. 4403, filed October 21, 1975. Applicant: OBIE NATIONS, doing business as, TYLER BUS LINES, 2315 Lingner, Tyler, Texas 75701. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Texas 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Mail, Newspapers, Parcels and Express Packages* in intrastate, interstate and foreign commerce: From Tyler over Texs Highway 155 to Palestine, thence over U.S. Highway 79 to Hearne, and return over the same route, serving all intermediate points. The above authority is subject to the following restrictions: (1) Applicant is hereby prohibited from transporting any high explosives, acids, inflammable liquids, loaded guns, inflammable or combustible motion picture films, or other articles which will endanger the life or limb of the passengers being transported in the motor bus. (2) Applicant is hereby prohibited from transporting any mail, newspapers, parcels and express packages which interfere with the convenience and reasonable comfort or safety of the passengers being transported in the motor bus. (3) The authority to transport mail, newspapers, parcels and express packages in the same vehicle transporting passengers shall be coextensive with the certificates and operating rights authorizing the transportation of passengers, and the applicant is hereby prohibited from transferring by assignment, sale, lease, or otherwise, the authority to transport passengers unless the authority to tranport mail, newspapers, parcels and express packages shall be transferred simultaneously, and/or vice versa. If operations under this motor bus certificate are abandoned or suspended, the authority to transport mail, newspapers, parcels and express packages will be abandoned or suspended accordingly.

(4) Applicant is hereby prohibited from engaging in pickup and delivery service and the services that it will render hereunder will be only from terminal to terminal. (5) The Railroad Commission of Texas hereby retains jurisdiction over this grant of authority to the end that it may at any time, after notice and hearing, restrict applicant's transportation of mail, newspapers, parcels and express packages so as to prevent it from becoming a primary truck service instead of a truck service incident to the primary motor bus service, and, further, the Railroad Commission of Texas hereby retains jurisdiction to regulate the size and weight of packages so as to prevent the applicant from engaging in the transportation of property as a primary operation. (6) Applicant is hereby authorized to only transport mail newspapers, parcels and express shipments on motor buses transporting passengers, and applicant is hereby prohibited from using separate vehicles in the transportation of these commodities. (7) The Railroad Commission of Texas hereby restricts the transportation of these commodities—mail, newspapers, parcels and express packages—so that applicant is prohibited from utilizing the interior of the bus where seats are located for the comfort and convenience of the bus passengers for the transportation of parcels and express packages. The applicant will utilize below-floor luggage compartments or luggage compartments in the rear of the bus that is separated from the passenger carrying interior, or racks on the top of bus, for the transportation of parcels and express packages; and further, the Railroad Commission of Texas retains jurisdiction to enforce this restriction.

(8) The holder of this certificate is hereby restricted from transporting film (flammable or inflammable) where the consignor or consignee thereof is a motion picture film exchange or a motion picture film theatre and the proposed movement is between points in Texas served in film common carrier motor carrier service as of December 15, 1956, by a common carrier film carrier and/or carriers authorized by the Railroad Commission of Texas pursuant to certificates of public convenience and necessity issued to such film carriers; and such points are as reflected by the Commission's records and a tabulation filed in this proceeding on or about January 21, 1957, to all of which reference is made for purposes of this restriction.

NOTE.—Applicant proposes to tack and coordinate the proposed additional services with all service authorized in intrastate commerce under Common Carrier Certificate No. 4403 and with all services now authorized in interstate and foreign commerce under authority granted in Docket No. MC 139629.

HEARING: Date, time and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to Railroad Commission of Texas, Capitol Station—P.O. Drawer 12967, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30507 Filed 11-11-75;8:45 am]

[Rule 19, Ex Parte No. 241, 8th Rev. Exemption No. 10]

ATLANTA AND SAINT ANDREWS BAY RAILWAY CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less and equipped with doors less than 9 ft. wide and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta and Saint Andrews Bay Railway Company Reporting Marks: ASAB.
[1] The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
[1] Bangor and Aroostook Railroad Company, Reporting Marks: BAR.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
[1] The Chesapeake and Ohio Railway Company, Reporting Marks: CO.
Chicago, West Pullman & Southern Railroad Company, Reporting Marks: CWP.
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.
[1] Missouri-Kansas-Texas Railroad Company, Reporting Marks: MKT.
[1] Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, Reporting Marks: NH–NYC–PAE–PC–P&E–PRR.
[1] Soo Line Railroad Company, Reporting Marks: SOO.
[1] Union Pacific Railroad Company, Reporting Marks: UP.
[1] Western Maryland Railway Company, Reporting Marks: WM.

Effective 11:59 p.m., October 31, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., October 29, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

NOTE.—Exemption No. 89 also applicable to 40-ft. plain boxcars will be allowed to expire on October 31, 1975.

[FR Doc.75-30511 Filed 11-11-75;8:45 am]

[1] Addition.

[Rule 19, Ex Parte No. 241; 13th Rev. Exemption No. 99]

BURLINGTON NORTHERN INC. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, that the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

Burlington Northern Inc., Reporting Marks: BN–CBQ–GN–NP–SPS.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.
Florida East Coast Railway Company, Reporting Marks: FEC.
Grand Trunk Western Railroad Company, Reporting Marks: GTW.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
[2]
Louisiana & Arkansas Railway Company, Reporting Marks: LA.
Maine Central Railroad Company, Reporting Marks: MEC.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY–MKT.
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, Reporting Marks: PC–PRR–NYC.
Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.
Union Pacific Railroad Company, Reporting Marks: UP.

[2] Delete Illinois Terminal Railroad Company.

Effective: October 30, 1975.

Expires: November 30, 1975.

Issued at Washington, D.C., October 30, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-30510 Filed 11-11-75;8:45 am]

[AB 7 (Sub-No. 16)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Cannon Falls and Red Wing, in Goodhue County, Minnesota

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Goodhue County, Minn., on or before November 21, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 29th day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 7 (Sub-No. 16)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN CANNON FALLS AND RED WING, IN GOODHUE COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated October 29, 1975, it has been determined that the proposed abandonment of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of operation of a line of railroad between Cannon Falls and Red Wing, Minn., a distance of 21.60 miles plus abandonment of 1.66 miles of side tracks in Cannon Falls, Minn., if approved by the Commission, does not constitute a major Federal action signifi-

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cantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the applicant proposed to abandon service only over its jointly-owned line of rail, and the Chicago and North Western Transportation Company, co-owners of the instant line, will continue to supply local service between Cannon Falls and Red Wing. Abandonment of the side tracks will divert prior rail traffic to motor carriers. Adequate highways exist in the area and, due to the minimal traffic involved, the resulting air pollution, intrusive noise, fuel consumption, and safety hazard impacts would be minimal. There are no historic or archaeological sites involved in the proposed action.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commision, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 8, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30513 Filed 11-11-75;8:45 am]

[AB 107]

KALAMAZOO, ALLEGAN AND GRAND RAPIDS RAILROAD CO.

Abandonment between Parchment and Plainwell, also between Byron Center and Wentworth, all in Kalamazoo, Allegan, and Kent Counties, Michigan

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Kalamazoo, Allegan, and Kent Counties, Mich., on or before November 25, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy, of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 31st day of October 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 107]

KALAMAZOO, ALLEGAN AND GRAND RAPIDS RAILROAD COMPANY ABANDONMENT BETWEEN PARCHMENT AND PLAINWELL, ALSO BETWEEN BYRON CENTER AND WENTWORTH, ALL IN KALAMAZOO, ALLEGAN, AND KENT COUNTIES, MICHIGAN

The Interstate Commerce Commission hereby gives notice that by order dated October 31, 1975, it has been determined that the proposed abandonment of the Kalamazoo, Allegan, and Grand Rapids Railroad Company of the following two portions of the Kalamazoo branch line: (1) Between Parchment and Plainwell, for a distance of 7.26 miles in Kalamazoo and Allegan Counties, Mich., and (2) between Byron Center and Wentworth, for a distance of 7.03 miles in Kent County, Mich., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because there has been no traffic over either portion of the line since 1973, and there would be no major ecological, historical, or public safety impacts resulting from the abandonment. There are no clearly defined land use or finalized comprehensive plans with which the abandonment would conflict. There is potential for public recreational use of both portions of the branch line, due to the proximity of the lines to the Kalamazoo and Grand Rapids metropolitan areas.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before December 10, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30512 Filed 11-11-75;8:45 am]

federal register

WEDNESDAY, NOVEMBER 12, 1975



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HUMAN BLOOD

Registration of Blood Products, Product Establishments, and Listing of Blood and Blood Products

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS; GENERAL

SUBCHAPTER F—BIOLOGICS

[Docket No. 75N-0299]

REGISTRATION OF HUMAN BLOOD AND BLOOD PRODUCT ESTABLISHMENTS AND LISTING OF BLOOD AND BLOOD PRODUCTS

The Commissioner of Food and Drugs is reestablishing administrative responsibility in the Bureau of Biologics for (1) registration of all blood and blood product establishments (blood banks and other firms collecting, manufacturing, preparing or processing human blood and blood products) and (2) listing of blood and blood products. In addition, the Commissioner is announcing that a new Form FD–2830 (Blood Establishment Registration and Product Listing) has been developed specifically for use by blood and blood product establishments for registration and listing. All future correspondence and submissions regarding registration of blood and blood product establishments and listing of blood and blood products should be directed to the Bureau of Biologics. This regulation is effective November 15, 1975.

Since blood and blood products are drugs, the Drug Listing Act of 1972 requires owners and operators of blood and blood product establishments to register and list their blood products. Consequently, in the FEDERAL REGISTER of January 31, 1973 (38 FR 2965), the Commissioner amended 21 CFR 207.65 (b) of the drug regulations (formerly 21 CFR 132.51(b)) and added a new section, 21 CFR 601.11 to the biologics regulations (formerly 21 CFR 273.237) to require that all blood and blood product establishments must register with the Food and Drug Administration, Bureau of Biologics, pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360). As a result, approximately 6,000 blood and blood product establishments registered for the first time with the Food and Drug Administration. Subsequently, the Commissioner temporarily transferred the administrative responsibility for registration of blood and blood product establishments to the Bureau of Drugs. This change was reflected in § 601.11 (b) and (c) of the recodified regulations published in the FEDERAL REGISTER of November 20, 1973 (38 FR 32048).

The Commissioner has determined that responsibility for registration of blood and blood product establishments should be reassigned to the Bureau of Biologics, and this duty is therefore being returned to that Bureau. Since the Bureau of Biologics has the primary regulatory responsibility for blood and blood products, the Commissioner is also transferring administrative responsibility for the listing of blood and blood products from the Bureau of Drugs to the Bureau of Biologics. In addition, because the manufacture of human blood and blood products is significantly different from all other drugs, a new registration and listing Form FD–2830 has been designed specifically for use by blood and blood product establishments for registration and listing. The new Form FD–2830 will be used by blood and blood product establishments in lieu of Form FD–2656 (Registration of Drug Establishment) and Form FD–2657 (Drug Product Listing) which are required by Part 207 (21 CFR Part 207) for use by all other drug establishments, for registration and listing, respectively. A new Form FD–2831 (Blood Establishment Resource Summary) is also available for use in lieu of Form FD–2656A (Optional Distribution Data).

Since Form FD–2830 has been specifically designed for use by blood and blood product establishments for registration and listing, the Commissioner has determined that owners and operators of blood and blood product establishments, who also manufacture or process other drug products at the same establishment, shall register with both the Bureau of Biologics and the Bureau of Drugs. Blood and blood products shall be listed with the Bureau of Biologics, and other drug products shall be listed with the Bureau of Drugs. Although these owners and operators are required to register with both bureaus, a common reigstration number will be assigned to each establishment.

In vitro diagnostic blood products and reagents exempted under § 607.65 do not include products that are subject to licensing under section 351 of the Public Health Service Act (42 U.S.C. 262).

Accordingly, the Commissioner is (1) amending Part 207 of the drug regulations by adding a new § 207.7 to require that all blood and blood product establishments register and list their products with the Bureau of Biologics pursuant to Part 6607 (21 CFR Part 607), which is being established, (2) revising § 601.11 and redesignating it as § 607.7, and (3) establishing a new Part 607 in the biologics regulations to prescribe procedures for blood and blood product establishment registration and product listing. The Commissioner concludes that the blood and blood product establishment registration and product listing requirements prescribed in new Part 607 are substantively the same as those requirements prescribed in Part 207 for other drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 510, 701, 52 Stat. 1040–1042 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 76 Stat. 794 as amended by 84 Stat. 1282 (21 U.S.C. 321, 360, 371)), the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)), and (5 U.S.C. 553, 702, 703, 704) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 207—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

1. In Part 207:

a. By revising the heading for Subpart A to read as follows:

Subpart A—General Provisions

b. By adding a new § 207.7 to read as follows:

§ 207.7 Establishment registration and product listing for human blood and blood products.

(a) Owners and operators of all human blood and blood product establishments are required to register and list their products on Form FD–2830 as prescribed in Part 607 of this chapter.

(b) Owners and operators of all human blood and blood product establishments, who also manufacture or process other drug products at the same establishment, shall register with both the Bureau of Biologics and the Bureau of Drugs. Human blood and blood products shall be listed with the Bureau of Biologics, Food and Drug Administration, pursuant to the provisions of Part 607 of this chapter, and other drug products shall be listed with the Bureau of Drugs, Food and Drug Administration, pursuant to the provisions of this part.

PART 601—LICENSING

§ 601.11 [Deleted]

2. In Part 601 by deleting § 601.11 *Registration of blood banks and other firms collecting, manufacturing, preparing, or processing human blood or blood products.*

3. By establishing a new Part 607 to read as follows:

PART 607—ESTABLISHMENT REGISTRATION AND PRODUCT LISTING FOR MANUFACTURERS OF HUMAN BLOOD AND BLOOD PRODUCTS

Subpart A—General Provisions

Sec.
607.3 Definitions.
607.7 Establishment registration and product listing of blood banks and other firms manufacturing human blood and blood products.

Subpart B—Procedures for Domestic Human Blood and Blood Product Establishments

607.20 Who must register and submit a blood product list.
607.21 Times for establishment registration and blood product listing.
607.22 How and where to register establishments and list blood products.
607.25 Information required for establishment registration and blood product listing.
607.26 Amendments to establishment registration.
607.30 Updating blood product listing information.
607.31 Additional blood product listing information.
607.35 Notification of registrant; blood product establishment registration number and NDC Labeler Code.

Sec.
607.37 Inspection of establishment registrations and blood product listings.
607.39 Misbranding by reference to establishment registration or to registration number.

Subpart C—Procedures for Foreign Blood Product Establishments

607.40 Blood product listing requirements for foreign blood product establishments.

Subpart D—Exemptions

607.65 Exemptions for domestic blood product establishments.

AUTHORITY: Secs. 201, 510, 701, Pub. L. 717, 52 Stat. 1040–1042 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 76 Stat. 794 as amended by 84 Stat. 1282 (21 U.S.C. 321, 360, 371); sec. 351, Pub. L. 410, 58 Stat. 702, as amended (42 U.S.C. 262); and (5 U.S.C. 553, 702, 703, 704)

Subpart A—General Provisions

§ 607.3 Definitions.

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended, 21 U.S.C. 301–392).

(b) "Blood and blood product" means a drug which consists of human whole blood, plasma, or serum or any product derived from human whole blood, plasma or serum, hereinafter referred to as "blood product."

(c) "Establishment" means a place of business under one management at one general physical location. The term includes, among others, human blood and plasma donor centers, blood banks, transfusion services, other blood product manufacturers and independent laboratories that engage in quality control and testing for registered blood product establishments.

(d) "Manufacture" means the collection, preparation, processing or compatibility testing by chemical, physical, biological, or other procedures of any blood product which meets the definition of a drug as defined in section 201(g) of the act, and including manipulation, sampling, testing, or control procedures applied to the final product or to any part of the process. The term includes packaging, labeling, repackaging or otherwise changing the container, wrapper, or labeling of any blood product package in furtherance of the distribution of the blood product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(e) "Commercial distribution" means any distribution of a blood product except pursuant to the investigational use provisions of § 312.1 of this chapter, but does not include internal or interplant transfer of a bulk product substance between registered domestic establishments within the same parent, subsidiary, and/or affiliate company.

(f) "Any material change" includes but is not limited to any change in the name of the blood product, in the quantity or identity of the active ingredient(s) or in the quantity or identity of the inactive ingredient(s) where quantitative listing of all ingredients is required pursuant to § 607.31(a)(2) and any significant change in the labeling of a blood product. Changes that are not significant include changes in arrangement or printing or changes of an editorial nature.

(g) "Bulk product substance" means any substance that is represented for use in a blood product and when used in the manufacturing of a blood product becomes an active ingredient or a finished dosage form of such product.

(h) "Advertising" and "labeling" include the promotional material described in § 202.1(1) (1) and (2) of this chapter, respectively.

(i) The definitions and interpretations contained in sections 201 and 510 of the act shall be applicable to such terms when used in this Part 607.

§ 607.7 Establishment registration and product listing of blood banks and other firms manufacturing human blood and blood products.

(a) All owners or operators of establishments that engage in the manufacturing of blood products are required to register, pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act. Registration and listing of blood products shall comply with this part. Registration does not permit any blood bank or similar establishment to ship blood products in interstate commerce.

(b) Forms for registration of an establishment are obtainable on request from the Bureau of Biologics (HFB–14), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014, or at any of the Food and Drug Administration district offices.

(c) The completed form should be mailed to the Bureau of Biologics (HFB–14), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014.

Subpart B—Procedures for Domestic Blood Product Establishments

§ 607.20 Who must register and submit a blood product list.

(a) Owners or operators of all establishments, not exempt under section 510 (g) of the act or Subpart D of this Part 607, that engage in the manufacture of blood products are required to register and to submit a list of every blood product in commercial distribution (except that listing information may be submitted by the parent, subsidiary, and/or affiliate company for all establishments when operations are conducted at more than one establishment and there exists joint ownership and control among all the establishments), whether or not the output of such blood product establishment or any particular blood product so listed enters interstate commerce.

(b) Preparatory to engaging in the manufacture of blood products, owners or operators of establishments who are submitting an establishment license application to manufacture blood products are required to register before the establishment license application is approved.

(c) No registration fee is required. Establishment registration and blood product listing do not constitute an admission or agreement or determination that a blood product is a "drug" within the meaning of section 201(g) of the act.

§ 607.21 Times for establishment registration and blood product listing.

The owner or operator of an establishment entering into an operation defined in § 607.3(d) shall register such establishment within 5 days after the beginning of such operation and submit a list of every blood product in commercial distribution at that time. If the owner or operator of the establishment has not previously entered into such operation (defined in § 607.3(d)) for which a license is required, registration shall follow within 5 days after the submission of an establishment and product license application in order to manufacture blood products. Owners or operators of all establishments so engaged shall register annually between November 15 and December 31 and shall update their blood product listing information every June and December.

§ 607.22 How and where to register establishments and list blood products.

(a) The first registration of an establishment shall be on Form FD–2830 (Blood Establishment Registration and Product Listing) obtainable on request from the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Biologics (HFB–14), 8800 Rockville Pike, Bethesda, MD 20014, or from Food and Drug Administration district offices. Subsequent annual registration shall also be accomplished on Form FD–2830 which will be furnished by the Food and Drug Administration before November 15 of each year to establishments whose product registration for that year was validated pursuant to § 607.35. The completed form shall be mailed to the above address before December 31 of that year.

(b) The first list of blood products and subsequent June and December updatings shall be on Form FD–2830, obtainable upon request as described in paragraph (a) of this section. In lieu of Form FD–2830, tapes for computer input may be submitted if equivalent in all elements of information as specified in Form FD–2830. All formats proposed for such use will require initial review and approval by the Bureau of Biologics, Food and Drug Administration.

§ 607.25 Information required for establishment registration and blood product listing.

(a) Form FD–2830 (Blood Establishment Registration and Product Listing) requires furnishing or confirming registration information required by the act. This information includes the name and street address of the establishment, including post office ZIP code; all trade names used by the establishment; the kind of ownership or operation (that is, individually owned, partnership, or corporation); and the name of the owner or operator of such establishment. The term "name of the owner or operator" shall include in the case of a partnership the name of each partner, and in the case of a corporation the name and title

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of each corporate officer and director and the name of the State of incorporation. The information required shall be given separately for each establishment, as defined in § 607.3(c).

(b) Form FD–2830 also requires furnishing blood product listing information required by the act as follows:

(1) A list of blood products, including bulk product substances as well as finished dosage forms, by established name as defined in section 502(e) of the act and by proprietary name, which are being manufactured for commercial distribution and which have not been included in any list previously submitted on Form FD–2830 (Blood Establishment Registration and Product Listing) or Form FD–2250 (National Drug Code Directory Input).

(2) For each blood product so listed which is subject to section 351 of the Public Health Service Act, the license number of the manufacturer issued by the Bureau of Biologics, Food and Drug Administration.

(3) For each blood product listed, the registration number of every blood product establishment within the parent company at which it is manufactured.

§ 607.26 Amendments to establishment registration.

Changes in individual ownership, corporate or partnership structure location or blood-product-handling activity, shall be submitted on Form FD–2830 (Blood Establishment Registration and Product Listing) as amendment to registration within 5 days of such changes. Changes in the names of officers and directors of the corporations do not require such amendment but must be shown at time of annual registration.

§ 607.30 Updating blood product listing information.

(a) After submission of the initial blood product listing information, every person who is required to list blood products pursuant to § 607.20 shall submit on Form FD–2830 (Blood Establishment Registration and Product Listing) during each subsequent June and December, or at the discretion of the registrant at the time the change occurs, the following information:

(1) A list of each blood product introduced by the registrant for commercial distribution which has not been included in any list previously submitted. All of the information required by § 607.25(b) shall be provided for each such blood product.

(2) A list of each blood product formerly listed pursuant to § 607.25(b) for which commercial distribution has been discontinued, including for each blood product so listed the identity by established name and proprietary name, and date of discontinuance. It is requested but not required that the reason for discontinuance of distribution be included with this information.

(3) A list of each blood product for which a notice of discontinuance was submitted pursuant to paragraph (a)(2) of this section and for which commercial distribution has been resumed, including for each blood product so listed the identity by established name as defined in section 502(e) of the act and by any proprietary name, the date of resumption, and any other information required by § 607.25(b) not previously submitted.

(4) Any material change in any information previously submitted.

(b) When no changes have occurred since the previously submitted list, no listing information is required.

§ 607.31 Additional blood product listing information.

(a) In addition to the information routinely required by §§ 607.25 and 607.30, the Commissioner may require submission of the following information by letter or by FEDERAL REGISTER notice:

(1) For a particular blood product so listed, upon request made by the Commissioner for good cause, a copy of all advertisements.

(2) For a particular blood product so listed, upon a finding by the Commissioner that it is necessary to carry out the purposes of the act, a quantitative listing of all ingredients.

(3) For each registrant, upon a finding by the Commissioner that it is necessary to carry out the purposes of the act, a list of each listed blood product containing a particular ingredient.

(b) It is requested but not required that information concerning the quantity of blood product distributed be submitted in conjunction with the annual registration in the format prescribed in a section of Form FD–2831 (Blood Establishment Resource Summary), for each blood product currently listed.

§ 607.35 Notification of registrant; blood product establishment registration number and NDC Labeler Code.

(a) The Commissioner will provide to the registrant a validated copy of Form FD–2830 (Blood Establishment Registration and Product Listing) as evidence of registration. This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each blood product establishment registered in accordance with these regulations.

(b) Owners and operators of blood product establishments, who also manufacture or process other drug products at the same establishment, shall register with both the Bureau of Biologics and the Bureau of Drugs. Blood products shall be listed with the Bureau of Biologics, Food and Drug Administration, pursuant to the provisions of this part, and other drug products shall be listed with the Bureau of Drugs, Food and Drug Administration, pursuant to the provisions of Part 207 of this chapter.

(c) If a registered blood product establishment has not previously participated in the National Drug Code system, or in the National Health Related Items Code system, the National Drug Code (NDC) numbering system shall be used in assigning the first five numeric characters, otherwise known as the Labeler Code, of the 10-character NDC Code. The Labeler Code identifies the manufacturer.

(d) Although establishment registration and blood product listing are required as described in § 607.20, validation of registration and the assignment of a NDC Labeler Code do not, in themselves, establish that the holder of the registration is legally qualified to deal in such products.

§ 607.37 Inspection of establishment registrations and blood product listings.

(a) A copy of the Form FD–2830 (Blood Establishment Registration and Product Listing) filed by the registrant will be available for inspection pursuant to section 510(f) of the act, at the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Biologics (HFB–14), 8800 Rockville Pike, Bethesda, MD 20014. In addition, there will be available for inspection at each of the Food and Drug Administration district offices the same information for firms within the geographical area of such district office. Upon request and receipt of a self-addressed stamped envelope, verification of registration number, or location of a registered establishment will be provided. The following information submitted pursuant to the blood product listing requirements is illustrative of the type of information that will be available for public disclosure when it is compiled:

(1) A list of all blood products.

(2) A list of all blood products manufactured by each establishment.

(3) A list of blood products discontinued.

(4) All data or information that has already become a matter of public knowledge.

(b) Requests for information regarding blood establishment registrations and blood product listings should be directed to the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Biologics (HFB–14) 8800 Rockville Pike, Bethesda, MD 20014.

§ 607.39 Misbranding by reference to establishment registration or to registration number.

Registration of an establishment or assignment of a registration number or assignment of a NDC number does not in any way denote approval of the firm or its products. Any representation that creates an impression of official approval because of establishment registration or possession of registration number or NDC number is misleading and constitutes misbranding.

Subpart C—Procedures for Foreign Blood Product Establishments

§ 607.40 Blood product listing requirements for foreign blood product establishments.

(a) Every foreign establishment shall comply with the blood product listing requirements contained in Subpart B of this part, unless exempt under Subpart D of this part, whether or not it is also registered.

(b) No blood product may be imported from a foreign establishment into the United States except a blood product imported or offered for import pursuant to the investigational use provisions of § 312.1 of this chapter, unless it is first the subject of a blood product listing as required in Subpart B of this part. The blood product listing information shall be in the English language.

(c) Foreign establishments shall submit, as part of the blood product listing, the name and address of the establishment and the name of the individual responsible for submitting blood product listing information. Any changes in this information shall be reported to the Food and Drug Administration at the intervals specified for updating blood product listing information in § 607.30(a).

Subpart D—Exemptions

§ 607.65 Exemptions for blood product establishments.

The following classes of persons are exempt from registration and blood product listing in accordance with this Part 607 under the provisions of section 510(g) (1), (2), and (3) of the act, or because the Commissioner has found, under section 510(g)(4), that such registration is not necessary for the protection of the public health.

(a) Pharmacies that are operating under applicable local laws regulating dispensing of prescription drugs and that are not manufacturing blood products for sale other than in the regular course of the practice of the profession of pharmacy including the business of dispensing and selling blood products at retail. The supplying by such pharmacies of blood products to a practitioner licensed to administer such blood products for his use in the course of his professional practice or to other pharmacies to meet temporary inventory shortages are not acts which require such pharmacies to register.

(b) Practitioners who are licensed by law to prescribe or administer drugs and who manufacture blood products solely for use in the course of their professional practice.

(c) Persons who manufacture blood products which are not for sale, rather, are solely for use in research, teaching, or analysis, including laboratory samples.

(d) Carriers, by reason of their receipt, carriage, holding, or delivery of blood products in the usual course of business as carriers.

(e) Persons who engage solely in the manufacture of in vitro diagnostic blood products and reagents not subject to licensing under section 351 of the Public Health Service Act (42 U.S.C. 262).

Pursuant to the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)), the Commissioner concludes that notice, public procedure, and delayed effective date are unnecessary for the promulgation of this regulation inasmuch as the required use of Form FD–2830 and the transfer of administrative responsibility constitute an internal administrative designation of responsibility to consolidate procedures for registration and listing.

Effective date. This regulation is effective on November 15, 1975.

(Secs. 201, 510, 701, Pub. L. 717, 52 Stat. 1040–1042 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 76 Stat. 794, as amended by 84 Stat. 1282 (21 U.S.C. 321, 360, 371); (sec. 351, Pub. L. 410, 58 Stat. 702, as amended (42 U.S.C. 262); and (5 U.S.C. 553, 702, 703, 704).))

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30438 Filed 11-11-75;8:45 am]

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federal register

WEDNESDAY, NOVEMBER 12, 1975



PART III:

FEDERAL ELECTION COMMISSION

Advisory Opinions and Requests

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FEDERAL ELECTION COMMISSION

[Notice 1975–74]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975–21, 1975–52, 1975–62, 1975–64 and 1975–67. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975–21

CORPORATE CONTRIBUTIONS TO POLITICAL COMMITTEES SUPPORTING STATE AND FEDERAL CANDIDATES

This is an advisory opinion in response to a request from the Republican Central Committee of San Diego County (hereinafter Central Committee). This request was published in the FEDERAL REGISTER on July 29, 1975, at 40 FR 31877. Interested parties were given an opportunity to submit written comments relating to the request and six comment letters were received.

The request indicates that the Central Committee has established a separate account for corporate contributions, permitted under State law, and that funds from this account "are used only for State candidates, not Federal * * *" The funds in this account will hereafter be referred to as restricted; funds in other accounts will be referred to as unrestricted. The first question presented is whether restricted funds may be used for administrative expenses (office rent, utilities, secretarial salaries, office supplies, etc.) of the Central Committee which contributes to and makes expenditure on behalf of Federal, State and local candidates.

18 U.S.C. 610 provides that it is unlawful for any corporation or labor organization to make a contribution or expenditure in connection with any Federal Election. "Contribution or expenditure" is defined in section 610 to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value * * * to any candidate, campaign committee or political party or organization, in connection with any election to any of the offices referred in this section. * * *" Further, section 610 provides that it is unlawful for any political committee or other person (as defined in 18 U.S.C. § 591(g)) to accept or receive any such prohibited contributions.

Since § 610 prohibits the making and receiving of corporate contributions in connection with any election to Federal office and since the Central Committee's operations are directly related, at least in part, to Federal candidates, the Commission concludes that an allocable portion of the administrative expenses must be paid from unrestricted funds.

Political parties perform numerous functions not directly related to any particular candidate or election. However, since some of these functions have an indirect effect on particular elections, and since monies contributed to fulfill these functions free other monies to be used for contributions or expenditures in connection with Federal elections, it is appropriate to ascribe a certain portion of the administrative functions of a party organization to Federal elections during time periods in which Federal elections are held.

This allocable "Federal portion" of the administrative expenses is determined by the ratio of (1) the total amount which the Central Committee directly contributes to and expends on behalf of Federal candidates, to (2) the total of all direct contributions to and expenditures on behalf of all candidates—Federal, State, and local. For example, if the total of direct contributions to and expenditures for all candidates in one reporting period is $10,000 and the amount going directly to or for Federal candidate purposes is $1,500 then 15 percent of the administrative expenses during such period must be paid from unrestricted funds. The allocation should be made only on each annual report filed with the Commission.

If the Central Committee elects to establish a separate Federal candidate's committee then that committee must comply with Federal law and could not receive or expend restricted funds. The Commission notes its authority to audit the Central Committee to determine that the allocable Federal share of administrative expenses is based upon the formula set forth above and to assure that there has been no commingling of restricted and unrestricted funds.

The second issue is whether the Central Committee may use corporate contributions to finance a Republican registration drive.

As discussed above a corporate contribution permitted under State law may be made to and received by the Central Committee if it is placed in the restricted funds account. A voter registration drive has a relation to Federal elections as well as State and local. Therefore, corporate contributions may be made and received for that purpose only to the extent that the drive relates to State and local candidates. That extent may be determined on the basis of the allocation formula described above and applied on an annual basis. For example, if the Central Committee makes $100,000 in direct contributions to and expenditures on behalf of all candidates in a given year and $15,000 relating directly to Federal candidates in such year, then 15 percent of the expenses of a voter registration drive conducted in that year would have to be paid from unrestricted funds.

This advisory opinion is issued on an interim basis pending final promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–52

ASSISTANCE BY A MULTICANDIDATE COMMITTEE TO PAY OFF A CANDIDATE'S PAST CAMPAIGN DEBT

This advisory opinion is rendered in accordance with 2 U.S.C. § 437f, pursuant to a request submitted by the Maine Republican State Committee (hereinafter State Committee) and published on September 3, 1975 (40 FR 40678). Interested parties were given an opportunity to submit written comments relating to the request, but no comments were received.

The request concerns the extent to which the State Committee may assist a successful candidate for Congress to pay off a debt incurred with respect to the 1974 election without impairing the limitations (18 U.S.C. § 608) on the amount of money it may contribute to that Member of Congress, if he or she becomes a candidate for re-election in 1976.

In Advisory Opinion 1975–6 (40 FR 31316, July 25, 1975), the Commission stated the conditions under which contributions might be made to extinguish a debt incurred with respect to an election held during the period of January 1, 1973 through December 31, 1974 without reducing the amount a contributor might contribute to a candidate in connection with an election held subsequent to January 1, 1975. The Commission held "that the contribution and expenditure limitations prescribed by 18 U.S.C. 608(b) for individuals and multicandidate committees are inapplicable with respect to election campaigns which occurred prior to January 1, 1975."

The Commission also stated in Advisory Opinion 1975–6, and in its Policy Statement regarding pre-1975 debts (40 FR 32952, August 5, 1975), that in order to assure compliance with the Act, all solicitations for contributions to be used for extinguishing such past debts should include clear notice of that purpose and that persons making such contributions exceeding $100 must expressly restrict them in writing for application to past debts. The Commission further required, and continues to require, that contributions to retire campaign debts incurred with respect to election campaigns held prior to January 1, 1975 must be received by the debtor (candidate or political committee) no later than December 31, 1975, in order to avoid the possibility that such contributions will be charged against contribution limits under 18 U.S.C. § 608(b).

Accordingly the State Committee may assist the Member of Congress by making a contribution to retire a pre-January 1, 1975, campaign debt in any amount so long as (1) the use of the contribution is limited by writing to such purpose, (2) the contribution does not exceed the amount necessary to retire the debt and (3) the contribution is made by December 31, 1975.

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–62

PAYMENT BY CONTRIBUTORS OF EXPENSES OF FUND-RAISING DINNER

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request submitted on behalf of Abe Hirschfeld, a candidate for the Senate.

The request was published in the September 18, 1975, FEDERAL REGISTER (40 FR 43167). Interested parties were given an opportunity to submit comments relating to the request. No comments were received.

The requesting party seeks as advisory opinion indicating whether a contributor would exceed the $1,000 per candidate per election contribution limit if he or she pays $1,250 for a ticket to a fund-raising dinner with the understanding that $1,000 of this amount is to be considered a contribution and $250 is to defray the costs of the dinner. In essence, the question posed is whether the payment of fund-raising costs by a contributor constitutes a contribution.

The Commission's opinion is that such a transaction would be a contribution and that the $1,250 payment would exceed the contribution limits of the donor under 18 U.S.C. 608(b). See AO 1975–15, 40 FR 44040. 18 U.S.C. 591(e)(1) defines the term "contribution", for the purposes of the expenditure limitations, as "* * * a gift, subscription, loan, advance, or deposit of money or anything of value * * * made for the purpose of influencing the nomination for election or election of any person to Federal office.* * *" Clearly, the payment of fund-raising costs would be for this purpose. Moreover, 18 U.S.C. 591(f)(4)(H) allows candidates to expend up to 20 percent in excess of their expenditure limitations for the purpose of raising funds. To permit contributors to pay these expenses without limitation would, in effect, nullify both the contribution and expenditure limits in 18 U.S.C. 608.

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–64

SOLICITATIONS FOR FUNDRAISING EVENT TO RETIRE 1972 CAMPAIGN DEBT AND 1973–74 DEFICIT IN OFFICE EXPENSE ACCOUNT

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request for an advisory opinion submitted by Congressman Charles Wilson, from Texas, and published in the September 18, 1975 FEDERAL REGISTER (40 FR 43167). Interested parties were given an opportunity to submit written comments relating to the request. No comments were received.

The quesion raised in Congressman Wilson's request is whether or not he may retire a 1972 campaign deficit and a 1973–74 deficit for office expenses with a single fund-raiser, and if so, should the solicitation for the fund-raiser clearly indicate that the funds contributed will be used to defray both the campaign and office expense deficits.

The Commission has previously issued Advisory Opinions 1975–5 and 1975–6 (40 FR 31316, July 25, 1975), an Interim Guideline on the Reporting of Debts and Obligations (40 FR 32950, August 5, 1975) and a Policy Statement on Pre-1975 Campaign Debts (40 FR 32952, August 5, 1975). These publications point out generally that the limits in 18 U.S.C. 608 do not apply to contributions and expenditures related only to retiring past campaign debts. However, solicitations for such restricted contributions must disclose the purpose for whch the contribution is to be used and must inform the donor of the need to earmark the contribution in writing, as by notation on the check, restricting its use to retiring past (pre-1975) campaign debts. The restricted contributions are required to be made before December 31, 1975, to avoid their possible attribution to, and charge against, the contribution limits applicable to elections held after January 1, 1975. Contributions made solely to retire the 1972 campaign debt and expenditures made solely for that purpose are required to be reported separately from contributions and expenditures relating to an election occurring after January 1, 1975. To the extent that Congressman Wilson's fundraising activity relates to retiring a 1972 campaign deficit, it must conform to the foregoing requirements.

Under 2 U.S.C. 439a a holder of Federal office may accept contributions for the purpose of defraying "any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office * * *" The receipt and expenditure of such funds is to be reported in accordance with rules which the Commission will promulgate in the future. Accurate records should be maintained for this purpose. In view of 2 U.S.C. 439a the Commission concludes that Congressman Wilson may concurrently raise funds to retire a 1972 campaign debt and "a 1973–74 deficit for office expenses which were not reimbursed." The Commission understands the quoted language to mean that the office expenses in question were previously paid from the Congressman's personal funds and that the amounts paid were not subsequently reimbursed to the Congressman from appropriated funds, campaign funds, or any other source.

However, all solicitations for the dual fundraising effort should identify both purposes and indicate that contributions are to be restricted to only those purposes to avoid the possible application of 18 U.S.C. 608. Any funds received in excess of the amounts needed to retire the two deficits would have to be returned to the donors to avoid application of the limits in 18 U.S.C. 608.

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–67

USE OF NAME OF CAMPAIGN COMMITTEE CHAIRMAN AND TREASURER ON BILLBOARD SIGNS

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request for an advisory opinion submitted by Thomas A. Walsh which was published as AOR 1975–67 in the September 22, 1975 FEDERAL REGISTER (40 FR 43,644). Interested parties were given an opportunity to submit written comments relating to the requests. No comments were received.

Mr. Walsh is a candidate seeking nomination for election to the United States House of Representatives. He inquired whether under the Federal Election Campaign Act of 1971, as amended, it is necessary to place the names of the campaign committee chairman and treasurer on billboard signs which would otherwise state: "VOTE DEMOCRATIC THOMAS A. WALSH U.S. CONGRESS". The request states that no solicitation of funds is intended or implied in such advertising.

It is the opinion of the Commission that neither 2 U.S.C. 435(b) nor any other provision within the Commission's purview would require placing the names of the committee chairman and treasurer on such billboard signs. However, the Commission notes that 18 U.S.C. 612 provides in pertinent part as follows:

Whoever willfully publishes or distributes or causes to be published or distributed * * * or * * * knowingly transports or causes to be transported in interstate commerce any card, pamphlet, circular, poster, dodger, advertisement, writing, or other statement relating to or concerning any person who has publicly declared his intentions to seek the office of * * * Representative in * * * Congress, in a primary * * * election * * * which does not contain the names of persons, associations, committees, or corporations responsible for the publication or distribution of the same, and the names of the officers of each such association, committee, or corporation, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

The Federal Election Act of 1971, as amended, does not give the Commission the power to formulate general policy or to render advisory opinions with respect to 18 U.S.C. § 612. See 2 U.S.C. 437d(a)(9), and 437f(a). Rather, that statute is administered by the Department of Justice. See *United States* v. *Insco*, 365 F. Supp. 1308 (D.C. Fla. 1973). The Commission therefore reaches no conclusion as to whether the billboard signs of a candidate are required by 18 U.S.C. 612 to state the names of the chairman and treasurer of the committee purchasing such advertising.

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The Commission further notes that State laws might pertain to such activity. Inquiry as to the application of such laws should be addressed to the appropriate State official.

Dated: November 6, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-30528 Filed 11-11-75;8:45 am]

[Notice 1975-75, AOR 1975-98, etc.]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Request 1975-98 and Advisory Opinion Requests 1975-100 through 1975-106 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before November 24, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-98: Payment For Flights To District and Program Advertisements by Wylie For Congress Committee (Request Edited by the Commission).

Dear [Mr. CURTIS]: In discussions with the Treasurer of the Wylie for Congress Committee, Mr. Everett H. Krueger, Jr., the question has come up as to whether airplane trips between Columbus and Washington may be paid for from the Wylie for Congress Committee account.

The second question which has arisen is whether an ad in a football program, an ad in the *Jewish Chronicle* celebrating the Jewish New Year, or one in a high school play program can legally be paid for from the Wylie for Congress Committee account.

An advisory opinion indicating what can legally be done in these two respects would be appreciated.

CHALMERS P. WYLIE.

Source: Honorable Chalmers P. Wylie, U.S. House of Representatives, 2447 Rayburn House Office Bldg., Washington, D.C. 20515. (October 8, 1975.)

AOR 1975-100: Volunteer Internships in Member's Home Office (Request Edited by the Commission).

GENTLEMEN: The University of Utah has initiated a learning project known as the Hinckley Institute of Politics, which allows political science students to obtain credit while serving as volunteer interns in political offices.

Pursuant to [2 U.S.C. § 437f] • • • an advisory opinion is requested as to whether such activity on the part of such students would constitute a contribution in kind if I allow these students to function in various office positions within my home office in Utah performing general office and clerical work.

FRANK E. MOSS.

Source: Honorable Frank E. Moss, United States Senate, 3121 Dirksen Senate Office Bldg., Washington, D.C. 20510. (October 21, 1975.)

AOR 1975-101: Revenues and Disbursements of a Private Foundation Managed by a Candidate (Request Edited by the Commission).

[GENTLEMEN]: We request you provide us with an opinion whether or not the contributions in the two instances, hereafter described, will be charged to campaign limitations in the event that Senator Pell determines in the future to seek a Federal elective public office.

I. Claiborne Pell and Nuala Pell are settlors of a Trust under Agreement dated July 30, 1964, and said Claiborne Pell, said Nuala Pell and John L. Lewis, Trustees of said Trust. • • • [A copy of the Trust Agreement and of the 1974 Annual Report is available for inspection at the Commission]

Practically all of the property placed in trust has been contributed by Claiborne Pell, and represents, for the most part, honorariums paid to Senator Pell in connection with speaking engagements. Trust funds have generally been expended for the purpose of making small contributions to a number of charitable and public organizations located in the State of Rhode Island and also have been used for the purpose of purchasing the "Herbert and Claiborne Pell Medal", so called, which is annually awarded to outstanding students of American History in most of the high schools and colleges located in the State of Rhode Island.

• • • • • •

II. Recently, Senator Pell's contribution, in the amount of two hundred and fifty dollars ($250.00), to the School Department, City of Newport, for the purpose of purchasing books to be used at the Herbert C. Pell Elementary School, Bellevue Avenue, Newport, Rhode Island, and to be identified as books contributed by Senator and Mrs. Claiborne Pell.

• • • It has been Senator Pell's custom, from time to time, to make contributions to the School's library in his own name or in memory of his father. The most recent gift made by Senator Pell, was announced in the local newspaper, The Newport Daily News, although the announcement was not initiated by, or on behalf of Senator Pell, but was made by school authorities.

• • • • • •

FRANCIS J. BOYLE.

Source: Francis J. Boyle, of Moore, Virgadamo, Boyle and Lynch, Ltd., 112 Bellevue Avenue, Newport, Rhode Island 02840. (October 22, 1975.)

AOR 1975—102: Declaration of Bankruptcy by Former Candidate—Effect Upon Committee Debts and Reporting Obligations (Request Edited by the Commission).

Dear Mr. CURTIS: [I request an advisory opinion] on the following matters.

The Monahan for Congress Committee has debts of $20,000. In addition, Mr. Monahan has personal liabilities of $15,000. Due to the extreme financial pressure, Mr. Monahan has decided to file for bankruptcy. Most of the debts owed by the Monahan for Congress Committee are guaranteed by Mr. Monahan, as the companies required the candidate to sign a personal note of obligation for these debts.

Thus the two obvious questions are:

1. Once bankruptcy has been declared, what is the responsibility of the Committee for the bills, as they were personally guaranteed by Mr. Monahan?

2. How long a period of time does the Committee continue to exist, after it becomes obvious that it is impossible for the Committee to raise money to pay off the debt?

Mr. Monahan has no intention of running in the future for an elective office.

• • • • • •

WARREN G. UHLER.

Source: Warren G. Uhler, Treasurer, Monahan for Congress Committee, 40 Knollwood Lane, Wayland, Massachusetts 01778. (October 16, 1975.)

AOR 1975-103: Republican Party of Texas Local Committees; Debts; Separate Federal Account; Overhead Costs; Allocation of Contributions and Filing (Request Edited by the Commission).

COMMISSIONERS: In reading various opinions issued by the Commission, as they relate to party committees, the Republican Party of Texas • • • requests clarification of AO 1975-2 and AO 1975-6, and additionally requests rulings by the Commission on other specific questions.

• • • • • •

It appears to us that local committees in Texas would not constitute subordinate branches of the state party organization since (1) they maintain independent statutory authority to conduct elections, (2) that their members and their chairmen are elected directly by a vote of the public under Texas Election Code rather than under party bylaws, (3) that the governing body of the Republican Party of Texas, the State Republican Executive Committee, is elected by state convention rather than through local committees, (4) the campaign reporting and disclosure laws of the State of Texas require local committees to file reports separately as independent entities, and (5) local committees are "governed" by the state party organization only insofar as they voluntarily submit to the rules and regulations of the state party—and even then there are no practical or legal means to discipline local committees for infraction of party rules. What is the Commission's interpretation of the applicability of the term "subordinate" as it relates to the Texas party?

• • • • • •

Although party committees qualify for reporting to the Federal Election Commission, their nature, composition and responsibilities differ greatly from the majority of political committees reporting federally in that party committees support party organizational activities, local candidates, state candidates and in some instances federal candidates. Most of the other political committees reporting federally are organized to support federal campaigns only. Additionally, • • • party committees reported all contributions, all expenditures, and all debts regardless of their applicability to federal campaigns; such is the case of the Republican Party of Texas.

In 1973 and early 1974, the Republican Party of Texas borrowed more than $115,000 to continue its normal party activities and its state headquarters operations; none of the money was used to assist any federal campaign. In the Commission's opinion, (a) must such debts, which are unrelated to federal campaigns, be reported, and (b) must party committees be restricted to the December 31, 1975, deadline called for in AO 1975-6?

Additional Questions for Rulings

1. The Republican Party of Texas currently files three separate reports with the Federal Election Commission: (a) the Texas Republican Congressional Committee, (b) the Texas Republican Campaign Committee (which is for support of state candidates only), and (c) the State Republican Executive Committee. If the Republican Party of Texas uses the Texas Republican Congressional Committee as its separate account for federal elections, may we discontinue the reporting of the other committees?

2. • • • [A]t this point there seems to be no clear indication of how a party committee is to allocate staff costs and other overhead costs in conjunction with its separate federal campaign account. Obviously, staff time is tied up in handling bank deposits, writing checks and completing FEC required reports: are these to be counted as expenditures, or are they considered normal party routine and therefore excluded from reporting? The same question applies to such items as office rent, equipment usage, telephones, etc.

3. In fundraising—whether by direct mail or through an event (reception, dinner, etc.)—can the party take the net proceeds and distribute them to various accounts, or must we take specific contributions from individuals and deposit their moneys into specific accounts? Example: If a direct mail letter, designed as a general solicitation calling for contributions to the party to help fulfill its obligations to all its candidates, produces $10,000 can the party simply allocate say 20 percent to the federal campaign account, 50 percent to state campaign account and 30 percent to operating account (and concurrently attributing the same percentage costs to each account)? Or must the party take a specific number of returns from the direct mail and deposit them as individual contributions in each account and then figure how much each contribution cost to raise and list that as the expenditure for each account?

4. When it comes time to spend the excess amounts allowed state and national party committees over the specified limitations ($10,000 per U.S. Representative campaign and formula amount for U.S. Senate campaign), does it then necessitate the state party filing with the Clerk of the House and the Secretary of the Senate as well as with the FEC, or does filing with the Commission satisfy all reporting requirements?

• • • • • •

R. DOUG LEWIS.

Source: R. Doug Lewis, Executive Director, Republican Party of Texas, 1011 Congress Avenue, Suite 520, Austin, Texas 78701. (October 20, 1975.)

AOR 1975-104: Partnership Agreement Allocating Contributions Equally Among Partners (Request Edited by the Commission).

[This request for an advisory opinion pursuant to 2 U.S.C. § 437f was submitted by Senator Claiborne Pell; the text of the request is from a letter of the firm of Wilkinson, Cragun & Barker, which accompanied the Senator's request.]

[Gentlemen]: • • • the firm is a partnership organized to engage, through its partners and associates duly admitted to the bar of relevant courts, in the practice of law. The firm maintains an office in the District of Columbia, and presently has 11 general partners; these are the only partners entitled under the partnership agreement to a distributive share of profits, and who are required to share in losses.

The firm for many years has made political contributions. If the disclosure of internal partnership arrangements (which are now confidential) is required in every instance when the firm makes a political contribution, political contributions will no longer be made. • • •

The firm plans to make further "contributions" within the meaning of 18 U.S.C. § 591. Section 608 of Title 18, United States Code, limits the contributions which a person may make to any candidate with respect to any election for Federal office. The Commission in Campaign Advisory Opinion 1975-17 has held:

The Commission further concludes that when a partnership makes a contribution to a candidate to Federal office it counts against each individual partner's limitation under 18 U.S.C. § 608(b)(1) *in direct* proportion to each partner's share of partnership profits.

• • •

• • • When a contribution is made in the partnership name without accompanying information as to each partner's proportionate share thereof, the candidate must obtain a written statement providing the requisite information within 30 days after receiving the contribution.

• • • • • •

The firm intends to amend its partnership agreement to provide:

Where the firm makes a contribution to a candidate for federal office, the contribution will be allocated equally among partners, and not in accordance with their partnership interests.

The effect of such a provision will be to cause the contribution to be charged equally, per capita, among the partners, and to thereby reduce each partner's profit or increase each partner's loss equally.

• • • [For the purposes of 18 U.S.C. § 608, would the contribution be chargeable equally to each partner? Would sufficient information be provided were the firm to provide the candidate or political committee receiving a contribution from the firm the names of the partners who are charged equally with the contribution, and a statement that the contribution is charged to each equally?]

• • • • • •

CLAIBORNE PELL.

Source: Honorable Claiborne Pell, United States Senate, 325 Russell Senate Office Bldg., Washington, D.C. 20515. (October 14, 1975.)

AOR 1975-105: Pre-primary Nominating Convention (Request Edited and Paraphrased by the Commission).

Dear Chairman CURTIS: The New Mexico Legislature amended the State Election Code during the first quarter, 1975, to provide for a pre-primary nominating convention.

Section [of the Election Code] • • • provide the sole method, other than write-in provisions, for candidates to be placed on the primary election ballot. Essentially, all candidates seeking appearance on the primary ballot, other than write-in candidates, must seek their party's convention designation.

[Since the New Mexico pre-primary convention designation is mandatory for all New Mexico candidates for election to the United States Senate and House of Representatives is it therefore a separate election as defined in 18 U.S.C. § 591 (1b) and 18 U.S.C. § 608?]

[Do the limitations on expenditures and contributions for the aforementioned New Mexico candidates therefore apply as provided in 18 U.S.C. § 608 to this separate election?]

• • • • • •

JACK STAHL.

Source: Jack Stahl, Chairman, Republican Party of New Mexico, 4201 Carlisle Blvd., NE., Albuquerque, New Mexico 87107. (October 21, 1975.)

AOR 1975-106: Whether Repayment of 1974 Debts Are Attributable to Limits in 1980 Election (Request Edited by the Commission).

[GENTLEMEN]: [This is a request for an advisory opinion] with regard to a $10,000 debt due and owing by Citizens for Senator Alan Cranston (the Senator's duly authorized campaign committee for his 1974 re-election effort) which was incurred in December 1974. We would like to pay off that debt by raising money within the next few months from individual contributors • • • in California and in other states. • • •

First of all, will this be considered a debt of the 1974 campaign? If so, does that mean it will not count against the Senator's spending limitations for his expected re-election effort in 1979 and 1980? Further, if it is attributable to the 1974 campaign, do any of the restrictions or contribution limitations involved in the 1974 Federal Election Campaign Act apply?

• • • • • •

MICHAEL KANTOR.

Source: Manatt, Phelps & Rothenberg, by Michael Kantor for Senator Alan Cranston, 1888 Century Park East, Twenty-First Floor, Los Angeles, California 90067. (October 27, 1975.)

Dated: November 7, 1975.

NEIL STAEBLER,
Vice Chairman for the
Federal Election Commission.

[FR Doc.75-30529 Filed 11-11-75;8:45 am]

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federal register

WEDNESDAY, NOVEMBER 12, 1975



PART IV:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

V 40 219 NOV 12 75 XUM

Title 41—Public Contracts and Property Management

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

[ADM 7900.4]

PART 105–64—REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974

On August 27, 1975, a document was published in the FEDERAL REGISTER (40 FR 39440) proposing to add a new Part 105–64 to Chapter 105 of Title 41 of the Code of Federal Regulations relating to the implementation of the provisions of the Privacy Act of 1974 (Pub. L. 93–579; 88 Stat. 1896).

The proposed regulations contained procedures for determining whether or not an individual is the subject of a record in a system of records maintained by the agency; set forth the time, place(s), and requirements for identification of individuals making requests for notification, access, correction, or amendment of records; and permitted appeals of initial adverse determinations by the agency with respect to the amendment or correction of records. The proposed rules also established fees for providing copies of records in certain circumstances and set forth rules for exempting some systems of records from certain provisions of the act.

Interested persons were given until September 26, 1975, to submit written data, views, suggestions, and arguments concerning the proposed rules. No public comments were received; hence, the amendments are adopted without change, as set forth below.

Effective date. These regulations became effective September 27, 1975.

Dated: October 29, 1975.

DWIGHT A. INK,
Acting Administrator of General Services.

41 CFR Chapter 105 is amended by adding a new Part 105–64, reading as follows:

Sec.

105–64.000 Scope of part.
105–64.001 Purpose.
105–64.002 Definitions.

Subpart 105–64.1—General Policy

105–64.101 Maintenance of records.
105–64.101–1 Collection and use.
105–64.101–2 Standards of accuracy.
105–64.101–3 Rules of conduct.
105–64.101–4 Safeguarding systems of records.
105–64.101–5 Inconsistent issuances of GSA superseded.
105–64.102 Records of other agencies.
105–64.103 Subpoena and other legal demands.

Subpart 105–64.2—Disclosure of Records

105–64.201 Conditions of disclosure.
105–64.202 Accounting of disclosures.

Subpart 105–64.3—Individual Access to Records

105–64.301 Access procedures.
105–64.301–1 Form of requests.
105–64.301–2 Special requirements for medical records.
105–64.301–3 Granting access.
105–64.301–4 Denials of access.
105–64.302 Fees.
105–64.302–1 Records available at a fee.
105–64.302–2 Additional copies.
105–64.302–3 Waiver of fee.
105–64.302–4 Prepayment of fees over $25.
105–64.302–5 Form of payment.
105–64.302–6 Reproduction fee schedule.

Subpart 105–64.4—Requests To Amend Records

105–64.401 Submission of requests to amend records.
105–64.402 Review of requests to amend records.
105–64.403 Approval of requests to amend.
105–64.404 Denial of requests to amend.
105–64.405 Agreement to alternative amendments.
105–64.406 Appeal of denial of request to amend a record.
105–64.407 Statements of disagreement.
105–64.408 Judicial review.

Subpart 105–64.5—Report on New Systems and Alteration of Existing Systems

105–64.501 Reporting requirement.
105–64.502 FEDERAL REGISTER notice of establishment of new system or alteration of existing system.
105–64.503 Effective date of new systems of records or alteration of an existing system of records.

Subpart 105–64.6—Exemptions

105–64.601 General exemptions.
105–64.602 Specific exemptions.
105–64.602–1 General investigative files.
105–64.602–2 Testing files.

AUTHORITY: Sec. 205(c) Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 390; (40 U.S.C. 486(c))); Privacy Act of 1974 (88 Stat. 1899; (5 U.S.C. 552a))

§ 105–64.000 Scope of part.

This part sets forth policies and procedures concerning the collection, use, and dissemination of records maintained by GSA which are subject to the provisions of 5 U.S.C. 552a. These policies and procedures govern only those records as defined in § 105–64.002. Policies and procedures governing the disclosure and availability of records in general are in Parts 105–60 and 61 of this chapter. This part also covers exemptions from disclosure of personal information; procedures for the guidance of subject individuals in obtaining information and inspecting and disagreeing with the content of records; accounting for disclosures of information; special requirements for medical records; and fees.

§ 105–64.001 Purpose.

This part implements the provisions of 5 U.S.C. 552a (Pub. L. 93–579), popularly known as the "Privacy Act of 1974" (hereinafter referred to as the Act). This part prescribes procedures for notifying an individual of a GSA system of records containing a record pertaining to him, procedures for gaining access and contesting the contents of records, and other procedures for carrying out the provisions of the Act.

§ 105–64.002 Definitions.

For the purposes of this Part 105–64:

(a) The term "agency" means agency as defined in 5 U.S.C. 552(e);

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, and disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name or an identifying number, symbol, or other identifying particular assigned to the individual, such as a finger-print, voiceprint, or photograph;

(e) The term "system of records" means a group of any records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifiers assigned to that individual;

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of Title 13 U.S.C.;

(g) The term "routine use" means, with respect to the disclosure of a record, the use of that record for a purpose which is compatible with the purpose for which it was collected; and

(h) The term "system manager" means the employee of GSA who is responsible for the maintenance of a system of records and for the collection, use, and dissemination of information therein.

Subpart 105–64.1—General Policy

§ 105–64.101 Maintenance of records.

§ 105–64.101–1 Collection and use.

Any information used in whole or in part in making a determination about an individual's rights, benefits, or privileges under GSA programs will be collected directly from the subject individual to the extent practicable. System managers shall ensure that at the time information is collected, the individual is informed of the authority for collecting that information, whether providing the information is mandatory or voluntary, the purposes for which the information will be used, the routine uses of the information, and the effects on the individual, if any, of not providing the information. The system manager also shall ensure that information collected is used only for the intended purpose and that any additional use is first proposed in a rule published in the FEDERAL REGISTER or that permission for such additional use is obtained in writing from the subject individual.

§ 105–64.101–2 Standards of accuracy.

The system manager shall ensure that all records which are used by the agency to make determinations about any individual are maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual.

§ 105–64.101–3 Rules of conduct.

Any officer or employee of GSA involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, shall review the provisions of 5 U.S.C. 552a and the regulations in this part, and shall conduct himself in accordance with the rules of conduct concerning the protection of personal information in 41 CFR 105–735, Standards of Conduct.

§ 105–64.101–4 Safeguarding systems of records.

The system manager shall ensure that appropriate administrative, technical, and physical safeguards are established to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained. Personnel information contained in both manual and automated systems of records shall be protected by implementing the following safeguards:

(a) All personnel records in paper files, including but not limited to the original and copies of records in the Official Personnel Folder, shall be stored in a lockable metal filing cabinet when not in use by an authorized person. A system manager may employ an alternative storage system: *Provided*, That it furnishes an equivalent or greater degree of physical security than storage in a locked file cabinet.

(b) A system manager shall establish administrative, technical, physical, and security safeguards adequate to prevent unauthorized disclosure or destruction of identifiable personnel data in an automated system of records, and in reports and outputs from such systems which contain identifiable personnel data. Input and output documents, punched cards, and magnetic tapes or disks containing identifiable personnel data shall be stored in a lockable metal file cabinet when not in use by an authorized person. A system manager may employ an alternative storage system provided that it furnishes an equivalent or greater degree of physical security than storage in a locked file cabinet.

(c) A system manager shall permit access to and use of automated or manual personnel records only to persons whose official duties require such access, or to a subject individual or his representative as provided by this part.

§ 105–64.101–5 Inconsistent issuances of GSA superseded.

Any policies and procedures in any GSA issuance which are inconsistent with the policies and procedures in this Part 105–64 are superseded to the extent of that inconsistency.

§ 105–64.102 Records of other agencies.

(a) *Other agencies' records managed and administered by GSA.* Rules governing the maintenance of systems of records of agencies other than GSA which are located in the National Archives of the United States and Federal Records Centers are in Part 105–61 (Public use of records, donated historical materials, and facilities in the National Archives and Records Service).

(b) *Current records of other agencies.* If GSA receives a request for access to records which are the primary responsibility of another agency, but which are maintained by or in the temporary possession of GSA on behalf of that agency, GSA will refer the request to the agency concerned for appropriate action. GSA will advise the requester that the request has been forwarded to the responsible agency. Records in the custody of GSA which are the primary responsibility of the U.S. Civil Service Commission are governed by the rules of the Commission promulgated pursuant to the Privacy Act.

§ 105–64.103 Subpoena and other legal demands.

Access to systems of records by subpoena or other legal process shall be in accordance with the provisions of Subpart 105–60.6 of this chapter.

Subpart 105–64.2—Disclosure of Records

§ 105–64.201 Conditions of disclosure.

No official or employee of GSA shall disclose any record to any person or to another agency without the express written consent of the subject individual unless the disclosure is:

(a) To officers or employees of GSA who have a need for the information in the official performance of their duties;

(b) Pursuant to the provisions of the Freedom of Information Act;

(c) For a routine use as published in the annual notice in the FEDERAL REGISTER;

(d) To the Bureau of the Census for uses pursuant to Title 13, United States Code;

(e) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record. (The record shall be transferred in a form that is not individually identifiable. The written statement should include as a minimum:

(1) A statement of the purpose for requesting the records; and

(2) Certification that the records will be used only for statistical purposes.

These written statements should be maintained as records. In addition to deleting personal identifying information from records released for statistical purposes, the system manager shall ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records.);

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(g) To another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, if the activity is authorized by law, and if the head of the agency or instrumentality or his designated representative has made a written request to the General Services Administration specifying the particular portion desired and the law enforcement activity for which the record is sought;

(h) To a person showing compelling circumstances affecting the health and safety of an individual, not necessarily the individual to whom the record pertains (Upon such disclosure, a notification must be sent to the last known address of the subject individual.);

(i) To either House of Congress or to a subcommittee or committee (joint or of either House, to the extent that the subject matter falls within their jurisdiction);

(j) To the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office; or

(k) Pursuant to the order of a court of competent jurisdiction.

§ 105–64.202 Accounting of disclosures.

(a) Except for disclosures made pursuant to § 105–64.201 (a) and (b), an accurate accounting of each disclosure shall be made and retained for 5 years after the disclosure or for the life of the record, whichever is longer. The accounting shall include the date, nature, and purpose of each disclosure, and the name and address of the person or agency to whom the disclosure is made.

(b) The system manager also shall maintain in conjunction with the accounting of disclosures:

(1) A full statement of the justification for the disclosure;

(2) All documentation surrounding disclosure of a record for statistical or law enforcement purposes; and

(3) Evidence of written consent to a disclosure given by the subject individual.

(c) Except for the accounting of disclosures made to agencies or instrumentalities in law enforcement activities in accordance with § 105–64.201(g) or of disclosures made from exempt systems (see Subpart 105–64.6), the accounting of disclosures shall be made available to the individual upon request. Procedures for requesting access to the accounting are in Subpart 105–64.3 of this part.

Subpart 105–64.3—Individual Access to Records

§ 105–64.301 Access procedures.

§ 105–64.301–1 Form of requests.

(a) An individual who seeks access to his record or to any information pertaining to him which is contained in a system of records should notify the system manager or applicable individual at the address indicated in the FEDERAL REGISTER notice describing the pertinent system of records.

(b) The request, delivered either by mail or in person, shall be in writing. The request should bear the legend "Privacy Act Request" both on the request

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letter and on the envelope. The request letter should contain the complete name and identifying number of the system as published in the FEDERAL REGISTER; the full name and address of the subject individual; a brief description of the nature, time, place, and circumstances of the individual's association with GSA; and any other information which the individual believes would help the system manager to determine whether the personal information about the individual is included in the system of records. The system manager or applicable individual shall answer or acknowledge the request within 10 workdays of its receipt by GSA.

§ 105–64.301–2 Special requirements for medical records.

(a) A system manager who receives a request from an individual for access to medical information concerning the requester shall refer the pertinent system of records to a Federal medical officer for review and determination in accordance with this section. If no Federal medical officer is available to make the determination required by this section, the system manager shall refer the request and the medical certificates or other medical reports concerned to the U.S. Civil Service Commission for determination.

(b) If, in the opinion of a Federal medical officer, medical information requested by the subject individual indicates the existence of a malignancy, a mental condition, or another condition about which a prudent physician would hesitate to inform a person suffering from such a condition of its exact nature and probable outcome, the system manager shall not release the medical information to the subject individual or to any person other than a physician designated by the subject individual (or by his guardian or conservator) in writing.

(c) If, in the opinion of a Federal medical officer, the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person suffering from such a condition of its exact nature and probable outcome, the system manager shall release it to the subject individual or to any person, firm, or organization which the individual authorizes in writing to receive it.

§ 105–64.301–3 Granting access.

(a) Upon receipt of a request for access to non-exempt records, the system manager shall make these records available to the subject individual or shall acknowledge the request within 10 workdays of its receipt by GSA. The acknowledgment shall indicate when the system manager will make the records available.

(b) If the system manager anticipates more than a 10 day delay in making a record available, he also shall include in the acknowledgment specific reasons for the delay.

(c) If a subject individual's request for access does not contain sufficient information to permit the system manager to locate the records, the system manager shall request additional information from the individual and shall have 10 workdays following receipt of the additional information in which to make the records available or to acknowledge receipt of the request and indicate when the records will be available.

(d) Records will be available for authorized access during normal business hours at the offices where the records are located. A requester should be prepared to identify himself with a driver's license, student or employee identification card, or other identification acceptable to the system manager. When the disclosure of records to the wrong individual would result in substantial harm, embarrassment, inconvenience, or unfairness to the subject individual, the system manager may require a notarized statement of identity. The system manager shall ensure that times, places, and requirements for identification are not excessive and do not restrict individual access unduly.

(e) Upon request, a system manager shall permit an individual to examine the original of a non-exempt record, shall provide the individual with a copy of the record, or both. Fees shall be charged only for copies requested by the individual and not for copies provided to the individual for the convenience of the agency.

(f) An individual may request to pick up a record in person or to receive it by mail, directed to the name and address provided by the individual in his request. A system manager shall not make a record available to a third party for delivery to the subject individual, except for medical records as outlined in § 105–64.301–2.

(g) An individual who wishes to have a person of his choosing accompany him in reviewing a record must sign a statement authorizing the disclosure of his record in the presence of the other person. The system manager shall maintain this statement with the accounting of disclosures required in paragraph (h) of this subsection.

(h) The system manager shall maintain an accounting of disclosures to the subject individual documenting GSA's compliance with the request in the manner prescribed in § 105–64.202.

(i) The procedure for access to an accounting of disclosures is identical to the procedure for access to a record as set forth in this section.

§ 105–64.301–4 Denials of access.

(a) A system manager may deny an individual access to his record only on the grounds that GSA has published rules in the FEDERAL REGISTER exempting the pertinent system of records from the access requirement. These systems of records are described in Subpart 105–64.6 of this part.

(b) Upon receipt of a request for access to a record which the system manager believes is contained within an exempt system of records, he shall forward the request to the appropriate official listed below through normal supervisory channels:

(1) Central Office:
The Administrator.
The Deputy Administrator.
The Assistant Administrator.
The Associate Administrator for Federal Management Policy.
Director of Civil Rights.
Chairman, GSA Board of Contract Appeals.
Director of Audits.
Special Assistant to the Administrator for Stockpile Disposal.
Special Assistant to the Administrator for Coordination of John F. Kennedy Library.
Special Assistant to the Administrator for Presidential Materials.
Director, Federal Preparedness Agency.
Assistant Administrator for Administration.
General Counsel.
Commissioner, Public Buildings Service.
Commissioner, Federal Supply Service.
Commissioner, Automated Data and Telecommunications Service.
Archivist of the United States.

(2) Regional offices: Regional Administrator.

The system manager shall append to the request an explanation of his determination that the requested record is contained within an exempt system of records and a recommendation that the request be denied or granted.

(c) In the event that the system manager serves in one of the positions listed in paragraph (b) of this section, he shall retain the responsibility for denying or granting the request.

(d) The appropriate official listed in paragraph (b) of this section shall, in consultation with legal counsel and such other officials as he deems appropriate, determine if the requested record is in fact contained within an exempt system of records and:

(1) If the record is not contained within an exempt system of records, he shall notify the system manager to grant the request in accordance with § 105–64.301–3; or

(2) If the record is contained within an exempt system, he shall:

(i) Notify the requester that the request is denied, including a statement justifying the denial and advising the requester of his right to judicial review of that decision as provided in § 105–64.408; or

(ii) Notify the system manager to make the record available to the requester in accordance with § 105–64.301–3, notwithstanding the record's inclusion within an exempt system.

(e) The appropriate official listed in paragraph (b) of this section shall provide the Director of Information with a copy of any denial of a requested access.

(f) A denial by an appropriate official listed in paragraph (b) of this section is the final agency determination on the question of access.

§ 105–64.302 Fees.

§ 105–64.302–1 Records available at a fee.

The system manager shall provide one copy of a record to a requester at a fee prescribed in § 105–64.302–6.

§ 105–64.302–2 Additional copies.

A reasonable number of additional copies shall be provided for the applicable fee to a requester who indicates that he has no access to commercial reproduction services.

§ 105–64.302–3 Waiver of fee.

The system manager shall make one copy of a record available without charge to a requester who is an employee of GSA and may waive the fee requirement for one copy of a record for any other requester if the cost of collecting the fee is an unduly large part of, or greater than, the fee, or when furnishing the record without charge confirms to generally established business custom or is in the public interest.

§ 105–64.302–4 Prepayment of fees over $25.

If the system manager determines that the anticipated total fee is likely to exceed $25, he shall notify the individual that he must prepay the anticipated fee prior to GSA's making the records available. GSA will remit the excess paid by the individual or bill the individual for an additional amount if there is a variation between the final fee charged and the amount prepaid.

§ 105–64.302–5 Form of payment.

Payment shall be by check or money order payable to the General Services Administration and shall be addressed to the system manager.

§ 105–64.302–6 Reproduction fee schedule.

(a) The fee for reproducing a copy of a GSA record (by routine electrostatic copying) up to and including material 8½ x 14 inches shall be $0.10 per page.

(b) The fee for reproducing a copy of a GSA record over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources.

Subpart 105–64.4—Requests To Amend Records

§ 105–64.401 Submission of requests to amend records.

An individual who desires to amend any record containing personal information about him should direct a written request to the system manager specified in the pertinent FEDERAL REGISTER notice concerning GSA's systems of records. A current GSA employee who desires to amend personnel records should submit a written request to the General Services Administration, Director of Personnel (BP), Washington, DC 20405. Each request should include evidence of and justification for the need to amend the pertinent record. Each request should bear the legend "Privacy Act—Request To Amend Record" prominently marked on both the face of the request letter and the envelope.

§ 105–64.402 Review of requests to amend records.

(a) The system manager shall acknowledge his receipt of a request to amend a record within 10 workdays. If possible, the acknowledgment shall include the system manager's determination either to amend the record or to deny the request to amend as provided in § 105–64.404.

(b) When reviewing a record in response to a request to amend, the system manager shall assess the accuracy, relevance, timeliness, and completeness of the existing record in light of the proposed amendment. He shall determine whether the request for the amendment is justified. With respect to a request to delete information, the system manager also shall review the request and the existing record to determine whether the information is relevant and necessary to accomplish an agency purpose required to be accomplished by statute or Executive Order.

§ 105–64.403 Approval of requests to amend.

If the system manager determines that amendment of a record is proper in accordance with the request to amend, he promptly shall make the necessary corrections to the record and shall send a copy of the corrected record to the individual. Where an accounting of disclosure has been maintained, he shall advise all previous recipients of the record of the fact that a correction has been made and the substance of the correction. Where practicable, the system manager shall send a copy of the corrected record to previous recipients. The system manager shall advise the Director of Information that a request to amend has been approved.

§ 105–64.404 Denial of requests to amend.

(a) If the system manager determines that an amendment of a record is improper or that the record should be amended in a manner other than that requested by an individual, he shall refer the request to amend and his determinations and recommendations to the appropriate official listed in § 105–64.301–4(b) through normal supervisory channels.

(b) If the official listed in § 105–64.301–4(b), after reviewing the request to amend a record, determines to amend the record in accordance with the request, he promptly shall return the request to the system manager with instructions to make the requested amendments in accordance with § 105–64.403.

(c) If the appropriate official listed in § 105–64.301–4(b), after reviewing the request to amend a record, determines not to amend the record in accordance with the request, he promptly shall advise the requester in writing of the determination. The refusal letter (1) shall state the reasons for the denial of the request to amend; (2) shall include proposed alternative amendments, if appropriate; (3) shall state the requester's right to appeal the denial of the request to amend; and (4) shall state the procedures for appealing.

(d) The appropriate official listed in § 105–64.301–4(b) shall furnish the Director of Information a copy of each initial denial of a request to amend a record.

§ 105–64.405 Agreement to alternative amendments.

If the denial of a request to amend a record includes proposed alternative amendments, and if the requester agrees to accept them, he must notify the official who signed the denial. That official immediately shall instruct the system manager to make the necessary amendments in accordance with § 105–64.403.

§ 105–64.406 Appeal of denial of request to amend a record.

(a) A requester who disagrees with a denial of a request to amend a record may file an administrative appeal of that denial. The requester should address the appeal to the General Services Administration, Director of Information (ALVP), Washington, DC 20405. If the requester is an employee of GSA and the denial to amend involves a record maintained in the employee's Official Personnel Folder, as described in Chapter 293 of the Federal Personnel Manual, the appeal should be addressed to the Director, Bureau of Manpower Information Systems, United States Civil Service Commission, Washington, DC 20415.

(b) Each appeal to the GSA Director of Information shall be in writing and must be received by him no later than 30 calendar days from the requester's receipt of a denial of a request to amend a record. The appeal should bear the legend "Privacy Act—Appeal," both on the face of the letter and the envelope.

(c) Upon receipt of an appeal, the Director of Information shall consult with the system manager, the official who made the denial, legal counsel, and such other officials as may be appropriate. If the Director of Information, in consultation with these officials, determines that the record should be amended as requested, he immediately shall instruct the system manager to amend the record in accordance with § 105–64.403 and shall notify the requester of that action.

(d) If the Director of Information, in consultation with the officials specified in paragraph (c) of this section, determines that the appeal should be rejected, he shall submit the file on the request and appeal, including his findings and recommendations, to the Deputy Administrator for a final administrative determination.

(e) If the Deputy Administrator determines that the record should be amended as requested, he immediately shall instruct the system manager in writing to amend the record in accordance with § 105–64.403. The Deputy Administrator shall send a copy of his instructions to the Director of Information, who shall notify the requester of that action.

(f) If the Deputy Administrator determines to reject the appeal, he immediately shall notify the requester in writing of that determination. This action shall constitute the final administrative determination on the request to amend the record and shall include:

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(1) The reasons for the rejection of the appeal;

(2) Proposed alternative amendments, if appropriate, which the requester subsequently may accept in accordance with § 105–64.405;

(3) Notice of the requester's right to file a Statement of Disagreement for distribution in accordance with § 105–64.407; and

(4) Notice of the requester's right to seek judicial review of the final administrative determination, as provided in § 105–64.408.

(g) The final agency determination must be made no later than 30 workdays from the date on which the appeal is received by the Director of Information. In extraordinary circumstances, the Administrator may extend this time limit by notifying the requester in writing before the expiration of the 30 workdays. The Administrator's notification will include a justification for the extension.

§ 105–64.407 Statements of disagreement.

Upon receipt of a final administrative determination denying a request to amend a record, the requester may file a Statement of Disagreement with the appropriate system manager. The Statement of Disagreement should include an explanation of why the requester believes the record to be inaccurate, irrelevant, untimely, or incomplete. The system manager shall maintain the Statement of Disagreement in conjunction with the pertinent record, and shall include a copy of the Statement of Disagreement in any disclosure of the pertinent record. The system manager shall provide a copy of the Statement of Disagreement to any person or agency to whom the record has been disclosed only if the disclosure was subject to the accounting requirements of § 105–64.202.

§ 105–64.408 Judicial review.

Within 2 years of receipt of a final administrative determination as provided in § 105–64.301–4 or § 105–64.406, a requester may seek judicial review of that determination. A civil action must be filed in the Federal District Court in which the requester resides or has his principal place of business or in which the agency records are situated, or in the District of Columbia.

Subpart 105–64.5—Report on New Systems and Alteration of Existing Systems

§ 105–64.501 Reporting requirement.

(a) No later than 90 calendar days prior to the establishment of a new system of records, the prospective system manager shall notify the Assistant Administrator for Administration of the proposed new system: The prospective system manager shall include with the notification a completed GSA Form 3294, System of Records Covered by the Privacy Act of 1974, and a justification for each system of records he proposes to establish. If the Assistant Administrator for Administration determines that the establishment of the proposed system is in the best interest of the Government, he shall submit, no later than 60 calendar days prior to the establishment of that system of records, a report of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of that proposal on the privacy and other personal or property rights of individuals.

(b) No later than 90 calendar days prior to the alteration of a system of records, the system manager responsible for the maintenance of that system of records shall notify the Assistant Administrator for Administration of the proposed alteration. The system manager shall include with the notification a completed GSA Form 3294, System of Records Covered by the Privacy Act of 1974, and a justification for each system of records he proposes to alter. If the Assistant Administrator for Administration determines that the proposed alteration is in the best interest of the Government, he shall submit, no later than 60 calendar days prior to the establishment of that alteration, a report of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of that proposal on the privacy and other personal or property rights of individuals.

(c) The reports required by this regulation are exempt from reports control.

§ 105–64.502 Federal Register notice of establishment of new system or alteration of existing system.

The Assistant Administrator for Administration shall publish in the FEDERAL REGISTER a notice of the proposed establishment or alteration of a system of records when:

(a) He receives notice that the Senate, the House of Representatives, and the Office of Management and Budget do not object to the establishment of a new system of records or to the alteration of an existing system of records, or

(b) No fewer than 30 calendar days elapse from the date of submission of the proposal to the Senate, the House of Representatives, and the Office of Management and Budget without receipt by the Assistant Administrator for Administration of an objection to the proposal.

The notice shall include all of the information required to be provided in GSA Form 3294, System of Records Covered by the Privacy Act of 1974, and such other information as the Assistant Administrator for Administration deems necessary.

§ 105–64.503 Effective date of new systems of records or alteration of an existing system of records.

Systems of records proposed to be established or altered in accordance with the provisions of this subpart shall be effective no sooner than 30 calendar days from the publication of the notice required by § 105–64.502.

Subpart 105–64.6—Exemptions

§ 105–64.601 General exemptions.

The following system of records shall be exempt from all provisions of the Privacy Act of 1974 with the exception of subsections (b); (c)(1) and (2); (e)(4)(A) through (F); (e)(6), (7), (9), (10), and (11); and (i) of the Act;

Incident Reporting Systems
GSA/PBS 3

This system is exempt to the extent that information in the system pertains to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals; to the activities of prosecutors, courts, and correctional, probation, pardon, or parole authorities; and to (a) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, that is associated with an identifiable individual; or (c) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws, from arrest or indictment through release from supervision. This system is exempted to maintain the efficacy and integrity of the Federal Protective Service's law enforcement function.

§ 105–64.602 Specific exemptions.

§ 105–64.602–1 General investigative files.

The following system of records shall be exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of the Privacy Act of 1974:

Investigation and Personnel Security Case Files
GSA/OAD 25

This system is exempt (a) to the extent that the system consists of investigatory material compiled for law enforcement purposes, other than material within the scope of § 105–64.601: *Provided, however,* That if any individual is denied any right, privilege, or benefit to which he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence and (b) to the extent the system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. This system has been exempted to maintain the efficacy and integrity of lawful investigations conducted pursuant to the GSA Office of Investigation law enforcement responsibilities and its responsibilities in the areas of Federal employment, Government contracts, and access to security classified information.

§ 105–64.602–2 Testing files.

The following system of records shall be exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of the Privacy Act of 1974:

Test Material
GSA/OAD 21

This system is exempt to the extent that the system consists of testing or examination material used solely to determine individual qualifications for appointment or promoton in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process. This system has been exempted to maintain the efficacy and integrity of materials used in examining or testing persons to determine their qualifications for a Federal appointment or promotion.

[FR Doc.75–30583 Filed 11–11–75;8:45 am]

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FEDERAL MARITIME COMMISSION

PRIVACY ACT OF 1974

Systems of Records

Pursuant to the Privacy Act of 1974 (Pub. L. 93–579, 5 U.S.C. 552a(e)(4) and (11)), the Federal Maritime Commission on October 6, 1975, published in the FEDERAL REGISTER (40 FR 46289) additional proposed notices of systems of records maintained by the Commission.

Interested parties were afforded the opportunity to submit comments on the routine use portion of each notice. No comments were received.

Therefore, it is ordered, That pursuant to the Privacy Act of 1974 (Pub. L. 93–579, 5 U.S.C. 552a(e)(4) and (11)), the notices of systems of records are adopted without change.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-3053 Filed 11-11-75;8:45 am]

FEDERAL POWER COMMISSION

PRIVACY ACT OF 1974

New or Intended Routine Uses of Information in Existing Systems of Records

The Privacy Act of 1974, Pub. L. No. 93–579 (88 Stat. 1896), requires that each agency publish at least annually a notice of the existence and character of each "system of records" as defined in 5 U.S.C. 552a(a)(5), which the agency maintains, 5 U.S.C. 552a(e)(4). The Federal Power Commission has published such Notice in the FEDERAL REGISTER at 40 FR 39353 (Aug. 27, 1975), 40 FR 41984 (Sept. 9, 1975), and 40 FR 45118 (Sept. 30, 1975).

Pursuant to 5 U.S.C. 552a(e)(11), section 309 of the Federal Power Act, as amended (49 Stat. 858–859; 16 U.S.C. 825h), and section 16 of the Natural Gas Act, as amended (52 Stat. 830; 15 U.S.C. 717o), notice is hereby given that the Federal Power Commission proposes the adoption of new or intended uses of information in existing record systems which have been published in the FEDERAL REGISTER cited hereinabove. Corrections of typographical errors in the original publication of these record systems are included in the present Notice in order to avoid confusion in the discussion of the proposed new routines uses of information. These corrections have been included even though they do not have to be published 30 days prior to their effectiveness pursuant to section 552a(e)(11) of the Privacy Act.

5 U.S.C. 552a(b)(9) provides for disclosures of records by an agency without the written consent of the individual in response to a request from "* * * either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee therefor, any joint committee of Congress or subcommittee of any such joint committee * * *" The Privacy Act is silent on how agencies shall treat requests from individual Congressmen for information relating to individuals falling under the scope of the Act. Reference to the general principles followed by the Congress in the statute indicates that the consent of the individual involved can be deemed to have been given in any instance in which the individual makes a written request to a member of Congress who, in turn, forwards the request to a Government agency. Accordingly, we hereby give notice of the addition of a new routine use in certain of the FPC systems of records hereinafter specified to accommodate a request for personal information by an individual Congressman.

A. In FPC–1, "Appeals, Grievances and Complaints Records—FPC" (40 FR 39354 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses:", delete paragraph i. and insert the following new paragraph i.:

i. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in this system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39354 (Aug. 27, 1975).

B. In FPC–7, "Claims by Employees for Losses of Personal Property—FPC" (40 FR 39354 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses:", the following changes are proposed:

1. Redesignate the present paragraph as paragraph "a" and add a phrase at the end of the sentence to read as follows:

a. The system is used by the staff of the Commission whose official duties require access in determining the validity of the personal property claim and for financial settlement of the claim.

2. Insert new paragraph "b" to read as follows:

b. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in this system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39357 (Aug. 27, 1975).

C. In FPC–9, "Computer Usage Production Statistics for the Office of Regulatory Information Systems—FPC" (40 FR 39358 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses:", redesignate the present paragraph as paragraph "a" and add a new paragraph "b" to read as follows:

b. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in this system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39358 (Aug. 27, 1975).

D. In FPC–15, "Employee Conduct Records—FPC" (40 FR 39360 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses:", the following changes are proposed:

1. Delete paragraph "b" and redesignate paragraphs "c" through "g" as paragraphs "b" through "f".

2. In newly designated paragraph "c", line 3, delete the phrase "such as current licenses,".

3. In newly designated paragraph "d", line 3, substitute the word "issuance" for the word "issuing".

4. Add a new paragraph "g" to read as follows:

g. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in this system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39361 (Aug. 27, 1975).

E. In FPC–21, "Pay and Pay-Related Records (Payroll, Travel, Attendance, Leave)—FPC" (40 FR 39363 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purpose of such uses:", the following changes are proposed:

1. The addition of a phrase to the first sentence to read as follows:

These records are used by the staff of the FPC and/or by a contractor whose official duties require access in order * * *

2. Insert a new paragraph "j" to read as follows:

j. To report to unemployment compensation agencies or boards gross wages and separation information for unemployment compensation.

3. Insert a new paragraph "k" to read as follows:

k. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in the system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39363 (Aug. 27, 1975).

F. In FPC–22 "Personal Investigations Records (Security and Suitability)—FPC" (40 FR 39364 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes

of such uses:", the following changes are proposed:

1. Delete paragraph "b" and redesignate paragraphs "c" through "i" as paragraphs "b" through "h".

2. In newly designated paragraph "e", line 3, delete the phrase "such as current licenses,".

3. In newly designated paragraph "f", line 3, substitute the word "issuance" for the word "issuing".

4. Add a new paragraph "i" to read as follows:

i. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in the system and the authority authorizing the maintenance of the information contained in the system are set forth as 40 FR 39364 (Aug. 27, 1975).

G. In FPC–23, "Personnel Records (General)—FPC" (40 FR 39366 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses:", the following changes are proposed:

1. Delete paragraph "b" and redesignate paragraphs "c" through "k" as paragraphs "b" through "j".

2. Add a phrase to newly designated "b" to read as follows:

"b" To provide necessary and relevant information to a prospective employer of a present or former Federal employee or to an organization at the request of the individual; or to obtain necessary and relevant information from a former employer concerning the hiring and retention of an employee or the issuance of a security clearance.

3. In newly designated paragraph "c", line 3, delete the phrase "such as current licenses,".

4. In newly designated paragraph "d", line 3, substitute the word "issuance" for the word "issuing".

5. In newly designated paragraph "j", delete the words "a computer and substitute therefore, the words "an FPC" so that the paragraph will read as follows:

"j." By an FPC contractor to prepare microform data records.

6. Add new paragraphs "k" through "g" to read as follows:

k. To disclose to the Office of Workers Compensation Program; Veterans Administration Pension Benefits Program; Social Security Old Age, Survivor and Disability Insurance and Medicare Programs; military retired pay programs; Federal civilian employee retirement programs other than the Civil Service Retirement System; or other national, state, county, municipal, or other publicly recognized charitable or social security administration agencies information needed to adjudicate a claim for benefits under ERIOH or the recipient's benefit program(s) or information needed to conduct an analytical study of benefits being paid under such programs.

l. To disclose to the Federal Employee's Group Life Insurance Office information necessary to support an individual's claim for life insurance benefits under the Federal Employees' Group Life Insurance Program.

m. To disclose to a health insurance carrier or plan participating in the Federal Employees' Health Benefits Program information necessary to support an individual's claim for health insurance benefits under the program.

n. To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

o. To provide information to an educational institution for training purposes.

p. To provide information to officials of a foreign government for clearance prior to a duty assignment of an employee in a specific country.

q. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories or records maintained in the system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39366 (Aug. 27, 1975).

H. In FPC–24 "Recruiting, Examining, and Placement Records—FPC" (40 FR 39366 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purpose of such uses:", the following changes are proposed:

1. Delete paragraph "c" and redesignate paragraphs "d" through "k" as paragraphs "c" through "j".

2. In newly designated paragraph "d", line 5, substitute the word "of" for the word "or".

3. In newly designated "e", line 3, delete the phrase "such as current licenses,".

4. In newly designated paragraph "f", line 3, substitute the word "issuance" for the word "issuing".

5. Add a new paragraph "k" to read as follows:

k. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in the system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39367 (Aug. 27, 1975).

I. In FPC–25, "Time Distribution Reports—FPC" (40 FR 39368 (Aug. 27, 1975); 40 FR 41984, September 9, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purpose of such uses:", the following change is proposed:

1. Add a new paragraph "e" to read as follows:

e. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in the system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39369 (Aug. 27, 1975).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 12, 1975, comments or suggestions in writing concerning all or part of the notice proposed herein. All such submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such submittals before acting on the matters proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name and mailing address of the person filing the comments or suggestions.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30532 Filed 11-11-75;8:45 am]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 41—Public Contracts and Management (Chapter 18)

NOTE: No amendments to this volume were promulgated in the Federal Register during the period July 1, 1974 to June 30, 1975.

The CFR volume issued July 1, 1974, should be retained. (Price: $7.60)

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8953]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lear Siegler, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–180 Location; 13.15–225 Personnel or staff; 13.15–250 Qualifications and abilities; 13.15–265 Service; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.75 Free goods or services; § 13.115 Jobs and employment service; § 13.135 Nature of product or service; § 13.143 Opportunities; § 13.155 Prices; 13.155–5 Additional charges unmentioned; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.255 Surveys; § 13.285 Value. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–55 Refunds, rebates and/or credits; 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 Nature; § 13.1520 Personnel or staff; § 13.1535 Qualifications; § 13.1553 Services. —Goods: § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1670 Jobs and employment; § 13.1685 Nature; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1757 Surveys; § 13.1775 Value. —Prices: § 13.1778 Additional costs unmentioned. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 Nature; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.1995 Job guarantee and employment; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising. Subpart—Using misleading name—Goods: § 13.2315 Nature.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Lear Siegler, Inc., a corporation.

Consent order requiring a Santa Monica, Calif., firm offering courses in computer programming and computer operations, among other things to cease misrepresenting aspects of their courses such as the significance or importance of their courses; the qualifications of students completing their courses to obtain employment in areas for which they have been trained; the demand for graduates of their courses; and employment services provided respondent's students. Further, respondent is required to contact past participants in their courses and provide them with a questionnaire to be returned to respondent and to make restitution to those prior students determined to be eligible under the provisions of the order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I

It is ordered that Respondent, Lear Siegler, Inc., a corporation, its successors and assigns, and Respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the creating, advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of electronic data processing or any other course in any field in commerce or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, orally, in writing, or in any other manner, directly or by implication, that:

(a) The training offered to students enrolled in any computer programming course or any similar course of instruction offered by Respondent is, by itself, sufficient to qualify a graduate thereof for the scientific application of computer programming; or misrepresenting, in any manner, the significance or importance of any course of instruction in qualifying any person for employment in a particular field of endeavor.

(b) The position of systems analyst is an entry level employment objective of any course of instruction offered by Respondent; or misrepresenting, in any manner, the nature or type of position for which a graduate of any course of instruction will be qualified or in which such a graduate will achieve employment.

(c) Any school, location or facility at which Respondent conducts business or offers any course of instruction has a stated placement rate, ratio or percentage, unless any such placement rate, ratio, or percentage is, in fact, the current and actual placement rate, ratio, or percentage at such school, location or facility, computed in the manner set forth in Paragraph 6(b) of Part I of this Order.

(d) Persons completing Respondent's courses in computer operations and computer programming will thereby have received the training and experience required to qualify them for employment at salaries earned by experienced operators and programmers; or representing, orally or in writing, that any amount of salary or other remuneration will or may be earned by any person completing any course offered by Respondent, unless Respondent in each and every instance has in good faith conducted a statistically valid survey which establishes the validity of any such claim at all times and in all locations where the representation is made.

(e) All or substantially all graduates of any course of instruction offered by Respondent will upon graduation, obtain jobs in the positions for which they have been trained; or misrepresenting, in any manner, the ease with which graduates of any course will attain employment, or the effectiveness of any course of training or instruction in preparing or qualifying any graduate for employment.

(f) Inquiries are solicited for the purpose of offering employment to qualified applicants; or misrepresenting, orally or in writing, that employment is being held out or made available in any respect.

(g) (1) There is a substantial demand, or a demand of any size or proportion, for persons completing any of the courses offered by Respondent in the areas of computer programming, computer operations or computer technology, or any other course in any field, (2) or otherwise representing that opportunities for employment, or opportunities of any type or number are available to such persons, except as hereinafter provided in Paragraph 6(b) of this Order. *Provided, however,* that Respondent shall cease and

[1] Copies of the Complaint, Appendices, Decision and Order, filed with the original document.

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desist making such representations unless the Respondent in each and every instance:

(a) Until the passage of a base period to be determined pursuant to paragraph 6(b) of Part I of this Order, after the establishment of a new school location by Respondent in any metropolitan area or county, whichever is larger, where it did not previously operate a school, and after the introduction by Respondent of any new course of instruction at any school or location, shall: (i) have in good faith conducted a statistically valid survey which establishes the validity of any such representation at all times when the representation is made, and (ii) have disclosed in immediate and conspicuous conjunction with any such representation, that:

All representations of potential employment demand or opportunities for graduates of this school (course) are merely estimates. This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation.

(b) After the passage of a base period to be determined pursuant to Paragraph 6(b) of Part I of this Order, and until two years after the establishment of a new school location by Respondent in any metropolitan area or county, whichever is larger, where it did not previously operate a school, and after the introduction by Respondent of any new course of instruction at any school or location, shall: (i) make any such representations in the form and manner provided in Paragraph 6(b) of Part I of this Order, and (ii) disclose in immediate and conspicuous conjunction with any such representation, that:

This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation.

2. Using, orally, in writing or in any other manner, at any time statistical data or numerical estimates, derived from any source whatsoever, respecting present or future occupational demand or the growth of employment or the salaries earned in the field of electronic data processing, or in any other field or misrepresenting in any manner the meaning, application, relevancy or import of any statistical data or statistical projections of any type from any source.

3. Representing, orally, in writing or in any other manner, directly or by implication, that:

(a) Any school, location or facility operated by Respondent maintains a full-time placement office unless in each and every instance such placement office is staffed with personnel whose function is to furnish placement assistance and requests for placement assistance are handled without referral to employment agencies or other third parties.

(b) Graduates of any course of instruction offered by Respondent are not required to actively seek employment opportunities through sources other than Respondent's placement office; or misrepresenting in any manner the requirements, duties, obligations or responsibilities imposed upon any person who seeks placement assistance; or misrepresenting in any manner the capabilities or functions of any placement office, referral service or any other type of assistance in obtaining employment for persons completing any said course.

(c) The placement assistance furnished by Respondent is free or without cost; or misrepresenting in any manner the cost of any placement assistance or service.

(d) Graduates of any course of instruction offered by Respondent in the field of electronic data processing will be regarded as equivalent to experienced job applicants as a result of the computer training received during the course of their enrollment; or misrepresenting in any manner the value, benefit, advantages or seniority which accrues to any graduate of any course of instruction offered by Respondent.

4. Failing to keep adequate records which may be inspected by the Commission staff members upon reasonable notice:

(a) Which disclose the facts upon which any placement percentages or claims, or other representations of the type described in Paragraphs 1 and 6 of this Order are based; and

(b) From which the validity of any placement percentages or claims, or other representations of the type described in Paragraphs 1 and 6 of this Order can be determined.

5. Representing, orally, in writing or in any other manner, directly or by implication that any person engaged in connection with the promotion, offering for sale, sale, distribution or other solicitation of any course of instruction offered by Respondent is a trained vocational counselor; or misrepresenting in any manner the training, experience, title, qualifications or status of any person engaged in connection with the promotion, offering for sale, sale, distribution or other solicitation of any course of instruction, or the import or meaning of any advice given by or any other statement made by any such person; or misrepresenting the nature of any encounter between Respondent's employees and prospective students for Respondent's courses of instruction.

6. Failing to send by certified mail, return receipt requested, to each person who shall contract with Respondent for the purchase of any vocational school course of instruction, a written notice printed in at least ten (10) point type which shall disclose in substantially the same form as provided in Appendix A the following information and none other:

(a) The title "IMPORTANT INFORMATION" printed in bold face type across the top of the form;

(b) Paragraphs reciting the following information to be computed in the manner and form set forth below for the applicable base period as hereinafter defined in subparagraph (6):

(1) For each different course of instruction offered by Respondent for each school, location or facility at which Respondent offers said courses of instruction;

The dates of the "base period" as computer in (b)(6);

The total number of students who graduated during such base period;

The numbers and percentages of total graduates who attained employment in the fields for which such graduates were trained. Such information must include an accurate description of each position in which such graduates attained employment.

(2) As to the same graduates used to compute the placement and employment statistics in (b)(1) above, a list of all employers which hired any such graduates during the base period, the number of such graduates hired by each firm or employer and the positions in which said graduates were hired.

(3) As to the same graduates used to compute the statistics in (b)(1) and (b)(2) above, the annual salary or income of said graduates. Such salary or income shall be classified by number of graduates attaining employment in each position described in (b)(1) at starting salaries expressed in consecutive categories of one thousand dollar amounts, in the form described in Appendix A.

(4) In compiling the foregoing information Respondent shall not include any such graduates who Respondent knows have not retained such positions for more than one month from the initial date of employment. Respondent may use information supplied to it by graduates, employers, or other sources and shall not be required to obtain such information independently.

(5) For each course of instruction for which Respondent is required to disclose information pursuant to subparagraphs (b)(1) through (b)(4), the total number of students who enrolled in said course and were scheduled to graduate during the base period and the number and percentage of the enrollees in said course who failed to complete the course of instruction. The term, "failure to complete", shall encompass those enrollees who:

(A) Withdrew;

(B) Failed the course (*i.e.*, were academically terminated);

(C) Did not complete the course within the base period in which they were scheduled to graduate and must take (a) make-up exam(s) in order to graduate;

(D) Completed the course but did not receive a graduation certificate due to their failure to pay the balance of the tuition; or

(E) For any other reason, did not successfully complete the course within the base period in which they were scheduled to graduate.

(6) "Base Period" shall mean a six (6) month period beginning eight (8) months before and ending two (2) months before the date on which Respondent must begin to disseminate the necessary statistics with respect to the base period.

There shall be a one month period immediately following the close of a base period during which Respondent shall gather the necessary statistics with respect to said base period. These statistics will relate to those graduates who successfully completed the particular course of instruction during the base period and who obtained employment during the base period or the one month period thereafter. Respondent may not include in the computation of the statistics for the base period any persons who graduate during the month after the base period and who find jobs during said one month period. Such persons will be included in statistics for the base period during which they graduate.

At the end of the first month period immediately following the close of a base period, Respondent shall be allowed a second one-month period to calculate and prepare for distribution the necessary statistics with respect to said base period.

On the first of each month, Respondent shall begin to distribute statistics relating to the base period for the period beginning eight (8) months before and ending two (2) months before the first day of each month. Respondent shall continue to distribute said statistics until the first day of the next month and not thereafter.

For any six (6) month period during which Respondent has no graduates for a particular course of instruction, Respondent may continue to distribute the statistics with respect to the prior base period for said course of instruction until such time as Respondent has graduates of said course of instruction and has had one month in which to gather statistics with respect to those graduates and a second month during which to calculate and prepare for distribution the necessary statistics.

Appendix B contains a sample base period calculation.

Provided, however, that subparagraph (b)(1) through (b)(6) above shall be inapplicable to any newly established school that Respondent may establish in any metropolitan area or county, whichever is larger, where it did not previously operate a school, or to any course newly introduced by Respondent, until such time as the new school or course has been in operation for the base period defined in subparagraph (b)(6) above. The following statement shall be included in such notice during such period:

All representations of potential employment or salaries are merely estimates. This school (course) has not been in operation (offered) long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course).

After such time as the new school or course has been in operation for the base period (subparagraph (b)(6) above), and until two years after the establishment of a new school location in any metropolitan area or county, whichever is larger, where they did not previously operate a school, or after the introduction of any new course by Respondent, the following statement shall be included in such notice:

This school (course) has not been in operation (offered) long enough to indicate what, if any, actual employment or salary you may expect to achieve upon graduation from this school (course).

7. Contracting for any sale of any course of instruction in the form of a sales contract or other agreement which shall become binding prior to the purchaser affirming the enrollment contract by signing and returning to Respondent the Affirmation Form specified in Paragraph 8, within ten (10) days of his receipt of that form. If the purchaser fails to affirm the enrollment contract within the ten (10) day period, Respondent shall consider the contract null and void and within ten (10) business days of the expiration of the affirmation period shall refund all monies paid by the purchaser and cancel and return to the purchaser any evidence of indebtedness.

8. Failing to send by certified mail, return receipt requested, to each person who shall contract with Respondent for the purchase of any course of instruction, a one page form, in duplicate that contains the following unsigned Affirmation statement printed in bold face type of at least ten (10) points:

NOTICE TO THE PURCHASER

THE ENROLLMENT CONTRACT THAT YOU SIGNED WITH (NAME OF SCHOOL) ON (DATE) TO ENROLL IN (NAME OF COURSE) IS NOT EFFECTIVE OR VALID UNLESS YOU FIRST SIGN THIS STATEMENT AND RETURN IT TO THE ABOVE-NAMED SCHOOL WITHIN TEN (10) DAYS FROM THE TIME THAT YOU RECEIVED THIS STATEMENT. YOU ARE FREE TO CANCEL YOUR ENROLLMENT AND RECEIVE A FULL REFUND OF ANY MONIES YOU HAVE PAID TO THE SCHOOL BY NOT SIGNING OR MAILING THIS STATEMENT WITHIN TEN (10) DAYS. AT THE EXPIRATION OF THIS TEN (10) DAY PERIOD THE SCHOOL HAS TEN (10) BUSINESS DAYS TO SEND YOU YOUR REFUND (IF ANY) AND TO CANCEL AND RETURN TO YOU ANY EVIDENCE OF INDEBTEDNESS THAT YOU SIGNED. HOWEVER, IF YOU DO WANT TO ENROLL IN THE ABOVE-NAMED SCHOOL, YOU SHOULD SIGN YOUR NAME BELOW AND MAIL THIS STATEMENT TO THE SCHOOL WITHIN TEN (10) DAYS. KEEP THE DUPLICATE COPY FOR YOUR OWN RECORDS.

DATE ---------- SIGNATURE ----------

THE AFFIRMATION FORM SHALL NOT CONTAIN ANY INFORMATION OR REPRESENTATION OTHER THAN THE INFORMATION SPECIFIED IN THIS PARAGRAPH, AND THE FORM SHALL BE MAILED IN THE SAME ENVELOPE THAT IS USED TO MAIL PLACEMENT INFORMATION AS REQUIRED BY PARAGRAPH 6. THE AFFIRMATION FORM AND SAID PLACEMENT INFORMATION SHALL BE SENT BY RESPONDENT NO LATER THAN THE NEXT DAY AFTER THE PERSON SHALL HAVE CONTRACTED FOR THE PURCHASE OF ANY COURSE OF INSTRUCTION. DURING SUCH PERIOD PROVIDED FOR IN THIS PARAGRAPH, RESPONDENT SHALL NOT INITIATE CONTACT WITH SUCH PERSON OTHER THAN THAT REQUIRED BY THIS PARAGRAPH.

9. Making any representations of any kind whatsoever in connection with the creating, advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of electronic data processing or any other course offered to the public in any filed in commerce, for which Respondent has no reasonable basis prior to the making or dissemination thereof.

10. Using course names and descriptions which either directly or by implication indicate that Respondent's courses are designed to prepare students for certain entry-level positions when in fact a substantial number of graduates of such courses do not achieve such entry-level positions.

II

1. It is further ordered that: (a) Respondent herein deliver, by registered mail, a copy of this Decision and Order to each of its present and future employees, salesmen, agents, solicitors, independent contractors or to any other person or entity which promotes, offers for sale, sells or distributes any course of instruction included within the scope of this Order;

(b) Respondent herein provides each person or entity so described in subparagraph (a) above with a form returnable to Respondent clearly stating his or her intention to be bound by and to conform his business practices to the requirements of this Order; retain said statement during the period said person or entity is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request;

(c) Respondent herein informs each person or entity so described in subparagraph (a) above that Respondent will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and does file notice with Respondent that he or she will be bound by the provisions contained in this Order;

(d) If such party as described in subparagraph (a) above will not agree to so file the notice set forth in subparagraph (b) above with Respondent and be bound by the provisions of the Order, Respondent shall not use or engage or continue the use or engagement of, such party to promote, offer for sale, sell or distribute any course of instruction included in this Order;

(e) Respondent herein informs the persons or entities described in subparagraph (a) above that Respondent is obligated by this Order to discontinue dealing with or to terminate the use or engagement of persons or entities who continue on their own the deceptive acts or practices prohibited by this Order.

(f) Respondent herein institutes a program of continuing surveillance adequate to reveal whether the business practices of each said person or entity described in subparagraph (a) above conform to the requirements of this Order;

(g) Respondent herein discontinues dealing or terminates the use or engagement of any person or entity described in subparagraph (a) above, as revealed by the aforesaid program of surveillance, who continues on his own or her own any act or practice prohibited by this Order;

2. It is further ordered that Respondent herein present to each interested applicant or prospective student immediately prior to the commencement of

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any interview or sales presentation during which the purchase of or enrollment in any course of instruction offered by Respondent herein is discussed or solicited, a 5" x 7" card containing only the following language:

"YOU WILL BE TALKING TO A SALESPERSON"

3. It is further ordered that the Respondent, Lear Siegler, Inc., shall forthwith distribute a copy of this Order to each of its domestic operating divisions.

4. It is further ordered that Respondent, Lear Siegler, Inc. shall notify the Commission at least thirty (30) days prior to any proposed change in the Respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in Respondent which may affect compliance obligations arising out of this Order.

III

It is further ordered that: 1. Respondent shall submit to the Commission, within five (5) days after the date this Order is served on Respondent (hereinafter "date of service"), a notarized affidavit, executed by Respondent's Corporate Manager or Regulatory Agency Relations, to the effect that Respondent has made or has caused to be made a good faith search of documents that pertain to purchasers of Respondent's computer courses of instruction, and that Respondent, to the best of his knowledge, has previously or simultaneously with said affidavit submitted to the Commission the names of all computer course purchasers covered by this Agreement.

2. Respondent or its designee shall make an inquiry in writing on the one hundred and twentieth (120th) day after the date of service, in the language, manner and form shown in Appendices C and D, via certified mail with return receipt requested and with a self-addressed, postage prepaid envelope, to the home address of each former purchaser of one of Respondent's computer courses who appears on a list of such purchasers to be supplied to Respondent by the Commission within sixty (60) days after the date of service.

3. With respect to each purchaser whose mailed inquiry is returned undelivered or whose aforesaid return receipt card is not returned, Respondent or its designee shall have a duty to mail on the one hundred and forty-fifth (145th) day after the date of service the same inquiry via first class mail to such purchaser's business address that is included in the aforesaid list of purchasers supplied to Respondent by the Commission.

4. On the two hundred and seventieth (270th) day after the date of service, Respondent shall pay a refund, by check or otherwise, in an amount derived in accordance with Part III of this Order, to each "eligible class member" determined in accordance with Part III of this Order.

5. "Eligible class member" means only those persons who:

(a) Enrolled during the period of time from July 1, 1970 to December 31, 1973 in Respondent's computer programming or computer operations courses; and

(b) Did not have his or her course tuition paid in full by a state or local department or division of vocational rehabilitation; and

(c) Completed all of the data processing classes of the computer course for which he or she enrolled; and

(d) (1) Sought employment in the position for which he or she was trained, or

(2) For reasons related to the sufficiency or quality of the training, or job demand, elected not to seek employment in the position for which he or she was trained; and

(e) (1) After completion of Respondent's computer programming classes, did not attain employment as a systems analyst, computer programmer, or combination computer programmer and operator; or instructor of systems analysis, computer programming, combination computer programming and operations; or a manager or supervisor of persons engaged in computer programming; or in a position whose duties were or are equivalent to a systems analyst, computer programmer, or combination computer programmer and operator; or

(2) After completion of Respondent's computer operations classes, did not attain employment as a systems analyst, computer programmer, combination computer programmer and operator, or computer operator; or instructor of systems analysis, computer programming, combination computer programming and operations, or computer operations; or a manager or supervisor of persons engaged in computer programming or operations; or in a position whose duties were or are equivalent to a systems analyst, computer programmer, or combination computer programmer and operator, or computer operator; or

(3) Attained one of the employment positions for which he or she was trained as listed in subsection (e) (1) and (2) only after receiving further training in computer programming or computer operations at a college or another vocational school, which training was not paid for in full by his or her employer.

6. Each refund shall be accompanied by a letter in the language, manner and form shown in Appendix E; and a notice in the language, manner and form shown in Appendix F shall be sent via first class mail, with the sender's return address on the face of the envelope, to the last known home address of all persons whose returned questionnaire show them to be ineligible for a refund under Part III of this Order.

7. Respondent shall make pro rata refund payments to each eligible class member based upon the proportion that total tuitions paid by or for all such members bear to the total amount available for refunds as provided in Part III of this Order, except that members whose tuition was paid in part by a state or local department or division of vocational rehabilitation shall receive a prorata refund based only on that amount of their tuition not paid by a state or local department or division of vocational rehabilitation. In no event shall any member receive an amount greater than the tuition paid by or for such member.

8. Respondent shall ultimately provide a sum of no greater than Seven Hundred Fifty Thousand Dollars ($750,000.00) solely to carry out its obligations to provide refunds and pay administrative costs under Part III of this Order. Of this sum, Five Thousand Dollars ($5,000.00) shall be set aside for payment of administrative costs incurred by Respondent or its designee in complying with Part III of this Order. Any unused administrative funds shall remain the property of Respondent.

9. It is agreed that Respondent shall file, within one hundred and eighty (180) days after the date of service, under Rule 3.61(d) of the Commission's Rules of Practice, a written request for advice as to whether its determination of who is an eligible class member complies with the terms of this Order provision; and that Respondent shall submit simultaneously with its request all Appendix D questionnaires it has received as of the date said request for advice is filed. Respondent shall also, at this time, present any challenges to the factual accuracy of any questionnaire together with substantiating material; such challenges and substantiating material shall be presented solely as a means of assisting the Commission in affording Respondent an advisory opinion pursuant to said Rule 3.61(d): *provided*, that the Commission shall render its advice to Respondent and return all Appendix D questionnaires to Respondent within two hundred and forty (240) days after the date of service.

10. Respondent or its designee shall contact and deliver a refund check to each eligible class member or his legal representative. For such purpose, Respondent shall, among other things, request the last known address of the eligible class member from the Postal Service, telephone the eligible class member or request the assistance of the Social Security Administration; *provided*, that should the administrative fund referred to in Paragraph 8 be exhausted, each eligible class member shall have deducted from the total refund amount due him all additional costs incurred by Respondent or its designee under this paragraph.

11. Respondent shall, on the two hundred and eightieth (280) day after the date of service, file with the Commission a report in writing setting forth the manner and form in which it has complied with Part III of this Order.

12. Respondent shall maintain records and documents for two (2) years after the date this Order is served on Respondent, which demonstrate that Respondent has complied with Part III of this Order.

13. It is agreed that should any duty required to be performed on a day certain under Part III of this Order fall upon a non-business day, the parties herein may perform such duties on the next following business day.

The Decision and Order was issued by the Commission October 6, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-30538 Filed 11-12-75;8:45 am]

[Docket C-2735]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

James Neece t/a Carpet Showcase

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–70 Financing activities; § 13.71 Financing; § 13.73 Formal regulatory and statutory requirements; 13.73–90 Textile Fiber Products Identification Act; 13.73–92 Truth in Lending Act; § 13.75 Free goods or services; § 13.135 Nature of product or service; § 13.155 Prices; 13.155–5 Additional charges unmentioned; 13.155–93 Special or test offers; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; 13.155–100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.180 Quantity; 13.180–35 Offered; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Coercing and intimidating: § 13.350 Customers or prospective customers. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–40 Furnishing information to media; 13.533–55 Refunds, rebates and/or credits. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–20 Adequate; 13.1051–30 Formal regulatory and/or statutory requirements. Subpart—Misbranding or mislabeling: § 13.1170 Advertising and promotion; § 13.1185 Composition; 13.1185–80 Textile Fiber Products Identification Act; § 13.1200 Content; 13.1212 Formal regulatory and statutory requirements; 13.1212–80 Textile Fiber Products Identification Act; § 13.1320 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 Business methods, policies, and practices; § 13.1417 Financing activities.—Goods: § 13.1623 Formal regulatory and statutory requirements; 13.1623–80 Textile Fiber Products Identification Act; 13.1623–95 Truth in Lending Act; § 13.1625 Free goods or services; § 13.1685 Nature; § 13.1720 Quantity; § 13.1740 Scientific or other relevant facts. Subpart—Prices: § 13.1778 Additional costs unmentioned; § 13.1820 Retail as cost, etc., or discounted; § 13.1823 Terms and conditions; 13.1823–20 Truth in Lending Act; § 13.1825 Usual as reduced or to be increased. Subpart—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 Formal regulatory and statutory requirements; 13.1852–70 Textile Fiber Products Identification Act; 13.1852–75 Truth in Lending Act; § 13.1857 Instruments' sale to finance companies; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1886 Quality, grade or type; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 72 Stat. 1717; 15 U.S.C. 45, 1601 *et seq.*, 70)

In the Matter of James Neece, an individual, trading and doing business as Carpet Showcase.

Consent order requiring a Beaumont, Tex., distributor and installer of carpeting and floor coverings, among other things to cease using false and deceptive advertisements and sales techniques; failing to disclose the quantity or cost per unit of carpeting or floor coverings; intimidating customers into accepting defective merchandise; in connection with the extension of consumer credit, violating the Truth in Lending Act by failing to disclose to consumers such information as required by Regulation Z of said Act; misbranding textile fiber products and failing to maintain proper records of the fiber content of such products. Further, the order requires respondent to provide a 3-day cooling off period to every customer; to notify each advertising medium used by respondent that the Federal Trade Commission has found that he engages in unfair and deceptive acts; and to refund money to any customer where investigation reveals the transaction involved violations of the order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondent James Neece, individually and trading and doing business as Carpet Showcase, or under any other name or names, his successors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale, distribution or installation of carpeting and floor coverings, or any other article of merchandise, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting or other merchandise or services.

2. Making representations by any means purporting to offer merchandise for sale when the purpose of the representations is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at a higher price or of a grade or quality different than that contracted for by prospective customers.

3. Representing by any means that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

4. Using the words "15% OFF", "SPECIAL" or any other word or words of similar import or meaning not set forth specifically herein unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondent for a reasonably substantial period of time in the recent regular course of his business.

5. Representing by any means that any merchandise or service is furnished "free" or at no cost to the purchaser.

6. Representing by any means quantities of carpet or floor coverings in a unit of measurement not usually and customarily employed in the retail advertising, offering for sale or sale of carpeting or floor coverings.

7. Using the terms "We finance—no money down", "Use our revolving charge account . . . easy budget plan", or any other terms of similar import or meaning not set forth specifically herein, or representing by any means that credit is extended to customers without regard to their financial status or ability to pay or that respondent extends credit to his customers rather than arranging for the extension of credit through financial institutions including finance companies and banks.

8. Contracting for any sale whether in the form of credit acceptance, conditional sales contract, promissory note or otherwise which shall become binding on the customer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

9. Failing to make the following disclosures in connection with the sale or offering for sale of carpet, floor coverings or similar products on each instrument utilized by respondent that requires payment of any consideration, at any time, to respondent or any third parties, by respondent's clients. Said disclosures shall be in more conspicuous print than all other language in

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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said instrument, but in no case shall they be smaller than 12-point upper case type. *Provided*, that said disclosures and instrument shall be delivered to prospective customers at least three days, excluding Sundays and legal holidays, prior to the time prospective customers execute said instruments or pay any consideration to respondent. *Provided further*, that said disclosures shall be made on the contract or other binding instrument to be executed by prospective customers. The disclosures shall contain the following information in the sequence set forth and be set off from the text of the instrument by a black border and immediately above the line for the prospective customers' signatures:

A. The number of square yards of each style of carpeting or floor covering to be purchased by the customer.

B. The price per square yard of each style of carpeting or floor coverings to be purchased by the customer; excluding the cost of padding and the cost of installation.

C. The cost of installing one square yard of such carpeting or floor coverings.

D. The cost of padding for one square yard of carpeting or floor coverings.

E. The cost of installing each style of carpet or floor covering, such figure to be obtained by multiplying the number of square yards as disclosed in sub-paragraph A above by the cost per square yard as disclosed in sub-paragraph C above.

F. The cost of padding to be furnished for the carpet or floor coverings, such cost to be obtained by multiplying the number of square yards as disclosed in sub-paragraph A above by the cost per square yard as disclosed in sub-paragraph D.

G. The total price for each style of carpeting or floor coverings which shall be obtained by multiplying the number of square yards as disclosed in sub-paragraph A above by the cost per square yard as disclosed in sub-paragraph B above and to this amount adding the sum of the cost of padding as disclosed in sub-paragraph F and the cost of installation, as disclosed in sub-paragraph E.

H. A notice in the following form:

NOTICE

IF YOU ARE OBTAINING CREDIT IN CONNECTION WITH THIS PURCHASE, YOU WILL BE REQUIRED TO SIGN A PROMISSORY NOTE, A SALES CONTRACT OR OTHER INSTRUMENT OF INDEBTEDNESS WHICH MAY BE PURCHASED FROM THE SELLER BY A BANK, FINANCE COMPANY OR ANY OTHER THIRD PARTY. IF SUCH IS THE CASE, YOU WILL BE REQUIRED TO MAKE YOUR PAYMENTS TO SOMEONE OTHER THAN THE SELLER. YOU SHOULD BE AWARE THAT IF THIS HAPPENS YOU MAY HAVE TO PAY THE NOTE, CONTRACT OR OTHER INSTRUMENT OF INDEBTEDNESS IN FULL TO ITS NEW OWNER EVEN IF YOUR PURCHASE CONTRACT IS NOT FULFILLED.

10. Representing by any means that persons executing contracts or other binding instruments with respondent may be or are liable to pay a penalty of thirty percent of the amount of the contract or any other liquidated sum upon cancellation of said contracts or other binding instruments; *provided*, that respondent may make such representations concerning a customer's liabilities as may be allowed by state law.

11. Utilizing any instrument including a completion certificate, or using coercion, threats, intimidations or any means which may lead a customer to accept merchandise which is of a price, grade or quality different than that contracted for, which is defective in some respect or which is improperly installed.

12. Failing, in all pamphlets, brochures and other promotional material to make the following disclosures in the manner and form provided for herein.

(a) At the time advertising is submitted to any advertising agency and newspaper or other printed publication, respondent shall provide a copy of the following notice to each such publication:

NOTICE

The Federal Trade Commission has found that

(Name of Respondent)

has engaged in unfair and deceptive acts and practices. A copy of the Commission's news release is available from

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(Name of Respondent)

upon request.

(b) At the time advertising is submitted to any radio or television station, respondent shall provide a copy of the following notice to each such station:

NOTICE

The Federal Trade Commission has found that

(Name of Respondent)

has engaged in unfair and deceptive acts and practices. A copy of the Commission's news release is available from

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(Name of Respondent)

upon request. Your attention is directed to an agreement between the Federal Trade Commission and the Federal Communications Commission dated April 27, 1972.

13. Failing to maintain for a period of three (3) years after any advertisements are disseminated, records disclosing:

(a) The date or dates each advertisement was published; and

(b) The name and address of the advertising agencies and the newspapers, other publications or broadcast media disseminating said advertisement.

14. Advertising, offering for sale, selling or distributing any carpeting or floor coverings using a unit of measurement which tends to exaggerate the size or quantity of carpet or floor coverings being offered by respondent.

15. Failing to maintain and produce for inspection and copying for a period of three (3) years following the date of execution of any contract or other binding instrument, the contract or other binding instrument and adequate records which disclose the facts upon which the cost of carpeting, installation and padding as set forth in paragraph 9 is based and from which the validity of such cost can be determined.

It is further ordered, That respondent forthwith cease and desist from:

(a) Including in any contract, binding instrument or other document any waiver, limitation or condition on the rights of customers or prospective customers under this order.

(b) Misrepresenting the rights of a customer or prospective customer under this order.

II

It is further ordered, That respondent James Neece, individually and trading and doing business as Carpet Showcase, or under any other trade name or names, his successors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit or advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote or assist directly or indirectly any credit sale or other extension of consumer credit, other than open end credit, which advertisement represents, directly or by implication:

(a) That no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d) (2) of Regulation Z:

(1) the cash price or the amount of the loan, as applicable;

(2) the amount of the downpayment required or that no downpayment is required, as applicable;

(3) the number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(4) the amount of the finance charge expressed as an annual percentage rate; and

(5) the deferred payment price or the total of payments, as applicable.

2. Representing in any advertisement, directly or by implication, that no downpayment or that a specified downpayment will be accepted in connection with any extension of credit, unless the creditor usually and customarily accepts or will accept downpayments in that amount as required by § 226.10(a) (2) of Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with Section 226.4 and Section 226.5 of Regulation Z, in the manner, form and amount required by Sections 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

4. Failing to preserve evidence of compliance with the requirements imposed under Regulation Z, other than advertising requirements under Section 226.10, for a period of not less than 2 years after the date each disclosure is required to be made and to make available all records and evidence of compliance regarding Regulation Z to the Federal Trade Commission or its staff on request.

III

It is further ordered, That respondent James Neece, individually and trading and doing business as Carpet Showcase, or under any other trade name or names, his successors and assigns, and respondent's agents, representatives, and employees, directly or through any corporate, subsidiary, division, or other device, in connection with the introduction, delivery for introduction, sale, advertising, and offering for sale in commerce and in the transportation or causing to be transported in commerce, of any textile fiber product including any carpeting and floor coverings; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. Misbranding such textile fiber products by failing to affix a stamp, tag, label or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act; or as an alternative to the foregoing, where properly labeled samples, switches, or specimens are used to effect the sale of articles of carpeting or floor covering or other household textile articles which are manufactured specifically for a particular customer after the sale is consummated, and such articles of carpeting or floor covering or other household textile articles are of the same fiber content as the samples, swatches or specimens from which the sale was effected, failing to provide an invoice or other paper to accompany them showing the information otherwise required to appear on the label, as allowed by Rule 21(b) of the Rules and Regulations promulgated under the Textile Fiber Products Identification Act, effective March 30, 1960, as amended.

2. Failing to maintain and preserve, as required by Section 6(b) of the Textile Fiber Products Identification Act and by Rule 39 of the Rules and Regulations promulgated thereunder, such records of the fiber content of textile fiber products as will show the information set forth on the stamps, tags, labels or other identification removed by respondent, together with the name or names of the person or persons from whom such textile fiber products were received, when substituting stamps, tags, labels or other identification pursuant to Section 5(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondent make no representations or engage in any course of conduct which is inconsistent with or detracts from the effectiveness of this order.

It is further ordered: 1. That respondent deliver, by hand, a copy of this order to each of his present or future salesmen, independent contractors, sales agents, employees or any other person who sells or promotes the sale of respondent's product or service.

2. That respondent provide each person so described in sub-paragraph 1 above with a form returnable to respondent, fully stating an intention to be bound by and conform their sales practices to the requirements of this order and retain such form for a period of three (3) years after it is executed by said persons;

3. That respondent inform each person described in subparagraph 1 above that respondent shall not use any such person, or the services of any such person, until such person agrees to and files notice with respondent to be bound by the provisions contained in this order;

4. That in the event such person will not agree to file such notice with respondent and be bound by the provisions of this order, respondent will not use such person, or the services of such person;

5. That respondent institute a program of continuing surveillance adequate to reveal whether the sales practices of each of said persons described in subparagraph 1 conform to the requirements of this order; and

6. That respondent discontinue dealing with any person described in sub-paragraph 1 of this order who engages in acts or practices prohibited by this order.

It is further ordered, That the respondent shall forthwith deliver a copy of this order to cease and desist to all present and future parties employed or utilized by respondent engaged in the arranging or consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising and that respondent secure a signed statement from each such party that he has read and understands such order. Such statement shall be retained for at least three (3) years and made available to the Federal Trade Commission or its staff upon request.

It is further ordered, That respondent, upon receipt of a complaint from a customer alleging facts that indicate this order may have been violated refund all monies paid by such customer where respondent determines, after a good faith investigation, that one or more paragraphs of this order may have been violated in connection with such customer's transaction with respondent. This paragraph shall not apply to transactions prior to the date this order became final. Respondent shall not engage in any course of conduct which contravenes the refund rights of any customers provided by this order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in his business organization such as dissolution, assignment or sale or transfer of all or a substantial part of the business or assets to any other person, partnership or corporation, or any other change in the business organization which may affect compliance obligations arising out of the order.

It is further ordered, That in the event the Federal Trade Commission promulgates a Trade Regulation Rule applicable to respondent that this order shall be deemed modified to the extent it contravenes said Rule.

It is further ordered, That the respondent named herein promptly notify the Commission of discontinuance of any business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon him of this Order, file with the Commission a report, in writing, setting forth in detail the matter and form in which he has complied with this Order.

The Decision and Order was issued by the Commission October 3, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-30539 Filed 11-12-75;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1512—REQUIREMENTS FOR BICYCLES

Bicycle Safety Regulations

The purpose of this document is to amend provisions of the bicycle safety regulations (16 CFR Part 1512) pertaining to sharp edges, protrusions, control cable abrasion, attachment hardware, brakes for bicycles and sidewalk bicycles, projections, tires, locking devices on wheels, frames, reflectors, toe clips, and toe clearance.

BACKGROUND

The bicycle regulations were proposed by the Commissioner of Food and Drugs in the FEDERAL REGISTER of May 10, 1973 (38 FR 12300), under provisions of the

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Federal Hazardous Substances Act (15 U.S.C. 1261–74) and a delegation of authority from the Secretary of Health, Education, and Welfare (21 CFR 2.120).

On May 14, 1973, the authority to issue regulations under the Federal Hazardous Substances Act was transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (86 Stat. 1231; 15 U.S.C. 2079(a)).

In the FEDERAL REGISTER of July 16, 1974 (39 FR 26100), the Commission promulgated 16 CFR Part 1512, a regulation prescribing safety requirements for bicycles, and 16 CFR 1500.18(a)(12), a regulation classifying certain bicycles as banned toys or articles intended for use by children. The promulgation of July 16, 1974, bore an effective date of January 1, 1975, which, as is explained below, was suspended on December 16, 1974.

Introduction or receipt in interstate commerce of any banned toy or article intended for use by children is prohibited by section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263). Section 6 of the act (15 U.S.C. 1265) authorizes seizure of any such toy or article introduced into interstate commerce, and section 15 of the act (15 U.S.C. 1274) and a regulation promulgated thereunder (16 CFR 1500.202) require repurchase of any banned toy or other article intended for use by children that is introduced into interstate commerce.

Also in the FEDERAL REGISTER of July 16, 1974 (39 FR 26113), the Commission proposed to add to the bicycle regulations a provision (§ 1512.19(d)) requiring bicycle compliance labeling as is explained in more detail below.

REACTION TO PROMULGATION

After promulgation of the bicycle regulations on July 16, 1974, the Commission received more than 50 written communications thereon. Several of these stated that the effective date would not allow adequate time for redesign, retooling, testing, and production of complying bicycles and requested extension of the effective date. Others objected to various provisions of the regulations and requested a public hearing under 16 CFR 1500.201. After consideration of these communications, the Commission concluded that 16 CFR 1500.201 was not applicable to the bicycle regulations and that it would treat these communications as petitions to amend the regulations. Although the Commission determined that a public hearing in accordance with 16 CFR 1500.201 was not required, it directed its staff to conduct a public meeting with all interested parties to receive information relevant to the petitions for amendment of the regulations.

After notice of the meeting was published in the FEDERAL REGISTER on September 3, 1974 (39 FR 31943), members of the Commission staff met with interested parties on September 9 and 10, 1974. Copies of all petitions concerning the bicycle regulations received after July 16, 1974, and a transcript of the presentations made at the public meeting are available for inspection in the Office of the Secretary, 10th Floor, 1750 K Street, NW., Washington, D.C.

EFFECTIVE DATE SUSPENSION; NEW PROPOSALS

In the FEDERAL REGISTER of December 16, 1974 (39 FR 43536), the Commission published an order suspending the effective date of the bicycle regulations until further notice. On January 7, 1975 (40 FR 1493), the Commission proposed a new effective date for the regulations and proposed amendments to § 1512.5 (c)(3), footbrake crank differential; § 1512.6(e), requirements for handlebar and clamps; § 1512.9(a), requirements for chain guard; § 1512.18(h)(1), handlebar stem-to-fork clamp test; and § 1512.19(e), instructions and labeling. Interested parties were invited to submit comments on the proposal by February 6, 1975. The proposed new effective date was May 1, 1975, or 120 days after publication in the FEDERAL REGISTER of a document acting on the proposal of January 7, 1975, whichever occured later.

On January 16 and 24, 1975, members of the Commission staff attended public meetings with manufacturers of bicycles and components, and other interested parties, to discuss various petitioned changes in the regulations that were not included in the proposal of January 7, 1975. Additional public meetings on the same subject were conducted on February 3 and 19, March 19, and April 22, 1975.

Published elsewhere in this issue of the FEDERAL REGISTER is a document that establishes May 11, 1976, except for §§ 1512.5(c)(3), 1512.9(a), 1512.18(e) and 1512.18(f) which become effective November 13, 1976, as the effective date for the bicycle banning and safety regulations as amended by that document and by this document and that announces the Commission's final action on amendments to Part 1512 that were proposed on July 16, 1974, and on January 7, 1975.

RESPONSE TO THE PROPOSAL OF JUNE 16, 1975

In the FEDERAL REGISTER of June 16, 1975 (40 FR 25480), the Commission published a notice to respond to petitions for amendment or interpretation of various sections of the regulations and to propose for comment certain provisions pertaining to sharp edges, protrusions, control cable abrasion, attachment hardware, brakes for bicycles and sidewalk bicycles, projections, tires, locking devices on wheels, frames, reflectors, toe clips, and toe clearance.

In response, the Commission received comments from seven bicycle manufacturers, five associations of bicycle manufacturers, nine manufacturers of bicycle components, an association of manufacturers of bicycle components, a chemical company, an individual consumer, a vehicle inspection association of a foreign government, a consumer group, a State government agency, and an international voluntary standard-setting organization. Some of the comments received raised issues relating to points previously settled and not proposed for comment in the proposal. Those comments are being noted but are not being responded to below. The principal issues raised by the balance of the comments and the Commission's decisions thereon are as follows:

I. *Sharp edges.* Proposed § 1512.4(b) requires that bicycles have no unfinished sheared metal edges or sharp parts that are, or may be, exposed to hands or legs and further requires that sheared metal edges that are not rolled be finished to remove "any feathering of edges, or any burrs or spurs caused during the shearing process." As promulgated on July 16, 1974, § 1512.4(b) included a reference to the word "beveling" in describing the type of "edges" it was intended to prohibit. This term was deleted from proposed § 1512.4(b) as being contradictory and unnecessary.

A bicycle manufacturer and a manufacturer of parts requests that the terms "unfinished sheared metal edges" and "sharp parts" be clearly defined to provide an objective criteria by which they can be guided. One suggests that sharp edges be defined in terms of condition and accessibility.

Similar comments were received previously and responded to by the Commission in the preamble of the proposal of June 16, 1975. The Commission again concludes that the terms "unfinished sheared metal edges" and "sharp parts" are sufficiently clear in meaning as used in the regulation. Accordingly, definitions have not been added.

II. *Protrusions.* A revision of § 1512.4 (e), which prohibits certain protrusions on bicycles, was proposed to remove a redundant exemption; to add an illustration of examples of some prohibited and some acceptable protrusions; and to extend application of § 1512.4(e) to capped exposed protrusions.

A. *Deleted language.* An association of bicycle manufacturers questions the Commission's action in deleting from the June 16, 1975 proposal the language which exempted from coverage "protrusions having ends within 25 mm (1.0 in) of an adjacent surface that do not project more than 7.9 mm (5/16 in) beyond the surface or that cannot come in contact with the surface of the cylinder specified * * *." It was their understanding that no danger was posed by having a protrusion within one inch of an adjacent surface, irrespective of the length of the protrusion.

The proposed deletion was explained in the preamble of June 16, 1975, document, but further explanation is needed. The "exposed protrusion test" set forth in proposed § 1512.18(b) requires the use of a cylinder of 83 mm (3¼ in) diameter and 254 mm (10 in) length to locate a protrusion. The dimensions and cylindrical configuration of this instrument will operate against a finding that a protrusion located within an inch of an adjacent surface is a prohibited "exposed protrusion." Thus, the language set forth above was removed from the regulation because it was considered redundant and deemed unnecessary. The Commission maintains this opinion and § 1512.4(e) remains unchanged.

B. *Figure 4.* A manufacturer of bicycle parts requests that proposed figure 4, entitled "Typical Protrusion Examples," be expanded to include additional examples of both acceptable and unacceptable protrusions.

Since there are an infinite number of protrusion examples that can be found, the Commission considers figure 4 an adequate illustration and declines to make the requested change.

C. *Set screws in sidewalk bicycles.* A manufacturer of bicycles requests that set screws of the type used in attaching handlebars and seats to sidewalk bicycles be exempted from § 1512.4(e), because such screws do not meet the "exposed protrusion test" of § 1512.18(b) but, at the same time, are not located in an area that would create a hazard to a rider of a sidewalk bicycle.

The Commission concludes that any protrusion that fails to meet the requirements of § 1512.18(b) and § 1512.4(e) poses an unreasonable risk of injury and should be prohibited. Accordingly, the regulation has not been changed to exempt the set screws.

III. *Excluded area.* Section 1512.4(g) prohibits the presence of any projections within a specified zone located between the handlebars and the seat. The proposed revision of § 1512.4(g) changes the boundaries of the zone where projections are prohibited, allows the presence of control cables and attaching clamps within this zone, and provides specifically for application of § 1512.4(g) to both male and female model bicycles.

A. *Boundary lines.* 1. A manufacturer of bicycle parts and an association of bicycle manufacturers state that the boundary line specified in proposed § 1512.4(g)(2), which is described as "a line tangent to the front tip of the seat and intersecting the seat mast at the top rear stay," imposes an unwarranted design restriction. They contend there is no safety reason to include in the "excluded area" any protrusions in the area directly beneath the seat—an area not exposed to the rider in the normal riding position. They suggest that the specified rear boundary be changed to a vertical line that is tangent to the front tip of the seat. At the very least, they suggest that the loop of the brake cable and the small ridge caused by the seat lug be exempted from the prohibition of protrusions in the excluded area.

The Commission finds that changing the boundary line to a vertical or perpendicular line tangent to the front tip of the seat as suggested would permit manufacturers to attach numerous kinds of hardware under the bicycle seat. This hardware, especially with the seat in a raised position, could contact the rider's buttocks while the rider straddled the bicycle in a standing position or during an accident. This potential injury hazard is intensified on femal-model and take-apart or folding bicycles. Further, it should be noted that seat lugs or cables located under the seat are not considered "exposed protrusions" under §§ 1512.4 (e) and (g) and 1512.18(b).

Accordingly, the Commission declines to make the change suggested by these commenters.

2. The same association questions the delineation of the "excluded area" for female bicycles in proposed § 1512.4(e). Specifically, the association questions specifying the down tube nearest the rider as one of the four boundaries, contending that since the rear brake on female model bicycles is customarily located at a height above that of the lower reach of the down tube, the control cable will inevitably pass through the proposed excluded area. In addition, the front sprocket and the chain guard on female bicycles with only one lower tube would always fall within the excluded area thereby possibly resulting, they argue, with a prohibited protrusion falling within the excluded area.

The association suggests that the demarcation of the excluded area for single down-tube female-model bicycles not be the entire down tube, but rather a line parallel to the ground and located at a point two-thirds of the distance from the ground to the uppermost portion of the seat in its lowest position. The association states that to do otherwise will discourage the manufacture and use of such models specifically designed for the convenience and safety of female riders who want to ride while wearing medium or longer length skirts.

A staff review of the available 1975 bicycle manufacturers' literature indicates that single down-tube female-model bicycles are no longer in use. Therefore, the Commission believes the comment is academic and there is no need to change the requirement.

B. *Cable clamps.* A manufacturer of bicycle parts states that to comply with the "sharp edges" requirement of § 1512.4 they have designed a cable clamp made from plastic rather than the metal which they have been using. The clamp is sturdy and without sharp edges, but had to be made 3.7 mm (0.15 in) thick to be of acceptable strength. Thus, the clamp exceeds the maximum thickness specification 1.6 mm (1/16 in) of proposed § 1512.4(g). The manufacturer requests that a separate thickness limit be added for plastic cable clamps.

The Commission concludes that a thicker clamp should be permitted and that it would not pose any additional risk of injury to the consumer. As promulgated below, § 1512.4(g) has been changed to permit use of cable clamps up to 4.8 mm (3/16 in) thick.

IV. *Screw length.* Section 1512.4(h) limits the length that a screw may extend beyond the nut or other threaded fastener to which it attaches. The proposed revision of § 1512.4(h) provides that adjusting-type screws otherwise complying with the exposed protrusion requirements of § 1512.4(e) and § 1512.18 (b) may be used on the bicycle where such screws are not exposed to the cyclist in normal riding position.

Two bicycle manufacturers and a manufacturer of bicycle parts note that the proposed provision makes special allowance for adjusting-type screws and request similar provision for any screws that have no threaded ends exposed to the cyclist's body in normal riding position.

One of the manufacturers requests such provision for brake arm fastening screws. Although these screws project beyond the allowable limits of the Regulation, they are located below the lower frame member and are hidden behind the brake arm and therefore, in their view, pose no hazard to the rider.

The Commission recognizes that there are other types of screws or usages of screws on the bicycle that would not injure the cyclist while riding or maintaining the bicycle. Accordingly, the revision of § 1512.4(h)(2) below also limits its coverage to those screws that fail the "exposed protrusion test" specified in § 1512.18(b) and fail to meet the "sharp edge" requirements of § 1512.4(b).

V. *Braking performance.* Sections 1512.5 (c)(1) and (d) and 1512.18 (d)(2)(vi) and (e)(3) require that the braking system of a bicycle be capable of stopping the bicycle within 4.57 mm (15 ft) when the bicycle is traveling at either 16 km/h (10 mph) or 24 km/h (15 mph), depending on the highest gear ratio available on the bicycle. The proposed revisions of §§ 1512.5 (c)(1) and (d) and 1512.18 (d)(2)(vi) and (e)(3) add a footnote to each which relates the concept of equivalent ground speed, as used in Part 1512 applicable to brake performance, to the concept of gear development in the proposed ISO bicycle standard. (ISO is the International Organization for Standardization, Geneva, Switzerland, an international voluntary standard-setting organization.)

On the subject of the test to be used to determine bicycle braking distance and on the prescribed distance itself, comments were received from three bicycle manufacturers, five associations of bicycle manufacturers, a manufacturer of bicycle parts, and the ISO.

They state that the Commission apparently ignored the numerous technical documents of analyses and test data previously submitted by them and by the ISO. Two officials of the ISO suggest that the Commission review again the ISO test data and reconsider the merits of the June 16, 1975, CPSC proposal regarding braking testing and distance.

On the subject of test procedure for determining the braking distance of a bicycle speed, equipment weight, brake for rider weight (at least 68.1 kg (150 lb); not changed in the proposal) as prescribed in § 1512.5 (b)(1), (c)(1), and (d) is not sufficient when performing the bicycle braking test. They state that additional allowances should be made for other variables such as rider skill, bicycle speed, equipment weight, brake synchronization, test track conditions, wind velocity, etc.

On the subject of the maximum allowable stopping distance, the commenters urge adoption of the ISO braking

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specification of five test runs and a 5.5 m 18 ft) stopping distance, with various test instructions and correction factors. They state that these ISO specifications will result in a smooth, safe stop without the pitchover problems that they claim will occur with the shorter stopping distance proposed by the Commission.

Finally, several commenters question the results of the braking tests performed at the University of Iowa, which were heavily relied on by the Commission in deciding on a safe stopping distance for bicycles, in view of the variance of those results from the results of the tests performed by the ISO and its members.

The Commission observes that the analyses and test data submitted by the bicycle manufacturers and ISO have not been ignored. As was stated at the public meetings, the Commission has been reviewing all of the data, performing a detailed error analysis on braking, and performing additional bicycle braking tests of its own at the National Bureau of Standards (NBS) to supplement the University of Iowa tests. The final reports of the Commission's braking tests and the error analysis were not completed until very recently. A discussion of the results could therefore not be included in the June 16, 1975, proposal.

The Commission's error analysis on bicycle braking considered all variables, including those mentioned by the manufacturers. Comparisons were made of all test methods and data submitted by the manufacturers and the ISO with the Commission's test methods and data. The results of the error analysis show that:

1. The present rider weight allowance exceeds the recommended value by approximately 66 percent (this excess allowance can also be used to accommodate the necessary test equipment);

2. A smooth test surface free from protruding aggregate that will provide a coefficient of friction of less than 1.0 should be used;

3. Four test runs, two in each direction, should be required to cancel the effects of wind and pavement grading;

4. The results of the four test runs should be averaged to arrive at the required stopping distance;

5. The starting point for the measurement of stopping distance should be the point corresponding to the location of the bicycle at the instant the first brake-lever actuation begins;

6. The bicycle must be moving in a straight line at the start of brake application;

7. Velocity corrections at the initiation of braking should be made; and

8. The test run is invalid if front wheel lockup occurs.

Considering the above test conditions and corrections, Commission representatives tested 13 bicycles, in addition to the 9 tested at the University of Iowa, resulting in 80 percent of the bicycles meeting the 4.57 m (15 ft) stopping distance requirement.

Regarding the commenter's claim that a stopping distance of 4.57 m (15 ft) is unsafe and will cause the rider to be thrown over the front of the bicycle the Commission has convincing evidence to the contrary. In April 1970, the National Commission on Product Safety contracted the Cornell Aeronautical Laboratory to conduct a study on stability and performance of bicycles. The report of the study, entitled "An Evaluation of the Performance and Handling Qualities of Bicycles," states that in over 200 hard braking stops made during the test program, no instance of pitchover (or even lifting of the rear wheel) occurred when the rider remained seated throughout the braking period. Both conventional and high-rise bicycles were used in the tests. Also, the University of Iowa had no apparent pitchover problems during their testing.

In the approximately 90 test runs performed at NBS, the incidence of pitchover was less than 9 percent. These incidents, however, are attributable to the fact that bicycles with better than average brakes were tested on a surface with a coefficient of friction substantially greater than recommended, which is a coefficient of friction of less than 1.0. The Commission has prepared and will utilize a test procedure that shows the test methods, test equipment, corrections, and allowances used by NBS in performing the braking tests. Permissible corrections in addition to those used by NBS are also given. Manufacturers should be aware that other test methods, hardware, and equipment exist that could be used to perform the stopping distance tests and that they are free to use them. The corrections and allowances included in the test procedure, however, will be used by Commission staff.

The Commission concludes that the stopping distance of 4.57 m (15 ft) is safe and can be reasonably met by bicycle manufacturers utilizing the allowances for variables mentioned above. Accordingly, the suggested changes have not been made in the amendments of §§ 1512.5 and 1512.18 promulgated below. A revision of the performance test procedure in § 1512.18(d)(2)(v) has been added, however, to set forth the allowances for variables.

VI. *Handbrake grip dimension.* Section 1512.5(b)(3) precribes the maximum limit for the distance between the hand lever and the handlebars of bicycles equipped with handbrakes. The proposed revision of § 1512.5(b)(3) clarifies the measurement of points for determining compliance with such maximum grip dimension and adds a figure 5 to illustrate the measurements and the points of measurement.

An association of bicycle manufacturers and a manufacturer of bicycle parts object to the inclusion of auxiliary or extension hand levers by virtue of § 1512.5(b)(a) in the 89 mm (3½ in) maximum grip dimension requirement of § 1512.5(b)(3). In support of this comment they state that hand lever extensions are gripped differently than hand levers in that when gripping a hand lever extension (1) the rider normally is sitting more upright with less forward-leaning pressure than when gripping a hand lever and (2) the rider grips the handlebars with the thumb and not toward the center of the palm as is the case when gripping a hand lever. Thus, these factors combine to enable greater spread of the hand when gripping a hand lever extension—the spread is enlarged by at least 12.7 mm (½ in). Accordingly, they contend that a rider, whether a man, woman, or child, who can grip a primary hand lever with a 89 mm (3½ in) grip dimension can also comfortably grip a hand lever extension having a 102 mm (4 in) grip dimension.

The anthropometric data for women and children indicate that an 89 mm (3½ in) dimension is a reasonable grip for hand levers and hand lever extensions on bicycles equipped with hardware of this type. The Commission concludes that it is unreasonable to assume that all riders will grip a hand lever extension in a like manner and therefore it would be unsafe to require a greater grip dimension for extension levers than for primary hand levers.

VII. *Brake assembly attachment.* Section 1512.5(b)(4) prescribes that brake assemblies shall be securely attached to the frame of a bicycle "by means of a locking device such as a lock washer and locknut or equivalent." In the proposed revision of § 1512.5(b)(4), the above-quoted provision reads "by means of fasteners with locking devices such as a lock washer, locknut, or equivalent" and thereby drops the requirement that both a washer and locknut or equivalent be used to secure the brake assemblies to the frame of the bicycle.

A bicycle manufacturer states that this provision is still unclear as to whether locknuts or washers are required on the brake lever attaching brackets or are required only on the caliper assemblies that attach directly to the frame.

The Commission concludes that the term "brake assemblies" as used in proposed § 1512.5(b)(4) is sufficiently clear and includes all brake components such as brake lever attaching brackets and caliper assemblies. Accordingly, § 1512.5(b)(4) is adopted below as proposed.

VIII. *Tires.* Section 1512.10 specifies that the manufacturer's recommended inflation pressure shall be molded into or onto the sidewall of the tire and that the wheel-mounted tire shall be tested in accordance with § 1512.18(j). Tubular sew-up tires are exempt from § 1512.10 because they have sidewalls made of fabric precluding such molding and nonpneumatic tires are exempt because they cannot be inflated.

The proposed revision of § 1512.10 adds a requirement that the manufacturer mold the recommended inflation pressure into or onto the sidewall of the tire using the statement "INFLATE TO _____ PSI".

Ten comments were received on this proposed revision. A tire manufacturer supports the revision. Three bicycle

manufacturers, two associations of bicycle manufacturers, two tire manufacturers, an association of tire manufacturers, and a foreign government's vehicle inspection agency agree with the idea of labeling tires with recommended tire pressure but oppose requiring specific language in such labeling. The general contention is that requiring such specific language is not safety-related and, in view of the expense involved, is unreasonable. They prefer to be allowed to choose their own wording for such labeling.

The Commission has carefully considered these comments and although it prefers that a standard, intelligible form of labeling be used it concludes that some latitude should be given to manufacturers in selecting their own labeling, within reason. Accordingly, as promulgated below, § 1512.10 allows the use of any intelligible labeling provided that it is written in the English language and utilizes Arabic numbers. The regulation sets forth the labeling statement "INFLATE TO _____ PSI" as the preferred but not mandatory method of labeling.

IX. *Wheel hub locking devices.* Section 1512.12(a) specifies that each wheel of a bicycle shall be secured to the frame with a positive locking device and that locking nuts on threaded axles shall require rotation of at least 180° from finger-tight condition to full tightness.

To make the regulation more specific and to allow for design variations as to axle-thread pitch, frames, hubs, and other components, the proposed revision of § 1512.12(a) requires locking nuts on threaded axles to be tightened to the manufacturer's specifications; specifies that the rear axle shall be pulled with a force of 1,780 N (400 lbf) in the direction of rear wheel removal without any relative motion between the axle and the frame; and specifies that the front-wheel locking device shall withstand applications of a torque in the direction of removal of 17 N-m (12.5 ft-lb).

A. Two bicycle manufacturers and two associations of bicycle manufacturers state that the front-wheel removal torque requirement of proposed § 1512.12(a)(2) is unnecessary and unreasonable in that it is not safety-related. One manufacturer states that in its experience nut loosening has never been a problem with respect to front wheels.

The Commission's Hazard Analysis for Bicycles, dated July 1973, lists several cases where a bicycle's front wheel separated from the front fork causing severe injuries to the rider. There are more such cases in the 1,060 NEISS in-depth investigation reports. The Commission considers the cases cited above ample justification to require that front-wheel fasteners, except for quick-release devices, be torqued. Accordingly, the torque requirement is adopted below as proposed.

B. The same four commenters state that the high removal torque requirement of proposed § 1512.12(a)(2) cannot be met using existing technology and may even create problems by causing the front axle to become overstressed and document that proposed the subject revisions, the Commission observed (40 FR thereby cause axle failure. Limited supportive test data were submitted. They request that the proposed removal torque requirement be changed from 17 N-m (12.5 ft-lb) to 10 N-m (7.38 ft-lb).

The Commission has reviewed the submitted test data and conducted additional tests on 10 different bicycles. The tests were performed on each bicycle at least four times and the results were consistent. The tightening torque ranged from 20.4 to 25 N-m (15 to 18 ft-lb), while the removal torque remained at 17.7 N-m (13 ft-lb). Several axles were torqued until the threads were stripped, and the lowest torque that caused the threads to strip was 30 N-m (22 ft-lb). The axles with the stripped threads were examined further and found to be of similar average Rockwell B hardness and tensile strength.

The Commission therefore concludes that the proposed torque requirement, 17 N-m (12.5 ft-lb), which is adopted below, is necessary to provide a sufficient safety margin against stripping axle threads or other damage and for maintaining wheel retention integrity.

C. One of the manufacturers and one of the associations state that proposed § 1512.12(a)(2) and promulgated § 1512.12(c) are redundant because the latter requires a positive retention feature to insure that when the locking devices are released the wheel will not separate from the fork.

The Commission agrees that positive retention devices do provide some protection against the front wheel coming off of the axle; however, these devices are usually at right angles to the frame and the retention component of some of the devices is sometimes short in length. Thus, the rider has little advance warning that the bicycle wheel is loose.

Accordingly, the Commission declines to eliminate either requirement.

4. A manufacturer of bicycle parts questions the reasonableness of requiring the front-wheel locking device to withstand a tightening torque twice as great as that required of the rear-wheel locking device. The manufacturer requests that the less stringent torque specified in proposed § 1512.12(a)(1) be substituted for the more stringent requirement specified in proposed § 1512.12(a)(2).

The Commission concludes that a front wheel is far more likely to accidentally come off than a rear wheel and that the potential cyclist injury therefrom is more serious. Accordingly, the requested change has not been made.

X. *Frame strength.* Section 1512.14 requires the bicycle fork and frame to be tested for strength in accordance with the frame test prescribed by § 1512.18(k)(2). For consistency with § 1512.18(k)(2) and to insure the ductility characteristics of the fork tubes, the proposed revision of § 1512.14 changes the test requirements from "at least 39.5 J (350 in-lb) of energy" to "a load of 890 N (200 lbf) or at least 39.5 J (350 in-lb) of energy, whichever results in the greater force,".

In the preamble of the June 16, 1975, 25484) that §§ 1512.14 and 1512.18(k)(2) did not specify the manner by which the frame is to be held during the frame test. The Commission concluded that any type of rigidly constructed fixture would be suitable for holding the frame during the frame test. Such a fixture could be adjustable to accommodate frames of various sizes and should support the bicycle frame at the front axle and at the intersection of the rear frame and axle. The load is applied in a direction opposite to the fork rake and measurements are taken of the loads and the deflections. Accordingly, the Commission proposed a revision to § 1512.18(k)(2) to specify the way that the frame should be supported during the test.

A manufacturer suggests that since this section calls for the use of a fork and frame assembly to be tested as a unit, the titles for § 1512.14 and § 1512.18(k)(2) should be changed to read accordingly.

The Commission agrees and the titles of those regulations as promulgated below have been so changed.

XI. *Requirements for front and rear reflectors.* Section 1512.16 requires that a bicycle be equipped with a front reflector, a rear reflector, reflectors on both the front and rear pedal surfaces, and either side reflectors or retroreflective tires.

The proposed revision of the introductory text of § 1512.16 permits the use of combinations of reflectors off of the center plane of the bicycle if each reflector meets the requirements of § 1512.16 and §§ 1512.18 (m) and (n) and the combination of reflectors has a clear field of view of ±10° vertically and ±50° horizontally.

The proposed revision 1512.16 (c) and (d) specifies that front and rear reflectors, or the mounts for those reflectors, shall incorporate a distinct, preferred assembly method that shall insure those reflectors meet the optical requirements, respectively, of § 1512.16 (c) and (d) when attached to the bicycle. The proposed revision of § 1512.16 (c) and (d) deletes the manner of applying the force specified to assure reflector alignment and prescribes that the front and rear reflectors shall be tested in accordance with the "reflector mount and alignment test" of § 1512.18(m).

A. A reflector manufacturer requests that the proposed introductory text of § 1512.16 that permits use of a combination of reflectors only when each reflector meets the requirements of §§ 1512.16 and 1512.18 (m) and (n) and the combination has a clear field of view of ±10° vertically and ±50° horizontally be changed by removing the requirement for the specified clear field of view and by adding a provision that each reflector shall meet the requirements of §§ 1512.16 and 1512.18 (m) and (n) when mounted on the bicycle.

The Commission finds that reflectors could be located on a bicycle in such a way that each individual reflector while meeting the requirements of §§ 1512.16 and 1512.18 (m) and (n) could still become obscured by parts of the bicycle when viewed by a motorist.

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The Commission concludes that a combination of reflectors cannot provide adequate visibility unless each reflector in that combination is positioned in such a manner that it is not covered or obscured by any other part of the bicycle. Accordingly, the requested change has not been made.

B. Another reflector manufacturer states that previous correspondence with the Commission indicated that the intent of §§ 1512.16 (c) and (d) is to provide for a continuous uninterrupted signal from the front and rear reflectors. The manufacturer requests that paragraphs (c) and (d) be changed to specifically express this intent.

The Commission's desired objective in proposing §§ 1512.16 (c) and (d) is to provide as nearly a continuous flow of illumination as is physically possible. The Commission concludes that it is realistically meeting this objective by specifying the orientation of the optical axis and the photometric requirements and not the physical implementation of the reflector. In the Commission's judgment the ±5° requirement does not prohibit the use of fixed reflectors that are mounted on the bicycle at various angles.

Accordingly, the requested change has not been made. The revisions of § 1512.16 are promulgated below as proposed.

XII. *Footbrake force test.* Section 1512.18(e)(2) prescribes a footbrake force test requiring that the brake be capable of producing a brake force that is linearly proportional (within 20 percent) when a force ranging from 89 N to 310 N (20 to 70 lbf) is gradually applied to the pedal and requiring that the brake force be not less than 180 N (41 lbf) when 310 N (70 lbf) is applied to the brake pedal.

The proposed revision of § 1512.18(e)(2) clarifies the test by specifying that the measurement of braking force shall be taken after completion of one-half revolution and before completion of one revolution of the wheel instead of after one-half to one revolution of the wheel.

A. A brake manufacturer contends there is confusion concerning methods used to perform the brake force test and suggests certain changes in proposed § 1512.18(e)(2) to provide specific test method and equipment requirements.

Proposed § 1512.18(e)(2) contains a typical general methods for performing the force test. The Commission concludes that § 1512.18(e)(2) should provide brake performance guidelines to be met without limiting manufacturers to a detailed test procedure. Accordingly, the suggested changes have not been made.

B. The same manufacturer suggests requiring the brake force and the crank differential tests to be performed after six to ten braking and driving applications so as to obtain the most realistic results, since changes occur in the braking device after use.

The Commission notes that when a consumer purchases a bicycle, it is received in the "as delivered" condition, namely, without any break-in period for the brakes. Therefore, in order for the Commission to assure that the bicycle brakes are safely operable at the time of sale, they must be tested before a break-in period occurs. Since the present requirements of § 1512.18(e)(2) most nearly simulate the brakes at time of sale, the Commission declines to make the suggested amendment.

C. Another brake manufacturer states that a coaster brake, because of its design, cannot achieve a steady brake force within one-half to one revolution of the rear wheel but could do so at within one to one and one-half revolutions.

The Commission disagrees and concludes that the requirements of proposed § 1512.18(e)(2) in this respect are readily achievable. Accordingly, the requirement has not been modified for coaster brakes.

D. The same manufacturer suggests changing proposed § 1512.18(e) to permit the pedal or crank to be raised 5 degrees and released to simulate the dynamic force in normal application of the brakes.

The Commission finds that this suggestion coupled with that of item C above would require a tolerance increase from ±20 to ±30 percent. Available test data indicate that this suggested change would reduce the reproducibility of the test. Also, the tolerance increase would diminish the stringency of the brake requirements, which could reduce unacceptably the intended level of safety of bicycles.

Accordingly, the suggested change has not been made and the revision of § 1512.18(e)(2) and (3) is promulgated below as proposed.

XIII. *Reflector mount and alignment test.* Section 1512.18(m) specifies in subparagraph (1) the test procedure for reflector alignment and defines in subparagraph (2) the criteria under which a reflector's optical axis is considered to be aligned. The proposed revision of § 1512.18(m)(2) clarifies the criteria.

A. A foreign vehicle inspection association suggests that since § 1512.18(m) applies only to front and rear deflectors, the paragraph heading be changed by adding the words "front and rear."

The Commission acknowledges that presently § 1512.18(m) applies only to front and rear reflector mounts, but to facilitate possible future extension of its application to other reflectors the Commission declines to make the suggested change.

B. A reflector manufacturer suggests that proposed § 1512.18(m) be changed to provide for spring back of the mounting bracket after removal of the test force because some reflector brackets may bend slightly when the force is applied and then return to their original position when it is removed. An association of bicycle manufacturers agrees and adds that manufacturing tolerances for reflector mounting brackets are around 5 degrees, which is considered the bare minimum which can be adhered to under reasonable manufacturing procedures. Unduly heavy reflector mounts would be required to resist movement beyond 5 degrees while under the test load.

The Commission agrees that heavier reflector mounting brackets could result if the 5 degrees requirement is applied during application of the test load. The intent of the regulation is to require a durable reflector and mount that will withstand normal wear and tear and still provide sufficient reflective illumination when encountering the headlights of automotive vehicles under low-light conditions. The Commission concludes that § 1512.18(m)(2) should be changed, in addition to the proposed clarification, to specify two types of performance criteria: one criteria that applies during the test and another that applies after removal of the test load. A 15-degree alignment criteria is specified during the test and the 5-degree alignment criteria for the post-test condition. This should permit sufficient manufacturing tolerances while providing a reflector mounting bracket that does not permanently deform or deflect from normal handling and use.

XIV. *Reflector performance test.* Section 1512.18(n) prescribes the photometric performance test and acceptance criteria for reflectors. Thereafter, the Commission found that the definition of "entrance angle" in § 1512.18(n)(2)(ii) did not wholly correspond with the illustration in figure 3 and in addition, that §§ 1512.18(n)(2) (iv) and (vii) were in need of clarification.

As reproposed on June 16, 1975, the Commission revised § 1512.18(n)(2) (iv) and (vii) and figure 3 to eliminate the contradiction between the definition of "entrance angle" and the illustration thereof in figure 3 and clarified the reflector performance test.

A. *Figure 3.* A vehicle inspection association notes that figure 3 is inconsistent with § 1512.18(n)(2) (i) and (ii) by its labeling of the entrance angle as "negative" and "positive" and suggests that the entrance angle should be changed to "left" and "right" with the left and right of the entrance angle being normal to the direction of the observation angle.

The Commission agrees and figure 3 as promulgated below has been changed. Also, a clarifying revision of § 1512.18(n)(2)(ii) has been added that changes "a line normal to the center of the reflector" in the second sentence to "the optical axis of the reflector" and that adds to the end of the third sentence "when the plane of the observation angle is vertical and the receiver is above the source."

B. Spoke reflectors. A manufacturer of reflective material for bicycle tires, commenting on the requirements of § 1512.18(n)(2)(v), notes that spoke reflectors are included parenthetically within this section. This manufacturer goes on to state that laboratory and field evaluations of several types of presently marketed spoke reflectors meeting the current photometric requirements indicate that the spoke reflectors reveal serious design discrepancies as they rotate with the wheel and are viewed at various entrance angles. Several of these spoke reflectors reflected little or no light in a variety of attitudes.

The manufacturers states that it may be crucial for a slow-moving or stopped bicycle to be seen at intersections or entrances to a roadway and therefore some minimum reflective brightness should be required for spoke reflectors at all rotational positions.

The Commission is aware that the up-down and left-right requirements in tables 1 and 2 for side reflectors do not provide ideal wide-angle spoke reflector performance characteristics. The reflective performance from side reflectors on a slow-moving bicycle is borderline; however, the lack of good reflective performance requirements for side reflectors on a stationary bicycle is a valid issue and will be investigated.

C. *Definition of color section.* 1. A manufacturer suggests that the Commission accept the Society for Automotive Engineers (SAE) and the National Highway Traffic Safety Administration (NHTSA) standards for signal colors rather than establish another set of color standards as proposed in § 1512.18(n)(2)(vii).

The Commission notes that the color boundaries set forth in proposed § 1512.18(n)(2)(vii) are presently being considered by the SAE as new requirements. These color boundary requirements are included in § 1512.18(n)(2)(vii) as promulgated below in anticipation of the proposed SAE change.

2. A vehicle inspection association points out that X and Y coordinate designation in § 1512.18(n)(2)(vii) should be in small letters rather than capital letters since each style conveys an entirely different meaning.

The Commission agrees and § 1512.18(n)(2)(vii) as promulgated below has been so changed.

XV. *Retroreflective tire test.* Section 1512.18(o) specifies the procedures and criteria for testing the retroreflective tire sidewalls allowable in lieu of spoke-mounted reflectors by § 1512.16(h). The proposed revision of § 1512.18(o)(1) and (2)(iii) corrects certain errors therein and changes the last sentence of § 1512.18(o)(2)(iii) to specify that the minimum value of "A" shall be greater than that listed in table 3. The proposed revision of § 1512.18(o)(2)(iv) expresses the criteria in terms of the ratio "A" rather than a reflectance factor "P" or "R".

A. *Paragraph heading.* A vehicle inspection association and a reflector manufacturer suggest that the word "tire" be aded to the heading of paragraph (o) of § 1512.18, making it read "*Retroreflective tire test.*"

This inadvertent omission in the proposal has been restored in the promulgation below.

B. *Apparatus.* A vehicle inspection association suggests deleting from § 1512.18(o)(1) the sentence "Distances shall be measured from the plane of the wheel and the center of the hub," because the next sentence states that for the tests, the distance *D* between the projector and the center of the wheel and distance *d* between the center of the wheel and the receiver shall each be at least 15 m (50 ft).

The Commission finds that the sentence, although somewhat unnecessary, helps to give necessary clarity to § 1512.18(o)(1). Accordingly, it has not been deleted from the promulgation below.

C. *Measurement.* The proposed revision of § 1512.18(o)(1) specifies that arrangements for the reflective intensity measurement shall be as shown in figure 3 of Part 1512. Also, in accordance with the proposed revision of § 1512.18(o)(2)(iii), a negative entrance angle (figure 3 of Part 1512) is specified when the entrance angle is small because the location of the receiver with respect to the direction of illumination becomes important for distinguishing between ordinary mirror-like reflection and retroreflection. The entrance angle θ and the observation angle ϕ shall be in the same plane.

An inspection association states that when the entrance angle is −4° ordinary mirror-like reflection of the reflective surface is reflected at an angle of 8° twice the entrance angle and 40 times as large as the observation angle, which is 0.2°. The association suggests that this is not a good reason for requiring the entrance angle and the observation angle to be in the same plane. The association further states that under actual circumstances, the entrance angle and the observation angle are not in the same plane and that the directions of the two angles should be normal to each other.

The inspection association provided a table of values showing a comparison of the apparent reflective areas between the procedure in proposed § 1512.18(o)(2)(iii) and their recommended procedure. In the light of these values of the area, the requirement that the entrance angle and the observation angle shall be in the same plane has an inconsistency in itself. They therefore request that the procedure be amended so that measurement is made with the directions of ϕ and θ not being in the same direction, but being normal to each other.

The Commission agrees. Accordingly, the schematic diagram depicting arrangements for the test in figure 3 has been revised as promulgated below.

The entrance angle and the observation angle are defined as being in the same plane for convenience. Reflective sheeting manufacturers in the United States were originally set up for making highway signs. Since U.S. sheeting manufacturers generally still measure this way and little error is involved, the entrance and observation angles are defined in the same plane. (See Illuminating Engineering Society-Lighting Standard LS 300–A).

Although it is true that mirror reflections from a reflector at the center of the wheel would be deviated by 8° as the association suggests, the same does not apply to reflections from the tire, which is at a relatively large distance from the center of the wheel. The choice of −4° observation angle was made to minimize the chance of objectionable mirror reflections.

The association's comparison of reflective areas denotes differences of one or two percent between the reduction rate of apparent reflective area of entrance and observation angles. These percentage differences are rather insignificant and, in fact, a one-percent difference is trying the state of the art.

The Commission considers it possible that the sequence of sentences in proposed § 1512.18(o)(2)(iii) has caused some of the confusion. Accordingly, as promulgated below the sixth and seventh sentences of that regulation have been reversed in sequence.

D. *Criteria.* 1. In a letter to the Commission dated September 3, 1974, a tire manufacturer recommended that § 1512.18(o)(2)(iv), including the formula, be deleted. Despite the proposed revision of § 1512.18(o), including partial correction of the formula, the manufacturer continues to urge its deletion, contending that it is superfluous and confusing. The manufacturer states that the formula for the ratio in § 1512.18(o)(2)(iii) adequately establishes the regulated limits and criteria for this property. He further states that § 1512.18(o)(2)(iv) is superfluous and adds nothing to the regulation because the formula for the ratio *A* would apply to entrance angles and observation angles that are not specified in the regulation and do not need to be checked.

The Commission concludes that the requirements of proposed § 1512.18(o)(2)(iv) are necessary to provide a means to define retroreflectance in the case of retroreflective tires. Therefore, in this regard, the Commission considers it to be necessary and declines to make the deletion requested in this comment.

2. Three tire manufacturers state that the equation in proposed § 1512.18(o)(2)(iv) is incorrect in that the symbol in the denominator should be "ϕ" instead of "θ". One manufacturer also states that the lower case "m" should be defined. The Commission agrees and both changes are reflected in § 1512.18(o)(2)(iv) promulgated below.

Miscellaneous Changes

Minor amendments correcting inadvertent errors are set forth below involving §§ 1512.5(c), 1512.8, and 1512.18(j)(3)(i).

Metric Conversion

For purposes of compliance with Part 1512 as amended, where the metric and English units are not equivalent due to the conversion process the less stringent requirement will prevail. This provision is added below to § 1512.3.

Conclusion and Promulgation

Having considered the proposal of June 16, 1975, the comments responding thereto, and other relevant material, the Commission concludes that the bicycle regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262) and under authority

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vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(a)), 16 CFR Part 1512 is amended as follows:

1. In § 1512.4, paragraphs (b), (d), (e), (g), (h), and (j) are revised to read as follows:

§ 1512.4 Mechanical requirements.

. . . . . .

(b) *Sharp edges.* There shall be no unfinished sheared metal edges or other sharp parts on bicycles that are, or may be, exposed to hands or legs; sheared metal edges that are not rolled shall be finished so as to remove any feathering of edges, or any burrs or spurs caused during the shearing process.

. . . . . .

(d) *Attachment hardware.* All screws, bolts, or nuts used to attach or secure components shall not fracture, loosen, or otherwise fail their intended function during the tests required in this part. All threaded hardware shall be of sufficient quality to allow adjustments and maintenance. Recommended quality thread form is specified in Handbook H28, "Screw Thread Standards for Federal Services,"[1] issued by the National Bureau of Standards, Department of Commerce; recommended mechanical properties are specified in ISO Recommendation R898, "Mechanical Properties of Fasteners," and in ISO Recommendations 68, 262, and 263, "General Purpose Screw Threads."[2]

(e) *Protrusions.* The assembled bicycle shall be tested for exposed protrusions in accordance with the exposed protrusion test, § 1512.18(b). There shall be no exposed protrusions that do not have:

(1) The minor end dimension greater than 3.2 mm (⅛ in); and

(2) The major end dimension greater than 12.7 mm (½ in) with radii greater than 6.3 mm (¼ in).

(See figure 4 of this Part 1512 for examples of typical protrusions.) Capped exposed protrusions shall meet the requirements of this paragraph (e).

. . . . . .

(g) *Excluded area.* There shall be no protrusions located within the area bounded by (1) a line 89 mm (3½ in) to the rear of and parallel to the handlebar stem; (2) a line tangent to the front tip of the seat and intersecting the seat mast at the top rear stay; (3) the top surface of the top tube; and (4) a line connecting the front of the seat (when adjusted to its highest position) to the junction where the handlebar is attached to the handlebar stem. The top tube on a female bicycle model shall be the seat mast and the down tube or tubes that are nearest the rider in the normal riding position. Control cables no greater than 6.4 mm (¼ in) in diameter and cable clamps made from material no thicker than 4.8 mm ($\frac{3}{16}$ in) may be attached to the top tube.

(h) *Screw length.* Screw lengths shall be such that the threads of the internally threaded fastener are fully engaged by the screw (or the threads of the internally threaded fastener are engaged for a length of more than one screw diameter). Screw lengths that can come in contact with the test cylinder in § 1512.18 (b) shall be limited to a maximum length of one major diameter of the screw beyond the internally threaded mating member and shall meet the requirements in § 1512.4(b). Screws that are exposed to any part of a rider's body in a normal riding position, however, shall be limited to a 3.2 mm (⅛ in) extension beyond the internally threaded mating member. Adjusting-type screws that meet the exposed protrusion requirements in § 1512.4(e) and that have no threaded ends exposed to a rider's body in the normal riding position are not required to be limited in length to one major diameter.

. . . . . .

(j) *Control cable abrasion.* Control cables shall not abrade over fixed parts and shall enter and exit cable sheaths in a direction in line with the sheath entrance and exist so as to prevent abrading.

2. In § 1512.5, paragraphs (b) (3), (4), and (8), (c) (1) and (2) and (d) are revised to read as follows:

§ 1512.5 Requirements for braking system.

. . . . . .

(b) *Handbrakes.* * * *

(3) *Grip dimension.* The grip dimension (maximum outside dimension between the brake hand lever and the handlebars in the plane containing the centerlines of the handgrip and the hand brake lever) shall not exceed 89 mm (3½ in) at any point between the pivot point of the lever and lever midpoint; the grip dimension for sidewalk bicycles shall not exceed 76 mm (3 in). The grip dimension may increase toward the open end of the lever but shall not increase by more than 12.7 mm (½ in) except for the last 12.7 mm (½ in) of the lever. (See figure 5 of this Part 1512.)

. . . . . .

(4) *Attachment.* Brake assemblies shall be securely attached to the frame by means of fasteners with locking devices such as a lock washer, locknut, or equivalent and shall not loosen during the rocking test, § 1512.18(d)(2)(iii). The cable anchor bolt shall not cut any of the cable strands.

. . . . . .

(8) *Hand lever location.* The rear brake shall be actuated by a control located on the right handlebar and the front brake shall be actuated by a control located on the left handlebar. The left-hand/right-hand locations may be reversed in accordance with an individual customer order. If a single hand lever is used to actuate both front and rear brakes, it shall meet all applicable requirements for hand levers and shall be located on either the right or left handlebar in accordance with the customer's preference.

. . . . . .

(c) *Footbrakes.* * * *

(1) *Stopping distance.* Bicycles equipped with footbrakes (except sidewalk bicycles) shall be tested in accordance with the performance test, § 1512.18 (c)(3), by a rider of at least 68.1 kg (150 lb) weight and shall have a stopping distance of no greater than 4.57 m (15 ft) from an actual test speed of at least 16 km/h (15 mph) (in its highest gear ratio brake only and the equivalent ground speed of the bicycle is in excess of 24 km/h (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute),[3] the stopping distance shall be 4.57 m (15 ft) from an actual test speed of 24 km/h (15 mph) or greater.

(2) *Operating force.* Footbrakes shall be actuated by a force applied to the pedal in a direction opposite to that of the drive force, except where brakes are separate from the drive pedals and the applied force is in the same direction as the drive force.

. . . . . .

(d) *Footbrakes and handbrakes in combination.* Bicycles equipped with footbrakes and handbrakes shall meet all the requirements for footbrakes in § 1512.5(c), including the tests specified. In addition, if the equivalent ground speed of the bicycle is 24 km/h (15 mph) or greater (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute),[3] the actual test speed specified in § 1512.18(e)(3) shall be increased to 24 km/h (15 mph) and both braking systems may be actuated to achieve the required stopping distance of 4.57 m (15 ft).

. . . . . .

3. Also in § 1512.5, the first sentence of paragraph (c) is amended by changing "311 N (70 lbf)" to "310 N (70 lbf)."

4. Section 1512.7(b) is revised to read as follows:

§ 1512.7 Requirements for pedals.

. . . . . .

(b) *Toe clips.* Pedals intended to be used only with toe clips shall have toe clips securely attached to them and need not have tread surfaces. Pedals designed for optional use of toe clips shall have tread surfaces.

. . . . . .

§ 1512.8 [Amended]

5. Section 1512.8 *Requirements for drive chain* is corrected by changing "(1,800 lb)" and "(1,400 lb)" to read "(1,800 lbf)" and "(1,400 lbf)".

[1] Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

[2] Copies may be obtained from: American National Standards Institute, 1430 Broadway, New York, New York 10018.

[3] This is proportional to a gear development greater than 6.57 m (21.9 ft) in the bicycle's highest gear ratio. Gear development is the distance the bicycle travels in meters, in one crank revolution.

6. Section 1512.10 is revised to read as follows:

§ 1512.10 Requirements for tires.

The manufacturer's recommended inflation pressure shall be molded into or onto the sidewall of the tire in lettering no less than 3.2 mm (⅛ in.) in height. The statement of recommended inflation pressure shall be in the English language utilizing Arabic numerals. (The following language is suggested to indicate recommended inflation pressure: "Inflate to ___ PSI.") After inflation to 110 percent of the recommended inflation pressure, the tire shall remain intact on the rim, including while being tested under a load of 2,000 N (450 lbf) in accordance with the rim test, § 1512.18(j). Tubular sew-up tires, nonpneumatic tires, and nonmolded wired-on tires are exempt from this section.

7. Section 1512.12(a) is revised to read as follows (although unchanged, the section's introductory text is included for context):

§ 1512.12 Requirements for wheel hubs.

All bicycles (other than sidewalk bicycles) shall meet the following requirements:

(a) *Locking devices.* Wheels shall be secured to the bicycle frame with a positive lock device. Locking devices on threaded axles shall be tightened to the manufacturer's specifications.

(1) *Rear wheels.* There shall be no relative motion between the axle and the frame when a force of 1,780 N (400 lbf) is applied symmetrically to the axle for a period of 30 seconds in the direction of wheel removal.

(2) *Front wheels.* Locking devices, except quick-release devices, shall withstand application of a torque in the direction of removal of 17 N-m (12.5 ft-lb).

. . . . . .

8. In § 1512.14, the section heading and introductory paragraph are revised to read as follows:

§ 1512.14 Requirements for fork and frame assembly.

The fork and frame assembly shall be tested for strength by application of a load of 890 N (200 lbf) or at least 39.5 J (350 in-lb) of energy, whichever results in the greater force, in accordance with the frame test, § 1512.18(k)(2), without visible evidence of fracture or frame deformation that significantly limits the steering angle over which the wheel can be turned. Sidewalk bicycles are exempt from this section.

. . . . . .

9. In § 1512.16, the introductory paragraph and paragraphs (c) and (d) are revised to read as follows:

§ 1512.16 Requirements for reflectors.

Bicycles shall be equipped with reflective devices to permit recognition and identification under illumination from motor vehicle headlamps. The use of reflector combinations off the center plane of the bicycle (defined in § 1512.18(m)(2)) is acceptable if each reflector meets the requirements of this section and of § 1512.18(m) and (n) and the combination of reflectors has a clear field of view of ±10° vertically and ±50° horizontally. Sidewalk bicycles are not required to have reflectors.

. . . . . .

(c) *Front reflector.* The reflector or mount shall not contact the ground plane when the bicycle is resting on that plane in any orientation. The optical axis of the reflector shall be directed forward within 5° of the horizontal-vertical alignment of the bicycle when the wheels are tracking in a straight line, as defined in § 1512.18(m)(2). The reflectors and/or mounts shall incorporate a distinct, preferred assembly method that shall insure that the reflector meets the optical requirements of this paragraph (c) when the reflector is attached to the bicycle. The front reflector shall be tested in accordance with the reflector mount and alignment test, § 1512.18(m).

(d) *Rear reflector.* The reflector or mount shall not contact the ground plane when the bicycle is resting on that plane in any orientation. The reflector shall be mounted such that it is to the rear of the seat mast with the top of the reflector at least 76 mm (3.0 in) below the point on the seat surface that is intersected by the line of the seat post. The optical axis of the reflector shall be directed rearward within 5° of the horizontal-vertical alignment of the bicycle when the wheels are traveling in a straight line, as defined in § 1512.18(m)(2). The reflectors and/or mounts shall incorporate a distinct, preferred assembly method that shall insure that the reflector meets the optical requirements of this paragraph (d) when the reflector is attached to the bicycle. The rear reflector shall be tested in accordance with the reflector mount and alignment test, § 1512.18(m).

. . . . . .

10. Section 1512.17(d) is revised to read as follows:

§ 1512.17 Other requirements.

. . . . . .

(d) *Toe clearance.* Bicycles not equipped with positive foot-retaining devices (such as toe clips) shall have at least 89 mm (3½ in) clearance between the pedal and the front tire or fender (when turned to any position). The clearance shall be measured forward and parallel to the longitudinal axis of the bicycle from the center of either pedal to the arc swept by the tire or fender, whichever results in the least clearance. (See figure 6 of this Part 1512.)

11. In § 1512.18, paragraphs (b), (d)(2)(i), (iii), (v), and (vi), (e)(2), and (3), (k)(1)(i) and (2)(i), (m)(2), (n)(2)(ii), (iv), and (vii), and (o)(1) and (2)(iii) and (iv) are revised to read as follows:

§ 1512.18 Test and test procedures.

. . . . . .

(b) *Exposed protrusion test.* (Ref. § 1512.4(e))

(1) *Apparatus.* A cylinder of 83 mm (3¼ in) diameter and 254 mm (10 in) length.

(2) *Procedure.* All protrusions greater than 7.9 mm ($\frac{5}{16}$ in) in length shall be located and tested with the test apparatus to determine whether the protrusions can be brought into contact with the surface of the cylinder. Any protrusion of the dimensions specified that can be brought into contact with the cylinder is an exposed protrusion.

. . . . . .

(d) *Handbrake loading and performance test.* (Ref. § 1512.5(b))

. . . . . .

(2) *Procedure.* * * *

(i) *Loading test procedure.* The hand levers shall be actuated with a force applied at a point no more than 25 mm (1.0 in) from the open end of the lever. If the hand lever contacts the handlebar (bottoms) before a force of 445 N (100 lbf) is reached, the loading may be stopped at that point, otherwise the loading shall be increased to at least 445 N (100 lbf).[4] Application of the loading force shall be repeated for a total of 10 times and all brake components shall be inspected.

. . . . . .

(iii) *Rocking test procedure.* A weight of at least 68.1 kg (150 lb) shall be placed on the seat; the force required for the hand levers to contact the handlebars or 445 N (100 lbf), as determined in § 1512.18(d)(2), shall be applied to the hand levers;[4] and the bicycle shall be rocked forward and backward over a dry, clean, level, paved surface at least six times and for a distance of at least 76 mm (3 in) in each direction.

. . . . . .

(v) *Performance test procedure.* The following test conditions, unless otherwise specified in this Part 1512, shall be followed:

(1) The bicycle shall be ridden over a dry, clean, smooth paved test course free from protruding aggregate. The test course shall provide a coefficient of friction of less than 1.0 and shall have a slope of less than 1 percent.

(2) The wind velocity shall be less than 11 km/h (7 mph).

(3) Only the brake system under test shall be actuated.

(4) The bicycle shall attain the specified ground speed while the rider is in the normal riding position.

(5) The rider shall remain in the normal riding position throughout the test.

[4] For hand lever extensions, the loading shall be continued until a force of 445 N (100 lbf) is reached or the hand lever extension is in the same plane as the upper surface of the handlebars or the extension lever contacts the handlebars.

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(6) The bicycle must be moving in a straight line at the start of brake application.

(7) Corrections for velocity at the initiation of braking may be made. The corrected braking distance shall be computed as follows:

$$S_c = \left(\frac{V_s}{V_m}\right)^2 S_m$$

where:

S_c = Corrected braking distance,
V_s = Specified test velocity,
V_m = Measured test velocity,
S_m = Measured braking distance.

The test run is invalid of at the commencement of the test, the measured test speed of the bicycle is no less than nor greater than the test speed required by this Part 1512 by 1.5 km/h (0.9 mph).

(8) Four test runs are required. The stopping distance shall be determined by averaging the results of the four test runs.

(9) The stopping distances specified are based on a rider weight of at least 68.1 g (150 lb) and a maximum rider and weight combination of 91 kg (200 lb). Greater stopping distances are allowable for heavier riders and test equipment weights at the rate of 0.30 m per 4.5 kg (1.0 ft per 10 lb).

(10) A test run is invalid if front-wheel lockup occurs.

(vi) *Performance test criteria.* The stopping force applied to the hand lever at a point no closer than 25 mm (1.0 in) from the open end shall not exceed 178 N (40 lbf). Bicycles with an equivalent ground speed in excess of 24 km/h (15 mph) in its highest gear ratio at a pedal crank rate of 60 revolutions per minute) [1] shall stop from an actual test speed of 24 km/h (15 mph) or greater within a distance of 4.57 m (15 ft); when the equivalent ground speed is less than 24 km/h (15 mph) under the same conditions, the bicycle shall stop from an actual test speed of 16 km/h (10 mph) or greater within a distance of 4.57 m (15 ft).

(e) *Footbrake force and performance test.* (Ref. § 1512.5(c) (1) and (2))

* * * * *

(2) *Force test.* The braking force shall be measured as the wheel is rotated in a direction of forward motion, and the braking force is measured in a direction tangential to the tire during a steady pull after the wheel completes one-half revolution but before the wheel completes one revolution. The brake shall be capable of producing a linearly proportional brake force for a gradually applied pedal force from 89 N to 310 N (20 to 70 lbf) and shall not be less than 178 N (40 lbf) for an applied pedal force of 310 N (70 lbf). All data points must fall within plus or minus 20 percent of the brake force, based on the measured brake load using the least square method of obtaining the best straight line curve.

(3) *Performance test.* The procedure of § 1512.18(d)(2)(v) shall be followed to test the footbrake performance. The stopping distance shall be less than 4.57 m (15 ft) from an actual test speed of 16 km/h (10 mph). In addition, if the equivalent ground speed of the bicycle is in excess of 24 km/h (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute),[1] the stopping distance shall be 4.57 m (15 ft) from an actual test speed of 24 km/h (15 mph) or greater.

NOTE.—No allowance shall be made for rider weight. See § 1512.5(d) for additional requirements for bicycles with both handbrakes and footbrakes.

* * * * *

(k) *Fork and frame test.* (Ref. §§ 1512.13 and 1512.14)

(1) *Fork test*—(i) *Procedure.* With the fork stem supported in a 76 mm (3.0 in) vee block and secured by the method illustrated in figure 1 of this Part 1512, a load shall be applied at the axle attachment in a direction perpendicular to the centerline of the stem and against the direction of the rake. Load and deflection readings shall be recorded and plotted at the point of loading. The load shall be increased until a deflection of 64 mm (2½ in) is reached.

* * * * *

(2) *Fork and frame assembly test*—(i) *Procedure.* The fork, or one identical to that tested in accordance with the fork test, § 1512.18(k)(1), shall be replaced on the bicycle in accordance with the manufacturer's instructions; and a load of 890 N (200 lbf), or an energy of at least 39.5 J (350 in-lb), whichever results in the greater force, shall be applied to the fork at the axle attachment point against the direction of the rake in line with the rear wheel axle. The test load shall be counteracted by a force applied at the location of the rear axle during this test.

* * * * *

(m) *Reflector mount and alignment test.* (Ref. § 1512.16 (c) and (d))

* * * * *

(2) *Criteria.* (i) During test: The optical axis of the reflector shall remain parallel within 15° to the line or intersection of the ground plane and the center plane of the bicycle defined as a plane containing both wheels and the centerlines of the down tube and seat mast.

(ii) Post test: The optical axis of the reflector shall remain parallel within 5° to the line or intersection of the ground plane and the center plane of the bicycle defined as a plane containing both wheels and the centerlines of the down tube and seat mast.

(n) *Reflector test.* (Ref. § 1512.16(g))

* * * * *

(2) *Reflector performance test.* * * *

(ii) The observation angle is the angle formed by a line from the point of observation to the center of the reflector with a second line from the center of the reflector to the source of illumination. The entrance angle is the angle between the optical axis of the reflector and a line from the center of the reflector to the source of illumination. The entrance angle shall be designated left, right, up, and down in accordance with the position of the source of illumination with respect to the axis of the reflector as viewed from behind the reflector when the plane of the observation angle is vertical and the receiver is above the source.

* * * * *

(iv) For visual measurements a comparison lamp, emitting light similar in spectral quality to the reflector, shall be located adjacent to the reflector (at an angle not to exceed ½°) and arranged so that the candlepower can be varied from 0.01 to 0.25 to make the intensity duplicate that of the reflector under test. The candlepower of the source of the illumination of the reflector under test shall be known or determined for this test. Means shall be provided to change the intensity of the source of illumination without changing the filament color temperature. The comparison lamp shall be designed to avoid reflection from the source of illumination back in the direction of the observer. It shall be of such size and so diffused that when viewed by the observer (through a 2½× reducing monocular), the candlepower can be readily compared and adjusted to that of the reflector. The observer shall have at least 10 minutes of dark adaption before making observations. For photoelectric measurements, the opening to the photocell shall not be more than ½ inch vertical by 1 inch horizontal.

* * * * *

(vii) A recommended coordinate system for definition of color is the "Internationale de l'Eclairage (CIE 1931)" system in the *IES Lighting Handbook*,[2] fifth edition, 1972. In the coordinate system and when illuminated by the source defined in table 4 of this Part 1512, a reflector will be considered to be red if its color falls within the region bounded by the red spectrum locus and the lines $y=0.980 - x$ and $y=0.335$; a reflector will be considered to be amber if its color falls within the region bounded by the yellow spectrum locus and the lines $y=0.382$, $y=0.790-0.667x$ and $y=x-0.120$.

(o) *Retroreflective tire test.* (Ref. § 1512.16(h))

(1) *Apparatus.* Arrangements for the reflective intensity measurement shall be as shown in figure 3 of this Part 1512. A light projector (having a maximum effective lens diameter of D/500, where D is the distance from the source to the sidewall being measured) capable of projecting light of uniform intensity shall be used to illuminate the sample. The light falling on the sample shall have a color temperature of 2856K±10% (equivalent to a tungsten filament lamp operated at a color temperature of 2856K±10% having approximately the relative energy distribution given in table 4 of this Part 1512). The light reflected from the test surface shall be measured

See footnote [2] on p. 52823.

[2] Copies may be obtained from Illuminating Engineering Society, 345 East 47th Street, New York, N.Y. 10017.

with a photoelectric receiver, the response of which has been corrected for the spectral sensitivity of the average photopic human eye. The dimensions of the active area of the receiver shall be such that no point on the perimeter of the receiver is more than $d/1000$ from its center (where d is the distance from the receiver to the sidewall). Tires to be tested shall be mounted on a wheel, the rim and spokes of which have been masked in flat black so that when measured without the tire they indicate no appreciable reflectance. The tire shall be mounted and fully inflated. Distances shall be measured from the plane of the wheel and the center of the hub. For the tests, the distance D between the projector and the center of the wheel and distance d between the center of the wheel and the receiver shall each be at least 15 m (50 ft).

(2) *Procedure.* * * *

(iii) *Measurement.* Measure the distance d from the receiver to the center of the wheel and the minimum distance r from the axis of rotation of the wheel to the unmasked portion of the reflective strip. Measure the illumination incident on the reflective strip at uniform intervals of no more than 45° around the wheel, with the receiver oriented in the direction of the incident radiation. The average of such readings will be the mean illumination of the sample E. If any one of such readings differs by more than 10 percent from the mean illumination, then a more uniform source must be obtained. Measure the illumination of the receiver due to reflection from the sidewall for each entrance angle and each observation angle given in table 3 of this Part 1512. The entrance angle and the observation angle shall be in the same plane. A negative entrance angle (figure 3 of this Part 1512) is specified when the entrance angle is small because the location of the receiver with respect to the direction of illumination becomes important for distinguishing between ordinary mirror-like reflection and retroreflection. The illumination incident on the test surface and the receiver shall be measured in the same units on a linear scale. Compute the ratio A for each combination of entrance angle and observation angle listed in table 3 as follows:

$$A = \frac{E_r}{E_s} \times \frac{d^2}{r}$$

Where:

A = Ratio in meters,
E_r = Illumination incident upon the receiver,
E_s = Illumination incident upon a plane perpendicular to the incident ray at the specimen position (see instructions above in this paragraph (o)(2)(iii) for averaging), measured in the same units as E_r,
d = The distance in meters from the receiver to the center of the wheel,
r = The minimum radius in meters of the boundary circles of the retroreflective strip.

The minimum value of A shall be that listed in table 3 of this Part 1512 for each combination of entrance angle and observation angle. The plane containing the entrance angle and the plane containing the observation angle shall coincide. In table 3, a positive entrance angle corresponds to the case in which the line of sight to the receiver lies between the line of incidence and the optic axis of the reflector, and a negative entrance angle corresponds to the case in which the line of incidence lies between the line of sight of the receiver and the optic axis of the reflector.

(iv) *Criteria.* The ratio A as defined in § 1512.18(o)(2)(iii) shall not be less than:

$$A = \frac{4\cos^2\theta}{1+\left(\frac{\phi}{0.225}\right)^{1/3}}$$

where A is ratio in meters, θ is the entrance angle, and ϕ is the observation angle in degrees. The criterion applies only for entrance angles from 0° to 40° and observation angles from 0.2° to 1.5°, and performance is not specified beyond this range. The values of A in table 3 are obtained from the above formula by rounding up to two significant figures. Except in cases in which the performance of the reflector is seriously questionable, a reflector with A at least the value given in table 3 at each of the six combinations of entrance and observation angle will be considered to satisfy this criteria.

* * * * *

12. Section 1512.18(j)(3)(i) is corrected by changing "11.2N (25 lbf)" to "112N (25 lbf)".

13. Section 1512.3 is revised to read as follows:

§ 1512.3 Requirements in general.

Any bicycle subject to the regulations in this part shall meet the requirements of this part in the condition to which it is offered for sale to consumers; any bicycle offered for sale to consumers in a disassembled or partially assembled condition shall meet these requirements after assembly according to the manufacturer's instructions. For the purpose of compliance with this part, where the metric and English units are not equal due to the conversion process the less stringent requirement will prevail.

Effective date. The subject regulations, 16 CFR Part 1512, promulgated July 16, 1974 (39 FR 26100), and suspended December 16, 1974 (39 FR 43536), shall, as amended above in this document and as amended by another document also in this issue of the FEDERAL REGISTER, become effective May 11, 1976, except for §§ 1512.5(c)(3), 1512.9(a), 1512.18(e) and 1512.18(f) which become effective November 13, 1976.

(Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89 (15 U.S.C. 1261, 1262)).

Although the Consumer Product Safety Commission does not consider Executive Order 11821 to apply to public safety regulations of this nature, the economic and inflationary impact of the regulation has been studied and is on file at the Commission.

The Commission has considered the possible environmental effects of the bicycle regulations and has determined that the environmental impact of the regulations as issued and amended is negligible. On the basis of this assessment, the Commission believes that no environmental impact statement is necessary. A copy of the environmental assessment is on file at the Commission.

Dated: November 7, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

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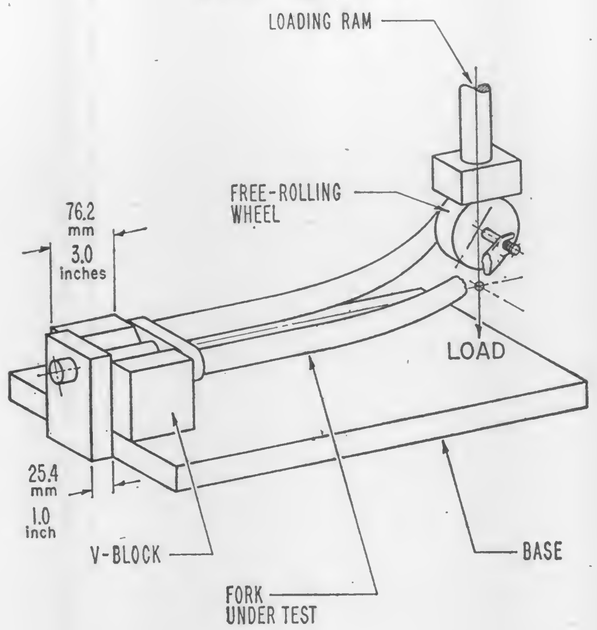
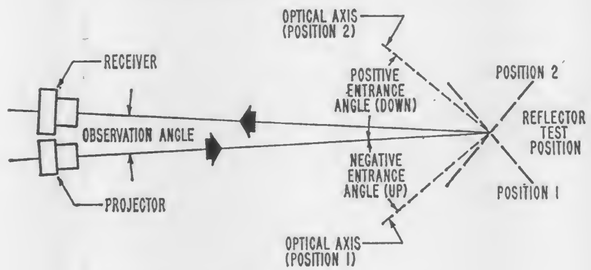


FIG 1-BICYCLE FRONT FORK CANTILEVER BENDING TEST RIG



Side View

FIG. 3-ENTRANCE & OBSERVATION ANGLES

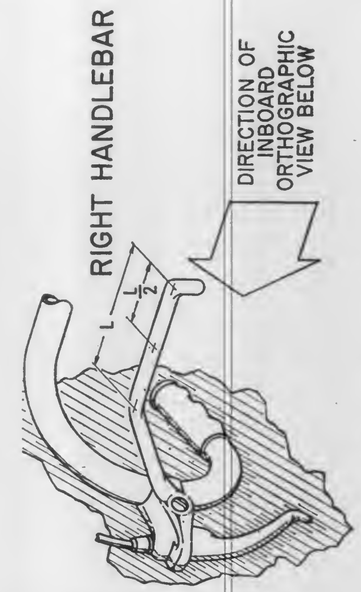


FIG. 5-TYPICAL HANDBRAKE ACTUATOR SHOWING GRIP DIMENSION

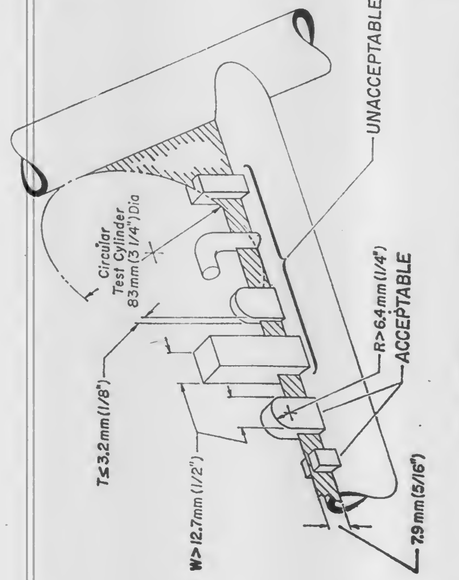


FIG 4-TYPICAL PROTRUSION EXAMPLES

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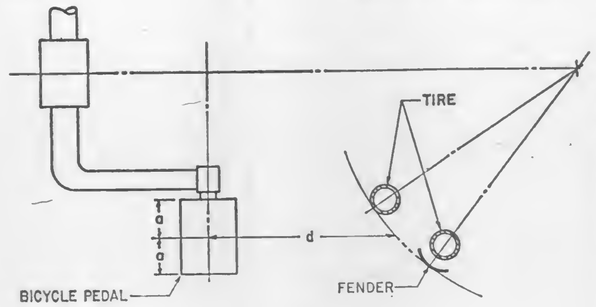


FIG 6-TOE CLEARANCE

[FR Doc.75-30480 Filed 11-12-75;8:45 am]

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1512—REQUIREMENTS FOR BICYCLES

Bicycle Banning and Safety Regulations; Adoption of Amendments and New Effective Date

The purpose of this document is (1) to amend the bicycle banning and safety regulations (16 CFR 1500.18(a) (12) and Part 1512) by acting on the proposals of July 16, 1974 (39 FR 26113), and January 7, 1975 (40 FR 1493), and (2) to establish an effective date for these regulations as amended by this document and by another document also published in this issue of the FEDERAL REGISTER that acts on the proposal of June 16, 1975 (40 FR 25480). The effective date established herein, for these bicycle regulations is May 11, 1976 (except for chain, guards and certain footbrake requirements which become effective November 13, 1976.

The amendments adopted by this document concern a temporary label of compliance, the maximum angle between the crank's drive and brake positions for footbrake-equipped bicycles, the handlebar stem-to-fork clamp, chain guards, and bicycle markings for identifying the manufacturer or private labeler and month and year of manufacture.

BACKGROUND

The bicycle banning and safety regulations were proposed by the Commissioner of Food and Drugs in the FEDERAL REGISTER of May 10, 1973 (38 FR 12300), under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261–74) and a delegation of authority from the Secretary of Health, Education, and Welfare (21 CFR 2.120).

On May 14, 1973, the authority to issue regulations under the Federal Hazardous Substances Act was transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (86 Stat. 1231; 15 U.S.C. 2079(a)).

In the FEDERAL REGISTER of July 16, 1974 (39 FR 26100), the Commission promulgated 16 CFR Part 1512, a regulation prescribing safety requirements for bicycles, and 16 CFR 1500.18(a) (12), a regulation classifying certain bicycles as banned toys or articles intended for use by children. The promulgation of July 16, 1974, bore an effective date of January 1, 1975, which, as is explained below, was suspended on December 16, 1974.

Introduction or receipt in interstate commerce of any banned toy or article intended for use by children is prohibited by section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263). Section 6 of the act (15 U.S.C. 1265) authorizes seizure of any such toy or article introduced into interstate commerce, and section 15 of the act (15 U.S.C. 1274) and a regulation promulgated thereunder (16 CFR 1500.202) require repurchase of any banned toy or other article intended for use by children that is introduced into interstate commerce.

Also in the FEDERAL REGISTER of July 16, 1974 (39 FR 26113), the Commission proposed to add to the bicycle regulations a provision (§ 1512.19(d)) requiring bicycle compliance labeling as is explained in more detail below.

REACTION TO PROMULGATION

After promulgation of the bicycle regulations on July 16, 1974, the Commission received more than 50 written communications thereon. Several of these stated that the effective date would not allow adequate time for redesign, retooling, testing, and production of complying bicycles and requested extension of the effective date. Others objected to various provisions of the regulations and requested a public hearing under 16 CFR 1500.201. After consideration of these communications, the Commission concluded that 16 CFR 1500.201 was not applicable to the bicycle regulations and that it would treat these communications as petitions to amend the regulations. Although the Commission determined that a public hearing in accordance with 16 CFR 1500.201 was not required, it directed its staff to conduct a public meeting with all interested parties to receive information relevant to the petitions for amendment of the regulations.

After notice of the meeting was published in the FEDERAL REGISTER on September 3, 1974 (39 FR 31943), members of the Commission staff met with interested parties on September 9 and 10, 1974. Copies of all petitions concerning the bicycle regulations received after July 16, 1974, and a transcript of the presentations made at the public meeting are available for inspection in the Office of the Secretary, 10th Floor, 1750 K Street, NW., Washington, D.C.

EFFECTIVE DATE SUSPENSION; NEW PROPOSALS

In the FEDERAL REGISTER of December 16, 1974 (39 FR 43536), the Commission published an order suspending the effective date of the bicycle regulations until further notice. On January 7, 1975 (40 FR 1493), the Commission proposed a new effective date for the regulations and proposed amendments to § 1512.5(c)(3), footbrake crank differential; § 1512.6(e), requirements for handlebar and clamps; § 1512.9(a), requirements for chain guard; § 1512.18(h)(1), handlebar stem-to-fork clamp test; and § 1512.19(e), instructions and labeling. Interested parties were invited to submit comments on the proposal by February 6, 1975. The proposed new effective date was May 1, 1975, or 120 days after publication in the FEDERAL REGISTER of a document acting on the proposal of January 7, 1975, whichever occurred later.

On January 16 and 24, 1975, members of the Commission staff attended public meetings with manufacturers of bicycles and components, and other interested parties, to discuss various petitioned changes in the regulations that were not included in the proposal of January 7, 1975. Additional public meetings on the same subject were conducted on February 3 and 19, March 19, and April 22, 1975.

In the FEDERAL REGISTER of June 16, 1975 (40 FR 25480), the Commission published a notice to respond to petitions for amendment or interpretation of various sections of the regulations, and to propose amendments pertaining to sharp edges, protrusions, control cable abrasion, attachment hardware, brakes for bicycles and sidewalk bicycles, pedals, tires, locking devices on wheels, frames, and reflectors. A document setting forth the Commission's action on the proposal of June 16, 1975, is also being published in this issue of the FEDERAL REGISTER.

RESPONSE TO THE PROPOSAL OF JULY 16, 1974—COMPLIANCE LABELING

As mentioned above, in the FEDERAL REGISTER of July 16, 1974 (39 FR 26113), the Commission proposed to add to the bicycle regulations a provision (§ 1512.19(d)) requiring that every bicycle subject to Part 1512 that is introduced into interstate commerce on or after the effective date of Part 1512 be labeled with the statement "Meets U.S. Consumer Product Safety Commission Regulations for Bicycles." Proposed § 1512.19(d)(1) specifies that every such bicycle offered for sale to consumers in a fully assembled condition must bear a label (such as a hang tag) at least 6.4 cm (2.5 in) by 17.8 cm (7 in) with the required statement printed in letters at least 0.6 cm (0.25 in) high. Proposed § 1512.19(d)(2) provides that the retail cartons of such bicycles offered for sale in a partially assembled or unassembled condition must be labeled with the required statement in letters at least 1.3 cm (0.5 in) high.

Interested parties were invited to submit written comments on the proposal by August 15, 1974. The period for comments was extended to August 29, 1974, by a notice published August 19, 1974 (39 FR 29950), and was reopened from January 7 through February 6, 1975, by a notice published on January 7, 1975 (40 FR 1493 at 1494).

In response to the proposal, comments were received from three consumers, two consumer associations, two U.S. bicycle manufacturers, two foreign bicycle manufacturers, two retailers, an association of retailers, a manufacturer of labeling materials, an engineer, a police department, a county department of consumer protection, the American Academy of Pediatrics, and the American National Metric Council. The principal issues raised by these comments and the Commission's decisions thereon are as follows:

I. *Conflict with other legislation.* A bicycle manufacturer urges the Commission not to promulgate proposed § 1512.19(d) because its provisions may conflict with provisions of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (P.L. 93–637; 88 Stat. 2183; 15 U.S.C. 2301–12), a law that became effective July 4, 1975, and that provides for the establishment of minimum standards for written warranties made for consumer products. The manufacturer asserts that the labeling statement required by proposed § 1512.19(d) would be an express "written warranty" as that term is used in said act and that sections 103 and 104 of that act (15 U.S.C. 2303, 2304) establish requirements for such warranties that conflict with the provisions of proposed § 1512.19(d).

Section 101(6)(A) of the Magnuson-Moss Warranty Act (15 U.S.C. 2301(6)(A)) defines the term "written warranty" as "any written affirmation of fact or written promise made in connection with the sale of a consumer product by a supplier to a buyer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect free or will meet a specified level of performance over a specified period of time."

The proposed amendment requires each bicycle subject to Part 1512 to be labeled with a statement that it complies with the applicable regulations of the Consumer Product Safety Commission. The proposed amendment does not require a statement that the bicycle is free from all defects or that it will meet the requirements of the regulations for any particular period of time.

For this reason, the Commission concludes that adopting proposed § 1512.19(d) would not establish a requirement conflicting with the Magnuson-Moss Warranty Act.

II. *Necessity for label.* A. The same manufacturer states that proposed § 1512.19(d) will be unnecessary if the Commission adopts an amendment it proposed on January 7, 1975 (40 FR 1493), which would add § 1512.19(e) requiring a permanent label on each bicycle to indicate the name of the manufacturer or private labeler and the month and year of manufacture.

The Commission disagrees. The purpose of the § 1512.19(d) labeling statement is to enable consumers to identify those bicycles that are subject to and comply with Part 1512 when such bicycles are offered for sale together with noncomplying bicycles manufactured before the effective date of Part 1512. The purpose of the § 1512.19(e) permanent marking is to enable CPSC personnel to determine which Part 1512 requirements any given bicycle must meet in the event Part 1512 is amended substantively after its effective date. Proposed § 1512.19(e) provides for the date of manufacture to be marked in a code that could be read by the manufacturer and CPSC personnel, but not necessarily by consumers.

B. Another bicycle manufacturer states that if all bicycles are required to be labeled in accordance with proposed § 1512.19(d), the presence of a label will not be a distinguishing feature on a bicycle.

As stated in the proposal's preamble, the Commission anticipates that for some time after Part 1512 becomes effective, bicycles manufactured before it became effective, and therefore not subject to its requirements, will continue to be offered for sale to consumers in retail establishments. The purpose of proposed § 1512.19(d) is to enable consumers to distinguish bicycles manufactured to comply with Part 1512 from those that were not.

For this reason, the Commission proposed to limit the requirements of proposed § 1512.19(d) to a period of two years. The Commission anticipates that by the end of that period few, if any, bicycles manufactured before the effective date of Part 1512 will be offered for sale to consumers.

III. *Text of label.* A. A consumer requests that proposed § 1512.19(d) be changed to eliminate the labeling statement provision and to require instead that each bicycle manufactured to comply with Part 1512 bear a Commission-approved symbol to indicate such compliance. The commenter suggests that the significance of the symbol could be explained to consumers on a separate card. The commenter objects to the proposed labeling requirements for aesthetic reasons and states that the symbol could be so attractively designed that both children and adults would be eager to display it on bicycles and other articles that comply with CPSC regulations and standards.

The purpose of proposed § 1512.19(d) is to provide a means whereby consumers can quickly and easily distinguish bicycles that comply with Part 1512 from those that do not. As this comment indicates, if a symbol were used to indicate compliance, a separate card would be necessary to explain the symbol's meaning. The necessity for a separate card would not only detract from the consumer's ability to recognize a complying bicycle quickly, but would also increase the expense of manufacturing the label. As to the proposed labeling being unattractive, it is intended to be nonpermanent and of use to a consumer only while making a purchasing decision. For these reasons, the Commission declines to adopt these suggestions.

B. The American Academy of Pediatrics and an association of consumers request that proposed § 1512.19(d) be changed to require bicycles that do not comply with Part 1512 to be labeled to indicate that fact.

The bicycle banning and safety regulations are applicable only to bicycles introduced into interstate commerce on or after the effective date of the regulations. If instead the regulations applied to all bicycles in channels of commerce as of said effective date, the sale of any noncomplying bicycle introduced into interstate commerce before the effective date would be illegal after that date. Also, all noncomplying bicycles, including those manufactured before the effective date, would be subject to repurchase under provisions of section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and a regulation issued thereunder (16 CFR 1500.202).

Because the bicycle regulations are applicable only to bicycles introduced into interstate commerce on or after the regulations' effective date, no provision of the regulations could require bicycles in the hands of retailers on such effective date to be labeled with a statement indicating that they do not comply with the regulations. The only noncomplying bicycles the Commission could require to be so labeled would be those introduced into interstate commerce on or after the regulations' effective date. The regulations, however, prohibit the introduction of any noncomplying bicycle into interstate commerce after their effective date. Accordingly, the requested change has not been made.

The association of consumers suggests that if a requirement for labeling of noncomplying bicycles is not practicable, proposed § 1512.19(d) should be changed to require retail dealers to separate complying from noncomplying bicycles, to prohibit intermingling of complying and noncomplying bicycles, and to identify displays of complying and noncomplying bicycles by clear and conspicuous signs. The association observes that similar measures are required by CPSC's enforcement regulations for children's sleepwear (16 CFR 302.19 and 302.21).

Proposed § 1512.19(d) requires complying bicycles to be identified by a labeling statement printed in letters at least

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0.6 cm (0.25 in) high, which must appear on a label at least 6.4 cm (2.5 in) by 17.8 cm (7 in) on a fully assembled bicycle, or conspicuously and legibly on the retail carton of an unassembled or partially assembled bicycle in letters at least 1.3 cm (0.5 in) high. The Commission concludes that because of the large size specified for the label and its lettering, consumers will be able to recognize complying bicycles easily, and that consumers would derive little or no benefit for additional measures to distinguish complying from noncomplying bicycles, such as physical segregation or posting of signs in retail stores.

C. The association of consumers also suggests a revision of the required labeling statement to indicate that the bicycle complies with the requirements of the regulations as issued on a specific date, contending that if the regulations are substantively amended after the initial effective date, bicycles meeting the original requirements may be offered for sale at the same time as bicycles meeting the amended requirements. The association states that if the regulations are amended after the effective date, consumers should be given a means to determine which set of requirements any given bicycle meets.

The bicycle regulations shall become effective on the date specified at the end of this document. If the regulations are amended thereafter at any time while the requirement for compliance labeling is in effect, the labeling requirement can be changed at that time to enable consumers to determine which set of requirements any particular bicycle meets. Accordingly, the Commission has not adopted the requested change.

IV. *Additional requirements.* A. A police department suggests adding to proposed § 1512.19(d) a requirement that a uniform registration card specifying the make, model, and serial number of the bicycle and the name and address of the purchaser accompany each bicycle sold to a consumer. The purchaser could file a copy of the card with the local police department to facilitate recovery of the bicycle if stolen. The comment states that a national system of bicycle registration is needed to curb the rising incidence of bicycle thefts.

While the Commission supports the purpose of the suggestion, it does not have authority under the Federal Hazardous Substances Act to add to the bicycle regulations a requirement not intended to reduce safety hazards but rather intended to assist law enforcement agencies. The Commission therefore has not adopted the suggested change.

B. An engineer suggests that proposed § 1512.19(d) be changed to require bicycles to have a permanent label indicating the serial number. The purpose would be to facilitate recall of noncomplying bicycles. As indicated above, on January 7, 1975, the Commission proposed § 1512.19(e) requiring bicycles subject to Part 1512 to be manufactured with a permanent label indicating the name of the manufacturer or private labeler and the month and year of manufacture. The Commission's action on that proposal is announced below in this preamble. The Commission concludes that the requirements of § 1512.19(e), as issued below, will be adequate to identify bicycles subject to recall. Accordingly, the engineer's suggested change has not been adopted.

V. *Label size.* Proposed § 1512.19(d) specifies that the label to be attached to fully assembled bicycles shall be at least 6.4 cm (2.5 in) by 17.8 cm (7 in). The American National Metric Council comments that the minimum dimensions for the label, although stated in both centimeters and inches, were obviously formulated with reference to inches rather than centimeters. The Council requests that the label dimensions be formulated with reference to centimeters instead and suggests that 6.5 cm by 18 cm would result in a label approximately the same size as that specified in the Commission's proposal.

Throughout Part 1512 various dimensions, weights, forces, and other values are expressed in the metric system followed in parentheses by the equivalent values expressed in the English system. Most of these were formulated with reference to the English system of measurement. For this reason, the Commission concludes that the requested change would not improve proposed § 1512.19(d).

VI. *Effective date.* A. A retailer states that proposed § 1512.19(d) would prohibit a retailer from attaching a label indicating compliance with Part 1512 to any bicycle introduced into interstate commerce before the regulations' effective date. The Commission disagrees. Although the proposal's purpose is to require attachment of the labeling statement to every complying bicycle introduced into interstate commerce on or after such effective date, the Commission concludes that § 1512.19(d) would not prohibit use of the labeling statement on bicycles meeting the requirements of Part 1512 and introduced into interstate commerce before the effective date.

The American Academy of Pediatrics comments that retailers should be encouraged to place the label required by proposed § 1512.19(d) on complying bicycles offered for sale before the effective date of Part 1512. The Commission agrees, but cautions retailers to be certain that any bicycle introduced into interstate commerce before such effective date that is so labeled does in fact meet all of the Part 1512 requirements.

B. A consumer urges the Commission to establish an effective date for proposed § 1512.19(d) that is earlier than the effective date of § 1500.18(a)(12) and the rest of Part 1512. A manufacturer suggests that the effective date of proposed § 1512.19(d) be no earlier than that of those regulations.

A manufacturer, two retailers, and an association of retailers urge that proposed § 1512.19(d) take effect 6 months after the effective date of the rest of the bicycle regulations. Two other manufacturers urge that the effective date of proposed § 1512.19(d) be delayed for a "reasonable" period of time after the effective date of such regulations. These comments contend that if complying bicycles introduced into interstate commerce on or after the effective date of the regulations are required to be labeled to indicate compliance therewith, noncomplying bicycles manufactured before the effective date that are in dealers' inventories and are not so labeled will be difficult to sell unless they are drastically reduced in price. Several commenters state that retailers would suffer severe economic injury if proposed § 1512.19(d) takes effect on the same date as the rest of the bicycle regulations, although none give any estimate of the losses retailers might sustain.

A county consumer protection department comments that the benefit of the regulations would be diluted if consumers are unable to distinguish complying from noncomplying bicycles after the regulations become effective.

The Commission concludes that § 1512.19(d), promulgated below, should become effective on the same date as § 1500.18(a)(12) and the rest of Part 1512. The Commission finds giving an earlier effective date to § 1512.19(d) impracticable because the Commission anticipates that most manufacturers will not begin to introduce fully complying bicycles into interstate commerce before the general effective date.

The Commission is aware that the value of noncomplying bicycles in retailers' and wholesalers' inventories on the effective date of the regulations may be decreased, but observes that the effective date established for the regulations, including the labeling requirement of § 1512.19(d), is far enough in the future to allow all parties in the chain of distribution to make plans that will minimize any unfavorable economic effect. The Commission concludes that the need of consumers for a means to distinguish complying from noncomplying bicycles after the effective date outweighs any such economic harm that may result.

VII. *Duration of labeling requirement.* Proposed § 1512.19(d) limits the requirement for a compliance label to a period of two years after the effective date of the regulations. An association of consumers suggests adding to § 1512.19(d) a statement that the labeling requirement may be extended for a period of more than two years if the Commission finds that a substantial number of noncomplying bicycles are being offered for sale two years after such effective date.

Information available to the Commission from manufacturers and other parties in the chain of distribution suggests that few if any noncomplying bicycles will be offered for sale two years after such effective date. If this information proves to be incorrect, the Commission can extend the duration of the subject requirement without expressly reserving the right to do so in § 1512.19(d). Accordingly, the Commission declines to adopt the suggestion.

RESPONSE TO THE PROPOSAL OF JANUARY 7, 1975

In response to the afore-described proposal published January 7, 1975, concerning a new effective date and amendment of §§ 1512.5(c)(3), 1512.6(e), 1512.9(a), 1512.18(h)(1), and 1512.19(e), the Commission received comments from five United States bicycle manufacturers, three foreign bicycle manufacturers, an association of U.S. bicycle manufacturers, an association of French bicycle manufacturers, three manufacturers of bicycle components, an importer, two retailers, three individuals, and an association of consumers. The principal issues raised by these comments and the Commission's decisions thereon are as follows:

I. *Effective date—A. Timing of proposal.* Two foreign bicycle manufacturers, two U.S. bicycle manufacturers, an association of U.S. bicycle manufacturers, and two component manufacturers request the Commission to publish the regulations in final form before proposing an effective date. These respondents state that until they know the requirements of the regulations after final action by the Commission on the two amendment proceedings, they cannot make any meaningful comment on an appropriate effective date.

The Commission disagrees with the statement that no meaningful comment on a proposed effective date can be made until all requirements of the regulations are finalized. As stated above, the regulations were published on July 16, 1974. The amendment proceedings of January 7 and June 16, 1975, were undertaken by the Commission in response to suggestions and objections made by consumers and various segments of the bicycle industry in reaction to the regulations as promulgated on July 16, 1974. The majority of the substantive requirements of the regulations promulgated July 16, 1974, are unaffected by the two amendment proceedings. In most instances, the amendments proposed January 7 and July 16, 1975, (1) modify provisions of the regulations as requested by responses received after promulgation of the regulations on July 16, 1974; (2) relax certain requirements of those promulgated regulations; or (3) provide opportunity for comment on certain provisions of those promulgated regulations which were claimed by respondents to be substantive changes from the regulations proposed by the Commissioner of Food and Drugs on May 10, 1973.

Additionally, as indicated in the discussion above of the events leading to publication of this document, CPSC staff have met frequently with manufacturers, importers, distributors, and other interested parties to discuss the proposed amendments. During these meetings the participants have had opportunity to discuss with CPSC staff the purpose and effect of the proposed amendments and to make oral and written presentations of pertinent data, views, and opinions.

Thus, the Commission concludes that most of the requirements of the regulations that will be implemented by action on the proposed amendments are known to the bicycle industry.

Additionally, the Commission observes that five of the respondents who state that they cannot meaningfully comment on an appropriate effective date have in fact submitted comments on the proposed effective date on the basis of general experience.

B. *Establishment of effective date.* 1. As promulgated on July 16, 1974, § 1500.18(a)(12) provides that the requirements of 16 CFR Part 1512 are applicable to all bicycles "introduced into interstate commerce on or after January 1, 1975." On December 16, 1974, the Commission suspended the effective date of the regulations and, on January 7, 1975, proposed that the regulations be made applicable to all bicycles introduced into interstate commerce on or after May 1, 1975, or a date 120 days after publication of a document in the FEDERAL REGISTER acting on the proposal of January 7, 1975, whichever occurred later.

An importer requests that § 1500.18(a)(12) be changed to provide that the regulations shall be applicable to bicycles "manufactured" on or after a date that is 180 days after publication in the FEDERAL REGISTER of a document acting on the proposal of January 7, 1975. An association of U.S. bicycle manufacturers suggests that the regulations should apply to bicycles manufactured one year after such publication.

The importer states that if the regulations were applicable to bicycles manufactured on or after a specified date, enforcement would be facilitated by promulgation of proposed § 1512.18(e), which would add a requirement for a marking on the bicycle to indicate the month and year of manufacture. The importer adds that if the regulations were applicable to bicycles "manufactured" on or after a specified date, foreign manufacturers would be given the same lead time before the regulations take effect as domestic manufacturers; however, if the regulations apply to all bicycles "introduced into interstate commerce" on or after a specified date, the lead time for foreign manufacturers will be less than that for domestic manufacturers because of the time required for shipment from the place of manufacture to this country.

An English bicycle manufacturer estimates that 8 weeks are required for transportation of bicycles from England to the United States by ship and requests an effective date provision that will give foreign manufacturers a grace period of 8 weeks to compensate for shipment time.

An association of bicycle manufacturers states that some manufacturers have large inventories of furnished bicycles that were not manufactured to meet the requirements of Part 1512. The association requests revision of § 1500.18(a)(12) to make the regulations applicable to bicycles manufactured after a specified date so that manufacturers may legally sell noncomplying bicycles that are in their inventories after the regulations take effect.

The Commission anticipates that if § 1500.18(a)(12) were revised so that the requirements of Part 1512 are applicable to bicycles "manufactured" on or after a specified date, some manufacturers and distributors might be encouraged to stockpile noncomplying bicycles and compile self-serving records establishing that the manufacture of noncomplying bicycles was completed before the effective date of the regulations. Such a problem would not be overcome by amending Part 1512 to require a marking on bicycles to show the month and year of manufacture because such a requirement would be applicable only to bicycles manufactured after the effective date of the regulations.

The Commission concludes that the date of "introduction into interstate commerce" can be objectively documented more easily than the date of manufacture. While the lead time for foreign manufacturers is reduced by the time required for shipment if the effective date is established with reference to introduction into interstate commerce, the Commission concludes that the effective date can be sufficiently delayed to allow foreign manufacturers to manufacture and ship complying bicycles and domestic manufacturers to dispose of noncomplying bicycles in their inventories. For these reasons, the Commission declines to make the requested changes.

2. A manufacturer of reflectors states that several firms have completed retooling to produce reflectors complying with §§ 1512.16 and 1512.18(m) and (n) in anticipation of an effective date of January 1, 1975, and suggests establishment of an earlier effective date for those sections than for the remainder Part 1512 so that the public could obtain sooner the protection of the reflector requirements.

An association of U.S. bicycle manufacturers states that if various requirements of Part 1512 are given different effective dates, enforcement of the regulations would become "an administrative nightmare" and consumers could be confused.

The Commission agrees that enforcement of Part 1512 would be considerably more complicated if various provisions have different effective dates. The Commission also forsees a greater problem of identifying complying bicycles for consumers if the reflector requirements are made effective before the rest of Part 1512. The Commission concludes that the disadvantages outweigh the advantages of giving the reflector requirements an earlier effective date. Accordingly, a single effective date is established below, except for chain guard and certain footbrake requirements, which are discussed in 3 below.

3. An association of consumers urges the Commission to establish an effective date that is 60 days after publication in the FEDERAL REGISTER of a document acting on the proposal of January 7, 1975.

A foreign manufacturer states that an effective date that is 120 days after publication of a document acting on the proposal of January 7, 1975, would allow adequate lead time for some, but not all, of the requirements of Part 1512.

Two U.S. bicycle manufacturers request establishment of an effective date that is 180 days after publication of a document acting on the proposal of Jan-

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uary 7, 1975. An importer, a component manufacturer, a retailer, a foreign bicycle manufacturer, two brake manufacturers and an association of French bicycle manufacturers suggest effective dates varying from 240 to 340 days after such publication. The majority of foreign and domestic bicycle manufacturers and associations request the effective date for "chain guard" requirements be set at one year after the date of publication of a document acting on the proposed amendments. Some of these submitted schedules indicating the time needed for such activities as redesigning, retooling, manufacturing, testing, and shipping bicycles meeting the requirements. Some state that the effective dates requested will allow time for depletion of inventories of finished bicycles and components that do not comply with Part 1512 and time for production of complying bicycles.

The Commission appreciates that almost all manufacturers will be required to make some modifications of their current production to comply with Part 1512. The Commission also appreciates that if a manufacturer were making a modification of his product on his own initiative, he might allow approximately one year to change over to production of a new model. The Commission observes, however, that the purpose of the bicycle banning and safety regulations is to reduce risks of injury associated with bicycles, and that to the extent modification of current production is required to comply with the regulations, a greater urgency exists for such modification than in the case of a routine model change initiated by a manufacturer.

As indicated above, a substantial portion of Part 1512 as promulgated on July 16, 1974, is unchanged by the amendments proposed on January 7 and June 16, 1975. In many cases the proposed amendments relax or clarify requirements of Part 1512. Almost all of the proposed amendments result from requests submitted after the regulations were promulgated.

In May, 1975, CPSC staff inspected production facilities of five U.S. bicycle manufacturers. Information resulting therefrom indicates that most current bicycle models would require only a few modifications to comply with Part 1512 and, with the exception of those changes needed for compliance with the chain guard and certain foot brake requirements, that the modifications could be accomplished and production of fully complying bicycles could begin within 120 days after publication of this document in the FEDERAL REGISTER. Accordingly, the amendment of § 1500.18(a)(12) below provides that the requirements of Part 1512 shall be applicable to bicycles introduced into interstate commerce on or after May 11, 1976, except for §§ 1512.5(c)(3), 1512.9(a), 1512.18(c) and 1512.18(f) which become effective November 13, 1976.

II. *Footbrake crank differential.* When the bicycle regulations were proposed by the Commissioner of Food and Drugs on May 10, 1973, the provisions applicable to bicycles equipped with footbrakes included a requirement that the differential angle between the drive position and the brake position of the crank could not exceed 45 degrees. The proposal of May 10, 1973, did not specify the torque, if any, to be applied to the crank when measuring the differential angle.

As promulgated July 16, 1974, Part 1512 established 60 degrees as the maximum differential angle between the drive and brake positions of a bicycle equipped with footbrakes, and specified that a torque of 13.6 N-m (10 ft-lb) shall be applied to the crank in both the drive and brake positions when measuring the crank differential.

Many responses object to the addition of the requirement for the application of the specified torque when measuring the crank differential, stating that no opportunity had been provided to comment on this additional requirement.

On January 7, 1975, the Commission proposed a revision of § 1512.5(c)(3) specifying that the differential angle between the drive and brake positions of the crank shall not exceed 60 degrees and shall be measured with the crank held against each position under a torque of 13.6 N-m (10 ft-lb). This requirement is the same as that of § 1512.5(c)(3) promulgated on July 16, 1974, and was proposed to provide opportunity for comment by interested parties.

A manufacturer of coaster brakes requests the Commission to modify proposed § 1512.5(c)(3) by establishing the maximum differential angle at 75 degrees and by specifying that an 18.5-pound pedal force shall be applied to a bicycle, and a 13.2-pound pedal force to a sidewalk bicycle, when measuring the crank differential.

The manufacturer states that at the present time the same type of coaster brake is used for all sizes of bicycles, including sidewalk bicycles, and that if § 1512.5(c)(3) is adopted as proposed on January 7, 1975, manufacturers will not be able to use the same brake for sidewalk bicycles that is used for bicycles with wheel diameters of 20 inches and greater. The manufacturer states that if coaster brakes for sidewalk bicycles must be redesigned to meet the requirements of proposed § 1512.5(c)(3), those brakes will require application of a greater amount of force to the pedal and may reduce, rather than improve, the brake performance of sidewalk bicycles.

The manufacturer contends that no evidence is available to establish that a crank differential of 60 degrees would reduce risks of injury below those that would be present if the maximum angle were established at 75 degrees. He adds that if proposed § 1512.5(c)(3) were modified as requested, the same coaster brake could be used for both sidewalk bicycles and bicycles with wheel diameters of 20 inches and greater and that the force required to actuate the footbrake on a sidewalk bicycle would not be increased.

Two U.S. bicycle manufacturers state that they do not produce their own coaster brakes and therefore defer to the views of any brake manufacturer who may comment on proposed § 1512.5(c)(3).

The Commission observes that most of the requirements of Part 1512, including § 1512.5(c)(3), as promulgated July 16, 1974, and proposed on January 7, 1975, are intended to reflect levels of performance that can be achieved by bicycles currently offered for sale. Available information indicates that several bicycle models, including sidewalk bicycles, will be available with coaster brakes that can meet the requirements of proposed § 1512.5(c)(3) for a crank differential of 60 degrees or less when measured with a torque of at least 13.2 N-m (10 ft-lb) applied to the crank in both the drive and pedal positions.

The Commission concludes that a limitation of 60 degrees on the differential angle between the drive and brake positions of a bicycle equipped with a footbrake is necessary to restrict the distance that the crank must be turned back and the time required to actuate the footbrake. The Commission also concludes that a relaxation of the maximum angle of crank differential from 60 degrees to 75 degrees could increase risks of injury to bicyclists in emergencies when rapid application of the footbrake is required.

Accordingly, the Commission declines to make the requested changes.

III. *Steering system.* On January 7, 1975, the Commission proposed to amend § 1512.6(e), which prescribes requirements for the handlebars and clamps, and § 1512.18(h)(1), which prescribes the procedure and criteria for testing the handlebar stem-to-fork clamp. As promulgated July 16, 1974, §§ 1512.6(e) and 1512.18(h)(1) required that the bicycle handlebar stem-to-fork clamp be capable of withstanding a torque of 67.5 N-m (50 ft-lb) and that the sidewalk bicycle handlebar stem-to-fork clamp be capable of withstanding a torque of 47.2 N-m (35 ft-lb), without movement of the handlebars relative to the front fork.

The revisions of §§ 1512.6(e) and 1512.18(h)(1) proposed on January 7, 1975, would require that a bicycle handlebar stem-to-fork clamp be able to withstand a torque of 47.2 N-m (35 ft-lb) and the sidewalk bicycle handlebar stem-to-fork clamp be able to withstand a torque of 20.4 N-m (15 ft-lb), without movement of the handlebars relative to the front fork.

Additionally, proposed § 1512.6(e) contains a requirement for instructions to warn against the danger of overtightening the stem bolt that was not in the promulgation of July 16, 1974.

A. *Assembly instructions.* 1. A manufacturer states that by stressing the danger of overtightening the stem bolt, while not warnnig against undertightening, proposed § 1512.6(e), if adopted, may cause the consumer to undertighten the stem bolt and create a loose stem-to-fork assembly more dangerous than an overtightened stem bolt.

The danger from overtightening is well documented and is stressed because its effects are not readily apparent to the consumer. The effects of undertightening the stem bolt will be obvious to a consumer because an undertightened handlebar will give under the normal pressure the consumer will exert in setting it, thereby alerting the consumer to the need for additional tightening. Accordingly, the Commission concludes that an additional requirement for instructions to warn against undertightening the stem bolt is unnecessary.

2. Another manufacturer states that proposed § 1512.6(e) is design restrictive regarding clamping devices because devices other than stem bolts, such as clamping collars or set screws, could meet the performance requirements.

The Commission agrees. Therefore, the words "or other clamping device" have been added after "stem bolt" in § 1512.6(e) promulgated below.

B. *Test procedure.* 1. Proposed § 1512.18(h)(1)(i) states that the handlebar and handlebar stem "shall be assembled in accordance with the manufacturer's instructions" and prescribes application of a torque about the axis of the stem of the handlebar assembly. A manufacturer suggests that this could be misinterpreted as requiring the handlebar and handlebar stem to be subjected to the torque test as individual components.

The Commission agrees that a literal reading of proposed § 1512.18(h)(1)(i) could result in this unintended interpretation. Accordingly, the pertinent portion of the first sentence of § 1512.18(h)(1)(i) promulgated below has been changed to read "shall be assembled to the bicycle in accordance with the manufacturer's instructions."

2. Proposed § 1512.18(h)(1)(i) provides that after the handlebar stem-to-fork clamp is subjected to the specified torque, it shall be disassembled and examined for "signs of structural damage including cracking, splitting, excessive galling, gouging, scoring, bulging of the stem and fork structures, stripping of threads, and bearing damage." Two manufacturers and an association of manufacturers object to the enumeration of various types of "structural damage" because "galling", "gouging", or "scoring" may be caused by the assembly and disassembly process independently of the "torque test."

One manufacturer and the association also object to the word "excessive" in "excessive galling" because it is inherently subjective.

Another manufacturer states that signs of gouging or scoring may occur during assembly and disassembly because the use of a set screw arrangement as a clamping device requires metal-to-metal contact between the set screw and the handlebar stem. This set screw is used extensively in the manufacture of sidewalk bicycles. The manufacturer requests exemption of sidewalk bicycles from the requirements of proposed § 1512.18(h)(1)(i).

Enumerating the structural damage was done to give the consumer a sense of confidence in the overall integrity of the steering system by enumerating some of the types of structural damage that may occur as a result of a faulty system.

The Commission agrees that the use of set screws as a clamping device may cause some galling, gouging, or scoring marks on the handlebar-fork components during normal assembly and disassembly operations. The Commission also agrees that the word "excessive" preceding "galling" is inappropriate.

Accordingly, § 1512.18(h)(1)(i) promulgated below has been changed to permit the use of set screws and/or other clamping devices used for sidewalk bicycles that may cause some visible signs of galling, gouging, or scoring during assembly and disassembly, but that do not structurally degrade the steering system. Also, the term "excessive" has been deleted.

C. *Test criteria.* 1. In the proposal of January 7, 1975, the Commission intended to propose a revision of the handlebar stem-to-fork test in § 1512.18(h)(1)(ii) to specify that a torque no less than 47.2 N-m (35 ft-lb) and no greater than 49.91 N-m (37 ft-lb) shall be applied to the handlebar stem of a bicycle and no less than 20.4 N-m (15 ft-lb) and no greater than 23.11 N-m (17 ft-lb) to the handlebar stem of a sidewalk bicycle. A manufacturer notes that the first sentence of proposed § 1512.18(h)(1)(ii) contains typographical errors in the specification of the torque levels to be applied to bicycles and sidewalk bicycles.

In addition to eliminating the typographical errors noted by the comment, the Commission has rounded the torque value to 47 N-m (35 ft-lb) for a bicycle and 20 N-m (15 ft-lb) for a sidewalk bicycle and rounded the upper limit of the tolerance to 3 N-m (2 ft-lb) in § 1512.18(h)(2)(ii) promulgated below.

2. A manufacturer objects to the requirement of proposed § 1512.18(h)(1)(ii) prohibiting any "visible movement" between the stem and fork when the specified torque is applied, contending that it is design restrictive. The manufacturer states that future design might employ the use of a key or other device that will allow a limited amount of rotational movement of the handlebar stem to the fork stem without sacrificing any steering security, and requests that an allowable limit of rotational movement, not to exceed five degrees, be added to § 1512.18(h)(1)(ii).

While the Commission does not intend to stifle technological advances in design and safety, it concludes that an allowance for any degree of rotational movement between the stem and the fork would not be in the interest of public safety. Accordingly, the requested change has not been made.

3. An association of foreign manufacturers claims that the torque specified in proposed § 1512.18(h)(1)(ii) is far in excess of a safe level, is unjustified, and will add unnecessary expense and weight to the bicycle.

As indicated above, the torque levels specified in proposed § 1512.18(h)(1)(ii) have been reduced from 67.5 N-m (50 ft-lb) specified for bicycles and from 47.2 N-m (35 ft-lb) for sidewalk bicycles in that regulation as originally promulgated July 16, 1974.

The Commission declines to make any further reductions. This decision is based on an examination of injury data and on engineering tests performed by the Commission's staff on an appropriate means to reduce risks of injury presented by the slippage of the handlebar stem-to-fork assembly.

IV. *Protective chain guard.* As promulgated July 16, 1974, § 1512.9(a) requires bicycles that are not capable of being free-wheeled in a direction opposite to the drive direction to have a chain guard that would cover the point where the chain engages the sprocket. The regulation further describes performance requirements for such a chain guard.

The revision of § 1512.9(a) proposed on January 7, 1975, requires that the top strand of the chain and at least 50 percent of the perimeter where the drive chain contacts the drive sprocket be covered by a guard. The proposed revision also changes application of the chain guard requirement from bicycles "having a single sprocket ratio that cannot be free-wheeled in a direction opposite to the drive direction" to simply bicycles "having a single front sprocket." (As adopted below, this has been expanded to bicycles "having a single front sprocket and a single rear sprocket.") The other requirements of proposed § 1512.9(a) are the same as promulgated July 16, 1974.

A. *Coverage.* 1. A manufacturer states that a meeting with CPSC staff on February 3, 1975, gave him the impression that proposed § 1512.9(a) is intended to be applicable only to bicycles with coaster brakes. No such limitation was intended by the Commission regarding proposed § 1512.9(a), and no such limitation is intended regarding its promulgation below. The Commission intends that § 1512.9(a) shall apply to all bicycles except those specifically excluded therein.

2. An importer, a foreign manufacturer, and a U.S. manufacturer state that bicycles having a single front sprocket, specifically, 5-speed models, are equipped with a rear derailleur or tensioning device that will relieve chain tension if clothing becomes entrapped between the drive chain and sprocket, thereby obviating the need for a guard to cover the top strand of the chain.

The Commission agrees. Accordingly, § 1512.9(a) promulgated below excludes bicycles with a chain-tensioning device from its coverage.

B. *Size of chain guard.* Several commenters question whether any safety justification exists for the requirement that the chain guard must cover the top strand of the chain and at least 50 percent of the perimeter where the drive chain contacts the drive sprocket. An association of manufacturers and three manufacturers question the need for a guard to cover the entire top strand of the chain and contend that a potential hazard exists only at the point where the drive chain contacts the drive sprocket.

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They state that they are unaware of any injuries that have occurred because the drive chain carried clothing forward into the junction of the chain and drive sprocket.

One manufacturer suggests changing proposed § 1512.9(a) to require that the chain guard cover "those areas of the drive chain which would be contactable by the clothing of a rider."

A study by CPSC staff of in-depth accident investigations compiled by CPSC's National Electronic Injury Surveillance System indicates that 36 injuries were caused by chain-sprocket-guard interfaces. Three of these injuries involved clothing that had become entangled with the chain because of inadequate protection of the chain and resulted when the rider could not remove the clothing entangled in a tight chain in time to avoid an accident. In the judgment of the Commission, these accidents could have been avoided if a guard covering the top strand of the chain had been present on the bicycle.

This study did not reveal any injuries resulting from entanglement of clothing in the area above and forward of the bicycle's rear sprocket. As promulgated below, therefore, § 1512.9(a) makes allowance for manufacturers' fabrication and assembly tolerances and permits the chain to be unguarded a maximum distance of 8 cm (3.2 in) forward of the centerline of the rear axle. It also allows the top surface of the chain guard to be partially unguarded in the area near the rear wheel.

Bicycles are generally designed with a centerline of the drive sprocket somewhat lower than the centerline of the rear sprocket. Because of this design practice, the requirement in proposed § 1512.9(a) that the chain guard must cover at least 50 percent of the perimeter where the chain contacts the drive sprocket could require the chain guard to cover slightly more than 90 degrees of the sprocket teeth. When the Commission proposed § 1512.9(a), it did not intend to require that more than 90 degrees of the drive sprocket be covered by the chain guard. Accordingly, § 1512.9(a) as promulgated below has been changed to reflect that intent and assure a uniform requirement.

The Commission finds that the requirement of proposed § 1512.9(a) for coverage of the perimeter of the drive sprocket is necessary to prevent injuries caused by entanglement of clothing. The requirement is therefore included in § 1512.9(a) and figure 7 promulgated below.

V. *Identification labeling.* Proposed § 1512.19(e) requires that bicycles subject to Part 1512 bear a permanent marking on the frame from which the manufacturer can identify the month and year of manufacture or the private labeler can identify the manufacturer and the month and year of manufacture. The date of manufacture is defined as the completion by the manufacturer of those construction and assembly operations that are performed by the manufacturer before the bicycle is shipped for sale to distributors, retailers, or consumers.

A. Four manufacturers, a retailer, and a foreign association of bicycle manufacturers request clarification of "permanent marking on the bike frame." Several ask whether the provision would permit use of permanent pressure-sensitive labels or decals, silk-screen printing, and similar markings on the frame. Two manufacturers and the foreign association suggest that proposed § 1512.19(e) be changed to allow the use of a permanent marking securely affixed to the bicycle frame, such as a metal plate or a metal identification ring.

The purpose of proposed § 1512.19(e) is (1) to provide the Commission with a means to determine which requirements any given bicycle must meet in the event Part 1512 is substantively amended after its effective date and (2) to facilitate identification of bicycles subject to recall that may be in channels of distribution or in the hands of consumers. To achieve this end, the Commission agrees that proposed § 1512.19(e) should be modified to permit the use of permanent labels, decals, metal plates, and other marking devices that are attached or applied to the frame of the bicycle.

Accordingly, § 1512.19(e) promulgated below prescribes that the required information shall be securely affixed on or to the frame of the bicycle by means of a marking or label that cannot be removed without being defaced or destroyed.

B. An association of bicycle dealers asks that, at a minimum, the name and address of the original manufacturer be required as part of the labeling requirements of proposed § 1512.19(e) in order to facilitate efficient, safe service of bicycles subject to Part 1512.

Although the requested change might reduce the risks of injury caused by repairs utilizing improperly fitted parts, its principal purpose is to assist persons who repair and service bicycles rather than to enhance the safety of bicycles. The Commission observes that § 1512.19(a)(3) requires the bicycle to be accompanied by an instruction manual that shall include instructions for proper maintenance of brakes, control cables, bearings, wheels, reflectors, tires, handlebars, seat, etc., or, if such maintenance is beyond the capability of the consumer, locations where such maintenance service can be obtained.

The Commission concludes that the provisions of § 1512.19 as amended below are adequate and therefore decline to make the requested change.

Conclusion and Promulgation

Having considered the proposals of July 16, 1974, and January 7, 1975, the comments responding thereto, and other relevant material, the Commission concludes that the bicycle regulations should be amended as set forth below and that a new effective date for the regulations as amended should be established as specified below.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(a)):

1. A new effective date is established for 16 CFR 1500.18(a)(12) and 16 CFR Part 1512 as amended in this document and in another document also published in this issue of the Federal Register. The effective date of these regulations was suspended by an order published December 16, 1974 (39 FR 43536). The new effective date is specified at the end of this document.

2. Section 1500.18(a)(12) is revised to read as follows (although unchanged, the introductory text of § 1500.18(a) is included below for context):

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

* * * * *

(12) Any bicycle as defined in § 1512.2(a) of this chapter (except a bicycle that is a "track bicycle" or a "one-of-a-kind bicycle" as defined in § 1512.2(d) and (e) of this chapter) that is introduced into interstate commerce on or after May 11, 1976, and that does not comply with the requirements of Part 1512 of this chapter, except for §§ 1512.5(c)(3), 1512.9(a), 1512.18(e) and 1512.18(f) which become effective November 13, 1976.

* * * * *

3. Section 1512.5(c)(3) is revised to read as follows:

§ 1512.5 Requirements for braking system.

* * * * *

(c) *Footbrakes.* * * *

(3) *Crank differential.* The differential between the drive and brake positions of the crank shall be not more than 60° with the crank held against each position under a torque of no less than 13.6 N-m (10 ft-lb).

* * * * *

4. Section 1512.6(e) is revised to rend as follows:

§ 1512.6 Requirements for steering system.

* * * * *

(e) *Handlebar and clamps.* The handlebar and clamps shall be tested in accordance with the handlebar test, § 1512.18(h). Directions for assembly of the bicycle required in the instruction manual by § 1512.19(a)(2) shall include an explicit warning about the danger of damaging the stem-to-fork assembly and the risk of injury to the rider that can result from overtightening the stem bolt or other clamping device. The directions for assembly shall also contain a simple, clear, and precise statement of the procedure to be followed to avoid damaging the stem-to-fork assembly when tightening the stem bolt or other clamping device.

* * * * *

5. Section 1512.9(a) is revised to read as follows and a new figure 7 is added:

§ 1512.9 Requirements for protective guards.

* * * * *

(a) *Chain guard.* Bicycles having a single front sprocket and a single rear sprocket shall have a chain guard that shall cover the top strand of the chain and at least 90° of the perimeter where the drive chain contacts the drive sprocket as shown in figure 7. The chain guard shall extend rearward to a point at least 8 cm (3.2 in) forward of the centerline of the rear axle. The minimum width of the top area of the chain guard shall be twice the width of the chain in that portion forward of the rear wheel rim. The rear part of the top area may be tapered. The minimum width at the rear of the guard shall be one-half the chain width. Such chain guard shall prevent a rod of 9.4 mm (⅜ in) diameter and 76 mm (3.0 in) length from entrapment between the upper junction of the chain and the sprocket when introduced from the chain side of the bicycle in any direction within 45° from a line normal to the sprocket.

* * * * *

6. Section 1512.18(h)(1) is revised to read as follows:

§ 1512.18 Test and test procedures.

* * * * *

(h) *Handlebar test.* (Ref. § 1512.6(e))

(1) *Stem-to-fork clamp test*—(i) *Procedure.* The handlebar and handlebar stem shall be assembled to the bicycle in accordance with the manufacturer's instructions. The handlebar-fork assembly shall be subjected to a torque applied about the axis of the stem, and shall then be disassembled and examined for signs of structural damage including cracking, splitting, stripping of threads, bearing damage, and bulging of the stem and fork structures. The handlebar and handlebar stem components shall be inspected for visible signs of galling, gouging, and scoring not due to normal assembly and disassembly operations.

(ii) *Criteria.* There shall be no visible movement between the stem and fork when a torque of 47+3, 0 N-m (35+2, −0 ft-lb) for bicycles and 20+3, −0 N-m (15+2, −0 ft-lb) for sidewalk bicycles is applied to the handlebar about the stem-to-fork axis. There shall be no visible signs of damage to the stem-fork assembly or any component part thereof.

* * * * *

7. Section 1512.19 is amended by adding paragraphs (d) and (e) as follows:

§ 1512.19 Instructions and labeling.

* * * * *

(d) Every bicycle subject to the requirements of this Part 1512 and introduced into interstate commerce on or after May 11, 1976 through May 11, 1978, shall be labeled with the statement "Meets U.S. Consumer Product Safety Commission Regulations for Bicycles."

(1) Every such bicycle, displayed or offered for sale to consumers in a fully assembled condition, shall bear a label (such as a hang tag) at least 6.4 cm (2.5 in) by 17.8 cm (7 in) setting forth the required labeling statement legibly and conspicuously in capital letters at least 0.6 cm (0.25 in) high. No other words or symbols may appear on the label.

(2) The required labeling statement shall appear legibly and conspicuously in capital letters at least 1.3 cm (0.5 in) high on the retail carton of every such bicycle offered for sale to consumers in an unassembled or partially assembled condition.

(e) Every bicycle subject to the requirements of this Part 1512 shall bear a marking or label that is securely affixed on or to the frame of the bicycle in such a manner that the marking or label cannot be removed without being defaced or destroyed. The marking or label shall identify the name of the manufacturer or private labeler and shall also bear some form of marking from which the manufacturer can identify the month and year of manufacture or from which the private labeler can identify the manufacturer and the month and year of manufacture. For purposes of this paragraph, the term "manufacture" means the completion by the manufacturer of a bicycle of those construction or assembly operations that are performed by the manufacturer before the bicycle is shipped from the manufacturer's place of production for sale to distributors, retailers, or consumers.

* * * * *

Effective date. The bicycle banning and safety regulations, 16 CFR 1500.18(a)(12) and Part 1512, promulgated July 16, 1974 (39 FR 26100), and suspended December 16, 1974 (39 FR 43536), shall, as amended above in this document and as amended by another document also in this issue of the Federal Register, become effective May 11, 1976, except for §§ 1512.5(c)(3), 1512.9(a), 1512.18(e) and 1512.18(f) which become effective November 13, 1976.

(Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89 (15 U.S.C. 1261, 1262))

Although the Consumer Product Safety Commission does not consider Executive Order 11821 to apply to public safety regulations of this nature, the economic and inflationary impact of the regulation has been studied and is on file at the Commission.

The Commission has considered the possible environmental effects of the bicycle regulation and has determined that the environmental impact of the regulations as issued and amended is negligible. On the basis of this assessment, the Commission believes that no environmental impact statement is necessary. A copy of the environmental assessment is on file at the Commission.

Dated: November 7, 1975.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

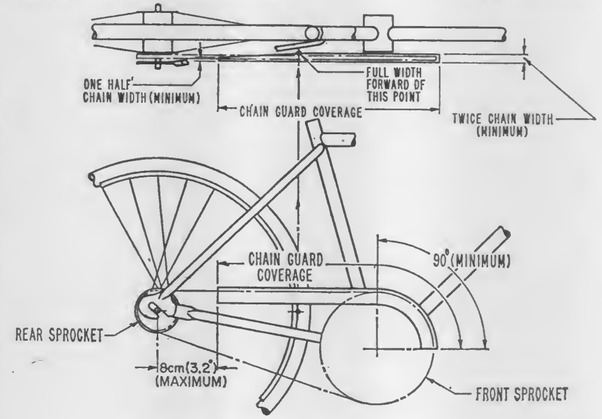


FIG 7—CHAIN GUARD REQUIREMENTS

[FR Doc.75-30479 Filed 11-12-75;8:45 am]

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Confidential Assistant to the General Counsel is excepted under Schedule C.

Effective on November 13, 1975.

Section 213.3313(d)(4) is added as set out below:

§ 213.3313 Department of Agriculture.

* * * * * *

(d) *Office of the General Counsel.* * * *

(4) One Confidential Assistant to the General Counsel.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30640 Filed 11-12-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Confidential Assistant to the Deputy Under Secretary for Congressional Relations is excepted under Schedule C.

Effective on November 13, 1975.

Section 213.3313(c)(6) is revised as set out below:

§ 213.3313 Department of Agriculture.

* * * * * *

(c) *Office of the Under Secretary.* * * *

(6) Six Confidential Assistants to the Deputy Under Secretary for Congressional Relations.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30641 Filed 11-12-75;8:45 am]

PART 213—EXCEPTED SERVICE

Farm Credit Administration

Section 213.3343 is amended to show that one position of Deputy Governor and Chief Examiner, is excepted under Schedule C.

Effective on November 13, 1975 § 213.3343(f) is added as set out below.

§ 213.3343 Farm Credit Administration.

* * * * * *

(f) Deputy Governor and Chief Examiner.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30642 Filed 11-12-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Expenses and Rate of Assessment

This document authorizes the South Texas Lettuce Committee to spend $20,200 for its operations during the fiscal period ending July 31, 1976, and to collect one cent ($0.01) per carton on assessable lettuce handled by first handler's to defray such expenses.

The committee is the administrative agency established under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the October 24 FEDERAL REGISTER (40 FR 49791) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than November 6, 1975. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable lettuce from the beginning of such period.

Section 971.215 is added as follows:

§ 971.215 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1976, by the South Texas Lettuce Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $20,200.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one cent ($0.01) per carton of assessable lettuce handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 971.43(a)(2).

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 7, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-30574 Filed 11-12-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Rural Area

Section 1822.83(j) of Subpart D of Part 1822, Title 7, Code of Federal Regulations (40 FR 4278) is revised to implement changes made in the Rural Housing loan program by Public Law 93–383, Housing and Community Development Act of 1974, which allows Rural Rental Housing loans in communities of up to 20,000 population in certain cases. It is the general policy of the Department of Agriculture to allow time for interested parties to take part in the rulemaking process; however, inasmuch as this revision implements the Housing and Community Development Act of 1974, it is being published without notice of proposed rulemaking because such notice would delay provision of needed rental housing to communities and would be contrary to the public interest.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before December 15, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this section of Subpart D of Part 1822, as revised, will remain effective until it is further amended.

As revised § 1822.83(j) reads as follows:

§ 1822.83 Definitions.

* * * * * *

(j) "Rural area" is open country or rural places as defined in § 1822.3(c).

* * * * * *

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Asst. Secretary for Rural Development, 7 CFR 2.70.)

Effective date. This revision shall become effective November 13, 1975.

Date: November 5, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.75-30577 Filed 11-12-75;8:45 am]

[FmHA Instruction 444.8]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Rural Area

Section 1822.263(c) of Subpart G of Part 1822, Title 7, Code of Federal Regulations (35 FR 10687) is revised to implement changes made in the Rural Housing loan program by Public Law 93–383, an amendment to the Housing and Community Development Act of 1974, which allows Rural Housing site loans in communities of up to 20,000 population in certain cases.

It is the general policy of the Department of Agriculture to allow time for interested parties to take part in the rulemaking process; however, inasmuch as this revision implements the Housing and Community Development Act of 1974, it is being published without notice of proposed rulemaking because such notice would delay provision of needed housing to communities and would be contrary to the public interest.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before December 15, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this section of Subpart G of Part 1822, as revised, will remain effective until it is further amended.

As revised, § 1822.263(c) reads as follows:

§ 1822.263 Definitions.

* * * * * *

(c) "Rural area" is open country or rural places as defined in § 1822.3(c).

* * * * * *

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Asst. Secretary for Rural Development, 7 CFR 2.70.)

Effective date. This revision shall become effective November 13, 1975.

Date: November 5, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.75-30576 Filed 11-12-75;8:45 am]

[FmHA Instruction 444.10]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Rural Area

Section 1822.323(c) of Subpart I of Part 1822, Title 7, Code of Federal Regulations (35 FR 11226) is revised to implement changes made in the Rural Housing loan program by Public Law 93–383, an amendment to the Housing and Community Development Act of 1974, which allows Technical Assistance funds to finance programs of technical and supervisory assistance for self-help housing to be built in communities of up to 20,000 population in certain cases.

It is the general policy of the Department of Agriculture to allow time for interested parties to take part in the rulemaking process; however, inasmuch as this revision implements the Housing and Community Development Act of 1974, it is being published without notice of proposed rulemaking because such notice would delay provision of needed rental housing to communities and would be contrary to the public interest.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before December 15, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this section of Subpart I of Part 1822, as revised, will remain effective until it is further amended.

As revised, § 1822.323(c) reads as follows:

§ 1822.323 Definitions.

* * * * * *

(c) "Rural area" is open country or rural places as defined in § 1822.3(c).

* * * * * *

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Asst. Secretary for Rural Development, 7 CFR 2.70.)

Effective date. This revision shall become effective November 13, 1975.

Dated: November 5, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.75-30578 Filed 11-13-75;8:45 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Size Tolerances for Undersized Prunes

On October 2, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 45443) regarding a proposal to amend the Administrative Rules and Regulations (7 CFR 993.101–993.174) to provide additional tolerances to those currently prescribed in paragraph (g) of § 993.150 for prunes disposed of by handlers as undersized prunes. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended, regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Interested persons were given until October 17, 1975, to submit written data, views, or arguments with respect to the proposal. None were submitted.

Section 993.150(g)(3) currently contains tolerances for use whenever an undersized regulation prescribes openings of 23/32 of an inch for French prunes and 28/32 of an inch for non-French prunes. On September 15, 1975, an action was published in the FEDERAL REGISTER (40 FR 42530; 7 CFR 993.400) modifying the openings prescribed in § 993.49(c) to permit undersized regulations to prescribe openings of 24/32 of an inch for French prunes and 30/32 of an inch for non-French prunes. Thus, it is necessary to prescribe tolerances for use whenever an undersized regulation prescribes those larger openings.

Consistent with this, the Committee recommended the following tolerances: For any quantity of French prunes disposed of by a handler in compliance with § 993.50(g), the quantity shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening of $^{24}/_{32}$ of an inch in diameter; and for any quanity of non-French prunes so disposed of, the quantity shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening of $^{30}/_{32}$ of an inch in diameter.

After consideration of all relevant matter presented, including that in the notice, the recommendation of the Committee, and other available information, it is found that prunes disposed of as undersized prunes subject to the tolerances prescribed in this action are reasonably comparable in size to those prunes determined by the inspection service as undersized in the incoming evaluation, and that the additional tolerances prescribed herein should be established to accomplish the purposes of the act and the efficient administration of the order.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This proposal was unanimously recommended by the Prune Administrative Committee, and

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handlers and producers are aware of this action; (2) prunes received by handlers are being size-graded resulting in the accumulation of undersized prunes; (3) handlers are preparing to dispose of those prunes, and this action should be made effective on the date provided at the end of this action to enable handlers to use the tolerances as soon as possible; (4) this action imposes no restrictions on handlers; and (5) no useful purpose would be served by postponing its effective time.

Therefore, paragraph (g)(3) of § 993.150 of Subpart—Administrative Rules and Regulations is revised to read as follows:

§ 993.150 Disposition of prunes by handlers.

* * * * *

(g) * * *

(3) *Tolerances permitting a deviation in prune sizes from applicable undersized openings.* (i) *Undersized French prunes.* Whenever an undersized regulation specifies an opening of $2^{3}/_{32}$ of an inch for French prunes, any quantity of French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 15 percent by weight of prunes which do not pass freely through a round opening $2^{1}/_{32}$ of an inch in diameter. Whenever an undersized regulation specifies an opening of $2^{1}/_{32}$ of an inch in diameter for French prunes, any quantity of French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening $2^{0}/_{32}$ of an inch in diameter.

(ii) *Undersized non-French prunes.* Whenever an undersized regulation specifies an opening of $2^{3}/_{32}$ of an inch for non-French prunes, any quantity of non-French prunes disposed of by a a handler in compliance with § 993.50(g) shall not contain more than 10 percent by weight of prunes which do not pass freely through a round opening $2^{0}/_{32}$ of an inch in diameter. Whenever an undersized regulation specifies an opening of $2^{0}/_{32}$ of an inch in diameter for non-French prunes, any quantity of non-French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening $2^{3}/_{32}$ of an inch in diameter.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 7, 1975, to become effective November 17, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-30657 Filed 11-12-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 78—BRUCELLOSIS

Brucellosis Areas

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Macon County in Missouri; LeFlore and Pushmataha Counties in Oklahoma; McMullen, Robertson, and Starr Counties in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they again come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Angelina, Chambers, Falls, Fannin, Galveston, Goliad, Hunt, Kleberg, Lavaca, Lubbock, McLennan, Morris, Orange, Red River, Runnels, Sabine, Shelby, Stephens, Taylor, Uvalde, Wichita, and Wilbarger Counties in Texas.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Brucellosis-Free Area in § 78.1(l): Corson County in South Dakota; Ector, Newton, and Reeves Counties in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they again come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Big Horn, Cascade, Elaine, Fergus, Garfield, Glacier, Golden Valley, Judith Basin, Liberty, Musselshell, Pondera, Prairie, Roosevelt, Stillwater, and Yellowstone Counties in Montana; Brewster County in Texas.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 87.1(l): Henry County in Illinois; Childress County in Texas.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are revised to read as follows:

§ 78.20 Certified brucellosis-free areas.

* * * * *

(a) *Entire states.* Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific counties within states.*

Alabama. Barbour, Cherokee, Clay, Cleburne, Dale, Etowah, Geneva, Henry, Houston, Lee, Russell.

Arkansas. Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Dallas, Drew, Fulton, Garland, Grant, Greene, Jackson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Pope, Prairie, Searcy, Sharp, Stone, Union, Woodruff, Yell.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Bent, Boulder, Chaffee, Cheyenne, Clear Crek, Conejos, Costilla, Crawley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Otero, Ouray, Park, Phillips, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Barrow, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, Madison, McIntosh, Monroe, Peach, Rabun, Richmond, Rockdale, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Towns, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Idaho. Ada, Adams, Bannock, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington, Yellowstone National Park.

Illinois. Adams, Alexander, Boone, Bond, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Fayette, Ford, Franklin, Greene, Grundy, Hamilton, Hancock, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, White, Whiteside, Will, Winnebago.

Iowa. Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Comanche, Doniphan, Ford, Grove, Haskell, Hodgeman, Johnson, Lane, Marshall, Pawnee, Phillips, Riley, Scott, Trego, Washington.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Barry, Carter, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Marion, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

Montana. Big Horn, Beaverhead, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Elaine, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, McCone, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone.

New Mexico. Bernalillo, Catron, Dona Ana, Grant, Harding, Lincoln, Los Alamos, Luna, McKinley, Otero, Sandoval, San Juan, Santa Fe, Sierra, Taos.

South Dakota. Aurora, Bennett, Bon Homme, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Custer, Davison, Day, Deuel, Dewey, Douglas, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton.

Tennessee. Anderson, Bledsoe, Blount, Campbell, Carter, Cheatham, Claiborne, Davidson, Decatur, Dickson, Fentress, Grainger, Greene, Grundy, Hamblen, Hancock, Hardin, Houston, Jackson, Jefferson, Johnson, Knox, Lake, Lincoln, Meigs, Monroe, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, White.

Texas. Brewster, Cochran, Comal, Crane, Childress, El Paso, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Pecos, Reagan, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coama, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Pieddras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.* Alaska, Nebraska.

(b) *Specific counties within states.*

Alabama. Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Chilton, Choctaw, Clarke, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Escambia, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Chicot, Clark, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White.

Colorado. Baca, Kiowa, Morgan, Prowers, Pueblo, Yuma.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bingham, Bonneville, Franklin.

Illinois. Brown, Effingham, Fulton, Gallatin, Hardin, Mason, Pike, Pope, Wayne, Williamson, Woodford.

Iowa. Allamakee, Appanoose, Crawford, Davis, Decatur, Guthrie, Pottawattamie, Poweshiek, Ringgold, Warren, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabaunsee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Louisiana. Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, Winn.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshobs, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, McDonald, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon,

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Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Colfax, Curry, De Baca, Eddy, Guadalupe, Hidalgo, Lea, Mora, Quay, Rio Arriba, Roosevelt, San Miguel, Socorro, Torrance, Union, Valencia.

Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, Woodward.

South Dakota. Brookings, Edmunds, Jones, Marshall, Stanley, Crow Creek Indian Reservation.

Tennessee. Bedford, Benton, Bradley, Cannon, Carroll, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Humphreys, Lauderdale, Lawrence, Lewis, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putman, Rhea, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Banders, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Eastland, Edwards, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glassock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman Hardin, Harrison, Hays, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Jim Hogg, Johnson, Jones, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Lubbock, Lynn, McCulloch, McLennan, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Refugio, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah. Box Elder, Cache.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

§ 78.22 Noncertified areas.

Oklahoma. LeFlore, Pushmataha.

South Dakota. Beadle, Corson, Ziebach.

Texas. Cameron, Duval, Ector, Harris, Haskell, Hidalgo, Jefferson, Jim Wells, Karnes, Liberty, Live Oak, McMullen, Newton, Reeves, Robertson, Starr, and Upshur.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16).

Effective date. The foregoing amendments shall become effective November 13, 1975.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of November.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.75-30575 Filed 11-12-75;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Advance Notice of Certain Shipments of Special Nuclear Material

On April 4, 1975, the Nuclear Regulatory Commission (NRC) published in the FEDERAL REGISTER (40 FR 15098) proposed amendments to its regulations in 10 CFR Part 73 to require that advance notice of shipments involving certain quantities of special nuclear material (SNM) be provided to the NRC, and that the NRC be notified upon arrival of such shipments. Interested persons were invited to submit comments and suggestions for consideration in connection with the proposed amendments within 30 days after publication in the FEDERAL REGISTER. Upon consideration of the comments received and other factors involved, the NRC has adopted the proposed amendments with certain modifications set forth below.

Significant differences from the amendments published for comment are: (1) the amount of information to be supplied in the advance shipping notice has been reduced; (2) in addition to notifying the NRC Inspection and Enforcement Regional Office by mail, the licensee is required to notify the Director of the appropriate Regional Office by telephone seven days in advance of the shipping date that an advance shipping notice had been sent by mail; (3) the requirement for advance shipping notice is not applicable to spent fuel shipments, and would also not be applicable to shipments or transfers of SNM by road with one way transit times of one hour or less in duration between installations of a licensee; (4) telephone *and* telegraph or teletype notifications are required when the shipment arrives at its destination in all cases; (5) and a definition of the appropriate NRC Regional Inspection and Enforcement Office to be notified of shipments has been added.

The following discussion pertains to items (1) through (5) respectively:

(1) The proposed rule specified that the advance notice of shipment contain information as specified in § 73.70(g). Comments on this requirement indicated that some of the information in proposed § 73.70(g) is not available seven days in advance of a shipment. Accordingly this provision has been revised to require only the following information in the advance shipping notice: shipper, receiver, carrier(s), estimated date and time of departure and arrival, transfer points, and modes of shipment.

(2) A telephone call to the Director of the appropriate NRC Inspection and Enforcement Regional Office assures that the Regional Office would be alerted to the fact that advance shipping information details were being sent by mail. Appropriate action could be taken if the information did not arrive as expected.

(3) Several commenters requested clarification on whether the advance shipping notice was required for spent fuel shipments. It was not intended that the advance shipping notice apply to spent fuel shipments. Accordingly, § 73.6 has been revised to except spent fuel shipments from the requirement for an advance shipping notice. Additionally, one commenter requested that inter-site shipments between closely spaced installations also be excluded from the requirement of an advance shipping notice. Section 73.72 has been accordingly revised to exclude the requirement of an advance shipping notice for "road shipments or transfers with one way transit times of one hour or less in duration between installations of a licensee."

(4) Paragraph 73.36(c)(3) of the proposed rule required the consignee to notify the shipper upon arrival of a shipment by telephone, telegraph or teletype. Paragraph 73.36(e) of the proposed rule required that the consignee inform the shipper and the appropriate Regional Office by telephone *and* telegraph or teletype. In order to make notification requirements upon arrival of a shipment consistent, paragraph 73.36(c)(3) has been revised to require that the consignee inform the shipper by telephone *and* telegraph or teletype.

(5) In order to be more definitive as to the "appropriate" NRC Inspection and Enforcement Regional Office to be informed of shipments a new definition has been added in paragraph 73.2(r). For domestic shipments the appropriate Regional Office is the office within whose region the licensee who is responsible for the physical protection arrangements of the shipment is located. For export and/or import shipments the appropriate Regional Office is the office within whose region the licensee who is responsible for the physical protection arrangements of the shipment is located and also the Regional Office for the region in which the last or first point of exit or entry from or into the U.S. is located, as appropriate.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Part 73 are published as a document subject to codification.

1. A new paragraph (r) is added to § 73.2 to read as follows:

§ 73.2 Definitions.

. . . . . .

(r) "Appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A" means:

(1) For domestic shipments—the Regional Office within whose region the licensee who is responsible for the physical protection arrangements of the shipment is located.

(2) For export shipments—the Regional Office within whose region the licensee who is responsible for the physical protection arrangements of the shipment is located, and the Regional Office for the region in which the last point of exit of the shipment from the U.S. is located.

(3) For import shipments—the Regional Office within whose region the licensee who is responsible for the physical protection arrangements of the shipment is located, and the Regional Office for the region in which the first point of entry of the shipment into the U.S. is located.

2. Section 73.6 is revised to read as follows:

§ 73.6 Exemptions for certain quantities and kinds of special nuclear material.

A licensee is exempt from the requirements of §§ 73.30 through 73.36, and of §§ 73.60, 73.70 and 73.72 of this part, with respect to the following special nuclear material:

(a) Uranium-235 contained in uranium enriched to less than 20 percent in the U–235 isotope:

(b) Special nuclear material which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding; and

(c) Special nuclear material in a quantity not exceeding 350 grams of uranium-235, uranium-233, plutonium, or a combination thereof, possessed in any analytical, research, quality control, metallurgical or electronic laboratory.

3. Paragraphs (c)(3) and (e) of § 73.36 are revised to read as follows:

§ 73.36 Miscellaneous requirements.

. . . . . .

(c)(3) Each licensee who delivers special nuclear material to a carrier for transport or releases special nuclear material f.o.b. at the point where it is delivered to a carrier for transport shall also make arrangements with the consignee to be notified immediately by telephone and telegraph or teletype, of the arrival of the shipment at its destination.

. . . . . .

(e) Each licensee who receives a shipment of special nuclear material shall immediately notify by telephone and telegraph or teletype, the person who delivered the material to a carrier for transport and the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of the arrival of the shipment at its destination. When an Energy Research and Development Administration (ERDA) license-exempt contractor is the consignee, the licensee who is the consignor shall notify by telephone and telegraph, or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of the arrival of the shipment at its destination immediately upon being notified of the receipt of the shipment by the license-exempt contractor as arranged pursuant to paragraph (c)(3) of this section. In the event such a shipment fails to arrive at its destination at the estimated time, the consignee, if a licensee, or in the case of an export shipment, the licensee who exported the shipment, shall immediately notify by telephone and telegraph or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part, and the licensee or other person who delivered the material to a carrier for transport. The licensee who made the physical protection arrangements shall also immediately notify by telephone and telegraph, or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of the action being taken to trace the shipment.

4. A new § 73.72 is added to read as follows:

§ 73.72 Requirement for advance notice of shipment of special nuclear material.

Each licensee who plans to import, export, transport, deliver to a carrier for transport in a single shipment, or take delivery of a single shipment free on board at the point where it is delivered to a carrier quantities of special nuclear material as specified in § 73.1(b)(2) shall notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A by U.S. Mail, postmarked at least seven days in advance of the shipping date. The following information shall be furnished in the advance notice: shipper, receiver, carrier(s), estimated date and time of departure and arrival, transfer point(s), and mode(s) of shipment. The Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office shall also be notified by telephone seven days in advance of the shipping date that an advance shipping notice has been sent by mail, and of any changes to the shipment itinerary prior to the shipment date. Road shipments or transfers with one way transit times of one hour or less in duration between installations of a licensee are exempt from the requirements of this section.

Effective date: The foregoing amendments become effective on December 15, 1975.

(Sec. 161, Pub. L. 83–703, 68 Stat. 948; Sec. 201, Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 2201, 5841))

Dated at Washington, D.C. this 7th day of November 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-30596 Filed 11-12-75;8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 210—GENERAL ALLOCATION AND PRICE RULES

Extension of Stripper Well Lease Exemption Amendment

The Federal Energy Administration hereby adopts an amendment to extend for 90 days beginning November 30, 1975, the May 15, 1975 amendment to the stripper well lease exemption of 10 CFR 210.32, which became effective on June 3, 1975 and was subsequently extended for a period of 90 days beginning September 1, 1975, but which under the provisions of section 4(g)(2) of the Emergency Petroleum Allocation Act of 1973 ("EPAA", Pub. L. 93–159, as amended, Pub. L. 93–511, as further amended, Pub. L. 94–99) will expire on November 29, 1975. This extension of the May 15 amendment is also being submitted to Congress for its review pursuant to section 4(g)(2) of the EPAA. Unless disapproved by either House of Congress during the five-day period allowed for

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legislative review, the May 15 amendment to the stripper well lease exemption will be extended for another 90 days, beginning November 30, 1975. This action is being taken at this time to ensure that the amendment will continue in its present form on November 30, should the EPAA be extended beyond November 15, 1975.

The May 15 amendment is designed to remove a disincentive to increased production from marginally-producing stripper well leases that existed under the previous regulation, and provides that once a property qualifies as a stripper well lease on the basis of its average daily production per well for any calendar year beginning after December 31, 1972, the property will continue to enjoy exempt status, regardless of any increased production in a subsequent year.

The amendment was adopted pursuant to the procedures of section 4(g)(2) of the EPAA, which provides:

> If at any time after the date of enactment of this Act the President finds that application of the regulation under subsection (a) to crude oil, residual fuel oil, or a refined petroleum product is not necessary to carry out this Act, that there is no shortage of such oil or product, and that exempting such oil or product from such regulation will not have an adverse impact on the supply of any other oil or refined petroleum products subject to this Act, he may prescribe an amendment to the regulation under subsection (a) exempting such oil or product from such regulation for a period of not more than ninety days. The President shall submit any such amendment and any such findings to the Congress. An amendment under this paragraph may not exempt more than one oil or one product. Such an amendment shall take effect on a date specified in the amendment, but in no case sooner than the close of the earliest period which begins after the submission of such amendment to the Congress and which includes at least five days during which the House was in session and at least five days during which the Senate was in session; except that such amendment shall not take effect if before the expiration of such period either House of Congress approves a resolution of that House stating in substance that such House disapproves such amendment.

The FEA originally submitted the stripper well lease amendment and accompanying findings to each House of Congress on May 15, 1975 (40 FR 22123, May 21, 1975) and the five day period for Congressional review began on May 16, 1975. The period beginning May 16, 1975 and ending June 2, 1975 included five days during which each House was in session, and during which neither House of Congress approved a resolution stating in substance that such House disapproved the amendment. Accordingly, the amendment became effective June 3, 1975 (40 FR 24517, June 9, 1975), and the last day of the 90-day period provided for by section 4(g)(2) of the EPAA was August 31, 1975.

Included with the May 15 submission to Congress were the following findings, required under section 4(g)(2) of the EPAA:

> It is clear from the legislative history, as well as from the language of the EPAA, that application of the allocation and price regulations to the first sale of crude oil produced from leases whose average daily production is 10 barrels or less per well was not deemed necessary to implement the overall congressional policy embodied in the Act.

The report of the House Interstate and Foreign Commerce Committee indicates that "pricing controls and forced allocation of [crude oil produced from stripper well leases] would unnecessarily inhibit production" since "pricing restrictions imposed under other federal authority have demonstrably had the effect of inhibiting production from such wells." The Committee clearly stated its intent "that a similar result should not be made possible by the Mandatory Petroleum Allocation Program called for [by the EPAA]."

Similarly, the legislative history of the Trans-Alaska Pipeline Authorization Act of 1973 (Pub. L. 93-153, enacted eleven days prior to the EPAA) contained a similar exemption for stripper wells, again indicating a clear congressional policy in favor of ensuring that price controls would not inhibit the continued production from these marginally-producing properties. The Senate Committee on Interior and Insular Affairs stated the purpose of the exemption as being "to insure that direct or indirect price ceilings do not have the effect of resulting in *any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons.*" (Emphasis added.) Continuation of the existing regulation, however, would have effects contrary to those that Congress expressly sought to achieve.

The FEA finds that there is currently no shortage of crude oil available to refiners in the United States, and that this amendment will not have an adverse impact on other products covered by FEA regulations. These findings, however, although called for by the EPAA, are not necessarily material considerations in the adoption of this amendment, which is designed to encourage the increased domestic production of crude oil from marginally-producing stripper well leases, and thereby more adequately to carry out the intent of the congressionally-mandated stripper well lease exemption. The impact, therefore, of the amendment on crude oil and other products should be simply to displace with increased domestic production the crude oil that would otherwise need to be imported in order to maintain adequate and reliable supplies of petroleum products. Continuation of the regulation in its present form, on the other hand, would effectively eliminate this potential source of additional domestic crude oil, and would tend to accelerate the decline in production from marginally-producing properties. Accordingly, the FEA finds that the continued regulation of this narrow category of crude oil is unnecessary to carry out the purposes and objectives of the EPAA, and that the effect of the amendment will be to promote the increased production of domestic crude oil, thereby decreasing the Nation's dependence on foreign supplies.

This amendment is not intended to effect any change in the method of measuring the number of barrels of production from a property or in the method of counting the number of production wells for purposes of the stripper well lease exemption. These aspects of the stripper well lease exemption were specifically treated in Ruling 1974-29 and Ruling 1974-30, neither of which is altered in any way by the amendment adopted herein. The amendment is also intended to have no effect on the continued viability of Ruling 1974-28 (Inapplicability of the "Stripper Well Lease" Exemption of 10 CFR 210.32 to Gas Wells), which the FEA is currently reconsidering in a separate proceeding (40 FR 18004, April 24, 1975).

Insofar as the amendment might have the effect of releasing from the ceiling price some crude oil that is produced from properties that lost the stripper well lease exemption because of production levels in excess of ten barrels per well per day during calendar year 1974, the amendment will operate prospectively only. Therefore, for those properties in this narrow category, crude oil may be sold without regard to the ceiling price rule of 10 CFR 212.73, as of the effective date of the amendment. However, such producers may not retroactively increase the price of such crude oil for sales that occurred prior to the effective date of this amendment.

(40 FR 22123, 22124, May 21, 1975.)

The May 15 findings and amendment were adopted by FEA after a rulemaking and public hearing. After notice of the proposed amendment was given on February 28, 1975 (40 FR 10195, March 5, 1975), comments were received from thirty-three interested persons, and a public hearing was held on March 21, 1975, at which five interested persons presented oral testimony. Consideration of all the written and oral presentations led FEA to conclude that it had been correct in its preliminary analysis that the prior regulation provided a disincentive to increased production. Accordingly, the amendment was adopted for a 90-day period beginning June 3, 1975.

Prior to the expiration of that 90-day period on August 31, 1975, FEA gave notice of the adoption of an extension—for a second 90 days beginning September 1, 1975—of the May 15 amendment. On July 24, FEA reaffirmed its May 15 findings and afforded an opportunity for comment from interested persons to ensure that there had been no changes in circumstances such as would affect the validity of the May 15 findings. No comments were received. Inasmuch as neither House of Congress took any action disapproving the July 24 extension it became effective for a second 90-day period beginning September 1.

Prior to the expiration of that 90-day period on November 29, FEA gave notice of a further extension of the May 15 amendment, beginning November 30, 1975. Comments were again solicited from interested persons on the continued validity of the May 15 findings. Four timely comments were received in support of the proposed extension.

The May 15 findings, however, although called for by the EPAA, were not then (and are not now) deemed necessarily material considerations in the adoption of the amendment, the purpose of which is to encourage the increased domestic production of crude oil from marginally-producing stripper well leases, and thereby more adequately to carry out the intent of the congressionally-mandated stripper well lease exemption. (Section 4(e)(2)(A) of the EPAA.) The impact, therefore, of the amendment on crude oil and other products was seen as simply one of displacing with increased domestic production the crude oil that would otherwise need to be imported in order to maintain adequate and reliable supplies of petroleum products. Continuation of the regulation in its prior form, on the other hand, would effectively have eliminated this potential source of additional domestic crude oil, and would have tended to accelerate the decline in production from marginally-producing properties. Accordingly, the FEA found that the continued regulation of this narrow category of crude oil was unnecessary to carry out the EPAA, and that the effect of the amendment would be to promote the increased production of domestic crude oil, thereby decreasing the Nation's dependence on foreign supplies.

There is presently no justification to depart from the conclusions reached as a result of the rulemaking proceeding and contained in the findings submitted to Congress on May 15, 1975. Moreover, just as continuation of the regulation in its prior form would effectively have discouraged a potential source of additional domestic crude oil, reversion at this time to the disincentives of the prior regulation might have the effect of forcing the premature abandonment of many projects continued or begun in reliance upon the amendment. Indeed, the amendment itself, as well as the comments and testimony received in the rulemaking proceeding, reflect the premise that, to be effective, the stripper well lease amendment must continue in its present form on an indefinite basis, so long as there is a price differential between exempt stripper well lease oil and other domestic crude oil.

Therefore, FEA hereby reaffirms its May 15 findings and again finds that (1) the application of the Mandatory Petroleum Price Regulations to crude oil produced from leases whose average daily production is 10 barrels or less per well in any year since 1972 is not necessary to implement the overall Congressional policy embodied in the EPAA; (2) there is no shortage of crude oil available to refiners in the United States; and (3) this amendment will not have an adverse impact on other products covered by FEA regulations.

Pursuant to section 4(g)(2) this action extending the stripper well lease amendment will be sent to Congress for its review. If neither House takes any action disapproving this extension, it will become effective for a period of 90 days beginning November 30, 1975, provided the EPAA is extended beyond November 15, 1975.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511 and Pub. L. 94-99; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185)).

In consideration of the foregoing, Part 210 of Chapter II, Title 10 of the Code of Federal Regulations, as amended May 15, 1975 (as set forth below), and originally effective June 3, 1975, is continued in effect for a period of 90 days or for such longer period as may be permitted under applicable law, effective November 30, 1975, unless this amendment or any portion thereof is disapproved by either House of Congress before that date.

Issued in Washington, D.C., November 7, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

The last paragraph of § 210.32(b) is continued in effect to read as follows:

§ 210.32 Stripper well leases.

* * * * * *

(b) * * *

"Stripper well lease" means a "property" whose average daily production of crude oil, including condensates, per well did not exceed 10 barrels per day during any preceding calendar year beginning after December 31, 1972.

[FR Doc.75-30604 Filed 11-10-75;1:40 pm]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—SECURITIES OF MEMBER STATE BANKS

Correction

In FR Document 75-129093 appearing on page 50457 of the issue for Thursday, October 30, 1975, the following items should be added to Form F-5:

Item 8. Relationship with independent public accountants. If the solicitation is made on behalf of management of the bank and relates to an annual meeting of security holders at which directors are to be elected, or financial statements are included pursuant to Item 15, or relates to a meeting at which action is to be taken with respect to the selection or approval of auditors, furnish the following information describing the bank's relationship with its independent public accountants:

(a) The name of the principal accountant selected or being recommended to shareholders for election, approval or ratification for the current year. If no accountant has been selected or recommended, so state and briefly describe the reasons therefor.

(b) The name of the principal accountant for the fiscal year most recently completed if different from the accountant selected or recommended for the current year or if no accountant has yet been selected or recommended for the current year.

(c) If a change or changes in accountants have taken place since the date of the proxy statement for the most recent annual meeting of shareholders, and if in connection with such change(s) a disagreement between the accountant and bank has been reported on Form F-3 or in the accountant's letter filed as an exhibit thereto, the disagreement shall be described. Prior to submitting the preliminary proxy material to the Board which contains or amends such description, the bank shall furnish the description of the disagreement to any accountant with whom a disagreement has been reported. If that accountant believes that the description of the disagreement is incorrect or incomplete, he may include a brief statement, ordinarily expected not to exceed 200 words, in the proxy statement presenting his view of the disagreement. This statement shall be submitted to the bank within 10 business days of the date the accountant received the bank's description.

(d) The proxy statement shall indicate whether or not representatives of the principal accountants for the current year and for the most recently completed fiscal year are expected to be present at the stockholders' meeting with the opportunity to make a statement if they desire to do so and whether or not such representatives are expected to be available to respond to appropriate questions.

(e) If the bank has an audit or similar committee of the Board of Directors, state the names of the members of the committee. If the Board of Directors has no audit or similar committee, so state.

Item 10. Pension and retirement plans. If action is to be taken with respect to any pension or retirement plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will be entitled to participate therein, indicate the approximate number of persons in each such class, and state the basis of such participation.

(b) State (1) the approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid, and the estimated annual payments necessary to pay the total amount over such period, (2) the estimated annual payment to be made with respect to current services, and (3) the amount of such annual payments to be made for the benefit of (i) directors and officers, and (ii) employees.

(c) State (1) the name and position with the bank of each person specified in Item 7 (a) who will be entitled to participate in the plan, (2) the amount which would have been paid or set aside by the bank and its subsidiaries for the benefit of such person for the last fiscal year of the bank if the plan had been in effect, and (3) the amount of the annual benefits estimated to be payable to such person in the event of retirement at normal retirement date.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 5 years, for (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all [present] directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or alter the allocation of the benefits as between the groups specified in (b)(3), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. 1. The information called for by paragraph (b)(3) of (c)(2) need not be given as to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The instructions to Item 9 shall apply to this item.

V 40 N 220 NOV 13 75 XUM

Board of Governors of the Federal Reserve System, November 5, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-30608 Filed 11-12-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 395—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

Handling of Mail

This document provides revisions of the Board's regulations with respect to the handling of mail and delegation of authority during a national emergency, and deletions with respect to the requirements of the Emergency Disbursing Plan of the Department of the Treasury as to required signatures on cards and bonds and the designation of emergency cashiers.

(Section 7 of the act of October 16, 1974 (88 Stat. 1338; 45 U.S.C. § 231f) and by section 12 of the act of June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. § 362))

Sections 395.4, 395.5(b)(2) and 395.6 (b)(2)(ii) of Part 395 of the regulations under such act are amended as follows:

§ 395.4 Mailing instructions.

In a national emergency as defined in § 395.2, all mail shall be directed to Board offices at their normal locations.

§ 395.5 Organization and functions of the Board, delegations of authority, and lines of succession.

• • • • • •

(b) • • •

(2) In the absence or incapacity of the chairman of the Board, the authority of the chairman to act for the Board shall pass to the available successor highest on the following list:

Labor Member of the Board.
Management Member of the Board.
Chief Executive Officer.
Director of Retirement Claims.
Director of Research.
Director of Unemployment and Sickness Insurance.
Director of Data Processing and Accounts.
Director of Budget and Fiscal Operations.
Director of Management Control.

The Regional Director highest on the following list: Kansas City, Cleveland, Atlanta, New York, and San Francisco.

• • • • • •

§ 395.6 Personnel, fiscal, and service functions.

• • • • • •

(b) • • •

(2) • • •

(ii) Emergency certifying officers shall be appointed under the authority delegated by this section when (a) normal channels for certifying payments have been rendered inoperable, and (b) clearance has been obtained from the ranking official in line of succession as set forth in § 395.5(b)(1) and (2) and under such instructions and conditions as he may prescribe.

(3) [Removed]

• • • • • •

Dated: November 7, 1975.

By Authority of the Board.

R. F. BUTLER,
Secretary of the Board.

[FR Doc.75-30559 Filed 11-12-75;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1303—QUOTAS

Definition of Inventory; Statement of Policy and Interpretation

In the case of determining an individual manufacturing quota for a manufacturer of a basic class of controlled substance in Schedule I or II, the Administrator of the Drug Enforcement Administration is delegated to perform the functions of the Attorney General as set forth in Section 826, Title 21, United States Code.

The definition of inventory found in § 1303.02(b), Title 21, Code of Federal Regulations is an integral part of the procedures governing application for an individual manufacturing quota and the actual fixing of an individual manufacturing quota pursuant to §§ 1303.22 and 1303.23 of Title 21, Code of Federal Regulations.

Therefore, in an effort to clarify recent questions which have arisen concerning the definition in § 1303.02(b), and in furtherance of the applicable statutory and regulatory requirements, and in accordance with Section 3(a), as amended, of the Administrative Procedure Act (5 U.S.C. 552 (a)(1)(D)), and under the authority vested in the Attorney General by 21 U.S.C. 826, and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28, Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority delegated to the Acting Administrator by § 0.132(d) of Title 28, Code of Federal Regulations, the Acting Administrator hereby issues the following interpretation: As used in the definition of inventory in Title 21 Code of Federal Regulations, § 1303.02(b) the phrase "in finished form of a basic class of controlled substance" has always been and continues to be interpreted by the Drug Enforcement Administration as including all factory and branch stocks, which have reached that point in manufacturing as to be identifiable, whether in bulk form, in the process of manufacture, in finished form, or otherwise (e.g., damaged, defective, or impure substances awaiting disposal, substances held in quarantine, or substances maintained for extemporaneous compounding), as a basic class of controlled substances manufactured or otherwise acquired by a registrant, whether in containers, commercial containers, or contained in pharmaceutical preparations in the possession of the registrant (including stocks held by the registrant under separate registration as manufacturer, importer, exporter, or distributor).

[Interprets 21 U.S.C. 826]

Dated: November 6, 1975.

HENRY S. DOGIN,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.75-30662 Filed 11-12-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

[Docket No. R-75-359]

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Admission Income Limits

The following amendment is being made to § 236.72 in order to reflect a change in the method of establishing income limits for Section 236 projects as provided by Section 212(5) of the Housing and Community Development Act of 1974. Section 212(5) provides that contracts for assistance payments may be entered into only with respect to tenants whose incomes do not exceed 80 per centum of the median family income for the area, as determined by the Secretary, with adjustments for smaller and larger families. Further, the Secretary may establish income ceilings higher or lower than 80 per centum of the median family income for the area when the Secretary finds that variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors. In accordance with the Housing and Community Development Act of 1974, the Secretary has determined that income ceilings may be increased above 80 percent of median area income for individual projects in certain cases where the rise in basic rents associated with increased operating cost has significantly reduced the number of potential tenants with incomes high enough to pay these rents but low enough to come within the income limits. It is contemplated that this authority will be used only where it is determined that the financial condition of the projects will be improved as a result of an increase in the income limits and that consideration will be given to the existence of collection, vacancy or rent-up problems in determining whether there has been a significant reduction in eligible applicants.

In order to provide for the above increases, project-by-project determinations must be made. At present, however, 24 CFR 236.72 provides only for

income limits established on a locality-wide basis. Accordingly, § 236.72 is being amended in a way that will permit income limits to be set for individual projects as well as on a locality basis.

Section 236.72 is being further amended to eliminate, for those projects utilizing income limitations in effect after August 22, 1974, certain preference provisions based on a requirement in prior law that was deleted by Section 212(5) of the Housing and Community Development Act of 1974.

The amendments are designed to ameliorate the financial difficulties facing many Section 236 projects. It will take some time, however, before the benefits of higher income limits will be felt by affected projects, and in view of the serious condition of many of these projects, it is therefore necessary that the amendments be implemented as soon as possible. Accordingly, the Assistant Secretary for Housing Management has determined that it is impracticable to provide for a public comment procedure and that good cause exists for making these amendments effective November 13, 1975.

The Department has determined that an environmental impact statement is not required with respect to this amendment. The finding of inapplicability prepared in connection with this amendment is on file with the Rules Docket Clerk, Office of General Counsel, Room 10245, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, Part 236 is amended as follows:

Section 236.72 (a) and (b)(3) are revised and a new paragraph (d) is added reading respectively as follows:

§ 236.72 Guidelines for assisted admission.

(a) *Maximum income.* The adjusted income of an applicant shall not exceed the maximum income limits established by the Secretary.

(b) • • •

(3) The applicant is a qualified tenant on whose behalf the project owner will receive rent supplement payments under Part 215 of this title, or rental assistance payments under Part 236 and Part 426 of this title.

• • • • • •

(c) • • •

(d) *Projects utilizing income limitations in effect subsequent to August 22, 1974.* The preference provided for in paragraph (c) of this section is not applicable to projects utilizing income limitations in effect subsequent to August 22, 1974.

(Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Effective date. This amendment is effective November 13, 1975.

It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with OMB Circular A-107.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit, FHA Commissioner.

[FR Doc.75-30582 Filed 11-12-75;8:45 am]

CHAPTER IV—OFFICE OF ASSISTANT SECRETARY FOR HOUSING MANAGEMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-360]

PART 425—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Admission Income Limits

The following amendment is being made to § 425.22 in order to reflect a change in the method of establishing income limits for Section 236 projects as provided by Section 212(5) of the Housing and Community Development Act of 1974. Section 212(5) provides that contracts for assistance payments may be entered into only with respect to tenants whose incomes do not exceed 80 per centum of the median family income for the area, as determined by the Secretary, with adjustments for smaller and larger families. Further, the Secretary may establish income ceilings higher or lower than 80 per centum of the median family income for the area when the Secretary finds that variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors. In accordance with the Housing and Community Development Act of 1974, the Secretary has determined that income ceilings may be increased above 80 percent of median area income for individual projects in certain cases where the rise in basic rents associated with increased operating costs has significantly reduced the number of potential tenants with incomes high enough to pay these rents but low enough to come within the income limits. It is contemplated that this authority will be used only where it is determined that the financial condition of the projects will be improved as a result of an increase in the income limits and that consideration will be given to the existence of collection, vacancy or rent-up problems in determining whether there has been a significant reduction in eligible applicants.

In order to provide for the above increases, project-by-project determinations must be made. At present, however, 24 CFR 425.22 provides only for income limits established on a locality-wide basis. Accordingly, § 425.22 is being amended in a way that will permit income limits to be set for individual projects as well as on a locality basis.

Section 425.22 is being further amended to eliminate, for those projects utilizing income limitations in effect after August 22, 1974, certain preference provisions based on a requirement in prior law that was deleted by Section 212(5) of the Housing and Community Development Act of 1974.

The amendments are designed to ameliorate the financial difficulties facing many Section 236 projects. It will take some time, however, before the benefits of higher income limits will be felt by affected projects, and in view of the serious condition of many of these projects, it is therefore necessary that the amendments be implemented as soon as possible. Accordingly, the Assistant Secretary for Housing Management has determined that it is impracticable to provide for a public comment procedure and that good cause exists for making these amendments effective upon their publication in the FEDERAL REGISTER.

The Department has determined that an environmental impact statement is not required with respect to this amendment. The finding of inapplicability prepared in connection with this amendment is on file with the Rules Docket Clerk, Office of General Counsel, Room 10245, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, Part 425 is amended as follows:

Section 425.22 (a) and (b)(3) are revised and a new paragraph (d) is added reading respectively as follows:

§ 425.22 Guidelines for assisted admission.

(a) *Maximum income.* The adjusted income of an applicant shall not exceed the maximum income limits established by the Secretary.

(b) • • •

(3) The applicant is a qualified tenant on whose behalf the project owner will receive rent supplement payments under Part 215 of this title, or rental assistance payments under Part 236 and Part 426 of this title.

• • • • • •

(c) • • •

(d) *Projects utilizing income limitations in effect subsequent to August 22, 1974.* The preference provided for in paragraph (c) of this section is not applicable to projects utilizing income limitations in effect subsequent to August 22, 1974.

(Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Effective date. This amendment is effective November 13, 1975.

It is hereby certified that the economic and inflationary impacts of this final rule-have been carefully evaluated in accordance with OMB Circular A-107.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-30581 Filed 11-12-75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 221—OPERATION AND MAINTENANCE CHARGES

Water Charges on the Ahtanum Indian Irrigation Project

NOVEMBER 6, 1975.

These final regulations are issued under the authority delegated to the Com-

V 40 N 220 NOV 13 75 XUM

missioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

On page 46114 of the October 6, 1975, FEDERAL REGISTER (40 FR 194), there was published a notice of intention to modify § 221.1 of Part 221, Subchapter T, Chapter I, Title 25 of the Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Ahtanum Indian Irrigation Project for Calendar Year 1976 and subsequent years. This modification was proposed pursuant to the authority contained in the Act of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for water charges for the Ahtanum Indian Irrigation Project as set forth below.

The modified § 221.1 shall become effective December 15, 1975.

§ 221.1 Charges.

Pursuant to the provisions of the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385.387), the operation and maintenance charges on lands of the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1976 and subsequent years until further notice, and hereby fixed at $4.65 per acre per annum for each irrigable acre of land to which water can be delivered from the project works.

(Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210))

FRANCIS E. BRISCOE,
Area Director.

[FR Doc.75-30542 Filed 11-12-75;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Water Charges on the Toppenish-Simcoe Indian Irrigation Project

NOVEMBER 6, 1975.

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 46114 of the October 6, 1975, FEDERAL REGISTER (40 FR 194), there was published a notice of intention to modify § 221.73 of Part 221, Subchapter T, Chapter I, Title 25 of the Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Toppenish-Simcoe Indian Irrigation Project for Project for Calendar Year 1976 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for water charges for the Toppenish-Simcoe Indian Irrigation Project as set forth below.

The modified § 221.73 shall become effective December 15, 1975.

§ 221.73 Charges.

Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges for the lands under the Toppenish-Simcoe Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1976 and subsequent years until further notice, are hereby fixed as follows:

All lands for which application for water is made and approved by Project Engineer, per acre..... $4.85

(Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210))

FRANCIS E. BRISCOE,
Area Director.

[FR Doc.75-30543 Filed 11-12-75;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Basic and Other Water Charges on the Wapato Indian Irrigation Project

NOVEMBER 6, 1975.

These final regulations are issued under the authority delegated by the Secretary of Interior to the Commissioner of Indian Affairs by 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

On page 46114 of the October 6, 1975, FEDERAL REGISTER (40 FR 194), there was published a notice of intention to modify § 221.86 of Part 221, Subchapter T, Chapter I, Title 25 of the Code of Federal Regulations by changing the basic rates for annual operation and maintenance assessments on the Wapato Indian Irrigation Project for Calendar Year 1976 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for basic and other water charges for the Wapato Indian Irrigation Project as set forth below.

The modified § 221.86 shall become effective December 15, 1975.

§ 221.83 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, are hereby fixed as follows:

(a) Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic operation and maintenance assessment rates for the Calendar Year 1976 and subsequent years until further notice are:

(1) Minimum charges for all tracts in noncontiguous single ownership—$13.30.

(2) Flat rate upon all farm units or tracts for each assessable acre except Additional Works lands—$13.30.

(3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre—$1.20.

(4) Flat rate upon all farm units or tracts for each assessable acre of Additional Works lands—$14.10.

(b) Pursuant to the provisions of the Act of September 26, 1961 (75 Stat. 680), there shall be assessed and collected from all lands except Additional Works lands beginning with the Calendar Year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of $0.20 to defray the cost of replacing a wooden pipeline.

(Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210))

FRANCIS E. BRISCOE,
Area Director.

[FR Doc.75-30544 Filed 11-12-75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 20—CRIMINAL JUSTICE INFORMATION RECORDS

Collection, Storage, and Dissemination of Information

On May 20, 1975, the Law Enforcement Assistance Administration published in the FEDERAL REGISTER (40 FR 22114) regulations governing the collection, storage, and dissemination of criminal history record information. Due to the concerns raised by many individuals regarding the dissemination of criminal history records to noncriminal justice agencies, notice is hereby given that hearings will be held to consider comments from interested parties concerning the dissemination provisions in the regulations.

Pursuant to the authority vested in the Law Enforcement Assistance Administration by Section 501 and Section 524 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197 (42 U.S.C. 3701 et seq.) (Aug. 6, 1973), LEAA will hold hearings on December 11 and 12 to consider changes to §§ 20.20 (b) and (c) and 20.21 (b), (c) and (d) of 28 CFR Part 20 based upon comments received.

Hearings will be held beginning at 10:00 a.m. each day in the Federal Trade Commission Building, 7th and Pennsylvania Avenue, N.W., Washington, D.C., Room 552. Interested persons who wish to testify should notify Thomas J. Madden, General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531, no later than December 8, 1975.

Written views should be submitted to the LEAA Office of General Counsel no later than December 15, 1975.

RICHARD W. VELDE,
Administrator.

[FR Doc.75-30558 Filed 11-12-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 456-1]

PART 435—OFFSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

Extension of Comment Period

This notice extends the period for comments to the notice, published September 15, 1975, promulgating Interim Final Rules for the Offshore Segment of the Oil and Gas Extraction Point Source Category (40 FR 42543).

Requests for an extension of time were submitted by several persons having an interest in commenting. They argue that additional time is needed to review the notice in sufficient detail to provide meaningful comments.

In view of the requests, the Environmental Protection Agency has determined it is in the public interest that the period for comment on interim final regulation be extended until December 15, 1975.

Dated: November 4, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-30534 Filed 11-12-75;8:45 am]

[FRL 455-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Arizona; Approval of Compliance Schedule; Correction

On January 27, 1975 there was published in the FEDERAL REGISTER (FR Doc. 75-2265, 40 FR 3994), a compliance schedule for the Flintkote Company, Nelson, Arizona. The notice published stated that § 52.134 of Title 40 was being amended by adding the schedule to the table in subparagraph (c) of that section. However, no subparagraph (c), and no table within that subparagraph, had previously been promulgated under § 52.134. Therefore, the promulgation under § 52.134(c) which occurred on January 27, 1975 was incorrect and is hereby revoked.

Because this revocation constitutes a correction of an incorrect promulgation, and since the compliance schedule for Flintkote Company has now expired and the Company is required to be in compliance with applicable air pollution control regulations, EPA finds that good cause exists for making this revocation effective immediately.

[42 U.S.C. 1857c-5]

Dated: November 8, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

§ 52.134 [Amended]

Section 52.134(c) is removed and reserved.

[FR Doc.75-30669 Filed 11-12-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

[IPMR #75-10]

PART 114-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

PART 114-41—AUDIT OF TRANSPORTATION PAYMENTS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Part 114-40 of Chapter 114, Title 41 of the Code of Federal Regulations, is deleted in its entirety and new Part 114-41 is added as set forth below.

This revision relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this revision shall become effective November 13, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

NOVEMBER 5, 1975.

1. The material in Part 114-40 became obsolete when FPMR Temporary Regulation G-23 was published. Therefore, 41 CFR 114-40 is deleted from the Code of Federal Regulations.

2. New Part 114-41 is added to read as follows:

Subpart 114-41.3—Freight Transportation Services Furnished for the Account of the United States

Sec.
114-41.304 Exception to the use of U.S. Government bills of lading.
114-304-2 Limited authority to use commercial forms and procedures.

AUTHORITY: 5 U.S.C. 301, Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114-41.3—Freight Transportation Services Furnished for the Account of the United States

§ 114-41.304 Exception to the use of U.S. Government bills of lading.

§ 114-41.304-2 Limited authority to use commercial forms and procedures.

(a) In accordance with the authority delegated in 205 DM 9, the head of each bureau and office is authorized to exercise the discretionary authority to use commercial forms and procedures in accordance with the procedures set forth in 101-41.304-2 of FPMR Temporary Regulation G-23 and subject to the limitations established therein.

[FR Doc.75-30557 Filed 11-12-75;8:45 am]

Title 43—Public Lands; Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

PART 3300—OUTER CONTINENTAL SHELF LEASING; GENERAL

Qualified Joint Bidders

In the FEDERAL REGISTER publication of October 1, 1975, a notice was published (40 FR 45171; FR Doc. 75-26212) amending 43 CFR Part 3300 concerning the restriction of joint bidding for Outer Continental Shelf oil and gas leases.

§ 3302.3-2 [Amended]

Notice is hereby given that in § 3302.3-2(a), the regulation is amended as follows:

1. Strike the words "October 20, 1975"

2. Substitute therefor the words "the close of business December 8, 1975"

Prospective bidders are alerted to the requirements of the regulation that Statements of Production referred to therein must be under oath and refer to the production period of January 1, 1975, through June 30, 1975.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: November 7, 1975.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.75-30536 Filed 11-12-75;8:45 am]

Title 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1602—PROCEDURES FOR DISCLOSURE OR PRODUCTION OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act, 42 U.S.C. 2996-2996*l* ("the Act"). Section 1005(g) of the Act, 42 U.S.C. § 2996d(g), provides that the Corporation shall be subject to the provisions of the Freedom of Information Act, 5 U.S.C. § 552.

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On page 42374 of the FEDERAL REGISTER of September 12, 1975, there were published proposed regulations for Procedures for Disclosure or Production of Information by the Corporation under the Freedom of Information Act. Interested persons were given until October 11, 1975 in which to submit comments, suggestions, or objections regarding the proposed regulations. All comments submitted with respect to the proposed regulations were given due consideration. The proposed regulations were adopted by the Board of Directors of the Corporation with the following minor changes:

1. The third and fourth sentences of § 1602.3, pertaining to policy, were deleted. The third sentence was eliminated as a redundancy. The fourth sentence was eliminated out of concern that it might create a mechanistic test which would deprive the Corporation of the best legal advice. It is the intention of the Board of Directors that exemption decisions be made in a two step process. The first step involves the determination of whether an exemption applies as a matter of law. The second step, which obtains only if an exemption is available under the law, involves the discretionary determination of whether and in what form the requested information should be released. This discretion is to be guided by the policy set forth in the remainder of § 1602.3 and in § 1602.9. Among the considerations which prompted the deletion of the fourth sentence was the fear that a mandatory restrictive interpretation of several of the exemptions might result in undesirable invasions of personal privacy.

2. The Corporation's address and telephone number were inserted in the first sentence of § 1602.5(a). The addresses and telephone numbers of regional records offices were inserted in a new §1602.-6(b).

3. The third sentence in § 1602.8(b)(5) was revised to read, "Fees may be required to be paid in advance in accordance with Section 1602.13." This change clarifies an inconsistency in the earlier draft.

4. A new § 1602.8(e) was inserted in order to give expression to the policy that the Corporation will provide a substantive response to requests for information in a diligent fashion, once a determination is made that a request will be granted.

5. Section 1602.10, pertaining to officials authorized to grant or deny requests for records, was revised to provide that a denial may be made only by the General Counsel or his delegate. This revision is intended to assure that a decision to withhold information is made at a high level in the Corporation by a legal expert who does not otherwise have line responsibility for the records which are likely to be requested.

6. Several additional minor changes of a perfecting nature, not having substantive implications, were made throughout the text.

Accordingly, with these changes and additions, the proposed regulations are adopted as set forth below, to become effective December 15, 1975, pursuant to section 1008(e) of the Act.

Subpart A—General

Sec.
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Subpart B—Maintenance of Records

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1602.12 Appeals of denials.
1602.13 Fees.

AUTHORITY: Sec. 1005(g), 88 Stat. 361 (42 U.S.C. § 2996d(g)).

Subpart A—General

§ 1602.1 Purpose.

These regulations provide information concerning the procedures by which records of the Legal Services Corporation may be made available pursuant to section 1005(g) of the Legal Services Corporation Act, 42 U.S.C. 2996d(g), and the Freedom of Information Act, as amended in 1974, 5 U.S.C. 552.

§ 1602.2 Definitions.

As used in this Part,—

(a) "Act" means the Legal Services Corporation Act, 42 U.S.C. 2996–2996l;

(b) "Corporation" means the Legal Services Corporation;

(c) "FOIA" means the Freedom of Information Act, as amended in 1974, 5 U.S.C. 552;

(d) "President" means the President of the Legal Services Corporation;

(e) "Records" means books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Corporation in connection with the transaction of the Corporation's business and preserved or appropriate for preservation by the Corporation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Corporation or because of the informational value of data in them. The term does not include books, magazines, or other materials acquired solely for library purposes and available through any officially designated library of the Corporation.

§ 1602.3 Policy.

It is and will be the policy of the Corporation to maximize the extent to which records concerning its operations, activities, and business will be available to the public. Records will be withheld from the public only in accordance with the FOIA and these implementing regulations. Records which may be exempted from disclosure will generally be made available as a matter of discretion when disclosure is not prohibited by law and it does not appear adverse to legitimate public or personal interests.

The Corporation will attempt to provide the fullest possible assistance to requesting parties, including information as to how and where the request may be submitted. The Corporation will provide the most timely possible action on requests for records.

Subpart B—Maintenance of Records

§ 1602.4 Index of records.

The Corporation will maintain a current index identifying any matter within the scope of § 1602.5(b)(1)–(3) which has been issued, adopted, or promulgated by the Corporation, and other information published or made publicly available. The index will be maintained and made available for public inspection and copying at the Corporation's headquarters in Washington, D.C., and at each regional office. The Corporation will publish the index or a supplement thereto at least once each quarter and will distribute copies on request, at a cost not to exceed the direct cost of duplication.

§ 1602.5 Central records room.

(a) The Corporation will maintain a central records room at its headquarters at 733 15th Street, NW., Suite 700, Washington, D.C. 20005, (202) 376–5100. This room will be supervised by a Records Officer, and will be open during regular business hours of the Corporation for the convenience of members of the public in inspecting and copying records made available pursuant to this Part. Certain records, as described in paragraph (b) of this section, will be regularly maintained in or in close proximity to the records room, to facilitate access thereto by any member of the public.

(b) Subject to the limitation stated in paragraph (c) of this subsection, there will be available in the central records room the following:

(1) All final opinions, including concurring and dissenting opinions, and orders made in the adjudication of cases;

(2) Statements of policy and interpretations adopted by the Corporation;

(3) Administrative staff manuals and instructions to the staff which affect the public;

(4) To the extent feasible, guidelines, forms, published regulations, notices, program descriptions, and other records considered to be of general interest to members of the public in understanding activities of the Corporation or in dealing with the Corporation in connection with those activities;

(5) The current index required by § 1602.4

(c) Certain types of staff manuals or instructions, such as instructions to auditors or inspection staff, or instructions covering certain phases of contract negotiation, which deal with the performance of functions that would automatically be rendered ineffective by general awareness of the Corporation's techniques or procedures, may be exempt from mandatory disclosure even though they affect or may affect the public. These records

will not be maintained in the central records room.

(d) Certain records maintained in the records room or otherwise made available pursuant to this Part may be "edited" by the deletion of identifying details concerning individuals, to prevent a clearly unwarranted invasion of personal privacy. In such cases, the record shall have attached to it a full explanation of the deletion.

§ 1602.6 Regional records rooms.

(a) Each regional office shall have either a specially designated records room similar to the central records room described in § 1602.5 or, if that is not feasible, a designated area within the office, a principal function of which is to serve the public in accordance with this Part. The Corporation will endeavor to maintain and have readily available in its regional offices the records described in § 1602.5(b), and will designate a Records Officer in each regional office to receive and process requests submitted pursuant to this Part.

(b) The regional records rooms are located at the following addresses:

Boston Regional Office, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (617) 223–4093.
New York Regional Office, 26 Federal Plaza, 32nd Floor, New York, New York 10007 (212) 264–1940.
Philadelphia Regional Office, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104 (215) 597–6105.
Atlanta Regional Office, 730 Peachtree Street, N.E., Atlanta, Georgia 30308 (404) 526–3049.
Chicago Regional Office, 300 South Wacker Drive, 26th Floor, Chicago, Illinois 60606 (312) 353–1155.
Dallas Regional Office, 1100 Commerce Street, Dallas, Texas 75202 (214) 749–1357.
Kansas City Regional Office, 911 Walnut Street, Kansas City, Missouri 64106 (816) 374–5118.
Denver Regional Office, 1961 Stout Street, Denver, Colorado 80202 (303) 837–4026.
San Francisco Regional Office, 690 Market Street, Room 700, San Francisco, California 94104 (415) 556–8484.
Seattle Regional Office, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101 (206) 442–0593.

Subpart C—Procedure

§ 1602.7 Use of records rooms.

(a) Any member of the public who wishes to inspect or copy records regularly maintained in the central or a regional records room may secure access to these records by presenting himself or herself at the records room during business hours. No advance notice or appointment is required, although persons wishing to make extended use of regional office facilities should take account of the possible limitations in these facilities.

(b) Each records room will also be available to any member of the public to inspect and copy records which are not regularly maintained in such room. To obtain such records a person should present his or her request identifying the records to the Records Officer. Because it will sometimes be impossible to produce these records or copies of them on short notice, a person who wishes to use records room facilities to inspect or copy such records is advised to arrange a time in advance, by telephone or letter request made to the Records Officer of the facility which he or she desires to use. Persons submitting requests by telephone will be advised by the Records Officer or another designated employee whether a written request would be advisable to aid in the identification and expeditious processing of the records sought. Persons submitting written requests should identify the records sought in the manner provided in § 1602.8(b) and should indicate whether they wish to use the records room facilities on a specific date. The Records Officer will endeavor to advise the requesting party as promptly as possible if, for any reason, it may not be possible to make the records sought available on the date requested.

§ 1602.8 Availability of records on request.

(a) In addition to the records made available through the records rooms, the Corporation will make such records available to any person in accordance with paragraphs (b) and (c) of this section, unless it is determined that such records should be withheld and are exempt from mandatory disclosure under the FOIA and § 1602.9 of these regulations.

(b) Requests. (1) A request will be acceptable if it identifies a record with sufficient particularity to enable officials of the Corporation to locate the record with a reasonable amount of effort. Requests seeking records within a reasonable specific category will be deemed to conform to the statutory requirement of a request which "reasonably describes" such records if professional employees of the Corporation who are familiar with the subject area of the request would be able, with a reasonable amount of effort, to determine which particular records are encompassed within the scope of the request, and to search for, locate, and collect the records without unduly burdening or materially interfering with operations because of the staff time consumed or the resulting disruption of files. If it is determined that a request does not reasonably describe the records sought as specified in this paragraph, the response denying the request on that ground shall specify the reasons why the request failed to meet the requirements of this paragraph and shall extend to the requesting party an opportunity to confer with Corporation personnel in order to attempt to reformulate the request in a manner which will meet the needs of the requesting party and the requirements of this paragraph.

(2) To facilitate the location of records by the Corporation, a requesting party should try to provide the following kinds of information, if known: (i) the specific event or action to which the record refers; (ii) the unit or program of the Corporation which may be responsible for or may have produced the record; (iii) the date of the record or the date or period to which it refers or relates; (iv) the type of record, such as an application, a grant, a contract, or a report; (v) personnel of the Corporation who may have prepared or have knowledge of the record; (vi) citations to newspapers or publications which have referred to the record.

(3) The Corporation is not required to create a record to satisfy a request for information. When the information requested exists in the form of several records at several locations, the requesting party should be referred to those sources only if gathering the information would unduly burden or materially interfere with operations of the Corporation.

(4) All requests for records under this section shall be made in writing, with the envelope and the letter clearly marked: "Freedom of Information Request." All such requests shall be addressed to the Records Officer at the headquarters of the Corporation or at any regional records office. Any request not marked and addressed as specified in this subparagraph will be so marked by Corporation personnel as soon as it is properly identified, and forwarded immediately to the Records Officer. A request improperly addressed will not be deemed to have been received for purposes of the time period set forth in paragraph (c) of this section until forwarding to the appropriate office has been effected, or until such forwarding would have been effected with the exercise of due diligency by Corporation personnel. On receipt of an improperly addressed request, the Records Officer shall notify the requesting party of the date on which the time period commenced to run.

(5) A person desiring to secure copies of records by mail should write to the Records Officer at the headquarters in Washington, D.C. The request should identify the records of which copies are sought and should indicate the number of copies desired. Fees may be required to be paid in advance in accordance with § 1602.13. The requesting party will be advised of the estimated fee, if any, as promptly as possible. If a waiver of fees is requested, the grounds for such request should be included in the letter.

(c) The Records Officer, upon request for any records made in accordance with this Part, shall make an initial determination of whether to comply with or deny such request and dispatch such determination to the requesting party within ten days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such request, except for unusual circumstances in which case the time limit may be extended for not more than ten working days by written notice to the requesting party setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. In determining whether to issue a notice of extension of time for a response to a request beyond the ten-day period, Corporation officials shall consult with the Office of the General Counsel. As used herein, "unusual circumstances" are limited to the following, but only to the extent reasonably neces-

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sary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Corporation having substantial subject matter interest therein.

(d) If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the requesting party may deem his request denied, and exercise a right of appeal in accordance with § 1602.12. When no determination can be dispatched within the applicable time limit, the Records Officer shall nevertheless continue to process the request. On expiration of the time limit, he shall inform the requesting party of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial and to appeal to the President in accordance with § 1602.12; and he may ask the requesting party to forego appeal until a determination is made.

(e) After it has been determined that a request will be granted, the Corporation will act with diligence in providing a substantive response.

§ 1602.9 Invoking exemptions to withhold a requested record.

(a) A requested record of the Corporation may be withheld from public disclosure only if one or more of the following categories exempted by the FOIA apply:

(1) Matter which is (i) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) is in fact properly classified pursuant to such Executive Order;

(2) Matter which is related solely to the internal personnel rules and practices of the Corporation;

(3) Matter which is specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Corporation;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right of a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Matter which is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) In the event that one or more of the above exemptions applies, any reasonably segregable portion of a record shall be provided to the requesting party after deletion of the portions which are exempt. In appropriate circumstances, subject to the discretion of Corporation officials, it may be possible to provide a requesting party with: (1) a summary of information in the exempt portion of a record or (2) an oral description of the exempt portion of a record. In determining whether any of the foregoing techniques should be employed in accordance with this paragraph or whether an exemption should be waived in accordance with paragraph (c) of this section, Corporation officials shall consult with the Office of General Counsel. No requesting party shall have a right to insist that any or all of the foregoing techniques should be employed in order to satisfy a request.

(c) Records which may be exempted from disclosure pursuant to paragraph (a) of this section cay be made available as a matter of discretion when disclosure is not prohibited by law, if it does not appear adverse to legitimate public or personal interests.

§ 1602.10 Officials authorized to grant or deny requests for records.

The General Counsel shall furnish necessary advice to Corporation officials and staff as to their obligations under this Part and shall take such other actions as may be necessary or appropriate to assure a consistent and equitable application of the provisions of this Part by and within the Corporation. Officials of the Corporation shall consult with the General Counsel before denying requests under this Part, or before granting requests for waiver or modified application of an exemption or for categories of documents which the General Counsel determines may present special or unusual problems. Only the General Counsel or his delegate, is authorized to deny requests under this Part. The General Counsel, and subject to consultation with him when required, the Records Officer, each Regional Director, and each Regional Records Officer, are authorized to grant requests under this Part.

§ 1602.11 Denials.

(a) A denial of a written request for a record issued by an official of the Corporation shall be in writing and shall include the following:

(1) A reference to the applicable exemption or exemptions in § 1602.9(a) upon which the denial is based;

(2) An explanation of how the exemption applies to the requested records;

(3) A statement explaining why it is deemed unreasonable to provide segregable portions of the record after deleting the exempt portions;

(4) The name and title of the person or persons responsible for denying the requests; and

(5) An explanation of the right to appeal the denial and of the procedures for submitting an appeal, including the address of the official to whom appeals should be submitted.

(b) Whenever the Corporation makes a record available subject to the deletion of a portion of the record, such action shall be deemed a denial of a record for purposes of paragraph (a) of this section.

(c) All denials shall be treated as opinions and shall be maintained and indexed accordingly, subject only to the necessity of deleting identifying details the release of which would constitute a clearly unwarranted invasion of personal privacy for a member of the public.

§ 1602.12 Appeals of denials.

(a) Any person whose written request has been denied is entitled to appeal the denial within ninety days by writing to the President of the Corporation at the headquarters in Washington, D.C. The envelope and letter should be clearly marked: "Freedom of Information Appeal." An appeal need not be in any particular form, but should adequately identify the denial, if possible, by describing the requested record, identifying the official who issued the denial, and providing the date on which the denial was issued.

(b) No personal appearance, oral argument, or hearing will ordinarily be permitted on appeal of a denial. Upon request and a showing of special circumstances, however, this limitation may be waived and an informal conference may be arranged with the President, or the President's specifically designated representative, for this purpose.

(c) The decision of the President on an appeal shall be in writing and, in the event the denial is in whole or in part upheld, shall contain an explanation responsive to the arguments advanced by the requesting party, the matters described in § 1602.11(a)(1)–(4), and the provisions for judicial review of such decision under Section 552(a)(4) of the FOIA. The decision shall be dispatched to the requesting party within twenty working days after receipt of the appeal, unless an additional period is justified pursuant to Section 1602.8(c) and such

period taken together with any earlier extension does not exceed ten days. The President's decision shall constitute the final action of the Corporation. All such decisions shall be treated as final opinions under § 1602.5(b).

§ 1602.13 Fees.

(a) Information provided routinely in the normal course of doing business will be provided at no charge.

(b) The Records Officer may waive or reduce fees where special circumstances, including but not limited to the benefit of the general public, warrant. A Records Officer shall waive fees where the requesting party is indigent unless the fees would exceed $25 and may waive or reduce fees for the request of an indigent where the fees would exceed $25. These provisions will be subject to appeal in the same manner as appeals from denial under § 1602.12.

(c) There shall be no fee charged for services rendered by the Corporation pursuant to this Part, unless the charges, as calculated in paragraph (e) of this Section, exceed $6.50. Where the charges are calculated to exceed $6.50, the fee shall be the difference between $6.50 and the calculated charges.

(d) Ordinarily, no fee shall be levied where the records requested are not provided or made available. However, if the time expended in processing the request is substantial, and if the requesting party has been notified of the estimated cost pursuant to paragraph (f) of this section, and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees may be charged.

(e) The schedule of charges for services regarding the production or disclosure of the Corporation's records is as follows:

(1) Search for records: $1.50 per one-quarter hour.
(2) Computer Time:
Central Processing Unit, $10.80 per minute.
Card Reader, .60 per 1000 cards.
Printer, .60 per 333 cards.
Tape or Disk, .60 per 100 lines; .75 per 1000 number of reads or lines.
Minimum charge, $1.50.
(3) Reproduction, duplication, or copying of records: $0.10 per page.
(4) Reproduction, duplication, or copying of microfilm:
Microfilm, $0.75 per frame.
Microfiche, $1.45 per jacket.
(5) Certification of true copies: $1.00 each.

(f) Where it is anticipated that the fee chargeable under this Part will amount to more than $25, and the requesting party has not indicated in advance his willingness to pay so high a fee, the requesting party shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requesting party is notified of the anticipated cost and agrees to bear it. Such a notification shall be transmitted as soon as possible, but in any event within five working days, giving the best estimate then available. The notification shall offer the requesting party the opportunity to confer with appropriate representatives of the Corporation for the purpose of reformulating the request so as to meet his needs at a reduced cost.

(g) Where the anticipated fee chargeable under this Part exceeds $25, an advance deposit of 25 percent of the anticipated fee may be required. Where a requesting party has previously failed to pay a required fee, an advance deposit of the full amount of the anticipated fee together with the fee then due and payable may be required.

(h) The Corporation reserves the right to limit the number of copies that will be provided of any document to any one requesting party, or to require that special arrangements for duplication be made in the case of bound volumes or other records representing unusual problems of handling or reproduction.

Effective date: December 15, 1975.

DAVID S. TATEL,
Counsel to the Corporation.

[FR Doc.75-30638 Filed 11-12-75;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. MC-56; Notice 75-23]

PART 393—PROHIBITION AGAINST OPERATING WITH OVERLOADED OR UNDERINFLATED TIRES

Spot Amendment to FMCSR

● Purpose. This order clarifies the intent of the amendment to § 393.75 of the Federal Motor Carrier Safety Regulations (FMCSR), pertaining to tires published in the Federal Register on September 29, 1975 (40 FR 44555). ●

Section 393.75(f)(2) of the FMCSR (49 CFR 393.75(f)(2)) is being amended to delete the phrase, "and marked on the tire's sidewall." The cited words would require all tires on other than front-wheels to have the load capacity marked on them after October 1, 1976.

It was intended that § 393.75 specify load requirements for tires and for front-wheel tires to meet all the requirements of FMVSS No. 119 after April 1, 1976. It was not the intent to preclude the use of tires, new and used, after October 1, 1976, if they were not marked with a load capacity rating, provided the load on the tire did not exceed that specified in FMVSS No. 119 for the size tire in question.

A miscalculation has been made on the turnover time of tires now in service without a load rating marked on the sidewall. Tires presently in service, new and used, made before FMVSS No. 119 went into effect on March 1, 1975, may or may not have a load rating mark on the tire sidewall. A decision has been made to amend § 393.75(f)(2) to allow the use of tires presently in service on and after October 1, 1976, even though they do not have a load rating marked on the tire if the load capacity for the tire is not exceeded.

In consideration of the foregoing, § 393.75 is amended by revising paragraph (f)(2) to read as follows:

§ 393.75 Tires.

. . . . . .

(f) . . .

(2) *Other than front-wheels.* On and after October 1, 1976, no motor vehicle shall be operated with tires on wheels other than the front-wheels which carry a greater weight than that specified for the tire in any of the publications of the standardizing bodies listed in FMVSS No. 119 (49 CFR 571.119) except for those vehicles being operated at reduced speed under the terms of a special permit issued by one of the several States and specifying reduced speeds.

. . . . . .

(Section 204, Interstate Commerce Act, 49 U.S.C. 304, section 6, Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively)

Effective date: November 4, 1975.

Since this amendment is nonsubstantive in character and does not impose additional burden on any person, notice and public procedures thereon are unnecessary and it is effective on date of issuance as set forth below, except as provided in the rule.

Issued on November 4, 1975.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.75-30561 Filed 11-12-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Certain National Wildlife Refuges in Nevada

The following special regulations are issued and are effective on January 1, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General conditions: Fishing shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 3737, Portland, OR 97208.

Charles Sheldon Antelope Range. (Headquarters: P.O. Box 111, Lakeview, OR 97630.)

Ruby Lake National Wildlife Refuge, Ruby Valley, NV 89833.

Stillwater National Wildlife Refuge, P.O. Box 592, Fallon, NV 89406.

Special Condition: Refuge closed to fishing during the migratory waterfowl hunting season.

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The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

WILLIAM H. MEYER,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-30550 Filed 11-12-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER:

§ 28.28 **Special regulations, public access, use, and recreation; for individual wildlife refuge areas.**

ALASKA

KENAI NATIONAL MOOSE RANGE

The operation of off-road vehicles commonly referred to as all-terrain vehicles (ATV's) is prohibited on the Kenai National Moose Range except the use of lightweight, motorized vehicles commonly identified by the general term "snowmobile" is authorized on certain designated areas of the Kenai National Moose Range subject to the following special conditions:

1. Only "snowmobiles" with an overall width of 40 inches or less will be permitted.

2. The use of "snowmobiles" will be authorized during the period of December 1, 1975 through April 30, 1976 and only when snow depth is sufficient to protect underlying vegetation and terrain along the route of travel and when determined and announced by the refuge manager.

3. The use of "snowmobiles" on maintained roads within the Moose Range is prohibited, except that, a "snowmobile" may cross a maintained road only after stopping and when traffic on the roadway allows crossing safely.

4. The use of "snowmobiles" for racing purposes is prohibited.

5. That area above timberline located between Skilak Lake and Tustumena Lake is not authorized for "snowmobile" use.

6. The area within T. 4 N., R. 10 W., Section 5 and those portions of Sections 6 and 7 east of the Sterling Highway right-of-way, including the Soldotna Ski Hill, the cross-country ski trails, Headquarters Lake and Nordic Lake, is not a designated "snowmobile" area.

7. The Swanson River canoe route lakes and portages are closed to "snowmobile" use.

8. An area including the Swan Lake canoe route and several public recreational lakes is not a designated "snowmobile" area. That area closed to such use is bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the section line immediately west of Arrow Lake (which is located at the eastern terminus of Swan Lake Road open to the public) and proceeds south 5.8 miles to its intersection with the headwaters of Moose River (one-half mile southeast of the easternmost shore of Swan Lake), thence down-stream along the west bank of Moose River, and bounded on the south by the Moose Range boundary.

9. The use of "snowmobiles" is prohibited in those game management units of the Kenai National Moose Range during any established moose hunting season. In addition, the use of "snowmobiles" as an aid in big game hunting or for transporting big game is not authorized except on the Mystery Creek access road and that portion of the Anchorage Natural Gas Pipeline right-of-way extending north from its junction with the Mystery Creek access road and all refuge lands east thereof, only during that period when "snowmobile" use is authorized on the refuge and as a means of access or transportation in conjunction with legal caribou hunting in State Game Management Unit 7.

The provisions of this special regulation supplement, the regulations which govern public access, use, and recreation on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through November 30, 1976.

JAMES B. MONNIE,
Refuge Manager, Kenai National Moose Range, Kenai, Alaska.

OCTOBER 30, 1975.

[FR Doc.75-30549 Filed 11-12-75;8:45 am]

PART 20—MIGRATORY BIRD HUNTING

Emergency System for Closure or Suspension

These regulations provide an emergency system for the closure or temporary suspension of a migratory bird hunting season in those cases where the continuation of the season would pose an imminent threat to an endangered or threatened species of wildlife. These regulations carry out the intent of section 7 of the Endangered Species Act of 1973, which provides that all of the authorities of the United States Fish and Wildlife Service are to be used in a manner consistent with the conservation of endangered and threatened species. From time to time, the unexpected presence of an endangered or threatened species in an area where migratory birds may be hunted may lead to an emergency situation. In order to avoid harm, or fatal injury to endangered or threatened wildlife, it may be necessary to close or temporarily suspend the hunting season for migratory birds in a given area.

For example, on November 7, 1975, the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department determined that a number of whooping cranes were present in North Dakota northwest of an 8-county sandhill crane hunting area. The hunting season for sandhill cranes in North Dakota, is routinely delayed until after the usual departure date for whooping cranes from that State. As a result of unexpectedly warm weather in the region, however, whooping cranes migrated into North Dakota later than usual, and were still present on the opening day of the sandhill crane season, November 8, 1975.

Intensive field surveillance by State and Federal personnel indicated that no whooping cranes were present in the sandhill crane hunting area. However, because the migration pattern for the whooping cranes could take them through parts of the 8 counties in North Dakota where sandhill crane hunting is permitted, the Fish and Wildlife Service has concluded that its responsibilities under the Endangered Species Act necessitate the promulgation of an amendment to 50 CFR Part 20 which would authorize the Director to expeditiously close or temporarily suspend part of the migratory bird hunting season, should an imminent threat to the safety of whooping cranes actually develop. Accordingly, subpart C is amended by the addition of a new § 20.26 which provides for prompt suspension or closure authority should the need occur in the future.

Because of the potential need to exercise this authority in the immediate future, the Fish and Wildlife Service finds that it is impractical and contrary to the public interest to issue this amendment as a proposed rulemaking, subject to comment. Because of the same time constraints, the Fish and Wildlife Service also finds that "good cause" exists within the meaning of Section 553 of the Administrative Procedure Act to have this regulation become effective November 13, 1975.

Accordingly, Part 20 of Chapter I Title 50, Code of Federal Regulations, is amended as set forth below:

Amend Subpart C by adding a new section 20.26, reading as follows:

§ 20.26 **Emergency Closures.**

(a) The Director may close or temporarily suspend any season established under Subpart K of these regulations:

(1) Upon a finding that a continuation of such season would constitute an imminent threat to the safety of any endangered or threatened species;

(2) Upon issuance of local public notice by such means as publication in local newspapers of general circulation, posting of the areas affected, notifying the State wildlife conservation agency and announcement on local radio and television.

(b) Any such closure or temporary suspension shall be announced by publication of a notice to that effect in the FEDERAL REGISTER simultaneous with the local public notice referred to in paragraph (a)(2) of this section. However, in the event that it is impractical to publish a FEDERAL REGISTER notice simultaneously, due to the restrictions in time available and the nature of the particular emergency situation, such notice shall follow the steps outlined in paragraph (a) of this section as soon as possible.

(c) Any closure or temporary suspension under this section shall be effective on the date of publication of the FEDERAL REGISTER notice, or if such notice is not published simultaneously, then on the date and at the time specified in the local notification to the public. Every notice of closure shall include the date and time of closing of the season and the area or areas affected. In the case of a temporary suspension the date and time when the season may be resumed shall be provided by a subsequent local notification to the public.

AUTHORITY: Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704); and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1538).

Effective: November 13, 1975.

F. V. SCHMIDT,
Acting Director,
U.S. Fish and Wildlife Service.

NOVEMBER 11, 1975.

[FR Doc.75-30792 Filed 11-12-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1094]

[Docket No. AO–103–A38]

MILK IN THE NEW ORLEANS, LOUISIANA MARKETING AREA

Notice of Extension of Time

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans, Louisiana, marketing area which was issued October 22, 1975 (40 FR 50051) is hereby extended to December 1, 1975.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: November 7, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75–30658 Filed 11–12–75;8:45 am]

Farmers Home Administration

[7 CFR Part 1803]

TREASURY LOAN DISBURSEMENT SYSTEM

Supplemental Notice of Proposed Rulemaking

In the October 23, 1975, issue of the FEDERAL REGISTER (40 FR 49577), the Farmers Home Administration (FmHA) published a notice of proposed rulemaking regarding 7 CFR 1803, "Supervised Bank Accounts," to implement a new method of disbursing loan and grant funds called the Treasury Loan Disbursement System (TLDS). TLDS for Sections 502 and 504 Rural Housing loans for construction and repair work, using a multiple advance feature, will be field tested in three States (Kentucky, New York, and Oregon) before its nationwide implementation.

This document supplements the notice by notifying the public that in addition to sections 502 and 504 Rural Housing the use of the multiple advance feature will be expanded to include the following loan types:

Farm Ownership, Individual Soil and Water, Recreation Loans, and Emergency Loans, pursuant to sections 302, 303, 304, and 321 of the Consolidated Farm and Rural Development Act.

Date November 10, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–30671 Filed 11–12–75;8:45 a.m.]

Animal and Plant Health Inspection Service

[9 CFR Part 314]

PARASITIC LIVER HANDLING

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provision in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service is considering amending § 314.10 of the federal meat inspection regulations (9 CFR 314.10), pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), to eliminate certain special handling requirements for livestock livers condemned because of fluke or fringed tapeworm infestations, and to provide that livers condemned because of hydatid disease be destroyed.

Statement of considerations: The current federal meat inspection regulations require the cooking or freezing of livestock livers infested with flukes, and cooking of livers infested with fringed tapeworms (*Thysanosoma actinioides*) or hydated cysts before the livers can be shipped from federally inspected establishments. Livers so treated may presently be used in manufacturing animal foods, but cannot be used for human food. These requirements were initiated many years ago in an effort to break the parasites' life cycle, thereby reducing the incidence of infestation. However, there is no information or evidence that these requirements have contributed to a reduction in the incidence of these parasitisms. These requirements have caused additional expense to the slaughterers and required additional inspection supervision apparently without significant beneficial results.

Based on information currently available to the Department, it appears that cooking and freezing such livers has not had significant impact in reducing the incidence of such parasitic infestation of livestock, and that the proposed change with respect to livers infested with flukes or fringed tapeworms poses no threat to human health. However, since canines consuming livers infected with hydatid cysts may become infected with the adult form of the tapeworm (*Echinoccus granulosa*) and, in turn, could infect humans through their ingestion of eggs from this parasite, it appears that livers infected with hydatid cysts should be destroyed.

The list of denaturing agents for certain livers shipped from an official establishment would be changed to coincide with the list of denaturing agents presently permitted for use on livers outside of official establishments. It appears that any of these agents would adequately denature such livers so as to deter them from being used for human food.

Also, the certificate requirements in connection with the shipment of certain condemned livers would be deleted, in that it appears that denaturing and labeling clearly identify materials as inedible and the certificates are not needed by the Program. Certificates are submitted to the Program for statistical purposes only, and it appears that such statistics are no longer needed.

Therefore, § 314.10 of the federal meat inspection regulations would be revised to read as follows:

§ 314.10 Livers condemned because of parasitic infestation and for other causes; conditions for disposal for purposes other than human food.

(a) Livers condemned on account of hydatid cysts shall be disposed of by tanking pursuant to the provisions of § 314.1 of this subchapter if condemned at official establishments having facilities for tanking; otherwise they shall be destroyed pursuant to the provisions of § 314.3 of this subchapter.

(b) Livers condemned because of parasites other than hydatid cysts; and livers condemned because of telangiectasis, angioma, "sawdust" condition, cirrhosis, carotenosis, or other nonmalignant change, benign abscesses, or contamination, when these conditions are not associated with infectious diseases in the carcasses, may be shipped from an official establishment only for purposes other than human food, and only if all tissue affected with abscesses is removed and destroyed within the establishment, and all livers are processed and denatured, with any agent prescribed in § 325.13(a) (1) or (2) or (5), and in accordance with § 325.13(a) (6) of this subchapter. This provision for movement from an official establishment is made solely under the Federal Meat Inspection Act and is not intended to relieve or modify any other applicable requirements under any other law regarding the movement of such articles, for purposes other than use as human food.

(c) Livers condemned because of conditions described in paragraph (b) of this section shall be in containers plainly marked "inedible".

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Inspection Standards and Regulations Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by January 12, 1976.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: November 6, 1975.

F. J. MULHERN,
Administrator, Animal and
Plant Health Inspection Service.

[FR Doc.75–30659 Filed 11–12–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 192]

[Docket No. OPSO–36, Notice No. 75–6]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Caulked Bell and Spigot Joints

The Office of Pipeline Safety Operations (OPSO) is considering a revision of § 192.753(a) to permit cast iron caulked bell and spigot joints subject to pressures of 25 psig or more to be sealed by any means which maintains flexibility in the joint, bonds chemically or mechanically with cast iron, and satisfies the general requirements of §§ 192.53 and 192.143 applicable to the materials and the design of pipeline components.

Currently, § 192.753(a) requires that cast iron caulked bell and spigot joints subject to pressures of 25 psig or more must be sealed with mechanical leak clamps. This requirement is based on the recommended safety practice contained in the United States of America Standards Institute B31.8 Code, 1968 edition, which was widely used by the pipeline industry before Part 192 was adopted (35 FR 13248, August 19, 1970).

The need for the additional seal by mechanical leak clamps is indicated by both the gas pressure and the drying effect of natural gas on caulked bell and spigot joints. When most of the cast iron bell and spigot joints being used in the transportation of natural gas in the U.S. were installed, they were caulked with a jute packing material to prevent the escape of gas. The jute caulking, which must be kept moist with oil or water to remain gas tight, provided a satisfactory seal for the manufactured gases that were transported when the joints were installed. However, when joints caulked with jute are used in the transportation of natural gas, which is not as moist as manufactured gas, the jute caulking soon dries out, causing gas leaks. In addition, until recently, mechanical leak clamps were the only reliable means of sealing a cast iron caulked bell and spigot joint subject to pressures of 25 psig or more to prevent it from leaking.

Since Part 192 was adopted, the pipeline industry has developed new methods and materials for sealing cast iron bell and spigot joints. OPSO believes that at least one recently developed method can be used to seal a caulked joint subject to pressures of 25 psig or more as well as or better than a mechanical leak clamp. Other new methods may also provide a satisfactory alternative to mechanical leak clamps, and their use should not be precluded by Part 192.

The new method which results in the chemical bonding of a rubber compound to the surfaces of a bell and spigot joint, permanently sealing the joint to prevent the escape of gas, was developed by a British chemical firm, Avon Lippiatt Hobbs, Ltd., in consultation with the British Gas Council and the Dutch Gas Institute. This new method is popularly known as the Avonseal method. In Great Britain the method has been used to seal over 300,000 joints, many of which are operated at pressures well in excess of 25 psig. The first 100,000 of the seals installed in Great Britain were recorded and checked by the British Gas Council. Only 17 leaks occurred on the 100,000 joints, and upon investigation, each of these leaks was found to be due to human error with no failure in material. In view of this development, by letter dated July 8, 1974, the Miller Pipeline Corporation petitioned OPSO to amend § 192.753 (a) to permit the use of this new method as an alternative to mechanical leak clamps.

The Ohio Public Utilities Commission (PUC) also believes that § 192.753 (a) should not restrict the use of new methods as safe as mechanical leak clamps. On June 5, 1975, acting under Section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(a)), the PUC granted a waiver from the requirements of § 192.753(a) to three Ohio gas companies permitting them to use the Avonseal method on cast iron caulked bell and spigot mains operating below 50 psig. The record of this State waiver and the OPSO action entering no objection to it are contained in OPSO Docket No. OH–75–1.

OPSO has reviewed the tests and data supporting the safety of the Avonseal method submitted by the Ohio PUC and the Miller Pipeline Corporation along with information relevant to the use of other sealing methods. On the basis of that review, OPSO has developed criteria which it believes any sealing method subject to pressures of 25 psig or more should meet if the method is to provide a safe alternative to mechanical leak clamps. These criteria are (1) maintenance of flexibility in the joint to minimize stresses at the joint that could cause pipe breakage, (2) a chemical or mechanical bond between the sealing material and the metal surfaces of both the pipe bell and spigot to provide a permanent seal, and (3) the sealing material and the bond must have a strength sufficient to withstand anticipated forces, be resistant to adverse environmental conditions, and be chemically compatible with materials to which the joint may be exposed. (The criteria in clause (3) are based on requirements now applicable to pipeline materials and components under §§ 192.53 (a), (b) and 192.143.) OPSO believes that revising § 192.753(a) to permit the use of sealing methods which meet these criteria would have the benefit of removing the existing restriction against the use of technological advances, while maintaining the level of safety now provided.

In consideration of the foregoing, § 192.753(a) would be revised to read as follows:

§ 192.753 Caulked bell and spigot joints.

(a) Each cast iron caulked bell and spigot joint that is subject to pressures of 25 psig or more must be sealed with—

(1) Mechanical leak clamps; or

(2) A means which—

(i) Does not reduce the flexibility of the joint;

(ii) Permanently bonds, either chemically or mechanically, or both, a sealing material with the bell and spigot metal surfaces; and

(iii) Utilizes a sealing material and bond that meet the strength, environmental, and chemical compatibility requirements of §§ 192.53(a) and (b) and 192.143.

* * * * *

Interested persons are invited to participate in this rule making action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory

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docket and notice numbers and be submitted in duplicate to the Director, Office of Pipeline Safety Operations, Department of Transportation, Washington, D.C. 20590. All communications received by December 29, 1975, will be considered by the Director before taking final action on the notice. Late filed comments will be considered to the extent practicable. All comments will be available for examination by interested persons at the Office of Pipeline Safety Operations, Room 6226, 2100 Second Street, S.W., Washington, D.C., before and after the closing date for comments. The proposal contained in this notice may be changed in the light comments received.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1672), § 1.64 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.64), and the redelegation of authority to the Director, Office of Pipeline Safety Operations, set forth in Appendix A to Part 102 of the regulations of the Office of the Director, Materials Transportation Bureau (49 CFR Part 102).

Issued in Washington, D.C., on November 7, 1975.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.75-30673 Filed 11-12-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-16: Notice 03]

BUS AIR BRAKE SYSTEMS

Amendment of Standard No. 121

This notice proposes an amendment of Standard No. 121, *Air Brake Systems*, 49 CFR 571.121, to suspend until January 1, 1977, the service brake stopping distance requirements as they apply to buses. This modification of the standard is responsive to information developed at a public meeting held in Washington, D.C., on October 29, 30, and 31, 1975, as well as other information collected by the NHTSA on field experience since the standard's implementation. A separate response will address the issues raised with regard to the standard's implementation in trucks and trailers.

The NHTSA called the public meeting (40 FR 43049, September 18, 1975) to collect all existing information as soon as possible on the operation of the new brake systems built to conform to the standard (a transcript of the meeting is available in the NHTSA public docket). But performance was reviewed by manufacturers and users of transit and intercity buses, and by Rockwell International Corporation, the manufacturer of virtually all axles and antilock components installed in these vehicles. The California Highway Patrol also submitted reports on antilock performance in California transit operations. Submitted information confirmed a pattern of erratic behavior of bus antilock equipment that had begun to appear in other data received by the NHTSA.

The American Public Transit Association (APTA) submitted a report that summarizes the experience of 30 transit systems, including those that addressed the public meeting. The report revealed symptomatic defects in the installed antilock systems which have resulted in erratic braking performance of the new buses. The Maryland Mass Transit Administration, summarizing the views of other transit operators, called for a temporary cancellation of the standard. Additionally, the speakers asked for reevaluation of the standard as it applies to transit buses.

Intercity bus operators were represented by the National Association of Motor Bus Owners, Greyhound Corporation, and the manufacturers of a majority of intercity buses, Motor Coach Industries (MCI) and General Motors Corporation, MCI called for a 1-year suspension of the "no-lockup" requirement for buses, to be followed by the introduction of new requirements for buses different from those specified for trucks.

The NHTSA has studied the materials and arguments submitted by each speaker, along with the other material collected on experience with the 121 systems in buses. The agency has arrived at the following tentative findings:

(1) Manufacturers of both transit and intercity buses do not appear prepared at this time to utilize antilock systems other than those manufactured by Rockwell International Corporation.

(2) The Rockwell antilock system currently available for bus application is characterized by malfunction that warrants its deactivation on all vehicles on which it is installed while a correction is fully developed.

(3) Information furnished by Rockwell does not provide a basis to conclude that a demonstrably satisfactory correction to its antilock system defects is at hand.

(4) A situation wherein purchasers of new buses are required to pay for antilock systems which are to remain deactivated for an indefinite period is inappropriate.

In view of these findings, the NHTSA tentatively concludes that a 1-year suspension of parts of the standard for buses is in order. Accordingly, it is proposed that the section that requires vehicles to stop within a specific distance without wheel lockup (S5.3.1) be suspended for buses until January 1, 1977.

The efficacy of a 1-year suspension depends on the success of the fleet testing undertaken by Rockwell and any other manufacturers, such as the AC Division of General Motors, that are entering the bus antilock field. Additionally, the cooperation of bus users, both intercity and transit operators, will be required for successful evaluation of revised systems. Based on comments at the meeting, all parties intend to participate actively and the NHTSA solicits comment on manufacturer and user plans to use the 1-year suspension of S5.3.1 to achieve maximum field evaluation. If justified, a public meeting on implementation of Standard No. 121 in buses could be called in the latter part of 1976 to evaluate data generated.

§ 571.121 [Amended]

In consideration of the foregoing, it is proposed that S5.3.1 of Standard No. 121 (49 CFR 571.121) be amended by the addition of the words: "Except for a bus manufactured before January 1, 1977, and" at the beginning of the first sentence.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: December 15, 1975.

Proposed effective date: Date of publication of the final rule in the FEDERAL REGISTER.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on November 11, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-30680 Filed 11-11-75;9:31 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1207]

SWIMMING POOL SLIDES

Proposed Safety Standard; Correction

In FR Doc. 75-29501, published October 31, 1975 (40 FR 50728), the following correction is necessary:

The top line of Table 3 should read as follows:

h feet	*A* feet ±0.5 ft	*B* feet ±0.5 ft	*C* feet ±0.5 ft

As printed, *A* and *B* incorrectly read "+0.5 ft," and *C* incorrectly reads "+.05 ft."

Dated: November 7, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-30584 Filed 11-12-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 435]

[FRL 456-2]

OFFSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

Extension of Comment Period

This notice extends the period for comments to the notice, published September 15, 1975, proposing Effluent Limitations for Existing Sources, Standards of Performance and Pretreatment Standards for the Offshore Segment of the Oil and Gas Extraction Point Source Category (40 FR 42572).

Requests for an extension of time were submitted by several persons having an interest in commenting. They argue that additional time is needed to review the notice in sufficient detail to provide meaningful comments.

In view of the requests, the Environmental Protection Agency has determined it is in the public interest that the period for comments on the proposed regulation be extended until December 15, 1975.

Dated: November 4, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-30535 Filed 11-12-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[10 CFR Part 790]

GEOTHERMAL ENERGY RESEARCH DEVELOPMENT, DEMONSTRATION AND PRODUCTION

Federal Guaranties on Loans

Correction

In FR Doc. 75-28868 appearing at page 50100 in the issue for Tuesday, October 28, 1975, the text for § 790.6 was inadvertently omitted. The material should have appeared as set forth below.

790.6 Loan guaranty criteria.

In addition to meeting the requirements for eligibility and priority set forth in § 790.4 of this Part, guaranties shall be made only if the following conditions are met as determined by the Administrator:

(a) The application is signed by an authorized official of the lender and is accompanied by a statement signed by the borrower evidencing knowledge of the application and intent to comply with this regulation;

(b) The loan is to be made to a qualified borrower;

(c) Except as provided in § 790.43 of this Part, the loan amount to be guaranteed does not exceed 75 percent of the estimated aggregate cost of the project, however; there is no prohibition against the guaranty being equal to 100% of the loan to be made by the lender;

(d) The lender affirms either that the loan would otherwise not be made to the borrower or that the prevailing prime rate of interest charged to preferred customers would not be made available without a Federal loan guaranty;

(e) There is satisfactory evidence demonstrating that the lender has a management organization competent to administer the terms and conditions of a loan guaranteed under this regulation;

(f) When the maximum permissible guaranty is requested as provided in paragraph (c) of this section, the lender must affirm that its confidence in geothermal technology and utilization as related to the project is insufficient, and therefore until the lender gains experience with new geothermal technology and resources, the lender is unwilling to approve a loan at less than the maximum permissible guaranty;

(g) The loan bears interest at a rate not to exceed an annual percent on the principal obligation outstanding as the Administrator determines, in consultation with the Secretary of the Treasury, to be reasonable, taking into account the range of interest rates and lending practices prevailing in the private sector for similar loans and risks by the United States. However, it is expected that the borrower and lender will negotiate a mutually acceptable interest rate that recognizes the benefits to the lender from a Federal guaranty;

(h) The terms of such loans require full repayment over a period of up to thirty years, or the expected useful life of any physical asset to be financed by such loan, whichever is less;

(i) The amount of the loan together with other funds available to the borrower will be sufficient to carry out the project;

(j) There is reasonable assurance of payment of interest and repayment of the guaranteed portion of the loan by the qualified borrower, such as, evidence that there exists or will exist a market for the project's product or results;

(k) The amount of the guaranty for a project does not exceed $25,000,000;

(l) The total dollar amount of guaranties made under this regulation for any combination of outstanding loans to any single qualified borrower does not exceed $50,000,000;

(m) The project is to be performed in the United States, its territories or possessions, or for the benefit of facilities owned or leased by the United States from foreign governments;

(n) The project is technically feasible and uses environmentally acceptable processes;

(o) The project is to be initiated and completed in a timely and efficient manner;

(p) When necessary to carry out the project, there is a sufficiency of encouraging geophysical, geological, hydrological and geochemical data;

(q) The borrower agrees to make available on a timely basis any technical and economic information as specified in the guaranty agreement, and subject to provisions in §§ 790.33 and 790.44(b) of this Part, further agrees to its use for public dissemination purposes;

(r) There is satisfactory evidence of the borrower's interest in geothermal resources;

(s) There is satisfactory evidence that the borrower is capable of completing the project in an acceptable manner;

(t) An environmental statement or negative declaration has been prepared and issued by the appropriate Federal agency, in compliance with the National Environmental Policy Act of 1969;

(u) The project, whether conducted on public or private land, will be carried out with full regard to the use of environmentally acceptable processes in such a manner as to mitigate adverse environmental impact to the maximum extent practicable;

(v) The environmental risks of the project have been evaluated in accordance with § 790.23 of this part;

(w) The borrower and lender agree that the terms and conditions set forth in the loan agreement shall be acceptable to the Administrator and be part of the guaranty agreement;

(x) The borrower and non-guaranteed lender agree that the terms and conditions set forth in that loan agreement, including the provision that a loan guaranteed under this regulation shall not be subordinated to any other long term financing, shall not be affective until approved by the Administrator; and

(y) The borrower and lender agree to such other terms and conditions as the Administrator deems necessary and appropriate.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 89, 91, 93]

[Docket No. 20665; RM-2324; FCC 75-1215]

TRANSMITTER POWER

Specifications

In the matter of Amendment of Parts 89, 91 and 93 of the Commission's Rules and Regulations to eliminate the required annual measurement of transmitter power, frequency and modulation, and to specify transmitter power in terms of output power; Docket No. 20665; RM-2324; FCC 75-1215.

Adopted: October 29, 1975.

Released: November 7, 1975.

By the Commission: Commissioner Reid absent.

1. HT&B Electronics (HTB) has filed a petition requesting elimination of the required annual transmitter power

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measurement and amendment of Parts 91 and 93 of the Rules to specify the use of radio frequency output power as the preferred method of measurement.

2. Regarding deletion of the presently required annual transmitter power measurement, HTB argues that:

> Design of equipment is normally such that power output deteriorates with time rather than increasing. For this reason, measurement of output power on an annual basis is unnecessary for the limitation of interference. The inclusion of the annual requirement precludes a service company from making all required transmitter measurements at a distance saving considerable expenditure of time, fuel and funds compared to the presently required visit to the station for local measurements.

Continuing in a similar vein, HTB points out that the goal of minimization of interference would be furthered by allowing measurement from a distance since measurements could be made more frequently per unit of cost, and because remote monitoring techniques would, in many cases, give indications of other types of transmitter spectrum deficiencies.

3. We believe the arguments presented by HTB have merit. On-the-air measurement of pertinent transmitter technical parameters is a most reliable technique and has long been in use at the Commission's monitoring stations. We feel that expanded use of on-the-air measurement techniques should be encouraged since the efficiency with which such measurements can be made results in increased benefit to the subscribing licensee and furthers the national goal of optimizing the use of available energy resources. For these reasons we believe similar deletion of annual measurement of frequency and modulation is appropriate.

4. The Rules have and will continue to require that transmitters be operated in accordance with applicable technical standards. In requiring the annual measurement of transmitter power, frequency and modulation, the Commission merely sought to implement a frequency of measurement suitable for a typical land mobile transmitter. We recognize that while semiannual or quarterly measurement of older model transmitters may be necessary, measurement at other time intervals may suffice for present state-of-the-art models. Therefore, since the annual measurement requirements appear to have become irrelevant, restrictive, and in some cases burdensome, in keeping with our policy of eliminating non-essential station operating requirements we propose to amend the Rules to eliminate these requirements, thereby providing for increased flexibility in transmitter maintenance policy and procedure. It should be emphasized that this proposal does not relieve licensees of their responsibility to take appropriate measures to insure that their radio equipment is at all times operated in accordance with the applicable technical standards.

5. HTB as also requested that the Commission update its Rules to specify output power as the preferred method of transmitter power measurement. HTB states, and we agree, that there is ". . . a need to recognize modern equipment construction (use of transistors in lieu of tubes) and modern measurement techniques." Other arguments advanced by HTB are that (1) individual equipment designs have varying efficiencies of the final output stage and therefore, specifying "plate input power" does not indicate the desired interference parameter as accurately as does "output power". (2) The term "plate input power" refers to tube construction and is not a valid technical term for use with transistors, while output power is applicable to all radio frequency generating devices. (3) Widely available test equipment enables the serviceman to measure output power more easily and, in some cases more accurately than direct current input power to the final radio frequency stage. (4) The use of wattmeters having the capability of measuring both forward and reflected transmitter output power are widespread. Such wattmeters provide a measure of the performance of the associated antenna system, thereby assuring optimum system performance. Numerous informal letters and comments from representatives of the communications industry received over the last decade confirm the validity of the afore-stated arguments. Accordingly, we propose to amend the Rules to specify output power instead of input power to final frequency stage (input power). While the petitioner requested amendment of Parts 91 and 93 only, we believe it is in the best public interest to extend this proposal to include Part 89 since operations under the three parts are essentially similar.

6. The output powers stated in the Appendix were derived using a transmitter final stage efficiency factor of .75 for frequencies below 25 MHz and .60 for frequencies above 25 MHz.[1] These are the standards used by the Commission when converting input power to output power. We recognize, however, that there are devices (such as varactor diodes) with somewhat greater efficiencies. For this reason we also propose to amend the Rules to change the range over which the permissible power may vary to 20 percent of the output power listed on the authorization.

7. The proposed amendment of Parts 89, 91 and 93 of the Rules, as set forth below, are issued pursuant to the authority contained in Sections 4(i) and 303 (c), (h) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before January 15, 1976, and reply comments on or before February 14, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission will also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of Section 1.419 of the Commission Rules, an original and 11 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 89, 91, and 93 of the Commission's Rules and Regulations are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

1. Section 89.3(b) is amended by adding the following in alphabetical order as follows:

§ 89.3 Definitions.

• • • • • •

(b) Definitions of stations: • • •

Output Power. The radio frequency output power of a transmitter's final radio frequency stage at the output terminals.

• • • • • •

2. Section 89.15(a)(2) is revised as follows:

§ 89.15 Frequency coordination procedures.

(a) • • •

(1) • • •

(2) Requests to change existing facilities by increasing the authorization output, or raising the authorized height of the antenna or moving the authorized station location (including the antenna), or by adding a base station within the licensee's existing area of operation.

• • • • • •

3. Section 89.61(c)(10) is revised as follows:

§ 89.61 Request for special temporary authority.

• • • • • •

(c) • • •

(10) Output power of the transmitter

• • • • • •

4. Section 89.101 (d)(1) and (p) are revised as follows:

§ 89.101 Frequencies.

• • • • • •

(d) • • •

(1) Notwithstanding the rule provisions relating to permissible communications, points of communication and emissions in the applicable subpart of this part, the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz may be used to accomplish any radio communication requirement which is necessary to the licensee's activity: Provided, That all operations are otherwise in accordance with the rules in this chapter; that the bandwidth of emission does not exceed 8 kHz; and that output power is limited to no more than 20 watts.

• • • • • •

(p) The following frequencies may be assigned to fixed stations in the Public Safety Radio Service on a secondary, non-interference basis to land mobile operations in the Industrial (except Business) and Land Transportation Radio Services. All such use of these frequencies for fixed systems is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15dB. For two-frequency systems the separation between transmit-receive frequencies is 5 MHz. The centers of urbanized areas of 200,000 or more population are determined from the Appendix, page 226, of the U.S. Commerce Publication "Air Line Distance Between Cities in the United States." Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, page 1–50.

• • • • • •

5. The table in § 89.103(a) and paragraph (b) are revised as follows:

§ 89.103 Frequency stability.

(a) • • •

[In percentage]

Frequency range (megahertz)	All fixed and base stations	All mobile stations	
		Over 2 W	2 W or less
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.005
50 to 450	[1] .0005	.0005	.005
450 to 470	[2] .00025	.0005	.0005
470 to 512	.00025	.0005	.0005
806 to 821	[3] .00015	.00025	.00025
851 to 866	.00015	.00025	.00025
1427 to 1235	[4] .03	.03	.03
Above 1435	[5] [6]	[5] [6]	[5] [6]

[1] Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 73-74.6 MHz may operate with a frequency tolerance of 0.005 pct.

[2] Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 pct.

[3] For control stations, the frequency stability is 0.00025 pct.

[4] For fixed stations with power output above 120 W, the frequency tolerance is 0.01 pct if this necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 120 W or less and using time division multiplex, the frequency tolerance may be increased to 0.05 pct.

[5] Radiolocation equipment using pulse modulation shall meet the following frequency tolerance. The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than $1.5/T$ MHz to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other radiolocation equipment, tolerances will be specified in the station authorization. See also sec. 89.121.

[6] The frequency tolerance for base and mobile stations will be specified in the station authorization.

(b) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated output power as specified by the manufacturer.

• • • • • •

6. Section 89.109(c) is revised as follows:

§ 89.109 Modulation requirements.

(a) • • •

(b) • • •

(c) Each transmitter shall be equipped with a device which automatically prevents modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: Provided, however, That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum output power of 2 watts or less.

• • • • • •

7. The table in § 89.111(b) and paragraph (c) are revised to read as follows:

§ 89.111 Power and antenna height.

• • • • • •

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, the maximum power that will be authorized is shown in the following tabulation:

[In percentage]

Frequency range (megahertz)	Maximum output power (watts)	Maximum effective radiated power (watts)
1.3 to 3	1,500	
3 to 25	750	
25 to 100	300	
100 to 470	350	
470 to 512		1,000
806 to 821	[1]	[1]
851 to 866	[2]	[1]
2450 to 2500	[3] 5	
2500 to 10,550	[1]	
10,550 to 10,680	3	
Above 10,680	[4]	

[1] For power limitations see sec. 89.651.

[2] The output power of a transmitter on any authorized frequency in this service shall not exceed 2,000 W (33 dBW).

[3] To be specified in the station authorization.

(c) The output power shall not exceed by more than 20 percent the output power shown in the Radio Equipment List for transmitters included in this list, or the output power for the particular transmitter specifically listed on the station authorization.

• • • • • •

8. Section 89.115 is amended by referencing output power instead of input power and deleting paragraphs (a)(3), (a)(4), (b)(3), and (c)(3).

§ 89.115 Transmitter measurement.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter authorized to operate with an output power in excess of 2 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) • • •

(2) • • •

(b) The licensee of each station shall employ a suitable procedure to determine that the transmitter output power of each transmitter authorized to operate with an output power in excess of two watts does not exceed the maximum figure specified on the current station authorization. On authorization stating only the input power to the final radio frequency stage, the maximum permissible output power is 75 percent for frequencies below 25 MHz and 60 percent of the input power for frequencies above 25 MHz. If a non-DC final radio frequency stage is utilized, then the output power shall not exceed 75 percent of the input power. This determination shall be made, and the results thereof entered into the station records, in accordance with the following:

(1) • • •

(2) When any change is made in the transmitter which may affect the transmitter power output.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter authorized to operate with an output power in excess of 2 watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) • • •

(2) • • •

(d) • • •

(e) • • •

• • • • • •

9. Section 89.126(h) is revised as follows:

§ 89.126 Secondary alarm and signalling operations.

• • • • • •

(h) The output power shall not exceed 30 watts (at the remote site).

• • • • • •

10. Section 89.259(g)(6) is revised as follows:

§ 89.259 Frequencies available to the Local Government Radio Service.

• • • • • •

(6) Available for assignment: Provided That the output power of any transmitter authorized to operate on this frequency shall not exceed 2 watts.

11. Section 89.309(h) (9), (13), (14), (15), (17) is amended as follows:

§ 89.309 Frequencies available to the Police Radio Service.

• • • • • •

(h) • • •

(9) This frequency is available for assignment to zone and interzone stations in the Police Radio Service for use with A1 emission only and an output power of 750 watts.

• • • • • •

(13) Subject to the restrictions contained in Section 89.111(a), base stations operating on this frequency and render-

[1] For the sake of simplicity, with the exception of the output power specified in Section 91.555, all low-value (3 watts or less) output powers were rounded up to the nearest watt after conversion.

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ing service to state police mobile units may be authorized to use a maximum output power in excess of the maximum indicated in Section 89.111(b) but not in excess of 7500 watts: Provided, That such operation will cause no harmful interference to the service of other stations.

(14) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communications, using type A3 emission and an output power of 750 watts.

(15) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communications, using type A3 emission with output power of 750 watts, subject to the condition that no harmful interference is caused to the service of any police station employing type A1 emission on this frequency including any operations conducted in accordance with outstanding regional agreements and further subject to the condition that no harmful interference is caused to the service of any station, which in the discretion of the Commission may have priority on the frequency with which interference results.

• • • • • •

(17) The maximum output power of any transmitter authorized to operate on this frequency, after June 1, 1956, shall not exceed 2 watts. Licensees holding a valid authorization as of June 1, 1956, for base or mobile station operations on this frequency, with a power in excess of 2 watts, may continue to be authorized for such operation without regard to this power limitation.

• • • • • •

13. Section 89.359(g)(6) is revised as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

• • • • • •

(6) The output power of any transmitter authorized to operate on this frequency shall not exceed 2 watts.

• • • • • •

PART 91—INDUSTRIAL RADIO SERVICES

14. Section 91.3 is amended by adding the following in alphabetical order:

§ 91.3 Definitions.

• • • • • •

Output Power. The radio frequency output power of a transmitter's final radio frequency stage at the output terminals.

• • • • • •

15. Section 91.7 is ameded by revising (b)(7) and (e)(4) as follows:

§ 91.7 Relay and control stations.

(a) • • •

(b) • • •

(7) A mobile station associated with one or more mobile relay stations may be authorized to operate only on a mobile service frequency above 25 MHz which is available for assignment to mobile stations. In the Business Radio Service any low-power frequency below 450 MHz may be authorized for that purpose when such stations are limited to a maxmium output power of 1 watt or less.

• • • • • •

(e) • • •

(4) Notwithstanding paragraph (e)(1) and (3) of this Section, in the Business and Special Industrial Radio Services in the frequency bands below 450 MHz only low power frequencies (2 watts or less output power) may be assigned for the purposes described in paragraph (e)(1) and (2) of this Section.

• • • • • •

16. Section 91.8(a) is revised as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) The frequencies which normally may be assigned to stations in any one of the several Industrial Radio Services are listed in the applicable subpart of this part. All licensees of stations in these services shall cooperate in the use of the frequencies assigned in order to minimize interference, and thereby obtain the most effective use of the authorized facilities. Each frequency or band of frequencies listed in this part is available on a shared basis only and will not be assigned for the exclusive use of any one licensee. The use of any frequency may be restricted as to specified geographical areas, maximum power, or such other operating conditions contained in this part or in the station authorization. Except for applications listed in subparagraph (1) of this paragraph, each application for assignment of a new frequency or to change existing facilities by increasing the authorized output power, or raising the height of the antenna, or moving the authorized station location (including the location of the antenna), or by adding a base station within the licensee's existing area of operation shall be accompanied by evidence of frequency coordination in the form set forth either in paragraph (2) or (3) of this paragraph:

Frequency range (megahertz)	Transmitter output power (percent)			
	Fixed and base stations		Mobile stations	
	Over 200 W	200 W or less	Over 2 W	2 W or less
Below 25 [1]	0.005	0.01	0.01	0.02
25 to 50	.002	.002	.002	.005
50 to 450	[2] .0005	.0005	.0005	.005
450 to 470	[2] .00025	[2] .00025	.0006	[3] .0005
470 to 512	.00025	.00025	.0005	.0005
806 to 821	[4] .00015	[4] .00015	.00025	.00025
851 to 866	.00015	.00015	.00025	.00025
1427 to 1435	[5] .03	[5] .03	.03	.03
Above 1435	(6)(7)	(6)(7)	(6)(7)	(6)(7)

[1] Industrial radiolocation service stations operating in the frequency bands 70–90 kHz and 110–130 kHz will be required to maintain the carrier frequency of each authorized transmitter within 0.01 pct of the assigned frequency. Industrial radiolocation service stations operating in frequency bands above 130 kHz must comply with the tolerance requirements indicated in the column for fixed and base stations in this table.

[2] Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 73–74.6 MHz may operate with a frequency tolerance of 0.005 pct.

[3] Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 pct.

[4] The frequency tolerance for base and mobile stations authorized to operate in these bands will be specified in the station authorizations.

[5] For control stations, the frequency stability is 0.00025 pct.

[6] For fixed stations with an output power above 120 W, the frequency tolerance is 0.01 pct if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 120 W or less and using time division multiplex, the frequency tolerance may be increased to 0.05 pct.

[7] Radar stations in the industrial radiolocation service using pulse modulation shall meet the following frequency tolerance. The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T MHz to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other equipment, tolerances will be specified in the station authorization.

(b) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this Section, the power of a transmitter shall be the maximum rated output power as specified by the manufacturer.

• • • • • •

19. Section 91.105(c) is revised as follows:

§ 91.105 Modulation requirements.

• • • • • •

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: Provided, however, that this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum output power of 2 watts or less.

• • • • • •

20. Section 91.106 is amended by revising the table in (b) and revising (c) as follows:

§ 91.106 Power and antenna height.

(a) • • •

(b) • • •

Frequency range (megahertz)	Output power (watts)	Maximum effective radiated power (watts)
1.6 to 8	1,500	[1]
25 to 100	300	[1]
100 to 216	350	[1]
216 to 220	[1]	[2]
220 to 470	350	[1]
470 to 512		1,000
806 to 821	[1]	[2]
851 to 866	[1]	[2]
2450 to 2500	5	[1]
2500 to 10,550	[1]	[1]
10,550 to 10,680	3	[1]
Above 10,680	[1]	[1]

[1] To be specified in the station authorization.

[2] For power limitations, see sec. 89.551.

[3] The output power of a transmitter on any authorized frequency in this service shall not exceed 2,000 W (33 dbW).

(c) The output power shall not exceed by more than 20 percent the output power shown in the Radio Equipment List for transmitters included in this list, or the output power for the particular transmitter specifically listed on the station authorization.

• • • • • •

21. Section 91.108 is amended by referencing output power instead of input power and deleting paragraphs (a)(3), (a)(4), (b)(3), and (c)(3).

§ 91.108 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter authorized to operate with an output power in excess of 2 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) • • •

(2) • • •

(b) The licensee of each station shall employ a suitable procedure to determine that the transmitter output power of each transmitter authorized to operate with an output power in excess of two watts does not exceed the maximum figure specified on the current station authorization. On authorization stating only the input power to the final radio frequency stage, the maximum permissible output power is 75 percent for frequencies below 25 MHz and 60 percent of the input power for frequencies above 25 MHz. If a non-DC final radio frequency stage is utilized, then the output power shall not exceed 75 percent of the input power. This determination shall be made, and the results thereof entered into the station records, in accordance with the following:

(1) • • •

(2) When any change is made in the transmitter which may affect the transmitter output power.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter authorized to operate with an output power in excess of 2 watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) • • •

(2) • • •

(d) • • •

(e) • • •

• • • • • •

22. Section 91.253(c)(2) is revised as follows:

§ 91.253 Station limitations.

(2) The output power shall not exceed 30 watts.

• • • • • •

23. Section 91.254(b) is revised as follows:

§ 91.254 Frequencies available.

• • • • • •

(8) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, vol. 1, table 23, page 1–50. The centers of urbanized areas are determined from the appendix, Page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

24. Section 91.303(b)(2) is revised as follows:

§ 91.303 Station limitations.

• • • • • •

(2) The output power shall not exceed 30 watts.

• • • • • •

25. Section 91.304(b)(6) and (29) are revised as follows:

§ 91.304 Frequencies available.

• • • • • •

(b) • • •

(6) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed in an occupied bandwidth of 8 kHz, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of population, 1960, vol. 1, table 23, page 1–50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

• • • • • •

26. Section 91.354(b)(6), (10) and (29) are revised as follows:

§ 91.354 Frequencies available.

• • • • • •

(6) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

(10) Authorizations to operate on this frequency will be issued for A2 or F2 emission for tone signalling or for a combination of such emission with A3 or F3 emission with a maximum bandwidth of 20 kHz. The output power shall not exceed 2 watts. The maximum distance between any transmitter and the center of the radiating portion of its antenna shall not exceed 25 feet. Operation on this frequency is subject to the condition that no harmful interference is caused to stations operating in the Business Radio Service.

• • • • • •

(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population except that the dis-

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ing service to state police mobile units may be authorized to use a maximum output power in excess of the maximum indicated in Section 89.111(b) but not in excess of 7500 watts: Provided, That such operation will cause no harmful interference to the service of other stations.

(14) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communications, using type A3 emission and an output power of 750 watts.

(15) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communications, using type A3 emission with output power of 750 watts, subject to the condition that no harmful interference is caused to the service of any police station employing type A1 emission on this frequency including any operations conducted in accordance with outstanding regional agreements and further subject to the condition that no harmful interference is caused to the service of any station, which in the discretion of the Commission may have priority on the frequency with which interference results.

• • • • • •

(17) The maximum output power of any transmitter authorized to operate on this frequency, after June 1, 1956, shall not exceed 2 watts. Licensees holding a valid authorization as of June 1, 1956, for base or mobile station operations on this frequency, with a power in excess of 2 watts, may continue to be authorized for such operation without regard to this power limitation.

• • • • • •

13. Section 89.359(g)(6) is revised as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

• • • • • •

(6) The output power of any transmitter authorized to operate on this frequency shall not exceed 2 watts.

• • • • • •

PART 91—INDUSTRIAL RADIO SERVICES

14. Section 91.3 is amended by adding the following in alphabetical order:

§ 91.3 Definitions.

• • • • • •

Output Power. The radio frequency output power of a transmitter's final radio frequency stage at the output terminals.

• • • • • •

15. Section 91.7 is ameded by revising (b)(7) and (e)(4) as follows:

§ 91.7 Relay and control stations.

(a) • • •
(b) • • •
(7) A mobile station associated with one or more mobile relay stations may be authorized to operate only on a mobile service frequency above 25 MHz which is available for assignment to mobile stations. In the Business Radio Service any low-power frequency below 450 MHz may be authorized for that purpose when such stations are limited to a maximum output power of 1 watt or less.

• • • • • •

(e) • • •

(4) Notwithstanding paragraph (e)(1) and (3) of this Section, in the Business and Special Industrial Radio Services in the frequency bands below 450 MHz only low power frequencies (2 watts or less output power) may be assigned for the purposes described in paragraph (e)(1) and (2) of this Section.

• • • • • •

16. Section 91.8(a) is revised as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) The frequencies which normally may be assigned to stations in any one of the several Industrial Radio Services are listed in the applicable subpart of this part. All licensees of stations in these services shall cooperate in the use of the frequencies assigned in order to minimize interference, and thereby obtain the most effective use of the authorized facilities. Each frequency or band of frequencies listed in this part is available on a shared basis only and will not be assigned for the exclusive use of any one licensee. The use of any frequency may be restricted as to specified geographical areas, maximum power, or such other operating conditions contained in this part or in the station authorization. Except for applications listed in subparagraph (1) of this paragraph, each application for assignment of a new frequency or to change existing facilities by increasing the authorized output power, or raising the height of the antenna, or moving the authorized station location (including the location of the antenna), or by adding a base station within the licensee's existing area of operation shall be accompanied by evidence of frequency coordination in the form set forth either in paragraph (2) or (3) of this paragraph:

• • • • • •

17. Section 91.53(c)(10) is revised as follows:

§ 91.53 Procedure for obtaining special temporary authority.

• • • • • •

(c) • • •
(10) Output power of the transmitter.

• • • • • •

18. Section 91.102 is amended by revising the table in (a) and revising (b) as follows:

§ 91.102 Frequency stability.

(a) • • •

Frequency range (megahertz)	Transmitter output power (percent)			
	Fixed and base stations		Mobile stations	
	Over 200 W	200 W or less	Over 2 W	2 W or less
Below 25 [1]	0.005	0.01	0.01	0.02
25 to 50	.002	.002	.002	.005
50 to 450	[2] .0005	.0005	.0005	.005
450 to 470	[3] .00025	[3] .00025	.0005	[4] .0005
470 to 512	.00025	.00025	.0005	.0005
806 to 821	[5] .00015	[5] .00015	.00025	.00025
851 to 866	.00015	.00015	.00025	.00025
1427 to 1435	[6] .03	[6] .03	.03	.03
Above 1435	(7) (7)	(7) (7)	(7) (7)	(7) (7)

[1] Industrial radiolocation service stations operating in the frequency bands 70-90 kHz and 110-130 kHz will be required to maintain the carrier frequency of each authorized transmitter within 0.01 pct of the assigned frequency. Industrial radiolocation service stations operating in frequency bands above 130 kHz must comply with the tolerance requirements indicated in the column for fixed and base stations in this table.

[2] Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 73-74.6 MHz may operate with a frequency tolerance of 0.005 pct.

[3] Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 pct.

[4] The frequency tolerance for base and mobile stations authorized to operate in these bands will be specified in the station authorizations.

[5] For control stations, the frequency stability is 0.00025 pct.

[6] For fixed stations with an output power above 120 W, the frequency tolerance is 0.01 pct if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 120 W or less and using time division multiplex, the frequency tolerance may be increased to 0.05 pct.

[7] Radar stations in the industrial radiolocation service using pulse modulation shall meet the following frequency tolerance. The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T MHz to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other equipment, tolerances will be specified in the station authorization.

(b) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this Section, the power of a transmitter shall be the maximum rated output power as specified by the manufacturer.

• • • • • •

19. Section 91.105(c) is revised as follows:

§ 91.105 Modulation requirements.

• • • • • •

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: Provided, however, that this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum output power of 2 watts or less.

• • • • • •

20. Section 91.106 is amended by revising the table in (b) and revising (c) as follows:

§ 91.106 Power and antenna height.

(a) • • •
(b) • • •

Frequency range (megahertz)	Output power (watts)	Maximum effective radiated power (watts)
1.6 to 6	1,500	
25 to 100	300	
100 to 216	350	
216 to 220	(1)	(1)
220 to 470	350	
470 to 512		1,000
806 to 821	(2)	(2)
851 to 866	(2)	(2)
2450 to 2500	5	
2500 to 10,550	(1)	
10,550 to 10,680	3	
Above 10,680	(1)	

[1] To be specified in the station authorization.
[2] For power limitations, see sec. 89.551.
[3] The output power of a transmitter on any authorized frequency in this service shall not exceed 2,000 W (33 dbW).

(c) The output power shall not exceed by more than 20 percent the output power shown in the Radio Equipment List for transmitters included in this list, or the output power for the particular transmitter specifically listed on the station authorization.

• • • • • •

21. Section 91.108 is amended by referencing output power instead of input power and deleting paragraphs (a)(3), (a)(4), (b)(3), and (c)(3).

§ 91.108 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter authorized to operate with an output power in excess of 2 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) • • •
(2) • • •

(b) The licensee of each station shall employ a suitable procedure to determine that the transmitter output power of each transmitter authorized to operate with an output power in excess of two watts does not exceed the maximum figure specified on the current station authorization. On authorization stating only the input power to the final radio frequency stage, the maximum permissible output power is 75 percent for frequencies below 25 MHz and 60 percent of the input power for frequencies above 25 MHz. If a non-DC final radio frequency stage is utilized, then the output power shall not exceed 75 percent of the input power. This determination shall be made, and the results thereof entered into the station records, in accordance with the following:

(1) • • •

(2) When any change is made in the transmitter which may affect the transmitter output power.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter authorized to operate with an output power in excess of 2 watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) • • •
(2) • • •
(d) • • •
(e) • • •

• • • • • •

22. Section 91.253(c)(2) is revised as follows:

§ 91.253 Station limitations.

(2) The output power shall not exceed 30 watts.

• • • • • •

23. Section 91.254(b) is revised as follows:

§ 91.254 Frequencies available.

• • • • • •

(8) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, vol. 1, table 23, page 1–50. The centers of urbanized areas are determined from the appendix, Page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

24. Section 91.303(b)(2) is revised as follows:

§ 91.303 Station limitations.

• • • • • •

(2) The output power shall not exceed 30 watts.

• • • • • •

25. Section 91.304(b)(6) and (29) are revised as follows:

§ 91.304 Frequencies available.

• • • • • •

(b) • • •

(6) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed in an occupied bandwidth of 8 kHz, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of population, 1960, vol. 1, table 23, page 1–50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

• • • • • •

26. Section 91.354(b)(6), (10) and (29) are revised as follows:

§ 91.354 Frequencies available.

• • • • • •

(6) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

(10) Authorizations to operate on this frequency will be issued for A2 or F2 emission for tone signalling or for a combination of such emission with A3 or F3 emission with a maximum bandwidth of 20 kHz. The output power shall not exceed 2 watts. The maximum distance between any transmitter and the center of the radiating portion of its antenna shall not exceed 25 feet. Operation on this frequency is subject to the condition that no harmful interference is caused to stations operating in the Business Radio Service.

• • • • • •

(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population except that the dis-

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tance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, page 1–50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

. . . . . .

27. Section 91.404(b)(5) is revised as follows:

§ 91.404 Frequencies available.

. . . . . .

(b) . . .

(5) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

. . . . . .

28. Section 91.454(b)(2) is revised as follows:

§ 91.454 Frequencies available.

. . . . . .

(b) . . .

(2) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

. . . . . .

29. Section 91.504(b) (8), (14), (26), and (33) are revised as follows:

§ 91.504 Frequencies available.

. . . . . .

(b) . . .

(8) Other rule provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

. . . . . .

(14) This frequency is limited to a maximum output power of 2 watts; and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and provided further, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in U.S. Census of Population, 1960, Vol. 1, table 23, page 1–50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

. . . . . .

(33) The maximum transmitter output power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: Provided, however, that when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is available for voice or tone control transmission, and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

. . . . . .

30. Section 91.553(a) is revised as follows:

§ 91.553 Station limitations.

(a) Mobile relay stations will not be authorized in the Business Radio Service within the continental limits of the United States, except when (1) such stations and all associated control and mobile stations are to be operated exclusively on frequencies above 450 MHz, or (2) when such stations are to be operated on frequencies designated for low power operation and are limited to a maximum output power of 1 watt with the mobile relay antenna system no more than 40 feet above the ground.

. . . . . .

31. Section 91.554(b) (8), (10), (13), (17), (20), (26), (27), (37), (38), (39), (47), and (c) are revised as follows:

§ 91.554 Frequencies available.

. . . . . .

(8) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

. . . . . .

(10) Operation on this frequency is limited to a maximum output power of 110 watts.

. . . . . .

(13) This frequency is limited to a maximum output power of 2 watts and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and further provided, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

. . . . . .

(17) Operation on this frequency is limited to a maximum output power of 35 watts.

. . . . . .

(20) This frequency is limited to a maximum output power of 1 watt and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and further provided, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

. . . . . .

(26) Operation on this frequency is limited to an output power of 75 watts.

. . . . . .

(27) Operation on this frequency is limited to an output power of 20 watts.

. . . . . .

(37) This frequency is available for assignment to stations in the Business Radio Service for use at locations removed by 75 or more miles from the boundaries of airports in urbanized areas of 200,000 or more population, U.S. Census of Population, 1960, Vol. 1, Table 23, page 1–50. Maximum permissible output power is 110 watts.

(38) This frequency may be assigned to fixed stations in the Business Radio Service. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1 Table 23, page 1–50. The centers of urbanized areas are determined from the Appendix page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(39) This frequency will be assigned only to stations operated with local control. Maximum output power may not exceed 110 watts. Overall height of antenna above ground may not exceed 100 feet. Control point location to be within one-half air mile of the transmitter location.

. . . . . .

(47) This frequency will be assigned only for the specific purpose of one-way tone or voice paging. The output power shall not exceed 20 watts.

. . . . . .

(c) Except for frequencies separated by 12.5 KHz from regularly assigned frequencies in the bands 460.650–460.875 MHz and 465.650–465.875 MHz, low power mobile stations of 2 watts or less output power may be assigned any frequency separated by 12.5 KHz from any mobile frequency in the band 450–470 MHz listed in paragraph (a) of this section. Such station may be used to provide any function of a base, mobile relay, or mobile station: Provided, That all operation is limited to the confines of an industrial complex. When used as a base station or mobile relay, the height of the antenna shall not exceed 20 ft. above ground. All operation is subject to the condition that harmful interference is not caused to adjacent mobile operations.

. . . . . .

32. Section 91.555 is amended as follows:

§ 91.555 Exemption from technical standards.

Transmitters licensed in this Service which have an output power not exceeding 120 milliwatts are exempt from the technical requirements set out in Subpart C of this part: Provided, however, that the sum of the bandwidth occupied by the emitted signal plus the bandwidth required for frequency tolerance shall be so adjusted that any emission appearing on a frequency 40 kHz or more removed from the assigned frequency is attenuated at least 30 dB below the unmodulated carrier. Such transmitters may operate in the continuous carrier transmit mode.

. . . . . .

33. Section 91.604(b)(9) is revised as follows:

§ 91.604 Frequencies available.

. . . . . .

(9) Station assignments on frequencies in this band will be made subject to the conditions that the maximum output power shall not exceed 375 watts and the maximum authorized bandwidth shall not exceed 2 kHz.

. . . . . .

34. Section 91.730(b)(1), (3), (8), and (14) are revised as follows:

§ 91.730 Frequencies available.

. . . . . .

(b) . . .

(1) This frequency is shared with the Forest Products and Petroleum Radio Services. The output power of all transmitters operating on this frequency shall not exceed 110 watts.

. . . . . .

(3) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further; authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

. . . . . .

(8) The maximum transmitter output power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: Provided, however, That when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is available for voice or tone control transmissions, and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

. . . . . .

(14) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in U.S. Census of Population, 1960, Vol. 1 Table 23 page 1–50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

. . . . . .

35. Section 91.754(b)(3) and (10) are revised as follows:

§ 91.754 Frequencies available.

. . . . . .

(3) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

. . . . . .

(10) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in U.S. Census of Population, 1960, Vol. 1, Table 23 page 1–50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

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PART 93—LAND TRANSPORTATION RADIO SERVICES

36. Section 93.7 is amended by adding the following in alphabetical order:

§ 93.7 Definitions.

. . . . . .

Output Power: The radio frequency output power of a transmitter's final radio frequency stage at the output terminals.

. . . . . .

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Section 93.9(a) is revised as follows:

§ 93.9 Frequency coordination.

(a) Except for applications listed in subparagraph (1) of this paragraph, each application for assignment of a new frequency, or to change existing facilities by increasing the authorized output power or raising the height of the station antenna, or moving the authorized station location (including the location of the antenna), or by adding a base station within the licensee's existing area of operation shall be accompanied by evidence that the applicant is aware of and has complied with the requirement that he cooperate with other licensees in the selection of a frequency. Evidence of frequency coordination may be submitted in the form set forth either in subparagraph (2) or (3) of this paragraph. In no instance will an application be granted where the proposed station is located less than 7 miles from an adjacent-channel station 15 kHz removed.

• • • • • •

37. Section 93.53(c)(10) is amended as follows:

§ 93.53 Special Temporary Authority.

• • • • • •

(c) • • •

(10) Output power of the transmitter

• • • • • •

38. Section 93.101(b) is revised as follows:

• • • • • •

§ 93.101 Frequencies.

• • • • • •

(b) The following frequencies may be assigned to fixed stations in the Land Transportation Radio Service on a secondary non-interference basis to Land Mobile Stations in the Public Safety and Industrial Radio Services. All such use of these frequencies for fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population except that the distance may be 75 miles if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency operation the separation between transmit and receive frequencies is 5 MHz. The center of urbanized areas of 200,000 or more population are determined from the Appendix, page 226 of the U.S. Commerce publication, "Air Line distance Between Cities in the United States."

• • • • • •

39. Section 93.102 is amended by revising the table in (a) and by revising (b) as follows:

§ 93.102 Frequency stability.

• • • • •

[In percentage]

Frequency range (megahertz)	All fixed and base stations	All mobile stations	
		Over 2 W	2 W or less
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.005
50 to 450	[1].0005	.0005	.005
450 to 470	[2][3].00025	.0005	[3].0005
470 to 512	.00025	.0005	.0005
806 to 821	[4].00015	.00025	.00025
851 to 866	.00015	.00025	.00025
1427 to 1435	[5].03	.03	.03
Above 1435	[6] [7]	[6] [7]	[6] [7]

[1] Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 73–74.6 MHz may operate with a frequency tolerance of 0.005 pct.

[2] A frequency tolerance of 0.0005 pct is permitted in the railroad radio service for base stations operating on the frequencies 452.925, 452.950, 457.925, and 457.950 MHz, used for remote control purposes in railroad yard and terminal areas.

[3] Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 pct.

[4] For control stations, the frequency stability is 0.00025 pct.

[5] For fixed stations with an output power above 120 W, the frequency tolerance is 0.01 pct if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 120 W or less and using time division multiplex the frequency tolerance may be increased to 0.05 pct.

[6] Radiolocation equipment using pulse modulation shall meet the following frequency tolerance: The frequency at which maximum emission occurs shall not be closer than $1.5/T$ MHz to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other radiolocation equipment tolerances will be specified in the station authorization. See also sec. 95.111.

[7] The frequency tolerance for base and mobile stations will be specified in the station authorization.

(b) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated output power, as specified by the manufacturer.

• • • • • •

40. Section 93.105(c) is revised as follows:

§ 93.105 Modulation requirement.

• • • • • •

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: Provided, however, That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum output power of 2 watts or less.

• • • • • •

41. Section 93.106 is amended by revising the table in (b) and by revising (c) as follows:

§ 93.106 Power and antenna height.

• • • • • •

(b) • • •

Frequency range (megahertz)	Maximum output power (watts)	Maximum effective radiated power (watts)
30 to 100	300	
100 to 470	[1] 75	
470 to 512		1,000
806 to 821		[8]
851 to 866	[8]	[8]
2450 to 2500	5	
2500 to 10,550	[8]	
10,550 to 10,680	3	
Above 10,680	[8]	

[1] In the frequency band 450–470 MHz maximum output power in excess of 75 W but not in excess of 360 W may be authorized in accordance with the provision of subpt. E of this part, upon submission of the required showings.

[2] For power limitations see sec. 89.651.

[3] The output power of a transmitter on any authorized frequency in this service shall not exceed 2,000 W (33 dBW).

[4] To be specified in the station authorization.

[5] [Reserved].

(c) The output power shall not exceed by more than 20 percent the output power shown in the Radio Equipment List for transmitters included in this list, or the output power for the particular transmitter specifically listed on the station authorization.

• • • • • •

42. Section 93.108 is amended by referencing output power instead of input power and deleting paragraphs (a)(3), (a)(4), (b)(3) and (c)(3).

§ 93.108 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter authorized to operate with an output power in excess of 2 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) • • •

(2) • • •

(b) The licensee of each station shall employ a suitable procedure to determine that the transmitter output power of each transmitter authorized to operate with an output power in excess of two watts does not exceed the maximum figure specified on the current station authorization. On authorization stating only the input power to the final radio frequency stage, the maximum permissible output power is 75 percent for frequencies below 25 MHz and 60 percent of the input power for frequencies above 25 MHz. If a non-DC final radio frequency stage is utilized, then the output power shall not exceed 75 percent of the input power. This determination shall be made, and the results thereof entered into the station records, in accordance with the following:

(1) • • •

(2) When any change is made in the transmitter which may affect the transmitter output power.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter authorized to operate with an output power in excess of 2 watts, does not exceed the limits specified in this part.

This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) • • •

(2) • • •

(d) • • •

(e) • • •

• • • • • •

43. Section 93.254(a) is revised as follows:

§ 93.254 Frequencies below 952 MHz available for base, mobile and operational fixed stations.

(a) The following frequencies are available for assignment to base, mobile, or operational fixed stations in the Motor Carrier Radio Service, on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power.

Frequencies (MHz)

27.235	27.255	27.275
27.245	27.265	

• • • • • •

44. Section 93.352(b)(4) is revised as follows:

§ 93.352 Frequencies below 952 MHz available for base and mobile stations.

• • • • • •

(4) The maximum transmitter power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: Provided, however, That when permanently installed aboard a vehicle antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is available for voice or tone control transmissions and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

• • • • • •

45. Section 93.355(c)(2) and (3) are revised as follows:

§ 93.355 Relay and repeater stations.

• • • • • •

(c) • • •

(1) • • •

(2) A mobile repeater station may be used only for the purpose of extending the transmitting and receiving range of pack-carried or hand-carried units of mobile stations. Such pack-carried or hand-carried units shall be operated only on a frequency or frequencies above 150 MHz and the output power shall not exceed 6 watts. The frequency and maximum power of the pack-carried or hand-carried transmitters which may be associated with a mobile repeater station shall be specified in the station authorization.

(3) The output power of a mobile repeater station, when transmitting as a repeater station on the frequency used for communication with its associated pack-carried or hand-carried units, shall not exceed 6 watts except when the same frequency is also used by the same station for direct communication with vehicular mobile units or with one or more base stations.

46. Section 93.356(a) is revised as follows:

§ 93.356 Frequencies below 952 MHz available for base mobile, and operational fixed stations.

(a) The following frequencies are available for assignment to base, mobile, or operational fixed stations in the Railroad Radio Service, on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power:

Frequencies (MHz)

27.235	27.255	27.275
27.245	27.265	

• • • • • •

47. Section 93.357(c)(3)(i) is revised as follows:

§ 93.357 Scope of Service.

• • • • • •

(i) The output power shall not exceed 30 watts.

• • • • • •

48. Section 93.404(a) is revised as follows:

§ 93.404 Frequencies below 952 MHz available for base mobile, and operational fixed stations.

(a) The following frequencies are available for assignment to base, mobile, or operational fixed stations in the Taxicab Radio Service, on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power:

Frequencies (MHz)

27.235	27.255	27.275
27.245	27.265	

• • • • • •

49. Section 93.504(a) is revised as follows:

§ 93.504 Frequencies below 952 MHz available for base, mobile, and operational fixed stations.

(a) The following frequencies available for assignment to base, mobile, or operational fixed stations in the Automobile Emergency Radio Service on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power.

Frequencies (MHz)

27.235	27.255	27.275
27.245	27.265	

• • • • • •

[FR Doc.75-30462 Filed 11-12-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

CHIEF COUNSEL'S ADVISORY COMMITTEE ON RULES OF PROFESSIONAL CONDUCT

Open Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, a meeting of the Chief Counsel's Advisory Committee on Rules of Professional Conduct will be held on December 5 and 6, 1975, beginning at 9 a.m. in Room 3302, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224. The December 6 session will be in Room 3313, Internal Revenue Building. The agenda will include topics concerning the rules of professional conduct governing tax practice with particular emphasis on problems generated by representation of taxpayers by former Internal Revenue Service employees. The Committee will meet with a view towards finalizing specific proposals drafted at prior meetings for consideration by the Chief Counsel.

The meeting will be open to the public. It is to be held in a room accommodating, in addition to members of the Committee, 15 people. Time permitting, after discussion of agenda subjects by Committee Members, interested persons may make statements germane to these subjects. Persons wishing to make oral statements should advise the Committee Manager in writing prior to the meeting to aid in scheduling the time available and should submit the wirtten text, or, at a minimum, an outline of comments they propose to make orally. Such comments will be restricted to ten minutes in length. Any interested persons may file a written statement for consideration by the Committee by sending it to the Committee Manager, Chief Counsel's Advisory Committee, Room 3034, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224.

MEADE WHITAKER,
Chief Counsel.

[FR Doc. 75–30655 Filed 11–10–75;8:45 am]

ART ADVISORY PANEL OF THE COMMISSIONER OF INTERNAL REVENUE

Availability of Report on Closed Meetings

NOVEMBER 10, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Pub. L. 92–463), and OMB Circular A–63 of March 27, 1974, a report on the closed meetings of the Art Advisory Panel of the Commissioner of Internal Revenue has been filed with the Secretary and furnished to the Library of Congress. Copies of the report are available for public inspection at the following locations:

The Library of Congress, Rare Book Division, Room 256, Main Building, 10 First Street, SE, Washington, D.C.

Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75–30769 Filed 11–12–75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

SAM RAYBURN DAM AND RESERVOIR, TEXAS

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of Agriculture and the Secretary of the Army by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b) it is ordered as follows:

1. Department of Agriculture lands transferred.

(a) The lands under the jurisdiction of the Secretary of Agriculture, being National Forest lands, described or depicted in Exhibit A attached hereto and made a part hereof, which lands are a part of the Angelina and Sabine National Forests, Texas, are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army, subject to interests outstanding in third parties and to continued access thereover by the Forest Service as may be necessary for National Forest purposes.

(b) Flowage rights transferred from the Secretary of Agriculture to the Secretary of the Army. The Secretary of Agriculture transfers to the Secretary of the Army the perpetual right, power and privilege to overflow, flood and submerge National Forest lands within the Sam Raburn Dam and Reservoir Project, which lands are: (1) situated below the dam and appurtenant works and lying in the Angelina River bottom from the river bed to a sufficient elevation to pass water during periods of power generation and/or regulated flood water releases, and flood waters over the spillway extending from the dam downstream to about river mile 18; (2) required for the reservoir area upstream of the dam and lying between the top of the power pool, elevation 164 feet, mean sea level, and the upper guide contour of the project, elevation 179 feet, mean sea level, or the envelope of backwater effects, whichever is higher.

2. Department of the Army lands transferred. The lands under the jurisdiction of the Secretary of the Army as described in Exhibit B attached hereto and made a part hereof, and which lands are within the exterior boundaries of Sam Rayburn Dam and Reservoir, Texas, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to outstanding mineral rights or other outstanding rights not yet acquired but which will be hereafter acquired by the Corps of Engineers and will upon acquisition be under the jurisdiction of the Secretary of Agriculture; subject to easements outstanding for public roads and highways, public utilities, railroads and pipelines; and further subject to such continued use by the Corps of Engineers as is necessary for the protection, operation, maintenance and administration of the Reservoir including, but not limited to intermittent flooding of that portion of the land lying below elevation 179 feet, mean sea level, or the envelope of backwater effects, whichever is higher, to use of the land for electric power generation, for flood control facilities and functions of the Sam Rayburn Dam and Reservoir, and providing further that prior approval of the Corps of Engineers will be obtained for any structure placed on said land located in the above stated area subject to intermittent flooding.

Pursuant to Section 2 of the aforesaid Act of July 26, 1956, the Department of Agriculture lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to the Department of the Army lands comprising the Sam Rayburn Dam and Reservoir Project. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to the lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

Effective Date: This order will be effective on November 13, 1975.

Dated: August 18, 1975.

MARTIN R. HOFFMAN,
Secretary of the Army.

Dated: September 19, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

EXHIBIT A.—*Lands transferred from the Secretary of Agriculture to the Secretary of the Army*

Forest Service tract No.	Sam Rayburn Seg. No.	Interchange assigned No.[1]	Total acres	Acres to be transferred
A-1-II	2	COE–A1–II–a	19,191	1,478
A-1-II	2	A-1-II-b		1,345
A-640	2	A-640	181	181
A-629	5	A-629	241	241
A-632-a	8	COE–632–a	108	55
S-20-I-I	12	S–10–a	965	18.28
S-2-K-IV	12	S–10–a	4,067	0.89
S-2-K-IV	12	S–10–b		18.68
S-39	12	S–10–a	92	9
S-20-c	12	S–10	574	8.39
A-2-z	15	COE–A–2–z–a	3,538	130
	15	COE–A–2–z–b		275
	15	COE–A–2–z–c		165
A-2-Z-I	15	COE–A2–z–I–a	662	88
	15	COE–A2–z–I–b		38.95
A-2-A-a	15	COE–A–2–A–a	646	515
A-9-a	16	A-9-a	395	395
A-9-e-I	16	A-9-e-I	147	147
A-1-VIII	17	A-1-VIII	2,243	2,212
A-1-V	20	COE–A–1–V–a	4,450	1,151
	20	COE–A–1–V–b		62
	20	COE–A–1–V–c		156
A-233	20	A-233	75	75
A-659	2	A-659	12	12
A-2-V-II	21	COE–A–2–v–II	5,817.42	150
A-22-b	21	COE–A–22–b	1,001	736
A-2-v-VI	21	COE–A–2–v–VI	627	45
A-2-v-IV	21	A-2-v-IV	239	239
A-2-y-I	21	A-2-y-I	453	453
A-2-v-V	21	A-2-v-V	9	9
A-1-VII	22, 24	COE–A–1–VII	7,948.1	1,885
A-1-VI	22	COE–A–1–VI–a	4,031.6	853
	22	COE–A–1–VI–b		3
	22	COE–A–1–VI–c		56
A-220	22	A-220	52	52
A-22-f	23	COE–A–22–f	189	156
A-22-e	23	COE–A–22–e	538.88	330
A-1-I	27	A-1-I	160	160
A-2-I-V	28, 30	COE–A–2–I–V–a	9,335	1,322
		COE–A–2–I–V–b		966
A-2-v-I	30	COE–A–2–v–I	4,635	92
A-220-a	22	A-220-a	4	4
A-25-a	30	A-25-a	307	307
A-2-II	31	COE–A–2–II	8,944	382
A-1-j	31	COE–A–1–j	210	190
A-9-d	31	A-9-d	99	99
A-9-c	32	A-9-c	60	60
A-2-d	22	A-2-d	20	20
A-2-I-II	37	COE–A–2–I–II	9,071.4	83

[1] When part of a larger Forest Service tract is to be transferred to the Corps of Engineers the COE prefix was added along with a suffix a or when more than one part is to be transferred subsequent subletters were assigned, i.e., *b, c,* etc. When the entire Forest Service tract is to be transferred to the Corps of Engineers, the same Forest Service tract number was retained as is.

NOTE.—All lands transferred herein consist of 17,361.19 acres more or less. Complete legal descriptions of the transferred tracts and survey plats depicting their locations are on file in the Office of the District Engineer, U.S. Army Engineer District, Fort Worth, Tex., and the Office of the Forest Supervisor, Angelina National Forest, Lufkin, Tex

EXHIBIT B

LANDS TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

Segment

1 All of Tracts 104–9, 104–11, 104–12, 104–13, 104–22, and 104–26. Part of Tracts 104–2, 104–14, 104–15 and 104–25.
2 All of Tracts 203–1 and 203–2.
8 Part of Tracts 800 and 806.
9 All of Tracts 909–1, 910, 912–2, and 913. Part of Tracts 902–5 and 902–6.
10 All of Tract 1060. Part of Tracts 1008, 1016, 1017–1, 1017–2, 1018, and 1020.
12 All of Tracts 1201–1, 1203–3, 1203–4, 1221–2, 1222, and 1226. Part of Tract 1221–1.
13 All of Tracts 1304, 1307–2, 1308–1, 1308–2, 1310, and 1317–2. Part of Tracts 1318, 1319, and 1322.
15 Part of Tracts 1500 and 1501.
16 All of Tract 1614. Part of Tracts 1601, 1602, 1603, 1604, 1609, and 1611–2.
17 All of Tracts 1707, 1716–2, and 1724. Part of Tracts 1706, 1706C, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716–1, 1718, 1719, 1720, 1721, 1721C, 1722, and 1723.
18 Part of Tract 1806.
19 All of Tracts 1933, 1934, 1935, 1936, 1940, 1941, 1942, 1945, 1946, and 1947. Part of Tracts 1929, 1930, 1931, 1932, 1937, 1938, 1944, 1948–1, 1949, 1950, and 1956.

Segment—Continued

20 All of Tracts 2000 and 2001.
21 All of Tracts 2102–1, 2102–2, and 2102–3. Part of Tracts 2104, and 2105.
22 Part of Tracts 2200, 2202, 2203, 2211, and 2214.
23 All of Tract 2337. Part of Tract 2313.
24 All of Tracts 2402 and 2409–2. Part of Tracts 2404–1 and 2409–1.
25 All of Tracts 2501, 2502–1, 2502–2, 2503, 2504, 2507–1, 2507–2, 2514, 2516–1, 2525, 2527, and 2533, 2516–2.
27 Part of Tracts 2706–2 and 2729.
28 Part of Tract 2803.
29 All of Tracts 2901, 2913, 2918–1, 2918–2, 2919–1, 2919–2, 2922, 2923, and 2926. Part of Tracts 2902, 2911, 2914, and 2915.
30 All of Tracts 3013 and 3029C. Part of Tracts 3009, 3011, 3012, 3016, 3028, 3029, 3031–2, and 3032.
31 All of Tracts 3116, 3117, and 3118. Part of Tracts 3114 and 3119.
38 All of Tracts 3800–1, 3801, 3802, 3804, 3805, 3807–1, 3807–2, 3808, 3810–1, 3810–2, 3812, 3813, 3814, 3817, 3820, 3822, 3823, 3824, 3827, 3828, 3829, 3830, 3831, 3837, 3838, 3840, and 3841. Part of Tract 3816.
39 All of Tracts 3911 and 3911–2.
44 All of Tracts 4418–1, 4418–2, 4419, and 4422.
47 All of Tracts 4715–2, 4716, 4717, 4718, 4719, 4720, 4721, 4722, 4728–1, 4728–2, 4728–3, 4728 4, 4729–1, 4729–2, 4730–1, 4730–2, 4731, 4732, 4733, 4734, 4736–1, 4736–2, and 4736–3.
48 All of Tracts 4800, 4801, 4803, 4804, 4805–1, 4805–2, 4805–3, 4809, 4810, 4811, 4812, 4813, 4814, 4816, 4818, 4819, 4820–1, 4820–2, 4822, 4824, 4825, 4826, 4827, 4829, 4830, 4833–1, 4833–2, 4833–3, and 4845.
49 All of Tracts 4900, 4901, 4903, 4904, 4912–1, 4912–2, 4917, 4918, 4920, 4921, 4924, 4927, 4928, 4930, 4931, 4932, 4958, and 4959.

Various Part of rights-of-way for abandoned portions of State Highway 63 and County Road 13–1.

All lands transferred herein consist of 17,070 acres, more or less. Complete legal descriptions of the transferred tracts and survey plats depicting their locations are on file in the Office of the District Engineer, U.S. Army Engineer District, Fort Worth, Texas, and the Office of the Forest Supervisor, Angeline National Forest, Dufkin, Texas.

[FR Doc.75–30514 Filed 11–12–75;8:45 am]

U.S. ARMY COASTAL ENGINEERING RESEARCH BOARD

Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given of a meeting of the U.S. Army Coastal Engineering Research Board on 2 December through 4 December 1975.

The meeting will be held at the TraveLodge at Harbor Island, 1960 Harbor Island Drive, San Diego, California, from 0830 hours to 1100 hours on 2 December 1975 for a pre-field trip orientation and from 0840 hours to 1230 hours on 4 December 1975.

The 2 December morning session will be devoted to an orientation of field trips by air and ground transportation of the coastal zone from Imperial Beach upcoast to Los Angeles-Long Beach Harbor and return to San Diego. The remainder of 2 December and all of 3 December will be devoted to field trips. Members of the public may attend the field trips but must provide their own transportation.

The 4 December morning session will be devoted to presentations on South Pacific Division Research Needs and Coastal Problems; on Los Angeles-Long Beach technology and data analysis and Imperial Beach model technology; and on the Wave Information Program of the Great Lakes.

Participation by the public at the 4 December meeting is scheduled for 1115 hours.

The meeting will be open to the public subject to the following:

1. Since seating capacity of the TraveLodge Inn meeting room limits public participation to not more than 25 people, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during those times

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scheduled on the agenda; written statements may be submitted prior to or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel James L. Trayers, Executive Secretary, Coastal Engineering Research Board, Kingman Building, Fort Belvoir, Virginia 22060, Telephone (202) 325–7000.

Dated: November 7, 1975.

By authority of the Secretary of the Army.

ROBERT G. FLOWERS, Jr.,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.75–30537 Filed 11–12–75;8:45 am]

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 2511 Jefferson Davis Highway, Arlington, Virginia 20360 on 4 December 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The low power devices area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decisions or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerned matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

NOVEMBER 10, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.75–30597 Filed 11–12–75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registration for the bulk manufacturer of the substance an opportunity for a hearing.

Therefore in accordance with 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on July 1, 1975, Byron Chemical Company, Inc., 40–11 23rd St., Long Island City, New York 11101, made application to the Drug Enforcement Administration to be registered as an imported of methaqualone, a basic class controlled substance in schedule II.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections, and requests for a hearing may be filed no later than December 17, 1975.

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, N.W., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Acting Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823 (a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: November 4, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75–30661 Filed 11–12–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I–9793]

IDAHO

Proposed Withdrawal and Reservation of Lands; Correction

NOVEMBER 7, 1975.

In FR Doc. 75–25902, filed September 26, 1975 and appearing on Page 44590 of the issue for September 29, 1975, the following correction should be made:

The fourth and fifth lines in the first paragraph of the notice reading: "From all location and entry under the mining laws, but not the mineral leasing laws" should read: "From all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws."

VINCENT S. STROBEL,
Chief,
Branch of L&M Operations.

[FR Doc.75–30546 Filed 11–12–75;8:45 am]

[Colorado 23171]

PEOPLES NATURAL GAS

Notice of Pipeline Application

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Peoples Natural Gas, 2223 Dodge Street, Omaha, Nebraska 68102, has applied for a right of way for a natural gas pipeline across the following lands:

T. 37 N., R. 15 W., N.M.P.M. Section 7

The purpose of this project is to enable the applicant to supply natural gas to customers in portions of Colorado.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of Environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado, 80202, within 30 days from the date of this notice.

EVERETT K. WEEDIN,
Chief,
Branch of Land Operations.

[FR Doc.75–30545 Filed 11–12–75;8:45 am]

SAFFORD DISTRICT MULTIPLE USE ADVISORY BOARD

Public Meeting

NOVEMBER 7, 1975.

Notice is hereby given that the Bureau of Land Management, Safford District Multiple Use Advisory Board, will meet in the District Office, 1707 Thatcher Boulevard, Safford, Arizona, December 19, 1975, at 9:30 a.m. The meeting will be devoted principally to organization of the board, orientation and consideration of multiple use management of the resources on national resource lands in the Safford District.

The agenda will include: organization of the board, presentation by district personnel of Bureau program, problems and historical background.

The meeting will be open to the public and opportunity will be afforded for a limited number of brief oral statements from members of the public. Written statements also may be submitted. Written comments or inquiries should be addressed to the Bureau of Land Management District Manager at 1707 Thatcher Boulevard, Safford, Arizona 85546. Oral requests for information will be received at the same office at (602–428–1100).

WILLIAM S. EARP,
District Manager.

[FR Doc.75–30547 Filed 11–12–75;8:45 am]

YUMA DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Yuma District Multiple Use Advisory Board will meet on December 17, 1975, commencing at 10 a.m. at the Ramada Inn, Banquet Room, 3181 S. Fourth Avenue, Yuma, Arizona.

The agenda for the meeting includes background information on the purpose of the new Yuma District Multiple Use Advisory Board; election of officers; brief report on recent State and National Advisory Board meetings; orientation on management programs for the public lands within thhe district; land use planning procedures, progress and projections; recreation management; wildlife management and other public uses related to management of these public lands (which include both national resource lands and Reclamation Withdrawn lands along the lower Colorado River).

The meeting will be open to the public with seating provided for approximately 50 persons. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should so inform the Bureau of Land Management, Yuma District Office, prior to the meeting of the Board. Any interested person may also file a written statement with the Board for its consideration. Written statements may be submitted at the meeting or mailed to: Chairman, Yuma District Advisory Board, 2450 Fourth Avenue, Yuma, Arizona 85364.

Further information concerning the meeting may be obtained from H. Max Bruce, District Manager, at the above address. Telephone number: (602) 726–2612.

Minutes of the meeting will be available for public inspection thirty days after the meeting. Those interested should contact the District Manager, Yuma District Office.

H. MAX BRUCE,
District Manager.

NOVEMBER 7, 1975.

[FR Doc.75–30548 Filed 11–12–75;8:45 am]

ALASKA

Segregation of Lands

NOVEMBER 6, 1975.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214) the State of Alaska, Division of Aviation, has applied for an airport lease for land located in:

Unsurveyed T. 3 N., R. 77 W., Seward Meridian Metes and bounds description lying within SE¼NW¼, N½NE¼SW¼ of section 21.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

RICHARD L. THOMPSON,
Acting State Director.

[FR Doc.75–30620 Filed 11–12–75;8:45 am]

[NM 26712]

NEW MEXICO

Notice of Application

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), K. B. Kennedy Engineering Company has applied for thirteen 3 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 13 S., R. 30 E.
Sec. 13, E½NW¼;
Sec. 23, N½NW¼;
Sec. 34, NW¼SW¼ and S½SW¼.
T. 14 S., R. 30 E.
Sec. 16, NW¼SW¼;
Sec. 28, NW¼SW¼;
Sec. 32, NE¼NE¼;
Sec. 33, NW¼NW¼ and SW¼SW¼.
T. 12 S., R. 31 E.
Sec. 17, SW¼NE¼ and S½SW¼;
Sec. 20, S½NW¼;
Sec. 30, lot 3.
T. 13 S., R. 31 E.
Sec. 4, SW¼NE¼ and SE¼NW¼;
Sec. 9, N½NW¼.

These pipelines will convey natural gas across 2.290 miles of national resource lands in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–30614 Filed 11–12–75;8:45 am]

[NM 26903, 26912]

NEW MEXICO

Notice of Applications

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way and an underground cable right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 N., R. 10 W.,
Sec. 7, Lots 2, 3 and E½SW¼.
T. 26 N., R. 11 W.,
Sec. 12, SE¼NE¼.
T. 28 N., R. 12 W.,
Sec. 22, SW¼NW¼.

The underground cable and the pipeline will cross .888 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Mineral Operations.

[FR Doc.75–30615 Filed 11–12–75;8:45 am]

[NM 26910, 26915]

NEW MEXICO

Notice of Applications

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 27 E.,
Sec. 20, N½SW¼.
T. 20 S., R. 30 E.,
Sec. 33, NW¼NW¼.

These pipelines will convey natural gas across .425 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Man-

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ager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-30616 Filed 11-12-75;8:45 am]

[NM 26921, 26922]

NEW MEXICO

Notice of Applications

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for two 8 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 26 E.,
Sec. 28, SE¼NW¼;
Sec. 33, SE¼NW¼.
T. 20 S., R. 28 E.,
Sec. 20, SE¼SW¼ and SW¼SE¼;
Sec. 28, SW¼NW¼, N½SW¼, SE¼SW¼ and SW¼SE¼;
Sec. 29, N½NE¼ and SE¼NE¼.

These pipelines will convey natural gas across 1.92 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-30617 Filed 11-12-75;8:45 am]

[NM 26913, 26917]

NEW MEXICO

Notice of Applications

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for two 4 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 11 W.,
Sec. 26, SW¼SE¼;
Sec. 35, N½NE¼.
T. 30 N., R. 8 W.,
Sec. 35, NE¼SW¼ and N½SE¼.

These pipelines will convey natural gas across .895 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-30618 Filed 11-12-75;8:45 am]

[NM 26916]

NEW MEXICO

Notice of Application

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one 8 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 13, NE¼SE¼.
T. 21 S., R. 27 E.,
Sec. 18, Lot 3, NE¼SW¼ and NW¼SE¼.

This pipeline will convey natural gas across .79 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-30619 Filed 11-12-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Maryland 20811; Lucille F. Stickel, Director.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1170

1. APPLICATION FOR (Indicate only one)
[X] IMPORT OR EXPORT LICENSE [ ] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Shipment to Canada of one adult whooping crane carcass and three shells of unhatched whooping crane eggs (see attached correspondence).

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Patuxent Wildlife Research Center
U. S. Fish and Wildlife Service
Laurel, Maryland 20811

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [ ] MS.
DATE OF BIRTH | HEIGHT | WEIGHT | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Wildlife research to enhance the status of endangered and threatened species; also to determine the effects of environmental pollutants on wildlife and their habitat.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Lucille F. Stickel, Director 301-776-4880
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Shipment from Baltimore, Maryland or Washington, D. C. to Ottawa, Ontario, Canada

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit numbers) PRT 6-85-C, PRT 8-169-C, 5-SC-590. Also, interim authority for endangered species, per Mr. Davis's letter of 3/27/75.

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of documents)
Copy of Canadian import permit is attached (for carcass)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: ASAP

11. DURATION NEEDED: 30 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Lucille F. Stickel
DATE October 14 1975

3-200
10-74

ATTACHMENT

Additional information, per Part 17.22:

1. a. Common and scientific names of the species sought to be covered: Whooping crane (*Grus americana*).

b. Number, age, and sex: one, seven-year-old female and three shells of unhatched eggs.

c. Activity sought to be authorized: Export to Canada (see attached correspondence).

2. The adult bird hatched from an egg that was collected in Wood Buffalo National Park and transported to the Patuxent Center in 1968. This bird had remained at the Patuxent Center until its death on August 24, 1975. The shells are from eggs that were taken from Wood Buffalo National Park to Grays Lake, Idaho in the experiment to establish a whooping crane population by substituting whooping crane eggs for those of the sandhill cranes that nest there. Although most of the eggs hatched, these three failed and were subsequently sent to the Patuxent Center for chemical analysis of the egg contents for various environmental pollutants.

3. N/A.

4. See 2, above.

5. Specimens are to be sent to the Canadian Wildlife Service, Ottawa, Ontario in accordance with instructions in the attached correspondence. They will be used for display and other educational purposes.

6. N/A.

7. See attached correspondence.

8. The U.S. Fish and Wildlife Service and the Canadian Wildlife Service are continuing cooperative efforts to enhance the status of the whooping crane. The agreement includes behavioral, nutritional, and physiological research as well as captive propagation at the Patuxent Center. More recently, other studies have been undertaken to establish another whooping crane population at Grays Lake, Idaho. This study is supported in part by U.S. Fish and Wildlife Service Contract No. 14-16-0008-1178 with the University of Idaho, Moscow, Idaho.

To: Director, U.S. Fish and Wildlife Service (LE).

From: Director, Patuxent Wildlife Research Center.

Subject: Export Permit.

OCTOBER 14, 1975.

The attached permit application constitutes our request to return one adult whooping crane (carcass) and three shells of unhatched eggs to the Canadian Wildlife Service. Correspondence from the Canadian Wildlife Service expressing their desire to have these specimens is attached.

Although the permit application includes the export of the carcass as well as the eggshells, it appears that under the provisions of Part 17.4 an export license may not be required for the carcass. This bird was held in captivity prior to December 28, 1973, for purposes that were not contrary to the purposes of the Act. Consequently, if an export license to ship this bird's carcass to the Canadian Wildlife Service can be issued prior to expiration of their import license (October 31, 1975), we would appreciate prompt issuance.

LUCILLE F. STICKEL.

CANADIAN WILDLIFE SERVICE,
OTTAWA, ONT., K1A OH3,
September 10, 1975.

Mr. F. V. SCHMIDT,
Acting Director, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, U.S.A.

DEAR MR. SCHMIDT: Thank you for your letter of September 5, 1975, informing us of the death of an adult Whooping Crane. We must expect whooping crane deaths from natural causes as an unfortunate part of life.

We most certainly would appreciate receiving the bird, which will be prepared for display purposes. It would be appreciated if you would arrange to have the bird deep frozen and sent to this office via Ottawa International Airport. If you would inform us of the date and flight number, we will arrange for collection. Would it be possible for someone on your staff to phone our Mrs. Duval (819) 997-1270 with the details?

A Convention Import Permit is attached. Presumably you will take care of an appropriate export permit from the United States. Canadian Customs require that both an export permit and an import permit accompany all shipments of Convention Appendix I species.

Your co-operation in this matter is very much appreciated.

Yours sincerely,

A. G. LOUGHREY,
Director General.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 15, 1975.

Dated: November 10, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-30598 Filed 11-12-75;8:45 am]

AMENDMENTS TO MARINE MAMMAL AND ENDANGERED SPECIES PERMIT

Receipt of Application

A permit authorizing capture, tagging, holding, transport and release of no more than twelve West Indian Manatees (*Trichechus manatus*) was issued to the National Fish and Wildlife Laboratory, Gainesville Field Station, Florida, on September 25, 1975, pursuant to the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. A

V 40 N 220 NOV 13 75 XUM

notice containing the application for the permit was published in the FEDERAL REGISTER on August 1, 1975 (40 FR 32366–67), soliciting public comments for a period of 30 days. A notice of the issuance of the permit was published on October 8, 1975 (40 FR 47161).

Dr. Howard W. Campbell, Chief, Gainesville Field Station, National Fish and Wildlife Laboratory, Gainesville, Florida, has submitted a request for significant amendments to the permit. Published herewith is a copy of the terms of the permit, and the request for amendments. This request is being considered pursuant to section 13.23, Title 50 Code of Federal Regulations (see 39 F.R. 1162).

August 26, 1975.

Mr. C. R. Bavin,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife Service,
Department of the Interior,
Washington, D.C. 20240.

Dear Mr. BAVIN: The purpose of this letter is to request that several amendments be made to our permit application to tag West Indian Manatee, *Trichechus manatus*. Official notice of our application first appeared in the FEDERAL REGISTER on August 1, 1975.

We wish to amend our application in the following ways: (a) Attachment page two; Project Goals; Phase I, add:

(3) As feasible, selected manatees will be utilized for physiological monitoring after they have been captured for the tagging process. Not more than 50 CC of blood will be extracted and analyzed for osmolality as well as for common blood values. Kidney clearance studies will be conducted utilizing Para-aminohippuric acid (PAH), a harmless chemical which after injection into the blood stream is completely absorbed by the kidney. Urine will be collected by catherization. Blood and urine collection will be supervised by a licensed veternarian with extensive experience with manatees and other marine mammals.

(b) Attachment page four; Tag Methods section; add:

(4) Paint tagging: A new type of aerosol paint tagging technique has recently been developed by Mr. William Schevill and William Watkins of Woods Hole Oceanographic Institute. The technique allows underwater application of the spray paint and has been successfully used on dolphins. (Manuscript has been submitted to the Journal of Mammalogy.) We request permission to test application techniques and observe the results in conjunction with other tagging techniques which are being tested.

It is our intent that the above amendments should apply to Phase I, the tag development phase of the application.

This information will be of great value to our studies of manatee biology. The renal clearance studies should expand our understanding of manatee osmoregulation and the freshwater requirements of these animals. Such data will have direct application to conservation and management decisions.

In re-reading our application, I find that it might be construed to imply that we will conduct all of the tag testing at the Titusville site specifically mentioned in the application. This is not our intent. The Titusville site will be utilized to develop techniques for capture and handling manatees as well as for tag testing and is an ideal location for such work. However, further testing in fresh and brackish water manatee habitats will be necessary to determine effects of these different environments on acoustic tag range, freeze brand visibility and permanence etc. No given area has been located to do this testing, but the upper reaches of the St. Johns River, and Crystal River Spring area in Florida are probable general sites for fresh water testing.

If you have any further questions, please contact me.

Sincerely yours,

HOWARD W. CAMPBELL,
Chief Gainesville Field Station, NFWL.

OCTOBER 1, 1975.

National Fish and Wildlife Laboratory, Gainesville Field Station, 2820 East University Avenue, Gainesville, Florida 32601.

(*Attention* Dr. Howard W. Campbell)
Re-PRT 9–25–C
Amendment No. 1

Dear Dr. CAMPBELL: Review of the Federal Fish and Wildlife Permit No. PRT 9–25–C, issued to the National Fish and Wildlife Laboratory on September 25, 1975, has established that reference to the Endangered Species Act of 1973 was inadvertently omitted from the permit.

Since the West Indian manatee (*Trichechus manatus*) is protected by the authority of the Endangered Species Act of 1973 in addition to the Marine Mammal Act, it is appropriate that the permit be amended, in accordance with 50 CFR 13.41, to reflect the additional authority.

Accordingly, this letter will serve as Amendment No. 1 to Federal Fish and Wildlife Permit No. PRT 9–25–C, authorizing the following changes therein:

Block 2. Authority—Statutes.

Delete—as written.
Amend—to read: 16 USC 1371(a)(1), 16 USC 1539(a), 50 CFR 18.31, 50 CFR 17.22.

Block 9. Type of Permit

Delete—as written.
Amend—to read: Marine Mammal/Scientific Endangered Species/Scientific.

Please attach this amendment to your original permit.

All other terms and conditions of said permit remain in effect.

Sincerely yours,

C. R. BAVIN,
Chief, Division of Law Enforcement.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

National Fish and Wildlife Laboratory
Gainesville Field Station
2020 East University Avenue
Gainesville, Florida 32601

2. AUTHORITY - STATUTES: 16 USC 1371(a)(1)
REGULATIONS (Attached): 50 CFR 18.31

3. NUMBER: PRT 9-25-C

4. RENEWABLE: [X] YES [ ] NO

5. MAY COPY: [X] YES [ ] NO

6. EFFECTIVE: SEP 25 1975

7. EXPIRES: 6/30/80

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business): Howard W. Campbell, Chief

9. TYPE OF PERMIT: Marine Mamal

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
In the United States as permitted by State Law

11. CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 18, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE and any person designated in writing by the permittee.

D. Authorized to capture, tag, hold, transport and release no more than 12 West Indian manatees (*trichechus manatus*) to develop and implement tagging techniques.

E. The manatees, after study or permitted activity, must be released at or near the capture site.

F. The loss, death or destruction of the manatees shall be reported within 24 hours to the Gainesville USFWS office (904-377-4222) and in writing to the Director (FWS/LE), Box 19183, Washington, D. C. 20036, within 10 days.

G: May salvage and care for any manatees found injured or dead and any injured or killed as a result of the permitted activity. Dead specimens shall be preserved for scientific research.

[X] ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS: A report of the activities conducted under authority of this permit, must be furnished to the Director (FWS/LE), Box 19183, Washington, D. C. 20036, by June 30th of each year.

ISSUED BY: (SGD) Loren K. Parcher for Chief, Division of Law Enforcement — DATE: SEP 25 1975

DISTRIBUTION

☆ U.S. Government Printing Office: 1974 - 626-848

H. When a manatee is salvaged it must be reported within 48 hours to the Gainesville Fish & Wildlife office (904–377–4222).

I. The Gainesville FWS office will provide instructions for the disposition of any specimens salvaged.

J. Any permittee must have a copy of this permit in his possession while conducting the activities authorized.

K. A duplicate of this permit must be attached to the container in which the manatee is placed for storage, supervision or care.

In keeping with the spirit of the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973, this Notice is being published to allow public comment on the request for amendments. Interested persons may comment on these amendments by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 15, 1975.

Dated: November 10, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75–30599 Filed 11–12–75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76–13]

FOUR LEAF COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Four Leaf Coal Company, Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 2, Claiborne County, Tennessee.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways. Petitioner's proposed alternate method is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

3. Roadway surfaces shall be kept free of debris, excessive water, and snow and ice, and maintained as free as practicable of small ditches.

4. A traffic system shall be put into effect for these roads requiring that the loaded trucks have the right-of-way in all no-passing or one-lane traffic areas.

5. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

6. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

7. All haulage vehicles shall have:

(a) Original manufacturer's brakes.

(b) Engine or Jacob's brakes, except on gasoline powered trucks which do not have Jacobs brakes but the engine of which serve as effective brakes.

(c) Original manufacturer's parking brakes.

8. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

9. A minimum width of 24 feet shall be provided and maintained along two-lane roads, and where widths of less than 24 feet are provided and maintained, the roads shall be designated as single-lane roads.

10. On roads that afford only one traffic lane, a minimum width of 16 feet, except where roads are shot out of solid rock, in which case they shall be 12 feet, shall be maintained, with passing points provided at intervals of not more than 1,000 feet.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 15, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 6, 1975.

[FR Doc.75–30551 Filed 11–12–75;8:45 am]

[Docket No. M 76–19]

NATIONAL MINES CORP.

Petition for Modification of Application of Manadatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), National Mines Corporation has filed a petition to modify the application of 30 CFR 75.1105 to its National Pocahontas Mines, Pineville, Wyoming County, West Virginia.

30 CFR 75.1105 provides:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

Petitioner requests a modification of § 75.1105 as it applies to two transformer-rectifier stations and one dewatering pump location. In support of its petition, Petitioner states:

1. The dewatering pumps are installed at the bottom of the main intake shaft for the purpose of removing water that would otherwise accumulate and restrict ventilation. To course the air from the pump to the return air course would require the installation of approximately 1,200 ft. of ventilation ducts through areas of heavy roof caving.

2. The pumps are in compliance with the law, in that they meet all electrical specifications and they are provided with all necessary protective devices.

3. One transformer-rectifier installation at the bottom of the main intake slope would require installation of approximately 900 ft. of ventilation ducts through areas of partial roof caving. Also, the subject electrical installation is located in the isolated belt haulage entry; therefore, the air current used to ventilate the said location is not used to ventilate the active working sections.

4. The second transformer-rectifier installation is located near East Mains belt drive. It would require approximately 550 ft. of ventilation ducts to course air from the said installation to the return.

5. The subject transformer-rectifier installations are in compliance with the law, in that they meet all electrical specifications and they are provided with all necessary protective devices.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 15, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 6, 1975.

[FR Doc.75–30552 Filed 11–12–75;8:45 am]

[Docket No. M 76–25]

NORTH AMERICAN COAL CO.

Petition for Modification of Application of Manadatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), The North American Coal Company has filed a petition to modify the application of 30 CFR 75.802(a) to its Aulds Run No. 2 Mine, Indiana County, Pennsylvania.

30 CFR 75.802(a) provides in pertinent part:

(a) Except as provided in paragraph (b) of this section, high-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers • • •.

In support of its petition, Petitioner states:

1. Mining operation at the Aulds Run #2 Mine was started in August 1970. The mine has received power since it began operations from the utility at a point approximately 8 feet from the mine's electrical safety equipment such as the underground breaker, outside breaker, zig-zag transformer and neutral grounding resistor.

2. The utility provides power in the form of three electrified wires each being 7,200 volts with respect to each other.

3. The utility's transformer does not furnish a neutral.

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4. In order to comply with safety requirements, and ensure safe conditions, Petitioner provided and installed a separate neutral source transformer and a grounding resistor. These items were located along with all other safety devices at a point as close as possible to the point where the power is received and readily accessible to mining operations.

5. The voltage being supplied and the location and integrity of the safety protective devices controlling the underground power system have remained constant since the Aulds Run No. 2 Mine was placed in operation by Petitioner.

6. The above-mentioned safety devices were installed in their present location and have been in service since August 1970. From the time of installation, these safety devices controlling the underground high-voltage circuits have been inspected, tested, and faithfully maintained. They have been considered in full compliance with appropriate safety standards by Petitioner, by the State agencies, and until May 1975 by MESA. Prior to May 1975, MESA had repeatedly inspected the Aulds Run No. 2 Mine and found its electrical safety devices in accord with the requirements of § 75.802(a).

7. On May 21, 1975, at 9:00 a.m., MESA Inspector William E. Lawson, Sr., issued a Notice of Violation at Aulds Run No. 2 based on § 75.802(a) in that the "3 phase 7.2 KV open delta connected source transformers were located approximately 170 feet from the zig-zag transformer and the neutral ground resistor."

8. Section 75.802(a) requires either a direct neutral or a derived neutral to be used as a source with which to originate a grounding system for high-voltage circuits entering the underground portion of the mine. The power transformer furnished by the utility does not have a direct neutral point with which to originate a grounding system so Petitioner installed a neutral source deriving transformer—a derived neutral—for its grounding system.

9. Section 75.802(a) requires that the electrical system "be grounded through a suitable resistor *at the source* transformer." (Emphasis added.) For purposes of § 75.802(a) at the Aulds Run No. 2 Mine, the "source" must be considered as the point where the customer (Petitioner) first has control over the power. Accordingly, Petitioner is in full compliance with § 75.802(a), if that standard is properly applied.

10. On June 9, 1975, Petitioner filed an Application for Review of the subject Notice of Violation which denies that the conditions existing at Aulds Run No. 2 Mine at the time and place cited constituted a violation of § 75.802(a) [see Docket No. PITT 75-44].[1]

11. If MESA's application of § 75.802(a) to the Aulds Run No. 2 Mine is deemed to comport with the regulations and American's Application for Review is denied, North American proposes, pursuant to section 301 (c) of the Act, its present system as an alternate system to meet the intent of § 75.802(a).

PETITIONER'S PLANS FOR ALTERNATE SYSTEM

Petitioner believes its alternate system will at all times guarantee no less than the same measure of protection afforded by the present MESA requirement as applied to the Aulds Run #2 Mine:

1. The Aulds Run #2 Mine will receive power from the utility through a Delta connected transformer and fed to a fusable disconnect 8 feet from the mine's grounding system and breakers.

2. A neutral source transformer for the derived neutral will be located in close proximity and easily accessible to the mine entrance with all other safety protective devices for the high-voltage circuits entering the underground portion of the Aulds Run #2 Mine.

3. The neutral source transformer will be wired to the power transformer.

4. The derived neutral will be grounded through a suitable resistor at the neutral source transformer.

5. All safety devices controlling underground high-voltage circuits will be inspected, tested, and faithfully maintained.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 15, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 6, 1975.

[FR Doc.75-30553 Filed 11-12-75;8:45 am]

[Docket No. M 76-16]

PEABODY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Peabody Coal Company has filed a petition to modify the application of 30 CFR 77.1301(c) (1) to its Sinclair Underground No. 2 Mine, Muhlenberg County, Kentucky.

30 CFR 77.1301(c) (1) provides:

(c) Magazines other than box types shall be:

(1) located in accordance with the current American Table of Distances for storage of explosives.

Petitioner asks that a modification of the standard as applied to its mine cited above on the following grounds:

1. Petitioner plans to build a powder magazine and a cap magazine at the above-cited mine. The powder magazine will be designed to hold a maximum of 60,000–65,000 pounds of high explosives. The cap magazine will hold caps of an amount no more than 100 pounds of high explosives as rated by the American Table of Distances for Storage of Explosives.

2. Under the American Table of Distances for Storage of Explosives, the amount of explosives contained in these magazines should be stored a distance of 1,565 feet from an inhabited building when storage is barricaded.

3. Petitioner has determined that these are two suitable sites for construction of the magazines at the above mine. One of these sites (Site #1) would place the magazines a distance in excess of 1,565 feet from any inhabited building. The other of these sites (Site #2) would place the magazines a distance of approximately 1,200 feet from the nearest inhabited building. Construction of the magazines at Site #1 would require Petitioner to haul explosives once a day to the mine site on a county road used by private vehicles and coal haulage trucks and other mine traffic. Construction of the magazines at Site #1 would place the explosives in an open area that is widely used by hunters, particularly deer hunters, particularly deer hunters using high powered rifles. Access to Site #1 is easily obtained from the county road or back roads.

PETITIONER'S ALTERNATIVE

Petitioner proopses to meet the safety standard enumerated in the aforesaid Section 30 CFR 77.1301(c) (1) with respect to these magazines as follows:

1. Petitioner will construct the magazines at Site #2, a nearby deserted area of the mining boundary, accessible only through mine property by an access road at the rear of the mine site.

2. The magazines will be constructed at an approximate elevation of 425.00 in excavations in the side of a hill. The hill will serve as a barricade between the magazines and the nearest inhabited building which is 1,200 feet away on the opposite side of the hill.

3. The barricade will be between and on the sides of the magazines. The fronts of the magazines will face a deserted valley containing no building, railways or highways to be affected.

4. Terrain and water conditions of the area will restrict access to the magazines from any direction other than from the private access road at the rear of the mine site.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 15, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 6, 1975.

[FR Doc.75-30554 Filed 11-12-75;8:45 am]

[Docket No. M 76-17]

ROYAL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Royal Coal Company has filed a petition to modify the application of 30 CFR 75.1105 to its Royal No. 3 Mine, Mt. Hope, West Virginia.

30 CFR 75.1105 provides:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

In support of its petition, Petitioner states:

(1) The fact that the entries in the area in question are from 25 to over 50 years old and are ventilated with intake air prevents Petitioner from complying with § 75.1105. Due to the age of this area, only one entry is open through this part of the mine and is used for track haulage and intake air. The parallel entries are totally blocked by falls. The adjacent workings are sealed and/or are incapable of passing return air due to falls and standing water.

(2) To provide no less than the same measure of safety as required by § 75.1105, the following alternate method is proposed for each installation:

(a) The installation will become enclosed in a fireproof structure.

(b) An automatic fire suppression device will be installed and will be activated by heat sensors.

(c) Openings for ventilation will be provided which will close from the same device that activates the fire suppression system.

(d) Any doors to the installation will be self-closing and well sealed.

(e) No combustible materials will be stored within the fireproof structure.

(f) All electrical inspections and circuits will comply with the requirements of the Code of Federal Regulations and the Coal Mine Health and Safety Act of 1969.

The petition is supplemented by schematic diagrams detailing the alternate method.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 15, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 6, 1975.

[FR Doc.75-30555 Filed 11-12-75;8:45 am]

National Park Service

GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. on Saturday, December 6, 1975, at West Marin School, Point Reyes Station, CA.

The purpose of the Golden Gate National Recreation Area Advisory Commission is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman, Ms. Amy Meyer, Secretary, Mr. Ernest Ayala, Mr. Richard Bartke, Mr. Fred Blumberg, Mr. Lambert Lee Choy, Ms. Daphne Greene, Mr. Peter Haas, Sr., Mr. Joseph Mendoza, Mr. John Mitchell, Mr. Merritt Robinson, Mr. William Thomas, and Dr. Edgar Wayburn.

The major items on the agenda are the Point Reyes Resource Management Plan, review of GGNRA/Point Reyes general planning, and election of 1976 officers.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Manager, Bay Area National Parks, Fort Mason, San Francisco, CA 94123, telephone 415–556–2920.

Minutes of the meeting will be available for public inspection by January 10, 1976 in the Office of the General Manager, Bay Area National Parks, Fort Mason, San Francisco, CA.

Dated: November 6, 1975.

JOHN H. DAVIS,
Acting Regional Director, Western Region.

[FR Doc.75-30603 Filed 11-12-75;8:45 am]

ROGER WILLIAMS NATIONAL MEMORIAL

Meeting

On Tuesday, December 2nd at 7:30 PM National Park Service will solicit public reaction to a number of alternative development schemes for Roger Williams National Memorial located in Providence, Rhode Island. The public will be asked to comment upon and suggest additions to these possible ways for developing the Memorial.

The meeting will be held at Brown University in the Barus-Holley building located on Hope at the corner of Hope and George Streets (entrance on George Street). Specific questions in regard to the meeting can be answered through the superintendent of Roger Williams National Memorial whose number is 401–831–7440.

Dated: October 22, 1975.

JERRY D. WAGERS,
Regional Director North Atlantic Region.

[FR Doc.75-30602 Filed 11-12-75;8:45 am]

Office of the Secretary

[S.O. 2980]

ALASKA NATIVE CLAIMS SETTLEMENT ACT

Establishment of Region

This Notice is issued in accordance with the provisions of 5 U.S.C. 552(a) (1). The Acting Secretary of the Interior has issued Order Number 2980 dated October 7, 1975, establishing a Thirteenth Region for nonresident Alaska Natives as provided in Section 7(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92–203). The Order is published in its entirety below.

Further information concerning the Order may be obtained from Mr. Charles M. Soller, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C., 20240, telephone 202–343–5134.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

Dated: November 5, 1975.

OCTOBER 7, 1975.

ORDER NO. 2980

Subject: Establishment of a Thirteenth Region for Nonresident Alaska Natives

Sec. 1 *Purpose.* Pursuant to an order entered on December 30, 1974, in the consolidated cases entitled *Alaska Native Association of Oregon, et al.* v. *Morton, et al.* and *Alaska Federation of Natives International, et al.* v. *Morton, et al.*, Civil Nos. 2133–73 and 2141–73, in the United States District Court for the District of Columbia, and as provided by Section 7(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 692, 43 U.S.C. § 1606(c) (Supp. III, 1973), there is hereby established a thirteenth region for the benefit of Alaska Natives who are not permanent residents of Alaska and who elected to be enrolled therein.

Sec. 2 *Effective date.* This Order shall be effective October 1, 1975. Its provision shall remain in effect until superseded by incorporation into Title 25 of the Code of Federal Regulations.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.75-30556 Filed 11-12-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MIDDLE FORK BOISE RIVER PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Middle Fork Boise River Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA–FS–FES (Adm) R4–75–25.

The environmental statement identifies an devaluates the probable effects of the land use plan for the Middle Fork Boise River Planning Unit on the Boise

[1] Petitioner's Application for Review filed on June 9, 1975, is available for inspection at the address contained in the last paragraph of the notice.

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National Forest, Idaho. The purpose of the plan is to allocate 329,100 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This final environmental statement was transmitted to CEQ on November 6, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324–25th Street, Ogden, Utah 84401.
Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.
District Forest Ranger, Boise Ranger District, 7803 Warm Springs Ave., Boise, Idaho 83707.

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: November 6, 1975.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.75-30612 Filed 11-12-75;8:45 am]

Packers and Stockyards Administration

[P. & S. Docket No. 5192]

GILES LOWERY STOCKYARDS, INC.

Notice of Complaint, Order of Suspension and Hearing Regarding Respondent's Schedule of Rates and Charges

Notice is hereby given that on October 20, 1975, the respondent filed a proposed schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 *et seq.*), to become effective November 3, 1975. The charge classification of the proposed tariff reads as follows:

SECTION I. COMMISSION

A. Cattle:
(1) Ordinary

	Per head
(a) Up to and including—$199.99	$4.50
(b) $200.00 through—$249.99	5.00
(c) $250.00 through—299.99	6.00
(d) $300.00 through—349.99	7.00
(e) $350.00 and over	7.50

(2) Bulls

(a) Up to and including—149.99	4.50
(b) $150.00 through—249.99	5.50
(c) $250.00 up	7.00

(3) Cows and Calves

	Per unit
(a) Up to and including—149.99	5.00
(b) $150.00 through—349.99	5.50
(c) $350.00 through—349.99	6.00
(d) $350.00 up	7.50

B. Hogs:
(1) Ordinary

	Per head
(a) Up to and including—$4.49	$0.50
(b) $4.50 through—8.89	.75
(c) $9.00 through—19.99	1.00
(d) $20.00 through—29.99	1.25
(e) $30.00 through—39.99	1.50
(f) $40.00 through—49.99	1.75
(g) $50.00 and over	2.00

(2) Sows and pigs

	Per unit
(a) Up to and including—$19.99	1.25
(b) $20.00 through—29.99	2.00
(c) $30.00 through—39.99	2.50
(d) $40.00 and over	3.00

C. Horses and Mules:

(a) Up to and including—19.99	1.50
(b) $20.00 through—29.99	2.00
(c) $30.00 through—39.99	2.50
(d) $40.00 through—49.99	3.00
(e) $50.00 and over	3.50

SECTION II—YARDAGE CHARGE

A. All cattle 20¢ per head
B. All hogs 15¢ per head
C. All horses 50¢ per head

SECTION III—

The schedule of charges on all necessary veterinarian services performed by an accredited veterinarian will be at posted uniform per head rate, pursuant to company agreement with the veterinarian performing services and does not contain any charges retained by the market.

Notice is given hereby also that on October 31, 1975, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), hereinafter referred to as the Act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Giles Lowery Stockyards, Inc., d/b/a Lufkin Livestock Exchange, Lufkin, Texas, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services at the aforementioned stockyard.

III. On October 20, 1975, the respondent filed a tariff effective November 3, 1975, containing certain increases in the current schedule of rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Administration, United States Department of Agriculture, there is reason to believe that the charges are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the tariff filed on October 20, 1975, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on October 20, 1975, to become effective November 3, 1975, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

It is further ordered, That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That a copy hereof be served upon the respondent.

Done at Washington, D.C., November 7, 1975.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.75-30579 Filed 11-12-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DOORSKINS

Study of the Producing Firms

SUMMARY

The U.S. Department of Commerce has conducted its first study as required by Section 264 of the Trade Act of 1974. It has determined the number of firms producing doorskins which have been or are likely to be certified as eligible for adjustment assistance and the extent to which the orderly adjustment of the firms may be facilitated through the use of existing programs. Such a study by the Department is required whenever the U.S. International Trade Commission makes an "escape clause" investigation under Section 201 of the Trade Act.

The Commission reported to the President on October 20, 1975, the results of its investigation to determine whether increased imports of birch plywood doorskins represent a substantial cause (or threat) of injury to the domestic industry producing like or directly competitive products. The Commission made a negative determination chiefly on the basis that conditions in the housing market, rather than imports, are the most important cause of the injury being suffered by domestic producers of birch doorskins.

The Department has determined that of the total of approximately 15 manufacturers of all types of doorskins, including birch, other species of hardwood plywood, and hardboard, only two firms have produced birch doorskins during the past year. Although there is no well-defined or separately classified industry producing plywood doorskins, as many as ten hardwood plywood producers have manufactured different species of plywood doorskins intermittently during the past few years depending on market conditions for flush doors in the construction industry, especially home building, and the availability of adequate supplies of face veneers suitable for doorskins. Output of birch doorskins was reported by seven of these producers at some time during the past five years. In addition, there are one or two U.S. producers of hardboard which manufacture doorskins on equipment customarily used for the manufacture of a variety of hardboard panel products.

To be certified eligible to apply for adjustment assistance, a firm must demonstrate that increased imports of like or directly competitive articles contributed importantly to declines in sales or production, or both, and separation, or threat of separation, of the firm's workers. Although there has been no substantial evidence of an absolute increase in U.S. imports of either birch or other types of doorskins since the beginning of 1974, imports in the first half of 1975 did increase relative to domestic production. Recent increases in the ratio of imports to domestic output, however, apparently resulted more from a drop-off in domestic shipments rather than from any substantial upsurge in import volumes.

As of November 4, 1975, none of the doorskin manufacturing firms have petitioned the Department of Commerce for certification of eligibility to apply for adjustment assistance. A petitioning firm in the doorskin industry would be required to demonstrate that the recent relative increase in doorskin imports had impacted the sales or production and employment of the entire corporate entity and not merely the doorskin operations. Therefore, it is considered unlikely that either a large, diversified company in the forest products industry, or even a relatively small firm with only a small share of its output in doorskins, or a firm that produces doorskins only intermittently, would be able to meet the criteria essential for certification. Thus, it is likely that only one or two firms producing doorskins might be able to qualify for certification of eligibility to apply for adjustment assistance. And even if the prospective petitioners had experienced recent declines in sales or production and employment, they might find it difficult to present convincing evidence that U.S. imports of doorskins were an important cause of the decreases, especially with the severe decline which has occurred in construction activity during the past two years.

Under the program of adjustment assistance for firms authorized by the Trade Act, financial assistance to certified firms may take the form of direct loans and loan guarantees, and technical assistance, to enable a firm to establish a competitive position in the same or a different industry. Financial assistance may be used for the acquisition, construction, installation, modernization, expansion or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

Firms may also benefit indirectly from financial assistance available to trade impacted communities under provisions of the Trade Act in a manner similar to the public works, business development and Title IX programs administered by the Department's Economic Development Administration ("EDA") pursuant to the Public Works and Economic Development Act of 1965. These other programs of EDA provide business development loans to assist firms in certain designated areas identified on the basis of adverse employment factors; loans and grants to states, local governments and nonprofit organizations for acquiring, developing and improving public works and public service facilities; and grants to states and local areas for a comprehensive program of adjustment to an actual or threatened economic dislocation or adjustment problem.

Other Federal programs which might be of interest to firms in the doorskin industry include the program administered by the Farmers Home Administration, Department of Agriculture, of direct and guaranteed loans to firms located in areas having cities no larger than 50,000 in population, and the financial and technical assistance available to small business firms in the program administered by the Small Business Administration.

Additional information about the adjustment assistance program, and copies of the report, *Prospects for Adjustment Assistance for Firms in the Doorskin Industry*, are available from the Office of Trade Adjustment Assistance, Room 3011, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/967-3211).

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

JACK W. OSBURN, JR.,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30609 Filed 11-12-75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, January 14, 1976, in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of two workgroups which are addressing the areas of Problem Definition and Benchmark Program Transferability.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Acting Executive Secretary, Mr. Arthur F. Chantker, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C., 20234 (Phone—301-921-3485).

Dated: November 10, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.75-30601 Filed 11-12-75;8:45 am]

National Oceanic and Atmospheric Administration

MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE DEEP OCEAN MINING ENVIRONMENTAL STUDY ADVISORY PANEL

Open Meeting

The Marine Petroleum and Minerals Advisory Committee's Deep Ocean Mining Environmental Study Advisory Panel (the "Advisory Panel") will meet from 9:00 a.m. until approximately 5:00 p.m. on December 16, 1975 in the Condon Room of the University Tower Hotel, 4507 Brooklyn Avenue, N.E., Seattle, Washington. The meeting will be open for public observation.

The Advisory Panel was established as a subcommitee of the Marine Petroleum and Minerals Advisory Committee (the "Commitee") for the purpose of advising Department of Commerce officials on the planning for and conduct of the National Oceanic and Atmospheric Administration's Deep Ocean Mining Environmental Study (DOMES) Program and to develop, when necessary, recommendations to the Secretary regarding the DOMES Program. The Panel members represent environmental, industrial, and academic sectors concerned with determining the possible environmental effects of deep ocean mining.

Included in matters for consideration, and the approximate times for their consideration are as follows:

V 40 N 220 NOV 13 75 XUM

9:00—Welcoming Remarks and Presentation on the Objectives of the DOMES Program.

10:15—Discussion among Panel, DOMES Management, and DOMES Principal Investigators.

12:00—Recess for Lunch.

1:15—Discussion of the Relevancy, Timing, and Uses of DOMES Activities and the Allocation of Resources.

4:00—Consideration of Additional Activities, if any, Which Should be Included in DOMES Plans.

4:30—Development and Adoption of Recommendations, if any, on the DOMES Program.

5:00—Adjourn.

Because of the nature of the work being performed by the Advisory Panel it may be necessary for it to meet again between December 16 and the next Committee meeting planned for February 24–25, 1976. This could result in there being inadequate time between meetings for the publication of notices in the FEDERAL REGISTER as prescribed by Office of Management and Budget Circular No. A–63 and the Order of the U.S. District Court for the District of Columbia in Civil Action No. 1838–73. To provide the public with as much notice as possible, the date, location, and tentative agenda of any such meeting will be announced on December 16 and notices will be published as soon as possible thereafter. Information on any such meetings will also be available by telephoning or writing to the Advisory Panel Secretariat at the telephone number or address given below.

Approximately 25 seats will be available for the public on a first-come, first-served basis. Written statements from interested persons will be accepted before or after the meeting or by mail. Inquiries or statements should be addressed to: Charles Gunnerson (or alternatively Edward Altouney), DOMES Advisory Panel Secretariat, NOAA Environmental Research Laboratories (Rx5), Boulder, Colorado 80302. Telephone: (803) 499–6551.

Dated: November 7, 1975.

T. P. GLEITER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.75–30600 Filed 11–12–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of December 1975:

National Advisory Mental Health Council
December 1–3; 9:30 a.m.
Conference Room 14–105, Parklawn Building, Rockville, Maryland
OPEN—December 1
CLOSED—Otherwise
Contact Mrs. Zella Diggs, Parklawn Building, Room 17C–26, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–4333.

Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda: December 1 will be devoted to discussion of NIMH policy issues. These will include current administrative, legislative, and program developments. On December 2–3, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and a roster of Council members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301–443–3600.

DATED: November 10, 1975.

CAROLYN T. EVANS,
Committee Management Officer Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75–30563 Filed 11–12–75;8:45 am]

Food and Drug Administration

[Docket No. 75G–0311]

PROCTER & GAMBLE CO.

Amendment to Notice of Filing of Petition for Affirmation of Gras Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice was given by publication in the FEDERAL REGISTER of February 14, 1974 (39 FR 5647) that a petition (GRASP 4G0036) had been filed by Procter & Gamble Co., Center Hill Rd., Cincinnati, OH 45224, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration (address noted below), proposing affirmation that fully hydrogenated rapeseed oil is generally recognized as safe (GRAS).

The petition now proposes that such affirmation of GRAS status also include the use of superglycerinated fully hydrogenated rapeseed oil in foods, which was inadvertently omitted from the original filing notice.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no profiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before January 12, 1976, review the petition and/or file comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is or is not generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated, November 5, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75 30572 Filed 11–12–75;8:45 am]

[Docket No. 75F–0315]

PROCTER & GAMBLE CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6A3154) has been filed by Procter & Gamble Co., 6071 Center Hill Rd., Cincinnati, OH 45224, proposing that § 121.1002 *Amino acids* (21 CFR 121.1002) be amended to provide for safe use of N-acetyl-L-methionine as a supplement for protein-containing foods to improve the nutritional value.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD

20852, during working hours, Monday through Friday.

Dated: November 5, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75–30573 Filed 11–12–75;8:45 am]

National Institutes of Health

COMPREHENSIVE SICKLE CELL CENTERS AD HOC REVIEW COMMITTEE

Notice of Establishment

The National Institutes of Health announces the establishment on October 20, 1975, of the public advisory committee, Comprehensive Sickle Cell Centers (CSCC) *ad hoc* Review Committee, under the authority of section 222 of the Public Health Service Act (42 U.S.C. 217a). This advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92–463) setting forth standards governing the establishment and use of advisory committees.

This committee shall advise the Secretary, the Assistant Secretary for Health, and the Director, National Institutes of Health, concerning scientific merit review of competing grant applications and provide technical advice to the National Heart and Lung Advisory Council and to the Director, National Heart and Lung Institute.

Authority for this committee will expire August 31, 1977, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

(Catalog of Federal Domestic Assistance Program No. 13.839, National Institutes of Health.)

Dated: November 3, 1975.

DONALD S. FREDRICKSON, M.D.,
Director, NIH.

[FR Doc.75–30541 Filed 11–12–75;8:45 am]

Office of Education

EXEMPLARY PROJECTS IN VOCATIONAL EDUCATION

Notice of Closing Date for Receipt of Applications for Fiscal Year 1976

Notice is hereby given that pursuant to the authority contained in Section 142(c) of Part D of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1302(c), applications are being accepted from applicants in the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, American Samoa, and Guam for grants for exemplary projects in vocational education.

Applications for planning grants of $5,000 or less must be received by the U.S. Office of Education Application Control Center on or before December 19, 1975. Applications for implementation and demonstration projects must be received by the U.S. Office of Education Application Control Center on or before June 18, 1976.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed as follows: U.S. Office of Education, Grants and Procurement Management Division, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13:502. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than December 15, 1975 for the planning grants and June 14, 1976 for the implementation and demonstration projects, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. HAND DELIVERED APPLICATIONS

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. PROGRAM APPLICATION INFORMATION

(1) Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the appropriate Department of Health, Education, and Welfare/U.S. Office of Education Regional Offices listed below. Descriptive materials on the resources available to potential applicants will also be made available through the Regional Offices as a part of the application package.

Interested applicants from *Region I* serving Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont should contact Mr. Nicholas Hondrogen, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, J. F. Kennedy Federal Building, Boston, Massachusetts 02203.

Interested applicants from *Region II* serving New York, New Jersey, Puerto Rico, and the Virgin Islands should contact Mr. Charles A. O'Connor, Jr., Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 26 Federal Plaza, New York, New York 10007.

Interested applicants from *Region III* serving Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia should contact Mr. Robert Smallwood, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

Interested applicants from *Region IV* serving Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee should contact Mr. Donald Snodgrass, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 50 Seventh Street, N.E., Room 550, Atlanta, Georgia 30323.

Interested applicants from *Region V* serving Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin should contact Mr. William L. Lewis, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 300 South Wacker Drive, Chicago, Illinois 60606.

Interested applicants from *Region VI* serving Arkansas, Louisiana, New Mexico, Oklahoma, and Texas should contact Dr. Arthur Lee Hardwick, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 1114 Commerce Street, Dallas, Texas 75202.

Interested applicants from *Region VII* serving Iowa, Kansas, Missouri, and Nebraska should contact Mr. Thaine D. McCormick, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 601 East 12th Street, Kansas City, Missouri 64106.

Interested applicants from *Region VIII* serving Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming should contact Mr. LeRoy Swenson, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 1961 Stout Street, Room 9017, Denver, Colorado 80202.

Interested applicants from *Region IX* serving Arizona, California, Hawaii, Nevada, Guam, American Samoa, and the Trust Territories should contact Mr. C. Kent Bennion, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 50 Fulton Street, San Francisco, California 94102.

Interested applicants from *Region X* serving Alaska, Idaho, Oregon, and Washington should contact Mr. Sam Kerr, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 1321 Second Avenue, Seattle, Washington 98101. (20 U.S.C. 1302(c)).

Simultaneously with the submission of an application to the U.S. Office of Education, the applicant must submit a copy of the application to the applicable

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State board for vocational education. The State board for vocational education will review each application and may, within a period of sixty days, disapprove any application.

Direct grants or contracts are awarded in each State up to the limit of funding available for the U.S. Commissioner of Education to use in that State as allotted under Section 142(c) of Part D of the Act. Approximately $15,000 from each State allocation will be obligated to applicants within that State for planning projects and the balance will be reserved for funding of the first year of operation of the implementation and demonstration project. Approximate funds to be available in fiscal year 1976 are:

Alabama $147,013; Alaska $104,805; Arizona $127,143; Arkansas $125,324, Colorado $133,117; Connecticut $137,533; Delaware $107,532; District of Columbia $108,571; Georgia $162,598; Hawaii $111,299; Idaho $110,799; Illinois $238,571; Indiana $168,702; Iowa $136,494; Kansas $129,611; Kentucky $142,857; Louisiana $151,428; Maine $113,247; Maryland $152,338; Michigan $111,818; Mississippi $132,208; Missouri $159,741; Montana $110,000; Nebraska $119,740; Nevada $106,624; New Mexico $115,844; North Dakota $108,961; Ohio $239,611; Oklahoma $133,636; Oregon $128,182; Pennsylvania $245,455; Rhode Island $149,264; South Carolina $137,792; South Dakota $109,610; Tennessee $151,298; Texas $254,545; Utah $116,883; Virginia $163,766; Washington $144,156; West Virginia $122,338; Wisconsin $159,740; Wyoming $104,805; American Samoa $2,332; and Guam $6,080. In all other States and Territories, the fiscal year 1976 funds are being used to meet the continuation costs of ongoing three-year projects.

(Catalog of Federal Domestic Assistance Program Number 13.502; Exemplary Projects in Vocational Education.)

Dated: September 19, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

[FR Doc. 75-30482 Filed 11-12-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to PL-92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on December 7, 1975 from 2:00 P.M. to 6:00 P.M., local time, at the Quality Inn, Orangewood, Room #3, Anaheim, California, and on December 8, 1975 from 10:30 A.M. to 12:30 P.M., local time, at the Disneyland Hotel, Pacific Room, Anaheim, California.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the Administration of preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

December 7, 1975: Report on Bicentennial Conference Committee Reports.
December 8, 1975: Discussion of the Role of State Advisory Councils on Vocational Education.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425-13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C., on November 5, 1975.

REGINALD PETTY,
Executive Director.

[FR Doc.75-30540 Filed 11-12-75;8:45 am]

COMMUNITY EDUCATION ADVISORY COUNCIL

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Community Education Advisory Council will be held December 2 and 3 at the Continental Room, Netherlands Hilton Hotel, Cincinnati, Ohio. The Tuesday meeting will begin at 9:00 A.M. and end at 6:00 P.M. The Wednesday meeting will begin at 8:00 A.M. and end at 12:00 P.M.

The Community Education Advisory Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools.

In addition, the Council shall create a system for evaluation of the programs. The Council shall present to Congress a complete and thorough evaluation of the programs and operating of the Community Schools Act for each fiscal year ending after June 30, 1975.

The meeting of the Council will be open to the public. The proposed agenda includes:

1. Needs assessment.
2. Evaluation and reporting system.
3. Evaluation report for FY 76.
4. Final Regulations (contingent on final approval).
5. Review of the grant application process.
6. Future functions of the council and administrative business.

Records shall be kept of all council proceedings and shall be available for public inspection in Room 5622, Regional Office Building No. 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C. on November 3, 1975.

JULIE ENGLUND,
Director, Community Education Program.

[FR Doc.75-30639 Filed 11-12-75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Intelligence Assessment), ODAS (Intelligence Assessment), OASD (Intelligence), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30643 Filed 11-12-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Education Policy, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30635 Filed 11-12-75;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revoke the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Staff Assistant, Office of Assistant Attorney General, Criminal Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30644 Filed 11-12-75;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the Director, Bureau of Prisons.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30645 Filed 11-12-75;8:45 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30646 Filed 11-12-75;8:45 am]

DEPARTMENT OF THE ARMY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary of the Army (Civil Works), Office, Assistant Secretary of the Army (Civil Works), Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30647 Filed 11-12-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Immediate Office of the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30648 Filed 11-12-75;8:45 am]

DEPARTMENT OF THE TREASURY

Notice of Title Change in Noncareer Executive Assignment

By notice of September 22, 1970, FR Doc. 70-12649 the Civil Service Commission authorized the Department of the Treasury to fill by noncareer executive assignment the position of Deputy Assistant Secretary for Tax Policy (Tax Analysis), Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Assistant Secretary and Director, Office of Tax Analysis, Office of the Deputy Assistant Secretary for Tax Policy (Tax Analysis), Office of the Assistant Secretary (Tax Policy), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30651 Filed 11-12-75;8:45 am]

DEPARTMENT OF TREASURY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy to the Assistant Secretary (Economic Policy), Office of the Assistant Secretary (Economic Policy).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30649 Filed 11-12-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director of Intergovernmental Affairs, Office of Intergovernmental Affairs, Office of the Assistant Secretary for Congressional and Intergovernmental Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30636 Filed 11-12-75;8:45 am]

FEDERAL POWER COMMISSION

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Power Commission to fill by noncareer executive assignment in the excepted service the position of Assistant Executive Director (Regulatory Information System and Administration), Office of the Executive Director, Commissioners and Offices.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30637 Filed 11-12-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Associate Director for Management and Operations, Office of the Associate Director for Management and Operations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30634 Filed 11-12-75;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

Notice of Title Change in Noncareer Executive Assignment

By notice of October 10, 1974, FR Doc. 74-23776 the Civil Service Commission authorized the Office of Telecommunications Policy to fill by noncareer executive assignment the position of Deputy Executive Director, Right of Privacy Support Group, Executive Office of the President. This is notice that the title of this position is now being changed to Executive Director, Right of Privacy

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Support Group, Executive Office of the President.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30650 Filed 11-12-75;8:45 am]

VETERANS ADMINISTRATION

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Veterans Administration to fill by noncareer executive assignment in the excepted service one position of Special Assistant, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30633 Filed 11-12-75;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

DIRECTOR

Delegation of Authority

Delegation of authority by the Council on Wage and Price Stability to its Director to exercise, subject to general Council guidance, the Council's authority to intervene and otherwise participate in rulemaking, ratemaking, licensing and other federal agency proceedings, in order to express the Council's views as to the inflationary effect of the possible results of those proceedings.

Pursuant to the authority vested in the Council by the Council on Wage and Price Stability Act, Public Law 93-387 as amended by Public Law 94-78, it is hereby ordered as follows:

1. The Director of the Council is hereby directed and authorized to exercise all of the authorities vested in the Council by section 3(a)(8) of the Council on Wage and Price Stability Act.

2. Significant actions under section 3 (a) (8) shall be made under the general guidance and pursuant to any general policies which have been or might be developed by the Council.

3. The Director is authorized to redelegate to such subordinate officials of the Council as he may designate any or all of the authorities vested in him by this Order except the authority to make the initial decision whether to intervene or otherwise participate in the proceedings described in Section 3(a)(8).

4. This Order shall be effective immediately.

WILLIAM E. SIMON,
Chairman, Council on Wage and Price Stability.

NOVEMBER 7, 1975.

[FR Doc.75-30672 Filed 11-12-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-1541]

LIGHT WATER BREEDER REACTOR PROGRAM

Procedures To Govern Public Hearing Concerning Draft Environmental Impact Statement

The Energy Research and Development Administration (ERDA) issued for review and comment a draft environmental statement "Light Water Breeder Reactor Program" (ERDA-1541), on August 8, 1975. A FEDERAL REGISTER notice of August 15, 1975, (40 FR 34453) announced the availability of the document, requested the comments of interested persons, organizations and agencies, and reiterated ERDA's intention to conduct a public hearing. The period within which written comments would be received was extended by a subsequent notice (40 FR 42394, September 12, 1975) to November 14, 1975.

Copies of ERDA-1541, and of the written comments as received are available for public inspection at the locations indicated in 40 FR 34453, except that, as of October 16, 1975, the ERDA Public Document Room has been moved to 20 Massachusetts Avenue, NW., Washington, D.C., from the 1717 H Street location. Comments should be sent to W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, Mail Station E-201, Energy Research and Development Administration, Washington, D.C. 20545, (301) 973-4241, and should conform to the instructions set forth in 40 FR 34453.

The purpose of this notice is to provide additional information concerning the public hearing and the procedures which will govern its conduct. The public hearing will be held on December 4, 1975, at the United States Post Office and Court House, Seventh Avenue and Grant Street, Pittsburgh, Pennsylvania, commencing at 9:00 a.m. The hearing will be open to any person or organization wishing to present their views concerning the subject matter of the environmental statement. These views will be considered in a final environmental statement which will assist the agency in making determinations relating to the LWBR Program.

(1) The hearing will be legislative rather than adjudicatory in nature. Formal discovery, subpoena of witnesses, cross-examination of participants, testimony under oath, and similar formalities appropriate to a trial will not be provided.

(2) The hearing will be conducted by a three-member Presiding Board composed of nongovernmental experts in aspects of technology assessment who have had no previous connection with the LWBR Program.

(3) In order to sharpen and focus the major issues for discussion and examination at the hearing, ERDA staff involved in the preparation of ERDA-1541 will make available, several days before the hearing, a statement summarizing and addressing those points raised in the written comments which they believe to be of major importance. The statement will be obtainable at the hearing or, prior thereto, from W. H. Pennington (address and phone number given above).

(4) Persons, organizations or governmental agencies wishing to appear and make a presentation are encouraged to notify Mr. Pennington (address given above) in writing at least one week in advance of the hearing. Such notice should specify: (a) the name and address of the participant; (b) the organizational affiliation (if any); (c) the issues to be addressed or the questions to be raised by the participant; and (d) the amount of time desired to complete the presentation. This information will assist the agency in scheduling and preparing for the hearing. The Presiding Board will endeavor to schedule the full amount of time requested, subject to the imposition of such reasonable limits as will assure other participants a meaningful opportunity to appear.

(5) Those wishing to participate but who do not file a timely notice as specified herein, may notify Mr. Pennington before the hearing, or the Chairman of the Presiding Board during the hearing, of their desire to make a presentation. Such parties shall be heard at such times as the Presiding Board shall permit for a period of not more than fifteen (15) minutes each, unless the Presiding Board, in its discretion, allows additional time.

(6) Questions may be posed to participants (including ERDA staff members), during the course of the hearing by other participants (including ERDA staff members) and the Presiding Board, either orally or in writing, provided that: (a) all questioning shall be subject to the control and discretion of the Presiding Board, (b) questions shall be permitted from participants who have not provided advance notice of their participation under paragraph (4) hereof only to the extent that they are relevant to the issues identified in the staff statement (described in paragraph (3)) and; (c) any participant (including ERDA staff members) may elect to answer any such questions either orally at the hearing or subsequently in writing submitted to the Presiding Board before the close of the hearing record, which shall be determined by the Board.

(7) Participants may, but need not, be represented by counsel. Participants and their counsel will reference and produce, on request of the Presiding Board, the documents on which they rely.

(8) Consistent with the full and true disclosure of the facts, duplicative, redundant, irrelevant, or otherwise unproductive testimony or questioning will not be permitted and the Presiding Board will impose suitable restrictions to that end. The Presiding Board is authorized to take appropriate action to control the course of the hearing including authority to maintain order; rule on offers of, and receive, evidence; dispose of procedural requests or similar matters; allocate among patricipants the time available for presentation; provide for consolidation of presentations, as appropriate; examine participants or witnesses; and hold conferences before or during the hearing for the purpose of delineating contested issues or for other purposes within the authority of the Presiding Board.

(9) In addition to controlling the course of the hearings, the Presiding Board may examine participants in order to elicit fuller information, probe sensitive issues, and discover the bases and sources of views, so as to produce a satisfactory record upon which the agency may evaluate the concerns of the interested public.

(10) A transcript of the hearing will be made. The record of the hearing shall consist of the transcript, all documents received into the record by the Presiding Board, and a Report of the Presiding Board as provided below.

(11) After the close of the hearing record the Presiding Board shall render its Report and forward it, together with the record to the Administrator. These documents will be considered in the preparation of the final environmental statement and in making determinations concerning the LWBR Program. The Report shall be based upon the Presiding Board's review of the draft environmental statement and the hearing record and shall (a) identify those unresolved issues raised at the hearing which the Presiding Board deems to be critical to future decisions concerning the Program, and (b) present the recommendations of the Presiding Board concerning the treatment of these issues in the final environmental statement in a manner which will promote informed decisionmaking. In discharging its function, however, the Presiding Board shall not undertake to resolve issues or render judgment concerning the course of the Program.

Dated at Washington, D.C., this 11th day of November, 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.75-30739 Filed 11-12-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

TV AND FM TRANSLATOR APPLICATIONS

Ready and Available for Processing

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on December 16, 1975, the TV and FM translator applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on December 15, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on December 15, 1975.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: November 4, 1975.

Released: November 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

FM TRANSLATOR APPLICATIONS

BPFT-256 NEW, Rangely, Blue Mountain and Dinosaur, Colo.
XYZ Television, Inc.
Req: Channel 272, 102.3 MHz, 10 watts.
Primary: KREX(FM), Grand Junction, Colo.

BPFT-258 NEW, Price Utah and Rural Carbon County, Utah.
Carbon County.
Req: Channel 292, 106.3 MHz, 10 watts.
Primary: KSOP-FM, Salt Lake City, Utah.

BPFT-259 NEW, Omak and Okanogan, Wash.
Christian Translator Association.
Req: Channel 252, 98.3 MHz, 10 watts.
Primary: KMBI-FM, Spokane, Wash.

UHF TV TRANSLATOR APPLICATIONS

BPTT-2915 NEW, Ely, Nev.
White Pine Television District #1.
Req.: Channel 51, 20 watts.
Primary: KEKO(TV), Elko, Nev.

BPTT-1913 NEW, Newport, Richford and Enosburg, Vt.
International Television Corporation.
Req: Channel 61, 100 watts.
Primary: WEZF(TV), Burlington, Vt.

BPTT-2914 NEW, Chester, Westwood and and Canyondam, Calif. Almanor TV Club, Inc.
Req: Channel 57, 100 watts.
Primary: KCRA(TV), Sacramento, Calif.

BPTT-2915 NEW, Chester, Westwood and Canyondam, Calif.
Almanor TV, Club, Inc.
Req: Channel 59, 100 watts.
Primary: KOVR(TV), Sacramento-Stockton, Calif.

BPTT-2916 NEW, Andrews, Murphy and Robbinsville, N.C.
University of North Carolina General Administration.
Req: Channel 59, 1,000 watts.
Primary: WUNE-TV, Linville, N.C.

BPTT-2918 NEW, Neligh, Nebr.
Nebraska Educational Television Commission.
Req: Channel 65, 20 watts.
Primary: KXNE(TV), Norfolk, Nebr.

BPTT-2922 NEW, Alamogordo, Tularosa and Holloman Air Force Base, N. Mex.
Regents of New Mexico State University.
Req: Channel 55, 100 watts.
Primary: KRWG(TV), Las Cruces, N. Mex.

BMPTT-820 K65AN, Ellensburg and Kittitas Valley, Wash.
Kittitas County Television Improvement District #1.
Req: Change frequency to ch-69, 800-806 MHz.
Primary: KYVE-TV, Yakima, Wash.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5398 NEW, Hoxie, Kans.
City of Hoxie, Kans.
Req: Channel 5, 5.0 watts.
Primary: KWNB-TV, Hayes Center, Nebr.

BPTTV-5399 K04GE, Baker, Mont.
Baker TV Tax District.
Req: Change frequency to channel 8, 180-186 MHz.

BPTTV-5400 K07HW, Webster, Mont.
Baker TV Tax District.
Req: Change frequency to channel 6, 82-88 MHz, add Baker, Mont.
Primary: KPSD-TV, Eagle Butte, S. Dak.

BPTTV-5401 K08EV, Baker, Mont.
Baker TV Tax District.
Req: Change to channel 10, 192-198 MHz.

BPTTV-5402 K10AA, Baker, Mont.
Baker TV Tax District.
Req: Change frequency to channel 4, 66-72 MHz.

BPTTV-5403 K12AB, Baker, Mont.
Baker TV Tax District.
Req: Change primary to KPSD-TV, Eagle Butte, S. Dak.

BPTTV-5404 NEW, Quinter, Kans.
City of Quinter.
Req: Channel 12, 5.0 watts.
Primary: KWNB-TV, Hayes Center, Neb.

BPTTV-5405 NEW, Allagash, Maine.
Allagash Plantation.
Req: Channel 12, 1 watt.
Primary: WAGM(TV), Presque Isle, Maine.

BPTTV-5406 NEW, White Sulphur Springs, Mont.
Tru-Vue Television Association, Inc.
Req: Channel 7, 10 watts.
Primary: KTVM(TV), Butte Mont..

BPTTV-5409 NEW, Culbertson, Nebr.
Nebraska Educational Television Commission.
Req: Channel 12, 1 watt.
Primary KPNF(TV), North Platte, Nebr.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5410 NEW, Trenton, Nebr.
Nebraska Educational Television Commission.
Req: Channel 12, 1 watt.
Primary: KPNE(TV), North Platte, Nebr.

BPTTV-5411 NEW, Stratton, Nebr.
Nebraska Educational Television Commission.
Req: Channel 13, 1 watt.
Primary: KPNE(TV), North Platte, Nebr.

BPTTV-5412 NEW, Jacksonville, Oreg.
Radio Medford, Inc.
Req: Channel 2, 5 watt.
Primary: KMED-TV, Medford, Oreg.

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BPTTV-5413 K04AY, Silver Lake, Oreg.
Silver Lake Community Television Association.
Req: Change primary TV station to KPTV, Ch-13, Portland, Oreg.

BPTTV-5415 K10OA, Sandpoint, Priest River and Priest Lake, Idaho.
Regents of The University of Idaho.
Req: To delete Priest Lake, Idaho.

BPTTV-5418 NEW, Taylor, Nebr.
Earl H. Tibbs w/as Tibbs T.V. and Appliance.
Req: Channel 3, 1 watt.
Primary: KCHN(TV), Grand Island, Nebr.

BPTTV-5419 NEW, Yakutat, Alaska.
Yakutat City School District.
Req: Channel 4, 10 watts.
Primary: KUAC(TV), Fairbanks, Alaska.

BPTTV-5389A NEW, White City and Eagle Point, Tele and 7 Oaks, Oreg.
Oregon Broadcasting Company.
Req: Channel 3, 5 watts.
Primary: KOBI(TV), Medford, Oreg.

APPLICATIONS DELETED FROM PUBLIC NOTICE RELEASED SEPTEMBER 3, 1975 (MIMEO #54506, 40 F.R. 41182)

BPTTV-5307 NEW, Central Point, White City and Eagle Point, Oreg.
Oregon Broadcasting Company.
Req: Channel 3, 5 watts.
Primary: KOBI (TV), Medford, Oreg.

(Assigned new file number BPTTV-5389A.)

BPTTV-5310 NEW, Jacksonville, Oreg.
Radio Medford, Inc.
Req: Channel 3, one watt.
Primary: KMED-TV, Medford, Oreg.

(Assigned new file number BPTTV-5412.)

BPTT-2891 NEW, Parkersburg, W. Va.
West Virginia Educational Broadcasting Authority.
Req: Channel 57, 1 watt.
Primary: WMUL-TV, Huntington, W. Va.

The entry should have appeared as follows:

BPTT-2891 NEW, Parkersburg, W. Va.
West Virginia Educational Broadcasting Authority.
Req: Channel 57, 1000 watts.
Primary: WMUL-TV, Huntington, W. Va.

ERRATUM

On the Commission's Public Notice (Mimeo #54506, 40 F.R. 41182), released September 3, 1975, the following erroneous entry appeared:

UHF TV TRANSLATOR APPLICATIONS

This application is "cut-off" as of the close of business on October 22, 1975.

[FR Doc.75-30630 Filed 11-12-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Cancellation of Meeting

This notice is given to advise of a cancellation of the meeting for the Wholesale Petroleum Advisory Committee. The Committee was scheduled to meet at 9:30 a.m. at FEA Regional Headquarters, 11th Floor Conference Room, 1421 Cherry Street, Philadelphia, Pa., on Monday, November 17, 1975. A Notice of Meeting was published in the issue of October 31, 1975, (40 FR 50749).

Issued at Washington, D.C. on November 11, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-30775 Filed 11-11-75;3:57 pm]

FEDERAL POWER COMMISSION

[Docket Nos. RP71-131, RP72-61]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff

NOVEMBER 5, 1975.

Take notice that on October 14, 1975, Algonquin Gas Transmission Company (Algonquin), tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. The proposed changes make revisions to Section 14 of the General Terms and Conditions of Algonquin's FPC Gas Tariff which contains curtailment procedures to be used in apportioning gas supplies from Texas Eastern Transmission Corporation.

Algonquin states that it is submitting these changes to comply with the Commission's order issued August 20, 1975 in Docket Nos. RP71-131 and RP72-61, which required Algonquin to provide an exemption from peak day (but not annual) curtailment for small distributor customers specifically limited to end-use priority category 1 loads.

Algonquin states that copies of the filing were served upon the company's customers and interested state regulatory commissions.

Any person desiring to be heard or to make protest with reference to said application should on or before November 14, 1975, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30564 Filed 11-12-75;8:45 am]

[Docket No. ER76-197]

DUKE POWER CO.

Supplement

NOVEMBER 5, 1975.

Take notice that Duke Power Company (Duke) on October 28, 1975, tendered for filing a supplement to Duke's Electric Power Contract with the Town of Drexel (Town), designated Duke Power Company Rate Schedule FPC No. 257. The supplement, entitled Document No. 1, is dated June 17, 1975, and is to become effective on December 19, 1975.

Document No. 1 provides for an increase in contract demand from 2,000 KW to 2,700 KW, made at the Town's request. Duke states that, to provide service under this agreement, its delivery voltage will be converted from 2,300 volts delta to 4,160/2,400 cvolts wye, and its substation capacity will be increased by replacing the transformers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30566 Filed 11-12-75;8:45 am]

[Docket No. ER76-184]

KANSAS CITY POWER & LIGHT CO.

Increased Schedules of Rates and Charges

NOVEMBER 5, 1975.

Take notice that on October 20, 1975, Kansas City Power & Light Company (KCPL) filed with the Commission new increased Schedules of Rates and Charges for Wholesale Firm Power Service to supersede and replace the following Schedules of Rates and Charges for Wholesale Firm Power Service:

1. Missouri Power & Light Company (MP LC) FPC No. 73.
2. Missouri Public Service Company (MP SC) FPC No. 74.
3. City of Armstrong, Missouri (Armstrong) FPC No. 62.
4. City of Gardner, Kansas (Gardner) FPC No. 68.
5. City of Higginsville, Missouri (Higginsville) FPC No. 72.
6. City of Pomona, Kansas (Pomona) FPC No. 71.
7. City of Prescott, Kansas (Prescott) FPC No. 30.
8. City of Salisbury, Missouri (Salisbury) FPC No. 61.
9. City of Slater, Missouri (Slater) FPC No. 64.
10. Coffey County Rural Electric Cooperative Association, Inc. (Coffey County) FPC No. 69.
11. United Electric Cooperative, Inc. (formerly Sugar Valley Electric Cooperative Association, Inc.) (United Electric) FPC No. 68.

KCPL states that the proposed effective date for each new increased Schedule of Rates and Charges is November 30, 1975, and that the new Schedules of Rates and Charges reflect an increase of $996,746 in annual revenues to KCPL based on its cost of service and sales to the wholesale firm power customers during the 12-month test period ended June 30, 1975. Additionally, KCPL states that the changes embodied in the new Schedules of Rates and Charges include (1) increased rates for Demand and Energy Charges, and (2) a new Fuel Adjustment Clause with a related pricing of the base "fuel cost" at 0.434¢ per kilowatt-hour to reflect the appropriate average fuel cost to KCPL in the year ended June 30, 1975, in compliance with the Commission's Order No. 517 issued November 13, 1974, in Docket No. R-479.

KCPL further states that the new Schedules of Rates and Charges have been designed to limit KCPL's increase in annual revenues from such wholesale firm power customers to less than $1 million to avoid the necessity of filing Period II projected data under the Commission's Regulations so as to expedite the filing of the new Schedules, which KCPL asserts would provide it with the opportunity to earn a rate of return of 8.03% on its wholesale firm power service to each class of customers based on its June 30, 1975, costs of service and sales to them.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30567 Filed 11-12-75;8:45 am]

[Docket Nos. RP71-125, and RP75-108, PGA 76-3]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

NOVEMBER 5, 1975.

Take notice that Natural Gas Pipeline Company of America (Natural) on October 16, 1975, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, to become effective December 1, 1975:

Substitute Twenty-fifth Revised Sheet No. 5.
Substitute Original Sheet No. 5A.

As explained below alternate tariff sheets were also filed.

The purpose of the filing is to adjust Natural's rates, pursuant to the provision of its Purchased Gas Cost Adjustment Clause, to reflect changes in the cost of gas purchased from producers suppliers and to recover deferred purchased gas costs accumulated during the six months ended August 31, 1975.

Natural filed concurrently under separate cover a "Motion to Make Suspended Tariff Sheets Effective" in the proceedings at Docket No. RP75-108. For the reasons as set out in that motion alternate Base Rates were filed to be effective December 1, 1975. Therefore, alternate tariff sheets to reflect the two different Base Rate levels as submitted with Natural's motion were also submitted with this PGA unit adjustment filing. Both sets of tariff sheets submitted reflect the same PGA unit adjustment levels.

Natural states that copies of the filing have been mailed to each of the company's jurisdictional customers, interested state commissions and interested parties in Docket No. RP75-108.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30565 Filed 11-12-75;8:45 am]

[Docket No. ER76-194]

ORANGE AND ROCKLAND UTILITIES, INC.

Initial Rate Filing

NOVEMBER 5, 1975.

Take notice that Orange and Rockland Utilities, Inc. (O&R), on October 28, 1975, tendered for filing as an initial rate schedule an Electric Generating Capability Exchange Agreement between O&R and Consolidated Edison Company of New York, Inc. (Con Ed). The Agreement, dated October 23, 1975, provides for the exchange of 200 MW of electric generating capability between O&R and Con Ed during the period October 26, 1975, through April 24, 1976.

Included with the filing is the Certificate of Concurrence of Con Ed.

O&R requests that the Commission waive the notice requirements of Section 35.3 of its Regulations to permit the Agreement to become effective as an initial rate schedule as of October 26, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30568 Filed 11-12-75;8:45 am]

[Docket No. RP75-50]

PENNSYLVANIA GAS AND WATER COMPANY, ET AL.

Proposed Settlement

NOVEMBER 6, 1975.

Take notice that on October 3, 1975, as supplemented on October 20, 1975, the Administrative Law Judge in Docket No. RP75-50 certified a proposed settlement to the Commission for action. The instant proceeding was instituted by Commission Order of February 14, 1975, which was issued in response to a number of complaints filed against Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) by several of its customers.[1]

The proposed settlement as it is stated resolves all issues remaining in the instant docket.

In view of the somewhat convoluted procedural history of this proceeding, a brief review of same is in order. In response to the aforementioned complaints, the Commission by order of February 14, 1975 in Docket No. RP74-24, *et al., inter alia*, consolidated the complaints of Con Ed, O&R, Knoxville, and PG&W for hearing and decision; construed filings by Alabama-Tennessee Natural Gas Company (filed in Docket No. RP75-45) and General Motors Corporation (filed in Docket No. RP 74-24) as complaints under Section 5(a) of the Natural Gas Act, and consolidated them with the aforementioned complaints. By order of March 14, 1975, the Commission dismissed Knoxville's complaint without prejudice, consolidated with the remainder of the proceeding a complaint filed by Berkshire against Tennessee, and redesignated the instant proceeding Docket Nos. RP75-35, *et al.* By order of April 28, 1975, the Commission allowed Berkshire

[1] Complaints were filed against Tennessee by Consolidated Edison Company of New York, Inc. (Con Ed); Orange and Rockland Utilities, Inc. (O&R); Knoxville Utilities Board, *et al.* (Knoxville); Pennsylvania Gas and Water Company (PG&W); and the Berkshire Gas Company (Berkshire).

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to withdraw its complaint, and further severed Docket No. RP74–24 from the instant proceeding. On July 7, 1975, the Commission granted the joint motion of Con Ed and O&R to sever their complaints (Docket Nos. RP75–35 and RP75–36, respectively) from the remainder of the proceeding "since the balance of the proceeding relates to issues of law and fact different from that raised by Con Ed and O&R." (Order of July 7, 1975, p. 3). Then on September 9, 1975, the Commission designated the balance of the proceeding, *i.e.*, PG&W's complaint, and Alabama-Tennessee's and GM's filings, Docket No. RP75–50. It is the issues contained in the latter docket which are the subject of the proposed settlement. The proposed settlement does not, according to the Presiding Judge, affect the issues in the Con Ed and O&R proceedings (Certification of Proposed Settlement Agreement, October 3, 1975).

THE SETTLEMENT

The proposed settlement in this proceeding consists of: (a) Exhibits 25 and 26, both documents entitled, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) Docket No. RP75–50, Settlement End Use Data; and, (b) a nine page document entitled Settlement Agreement (September 18, 1975) with appendices A and B attached thereto:

The settlement agreement provides, *inter alia*:

a. That effective November 1, 1975, Tennessee shall use in the implementation of its presently effective curtailment plan the end use data reflected in Exhibit Nos. 25 and 26 (Settlement End Use Data) unless modified below.

b. That no motions, petitions, complaints, or other pleadings are to be filed with the Commission or the Courts directly or indirectly requesting a change in all or any part of the Settlement End Use Data, to be effective prior to November 1, 1980, except as hereinafter provided.

c. On or after November 1, 1976, pleadings may be filed with the Commission requesting revision of the Settlement End Use Data, solely in regard to the effect of applying "a different method of allocation of the storage injection volumes reflected in each customer's total system and use profile underlying the Settlement End Use Data with no other changes in such total system end use profile."

d. If upon review of the Initial Decision in Docket No. RP 74–24, the Commission revises the priority-of-service in Tennessee's presently effective curtailment plan, the Settlement End Use Data shall be revised upon a customer's request to the Commission solely to reflect the changes deemed appropriate by the Commission in its final decision. Any changes made by Tennessee pursuant to this section shall be made prospectively only and pursuant to Commission order.

e. That if the Commission modifies the Annual Volumetric Limitation (AVL) of any of Tennessee's customers, the end use data for such customer, as reflected in the Settlement End Use Data, may be changed prospectively by Tennessee or the Commission, upon the request of such customer or any party to this proceeding, solely to reflect the modification ordered by the Commission.

f. That the proposed settlement does not proscribe or prohibit the filing of petitions for extraordinary relief or requests for emergency relief under Article XXIV, Section 4 of Tennessee's curtailment plan; however, the proposed settlement states that no petition for extraordinary relief will lie which is based on or requires a change in the customers end use profile as shown in the Settlement End Use Data.

g. That Section 8 of the proposed settlement be construed as *ad hoc* petitions for relief from the provisions of Opinion No. 712. That those customers listed in Appendix A, attached to the Proposed Settlement, be allowed to group delivery points, and that the AVL of those customers listed in Appendix B be increased as reflected therein, starting with the annual period October 31, 1976.

h. That the Data Committee, which was established in this proceeding, will be, upon Commission approval of the proposed settlement dissolved. Tennessee will establish a Study Group "to evaluate various methods of allocating storage injection volumes to priorities-of-service categories in any customer's total system end use profile."

FILING OF COMMENTS

Any person, including the parties to this proceeding desiring to file comments either in support of or in opposition to the proposed settlement should file such comments on or before November 19, 1975. Replies to the initial comments may be filed and will be accepted on or before December 5, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-30571 Filed 11-12-75; 8:45 am]

[Docket No. ER76–54]

PUGET SOUND POWER AND LIGHT CO.

Filing of Exchange Agreement Concurrence

NOVEMBER 5, 1975.

Take notice that on October 28, 1975, Utah Power and Light Company (Utah) tendered for filing a Certificate of Concurrence to the Exchange Agreement tendered for filing by Puget Sound Power and Light Company (Puget Sound) in the above-referenced docket on August 4, 1976. The Exchange Agreement filed by Puget Sound provides for the exchange of capacity and energy between it and Utah, which Puget Sound states will be of equal quantity and value. Puget Sound's initial filing of this Agreement was deficient for lack of a concurrence by Utah. This filing purports to cure this deficiency. Puget Sound has requested waiver of the notice requirement and requests an effective date for service under the Agreement to be made retroactive to June 1, 1975, the date service commenced under the Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30569 Filed 11-12-75; 8:45 a.m.]

[Docket No. ER76–87]

SIERRA PACIFIC POWER CO.

Proposed Changes in Rates and Charges

NOVEMBER 5, 1975.

Take notice that on October 29, 1975, Sierra Pacific Power Company (Sierra Pacific) tendered for filing a notice of change in rates and charges in its Rate Schedule FPC No. 11 and a notice of change in rates and charges in Rate Schedule R; Fuel Adjustment; Terms and Conditions; and associated changes in its FPC Electric Tariff, Volume No. 1. Based upon the test period of twelve months ending June 1976, Sierra Pacific estimates that the total effect of the changes in rates and charges would increase annual revenues from jurisdictional sales and services by approximately $716,132 or 14.7%.

Sierra Pacific requested a waiver of the thirty (30) day rule pursuant to § 35.11 of the Commission's Rules and Regulations under the Federal Power Act to cancel Supplement No. 2 to Rate Schedule FPC No. 11 to transfer Mt. Wheeler Power, Inc. (Mt. Wheeler) to the existing Rate Schedule R of its FPC Electric Tariff (Supplement No. 3) as the type of service rendered Mt. Wheeler was changed with completion of the Sierra Pacific-Utah Power and Light Company interconnection on August 8, 1975. Sierra Pacific estimates that this change would increase jurisdictional revenues during the test period by $595,172.

Sierra Pacific proposed that the effective date of the changes in rates and charges of its FPC Electric Tariff be September 21, 1975, and stated that these changes would effect an increase in test period jurisdictional revenues of $121,679.

In addition, Sierra Pacific requested permission to initiate deferred fuel and purchased power cost accounting on its books and records, and interest charges on delayed payment of service billings.

Copies of the filing were served upon Sierra Pacific's jurisdictional customers, the California Public Utilities Commission, and the Public Service Commission of Nevada.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (19 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30570 Filed 11-12-75; 8:45 am]

FEDERAL RESERVE SYSTEM

DUBOIS BANKSHARES, INC.

Formation of Bank Holding Company

Dubois BankShares, Inc., Sauk Centre, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 93 per cent of the voting shares of First State Bank of Sauk Centre, Sauk Centre, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Dubois BankShares, Inc. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire 100 per cent interest in First State Agency, Sauk Centre, Minnesota. Notice of the application was published on October 23, 1975 in the Herald, a newspaper circulated in Sauk Centre, Minnesota.

Applicant states that, through First State Agency, it would engage in general insurance agency activities, including the sale of ordinary life, casualty, fire, liability, motor vehicle, surety, and farm property and liability insurance. Such activities will be conducted from the premises of First State Bank of Sauk Centre in a community having a population of less than 5,000 persons. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). In addition, Applicant states that upon consummation of the proposal, the credit life and credit accident and health insurance activity presently conducted by First State Agency will be transferred to First State Bank of Sauk Centre.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 3, 1975.

Board of Governors of the Federal Reserve System, November 6, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-30606 Filed 11-12-75; 8:45 am]

FIRST FREEPORT CORP.

Acquisition of Bank

First Freeport Corporation, Freeport, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Chemical National Bank, Clute, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 3, 1975.

Board of Governors of the Federal Reserve System, November 6, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-30607 Filed 11-12-75; 8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-21]

DRY WALL SCREWS

Notice of Investigation

A complaint was filed with the United States International Trade Commission on August 20, 1975, and a supplement and an amendment were filed with the Commission on October 10, 1975, on behalf of Superior Dry Wall Screw Mfg., Co., Inc., 8504 Ardmore-Ardwick Road, Landover, Maryland 20785, alleging that the unlicensed importation of certain dry wall screws into the United States, and their sale, are unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), by reason of the coverage of such dry wall screws by claims 1, 2, 3, 7, 13, 14, and 15 of U.S. Letters Patent 3,861,269. The complainant further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant has requested that the imports in question be temporarily and permanently excluded from entry into the United States, and, that any cease and desist orders be issued by the Commission as it may, in its judgment, deem appropriate.

Having considered the above complaint, as supplemented and amended, the United States International Trade Commission, on November 6, 1975, ordered:

1. That pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), an investigation be instituted to determine whether there is any violation of this section in the unlicensed importation of dry wall screws, allegedly covered by the claims of U.S. Letters Patent 3,861,269, into the United States, or in their sale, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated in the United States.

2. That for the purpose of the investigation so instituted:

(a) John Wagner Associates, Inc.
1176 Boulevard Way
Walnut Creek, California 94595

which is alleged to be importing and/or selling the subject product, is hereby named as the respondent upon which the complaint, as supplemented and amended, is to be served; and

(b) Steven D. Moskowitz, of the United States International Trade Commision, 701 E Street, N.W., Washington, D.C. 20436, is hereby named as the Commission investigative attorney.

3. That all interested persons will be afforded the opportunity to respond to the complaint in accordance with the following procedures:

(a) The respondent named herein shall serve a response to this notice and the complaint upon complainant and the Commisison investigative attorney no later than thirty (30) days after service of this notice and the complaint has been effected;

(b) any further submission or reply of complainant shall be served by him upon the respondent and the Commission investigative attorney no later than ten

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(10) days after receipt of the response; and

(c) a signed original and nineteen (19) true copies of each response, further submission, or reply shall be filed with the Secretary, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, within the respective time periods specified in subparagraphs (a) and (b) above.

4. That extensions of time for filing responses or submissions will not be granted unless a good and sufficient cause is shown therefor.

5. That failure of respondent to file a response to each of the allegations which are the subject of this investigation as set forth in this notice, taking into consideration the applicable detailed allegations in the complaint, within the time provided, may be deemed to constitute a waiver of its right to appear and contest such allegations and shall authorize the Commission, without further notice to that respondent, to find the facts to be as alleged and to enter an order containing such findings.

The complaint, as supplemented and amended, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission Building, 701 E Street, N.W., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center, New York, New York 10048.

By Order of the Commission.

Issued: November 10, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-30660 Filed 11-12-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-94]

DAH YU CHENG

Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Dah Yu Cheng, Palo Alto, California, a revocable, exclusive license to practice the invention described in U.S. Patent No. 3,883,095 for "Reversed Cowl Flap Inlet Thrust Augmentor", issued on May 13, 1975, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR § 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, on or before January 12, 1976, the Chairman, Inventions and Contributions Board, NASA, Washington, D.C. 20546, receives in writing any of the following, together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: November 6, 1975.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.75-30654 Filed 11-12-75;8:45 am]

[Notice 75-92]

JOSEPH B. GILLERMAN

Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Joseph B. Gillerman, Los Angeles, California, a revocable, exclusive license to practice the invention described in U.S. Patent No. 3,547,801 for "Water Management System and an Electrolytic Cell Therefor", issued on December 15, 1970, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR § 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, on or before January 12, 1976, the Chairman, Inventions and Contributions Board, NASA, Washington, DC, 20546, receives in writing any of the following, together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: November 6, 1975.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.75-30652 Filed 11-12-75;8:45 am]

[Notice 75-93]

PUBLIC TECHNOLOGY, INC.

Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Public Technology, Incorporated, Washington, D.C., a revocable, exclusive license to practice the invention described in U.S. Patent No. 3,693,105 for "Active Tuned Circuit", issued on September 19, 1972, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR § 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, on or before January 12, 1976, the Chairman, Inventions and Contributions Board, NASA, Washington, D.C., 20546, receives in writing any of the following, together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: November 6, 1975.

S. NEIL HOZENBALL,
General Counsel.

[FR Doc.75-30653 Filed 11-12-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-53, issued to Baltimore Gas and Electric Company (the licensee), which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant Unit 1 (the facility) located in Calvert County, Maryland. The amendment becomes effective 30 days after its date of issuance.

The amendment revises the reporting requirements of the Technical Specifications for the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 27, 1974, (2) Amendment No. 10 to License No. DPR-53, with Change No. 9, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 4th day of November, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief Operating Reactors Branch #2 Division of Reactor Licensing.

[FR Doc.75-30588 Filed 11-12-75;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-35 issued to the Boston Edison Company (the licensee) which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located in Plymouth County, Massachusetts. The amendment is effective 30 days after the date of its issuance.

The amendment revises the administrative controls section of the Pilgrim Nuclear Power Station Technical Specifications to provide uniform staffing qualifications, management procedures and reporting requirement.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated February 14, 1975, and the supplements thereto dated June 2, 1975 and July 29, 1975, (2) Amendment No. 13 to License No. DPR-35, with Change No. 15, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 4th day of November, 1975.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-30589 Filed 11-12-75;8:45 am]

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON COMPANY AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 20 and 16 to Facility Operating License Nos. DPR-29 and DPR-30 issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) which revised Technical Specifications for operation of the Quad Cities Units 1 and 2 located in Rock Island County, Illinois. These amendments are effective 30 days after the date of issuance.

These amendments revise the reporting requirements of the Technical Specifications for Quad Cities Units 1 and 2.

The application for these amendments dated December 18, 1974, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since these amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for these amendments dated December 18, 1974, (2) Amendment Nos. 20 and 16 to License Nos. DPR-29 and DPR-30, with Change No. 30 and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, at 504—17th Street in Moline, Illinois 60265.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 4th day of November, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-30590 Filed 11-12-75;8:45 am]

[Docket Nos. 50-10, 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 12, 12 and 10 to Facility Operating License Nos. DPR-2, DPR-19 and DPR-25 (respectively) to the Commonwealth Edison Company which revised Technical Specifications for operation of the Dresden Nuclear Power Station Units 1, 2 and 3 located in Grundy County, Illinois. These amendments are effective 30 days after their date of issuance.

These amendments revise the reporting requirements of the Technical Specifications for Dresden Units 1, 2 and 3.

The application for the amendments dated December 19, 1974, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to these actions, see (1) the application for amendments dated December 19, 1974, (2) Amendment Nos. 12, 12 and 10 to License Nos. DPR-2, DPR-19 and DPR-25, with Changes 31, 37 and 26 (respectively) and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and for Dresden Units 2 and 3 at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60451.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 4th day of November, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-30591 Filed 11-12-75;8:45 am]

[Docket No. 50-336]

CONNECTICUT LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-65

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issued to The Connecticut Light and Power Company, the Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (licensees). This amendment is effective as of the date of issuance.

The amendment (1) revises the specifications governing access to the air lock and containment as necessary to effect repair of the inner air lock door gasket, and, (2) corrects certain proofreading errors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazard consideration.

For further details with respect to this action, see (1) the application for amendment dated October 10, 1975, (2) Amendment No. 6 to License No. DPR–65, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 7th day of November 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Project Branch 1–3, Division of Reactor Licensing.

[FR Doc.75–30592 Filed 11–12–75;8:45 am]

[Docket No. 50–298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR–46, issued to Nebraska Public Power District, which revised Technical Specifications for operation of the Cooper Nuclear Station located in Nehema County, Nebraska. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the reporting requirements of the Technical Specifications for the Cooper Nuclear Station.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazard consideration.

For further details with respect to this action, see (1) the application for amendment dated December 2, 1974, (2) Amendment No. 13 to License No. DPR–46, with Change No. 16, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 4th day of November, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75–30593 Filed 11–12–75;8:45 am]

[Docket No. STN 50–484]

NORTHERN STATES POWER COMPANY OF MINNESOTA AND NORTHERN STATES POWER COMPANY OF WISCONSIN

Availability of Safety Evaluation Report for Tyrone Energy Park, Unit No. 1

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Tyrone Energy Park, Unit No. 1 to be located in Dunn County, Wisconsin. Notice of receipt of the application filed by Northern States Power Company of Minnesota and Northern States Power Company of Wisconsin (hereafter referred to as Northern States Power Company) to construct and operate the Tyrone Energy Park, Unit No. 1 was published in the FEDERAL REGISTER on August 30, 1974 (39 FR 31693).

The Northern States Power Company, together with a group of four other utilities, consisting of the Union Electric Company, the Rochester Gas and Electric Corporation, the Kansas Gas and Electric Company and the Kansas City Power & Light Company (the SNUPPS utilities), under the acronym SNUPPS (Standardized Nuclear Unit Power Plant System) submitted a standard plant design for review under the Nuclear Regulatory Commission's standardization policy statement of March 5, 1973. The five SNUPPS utilities have filed four separate applications with the Commission for licenses to construct and operate four proposed standardized plants or SNUPPS plants (consisting of a total of five units) under the duplicate plant option of the Commission's policy. This policy allows, under one of the options, for a simultaneous review of the safety-related parameters of a limited number of duplicate plants which are to be constructed within a limited time span.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Stout Library, University of Wisconsin, Menomonie, Wisconsin for inspection and copying. The report (Document No. NUREG 75/102) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22151.

Separate safety evaluation reports have been issued by the Office of Nuclear Reactor Regulation for each application as follows: (1) Union Electric Company's Callaway Plant, dated August 7, 1975 (Document No. NUREG 75/076), available from the National Technical Information Service (NTIS) at $7.25 per paper copy and $2.25 for microfiche); (2) Kansas Gas and Electric Company and Kansas City Power & Light Company's Wolf Creek Nuclear Generating Station, Unit No. 1, dated September 3, 1975 (Document No. NUREG 75/080), available from NTIS at $7.00 per paper copy and $2.25 for microfiche); and (3) Rochester Gas and Electric Corporation's Sterling Power Project Nuclear Unit No. 1, dated September 5, 1975 (Document No. 75/082), available from NTIS at $7.00 per paper copy and 2.25 for microfiche.

Dated at Bethesda, Maryland this 7th day of November, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1–1, Division of Reactor Licensing.

[FR Doc.75–30594 Filed 11–12–75;8:45 am]

[Docket No. 50–271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR–28 issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the reporting requirements of the Technical Specifications for the Vermont Yankee Nuclear Power Station.

The application for the amendment dated December 16, 1974, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 16, 1974, (2) Amendment No. 17 to License No. DPR–28, with Change No. 28, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont 05301.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 5th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75–30595 Filed 11–12–75;8:45 am]

[Docket No. P–560–A]

CENTRAL MAINE POWER CO.

Notice of Receipt of Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Central Maine Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, which was docketed on August 20, 1975, in connection with their plans to construct and operate a reactor in Searsport, Maine. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portions of the application consisting of an Environmental Report and a Preliminary Safety Analysis Report pursuant to § 2.101 of Part 2, are expected to be filed in April and June 1976, respectively. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

The applicant has solicited from other New England utilities non-binding indications of potential interest in the unit. As utilities indicate their interest, additional antitrust information will be submitted for them.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Local Public Document Room, Office of Town Manager, Union Hall, Reservoir Street, Searsport, Maine 04974. Docket No. P–560–A has been assigned to the application and should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before December 30, 1975.

Dated at Bethesda, Md., this 23rd day of October 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2–2, Division of Reactor Licensing.

[FR Doc.75–29240 Filed 10–29–75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 75–32]

SAFETY RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

The National Transportation Safety Board has issued recommendations A–75–80 through 83 to the Federal Aviation Administration. Investigation of three general aviation approach accidents (a Piper PA–28, at Delavan, Wisconsin, November 28, 1973; a Cessna 310G, at Manteo, North Carolina, January 16, 1974; and a Piper PA–28R–180, at Jeffersonville, Indiana, June 27, 1975) prompted the Safety Board on November 6 to recommend that the FAA seek statutory authority to require that each public-use airport runway have an approach surface which meets the specifications of 14 CFR 77. As an interim measure, the Board recommends that the FAA: Require the airport operator to issue a NOTAM concerning obstructions which violate the guidelines of 14 CFR 77; identify, in the Airman's Information Manual, any public-use airport runway which does not have the approach surface required by 14 CFR 77; and require that this Manual list trees as obstructions to the approach surface of a runway.

During the past week, the Safety Board has received letters from the Federal Aviation Administration, the Federal Highway Administration, and the U.S. Coast Guard responsive to the following recommendations:

(From the Federal Aviation Administration)

A–75–63 (40 FR 36628), letter dated October 22. FAA will issue an airworthiness directive within 60 days to require "an electrical test procedure which will verify the electrical integrity of the gear motor controller P/N MC–815–AS–1."

A–75–72 and 73 (40 FR 42247), letter of October 20. Regarding A–75–72, issuance of airworthiness directives, as recommended, is not considered justified by FAA, since FAA has found no evidence that the absence of engine-out warning was a factor in two helicopter accidents reference in the Board's recommendation letter of September 2, 1975. Concerning A–75–73, FAA comments, "We have been applying special conditions for the last four years on all new turbine-powered helicopters requiring visual and aural low rotor speed warning systems. This is considered more desirable than an engine-out warning because it will warn of low rotor speed for any reason, including engine failure, and continue to do so during power-off descent. This is required to actuate to enable the pilot to avoid dangerously low rotor speeds." FAA now requires engine-out warning only on multiengine helicopters in which the remaining engine automatically increases its output to maintain the rotor speed. FAA states that the low rotor speed specal condition has been included in the Biennial Airworthiness Review as an amendment to FAR Parts 27 and 29, and that a proposal to require engine failure warning will be submitted in the next Review.

A–75–79 (40 FR 48553), letter dated October 10. This recommendation pertains to a left-wing trailing edge inboard forelap separation on an American Airlines B–747 on September 8 during an approach to the San Juan International Airport, Puerto Rico. FAA states, "The Airworthiness Directive (AD) 75–20–05, originally published as a Notice of Proposed Rule Making, was signed on September 10 with an effective date of October 24. The AD requires that the forelap be inspected within the next 100 flights after the effective date of the AD. Since the compliance times were established prior to the September 8 American Airlines' incident, a full review was made; and it was concluded that the compliance times are acceptable and reasonable."

(From the Federal Highway Administration)

H–75–17 through 21 (40 FR 49615), letter of November 4. Concerning H–75–17, FHA notes that the Bureau of Motor Carrier Safety is now developing an information bulletin dealing with the proper method of adjusting brakes on vehicles equipped with air-mechanical brake systems. The bulletin is in preliminary draft stage, to be issued soon. Re H–75–18, FHA states that the critical need for roadway information related to the length and steepness of grades is obviously to serve the unfamiliar operator of heavy vehicles. The Bureau of Motor Carrier Safety will research driver information needs, and will review pertinent literature to determine whether research is needed or whether

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existing technology simply needs to be implemented. With reference to H–75–19, FHA will survey selected States' practices for implementing the Manual on Uniform Traffic Control Devices signing requirements on long and/or steep grades, based on the drivers' needs identified under recommendation H–75–18 and on a human factors evaluation of typical driver information requirements. Re H–75–20, FHA states that if the results of the survey and evaluation conducted as above indicate that changes are needed in the Manual, the National Advisory Committee will be alerted for appropriate action. FHA states, concerning H–75–21, that a standardized design policy for escape routes for trucks will likely be discussed by the American Association of State Highway and Transportation Officials, Standing Committee on Engineering and Operations, when it meets this month.

H–75–23 and 24 (40 FR 51692 letter of October 29. Responsive to urgent recommendation H–75–23, FHA indicates that the Bureau of Motor Carrier Safety will look into the placement of warning devices for stopped vehicles, and will study the matter in conjunction with accident reports involving stopped and parked vehicles. FHA states, "If the data indicates a problem exists, consideration will then be given to the issuance of a Notice of Proposed Rulemaking to clarify the placement of emergency warning devices in relation to the travelled portion of the highway." With reference to H–75–24, FHA states, "The recommendation that future designs of the Motorist Aid Facilities comply with the requirement for 30 feet of clear roadside recovery area is not appropriate in the present instance. The only "facility" involved in the accident in question was a water drum, which was appropriately located 29 feet 8 inches from the edge of the roadway."

(From the U.S. Coast Guard)

71–M–17, letter of October 30. The Safety Board's recommendation—that the U.S. Coast Guard study the feasibility of developing a method of traffic separation for inbound and outbound traffic in the Golden Gate Channel—was made as a result of the investigation into the collision involving the SS ARIZONA STANDARD and the SS OREGON STANDARD at the entrance of San Francisco Bay on January 1, 1971. The Coast Guard notes that proposed regulations for mandatory participation in the Voluntary Traffic Separation Scheme in the San Francisco Bay area are now being reviewed by the Commandant's staff, and that publication is expected in the very near future.

M–74–11, letter of October 31. The recommendation that the Coast Guard seek authority to require adequate thermal and buoyant protection to provide for survival of seamen on all commercial vessels was issued after investigation into the foundering of the M/V MARYLAND in Albemarle Sound, North Carolina, on December 18, 1971 (USCG/NTSB–MAR–74–3). The Coast Guard has completed a study of thermal protective devices and has determined that none of the devices now available for use meets the minimum acceptable safety factor. Subsequent studies are being conducted to develop a more comfortable thermally protective garment for seamen working in cold weather environments, according to the Coast Guard.

M–75–1 through 4, letter of October 28. These recommendations were made after investigation into the grounding of the SS HILLYER BROWN at Cold Bay, Alaska, March 7, 1973. Responding to M–75–1, the Coast Guard cites recent rulemaking actions aimed to meet the need for improved navigational operation of all vessels, including tankships. Further response to this recommendation is anticipated prior to March 1, 1976. M–75–2 asked the Coast Guard to implement measures to improve the dissemination of safety information to the navigators of vessels, including continued broadcasting of the safety information until the hazard is eliminated. The Coast Guard states that it will issue, prior to next March, a Commandant Notice which will serve as guidance to District Commanders for dissemination of safety information to mariners. M–73–3 recommended adoption of the Coast Guard's proposed rulemaking to improve operating practices aboard all major vessels on navigable waters. The Coast Guard comments, "The Marine Traffic Requirements published in the Federal Register Volume 39, No. 126, 28 June 1974 as an advance Notice of Proposed Rulemaking are intended to fulfill the requirements of this recommendation." The material is now being evaluated, and appropriate regulations may be expected soon. Recommendation M–75–4 (40 FR 17202) has been complied with, according to the Coast Guard. The letter states, "A correction to the description of Kaslokan Point Light was published in CCGD17 Local Notice to Mariners (LMN) No. 13 dated 1 April 1975. The Defense Mapping Agency Hydrographic Center published this information in its Notice to Mariners (NTM) No. 18 dated 5 May 1975. Paste-on chartlets correcting National Ocean Survey Charts were issued with LMN No. 19 dated 13 May 1975 and NTM No. 21 dated 24 May 1975."

The recommendation letter is available to the general public; single copies may be obtained wtihout charge. A $4.00 user-service charge will be made for a copy of each recommendation response letter, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

NOVEMBER 10, 1975.

[FR Doc.75–30631 Filed 11–12–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 6, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

TENNESSEE VALLEY AUTHORITY

Forest Industry Survey—1975, TVA 5591, single-time timber processing plants, Lowry, R. L., 395–3772.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Mushroom Canners' Questionnaire, single-time, canners, Evinger, S. K., 395–3710.
Mushroom Importers' Questionnaire, single-time, importers, Evinger, S. K., 395–3710.
Mushroom Growers' Questionnaire, single-time, growers, Evinger, S. K., 395–3710.
Shrimp Producer's Questionnaire, single-time, shrimp processing firms, Evinger, S. K., 395–3710.
Shrimp Producer's Questionnaire, single-time, firms which import shrimp, Evinger, S. K., 395–3710.
Shrimp Producer's Questionnaire, single-time, shrimp fishermen, Evinger, S. K., 395–3710.

ENVIRONMENTAL PROTECTION AGENCY

Interview Guide for Economic Impact Study of Hazardous Waste Regulations on Selected Industries, single-time, selected firms producing petroleum refining and inorganic chemical natural resources division, Lowry, R. L., 395–6827.

NATIONAL SCIENCE FOUNDATION

Study and Analysis of the Official Readership of Mosaic Magazine, single-time, recipients of Mosaic Magazine, Lowry, R. L., 395–3772.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service: Declaration to Accompany Technical Animal Fats Between Certified Technical Animal Fat Plants, MP 85, on occasion, livestock fat renders, Harry B. Sheftel.
Application for Voluntary Reimbursable Technical Animal Fat Certification for Export, MP 86, on occasion, livestock fat renderers, Harry B. Sheftel.
Economic Research Service, 1974/75 Cotton Marketing Costs, annually, cotton shippers, Lowry, R. L., 395–3772.
Animal and Plant Health Inspection Service, Certification of Technical Animal Fats for Export, 9CFR–351, other (See SF–83), livestock fat renders, Harry B. Sheftel.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Demonstration Project Related to the Education and Utilization of Child Health Associates, HRABHM0919, other (See SF–83), Physicians, child health associates, RNS, health workers, Reese, B. F., 395–3211.
Social and Rehabilitation Service, Assessment of Early and Periodic Screening and Treatment Practices and Costs, single-time, selected local providers of EPSDT, Human Resources Division, Raynsford, R., 395–3532.
Health Resources Administration:
Interview and Self-Administered Questionnaire for Principal Investigators, (Protection of Human Subjects), OSPHS 1028, single-time, researchers doing biomedical and behavioral research, Human Resources Division, Raynsford, R., 395–3532.
Evaluation of Migrant Hospitalization Demonstration Program, HSAOPE 1023, single-time, DHEW and other participants in MHDP, Human Resources Division, Raynsford, R., 395–3532.
Food and Drug Administration:
SCOR Aerosol Questionnaire, FDABF 0924, single-time, individuals, Dick Eisinger, 395–6140.
Blood Establishment Resources Summary, FD 2831, annually, blood and blood product establishments, Harry B. Sheftel.
Center for Disease Control, Intestinal Parasite Diagnoses in State Health Department Laboratories, quarterly, State and territorial laboratories, Dick Eisinger, 395–6140.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, End-of-The-Year Banding Report, 3–540, annually, all holders of Federal bird marketing and salvage permits, Lowry, R. L., 395–3772.

REVISIONS

VETERANS ADMINISTRATION

Income Statement for Parent Claiming Dependency and Indemnity Compensation, 21–4179C, on occasion, veteran's parent, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Survey of Attitudes and Values Toward Predator Control, single-time, telephone households in U.S., Maria Gonzales, Lowry, R. L., 395–6132.

EXTENSIONS

FEDERAL RESERVE SYSTEM

Oil Company Report, F.R. 580, monthly, 20 retail oil companies, Marsha Traynham, 395–4529.

VETERANS ADMINISTRATION

Request for Confidential Credit Information, 26–250, on occasion, creditors, Caywood, D.P., 395–3443.

DEPARTMENT OF DEFENSE

Department of the Navy, College Rank in Class (Registrars of Colleges and Universities at Which Applicants for Candidate Programs Have Attended), NVPER 1100, on occasion, colleges, Lowry, R.L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Breast Cancer and Reserpine Preliminary Case Control Study, OS–NIH–CA–23, single-time, breast cancer patients, matched controls and their physician, Dick Eisinger, 395–6140.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–30712 Filed 11–12–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 7, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

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NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Application To Apply Sick Pay Exclusion to Civil Service Benefits, BRI 46–345, on occasion, annuitants who retired prior to January 1975, Caywood, D. P., 395–3443.

DEPARTMENT OF COMMERCE

Bureau of Census: Receipts, Use, and Inventories of Aluminum Ingot and Mill Shapes, M33F, monthly, manufacturing establishments, Peterson, M. O., 395–5631.
Inventory Valuation (Supplement), BUS–231(W), BUS–231(L), BUS–231(I), annually, wholesale firms, Hulett, D. T., 395–4730.
Inventory Valuation (Supplement), BUS–230 (R), BUS–230(L), BUS–230(I), annually retail firms, Hulett, D. T., 395–4730.
National Oceanic and Atmospheric Administration: Bathy Encoding Form, on occasion, Harry B. Sheftel.
Marine Weather Encoding Form, on occasion, fishermen, Harry E. Sheftel.
Purse Seiner Position Encoding Chart, on occasion, fishermen, Harry B. Sheftel.
Bureau of Census: November 1975 Survey of Earnings, CPS–1, single time, 55,000 households in CPS sample, Strasser, A., 395–5867.
Iron and Steel Foundries (Shipments and Unfilled Orders), MA–33A, single time, manufacturing establishments, Peterson, M. O., 395–5631.
Maritime Administration: Confidential Survey of Major U.S. Shippers, MA–805, single time, exporters and importers, Strasser, A., 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Needs Assessment Questionnaire for the Adult, Education Clearinghouse Planning, OE–456–1 through 5, single time, teachers, State directors, students and faculty organizations, Joan Turek.

DEPARTMENT OF JUSTICE

Departmental and Other Privacy and Security Certification, LEAA 6600/8, 6600/9, 6600/10, annually, State and local governments, Lowry, R. L., 395–3772.

DEPARTMENT OF LABOR

Manpower Administration: Questionnaire for Prime Sponsors and Subagents on their use of Tests in CETA Activities, single time, CETA prime sponsors and subagents, Lowry, R. L., 395–3772.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: Prospectus for Determination of Highway Problems due to the National Flood Insurance Program, single time, reg. hydraulic eng. F.I.A. personnel, Lowry, R.L., 395–3772.

REVISIONS

FEDERAL RESERVE SYSTEM

Dealer Cost Ratios and Maturities on Automobile Installment Loans, FR 584B, monthly, Major finance companies, Hulett, D. T., 395–4730.

DEPARTMENT OF COMMERCE

Bureau of International Commerce: Overseas Business Interest Questionnaire, DIB–471P, on occasion, businesses joining missions or seminars, Harry B. Sheftel.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research: Housing Assistance Supply Experiment Survey of Tenants and Homeowners, Wave 2, single time, households in 2 SMSA's, Community and Veterans Affairs Division, Harry B. Sheftel, 395–3532.

EXTENSIONS

ENVIRONMENTAL PROTECTION AGENCY

Pesticides Program—Community Studies Contractual Epidemiological and Monitoring Activities, EPA8510–2, on occasion, persons associated with high pesticide usage, Lowry, R. L., 395–3772.

NATIONAL MEDIATION BOARD

Request for PL (Special Adjustment) Board Member, NMB–5, on occasion, Railroad and airline management and unions, Marsha Traynham, 395–4529.
Application for Investigation of Representation Dispute, NMB–3, on occasion, airline and railroad management and unions, Marsha Traynham, 395–4529.

DEPARTMENT OF COMMERCE

Bureau of Census: Survey on Pollution Abatement Expenditures—1975, MA 200, annually, manufacturing establishments, Marsha Traynham, 395–4529.
Fluorescent Lamp Ballasts Manufacturer's Quarterly Report, MQ–360, quarterly, manufacturing establishments, Marsha Traynham, 395–4529.

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DEPARTMENT OF JUSTICE

Departmental and Other Applicant's Environmental Evaluation, 4550, on occasion, grant applicants, Marsha Traynham, 395–4529.

DEPARTMENT OF TRANSPORTATION

Coast Guard: License and Renewal Application (Merchant Vessels), CG–866, on occasion, personnel applying for merchant marine licenses, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–30713 Filed 11–12–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

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NEW FORMS

TENNESSEE VALLEY AUTHORITY

Agribusiness Inventory Survey, single time, supp. who sell 75 percent of vol. to farmers and farm produce process, Lowry, R. L., 395–3772.

REVISIONS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Producers' Questionnaire—Footwear, single time, producers, Evinger, S. K., 395–3710.
Importer's Questionnaire—Footwear, single time, importers, Evinger, S. K., 395–3710.

VETERANS ADMINISTRATION

Request for and Consent To Release of Information From Claimant's Records, 07–3288 on occasion, insurance companies, private physicians, Caywood, D. P., 395–3443.
Application for Burial Allowance, 21–530, on occasion, funeral directors, Caywood, D. P., 395–3443.
Request for Information Re Loan Guaranty Counseling, FL26–608, annually, veterans, Caywood, D. P., 395–3443.

DEPARTMENT OF COMMERCE

Bureau of Census: Census of Population and Housing—Precanvass Address Register—1976 Census of Travis County, Texas, DD–109, DA–101, DA–202, single time, households in Travis County, Texas, Maria Gonzales, 395–6132.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Food Stamp Mail Issuance Report, FNS–259, on occasion, food stamp issuing offices, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–30714 Filed 11–12–75;8:45 am]

U.S. RAILROAD RETIREMENT BOARD

ACTUARIAL ADVISORY COMMITTEE

Public Meeting Regarding Railroad Retirement Accounts

Notice is hereby given in accordance with Public Law 92–463 that the Actuarial Advisory Committee will hold a meeting on December 15, 1975, at the offices of the Chief Actuary of the U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, on the conduct of the 13th Actuarial Valuation of the Railroad Retirement Account. The agenda for this meeting will include the results of the recently completed studies concerning rates of retirement and withdrawal, mortality for employees in active service, and the proportion of disability retirements eligible for a disability freeze, together with the recommendation of the Chief Actuary as to retirement, withdrawal, mortality and economic assumptions to be used for the 13th Valuation.

The meeting will be open to the public. Persons wishing to submit written statements or make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

By Authority of the Board.

Dated: November 7, 1975.

R. F. BUTLER,
Secretary of the Board.

[FR Doc.75–30560 Filed 11–12–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–11813; File No. SR–Amex–75–4]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on October 28, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT BY THE AMERICAN STOCK EXCHANGE, INC. OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The American Stock Exchange, Inc. ("Amex") proposes to add new paragraph .01 to the Commentary to Rule 958 reading as follows:

Rule 958, Commentary:

.01 A Registered Trader electing to engage in Exchange options transactions is designated as a Specialist on the Exchange for all purposes under the Securities Exchange Act of 1934 and the rules and regulations thereunder with respect to options transactions initiated and effected by him on the floor in his capacity as a Registered Trader.

The present paragraphs in the Commentary to Rule 958 are renumbered accordingly.

STATEMENT BY AMEX OF BASIS AND PURPOSE

The purpose of the proposed new Commentary to Rule 958 is to permit Registered Traders to obtain the same treatment under Regulations T and U of the Federal Reserve Board presently afforded to specialists in financing their options positions. Specialists are granted an exemption from Regulations T and U in recognition of their obligations to make fair and orderly markets in their specialty securities. The rules of the Amex also impose such obligations on Registered Traders to assist in maintenance of fair and orderly markets. In view of the similarity of responsibilities, the Exchange believes that Registered Traders in options should be treated as specialists for margin purposes under Regulations T and U.

The proposed new Commentary to Rule 958 is authorized by Section 6(b)(5) of the Act. Although Section 6 of the Act as recently amended by the Securities Acts Amendments of 1975 does not become effective until December 1, 1975, the proposed rule change, if it becomes effective before the date, will be consistent with that section when such amendments to the Act become effective. The Amex believes that it is consistent with the protection of investors and the public interest to designate Registered Traders as specialists with respect to their options transactions on the Exchange. As a result of such designation, the Exchange believes that the Amex options market will become deeper and more liquid to the direct benefit of all investors.

Comments were received orally from the Exchange membership prior to the adoption of this proposed new Commentary by the Exchange. The consensus of the comments received was that such treatment of Registered Traders is important to the Amex options market because options, unlike equities securities, are multidimensional, with numerous series for each class, and the ability to hedge within an options class and/or in the underlying stock by Registered Traders adds to the liquidity of the market. In addition, the Options Committee of the Exchange, which is composed of members or representatives of member organizations expert in the field of option trading, favors this proposal.

The Exchange has determined that the proposed new Commentary to Rule 958 does not impose any burden on competition.

On or before December 18, 1975, or within such longer period (i), as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 3, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

NOVEMBER 7, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–30676 Filed 11–12–75;8:45 am]

[Rel. No. 9021; (801–9087)]

FIRST NATIONAL CITY BANK AND CITICORP INVESTMENT MANAGEMENT, INC.

Filing of Application for Exemption and Order of Temporary Exemption Pending Determination of the Application

NOVEMBER 7, 1975.

NOTICE IS HEREBY GIVEN THAT FIRST NATIONAL CITY BANK, 399 Park Avenue, New York, New York, 801–9087, ("FNCB") has filed an application pursuant to Section 9(c) of the Investment Company Act of 1940 ("the Act") for an order exempting FNCB and its affiliates from the provisions of Section 9(a) of the Act, and for an order of temporary exemption from Section 9(a) pending the Commission's determination of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

FNCB states that it is a national banking association organized under the laws of the United States, and also acts as the investment adviser to Advance Investors Corporation ("ADVANCE"), a closed-end, diversified management company, and White Weld Money Market Fund Incorporation ("WWMM Fund"), an open-end, diversified management investment company for institutions. Their Notification of Registration Form N–8A file numbers at the Commission are 811–2293 and 811–2540, respectively. Citicorp Investment Management, Inc. ("Citicorp") a registered investment adviser (File No. 801–9087) is a subsidiary of First National City Corporation, which in turn is an affiliate of FNCB.

On November 11, 1971, the Commission commenced an action in the United States District Court for the Southern District of New York entitled *Securities and Exchange Commission* v. *Everest Management Corporation et al.*, (71 Civ. 4932; D.N.E.) (the "Everest action"). This action was brought against 44 defendants, including First National City Trust Company (Bahamas) Limited ("FNCT"), a subsidiary of FNCB, to enjoin alleged violations of Section 17(a) of the Securities Act of 1933 [15 U.S.C. 77q(a)], Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. 78j(b)] and Rule 10b–5 promulgated thereunder and Section 206 (1) and (2) of the Investment Advisers Act of 1940 [15 U.S.C. 80b–6 (1) and (2)]. With respect to FNCT, the Complaint alleged that FNCT participated in the dissemination of false and misleading information in connection with the sales of shares of Armstrong Investors S.A., ("the fund") an "offshore" mutual fund, and false and misleading periodic reports to the shareholders of the fund and that it failed to supervise the activities of the fund's investment manager, Everest Management Corp. ("Everest") a New York based entity. On October 9, 1975 a Stipulation of Settlement was entered into between the plaintiff Commission and FNCT, and thereafter a final Judgment of Permanent Injunction by consent was entered in the action which permanently enjoined FNCT and its officers, agents, servants and employees from engaging in the violative activities alleged in the Everest action. FNCT has also represented to the Court that it has adopted certain policies and procedures with respect to the acceptance of business of "off-shore" mutual funds not registered with the Commission.

Since FNCB and Citicorp may be considered to be affiliates of FNCT within the meaning of Section 9(a) of the Act, any judgment entered against FNCT would cause FNCB and Citicorp to be ineligible to act as investment advisers. Section 9(a)(2) of the Act, as here pertinent, makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security to serve or act in the capacity of employee, officer, director, member of advisory board, investment adviser or depository of any registered investment company or principal underwriter for any registered open-end company, registered unit investment trust, or registered face amount certificate company. Section 9(a)(3) makes it unlawful for a company, any affiliated person of which is ineligible by reason of Section 9(a)(2), to serve or act in the enumerated capacities.

Section 9(c) provides that upon application, the Commission by order shall grant an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to FNCB and Citicorp are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

FNCB submits pursuant to Section 9(c) that the prohibitions of Section 9(a) of the Act, to the extent applicable by virtue of the entry of the Consent Judgment of Permanent Injunction against FNCT, would be unduly and disproportionately severe as applied to FNCB, Citicorp and its affiliates and that the conduct of FNCT has been such as not to make it against the public interest or the protection of investors for the Commission to grant a permanent exemption from the provisions of Section 9(a) of the Act. In support thereof FNCB states:

(1) FNCT is a trust company organized under the laws of the Bahamas and located in Nassau. The Promoters of Everest requested FNCT to be the registrar, transfer agent and corporate domiciliary of the Fund. FNCT agreed to do so because it had prior satisfactory business relations with one of the Promoters and because reports on the other Promoters were favorable.

(2) As part of its function as corporate domiciliary, FNCT was requested by the Promoters to cause and subsequently did permit some of its officers and employees to act as officers and directors of both corporations constituting the Fund. It is and has been the long established practice in the Bahamas for trust companies and others to act as corporate domiciliary agent for other entities and to cause or permit their officers and employees to act as directors, officers and employees of such other entities for which they act as agents.

(3) With respect to the Fund, FNCT performed the services of a registrar, transfer agent and corporate domiciliary, and in connection therewith FNCT's contacts were primarily with the fund's foreign investors. It did not sell securities for the Fund's portfolio which were handled exclusively by the promoters and Everest.

(4) If, as it is alleged in the Commission's Complaint, the Promoters of Everest perpetrated a fraud upon the Fund, it was done without the knowledge of, assistance or participation by FNCT.

(5) Since discovery of the alleged wrongdoing in respect of the Fund and prior to the commencement of the Commission's injunctive action, FNCT has adopted rules expressly precluding in any circumstances services by its officers and employees as directors or officers of any "off-shore" fund unless the fund's investments are also managed by FNCT or an affiliate so that they are able to super-

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vise both the fund and its investments, and precluding acceptance of business of any kind with respect to an "off-shore" fund unless it follows certain policies and procedures adopted by FNCT.

(6) FNCB has never before been required to apply for an exemption from the provisions of Section 9(a) of the Act.

(7) The prohibition of Section 9(a) would deprive ADVANCE and WWMM and their approximately 13,000 shareholders of the services of their respective investment advisers.

The Commission has considered the matter and finds that:

(1) the prohibitions of Section 9(a) might be unduly or disproportionately severe as applied to FNCB and its affiliates in that the conduct of FNCT has been such as not to make it against the public interest or protection of investors to grant the application for a temporary exemption from Section 9(a) pending determination of the application, and

(2) in order to maintain the uninterrupted management of investment companies under the management of affiliates of FNCT, it is necessary and appropriate in the public interest and consistent with protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, IT IS ORDERED, pursuant to Section 9(c) of the Act that FNCB and its affiliates be and they are hereby temporarily exempted from the provisions of Section 9(a) of the Act, operative as a result of the entry of the injunction against FNCT in *Securities and Exchange Commission* v. *Everest Management Corp.*, et al., pending determination by the Commission of FNCB's application for an order unconditionally exempting FNCB and any companies of which they presently are affiliated persons from the provisions of Section 9(a) operative as a result of the entry of such injunction.

NOTICE IS FURTHER GIVEN that any interested person may, not later than December 8, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon FNCB, care of Werner L. Polak, Esquire, 53 Wall Street, New York, New York 10005. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–30625 Filed 11–12–75;8:45 am]

[Release No. 34–11809; File No. SR–MSRB–75–2]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on November 3, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Rule 5. *Initial Fee for Municipal Securities Brokers and Municipal Securities Dealers.*

Every municipal securities broker and municipal securities dealer presently or hereafter registered with the Commission shall, not later than (1) December 15, 1975 or (2) the date which is ten days from the date of registration of such municipal securities broker or municipal securities dealer with the Commission, whichever shall last occur, pay to the Board an initial fee of $100, accompanied by a written statement setting forth the name, address and Commission registration number of the municipal securities broker or municipal securities dealer on whose behalf such fee is paid. The Commission registration number shall also be set forth on the face of the remittance. Such fee shall be payable at the offices of the Board in Washington, D.C. In the event any person subject to this rule shall fail to pay the required fee, the Board may recommend to the Commission that the registration of such person with the Commission be suspended or revoked.

BOARD'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

1. *Purpose of Proposed Rule Change.* The purpose of the proposed rule change is to provide for an initial assessment against municipal securities brokers and municipal securities dealers to defray the costs and expenses of operating and administering the Board. The proposed rule change is intended to apply to all municipal securities brokers and municipal securities dealers, as defined in the Securities Exchange Act of 1934, as amended (the "Act"), including those engaged in additional lines of business not related to municipal securities. The funds to be provided by the proposed rule change will cover only a portion of the costs and expenses of the Board's operation and administration and the Board therefore intends to propose, at a future date, additional rules providing for periodic or other assessments.

2. *Basis Under the Act for Proposed Rule Change.* The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(J) of the Act, which authorizes the Board to levy such reasonable fees and charges as may be necessary or appropriate to defray the costs and expenses of operating and administering the Board. The Board finds that the assessment provided for in the proposed rule change is both necessary and appropriate to defray the Board's expenses.

3. *Comments Received from Members, Participants or Others on Proposed Rule Change.* Comments have not been received on the proposed rule change.

4. *Burden on Competition.* The Board has determined that the proposed rule change does not impose any burden on competition.

On or before December 18, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 15, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1975.

[FR Doc.75–30580 Filed 11–12–75;8:45 am]

[Release No. 34–11807; File No. SR–NYSE–75–9]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is

hereby given that on November 3, 1975 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms and Substance of the Proposed Rule Change—

1. *Text of Proposed Amendment to Rule 345*

Employees—Registration, Approval, Records, Discipline

(a) No member or member organization shall

(3) employ any person not otherwise required to be registered with and approved by the Exchange, except a person whose functions are solely of a clerical or ministerial nature, prior to obtaining the approval of the Exchange if such member or member organization knows, or in the exercise of reasonable care should know, that such person is subject to one or more statutory disqualifications referred to in the Securities Exchange Act of 1934, as amended.

2. *Purpose of Proposed Amendment.* The recent amendments to the Securities Exchange Act of 1934 (1934 Act) require the Exchange, effective December 1, 1975, to enforce compliance with the 1934 Act and its own rules with respect to all employees of the member organization unless specifically relieved of such responsibility. Heretofore, the Exchange has approved and registered members, allied members, and registered representatives.

In addition to the broad general responsibility which the Exchange will have with respect to all employees of member organizations after December 1, 1975, the 1934 Act now specifically requires the Exchange to file notice with the Commission not less than thirty days prior to permitting any person to become associated with a member, if the Exchange knows, or in the exercise of reasonable care should know, that such person is subject to a statutory disqualification as defined in the 1934 Act. In effect, the Exchange may, if the SEC does not object, waive statutory disqualifications in individual instances.

The Exchange considered the possibility of requiring every employee of a member organization to register with the Exchange regardless of whether or not subject to a statutory disqualification. However, in view of the number of employees that would be involved, the Exchange found that the costs involved would make such a program financially prohibitive. Accordingly, the Exchange has developed the following alternative:

1. Continue the present requirement that all members, allied members, and registered representatives file an application for approval with the Exchange, but modify the current application to provide for information relating to statutory disqualifications;

2. Amend Exchange Rule 345 to require that members and member organizations, prior to employing any person not now required to be approved by the Exchange (other than persons functioning solely in a clerical or ministerial capacity), notify the Exchange and await its approval if the member or member organization knows, or has reason to believe the prospective employee may be subject to a statutory disqualification. Since members and member organizations currently check into the background of all new employees, the approach outlined above should present little, if any, additional burden to them, while enabling the Exchange to comply with its responsibilities under the Securities Acts Amendments at relatively little additonal expense.

The Exchange intends to incorporate spot check procedures in its existing examination program in order to determine whether members and member organizations are complying with their new responsibilities under Rule 345.

3. *Basis Under the Act for the Amendment to Rule 345.* The proposed amendment to Rule 345 is based on the recent amendments to Sections 6(b)(2) and 19(g)(1)(A) of the 1934 Act which require exchanges, effective December 1, 1975, to enforce compliance with the 1934 Act and their own rules with respect to persons associated with a member. Section 3(a)(21) of the 1934 Act defines this new category to include, among others, all employees of the member organization. Section 19(g)(1)(A) provides that absent "reasonable justification or excuse", exchanges are responsible for enforcing compliance by these persons with their own rules and the 1934 Act unless specifically relieved of such responsibility pursuant to Section 19(g)(2).

(i) The proposed rule amendment relates to the Exchange's capacity to carry out the purposes of the 1934 Act and to comply, and to enforce compliance by its members and persons associated with its members with the 1934 Act and the rules and regulations thereunder by (1) requiring member and member organizations to notify the Exchange and await its approval prior to employing persons (other than those who would function solely in a clerical or ministerial capacity) if they know, or in the exercise of reasonable care should know, that the prospective employee is subject to a statutory disqualification, and (2) establishing the basis under which the Exchange may disapprove an employee of a member organization who is subject to disqualification pursuant to the 1934 Act.

(ii) The proposed rule amendment relates to the ability of any prospective employee (not now required to be approved by the Exchange) to become associated with a member by enabling the Exchange to disapprove employment for cause as specified in the 1934 Act.

(iii) Inapplicable.
(iv) Inapplicable.
(v) Inapplicable.
(vi) Inapplicable.

4. *Comments Received.* No comments were solicited or received in connection with the subject Rule amendment.

5. *Burden on Competition.* Inapplicable.

On or before December 18, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 15, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc.75–30626 Filed 11–12–75;8:45 am]

[Release No. 34–11810; File No. SR–OCC–1975–1]

OPTIONS CLEARING CORPORATION

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on October 28, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed amendment to Rule 913(a) would permit delivery advices issued by OCC to exercising and assigned Clearing Members to omit the name of the other party to the exercise in cases where settlement is to be made through a correspondent clearing corporation. In addition, the proposed amendment would eliminate the requirement that copies of delivery advices be issued to correspondent clearing corporations.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed amendment to Rule 913(a) is to permit delivery advices issued by OCC to exercising and assigned Clearing Members to omit the

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name of the other party to the exercise in cases where settlement is to be made through a correspondent clearing corporation. In addition, the proposed amendment would eliminate the requirement that copies of delivery advices be issued to correspondent clearing corporations.

The proposed amendment to Rule 913 (a) would enhance OCC's capacity to facilitate prompt and accurate settlement in respect of exercised option contracts by eliminating unnecessary procedures.

The requirement that delivery advices identify both the exercising and the assigned Clearing Member is unnecessary where an exercise is to be settled through a correspondent clearing corporation because the interposition of the correspondent clearing corporation eliminates direct dealings between the exercising and the assigned Clearing Member. Each deals only with the correspondent, clearing corporation. If it were to become necessary for OCC to identify the assigned Clearing Member for a particular exercise, that information could be obtained from OCC's records.

The requirement that copies of delivery advices be issued to correspondent clearing corporations is superfluous because the information required by correspondent clearing corporations is now communicated by magnetic tape.

Comments were neither solicited nor received with respect to the proposed amend to Rule 913(a).

OCC does not believe that the proposed amendment to Rule 913(a) would impose any burden on competition.

On or before December 18, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 4, 1975.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1975.

TEXT OF PROPOSED RULE CHANGE

SETTLEMENT THROUGH CORRESPONDENT CLEARING CORPORATION

RULE 913. (a) Notwithstanding anything to the contrary in Rules 901 through 912, the Corporation may specify in any Delivery Advice issued pursuant to Rule 903 that settlement in respect of the exercised option contract or contracts designated therein shall be made through the facilities of a designated correspondent clearing corporation. In such event, the Corporation will communicate the names of the exercising and Assigned Clearing Members, the quantity and description of the underlying securities to be delivered, the exercise settlement date and the exercise settlement amount to such correspondent clearing corporation, which, as of the opening of business on the exercise settlement date (or, if the correspondent clearing corporation is not open for business on the exercise settlement date (or, if the correspondent clearing corporation is not open for business on that date, as of the opening of business on its next business day), shall credit the exercise settlement account of the Assigned Clearing Member with the amount of underlying securities specified in the Delivery Advice. If settlement is to be made through a correspondent clearing corporation, the Delivery Advice issued to the exercising Clearing Member need not specify the name of the Assigned Clearing Member, and the Delivery Advice issued to the Assigned Clearing Member need not specify the name or address of the exercising Clearing Member.

(b) [No change]
(c) [No change]
(d) [No change]

[FR Doc.75-30677 Filed 11-12-75;8:45 am]

[Release No. 34-11811; File No. SR-OCC-1975-2]

OPTIONS CLEARING CORPORATION

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 28, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed amendment to Rule 803 would eliminate the requirement that assignments of exercise notices be made at or before a specific time on the business day following the filing of the exercise notice. In addition, the proposed amendment would eliminate the requirement that exercising Clearing Members be notified of the identity of assigned Clearing Members in cases in which such notice is not required under Rule 913(a), as proposed to be amended.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The primary purpose of the proposed amendment to Rule 803 is to eliminate the requirement that assignments of exercise notices be made at or before 7:00 A.M. Chicago Time (8:00 A.M. Eastern Time) on the business day following the filing of the exercise notice. OCC would expect, under ordinary circumstances, to be able to continue to meet that schedule, but the amount of data processing work required to be performed each night by OCC, and occasional data processing problems, may at times make it impossible for OCC to meet an absolute deadline. The Rule, as proposed to be amended, would continue to require, subject to the *force majeure* provisions of the By-Laws, that exercise notices be assigned on the following business day.

In addition the proposed amendment would eliminate the requirement that the exercising Clearing Member be notified of the identity of the Assigned Clearing Member in cases where such notice is not required under Rule 913(a), as proposed to be amended in OCC's Proposed Rule Change on Form 19b-4a, File No. SR-OCC-1975-1, which is being filed concurrently with this filing.

The proposed amendment to Rule 803 relates to OCC's capacity to facilitate prompt and accurate settlement in respect of exercised option contracts.

Comments were neither solicited nor received with respect to the proposed amendment to Rule 803.

OCC does not believe that the proposed amendment to Rule 803 would impose any burden on competition.

On or before December 18, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or
(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 4, 1975.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1975.

TEXT OF PROPOSED RULE CHANGE

ASSIGNMENT OF EXERCISE NOTICES TO CLEARING MEMBERS

RULE 803. Exercise notices accepted by the Corporation shall be assigned in accordance with the Corporation's procedures of random selection to Clearing Members with open short positions in the series of options involved, provided that the Corporation may:

(a) use its best efforts to assign an exercise notice of block size to a Clearing Member with an open short position of block size and to assign an exercise notice of less than block size to a Clearing Member with an open short position of less than block size;

(b) classify each short position into separate sub-groups based on the form of margin (i.e., escrow deposits, specific deposits or other); and

(c) assign a notice to a Clearing Member in respect of an opening writing transaction made by such Clearing Member on the day of such assignment.

As used herein an exercise notice in respect of 25 or more option contracts of the same series shall be deemed to be of block size and that portion of an open short position that resulted from one Exchange transaction in respect of 25 or more option contracts of the same series shall be deemed to be of block size.

Subject to the provisions of the By-Laws, exercise notices accepted by the Corporation shall be assigned on the following business day. Assignments shall be dated and effective as of such following business day. A Clearing Member to which an exercise notice is assigned shall be notified thereof, and the Clearing Member submitting such exercise notice shall (subject to the provisions of Rule 913) be notified of the identity of the Assigned Clearing Member, through deposit of Delivery Advices in their respective locked boxes as soon as practicable after such notice is assigned by the Corporation.

[FR Doc.75-30678 Filed 11-12-75;8:45 am]

[Release No. 34-11812; File No. SR-OCC-1975-3]

OPTIONS CLEARING CORPORATION

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 28, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed amendments to Article I, Section 1 and Article V, Section 1 and 2 of the By-Laws of OCC, and to Rules 1102, 1110 and 1202 would change OCC's procedures with respect to the admission, suspension and discipline of Clearing Members so as to conform them to requirements imposed by Sections 17A(b)(4) and (5) of the Securities Exchange Act of 1934, as amended. The proposed amendments to Article VII, Sections 1 and 5 of the By-Laws of OCC and to Rule 211 would eliminate references to former Rule 9b-1 under the Securities Exchange Act of 1934, as amended.

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed amendments to Article I, Section 1 and Article V, Section 1 and 2 of the By-Laws of OCC, and to Rules 1102, 1110 and 1202 is to bring those provisions into compliance with Sections 17A(b) (4) and (5) of the Securities Exchange Act of 1934, as amended, relating to the admission, suspension and discipline of clearing agency participants. The purpose of the proposed amendments to Article VII, Sections 1 and 5 of the By-Laws and to Rule 211 is to eliminate references to Rule 9b-1 (which has been repealed) without changing the substance of those provisions.

The proposed amendments included in this filing are intended to enable OCC to comply with the provisions of the Securities Exchange Act of 1934, as amended, and rules and regulations which may be adopted thereunder.

Comments were neither solicited nor received with respect to the proposed amendments to Article I, Section 1; Article V, Section 1; Article V, Section 2; Article VII, Section 1; Article VII, Section 5 of the By-Laws; Rule 211; Rule 1102; Rule 1110 and Rule 1202.

OCC does not believe that the proposed amendments to Article I, Section 1; Article V, Section 1; Article V, Section 2; Article VII, Section 1; Article VII, Section 5 of the By-Laws, Rule 211; Rule 1102; Rule 1110; and Rule 1202 would impose any burden on competition.

On or before December 18, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceeding to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 4, 1975. For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1975.

TEXT OF PROPOSED RULE CHANGE

DEFINITIONS

SECTION 1. Unless the context requires otherwise, the terms defined herein shall, for all purposes of these By-Laws and the Rules of the Corporation, have the meanings herein specified.

(a) through (jjj) [No change]

STATUTORY RULES

(lll) The term "statutory rules" in respect of the Corporation means the Certificate of Incorporation, the By-Laws, the Rules, and such of the stated policies, practices and interpretations of the Corporation as are deemed to be rules and have become effective under the Securities Exchange Act of 1934, as amended, and the rules and regulations of the Securities and Exchange Commission thereunder.

APPROPRIATE REGULATORY AGENCY

(kkk) The term "appropriate regulatory agency" shall have the meaning given to it in Section 3(a) of the Securities Exchange Act of 1934, as amended.

STATUTORY DISQUALIFICATION

(mmm) The term "statutory disqualification" shall have the meaning given to it in Section 3(a) of the Securities Exchange Act of 1934, as amended.

ARTICLE V—CLEARING MEMBERS QUALIFICATIONS

SECTION 1. Only Exchange members shall be eligible to become Clearing Members. Each applicant to become a Clearing Member must (a) meet the initial Clearing Member capital requirements then in effect, (b) propose to engage upon acceptance in the clearance of option contracts for the applicant's firm account or for the accounts of customers, and (c) maintain facilities and personnel adequate for the expeditious and orderly transaction of business with the Corporation and other Clearing Members. Every applicant must meet such additional standards of financial responsibility, operational capability, experience and competence as may from time to time be prescribed in the statutory rules of the Corporation; provided, however, that no such standard shall be discriminatory as against the members of any Exchange. The Corporation may, and in cases in which the Securities and Exchange Commission, by order, directs as appropriate in the public interest, shall disapprove the application for clearing membership of any person subject to a statutory disqualification.

ARTICLE V—CLEARING MEMBERS ADMISSIONS PROCEDURES

SECTION 2. Applications for clearing membership shall be in such form and contain such information as the Board of Directors shall from time to time prescribe. The Membership Committee shall review applications for clearing membership and shall recommend approval or disapproval to the Board of Directors. The Membership Committee or the Board of Directors, or their designated delegates or agents, may examine the books and papers of any applicant, take such evidence as they may deem necessary or employ such other means as they may deem desirable or appropriate to ascertain relevant facts bearing upon the applicant's qualifications. If the Membership Committee proposes to recommend to the Board of Directors that an application for clearing membership be disapproved, it shall first furnish the applicant with a written statement of its proposed recommendation and the specific grounds therefor, and afford the applicant an opportunity to be heard and to present evidence on its own behalf. If the applicant fails to request a hearing within such reasonable time as the Membership Committee may prescribe; or if, after a hearing, the Membership Committee still proposes to recommend disapproval, the Membership Com-

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mittee shall make its recommendation to the Board of Directors in writing, accompanied by a statement of the specific grounds therefor, and a copy thereof shall be furnished to the applicant on request. The Board of Directors shall independently review any recommendation by the Membership Committee, and may, in its discretion, if the applicant so requests, afford the applicant a further opportunity to be heard and to present evidence. If the Board of Directors disapproves the application, written notice of its decision, accompanied by a statement of the specific grounds therefor, shall be mailed or delivered to the applicant. An applicant shall have the right to present such evidence as it may deem relevant to its application. A verbatim record shall be kept of any hearing held pursuant hereto.

ARTICLE VII—EXCHANGES QUALIFICATIONS

SECTION 1. Any securities exchange registered under the Securities Exchange Act of 1934, as amended, which (i) has effective rules for the trading of option contracts in accordance with the provisions of said Act and the rules and regulations of the Securities and Exchange Commission thereunder, (ii) has purchased such number of shares of the Common Stock of the Corporation as shall be required pursuant to Section 2 of this Article VII, (iii) has executed a Stockholders Agreement as described in Section 3 of this Article VII, and (iv) has furnished the Corporation with such information as the Corporation may reasonably request concerning the operations, the management, the rules and the membership of such exchange and such other information as the Corporation may require to amend or make current any registration statement of the Corporation filed with the Securities and Exchange Commission or other regulatory authority, shall be qualified for participation in the Corporation as an "Exchange".

ARTICLE VII—EXCHANGES DISQUALIFICATION

SECTION 5. An Exchange shall cease to participate in the Corporation if it (i) shall no longer be a registered national securities exchange having effective rules for the trading of option contracts in accordance with the provisions of the Securities Exchange Act of 1934, as amended, and the rules and regulations of the Securities and Exchange Commission thereunder, (ii) shall terminate the trading of all option contracts; (iii) shall fail or refuse to file with the Corporation the agreement required by the last sentence of Section 3 of this Article VII; (iv) shall in violation, in any material respect, of any provision of the Stockholders Agreement required by Section 3 of this Article VII; or (v) the Participant Exchange Agreement required by Section 4 of this Article VII shall have been terminated as to such Exchange.

CHAPTER II—MISCELLANEOUS REQUIREMENTS

NOTICES OF PROPOSED BY-LAWS AND RULE AMENDMENTS

RULE 211. The Corporation shall give written notice to all Clearing Members when it shall have filed a proposed rules change with the Securities and Exchange Commission (the "SEC") pursuant to the provisions of SEC Rule 19b–4. Such notice shall be given as soon as practicable after the Corporation shall have filed the proposed rules change with the SEC. The requirements of this Rule 211 shall be deemed to have been satisfied if Clearing Members are notified that a proposed rules change has been filed and that copies thereof are available at all designated offices of the Corporation for inspection by interested Clearing Members. This Rule 211 shall not require the Corporation to give notice of any modication that is made in a proposed rules change after the Corporation has given notice of such proposed rules change, although to the maximum extent practicable, the Corporation shall also give notice of such modifications. The failure of the Corporation to comply with this Rule in any respect shall not affect the validity force or effect of any rules change or of any action taken by the Corporation pursuant thereto.

CHAPTER XI—SUSPENSION OF A CLEARING MEMBER SUSPENSION

RULE 1102. The Board of Directors or the President of the Corporation shall summarily suspend any Clearing Member which (a) has been and is expelled or suspended from membership in each Exchange of which it is an Exchange member or by its examining authority (as defined in Rule 306), or (b) is in such financial or operating difficulty that the Board of Directors or the President of the Corporation determines and so notifies the appropriate regulatory agency for such Clearing Member that such suspension is necessary for the protection of the Corporation, other Clearing Members, creditors, or investors. In addition, the Board of Directors or the President of the Corporation may summarily suspend any Clearing Member which (i) has been and is suspended or expelled from any self-regulatory organization (as defined in Section 3(a) of the Securities Exchange Act of 1934, as amended, for the purposes of Section 17A thereof), or (ii) is in default of any delivery of funds or securities to the Corporation or any correspondent clearing corporation. In the event that any Clearing Member is suspended, the Corporation shall cease to act for it except as hereinafter specified.

CHAPTER XI—SUSPENSION OF A CLEARING MEMBER RIGHT OF APPEAL

RULE 1110. A Clearing Member suspended pursuant to this Chapter shall be entitled, upon request, to a written statement of the grounds for its suspension and shall have the right to appeal its suspension in accordance with the following procedure:

(a) through (d) [No change]

(e) *Record.* A verbatim record shall be kept of any hearing held pursuant hereto. The cost of the transcript may, in the discretion of the body holding the hearing, be charged in whole or in part to the suspended Clearing Member in the event that the suspension is finally affirmed.

CHAPTER XII—DISCIPLINARY PROCEEDINGS PROCEDURES

RULE 1202. (a) The President of the Corporation shall have the power to fix and impose fines not in excess of $5,000. All other sanctions shall be imposed by the Board of Directors. Before any sanction is imposed by the President of the Board of Directors, the Corporation shall furnish the person against whom the sanction is sought to be imposed ("Respondent") with a concise written statement of the charges against the Respondent. The Respondent shall have fifteen days after the service of such statement to file a written answer thereto. The answer shall admit or deny each allegation contained in the statement of charges and may also contain any defense which the Respondent wishes to submit. Allegations contained in the statement of charges which are not denied in the answer shall be deemed to have been admitted. Any defense not raised in the answer shall be deemed to have been waived. After the answer has been filed, the President or the Board of Directors, as the case may be, shall (unless the Respondent and the Corporation shall have stipulated to the imposition of an agreed sanction), schedule an early hearing. The Respondent shall be given not less than three days advance notice of the place and time of such hearing. At the hearing, the Respondent shall be afforded the opportunity to be heard and to present evidence in his behalf and may be represented by counsel. A verbatim record of the hearing shall be prepared and the cost of the transcript may, in the discretion of the party holding the hearing be charged in whole or in part to the Respondent in the event any sanction is imposed on the Respondent. As soon as practicable after the conclusion of the hearing, the party holding the hearing shall furnish the Respondent with a written statement of its decision, which shall set forth (i) any act or practice in which the Respondent has been found to have engaged, or which the Respondent has been found to have omitted; (ii) the specific provisions of the statutory rules of the Corporation, or the Respondent's agreements with the Corporation, which any such act, practice or omission has been deemed to violate; and (iii) the sanction imposed and the reasons therefor.

(b) Any action required to be taken hereunder by the President may be delegated to any Vice President or Assistant Vice President of the Corporation. Any action required to be taken hereunder by the Board of Directors may be delegated to a Disciplinary Committee, which shall consist of not less than three directors. Clearing Members who are not directors may also be appointed as members of the Disciplinary Committee, provided that persons who are directors shall constitute a majority of the members of the Disciplinary Committee. In the event that a Vice President or an Assistant Vice President imposes a fine in excess of $2,500, such action shall be reviewed by the President upon written motion filed by any affected party within five business days after the fine is imposed. In the event that the Disciplinary Committee expels, suspends, or limits the activities, functions or operations of any Clearing Member, or imposes a fine in excess of $10,000, such action shall be reviewed by the Board of Directors upon written motion filed by any affected person within five business days after such action is taken. Such review shall be on the basis of the written record of the proceedings in which the sanction was imposed, but the reviewing authority may, in his or its discretion, afford the Respondent a further opportunity to be heard or to present evidence. A verbatim record shall be kept of any such further proceedings. The Respondent shall be notified in writing of the decision of the reviewing authority; and unless the decision shall have been to reverse the action under review, or to remand the matter for further proceedings by th party which took such action, the Respondent shall be given a written statement of the grounds therefor.

(c) Any time limit set forth in this Rule 1202 may be extended by the person or entity having jurisdiction over the matter in respect of which the time limit is imposed.

(d) Any action taken hereunder which is not subject to review shall be deemed to be final when the Respondent is furnished with the written statement provided for in the last sentence of parsgraph (a) hereof. Any action hereunder which is subject to review shall be deemed to be final upon expiration of the time provided for the filing of a motion for review, or any extension thereof granted pursuant to paragraph (c) hereof; or, if a motion for review is timely filed, when the Respondent is notified of the decision of the reviewing authority.

(e) The summary suspension of a Clearing Member pursuant to Chapter XI of the Rules shall not be deemed to be a "sanction" within the meaning of this Rule 1202, and the provisions of this Rule shall be inapplicable to any such summary suspension.

[FR Doc.75–30679 Filed 11–12–75;8:45 am]

[File Nos. 3-4814, 2-5864 (22-444)]

CONSUMERS POWER COMPANY

Application and Opportunity for Hearing

NOVEMBER 7, 1975.

Notice is hereby given that Consumers Power Company ("the Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 ("the Act") for a finding that the trusteeship of First National City Bank under an indenture heretofore qualified under the Act and one not to be so qualified, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National City Bank from acting as Trustee under the qualified indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acqire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under the qualified indenture.

The company alleges that:

(1) First National City Bank is presently acting as trustee under an Indenture of Mortgage dated August 30, 1945 between First National City Bank as trustee and the company as amended by thirty supplemental indentures, pursuant to which $1,311,041,000 principal amount of its First Mortgage Bonds are issued and outstanding, as of September 30, 1975. It is presently contemplated that First National City Bank will also act as trustee under an indenture to be dated as of December 1, 1975 between it and the Charter Township of Hampton, a municipal body corporate and political subdivision of the State of Michigan, whereby the municipality will issue and sell approximately $20,000,000 of its Pollution Control Revenue Bonds (Consumers Power Company Project), Series B. This indenture will not be qualified pursuant to the terms of the Act.

(2) The municipality's revenue bonds are being issued to finance the cost of certain pollution control facilities to be sold to the company for its Karn-Weadock plants. The revenue bonds will be payable solely from the revenues derived from the sale of the project to the company. Payment will be made in installments over the life of the revenue bonds secured by pledge of the company's mortgage bonds to be issued under the thirty-first supplemental indenture to the August 30, 1945 indenture. This supplemental indenture will not be qualified under the Act.

(3) The company's mortgage bonds will be issued in an aggregate principal amount equal to, bear interest at rates corresponding to, and have the same maturities as the municipality's revenue bonds. The new mortgage bonds will rank pari passu with all mortgage bonds issued and outstanding under the August 30, 1945 indenture and all its supplements.

(4) The municipality will assign to First National City Bank all of its rights and interest in and to the mortgage bonds and to receive installment payments from from the company. The trustee may not transfer the mortgage bonds except to a successor trustee under the indenture. There is no lien on or other interest in the project and the obligation to make payments in respect to the revenue bonds will be secured by no collateral other than the mortgage bonds.

(5) The qualified indenture contains the provisions permitted by Section 310(b)(1) of the Act. Since neither the revenue bond indenture nor the supplemental mortgage bond indenture will be qualified under the Act, certain provisions required by that Act for qualified indentures will not be included.

(6) It is believed that since the revenue bonds are payable solely from revenue secured by the new mortgage bonds, the indenture between the municipality and First National City Bank is comparable to a "collateral trust indenture" with respect to which an exception to the provisions of Section 310(b) of the Act is provided by clauses (1)(A) and (1)(B) thereof. In the event that the company fails to make installment payments, the the new mortgage bonds are the only collateral.

The obligations of the company under the mortgage indenture are secured by a lien on substantially all the company's fixed property and franchises, subject only to excepted encumbrances permitted by the indenture.

The company has waived notice of hearing, hearing, and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Office of the Commission's Public Reference Section, at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than December 1, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–30674 Filed 11–12–75;8:45 am]

[File Nos. 3-4815, 2-5864 (22-444)]

CONSUMERS POWER COMPANY

Application and Opportunity for Hearing

NOVEMBER 7, 1975.

Notice is hereby given that the Consumers Power Company ("the Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 ("the Act") for a finding that the trusteeship of First National City Bank under an indenture heretofore qualified under the Act and one not to be so qualified, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National City Bank from acting as trustee under the qualified indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indentre is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under the qualified indenture.

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The Company alleges that:

(1) First National City Bank is presently acting as trustee under an Indenture of Mortgage dated August 30, 1945 between First National City Bank as trustee and the Company, as amended by thirty supplemental indentures, pursuant to which $1,311,041,000 principal amount of its First Mortgage Bonds are issued and outstanding, as of September 30, 1975. It is presently contemplated that First National City Bank will also act as trustee under an indenture to be dated as of December 1, 1975 between it and the Township of Port Sheldon, a municipal body corporate and political subdivision of the State of Michigan, whereby the municipality will issue and sell approximately $11,000,000 of its Pollution Control Revenue Bonds (Consumers Power Company Project), Series A. This indenture will not be qualified pursuant to the terms of the Act.

(2) The municipality's revenue bonds are being issued to finance the cost of certain pollution control facilities to be sold to the Company for its J. H. Campbell plant. The revenue bonds will be payable solely from the revenues derived from the sale of the project to the Company. Payment will be made in installments over the life of the revenue bonds secured by pledge of the Company's mortgage bonds to be issued under the thirty-second supplemental indenture to the August 30, 1945 indenture. This supplemental indenture will not be qualified under the Act.

(3) The Company's mortgage bonds will be issued in an aggregate principal amount equal to, bear interest at rates corresponding to, and have the same maturities as the municipality's revenue bonds. The new mortgage bonds will rank pari passu with all mortgage bonds issued and outstanding under the August 30, 1945 indenture and all thirty-two supplements.

(4) The municipality will assign to First National City Bank all of its rights and interest in and to the mortgage bonds and to receive installment payments from the Company. The trustee may not transfer the mortgage bonds except to a successor trustee under the indenture. There is no lien on or other interest in the project and the obligation to make payments in respect to the revenue bonds will be secured by no collateral other than the mortgage bonds.

(5) The qualified indenture contains the provisions permitted by Section 310 (b) (1) of the Act. Since neither the revenue bond indenture nor the supplemental mortgage bond indenture will be qualified under the Act, certain provisions required by that Act for qualified indentures will not be included.

(6) It is believed that since the revenue bonds are payable solely from revenues secured by the new mortgage bonds, the indenture between the municipality and First National City Bank is comparable to a "collateral trust indenture" with respect to which an exception to the provisions of Section 310(b) of the Act is provided by clauses (1)(A) and (1)(B) thereof. In the event that the Company fails to make installment payments, the new mortgage bonds are the only collateral.

The obligations of the Company under the mortgage indenture are secured by a lien on substantially all the Company's fixed property and franchises, subject only to excepted encumbrances permitted by the indenture.

The Company has waived notice of hearing, and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Office of the Commission's Public Reference Section at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than December 1, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request, should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-30675 Filed 11-12-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COMMITTEE ON WOMEN TO THE SECRETARY

Re-establishment of Committee

Notice is hereby given of the re-establishment of the Advisory Committee on Women to the Secretary of Labor pursuant to a request by the Secretary of Labor with the approval of the Office of Management and Budget as required by section 9(a)(2) of the "Federal Advisory Committee Act."

The purpose of this Committee is to advise the Secretary of Labor on improving the status of working women in connection with the laws and programs administered by the Department of Labor, including those employed by the Department of Labor. The Committee will focus on those matters in which the Department of Labor is involved due to its official responsibilities. The Committee will report to the Chairperson of the Committee, the Secretary of Labor.

Signed at Washington, D.C., this 7th day of November 1975.

JOHN T. DUNLOP, *Secretary of Labor.*

[FR Doc.75-30632 Filed 11-12-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 913]

ASSIGNMENT OF HEARINGS

NOVEMBER 10, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

I & SM 28783, General Increase, October 1975, C. & S. M. F. T. A., now being assigned January 6, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC-F-12456, Skyline Transport, Inc.—Lease (portion)—O'Boyle Tank Lines, Incorporated, now assigned December 15, 1975, at Washington, D.C., is postponed to February 2, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30664 Filed 11-12-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 10, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43073—*Brick or Tile Raw Materials Between Points in Southern Territory.* Filed by M. B. Hart, Jr., Agent, (No. A6342), for interested rail carriers. Rates on brick or tile raw materials, in carloads, as described in the application, between points in southern territory, including Ohio and Mississippi River crossings, Virginia cities and Washington, D.C.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 28 to Southern Freight Association, Agent, tariff 763-F, I.C.C. No. S-1241. Rates are published to become effective on December 18, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD.

[FR Doc.75-30665 Filed 11-12-75;8:45 am]

[Notice No. 128]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 7, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 23441 (Sub-No. 20 TA), filed October 31, 1975. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake St., LaPorte, Ind. 46350. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiators, engine cooling*, from South Bend Warehouse Corporation, at South Bend, Ind., to Dubuque and Waterloo, Iowa and Moline, East Moline, and Rock Island, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Modine Manufacturing Co., Inc., 1500 DeKoven Ave., Racine, Wis. 53401. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 106195 (Sub-No. 6 TA), filed October 31, 1975. Applicant: CLARK BROS. TRANSFER, INC., 800 North First St., P.O. Box 388, Norfolk, Nebr. 68701. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Illinois, and Minnesota. Restriction: Restricted to traffic originating at the Steel Mill facilities of the Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Eugene F. Tyson, Division Controller, Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 107515 (Sub-No. 994 TA), filed October 29, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and warehouse facilities of Jeno's Inc., at or near Sodus, Mich., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, restricted to transportation of traffic originating at plantsite and warehouse facilities of Jeno's, Inc., for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Ave. So., Duluth, Minn. 55802. Send Protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 113434 (Sub-No. 65 TA), filed October 30, 1975. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Ave., Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsites and warehouse facilities of Jeno's, Inc., at or near Sodus, Mich., to points in Illinois, Indiana, Kentucky and Ohio, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Ave. So., Duluth, Minn. 55802. Send Protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 114457 (Sub-No. 245 TA), filed October 30, 1975. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except malt beverages), in containers, from Lawrenceburg, Ind.; Bardstown, Clarmont, Frankfort, Lawrenceburg, Louisville and Owensboro, Ky.; and Cincinnati, Ohio to St. Paul, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johnson Brothers Wholesale Liquor Company, 2341 University Ave., St. Paul, Minn. 55112. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114725 (Sub-No. 74 TA), filed October 31, 1975. Applicant: WAYNNE TRANSPORT SERVICE, INC., 2222 North 11th St., Omaha, Nebr. 68110. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agrico Chemical Company, J. J. Stefanec, Manager of Transportation Legislation, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 119229 (Sub-No. 6 TA), filed October 31, 1975. Applicant: ORLANDO TRUCKING, INC., P.O. Box 132, 10 Glory Road, R.D. #3, Lebanon, N.J. 08833. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in the manufacture, sale, display or modification of mattresses and upholstered furniture, and in connection therewith, *equipment, materials and supplies*, used in the conduct of such business (except commodities in bulk), between New York, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia, under a continuing contract with Eclipse Sleep Products, Inc., for 180 days. Supporting shipper: Eclipse Sleep Products, Inc., 36 Milford St., Brooklyn, N.Y. 11208. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

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No. MC 123407 (Sub-No. 270 TA), filed October 31, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's Representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated buildings*, knocked down, *and parts, equipment, and materials thereof*, when shipped therewith, from Englewood, Colo., to points in Texas, for 180 days. Supporting shipper: Brailler Enterprises, 1790 West Yale, Englewood, Colo. 80110. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 126276 (Sub-No. 141 Ta), filed October 30, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard cans*, with or without metal ends, from West Chicago, Ill., to Evansville and Terre Haute, Ind.; Kansas City, Kans.; Minneapolis, St. Paul and Roseport, Minn.; St. Louis and St. Louis County, Mo.; Omaha, Nebr.; Cincinnati and Cleveland, Ohio; and Milwaukee, Wis., under a continuing contract with Boise Cascade Corporation, for 180 days. Supporting shipper: Boise Cascade Corporation, Charles G. Wise, Manager, Transportation Commerce, P.O. Box 7747, Boise, Idaho 83707. Send protests to: Patricia A. Roscoe, Transportation assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 134400 (Sub-No. 20 TA), filed October 30, 1975. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 200 Southern Ave., Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and accompanying advertising material*, from Dubuque, Iowa to points in Illinois and Indiana on and north of U.S. Highway 36, under a continuing contract with Pickett Brewing Company, under a continuing contract with Pickett Brewing Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pickett Brewing Company, E. 4th St., Ext., Dubuque, Iowa 52001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 134734 (Sub-No. 25TA), filed October 30, 1975. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68317. Applicant's representative: Joseph Winter, 33 North La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry products* in hermetically sealed containers, from Markham, Wash., to points in Los Angeles, Orange, Riverside, San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Sacramento and San Joaquin Counties, Calif., under a continuing contract or contracts with Ocean Spray Cranberries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John R. Pascoe, Traffic Manager, Ocean Spray Cranberries, Inc., Main St., Hanson, Mass. 02341. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 141074 (Sub-No. 3 TA), filed October 30, 1975. Applicant: DONALD WHEATLEY, doing business as DONALD WHEATLEY TRUCKING COMPANY, P.O. Box 447, Sharptown, Md. 21861. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Sharptown, Md., to points in Virginia, Delaware, Pennsylvania, New Jersey, New York, and Connecticut, under a continuing contract with J.V. Wells Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. V. Wells Co., P.O. Box 526, Sharptown, Md. 21861. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave. NW., Room B-317, Washington, D.C. 20423.

No. MC 141433 (Sub-No. 1 TA), filed October 29, 1975. Applicant: M. V. MERCURIO, INC., 59–71 59th St., Maspeth, N.Y. 11378. Applicant's representative: Thomas F. X. Foley, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives* (except in bulk) *materials and supplies* used in the manufacture of adhesives (except in bulk), between Edison, N.J., and Maspeth, N.Y., on the one hand, and, on the other, points in New York, N.Y., Commercial Zone, as defined by the Commission, under a continuing contract or contracts with HB Fuller Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: HB Fuller Company, 59 Brunswick Ave., Edison, N.J. 08817. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141442 (Sub-No. 1 TA), filed October 29, 1975. Applicant: THOMAS D. SHOUP AND JOHN HARGENRADER, t/a TOM SHOUP & CO., 43 First Ave., Clarion, Pa. 16214. Applicant's representative: Frederick L. Kiger, 7823 Mt. Carmel Road, Verona, Pa. 15147. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in dump vehicles, fom Painesville and Ashtabula, Ohio, to the plantsites of Glass Containers Corporation, at or near Knox, Parker and Marienville, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Glass Containers Corporation, Knox, Pa. 16232. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 141448 TA, filed October 24, 1975. Applicant: DUNCAN SALES & LEASING COMPANY, INC., 714 East Baseline, Buckeye, Ariz., 85236. Applicant's representative: George S. Livermore, 2701 East Camelback, Suite 100, Phoenix, Ariz. 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe or tubing*, 16 gauge or thicker but not thicker than 8 gauge (commonly known as steel culvert), *multiple plate, guard rails, truss pipe, cattle guards and various other metal products* which accompany these culverts such as *end sections, bands, bolts, nuts, grates and assembly pieces as well as plastic pipe* in small quantities, from rail heads or interlining points with other motor carriers, to job sites in Arizona, under a continuing contract or contracts with Armco Steel, Inc., for 180 days. Supporting shipper: Armco Steel, Inc., 5555 West Van Buren, Phoenix, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 141450 TA, filed October 24, 1975. Applicant: OLIN WOOTEN, doing business as WOOTEN TRANSPORT COMPANY, P.O. Box 731, Hazelhurst, Ga. 31539. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tin cans, tin can parts, steel pails, and drums*, from Piscataway, N.J., to points in Alabama, Florida, Georgia, Louisiana, North Carolina, Ohio, Pennsylvania, South Carolina and Virginia, under a continuing contract with Prospect Industries Corp., for 180 days. Supporting shipper: Prospect Industries Corp., 600 Prospect Ave., Piscataway, N.J. 08854. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

PASSENGER APPLICATIONS

No. MC 141444 TA, filed October 24, 1975. Applicant: LES AUTOBUS PROVENCHER INC., 116 Angus St., East Angus, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West, Room 205, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at ports of entry on the International Boundary Lines, between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Excursion Hayes Tours, 116 Angus St., East Angus, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 141445 TA, filed October 24, 1975. Applicant: LES AUTOBUS DROLET LTEE, 2270 Notre-Dame St., Ste-Foy, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West, Room 205, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines, between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Voyage Drolet Reg'd., 2270 Notre-Dame St., Ste-Foy, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 141146 TA, filed October 24, 1975. Applicant: AUTOBUS AUTOCARS FOURNIER INC., 2200 Lavoisier St., Quebec, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West Room 205, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines, between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Excursion Hayes Tours, 116 Angus St., East Angus, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 141447 TA, filed October 24, 1975. Applicant: AUTOBUS DES BOIS FRANCS LTEE, R.R. #1, P.O. Box 1134, Plessisville, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West, Room 205, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines, between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Tanguay Travel Service, Plessisville, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 141449 TA, filed October 24, 1975. Applicant: TRANSPORT FONTAINE LTEE, 1 Main St., Ste. Gervais, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West, Room 205, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines, between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Voyages Claude Paradis Tours, 226 81st St., Charlesbourg, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30667 Filed 11-12-75;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 127]

NOVEMBER 6, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9325 (Sub-No. 71 TA), filed October 29, 1975. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Eugene A. Feise (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated slag* (abrasive grit), from Riddle, Oreg., to points in California, Oregon, Washington, Idaho and Nevada, for 180 days. Supporting shipper: Lone Star Industries, Northern California Division, 2800 Campus Drive, San Mateo, Calif. 94403. Send protests to: A. E. Odoms, District Superior, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 555 S. W. Yamhill St., Portland, Oreg. 97204.

No. MC 11722 (Sub-No. 49 TA), filed October 28, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Charles Flower, 303 East D St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* for the account of Northern Surfco, from the plant and storage facility of Northern Surfco, located at Pasco, Wash., to Seattle and Tacoma, Wash., restricted to traffic having a subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northern Surfco, P.O. Box 2159, Pasco, Wash. 99302. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg.,97204.

No. MC 11722 (Sub-No. 50 TA), filed October 29, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Charles C. Flower, 303 East D St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, Boardman and Hermiston, Oreg., for 180 *days*, in bales, from Seattle, Wash., to Boardman and Hermiston, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fisher Bag Company, 1560 1st Ave., South, Seattle, Wash. 98134. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 14552 (Sub-No. 61TA), filed October 28, 1975. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, 555 West Federal St., Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 8 East Broad St., Ninth Floor,

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Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between the plantsite and warehouses of Thorofare Markets, Inc., in Austintown Township, Mahoning County, Ohio, on the one hand, and, on the other, the retail distribution centers of Thorofare Markets, Inc., located at or near St. Albans, Point Pleasant, Ravenswood, Huntington, Smithers, Oak Hill, Parkersburg, and Moundsville, W. Va., and Ashland, Ky., restricted to traffic originating at and or destined to the abovenamed origins and destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thorofare Markets, Inc., P.O. Box 237, Pittsburgh, Pa. 15230. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 30844 (Sub-No. 557 TA), filed October 28, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and warehouse facilities of Jeno's, Inc., at or near Sodus, Mich., to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma and Texas, for 180 days. Supporting shipper: Jeno's, Inc., P.O. Box 6509, Duluth, Minn. 55806. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 48213 (Sub-No. 43TA), filed October 28, 1975. Applicant: C. E. LIZZA, INC., P.O. Box 308, Ligonier, Pa. 15658. Applicant's representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering and equipment, materials and supplies* used in the manufacture and distribution thereof (except commodities in bulk), between Hazel Township and Pittston Township (Luzerne County), Pa., on the one hand, and, on the other, Ringwood, N.J., under a continuing contract with American Cyanamid Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Cyanamid Company, Standard Coated Products Dept., Wayne, N.J. 07470. Send protests to: James C. Donaldson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 59806 (Sub-No. 5 TA), filed October 29, 1975. Applicant: GROSS & HECHT TRUCKING, INC., Box 514, 35 Brunswick Ave., Edison, N.J. 08817. Applicant's representative: A. David Millner, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment materials and supplies* used in the conduct of such business, between the warehouse of the Great Atlantic and Pacific Tea Company, Inc., at Edison, N.J., on the one hand, and, on the other, points in Putnam and Dutchess Counties, N.Y., and those in Fairfield County, Conn. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, N.J., for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Company, Inc., National Traffic and Transportation Department, Two Paragon Drive, Montvale, N.J. 07645. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 61396 (Sub-No. 294 TA), filed October 28, 1975. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen and liquid nitrogen*, in bulk, in tank vehicles, from East Alton, Ill., to Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. K. Kubala, Distribution Superintendent, Airco Industrial Gases, Box 300, Chessen Lane, East Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 100666 (Sub-No. 310 TA), filed October 29, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board, insulation and insulated gypsum foam board panels*, from Dallas, Tex., to Phoenix, Ariz.; Denver, Colo.; Kansas City and Fort Leonard Wood, Mo.; Carson City, Nev.; and Salt Lake City, Utah, for 180 days. Applicant has also filed an underlying EPA seeking up to 90 days of operating authority. Supporting Shipper: Panel Era Manufacturing Corporation, 8001 Carpenter Freeway, Dallas, Tex. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 100666 (Sub-No. 311 TA), filed October 29, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel forms*, from the plant and warehouse facilities of Form-All Company Division, The Ceco Corporation, located at or near Knoxville, Ark., to Bethesda and Muirkirk, Md.; Des Moines, Iowa; and Santa Fe, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Form-All Company Division The Ceco Corp., 5601 West 26th St., Chicago, Ill. 60650. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 106674 (Sub-No. 175 TA), filed October 24, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air and training agents, consisting of saponified waste residue compounds, liquid or dry; cement, concrete masonry water curing compounds, dry, liquid, or paste; cement mixing compounds; cement, concrete bonding compound; concrete surface curing compounds; concrete surface hardeners, powdered iron, dry, liquid, or paste*, from North Judson, Ind., to points in Alabama, Colorado, Georgia, Illinois, Kansas, Kentucky, Michigan, Missouri, New Mexico, North Carolina, Ohio, Tennessee, Texas and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cravens Insul Company, Inc., P.O. Box 157, North Judson, Ind. 46366. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 786 TA), filed October 29, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass reinforced plywood panels*, from the plantsite of Cor Tec, Inc., at Washington Court House, Ohio, to Salt Lake City, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ronald W. Hoxsie, Assistant Plant Manager, Cor Tec, Inc., P.O. Box 456, Washington Court House, Ohio 43160. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 109692 (Sub-No. 32 TA), filed October 29, 1975. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Exchange Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Lumber and lumber products, posts, poles, timber* (all treated or untreated), from Hugo, Okla., to points in Texas, Colorado, Minnesota, South Dakota, Nebraska, Iowa, Kansas, Missouri, Illinois, Wisconsin and Arkansas; and (2) *Chemicals and preservatives*, from Wichita, Kans., to Hugo, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Central Forest Products, Inc., 5225 West 75th, Overland Park, Kans. 66208. Send protests to: Vernon V. Boble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 112223 (Sub-No. 99 TA), filed October 28, 1975. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd., Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry slag*, from Waupaca, Wis., and points within 10 miles thereof, to Mankato, filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Waupaca Foundry, Tower Road, Waupaca, Wis. 54981. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 116110 (Sub-No. 11TA), filed October 29, 1975. Applicant: P. C. WHITE TRUCK LINE, INC., P.O. Box 1488, Dothan, Ala. 36301. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and those requiring special equipment or special handling, and household goods as defined by the Commission; (1) (a) between Centre, Ala., and Rome, Ga.; from Centre, Ala., over Alabama Highway 9 to the Alabama-Georgia state line, thence over Georgia Highway 20 to Rome, Ga., and return over the same routes, serving all intermediate points; (b) between Centre, Ala., and Atlanta, Ga., serving all points within 15 miles of Atlanta as off-route points, from Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 41, thence over U.S. Highway 41 to Marietta, Ga., thence over U.S. Highway 75 to Atlanta, Ga., and return over the same route, serving all intermediate points, between Centre, Ala., and Rome, Ga., and serving all points within 15 miles of Atlanta, Ga., as off-route points; (c) between Centre, Ala., and Birmingham, Ala., serving all intermediate points, from Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278, thence over U.S. Highway 278 to its junction with Interstate Highway 59, thence over Interstate Highway 59 to Birmingham, Ala., and return over the same route.

(2) Between Birmingham, Ala., and Atlanta, Ga., serving all intermediate points in Alabama, from Birmingham over Interstate Highway 20 to its junction with Alabama State Highway 9, thence over Alabama State Highway 9 to its junction with U.S. Highway 78, thence over U.S. Highway 78 to its junction with Georgia State Highway 92, thence over Georgia State Highway 92 to its junction with Interstate Highway 20, thence over Interstate Highway 20 to Atlanta, and return over the same route; (3) between Birmingham and Montgomery, Ala., serving all intermediate points, from Birmingham over Interstate Highway 65 to Montgomery, and return over the same route; (4) between Atlanta, Ga., and Montgomery, Ala., serving all intermediate points in Alabama, from Atlanta over Interstate Highway 85 to its junction with U.S. Highway 29 at or near Moreland, Ga., thence over U.S. Highway 29 to its junction with Interstate Highway 85 at or near Shawmut, Ala., thence over Interstate Highway 85 to Montgomery and return over the same route. In conjunction with routes 1 through 4 above, carrier is authorized to join with its existing authority at Birmingham, Montgomery, and all interim points of service in Alabama with its existing authority. Carrier is authorized in connection with all routes to serve points within 15 miles of Atlanta as off-route points. Carrier is authorized to interchange traffic with connecting carriers at Atlanta, Ga., and points within 15 miles thereof, Birmingham, Ala., and Montgomery, Ala., and Dothan, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 38 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 124489 (Sub-No. 8TA), filed October 28, 1975. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, Ill. 60639. Applicant's representative: Axelrod Goodman, 39 S. La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by and dealt in by manufacturers and distributors of snack foods, between points in Illinois, Indiana, Michigan, and Wisconsin, under a continuing contract with Jays Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jays Foods, Inc., Silas A. Marttila, Exec. Vice President-Marketing, 825 E. 99th St., Chicago, Ill. 60628. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128030 (Sub-No. 97TA), filed October 29, 1975. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: Robert C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Minneapolis, Minn., to Olney, Ill., for 180 days. Supporting shipper: Byrd Distributing Co., Inc., 1124 S. Whittle, Olney, Ill. 62450. Send protest to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 129615 (Sub-No. 15TA), filed October 28, 1975. Applicant: AMERICAN INTERNATIONAL DRIVEAWAY, P.O. Box 545, 123 S. First St., Decatur, Ind. 46733. Applicant's representative: E. Drayson Helmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorhomes and recreational vehicles*, between Northumberland County, Pa., and Yakima County, Wash., on the one hand, and, on the other, points in the United States (including Alaska), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 of operating authority. Supporting shippers: Pace Arrow of Pennsylvania, Inc., P.O. Box 107, Paxinos, Pa. 17860. Jamboree Industries of Washington, Inc., P.O. Box 148, Sunnyside, Wash. 98944. Tioga Industries of Washington, Inc., P.O. Box 148, Sunnyside, Wash. 98944. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 134642 (Sub-No. 2TA), filed October 30, 1975. Applicant: ELWOOD HORTON, Star Route Box 116, Ripplemead, Va. 24150. Applicant's representative: Elwood Horton, 1417 Peters Creek Road, Roanoke, Va. 24017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone and asphalt*, in dump vehicles, from Ripplemead, Va., to points Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mingo, McDowell, Mocholas, Putnam, Raleigh, Wayne, and Wyoming Counties, W. Va.; *Bituminous asphalt*, in dump vehicles, from Lowmoor, Va.,

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to points in Boone, Cabell, Clay, Fayette, Kanawha, Lincoln, Logan, Mingo, McDowell, Monroe, Nicholas, Putnam, Raleigh, Wayne, and Wyoming Counties, W. Va.; *Bituminous asphalt*, in dump vehicles, from Bluefield, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mercer, Mingo, McDowell, Monroe, Nicholas, Putnam, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va., for 180 days. Supporting shippers: Virginia Limestone Corporation, P.O. Box 157, Ripplemead, Va. 24150. Adams Construction Company, P.O. Box 60, 2725 Roanoke Ave. S.W., Roanoke, Va. 24002. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave. S.W., Roanoke, Va. 24011.

No. MC 136166 (Sub-No. 21TA), filed October 20, 1975. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 92708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table sauce*, in bulk, in tank vehicles, from the plantsite of Kikkoman Foods, Inc., at Walworth, Wis., to Gardena, Modesto, and San Jose, Calif., for 180 days. Supporting shipper: Kikkoman Foods, Inc., P.O. Box 69, Walworth, Wis. 53184. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 136166 (Sub-No. 22TA), filed October 20, 1975. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal fat*, in bulk, in tank vehicles, from Tacoma, Wash., to Oklahoma City, Okla., for 180 days. Supporting shipper: Hygrade Food Products Corporation, 1623 East J St., Tacoma, Wash. 98401. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 136512 (Sub-No. 8TA), filed October 28, 1975. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, Minn. 55101. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and turf care equipment and snow throwers*, from Tomah, Wis., to points in Oklahoma and Texas, for 180 days. Supporting shippers: The Toro Company, 8111 Lyndale Ave., South, Bloomington, Minn. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138308 (Sub-No. 9TA), filed October 28, 1975. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Tile*, from Cleveland, Miss., to points in Arizona, California, Colorado, Idaho, Montana, Neveda, New Mexico, Oregon, Washington, Utah, and Wyoming, for 180 days. Supporting Shipper: Robertson American of Mississippi, P.O. Box 1030, Cleveland, Miss. 38732. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 139156 (Sub-No. 1TA), filed October 29, 1975. Applicant: FAITH TRUCK LINES, INC., 26 W. 142nd St., Dixmoor, Ill. 60426. Applicant's representative: Harold Bell, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid, spent acid, caustic soda, liquid, ferric chloride, ferrous chloride, sodium hypochlorite, and liquid alum*, between a 35 mile radius of Chicago, Ill., and between points in Indiana, Wisconsin, and Michigan, under a continuing contract with Thompson-Hayward Chemical Co., for 180 days. Supporting shipper: Thompson-Hayward Chemical Co., Jack H. Stitzer, Acid Sales Coordinator, 2501 S. Damen Ave., Chicago, Ill. 60608. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 141046 (Sub-No. 1TA), filed October 28, 1975. Applicant: MASON O. MITCHELL, doing business as M. MITCHELL TRUCKING, 1911 I St., LaPorte, Ind. 46350. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood and plastic products, toothpaste dispensers, and sporting goods and accessories*, from the plantsites of Forster Mfg. Co., Inc., near Wilton, Maine, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin, under a continuing contract or contracts with Forster Mfg. Co., Inc., Wilton, Maine, for 180 days. Supporting shipper: Forster Mfg. Co., Inc., Wilton, Maine 04294. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 141070 (Sub-No. 1TA), filed October 28, 1975. Applicant: RAZORBACK DUMP HAULERS, INC., Route 1, Black Rock, Ark. 72415. Applicant's representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand, and gravel*, from points in Lawrence and Randolph County, Ark., to points in Ripley County, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Black Rock & Gravel Company, P.O. Box 276, Black Rock, Ark. 72415. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 141152 (Sub-No. 1TA), filed October 24, 1975. Applicant: JAMES H. FUNCH, doing business as JAMES FUNCH TRUCKING, 2750 North Polk Ave., Fresno, Calif. 93705. Applicant's representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shingles, shakes, and ridge*, from points in Washington, to points in Arizona, California, and New Mexico, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 35004, San Francisco, Calif. 94102.

No. MC 141427 (Sub-No. 1TA), filed, October 29, 1975. Applicant: ROBERT L. HUDSON, JR., 4 North 6th St., Richmond, Ind. 47474. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture film and theatre supplies* between Indianapolis, Ind., on the one hand, and, on the other, points in Indiana (except Marion County, Ind., and Cumberland, Clairmont, and Greenwood, Ind.), and Jefferson County, Ky., for 180 days. Supporting shipper: Allied Theatre Owners of Indiana, Inc., d/b/a Theatre Owners of Indiana, 646 Illinois Bldg., Indianapolis, Ind. 46204. Send protests to: Frances Sterling, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

PASSENGER APPLICATION

No. MC 141321 (Sub-No. 1 TA), filed October 30, 1975. Applicant: J. MEREDITH BUS CO., 109 Brick Road, Cherry Hill, N.J. 08003. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passenger and their baggage*, between Haddonview Apartments, Haddon Township, N.J., on the one hand, and, on the other, Philadelphia, Pa., under a continuing contract or contracts with Haddonview Associates, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Haddonview Associates, 12 South Orange Ave., South Orange, N.J. 07079. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30666 Filed 11-12-75;8:45 am]

[NOTICE NO. 90]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 7, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) as amended, 49 FR 37215) published in the FEDERAL REGISTER issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1. 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2401 (Sub-No. 56), filed October 6, 1975. Applicant: MOTOR FREIGHT CORPORATION, 114 Fifth Avenue, New York, N.Y. 10011. Applicant's representative: G. G. Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, commodities in bulk, and commodities requiring special equipment), serving the plantsite of Koller Craft Products, Inc. located at Fenton, Mo., as an off-route point in connection with applicant's regular route authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 18535 (Sub-No. 65), filed October 14, 1975. Applicant: HICKLIN MOTOR LINE, INC., U.S. Highway 601, P.O. Box 377, Railroad Ave., St. Matthews, S.C. 19135. Applicant's representative: Lawrence M. Gressette, Jr., P.O. Box 346, 203 Railroad Ave. NW., St. Matthews, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in dump vehicles, between Chatham County, Ga., and points in South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 28599 (Sub-No. 8), filed October 10, 1975. Applicant: DEVINE & SON TRUCKING CO., P.O. Box 217, 2700 Rice Ave., West Sacramento, Calif. 95691. Applicant's representative: James J. Devine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value; household goods as defined by the Commission; Classes A and B explosives; commodities in bulk; motor vehicles; livestock and commodities requiring special equipment, excepting that carrier is authorized to transport those commodities in bulk in specialized equipment when such equipment is open-top "possum-bellied" vans of high cubic foot capacity with special structural construction capable of withstanding overhead loading and tilting to 55–60 degree angle by means of power equipment to accomplish end-unloading and commodities in bulk in collapsible rubber bulk commodity shipping containers), Between points in California, serving all intermediate points: (1) From San Francisco over Interstate Highway 80 to California-Nevada State line; (2) From Oakland over California Highway 24 to Walnut Creek; (3) From San Francisco over U.S. Highway 50 to California-Nevada State line; (4) From San Andreas over California Highway 12 to junction with California Highway 1 near Valley Ford; (5) From Stockton over California Highway 26 to Valley Springs; (6) From junction of California Highway 104 and U.S. Highway 50 at a point approximately 3 miles north of Galt over California Highway 104 to junction with California Highway 88 near Ione; (7) From Sacramento over California Highway 70 to Hallelujah Junction.

(8) From junction of California Highway 88 and U.S. Highway 50 at a point approximately 1 mile north of Stockton over California Highway 88 to California-Nevada State line; (9) From junction of California Highway 16 and California Highway 20 at a point approximately 18 miles west of Williams over California Highway 16 to junction with California Highway 49 near Drytown; (10) From junction of California Highway 1 and California Highway 12 at a point north of Valley Ford over California Highway 1 to Carmel; (11) From Monterey over California Highway 68 to Salinas; (12) From Santa Rosa over U.S. Highway 101 to Salinas; (13) From Vallejo over California State Highway 29 to Calistoga; (14) From junction of

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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Interstate Highway 680 and Interstate Highway 80 at a point east of Vallejo over Interstate Highway 680 to San Jose; (15) From Benicia over California Highway 21 to Cordelia; (16) From junction of California Highway 4 and Interstate Highway 80 at a point north of Pinole over California Highway 4 to junction with California Highway 89 at a point 5 miles south of Markleeville; (17) From junction of California Highway 89 with California Highway 4 at a point 5 miles south of Makleeville over California Highway 89 to Woodfords; (18) From junction of California Highway 36 and California Highway 3 at a point 4 miles southwest of Peanut over California Highway 36 to Johnstonville; (19) From junction of California Highway 32 and California Highway 36 at a point approximately 13 miles southwest of Chester over California Highway 32 to Orland; (20) From Hallelujah Junction over U.S. Highway 395 to California-Oregon State line; (21) From junction of California Highway 89 and California Highway 88 at a point approximately 6 miles west of Woodfords over California Highway 89 to junction with Interstate Highway 5 near Mt. Shasta.

(22) From Tahoe City over State Highway 28 to California-Nevada State line; (23) From Turlock over California Highway 99 to Red Bluff; (24) From Roseville over California Highway 65 to Olivehurst; (25) From junction of Interstate Highway 5 and Interstate Highway 580 over Interstate Highway 5 to California-Oregon State line; (26) From Hamilton City over California Highway 45 to Knights Landing; (27) From Willows over California Highway 261 to Elk Creek; (28) From Willows over California Highway 162 to Oroville; (29) From junction of California Highway 20 and Interstate Highway 80 near Emigrant Gap over California Highway 20 to Upper Lake; (30) From Upper Lake over California Highway 29 to Lower Lake; (31) From junction of California Highway 53 and California Highway 20 over California Highway 53 to Lower Lake; (32) From Coulterville over California Highway 49 to Sattley; (33) From Big Bar over California Highway 299 to Alturad; (34) From Weed over U.S. Highway 97 to California-Oregon State line; (35) From Redding over California Highway 44 to Manzanita Lake; (36) From Canby over California Highway 139 to California-Oregon State line; (37) From San Rafael over California Highway 17 to Santa Cruz; (38) From Los Gatos over California Highway 9 to Santa Cruz; (39) From San Francisco over California Highway 35 to Holy City; (40) From San Francisco over Interstate Highway 280 to San Jose; (41) From San Francisco over California Highway 82 to San Jose; (42) From Watsonville over California Highway 152 to junction with California Highway 156 approximately 8 miles north of Hollister; (43) From Half Moon Bay over California Highway 92 to Hayward; (44) From junction of California Highway 132 and Interstate Highway 580 over California Highway 132 to Coulterville; (45) From junction of Interstate Highway 580 and Interstate Highway 5 over Interstate Highway 580 to Oakland; (46) From junction of California Highway 120 and U.S. Highway 50 over California Highway 120 to junction with California Highway 49 near Jamestown; (47) From Rutherford over California Highway 128 to Davis.

(48) From junction of California Highway 121 and California Highway 128 approximately 20 miles east of Rutherford over California Highway 121 to Sears Point; (49) From junction of California Highway 37 and Interstate Highway 80 northeast of Vallejo over California Highway 37 to junction with U.S. Highway 101 north of Ignacio; (50) From junction of Interstate Highway 505 and Interstate Highway 5 near Dunnigan over Interstate Highway 505 to junction with Interstate Highway 80 near Vacaville; (51) From junction of California Highway 156 and California Highway 152 approximately 8 miles north of Hollister over California Highway 156 to Castroville; (52) From junction of California Highway 113 and California Highway 99 approximately 10 miles south of Yuba City over California Highway 113 to Davis; (53) From junction of California Highway 161 and U.S. Highway 97 near California-Oregon State line over California Highway 161 to junction with California Highway 139 approximately 4 miles north of Tulelake; (54) From San Gregorio over California Highway 84 to junction with U.S. Highway 50 near Livermore; (55) From Sonora over California Highway 108 to Confidence; (B) Service is authorized at all off-route points in the counties of Alameda, Alpine, Almador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Glenn, Lake, Lassen, Marin, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Yolo and Yuba; (C) Alternate Routes for operating convenience only, between points in California and Nevada, serving no intermediate points except as otherwise authorized, as follows: (1) From Hallelujah junction, California over U.S. Highway 395 to Reno, Nevada; (2) From Reno, Nevada over Interstate Highway 80 to California-Nevada State line; (D) Exceptions: No Local service shall be rendered between points and places in San Francisco-East Bay cartage zone as described in Paragraph E, on the one hand, and points and places in Marin, Sonoma and Napa Counties north of San Rafael, on the other hand; (E) Description of San Francisco-East Bay cartage zone, viz: San Francisco-East Bay cartage zone includes that area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County Boundary line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard.

Thence southerly along said Lake Merced Boulevard and Lynnewood Drive to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U.S. 101; thence south-easterly along an imaginary line of one mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 By-Pass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of an paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State sign Route 9; thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road.

Thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the city of Oakland; thence easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County boundary line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkely); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sacramento or San Francisco, Calif.

No. MC 32838 (Sub-No. 16), filed August 13, 1975. Applicant: ST. LOUIS–KANSAS CITY EXPRESS, INC., 26 E. Mercury Blvd., P.O. Box 333, Chesterfield, Mo. 63017. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk and household goods as defined by the Commission), (1) Between Jefferson City, Mo. and Reform, Mo.: From Jefferson City, Mo. over U.S. Highway 54 to junction Missouri Highway 94, thence over Missouri Highway 94 to junction Callaway County Route D, thence over Callaway County Route D to junction Callaway County Route O, thence over Callaway County Route O to junction Callaway County Route CC, thence over Callaway County Route CC to Reform, Mo., and return over the same route, serving the intermediate points of Wainwright, Tebbetts, Mokane and Portland, Mo. and the off-route point of the facilities of the Union Electric Company at or near Reform, Mo.; (2) Between junction Missouri Highway 94 and Callaway County Route CC and Reform, Mo.: From junction Missouri Highway 94 and Callaway County Route CC over Callaway County Route CC to Reform, Mo., and return over the same route, serving the intermediate point of Steedman, Mo. and the off-route points of the facilities of the Union Electric Company at or near Reform, Mo.; (3) Between junction U.S. Highway 54 and Callaway County Route O and junction Callaway County Route O and Callaway County Route CC: From junction U.S. Highway 54 and Callaway County Route O over Callaway County Route O to junction Callaway Route CC, and return over the same route, serving no intermediate points, and serving the termini for the purpose of joinder only; and (4) Between junction Interstate Highway 70 and Callaway County Route D and junction Callaway County Route D and Callaway County Route O: From junction Interstate Highway 70 and Callaway County Route D over Callaway County Route D to junction Callaway County Route O, and return over the same route, serving Readsville, Mo. as an intermediate point, and the termini for the purpose of joinder only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jefferson City or St. Louis, Mo.

No. MC 33919 (Sub-No. 13), filed October 22, 1975. Applicant: FAIRCHILD GENERAL FREIGHT, INC., P.O. Box 1649, Yakima, Wash. 98907. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Osoyoos, Wash., to Anaheim, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 35628 (Sub-No. 379), filed October 23, 1975. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, SW., Grand Rapids, Mich. 49502. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and other facilities of Stormor, at or near Fremont, Nebr., as an off-route point in connection with applicant's otherwise authorized operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 51146 (Sub-No. 449), filed October 20, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk), from Blooming Prairie, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies*, used in the manufacture and distribution of chemicals and chemicals, from points in the United States (except Alaska and Hawaii), to Blooming Prairie, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59098 (Sub-No. 10), filed June 3, 1975. Applicant: KNAPP'S EXPRESS, INC., 37 Emerson Street, Ridgefield Park, N.J. 07660. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Floor coverings and materials, equipment and supplies* used in the installation and sale of floor coverings, between points in New Jersey, on the one hand, and, on the other, Ridgefield Park (Bergen County), N.J., points in Orange, Rockland, Putnam, and Suffolk Counties, N.Y., and points in Fairfield County, Conn.; and (2) *textile products*, between Ridgefield Park (Bergen County), N.J., on the one hand, and, on the other, points in Suffolk County, N.Y.

NOTE.—Applicant states that the requested authority in (1) above will be tacked at Ridgefield, N.J. (a) with its existing authority in MC–59098 and Sub-No. 8, to provide service on the named commodities between points in New Jersey on the one hand, and, on the other, New York, N.Y., points in Nassau and Westchester Counties, N.Y., and those in Hudson, Bergen, Essex, Passaic, Union, Morris, Ocean, Sussex, Middlesex, Somerset, Monmouth, and Mercer Counties, N.J.; and (b) with Sub-No. 7 to provide service from points in New Jersey, to points in Suffolk County, N.Y. Applicant further states that the authority in (2) above will be tacked at Ridgefield, N.J. with its existing authority in MC–59098 and Sub-No. 5, to provide service on the named commodities between points in New Jersey, on the one hand, and, on the other, New York, N.Y., and points in Nassau and Westchester Counties, N.Y. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y. or Newark, N.J.

No. MC 59247 (Sub-No. 8), filed October 20, 1975. Applicant: LINDEN MOTOR FREIGHT CO., INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: William Biederman, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze* (except in bulk, in tank trucks), from the plantsite and warehouse of Union Carbide Corp. at Freehold, N.J., to points in Connecticut, Delaware, Massachusetts, Rhode Island, and that part of Maryland east of a line beginning at the Pennsylvania-Maryland State Boundary line and extending along Interstate Highway 83 (formerly U.S. Highway 111) to Baltimore, Md., thence along Maryland Highway 2 to Annapolis, Md., including points in Maryland on the Del-Mar Peninsula, and that part of New York east and south of a line beginning at the junction of the New York-Vermont State Boundary line on New York Highway 7 and extending in a northwesterly direction to Saratoga Springs, N.Y., thence in a westerly direction to Gloversville, N.Y., thence in a southerly direction to New York Highway 7, and extending along New York Highway 7 in a southwesterly direction to the junction of New York Highway 7 and U.S. Highway 11, thence along U.S. Highway 11 in a southerly direction to the New York-Pennsylvania State Boundary line, including New York, N.Y. and points on Long Island, N.Y., that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State Boundary line and extending along U.S. Highway 11 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly portion of U.S. Highway 111) to York, Pa., thence along unnumbered highway (formerly portion of U.S. Highway 111) to the

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Pennsylvania-Maryland State Boundary line, including points on the indicated portions of the highway specified.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York City or Washington, D.C.

No. MC 61592 (Sub-No. 374), filed October 6, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. No. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor and trailer parts*, from Denmark, S.C. and Holland, Mich. and the ports of entry on the International Boundary line between the United States and Canada located at Buffalo, N.Y., (on traffic from Welland, Ontario, Canada), to Los Angeles and Milpitas, Calif., Portland, Oreg. and Seattle, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 83539 (Sub-No. 420), filed October 14, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company at or near Wilton, Iowa, to points in the United States, including Alaska but excluding Hawaii; and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, from points in the states named in Part (1) above, to the plantsite and storage facilities of North Star Steel Company at or near Wilton, Iowa, restricted to traffic originating at and destined to the above-named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn. or Washington, D.C.

No. MC 94430 (Sub-No. 37) (Amendment), filed October 16, 1975, published in the FEDERAL REGISTER issue of November 6, 1975, republished as amended this issue. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. 46771. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from Owensboro, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—The purpose of this republication is to delete "in tank vehicles" from the commodity description. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Louisville, Ky.

No. MC 95540 (Sub-No. 936), filed October 3, 1975. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33801. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods*, from points in Texas, to points in North Carolina and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga.; Fort Worth, Tex. or Washington, D.C.

No. MC 103993 (Sub-No. 859), filed October 22, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. Highway 20 west, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani and James B. Buda (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company located at or near Annville (Lebanon County), Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, the District of Columbia, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 106674 (Sub-No. 173), filed October 14, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address at applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed wood, fireplace logs, and briquettes*, (1) from Millington, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Texas, and Virginia; and (2) from Camden, Ala., to points in Louisiana, Georgia, Mississippi, Florida, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 106674 (Sub-No. 174), filed October 20, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47997. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap paper*, from points in Kentucky and Tennessee, to Alton, Ill.; and (2) *wood steel shelving, wood products, parts and accessories thereto*, from Jacksonville, Ill., to points in Minnesota, Wisconsin, Michigan, Ohio, Indiana, Kentucky, Tennessee, Mississippi, Arkansas, Missouri, Kansas, Nebraska, and Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107002 (Sub-No. 477), filed October 20, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils*, in bulk, in tank vehicles, from points in Arkansas, Kentucky, Louisiana, and Mississippi, to Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 107993 (Sub-No. 42), filed October 22, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dail, Jr., 1111 E. Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and materials, supplies and equipment* used in the manufacture of iron and steel articles, between the plantsite and storage facilities of National Pipe & Tube Company in Liberty County, Tex., on the one hand, and, on the other, points in the United States (except Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 108393 (Sub-No. 98), filed October 6, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts* of electrical and gas appliances, and *equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances; (1) between Birmingham and Leesburg, Ala., on the one hand, and, on the other, Evansville, Ind.; and (2) from Columbus, Ohio, to St. Joseph and Benton Harbor, Mich., under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108676 (Sub-No. 85), filed October 28, 1975. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis Amato, P.O. Box E., Bowling Green, Ky. 42101. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Burns Harbor, Ind.; Detroit, Mich.; Philadelphia, Pa.; Cleveland, Ohio; Newark, N.J.; Houston, Tex.; New Orleans, La.; and Baltimore, Md., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 110191 (Sub-No. 26), filed September 22, 1975. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Ave., Norfolk, Va. 23502. Applicant's representative: D. L. Turner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cork*, and *materials requiring further processing* (except commodities in bulk), From Norfolk, Chesapeake, Virginia Beach, Suffolk, Newport News, and Hampton, Va., points in Isle of Wight, Charles City, Gloucester, James City, Mathews, Northampton, Southampton, Surry, Sussex, and York Counties, Va., and points in Camden, Chowan, Currituck, Gates, Hertford, Pasquotank, and Perquimans Counties, N.C., to points in Maryland, New Jersey, New York, Pennsylvania, Michigan, and Ohio, and Robinson, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Norfolk, Va.

No. MC 111231 (Sub-No. 198), filed October 16, 1975. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese food, and cheese spreads and refused and rejected shipments*, from Monett, Mo., to points in Connecticut, the District of Columbia, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Rhode Island, Tennessee, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at the same time and on a consolidated hearing with similar applications of National Refrigerated Lines, Charter Express, Rolands Transportation Services, Bray Lines, and Altruk at Kansas City or St. Louis, Mo.

No. MC 111545 (Sub-No. 217), filed October 24, 1975. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30062. Applicants' representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, located at or near Wilton, Iowa, to points in California, Arizona, Utah, and points in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture and distribution of iron and steel articles, from the destination states named in (1) above, to the plantsite and storage facilities of North Star Steel Company, located at or near Wilton, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 112822 (Sub-No. 390), filed October 10, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles and materials* used in the manufacturing of gift packages (except commodities in bulk), from Long Beach, Los Angeles and San Francisco, Calif. and Seattle, Wash., to the facilities of Figi's, Inc. at or near Marshfield, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 112822 (Sub-No. 393), filed October 28, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, cooking oils, animal litter, bleaching, cleaning, laundry and scouring compounds, and related materials and supplies*, when moving in mixed loads (except commodities in bulk), from the plantsite and facilities of the Clorox Co., at or near Houston, Tex., to the plantsites and facilities of the Clorox Company, at or near Atlanta, Ga.; Kansas City, Kans.; and Tampa, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif. or Houston, Tex.

No. MC 112822 (Sub-No. 395), filed October 20, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen meats, and frozen and unfrozen food stuffs*, from the facilities owned and operated by New Orleans Cold Storage and Warehouse Co., at or near Metairie, La., to points in Arkansas, Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, Utah, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La. or Dallas, Tex.

No. MC 113267 (Sub-No. 323), filed October 6, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquets* (except in bulk) *and lighter fluid* (except in bulk), from Jacksonville, Tex., and Paris, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn. or Little Rock, Ark.

No. MC 113267 (Sub-No. 325), filed October 20, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except in bulk), from the plant site and storage facilities utilized by Bruce Foods Corporation at or near Cade and Lozes, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La. or Memphis, Tenn.

No. MC 113267 (Sub-No. 326), filed October 24, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M. C. C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from the plant site and storage facilities of or utilized by Reelfoot Packing Co., located at or near Union City or Humboldt, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, New Jersey, Oklahoma, Pennsylvania, South Carolina, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, or Nashville, Tenn.

No. MC 114552 (Sub-No. 108), filed October 17, 1975. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jack-

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son, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Roofing and roofing materials;* and (b) *materials and supplies*, used in the distribution or installation of the commodities described in (a) above (except in bulk), from the facilities of the Flintkote Company, at or near Peachtree City, Ga., to points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, Kentucky, Arkansas, West Virginia, Georgia, and the District of Columbia; and (2) *materials, equipment and supplies*, used in the manufacture or distribution of roofing and roofing materials (except in bulk), from points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, Kentucky, Arkansas, West Virginia, Georgia, and the District of Columbia, to the facilities of the Flintkote Company, at or near Peachtree City, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115181 (Sub-No. 35), filed Oct. 7, 1975. Applicant: HAROLD M. FELTY, INC., R.D. No. 1, Box 148, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in dump vehicles, from points in Harford and Cecil Counties, Md., to York, Pa., and points in York County, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Philadelphia, Pa.

No. MC 115669 (Sub-No. 151) (Correction), filed September 15, 1975, published in the FEDERAL REGISTER issue of October 9, 1975, republished as corrected this issue. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, 101 West Edgar St., Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite and bentonite products*, in bulk, from the plantsites of Federal Bentonite Company, located at or near Colony and Upton, Wyo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota Texas, and Wisconsin.

NOTE.—The purpose of this republication is to include South Dakota as a destination point which was previously omitted from the FEDERAL REGISTER. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Omaha, Nebr.

No. MC 116004 (Sub-No. 35), filed October 10, 1975. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, Tex. 75247. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Foodstuffs*, from the plant site and storage facilities of Field's, Inc. at Pauls Valley, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or Oklahoma City, Okla.

No. MC 123061 (Sub-No. 77) (Correction) filed September 24, 1975, published in the FEDERAL REGISTER issue of October 16, 1975, republished as corrected this issue. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 315 East 2nd South, Suite 400, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bags, and bulk (except in liquid or tank vehicles), from points in Nye and Pershing Counties, Nev., to points in Washington, Oregon, Idaho and Utah.

NOTE.—The purpose of this republication is to delete Nevada and to include Utah as a destination point. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah or Boise, Idaho.

No. MC 124656 (Sub-No. 10), filed October 9, 1975. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, for recycling purposes, from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming, to Sapulpa, Okla., under a continuing contract or contracts with Liberty Glass Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City or Tulsa, Okla.

No. MC 124692 (Sub-No. 155), filed October 20, 1975. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59802. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum articles*, (a) from East Morris, Ill. to points in the United States on and west extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; (b) from Riverside and Visalia, Calif., to points in the United States, on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada and points in Illinois, Wisconsin, Indiana, and Ohio. (2) *Aluminum and zinic ingots*, (a) from Checotah, Okla. to points in Arkansas, Texas, Missouri, Tennessee, Kansas, Colorado, Illinois, Iowa, Georgia, Ohio, Kentucky, and Indiana; (b) from Cleveland, Ohio to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Pennsylvania, and Wisconsin; and (3) *Aluminum ingots, blooms, pigs, billets and slots*, from Ferndale, Wash., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada and to points in Illinois, Wisconsin, Indiana, and Ohio, restricted to traffic originating ator destined to the facilities of Alumax, Inc. and its affiliated companies.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 125745 (Sub-No. 2), filed September 29, 1975. Applicant: RAY D. SIMMONS, doing business as SIMMONS TRUCKING CO., Route 2, Box 296A, Carthage, Mo. 64836. Applicant's representative: Turner White, 910 Plaza Towers, 1736 East Sunshine, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, from points in Oklahoma, Kansas and Arkansas, to points in Jasper County, Mo.; and (2) *flint chats, sand and asphalt concrete*, from Webb City, Mo., to points in Ohio, Nebraska, Colorado, Minnesota, Wisconsin; Texas; that part of Mississippi south of U.S. Highway 84; that part of Louisiana south of a line beginning at a point on the Texas-Louisiana State Boundary line and extending along the southern boundary lines of Vernon, Rapides and Avoyelles Parishes, La. to the Mississippi-Louisiana State Boundary line; that part of Alabama south of U.S. Highway 80; that part of Tennessee east of a line beginning at a point on the Kentucky-Tennessee State Boundary line and extending along U.S. Highway 31–E to Nashville, Tenn., and thence along U.S. Highway 31 to the Tennessee-Alabama State Boundary line; that part of Kentucky east of U.S. Highway 31–E; and that part of Indiana east of U.S. Highway 31.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 128205 (Sub-No. 22), filed October 20, 1975. Applicant: BULKMATIC TRANSPORT COMPANY, a Corporation, 12000 S. Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Flour*, in bulk, from Chicago, Ill., to Louisville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128746 (Sub-No. 25), filed October 21, 1975. Applicant: D'AGATA NATIONAL TRUCKING CO., a Corporation, Philadelphia, 3224–44 South 61st Street, Philadelphia, Pa. 19152. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Latrobe, Pa., to points in New Hampshire.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 129759 (Sub-No. 12), filed October 14, 1975. Applicant: TRIANGLE TRUCKING CO., a Corporation, P.O. Box 490, McKees Rocks, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Post tension strand*, from Springfield, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials, equipment and supplies* used in the manufacture of post tension strand, from Baltimore, Md., to Springfield, Va., parts (1) and (2) above are under a continuing contract or contracts with Atlas Prestressing Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133591 (Sub-No. 22), filed October 17, 1975. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and cooling systems and parts and accessories thereof*, including but not limited to stoves, heaters, furnaces, humidifiers, blowers, fans, cooling coils, electric controls, compressors, and evaporators (except commodities which because of size or weight require use of special equipment), from Aurora, Mo., to points in New Mexico, Colorado, Wyoming, Arizona, Utah, Idaho, Washington, Oregon, California, Nevada, and Montana.

NOTE.—Applicant holds contract carrier authority in MC 134494 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 133708 (Sub-No. 19), filed October 17, 1975. Applicant: FISKE BROS., INC., 12647 East South Street, Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from the plantsite of Kaiser Gypsum Company, Inc. located at Long Beach, Calif. to the distribution center of Kaiser Gypsum Company, Inc. located at Glendale, Ariz.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 133920 (Sub-No. 11), filed October 23, 1975. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, Ga. 31082. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed stone*, in bags, from points in Georgia, to Richmond, Va., and points in Alabama, Florida, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta or Macon, Ga.

No. MC 134755 (Sub-No. 58), filed October 16, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, cheese foods, and cheese spreads*, from Monett, Mo., to points in Indiana, Ohio, Pennsylvania, New Jersey, Maryland, New York, Virginia, West Virginia, North Carolina, Tennessee, District of Columbia, South Carolina, and Kentucky, restricted to traffic originating at the facilities of L. D. Schreiber Cheese Co. at Monett, Mo. and (2) *refused and rejected shipments*, from the destination stated named in (1) above, to Monett, Mo.

NOTE.—Applicant holds contract carrier authority in MC 138398 Sub-No. 5, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Milwaukee, Wis.

No. MC 134755 (Sub-No. 59), filed October 23, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products*, from Wichita, Kans., to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, and the District of Columbia; (2) *oil and grease*, in containers, (a) from Beaumont and Port Arthur, Tex., to Little Rock and Bentonville, Ark. and points in Missouri; and (b) from Emlenton, Pa. and Congo, W. Va., to Knoxville, Tenn. and points in Missouri.

NOTE.—The purpose of (1) above is to eliminate the Springfield, Mo. gateway. Applicant holds contract carrier authority in MC–138398 (Sub-No. 5), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 134755 (Sub-No. 60), filed October 20, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sisal twine*, from Philadelphia, Pa.; Fayette, Mo.; New Orleans, La., and Louisville, Ky., to points in Kansas, Missouri, Iowa Indiana, Illinois, Ohio, Nebraska, Kentucky, Arkansas, Alabama, Michigan, Minnesota, Tennessee, Wisconsin, Oklahoma, Mississippi, Virginia, West Virginia, Colorado, North Carolina, South Dakota, North Dakota, Pennsylvania, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 134779 (Sub-No. 10), filed October 20, 1975. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, a Corporation, 1800 South Jackson Street, Janesville, Wis. 53545. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, (A) from Norwood, Ohio, to points in Illinois and Wisconsin; and (B) from Willow Run, Mich., to points in Michigan, Illinois, Iowa, Wisconsin, and Minnesota, restricted to traffic moving through Janesville, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 134884 (Sub-No. 9), filed October 15, 1975. Applicant: FARWEST FURNITURE TRANSPORT, INC., 6840–112th Street SE., Renton, Wash. 98055. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New Furniture;* and (2) *new fixtures*, uncrated, between points in Montana, Wyoming, Utah, Nevada, California, Colorado, New Mexico, and Arizona.

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NOTE.—If a hearing is deemed necessary the applicant requests it be held at Salt Lake City, Utah, or Seattle, Wash.

No. MC 135283 (Sub-No. 14), filed October 15, 1975. Applicant: GRAND ISLAND MOVING AND STORAGE CO., INC., Box 1665, E. Highway 30, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from Alda, Nebr., to Boulder and Denver, Colo.; Wichita, Kans.; Grand Rapids, Mich.; Senatobia, Miss. and Birmingham, Ala.; (2) *plastic granules*, from Boulder and Denver, Colo.; Houston and Orange, Tex.; Ottawa, Chicago and Peru, Ill.; Hammond and Mt. Vernon, Ind.; Grand Rapids and Detroit, Mich.; Copley and Akron, Ohio; Delaware City, Del. and West Haven, Conn. to Alda, Nebr.; and (3) *equipment* used in the manufacture of plastic articles, between Alda, Nebr., on the one hand, and, on the other, points in Grand Rapids, Mich. and Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Grand Island, Nebr.

No. MC 136371 (Sub-No. 16), filed October 28, 1975. Applicant: CONCORD TRUCKING CO., INC., 30 Pulaski St., Bayonne, N.J. 07002. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount department stores, between the facilities of Unishops, Inc., at Akron, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Unishops, Inc. of Jersey City, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 138274 (Sub-No. 23), filed October 21, 1975. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, (1) between Richmond and Clearfield, Utah, Springdale, Ark., and Omaha, Nebr. and (2) between Richmond and Clearfield, Utah, Springdale, Ark. and Omaha, Nebr., on the one hand, and, on the other, points in California, Illinois, Minnesota, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 138398 (Sub-No. 16), filed October 20, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Small kitchen appliances and* (2) *equipment, material, and supplies* (except in bulk) used in the sale, distribution and manufacture of the commodities in (1) above, between Jackson, Miss., on the one hand, and, on the other, points in Missouri, under contract with Rival Manufacturing Company.

NOTE.—Applicant holds common carrier authority in MC 134755 and Subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn. or Jackson, Miss.

No. MC 138941 (Sub-No. 9), filed Oct. 22, 1975. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from Washington, N.J., to points in Georgia, Oregon, Washington, and California, under contract with Mobil Chemical Company, Plastic Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139340 (Sub-No. 3), filed October 20, 1975. Applicant: YELVINGTON TRANSPORT, INC., 800 Big Tree Road, P.O. Box 1686, Daytona Beach, Fla. 32015. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay pipe*, from Ocala, Fla., to points in Mississippi, Louisiana, Tennessee, South Carolina and North Carolina and (2) *materials and supplies* used in the manufacture of clay pipe, from points in Mississippi, Louisiana, Tennessee, South Carolina, and North Carolina, to Ocala, Fla., under contract with United States Concrete Pipe Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 139495 (Sub-No. 102), filed October 16, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen and except in bulk), from the plantsite and storage facilities utilized by Ragu Foods, Inc. at or near Merced, Calif., to points in Montana, Wyoming, Colorado, New Mexico, Texas, Arizona, Utah, Idaho, Washington, Oregon, and Nevada.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore duel operations may be involved. The hearing will be held November 14, 1975, for one day, at 9:30 a.m. Local Time, in Room 609, Federal Office Building, 911 Walnut Street, Kansas City, Mo.

No. MC 139495 (Sub-No. 103), filed October 23, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Wilson, N.C., to points in Colorado, New Mexico, Arizona, Nevada, California, Florida, Washington, Oregon, Texas, Kansas, Oklahoma, and Missouri.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139658 (Sub-No. 5), filed October 16, 1975. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Ste 212–5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed stone*, from points in Jones, Monroe and Muscogee Counties, Ga., to points in Florida on and north of Florida Highway 40; points in Alabama on and south of Interstate Highway 85, and points on and east of U.S. Highway 331, from Montgomery, to the Alabama-Florida State Line; (2) *plant mix asphalt, concrete and fill dirt*, from Muscogee County, Ga., to points in Alabama and Florida in (1) above; and (3) *sand, gravel, crushed stone and agricultural lime*, from points in Russell County, Ala., to points in Georgia, in and south of Troup, Merriwether, Pike, Lamar, Monroe, Bibb, Twiggs, Wilkinson, Johnson, Emanuel, Bulloch, Effingham and Chatham Counties.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140026 (Sub-No. 3), filed October 15, 1975. Applicant: ELDEN LYNN, JR., AND VIRGIL NEWELL, a partnership, doing business as, LYNN & NEWELL TRANSPORTATION, Route #1, Desoto, Kans. 66018. Applicant's representative: John L. Richeson, P.O. Box 7, Ottawa, Kans. 66067. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete, components used in prestressed concrete, and equipment*, for the handling of prestressed concrete products, from the plantsite of Rocky Mountain Prestress, Inc., at or near Edwardsville, Kans., to points in Missouri, Colorado, Nebraska, Iowa, Illinois and Oklahoma, under contract with Rocky Mountain Prestress, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 140603 (Sub-No. 1), filed October 7, 1975. Applicant: FRANKS, INC., Highway No. 1, North, Kalona, Iowa 52247, Applicants' representative: Lloyd A. Epley, 14 South Linn Street, Iowa City, Iowa 52240. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* as are dealt in by retail department stores, which require installation and/or set up service after delivery, from the facilities of Montgomery Ward & Co., Inc., at Muscatine, Iowa, to points in Henry, Mercer, and Rock Island Counties, Ill.; and (2) *returned shipments* of the commodities in (1) above, from the destinations named in (1) above, to the facilities of Montgomery Ward & Co., Inc., at Muscatine, Iowa, under a continuing contract or contracts with Montgomery Ward & Co., Inc., at Muscatine, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 140963 (Sub-No. 2), filed October 16, 1975. Applicant: TRIPLE "C" ORCHARDS, INC., P.O. Box 1614, Yakima, Wash. 98907. Applicant's representative: Charles C. Flower, Suite 2, 303 East "D" Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime sludge*, in bulk, from Zillah, Toppenish and Buena, Wash., to Sublimity, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Yakima or Seattle, Wash., or Portland, Oreg.

No. MC 140980 (Sub-No. 2), filed October 20, 1975. Applicant: JACK D. LOWE, doing business as TOPPENISH TOWING, 320 East 1st Street, Toppenish, Wash. 98948. Applicant's representative: Charles C. Flower, 303 East D Street, Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime sludge*, in bulk, from Buena, Toppenish and Zillah, Wash., to Sublimity, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Yakima or Seattle, Wash., or either Portland, Oreg.

No. MC 141048 (Sub-No. 2), filed October 24, 1975. Applicant: SAMUEL A. PEARMAN, doing business as, INDUSTRIAL TRANSPORT, Martinsville, Va. 24112. Applicant's representative: Samuel A. Pearman, Route No. 6, Box 328, Martinsville, Va. 24112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper tube products*, between Martinsville, Va., and Wilmington, N.C., under a continuing contract or contracts with Yarn Carriers, Inc.

NOTE.—If a hearing a is deemed necessary, the applicant requests it be held at Martinsville, or Roanoke, Va.

No. MC 141135 (Sub-No. 1), filed October 20, 1975. Applicant: VARRA ENTERPRISES, INC., Route 2, Box 640, Broomfield, Colo. 80020. Applicant's representative: Thomas J. Bruke, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand and fracturing sand*, in bulk, in dump trucks, between points in Arizona, Colorado, Kansas, Nebraska, New Mexico, Texas, Utah, Oklahoma and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 141148 (Sub-No. 1), filed Oct. 6, 1975. Applicant. WILLIAM E. PHILLIPS, doing business as, PHILLIPS TRUCKING COMPANY, Box 511, Hebron, Md. 21830. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Sharptown, Md. and points within 2 miles thereof, to points in New Jersey and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 141380 (Sub-No. 2), filed October 14, 1975. Applicant: ANDRES VIERA AND ORPHA VIERA, doing business as, LA GRAN VIA EXPRESS, a Partnership, 6476 N.E. 2nd Avenue, Miami, Fla. 33138. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 N.W. 87th Avenue, Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between points in Florida south of the northern boundaries of Brevard, Seminole, Lake, Polk, Hillsborough, and Pinellas Counties, Fla., restricted to the transportation of shipments having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 141384 (Sub-No. 1), filed October 14, 1975. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile kitchens, food and foodstuffs, cooking utensils and food preparation and serving equipment*, between Seattle, Wash. and points in Oregon, California, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona and New Mexico, under a continuing contract or contracts with OK's Company, a subsidiary of Keeners, Incorporated.

NOTE.—Applicant holds common carrier authority in MC–117589 (Subs 1 and 11) thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash. or Portland, Oreg.

No. MC 141402, filed September 29, 1975. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 332, Indiana State Highway 32, Lapel, Ind. 46051, Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty glass bottles, jars, cartons, containers, covers and skids*, from Lapel, Ind., to points in Illinois, Kentucky, Michigan, Ohio and Iowa; (2) *equipment, materials and supplies* used in the manufacture of empty glass bottles, jars, cartons, containers and covers; and pallets, from points in the states named above to Lapel, Ind., restricted to transporttaion of commodities under a continuing contract or contracts with Brockway Glass Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind, or Washington, D.C.

No. MC 141424, filed October 8, 1975. Applicant: P–Y TRANSPORT, INC., 2767 Lewisberry Road, York, Pa. 17404. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials and supplies*, and *building paper*, between York, Pa., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., New York, N.Y. and points in its commercial zone as defined by the Commission, and points in New Jersey on and north of New Jersey Highway 33.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141426, filed October 6, 1975. Applicant: WHEATON CARTAGE CO., a corporation, Millville, N.J. 08332. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers, caps, stoppers, bails, bands, covers, lids and closures; glassware; glass, metal and plastic articles and products and parts and accessories therefor; polystyrene forms and shapes; corrugation; display material; candles and wax articles and products and containers; orifice reducers; salt and pepper shaker; foodstuffs and containers therefor; printers machines, machinery, impellors and parts and accessories therefor; anti-pollution apparatus; components* for glass workers; *Bio-medical apparatus; organic chemistry kits; products* for radiological research; and *materials, equipment and supplies* used or useful in the manufacture, production, sale, shipping, packing, distribution, assembling; and transportation of the above-named commodities, including parts and accessories for said commodities, between the plantsites of and facilities utilized by Wheaton Industries located in Cumberland, Ocean, and Atlantic Counties, N.J., on the one hand, and, on the other, points in New York, New Jersey, Ohio, Michigan, Indiana, Kentucky, West Virginia, Illinois, Wisconsin, Missouri, Minnesota, Kansas, Iowa, Nebraska, North Dakota, South Dakota, and Wyoming, restricted against the transportation of commodities in bulk, in tank vehicles, and further re-

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stricted to the transportation of traffic moving under a continuing contract or contracts with Wheaton Industries of Millville, N.J.

NOTE.—Applicant states that it is a wholly owned subsidiary of Wheaton Industries and thus applicant and shipper are commonly controlled and that the purpose of this application is to substitute the commonly controlled contract carrier services of applicant for the private carrier activities of the shipper, Wheaton Industries. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141434, filed October 8, 1975. Applicant: RICHARD F. BRIGGS AND ELTON R. LONGSTREET, a partnership, doing business as, B-LONG TRANSPORTATION, R. D. #1, Bear Lake, Pa. 16402. Applicant's representative: James R. Stiverson, 1896 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel shelving, pallet racks, and parts and accessories* utilized in the erection of steel shelving and pallet racks, from North East, Pa., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana and (2) *materials and supplies* utilized in the manufacture of steel shelving and pallet racks (except commodities in bulk), on return, from points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to North East, Pa., under contract with Bernard-Gloekler North East Co., Inc., Ridg-U-rak, Inc., and Dixie Fabricating Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Columbus, Ohio or Washington, D.C.

No. MC 141435, filed October 15, 1975. Applicant: DAYTON DELIVERY, INC., 8044 Dayton-Springfield Pike, Fairborn, Ohio 54324. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined sugar* in packages, from Cincinnati, Ohio, to points in Ohio, Indiana, Kentucky, and West Virginia, under contract with Colonial Sugars Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 141436, filed Oct. 16, 1975. Applicant: HARKER'S TRANSPORTATION, INC., P.O. Box 1308, LeMars, Iowa 51031. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from LeMars, Iowa, to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Wisconsin, Indiana, Ohio, Michigan, Colorado, Wyoming, Idaho, Montana, Utah and Kentucky; and (2) *commodities named in (1) above, and materials, supplies and equipment*, utilized in the manufacturer, production distribution of the commodities named in (1) above, from points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Wisconsin, Indiana, Ohio, Michigan, Colorado, Wyoming, Idaho, Montana, Utah and Kentucky, under contract with Harker's Wholesale Meat, Inc., restricted (1) against the transportation of commodities in bulk, in tank vehicles; (2) to traffic originating at the named origins and destined to the named destinations, and (3) to a transportation service to be performed under a continuing contract or contracts, with Harker's Wholesale Meat, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 141438, filed Oct. 8, 1975. Applicant: TIMPTE DELIVERY, INC., 5990 North Washington, Denver, Colo. 80216. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, and truck and trailer bodies*, from the plantsites and facilities of Timpte, Inc., and Timpte-Beall, Inc., located in Denver and Adams Counties, Colo., to points in the United States (except Alaska and Hawaii); (2) *machinery, equipment materials, trailer and truck and trailer body components, or supplies*, used in or in connection with the manufacture, servicing, maintenance or repair of trailers, truck and trailer bodies, or components or parts thereof, from points in the United States (except Alaska and Hawaii), to the plantsites and facilities of Timpte, Inc., and Timpte-Beall, Inc., located in Denver and Adams Counties, Colo.; (3) *trailer and truck and trailer body components, equipment, parts, materials or supplies*, from the plantsites and facilities of Timpte, Inc., and Timpte-Beall, Inc., located in Denver and Adams Counties, Colo., to points in the United States (except Alaska and Hawaii); (4) *trailers, and truck and trailer bodies*, between points in the United States; and (5) *show displays, equipment, materials and supplies*, between the plantsites and facilities of Timpte, Inc., and Timpte-Beall, Inc., located in Denver and Adams Counties, Colo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Timpte, Inc., and Timpte-Beall, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 141451, filed October 23, 1975. Applicant: C & C TRUCKING, INC., P.O. Box 1051, Tulsa, Okla. 74101. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such products and merchandise, as are dealt in by wholesale, retail chain grocery and food business houses* (except commodities in bulk), from points in Arkansas, Illinois, Kansas, Missouri, Nebraska and Texas, to Tulsa, Okla., under a continuing contract or contracts with Warehouse Market, Inc., at Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa or Oklahoma City, Okla.

PASSENGER APPLICATIONS

No. MC 59238 (Sub-No. 69), filed October 21, 1975. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 1200 Eye St. NW., Washington, D.C. 20004. Applicant's representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between junction Interstate Highway 95 and Virginia Highway 30 and junction Virginia Highways 30 and 2, serving all intermediate points: From junction Interstate Highway 95 and Virginia Highway 30 over Virginia Highway 30 to junction Virginia Highways 30 and 2, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138942 (Sub-No. 2), filed October 20, 1975. Applicant: JOHN H. WOLFF, doing business as, AURORA EDUCATIONAL TOURS, 731 North Highland, Aurora, Ill. 60506. Applicant's representative: Patrick H. Smyth, 382 Hillside Drive, Roselle, Ill. 60172. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special or charter operations, from points in DeKalb County, Ill., to points in the United States (except Hawaii), and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at DeKalb or Chicago, Ill.

No. MC 141437, filed October 14, 1975. Applicant: JUAN V. SANDOVAL AND JOSE A. SANDOVAL, doing business as, RAPIDOS EXPRESS SERVICE, P.O. Box 4731, El Paso, Tex. 79918. Applicant's representative: Juan V. Sandoval, 10337 Newport St., El Paso, Tex. 79924. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in new, fully equipped window vans (maxiwagons), total capacity 15, including driver, between El Paso, Tex. and Los Angeles, Calif.: From El Paso, Tex. over Interstate Highway 10 to Los Angeles, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30509 Filed 11-12-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D-75-383]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority With Respect to Housing Management

The Department of Housing and Urban Development is amending §§ 236.72 and 425.22 of Title 24 of the Code of Federal Regulations in order to implement an amendment to Section 236 of the National Housing Act contained in Section 212(5) of the Housing and Community Development Act of 1974 respecting the establishment of admission income limits. These amendments are being published concurrently with publication of this redelegation (see Rules and Regulations section of this issue). The amendments to Sections 236 and 425 are the same, and permit the establishment of income limits for assisted admission to Section 236 projects on the basis of individual projects as well as on an area wide basis. Since the authority to establish income limits is presently excepted from the Redelegation of Authority With Respect to Housing Management from the Assistant Secretary for Housing Management to Regional Administrators and subordinate field officials, the redelegation is being amended to permit those officials to take necessary income establishing actions.

Accordingly, Sections A, C, and D of the Redelegations of Authority With Respect to Housing Management published at 35 FR 16105 on October 14, 1970, are hereby amended and new sections N and O are added.

1. Section A, Subsection 1, Paragraph a is amended to read as follows:

a. Establish income limits: *Provided*, That each Regional Administrator, Deputy Regional Administrator, Area Director and Deputy Area Director, for projects receiving interest reduction payments under Section 236 of the National Housing Act, is authorized to establish project-by-project income ceilings higher or lower than 80 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

2. Section C, Subsection 1, Paragraph a is amended to read as follows:

a. Establish income limits: *Provided*, That each Insuring Office Director and Insuring Office Deputy Director, for projects receiving interest reduction payments under Section 236 of the National Housing Act, is authorized to establish project-by-project income ceilings higher or lower than 80 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

3. Section D is amended by adding a new paragraph 3 as follows:

3. For projects receiving interest reduction payments under Section 236 of the National Housing Act, to exercise the power and authority of the Secretary redelegated under Section A to establish project-by-project income ceilings higher or lower than 80 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

4. A new section N is added to read:

Sec. N. *Additional authority redelegated to Directors of Housing Management, Insuring Offices.* Each Director, Housing Management Division, Insuring Office, for projects receiving interest reduction payments under Section 236 of the National Housing Act, is authorized to establish project-by-project income ceilings higher or lower than 80 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes or other factors.

5. The present section N is redesignated section O and is amended to read:

Sec. O. *Exercise of delegated authority.* Redelegations of authority made under sections A through N shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrators, Area Director, or Insuring Office Director, or any of them, to whom a delegate is responsible.

(Secretary's delegation of authority published at 36 FR 5005, March 16, 1971)

Effective date. These amendments are effective November 13, 1975.

H. R. CRAWFORD, *Assistant Secretary for Housing Management.*

[FR Doc.75-30583 Filed 11-12-75;8:45 am]

Federal Insurance Administration

[Docket No. N-75-376]

NATIONAL FLOOD INSURANCE PROGRAM

Notice of Flood-Prone Areas of Communities; Prohibition of Federal and Federally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202 of the Flood Disaster Protection Act of 1973 (PL 93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and up-dates the list published in the Federal Register at 40 F.R. 47818-47825.

Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 USC §§ 4001-4128).

The prohibition does not apply to any loan made by a federally-supervised, approved, insured, or regulated lending institution made prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

Each of the communities listed below received notice of its designation as flood-prone prior to December 1, 1974, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, *until the community participates in the program.*

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1920). Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St., S.W., Washington, D.C. 20410, (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR § 1914.4 *List of eligible communities.* At that time the sanctions of Section 202 will no longer apply to the communities listed below.

Community name	County name	Identification date
Alabama:		
	Lowndes	Nov. 29, 1974
	Randolph	Sept. 13, 1974
	Shelby	Nov. 29, 1974
Alexander, city of	Tallapoosa	Nov. 8, 1974
Autaugaville, town of	Autauga	June 7, 1974
Avon, town of	Houston	Sept. 20, 1974
Belk, town of	Fayette	Sept. 13, 1974
Brantley, town of	Crenshaw	June 28, 1974
Cardiff, town of	Jefferson	Sept. 20, 1974
Cottonwood, town of	Houston	May 17, 1974
Cowarts, town of	do	Aug. 16, 1974
Dozier, town of	Crenshaw	Sept. 20, 1974
Elberta, town of	Baldwin	Nov. 15, 1974
Five Points, town of	Chambers	Do.
Gadsden, city of	Etowa	Mar. 8, 1974
Gantt, town of	Covington	June 7, 1974
Glenwood, town of	Crenshaw	Sept. 20, 1974
Gordon, town of	Houston	Oct. 25, 1974
Providence, town of	Marengo	Dec. 17, 1973
River Falls, town of	Covington	Sept. 20, 1974
Silver Hill, town of	Baldwin	June 28, 1974
Taylor, town of	Houston	Sept. 13, 1974
Total 22.		

Borough name	Identification date
Alaska:	
Hoonah, city of	Lynn Canal-Icy Straits. June 7, 1974
Hooper Bay, city of	Wade Hampton. June 28, 1974
Total 2.	

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Community name	County name	Identification date
Arizona:		
Gila County		Nov. 1, 1974
Mammoth, town of	Pinal	Dec. 7, 1973
Suprise, town of	Maricopa	June 28, 1974
Total 3.		
Arkansas:		
Alpena, town of	Boone	Aug. 30, 1974
Carthage, city of	Dallas	Mar. 8, 1974
Everton, town of	Boone	Aug. 30, 1974
Foreman, city of	Little River	Mar. 1, 1974
Garner, town of	White	Aug. 30, 1974
Greenland, town of	Washington	June 28, 1974
Greenway, town of	Clay	Aug. 30, 1974
Havana, city of	Yell	Aug. 23, 1974
Higginson, town of	White	Aug. 16, 1974
Imboden, town of	Lawrence	May 3, 1974
Kensett, city of	White	Oct. 12, 1973
Midland, town of	Sebastian	Aug. 16, 1974
Mitchellville, town of	Desha	Nov. 8, 1974
Mount Pleasant, town of	Izard	Nov. 22, 1974
Mountainburg, town	Crawford	May 3, 1974
Parkdale, city of	Ashley	Mar. 29, 1974
Rison, city of	Cleveland	Mar. 8, 1974
Waldo, city of	Columbia	Apr. 5, 1974
Winchester, town of	Drew	Aug. 30, 1974
Total 19.		
California:		
Butte County		Sept. 6, 1974
Calipatria, city of	Imperial	Apr. 12, 1974
Carmel By-The-Sea, city of.	Monterey	June 14, 1974
Coachella, city of	Riverside	May 17, 1974
Colusa County		Oct. 25, 1974
Commerce, city of	Los Angeles	June 28, 1974
Contra Costa County		Nov. 1, 1974
El Dorado County		Aug. 2, 1974
Exeter, city of	Tulare	Mar. 8, 1974
Grass Valley, city of	Nevada	May 17, 1974
Hughson, city of	Stanislaus	May 24, 1974
Huron, city of	Fresno	May 17, 1974
Indio, city of	Riverside	May 31, 1974
Maricopa, city of	Kern	June 14, 1974
Point Arena, city of	Mendocino	Oct. 18, 1974
Selma, city of	Fresno	May 24, 1974
Sonora, city of	Tuolumne	May 31, 1974
Total 17.		
Colorado:		
Bennett, town of	Adams	Nov. 22, 1974
Boone, town of	Pueblo	Sept. 6, 1974
Crook, town of	Logan	Oct. 8, 1974
Deer Trail, town of	Arapahoe	Oct. 29, 1974
Dinosaur, town of	Moffar	Aug. 30, 1974
Dove Creek, town of	Dolores	May 24, 1974
Elizabeth, town of	Elbert	Sept. 6, 1974
Fleming, town of	Logan	Nov. 8, 1974
Fraser, town of	Grand	Sept. 6, 1974
Grand Junction, city of	Mesa	Feb. 1, 1974
Hot Sulphus Springs, town of	Grand	Nov. 22, 1974
Hotchkiss, town of	Delta	June 21, 1974
Ignacio, town of	La Plata	Mar. 22, 1974
Kiowa, town of	Elbert	Sept. 6,1974
Leadville, city of	Lake	May 17, 1974
Norwood, town of	San Miguel	Nov. 22, 1974
Nucla, town of	Montrose	May 24, 1974
Otis, town of	Washington	Do.
Ovid, town of	Sedgwick	Nov. 15, 1974
Ramah, town of	El Paso	Sept. 13, 1974
Ridgway, town of	Ouray	Nov. 8, 1974
Rifle, city of	Garfield	Jun. 15, 1973
Simla, town of	Elbert	Sept. 13, 1974
Starkville, town of	Las Animas	Sept. 6, 1974
Yampa, town of	Routt	May 24, 1974
Total 25.		
Connecticut:		
Ashford, town of	Windham	Sept. 8, 1974
Colebrook, town of	Litchfield	Nov. 29, 1974
Danielson, borough of	Windham	Jan. 24, 1974
Total 3.		
Delaware:		
Kenton, town of	Kent	Sept. 13, 1974
Leipsic, town of	do	Aug. 9, 1974
Millville, town of	Sussex	Oct. 18, 1974
Total 3.		
Florida:		
Belle Glade, city of	Palm Beach,	July 19, 1974
Big Alligator Lake, town of	Columbia	Sept. 6, 1974
Briny Breezes, town of	Palm Beach,	Jan. 28, 1974
Brooker, town of	Bradford	Aug. 30, 1974
Callahan, city of	Nassau	July 19, 1974
Campbellton, city of	Jackson	Sept. 6, 1974
Grand Ridge, town of	do	Aug. 2, 1974
Haverhill, town of	Palm Beach.	June 28, 1974
North Davenport, city of	Polk	Do.
Ocean Breeze, town of	Martin	Aug. 2, 1974
Parkland, town of	Broward	Aug. 30, 1974
Ponce De Leon, city of	Holmes	Nov. 22, 1974
Sneads, town of	Jackson	Aug. 2, 1974
West Dundee, city of	Polk	Do.
Westville, town of	Holmes	Sept. 6, 1974
Wewahitchka, town of	Gulf	Aug. 9, 1974
White Springs, town of	Hamilton	Jan. 16, 1974
Total 17.		
Georgia:		
Adairsville, town of	Newton	Apr. 12, 1974
Argyle, town of	Clinch	Aug. 30, 1974
Baldwin, town of	Banks	June 28, 1974
Clarkesville, city	Habersham	June 21, 1974
Crawford, city of	Oglethorpe	June 7, 1974
Dahlonegs, city of	Lumpkin	June 28, 1974
Duluth, city of	Gwinnett	May 24, 1974
Girard, town of	Burke	Sept. 6, 1974
Hampton, city of	Henry	June 28, 1974
Helen, city of	White	Sept. 6, 1974
Hiram, city of	Paulding	Oct. 18, 1974
Jefferson, city of	Jackson	June 28, 1974
Jonesboro, city of	Clayton	May 24, 1974
Ludowici, city of	Long	June 14, 1974
Mountain View, city of	Clayton	May 10, 1977
Newington, town of	Screven	Sept. 6, 1974
Rocky Ford, town of	do	Do.
Scotland, city of	Telfair and Wheeler.	Aug. 30, 1974
Stone Mountain, city of	De Kalb	May 12, 1974
Varnonburg, town of	Chatham	July 27, 1973
Young Harris, town of	Towns	June 14, 1974
Total 22.		
Idaho:		
Challis, city of	Custer	June 28, 1974
Chatcolet, city of	Benewah	Sept. 13, 1974
Council, city of	Adams	May 3, 1974
Declo, city of	Cassia	Sept. 6, 1974
Ferdinand, city of	Idaho	Do.
Fernan Lake, city of	Kootenai	Do.
Garden City, city of	Ada	Dec. 17, 1973
Harrison, city of	Kootenai	Mar. 22, 1974
Hayden Lake, city of	do	Sept. 6, 1974
Kendrick, city of	Latah and Nez Perce.	Oct. 18, 1974
Oakley, city of	Cassia	Do.
Parma, city of	Canyon	May 17, 1974
Shoshone, city of	Lincoln	June 28, 1974
Victor, city of	Teton	Sept. 6, 1974
White Bird, city of	Idaho	Sept. 13, 1974
Worley, city of	Kootenai	Sept. 6, 1974
Total 16.		
Illinois:		
Altamont, city of	Effingham	Mar. 22, 1974
Anna, city of	Union	Mar. —, 1974
Atwood, village of	Piatt	Nov. 23, 1973
Avon, village of	Fulton	Oct. 18, 1974
Banner, village of	do	Dec. 28, 1973
Bardolph, village of	McDonough	Sept. 13, 1974
Bath, village of	Mason	Dec. 17, 1973
Bluffs, village of	Scott	June 7, 1974
Bowen, village of	Hancock	Nov. 15, 1974
Breese, city of	Clinton	June 7, 1974
Brookport, city of	Massac	Do.
Browns, village of	Edwards	Nov. 15, 1974
Brussels, village of	Calhoun	Nov. 22, 1974
Bush, village of	Williamson	Mar. 29, 1974
Bushnell, city of	McDonough	June 7, 1974
Camargo, village of	Douglas	Apr. 5, 1974
Carrollton, city of	Green	June 7, 1974
Casey, city of	Clark	June 28, 1974
Cleveland, village of	Henry	Nov. 15, 1974
Clinton, city of	Dewitt	May 24, 1974
Creve Coeur, village of	Tazewell	Mar. 1, 1974
Culom, village of	Livingston	Feb. 22, 1974
Danforth, village of	Iroquois	Sept. 13, 1974
De Soto, village of	Jackson	Apr. 5, 1974
Deer Creek, village of	Tazewell	June 28, 1974
Deland, village of	Piatt	Aug. 23, 1974
Dongola, village of	Union	Mar. 8, 1974
East Gillespie, village of	Macoupin	July 19, 1974
Edwardsville, city of	Madison	Apr. 5, 1974
Eldred, village of	Greene	Dec. 17, 1973
Ellisville, village of	Fulton	Mar. 22, 1974
Fayetteville, village of	St. Clair	Feb. 22, 1974
Florence, village of	Pike	Dec. 17, 1973
Freeburg, village of	St. Clair	May 22, 1974
Galva, city of	Henry	June 14, 1974
Germantown, village of	Clinton	Mar. 29, 1974
Gibson City, city of	Ford	Do.
Gilberts, village of	Kane	Sept. 6, 1974
Golden, village of	Adams	June 7, 1974
Greenfield, city of	Green	Feb. 22, 1974
Hammond, village of	Piatt	June 14, 1974
Hampshire, village of	Kane	May 31, 1974
Havana, city of	Mason	Apr. 5, 1974
Heyworth, village of	McLean	June 14, 1974
Hinckley, village of	De Kalb	Mar. 15, 1974
Ina, village of	Jefferson	Aug. 16, 1974
Indian Creek, village of	Lake	Aug. 23, 1974
Jerseyville, city of	Jersey	June 7, 1974
Joppa, village of	Massac	Nov. 23, 1973
Lacon, city of	Marshall	Nov. 30, 1973
Lafayette, village of	Stark	Nov. 15, 1974
Lake Bluff, village of	Lake	Feb. 1, 1974
Larose, village of	Marshall	Oct. 25, 1974
Leaf River, village of	Ogle	Nov. 23, 1973
Lexington, city of	McLean	June 28, 1974
Lincolnwood, village of	Cook	June 21, 1974
Lisbon, village of	Kendall	Nov. 1, 1974
Livingston, village of	Madison	Mar. 22, 1974
London Mills, village of	Lake	Oct. 18, 1974
Makanda, village of	Jackson	Aug. 23, 1974
Malta, village of	De Kalb	June 7, 1974
Maquon, village of	Knox	Nov. 5, 1974
Marquette Heights, city of.	Tasewell	Mar. 8, 1974
Martinsville, city of	Clark	Jan. 23, 1973
Mason City, city of	Mason	Nov. 15, 1974
Maunie, village of	White	Jan. 9, 1974
McNabb, village of	Putnam	Sept. 13, 1974
Mettawa, village of	Lake	Oct. 18, 1974
Mill Shoals, village of	White	July 19, 1974
Montrose, village of	Effingham	Aug. 23, 1974
Mount Sterling, city of	Brown	Sept. 20, 1974
Nason, city of	Jefferson	Aug. 16, 1974
Nebo, village of	Pike	Dec. 28, 1973
New Baden, village of	Clinton	May 24, 1974
New Canton, town of	Pike	Aug. 16, 1974
Newman, village of	Douglas	Nov. 29, 1974
Newton, city of	Jasper	Dec. 17, 1973
Niantic, village of	Macon	Mar. 1, 1974
Nokomis, city of	Montgomery.	Mar. 29, 1974
Oneida, city of	Knox	June 7, 1974
Orangeville, village of	Stephenson	Aug. 16, 1974
Palestine, town of	Crawford	Nov. 23, 1973
Park City, village of	Lake	Mar. 1, 1974
Paxton, city of	Ford	Nov. 22, 1974
Pearl, village of	Pike	Dec. 28, 1973
Pecatnica, village of	Winnebago	Apr. 5, 1974
Pittsfield, city of	Pike	June 7, 1974
Pleasant Plains, village of	Sangamon	Mar. 22, 1974
Pontoosuc, village of	Hancock	Jan. 16, 1974
Ridott, village of	Stephenson	Dec. 17, 1973
Riverton, village of	Sangamon	Nov. 16, 1973
Sheridan, village of	La Salle	Apr. 12, 1974
Silvis, city of	Rock Island	May 31, 1974
Smithton, village of	St. Clair	Mar. 29, 1974
South Jacksonville, city of.	Morgan	Do.
Sparland, village of	Marshall	Nov. 23, 1973
Springfield, city of	Sangamon	June 7, 1974
St. Francisville, village of	Lawrence	Mar. 29, 1974
Stonefort, village of	Saline	Aug. 9, 1974
Summerfield, village of	St. Clair	May 3, 1974
Sumner, city of	Lawrence	Mar. 1, 1974
Tallula, village of	Menard	Mar. 29, 1974
Tamms, village of	Alexander	May 10, 1974
Thayer, village of	Sangamon	Mar. 22, 1974
Third Lake, village of	Lake	Sept. 6, 1974
Timewell, village of	Brown	Sept. 20, 1974
Valley City, village of	Pike	Dec. 17, 1973
Vermont, village of	Fulton	Nov. 29, 1974
Waltonville, village of	Jefferson	Aug. 23, 1974
Warsaw, city of	Clinton	June 28, 1974
White Hall, city of	Greene	Apr. 5, 1974
Yates City, village of	Knox	June 14, 1974
Total 77.		
Indiana:		
Advance, town of	Boone	Nov. 29, 1974
Albion, town of	Noble	Nov. 20, 1974
Alton, town of	Crawford	Sept. 20, 1974
Amboy, town of	Miami	Jan. 23, 1974
Andrews, town of	Huntington	Nov. 30, 1974
Arcadia, town of	Hamilton	June 7, 1974
Austin, city of	Scott	Feb. 1, 1974
Bargersville, town of	Johnson	Nov. 23, 1973
Battle Ground, city of	Tippecanoe	Nov. 29, 1974
Bloomfield, town of	Greene	May 24, 1974
Bloomville, city of	Warrick	Nov. 23, 1973
Brooklyn, town of	Morgan	Dec. 28, 1973
Brownsburg, town of	Hendricks	Dec. 7, 1973
Brownstown, town of	Jackson	Nov. 23, 1973
Burlington, town of	Carroll	Do.
Camden, town of	do	Do.
Cayuga, town of	Vermillion	Do.
Chandler, town of	Warrick	May 31, 1974
Converse, town of	Miami	Jan. 9, 1974
Converse, town of	Jefferson	May 17, 1974
Easton, town of	Delaware	Nov. 29, 1974
Edwardsport, town of	Knox	Nov. 23, 1973
English, town of	Crawford	Do.
Fairview Park, town of	Vermillion	Apr. 12, 1974
Fountain City, city of	Wayne	Sept. 20, 1974
French Lick, town of	Orange	May 10, 1974
Gosport, town of	Owen	Feb. 1, 1974
Hamilton, town of	Steuben	Nov. 23, 1973
Hamlet, city of	Stark	Sept. 6, 1974
Harford city, city of	Blackford	June 21, 1974
Hazleton, town of	Gibson	Nov. 23, 1973
Hillsboro, Park town of	Fountain	Do.
Hudson, town of	Steuben	Feb. 1, 1974
Indian Village, town of	St. Joseph	July 19, 1974
Judson, town of	Parke	Oct. 18, 1974
Kentland, town of	Newton	Dec. 17, 1973
Knightstown, town of	Henry	May 24, 1974
Ladoga, town of	Montgomery	Nov. 30, 1973
Leavenworth, town of	Crawford	May 24, 1974
Lewisville, town of	Henry	Nov. 30, 1973
Livonia, town of	Washington	Sept. 20, 1974
Marengo, town of	Crawford	Oct. 18, 1974
Mecca, town of	Parke	Feb. 1, 1974
Medora, town of	Jackson	Jan. 23, 1974
Milltown, town of	Crawford and Harrison.	Nov. 23, 1973
Monipelier, town of	Blackford	Dec. 7, 1973
Morgantown, town of	Morgan	Sept. 30, 1974
New Palestine, town of	Hancock	Nov. 30, 1973
New Ross, town of	Montgomery	Oct. 18, 1974
Newberry, town of	Greene	Feb. 1, 1974
Newport, town of	Vermillion	May 31, 1974
Oakland City, city of	Gibson	May 10, 1974
Ogden Dunes, town of	Porter	May 31, 1974
Orland, town of	Steuben	Do.
Orleans, town of	Orange	Do.
Osceola, town of	St. Joseph	Dec. 17, 1973
Paoli, town of	Orange	Nov. 23, 1973
Paragon, town of	Morgan	Feb. 1, 1974
Patoka, town of	Gibson	Nov. 23, 1973
Perrysville, town of	Vermillion	Do.
Plainfield, town of	Hendricks	Feb. 1, 1974
Remington, town of	Jasper	May 31, 1974
Riley, town of	Vigo	Feb. 1, 1974
Roanoke, town of	Huntington	Dec. 28, 1973
Rochester, city of	Fulton	Feb. 15, 1974
Rosedale, town of	Parke	Nov. 30, 1973
Russellville, town of	Putnam	Sept. 20, 1974
Schneider, town of	Lake	Dec. 17, 1973
Seelyville, town of	Vigo	Nov. 29, 1974
Spencerville, town of	De Kalb	Feb. 15, 1974
Spring Lake Park, town of.	Hancock	Feb. 1, 1974
Springport, town of	Henry	Do.
Sidneville, town of	Monroe	Do.
Sulpbur Springs, town of	Henry	Do.
Tennyson, town of	Warrick	Do.
Troy, town of	Perry	May 31, 1974
Universal, town of	Vermillion	Feb. 1, 1974
Waynetown, town of	Montgomery	May 31, 1974
West Baden Springs, town of.	Orange	Dec. 28, 1973
West Terre Haute, town of.	Vign	Nov. 22, 1974
Williamsport, town of	Warren	Dec. 17, 1973
Winslow, town of	Pike	Do.
Total 84.		
Iowa:		
Alden, town of	Hardin	June 21, 1974
Anthon, town of	Woodbury	Jan. 23, 1974
Arlon, town of	Crawford	Sept. 6, 1974
Belmond, city of	Wright	May 3, 1974
Bonsparte, city of	Van Buren	Jan. 9, 1974
Buck Grove, town of	Crawford	Nov. 29, 1974
Callender, town of	Webster	Nov. 8, 1974
Cascade, city of	Dubuque and Jones.	Feb. 17, 1973
Chillicothe, town of	Wapello	Nov. 8, 1974
Columbus Junction, city of.	Louisa	Jan. 9, 1974
Dakota City, town of	Humboldt	Nov. 3, 1974
Deloit, town of	Crawford	Aug. 30, 1974
Dow City, town of	do	May 31, 1974
Dows, town of	Franklin and Wright.	June 21, 1974
Eldon, town of	Wapello	Dec. 17, 1973
Frederika, town of	Bremer	Nov. 22, 1974
Gowrie, town of	Webster	June 28, 1974
Granger, town of	Dallas	Mar. 22, 1974
Green Island, town of	Jackson	Oct. 25, 1974
Hancock, town of	Pottawatamie.	Aug. 30, 1974
Hinton, town of	Plymouth	Sept. 6, 1974
Indianola, city of	Warren	June 7, 1974
Janesville, town of	Black Hawk and Bremer.	Dec. 28, 1973
Kellogg, town of	Jasper	June 21, 1974
Kiron, city of	Crawford	Nov. 8, 1974
Lansing, town of	Allamakee	Dec. 31, 1971
Linn Grove, town of	Buena Vista	Aug. 16, 1974
Littleport, town of	Clayton	Aug. 23, 1974
Lucas, town of	Lucas	Nov. 29, 1974
Maquoketa, city of	Jackson	June 28, 1974
Modale, town of	Harrison	Oct. 18, 1974
Mystic, city of	Appanoose	Nov. 1, 1974
New Albin, town of	Allamakee	May 17, 1974
North Buenavista, town of.	Clayton	Oct. 18, 1974
Olin, town of	Jones	Aug. 30, 1974
Oto, town of	Woodbury	Sept. 13, 1974
Oxford, town of	Johnson	May 10, 1974
Plymouth, town of	Cerro Gordo.	Nov. 8, 1974
Reasnor, town of	Jasper	Nov. 1, 1974
Ricketts, town of	Crawford	Nov. 22, 1974
Salix, town of	Woodbury	Oct. 18, 1974
Sheffield, town of	Franklin	May 24, 1974
Sigourney, city of	Keokuk	Mar. 15, 1974
Silver City, town of	Mills	Nov. 8, 1974
Stanwood, town of	Cedar	Aug. 9, 1974
Tiffin, town of	Johnson	Nov. 22, 1974
Wapello, city of	Louisa	Jan. 16 1974
West Branch, city of	Cedar	Mar. 1, 1974
What Cheer, city of	Keokuk	Jan. 9, 1974
Wheatland, town of	Clinton	June 28, 1974
Zearing, town of	Story	July 19, 1974
Total 51.		
Kansas:		
Auburn, city of	Shawnee	Oct. 25, 1974
Belleville, city of	Republic	Feb. 15, 1974
Belvue, city of	Pottawatomie.	Nov. 29, 1974
Burr Oak, city of	Jewell	Do.

Community name	County name	Identification date
Burrton, city of	Harvey	Mar. 15, 1974
Caney, city of	Montgomery.	Feb. 15, 1974
Delia, city of	Jackson	Aug. 30, 1974
Edgerton, city of	Johnson	Mar. 8, 1974
Elkhart, city of	Morton	May 24, 1974
Eureka, city of	Greenwood	Apr. 12, 1974
Fairview, city of	Brown	Nov. 8, 1974
Frankfort, city of	Marshall	Jan. 23, 1974
Goessel, city of	Marion	Nov. 22, 1974
Goff, city of	Nemara	Nov. 8, 1974
Grandview Plaza, city of	Geary	Feb. 1, 1974
Greeley, city of	Anderson	Nov. 22, 1974
Gridley, city of	Coffey	Do.
Harveyville, city of	Wabaunsee	Nov. 8, 1974
Herndon, city of	Rawlins	Nov. 22, 1974
Holton, city of	Jackson	Feb. 22,1974
Kincaid, city of	Anderson	Nov. 22, 1974
Kismet, city of	Seward	Do.
La Cygne, city of	Linn	Mar. 15, 1974
Lansing, city of	Leavenworth.	Aug. 23, 1974
Leroy, city of	Coffey	Dec. 28, 1973
Logan, city of	Phillips	July 19, 1984
Louisburg, city of	Miami	Mar. 1, 1974
Mayetta, city of	Jackson	Nov. 8, 1974
McCracken, city of	Rush	Nov. 22, 1974
Minneola, city of	Clark	June 21, 1974
Morrill, city of	Brown	Nov. 22, 1974
Mound City, city of	Linn	Mar. 1, 1974
Muscotah, city of	Atchison	Nov. 22, 1974
Netawaka, city of	Jackson	Do.
New Strawm, city of	Coffey	Do.
Nortonville, city of	Jefferson	Mar. 1, 1974
Osage City, city of	Osage	Do.
Oskaloosa, city of	Jefferson	May 24, 1974
Otis, city of	Rush	Nov. 22, 1974
Pawnee Rock, city of	Barton	Jan. 10, 1974
Pomona, city of	Franklin	Feb. 8, 1974
Riley, city of	Riley	Feb. 15, 1974
Rush Center, city of	Rush	Nov. 22, 1974
Russell, city of	Russell	Feb. 8, 1974
Soldier, city of	Jackson	Nov. 22, 1974
Westmoreland, city of	Pottawatomie.	Mar. 8, 1974
Whiting, city of	Jackson	Nov. 29, 1974
Total 47.		
Kentucky:		
	Carlisle	Oct. 18, 1974
	Garrard	Do.
	Hardin	Do.
	Henry	Do.
	Hopkins	Do.
	Owen	Do.
	Powell	Nov. 29, 1974
	Shelby	Oct. 18, 1974
	Taylor	Do.
Allen, town of	Floyd	Jan. 23, 1974
Arlington, town of	Carlisle	May 17, 1974
Bardwell, town of	do	Do.
Berry, town of	Harrison	Aug. 16, 1974
Bonneville, city of	Owsley	Feb. 1, 1974
Bradfordsville, city of	Marion	May 10, 1974
Brodhead, city of	Rock Castle.	May 17, 1974
Calhoun, town of	McLean	Feb. 1, 1974
Campbellsville, city of	Taylor	May 24, 1974
Clay City, city of	Powell	Feb. 1, 1974
Clay, city of	Webster	Do.
Clinton, town of	Hickman	May 17, 1974
Corbin, city of	Whitley	June 14, 1974
Crab Orchard, town of	Lincoln	Do.
Dover, town of	Mason	Aug. 2, 1974
Falmouth, city of	Pendleton	May 24, 1974
Florence, town of	Boone	Feb. 1, 1974
Fort Thomas, city of	Campbell	Jan. 25, 1974
Foster, city	Bracken	Aug. 1, 1974
Ghent, town of	Carroll	Jan. 16, 1974
Glencoe, city of	Gallatin	Feb. 1, 1974
Greenup, town of	Greenup	Jan. 22, 1974
Hardin, city of	Marshall	June 14, 1974
Hardin, town of	do	May 10, 1974
Harrodsburg, city of	Mercer	Do.
Hazel, town of	Calloway	Aug. 9, 1974
Hickman, city of	Fulton	June 28, 1974
Hyden, city of	Leslie	May 24, 1974
Jenkins, city of	Letcher	June 7, 1974
Lebanon Junction, city of	Bullitt	Mar. 17, 1974
Leitchfield, town of	Grayson	May 10, 1974
Morgan 65369		
Marion, town of	Floyd	May 24, 1974
McKport, town of	Ohio	Oct. 25, 1974
Millersburg, city of	Bourbon	May 10, 1974
Morgantown, town of	Butler	Feb. 1, 1974
Neon, town of	Letcher	May 24, 1974
Petersburg, town of	Boone	Jan. 23, 1974
Prestonville, town of	Carroll	Aug. 16, 1974
Raceland, town of	Greenup	Feb. 8, 1974
Rochester, town of	Butler	Feb. 1, 1974
Rockport, town of	Ohio	Do.
Sanders, town of	Carroll	Jan. 23, 1974
Shepherdsville, city of	Bullitt	May 24, 1974
Slaughters, city of	Webster	Aug. 16, 1974
Smithland, town of	Livingston	Feb. 1, 1974
Sparta, city of	Gallatin	Do.
Uniontown, town of	Union	May 17, 1974
Viceo, city of	Perry	May 10, 1974
Vine Grove, city of	Hardin	May 17, 1974
Visalia, city of	Kenton	Jan. 23, 1974
Warsaw, city of	Gallatin	Feb. 1, 1974
Wayland, town of	Floyd	Aug. 23, 1974
Wheat Croft, town of	Webster	Feb. 15, 1974
Winston Park, town of	Kenton	Jan. 23, 1974
Woodbury, town of	Butler	Feb. 1, 1974
Worthville, town of	Carroll	Jan. 23, 1974
Total 65.		

Community name	Parish name	Identification date
Louisana:		
Albany, village of	Livingston	Apr. 12, 1974
Basile, town of	Evangeline	May 24, 1974
Boyce, town of	Rapides	Apr. 5, 1974
Clarence, village of	Natchitoches.	Mar. 1, 1974
Doyline, village of	Webster	Apr. 5, 1974
Duson, town of	Lafayette	Do.
French Settlement, village of.	Livingston	Oct. 25, 1974
Mermentau, town of	Acadia	Nov. 23, 1973
Morse, town of	do	Do.
Oberlin, city of	Allen	June 21, 1974
Pearl River, town of	St. Tammany.	May 24, 1974
Ringgold, town of	Bienville	May 3, 1974
Roseland, town of	Tangipahoa	Oct. 26, 1973
Stelly Island, village of	Catahoula	Dec. 28, 1973
Springfield, town of	Livingston	Aug. 23, 1974
Sterlington, town of	Ouachita	Dec. 17, 1973
Sun, village of	St. Tammany.	Aug. 30, 1974
Turkey Creek, village of	Evangeline	Do.
Varnado, village of	Jefferson	Oct. 25, 1974
Ville Platte, town of	Evangeline	May 17, 1974
Total 20.		

Community name	County name	Identification date
Maine:		
Andover, town of	Oxford	Nov. 8, 1974
Berwick, town of	York	Aug. 9, 1974
Bridgton, town of	Cumberland.	Nov. 22, 1974
Burnham, town of	Waldo	July 26, 1974
Burton, town of	York	Apr. 5, 1974
Dayton, town of	do	June 26, 1974
Dresden, town of	Lincoln	Sept. 20, 1974
Fayette, town of	Kennebec	Nov. 29, 1974
Frenchville, town of	Aroostook	Sept. 20, 1974
Hampden, town of	Penobscot	Nov. 8, 1974
Kenduskeag, town of	do	Nov. 1, 1974
Limington, town of	York	May 31, 1974
Livermore, town of	Androscoggin.	Nov. 8, 1974
Minot, town of	do	Feb. 1, 1974
Palmyra, town of	Somerset	Nov. 29, 1974
Parsonfield, town of	York	June 28, 1974
Patten, town of	Penobscot	Nov. 1, 1974
Pembroke, town of	Washington	Oct. 18, 1974
Rockland, city of	Knox	Nov. 8, 1974
Sebattus, town of	Androscoggin.	May 31, 1974
Washington, town of	Knox	Sept. 6, 1974
Wells, town of	York	Oct. 18, 1974
Whitefield, town of	Lincoln	July 26, 1974
Total 23.		
Maryland:		
Deer Park, town of	Garrett	Nov. 8, 1974
Queen Anne, town of	Queen Annes.	Aug. 9, 1974
Vienna, town of	Dorchester	Nov. 8, 1974
Total 3.		
Massachusetts:		
Acushnet, town of	Bristol	Sept. 6, 1974
Ashfield, town of	Franklin	June 28, 1974
Avon, town of	Norfolk	June 21, 1974
Blandford, town of	Hampden	July 26, 1974
Bridgewater, town of	Plymouth	July 19, 1974
Brimfield, town of	Hampden	Do.
Carlisle, town of	Middlesex	Aug. 16, 1974
Chester, town of	Hampden	July 19, 1974
Clinton, town of	Worcester	Aug. 9, 1974
Conway, town of	Franklin	Aug. 2, 1974
Deerfield, town of	Franklin	Sept. 13, 1974
Dover, town of	Norfolk	Sept. 20, 1974
Dunstable, town of	Middlesex	Nov. 29, 1974
East Hampton, town of	Hampshire	June 21, 1974
Granville, town of	Hampden	Aug. 30, 1974
Hawley, town of	Franklin	Nov. 22, 1974
Holbrook, town of	Norfolk	Aug. 28, 1972
Holliston, town of	Middlesex	Aug. 2, 1974
Hopkinton, town of	do	Sept. 13, 1974
Hubbardston, town of	Worcester	Sept. 9, 1974
Maynard, town of	Middlesex	July 26, 1974
Mendon, town of	Worcester	Sept. 6, 1974
Millis, town of	Norfolk	July 19, 1974
Montgomery, town of	Hampden	Nov. 22, 1974
New Ashford, town of	Berkshire	Do.
New Braintree, town of	Worcester	Sept. 20, 1974
Oakham, town of	do	Aug. 2, 1974
Parton, town of	do	July 26, 1974
Pelham, town of	Hampshire	June 28, 1974
Peru, town of	Berkshire	Nov. 1, 1974
Petersham, town of	Worcester	Sept 18, 1974

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Community name	County name	Identification date
Plainfield, town of	Hampshire	Nov. 1, 1974
Rowley, town of	Essex	July 26, 1974
Southwick, town of	Hampden	Nov. 8, 1974
Spencer, town of	Worcester	Sept. 13, 1974
Tyringham, town of	Berkshire	Aug. 16, 1974
Washington, town of	do	Nov. 1, 1974
West Boylston, town of	Worcester	July 26, 1974
Windsor, town of	Berkshire	Nov. 22, 1974
Total 30.		
Michigan:		
Berlin, township of	St. Clair	Aug. 23, 1974
Blaine, township of	Benzie	Sept. 20, 1974
Burton, township of	Genesee	Aug. 16, 1974
Clyde, township of	St. Clair	July 26, 1974
Hastings, city of	Barry	Apr. 12, 1974
Hinton, township of	Meeosta	Sept. 06, 1974
Lincoln, township of	Arenac	June 4, 1974
Northville, city of	Wayne	Sept. 6, 1974
Parchment, city of	Kalamazoo	May 10, 1974
Plymouth, city of	Wayne	May 17, 1974
Riverview, city of	do	May 3, 1974
Sumpter, township of	do	June 28, 1974
Weesaw, township of	Berrien	Do.
Total 13.		
Minnesota:		
Askov, city of	Pine	Oct. 25, 1974
Aurora, city of	St. Louis	Apr. 5, 1974
Avon, city of	Stearns	Mar. 29, 1974
Bissy, city of	McLeod	Nov. 15, 1974
Bluffton, city of	Otter Tail	Aug. 9, 1974
Bowhus, city of	Morrison	Oct. 25, 1974
Branch, city of	Chisago	Aug. 30, 1974
Brook Park, city of	Pine	Oct. 25, 1974
Brooks, city of	Red Lake	Aug. 9, 1974
Brownsville, city of	Houston	Oct. 18, 1974
Brownton, city of	McLeod	May 3, 1974
Buckman, city of	Morrison	Aug. 9, 1974
Campbell, city of	Wilkin	Aug. 2, 1974
Chandler, city of	Murray	Aug. 9, 1974
Chokio, city of	Stevens	May 3, 1974
Clearbrook, city of	Clearwater	Nov. 1, 1974
Climax, city of	Polk	Sept. 20, 1974
Clinton, city of	Big Stone	May 17, 1974
Clontarf, city of	Swift	July 19, 1974
Cobden, city of	Brown	Nov. 1, 1974
Cohasset, city of	Itasca	May 31, 1974
Cologne, city of	Carver	Nov. 1, 1974
Comfrey, city of	Brown	Sept. 20, 1974
Cornstock, city of	do	Sept. 6, 1974
Cosmos, city of	Meeker	May 17, 1974
Courtland, city of	Nicollet	July 19, 1974
Currie, city of	Murray	Aug. 2, 1974
Cyrus, city of	Pope	Aug. 9, 1974
Dannbe, city of	Renville	Sept. 20, 1974
Danvers, city of	Swift	Aug. 9, 1974
Deer Creek, city of	Otter Tail	Aug. 16, 1974
De Graff, city of	do	Aug. 9, 1974
Delavan, city of	Faribault	Aug. 16, 1974
Delhi, city of	Redwood	Oct. 25, 1974
Dover, city of	Olmstead	Nov. 1, 1974
Eden Valley, city of	Stearns	May 3, 1974
Ellsworth, city of	Nobles	Do.
Elmdale, city of	Morrison	Aug. 9, 1974
Elmore, city of	Faribault	May 14, 1974
Erhard, city of	Otter Tail	Aug. 9, 1974
Eveleth, city of	St. Louis	June 7, 1974
Eyota, city of	Olmstead	Apr. 12, 1974
Fairfax, city of	Renville	Mar. 29, 1974
Fairmont, city of	Martin	June 7, 1974
Fifty Lakes, city of	Crow Wing	Oct. 18, 1974
Fisher, city of	Polk	Aug. 2, 1974
Frazee, city of	Becker	Nov. 15, 1974
Freeport, city of	Stearns	May 3, 1974
Geneva, city of	Freeborn	Sept. 6, 1974
Gibbon, city of	Sibley	June 21, 1974
Goodhue, city of	Goodhue	May 24, 1974
Graceville, city of	Big Stone	May 17, 1974
Granada, city of	Martin	Aug. 2, 1974
Greenwald, city of	Stearns	Aug. 23, 1974
Hackensack, city of	Cass	Sept. 20, 1974
Harris, city of	Chisago	Do.
Henning, city of	Otter Tail	May 3, 1974
Hill City, city of	Aitkin	Nov. 8, 1974
Hills, city of	Rock	Apr. 12, 1974
Holdingford, city of	Stearns	May 17, 1974
Holland, city of	Pipestone	Aug. 30, 1974
Hollandale, city of	Freeborn	Sept. 20, 1974
Holloway, city of	Swift	Sept. 6, 1974
Humboldt, city of	Kittson	Aug. 9, 1974
Ihlen, city of	Pipestone	Aug. 2, 1974
International Falls, city of	Koochiching	June 7, 1974
Iron Junction, city of	St. Louis	Oct. 25, 1974
Jenkins, city of	Crow Wing	Aug. 23, 1974
Keewatin, city of	Itasca	May 3, 1974
Kenyon, city of	Goodhue	May 24, 1974
Kiester, city of	Faribault	May 10, 1974
La Prairie, city of	Itasca	Aug. 23, 1974
Lake Shore, city of	Cass	Sept. 13, 1974
Lilydale, city of	Dakota	Feb. 9, 1973
Madelia, city of	Watonwan	Apr. 12, 1974
Madison, city of	Lac Qui Parle.	Do.
Marietta, city of	do	Sept. 6, 1974
Mayer, city of	Carver	Nov. 23, 1973
Maynard, city of	Chippewa	Nov. 15, 1974
Mazeppa, city of	Wabasha	July 19, 1974
McIntosh, city of	Polk	Nov. 29, 1974
Menahga, city of	Wadena	Apr. 12, 1974
Mendota Heights, city of	Dakota	Nov. 23, 1973
Mendota, city of	do	Feb. 8, 1974
Middle River, city of	Marshall	July 19, 1974
Miesville, city of	Dakota	Do.
Millville, city of	Wabasha	Aug. 2, 1974
Minnesota Lake, city of	Faribault	May 17, 1974
Morristown, city of	Rice	Mar. 29, 1974
Motley, city of	Morrison	Aug. 2, 1974
Mountain Iron, village of	St. Louis	May 24, 1974
Murdock, city of	Swift	Aug. 23, 1974
New Munich, city of	Stearns	Oct. 25, 1974
New Richland, city of	Waseca	Apr. 12, 1974
Nicollet, city of	Nicollet	Apr. 5, 1974
Nielsville, city of	Polk	Nov. 1, 1974
North Branch, city of	Chisago	May 10, 1974
North Redwood, city of	Redwood	Aug. 30, 1974
Norwood, city of	Carver	Nov. 8, 1974
Oak Park Heights, city of	Washington	Apr. 22, 1974
Okabena, city of	Jackson	Nov. 1, 1974
Palisade, city of	Aitkin	Aug. 2, 1974
Pease, city of	Mille Lacs	Do.
Peterson, city of	Fillmore	Aug. 30, 1974
Pillager, city of	Cass	July 19, 1974
Plato, city	McLeod	Nov. 1, 1974
Prinsburg, city of	Kandiyohi	Aug. 23, 1974
Quamba, city of	Kannabec	Aug. 9, 1974
Ravenna, city of	Dakota	Feb. 23, 1974
Richmond, city of	Stearns	Mar. 29, 1974
Richville, city of	Otter Tail	Oct. 25, 1974
Roscoe, city of	Stearns	Aug. 2, 1974
Rush City, city of	Chisago	May 10, 1974
Ruthton, city of	Pipestone	Aug. 9, 1974
Rutledge, city of	Pine	Do.
Sacred Heart, city of	Renville	May 3, 1974
Scanlon, city of	Carlton	Nov. 2, 1973
Seleska, city of	Wadena	Apr. 12, 1974
St. Bonifacius, city of	Hennepin	June 7, 1974
St. Clair, city of	Blue Earth	Aug. 23, 1974
St. Stephen, city of	Stearns	Do.
Sturgeon Lake, city of	Pine	Oct. 25, 1974
Taunton, city of	Lyon	July 19, 1974
Thomson, city of	Carlton	Aug. 2, 1974
Trosky, city of	Pipestone	Aug. 9, 1974
Twin Lakes, city of	Freeborn	Aug. 2, 1974
Tyler, city of	Lincoln	May 3, 1974
Upsala, city of	Morrison	Oct. 25, 1974
Vermdale, city of	Wadena	Do.
Waldorf, city of	Waseca	Aug. 9, 1974
Warba, city of	Itasca	Sept. 13, 1974
Watkins, city of	Meeker	Apr. 12, 1974
Welcome, city of	Martin	May 10, 1974
Williams, city of	Lake of the Woods.	Nov. 29, 1974
Winston, city of	St. Louis	Aug. 2, 1974
Wolverton, city of	Wilkin	Aug. 9, 1974
Woodbury, city of	Washington	May 31, 1974
Wright, city of	Carlton	Sept. 13, 1974
Wanamingo, city of	Goodhue	May 10, 1974
Total 139.		
Mississippi:		
	Clarke	Nov. 29, 1974
	Pontotoc	Do.
Braxton, village of	Simpson	July 19, 1974
Duneun, town of	Bolivar	June 7, 1974
Eden, village of	Yazoo	July 19, 1974
Gattman, village of	Monroe	Do.
Georgetown, town of	Copiah	Aug. 2, 1974
Hickory Flat, town of	Benton	Oct. 25, 1974
Lake, town of	Scott	July 19, 1974
Lena, town of	Leake	Oct. 25, 1974
Pachuta, town of	Clarke	Nov. 8, 1974
Puckett, town of	Rankin	Aug. 23, 1974
Sallis, village of	Attala	Aug. 9, 1974
Schlater, town of	LeFlore	Aug. 23, 1974
Shubuta, town of	Clarke	June 7, 1974
Walnut Grove, town of	Leake	June 28, 1974
Winstonville, village of	Bolivar	July 19, 1974
Total 17.		
Missouri:		
Amazonia, town of	Andrew	Aug. 16, 1974
Anderson, city of	McDonald	May 17, 1974
Anniston, town of	Mississippi	May 3, 1974
Archie, town of	Cass	June 7, 1974
Ava, city of	Douglas	May 17, 1974
Bel Nor, village of	St. Louis	Apr. 5, 1974
Vell City, city of	Stoddard	Oct. 18, 1974
Bland, city of	Gasconado	May 17, 1974
Brunswick, town of	Chariton	Mar. 29, 1974
Buckner, town of	Jackson	Dec. 28, 1973
Bunker, town of	Reynolds	Sept. 6, 1974
California, city of	Moniteau	Apr. 5, 1974
Campbell, city of	Dunklin	May 24, 1974
Carterville, town of	Jasper	Dec. 28, 1973
Center, town of	Ralls	July 26, 1974
Centerville, village of	Reynolds	Nov. 22, 1974
Cole Camp, city of	Benton	June 14, 1974
Conway, town of	Laclede	May 10, 1974
Crane, city of	Stone	June 7, 1974
Denver, village of	Worth	Nov. 22, 1974
Dewitt, city of	Carroll	Sept. 20, 1974
Duenweg, city of	Jasper	May 3, 1974
Ellsinore, city of	Carter	Oct. 18, 1974
Essex, town of	Reynolds	Sept. 6, 1974
Farber, city of	Audrain	Nov. 1, 1974
Freeman, city of	Cass	Nov. 8, 1974
Fulton, city of	Callaway	May 17, 1974
Galena, city of	Stone	Aug. 30, 1974
Galt, city of	Grundy	Oct. 18, 1974
Grondin, city of	Carter	Nov. 8, 1974
Greenville, city of	Wayne	Oct. 18, 1974
Henrietta, city of	Ray	Do.
Koshkonong, city of	Oregon	Sept. 6, 1974
Laredo, city of	Grundy	Oct. 18, 1974
Linn Creek, city of	Camden	Oct. 25, 1974
Luray, village of	Clark	Oct. 18, 1974
Lutesville, city of	Bollinger	May 10, 1974
Malta Bend, city of	Saline	Oct. 18, 1974
Marble Hill, city of	Bollinger	May 10, 1974
Marceline, city of	Linn	Mar. 29, 1974
Marionville, city of	Lawrence	May 17, 1974
Marlborough, village of	St. Louis	May 31, 1974
Marthasville, village of	Warren	Sept. 13, 1974
Mary Ridge, village of	St. Louis	Apr. 5, 1974
Memphis, city of	Scotland	Dec. 31, 1971
Meta, town of	Osage	Sept. 13, 1974
Miami, city of	Saline	Oct. 18, 1974
Missouri City, village of	Clay	Aug. 16, 1974
Naylor, city of	Ripley	Mar. 1, 1974
Nelson, city of	Saline	Oct. 18, 1974
New Franklin, town of	Howard	Nov. 22, 1974
Nixa, city of	Christian	June 28, 1974
Noel, town of	McDonald	May 24, 1974
Norborne, city of	Carroll	Apr. 5, 1974
Northmoor, town of	Platte	July 19, 1974
Ozark, city of	Christian	Dec. 28, 1973
Palmyra, city of	Marion	Mar. 29, 1974
Puxico, town of	Stoddard	Mar. 8, 1974
Reeds Spring, city of	Stone	Oct. 18, 1974
Riverview, city of	St. Louis	June 28, 1974
Scott City, city of	Scott	Apr. 12, 1974
Shoal Creek Drive, town of.	Newton	Aug. 16, 1974
Sibley, village of	Jackson	Aug. 30, 1974
Silex, village of	Lincoln	Nov. 22, 1974
St. Clair, town of	Franklin	Apr. 12, 1974
Strasburg, city of	Cass	Aug. 16, 1974
Tuscumbia, village of	Miller	Oct. 25, 1974
Versailles, city of	Morgan	Apr. 5, 1974
Watson, village of	Atchison	Nov. 29, 1974
Westphalia, city of	Osage	Oct. 18, 1974
Williamsville, city of	Wayne	Do.
Windsor, city of	Henry	Apr. 5, 1974
Wyaconda, city of	Clark	Oct. 18, 1974
Zalma, village of	Bollinger	Oct. 25, 1974
Total 74.		
Montana:		
Baker, city of	Fallon	Mar. 15, 1974
Big Sandy, town of	Chouteau	Mar. 29, 1974
Dillon, city of	Beaver Head.	Nov. 8, 1974
Ennis, town of	Madison	Mar. 15, 1974
Fairview, town of	Richland	Aug. 16, 1974
Forsyth, city of	Rosebud	Mar. 8, 1974
Fort Benton, city of	Chouteau	May 10, 1974
Fromberg, town of	Carbon	Nov. 22, 1974
Glasgow, city of	Valley	Jan. 9, 1974
Hot Springs, town of	Sanders	June 7, 1974
Kalispell, city of	Flathead	Feb. 15, 1974
Plains, town of	Sanders	Mar. 22, 1974
Rosebud County		Aug. 2, 1974
Stanford, town of	Judith Basin.	June 28, 1974
White Sulphur Spring, city of.	Meager	May 24, 1974
Total 15.		
Nebraska:		
Anselmo, village of	Custer	Nov. 22, 1974
Barneston, town of	Gage	Sept. 6, 1974
Beaver Crossing, village of.	Seward	Nov. 8, 1974
Bellwood, village of	Butler	Nov. 22, 1974
Brock, village of	Nemaha	Aug. 16, 1974
Burchard, village of	Pawnee	Nov. 8, 1974
Chatonia, village of	Gage	Nov. 20, 1974
Clay Center, city of	Clay	Mar. 22, 1974
Cook, village of	Johnson	Oct. 18, 1974
Dewesee, village of	Clay	Nov. 8, 1974
Douglas, village of	Otoe	Nov. 29, 1974
Eddyville, village of	Dawson	Do.
Elk Creek, village of	Johnson	Nov. 1, 1974
Ewing, village of	Holt	May 3, 1974
Farnah, village of	Dawson	Nov. 8, 1974
Fullerton, city of	Nance	June 7, 1974
Ray Springs, city of	Sheridan	Mar. 22, 1974
Ithaca, town of	Saunders	Oct. 18, 1974
Lindsay, village of	Platte	Nov. 8, 1974
Linwood, village of	Butler	Oct. 25, 1974
Lynch, village of	Boyd	Nov. 8, 1973
Nemaha, village of	Nemaha	Aug. 20, 1974
Nickerson, village of	Dodge	Jan. 23, 1974
Oak, village of	Nuckolls	Nov. 15, 1974
Oldowa, village of	Fillmore	Nov. 8, 1974
Ong, village of	Clay	Do.
Orchard, village of	Antelope	Nov. 15, 1974
Palmyra, village of	Otoe	Sept. 6, 1974
Pipers, city of	Dixon	Apr. 12, 1974
Prague, village of	Saunders	Nov. 15, 1974
Raymond, village of	Lancaster	Oct. 18, 1974
Roca, village of	do	Nov. 29, 1974
Rushville, city of	Sheridan	May 3, 1974
Salem, village of	Richardson	Nov. 8, 1974
Steinauer, village of	Pawnee	Nov. 22, 1974
Table Rock, village of	do	Nov. 1, 1974

Community name	County name	Identification date
Waterloo, village of	Douglas	Sept. 6, 1974
Weston, village of	Saunders	Oct. 18, 1974
Wisner, city of	Cuming	Dec. 7, 1973
Wolbach, village of	Greeley	Nov. 8, 1974
Total 40:		
Nevada:		
Nye County		Oct. 18, 1974
Total 1.		
New Hampshire:		
Acworth, town of	Sullivan	Sept. 13, 1974
Andover, town of	Merrimack	June 28, 1974
Bartlett, town of	Carroll	Do.
Bethlehem, town of	Grafton	Do.
Boscawen, town of	Merrimack	Mar. 15, 1974
Bristol, town of	Grafton	June 21, 1974
Campton, town of	do	Apr. 5, 1974
Charlestown, town of	Sullivan	May 31, 1974
Chichester, town of	Merrimack	Apr. 5, 1974
Croydon, town of	Sullivan	Nov. 29, 1974
Epsom, town of	Merrimack	Mar. 15, 1974
Freedom, town of	Carroll	Aug. 30, 1974
Fremont, town of	Rocking-ham.	Aug. 9, 1974
Gilford, town of	Belknap	June 28, 1974
Haverhill, town of	Grafton	Mar. 8, 1974
Henniker, town of	Merrimack	Mar. 15, 1974
Hudson, town of	Hills-borough.	Mar. 8, 1974
Lancaster, town of	Coos	Apr. 13, 1973
Londonderry, town of	Rocking-ham.	Aug. 9, 1974
Loudon, town of	Merrimack	Aug. 2, 1974
Marlow, town of	Cheshire	Sept. 13, 1974
Milan, town of	Coos	June 28, 1974
Monroe, town of	Grafton	Nov. 29, 1974
New Hampton, town of	Belknap	Mar. 8, 1974
Nottingham, town of	Rocking-ham.	June 28, 1974
Pittsfield, town of	Merrimack	Mar. 15, 1974
Plaistow, town of	Rocking-ham.	Oct. 18, 1974
Rumney, town of	Grafton	Mar. 15, 1974
Sandwich, town of	Carroll	July 26, 1974
Seabrook, town of	Rocking-ham.	Aug. 2, 1974
Sharon, town of	Hills-borough.	Do.
Shelburne, town of	Coos	Nov. 29, 1974
Somersworth, town of	Strafford	Aug. 16, 1974
Stark, town of	Coos	Nov. 29, 1974
Sunapee, town of	Sullivan	June 28, 1974
Sutton, town of	Merrimack	Do.
Tamworth, town of	Carroll	July 19, 1974
Unity, town of	Sullivan	May 31, 1974
Wakefield, town of	Carroll	July 26, 1974
Warren, town of	Grafton	Sept. 13, 1974
Whitefield, town of	Coos	July 26, 1974
Wilmot, town of	Merrimack	Aug. 16, 1974
Total 42.		
New Jersey:		
Audubon Park, borough of	Camden	June 21, 1974
Elk, town of	Gloucester	June 28, 1974
Franklin, township of	do	Sept. 13, 1974
Franklin, township of	Hunterdon	July 26, 1974
Green, township of	Sussex	Nov. 1, 1974
Hardyston, town of	do	Sept. 6, 1974
Harrison, town of	Hudson	June 28, 1974
Kinnelon, borough of	Morris	July 13, 1973
Logan, township of	Gloucester	Sept. 13, 1974
Liberty, township of	Warren	Aug. 9, 1974
Lindenwold, borough of	Camden	Nov. 22, 1974
South Harrison, town-ship of.	Gloucester	June 28, 1974
Springfield, township of	Burlington	July 26, 1974
Tavistock, borough of	Camden	Nov. 29, 1974
Teterboro, borough of	Bergen	Nov. 1, 1974
Upper Freehold, town-ship of.	Monmouth	Mar. 22, 1974
Winfield, township of	Union	Mar. 8, 1974
Wrightstown, borough of	Burlington	June 28, 1974
Total 18.		
New Mexico:		
Chama, village of	Rio Arriba	Aug. 16, 1974
Cimarron, village of	Colfax	May 17, 1974
Los Alamos County		Oct. 25, 1974
Magdalena, village of	Socorro	Aug. 2, 1974
San Juan County		Sept. 13, 1974
Tatum, town of	Lea	June 21, 1974
Total 6.		
New York:		
Adams, town of	Jefferson	May 31, 1974
Alabama, town of	Genesee	May 3, 1974
Albion, town of	Orleans	Oct. 25, 1974
Albion, village of	do	May 24, 1974
Altmar, village of	Oswego	Nov. 15, 1974
Amboy, town of	do	Do.
Amenia, town of	Dutchess	Oct. 18, 1974
Andes, village of	Delaware	Aug. 9, 1974
Arkwright, town of	Chautau-qua.	Oct. 18, 1974
Ashland, town of	Greene	Nov. 1, 1974
Ava, town of	Oneida	June 28, 1974
Baldwin, town of	Chemung	May 31, 1974
Ballston, town of	Saratoga	Aug. 2, 1974
Beekman, town of	Dutchess	Oct. 18, 1974
Beekmantown, town of	Clinton	Aug. 30, 1974
Belfast, town of	Allegany	Oct. 18, 1974
Bergen, town of	Genesee	Nov. 22, 1974
Berlin, town of	Rensselaer	Aug. 30, 1974
Blasdell, village of	Erie	Nov. 22, 1974
Bleecker, town of	Fulton	Do.
Bloomingburg, village of	do	Nov. 15, 1974
Bloomingdale, village of	Essex	Do.
Boonville, town of	Oneida	Sept. 6, 1974
Bovina, town of	Delaware	June 28, 1974
Bridgewater, town of	Oneida	Sept. 6, 1974
Bridgewater, village of	do	May 17, 1974
Brighton, town of	Franklin	Nov. 8, 1974
Brightwaters, village of	do	May 10, 1974
Broadalbin, town of	Fulton	Sept. 20, 1974
Brushton, village of	Franklin	Nov. 15, 1974
Burlington, town of	Otsego	Nov. 22, 1974
Burns, town of	Allegany	Nov. 8, 1974
Busti, town of	Chautau-qua.	Oct. 18, 1974
Butler, town of	Wayne	Nov. 29, 1974
Cambridge, town of	do	Oct. 2, 1974
Canadice, town of	Ontario	Nov. 8, 1974
Canastota, village of	Madison	Mar. 29, 1974
Candor, town of	Tioga	Aug. 2, 1974
Caroga, town of	Fulton	Nov. 8, 1974
Carroll, town of	Chautau-qua.	Sept. 20, 1974
Carrollton, town of	Cattarau-gus.	Do.
Castleton on the Hudson, village of.	Rensselaer	Mar. 1, 1974
Castorland, village of	Lewis	Aug. 9, 1974
Cayuta, town of	Schuyler	Nov. 15, 1974
Cazenovia, town of	Madison	Nov. 22, 1974
Champion, town of	Jefferson	May 31, 1974
Charleston, town of	Montgom-ery.	July 26, 1974
Cherry Creek, village of	Chautau-qua.	May 10, 1974
Cherry Valley, town of	Otsego	Oct. 18, 1974
Cherry Valley, village of	do	Nov. 15, 1974
Chesterfield, town of	Essex	Sept. 6, 1974
Clarkesville, town of	Allegany	Nov. 15, 1974
Clayville, village of	Oneida	May 24, 1974
Clermont, town of	Columbia	Nov. 8, 1974
Cleveland, village of	Oswego	May 31, 1974
Clifton, town of	St. Law-rence.	Nov. 29, 1974
Clyde, village of	Wayne	May 31, 1974
Cold Spring, town of	Cattarau-gus.	June 21, 1974
Columbia, town of	Herkimer	Mar. 29, 1947
Columbus, town of	Chenango	Oct. 18, 1974
Conewango, town of	Cattaraugus	June 28, 1974
Conquest, town of	Cayuga	Aug. 16, 1974
Constableville, village of	Lewis	Aug. 9, 1974
Corfu, village of	Genesee	Nov. 15, 1974
Croghan, village of	Lewis	May 31, 1974
Crown Point, town of	Essex	Nov. 8, 1974
Danube, town of	Herkimer	Apr. 5, 1974
Day, town of	Saratoga	Nov. 15, 1974
Deruyter, town of	Madison	Sept. 20, 1974
Diana, town of	Lewis	Sept. 13, 1974
Dickinson, town of	Franklin	Nov. 8, 1974
Dobbs Ferry, village of	Westchester	May 17, 1974
Eagle, town of	Wyoming	Sept. 13, 1974
Edinburg, town of	Saratoga	Nov. 1, 1974
Edwards, village of	St. Lawrence	Nov. 15, 1974
Ellington, town of	Chautauqua	Oct. 25, 1974
Ellisburg, village of	Jefferson	Aug. 30, 1974
Fairfield, town of	Herkimer	Mar. 29, 1974
Farmersville, town of	Cattaraugus	June 28, 1974
Fenner, town of	Madison	Sept. 13, 1974
Fillmore, village of	Allegany	Feb. 1, 1974
Florence, town of	Oneida	Sept. 13, 1974
Forest Port, town of	do	June 28, 1974
Fort Ann, village of	Washington	Apr. 12, 1974
Fowler, town of	St. Lawrence	Nov. 1, 1974
Franklin, town of	Franklin	May 1, 1974
Franklinville, village of	Cattaraugus	May 31, 1974
Fulton, town of	Schoharie	Nov. 8, 1974
Gallatin, town of	Columbia	Oct. 25, 1974
Geneseo, village of	Livingston	Nov. 15, 1974
Genoa, town of	Cayuga	June 28, 1974
Gerry, town of	Chautauqua	Nov. 8, 1974
Glen Park, village of	Jefferson	Mar. 29, 1974
Greig, town of	Lewis	June 28, 1974
Grove, town of	Allegany	Do.
Harrisburg, town of	Lewis	Aug. 30, 1974
Harrisville, village of	do	Nov. 15, 1974
Hartwick, town of	Otsego	Oct. 25, 1974
Haverstraw, village of	Rockland	Apr. 12, 1974
Head of the Harbor, village of	Suffolk	Nov. 15, 1974
High Market, town of	Lewis	Sept. 13, 1974
Hodsick, town of	Rensselaer	Nov. 1, 1974
Hope, town of	Hamilton	Nov. 22, 1974
Hopkinton, town of	St. Lawrence	Nov. 15, 1974
Humphrey, town of	Cattaraugus	Aug. 30, 1974
Hunter, village of	Greene	Aug. 16, 1974
Independence, town of	Allegany	Sept. 6, 1974
Ira, town of	Cayuga	July 26, 1974
Ischua, town of	Cattaraugus	May 31, 1974
Italy, town of	Yates	June 28, 1974
Jasper, town of	Steuben	Nov. 1, 1974
Java, town of	Wyoming	Oct. 25, 1974
Jay, town of	Essex	Nov. 8, 1974
Johnstown, town of	Fulton	Oct. 25, 1974
Kenne, town of	Essex	Nov. 1, 1974
Keesville, village of	do	May 31, 1974
Klantone, town of	Chautauqua	Oct. 18, 1974
Lacona, village of	Oswego	Nov. 22, 1974
Lake Placid, village of	Essex	Nov. 15, 1974
Laurens, village of	do	Do.
Leicester, town of	Livingston	Oct. 18, 1974
Leon, town of	Cattaraugus	May 31, 1974
Lewis, town of	Essex	Nov. 29, 1974
Lewis, town of	Lewis	June 28, 1974
Litchfield, town of	Herkimer	Mar. 15, 1974
Little Valley, town of	Cattaraugus	Oct. 25, 1974
Livingston, town of	Columbia	May 24, 1974
Lodi, town of	Seneca	July 26, 1974
Lorraine, town of	Jefferson	May 10, 1974
Lyndon, town of	Cattaraugus	Aug. 9, 1974
Lyonsdale, town of	Lewis	Aug. 16, 1974
Machias, town of	Cattaraugus	Oct. 18, 1974
Macomb, town of	St. Lawrence	Sept. 13, 1974
Madrid, town of	do	Nov. 1, 1974
Malta, town of	Saratoga	Oct. 18, 1974
Mansfield, town of	Cattaraugus	May 31, 1974
Marathon, town of	Cortland	Nov. 29, 1974
Maryland, town of	Otsego	Oct. 18, 1974
Mayfield, village of	Fulton	Nov. 15, 1974
Meredith, town of	Delaware	June 28, 1974
Mexico, town of	Oswego	Nov. 15, 1974
Middleburg, town of	Schoharie	Aug. 30, 1974
Middleburg, village of	do	May 31, 1974
Middletown, town of	Cattaraugus	Sept. 6, 1974
Minetto, town of	Oswego	Nov. 22, 1974
Moira, town of	Franklin	Nov. 15, 1974
Moravia, town of	Cayuga	June 14, 1974
Moriah, town of	Essex	Nov. 22, 1974
Morris, town of	Otsego	Nov. 15, 1975
Morris, village of	do	Do.
Morristown, town of	St. Lawrence.	Sept. 6, 1974
Morristown, village of	do	May 31, 1974
Morrisville, town of	Madison	Mar. 8, 1974
Munnsville, village of	do	Aug. 30, 1974
Napoli, town of	Cattaraugus	June 14, 1974
Nassau, town of	Rensselaer	Nov. 22, 1974
Nassau, village of	Rensselaer	Mar. 22, 1974
Nelliston, village of	Mont-gomery.	Feb. 15, 1974
Nelson, town of	Madison	Oct. 25, 1974
New Bremen, town of	Lewis	Nov. 1, 1974
New Haven, town of	Oswego	July 19, 1974
Newark Valley, village of	Tioga	June, 7, 1974
Newport, town of	Herkimer	Nov. 15, 1974
Niobels, village of	Tioga	June 7, 1974
North Collins, town of		May 24, 1974
Norwich, town of	Chenango	Sept. 20, 1974
Oakfield, village of	Genesee	Nov. 15, 1974
Oppenheim, town of	Fulton	Nov. 8, 1974
Orange, town of	Schuyler	July 26, 1974
Oriskany Falls, village of	Oneida	Nov. 22, 1974
Orwell, town of	Oswego	Oct. 25, 1974
Osceola, town of	Lewis	Aug. 16, 1974
Oswego, town of	Oswego	May 31, 1974
Otisco, town of	Onondaga	Do.
Otto, town of	Cattarau-gus.	Do.
Ovid, town of	Seneca	July 26, 1974
Owasco, town of	Cayuga	May 31, 1974
Palatine Bridge, village of.	Mont-gomery.	Feb. 15, 1974
Palatine, town of	do	Nov. 29, 1974
Pamelia, town of	Jefferson	Oct. 18, 1974
Pawling, town of	Dutchess	Oct. 25, 1974
Perry, town of	Wyoming	June 28, 1974
Perrysburg, town of	Cattarau-gus.	May 17, 1974
Perth, town of	Fulton	Oct. 18, 1974
Pharsalia, town of	Chenango	Do.
Pike, town of	Wyoming	Sept. 13, 1974
Pinckney, town of	Lewis	Sept. 6, 1974
Pittsfield, town of	Otsego	Oct. 25, 1974
Plainfield, town of	do	Nov. 8, 1974
Poland, town of	Chautau-qua.	Oct. 18, 1974
Poquott, village of	Suffolk	Nov. 15, 1974
Port Henry, village of	Essex	Nov. 22, 1974
Portage, town of	Livingston	Aug. 16, 1974
Prospect, village of	Oneida	Nov. 15, 1974
Providence, town of	Saratoga	Do.
Rathbone, town of	Steuben	Aug. 2, 1974
Reading, town of	Schuyler	Oct. 25, 1974
Redfield, town of	Oswego	Nov. 22, 1974
Richburg, village of	Allegany	Aug. 9, 1974
Richfield, town of	Otsego	Oct. 18, 1974
Romulus, town of	Seneca	July 26, 1974
Rose, town of	Wayne	June 28, 1974
Roslyn Harbor, village of	Nassau	Do.
Rossie, town of	St. Law-rence.	Nov. 1, 1974
Salisbury, town of	Herkimer	June 7, 1974
Sandy Creek, village of	Oswego	Nov. 15, 1974
Saugerties, village of	Ulster	Do.
Schuyler Falls, town of	Clinton	Sept. 13, 1974
Scipio, town of	Cayuga	May 31, 1974
Scott, town of	Cortland	Nov. 1, 1974
Sempronius, town of	Cayuga	May 31, 1974

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Community name	County name	Identification date
Sennett, town of	do	June 14, 1974
Sharon, town of	Schoharie	Nov. 8, 1974
Shelby, town of	Orleans	Do.
Smithfield, town of	Madison	Oct. 25, 1974
Smyrna, village of	Chenango	Nov. 22, 1974
South Dayton, village of	Cattaraugus	May 31, 1974
South Valley, town of	do	Sept. 6, 1974
Sparta, town of	Livingston	Nov. 8, 1974
Spencer, village of	Tioga	Nov. 15, 1974
St. Armand, town of	Essex	Oct. 25, 1974
St. Johnsville, town of	Montgomery	Feb. 15, 1974
Stanford, town of	Dutchess	Oct. 18, 1974
Sterling, town of	Cayuga	July 26, 1974
Steuben, town of	Oneida	June 28, 1974
Stockton, town of	Chautauqua	Nov. 1, 1974
Stratford, town of	Fulton	Nov. 15, 1974
Theresa, village of	Jefferson	May 10, 1974
Thurston, town of	Steuben	Oct. 25, 1974
Torrey, town of	Yates	May 31, 1974
Trenton, village of	Oneida	Aug. 30, 1974
Triangle, town of	Broome	Apr. 5, 1974
Tully, town of	Onondaga	Oct. 18, 1974
Tuscarora, town of	Steuben	Oct. 25, 1974
Tyre, town of	Seneca	Oct. 18, 1974
Valatie, village of	Columbia	Nov. 15, 1974
Valley Falls, village of	Rensselaer	Nov. 22, 1974
Varick, town of	Seneca	Oct. 18, 1974
Verona, town of	Oneida	Sept. 13, 1974
Veteran, town of	Chemung	Oct. 25, 1974
Victory, town of	Cayuga	July 26, 1974
Victory, village of	Saratoga	Apr. 5, 1974
Villenova, town of	Chautauqua	Oct. 18, 1974
Volney, town of	Oswego	Nov. 1, 1974
Waddington, village of	St. Lawrence	Nov. 15, 1974
Washington, town of	Dutchess	Nov. 1, 1974
Waterloo, town of	Seneca	July 19, 1974
Waterville, village of	Oneida	June 14, 1974
Watson, town of	Lewis	Nov. 1, 1974
Waverly, town of	Franklin	Oct. 25, 1974
Western, town of	Oneida	Aug. 2, 1974
Westford, town of	Otsego	Oct. 25, 1974
White Creek, town of	Washington	Oct. 18, 1974
Williamstown, town of	Oswego	Nov. 1, 1974
Willsboro, town of	Essex	Nov. 8, 1974
Wilton, town of	Saratoga	June 14, 1974
Wolcott, town of	Wayne	June 28, 1974
Woodhull, town of	Steuben	July 26, 1974
Worcester, town of	Otsego	Nov. 1, 1974
Wright, town of	Schoharie	Nov. 8, 1974
Wyoming, village of	Wyoming	May 17, 1974
Total 261.		
North Carolina:		
	Gaston	Nov. 29, 1974
	Martin	Do.
China Grove, town of	Rowan	Jan. 9, 1974
Indian Trail, city of	Union	Sept. 6, 1974
Lincolnton, city of	Lincoln	Apr. 5, 1974
Macclesfield, town of	Edgecombe	Jan. 9, 1974
McAdenville, city of	Gaston	June 21, 1974
Pantego, town of	Beaufort	Sept. 6, 1974
Robbins, town of	Moore	Nov. 22, 1974
Robbinsville, town of	Graham	June 14, 1974
Ronda, town of	Wilkes	Sept. 6, 1974
Sparta, city of	Allegany	Feb. 15, 1974
Speed, town of	Edgecombe	Jan. 9, 1974
Valdese, town of	Burke	Mar. 1, 1974
Vanceboro, town of	Craven	Do.
Weaverville, town of	Buncombe	Nov. 29, 1974
Total 16.		
North Dakota:		
Bathgate, city of	Pembina	Nov. 22, 1974
Crary, city of	Ramsey	Nov. 15, 1974
Oilby, city of	Grand Forks, city of	Nov. 22, 1974
Great Bend, city of	Richland	Do.
Hanipden, city of	Ramsey	Nov. 29, 1974
Hatton, city of	Traill	May 10, 1974
Horsace, city of	Cass	Nov. 29, 1974
Lakota, city of	Nelson	May 3, 1974
Leeds, city of	Benson	Apr. 5, 1974
Lehr, city of	Logan and McIntosh	Nov. 22, 1974
Maddock, city of	Benson	Mar. 8, 1974
Marmarth, city of	Slope	Nov. 29, 1974
Max, city of	McLean	Nov. 22, 1974
Maxbass, city of	Bottineau	Do.
Montpelier, city of	Stutsman	Nov. 15, 1974
New Rockford, city of	Eddy	Nov. 23, 1973
Parshall, city of	Mountrail	Nov. 29, 1974
Rock Lake, city of	Towner	Nov. 22, 1974
Rugby, city of	Pierce	Mar. 22, 1974
Souris, city of	Bottineau	Nov. 29, 1974
Streeter, city of	Stutsman	Nov. 22, 1974
Turtle Lake, city of	McLean	Mar. 22, 1974
Tuttle, city of	Kidder	Jan. 29, 1974
Washburn, city of	McLean	Mar. 22, 1974
Willow City, city of	Bottineau	Nov. 15, 1974
Wilton, city of	McLean and Burleigh	May 24, 1974
Total 26.		

Community name	County name	Identification date
Ohio:		
	Erie	Jan. 31, 1974
	Washington	Nov. 9, 1973
	Wayne	Jan. 3, 1974
Addyston, village of	Hamilton	Mar. 1, 1974
Alexandria, village of	Licking	May 31, 1974
Amsterdam, village of	Jefferson	Apr. 12, 1974
Antwerp, village of	Paulding	Mar. 29, 1974
Apple Creek, village of	Wayne	Do.
Arlington Heights, village of.	Hamilton	Feb. 1, 1974
Arlington, village of	Hancock	May 17, 1974
Baltimore, village of	Fairfield	June 21, 1974
Barnesville, village of	Belmont	June 7, 1974
Batavia, village of	Clermont	Nov. 30, 1973
Berlin Heights, village of	Erie	Apr. 5, 1974
Bettsville, village of	Seneca	Apr. 12, 1974
Blanchester, village of	Clinton	Apr. 5, 1974
Broadview Heights, city of.	Cuyahoga	June 28, 1974
Burgoon, village of	Sandusky	Aug. 2, 1974
Butler, village of	Richland	May 10, 1974
Camden, village of	Preble	Do.
Castalia, village of	Erie	Mar. 29, 1974
Chauncey, village of	Athens	June 21, 1974
Chevlot, city of	Hamilton	June 7, 1974
Christiansburg, village of	Champaign	Aug. 9, 1974
Clarksburg, village of	Ross	Nov. 15, 1974
Coal Grove, village of	Lawrence	June 14, 1974
Coalton, village of	Jackson	Feb. 1, 1974
Columbus Grove, village of.	Putnam	Feb. 8, 1974
Creston, village of	Wayne	Feb. 1, 1974
Crooksville, village of	Perry	Do.
Cuyahoga Heights, village of.	Cuyahoga	Mar. 29, 1974
Dellroy, village of	Carroll	Aug. 9, 1974
Donnelsville, village of	Clark	Feb. 1, 1974
Dupont, village of	Putnam	Aug. 9, 1974
East Rochester, village of	Columbiana	Sept. 13, 1974
Elida, village of	Allen	Mar. 29, 1974
Evendale, village of	Hamilton	Mar. 1, 1974
Fairlawn, city of	Summit	Mar. 29, 1974
Fort Jennings, village of	Putnam	May 31, 1974
Fort Recovery, village of	Mercer	June 7, 1974
Frazeysburg, village of	Muckingham	Aug. 30, 1974
Gilboa, village of	Putnam	Aug. 9, 1974
Glenford, village of	Perry	June 28, 1974
Green Springs, village of	Sandusky	Mar. 1, 1974
Greenfield, village of	Highland	Do.
Hamler, village of	Henry	Apr. 12, 1974
Hartford, village of	Licking	Sept. 13, 1974
Irondale, village of	Jefferson	May 31, 1974
Jackson Center, village of	Shelby	Do.
Jacksonville, village of	Athens	May 17, 1974
Jenera, village of	Hancock	Aug. 9, 1974
Kalida, village of	Putnam	Mar. 1, 1974
Leesburg, village of	Highland	Apr. 5, 1974
Leesville, village of	Carroll	Sept. 20, 1974
Lisbon, village of	Columbiana	Apr. 12, 1974
Lockland, city of	Hamilton	Feb. 15, 1974
London, city of	Madison	May 10, 1974
Lore City, village of	Guernsey	Aug. 30, 1974
Lucas, village of	Richland	Apr. 5, 1974
Lynchburg, village of	Highland	Mar. 29, 1974
Magnolia, village of	Carroll	May 3, 1974
Mariemont, village of	Washington	Feb. 8, 1974
McComb, village of	Hancock	May 10, 1974
McGuffey, village of	Hardin	Do.
Milan, village of	Erie	Apr. 12, 1974
Millville, village of	Butler	June 7, 1974
Montezuma, village of	Mercer	Aug. 9, 1974
Montpelier, village of	Williams	May 31, 1974
Mount Blanchard, village of.	Hancock	Aug. 9, 1974
Mount Cory, village of	do	Sept. 20, 1974
Mount Healthy, city of	Hamilton	June 7, 1974
Newburgh Heights, village of.	Cuyahoga	Mar. 15, 1974
North Bend, village of	Hamilton	Do.
North Fairfield, village of	Huron	Do.
Oak Harbor, village of	Ottawa	Mar. 1, 1974
Oakwood, village of	Paulding	May 17, 1974
Obetz, village of	Franklin	Feb. 15, 1974
Osgood, village of	Darke	Aug. 30, 1974
Ostrander, village of	Delaware	Sept. 20, 1974
Payne, village of	Paulding	May 3, 1974
Pickerington, village of	Fairfield	June 28, 1974
Pleasant City, village of	Guernsey	Aug. 23, 1974
Plymouth, village of	Huron	May 3, 1974
Racine, village of	Meigs	Aug. 9, 1974
Rarden, village of	Scioto	Aug. 23, 1974
Richmond Heights, city of.	Cuyahoga	Mar. 22, 1974
Riverside, village of	Montgomery	Feb. 15, 1974
Rogers, village of	Columbiana	Mar. 22, 1974
Salem, city of	do	May 3, 1974
Shawnee Hills, village of	Delaware	Feb. 8, 1974
Sherrodsville, village of	Carroll	Aug. 9, 1974
Shreve, village of	Wayne	Mar. 29, 1974
South Mount Vernon, village of.	Knox	June 21, 1974
South Salem, village of	Ross	Aug. 23, 1974
St. Paris, village of	Champaign	June 7, 1974
Sugar Creek, village of	Tuscarawas	May 31, 1974

Community name	County name	Identification date
Terrace Park, village of	Hamilton	Feb. 8, 1974
Tuscarawas, village of	Tuscarawas	Apr. 5, 1974
Upper Sandusky, city of	Wyandot	Jan. 9, 1974
Van Buren, village of	Hancock	Mar. 22, 1974
Vaughnsville, town of	Putnam	Nov. 15, 1974
Vernona, village of	Preble	Oct. 10, 1974
Waite Hill, village of	Lake	Dec. 17, 1973
Wakeman, village of	Huron	Nov. 9, 1973
Washingtonville, village of.	Columbiana and Mahoning	Do.
Waverly, city of	Pike	June 21, 1974
Wellston, city of	Jackson	Feb. 15, 1974
Williamsburg, village of	Clermont	Mar. 29, 1974
Windham, village of	Portage	Mar. 15, 1974
Woodville, village of	Sandusky	Do.
Zanesfield, village of	Logan	Oct. 18, 1974
Total 111.		
Oklahoma:		
Addington, town of	Jefferson	Oct. 18, 1974
Blanchard, town of	Grady McClain	Sept. 13, 1974
Boley, town of	Okfuskee	Apr. 12, 1974
Boswell, town of	Choctaw	Mar. 15, 1974
Bristow, city of	Creek	June 28, 1974
Byng, town of	Pontotoc	Aug. 30, 1974
Canton, town of	Blaine	June 28, 1974
Catoosa, town of	Rogers	Sept. 6, 1974
Chelsea, city of	do	Nov. 8, 1974
Cheyenne, town of	Roger Mills	June 28, 1974
Dacoma, town of	Woods	Nov. 8, 1974
Davidson, town of	Tillman	July 26, 1974
Dewar, town of	Okmulgee	June 28, 1974
Fort Supply, town of	Woodward	May 24, 1974
Freedom, town of	Woods	Nov. 8, 1974
Gans, town of	Sequoyah	Nov. 29, 1974
Gene Autry, town of	Carter	Nov. 8, 1974
Greenfield, town of	Blaine	Aug. 30, 1974
Hailleyville, city of	Pittsburg	July 26, 1974
Harrah, town of	Oklahoma	Aug. 2, 1974
Hobart, city of	Kiowa	Dec. 28, 1973
Hominy, city of	Osage	Dec. 28, 1973
Hydro, town of	Caddo and Blaine	July 26, 1974
Inola, town of	Rogers	May 10, 1974
Jay, town of	Delaware	June 28, 1974
Kinta, city of	Haskell	Nov. 8, 1974
Konawa, city of	Seminole	Apr. 5, 1974
Krebs, city of	Pittsburg	Dec. 28, 1973
Lone Wolf, town of	Kiowa	May 3, 1974
Lookeba, town of	Caddo	Oct. 25, 1974
Marlow, city of	Stephens	Dec. 28, 1973
Meno, town of	Major	Nov. 15, 1974
Mountain view, town of	Kiowa	Nov. 1, 1974
Okay, town of	Wagoner	Aug. 16, 1974
Okeene, town of	Blaine	June 28, 1974
Peoria, town of	Ottawa	Nov. 22, 1974
Pittsburg, town of	Pittsburg	Nov. 8, 1974
Porum, town of	Muskogee	June 28, 1974
Potean, city of	McClain	Sept. 6, 1974
Ramona, town of	Washington	July 19, 1974
Roff, city of	Pontotoc	Mar. 22, 1974
Roosevelt, town of	Kiowa	Nov. 1, 1974
Sasakwa, town of	Seminole	Nov. 8, 1974
Shattuck, town of	Ellis	May 24, 1974
Stillwell, city of	Adair	Nov. 22, 1974
Stonewall, town of	Pontotoc	June 28, 1974
Taft, town of	Muskogee	Do.
Thomas, city of	Custer	Apr. 5, 1974
Tishomingo, city of	Johnston	Jan. 16, 1974
Tonkawa, city of	Kay	Nov. 23, 1973
Wagoner, city of	Wagoner	June 28, 1974
Weleetka, city of	Okfuskee	June 14, 1974
Westville, town of	Adair	Oct. 18, 1974
Wyandotte, town of	Ottawa	June 28, 1974
Total 56.		
Oregon:		
Adams, city of	Umatilla	Aug. 30, 1974
Detroit, city of	Marion	Nov. 1, 1974
Elkton, city of	Douglas	Sept. 13, 1974
Halsey, city of	Linn	Nov. 22, 1974
Ione, city of	Morrow	Do.
Irrigon, city of	do	Nov. 29, 1974
St. Paul, city of	Marion	Nov. 22, 1974
Total 7.		
Pennsylvania:		
Albany, township of	Berks	Oct. 18, 1974
Aleppo, township of	Allegheny	May 10, 1974
Allen, township of	Northampton	Sept. 6, 1974
Allison, township of	Clinton	Nov. 13, 1974
Apolacon, township of	Susquehanna	Nov. 29, 1974
Arona, borough of	Westmoreland	Aug. 9, 1974
Ashville, borough of	Columbia	Nov. 15, 1974
Athens, borough of	Bradford	May 24, 1974
Barrett, township of	Monroe	Nov. 15, 1974
Beaver, township of	Columbia	Nov. 1, 1974
Do	Snyder	Do.
Bell, township of	Westmoreland	Sept. 13, 1974
Bellevue, borough of	Allegheny	Dec. 28, 1973
Ben Avon, borough of	do	Do.
Bernville, borough of	Berks	Sept. 13, 1974

Community name	County name	Identification date
Big Run, borough of	Jefferson	July 19, 1974
Bingham, township of	Potter	Nov. 29, 1974
Black Lick township	Indiana	Nov. 15, 1974
Blaine, township of	Washington	Oct. 18, 1974
Blairsville, borough of	Indiana	July 26, 1974
Blooming Grove, township of.	Pike	Nov. 8, 1974
Boggs, township of	Clearfield	Nov. 15, 1974
Bolivar, borough of	Westmoreland.	June 14, 1974
Boswell, borough of	Somerset	July 26, 1974
Brady, township of	Clearfield	Nov. 15, 1974
Bradys Bend, township of.	Armstrong	Nov. 29, 1974
Branch, township of	Schuylkill	Nov. 15, 1974
Brecknock, township of	Berks	Sept. 13, 1974
Brisbin, borough of	Clearfield	Sept. 20, 1974
Burgettstown, borough of	Washington	Jan. 23, 1974
Burlington, township of	Bradford	Sept. 13, 1974
Burnside, borough of	Clearfield	Nov. 15, 1974
Burrell, township of	Armstrong	Sept. 20, 1974
Do	Indiana	Sept. 13, 1974
Bushkill, township of	Northampton.	Nov. 8, 1974
Callery, borough of	Butler	Aug. 9, 1974
Cambridge, township of	Crawford	Sept. 6, 1974
Canton, township of	Bradford	Oct. 18, 1974
Cascade, township of	Lycoming	Do.
Cass, township of	Schuylkill	Nov. 29, 1974
Casselman, borough of	Somerset	Nov. 8, 1974
Castle Shannon, borough of.	Allegheny	June 28, 1974
Center, township of	Butler	Sept. 13, 1974
Do	Greene	Oct. 25, 1974
Centerport, borough of	Berks	Nov. 22, 1974
Centre, township of	do	Nov. 1, 1974
Chapman, borough of	Northampton.	Nov. 15, 1974
Charlestown, township of	Chester	Oct. 18, 1974
Chartiers, township of	Washington	Nov. 1, 1974
Chest, township of	Clearfield	Nov. 15, 1974
Chestnut Hill, township of.	Monroe	Do.
Clara, township of	Potter	Oct. 18, 1974
Clarion, township of	Clarion	Nov. 29, 1974
Clarksville, borough of	Greene	Nov. 15, 1974
Clinton, township of	Wayne	Nov. 22, 1974
Do	Seminole	Nov. 29, 1974
Conemaugh, township of	Cambria	Nov. 22, 1974
Conewago, township of	Adams	Do.
Cook, township of	Westmoreland.	Sept. 20, 1974
Cowanshannock, township of.	Armstrong	Sept. 13, 1974
Croyle, township of	Cambria	Nov. 22, 1974
Cumberland, township of	Greene	Aug. 30, 1974
Dean, township of	Cambria	Nov. 8, 1974
Decatur, township of	Clearfield	Sept. 20, 1974
Do	Mifflin	Nov. 15, 1974
Deemston, borough of	Washington	Nov. 1, 1974
Deerfield, township of	Tioga	Aug. 30, 1974
Do	Warren	Nov. 15, 1974
Delaware Water Gap, borough of.	Monroe	June 21, 1974
Delmont, borough of	Westmoreland.	Nov. 22, 1974
Delta, borough of	York	Do.
District, township of	Berks	Nov. 15, 1974
Donegal, township of	Westmoreland.	June 21, 1974
Dudley, borough of	Huntingdon	Nov. 8, 1974
Duncan, township of	Tioga	Nov. 1, 1974
East Brandywine, township of.	Chester	Oct. 18, 1974
East Butler, borough of	Butler	July 26, 1974
East Conemaugh, borough of.	Cambria	Nov. 15, 1974
East Coventry, township of.	Chester	Oct. 18, 1974
East Finley, township of	Washington	Nov. 29, 1974
East Huntingdon, township of.	Westmoreland.	Sept. 20, 1974
East Lackawannock, township of.	Mercer	Sept. 6, 1974
East Nottingham, township of.	Chester	Sept. 13, 1974
East Rochester, borough of.	Beaver	Feb. 1, 1974
Economy, borough of	do	Apr. 5, 1974
Eden, township of	Lancaster	Aug. 30, 1974
Ehrenfeld, borough of	Cambria	Aug. 9, 1974
Elizabeth, borough of	Allegheny	Jan. 9, 1974
Elkland, township of	Tioga	Nov. 22, 1974
Elmburst, town of	Lackawanna	Oct. 18, 1974
Fairchance, borough of	Fayette	July 26, 1974
Fairfield, township	Crawford	May 31, 1974
Do	Westmoreland.	Sept. 6, 1974
Fairhope, township of	Somerset	Nov. 15, 1974
Fairview, borough of	Erie	July 26, 1974
Fairview, township of	Mercer	Nov. 29, 1974
Ferndale, borough of	Cambria	Nov. 8, 1974
Forest City, borough of	Susquehanna.	Nov. 22, 1974
Forward, township of	Butler	Sept. 13, 1974
Fox, township of	Elk	Nov. 15, 1974
Frailey, township of	Schuylkill	Nov. 8, 1974

Community name	County name	Identification date
Franklin, township of	Chester	Nov. 29, 1974
Do	Bradford	Oct. 25, 1974
French Creek, township of.	Venango	Nov. 22, 1974
Glasgow, borough of	Beaver	Aug. 16, 1974
Greensboro, borough of	Greene	Nov. 8, 1974
Grugan, township of	Clinton	Do.
Hamilton, township of	Monroe	Nov. 22, 1974
Hanover, township of	Beaver	Sept. 6, 1974
Harford, township of	Susquehanna.	Sept. 20, 1974
Hereford, township of	Berks	Nov. 15, 1974
Highland, township of	Chester	Nov. 29, 1974
Horton, township of	Elk	Sept. 13, 1974
Houtzdale, borough of	Clearfield	May 17, 1974
Howard, township of	Centre	Nov. 22, 1974
Hyde Park, borough of	Westmoreland.	Nov. 1, 1974
Independence, township of.	Beaver	Aug. 30, 1974
Irvona, borough of	Clearfield	Apr. 12, 1974
Jay, township of	Elk	Nov. 15, 1974
Jefferson, township of	Butler	Nov. 1, 1974
Karns City, borough of	do	Nov. 8, 1974
Keating, township of	Potter	Nov. 22, 1974
Kiskiminitas, township of	Armstrong	Sept. 20, 1974
Kline, township of	Schuylkill	Nov. 8, 1974
Knox, township of	Clearfield	Nov. 29, 1974
Lake, township of	Luzerne	Nov. 22, 1974
Lancaster, township of	Butler	Sept. 6, 1974
Lathrop, township of	Susquehanna.	Nov. 29, 1974
Lemon, township of	Wyoming	Do.
Lewisberry, borough of	York	Aug. 2, 1974
Liberty, township of	Susquehanna.	Nov. 29, 1974
Ligonier, borough of	Washington	Apr. 12, 1974
Lilly, borough of	Cambria	Nov. 1, 1974
Little Meadows, borough of.	Susquehanna.	Do.
Logan, township of	Clinton	Nov. 8, 1974
Longswamp, township of	Berks	Nov. 1, 1974
Lower Nazareth, township of.	Northampton.	Nov. 15, 1974
Loyalhanna, township of	Westmoreland.	Sept. 13, 1974
Lurgan, township of	Franklin	Nov. 1, 1974
Lynn, township of	Lehigh	Nov. 29, 1974
Madison, township of	Armstrong	Nov. 22, 1974
Mahaffey, borough of	Clearfield	Aug. 30, 1974
Manchester, township of	Wayne	Nov. 29, 1974
Marion, township of	Butler	June 28, 1974
Mazeaway, township of	Berks	Nov. 22, 1974
McSherrystown, borough of.	Adams	Do.
Menno, township of	Mifflin	Do.
Meyersdale, borough of	Somerset	Nov. 15, 1974
Middle Taylor, township of.	Cambria	Nov. 22, 1974
Miller, township of	Huntingdon.	Nov. 29, 1974
Millerstown, borough of	Perry	Jan. 16, 1974
Monroe, township of	Wyoming	Aug. 30, 1974
Morgan, township of	Greene	Nov. 1, 1974
Morris, township of	Huntingdon.	Nov. 22, 1974
Munster, township of	Cambria	Do.
Nazareth, borough of	Northampton.	Jan. 9, 1974
New Alexandria, borough of.	Westmoreland.	June 28, 1974
New Baltimore, borough of.	Somerset	Nov. 8, 1974
New Berlin, borough of	Union	Feb. 22, 1974
Newburg, borough of	Clearfield	Nov. 29, 1974
Newlin, township of	Chester	Nov. 1, 1974
North Belle Vernon, borough of.	Westmoreland.	Nov. 29, 1974
North Branch, township of.	Wyoming	Do.
North Buffalo, township of.	Armstrong	Apr. 5, 1974
North Fayette, township of.	Allegheny	Sept. 20, 1974
North Heidelberg, township of.	Berks	Sept. 13, 1974
North Moreland, township of.	Wyoming	Nov. 15, 1974
Oregon, township of	Wayne	Nov. 8, 1974
Osceola Mills, borough of	Clearfield	Mar. 29, 1974
Oswayo, township of	Potter	Nov. 22, 1974
Otto, township of	McKean	Nov. 15, 1974
Overton, township of	Bradford	Aug. 30, 1974
Parker City, city of	Armstrong	June 14, 1974
Parker, township of	Butler	Sept. 20, 1974
Parks, township of	Armstrong	May 3, 1974
Penn, township of	Clearfield	Nov. 29, 1974
Do	Lycoming	Nov. 1, 1974
Perry, township of	Clarion	Nov. 15, 1974
Petrolia, borough of	Butler	Nov. 22, 1974
Pike, township of	Bradford	Nov. 1, 1974
Do	Clearfield	Sept. 6, 1974
Pine, township of	Armstrong	Sept. 20, 1974
Do	Mercer	Nov. 15, 1974
Pittsfield, township of	Warren	Nov. 8, 1974
Pleasant Valley, township of.	Potter	Nov. 29, 1974
Pleasantville, borough of	Bedford	Do.

Community name	County name	Identification date
Plum Creek, township of	Armstrong	Sept. 6, 1974
Plumville, borough of	Indiana	Aug. 9, 1974
Polk, township of	Monroe	Nov. 22, 1974
Porter, township of	Clarion	Sept. 6, 1974
Raccoon, township of	Beaver	Aug. 2, 1974
Riches Landing, borough of.	Greene	Nov. 8, 1974
Robinson, township of	Allegheny	Sept. 20, 1974
Roseto, borough of	Northampton.	Nov. 15, 1974
Ross, township of	Monroe	Nov. 29, 1974
Rush, township of	Susquehanna.	Sept. 20, 1974
Salem, township of	Westmoreland.	Do.
Salisbk, township of	Fayette	Nov. 15, 1974
Sandy Creek, township of	Mercer	Sept. 20, 1974
Scalp Level, borough of	Cambria	June 28, 1974
Scott, township of	Wayne	Nov. 22, 1974
Sewickley Heights, borough of.	Allegheny	17, 1974
Shanksville, borough of	Somerset	Jan. 15, 1974
Sheffield, township of	Warren	Nov. 22, 1974
Shinglehouse, borough of	Potter	June 28, 1974
Shippensburg, township of.	Cumberland.	Sept. 6, 1974
Shipping Port, borough of	Bever	Feb. 1, 1974
Shirleysburg, borough of	Huntingdon	Nov. 15, 1974
Sligo, borough of	Clarion	Nov. 8, 1974
Smithton, borough of	Westmoreland.	May 31, 1974
Snow Shoe, township of	Centre	Sept. 13, 1974
South Bend, township of	Armstrong	Sept. 20, 1974
South Bethlehem, borough of.	do	June 28, 1974
South Coatesville, borough of.	Chester	May 31, 1974
South Connellsville, borough of.	Fayette	Nov. 8, 1974
South Greenburg, borough of.	Westmoreland.	June 14, 1974
South Huntingdon, township of.	do	Aug. 9, 1974
South Phillipsburg, borough of.	Centre	Do.
Southwest, township of	Warren	Nov. 22, 1974
Spring, Township of	Crawford	May 31, 1974
Springfield, township of	Erie	Nov. 1, 1974
Spruce Hill, township of	Juniata	Nov. 22, 1974
St. Clair, township of	Westmoreland.	Sept. 20, 1974
Starrucca, borough of	Wayne	Sept. 6, 1974
Stevens, township of	Bradford	Nov. 1, 1974
Summerhill, township of	Cambria	Nov. 29, 1974
Susquehanna Depot, borough of.		June 21, 1974
Susquehanna, township of.	Cambria	Nov. 15, 1974
Terry, township of	Bradford	Oct. 18, 1974
Tulpehocken, township of.	Berks	Nov. 8, 1974
Tuscarora, township of	Bradford	Oct. 18, 1974
Union, township of	Crawford	Aug. 30, 1974
Unionville, borough of	Centre	Aug. 9, 1974
Upper Bern, township of	Berks	Sept. 20, 1974
Upper Mifflin, township of.	Cumberland.	Nov. 15, 1974
Upper Nazareth, township of.	Northampton.	Dec. 27, 1971
Utica, borough of	Venango	Aug. 16, 1974
Valley, township of	Armstrong	Nov. 29, 1974
Venango, borough of	Crawford	Aug. 30, 1974
Venango, township of	do	May 31, 1974
Versailles, borough of	Allegheny	Jan. 9, 1974
Wallaceton, borough of	Clearfield	Nov. 8, 1974
Warwick, township of	Chester	Sept. 13, 1974
Washington, township of	Armstrong	Nov. 15, 1974
Do	Berks	Nov. 22, 1974
Do	Butler	Sept. 13, 1974
Do	Cambria	Nov. 22, 1974
Do	Greene	Nov. 1, 1974
Do	Westmoreland.	Sept. 6, 1974
Wayne, township of	Schuylkill	Nov. 29, 1974
West Bethlehem, township of.	Washington	Nov. 9, 1974
West Buffalo, township of.	Union	Nov. 1, 1974
West Cain, township of	Chester	Sept. 6, 1974
West Carroll, township of	Cambria	Nov. 22, 1974
West Leechburg, borough of.	Westmoreland.	June 21, 1974
West Nottingham, township of.	Chester	Nov. 22, 1974
West Penn, township of	Schuylkill	Nov. 15, 1974
West Perry, township of	Snyder	Nov. 1, 1974
West Rockhill, township of.	Bucks	Sept. 13, 1974
West Taylor, township of	Cambria	Nov. 29, 1974
White, township of	do	Do.
Williamstown, borough of	Dauphin	June 28, 1974
Wilmore, borough of	Cambria	Aug. 9, 1974
Wilmot, township of	Bradford	Sept. 6, 1974
Wind Gap, borough of	Northampton.	June 28, 1974
Winslow, township of	Jefferson	Sept. 20, 1974
Wyalusing, township of	Bradford	Do.
York Haven, borough of	York	Jan. 23, 1974

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Community name	County name	Identification date
Young, township of	Jefferson	Aug. 30, 1974
Total 269.		
Rhode Island:		
Gloucester, town of	Providence	Oct. 18, 1974
Total 1.		
South Carolina:		
	Allendale	Nov. 29, 1974
	Bamberg	Do.
Bluffton, town of	Beaufort	May 17, 1974
Burnettown, town of	Aiken	Oct. 25, 1974
Coward, town of	Florence	Do.
Cross Hill, town of	Laurens	Sept. 6, 1974
Dillon, town of	Dillon	May 17, 1974
Edgefield, town of	Edgefield	May 24, 1974
Ehrhardt, town of	Bamberg	July 19, 1974
Fairfax, town of	Allendale	May 31, 1974
Gilbert, town of	Lexington	Oct. 25, 1974
Holly Hill, town of	Orangeburg	June 7, 1974
Hollywood, town of	Charleston	Sept. 6, 1974
Jackson, town of	Aiken	May 17, 1974
Landrum, town of	Spartanburg	Nov. 8, 1974
McClellanville, town of	Charleston	Oct. 25, 1974
Norway, town of	Orangeburg	Nov. 8, 1974
Olanta, town of	Florence	May 24, 1974
Pamplico, town of	do	May 10, 1974
Paxville, town of	Clarendon	Aug. 9, 1974
Pelion, town of	Lexington	Do.
Pineridge, town of	do	June 21, 1974
Pinewood, town of	Sumter	Do.
Ridgeville, town of	Dorchester	May 31, 1974
Rowesville, town of	Orangeburg	Sept. 20, 1974
Salem, town of	Oconee	Nov. 8, 1974
Sellers, town of	Marion	June 7, 1974
Seneca, town of	Oconee	June 14, 1974
Smoaks, town of	Colleton	Sept. 6, 1974
Sycamore, town of	Allendale	Oct. 25, 1974
Timmonsville, town of	Florence	May 24, 1974
Ulmers, town of	Allendale	Aug. 16, 1974
Woodruff, town of	Spartanburg	Nov. 8, 1974
Total 33.		
South Dakota:		
Colome, town of	Tripp	May 10, 1974
Edgemont, city of	Fall River	Aug. 2, 1974
Frederick, town of	Brown	Nov. 22, 1974
Total 3.		
Tennessee:		
	Campbell	Nov. 29, 1974
	Putnam	Sept. 13, 1974
	Stewart	Do.
Auburntown, city of	Cannon	Aug. 2, 1974
Bell Buckle, town of	Bedford	June 14, 1974
Bethel Springs, town of	McNairy	June 28, 1974
Bradford, town of	Gibson	June 21, 1974
Byrdstown, city of	Pickett	Do.
Chapel Hill, town of	Marshall	June 14, 1974
Eagleville, town of	Rutherford	Aug. 23, 1974
Englewood, city of	McMinn	May 17, 1974
Finger, town of	McNairy	Sept. 6, 1974
Gilt Edge, city of	Tipton	Sept. 13, 1974
Greenbrier, city of	Robertson	June 21, 1974
Iron City, city of	Lawrence	June 14, 1974
Lewisburg, city of	Marshall	Mar. 1, 1974
Lynnville, city of	Giles	June 14, 1974
Ramer, town of	McNairy	Nov. 29, 1974
Richard City, city of	Marion	Feb. 1, 1974
Ridgetop, city of	Robertson	June 7, 1974
Rossville, town of	Fayette	July 19, 1974
Rutherford, town of	Gibson	June 7, 1974
Saltillo, town of	Hardin	June 14, 1974
Signal Mountain, town of	Hamilton	Do.
Surgoinsville, city of	Hawkins	May 17, 1974
Tellico Plains, city of	Monroe	Mar. 8, 1974
Tracy City, city of	Grundy	May 10, 1974
Wartrace, town of	Bedford	June 14, 1974
Waynesboro, city of	Wayne	Do.
Wellington, city of	Collinsworth	June 21, 1974
Whitwell, city of	Marion	Feb. 15, 1974
Total 31.		
Texas:		
Alamo, city of	Hidalgo	Mar. 23, 1974
Alvarado, city of	Johnson	Aug. 9, 1974
Anna, city of	Collin	Do.
Anton, city of	Hockley	Mar. 29, 1974
Arp, city of	Smith	Aug. 16, 1974
Baileys Prairie, town of	Brazoria	Nov. 8, 1974
Bandera, city of	Bandera	Apr. 12, 1974
Blum, city of	Mill	Nov. 1, 1974
Boyd, city of	Wise	Dec. 28, 1973
Briar Oaks, city of	Johnson	Mar. 29, 1974
Cactus, city of	Moore	June 14, 1974
Caddo Mills, city of	Hunt	June 28, 1974
Celeste, city of	do	June 21, 1974
Center, city of	Shelby	Mar. 1, 1974
Chandler, city of	Henderson	June 28, 1974
Clarksville, city of	Red River	Feb. 15, 1974
Cockrell Hill, city of	Dallas	Dec. 7, 1973
Colorado County		Oct. 25, 1974
Combes, town of	Cameron	May 10, 1974
Cooper, city of	Delta	Jan. 9, 1973
Corrigan, city of	Polk	May 24, 1974
Crandall, city of	Kaufman	Mar. 8, 1974
Dalehart, city of	Dallam-Hartley	Aug. 23, 1974
Early, city of	Brown	May 17, 1974
Edgewood, city of	Van Zandt	May 14, 1974
Ennis, city of	Ellis	June 28, 1974
Estelline, city of	Hall	Nov. 8, 1974
Floydada, city of	Floyd	May 31, 1974
Follett, city of	Lipscomb	June 28, 1974
Frankston, city of	Anderson	Aug. 16, 1974
Friona, city of	Parmer	Apr. 12, 1974
Glen Rose, city of	Somervell	Aug. 23, 1974
Grey Forest, city of	Bexar	Nov. 1, 1974
Gun Barrel City, city of	Henderson	Nov. 8, 1974
Gustine, town of	Comanche	Aug. 2, 1974
Hale Center, city of	Hale	May 10, 1974
Haslet, city of	Tarrant	Nov. 1, 1974
Hedley, city of	Donley	Nov. 8, 1974
Hewitt, city of	McLennan	Jan. 23, 1974
Iredell, town of	Bosque	Nov. 1, 1974
Kermit, city of	Winkler	May 24, 1974
Lacoste, City of	Medina	Jan. 9, 1974
Lindale, city of	Smith	Mar. 22, 1974
Llano, city of	Llano	Dec. 28, 1973
Malakoff, city of	Henderson	Oct. 25, 1974
Marion, city of	Guadalupe	Jan. 9, 1974
Mason, city of	Mason	May 10, 1974
Maypearl, city of	Ellis	Nov. 29, 1974
McLean, city of	Gray	May 17, 1974
Merkel, city of	Jones	July 26, 1974
Miami, city of	Roberts	May 24, 1974
Mineola, city of	Wood	May 3, 1974
Moulton, town of	Lavaca	Apr. 5, 1974
Newton, city of	Newton	June 7, 1974
Normangee, city of	Leon and Madison	Aug. 16, 1974
Oakwood, town of	Leon	May 24, 1974
Odessa, city of	Ector	June 28, 1974
Ozona, city of	Crockett	Dec. 7, 1973
Pampa, city of	Gray	May 10, 1974
Perryton, city of	Ochiltree	Sept. 13, 1974
Petersburg, city of	Hale	Apr. 12, 1974
Pittsburg, city of	Camp	Jan. 23, 1974
Prosper, town of	Collin	June 21, 1974
Pyote, city of	Ward	Aug. 16, 1974
Quinlan, city of	Hunt	Apr. 12, 1974
Ranger, city of	Eastland	May 17, 1974
Rankin, city of	Upton	May 10, 1974
Richland Springs, city of	San Saba	Nov. 8, 1974
Roaring Springs, city of	Motley	Do.
Roby, city of	Fisher	May 17, 1974
Saginaw, city of	Tarrant	Mar. 8, 1974
San Perlita, city of	Willacy	Oct. 25, 1974
Santa Rosa, city of	Cameron	May 17, 1974
Splendora, city of	Montgomery	Aug. 30, 1974
Stinnett, city of	Hutchinson	May 31, 1974
Stockdale, city of	Wilson	Do.
Sundown, city of	Hockley	Apr. 12, 1974
Vernon, city of	Wilbarger	May 17, 1974
Wharton county		Aug. 2, 1974
Wills Point, city of	Van Zandt	May 17, 1974
Wink, city of	Winkler	June 28, 1974
Winona, city of	Smith	Nov. 1, 1974
Wolfe City, city of	Hunt	June 28, 1974
Yoakum, city of	Lavaca and De Witt	May 10, 1974
Zapata county		Aug. 2, 1974
Total 84.		
Utah:		
Beaver, city of	Beaver	June 11, 1974
Circleville, town of	Piute	Aug. 2, 1974
Enterprise, city of	Washington	Aug. 16, 1974
Francis, town of	Summit	July 25, 1974
Honeyville, town of	Box Elder	June 28, 1974
Huntsville, town of	Weber	June 21, 1974
Lewiston, city of	Cache	Aug. 16, 1974
Randolph, town of	Rich	Do.
Wellington, city of	Carson	July 26, 1974
Willard, city of	Box Elder	June 7, 1974
Total 10.		
Vermont:		
Athens, town of	Windham	Nov. 6, 1974
Barton, village of	Orleans	Nov. 8, 1974
Bloomfield, town of	Essex	Sept. 6, 1974
Bradford, village of	Orange	Oct. 25, 1974
Bridgewater, town of	Windsor	Aug. 16, 1974
Charleston, town of	Orleans	Aug. 9, 1974
Clarendon, town of	Rutland	May 31, 1974
Dover, town of	Windham	Aug. 2, 1974
Enosburg, town of	Franklin	Aug. 9, 1974
Essex Junction, village of	Chittenden	June 28, 1974
Fletcher, town of	Franklin	Nov. 8, 1974
Granville, town of	Addison	Jan. 24, 1974
Highgate, town of	Franklin	May 31, 1974
Huntington, town of	Chittenden	July 21, 1974
Hyde Park, village of	Lamoille	Aug. 30, 1974
Jay, town of	Orleans	Sept. 13, 1974
Lowell, town of	do	Sept. 20, 1974
Lunenburg, town of	Essex	June 28, 1974
Marshfield, village of	Washington	Sept. 20, 1974
Milton, village of	Chittenden	May 3, 1974
Morrisville, village of	Lamoille	Feb. 1, 1974
Newport, town of	Orleans	Nov. 1, 1974
North Troy, village of	do	Aug. 2, 1974
Readsboro, village of	Bennington	Aug. 9, 1974
Richford, town of	Franklin	Aug. 2, 1974
Searsburg, town of	Bennington	Nov. 15, 1974
Somerset, town of	Windham	Nov. 22, 1974
South Burlington, town of	Chittenden	Nov. 1, 1974
Townshend, village of	Windham	Nov. 29, 1974
Troy, town of	Orleans	July 26, 1974
Washington, town of	Orange	June 28, 1974
Wells River, village of	do	Aug. 9, 1974
Westfield, town of	Orleans	Sept. 6, 1974
Wheelock, town of	Caledonia	Nov. 15, 1974
Woodford, town of	Bennington	Do.
Total 35.		
Virginia:		
Bristol city of	Rappahannock	Nov. 29, 1974
Glen Lyn, town of	Giles	Mar. 8, 1974
Hallwood, town of	Accomack	Nov. 15, 1974
Haymarket, town of	Prince William	Aug. 9, 1974
New Castle, town of	Craig	Do.
Roykins, town of	Southampton	May 31, 1974
Total 7.		
Washington:		
Buckley, town of	Pierce	Aug. 6, 1974
Fairfield, town of	Spokane	Nov. 8, 1974
Friday Harbor, town of	San Juan	Nov. 29, 1974
Nooksack, city of	Whatcom	Nov. 22, 1974
Republic, town of	Ferry	June 7, 1974
Uniontown, town of	Whitman	Nov. 22, 1974
Waverly, town of	Spokane	Nov. 15, 1974
Zillah, city of	Yakima	Sept. 16, 1974
Total 8.		
West Virginia:		
	Barbour	Nov. 15, 1974
	Brooke	Nov. 22, 1974
	Ohio	Nov. 29, 1974
	Pocahontas	Mar. 29, 1974
Friendly, town of	Tyler	Nov. 29, 1974
Layopolis, town of	Gilmer	Aug. 9, 1974
Littleton, town of	Wetzel	Nov. 15, 1974
Masontown, town of	Preston	Do.
Mount Hope, town of	Fayette	Sept. 13, 1974
Reedsville, town of	Preston	Nov. 15, 1974
Smithers, town of	Fayette	Mar. 8, 1974
Smithfield, town of	Wetzel	Nov. 15, 1974
Total 12.		
Wisconsin:		
Almena, village of	Barron	Sept. 6, 1974
Barneveld, village of	Iowa	May 17, 1974
Bear Creek, village of	Outagamie	Nov. 22, 1974
Belgium, village of	Ozaukee	June 7, 1974
Bell Center, village of	Crawford	Jan. 9, 1974
Big Falls, village of	Waupaca	Aug. 30, 1974
Boaz, village of	Richland	Aug. 23, 1974
Boscobel, city of	Grant	Dec. 17, 1973
Brownstown, village of	Green	Jan. 9, 1974
Cable, village of	Bayfield	Aug. 30, 1974
Cambridge, village of	Dane	Dec. 17, 1973
Cameron, village of	Barron	Dec. 28, 1973
Cascade, village of	Sheboygan	May 3, 1974
Catawba, village of	Price	Nov. 8, 1974
Cazenovia, village of	Richland	Aug. 23, 1974
Conrath, village of	Rusk	Aug. 30, 1974
Costburg, village of	Sheboygan	June 28, 1974
Desoto, village of	Crawford	Jan. 9, 1974
Downing, village of	Dunn	Nov. 8, 1974
Doylestown, village of	Columbia	Apr. 17, 1974
Eagle River, city of	Vilas	Dec. 28, 1973
East Troy, village of	Walworth	May 24, 1974
Eland, village of	Shawano	Aug. 23, 1974
Elderon, village of	Marathon	July 19, 1974
Fairchild, village	Eau Claire	May 31, 1974
Fenwood, village of	Marathon	Aug. 2, 1974
Forestville, village of	Door	Nov. 30, 1973
Fortville, village of	Rock	May 31, 1974
Francis Creek, village of	Manitowoc	May 17, 1974
Galesville, city of	Trempealeau	Nov. 30, 1973
Glen Flora, village of	Rusk	Nov. 8, 1974
Granton, village of	Clark	Aug. 30, 1974
Gratiot, village of	Lafayette	Jan. 16, 1974
Howard, village of	Brown	Dec. 28, 1973
Hustler, village of	Juneau	Aug. 23, 1974
Ingram, village of	Rusk	Sept. 6, 1974
Ironton, village of	Sauk	Aug. 16, 1974
Johnson Creek, village of	Jefferson	Jan. 9, 1974
Kennan, village of	Price	Nov. 8, 1974
Knapp village of	Dunn	July 19, 1974
Lime Ridge, village of	Sauk	Aug. 23, 1974
Loganville, village of	do	Sept. 6, 1974
Lowell, village of	Dodge	May 17, 1974
Lublin, village of	Taylor	Sept. 20, 1974
Marquette, village of	Green Lake	Dec. 28, 1973
Matoon, village of	Shawano	Aug. 30, 1974
Melvina, village of	Monroe	Do.
Menomonie, city	Dunn	June 28, 1974
Merrillan, village of	Jackson	May 31, 1974
Minong, village of	Washburn	Aug. 30, 1974
Mount Hope, village of	Grant	Do.
Necedah, village of	Juneau	Jan. 9, 1974
New Auburn, city of	Chippewa	July 19, 1974
North Bay, village of	Racine	Sept. 6, 1974
Ogdensburg, village of	Waupaca	Aug. 23, 1974
Oliver, village of	Douglas	Aug. 30, 1974
Omro, village of	Winnebago	Sept. 13, 1974
Ontario, village of	Vernon	Jan. 9, 1974
Pardeeville, village of	Columbia	Dec. 28, 1973
Pigeon Falls, village of	Trempealeau	Sept. 6, 1974
Poplar, village of	Douglas	Dec. 28, 1973
Potosi, village of	Grant	Do.
Prairie Du Sac, village of	Sauk	Dec. 7, 1973
Pulaski, village of	Brown	May 24, 1974
Redgranite, village of	Waushara	May 17, 1974
Shullsburg, city of	Lafayette	May 17, 1974
South Wayne, village of	do	Dec. 7, 1973
St. Cloud, village of	Fond Du Lac	Dec. 28, 1973
Stanton, town of	St. Croix	Nov. 15, 1974
Star Prairie, village of	do	Dec. 28, 1973
Sturtevant, village of	Racine	May 24, 1974
Taylor, village of	Jackson	Dec. 7, 1973
Union Center, village of	Juneau	Nov. 15, 1974
Unity, city of	Marathon	Sept. 20, 1974
Vesper, village of	Wood	Aug. 2, 1974
Wheeler, village of	Dunn	Aug. 2, 1974
Wild Rose, village of	Waushara	May 31, 1974
Wilson, village of	St. Croix	Aug. 30, 1974
Woodman, village of	Grant	Jan. 16, 1974
Total 79.		
Wyoming:		
Baggs, town of	Carbon	Nov. 22, 1974
Cokeville, town of	Lincoln	Nov. 8, 1974
Dubois, town of	Fremont	Jan. 23, 1974
East Thermopolis, town of	Hot Springs	Nov. 8, 1974
Kaycee, town of	Johnson	Nov. 22, 1974
Kemmerer, town of	Lincoln	Mar. 29, 1974
Laramie, city of	Albany	Apr. 5, 1974
Manderson, town of	Big Horn	Sept. 13, 1974
Rawlsester, town of	Sheridan	Sept. 6, 1974
Riverton, city of	Fremont	Mar. 29, 1974
Torrington, town of	Goshen	Mar. 15, 1974
Total 11.		
National total 1,983.		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's Delegation of Authority to the Federal Insurance Administrator, 34 F.R. 2680, February 24, 1974.)

Issued in Washington, D.C. on November 5, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30287 Filed 11-13-75;8:45 am]

Office of the Secretary

[Docket No. D–75–384]

SECRETARY OF THE INTERIOR Delegation of Authority

Pursuant to the authority vested in me to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance pursuant to Section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (E.O. 11795, 39 FR 25939, dated July 11, 1974), I hereby delegate to the Secretary of the Interior, subject to the general policy guidance and coordination of the Administrator of the Federal Disaster Assistance Administration, certain of the authority, functions and powers granted by Section 202 of the Disaster Relief Act of 1974 (hereinafter, "the Act," 88 Stat. 143, 42 U.S.C. 5121 Note) with respect to disaster warnings for an earthquake, volcanic eruption, landslide, mudslide, or other geological catastrophe, and for those fires for which the Department of the Interior presently provides fire warning services in support of Federal and State agencies, to wit:

1. The authority contained in Section 202(b) of the Act (with the exception of the authority to direct appropriate Federal agencies to provide technical assistance) to provide technical assistance to State and local governments to ensure that timely and effective disaster warning is provided;

2. The authority contained in Section 202(c) of the Act to utilize or to arrange for the use, where practicable, by Federal, State, and local agencies the facilities of any Federal communications system (other than the civil defense communications system established and maintained pursuant to Section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c))) for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters;

3. The authority contained in Section 202(d) of the Act to enter into agreements with the officers or agents of any private or commercial communications systems who volunteer the use of their systems on a reimbursable (upon approval by the FDAA Administrator, where Disaster Relief Act funds are involved) or nonreimbursable basis for the purpose of providing warning to governmental authorities and the civilian population endangered by disasters; and

4. The authority to issue such rules and regulations as may be necessary and appropriate to effectuate this delegation.

(Disaster Relief Act of 1974, 42 U.S.C. 5121 Note; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d); Executive Order 11795, signed July 11, 1974, 39 FR 25939.)

Effective date: This delegation shall be effective November 13, 1975.

CARLA A. HILLS,
Secretary, U.S. Department of Housing and Urban Development.

I consent:

KENT FRIZZELL,
Acting Secretary, U.S. Department of the Interior.

[FR Doc.75-30663 Filed 11-12-75;8:45 am]

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federal register

THURSDAY, NOVEMBER 13, 1975



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

EXEMPLARY PROJECTS IN VOCATIONAL EDUCATION

Criteria For Selection of Applicants for FY 1976

V 40 220 NOV 13 75 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 103]

EXEMPLARY PROJECTS IN VOCATIONAL EDUCATION

Criteria for Selection of Applicants for Fiscal Year 1976

Pursuant to the authority contained in Section 142(c) of Part D of the Vocational Education Act of 1963, as amended (20 U.S.C. 1302(c)), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 103 of Title 45 of the Code of Federal Regulations by revising Appendix A to read as set forth below. The proposed revised Appendix will supersede all criteria previously published for the selection of applications under the program of support for Exemplary Projects in Vocational Education.

(a) *Program purpose.* (1) Section 142 (c) of Part D of the Vocational Education Act of 1963, as amended (20 U.S.C. 1302(c)), provides for federally administered grants and contracts for Exemplary Projects in Vocational Education. The purposes of these exemplary projects are to: (i) Create bridges between school and earning a living for young people who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational education; (ii) Promote cooperation between public education and manpower agencies; (iii) Broaden occupational aspirations and opportunities for youths, with special emphasis given to youths who have academic, socio-economic, or other handicaps; and (iv) Provide for the participation in the program of students enrolled in private nonprofit schools.

(2) *Other program information.* (i) These projects are conducted under grants or contracts awarded by the Commissioner of Education in accordance with the provisions of Part D of the Act and with the applicable Federal regulations (45 CFR Part 103); (ii) Eligible applicants may include local educational agencies, State boards for vocational education, and public and private agencies, institutions, or organizations; and (iii) These exemplary projects represent bridging efforts between research and development and actual operations in school settings.

(b) *Regulations and criteria.* Regulations relating to the administration of the exemplary projects program under Part D of the Vocational Education Act of 1963 are contained in 45 CFR Part 103. (See particularly 45 CFR 103.21–26.) Specific criteria in 45 CFR 103.25 for the review of applications submitted to the Commissioner of Education under the program are superseded by this notice for fiscal year 1976. General regulations relating to general fiscal and administrative provisions for all Office of Education programs are contained in 45 CFR Part 100 and 100a. These general regulations contain general criteria for the review of applications under Office of Education project type programs (45 CFR 100a.26), and are also applicable to the program under Part D of the Act.

(c) *Criteria.* Superseding the criteria for review of applications already published in the FEDERAL REGISTER, as described above, the criteria set forth in the proposed revised Appendix A to the regulations in 45 CFR Part 103 will be applicable in connection with the review of applications for new projects to be awarded in fiscal year 1976 under Part D.

(d) *Written comments.* Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed criteria to: Division of Research and Demonstration, U.S. Office of Education, 7th & D Streets, S.W., Room 5042, Regional Office Building Three, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:00 p.m. All relevant material to be considered must be received on or before December 15, 1975.

(Catalog of Federal Domestic Assistance Program Number 13.502; Vocational Education—Innovation) (Exemplary Projects in Vocational Education).

Dated: September 25, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 3, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

PART 103—RESEARCH AND TRAINING, EXEMPLARY AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Appendix A is revised as follows:

APPENDIX A

EXEMPLARY PROJECTS IN VOCATIONAL EDUCATION; CRITERIA FOR FISCAL YEAR 1976

(a) *Priority of awards.* In awarding grants from funds available for this program, the Commissioner will give priority to applications for planning grants and to applications for three-year demonstration projects which rank high on the basis of criteria published herein and which involve, in a single operational setting, one of the three program priority areas described below as well as the additional three program features which are required of all applicants. (A single operational setting may be defined as a school, a group of schools, a community and/or several communities in sufficiently close proximity to permit effective project management and supervision, and to insure that the activities being undertaken will achieve maximum impact and visibility within the defined geographic area.)

In awarding grants for Part D projects in fiscal year 1976, the U.S. Office of Education will utilize a two-step selection process. The first step will be the acceptance of applications for planning grants and the negotiation of grant awards of $5,000 or less to the successful applicants. The planning grant period will culminate with the second step which is the receipt of full proposals both from the recipients of the planning grants and from other interested agencies and institutions who feel that their stage of development is past that of planning. From those submitting full proposals, applicants will be selected who will receive three-year grant awards for program implementation and demonstration. Closing dates for the receipt of planning grant applications and for the receipt of full proposals will be announced in the FEDERAL REGISTER.

Those agencies and institutions which receive planning grant awards but ultimately elect not to submit a full proposal will submit a final report which documents the planning process undertaken and the conditions which either facilitated or impeded that process;

The U.S. Office of Education, where possible, will fund three planning projects of not more than three months duration in each of the eligible States. One planning project for each of the three priority areas will be selected per State, provided that the planning grant applications received are deemed adequate by the review panel and the U.S. Office of Education.

From the full implementation and demonstration proposals which are submitted, the U.S. Office of Education will fund at least one three-year project in each eligible State and Territory. The initial funds will be awarded only for the first year of project operation. Continuation funding for the second and third years will be based on evidence of satisfactory progress during the previous twelve months and will be subject to changes in legislation and appropriations by the Congress.

Program Priority Area 1. Demonstration of the National Institute of Education's (NIE's) Experience-Based Career Education Program. The National Institute of Education's Experience-Based Career Education Program is characterized by the following significant elements:

(1) It represents a comprehensive alternative to regular high school, offering courses which either fulfill or supplement all requirements for graduation;

(2) It is experientially oriented in that students are permitted to perform non-paid work tasks as well as to observe adults in their work environment. It entails the opportunity for exposure to more than one community site, and requires learning more than one type of work-related skill. The activities in the work place are organized to yield academic, career, and interpersonal skills as well as occupational skills; and

(3) It possesses an organizational structure made up of school and community representatives whose sole purpose is to render advisory, policy-making, or operational assistance to the program.

Experience-based programs designed for career exploration other than that developed by the National Institute of Education may be submitted for funding consideration under this priority area, provided that such programs are able to demonstrate equal evidence of effectiveness.

Program Priority Area 2. The further development and demonstration of the instructional strategies, methods, and techniques of the National Institute of Education's Experience-Based Career Education Program in conjunction with an in-school cluster structure designed for occupational exploration and initial job preparation. The cluster structure selected should be characterized by:

(1) Delivery of skills and knowledges which are common to many occupations;

(2) Provision of an obvious ladder of jobs from the skilled through the professional levels;

(3) Provision of appropriate linkages, such as linkages for determining instructional content and for arranging placement, between the instructional program and the related units of business, industry, the professions, and government; and

(4) Provision for each person leaving the cluster program to have an entry-level job skill, thereby permitting its participants to exercise the option of either getting a job or pursuing further education.

Aspects of the National Institute of Education's Experience-Based Career Education Program which appear particularly promising for implementation in conjunction with an in-school cluster structure are, among others, the learning site analysis techniques, the student learning packages with behaviorally-stated objectives, and the employer recruitment and orientation process. Descriptive materials on these methods and techniques may be obtained from the Department of Health, Education, and Welfare/U.S. Office of Education Regional Offices listed in the Notice of Closing Date for Receipt of Applications published in this issue of the FEDERAL REGISTER.

Applicants may propose the use of instructional strategies, methods, and techniques developed with other experience-based programs such as those developed under Parts B, C, D, and G of the Vocational Education Act when such programs can demonstrate equal evidence of effectiveness.

Program Priority Area 3. The further development and demonstration of the instructional strategies, methods, and techniques of the National Institute of Education's Experience-Based Career Education Program in expanded, improved, or newly developed cooperative vocational education and work experience programs, excluding Work Study Programs funded under Part H of the Vocational Education Act, Pub. L. 90-576.

Aspects of the Experience-Based Career Education Program which appear particularly promising for expanding and improving cooperative vocational education programs and work experience programs are, among others, the learning site analysis techniques, the student learning packages with behaviorally-stated objectives, and the employer recruitment and orientation process. Descriptive materials on these methods and techniques may be obtained from the Department of Health, Education, and Welfare/U.S. Office of Education Regional Offices listed in the Notice of Closing Date for Receipt of Applications published in this issue of the FEDERAL REGISTER.

Applicants may propose the use of instructional strategies, methods, and techniques developed within other experience-based programs such as those developed under Parts B, C, D, and G of the Vocational Education Act when such programs can demonstrate equal evidence of effectiveness.

(b) *Regional distribution.* While applicants under Part D, Section 142(c) will be asked to select from one of the above three priority areas, indicating on their application the priority to which the application has been addressed, the U.S. Office of Education will give priority to the funding of a minimum of one project in each of the ten Department of Health, Education, and Welfare/U.S. Office of Education Regions which is designed to demonstrate the National Institute of Education's Experience-Based Career Education Program (Program Priority Area 1).

(c) *Required program features.* In addition to selecting from the above three priority areas, applicants should include in the single operational setting defined for the project *all* of the following three program features:

(1) A systematic plan to eliminate existing sex bias and sex-role stereotyping and to avoid introducing these elements into the activities undertaken with respect to the demonstration project;

(2) A third-party, objective evaluation, the design of which should attempt to measure student outcomes against the stated objectives of the project as well as gather such process and treatment information as will show reason why the project was or was not successful in achieving the desired outcomes for the designated population of student participants; and

(3) A strong emphasis on sex-fair guidance, counseling, placement, and follow-up services.

(d) *Continuation awards.* In addition to the above emphasis for new grant awards in fiscal year 1976, continuation costs may be provided for the second or third years of demonstration projects started in fiscal year 1974 and fiscal year 1975 under this program (CFDA No. 13.502) when it is deemed that such projects are making satisfactory progress toward achieving their objectives.

(20 U.S.C. 1301–1305)

(e) *Financial sources for projects.* Since comprehensive exemplary projects will require substantial financial resources, consideration should be given in the project design to the possible coordination with relevant programs supported from other sources.

(20 U.S.C. 1301, 1303(a))

(f) *Application review criteria—program priority areas.* The criteria which will be utilized in reviewing applications in fiscal year 1976 will be the same for initial planning projects and for three-year implementation and demonstration projects.

With respect to planning projects, applicants should submit a completed application form, a letter of not more than ten single-spaced pages, and other documentary evidence which indicates a capability to plan and, if successful in the final selection process, to implement an Exemplary Project in Vocational Education which will demonstrate one of the three major program priority areas as well as the additional three features (elimination of sex bias and sex-role stereotyping; evaluation; and sex-fair guidance, counseling, placement, and follow-up services) which are required of all applicants.

Applicants for a three-year implementation and demonstration project should submit a completed application form and a full narrative proposal.

Segments or a segment of the letter or other evidence presented in an application for a planning project or, in the case of a three-year project, the narrative proposal must address each criterion area outlined below depending on the priority area to which the application is addressed *and* the general criteria which are outlined for all applications. Each criterion area is weighted and includes the maximum score that can be given to a segment of a letter, a narrative proposal, or other evidence in relation to the criteria. Applications which score below 30 percent of the total maximum score possible will not receive further funding consideration in fiscal year 1976. These criteria supersede the criteria set forth in 45 CFR 100a.26 and 103.25 as to this program for fiscal year 1976. The criteria for the three major priority areas and maximum weights for each criterion area are as follows:

Program Priority Area 1. Demonstration of the National Institute of Education's Experience-Based Career Education Program. Applications submitted for consideration under this priority area will be evaluated on the extent to which:

Maximum Score 40 (1) A capability is demonstrated to provide the following curriculum and instructional aspects. Applicants should assure the existence of a capability and willingness to:

(i) Award credit in academic subjects (e.g., English, science, mathematics, and social sciences) for successful completion of experience-based career education projects in the community, and assure that this credit will contribute to the satisfaction of requirements for the standard diploma, certificate, or degree;

(ii) Base the educational program on experiential learning where students are actively involved in work throughout the community and have access to adults in their normal working environment;

(iii) Insure that each student has an individualized learning plan into which the student has had a significant input; and

(iv) Insure that within the overall learning plan, the experience is designed to integrate career decision-making skills, basic academic skills, job-related skills, and skills needed in other life roles (e.g., family, community, political).

Maximum Score 20 (2) The applicant evidences the ability to organize and manage an experience-based career education program. Applicants should show evidence of the capability to:

(i) Establish a learning center (as defined in descriptive materials to be furnished potential applicants upon request) for the program and maintain a full-time program manager with overall responsibility; and

(ii) Facilitate student transportation to and from community learning sites. Indicate the availability of public and/or private means of transportation.

Maximum Score 30 (3) Conditions of student participation are established. Applicants should:

(i) Discuss the population from which students will be selected. While it is preferred that the program seek a representative cross-section by selecting from the entire "pool" of students (of appropriate grade level) within the operational site, proposals directed at special populations will also be considered; and

(ii) Provide assurance that student participants will satisfy the following requirements as a prerequisite to enrollment in the program. Students under 18 will obtain written parental permission to participate in the program and permit program officials to collect and utilize resulting evaluation data. Students 18 years of age or older will give written consent for program officials to collect and utilize evaluation data.

Maximum Score 20 (4) The applicant has assured access to employer/community resources as outlined below. Applicants should:

(i) Discuss the extent to which schools and communities are likely to accept/support the experience-based career education effort by indicating the nature and extent of support from key community groups representing labor, management, teachers, supervisors, parents, etc.; by providing statements of official school policy and/or examples of existing off-campus educational programs for which academic credit is awarded; and by describing other current or previous programs involving cooperation between business, labor, community, and schools; and

(ii) Indicate capability and intent to orient and train employer and community resource people to insure their understanding of their roles with respect to the program's educational objectives.

(5) The applicant submitting an experience-based program other than that developed by the National Institute of Education for consideration for funding under this priority area has submitted supporting documentation which permits its comparison with the documentation of effectiveness submitted by the National Institute of Education. (When the evidence of effectiveness so submitted is, in the judgment of the review panel, inferior to that for the Experience-Based Career Education Program, the proposal for a planning project or for an implementation and demonstration project will be automatically disqualified.)

Program Priority Area 2. The further development and demonstration of the instructional strategies, methods, and techniques of the National Institute of Education's Experience-Based Career Education Program in coordination with an in-school

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cluster structure designed for occupational exploration and initial job preparation. Proposals developed for consideration under this priority area will be evaluated on the extent to which:

Maximum Score 30 (1) The selected cluster programs will be implemented in such a way as to insure the use of such instructional strategies, methods, and techniques of the National Institute of Education's Experience-Based Career Education Program as the site analysis techniques, the employer orientation and recruitment techniques, and the individual student learning plans to insure a high level of involvement of educational, business, industrial, labor, and professional organizations and institutions both in the classroom and in the provision of career exploratory and career preparation opportunities in the community;

(2) The applicant proposing the use of instructional strategies, methods, and techniques other than those developed by the National Institute of Education in the Experience-Based Career Education Program has submitted supporting documentation which permits its comparison with the documentation of effectiveness submitted by the National Institute of Education. (When the evidence of effectiveness so submitted is, in the judgment of the review panel, inferior to that submitted by the National Institute of Education, the proposal for a planning project or for an implementation and demonstration project will be automatically disqualified.);

Maximum Score 10 (3) The applicant proposing the phasing-in of clusters over the life of the project has provided a projected schedule.

Maximum Score 40 (4) The applicant organization has selected a cluster structure for implementation which is characterized by:

(i) Delivery of skills and knowledges which are common to many occupations;

(ii) Provision of an obvious ladder of jobs from the skilled through the professional levels;

(iii) Provision of appropriate linkages, such as linkages for determining instructional content and for arranging placement, between the instructional program and the related units of business, industry, the professions, and government; and

(iv) Provision for each person leaving the cluster program to have an entry-level job skill, thereby permitting its participants to exercise the option of either getting a job or pursuing further education.

Maximum Score 10 (5) The applicant has described the ways in which the cluster program will be coordinated with the regular vocational offerings at the secondary and postsecondary levels.

Program Priority Area 3. The further development and demonstration of the instructional strategies, methods, and techniques of the National Institute of Education's Experienced-Based Career Education Program in expanded, improved, or newly developed cooperative vocational education and work experience programs, excluding Work Study Programs funded under Part H of the Vocational Education Act, P.L. 90–576. Proposals developed for consideration under this priority area will be evaluated on the extent to which:

Maximum Score 30 (1) The applicant has made a commitment to the use of such instructional strategies, methods, and techniques of the Experience-Based Career Education Program as the site analysis techniques, the employer orientation and recruitment techniques, and the individual student learning plan;

(2) The applicant proposing the use of instructional strategies, methods, and techniques other than those developed by the National Institute of Education in the Experience-Based Career Education Program has submitted supporting documentation which permits its comparison with the documentation of effectiveness submitted by the National Institute of Education. (When the evidence of effectiveness so submitted is, in the judgment of the review panel, inferior to that submitted by the National Institute of Education, the proposal for a planning project or for an implementation and demonstration project will be automatically disqualified.); and

Maximum Score 20 (3) The funds budgeted for the project will have a primary focus on the expansion of current offerings, although some funds may be used to improve existing programs, and assurance is provided that Federal funds, in this instance, will not be used to supplant current State and local efforts.

(20 U.S.C. 1301–1305)

(g) *Application review criteria—General criteria for all applications.*

Maximum Score 30 (1) *Elimination of sex bias and sex-role stereotyping.* With respect to the elimination and avoidance of sex bias and sex-role stereotyping within the demonstration project applications will be evaluated on the extent to which the applicant organization has committed itself, in the application, to:

(i) The selection, development, and/or alteration of all curriculum, instructional materials, and evaluation instruments for use in the demonstration projects to insure an absence of sex-role stereotyping;

(ii) An emphasis on the placement of young people in exploration and training opportunities without regard to traditional practices in vocational education and employment; and

(iii) The identification of women and men in non-traditional work roles who will work with younger women and men both in school and in the work place when the younger persons have an interest in a similar but non-traditional area or when they need encouragement to pursue some other non-traditional area for which they have developed an interest.

Maximum Score 35 (2) *Third-party, objective evaluation.* Applications will be evaluated on the extent to which they:

(i) Assure the development of measurable process objectives and assure the documentation and, where appropriate, the evaluation of the effectiveness of the processes undertaken in the planning and implementation of the demonstration project. Objectives should be developed for such aspects as in-service training for administrators, teachers, and counselors; development of curriculum and instructional materials, development of individual student learning plans; the elimination and avoidance of sex-role stereotyping; and the placement of young people in the work place either on a part-time basis or on a full-time basis;

(ii) Assure the development of a management plan which links the selected program priority area and other program features to the process objectives, to the human and financial resources to be applied, and finally to the specific student outcome objectives anticipated so that success or failure in achieving the desired student outcomes can be explained in terms of processes used or resources applied;

(iii) Assure the development and specification of behaviorally stated, measurable student outcome objectives and the documentation of the educational experiences of each student (or group of students) with respect to the achievement of those objectives including the amount of time devoted to specifically named educational experiences;

(iv) Assure that parental approval will be secured for the participation of the young person in the total evaluation and for the collection of student data with respect to age, grade level, socioeconomic level, ethnic group membership, and sex which will permit analysis of the extent to which the educational and career needs of specific populations are being met when such analyses are deemed pertinent to the purposes of the project. In order to accomplish this, it is anticipated that such information, but not the name or other personal identification of an individual student, will be associated with the statement of desired outcomes and the documentation of educational experiences undertaken with respect to the achievement of the outcomes and with the measurement results;

(v) Assure that an adequate sample of young people will be included in the evaluation so that the results may be generalized and predicted for other comparable student populations given the same educational experiences;

(vi) Assure that the evaluation design will result in reasonable evidence that gains or improvements can be attributed to the educational and career experiences provided the young people through the project and not to some other experience encountered such as normal maturation, the regular educational process, or some other factor impacting on the student at the time. Among the devices that would be considered acceptable in this respect would be control groups, a comparison of the project population's gains with previous year's scores, a comparison of such gains with national norms, or a comparison of gains when young people had a high level of involvement with the project activities with the gains achieved when young people had a low level of involvement with the project activities; and

(vii) Assure that, where they exist in respect to a given student outcome, validated instruments will be used in measuring students gains.

Maximum Score 10 (3) *Sex-fair guidance, counseling, placement, and follow-up services.* With respect to this requirement, applications will be evaluated on the extent to which:

(i) Applicants have committed themselves to the development of process objectives and measureable student outcome objectives for sex-fair guidance and counseling with respect to career decisionmaking; and

(ii) Applicants have committed themselves to accounting for the successful placement and the followup of each and every young person leaving the participating schools, whether by graduation or by dropping out. Coordination should be provided with, and the actual involvement sought, of U.S. Employment Service representatives and Comprehensive Employment and Training Act (CETA) personnel. Successful placement may be considered the enrollment and progress of the young person in a CETA program, in a secondary or postsecondary occupational program, in a four-year college, in a job for which training has been provided, or in some other situation expressed by the young person as a desired goal.

Maximum Score 20 (4) *Safeguards with respect to students' work related activities.* In the provision of career exploratory and career preparation opportunities in the community, the application will be evaluated on the extent to which the applicant organization has provided assurance that:

(i) Insurance will be provided to cover the safety and well-being of the young people while being transported as well as while actively involved in work-related activities in the community;

(ii) Where an employment relationship is established, all project activities are designed and operated within the parameters of the Fair Labor Standards Act and the participating employers meet the provisions of the Occupational Safety and Health Act;

(iii) Where an employment relationship is not established (as in the case of non-paid work-related activities), all project activities are designed and operated in full recognition of the intent of the child labor provisions of the Fair Labor Standards Act, including the avoidance of hazardous occupations, limits on the hours of participation, and any other provisions designed to promote the safety and well-being of the young people, and the community learning sites meet the provisions of the Occupational Safety and Health Act with respect to the working sites and the working conditions to which young people will be exposed; and

(iv) In providing assurance of the above conditions the application for a planning project contains documentation that the application has been submitted to the Area Director of the Wage and Hour Division of the U.S. Department of Labor for review or that the application for an implementation and demonstration project contains documentation of the application's review and approval by the appropriate Area Director of the Wage and Hour Division of the U.S. Department of Labor.

Maximum Score 20 (5) *Program or project purpose.* The application will be evaluated on the extent to which it relates the proposed program or project to the following broad purposes of the Part D portion of the Vocational Education Amendments of 1968, P.L. 90–576.

(i) The proposed program or project's potential for reducing the level of youth unemployment;

(ii) Its potential contribution to creating bridges between school and earning a living for young people, to promoting cooperation between public education and manpower agencies, and to broadening occupational aspirations and opportunities for young people;

(iii) Its emphasis on services for youths who have academic, socioeconomic, or other handicaps; and

(iv) Its relevance to priority areas in vocational education as reflected in the Vocational Education Amendments of 1968, P.L. 90–576.

Maximum Score 5 (6) *Need.* The application should describe how the need for the project was determined, such as what types of surveys and analyses were performed and what interaction took place with students, parents, community, business, industrial labor, and professional groups.

Maximum Score 10 (7) *Plan of operation.* The application will be evaluated on the extent to which it provides a clear description of the strategies that will be used to meet the identified needs, including:

(i) Procedures for achieving the identified objectives which are appropriate, technically sound, detailed, and which appear practical for wide use in vocational education; and

(ii) An adequate management plan which shows critical completion dates, person hours to be devoted by project staff, and the other resources to be devoted to each of the project objectives.

Maximum Score 15 (8) *Results.* The application will be evaluated on the extent to which it:

(i) Identifies proposed results or end products anticipated, and how they will be disseminated;

(ii) Specifies the procedures that will be used for making materials, techniques, and other outputs resulting from the project available to all those concerned with the improvement of vocational education; and

(iii) Lists specific steps that will be taken by the applicant organization to ensure that successful aspects of the program or project will be incorporated into vocational education programs supported with other funds.

Maximum Score 15 (9) *Personnel.* The application will be evaluated on the extent to which:

(i) The qualifications and experience of the personnel are appropriate for the proposed project, including both program considerations and management considerations;

(ii) The applicant has agreed to establish or utilize existing external policy advisory boards representative of business, industry, labor organizations, government, and the professions to provide wide-ranging policy advice during program planning and implementation, and has indicated the responsibilities of such a board and its relationship to school officials; and

(iii) The applicant is able to indicate the individual(s) who will be responsible for program planning, her/his time commitment, managerial and professional experience, and what continuing relationship this individual will have should the plan ultimately be selected as an implementation and demonstration project.

Maximum Score 5 (10) *Facilities and equipment.* The application will be evaluated on the extent to which the applicant organization has committed itself to the provision of adequate facilities and equipment necessary for the success of the project.

Maximum Score 15 (11) *Cost effectiveness.* The application will be evaluated on the extent to which:

(i) The estimated cost appears reasonable in the light of anticipated results;

(ii) There is documented assurance of support from other cooperating agencies or institutions when this appears necessary to the success of the project; and

(iii) The proposed program or project is of sufficient scope to make a significant contribution to the improvement of vocational education.

(12) *In addition to the above selection criteria, no project may be funded under Section 142(c), Part D of P.L. 90–576 unless the following conditions are met:*

(i) The application includes suitable procedures to assure that Federal funds made available for the project will not be commingled with State or local funds;

(ii) Provisions are made for the genuine and meaningful participation of students enrolled in nonprofit private schools in the area to be served, when their educational needs are of the type the project is designed to meet;

(iii) The application provides realistic procedures for coordinating the activities of the proposed project with other programs and projects having the same or similar purposes and with the State Plan for Vocational Education. In this respect applicants should outline in their proposal the strategies they will employ to ensure the continuing involvement of the State Department of Education personnel responsible for vocational education and to ensure continuing coordination with local manpower agencies and programs;

(iv) If the application is being submitted by any type of applicant organization other than a State Board for Vocational Education or a local education agency, the project must make an especially significant contribution to attaining the objectives of Part D of the Vocational Education Act; and

(v) Copies of the application have been submitted to the appropriate State Board for Vocational Education for its review. (The Commissioner will not approve any application for a proposed program or project if the State board has notified the Commissioner of its disapproval of such program or project within 60 days of its submission to the State board by the applicant.)

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PART III:

ENVIRONMENTAL PROTECTION AGENCY

■

BEVERAGE CONTAINERS

Proposed Solid Waste Management Guidelines

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 244]

[FRL 446-3]

SOLID WASTE MANAGEMENT

Guidelines for Beverage Containers

Background. The Solid Waste Disposal Act of 1965 (Pub. L. 89-272) was amended in October 1970 by the Resources Recovery Act (Pub. L. 91-512). Section 209 of the Amended Act requires the Administrator of the U.S. Environmental Protection Agency (EPA) to "recommend to appropriate agencies and publish in the FEDERAL REGISTER guidelines for solid waster recovery, collection, separation, and disposal systems . . ."

Further, Section 211 mandates that Federal agencies "shall insure compliance with the guidelines recommended under Section 209 and the purposes of (the Solid Waste Disposal Act . . ."

On August 14, 1974, "Thermal Processing and Land Disposal of Solid Waste Guidelines" were published in the FEDERAL REGISTER (Vol. 39, No. 158, pp. 29328-29338) as the first set of guidelines that were promulgated in fulfillment of the requirement for guidelines on disposal systems.

The EPA now proposes the following guidelines as part of the Agency's efforts to fulfill the Administrator's obligation for guidelines in the area of separation and collection systems. Other elements of separation and collection systems are addressed in EPA's proposed *Source Separation for Materials Recovery Guidelines*, published in the FEDERAL REGISTER on September 17, 1975 (Vol. 40, No. 181, pp. 42986-42990), and EPA's proposed *Storage and Collection Guidelines*, published in the FEDERAL REGISTER on July 11, 1975 (Vol. 40, No. 134, pp. 29404-29408). The EPA recognizes that Section 209 expressly mandates that guidelines shall be revised from time to time and it intends to revise and supplement these guidelines in the future.

Section 211 of the Act and Executive Order 11752 make the "Requirements" section of the guidelines mandatory upon Federal agencies. They are recommended for adoption by State and local governments and private agencies.

Heads of Federal agencies are ultimately responsible for determining which facilities under their jurisdiction shall comply with the guidelines. EPA has required that failure to comply with the guidelines must be justified in a report to the Administrator. The specific requirements for this report can be found in the "Scope" section of the guideline.

Practices required by the guidelines are expected to be no more costly than existing solid waste management practices in the long term. Implementation of the guideline requirements may be economically impracticable under isolated circumstances. However, the legislative history indicates that even where guidelines implementation costs more, budget restrictions do not constitute a sufficient excuse to prevent compliance with the guidelines and that Federal agencies have a responsibility to request sufficient appropriations from Congress necessary to manage solid waste properly as part of their normal operating expenses.

The legislative history concerning Section 211 of the Resource Recovery Act of 1970 indicates that the Congress intended that Federal agencies should take a leadership role in solid waste management, as indicated by the following quote from page 15 of the Senate Report No. 91-1034, Senate Committee on Public Works, 91st Congress, 2nd Session (1970),

> Federal agencies are inclined to place important environmental quality control functions in a subordinate role to their mission. This is no longer appropriate or acceptable.
>
> Federal agencies which generate volumes of waste have a correlative responsibility to request appropriations from Congress necessary to properly manage such waste as part of their normal operating expenses. The public will not tolerate the excuse that budget restrictions prevent compliance with waste management standards and guidelines; it is abundantly clear that the provisions of the environmental control laws do not permit the same excuse to be advanced by individuals or private organizations. Federal agencies must take the lead in overcoming the reluctance to invest funds necessary to control solid waste pollution.

The economic and inflationary impacts of the guidelines have been carefully evaluated. It has been determined that the effects will be minor and that the guidelines are not a "major action" requiring an inflation impact statement as prescribed by Executive Order 11821 and OMB Circular A-107.

INTRODUCTION

Intent. The *guidelines for beverage containers* are intended to achieve a reduction in beverage container solid waste and litter which will result in substantial savings in waste collection and disposal costs to the Federal Government. The guidelines are also intended to encourage utilization of beverage distribution systems which use energy and material resources more efficiently.

Effect of a deposit system. The guidelines are intended to reduce beverage container waste and litter on Federal facilities by encouraging reuse or recycle of the containers. This is accomplished through a deposit of at least five cents on each container, paid upon purchase by the consumer and refunded by the dealer when the empty container is returned. The dealer, in turn, pays the distributor a deposit upon purchase and receives a refund from the distributor upon return of the empty container.

The refund value of the empty containers acts as an incentive for their return, facilitating a central collection of the containers by the distributor. Once this is accomplished, refillable bottles can be reused by bottlers and brewers and nonrefillable containers can be recycled.

Beverage container systems that comply with the guidelines have dominated the market in the past and they are still functioning today in most areas of the country. Compliance with these guidelines by Federal agencies can, in general, be handled within the framework of the present refillable system. Therefore, the guidelines do not require the establishment of new techniques for the return and reuse of containers. Rather, they involve utilization of a reliable system familiar to the majority of Americans.

A bibliography of studies on the environmental, economic and resource impacts of deposit systems and returnable containers is provided at the end of the guidelines.

Discussion of refillable vs. nonrefillable containers. The guidelines state that all beverage containers sold or offered for sale shall be sold in returnable containers. A returnable container is defined to include any beverage container for which a deposit has been paid and for which a refund of equal amount is payable. Both refillable and nonrefillable containers may be returnable. However, it is recommended that Federal facilities comply with the guidelines by utilizing refillable containers, because a system for their return is presently in operation and because such a system is the most satisfactory means of achieving the objectives of the guidelines.

Rationale for a five cent minimum deposit. A minimum deposit of five cents has been chosen for two reasons. First, five cents is deemed a large enough incentive to induce the return of most containers for reuse or recycling. Secondly, five cents is the most widely used deposit amount in present deposit systems, and the guidelines have been written to be compatible with these systems. It is recommended that Federal facilities accept higher deposit levels in localities in which such higher levels are ordinarily used. The guidelines do allow Federal facilities to place a lower deposit value on containers if the local area has an established return system in operation with a minimum deposit level of less than five cents.

Vending machine exceptions. The guidelines do not require that consumers be charged a deposit for beverages sold through unattended vending machines, provided that the containers have a refund value. The guidelines provide the flexibility to adopt this system where needed. In cases where many containers are permanently removed from the vicinity of the vending machine, a deposit may be charged so that the dealer does not bear the cost of lost containers. A determination of whether or not a deposit is to be charged is left up to the individual Agencies and to negotiation with dealers and/or distributors.

RESPONSE REQUESTED

The EPA is soliciting comment and advice via this notification in the FEDERAL REGISTER. In particular, the EPA invites comments from Federal and non-Federal agencies.

In addition, the EPA invites public comments, rveiews, and critiques of the guidelines. Interested parties may submit written comments, preferably in triplicate, to the Deputy Assistant Administrator for Solid Waste Management Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments received on or before January 12, 1976 will be considered.

Receipt of comments will be acknowledged by the Deputy Assistant Administrator for Solid Waste Management Programs. All comments will be available for public inspection at the EPA Public Information Reference Unit (EPA Library), 401 M Street, S.W., Washington, D.C. during normal business hours.

This notice of proposed guidelines is issued under the Authority of Section 209(a) of the Solid Waste Disposal Act of 1965 (Pub. L. 89-272), as amended by the Resource Recovery Act of 1970 (Pub. L. 91-512). It is proposed to add a new part 244 to 40 CFR Chapter I as follows:

Date: November 10, 1975.

RUSSELL E. TRAIN,
Administrator.

PART 244—BEVERAGE CONTAINER GUIDELINES

Subpart A—General Provisions

244.100 Scope.
244.101 Definitions.

Subpart B—Requirements and Recommended Procedures

244.200 Beverage Containers.
244.200-1 Requirements.

Appendix—Recommended Bibliography.

Subpart A—General Provisions

§ 244.100 Scope.

(a) The "Requirement" sections contained herein delineate minimum actions for Federal agencies for reducing beverage container waste. Pursuant to Section 211 of the Solid Waste Disposal Act, as amended, and Executive Order 11752, the "Requirement" sections of these guidelines are mandatory for Federal agencies.

(b) Determination of how the reqirements of the guidelines will be met rests with the head of the responsible agency.

(c) The Environmental Protection Agency will render technical assistance and other guidance to Federal agencies when requested to do so pursuant to Section 3(d)1 of Executive Order 11752.

(d) Within one year after the final promulgation of these guidelines, agencies shall make a final determination as to what actions shall be taken to comply with the requirements of these guidelines and shall, within two months of such determination, submit to the Administrator a schedule of such actions.

(e) Federal agencies that make the determination not to comply with requirements contained herein, for whatever reason, shall make available to the Administrator the analysis and rationale used in making that determination. The Administrator will publish notice of availability of this report in the FEDERAL REGISTER. Conditions that would render compliance economically impracticable are considered to be valid reasons for not using returnable beverage containers.

(1) The following points are to be covered in this analysis:

(a) A description of ongoing actions that will be continued and actions taken or proposed that will not be in compliment should identify all agency facilities ance with these guidelines. This stateor categories of facilities that will be affected by actions not in compliance with the guidelines including a brief description of how these facilities will be affected.

(b) A description of the alternative actions considered with emphasis on those alternatives which, if taken, would be in compliance with these guidelines.

(c) An analysis in support of the action chosen by the agency including technical data, market studies, and policy considerations utilized in arriving at a determination not to comply.

In covering the points above, agencies should make every effort to present the information succinctly in a form easily understood but in sufficient detail so as to give the Administrator an understanding of the factors influencing the decision not to comply with the guidelines.

(2) The non-compliance report shall be submitted to the Administrator as soon as possble after a final agency determination has been made to take action not in compliance with these guidelines, but in no case later than thirty days after this determination. The Administrator will indicate to the agency his concurrence/nonconcurrence with the agency's noncompliance decision, including his reasons, within sixty days of receipt of this report.

(3) Implementation of actions not in compliance with these guidelines shall be deferred, where feasible, in order to give the Administrator an opportunity to receive, analyze and seek clarification of the above required report.

(4) It is recommended that, where the non-compliance report concerns an action for which an Environmental Impact Statement is required by the National Environmental Policy Act, draft and final versions of this report be circulated simultaneously with the EIS.

§ 244.101 Definitions.

As used in these Guidelines:

(a) "Beverage" means carbonated natural or mineral waters, soda water and similar carbonated soft drinks, and beer or other carbonated malt drinks, in liquid form and intended for human consumption.

(b) "Beverage container" means an airtight metal, glass, paper or plastic bottle, jar, can or carton containing a beverage under pressure of carbonation. Cups and other open receptacles are specifically excluded from this definition.

(c) "Beverage vending machine" means a coin operated machine for selling individual beverages in beverage containers.

(d) "Dealer" means every person who engages in the sale of beverages in beverage containers to a consumer.

(e) "Distributor" means any person who engages in the sale of beverages in beverage containers to a dealer, including any manufacturer who engages in such sale.

(f) "Federal facility" means any building, installation, structure, land, or public work owned by or leased to the Federal Government. Ships at sea, aircraft in the air, land forces on maneuvers and other mobile facilities, and United States Government installations located on foreign soil or on land outside the jurisdiction of the United States Government are not considered "Federal facilities" for the purpose of these guidelines.

(g) "Returnable beverage container" means a beverage container for which a deposit is paid upon purchase and for which a refund of equal value is payable, by any dealer, upon return of said beverage container by the consumer and by the distributor upon return of said beverage container by the dealer. The deposit level shall be at least five (5) cents unless the local area has an established return system in operation with a lower minimum deposit level. In those specific areas Federal facilities may adopt a minimum deposit equal to the local deposit level. For unattended vending machines, the definition of a returnable beverage container is as defined above, except that payment of a deposit upon purchase by the consumer is not necessary for the container to be considered returnable.

Subpart B—Requirements and Recommended Procedure

§ 244.200 Beverage containers.

§ 244.200-1 Requirements.

(a) All beverages in beverage containers sold or offered for sale shall be sold in returnable beverage containers. This shall include beverages dispensed in vending machines, if said vending machines are acquired after promulgation of the guidelines or if a new or renewed contract for vending machine services is signed.

(b) A dealer shall not refuse to accept from a consumer any empty beverage containers of the kind, size and brand sold by the dealer, or refuse to pay to the consumer the refund value of the beverage container provided the container is labeled in accordance with § 244.200-1(f).

(c) A dealer is not required to accept or pay the refund value on returnable containers other than those of the kind, size and brand that he sells or offers for sale.

(d) A dealer shall procure beverages in beverage containers only from distributors who will not refuse to accept from the dealer any returnable beverage containers of the kind, size and brand sold by the distributor, or refuse to pay to the dealer the refund value of the beverage container.

(e) For returnable container vending machine sales, dealers shall provide a means whereby the returnable containers of any kind, size and brand sold or offered for sale by him may be returned. If the deposit refund cannot be offered at the site of the vending machine, the dealer shall provide a means whereby the returnable containers may be conveniently stacked. For unattended vending machines, deposit shall not be re-

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quired to be included in the price of the product provided that the container has a refund value.

(f) Every returnable beverage container sold or offered for sale by a dealer shall clearly indicate, by embossing or by a stamp, or by a label securely affixed to the beverage container, that the container is returnable. For vending machines, dealers shall similarly provide, with a label securely affixed to each machine, a statement that the containers vended are returnable and the amount of the deposit. For unattended vending machines, a statement shall be affixed to the machine stating whether the deposit is included in the retail price.

(g) Agencies that make the determination not to comply with these guidelines must conduct the required analysis every three years and report the decision resulting from this analysis to the Administrator in accordance with § 244.100 (d) or (e), as appropriate.

APPENDIX—RECOMMENDED BIBLIOGRAPHY

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12. Quinn, Robert. No deposit no return . . . a report on beverage containers. New York State Senate Task Force on Critical Problems. 1975.

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[FR Doc.75–30610 Filed 11–12–75;8:45 am]

federal register

THURSDAY, NOVEMBER 13, 1975



PART IV:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

PRIVACY ACT OF 1974

Final Notice of Systems of Records

On August 27, 1975, in accordance with Section 3 of the Privacy Act of 1974, a notice of systems of records maintained by the Department of Transportation was published in the Federal Register (40 FR 38803). An addendum notice of systems of records was published in the Federal Register on September 24, 1975 (40 FR 44075). Minor corrections and modifications to systems notices contained in the aforementioned publications are included in this final notice. These corrections and modifications do not change the general character or purpose of any previously described system. Comments were solicited on the systems notices published on August 27, 1975 and September 24, 1975, with deadlines for submission of September 18, 1975, and October 24, 1975, respectively. No comments have been received and the previously described notices are adopted as originally published or amended.

Twenty-three notices which were inadvertently omitted from the previous publications and a new general routine use are herewith published. The notices may be found under the identifiers: CG 587, 591; FAA 822, 828, 829, 830; FHWA 221; NHTSA 458, 459, 460, 461, 462, 463; OST 051, 052, 053, 054, 055, 056; SLS 155, 156, 157, 158. The new general routine use appears as paragraph 6 of the Prefatory Statement of General Routine Uses. Any person may submit written comments on these twenty-three systems to the Privacy Act Working Group (STOP 330), Room 10317, U. S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. All comments must be received on or before December 15, 1975.

Effective date. This notice shall be effective on November 13, 1975.

William T. Coleman, Jr.,
Secretary of Transportation.

Retention and disposal: Retention and disposal: Maintained during period of employment, then shredded and burned.

System manager(s) and address: Director, Office of Comprehensive Planning

Saint Lawrence Seaway Development Corporation
Room 836F, Building 10-A
800 Independence Avenue
Washington, D. C. 20590

Notification procedure: The individual may inquire, in writing, to the Director of Comprehensive Planning, to inquire whether this system of records applies to him.

Record access procedures: An individual may gain access to his records by written request to:

Saint Lawrence Seaway Development Corporation
Director of Administration
P. O. Box 520
Massena, New York 13662

Contesting record procedures: Contest of these records will be directed to the Director of Administration and if not resolved at that level, may be appealed to the Administrator

Record source categories: Information obtained from employees, personnel records, copies of personnel actions, and educational institutions.

DOT/TSC 703

System name: Occupational Safety & Health Reporting System DOT/TSC

System location:

Department of Transportation
Transportation Systems Center
Management Services Division
Code 810
Kendall Square
Cambridge, MA 02142

Categories of individuals covered by the system: TSC employees, in-house contractor personnel and visitors who have occupational illnesses, injuries or are involved in Government property accidents.

Categories of records in the system: Federal Occupational Injuries & Illnesses Survey form; etc.); DOT Accident/Injury Reports, DOT forms 3902.1 through 8; Department of Labor, for payment of medical bills and workmen's compensation, as applicable.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The general purposes of these records are intended for internal management and control, and also for accident prevention. The routine uses of the Department of Labor forms are for (1) submission to doctors and medical institutions rendering services to individuals and (2) to the Office of Employees Compensation, Department of Labor, for payment of medical bills and workmen's compensation, as applicable.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms and other paper records.

Retrievability: Indexed by individual's name.

Safeguards: Records are maintained in locked file cabinets and folders are stamped 'For Official Accident Prevention Use Only.'

Retention and disposal: Records are retained for five (5) years and then destroyed by shredding.

System manager(s) and address:

Department of Transportation
Transportation Systems Center
Chief, Management Services Division/Code 810
Kendall Square
Cambridge, MA 02142

Notification procedure: Information may be obtained from the System Manager.

Record access procedures: Requests from individuals should be addressed to the System Manager. An individual may gain access to his records by written request.

Contesting record procedures: Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing through the Assistant Secretary for Administration to the Secretary of Transportation.

Department of Transportation
Office of the Secretary
400 Seventh Street, S.W.
Washington, D.C. 20590

Record source categories: Documents provided by the individual concerned and immediate supervisor.

DOT/TSC 708

System name: Combined Federal Campaign Information DOT/TSC

System location:

Department of Transportation
Transportation Systems Center
Office of Public Affairs/Code 130
Kendall Square
Cambridge, MA 02142

Categories of individuals covered by the system: All TSC Employees

Categories of records in the system: A record of how much, if anything, each employee has contributed.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The general purpose of this system is to gather and disseminate statistics and information on the donations to the Combined Federal Campaign.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Form filled out by keyman.

Retrievability: Indexed by employee's name.

Safeguards: Records are maintained in locked file cabinet.

Retention and disposal: Records are maintained for five years and then destroyed by shredding.

System manager(s) and address:

Public Affairs Officer
Department of Transportation
Kendall Square
Cambridge, MA 02142

Notification procedure: Information may be obtained from the System Manager

Record access procedures: Requests from individuals should be addressed to the System Manager

Contesting record procedures: An individual may gain access to his records by written request. Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing through the Assistant Secretary for Administration to the Secretary of Transportation.

Department of Transportation
Office of the Secretary
400 Seventh Street, SW
Washington, D.C. 20590

Record source categories: Combined Federal Campaign forms filled out by employees.

DOT/TSC 711

System name: Blood Donor Information File DOT/TSC

System location: Department of Transportation

Transportation Systems Center
Office of Public Affairs/Code 130
Kendall Square
Cambridge, MA 02142

Categories of individuals covered by the system: All TSC employees and on-site contractor personnel

Categories of records in the system: Blood Donors Phone Book (name, organization and telephone number of donor)

Blood Donors Schedule
Requests for Blood Form (from hospital for employee or dependent)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The general purposes of these records is for the donation of blood by TSC employees and on-site contractor personnel to ensure coverage for themselves, spouses, dependent children, parents and grandparents of both employee and spouse, and all other people living in the employee's household for whom the member has responsibility. The routine use of this system of records is to respond to requests for blood from employees and their dependents by furnishing information to the Red Cross to ensure the availability of blood.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper record

Retrievability: Indexed by employee's name

Safeguards: Records maintained in locked file cabinet

Retention and disposal: Blood Donors Phone Book and Blood Donors Schedule maintained for one year and then destroyed. Request for Blood Form maintained until individual terminates employment with TSC, records are then destroyed.

System manager(s) and address: Public Affairs Officer/Code 130

Department of Transportation
Transportation Systems Center
Kendall Square
Cambridge, MA 02142

Notification procedure: Information may be obtained from the Systems Manager.

Record access procedures: Requests from individuals should be addressed to the Systems Manager.

Contesting record procedures: An individual may gain access to his data by written request. Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing through the Assistant Secretary for Administration to the Secretary of Transportation.

Department of Transportation
Office of the Secretary
400 Seventh Street, S.W.
Washington, DC 20590

Record source categories: Blood Donors Phone Book and Blood Donors Schedule are filled out by solicitors.

Request for Blood Form completed by employee or dependent requesting blood. /*

[FR Doc.75-30613 Filed 11-12-75;8:42 am]

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Commission on Federal Paperwork

Privacy Act of 1974

Notice of Systems of Records

Notice is hereby given that the Commission on Federal Paperwork, in accordance with 5 U.S.C. 552a and Sec. 3 of the Privacy Act of 1974 (Pub. L. 93-579), proposes to adopt the notice of systems of records set forth below. The Commission invites public comment on all parts of the notice.

This notice was drafted and the files to be noticed were selected with major reliance on the "Guidelines and Responsibilities" for the implementation of the Act published by the Office of Management and Budget (40 FR 28949, July 9, 1975) and "Guidance for the Inventory of Systems of Records Covered by the Privacy Act of 1974" published by the General Services Administration Privacy Board, April 21, 1975.

Those interested parties wishing to submit written data, views, or argument on the routine uses of these systems of records should submit those comments to the General Counsel, Commission on Federal Paperwork, 1111 20th St., N.W., Suite 200, Washington, D.C. 20036.

The Commission proposes to adopt the following notice of systems of records:

Date: November 6, 1975.

Hassell B. Bell,
Director, Commission on Federal Paperwork.

CFP—1

System name: General Personnel Files—CFP

System location: Commission on Federal Paperwork, 1111 20th St., N.W., Suite 200, Washington, D.C. 20036.

Categories of individuals covered by the system: Past and present employees of the Commission; Commissioners of the Commission; experts and consultants who have been employed on an intermittent or temporary basis.

Categories of records in the system: Informal personnel information, including: social security number, home address, home phone number, age, biographical data, resumes, letters of reference, and other documents.

Authority for maintenance of the system: An Act to create a Commission on Federal Paperwork, Sec. 6, Pub. L. 93-556, 88 Stat. 1789.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records stored in file folders

Retrievability: Retrieved manually, by name of individual

Safeguards: Records are stored in locking metal file cabinets in secured premises; access is limited to those whose official duties require access.

Retention and disposal: Records retained indefinitely

System manager(s) and address: Administrative Officer, Commission on Federal Paperwork, 1111 20th St., N.W., Suite 200, Washington, D.C. 20036.

Notification procedure: Address inquiries to Administrative Officer, at above address.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; supervisors; official personnel records.

CFP—2

System name: General Financial Records—CFP

System location: General Services Administration, Central Office; copies held by the Commission. (GSA holds records for the Commission under agreement.)

Categories of individuals covered by the system: Commission employees; Commissioners; experts and consultants who have been employed on an intermittent or temporary basis.

Categories of records in the system: SF 1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also An Act to establish a Commission on Federal Paperwork, Sec. 3, 6, Pub. L. 93-556, 88 Stat. 1789, (44 U.S.C. 3501).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to General Accounting Office for audits; to the Internal Revenue Service for investigations and to private attorneys, pursuant to power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Administrative Officer, Commission on Federal Paperwork, 1111 20th St., N.W., Suite 200, Washington, D.C. 20036.

Notification procedure: Address inquiries to Administrative Officer at the above address.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The subject individual; the Commission.

Systems exempted from certain provisions of the act: None.

CFP—3

System name: Payroll Records—CFP

System location: General Services Administration, Region 3 Office; copies held by the Commission. (GSA holds records for the Commission under agreement.)

Categories of individuals covered by the system: Past and present Commission employees, Commissioners, experts and consultants who have been employed on an intermittent or temporary basis.

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for reductions; tax forms; W-2 forms and overtime; leave data; retirement records. Records are used by the Commission and GSA employees to maintain adequate payroll information for Commission employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also An Act to establish a Commission on Federal Paperwork, Sec. 3, 6, Pub. L. 93-556, 88 Stat. 1789, (44 U.S.C. 3501).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records are also released to the General Accounting Office for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Administrative Officer, Commission on Federal Paperwork, 1111 20th St., N.W., Suite 200, Washington, D.C. 20036.

Notification procedure: Address inquiries to Administrative Officer, at above address.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; the Commission.

Systems exempted from certain provisions of the act: None

Appendix—CFP

1) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2) A record from this system of records may be disclosed as a "routine use" to a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant, or other benefit.

3) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4) A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

5) A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

6) A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

7) A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving the individual when the individual is a constituent of the Member and has requested assistance from the Member with respect to the subject matter of the record.

[FR Doc.75-30452 Filed 11-11-75;8:45 am]

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federal register

THURSDAY, NOVEMBER 13, 1975

PART V:

OFFICE OF MANAGEMENT AND BUDGET

■

RESCISSIONS AND DEFERRALS

Cumulative Report: November 1975

VOL 40 NO 220 NOV 13 75 XUM

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS

Cumulative Report; November 1975

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (P.L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of November 1, 1975, of the rescissions and deferrals contained in the first six special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1 and 25, September 10 and 24, and October 3 and 20, 1975.

RESCISSIONS (ATTACHMENT A)

During the month of October, three rescission proposals were resolved. On October 13, 1975, P.L. 94-111 rescinded $47.5 million from the Helium Fund. As required by the Act, funds for the Forest roads and trails and Child development and Head start programs were made available for obligation because the Congress did not complete rescission action within the prescribed 45 day period which ended in October.

DEFERRALS (ATTACHMENT B)

As of November 1, 1975, $3,098.4 million in 1976 budget authority was being deferred from obligation and another $75.9 million in 1976 obligations was being deferred from expenditure.

The 64 deferrals transmitted in the six 1976 special messages are tabulated in Attachment B. Over 60 percent of the dollar amount deferred on November 1 was for three items in the Department of Defense. About 10 percent of the total deferred was for Agriculture Department programs. Another approximately 12 percent of the total was for Interior Department deferrals. The remainder of the deferrals are for 10 other agencies.

INFORMATION FROM SPECIAL MESSAGES

The six special messages containing information on each of the rescissions and deferrals covered by the cumulative report are continued in the Federal Registers of:

Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V)
Wednesday, July 30, 1975 (Vol. 40, No. 147, Part II)
Monday, September 15, 1975 (Vol. 40, No. 179, Part V)
Monday, September 29, 1975 (Vol. 40, No. 189, Part V)
Wednesday, October 8, 1975 (Vol. 40, No. 196, Part VII)
Thursday, October 23, 1975 (Vol. 40, No. 206, Part III)

JAMES T. LYNN,
Director.

ATTACHMENT A

STATUS OF RESCISSIONS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

As of November 1, 1975

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Agriculture							
Forest Service							
Forest Roads and Trails	R76-4	[25,723]	07-25-75			25,723	10-07-75
Department of Health, Education and Welfare							
Assistant Secretary for Human Development							
Child Development and Head Start	R76-5	[7,000]	07-25-75			7,000	10-24-75
Department of the Interior							
Bureau of Mines							
Helium Fund	R76-6	[47,500]	07-25-75	47,500	10-13-75 1/		
Department of Transportation							
Federal Highway Administration:							
National Scenic and Recreational Highway	R76-1	[90,000]	07-01-75	2/	2/		
Access Highways to Public Recreation Areas on Lakes	R76-2	25,000	07-01-75	3/	3/		
Department of the Treasury							
Office of the Secretary:							
Construction, Federal Law Enforcement Training Center	R76-3	[8,665]	07-01-75			8,665	09-23-75
Other Independent Agencies							
Community Services Administration							
Economic Opportunity Program							
Research and Demonstration	R76-7	[2,500]4/	07-25-75				

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Community and Economic Development	R76-8	[7,500] 4/	07-25-75				
TOTAL		25,000		47,500		41,388	

1/ P.L. 94-111.
2/ See House Report No. 94-496. Deferral of the $90 million was reported to the Congress on September 24, 1975, in D76-55.
3/ See H.R. 8365. Both the House and the Senate versions of the 1976 appropriations bill rescind the $25 million in R76-2 and make new appropriations of $10 million.
4/ These funds, provided in P.L. 94-32, lapsed on September 30, 1975.

STATUS OF DEFERRALS

ATTACHMENT B

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Foreign Agricultural Service									
Salaries and Expenses (Special Foreign Currency)	D76-1		2,232	07-01-75					2,232
Agricultural Stabilization and Conservation Service									
Agricultural Conservation Program	D76-28	[31,667]		07-25-75 09-10-75				-31,667	0
	D76-28A	[31,667]		09-10-75 10-03-75				-31,667	
	D76-28B		63,333	10-03-75 10-21-75				-63,333 2/	0
Water Bank Act Program	D76-29	[536]		07-25-75 10-03-75				-536	
	D76-29A		1,072	10-03-75 10-21-75				-1,072 2/	0
Forestry Incentives Program	D76-30	[3,750]		07-25-75 10-03-75				-3,750	
	D76-30A		7,500	10-03-75 10-21-75				-7,500 2/	0
Farmers Home Administration									
Rural Water and Waste Disposal	D76-31	[37,500]		07-25-75 10-03-75				-37,500	
	D76-31A		75,000	10-03-75 10-21-75				-75,000 2/	0

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Rural Housing for Domestic Farm Labor Grants	D76-32	[1,250]		07-25-75 10-03-75				-1,250	
	D76-32A		2,500	10-03-75 10-21-75				-2,500 2/	0
Mutual and Self-help Housing Grants	D76-33	[2,050]		07-25-75 10-03-75				-2,050	
	D76-33A		3,300	10-03-75 10-21-75				-3,300 2/	0
Self-help Housing Land Development Fund	D76-34	[1,625]		07-25-75 10-03-75				-1,625	
	D76-34A		1,625	10-03-75 10-21-75				-1,625 2/	0
Agricultural Marketing Service									
Payments to States and Possessions	D76-35	[400]		07-25-75 10-03-75				-400	
	D76-35A		800	10-03-75 10-21-75				-800 2/	0
Forest Service									
Forest Roads and Trails	D76-36		280,000	07-25-75					280,000
Expense, Brush Disposal	D76-37		27,113	07-25-75					27,113
Licensee Programs	D76-38		95	07-25-75					95
TOTAL		110,445	464,570					-265,575	309,440

1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office and being deferred ($10 million). Funds were released on July 16, 1975.
2/ Enactment of P.L. 94-122 (October 21, 1975) ended deferral of funds provided by the continuing resolution.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
National Oceanic and Atmospheric Administration									
Fisheries Loan Fund	D76-2		7,252	07-01-75					7,252
Promote and Develop Fishery Products	D76-3		1,355	07-01-75					1,355
TOTAL			8,607						8,607

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STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Shipbuilding and Conversion, Navy	D76-4		1,793,590	07-01-75					1,793,590
Military Construction, All Services	D76-5		233,630	07-01-75					
				06-27-75	-1,582				
				07-29-75	-1,752				
				08-25-75	-15,046				
				09-04-75	-5,515				
				10-06-75				+245	
				10-15-75	-34,524				
				10-24-75	-16,415				159,041
TOTAL			2,027,220		-74,834			+245	1,952,631

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Wildlife Conservation Military Reservations	D76-6		432	07-01-75					
				09-19-75				-13 1/2/	
				09-24-75				-31 1/	388
TOTAL			432					-44	388

1/ Reflects the actual unobligated balance carried forward July 1, which is a lesser amount than previously estimated.
2/ Reflects a decrease in anticipated receipts for the year.

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STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Health Services Administration									
Health Services	D76-57		1,082	10-20-75					1,082
Indian Health Facilities	D76-39		1,000	07-25-75					1,000
National Institutes of Health									
National Cancer Institute	D76-58		7,000	10-20-75					7,000
National Heart and Lung Institute	D76-59		2,700	10-20-75					2,700
National Institutes of Dental Research	D76-60		518	10-20-75					518
National Institute of Neurological and Communicative Disorders and Stroke	D76-61		682	10-20-75					682
National Institutes of General Medical Sciences	D76-62		2,318	10-20-75					2,318
National Institute of Child Health and Human Development	D76-63		1,234	10-20-75					1,234
Buildings and Facilities	D76-7		2,164	07-01-75 09-22-75	-2,164				0
Office of the Director	D76-64		572	10-20-75					572

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Alcohol, Drug Abuse and Mental Health Administration									
Alcohol, Drug Abuse, and Mental Health	D76-40	[3,409]		07-25-75 10-03-75				-3,409 1/	0
	D76-40A	[2,426]		10-03-75 10-20-75				-2,426 1/	0
	D76-40B		2,753	10-20-75					2,753
Health Resources Administration									
Health Resources	D76-41		22,000	07-25-75 07-25-75	-22,000				0
Assistant Secretary for Health									
Scientific Activities Overseas (Special Foreign Currency)	D76-8		3,652	07-01-75					3,652
Office of Education									
Elementary and Secondary Education	D76-51		8,000	09-10-75					8,000
	D76-52		2,968	09-10-75					2,968
School Assistance in Federally Affected Areas	D76-42		68,350	07-25-75 09-10-75				-68,350 2/	0
Higher Education	D76-9		49,040	07-01-75					49,040
Higher Education	D76-43		9,500	07-25-75 09-10-75				-9,500 2/	0
Library Resources	D76-44		10,437	07-25-75 09-10-75				-10,437 2/	0
Social and Rehabilitative Service									
Public Assistance Child Welfare Services	D76-45	[1,000]		07-25-75 10-03-75				-1,000	0
	D76-45A		2,000	10-03-75					2,000

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Social Security Administration									
Limitation on Construction	D76-54		14,910	09-24-75					14,910
Special Institutions									
Howard University	D76-10		8,174	07-01-75					8,174
Assistant Secretary for Human Development									
Research and Training Activities Overseas (Special Foreign Currency)	D76-11	[7,307]		07-01-75 07-25-75				-7,307 1/	0
	D76-11A		8,307	07-25-75 07-15-75	-3,665				4,642
TOTAL		14,142	229,361		-27,829			-102,429	113,245

1/ Subsequently incorporated in a supplementary report.
2/ Enactment of P.L. 94-94 (September 10, 1975) ended deferral of funds provided by the Continuing Resolution.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Bureau of Land Management									
Public Lands Development Roads and Trails	D76-12		25,847	07-01-75					25,847
Bureau of Reclamation									
Construction and Rehabilitation	D76-13	[1,030]		07-01-75 07-25-75				-1,030 1/	0
	D76-13A		1,030	07-25-75					1,030
Upper Colorado River Storage Project	D76-14		1,150	07-01-75					1,150
Bureau of Outdoor Recreation									
Land and Water Conservation Fund	D76-15		30,000	07-01-75					30,000
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management	D76-16		6,330	07-01-75					6,330
Federal Aid in Wildlife Restoration	D76-17		21,470	07-01-75					21,470
National Park Service									
Road Construction	D76-18		238,092	07-01-75					238,092
Geological Survey									
Payment from Proceeds, Sale of Water	D76-19		29	07-01-75					29
Bureau of Mines									
Drainage of Anthracite Mines	D76-46		3,375	07-25-75					3,375
Bureau of Indian Affairs									
Road Construction	D76-20		68,470	07-01-75					68,470
TOTAL		1,030	395,793					-1,030	395,793

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Coast Guard									
Acquisition, Construction and Improvements	D76-21		707	07-01-75					707
Federal Aviation Administration									
Civil Supersonic Aircraft Development Termination	D76-22		7,686	07-01-75					7,686
Facilities and Equipment (Airport and Airway Trust Fund)	D76-23		75,824	07-01-75					75,824
Federal Highway Administration									
National Scenic and Recreational Highway	D76-55		90,000	09-24-75					90,000
TOTAL			174,217						174,217

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Office of the Secretary									
State and Local Government Fiscal Assistance Trust Fund	D76-24		93,420	07-01-75					
				07-31-75	-246				
				08-11-75	-18				
				10-01-75	-3,145				
				11-01-75	-41				89,970
State and Local Government Fiscal Assistance Trust Fund	D76-25	[38,391] 1/		07-01-75					
				09-10-75				-38,391 1/2/	0
	D76-25A	[57,587] 1/		09-10-75					
				10-20-75				-57,587 1/2/	0
	D76-25B		75,856 1/	10-20-75					75,856 1/
Loans to the District of Columbia for Capital Outlay	D76-53		39,370	09-10-75					39,370
TOTAL		95,978 O	132,790 BA 75,856 O		-3,450 BA			-95,978 O	129,340 BA 75,856 O

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

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STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Abatement and Control	D76-47		4,000	07-25-75 07-23-75	-4,000				0
TOTAL			4,000		-4,000				0

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Rare Silver Dollar Program	D76-48		1,790	07-25-75					1,790
TOTAL			1,790						1,790

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 11-01-75
Community Services Administration									
Economic Opportunity Program									
Emergency Energy Conservation Services	D76-49		16,500	07-25-75 10-03-75			-16,500 1/		0
Community and Economic Development	D76-50		14,500	07-25-75 07-24-75	-14,500				0
Foreign Claims Settlement Commission									
Payment of Vietnam Prisoner of War Claims	D76-26		11,081	07-01-75					11,081
American Revolution Bicentennial Administration	D76-27		1,000	07-01-75					1,000
National Commission on Productivity and Work Quality	D76-56		1,500	09-24-75 10-01-75	-600				900
TOTAL			44,581		-15,100		-16,500		12,981
TOTAL, ALL DEFERRALS		125,617 BA 95,978 O	3,483,361 BA 75,856 O		-125,213		-16,500	-368,833 BA -95,978 O	3,098,432 BA 75,856 O

1/ Impoundment resolution, S. Res. 267, passed the Senate October 3, 1975, rejecting this deferral.

[FR Doc.75-30758 Filed 11-11-75;2:40 pm]

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Attention CFR Users

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 41—Public Contracts and Property Management
(Chapter 18)

NOTE: No amendments to this volume were promulgated in the Federal Register during the period July 1, 1974 to June 30, 1975.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 2—Clemency

VACATION OF TITLE

EDITORIAL NOTE. The Presidential Clemency Board was abolished by Executive order 11878 (40 FR 42731, Sept. 16, 1975). Since the clemency program is expiring, Title 2 of the Code of Federal Regulations is being vacated as follows:

1. Chapter I, Presidential Clemency Board, consisting of Part 101, Administrative procedures, and Part 102, Substantive standards of the Presidential Clemency Board, is deleted.

2. Chapter II, Selective Service System, consisting of Part 200, Reconciliation Service, is tranferred to Title 32, Chapter XVII, Selective Service System (Clemency Program), consisting of Part 1700, Reconciliation Service.

This vacation of regulations is made pursuant to 1 CFR 8.2 which authorizes the Director of the Federal Register to rearrange existing assignments in the Code of Federal Regulations in order to provide for its orderly development.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products; Fees and Charges; Correction

In FR Doc. 75-29149 appearing at page 50455 in the FEDERAL REGISTER of October 30, 1975, the following changes should be made:

1. Under the heading "Statement of considerations leading to amendment of regulations":

In § 58.43, the night differential rate for inspection, grading and sampling services is corrected in the fourth line of that Section to read, "$17.60/hour to $18.70/hour."

In § 58.47, the Holiday, Saturday, Sunday or overtime rate is corrected in the fourth and fifth lines of that Section to read "$26.60/hour to $29.70/hour."

2. In § 58.47 as amended the charge or overtime (work in excess of each for holiday, Saturday or Sunday work eight-hour shift Monday through Friday) is corrected in the last line of that Section to read "$29.70" per hour.

Done at Washington, D.C. this 10th day of November 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-30727 Filed 11-13-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Amendment No. 1 to Handling Regulation

This amendment permits potatoes with damage due to internal discoloration to be included in the additional 10 percent tolerance currently allowed for potatoes with hollow heart when packed in 50-pound cartons.

Findings. (a) Pursuant to Marketing Agreement No. 113 and Marketing Order No. 946, both as amended (7 CFR Part 946), regulating the handling of Irish potatoes grown in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the State of Washington Potato Committee, and other available information, it is hereby found that the amendment to the handling regulation hereinafter set forth will tend to effectuate the declared policy of the act.

The incidence of internal browning has reached significant proportions in the production area. One of the major shippers reports internal browning in an average of 5½ percent of all production area potatoes bought by them and ranging as high as 17 percent. The committee anticipates no decline in the overall quality of Washington potato shipments inasmuch as the 10 percent tolerance remains unchanged and believes this action will be beneficial to the trade.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) to ensure maximum benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (2) compliance with this part will require no special preparation on the part of the handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment partially relieves restrictions.

Paragraph (c) of § 946.330 is hereby revised to read as follows:

§ 946.330 Handling regulation.

* * * * *

(c) *Pack.* Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes that fail to meet the U.S. No. 1 grade only because of hollow heart and/or internal discoloration may be shipped provided the lot contains not more than 10 percent damage by hollow heart and/or internal discoloration, as identified by USDA Color Photograph E (Internal Discoloration—U.S. No. 2—Upper Limit), POT-CP-9, May 1972, or not more than 5 percent serious damage by internal defects.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated November 11, 1975, to become effective November 11, 1975

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-30788 Filed 11-13-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[CCC Grain Price Support Regulations, Amendment 8]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

General Regulations Governing Price Support for the 1970 and Subsequent Crops

The regulations issued by the Commodity Credit Corporation, (CCC), published at 35 FR 7363 and 7781, as amended, containing the General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grain and Similarly Handled Commodities are hereby amended as follows:

1. Section 1421.1 is amended to delete references to dry edible beans, flaxseed, and soybeans. Loan programs for these commodities are no longer in effect. The amended section reads as follows:

§ 1421.1 General statement.

This subpart contains the regulations which set forth the general requirements with respect to price support loans and purchases for the 1970 crop and each subsequent crop of barley, corn, oats, rice, rye, sorghums, farm-stored peanuts, tung oil, farm-stored tobacco, and wheat. Price support shall be made available for a particular crop of any such commodity only if an annual commodity supplement applicable to the crop is issued authorizing a price support program. The regulations in this subpart shall also apply to other commodities to the extent specified in the regulations applicable to such commodities. Price support payment-in-kind regulations, where applicable, will be issued separately. Farm storage loans will be evidenced by notes and secured by chattel mortgages and security agreements. Warehouse storage

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loans will be evidenced by notes and security agreements and secured by the pledge of warehouse receipts representing an eligible commodity stored in approved warehouse storage. A producer may sell to CCC any or all of his eligible commodity which is not security for a price support loan by delivering the commodity to CCC or by delivering warehouse receipts representing the commodity in approved warehouse storage. As used in the regulations in this subpart, "CCC" means the Commodity Credit Corporation, and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

2. Paragraph (a) of § 1421.2 is amended to show the Deputy Administrator and division responsible for administering the programs. The amended paragraph reads as follows:

§ 1421.2 Administration.

(a) *Responsibility.* The Grains, Oilseeds and Cotton Division, ASCS, will administer the regulations in this subpart under the general supervision and direction of the Deputy Administrator, Programs, ASCS, in accordance with program provisions and policy determined by the CCC Board of Directors and the Executive Vice President, CCC. In the field, the regulations in this subpart will be administered by the Agricultural Stabilization and Conservation State and county committees (hereinafter called State and county committees), ASCS Commodity Office and the ASCS Data Systems Field Office.

* * * * *

3. Paragraph (g) of § 1421.3 is amended to delete references to dry edible beans and soybeans. The amended paragraph reads as follows:

§ 1421.3 Eligible producers.

* * * * *

(g) *Approved cooperative.* A cooperative marketing association which is approved by the Executive Vice President, CCC, pursuant to Part 1425 of this chapter, to obtain price support on a crop of rice or tung oil may obtain price support on eligible production of such crop of the commodity on behalf of its members. The term "producer" as used in this subpart and on applicable forms shall refer both to an eligible producer as defined in paragraphs (a), (b), and (c) of this section and to an approved cooperative marketing association.

4. Paragraph (b) of § 1421.4 is amended to provide that price suport on barley, corn, oats, rye, sorghums, and wheat shall be available on such commodities produced in any area of the United States. Price support on rice shall be available only on rice produced in the continental United States and price support on tung oil, peanuts, and tobacco shall be available only on such commodities produced in certain States. Paragraph (b) is also amended to provide that commodities must not have been produced on land occupied without a lease, permit, or other right of possession. Tobacco and peanuts are not eligible for price support if produced on land owned by the United States in violation of the lease since such commodities are determined to be in surplus supply. The amended paragraph reads as follows:

§ 1421.4 Eligibility requirements.

* * * * *

(b) *Area of availability.* Price support shall be available to eligible producers on barley, corn, oats, rye, sorghums, and wheat produced in any area of the United States. Price support shall be available on rice produced only in the continental United States and price support on farm-stored peanuts, tung oil, and farm-stored tobacco shall be available only in the States specified in the regulations applicable to such commodities. Commodities must not have been produced on land owned by the Federal Government if such land is occupied without lease, permit, or other right of possession. Tobacco and peanuts produced on land owned by the Federal Government in violation of the lease shall not be eligible for price support.

* * * * *

§ 1421.6 [Amended]

5. Paragraph (d) of § 1421.6 is deleted. Because of the anniversary loan date recently adopted for loans the commodities can enter marketing channels at a pace the market can absorb without difficulty. Therefore, there is no longer any need for the extended loan program. Paragraph (e) of § 1421.6 is redesignated as (d).

6. Section 1421.8 is amended to delete forms no longer in use. The amended section reads as follows:

§ 1421.8 Applicable forms.

The forms for use in connection with this program shall be as follows: Form CCC–614, Purchase Agreement; Form CCC–677, Farm Storage Note, Chattel Mortgage, and Security Agreement; Form CCC–678, Warehouse Storage Note and Security Agreement; Form CCC–679, Lien Waiver; Form CCC–681, Authorization for Removal of Farm Stored Collateral; Form CCC–685, Authorization to Release Warehouse Receipts; Form CCC–687–1, Approval to Move Loan Collateral; Form CCC–691, Commodity Delivery Notice; Form CCC–692, Settlement Statement; Form CCC–693, Price Support Settlement Intention (Farm Storage); Form CCC–694, Price Support Settlement Intention (Warehouse Storage); Form CCC–828, List Furnished to Cooperative Associations; Form CCC–864, Lienholder's Subordination Agreement; and such other forms as may be prescribed by CCC. These forms may be obtained in State and county offices.

7. Paragraph (b) of Section 1421.9 is amended to delete reference to dry edible beans. The amended paragraph reads as follows:

§ 1421.9 Warehouse receipts.

* * * * *

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the eligible producer or CCC. If issued in the name of the eligible producer, the receipts must be properly endorsed in blank so as to vest title in the holder. Receipts must be issued by an approved warehouse and, except in the case of rice, must represent a commodity which is deemed to be stored commingled. The receipts must be negotiable, must cover the eligible commodity actually in storage in the warehouse of original deposit, and must be registered or recorded with appropriate State or local officials when required by State law.

* * * * *

8. Paragraph (a) of § 1421.11 is amended to show the increased loan fees applicable to farm-stored and warehouse-stored loans. The amended paragraph reads as follows:

§ 1421.11 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $10 for each farm storage loan disbursed, plus $1 for each bin over one, and $6 for each warehouse storage loan disbursed, plus $1 for each warehouse receipt over one. The loan service fee is not refundable.

* * * * *

9. Paragraph (d) of § 1421.18 is amended to delete the provision that farm-stored loans can be transferred to warehouse-stored loans after the maturity date. This provision is no longer needed since loans will not be extended. The amended paragraph reads as follows:

§ 1421.18 Farm storage loans.

* * * * *

(d) *Transfer from farm storage loan to warehouse storage loan.* Upon request by the producer, the county committee may approve the transfer of a commodity or part thereof which is under a farm storage loan to a warehouse storage loan at any time during the loan period. Liquidation of the farm storage loan or part thereof shall be made through the pledge of warehouse receipts for the commodity placed under warehouse storage loan and the immediate payment by the producer of the amount by which the warehouse storage loan is less than the farm storage loan or part thereof plus interest. Any amounts due the producer shall be disbursed by the county office.

* * * * *

10. Paragraph (a) of § 1421.20 is amended to delete reference to the reseal program and to provide that an eligible commodity of the same kind and same crop year may be delivered in satisfaction of the farm-stored loan. The amended paragraph reads as follows:

§ 1421.20 Liquidation of farm storage loans.

(a) *General.* In the case of farm storage loans, the producer is required to pay off his loan or deliver to CCC a sufficient quantity of the eligible commodity having a price support value equal to or greater than the outstanding balance of the loan. Deliveries may be either of the identical commodity which is subject to the chattel mortgage or of other eligible commodity of the same kind and of the same crop year. Deliveries shall be made in accordance with written instructions issued by the county office which shall

set forth the time and place of delivery. Any quantity delivered in excess of the quantity necessary to settle the amount due on the loan may be delivered to CCC with settlement as provided in § 1421.23.

* * * * *

11. Paragraphs (a) and (b) of § 1421.22 are amended to provide that the producer must execute and file the purchase agreement prior to the final maturity date for the commodity.

§ 1421.22 Purchase agreements.

(a) *Quantity eligible for purchase.* An eligible producer may sell to CCC any or all of his eligible commodity which is not mortgaged to CCC under a farm-storage loan or pledged to CCC under a warehouse-storage loan: *Provided,* That he executes and delivers to the county office prior to the final maturity date for the commodity a Purchase Agreement (Form CCC–614) indicating the approximate quantity of the commodity he will sell to CCC.

(b) *Delivery period.* In the case of an eligible commodity not in an approved warehouse, the producer must make delivery of the commodity he desires to sell to CCC within the period of time after the final loan maturity date as specified in delivery instructions issued by the county office. The county office, for good cause, may extend the time for delivery. In the case of eligible commodities stored in an approved warehouse, the producer must submit to the county office, not earlier than 10 days before the final maturity date nor later than the day after the final maturity date warehouse receipts for the quantity of the commodity he elects to sell to CCC. Notwithstanding any of the provisions of this § 1421.22, in the case of an eligible farm stored commodity covered by an approved Purchase Agreement (Form CCC–614) the county committee may on request of the producer authorize delivery of the commodity before the final maturity date for the commodity if the producer loses control of the storage structure or if there is insect infestation that cannot be controlled, danger of flood, or damage to the storage structure, making it unsafe to continue storage of the commodity on the farm.

12. Paragraphs (a), (c), (e), (f), and (l) of § 1421.23 are amended to delete references to flaxseed, dry edible beans, and soybeans. Paragraph (c), (h), (i), and (l) of § 1421.23 are amended to delete the reference to storage agreement rates.

Paragraph (m) is deleted since CCC will no longer reconcentrate grain under loan. The amended paragraphs (a), (c), (e), (f), (h), (i), and (l) read as follows:

§ 1421.23 Settlement.

(a) *General.* Settlement with producers for commodities acquired by CCC under loans or purchases made under this subpart will be made as provided in this section and in the applicable commodity supplement. The support rate at which settlement will be made shall be determined under the provisions of the applicable commodity supplement. Settlement will be made on the basis of the grade, quality, and quantity of the commodity delivered by the producer. In the case of rice, paragraphs (b), (c), (e), (g), and (h) of this section shall not apply.

* * * * *

(c) *Other than approved warehouse storage.* (1) Settlement for corn and oats delivered from other than approved warehouse storage shall be based (i) on the basic county support rate for the county where the commodity was produced, and (ii) on the quality and quantity delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(2) Settlement for barley, sorghums, rye, and wheat delivered from other than approved warehouse storage shall be based on the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his commodity to a warehouse located within the switching limits of a designated terminal market, and such movement is made by truck or barge, settlement shall be made in the manner prescribed in the support rate section of the applicable commodity supplement. If the producer is directed to ship its commodity by rail to a designated terminal market or to a warehouse for storage in line of transit to such market, settlement shall be based on the support rate established for the county from which the commodity was shipped plus the amount of freight charges per bushel actually paid in and the truck receiving and rail load-out charges charged by the shipping warehouse. Settlement shall be based on the quality and quantity delivered as indicated on warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made or, if applicable, the quantity and quality delivered as shown on a form prescribed by CCC.

* * * * *

(e) *Compensation for hauling.* When a producer is directed by the county office to haul his commodity a greater distance than would have been necessary to make delivery to his customary delivery point, he will be allowed compensation (as determined by the State committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling the eligible commodity the additional distance: *Provided, however,* That, in the case of barley, sorghums, rye, and wheat, if the producer is directed to deliver his commodity to a warehouse located within the switching limits of a designated terminal market, no compensation shall be allowed for hauling. In determining the rate of payment for excess hauling, the State committee may establish reasonable mileage minimums below which producers will not receive compensation for hauling.

(f) *Trackloading—(1) Delivery.* Producers may request trackloading where approved warehouse space is not available locally or where the county office determines that it would be to the benefit of CCC. Where local weighing facilities are not available or when requested by producers, destination weights may be used for settlement purposes. All producers loading in the same car must sign an agreement stating the percentage share of the total quantity to be credited to each. When requested by producers prior to delivery of the commodity, settlement may be made on the basis of destination grades. Such destination grade determination for a car shall be applied to the entire quantity of a commodity loaded into the same car, irrespective of the grade or quality of a commodity loaded into the car by any producer.

(2) *Payments.* A trackloading payment of 4½ cents per bushel (or 7½ cents per hundredweight in the case of sorghum, and rice) shall be made to the producer on an eligible commodity delivered to CCC on track at a country point.

* * * * *

(h) *Warehouse storage loans called prior to maturity and not redeemed.* A refund of warehouse storage charges will be made by CCC to the producer if (1) the maturity date of a warehouse storage loan is accelerated by CCC for reasons other than any wrongful act or omission on the part of the producer, and the commodity is not redeemed, and (2) storage charges have been prepaid by the producer for a period subsequent to the accelerated maturity date. The amount of the storage charges to be refunded shall be computed at the rate prepaid by the producer for the period of unearned storage.

(i) *Refund of prepaid handling charges.* If a warehouseman charges the producer for the receiving or the receiving and loading out charges on an eligible commodity in an approved warehouse, the producer shall, upon delivery to CCC of warehouse receipts representing the commodity stored in such warehouse, be reimbursed or given credit by the county office for such prepaid charges at the rate prepaid by the producer. The producer must furnish to the county office, written evidence signed by the warehouseman that such charges have been paid.

* * * * *

(l) *Storage payment where CCC is unable to take delivery.* A producer may be required to retain a commodity stored in other than an approved warehouse under loan or for sale to CCC for a period of 60 days after the maturity date without any cost to CCC. If CCC is unable to take delivery of the commodity within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the commodity to CCC: *Provided,* That, in the case of sales to CCC, a storage payment shall be paid a producer whose commodity is stored in other than an approved warehouse only if he had properly given notice of his intention to sell the commodity to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the

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maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment for grains shall be computed at the rate furnished by the storing warehouse. The storage payment for rice shall be computed at the rate for commodities stored on an identity-preserved basis at the rate furnished by the storing warehouse.

14. Paragraphs (a) and (b) of § 1421.29 are amended to show the new address for the ASCS Commodity Office and the Data Systems Field Office. The amended paragraphs read as follows:

§ 1421.29 ASCS Commodity Office and Data Systems Field Office.

(a) Prairie Village ASCS Commodity Office, P.O. Box 8377, Shawnee Mission, Kansas 66208, will serve all States.

(b) Accounting, recording, and reporting for all States will be handled through Data Systems Field Office, P.O. Box 205, Kansas City, Missouri 64141.

The operating provisions contained herein have been publicly announced and are currently being administered. Such provisions are needed to effectively administer price support programs; therefore, it is found and determined that compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1441 note, 1445a, 1447, 1421, 1425))

Effective date: This amendment shall be effective on November 14, 1975.

Signed at Washington, D.C., on November 7, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-30794 Filed 11-13-75;8:45 am]

PART 1464—TOBACCO

1975-Crop—Fire-Cured, Dark Air-Cured and Virginia Sun-Cured, Loan Rate Schedules

On October 2, 1975, there was published in the FEDERAL REGISTER (40 FR 45444) a notice of proposed rulemaking setting forth the proposed price support grade loan rate schedues for 1975-crop fire-cured, dark air-cured, and Virginia sun-cured tobacco. Interested parties were given the opportunity to submit, not later than October 31, 1975, data, views and recommendations pertaining to the grade loan rates.

No unfavorable comments have been received, and the proposed loan rates are hereby adopted without change and are set forth below. The material previously appearing under the section numbers shown below remains applicable to the crop to which each refers.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423)).

Effective Date: November 14, 1975.

Signed at Washington, D.C. on: November 7, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

Part 1464 is amended as follows:

§ 1464.17 1975 Crop—Virginia Fire-Cured Tobacco, Type 21—Grade Loan Schedule.[1]

Loan rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length				
	47	46	45	44	43
A1F	86	86	86		
A2F	83	83	84		
A1D	86	86	86		
A2D	83	83	83		
B1F	85	85	85		
B2F	80	80	81	76	
B3F	74	74	75	73	64
B4F	70	70	71	68	61
B5F	63	63	64	63	58
B1D	84	84	84		
B2D	78	78	70	74	
B3D	70	70	71	69	63
B4D	65	65	66	65	60
B5D	60	60	61	60	57
B3M	66	66	67	64	62
B4M	63	63	65	63	60
B5M	60	60	61	60	53
B3G	64	64	65	64	60
B4G	62	62	64	63	59
B5G	59	59	60	59	55
C1L	90	90	90		
C2L	86	86	86	78	
C3L	77	77	77	75	
C4L	69	69	69	68	
C5L	64	64	65	62	
C1F	90	90	90		
C2F	86	86	86	78	
C3F	77	77	77	71	
C4F	70	70	70	69	
C5F	65	66	67	64	
C2D	64	64	65	63	
C3D	62	62	63	61	
C4D	59	59	60	59	
C5D	55	55	56	54	
C3M	65	65	66	65	
C4M	63	63	65	64	
C5M	59	59	60	59	
C3G	60	60	61	59	
C4G	57	57	59	58	
C5G	54	54	55	53	

[1] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G" (no grade), "U" (unsound), "D" (damaged) or scrap will not be accepted. The Association is authorized to deduct $1 per hundred pounds to apply against overhead cost.

Grade	Advance rate	Grade	Advance rate
X1L	72	X3M	45 63
X2L	71	X4M	63
X3L	70	X4M	45 60
X4L	67	X5M	56
X5L	63	X5M	45 57
X1F	72	X3G	62
X2F	71	X3G	45 61
X3F	70	X4G	59
X4F	66	X4G	45 57
X5F	63	X5G	55
X1D	68	X5G	45 52
X2D	66	N1L	47
X3D	65	N1D	51
X4D	62	N1G	37
X5D	56	N2	
X3M	65		

§ 1464.18 1975-Crop — Kentucky-Tennessee Fire-Cured Tobacco, Types 22 and 23—Grade Loan Schedule.[2]

Loan rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length		
	47	46	45
A1F	94	94	94
A2F	89	89	89
A3F	81	81	81
A1D	94	94	94
A2D	89	89	89
A3D	81	81	81

Grade	Length				
	47	46	45	44	43
B1F	81	81	81	76	
B2F	78	78	78	74	
B3F	74	74	74	71	65
B4F	68	68	66	65	58
B5F	64	64	61	61	55
B1D	80	80	80	75	
B2D	77	77	77	73	
B3D	74	74	74	70	64
B4D	67	67	67	64	57
B5D	63	63	63	59	53
B3M	69	69	69	65	60
B4M	64	64	64	60	53
B5M	59	59	59	54	49
B3VF	68	68	68	64	57
B4VF	66	66	66	63	56
B5VF	62	62	62	59	52
B3G	68	68	68	64	56
B4G	63	63	63	59	51
B5G	59	59	59	54	49
C1L	82	82	82	78	
C2L	79	79	79	76	
C3L	75	75	75	71	65
C4L	71	71	71	66	62
C5L	68	68	68	66	59
C1F	80	80	80	76	
C2F	77	77	77	74	

[2] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), "D" (damaged), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable.

Grade	Length		
	46	45	44
C1L	90	90	90
C2L	86	86	86
C3L	77	77	77
C4L	69	69	69
C5L	64	64	65
C1F	90	90	90
C2F	86	86	86
C3F	77	77	77
C4F	70	70	70
C5F	65	66	67
C2D	64	64	65
C3D	62	62	63
C4D	59	59	60
C5D	55	55	56
C3M	65	65	66
C4M	63	63	65
C5M	59	59	60
C3G	60	60	61
C4G	57	57	59
C5G	54	54	55

Grade	Length		
	46	45	44
C3F	74	74	74
C4F	70	70	70
C5F	66	66	66
C1D	82	82	82
C2D	73	73	73
C3D	66	66	66
C4D	62	62	62
C5D	61	61	61
C3M	63	63	63
C4M	61	61	61
C5M	61	61	61
C3VF	66	66	66
C4VF	66	66	66
C5VF	66	63	63
C3G	63	63	63
C4G	60	60	60
C5G	56	56	56

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
X1L	70	X5D	56
X2L	68	X3M	60
X3L	67	X4M	57
X4L	62	X3VF	54
X5L	60	X4VF	61
X1F	69	X5VF	59
X2F	67	X3G	56
X3F	66	X4G	58
X4F	62	X5G	53
X5F	60	N1L	50
X1D	67	N1D	52
X2D	64	N1G	47
X3D	61	N2	46
X4D	59		40

§ 1464.19 1975-Crop—Dark Air-Cured Tobacco, Type 35 and 36—Grade Loan Schedule.[3]

Loan rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length		
	46	45	44
A1F	83	83	
A2F	79	79	
A3F	74	74	
A1R	83	83	
A2R	79	79	
A3R	74	74	
B1F	77	77	74
B2F	72	72	71
B3F	66	69	67
B4F	64	64	63
B5F	59	59	58
B1R	76	76	74
B2R	71	71	70
B3R	67	67	66
B4R	63	63	62
B5R	59	59	58
B1D	74	76	74
B2D	71	71	70
B3D	67	67	66
B4D	64	64	63
B5D	57	57	56
B3M	64	64	63
B4M	60	60	59
B5M	54	54	53
B3G	63	63	62
B4G	60	60	59
B5G	54	54	53

[3] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), "D" (damaged), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. The advance rates for grades in "47 length" shall be the same as those for such grades in "46 length".

Grade	Length		
	46	45	44
C1L	77	77	76
C2L	75	75	74
C3L	71	71	70
C4L	66	66	65
C5L	57	57	55
C1F	77	77	76
C2F	73	73	72
C3F	70	70	68
C4F	66	66	65
C5F	59	59	57
C1R	75	75	74
C2R	72	72	71
C3R	67	67	65
C4R	61	61	60
C5R	54	54	53
C3M	64	64	63
C4M	57	57	56
C5M	53	53	52
C3G	65	65	63
C4G	58	58	52
C5G	53	53	57

Grade	Length		
	46	45	44
T3F	58		
T4F	54		
T5F	47		
T3R	58		
T4R	54		
T5R	47		
T3D	58		
T4D	54		
T5D	47		
T3M	57		
T4M	52		
T5M	45		
T3G	56		
T4G	52		
T5G	45		
X1L	70		
X2L	68		
X3L	66		
X4L	64		
X5L	59		
X1F	70		
X2F	68		
X3F	64		
X4F	63		
X5F	59		
X1R	70		
X2R	67		
X3R	60		
X4R	57		
X5R	54		
X3D	63		
X4D	57		
X5D	54		
X3M	60		
X4M	56		
X5M	52		
X3G	58		
X4G	54		
X5G	47		
N1L	53		
N2L	45		
N1R	45		
N2R	42		
N1G	43		
N2G	40		

§ 1464.20 1975-Crop Virginia Sun-Cured Tobacco, Type 37—Grade Loan Schedule.[4]

Loan rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length		
	46	45	44
A1F	82	82	8
A2F	78	78	75
A3F	75	75	72
A1R	82	82	79
A2R	78	78	75
A3R	75	75	72
B1F	79	80	74
B2F	76	79	76
B3F	68	71	69
B4F	62	66	64
B5F	58	58	58
B1R	79	80	73
B2R	76	78	73
B3R	70	73	70
B4R	63	66	63
B5R	58	59	56
B1D	78	78	73
B2D	77	77	72
B3D	67	67	66
B4D	61	62	61
B5D	56	58	56
B3M	61	63	60
B4M	59	62	59
B5M	54	57	56
B3G	60	64	61
B4G	57	60	59
B5G	56	56	54
C1L	77	78	70

[4] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G" (no grade), "U" (unsound), "D" (damaged), or scrap will not be accepted. The association is authorized to deduct $1 per hundred pounds to apply against overhead cost.

Grade	Length		
	46	45	44
C2L	71	72	67
C3L	69	70	67
C4L	61	64	62
C5L	56	57	55
C1F	78	78	71
C2F	72	73	70
C3F	70	72	70
C4F	64	68	65
C5F	58	60	59
C1R	75	75	69
C2R	69	69	65
C3R	62	63	61
C4R	57	59	57
C5R	50	51	50
C3M	56	59	58
C4M	53	57	54
C5M	50	54	52
C3G	51	54	51
C4G	49	53	51
C5G	44	46	45

Grade	Advance rate	Grade	Advance rate
T3F	57	X4F	57
T4F	55	X5F	53
T5F	49	X1R	64
T3R	57	X2R	61
T4R	55	X3R	57
T5R	50	X4R	55
T3D	55	X5R	48
T4D	53	X3D	51
T5D	47	X4D	49
T3M	54	X5D	43
T4M	52	X3M	60
T5M	46	X4M	56
T3G	57	X5M	54
T4G	55	X3G	53
T5G	49	X4G	49
X1L	65	X5G	56
X2L	63	N1R	40
X3L	60	N2R	32
X4L	58	N1G	42
X5L	53	N2G	29
X1F	64	N1L	38
X2F	63	N2L	30
X3F	60		

[FR Doc.75-30795 Filed 11-13-75;8:45 am]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

1975 Crop—Burley Tobacco, Loan Rate Schedule

On September 8, 1975, there was published in the FEDERAL REGISTER (40 FR 41530) a notice of proposed rulemaking setting forth the proposed price support grade loan rates for 1975 burley tobacco. Interested parties were given the opportunity to submit, not later than October 6, 1975, data, views and recommendations pertaining to the grade loan rates.

Three responses were received pursuant to the notice. One recommended the adoption of the loan rate schedule as proposed. Another questioned whether adequate consideration had been given to tailoring the loan rates to reduce incentive to import burley tobacco. The respondent urged that if such consideration had not been given, the rates for the grades which are least threatened by imports be increased with offsetting reductions of the rates for the grades most threatened. The incentive to import burley tobacco is created by the overall market prices which have resulted from factors other than loan rates which have been applied to each grade. The 1974 market prices for burley tobacco averaged about $1.14 per pound (the level of support was 85.8 cents per pound) with the average prices for grades which normally account for more than 99 percent of the production each exceeding the highest loan rate proposed for any grade of the 1975 crop. The proposed grade loan rates range from $0.71 to $1.03 per pound and are increased from last year by 5 to 12 cents per pound. The higher increases are generally applied to the grades for which the 1974 market prices exceeded the 1974 loan rates by the greatest amounts and of which the smallest proportions of the marketings were received for price support. It is not believed that any different application of the increases

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would more effectively reduce the incentive to import burley tobacco.

The third response related to whether there is legislative authority for authorizing cooperatives through which price support is made available to deduct $1 per hundred pounds of loan tobacco to apply against the cooperatives' overhead costs primarily related to the handling and marketing of tobacco. The respondent contended that there is ample authority for CCC to assume all of the cooperatives' overhead costs. There is, however, no statute which requires that any part of a cooperative's overhead cost be assumed by CCC. In the case of other commodities, such handling and marketing costs are borne by the producers individually or by their associations. Tobacco cooperative associations are the only associations, except those for peanuts and naval stores, in which CCC makes loans against a portion of the association's overhead price support expenses. And for peanuts and tobacco, CCC makes association loans to cover most of such expenses, but does not make advances to growers for marketing costs. The proposed loan rates are hereby adopted without change and are set forth below. The material previously appearing under § 1464.21 remains applicable to the crop to which it refers.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423)).

Effective date: November 14, 1975.

Signed at Washington, D.C. on: November 11, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

§ 1464.21 1975 Crop—Burley Tobacco, type 31, loan schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Loan rate	Grade	Loan rate
B1F	103	T4VF	92
B2F	102	T5VF	87
B3F	101	T4VR	86
B4F	99	T5VR	81
B5F	97	T4GF	85
B1FR	102	T5GF	82
B2FR	101	T4GR	80
B3FR	100	T5GR	77
B4FR	98	C1L	103
B5FR	96	C2L	102
B1R	100	C3L	101
B2R	99	C4L	99
B3R	98	C5L	97
B4R	96	M3FR	93
B5R	92	M4FR	90
B4D	86	M5FR	86
B5D	82	N1L	92
B3K	96	N2L	87
B4K	94	C1F	103
B5K	89	C2F	102
B3M	96	C3F	101
B4M	94	C4F	99
B5M	88	C5F	97
B3VF	100	C3K	97
B4VF	96	C4K	95
B5VF	93	C5K	91
B3VR	93	C3M	97
B4VR	91	C4M	95
B5VR	88	C5M	91
B3GF	94	C3V	98
B4GF	92	C4V	96
B5GF	89	C5V	92
M1F	96	C4G	86
M2F	95	C5G	82
M3F	94	X1L	103
M4F	92	X2L	102
M5F	91	X3L	101
B3GR	85	X4L	99
B4GR	83	X5L	97
B5GR	80	X1F	103
T3F	98	X2F	102
T4F	94	X3F	101
T5F	91	X4F	99
T3FR	95	X5F	97
T4FR	93	X4M	95
T5FR	90	X5M	89
T3R	91	X4G	89
T4R	85	X5G	83
T5R	84	N1F	87
T4D	83	N1R	82
T5D	80	N2R	77
T3K	82	N1G	79
T5K	80	N2G	71

[1] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct $1 per hundred pounds to apply against overhead costs.

[FR Doc.75-30773 Filed 11-13-75;8:45 am]

Title 9—Animal and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

● **Purpose.** To provide two new Standard Requirements for biological products. ●

On August 4, 1975, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER at 40 FR 32754.

The Master Seed Virus concept of testing viral vaccines for potency has been applied to such vaccines as rapidly as the procedures have been developed. This concept employs the use of a proven Master Seed Virus in the preparation of a vaccine and subsequent serial to serial evaluation for potency limited to virus titrations. This procedure eliminates the need for testing each serial for potency in expensive test animals.

These amendments change the requirements in § 113.137 to the Master Seed Virus testing procedure for Distemper Vaccine—Mink and add a new section to Part 113 to provide a similar test procedure for Measles vaccine used in dogs.

Comments were received from two licensees. Some suggested changes were considered very good and have been accepted.

After due consideration of all relevant matters, including the proposal set forth in the aforesaid notice of rulemaking, and the constructive and helpful suggestions received from the comments, revisions of the material proposed were made for clarification of the procedures to be followed.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (U.S.C. 151–158), the amendments of Part 113, Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein subject to the following noted modifications:

The use of ferrets as alternate test animals is authorized in § 113.137(b)(1).

The requirements prescribed in § 113.37 are relaxed for testing distemper virus in § 113.137(b)(2).

The use of more than 20 vaccinates and 5 controls are authorized in § 113.137(c)(1) and (2). Also, the use of other means to insure susceptibility of these test animals is authorized. Reaction requirements for the test animals are changed to percentages to conform with the increased number of test animals.

§ 113.167(d)(1) has been revised to eliminate repetition.

§ 113.167 has been renumbered § 113.148.

Each word in the headings for § 113.137 and § 113.148 are to be capitalized.

1. § 113.137 is revised to read as follows:

§ 113.137 Distemper Vaccine—Mink.

Distemper Vaccine—Mink shall be prepared from virus-bearing cell culture fluids. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed Virus.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) The lot of Master Seed Virus shall be tested for extraneous viruses as follows:

(1) To detect virulent canine distemper virus, each of two distemper susceptible mink or ferrets shall be inoculated with 1 ml of the Master Seed Virus and observed each day for 21 days. If undesirable reactions occur in either test animal, the lot of Master Seed Virus is unsatisfactory.

(2) Master Seed Virus propagated in chicken embryos shall be tested for pathogens by the chicken embryo test prescribed in § 113.37 except lesions typical of distemper virus may be disregarded. If found unsatisfactory, the Master Seed Virus shall not be used.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed Virus shall be established as follows:

(1) At least 25 distemper susceptible mink shall be used as test animals. Blood samples shall be drawn from these animals and individual serum samples tested. The mink shall be considered susceptible if the results are negative at a 1:2 final serum dilution in a varying serum-constant virus neutralization test with less than 500 ID_{50} of canine distemper virus. Other means of insuring susceptibility may be used if prior approval from Veterinary Services is received.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity test is conducted. At least 20 mink shall be vaccinated with a predetermined quantity of vaccine virus and at least 5 additional mink shall be held as unvaccinated controls. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(3) At least twenty-one days postinjection, the immunity of each of the vaccinates and the controls shall be challenged with the same size dose of virulent distemper virus and observed each day for 21 days.

(i) If at least 80 percent of the controls do not die or show severe signs of distemper, the test is inconclusive and may be repeated.

(ii) If at least 19 of 20, 27 of 30, or 36 of 40 of the vaccinates do not survive without showing clinical signs of distemper during the observation period, the Master Seed Virus is unsatisfactory.

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years and each 5 years thereafter unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided*, That, five of five vaccinates and at least four of the controls shall meet the criteria prescribed in paragraph (c)(2) of this section.

(5) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be authorized by Veterinary Services.

(d) Test requirements for release: Each serial and subserial shall meet the general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Mink safety test.* Each of 2 mink shall be vaccinated with the equivalent of 10 doses of vaccine rehydrated with sterile diluent and administered in the manner recommended on the label. The mink shall be observed each day for 21 days. If unfavorable reactions attributable to the product occur in either of the mink during the observation period, the serial or subserial is unsatisfactory. If unfavorable reactions which are not attributable to the product occur, the test shall be declared inconclusive and may be repeated; *Provided*, That if the test is not repeated, the serial or subserial shall be declared unsatisfactory.

(2) *Potency Test.* An in vitro potency test shall be conducted. To be eligible for release, each serial and subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that, when tested at any time within the expiration period, each serial and subserial shall have a virus titer $10^{0.7}$ greater than that used in such immunogenicity test when tested by the method used in paragraph (c)(2) of this section.

2. Part 113 is amended by the addition of a new § 113.148 to read as follows:

§ 113.148 Measles Vaccine.

Measles Vaccine shall be prepared from virus-bearing cell culture fluids. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed virus.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) The lot of Master Seed Virus shall be tested for other viral agents as follows:

(1) To detect virulent canine distemper virus, each of two canine distemper susceptible ferrets shall be injected with a sample of the Master Seed Virus equivalent to the amount of virus to be used in one dog dose and observed each day for 21 days. If undesirable reactions occur in either ferret, the lot of Master Seed Virus is unsatisfactory.

(2) To detect infectious canine hepatitis virus, each of two infectious canine hepatitis susceptible dogs or foxes shall be injected with 0.05 ml of the Master Seed Virus into the anterior chamber of one eye and examined each day for 14 days for corneal opacity. If the eyes do not remain clear, the Master Seed Virus is unsatisfactory.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed Virus shall be established as follows:

(1) Twenty-five dogs, less than 12 weeks of age and free of measles antibody, shall be used as test animals (20 vaccinates and five controls). Blood samples shall be drawn from these animals and individual serum samples tested. The dogs shall be considered susceptible if the results are negative at a 1:2 final serum dilution in a varying serum-constant virus neutralization test with less than 500 ID_{50} of measles virus.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity test is conducted. Twenty dogs shall be vaccinated with a predetermined quantity of vaccine virus and the remaining five dogs held as unvaccinated controls. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(3) On the day of challenge, serum samples shall be obtained from each vaccinate and individually tested for antibody against canine distemper virus. For a valid test, each vaccinate shall be negative at a 1:4 final serum dilution in varying serum-constant virus neutralization test using less than 500 ID_{50} of canine distemper virus.

(4) At least 21 days postinoculation, the immunity of the vaccinates and controls shall be challenged by exposure to a uniform dose of aerosolized virulent canine distemper virus. All test dogs shall be observed daily for 21 days postchallenge.

(i) If at least 4 of the 5 controls do not die or show signs of distemper, including a temperature of 104.0° F or higher and at least 15 percent weight loss, the test is inconclusive and may be repeated.

(ii) If at least 19 of the 20 vaccinates do not survive without showing a temperature of 104.0° F or higher and a weight loss exceeding 15 percent after day 8 postchallenge, the Master Seed Virus is unsatisfactory.

(5) When approved in advance by Veterinary Services, a sequential test procedure may be used in lieu of the 20 dog requirement. A beta value of 0.05 and a tolerance level of 0.78 shall be required.

(6) The Master Seed Virus shall be retested for immunogenicity in 3 years and each 5 years thereafter unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided*, That, five of five vaccinates and at least four of the controls shall meet the criteria prescribed in this section.

(7) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) Test requirements for release: Each serial and subserial shall meet the general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety tests.* The dog safety test prescribed in § 113.40 and the mouse safety test prescribed in § 113.33(a) shall be conducted.

(2) *Potency test.* An in vitro potency test shall be conducted. To be eligible for release, each serial and subserial shall have a virus titer sufficiently greater than the titer of the vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that, when tested at any time within the expiration period, each serial and subserial shall have a vrus titer $10^{0.7}$ greater than that used in such immunogenicity test but not less than $10^{4.2}$ ID^{50} per dose when tested by the method used in paragraph (c)(2) of this section.

§ 113.149–§ 113.159 [Reserved]

3. Sections 113.149 through 113.159 are reserved.

(37 Stat. 832–833; 21 U.S.C. 151–158)

Effective date: These amendments take effect December 15, 1975, except the Master Seed Virus requirements shall take effect January 1, 1977.

Done at Washington, D.C., this 10th day of November 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-30790 Filed 11-13-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-37-AD; Amendment 39-2425]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 707 and 720 Series Airplanes

There have been 3 reports of cracks in the horizontal stabilizer center section

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rear spar upper chord terminal lugs on the Boeing Model 707–300B and –300C series airplanes that affect the structural capability of the horizontal stabilizer. Since this condition is likely to exist or develop in other Boeing Model 707 and 720 series airplanes of the same type design, an airworthiness directive is being issued to require inspections and repair if necessary of the horizontal stabilizer center section rear spar upper chord assembly.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), Section 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to all 707 and 720 series airplanes certificated in all categories which (1) were delivered after January 28, 1966, including Serial Numbers 18955 and 18979, with more than 12,000 hours time in service on the horizontal stabilizer center section rear spar upper chord assembly or (2) were modified by Boeing Service Bulletin No. 2243, Revisions 1 through 7, with more than 12,000 hours time in service since modified or (3) had the bushings removed for lug bore inspection and corrosion removal, with 12,000 hours or more time in service since the last flanged bushings were installed. Compliance required as indicated.

A. Within 100 hours time in service after the effective date of this AD, unless inspected within the last 125 hours time in service, and every 225 hours thereafter, visually inspect the horizontal stabilizer center section upper rear spar for cracks in the outer surface of the right and left hand terminal lugs. The cracks initiate in the bushed holes at the terminal fittings.

If cracks are found, replace the horizontal stabilizer center section rear spar upper chord assembly or repair prior to further flight in accordance with B or C below.

B. Install a strap in accordance with Boeing Drawing No. 65C15785. This strap must be replaced in accordance with Boeing Drawing No. 65C15785 after 3,000 hours time in service.

C. Modify in accordance with Boeing Service Bulletin No. 3243 or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Such modification constitutes terminating action for this airworthiness directive.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective November 24, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Seattle, Washington, November 7, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.75–30688 Filed 11–13–75;8:45 am]

[Docket No. 75–NW–27–AD; Amendment 39–2426]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations, Amendment 39–2371, AD 75–20–05, to require replacement of the fore flap airload roller and fore flap fittings and to specify the lubricant to be used on Boeing Model 747 series airplanes was published in 40 F.R. 44335.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from the operators and the manufacturer. The operators, through the ATA, offered the following comments: They requested an extension of time to December 31, 1977, for replacement of the airload rollers and fore flap fittings. The replacement roller, they stated, could be either the new design bearings or overhauled bearings of the old design. The agency does not concur with the request to extend the accomplishment date to December 1977. However, the agency agrees that while under the inspection requirements of this AD, some relaxation of the accomplishment date would not compromise safety. Accordingly, the accomplishment date has been extended to December 31, 1976. The FAA agrees that overhauled bearings are suitable replacement rollers. The operators requested deletion of paragraph E2 of the proposed amendment since it is redundant. The agency has found the larger inspection holes provided by Boeing Service Bulletin No. 747–57–2138 are necessary to properly inspect the rollers. They requested the AD provide for an equivalent to MIL–G–23827 for use in the airload rollers. The amendment does provide for an equivalent lubricant. The commentators also requested that replacement of rollers and fittings on the outboard fore flaps and the aft airload rollers on the inboard fore flaps constitute terminating action for the inspections required by the AD. Since the forward airload rollers on the inboard fore flap are the critical rollers, the agency concurs with this request. The operators also requested that the AD delete from applicability those airplanes delivered in a configuration equivalent to that provided by this AD. The AD has this provision. One operator requested that paragraph A2 allow operation with certain cracks in the fittings. Paragraph A2 has been amended to allow continued operation with parts cracked within certain limits.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39–2371, AD 75–20–05, is amended as follows:

1. Revise the last sentence of paragraph A2 to read as follows:

Replace any cracked fittings before further flight if any crack exceeds the limits listed in Boeing Service Bulletin Nos. 747–57–2088 or 747–57–2119.

2. Delete paragraph C and add a new paragraph C as follows:

C. 1. Replace the three forward inboard fore flap airload rollers with new or overhauled rollers on or before December 31, 1976. The replacement rollers are to be lubricated with MIL–G–23827 grease, or an equivalent grease approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, which does not contain molybdenum disulfide (MoS_2) as an additive. Airplanes delivered with the redesigned rollers which have been lubricated at an internal not greater than that allowed by this AD, need not have these bearings replaced.

2. Replace all inboard trailing edge fore flap attach fittings on or before December 31, 1976, in accordance with Boeing Service Bulletin No. 747–57–2119, Revision 2, and Boeing Service Bulletin No. 747–57–2088, Revision 2, or later FAA approved revisions, or replace fittings in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

3. Add a new paragraph E as follows:

E. Within the next 100 flights, unless already accomplished, cut inspection holes in the mid-flaps in accordance with Boeing Service Bulletin No. 747–57–2138.

4. Add a new paragraph F as follows:

F. Replacement of the remaining inboard fore flap airload rollers and all outboard fore flap airload rollers with new or overhauled rollers lubricated with MIL–G–23827 or equivalent constitutes terminating action for the inspections required by paragraph A1. Replacement of both the inboard and outboard fore flap attach fittings constitutes terminating action for the inspections required by paragraphs A2 and A3.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective December 12, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington, November 7, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1067.

[FR Doc.75–30689 Filed 11–13–75;8:45 am]

[Docket No. 15143; Amdt. 39–2428]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman Ltd. BN–2A and BN–2A Mk III Airplanes

There have been reports of cracks in the rudder bar unit on Britten Norman Ltd. BN–2A and BN–2 Mark III airplanes that could result in loss of rudder control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and replacement, if necessary, of the rudder bar unit on Britten Norman Ltd. BN–2A and BN–2A Mark III airplanes.

Since this situation requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Section 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITTEN NORMAN LTD. Applies to BN–2A (Islander) and BN–2A Mark III (Trislander) airplanes, all series, certificated in all categories, except those modified in accordance with Britten Norman Mod. No. NB/M/463, provided the Modification was accomplished prior to the accumulation of 100 landings on the rudder bar unit.

Compliance is required within the next 25 landings after the effective date of this AD unless already accomplished within the last 475 landings, and thereafter at intervals not to exceed 500 landings from the last inspection.

To detect fatigue cracks and prevent possible failure of rudder bar units, accomplish the following:

(a) Inspect the rudder bar unit for cracks in accordance with Britten Norman Service Bulletin No. BN–2/SB 56 dated October 10, 1973, paragraph Nos. 1, 2, 3 and 4, or an FAA-approved equivalent.

(b) If, during an inspection required by paragraph (a) of this AD, a crack is found in either the slider tube or vertical pillar of the rudder bar unit, before further flight, replace the slider tube and pillar assembly with a serviceable assembly of the same part number, or an FAA-approved equivalent.

(c) If, during an inspection required by paragraph (a) of this AD, a crack is found in the rudder pedal beam of the rudder bar unit, before further flight, replace the rudder pedal beam—

(1) For BN–2A (Islander) and BN–2A Mk III (Trislander) airplanes, with a serviceable beam, P/N NB–45–C–2153 or FAA-approved equivalent; or

(2) For BN–2A (Islander) airplanes, with a servicable beam, P/N NB–45–B–071 that has been modified in accordance with Britten Norman Service Bulletin No. BN–2/SB.20 dated June 12, 1969, or an FAA-approved equivalent.

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from take-off to landing for the airplane type.

This amendment becomes effective November 28, 1975.

Issued in Washington, D.C. on November 6, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75–30687 Filed 11–13–75;8:45 am]

[Docket No. 14909; Amdt. 39–2430]

PART 39—AIRWORTHINESS DIRECTIVES

Caproni Vizzola Costruzioni Aeronautiche Calif A–21 Series Gliders

Amendment 39–2340 (40 FR 33819), AD 75–18–02, imposes an airspeed operating limitation and requires repetitive inspections of the aileron system on certain Caproni Vizzola Costruzioni Aeronautiche Calif A–21 gliders. After issuing Amendment 39–2340 the FAA has determined that the reasons for issuing the AD are equally applicable to Calif A–21 series gliders, having serial numbers subsequent to 215. Therefore the AD is being amended to apply to those Calif A–21 series gliders. The AD is also being amended to reference an updated service bulletin.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2340 (40 FR 33819), AD 75–18–02, is amended as follows:

1. By revising the applicability paragraph to read—

"CAPRONI VIZZOLA COSTRUZIONI AERONAUTICHE S.p.A. Applies to Caproni Calif A–21 series gliders, serial numbers 201, 202, 204 and subsequent, certificated in all categories."

2. By revising the parenthetical expression following paragraph (b) to read—

"(CAPRONI VIZZOLA COSTRUZIONI AERONAUTICHE S.p.A. Mandatory Technical Service Bulletin T.B. No. 75.05 R.A.I. dated July 29, 1975, refers in part to this subject.)"

This amendment becomes effective November 28, 1975.

Issued in Washington, D.C. on November 10, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75–30690 Filed 11–13–75;8:45 am]

[Docket No. 15144; Amdt. 39–2427]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Limited Model DH–104 "Dove" Airplanes

Supplement 2 to Part 507 of the Regulations of the Administrator of Civil Aeronautics (22 FR 6046; August 1, 1957) contained AD 57–5–2 that required inspection of the upper and lower wing main spar joints of certain deHavilland DH–104 "Dove" airplanes for cracks and their repair if necessary. Airworthiness directives that were published in Supplement 2 to Part 507 were amendments to § 507.10(a). All airworthiness directives contained in § 507.10 were transferred to § 39.13 of the Federal Aviation Regulations upon the adoption of Part 39 (29 FR 14403; October 20, 1964). After issuing AD 57–5–2, the FAA has received reports of cracks developing in joints that were found to have had no cracks during previous AD inspections. Therefore AD 57–5–2 is being superseded by a new AD that requires another X-ray inspection of DH–104 "Dove" airplanes for cracks and their repair if necessary.

Since this situation requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LIMITED. Applies to Hawker Siddeley DH–104 "Dove" airplanes, Serial Numbers 04465 and below certificated in all categories, except those that incorporate "Dove" Modification 870.

Compliance is required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To detect spanwise cracks in the upper and lower wing main spar joint, accomplish the following:

(a) Inspect the upper and lower wing main spar joints for cracks in accordance with the X-ray technique specified in Appendix I, Issue 2 as amended June 16, 1975, of Hawker Siddeley Technical News Sheet (T.N.S.) No. 134, Issue 5, dated March 17, 1975, or an FAA-approved equivalent.

(b) If, during the inspection required by paragraph (a) of this AD, a crack is found in a wing main spar joint, before further flight modify the joint in accordance with Appendix 2 of Hawker Siddeley Technical News Sheet (T.N.S.) No. 134, Issue 5, dated March 17, 1975, or an FAA-approved equivalent.

This supersedes AD 57–5–2 that was contained in Supplement 2 to Part 507 of the Regulation of the Administrator (22 FR 6046) and that was transferred to § 39.13 of the Federal Aviation Regulations upon the adoption of Part 39 (29 FR 14403).

NOTE: Copies of X-rays or of the results of the equivalent inspections as required by paragraph (a) of this AD are requested to be transmitted to DOT/FAA, Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667.

(Reporting approved by the Bureau of the Budget under B.O.B. No. 04–R0174).

This amendment becomes effective November 28, 1975.

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Issued in Washington, D.C., on November 6, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-30686 Filed 11-13-75;8:45 am]

[Docket No. 15142; Amdt. No. 994]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR-VOR/DME SIAPs, *effective December 25, 1975.*

Manchester, NH—Grenier Field-Manchester Municipal Arpt., VOR/DME Rwy 17, Amdt. 7.
Manchester, NH—Grenier Field-Manchester Municipal Arpt. VOR Rwy 35, Amdt. 9.
Morgantown, WV—Morgantown Municipal-Walter L. Bill Hart Field, VOR-A, Amdt. 7.
Morgantown, WV—Morgantown Municipal-Walter L. Bill Hart Field, VOR/DME Rwy 18, Amdt. 3, Canceled.
Morgantown, WV—Morgantown Municipal-Walter L. Bill Hart Field, VORTAC Rwy 18, Orig.

• • • *effective December 4, 1975:*

Hayden, CO—Yampa Valley Arpt., VOR Rwy 10, Orig.

• • • *effective November 27, 1975:*

Cincinnati, OH—Blue Ash Arpt., VOR Rwy 6, Amdt. 1.
Cincinnati, OH—Blue Ash Arpt., VOR Rwy 24, Amdt. 1.

• • • *effective November 4, 1975:*

Lapeer, MI—Dupont-Lapeer Arpt., VOR-A, Amdt. 6.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective November 20, 1975.*

Batesville, AR—Batesville Regional Arpt., SDF Rwy 7, Orig.
Spokane, WA—Spokane Int'l Arpt., LOC Rwy 3, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective December 25, 1975.*

Manchester, NH—Grenier Field-Manchester Municipal Arpt., NDB Rwy 35, Amdt. 8.
Morgantown, WV—Morgantown Municipal-Walter L. Bill Hart Field, NDB Rwy 18, Amdt. 10.

• • • *effective November 20, 1975:*

Batesville, AR—Batesville Regional Arpt., NDB Rwy 7, Orig.
Batesville, AR—Batesville Regional Arpt., NDB(ADF)-1, Amdt. 4, Canceled.

• • • *effective October 31, 1975:*

Fresno, CA—Fresno Air Terminal, NDB Rwy 29R, Amdt. 18.
Grand Rapids, MI—Kent County Arpt., NDB Rwy 26L, Amdt. 8.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective December 25, 1975:*

Manchester, NH—Grenier Field-Manchester Municipal Arpt., ILS Rwy 35, Amdt. 7.
Morgantown, WV—Morgantown Municipal-Walter L. Bill Hart Field, ILS Rwy 18, Amdt. 3.
Williamsport, PA—Williamsport-Lycoming County Arpt., ILS Rwy 27, Amdt. 9.

• • • *effective November 27, 1975:*

Norfolk, VA—Norfolk Regional Arpt., ILS Rwy 23, Amdt. 1.

• • • *effective November 20, 1975:*

Richmond, VA—Richard Evelyn Byrd Int'l Arpt., ILS Rwy 33, Amdt. 3.
Columbia, S.C.—Columbia Metropolitan Arpt., ILS Rwy 29, Orig.

• • • *effective October 31, 1975:*

Fresno, CA—Fresno Air Terminal Arpt., ILS Rwy 29R, Amdt. 23.
Grand Rapids, MI—Kent County Arpt., ILS Rwy 26L, Amdt. 9.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c); Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 6, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 F.R. 5610).

[FR Doc.75-30691 Filed 11-13-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8949o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Travel King, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.143 Opportunities; § 13.170 Qualities or properties of product or service; 13.170-22 Corrective, orthopedic, etc.; 13.170-52 Medicinal, therapeutic, healthful, etc.; § 13.195 Safety; § 13.205 Scientific or other relevant facts. Subpart—Aiding, assisting and abetting unfair or unlawful act or practice: § 13.290 Aiding, assisting and abetting unfair or unlawful act or practice. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1697 Opportunities in product or service; § 13.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Travel King, Inc., doing business as Travel King, Inc. & Ramble Tours; Phil-Am Travel Agency, Inc.; Gem Travel Service, Inc.; and Ramble Travel and Tours, Inc., corporations; Yuda Galazan and Nyla Ford, individually and as officers and directors of Ramble Travel and Tours, Inc.; Ronald Brown, individually and as an officer of Travel King, Inc.; Adeline C. Heredia and Emile H. Heredia, individually and as officers of Phil-Am Travel Agency, Inc.; and Laurence C. Marquez and Marian E. Butterfield, individually and as officers of Gem Travel Service, Inc.

Consent order requiring four West Coast travel agencies located in Seattle, Wash., and San Francisco, Calif., among other things to cease making false claims about "psychic surgery" and promoting tours for such surgery, which has been misrepresented as an actual surgical operation by which diseased tissue or disease-causing material is removed from the body using only the bare hands. The order further requires respondents to send notices to past purchasers and to those who inquire about such tours in the future warning them of the serious danger involved.

The final order, including further order requiring report of compliance therewith, is as follows: [1]

FINAL ORDER

This matter having been heard by the Commission upon the appeal of respondents Gem Travel Service, Inc., Laurence C. Marquez and Marian E. Butterfield from the administrative law judge's initial decision, and upon briefs and oral argument in support thereof and in opposition thereto; and the Commission having rendered its decision denying the appeal and adopting the initial decision:

It is ordered, That respondents, Travel King, Inc., Phil-Am Travel Agency, Inc., Gem Travel Service, Inc., Ramble Travel and Tours, Inc., Yuda Galazan, Nyla Ford, Ronald Brown, Adeline C. Heredia, Emile H. Heredia, Laurence C. Marquez, and Marian E. Butterfield shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The order to cease and desist as contained in the Initial Decision is as follows:

ORDER

It is ordered That respondents Travel King, Inc., doing business as Travel King, Inc. & Ramble Tours; Phil-Am Travel Agency, Inc.; Gem Travel Service, Inc.; and Ramble Travel and Tours, Inc., corporations; Yuda Galazan and Nyla Ford, individually and as officers and directors of Ramble Travel and Tours, Inc.; Ronald Brown, individually and as an officer of Travel King, Inc.; Adeline C. Heredia and Emile H. Heredia, individually and as officers of Phil-Am Travel Agency, Inc.; Laurence C. Marquez and Marian E. Butterfield, individually and as officers of Gem Travel Service, Inc.; and their successors and assigns, and their agents, representatives and employees, acting directly or through any corporate or other device, or through any other person or firm, in connection with the advertising, offering for sale, sale, or provision of travel arrangements or of any form of treatment for disease or disorder, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in the promotion of travel or tours to the Philippines, or elsewhere, that "psychic surgery" [2] is an actual surgical operation, that the body is opened, and that diseased tissue or disease-causing material is removed from the human body.

2. Representing, directly or by implication, in the promotion of travel or tours to the Philippines, or elsewhere, that "psychic surgeons" [2] in the Philippines, or elsewhere, have the ability or power to open the body with the bare hands, and to remove diseased tissue or disease-causing material.

3. Advertising or promoting, directly or indirectly, "psychic surgery", or travel or tours to the Philippines, or elsewhere, for "psychic surgery", or for visits to "psychic surgeons", or to any person claiming to be, or known by the respondent involved to be, a "psychic surgeon".

4. Using the terms "psychic surgery" or "psychic surgeon" in the promotion of travel or tours to the Philippines, or elsewhere, or any other term, description or symbol which suggests, directly or by implication, the opening of the body, the performing of any kind of surgery, or the removing of any tissue or material, with bare hands without instruments.

5. Offering for sale or selling "psychic surgery" or arranging or facilitating treatments by any "psychic surgeon".

6. Representing, directly or by implication, in connection with the promotion, sale, arrangement or scheduling of travel or tours, that during or at the end of such travel or tours arrangements will be made for visits with any "psychic surgeon", or that any "psychic surgeon" will be available for visits.

7. Making any representation, directly or by implication, as to the validity, efficacy or safety of any form of treatment for disease or disorder without possessing, at the time the representation is made, a reasonable basis therefor.

8. Providing or arranging for the provision of any form of compensation, reimbursement, gratuity, or benefit, including free or reduced rate travel or accommodations to anyone known by the respondent involved, or who should have been known by the respondent involved with reasonable inquiry, to have engaged in the use of any of the representations or promotions prohibited by this order.

It is further ordered that respondents shall:

(a) Deliver promptly to all persons who request information concerning "psychic surgery" or travel or tour arrangements to visit "psychic surgeons", or who have taken a "psychic surgery" tour of a respondent herein, a copy of the notice contained in Attachment A. [Where such inquiries are by telephone, the notice need only be sent if the inquiring person requests a written response or if a respondent sends written materials to the inquiring person.]

(b) Distribute a copy of this order to each of their employees and to all persons who are or have been tour conductors on respondents' "psychic surgery" tours.

It is further ordered, That each corporate respondent shall notify the Commission at least thirty days prior to any proposed change therein, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent which may affect compliance obligations arising out of this order.

Initial Decision order, issued Feb. 28, 1975.

The Final Order was issued by the Commission September 30, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-30682 Filed 11-13-75;8:45 am]

[1] Copies of the Amended Complaint, Administrative Law Judge's Order Granting Complaint Counsel's Motion to "Correct Clerical Error In Amended Complaint", Initial Decision, Attachment A, Opinion of the Commission by Commissioner Hanford, and Final Order filed with the original document.

[2] Whenever used in this order the term "psychic surgery" includes the terms "psychic healing", "faith healing", and "spiritual" or "spirit healing", and equivalent terms, when those terms refer to or contemplate, a "treatment" or "healing procedure or technique which purports to involve the opening of the body with the bare hands, and the removal of diseased tissue or disease-causing material.

[2] Whenever used in this order the term "psychic surgeon" includes the terms "psychic healer", "faith healer", and "spiritual" or "spirit healer", and equivalent terms, when those terms refer to a "healer" or person who purports to open the body with the bare hands, and to remove diseased tissue or disease-causing material.

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

[Docket No. 8872]

Ger-Ro-Mar, Inc. t/a Symbra'ette, et al.

Codification under 16 CFR 13 appears at 39 FR 35133.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Ger-Ro-Mar, Inc., a corporation, d/b/a Symbra'ette, and Carl G. Simonsen, individually and as President of Ger-Ro-Mar, Inc.

Order modifying an earlier order dated July 23, 1974, 84 F.T.C. ——, 39 FR 35133, pursuant to order of the United States Court of Appeals for the Second Circuit dated June 16, 1975, Trade Reg. Rep. ¶ 60,368 at 66,588 (1975 Trade Cases), IX S&D ——, by setting aside order paragraphs 1 and 2 proscribing an open-ended, multi-level (pyramid) marketing plan to recruit distributors for its products.

The order modifying order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER MODIFYING ORDER TO CEASE AND DESIST

Respondents having filed in the United States Court of Appeals for the Second Circuit on October 11, 1974, a petition to review and set aside an order to cease and desist issued herein on July 23, 1974, and the Court having rendered its decision and its judgment on June 16, 1975, affirming the order to cease and desist, except for numbered Paragraphs 1 and 2 of the order which it directed be set aside;

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified in accordance with the decision and judgment of the Court to read as follows:

ORDER

It is ordered, That respondent Ger-Ro-Mar, Inc., a corporation doing business as Symbra'ette, whose corporate name is now Symbra'ette, Inc., and officers there-

[1] Copies of the Order Modifying Order to Cease and Desist, filed with the original document.

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of, and respondent Carl G. Simonsen, individually and as an officer of said corporation, or corporations, and respondents' agents, representatives, employees, successors, and assigns, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of brassieres, girdles, lingerie, wigs, or of any other products, or of distributorships or franchises, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Operating any marketing or sales plan or program unless respondents agree to and notify participants that they will promptly repurchase all or any part of any initial order of merchandise made by any participant, upon written request of the participant mailed within 30 days (or a greater period of time if respondents elect) of the receipt of the initial order by the participant, at the price actually paid by the participant for the merchandise: *Provided, however,* That respondents may insist that prior to making repurchase, the merchandise be returned to respondents' place of business, postage or shipping prepaid, in a resaleable condition, said merchandise to be shipped within 30 days (or a greater period of time if respondents elect) of the date on which written request for repurchase is received.

2. Representing, directly or by implication, or by use of hypothetical examples or representations of past earnings of participants, that participants in any marketing or sales program will earn or receive, or have the reasonable expectancy of earning or receiving, any stated gross or net amounts, unless in fact, a majority of participants in the community or geographic area in which such representations are made, have achieved the stated gross or net amounts represented, and the representations accurately reflect the amountof time required by such participants to achieve such gross or net amounts.

3. Misrepresenting in any manner, directly or by implication, or placing in the hands of others the means or instrumentalities for misrepresenting, the financial gains reasonably achievable by participants in any marketing or sales plan or program, or the commercial feasibility thereof.

4. Failing to maintain adequate records (a) which disclose the facts upon which any claims of the type discussed in paragraphs 2 and 3 of this Order are based; and (b) from which the validity of any claim of the type discussed in paragraphs 2 and 3 of this Order can be determined.

5. Requiring that an individual pay a valuable consideration in return for the right to participate in any marketing or sales program, without first disclosing to such prospective participant in writing the number of other participants in the marketing area in which such prospect plans to operate.

6. Representing that the supply of available participants in respondents' marketing program is inexhaustible or virtually inexhaustible.

7. Entering into, maintaining or enforcing any contract, agreement, combination, understanding, or course of conduct which has as its purpose or effect to require any individual to resell at any particular price a product which he or she has purchased: *Provided,* That in those states having Fair Trade laws products may be marketed pursuant to the provisions of such laws.

8. Publishing or distributing, directly or indirectly, any resale price list, product price list, order form, report form, promotional material or any other document which employs resale prices for commodities sold by respondents without stating clearly and conspicuously in conjunction therewith the following:

The resale prices quoted herein are suggested prices only.

Provided, That in those states having Fair Trade laws products may be marketed pursuant to the provisions of such laws.

9. Entering into, maintaining, or enforcing any contract, agreement, combination, understanding, or course of conduct which has as its purpose or effect to require any individual to refrain from reselling products which he or she has purchased, to any specified person, class of persons, business, or class of businesses.

It is further ordered, That respondents deliver a copy of this Order to all present and future dealers, distributors, or participants in any marketing or sales plan or program they operate, or who are engaged in the sale of respondents' products or services, and secure from each a signed statement acknowledging receipt of this Order.

It is further ordered, That respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, incorporation, or sale resulting in the emergence of a successor firm, partnership, or corporation, or any other change which may affect compliance obligations arising out of this Order.

It is further ordered, That Carl G. Simonsen, the individual respondent named herein, promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That each of the respondents herein and their successors and assigns shall, within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with all of the provisions of this Order.

The Order Modifying Order to Cease and Desist was issued by the Commission October 2, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-30716 Filed 11-13-75;8:45 am]

[Docket No. 8930]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hollywood Carpets, Inc., Et. Al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–195 Nature; § 13.20 Comparative data or merits; § 13.30 Composition of goods; 13.30–75 Textile Fiber Products Identification Act; § 13.73 Formal regulatory and statutory requirements; 13.73–90 Textile Fiber Products Identification Act; § 13.135 Nature of product or service; § 13.155 Prices; 13.155–15 Comparative; 13.155–40 Exaggerated as regular and customary; 13:155–70 Percentage savings; 13.155–80 Retail as cost, wholesale, discounted, etc.; 13.155–100 Usual as reduced, special, etc.; § 13.205 Scientific or other relevant facts; § 13.270 Trade-mark registration or use. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–40 Furnishing information to media; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–20 Adequate. Subpart—Invoicing products falsely; § 13.1108 Invoicing products falsely; 13.1108–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition; 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 Formal regulatory and statutory requirements; 13.1212–80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 Nature.—Goods: § 13.1575 Comparative data or merits: § 13.1623 Formal regulatory and statutory requirements; 13.1623–80 Textile Fiber Products Identification Act; § 13.1740 Scientific or other relevant facts.—Prices: § 13.1785 Comparative; § 13.1805 Exaggerated as regular and customary; § 13.1820 Retail as cost, etc., or discounted; § 13.1825 Usual as reduced or to be increased. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 Content; § 13.1870 Nature; § 13.1895 Scientific or other relevant facts. Subpart—Using misleading name—Vendor: § 13.2425 Nature, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70)

In the Matter of Hollywood Carpets, Inc., a corporation, and Charles Snyder, Florence H. Snyder and Dale E. Snyder, individually and as officers of said corporation.

Order requiring a Beltsville, Md., seller and distributor of carpeting and floor coverings, among other things to cease misrepresenting the word "sale", and the savings afforded purchasers of respondent's products; failing to maintain adequate records; and misusing the term "warehouse." Further, the order proscribes respondent's from violating the Textile Fiber Products Identification Act by misbranding and falsely advertising its textile fiber products.

The Final Order, including further order requiring report of compliance therewith, is as follows.[1]

FINAL ORDER

This matter having been considered by the Commission upon the appeal of complaint counsel from the initial decision, and the Commission for the reasons stated in the accompanying Opinion, having granted the appeal in part:

It is ordered, That the following portions of the initial decision of the administrative law judge be, and they hereby are, adopted as the Findings of Fact and Conclusions of Law of the Commission: Pages 1–13 (except for Finding 15, sentence 1, page 13); page 14 (except for Findings 18 and 20); page 15 (except for Findings 22–23); pages 16–18 (except for Finding 27, page 16); pages 19–20; page 21, first sentence; page 22, Sec. "B"; pages 23–24 (except for last textural sentence, page 24); page 25, first two sentences, and Sec. "D"; page 26 (except for last two sentences); page 28, second full paragraph.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to cease and desist be, and it hereby is, entered:

ORDER

I. *It is ordered,* That respondents Hollywood Carpets, Inc., a corporation, its successors and assigns, and its officers, and Charles Snyder, Florence H. Snyder and Dale E. Snyder, individually, and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or any other article of merchandise, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Sale," or any other word or words of similar import or meaning not set forth specifically herein unless the price of such merchandise, being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

2. Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise or services have been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

3. Advertising or otherwise representing a compared value price for carpet remnants or rugs (a) unless the carpet remnants or rugs being advertised are of the same grade and quality as the carpets with which such advertised prices are compared; and (b) without disclosing in immediate conjunction therewith that the carpet remnants or rugs are usually sold for less than wall-to-wall prices, and that the compared value is based on the wall-to-wall price of carpeting of the same grade and quality (unless the compared value is in fact based on the price of remnants of the same grade and quality).

4. Representing, directly or by implication, orally or in writing, that purchasers of respondents' merchandise will save any stated dollar or percentage amount without fully and conspicuously disclosing, in immediate conjunction therewith, the basis for such savings representations.

5. Failing to maintain and produce for inspection or copying for a period of three (3) years, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations as set forth in Paragraphs One, Two, and Four of this order are based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

6. Using the words "Warehouse Sale" or any combination of those words or other words of similar import and meaning that represent that respondents are conducting any business other than their regular retail business.

7. Using the word "warehouse" or any other word or words of similar import to describe respondents' physical facilities, without also disclosing clearly and conspicuously that the word "warehouse" or other word or words of similar import describe a facility at which respondents regularly engage in the retail sale of carpeting, *e.g.*, "Visit our warehouse-showroom facility."

8. Misrepresenting in any manner the size, description or classification of any of respondents' physical facilities.

II. *It is further ordered,* That respondents Hollywood Carpets, Inc., a corporation, its successors and assigns, and its officers, and Charles Snyder, Florence H. Snyder and Dale E. Snyder, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Falsely and deceptively advertising textile fiber products by:

(a) Making any representations by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under Section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

(b) Failing to set forth in advertising the fiber content of floor covering containing exempted backings, fillings or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings or paddings.

(c) Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

(d) Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion or sale of carpeting or floor coverings and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of carpeting or floor coverings and other merchandise, with a copy of this Order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change

[1] Copies of the Complaint, Initial Decision, Final Order and Opinion of the Commission by Commissioner Dixon, filed with the original document.

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in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That respondents shall forthwith distribute a copy of this Order to each of their operating divisions.

It is further ordered, That respondents deliver a copy of this Order to all present and future personnel of respondents engaged in the sale, or the offering for sale, of any product, in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and secure a signed statement acknowledging receipt of said Order from each such person.

It is further ordered, That each of the individual respondents named herein promptly notify the Commission of the discontinuance of his or her present business or employment and of his or her affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he or she is engaged as well as a description of his or her duties and responsibilities.

It is further ordered, That respondents shall, within sixty (60) days after the effective date of the Order served upon it, file with the Commission a report, in writing, signed by respondents, setting forth in detail the manner and form of their compliance with the Order to cease and desist.

The final order was issued by the Commission September 30, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-30717 Filed 11-13-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-327]

PART 200—INTRODUCTION

Affirmative Fair Housing Marketing Regulations; Correction

On May 8, 1975 (40 FR 20080) the Department published amendments to its Affirmative Fair Housing Marketing regulations. The following corrections should be made to that document:

1. In the last entry of the heading change "Affirmative Fair Housing Market Regulations Amended" to read "Affirmative Fair Housing Marketing Regulations".

2. In § 200.620(a) change "person" in line 8 to read "program".

(Section 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d)).

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-30735 Filed 11-13-75;8:45 am]

[Docket No. R-75-340]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Correction

In FR Doc. 75-30257 which appeared at the bottom of the second column of page 52706 in the issue for Tuesday, November 11, 1975, and corrected a previous document (FR Doc. 75-22727; 40 FR 40261; Sept. 2, 1975), the signature was inadvertently omitted and the file date and time appearing at the end of the document was incorrect.

1. The signature should appear on page 52708 immediately above the file line and should read: "David S. Cook, Assistant Secretary—Commissioner for Housing Production and Mortgage Credit".

2. The file line itself should read: "[FR Doc. 75-30257 Filed 11-7-75; 9:50 am]".

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-786]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Dubuque, Iowa, Base Flood Elevations

On May 15, 1970, at 35 FR 7561, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map numbers and locations where Flood Insurance Rate Maps were available for public inspection. The list included Flood Insurance Rate Maps for portions of Dubuque.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Dubuque, Iowa. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 195180A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. Frank Murray, Assistant City Manager, City Hall, Central Avenue, Dubuque, Iowa 52001.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Dubuque Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Dubuque map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24 1974.)

Issued: October 31, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 75-30776 Filed 11-13-75;8:45 am]

[Docket No. FI-785]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Alvin, Tex., Base Flood Elevations

On February 19, 1972, at 37 FR 3749, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map numbers and locations where Flood Insurance Rate Maps were available for public inspection. The list included Flood Insurance Rate Maps for portions of Alvin.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Alvin, Texas. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4123, and 24 CFR Part 1916.

For rating purposes, the new community number is 485451A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

City Manager, City of Alvin, P.O. Box 1407, Alvin, Texas 77511.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Alvin Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Alvin map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969; as amended by 39 FR 2787, January 24, 1974.)

Issued: November 4, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30777 Filed 11-13-75;8:45 am]

[Docket No. FI-784]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Corpus Christi, Tex., Base Flood Elevations

On July 7, 1970, at 35 FR 9914, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map numbers and locations where Flood Insurance Rate Maps were available for public inspection. The list included Flood Insurance Rate Maps for portions of Corpus Christi.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Corpus Christi, Texas. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485464B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

City Manager, 302 South Shoreline Drive, Corpus Christi, Texas 78408.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Corpus Christi Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Corpus Christi map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969; as amended by 39 FR 2787, January 24, 1974.)

Issued: October 31, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30778 Filed 11-13-75;8:45 am]

[Docket No. FI-783]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Hitchcock, Tex., Base Flood Elevations

On November 17, 1970, at 35 FR 17567, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map numbers and locations where Flood Insurance Rate Maps were available for public inspection. The list included Flood Insurance Rate Maps for portions of Hitchcock.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Hitchcock, Texas. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485479C, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

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Any persons having knowledge or wishing to comment on these changes should immediately notify:

City Administrator, City of Hitchcock, 7423 Highway 6, Hitchcock, Texas 77563.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Hitchcock Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Hitchcock map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 31, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30779 Filed 11-13-75;8:45 am]

[Docket No. FI-545]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Dania, Fla.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Dania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community of individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 2600 Hollywood Boulevard, Hollywood, Florida 33022.

§ 1917.10 **Notice of final determination.**

Source of flooding	Location	Elevation (feet above mean sea Level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Atlantic Ocean	U.S. Highway No. 1	8	Fro 1 200 ft south of corporate limits to 2,000 ft south of corporate limits.
	Taylor Rd.	8	Entire road.
	9th St. NW.	6	Do.
	Broward Rd.	6	Fro 1 corporate limits to 1,300 ft east of corporate limits.
	10th Ave. NW.	6	Fro 1500 ft north of 7th St. NW. to end of road (going south).
	2d St. NW.	6	From western corporate limits to 50 ft east of 8th Ave. NW.
	do.	6	From western corporate limits to Phippen Rd.
	3d St. NE.	8	Begins 35o ft east of Federal Highway 1 to eastern corporate limits.
	Dania Beach Blvd.	8	From 300 ft east of Federal Highway 1 to eastern corporate limits.
	4th Pl. SE.	8	From 250 ft west of 2d Ave. SE., to corporate limits.
	7th St. SE.	8	Fro 1 350 ft west of 2d Ave. SE., to end of road (going east).
	Sheridan St.	8	From 275 ft west of 2d Ave. SE., to corporate limits.

Authority:

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 29, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30782 Filed 11-13-75;8:45 am]

[Docket No. FI-782]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Arvada, Colo.

On July 13, 1972, in 37 FR 13715, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Arvada, Colorado, as an eligible community and included Map No. H 085072 04, which indicates that Lot 10, Ralston Valley Gardens No. 3, Arvada, Colorado, as recorded in Page 31, Book 20, in the office of the Clerk and Recorder of Jefferson County, Colorado, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective May 1, 1971, Map No. H 085072 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: October 28, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30783 Filed 11-13-75;8:45 am]

[Docket No. FI-384]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Calvert County, Md.

On October 23, 1974, in 39 FR 37641, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Calvert County, Maryland, as an eligible community and included Map No. H 240011 14 which indicates that a portion of Lot 2A, Preston Point Subdivision, Calvert County, Maryland, as recorded in J.L.B. 2, Folio 71 in the Plat Records of the Circuit Court of Calvert County, Maryland, is located within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that a part of the above property, which can be described as follows:

Beginning at a point, said point being a common corner between Lot 2A and Lot 1A of the Resolution of Lots 1 through 4, 29, and 30, and Relocation of Preston Drive, said point also being on the easterly right-of-way line of Preston Drive; thence along the line common to Lots 2A and 1A, S 83°16'20" E a distance of 219.20 feet; thence departing from said line and running through Lot 2A, S 06°43'40" W a distance of 128.08 feet to a point on the line common to Lots 2A and 3A; thence along said line, N 61°28'00" W a distance of 250.28 feet to a point on the easterly right-of-way line of Preston Drive; thence along said right-of-way along a curve to the right having a radius of 262.00 feet an arc distance of 37.48 feet, to the point of beginning.

is not within the Special Flood Hazard Area. Accordingly, effective October 18, 1974, Map No. H 240011 14 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 29, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30784 Filed 11-13-75;8:45 am]

[Docket No. FI-315]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Grandview, Mo.

On August 6, 1974, in 39 FR 28244, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Grandview, Missouri, as an eligible community and included Map No. H 290171 04, which indicates that Lots 1 through 16, Block 1; Lots 1 through 17, Block 2; Lots 1 through 10, 22 through 25 and 30 through 32, Block 3; Lots 1 through 17, Block 4; Lots 1 through 34, Block 5; Lots 1 through 3, 9, 10, and 13 through 15, Block 6; Lots 1, 2, and 5 through 8, Block 7; and Lots 1 through 3, Block 8, River Oaks First Plat, Grandview, Missouri, as recorded in Book 33, Page 86, in the office of the Recorder of Deeds of Jackson County, Missouri, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective July 19, 1974, Map No. H 290171 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 29, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30785 Filed 11-13-75;8:45 am]

[Docket No. FI-781]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Va.

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 18 which indicates that Lot 326, Kings Park West, Section 6, being 10027 Whitefield Street, Fairfax County, Virginia, as recorded in Deed Book 3103, Page 715 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 28, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30786 Filed 11-13-75;8:45 am]

Title 32—National Defense

CHAPTER XVII—SELECTIVE SERVICE SYSTEM (CLEMENCY PROGRAM)

PART 1700—RECONCILIATION SERVICE

Transfer of Regulations

EDITORIAL NOTE. Pursuant to 1 CFR 8.2, the Director of the Federal Register hereby redesignates regulations codified in Part 200 of 2 CFR Chapter II as Part 1700 of 32 CFR Chapter XVII, titled to read as set forth above.

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 4—SCHEDULE FOR RATING DISABILITIES

Determination of Hearing Impairment; Conversational Voice in Feet

In accordance with the authority vested in the Administrator by law, 38 U.S.C. 355, to readjust the schedule of ratings, § 4.85 is corrected and table II in § 4.87 as amended effective September 9, 1975 (40 FR 42535) is further amended by changing the pure tone audiometric average decibel loss at the three frequencies of 500, 1,000, and 2,000 (either air conduction or GSR) at the various levels of hearing in both the better and poorer ear.

This change, which was inadvertently omitted in the prior amendment is being made to conform to ISO (ANSI) norms as was done in table I of § 4.87, and is for the purpose of eliminating the necessity of interpolation of ASA norms.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development, is unnecessary in this instance and would serve no useful purpose as the changes merely conform with Table I of § 4.87.

1. In § 4.85, paragraphs (a) and (c) are revised to read as follows:

§ 4.85 **Hearing impairments, reported as a result of regional office or authorized audiology clinic examinations.**

(a) If the results of controlled speech reception tests are used, the letter, A through F, designating the impairment in efficiency of each ear separately, will be ascertained from table I. Table I indicates six areas of impairment in efficiency. The literal designation of impaired efficiency (A, B, C, D, E, or F) will be determined by intersecting the horizontal row appropriate for percentage of discrimination and the vertical column appropriate to the speech reception decibel loss; thus, with a speech reception decibel loss of 62 db and a percentage discrimination of 72 percent the literal designation is "D"; if the speech reception decibel loss is 62 db and the percentage discrimination is 70 percent, the literal designation is "E".

• • • • •

(c) If the results of pure tone audiometry (either pure tone air conduction or Galvanic Skin Response, GSR) are used, the equivalent literal designation for each ear, separately, will be ascertained from table II, and the percentage evaluation determined in the same manner as for speech reception impairment in paragraph (b) of this section.

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For example, if the average pure tone decibel loss for the frequencies 500, 1,000, and 2,000 is not more than 57 db and there is no loss more than 70 db for any of these three frequencies, the equivalent literal designation is "C"; if in the other ear, the average is not more than 79 db, and there is no loss more than 90 db, the equivalent literal designation is "D". The percentage evaluation is therefore found in the horizontal row opposite "C", and in the vertical column under "D", and is 20 percent. Note that if in the first instance any of the 3 frequencies has a loss of more than 70 db, or in the second instance more than 90 db, the literal designation will be higher, i.e., further from "A" in the alphabetical series.

2. In § 4.87, table II is revised to read as follows:

§ 4.87 Conversational voice in feet.

* * * * *

TABLE II

Hearing in better ear			Hearing in poorer ear					
			Conversational voice in feet					
			0 ft	1 to 4 ft	5 to 7 ft	8 to 9 ft	10 to 14 ft	15 to 40 ft
			Pure tone audiometry decibel loss					
Conversational	Pure tone audiometry average decibel loss at 3 frequencies: 500, 1,000, and 2,000 (either air conduction or GSR)	Speech reception impairment literal designation	Average 100 or more	Average not more than 99; none more than 105	Average not more than 79; none more than 90	Average not more than 57; none more than 70	Average not more than 45; none more than 55	Average not more than 37; none more than 45
			Speech reception impairment literal designation					
			F	E	D	C	B	A
0 ft	Average 100 or more	F	80 (6277)					
1 to 4 ft	Average not more than 99; none more than 105.	E	60 (6278)	60 (6283)				
5 to 7 ft	Average not more than 79; none more than 90.	D	40 (6279)	40 (6284)	40 (6288)			
8 to 9 ft	Average not more than 57; none more than 70.	C	30 (6280)	30 (6285)	20 (6289)	20 (6292)		
10 to 14 ft	Average not more than 45; none more than 55.	B	20 (6281)	20 (6286)	20 (6290)	10 (6293)	10 (6295)	
15 to 40 ft	Average not more than 37; none more than 45.	A	10 (6282)	10 (6287)	10 (6291)	0 (6294)	0 (6296)	0 (6297)

Effective date. These VA Regulations are effective September 9, 1975.

Approved: November 7, 1975.

[SEAL]

R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-30621 Filed 11-13-75;8:45 am]

PART 17—MEDICAL

State Home Facilities for Furnishing Nursing Home Care

Appendix A is revised to establish the maximum number of beds allowed by 38 U.S.C. 5034(1) to provide adequate nursing home care to war veterans residing in each State.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose. This amendment merely adjusts the bed quotas in each State to reflect the current war veteran population.

Immediately following § 17.176, Appendix A is revised to read as follows:

APPENDIX A (SEE § 17.171)

STATE HOME FACILITIES FOR FURNISHING NURSING HOME CARE

The maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to war veterans residing in each State is established as follows:

State	War veteran population [1]	Number of beds
Alabama	375,000	937
Alaska	36,000	90
Arizona	260,000	650
Arkansas	233,000	582
California	2,899,000	7,247
Colorado	311,000	777
Connecticut	414,000	1,035
Delaware	70,000	175
District of Columbia	94,000	235
Florida	1,045,000	2,612
Georgia	547,000	1,367
Hawaii	81,000	202
Idaho	89,000	222
Illinois	1,398,000	3,495
Indiana	641,000	1,602
Iowa	331,000	827
Kansas	277,000	692
Kentucky	364,000	910
Louisiana	401,000	1,002
Maine	130,000	325
Maryland	544,000	1,360
Massachusetts	779,000	1,947
Michigan	1,060,000	2,650
Minnesota	486,000	1,215
Mississippi	220,000	550
Missouri	621,000	1,552
Montana	90,000	225
Nebraska	175,000	437
Nevada	82,000	205
New Hampshire	109,000	272
New Jersey	986,000	2,465
New Mexico	120,000	300
New York	2,278,000	5,695
North Carolina	545,000	1,362
North Dakota	57,000	142
Ohio	1,339,000	3,347
Oklahoma	352,000	880
Oregon	324,000	810
Pennsylvania	1,581,000	3,952
Rhode Island	135,000	337
South Carolina	286,000	715
South Dakota	70,000	175
Tennessee	472,000	1,180
Texas	1,426,000	3,565
Utah	126,000	315
Vermont	56,000	140
Virginia	575,000	1,437
Washington	519,000	1,297
West Virginia	213,000	532
Wisconsin	514,000	1,285
Wyoming	43,000	107
Puerto Rico (Commonwealth)	133,000	332

[1] Estimate as of June 30, 1975.

Source: Reports and Statistics Service, Office of the VA Controller. (Based on last available Bureau of the Census data.)

(72 Stat. 1114; 38 U.S.C. 210.)

This VA Regulation is effective November 10, 1975.

Approved: November 10, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc. 75-30754 Filed 11-13-75; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-174]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Validation of Cobol Compilers

In the May 24, 1974, issue of the FEDERAL REGISTER (39 FR 18299), the General Services Administration published a notice of proposed rulemaking adding to Subpart 101-32.13 a new § 101-32.1305-1a, Validation of COBOL compilers. As proposed, GSA would establish policy for testing COBOL compilers and would require Federal agencies to ensure that these compilers are tested to confirm that they meet a designated level of the Federal Standard COBOL. All comments submitted about the proposed amendment were considered. Because this regulation concerns a complex area, it is subject to change with its use. Comments and suggestions for improvement are invited from all interested parties.

The table of contents for Part 101-32 is amended by adding the following new entry:

101-32.1305-1a Validation of COBOL compilers.

SUBPART 101-32.13—IMPLEMENTATION OF FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATIONS (FIPS PUB) INTO SOLICITATION DOCUMENTS

Section 101-32.1305-1a is added to Subpart 101-32.13 as follows:

§ 101-32.1305-1a Validation of COBOL compilers.

This section prescribes the policy for testing COBOL compilers that are asserted to conform with one or more levels specified in the Federal Information Processing Standards Publication (FIPS PUB) 21-1, Federal Standard COBOL, and are offered to the Federal Government for purchase or lease. The term validation as used in the context of this section is the process of testing a given COBOL compiler against predetermined conditions and specifying which, if any, conditions are not met.

(a) FIPS PUB 21-1 specifies the use of the American National Standard COBOL, X3.23-1974, as the Federal Standard COBOL. This standard defines the elements of the COBOL programming language and the rules for their use. COBOL compilers offered by vendors as a result of requirements set forth by Federal agencies in solicitations must implement the language elements of a designated level of the Federal Standard COBOL. To confirm that an implementation meets the specifications of a designated level of the Federal Standard COBOL, test routines have been developed and approved for use in testing COBOL compilers. These routines are known as the COBOL Compiler Validation System (CCVS). A Federal COBOL Compiler Testing Service (FCCTS) also has been established to provide a validating service for the Federal agencies. The FCCTS is sponsored by the Department of Defense (DOD) under delegation of authority from the National Bureau of Standards (NBS).

(b) All COBOL compilers brought into the Federal inventory shall be validated. The test results for a COBOL compiler shall be used by a Federal agency to confirm that, insofar as the CCVS tests the language elements included in a designated level of Federal Standard COBOL, the compiler meets the specifications of that level of the Standard. When an agency has indicated a waiver to a Federal Standard COBOL specification in a solicitation, only the portions of the language that have been waived are excluded from the validation requirements.

(c) Requests for validations and questions pertaining thereto are submitted to:

Director, Federal COBOL Compiler Testing Service, Department of the Navy, ADPE Selection Office, Washington, DC 20376.

(d) When a request for validation service requires that compiler testing be performed, the requestor is responsible for providing the necessary test facilities.

(e) In response to a request for validation service, the FCCTS will provide a Validation Summary Report (VSR) reflecting a summarization of the test results.

(f) Validation is performed on a cost-reimbursable basis. The FCCTS will send the requestor an estimate of validation costs, reimbursable to the FCCTS, which is to be approved before beginning the validation process.

(g) Unresolved questions and/or any ambiguities that are identified by the FCCTS or by the requestor shall be referred to the NBS in accordance with FIPS PUB 29.

(h) The standard terminology for use in solicitation documents is:

VALIDATION OF COBOL COMPILERS

In addition to the specified mandatory COBOL compiler requirements stated in the specification portion of this solicitation, all COBOL compilers brought into the Federal inventory as a result of this solicitation, the most recent release of which has not previously been tested, must be tested using the official COBOL Compiler Validation System (CCVS). Validation shall be in accordance with Federal Property Management Regulation (FPMR) 101-32.1305-1a. The results of the validation shall be used to confirm that the compiler meets the specified requirements of the designated level of FIPS PUB 21-1 Federal Standard COBOL. To be considered responsive the vendor shall:

(1) Certify in his proposal that all COBOL compilers offered in response to this solicitation have been submitted for validation as set forth in FPMR 101-32.1305-1a.

(ii) Agree to correct all deviations from the standard reflected in the Validation Summary Report (VSR) not previously covered by a waiver. All deviations must be corrected within 12 months from the date of contract award unless a shorter period is specified elsewhere in this solicitation. If an interpretation of the Standard is required that will invoke the procedures set forth in FIPS PUB 29, such requests for interpretations will be made within 30 calendar days after contract award.

Any corrections that are required as a result of decisions made under the procedures of FIPS PUB 29 will be completed within 12 months of the date of formal notification of the interpretation to the contractor. Failure to make required corrections within the time provisions set forth above shall be deemed a failure to deliver required software. The liquidated damages as specified for failure to deliver either operating system or other software shall apply. In addition, such failure falls within the purview of the default clause. If the required corrections are not made within the time provisions specified above, subsequent proposals submitted to the Government offering the deficient COBOL compilers or subsequent uncorrected versions thereto shall be considered nonresponsive.

(Sec. 205(c), 88 Stat. 390; (40 U.S.C. 486(c))

Effective date. This regulation is effective November 14, 1975.

Dated: November 4, 1975.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.75-30757 Filed 11-13-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19528; FCC 75-1248]

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

Classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS)

PRELIMINARY STATEMENT

1. The Commission has under consideration the Recommended First Report and Order of the Federal-State Joint Board (Joint Board) in this matter, together with its recommendation that we also consider the General Order establishing the California registration program. We also have before us the comments concerning these proposals which we requested interested persons to file in our Memorandum Opinion and Order released May 27, 1975 (53 FCC 2d 219).

2. Timely comments were filed by Ad Hoc Telecommunications Committee, Adcor Electronics, Inc., American Petroleum Institute, American Telephone and Telegraph Company (AT&T), Association of American Railroads, Association of Data Processing Service Organizations, California Public Utilities Commission, Communication Certification Laboratory, Computer and Business Equipment Manufacturer's Association, Continental Telephone Corporation, DASA Corporation, Dictaphone Corporation, Electronic Industries Association, Executone Communication Systems, The GTE Companies, Independent Data Communications Manufacturers Association, International Business Machines, National Telephone Cooperative Association, National Retail Merchant's Association, North American Telephone Association, North Carolina Utilities Commission, Office of Consumer Affairs by Virginia H. Knauer, Phonetele, Inc., Public Utilities Commission of Ohio, Rochester Telephone Company, Rollings Protective Service Company, Scott-Buttner Communications, Sentry Technology, Inc., T.A.D. Avanti, Inc., United States Department of Justice, United States Independent Telephone Association, and Utilities Telecommunications Council. In addition we have received approximately two hundred letters addressing this subject.

3. We also received Reply Comments filed by Phone Mate, Inc., an Opposition to the Reply Comments of Phone Mate, Inc. filed by AT&T, a Petition for Leave to File Further Comments and Further Comments filed by the Ohio Public Utilities Commission, Motion for Acceptance of Late Filing and Comments of New York Public Service Commission, Supplemental Comments filed by the Computer and Business Equipment Manufacturer's Association, and Supplemental Comments filed by International Business Machines. While we only provided for the filing of comments in our Memorandum Opinion and Order, *supra*, and made no provision for the filing of any

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further comments, we believe the subject before us to be of such significance that we have accepted such late filed comments and further comments to assist us in determining our course of action.

4. GTE Service Corporation has filed a motion requesting that the Commission establish certain additional procedural dates or meetings for the purpose of obtaining comments on AT&T's Authorized Protective Connecting Module program. Continental Telephone Corporation filed Comments supporting this motion. AT&T has also filed a motion requesting us to institute further proceedings to explore the option of allowing connection of terminal equipment through discrete protective modules. In view of the action we are taking herein, we perceive no necessity for the procedures or meetings GTE Service Corporation and AT&T have requested, since in accordance with our Memorandum Opinion and Order released November 5, 1974, 49 FCC 2d 580, we have considered AT&T's Authorized Protective Connecting Module program within the context of Docket No. 19528. In this regard we also believe the record in this matter suffices for our deliberations and that oral argument is neither necessary nor helpful in this matter.

5. The Commission also has pending before it (1) a Petition filed December 27, 1973, by the North American Telephone Association for Amendment of Procedures, Issuance of a Notice of Proposed Rule Making and Establishment of Interim Procedures relative to the interconnection of customer-provided terminal communication equipment and systems and (2) a Motion filed September 26, 1974, by the Computer and Business Equipment Manufacturers Association for Separation of Issues and for an Order Authorizing a Program of Direct Interconnection of Customer Owned Data Terminal Equipment and Ancillary Telephone Equipment. In view of the action we are taking herein, we will dismiss these pleadings as moot.

BACKGROUND

6. This Commission and the courts have consistently enunciated the subscriber's right to make beneficial use of an interconnected device or communications system without causing harm to a telephone company's operations. On remand in *Hush-A-Phone*,[1] the Commission enunciated the following broad principle of law and policy:

> In addition to invalidating the defendants foreign attachment tariff regulations insofar as they bar the use of the Hush-A-Phone device, an inescapable consequence of the Court's opinion is to render such tariff regulations unjust and unreasonable insofar as they may be construed or applied to bar a customer from using other devices which serve the customer's convenience in his use of the facilities furnished by the defendants and which do not injure the telephone companies' employees or facilities, or the public in the use of defendants' services, or impair the operation of the telephone system. As we construe the Court's opinion, a tariff regulation which amounts to a blanket prohibition against the customer's use of any and all devices without discriminating between the harmful and harmless encroaches upon the right of the user to make reasonable use of the facilities furnished by the defendants. Such a regulation goes beyond what is reasonably required in the interest of protecting the defendants' employees, facilities, the telephone system and the public from adverse effects. (emphasis supplied) 22 FCC 112, 113–114 (1957)

7. Relying on the holding *Hush-A-Phone, supra.*, we found in *Carterfone*[2] that a device used to interconnect mobile radio systems to the interstate and foreign message telecommunications system filled a need, that its use did not adversely affect the telephone system, and that the AT&T tariff prohibiting its use was unreasonable and unlawful within the meaning of Section 201(b) of the Communications Act of 1934. In making it clear that our *Carterfone* decision was not limited to the Carterfone device *per se*, but was rather a broad general policy, we stated:

> In view of the unlawfulness of the tariff there would be no point in merely declaring it invalid as applied to the Carterfone and permitting it to continue in operation as to other interconnection devices. This would also put a clearly improper burden upon the manufacturers and users of other devices. The appropriate remedy is to strike the tariff and permit the carriers, if they so desire, to propose new tariff provisions in accordance with this opinion. 13 F.C.C. 2d 420, 425.

8. We further held that broad *Carterfone* policy applied equally to devices which had direct electrical connections.[3] We noted that AT&T considered this to be a special category but had not clearly demonstrated the basis for this exception[4] (14 F.C.C. 2d 571, 573 (ftn. 4)), and went on to comment:

> The primary contention upon reconsideration is that our decision permits the use of a myriad of customer-provided devices for interconnection without adequate exploration of the technical and economic problems. This record convinces us that there can be interconnection without harmful technical effects. With respect to possible economic effects from the interconnection of private systems—"the piecing out of common carrier services with unregulated systems"—no substantial effort was made on this record to demonstrate any harm from the interconnection of private mobile radio systems, and we therefore had no occasion to address ourselves to that question. We agreed that economic effects upon the carriers' rate structure might well be a public interest question. But it is an issue, if a carrier seeks to raise it, to be decided upon the facts, i.e., will there be a "cream skimming" effect, what will be the extent of it, and how does it weigh against the benefits of interconnection. As is the case with the question of technical harm, a tariff is unreasonable if it assumes a priori a conclusion as to such an issue, (emphasis supplied) (footnotes omitted). 14 F.C.C. 2d 571, 572–573.

9. We did not prescribe the terms of the tariff revisions required to satisfy the *Carterfone* policy, but left that to the initiative of the telephone company. AT&T filed new and revised tariffs and subsequent amendments on behalf of itself and concerned interstate carriers, which allow the interconnection of customer-provided equipment (1) through the use of carrier-supplied connecting arrangements subject to certain technical requirements, and, if required, network control signalling units; (2) in accordance with a carrier-administered attestation program for headsets and nonpowered conferencing devices; and (3) in accordance with a carrier-administered program for conforming answering devices.

10. The *Carterfone* Decision placed the burden of proof squarely upon the carriers—not the users or this Commission—to demonstrate that a particular unit or class of customer-provided equipment would cause either technical or economic harm to the telephone network, note 4, *supra;* this burden was to be met *prior* to the filing of a tariff restricting the use of such equipment. The information accompanying the tariff revisions filed pursuant to *Carterfone* did not demonstrate that the direct electrical connection of all customer-provided equipment would cause harm unless accomplished through the carrier-supplied connecting arrangements provided for in the tariff. At best, it simply reflected one manner in which to protect the network. It was not even argued that this protection was the minimum protection required or the most cost effective. Nevertheless, the Commission, exercising an abundance of caution in protecting the telephone network from any possible harm, allowed the tariffs to become effective without ruling explicitly on their lawfulness.[5]

11. At the same time, the Commission instituted informal proceedings to obtain technical and operational data to assist its evaluation of the public interest factors involved in liberalizing the network control signalling unit and connecting arrangement provisions of the revised tariffs. Contracts to study these possible revisions were issued to the National Academy of Sciences and Dittberner Associates, and their subsequent reports together with comments from interested parties indicated that consideration should be given to revisions in MTS and WATS offerings under a program that would protect the telephone network from four types of harm: (a) hazardous voltages; (b) excessive signal power levels; (c) improper network control signalling and (d) line imbalance. Thereafter, the Commission created two advisory committees, pursuant to Executive Order 11007, to study the possibilities of initiating such a standards program for selected classes of equipment such as (1) customer-provided PBX's and (2) automatic dialers and recording and answering devices.

DOCKET NO. 19528 PROCEEDINGS

12. On June 14, 1972, the Commission instituted this proceeding by Notice of Inquiry and Proposed Rule Making, 35 FCC 2d 539 (1972), to determine whether and under what terms, conditions, or limitations the interstate MTS and WATS tariffs should be revised to allow customers to have the option of furnishing any needed network control signaling units and connecting arrangements (or the functional equivalent thereof), and to determine what rules, if any, the Commission should adopt with respect to the foregoing. In addition, a Federal-State Joint Board was established pursuant to Section 410 of the Communications Act of 1934, as amended, to submit its recommendations to the Commission concerning this matter.

13. In our First Supplemental Notice in Docket No. 19528, 40 FCC 2d 315 (1973), we questioned whether, at that time, it was feasible from a technical, engineering, operational and administrative viewpoint to establish an optional program in lieu of or in addition to the present tariff requirements for carrier-provided network control signalling units and connecting arrangements and requested comments concerning a number of reports and proposals. These reports and proposals include: (1) the report and recommendations of the PBX Standards Advisory Committee; (2) the proposal of the Office of the Chief Engineer of this Commission; and (3) the proposal of the National Association of Regulatory Utility Commissioners (NARUC) Staff Subcommittee Report on Communication Interconnection. In addition to these specific proposals, we also invited comments concerning other alternatives such as: (1) the Rochester Telephone Company's NPD program; (2) the establishment of standards by the carriers and the incorporation of such standards in tariffs or technical references with the carriers being responsible for the program's enforcement; and (3) leaving the tariffs unchanged but requiring the carriers to improve their services and applying the same practices to both carrier and customer-provided facilities. The Joint Board we convened in this matter has reviewed these comments and issued its Recommended First Report and Order which is presently before us for consideration.

14. The Joint Board has proposed that customer and carrier-provided ancillary and data terminal equipment be directly connected to the telecommunications network if it is registered with the Commission under a program similar to this Commission's existing type acceptance program for radio transmitting equipment. The proposed plan is to apply to all terminal equipment other than PBXs, key telephone systems, main telephones, extension telephones and coin telephones. Registration is to be based on representations and test data submitted by an applicant to the Commission. If the representations and test data concerning a particular device are found to comply with specific interface criteria and other requirements and the Commission determines that it is in the public interest, convenience and necessity, such device would then be registered. The Joint Board proposal would require each device to have affixed to it installation, maintenance and operating instructions, and would allow connection of registered devices to the network to be accomplished through the use of standard plugs, jacks and other simple arrangements as provided in tariffs.

15. The California Public Utilities Commission in its General Order No. 138 has adopted rules permitting the direct attachment to the telecommunications network of customer-provided ancillary and data terminal equipment and of protective couplers where they have been certified by a registered electrical engineer qualified in the field of communications equipment. The program applies only to customer-provided equipment, not to carrier-provided equipment. Certification is based on the registered engineer's examination of the design and operating characteristics of the device, the manufacturer's quality control procedures, and the servicing. The test standards and enforcement procedures regarding these factors are not specified in the plan, but are left to the discretion of the registered engineer. After being granted a registration number, the manufacturer must keep records of his quality control procedures, and these records are to be examined annually by the certifying engineer. Further, manufacturers or vendors must offer a maintenance contract with all certified equipment.

16. We have given careful consideration to American Telephone and Telegraph Company's (AT&T) connecting arrangement program (AT&T Tariff F.C.C. No. 263, Sections 2.6.4(A) (1), (2) and (3); 2.6.4(B)(1); 2.6.4(D)(1)(a)),[6] AT&T's manufacturer attestation program for customer-provided headsets and nonpowered conferencing equipment (Tariff 263, Section 2.6.4(E)),[6] AT&T's conformance program (APCM program) for answering devices (Tariff 263, Section 2.6.4 (F)),[6] the Rochester Telephone Company's NPD program (Tariff 263, Section 2.9), the reports of the National Academy of Sciences and Dittberner Associates, the various reports of the several advisory committees and subcommittees, the recommendations of the Federal-State Joint Board, the California registration program, and all the comments of the many parties who have participated throughout the various stages of the proceedings herein. In addition, we have noticed other reports and materials, and where such were used in arriving at our findings they are so noted. In the seven years which have elapsed since our *Carterfone* ruling, the carriers have been afforded ample opportunity to proposed effective procedures and/or tariff conditions to prevent harm without unduly restricting a customer's basic right to make reasonable use of the facilities and services furnished by the carrier. This the carriers have failed to do (with the possible exception of non-powered conferencing devices, headsets and conforming answering devices). The evidence before this Commission amply demonstrates that many "special" entities (e.g., gas, oil, electric, and transportation companies, selected industrial firms, the Department of Defense, the National Aeronautics and Space Administration, and customers in "hazardous or inaccessible locations") have long been and continue to be allowed to connect their equipment and facilities directly to the telephone network by means less restrictive than carrier-provided connecting arrangements (Tariff 263, Sections 2.7.5, 2.7.6, 2.7.7 and 2.7.8) apparently without causing harm to the network. We also note that there has been no demonstration of network harm resulting from the interconnected operation of some 1600 independent local telephone companies and the Bell System (including small rural, municipal, and co-op systems)—many of whom purchase and connect without benefit of carrier-supplied connecting arrangements the identical independently manufactured terminal equipment for which the individual user must lease carrier-supplied connecting arrangements. Accordingly, in view of our findings in this proceeding concerning the mechanisms which can cause technical harm and effective means for preventing such harms, the Commission has now reached three separate and independent conclusions.

First, the present tariff provisions requiring the use of carrier-supplied connecting arrangements impose an unnecessarily restrictive limitation on the customer's right to make reasonable use of the services and facilities furnished by the carriers. Second, they constitute an unjust and unreasonable discrimination both among users (or classes of users) and among suppliers of terminal equipment. Third, the standards and procedures prescribed herein for the registration with this Commission of protective circuitry and/or terminal equipment will provide the necessary minimal protection against network harm which has been specified in various carrier operating procedures and/or the recommendations of the Joint Board, the California PUC, the NAS and Dittberner studies, and the Commission's interconnect advisory committees, and will serve the public interest. Equipment containing the appropriate FCC registered protective circuitry, or FCC registered terminal equipment, may, following the effective date of this Order, be connected directly with the telephone network pursuant to the procedures set forth in these rules, without benefit of carrier-supplied connecting arrangements. Carriers may continue to provide

[1] *Hush-A-Phone Corp.* v. *U.S.*, 99 U.S. App. D.C. 190, 238 F. 2d 266 (D.C. Cir. 1956).

[2] *Carterfone*, 13 FCC 2d 420 (1968), reconsideration denied, 14 FCC 2d 571 (1968).

[3] *See ITT v. General Telephone and Electronics Corp.*, 518 F. 2d 913, 933 (9th Cir. 1975).

[4] *See Phonetele, Inc. v. California Public Utilities Commission*, 11 C. 3d 125, 520 P. 2d 400 (1974).

[5] *AT&T "Foreign Attachment" Tariff Revisions*, 15 FCC 2d 605 (1968), reconsideration denied, 18 FCC 2d 871 (1969).

[6] Similar tariff provisions appear in other sections of Tariff 263 (MTS) as well as Tariff 259 (WATS).

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such connecting arrangements, if registered, and may require their use for equipment not registered with the FCC or not used in conjunction with appropriate FCC registered protective circuitry. Except as herein provided, carriers may not require the use of such connecting arrangements or other interface devices or arrangements for FCC registered equipment or protective circuitry, and may not impose other tariff conditions contrary to the *Carterfone* policy without prior approval of the Commission.

THE F.C.C. REGISTRATION PROGRAM

17. The program which we are adopting was designed with the goals of (1) protecting the public switched telephone network from harms which might be caused by connection of terminal equipment to the network and (2) keeping the program as simple and easy to administer as is reasonably possible with a minimum of government intervention. Basically the program allows users to connect any terminal equipment to the telephone network if such equipment is connected through protective circuitry registered with the Commission or if such equipment is itself registered with the Commission. The option of registering only discrete protective circuitry rather than the entire terminal equipment will (1) eliminate unnecessary documentation relating to total system design and performance criteria. (Even for complex terminal equipment and/or systems, this option will require documentation relating only to the discrete protective circuitry.); (2) remove the need for filing proprietary information, thus eliminating the need to establish cumbersome procedures for handling such information; (3) allow users and manufacturers greater flexibility in satisfying the requirements of our registration program through the separate purchase of protective circuitry, if desired; and (4) enable us to administer our registration program with an absolute minimum of expense to both the government and private industry—to the benefit of the ultimate users—while at the same time protecting the public switched telephone network from harms which could be caused by the connection of faulty terminal equipment.

18. As noted above, the Federal-State Joint Board recommended that PBXs, key telephone systems, and main station, extension and coin telephones be excluded from the registration program at this time, thus requiring that these devices continue to be interconnected with the network via carrier-provided connecting arrangements. In this respect the Joint Board plan differed from that proposed in 1972 by the FCC's Office of the Chief Engineer, although the Joint Board largely adopted the Chief Engineer's proposal. Many parties have urged that some or all of these classes of terminal equipment be included, and point to the Joint Board's failure to provide any basis for such proposed exclusion. While it did not explicitly so state, we believe the Joint Board's recommendation to defer inclusion of these devices was based primarily on technical concerns relating to the more complex network control signalling functions performed by some of these devices. In view of the clarification of network harms; the delineation of the roles, responsibilities and incentives of the various parties in protecting against these harms; and the registration standards and procedures contained herein, we believe that many if not all the technical concerns reflected in the Joint Board's exclusion of these equipment classes have been mooted. With this clarification, we are tentatively of the view that there is no valid distinction as to the potential for harm from any of the excluded classes of devices. However, since all parties may not have considered it necessary fully to address the inclusion of PBX's, key telephones, and main stations at this time, in view of the Joint Board's recommendation, we shall afford interested parties an opportunity to comment further on the inclusion of these classes of equipment. Accordingly, PBX's, key telephone systems, main station telephones, coin telephones, and equipment connected to party lines[7] will be excluded from the registration program established herein, pending further order of the Commission.[8]

19. Several of the parties to this proceeding have suggested that it would be inappropriate to adopt new policies concerning interconnection prior to collection and evaluation of the pertinent data filed in Docket No. 20003 concerning the economic effects of such interconnection. Recognizing that Docket No. 20003 constitutes a broad fact-finding investigation of the economic implications and interrelationships among a number of industry developments, policies, and practices—some instituted pursuant to regulatory policy, others carrier-initiated—we previously held that "the commencement of the notice of inquiry in Docket No. 20003 does not necessarily preclude further action in Docket No. 19528."[9] In short, the Docket No. 20003 inquiry is not to become a "dumping ground" for existing docketed proceedings. Consistent with *Carterfone, supra*, as well as the more recent decision in *Mebane*, 53 F.C.C. 2d 473 (1975), we will afford any carrier the opportunity to demonstrate the need to restrict specific instances or classes of interconnection on the grounds of economic harm, and will continue to examine the broad, long-term and interrelated implications of interconnection, jurisdictional separations, and rate structures in Docket No. 20003. The present decision relates only to the requirements which interconnected devices must satisfy in order to avoid technical harm to the telephone network. In view of our findings in paragraph 16 above, we believe that the public interest would be best served by the prompt implementation of our registration program.[10]

20. The carriers have argued that, as they have every incentive as well as the technical and operational means to maintain a high quality service, a registration program for carrier-supplied equipment is unnecessary, and may impose additional expenses on them which must ultimately be borne by the telephone user. We do not question the carriers' dedication to high quality service, nor their desire and ability to protect the network from any harms which might be caused by carrier-supplied equipment. However, we note that carrier-supplied terminal equipment possesses the same *potential* for harm to the network as does customer-supplied equipment—particularly in view of the fact that much carrier-supplied equipment is purchased from independent manufacturers who market identical equipment to the general public. We also expect that the information provided by the carriers in their registration applications will be of considerable aid to the Commission as a benchmark against which other applications may be judged. Furthermore, when one participant in a competitive

[7] Since we do not now have interconnection criteria for party line service, we will, in the meantime, allow customer-provided terminal equipment to be connected through carrier-provided connecting arrangements as is now done under presently effective tariffs. Coin telephones are excluded because, under present regulatory policies, only telephone carriers may provide coin telephone service.

[8] While the rules proposed by the Joint Board listed extension telephones in the equipment to be excluded from the registration program at this time, we conclude that extension telephones properly fall within the category of "ancillary" devices included in the Joint Board recommendation. The record supports our view that there is no valid technical distinction between extension telephones and other "ancillary" devices. Because the standards adopted herein are equally applicable to extension telephones and because inclusion of extension telephones does not represent a significant departure from the Joint Board's recommendations, we feel that the public interest is best served by the prompt inclusion of extension telephones within the scope of our registration program.

[9] *Economic Implications Relating to Customer Interconnection, Jurisdictional Separations, and Rate Structures*, Docket No. 20003, 49 F.C.C. 2d 1238, 1240 (1974).

[10] Our *Carterfone* policy has permitted the public to utilize various types of equipment with the public communications network. It is our firm belief that public benefits have resulted from this policy. The purpose of Docket 19528 is not to revisit *Carterfone* but rather to review the present limitations imposed on the attachment of equipment to this network. Thus, issues relating to the potential overall economic impact of the *Carterfone* policy are beyond the scope of this proceeding. The potential economic consequences of *any* decision in this proceeding are minimal, since they affect only the differential costs and revenues associated with customer-provided vis-a-vis carrier-provided protective circuitry and procedures—not with the terminal device *per se*. In view of this we would expect that the parties in commenting on PBXs, key telephone systems, and main station telephones would limit their arguments to relevant matters and not to the basic policy decision enunciated in *Carterfone*.

market is subject to regulatory constraints (e.g. registration of equipment) while another is not, there exists the possibility of using the registration, notification, and complaint standards and procedures for competitive advantage. In a related proceeding, the Courts have already commented on such a situation;[11] and the carriers themselves have made the same argument in similar circumstances. These countervailing considerations require a careful weighing to ascertain wherein the overall public interest rests. On balance, and particularly in view of the relatively straightforward and inexpensive registration program we envision, we believe the public interest will best be served by requiring that carrier-supplied terminal equipment be registered, and consistent with the Joint Board recommendation we shall so order. However, we plan to reexamine the situation within the first year of operation of this registration program to determine whether the public benefits of requiring registration of carrier-provided equipment continue to outweigh any costs resulting therefrom, and to rule accordingly.

TECHNICAL REQUIREMENTS

21. The National Academy of Sciences, in its 1970 report to the Commission, identified four areas of potential "harm" which might arise as a consequence of permitting uncontrolled direct connection of equipment to the telephone network: (1) hazardous voltages, (2) excessive signal power levels, (3) excessive longitudinal imbalance, and (4) improper network control signaling. The National Academy of Sciences reported that the carrier-provided protective connecting arrangements protected against such "harms" within the boundaries of acceptableness regardless of the design of particular equipment connected thereto. Our program adopts a similar approach. We have specified the boundaries which may not be exceeded for each of hazardous voltage, signal power and longitudinal imbalance. Without requiring any particular circuit design to be employed, we have required that the design of registered terminal equipment and registered protective circuitry assure that these boundaries are not exceeded, and will continue not to be exceeded, under foreseeable usage and mechanical and electrical stress. Registered protective circuitry is required to provide assurance of conformance to our interface requirements regardless of the particular equipment connected thereto and regardless of what failure modes such equipment may manifest. Registered terminal equipment is required to provide such assurance under all foreseeable failure modes of such registered terminal equipment and of equipment expected to be connected thereto. Such assurance may be provided either by incorporating protective circuitry in the registered terminal equipment, or, alternatively, by virtue of a design which precludes violation of the boundary constraints.

22. With the exception of on-hook impedance, we do not believe it is necessary to impose standards upon network control signaling. We are not persuaded that individual violations of criteria on compatible network control signaling will have any significant effect upon the telephone service of other telephone network users. Improper network control signaling will most directly affect the telephone service of the user of equipment which generates improper network control signals. A user there has no incentive to generate improper network control signals, as he will only decrease the utility of his own telephone service by so doing (e.g. fail to receive telephone calls, be unable to generate telephone calls, or reach wrong numbers); thus we feel that any problems which may arise will be self-correcting. We would note that the present telephone company-provided connecting arrangements do not fully protect against improper network control signaling,[12] and that since such connecting arrangements were first offered in 1969, the carriers have not increased the level of protection against improper network control signaling provided by their connecting arrangements. From this we conclude that improper network control signaling has not been a significant problem to the carriers, and that the presently-effective approach of specifying proper network control signals in the tariffs, and in informational materials ("Technical References") distributed to equipment manufacturers has been effective, and has provided the requisite protection. We encourage the carriers to continue to provide informational materials to equipment manufacturers and others concerning network control signaling,[13] and commend the reports of our advisory committees on PBXs, telephone answering devices and telephone dialers to the attention of equipment manufacturers as one source of such information.

23. Should improper network control signaling proliferate on the telephone network, the point could be reached where telephone facilities which are shared among many network users (e.g. central office equipment, trunks, etc.) would be nonproductively engaged in reaching wrong numbers, and incompleted calls, etc., which would degrade the overall service quality. While we are convinced that such a situation will not arise, due to the self-correcting mechanisms previously noted, we would be receptive to amending our rules at any time to include evaluation of network control signaling functions of registered terminal equipment and registered protective circuitry, or to provide for manufacturer attestation of compatibility, should evidence to the contrary become available.

24. The technical requirements pertaining to registered terminal equipment and registered protective circuitry are contained in Subpart D of Part 68, and are explained in the following paragraphs. The term "reasonable application of earth ground", which appears in several of the rules in Subpart D, deserves particular note. Because the connection of earth ground to registered terminal equipment and registered protective circuitry may cause noncompliance with several of the technical requirements, it is important that such registered terminal equipment and registered protective circuitry be properly insulated and isolated from any "reasonable application of earth ground". In evaluating equipment, the following guidelines should be followed:

a. For protective circuitry, "reasonable application of earth ground" shall include physical contact of all exposed surfaces of the circuitry with a conductor connected with earth ground, and of physical contact of each non-telephone line connection with a conductor connected with earth ground, and with all possible combinations thereof;

b. For terminal equipment, "reasonable application of earth ground" shall include all reasonably foreseeable possibilities whereby earth ground may become connected with such equipment, including the possibility of physical contact of all exposed surfaces with a conductor connected with earth ground, the possibility of connection with earth ground of each power-line connection, and the possibility of connection with earth ground through foreseeable connection with other equipment.[14]

25. *Environmental Stress Simulation.* Registered terminal equipment and registered protective circuitry will be subjected to various environmental conditions during shipment and usage, and accordingly we have required, in Section 68.302, that harm does not arise in registered equipment either prior to, or after the application of therein-specified stresses.

26. The specified requirements on vibration, temperature and humidity cycling are directly in accord with the requirements on such cycling presently effective for conferencing devices, and are similar to those employed for Authorized Protective Connecting Modules (APCMs) used with answering devices, both of which equipment classes are presently directly connected with telephone facilities.[15]

27. The specification of the metallic voltage surge parameter is derived from

[11] *Hush-A-Phone* v. *U.S.*, 238 F. 2d 266, 268–69 note 9 (D.C. Cir. 1956).

[12] *See* Docket No. 19419 Tr. 3980–85; 3987–93; 4328–29; 4546–50; 4552–54; 4561–65; 4969–73, Testimony of L. Hohmann. Tariff F.C.C. No. 263, § 2.6.3.

[13] Section 68.110(a) imposes the requirement that the carriers supply compatibility information upon request; to the extent that such informational materials effect compliance with this rule, no additional action by the carriers will be necessary.

[14] Foreseeable additional connection, must include all expected possibilities, such as accessory sockets (e.g. an earphone jack).

[15] Similar requirements are recommended in our advisory committee reports, and in such reports detailed instructions on specific implementing tests are contained.

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two presently-effective programs. The requirement imposed on conferencing devices is that a 1000 volt peak surge, having a 10 micro second rise time to crest and a 1000 microsecond decay time to half crest be applied to the tip and ring telephone connections during the off-hook state.[16] The requirement applied to APCMs is defined in terms of a test circuit which applies similar surges.

28. Various specifications of the longitudinal voltage surge parameter were suggested to us. The requirement imposed on conferencing devices is that three 2500 volt peak surges of each polarity, having a 1.2 microsecond rise time to crest and a 50 microsecond decay time to half crest be applied between all telephone connections, connected together, and earth ground, under all reasonable conditions of connection of the terminal equipment with earth ground. The Joint Board recommended the use of such a surge only where external power is supplied to terminal equipment.[17] Our answering device committee recommended that such a specification be applied to power-line connections of that type of terminal equipment (and further recommended that testing be conducted in stages—first by pulsing at 500 volts, then 1500 volts and finally at 2500 volts). The similar specification for APCMs is defined in terms of a test circuit which charges a 0.1 microfarad capacitor to 2500 volts, and which then discharges that capacitor through a 60 microhenry coil (dc resistance less than 2.0 ohms) to the tip and ring connections of the terminal equipment, across which is connected a resistance of approximately 132 ohms. Such a circuit applies a longitudinal voltage surge of approximately 2 microseconds rise time to crest and 10 microseconds decay time to half crest to the APCM under two conditions of test: first, with the non-telephone connections grounded and the pulse applied to the telephone connections, and second, with the telephone connections grounded and the pulse applied to the non-telephone connections. In both tests, ground connections are made through a 14 microhenry coil, and the current through this coil is required to be less than 0.3 amperes, peak.

29. The purpose of stressing terminal equipment with longitudinal surges is to determine whether such equipment will continue to conform to our technical requirements if it is subjected to a voltage surge resulting from lightning. Since lightning may affect either an exposed telephone connecton, or an exposed power connection to the terminal equipment, the APCM techniques of requiring testing by simulating a lightning-caused voltage surge on both sets of connections has merit, and we have adopted this approach. Thus, our rule requires that 2500 volt peak surges of each polarity, having a 2 microsecond rise time to crest and a 50 microsecond decay time to half crest (formed as the worst-case combination of the APCM and other specifications) be applied *first* between the telephone connections and earth ground, under all possibilities of connection of the equipment with earth ground, and *second* between each power line connection and earth ground, and between each conductive surface on the exterior of the equipment and earth ground, with the telephone connections individually, and in combination, connected to earth ground.

30. *Leakage Current Limitations.* Registered terminal equipment and registered protective circuitry are required to be adequately insulated, to protect against telephone facilities becoming connected with power-line energy (hazardous voltages) and earth ground (longitudinal imbalance). While it is desirable to maintain perfect insulation between the telephone connections and power-line and/or ground, such insulation must be specified in terms of leakage current under the application of test voltages. We have had various specifications of such leakage current recommended to us.

31. The Joint Board recommended that 1500 volts, 60 Hertz, be applied to all possible combinations of interface leads, power leads, exposed conducting surfaces and common circuit ground and that the leakage current resulting therefrom be limited to 2.5 milliamperes, rms,[18] only in the case of equipment which is externally powered. California has required that leakage current in each of two test cases be limited to 2.5 milliamperes: (1) when 1500 volts is applied between telephone connections and power connections, and between power connections and exposed surfaces, and (2) when 1000 volts is applied between telephone connections and exposed surfaces.[19] In addition, California independently requires that power transformers have a voltage breakdown rating greater than 1500 volts between primary and secondary and between the transformer windings and (chassis) ground.[20]

32. The requirement on conferencing devices[21] is that leakage current from the telephone connections, strapped together, to exposed conductive surfaces (on the housing) and earth ground be less than 2.5 milliamperes under the application of 1000 volts, rms, 60 Hertz between the points under test (the specific test required is to gradually increase the test voltage from 0 to 1000 volts over a thirty second time period, apply the full 1000 volts for one minute, and then determine the leakage current after this 1½ minute time interval). The APCM specification separately tests the dielectric insulation on the APCM's internal isolating transformer, and the APCM's housing insulation. In the first case, 750 volts, rms, 60 Hertz is applied for sixty seconds between the telephone connections (connected together) and earth ground, with all non-telephone connections and conductive surfaces on the housing of the APCM also connected to earth ground, and the leakage current is required to not exceed 0.5 ma, rms. In the second case, 1500 volts, rms, 60 Hertz is applied for sixty seconds between the telephone and non-telephone connections (all connected together) and earth ground, with conductive surfaces on the housing of the APCM also connected to earth ground, and the leakage current is similarly required to not exceed 0.5 ma, rms.

33. Our answering device committee recommended two separate requirements: first, that leakage between the telephone connections (connected together) and power connections not exceed 2.5 ma, rms., under the application of 1500 volts, rms, 60 Hertz, and second, that leakage between the telephone connections and all exposed conductive surfaces on the housing of such terminal equipment not exceed 2.5 ma, rms, under the application of 1000 volts, rms, 60 Hertz. Finally, our dialer committee recommended a slightly modified version of the answering device committee's specification whereby leakage current is required to not exceed 2.5 ma, rms, first, between the telephone connections and earth ground, and second, between the power connections and earth ground, under the application of 1000 volts, rms, 60 Hertz and 1500 volts, rms, 60 Hertz, respectively. The dialer committee also recommended that the 1500 volt test requirement be dispensed with for equipment not connected to an external source of power.

34. The only case of a leakage current specification lower than 2.5 ma, rms, having been employed has been the APCM specification. AT&T's use of the 2.5 ma, rms, specification for conferencing devices (which predates the answering device tariff exception), as well as the consistent use of this figure by our advisory committees and by the Joint Board and California, convinces us that 2.5 ma, rms, is a reasonable leakage current limit. As the Joint Board's requirement of determining leakage current under the application of 1500 volts, rms, for all possibilities of leakage current (power line to telephone connections, power line to exposed conductive surfaces, and telephone connections to exposed conductive surfaces) is inclusive of possible lower test voltages for some of these leakage current paths, we are adopting the Joint Board's uniform use of 1500 volts, rms, for evaluation, with the proviso that leakage current tests be performed on terminal equipment regardless of whether it is connected to an external power source.

35. *Hazardous Voltage Limitations.* Section 68.306 sets forth "fail safe" requirements on hazardous voltage. The stated limits are generally employed throughout the telephone industry as

[16] This specification was also contained in our advisory committee report on answering devices.

[17] Section 68.304(b) of the Recommended First Report and Order of the Federal-State Joint Board.

[18] Joint Board First Report and Order, § 68.304(c) and (d).

[19] California General Order No. 138, § 5.4 (c).

[20] *Ibid.*, § 5.3(a).

[21] Section 6.3.2 of Bell System Voice Communications Technical Reference, PUB 45101, "Interface Specification 2001 (Non-Powered Conferencing Devices)", May 1973.

voltage limitations below which special protection of telephone craft personnel is not required. Equipment must be designed to avoid the application of voltages exceeding these limits under normal operation, since our other technical rules specify that permissible metallic ac voltages in normal operation, are defined by the signal power limitations (which are on the order of one volt, rms). The hazardous voltage limits are worst-case equipment failure limitations, and evaluation of equipment for compliance with these limits requires an analysis of all foreseeable failure modes of the registered terminal equipment or registered protective circuitry, and of equipment which is reasonably expected to be connected thereto. Subsection (b) of this rule defines what we expect to be a worst-case failure mode of equipment which might be connected with registered protective circuitry—the application of commercial power line voltage. We have chosen to require evaluation of the effects of applying 220 volts, rms, to protective circuitry in recognition of the usage of such power in data processing installations and commercial wiring, and in the belief that power sources which are reasonably expected to be available at locations where registered terminal equipment and registered protective circuitry will be employed will not exceed 220 volts, rms.

36. The specific limits which we have chosen conform to the recommendations of our PBX Advisory Committee and to AT&T's statements in a pending proceeding, Docket No. 19419, wherein AT&T stated the limits it employs for voltages permitted on its telephone plant. In Docket No. 19419, AT&T testified that the allowable voltage levels for continuous ac voltages are 70 volts, peak,[22] and for continuous dc voltages the limit is 135 volts to ground.[23] Our PBX Advisory Committee has recommended the following voltage limits between telephone conductors: 71 volts, peak ac, 135 volts, dc, 142 volts, peak for combined ac and dc; and the following voltage limits between a telephone connection and ground: 71 volts, ac, 135 volts, dc, 71 volts, peak for combined ac and dc. We have specified voltage limits which conform to both the PBX Advisory Committee's recommendation, and to AT&T's statement, as follows: between telephone conductors: 70 volts, peak ac, 135 volts, dc, 140 volts, peak for combined ac and dc; and between a telephone connection and ground: 70 volts, peak ac, 135 volts, dc, 70 volts, peak for combined ac and dc.

37. *Signal Power Limitations.* Signal power in the 300–3995 Hertz band is required to conform to two different criteria: (1) the three second averaged power, measured at a customer's premises is required not to exceed 1.00 milliwatt, and (2) the three second averaged power measured at a telephone company central office is required not to exceed 12 decibels below 1.00 milliwatt.[24] The first of these specifications is constant for all installations, whereas the second is variable, as different local loop attenuations will permit equipment at the customer's premises to apply differing maximum signal power levels at the premises without violating the central office power level limitation.

38. In the case of voice usage of the telephone network, the telephone companies have chosen to employ physical protection within their connecting arrangements only against violations of the first criterion above, i.e. the 1.00 milliwatt limitation measured at the customer's premises.[25] Since there has been no evidence of problems arising from this telephone company practice, our rule follows this approach.

39. The telephone companies have argued that data equipment does not necessarily use telephone facilities in the same manner as does voice equipment; i.e. that data signals do not follow the statistical patterns of voice signals and tend to present constant amplitude tones. They also argue that data signals of excessive power have a higher potential for causing loss of communications privacy of other telephone network users than would voice signals of similar excessive power, and that data users have some incentive to violate the power level limitations in order to lower their data error rates. Data equipment manufacturers have argued that there is no incentive for users to exceed the power level limitations as degradation to their data communications service may result, and that the telephone companies' suppositions have not been substantiated.[26] We are taking no position as to the validity of these arguments, as this is at issue in a pending proceeding, Docket No. 19419. We note, however, that the carriers' present data access arrangements provide assurance of compliance with both sets of power limitations, the 1.00 milliwatt customer's premises limitation and the 12 decibel lower central office power limitation. Pending the outcome of Docket No. 19419, and expressly subject to the ultimate findings and conclusions which may be reached therein, we are establishing rules for connection of data terminal equipment which maintain the *status quo*. Our rules accept AT&T's proposals for dealing with data equipment signal power levels, as a practical and reasonable means of providing such protection.

40. A data equipment manufacturer is given the option of either designing its terminal equipment, or protective circuitry, to assure that data signal power levels do not exceed a universal, fixed level of —4 dB with respect to one milliwatt, measurable at a simulation of the interface, or, if it wishes to optimize performance of equipment on each specific telephone line to which it may be connected, it has the option of designing terminal equipment, or protective circuitry, to assure that the data signal power level does not exceed the particular, unique level, which that telephone line permits without exceeding the —12 dB central office limitation. Again, following AT&T's proposal, we are adopting the requirement of using a design of such equipment or circuitry which is capable of responding to information which the carrier will provide as to the particular permitted signal power level for each telephone line to which the customer intends to connect data equipment. The carrier will determine the particular permitted power for each telephone line for which it receives notification that its customer intends to connect data equipment to a Programmable Data Jack, and will make appropriate connections in the Jack to communicate this information, automatically, to the data equipment, thereby removing the possibility of improper adjustment of the signal power. The specific evaluation required by § 68.308(b)(2) assures that registered data terminal equipment, or registered data protective circuitry will appropriately respond to the information provided it by the Programmed Data Jack.

41. *Longitudinal Balance Limitations.* Section 6.310 sets forth minimum requirements on longitudinal balance. Longitudinal balance of terminal equipment depends upon the degree of balance of the impedance of the tip and ring connections of the terminal equipment to earth ground. Thus, evaluation of terminal equipment and protective circuitry designs for conformance to the longitudinal balance requirements must include consideration of all foreseeable possibilities of connection of such equipment and circuitry with earth ground.

42. We have received several different suggestions for an appropriate specification for longitudinal balance. The Joint Board and California recommended that each of the voltages on the two telephone connections (tip and ring) with respect to earth ground not differ by more than one percent, in the voice frequency band. Conferencing devices are required to maintain longitudinal balance, as given by the parameter we have defined in our "Definitions" section, greater than (120—20 $\log_{10}$ frequency) over the frequency range of 60 to 4000 Hertz, which is about 85 decibels at 60 Hertz and 48 decibels at 4000 Hertz.[27] Our answering

[22] "Peak" voltage is intended to mean one-half the peak-to-peak amplitude excursion of an alternating voltage waveform.

[23] Bell Exhibit No. 5 in Docket No. 19419, testimony of L. Hohmann.

[24] Tariff F.C.C. No. 263, Message Telecommunications Service, Section 2.6.4.

[25] This has been done on the theory that due to the statistical nature of human speech, and disincentive to violate maximum power level requirements when humans are speaking, prohibitory language concerning the remaining power limitation which is contained within the tariffs, and in informational material distributed to equipment manufacturers ("Technical References") provides adequate protection.

[26] These arguments have been advanced both in this proceeding and in Docket No. 19419.

[27] Section 6.3.5 of Bell System Voice Communications Technical Reference, PUB 45101, "Interface Specification 2001 (Non-Powered Conferencing Devices)", May 1973.

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devices advisory committee recommended that this same balance parameter exceed 40 decibels over the 60 to 4000 Hertz frequency range, and specified a particular test circuit for determining balance in accordance with this parameter. Our PBX advisory committee also recommended a minimum balance of 40 decibels over the 300 to 3400 Hertz frequency range.

43. We are rejecting the specification advanced by the Joint Board which is ambiguous. This specification is stated in terms of percentage, without stating the base on which such percentage is to be computed. Proper design of equipment intended for connection to the switched telephone network requires that essentially no longitudinal voltage be applied by terminal equipment at the interface. The ambiguous specification employed by the Joint Board will not necessarily insure this.

44. The longitudinal balance parameter which we have defined has been used by our advisory committees, and by the telephone companies in setting requirements on conferencing devices. We have also defined the balance parameter in terms of a particular test circuit which may be applied to terminal equipment to further remove ambiguity. This test circuit was advanced by our answering device advisory committee in its report.[28] In our view, the answering device advisory committee's requirement of testing longitudinal balance with an applied longitudinal voltage of 12.5 volts, rms (that is, by applying equal voltages of 25 volts, rms, to tip and ring) is sound, as semiconductors which only enter the "active" state on the application of a sufficiently high test voltage will thereby be activated. The remainder of the advisory committee's test circuit flows from the definition of the balance parameter. Finally, we have adopted the balance requirement which the telephone companies have required of conferencing devices. Such devices are presently exempt from the general tariff requirement of connection solely through a protective connecting arrangement which prevents longitudinal imbalance from affecting a telephone line. The telephone companies' reqirement on conferencing devices is a clear and unambiguous statement by them of what they consider acceptable. Thus, the longitudinal balance is required to exceed (120—20 $\log_{10}$ frequency) at all frequencies in the band 60 to 4000 Hertz.

45. *On-hook Impedance limitations.* As previously noted, we are persuaded that protection against improper network control signaling is not generally required. However, there is a need to impose conditions on one aspect of network control signaling—the on-hook impedance. If a telephone call is made to a telephone line to which an excessively low impedance is connected, or to a telephone line which causes excessive dc current to flow during the application of a ranging signal, the called party's central office will immediately cause the ringing signal to cease. The calling party will hear no audible ringing tone (a "ringback" tone) and will assume that the call did not go through.[29] We are persuaded by the carriers' arguments that after several repeated tries to complete such a call, the caller will usually involve telephone company repair personnel. To prevent this non-productive use of telephone facilities, we are requiring assurance that on-hook impedances (the impedances presented to a ringing signal) are adequately controlled.

46. However, the particular permitted on-hook impedance on any given telephone line is variable, and depends upon such factors as the length of the line, the type of central office, and the electrical characteristics of the line (and in the case of PBX trunk connections, may depend on whether or not double-speed dialing is to be used). Normal telephone lines may be connected with one to five paralleled standard telephone ringers, depending upon these factors. The telephone companies have dealt with this requirement by rating each telephone line for the maximum number of "ringing bridges", or paralleled standard ringing impedances, through the use of tables which account for the factors involved in such a determination.[30] When a telephone company customer requests that additional equipment be provided by the telephone company (including equipment such as a connecting arrangement), the telephone company determines whether the addition of such equipment will exceed the "ringing bridge" limitation on the customer's telephone line.

47. We have established a similar mechanism for all terminal equipment. Section 68.312(b) requires that a determination be made as to the equivalent number of standard telephone ringers (the Ringer Equivalence Number), which one unit of registered terminal equipment or registered protective circuitry represents.[31] The customer merely adds the number of ringers which are connected to a telephone line to the Ringer Equivalency Number which will appear on the label [32] of registered terminal equipment or registered protective circuitry which he may wish to connect. The sum must not exceed the "ringing bridge" maximum which the telephone company specifies for his particular line. This technique imposes no additional record-keeping requirements on the telephone companies as it follows their already-established practices. At the same time, it provides some added flexibility to equipment manufacturers, as they are not limited to using the *same* impedances as the telephone companies' telephone sets now use—they may use higher impedances and thereby permit more equipment to be connected to a customer's telephone line.

48. Our specific test requirements are drawn from the telephone companies' submitted ringer impendance curves and from comments of the telephone companies on the answering device advisory committee's report. Since the telephone companies have provided us with magnitude-impedance versus frequency curves which were obtained through the use of a 10 volt, rms, test oscillator, we have similarly required that determinations of magnitude-impedance be made using a 10 volt source. The advisory committee report specified 1.5 ma as the maximum permitted dc current to be drawn by a ringing impedance during the application of a simulated ringing signal, and we have adopted this specification. As General Telephone and Electronics had commented that their central offices use ringing signals in the frequency range of 16⅔ to 66⅔ Hertz, and ringing voltages that might be as high as 75 volts dc superimposed on 100 volts, rms, we have adopted these parameters as an inclusive specification which is slightly more stringent than AT&T's use of 20 or 30 Hertz ringing signals at slightly lower voltages.

STANDARD PLUGS AND JACKS

49. Section 68.104 requires that, except for telephone company-provided ringers, all terminal equipment be connected to the telephone network through standard plugs and jacks. Telephone company-provided ringers are excepted so as to permit a customer to have a permanently connected ringer not subject to accidental disconnection. The general requirement for standard plugs and jacks is based on the assumption that any user will be able to plug in terminal equipment without special installation instructions or training. By imposing this requirement, we believe it is unnecessary to impose special requirements pertaining to installation of registered equipment.[33] We have purposefully declined to prescribe specific standard plugs and jacks, including a Programmed Data Jack design, in the belief that acceptable designs will be voluntarily arrived at by cooperative action between the carriers and the terminal equipment industry.

If jointly sponsored designs for standard plugs and jacks are not expeditiously arrived at, we will prescribe specific designs. We will require that any entity be permitted to manufacture and supply standard plugs for use with registered terminal equipment and registered protective circuitry, without being subject to licensing by a telephone company and without any other telephone company-imposed restrictions.

NOTIFICATION TO TELEPHONE COMPANY

50. We have included a requirement that any customer desiring to connect terminal equipment to the telephone network must give notice to the telephone company. This will allow the telephone company to keep complete and accurate records of all equipment connected to each telephone line, and will aid in the performance of both routine maintenance and repairs. It will also enable the telephone companies to have at their disposal certain statistical information regarding interconnection (which may at a future date be required to be furnished this Commission). Since the notification to the telephone company includes the F.C.C. Registration Number, this information will enable the telephone company to identify all customers using a particular type of registered equipment, if it should become necessary to notify such customers, in special circumstances such as revocation of an equipment registration number. Furthermore, since the notification also includes the Ringer Equivalence Number, the telephone company will be able to inform its customers as to whether such registered equipment may be connected to the telephone line without exceeding the ringing bridge limitation (maximum number of ringers which may be connected) for that telephone line.

INCIDENCE OF HARM

51. Although our rules are designed to assure that no harm from terminal equipment will ever reach the telephone network, Section 68.108 gives the telephone company the right to temporarily discontinue a customer's service, should any harm to the telephone network be caused by such customer's terminal equipment. Assuming full compliance with all the rules and regulations in Part 68, we would expect that no such temporary discontinuances would occur; however, out of extreme caution, we believe that the telephone company should have the option available to it of temporarily discontinuing a customer's service, should the facts of a given situation clearly warrant such extreme action. If a complaint is brought against the telephone company as a result of a temporary discontinuance, the telephone company will have the burden of providing that such action was reasonable.

REPAIR OF EQUIPMENT

52. Section 68.216 sets forth our requirements on the repair of registered terminal equipment and registered protective circuitry.[34] In order to maintain the level of assurance accorded by the design and manufacture of such equipment, repairs must be performed by the manufacturer or assembler of such equipment or by their authorized agent. However, we will allow routine repairs, such as fuse replacement, the changing of a pilot lamp, etc., to be performed by users, where the manufacturer or assembler satisfactorily demonstrates that the performance of such routine repairs will not result in a violation of the requirements of Subpart D of our rules. This limited exception, however, is to be construed narrowly, as we do not wish it to open the door to uncontrolled maintenance activities which may have some effect upon compliance with our technical requirements.[35]

REGISTRATION PROCEDURES

53. Subpart C of the rules contains all the rules governing the procedures to be followed in registering terminal equipment and protective circuitry. These rules have been designed to insure that the Commission retains complete control over the registration program, while at the same time the required interaction between industry and the Commission is reduced to a minimum. We have accomplished this by adopting a plan whereby equipment sought to be registered is to be tested by the manufacturer or assembler rather than the government with the test results submitted along with the application for registration. While we do not expect that the administration of this program will routinely entail physical examination and/or testing of terminal equipment or protective circuitry, the Commission specifically reserves the right to do so upon complaint or upon its own motion. We feel that this approach is simple and efficient from a regulatory point of view and will entail a minimum of administrative and other expenses.

54. While we have provided that applications for registration will be placed on public notice, we wish to stress that we will not permit this procedure to become a means for delaying registration grants. All comments must be supported by relevant data and address the capability of the equipment or circuitry to comply with the technical requirements of Subpart D. Comments addressing other issues will not be entertained. In setting forth the rules relating to registration procedures, we have not specified the particular form an application should take nor have we indicated appropriate fees for registration. These, and other procedural matters will be addressed in future orders prior to the effective date of these rules.

CONCLUSION

55. We conclude that the Federal registration program described above and set out in the appendix hereto will provide the necessary protection for the telephone network from harms caused by the connection of terminal equipment thereto, and that adoption of this program will serve the public interest. In view of the action we are taking herein, i.e., adoption of a Federal registration program applicable to all classes of terminal equipment, we have further concluded that the proceedings in Docket No. 19528 should be terminated. However, as the registration program established herein is new, we believe it should be subject to continuing review and modification, if necessary, as actual experience under the program warrants. Accordingly, the Commission will continue to confer, as appropriate, with state commissions concerning those interconnection matters over which the state commissions and this Commission have jurisdiction.

ORDER

56. In view of the foregoing, *It is hereby ordered*, pursuant to Sections 4(i), 4(j), 201–205, 208, 215, 218, 313, 314, 403, 404, 410 and 602 of the Communications Act that the Commission's Rules and Regulations are amended by adding a new Part 68 as shown in the appendix hereto, effective April 1, 1976.[36]

57. *It is further ordered*, That the pleadings mentioned in paragraph 4 above are DENIED and the pleadings mentioned in paragraph 5 above are dismissed.

58. *It is further ordered*, That interested parties may file comments not later than December 11, 1975, directed to the planned inclusion of PBXs, key telephone systems and main station telephones in our registration program.

59. *It is further ordered*, That AT&T revise its Tariffs F.C.C. Nos. 259 (WATS) and 263 (MTS), on not less than 60 days notice, in accordance with the requirements of this Report and Order, to be

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[28] *See* § 5.10 of the Advisory Committee Report on Answering Devices, May 21, 1973.

[29] *See* Bell Ex. 5 and Tr. 4004–05 in Docket No. 19419 for discussion of "pretrip" and "false trip" and the expected effects thereof.

[30] Section 812–015–170 of the Bell System Practices, AT&T Company Standard, Issue 2, June 1972 "Ringing Ranges and Ringing Bridge Limitations for Lines in Dial Offices"; Section 471–100–040 of the General System Practices, GT&E Standard, Issue 1, January 1968 "Line Leakage and Ringing Bridge Limitations". Official notice of both of these documents is hereby taken.

[31] Figure 1 of § 68.216(a) of the Joint Board's Recommended First Report and Order is an incorrect (and ambiguous) graph of a standard ringing impedance. This graph was first published by our answering devices advisory committee in its draft and final reports on requirements for such devices during 1973, and was (apparently) reproduced by the Joint Board. AT&T and GTE both maintained at the time of publication of the answering devices report, and in their comments on the Joint Board Report that the curve was incorrect, but until we informally requested that a correct curve be furnished, no such curve was supplied. In furnishing a corrected curve, AT&T and GTE indicated that in order to provide such information, they recently ran laboratory tests specifically to derive the correct curve.

[32] Section 68.300(a) of our rules requires that the Ringer Equivalency Number, determined in accordance with § 68.312, be displayed on the equipment label.

[33] We note that this approach has already been adopted by the telephone carriers' attestation program for headsets and non-powered conferencing devices, by their conformance program for answering devices, and by their long standing practice of providing portable extension telephones.

[34] Section 68.216 is in no way intended to limit a user's ability to repair any parts in terminal equipment other than registered protective circuitry.

[35] We would note that where registered protective circuitry is fabricated on a plug-in subassembly in such manner that by no foreseeable failure to properly insert or remove such a subassembly, can a violation of the requirements of Subpart D of these rules occur, then we would consider the limited exception to this rule as applicable if the user "repairs" failed registered protective circuitry by plug-in replacement.

[36] Part 68 of the Commission's Rules and Regulations is not applicable to terminal equipment connected to the telephone network prior to the effective date of these rules.

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effective on the effective date of the rules in Part 68.

(Secs 4, 201, 202, 203, 204, 205, 208, 215, 218, 313, 314, 403, 404, 410, 602, 48 Stat. as amended, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 154, 201, 202, 203, 204, 205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Adopted: October 31, 1975.

Released: November 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

The Commission's rules and regulations (Chapter I of Title 47 of the Code of Federal Regulations) are amended by the addition of a new Part 68 as follows:

Subpart A—General

Sec.
68.1 Purpose.
68.2 Scope.
68.3 Definitions.

Subpart B—Conditions on Use of Terminal Equipment

68.100 General.
68.102 Registration requirement.
68.104 Standard plugs and jacks.
68.106 Notification to telephone company.
68.108 Incidence of harm.
68.110 Compatibility of the telephone network and terminal equipment.

Subpart C—Registration Procedures

68.200 Application for equipment registration.
68.202 Public notice.
68.204 Comments and replies.
68.206 Grant of application.
68.208 Dismissal of application.
68.210 Denial of application.
68.212 Assignment of equipment registration.
68.214 Changes in registered terminal equipment and registered protective circuitry.
68.216 Repair of registered terminal equipment and registered protective circuitry.
68.218 Responsibility of grantee of equipment registration.

Subpart D—Conditions for Registration

68.300 Labelling requirements.
68.302 Environment simulation.
68.304 Leakage current limitations.
68.306 Hazardous voltage limitations.
68.308 Signal power limitations.
68.310 Longitudinal balance limitations.
68.312 On-hook impedance limitations.
68.314 Minimum call duration requirements.

Subpart E—Complaint Procedures

68.400 Content.
68.402 Amended complaints.
68.404 Number of copies.
68.406 Service.
68.408 Answers to complaints and amended complaints.
68.410 Replies to answers or amended answers.
68.412 Defective pleadings.

Subpart A—General

§ 68.1 Purpose.

The purpose of the rules and regulations in this Part is to provide for uniform standards for the protection of the telephone network from harms caused by the connection of terminal equipment thereto.

§ 68.2 Scope.

The rules and regulations in this Part apply to the direct connection of all terminal equipment other than coin telephones to the telephone network after the effective date of these rules, for use in conjunction with all services other than party line service. Terminal equipment as used in this Part includes terminal equipment and/or systems. *Note:* Pending further proceedings, the rules and regulations in this Part do not apply to PBXs, key telephone systems, or main station telephones.

§ 68.3 Definitions.

As used in this part:

"Direct Connection." Connection of terminal equipment to the telephone network by means other than acoustic and/or inductive coupling.

"Harm." Electrical hazards to telephone company personnel, damage to telephone company equipment, malfunction of telephone company billing equipment, and degradation of service to persons other than the user of the subject terminal equipment, his calling or called party.

"Interface." The point of interconnection between terminal equipment and telephone company communication facilities.

"Longitudinal Balance." The ratio of the absolute value of longitudinal voltage divided by metallic voltage in decibels (voltage) with the magnitudes of the longitudinal and metallic voltages obtained as follows:

(1) A longitudinal voltage of 12.5 volts, r.m.s. is impressed;

(2) No metallic voltage is impressed; and

(3) The metallic voltage resulting from imbalance of the equipment is determined over a sufficient number of permutations of frequency and simulated loop current to specify the longitudinal balance of the equipment under test over frequency and loop current.

(Note: The first two requirements are met if means are employed by test equipment to impress equal voltages with respect to earth ground on tip and ring of 25 volts, r.m.s.)

"Longitudinal Voltage." One half the sum of the potential difference between the tip connection and earth ground, and the ring connection and earth ground.

"Loop Simulator Circuit." A circuit consisting of a current source, variable from 20 to 160 milliamperes d.c. in parallel with an impedance consisting of 900 ohms ±1% in series with 2.14 microfarads ±1%. Equipment connected to the loop simulator circuit shall be paralleled with this impedance, and tests shall be conducted over the full range of variation of the current source, both polarities, with sufficient time allowed for the 2.14 microfarad capacitor to charge to a steady-state condition.

"Metallic Voltage." The potential difference between the tip and ring connections.

"Registered Protective Circuitry." Separate, identifiable and discrete electrical circuitry designed to protect the telephone network from harm, which is registered in accordance with the rules and regulations in Subpart C of this Part.

"Registered Terminal Equipment." Terminal equipment which is registered in accordance with the rules and regulations in Subpart C of this part.

"Telephone Network." The public switched telephone network.

Subpart B—Conditions on Use of Terminal Equipment

§ 68.100 General.

Terminal equipment may be directly connected to the telephone network in accordance with the rules and regulations in Subpart B of this Part.

§ 68.102 Registration requirement.

Terminal equipment must be registered in accordance with the rules and regulations in Subpart C of this Part, or connected through registered protective circuitry, which is registered in accordance with the rules and regulations in Subpart C of this Part.

§ 68.104 Standard plugs and jacks.

(a) *General.* Except for telephone company-provided ringers, all connections to the telephone network shall be made through standard plugs and standard telephone company-provided jacks, in such a manner as to allow for easy and immediate disconnection of the terminal equipment. Standard jacks shall be so arranged that, if the plug connected thereto is withdrawn, no interference to the operation of equipment at the customer's premises which remains connected to the telephone network, shall occur by reason of such withdrawal.

(b) *Programmable standard plugs and jacks.* Where a customer desires to connect data equipment which has been registered in accordance with § 68.308(b)(2), he shall notify the telephone company of each telephone line to which he intends to connect such equipment. The telephone company, after determining the attenuation of each such telephone line between the interface and the telephone company central office, will make such connections as are necessary in each Programmed Data Jack which it will install, so as to allow the maximum signal power delivered by such data equipment to the telephone company central office to reach but not exceed the maximum allowable signal power permitted at the telephone company central office.

§ 68.106 Notification to telephone company.

Customers connecting terminal equipment to the telephone network shall, before such connection is made, notify the telephone company that such connection is being made and shall provide to the telephone company the F.C.C. Registration Number and the Ringer Equivalence Number of the registered terminal equipment or registered protective circuitry.

§ 68.108 Incidence of harm.

Should terminal equipment cause harm to the telephone network, the telephone company shall, where practicable, notify the customer that temporary discontinuance of service may be required; however, where prior notice is not practicable, the telephone company may temporarily discontinue service forthwith, if such action is reasonable in the circumstances. In case of such temporary discontinuance, the telephone company shall (1) promptly notify the customer of such temporary discontinuance, (2) afford the customer the opportunity to correct the situation which gave rise to the temporary discontinuance, and (3) inform the customer of his right to bring a complaint to the Commission pursuant to the procedures set out in Subpart E of this Part.

§ 68.110 Compatibility of the telephone network and terminal equipment.

(a) *Availability of interface information.* Technical information concerning interface parameters not specified in this Part, including the number of ringers which may be connected to a particular telephone line, which is needed to permit terminal equipment to operate in a manner compatible with telephone company communications facilities, shall be provided by the telephone company upon request.

(b) *Changes in telephone company facilities, equipment, operations or procedures.* The telephone company may make changes in its communications facilities, equipment, operations or procedures, where such action is reasonably required in the operation of its business and is not inconsistent with the rules and regulations in this Part. If such changes can be reasonably expected to render any customer's terminal equipment incompatible with telephone company communications facilities, or require modification or alteration of such terminal equipment, or otherwise materially affect its use or performance, the customer shall be given adequate notice in writing, to allow the customer an opportunity to maintain uninterrupted service.

Subpart C—Registration Procedures

§ 68.200 Application for equipment registration.

(a) An original and four copies of an application for registration of terminal equipment and protective circuitry shall be submitted to the Federal Communications Commission, Washington, D.C. 20554, and include the following information:

(1) Name of applicant;

(2) A statement whether applicant is the manufacturer or assembler of the equipment or a vendor or user other than the manufacturer or assembler (include the name of the manufacturer or assembler);

(3) A statement that the terminal equipment or protective circuitry complies with and will continue to comply with the rules and regulations in Subpart D of this Part, accompanied by such test results, description of test procedures, analyses, evaluations, quality control standards and quality assurance standards as are necessary to demonstrate that such terminal equipment or protective circuitry complies with and will continue to comply with all the rules and regulations in Subpart D of this Part.

(4) The instruction manual for the terminal equipment or protective circuitry, if such manual contains instructions for routine customer repairs, together with a statement certifying that such routine repairs will not result in noncompliance with the rules and regulations in Subpart D of this Part.

(b) Each application, including amendments thereto, shall be personally signed by the applicant if the applicant is an individual; by one of the partners if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association.

§ 68.202 Public notice.

(a) The Commission will issue public notices of the filing of applications for equipment registration and the grants thereof. No grant will issue before 20 days from the date of the public notice of the filing of the application.

(b) The Commission will maintain lists of equipment for which it has granted registration.

§ 68.204 Comments and replies.

Comments may be filed as to any application for equipment registration within 20 days of the date of the public notice of its filing. Replies to such comments may be filed within 10 days of the date of filing of such comments. All comments must be served on the applicant and all replies must be served on all parties filing comments.

§ 68.206 Grant of application.

(a) The Commission will grant an application for equipment registration if it finds from an examination of such application and other matter which it may officially notice, that the equipment will comply with the rules and regulations in Subpart D of this Part, or that such grant will otherwise serve the public interest.

(b) Grants will be made in writing showing the effective date of the grant and any special condition(s) attaching to the grant.

(c) Equipment registration shall not attach to any equipment, nor shall any equipment registration be deemed effective, until the application has been granted.

§ 68.208 Dismissal of application.

(a) An application which is not filed in accordance with the provisions of the Subpart will be dismissed unless accompanied by an appropriate request for waiver of the rules.

(b) Any application, upon written request, may be dismissed prior to a determination granting or denying the equipment registration requested.

(c) If an applicant is requested by the Commission to furnish any additional documents, information or equipment not specifically required by this Subpart, a failure to comply with the request within the time, if any, specified by the Commission will result in the dismissal of such application.

§ 68.210 Denial of application.

If the Commission is unable to make the finding specified in § 68.206 it will deny the application. Notification of the denial will include a statement of the reasons for the denial.

§ 68.212 Assignment of equipment registration.

Commission equipment registration may not be assigned, exchanged or in any other way transferred to another party, without prior written notice to the Commission.

§ 68.214 Changes in registered terminal equipment and registered protective circuitry.

No changes in registered terminal equipment and registered protective circuitry shall be made without prior written notice to the Commission. If such change in registered terminal equipment or registered protective circuitry results in any change in the information furnished the Commission pursuant to § 68.200, the grantee shall submit a revised application for equipment registration in accordance with § 68.200.

§ 68.216 Repair of registered terminal equipment and registered protective circuitry.

Repair of registered terminal equipment and registered protective circuitry shall be accomplished only by the manufacturer or assembler thereof or by their authorized agent; however, routine repairs may be performed by a user, in accordance with the instruction manual if the applicant certifies that such routine repairs will not result in noncompliance with the rules and regulations in Subpart D of this Part.

§ 68.218 Responsibility of grantee of equipment registration.

In applying for a grant of an equipment registration, the grantee warrants that each unit of equipment marketed under such grant will comply with all the rules and regulations in Subpart D of this Part.

Subpart D—Conditions for Registration

§ 68.300 Labelling requirements.

(a) Registered terminal equipment and registered protective circuitry shall have prominently displayed on an outside surface the following information in the following format:

[1] Commissioner Reid absent. Commissioners Hooks and Robinson statements filed as part of the original.

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Complies With Part 68, FCC Rules
FCC Registration Number
Ringer Equivalence Number

(b) Registered terminal equipment and registered protective circuitry shall also have the following identifying information permanently affixed thereto:

(1) Grantee's name.

(2) Model number, as specified in the registration application.

(3) Serial number.

§ 68.302 Environment simulation.

Registered terminal equipment and registered protective circuitry shall comply with all the criteria contained in the rules and regulations in this Subpart, both prior to and after the application of each of the mechanical and electrical stresses specified in this section.

(a) *Vibration.* Sinusoidal vibrations of 5 Hz to 300 Hz at either a 2.5g acceleration or with a maximum displacement of 0.8 inches, whichever produces the smaller g-force for a given frequency, with a logarithmic sweep rate of ⅓ octave per minute from 5 Hz to 300 Hz and then back to 5 Hz.

(b) *Temperature and humidity.* Cycling at any convenient rate through the following temperature and humidity conditions three times: 30 minutes at 150°F and 15 percent relative humidity, followed by 30 minutes at 90°F and 90 percent relative humidity, followed by 30 minutes at −40°F and any convenient humidity.

(c) *Shock.* If the weight of the unit in pounds plus ten times its volume in cubic feet is less than 20, dropping onto a cement support surface which is covered by a 1/16 inch layer of vinyl title, three times on each of its three axes from a height of 30 inches. Otherwise, lifting about a base surface edge until the base surface forms a 45-degree angle with the above support surface or the elevated edge attains a 4-inch height, whichever, is less, and then releasing and allowing to rotate and drop to the support surface ten times for each base surface edge.

(d) *Metallic voltage surge.* Three 1000 volt peak surges of a metallic voltage (of each polarity) having a 10 microsecond rise time to crest and a 1000 microsecond decay time to half crest.

(e) *Longitudinal voltage surge.* Six 2500 volt peak surges (three of each polarity) having a 2 microsecond rise time to crest and a 50 microsecond decay time to half crest applied: (1) between all telephone connections connected together and earth ground, under all reasonable conditions of application of earth ground; and (2) between each power line connection and earth ground, and between all possible combinations of power line connections and earth ground, with the telephone connections connected singly and in combination with earth ground. *Note:* For purposes of Subsection (e)(2), an external connection to the protective circuitry or terminal equipment which may, under equipment failure, become connected with a power line shall be deemed a power line connection.

§ 68.304 Leakage current limitations.

Registered terminal equipment and registered protective circuitry shall assure that, if a voltage source is connected to any two of the three following points:

(1) All telephone connections, connected together.

(2) All power connections, connected together.

(3) All possible combinations of exposed conductive surfaces on the exterior of such equipment or circuitry.

and is gradually increased from zero to 1500 volts, rms, 60 Hertz over a thirty second time period, and then applied continuously for 1 minute, the current in the mesh formed by the voltage source and these points shall not exceed 2.5 milliamperes, rms, at any time during this 90 second time interval, under all reasonable applications of earth ground to such equipment or circuitry.

§ 68.306 Hazardous voltage limitations.

(a) Under no condition of failure of registered terminal equipment or registered protective circuitry, or of terminal equipment connected thereto, shall (1) the open circuit voltages between any two telephone connections exceed 70 volts peak a.c., 135 volts d.c. or 140 volts peak for combined a.c. and d.c. potentials, steady-state, or (2) the potential difference between any telephone connection and earth ground, under all reasonable conditions of application of earth ground to the registered terminal equipment or registered protective circuitry, or equipment connected thereto, exceed 70 volts peak a.c., 135 volts d.c. or 70 volts peak for combined a.c. and d.c. potentials, steady-state.

(b) Registered protective circuitry shall conform to the requirements of subsection (a) when commercial 220 volts a.c., 60 Hertz power is connected between all combinations of terminal equipment connections and between each terminal equipment connection and earth ground, under all reasonable conditions of application of earth ground to such circuitry.

§ 68.308 Signal power limitations.

(a) *General.* Registered terminal equipment and registered protective circuitry shall assure that power, as averaged over any 3 second time interval, in the frequency range of 300–3995 Hertz, delivered to a loop simulator circuit, does not exceed 1.00 milliwatt.

(b) *Data equipment.* For data applications, registered terminal equipment and registered protective circuitry shall assure that power, as averaged over any 3 second time interval, in the frequency range of 300–3995 Hertz, delivered to a loop simulator circuit, does not exceed:

(1) .398 Milliwatts (−4 dB with respect to 1 Milliwatt), or

(2) A level set by means of connections in a Programmed Data Jack connected therewith, which level shall be programmed in each possible 1 dB step from −12 dB through 0 dB, with respect to 1 milliwatt.

(c) *Additional data equipment requirements.* For data applications, registered terminal equipment and registered protective circuitry shall assure that when an incoming telephone call is answered through the use of ringing signal detection circuitry, the signal power, as delivered into a loop simulator circuit, shall be limited to −55 dB with respect to 1 milliwatt for no less than 2 seconds.

§ 68.310 Longitudinal balance limitations.

Registered terminal equipment and registered protective circuitry shall assure that, under all reasonable conditions of application of earth ground to the registered terminal equipment or registered protective circuitry or equipment connected thereto, the longitudinal balance, in the frequency range of 60–4000 Hertz, exceeds [120–20 $\log_{10}$ (frequency, Hertz)] decibels if the registered terminal equipment or registered protective circuitry is connected to a loop simulator circuit.

§ 68.312 On-hook impedance limitations.

(a) Registered terminal equipment and registered protective circuitry shall assure that:

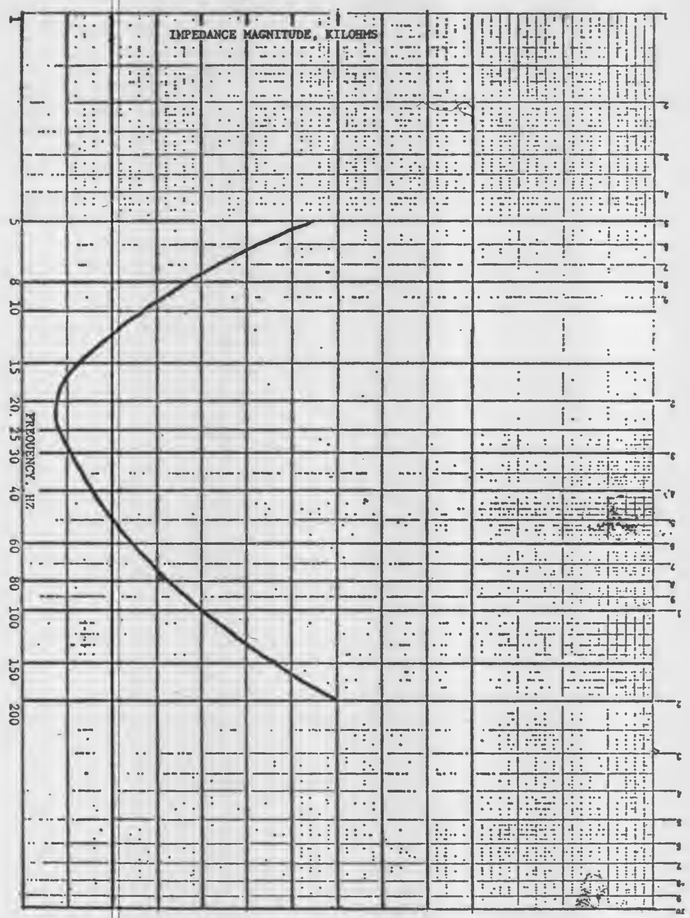
(1) The d.c. resistance between tip and ring connections, and between each of the tip and ring connections and earth ground, under all reasonable applications of earth ground to the registered terminal equipment or registered protective circuitry or equipment connected thereto, shall be greater than 20 megohms if measured with a current-limited 200 volt d.c. voltage source applied (both polarities) to each specified pair of points; and

(2) If a simulated ringing signal consisting of the sum of 75 volts d.c. and 100 volts a.c., r.m.s. in the frequency range of 16⅔ through 66⅔ Hertz is applied to the ringing detection terminals of registered terminal equipment or registered protective circuitry, no more than 1.5 milliamperes d.c. shall flow in the mesh formed by the ringing detection terminals and the simulated ringing signal.

(b) The impedance measurable across the ringing detection terminals of one or more units, connected in parallel, of the same registered terminal equipment or registered protective circuitry, under the application of a 10 volt r.m.s. sinusoidal voltage, shall exceed the impedance magnitude versus frequency curve, depicted in Figure 1, at each frequency depicted on that curve. The reciprocal of the maximum number of such units of the same registered terminal equipment or registered protective circuitry which may be connected in parallel, such that the measurable impedance exceeds the specified curve, is the Ringer Equivalence Number.

§ 68.314 Minimum call duration requirements.

For data applications, registered terminal equipment and registered protective modules shall assure that an outgoing telephone call shall persist for at least 2 seconds after the call is answered.



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Subpart E—Complaint Procedures

§ 68.400 Content.

A complaint shall be in writing and shall contain: (a) The name and address of the complainant, (b) the name (and address, if known) of the defendant against whom the complaint is made, (c) a complete statement of the facts, including supporting data, where available, showing that such defendant did or omitted to do anything in contravention of Part 68 of the Commission's Rules, and (d) the relief sought.

§ 68.402 Amended complaints.

An amended complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action may be filed with the Commission.

§ 68.404 Number of copies.

An original and two copies of all complaints and amended complaints shall be filed. An original and one copy of all other pleadings shall be filed.

§ 68.406 Service.

(a) The Commission will serve a copy of any complaint or amended complaint filed with it, together with a notice of the filing of the complaint. Such notice shall call upon the defendant to satisfy or answer the complaint in writing within the time specified in said notice of complaint.

(b) All subsequent pleadings and briefs shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of Section 1.47. Proof of such service shall also be made in accordance with the requirements of said section.

§ 68.408 Answers to complaints and amended complaints.

Any party upon whom a copy of a complaint or amended complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense, and shall respond specifically to all material allegations of the complaint. In cases involving allegations of harm, the answer shall indicate what action has been taken or is proposed to be taken to stop the occurrence of such harm, both in terms of future production and with reference to articles in the possession of distributors, sellers, and users. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

§ 68.410 Replies to answers or amended answers.

Within 10 days after service of an answer or an amended answer, a complainant may serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matters. Failure to reply will not be deemed an admission of any allegation contained in such answer or amended answer.

§ 68.412 Defective pleadings.

Any pleading filed in a complaint proceeding not in substantial conformity with the requirements of the applicable rules in this part may be dismissed.

[FR Doc.75-30629 Filed 11-13-75;8:45 am]

[Docket No. 19142]

PART 73—RADIO BROADCAST SERVICES

Action for Children's Television

In the matter of petition of action for children's television (ACT) for rulemaking looking toward the elimination of sponsorship and commercial content in children's programming and the establishment of a weekly 14-hour quota of children's television programs.

1. Through actions taken in Docket No. 19142, the Commission amended Section IV–B of FCC Form 303, the application for renewal of broadcast station license, by revising the language of Question 6 to seek descriptive information about programs designed for children, and by adding two new questions which request information concerning commercial practices in connection with programming designed for children. *Children's Television Report and Policy Statement*, 50 F.C.C. 2d 1 (1974); *Memorandum Opinion and Order*, re Renewal Form Amendments, 53 F.C.C. 2d 161 (1975); and *Memorandum Opinion and Order*, re Instruction Amendments, 40 FR 47136 (1975). The aforementioned actions, however, established no date on which the changes in the renewal application form were to be effective. This order sets forth the manner in which and the time when they are to become operative.

2. The amendments will be incorporated into FCC Form 303 when existing supplies of that form are exhausted. Commencing with the mailing of the FCC Form 303 to applicants whose licenses expire June 1, 1976, and until such time as the amendments are incorporated into that form, a supplement to Section IV–B will accompany the FCC Form 303 and must be completed by television station renewal applicants.

3. The supplement contains new Question A regarding children's television advertising practices in the past, new Question B regarding proposed practices, and Question 6 revised to seek information on programs designed for children. Instructions for completing these questions are contained in the supplement. The instruction for Question A allows a licensee to rely upon "periodic reports from responsible personnel" for its answer. The choice of the manner and frequency of reports is essentially one for the licensee. Thus, these reports may be in the form of internal letters or memoranda and need not be filed with the answer. It is suggested that they be retained in the event the licensee is required to support its answer to the Commission.

4. A petition for Reconsideration filed by the Council on Children, Media, and Merchandising is pending action by the Commission. If the questions or instructions are changed in any way by the final action on this petition, a new supplement would be issued. We have decided to issue the questions in their present status in order to begin obtaining data as soon as possible.

5. Television broadcast station licensees whose licenses expire prior to June 1, 1976, were not mailed copies of the supplement and will not be required to answer the supplemental questions.

6. Authority for this action is set forth in Section 4(i), 5(d)(1), 303, 307, 308, 309, and 403 of the Communications Act of 1934, as amended, and Section 0.281 (b)(6) of the Commission's Rules.

Adopted: October 31, 1975.

Released: November 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

ATTENTION TELEVISION BROADCAST STATION RENEWAL APPLICANTS

CHILDREN'S TELEVISION ADVERTISING PRACTICES SUPPLEMENT TO FCC FORM 303

NOTE: Section IV–B of FCC Form 303 has been amended pursuant to *Children's Television Report and Policy Statement*, 50 F.C.C. 2d 1 (1974); *Memorandum Opinion and Order*, re Renewal Form Amendments, 53 F.C.C. 2d 161 (1975); and *Memorandum Opinion and Order*, re Instruction Amendments, 40 Fed. Reg. 47136 (1975). The Commission intends to incorporate these amendments into FCC Form 303 after the present supply of forms is exhausted. Until such time as this has been accomplished, applicants whose licensee expire on or after June 1, 1976, are required to answer new questions A and B, and question 6 as revised, in this supplement.

FCC Form 303 — Statement of TV Program Service, Children's Television Advertising Practices — Section IV–B Supplement, Page 1

INSTRUCTIONS FOR COMPLETING NEW AND REVISED QUESTIONS

NEW QUESTIONS A AND B[1]

Applicants for renewal of license will be expected to provide the information requested for Questions A and B only for periods following January 1, 1976. For the purpose of Question A, it is suggested that a licensee who has in effect a policy of adhering to the indicated commercial limits may rely on periodic reports from responsible personnel and need not review all programs logged at the time of preparing the renewal application. In addition, for the purpose of Question A, if one or more children's programs fill a full clock hour, that full hour should be listed as a "one hour" segment; if one or more children's programs fill only one-half hour of a clock hour, it should be listed as a "½ hour" segment.

REVISED QUESTION 6

Question 6 is revised by substituting the words "programs . . . *designed for* children twelve years old and under" to replace the current wording "programs . . . *primarily directed* to children twelve years old and under." (Emphasis added.) Applicants need not answer old question 6 of Section IV–B.

DEFINITIONS

1. "Programs Designed for Children" means programs originally produced and broadcast primarily for a child audience twelve years old and under. This does not include programs originally produced for a general or adult audience which may nevertheless be significantly viewed by children.

Note: This definition is not applicable for the purpose of logging, but is applicable only to revised question 6 and new questions A and B.

2. The definition of "commercial matter" is contained in paragraph 1.C. of the "Definitions" in Section IV–B of FCC Form 303.

[1] When these new questions are incorporated into FCC Form 303 they will be given appropriate numerical designations.

FCC Form 303 — Statement of TV Program Service, Children's Television Advertising Practices — Section IV–B Supplement, Page 2

Name and Post Office Address of Applicant

Call letters of station — Station location — City — State

PAST COMMERCIAL PRACTICES

New Question A: List each one hour or ½ hour segment of programming designed for children twelve years old and under broadcast during the license period which contained commercial matter in excess of:
a. 12 minutes per hour or 6 minutes per half-hour on weekdays (Monday through Friday), or
b. 9 ½ minutes per hour or 4 ¾ minutes per half-hour on weekends (Saturday and Sunday):
For each programming segment so listed, indicate the length of the segment (i.e., one hour or ½ hour) and the amount of commercial matter contained therein.

Segment — Amount of Commercial Matter — Day Broadcast

FCC Form 303 — Statement of TV Program Service, Children's Television Advertising Practices — Section IV–B Supplement, Page 3

PROPOSED COMMERCIAL PRACTICES

New Question B: a. What is the maximum amount of commercial matter per hour the applicant proposes to allow in programs broadcast on weekdays (Monday through Friday) which are designed for children twelve years old and under?

_____

If the applicant proposes to permit this amount to exceed 12 minutes, state in Exhibit No. ____ under whatcircumstances and how often this is expected to occur, and the limits that would then apply.

b. What is the maximum amount of commercial matter per hour the applicant proposes to allow in programs broadcast on weekends (Saturday and Sunday) which are designed for children twelve years old and under?

_____

If the applicant proposes to permit this amount to exceed 9 ½ minutes, state in Exhibit No. ____ under what circumstances and how often this is expected to occur, and the limits that would then apply.

NOTE.—Unless otherwise indicated, it is assumed that proportional commercial time limits apply to ½ hour segments for the purpose of this question.

Revised Question 6: In Exhibit No. ____ give a brief description of programs, program segments or program series broadcast during the license period which were designed for children twelve years old and under. Indicate the source, time and day of broadcast, frequency of broadcast, and program type.

[FR Doc.75-30744 Filed 11-13-75;8:45 am]

[Docket No. 19417; Rm-1836; FCC 75-1235 37859]

PART 76—CABLE TELEVISION SERVICE

Carriage of Sports Programs

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to cable television systems and the carriage of sports programs on cable television systems. Petition for rule making amendment to section 76 of the Commission's rules and regulations relative to cable television systems filed by Channel 6, Inc., licensee of Television Broadcast Station KCEN–TV, Temple-Waco, Texas.

1. On July 9, 1975, the Commission adopted its *Report and Order in Docket 19417*, hereafter referred to as the *Report and Order*.[1] That action amended the Commission's cable television rules to include a new Section 76.67, which became effective on August 22, 1975. Section 76.67 prohibits the cable television carriage, via distant television broadcast signals, of live sports events which are performed locally and which are made available for local conventional television broadcast.[2] Petitions for reconsideration of the *Report and Order* filed pursuant to Section 1.106 of the Rules have been received from the National Association of Broadcasters (NAB), American Broadcasting Companies, Inc. (ABC), Kaiser Broadcasting Company (Kaiser),[3] a group of television station licensees (Television Licensees), the National Football League (NFL), the Commissioner of Baseball (Baseball), the National Hockey League (NHL) and the National Collegiate Athletic Association (NCAA). These petitions are opposed by the National Cable Television Association, Inc. (NCTA).

2. Petitioners generally contend that the Commission's refusal to afford protection against the fragmentation of television sports audiences is contrary to the public interest because it will result in the overall diminution of sports telecasts. It is asserted that this decrease will occur because the cable television importation of distant sports telecasts will so erode the advertiser base for local sports telecasts that the present level of sports telecasts will no longer be economically feasible. Additionally, it is argued that the oversaturation of sports telecasts resulting from unrestricted cable television importations will impact on gate receipts and the value of television rights, thereby inducing sports entrepreneurs to restrict the current number of sports telecasts.[4]

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[1] FCC 75–819, 54 FCC 2d 265 (1975).

[2] The complete text of § 76.67 is as follows:
76.67 Sports Broadcasts
(a) No cable television system located in whole or in part within the specified zone of a television broadcast station licensed to a community in which a sports event is taking place, shall, on request of the holder of the broadcast rights to that event, or its agent, carry the live television broadcast of that event if the event is not available live on a television broadcast signal carried by the system pursuant to the mandatory signal carriage rules of this Part. For the purposes of this Section, if there is no television station licensed to the community in which the sports event is taking place, the applicable specified zone shall be that of the television station licensed to the community with which the sports event or local team is identified, or, if the event or local team is not identified with any particular community, the nearest community to which a television station is licensed.
(b) Notification of the programming to be deleted shall be made in accordance with the procedures specified in Section 76.94, for obtaining network program nonduplication protection.
(c) The provisions of this section shall not be deemed to require the deletion of any portion of a television signal which a cable television system was lawfully carrying prior to March 31, 1972.

[3] Kaiser is not a party to this proceeding, but asserts that it is entitled to seek reconsideration pursuant to Section 1.106 of the Rules because its interests are adversely affected by the Commission's action and the factual presentation it makes in its petition relates to events which have occurred or circumstances which have changed since the final filing date in the docket.

[4] The following statement in ABC's Petition for Limited Reconsideration is representative of these arguments: ". . . the importation of an excessive number of sports events must be prohibited, first, to preserve the value of local, free television schedules and, second, to prevent situations developing in which sports interests feel impelled to remove or curtail sports schedules on free television in order to avoid unacceptable impact upon other teams in the league." At p. 2.

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3. As we stated in paragraph 42 of the *Report and Order*, we are not persuaded by these arguments of audience fragmentation. Cable television increases the distribution of television programming, thereby making available to the public a broader selection of television programs. Absent evidence that cable television distant signal sports carriage is likely to reduce the overall availability of sports programming or to adversely affect the ability of individual television broadcast stations to serve the public, restrictions on such sports carriage cannot be justified.

4. The argument that sports promoters might curtail their telecasts in order to maintain the value of television rights and to assure gate attendance is not persuasive. It is possible that cable television sports program importations might contribute to a condition of sports program oversaturation, and that satiation of the public's demand for such programs might diminish advertiser support and gate attendance, which in turn might result in a decrease in the number of sports telecasts. This possibility, however, does not justify regulations intended to prevent oversaturation. We believe that the forces of supply and demand will determine the number of sports events which are to be televised, and the imposition of artificial restraints on the viewing of televised sports does not appear to be consistent with our statutory obligations or the public interest.

5. In paragraph 42 of the *Report and Order*, we stated that sports is but one form of television programming, and that it is not sufficiently dissimilar from other programming to warrant special treatment because of its impact upon local television audiences. Kaiser has attempted to show that sports audiences, unlike most other types of program audiences, are overwhelmingly composed of adult males, and that these adult male audiences are particularly important to independent television stations, especially independent UHF stations. Kaiser concludes that this difference is sufficient to warrant a rule designed to protect local sports audiences from invading distant sports telecasts.

6. While the characteristics of sports audiences may be somewhat different than those of other television program audiences, the argument of Kaiser does not justify the rule proposed. Television station audiences may be increased as well as decreased by cable sports carriage. In paragraph 36 of the *Report and Order*, we quoted from the comments of one independent UHF station that benefited by the increased distribution of its sports programs brought about by carriage of its signal on cable television systems. This indicates that cable television carriage of distant signal sports may have positive as well as negative effects upon television broadcast stations. In any case, the Commission's cable television signal carriage rules already restrict the importation of distant television signals. We have found that these rules are generally adequate to maintain the level of conventional broadcast television service, and the evidence submitted by petitioners has not convinced us that additional restrictions are necessary. Therefore, we will deny petitioners' requests, and will continue to rely upon the special relief procedures afforded by the Rules to remedy situations where it can be shown that distant signal sports carriage threatens to undermine local television service.

7. The foregoing discussion relates to those arguments which call for regulations prohibiting all or substantially all distant signal sports cable television carriage. In the event that the general policy enunciated in the *Report and Order* is retained, the petitions also suggest a number of specific alterations to the rule adopted by the Commission. The following discussion deals with these suggestions.

8. *Intercollegiate and interscholastic sports telecasts.* In its petition for reconsideration, the NCAA claims that the Commission has failed to include in its sports rule provisions for the protection of high schools and colleges from the encroaching cable carriage of telecasts of professional football games, in disregard of established Congressional policy expressed in Section 3 of Public Law 87–331 and confirmed in Public Law 93–107. The NCAA also asserts that the Commission has failed to provide limitations on cable carriage of television broadcasts of NCAA events, in disregard of evidence that such carriage will decrease the availability of television broadcast programming to the general public and have a serious impact on gate receipts necessary to support college athletic programs.

9. The NCAA is correct insofar as it claims that Congress has enacted legislation to protect high school and college football from competing professional football telecasts.[5] However, Congress has not made this Commission responsible for the welfare of high school and college athletic programs. Congress has directed us to provide for an efficient, nationwide communications service, and the sports rule which we adopted in the *Report and Order* is intended to carry out this purpose by discouraging the extension of sports television blackouts. The restrictions sought by the NCAA do not come within the rationale of this rule. Additionally, although evidence has been submitted showing that a few professional football games are telecast on the same day that college contests are scheduled, and that cable distant signal importations will bring the professional telecasts within the drawing areas of the college games, no evidence has been presented which indicates what, if any, impact these importations are likely to have on the gate attendance of the college events. Because the rule sought by the NCAA would not foster our communications objectives, and because no evidence has been tendered which indicates that the public will be harmed in the absence of such a rule, we are not persuaded to preclude cable distant signal carriage of professional football telecasts which conflict with the playing of high school and college contests.

10. The second point made by the NCAA relates more directly to our concern with the overall level of sports telecasts. The NCAA asserts that the widespread distribution given college football telecasts by cable television systems results in conflicts between these telecasts and other college and high school football events. According to the NCAA, these conflicting telecasts adversely affect attendance at other NCAA events, thereby requiring the telecasts to be curtailed. The NCAA has produced evidence showing that its regional and "exception" telecasts have been curtailed due to the effects of widespread cable television carriage of NCAA football broadcasts. In light of this evidence, the NCAA urges the Commission to prohibit the cable carriage of NCAA telecasts in areas where they conflict with other NCAA events.

11. In paragraph 47 of the *Report and Order*, we noted that professional football routinely allows telecasts of its games in areas where other professional football events are taking place. In paragraph 54, we stated that many teams now play at home on the same day that other league games are televised in their home territories, and that this practice has had no demonstrable impact on gate receipts. We concluded that rules prohibiting cable television importations of other games into the home territories of teams playing at home do not appear to be necessary to protect the home teams' gate receipts. Although the NCAA has shown that it refuses to allow its telecasts to compete with other NCAA events, no evidence has been submitted which indicates that distant cable carriage of NCAA events has had or is likely to have an adverse impact on NCAA gate receipts. We would hope that the public's interest in viewing NCAA events and the revenues to be derived from their television broadcast will deter the NCAA from curtailing the telecasting of its events. But whatever the decision of the NCAA may be, absent evidence that additional restrictions on the cable carriage of NCAA events are necessary, it would be inappropriate for us to grant the NCAA the special protection it seeks.

12. *Zone of protection.* Broadcast interests contend that the 35-mile zone of protection afforded by Section 76.67 is unfair because the rule does not extend cable blackouts throughout the areas subject to broadcast television blackouts imposed by sports interests. Thus, the situation arises where a television station may be blacked-out with regard to a particular sports event, and cable systems within its service area, and possibly within its very city of license, are permitted to carry the event via a distant television signal. To remedy this inequitable situation, and to prevent the extension of television blackouts by sports interests, it is argued that the cable rule should prohibit cable carriage of sports events within all areas where the events are not made available for over-the-air telecast.

13. This argument fails to recognize the technological differences between broadcast and cable television. Typically, all television stations which serve areas within the "home territories" defined by sports interests are blacked-out to protect gate attendance. If a 50-mile zone of protection is established, and a broadcast station one hundred miles distant serves areas within that 50-mile protected zone, the station may not be permitted to televise the event. Unlike broadcast stations, cable systems serve discrete areas which are considerably smaller than the service areas of broadcast stations. Presumably, sports interests would not desire to restrict sports carriage on cable systems outside the protected areas which they have established. Any rule requiring cable sports blackouts in all areas subject to broadcast television blackouts would provide far more protection than sports interests need or even desire. Thus, the only reason for requiring such large areas of restricted cable sports carriage is to protect television broadcast stations from audience fragmentation. We have already determined that such protection is not required.

14. Petitioners contend that the 35-mile zone of protection is not sufficient to meet even the limited purposes that the Commission intends to achieve. It is argued that the rationale of the 35-mile specified zones established in the general cable television rules does not apply to the problem addressed by Section 76.67, and that the Commission should follow the Congressional policy established in P.L. 87–331 by adopting the home territory definition used by the sport in question. The comments of Baseball refer to the league contracts of the major professional sports, which define home territory as a zone of 50 miles radius for Major League Baseball and the NHL, and as a zone of 75 miles radius for the NFL and the National Basketball Association. Such fixed mileage zones, states the NFL, realistically reflect actual "home territories," and also have the advantages of administrative ease and certainty which are part of the justification for the 35-mile standard used in the general cable rules. Should the Commission retain its television market standard, the NHL states that the zone of protection should at least include the area within hyphenated markets, such as Minneapolis-St. Paul. It is argued that the hyphenated market standard more appropriately reflects the Commission's intent to provide some protection to the holders of property rights. The NHL argues that the situation of sports interests is analogous to that of syndicated program producers, whose program property rights are protected throughout hyphenated markets by the Commission's syndicated program exclusivity rule.[6]

15. The drawing areas of sports events depend upon the type of sport in question, the popularity of the contestants, and the demography and geography of the regions in which the events take place. Because of the many variables involved, no single fixed standard can identify precisely the "home territory" of every sport contest. However, there does not appear to be any acceptable alternative to a single fixed standard. The open-ended discretion given the sports leagues by P.L. 87–331 is not necessary to accomplish the limited objectives of our sports rule. While sports interests would be inclined to define home territories broadly to encompass all of their potential gate audience, a more narrow definition in most cases should be sufficient, we believe, to prevent extensions of broadcast blackouts. Additionally, it is doubtful that either sports interests or this Commission could obtain the necessary data to define with exactitude the particular zone of protection each individual sporting event requires in order to accomplish the purposes of the rule. For these reasons, we must settle upon a single fixed standard capable of general application.

16. Any restriction on cable carriage of sports telecasts should be drafted as narrowly as possible so that our policy is given effect without unnecessarily restricting the dissemination of sports programming. In paragraphs 59 and 60 of the *Report and Order*, we determined that a 35-mile zone of protection would be sufficient to accomplish our objectives. Although petitioners claim that this zone is too small to prevent the loss of gate receipts, no new evidence has been tendered to pursuade us that the 35-mile zone is unreasonable. We realize that a larger zone might be called for in certain instances, and our special relief procedures provide the possibility of receiving appropriate relief where it can be demonstrated that cable sports importations in areas outside the zone provided by our rule will require the enlargement of home television blackouts. We are confident, however, that the 35-mile standard adopted in the *Report and Order* will generally achieve the purpose it is intended to serve, and we have not been pursuaded that a more broad standard would be in the public interest.

17. The hyphenated market standard suggested by the NHL would not be appropriate for purposes of the sports rule. Where the specified zones of television stations comprising a hyphenated market almost coincide, such as the Minneapolis-St. Paul television market, the additional area of cable sports carriage protection that a hyphenated market standard would provide is relatively insignificant. However, such a standard would include a very large area when applied to the Los Angeles-San Bernardino-Corona-Fontana hyphenated market; an area far greater than we consider necessary. Because the hyphenated market standard would in many cases require cable sports blackouts in areas where such protection is not needed, we cannot conclude that it would be an appropriate standard for purposes of the rule in question.

18. *Suburban stadia.* Several petitioners contend that the television station specified zone standard applied by Section 76.67 is inappropriate when applied to sports events which take place some distance from the nearest community to which a television broadcast station is licensed. The NHL points out that Section 76.67 provides the New York Islanders with a protected zone extending 55 miles west of their Nassau, Long Island stadium, and extending only 15 miles east. Similarly, the NFL directs our attention to the situation of the New England Patriots who play their games in Foxboro, Massachusetts. The two closest television communities to Foxboro are Boston, Massachusetts, and Providence, Rhode Island, each approximately 23 miles distant. If the specified zone of the Boston television stations is selected, the Patriots' zone of protection will extend only twelve miles in the direct of Rhode Island, and will omit such population centers as Providence, Worcester, Massachusetts (located about 30 miles from Foxboro) and Fall River, Massachusetts (located about 20 miles from Foxboro). An additional example of the problem is provided by the Detroit Lions football team, which plays its games in a stadium located in Pontiac, Michigan, approximately 24 miles from Detroit.

19. The foregoing examples indicate that the specified zone standard utilized by the sports rule may not be appropriate when the rule is applied to some situations. This does not mean, however, that the rule as presently drafted should be revised. The specified zone standard is used throughout the cable television rules, the geographical relationships of most cable systems to nearby television station specified zones has been ascertained, and reference material which indicates the area covered by television station specified zones is readily available. These considerations demonstrate the overall utility of using the specified zone standard for purposes of the new sports rule. Where this standard is clearly not appropriate, we will look favorably upon waiver requests seeking to substitute a zone of protection extending out 35 miles from the site of a sports event for the television station specified zone designated by the rule. By way of this waiver policy, we can afford relief in those relatively few instances where it is needed without requiring the computation of new 35-mile zones extending from the site of every televised sports event in the nation.

20. *Notice requirements.* Section 76.67 requires that the holder of the broadcast rights of the event to be protected notify affected cable television system operators as to what programming is to be deleted. This notice must comply with the procedure set forth in § 76.94 (a), which requires that notices be given at least on a monthly basis, no later than six days preceding the calendar month during which protection is requested.

[5] See, 16 U.S.C. 1293 and 47 U.S.C. 331.

[6] See § 76.151 of the Rules.

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Changes in the monthly notification must be submitted at least six days prior to the programming to be deleted.[1]

21. In its comments, the NHL states that in some instances confusion may exist as to the identity of the legal holder of sports broadcast rights. We indicated in paragraph 62 of the *Report and Order* that the holder of broadcast rights may be a team, promoter, league, or other agent. Because we do not foresee conflicts among the various interests who might have a claim to the broadcast rights of a particular sports event, at least so far as our rule is concerned, we do not believe that it will be necessary for anyone to wrestle with the legal niceties of ownership. We are confident that the interested parties will be able to agree upon which of them is to provide notice when protection is desired. Where convenient, a party without direct interest in receiving protection may be designated to provide notice. Our primary concern is merely that appropriate notice be given by the party or parties in the position to enforce the subject local television blackout giving rise to the requested program deletion.

22. The requirements that notice must be given on a monthly basis and that revisions must be submitted no later than six days prior to the requested program deletion pose much more serious problems than the question of who is to provide the notice. The petitioning sports interests assert that notice as to regularly scheduled telecasts can be given on a season-wide basis, and monthly notices are not necessary. However, notice as to playoff telecasts, of events which have been rescheduled (such as rainouts) often cannot be given at least six days prior to their occurrence. Therefore, it is suggested that the rule permit the submission of a single notice prior to the commencement of a sports season, and allow revisions and updates to be submitted up to 24 hours prior to the telecast to be deleted.

23. We are pursuaded that the notice provisions now contained in § 76.67 are in need of revision. We will, therefore, amend the rule to require that notice be given, as to regularly scheduled events, no later than the Monday preceding the calendar week (Sunday through Saturday) during which program deletions are sought. Such notice need only be given once, and may be given as far in advance as desired. Notice as to events not regularly scheduled, such as playoff games, and revisions of notices previously submitted, such as where a regularly scheduled event has been rained out and it is scheduled to take place at a later date, will be required within 24 hours after the time of the telecast to be deleted is known, but in any event no later than 24 hours from the time the subject telecast is to take place. As brought out in the opposition of NCTA, notice given only 24 hours prior to the requested program deletion may cause some inconvenience to cable system operators who may be required to set switching equipment on weekends. On the other hand, even a 24-hour notice provision may not provide sports interests sufficient time to notify cable systems of rescheduled events, such as where a baseball game is rained out on one evening and is rescheduled for the next afternoon. In the majority of cases, we expect notice to be given well before the program deletion requested, and will require revisions and updates to be made within 24 hours after the time of the telecast to be deleted is known to assure that last minute notices are kept at a minimum. On balance, these notice requirements appear to reach a reasonable compromise between the differing concerns of cable system operators and sports interests.

24. The NFL asserts that the notice requirement of § 76.67 does not indicate with sufficient clarity the information to be contained in the notices, and claims that compliance with the requirement is impossible with regard to signals not regularly carried by cable systems. We agree that some refinements are in order, and we are revising the rule to specify the following notice procedure. As to sports programs to be deleted from distant signals regularly carried by the cable system receiving notice, the notice should include the name and address of the party requesting the deletion, the date, time and expected duration of the sports event to be protected and the call letters of the broadcast stations which will televise the event. The cable system operator will be required to determine which, if any, of the broadcast stations televising the event are carried on the system, and to cease carriage of that signal or signals on the date and during the period specified in the notice. As to sports programs to be deleted from distant signals not regularly carried by the cable system receiving notice, such as signals substituted for regularly carried signals pursuant to § 76.61(b)(2)(ii), the notice should include the name and address of the party requesting the deletion and the date, time and expected duration of the sports event to be protected. The cable system operator will be required to determine whether the sports program to be protected is to be televised by stations not regularly carried by the system, and to provide the protection requested.

25. *Program substitution.* In paragraph 30 of the *First Report and Order in Docket 19995*, FCC 75–413, 52 FCC 2d 519 (1975), we noted that the blacking out of cable television channels constitutes a major source of frustration to both subscribers and system operators. We, therefore, amended § 76.55 of the Rules to allow dual channel carriage of signals receiving network nonduplication protection. With regard to distant independent signals, Section 76.61(b)(2)(ii) of the Rules permits system operators to substitute other programs for programs deleted pursuant to the syndicated program exclusivity rule. We believe that a similar policy should be adopted with regard to programs deleted pursuant to our new sports rule. Therefore, we are amending §76.67 to permit cable system operators to substitute a different program from any other television station for programs required to be deleted pursuant to that section. This change is in keeping with our previous statements concerning program deletions, and will reduce the number of occasions where a channel normally provided by a cable system is required to be blank.

26. *Network programming.* In footnote 60 of the *Report and Order*, we stated that when a telecast is being carried by a local television station as well as by a distant station provided by a local cable system, the distant signal will have to be blacked out by the cable system pursuant to our network nonduplication rules, thereby preserving the local station as the exclusive local television outlet for the event. There are situations where the local television outlet for each of two competing sports teams televises the event in the respective home territories, and both signals are carried by cable television systems. Although the event is televised by both stations simultaneously and the video portions of the sports program are usually the same, each station may provide its own announcer to perform the audio portion of the program. Given these circumstances, questions arise as to whether the two stations constitute a regional television network as the term is used in Section 76.5(o) of the Rules, and whether the network program nonduplication rule is applicable. In *Cable TV of Fairmont*, FCC 74–990, 48 FCC 2d 991 (1974), *recon. denied*, FCC 75–82, 50 FCC 2d 976 (1975), we stated that a sports event supplied and carried on a simultaneous, interconnected basis within a discrete geographic region served by three television broadcast stations constituted a network program. We think that the circumstances present in the Fairmont case and the problem posed above are sufficiently dissimilar to require different conclusions with regard to the network nonduplication rule. We need not make a definitive ruling on the question here, however. So far as we are aware, the problem which we have posed does not occur with regularity. Given the special nature of the problem, we feel that determinations can best be made on an *ad hoc* basis where the Commission has before it pleadings directed at specific issues in dispute.

27. The NHL and Baseball argue that not only should the local television outlet of a team playing away receive nonduplication protection against a distant telecast by the outlet of the home team when both outlets are televising the event, but that the exclusivity of the local outlet should be protected against the distant outlet's telecast even when the local outlet does not televise the event. Where an event is not televised in the away team's home territory, either because the event is not made available to stations in that market or because those stations choose not to televise the event, cable television offers the only opportunity to view the event. In such a situation, it would appear that the away team's local outlet could maintain its identity as the exclusive outlet for the team's games by televising all of the team's away games. Without a clear showing of need, which petitioners have not made, we would not be disposed to provide the additional protection requested by the NHL and Baseball.

28. *Leapfrogging.* Several petitioners contend that the Commission's review of the sports rule must include consideration of the possible revision of its "leapfrogging" rules [Sections 76.59(b)(1) and (2), 76.61(b)(1) and (2) and 76.63 as it relates to 76.61(b)(1) and (2)] as proposed in the Commission's *Notice of Proposed Rule Making in Docket 20487*, FCC 75–565, 53 FCC 2d 175 (1975). It is argued that the elimination or relaxation of the leapfrogging rules would have an adverse impact on local stations because cable systems would import large market stations which have the most appealing schedules of major sporting events. While the existence of substantial sports programming may have an important influence as to which distant television signals cable systems choose to carry, any alterations which we might make concerning the leapfrogging rules have no bearing upon our determinations in this proceeding. We have repeatedly stated that necessity for special restrictions to prevent the fragmentation of sports program audiences has not been demonstrated. Our concern here is to prevent the expansion of local sports television blackouts which might result from cable importations of distant telecasts of local sports events. Arguments that distant sports telecasts might require the retention of our present leapfrogging restrictions are irrelevant to this proceeding, and will be considered in Docket 20487.

29. *Small system exemption.* Although not brought up by the parties to this proceeding, we believe some consideration should be given to the impact of the sports rule on small cable television systems. We have exempted individual and conglomerate cable systems serving fewer than 1,000 subscribers from our network nonduplication and syndicated exclusivity rules.[2] The arguments in favor of these exemptions appear to equally favor exempting small cable systems from the requirements of § 76.67. However, because this issue has not been addressed by the parties, we are reluctant to provide such an exemption at this time. For the present, we will rely on our special relief provisions to remedy situations where it can be demonstrated that the requirements of § 76.67 place an unreasonable burden on small cable television systems. We will also continue to review the impact on small systems of § 76.67 as well as that of all our cable rules as part of the proceeding commenced by our *Notice of Proposed Rule Making in Docket 20561*, FCC 75–896, 54 FCC 2d 824 (1975).

30. Because the present notice requirements of § 76.67 have created some confusion among various parties as to their respective rights and obligations, the public interest will be served by immediate implementation of the amendments adopted herein. Many of those who must comply with the amended notice provisions of § 76.67 are parties to this proceeding and will have knowledge of the amendments upon release of this document. Those cable television systems which must delete programming pursuant to § 76.67 will be made aware of the amendments when the notice required by the rule is given. Inasmuch as the obligations of those who must provide notice are reduced by the amendments, no party will be prejudiced by failure to comply with the new notice requirements. With regard to the new program substitution provision which we have included in the rule, no new obligation has been imposed and the public interest will be facilitated by allowing cable systems to exercise the right which the new provision has created as soon as possible. Accordingly, the amendments will be effective immediately on publication in the FEDERAL REGISTER.[3]

31. In conclusion, we have found that the petitions for reconsideration contain many of the same arguments advanced prior to our adoption of the *Report and Order in Docket 19417*, and we have not been persuaded to withdraw from the basic policy reflected in § 16.67 of the Rules. To the extent that petitioners suggest procedural refinements to facilitate our intent, we have made appropriate modifications. We believe that the rule as amended herein will serve the public interest by allowing for the widest possible distribution of sports telecasts while preserving the overall number of sports telecasts now available to television viewers.

Authority for the rules adopted in the Appendix attached hereto is contained in Sections 2, 4 (i) and (j), 303, 307, 308, and 309 of the Communications Act of 1934 as amended.

Accordingly, it is ordered, That the petitions for reconsideration filed by the parties enumerated in paragraph 1, *supra*, are granted to the extent indicated herein and otherwise are denied.

It is further ordered, That Part 76 of the Commission's Rules and Regulations is amended, effective November 14, 1975 as set forth below.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309)

Adopted: November 4, 1975.

Released: November 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] VINCENT J. MULLINS,
Secretary.

Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

In § 76.67 paragraphs (b) and (c) are revised and new subparagraphs (d) and (e) are added to read as follows:

§ 76.67 Sports broadcasts.

(a) • • •

(b) Notification of the programming to be deleted pursuant to this section shall include the following information:

(1) As to programming to be deleted from television broadcast signals regularly carried by the cable system:

(i) The name and address of the party requesting the program deletion;

(ii) The date, time and expected duration of the sports event the television broadcast of which is to be deleted;

(iii) The call letters of the television broadcast station(s) from which the deletion is to be made.

(2) As to programming to be deleted from television broadcast signals not regularly carried by the cable system:

(i) The name and address of the party requesting the program deletion;

(ii) The date, time and expected duration of the sports event the television broadcast of which is to be deleted.

(c) Notifications given pursuant to this section must be received, as to regularly scheduled events, no later than the Monday proceding the calendar week (Sunday–Saturday) during which the program deletion is to be made. Notifications as to events not regularly scheduled and revisions of notices previously submitted, must be received within twenty-four (24) hours after the time of the telecast to be deleted is known, but in any event no later than twenty-four (24) hours from the time the subject telecast is to take place.

(d) Whenever, pursuant to this section, a cable television system is required to delete a television program on a signal regularly carried by the system, such system may, consistent with the rules contained in Subpart F of this part, substitute a program from any other television broadcast station. A program substituted may be carried to its completion, and the cable system need not return to its regularly carried signal until it can do so without interrupting a program already in progress.

(e) The provisions of this section shall not be deemed to require the deletion of any portion of a television signal which

[1] Section 76.94 was amended subsequent to our *Report and Order* in this proceeding. The rule previously required notices to be given no later than eight days preceding the calendar month during which protection is requested and required changes to be submitted at least eight days prior to the programming to be deleted. *See Memorandum Opinion and Order in Docket 19995*, FCC 75–1143, —— FCC 2d —— (released October 20, 1975).

[2] See, *First Report and Order in Docket 19995*, FCC 75–413, 52 FCC 2d 519 (1975), and *Report and Order in Docket 20482*, FCC 75–1065, —— FCC 2d —— (Released September 29, 1975).

[3] This action is consistent with Section 1.427(b) of the Commission's Rules and 5 *U.S.C.* 553(d).

[10] Commissioner Hooks absent and Commissioner Robinson's dissenting statement filed with the original document.

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a cable television system was lawfully carrying prior to March 31, 1972.

[FR Doc.75-30743 Filed 11-13-75;8:45 am]

[Docket No. 20113; RM-2327; FCC 75-1216]

PART 97—AMATEUR RADIO SERVICE

Crossband Operation of Repeater Stations

1. On July 17, 1974, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter which was published in the FEDERAL REGISTER on July 31, 1974 (39 FR 27707). Proposals in this proceeding contemplated amendment of Part 97 of the Commission's Rules to permit crossband operation of repeater stations, i.e., to permit repeater stations to utilize an output (transmit) frequency within a different frequency band than the input (receive) frequency. The comments submitted by interested parties have each been carefully considered as indicated in the following discussion.

2. By way of background, in 1972, the Commission formalized specific rule provisions for the operation and technical development of amateur radio stations which can receive and automatically retransmit the signals of other amateur stations. (See the Report and Order in Docket No. 18803, 37 FCC 2nd 225, 1972.) Prior to these rules changes, repeater stations had been authorized in the Amateur Radio Service under limited general rules that related primarily to any remotely controlled station. In that proceeding the Commission expressed the opinion that terrestrial repeater stations should be utilized only for intra-community radiocommunication. This and a desire to conserve spectrum led the Commission to adopt rules for repeater stations which would accommodate the majority of situations. In March, 1974, the American Radio Relay League, Incorporated, submitted a Petition for Rule Making, RM-2327, to delete the portion of the rules which prohibits the crossband operation of repeater stations. All comments in this proceeding supported our proposal as being timely and in general conformance with today's practical requirements for amateur repeater operations.

3. As pointed out by several respondents, there is a considerable disparity in the use of the term "automatic retransmission" as applied to repeaters and other types of amateur radio stations. By the term "automatic retransmission", we mean retransmitting the signals of other amateur radio stations in real time or very near real time where the transmitter performing the retransmission is actuated solely by the mere presence of a received signal through electrical or electro-mechanical means, i.e., without any direct, positive action by the control operator of the station effecting the retransmission. The only types of amateur stations which may automatically retransmit signals are repeaters and auxiliary links (which are limited to operation on certain frequencies), and certain remotely controlled stations. Where the transmitter is actuated manually by direct, positive action on the part of its control operator, we do not consider such retransmission as being automatic. The Section containing definitions, § 97.3, has been expanded to add this term in order to minimize possible ambiguities in the statement of the rules.

4. In line with our proposal, we are deleting the prohibition of crossband operation of repeater stations. These revised rules, and those recently adopted in Docket 20073 to delete the limitations on interconnecting repeater stations, will afford amateurs considerably increased flexibility in the operation of such stations. Implementation of crossband repeater operation will require no special applications. Revised station log entries will, however, be required where additional transmitters are added on other repeater frequency bands.

5. In consideration of the foregoing, the Commission finds that adoption of rules to permit crossband operation of amateur repeater stations is in the public interest, convenience, and necessity. The specific rule amendments are set forth below.

6. Accordingly, pursuant to authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, *it is ordered* That, effective December 15, 1975, Part 97 of the Commission's Rules is amended as shown below. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1068, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Adopted: October 29, 1975.

Released: November 5, 1975.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 97.3, a new paragraph (y) is added to read as follows:

§ 97.3 Definitions.

• • • • • •

(y) Automatic retransmission. Retransmission of signals by an amateur radio station whereby the retransmitting station is actuated solely by the presence of a received signal through electrical or electro-mechanical means, i.e., without any direct, positive action by the control operator.

2. § 97.111(c) is revised to read as follows:

§ 97.111 Operation of a repeater station.

• • • • • •

(c) A repeater station may concurrently receive and retransmit amateur radio signals on one or more frequency bands authorized for repeater stations, but may not concurrently restransmit on more than one frequency within the same band except when specifically approved by the Commission. A repeater station authorized to operate in conjunction with one or more auxiliary link stations for relaying radio signals, received at another location(s), to the repeater station may utilize input (receiving) frequencies not available for repeater stations, provided the input frequencies to the auxiliary link station(s) are in frequency bands authorized to repeater stations.

• • • • • •

3. New § 97.126 is added to read as follows:

§ 97.126 Retransmitting radio signals.

No amateur radio station, except a properly licensed repeater station, auxiliary link station, or a remotely controlled station may automatically retransmit the radio signals of other amateur radio stations. A remotely controlled station, other than a remotely controlled repeater station or auxiliary link station, may retransmit only the radio signals of auxiliary link stations shown on the station system network diagram.

[FR Doc.75-30745 Filed 11-13-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-17; Notice 1]

PART 553—RULEMAKING PROCEDURES

Initiation of Petition; Correction

On September 10, 1975, a notice was published amending 49 CFR Part 553, *Rulemaking Procedures,* to delete certain provisions of the regulation incorporated in a new Part 552, *Petitions for Rulemaking, Defect, and Noncompliance Orders,* published the same day (40 FR 42015). Section 553.35(a) refers to "petitions filed under § 553.31." However, the provisions of § 553.31 are now incorporated in 49 CFR Part 552. As a result, the notice amending Part 553 should have included an amendment to § 553.35(a) reflecting this change.

Accordingly, the phrase "petitions filed under § 553.31" in paragraph (a) of § 553.35 is changed to read "petitions filed under Part 552 of this chapter."

Effective date: November 14, 1975. Because this amendment clarifies a previous notice and imposes no additional burden on any person, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 1) 19, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1407); delegation of authority at 49 CFR 1.51)

Issued on November 10, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-30755 Filed 11-13-75;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket 74-21; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Windshield Zone Intrusion; Response to Petitions for Reconsideration

This notice responds to four petitions for reconsideration of the notice published June 16, 1975 (40 FR 25462), which established a new Motor Vehicle Safety Standard No. 219, *Windshield Zone Intrusion,* 49 CFR 571.219, regulating the intrusion of vehicle parts from outside the occupant compartment into a defined zone in front of the windshield during a frontal barrier crash test. The National Highway Traffic Safety Administration (NHTSA) hereby amends Standard No. 219 on the basis of the information and arguments presented by some of the petitioners.

Petitions for reconsideration were received from the Motor Vehicle Manufacturers Association (MVMA), General Motors, Ford, and Jeep. MVMA, General Motors, and Ford requested substitution of the term "daylight opening" for "windshield opening," and General Motors and Jeep requested a change in the effective date of Standard No. 219 from September 1, 1976 to September 1, 1977. In addition, Jeep requested that Standard No. 219 not become applicable until final issuance of Standard No. 212, *Windshield Mounting,* 49 CFR 571.212.

The NHTSA has determined that the petitions of MVMA, General Motors, and Ford requesting substitution of the term "daylight opening" for "windshield opening" have merit, and they are therefore granted. These petitioners requested that the term "windshield opening" be replaced by the term "daylight opening", which is defined in paragraph 2.3.12 of section E, Ground Vehicle Practice, SAE Aerospace-Automotive Drawing Standards, September, 1963. The part of the windshield below the daylight opening is protected by the cowling and instrument panel. There is little likelihood that in a frontal crash any vehicle component will penetrate the cowling and instrument panel with sufficient force to pose a threat to the vehicle occupants. Therefore, the zone intrusion requirements of Standard No. 219 should only apply to the area of the windshield susceptible to actual penetration by vehicle components in a crash. Accordingly, the term "windshield opening" as it is used in Standard No. 219, is replaced by "daylight opening." The SAE definition of "daylight opening" has been slightly modified to reflect the particular characteristics of Standard No. 219.

The NHTSA has concluded that the petitions of General Motors and Jeep requesting a change in the effective date of Standard No. 219 should be granted in part and denied in part. The economic considerations involved in coordinating the effective date of Standard No. 219 with that of Standard No. 212, *Windshield Mounting,* justify postponement of the effective date to September 1, 1977, for application of Standard No. 219 to all vehicles except passenger cars. However, the effective date of September 1, 1976, will be retained for passenger cars because of their greater susceptibility to the intrusion of vehicle parts against which this standard is designed to protect. This postponement of effective dates also grants in part Jeep's petition requesting that the applicability of Standard No. 219 be postponed until final issuance of Standard No. 212.

In consideration of the foregoing, § 571.219 is amended by revising S4., S5., and S6.1(d) and by amending S6.2 of Standard No. 219, *Windshield Zone Intrusion,* to read as follows:

§ 571.219 Standard No. 219; Windshield zone intrusion.

• • • • • •

S4. *Definitions.* "Daylight Opening" (DLO) means the maximum unobstructed opening through the glazing surface, including reveal or garnish moldings adjoining the surface, as measured parallel to the outer surface of the glazing material.

S5. *Requirement.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, under the conditions of S7, no part of the vehicle outside the occupant compartment, except windshield molding and other components designed to be normally in contact with the windshield, shall penetrate the protected zone template, affixed according to S6, to a depth of more than one-quarter inch, and no such part of a vehicle shall penetrate the inner surface of that portion of the windshield, within the DLO, below the protected zone defined in S6.

S6. *Protected zone template.*

S6.1 • • •

(d) The lower edge of the protected zone is the longitudinal projection onto the outer surface of the windshield of the line determined in S6.1(c).

S6.2 • • •

(a) The outer surface of the windshield in its precrash configuration.

(b) The locus of points 3 inches outward along perpendiculars drawn to each point on the outer surface of the windshield.

(c) The locus of lines forming a 45° angle with the outer surface of the windshield at each point along the top and side edges of the outer surface of the windshield and the lower edge of the protected zone determined in S6.1, in the plane perpendicular to the edge at that point.

• • • • • •

Effective date: September 1, 1976, for passenger cars; September 1, 1977, for multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on November 10, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-30756 Filed 11-13-75;8:45 am]

[Docket No. 75-1; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars

This amendment adds certain tire size designations to 49 CFR 571.109 (Federal Motor Vehicle Safety Standard No. 109).

Guidelines were published in the FEDERAL REGISTER on October 5, 1968 (33 FR 14964), and amended August 13, 1974 (39 FR 28980), specifying procedures by which routine additions could be made to Appendix A, § 571.109. Under these guidelines the additions become effective December 15, 1975, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed.

Accordingly, Appendix A of 49 CFR § 571.109 is amended, subject to the 30-day provision indicated above, as specified below.

Effective date: December 15, 1975, if objections are not received.

The following changes are made to Appendix A of § 571.109, Standard No. 109; *New Pneumatic tires:*

Amendments requested by the European Tyre and Rim Technical Organisation:

§ 571.109 [Appendix amended]

A. A new Table I-BB, "40 Series" Radial Ply Tires, incorporating the following new tire size designation and corresponding values, is added.

TABLE I-BB

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "40 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (psi)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
285/40R15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	9½	34.50	11.22

[1] The letters "H," "S," or "V" may be included in any tire size designation adjacent to the "R."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 pct.

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B. A new Table I–CC, " 35 Series" Radial Ply Tires, incorporating the following new tire size designation and corresponding values, is added.

TABLE I–CC

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "35 SERIES" RADIAL PLY TIRES

tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (psi)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
345–35R15	960	1,030	1,090	1,150	1,210	1,270	1,320	1,370	1,420	1,470	1,520	1,560	1,610	11½	34.59	13.58

[1] The letters "H," "S," or "V" may be included in any tire size designation adjacent to the "R."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 pct.

(Secs. 103, 119, 201 and 202, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421 and 1422); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on November 6, 1975.

Motor Vehicle Programs.
ROBERT L. CARTER,
Associate Administrator,

[FR Doc.75–30562 Filed 11–13–75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Extension of Period for Replacing Principal Residence for Purposes of Nonrecognition of Gain Under Section 1034

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 15, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedure of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by December 15, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1034 of the Internal Revenue Code of 1954 (relating to the nonrecognition of gain upon the sale or exchange of a residence) in order to conform such regulations to the provisions of section 207 of the Tax Reduction Act of 1975 (89 Stat. 32) and section 6(a) of the Act of January 2, 1975 (Pub. L. 93–597, 88 Stat. 1953). The proposed amendments extend the time periods which are taken into consideration in determining whether a taxpayer who disposes of his principal residence after December 31, 1974, and acquires another principal residence shall defer the recognition of gain upon the sale or exchange of the former residence. The proposed amendments also eliminate, for the period after June 30, 1973, the requirement that members of the U.S. Armed Forces serve during an induction period in order to qualify for special treatment under section 1034(h).

Under certain provisions of proposed § 1.1034–1 (b), (c), (d), (g), and (h), the period within which the taxpayer must purchase and use a new principal residence in order to qualify for nonrecognition of gain upon the sale of his former principal residence begins 18 months prior to the date of the sale of the former residence and ends 18 months after that date. If the taxpayer constructs a new principal residence, gain will not be recognized if the construction begins not later than 18 months after the date of the sale of the former residence and the taxpayer uses the new residence within two years after the date of the sale. Only those construction costs which are attributable to the period beginning 18 months before the date of the sale and ending two years after the date of the sale are taken into account under § 1.1034–1(b)(7). The proposed amendments also permit nonrecognition of gain on only one sale within an 18 month period.

For sales of residences prior to January 1, 1975, each period of 18 months described above is one year, and each period of two years is 18 months.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 1034 of the Internal Revenue Code of 1954 to section 207 of the Tax Reduction Act of 1975 (89 Stat. 32) and section 6(a) of the Act of January 2, 1975 (Pub. L. 93–597, 88 Stat. 1953), such regulations are amended as follows:

Paragraph 1. Section 1.1034 is amended by revising paragraphs (a), (c) (4) and (5), (d), and (h) of section 1034 and by revising the historical note. These amended provisions read as follows:

§ 1.1034 Statutory provisions; sale or exchange of residence.

Sec. 1034 *Sale or exchange of residence*—(a) *Non-recognition of gain.* If property (in this section called "old residence") used by the taxpayer as his principal residence is sold by him after December 31, 1953, and, within a period beginning 18 months before the date of such sale and ending 18 months after such date, property (in this section called "new residence") is purchased and used by the taxpayer as his principal residence, gain (if any) from such sale shall be recognized only to the extent that the taxpayer's adjusted sale price (as defined in subsection (b)) of the old residence exceeds the taxpayer's cost of purchasing the new residence.

* * * * *

(c) *Rules for application of section.* * * *

(4) If the taxpayer, during the period described in subsection (a), purchases more than one residence which is used by him as his principal residence at some time within 18 months after the date of the sale of the old residence, only the last of such residences so used by him after the date of such sale shall constitute the new residence.

(5) In the case of a new residence the construction of which was commenced by the taxpayer before the expiration of 18 months after the date of the sale of the old residence, the period specified in subsection (a), and the 18 months referred to in paragraph (4) of this subsection, shall be treated as including a period of 2 years beginning with the date of the sale of the old residence.

(d) *Limitation.* Subsection (a) shall not apply with respect to the sale of the taxpayer's residence if within 18 months before the date of such sale the taxpayer sold at a gain other property used by him as his principal residence, and any part of such gain was not recognized by reason of subsection (a) of section 112(n) of the Internal Revenue Code of 1939.

* * * * *

(h) *Members of Armed Forces.* The running of any period of time specified in subsection (a) or (c) (other than the 18 months referred to in subsection (c)(4)) shall be suspended during any time that the taxpayer (or his spouse if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence) serves on extended active duty with the Armed Forces of the United States after the date of the sale of the old residence except that any such period of time as so suspended shall not extend beyond the date 4 years after the date of the sale of the old residence. For purposes of this subsection, the term "extended active duty" means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

* * * * *

[Sec. 1034 as amended by sec. 46(b), Technical Amendments Act 1958 (72 Stat. 1642); sec. 206(b)(4), Rev. Act 1964 (78 Stat. 40); sec. 6(a), Act of Jan. 2, 1975 (Pub. Law 93–597, 88 Stat. 1953); sec. 207, Tax Reduction Act 1975 (89 Stat. 32)]

Par. 2. Section 1.1034–1 is amended by revising paragraphs (b)(7), (c)(1), (4)(ii) and (iii), (d)(1), (g)(1) and (4) and (h)(2)(ii). These amended provisions read as follows:

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§ 1.1034–1 Sale or exchange of residence.

• • • • •

(b) *Definitions.* • • •

(7) "Cost of purchasing the new residence" means the total of all amounts which are attributable to the acquisition, construction, reconstruction, and improvements constituting capital expenditures, made during the period beginning 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) before the date of sale of the old residence and ending either (i) 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after such date in the case of a new residence purchased but not constructed by the taxpayer, or (ii) two years (18 months in the case of a sale of an old residence prior to January 1, 1975) after such date in the case of a new residence the construction of which was commenced by the taxpayer before the expiration of 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after such date (section 1034 (a), (c) (2) and (c) (5); for detailed explanation, see paragraph (c) (4) of this section; for special rule applicable in some cases to husband and wife, see paragraph (f) of this section; see also paragraph (b) (9) of this section for definition of "purchase").

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(c) *Rules for application of section 1034*—(1) *General rule; limitations on applicability.* Gain realized from the sale (after December 31, 1953) of an old residence will be recognized only to the extent that the taxpayer's adjusted sales price of the old residence exceeds the taxpayer's cost of purchasing the new residence, provided that the taxpayer either (i) within a period beginning 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) before the date of such sale and ending 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after such date purchases property and uses it as his principal residence, or (ii) within a period beginning 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) before the date of such sale and ending two years (18 months in the case of a sale of an old residence prior to January 1, 1975) after such date uses as his principal residence a new residence the construction of which was commenced by him at any time before the expiration of 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after the date of the sale of the old residence (section 1034(a) and (c)(5); for detailed explanation of use as "principal residence" see subparagraph (3) of this paragraph). The rule stated in the preceding sentence applies to a new residence purchased by the taxpayer before the date of sale of the old residence provided the new residence is still owned by him on such date (section 1034(c)(3)). Whether the construction of a new residence was commenced by the taxpayer before the expiration of 18 months (one year in the case of sale of an old residence prior to January 1, 1975) after the date of the sale of the old residence will depend upon the facts and circumstances of each case. Section 1034 is not applicable to the sale of a residence if within the previous 18 months (previous year in the case of a sale of an old residence prior to January 1, 1975) the taxpayer made another sale of residential property on which gain was realized but not recognized (section 1034(d)). For further details concerning limitations on the application of section 1034, see paragraph (d) of this section.

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(4) *Cost of purchasing new residence.* • • •

(ii) The taxpayer's cost of purchasing the new residence includes only so much of such cost as is attributable to acquisition, construction, reconstruction, or improvements made within the period of three years or 42 months (two years or 30 months in the case of a sale of an old residence prior to January 1, 1975), as the case may be, in which the purchase and use of the new residence must be made in order to have gain on the sale of the old residence not recognized under this section. Thus, if the construction of the new residence is begun three years before the date of sale of the old residence and completed on the date of sale of the old residence, only that portion of the cost which is attributable to the last 18 months (last year in the case of a sale of an old residence prior to January 1, 1975) of such construction constitutes the taxpayer's cost of purchasing the new residence, for purposes of section 1034. Furthermore, the taxpayer's cost of purchasing the new residence includes only such amounts as are properly chargeable to capital account rather than to current expense. As to what constitutes capital expenditures, see section 263.

(iii) The provisions of this subparagraph may be illustrated by the following example:

Example. M began the construction of a new residence on January 15, 1974, and completed it on October 14, 1974. The cost of $45,000 was incurred ratably over the 9-month period of construction. On December 14, 1975, M sold his old residence and realized a gain. In determining the extent to which the realized gain is not to be recognized under section 1034, M's cost of constructing the new residence shall include only the $20,000 which was attributable to the June 15–October 14, 1974, period (4 months at $5,000). The $25,000 balance of the cost of constructing the new residence was not attributable to the period beginning 18 months before the date of the sale of the old residence and ending two years after such date and, under section 1034, is not properly a part of M's cost of constructing the new residence.

(d) *Limitations on application of section 1034.* (1) If a residence is purchased by the taxpayer prior to the date of the sale of the old residence, the purchased residence shall, in no event, be treated as a new residence if such purchased residence is sold or otherwise disposed of by him prior to the date of the sale of the old residence (section 1034(c)(3)). And, if the taxpayer, during the period within which the purchase and use of the new residence must be made in order to have any gain on the sale of the old residence not recognized under this section, purchases more than one property which is used by him as his principal residence during the 18 months (or two years in the case of the construction of the new residence) succeeding the date of the sale of the old residence, only the last of such properties shall be considered a new residence (section 1034(c)(4)). In the case of a sale of an old residence prior to January 1, 1975, the period of 18 months (or two years) referred to in the preceding sentence shall be one year (or 18 months). If within 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) before the date of the sale of the old residence, the taxpayer sold other property used by him as his principal residence at a gain, and any part of such gain was not recognized under this section or section 112(n) of the Internal Revenue Code of 1939, this section shall not apply with respect to the sale of the old residence (section 1034(d)).

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(g) *Members of Armed Forces.* (1) Section 1034(h) provides a special rule for members of the Armed Forces with respect to the period after the sale of the old residence within which the acquisition of a new residence may result in a non-recognition of gain on such sale. The running of the period of 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after the sale of the old residence in the case of the purchase of a new residence, or the period of two years (18 months in the case of a sale of an old residence prior to January 1, 1975) after such sale in the case of the construction of a new residence, is suspended during any time that the taxpayer serves on extended active duty with the Armed Forces of the United States. (This paragraph applies to time served on extended active duty prior to July 1, 1973, only if such extended active duty occurred during an induction period as defined in section 112(c)(5) as in effect prior to July 1, 1973.) However, in no event may such suspension extend for more than four years after the date of the sale of the old residence the period within which the purchase or construction of a new residence may result in a nonrecognition of gain. For example, if the taxpayer is on extended active duty with the Army from January 1, 1975, to June 30, 1976, and if he sold his old residence on January 10, 1975, the latest date on which the taxpayer may use a new residence constructed by him and have any part of the gain on the sale of his old residence not recognized under this section is June 30, 1978 (the date two years following the taxpayer's termination of active duty). However, if this taxpayer were on extended active duty with the Army from January 1, 1975, to December 31, 1978, the latest date on which he might use a new residence constructed by him and have any part of the gain on the sale of his old residence not recognized under this section would be January 10, 1979 (the date four years following the date of the sale of the old residence).

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(4) The running of the period of 18 months (or two years) after the date of sale of the old residence referred to in section 1034(c)(4) and in paragraph (d) of this section is not suspended. The running of the 18-month period prior to the date of the sale of the old residence within which the new residence may be purchased in order to have gain on the sale of the old residence not recognized under this section is also not suspended. In the case of a sale of an old residence prior to January 1, 1975, the periods of 18 months (or two years) referred to in each of the two preceding sentences shall be one year (or 18 months).

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(h) *Special rules for involuntary conversions.* • • •

(2) *Election to treat condemnation of personal residence as sale.* • • •

(ii) If the taxpayer elects to be governed by the provisions of section 1034, section 1033 will have no application. Thus, a taxpayer who elects under section 1034(i)(2) to treat the seizure, requisition, or condemnation of his principal residence (but not the destruction), or the sale or exchange of such residence under threat or imminence thereof, as a sale for the purposes of section 1034 must satisfy the requirements of section 1034 and this section. For example, under section 1034 a taxpayer generally must replace his old residence with a new residence which he uses as his principal residence, within a period beginning 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) before the date of disposition of his old residence, and ending 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after such date. However, in the case of a new residence the construction of which was commenced by the taxpayer within such period, the replacement period shall not expire until 2 years (18 months in the case of a sale of an old residence prior to January 1, 1975) after the date of disposition of the old residence.

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[FR Doc.75-30796 Filed 11-13-75;8:45 am]

[26 CFR Part 31]

EMPLOYMENT TAXES

Invalid and Questionable Withholding Exemption Certificates; Public Hearing

Proposed regulations under sections 3401 and 3402 of the Internal Revenue Code of 1954, relating to withholding exemption certificates, appear in this issue of the FEDERAL REGISTER (40 FR 53037).

A public hearing on the provisions of such proposed regulations will be held on December 19, 1975, beginning at 10 a.m., e.s.t., in the George S. Boutwell Auditorium, Seventh Floor, 1400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202–964–3935. Under such § 601.601(a)(3) persons who submit written comments or suggestions within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by December 12, 1975. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing and information with respect to its contents may be obtained on December 18, 1975, by telephoning (Washington, D.C.) 202–964–3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-30998 Filed 11-13-75;8:45 am]

[26 CFR Part 31]

INVALID AND QUESTIONABLE WITHHOLDING EXEMPTION CERTIFICATES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 15, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at the public hearing which will be held on these proposed regulations should submit a request, in writing, to the Commissioner by December 12, 1975. Notice of the time, place, and date of the public hearing and other details relating thereto is published simultaneously herewith. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Employment Tax Regulations (26 CFR Part 31) under sections 3401 and 3402 of the Internal Revenue Code of 1954 in order to provide procedures for employers who receive invalid or questionable employee's withholding exemption certificates (Forms W–4 and W–4E). The amendments contained in this document apply only with respect to withholding exemption certificates received by the employer after the date which is 30 days after the date of publication of final regulations on this subject.

The proposed amendments provide that a withholding exemption certificate which has been altered or one which the employee clearly indicates to be false by a written or oral statement to the employer on the date on which the employee submits the certificate is invalid. The employer must consider such a certificate to be a nullity for purposes of computing withholding; the employer must inform the employee that the certificate is invalid and, unless a prior certificate is in effect with respect to such employee, request another certificate from the employee. If the employee fails to comply with the employer's request, the employer must promptly report the matter to the district director. If the employer has any doubt as to whether a particular certificate is invalid, he must treat the certificate as a questionable certificate and comply with the instructions relating to questionable certificates.

The proposed amendments provide that a withholding exemption certificate is a questionable certificate if the employer has reason to believe that the number of withholding exemptions claimed on the certificate is excessive or that any statement on the Form W–4E is not true. The employer who receives a questionable certificate is required to submit to the district director a copy of the questionable certificate together with an explanation of why he believes that it is questionable. Prior to receipt of instructions from the district director, the employer must withhold on the basis of the statements made in the question-

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able certificate. If the district director finds that a withholding exemption certificate contains any false statement and so advises the employer, the employer shall thereafter treat the certificate as a nullity.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to provide procedures for employers who receive invalid or questionable employee's withholding exemption certificates, the Employment Tax Regulations under sections 3401 and 3402 of the Internal Revenue Code of 1954 are amended, effective with respect to withholding exemption certificates received by the employer after the date which is 30 days after the date of publication of final regulations on this subject, as follows:

PARAGRAPH 1. Section 31.3401(e)–1 is amended by deleting paragraph (b) and by revising paragraph (c) and redesignating paragraph (c) as paragraph (b). This revised and redesignated provision reads as follows:

§ 31.3401(e)–1 Number of withholding exemptions claimed.

* * * * *

(b) As to the number of withholding exemptions to which an employee is entitled, see § 31.3402(f)(1)–1. For rules relating to invalid and questionable withholding exemption certificates, see § 31.3402(f)(2)–1(e).

PAR. 2. Section 31.3402(f)(2)–1 is amended by adding a new paragraph (e) at the end thereof This added provision reads as follows:

§ 31.3402(f)(2)–1 Withholding exemption certificates.

* * * * *

(e) *Invalid and questionable withholding exemption certificates*—(1) *Invalid certificates.* Any withholding exemption certificate which has been altered is invalid; see § 31.3402(f)(5)–1. Any withholding exemption certificate which the employee clearly indicates to be false by a written or oral statement made by him to the employer on the date on which the employee submits such certificate to the employer is invalid. If an employer receives an invalid withholding exemption certificate, he shall consider it a nullity for purposes of computing withholding; he shall inform the employee who submitted the certificate that it is invalid, and shall request another withholding exemption certificate from such employee unless a prior certificate is in effect with respect to such employee. If the employee who submitted the invalid certificate fails to comply with the employer's request, the employer shall promptly report the matter to the district director. If the employer has any doubt as to whether a withholding exemption certificate is invalid, he shall treat such certificate as a questionable certificate and comply with the provisions of paragraph (e)(2) of this section.

(2) *Questionable certificates.* If at any time the employer has reason to believe that the number of withholding exemptions claimed by an employee on a withholding exemption certificate is greater than the number to which such employee is entitled or that any statement made on a withholding exemption certificate on Form W–4E is false (see § 31.3402(n)–1), such withholding exemption certificate is a questionable certificate. The employer shall promptly submit to the district director a copy of any questionable certificate together with an explanation of why he believes that it is questionable. Prior to receipt of instructions from the district director, the employer shall withhold on the basis of the statements made in such certificate. If the district director finds that a withholding exemption certificate contains any false statements and so advises the employer, the employer shall thereafter treat the certificate as a nullity.

(3) *Effective date.* This paragraph applies only with respect to withholding exemption certificates received by the employer after (date which is 30 days after the date of publication of final regulations on this subject].

PAR. 3. Section 31.3402(f)(5)–1 is amended to read as follows:

§ 31.3402(f)(5)–1 Form and contents of withholding exemption certificate.

(a) Forms W–4 and W–4E are the forms prescribed for the withholding exemption certificate required to be filed under section 3402(f)(2). Form W–4 is the form to be used unless the employee desires, in accordance with the provisions of § 31.3402(f)(2)–1, to use a withholding exemption certificate which contains the statements described in § 31.3402(n)–1, in which case Form W–4E is the form to be used. A withholding exemption certificate shall be prepared in accordance with the instructions and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Blank copies of Forms W–4 and W–4E will be supplied employers upon request to the district director. In lieu of the prescribed form, employers may prepare and use a form the provisions of which are identical with those of the prescribed form.

(b) A Form W–4 or W–4E which has been altered does not meet the requirements of section 3402(f)(5) or this section and is invalid. For purposes of § 31.3402(f)(2)–1(e)(1) and this paragraph, any addition to, deletion from, or material defacing of the prescribed exemption certificate is an alteration.

PAR. 4. Section 31.3402(n)–1 is amended by adding a sentence immediately before example (1) to read as follows:

§ 31.3402(n)–1 Employees incurring no income tax liability.

* * * See § 31.3402(f)(2)–1(e) for rules relating to invalid and questionable withholding exemption certificates.

* * * * *

[FR Doc.75–30997 Filed 11–13–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1060, 1061, 1068, 1069, 1076]

[Docket Nos. AO–178–A33, etc.]

MILK IN THE MINNEAPOLIS-ST. PAUL AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders; Correction

In FR Doc. 75–28832 appearing at page 50392 in the FEDERAL REGISTER of Wednesday, October 29, 1975, § 1076.2 appearing on page 50428 is corrected by adding to the list of South Dakota counties the counties of Brookings and Deuel.

Dated: November 10, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75–30726 Filed 11–13–75;8:45 am]

[7 CFR Part 1096]

[Docket No. AO–257–A26]

MILK IN THE NORTHERN LOUISIANA MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area which was issued October 22, 1975 (40 FR 50076) is hereby extended to December 1, 1975.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: November 11, 1975.

WILLIAM H. WALKER, III,
Deputy Administrator Program Operations.

[FR Doc.75–30789 Filed 11–13–75;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 793]

RULE OF FRACTIONS

Proposed Change in Rounding of Fractions

In order to utilize the automatic rounding feature of modern desk calculators, the Agricultural Stabilization and Conservation Service (ASCS) proposes to change its basic rule of fractions contained in 7 CFR Part 793. The proposed rule would require the rounding upward

of all fractions of 0.5 and greater. The present rule requires the rounding upward of fractions greater than 0.5.

Electronic calculators generally contain a feature which automatically drops fractional digits of 49 or less and rounds fractional digits of 50 or more beyond the required number of decimal places. The use of these calculators is becoming widespread in ASCS offices. The proposed change in the rounding of fractions would facilitate the computation of program payments and other mathematical determinations required in the administration of programs under Title 7 of the Code of Federal Regulations.

Comments on this proposal may be submitted in writing to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection between 8:15 a.m. and 4:45 p.m., Monday through Friday, at the Office of the Director, Room 3629, South Building, 14th Street and Independence Avenue, Washington, D.C.

The following proposed reissuance of Part 793 deletes reference to "wheat marketing certificates" in conformity with the Agriculture and Consumer Protection Act of 1973 (87 Stat. 226):

Sec.
793.1 Applicability.
793.2 Basic rule of fractions.
793.3 Payments to producers.

AUTHORITY: Sec. 4, 49 Stat. 164, 16 U.S.C. 590d; sec. 16(1), 79 Stat. 1190, 16 U.S.C. 590p (1); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note; sec. 602(q), 79 Stat. 1210, 7 U.S.C. 1838(q); sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375; sec. 375j, 76 Stat. 630, 7 U.S.C. 1379j; sec. 103(d), 79 Stat. 1194, 7 U.S.C. 1444(d); sec. 203(g), 79 Stat. 13, 40 U.S.C. App. A; secs. 4 and 5, 62 Stat. 1070, 15 U.S.C. 714 b and c; sec. 401, 63 Stat. 1054, 7 U.S.C. 1421; sec. 706, 68 Stat. 912, 7 U.S.C. 1785; sec. 403, 61 Stat. 932, 7 U.S.C. 1153.

§ 793.1 Applicability.

This part is applicable to the acreage allotment and marketing quota programs and to all other programs set forth in this Title 7 administered by the Agricultural Stabilization and Conservation Service under which price support is extended or payments are made to farmers, except that it does not apply to the pricing and sales of agricultural commodities and it does not apply to the determination of acreage when a different rule is specifically provided in Part 718 of this chapter.

§ 793.2 Basic rule of fractions.

In making mathematical determinations all computations shall be carried to two decimal places beyond the required number of decimal places as specified in the regulations governing each program. In rounding, fractional digits of 49 or less beyond the required number of decimal places shall be dropped; if the fractional digits beyond the required number of decimal places are 50 or more, the figure at the last required decimal place shall be increased by "1" as follows:

Required decimal	Computation	Result
Whole numbers	6.49 (or less)	6
	6.50 (or more)	7
Tenths	7.649 (or less)	7.6
	7.650 (or more)	7.7
Hundredths	8.8449 (or less)	8.84
	8.8450 (or more)	8.85
Thousandths	9.63449 (or less)	9.634
	9.63450 (or more)	9.635
10 thousandths	10.993149 (or less)	10.9931
	10.993150 (or more)	10.9932

§ 793.3 Payments to producers.

Notwithstanding any other provision of this part, if due to the rounding of fractions the sum of the payments distributed among producers does not equal the total amount earned under the program, the payments shall be adjusted in order that the sum thereof will equal such total amount.

Signed at Washington, D.C., on November 7, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75–30793 Filed 11–13–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

[Docket No. 75N–0329]

PROVISIONALLY LISTED COLOR ADDITIVES

Proposed Postponement of Closing Dates

The Commissioner of Food and Drugs on his own initiative is proposing to postpone the closing date for the use of provisionally listed color additives until September 30, 1976. Comments must be received by December 5, 1975.

Under Title II of the Color Additive Amendments of 1960 (sec. 203(a)(2), Pub. L. 86–618, 74 Stat. 404 (21 U.S.C. 376 note)) and under authority delegated to him (21 CFR 2.120), the Commissioner is authorized to postpone the closing date of a provisional listing of a color additive on his own initiative or upon the application of an interested person. Section 203(d)(1) of Title II requires promulgation, insofar as practical, of a current listing of color additives and the particular uses thereof deemed provisionally listed.

The current closing date was established by a regulation published in the FEDERAL REGISTER of April 4, 1975 (40 FR 15087), as "December 31, 1975, or until a new closing date is established." The Commissioner finds that, in his judgment, postponing the closing date until September 30, 1976, is consistent with the objective of carrying to completion, in good faith and as soon as reasonably practicable, the scientific investigations necessary for making a determination as to listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act. Review of the data submitted to establish whether these color additives may be listed under section 706 of the act is underway, and a final determination for many of the provisionally listed color additives is expected to be completed prior to September 30, 1976. If appropriate, the closing date will be further postponed for individual color additives for which a final determination on listing cannot be made by that time.

Nothing in this proposed action affects the Commissioner's authority under the transitional provisions of the Color Additive Amendments of 1960 to terminate a closing date, terminate a listing, or impose restrictions with respect to a specific color additive on the provisional list.

The final regulation is proposed to be made effective upon publication so as to permit the uninterrupted use of the affected color additives.

The Commissioner has reviewed the proposed regulation and has found no major inflation impact as defined in Executive Order 11821, OMB Circular A–107, and interim guidelines issued April 1, 1975, by the Department of Health, Education, and Welfare. The proposed regulation would simply continue current practices and consequently would have no economic impact.

The Commissioner has also reviewed the proposed regulation pursuant to 21 CFR Part 6 and concludes that it will not significantly affect the quality of the human environment. The proposed regulation would simply continue current practices for a short period of time and consequently would have no significant environmental impact.

Because of the necessity of reviewing comments and issuing a final regulation by December 31, 1975, comments must be received by December 5, 1975.

§ 8.501 [Amended]

Therefore, under the transitional provisions accompanying the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), (d)(1), Title II, Pub. L. 86–618; 74 Stat. 404–405 (21 U.S.C. 376 note)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 8 be amended in § 8.501 *Provisional lists of color additives* by changing the closing dates for the color additives listed in paragraphs (a), (b), (c), (e), (f), and (g) to read "September 30, 1976."

Interested persons may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. To be considered, comments must be received by the Hearing Clerk by December 5, 1975. Comments delivered in person to the Food and Drug Administration, Rm. 6819, 200 C St. SW., Washington, DC 20201, shall be considered as received by the Hearing Clerk on the date on which they are logged in at Rm. 6819. Comments should be filed preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments

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may be seen in the office of the Hearing Clerk during working hours, Monday through Friday.

It is hereby certified that the economic and inflationary impact of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Dated: November 12, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-31013 Filed 11-13-75;9:22 am]

[21 CFR Parts 610, 640]

[Docket No. 75N-0316]

WHOLE BLOOD AND RED BLOOD CELLS

Label Statement to Distinguish Volunteer From Paid Blood Donors

The Commissioner of Food and Drugs is proposing to amend the biologics regulations to require that licensed and unlicensed whole blood and red blood cells bear (1) a statement distinguishing blood from volunteer donors and blood from paid donors, and (2) a warning that blood collected from paid donors is associated with a higher risk of transmitting hepatitis than blood from volunteer donors. Interested persons have until January 13, 1975.

In March 1972, the President called upon the Department of Health, Education, and Welfare (DHEW) to make an intensive study about, and to recommend a plan for, developing a safe, fast, and efficient national blood collection and distribution system. Subsequently, a DHEW task force, appointed by the Assistant Secretary of Health, identified the major problem areas in the existing blood collection and distribution system and made recommendations that were incorporated into a National Blood Policy published in the FEDERAL REGISTER of March 8, 1974 (39 FR 9326).

The history and development of the National Blood Policy is set forth in the Secretary's response to the implementation plan, which was published in the FEDERAL REGISTER of September 10, 1974 (39 FR 32702).

The National Blood Policy established four goals designed to correct deficiencies in the present system. One of these goals was to improve the quality of national supply of blood and blood products. The National Blood Policy recognizes that reliance upon commercial sources of blood and blood components for transfusion therapy has contributed to a significantly disproportionate incidence of hepatitis, since such blood is often collected from sectors of society in which transmissible hepatitis is more prevalent. For this reason, the National Blood Policy encourages efforts to bring into being an all-voluntary blood donation system and to eliminate commercialism in the acquisition of whole blood and whole blood components. It should be noted that the goal of an all-voluntary blood donation system was not first proposed in the National Blood Policy. For over 25 years numerous health-related organizations have been committed to encouraging a voluntary blood donation system, which would increase the quantity and quality of the national supply of blood and blood products. In addition, three major organizations dedicated to the development of high standards of donor protection and blood transfusion therapy—the American Association of Blood Banks, the American Red Cross, and the Council of Community Blood Centers—have fully endorsed the National Blood Policy's goal to bring into being an all-voluntary blood donation system in the acquisition of blood for transfusion therapy.

In response to the National Blood Policy, the private sector proposed the creation of the American Blood Commission, an amalgam of lay and professional organizations, representing the American Federation of Labor-Congress of Industrial Organizations, American Association of Blood Banks, American Heart Association, American Hospital Association, American Medical Association, American National Red Cross, American Society of Clinical Pathologists, Blue Cross Association, College of American Pathologists, Council of Community Blood Centers, Chamber of Commerce of the United States, National Hemophilia Foundation, Pharmaceutical Manufacturers Association, and others pledged to achieve the goals of the National Blood Policy. The American Blood Commission held its inaugural convention in April 1975 and has labored diligently to implement the objectives of the National Blood Policy. The Commission also gave its support to the implementation of an all-voluntary blood donation system to improve the quality of the national supply of blood and blood products. Accomplishment of this goal is expected to reduce the risk of transmitting viral hepatitis, type B, following transfusion therapy.

Viral hepatitis, type B, is a disease marked by acute liver dysfunction with malaise, anorexia, nausea and vomiting, enlargement of the liver and jaundice, usually self-limited in course but sometimes leading to chronic liver disease and death. The disease may be transmitted to patients by transfusion of blood, plasma, or serum infected with hepatitis B virus. Hepatitis B surface Antigen (HB_sAg) is a component on the surface of the virus, and detection of HB_sAg in blood, plasma, or serum is a valid indication of the presence of hepatitis B virus. To reduce the risk of transmitting viral hepatitis, type B, Food and Drug Administration has required, under § 610.40 (21 CFR 610.40), that each donation of human blood, plasma, or serum to be used in preparing a biological product be tested for the presence of HB_sAg. Section 610.41 (21 CFR 610.41) requires that those units found to be positive for HB_sAg cannot be used for manufacturing injectable biological products, including whole blood and red blood cells for transfusion, and donors who have tested positive may not serve as donors for any such products. Although there has been a continuing evolution of methodology towards more sensitive methods of detecting HB_sAg, the most sensitive methods presently available and that required by § 610.40 (methods of third generation sensitivity), still do not detect the lowest level of HB_sAg in blood. Accordingly, the risk of transmitting viral hepatitis, type B, has been reduced but not eliminated.

The Commissioner is proposing labeling requirements for Whole Blood (Human) and Red Blood Cells (Human) that would distinguish blood from volunteer donors and blood from paid doners. The Commissioner concludes that the proposed labeling requirements will promote the use of blood from donors from sectors of society in which transmissible viral hepatitis, type B, is less prevalent, thereby reducing the risk of hepatitis associated with transfusion therapy.

This finding is supported by the published data indicating that blood from donors from commercial blood banks is more likely to contain HB_sAg than blood from volunteer donors and that the incidence of posttransfusion hepatitis is significantly greater in recipients of blood from paid donors than from recipients of blood from volunteer donors. These data have been developed in various statistical approaches. Four of the main forms in which the data have been developed are set forth below.

A. *Incidence of posttransfusion hepatitis from use of HB_sAg untested blood.* The risk of transmitting posttransfusion hepatitis from use of HB_sAg untested blood from paid donors has been shown to be significantly greater than the risk from use of HB_sAg untested blood from volunteer donors. In a study conducted in New Jersey, 350 cases of hepatitis were observed in recipients of 183,312 paid donor units (Ref. 15). In contrast, significantly fewer cases (217) were observed in recipients of twice as many volunteer blood units (Ref. 15). The results of this study are that the risk of transmitting posttransfusion hepatitis from use of HB_sAg untested blood from paid donors is 3.2 times greater than the risk from use of HB_sAg untested blood from volunteer donors. Similarly, in a study at the National Institutes of Health, 42 of 85 (57 percent) prospectively followed patients who received HB_sAg untested blood from paid donors during cardiovascular surgery developed posttransfusion hepatitis. In contrast, none of the patients who received HB_sAg untested blood from volunteer donors developed posttransfusion hepatitis (Ref. 6). Other published studies indicate that there is a 3- to 10-fold greater risk of posttransfusion hepatitis in recipients of HB_sAg untested blood from paid donors than in recipients of HB_sAg untested blood from volunteer donors (Refs. 1, 2, 3, 5, 7, 8, and 9).

The results of these studies are not surprising in light of the published data resulting from HB_sAg testing of blood from paid donors and volunteer donors.

B. *Prevalence of HB_sAg in donor blood.* The prevalence of donor blood found reactive for HB_sAg is significantly greater in blood from paid donors than in blood from volunteer donors. In one study, 48,502 units of blood from paid donors were tested for HB_sAg and 685 units were found reactive. In contrast, 83,196 units of blood from volunteer donors were tested and only 182 units were found reactive (Ref. 15). The results of this study indicate that the prevalence of HB_sAg in blood from paid donors is 6.4 times greater than in blood from volunteer donors. In a study conducted in New York City, involving 2,306 units of blood from paid donors and 89,536 units of blood from volunteer donors, the prevalence of HB_sAg in blood from paid donors was 12 times greater than in blood from volunteer donors (Ref. 9).

C. *Incidence of posttransfusion hepatitis from use of HB_sAg tested blood.* The incidence of posttransfusion hepatitis from use of blood found nonreactive to HB_sAg after testing has been shown to be significantly greater from use of blood from paid donors than from use of blood from volunteer donors. In a study conducted in 1972–73, involving 39,462 units of blood from paid donors and 278,171 units of blood from volunteer donors, it was demonstrated that although all blood units were tested and found nonreactive for HB_sAg, the risk of transmitting posttransfusion hepatitis from use of blood from paid donors was 2.4 times greater than the risk from use of blood from volunteer blood donors (Ref. 15).

In a more recent study conducted in 1974, 6 cases of hepatitis were found in 101 recipients of 233 units of blood from paid donors. In contrast, only 1 case of hepatitis was found in 364 recipients of 1,066 units of blood from volunteer donors. This study further establishes that the risk of transmitting posttransfusion hepatitis from use of blood from paid donors is significantly higher than the risk from volunteer blood donors. In this study, the single case of posttransfusion hepatitis in the recipients of blood from volunteer donors and one of the six cases of posttransfusion hepatitis in recipients of blood from paid donors, were caused by hepatitis B virus. The remaining five cases of posttransfusion hepatitis resulting from use of blood from paid donors were caused by some other as yet unidentified agent (Ref. 15). Other studies demonstrate that the high posttransfusion hepatitis risk associated with blood from paid donors has persisted despite optimal HB_sAg testing (Refs. 13, 14, and 15).

The most compelling evidence of the relationship between the risk of transmitting hepatitis and the donation of paid, as opposed to volunteer, blood is that data showing a marked decrease of posttransfusion hepatitis in studies where the paid donor has been eliminated as a source of blood.

D. *Incidence of posttransfusion hepatitis after eliminating use of blood from paid donors.* The incidence of posttransfusion hepatitis has been shown to decrease significantly as blood from paid donors for transfusion therapy is replaced with blood from volunteer donors. In a study conducted at the Hines Veterans Administration Hospital, Chicago, Ill., 20.8 percent of transfused patients developed posttransfusion hepatitis from 1968–70, when 92 percent of the hospital blood supply was obtained from paid donors. However, the incidence of hepatitis decreased by 62 percent, to a rate of 7.9 percent of transfused patients, when 96 percent of the hospital's blood supply was obtained from volunteer donors (Ref. 12). Similarly, in New Jersey, when the proportion of blood obtained from paid donors decreased from 31 percent in 1970 to 9.0 percent in 1973, the number of overt cases of posttransfusion hepatitis during this period decreased correspondingly from 424 (one per 117 transfused patients) in 1970 to 159 (one per 284 transfused patients) in 1973. In addition, during 1961–70 and 1971–73, the rate of fatalities resulting from posttransfusion hepatitis decreased from 12.9 percent to 7.2 percent, respectively.

The published studies demonstrate that blood collected from paid donors and blood from volunteer donors are distinguishable in terms of a potential hazard and that elimination of blood from paid donors would have a greater impact on the incidence of posttransfusion hepatitis than any other available measure, including HB_sAg testing. The high posttransfusion hepatitis risk associated with blood from paid donors is not due to the exchange of money between blood bank and blood donor. Rather, it is because paid donors in many parts of the country come from sectors of society in which transmissible hepatitis is particularly prevalent. Published epidemiologic studies demonstrate a striking inverse correlation between rates of HB_sAg and antibody prevalences and socio-economic level. That is, high rates of HB_sAg infection are more common in paid donors in the lower socio-economic level (Refs. 9, 16, 17, and 18). A number of the studies cited above demonstrate that posttransfusion hepatitis may be caused by hepatitis B virus, as well as by some other as yet unidentified agent(s) for which there is no practical testing method. The other agent(s), like hepatitis B virus, appears to be more common in paid donors than in volunteer donors. At the present time, the only available means for reducing the risk of posttransfusion hepatitis due to the unidentified agent(s) is the elimination of blood from paid donors.

The Commissioner's proposal to require affirmative disclosure as to the source of whole blood and red blood cells is supported by the law applicable to these products.

Blood and blood components are biological products subject to regulation pursuant to section 351 of the Public Health Service Act (42 U.S.C. 262) and are also drugs as defined in section 201 (g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)).

Since blood and blood components are drugs, they must meet all statutory requirements of the Federal Food, Drug, and Cosmetic Act and are subject to the full extent of regulation pursuant to all provisions of the act.

The proposed regulations require that the labeling for licensed and unlicensed whole blood and red blood cells distinguishes between paid and volunteer donors as the source of the blood and that the labels carry a warning regarding the higher risks of transmitting hepatitis from use of blood from paid donors. As has been shown, this information is a material fact about the quality of the blood and the potential adverse consequences of its use. Failure to reveal this fact would render the labeling misleading within the meaning of section 201(n) of the Federal Food, Drug, and Cosmetic Act and misbranded within the meaning of section 502(a) which provides that a drug is misbranded if its labeling is false or misleading in any particular. Also, section 502(f) of the act requires adequate directions for use and adequate warnings. Blood from paid donors carries a greater risk of transmitting hepatitis than blood from volunteer donors, and a label statement is necessary to provide physicians adequate and clear warnings to be on sufficient notice of this fact.

The jurisdiction of the act is not limited to situations where the drug itself has been, or is to be, introduced into interstate commerce. Consistent with section 201(g)(1)(D) of the act, if one of the drug's essential components such as the anticoagulent solution has moved in interstate commerce, the entire drug is subject to the requirements of the act and the FDA may regulate the final drug product. *United States* v. *40 Cases* • • • *Pinocchio Brand* • • • *Pure Olive Oil*, 289 F.2d 343 (C.A. 2, 1961), *cert. denied* 368 U.S. 831; *United States* v. *39 Cases* • • • *Michigan Brand Korleen Tablets*, 192 F. Supp. 51 (E.D. Mich., 1961), *aff'd. sub nom.*; *United States* v. *Detroit Vital Foods*, 330 F.2d 78 (C.A. 6, 1964), *cert. denied* 379 U.S. 832; *Palmer* v. *United States*, 340 F.2d 48 (C.A. 5, 1964), *cert. denied* 382 U.S. 903.

All blood and blood components that are offered for sale in interstate commerce are also subject to section 351 of the Public Health Service Act. All manufacturers must have a license that has been issued upon a showing that the manufacturing establishment and its products meet all applicable standards, prescribed in the biologics regulations, designed to ensure the continued safety, purity, and potency of the blood.

Pursuant to section 351(d) of the Public Health Service Act, regulations may be promulgated to assure proper labeling for many biological products, including licensed blood products such as Whole Blood (Human) and Red Blood Cells (Human). These proposed labeling requirements are authorized by this provision of the act.

In addition, section 351(b) of the Public Health Service Act prohibits the false labeling or marking of any package or container of any biological product, such as Whole Blood (Human) and Red Blood Cells (Human). The false labeling provisions of both acts were designed to accomplish substantially the same result, and the Commissioner con-

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cludes that they should be so interpreted and applied. Significantly, section 351 (b) contains no interstate commerce requirement. It applies to all blood, whether or not it has moved or is offered for sale in interstate commerce. *United States* v. *Calise*, 217 F. Supp. 705 (S.D. N.Y., 1962), and *United States* v. *Steinschreiber*, 218 F. Supp. 426 (S.D. N.Y., 1962), 219 F. Supp. 373 (S.D. N.Y., 1963), *aff'd.* 326 F. 2d 759 (C.A. 2, 1964), *cert denied* 376 U.S. 962. These statutory provisions also authorize standards for labeling for all whole blood and red blood cells in interstate and intrastate commerce. Blood from paid donors is more dangerous, in that it is more likely to result in post-transfusion hepatitis, than blood from volunteer donors. Accordingly, whole blood and red blood cells collected from paid donors are "falsely labeled or marked" when their labels do not contain explicit warnings and affirmative statements as to their collection from paid donors or volunteer donors.

Pursuant to section 361 of the Public Health Service Act (42 U.S.C. 264) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs is authorized to promulgate regulations for any measures that, in his judgment, may be necessary to prevent the introduction, transmission, or spread of blood-related communicable disease from one state to another. Of necessity, this authority must be exercised upon the disease-causing substance within the state where it is collected, manufactured, or otherwise found. Thus, the Commissioner may promulgate regulations for intrastate blood labeling pursuant to the act, as hepatitis is a communicable disease.

The Commissioner believes that the proposed labeling requirement will not adversely affect the availability of blood for transfusion therapy nor will it eliminate the practice of paying low-risk donors. Rather, it will identify all units of blood as to their collection from paid or volunteer donors and encourage blood banks which pay their donors to present practical evidence demonstrating that their paid donor population is as safe as the volunteer donor population. This information is critical to a physician's exercise of his or her best clinical judgment concerning the use of blood in transfusion therapy. The Commissioner notes that in 1973 the State of Illinois enacted a law that all blood collected or transported into the state must prominently display whether the blood was collected from paid or volunteer donors. Physicians using blood from paid donors are required to justify in writing, on the patient's chart, their reason for transfusing a product with a documented higher hepatitis risk. As a result, the number of units of purchased blood infused decreased by 35.2 percent despite a 15 percent increase in the number of transfusions between fiscal 1974 and fiscal 1975. Furthermore, the percentage of outdated blood fell from 15.4 percent to 12.9 percent in the same period. In addition, the Commissioner has been advised that the State of California has enacted a law which requires that blood be labeled to identify its source from volunteer or paid donors.

The Commissioner believes that the requirement to label licensed and unlicensed whole blood and red blood cells as proposed (1) is necessary to provide physicians prescribing blood with the important information regarding the source of the blood, (2) is consistent with the National Blood Policy objective to encourage, foster and support efforts to establish an all-voluntary blood donation system, (3) will not interrupt blood services now provided, (4) will increase significantly the demand for blood from volunteer donors or paid donors from blood banks having evidence that their donor population is as safe as a volunteer donor population, and (5) will reduce the risk of transmitting hepatitis in transfusion therapy.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A-107, and interim guidelines issed April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments and other pertinent background data on which the Commissioner relies in proposing this regulation are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

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Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 52 Stat. 1040-1042 as amended, 1050-1051 as amended (21 U.S.C. 321, 352)) and the Public Health Service Act (secs. 351, 361, 58 Stat. 702, 703, as amended (42 U.S.C. 262, 264)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Parts 610 and 640 be amended as follows:

1. In Part 610, by adding a new § 610.42 to read as follow:

§ 610.42 Blood labeling; donor classification.

The label of each container of whole blood and red blood cells shipped in intrastate commerce shall bear the appropriate statement concerning donor classification, "Collected from paid donor" or "Collected from volunteer donor" in no less prominence than the proper name, and the statement "Blood collected from paid donors is associated with a higher risk of transmitting hepatitis than blood from voluntary donors".

2. In Part 640, by revising § 640.2(f) (3) to read as follows:

§ 640.2 General requirements.

• • • • • •

(f) • • •

(3) The label of each container of such blood bears the information required by § 640.7(f).

• • • • •

3. In Part 640 by amending § 640.7 by revising the introductory paragraph, adding a new paragraph (a) and redesignating existing paragraphs (a) through (f) as paragraphs (b) through (g), respectively, as follows:

§ 640.7 Labeling.

In addition to all other applicable labeling requirements, the following, except as prescribed in paragraphs (f) and (g) of this section, shall appear on the label of each container:

(a) *Donor classification.* The appropriate statement, "Collected From Paid Donor" or "Collected From Volunteer Donor" in no less prominence than the proper name, and the statement "Blood collected from paid donors is associated with a higher risk of transmitting hepatitis than blood from volunteer donors".

• • • • • •

4. In Part 640 by revising § 640.18(a) to read as follows:

§ 640.18 Labeling.

• • • • • •

(a) The information required by § 640.7(a), (b)(2), (c) and (d) for Whole Blood (Human), except the proper name.

• • • • • •

Interested persons may, on or before January 13, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: November 10, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30718 Filed 11-13-75;8:45 am]

HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-777]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Town of Winthrop, Suffolk County, Mass.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Winthrop, Massachusetts.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Library, Metcalf Square, Winthrop.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Chairman Richard D. Dimes, Town Hall, Metcalf Square, Winthrop, Massachusetts 02152. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of Flooding	Location	Elevation (feet above mean sea level)	Width in feet from shoreline to 100-yr flood boundary
Boston Harbor	Main St.	11	130.
	Pleasant St.	11	310.
	Pleasant Ct.	11	600.
	Girdlestone Rd.	11	600.
	Brookfield St.	11	1,600.
	Walden St.	11	1,270 (along Ingleside Park).
	Ingleside Park	11	All of it.
	Corinna Rd.	11	625.
	Pico Ave.	11	All of it.
	Plummer Ave.	11	40.
	Woodside Ave.	11	40.
	Orlando Rd.	11	90.
	Cottage Park Rd.	11	25.
	Somerset Ave.	11	125.
	Sargent St.	11	35.
	Bayview Ave.	11	520.
	Grand View Ave.	11	All of it.
	Pebble Ave.	11	Do.
	Otis Ave.	11	Do.
	Townsend St.	11	Do.
	Maryland St.	11	Do.
	Tufts Ave.	11	Do.
	Pratt St.	11	Do.
	Triton St.	11	600 (from Shirley St.).
Short Beach Creek	Morton St.	11	All of it.
	Fairview Ave. (extended)	11	950.
	Douglas St. (extended)	11	900.
	Wilshire St. (extended)	11	1,930.
	Winthrop St. (extended)	11	2,070.
	Argyle St. (extended)	11	2,400.
	Golden Dr. (extended)	11	1,920.
Massachusetts Bay	Temple Ave. (extended)	11	60.
	Central St.	11	430 (from Payson St.).
	Franklin St.	11	All of it.
	Payson St.	11	Do.
	Crescent St.	11	Do.
	Hawthorn Ave.	11	Do.
	Neptune Ave.	11	Do.
	Veteran Rd.	11	Do.
	Shirley St.	11	Do.
	Golf course	11	Do.
	Coral Ave.	11	Do.
	Sea Foam Ave.	11	Do.
	Pearl Ave.	11	Do.
	Forrest St.	11	Do.
	Cutler St.	11	Do.
	Irwin St.	11	Do.
	Underhill St.	11	Do.
	Tewksbury St.	11	Do.
	Moore St.	11	Do.
	Beacon St.	11	Do.
	Washington Ave. and Sturgis St.	11	850.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: November 3, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-30781 Filed 11-13-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-778]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Waynesville, Mo.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the

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Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Waynesville.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Waynesville, Missouri 65583.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor C. W. Parker, City Hall, Waynesville, Missouri 65583. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Roubidoux Creek	Pine St.	775	Not applicable	To 150 ft northwest of intersection with Maple St.
	Benton St.	775.5	780 ft north of intersection with North St.	Not applicable.
	North St.	778	To 200 ft southwest of intersection with Olive St.	Do.
Mitchel Creek	Dwyer Dr.	787	500.	150.
	Glenda Dr.	792	Not applicable	500.
	County Highway H.	825	450.	200.
	Debra	827	To 175 ft east of intersection of Debra and Hull Valley.	Not applicable.
Pearson Hollow	Charles	859	Not applicable	To Highway 66.
	U.S. Highway 66	880	125.	100.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 3, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–30780 Filed 11–13–75;8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75–CE–27–AD]

CESSNA 300 AND 400 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Cessna 300 and 400 Series airplanes.

There have been reports of broken landing gear fork bolts in Cessna 300 and 400 series airplanes. Failure of these fork bolts could result in an unsafe condition in the operation of the landing gear system. The manufacturer has established a maximum service life on the fork bolts installed on these airplanes. Therefore, an AD is being proposed, applicable to Cessna 300 and 400 series airplanes, requiring replacement of ½-inch diameter fork bolts at 2,000 hours' time in service and ⅝-inch diameter fork bolts at 5,000 hours' time in service in accordance with the manufacturer's recommendations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before January 13, 1975, will be considered before action is taken upon the proposed Rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

CESSNA. Applies to Models 310, 320, 340, 401, 402, 411, 414 and 421 Series Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the main landing gear fork bolts, accomplish the following:

(A) Within 100 hours' time in service on those airplanes having 1900 or more hours' time in service or prior to 2,000 hours' time in service on those airplanes having less than 1900 hours' time in service, and at each subsequent 2,000 hours' time in service thereafter, replace ½-inch diameter P/Ns 0843518–1, 0834518–2, 0843518–35, 0843518–54, 5243518–1 and 5243518–3 fork bolts with new P/N 5243518–3 or FAA-approved superseding part number fork bolts on the airplanes specified below except airplanes on which P/N 5141052–1 fork bolts have been installed as field replacements:

310—35000 thru 310Q0207.
320—All Serials.
401—401–0001 thru 410B0053.
402—402–0001 thru 402B0035.
411—All Serials.
414—414–0001 thru 414–0098.
421—421–0001 thru 421A0158.

(B) Within 100 hours' time in service on those airplanes having 4,900 or more hours' time in service or prior to 5,000 hours' time in service on those airplanes having less than 4,900 hours' time in service, and at each subsequent 5,000 hours' time in service thereafter, replace ⅝-inch diameter P/N 5141052–1 fork bolts with new P/N 5141052–1 or FAA-approved superseding part number fork bolts on the airplanes specified below or any lower airplane serial numbers on which these fork bolts have been installed as field replacements:

310—310Q0208 and on.
340—340–0001 and on.
401—410B0054 and on.
402—402B0036 and on.
414—414–0099 and on.
421—421B0001 and on.

Cessna Service Letter ME75–23 or later approved revision refers to this subject.

Issued in Kansas City, Missouri, on November 6, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.75–30692 Filed 11–13–75;8:45 am]

[14 CFR Part 39]

[Docket No. 74–WE–25–AD; P/N 30001]

SARGENT INDUSTRIES, PICO DIVISION REGULATOR

Proposed Airworthiness Directives

Amendment 39–1913 (39 F.R. 28229), AD 74–17–01, requires modification of regular valves incorporated in passenger evacuation slides and slide/rafts to prevent delayed actuation on all airplanes using the affected part. As noted in the proposed rule (39 FR 18663), delayed actuation had not occurred during an actual evacuation, and, therefore, a compliance time of two years was specified in the AD. After issuing amendment 39–1913, the agency has received a report of delayed actuation of two slides on an airplane during an emergency evacuation. Therefore, the agency is considering amending the AD to reduce the compliance time to March 31, 1976.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before December 19, 1975 will be considered by the agency before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to further amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1913 (39 FR 28229), AD 74–17–01, to read in pertinent part, as follows:

Compliance required on or before March 31, 1976, unless already accomplished.

Issued in Los Angeles, California on November 5, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75–30693 Filed 11–13–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–EA–68]

FEDERAL AIRWAY SEGMENTS

Proposed Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would: (1) Revoke the west alternate of V–29 between Salisbury, Md., and Kenton, Del.; and (2) Revoke a segment of V–147 from the intersection with V–157 to the Pottstown, Pa., VORTAC.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before December 15, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would delete V–29W from Salisbury, Md., to Kenton, Del., and delete a segment of V–147 from INT New Castle, Del., 058° and Pottstown, Pa., 143° radials to Pottstown, Pa.

An airspace utilization study indicated insufficient IFR traffic to warrant retention.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 7, 1975.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–30694 Filed 11–13–75;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 75–SW–68]

RESTRICTED AREAS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R–3803 Fort Polk, La., by extending its time of designation, increasing its vertical limits to FL 450 and by subdividing it horizontally at FL 180 to form two Restricted Areas, R–3803A and R–3803B. Similar changes would be made to the designated altitudes for R–3804A and R–3804C Fort Polk, La.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before December 15, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would: a. Alter R–3803 Fort Polk, La., by changing its time of designation, expanding its vertical limits and subdividing it into two restricted areas described as follows:

R–3803A Fort Polk, La.

Boundaries. Beginning at latitude 31°23'–36'' N., longitude 93°09'57'' W.; to latitude 31°23'12'' N., longitude 93°09'48'' W.; to latitude 31°22'00'' N., longitude 93°10'05'' W.; to latitude 31°19'16'' N., longitude 93°11'10'' W.; to latitude 31°19'16'' N., longitude 93°20'15'' W.; to latitude 31°24'30'' N., longitude 93°20'15'' W.; to latitude 31°24'30'' N., longitude 93°16'42'' W.; to latitude 31°23'35'' N., longitude 93°13'24'' W.; to point of beginning.

Designated altitude. Surface to FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.

Using agency. Commanding General, Fort Polk, La.

R–3803B Fort Polk, La.

Boundaries. Beginning at latitude 31°23'–36'' N., longitude 93°09'57'' W.; to latitude 31°23'12'' N., longitude 93°09'48'' W.; to latitude 31°22'00'' N., longitude 93°10'05'' W.; to latitude 31°19'16'' N., longitude 93°11'10'' W.; to latitude 31°19'16'' N., longitude 93°20'15'' W.; to latitude 31°24'30'' N., longitude 93°20'15'' W.; to latitude 31°24'30'' N., longitude 93°16'42'' W.; to latitude 31°23'35'' N., longitude 93°13'24'' W.; to point of beginning.

Designated altitude. Fl 180 to FL 450.

Time of designation. As activated by NOTAM issued at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.

Using agency. Commanding General, Fort Polk, La.

b. Change the designated altitude for R–3804A Fort Polk, La., from "Surface to 15,000 feet MSL" to "Surface to FL 180.".

c. Change the designated altitude for R–3804C Fort Polk, La., from "15,000 feet MSL to 18,000 feet MSL" to "FL 180 to FL 450."

The proposed alterations are required to accommodate the Department of the Army's assigned mission change at Fort Polk to a combat unit base. If altered, R–3803A and R–3804A will allow the using agency continuous access to the airspace from the surface to FL 180 on a joint use basis throughout the year. Restriction of the airspace in R–3803B and R–3804C will be as announced by NOTAM issued 24 hours in advance. It is anticipated that the airspace above FL180 will be utilized approximately two days per week, 24 hours per day under all weather conditions.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1968 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 7, 1975.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–30695 Filed 11–13–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 68]

[Docket No. 19528; FCC 75–1249]

INTERSTATE AND FOREIGN MESSAGE TOLL TELEPHONE SERVICE AND WIDE AREA TELEPHONE SERVICE

Further Notice of Proposed Rulemaking

In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS.)

Notice of proposed rulemaking is hereby given. In a companion First Report and Order (FCC 75–1248) adopted this date, the Commission established a registration program designed to allow users of the nationwide telephone network to connect terminal equipment other than PBX's, key telephone systems, main station telephones, and coin telephones to the network without the need for carrier-supplied connecting arrangements, provided they comply with the standards incorporated in the registration program to protect the network from

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harm. For the reasons stated in paragraph 18 of that Report and Order, comments are being requested on the planned inclusion of PBX's, key telephone systems, and main station telephones in the registration program.

Accordingly, it is ordered, That interested parties may file comments not later than December 11, 1975, directed to the planned inclusion of PBX's, key telephone systems and main station telephones in our registration program.

Adopted: October 31, 1975.

Released: November 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-30628 Filed 11-13-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 34-11748]

BROKER-DEALER REPORTS

Financial and Operational Reporting

Correction

In FR Doc. 29435, appearing at page 51060, in the issue for Monday November 3, 1975, the following corrections should be made:

1. On page 51061, the table appearing in the second column should appear under footnote 8 on the same page.

2. On page 51068, in the first column, the tenth line from the bottom should read "cordance with Section 240.15c3-1;".

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/122]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:00 a.m. on Thursday, December 4, 1975, in Room 8236 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the Fifteenth Session of the Subcommittee on Ship Design and Equipment of the Intergovernmental Maritime Consultative Organization (IMCO), to be held in London in April 1976. The working group will discuss the following topics:

Definitions for mobile offshore units.

Relevance of SOLAS 74 requirements and other appropriate requirements for mobile offshore units.

Content and scope of regulations for mobile offshore units.

Requests for further information on the meeting should be directed to Captain D.J. Linde, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2167.

The Chairman will entertain comments from the public as time permits.

JOHN P. STEINMETZ,
Acting Director,
Office of Maritime Affairs.

NOVEMBER 5, 1975.

[FR Doc.75-30684 Filed 11-13-75;8:45 am.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

LARGE POWER TRANSFORMERS FROM THE UNITED KINGDOM

Notice of Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to large power transformers from the United Kingdom was published as Treasury Decision 72-164 in the FEDERAL REGISTER of June 14, 1972 (37 FR 11773).

After due investigation, it has been determined, tentatively, that large power transformers manufactured and sold for export by Ferranti, Limited, Manchester, England; Hawker Siddeley Electric Export, Limited, London, England; and Parsons Peebles Power Transformers, Limited, Edinburgh, Scotland, are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

Statement of Reasons on Which This Tentative Determination is Based:

The investigation indicated that no sales at less than fair value of large power transformers by Ferranti, Limited, Hawker Siddeley Electric Export, Limited, and Parsons Peebles Power Transformers, Limited, have been made for a period of more than two years from the dumping finding. Written assurances have been given by each of these firms that future sales of large power transformers for export to the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to large power transformers from the United Kingdom to exclude large power transformers produced and sold for export to the United States by Ferranti, Limited, of Manchester, England; Hawker Siddeley Electric Export, Limited, of London, England; and Parsons Peebles Power Transformers, Limited, of Edinburgh, Scotland, from the finding.

In accordance with § 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office not later than November 24, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than December 15, 1975.

This notice is published pursuant to § 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

NOVEMBER 7, 1975.

[FR Doc.75-30622 Filed 11-13-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DDR&E HIGH ENERGY LASER REVIEW GROUP

Laser Devices Subpanel; Correction

Reference is made to the DDR&E High Energy Laser Review Group Laser Devices Subpanel closed meeting scheduled for 24-26 November 1975 at MIT Lincoln Laboratory, Lexington, Massachusetts and published at 40 FR 51485, November 5, 1975. Notice is hereby given of the change in dates to read: December 8-11, 1975. The location of the meeting remains the same.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

NOVEMBER 11, 1975.

[FR Doc.75-33765 Filed 11-13-75;8:45 am]

DDR&E HIGH ENERGY LASER REVIEW GROUP

Meeting; Correction

Reference is made to the DDR&E High Energy Laser Review Group closed meeting scheduled for December 2, 3, and 4, 1975 in New Orleans, Louisiana, and published at 40 FR 52420, November 10, 1975. Notice is hereby given of the change in dates to read: December 3-4, 1975. The location of the meeting remains the same.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

November 11, 1975.

[FR Doc.75-30764 Filed 11-13-75;8:45 am]

DEPARTMENT OF JUSTICE

Attorney General

UNITED STATES v. THE CLEVELAND TRUST CO.

Written Comments Upon Consent Judgment and Department of Justice Response Thereto

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, the following written comments on the proposed judgment filed with the United States District Court for the Northern District of Ohio, Eastern Division, Civil Action No. C 70-301, United States of

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America v. The Cleveland Trust Company, were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Dated: November 10, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

AUGUST 29, 1975.

DEPARTMENT OF JUSTICE,
ANTITRUST DIVISION,
Washington, D.C.

Re Cleveland Trust Company Consent Decree.

GENTLEMEN: The story in the Wall Street Journal of Friday, August 29, 1975, about your proposed consent decree included a line saying that the Justice Department invited comments from the public within the next sixty days. I feel compelled to comment to you. Unfortunately, I have only had the benefit of news stories but it is my understanding that a number of these holdings were in trust and were not assets of the bank itself.

I have great difficulty with the implications which stem from your proposed consent decree when they pertain to trust assets. The decree itself seems to me does not follow the spirit of the antitrust law unless there is some identifiable wrongdoing which in fact decreases or eliminates competition.

In my own experience it has been perfectly possible to serve on boards of companies in the same business or similar businesses without violating confidences and also without any improper restriction of fair competition.

I believe your decree in limiting the directorships is a case of form and not substance, since nothing is said about the trustees not voting the stock. In addition, it has the effect of limiting individual's right to be represented by a responsible fiduciary of his or her own choice.

Actually, I believe it was a great sin against the traditional fiduciary relationship when someone back in history labeled the legislation antitrust instead of antimonopoly which it really is. Perhaps you might consider changing to the more descriptive terminology in the future.

I really don't see how any of the substantial trust companies and trust departments in the major population centers of our country can go along with this consent decree as any kind of a precedent. Personally, I would feel compelled to resist any similar action on the part of the Justice Department.

Very truly yours,

GILBERT C. HINE,
Senior Vice President and Executive Trust Officer.

OCTOBER 29, 1975.

MR. GILBERT C. HINE,
Senior Vice President, National Bank of Commerce of San Antonio, 430 Soledad, P.O. Drawer 121, San Antonio, Texas 78291.

Re United States v. The Cleveland Trust Company—(Civil No. C-70-301)

DEAR MR. HINE: Thank you for your comments of August 29, 1975 regarding the proposed Consent Judgment in the referenced case.

The Complaint in this case, in part, alleged that officers of The Cleveland Trust Company served on the Boards of Pneumo-Dynamics Corp., Warner & Swasey Company and White Consolidated Industries, Inc., all manufacturers of automatic machine tools, in violation of Section 8 of the Clayton Act. Section 8 prohibits interlocking directorships in two or more corporations, if such corporations are competitors. No "identifiable wrong doing which, in fact, decreases or eliminates competition" need be present for there to be a violation of Section 8.

The proposed Consent Judgment, which is discussed in detail in the attached Competitive Impact Statement, enjoins Cleveland Trust from employing or hiring any person who is a director of one of a group of companies engaged in the manufacture of automatic machine tools if, at the same time, an officer or employee of Cleveland Trust is a director of another company in the group.

The proposed Consent Judgment does not involve the trust holdings of Cleveland Trust in competing machine tool companies. That part of the civil action alleging that Cleveland Trust's stock holdings in competing machine tool comanies violated Section 7 of the Clayton Act was dismissed by the Court as moot.

In regard to your concern that the provisions of the proposed Consent Judgment may interfere with Cleveland Trust's responsibilities as a fiduciary, we do not believe that such responsibilities excuse the fiduciary from compliance with the antitrust laws of the United States.

Sincerely yours,

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

By:

JOHN A. WEEDON,
Chief, Great Lakes Field Office.

[FR Doc.75-30686 Filed 11-13-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DISTRICT MANAGERS, COLORADO

Redelegation of Authority

NOVEMBER 6, 1975.

1. Pursuant to authority contained in Sec. 1.1(a)(1), 1.2(h)(1), and 1.2(j) of Bureau Order No. 701 of July 23, 1964, as amended, I hereby redelegate to the Colorado District Managers authority to enter into:

a. Cooperative agreements involving the improvement, management, use, and protection of the public lands and their resources under their jurisdiction as provided in the Public Land Administration Act (43 U.S.C. 1363).

b. Cooperative agreements under Sections 2, 9, 12 of the Act of June 28, 1934 (43 U.S.C. 315 et seq.) and under the Act of March 29, 1928 (45 Stat. 380).

c. Contracts and cooperative agreements with Federal, State, county, municipal, and private fire control organizations for the purpose of fire prevention, presuppression and suppression on the public lands under the jurisdiction of the Bureau of Land Management.

2. All the aforementioned cooperative agreements will be submitted to the State Director for review prior to execution.

3. Effective date. This redelegation of authority shall be effective as of November 18, 1975.

DALE R. ANDRUS,
State Director.

[FR Doc.75-30683 Filed 11-13-75;8:45 am]

Geological Survey

DISPOSAL OF OUTER CONTINENTAL SHELF ROYALTY OIL

Allocation Procedures

Notice is hereby given that applications from eligible small refiners for the purchase of the United States' share of oil produced from Outer Continental Shelf (OCS) Lands will be accepted until December 1, 1975, pursuant to regulations set forth in 30 CFR 225a. Current contracts expire February 1, 1976, for such royalty oil produced in the Gulf of Mexico OCS and December 31, 1975, for royalty oil produced in the Pacific OCS (Santa Barbara Channel). The latter contracts are being extended to coincide with the expiration date of contracts in the Gulf of Mexico. Approximately 110,000 barrels of royalty oil will be available daily from leases in the Gulf of Mexico OCS, and 7,000 barrels of royalty oil will be available daily from leases in the Pacific OCS.

A small refiner is defined in 30 CFR 225a.2(a) as:

(a) "Small refiner" means an owner of an existing refinery or refineries (including refineries not in operation) who qualifies as a small business concern under the rules of the Small Business Administration and who is unable to purchase in the open market an adequate supply of crude oil to meet the needs of their existing refinery capacities.

The eligibility of small refiners will be determined in accordance with the rules of the Small Business Administration in effect as of February 1, 1976.

It is anticipated that the volume of royalty oil requested will be in excess of that amount available for sale. Therefore, in order to provide an equitable allocation of that royalty oil available, distribution to eligible refiners will be on the basis of the refinery capacity percentage throughput. This will be done by comparing the total amount of available royalty oil with that amount of oil necessary to increase the throughput of all eligible refineries to the same percentage of capacity. Allocation to the individual refiners will then be based on this volume and the amount requested by the refiners provided that the total volume of Government royalty oil purchased by the refiner from both OCS and onshore Federal lands does not exceed sixty percent of the combined refinery capacity of the small refiner.

In accordance with Part 225a.6, the following information should be furnished with each application for royalty oil:

A. 1. Name and address.

2. Location of refinery or refineries.

3. Affiliation or association with any other refiner of oil or diversified company. Specify exact affiliation or association.

4. Total number of employees, including those employed by affiliated or associated companies.

B. 1. Capacity of each refinery.

2. Crude oil currently available from production or by purchase in the open market, broken down by source, amount, and type or grade into the following categories:

a. From applicant's own and controlled production. Include information on any current sales of owner or controlled production.

b. By purchases under firm contracts running six months or more.

c. From day-to-day spot purchases or other arrangements.

d. From crude oil imported by allocation under the mandatory imports program; include details of current exchange agreements connected with such import allocations and any information concerning the disposition of any unused import allocations.

C. 1. Minimum amount and grade of additional crude oil needed to meet existing refinery commitments or existing refinery capacity. Specify amount and grade.

2. Name of fields which, you believe, offer a potential source of crude oil supply.

D. A tabulation, for the last 12 months of opertaion, of the amount and grade of crude oil refined each month, and kind and amount of the principal finished products.

E. A self-certification that the refinery is a small business concern in accordance with the appropriate guidelines of the Small Business Administration, Title 13 of the Code of Federal Regulations, Part 121.3-9.

F. Copies of certified letters which offer to purchase oil from all major suppliers operating in the vicinity of the refinery and the fields where royalty oil is requested, and attach copies of the replies to these letters. Also, any other evidence that may be available of efforts made to purchase needed oil in the open market.

A drawing will be held at a place and date to be established later for the purpose of determining preferential selection of delivery points and leases for royalty oil from the Gulf of Mexico OCS.

Applications for the purchase of royalty oil from leases in the Gulf of Mexico OCS should be submitted to the Oil and Gas Supervisor—Production Control, United States Geological Survey, P.O. Box 7944, Metairie, Louisiana 70011. Applications for the purchase of royalty oil from leases in the Pacific OCS should be submitted to the Oil and Gas Supervisor, United States Geological Survey, 7744 Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012.

JACK W. CARLSON,
Assistant Secretary of the Interior.

NOVEMBER 12, 1975.

[FR Doc.75-30953 Filed 11-13-75;8:45 am]

Office of the Secretary

FEDERAL METAL AND NONMETAL MINE SAFETY ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the Federal Metal and Nonmetal Mine Safety Advisory Committee, authorized to be established under section 7(a) of the Federal Metal and Nonmetallic Mine Safety Act (Public Law 89-577, as amended by Public Law 94-41 on June 27, 1975), will meet on Thursday, December 4, 1975, at 8:30 a.m. in Room 5160 Department of the Interior, Washington, D.C. 20240.

The purpose and agenda of the meeting is the organization of the Committee, orientation of Committee members, explanation of the purposes of the Committee and the duties of the Committee members, taking of the oath of office of the Committee members, and ratification of the report of actions for the Committee meetings held on October 30 and 31, 1974; January 29, 30, and 31, 1975; May 7, 8, and 9, 1975; and, June 24, 25, 26, and 27, 1975. Copies of the agenda and report of actions are available to the public and may be obtained from or may be examined in the office of the Executive Secretary.

The Honorable Thomas S. Kleppe, Secretary of the Interior will administer the oath of office to the Committee members at 10:00 a.m.

The meeting of the Advisory Committee is open to the public, but attendance is limited to the space available in the meeting room. Persons desiring to attend this meeting are requested to notify the Executive Secretary in writing of their intention to attend the meeting by Wednesday, December 3, 1975.

The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting and any member of the public may file a written statement with the Committee before, during, or within 30 days after the meeting.

All written statements, notices, and requests should be addressed to the Executive Secretary as follows:

Executive Secretary, % Mr. Herbert P. LeVan, Federal Metal and Nonmetal Mine Safety Advisory Committee, Room 702, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Telephone Number: Area Code 703-235-8685.

November 11, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

[FR Doc.75-30817 Filed 11-13-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A267]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations in Divide County, North Dakota, have been substantially affected as a result of a natural disaster consisting of a hailstorm, windstorm, and excessive rainfall occurring on July 17, 1975. Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 22, 1975, for physical losses and July 26, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 7th day of November, 1975.

DENTON E. SPRAGUE,
Acting Administrator, Farmers Home Administration.

[FR Doc.75-30728 Filed 11-13-75;8:45 am]

[Notice of Designation Number A265]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Texas:

Armstrong
Gray

The Secretary has found that this need exists as a result of a natural disaster consisting of hailstorms on May 22 and 28 and June 16 and 23, 1975; excessive rainfall with flooding May 28, 1975; excessive rainfall July 7 and 9, 1975; and a windstorm and sandstorm June 18, 1975, in Armstrong County and hailstorms March 27, May 12 and 28, June 19, and July 13, 1975; excessive rainfall May 28 to June 23, 1975; flooding May 28, 1975; tornadoes May 28, 1975; and windstorms June 16, 18, and 19, 1975, in Gray County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 22, 1975, for physical losses and July 23, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 7th day of November, 1975.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.75-30729 Filed 11-13-75;8:45 am]

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Forest Service

SQUAW CREEK PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Squaw Creek Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA–FS–FES (Adm) R4–75–24.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Squaw Creek Planning Unit on the Boise National Forest, Idaho. The purpose of the plan is to allocate 106,424 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resources uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This final environmental statement was transmitted to CEQ on November 7, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324–25th Street, Ogden, Utah 84401.

Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

District Forest Ranger, Emmett Ranger District, Route 3, Box 198, Emmett, Idaho 83617.

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: November 7, 1975.

P. M. Rees,
Director, Regional Planning and Budget.

[FR Doc.75-30681 Filed 11-13-75;8:45 am]

Packers and Stockyards Administration

MAYSVILLE STOCK YARDS ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, location of stockyard, and date of posting:

KY—134 Maysville Stock Yards, Maysville, Ky., September 9, 1931.

ME—102 Raynor I. Crosman, Corinna, Maine, May 23, 1967.

MO—175 Olean Livestock Market, Inc., Olean, Mo., May 22, 1959.

NY—122 Maplehurst Livestock Market, Hinsdale, N.Y., August 6, 1960.

OK—116 Grady County Livestock, Chickasha, Okla., April 8, 1959.

TN—130 Kingsport Live Stock Auction Corp., Kingsport, Tenn., February 22, 1964.

TX—262 Hopkins County Livestock Commission, Sulphur Springs, Tex., September 26, 1962.

UT—108 Richfield Auction Co., Richfield, Utah, January 27, 1955.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the Federal Register. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.).

Done at Washington, D.C. this 10th day of November, 1975.

Edward L. Thompson,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.75-30730 Filed 11-13-75;8:45 am]

Soil Conservation Service

ELM CREEK (CEN–TEX) WATERSHED PROJECT, TEX.

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Elm Creek (Cen-Tex) Watershed Project, Bell, Falls, McLennan, and Milam Counties, Texas, USDA–SCS–EIS–WS–(ADM)–75–1–(F) TX.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment and 45 floodwater retarding structures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: November 7, 1975.

Joseph W. Haas,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-30715 Filed 11-13-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

VERMONT MARBLE CO.

Petition for Determination

A petition by Vermont Marble Company, Proctor, Vermont, was accepted for filing on November 10, 1975, under Section 251 of the Trade Act of 1974 and in conformity with *Adjustment Assistance Certification Regulations for Firms*, 15 CFR, Part 350, 40 FR 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in items 514.65, 514.81 and 515.24 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with marble produced by the firm.

Any party having a substantial interest in the subject matter of the proceedings (as described in § 350.40(b) of the Regulations) may request a public hearing on the matter. A request for a hearing conforming to § 350.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, on or before November 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

Jack W. Osburn, Jr.,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30774 Filed 11-13-75;8:45 am]

Maritime Administration

[Docket No. S-474]

PRUDENTIAL LINES, INC.

Notice of Application

Notice is hereby given that Prudential Lines, Inc., in its application dated July 8, 1975, for a new long-term operating-differential subsidy agreement has requested permission to continue its present domestic privileges without change. Prudential Lines, Inc., has written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, with respect to its passenger-cargo service on Trade Routes Nos. 23, 24, and 25 for the privilege of carrying passengers, their baggage, and automobiles between U.S. Pacific ports (Washington-California, inclusive) on regularly scheduled voyages of the C4–S1–49a (MAGDALENA-class) vessels assigned to this service. The company also has been granted written permission under section 805(a) for the operation of the tanker EXXON SEATTLE (ex SAROULA) in coastwise service by the Exxon Corporation, which has bareboat chartered the vessel from The Skouras Lines, Inc., an affiliate of Prudential Lines, Inc.

New written permissions will be required under section 805(a) of the Merchant Marine Act, 1936, as amended, to continue these authorizations if the application of Prudential Lines, Inc., for a new subsidy agreement is approved.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such applications and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must by close of business on November 28, 1975, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: November 11, 1975.

James S. Dawson, Jr.,
Secretary.

[FR Doc.75-30797 Filed 11-13-75;8:45 am]

National Oceanic and Atmospheric Administration

THE GREEN SEA TURTLE, THE LOGGERHEAD SEA TURTLE, AND THE PACIFIC RIDLEY SEA TURTLE

Listing as Threatened Species; Public Hearing

This notice reschedules an informal public hearing (announced August 20, 1975, at 40 FR 36401) from December 3, 1975 to February 25, 1976. This hearing will be held in the Penthouse Conference Room, Page Bldg. 1, 2001 Wisconsin Avenue, NW., Washington, D.C., for the purpose of obtaining comments and views from interested persons with respect to: (1) the proposed listing of the green sea turtle (*Chelonia mydas*), the loggerhead sea turtle (*Caretta caretta*), and the Pacific ridley sea turtle (*Lepidochelys olivacca*), as "threatened" species under the authority of the Endangered Species Act of 1973 (the Act), 16 U.S.C. 1531, et seq.; (2) the proposed protective regulations relating to these species; and (3) the draft environmental impact statement on this proposed action.

Problems encountered in preparing the draft environmental impact statement have necessitated this change of the hearing date. We now anticipate completion of the draft environmental impact statement by mid-January and publication of availability by the Council on Environmental Quality (CEQ) in late January.

As indicated in the August 20, 1975 notice, the proposed determination to list these species as "threatened" species and the proposed protective regulations, prepared pursuant to section 4(d) of the Act (16 U.S.C. 1533(d)), were published on May 20, 1975, at 40 FR 21974–21977 (corrected June 13, 1975, at 40 FR 25217) and at 40 FR 21982–21986 (corrected June 20, 1975, at 40 FR 26043).

The hearing will be informal. At the commencement of the hearing the presiding officer will announce the procedures to be followed at the hearing. All interested persons will be afforded the opportunity to present their comments and views at the hearing. The record will remain open until March 8, 1976 (twelve (12) days after the public hearing), for the submission of written comments or views may be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235.

In the event interested individuals wish to examine the public record, they may do so between the hours of 8:30 a.m. to 4:30 p.m. at the Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, Room 430B, Page Bldg. No. 2, 3300 Whitehaven Street, NW., Washington, D.C., or during normal business hours at the Fish and Wildlife Service, Suite 600, 1612 K Street, NW., Washington, D.C. In accordance with guidelines issued by the CEQ, the CEQ will publish notice of availability of the draft environmental impact statement.

Dated: November 12, 1975.

Jack W. Gehringer,
Deputy Director, National Marine Fisheries Service.

[FR Doc.75-31005 Filed 11-13-75;9:00 am]

NEW YORK BIGHT MESA ADVISORY COMMITTEE AND PANELS

Notice of Open Meeting

Pursuant to Section 10(a)(2) of 5 U.S.C. App. I and Section 8b of Office of Management and Budget Circular No. A–63 (March 27, 1974) the National Oceanic and Atmospheric Administration announces a meeting of the New York Bight MESA Advisory Committee and Panels scheduled for December 16, 1975 in Stony Brook, New York. The Advisory Committee, and Panels will meet in a plenary session [1] from 9:00 a.m. until approximately 5:00 p.m. in Room 231 of the Stony Brook Union on the Main Campus of the State University of New York at Stony Brook, New York. The meeting will be open to the public.

The Agenda for the Meeting includes:

(1) A presentation on the Role of the National Oceanographic Data Center;

(2) MESA New York Bight Data and Information Exchange;

(3) General Interagency Coordination and Communication;

(4) Advisory Panel Reviews of MESA New York Bight Annual Report;

(5) Advisory Committee Reviews of MESA New York Bight Annual Report;

(6) An Overview of MESA FY '76 Research; and

(7) A Critique by the Advisory Committee.

Approximately 20 seats will be available for the public on a first-come, first-serve basis. Written statements by interested persons will be accepted before or after the meeting or by mail. Statements received in typewritten form will be forwarded with the minutes of the meeting to Committee and Panel members. Inquiries or statements should be addressed to:

Stanley Chanesman, Executive Secretary, New York Bight MESA Advisory Committee, Old Biology Building, S.U.N.Y., Stony Brook, New York 11794. Phone: (516) 751–7002.

Dated November 11, 1975.

R. R. Carnahan,
Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.75-30985 Filed 11-13-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Notice of Meeting Schedule

November 11, 1975.

At its meeting on September 18, 1975, in San Francisco, California, the National Council on Educational Research approved the following schedule for general meetings to be held in Washington, D.C., at the offices of the National Institute of Education for the period January-July 1976:

[1] After lunch, each Advisory Panel will meet for 2 hours to discuss the Annual Report of the MESA New York Bight Project. During this period: The Scientific and Technical Panel will convene in Room 213. The Citizen and Industrial Panel will convene in Room 214. The Information User Panel will convene in Room 231.

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January 15 (Thursday).
January 16 (Friday).
(A two-day meeting will be held in January.)
March 26 (Friday).
May 28 (Friday).
July 23 (Friday).

Agendas for these meetings and any changes in meeting dates or locations will be published in the FEDERAL REGISTER as promptly as possible.

The Council was established under Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

It is the Council policy that all sessions are open unless they concern confidential budgetary or personnel information or concern other matters requiring confidentiality. Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted to the Council at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below. Requests to make a presentation at a Council meeting should be submitted in writing to the Chairman and the Executive Secretary at least 10 days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074–8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to assure adequate seating arrangements, persons interested in attending Council meetings are requested to contact in advance: Mrs. Caroline Phillips, Executive Secretary, National Council on Educational Research, National Institute of Education, Washington, D.C. 20208, Telephone: 202/254–7900.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

[FR Doc. 75–30732. Filed 11–13–75; 8:45 a.m.]

Public Health Service

HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3, Health Services Administration, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (39 FR 10463, March 20, 1974, as amended) is amended to reflect the establishment of the Division of Health Maintenance Organizations within the Bureau of Medical Services, and the transfer to that division of all Health Maintenance Organization functions from the Bureau of Community Health Services. In addition, the Order of Succession is amended to make several minor corrections.

Section 3–B Organization and Functions is amended as follows:

Delete the statement for the *Bureau of Community Health Services (3B00)* and substitute the following:

Bureau of Community Health Services (3B00). The Bureau of Community Health Services serves as a national focus for efforts to improve the organization and assure delivery of health services to specified medically underserved groups or in medically underserved areas. To the maximum extent possible this is done in conjunction with the major health care financing programs. To this end, the Bureau: (1) facilitates the development of locally-based programs of health services delivery; (2) enhances the capacity of bureau supported health service programs for full participation in the major public health financing systems—Medicare and Medicaid; (3) administers programs providing specific services to specific populations including family planning, maternal and child health care, and migrant care; (4) directs programs, including the National Health Service Corps, which assures accessibility to health care in underserved areas; and (5) improves quality and contains costs of services provided in bureau supported health service delivery programs.

Under the *Bureau of Community Health Services (3B00)*, delete all references to the *Program Office for Health Maintenance Organizations (3B09)*.

Delete the statement for the *Bureau of Medical Services (3U00)* and substitute the following:

Bureau of Medical Services (3U00). The Bureau of Medical Services: (1) provides direct health care services and support for such services to certain legal beneficiaries of the Public Health Service, including meeting the occupational health needs of Federal employees, by providing: (a) comprehensive direct health care for designated Federal beneficiaries and selected community groups; (b) occupational health care and safety services for Federal employees; (c) training for health services personnel; (d) intramural clinical and health services research; and (2) administers programs that are concerned with the capacity and organization of the providers of specified elements of the overall health service system by: (a) fostering the development of non-Federal public and private provider capacity to provide high quality health care services; (b) being the focus for efforts aimed at improving the organization and expanding the development of alternate methods of health service delivery and health maintenance; (c) encouraging the expansion of the capacity of existing health service delivery programs to permit increased participation in the major public health financing systems—Medicare and Medicaid; (d) administerng selected health service programs which are aimed at encouraging their wider adoption throughout the health care system; (e) providing national leadership to assist and encourage the development, improvement, expansion, and integration of comprehensive area emergency medical services systems.

Under the *Bureau of Medical Services (3U00)*, immediately after the *Division of Coast Guard Medical Services (3U71)*, insert the following statement:

Division of Health Maintenance Organizations (3U77). The Division is responsible for implementing and administering the grant, contract, and loan aspects of Title XIII, Health Maintenance Organizations (HMO), of the Public Health Service Act and for being the Department's advocate in efforts to improve the organization and delivery of health services by use of the health maintenance organization approach. In furtherance of these responsibilities, the Division: (1) through grants and contracts, provides resources to public or nonprofit private entities for the planning and initial development of HMOs; (2) makes or guarantees loans to HMOs to cover certain operating expenses; (3) develops national policies and objectives; (4) provides technical assistance to HMOs, entities seeking HMO status and others concerned with HMO aspects of the health care system; (5) interprets program policies, regulations, guidelines, standards and priorities; (6) develops long and short-range program goals and objectives; (7) provides leadership and direction for related legislative activities.

Under *Section 3–C Order of Succession* delete the current statement and substitute the following:

Section 3–C Order of Succession. During the absence or disability of the Administrator or in the event of a vacancy in that office, the first official listed below who is available shall act as Administrator, except that during a planned period of absence the Administrator may specify a different order of succession:

(1) Deputy Administrator; (2) Associate Administrator for Management; (3) Director, Indian Health Service; (4) Director, Bureau of Medical Services; (5) Director, Bureau of Community Health Services; and (6) Director, Bureau of Quality Assurance.

Dated: November 7, 1975.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.75–30723 Filed 11–13–75; 8:45 am]

Social and Rehabilitation Service

WORK INCENTIVE PROGRAM

Social and Supportive Services

Notice is hereby given of revised limits of entitlement for the period July 1, 1974 to June 30, 1975 for child care and supportive services under the Work Incentive (WIN) Program.

Public Law 94–41, the joint resolution making continuing appropriations for the Fiscal Year 1976, and for other purposes, appropriated an additional amount of $70,000,000 for activities under Title IV part C, of the Social Security Act. Of this amount $35,000,000 is available for child care and supportive services, as authorized under section 402(a)(19)(G) of the Social Security Act, for Fiscal Years 1974 and 1975, $5,462,176 for Fiscal Year 1974 expenditures and the remaining $29,537,824 for Fiscal Year 1975 expenditures. The total amount now available for FY 1975 expenditures is $123,886,824 which consists of this $29,537,624 and the $94,349,000 made available in the Fiscal Year 1975 annual appropriation. Original limits of entitlement were published for the $94,349,000 in the FEDERAL REGISTER on December 31, 1974 (39 CFR 45308).

Accordingly, additional Federal financial participation is available under the revised limits of entitlement published herein for Fiscal Year 1975 expenditures under the Work Incentive Program in excess of the original limits of entitlement, provided that claims for Federal financial participation in all Fiscal Year 1975 expenditures are received by the Secretary with postmark dated prior to February 1, 1976. The revised limits of entitlement for FY 1975 are calculated using the same formula and data used by this department to calculate the original Fiscal Year limits of entitlement.

If the total of the claims made by February 1, 1976, is less than $123,886,824 all claims will be paid without regard to the revised limits of entitlement published herein. However, if the total of the claims exceeds $123,886,824 and there are one or more States which do not claim the entire amount of the revised entitlement by February 1, 1976, the total of the unclaimed additional amounts provided in these revised limits will be redistributed among States having Fiscal Year 1975 expenditures in excess of the revised limits of entitlement published herein. Such redistribution will be made on the basis of the ratios each such State's revised limit of entitlement bears to the total of the revised limits of entitlement of all the States having Fiscal Year 1975 expenditures in excess of the revised limits of entitlements. Such distribution involves a number of steps.

First, the amount available for distribution is determined. For example, if 51 States failed to claim the entire additional amount made available under these revised limits, then the unclaimed amounts would be available for redistribution to the 3 other States with Fiscal Year 1975 expenditures in excess of their revised limits. For example purposes assume the amount of Federal funds available for redistribution is $5,000,000.

Second, in each of the three States the amount of the expenditures in excess of the revised limits is determined. For example purposes assume the excess is, State A—$6,000,000, State B—$4,000,000 and State C—$2,000,000.

Third, the ratio of the revised limit of each of these three States to the total of the revised limits of all three States is calculated in order to determine each State's share of the $5,000,000 available. If the revised limits were, State A—$100,000, State B—$300,000 and State C—$600,000, then the share of the $5,000,000 available to State A would be $500,000 or 10 percent of $5,000,000, State B's share would be $1,500,000 and State C's share would be $3,000,000.

Fourth, if any State's share of the Federal funds available for redistribution exceeds expenditures, then the excess Federal funds are available for further redistribution and steps one through four are repeated. In this example State C's share of the $5,000,000 available for redistribution is $3,000,000. However, the Fiscal Year 1975 expenditures of State C only exceeded the revised limit of entitlement of State C by $2,000,000. Therefore State C receives $2,000,000 from the $5,000,000 available for redistribution and steps one through four are repeated for States A and B.

In this second redistribution, $1,000,000 is available, the share of State A is $250,000 and the share of State B is $750,000. Since the amount of the expenditures in excess of the revised limits in both States exceeds the share of the Federal funds available for redistribution, both States will receive their share of the remaining $1,000,000 available and be left with Fiscal Year 1975 expenditures for which there are no Federal matching funds available under the WIN appropriations.

The revised limits of entitlement for each State for Fiscal Year 1975 expenditures for child care and supportive services, as authorized under section 402(a)(19)(G) and 403(d) of the Social Security Act, 42 U.S.C. § 602(a)(19)(G) and 603(d), are as follows:

State:	*Revised fiscal year 1975 limits of entitlement*
Alabama	1,601,106
Alaska	567,936
Arizona	1,369,028
Arkansas	890,777
California	8,535,642
Colorado	1,584,853
Connecticut	1,631,055
Delaware	480,815
District of Columbia	2,131,179
Florida	3,040,039
Georgia	3,680,857
Hawaii	444,099
Idaho	792,166
Illinois	3,330,992
Indiana	1,932,803
Iowa	1,245,513
Kansas	1,007,993
Kentucky	1,560,680
Louisiana	1,285,064
Maine	833,420
Maryland	2,947,827
Massachusetts	2,265,218
Michigan	13,861,803
Minnesota	2,094,660
Mississippi	776,364
Missouri	2,360,748
Montana	825,638
Nebraska	601,006
Nevada	135,633
New Hampshire	205,042
New Jersey	8,279,595
New Mexico	496,618
New York	17,196,986
North Carolina	1,784,456
North Dakota	294,514
Ohio	2,984,479
Oklahoma	1,060,307
Oregon	3,374,352
Pennsylvania	3,440,893
Rhode Island	908,441
South Carolina	1,265,846
South Dakota	385,329
Tennessee	1,619,846
Texas	3,847,586
Utah	1,559,611
Vermont	735,001
Virginia	1,752,447
Washington	2,323,326
West Virginia	1,936,621
Wisconsin	4,181,611
Wyoming	175,784
Guam	69,424
Puerto Rico	1,250,230
Virgin Islands	43,666
Total	123,886,824

Dated: October 3, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.75–30719 Filed 11–13–75; 8:45 am]

Office of the Secretary

OFFICE OF HUMAN DEVELOPMENT

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is hereby amended by revising Subchapter 1R90, Office of Administration and Management, Office of Human Development. The revision is occasioned by the reorganization of activities in the Office of Administration and Management to attain the purposes of the Rehabilitation Act Amendments of 1974. The statement published in the FEDERAL REGISTER on August 30, 1973 at 38 FR 23430 is amended to read as follows:

1R90.00 *Mission.* The Office of Administration and Management acts for the Assistant Secretary for Human Development on matters of administration

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and management inherent in the operations of OHD; effects the utilization of administrative and financial management resources of operating programs by coordinating the funding, manpower, facilities, and equipment resources of the Office of Human Development; under the guidance and with the approval of the ASHD and in consultation with Program Directors and office heads; provides leadership and direction to administrative and financial management activities, including budget, finance, personnel, grants and contracts, organization management analysis and problem solving, data management information systems, procurement, materiel management, directives management, and similar supporting administrative services; provides the ASHD with a quick response capability for issues regarding management problems arising in these areas; analyzes for the ASHD the management and organizational consequences of new legislation to identify management implications and to ensure responsible administrative management planning; reviews administrative and financial management activities for the purpose of assuring compliance with laws, regulations, Departmental and OMB management policies, procedures, goals, and plans; provides leadership in the development of a unified data management system for HD operating components. Administers the Equal Employment Opportunity Program by carrying out programs as mandated by the President and ensuring policy and program direction to equal employment of minorities throughout OHD; plans and develops programs and procedures designed to eliminate discriminatory employment practices.

1R90.10 *Organization.* The Office of Administration and Management is headed by a Director who reports directly to the Assistant Secretary for Human Development and consists of the following organizational components which report to the Director:

A. Office of the Director.

B. Director of Equal Opportunity Programs.

C. Management Information Staff.

D. Management Analysis Staff.

E. Budget and Financial Management Division.

F. Grants and Contracts Management Division.

G. Administrative Services Division.

H. Personnel Division.

1R90.20 *Functions.* A. Office of the Director. Directs and coordinates all elements of the Office of Administration and Management; provides leadership and services to all programs and components of the Office of Human Development, including coordination and implementation activities for grants and contracts, budget, finance, personnel, data management information systems, management methods and systems, and administrative services; and administers the Equal Employment Opportunity Program; initiates new and revised plans of OAM activities and ensures that programs are coordinated to maximize the use of OHD resources, including accomplishment to EEO goals as mandated by Executive Orders and the Department.

B. Director of Equal Opportunity Programs. Provides leadership and policy direction in the development and implementation of exemplary Equal Employment Opportunity Programs for OHD; provides staff advice and support to the ASHD through the Director, OAM, in executing Federal Government and the Department's programs established by Executive Order; plans and develops programs and procedures designed to eliminate discriminatory employment practices; receives and provides for the investigation of complaints of alleged discrimination; and maintains liaison with the Department's EEO staff.

C. Management Information Staff. Directs the development and implementation of OHD's ADP plans and requirements, including management information systems after approval of Program Directors; provides technical leadership to improve management evaluation and methodology by use of technological improvements; coordinates the integration of program and management data needs across functional and organizational lines; establishes specifications for equipment and resources against required performance standards; develops and implements policies, procedures, and guidelines on information standardization in OHD; provides technical assistance to programs in information systems areas.

D. Management Analysis Staff. Conducts studies to evaluate the effectiveness of OHD organization and management and implements resultant systems and procedures; assists and supports component programs of OHD by effective management of OHD manpower resources; plans, directs, and coordinates OHD's manpower management program, including manpower deployment and utilization system, the work measurement and productivity tracking system, and the future manning needs forecasting system; conducts special management improvement studies and analyzes existing or designs new methods to improve management services and appraisal; develops and interprets OHD policies, procedures, and standards in administrative organizational and manpower areas and oversees their implementation; conducts cost and efficiency studies and recommends improvements; and coordinates the preparation and approval of functional statements and delegations of authority, both program and administrative, and maintains the official compilation of OHD authorities.

E. Budget and Financial Management Division. Consolidates, formulates, presents, and executes budget estimates, apportionments, and forecasts of resources and other mechanisms relating to the optimum direction and coordination of the financial resources of OHD, including:

1. Participation in planning, directing and coordinating financial and budgetary programs of the OHD;

2. Provision of technical guidance to OHD programs in preparing budgets. Coordination with OHD P&E and affected program individual budgets for preparation of a single budget document for presentation to ASHD, Departmental management, the Office of Management and Budget, and the Congress;

3. Assistance in planning and presentation of the budget before the Office of Management and Budget and the Congress; development of materials for OHD programs in testimony at hearings before these bodies;

4. Review of the budget as approved by Congress and recommendation to ASHD for approval of a financial plan for its execution. Making of allocations to constituent offices offices within the guidelines of the approved financial plan;

5. Development and maintenance of budgetary controls to ensure observance of established ceilings on both funds and personnel;

6. Preparation of requests for apportionment of appropriated funds; maintenance of controls of allotted funds against current obligations, including separate plans for each of the Regional Offices;

7. Provision of analysis and coordination of accounting reports for OHD;

8. Development of financial operating procedures and manuals, including assuring implementation within the Office of the Secretary of Departmental and Federal fiscal policies and procedures; and

9. Participation of program development and implementation plans where there are budgetary implications.

F. Grants and Contracts Management Division. Provides centralized services governing the management and administration of grants and contracts for OHD headquarters awards, with the exception of grants policy and technical assistance for RSA which has its own staff for these purposes; develops and issues, after consultation with Program Directors and approval of ASHD, OHD policies, instructions, and procedures for the administration of grants, contracts, and procurement management; ensures consistency in policy interpretations and implementation of DHEW, OMB, and GSA issued regulations, policies, and procedures for grants and contracts; compiles, analyzes, and publishes data essential to the administration of contracting and grants activities; at the request of Program Directors, executes, administers, and terminates contracts and grants; reviews grants and contracts and recommends action concerning requests for waivers, appeals, deviations, determinations, and findings; provides staff support and assistance to HD program offices in grant and contract review activities; establishes procedures for the central processing of grant applications and review of contracts against established criteria; and coordinates OHD actions with respect to grant and contract audit requirements and results.

G. Administrative Service Division. Provides general services and technical staff support to meet the operational needs of constituent offices that comprise the Office of Human Development, including policy and procedures issuance management, reports management, forms management, records maintenance and disposition, and other aspects of paperwork management, publication distribution and storage management; space management and planning, travel services, mail and messenger services, parking, reproduction services, telephone services, building security, and safety; provides OHD coordination and liaison in carrying out provisions of the Privacy Act; maintains supply, equipment, and materiel inventories; controls and reviews all purchase requests against Department and Federal requirements; acts as liaison with OS procurement office on small purchases; provides technical assistance in the preparation of policy issuances, program regulations, and guidelines; ensures timeliness, coordination, routing, and clearance of OHD program policy and directive materials; provides technical and staff assistance on internal administrative services for OAM, including internal manuals and directives, and serves as the focal point for DHEW and OMB initiated studies.

H. *Personnel Division.* The Personnel Division provides leadership, direction, and control in developing and administering the centralized personnel management and administration program for OHD; provides advice to the Director, OAM, and through that Office to the ASHD and other key officials throughout OHD on matters relating to the development and execution of personnel policies and programs; subject to the approval of the ASHD, develops personnel management objectives; conducts OHD-wide personnel programs and provides staff support in such areas as employee development, employee-management cooperation, position and pay management, and coordinates and provides advice and assistance to OHD component programs on position classification, recruitment, and placement; develops plans for ensuring current and future staffing requirements; participates in personnel matters relating to union negotiations and coordinates activities with the Upward Mobility Program; serves as the focal point in OHD on personnel matters with the Civil Service Commission and Office of Management and Budget; provides special studies on personnel matters upon requests of the Director, OAM.

Dated: November 7, 1975.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.75-30724 Filed 11-13-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-454]

HIDDEN VALLEY LAKE SUBDIVISION

Notice of Hearing

In the matter of Hidden Valley Lake Subdivision, OILSR Nos. 0-1172-15-6, 0-1172-15-6(A-E), Doc. No. 75-200-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Hidden Valley Lake, Inc., James J. Rupel, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued September 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Hidden Valley Lake Subdivision, located in Dearborn County, Indiana, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 14, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on January 14, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before December 31, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc. 75-30736 Filed 11-13-75; 8:45 am]

[Docket No. N-75-456]

LAKE OF THE NORTH

Notice of Hearing

In the matter of Lake of the North, OILSR Nos. 0-2167-26-25, 0-2167-26-25(A), Doc. No. 217-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. American Central Corporation, John J. Dillon, Vice President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued September 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property for Lake of the North, located in Antrim and Otsego Counties, Michigan, contain untrue statements of material fact or omit to state material facts required tot be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 16, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on January 8, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before December 25, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a de-

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fault and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-30737 Filed 11-13-75;8:45 am]

[Docket No. 75-465]

PINERY SUBDIVISION

Notice of Hearing

In the matter of The Pinery Subdivision, OILSR No. 0-1530-05-105 (A-H), Doc. No. 75-221-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Terracor, Ian M. Cumming, President and Director, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued September 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125, informing the developer of information obtained by the Officer of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for The Pinery Subdivision, located in Douglas County, Utah, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 15, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered, that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on January 6, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before December 23, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-30738 Filed 11-13-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting

On December 2, 3 and 4, 1975 the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C. The Advisory Council is composed of 25 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On December 2 at 9:30 a.m. in room 2232 the Crashworthiness Committee will meet with the following agenda:

School Bus Seat Belt Anchorage Requirements.
Dynamic Testing of Seat Belts.
Issues Arising from the Fourth International Congress on Automotive Safety.
New Business/Old Business.

At 1:30 p.m. on December 2 in room 3442 the Accident Avoidance and Operating Systems Committee will meet with the following agenda:

Review of 100 Series Motor Vehicle Safety Standards.
New Business/Old Business.

Also on December 2 at 3:00 p.m. in room 2232 there will be a joint meeting of the Crashworthiness and Motorcycle Committees with the following agenda:

Discussion of Motorcycle Helmet Standard 218—Surrogate vs. Human Response.
New Business/Old Business.
Future Meetings.

On December 3 starting at 10:30 a.m. in room 2232 the Advisory Council will review the Motor Vehicle Safety Defects Program. Briefings will be made by NHTSA staff.

On December 4 at 9:00 a.m. in room 2232 the full Council will meet with the following agenda:

Approval of October Minutes.
National Accident Sampling System.
Report of Crashworthiness Committee.
Report of Accident Avoidance and Operating Systems Committee.
Report of Motorcycle Committee.
New Business/Old Business.

On December 4 following the full Council meeting the Executive Committee will meet in room 2232 with the following agenda:
Future Plans.

For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, S.W., Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: November 10, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-30685 Filed 11-13-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

MIXED OXIDE FUEL

Scope, Procedures and Schedule for Generic Environmental Impact Statement and Criteria for Interim Licensing Actions

In the May 8, 1975 FEDERAL REGISTER (40 FR 20142), the Nuclear Regulatory Commission requested public comment on the subject of procedures for decisions relating to wide-scale use of mixed oxide fuel[1] in light water nuclear power reactors. In order to focus attention on the major elements of the decisions it would have to make, the Commission stated its provisional views in that notice. The present notice states the Commission's conclusions, reached in light of the extensive public comments received by the Commission and the Commission's further deliberations. In particular, this notice:

Sets forth the Commission's determination that the subject of wide-scale use of mixed oxide fuel in the light water power reactor fuel cycle requires a full assessment of safeguards issues before the Commission's decision is made;

Specifies the procedures and schedule to be followed for completion of the environmental impact statement on wide-scale use of mixed oxide fuel and for the conduct of the associated hearings; and

Sets forth criteria under which certain licensing actions can proceed in the interim prior to the Commission's decision on the wide-scale use of mixed oxide fuel.

SUMMARY

After a careful review of all comments received on its May 8th provisional views, the Commission has determined that the subject of wide-scale use of mixed oxide fuel in the light water power reactor fuel cycle requires a full assessment of safeguards issues before its decision is made. At the same time, the Commission firmly believes that it is in the national interest to expedite the decision-making process to the extent consistent with sound and full examination of the issues.

[1] Fuels containing both plutonium oxide and uranium oxide.

Safeguards measures are those measures employed to prevent the theft or diversion of special nuclear materials and to prevent the sabotage of nuclear facilities. The Commission has directed its Staff to prepare, on an accelerated schedule, and then to circulate for written comment, a safeguard supplement to the draft environmental statement which was issued by the Atomic Energy Commission Staff in August, 1974. The supplement will include an analysis of the costs and benefits of alternative safeguards programs, and a recommendation as to safeguards associated with wide-scale use of mixed oxide fuel. The Commission has also directed its Staff to expedite preparation of all aspects of the final environmental statement, including safety and environmental matters as well as safeguards matters. Proposed rules reflecting the final statement's analysis of those matters will be published for public comment by the Commission.

In issuing its provisional views on May 8, the Commission contemplated that a final environmental statement would not be completed until late 1976. It now appears possible to complete the draft safeguards supplement in early 1976, and to complete all aspects of the final environmental statement in mid-1976.

The Commission has determined that, in the interest of informed decisionmaking, public hearings will be held on the final statement and the proposed rules relating to wide-scale use. The Commission regards a decision-making process that is both sound and expeditious to be of crucial importance, and believes that both considerations can be compatibly accommodated in its public hearing procedures. Such an accommodation will be fostered by a legislative-type hearing using a mixture of written and oral presentations, in which participants can be examined by the presiding board on relevant policy, factual and technical issues.

The legislative-type hearings will begin as soon as that portion of the final statement dealing with health, safety, and environmental matters is published. Legislative-type hearings will also be held on safeguards matters when that aspect of the final statement is completed. The Commission expects that these hearings will be concluded by the end of 1976. The legislative-type hearings may be followed by adjudicatory-type hearings on particular issues if need for further hearings on such issues is demonstrated to the Commission. If there is no demonstrated need for adjudicatory-type hearings, the Commission expects that its own final decision will be rendered in early 1977. The Commission cannot say at this time whether adjudicatory-type hearings will be in order, or how long they would take if held—their actual duration being dependent on the number and complexity of the issues found by the Commission to need adjudicatory treatment.

The Commission has reappraised the guidelines it set forth in its provisional views for determining what related activities could be permitted pending its final decision. The resulting Commission determinations are summarized below.

Staff Review and Hearings. The Commission has decided that Staff reviews and hearings relating to fuel recycle activities should continue up to the point of actual licensing.

Interim Licensing of Fuel Cycle Facilities. On the matter of actual licensing, in addition to the eligibility criteria set forth below, a primary concern of the Commission is to assure that any license granted in the interim prior to a final Commission decision on wide-scale use of mixed oxide fuel is (1) consistent with the Commission's responsibilities to protect the public health and safety and the common defense and security, and (2) compatible with environmental values. Licenses for individual fuel cycle facilities will be issued in the interim, where warranted, consistent with the above, only after analysis and balancing of the following factors:

Whether the activity can be justified from a cost-benefit standpoint under the National Environmental Policy Act of 1969, without placing primary reliance on an anticipated favorable decision on wide-scale use of mixed oxide fuel;

Whether the activity would give rise to an irreversible and irretrievable commitment of resources that would unjustifiably foreclose for the activity substantial safeguards alternatives that may result from the decision on wide-scale use; and

The effect of delay in the conduct of the activity on the overall public interest.

The individual impact statement or appraisal, as appropriate, for each individual fuel recycle related licensing action subject to the foregoing eligibility criteria will describe the relationship between the licensing action at issue and the environmental impact statement on wide-scale use, and discuss the application of the criteria to the facts of the case.

Interim Licensing for Use of Mixed Oxide Fuel in Reactors. With respect to interim licensing of mixed oxide fuel in light water nuclear power reactors, the Commission believes that use of such fuel could produce useful additional economic and technical data. Such use would neither constitute nor markedly contribute to "wide-scale use" because of the limited mixed oxide fuel fabrication capacity that will be available. Such licensing will accordingly be permitted.

Safeguards for Interim Licensing. With regard to existing licensed activities, while experience and continuing study may indicate areas where revisions in its regulations should be made, the Commission is confident that, in light of the types and numbers of facilities and amounts of materials involved, the safeguards framework described below is adequate to enable the Commission to carry out its responsibilities to protect the public health and safety and the common defense and security.

The Commission is of the same view as regards the interim use of mixed oxide fuel in light water power reactors, and the associated transportation of reactor fuel. The Commission believes that those activities, so regulated, impose little or no increase in current levels of risk associated with loss or diversion of plutonium, and that current safeguards will provide adequate protection for interim licensing of its use. Interim licensing of initial processing of spent fuel to separate its uranium and plutonium constituents, of conversion of the uranium constituent to uranium hexafloride, and associated transportation links, can also proceed on the basis of current safeguards regulations. With respect to interim licensing of other fuel cycle activities which may demonstrate eligibility (i.e., plutonium nitrate-to-oxide conversion and mixed oxide fuel fabrication, and associated transportation links), the Commission expects to publish proposed safeguards rules for the interim in the FEDERAL REGISTER at the same time as issuance of the draft safeguards supplement in early 1976. Final safeguards rules for licensing such fuel cycle activities in the interim will be adopted after public comment procedures, at the time the Final Environmental Statement is issued (mid-1976).

The Appendix to this Notice sets forth, in sequential matter, the projected times for completion of the draft and final publication of safeguards rules relating to interim licensing and rules regarding wide-scale use of mixed oxide fuel; for commencement and conclusion of legislative-type hearings; and for the final Commission decision on wide-scale use.

BACKGROUND

On February 12, 1974, the Atomic Energy Commission (AEC) announced that a generic environmental impact statement would be prepared prior to an AEC decision on the wide-scale use of mixed oxide fuel (also referred to as plutonium recycle fuel) in light water nuclear power reactors (39 FR 5356). On August 21, 1974, notice was published in the FEDERAL REGISTER that a draft environmental impact statement on this matter had been prepared, pursuant to the National Environmental Act of 1969 (NEPA), by the AEC Staff (39 FR 30186).

The principal conclusion in the draft environmental impact statement issued by the AEC Staff was that utilization of plutonium resources as recycle fuel in light water nuclear power reactors should be approved. The AEC Staff reached favorable conclusions with respect to matters of public health and safety, and the environment. The AEC Staff found in this connection that the total environmental impact from the nuclear fuel cycle, using mixed oxide fuel, would be slightly reduced, and that the safety of light water power reactor operations would not be adversely affected. The draft statement further reflected that uranium reserves would be extended, and that requirements for uranium enrichment would be reduced. Although the

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draft environmental impact statement did not set forth a fully developed and detailed cost-benefit analysis of alternative safeguards programs, it did review the then current safeguards program, presented some cost estimates for safeguards, and noted numerous measures that could contribute to upgrading of that program. The Staff concluded that the safeguards problems would be manageable and that there did not appear to be any safeguards related rationale sufficient to delay a decision to permit the use of mixed oxide fuel for light water power reactors or associated production activities.

The AEC Staff stated in the draft statement that indications at that time pointed to decisions on safeguards upgrading within about one year after issuance of the final environmental statement. At the time, the AEC Staff expected that this separate decision on the safeguards measures necessary for wide-scale use would be made by mid-1976. However, this estimate did not include any time for preparation and issuance of draft and final environmental impact statements on the safeguards measures or any public proceeding.

In a January 20, 1975 letter to the Nuclear Regulatory Commission, the President's Council on Environmental Quality expressed the view that, although the draft environmental statement was well done and reflected a high quality effort, it was incomplete because it failed to present a detailed and comprehensive analysis of the environmental impacts of potential diversion of special nuclear materials and of alternative safeguards programs to protect the public from such a threat. The Council believed that such a presentation should be made by the Nuclear Regulatory Commission before its final decisions on plutonium recycle. The Council also expressed the view that the Nuclear Regulatory Commission should take care to avoid actions which would foreclose safeguards alternatives or which would result in unnecessary "grandfathering" during the period in which the safeguards issue is being resolved.

On May 8, 1975, following its consideration of the relevant issues, the Commission published in the FEDERAL REGISTER its provisional views regarding the decisional course it would follow on wide-scale use of mixed oxide fuel (40 FR 20142). The Commission's provisional views were that, subject to consideration of comments to be received:

(1) A cost-benefit analysis of alternative safeguards programs should be prepared and set forth in draft and final environmental impact statements before a Commission decision is reached on wide-scale use of mixed oxide fuels in light water nuclear power reactors.

(2) There should be no additional licenses granted for use of mixed oxide fuel in light water nuclear power reactors in the interim prior to the decision on wide-scale use except for experimental purposes; and

(3) With respect to light water nuclear power reactor fuel cycle activities (activities other than nuclear power reactor construction and operation) which depend for their justification on wide-scale use of mixed oxide fuel in light water nuclear power reactors, there should be no additional licenses granted in the interim which would foreclose future safeguards options or result in unnecessary "grandfathering". This would not preclude the granting of licenses in the interim for experimental and/or technical feasibility purposes.

The Commission indicated in the May 8th Notice that, in developing its provisional position on these issues, it took due account of the views of the President's Council on Environmental Quality, both in terms of the substance of those views, and in recognition of the Council's role in reviewing Federal activities for consistency with the policies of NEPA and in formulating guidelines for the preparation of environmental impact statements.

In the May 8th Notice the Commission requested the views of interested persons on these provisional views. Comments were requested in particular on (1) the relative merits of the Commission's provisional approach to preparation of the generic environmental impact statement and of the earlier approach adopted by the AEC Staff, or other alternatives, from the standpoint of the relevant policy, factual, and legal considerations; (2) whether the question of deferring future licensing actions related to the use of mixed oxide fuels should be left for resolution in individual licensing proceedings, or addressed by the Commission as a generic matter; and (3) the appropriateness of the Commission's guidelines for resolving the individual licensing actions set forth above. Comments were requested by June 9, 1975.

On May 27, 1975, before the expiration of the original comment period, the Commission held public meetings with industry groups and other interested persons to respond to questions seeking clarification of the May 8th Notice. The comment period later was extended until July 24, 1975.

Over two hundred comments were received in response to the May 8th Notice. These comments have been placed in the Commission's public document room and are available for review by the public.[1]

The comments focused to a major extent on four general issues:

(1) The desirability of completing a cost-benefit analysis of alternative safeguards programs as a part of the Commission decision on the wide-scale use of mixed oxide fuel in light water nuclear power reactors;

(2) The desirability of permitting various related licensing actions to be taken pending a Commission decision on wide-scale use;

(3) The adequacy of present Commission regulations to protect against loss or diversion of plutonium associated with related licensing actions in the interim period; and

(4) The procedures to be utilized by the Commission in reaching a decision on wide-scale use of mixed oxide fuel, including hearing procedures.

With respect to those comments which specifically addressed the first issue noted above, comments from five utilities, nine environmental groups, four state or local government agencies, two Senators, one Congressman, one vendor, and two private law firms indicated that a cost-benefit analysis of alternative safeguards programs should be included as part of the Commission decision on wide-scale use. Comments from twenty-eight utilities, five vendors, two industry/trade associations, one state government agency, one federal agency, one engineering company, one university department, and ten private citizens indicated a belief that such a cost-benefit analysis was not needed. Comments from five utilities contained a proposal that the decision on wide-scale use include an analysis that would place an upper limit on safeguards costs, but that the detailed cost-benefit analysis be postponed until some time subsequent to the decision on wide-scale use.

Of those comments specifically addressing the second issue (the matter of interim licensing), eighteen utilities, two vendors, one trade association, one state government agency, and one engineering firm did not believe that any restrictions on interim licensing were necessary. Thirty-two utilities, six environmental groups, eight vendors, three industry/trade associations, four state and local government agencies, two federal agencies, and five private citizens indicated that some related licensing actions should be taken in the interim, subject to certain restrictions and limitations. Comments from eight private citizens, one Congressman, one environmental group, and one county government urged that no related licensing action be taken in the interim period.

Of those who specifically addressed the third issue (adequacy of present safeguards requirements), thirty utilities, fifteen vendors and processors, eight private citizens, two federal agencies, and one state government agency believed that present safeguards requirements were adequate for interim licensing; while eight private citizens, one Congressman, one environmental group and one county government believed that present regulations were inadequate for this purpose in the absence of further analysis. On the final issue (procedures for reaching the ultimate decision), while there was general agreement on the desirability and feasibility of a prompt decision on the widescale use of mixed oxide fuel, a wide variety of procedures were suggested for accomplishing this objective.

The comments received contributed greatly to the Commission's informed consideration of the issues involved.

PRESENT USES OF PLUTONIUM IN THE LIGHT WATER REACTOR FUEL CYCLE

Light water nuclear power reactors (LWRs) have characteristically been fueled with slightly enriched uranium, i.e., uranium in which the naturally occuring fissile isotope uranium-235 has been concentrated from its natural abundance of 0.7 percent to about 3 percent through a process called isotopic enrichment. Essentially all of the other 97 percent of the uranium in the fuel is the isotope uranium-238.

The heat energy produced during the operation of newly fueled light water reactors comes almost entirely from the fissioning of the uranium-235 atoms in the fuel. As the reactor operates, atoms of plutonium are produced from uranium-238 atoms. For each gram of uranium-235 consumed in LWR fuel, as much as 0.9 grams of fissile plutonium is formed within the fuel. Generally, more than half of that plutonium subsequently fissions in place, thus contributing about one-third of the energy produced in the power plant. In fact, just before expended fuel is discharged from the reactor, more than half the fissions occuring in that fuel are fissions of plutonium rather than uranium. Thus, all operating uranium-fueled light water power reactors generate plutonium, some of which is consumed in the reactor without external recycle.

From the early days of the nuclear power industry in this country, electric utilities planning to construct and operate light water nuclear power reactors contemplated that the used, or spent, fuel discharged from the reactors would be chemically reprocessed to recover the quantities of plutonium and uranium that escaped fission in the reactor, and that the plutonium and uranium so recovered would be recycled back into fresh reactor fuel. From 1957 until 1972 the AEC carried out an extensive program of spent fuel recycle research and development at a total cost of over one hundred million dollars. Direct support by AEC of this research terminated in mid-1972, although indirect support by the AEC continued through cooperative efforts with industry whereby AEC supplied plutonium for demonstration of mixed oxide fuel use.

Industry plans are to carry out the spent fuel recycle process in the following steps:

(1) Store the spent fuel to allow some decay of radioactivity;

(2) Separate plutonium and uranium from fission product wastes as nitrate solutions;

(3) Convert the uranium to uranium hexafluoride which is then enriched to increase the concentration of the fissile isotope uranium-235;

(4) Convert the uranium hexafluoride to uranium dioxide;

(5) Convert the plutonium nitrate to plutonium oxide;

(6) Manufacture fuel rods with pellets containing mixed plutonium and uranium oxides;

(7) Fabricate fuel elements containing fuel rods of mixed oxide fuel;

(8) Convert the fission product wastes into forms suitable for long term storage;

(9) Transport materials as required by the above processing, production, or storage operations.

The spent fuel which is the starting point of the overall recycle process produces highly penetrating radiation and thus is very hazardous to anyone exposed to it. Accordingly, the separations step, the second of the above steps, must be carried out behind massive shielding and with the use of remote operating technology. In the separations processes the fuel elements are sheared and the fuel materials dissolved prior to the separation of the constituents. After the plutonium and uranium nitrate solutions have been separated from the fission products and purified, the purified materials no longer contain the highly penetrating radiation which is inherent to the fission products. Thus, after the separations step, the plutonium and uranium products are significantly less radioactive.

The conversion of recovered uranium to uranium hexafluoride, subsequent isotopic enrichment and manufacture of low enriched uranium oxide fuel would be carried out in essentially the same type facilities and operations that are utilized when starting from naturally occurring uranium. The basic technology for conversion of plutonium nitrate to its oxide and for carrying out the manufacture of mixed oxide fuel has been developed in both government and industrial plutonium utilization programs. However, the capacity of the facilities presently licensed for this use and the quantities of material that have been handled to date are of a magnitude far below that which would be involved in wide-scale use.

The conversion of limited quantities of fission product wastes into forms suitable for long term storage has been performed by a variety of methods in research and development programs. However, only small quantities of fission product wastes from commercial recycle of spent fuel have been generated to date and no commercial scale facilities for the conversion of such wastes have been designed or licensed to date.

Mixed oxide fuel and the materials involved in the fabrication of the fuel are being transported today and considerable experience exists with the factors involved in these transportation arrangements. Wide-scale use of mixed oxide fuel in light water reactors will require transport of larger amounts of commercial fuel materials in their various forms than are being transported today, but no other transportation factors of significance are introduced. To date fission product wastes have not been shipped to facilities for long term storage; thus, such shipment, while not judged to be markedly different from the shipment of spent fuel itself with regard to health and safety, environmental and safeguards considerations, has not been performed by industry.

At present, three light water nuclear power reactors (Big Rock Point in Michigan, Quad-Cities 1, and Dresden 1 in Illinois) are licensed to operate with mixed oxide fuel. The number of mixed oxide fuel rods in these reactors ranges from less than 0.1 percent in a commercial size (800 megawatts of electricity) reactor, Quad-Cities 1, to about eleven percent in a very small (70 megawatts of electricity) reactor, Big Rock Point.

There are in operation today no plants for reprocessing of light water reactor spent fuel or mixed oxide fabrication plants of the size contemplated for wide-scale use. However, the Nuclear Fuel Services reprocessing plant at West Valley, New York, which is presently shut down, operated between 1966 and 1971, during which period this plant processed about 640 metric tons of spent fuel of which about one-half was uranium oxide fuel. Also, there are a number of small mixed oxide fuel fabrication plants in operation licensed to produce limited quantities of mixed oxide fuel. Their capacity is a small proportion of the capacity required to produce mixed oxide fuel for commercial reloads of the nation's existing light water reactors.

The Commission has pending before it several related licensing actions. One is Nuclear Fuel Services' application for a permit to construct alterations and expansions (Docket No. 50–201) at their existing plant. Allied General Nuclear Services' proposed separations and uranium conversion facilities in Barnwell, South Carolina, the construction of which began in 1970 and 1973, respectively, are nearing completion. The separations facility is the subject of a pending licensing proceeding before the Commission (Docket No. 50–332, together with a related matter, Docket No. 70–1729). In addition, an application by Westinghouse Electric Corporation for a license for a proposed mixed oxide fuel fabrication plant near Anderson, South Carolina, has been received and is undergoing review by the Commission's Staff. Other firms have expressed an interest in various plutonium recycle related activities, but have not filed any license applications.

GENERAL POLICY OBJECTIVES OF THE COMMISSION

In considering and arriving at its various determinations, the Commission was motivated by several basic policy objectives in carrying out its responsibilities under the Atomic Energy Act and NEPA. In keeping with its general approach to regulatory matters, it sought to structure a decisional process which will assure thorough consideration of all salient factors and achieve this as expeditiously as practicable. It was the Commission's companion objective that this decisional process result in determinations that are sufficiently definitive and well-founded to allow firm planning by the nuclear industry. Further, the Commission was mindful of the need for sound guidelines to provide for such interim licensing as is compatible with the Commission's decisional course and consistent with the overall public interest.

TREATMENT OF SAFEGUARDS IN THE ENVIRONMENTAL STATEMENT AND PROCEDURES FOR DECISION

In light of its review of comments received in response to the May 8th Notice and its further deliberations, and consistent with the foregoing policy objectives, the Commission has concluded that

[1] Three supplementary statements received in response to a Staff request for additional information contained a request that certain information submitted be withheld from public disclosure as proprietary information. None of this information is included in this Notice and none of this information has been relied on in reaching any conclusions in this Notice.

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a decision on wide-scale use of mixed oxide fuel in light water nuclear power reactors should be preceded by a full assessment of relevant safeguards issues. The Commission has also concluded that a cost-benefit analysis of alternative safeguards programs should be included as a part of the environmental impact statement on wide-scale use of mixed oxide fuel. It has directed its Staff to prepare a cost-benefit analysis, including a recommendation as to the preferred requirements, in the form of a supplement to the draft statement previously circulated for comment. This supplement should be completed in early 1976, and will be circulated for comment.

The comments on the non-safeguards portions of the draft statement will be considered and that portion of the final statement will then be prepared and issued in early 1976. The remainder of the final environmental impact statement, which should be completed in mid-1976, will include a final safeguards cost-benefit analysis and an overall cost-benefit balance.

The public will continue to be afforded the opportunity to participate in the Commission's decision on wide-scale use, not only by submission of written comments on the supplement to the draft environmental statement, but also by the opportunity for participation in public hearings which will be held on both portions of the final environmental impact statement. The Commission intends that these hearings commence following issuance of the relevant portion of the final impact statement.

The Commission regards a decision-making process which is both sound and expeditious to be of crucial importance and believes that both considerations can be compatibly accommodated in its public hearing procedure. This accommodation will be fostered by legislative-type hearings on all relevant issues. The Commission will establish a board to preside at those hearings. The hearing board will be expected to establish reasonable time limits for the conduct of the proceedings. All direct testimony for the legislative-type hearings will be filed in advance. The board will be expected to question witnesses, and participants will be permitted to suggest questions to the board, but there will not be direct cross-examination of participants by other participants.

It may be that some factual issues cannot be resolved adequately on the basis of a record developed in this manner. Following completion of the legislative-type hearings, participants will have the opportunity to dentify any such issues of fact for which direct cross-examination by the participants is needed for a sound decision. The participant requesting cross-examination on one or more such issues will be expected to demonstrate why the legislative-type procedures have not proved adequate. After consideration of any such requests and the views of the other participants thereon, the Commission will determine whether there is any need for further hearings, with opportunity for cross-examination, on specified issues. Following the hearings, the board will certify the record to the Commission for use in its decision.

The procedures for hearing will be set forth in more detail in a Notice of Hearing which will be issued by the Commission in the near future.

The Commission expects to publish proposed safeguards rules governing *interim* licensing of plutonium conversion and fuel fabrication when the supplement to the draft statement is issued. A written comment procedure will then be available. These interim requirements would be promulgated in final form when the last portion of the generic impact statement is issued in mid-1976.

In addition, the Commission intends to issue proposed amendments to its rules and regulations relating to the licensing of *wide-scale* use of mixed oxide fuels in notices of proposed rulemaking to be published in the FEDERAL REGISTER at about the time relevant portions of the impact statement are completed. These proposed amendments will address safety, environmental, and safeguards matters associated with wide-scale use of mixed oxide fuel.

In addition to the usual opportunity for written public comment on these rules, an opportunity will be afforded for consideration of them during the hearing process. The Commission intends to promulgate appropriate rules in final form at the time of its final decision.

INTERIM REVIEWS

Only a few light water nuclear power reactors in the United States use any mixed oxide fuel, domestic fuel fabricators produce little mixed oxide fuel on a commercial basis, and no domestic reprocessing of commercial light water power reactor spent fuel occurs at present. If the applicant's schedule were met and the Commission authorized its operation, the fuel separations and uranium conversion facilities at the Barnwell plant (with estimated processing capacity of about 1500 metric tons of spent fuel per year) could start up in late 1976 to early 1977. The recovered uranium would then have to be chemically converted, reenriched and fabricated into fuel. before it could be recycled back into light water power reactors. No application has been filed for a plant in which plutonium nitrate would be converted to plutonium oxide. If such an application were filed and authorization for such conversion were granted, it is unlikely that the plant could commence operation any earlier than mid-1979.[5] The proposed modified and expanded NFS reprocessing plant (with estimated reprocessing capacity of about 750 metric tons of spent fuel per year) is still under design and, if authorized, is not expected to be in operation before about 1982. No construction has commenced on the proposed Westinghouse mixed oxide fabrication plant (200–400 metric tons of mixed oxide fuel per year) and it is not likely that the plant will, if authorized, be in operation before 1980. Other plutonium recycle related plants may be in the planning stage, but license applications for activities of this type have been filed only for the three plants noted above.

Given these practical limitations on the availability of mixed oxide fuel in the United States before the early to mid-1980's—long after the Commission's decision will have been made—two limited questions are presented at this time for Commission consideration: first, whether and, if so, to what extent Staff reviews and public hearings regarding related license applications should be commenced or continued prior to the Commission decision on the wide-scale use of mixed oxide fuel; and second, whether the Commission should, in the exercise of its regulatory responsibilities, issue licenses or other approvals for fuel recycle activities in this interim period. These issues are treated in turn.

Staff Reviews and Public Hearings. Staff reviews of the various license applications described above are now in process. The Commission believes that these reviews should continue and that Staff reviews can also commence and continue with respect to any future fuel recycle related license applications that may be filed during the interim prior to the Commission decision on the wide-scale use of mixed oxide fuel. Any such applications must show compliance with detailed and stringent health and safety and environmental requirements, independent of generic issues regarding safeguards for the wide-scale use of mixed oxide fuel; and it would serve no useful purpose to delay consideration of these factors until after the ultimate decision. Continuation of Staff reviews in the interim would also serve to facilitate early identification of any significant problems, or areas in which plant design might be improved or additional data should be obtained.

It is recognized, of course, that Staff Safety Evaluations or Environmental Impact Statements may need to be supplemented in light of the Commission's final decision should that decision be favorable, but this is a matter that can be determined once that decision has been made.

The Commission also has carefully considered whether public proceedings should be commenced or continued short of license issuance for all related license applications in the interim period. The Commission has concluded that the considerations discussed above also are applicable to the initiation or continuation of formal public proceedings. However, in recognition of the fact that such proceedings entail commitments of resources by persons other than the Commission's Staff, the Commission has decided that no rigid requirement for proceeding on all issues should be adopted. Rather, the Commission believes that any required formal public proceedings should be initiated, but that the individual Atomic Safety and Licensing Boards should decide, within the framework of the guidance set forth below, when evidentiary public hearings should be held and partial decisions rendered on specific issues. In making such decisions, the licensing boards should consider: (1) the degree of likelihood that any early findings on the issue(s) would retain their validity following the Commission's final decision on wide-scale use of mixed oxide fuel and implementing regulations; and (2) the possible effect on the public interest and the litigants in having an early, if not necessarily conclusive, resolution of the issue(s).

[5] Under 10 CFR § 71.42, after June 17, 1978, plutonium in excess of 20 curies per package must be shipped in a solid form (i.e., oxide rather than nitrate).

INTERIM LICENSING

Aside from the issue of whether Staff reviews and public hearings should be continued, the Commission also considered the question of whether, in the exercise of its regulatory responsibilities, it should issue licenses or other approvals for limited fuel recycle activities in the interim period.

The Commission has concluded that interim licenses may be issued for fuel recycle related activities; eligibility for consideration of such licensing will depend on criteria which call for an analysis and balancing of specified factors. These criteria, which will be explained more fully below, deal with whether the activity can be justified from a NEPA cost-benefit standpoint without placing primary reliance on an anticipated favorable Commission decision on wide-scale use of mixed oxide fuel, whether the activity would unjustifiably foreclose substantial safeguards alternatives for the activity, and the effect of delay in the conduct of the activity on the overall public interest. The Commission also has concluded that use of mixed oxide fuel in light water nuclear power reactors, which is in any event limited by practical constraints, may be permitted in the interim. For interim licensing of certain types of fuel cycle activities augmented safeguards requirements may be imposed as discussed below.

In reaching its general conclusion that individual interim licenses may be issued where warranted, and under the specific conditions discussed in this notice, the Commission assessed the likely benefits of allowing such interim licensing as well as the possible adverse impacts. Here, as in other decisional areas, the need for careful balance was evident. While the Commission is properly mindful that certain licensing actions have the potential for foreclosing subsequent alternatives, it cannot disregard the equally hard reality that inaction or a blanket prohibition on fuel recycle related licensing actions could also foreclose or substantially impede realization of energy alternatives which may contribute significantly to meeting national needs.

PROTECTION OF THE PUBLIC HEALTH AND SAFETY, THE COMMON DEFENSE AND SECURITY AND THE ENVIRONMENT

The Commission believes that any public health and safety and environmental issues associated with interim licensing can be addressed adequately under the Commission's regulations within the context of the reviews of the individual license applications. The Commission is of the view that interim licensing of a particular activity would not foreclose for that activity significant health and safety or environmental alternatives that may result from the final decision on wide-scale use of mixed oxide fuel. This confidence is based on the health and safety and environmental conclusions in the August 21, 1974 draft environmental impact statement, the comments received thereon (including the comments of the Council on Environmental Quality), and the comments received on the Commission's provisional views of May 8, 1975.[4]

The Commission is also of the view that, for the reasons given above and because of the limited number and type of plants involved, interim licensing of particular projects prior to completion of the generic environmental impact statement would not result in the overlooking of any cumulative health and safety or environmental impacts or in the foreclosure of alternatives to other projects that could only be addressed in the generic environmental statement.

For the same reasons the Commission believes that interim licensing is not likely to result in such a substantial further commitment of resources that the final decision on the costs and benefits of the public health and safety and environmental aspects of wide-scale use of mixed oxide fuel would be significantly affected or that generic determinations on such aspects would be foreclosed. The matter of foreclosure of safeguards alternatives is addressed below.

Overall Public Interest. Broad public interest considerations must be weighed in determining the appropriateness of interim licensing. Whether the Commission decision on wide-scale use of mixed oxide fuel is favorable or unfavorable, an absolute prohibition on the conduct of any related activities in the interim could result in the disruption or cessation of planning as well as the production of useful data. Such a prohibition could result in potentially serious delays in exploring alternatives which could contribute to meeting the nation's energy needs. This could impose future economic penalties on the American public through increased costs to electric utilities caused by delaying the use of resources available in spent fuel and requiring additional spent fuel storage facilities that otherwise would not be needed.

The Commission, therefore, has concluded that it will be in the public interest to permit interim licensing under interim licensing eligibility criteria which are set forth below.

Foreclosure of Safeguards Alternatives. In view of the limited number of fuel recycle related license applications, the Commission believes that any interim licensing is highly unlikely to result in such a substantial further commitment of resources that the decision on the costs and benefits of safeguards measures appropriate for widescale use of mixed oxide fuel would be significantly affected or that generic safeguards determinations would be foreclosed. It is recognized that interim licensing of a particular project could, depending on the circumstances, have a tendency to foreclose the later adoption of safeguards alternatives to the particular project. Of course, where substantial commitments of resources have already been made to a particular project, additional commitments to the project are far less likely to have this result. With respect to the use of mixed oxide fuel in reactors, it is not likely that significant design changes would be required to accommodate loading of mixed oxide fuel, and the fuel can always be removed and the reactor refueled with uranium fuel. Thus, authorization for use of mixed oxide fuel in light water power reactors in the interim is not likely to foreclose safeguards alternatives significantly. The interim licensing criteria reflect these considerations as well.

Any related licenses that may be issued by the Commission in the interim prior to the final decision on the wide-scale use of mixed oxide fuel must also include adequate measures to protect against loss or diversion of the quantities of plutonium that may be involved. These interim safeguards requirements are discussed later in this notice.

Dependency on Wide-Scale Use. Potentially significant benefits associated with interim licensing include the production of useful additional economic and technical data regarding the operation of reprocessing facilities and other fuel cycle plants and the operation of reactors with mixed oxide, the value of the fuel that could be recovered in reprocessing and recycled into fresh reactor fuel, and amelioration of a possible shortage of spent fuel storage capacity.

Major Commission actions, such as licensing the operation of commercial fuel reprocessing facilities or operation of fuel element fabrication plants, require preparation of an environmental impact statement under NEPA. Such an impact statement would set forth a conclusion whether the environmental costs that are associated with the project are justified in light of the benefits. The benefits described above could, depending on the circumstances of the case, be sufficient under NEPA to offset the environmental costs of a particular project. However, it is possible that some projects may be so integrally related to the wide-scale use of mixed oxide fuel that the environmental costs associated with the project could only be justified by assuming that wide-scale use of mixed oxide fuel will take place. In the Commission's view, the degree of dependency of a particular project on a favorable decision on the wide-scale use of mixed oxide fuel should be assessed along with other rele-

[4] The so-called plutonium "hot particle" matter, which is the subject of a petition for rulemaking that is pending before the Commission, is expected to be resolved in the near future. Docket No. PRM 20–5.

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vant considerations in determining whether any interim license for the project should be issued.

INTERIM LICENSING ELIGIBILITY CRITERIA

The Commission has determined that whether specific fuel recycle related activities (as defined below) should be authorized in the interim will be determined within the context of the individual licensing proceedings on the basis of consideration and balancing of the following factors:

(1) Whether the activity can be justified, from a NEPA cost-benefit standpoint, without placing primary reliance on an anticipated favorable Commission decision on wide-scale use of mixed oxide fuel;

(2) Whether the activity would give rise to an irreversible and irretrievable commitment of resources that would unjustifiably foreclose for the activity substantial safeguards alternatives that may result from the decision on wide-scale use; and

(3) The effect of delay in the conduct of the activity on overall public interest.

These criteria will be applied to all applications for licenses or permits or amendments thereto for fuel recycle related activities (other than reactor construction and operation), such as commercial nuclear fuel reprocessing and mixed oxide fuel fabrication, and all regular actions that would have the effect of permitting commencement of construction of any such light water nuclear power fuel cycle plants.[2]

Operating licenses and amendments to operating licenses may be issued authorizing use of mixed oxide fuel in light water nuclear power reactors without case-by-case application of the eligibility criteria for fuel cycle activities described above. The Commission believes that this use of mixed oxide fuel in the interim could produce useful additional economic and technical data. This concept was reflected in the Commission's provisional views as set forth in the May 8th Notice, which favored permitting continued use of mixed oxide fuel in reactors for experimental purposes. Significant design changes in light water reactors will not be required for likely uses of mixed oxide fuel elements, which can readily be replaced with uranium fuel should circumstances require. As noted previously, all operating uranium-fueled light water power reactors generate plutonium, some of which is consumed in the reactor without external recycle. In the interest of obtaining a broader data base, no limits will be placed on the number of light water reactors for which such authorizations may be granted. The Commission is mindful, however, that the use of mixed oxide fuel in reactors during the interim will necessarily fall far short of wide-scale use, because of the limited mixed oxide fuel fabrication capacity that will be available. The Commission expects to make its decision on wide-scale use well before this situation could significantly change.

Applications for export or import of mixed oxide fuels, or for import of plutonium for domestic or re-export use in mixed oxide fuels, will be similarly constrained during the interim period by the absence of facilities here or abroad capable of processing and fabricating mixed oxide fuels at levels approaching wide-scale use. Accordingly, here too, no special measures are now required.

INTERIM LICENSING SAFEGUARDS

As is the case with all licenses issued by the Commission, any interim license that may be issued for nuclear power reactor fuel cycle activities will be subject (by regulation or order) to possible additional safeguards requirements. All interim activities that may be authorized pursuant to the above eligibility criteria will be conducted at the risk of the applicant, and be expressly subject to amendment, suspension, or revocation in light of the Commission decision on wide-scale use of mixed oxide fuel.

The Commission's program for safeguarding nuclear facilities and materials involves continual review and regulatory improvements. Current safeguards regulations are set forth in 10 CFR Parts 70 and 73. The regulations in Part 70 provide for material accounting and control requirements with respect to facility organization, material control arrangements, accountability measurements, statistical controls, inventory methods, shipping and receiving procedures, material storage practices, records and reports, and management control.

The Commission's current regulations in 10 CFR Part 73 provide requirements for the physical security and protection of fixed sites and transportation involving strategic quantities of nuclear materials. Physical security requirements for protecting fixed sites include the establishment and training of a security organization (including armed guards), provision of physical barriers, establishment of access controls, use of intrusion alarms, arrangements for communication with response forces, and establishment of response plans.

The Commission has also published a notice in the FEDERAL REGISTER that it is considering strengthening its regulations in 10 CFR Part 70 by providing for explicit limits for material balance uncertainty and by setting forth requirements for prompt action when an excessive material balance uncertainty occurs (40 FR 30133). The Commission has further proposed amendments to its regulations in 10 CFR Part 73 which would provide for an increased level of physical protection for shipments by licensees of special nuclear material of high strategic (39 FR 40036), would identify particular measures to be taken for the protection of nuclear power reactors against industrial sabotage (39 FR 40038), and would require advance notice to the Commission of shipments involving certain quantities of special nuclear material and notification of arrival of such shipments at their final destinations (40 FR 15098).

The next major milestones in this process of review and improvement in safeguards are expected to be the completion of the Federal Security Agency Study mandated by section 204(b)(2)(C) of the Energy Reorganization Act of 1974, the completion of the Nuclear Energy Center Site Survey mandated by section 207 of the same Act, and the issuance of the draft safeguards supplement to the environmental impact statement.

The Commission's regulations in 10 CFR Parts 70 and 73 described briefly above are applied in the reviews of individual license and permit applications. License conditions then are developed and imposed which translate the regulations into specific requirements and limitations which are tailored to fit the particular type of plant or facility involved.

With regard to existing licensed activities, while experience and continuing study may indicate areas where revisions in its regulations should be made, the Commission is confident that, in light of the types and numbers of facilities and amounts of materials involved, the above-described safeguards framework is adequate to enable the Commission to carry out its responsibilities to protect the public health and safety and the common defense and security.

The Commission is of the same view as regards the interim use of mixed oxide fuel in light water power reactors, and the associated transportation of reactor fuel. The Commission believes that those activities, so regulated, impose little or no increase in current levels of risk associated with loss or diversion of plutonium. Once irradiation has begun in the reactor, mixed oxide fuel elements present no considerations different from uranium elements—which, as already indicated, immediately begin to generate and use plutonium once loaded in the reactor core. Before that point, the plutonium in the fresh fuel element is highly dilute and dispersed, and encased within metal fuel rods. Shipments are made in heavy assemblies, and recovery of the plutonium would involve a complex and multi-stage chemical process.

The Commission is confident that the safeguards framework of existing and proposed regulations provides an adequate basis for interim licensing of initial processing of spent fuel to separate its uranium and plutonium constitutents, of conversion of the uranium constituent to uranium hexafluoride, and of the transportation links associated with these activities. The nuclear materials in a separation plant, until the very final processing stages, are in a chemical and physical form, and behind a containment, which make theft or diversion both difficult and personally hazardous, since they remain highly radioactive at these stages. Even at the final stages of the process, the fissile components are not in a form suitable for fabrication of nuclear explosives. Moreover, current regulations provide adequate bases for security of these types of plants. Reprocessing plants are designed and constructed with heavy barriers which limit access to special nuclear material and thus it is unlikely that major adjustments in protection for such plants will be required following the Commission's decision on wide-scale use. Finally, while material control and accounting problems will be introduced with regard to the plutonium inventory in the separation plants, acceptable levels of accountability can be accomplished under present regulations by strengthening plant-specific material balance controls.

The Commission is of the further view that licensing of applications for plutonium conversion and mixed oxide fuel fabrication, and the associated transportation links, should await requirements which can best be established in light of the comprehensive evaluation of safeguards in the supplement to the environmental impact statement. While it appears, on the basis of experience to date and information derived from the ongoing safeguards studies, that reasonable and adequate safeguards measures can be developed for the interim licensing of these activities, the Commission has decided that the particular safeguards regulations for such activities should await completion of the additional studies. The regulations thereafter established, in the manner set forth below, will serve as the basis for licensing reviews and for such licensing decisions on facilities of this type as may take place during the interim period.

The particular safeguards regulations for the foregoing will be the subject of detailed discussion in a notice that will be published in the FEDERAL REGISTER at about the same time as issuance of the draft safeguards supplement to the environmental impact statement (early 1976).

Promulgation of any additional regulations for interim use will take place only after public procedure in accordance with section 553 of title 5 of the United States Code, and receipt and analysis of comments on the draft supplement. The final determination on such regulations will be made by the Commission at about the same time (mid-1976) as issuance of the final portion of the environmental impact statement, which will include the final cost-benefit analysis. These particular safeguards regulations for licensing of plutonium conversion and mixed oxide fuel fabrication would be interim in nature, would apply only to reviews of and decisions on applications for licenses for such facilities during the limited time preceding a Commission decision on wide-scale use and the requirements appropriate thereto, and would be subject to modification in light of the final Commission decision on those matters. As reflected by the earlier-recited status of facility applications before NRC, any licensing that may be authorized prior to the final Commission decision would be limited, as a practical matter, to a few plants. The interim licensing eligibility criteria are designed to assure consideration of both the justification for such licensing, and whether the activity under review would unjustifiably foreclose for the activity substantial safeguards alternatives that may result from the Commission's final decision on widescale use of mixed oxide fuel.

These eligibility criteria and safeguards limitations are in addition to any other applicable Commission licensing requirements set forth in the Commission's regulations. In particular, the Commission expects that individual environmental impact statements or appraisals, as appropriate, would be prepared for fuel recycle related licensing actions subject to the eligibility criteria. The individual impact statement or appraisal would describe the relationship between the licensing action at issue and the environmental impact statement on wide-scale use, and discuss the application of the criteria to the facts of the case.

The Commission believes that the determinations herein are responsive to the need for sound and timely regulatory decisions. The comments received in response to the May 8th FEDERAL REGISTER notice served to provide a constructive focus on the complex issues requiring resolution and contributed greatly to the Commission's informed consideration of those issues.

Dated at Washington, D.C. this 11th day of November, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

APPENDIX

PROJECTED SCHEDULE OF EVENTS LEADING TO COMMISSION DECISION ON WIDE-SCALE USE OF MIXED OXIDE FUEL

Late 1975—Notice of hearing on issues associated with health and safety, safeguards, and environmental matters arising from wide-scale use of mixed oxide fuel in light water reactors.

Early 1976—Publish proposed environmental and health and safety rules regarding wide-scale use;

Issue draft cost-benefit analysis of alternative safeguards programs as a supplement to the Generic Environmental Statement on Mixed Oxide Fuel;

Publish proposed safeguards rules for interim licensing of plutonium conversion and mixed oxide fuel fabrication activities;

Issue portion of final environmental statement dealing with health and safety and environmental matters.

Mid-1976—Issue final safeguards rules for interim licensing of plutonium conversion and mixed oxide fuel fabrication;

Issue final safeguards supplement and overall cost-benefit analysis to complete the final environmental statement;

Publish proposed safeguards rules regarding widescale use of mixed oxide fuel.

Early 1977—Earliest possible decision on wide-scale use and publication of final rules for wide-scale use of mixed oxide fuel.[1]

[FR Doc.75-30771 Filed 11-12-75;10:00 am]

[Docket No. 50-548-A]

OMAHA PUBLIC POWER DISTRICT AND NEBRASKA PUBLIC POWER DISTRICT

Notice of Receipt of Additional Antitrust Information on Partial Application for Construction Permit and Operating License: Time for Submission of Views on Antitrust Matters

Omaha Public Power District and Nebraska Public Power District, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an Application for Licenses and a Preliminary Safety Analysis Report, dated September 11, 1975 in connection with their plans to construct a pressurized water nuclear reactor in Washington County, Nebraska. The reactor will be known as the Fort Calhoun Station, Unit 2 and will be located on a site owned by Omaha Public Power District located on the southwest bank of the Missouri River approximately 19 miles north-northwest of the center of Omaha, Nebraska, near the village of Fort Calhoun. This reactor is designed for an initial output of 3425 megawatts. The September 11, 1975 general information portion of the application added Nebraska Public Power District as a co-owner of the proposed Fort Calhoun Station, Unit 2. The November 15, 1974 filing contained the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L with Omaha Public Power District as sole owner. The Notice of Receipt of Partial Application for Construction Permit and Facility License was published in the FEDERAL REGISTER under Docket No. P-556-A on January 23, 1975, (40 FR 4498).

The remaining portion of the application, consisting of an Environmental Report is expected to be filed by about November 15, 1975. Upon receipt of the remaining portion of the application two notices will be published by the Commission, a Notice of Availability of Environmental Report and a Notice of Hearing. A copy of the partial application, application for licenses and the Preliminary Safety Analysis Report are available for public inspection at the

[2] Under the Commission's regulations, applicants for licenses to conduct activities involving use of nuclear materials subject to section 102(2)(C) of NEPA (such as plutonium fuel fabrication) may commence construction of the plant within which the activities are to be conducted upon issuance of the final Staff environmental impact statement and Commission approval of the design bases and quality assurance program for principal structures, systems, and components of the plant. (10 CFR § 70.23(a)(7) and 70.23(b)). The Commission believes that commencement of construction of any such related plants should be subject to the same interim licensing eligibility criteria as apply to those fuel cycle facilities which require issuance of construction permits.

[1] Legislative-type hearings will begin as soon as practicable after issuance of the partial final environmental statement on health and safety and environmental matters. Assuming adjudicatory hearings are not required a Commission decision on wide-scale use of recycled plutonium could be reached by early 1977. The Commission cannot say at this time whether adjudicatory-type hearings will be in order, or how long they will take if held—their actual duration being dependent on the number and complexity of the issues determined by the Commission as needing adjudicatory treatment.

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Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Omaha Public Library, 1823 Harney Street, Omaha, Nebraska 68102, the local public document room. Docket No. 50-548 has been assigned to the application and it should be referenced in any correspondence relating to it. When referring to the antitrust portion of the application, please use Docket No. 50-548-A.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 14, 1976.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-30315 Filed 11-13-75;8:45 am]

[Docket No. 50-271-OL]

VERMONT YANKEE NUCLEAR POWER CORP. (VERMONT YANKEE NUCLEAR POWER STATION)

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1973, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

VERMONT YANKEE NUCLEAR POWER CORP.

(Vermont Yankee Nuclear Power Station)

Docket No. 50-271-OL
Operating License No. DPR-28

This action is in reference to the "Notice of Proposed Issuance of Amendments to Facility Operating License", published by the Commission in the above matter (40 FR 28682—July 8, 1975).

The members of the Board are:

Samuel W. Jensch, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. George A. Ferguson, Member, Professor of Nuclear Engineering, Howard University, Washington, D.C. 20001.

Dr. David B. Hall, Member, Los Alamos Scientific Laboratory, P.O. Box 1663, Los Alamos, New Mexico 87544.

It is so ordered.

Dated at Bethesda, Maryland this 10th day of November 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.75-30740 Filed 11-13-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets No. 24339, etc.]

HAZARDOUS MATERIALS

Acceptance and Transport by Various Air Carriers; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of November, 1975. (Docket Nos. 24339, 27090, 27148, 27380, 27382, 27428, 27488, 27494, 27495, 27509, 27518, 27519, 27520, 27521, 27527, 27537, 27545, 27546, 27549, 27554, 27560, 27588, 27655, 27806, 27956, 28180; Order 75-11-31)

The Board by this Order, will take action upon numerous matters pending before it relating to the refusal to accept and transport Hazardous Materials by the U.S. domestic air carriers named in Appendix A. The scope of this order will include notices of embargo, applications to extend embargoes, tariff restrictions, rejection of tariffs, and complaints and petitions directed thereto.

Background. By Order 75-2-127, dated February 28, 1975, the Board, *sua sponte*, rejected various embargo notices filed by a number of carriers[1] which gave notice that the carriers were refusing or substantially limiting carriage of all shipments of Hazardous Materials. The grounds for such rejection were essentially that the embargo notices were in divergence from the regulations of the Department of Transportation/Federal Aviation Administration (DOT/FAA), which have the primary responsibility for safety regulations and from proposals or legislation to modify them; that the carriers' embargoes followed a plan of the Air Line Pilots Association, International (ALPA), that would prohibit the carriage of many items necessary for medical purposes; that the embargoes were in derogation of the carriers' obligation to provide adequate service; and that the Board's Embargo Regulations did not apply under these circumstances.[2]

On March 5, 1975, ALPA filed with the Board a petition for reconsideration and for a stay of Order 75-2-127. By Order 75-3-61, dated March 19, 1975, the Board denied the request for stay and deferred action on the petition for reconsideration, and subsequently by Order 75-4-75, dated April 15, 1975, the Board denied ALPA's petition for reconsideration, pending final action by the Court. ALPA petitioned the United States Court of Appeals for the Second Circuit for review of Order 75-2-127, and for stay of the Board's order, pending review. The Court by order dated March 25, 1975, in *Air Line Pilots Association Int'l v. Civil Aeronautics Board*, No. 75-4049, granted the motion filed by ALPA for stay of Board Order 75-2-127 to preserve the *status quo*, pending appeal, and further provided that, pending review of such order, the Board shall cease and desist from unlawfully interfering with the right of air carriers and their employees to refuse to transport property which, in the opinion of such air carriers and their employees, may be inimical to safety of flight.

During the period that the Board was enjoined by the Court's order, the Board did take action to reject certain embargo notices (including denial of applications requesting extension of certain of said embargo notices) and tariff provisions under which the carriers would refuse to transport certain Hazardous Materials. However, these orders[3] contained provisions staying their effective date pending determination of the issues by the Court in the ALPA appeal then pending before it. In a decision dated May 27, 1975, the Court denied the ALPA petition for review. The mandate of the Court has been issued, and the Board will now act upon pending and deferred matters relating to carriage of Hazardous Materials.

The Issues. The following issues have been deferred or are now otherwise before the Board for action:

(1) Disposition of deferral action on Type A radioactive materials and Poison B labeled materials (Orders 74-11-74, dated November 18, 1974, and 74-12-121, dated December 30, 1974);

(2) Disposition of rejection of notices of embargo stayed by order of the Court (Order 75-2-127);

(3) Disposition of rejection of tariffs of Allegheny proposing to establish a provision refusing acceptance of Poison B labeled materials (Order 75-3-13, dated March 6, 1975);

(4) Disposition of denial of a petition for reconsideration of the Air Line Pilots Association, International (Order 75-4-75);

(5) Disposition of rejection of notices of embargo but stayed by Board order (Order 75-4-75);

(6) Disposition of denial for authority to extend embargoes but stayed by Board order (Order 75-4-75);

(7) Disposition of rejection of tariffs that proposed to establish provisions refusing acceptance of certain Hazardous Materials but stayed by Board order (Order 75-4-75);

(8) Disposition of complaints of DOT requesting enforcement action by the Board but which was deferred by order of the Board (Order 75-4-75);

(9) Disposition of rejection of tariffs of TWA proposing nonacceptance of restricted articles on cargo aircraft if those articles are not acceptable on passenger aircraft but stayed by Board order (Order 75-5-81);

(10) The current tariff provisions on the nonacceptance of Etiologic Agents by Frontier, Northwest Airlines, Inc. (Northwest), and Piedmont;

(11) The current tariff provisions on the nonacceptance of Metallic Mercury by Northwest;

(12) Disposition of Petition for Reconsideration of Order 75-4-75 filed by United Air Lines, Inc. (United) in Docket 27545;

(13) The current tariff provisions on the nonacceptance of Poison B labeled materials by American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern, The Flying Tiger Line, Inc., Frontier, National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Piedmont, TWA, United, and Western;

(14) Complaints filed by the Council for Safe Transportation of Hazardous Articles (COSTHA) in Dockets 27956 and 28180 against revisions to Tariff C.A.B. No. 82 issued by Airline Tariff Publishing Company, Agent, implementing the Flammable Liquids regulations of DOT/FAA as set forth in DOT Docket HM-102; and

(15) COSTHA's motion for expedited consideration in Docket 27956.

Discussion and conclusions. As stated, the Board is here disposing of notices of embargoes, applications to extend embargoes, tariff restrictions, and rejections of tariffs and complaints thereto, all involving carrier restrictions on the transportation of Hazardous Materials that may be more restrictive than regulations or proposed regulations of DOT/FAA. We are affirming the principle set forth in the Board orders cited above, and for the reasons set forth therein, that the carriers' refusal to transport this traffic must be consonant with DOT/FAA Regulations. Specifically, Section 404(a) of the Federal Aviation Act of 1958 places upon every air carrier holding a certificate of public convenience and necessity an affirmative duty to provide and furnish adequate air transportation as authorized by its certificate. Congress has subjected the prerogative of the carriers to refuse to transport Hazardous Materials to reasonable rules and regulations prescribed by the Secretary of Transportation (Secretary) (Section 1111 of the Act). Title VI of the Act places a duty upon the Secretary to prescribe reasonable rules and regulations governing such practices as the Secretary may find necessary to provide for safety in air commerce. And the Secretary has prescribed at length what material may be carried in passenger-carrying aircraft, as well as on all-cargo aircraft, the permissible amounts and packaging requirements therefor, what material may not be carried, etc. (14 CFR Part 103).

Further, the Board has previously accepted in principle the primary responsibility of DOT for regulations governing the transportation of Hazardous Materials. The Board's Regulations (Section 221.38(a)(5)) provide that tariff rules relating to the transportation of restricted articles shall be in conformity with Part 103 of the Federal Aviation Regulations. DOT/FAA having thus preempted this area of regulations, no basis remains to conclude that carriers are free to pick and choose their traffic. It is clear that Congress intended any carrier's refusal to transport property for safety reasons to be subject to reasonable rules and regulations prescribed by the Secretary.

Consistent with the above, the Board hereby reaffirms its previous action, which was stayed by Court order, and will herein make such action final, with respect to:

(1) The rejection of the notices of embargo as more fully set forth in Ordering Paragraph 1 of Order 75-2-127 and Ordering Paragraph 1(A) of Order 75-4-75;

(2) Order 75-4-75 denying a petition filed by ALPA for reconsideration of Order 75-2-127 rejecting notices of embargo filed by Alaska, Allegheny, Eastern, Frontier, Hawaiian, Ozark, Piedmont, TWA, and Western; and

(3) The denial of applications to extend notices of embargo as more fully set forth in Ordering Paragraphs 1(B) and 1(C) of Order 75-4-75.

Turning now to the tariffs that were ordered rejected by the Board, subject to a stay of the effective date of such orders pending final court action,[4] the Board concludes that for technical reasons, it will not make such rejections effective,[5] but will order such tariffs reissued to cancel those provisions that are inconsistent with the regulations not later than 15 days after service of this order.

The Board also notes the existence of other tariff provisions by certain air carriers prohibiting the acceptance of Etiologic Agents, Corrosive Material, Metallic Mercury, and all Poison B labeled articles that are inconsistent with Part 103 of DOT Regulations. The Board therefore concludes that it will direct those certificated air carriers that currently maintain such restrictions to reissue their tariffs to cancel those restrictions that would otherwise preclude the acceptance of Etiologic Agents, Corrosive Material, Metallic Mercury, and all Poison B labeled articles.

United has filed a petition for reconsideration in Docket 27545 requesting the Board to reconsider Order 75-4-75, insofar as that order purported to reject United's effective tariff. The Board will deny United's petition as being moot, in view of the fact that United has now amended its tariff to comply with the requirements of the Transportation Safety Act of 1974 and the regulations promulgated pursuant thereto by DOT.

Unlike United, some carriers now maintain exceptions relating to the acceptance of Radioactive Materials, and other carriers maintain tariffs in conformity with DOT Regulations that were in effect prior to the adoption by DOT of Notice 75-2 pursuant to the Transportation Safety Act of 1974. The Board is herein directing[6] these carriers to promptly bring their tariffs into conformity with DOT Regulations.

COSTHA petitioned the Board in Docket 27148 for reconsideration of Orders 74-11-74 and 74-12-121. Our action herein requiring the certificated air carriers to accept Poison B labeled articles will therefore make COSTHA's petition moot. We will also deny COSTHA's petition for reconsideration for the same reason.

The complaints of DOT in Dockets 27488 and 27520 requesting enforcement action will be dismissed. Enforcement action does not appear necessary or appropriate at this point in time, in view of the extensive government-wide review of the entire regulations pertaining to the carriage of Hazardous Materials. Further, our action in this order should make further proceedings unnecessary.

COSTHA has also filed complaints requesting rejection of those tariff provisions filed by Airline Tariff Publishing Company, Agent, in Tariff C.A.B. No. 82 on behalf of the air carriers, that implement the proposed DOT Regulation pertaining to the transportation of Flammable Liquids, promulgated under DOT Docket No. HM-102.[6] Subsequently COSTHA has filed a Motion for Expedited Consideration upon its complaint in Docket 27956. The main thrust of COSTHA's complaints is that the carriers have made the proposed regulations effective earlier than the proposed DOT mandatory effective date of Janu-

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[1] Alaska Airlines, Inc. (Alaska), Allegheny Airlines, Inc. (Allegheny), Eastern Air Lines, Inc. (Eastern), Frontier Airlines, Inc. (Frontier), Hawaiian Airlines, Inc. (Hawaiian), Ozark Air Lines, Inc. (Ozark), Piedmont Aviation, Inc. (Piedmont), Trans World Airlines, Inc. (TWA), and Western Air Lines, Inc. (Western).

[2] The Board's Embargo Regulations provide that air carriers may file a notice of embargo for a period not to exceed 30 days, and for applications to extend embargoes for further periods. Pending disposition by the Board of such applications, the 30-day limitation does not apply.

Part 228 of the Regulations (14 CFR 228.1), in effect during the relevant periods, defined embargoes as follows:

Embargo means the temporary refusal by an air carrier to accept for transportation over any route or segment thereof, or to or from any area or point of a connecting carrier any commodity type or class of property (other than passenger baggage) duly tendered, where, because of lack of facilities or personnel, or because it is required to give preference or precedence to other traffic entitled to priority, or because of other compelling reasons not within the control of the carrier, it is temporarily unable to perform all of the authorized transportation service requested of it. Refusal to accept property for transportation in accordance with restrictions and limitations in the tariff or the certificate of an air carrier shall not be deemed an embargo.

The Board by Regulation ER-931, adopted September 18, 1975, effective September 18, 1975, amended the definition of embargo by adding that an involuntary postponement or interruption of service, as described in Section 205.8 of Part 205 of the Board's Economic Regulations, does not constitute an embargo.

[3] See Orders 75-4-75, and 75-5-81, dated May 21, 1975, which rejected embargoes and tariff provisions refusing certain Hazardous Materials.

[4] See Ordering Paragraph 1(D) of Order 75-4-75 and Ordering Paragraph 1 of Order 75-5-81.

[5] We note, that the provisions of Allegheny's tariff rejected by Order 75-3-13 but stayed by court order have been voluntarily withdrawn. Therefore, we will dismiss as moot the complaint of COSTHA in Docket 27527.

[6] COSTHA also filed a motion for leave to file an otherwise unauthorized document in Docket 27956. We will grant COSTHA's motion and will accept such document.

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ary 1, 1976. COSTHA also alleges, inter alia, that the earlier effective date creates an undue burden on the shippers to comply with the new regulations, and additionally adds unnecessary costs to the shipper to comply with the new regulations, and further, that the proposed tariffs conflict with the current DOT Regulations and should therefore be rejected.

The Air Transport Association of America (ATA) has filed answers on behalf of the air carriers to both of COSTHA's complaints. ATA states in its answer that there can be no conflict between the proposed tariffs and the existing DOT Regulations, since the new DOT Regulations permit voluntary compliance by the carriers at any time before the mandatory effective date of January 1, 1976.

The Board will dismiss the complaints of COSTHA in Dockets 27956 and 28180, including its motion for expedited consideration. The Board notes that it has previously addressed this issue in Order 75–3–13, rejecting tariff provisions of Allegheny, wherein we stated that:

• • • we shall reject Allegheny's proposal without prejudice to the carrier's refiling tariff provisions reflecting FAA's proposed rules. The Board will also expect other carriers that currently have in effect tariffs refusing to accept Poison B materials will promptly conform their tariffs to the proposed FAA Regulations • • •

We note, however, that the carriers have not implemented in their tariff the proposed revisions to the DOT Docket HM–102 regulations issued by DOT/FAA on May 16, 1975.

Notwithstanding our policy permitting the carriers to implement proposed regulations of DOT/FAA in their tariffs, we fully expect that where DOT/FAA subsequently issues revisions that either withdraw restrictions, such as in the case of alcoholic beverages in DOT/FAA Docket HM–102, or are more permissive in application, the carriers should promptly amend their tariffs to reflect such changes.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly Sections 204(a), 401, 403, 404, and 1002, and the provisions of Part 221 of the Board's Economic Regulations (14 CFR 221),

It is ordered, that: 1. The rejection by the Board of the notices of embargo in Order 75–2–127 and Order 75–4–75 are hereby reaffirmed and are made effective with the date of service of this order;

2. The rejection by the Board of tariffs as set forth in Ordering Paragraph 1(D) of Order 75–4–75 and Ordering Paragraph 1 of Order 75–5–81 are hereby rescinded, subject to Ordering Paragraphs 5(e) and 5(a), respectively, below;

3. The applications for authority to extend embargoes filed by Alaskan Airlines, Inc. in Docket 27554, Allegheny Airlines, Inc. in Docket 27494, American Airlines, Inc. in Docket 27537, Delta Air Lines, Inc. in Docket 27428, Eastern Air Lines, Inc. in Docket 27495, Frontier Airlines, Inc. in Docket 27519, Hawaiian Airlines, Inc. in Docket 27549, Hughes Air Corp. d/b/a Hughes Airwest in Docket 27546, Ozark Air Lines, Inc. in Docket 27560, Piedmont Aviation, Inc. in Docket 27509, United Air Lines, Inc. in Docket 27545, and Western Air Lines, Inc. in Docket 27518 previously denied by the Board in Ordering Paragraphs 1(B) and 1(C) of Order 75–4–75 but stayed by the Board are hereby reaffirmed and are hereby denied, effective with the date of service of this order;

4. Order 75–4–75 denying the petition for reconsideration of Order 75–2–127 filed by the Air Line Pilots Association, International in Docket 27588, is hereby reaffirmed and is made effective with the date of service of this order;

5. Effective 15 days after service of this order, the following U.S. certificated air carriers are hereby directed to make the following changes by revisions to their tariffs on 30 days' notice, as indicated:

a. Trans World Airlines, Inc. is hereby directed to cancel its Exception to Rule 9(c), which provides for the nonacceptance of restricted articles on cargo aircraft if those articles are not acceptable on passenger aircraft, in Official Air Transport Restricted Articles Tariff No. 6–D, C.A.B. No. 82, issued by Airline Tariff Publishing Company, Agent, (hereinafter refererd to as C.A.B. No. 82);

b. American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; The Flying Tiger Line, Inc.; Frontier Airlines, Inc.; National Airlines, Inc.; North Central Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Piedmont Aviation, Inc.; Texas International Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; and Western Air Lines, Inc., are hereby directed to cancel their restrictions appearing in Section V of C.A.B. No. 82, which would otherwise preclude the transportation or unlawfully condition the acceptance of Poison B labeled articles;

c. Allegheny Airlines, Inc., Ozark Air Lines, Inc., and Piedmont Aviation, Inc. are hereby directed to cancel their restrictions appearing in Section V of C.A.B. No. 82, which would otherwise preclude the transportation or unlawfully condition the acceptance of certain Corrosive Materials;

d. Frontier Airlines, Inc.; Northwest Airlines, Inc.; and Piedmont Aviation, Inc. are hereby directed to cancel their restrictions appearing in Section V of C.A.B. No. 82, which would otherwise preclude the transportation or unlawfully condition the acceptance of Etiologic Agents;

e. American Airlines, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Hughes Air Corp. d/b/a Hughes Airwest; National Airlines, Inc.; and Trans World Airlines, Inc. are hereby directed to cancel their current provisions appearing in Section V of C.A.B. No. 82, relating to the acceptance and transportation of Radioactive Materials to comport with the requirements of the Transportation Safety Act of 1974 and the regulations promulgated pursuant thereto by the Department of Transportation;

f. Pan American World Airways, Inc. is hereby directed to cancel its restriction appearing in Section V of C.A.B. No. 82, which would otherwise preclude the transportation or unlawfully condition the acceptance of Radioactive Materials; and

g. Northwest Airlines, Inc. is hereby directed to cancel its restrictions appearing in Section V of C.A.M. No. 82, which would otherwise preclude the transportation or unlawfully condition the acceptance of Metallic Mercury.

6. Except to the extent granted herein, the complaints of the Department of Transportation in Dockets 27521 and 27655, the American Medical Association in Docket 27380, the American College of Radiology in Docket 27382, Mr. William A. Brobst, Chief, Transportation Branch, Division of Waste Management and Transportation, Atomic Energy Commission in Docket 27090, and the Council for Safe Transportation of Hazardous Articles in Dockets 27148, 27527, and 27806, are dismissed;

7. Except to the extent granted herein, the complaints of the Council for Safe Transportation of Hazardous Articles in Dockets 27956 and 28180 are dismissed;

8. Except to the extent granted herein, the motion of the Council for Safe Transportation of Hazardous Articles for expedited consideration in Docket 27956 is denied;

9. Except to the extent granted herein, United Air Lines, Inc.'s petition for reconsideration in Docket 27545 is hereby denied;

10. Action upon the complaints of the Department of Transportation in Dockets 27488 and 27520 with respect to the request for enforcement action, and, except to the extent granted herein, the requests for prospective rejection of both tariffs and embargoes are dismissed;

11. Copies of this order shall be served upon the Department of Transportation, the American Medical Association, the American College of Radiology, Mr. William A. Brobst, Chief, Transportation Branch, Division of Waste Management and Transportation, the Atomic Energy Commission, the Air Line Pilots Association, International, and the Council for Safe Transportation of Hazardous Articles, and upon all the U.S. certificated carriers named in Appendix A.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

Alaska Airlines, Inc.; Allegheny Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; The Flying Tiger Line Inc.; Frontier Airlines, Inc.; Hawaiian Airlines, Inc.; Hughes Air Corp., d/b/a Hughes Airwest; National Airlines, Inc.; North Central Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Pan American World Airways, Inc.; Piedmont Aviation, Inc.; Texas International Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.

[FR Doc.75–30768 Filed 11–13–75;8:45 am]

[Dockets 26494, 27573; Agreements C.A.B. 25477, 25479 R–1 through R–6; 25478 R–1 through R–3; Order 75–11–30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Agreements on Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of November, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted either by mail vote or at the 1975 Composite Passenger Traffic Conference at Nice, have been assigned the above C.A.B. agreement numbers.

The agreements propose a 5 percent currency-related discount for passenger air transportation originating in Norway to U.S./Canadian/Mexican points over the North Atlantic, effective November 1, 1975, as well as varying percentage surcharges for passenger and cargo air transportation originating in India to various world areas. Insofar as the latter directly affects air transportation as defined by the Act, it would apply a 15 percent surcharge on cargo rates from India to American Samoa/Guam and a 10 percent surcharge on rates on U.S. points over the North/Central Pacific, effective December 1, 1975.[1] With respect to passenger fares from India, the agreements would apply a 16 percent surcharge on fares to American Samoa/Guam and an 11 percent surcharge on fares to U.S. points over the North and Mid-Atlantic, effective December 1, 1975, and a 10 percent surcharge on fares to U.S. points over the North/Central Pacific, effective November 1, 1975.

Fares and rates from Norway and India are presently established by conversion from specified basic currency fares/rates at the IATA exchange rates published in Resolution 021b. The U.S. dollar is the basic currency for the specification of international air transportation over the Atlantic and Pacific and within the Western Hemisphere. Elsewhere the basic currency is the pound sterling. At present, the IATA 021b rate for the Norwegian currency is 6.64539 krone=$1.00 whereas the current market rate is about 5.43478 krone=$1.00. Similarly, the IATA exchange rate for Indian currency is 7.27931 rupees=$1.00 and the current market rate about 8.69565 rupees=$1.00.[2] Thus, the subject agreements serve to bring fares and/or rates from the countries affected into much closer alignment with current exchange rates and will be approved consistent with our earlier actions approving discounts from strong-currency European countries and surcharges from weaker-currency countries.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, the Board does not find that the following resolutions, incorporated in the agreements indicated and which have either direct or indirect application in air transportation, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25477	022a	JT12 (North Atlantic) special rules for sales of passenger air transportation from TC2 to TC1 (expedited) (amending).	1/2

Agreement C.A.B. 25478	*IATA Resolution*
R–1	300 (Mail 463) 022a
R–2	JT23 (Mail 374) 022b, JT123 (Mail 760) 022b
R–3	JT31 (Mail 299) 022p, JT123 (Mail 769) 022p

Agreement C.A.B. 25479	*IATA Resolution*
R–1	300 (Mail 462) 022e
R–2	JT23 (Mail 373) 022f, JT123 (Mail 768) 022f
R–3	JT31 (Mail 298) 022g
R–4	JT12 (Mail 880) 022h, JT123 (Mail 768) 022h
R–5	JT12 (Mail 880) 022i, JT123 (Mail 768) 022i
R–6	JT12 (Mail 880) 022n, JT123 (Mail 768) 022n

Accordingly, IT IS ORDERED THAT: Agreements C.A.B. 25477; C.A.B. 25478, R–1 through R–3; and C.A.B. 25479, R–1 through R–6, be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–30767 Filed 11–13–75;8:45 am]

OZARK AIR LINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

NOVEMBER 10, 1975.

Notice is hereby given that the Civil Aeronautics Board on November 10, 1975, received an application, Docket 28475, from Ozark Air Lines, Inc. for amendment of its certificate of public convenience and necessity for route 107 to provide St. Louis-Kansas City nonstop service.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–30766 Filed 11–13–75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Additions

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 F.R. 39964) were published in the FEDERAL REGISTER on June 27, 1975 (40 F.R. 27289), and July 11, 1975 (40 F.R. 29333).

Pursuant to the above notices the following commodities are added to the Procurement List:

Class 8465:

	Price (each)
Bag, laundry (SH):	
8465–00–616–9576 G.F.M.	$3.23
8465–00–616–9576 C.F.M.	5.74
Belt, individual equipment, Nylon LC–1 (IB):	
8465–00–001–6488	2.85
8465–00–001–6487	3.04

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75–30762 Filed 11–13–75;8:45 am]

PROCUREMENT LIST 1975

Deletion

Notice of proposed deletion from Procurement List 1975, November 12, 1974 (39 F.R. 39964) was published in the FEDERAL REGISTER on September 19, 1975 (40 F.R. 43269).

Pursuant to the above notice the following commodities are deleted from the Procurement List.

CLASS 8465

Suspenders, Field Pack, Cotton (IB)

8465–00–577–4922
8465–00–577–4923
8465–00–823–7231

By the Committee.

C. W. FLETCHER
Executive Director.

[FR Doc.75–30763 Filed 11–13–75;8:45 am]

PROCUREMENT LIST 1975

Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92–28; 85 Stat. 79, of the proposed addition of the

[1] The surcharges on cargo rates from India would be increased an additional 5 percent on April 1, 1976.

[2] For pound-specified fares/rates from India, the IATA exchange rate is 18.9677 rupees =1 U.K. pound and present market rates about 17.97826 rupees=1 U.K. pound.

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following commodities and services to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 5510

Wood Wedges
5510–00–640–9237

CLASS 8020

Paint Roller, with Cover
8020–00–753–4914
8020–00–753–4915

CLASS 8465

Strap, Webbing, Cargo Tie Down
8465–00–001–6477

MILITARY RESALE ITEMS

Woven Place Mats
Molded Vinyl Place Mats

INDUSTRIAL CLASS 7331

Mailing Services at following locations:
Housing and Urban Development, Washington, D.C.
Federal Elections Commission, Washington, D.C.
Department of Commerce, Washington, D.C.
ACTION, Washington, D.C.
Department of Labor, Manpower Administration, Washington, D.C.
Department of Labor, 200 Constitution Avenue, Washington, D.C.
Department of Labor, President's Committee on Employment of the Handicapped, Washington, D.C.
Library of Congress, Washington, D.C.
General Services Administration, National Archives and Records Service, National Audiovisual Center, Suitland, Maryland.
General Services Administration, National Archives and Records Service, 7th and Pennsylvania Avenue, Washington, D.C.

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75–30761 Filed 11–13–75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Meeting

Notice is hereby given of a change in the location of the meeting for the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments.

The Committee will meet on November 19, 1975 at 10:00 a.m. in the Longworth House Office Building, Washington, D.C., Room 1301, rather than at 1120 Connecticut Avenue NW., Washington, D.C., Room 925, as previously stated in the FEDERAL REGISTER of October 30, 1975 (40 F.R. 50558).

Dated: November 11, 1975.

WILLIAM T. BAGLEY,
Chairman,
Commodity Futures
Trading Commission.

[FR Doc.75–30752 Filed 11–13–75;8:45 am]

ADVISORY COMMITTEE ON THE ECONOMIC ROLE OF CONTRACT MARKETS

Tentative Schedule of Meetings

On October 30, 1975, the Commodity Futures Commission Advisory Committee on the Economic Role of Contract Markets conducted its first public meeting in Washington, D.C. At that meeting, the Committee discussed the economic purpose of futures markets, the regulatory approach of the Commission, and speculative limits. In addition, the Committee approved a tentative schedule of additional meetings.

Pursuant to Section 10(a) of the Federal Advisory Committee Act, U.S.C. App. I, § 10(a), notice is hereby given that the Commodity Futures Trading Commission Advisory Committee on the Economic Role of Contract Markets has approved the following tentative schedule of public meetings:

Location	Date, Thursday—	Program
2d meeting, Washington, D.C.	Dec. 4	Finish speculative limits, begin hedging, and international arbitrage.
3d meeting, New York, N.Y.	Jan. 29	Complete hedging consideration.
4th meeting, Chicago, Ill.	Mar. 11	Economic standards for contract evaluation, proliferation, and delivery points.
5th Meeting, Washington, D.C.	Apr. 1	Data and information responsibility, daily price limits, other pending matters.
6th meeting (if needed), Washington, D.C.	Apr. 22	Review final report.

In the event the Committee does not complete its consideration of the items of the agenda of a particular meeting, the meeting may be continued on the following day or until the agenda is completed.

The meetings will be open to the public. The Chairman of the Committee is empowered to conduct meetings in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to The Advisory Committee on the Economic Role of Contract Markets, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C., 20036, at least five days before the appropriate meeting. Members of the public that wish to make oral statements at a Committee meeting should inform Margaret Harrison, telephone (202) 254–8955, at least five days before that meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this Advisory Committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C., 20036.

Dated: November 10, 1975.

GARY L. SEEVERS,
Commissioner, Commodity Futures
Trading Commission.

[FR Doc.75–30753 Filed 11–13–75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from November 3 through November 7, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 29, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359–A, Washington, D.C. 20250, 202–447–3965.

Final

Black Pine Planning Unit, Sawtooth National Forest, Cassia County, Idaho, November 6: The proposed land use plan for the Black Pine Planning Unit, Sawtooth National Forest, closely parallels present management with these major changes: harvesting of six million board feet of sawtimber, partial development of the 51,566-acre roadless area, prescribed burning on 7,000–10,000 acres to thin juniper trees and increase livestock forage, and provide for an increase in winter forage for deer. Unavoidable adverse effects include reduction of both juniper- and sagebrush-dependent species and increased harvesting of deer during hunting season (due to improved access). Comments made by: AHP, EPA, DOI, HUD, HEW, USDA, and State and local agencies and individuals. (ELR Order No. 51619.)

AGRICULTURAL STAB. AND CONSERV. SERVICE

Draft

Agricultural Conservation Program, November 5: Under the Agricultural Conservation Program, the Federal Government will be sharing with farmers and ranchers the cost of carrying out approved soil, water, woodland, and wildlife conservation practices on their land, throughout the States, Puerto Rico, and the Virgin Islands, construction of water impoundment facilities, terraces, and diversions, the establishment of vegetative cover and trees, and the carrying out of streambank protection measures. Some adverse impacts may occur if herbicides are not properly applied or if there is improper application of plant nutrients. (ELR Order No. 51615.)

FOREST SERVICE

Draft

Alaska Lumber & Pulp Co., Timber Sale, Alaska, November 6: The statement concerns the harvesting of approximately 658 million board feet of mature Sitka spruce, western hemlock, and Alaska cedar by the Alaska Lumber and Pulp Company during the operating period 1976–1981. The proposed action will modify 267,400 acres of Tongass National Forest to the degree that it will no longer qualify for consideration for inclusion into the Wilderness Preservation System. Areas where permanent roads, quarries, camps, and log landings are constructed will be removed from timber production for an indefinite time. (ELR Order No. 51618.)

Big Swede-Pipe Units, Kootenai National Forest, Lincoln County, Mont., November 6: The action involves the implementation of a revised multiple use plan for the 142,135 acre Big Swede-Pipe Planning Unit of Kootenai National Forest. The plan provides for fewer acres to be allotted to timber production, but an increase in long term yields through more intensive management of these acres allocated to production of wood products. Continued developmental activity will result in soil and vegetative disturbance. Areas which are currently unroaded will be developed and the natural condition of the Forest will be affected. (ELR Order No. 51623.)

Final

Herbicide Use, Ozark-St. Francis National Forest, several counties in Arkansas, November 6: The statement describes vegetation management and control in the Ozark-St. Francis National Forests through the use of herbicides 2,4-D, 2,3,5-T, silvex and picloram. Adverse impacts include decreased aesthetic value due to loss of some foliage and flowering species, noise and smell during spraying, and temporary lowered air and water quality during and after spraying. Comments made by: COE, EPA, DOI, and State agencies, private groups and individuals. (ELR Order No. 51624.)

Marble Winter Sports Site, White River National Forest, Gunnison County, Colo., November 4: The proposal is not to issue a special use permit pursuant to the application of the Marble Ski Area, Inc., to expand their existing facilities onto 600 acres of the White River National Forest within Gunnison County, Colorado. This action would permit local government to reassess current zoning and land ownership. Comments made by: DOI, EPA, and State and local agencies, private organizations and individuals. (ELR Order No. 51609.)

Timberline Lodge Complex, Mt. Hood National Forest, Clackamas County, Oreg., November 4: Proposed is the establishment of long-term management for the Timberline Lodge complex, in order to preserve the Lodge and make it available for public use and enjoyment. The proposed action focuses on the historic and established use patterns at Timberline Lodge, and includes the construction of a day lodge, a retaining wall and 2 chairlifts. Landscaping and remodeling of the Lodge itself are also included in the project. Comments made by: AHP, EPA, DOT, HUD, DOI, USDA, and State and local agencies. (ELR Order No. 51613.)

Wallowa Valley Unit Resource Allocation, Wallowa, Baker, and Union Counties, Oreg., November 6: The proposed resource allocation differs from present management of the Wallowa Valley Planning Unit, Wallowa-Whitman National Forest in that while maintaining commodity levels, certain areas are designated for special non-game wildlife needs and recreation value are given special emphasis. Adverse effects include the loss of 35% of timber production and grazing potential, contamination of streams and lakes by cattle and elk, soil disturbance and changes in vegetation due to timber harvesting, and possible adverse impacts on numerous wildlife species. Comments made by: USN, EPA, DOI, DOC, USA, and State and local agencies. (ELR Order No. 51622.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202–693–6795.

Draft

Calleguas Creek, Ventura County, Calif. November 3: Proposed in this revised draft is the adoption of a program incorporating construction of two flood control channels, flood plain management, and park and trail development for Calleguas Creek, Ventura Co., Calif. Adverse effects include loss of 12 acres of riparian wildlife habitat and urbanization of 185 acres of open space and agricultural land within the Simi Valley and Moorpark flood plain. (ELR Order No. 51607.)

Clinton River Channel, Maintenance Dredging, several counties in Michigan, November 6: Proposed is the continuation of maintenance dredging for the Clinton River, Michigan, Federal Navigation Channel. Increased water turbidity in the area of operation will result, and aquatic life in the dredging areas will be disturbed or destroyed. Disposal of dredged sediments will alter habitats and may otherwise adversely affect organisms at the disposal area. (Detroit District.) (ELR Order No. 51617.)

Cape Fear R.: Maintenance Above Wilmington, several counties in North Carolina, November 6: Proposed is the continued maintenance of the existing navigation program from Wilmington to Fayetteville, N.C. Maintenance consists of removal of shoals from the waterway and operation of the 3 locks and dams. Removal of shoals and disposal of dredged material has adverse effects on the water and associated life forms. (Wilmington District.) (ELR Order No. 51625.)

Chagrin River Flood Control and Navigation (3), Lake County, Ohio, November 3: The statement is the second revision of a draft filed with CEQ 19 December 1972. Proposed is a plan of improvement for Eastlake, Chagrin River, Ohio which would reduce flood damages within the Chagrin River Basin, provide safer river and harbor navigation, and provide increased recreational fishing opportunity and access at Eastlake. Approximately 6.6 acres of terrestrial vegetation will be destroyed by construction and about 6.4 acres of lake bottom will be lost. (Buffalo District.) (ELR Order No. 51606.)

Arcadia Lake and Deep Fork River, Tulsa County, Okla., November 6: Proposed is the construction of a multi-purpose lake on the Deep Fork River 1½ miles west of Arcadia, Oklahoma, and 6 miles east of Edmond. The project will require the acquisition of 4,200 acres in agricultural lands and 2,600 acres of rural homesite lands. Necessary relocations would include highways, railroads, and utilities in the areas, as well as an estimated 50 graves and 45 families. A small independent school district would be adversely affected. (Tulsa District.) (ELR Order No. 51620.)

Ft. Howard Paper Co., Pulp and Paper Mill, Muskogee County, Okla., November 6: Proposed is the construction on and in the Arkansas River, in the area of Muskogee Co., Oklahoma, of a barge loading dock and intake and outlet facilities for a process water system which are directly related to the re-cycled-deinked pulp and paper mill. Adverse effects include destruction or modification of existing ground cover and significant impact on wildlife habitat. Water intake would adversely affect plankton, fish, fish eggs, and larvae carried into the system. (Tulsa District.) (ELR Order No. 51621.)

Fort Hood Land Acquisition, Coryell County, Tex., November 7: The proposed action is to acquire 59,300 acres of land adjacent to the west boundary of the Fort Hood Military Reservation. The purpose of this action is to provide Fort Hood with adequate land area to permit realistic modern-day battlefield conditions for training. About 156 families will be relocated, and the town of Pidcoke will be removed and the life-styles of families who will be relocated outside the area will be disrupted. (Fort Worth District.) (ELR Order No. 51627.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, 202–692–3227.

Final

ORV Recreation, Naval Weapons Center, China Lake, Calif., November 3: The statement refers to the establishment of an off-road vehicle recreation area at the Naval Weapons Center, China Lake, California. Three sites are under consideration for this purpose and would require, respectively, 920, 620, or 180 acres of land. Higher noise levels during the daylight hours will result, as well as slightly higher dust levels in the recreation area. Comments made by: EPA, DOI, 2AHP2, and State and local agencies, private organizations and individuals. (ELR Order No. 51601.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, 202–343–4161.

Draft

Federal Bldg.—US Courthouse, E. St. Louis, Madison and St. Clair Counties, Ill., November 4: The proposed action is the construction of a Federal Building—US Courthouse and Parking Facility in East St. Louis, Illinois. The building will accommodate approximately 125 employees when fully staffed. Construction disruption will result. (ELR Order No. 51610.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202–755–6308.

Draft

Pier Point Development, Arapahoe County, Colo., November 3: Proposed is the approval

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of FHA mortgage insurance for the construction of Pier Point, a Planned Development, in Aurora, Colorado. The complex would contain 834 units of multifamily and single family attached housing. Construction of Pier Point would result in significant disruption of the existing plant and animal communities on the site, an increase in the load on the Aurora and Denver area infrastructure, and an increase in automobile generated pollutants. (ELR Order No. 51603.)

Final

"The Woods" Subdivision, Dallas County, Tex., November 4: The statement concerns HUD administrative approval of the construction of a predominantly residential subdivision, "The Woods" by Fox and Jacobs, Inc. as an "FHA" processed housing development. The project will convert, 1,800 acres of agricultural land in Southwest Dallas County to a community containing 5,400 dwelling units. The development will spur suburban growth. The proposed development would create greater demand for fossil fuels and would permanently remove agricultural land from potential production. Comments made by: AHP, USDA, COE, DOI, EPA, DOT, DOC, and State agencies, individuals, and private organizations. (ELR Order No. 51608.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

Proposed Lacassine National Wildlife Refuge, Cameron County, La., November 4: Proposed is the legislative designation of 2,854 acres of the Lacassine Wildlife Refuge as wilderness within the National Wilderness Preservation System. The major impact of the proposal would be the removal of some future management options (31 pages). Comments made by: DOT, DOD, DOI, and one state agency. (ELR Order No. 51612.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–492–7373.

Draft

Monague Nuclear Power Station, Units 1 and 2, Franklin County, Mass., November 6: The proposed action is the issuance of construction permits to the Northeast Nuclear Energy Company for the construction of the Montague Nuclear Power Station, Units 1 and 2, located on the Connecticut River in the Town of Montague. The plant will employ two boiling-water reactors to produce up to 3579 megawatts thermal each and 1150 MWe each. A design power level of 3759 MWt and 1220 MWe for each unit is anticipated. Construction will require the disturbance of 200 acres of the 1900 acre site. Cooling water will be drawn from and discharged to the Connecticut R. Approximately 118 miles of transmission lines will be constructed. (ELR Order No. 51626.)

Final

Davis-Besse Nuclear Power Station, Unit 1 Operation, Ottawa County, Ohio, November 5: The proposed action is the issuance of an operating license to the Toledo Edison Company and the Cleveland Electric Illuminating Company for the startup and operation of the Davis-Besse Nuclear Power Station Unit 1. The station will have a capacity to produce 2772 MWt and 906 MWe. The cooling tower blowdown and service water which the station discharges to Lake Erie, via a submerged jet, will be heated as much as 20 degrees above ambiant. Approximately 3345 curies per year of gaseous radioactive wastes may be discharged into the atmosphere. Comments made by: DOC, ERDA, HEW, DOI, EPA, and State agencies, local groups and individuals. (ELR Order No. 51616.)

DEPARTMENT OF TRANSPORTATION

Contact. Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street, S.W., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Reedley Municipal Airport, Fresno and Tulane Counties, Calif., November 3: The proposed action includes the establishment of a new municipal airport on a site now partially occupied by the Great Western Airport. It is proposed to develop a Basic Utility Airport—Stage 1, primarily intended to serve as a low-activity, rural facility for small piston aircraft. Adverse impacts include the decrease of existing vegetation on the project site. The recommended site also has the disadvantage of being adjacent to the Great Western Elementary School. (ELR Order No. 51604.)

Final

Mason County Airport, Ludington, Mason County, Mich., November 4: The statement refers to the proposed development of the Mason County Airport in Ludington. The project consists of land acquisition for runway extension and clear zone, surfacing of a runway and taxiway, installation of a two-box visual approach slope indicator (VASI) on each end of Runway 7–25, and construction and installation of lighting on a northeasterly extension of Runway 7–25. Adverse impacts are road closures, loss of wildlife habitat and increases in air and noise pollution (62 pages). Comments made by: USPS, USDA, HUD, EPA, DOI, DOT, COE, AHP, and State and local agencies and private individuals. (ELR Order No. 51611.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Indiana Project I–164, Vanderburgh County, Ind., November 4: Proposed is the construction of Interstate Highway 164 Spur near Evansville from Interstate Highway 64 on the north to a point approximately 14.3 miles south in the vicinity of SR 62 on the west on Newburgh Road on the east, Vanderburgh County, Indiana. Some destruction of wildlife and alteration of wildlife patterns will result, and the taking of cropland and pastureland for right-of-way is unavoidable. There will be some displacement of businesses and families. Eight alternatives to the proposed plan are being considered. (ELR Order No. 51614.)

Metropolitan Highway 50, Fort Worth, Tarrant County, Tex., November 3: The proposed action is the Metropolitan Highway 50 Special Urban High Density Traffic Project, a limited access Freeway Spur in the City of Fort Worth with three lanes in each direction and a length of approximately 1.3 miles. Negative effects include the displacement of 73 families and 18 businesses. (ELR Order No. 51605.)

Final

SR 10A, Pensacola, Escambia County, Fla., November 3: Proposed is the new construction of a 5-lane curb and gutter municipal section along an alignment in Pensacola for approximately 4.3 miles. The general alignment of this proposal flows through a system of unpaved roads known as the Old Spanish Trail, and will require about 55 acres of land. Adverse impacts include water pollution within nearby Escambia Bay, removal of land from a natural state and promotion of development, and the expansion of urbanism in the Pensacola area. Comments made by: HEW, DOI, EPA, DOT, and State and local agencies. (ELR Order No. 51602.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75–30942 Filed 11–13–75;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

STEEL PRICE STUDY

Notice of Public Symposium

On October 3, 1975 (40 FR 45867) a notice was issued inviting written comments concerning *A Study of Steel Prices*, a study prepared by the staff of the Council on Wage and Price Stability, and announcing a public symposium to discuss the report and the comments received.

This notice invites interested members of the public to participate in this symposium. A discussion paper summarizing the public comments received, to be prepared by Paul Marshall of the Harvard Graduate School of Business Administration, will be distributed in advance to symposium participants.

The symposium will be held on Tuesday, December 16, 1975, in Room 2010, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C., beginning at 9:30 a.m.

Several prominent experts from the industrial, financial and academic communities as well as Government agencies are being invited to participate. Other persons interested in participating should notify the Council in writing within ten days from the date of this notice. Responses should be addressed to:

Morris Feibusch, Assistant Director for Public Affairs and Congressional Relations, Council on Wage and Price Stability, 726 Jackson Place, NW., Washington, D.C., Phone: 456–6757.

Those responding will be contacted subsequently concerning further details of the symposium.

Persons interested in observing, but not participating, should contact Assistant Director Feibusch by Friday, December 12 to arrange for building clearance.

MICHAEL H. MOSKOW,
Director.

[FR Doc.75–30921 Filed 11–13–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 456–3]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendicies during the period of September 16, 1975 and September 30, 1975.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone AC 202/755–2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: November 5, 1975.

REBECCA W. HANMER,
Acting Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Sept. 16, 1975, and Sept. 30, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
DS-AFS-A42462-AZ	Clarksdale-Williams highway proposal, Arizona	LO-1	J
D-AFS-G65099-AR	Ozone unit plan, Ozark and St. Francis National Forest, Johnson County, Ark.	LO-1	G
D-AFS-L61038-WA	River classification of the Skagit River under the Wild and Scenic Rivers Act, Washington.	LO-1	K
D-AFS-L61043-ID	Land use plan, Smith Creek Planning Unit, Kaniksu National Forest, Boundary County, Idaho.	LO-1	K
D-SCS-E36029-KY	Big Muddy Creek watershed, Butler and Logan Counties, Ky.	LO-2	E
Corps of Engineers:			
DS-COE-A32488-OO	Lock and Dam No. 26, Mississippi River, Mo. and Ill.	ER-2	H
DS-COE-D36004-VA	Flood protection measures at Richmond, Va.	LO-2	D
D-COE-E02001-AL	Permit application, Mobile Oil Corp. exploratory oil well, Mobile Bay, Ala.	LO-1	E
D-COE-E02002-AL	Dredging permit application, Chevron Oil Co., Baldwin County, Ala.	LO-2	E
D-COE-E32009-GA	Brunswick Harbor improvement, Glynn County, Ga.	ER-2	E
D-COE-E60001-TN	Cordell Hull Dam and Reservoir, disposal, Cumberland River, Jackson County, Tenn.	LO-2	E
D-COE-H34011-KS	Operation and Maintenance, Pomona Lake, Kans.	LO-1	H
D-COE-K34001-CA	Port of Redwood City levee project, regulatory permit, San Mateo County, Calif.	ER-2	J
D-COE-L32004-WA	Willapa River and Harbor navigation project, Washington.	ER-1	K
Energy Research Development Administration:			
D-ERD-A00110-OO	Expansion of U.S. uranium enrichment capacity	LO-2	A
Federal Energy Administration:			
ED-FEA-A03078-OO	Mandatory oil import program	ER-2	A
Federal Power Commission:			
DS-FPC-C03001-NJ	Construction and operation of a LNG import terminal, Raccoon Island, Gloucester County, N.J.	ER-2	C
Department of Defense:			
D-USA-G11001-NM	White Sands missile range, White Sands National Monument, N. Mex.	LO-1	G
Department of Housing and Urban Development:			
D-HUD-D39014-MD	Inner harbor west urban renewal, Baltimore City, Md.	LO-2	D
D-HUD-F85004-IL	Westbury subdivision, Hoffman Estates, Ill.	LO-2	F
D-HUD-G85008-TX	Northwest Texarkana sewer mains project, Texas.	LO-2	G
D-HUD-K80002-CA	Los Angeles Harbor Industrial Center Redevelopment Center, Wilmington, Los Angeles County, Calif.	3	J
Department of the Interior:			
D-BPA-L08017-OO	Fiscal year 1977 proposed program	ER-2	K
D-IBM-A67012-OO	Surface subsidence control in mining regions	LO-2	A
D-IBR-G07008-NM	Four Corners Powerplant and Navajo Mine, N. Mex.	ER-2	G
D-IBR-K28002-CA	Sugar Pine Dam, reservoir and conduit, Central Valley project, Placer County, Calif.	ER-2	J
Department of Transportation:			
DS-DOT-A40018-MD	Patuxent freeway, MD-108 and MD 32, Maryland	ER-2	D
D-FHW-E40048-AL	West Lee Street, I-65 interchange, Chickasaw, Mobile County, Ala.	LO-2	E
D-FHW-E40055-SC	U.S. 17 and U.S. 21, Beaufort County, S.C.	LO-2	E
D-FHW-H40029-NB	U.S. 6, Holdrege, Phelps County, Nebr.	ER-2	H
D-FHW-L40025-ID	U.S. 12, Lewiston, Nezperce County, Idaho.	LO-1	K

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

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APPENDIX III.—*Final environmental impact statements for which comments were issued between Sept. 16, 1975, and Sept. 30, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
F-COE-A32487-FL..	Tampa harbor project, dredging and spoil disposal, Tampa Harbor, Fla.	EPA generally had no objections to the proposed project. However, EPA intends to review future supplements on the long-term effects on water quality as the information becomes available.	E
F-COE-A34008-AL..	Millers Ferry Lock and Dam, Alabama River, Ala.	EPA generally had no objections to the project as proposed. However EPA is concerned about the use of water quality data collected in 1966 which is inapplicable regarding stream channelization. Also, problems associated with releases from power generators are not adequately discussed.	E
F-COE-C36007-NY..	Flood control, Scajaqueda Creek and tributaries, N.Y.	EPA generally had no objections to the proposed project.	C
F-COE-F36001-MI..	St. Joseph Harbor, mitigation of shore damage, Michigan.	EPA generally had no objections to the proposed project. However, EPA believed that several points in the statement needed further clarification.	F
F-COE-F32006-MN..	Two Harbors, Harbor Lake County, Minn.	EPA generally had no objections to the proposed project.	F
F-COE-F35005-OH..	Lorain Harbor, diked disposal facility, site No. 7, Ohio.	EPA generally had no objections to the proposed project. However, EPA feels the comments on the draft statement were not given adequate consideration in respect to the water quality monitoring program, implementation of a mitigation and compliance schedule in the event that water quality standards are are violated, nature of the proposed filter core, botulism control strategies, debris trapping and shore erosion.	F
F-COE-F36004-IL..	Fulton local flood protection project, Illinois.	EPA generally had no objections to the proposed project which will provide flood protection. However, EPA questions why this plan was selected since it conflicts with the goal to limit or prevent the construction of man-made developments on the flood plain.	F
Department of Defense:			
F-USN-D81002-VA..	Fort Story military housing, Virginia Beach, Va.	EPA generally had no objections to the proposed project.	D
Federal Power Commission:			
FS-FPC-A60045-NY.	Construction and operation of an LNG import terminal at Staten Island, N.Y.	EPA generally had no objections to the proposed project.	C
F-FPC-K60001-CA..	Escondido project No. 176, Escondido, San Diego County, Calif.	EPA's review of the final EIS indicated the statement to be unresponsive to EPA's comments on the draft EIS. EPA is unable to assess the environmental impact of the proposed project as the result of the inadequately prepared final EIS.	J
Department of Housing and Urban Development:			
F-HUD-F85002-IL..	Wildwood addition, Decatur, Macon County, Ill.	EPA generally had no objections to the proposed project.	F
Department of the Interior:			
F-BLM-A02071-CA..	Proposed 1975 Outer Continental Shelf, oil and gas lease sale No. 35, offshore southern California.	EPA had environmental reservations concerning the proposed OCS sale. EPA called for a deferral in the offering of deepwater or higher risk tracts and a gradual progression into higher-risk areas as experience with the requisite technology is accumulated. EPA further urged the development of deepwater operating orders and recommended that development plans should not be approved until the California coastal zone management program has received final approval by the Secretary of Commerce. EPA remained committed to its original recommendations regarding the deletion of 22 biologically sensitive tracts. The establishment of a buffer zone about areas of special biological significance, the exclusion of support facilities from the channel islands, and the use of pipelines.	A

Identifying No.	Title	General nature of comments	Source for copies of comments
F-NPS-D61001-DC..	Proposed rehabilitation of the National Mall, Washington, D.C.	EPA generally had no objections to the proposed project. EPA also noted continuing interest as far as its potential for increasing mass transportation use affects EPA's programs to attain and maintain air quality in the Washington metropolitan area.	D
Department of Transportation:			
F-FHW-A41099-VA..	I-664, Hampton Roads, Va..	EPA generally had no objections to the proposed project.	D
F-FHW-A42005-CA..	CA-87, Guadalupe Freeway, Santa Clara County, Calif.	EPA's review of the final EIS indicated the statement to be unresponsive to comments on the draft EIS which expressed major concerns with the project scope and the air quality analysis. Therefore, EPA continues to have environmental reservations on the proposed project.	J
F-FHW-A42022-IL, F-FHW-A42237-IL.	IL-412, supplemental freeway La Salle, Lee, Ogle, and Winnebago Counties,	EPA generally had no objections to the proposed project. However, EPA recommended that residences be protected from excessive noise levels as required by the Federal Highway Administration's guidelines.	F
F-FHW-A42401-CA..	Freeway development, CA-99, I-5 to CA-70, Sacramento and Sutter Counties, Calif.	EPA's review of the final EIS indicated the statement to be unresponsive to EPA's comments on the draft EIS with respect to the lack of air quality analysis and detrimental secondary effects resulting from the project. Therefore, EPA continues to have environmental reservations on the proposed project.	
F-FHW-F40010-MI..	Rouge River Bridge, Ten Mile Road, Rockford, Kent County, Mich.	EPA generally had no objections to the proposed project.	F
F-FHW-F40011-OH..	I-275, Ohio River 4 Mile Road, Cincinnati, Hamilton County, Ohio.	EPA generally had no objections to the proposed project.	F

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Sept. 16, 1975, and Sept. 30, 1975*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-A65060-MT..	Camp-Tolan planning unit, Bitterroot National Forest, Mont.	I
F-AFS-J65010-CO..	Timber management plan, Gunnison National Forest, Colo.	I
Corps of Engineers:		
F-COE-A32331-OO..	Harris Fork Creek, Oblon and Forked Deer Rivers and tributaries, Tenn. and Ky.	E
F-COE-A34116-OK..	Operation and maintenance program, Eufaula Lake, Canadian River, Okla.	G
F-COE-A36350-MO..	Stockton Lake, operation and maintenance program, Sac River, Mo.	H
F-COE-L36015-OO..	Lower Granite project, Snake River, Wash. and Idaho	K
Energy Research Development Administration:		
F-ERD-A00109-NJ..	Tokamak fusion test reactor facilities, Princeton Plasma Physics Laboratory, Middlesex County, N.J.	A
General Services Administration:		
F-GSA-E81003-MS..	Federal Building, Jackson, Miss.	E
Department of the Interior:		
F-BLM-A02064-00..	Proposed increase in oil and gas leasing on the Outer Continental Shelf, 10 million acres.	A
F-SFW-A61257-DE..	Proposed Bombay Hook Wilderness Area, Del.	D
National Aeronautics and Space Administration:		
F-NAS-A12029-00..	Mariner Jupiter/Saturn 1977 program	A
Department of Transportation:		
RF-COD-A52073-00..	Regulations for tank vessels engaged in carriage of oil in domestic trade.	A
F-FAA-A51316-LA..	New Orleans Lakefront Airport, Orleans Parish, La.	G
F-FHW-A41551-GA..	GA-365, Hall and Habersham Counties, Ga.	E
F-FHW-A41922-ND..	Improvement of ND-37, Garrison East, McLean County, N. Dak.	I
F-FHW-G40012-NM..	Espanola Bridge, Espanola, Rio Arriba County, N. Mex.	G
F-FHW-H40017-KS..	Improvement of 57th Street from KS-32 to Parallel Avenue, Kansas City, Kans.	H
F-FHW-I40009-OR..	Oregon Forest Highway Route 46, Cascade Lakes Highway, Deschutes County, Oreg.	K

APPENDIX V.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Sept. 16, 1975, and Sept. 30, 1975*

Identifying No.	Title	General nature of comments	Sources for copies of comments
Department of Labor:			
R-OSH-A27003-00..	29 CFR part 1910, exposure to coke oven emissions, proposed standard.	EPA had only minor comments on the proposed standard and will review the EIS currently being prepared on the standard when it is available. EPA is concerned that the attainment of OSHA's standards for occupational exposure to coke oven emissions be compatible with EPA's efforts to regulate atmospheric emissions of pollutants from coke oven operations.	A

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APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75-30670 Filed 11-13-75;8:45 am]

[FRL 457-1]

MOTOR VEHICLE POLLUTION CONTROL

Motorcycle Regulations; Notice of Public Meeting

The Environmental Protection Agency will hold a public meeting at 9:00 a.m., Thursday, December 18, 1975, in Room 102 of the Motor Vehicle Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan 48105, to respond to questions that motorcycle manufacturers and others may have regarding the proposed emission regulations for new motorcycles published on October 22, 1975, in the FEDERAL REGISTER (40 FR 49496). The purpose of the meeting is to aid affected motorcycle manufacturers and interested parties in gaining a better understanding of the proposed regulations so that they can prepare more informed comments on the regulations.

The scope of the meeting will be limited to answering technical questions regarding the proposed certification process, emission test procedure, and test equipment. Issues related to the need for and the level of the proposed standards, and the corresponding implementation dates, will not be addressed.

The agenda for the meeting will be composed of a list of questions to be developed from individual questions submitted by manufacturers' associations, manufacturers, and other interested parties. This procedure will allow more comprehensive and definitive responses to be prepared by the Environmental Protection Agency prior to the meeting, and avoids the need for publicly identifying the source of the question, which identification may have trade secrecy implications. However, questions will also be accepted from the floor.

Questions for the meeting agenda should be submitted to the Director, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Questions received by the close of business on December 3, 1975, will be considered in the preparation of the agenda. Copies of the agenda will be mailed on December 11, 1975, to all persons who submitted questions for the agenda or requested a copy. The agenda will also be available at the meeting.

A verbatim record of the meeting will be made. A copy of the transcript will be available for inspection at the U.S. Environmental Protection Agency Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460, and may also be purchased from the reporting company.

Dated: November 11, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-30813 Filed 11-13-75;8:45 am]

[FRL 457-2]

SCIENCE ADVISORY BOARD NATIONAL AIR QUALITY CRITERIA ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the National Air Quality Criteria Advisory Committee of the Science Advisory Board will be held at 9:00 a.m. on December 4, 1975 in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the meeting will be (1) to consult the committee on scientific aspects of a control strategy for fine particulates; (2) to consult the Committee on scientific aspects of a control strategy for vinyl chloride; (3) to hear and discuss progress reports from committee review groups which are to review the criteria documents for sulfur oxides, particulate matter, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen oxides; and (4) to brief the committee on and to discuss current developments of the Science Advisory Board and future plans. The Agenda will also include (5) brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Ernst Linde, Scientist Administrator, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The telephone number is (703) 557-7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

[FR Doc.75-30814 Filed 11-13-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20666; File No. BPH-9193; FCC 75-1223]

JAMES H. BELOTE

Request for Construction Permit

1. The Commission has before it: (a) the above-captioned application, filed October 7, 1974, by James H. Belote [Belote] to provide new commercial FM service to Rockport, Texas; (b) a petition to deny the application, filed November 22, 1974, by Bethany Investment Corporation [BIC], licensee of KBIC-FM, Alice, Texas; and (c) an opposition thereto.

2. BIC operates a co-channel class A FM facility in Alice, Texas, which is approximately 63.5 miles from Belote's proposed operation; therefore, Belote's application is "short-spaced" by 1.5 miles, according to the provisions of § 73.207(a) of the rules. Although short-spacings of this magnitude have often been waived by the Commission, BIC has elected to exercise its rights under section 316 of the Act. Accordingly, it must be given the opportunity of showing why its license should not be modified by a grant of the proposed operation and appropriate issues have been specified. *F.C.C. v. National Broadcasting Company, Inc. (KOA)*, 319 U.S. 239 (1943).

3. BIC advances questions regarding Belote's financial qualifications and his alleged failure to comply with the provisions of the *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971). In rebuttal, Belote denies that his application is deficient in any aspect. Although Belote has answered some of the financial and legal objections posed by BIC, we are convinced that serious deficiencies remain in connection with Belote's application.

4. Analysis of the applicant's financial documentation reveals that he will require $28,222 to construct and operate his proposed facility for a period of one year, without reliance on revenues, itemized as follows:

Down payment on equipment	$793
Additional payments on equipment lease	5,151
Miscellaneous	1,893
Working capital	20,385
Total	$28,222

In order to offset this projected requirement, Belote relies upon existing capital and "funds saved from salary of existing position during construction period and first year of operation." The applicant asserts the availability of $65,183 in total liquid assets. As no breakdown of Belote's liabilities into current and long-term categories was included, as required by section III, paragraph 4(b) of the application form, all liabilities were treated as current. Netting these liabilities against the allowable current liquid assets, we have determined that Belote has demonstrated the availability of $23,049 n existing capital. The remainder of his anticipated costs is to be supplied by an amount of money saved from his current income. We cannot accept such an assertion, for whatever monies Belote can accumulate in anticipated savings is purely speculative at this point, and do not represent money "on hand and available." Thus, the applicant has established the apparent availability of $23,049 to meet a projected requirement of $28,222.[1] Therefore, a financial issue will be specified as to the proposed source of funds necessary to offset the projected costs.

5. The petition further questions Belote's efforts to ascertain the problems and needs of Rockport, Texas. BIC points to the small number of community leaders contacted, the absence of any consultations with members of the general public, and the failure of the applicant to provide a comprehensive list of those problems and needs ascertained. In response, Belote does not offer any additional interviews, but asserts that the "broad cross-section of the population represented" by the five community leaders specifically listed and the unsupported allegation that "[m]any members of the local community were contacted" demonstrate his compliance with the obligations of the *Primer*. We do not agree. Of the five consultations made for the entire ascertainment survey, four represented the business segment of Rockport [two individuals represented the Rockport Chamber of Commerce], and one leader was representative of government interests. Despite the applicant's admission of the presence of industrial, educational, recreational, civil and social activity, as well as a substantial minority population of Blacks and Mexican-Americans, no interviews were undertaken with community leaders of these interests. Additionally, no leaders of religious or women's groups were contacted. The applicant also fails to state the date(s) on which these consultations were made. As observed by the petitioner, no consultations with members of the general public were reported by the applicant, and what purports to be a list of community problems does not satisfy the requirements of the *Primer*. Finally, the application fails to adequately describe the proposed programs designed to meet the problems and needs ascertained by the applicant. Each of these deficiencies are in direct violation of a specific question and answer of the *Primer*, and a general ascertainment issue is therefore clearly warranted. That we may be "aware of the difficulty involved in conducting a survey," as claimed by Belote, does not excuse the wholly incomplete and unsatisfactory showing associated with the application.

6. In light of the foregoing, *it is ordered*, That, the petition to deny, filed herein by BIC, is granted to the extent indicated, and denied in all other respects, and that, pursuant to section 309 (e) of the Communications Act of 1934, as amended, the application of James H. Belote is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether James H. Belote has sufficient additional funds to meet his projected construction and first-year operating costs and, in light thereof, whether he is financially qualified to construct and operate as proposed.

2. To determine the efforts made by Belote to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

3. To determine whether the proposal of James H. Belote would contravene the minimum mileage separation requirements of section 73.207 of the Commission's rules, and, if so, whether the public interest would be served by a waiver thereof.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest.

7. *It is further ordered*, That Bethany Investment Corporation is made a party to this proceeding.

8. *It is further ordered*, That, to avail itself of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, in § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 29, 1975.

Released: November 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary,

[FR Doc.75-30750 Filed 11-13-75;8:45 am]

[1] BIC questioned the operating expenditures proposed by Belote. Although we need not pass on this matter, as Belote is more than $5,000 deficient in his proposed funding, we note that the bases for the applicant's estimates were adequately explained in his rebuttal, and further, that the music license fees allocated in the cost estimates need not be established, as they are revenue-related. *Jerry J. Collins*, 50 FCC 2d 715 (1975). Although some of the applicant's estimates may appear to be low, they are not unreasonable on their face and will be accepted. *Id.*

[Docket No. 20493; FCC 75-1219]

MOUNTAIN MICROWAVE CORP.

Revised Rates for Microwave Service

In the matter of Mountain Microwave Corporation revised rates for microwave service, Tariff F.C.C. Nos. 1, 3-7, 9-11, Transmittal No. 68.

1. The Commission has before it Transmittal No. 68 of Mountain Microwave Corporation (MMC) and the accompanying revised tariff pages filed on August 29, 1975 to become effective November 1, 1975. Petitions to suspend, investigate, and order an accounting with respect to the proposed tariffs were filed by (a) Teleprompter Cable Communications Corp. (Teleprompter), operator of cable television systems serving Trinidad and Jansen, Colorado; (b) Canyon Cable TV Corp. (Canyon), operator of cable systems in Aspen and Rifle, Colorado; and (c) Comtronics Cable TV, Inc. (Comtronics), operator of a cable system in Grand Junction, Colorado. A petition for rejection or suspension and investigation of the proposed tariff revisions was filed by Heritage Communications, Inc., operator of cable systems serving Buena Vista, Lamar, and Walsenburg, Colorado.[1] North Platte Multi-Vue TV Systems, Inc. and McCook Multi-Vue TV System, Inc. (Multi-Vue), operator of cable systems in North Platte, Nebraska and McCook, Nebraska respectively, filed a "Petition to Suspend" requesting suspension and investigation in the event the tariff revisions are not rejected. MMC filed a motion to dismiss the Heritage and Multi-Vue petitions, and subsequently Multi-Vue filed a petition for rejection.[2] MMC also opposed the foregoing suspension petitions.

2. MMC supplies point-to-point microwave radio services through its operating divisions to cable television and broadcast customers. MMC's Mountain Division provides five Denver, Colorado television broadcast signals to cable operators throughout Central and Southern Colorado and Central Western Kansas. It also supplies Salt Lake City, Utah broadcast signals to the Vernal, Utah

[1] Petitions for rejection are to be acted on by the Chief, Common Carrier Bureau pursuant to authority delegated under §§ 0.91 and 0.291 of the Commission's Rules. On the other hand, petitions for suspension are to be acted on by the Commission. Since Heritage's petition seeks rejection or suspension of the subject tariff revision, it is in violation of § 1.44 of the Rules. A separate petition for rejection should have been filed with the Chief, Common Carrier Bureau. Nevertheless, we will consider Heritage's petition on our own motion. See footnote 2, *infra*.

[2] We shall deny the Heritage and Multi-Vue requests for rejection of the proposed tariff revisions on our own motion. Although the petitions may raise questions of lawfulness warranting further investigation and hearing, they do not establish *prima facie* unlawfulness to the extent that rejection would be appropriate. *Cf., In the Matter of United Video, Inc.'s Revised Rates for Microwave Service*, Docket 20198, 49 FCC 2d 878, 880 (1974).

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cable system and includes a dedicated system for the University of Utah. MMC's Great Plains Division supplies the five Denver signals to cable operators in Northeastern Colorado, Western Nebraska and South Dakota and provides service to one television station in South Dakota. The division also provides the signal of Station WTCN–TV, Minneapolis, Minnesota, to various South Dakota communities through an interconnect with another common carrier, and the signal of Station KXON–TV, Mitchell, South Dakota, to two cable systems. Although not affected by MMC's filing, the carrier also supplies network and other programming to television broadcast stations in Colorado, Utah, Nebraska and South Dakota. The proposed tariffs filed with Transmittal No. 68 result in rate increases of varying amounts for most customers of the described MMC services. MMC proposes rate structures based on concepts similar to those embodied in the American Television Relay, Inc. (ATR) and Western Tele-communications, Inc. (WTCI) proposed rate structures.[1]

MMC's rate structures for its Denver service are based on four geographical zones in the Mountain Division and two zones in the Great Plains Division, as well as the population of the areas served by the customer. All other services in the division consist of a single zone. The WTCN–TV service is based on a step rate structure and the remaining services are on a flat rate base. The overall effect of the proposed rates, based on 1974 as a test year, is to increase MMC's revenues from approximately $80,000 monthly to approximately $115,000 monthly or about 44%. According to MMC's Section 61.38 data, its return in 1974 was 2.03%. Under the proposed rate structures, MMC projects a return in 1975 to be 8.59%; in 1976, 10.27%; and in 1977, 12.58%. MMC claims that a reasonable rate of return on its investment should be 18.92% and, thus, it will continue to have an earnings deficiency for the years noted above notwithstanding the instant rate increase.

3. Petitioners, with the exception of Multi-Vue, maintain that the zone and population concepts which form the foundation of MMC's rate structures are identical to those being considered by the Commission in *In the Matter of ATR's Revised Rates for Microwave Service*, Docket No. 19609, 37 FCC 2d 751 (1972), and *In the Matter of Western Tele-communications, Inc.*, Docket No. 20493, (FCC 75–614, released June 11, 1975). On this basis, petitioners urge the Commission to suspend and investigate MMC's tariff revisions deferring a hearing pending the outcome of the ATR case and possibly the WTCI case. Canyon, Comtronics, and Heritage emphasize that, unlike the ATR system, both the WTCI and MMC markets are almost fully developed, thereby raising the question of whether a "developmental rate structure" is warranted in this case. Petitioners allege that the geographic zones and population categories are arbitrary and discriminatory, each citing instances of disparties. In emphasizing differences between MMC's situation and those of ATR and WTCI, Canyon and Comtronics state that MMC's market consists of small and medium sized communities and that the signals originate from a central location. Teleprompter and Heritage argue that the zones do not adequately reflect distance from the signal source and that the population categories result in disparate treatment for like customers in different divisions. Multi-Vue maintains that the proposed tariff is designed to give unreasonable preference to cable systems owned by MMC-related companies.[4] In support of its position, Multi-Vue states that the proposed tariff revisions would result in increases of 25% for MMC-related customers as opposed to 47% for Multi-Vue. Teleprompter maintain that the proposed tariff would result in an increase of 214% in its rate paid to MMC. Both Heritage and Multi-Vue claim that the rate increases would seriously impair the economic viability of their systems.

4. Canyon raises the question of possible cross-subsidization because of the relationship of MMC to the other TCI subsidiaries, and urges investigation into this matter. Teleprompter also expresses concern over cross-subsidization, but on the basis that MMC intends to utilize separate rate structures for multiple services. Both Heritage and Multi-Vue complain of frequent quality deficiencies and interruptions in the service received from MMC.[5] The problems reported to MMC have not been adequately or promptly resolved, the petitioners maintain. As a result, Multi-Vue alleges, its system growth and subscriber relations have suffered. Multi-Vue also objects to MMC's prohibition against retransmission of the signals outside a customer's franchise area.

5. Several petitioners maintain that the rate of return claimed by MMC, 18.92%, is not justified by the Section 61.38 material submitted. Teleprompter and Multi-Vue base their contentions on the fact that MMC uses a theoretical 50%—50% debt/equity ratio rather than the actual 55%—45% ratio of WTCI and that MMC overstates it cost of debt (11.72%) and equity (26.13%). Teleprompter also argues that MMC includes inappropriate items such as a plant acquisition adjustment account and an allocation of working capital in its rate base.

6. In its opposition to the petitions, MMC acknowledges that a determination on its proposed rate structure should await the outcome of the *ATR* proceeding in Docket No. 19609. MMC does not object to institution of an investigation but is opposed to a suspension of the revised rate structure. MMC argues that the Commission should not suspend its rates since the Chief, Common Carrier Bureau found the basic concept of the rate structure to be just and reasonable in the ATR Recommended Decision. In support of its position that it revised rate structure should not be suspended, MMC claims that its projected rate of return is lower than those in the *ATR* case and thus does not exceed a reasonable level. MMC also claims that it requires the additional revenues from the revised tariffs to cover its cost of debt and in view of inadequate returns on equity. Furthermore, MMC argues that the present case is distinguishable from the WTCI case (where the tariff was suspended) since rate of return questions of the subject carrier have now been given careful consideration and rate of return issues have not here been strongly contested.

7. MMC denies that any cross-subsidization between its carrier operations and non-carrier affiliates exists or is intended. It claims that its costs were fully set forth in its Section 61.38 material and that a carrier is entitled to a reasonable rate of return regardless of its affiliation with non-carrier operations. MMC maintains that it provides satisfactory service to its customers. It claims that Heritage provides only general statements concerning this issue and that Multi-Vue's problems are the subject of a separate formal complaint which should not be included in this proceeding. Regarding its material submitted pursuant to Section 61.38 of the Rules, MMC maintains that its submission is acceptable.

8. We are of the opinion that questions are raised as to whether MMC's proposed tariffs are lawful within the meaning of Sections 201(b) and 202(a) of the Communications Act and that further investigation and hearing is warranted. Questions of lawfulness exist regarding MMC's proposed rate structure which are generally the same as, if not identical to, those under consideration in the *ATR* and *WTCI* proceedings. Because of the similarities between the MMC and WTCI proposed rate structures and the accompanying supporting data, as well as the relationship of MMC and WTCI, we are combining the investigation of MMC's revised rate structures filed with Transmittal No. 68 and WTCI's in Docket No. 20493. This procedure will permit consideration in pertinent respects of the relationship of WTCI and MMC. Of course, the issues raised in the Designation Order in Docket No. 20493, *supra*, such as reasonableness of rate of return, debt and equity costs, and rate base calculations, are applicable to MMC's tariff filing also. Procedurally, since Recommended Decisions are not binding, MMC's reliance on the Common Carrier Bureau's Recommended Decision in the *ATR* case is misplaced.

[1] The lawfulness of these concepts as they apply to specific tariff filings are being considered in Docket Nos. 19609 (ATR) and 20493 (WTCI).

[4] MMC and ATR are wholly-owned carrier subsidiaries of WTCI, which is a wholly-owned subsidiary of Tele-Communications, Inc., (TCI). TCI's other wholly-owned subsidiary, Community Tele-Communications, Inc., is involved primarily in ownership and operation of cable television systems.

[5] Multi-Vue has on file a formal complaint against MMC. Since many of the issues raised in Multi-Vue's complaint are related to the subject proceeding, we will defer consideration of Multi-Vue's complaint pending the outcome of this docket. The public interest will best be served by this action.

9. We shall suspend MMC's proposed rate increases for the maximum ninety day statutory period and impose an accounting order. Such suspension is justified for essentially the same reasons as those articulated in paragraph 10 of the Designation Order in Docket No. 20493, *supra*. By including the subject tariff revisions into Docket No. 20493, the evidentiary hearing on MMC's rate structures will be deferred pending completion of proceedings in Docket No. 19609.

10. *Accordingly, it is ordered*, That, pursuant to Sections 4(i), 4(j), 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by MMC with Transmittal No. 68 including any cancellations, amendments or re-issues thereof;

11. *It is further ordered*, That, pursuant to the provisions of Section 204 of the Act, the revised tariff schedules filed by MMC with Transmittal No. 68 are hereby suspended until January 30, 1976 and that MMC, as to the operation of such tariff schedules shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increases, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision herein, the Commission may by further order, require the refund thereof, with interest, pursuant to Section 204 of the Act, and the carrier shall file such reports on the amounts accounted for as the Chief, Common Carrier Bureau shall require;

12. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of Section 201(b) of the Act;

(2) Whether such charges, classifications, practices and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of Section 202(a) of the Act;

(3) If any such charges, classifications, practices, or regulations are found to be unlawful whether the Commission, pursuant to Section 205 of the Act, should prescribe charges, classifications, practices and regulations for the service governed by the tariffs, and if so, what should be prescribed;

13. *It is further ordered*, That, pursuant to Sections 4(i) and 4(j) of the Act hearings in this investigation are consolidated with those already established in Docket No. 20493 and are deferred during the pendency of Commission proceedings in Docket No. 19609 or until further Commission order;

14. *It is further ordered*, That, MMC IS MADE a party Respondent herein and that Teleprompter Canyon Cable TV Corp., Comtronics Cable TV, Inc., Heritage Communications, Inc., North Platte Multi-Vue TV Systems, Inc., McCook Multi-Vue TV System, Inc. and the Trial Staff ARE MADE parties pursuant to § 1.221(d) of the Commission's Rules, and that all other interested persons wishing to participate may do so by filing a notice of intention to participate within 30 days of the release date of this order;

15. *It is further ordered*, That, the aforementioned petitions are granted to the extent indicated herein and are otherwise denied;

16. *It is further ordered*, That, the Secretary shall send a copy of this order by certified mail, return receipt requested, to the parties identified in paragraph 14 above, and shall cause a copy to be published in the FEDERAL REGISTER.

Adopted: October 29, 1975.

Released: November 5, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–30761 Filed 11–13–75;8:45 a.m.]

FIXED SATELLITE ADVISORY COMMITTEE, 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

In further preparation for the 1979 World Administrative Radio Conference, a meeting of the Fixed Satellite Advisory Committee chaired by Raymond B. Crowell, will be held on Friday, December 5, 1975, at 10:00 a.m., room 8210, located at 2025 M Street NW., Washington, D.C.

The meeting will be opened to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition by the Chairman. Any such oral statements should be cleared with the Chairman at least one day prior to the meeting.

In accordance with procedural rules established at the previous meeting, a final membership list will be determined as of the end of business on December 5. Anyone not now a member of this Committee and wishing to become a member should notify the Chairman by that time.

The meeting will be conducted in accordance with the following agenda:

1. Chairman's opening remarks.
2. Approval of minutes of previous meeting of October 3.
3. Discussion and review of final membership list.
4. Discussion of accelerated time table for output of committee.
5. Report of informal task group 1 (allocations).
6. Report of informal task group 2 (technical other than sharing).
7. Report of informal task groups 3 and 4 (sharing).
8. Discussion of task force reports.
9. Discussion and review of further task group assignments.
10. Suggestions for matters to be covered at next meeting.
11. Date of next meeting.
12. Any other business.
13. Adjournment.

No part of this meeting will be concerned with matters which are within the exemptions of the Public Information Act, 5 U.S.C. 55s(b).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–30749 Filed 11–13–75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 126, Airborne OMEGA Receivers. It is to be held on December 4, 1975 in Conference Room 9A and B, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C., commencing at 9:30 A.M.

AGENDA

1. Chairman's Opening Comments—I. Lublin.
2. Introduction of members and guests.
3. Approval of Minutes of the Fifth Meeting of SC–126 held on 30 October 1975.
4. Special Announcements.
5. Report of Informal Groups: 5.1 Low Performance, 5.2 High Performance, 5.3 FAA Certification.
6. New Business.
7. Date and place of next meeting.

Meetings of Special Committee 126 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or telephone Area Code (202) 296–0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–30747 Filed 11–13–75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 129, Future Civil Aviation Frequency Spectrum Requirements. It is to be held December 5, 1975, in Conference Room 261, Matomic Building, 1717 H Street, Northwest, Washington, D.C., commencing at 9:30 A.M.

AGENDA

1. Review and approval of Minutes of meeting held November 6, 1975.

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2. Chairman's comments.
3. Report on FCC Steering Committee meeting.
4. Reports of Informal Groups.
5. Review, revision and approval of Draft Table of Allocations.
6. Other Business.
7. Date and place of next meeting.

Meetings of Special Committee 129 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or telephone Area Code (202) 296–0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-30748 Filed 11-13-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 130—Reliability Specifications for Airborne Electronics Systems. The meeting is to be held on December 2–3, 1975, in Conference Room 7A and B, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C., commencing at 9:30 A.M.

AGENDA

1. Chairman's comments.
2. Review and approval of Minutes for meeting held September 23–24, 1975.
3. Review of Terms of Reference.
4. Recap of SC–130 objectives.
5. Reports of Informal Working Groups.
6. FAA Progress Report on AC25.1309.
7. Other Business.
8. Assignment of Tasks.
9. Date and place of next meeting.

Meetings of Special Committee 130 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suit 655, 1717 H Street NW., Washington, D.C. 20006, or telephone Area Code (202) 296–0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-30746 Filed 11-13-75;8:45 am]

FEDERAL MARITIME COMMISSION

[No. 75-48]

SEA-LAND SERVICE, INC. V. THE CITY OF ANCHORAGE, ALASKA AND TOTEM OCEAN TRAILER EXPRESS, INC.

Notice of Filing of Complaint

Notice is hereby given that a complaint filed by Sea-Land Service, Inc. against the City of Anchorage, Alaska, and Totem Ocean Trailer Express, Inc. was served November 7, 1975. The complaint alleges violation by respondents of section 15 and 16 First of the Shipping Act, 1916 in connection with furnishing of terminal facilities at the Anchorage City Dock under FMC Agreement Nos. T–1685 and T–3130.

Hearing in this matter shall commence on or before May 7, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30770 Filed 11-13-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 7, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FPC and ICC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before December 2, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

FEDERAL POWER COMMISSION

The Federal Power Commission (FPC) requests an extension no change clearance to continue the collection of data submitted on FPC Form No. 13, Summary for National Electric Rate Book, by electric utilities. FPC Form 13 presents summaries of rate schedules, by states, for service to residential, commercial and industrial customers for lighting, heating, power and other purposes. Form No. 13 is the basis for the FPC publication, "National Electric Rate Book." FPC Form No. 13 is to be filed annually by approximately 1500 electric utilities and it is estimated that an average of 1.75 hours will be required per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the collection of data submitted on FPC Forms, "Weekly Fuel Emergency Report: 237A–COAL—237B–OIL, by electric utility companies. These reporting forms require electric utility companies to report emergency fuel situations on a weekly basis if necessary in order to enable the Commission to be appraised of emergencies arising from inadequate fuel supplies and enable the Commission to take appropriate measures to assist affected utilities to cope with such problems. The number of respondents will vary according to fuel emergency situations (numbering approximately 250 during past reporting years) and it is estimated that an average of two hours will be required per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 314–A, Application for Small Producer Exemption, and FPC Form No. 314–B, Annual Statement for Independent Producers Holding Small Producers Exemptions. FPC Form No. 314–A is the application filed by small producers requesting exemption by the Commission from certain regulations. FPC Form No. 314–B is the annual statement required as verification to the Commission that total jurisdictional sales were sufficiently low to qualify the respondents for continued exemption. The number of respondents will total 5,000 and it is estimated that an average of 3 hours will be required per response.

INTERSTATE COMMERCE COMMISSION

Request for an extension no change clearance of Quarterly Report of expenditures for Additions and Betterments (Statistical Series Circular Nos. 31, 40, 41 and 42), filed voluntarily by some 74 Class I line-haul railroads, 75 Class A water carriers, 900 Class I motor carriers of property, 2600 Class II motor carriers of property, 111 Class I motor carriers of passengers and 104 oil pipeline companies. Reporting burden per report is estimated to average 2 hours per report. Reports are voluntary and not available for public use on an individual basis.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.75-30741 Filed 11-13-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

COMMITTEE ON EARLY CHILDHOOD EDUCATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the previously scheduled meeting of the Committee on Early Childhood Education of the National Advisory Council on the Education of Disadvantaged Children to meet in Clark County, Nevada on Thursday, November 13, and Friday, November 14, 1975, has been rescheduled for November 10–11, 1975, in West Chester, Pennsylvania.

The National Advisory Council on the Education of Disadvantaged Children is established under Section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

This visit will include observing a Pre-School Program and reviewing and discussing the Draft Early Childhood Education Report to be included in the 1976 Annual Report.

Signed at Washington, D.C., on October 16, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-30720 Filed 11-13-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP74–14; RP74–34]

CASCADE NATURAL GAS CORP.

Notice of Proposed PGA Rate Decrease

NOVEMBER 5, 1975.

Take notice that on October 15, 1975 Cascade Natural Gas Corporation, pursuant to Section 154.62 of the Regulations under the Natural Gas Act, filed Seventh Revised Sheet No. 2 to its FPC Gas Rate Schedule No. 1. Cascade states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision authorized by the Commission's order issued November 28, 1973 in Docket Nos. RP74–14 and RP74–34. More specifically, the tariff sheet reflects a net decrease over that currently being collected of 2.54 cents per Mcf to be effective December 1, 1975.

Any person desiring to be heard and to make any protest with reference to said filing should on or before November 21, 1975, file with the Federal Power Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. Cascade's tariff filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30697. Filed 11-13-75;8:45 am]

[Docket No. CP76–137]

CITIES SERVICE GAS CO.

Notice of Application

NOVEMBER 5, 1975.

Take notice that on October 17, 1975, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76–137 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain pipeline taps, regulator facilities and meter loops to enable Applicant to render natural gas service to The Gas Service Company (Gas Service) for resale, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that items proposed to be constructed are taps for resale to 27 rural domestic right-of-way grantors pursuant to right-of-way easement agreements. The individual proposed domestic sales meter sites would be located as follows:

(1) On Applicant's St. Joseph 26-inch pipeline in Leavenworth County, Kansas.
(2) On Applicant's Pleasant Hill 8-inch pipeline in Cass County, Missouri.
(3) On Applicant's Mulvane 4-inch pipeline in Sedgwick County, Kansas.
(4) On Applicant's Nowata 6-inch pipeline in Washington County, Oklahoma.
(5) On Applicant's Carthage 10-inch pipeline in Jasper County, Missouri.
(6) On Applicant's Dewey 6-inch pipeline in Washington County, Oklahoma.
(7) On Applicant's Dewey 8-inch pipeline in Washington County, Oklahoma.
(8) On Applicant's Ponca City 6-inch pipeline in Kay County, Oklahoma.
(9) On Applicant's North Topeka 10-inch pipeline in Jefferson County, Kansas.
(10) On Applicant's Kansas-Hugoton 26-inch pipeline loop in Reno County, Kansas.
(11) On Applicant's Maysville 20-inch pipeline in McClain County, Oklahoma.
(12) Two taps on Applicant's Chanute 6-inch pipeline in Neosho County, Kansas.
(13) On Applicant's Chanute 6-inch pipeline in Neosho County, Kansas.
(14) On Applicant's Chanute 6-inch pipeline in Wilson County, Kansas.
(15) On Applicant's Chanute 6-inch pipeline in Neosho County, Kansas.
(16) On Applicant's Woods 12-inch pipeline in Grady County, Oklahoma.
(17) On Applicant's Dewey 6-inch pipeline in Washington County, Oklahoma.
(18) On Applicant's Carthage 10-inch pipeline in Jasper County, Missouri.
(19) On Applicant's Edmond 20-inch pipeline in Logan County, Oklahoma.
(20) On Applicant's Gordon 8-inch pipeline in Butler County, Kansas.
(21) On Applicant's Sterling 12-inch pipeline in Comanche County, Oklahoma.
(22) On Applicant's McLouth 20-inch pipeline in Leavenworth County, Kansas.
(23) On Applicant's Kansas-Hugoton 26-inch pipeline loop in Marion County, Kansas.
(24) On Applicant's Cambridge-Petrolia 16-inch pipeline in Allen County, Kansas.
(25) On Applicant's Welda-Ottawa 26-inch pipeline in Franklin County, Kansas.
(26) On Applicant's Sterling 4-inch pipeline in Comanche County, Oklahoma.
(27) On Applicant's Lone Jack 4-inch pipeline in Jackson County, Missouri.

At each proposed site Applicant states that it would construct regulating and appurtenant facilities that constitute a resale mainline domestic sale meter station.

Applicant estimates that the total cost of the proposed facilities would be $12,850, which cost would be borne from treasury cash. The total additional sales of natural gas are estimated by Applicant to be approximately 6,409 Mcf per year.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30698 Filed 11-13-75;8:45 am]

[Docket No. RP76–26–1]

CITIES SERVICE GAS CO. (EMPIRE DISTRICT ELECTRIC CO.)

Filing of Petition for Extraordinary Relief

NOVEMBER 5, 1975.

Take notice that on October 17, 1975, the Empire District Electric Company (Empire) filed in Docket No. RP76–28–1, pursuant to § 2.78(b) of this Commission's General Policy and Interpretations, a petition requesting extraordinary relief from gas curtailment of its supplier, Cities Service Gas Company (Cities Service), all as more fully set forth in the petition on file with the Commission and open to public inspection.

In its petition, Empire states that Cities Service supplies gas to its Riverton Plant on an interruptible basis. Empire states that the relief requested is not for gas for the generation of energy, but for plant protection, continuous service ignitors and flame stabilization for boiler operation using alternate fuels, coal and heavy oil. It states that the present ignitors and flame pilots are designed only for natural gas. Additionally, Empire re-

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quests that gas be made available for generating units safe shut-down and starts.

Specifically, Empire requests 2,000 Mcf per day average over the period November, 1975, through March 1976, to protect boilers from freezing while down for short periods, continuous pilot requirements, and flame stabilization. The request for those requirements for that period is 3,022,750 Mcf. For nonrecurring starts, Empire requests 750 Mcf for each of 3 periods each month plus additional 750 Mcf for each of 2 forced outages each month.

Any person desiring to be heard or to make any protest with reference to this tariff filing should on or before November 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30699 Filed 11-13-75;8:45 am]

[Project No. 201]

CITY OF PETERSBURG, ALASKA

Issuance of Annual License

NOVEMBER 5, 1975.

On January 2, 1974, the City of Petersburg, Alaska, Licensee for Crystal Lake Project No. 201 located on Crystal Lake, partly on U.S. lands within the Tongass National Forest, of Mitkof Island, Alaska, was granted an extension of time, expiring on November 12, 1975, in which to file an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 201 was issued effective November 13, 1924, for a period ending November 12, 1974. In order to authorize the continued operation and maintenance of the Crystal Lake Project pending filing of Licensee's application and Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the City of Petersburg, Alaska for continued operation and maintenance of Project No. 201.

Take notice that an annual license is issued to the City of Petersburg, Alaska (Licensee) for the period November 13, 1975, to November 12, 1976, or until the issuance of a new license for the project, for the continued operation and maintenance of Crystal Lake Project No. 201, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30700 Filed 11-13-75;8:45 am]

[Docket No. CP76-141]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 5, 1975.

Take notice that on October 23, 1975, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP76-141 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by sale to Virginia Pipe Line Company (Virginia Pipe) certain facilities in Amherst, Bedford and Rockbridge Counties, Virginia, and for a certificate of public convenience and necessity authorizing the construction and operation of a point of delivery to Virginia Pipe, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement dated July 2, 1975, between itself and Virginia Pipe, Virginia Pipe has agreed to purchase from Applicant approximately 42 miles of 6-inch gas transmission pipeline with associated structures, land, easements, rights-of-way, permits, licenses, and appurtenant personal property and fixtures that Applicant owns and operates in Amherst, Bedford and Rockbridge Counties, Virginia. The price of the facilities to be sold to Virginia Pipe would be equal to the original cost less accrued depreciation, as reflected on Applicant's books at the date of consumation of the transaction, not to exceed $302,000. Applicant is also said to provide service to Columbia Gas of Virginia Inc. an affiliate of Columbia through 23 direct sales mainline taps on a section of 6-inch pipeline proposed for sale. The forestated taps are said to provide service to 29 residential and 2 small commercial customers, which service would be provided by Virginia Pipe after the proposed sale.

Applicant also requests authorization to construct and operate a point of delivery to Virginia Pipe at Applicant's Lexington Compressor Station located in Rockbridge County, Virginia. The stated purpose of the delivery point would be to allow Applicant to make deliveries of natural gas to Virginia Pipe that are now being made at various points on the pipeline proposed to be sold. Applicant estimates that the cost of the delivery point would be approximately $25,000, which cost Applicant would finance from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.30701 Filed 11-13-75;8:45 am]

[Docket No. RP72-134 (DCA 76-1)]

EASTERN SHORE NATURAL GAS CO.

Increase In Commodity or Delivery Charges To Reflect Curtailment Credits

NOVEMBER 5, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on October 29, 1975, tendered for filing Fifteenth Revised Sheet No. 3A and Fifteenth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1, to be effective December 1, 1975. The aforementioned revised tariff sheets will increase the commodity or delivery charge of Eastern Shore's Rate Schedules CD-1, CD-E, G-1 and PS-1 by .038 per Mcf to reflect curtailment credits to be effective December 1, 1975.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30702 Filed 11-13-75;8:45 am]

[Docket No. RP75-1]

FLORIDA GAS TRANSMISSION CO.

Certification of Proposed Settlement Agreement

NOVEMBER 5, 1975.

Take notice that on October 28, 1975, Presiding Administrative Law Judge Samuel Z. Gordon certified to the Commission for its consideration and disposition a proposed settlement agreement in the above-entitled proceeding, together with the entire record related thereto. The settlement agreement, if approved, would resolve all issues in the proceeding with the exception of the fair and reasonable rate of return to be allowed on Florida Gas' common equity capital. The rate of return issue is reserved for future trial and decision.

Any person wishing to do so may submit comments in writing concerning the proposed settlement. All such comments should be addressed to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should be submitted on or before November 21, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30703 Filed 11-13-75;8:45 am]

[Docket No. E-8170]

GEORGIA POWER CO.

Revised Rates and Charges Pursuant to Commission Order

NOVEMBER 5, 1975.

Take notice that Georgia Power Company (Georgia Power) on October 16, 1975, tendered for filing Revised Sheet No. 23, Revised Sheet No. 24, Revised Sheet No. 25, Revised Sheet No. 30, Revised Sheet No. 31, Revised Sheet No. 32, and Revised Sheet No. 33 to its FPC Electric Tariff, Original Volume No. 1, pursuant to Commission Order of June 17, 1975 in Docket No. E-8170. Georgia Power avers that the rates and charges and terms and conditions contained in the tendered tariff sheets are those set forth in its Settlement Agreement which were appoved by the Commission in its Order of June 17, 1975. The revised rates and charges and terms and conditions would be made effective as of December 13, 1973, according to the Company.

Georgia Power states that it served copies of the filing on its jurisdictional customers and on all parties appearing on the official service list compiled in the captioned docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capital Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-30704 Filed 11-13-75; 8:45 am]

[Project No. 289]

LOUISVILLE GAS & ELECTRIC CO.

Issuance of Annual License

NOVEMBER 5, 1975.

On November 9, 1972, Louisville Gas & Electric Company, Licensee for Ohio Falls Project No. 289, located in Louisville, Jefferson County, Kentucky, at U.S. Corps of Engineers McAlpine Locks and Dam, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 289 was issued effective November 11, 1925, for a period ending November 10, 1975. In order to authorize continued operation and maintenance of the project pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Louisville Gas & Electric Company for the continued operation and maintenance of Project No. 289.

Take notice that an annual license is issued to Louisville Gas & Electric Company (Licensee) for the period November 11, 1975, to November 10, 1976, or until either a new license is issued for the project, or the project is taken over, for the continued operation and maintenance of Project No. 289, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30705 Filed 11-13-75;8:45 am]

[Project No. 1000]

LOUISVILLE GAS & ELECTRIC CO.

Issuance of Annual License

NOVEMBER 5, 1975.

On October 21, 1974, Louisville Gas & Electric Company, Licensee for Ohio Falls Transmission Line (66 kV) Project No. 1000, located in Louisville, Jefferson County, Kentucky, filed an application for surrender under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 1000 was issued effective March 12, 1930, for a period ending November 11, 1975. In order to authorize continued operation and maintenance of the project pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Louisville Gas & Electric Company for the continued operation and maintenance of Project No. 1000.

Take notice that an annual license is issued to Louisville Gas & Electric Company (Licensee) for the period November 12, 1975, to November 11, 1976, or until the completion of Commission action on Licensee's application for surrender, for the continued operation and maintenance of Project No. 1000, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30706 Filed 11-13-75;8:45 am]

[Docket No. CP75-205]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

NOVEMBER 5, 1975.

Take notice that on October 14, 1975, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-205 a petition to amend the order of the Commission issued in said docket July 3, 1975 (54 FPC ——), pursuant to Section 7(c) of the Natural Gas Act to include in the certificate of public convenience and necessity authorization for an additional point of delivery for the exchange of natural gas with Natural Gas Pipe Line Company of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

Petitioner states that by the aforementioned order of the Commission it was authorized to deliver up to 10,000 Mcf of natural gas per day to Natural at a point of delivery in Wheeler County, Texas, in exchange for an equivalent volume of natural gas redelivered by Natural to Petitioner in Hansford County, Texas. Petitioner requests in the instant petition, to amend that it be authorized to deliver gas to Natural's facilities in Beaver County, Oklahoma, from the Trimmell Well No. B.P.-14 in Beaver County, Oklahoma, in exchange for equivalent volumes of gas to be delivered by Natural to Petitioner at the presently authorized point of delivery in Hansford County, Texas. Under the proposed arrangement, Natural would charge Petitioner 1.5 cents per Mcf of gas delivered by Petitioner, and would take 3.0 percent of the gas delivered as compressor fuel utilized to effectuate the exchange.

It is stated that Natural would construct and operate the 3-inch tap connection on its 6-inch lateral in the Carmick Field to effectuate the proposed exchange, Petitioner estimates that the cost of the proposed facilities is approximately $5,100, which costs Petitioner would reimburse Natural.

No change in the authorized daily delivery volume is proposed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act

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(18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc 75-30707 Filed 11-13-75;8:45 am]

[Docket No. ER76-104]

NEW ENGLAND POWER CO.

Completion of Filing

NOVEMBER 5, 1975.

Take notice that on October 10, 1975, New England Power Company (NEPCO) tendered for filing additional information regarding its initial sales agreement with Bangor Hydro-Electric Company (Bangor), Montaup Electric Company (Montaup), New Bedford Gas & Electric Company (NBG&E), and Vermont Electric Power Company, Inc. (VEP). The additional information is cost support data regarding rate of return and cost components of federal income tax, investment and Massachusetts franchise tax.

NEPCO requests an effective date of December 20, 1975, for these contracts.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 75-30708 Filed 11-13-75;8:45 am]

[Docket Nos. RP71-107; RP73-127; (PGA No. 76-1 and R&D 76-1)]

NORTHERN NATURAL GAS CO.

Purchased Gas Cost Adjustment Rate Change

NOVEMBER 5, 1975.

Take notice that on October 24, 1975, Northern Natural Gas Company (Northern) tendered for filing, as part of Northern's F.P.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets:

Third Revised Volume No. 1—Eighth Revised Sheet No. 4a, Third Revised Sheet No. 4b.

Original Volume No. 2—Eighth Revised Sheet No. 1c.

Northern states that Eighth Revised Sheet No. 4a and Third Revised Sheet No. 4b are filed pursuant to Northern's Purchased Gas Adjustment provision of its F.P.C. Gas Tariff, Third Revised Volume No. 1. Northern states that Eighth Revised Sheet No. 1c is filed pursuant to Northern's Purchased Gas Adjustment Clause applicable to Volume No. 2 sales. Northern states that this change in Northern's rates reflects: (1) the increase in Northern's average estimated cost of purchased gas for the Year 1976, as adjusted for the unrecovered cost of purchased gas incurred during the twelve month period ending September 30, 1975, and (2) the deferred cost of purchased gas authorized by the Commission "Order Accepting Alternate PGA Proposal Made Pursuant to Opinion 699-H and Permitting Intervention", Docket Nos. RP71-107 (Phase II) and PGA75-2, issued February 6, 1975. Northern states that the change in rates also reflects a decrease in the cost of Research and Development expenditures estimated for the twelve months ended September 30, 1976, as adjusted for the unrecovered cost incurred during the twelve months ended September 30, 1975. Northern states that the revised tariff sheets provide for a net increase of three and eight hundredths cents (3.08¢) per Mcf in the Commodity portion of Northern's jurisdictional rates, and will result in a total net increase in annual jurisdictional revenues of approximately $16,897,000 for Volume No. 1 sales and approximately $661,000 for Volume No. 2 sales.

Northern proposes that Eighth Revised Sheet No. 4a, Third Revised Sheet No. 4b and Eighth Revised Sheet No. 1c become effective on December 27, 1975.

Northern states that copies of the filing have been mailed to each of the Gas Utility customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 75-30709 Filed 11-13-75;8:45 am]

[Docket No. CP75-287]

NORTHWEST PIPELINE CORP.

Petition To Amend

NOVEMBER 5, 1975.

Take notice that on October 22, 1975, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-287 a petition to amend the order of the Commission of September 26, 1975, issued in said docket pursuant to Section 7(c) of the Natural Gas Act to include authorization in the certificate of public convenience and necessity issued therein the sale and delivery of 71,800 Mcf of gas per day on a best-efforts basis, pursuant to Applicant's Storage Gas Service Rate Schedule SGS-1, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Applicant states that by the order of the Commission of September 26, 1975, it was authorized to increase its firm winter service under Rate Schedule SGS-1 up to 300,000 Mcf per day and up to 9,300,000 Mcf per winter season from operation of Applicant's Jackson Prarie Storage Field. Applicant requests authorization in its instant petition to amend to sell and deliver on a best efforts basis, up to an additional 71,800 Mcf of natural gas per day from the Jackson Prarie Storage Field, for the period commencing November 1, 1975, through April 15, 1976, and each subsequent heating season commencing October 16 through April 15 of the following year. Applicant would increase from 300,000 Mcf to 371,800 Mcf the maximum daily delivery quantity, but does not propose to increase the seasonal quantity, which is said to be 9,300,000 Mcf.

Applicant proposes the following allocation to each of its customers purchasing service pursuant to Applicant's Rate Schedule SGS-1, which is said to be in proportion with each individual customers contract demand as authorized by the order of the Commission of September 26, 1975:

	Present and proposed contract demand (thousand cubic feet)		
	Present	71,800 Mcf/d, best efforts	Total
California-Pacific Utilities Co.	4,229	1,015	5,244
Cascade Natural Gas Co.	26,714	6,395	33,109
Intermountain Gas Co.	22,314	5,342	27,656
Northwest Natural Gas Co.	37,076	8,874	45,950
Peoples Natural Gas, Division of Northern Natural Gas Co.	724	172	896
Southwest Gas Corp.	8,942	2,135	11,077
Washington Natural Gas Co. and the Washington Water Power Co., jointly	200,001	47,807	247,808
Total	300,000	71,800	371,800

Applicant states that no additional facilities are required to institute the proposed service, and Washington Natural Gas Company, as operator has informed Applicant that it can withdraw and deliver to Applicant the volumes proposed through existing facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30710 Filed 11-13-75;8:45 am]

[Docket No. CP76-130]

NORTHWEST PIPELINE CORP.

Notice of Application

NOVEMBER 5, 1975.

Take notice that on October 14, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-130 an application pursuant to Section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1976, and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with Applicant's pipeline system or other pipelines authorized to transport gas for or exchange gas with Applicant.

The total estimated cost of the proposed facilities would not exceed $9,000,000, and the cost of a single project would not exceed $1,500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30711 Filed 11-13-75;8:45 am]

[Docket No. CP76-149]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

NOVEMBER 10, 1975.

Take notice that on October 31, 1975, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77001, filed in Docket No. CP76-149 an application pursuant to Section 7 of the Natural Gas Act, as amended, the Rules and Regulations of the Federal Power Commission issued thereunder and Section 2.79 of the Commission's General Policy and Interpretations for a certificate of public convenience and necessity authorizing Transco to transport a quantity of natural gas estimated to average 350 Mcf per day on an interruptible basis for Knit-Away, Inc. (Knit-Away), an existing industrial customer of North Carolina Natural Gas Corporation (NCN), a Transco CD-2 customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that the gas will be purchased by Knit-Away from production in Gilmer and Upshur Counties, West Virginia and delivered to Transco at an existing point of interconnection on the pipeline systems of Columbia Gas Transmission Corporation and Transco. Transco will redeliver the transportation volumes by displacement to existing points of delivery to NCN for the account of Knit-Away. Knit-Away will pay Transco an initial charge of 8.75 cents per Mcf delivered to NCN for Knit-Away's account.

The application states that the gas is intended for high-priority process use in Knit-Away's Raeford and Mt. Gilead, North Carolina plants.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be presented at hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30838 Filed 11-13-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[No. 337-TA-7]

CERTAIN ELECTRONIC AUDIO AND OTHER RELATED EQUIPMENT

Redesignation of Prehearing Conference and Proposed Protective Order Relating to Confidential Documents and Information

It is hereby ordered as follows: 1. That the United States International Trade Commission will hold a prehearing conference in connection with Investigation No. 337-TA-7, Certain Electronic Audio and Other Related Equipment, on Wednesday, November 19, 1975, at 10:00 a.m., EST, in the Hearing Room of the United States International Trade Commission Building, 701 E Street, Northwest, Washington, D.C. 20436.

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This order hereby revokes the November 12, 1975, prehearing conference date set for this investigation in its Notice of Hearing which was issued on October 29, 1975, by the International Trade Commission.

2. During the course of the prehearing conference counsel or other representatives for all parties to this investigation must be prepared to consider any or all of the following—

a. Simplification and clarification of the issues in this investigation;
b. Scope of the hearing including statements describing the evidence which each participant proposes to present at the hearing;
c. Stipulations, admissions of fact, contents and authenticity of documents;
d. Proposed schedules for the completion of prehearing discovery;
e. Disclosure of names and witnesses and the exchange of documents or other physical exhibits which will be introduced in evidence in the course of the hearing;
f. Dates for trial briefs.

3. Within 5 days of the receipt of this order, counsel for all parties to this investigation must comment upon the attached proposed Protective Order Relating to Confidential Documents and Information.

Issued: November 10, 1975.

[SEAL] DANIEL MINCHEW,
Presiding Commissioner.

[FR Doc.75-30815 Filed 11-13-75;8:45 am]

[332-76]

U.S.-CANADIAN AUTOMOTIVE AGREEMENT

Change of the Date of Public Hearing

Notice is hereby given that the public hearing to be held in connection with United States International Trade Commission Investigation No. 332-76, U.S.-Canadian Automotive Agreement, in Detroit, Michigan is postponed from 10 a.m. EST on Tuesday, November 18, 1975, to 10 a.m., EST on Thursday, December 11, 1975. The hearing will be held in Courtroom 859 of the Federal Building, 231 West Lafayette Street. Requests for appearances at the hearing should be received by the Secretary of the Commission at his office in Washington, D.C., no later than noon on December 4, 1975.

Notice of Investigation and Hearing was published in the FEDERAL REGISTER on Monday, September 8, 1975 (40 F.R. 41565).

By order of the Commission.

Issued: November 11, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-30731 Filed 11-13-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY GROUPS ON ANTICIPATED ADVANCES IN SCIENCE AND TECHNOLOGY AND CONTRIBUTIONS OF TECHNOLOGY TO ECONOMIC STRENGTH

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Group on Anticipated Advances in Science and Technology and Advisory Group on Contributions of Technology to Economic Strength.

Date: December 1 and 2, 1975.

Time: 9:30 a.m. to 4 p.m. each day.

Place: New Executive Office Building, 726 Jackson Place, NW., Rm. 2010, Washington, D.C.

Type of meeting: Open.

Contact person: Mr. William Montgomery, Special Assistant, Science and Technology Policy Office, Rm. 602, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-8914. Anyone who plans to attend should contact Mr. Montgomery by November 27.

Summary Minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of Advisory Groups: The Advisory Group on Anticipated Advances in Science and Technology was established on November 13, 1975, to provide advice on developments that may take place in science and engineering and examine the national policy implications of these developments.

The Advisory Group on Contributions of Technology to Economic Strength was established on November 13, 1975, to provide advice on issues that may lead to policy supporting an improved utilization of technology and fostering economic strength.

Both groups are to consider these subjects in a manner which will facilitate planning for the proposed Office of Science and Technology Policy.

The Committee Management Secretariat, OMB, has waived the requirement of 15 days publication of the Notice of Determination in the FEDERAL REGISTER prior to the groups' establishment.

TENTATIVE AGENDA

DECEMBER 1

Welcome and Introductory Remarks by the Chairmen.
Review of principal environments in which science and technology policy will operate.

DECEMBER 2

Review of ongoing activity related to the advisory groups' charters.
Discussion of work plan and future advisory group activities.

GAIL A. MCHENRY,
Acting Committee Management Officer.

NOVEMBER 12, 1975.

[FR Doc.75-30900 Filed 11-13-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 11, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

SMALL BUSINESS ADMINISTRATION

Timber Set-Aside Program, single-time, bidders on national forest timber sales, Lowry, R. L., 395-3772.

GENERAL SERVICES ADMINISTRATION

Quarterly Report of Construction Contractor's Employment, OSA 2918, quarterly government construction contractors, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, EBCE Evaluation Questionnaires, NIE 128A-J, other (see SF-83), individuals, Human Resources Division, Raynsford, R., 395-3532.
Office of Education, Application for Assistance under Emergency School Aid Act, Title VII, Pub. L. 92-318 as amended by Pub. L. 93-380 (NPOS), OE-116, annually, nonprofit organizations, Lowry, R. L., 395-2772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Location of Sewer Moratorium Jurisdictions, single-time, local chapters of Nat'l Housing Industry, Organizations, Human Resources Division, Ellett, C. A., 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Report of Home Loan Processed on Automatic Basis, 26-1820, on occasion, lenders, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Prices Paid by Farmers for feed, monthly, feed dealers, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Social Security Administration, Application for Medical Insurance, SSA-40A, on occasion, applicants for supplemental medical insurance under medicare, Caywood, D. P., 395-3443.
Office of Education, Institutional Application and Nomination for a National Teaching Fellowship, OE 1131, on occasion, prospective faculty members with Master's degree minimum, Lowry, R. L., 395-3772.

EXTENSIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Individual Grant Application, NEA-2(REV), on occasion, individuals, Marsha Traynham, 395-4529.

Project Grant Application, NEA-3, on occasion, charitable and educational organizations, Marsha Traynham, 395-4529.

FEDERAL RESERVE SYSTEM

Survey of changes in bank lending practices, FR 18, quarterly, selected banks in 35 SMSA's, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Monthly Report of Manufacture and Shipment of Snuff, Smoking, and Chewing Tobacco, TB-39, quarterly, Tobacco manufacturers, Marsha Traynham, 395-4529.
Statistical Reporting Service: Prices Paid by Farmers for Petroleum, Motor Supplies and Services, CE 5-801, quarterly, stores and stations that sell the products, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Extended Care Facility Statement of Reimbursable Cost—Reimbursable Cost on Dept. RCCAC Method, SSA-1751, annually, skilled nursing facilities, Marsha Traynham, 395-4529.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management: Desert Land Entry Final Proof (Witnesses To Desert Land Entry), 2226-5, on occasion, individuals, Lowry, R.L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-30837 Filed 11-13-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-11816; File No. SR-1]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Notice of Consent To Deferral of Commission on Certain Rule Changes of the National Association of Securities Dealers, Inc.

On March 21, 1975, the National Association of Securities Dealers, Inc., (the "NASD") filed with the Commission proposed Article XVIII of the By-Laws of the NASD, and Schedule G thereunder (the "NASD Rule Changes"), governing: (i) the reporting of transactions in eligible securities in the consolidated transaction reporting system (the "consolidated system") contemplated by Rule 17a-15 under the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975 (the "Act"); (ii) charges to cover the costs of compliance with such reporting requirements; and (iii) antimanipulative rules relating to over-the-counter trading in such securities.

The provisions of Schedule G were amended by the NASD and refiled with the Commission on June 4, 1975. The NASD Rule Changes were deemed by the Commission to have been filed under new Section 19(b) of the Act. In view of the need to implement the NASD Rule Changes immediately to permit the scheduled commencement of the consolidated system on June 16, 1975, the Commission ordered the NASD Rule Changes into effect summarily pursuant to Section 19(b)(3)(B) of the Act on June 11, 1975. Notice of that action was provided by Securities Exchange Act Release No. 11461 (June 11, 1975), published in the FEDERAL REGISTER on June 18, 1975 (40 FR 25730). That release also solicited public comment on the NASD Rule Changes.[1] On July 21, 1975, the Commission received the NASD's consent to an extension of the time within which the Commission was required, under Section 19(b)(2) of the Act, either to approve the NASD Rule Changes or to institute proceedings to determine whether they should be disapproved, to September 15, 1975. In view of the complexity and the significance of the NASD Rule Changes, the Commission determined to extend the time for the submission of comments by interested persons on the NASD Rule Changes until August 22, 1975. Notice of that action was provided by Securities Exchange Act Release No. 11546 (July 23, 1975), published in the FEDERAL REGISTER on July 30, 1975 (40 FR 32000). On September 10, 1975, the Commission received a further consent from the NASD to an extension of time within which the Commission is required to take action under Section 19(b)(2) of the Act, to November 15, 1975. Notice of that action was provided by the Securities Exchange Act Release No. 11653 (September 15, 1975), published in the FEDERAL REGISTER on September 19, 1975 (40 FR 43284). Additionally, the period for the submission of comments was extended until October 1, 1975.

On November 5, 1975, the Commission received the consent of the NASD to an extension of time within which the Commission is required, under Section 19(b)(2) of the Act, either to approve the NASD Rule Changes or to institute proceedings to determine whether they should be disapproved, to February 2, 1976. The Commission understands that the reason the NASD has consented to this further extension of time within which the Commission must take action is that the NASD intends, pursuant to Rule 19b-4 under the Act, to file with the Commission modifications of certain of the NASD Rule Changes. The Commission acknowledges the consent of the NASD to extension of the deadline until February 2, 1976.[2]

The Commission emphasizes that, until the Commission takes further action with respect to the NASD Rule Changes, the NASD Rules Changes remain in full effect as a consequence of the Commission's summary action on June 11, 1975, referred to above.[3]

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 10, 1975.

[FR Doc.75-30734 Filed 11-13-75;8:45 am]

[1] The deadline for submission of written comments (pursuant to Securities Exchange Act Release No. 11461 (June 11, 1975) was June 30, 1975; the time for such comment was extended until July 18, 1975, in Securities Exchange Act Release No. 11508 (June 30, 1975).

[2] The Commission recognizes, however, the urgency of resolving the regulatory issues presented by the NASD Rule Changes, and will endeavor to take appropriate action as soon as possible after receipt of the NASD modifications.

[3] Securities Exchange Release No. 11461 (June 11, 1975).

[Release No. 34-11815; File No. SR-NYSE-75-8]

NEW YORK STOCK EXCHANGE, INC. Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 24, 1975, the above-mentioned self-regulatory organization filed with the Securites and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

"The proposed rule change is entitled "Market Responsibility Rule"; the text is as follows:

(a) Except as otherwise provided by this Rule, no member, member organization, or other person who is a securities broker or dealer and who directly or indirectly, controls, is controlled by, or is under common control with, a member or member organization (any such other person being hereinafter referred to as an affiliated person) shall effect any transaction in any listed stock (as hereinafter defined) in the over-the-counter market, either as principal or agent.

(b) A member, member organization or affiliated person holding a customer's order (the Order) for the purchase or sale of a listed stock may, if he or it believes that a better price may be obtained for the customer, execute the Order with a non-member securities broker or dealer in the over-the-counter market (or such portion thereof as may be so executed in accordance with this Rule); provided such member, member organization or affiliated person assures, immediately before the execution of any portion of the Order in the over-the-counter market, that

(i) All public bids or offers on the specialist's book or represented in the Crowd at prices which, insofar as the Order is concerned, are equal to or better than the price at which such portion of the Order is proposed to be executed over-the-counter are satisfied at the price at which such portion of the Order is so proposed to be executed, and

(ii) All bids or offers by the specialist for his own account or by any other member or member organization in the Crowd for his or its own account, or for an affiliated person's own account, at prices which, insofar as the Order is concerned, are better than the price at which such portion of the Order is proposed to be executed over-the-counter are satisfied at the prices bid or offered by such member, member organization or affiliated person. Notwithstanding the provisions of Rule 104, the specialist when trading for his own account pursuant to this clause (ii) may buy on a plus or zero plus tick or sell on a minus or zero tick any or all of the

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stock which is to be sold or purchased over-the-counter.

(c) Each member, member organization or affiliated person executing any portion of an Order in the over-the-counter market as provided in subparagraph (b) of this Rule shall prior to the close of business on the first succeeding trading session file a report with the Exchange listing all parties to the transaction, the amount of participation of each, the price or prices at which any portion of the Order was executed, the time of receipt of the Order, and the time of any over-the-counter execution of any portion thereof.

(d) The provisions of this Rule shall not apply to any of the following transactions:

(i) Any transaction which is part of a primary distribution by an issuer, or a registered or unregistered secondary distribution, effected off the Floor of the Exchange;

(ii) Any transaction made in reliance on Section 4(2) of the Securities Act of 1933;

(iii) Any trade at a price unrelated to the current market for the security to correct an error or to enable the seller to make a gift;

(iv) Any transaction pursuant to a tender offer;

(v) Any purchase or sale of securities effected upon the exercise of an option pursuant to the terms thereof or the exercise of any other right to acquire securities at a pre-established consideration unrelated to the current market for such securities;

(vi) Any purchase or sale of any security trading in which has been suspended by the Exchange pending review of the listing status of such security;

(vii) The acquisition of securities by a member organization as principal in anticipation of making an immediate special offering or exchange distribution on the Exchange under Rule 391 or Rule 392;

(viii) Any purchase or sale of any of the guaranteed or preferred stocks included within the listing of such stocks as may from time to time be issued by the Exchange, *provided, however*, that every proposed transaction in any such security by a member, member organization or affiliated person should be reviewed in light of the factors involved, including the market on the floor of the Exchange, the price, and the size, so that whenever possible the transaction may be effected on the floor; and

(ix) any other purchase or sale of any security under extraordinary or emergency conditions which receives the prior approval of the Exchange.

(e) The term "listed stock" as used in this Rule shall mean any security registered on the Exchange (other than subscription rights), the sale prices of transactions in which are reported on the consolidated tape provided for in the plan filed by the Exchange and others pursuant to Rule 17a-15 under the Securities Exchange Act of 1934 and declared effective by the Securities and Exchange Commission.

(f) The price at which a transaction is effected, whether on the Exchange or in the over-the-counter market, shall, for purposes of this Rule, mean the price of such transaction, exclusive of any commission, commission equivalent, differential, tax or other charge applicable thereto."

PURPOSE OF PROPOSED RULE CHANGE

"The purpose of the Market Responsibility Rule is to:

(a) Provide that, except as permitted by the provisions of the Market Responsibility Rule, no member, member organization or securities broker or dealer affiliated with a member or member organization (an affiliated person) may buy or sell, as principal or agent, any listed stock (as defined in the Market Responsibility Rule) in the over-the-counter market;

(b) Simplify the process by which, and state the conditions under which, a member or member organization of the Exchange or an affiliated person is permitted to execute his or its customers' orders to purchase or sell a listed stock in the over-the-counter market where the member, member organization or affiliated person believes that a better execution of such order for the customer is available in the over-the-counter market than is currently available on the Exchange; and

(c) State the types of transactions which will be exempt from the provisions of the Market Responsibility Rule and define certain terms used therein."

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

"(a)(i) The Market Responsibility Rule does not relate to the Exchange's capacity to carry out the purposes of the Act or to enforce compliance by its members and persons associated with its members, with the Act or the rules and regulations thereunder, except that the Market Responsibility Rule includes a reporting requirement which is designed to permit the Exchange to enforce compliance with the Market Responsibility Rule by its members, member organizations and affiliated persons.

(ii) Not applicable.

(iii) Not applicable.

(iv) Not applicable.

(v) The Exchange believes that the Market Responsibility Rule will serve to promote just and equitable principles of trade, to remove impediments to and assist in the perfection of a free and open market and a national market system and to protect investors and the public interest. The Market Responsibility Rule will promote these objectives by freely permitting members, member organizations and affiliated persons to execute customers' orders in listed securities in the over-the-counter market whenever the best price for their customers is available in that market, while at the same time preserving the benefits of the auction market provided by the Exchange.

Under the Market Responsibility Rule all principal trades, except as exempt by the Rule, are required to take place on the Floor of the Exchange or another national securities exchange. This is a continuation of the longstanding policy articulated in Rule 394 and is designed to preclude the creation of off-board dealer markets in listed stocks by members, member organizations and affiliated persons, thereby avoiding serious erosion in the present flow of orders to the auction market. Absent such a provision, the Exchange believes that dealer markets in listed securities would proliferate, to the serious detriment of the auction market provided by the Exchange. The resultant erosion in the flow of orders to the Exchange would seriously undermine the liquidity and depth provided by the auction market, to the direct detriment of investors and the public interest. By preventing further fractionalization of exchange markets, the new Market Responsibility Rule will materially ease the task of creating a national market system. Should such fractionalization occur such task will surely be immensely complicated, the Exchange believes.

By simplifying the process by which a member or member organization is permitted to execute his or its customers' orders in the over-the-counter market whenever a better execution is available for the customer in that market, the Market Responsibility Rule encourages competition between dealers in the over-the-counter market and those on the Exchange, including the specialist. It does this by permitting the broker holding a customer's order to execute that order with whichever dealer provides his customer with the best execution, regardless of the market in which the dealer operates. To the extent that the present provisions of Rule 394 have been considered by some to impede the ability of members and member organizations to trade with market makers in the third market, the new Market Responsibility Rule, by removing all such impediments, will serve to promote creation of a free and open market.

In all of these respects the Market Responsibility Rule will serve to protect investors and the public interest."

(vi) Not applicable.

(vii) Not applicable.

(viii) Not applicable.

(b) and (c) Not applicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

"By letter addressed to its members and allied members dated October 17, 1975, the Exchange announced the adoption of the Market Responsibility Rule by its Board of Directors. As announced in that letter, the Market Responsibility Rule, as adopted by the Board, contained three changes from the text of an earlier draft of the Rule which had been sent to members and allied members by letter dated October 8. The changes resulted from comments received from the membership in response to the October 8 letter. The comments and the changes resulting therefrom were as follows:

(a) In response to a comment that the earlier draft of the proposed Market Responsibility Rule did not make clear that any over-the-counter execution should be with nonmember securities brokers or dealers, the text of paragraph (b) of the Market Responsibility Rule as adopted by the Board was amended to make this point clear.

(b) In response to the suggestion that the list of exempt transactions included in paragraph (d) of the earlier text of the proposed Market Responsibility Rule was incomplete, two additional exemptions were added, the first (contained in (d)(vi)) exempting the purchase or sale of any security trading in which has been suspended by the Exchange pending review of the listing status of such security, and the second (contained in (d)(vii)) exempting the acquisition of securities by a member organization as principal in anticipation of an immediate special offering or Exchange distribution as permitted under Rule 391 or Rule 392 of the Exchange.

In addition to the foregoing, it has also been suggested that the Market Responsibility Rule should not apply to any transaction for an account managed by an affiliated person which is a broker or dealer registered with the Commission under the Act and acts as underwriter or principal distributor of shares issued by an investment company registered under the Investment Company Act of 1940.

Finally, various questions have been raised with respect to the manner in which, and whether or not, the Market Responsibility Rule would apply to transactions in listed stocks effected by members or member organizations outside the continental limits of the United States or any possession thereof. This matter may be considered further by the Board of Directors of the Exchange and the Board may determine to amend the Market Responsibility Rule as a result of such further consideration. However, unless and until so amended, the Rule would not apply to any person insofar as he transacts business in securities without the jurisdiction of the United States."

BURDEN ON COMPETITION

"No burden on competition will be imposed by the Market Responsibility Rule. In fact one of the main purposes of the Market Responsibility Rule is to remove those provisions of the present Rule 394 which some have criticized as impediments to the free use of the third market by members and member organizations of the Exchange in effecting transactions in listed stocks for their customers. The Exchange in its appearance on October 22, 1975 before the Commission in the hearings announced by Release No. 11628 dated September 2, 1975 under the Act, submitted an analysis concerning off-board trading rules (marked in such proceedings as "NYSE Exhibit 1"). That analysis sets forth the Exchange's position with respect to off-board trading rules in general; explains why the Exchange does not believe that its off-board trading rules impose any burden on competition, but, on the contrary, serve to enhance pricing competition, which, from a public interest point of view, is the central issue to be considered in analyzing off-board trading rules under the standards set forth in the Act. That analysis also discusses the Market Responsibility Rule in the context of the standards set forth in the Act and concludes that such Rule, by permitting a maximum level of competition among brokers, dealers and exchanges, is consistent with each of the regulatory goals cited by the Commission and discussed in the analysis."

COMMISSION ACTION

Section 11A(c)(4)(A) of the Act directs the Commission to review rules of national securities exchanges (including NYSE Rule 394) which limit or condition the ability of members to effect transactions otherwise than on such exchanges ("off-board trading rules"), to report to Congress the results of its review, including a description of the effects on competition of such rules, and to commence a proceeding, in accordance with Section 19(c) of the Act, to amend or abrogate any such off-board trading rule imposing a burden on competition which does not appear to be necessary or appropriate in furtherance of the purposes of the Act. The Commission has completed its review and reported its finding to Congress.[1]

The Commission concluded that off-board trading rules of exchanges impose burdens on competition. Accordingly, the Commission commenced a proceeding, pursuant to Section 19(c) of the Act, to determine

(i) The extent to which such rules do engender significant anticompetitive effects;

(ii) Whether, although such rules are anticompetitive, there are countervailing considerations which appropriately outweigh the need to abrogate or amend such rules at the present time; and

(iii) Whether such rules could be appropriately modified so as to further the purposes of the Act.

In conjunction with that proceeding, the Commission held oral hearings. On October 22, 1975, the NYSE introduced its proposed replacement of NYSE Rule 394 as an exhibit in connection with its testimony at those hearings.[2] Accordingly, the NYSE's proposal is currently being considered by the Commission as part of the off-board trading rules proceeding.

Within 35 days of the date of publication of this notice in the Federal Register, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within fifteen days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 10, 1975.

[FR Doc.75-30733 Filed 11-13-75;8:45 am]

[1] Securities Exchange Act Release No. 11628 (September 2, 1975); Commission File No. 4-180.

[2] See *In the Matter of Rules of National Securities Exchanges Which Limit or Condition the Ability of Members To Effect Transactions Otherwise Than on Such Exchanges*, Commissoin File No. 4-180 (October 22, 1975) 1115.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1172; Amdt. No. 1]

FLORIDA

Declaration of Disaster Area

The above numbered Declaration (See 40 FR 41206) for the State of Florida is amended by extending the time for filing applications to November 28, 1975, for physical damage and June 28, 1976, for economic injury.

Dated: November 5, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-30721 Filed 11-13-75;8:45 am]

[Declaration of Disaster Loan Area No. 1187; Amendment No. 3]

NEW YORK

Declaration of Disaster Area

The above numbered Declaration (See 40 FR 48558), amendment #1 (See 40 FR 49825) and 2 (See 40 FR 51101) are amended by adding Yates and adjacent counties within the State of New York, and the time for filing applications is extended to December 29, 1975, for physical damage and July 30, 1976, for economic injury.

LOUIS F. LAUN,
Acting Administrator.

Date: November 5, 1975.

[FR Doc.75-30722 Filed 11-13-75;8:00 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guar-

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antees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 11th day of November, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending Nov. 7, 1975

Name of applicant	Location of enterprise	Principal product or activity
Saint Francis College, Inc.	Biddeford, Maine	Undergraduate college.
Florida Containers, Inc.	Sebring, Fla.	Expanded polystyrene egg cartons.
Olin L. Gammage & Sons Funeral Home, Inc.	Cedartown, Ga.	Funeral home.
Craftmade Homes, Inc.	Sylvester, Ga.	Mobile homes.
Louis Rich, Inc.	West Liberty, Iowa, and Newberry, S.C.	Processed poultry (turkey).
Pavco Industries, Inc.	Pascagoula, Miss.	Prefinished hardwood paneling, sanded hardwoods, and wholesale carpeting.
Blue Ridge Cottage Industries, Inc.	Boone, N.C.	Manufacturing, finishing, packaging, and shipping of planter baskets and floral accessories.
Triangle Machine Co., Inc.	Heath Springs, S.C.	Machined metal parts.
The Peoples Publishing Co., Inc.	Hartsville, S.C.	Newspaper publishing and commercial printing.
Norman H. Kelly, d.b.a. Kelly Funeral Home.	Jefferson, S.C.	Funeral home.
Boyd Maxwell d.b.a. DeKalb Sales and Services.	Smithville, Tenn.	Automotive parts.
Charles Knitting Mills, Inc.	Rhea County, Tenn.	Men's and ladies' knitwear.
Findlay Marina	Findlay, Ill.	Boat sales and service, dockage facilities.
R. & J. Land Co.	Chisholm, Minn.	Restaurant.
Enger Kress Co.	West Bend, Wis.	Leathergoods.
Iron Inn, Inc.	Iron River, Mich.	Hotel with restaurant.
Batson Lumber Co., Inc.	Natalbany, La.	Manufacturing southern pine lumber.
Calorific Recovery Anerobic Process, Inc.	Texas County, Okla.	Methane gas plant.
Tex Goober Co.	Naples, Tex.	Peanuts.
Calvin W. Williams (Winberry)	Hearne, Tex.	Shopping center.
Brown Trencher Division; Rivinlus, Inc.	Woodbine, Iowa	Snow removal and trencher equipment manufacturer.
Arnold Grain & Feed Inc.	Montgomery, Iowa	Farm service center.
Mefferd Industries, Inc.	Laurens, Iowa	Articulated arm hoists, leveling systems for flamecutting.
Apollo Hollow Metal & Hardware Co.	Laclede, Mo.	Fabrication and distribution of metal door frames.
Acri-Foods Inc.	Hawk Point, Mo.	Egg processing plant.
Hilton Inn/Teton National Park	Teton Village, Wyo.	Hotel.
Dakota Bake-N-Serv, Inc.	Jamestown, N. Dak.	Frozen dough products.
Blackfoot Equipment Co.	Blackfoot, Idaho	Sales and service of farm equipment.
B. Roger Clark, Bayview Manufacturing Co.	North Bend, Oreg.	Manufacturing of novelties.

[FR Doc.75-30798 Filed 11-13-75;8:45 am]

Office of the Secretary

[TA-W-132]

AMBAC INDUSTRIES, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-132; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 4, 1975 in response to a worker petition received on September 4, 1975 which was filed by the International Union of Electrical Radio and Machine Workers on behalf of workers formerly producing fuel injection systems at American Bosch, Springfield, Massachusetts, a wholly owned subsidiary of AMBAC Industries, Incorporated, Garden City, Long Island, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 42617) on September 15, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of AMBAC Industries, Incorporated, American Bosch, its customers, U.S. Department of Commerce, U.S. International Trade Commission, the Federal Reserve Board, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 4.5 percent from the first quarter of 1975 to the second quarter of 1975, and 7.6 percent from the second quarter of 1975 to the third quarter of 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales of fuel injection systems adjusted for price increases at the American Bosch plant declined 3.3 percent from the first to the second quarter and 12.8 percent from the second to the third quarter of 1975.

Increased Imports Contributed Importantly. The value of imports of articles like or directly competitive with those produced at American Bosch increased from 17.6 million dollars in 1972 to 37.3 million dollars in 1974.

The ratios of imports to domestic consumption and production increased from

17.2 percent and 20.1 percent, respectively in the first half of 1974 to 23.8 percent and 30.1 percent in the first half of 1975.

The evidence developed by the Department's investigation indicates that foreign suppliers are producing a substantially indentical fuel injection system to that produced at American Bosch. Consequently, price has become the main market determinate. Because of lower manufacturing costs, imported systems sell for about 20 percent less than American Bosch's product. In the last 12 months, approximately 30 percent of the company's sales have been lost to imports.

The declining trend in sales is expected to worsen, as sales being made now represent orders placed nearly 90 days ago. Customers' orders have continued to decline throughout 1975, a trend which should be reflected in fourth quarter 1975 sales figures.

In 1975, American Bosch lost 80 percent of orders from its largest customer to imported fuel injection systems. During 1975, this customer had accounted for 40 percent of American Bosch's sales.

Another major customer of American Bosch is considering switching to imports for more favorable prices. Since 1971, a German manufacturer of fuel injection systems directly competitive with those produced in Springfield has cut increasingly into American Bosch's orders.

Lower competitive prices of imported fuel injection systems reduced American Bosch's penetration of the market. This resulted in production cutbacks, beginning at the close of the first quarter of 1975. As customer orders continued to decline, additional cutbacks were made. Sales were made from existing inventory to decrease stock levels. Average employment decreased in February, March, and April 1975 in anticipation of production declines. Employment declined greatly in the third quarter of 1975, following a substantial decline in customer demand.

Therefore it is concluded that reduced demand caused by the increasing importance of the imported fuel injection systems in the domestic market, contributed importantly to the total or partial separations of workers at American Bosch, Springfield, Massachusetts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fuel injection systems produced at American Bosch, Springfield, Massachusetts contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of fuel injection systems at the Springfield, Massachusetts plant of American Bosch who became totally or partially separated from employment on or after February 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-30810 Filed 11-13-75;8:45 am]

[TA-W-137]

ARMCO STEEL CORP. BALTIMORE, MARYLAND

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-137; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 9, 1975 in response to a worker petition received on September 4, 1975 which was filed by the United Steel Workers of America on behalf of workers formerly producing stainless steel at the Baltimore plant of Armco Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 42921) on September 17, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Armco Steel Corporation, its customers, industry analysts, information and publications of the U.S. International Trade Commission, the U.S. Department of Commerce and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 41 percent in the first half of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Baltimore plant declined 29 percent by value in the first half of 1975 compared to the first half of 1974. Production declined 39 percent by quantity in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Baltimore plant of Armco Steel Corporation increased from 63.5 thousand tons in the first half of 1974 to 99.5 thousand tons in the first half of 1975.

The ratios of imports to domestic consumption and production increased from 8.5 percent and 9.1 percent, respectively in the first half of 1974 to 20.7 percent and 25.8 percent in the first half of 1975.

The evidence developed by the Department's investigation indicates that as prices of imported stainless steel became more atractive to consumers in the U.S. they switched from the domestic product to the imported product. In 1975, customers of Armco Steel Corporation found imported prices attractive and switched their purchases from stainless steel products made at the Baltimore plant to imported stainless steel. Separations of workers at the Baltimore plant were caused by the increase of competitive imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel produced at the Baltimore plant contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers engaged in employment related to the production of stainless steel at the Baltimore plant of Armco Steel Corporation who became totally or partially separated from employment on or after December 22, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 1st day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-30811 Filed 11-13-75;8:45 am]

[TA-W-136]

AVON SOLE CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-136: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 8, 1975 in response to a worker petition received on September 4, 1975 which was filed by workers formerly producing rubber soles, soling sheets and heels at the Avon, Massachusetts plant of the Avon Sole Company.

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The notice of investigation was published in the FEDERAL REGISTER (40 FR 42806) on September 16, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from former officials of Avon Sole Company, its customers, Department of Commerce, International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment was stable from July, 1972 through March, 1974. Beginning in April, 1974, the number of hourly employees declined steadily. During the first seven weeks of 1975, the average number of production workers was 51.7 percent lower than it had been during the first seven weeks of 1974. The average number of weekly hours per worker during the first seven weeks of 1975 was 8.2 percent lower than it had been during the same period in 1974. By March 15, 1975; all production employees had been laid off and production ceased.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Avon, Massachusetts plant were 16.7 percent lower in 1974 than they had been in 1973. Sales declined 43.3 percent in the first quarter of 1975 compared to the first quarter of 1974. The plant closed on March 15, 1975.

Increased Imports Contributed Importantly. Imports of rubber heels amounted to less than one percent of domestic consumption and production in every year from 1971 through 1974. Imports of rubber soles amounted to less than two percent of domestic consumption and production in every year from 1971 through 1974. Imports of soling sheets amounted to 6.5 percent and 7 percent respectively of domestic consumption and production in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of rubber soles, soling sheets and heels at Avon Sole Company in Avon, Massachusetts was due to the transfer of production to a wholly-owned subsidiary in Lawrenceburg, Tennessee. This transfer was due to increasing costs of production at the Massachusetts facility. Major customers of Avon had not switched their purchases to another manufacturer, foreign or domestic.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with rubber soles and soling sheet produced at the Avon, Massachusetts plant did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 4th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-30807 Filed 11-13-75;8:45 am]

[TA-W-148]

BILLIG SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-148; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 16, 1975 in response to a worker petition received on September 15, 1975 which was filed by the United Steelworkers of America on behalf of workers formerly producing women's footwear at Billig Shoe Company, Peckville, Pennsylvania, a wholly owned subsidiary of EVY Footwear Company, Incorporated, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44211) on September 25, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Billig Shoe Company, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, the American Footwear Industries Association and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Total or partial separations of workers engaged in employment related to the production of women's footwear at Billig Shoe Company began in late 1974. Average employment declined 13.5 percent in the fourth quarter of 1974 from the previous quarter. The average number of workers declined 26 percent in the second quarter of 1975 from the like period in 1974. Hours worked by all employees of Billig were reduced during the first eight months of 1975. Average weekly hours declined 8.2 percent in the first eight months of 1975 from the comparable period in 1974. All production at Billig Shoe Company was terminated and all production workers were separated on September 30, 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales at Billig Shoe Company declined 18.9 percent from 1973 to 1974. Production of women's footwear at Billig declined 23.9 percent in the first half of 1975 compared to the like period in 1974. Declining sales and the ensuing production cutbacks forced EVY Footwear to close Billig and consolidate operations at their other plants.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at Billig Shoe Company increased from 167 million pair in 1970 to 189 million pairs in 1974. The ratios of imports to consumption and U.S. production increased from 39.7 percent and 66 percent, respectively, in 1970 to 50.9 percent and 103.5 percent, respectively, in 1974. For the first six months of 1975, the ratio of imports to domestic production increased to 123 percent from 105 percent for the same period in 1974. A customer of Billig, accounting for 90 percent of sales, reduced purchases from Billig in 1974 and 1975, substituting lower-priced footwear from Brazil and Taiwan.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of women's footwear at Billig Shoe Company was caused by the increase of competitive imports. Customers reduced purchases of Billig shoes in favor of lower-priced imports. Reduced sales of women's footwear by Billig led to rapidly declining production. EVY Footwear Company officials decided to close the plant in Peckville, Pennsylvania in September 1975.

Thus, reduced demand caused by the increasing penetration of imports of women's footwear in the domestic market contributed importantly to the total or partial separations of workers at Billig Shoe Company, Peckville, Pennsylvania.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at Billig Shoe Company contributed importantly to the total or partial separations of the workers of the firm. In accordance with the provisions of the Act I make the following certification:

All hourly, piecework, and salaried workers of Billig Shoe Company, Peckville, Pennsylvania who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, this 3rd day of November 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-30812 Filed 11-13-75;8:45 am]

[TA-W-135]

HARRINGTON AND RICHARDSON, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-135: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 8, 1975 in response to a worker petition received on September 4, 1975 which was filed by Local 262 of the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing sporting firearms at the Gardner, Massachusetts plant of Harrington and Richardson, Incorporated, Gardner, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 42808) on September 16, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Harrington and Richardson, its customers, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each og the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 15 percent in the first three quarters of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales of single barrel shotguns at the Gardner, Massachusetts plant declined 38 percent in the first three quarters of. 1975 compared to the first three quarters of 1974. Production declined 59 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

Sales of rifles and handguns at the Gardner, Massachusetts plant increased 5 percent in the first three quarters of 1975 compared to the first three quarters of 1975. Production increased 4 percent in the first three quarters of 1975 compared to the first three quarters of 1974. Sales and production of rifles represent an insignificant part of the firms business.

Increased Imports Contributed Importantly. Imports of handguns like or directly competitive with those produced at the Gardner, Massachusetts plant increased from 293,000 units in 1972 to 326,-572 units in 1974. The ratios of imports to domestic consumption and production decreased from 22.45 percent and 25.17 percent respectively in 1972 to 14.25 percent and 15.05 percent in the first six months of 1975.

This represented a decrease of 37 percent and 40 percent over the period. Harrington and Richardson's sales of handguns increased in the first six months of 1975.

Imports of single barrel shotguns like or directly competitive with those produced at the Gardner, Massachusetts plant decreased from 136,975 units in the first six months of 1974 to 60,341 in the first six months of 1975. The ratios of imports to domestic consumption and production decreased from 47.34 percent and 89.89 percent respectively in the first six months of 1974 to 39.36 percent and 64.91 percent in the first six months of 1975. This represented a decline of 17 percent and 28 percent respectively.

The evidence developed in the Department's investigation indicates that reduced sales of single barrel shotguns by Harrington and Richardson were the result of decreased retail demand for this product because of two factors: (1) economic conditions in the United States which particularly affected demand for luxury items and (2) a growing disenchantment among the American people with the idea of firearms as a hobby for children. These two factors have hurt the sales of all manufacturers of single barrel shotguns, not just Harrington and Richardson. While most customers did report absolute declines in purchases from Harrington and Richardson recently, in most cases Harrington and Richardson has maintained or increased its relative share of its customers' firearm requirements. No customers substituted purchases of imported handguns or single barrel shotguns for those previously purchased from Harrington and Richardson.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with firearms produced at the Gardner, Massachusetts plant did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 4th day of November 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-30808 Filed 11-13-75;8:45 am]

[TA-W-131]

SERVCO HEEL CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-131: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 4, 1975 in response to a worker petition received on September 4, 1975 which was filed by the United Shoe Workers of America (AFL-CIO) on behalf of workers formerly producing plastic heels for women's shoes at the Bonne Terre, Missouri plant of Servco Heel Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 42618) on September 15, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Servco Heel Company, its customers, American Footwear Industries Association, Rubber Manufacturers Association, Department of Commerce, U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers'

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firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 75 percent in the first quarter of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at the Bonne Terre plant declined 72 percent in the first quarter of 1975 compared to the first quarter of 1974. The plant closed in April 1975.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with plastic heels produced at the Bonne Terre plant have comprised less than one-half of one percent of total U.S. production each year since 1971.

The evidence developed by the Department's investigation indicates that changing shoe styles and the demand for quick delivery make imports of heels impractical. Declines in production at the Bonne Terre plant have resulted from decreased purchases of heels by domestic manufacturers of women's shoes who have been faced with a shrinking market for their domestically made women's shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I oonclude that increases of imports like or directly competitive with plastic heels produced at the Bonne Terre, Missouri plant of Servco Heel Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 4th day of November 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-30809 Filed 11-13-75;8:45 am]

Office of the Secretary of Labor

INDO-CHINA REFUGEES AT FORT CHAFFEE, ARKANSAS

Exemption from Service Contract Act

The Interagency Task Force on Indo-China Refugees has requested that the U.S. Department of Labor exempt from the provisions of the Service Contract Act, as amended (41 U.S.C. 351, et seq.) the use of Indo-China Refugees who volunteer their services to perform work for contractors at Fort Chaffee, Arkansas. The exempt work shall include assisting in the preparation and serving of meals, cleaning the mess halls, and custodial work in and around their living quarters. Such work shall be exclusively in support of the Indo-Chinese Refugees and not in those mess halls, living quarters or other facilities used by the Armed Service Personnel or other persons housed or fed at Fort Chaffee.

Upon full consideration of the Interagency Task Force's request and a showing that it is necessary and proper in the public interest and that it is not contrary to the remedial purposes of the Act to protect prevailing labor standards, the following exemption which shall expire December 1, 1976, is granted pursuant to the authority contained in Section 4(b) of the Act (41 U.S.C. 354(b)), Secretary's Orders Nos. 13-71, (36 FR 8755), Employment Standards Order 1-74 (39 FR 33841) and Regulations 29 CFR 4.123.

The employment of Indo-Chinese Refugees who volunteer their services to perform work at Fort Chaffee, Arkansas, shall be deemed exempt from the prevailing wage provisions of the Service Contract Act, as amended: *Provided*, That in the future the following limitations shall apply:

1. No refugee under 16 years of age shall be suffered or permitted to work except pursuant to Child Labor Regulation No. 3 (29 CFR 570.31, *et seq.*).

2. No refugee under 18 years of age shall be employed in any occupation found and declared hazardous by the Secretary of Labor (29 CFR 570.50, *et seq.*).

3. No refugee shall work more than 8 hours per day or a total of 30 hours each workweek.

4. No regular employees of a contractor shall be displaced by the engagement of the refugees.

5. No contractor shall receive a windfall profit as a result of performance of part of his contract by the use of refugees.

This exemption has been found to be a reasonable exemption on the application of the Service Contract Act, as amended, in view of the special circumstances involved, which is necessary and proper in the public interest and is in accord with the remedial purpose of the Act to protect prevailing labor standards.

Signed at Washington, D.C. on this 11th day of November 1975.

ROBERT C. CHASE,
Deputy Assistant Secretary for Employment Standards.

[FR Doc.75-30606 Filed 11-13-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 914]

ASSIGNMENT OF HEARINGS

NOVEMBER 11, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 106644 Sub-198, Superior Trucking Company, Inc., now assigned December 11, 1975 at Louisville, Kentucky, is canceled and the application is dismissed.

MC 140393 Sub-1, Gem Tours, Inc., application is dismissed.

MC 141082, Door-To-Door Limousine, Inc., now being assigned January 7, 1976 (3 days) at Hartford, Connecticut; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30802 Filed 11-13-75;8:45 am]

[AB 6 (Sub-Nos. 15 and 29)]

BURLINGTON NORTHERN INC.

Abandonment of Lines

In the matter of abandonment between Joliette and Pembina in Pembina County, North Dakota, and between Neche, North Dakota and Gretna, Manitoba in Pembina County, North Dakota and Manitoba, Canada.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Pembina County, N.D., on or before November 25, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 31st day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 6 (Sub-No. 15)]

BURLINGTON NORTHERN INC. ABANDONMENT BETWEEN JOLIETTE AND PEMBINA IN PEMBINA COUNTY, NORTH DAKOTA

[AB 6 (Sub-No. 29)]

BURLINGTON NORTHERN INC. ABANDONMENT BETWEEN NECHE, NORTH DAKOTA AND GRETNA, MANITOBA IN PEMBINA COUNTY, NORTH DAKOTA AND MANITOBA, CANADA

The Interstate Commerce Commission hereby gives notice that by order dated October 31, 1975, it has been determined that the proposed abandonment by the Burlington Northern Inc. of portions of its branch lines between Pembina and Joliette in Pembina County, N.D., and between Neche and Gretna in Pembina County and Manitoba, Canada, if approved by the Commission, do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no traffic is generated on the subject lines and the low volumes of overhead traffic and traffic destined for interchange with Canadian lines can be rerouted over applicant's other lines in the area. Although the new routes may be more circuitous, the overall environmental effect is expected to be minimal. Service to the rest of the affected branches should remain essentially unchanged.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 10, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30799 Filed 11-13-75;8:45 am]

[AB88; Finance Docket No. 27574]

BESSEMER AND LAKE ERIE RAILROAD, CO. AND ERIE LACKAWANNA RAILWAY, CO.

Abandonment and Purchase of Lines

In the matter of Bessemer and Lake Erie Railroad Company, abandonment portion Meadville Branch, at Meadville Junction, Crawford County, Pennsylvania, and Thomas F. Patton and Ralph S. Tyler, Jr., trustees of the property of Erie Lackawanna Railway Company, debtor—purchase and operation—Vallonia branch and Meadville Branch of the Bessemer and Lake Erie.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Crawford County, Pa., on or before November 28, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 5th day of November, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 88]

BESSEMER AND LAKE ERIE RAILROAD COMPANY ABANDONMENT PORTION MEADVILLE BRANCH, AT MEADVILLE JUNCTION, CRAWFORD COUNTY, PENNSYLVANIA

[FINANCE DOCKET NO. 27574]

THOMAS P. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR—PURCHASE AND OPERATION—VALLONIA BRANCH AND MEADVILLE BRANCH OF THE BESSEMER AND LAKE ERIE

The Interstate Commerce Commission hereby gives notice that by order dated November 5, 1975, it has been determined that the proposed abandonment by the Bessemer and Lake Erie Railroad Company of its line of railroad between Meadville Junction and the City of Meadville, a distance of 14.19 miles, all in Crawford County, Pa., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the volume of traffic on the subject line has been low, (2) the affected station at Meadville will continue to have rail service, (3) highways in the area are able to accommodate the resultant slight diversion to truck transport, (4) an abandonment approval will be consistent with plans enabling the Erie Lackawanna to acquire and operate certain trackage in the City of Meadville, and (5) there is an absence of any major Historic, safety and ecological aspects associated with the proposal. In addition, Crawford County has expressed an interest in obtaining part of the right-of-way property for use as a recreational facility.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before December 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30800 Filed 11-13-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 11, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before December 1, 1975.

FSA No. 43074—*Joint Rail-Water Container Rates—Italian Line.* Filed by Italian Line, (No. 2), for itself and interested rail carriers. Rates on general commodities, between rail terminals in U.S. Gulf Coastal cities, and ports and terminals in European Mediterranean countries.

Grounds for relief—Water competition.

Tariffs—Italian Line tariffs I.C.C. Nos. 1 and 2. Rates are published to become effective on December 8, 1975.

FSA No. 43075—*Joint Rail-Water Container Rates—Italian Line.* Filed by Italian Line, (No. 2), for itself and interested rail carriers. Rates on general commodities, from ports and terminals in Europe, to rail and water carrier terminals on the U.S. Pacific Coast Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30801 Filed 11-13-75;8:45 am]

[Notice No. 117]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 14, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission

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pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commissions' Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 4, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76119 By order of November 10, 1975, the Motor Carrier Board approved the transfer to Montana Brand Produce Company, Inc., Murray, Utah, of Permit No. MC 133979, issued November 2, 1971, to Chris Drakos, doing business as Montana Brand Produce Co., Murray, Utah, authorizing the transportation of specified commodities between points in the States of Washington, Oregon, California, Nevada, Utah, Idaho, Montana, Wyoming, and Colorado. Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–30803 Filed 11–13–75;8:45 am]

[Notice No. 89]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
The Peter H. Mortensen-Vinci Co., MC–77482, Sub-22	MC–77482, Sub-23	Oct. 24, 1975
L. L. Smith Trucking, MC–105006, Sub-3	MC–105006, Sub-4	Aug. 16, 1975
Jerry Lipps, Inc., MC–118559, Sub-106	MC–118959, Sub-107	Nov. 7, 1975
D.b.a., Davis Bros., MC–127349, Sub-3	MC–127349, Sub-2	May 18, 1970
D.b.a., All-Star Transportation, MC–134182, Sub-17	MC–134182, Sub-18	Nov. 7, 1975
Price Delivery Service, MC–134454, Sub-7	MC–134454, Sub-4	July 7, 1975
B–H Transfer Co., MC–135809, Sub-1	MC–135809, Sub-2	June 6, 1975
B–H Transfer Co., MC–135809, Sub-4	MC–135809, Sub-3	Do.
Luisi Truck Lines, Inc. MC–136228, Sub-10	MC–136228, Sub-12	Oct. 24, 1975

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–30804 Filed 11–13–75;8:45 am]

[Notice No. 90]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Arthur H. Fulton, MC–138000	MC–138000 Sub-4	Jan. 13, 1975
Arthur H. Fulton, MC–138000, Sub-2	MC–138000, Sub-5	Nov. 3, 1975
Smithway Motor Express, Inc., MC–138627, Sub-6	MC–138627, Sub-6	Oct. 24, 1975
Madewell Metals, Inc., MC–139727	MC–139727, Sub-1	Sept. 19, 1975
D.b.a., Mabe Trucking Co., MC–140063, Sub-1	MC–140063, Sub-2	Oct. 24, 1975

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–30805 Filed 11–13–75;8:45 am]

federal register

FRIDAY, NOVEMBER 14, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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INDIAN SELF-DETERMINATION ACT

Procurement Contract Regulations

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Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Contracts Under the Indian Self-Determination Act

On September 15, 1975, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER (40 FR 42674) a notice of proposed rulemaking setting forth for public comment the special requirements, policies and clauses applicable to contracts under the Indian Self-Determination Act.

Section 103 of the Indian Self-Determination Act, Pub. L. 93–638, 25 U.S.C. 450g, requires the Secretary of Health, Education, and Welfare to contract at the request of a tribe with a tribal organization to carry out any or all of his functions, authorities, or responsibilities under the Act of August 5, 1954, as amended, 42 U.S.C. 2001.

In response to public comments on the regulations as proposed, a number of substantive changes have been made. Additionally, some editorial changes for clarity, style, and organization have been made. In the interest of eliminating standard clauses in DHEW contracts which are inappropriate to contracts under the Indian Self-Determination Act, the proposed clauses on Rights in Data, Reporting of Royalties, Authorization and Consent, Notice and Assistance Regarding Patent and Copyright Infringement, Publication and Publicity, Patent Rights, Utilization of Small Business Concerns, Utilization of Labor Surplus Area Concerns, and Utilization of Minority Business Concerns have been deleted from the General Provisions, §§ 3–4.6013 and 3–4.6014.

Modifications have been made to the clauses of the General Provisions listed below. Several of these modifications have been made in response to public comments. Most of the modifications apply to identical clauses in the General Provisions for cost reimbursement (§ 3–4.6013) and fixed price (§ 3–4.6014) contracts. See items 1 through 8 below. The modifications to clauses of the General Provisions for only one type of contract—either cost reimbursement or fixed price—are discussed in items 9 through 12 below.

1. *Inspection and reports.* This clause has been modified to require the annual report to be submitted to the contracting officer within 90 (rather than 60) days of the end of the fiscal year. The last sentence of this clause has been modified to reflect the fact that additional reports may be required of the contractor by the Secretary, as provided in 42 CFR 36.227.

2. *Changes.* This clause has been modified to require the consent of the contractor to changes ordered by the contracting officer.

3. *Retrocession.* This clause has been modified to provide that the contracting officer will meet with the tribal governing body, where applicable, as well as with the contractor after receipt of a request for retrocession.

4. *Assumption and Reassumption of Contract Programs.* This clause has been modified to conform to the changes made in 42 CFR 36.233.

5. *Equal Opportunity.* This clause has been modified to conform to the clause prescribed by Executive orders 11246 and 11375 and the regulations of the Secretary of Labor, 41 CFR, Chapter 60. The Equal Opportunity clause is subject to the Indian preference in training and employment clause.

6. *Use of Indian Business Concerns.* This clause has been modified to add a requirement that the contractor comply with preference requirements regarding Indian Business concerns established by the tribe to the extent consistent with the purpose of the clause. A provision was also added concerning the use of small business concerns, labor surplus area concerns and minority business enterprises where no Indian business concerns are available.

7. *Indian Preference in Training and Employment.* This clause has been modified to require that the contractor give preference in employment and training to Indians regardless of age, religion, or sex. The clause has been further modified to provide that if the contractor or any of his subcontractors are unable to fill employment openings with Indians, such openings may be filled by other than Indians under the conditions set forth in the Equal Employment clause of the contract.

8. *Civil Rights Act of 1964.* This clause which refers to Title VII of the Civil Rights Act of 1964 has been deleted as unnecessary. Employment requirements are covered in the Indian Preference in training and employment and Equal Opportunity clauses.

9. *Anti-Kickback Act.* This standard clause, which appears in the General Provisions for fixed price contracts has been added to the General Provisions for cost reimbursement contracts.

10. *Allowable Cost.* This clause in the General Provisions for cost reimbursement contracts has been modified to provide that if the contract is for procurement of construction or architect engineering services, allowable costs will be determined in accordance with Subpart 1–15.4.

11. *Government Property.* This clause in the General Provisions for cost reimbursement contracts has been modified to add a sentence to paragraph (d) requiring the contractor to comply with Federal, State, and local requirements applicable to the operation and maintenance of government property.

12. *Government-Furnished Property.* The provisions of this clause in the General Provisions for fixed price contracts relating to disposition of government furnished property upon completion of the contract have been modified to delete non-applicable cross-references and to clarify that the contractor is not relieved of responsibility for such property without the prior approval of the contracting officer.

In addition to the revisions in the General Provisions, the following modifications have been made to Subpart 3–4.60:

13. Section 3–4.6001 has been modified to state that the provisions of Subpart 3–4.60, which are applicable solely to contracts under the Indian Self-Determination Act, govern in the event of a conflict with other provisions of the Federal Procurement Regulations (41 CFR Chapter 1) and of the HEW Procurement Regulations (41 CFR Chapter 3).

14. Section 3–4.6008 of the proposed regulations provided solely for the implementation of the Davis-Bacon Act. As revised, this section includes all of the applicable requirements of the Federal Procurement Regulations (FPR) relating to architect-engineering and construction contracts (41 CFR Parts 1–4.10 and 1–18). In implementation of section 7(a) of Pub. L. 93–638, § 3–4.6008 requires the inclusion in construction contracts of the applicable labor standards and related provisions set forth in section 1–18.603 of the FPR (41 CFR 1–18.603). The provisions of the FPR relating to bonds and insurance (Subpart 1–18.10) are specifically made inapplicable to construction contracts under Pub. L. 93–638. § 3–4.6008(a) includes a provision that in the event of conflict between any provisions of the FPR relating to architect-engineering and construction contracts and the provisions of Pub. L. 93–638 and 42 CFR Part 36, the provisions of Pub. L. 93–638 and 42 CFR Part 36 will govern.

15. Section 3–4.6010 relating to the use of General Services Administration Supply Sources has been modified to implement the requirement in § 3–5.950 of the HEW Procurement Regulations (41 CFR 3–5.950) that a standard clause be included in cost-reimbursement contracts in which the contractor is authorized to use GSA supply sources.

As noted in the preamble to the regulations published today in the FEDERAL REGISTER (42 CFR Part 36) governing grants and contracts under the Indian Self-Determination Act, representatives of HEW will meet with representatives of the Bureau of Indian Affairs in an effort to achieve maximum uniformity in the regulations of the two agencies implementing the Act. It is our expectation that these efforts will result in a revision of the regulations in 41 CFR Subpart 3–4.60, including the prescribed contract clauses. We also expect to propose revisions to these regulations and the contract clauses, pursuant to Section 107(C) of the Act in the light of experience gained in administering contracts under the Act.

Pursuant to the authority of sections 103 and 107 of Pub. L. 93–638, 25 U.S.C. 450g and 450k; section 3 of Pub. L. 83–568, 42 U.S.C. 2003; and 40 U.S.C. 486 (c), 41 CFR Part 3–4 is amended by the addition of the following new subpart 3–4.60.

Effective date. The regulations shall become effective November 14, 1975.

Approved: November 7, 1975.

DAVID MATHEWS,
Secretary.

Subpart 3–4.60—Contracts Under the Indian Self-Determination Act

Sec.
3–4.6000 Scope of subpart.
3–4.6001 Applicability of regulations.
3–4.6002 Waivers.
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3–4.6004 Definitions.
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3–4.6009 Performance of personal services.
3–4.6010 Use of General Services Administration supply sources.
3–4.6011 Special provisions of Indian Self-Determination contracts.
3–4.6012 General provisions.
3–4.6013 General provisions for Cost Reimbursement Contracts under the Indian Self-Determination Act.
3–4.6014 General provisions for Fixed Cost contracts under the Indian Self-Determination Act.

AUTHORITY: Secs. 103, 107 of P.L. 93–638, 25 U.S.C 450g, 450k; sec 3, Pub. L. 83–568 (42 U.S.C. 2003; 40 U.S.C. 486(c)).

Subpart 3–4.60—Contracts Under the Indian Self-Determination Act

§ 3–4.6000 Scope of subpart.

This subpart prescribes procedures for contracting by the Department of Health, Education, and Welfare under the Indian Self-Determination Act (25 U.S.C. 405f).

§ 3–4.6001 Applicability of regulations.

Contracts with tribal organizations resulting from the submission of Indian Self-Determination Contract Proposals as authorized in Public Law 93–638 shall be in accordance with 41 CFR Chapters 1 and 3, except as otherwise provided herein. If this subpart conflicts with any of the other provisions of 41 CFR Chapters 1 or 3, the provisions of this subpart govern.

§ 3–4.6002 Waivers.

(a) The Secretary waives Federal contract clauses that are normally contained in the General Provisions of a DHEW contract to the extent that they are omitted from the General Provisions prescribed for such contracts in this subpart.

(b) The Secretary may waive for the purpose of a specific contract such other provisions of federal contracting laws or regulations as he determines are not appropriate in view of, or are inconsistent with, the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Requests for such waivers shall be in accordance with 42 CFR 36.216.

(c) While it is DHEW's policy to obtain competition whenever possible, any contract award to a tribal organization resulting from the submission of an Indian Self-Determination Contract Proposal will be effected without competition.

(d) Proposed contracts under section 103 of the Indian Self-Determination Act are exempted from the synopsis requirements of 41 CFR 1–1.1003. Although subcontracts are subject under section 7(b) of that act to a preference to Indian organizations and to Indian-owned economic enterprises. Opportunities to so subcontract may be publicized by contracting officers as provided for in 41 CFR 1–1003–4.

§ 3–4.6003 Negotiating authority.

(a) Contracts entered into pursuant to section 103 of the Indian Self-Determination Act (25 U.S.C. 450g) will cite as the negotiating authority 41 U.S.C. 252 (c) (15) and 25 U.S.C. 450g.

§ 3–4.6004 Definitions.

The definitions prescribed in 42 CFR 36.204 are applicable to this subpart.

§ 3–4.6005 Types of contracts.

(a) Cost reimbursement contracts will be used for all contracts made pursuant to this subpart between the Department and an Indian tribe or tribal organization. In addition to such other provisions as the Secretary may from time to time require, such cost reimbursement contracts shall contain the terms set out in § 3–4.6013.

(b) Fixed-price contracts may be used in only these instances where costs can be precisely established. In addition to such other provisions as the Secretary may from time to time require, such fixed-price contracts shall contain the terms set out in 3–4.60 § 3–4.6014.

(c) Cost sharing contracts may be used where the tribe contributes to the cost of a program and may specify a percentage of cost or fixed amount to be funded by the government.

§ 3–4.6006 Term of contract.

(a) The term of contracts awarded under the Act shall not exceed one year except that contracts may be made for a longer term up to three years subject to the availability of appropriations under the following circumstances:

(1) The services provided under the contract can reasonably be expected to be continuing in nature and, as a result, a longer contract term would be advantageous.

(2) The Indian tribe or tribes to be served by the contract request that the term be more than one year. The tribal organization will indicate the desired term of the contract in the Self-Determination Contract Proposal.

(b) Contracts made for a term of more than one year may be renegotiated annually to reflect factors which include, but need not be limited to, cost increases beyond the control of the tribal contractor. Proposed changes in the services provided under the contract which reflect changes in program emphasis may be considered during the annual renegotiation if the changes fall within the general scope of the contract.

§ 3–4.6007 Exemption from bonds.

A tribal organization is not required to furnish performance and payment bonds before carrying out a contract under this Part for the construction of public buildings or works as required by the Miller Act of August 24, 1935 (49 Stat. 793), as amended. However, the tribal organization shall require each of its subcontractors other than tribal organizations, to furnish both performance and payment bonds as follows:

(a) A performance bond with a surety or sureties satisfactory to the approving official, and in an amount he deems adequate, for the protection of the United States.

(b) A payment bond with a surety or sureties satisfactory to the approving official for the protection of all persons supplying labor and material in the prosecution of the work provided for in the contract. Whenever the total amount payable by the terms of the contract is not more than $1,000,000 the payment bond shall be one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract is more than $1,000,000 but not more than $5,000,000, the payment bond shall be 40 percent of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract is more than $5,000,000 the payment bond shall be $2,500,000.

§ 3–4.6008 Procurement of construction and architect-engineering services contract.

(a) This section sets forth procedures and requirements peculiar to construction and architect-engineering service contracts. The terms and conditions of such contracts when negotiated with an Indian tribe or tribal organization pursuant to the Act shall, to the extent applicable, be in accordance with the requirements set forth in Part 1–18 and Part 1–4.10 of this title. However, if there is a conflict between Part 1–18 and Part 1–4.10 of this title, and any provision of the Act or 42 CFR 36, the Act or 42 CFR 36 shall govern. In addition, such contracts shall include the special provisions identified in § 3–4.6011.

(b) Exceptions.

(1) Subpart 1–18.10 of this title is not applicable.

(2) The contract clauses required by § 1–18.703–1 of this title shall be inserted in construction contracts with an Indian tribe or tribal organization which serves as a governmental instrumentality of an Indian tribe, but shall be prefaced by the provision contained in § 1–18.–702–3 of this title.

(3) In all cases, the contracting officer shall obtain and insert the Wage Determination Decision issued by the Secretary of Labor in the contract prior to award of any contract for construction that falls within the purview of the Davis-Bacon Act. The Wage Determination Decision should be furnished sufficiently in advance of the contract award date to permit full consideration by the tribal organization and any prospective subcontractors prior to contract award.

§ 3–4.6009 Performance of personal services.

Any contract made under this subpart may include provisions for the performance of personal services which would otherwise be performed by Federal employees. Such services include, but are

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not limited to, performing the following functions in connection with the contract and applicable rules and regulations:

(a) Determining the eligibility of applicants for assistance, benefits, or services.

(b) Determining the extent or amount of assistance, benefits, or services to be provided.

(c) Providing such assistance, benefits, or services.

§ 3–4.6010 Use of General Services Administration supply sources.

Indian tribal organizations who are awarded cost reimbursement type contracts under this subpart, may be authorized to utilize GSA supply sources. The following clause will be inserted in all cost reimbursement-type contracts under which the contractor may be authorized to acquire items for the account of the Government from GSA supply sources:

General Services Administration Supply Sources (July, 1968).

The contracting officer may issue and the contractor agrees to accept an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired under such an authorization shall be in the Government. All property acquired under such an authorization shall be subject to the provisions of the clause of this contract entitled "Government Property," except paragraphs (identify) thereof.

§ 3–4.6011 Special Provision of Indian Self Determination Contracts.

Contracts entered into pursuant to Section 103 of the Act must incorporate special clauses which are consistent with those prescribed in subpart I of Part 36 of 42 CFR on the following subjects:

(a) Fair and Equal Treatment of Indian People.
(b) Use of Indian Business Concerns.
(c) Indian Preference in Training and Employment.
(d) Indemnity and Insurance.
(e) Reports to the Indian People.
(f) Penalties.
(g) Retrocession.
(h) Assumption and Reassumption of Contract Programs.

§ 3–4.6012 General Provisions.

General Provisions are published in these regulations in order to respond to the expressed desire of the Indian people, to have published in one place, all of the terms and conditions applicable to contracts awarded under the Act. These General Provisions incorporate the special clauses whose titles are listed in 3–4.6011 above as well as applicable standard contract clauses.

§ 3–4.6013 General Provisions for Cost Reimbursement Contracts under the Indian Self-Determination Act (P.L. 93–638), Title I.

Clause No. and Title

1. Definitions.
2. Disputes.
3. Limitation of Cost.
4. Allowable Cost.
5. Negotiated Overhead Rates.
6. Payment.
7. Advance Payment.
8. Examination of Records.
9. Inspection and Reports.
10. Subcontracting.
11. Accounts, Audit, and Records.
12. Government Property.
13. Changes.
14. Notice to the Government of Delays.
15. Retrocession.
16. Reassumption of Programs.
17. Key Personnel.
18. Litigation and Claims.
19. Indemnity and Insurance.
20. Overtime.
21. Foreign Travel.
22. Questionnaires and Surveys.
23. Printing.
24. Services of Consultants.
25. Assignment of Claims.
26. Contract Work Hours and Safety Standards Act-Overtime Compensation.
27. Walsh-Healey Public Contracts Act.
28. Equal Opportunity.
29. Indian Preference in Training and Employment.
30. Certificate of Nonsegregated Facilities.
31. Convict Labor.
32. Officials Not to Benefit.
33. Buy American Act Supply and Service Contracts.
34. Anti-Kickback Act.
35. Use of Indian Business Concerns.
36. Payment of Interest on Contractors' Claims.
37. Fair and Equal Treatment of Indian People.
38. Price Reduction for Defective Cost or Pricing Data.
39. Subcontractor Cost and Pricing Data.
40. Penalties.
41. Effect on Existing Rights.

Clause No. 1—Definitions.

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare; and the term "his duly authorized representative" means any person, persons, or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of monitoring of contract performance. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of this contract or which change the period of this contract.

(d) The term "Department" means the Department of Health, Education, and Welfare.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

Clause No. 2—Disputes.

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: Provided, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

Clause No. 3—Limitation of cost.

(a) It is estimated that the total cost to the Government for the performance of this contract will not exceed the estimated cost set forth in this contract and the Contractor agrees to use its best efforts to perform all work and all obligations under this contract within such estimated costs. If at any time the Contractor has reason to believe that the costs which it expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost set forth in the contract, or, if at any time the Contractor has reason to believe that the total cost to the Government, for the performance of this contract, will be substantially greater or less than the estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving its revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the contract and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of such estimated cost unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in this contract has been increased by the Contracting Officer in writing, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

Clause No. 4—Allowable cost.

(a) Compensation for Contractor's performance. Payment for the allowable cost, as herein defined and as actually incurred by the contractor shall constitute full and complete compensation for the performance of the work under this contract.

(b) Allowable cost. The allowable cost of performing the work under this contract shall be the cost actually incurred by the Contractor, either directly incident or properly allocable to the contract, in the performance of this contract in accordance with its terms. The allowable cost, direct and indirect, including acceptability of cost allocation methods, shall be determined by the Contracting Officer in accordance with:

(1) (i) "A Guide for Nonprofit Institutions Establishing Indirect Cost Rates for Research Grants and Contracts with the Department of Health, Education, and Welfare, DHEW Publication OASC–5," or (ii) "A Guide for Hospitals, Establishing Indirect Cost Rates for Research Grants and Contracts with the Department of Health, Education, and Welfare, DHEW Publication OASC–3," or (iii) Subpart 1–15.7 of the Federal Procurement Regulations (41 CFR 1–15.7) if the contract is with a state or local government agency or (iv) Subpart 1–15.4 of the Federal Procurement Regulations (41 CFR 1–15.4) if the contract is for the procurement of construction or architect-engineering services.

(2) The terms of the contract.

Clause No. 5—Negotiated overhead rates.

(a) Notwithstanding the provisions of the clause of this contract entitled, "Allowable Cost," the allowable indirect costs shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible, but not later than six (6) months after the expiration of each of the Contractor's financial years or such period as may mutually be agreed upon by the Government and the Contractor, shall submit to the Contracting Officer, with a copy to the cognizant audit agency, a proposed final overhead rate or rates for that period based on the Contractor's cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with the applicable cost principles set forth in paragraph (b) (1) of Clause 4, as in effect on the date of this contract, and the same hereby incorporated herein by reference. .

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (1) the agreed final rate, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in this contract or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in this contract shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the clause of this contract entitled "Disputes."

(g) Submission of proposed provisional and/or final overhead rates, together with appropriate data in support thereof, to the Secretary or his duly authorized representative, and agreements on provisional and/or final overhead rates entered into between the Contractor and the Secretary or his duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements signed by both parties, shall be deemed to satisfy the requirements of (b), (d) and (e) above.

Clause No. 6—Payment.

(a) Payment on account of allowable costs. Once each month (or at more frequent intervals if approved by the Contracting Officer) the Contractor may submit to the Contracting Officer, in such form and reasonable detail as may be required, an invoice or voucher supported by a statement of costs incurred by the Contractor in the performance of this contract and claimed to constitute allowable costs. Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (b) below, make payment thereon as approved by the Contracting Officer.

(b) Audit adjustments. At any time or times prior to settlement under this contract the Contracting Officer may have invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayment, or increased for underpayments on preceding invoices or vouchers.

(c) Completion voucher. On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "Completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and provisions of (d) below) the Government shall promptly pay to the Contractor any balance of allowable cost. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than 6 months (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(d) Applicable credits. The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer.

(e) Financial settlement. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract, and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts or in estimated amounts where the amounts are susceptible to exact statement by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: Provided, That such claims are not known to the contractor on the date of the execution of the release: And provided further, That the Contractor gives notice of such claims in writing to the Contracting Officer not more than 6 years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

Clause No. 7—Advance Payments.

(a) *Amount of Advance.* At the request of the contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment, or advance payments from time to time, to the Contractor. No advance payment shall be made (1) without the approval of the officer administering advance payments (hereinafter called the "Administering Office" and designated in paragraph (k) (4) hereof) as with all advance payments theretofore made, shall exceed the amount stated in paragraph (k) (1) hereof; and (3) without a properly certified invoice or invoices.

(b) *Special Bank Account.* Until all advance payments made hereunder are liquidated and the Administering Office approves in writing the release of any funds due and payable to the Contractor, all advance payments and all other payments under the contract shall be made by check payable to the Contractor, and be marked for deposit only in a Special Bank Account with the bank designated in paragraph (k) (2) hereof. No part of the funds in the Special Bank Account shall be mingled with other funds of the Contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided, each withdrawal shall be made only by check of the Contractor countersigned on behalf of the Government by the Contracting Officer or such other person or persons as he may designate in writing (hereinafter called the "Countersigning Agent"). Until otherwise determined by the Administering Office, countersignature on behalf of the Government will not be required.

(c) *Use of Funds.* The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purposes of making payments for items of allowable cost or to reimburse the Contractor for such items of allowable cost, and for such other purposes as the Administering Office may approve in writing. Any interpretation required as to the proper use of funds shall be made in writing by the Administering Office.

(d) *Return of Funds.* The Contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the Administering Office, the Contractor shall repay to the Government such part of the unliquidated balance of advance paymenst as shall in the opinion of the Administering Office be in excess of current requirements, or (when added to total advance previously made and liquidated) in excess of the amount specified in paragraph (k) (1) hereof. In the event the Contractor fails to repay such part of the unliquidated balance of advance payments when so requested by the Administering Office, all or any part thereof may be withdrawn from the Special Bank Account by checks payable to the Treasurer of the United States signed solely by the Countersigning Agent and applied in reduction of advance payments then outstanding hereunder.

(e) *Liquidation.* If not otherwise liquidated, the advance payments made hereunder shall be liquidated as herein provided. When the sum of all payments under this contract, other than advance payments, plus the unliquidated amount of advance payments are equal to the total estimated cost for the work under this contract or such

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lesser amount to which the total estimated cost under this contract may have been reduced, plus increases, if any, in this total estimated cost not exceeding, in the aggregate, (including, without limitation, reimbursable costs incident to termination for cause and retrocession as estimated by the Contracting Officer), the Government shall thereafter withhold further payments to the Contractor and apply the amounts withheld against the Contractor's obligation to repay such advance payments until such advance payments shall have been fully liquidated. If upon completion, termination, or retrocession of the contract all advance payments have not been fully liquidated, the balances therefore shall be deducted from any sums otherwise due or which may become due to the Contractor from the Government, and any deficiency shall be paid by the Contractor to the Government upon demand.

(f) *Bank Agreement.* Before an advance payment is made hereunder, the Contractor shall transmit to the Administering Office, in the form prescribed by such office, an Agreement in triplicate from the bank in which the Special Bank Account is established, clearly setting forth the special character of the account and the responsibilities of the bank thereunder Wherever possible, such bank shall be a member bank of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation Act of August 23, 1935, 49 Stat. 685, as amended (12 U.S.C. 264).

(g) *Lien on Special Bank Account.* The Government shall have a lien upon any balance in the Special Bank Account paramount to all other liens, which lien shall secure the repayment of any advance payments made hereunder.

(h) *Lien on Property Under Contract.* Any and all advance payments made under this contract shall be secured, when made, by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract and on all material and other property acquired for or allocated to the performance of this contract, except to the extent that the Government by virtue of any other provision of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify, by marking or segregation, all property which is subject to a lien in favor of the Government by virtue of any provision of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The Contractor shall maintain adequate accounting control over such property on his books and records. If at any time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer. If this contract is terminated in whole or in part and the Contractor is authorized to sell or retain termination inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the Contracting Officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such termination inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention on the Contractor's termination claim, is applied in reduction of advance payments then outstanding hereunder.

(i) *Insurance.* The Contractor represents and warrants that he is now maintaining with responsible insurance carriers, (1) insurance upon his own plant and equipment against fire and other hazards to the extent that like properties are usually insured by others operating plants and properties of similar character in the same general locality; (2) adequate insurance against liability on account of damage to persons or property; and (3) adequate insurance under all applicable workmen's compensation laws. The Contractor agrees that, until work under this contract has been completed and all advance payments made hereunder have been liquidated, he will (i) maintain such insurance; (ii) maintain adequate insurance upon any materials, parts, assemblies, subassemblies, supplies, equipment and other property acquired for or allocable to this contract and subject to the Government lien hereunder; and (iii) furnish such certificates with respect to his insurance as the Administering Office may from time to time require.

(j) *Prohibition Against Assignment.* Notwithstanding any other provision of this contract, the Contractor shall not transfer, pledge, or otherwise assign this contract, or any interest therein, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution.

(k) *Designations and Determinations.* (1) *Amount.* The amount of advance payments at any time outstanding hereunder shall not exceed $_____.

(2) *Depository.* The bank designated for the deposit of payments made hereunder shall be:

(3) *Interest Charge.* No interest shall be charged for advance payments made hereunder. The Contractor shall charge interest at the rate of 6 percent per annum on subadvances or down payments to subcontractors, and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances on nonprofit subcontracts with nonprofit educational or research institutions for experimental, research or development work.

(4) *Administering Office.* The office administering advance payments shall be the office designated as having responsibility for awarding the contract.

(l) *Other Security.* The terms of this contract shall be considered adequate security for advance payments hereunder, except that if at any time the administering office deems the security furnished by the Contractor to be inadequate, the Contractor shall furnish such additional security as may be satisfactory to the administering office, to the extent that such additional security is available.

Clause No. 8—Examination of records.

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States and the Secretary, or any of their duly authorized representatives, shall until expiration of 3 years after final payment under this contract or of the time period for the particular records in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States, or his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20) whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" cause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

Clause No. 9—Inspection and reports.

(a) Inspection of work. The Government shall have the right to inspect the work and activities under this contract, including, without limitation, premises where any Government property may be located at such reasonable times and in such manner as it may deem appropriate and the Contractor shall afford the Government proper facilities and assistance for such inspection.

(b) Reports. The Contractor shall furnish such progress reports, schedules, financial and cost reports, and other reports concerning the work under this contract as specified elsewhere in this contract. Cost and other financial data and projections furnished pursuant to this paragraph (b) shall not relieve the Contractor of the requirements for furnishing notice specified in the clause of this contract entitled "Limitation of Cost."

(c) In addition, where Federal Financial assistance is involved in the contract effort, the following clause will apply:

Reports to the Indian People

The contractor, as a recipient of Federal financial assistance, shall make reports and information available to the Indian people served or represented by the contractor. Such reports will reflect how the Federal assistance funds were utilized to the benefit of the Indian people served or represented as follows: (specific reporting requirements, formats and methods of distribution to the Indian people will be prescribed in the scope of the contract.)

(d) Annual Reporting.

(1) For each fiscal year during which a tribal organization receives or expends funds pursuant to a contract under this Part, the tribe which requested the contract must submit a report to the Contracting Officer. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended and information on the conduct of the program or services involved. The reports shall include any other information requested by the Contracting Officer and may be submitted as follows:

(i) When the contract is with the governing body of an Indian tribe, the tribe shall submit the report to the Contracting Officer.

(ii) When the contract is with a tribal organization other than the governing body of the tribe, the tribe has the option of having the tribal organization prepare the report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(iii) When the contract benefits more than one tribe, the tribal organization shall prepare and submit the report to each of the tribes benefiting under the contract. Each tribe shall endorse the report before submitting it to the Contracting Officer.

(2) The annual report shall be submitted to the Contracting Officer within 90 days of the end of the fiscal year in which the contract was performed. However, the period for submitting the report may be extended if there is just cause for such extension.

(3) In addition to the yearly reporting requirement given in paragraphs (a) and (b) of this section, the tribal contractor shall furnish other reports when and as required by the Secretary.

Clause No. 10—Subcontracting.

(a) Prior approval required. Except as provided in (c) below, the Contractor shall not enter into any subcontract or purchase order not otherwise expressly authorized elsewhere in this contract without the prior written approval of the Contracting Officer and subject to such conditions as the Contracting Officer may require.

(b) Request for approval. The Contractor's request for approval to enter into a subcontract pursuant to this clause shall include: (1) a description of the supplies or services to be called for by the subcontract; (2) identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained; (3) the proposed subcontract price, together with the Contractor's cost or price analysis thereof; (4) identification of the type of subcontract to be used; (5) a copy or draft of the proposed subcontract, if available; and (6) any other information which the Contracting Officer may require.

(c) Certain purchases of property and services. Prior written approval shall not be required for firm fixed-price subcontracts for the purchase or rental of items of personal property having a unit acquisition cost of less than $200 or for subcontracts in a total amount less than $1,000 unless otherwise specified elsewhere in this contract: Provided, however, That advance notification shall be given by the Contractor of any subcontract which exceeds in dollar amount 5 percentum of the total estimated cost of this contract.

(d) Contractor's procurement system. The Contractor shall use methods, practices or procedures in subcontracting or purchasing (hereinafter referred to as the Contractor's "procurement system") acceptable to the Contracting Officer. The Contracting Officer may, at any time during the performance of this contract, require the Contractor to provide information concerning its procurement system.

(e) Effect of subcontracting. Subcontracts shall be made in the name of the Contractor and shall not bind nor purport to bind the Government. The making of subcontracts hereunder shall not relieve the Contractor of any requirement under this contract (including, but not limited to, the duty to properly supervise and coordinate the work of subcontracts, and the duty to maintain and account for property pursuant to the clause of this contract entitled "Government Property"). Approval of the provisions of any subcontract by the Contracting Officer shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost. In no event shall approval of any subcontract by the Contracting Officer be construed as effecting any increase in the estimated cost set forth in this contract. No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(f) Procurements from contractor-controlled sources. Procurement or transfer of equipment, materials, supplies, or services from contractor-controlled source (any division or other organizational component of the prime contractor, exclusive of the contracting component, and any subsidiary or affiliate of the Contractor under a common control) shall be considered a subcontract for the purpose of this clause.

Clause No. 11—Accounts, audit, and records.

(a) The Contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitutes "records" for the purposes of this clause.

(b) The Contractor's facility(ies), or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representative.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for the particular records specified in 41 CFR Part 1–20, whichever expires earlier and (2) for such longer period, if any, as is required by applicable statute, or by other clause of this contract, or by (i) or (ii) below.

(i) If this contract is completely or partially retroceded or reassumed by the Government, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert the substance of this clause, including this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at this level involved in place of the Contractor; to add "of the Government prime contract" in place of "this contract" in (B) of subparagraph (c)(ii) above.

Clause No. 12—Government property.

(a) Government furnished property. (1) The Government reserves the right to furnish any property or services required for the performance of the work under this contract.

(2) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described elsewhere in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (such property to be referred to as "Government furnished property").

In the event that Government furnished property is not delivered to the contractor by such time or times as stated, or if not stated, in sufficient time to enable the contractor to meet such delivery or performance dates under this contract, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and make appropriate equitable adjustments to any contractual provisions affected by any such delay in accordance with the provisions of the clause of this contract entitled "Changes."

In the event that Government furnished property is received by the Contractor in a condition not suitable for the intended use, the contractor shall, immediately upon receipt thereof, notify the Contracting Officer of such fact, and, as directed by the Contracting Officer either (i) return or otherwise dispose of such property, or (ii) effect repairs or modification thereto. Upon completion of (i) or (ii) above, the Contracting Officer, upon timely written request of the Contractor, shall make appropriate equitable adjustments to any contractual provisions affected thereby in accordance with the provisions of the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government furnished property or delivery of such property in a condition not suitable for its intended use.

(b) Title. (1) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property."

(2) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property now owned by the Government, nor shall such Government property; or any part thereof, be or become a fixture or lose its identity or personality by reason of affixation to any realty.

(c) Use of Government property. Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(d) Property management and control. The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection, and preservation, control of and accountability for Government property, so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall comply with Federal, State, and local laws, codes, ordinances, regulations, and orders pertaining to standards of construction, safety, environmental quality, energy conservation, historic site preservation, facilities for the handicapped, emergency preparedness, and other requirements that are applicable to the physical characteristics, operation, and maintenance of Government property. The Contractor agrees to

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promptly receipt for all Government property in a form and manner as prescribed by the Contracting Officer. The Contractor further agrees to take all reasonable steps to comply with all directions or instructions which the Contracting Officer may prescribe regarding the management and control of Government property.

(e) Risk or loss. (1) The Contractor shall not be liable for any loss of or damage to Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who have supervision or direction of (A) all or substantially all of the Contractor's operations at any one plant, laboratory or separate location in which this contract is being performed or (B) a separate and complete major organization, industrial or otherwise in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (1) above, (A) to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection, and preservation of Government property as required by paragraph (d) hereof, or (B) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (4) hereof;

(iii) For which the Contractor is otherwise responsible under the express terms of this contract;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement: Provided That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) If the Contractor transfers Government property to the possession and control of a subcontractor the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to Government property as set forth in (1) above. The Contractor shall require the subcontractor to assume the risk of and be responsible for any loss or destruction of or damage to Government property while in the latter's possession or control, and the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received (except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract). Provided, however, That the subcontractor may be relieved from such liability only to the extent that the subcontract, with the prior approval of the Contracting Officer, so provides.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provisions for a reserve, covering the risk of loss or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovation of the damaged Government property, or take such other action as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, it shall use the proceeds to repair, renovate, or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where a subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(f) Disposition of Government property. (1) During the period of performance of this contract, the Contractor shall promptly and regularly report to the Contracting Officer, in such form and manner as the Contracting Officer may direct, concerning the status of Government property under the contract, including all Government property in the Contractor's possession which is not in use or which is excess to the needs of the contract. The Contractor shall make such disposition of Government property as the Contracting Officer may direct. The Contractor shall in no way be relieved of responsibility for Government property without the prior written approval of the Contracting Officer.

(2) Upon completion or expiration of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall render an accounting, as prescribed by the Contracting Officer, of all Government property which had come into the possession or custody of the Contractor under this contract. Such accounting shall include inventory schedules covering all items of Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, or for which the Contractor has not otherwise been relieved of responsibility. The Contractor shall deliver or make such other disposition of Government property covered in such inventory schedules as the Contracting Officer may direct.

(3) The net proceeds of any disposition of Government property, in accordance with (1) and (2) above, shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct.

(g) Restoration of premises. Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's facility or any portion thereof which is affected by removal of any Government property.

Clause No. 13—Changes.

The Contracting Officer may at any time, with the consent of the Contractor, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (a) Drawings, designs, or specifications; (b) method of shipment or packing; (c) place of inspection, delivery, or acceptance; and (d) the amount of Government furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for performance of this contract, or otherwise affects any other provisions of this contract, whether changed or not by any such order, an equitable adjustment shall be made (a) in the estimated cost or delivery schedule, or both, and (b) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: Provided, however, That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled, "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

Clause No. 14—Notice to the Government of delays.

Whenever the Contractor has knowledge that any actual or potential situation, including, but not limited to, labor disputes, is delaying or threatens to delay the timely performance of the work under this contract, the Contractor shall immediately give written notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

Clause No. 15—Retrocession.

(a) The Indian tribe that initially requested this contract may also request its retrocession, notwithstanding the fact that the Contractor may be a tribal organization other than the tribe.

(b) Should the tribe request retrocession of the contract and the Contractor is other than the Tribe, the Contracting Officer will notify the Contractor of the request and in consultation with the Tribe and the Contractor establish the effective date of the retrocession. The retrocession will become effective no later than 120 days after the Contracting Officer receives the Tribe's request unless the Tribe and the Contracting Officer mutually agree on a later date.

(c) Immediately after receipt of the request for retrocession and where applicable notifying the Contractor, the Contracting Officer will meet with the Contractor and, where applicable, the tribal governing body or bodies, mutually agree to:

(1) A plan for the orderly transfer of responsibilities;

(2) A plan for inventorying materials and supplies on hand;

(3) An accounting for funds, including but not limited to current and anticipated obligations;

(4) The cost of operation until retrocession; and,

(5) The identification of all records relating to the contract and the contracted function.

Clause No. 16—Assumption and Reassumption of Contract Programs.

(a) When the Director or his delegate determines that the performance of a contractor under these regulations involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any persons, or (2) gross negligence or the mismanagement in the handling or use of funds under the contract, he will, in writing, notify the contractor of such determinations and will request that the contractor take such corrective action within such period of time as the Director or his delegate may prescribe.

(b) When the Director or his delegate determines that a contractor has not taken corrective action (as prescribed by him under paragraph (a) of this section) to his satisfaction, he may, after the contractor has been provided an opportunity for a hearing in accordance with paragraph (c) of this section, rescind the contract in whole or in part and, if he deems it appropriate, assume or resume control or operation of the program, activity, or service involved.

(c) (1) When the Director or his delegate has made a determination described in paragraph (b) of this section, he shall in writing notify the contractor of such determination and of the contractor's right to request a review of such determination and of the determination described in paragraph (a) of this section. Such notification by the Director or his delegate shall set forth the reasons for the determination in sufficient detail to enable the contractor to respond and shall inform the contractor of its right to a hearing on the record before a Contract Appeals Board described in paragraph (d) of this section. Upon the request of the contractor for a hearing, the Board, established pursuant to paragraph (d) of this section shall in writing within 10 days of the establishment notify the contractor of the time, place and date of the hearing which will be held not later than 45 days after the request for a hearing.

(2) Where the Director or his delegate determines that a contractor's performance under a contract awarded under this subpart poses an immediate threat to the safety of any person, he may immediately rescind the contract in whole or in part and, if he deems it appropriate, assume or resume control or operation of the program, activity, or service involved. Upon such a decision he will immediately notify the contractor of such action and the basis therefor; and offer the contractor an opportunity for a hearing on the record before the Contract Appeals Board established pursuant to paragraph (d) of this section to be held within 10 days of such action.

(d) (1) The Contract Appeals Board shall be composed of 3 persons appointed by the Director, Indian Health Service. Such persons may not be selected from the immediate office of any person participating in the determinations at issue. The Board shall afford the contractor the right:

(i) To notice of the issues to be considered;

(ii) To be represented by counsel;

(iii) To present witnesses on contractor's behalf;

(iv) To cross-examine other witnesses either orally or through written interrogatories; and

(v) To compel the appearance of Indian Health Service personnel or to take depositions of such persons at reasonable times and places.

(2) The Contract Appeals Board shall make an initial written decision which shall become final within 20 days unless the Director, Indian Health Service or his representative modifies or reverses the decision. Any such decision by the Director of the Indian Health Service or his representative be in writing, shall be specific as to the reasons for such decision, and shall be considered final.

(3) Where Board is considering issues arising under paragraph (2) of this section, the Board shall within 25 days after the conclusion of the hearing, notify all parties in writing of its decision.

(e) In any case where the officer has rescinded a contract under paragraphs (b) or (c) of this section, he may decline to enter into a new contract agreement with the contractor until such time as he is satisfied that the basis for the rescission has been corrected.

Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

Clause No. 17—Key personnel.

Where "key personnel" have been identified in this contract, it has been determined that such named personnel are necessary for the successful performance of the work under this contract; and the Contractor agrees to assign such personnel to the performance of the work under this contract, and shall not reassign or remove any of them without the consent of the Contracting Officer. Whenever, for any reason, one or more of the aforementioned personnel is unavailable for assignment for work under the contract, the Contractor shall immediately notify the Contracting Officer to that effect and shall, subject to the approval of the Contracting Officer without formal modification to the contract, replace such personnel with personnel of substantially equal ability and qualifications.

Clause No. 18—Litigation and Claims.

The Contractor shall give the Contracting Officer immediate notice in writing of (a) any action, including any proceeding before an administrative agency, filed against the Contractor arising out of the performance of this contract, including, but not limited to, the performance of any subcontract hereunder; and (b) any claim against the Contractor the cost and expense of which is allowable under the clause entitled "Allowable Cost." except as otherwise directed by the Contracting Officer, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor with respect to such action or claim. To the extent not in conflict with any applicable policy of insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim. If required by the Contracting Officer, the Contractor shall (a) effect an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claim against the Contractor; and (b) authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of any action. If the settlement or defense of an action or claims is undertaken by the Government, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the Contractor is not covered by a policy of insurance, the Contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith. The Government shall not be liable for the expense of defending any action or for any costs resulting from the loss thereof, to the extent that the Contractor would have been compensated by insurance which was required by law or regulation or by written direction of the Contracting Officer, but which the Contractor failed to secure through its own fault or negligence.

In any event, unless otherwise expressly provided in this contract, the Contractor shall not be reimbursed or indemnified by the Government for any liability loss, cost or expense, which the Contractor may incur or be subject to by reason of any loss, injury, or damage, to the person or to real or personal property of any third parties as may accrue during, or arise from, the performance of this contract.

Clause No. 19—Indemnity and insurance.

(a) The Contractor shall indemnify and save and keep harmless the Government against any or all loss, cost, damage, claim, expense or liability whatsoever, because of accident or injury to persons or property or others occurring in connection with any program included as a part of this contract, by providing where applicable, the insurance described below:

(b) The Contractor shall secure, pay the premium for, and keep in force until the expiration of this contract, or any renewal period thereof, insurance as provided below. Such insurance policies shall specifically include a provision stating the liability assumed by the Contractor under this contract.

(1) Workman's compensation insurance as required by laws of the state.

(2) Owner's landlord's and tenant's bodily injury liability insurance with limits of not less than $50,000 for each person and $500,000 for each accident.

(3) Property damage liability insurance with limits of not less than $25,000 for each accident.

(4) Automobile bodily injury liability insurance with limits of not less than $50,000 for each person, and $500,000 for each accident and property damage liability insurance with a limit of not less than $5,000 for each accident.

(5) Food products liability insurance with limits of not less than $50,000 for each person and $500,000 for each accident.

(6) Professional malpractice insurance where medical, dental and other health professional services are involved.

(7) Other liability insurance not specifically mentioned when required.

(c) Each policy of insurance shall contain an endorsement providing that cancellation by the insurance company shall not be effective unless a copy of the cancellation is mailed (registered) to the Contracting Officer 30 days prior to the effective date of cancellation.

(d) A certificate of each policy of insurance, and any changed therein, shall be furnished to the Contracting Officer immediately upon receipt from the insurance company.

(e) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance company is not satisfactory for reasons that will be stated, the Contractor shall provide insurance through companies that are satisfactory to the Contracting Officer.

(f) Each policy of insurance shall contain a provision that the insurance carrier waives any rights it may have to raise as a defense the tribe's sovereign immunity from suit, but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy of insurance. The policy shall contain no provision, either express or implied, that will serve to authorize or empower the insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy insurance.

Clause No. 20—Overtime.

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Except as authorized by Section 1-12.102-5 of the Federal Procurement Regulations as in effect on the effective date of this contract or otherwise provided in this contract, the Contractor shall not perform overtime work under or in connection with this contract required to be paid, without specific written approval from the Contracting Officer.

Clause No. 21—Foreign travel.

Foreign travel shall not be performed without the prior written approval of the Contracting Officer. As used in this clause "Foreign Travel" means travel outside the United States, its Territories and Possessions, and Canada.

Clause No. 22—Questionnaire and surveys.

In the event the performance of this contract involves the collection of information upon identical items from 10 or more persons, other than Federal employees, the Contractor shall obtain written approval from the Contracting Officer, prior to the use thereof, of any forms, schedules, questionnaires, survey plans or other documents, and any revisions thereto, intended to be used in such collection.

Clause No. 23—Printing.

Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: Provided, however, That performance of a requirement under this contract involving the reproduction of less than 5,000 production units of any one page or less than 25,000 production units in the aggregate of multiple pages, will not be deemed to be printing. A production unit is defined as one sheet, size 8 by 10½ inches, one side only, one color.

Clause No. 24—Services of consultants.

Except as otherwise expressly provided elsewhere in this contract, and notwithstanding the provisions of the clause of this contract entitled "Subcontracting," the prior written approval of the Contracting Officer shall be required:

(a) Whenever any employee of the Contractor is to be reimbursed as a "consultant" under this contract; and

(b) For the utilization of the services of any consultant under this contract exceeding the daily rate set forth elsewhere in this contract or, if no amount is set forth, $100, exclusive of travel costs, or where the services of any consultant under this contract will exceed 10 days in any calendar year. Whenever Contracting Officer approval is required, the Contractor will obtain and furnish to the Contracting Officer information concerning the need for such consultant services and the reasonableness of the fees to be paid, including, but not limited to, whether fees to be paid to any consultant exceed the lowest fee charged by such consultant to others for performing consultant services of a similar nature.

Clause No. 25—Assignment of claims.

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payment to assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

Clause No. 26—Contract Work Hours and Safety Standards Act—overtime compensation.

This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) Overtime requirements. No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek on work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, whichever is the greater number of overtime hours.

(b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by paragraph (a).

(c) Withholding for unpaid wages and liquidated damages. The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) Subcontracts. The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts for any tier.

(e) Records. The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for three years from the completion of the contract. This requirement does not apply where the tribal contractor is the governing body of the tribe and the work is being performed by the tribal contractor or the tribe with its regular employees.

Clause No. 27—Walsh-Healey Public Contracts Act.

If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed $10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S. Code 35–45), there are hereby incorporated by reference all representations and stipulations required by said Act and regulations issued thereunder by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are nor or may hereafter be in effect. This requirement does not apply where the tribal contractor is the governing body of the tribe and the work is being performed by the tribal contractor or the tribe with its regular employees.

Clause No. 28—Equal opportunity. See Attachment A for Equal Opportunity.

Clause No. 28—Equal opportunity.

Subject to the Indian preference in training and employment of Clause 29 during the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

Clause No. 30—Certificate of nonsegregated facilities.

By signing the contract the Contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The Contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

Notice to prospective subcontractors of requirement for certifications of nonsegregated facilities.

A certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semi-annually, or annually).

Clause No. 31—Convict labor.

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor, except as provided by Public Law 89–176, September 10, 1965 (18 U.S.C. 4082(c)(2) and Executive Order No. 11755, December 29, 1973.

Clause No. 32—Officials not to benefit.

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

Clause No. 33—Buy American Act supply and service contracts.

(a) In acquiring end products, the Buy American Act (41 U.S. Code 10a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "Components" means those articles, materials, and supplies which are directly incorporated in the end products;

(ii) "End products" means those articles, materials, and supplies which are to be acquired under this contract for public use; and

(iii) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a)(iii)(B), components of foreign origin of the same type or kind as the products referred to in (b)(ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) Which are for use outside the United States;

(ii) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(iii) As to which the Secretary determines the domestic preference to be inconsistent with the public interest; or

(iv) As to which the Secretary determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

Clause No. 34—Anti-Kickback Act.

(a) Public Law 86–695, September 2, 1960 (41) U.S.C. 51–54) among other things prohibits the payment, directly or indirectly, by or on behalf of a Subcontractor in any tier under any Government negotiated contract of any fee, gift, or gratuity to the prime contractor or any higher tier subcontractor or any officer, agent, partner or employee thereof, as an inducement or acknowledgment for the award of a subcontract or order.

(b) The provisions of Public Law 86–695, are set forth in more detail in § 1–1.320 of the Federal Procurement Regulations (41 CFR 1–1) and are applicable to this contract and any subcontracts entered into under the contract.

Clause No. 35—Use of Indian business concerns.

(a) As used in this clause, the term "Indian business concern" means Indian organizations or an Indian-owned economic enterprise as defined in 42 CFR § 36.204(1).

(b) The contractor agrees to give preference to qualified Indian business concerns in the awarding of any subcontracts entered into under the contract consistent with the efficient performance of the contract. The contractor shall comply with any preference requirements regarding Indian business concerns established by the tribe(s) receiving services under the contract to the extent that such requirements are not inconsistent with the purpose and intent of this paragraph.

(c) If no Indian business concerns are available under the conditions in paragraph (b) above, the contractor agrees to accomplish the maximum amount of subcontracting, as the contractor determines is consistent with its efficient performance of the contract, with small business concerns, labor surplus area concerns or minority business enterprises, the definitions for which are contained in Subparts 1–1.7, 1–1.8, and 1–1.13 of the Federal Procurement Regulations. The contractor is not, however, required to establish a small business, labor surplus, or minority business subcontracting program as described in § 1–1.710–3(b), § 1–1.805–3(b) and § 1–1.1310–2(b) respectively of the Federal Procurement Regulations (41 CFR Chapter 1).

Clause No. 36—Payment of interest on contractors' claims.

(a) If an appeal is filed by the contractor from a final decision of the Contracting Officer under the Disputes clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97, from the date the Contractor furnishes to the Contracting Officer his written appeal under the Disputes clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a board of contract appeals.

(b) Notwithstanding (a), above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

The Contractor further agrees to comply with any rules, regulations and reporting requirements which may be imposed by the DHEW Office for Civil Rights for purposes of insuring the proper exercise of this authority.

The Contractor agrees to insert this clause in all subcontract(s) under this contract.

Clause No. 37—Fair and equal treatment of Indian people.

(a) The Contractor agrees consistent with medical needs to make no discriminatory distinctions among Indian patients or beneficiaries of this contract. For the purpose of this contract discriminatory distinctions include but are not limited to the following:

(i) denying a patient any service or benefit or availability of a facility;

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(ii) providing any service or benefit to a patient which is different, or is provided on a different manner or at a different time from that provided to other patients under this contract; subjecting a patient to segregation or separate treatment in any manner related to his receipt of any service; restricting a patient in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit; treating a patient differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility membership, or other requirements or condition which individuals must meet in order to be provided any service or benefit; the assignment of times or places for the provision of services on the basis of discriminatory distinctions which may be made of the patients to be served.

(b) The Government reserves the right to reassume this contract in whole or in part whenever the Contractor fails to comply with the requirements of this clause.

Clause No. 38—Price reduction for defective cost or pricing data.

The following clause applies to all contracts where cost and pricing data is required in accordance with Pub. L. 87–653.

Price Reduction for Defective Cost or Pricing Data

(a) If the Contracting Officer determines that any price negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the Contractor, or any subcontractor pursuant to the Clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data-Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate or Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnity the contractor. It is also expected that any subcontractor subject to such indemnification will generally substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

Clause No. 39—Subcontractor cost and pricing data.

The following clause should be included in all contracts, when the subcontracts of the type and size described therein are contemplated.

Subcontractor Cost and Pricing Data

(a) The Contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursed type, time and material, labor-hour, incentive, or price redeterminable subcontract the price of which is expected to exceed $100,000; and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification or which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices or commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Contractor shall require subcontractors to certify, substantially the same form as that used in the certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (a) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Contractor shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursement type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceed $100,000 unless the price thereof is based on adequate price competition, established catalog or marker prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder which exceed $100,000, the Contractor shall insert the substance of the following clause:

Subcontractor Cost and Pricing Data-Price Adjustments

(a) Paragraph (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed $100,000; and—

(2) Prior to award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, there the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the Certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000.

Clause No. 40—Penalties.

(a) Any officer, director, agent, employee or such other person connected in any capacity with this contract or any subcontract thereunder that embezzles, willfully misapplies, steals or obtains by fraud any of the money, funds, assets or property provided through the contract shall be fined not more than $10,000 or imprisoned for not more than two years, or both: Provided, That if the amount embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, such person shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) The Contractor agrees to insert this clause in all subcontracts.

Clause No. 41—Effect on existing rights.

(a) Nothing in this contract shall be construed as—

(1) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity for suit enjoyed by an Indian tribe; or,

(2) authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

§ 3–4.6014 General Provisions for Fixed-price Contracts Under the Indian Self-Determination Act.

Clause No. and Title

1. Definitions.
2. Disputes.
3. Contract Work Houres and Safety Standards Act-Overtime Compensation.
4. Walsh-Healey Public Contract Act.
5. Convict Labor.
6. Notice to the Government of Delays.
7. Assignment of Claims.
8. Officials not to Benefit.
9. Anti-Kickback Act.
10. Penalties.
11. Buy American Act.
12. Equal Opportunity.
13. Certificate of Nonsegregated Facilities.
14. Subcontracting.
15. Competition in Subcontracting.
16. Use of, Indian Business Concerns.
17. Indian Preference in Training and Employment.
18. Inspection.
19. Changes.
20. Retrocession.
21. Assumption and Reassumption of Contract Programs.
22. Payment of Interest on Contractors' Claims.
23. Government-Furnished Property.
24. Examination of Records by the Comptroller General.
25. Indemnity and Insurance.
26. Fair and Equal Treatment of Indian People.
27. Reports to the Indian People and annual reports.
28. Questionnaires and Surveys.
29. Printing.
30. Price Reduction for Defective Cost or Pricing.
31. Subcontractor Cost and Pricing Data.
32. Advance Payment.
33. Effect on Existing Rights.
34. Federal, State, and Local Taxes.

Clause No. 1—Definitions.

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Department" means the Department of Health, Education, and Welfare.

(d) The term "constituent agency" means the agency of the Department responsible for the administration of this contract.

(e) Except as otherwise provided in this contract, the term "subcontractor" includes purchase orders under this contract.

(f) The term "Project Officer" means the person representing the Government for the purpose of technical direction of contract performance. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of this contract or which change the period of this contract.

Clause No. 2—Disputes.

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "DISPUTES" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: Provided, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

Clause No. 3—Contract Work Hours and Safety Standards Act-overtime compensation.

This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330), is subject to the following provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) Overtime requirements. No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek on work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, whichever is the greater number of overtime hours.

(b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by paragraph (a).

(c) Withholding for unpaid wages and liquidated damages. The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities or such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) Subcontracts. The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) Records. The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for three years from the completion of the contract. This requirement does not apply where the tribal contractor is the governing body of the tribe and the work is being performed by the tribal organization or tribe with its own regular employees.

Clause No. 4—Walsh-Healey Public Contracts Act.

If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed $10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S. Code 34–45), there are hereby incorporated by reference all representations and stipulations required by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are now or may hereafter be in effect. This requirement does not apply where the tribal contractor is the governing body of the tribe and the work is being performed by the tribal organization or tribe with its own regular employees.

Clause No. 5—Convict labor.

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor except as provided by Public Law 89–176, September 10, 1965 (18 U.S.C. 4082(c)(2) and Executive Order No. 11755, December 29, 1973.

Clause No. 6—Notice to the government of delays.

Whenever the Contractor has knowledge that any actual or potential situation is delaying or threatens to delay the timely performance of this contract, the Contractor shall within ten days give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

Clause No. 7—Assignment of claims.

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payment aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to assignee of any moneys due to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

Clause No. 8—Officials not to benefit.

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

Clause No. 9—Anti-Kickback Act.

(a) Public Law 86–695, September 2, 1960 (41 U.S.C. 51–54) among other things, prohibits the payment, directly or indirectly, by or on behalf of a subcontractor in any tier under any Government negotiated contract of any fee, gift, or gratuity to the prime contractor or any higher tier subcontractor or any officer, agent, partner or employee thereof, as an inducement or acknowledgement for the award of a subcontract or order.

(b) The provisions of Public Law 86–695, are set forth in more detail in § 1–1.320 of the Federal Procurement Regulations (41 CFR 1–1) and are applicable to this contract and any subcontracts entered into under the contract.

Clause No. 10—Penalties.

(a) Any officer, director, agent, employee or such other person connected in any capacity with this contract or any subcontract thereunder that embezzles, willfully misapplies, steals or obtains by fraud any of the money, funds, assets or property provided through the contract shall be fined not more than $10,000 or imprisoned for not more than two years, or both; Provided, That if the amount embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, such person shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) The contractor agrees to insert this clause in all subcontracts.

Clause No. 11—Buy American Act.

(a) In acquiring end products, the Buy American Act (41 U.S. Code 10 a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "Components" means those articles, materials, and supplies, which are directly incorporated in the end products;

(ii) "End products" means those articles, materials, and supplies, which are to be acquired under this contract for public use; and

(iii) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manu-

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factured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a) (iii) (B), components of foreign origin of the same type or kind as the products referred to in (b) (ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) Which are for use outside the United States;

(ii) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(iii) As to which the Secretary determines the domestic preference to be inconsistent with the public interest; or

(iv) As to which the Secretary determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954).

Clause No. 12—Equal Opportunity.

Subject to the Indian preference requirements of Clause 17, during the performance of this contract the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading demotion, or transfer; recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

Clause No. 13—Certificate of nonsegregated facilities.

By signing the contract the Contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The Contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "Segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

Notice to prospective subcontractors of requirement for certifications of nonsegregated facilities.

A certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semi-annually, or annually).

Clause No. 14—Subcontracting.

The Contractor shall not enter into subcontracts for any of the work contemplated under this contract without obtaining the prior written approval of the Contracting Officer and subject to such conditions and provisions as he may deem necessary, in his discretion, to protect the interests of the Government: Provided, however, That notwithstanding the foregoing, unless otherwise provided herein, such prior written approval shall not be required for the purchase by the Contractor of articles, supplies, equipment and services which are both necessary for and merely incidental to the performance of the required under this contract; Provided, further, however, That the aforesaid right of Contractor to engage such services shall in no event be construed to permit the Contractor to subcontract with a third-party for the performance of any major function contemplated under this contract to be performed by the Contractor; and Provided, further, however, That no provision of this clause and no such approval by the Contracting Officer of any subcontract shall be deemed in any event or in any manner to provide for the incurrence of any obligation of the Government in addition to the total contract price.

Clause No. 15—Competition in subcontracting.

The Contractor agrees to select subcontractors on a competitive basis to the maximum practical extent consistent with the objectives and requirements of this contract.

Clause No. 16—Use of Indian Business Concerns.

(a) As used in this clause, the term "Indian business concern" means Indian organizations or an Indian-owned economic enterprise as defined in 42 CFR § 36.204(1).

(b) The Contractor agrees to give preference to qualified Indian business concerns in the awarding of any sub-contracts entered into under the contract consistent with efficient performance of the contract: The Contractor shall comply with any preference requirements regarding Indian business concerns established by the tribe(s) receiving services under the contract to the extent that such requirements are not inconsistent with the purpose and intent of this paragraph.

(c) If no Indian business concerns are available under the conditions in paragraph (b) above, the Contractor agrees to accomplish the maximum amount of subcontracting, as the Contractor determines is consistent with its efficient performance of the contract, with small business concerns, labor surplus area concerns or minority business enterprises, the definitions for which are contained in Subparts 1–1.7, 1–1.8, and 1–1.13 of the Federal Procurement Regulations. The Contractor is not, however, required to establish a small business, labor surplus, or minority business subcontracting program as described in § 1–1.710–3(b), § 1–1.805–3(b), and § 1–1.1310–2(b) respectively of the Federal Procurement Regulations (41 CFR Chapter 1).

Clause No. 17—Indian Preference in Training and Employment.

(a) The Contractor shall give preference in employment for all work performed under the contract, including subcontracts thereunder, to qualified Indians regardless of age, religion or sex, and to the extent feasible consistent with the efficient performance of the contract, provide employment and training opportunities to Indians, regardless of age, religion, or sex, that are not fully qualified to perform under the contract. The Contractor shall comply with any Indian preference requirements established by the tribe receiving services under the contract to the extent that such requirements are not inconsistent with the purpose and intent of this paragraph.

(b) If the Contractor or any of its subcontractors is unable to fill its employment openings after giving full consideration to Indians as required in paragraph (a) above, these employment openings may then be filled by other than Indians under the conditions set forth in the Equal Opportunity clause of this contract.

(c) The Contractor agrees to include this clause or one similar thereto in all subcontracts issued under the contract.

Clause No. 18—Inspection.

The Government, through any authorized representatives, has the right, at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection, or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require his subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

Clause No. 19—Changes.

The Contracting Officer may at any time, with the consent of the Contractor, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following (i) drawings, designs, or specifications, (ii) place of inspection, delivery, or acceptance, and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or the time required for performance of, this contract, or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the contract price or time of performance, or both, and (ii) in such provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: Provided, however, That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

Clause No. 20—Retrocession.

(a) The Indian tribe that initially requested this contract may also request its retrocession, notwithstanding the fact that the Contractor may be a tribal organization other than the tribe.

(b) Should the tribe request retrocession of the contract and the Contractor is other than the Tribe, the Contracting Officer will notify the Contractor of the request and in consultation with the Tribe and the Contractor establish the effective date of the retrocession. The retrocession will become effective no later than 120 days after the Contracting Officer receives the Tribe's request unless the Tribe and the Contracting Officer mutually agree on a later date.

(c) Immediately after receipt of the request for retrocession and where applicable notifying the Contractor, the Contracting Officer will meet with the Contractor and, where applicable, the tribal governing body or bodies mutually agree to—

(1) A plan for the orderly transfer of responsibilities;

(2) A plan for inventorying materials and supplies on hand;

(3) An accounting for funds, including but not limited to current and anticipated obligations;

(4) The cost of operation until retrocession; and,

(5) The identification of all records relating to the contract and the contracted function.

Clause No. 21—Assumption and Reassumption of Contract Programs.

(a) When the contracting officer determines that the performance of a contractor under these regulations involves (1) the violation of the rights or endangerment of the health, safety, or welfare or any person, or (2) gross negligence or the mismanagement in the handling or use of funds under the contract, the contracting officer will, in writing, notify the contractor of such determination and will request that the contractor take such corrective action within such period of time as the Secretary may prescribe.

(b) When the Director or his delegate determines that a contractor has not taken corrective action (as prescribed by him under paragraph (a) of this section) to his satisfaction, he may, after the contractor has been provided an opportunity for a hearing in accordance with paragraph (c) of this section, rescind the contract in whole or in part and, if he deems it appropriate, assume or resume control or operation of the program, activity, or service involved.

(c) (1) When the Director or his delegate has made a determination described in paragraph (b) of this section, he shall in writing notify the contractor of such determination and of the contractor's right to request a review of such determination and of the determination described in paragraph (a) of this section. Such notification by the Director or his delegate shall set forth the reasons for the determination in sufficient detail to enable the contractor to respond and shall inform the contractor of its right to a hearing on the record before a Contract Appeals Board described in paragraph (d) of this section. Upon the request of the contractor for a hearing, the Board, established pursuant to paragraph (d) of this section shall in writing within 10 days of the establishment notify the contractor of the time, place and date of the hearing which will be held not later than 45 days after the request for a hearing.

(2) Where the Director or his delegate determines that a contractor's performance under a contract awarded under this subpart poses an immediate threat to the safety of any person, he may immediately rescind the contract in whole or in part and, if he deems it appropriate, assume or resume control or operation of the program, activity, or service involved. Upon such a decision he will immediately notify the contractor of such action and the basis therefor; and offer the contractor an opportunity for a hearing on the record before the Contract Appeals Board established pursuant to paragraph (d) of this section to be held within 10 days of each action.

(d) (1) The Contract Appeals Board shall be composed of 3 persons appointed by the Director, Indian Health Service. Such persons may not be selected from the immediate office of any person participating in the determinations at issue. The Board shall afford the contractor the right:

(i) To notice of the issues to be considered;

(ii) To be represented by counsel;

(iii) To present witnesses on contractor's behalf;

(iv) To cross-examine other witnesses either orally or through written interrogatories; and

(v) To compel the appearance of Indian Health Service personnel or to take depositions of such persons at reasonable times and places.

(2) The Contract Appeals Board shall make an initial written decision which shall become final within 20 days unless the Director, Indian Health Service or his representative modifies or reverses the decision. Any such decision by the Director of the Indian Health Service or his representative be in writing, shall be specific as to the reasons for such decision, and shall be considered final.

(3) Where Board is considering issues arising under paragraph (2) of this section, the Board shall within 25 days after the conclusion of the hearing, notify all parties in writing of its decision.

(e) In any case where the officer has rescinded a contract under paragraphs (b) or (c) of this section, he may decline to enter into a new contract agreement with the contractor until such time as he is satisfied that the basis for the rescission has been corrected.

Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

(e) In any case where the contracting officer has rescinded a contract under paragraphs (b) or (d) of this section, he may decline to enter into a new contract agreement with the contractor until such time as he is satisfied that the basis for the rescission has been corrected.

Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

Clause No. 22—Payment of interest on contractors' claims.

(a) If an appeal is filed by the contractor from a final decision of the Contracting Officer under the Disputes clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owned by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Public Law 92–41, 85 Stat. 97, from the date the Contractor furnished to the Contracting Officer his written appeal under the Disputes clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a board of contract appeals.

(b) Notwithstanding (a), above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

Clause No. 23—Government-furnished property.

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described elsewhere in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-Furnished Prop-

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erty"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-Furnished Property suitable for use will be delivered to the Contractor at the times stated elsewhere in this contract or, if not so stated, in sufficient time to enable the Contractor by such time or times, the formance dates. In the event that Government-Furnished Property is not delivered to the Contractor to meet such delivery or per- Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor occasioned the Contractor thereby, and shall equitably adjust the delivery, or performance dates or the contract price, or both, and any other contractual provision affected by the delay. In the event that Government-Furnished Property is received by the Contractor in a condition not suitable for its intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of such property, or (2) effect repairs or modifications. Upon completion of (1) or (2) above, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the delivery or performance date or the contract price, or both, and any other contractual provision effected by the return, disposition, repair or modification. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-Furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) By notice in writing the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the delivery or performance dated or the contract price, or both, and any other contractual provisions affected by the decrease.

(c) Title to the Government-Furnished Property shall remain in the Government. Title to Government-Furnished Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-Furnished Property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any reality.

(d) The Government-Furnished Property, unless otherwise specifically provided herein, and except as otherwise approved or directed by the Contracting Officer in writing, shall be used exclusively for the performance of this contract.

(e) The Contractor shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection and preservation of Government-Furnished Property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government-Furnished Property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property, as the Government directs; Provided, however, That if the Contractor cannot effect such repair within the time required, the Contractor may reject such property. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible; and an equitable adjustment will be made in the contract price for any such repair or replacement of Government-Furnished Property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at its own expense.

(f) The Contractor also agrees to maintain and administer, in accordance with sound business practice, a property control system which will provide the following: Contract number; nomenclature of item; quantity received; issued; and balance on hand; posting reference to include date received, issued unit price and location; marking or identification of item; adequate maintenance, storage, and security of Government-Furnished Property, until disposed of by the Contractor in accordance with this clause. The Contractor further agrees to receipt promptly for all Government property in a form and manner as prescibed by the Contracting Officer.

(g) The Contractor agrees to make available to authorized representatives of the Contracting Officer at all reasonable times at the office of the Contractor all of its property records under this contract, and access to any premises where any of the Government-Furnished Property is located.

(h) (i) The Contractor shall not be liable for any loss of or damage to the Government-Furnished Property, or for expenses incidental to such loss or damage except that the Contractor shall be liable for any such loss or damage (including expenses incidental thereto):

(A) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives who have supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which this contract is being performed; or

(B) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (A) above, to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection and preservation of Government-Furnished Property as required by subparagraph (e) above; or

(C) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in this contract; or

(D) Which results from a risk expressly required to be insured under some other provision of this contract, or of the schedules or task orders thereunder, but only to the extent of the insurance so required to be procured and maintained or to the extent of insurance actually procured and maintained, whichever is greater; or

(E) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement; Provided, That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(ii) The Contractor represents that it is not including in the price hereunder, and agrees that it will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Government-Furnished Property, except to the extent that the risk of loss is imposed on the Contractor under (i) (C) above, or insurance has been required under (i) (D) above.

(iii) Upon the happening of loss or destruction of or damage to any Government-Furnished Property, the Contractor shall notify the Contracting Officer thereof and shall take all reasonable steps to protect the Government-Furnished Property from furthere damage, separate the damaged and undamaged Government-Furnished Property in the best possible order, and furnish to the Contracting Officer a statement of:

(A) The lost, destroyed and damaged Government-Furnished Property;

(B) The time and origin of the loss, destruction or damage;

(C) All known interest in commingled property of which the Government-Furnished Property is a part; and

(D) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall be reimbursed for the expenditures made by it in performing its obligations under the subparagraph (iii), to the extent approved by the Contracting Officer and set forth in a supplemental agreement or amendment to this contract.

(iv) With the prior written approval of the Contracting Officer after loss or destruction of or damage to Government-Furnished Property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government-Furnished Property which has been damaged beyond practicable repair, or which is so commingled or combined with property of other, including the Contractor, that separation is impracticable.

(v) Except to the extent of any loss or destruction of or damage to Government-Furnished Property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government-Furnished Property in accordance with the provisions of this contract, the Government-Furnished Property (other than property permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (e) above.

(vi) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government-Furnished Property, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(i) Upon completion or expiration of this contract, any Government property which has not been consumed in the performance of this contract or which has not been previously disposed of in accordance with the provisions of this clause, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of as the Contracting Officer may direct. The Contractor shall in no way be relieved of responsibility for Government property without the prior written approval of the Contracting Officer.

(j) If the Contracting Officer determines that the interests of the Government require removal of any Government-Furnished Property, or if the Contractor determines any

Government-Furnished Property to be in excess of its need under this contract, such Government-Furnished Property shall be disposed of in the same manner as covered by paragraph (i) above. In the event that the Contracting Officer requires the removal of any Government-Furnished Property under this paragraph (j) or paragraph (i) above, upon timely written request of the Contractor, an equitable adjustment shall be made in the contract price to cover the direct cost to the Contractor of such removal and of any property damage occasioned thereby.

Clause No. 24—Examination of records by the Comptroller General.

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

Clause No. 25—Indemnity and insurance.

(a) The Contractor shall indemnify and save and keep harmless the Government against any or all loss, cost, damage, claim, expense or liability whatsoever, because of accident or injury to persons or property or others occurring in connection with any program included as a part of this contract, by providing where applicable, the insurance described below:

(b) The Contractor shall secure, pay the premiums for, and keep in force until the expiration of this of this contract, or any renewal period thereof, insurance as provided below. Such insurance policies shall specifically include a provision stating the liability assumed by the Contractor under this contract.

(1) Workman's compensation insurance as required by laws of the state.

(2) Owner's landlord's and tenant's bodily injury liability insurance with limits of not less than $50,000 for each person and $500,000 for each accident.

(3) Property damage liability insurance with limits of not less than $25,000 for each accident.

(4) Automobile bodily injury liability insurance with limits of not less than $50,000 for each person, and $500,000 for each accident and property damage liability insurance with a limit of not less than $5,000 for each accident.

(5) Food products liability insurance with limits of not less than $50,000 for each person and $500,000 for each accident.

(6) Professional malpractice insurance where medical, dental or other health professional services are involved.

(7) Other liability insurance not specifically mentioned when required.

(c) Each policy of insurance shall contain an endorsement providing that cancellation by the insurance company shall not be effective unless a copy of the cancellation is mailed (registered) to the Contracting Officer 30 days prior to the effective date of cancellation.

(d) A certificate of each policy of insurance, and any changed therein, shall be furnished to the Contracting Officer immediately upon receipt from the insurance company.

(e) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance company is not satisfactory for reasons that will be stated, the Contractor shall provide insurance through companies that are satisfactory to the Contracting Officer.

(f) Each policy of insurance shall contain a provision that the insurance carrier waives any rights it may have to raise as a defense the tribe's sovereign immunity from suit, but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy of insurance. The policy shall contain no provision, either express or implied, that will serve to authorize or empower the insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

Clause No. 26—Fair and equal treatment of Indian people.

(a) The Contractor agrees to make no discriminatory distinctions among Indian patients or beneficiaries of this contract. For the purpose of this contract discriminatory distinctions include but are not limited to the following:

(i) Denying a patient any service or benefit or availability of a facility;

(ii) Providing any service or benefit to a patient which is different, or is provided on a different manner or at a different time from that provided to other patients under this contract; subjecting a patient to segregation or separage treatment in any manner related to his receipt of any service; restricting a patient in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit; treating a patient differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility membership, or other requirements or condition which individuals must meet in order to be provided any service or benefit; the assignment of times or places for the provision of services on the basis of discriminatory distinctions which may be made of the patients to be served.

(b) The Government reserves the right to terminate this contract in whole or in part whenever the Contractor fails to comply with the requirements of this clause.

Clause No. 27—Reports to the Indian people and annual reports.

(a) The Contractor, as a recipient of Federal financial assistance, shall make reports and information available to the Indian people serviced or represented by the contractor. Such reports will reflect how the Federal assistance funds were utilized to the benefit of the Indian people served or represented as follows: (specific reporting requirements, formats and methods of distribution to the Indian people will be prescribed in the scope of the contract.)

(b) Annual reports.

(1) For each fiscal year during which a tribal organization receives or expends funds pursuant to a contract under this Part, the tribe which requested the contract must submit a report to the Contracting Officer. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended and information on the conduct of the program or services involved. The report shall include any other information requested by the Contracting Officer and may be submitted as follows:

(i) When the contract is with the governing body of an Indian tribe, the tribe shall submit the report to the Contracting Officer.

(ii) When the contract is with a tribal organization other than the governing body of the tribe, the tribe has the option of having the tribal organization prepare the report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(iii) When the contract benefits more than one tribe, the tribal organization shall prepare and submit the report to each of the tribes benefiting under the contract. Each tribe shall endorse the report before submitting it to the Contracting Officer.

(2) The annual report shall be submitted to the Contracting Officer within 90 days of the end of the fiscal year in which the contract was performed, However, the period for submitting the report may be extended if there is just cause for such extension.

(3) In addition to the yearly reporting requirement given in paragraphs (a) and (b) of this section, the tribal contractor shall furnish other report when and as required by the Secretary.

Clause No. 28—Questionnaires and surveys.

In the event the performance of this contract involves the collection of information upon identical items from 10 or more persons, other than Federal employees, the Contractor shall obtain written approval from the Contracting Officer, prior to the use thereof, of any forms, schedules, questionnaires, survey plans or other documents, and any revisions thereto, intended to be used in such collection.

Clause No. 29—Printing.

Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in Title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: Provided, however, That performance of a requirement under this contract involving the reproduction of less than 5,000 preduction units of any one page, or less than 25,000 production units in the aggregate of multiple pages, will not be deemed to be printing. A production unit is defined as one sheet, size 8 by 10½ inches, one side only, one color.

Clause No. 30—Price reduction for defective cost or pricing.

The following clause applies to all contracts where cost and pricing data is required in accordance with Pub. L. 87–653.

Price Reduction for Defective Cost or Pricing Data

(a) If the Contracting Officer determines that any price negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the Contractor, or any subcontractor pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data—Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate or Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

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(NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

Clause No. 31—Subcontractor cost and pricing data.

The following clause should be included in all contracts, when the subcontracts of the type and size described therein are contemplated.

Subcontractor Cost and Pricing Data

(a) The Contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursed type, time and material labor-hour, incentive, or price redeterminable subcontract the price of which is expected to exceed $100,000; and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Contractor shall require subcontractors to certify, substantially the same form as that used in the certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (a) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Contractor shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursement type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceed $100,000 unless the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general pubitc, or prices set by law or regulation. In each such excepted subcontract hereunder which exceed $100,000, the Contractor shall insert the substance of the following clause:

Subcontractor Cost and Pricing Data-Price Adjustment

(a) Paragraph (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material; labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed $100,000; and—

(2) Prior to award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, there the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the Certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract change or modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000.

Clause No. 32—Advance payment.

(a) *Amount of Advance.* At the request of the contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment, or advance payments from time to time, to the Contractor. No advance payment shall be made (1) without the approval of the officer administering advance payments (hereinafter called the "Administering Office" and designated in paragraph (k)(4) hereof) as with all advance payments therotofore made, shall exceed the amount stated in paragraph (k)(1) hereof; and (3) without a properly certified invoice or invoices.

(b) *Special Bank Account.* Until all advance payments made hereunder are liquidated and the Administering Office approves in writing the release of any funds due and payable to the Contractor, all advance payments and all other payments under the contract shall be made by check payable to the Contractor, and be marked for deposit only in a Special Bank Account with the bank designated in paragraph (k)(2) hereof. No part of the funds in the Special Bank Account shall be mingled with other funds of the Contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided, each withdrawal shall be made only by check of the Contractor countersigned on behalf of the Government by the Contracting Officer or such other person or persons as he may designate in writing (hereinafter called the "Countersigning Agent"). Until otherwise determined by the Administering Office, countersignature on behalf of the Government will not be required.

(c) *Use of Funds.* The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purposes of making payments for items of allowable cost or to reimburse the Contractor for such items of allowable cost, and for such other purposes as the Administering Office may approve in writing. Any interpretation required as to the proper use of funds shall be made in writing by the Administering Office.

(d) *Return of Funds.* The Contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the Administering Office, the Contractor shall repay to the Government such part of the unliquidated balance of advance of advance payments as shall in the opinion of the Administering Office be in excess of current requirements, or (when added to total advance previously made and liquidated) in excess of the amount specified in paragraph (k)(1) hereof. In the event the Contractor fails to repay such part of the unliquidated balance of advance payments when so requested by the Administering Office, all or any part thereof may be withdrawn from the Special Bank Account by checks payable to the Treasurer of the United States signed solely by the Countersigning Agent and applied in reduction of advance payments then outstanding hereunder.

(e) *Liquidation.* If not otherwise liquidated, the advance payments made hereunder shall be liquidated as herein provided. When the sum of all payments under this contract, other than advance payments, plus the unliquidated amount of advance payments are equal to the total estimated cost for the work under this contract or such lesser amount to which the total estimated cost under this contract may have been reduced, plus increases, if any, in this total estimated cost not exceeding, in the aggregate, (including, without limitation, reimbursable costs incident to termination for cause and retrocession as estimated by the Contracting Officer), the Government shall thereafter withhold further payments to the Contractor and apply the amounts withheld against the Contractor's obligation to repay such advance payments until such advance payments shall have been fully liquidated. If upon completion, termination, or retrocession of the contract all advance payments have not been fully liquidated, the balances therefore shall be deducted from any sums otherwise due or which may become due to the Contractor from the Government, and any deficiency shall be paid by the Contractor to the Government upon demand.

(f) *Bank Agreement.* Before an advance payment is made hereunder, the Contractor shall transmit to the Administering Office, in the form prescribed by such office, an Agreement in triplicate from the bank in which the Special Bank Account is established, clearly setting forth the special character of the account and the responsibilities of the bank thereunder. Wherever possible, such bank shall be a member bank of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation Act of August 23, 1935, 49 Stat. 685, as amended (12 U.S.C. 264).

(g) *Lien on Special Bank Account.* The Government shall have a lien upon any balance in the Special Bank Account paramount to all other liens, which lien shall secure the repayment of any advance payments made hereunder.

(h) *Lien on Property under Contract.* Any and all advance payments made under this contract shall be secured, when made, by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract and on all material and other property acquired for or allocated to the performance of this contract, except to the extent that the Government by virtue of any other provision of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify, by marking or segregation, all property which is subject to a lien in favor of the Government by virtue of any provision of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The Contractor shall maintain adequate accounting control over such property on his books and records. If at time during the progress of the work on the contract it becomes necessary to deliver any item or items

and materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer. If this contract is terminated in whole or in part and the Contractor is authorized to sell or retain termination inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the Contracting Officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such termination inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention on the Contractor's termination claim, is applied in reduction of advance payments then outstanding hereunder.

(i) *Insurance.* The Contractor represents and warrants that he is now maintaining with responsible insurance carriers, (1) insurance upon his own plant and equipment against fire and other hazards to the extent that like properties are usually insured by others operating plants and properties of similar character in the same general locality; (2) adequate insurance against liability on account of damage to persons or property; and (3) adequate insurance under all applicable workmen's compensation laws. The Contractor agrees that, until work under this contract has been completed and all advance payments made hereunder have been liquidated, he will (i) maintain such insurance; (ii) maintain adequate insurance upon any materials, parts, assemblies, subassemblies, supplies, equipment and other property acquired for or allocable to this contract and subject to the Government lien hereunder; and (iii) furnish such certificates with respect to his insurance as the Administering Office may from time to time require.

(j) *Prohibition against Assignment.* Notwithstanding any other provision of this contract, the Contractor shall not transfer, pledge, or otherwise assign this contract, or any interest therein, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution.

(k) *Designations and Determinations.* (1) *Amount.* The amount of advance payments at any time outstanding hereunder shall not exceed $———.

(2) *Depository.* The bank designated for the deposit of payments made hereunder shall be:

(3) *Interest Charge.* No interest shall be charged for advance payments made hereunder. The Contractor shall charge interest at the rate of 6 percent per annum on subadvances or down payments to subcontractors, and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances on nonprofit subcontracts with nonprofit educational or research institutions for experimental, research or development work.

(4) *Administering Office.* The office administering advance paymente shall be the office designated as having responsibility for awarding the contract.

(e) *Other Security.* The terms of this contract shall be considered adequate security for advance payments hereunder, except that if at any time the administering office deems the security furnished by the Contractor to be inadequate, the Contractor shall furnish such additional security as may be satisfactory to the administering office, to the extent that such additional security is available.

Clause No. 33—Effect on existing rights.

(a) Nothing in this contract shall be construed as—

(1) Affecting, modifying, diminishing, or otherwise impairing the sovereign immunity for suit enjoyed by an Indian tribe; or,

(2) Authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

Clause No. 34—Federal, State, and local taxes.

(a) Except as may be otherwise provided in this contract, the contract price includes all applicable Federal, State, and local taxes and duties.

(b) Nevertheless, with respect to any Federal excise tax or duty on the transactions or property covered by this contract, if a statute, court decision, written ruling, or regulation takes effect after the contract date, and—

(1) Results in the Contractor being required to pay or bear the burden of any such Federal excise tax or duty or increase in the rate thereof which would not otherwise have been payable on such transactions or property, the contract price shall be increased by the amount of such tax or duty or rate increase: Provided, That the Contractor if requested by the Contracting Officer, warrants in writing that no amount for such newly imposed Federal excise tax or duty or rate increase was included in the contract price as a contingency reserve or otherwise; or

(2) Results in the Contractor not being required to pay or bear the burden of, or in his obtaining a refund or drawback of, any such Federal excise tax or duty which would otherwise have been payable on such transactions or property or which was the basis of an increase in the contract price, the contract price shall be decreased by the amount of the relief, refund, or drawback, or the amount shall be paid to Government, as directed by the Contracting Officer. The contract price shall be similarly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden of, or does not obtain, a refund or drawback of, any such Federal excise tax or duty.

(c) No adjustment pursuant to paragraph (b) above will be made under this contract unless the aggregate amount thereof is or may reasonably be expected to be over $100.

(d) As used in paragraph (b) above, the term "contract date" means the date set for the bid opening, or if this is a negotiated contract, the date of this contract. As to additional supplies or services procured by modification to this contract, the term "contract date" means the date of such modification.

(e) Unless there does not exist any reasonable basis to sustain an exemption, the Government, upon request of the Contractor, without further liability, agrees, except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from any tax which the Contractor warrants in writing was excluded from the contract price. In addition, the Contracting Officer may furnish evidence to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price. Except as otherwise provided in this contract, evidence appropriate to establish exemption from duties will be furnished only at the direction of the Contraction Officer.

(f) The Contractor shall promptly notify the Contracting Officer of matters which will result in either an increase or decrease in the contract price, and shall take action with respect thereto as directed by the Contracting Officer.

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federal register

FRIDAY, NOVEMBER 14, 1975



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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INDIAN SELF-DETERMINATION ACT

Grants and Contracts for Development, Construction and Operation of Health Facilities and Service

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Title 42—Public Health

CHAPTER I—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 36—INDIAN HEALTH

Subpart H—Grants for Development, Construction, and Operations of Facilities and Services

Subpart I—Contracts Under the Indian Self-Determination Act

On August 14, 1975, an advance notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 34292) advising of the intention of the Secretary of Health, Education, and Welfare to propose rules governing grants and contracts pursuant to sections 103 and 104 (b) of the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638. Public comments was invited. On September 15, 1975, the Secretary published in the FEDERAL REGISTER (40 FR 42658) a Notice of Proposed Rulemaking setting forth for public comment the rules and regulations which, when adopted, would govern grants and contracts pursuant to the Indian Self-Determination and Education Assistance Act.

Title I of the Pub. L. 93–638 directs the Secretary of Health, Education, and Welfare to enter into contracts with tribal organizations pursuant to section 103 of the Act to carry out any or all of the Secretary's functions, authorities, and responsibilities under the Act of August 5, 1954 (68 Stat. 674), 42 U.S.C. 2001, as amended, and authorizes the Secretary to make grants to Indian tribes or tribal organizations pursuant to section 104(b) of the Act for the development, construction, operation, provision or maintenance of facilities or services and for planning, training, and evaluation projects to improve the capacity of tribal organizations to contract. In the true spirit of self-determination, the Department of Health, Education, and Welfare through the Indian Health Service has taken extraordinary measures to seek and include the recommendations of the Indian people in the drafting of the regulations needed to implement this Act. Numerous meetings were held with the Bureau of Indian Affairs and the Civil Service Commission regarding similar obligations under the Act, recognizing the need for a set of regulations that would be as similar and as applicable as possible to both IHS and BIA. Strategy meetings were held in early January and February, resulting in a plan for conducting extensive field orientations and working consultations with the tribes. These were designed to solicit recommendations on a continuing basis at every stage of preparing the regulations for publication. An initial draft of implementation regulations was drawn up and sent to the tribes and field offices for review. During March and April, IHS and BIA sent teams to 15 strategic locations to discuss the draft regulations with Indian leaders and people and record their recommendations. Workshops and task forces were then set up to incorporate the input from the tribes into a working set of draft regulations and to develop issue or position papers outlining areas of potential conflict in order to avoid or diminish such conflict.

A second set of draft regulations was then sent out to the field and in late May and June the IHS and BIA teams again set forth to meet with the Indian people. To preserve continuity, the meetings were held, whenever possible, in the same place with the same teams making the presentations.

The resulting input received from the tribe and field offices was again reviewed and incorporated into a set of draft regulations which were submitted to the appropriate Congressional Committees on August 4. An Advance Notice of Proposed Rulemaking was published in the FEDERAL REGISTER on August 14, to give the Indian people yet another opportunity to review the proposed regulations, and the Notice of Proposed Rulemaking was published on September 15. At all stages of development of the regulations particular effort was made to respond to the recommendations made by the Indian people. While there has been a significant amount of cooperation between the staff of the Indian Health Service and that of the Bureau of Indian Affairs, the regulations issued by the respective Department are not sufficiently similar. This has resulted from different draftsmen working within different organizations, each striving to produce an end-product in keeping with their respective standards. It is now realized that what is needed is uniformity wherever possible, that is, in every situation where programmatic differences do not require that distinctions be made. This need for uniform language and organization is of great importance because the Indian tribes seeking to benefit from the Act should not be burdened with the problem of reading different texts to derive basically the same information about closely related problems, nor should they have to trace cross-referenced material where this could be avoided. Accordingly, representatives of this Department will meet with representatives of the Bureau of Indian Affairs in an effort to achieve maximum uniformity in the regulations of the two agencies. Thus, even as these regulations are promulgated, it is anticipated that a major revision of these regulations is in order.

While the Department is committed to such an undertaking, the comments received from the public in response to the September 15, 1975, Notice of Proposed Rulemaking have been carefully considered in promulgating these regulations. Comments from over 25 different sources were received. In general, the comments suggested the need for greater similarity with the regulations of the Bureau of Indian Affairs, the need to eliminate unnecessary cross-referencing to other statutes or regulations, the need for more procedural safeguards for Indian people, and the need for assurance that the input of Indian people will be considered in the Secretary's decisions affecting Indian people.

In view of the commitment of the Secretary to working with the Indian people to achieve uniformity in the regulations of the Departments implementing Pub. L. 93–638, some changes in the regulations have been made to conform to the provisions in the BIA regulations. Some changes have been made to improve style, to clarify meaning and to reflect generally applicable Departmental policy. The changes in style, clarity, and organizational structure are apparent from the text and are not specifically discussed below. The cross references contained in the proposed regulations have not been deleted as it is anticipated that this is an issue which will be taken up with representatives of the tribes and BIA. Other specific comments are addressed below.

SUBPART H—GRANTS

1. It was suggested that the word "non-profit" be deleted from the definition of tribal organization because the statute did not contain such a limitation. We agree and have, accordingly, deleted the term from § 36.102(d). This change was made as the concept of a grant does not, by its nature, include a profit element. The fact that the grantee is a for-profit organization does not change the nature of a grant which does not include a profit element.

2. One commentator suggested that consultation with Indians be required prior to publishing a notice of availability of funds as required by § 36.109. This suggestion was not adopted because consultation is currently part of the normal budget process and because the allocation of funds reflects Congressional action in the appropriation process.

3. While § 36.114 makes applicable the uniform administrative requirements and cost principles of 45 CFR Part 74, a provision was added to § 36.114 to make clear that such requirements apply only to the extent that they are consistent with the regulations of this subpart.

4. The portion of § 36.115 which related to suspension of grants was deleted because the Department, upon further consideration, agreed with comments pointing out that suspension was not authorized by the statute. Section 36.115 (d) has been revised to clarify the appeal procedures and the rights of the grantee where a recision is based on an immediate threat to safety.

5. Two new §§ 36.120 and 36.121 entitled respectively Use of Indian business concerns and Indian preference in training and employment, have been added to subpart H to give effect to section 7(b) of the Act, 25 U.S.C. 450e(b).

SUBPART I—CONTRACTS

6. A number of comments noted that it did not appear from the text of the regulations that the Secretary was committed to fully implementing the Act notwithstanding the Secretary's statements in the preamble to the September 15, 1975, regulations. In order to dispel any doubt about the Secretary's commitment to carry out the intent of the Act, a new paragraph entitled Policy was added to section 36.201.

7. Section 202 was amended by the addition of new paragraphs which make clear that there is no obligation upon a tribe or tribal organization to apply for contracts under section 103 of the Act and that the availability of other contracting authority is not limited to or precluded by the existence of contract authority under section 103.

8. Clarifying changes have been made to the definitions of Indian Tribe, Trust Resources, and Trust Responsibility in section 36.204. These changes have the added advantage of conforming to the definitions used by the Bureau of Indian Affairs.

9. In response to comments that it was unclear upon whom the burden of proof rested to establish that a Self-Determination contract proposal was deficient, a new sentence was added to paragraph (a) of § 36.208 stating that the burden of proof to show cause for declination lies with the HEW approving official. A clause was also added indicating that in evaluating the contractor's proposal, the IHS will take into account the prevailing health program and professional standards of IHS in the location concerned.

10. Section 36.211 has been restated to make clear that the Director of the Indian Health Service is authorized to approve applications for contracts under subpart I of the regulations. The Director was delegated such authority, with authority to redelegate to the Area and Program Directors with the approval of the Administrator, Health Services Administration, on September 15, 1975 (40 FR 42591). It is the intention of the Director and the Administrator to effect such delegations wherever practicable.

11. Section 36.212 is revised, as a result of comments that the procedure during review of a contract application was not lucid, by the addition of a provision for a meeting with representatives of the tribal governing body and the contract applicant to resolve any declination issues and by a provision clarifying the tribal organization's right to an informal or formal hearing on the declination.

12. The section on tribal appeals of declinations, § 36.214, has been extensively revised to carefully delineate the substantive and procedural rights of the tribal organizations. The new procedures permit the tribal organization to opt for an informal hearing or a formal hearing on the record.

13. A new paragraph (d) is added to § 36.216 to notify a tribal organization whose request for a waiver of federal contracting requirements has been denied of the reasons for the denial.

14. Sections 36.220 and 36.221 entitled respectively Use of Indian Business Concerns and Indian Preference in Training and Employment have been altered by the adoption of language which is consistent with section 7(b) of the Act, 25 U.S.C. 450e(b). The section on use of Indian business concerns has been modified to add a requirement that the contractor comply with the preference requirements regarding Indian business concerns established by the tribe consistent with this section. Section 221, Indian Preference in Training and Employment, is altered to require that the contractor give preference in training and employment to Indians regardless of age, religion, or sex and to provide that if the contractor or any of his subcontractors are unable to fill its employment openings with Indians, such openings may be filled with non-Indians subject to the conditions contained in the equal opportunity clause of the contract.

15. Section 36.224 was revised to indicate that the special provisions, procedures and requirements applicable to construction and architect-engineering service contracts are set forth in 41 CFR 3–4.6008. That section not only covers applicability the Davis-Bacon Act of March 3, 1931, but also the other requirements unique to construction contracts.

16. A number of comments pointed out that § 36.233, Assumption and Reassumption of Contract Programs, did not adequately protect the rights of the contractor and was inconsistent with section 109 of the Act as suspension is not authorized. The portion of § 36.233 as published on September 15, 1975, which related to suspension of contracts, was deleted because the Department, upon further consideration, agreed that suspension was not authorized by the statute. To clarify the substantive and procedural rights of the contractor where assumption or reassumption of the contract is contemplated by the government, paragraphs c, d, and e were rewritten. As revised, § 36.233 provides that all hearings will be on the record, will be held before the Contract Appeals Board, and provides that where there is an immediate threat to safety, the Board must, within 25 days, notify the parties in writing of its decision which will be considered final. Where the hearing takes place prior to assumption or reassumption, the Board makes a recommended decision which may be modified or revised by the Director of the Indian Health Service.

These regulations implement the Act, the wishes of the Indian people, and the intent of Congress. Accordingly, pursuant to the authority of section 107 of the Indian Self-Determination Act, 25 U.S.C. 450k, and sections 3 of Pub. L. 83–568, 42 U.S.C. 2003, Part 36 of Title 42 of the Code of Federal Regulations is amended by the adoption of the following new subparts H and I.

Effective date. This regulation shall become effective on November 14, 1975.

Approved: November 7, 1975.

DAVID MATHEWS,
Secretary.

Subpart H—Grants for Development, Construction, and Operations of Facilities and Services

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Subpart H—Grants for Development, Construction, and Operations of Facilities and Services

AUTHORITY: Secs. 104, 107, 25 U.S.C. 450h (b), 450k; Sec. 3, Pub. L. 83–568, 42 USC 2003.

§ 36.101 Applicability.

The regulations of this subpart are applicable to grants awarded pursuant to section 104(b) of Pub. L. 93–638, 25 U.S.C. 450h(b) for (a) projects for development including feasibility studies, construction, operation, provision, or maintenance of services and facilities provided to Indians and, (b) for projects for planning, training, evaluation or other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to section 103 of the Act. Such grants may include the cost of training personnel to perform grant related activities.

§ 36.102 Definitions.

As used in this Subpart:

(a) "Act" means Title I of the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638 (88 Stat. 2203).

(b) "Indian" means a person who is a member of an Indian tribe.

(c) "Indian tribe" means any Indian tribe, band, nation, rancheria, Pueblo, colony or community, including any Alaska Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, Pub. L. 92–203 (85 Stat. 688) which is recognized as eligible by the United States Government for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) "Tribal organization" means:

(1) The recognized governing body of any Indian tribe; or

(2) Any legally established organization of Indians which is:

(i) Controlled, sanctioned or chartered by such governing body or bodies; or

(ii) Democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

(e) "Secretary" means the Secretary of the Department of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(f) "Grantee" means the tribe or tribal organization that receives a grant under section 104(b) of the Act and this sub-

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part and assumes the legal and financial responsibility for the funds awarded and for the performance of the grant supported activity in accordance with the Act and these regulations.

(g) "Indian owned economic enterprise" means any commercial, industrial, or business activity established or organized for the purpose of profit which is not less than 51 percent Indian owned.

§ 36.103 Eligibility.

Any Indian tribe or tribal organization is eligible to apply for a grant under this subpart.

§ 36.104 Application.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) The application shall be executed by an individual or individuals authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the regulations of this subpart and the terms and conditions of any grant award.

(c) In addition to such other pertinent information as the Secretary may require, the application for a grant under this subpart shall contain the following:

(1) A description of the applicant including an indication whether the applicant is a Tribe or tribal organization, and if the latter:

(i) The legal and organizational relationship of the applicant to the Indians in the Area to be served or effected by the project.

(ii) A description of the current and proposed participation of Indians in the activities of applicant.

(iii) Whether applicant is controlled, sanctioned or chartered by the governing body of the Indians to be served, and if so, evidence of such fact.

(iv) If elected, a description of the election process, voting criteria, and extent of voter participation in the election designating the organization.

(2) A narrative description of the project including its goals and objectives and the manner in which the proposed project is compatible with published Indian Health Service statements of availability of funds, the manner in which those goals and objectives are to be attained, and a work and time schedule which will be utilized to accomplish each goal and objective.

(3) A description of applicant's staff, present or proposed, including their qualifications, academic training, responsibilities and functions.

(4) A description of the manner in which the staff is or will be organized and supervised to carry out proposed activities.

(5) A description of training to be provided as part of the proposed project.

(6) A description of the administrative, managerial; and organizational arrangements and resources to be utilized to conduct the proposed project.

(7) A budget for the entire period of the project for which support is sought.

(8) The intended financial participation, if any, of the applicant, specifying the type of contributions such as cash or services, loans of full or part-time staff, equipment, space materials or facilities, or other contributions.

(9) Where health services are to be provided, a description of the nature of the services to be provided and the population to be served.

(10) A description of the Federal property, real and personal, equipment, facilities and personnel which applicant proposes to utilize and a description of the arrangements which applicant has made or will make to assume responsibility for the operation and management of those facilities.

(d) The application shall contain assurances satisfactory to the Secretary that the applicant will:

(1) Obtain adequate liability insurance coverage or an explanation of why such insurance cannot or should not be obtained. Such insurance shall provide that prior to cancellation the Secretary must be notified and must further provide that each such policy of insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

(2) Where applicant is providing services, provide such services at a level and range which is not less than that provided by the Indian Health Service or that identified by the Service after negotiation with the applicant as an appropriate level, range and standard of care,

(3) Where providing services, provide services in accordance with law and applicable Indian Health Service policies and regulations.

(4) Where providing services, provide services in a fair and uniform manner, consistent with medical need, to all Indian people.

§ 36.105 Project elements.

A project supported under this subpart must:

(a) Have sufficient, adequately trained staff in relation to the scope of the project.

(b) Maintain a mechanism for dealing with complaints regarding the delivery of health services or performance of project activities.

(c) Hold confidential all information obtained by the personnel of the project from participants in the project related to their examination, care, and treatment, and shall not release such information without the individuals' consent except as may be required by law, as may be necessary to provide service to the individual, or as may be necessary to monitor the operations of this program or otherwise protect the public health. Information may be disclosed in a form which does not identify particular individuals.

(d) Utilize appropriate bookkeeping and accounting procedures and mechanisms to assure accountability for grant funds and resources.

(e) Operate with the approval, support, and involvement of the tribe, tribes, or Indian communities in the area served by the local facility and program.

(f) Provide Indians, to the extent feasible, opportunities for training and employment in connection with the administration of the project and also provide preference to Indians and Indian owned economic enterprises in the award of subcontracts in connection with the administration of the project.

(g) Keep in force adequate liability insurance in accordance with the approved application unless the Secretary, for good cause shown, determined that such insurance was not obtainable or appropriate or has determined that such insurance may be permitted to expire or lapse.

(h) Perform the project in accordance with the provisions of the Act and the regulations of this part.

(i) Provide services at a level and, range which is not less than that provided by the Indian Health Service or that identified by the Service as an appropriate level, range, and standard of care.

§ 36.106 Grant award and evaluation.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants whose project will, in the judgment of the Secretary, best promote the purposes of the Act, and the regulations of this subpart, taking into account:

(1) The apparent capability of the applicant to organize and manage the proposed project successfully considering, among other things the adequacy of staff, management systems, equipment and facilities.

(2) The soundness of the applicant's plan for conducting the project and for assuring effective utilization of grant funds.

(3) The adequacy of the budget in relation to the scope of the project and available funds.

(4) The relative effectiveness of the applicant's plan, as set forth in the application, to carry out each of the requirements § 36.105.

(5) The compatibility of the proposed project with the published goals and responsibilities of the IHS in carrying out its statutory mission.

(b) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is provided.

(c) Neither the approval of any project nor any grant award shall commit the United States in any way to make additional, supplemental, continuation or other awards with respect to any approved project or portion thereof.

§ 36.107 Use of Project Funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with section 104(b) of the Act, the regulations of this subpart, and the terms and conditions of award.

(b) The provisions of any other Act notwithstanding, any funds made available to a tribal organization under grants pursuant to section 104(b) of the Act may be used as matching shares for any other Federal grant programs which contribute to the purposes for which grants under this section are made.

§ 36.108 Funding duration.

The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for project costs and the availability of funds.

§36.109 Availability of appropriations.

The Secretary will from time to time publish a notice in the FEDERAL REGISTER indicating by areas the allotment of funds and categories of activities for which awards may be made under this Subpart. The Secretary may revise such allotments and categories from time to time and will promptly publish a notice of such revisions in the FEDERAL REGISTER.

§ 36.110 Facilities construction.

In addition to other requirements of this subpart:

(a) An applicant for a construction grant to build, renovate, modernize, or remodel a hospital, clinic, health station or quarters for housing personnel associated with such facilities, must in its application:

(1) Provide its assessment of the environmental impact of the project as called for by section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(c)).

(2) Furnish its evaluation of the project site in accordance with the terms and conditions of E.O. 11296, 31 FR 10663 (August 10, 1966) relating to the evaluation of flood hazards in locating federally owned or financed facilities.

(b) Each applicant for construction grant to build, renovate, modernize, or remodel a hospital, clinic, health station or quarters for housing personnel associated with such facilities, in addition to any other requirements imposed by the Act or determined by the Secretary to be reasonably necessary with respect to particular projects to fulfill the purpose of the grant, shall be subject to the condition that the applicant shall furnish and comply with the following assurances:

(1) *Title.* That applicant has a fee simple or such other estate or interest in the site for construction, including necessary easements and rights-of-way, sufficient to assure for a period of not less than the estimated useful life of the facility undisturbed use and possession for the purpose of the construction and operation of the facility: *Provided, however,* That where the construction is to take place on land owned by the United States, applicant need not comply with this provision.

(2) *Competitive bids.* (i) That the approval of the Secretary shall be obtained before the project is advertised or placed on the market for bidding and that such approval shall include a determination by the Secretary that the final plans and specifications conform to the minimum standards of construction and equipment as set forth in Appendix A of this subpart.

(ii) That all contracting for construction (including the purchase and installation of built-in equipment) shall, except as provided in paragraph (b)(2)(iii) of this section or as provided in the regulations of this subpart or the Act be on a lump sum fixed-price basis, and contract will be awarded on the basis of competitive bidding obtained by public advertising with award of the contract to the lowest responsive and responsible bidder. The giving of preference to local contractors or suppliers over non-local contractors or suppliers, except as otherwise provided in these regulations is not authorized.

(iii) A substitute bidding procedure of selective solicitation with response from three or more bidders may be used if:

(A) The applicant requests and justifies the use of the procedure;

(B) The procedure is not inconsistent with applicable State or local laws; and

(C) The Secretary determines that it is necessary to limit bidding to contractors of proven competence due to the complexity or specialty of the project or that the time element is of primary consideration. When this bidding procedure is used the applicant shall establish reasonable bid prequalification standards for contractors. The applicant shall then accept and consider bids from any contractor who requests permission to bid and who is determined by applicant to meet these prequalification standards. Adequate time shall be allowed for contractors to prepare bids, and award of construction contracts shall be made to the lowest qualified and responsible bidder whose bid is considered fully responsive to the bid invitation.

(3) *Approval of estimated cost.* That the applicant will enter into no construction contract or contracts with respect to the project or any portion thereof where the cost exceeds the estimates in the application for such work, without prior approval of the Secretary.

(4) *Relocation assistance.* That in the case of an applicant with an approved project which involves the displacement of persons or businesses whose real property has or will be taken, the applicant will comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 and applicable regulations issued thereunder. (45 CFR Part 15).

(5) *Completion responsibility.* The applicant will construct the project, or cause it to be constructed, to final completion in accordance with the grant application and the plans and specifications.

(6) *Progress reports.* That applicant shall furnish progress reports and such other information as the Secretary may require.

(7) *Construction supervision.* That applicant shall provide and maintain competent and adequate architectural and engineering supervision and inspection at the construction site to insure that the completed work conform to the plans and specifications.

(8) *Authorized uses.* That the facility is intended and will be used only for the purposes for which the application has been made.

(9) *Wage rate standards.* That all laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting or decorating of building or other facilities in connection with contracts or grants entered into pursuant to the Act, shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931, as amended.

(10) *Accessibility by handicapped.* That the applicant shall require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A 117.1—1961 as modified by other standards prescribed by the Secretary.

(11) *Minimum standards of construction and equipment.* That the plans and specifications for the project will conform to the minimum standards of construction and equipment as set forth in Appendix A of this subpart.

(12) *Construction contract requirements.* That the following conditions and provisions must be included in all construction contracts let by grantee:

(i) The provisions set forth in "DHEW Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunities," Form DHEW 514 (latest edition) (issued by the Office of Grants Administration Policy, United States Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of $2,000 or less; and pertaining to Executive Order 11246, 30 FR 12319 (September 24, 1965), as amended, relating to nondiscrimination in construction contract employment, except in the case of contracts in the amount of $10,000 or less: *Provided, however,* That nothing required herein shall be in contravention of the requirements of section 7 of Pub. L. 93–638, 25 U.S.C. 450e.

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability, and property damage insurance: *Provided, however,* That in the case of an Indian tribe or tribal organization entering into a construction contract of less than $100,000, State or local provisions with respect to performance and payment bonds shall be deemed to meet the requirements of this paragraph.

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(iii) The Secretary shall have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 36.111 Interest.

Tribes and Tribal organizations shall not be held accountable for interest earned on grant funds, pending disbursement by such organization.

§ 36.112 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 36.113 Fair and uniform provision of services.

Services provided pursuant to a grant under this subpart shall be provided by the Grantee in a fair and uniform manner to all participants in the project consistent with their medical need, the policies and regulations of the Indian Health Service, and the Act.

§ 36.114 Applicability of 45 CFR Part 74.

The following provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles shall apply to all awards under this subpart to the extent they are consistent with this subpart:

(a) Subpart A "General", except that for purposes of this subpart the definition of "local government" in § 74.3 shall also include Indian tribes and tribal organizations.

(b) Subpart B, "Cash Depositories".

(c) Subpart C, "Bonding and Insurance" except as otherwise specifically provided in this subpart.

(d) Subpart D, "Retention and Custodial Requirements for Records".

(e) Subpart F, "Grant-Related Income", except for § 74.42.

(f) Subpart H, "Standards for Grantee and Subgrantee Financial Management Systems".

(g) Subpart I, "Financial Reporting Requirements".

(h) Subpart J, "Monitoring and Reporting of Program Performance".

(i) Subpart K, "Grant Payment Requirements", except that the references in § 74.94 to § 74.113 shall be deemed to be references to § 36.115 of this subpart.

(j) Subpart L, "Budget Revision Procedures".

(k) Sections 74.110 and 74.111 of Subpart M, "Grant Closeout, Suspension, and Termination".

(l) Subpart N, "Forms for Applying for Grants".

(m) Subpart O, "Property".

(n) Subpart P, "Procurement Standards" provided, however, that to the greatest extent feasible preferences and opportunities for training and employment in connection with the administration of grants and contracts pursuant to this Act shall be awarded to Indians and preference in the award of subcontracts and subgrants in connection with the administration of grants and contracts pursuant to this Act shall be given to Indian Organizations and Indian-owned economic enterprises.

(o) Sections 74.140 and 74.171 of Subpart Q, "Cost Principles," and Appendix C to such subpart, except for Paragraph J (4) of Part I of such Appendix.

§ 36.115 Recission of grants. Grants.

(a) When the Secretary determines that the performance of a grantee under these regulations involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any persons, or (2) gross negligence or the mismanagement in the handling or use of funds under the grant, the Secretary will, in writing, notify the grantee of such determination and will request that the grantee take such corrective action, within such period of time, as the Secretary may prescribe.

(b) When the Secretary determines that a grantee has not taken corrective action (as prescribed by him under paragraph (a) of this section) to his satisfaction, he may, after providing the grantee an opportunity for a hearing in accordance with paragraph (c) of this section, rescind the grant in whole or in part and if he deems it appropriate, assume or resume control or operation of the program, activity, or service involved.

(c) When the Secretary has made a determination described in paragraph (b) of this section, he shall in writing notify the grantee of such determination and of the grantee's right to request a review of such determination (and of the determination described in paragraph (a) of this section) under the Public Health Service Grant Appeals Procedure (42 CFR Part 50, Subpart D). Such notification by the Secretary shall set forth the reasons for the determination in sufficient detail to enable the grantee to respond and shall inform the grantee of its opportunity for review under such Subpart D. If the review held under Subpart D results in a response adverse to the grantee's position, the grantee shall be informed of its right to have a hearing before the Department Grant Appeals Board, pursuant to 45 CFR Part 16.

(d) Where the Secretary determines that a grantee's performance under a grant awarded under this subpart poses an immediate threat to the safety of any person, he may immediately rescind the grant in whole or in part and if he deems it appropriate, assume or resume control or operation of the program, activity, or service involved. Upon such recission he will immediately notify the grantee of such action and the basis or reasons therefor; and offer the grantee an opportunity for a hearing to be held within 10 days of such action. If the grantee requests such a hearing, the Secretary will designate three officers or employees of the Department to serve as a hearing panel. No officer or employee from the immediate office of the official who made the decision to rescind the grant under this paragraph may be designated to serve on the hearing panel.

(1) The hearing shall be commenced within 10 days after the recission of the grant, shall be held on the record and shall afford the grantee the right:

(i) to notice of the issues to be considered;

(ii) to be represented by counsel;

(iii) to present witnesses on grantee's behalf; and

(iv) to cross-examine other witnesses either orally or through written interrogatories.

(2) The hearing panel shall, within 25 days after the conclusion of the hearing, notify all parties in writing of its decision.

(3) Such decision shall not be subject to further hearing under 42 CFR Part 50, subpart D or 45 CFR Part 16.

(e) In any case where the Secretary has rescinded a grant under paragraphs (b) or (d) of this section, he may decline to enter into a new grant agreement with the grantee until such time as he is satisfied that the basis for the recission has been corrected. Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

(f) In any case where the Secretary has rescinded a grant for the delivery of health services under this subpart, the grantee shall, upon the request of the Secretary, transfer to the Secretary all medical records compiled in the operation of the supported project.

§ 36.116 Reports.

In addition to the reporting and information requirements provided in Subpart J of 45 CFR Part 74 made applicable to grants under this subpart by § 36.114, each recipient of Federal financial assistance shall make such reports and information available to the Indian people served or represented by such recipient as and in a manner determined by the Secretary to be adequate.

§ 36.117 Amendment of regulations.

Before revising or amending the regulations in this subpart, the Secretary shall take the following actions:

(a) Consult with Indian Tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(c) Publish the proposed revisions or amendments in the FEDERAL REGISTER as proposed rulemaking to provide adequate notice to receive comments from, all interested parties.

(d) After consideration of all comments received, publish the regulations in the FEDERAL REGISTER in final form not less than 30 days before the date they are made effective.

§ 36.118 Effect on existing rights.

The regulations in this Part are not meant to and do not:

(a) Affect, modify, diminish, or otherwise impair the sovereign immunity from suit enjoyed by an Indian tribe;

(b) Authorize, require or permit the termination of any existing trust responsibility of the United States with respect to the Indian people;

(c) Permit significant reduction in services to Indian people as a result of this subpart.

§ 36.119 Penalties.

Section 6 of Pub. L. 93-638, 25 USC 450(d) provides:

Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of a contract, subcontract, grant, or subgrant pursuant to this Act or the Act of April 16, 1934 (48 Stat. 596), as amended, embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, assets, or property which are the subject of such a grant, subgrant, contract, or subcontract, shall be fined not more than $10,000 or imprisoned for not more than two years, or both, but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 36.120 Use of Indian business concerns.

Grants awarded pursuant to this subpart will incorporate the following:

Use of Indian business concerns.

(a) As used in this clause, the term "Indian organizations of an Indian-owned economic enterprise" as defined in section 102(g) of this subpart.

(b) The grantee agrees to give preference to qualified Indian business concerns in the awarding of any contracts or subgrants entered into under the grant consistent with the efficient performance of the grant. The grantee shall comply with any preference requirements regarding Indian business concerns established by the tribe(s) receiving services under the grant to the extent that such requirements are consistent with the purpose and intent of this paragraph.

§ 36.121 Indian preference in training and employment.

(a) Any grant made under this subpart, or a contract or subgrant made under such a grant shall require that, to the greatest extent feasible preferences and opportunities for training and employment in connection with the administration of such grant, or contract or subgrant made under such grant, shall be given to Indians.

(b) The grantee shall include the requirements of paragraph (a) of this section in all contracts and subgrants made under a grant awarded under this subpart.

APPENDIX A—MINIMUM STANDARDS OF CONSTRUCTION AND EQUIPMENT

The minimum standards of construction and equipment set forth below have been established by the Secretary pursuant to section 107 of the Act (25 U.S.C. 450k). In accordance with 5 U.S.C. 552(a)(1), the publications to which reference is made in this Appendix A, unless otherwise indicated, are hereby incorporated by reference and made a part hereof. These documents are available for inspection at the Department's and Regional Offices'. Information Centers listed in 45 CFR 5.31 and copies of such documents may be purchased as specified. These standards are applicable to all projects approved for construction grants under section 104(b)(1) of the Act; in addition, hospitals and outpatient facilities must comply with the requirements of "General Standards of Construction and equipment for Hospital and Medical Facilities" (DHEW Publication No. 74-4000) which document is incorporated by reference in § 53.101(a) of this chapter. Said document will be provided to all applicants with a need therefor, and is available to any interested person whether or not affected by the provisions of this subpart, upon request to the Regional Office of the Department of Health, Education, and Welfare or the Public Inquiries Branch, Public Health Service, Washington, D.C.

(a) *General.* The structural design, construction, and fire safety provisions of all project facilities shall comply with the standards of the National Building Code, 1967 (available from American Insurance Association Engineering and Safety Department, 85 John Street, New York, NY 10037, or 120 South La Salle Street, Chicago, IL 60603, or 465 California Street, San Francisco, CA 94104) or with applicable State, local codes and ordinances, whichever is more restrictive.

(b) *Mechanical.* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, plumbing and other piping systems and boilers shall comply with the following standards:

(1) *Handbook of Fundamentals:* American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) 1972; United Engineer Center, 345 East 47th Street, New York, NY 10017.

(2) National Standard Plumbing Code 1955; American Society of Mechanical Engineers (ASME); United Engineer Center, 345 East 47th Street, New York, NY 10017.

(3) Boiler and Pressure Vessel Code, 1971 edition, with current addenda, section 8, Division I, American Society of Mechanical Engineers (ASME); United Engineer Center, 345 East 47th Street, New York, NY 10017.

(c) *Fire and safety.* The fire-resistant design criteria for the facility will be governed by the criteria necessary for that portion of the facility which is subject to the most severe usage. Remodeled structure shall be upgraded, in total, unless it is feasible to isolate the improved portion of the building with fire walls and fire doors. Fire-resistant design shall be in accordance with the standards of Fire Safety Code Number 101, 1970, National Fire Protection Association, International, 60 Batterymarch Street, Boston, MA 02110.

(d) *Emergency electrical service.* Fire alarm systems and other electrical service shall conform to the standards as specified in Life Safety Code Number 101, 1970, National Fire Protection Association, International, 60 Batterymarch Street, Boston, MA 02110.

(e) *Electrical.* All electrical installations and equipment shall be in accordance with State and local codes and applicable sections of National Electric Code, NFPA Bulletin No. 70 HC, 1971, National Fire Protection Association, International, 60 Batterymarch Street, Boston, MA 02110.

(f) *Radiation protection.* All areas in which X-ray, gamma-ray, beta-ray producting and similar equipment is located shall be protected from radiation in accordance with the standards which are in the handbook reports No. 33, 1968; 34, 1970; 35, 1970, and 36, 1970, of the National Council on Radiation Protection and Measurement, Box 4867, Washington, DC 20008.

(g) All facilities shall be designed and constructed in accordance with the standard specified in the Uniform Building Code, 1970, International Conference of Building Officials, 50 South Los Robles, Pasadena, CA 91101, unless more restrictive State and local codes govern.

(h) *Zoning.* Applicable State and local codes shall apply.

Subpart I—Contracts Under the Indian Self-Determination Act

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Subpart I—Contracts Under the Indian Self-Determination Act

AUTHORITY: Secs. 103, 107, 25 U.S.C. 450g, 450k; sec. 3, Pub. L. 83-568, 42 U.S.C. 2003.

§ 36.201 Policy and applicability.

(a) Policy. (1) The Congress has recognized the obligation of the United States to respond to the strong expres-

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sion of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(2) The Congress has declared its commitment to the maintenance of the Federal Government's unique and continuing relationship with the responsibilities to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

(3) It is the policy of the Secretary of the Department of Health, Education, and Welfare to facilitate the efforts of Indian tribes to plan, conduct, and administer programs, or portions thereof, which the Indian Health Service is authorized to administer for the benefit of Indians.

(4) It is the policy of the Secretary to continually encourage Indian tribes to become increasingly knowledgeable about Indian Health Service programs and the opportunities Indian tribes have regarding them; however, it is the policy of the Indian Health Service to leave to Indian tribes the initiative in making requests for contracts and to regard self-determination as including the decision of an Indian tribe not to request contracts.

(5) It is the policy of the Indian Health Service not to impose sanctions on Indian tribes with regard to contracting or not contracting; however, the special resources made available to facilitate the efforts of those Indian tribes which do wish to contract should be made known to all tribes, as should the current realities of funding and Federal personnel limitations.

(6) Contracting is one of several mechanisms by which Indian tribes can exercise their right to plan, conduct, and administer programs or portions thereof which the Secretary is authorized to administer for the benefit of Indians. Another mechanism afforded Indian tribes is the use of a grant, as provided in Subpart H of this Part, or other resources, to plan the manner in which it wishes the Indian Health Service to operate a program or portion thereof.

(7) The regulations in this subpart are not meant to and do not change the eligibility criteria which individuals must meet to be eligible for any program currently operated by the Indian Health Service.

(b) The regulations of this subpart are applicable to contracts awarded pursuant to section 103 of P.L. 93-638, 25 USC 450g to carry out any or all of the functions, authorities, and responsibilities of the Secretary of Health, Education, and Welfare under the Act of August 5, 1954 (68 Stat. 674), as amended, 42 USC 2001 et seq.

§ 36.202 Effect on existing rights.

The regulations in this subpart are not meant to and do not:

(a) Affect, modify, diminish, or otherwise impair the sovereign immunity from suit enjoyed by an Indian tribe;

(b) Authorize, require or permit the termination of any existing trust responsibility of the United States with respect to the Indian people;

(c) Permit significant reduction in services to Indian people as a result of this subpart.

(d) Nothing in these regulations shall be construed to require a tribe to apply for a contract or contracts with the Secretary to carry out under the Indian Self-Determination Act any of the Secretary's functions, authorities and responsibilities under the Act of August 5, 1954, as amended, 42 U.S.C. 2001, et seq. Such applications under these regulations are voluntary.

(e) Nothing in these regulations shall be construed to preclude the making of contracts under any other authority of law nor to restrict contracts with Indian tribes or tribal organizations to contracts entered into under esction 103 of the Act.

§ 36.203 Amendment of regulations.

Before revising or amending the regulations in this subpart, the Secretary will take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(c) Publish the proposed revisions or amendments in the FEDERAL REGISTER as proposed rulemaking to provide adequate notice to receive comments from all interested parties.

(d) After consideration of all comments received, publish the regulations in the FEDERAL REGISTER in final form not less than 60 days before the date they are made effective.

§ 36.204 Definitions.

(a) "Act" means Title I of the Indian Self-Determination and Education Assistance Act, Public Law 93-638 (25 USC 450f et seq.).

(b) "Secretary" means the Secretary, of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Director" means the Director, Indian Health Service, Health Services Administration, Public Health Service, Department of Health, Education, and Welfare (IHS) who is the official to whom the Secretary has delegated full responsibility and authority to implement and administer those aspects of the Act related to the health and well-being of the Indian people.

(d) "Area Director" means the official in charge of an Indian Health Service Area, or Program Office.

(e) "Contracting Officer" means the person executing the contract on behalf of the Government and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in the contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(f) "Indian" means a person who is a member of an Indian tribe.

(g) "Indian Tribe" means any Indian tribe, band, nation, rancheria, Pueblo, colony or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible by the United States Government for the special programs and services provided by the United States to Indians because of their status as Indians.

(h) "Tribal organization" means:

(1) The recognized governing body of any Indian tribe; or

(2) Any legally established organization of Indians which is:

(i) Controlled, sanctioned or chartered by such governing body or bodies; or

(ii) Democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

(i) "An Indian Owned Economic Enterprise" means any commercial industrial, or business activity established or organized for the purpose of profit which is not less than 51 percent Indian owned.

(j) An "Indian Self-Determination Contract Proposal" is the name of the document to be utilized by Indian Tribal organizations to forward to the Indian Health Service, their requests to enter into contracts for health programs or services.

(k) "Trust Resources" means natural resources, land, water, minerals, funds, or property, asset, or claim, including any intangible right or interest in any of the foregoing, which is held by the United States in trust for any Indian tribe or any Indian individual or which is held by any Indian tribe or Indian individual subject to a restriction on alienation imposed by the United States.

(l) "Trust Responsibility" means the responsibility assumed by the Government, by virtue of treaties, statutes and other means, legally associated with the role of trustee, to recognize, protect and preserve tribal sovereignty and to protect, manage, develop and approve authorized transfers of interests in trust resources held by Indian tribes and Indian individuals to a standard of the highest degree of fiduciary responsibility.

(m) "Retrocession" is the voluntary return of a contracted program, or portion thereof, to the Indian Health Service pursuant to section 106(d) of the Act.

(n) The Contract Proposal Declination Appeals Board (CPDAB) is a body established to review Indian Self-Determination Contract Proposals which have been disapproved.

CONTRACT PROPOSALS, REVIEW, AND APPEAL

§ 36.205 Eligibility and application.

(a) Any tribal organization upon the request of the Indian tribe to be served, is eligible to apply for a contract with the Secretary to carry out any or all of the functions, authorities and responsibilities of the Secretary under the Act of August 5, 1954.

(b) All such contracts shall be based upon Indian Self-Determination Contract proposals which will be specific and, as a minimum, include the following:

(1) Date Submitted.

(2) Full name and address of the Indian tribal organization submitting the proposal.

(3) Full name and tribe(s) which the tribal organization is affiliated with.

(4) Narrative description of the functions, IHS programs, or portions thereof which the tribal organization wants to contract for.

(5) Type of contract proposed (cost reimbursement, fixed price, etc.).

(6) Proposed contract starting and completion dates.

(7) Equipment and facilities needed to carry out the contract and how the tribal organization intends to obtain such.

(8) Narrative indicating the tribal organization's knowledge of the program or function or portion thereof to be contracted for and the relation of such to the mission of the Indian Health Service. Where tribal organizations have already been involved in a contract for such programs, this narrative may be in the form of an updated version of the scope of work under that contract. In any case, the following items should be described in the narrative:

(i) Experience and training of personnel performing under the contract;

(ii) Familiarity with Federal Regulations and procedures involved;

(iii) Experience in operating a similar or related tribal program;

(iv) Extent of subcontracting contemplated and, where such information is available, identification of proposed subcontractors;

(v) Identification of Federal employee transfers contemplated;

(vi) Personnel system and key personnel;

(vii) The work plan for carrying out the contract including the timetable for delivery of optimum services.

(9) Evidence of community support for or lack of opposition to the contract.

(10) Information concerning training to be given to personnel who will perform under the contract.

(11) Estimate of the number of Indians to be served.

(12) A budget, including separate cost estimates for salaries and wages, equipment, supplies, services, travel, subcontracts, other direct costs and overhead.

(13) Justification and request for advance payments.

(14) Names and telephone numbers of the tribal organization's business and technical personnel who may be contacted during the evaluation and negotiation process.

(15) A description of the tribal organization including:

(i) The legal and organizational relationship of the tribal organization to the Indians in the area to be served or effected by the contract.

(ii) A description of the participation of Indians in all phases of the tribal organization.

(iii) Whether the tribal organization is controlled, sanctioned or chartered by the governing body of Indians to be served, and, if so, evidence of such fact.

(iv) And, if elected, a description of the election process, voting criteria, and extent of voter participation.

(16) Evidence of adequate liability insurance coverage or an explanation of why such insurance cannot or should not be obtained. Such insurance shall provide that prior to cancellation the Secretary must be notified and must further provide that each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the Tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

(17) The intended financial participation, if any, of the tribal organization or the tribes to be served specifying the type of contributions such as cash or services, loans of full or part-time staff, equipment, space, materials, or facilities, or other contributions.

(18) Specifically include any requests for waivers to 41 CFR Chapter 1 and 3 in accordance with 36.216.

(c) The Indian Self-Determination Contract Proposal shall be executed by a person or persons authorized to act on behalf of the tribal organization and shall be accompanied by evidence that such person or persons are authorized to bind the tribal organization.

(d) The Indian Self-Determination Contract Proposal should be addressed to the Area Director of the appropriate Indian Health Service Area. Such proposals should be submitted, in 5 copies, well in advance of the desired beginning of support.

(e) Tribal organizations may obtain assistance in preparing Indian Self-Determination contract proposals from the IHS Area Offices. The Area Directors shall make any information available to the tribal organization which is needed in the preparation of its proposal except as may be exempt from disclosure by the Freedom of Information Act, 5 U.S.C. 552(b) and the Department of Health, Education, and Welfare regulations thereunder, 45 CFR, Part 5.

§ 36.206 Tribal clearances—initial contracts.

(a) Before the IHS may enter into a contract with a tribal organization, it must be requested to do so by the tribe. The tribe's request shall be in the form of a resolution by the tribal governing body. If the tribal organization is applying for a contract to perform services benefiting more than one tribe, an authorizing resolution from each tribal governing body must be obtained before submitting the application to IHS for approval. A tribal governing body may pass a single resolution authorizing a tribal organization to apply for, negotiate, and execute more than one contract if the resolution specifies for each contract the same information required in paragraphs (b) and (c) of this section.

(b) The resolution of the tribal governing body shall authorize the applicant tribal organization to apply for, negotiate and contract with the IHS subject to the specific terms, conditions and limitations of the resolution and applicable tribal laws, codes, and regulations and custom. The resolution shall include the date the resolution was approved, and signature of the person authorized to certify the accuracy of the information contained in the resolution.

(c) The tribal governing body's request (resolution) should include the following:

(1) When the tribal organization is the tribal governing body:

(i) A brief statement of the contract scope.

(ii) The tribal official authorized to negotiate the contract and any amendments thereto.

(iii) The tribal official authorized to execute the contract and any amendments thereof.

(iv) The expiration date of the authorities granted by the resolution.

(v) The extent and procedure, if any, for review of the contract and any amendments thereto by the tribal governing body before execution.

(vi) The proposed date for contract commencement.

(vii) The proposed term of the contract.

(2) When the tribal organization is other than the tribal governing body:

(i) The name of the tribal organization.

(ii) A brief statement of the contract scope.

(iii) The extent and procedure, if any, for review by the tribal governing body of the contract and any amendments thereto prior to execution by the tribal organization.

(iv) The tribal office or official to which the IHS should send copies of contract documents and correspondence.

(v) The proposed term of the contract.

(vi) The proposed date for contract commencement.

(vii) Any limitations on authorities granted the tribal organization.

(d) Any procedures specified in this section concerning the manner in which a tribal governing body passes a tribal resolution shall apply except where inconsistent with tribal constitution, law, code, ordinance, or custom. In such cases, the tribal law or procedures shall be cited in the resolution and shall take precedence.

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§ 36.207 Tribal clearances — renewal contracts.

The Secretary may renew a contract for the same function(s) or programs as the original contract at the written request of the tribal organization designated in the tribal resolution. Requests for contract renewals shall be made as follows:

(a) If the original contract provided services to only one Indian tribe, written applications for renewal shall be sent by the tribal organization to the Area Office as follows:

(1) Directly, when the tribal organization involved is the governing body of the tribe.

(2) Through the governing body of the tribe for review when the tribal organization is not the governing body of the tribe. Submission shall be made to the governing body at least 75 calendar days before the original contract expires. The tribal organization shall promptly notify the IHS Area Office in writing of the date the tribal governing body received the application. If, within 45 calendar days after receiving the application, the tribal governing body does not provide the IHS Area Director with a formal resolution objecting to the application for renewal, the absence of receipt of such a resolution shall constitute the tribe's request for renewal of the contract.

(b) If the original contract provided services to more than one Indian tribe, the tribal organization must give a copy of the written application for renewal to each tribal governing body at least 75 calendar days before the original contract expires. The tribal organization shall promptly notify the IHS Area Office where the application is to be submitted in writing, of the date the tribal governing bodies received copies of the application. If, within 45 calendar days after receiving copies of the application none of the tribal governing bodies provide the appropriate IHS Area Office with a formal resolution objecting to the application for renewal, the absence of receipt of such resolutions shall constitute the tribes' request for renewal of the contract. If one or more of the tribal governing bodies involved object to the renewal, the contract will not be made until all the tribal governing bodies have approved the request or the matter is otherwise resolved.

§ 36.208 Evaluation criteria.

(a) Indian Self-Determination Contract Proposals will be evaluated to determine: (i) If the service to be rendered to Indian people by the proposed contract will be satisfactory; (ii) if the proposed contract will assure that trust resources are protected; and (iii) if the proposed contract will ensure proper completion and maintenance of the project or function involved. Failure to meet any of the above, may be cause for declination of the Indian Self-Determination Contract Proposal. However, the burden of proof to show cause for declination lies with the approving official.

(b) To determine if an Indian Self-Determination Contract Proposal meets the above criteria, the Area Director and his staff will consider whether the tribal organization would be deficient in performance under the contract with respect to the factors listed in this paragraph.

(1) Equipment, buildings and facilities. No higher standards with regard to buildings, facilities, or equipment shall be applied to tribal organizations than have previously been applied to IHS. The Indian Health Service shall make available the use of all equipment which has been allocated to the operation of the program by the IHS in the past, unless the IHS determines that the provision of such equipment will seriously interfere with the IHS's ability to provide services to Indian people in noncontracted programs. Where equipment is shared by the programs to be contracted and other non-contracted programs, equipment-sharing or other suitable arrangements will be reflected in the contract.

(2) Bookkeeping and accounting procedures. It must be clearly established by the Indian Health Service that the tribal organization which will undertake the contract does have an adequate accounting and bookkeeping system. IHS may assist the contractor in establishing an acceptable bookkeeping and accounting system.

(3) Substantive knowledge of the program to be contracted. The tribal organization shall be presumed to have substantive knowledge of the program to be contracted if it meets one or more of the following conditions:

(i) The tribal organization has successfully managed a similar program before through grant or contract for which standards have been established.

(ii) The members of the tribal organization have been consumers of such services in the past and have developed an understanding of the program sufficient to enable the tribal organization to effectively carry out the contract operation.

(iii) The tribal organization has made arrangements to obtain and to develop its knowledge of the program.

(4) Community support. Before the IHS can enter into a contract there must be a request made in accordance with § 36.206. The tribal governing body's resolution under § 36.206 shall be presumed to demonstrate that there is community support for the proposed contract. Any assertion of a lack of community support by persons to be served under the contract, is subject to exhaustion of tribal remedies by those making such assertions.

(5) Adequacy of trained personnel. The adequacy of trained personnel available to the tribal organization to carry out the proposed contract will be presumed if any of the following conditions exists:

(i) If the tribal organization has a personnel system that prescribes minimum occupational qualification standards, which shall be not less than minimum Civil Service standards where applicable and procedures for the selection of personnel on the basis of such qualifications, and the personnel to be used under the proposed contract are to be employed under the personnel system.

(ii) If there is no tribal personnel system, it will be assumed that the personnel to be employed under the proposed contract are adequately trained if the tribal organization has established position descriptions for key personnel to be employed under the contract and will establish within a reasonable time a personnel system similar to the one described in paragraph (c)(5)(i) of this section.

(6) Other necessary components of contract performance.

(i) The contractor's proposal must demonstrate the capacity to meet minimum health program and professional standards established by IHS for each major health service activity of the IHS. The Director will establish and make available to any prospective contractor the minimum standards for each major health service activity of the Indian Health Service. In evaluating the contractor's proposal, the IHS will take into account the prevailing health program and professional standards of IHS for the health service activity in the location concerned.

(ii) The contractor's proposal will be evaluated to determine the contractor's ability to meet the Uniform Administrative Standards published as a Notice of Proposed Rulemaking in February 10, 1975 40 F.R. 6304.

(iii) The ability of the contractor to carry out the contract in accordance with IHS policy, the applicable regulations of this Part, and the Act.

(iv) No other components shall be prescribed as a basis for declination unless such components are added to the regulations in this subpart by revision or amendment of regulations.

(7) IHS officials may not decline to enter into a contract with a tribal organization because of any objection that would be overcome through the contract.

§ 36.209 Government property.

(a) In carrying out a contract made under this Part, the Director will wherever possible, permit a tribal contractor to use buildings, facilities, and related equipment and other personal property owned by the IHS within his jurisdiction. Arrangements on the use of IHS property shall be provided for in the contract or other agreement as appropriate. In determining whether real or personal property can be provided, he shall determine whether the IHS can provide comparable services for any of the uncontracted part of the program.

(b) Requests for the use of IHS property which arise after signing of the contract shall be submitted to the relevant IHS official by the tribal organization. Such requests should be granted unless such a use would seriously interfere with the administration of existing IHS programs. The property must conform to the minimum standards established pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651).

§ 36.210 Submitting contract proposals.

(a) When services under the proposed contract will be provided to one or more tribes within the jurisdiction of a single Area Office, the completed contract proposal with documentation of the tribal request(s) and approvals of each such tribe effected shall be delivered or mailed to the Area Director of that Area Office.

(b) When services will be provided to tribes within the jurisdiction of more than one IHS Area Office, a copy of such proposals and documentation shall be forwarded to each of the Area Offices affected.

§ 36.211 Contract proposal approval officials.

The Director or his delegate is authorized to approve proposals for contract under this subpart.

§ 36.212 Review.

Upon receiving a contract application, Indian Health Service will:

(a) Notify the tribal organization in writing that the proposal has been received. This notice will be made within five (5) calendar days after receipt of the proposal.

(b) Review the proposal for completeness and promptly request additional information from the tribal organization or from the requesting tribe which will be needed to reach a decision.

(c) Notify Area Office subordinate activities serving the tribe(s) which will receive services under the contract and obtain any needed information and/or relevant recommendations on the contract.

(d) Assess the contract proposal to determine if it is feasible and if it complies with the appropriate requirements of the Act and of the regulations in this Subpart.

(e) Meet with representatives of the tribal governing body and contract applicant to resolve any declination issues.

(f) Whenever declination issues cannot be resolved as in (e) above, notify the tribal organization of deficiencies in the proposal and provide to the extent practicable technical assistance, as requested, to overcome such deficiencies.

(g) Approve or disapprove the proposal after fully reviewing and assessing it and any additional information submitted by the tribal organization provided, however, that no action to disapprove shall be taken during the period of provision of technical assistance.

(h) Promptly notify the tribal organization in writing of the decision to approve or disapprove the proposal. If the proposal is disapproved, the notice shall contain but need not be limited to the following:

(i) Specific objections, which are based on failures to meet applicable program or administrative standards or fund restrictions, which preclude acceptance of the Indian Self-Determination Contract Proposal;

(ii) Guidance to the tribe regarding the steps which need to be taken to overcome the stated objections;

(iii) Identification of assistance which can practicably be made available to the tribe upon request to overcome the stated objections;

(iv) Notification to the tribal organization of its right to appeal and to request an informal or formal hearing in accordance with 36.214 of this Subpart.

§ 36.213 Processing time.

The approving official will approve or disapprove a contract proposal within sixty (60) calendar days after receipt. The (60) calendar day deadline may be extended only after obtaining the written consent of the tribal organization.

§ 36.214 Tribal appeals to proposal declinations.

(a) On being advised that an Indian Self-Determination Contract Proposal has been disapproved by the appropriate approving official, and having been informed of the basis of such decision, the tribal organization may file a written appeal to the Contract Proposal Declination Appeals Board within thirty (30) days after receipt of the Declination Notice and may request an informal or formal hearing. The written appeal should either refute or overcome the objections stated as a basis for disapproval. The Contract Proposal Declination Appeals Board shall consider such an appeal, conduct any requested hearing thereon, and recommend a decision to the Director, Indian Health Service, or his representative whose decision shall be final.

(b) The tribal organization and the Indian tribe or tribes affected shall be notified, in writing, of the date, time, place, and purpose of the hearing. The hearing will be conducted within 30 calendar days of written request for a hearing or at such later time as may be agreed upon. The IHS will authorize payment of transportation costs and per diem to allow adequate representation of the applicant, if the meeting is more than 50 miles from the office of the applicant.

(2) The hearing may be held under such rules as may be agreed upon.

(c) If formal hearing is requested, it will be conducted within thirty (30) calendar days from receipt of the written request for a hearing or at such later time as may be agreed upon, and the notice of hearing shall specify in writing the date, time, place, and purpose of the hearing and shall afford the tribe or tribal organization the right:

(1) To written notice of the issues to be considered;

(2) To be represented by counsel;

(3) To written record of the hearing;

(4) To present and cross-examine witnesses;

(5) To file written statements prior to the hearing;

(6) To compel the appearance of Indian Health Service personnel or to take depositions of such persons at reasonable times and places.

(d) The decision of the Director, IHS, or his representative on the appeals will be rendered within (15 calendar days from the date of receipt by the Director of the IHS of the Board's recommendation.

(e) The Contract Proposal Declination Appeals Board shall be composed of 5 members appointed by the Director, Indian Health Service, one of whom shall be designated to serve as Chairman.

PROCUREMENT

§ 36.215 Applicability of regulations.

Contracts with tribal organizations resulting from the submission of Indian Self-Determination Contract Proposals as authorized in Public Law 93-638 shall be in accordance with Chapters 1 and 3 of 41 CFR.

§ 36.216 Waivers.

(a) The Secretary may, for good cause shown, waive for the purposes of a specific contract any federal contracting laws and regulations which he determines are not appropriate for the purposes of the contract involved or are inconsistent with the Act.

(b) Requests for waivers may be initiated by tribal organizations or IHS contracting officers. Such requests will be forwarded to the Director, IHS for decision or further processing to the Secretary as required.

(c) A waiver request shall set forth clearly and precisely the following:

(1) The nature and basis of the needed waiver;

(2) Identification of the procurement regulation provision from which the waiver is needed;

(3) The circumstances under which the waiver would be used;

(4) The intended effect of the waiver;

(5) The length of time for which it can be anticipated that the waiver will be required;

(6) Reasons which will contribute to complete understanding and support of the requested waiver;

(7) Copies of pertinent background papers such as forms, contractor requests, etc.

(d) Whenever a waiver is requested by a tribal organization and such request is denied, the tribal organization will be notified of the reasons for denial.

§ 36.217 Fair and equal treatment of Indian people.

Contracts awarded to tribal organizations pursuant to the Indian Self-Determination Act shall incorporate the following clause:

The Contractor agrees, consistent with medical need, to make no discriminatory distinctions among Indian patients or beneficiaries of this contract. For the purpose of this contract discriminatory distinctions include but are not limited to the following:

(a) Denying a patient any service or benefit or availability of a facility;

(b) Providing any service or benefit to a patient which is different, or is provided in a different manner or at a different time from that provided to other patients under this contract; subjecting a patient to segregation or separate treatment in any manner related to his receipt of any service; restricting a patient in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service benefit; treating a patient differently from others

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in determining whether he satisfies any admission, enrollment, quota, eligibility membership, or other requirements or condition which individuals must meet in order to be provided any service or benefit; the assignment of times or places for the provision of services on the basis of discriminatory distinctions which may be made of the patients to be served.

§ 36.218 Types of contracts.

Cost-reimbursement type contracts provide for payment to the contractor of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract: This type of contract establishes an estimate of total cost for the purpose of obligation of funds, and a monetary ceiling which the contractor may not exceed. Except as provided below, cost reimbursement contracts will be used for all contracts made pursuant to this subpart. A negotiated cost reimbursement contract shall contain the terms set out in section 3–4.6013 of 41 CFR.

(a) Fixed-price contracts may be used in those instances where costs can be precisely established. A negotiated fixed-price contract shall contain the terms set out in section 3–4.6014 of 41 CFR.

(b) Cost sharing contracts may be used where the tribe contributes to the cost of a program and may specify a percentage of cost or fixed amount to be funded by the government.

§ 36.219 Term of contract.

(a) The term of contracts awarded under the Acts shall normally be for one year except that contracts may be made for a longer term up to three years subject to the availability of appropriations under the following circumstances:

(1) The services provided under the contract can reasonably be expected to be continuing in nature and, as a result, a longer contract term would be advantageous.

(2) The Indian tribe or tribes to be served by the contract request that the term be more than one year. The tribal organization will indicate the desired term of the contract in the Self-Determination Contract Proposal.

(b) Contracts made for a term of more than one year may be renegotiated annually to reflect factors which include, but need not be limited to, cost increases beyond the control of the tribal contractor. Proposed changes in the services provided under the contract which reflect changes in program emphasis may be considered during the annual renegotiation if the changes fall within the general scope of the contract.

§ 36.220 Use of Indian business concerns.

Contracts awarded under authority of the Act shall incorporate the following clause, which is also set forth in 41 CFR 3–4.6013 and 3–4.6014.

(a) As used in this clause, the term "Indian business concern" means Indian organizations or an Indian-owned economic enterprise as defined in 42 CFR 36.204(1).

(b) The contractor agrees to give preference to qualified Indian business concerns in the awarding of any subcontracts entered into under the contract consistent with the efficient performance of the contract. The contractor shall comply with any preference requirements regarding Indian business concerns established by the tribe(s) receiving services under the contract to the extent that such requirements are consistent with the purpose and intent of this paragraph.

(c) If no Indian business concerns are available under the conditions in paragraph (b) above, the contractor agrees to accomplish the maximum amount of subcontracting, as the contractor determines is consistent with its efficient performance of the contract, with small business concerns, labor surplus area concerns or minority business enterprises, the definitions for which are contained in Subparts 1–1.7, 1–1.8, and 1–1.13 of the Federal Procurement Regulations. The contractor is not, however, required to establish a small business, labor surplus, or minority business subcontracting program as described in 1–1.710–3(b), 1–1.805–3(b) and 1–1.1310–2(b), respectively of the Federal Procurement Regulations (41 CFR 1).

§ 36.221 Indian preference in training and employment.

Contracts awarded under authority of the Act shall incorporate the following clause, which is also set forth in 41 CFR 3–4.6013 and 3–4.6014.

INDIAN PREFERENCE IN TRAINING AND EMPLOYMENT

(a) The contractor shall give preference in employment for all work performed under the contract, including subcontracts thereunder, to qualified Indians regardless of age, religion or sex and, to the extent feasible consistent with the efficient performance of the contract, provide employment and training opportunities to Indians, regardless of age, religion or sex that are not fully qualified to perform under the contract. The contractor shall comply with any Indian preference requirements established by the tribe receiving services under the contract to the extent that such requirements are consistent with the purpose and intent of this paragraph.

(b) If the contractor or any of its subcontractors is unable to fill its employment openings after giving full consideration to Indians as required in paragraph (a) above, these employment openings may then be filled by other than Indians under the conditions set forth in the Equal Opportunity clause of this contract.

(c) The contractor agrees to include this clause or one similar thereto in all subcontracts issued under the contract.

§ 36.222 Indemnity and insurance.

Contracts awarded under authority of the Act shall incorporate the following clause, which is also set forth in 41 CFR 3–4.6013 and 3–4.6014.

(a) The Contractor shall indemnify and save and keep harmless the Government against any or all loss, cost, damage, claim, expense or liability whatsoever, because of accident or injury to persons or property or others occurring in connection with any program included as a part of this contract, by providing where applicable, the insurance described below.

(b) The Contractor shall secure, pay the premium for, and keep in force until the expiration of this contract, or any renewal period thereof, insurance as provided below. Such insurance policies shall specifically include a provision stating the liability assumed by the Contractor under this contract.

(1) Workmen's compensation insurance as required by laws of the State.

(2) Owner's, landlord's and tenant's bodily injury liability insurance with limits of not less than $50,000 for each person and $500,000 for each accident.

(3) Property damage liability insurance with limits not less than $25,000 for each accident.

(4) Automobile bodily injury liability insurance with limits of not less than $50,000 for each person, and $500,000 for each accident and property damage liability insurance with a limit of not less than $5,000 for each accident.

(5) Food products liability insurance with limits of not less than $50,000 for each person and $500,000 for each accident.

(6) Professional malpractice insurance where medical, dental or other health professional services are involved.

(7) Other liability insurance not specifically mentioned when required.

(c) Each policy of insurance shall contain an endorsement providing that cancellation by the insurance company shall not be effective unless a copy of the cancellation is mailed (registered) to the Contracting Officer 30 days prior to the effective date of cancellation.

(d) A certificate of each policy of insurance, and any change therein, shall be furnished to the Contracting Officer immediately upon receipt from the insurance company.

(e) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance company is not satisfactory for reasons that will be stated, the Contractor shall provide insurance through companies that are satisfactory to the Contracting Officer.

(f) Each policy of insurance shall contain a provision that the insurance carrier waives any rights it may have to raise as a defense the tribe's sovereign immunity from suit, but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy of insurance. The policy shall contain no provision, either expressed or implied, that will serve to authorize or empower the insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

§ 36.223 Exemption from bonds.

A tribal organization is not required to furnish performance and payment bonds before carrying out a contract under this Part for the construction of public buildings or works as required by the Miller Act of August 24, 1935 (49 Stat. 793), as amended. However, the tribal organization shall require each of its subcontractors, other than tribal organizations, to furnish both performance and payment bonds as follows:

(a) A performance bond with a surety or sureties satisfactory to the approving official, and in an amount he deems adequate, for the protection of the United States.

(b) A payment bond with a surety or sureties satisfactory to the approving official for the protection of all persons supplying labor and material in carrying out the contract the use of each person. Whenever the total amount payable by the terms of the contract is not more than $1,000,000 the payment bond shall be one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract is more than $1,000,000 but not more than $5,000,000, the payment bond shall be 40 percent of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract is more than $5,000,000 the payment bond shall be $2,500,000.

§ 36.224 Construction and architect-engineering contracts.

The special provisions, procedures, and requirements applicable to construction and architect-engineering service contracts are set forth in § 3–4.6008 of 41 CFR.

§ 36.225 Performance of personal services.

Any contract made under this subpart may include provisions for the performance of personal services which would otherwise be performed by Federal employees. Such services include, but are not limited to, performing the following functions in connection with the contract and applicable rules and regulations:

(a) Determining the eligibility of applicants for assistance, benefits, or services.

(b) Determining the extent or amount of assistance, benefits, or services to be provided.

(c) Providing such assistance, benefits, or services.

§ 36.226 Advance payments.

Contracts awarded under the authority of the Act shall incorporate the following clause, which is also set forth in 41 CFR 3–4.6013 and 3–4.6014.

(a) *Amount of Advance.* At the request of the contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment, or advance payments from time to time, to the Contractor. No advance payment shall be made (1) without the approval of the officer administering advance payments (hereinafter called the "Administering Office" and designated in paragraph (k)(4) hereof) as with all advance payments theretofore made, shall exceed the amount stated in paragraph (k)(1) hereof; and (3) without a properly certified invoice or invoices.

(b) *Special Bank Account.* Until all advance payments made hereunder are liquidated and the Administering Office approves in writing the release of any funds due and payable to the Contractor, all advance payments and all other payments under the contract shall be made by check payable to the Contractor, and be marked for deposit only in a Special Bank Account with the bank designated in paragraph (k)(2) hereof. No part of the funds in the Special Bank Account shall be mingled with other funds of the contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided, each withdrawal shall be made only by check of the Contractor countersigned on behalf of the Government by the Contracting Officer or such other person or persons as he may designate in writing (hereinafter called the "Countersigning Agent"). Until otherwise determined by the Administering Office, countersignature on behalf of the Government will not be required.

(c) *Use of Funds.* The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purposes of making payments for items of allowable cost or to reimburse the Contractor for such items of allowable cost, and for such other purposes as the Administering Office may approve in writing. Any interpretation required as to the proper use of funds shall be made in writing by the Administering Office.

(d) *Return of Funds.* The Contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the Administering Office, the Contractor shall repay to the Government such part of the unliquidated balance of advance of advance payments as shall in the opinion of the Administering Office be in excess of current requirements, or (when added to total advance previously made and liquidated) in excess of the amount specified in paragraph (k)(1) hereof. In the event the Contractor fails to repay such part of the unliquidated balance of advance payments when so requested by the Administering Office, all or any part thereof may be withdrawn from the Special Bank Account by checks payable to the Treasurer of the United States signed solely by the Countersigning Agent and applied in reduction of advance payments then outstanding hereunder.

(e) *Liquidation.* If not otherwise liquidated, the advance payments made hereunder shall be liquidated as herein provided. When the sum of all payments under this contract, other than advance payments, plus the unliquidated amount of advance payments are equal to the total estimated cost for the work under this contract or such lesser amount to which the total estimated cost under this contract may have been reduced, plus increases, if any, in this total estimated cost not exceeding, in the aggregate (including, without limitation, reimbursable costs incident to termination for cause and retrocession as estimated by the Contracting Officer), the Government shall thereafter withhold further payments to the Contractor and apply the amounts withheld against the Contractor's obligation to repay such advance payments until such advance payments shall have been fully liquidated. If upon completion, termination, or retrocession of the contract all advance payments have not been fully liquidated, the balances therefore shall be deducted from any sums otherwise due or which may become due to the Contractor from the Government, and any deficiency shall be paid by the Contractor to the Government upon demand.

(f) *Bank Agreement.* Before an advance payment is made hereunder, the Contractor shall transmit to the Administering Office, in the form prescribed by such office, an Agreement in triplicate from the bank in which the Special Bank Account is established, clearly setting forth the special character of the account and the responsibilities of the bank thereunder. Wherever possible, such bank shall be a member bank of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation Act of August 23, 1935, 49 Stat. 685, as amended (12 U.S.C. 264).

(g) *Lien on Special Bank Account.* The Government shall have a lien upon any balance in the Special Bank Account paramount to all other liens, which lien shall secure the repayment of any advance payments made hereunder.

(h) *Lien on Property under Contract.* Any and all advance payments made under this contract shall be secured, when made, by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract and on all material and other property acquired for or allocated to the performance of this contract, except to the extent that the Government by virtue of any other provision of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify, by marking or segregation, all property which is subject to a lien in favor of the Government by virtue of any provision of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The Contractor shall maintain adequate accounting control over such property on his books and records. If at time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer. If this contract is terminated in whole or in part and the Contractor is authorized to sell or retain termination inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the Contracting Officer,

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which approval shall constitute a release of the Government's lien hereunder to the extent that such termination inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention on the Contractor's termination claim, is applied in reduction of advance payments then outstanding hereunder.

(i) *Insurance.* The Contractor represents and warrants that he is now maintaining with responsible insurance carriers, (1) insurance upon his own plant and equipment against fire and other hazards to the extent that like properties are usually insured by others operating plants and properties of similar character in the same general locality; (2) adequate insurance against liability on account of damage to persons or property; and (3) adequate insurance under all applicable workmen's compensation laws. The Contractor agrees that, until work under this contract has been completed and all advance payments made hereunder have been liquidated, he will (i) maintain such insurance; (ii) maintain adequate insurance upon any materials, parts, assemblies, subassemblies, supplies, equipment and other property acquired for or allocable to this contract and subject to the Government lien hereunder; and (iii) furnish such certificates with respect to his insurance as the Administering Office may from time to time require.

(j) *Prohibition against Assignment.* Notwithstanding any other provision of this contract, the Contractor shall not transfer, pledge, or otherwise assign this contract, or any interest therein, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution.

(k) *Designations and Determinations.* (1) *Amount.* The amount of advance payments at any time outstanding hereunder shall not exceed $_____.

(2) *Depository.* The bank designated for the deposit of payments made hereunder shall be:

(3) *Interest Charge.* No interest shall be charged for advance payments made hereunder. The Contractor shall charge interest at the rate of 6 percent per annum on subadvances or down payments to subcontractors, and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances on nonprofit subcontracts with nonprofit educational or research institutions for experimental, research or development work.

(4) *Administering Office.* The office administering advance payments shall be the office designated as having responsibility for awarding the contract.

(l) *Other Security.* The terms of this contract shall be considered adequate security for advance payments hereunder, except that if at any time the administering Office deems the security furnished by the Contractor to be inadequate, the Contractor shall furnish such additional security as may be satisfactory to the Administering Office, to the extent that such additional security is available.

§ 36.227 Recordkeeping, reporting and audit.

(a) The standard clauses regarding "Accounts, Audit, and Records" and "Examination of Records" as set forth in 41 CFR 3-4.60 apply to contracts awarded under the Act. Further, Recordkeeping will be in accordance with uniform Administrative Standards.

(b) In addition, where Federal financial assistance is involved in the contract effort, the following clause, which is also set forth in 41 CFR 3-4.60, will be incorporated as a special provision of such contracts:

REPORTS TO THE INDIAN PEOPLE

The contractor, as a recipient of Federal financial assistance, shall make reports and information available to the Indian people served or represented by the contractor. Such reports will reflect how the Federal assistance funds were utilized to the benefit of the Indian people served or represented as follows: (insert specific reporting requirements formats and method of distribution to the Indian people as may be prescribed in the scope of the contract and the Uniform Administrative Standards).

(c) Annual Reporting. (1) For each fiscal year during which a tribal organization receives or expends funds pursuant to a contract under this subpart, the tribe which requested the contract must submit a report to the Area Director. The report shall include, but need not be limited to, an accounting of the amounts and purposes for which the contract funds were expended and information on the conduct of the program or services involved. The report shall include any other information requested by the Area Director and shall be submitted as follows:

(i) When the contract is with the governing body of an Indian tribe, the tribe shall submit the report to the Area Director.

(ii) When the contract is with a tribal organization other than the governing body of the tribe, the tribe has the option of having the tribal organization prepare the report and submit it to the tribe for review and approval before the tribe submits it to the Area Director.

(iii) When the contract benefits more than one tribe, the tribal organization shall prepare and submit the report to each of the tribes benefiting under the contract. Each tribe shall endorse the report before submitting it to the Area Director.

(2) The annual report shall be submitted to the Area Director within 60 days of the end of the fiscal year in which the contract was performed. However, the period for submitting the report may be extended if there is just cause for such extension.

(3) In addition to the yearly reporting requirement given in paragraphs (a) and (b) of this section, the tribal contractor shall furnish other reports required by the Secretary.

§ 36.228 Availability of information.

(a) Except as otherwise provided herein and so long as the release of information does not constitute an unwarranted invasion of personal privacy, a tribal contractor under this subpart shall make all reports and information concerning the contract available to the Indian people served or represented by the contractor.

(b) A contractor shall hold confidential all information obtained by personnel under the contract from persons receiving services under the contract related to their examination, care, and treatment, and shall not release such information without the individual's consent except as may be required by law, as may be necessary to provide service to the individual, or as may be necessary to monitor the operations of the program or otherwise protect the Public Health. Information may be disclosed in a form which does not identify particular individuals.

§ 36.229 Penalties.

Section 6 of Pub. L. 93-638, 25 U.S.C. 450(d) provides:

Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of a contract or subcontract pursuant to this Act or the Act of April 16, 1934 (48 Stat. 596), as amended, embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, assets, or property which are the subject of such a contract, or subcontract, shall be fined not more than $10,000 or imprisoned for not more than two years, or both, but if the amount so embezzled, willfully misapplied, stolen, or by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 36.230 Contract revisions or amendments.

(a) Any contract made under this Subpart may be revised or amended as deemed necessary to carry out the purposes of the program, project, or function being contracted. Those changes initiated by the Government shall be subject to the applicable contract Change Clauses prescribed in 41 CFR 3-4.6013 and 3-4.6014.

(b) However, a tribal contractor may make a written request for a revision or amendment of a contract to the Contracting Officer. Such requests will be treated in the same manner as initial Self-Determination Proposals and evaluated in accordance with the criteria specified in § 36.208 of this Subpart. If the contracting officer declines revision or amendment of the contract as requested, he shall notify the tribal organization in writing within 30 days after receiving the request. Thereafter, an appeal to the Contracting Officer's declination to amend the contract will follow the same processing and procedures outlined in § 36.214 of this Subpart.

§ 36.231 Retrocession of contract programs.

(a) Whenever an Indian tribe requests retrocession for any contract or portion thereof entered into under this Subpart, retrocession shall be in accordance with the clause titled "Retrocession" as set forth in 41 CFR 3-4.6013 and 3-4.6014, and shall be effective upon a date specified by the Contracting Officer but no later than 120 days after the date of the request from the tribe, except when the tribe and the Contracting Officer mutually agree on a later date.

(b) Immediately after a request for retrocession, representatives of the tribe and the Contracting Officer shall meet and take the following actions:

(1) Mutually agree on a plan for orderly transfer of responsibilities.

(2) Mutually agree on a plan for inventorying materials and supplies on hand.

(3) Establish an accounting of funds, current and anticipated obligations, and costs of operation until the retrocession date.

(4) Identify all records relating to the contract and to the contracted function.

(c) On the date of retrocession, the tribal contractor will deliver to the Contracting Officer all property, materials, supplies and records of whatever nature which have been identified as necessary for the continuation of the program, project or function.

(d) Within 30 calendar days after retrocession, the tribe will furnish the Contracting Officer with a report including but not limited to an accounting of the amounts and purposes for which Federal funds were expended, a description and evaluation of program accomplishments, and reasons why retrocession was requested.

(e) Retrocession of a contract by an Indian tribe shall be without prejudice to:

(1) Any other contract to which it is a party.

(2) Any other contracts it may request.

(3) Any future request to contract for the programs or services covered by the retroceded contract.

(f) Tribal assumption of retroceded contracts. Whenever an Indian tribe chooses to retrocede a contract operated by a tribal organization other than the tribal governing body, the tribal governing body may request to contract for the program. In such a case, the tribal governing body shall submit a contract proposal pursuant to this subpart.

§ 36.232 Contractor assistance.

To the extent practicable, the Director, Indian Health Service, shall, at the request of a tribal organization, provide technical assistance to the contractor in attempting to resolve problems or deficiencies in the performance of the contract and to assist the contractor in taking such corrective action as may be prescribed pursuant to Section 36.233(a).

§ 36.233 Assumption and reassumption of contract programs.

(a) When the Director or his delegate determines that the performance of a contractor under these regulations involves (1) the violation of the rights or endangerment of the health, safety, or welfare or any persons, or (2) gross negligence or the mismanagement in the handling or use of funds under the contract, he will, in writing, notify the contractor of such determination and will request that the contractor take such corrective action within such period of time as the Director or his delegate may prescribe.

(b) When the Director or his delegate determines that a contractor has not taken corrective action (as prescribed by him under paragraph (a) of this section) to his satisfaction, he may, after the contractor has been provided an opportunity for a hearing in accordance with paragraph (c) of this section, rescind the contract in whole or in part and, if he deems it appropriate, assume or resume control or operation of the program, activity, or service involved.

(c) (1) When the Director or his delegate has made a determination described in paragraph (b) of this section, he shall in writing notify the contractor of such determination and of the contractor's right to request a review of such determination and of the determination described in paragraph (a) of this section. Such notification by the Director or his delegate shall set forth the reasons for the determination in sufficient detail to enable the contractor to respond and shall inform the contractor of its right to a hearing on the record before a Contract Appeals Board described in paragraph (d) of this section. Upon the request of the contractor for a hearing, the Board, established pursuant to paragraph (d) of this section shall in writing within 10 days of the establishment notify the contractor of the time, place and date of the hearing which will be held not later than 45 days after the request for a hearing.

(2) Where the Director or his delegate determines that a contractor's performance under a contract awarded under this subpart poses an immediate threat to the safety of any person, he may immediately rescind the contract in whole or in part and, if he deems it appropriate, assume or resume control or operation of the program, activity, or service involved. Upon such a decision he will immediately notify the contractor of such action and the basis therefor; and offer the contractor an opportunity for a hearing on the record before the Contract Appeals Board established pursuant to paragraph (d) of this section to be held within 10 days of each action.

(d) (1) The Contract Appeals Board shall be composed of 3 persons appointed by the Director, Indian Health Service. Such persons may not be selected from the immediate office of any person participating in the determinations at issue. The Board shall afford the contractor the right:

(i) To notice of the issues to be considered;

(ii) To be represented by counsel;

(iii) To present witnesses on contractor's behalf;

(iv) To cross-examine other witnesses either orally or through written interrogatories; and

(v) To compel the appearance of Indian Health Service personnel or to take depositions of such persons at reasonable times and places.

(2) The Contracts Appeals Board shall make an initial written decision which shall become final with 20 days unless the Director, Indian Health Service or his representative modifies or reverses the decision. Any such decision by the Director of the Indian Health Service or his representative be in writing, shall be specific as to the reasons for such decision, and shall be considered final.

(3) Where Board is considering issues arising under paragraph (c) (2) of this section, the Board shall within 25 days after the conclusion of the hearing, notify all parties in writing of its decision, which shall be considered final.

(e) In any case where the officer has rescinded a contract under paragraphs (b) or (d) of this section, he may decline to enter into a new contract agreement with the contractor until such time as he is satisfied that the basis for the rescission has been corrected.

Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

§ 36.234 Operation of retroceded or reassumed contracts.

(a) The IHS shall endeavor to provide to the tribe(s) and Indians served by a retroceded or reassumed contract not less than the same quantity and quality of service it would have provided if there had been no contract.

(b) The IHS shall endeavor to provide to the tribe(s) and Indians served by a retroceded or reassumed contract not less than the same quantity and quality of permanent and temporary personnel that meet the U.S. Civil Service qualifications, it would have provided if there has been no contract.

(c) IHS officials cannot decline to accept a retroceded contract or to reassume a contract because they are unable to provide the quality and quantity of service and personnel required in paragraphs (a) and (b) of this section.

§ 36.235 Contract funds.

The tribal organization shall be entitled to be funded for direct and indirect costs at a level which is not less than would have been provided if the IHS had operated the program or portion thereof during the contract period.

§ 36.236 Unexpended funds under contract.

(a) If it becomes apparent during the contract term that the estimated amount of a contract under this subpart will be in excess of actual expenditures under the contract, the identified unexpended funds will be used to provide additional services or benefits within the scope or limitations of the contract.

(b) When both the tribal organization and the IHS agree that it is not practicable to spend all contract funds during the contract term, to the extent authorized by law unexpended funds may be carried over into the succeeding fiscal year contract. Unexpended funds carried over into a succeeding fiscal year shall be added to the contract amount for that fiscal year.

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§ 36.237 Contract funding and renegotiation.

The following clause shall be included in contracts awarded under the Act which have a term of more than one year:

CONTRACT FUNDING AND RENEGOTIATION

Funds other than those appropriated during the fiscal year in which the contract commenced, that are included in the contract amount are subject to the availability of appropriations from Congress and there shall be no legal liability on the part of the Government in regard to such funds unless and until they are appropriated. Funds appropriated during the fiscal year in which the contract commenced that are included in the contract amount but not expended at the end of such fiscal year may be carried over and used for contract purposes in the succeeding fiscal year of the contracts operation or, may be used to provide additional services upon modification of the contract to include such services therein.

Each succeeding year of the contract may be renegotiated prior to the end of the then current fiscal year in order to reflect changes that have taken place beyond the control of the contractor since the contract was originally negotiated or last renegotiated as is applicable.

[FR Doc.75-30624 Filed 11-13-75;8:45 am]

federal register

FRIDAY, NOVEMBER 14, 1975

PART IV:

FEDERAL ELECTION COMMISSION

FEDERAL CAMPAIGN FUNDS

Correction and Notice of Hearing

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FEDERAL ELECTION COMMISSION

[11 CFR Part 106]

[Notice 1975-76]

FEDERAL CAMPAIGN FUNDS

Allocation of Candidate and Committee Activities; Hearings

The Federal Election Commission announces hearings on its Allocation Regulations published on November 5, 1975, at 40 FR 51610, to be held on Wednesday, November 19, and Friday, November 21, beginning at 10:00 a.m., in the Commission hearing room, 5th Floor, 1325 K Street, N.W., Washington, D.C.

Persons interested in testifying should contact the Rulemaking Section, Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, telephone (202) 382-5657 by the close of business Tuesday, November 18, 1975.

Dated: November 12, 1975.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

[FR Doc.75-30984 Filed 11-13-75;8:45 am]

[11 CFR Parts 120, 121, 122, 123, 124]

[Notice 1975-77]

FEDERAL CAMPAIGN FUNDS

Public Financing of Convention Regulations; Correction

The Federal Election Commission on November 4, 1975, at 40 FR 51348, published its proposed regulations on Convention Financing. Two subsections in the definition section, § 120.2, were inadvertently omitted from the published version. The Commission today publishes a corrected § 120.2. It should be substituted for the § 120.2 published on November 4.

§ 120.2 Definitions.

The following definitions shall apply for the purposes of Parts 120-129.

(a) "Commission" means the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, telephone (202) 382-5162.

(b) "Fund" means the Presidential Election Campaign Fund established by 26 U.S.C. 9006(a).

(c) "Major party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

(d) "Minor party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

(e) "Qualified convention expense" (1) Means any expense incurred with respect to a presidential nominating convention (including the payment of deposits) by or on behalf of the national committee, including, but not limited to, those convention expenses referred to in § 109.5 of these regulations such as personnel, printing, rental, and site-selection costs.

(2) Does not include—(i) Any expense, such as travel and accommodation expenses, of any candidate, delegate, delegate alternate, or the expenses of any staff member of such person who is participating in any presidential nominating convention; and

(ii) Any expense the incurring or payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

(f) "Secretary" means the Secretary of the Treasury of the United States.

Dated: November 12, 1975.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

[FR Doc.75-30983 Filed 11-13-75;8:45 am]

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federal register

FRIDAY, NOVEMBER 14, 1975



PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Pre-determination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications to general wage determination decisions. The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

California:	
CA75–5087; CA75–5088	July 25, 1975.
Colorado:	
CO75–5101	Aug. 8, 1975.
CO75–5118	Sept. 19, 1975.
CO75–5129	Oct. 17, 1975.
Florida:	
FL75–1083; FL75–1084	Sept. 5, 1975.
Georgia:	
GA75–1005	Jan. 17, 1975.
Indiana:	
IN75–2088	June 27, 1975.
IN75–2089	July 3, 1975.
IN75–2093	July 11, 1975.
Louisiana:	
LA75–4141	Aug. 1, 1975.
Mississippi:	
MS75–1106; MS75–1107	Oct. 31, 1975.
Pennsylvania:	
PA75–3057	May 30, 1975.
Texas:	
TX75–4117	July 11, 1975.
TX75–4154	Aug. 22, 1975.
TX75–4162; TX75–4165	Oct. 24, 1975.
TX75–4182	Oct. 31, 1975.
West Virginia:	
WV75–3105	Oct. 17, 1975.

Supersedeas decisions to general wage determination decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision number are in parentheses following the numbers of the decision being superseded.

Iowa:	
IA75–4181 (IA75–4190)	Oct. 31, 1975.
Maryland:	
MD75–3065 (MD75–3110)	July 18, 1975.
Massachusetts:	
MA75–2073 (MA75–2124)	May 2, 1975.
MA 75–2074 (MA 75–2125); MA75–2075 (MA75–2126)	May 9, 1975.
MA75–2077 (MA75–2128)	May 16, 1975.
Michigan:	
MI75–2102 (MI75–2129)	Aug. 8, 1975.
Mississippi:	
MS75–1044 (MS75–1109)	Apr. 11, 1975.
Oregon:	
OR75–5123 (OR75–5133)	Oct. 10, 1975.
Tennessee:	
TN75–1070 (TN75–1108)	July 18, 1975.

Signed at Washington, D.C. this 7th day of November 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

DECISION #CA75-5087 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plaster Tenders (Cont'd):					
Santa Luis Obispo County	$7.75	.85	1.65	.50	
Santa Barbara County (except Santa Maria)	9.18	.85	1.65	.50	
Santa Barbara County (Santa Maria)	8.98	.85	1.65	.50	
Ventura County	9.08	.85	1.65	1.05	
Roofers:					
Imperial County	9.34	.40	.75	1.00	
Riverside and San Bernardino Counties	9.30	.60	.65	1.00	
Soft Floor Layers:					
Kern County (Remaining portion)	9.02	.60	.45	.52	.03

MODIFICATIONS P. 1

DECISION #CA75-5087 - Mod. #3
(40 FR 31457 - July 25, 1975)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

Change:

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers; Stonemasons:					
Riverside and San Bernardino Counties	$10.50	.70	.80		.205
Brick Tenders	7.805	.85	1.65	.50	
Electricians:					
Orange County:	11.40	.45	17%+.85		.02
Electricians	11.92	.45	17%+.85		.02
Cable Splicers					
Glaziers:					
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	10.76	.35	.95		.04
Lathers:					
Inyo and Kern Counties	9.13	.60	1.30	.70	.05
Line Construction:					
Kern County (China Lake Naval Ordance Test Station and Edwards AFB)	10.187	.70	17%+1.00		.10
Groundmen	12.15	.70	17%+1.00		.10
Linemen	14.025	.70	17%+1.00		.10
Kern County (Remainder of County)	7.6875	.70	17%+1.00		.10
Groundmen	10.25	.70	17%+1.00		.10
Linemen	11.275	.70	17%+1.00		.10
Cable Splicers					
Plasterers:	9.745	.68	1.85	.70	.10
Los Angeles and Orange Cos.					
Plaster Tenders:					
Imperial, Inyo, Mono Riverside and San Bernardino Counties	9.53	.85	1.65	.45	
Los Angeles and Orange Counties	9.225	.85	1.95	.75	

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MODIFICATIONS P. 3

DECISION NO. CA75-5087 (Cont'd)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$7.20	.85	1.65	.50	.10
CUTTING TORCH (Demolition); Scaler Tarman; Mortarman	7.25	.85	1.65	.50	.10
GUINEA CHASER	7.38	.85	1.65	.50	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	7.30	.85	1.65	.50	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	7.32	.85	1.65	.50	.10
UNDERGROUND (INCLUDING CAISSON BELLOWERS)	7.33	.85	1.65	.50	.10
CHUCK TENDER; Septic tank digger and installer	7.35	.85	1.65	.50	.10
CESSPOOL DIGGER AND INSTALLER	7.38	.85	1.65	.50	.10

MODIFICATIONS P. 4

DECISION NO. CA75-5087 (Cont'd)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	$7.39	.85	1.65	.50	.10
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING and INCLUDING RUBBER GASKET JOINTS, POINTING and ANY and ALL OTHER SERVICES	7.49	.85	1.65	.50	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburg chipper and similar type brush shredders; Trenching machine, hand propelled	7.41	.85	1.65	.50	.10
ASPHALT RAKER, LUTEMAN and IRONER; Concrete core cutter, grinder or sander; Concrete saw man, cutting, scoring old or new concrete, Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	7.51	.85	1.65	.50	.10
ROCK SLINGER	7.46			.50	.10
DRILLER, JACKHAMMER - 2½ ft. DRILL STEEL OR LONGER	7.59	.85	1.65	.50	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	7.61	.85	1.65	.50	.10

NOTICES

MODIFICATIONS P. 5

DECISION NO. CA75-5087 (Cont'd)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, pot men and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	$7.54	.85	1.65	.50	.10
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	7.71	.85	1.65	.50	.10
BLASTER POWDERMAN	7.85	.85	1.65	.50	.10
STEEL HEADERBOARD MAN AND GUIDE-LINE SETTER	7.62	.85	1.65	.50	.10
SANDBLASTER (Nozzleman)	7.65	.85	1.65	.50	.10
DRILLER (Core-Diamond-Wagon)	7.85	.85	1.65	.50	.10
HEAD ROCK SLINGER	7.72	.85	1.65	.50	.10
GUNNITE LABORERS:					
Nozzlemen and Rodmen	8.82	.85	1.65	.50	.10
Gunmen	8.32	.85	1.65	.50	.10
Reboundmen	7.36	.85	1.65	.50	.10

MODIFICATIONS P. 6

DECISION NO. CA75-5087 (Cont'd)

LABORERS (Tunnel)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, including rodders and spreaders; Dumpman; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	$8.68	.85	1.65	.50	
CABLE TENDER, Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	8.80	.85	1.65	.50	
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Group pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimberman (wood or steel); Tunnel concrete finisher	8.96	.85	1.65	.50	
SHAFT, Raise miner; Diamond driller	9.24	.85	1.65	.50	

NOTICES

DECISION #CA75-5088 - Mod. #3
(40 FR 31496 - July 25, 1975)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons:					
Riverside and San Bernardino Counties	$10.50	.70	.80		.205
Brick Tenders	7.805	.85	1.65	.50	
Electricians:					
Orange County:					
Electricians	11.40	.45	1%+.85		.02
Cable Splicers	11.92	.45	1%+.85		.02
Glaziers:					
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Cos.	10.76	.55	.95		.04
Lathers:					
Kern County	9.13	.60	1.30	.70	.05
Plasterers:					
Los Angeles and Orange Cos.	9.745	.68	1.85	.70	.10
Plaster Tenders:					
Imperial, Riverside and San Bernardino Counties	9.53	.85	1.65	.45	
Los Angeles and Orange Cos.	9.225	.85	1.95	.75	
San Luis Obispo County	7.75	.85	1.65	.50	
Santa Barbara County (except Santa Maria)	9.18	.85	1.65	.50	
Santa Barbara County (Santa Maria)	8.98	.85	1.65	.50	
Ventura County	9.08	.85	1.65	1.05	
Roofers:					
Imperial County	9.34	.40	.75	1.00	
Riverside and San Bernardino Counties	9.30	.60	.65	1.00	
Soft Floor Layers:					
Kern County (Remaining portion)	9.02	.60	.45	.52	.03

DECISION NO CA75-5088(Cont'd)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loadera, pliers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$ 7.20	.85	1.65	.50	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	7.25	.85	1.65	.50	.10
GUINEA CHASER	7.38	.85	1.65	.50	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways and similar type heavy construction; Landscape gardener and nursery man	7.30	.85	1.65	.50	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	7.32	.85	1.65	.50	.10
UNDERGROUND (INCL. CAISSON BELLOWERS)	7.33	.85	1.65	.50	.10
CHUCKTENDER; Septic tank digger and installer	7.35	.85	1.65	.50	.10
CESSPOOL DIGGER AND INSTALLER	7.38	.85	1.65	.50	.10
CONCRETE CURER - IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	7.39	.85	1.65	.50	.10

DECISION NO CA75-5088 (Cont'd)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING & INCLUDING RUBBER GASKET JOINTS, POINTING & ANY AND ALL OTHER SERVICES	$ 7.49	.85	1.65	.50	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	7.41	.85	1.65	.50	.10
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting scoring old or new concrete, Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	7.51	.85	1.65	.50	.10
ROCK SLINGER	7.46	.85	1.65	.50	.10
DRILLER, JACKHAMMER - 2 1/2 Ft. DRILL STEEL OR LONGER	7.59	.85	1.65	.50	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	7.61	.85	1.65	.50	.10
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	7.71	.85	1.65	.50	.10
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	7.54	.85	1.65	.50	.10

DECISION NO CA75-5088 (Cont'd)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	$ 7.71	.85	1.65	.50	.10
BLASTER FOREMAN	7.65	.85	1.65	.50	.10
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	7.62	.85	1.65	.50	.10
SANDBLASTER (Nozzleman)	7.65	.85	1.65	.50	.10
DRILLER (Core-Diamond-Wagon)	7.85	.85	1.65	.50	.10
HEAD ROCK SLINGER	7.72	.85	1.65	.50	.10
GUNNITE LABORERS:					
NOZZLEMEN AND RODMEN	8.82	.85	1.65	.50	.10
GUNMEN	8.32	.85	1.65	.50	.10
REBOUNDMEN	7.36	.85	1.65	.50	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #CO75-5101 - Mod. #3 (40 FR 33595 - August 8, 1975) El Paso County, Colorado					
Change:					
Carpenters: (Building Construction)					
Zone 1 (0-30 miles from P. O. in Colorado Springs)	$7.94	.53	.70	.50	.055
Zone 2 (30 miles and over from P. O. in Colorado Springs)	8.19	.53	.70	.50	.055
Carpenters: (Heavy Construction)					
Carpenters	7.89	.53	.60	.40	.055
Underground Carpenters Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	8.09	.53	.60	.40	.055
	8.19	.53	.60	.40	.055
DECISION #CO75-5118 - Mod. #2 (40 FR 43449 - September 19, 1975) Statewide, Colorado					
Change:					
Carpenters	$7.89	.53	.60	.40	.055

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #CO75-5129 - Mod. #1 (40 FR 48848 - October 17, 1975) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado					
Change:					
Carpenters: (Heavy Construction)					
Carpenters	$7.89	.53	.60	.40	.055
Underground Carpenters Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	8.09	.53	.60	.40	.055
	8.19	.53	.60	.40	.055
DECISION # FL75-1083 - Mod. #1 (40 FR 41361 September 5, 1975) Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highland, Lee, & Okeechobee Counties, Florida.					
Add to Counties:					
Monroe					
DECISION # FL75-1084 - Mod. #1 (40 FR 41362 September 5, 1975) Broward & Palm Beach Counties, Florida					
Add:					
Laborers:					
Common	3.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # GA75-1005 - Mod. #5 (40 FR 3091 - January 17, 1975) Richmond County, Georgia					
Change:					
Ironworkers:					
Structural, Ornamental & Reinforcing	8.35	.45	.60		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IN75-2088 - Mod. #4 (40 FR 27422 - June 27, 1975) Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana					
Change:					
Carpenters:					
Grant County:					
Carpenters	$8.58	.45	.45		.05
Piledrivermen	8.78	.45	.45		.05
Millwrights	9.08	.45	.45		.05
Glaziers:					
Allen & Grant Counties	8.88	d		.30+e	.04
Ironworkers:					
Bartholomew, Delaware (s. 2/3 of Co.), Grant (sw portion), & Monroe Cos.	10.15	.65	.90		.05
Marion County	10.00	.65	.90		.05
Dearborn County:					
Ornamental; Structural	10.545	.65	.70		.03
Painters:					
Allen & Grant Counties:					
Brush; Paperhangers; Roller & Tapers	7.55	.37	.35		.10
Sandblasters; Spray	8.75	.37	.35		.10
Delaware County:					
Brush; Taping	7.55		.50		
Sandblasters; Spray	8.30		.50		
Steeplejack; Water towers	8.55		.50		
Marion County:					
Brush; Drywall tapers & finishers; Rollers	8.70	.30	.20		
Sandblasters; Spray	9.70	.30	.20		
Vigo County:					
Brush; Drywall finishing; Paperhangers; & Rollers	7.90			.25	
Spray	8.90			.25	
Structural steel to 30'	8.15			.25	
Structural steel 30' to 100'	8.90			.25	
Structural steel over 100'	9.90			.25	
Plasterers:					
Benton (e. 2/3 w. to & incl. Boswell, Earl Park, & Raub), & Tippecanoe Counties	9.00	.45			

XUM

DECISION NO. IN75-2088 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Roofers:					
Bartholomew, Marion, Monroe Counties:					
Composition; Waterproofers	$9.49	.30	.30		
Slate, Tile, Asbestos, & precast slab	9.74	.30	.30		
Helpers	7.99	.30	.30		
Omit:					
Line construction schedules:					
IND-LC-AREA 1					
IND-LC-AREA 2					
Add:					
Line Construction schedule					

DECISION NO. IN75-2088 Cont'd

Allen, Bartholomew, Benton, Dearborn, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties

IND-LC-AREA 1

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
EXCLUSIVE OF CALUMET AREA					
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

DECISION NO. IN75-2089 - Mod. #4 (40 FR 28346 - July 3, 1975)
Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
LaPorte(excluding Michigan City) & St. Joseph Counties:					
Brush; Drywall tapers & finish; Paperhangers; Spray; & Vinyl	$7.96		.20		
Sheet metal workers:					
Lake, LaPorte, & Porter Cos.	10.67	.48	.67		.10
Truck drivers:					
Lake & Porter Counties:					
2 to 3 axles	7.60	20.00e	20.00e	.35	
4 axles	7.80	20.00e	20.00e	.35	
5 axles	8.00	20.00e	20.00e	.35	
6 axles	8.20	20.00e	20.00e	.35	
Omit:					
Line construction schedule					
Add:					
Line construction schedule					

DECISION NO. IN75-2089 Cont'd

IND-LC-AREA 1

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
EXCLUSIVE OF CALUMET AREA					
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

DECISION #IN75-2093 - Mod. #4
(40 FR 29491 - July 11, 1975)
Statewide, except Lake, LaPorte, Porter, & St. St. Joseph Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement masons:					
Clark, Floyd, & Harrison Cos.	$9.28	.40			
Ironworkers:					
Marion Co.	10.00	.65	.90		.05
Bartholomew, Boone (se ½ of Co.), Brown, Clinton (e. 1/3 of Co.), Decatur (w. ½ of Co.), Delaware (s. 2/3 of Co.), Grant (sw of Co.), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (n. ½ of Co.), Jennings (n. ½ of Co.), Johnson, Lawrence (ne 1/6 of Co.), Madison, Monroe, Morgan, Owen, Putnam (e. ½ of Co. excluding Greencastle), Rush, Shelby, & Tipton Cos.	10.15	.65	.90		.05
Painters:					
Adams, Allen, Dekalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Whitley, & Wells (n. ½ of Co. to & incl. Bluffton):					
Brush; Paperhangers; Rollers; & Tapers	7.55	.37	.35		.10
Sandblasters; & Spray	8.75	.37	.35		.10
Blackford, Carroll, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton, Wells (to the south city limits of Bluffton), & White Counties:					
Brush	7.55		.50		
Spray	8.30		.50		
Elkhart, Kosciusko, Marshall, Pulaski, & Starke Counties:					
Brush; Drywall tapers & finish; Paperhangers; Spray; & Vinyl	7.96		.20		

DECISION #IN75-2093 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
Sullivan, & Vigo Cos.:					
Brush	$7.90			.25	
Spray	8.90			.25	
Structural steel up to 30'	8.15			.25	
Structural steel 30' to 100'	8.90			.25	
Structural steel over 100'	9.90			.25	
Omit:					
Line Construction schedules:					
Ind-Lc-Area I					
Ind-Lc-Area II					
Add:					
Painters:					
Fayette, Franklin, Henry, Randolph, Rush, Union, & Wayne Cos.:					
Brush	7.60				
Sandblasting; Spray	8.60				
Structural steel; Scaffold over 30'	7.85				
Epoxy	9.60				
Line Construction Schedule					

DECISION #IN75-2093 Cont'd

Statewide, except Clinton, DuBois, Fountain, Gibson, Crant, Howard, Miami, Perry, Pike, Posey, Spencer, Tipton, Vanderburgh, Vermillion, Wabash, Warren, & Warrick Counties

IND-LC-AREA 1

LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck drivet w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months,	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA75-4141 - Mod. #4 (40 FR 32505 - August 1, 1975)					
Statewide Louisiana					
Change:					
Asbestos workers:					
Zone 2	$8.78	.30	.51		.025
Bricklayers & stonemasons:					
Zone 1	8.24	.30	.25		.06
Zone 3	8.95	.43	.25		.02
Zone 4	9.40	.25	.20		.035
Zone 7	8.25	.40	.45		
Zone 8	8.00		.30		
Zone 10	8.90				
Carpenters:					
Zone 2	7.895	.30	.23		.05
Zone 4	8.00	.20	.30		.04
Zone 5	9.22	.20	.20		.04
Zone 6	9.055	.20	.20		.04
Cement masons (Building Construction):					
Zone 1	7.11				
Zone 2	7.65				
Zone 4	8.765	.25	.30		.04
Zone 6	5.75				
Zone 7	7.30	.30			
Zone 9	6.25		.30		
Electricians:					
Electricians:					
Zone 3	10.20	.35	1%+.20		1/10%
Zone 4	9.55	.35	1%		
Zone 5	9.70	.30	1%+.30		.03
Zone 7	9.00	.60	1%		1%
Cable splicers:					
Zone 3	10.45	.35	1%+.20		1/10%
Zone 4	9.80	.35	1%		
Zone 5	9.70	.30	1%+.30		.03
Zone 7	9.50	.60	1%		1%

MUX

DECISION #LA75-4141 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers (Building Construction):					
Zone 1	$9.36	.30	.35		.04
Zone 2	8.99	.45	.35		.04
Zone 3	8.95	.35	.35		.04
Zone 4	8.70	.35	.60		.04
Zone 6	8.65	.35	.35		.025
Laborers (Building Construction):					
Zone 2:					
Group 1	4.87	.15	.10		.05
Group 2	5.07	.15	.10		.05
Zone 3:					
Group 1	6.00	.15	.10		.05
Group 2	6.13	.15	.10		.05
Group 3	6.18	.15	.10		.05
Group 4	6.99	.15	.10		.05
Group 5	6.55	.15	.10		.05
Group 6	6.29	.15	.10		.05
Group 7	6.08	.15	.10		.05
Zone 4:					
Group 1	5.73	.15	.10		.05
Group 2	5.83	.15	.10		.05
Group 3	5.88	.15	.10		.05
Zone 5:					
Group 1	5.33	.15	.10		.05
Group 2	5.43	.15	.10		.05
Group 3	5.48	.15	.10		.03
Zone 6:					
Group 1	6.41	.15	.20		.05
Group 2	6.51	.15	.20		.05
Group 3	6.66	.15	.20		.05
Group 4	6.55	.15	.20		.05
Group 5	6.65	.15	.20		.05
Zone 7:					
Group 1	6.105	.15	.20		.05
Group 2	6.255	.15	.20		.05
Group 3	6.305	.15	.20		.05

DECISION #LA75-4141 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers (Building Construction) (Cont'd):					
Zone 8					
Group 1	$4.50	.15	.10		.05
Group 2	4.70	.15	.10		.05
Group 3	4.75	.15	.10		.05
Group 4	4.80	.15	.10		.05
Group 5	5.15	.15	.10		.05
Zone 9:					
Group 1	5.10	.15	.10		.05
Group 2	5.20	.15	.10		.05
Group 3	5.25	.15	.10		.05
Group 4	5.30	.15	.10		.05
Zone 10:					
Group 1	4.92	.15	.10		.05
Group 2	5.02	.15	.10		.05
Group 3	5.17	.15	.10		.05
Lathers:					
Zone 3	8.785	.30			.01
Line Construction:					
Zone 1:					
Linemen	9.70	.30	1%+.30		.03
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	.30	1%+.30		.03
Operator using hole truck & trailer, or pole hauling & setting truck (not in energized lines)	65%JR	.30	1%+.30		.03
Operator using truck without winch; Groundmen (starting rate to 1½ yrs. service)	45%JR	.30	1%+.30		.03
Groundmen (1½ yrs. service or over)	50%JR	.30	1%+.30		.03
Zone 3:					
Linemen, equipment operators	10.20	.35	1%+.20		1/10%
Cable splicers	10.45	.35	1%+.20		1/10%
Groundmen	8.20	.35	1%+.20		1/10%
Zone 4:					
Linemen & equipment operators	9.55	.35	1%		
Cable splicers	9.80	.35	1%		
Groundmen	50%JR	.35	1%		

DECISION #LA75-4141 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction (Cont'd):					
Zone 7:					
Linemen; Operators	$9.00	.60	1%		1%
Cable splicers	9.50	.60	1%		1%
Groundmen	7.00	.60	1%		1%
Marble setters:					
Zone 1	9.43	.25	.20		.035
Zone 2	8.95	.43	.25		.02
Zone 3	8.90				
Zone 5	7.25	.30			
Marble setters' helpers:					
Zone 2	5.02	.15	.10		.05
Millwrights:					
Zone 1	9.345				.05
Zone 2	9.55	.20	.20		.04
Zone 3	10.055				.05
Painters:					
Zone 6:					
Group 1	6.30				
Group 2	6.80				
Group 3	7.30				
Piledrivermen:					
Zone 2	8.00	.20	.30		.04
Zone 3	9.32	.20	.20		.04
Zone 4	7.895	.30	.23		.03
Plasterers:					
Zone 3	8.22				
Zone 6	6.00				.01
Zone 9	8.00		.30		
Power Equipment Operators (Building Construction):					
Zone 1 (excluding Residential Construction in Caddo & Bossier Parishes:					
Group 1	6.11	.25	.48		.05
Group 2	6.39	.25	.48		.05
Group 3	6.68	.25	.48		.05
Group 4	6.73	.25	.48		.05
Group 5	7.01	.25	.48		.05
Group 6	8.22	.25	.48		.05

DECISION #LA75-4141 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Building Construction) (Cont'd):					
Zones 2 & 3:					
Group 1	$6.44	.25	.15		.05
Group 2	6.72	.25	.15		.05
Group 3	7.01	.25	.15		.05
Group 4	7.06	.25	.15		.05
Group 5	7.34	.25	.15		.05
Group 6	8.55	.25	.15		.05
Zone 4:					
Group 1	6.11	.25	.48		.05
Group 2	6.39	.25	.48		.05
Group 3	6.68	.25	.48		.05
Group 4	6.73	.25	.48		.05
Group 5	7.01	.25	.48		.05
Group 6	8.22	.25	.48		.05
Zone 5:					
Group 1	6.335	.25	.48		.05
Group 2	6.075	.25	.48		.05
Group 3	5.905	.25	.48		.05
Group 4	6.565	.25	.48		.05
Group 5	8.495	.25	.48		.05
Group 6	6.895	.25	.48		.05
Group 7	7.45	.25	.48		.05
Zone 6:					
Group 1	6.43	.25	.30		.05
Group 2	6.02	.25	.30		.05
Group 3	5.85	.25	.30		.05
Group 4	6.25	.25	.30		.05
Group 5	6.82	.25	.30		.05
Group 6	7.71	.25	.30		.05
Group 7	8.55	.25	.30		.05
Group 8	8.80	.25	.30		.05
Group 9	9.05	.25	.30		.05
Group 10	9.30	.25	.30		.05
Zone 7:					
Group 1	9.22	.25	.48		.05
Group 2	9.47	.25	.48		.05
Group 3	6.72	.25	.48		.05
Group 4	7.09	.25	.48		.05
Group 5	7.66	.25	.48		.05
Group 6	8.97	.25	.48		.05

DECISION #LA75-4141 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers:					
Zone 3:					
Roofers	$6.66	.35	.35		.04
Roofers' helpers	4.74	.35	.35		.04
Soft floor layers:					
Zone 1	7.895	.30	.23		.05
Zone 2	9.22	.20	.20		.04
Zone 3	9.055	.20	.20		.04
Zone 4	7.55	.20			
Zone 7	7.05				
Terrazzo workers:					
Zone 2	8.95	.43	.25		.02
Zone 3	7.25				
Zone 5	7.25	.30			
Terrazzo workers' helpers:					
Zone 2	5.02	.15	.10		.05
Tile setters:					
Zone 5	7.25	.30			
Tile setters' helpers:					
Zone 2	5.02	.15	.10		.05
Add:					
Piledrivermen:					
Zone 9 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes	7.895	.30			

DECISION NO. MS75-1106 - Mod. #1 (40 FR 50916 - October 31, 1975) Hinds County, Mississippi	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation[a]	Education and/or Appr. Tr.
Change:					
Boilermakers	$8.80	.60	1.00		.02
Elevator Constructors:					
Elevator constructor	7.83	.495	.32	4%+a&b	.02
Helpers	5.48	.495	.32	4%+a&b	.02
Helpers (probationary)	3.915				
Ironworkers:					
Ornamental, reinforcing, & structural	7.15	.30	.35		.04
Lathers	7.65				
Line Construction:					
Linemen	8.38		1%	c	
Cable splicer (electric)	8.69		1%	c	
Groundman (over 1 year)	5.08		1%	c	
Groundman (less than 1 year)	4.71		1%	c	
Sprinkler fitter	9.35	.50	.80		.08

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, and F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. One week paid vacation after one year's service.

DECISION NO. MS75-1107 - Mod. #1 (40 FR 50916 - October 31, 1975) Hancock, Harrison, Jackson, & Pearl River Counties, Mississippi.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$8.80	.60	1.00		.02
Electricians:					
Electricians	8.80	.25	1% + .20		1/8%
Cable splicers	9.05	.25	1% + .20		1/8%
Elevator Constructors:					
Elevator constructor	7.83	.495	.32	4%+a & b	.02
Helpers	5.48	.495	.32	4%+a & b	.02
Helpers (probationary)	3.915				
Lathers	8.00		.10		.01
Line Construction:					
Linemen	8.80	.25	1% + .20		1/8%
Cable splicers	9.05	.25	1% + .20		1/8%
Sprinkler fitters	9.35	.50	.80		.08
Truck drivers:					
Group I	6.35	.35	.35		
Group II	6.94	.35	.35		
Group III	8.25	.35	.35		
Group IV	8.97	.35	.35		
Group V	5.56	.35	.35		
Group VI	6.35	.35	.35		
Group VII	6.67	.35	.35		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; and F-Christmas Day.

FOOTNOTES:

a. Holiday: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision No. PA-75-3057 - Mod. #4 (40 FR 29560 - May 30, 1975) Blair County, Pennsylvania					
Change:					
Bricklayers & Stonemasons	$9.30	.45	.70		
Cement masons	8.65	12%	6%		
Lathers	8.97	.50	.35		.01
Plasterers	8.50				.01
Plumbers & Steamfitters	9.73	.68	.68		.19
DECISION #TX75-4117 - Mod. #4 (40 FR 29577 - July 11, 1975) Jefferson & Orange Cos., Texas					
Change:					
Laborers:					
Group 5 - Machine man & nozzleman for gunniting 1½" & over	$6.065	.28	.30		.02
Roofers:					
Roofers	7.89	.20	.25	.15	.03
Kettlemen	7.02	.20	.25	.15	.03
Helpers	5.08	.20	.25	.15	.03
DECISION #TX75-4134 - Mod. #3 (40 FR 36996 - August 22, 1975) Galveston & Harris Cos., Texas					
Change:					
Electricians:					
Galveston County	10.09	.40	1%+.40		.06
Plasterers:					
Galveston County	8.72	.42	.30		.02
Roofers:					
Roofers	7.89	.20	.25	.15	.03
Kettlemen	7.02	.20	.25	.15	.03
Helpers	5.08	.20	.25	.15	.03

XUM

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4162 - Mod. #1 (40 FR 49971 - October 24, 1975) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
Change:					
Building Construction:					
Carpenters:					
Carpenters:					
Zone 2	7.97	.23			
Millwrights:					
Zone 1	8.37	.23			
Glaziers	6.30				
Ironworkers	8.44	.55	.60		.12
Omit:					
Building Construction:					
Carpenters:					
Piledrivermen:					
Zone 1	7.74	.18			
DECISION #TX75-4165 - Mod. #1 (40 FR 49965 - October 24, 1975) Bowie County, Texas					
Change:					
Ironworkers	8.95	.35	.35		.04
DECISION #TX75-4182 - Mod. #1 (40 FR 50919 - October 31, 1975) El Paso County, Texas					
Change:					
Plumbers & steamfitters	7.79	.38	.30		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #WV75-3105 - Mod. #1 (40 FR 48884 - October 17, 1975) Statewide, West Virginia					
Change:					
Bricklayers & Stonemasons					
ZONE 9	$ 9.04		.40		
Electricians:					
ZONE 8					
Wiremen	9.80	.30	1%+.32	1.02	.04
Cable Splicers	10.78	.30	1%+.32	1.02	.04
Ironworkers					
ZONE 3	9.67	.65	.70		.01
ZONE 4					
Area 1 - 10 mile from Union Hall	10.26	.65	.70		.01
Area 2 - 10-15 mile from Union Hall	10.41	.65	.70		.01
Area 3 - 15-20 miles from Union Hall	10.51	.65	.70		.01
Area 4 - 20-25 miles from Union Hall	10.61	.65	.70		.01
ZONE 5	9.34	.50	.60		
Line Construction					
ZONE 7					
Linemen & Operators (all mechanized equipment	8.35	.30	1%+.87	1.27	½ of 1%
Cable Splicers	9.185	.30	1%+.87	1.27	½ of 1%
Groundmen & Truck Drivers	6.68	.30	1%+.87	1.27	½ of 1%
Plumbers & Pipefitters					
ZONE 6					
Plumbers	9.78	.45	.30		.05
Steamfitters	9.82	.45	.15		.05

	NEW	REPAINT	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Educat and/o Appr.
PAINTERS:						
ZONE 1						
Brush	$ 8.04	6.78				
Air Compressor Operator	8.04	6.78				
Roller, Spray, Dipping & Mitten Work	8.32	7.11				
Water blasters, Steam jenny nozzle men, swinging scaffold & Boatswain chair, window belt & window belt & window jack work	8.32	7.81				
Brush painters on bridges, needle beam, cable work power tool work, brush & flame cleaning	8.68	8.20				
Sand blaster	8.98	8.51				
All stacks, vent pipes, flag poles, in excess of 30' high, all towers, water towers, elevated tanks, electrical switch yards, transformer banks, television towers	9.86	9.49				
Spray painter or sandblaster on Bridges needle beam cable work	8.98	8.45				

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Woodbury (City of Sioux City and abutting municipalities)

DECISION NO.: IA75-4190 DATE: Date of Publication

Supersedes Decision No. IA75-4181, dated October 31, 1975, in 40 FR 50919.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
ASBESTOS WORKERS	$ 9.49	.35	.40		
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS-STONEMASONS	9.26		.20		.01
CARPENTERS:					
Carpenters; Piledriverman	7.00	.30	.25		.01
Millwrights	7.30	.30	.25		.01
CEMENT MASONS	8.255				
ELECTRICIANS	9.39	.27	1%		1%
ELEVATOR CONSTRUCTORS	7.64	.395	.26	2-1/2%a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2-1/2%a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.95				
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.785	.30	.25		.01
LABORERS:					
Common laborers	6.65	.37	.20		
Mortar mixer; Plasterers' mixers; Air tool operators; Mechanical tampers; Concrete saw; Gunnite nozzle; Chain saw; Wrecking torch; Sandpot and blasting	6.80	.37	.20		
LATHERS	7.20				.01
LINE CONSTRUCTION:					
Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.28	.35	1%		1/2%
Groundman; Truck Driver (without winch); Experienced (not less than 6 months)	5.38	.35	1%		1/2%
Groundman; Truck Driver (with winch)	5.55	.35	1%		1/2%
Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	6.62	.35	1%		1/2%
Groundman - 1st 6 months	4.55	.35	1%		1/2%
MARBLE SETTERS	9.26		.20		.01

DECISION NO. IA75-4190

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
PAINTERS:					
Brush	$ 7.78	.40	.30		
Spray; All swing work; All work higher than 40 Ft. - scaffolds, jacks, ladders, etc., Pressure roller, sandblasting; Structural steel over 25 Ft.	8.28	.40	.30		
PLASTERERS	7.30				
PLUMBERS-STEAMFITTERS	8.74	.30	.55		.10
ROOFERS:					
Roofers	7.43				
Kettlemen	7.21				
SHEET METAL WORKERS	8.62	.35	.25		
SPRINKLER FITTERS	10.40	.50	.80		.08
TERRAZZO WORKERS	9.26		.20		.01
TILE SETTERS	7.20				
TRUCK DRIVERS	5.49	.37	.20		.02
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

PAID HOLIDAYS:

New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
Group 1	8.50	.40	.50		.05
Group 2	8.38	.40	.50		.05
Group 3	7.585	.40	.50		.05
Group 4	7.28	.40	.50		.05

DECISION NO. IA75-4190

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)

Group 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixer; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push Cat; Truck cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard and over); Ditching machine (8' and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air Compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

SUPERSEDEAS DECISION

STATE: Maryland
DECISION NO.: MD75-3110
Supersedes Decision No.: MD75-3065, dated July 18, 1975 in 40 FR 30413
DESCRIPTION OF WORK: Highway Construction (excluding bridge construction)

LOCATION: Baltimore City
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$ 9.00	.65	.59		.05
Cement Masons	9.12	.45	.50		
Electricians	9.60	.60	1%+60		3%
Ironworkers:					
Structural & reinforcing	9.07	.70	1.35		.04
Fence erectors	8.72	.70	1.35		.04
Laborers	6.35	.30	.30		.075
Truck Drivers:					
Pickups	6.21	.65	.45	a+b	
Dumps	6.39	.65	.45	a+b	
Drop-frame, gooseneck, trailer driver	6.59	.65	.45	a+b	
Euclids & dumpsters	6.70	.65	.45	a+b	

FOOTNOTES:

a. 9-paid holidays: New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day and Employee's Birthday, providing employee has worked one day and was available for work during the holiday week.

b. Employees who has worked 100 days in the previous contract year and have 1 year of service, 1 week's paid vacation: 2 years of service, 2 weeks paid vacation; 10 years of service, 3 weeks paid vacation.

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POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 8.27	.65	.50	a	.10
GROUP II	7.77	.65	.50	a	.10
GROUP III	7.27	.65	.50	a	.10
GROUP IV	6.27	.65	.50	a	.10
GROUP V					
a	8.77	.65	.50	a	.10
b	8.97	.65	.50	a	.10
c	9.17	.65	.50	a	.10
d	9.37	.65	.50	a	.10
e	10.02	.65	.50	a	.10

FOOTNOTE:

a. Paid Holidays, New Year's Day; Memorial; Independence Day; Labor Day; Thanksgiving Day and Christmas Day provided the employee works three days in the work week in which the holiday occurs.

POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION

Group I - Backfiller, backhoe, batching plants, Tableway, Case type hoe (with a front end bucket over 1-½ yds.), concrete mixing plants, concrete paver, derrick, derrick boat, double concrete pump, dragline, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds and over), grader, gradall, hoist (2 active drums or more), pile driving machine, power crane, power shovel, repair mechanic, [illegible] locomotive, trenching machine, tunnel mucking machine, [illegible] engine scoop, welder, whirley rig.

Group II - Asphalt spreader, [illegible]zer, bull float, Case type hoe (with a front end bucket 1-½ yds. and under), concrete mixer (with a slip), concrete pump, concrete spreader, ditch-witch type trencher, excavating scoop (under 25 yds.), finishing machine, front end loader (under 1-3/4 yds.), grout pump, hi-lift, longitudinal float, narrow-guage locomotive, one drum hoist, power roller, screeding machine, stone crusher, stone spreader, tractor with attachments (2 or more provided both attachments are being used), subgrader, well-drill.

Group III - Compressors, conveyors, firemen, fueltruck, grease truck, light plants, mighty midget with compressor, space heaters, welding machines wellpoint system

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POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION (Cont'd)

Group IV - Oilers (all types)

Group V - Long boom cranes, including jibs, and on piledriver machines with leads:
a. 130 Ft. to 169 Ft.
b. 170 Ft. to 209 Ft.
c. 210 Ft. to 249 Ft.
d. 250 Ft. to 299 Ft.
e. 300 Ft. and over

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SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Middlesex
DECISION NO.: MA75-2124 DATE: Date of Publication
Supersedes Decision No. MA75-2073, dated May 2, 1975 in 40 FR 19340
DESCRIPTION OF WORK: Building Construction, (including Residential), heavy and highway construction and marine construction.

9-MASS-1-2-3-E (1-6)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.00	.55	.50		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS; STONEMASONS:					
Ashland, Framingham, Holliston, Hopkinton, Hudson, Sherborn & Stow	9.65	1.00	.70		.05
Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, N. Acton, Pepperell, Shirley, S. Acton, Tewksbury, Townsend, Tyngsboro, W. Acton, Westford, & Willington	10.00	.65	.70		.05
Newton	9.85	.60	.90		.05
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Wayland, Weston, Winchester, & Woburn	10.10	.75	.50		.05
Arlington, Cambridge, Everett, Malden, Melford, Melrose, & Somerville	9.75	.70	.90		.05
Reading, N. Reading, & Wakefield	9.60	.70	1.05		.05
CARPENTERS: SOFT FLOOR LAYERS:					
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Sherborn, & Stow	9.70	.60	.65		.07
Remainder of County	10.00	.60	.65		.07
CEMENT MASONS:					
Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55			
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Wilmington, Winchester & Woburn	10.20	.75	.45		.07
Reading, N. Reading	8.05	.385	.30		
Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Tewksbury, Acton, Ashby, Ayer, Boxboro, Groton, Littleton, N. Acton, Pepperell, Shirley, S. Acton, Townsend, W. Acton	9.45	.65	.70		.05

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Cement masons (Cont.)					
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborne, Stow	$8.45	1.00	.70		.05
Newton	9.15	.60	.90		.05
Belmont, Concord, Lexington, Sudbury, Waltham, Watertown, Wayland, and Weston	9.40	.75	.50		.05
Electricians:					
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, and Wilmington	9.79	.35	1%+.20		.02
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, & Townsend: commercial	10.05	.45	1%+.35		.02
residential	5.80	.45	1%+.25		.02
Ashland, Hopkinton, Hudson, Marlboro, Stow	10.13	.51	2¼%+.24		.01
N. Reading	9.72	.25	1%+.20		.02
Remainder of County (commercial)	10.10	.50	1%+.95		.05
Residential	5.25	.35	1%+.95		.05
Elevator constructors	10.665	.495	.32	4%+a+b	.02
Elevator constructors' helpers	7.83	.495	.32	1%+a+b	.02
Elevator constructors' helpers(prob)	5.07	.495	.32	4%+a+b	.02
Glaziers	9.20	.45	.66		.03
Ironworkers	9.29	.55	1.40		.06
Laborers (Building):					
Laborers; carpenter tenders; cement finisher tenders; wreckers	7.50	.50	.45		.10
Jackhammer ops; pavement breakers; vagon drills, asphalt rakers, carbide core drilling machine; chain saw ops; pipelayers; barco type jumping tampers; laser beam ops; concrete pump ops; mason tenders; mortar mixers; ride-on motorized buggy	7.75	.50	.45		.10
Air track ops; block pavers; rammers; curb setters	8.00	.50	.45		.10
Blasterers; powdermen	8.25	.50	.45		.10
Open air caisson, cylindrical work and boring crew:					
Laborer and top man	7.50	.50	.45		.10
Helper	7.95	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.25	.45	.55		
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	11.54	.45	1%	d	3/8of1%
Equipment operator	10.85	.45	1%	d	3/8of1%
Driver groundman	8.68	.45	1%	d	3/8of1%
Groundman	7.38	.45	1%	d	3/8of1%
MARBLE SETTERS: Terrazzo workers	9.05	.70	.80		
MILLWRIGHTS	9.93	.60	.65		.07
PAINTERS:					
Arlington, Belmont, Cambridge, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, Woburn, Reading, N. Reading					
New Construction					
Brush; Taper	9.46	.72	.85		.04
Sandblasting spray	10.46	.72	.85		.04
Steel	11.58	.72	.85		.04
Repaint; Alterations; Residential					
Brush	8.61	.72	.85		.04
Sandblasting, spray	9.61	.72	.85		.04
Steel	11.58	.72	.85		.04
Ashby, Ayer, Groton, Pepperell, Shirley, & Townsend					
Brush	8.98	.75	.50		.02
Sandblasting; Spray	9.98	.75	.50		.02
Steel	11.10	.75	.50		.02
Repaint	8.01	.75	.50		.02
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Little, Lowell, Tewsbury, Tyngsboro, Westford, & Wilmington					
Brush; Taping; Paperhangers	8.45	.48	.38		.02
Spray	9.20	.48	.38		.02
Steel	9.25	.48	.38		.02
Repaint	7.27	.48	.38		.02

DECISION NO. MA75-2124

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters (Cont'd)					
All the Newtons, Acton, Ashland, Boxboro, Concord, Framingham, Holliston, Hopkinton, Hudson, Lexington, Lincoln, Marlboro, Maynard, Natick Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, Westboro, & Weston					
Brush	$ 7.85	.35	.35		.06
Sandblasters; Spray	8.80	.35	.35		.06
Steel	8.10	.35	.35		.06
Piledrivermen	9.50	.50	.50		
Plasterers:					
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester & Woburn	8.55	.45	1.23		.02
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow	8.95	1.00	.70		.05
Acton, Ashby, Ayer, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, N. Acton, Pepperell, Shirley, S. Acton, Tewsbury, Townsend, W. Acton	9.45	.60	.60		.05
Newton	9.15	.60	.90		.05
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	9.40	.75	.50		.05
Bedford, Burlington, Lowell, Tyngsboro & Westford	8.60	.55			
N. Reading, Reading	8.05	.385	.30		
Plasterers' Tenders	7.25	.50	.45		.10
Plumbers:					
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewsbury, Tyngsboro, Westford, & Wilmington	10.02	.50	.40		.02

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DECISION NO. MA75-2124,

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Ashby, Ayer (portion lying West of the Greenville Branch of the Boston & Main RR), Ft. Devens, Groton, Shirley & Townsend	$ 9.20	.30	.40	1%	.05
Ashland, Belmont, Concord, Framingham, Hollliston, Hopkinton, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland & Weston	10.67	.68	.65		.05
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	10.25	.70	.60		.03
Roofers	9.20	.55	.80		.05
Sheet Metal Workers	9.63	.71	.75		.06
Sprinkler fitters		.50			.08
Steamfitters:					
Acton, Arlington, Cambridge, Everett,, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	10.35	.66	.85		.05
Ayer (except portion lysing west of the Greenbille Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	10.02	.50			.02
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Ft. Devens, Shirley, & Townsend	9.20	.30	.40	1%	.05
Remainder of County	9.77	.53	.55		.05
Terrazzo workers' helpers	8.65	.60	.25		.05
Tile setters (except cities & towns of Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, N. Acton, N. Pepperell, Pepperell, Shirley, S. Acton, Townsend & W. Acton	9.05	.70	.80		

DECISION NO. MA75-2124

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Tile Setters(Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, N. Acton, N. Pepperell, Pepperell, Shirley, S. Acton, Townsend, & W. Acton)	9.45	.60	.60		.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 paid holidays: A through F

c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days furing the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 5 working days prior to any one of the listed holidays.

e. Employer pays $5.00 per day extra above the brush rate.

NOTICES

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MASS-1 - 2-3 L.

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I	$7.59	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
CLASS I	$10.46	.75	.80	a	.02
CLASS II	10.34	.75	.80	a	.02
CLASS III	8.71	.75	.80	a	.02
CLASS IV	9.52	.75	.80	a	.02
CLASS V	7.69	.75	.80	a	.02
CLASS VI	8.17	.75	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tamppers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragm pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

NOTICES

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MASS-1-PEO-2-1 F

HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Group 1	$10.46	.75	.80	a	.02
Hourly premium for boom lengths including Jib					
Over 150 feet + $ .45					
Over 185 feet + .10					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.34	.75	.80	a	.02
Group 3	8.71	.75	.80	a	.02
Group 4	9.52	.75	.80	a	.02
Group 5	7.65	.75	.80	a	.02
Group 6	8.17	.75	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumpcrete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Post Hole Diggers, Asphalt Plant on Job Site, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Trucks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 grouped), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphone-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Station Wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a4b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a4b	
Three axle equipment and firemen	7.44	.545	.575	a4b	
Four and five axle equipment	7.54	.545	.575	a4b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, wrecker, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a4b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a4b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a4b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Norfolk
DECISION NO.: MA75-2125 DATE: Date of Publication
Supersedes Decision No. MA75-2074 dated May 9, 1975 in 40 FR 20586
DESCRIPTION OF WORK: Building Construction, (including Residential), heavy and highway construction.

11-MASS-1-2-3-V (1-3)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Bellingham, Franklin, Plainville & Wrentham	$ 9.32	.71	.83		
Remainder of County	9.65	.65	.80		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: Cement masons; Plasterers; & Stonemasons:					
Dover, Needham & Wellesley	9.85	.60	.90		.05
Medfield, Medway & Mills	9.65	1.00	.70		.05
Avon, Holbrook, Randolph & Stoughton	9.55	.75	1.05		.05
Bellingham, Canton, Dedham, Foxboro, Franklin, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood & Wrentham	9.20	.80	.65		.05
Braintree, Cohasset, N. Weymouth Quincy, S. Weymouth, & Weymouth	9.90	.75	.70		.05
BRICKLAYERS: Stonemasons: Brookline & Milton	9.75	.70	.90		.05
CARPENTERS: Soft Floor Layers: Quincy, Brookline, Dedham, & Milton	10.00	.60	.65		.07
Avon, Holbrook, Randolph & Stoughton	8.75	.50	.50		.02
Bellingham, Franklin, Medfield, Medway & Mills	8.93	.60	.50		.07
Remainder of County	10.00	.60	.65		.07
CEMENT MASONS: Brookline & Milton	10.20	.75	.45		.07
ELECTRICIANS:					
Avon, Holbrook, Randolph & Stoughton					
Elec. contracts under $20,000	9.15	4%	5%		.5%
Elec. contracts $20,000 or over	11.05	4%	5%		.5%
Residential	6.00	.35	5%		.5%
Plainville	8.80	.38	1%+.50		.02
Residential	5.75	.38	1%		.02
Remainder of County	10.75	.50	1%+.55		.05
Residential	5.25	.35	1%+.95		.05
ELEVATOR CONSTRUCTORS	10.105	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.445	.29	3%+a+b	.02
GLAZIERS: S. Bellingham	8.68	.47	.40+.25		.01
Remainder of County	9.20	.45	.55		.03
IRONWORKERS: Plainville	9.43	.55	1.40		.05
Remainder of County	9.90	.55	1.40		.06

MA75-2125 P. 2

LABORERS (BUILDING)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, carpenter tenders, cement finisher tender, wrecking laborers	$ 7.50	.50	.45		.10
Jackhammer op., pavement breaker, wagon drills, asphalt rakers, carbide core drilling mach., chain saw op., pipelayer, barco type jumping tamper, lager beam concrete pump, mason tender, morter mixer, ride-on buggy	7.75	.50	.45		.10
Air track, block paver, rammer, curb setter	8.00	.50	.45		.10
Blasters, powdermen	8.25	.50	.45		.10
Open air caisson, cylindrical work & boring crew:					
Laborer, top man	7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
LATHERS	9.25	.45	.55		
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	11.54	.45	1%	d	3/8of1%
Equipment Operator	10.85	.45	1%	d	3/8of1%
Driver Groundman	8.68	.45	1%	d	3/8of1%
Groundman	7.38	.45	1%	d	3/8of1%
MARBLE SETTERS, Terrazzo workers	9.05	.70	.80		
MARBLE SETTERS' HELPERS	7.94	.40	.25		
MILLWRIGHTS	9.93	.60	.65		.07
PAINTERS:					
Bellingham:					
Brush	8.65	.55	.55		
Steel & Steam cleaning	8.90	.55	.55		
Spray & Potter	9.65	.55	.55		
Dover, Medfield, Medway, Mills, Needham, & Wellesley					
Brush	7.85	.35	.35		
Steel	8.10	.35	.35		
Spray	8.80	.35	.35		

XUM

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters (Cont'd)					
Remainder of County:					
New Construction					
Brush, taper	$ 9.46	.72	.85		.01½
Steel	11.58	.72	.85		.01½
Spray	10.46	.72	.85		.01½
Repaint, Alterations & Residential					
Brush	8.61	.72	.85		.01½
Steel	11.58	.72	.85		.01½
Spray	9.61	.72	.85		.01½
Piledrivermen	9.50	.50	.50		
Plasterers: Brookline & Milton	8.55	.45	1.25		.02
Plasterers' Tenders:					
Avon, Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Foxboro, Franklin, Holbrook, Medfield, Medway, Millis, Milton, Needham, Norfolk, Norwood Plainville, Quincy, Randolph, Sharon, S. Bellingham, Stoughton, Walpole, Wellisley, Westwood, Weymouth, & Wrentham	7.25	.50	.45		.10
Plumbers; Steamfitters:					
Avon, Holbrook, Randolph, & Stoughton	9.50	.45	.70		.05
Dover, Medfield, Medway, Wellesley	10.67	.68	.65		.05
Plumbers: Gasfitters:					
Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Foxboro, Franklin, Millis, Milton, Needham, Norfolk, N. Weymouth, Norwood, Plainville, Quincy, Sharon, S. Weymouth, Walpole, Westwood, Weymouth, & Wrentham	10.25	.70	.60		.03
Roofers	9.20	.55	.80		.05
Sheet Metal workers	9.63	.71	.75		.06
Sprinkler fitters	9.63	.50	.70		.08
Steamfitters:					
Bellingham, Brookline, Canton, Dedham, Foxboro, Franklin, Medway, Milton, Needham, Norfolk, Norwood, Plainville, Quincy, Sharon, Walpole, Westwood & Wrentham	10.36	.66	.85		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Terrazzo Workers' Helpers	8.65	.60	.25		.05
Tile Setters	9.05	.70	.80		
Tile Setters' Helpers	7.94	.40	.25		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C- Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employ contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months ro 5 years of service as Vacation Pay credit.

b. 6 Paid Holidays: A through F.

c. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding the following holiday.

d. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to the listed holidays.

e. Employer pays $5.00 per day extra above the brush rate.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I	$7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
CLASS I	$10.46	.75	.80	a	.02
CLASS II	10.34	.75	.80	a	.02
CLASS III	8.71	.75	.80	a	.02
CLASS IV	9.52	.75	.80	a	.02
CLASS V	7.69	.75	.80	a	.02
CLASS VI	8.17	.75	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragm pump, lighting plants

CLASS IV Assistant engineers (Firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.
Group 1	$10.46	.75	.80	a	.02
Hourly premium for boom lenghts including jib					
Over 150 feet + $ .55					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.34	.75	.80	a	.02
Group 3	8.71	.75	.80	a	.02
Group 4	9.52	.75	.80	a	.02
Group 5	7.65	.75	.80	a	.02
Group 6	8.17	.75	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labo Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots' Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumpcrete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Post Hole Diggers, Asphalt Plant on Job Suto, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and firemen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided on employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Plymouth
DECISION NO.: MA75-2126 DATE: Date of Publication
Supersedes Decision No. MA75-2075, dated May 9, 1975 in 40 FR 20590
DESCRIPTION OF WORK: Building Construction, (including Residentisl), heavy and Highway Construction

12-MASS-1-2-3-Y

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Lakeville, Mattapoisett, Middleboro, Rochester, & Wareham	$ 9.32	.71	.83		
Remainder of County	9.66	.65	10%		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: Cement Masons & Stonemasons:					
Abington, Bridgewater, Brocton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro Norwell, Pembroke, Plymouth, Plympton, Rockland, W. Bridgewater, & Whitman	9.55	.75	1.05		.05
BRICKLAYERS: Cement masons; Plasterers & Stonemasons					
Hingham, Hull, Scituate, & the Islands of Quincy Bay	9.90	.75	.70		.05
Lakeville	9.20	.80	.65		.05
Marion, Mattapoisett, Rochester & Wareham	9.75	.80	.80		.05
CARPENTERS: Soft Floor Layers:					
Duxbury, Hanover, Hingham, Hull, Marshfield, Norwell, Pembroke, Rockland, & Scituate.	10.00	.60	.65		.07
Abington, Bridgewater, Brockton, Carver, E. Bridgewater, Halifax Hanson, Kingston, Plymouth, Plympton, W. Bridgewater, & Whitman, Lakeville, & Middleboro, Marion, Mattapoisett, Rochester, & Wareham	9.30	.50	.65		.02
CARTENTERS: Soft Floor Layers:					
All work over $1½ Million including Residential	9.30	.50	.65		.02
Work from $1 million-1½ million	8.83	.50	.65		.02
Work from $500,000-1 million	8.37	.50	.65		.02
Work from $200,000-500,000	7.44	.50	.65		.02
Recidential up to 4 stories & commercial up to $200,000	6.97	.50	.65		.02
ELECTRICIANS:					
Hingham, Hull	10.10	.50	1%+1.35		.05
Recidential	9.25	.35	1%+.95		.05
Mattapoisett, Rochester & Wareham					
Electrical contracts $12,000 or over	9.75	.40	1%+.50		a

DECISION NO MA75-2126

ELECTRICIANS (CONT'D) Mattapoisett Rochester & Wareham	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.
Elcctrical contracts under $12,000	$ 7.80	.40	1%+.50		a
Residential	5.70	.40	1%+.50		a
~~Lakeville & Middleboro~~	~~10.20~~	~~.55~~	~~1%~~		~~.1%~~
Residential	6.50	.50	.1%		.1%
Remainder of County:					
Electrical contracts $20,000 or more	11.05	1%	5%		.5%
Electrical contracts under $20,000	9.15	1%	5%		.5%
Residential	6.00	1.35	5%		.5%
ELEVATOR CONSTRUCTORS	10.105	.445	.29	3%+b&o	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+b&o	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.445	.29	3%+b&o	.02
GLAZIERS:					
Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, Wareham	8.68	.47	.40+.25		.01
Remainder of County	9.20	.45	.56		.03
IRONWORKERS:					
Bridgewater, Brockton, Hanover, Hanson, Marfield, Norwell, Pembroke, Rockland, Scituate, W. Bridgewater, & Whitman	9.29	.55	1.40		.06
Lakeville, Marion, Mattapoisett, Middleboro, Rochester, & Wareham	8.43	.55	1.40		.05
LABORERS (Building):					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.50	.50	.45		.10
Jackhammer op; pavement breakers; wagon drills; asphalt rakers; carbide core drilling machine; chain saw ops; pipelayer; barco-type jumping tampers; laser beam ops; concrete pump ops; mason tenders; mortar mixers; ride-on motorized buggy ops.	7.75	.50	.45		.10
Air track; block pavers; rammers; curb setters	8.00	.50	.45		.10
Balsters; powdermen	8.25	.50	.45		.10
Open air caisson; Cylindrical work & boring crew:					

XUM

DECISION NO MA75-2126

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (CONT'D)					
Laborer; Top man	$ 7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
LATHERS	9.25	.45	.55		
LEADBURNERS	8.75	.30		d	.01
LINE CONSTRUCTION:					
Linemen	11.54	.45	1%	e	3/8of1%
Equipment Operators	10.85	.45	1%	e	3/8of1%
Groundmen	7.38	.45	1%	e	3/8of1%
Driver Groundman	8.68	.45	1%	o	3/8of1%
MARBLE SETTERS: TERRAZZO WORKERS	9.05	.70	.80		
MARBLE SETTERS' HELPERS	7.94	.40	.25		
MILLWRIGHTS	9.30	.60	.65		.07
PAINTERS:					
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marsfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, W. Bridgewater, & Whitman:					
Brush; Taper (New Construction)	9.46	.72	.85		.04
Steel (New Construction)	11.58	.72	.85		.04
Spray (New Construction)	10.46	.72	.85		.04
Brush (repaint, alterations, residential)	8.61	.72	.85		.04
Steel (repaint, alterations, residential)	11.58	.72	.85		.04
Spray (repaint, alterations, residential)	9.61	.72	.85		.04
Marion, Mattapoisett, Rochester & Wareham:					
Brush; Rollers; Taping	8.30	.60	.20		
Steel 11 to 50' & Spray	9.30	.60	.20		
PILEDRIVERMEN:					
Marion, Mattapoisett, Rochester & Wareham	8.75	.50	.50		.02
Remainder fo County	9.50	.50	.50		
PLASTERERS:					
Norwell	8.55	.45	1.25		.02

DECISION NO MA75-2126

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS (CONT'D)					
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston; Marshfield, Middleboro, Pembroke, Plymouth, Plympton, Rockland, W. Bridgewater & Whitman	$ 8.45	.55	.45		.02
PLASTERERS' TENDERS:					
Abington, Brdigewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfeild, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scitotuate, W. Bridgewater, & Whitman	7.25	.50	.45		.10
PLUMBERS:					
Marion, Mattapoisett, Rochester, & Wareham	9.15	.76	1.16		.15
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, W. Bridgewater, & Whitman	9.50	.45	.70		.05
PLUMBERS; Gasfitters:	10.25	.70	.60		.03
Hingham, Hull, & Scituate					
PLUMBERS; Steamfitters:	8.97	.60	.73		
Lakeville, Middleboro					
ROOFERS:					
Abington, Bridgewater, E. Bridgewater, Halifax, Hanover, Hanson, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, & W. Bridgewater	9.20	.55	.80		.05
Brockton	8.00				
Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, & Wareham:					
Roofers; Kettlemen	8.80	.50	.05		
Helpers, Class "A"	8.10	.50	.05		
SHEET METAL WORKERS:					
Marion, Mattapoisett, Rochester & Wareham	9.48	.45	.45		
Remainder of County	9.63	.71	.75		.06

NOTICES

FEDERAL REGISTER, VOL. 40, NO. 221—FRIDAY, NOVEMBER 14, 1975

DECISION NO MA75-2126

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS	$10.53	.50	.80		.08
STEAMFITTER:					
Marshfield	10.36	.51	.65		.05
TERRAZZO WORKERS' HELPERS	8.65	.60	.25		.05
TILE SETTERS	9.05	.70	.80		
TILE SETTERS' HLEPERS	7.94	.40	.25		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contribution of $1.00 per journeyman electricians per week

b. Employer contributes 1% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit

c. 6 paid holidays: A through F

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at leat 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday

e. 7 paid holidays: A through F, and Bunker Hill Day, provided the employee has been employed 5 working days prior to any one of the listed holidays.

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MASS-1 - 2-3 L.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
LABORERS:					
Class I	$7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

NOTICES

FEDERAL REGISTER, VOL. 40, NO. 221—FRIDAY, NOVEMBER 14, 1975

MASS - 1 - 70 - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and tireman	7.64	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.89	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

BUILDING CONSTRUCTION

Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.46	.75	.80	a	.02
CLASS II	10.34	.75	.80	a	.02
CLASS III	8.71	.75	.80	a	.02
CLASS IV	9.52	.75	.80	a	.02
CLASS V	7.69	.75	.80	a	.02
CLASS VI	8.17	.75	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragm pump, lighting plants

CLASS IV Assistant engineers (Firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

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HEAVY & HIGHWAY CONSTRUCTION:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$10.46	.75	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .35					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.34	.75	.80	a	.02
Group 3	8.71	.75	.80	a	.02
Group 4	9.52	.75	.80	a	.02
Group 5	7.65	.75	.80	a	.02
Group 6	8.17	.75	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumpcrete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

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DECISION NO. MA75-2128

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr.
GLAZIERS					
East Douglas	$ 8.68	.417	.40+.25		.01
Remainder of County	9.20	.415	.56		.03
IRONWORKERS:					
Blackstone	8.59	.50	1.40		.03
Remainder of County	9.29	.55	1.40		.06
LABORERS (BUILDING):					
Laborers & Carpenter tenders; Concrete finishers; Wrecking laborers	7.50	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain Saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy					
Air track; Block pavers; Rammers; Curb setters	7.75	.50	.45		.10
Blasters' Powdermen	8.00	.50	.45		.10
Open air caisson; Cylindrical work & boring crew:	8.25	.50	.45		.10
Helper; Topman		.50	.45		.10
Bottom men		.50	.45		.10
Driller		.50	.45		.10
LAYERS:					
Sturbridge, & Warren	8.45	.45	.25		.07
Clinton, Lancaster, Leominster, Southboro, & Uxbridge	8.72	1.35	.25		.01
Harvard and Lunenburg	9.25	.45	.55		
LEADBURNERS	9.25	.35		d	.01
LINE CONSTRUCTION:					
Linemen	11.54	.45	1%	e	3/8of1%
Equipment operator	10.85	.45	1%	e	3/8of1%
Driver groundman	8.68	.45	1%	e	3/8of1%
Groundman	7.38	.45	1%	e	3/8of1%

SUPERSEDEAS DECISION

STATE: Massachusetts
DECISION NO.: MA75-2128
Supersedes Decision No. MA75-2077, dated May 16, 1975 in 40 FR 21660
DESCRIPTION OF WORK: Building Construction (including residential), Heavy and Highway Construction.

COUNTY: Worcester
DATE: Date of Publication

11-MASS-1-2-3-b

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr.
ASBESTOS WORKERS	$10.12	.57	.65		.01
BOILERMAKERS	10.00	.60	10%		
BRICKLAYERS; Cement masons; Plasterers; & Stonemasons:					
Warren	9.55	.55	.00		.03
Hopedale, Milford, & Southboro	9.65	1.00	.70		.05
Ashburnham, Athol, E. Templeton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster, & Winchendon					
Remainder of County	9.45	.60	.60		.05
CAMPENTERS; Soft floor layers:	9.00	.70	.60		.02
Ashburnham, Athol, E. Gardner, E. Templeton, Fitchburg, Gardner, Harvard, Leominster, Lunenburg, N. Leominster, Petersham, Phillipston, Royalston, S. Ashburnham, S. Royalston, Templeton, Westminster, & Winchendon	10.00	.60	.65		.07
Berlin, Bolton, Clinton, Northborough, Southboro, & Westboro	9.70	.60	.65		.07
Blackstone, Millville	8.76	.60	.60		
Hopedale, Mendon, Milford, Upton, & W. Upton	9.73	.60	.65		.07
Hardwick, Warren, & W. Brookfield	9.15		.65		.02
Remainder of County	10.10	.50	.65		.07
ELECTRICIANS: Warren	8.29	.48	19%+.15	.43	a
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Phillipston, Westminster, & Winchendon	10.05	.45	19%+.35		.02
Residential	6.40	.45	19%+.35		.02
Remainder of County	10.13	.51	3%+.21		.01
ELEVATOR CONSTRUCTORS' HELPERS	9.49	.445	.29	3%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	70%OR	.445	.29	3%+b+c	.02
	50%OR				

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DECISION NO. MA75-2128

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr.
PLASTERERS' TENDERS:					
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, E. Brookfield, Grafton, Hardwick, Holden, Hopedale, Leicester, Mendon, Milford, Millbury, New Braintree, Northbridge, Oakham, Oxford, Brookfield, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, Westboro, W. Boylston, W. Brookfield, Whitinsville, and Worcester Counties	$7.25	.50	.45		.10
PLUMBERS:					
Hopedale and Southboro Counties	10.67	.68	.65		.05
Ashburnham, Athol, Bolton, Fitchburg, Garden, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster and Winchendon Cos.	9.20	.30	.40	.4%	.05
Remainder of Counties	10.13	.65	.45		.05
ROOFERS	10.43	.47			
SHEET METAL WORKERS	10.45	.55	.50		.05
SPRINKLER FITTERS:	10.53	.50	.80		.08

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DECISION NO. MA75-2128

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr.
MARBLE SETTERS:	$ 9.05	.70	.80		
Ashburnham, Fitchburg, Harvard, Leominster, Lunenburg, Princeton, Sterling, Westminster, Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	9.00	.70	.60		.02
Warren	9.55	.55	.55		.03
MARBLE SETTERS' HELPERS	7.91	.60	.25		
MILLWRIGHTS	9.93	.60	.65		.07
PAINTERS:					
Warren:	8.32	.50	.35		.03
Brush	11.093	.6667	.4447		.04
Spray	8.507	.50	.35		.03
Swing stage under 40 & steel	8.87	.50	.35		.03
Swing stage over 40 & steel					
Holedale, Mendon, Milford, Southboro, Upton & Westboro:	7.85	.35	.35		.06
Brush (New Construction)	7.30	.35	.35		.06
Brush (Repaint)	8.10	.35	.35		.06
Steel (New Construction)	7.55	.35	.35		.06
Steel (Repaint)	8.50	.35	.35		.06
Spray (New Construction)	8.25	.35	.35		.06
Spray (Repaint)					
Remainder of County:	9.78	.75	.50		.02
Brush	11.90	.75	.50		.02
Steel	10.78	.75	.50		.02
Sandblasting; Spray	8.01	.75	.50		.02
Remaint	9.50	.50	.50		
PILEDRIVERMEN	9.97	.53	.55		.05
PIPEFITTERS: Holedale, & Southboro	10.18	.45	.40		.05
Remainder of County	10.36	.66	.85		.05
Pondville					

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DECISION NO MA75-2128

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS and TILE SETTERS:					
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling and Westminster Counties	$9.05	.70	.80		
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro and Worcester Counties	9.00	.70	.60		.02
Warren County	9.55	.55	.55		.03
Hubbardston, Gardner, Phillipston, Petersham, Athol, Royalston, Winchenden (only Tile Setters)	9.45	.60	.60		.04
TERRAZZO WORKERS' HELPERS	8.65	.60	.45		.05
TILE SETTERS' HELPERS	7.94	.40	.25		.0

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. $.30 per man per week

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. 6 Paid Holidays: A through F.

d. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. 7 Paid Holidays: A through F and Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and firemen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

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FEDERAL REGISTER, VOL. 40, NO. 221—FRIDAY, NOVEMBER 14, 1975

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MASS-1 - 2-3 L.

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I	$7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
Handtamper tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

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BUILDING CONSTRUCTION:
HOUSE BUILDING OVER TOWNS: Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, Brookfield, E. Brookfield, N. Brookfield, Oakham, Barre, Templeton, Winchendon Sturbridge, W. Brookfield, & Warren:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATION:

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Dreglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Hock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck load)-self propelled or tractor drawn, Tire-man, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumporete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day.

NOTICES

53201

FEDERAL REGISTER, VOL. 40, NO. 221—FRIDAY, NOVEMBER 14, 1975

HEAVY & HIGHWAY CONSTRUCTION:
POWER EQUIPMENT OPERATORS:
Southbridge, Brookfield, W.Brookfield, W.Brookfield, Warren, Templeton, Winchendon, Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, W.Brookfield, and Warren

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Draglines, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loaders-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over,, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumperete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Firemen, Pumps-16 inches or over total dischange, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators: Remainder of County					
CLASS I	$10.16	.75	.80	a	.02
CLASS II	10.34	.75	.80	a	.02
CLASS III	8.71	.75	.80	a	.02
CLASS IV	9.52	.75	.80	a	.02
CLASS V	7.69	.75	.80	a	.02
CLASS VI	8.17	.75	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole diggers, pumperete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammors, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tamppers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragm pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS: Remainder of County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$10.46	.75	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.34	.75	.80	a	.02
Group 3	8.71	.75	.80	a	.02
Group 4	9.52	.75	.80	a	.02
Group 5	7.69	.75	.80	a	.02
Group 6	8.17	.75	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumperete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Site, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers; Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphona-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

XUM

SUPERSEDEAS DECISION

STATE: Michigan

COUNTIES: Macomb, Oakland, Washtenaw and Wayne

DECISION NO.: MI75-2129

DATE: Date of Publication

Supersedes Decision No. MI75-2102, dated August 8, 1975 in 40 FR 33639

DESCRIPTION OF WORK: Building (including residential) and Heavy (excluding Bridge, Airport and Sewer) Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Township of Bridgewater, Dexter, Freedom, Lima, Lyndon, Manchester Sharon & Sylvan in Washtenaw Co.	$ 9.31	.66	.95		.02
Remaining Counties and the remainder of Washtenaw County	10.77	1.24	1.13		
BOILERMAKERS	10.07	.70	1.00	1.50	.01
BRICKLAYERS:					
Washtenaw County	11.51		.35		
Remaining Counties	10.19	.70	8%+.10	11%	.05
CARPENTERS:					
Washtenaw County	9.76	.50	.40		.01
Remaining Counties	9.9166	.60	9%	11%	.02
CEMENT MASONS:					
Washtenaw County	11.21		.35		
Remaining Counties	9.2881	.70	10%	11%	.02
ELECTRICIANS:					
Washtenaw County	10.03	.50	7%+.55	10%	2%
Remaining Counties	10.85	1.48	7%+.90		.06
ELEVATOR CONSTRUCTORS:					
Washtenaw County:					
Elevator Constructors	10.64	.445	.29	3%	.02
Elevator Constructors' Helpers	7.45	.445	.29	3%	.02
Elevator Constructors' Helpers (Prob)	5.32				
Remaining Counties:					
Elevator Constructors	10.52	.445	.29	3%	.02
Elevator Constructors' Helpers	7.36	.445	.29	3%	.02
Elevator Constructors' Helpers (Prob.)	5.26				
GLAZIERS	9.50	.50	.65		
IRONWORKERS:					
Structural & Ornamental	9.75	8%	14%	17%	.07
Reinforcing	9.0625	.85	15%	15%	.03
LATHERS:					
Washtenaw County	7.85	.54	.10	.50	.01
Remaining Counties	9.22	.77	.58		
MARBLE MASONS:					
Washtenaw County	11.28		.35		
Remaining Counties					
Marble Mason	10.28	.45	.60	.75	
Marble Mason Helper	8.75	.45	.60	.75	

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DECISION NO MI75-2129

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Washtenaw County					
Brush	9.72	.43	.20		.02
Spray	10.47	.43	.20		.02
Taper	10.12	.43	.20		.02
Remaining Counties					
Brush	9.30	.75	.96	.90	.05
Spray					
To 40' height	9.80	.75	.96	.90	.05
40' height and over	9.925	.76	.96	.90	.05
PLASTERERS:					
Washtenaw County	11.51		.35		
Remaining Counties	10.99	.70	.50		
PLUMBERS: Pipefitters					
Washtenaw County	9.58	.80	.75	1.25	.10
Remaining Counties					
Plumbers	9.17	1.75	1.085	1.34	.005
Pipefitters	9.215	1.65	1.085	1.35	.05
ROOFERS:					
Washtenaw County					
Composition	8.50	.70		1.05	.10
Slate	9.25	.70		1.05	.10
Remaining Counties					
Composition	9.31	.65	.80	1.00	
Slate	10.06	.65	.80	1.00	
SHEET METAL WORKERS	9.32	1.09	.724	11%+.01	.07
SOFT FLOOR LAYERS:					
Washtenaw County	9.76	.50	.40		.01
Remaining Counties	8.92	.65	7%	8%	.03
SOUND & COMMUNICATION WORKERS: (Includes electronic loud-speaking intercommunication systems; public address and sound distribution system; closed circuit television systems; television antenna distribution systems; audible and visual signalling systems; installation of loud speakers)					
Wayne, Oakland & Macomb Counties only	7.18	1.60a	6.00a		

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DECISION NO MI75-2129

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS	$11.00	.60	.70		.055
TILE & TERRAZZO WORKERS:					
Washtenaw County	11.51		.35		
Remaining Counties					
Terrazzo Workers	9.55	.45	.60	.75	
Terrazzo Workers' Helpers	8.21	.35	.40	.65	
TILE LAYERS	9.55	.45	.60	.75	
TRUCK DRIVERS:					
Pole Trailers; Low Boys; Straddle Carrier; Double Bottoms and Special Load Permits	7.87	17.00a	14.00a		
Semi drivers	7.77	17.00a	14.00a		
All others	7.62	17.00a	14.00a		

FOOTNOTE:
a. Per Week, Per Employee

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DECISION NO MI75-2129

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Washtenaw County					
GROUP 1	$ 7.84	.40	.30	.60	.04
GROUP 2	8.04	.40	.30	.60	.04
GROUP 3	8.16	.40	.30	.60	.04
Remaining Counties					
GROUP 1	7.10	.65	.55	.55	
GROUP 2	7.18	.65	.55	.55	
GROUP 3	7.28	.65	.55	.55	
GROUP 4	7.33	.65	.55	.55	
GROUP 5	7.35	.65	.55	.55	
GROUP 6	7.43	.65	.55	.55	
GROUP 7	7.48	.65	.55	.55	
GROUP 8	7.85	.65	.55	.55	

LABORERS:
Washtenaw County

GROUP 1 All Construction Laborers not specified below
GROUP 2 Mortar Mixers; Material Mixers (hand or machine); Air, Gas, Electric Tool Operators; Power Buggie Operators; Scaffold Builders or Dismantlers; Windlass Operators; Tar and Kettle Operators
GROUP 3 Crock or Pipe Layers; Caisson Workers

Remaining Counties

GROUP 1 All Construction Laborers not specified below
GROUP 2 Mortar Mixers; Scaffold Builders
GROUP 3 Signal Men; Air, gas or Electric Tool Operators; Windlass and Tugger Operator; Jackhammer and Vibrator Operator
GROUP 4 Crock grade man
GROUP 5 Furnace Battery Heater Helpers
GROUP 6 Crock and Pipe Layers
GROUP 7 Caisson Workers
GROUP 8 Lansing Burners; Blasters; Powdermen

XUM

DECISION NO MI75-2129

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
CLASS A	$10.7185	.55	.75	10%	.05
CLASS B	10.5212	.55	.75	10%	.05
CLASS C	10.2939	.55	.75	10%	.05
CLASS D	10.0667	.55	.75	10%	.05
CLASS E	9.1498	.55	.75	10%	.05
CLASS F	8.5250	.55	.75	10%	

CLASS A Engineer when operating crane with boom and jib or leads 220' or longer
CLASS B Engineer when operating crane with boom and jib or leads 140' or longer, up to 220'
CLASS C Regular Crane Operator
CLASS D Regular Engineer
CLASS E Engineer when operating compressor or welding machine
CLASS F Fireman, Oiler

DECISION NO MI75-2129

POWER EQUIPMENT OPERATORS Steel Erection	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
CLASS A	$ 11.57	.55	.75	10%	.05
CLASS B	11.33	.55	.75	10%	.05
CLASS C	10.85	.55	.75	10%	.05
CLASS D	10.70	.55	.75	10%	.05
CLASS E	9.61	.55	.75	10%	.05
CLASS F	8.65	.55	.75	10%	

POWER EQUIPMENT OPERATORS
Steel Erection

CLASS A Engineer when operating combination of boom and jib 220' or longer
CLASS B Engineer when operating combination of boom and jib 140' or longer up to 220'; Tower Crane; Derrick Operator (Where operator's work station is 50' or more above first sub-level)
CLASS C Crane Operator; Job Mechanic
CLASS D Hoisting Operator
CLASS E Compressor Operator
CLASS F Fireman; Oiler

DECISION NO MI75-2129

POWER EQUIPMENT OPERATORS: Underground Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
CLASS I	$ 9.27	.60	.85	10%	.05
CLASS II	9.15	.60	.85	10%	.05
CLASS III	8.48	.60	.85	10%	.05
CLASS IV	7.96	.60	.85	10%	.05

POWER EQUIPMENT OPERATORS:
Underground Construction

CLASS I Backfiller Tamper; Backhoe; Batch Plant Operator (concrete); Clamshell; Concrete Paver (two drum or larger); Conveyor Loader (Euclid Type); Crane (crawler, truck or piledriving); Dozer (9 ft. blade and over); Dragline; Elevating grader; Endloader (over 1½ c.y. capacity); Gradall (and similar type machine); Grader; Mechanic; Power Shovel Roller (asphalt); Scraper (self-propelled or tractor drawn); Side Boom Tractor (type D-4 or equivalent and larger); Slip Form Paver; Slope Paver; Trencher (over 8 ft. digging capacity); Well Drilling Rig
CLASS II Boom Truck (power swing type boom); Crusher; Dozer (less 9 ft. blade); Endloader (1½ cubic yard capacity and smaller); Hoist; Pump (one or more -- 6 in. discharge or larger -- gas or diesel powered or powered by generator of 300 amperes or more - inclusive of generator); Side Boom Tractor (smaller than type D-4 or equivalen); Sweeper (Wayne type and similar equipment); Tractor (pneu-tired, other than backhoe or front-end loader); Trencher (8' digging capacity and smaller)
CLASS III Air Compressors (600 cfm or larger); Air Compressor (2 or more - less than 600 cfm); Boom Truck (non-swinging, non-powered type boom); Concrete Breaker (self-propelled or truck mounted-includes compressor); Concrete Paver (one drum - ½ yard or larger); Elevator (other than passenger); Maintenance Man; Pumps (2 or more 4" up to 6" discharge gas or diesel powered - excluding submersible pumps); Pumprete Machine (and similar equipment); Wagon Drill (Multiple); Welding Machine or Generator (2 or more, 300 amps. or larger - gas or diesel powered)
CLASS IV Boiler; Concrete Saw (40 hp or over); Curing Machine (self-propelled); Farm Tractor (with attachment); Finishing Machine (concrete); Fireman; Hydraulic Pipe Pushing Machine; Mulching Equipment; Oiler; Pumps (2 or more up to 4" discharge if used 3 hours or more per day - gas or diesel powered excluding submersible pumps); Roller (other than asphalt); Stump Remover; Trencher (service) Vibrating Compactor Equipment, Self-propelled (6' wide or over)

DECISION NO MI75-2129

LINE CONSTRUCTION: The Townships of Lyndon, Manchester, Sharon & Sylvan in Washtenaw County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
Lineman; Heavy Equipment Oper.	$ 8.75	.35	1%	a	1%
Cable Splicer	9.11	.35	1%	a	1%
Combination Digger Oper. - Tractor Operator Equipment Oper. First Six Months	6.36	.35	1%	a	1%
Over Six Months	6.86	.35	1%	a	1%
Light-Equipment Oper. Groundman; Distribution Line Truck Driver Operator: First Six Months	5.54	.35	1%	a	1%
Over Six Months	6.03	.35	1%	a	1%
Combination Winch Truck Driver-Groundman First Six Months	5.05	.35	1%	a	1%
Over Six Months	5.76	.35	1%	a	1%
Combination Truck Driver-Groundman	4.88	.35	1%	a	1%
Remaining Counties and remainder of Washtenaw County					
Remaining Counties: Lineman	11.38	.88	7%		1%
Cable Splicer	11.87	.88	7%		1%
Combination Equipment Oper. Groundman	9.19	.88	7%		1%
Combination Driver - Groundman	8.68	.88	7%		1%
Groundman	8.02	.88	7%		1%

FOOTNOTE:
a. 7 paid holidays; New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving and Christmas Day

SUPERSEDEAS DECISION

STATE: Mississippi
COUNTY: Warren
DECISION NO.: MS75-1109
DATE: Date of Publication
Supersedes Decision No. MS75-1044 dated April 11, 1975 in 40 FR 16530.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$7.78	.30			
Boilermakers	8.50	.60	1.00		.02
Bricklayers; Stonemasons	6.83				.02
Carpenters; Soft floor layers	6.85				
Cement masons	6.00	.25	.10	a	
Electricians:					
Electricians	8.35		1% + .50		.04
Cable splicers	8.60		1% + .50		.04
Elevator constructors	7.83	.495	.32	4%+a & b	.02
Elevator constructors' helpers	5.48	.495	.32	4%+a & b	.02
Elevator constructors' helpers (probationary)	3.915				
Glaziers	5.90				
Ironworkers	7.15	.30	.35		.04
Laborers:					
Laborers	2.60				
Mortar mixers	2.70				
Lathers	7.65				.01
Millwrights	7.45				
Painters:					
Brush; Drywall tapers; Rollers	5.95	.15			
Spray	6.45	.15			
Structural steel	6.20	.15			
Piledrivermen	7.70				
Plasterers	7.00	.25	.30		.05
Plumbers; pipefitters	7.60			c	.05
Roofers	6.90		.15		
Sheet metal workers	7.75	.30	.40		
Truck drivers:					
1½ to 5 tons	4.25				
Over 5 tons	4.90				

MS75-1109 (Cont'd)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 6 paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. 2 paid holidays: D & F

MS75-1109 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$7.75	.25	.25		
GROUP II	6.80	.25	.25		
GROUP III	6.55	.25	.25		
GROUP IV	6.10	.25	.25		
GROUP V	5.40	.25	.25		

GROUP I: Engineer, operating under air pressure.

GROUP II: Mechanic

GROUP III: Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick car, derrick boat, dragline, dredge, elevating grader, excavator (power belt), fork lift (5 tons & over), hoists (2 drum in active use), locomotive engineer, marine engineer (chief), master pilot, rivermanhle, motor patrol and similar equipment, paver (21 c. f. or larger), pile driver, rucharger, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), turnapull (DW-10 and similar pull type scrapers), Trackexcavator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, wall point pumps.

GROUP IV: Asphalt spreador (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (one drum), marine engineer's assistant, mixer payloader and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machines (18" or smaller bucket line width), tugboat, well driller (1st helper), winch truck and tractor, small rubber tired with backhoe attachment.

GROUP V:
Air compressor, batch scale, deckhand, forklift (2 tons & under), form grader, locomotive hostler, mechanic helper, motorboat (in or outboard), oiler, pump, roughneck, scowman, tractor (with attachments), welding machine.

MS75-1109 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					

Booms, including jib:
25¢ per hour above regular rate - 100 feet to and including 200 feet.

50¢ per hour above regular rate - 201 feet to and including 300 feet.

75¢ per hour above regular rate - 301 feet and above.

Operators servicing other crafts shall draw rate of pay not less than journeyman rate of craft being serviced.

SUPERSEDEAS DECISION

STATE: Oregon
DECISION NUMBER: OR75-5133
Supersedes Decision No. OR75-5123 dated October 10, 1975, in 40 FR 48057
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.96	.50	.80		.10
BOILERMAKERS	8.90	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, N½ of Yamhill Counties	10.13	.55	.75		.08
Marion, Polk, S½ of Yamhill Cos.	8.25	.40	.40		
Baker, Union, Umatilla, Wallowa, N½ of Malheur Counties	9.20	.40	.50		
Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and South thereof), and S½ of Malheur Counties	9.62	.50	.55		.08
CARPENTERS:					
Acoustical and Drywall Applicators; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	9.29	.55	.65	.35	.03
Piledrivermen; Bridge, Dock and Wharf Builders	9.39	.55	.65	.35	.03
Floor Layers and Finishers; Stationary Power Saw Operators	9.44	.55	.65	.35	.03
Boom Men	9.49	.55	.65	.35	.03
Millwrights and Machine Erectors	9.54	.55	.65	.35	.03
CEMENT MASONS:					
Cement Masons	8.47	.55	.60	.60	.10
Composition Worker; Power Machinery Operator	8.62	.55	.60	.60	.10

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Umatilla (Township of Pendleton Only)	$5.50				
Brush; Glazier; Sign Painter					
Spray; Sandblasting; Swing Stage; Taping and Paperhanging	5.75				
Remaining Counties					
Brush	8.59	.35	.45	.30	.03
Spray, High Towers, Ground to 100'	8.84	.35	.45	.30	.03
High Work over 100'; High Towers ground to 300'	9.09	.35	.45	.30	.03
High Towers, ground to over 300'	9.59	.35	.45	.30	.03
Drywall Finisher	7.81	.40	.40	.50	.06
PLASTERERS:					
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur (South half), Wasco (including the City of Maupin and south thereof) and Wheeler Counties	8.50	.50	.60		.01
Remaining Counties	8.50	.50	.60		.01
PLUMBERS; Steamfitters; Refrigeration (except NW portion) Malheur County	8.79	.37	.40		.10
Grant (except SW corner); Morrow, Umatilla, Wallowa, Union Counties	10.11	.33	.85	.62	.10
N¼ of Benton, Lincoln and Linn Counties; S½ of Tillamook and Yamhill Counties; Marion and Polk Counties	9.23	.56	1.18	1.00	.10
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasco, Wheeler, Washington, N½ of Yamhill Counties, N½ of Tillamook County	9.97	.70	1.55	.08	
Coos, Curry, West Coast portion of Douglas, Lane (City of Florence)	10.39	.66	1.02	.04	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GLAZIERS:					
Wallowa County	$ 7.28	.31	.25	.26+b	.01
Remaining Counties	7.20	.26	.30	6.5%	
IRONWORKERS:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	8.90	.58	.90	.25	.05
LATHERS:					
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, Yamhill Counties	9.05	.50	.80		.01
Remaining Counties	10.13	.55	.75		.08
MARBLE SETTERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (North of the City of Maupin), Washington, N½ of Yamhill Counties	9.20	.40	.50		.08
Baker, Union, Umatilla, Wallowa, N½ of Malheur Counties	8.05	.45	.60		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, S½ of Malheur, Wasco (including the City of Maupin and South thereof), Wheeler Counties	8.27	.65	.80		.10
MASONS: (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo worker; Topping for cement finishers and mortar mixer)					
PAINTERS:					
Malheur County					
Brush; Paperhangers; Drywall Tapers	7.26	.25	.10		.02
Steel, Sign	7.36	.25	.10		.02
Application of toxic materials; Sandblasting; Spray	7.73	.25	.10		.02

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters (Cont'd)					
Lane (except City of Florence); Douglas (except coast portion), Crook, Deschutes, NW portion of Harney, Northern portions of Klamath and Lake Counties, S½ of Lincoln, Linn, Benton and Jefferson Counties, SW corner of Grant County	$ 8.65	.41	.75		.05
Remainder of Klamath and Lake Cos.	8.96	.50	.75	1.00	.075
Jackson and Josephine Counties	7.05	.44	.84	.85	.02
ROOFERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, and Wheeler Counties					
Roofers	9.05	.45	.75		
Handling of irritating material (coal, tar or epoxy) in un-confined area	9.55	.45	.75		
Handling of irritating material (coal, tar or epoxy) in a confined area	9.80	.45	.75		
Wallowa County	7.45				
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, and Lane Counties					
Roofers	9.05	.45	.10		
Spray and/or application of irritating materials in a confined area	10.05	.45	.10		
Marion, Yamhill, Polk, Lincoln, Benton and Linn Counties	7.40	.22	.15	.25	
Malheur County	7.40	.33	.70	.30	
SHEET METAL WORKERS:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler and Yamhill Counties	8.71	.55	.51	1.00	.04

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS: (Cont'd)					
Malheur County	$8.36	.32	.30		.04
Baker, Umatilla, Union, Wallowa Counties	9.95	.50	.78		
Coos, Curry, Douglas, Klamath, Lake, and Lane Counties	8.67	.37	.35		.005
Jackson and Josephine Counties	8.08	.42	.40	.30	.005
SOFT FLOOR LAYERS:					
All Counties except Malheur	8.335	.45	.85	c	.06
SPRINKLER FITTERS	10.[illegible]	.50	.80		.03
TERRAZZO WORKERS:					
Baker, Umatilla, Union, Wallowa, and N½ of Malheur Counties	8.53	.40	.50		
TILE SETTERS:					
Clatsop, Clackamas, Columbia, Gilliam, Hood River, Morrow, Multnomah, Sherman, Wasco (north of the City of Maupin), Washington, Tillamook and N½ of Yamhill County	8.04	.35	.35	.25	
Baker, Umatilla, Union, Wallowa Counties and N½ of Malheur Cos.	8.53	.40	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and south thereof) and S½ of Malheur Cos.	8.05	.45	.60		

WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer credits 4% basic hourly rate of employee with 5 years' service; 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.
b. Two weeks' Vacation with pay after 1 year of employment. Also Seven (7) Paid Holidays: A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of employees with less than one year's service. 6% of all gross wages to be placed to the credit of employees with more than one year of service.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Cable Splicers; Leadman Pole Sprayer	$11.12	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	7.96	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%
DREDGING:					
Leverman:					
Dipper	10.06	.75	1.00	.50	.05
Hydraulic	9.40	.75	1.00	.50	.05
Assistant Engineer (including watch engineer, welder, mechanic and machinist); Mate	9.04	.75	1.00	.50	.05
Tenderman (boatman, attending dredge plant); Fireman	8.80	.75	1.00	.50	.05
Assistant Mate (deckhand); Oiler	8.54	.75	1.00	.50	.05

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LABORERS

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	$7.37	$7.77	$8.12	$8.37	$8.62	$8.87
Group 2	7.72	8.12	8.47	8.72	8.97	9.22
Group 3	8.02	8.42	8.77	9.02	9.27	9.52
Group 4	8.27	8.67	9.02	9.27	9.52	9.77

FRINGE BENEFITS:
Health and Welfare $.65 Vacation $.30
Pension .80 Apprenticeship Training .10

TRUCK DRIVERS

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	$8.48	$8.88	$9.23	$9.48	$9.73	$9.98
Group 2	8.53	8.93	9.28	9.53	9.78	10.03
Group 3	8.58	8.98	9.33	9.58	9.83	10.08
Group 4	8.63	9.03	9.38	9.63	9.88	10.13
Group 5	8.68	9.08	9.43	9.68	9.93	10.18
Group 6	8.78	9.18	9.53	9.78	10.03	10.28
Group 7	8.88	9.28	9.63	9.88	10.13	10.38
Group 8	8.98	9.38	9.73	9.98	10.23	10.48
Group 9	9.08	9.48	9.83	10.08	10.33	10.58
Group 10	9.25	9.65	10.00	10.25	10.50	10.75
Group 11	9.35	9.75	10.10	10.35	10.60	10.85
Group 12	9.45	9.85	10.20	10.45	10.70	10.95
Group 13	9.55	9.95	10.30	10.55	10.80	11.05
Group 14	9.65	10.05	10.40	10.65	10.90	11.15

FRINGE BENEFITS:
Health and Welfare $.53 Vacation $.45
Pension .65 Apprenticeship Training .05

XUM

DECISION NUMBER OR75-5133

POWER EQUIPMENT OPERATORS

WAGE RATES:

WAGE RATES: Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	$8.30	$8.70	$9.05	$9.30	$9.55	$9.80
2	8.44	8.84	9.19	9.44	9.69	9.94
3	8.54	8.94	9.29	9.54	9.79	10.04
4	8.70	9.10	9.45	9.70	9.95	10.20
5	8.72	9.12	9.47	9.72	9.97	10.22
6	8.80	9.20	9.55	9.80	10.05	10.30
7	8.86	9.26	9.61	9.86	10.11	10.36
8	8.96	9.36	9.71	9.96	10.21	10.46
9	9.02	9.42	9.77	10.02	10.27	10.52
10	9.08	9.48	9.82	10.08	10.33	10.58
11	9.10	9.50	9.85	10.10	10.35	10.60
12	9.16	9.56	9.91	10.16	10.41	10.66
13	9.24	9.64	9.99	10.24	10.49	10.74
14	9.40	9.80	10.15	10.40	10.65	10.90
15	9.56	9.96	10.31	10.56	10.81	11.06
16	9.74	10.14	10.49	10.74	10.99	11.24
17	9.88	10.28	10.63	10.88	11.13	11.38
18	10.06	10.46	10.81	11.06	11.31	11.56
19	10.20	10.60	10.95	11.20	11.45	11.70

FRINGE BENEFITS:

Health and Welfare	$ .75
Pension	1.00
Vacation	.50
Apprenticeship Tr.	.05

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LABORERS
TRUCK DRIVERS
POWER EQUIPMENT OPERATORS

ZONE WAGE SCALE

Portland Only

Zone A - All jobs or projects located within 25 miles of the City Hall of Portland

Zone C - More than 25 miles but less than 35 miles from City Hall

Zone D - More than 35 miles but less than 45 miles from City Hall

Zone E - More than 45 miles but less than 75 miles from City Hall

Zone F - More than 75 miles from City Hall

Eugene and Salem Only

Zone A - All jobs or projects located within 20 miles of the respective City Hall

Zone B - More than 20 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

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LABORERS
TRUCK DRIVERS
POWER EQUIPMENT OPERATORS

ZONE WAGE SCALE (Cont'd)

CITIES:

Astoria	Hood River	Newport	Tillamook
Baker	Klamath Falls	Ontario	
Bend	La Grande	Pendleton	
Brookings	Lakeview	Port Orford	
Burns	Madras	Reedsport	
Coos Bay	Medford	Roseburg	
Grants Pass	McMinnville	The Dalles	

Zone A - All jobs or projects located within 10 miles of the respective City Hall

Zone B - More than 10 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

Albany and Corvallis Only

Zone A - All jobs or projects located within 5 miles of the respective City Hall

Zone B - More than 5 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

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LABORERS

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Shack Man; Choke Setter; Clean Up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, Wrecking and Moving Laborers; Driller Helpers; Dumpers, Road Oiling Crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including Guard Rail, Median Rail, Reference Post, Guide Post, Right-of-way Marker); Fine Graders; Flagmen, traffic; Form Strippers (not Swinging Stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types; Railroad Track Laborers; Ribbon Setters (including Steel Forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

Group 2: Applicator (including Pot Tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking Charred Materials; Grade Checker; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter), Post Hole Digger, air gas or electric, Vibrating Screed, Tampers, Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Stake Setter; Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in Swinging Stages, Chairs or Belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align laser bean; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sand Blasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners, Anchor Machines, Ballast Reuglators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel - Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

DECISION NO. OR75-5133

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail Equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Drill Helper; Auger Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power); under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy Phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Factor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo setting Slip Forms, etc., in tunnels; Slip Forms Pumps, power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type), self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2-1/2 cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Bellcrete; Pumpcrete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine, Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; hydraulic backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2-1/2 cu. yds and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Reamer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2-1/2 cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping; Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H. D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, Maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H. D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

NOTICES

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or wet mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with push-pull attachments, self-loading, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, Finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cable-way, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Banu Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

DECISION NO. OR75-5133

TRUCK DRIVERS

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under; Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. body trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity), up to 1600 gallons; Transit Mix and wet or dry mix trucks 5 cu. yds. and under.

Group 2: "A" Frame of Hydra-lift Truck w/load bearing surfaces; Lubrication Man, Fuel Truck Driver, Fireman, Wash Rack, Steam Cleaner or combination; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Fireman (full-time basis); Water Wagons (rated capacity), 1600 to 3000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Low Bed Equipment, Flat Bed Semi-truck and Trailer or doubles transporting Equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity), 3000 to 5000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi trucks and Trains or combinations thereof, over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic-Welder-Body Repairman; Water Wagons (rated capacity) 5000 to 7000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks over 11 cu. yds. and including 13 cu. yds.; Water Wagons (rated capacity), over 10,000 gallons to 15,000 gallons

NOTICES

DECISION NO. OR75-5133

TRUCK DRIVERS (Cont'd)

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including semi Trucks and Trains or combinations thereof: over 90 cu. yds, and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Shelby
DECISION NUMBER: TN75-1108 DATE: Date of Publication
Supersedes Decision No.: TN75-1070 dated July 18, 1975, in 40 FR-30435
DESCRIPTION OF WORK: Building Construction, (exoluding single family homes and garden type apartments up to and including 4 stories), Heavy, Water, Sewer and Utility Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.20	.35	.50		.05
Boilermakers	7.50	.40	.90		.02
Bricklayers, Stonemasons	9.85	.43	.20		.05
Carpenters, Pile driverman, Soft floor layers	8.80	.30	.20		.04
Cement masons:					
Cement masons	8.65	.30	.45		.10
Cement masons machine operator	8.90	.30	.45		.10
Electricians:					
Electricians, Linemen	8.68	.35	1%+.40		.5%
Cable opliceirs	8.78	.35	1%+.40		.5%
Elevator constructors	8.29	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	8.50	.35	.20		
Ironworkers	9.15	.35	.60		.125
Laborers	8.80	.25			.01
Leadburners	7.80	.30		o	.01
Marble setters, Terrazzo workers tile setters	7.75	.45	.20		.05
Millwrights	9.075	.36			.06
Painters:					
Brush	8.10	.30	.30		.05
Sandblasting, spray steel	8.35	.30	.30		.05
Plasterers	9.00				.01
Plumbers	9.57	.30	.15		
Roofers:					
Composition	8.25		.25		.03
Slate, tile, asbestos & precast tile	8.50		.25		.03
Sheet metal workers	8.40	.50	.25	.55	.02
Sprinkler fitters	9.35	.50	.80		.08
Steamfitters, air conditioning mechanics and pipefitters	10.47	.30	.30		
Truck drivers:					
Up to 5 tone	6.10		d		
5 tons & over incl. special equipment	6.15		d		
Welders, riggers, & riveters recoive rate prescribed for craft performing operation to which welding is incidental.					

TN75-1108 (Cont'd)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F
b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. 9 paid holidays: A through F, plus Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. Employer contribution of $4.00 per week.

TN75-1108 - (Cont'd)

BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	5.75	.20	.20		.05
GROUP B	5.85	.20	.20		.05
GROUP C	5.90	.20	.20		.05
GROUP D	6.10	.20	.20		.05
GROUP E	6.30	.20	.20		.05

GROUP A: General and comman laborers, concrete laborers, track laborer walkers, cement finisher helper, plumber helpers, carpenter tenders, asphalt rakers-tampers, form strippers, roofing helpers.

GROUP B: Well driller helpers, storm and sanitary pipe layers, mat weavers, motor buggie operators.

GROUP C: Chain saw operator, jackhammer, vibrator and electric hammers and all air tool and pneumatic tools.

GROUP D: Deep hole men

GROUP E: Powdermen, toolroom attendant, torchman on demolition and salvage, sand hog (free air).

TN75-1108 - (Cont'd)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	8.65	.30	.35		
CLASS B	8.22	.30	.35		
CLASS C	7.52	.30	.35		
CLASS D	7.12	.30	.35		

CLASS A: Shovels; Backhoes; Draglines; Cranes; Derricks; Gantrys; Gradall; Winch with boom; Motor patrol; Trenching machine (18" & over); Pile driver; Tug boat operator; Mechanics (heavy); Central mixing plant; Locomotive engineer; Straddle carriers; Core drills (over 3"); Tower cranes; Hydro cranes; Austin Western (and similar type cranes); Drilling of piling; Tugger; Earth freezing equipment; 3 drum hoist; Side boom; Dredge operator (engineer); Hopto; Pump crete; Mucking machines; Cableway; Central compressor plant; Derrick boat; Concrete pump; Welders (men from the craft); Helicopter operator; Well point systems; Sweeper; Bulldozers; Pans; Scrapers; Traxcavators; Fork lift; Front end loader

CLASS B: Trenching machines (18" and smaller); Tandem rollers; Pavers; Mobile mixers (rubber tired, mobile, mixed on job); Back filler; Blade graders; Dinkey operator over 10 tons; Elevating graders; Winches (operated from trucks or tractors, without booms and powered by other than the truck); Distributors; Bituminous surfaces, 1 and 2 drum hoist; Grout pumps; Motor boat; Switchman; Brakeman; Earth compactors (motorized-Buffalo-Springfield type)

CLASS C: Locomotive fireman (on boilers 100 h.p. and over); Operator; Air compressor (stationary); Earth drills; Scale operators; Tractors (40 h.p. and less); Motor crane driver and oiler; Pumps (larger than 4"); Dinkey operators (10 tons and less); Oilers on Gantrys; Greasers

CLASS D: Air compressor operators; Mechanic helper; Locomotive fireman; Welding machine operators; Deck hand; Elevator operators

TN75-1108 - (Cont'd)

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. T.
Bricklayers	$6.00				
Carpenters or leadsman	5.00				
Cement masons	5.00				
Electricians	5.77				
Ironworkers, reinforcing	4.75				
Ironworkers, structural	5.35				
Laborers:					
Laborers, unskilled; Flagman	3.05				
Chain saw; Concrete rubber; Mortar mixer; Pipelayer	3.25				
Air tool operator; Firemen	3.30				
Concrete edger	3.40				
Concrete saw operator; Fence erector; Guard rail erector	3.50				
Asphalt raker	3.60				
Sign erector	3.70				
Form setter; Steel road	3.95				
Powderman	4.25				
Nozzleman or gunman (gunite)	5.00				
Painter or sand blaster	5.00				
Power equipment operators:					
Pump operator; Welder helper	3.20				
Ditch paver; Mechanic helper	3.30				
Curb machine	3.40				
Motor crane driver; Mulcher or seeder; Scale operator	3.50				
Tractor, farm	3.55				
Concrete mixer, less than 1 yd.; Earth drill	3.60				
Track drill	3.75				
Dozer or loader - stock pile only	3.85				
Oiler; Roller, other than finish	3.90				
Distributor (bituminous)	4.05				
Tractor, crawler, utility	4.10				
Spreader (self-propelled)	4.20				
Asphalt paver; Central mixing (asphalt or concrete); Concrete finishing machine; Mechanic, Class II; Motor patrol (rough); Roller (high type); Soil cement machine	4.35				
Tractor - boom & hoist; Trenching machine	4.50				
Bulldozer or push dozer; Scraper	4.75				
Backhoe; Concrete paver; Crane; End loader; Mechanic, Class I; Motor patrol finish; Piledriver; Shovel	5.00				
Truck drivers:					
2 & 3 axles	3.40				
4 & 5 axles or more or heavy duty off-the-road trucks	4.00				
Welders receive rate prescribed for craft performing operations to which is incidental.					

TN75-1108 - (Cont'd)

WATER, SEWER AND UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$3.50					
Carpenters	3.50					
Cement masons	3.00					
Laborers	2.10					
Truck drivers:						
Up to 3 tons	2.32					
Over 3 tons	2.50					
Power Equipment Operators:						
Air compressors	2.37					
Backhoe	3.50					
Blade grader	3.50					
Bulldozer	3.45					
Cranes, derricks & draglines	3.85					
Front end loader	3.50					
Mechanics	3.42					
Motor grader	3.50					
Scrapers	3.34					
Shovels	3.50					
Tractors	2.37					
Trenching machines	3.30					

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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.